

As Reported by the Senate Finance Committee

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 33

Representative Edwards

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Senators Brenner, Lang, Dolan

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of the 134th General Assembly; to amend Sections 732
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Assembly; to amend Section 733.61 of H.B. 166 of 741
the 133rd General Assembly, as subsequently 742
amended; to amend Sections 125.10 and 125.11 of 743

H.B. 59 of the 130th General Assembly, as 744
subsequently amended; to amend Sections 207.10 and 745
207.20 of H.B. 23 of the 135th General Assembly 746
that are scheduled to take effect July 1, 2023; 747
and to repeal Section 5 of H.B. 29 of the 134th 748
General Assembly; to repeal Section 5 of H.B. 371 749
of the 134th General Assembly; to repeal Section 3 750
of H.B. 669 of the 133rd General Assembly; to 751
amend Section 3.19 of H.B. 95 of the 125th General 752
Assembly as subsequently amended; to repeal 753
Section 5 of S.B. 202 of the 134th General 754
Assembly; and to repeal Section 21 of H.B. 790 of 755
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appropriations for the biennium beginning July 1, 757
2023, and ending June 30, 2025, to levy taxes, and 758
to provide authorization and conditions for the 759
operation of state programs. 760

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 101.01. That sections 101.34, 101.35, 101.352, 761
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6119.10, and 6131.43 be amended; that sections 107.035 (107.034), 923
113.41 (125.903), 125.22 (126.42), 126.021 (126.023), 718.021 924
(718.17), 731.26 (731.25), 2151.3534 (2151.3527), 3333.03 925
(3333.01), 3727.44 (3727.34), 5103.422 (5103.42), and 5902.09 926
(5119.20) be amended, for the purpose of adopting new section 927
numbers as indicated in parentheses; and new sections 107.035, 928
126.021, 718.021, 3313.482, and 3333.045, and sections 5.2320, 929
5.55, 9.17, 9.681, 101.55, 107.13, 107.22, 107.23, 107.24, 930
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5739.41, 5743.06, 5747.67, 5747.83, 5747.84, 5747.85, 5751.55, 965

5910.021, and 6301.13 of the Revised Code be enacted to read as follows:

Sec. 5.2320. The twenty-sixth day of October is designated as "Sudden Unexpected Death in Epilepsy Awareness Day." Sudden unexpected death in epilepsy (SUDEP) is the sudden, unexpected death of someone with epilepsy who was otherwise healthy.

Sec. 5.55. The month of April is designated as the "Month of the Military Child."

Sec. 9.17. (A) The amount for purposes of a provision of the Revised Code that references this section shall be as follows:

(1) Beginning on the effective date of this section through calendar year 2024, seventy-five thousand dollars;

(2) For each calendar year thereafter, the amount for the previous calendar year increased by three per cent as determined and published by the director of commerce.

Sec. 9.681. (A) As used in this section, "tobacco product" and "alternative nicotine product" have the same meanings as in section 2927.02 of the Revised Code.

(B) The regulation of tobacco products and alternative nicotine products is a matter of general statewide concern that requires statewide regulation. The state has adopted a comprehensive plan with respect to all aspects of the giveaway, sale, purchase, distribution, manufacture, use, possession, licensing, taxation, inspection, and marketing of tobacco products and alternative nicotine products. No political subdivision may enact, adopt, renew, maintain, enforce, or continue in existence any charter provision, ordinance, resolution, rule, or other measure that conflicts with or preempts any policy of the state

<u>regarding the regulation of tobacco products or alternative</u>	994
<u>nicotine products, including, without limitation, by:</u>	995
<u>(1) Setting or imposing standards, requirements, taxes, fees,</u>	996
<u>assessments, or charges of any kind regarding tobacco products or</u>	997
<u>alternative nicotine products that are the same as or similar to,</u>	998
<u>that conflict with, that are different from, or that are in</u>	999
<u>addition to, any standard, requirement, tax, fee, assessment, or</u>	1000
<u>other charge established or authorized by state law;</u>	1001
<u>(2) Lowering or raising an age requirement provided for in</u>	1002
<u>state law in connection with the giveaway, sale, purchase,</u>	1003
<u>distribution, manufacture, use, possession, licensing, taxation,</u>	1004
<u>inspection, and marketing of tobacco products or alternative</u>	1005
<u>nicotine products;</u>	1006
<u>(3) Prohibiting an employee eighteen years of age or older of</u>	1007
<u>a manufacturer, producer, distributor, wholesaler, or retailer of</u>	1008
<u>tobacco products or alternative nicotine products from selling</u>	1009
<u>tobacco products or alternative nicotine products;</u>	1010
<u>(4) Prohibiting an employee eighteen years of age or older of</u>	1011
<u>a manufacturer, producer, distributor, wholesaler, or retailer of</u>	1012
<u>tobacco products or alternative nicotine products from handling</u>	1013
<u>tobacco products or alternative nicotine products in sealed</u>	1014
<u>containers in connection with manufacturing, storage, warehousing,</u>	1015
<u>placement, stocking, bagging, loading, or unloading.</u>	1016
<u>(C) In addition to any other relief provided, the court shall</u>	1017
<u>award costs and reasonable attorney fees to any person, group, or</u>	1018
<u>entity that prevails in a challenge to an ordinance, resolution,</u>	1019
<u>regulation, local law, or other action as being in conflict with</u>	1020
<u>this section.</u>	1021
<u>(D) The general assembly finds and declares that this section</u>	1022
<u>is part of a statewide and comprehensive legislative enactment</u>	1023
<u>regulating all aspects of the giveaway, sale, purchase,</u>	1024

distribution, manufacture, use, possession, licensing, taxation, 1025
inspection, and marketing of tobacco products and alternative 1026
nicotine products. The general assembly further finds and declares 1027
that the imposition of tobacco product and alternative nicotine 1028
product regulation by any political subdivision is a matter of 1029
statewide concern and would be inconsistent with that statewide, 1030
comprehensive enactment. Therefore, regulation of the giveaway, 1031
sale, purchase, distribution, manufacture, use, possession, 1032
licensing, taxation, inspection, and marketing of tobacco products 1033
and alternative nicotine products is a matter of general statewide 1034
concern that requires uniform statewide regulation. By the 1035
enactment of this section, it is the intent of the general 1036
assembly to preempt political subdivisions from the regulation of 1037
tobacco products and alternative nicotine products. 1038

(E) This section does not prohibit a political subdivision 1039
from levying a tax expressly authorized by state law, including 1040
the taxes authorized under Chapters 5739. and 5741. or sections 1041
5743.021, 5743.024, 5743.026, 5743.321, 5743.323, and 5743.324 of 1042
the Revised Code. 1043

Sec. 101.34. (A) There is hereby created a joint legislative 1044
ethics committee to serve the general assembly. The committee 1045
shall be composed of twelve members, six each from the two major 1046
political parties, and each member shall serve on the committee 1047
during the member's term as a member of that general assembly. Six 1048
members of the committee shall be members of the house of 1049
representatives appointed by the speaker of the house of 1050
representatives, not more than three from the same political 1051
party, and six members of the committee shall be members of the 1052
senate appointed by the president of the senate, not more than 1053
three from the same political party. A vacancy in the committee 1054
shall be filled for the unexpired term in the same manner as an 1055
original appointment. The members of the committee shall be 1056

appointed within ~~fifteen~~ forty-five days after the first day of 1057
the first regular session of each general assembly and the 1058
committee shall meet and proceed to recommend an ethics code not 1059
later than ~~thirty~~ sixty days after the first day of the first 1060
regular session of each general assembly. 1061

In the first regular session of each general assembly, the 1062
speaker of the house of representatives shall appoint the 1063
chairperson of the committee from among the house members of the 1064
committee, and the president of the senate shall appoint the 1065
vice-chairperson of the committee from among the senate members of 1066
the committee. In the second regular session of each general 1067
assembly, the president of the senate shall appoint the 1068
chairperson of the committee from among the senate members of the 1069
committee, and the speaker of the house of representatives shall 1070
appoint the vice-chairperson of the committee from among the house 1071
members of the committee. The chairperson, vice-chairperson, and 1072
members of the committee shall serve until their respective 1073
successors are appointed or until they are no longer members of 1074
the general assembly. 1075

The committee shall meet at the call of the chairperson or 1076
upon the written request of seven members of the committee. 1077

(B) The joint legislative ethics committee: 1078

(1) Shall recommend a code of ethics that is consistent with 1079
law to govern all members and employees of each house of the 1080
general assembly and all candidates for the office of member of 1081
each house; 1082

(2) May receive and hear any complaint that alleges a breach 1083
of any privilege of either house, or misconduct of any member, 1084
employee, or candidate, or any violation of the appropriate code 1085
of ethics; 1086

(3) May obtain information with respect to any complaint 1087
filed pursuant to this section and to that end may enforce the 1088
attendance and testimony of witnesses, and the production of books 1089
and papers; 1090

(4) May recommend whatever sanction is appropriate with 1091
respect to a particular member, employee, or candidate as will 1092
best maintain in the minds of the public a good opinion of the 1093
conduct and character of members and employees of the general 1094
assembly; 1095

(5) May recommend legislation to the general assembly 1096
relating to the conduct and ethics of members and employees of and 1097
candidates for the general assembly; 1098

(6) Shall employ an executive director for the committee and 1099
may employ other staff as the committee determines necessary to 1100
assist it in exercising its powers and duties. The executive 1101
director and staff of the committee shall be known as the office 1102
of legislative inspector general. At least one member of the staff 1103
of the committee shall be an attorney at law licensed to practice 1104
law in this state. The appointment and removal of the executive 1105
director shall require the approval of at least eight members of 1106
the committee. 1107

(7) May employ a special counsel to assist the committee in 1108
exercising its powers and duties. The appointment and removal of a 1109
special counsel shall require the approval of at least eight 1110
members of the committee. 1111

(8) Shall act as an advisory body to the general assembly and 1112
to individual members, candidates, and employees on questions 1113
relating to ethics, possible conflicts of interest, and financial 1114
disclosure; 1115

(9) Shall provide for the proper forms on which a statement 1116
required pursuant to section 102.02 or 102.021 of the Revised Code 1117

shall be filed and instructions as to the filing of the statement; 1118

(10) ~~Exercise~~ May exercise the powers and duties prescribed 1119
under sections 101.70 to 101.79, sections 101.90 to 101.98, 1120
Chapter 102., and sections 121.60 to 121.69 of the Revised Code; 1121

(11) ~~Adopt~~ May adopt, in accordance with section 111.15 of 1122
the Revised Code, any rules that are necessary to implement and 1123
clarify Chapter 102. and sections 2921.42 and 2921.43 of the 1124
Revised Code. 1125

(C) There is hereby created in the state treasury the joint 1126
legislative ethics committee fund. All money collected from 1127
registration fees and late filing fees prescribed under sections 1128
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 1129
into the state treasury to the credit of the fund. Money credited 1130
to the fund and any interest and earnings from the fund shall be 1131
used solely for the operation of the joint legislative ethics 1132
committee and the office of legislative inspector general and for 1133
the purchase of data storage and computerization facilities for 1134
the statements filed with the committee under sections 101.73, 1135
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 1136

(D) The chairperson of the joint legislative ethics committee 1137
shall issue a written report, not later than the thirty-first day 1138
of January of each year, to the speaker and minority leader of the 1139
house of representatives and to the president and minority leader 1140
of the senate that lists the number of committee meetings and 1141
investigations the committee conducted during the immediately 1142
preceding calendar year and the number of advisory opinions it 1143
issued during the immediately preceding calendar year. 1144

(E) Any investigative report that contains facts and findings 1145
regarding a complaint filed with the joint legislative ethics 1146
committee and that is prepared by the staff of the committee or a 1147
special counsel to the committee shall become a public record upon 1148

its acceptance by a vote of the majority of the members of the committee, except for any names of specific individuals and entities contained in the report. If the committee recommends disciplinary action or reports its findings to the appropriate prosecuting authority for proceedings in prosecution of the violations alleged in the complaint, the investigatory report regarding the complaint shall become a public record in its entirety.

(F)(1) Any file obtained by or in the possession of the former house ethics committee or former senate ethics committee shall become the property of the joint legislative ethics committee. Any such file is confidential if either of the following applies:

(a) It is confidential under section 102.06 of the Revised Code or the legislative code of ethics.

(b) If the file was obtained from the former house ethics committee or from the former senate ethics committee, it was confidential under any statute or any provision of a code of ethics that governed the file.

(2) As used in this division, "file" includes, but is not limited to, evidence, documentation, or any other tangible thing.

(G) There is hereby created in the state treasury the joint legislative ethics committee investigative and financial disclosure fund. Investment earnings of the fund shall be credited to the fund. All moneys credited to the fund shall be used solely for expenses related to the investigative and financial disclosure functions of the committee.

Sec. 101.35. There is hereby created in the general assembly the joint committee on agency rule review. The committee shall consist of five members of the house of representatives and five

members of the senate. Within fifteen days after the commencement 1179
of the first regular session of each general assembly, the speaker 1180
of the house of representatives shall appoint the members of the 1181
committee from the house of representatives, and the president of 1182
the senate shall appoint the members of the committee from the 1183
senate. Not more than three of the members from each house shall 1184
be of the same political party. ~~In the first regular session of a~~ 1185
~~general assembly, the chairperson of the committee shall be~~ 1186
~~appointed by the~~ The speaker of the house shall appoint a house 1187
chairperson from among the house members of the committee, and the 1188
~~vice chairperson shall be appointed by the~~ president of the senate 1189
shall appoint a senate chairperson from among the senate members 1190
of the committee. ~~In~~ During the first regular session of a general 1191
assembly, the committee shall meet at the call of the house 1192
chairperson, and the house chairperson shall conduct each meeting. 1193
During the second regular session of a general assembly, the 1194
committee shall meet at the call of the senate chairperson, and 1195
the senate chairperson shall be appointed by the president of the 1196
~~senate from among the senate members of the committee, and the~~ 1197
~~vice chairperson shall be appointed by the speaker of the house~~ 1198
~~from among the house members of the committee~~ conduct each 1199
meeting. If the chairperson responsible for calling and conducting 1200
committee meetings is absent or otherwise temporarily unable to 1201
perform the chairperson's duties, the other chairperson shall act 1202
as a substitute. ~~The chairperson, vice chairperson, chairpersons~~ 1203
and members of the committee shall serve until their respective 1204
successors are appointed or until they are no longer members of 1205
the general assembly. When a vacancy occurs among the officers or 1206
members of the committee, it shall be filled in the same manner as 1207
the original appointment. 1208

Notwithstanding section 101.26 of the Revised Code, the 1209
members, when engaged in their duties as members of the committee 1210

on days when there is not a voting session of the member's house 1211
of the general assembly, shall be paid at the per diem rate of one 1212
hundred fifty dollars, and their necessary traveling expenses, 1213
which shall be paid from the funds appropriated for the payment of 1214
expenses of legislative committees. 1215

The committee has the same powers as other standing or select 1216
committees of the general assembly. Six members constitute a 1217
quorum. The concurrence of six members is required for the 1218
recommendation of a concurrent resolution invalidating a proposed 1219
rule under section 106.021 of the Revised Code. The concurrence of 1220
seven members is required for the recommendation of a concurrent 1221
resolution invalidating an existing rule under section 106.031 of 1222
the Revised Code. 1223

When a member of the committee is absent, the president or 1224
speaker, as the case may be, may designate a substitute from the 1225
same house and political party as the absent member. The 1226
substitute shall serve on the committee in the member's absence, 1227
and is entitled to perform the duties of a member of the 1228
committee. For serving on the committee, the substitute shall be 1229
paid the same per diem and necessary traveling expenses as the 1230
substitute would be entitled to receive if the substitute were a 1231
member of the committee. 1232

The president or speaker shall inform the executive director 1233
of the committee of a substitution. If the executive director 1234
learns of a substitution sufficiently in advance of the meeting of 1235
the committee the substitute is to attend, the executive director 1236
shall publish notice of the substitution on the internet, make 1237
reasonable effort to inform of the substitution persons who are 1238
known to the executive director to be interested in rules that are 1239
scheduled for review at the meeting, and inform of the 1240
substitution persons who inquire of the executive director 1241
concerning the meeting. 1242

The committee may meet during periods in which the general assembly has adjourned. 1243
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At meetings of the committee, the committee may request an agency, as defined in section 106.01 of the Revised Code, to provide information relative to the agency's implementation of its statutory authority. 1245
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A member of the committee, and the executive director and staff of the committee, are entitled in their official capacities to attend, but not in their official capacities to participate in, a public hearing conducted by an agency on a proposed rule. 1249
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The executive director serves at the pleasure of the president and speaker by mutual consensus. The executive director may employ such technical, professional, and clerical employees as are necessary to carry out the powers and administrative duties of the committee. 1253
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Sec. 101.352. If the joint committee on agency rule review becomes aware that an agency subject to its jurisdiction is relying upon a principle of law or policy that, under section 121.93 of the Revised Code, should have been supplanted by its restatement in a rule, the chairperson of the joint committee responsible for calling and conducting meetings under section 101.35 of the Revised Code, in ~~the~~ that chairperson's sole discretion, may request the agency to appear before the joint committee to address why, notwithstanding section 121.93 of the Revised Code, it is so relying. The request shall specify the time and place at which a designee of the agency is to appear before the joint committee to address, and to answer the joint committee's questions concerning, the agency's reliance. The date set for the appearance shall be not earlier than thirty days after the joint committee transmits the request to the agency. The joint committee shall transmit the request to the agency electronically. 1258
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The joint committee also shall publish the request on its web 1274
site, as part of the relevant meeting agenda, and shall indicate 1275
in conjunction with the published request that any person is 1276
invited to appear before the joint committee when the agency 1277
appears to offer and make comments to the joint committee 1278
concerning the agency's reliance. 1279

Upon receiving the request, the agency shall designate a 1280
suitable agency officer or employee to appear on behalf of the 1281
agency before the joint committee as directed in the request. The 1282
agency electronically shall notify the joint committee of the 1283
name, title, telephone number, and electronic mail address of the 1284
officer or employee who has been designated to appear before the 1285
joint committee in response to the request. 1286

Upon appearing before the joint committee, the agency's 1287
designee shall address why the agency is relying upon a principle 1288
of law or policy that, notwithstanding section 121.93 of the 1289
Revised Code, has not been supplanted by its restatement in a 1290
rule. The members of the joint committee may question the agency's 1291
designee concerning the agency's reliance. Any person may offer 1292
and make comments to the joint committee concerning the agency's 1293
reliance. 1294

After the appearance has concluded, the joint committee, by 1295
vote of a majority of its members, in writing may recommend to the 1296
agency that it supplant the principle of law or policy that it is 1297
relying upon by its restatement in a rule. The joint committee 1298
shall support its recommendation with a brief rationale of why, 1299
under section 121.93 of the Revised Code, the principle of law or 1300
policy should be supplanted by its restatement in a rule. The 1301
joint committee shall transmit the recommendation electronically 1302
to the agency. 1303

After receiving the recommendation from the joint committee, 1304

the agency shall commence the rule-making process as soon as it is 1305
reasonably feasible to do so, but not later than the date that is 1306
six months after the recommendation was received. The principle of 1307
law or policy as it is restated in a rule does not need to be 1308
wholly congruent with the supplanted principle of law or policy. 1309
The agency lawfully may improve or develop further the supplanted 1310
principle of law or policy as it is restated in a rule. 1311

The agency may continue to rely upon the principle of law or 1312
policy, but only while it is complying with the preceding 1313
paragraph. The agency may not rely upon the principle of law or 1314
policy in advising with regard to or in determining the rights or 1315
liabilities of a person if the agency fails to commence the 1316
rule-making process by the deadline specified in the preceding 1317
paragraph, or if, after commencing the rule-making process, the 1318
agency neglects or abandons the rule-making process before it is 1319
completed. 1320

Sec. 101.353. If the joint committee on agency rule review 1321
becomes aware, such as through its own inquiries or by receiving 1322
complaints from interested parties or stakeholders, that an agency 1323
subject to its jurisdiction is required expressly or impliedly by 1324
a statute to adopt a rule but appears neither to have done so nor 1325
to have commenced the rule-making process, the chairperson of the 1326
joint committee responsible for calling and conducting meetings 1327
under section 101.35 of the Revised Code, in ~~the~~ that 1328
chairperson's sole discretion, may request the agency to appear 1329
before the joint committee to address its apparent dereliction. 1330
The request shall specify the time and place at which a designee 1331
of the agency is to appear before the joint committee to address, 1332
and answer the joint committee's questions concerning, the 1333
agency's apparent dereliction. The request shall identify the 1334
statute that expressly or impliedly requires rule-making and that 1335
apparently has not been complied with. The joint committee shall 1336

transmit the request to the agency electronically. The joint 1337
committee also shall publish the request on its web site, and 1338
shall indicate in conjunction with the published request that any 1339
person is invited to appear before the joint committee when the 1340
agency appears to offer and make comments to the joint committee 1341
concerning the agency's apparent dereliction. 1342

Upon receiving the request, the agency shall designate a 1343
suitable agency officer or employee to appear on behalf of the 1344
agency before the joint committee as directed in the request. The 1345
agency electronically shall notify the joint committee of the 1346
name, title, telephone number, and electronic mail address of the 1347
officer or employee who has been designated to appear before the 1348
joint committee in response to the request. 1349

Upon appearing before the joint committee, the agency's 1350
designee shall address why the agency apparently has neither 1351
adopted a rule nor commenced the rule-making process as expressly 1352
or impliedly required by the statute. The members of the joint 1353
committee may question the agency's designee concerning the 1354
agency's apparent dereliction. Any person may offer and make 1355
comments to the joint committee concerning the agency's apparent 1356
dereliction. 1357

After the appearance has concluded, the joint committee, by 1358
vote of a majority of its members, in writing may advise the 1359
agency to commence rule-making proceedings under the statute, as 1360
soon as it is reasonably feasible for the agency to do so. The 1361
joint committee shall transmit the advisory electronically to the 1362
agency. The joint committee also shall publish the advisory on its 1363
web site. 1364

Sec. 101.55. (A)(1) The speaker of the house of 1365
representatives, in the speaker's official capacity as the 1366

presiding officer of the house of representatives, may retain 1367
legal counsel other than from the attorney general for either of 1368
the following purposes: 1369

(a) To represent, and intervene on behalf of, the house in 1370
any judicial proceeding that involves a challenge to the 1371
constitution or laws of this state and that is an important matter 1372
of statewide concern. The house may intervene in any such judicial 1373
proceeding at any time as a matter of right. Intervention under 1374
this division shall be in accordance with Rule 24 of the Ohio 1375
Rules of Civil Procedure or with Rule 24 of the Federal Rules of 1376
Civil Procedure, as applicable. 1377

(b) To provide advice and counsel to the speaker on matters 1378
that affect the official business of the house. 1379

(2) The speaker shall approve all terms of representation and 1380
authorize payment for all financial costs incurred under division 1381
(A)(1) of this section from the house of representatives' 1382
operating expenses appropriation line item or from a separate 1383
appropriation made for those costs. 1384

(3) The house of representatives may rescind the retention of 1385
a particular legal counsel in a particular matter under division 1386
(A)(1) of this section by a resolution adopted by the affirmative 1387
vote of a majority of the members elected to the house. 1388

(B)(1) The president of the senate, in the president's 1389
official capacity as the presiding officer of the senate, may 1390
retain legal counsel other than from the attorney general for 1391
either of the following purposes: 1392

(a) To represent, and intervene on behalf of, the senate in 1393
any judicial proceeding that involves a challenge to the 1394
constitution or laws of this state and that is an important matter 1395
of statewide concern. The senate may intervene in any such 1396
judicial proceeding at any time as a matter of right. Intervention 1397

under this division shall be in accordance with Rule 24 of the 1398
Ohio Rules of Civil Procedure or with Rule 24 of the Federal Rules 1399
of Civil Procedure, as applicable. 1400

(b) To provide advice and counsel to the president on matters 1401
that affect the official business of the senate. 1402

(2) The president shall approve all terms of representation 1403
and authorize payment for all financial costs incurred under 1404
division (B)(1) of this section from the senate's operating 1405
expenses appropriation line item or from a separate appropriation 1406
made for those costs. 1407

(3) The senate may rescind the retention of a particular 1408
legal counsel in a particular matter under division (B)(1) of this 1409
section by a resolution adopted by the affirmative vote of a 1410
majority of the members elected to the senate. 1411

(C)(1) The speaker of the house of representatives and the 1412
president of the senate, acting jointly in their official 1413
capacities as the presiding officers of the houses of the general 1414
assembly, may retain legal counsel other than from the attorney 1415
general for either of the following purposes: 1416

(a) To represent, and intervene on behalf of, the general 1417
assembly in any judicial proceeding that involves a challenge to 1418
the constitution or laws of this state and that is an important 1419
matter of statewide concern. The general assembly may intervene in 1420
any such judicial proceeding at any time as a matter of right. 1421
Intervention under this division shall be in accordance with Rule 1422
24 of the Ohio Rules of Civil Procedure or with Rule 24 of the 1423
Federal Rules of Civil Procedure, as applicable. 1424

(b) To provide advice and counsel to the speaker and the 1425
president, jointly, on matters that affect the official business 1426
of the general assembly. 1427

(2) The speaker and the president shall jointly approve all 1428

terms of representation and authorize payment for all financial 1429
costs incurred under division (C)(1) of this section from the 1430
house of representatives' and the senate's operating expenses 1431
appropriation line items or from a separate appropriation made for 1432
those costs. 1433

(3) The general assembly may rescind the retention of a 1434
particular legal counsel in a particular matter under division 1435
(C)(1) of this section by a concurrent resolution adopted by the 1436
affirmative vote of a majority of the members elected to each 1437
house of the general assembly. 1438

(D) Notwithstanding any contrary provision of law, nothing in 1439
this section shall be construed to do any of the following: 1440

(1) Constitute a waiver of the legislative immunity or 1441
legislative privilege of the speaker, the president, or any 1442
member, officer, or staff of either house of the general assembly; 1443

(2) Permit any violation of section 9.58 of the Revised Code; 1444

(3) Permit the retention of counsel, or intervention, in any 1445
criminal proceeding; 1446

(4) Limit any authority of the speaker of the house of 1447
representatives, the president of the senate, the general 1448
assembly, or any member of the general assembly that is granted 1449
under the constitution of this state or under any other provision 1450
of law. 1451

Sec. 101.84. (A) A sunset review committee shall be convened 1452
during each general assembly. The committee shall be composed of 1453
nine members. The president of the senate shall appoint three 1454
members of the senate to the committee, not more than two of whom 1455
shall be members of the same political party. The speaker of the 1456
house of representatives shall appoint three members of the house 1457
of representatives to the committee, not more than two of whom 1458

shall be members of the same political party. The governor, with 1459
the advice and consent of the senate, shall appoint three members 1460
to the committee, not more than two of whom shall be members of 1461
the same political party. Members shall be appointed within 1462
~~fifteen~~ forty-five days after the commencement of the first 1463
regular session of each general assembly. 1464

(B) Each member of the committee who is a member of the 1465
general assembly shall serve for the duration of the committee, or 1466
until that committee member no longer is a member of the senate or 1467
the house of representatives. Each member of the committee who is 1468
appointed by the governor shall serve for the duration of the 1469
committee, but not later than the thirty-first day of December in 1470
the second year of the general assembly. A vacancy on the 1471
committee shall be filled in the same manner as the original 1472
appointment. 1473

In the first year of the general assembly, the chairperson of 1474
the committee shall be a member of the house of representatives, 1475
and the vice-chairperson of the committee shall be a member of the 1476
senate. In the second year of the general assembly, the 1477
chairperson of the committee shall be a member of the senate, and 1478
the vice-chairperson of the committee shall be a member of the 1479
house of representatives. 1480

Members of the committee shall receive no compensation, but 1481
shall be reimbursed for their necessary expenses incurred in the 1482
performance of their official duties. 1483

(C) The committee shall meet not later than thirty days after 1484
the first day of the first year of the general assembly to choose 1485
a chairperson and to commence establishment of the schedule for 1486
agency review provided for in section 101.85 of the Revised Code 1487
or perform other committee duties under sections 101.82 to 101.87 1488
of the Revised Code. Five members of the committee constitute a 1489

quorum for the conduct of committee business. 1490

(D) The sunset review committee, after having prepared and 1491
published a report of its findings and recommendations, and 1492
furnished the report, as required under section 101.87 of the 1493
Revised Code, ceases to exist for the remainder of the biennial 1494
general assembly. 1495

Sec. 103.0521. If a rule currently in effect is obsolete 1496
because the rule was adopted by an agency that is no longer in 1497
existence and jurisdiction over the rule has not been transferred 1498
to another agency, and if that status is verified by the executive 1499
director of the joint committee on agency rule review, the 1500
executive director shall prepare, for consideration of the joint 1501
committee, a motion that the director of the legislative service 1502
commission remove the obsolete rule from the Administrative Code. 1503
The executive director shall transmit a copy of the motion to the 1504
common sense initiative office before the next meeting of the 1505
joint committee. 1506

The chairperson of the joint committee responsible for 1507
calling and conducting meetings under section 101.35 of the 1508
Revised Code, or another member of the joint committee delegated 1509
by ~~the~~ that chairperson, shall offer the motion at the next 1510
meeting of the joint committee. If the motion is agreed to by the 1511
joint committee, the executive director shall transmit a copy of 1512
the motion to the director of the legislative service commission. 1513
The executive director shall certify on the copy transmitted that 1514
the motion was agreed to by the joint committee. 1515

Upon receiving the certified motion, the director of the 1516
legislative service commission shall remove the obsolete rule from 1517
the Administrative Code as directed in the motion. The director 1518
thereafter shall maintain the removed obsolete rule in a file of 1519
obsolete rules. The file of obsolete rules may be maintained in 1520

electronic form. 1521

Sec. 103.414. Not later than the first day of October of 1522
every even-numbered calendar year, the department of medicaid 1523
shall submit to JMOC a report of the department's historical and 1524
projected medicaid program expenditure and utilization trend rates 1525
by medicaid program and service category, for each year of the 1526
upcoming fiscal biennium. The report shall include all actuarial 1527
data the department used in producing the trends. The report also 1528
shall detail interventions taken by the department to restrain the 1529
growth in the per member per month cost of the medicaid program, 1530
as required by section 5162.70 of the Revised Code. 1531

Before the beginning of each fiscal biennium, JMOC shall 1532
contract with an actuary to determine the projected medical 1533
inflation rate for the upcoming fiscal biennium. The contract 1534
shall require the actuary to make the determination using the same 1535
types of classifications and sub-classifications of medical care 1536
that the United States bureau of labor statistics uses in 1537
determining the inflation rate for medical care in the consumer 1538
price index. The contract also shall require the actuary to 1539
provide JMOC a report with its determination at least one hundred 1540
twenty days before the governor is required to submit a state 1541
budget for the fiscal biennium to the general assembly under 1542
section 107.03 of the Revised Code. 1543

On receipt of the actuary's report, JMOC shall determine 1544
whether it agrees with the actuary's projected medical inflation 1545
rate. If JMOC disagrees with the actuary's projected medical 1546
inflation rate, JMOC shall determine a different projected medical 1547
inflation rate for the upcoming fiscal biennium. 1548

The actuary and, if JMOC determines a different projected 1549
medical inflation rate, JMOC shall determine the projected medical 1550
inflation rate for the state unless that is not practicable in 1551

which case the determination shall be made for the midwest region. 1552

Regardless of whether it agrees with the actuary's projected 1553
medical inflation rate or determines a different projected medical 1554
inflation rate, JMOC shall complete a report regarding the 1555
projected medical inflation rate. JMOC shall include a copy of the 1556
actuary's report in JMOC's report. JMOC's report shall state 1557
whether JMOC agrees with the actuary's projected medical inflation 1558
rate and, if JMOC disagrees, the reason why JMOC disagrees and the 1559
different medical inflation rate JMOC determined. At least ninety 1560
days before the governor is required to submit a state budget for 1561
the upcoming fiscal biennium to the general assembly under section 1562
107.03 of the Revised Code, JMOC shall submit a copy of the report 1563
to the general assembly in accordance with section 101.68 of the 1564
Revised Code and to the governor and medicaid director. 1565

Sec. 103.51. (A) There is hereby created the legislative task 1566
force on redistricting, reapportionment, and demographic research, 1567
consisting of six members. The president of the senate shall 1568
appoint three members, not more than two of whom shall be members 1569
of the same political party. One member appointed by the president 1570
shall not be a member of the general assembly. The speaker of the 1571
house of representatives shall appoint three members, not more 1572
than two of whom shall be members of the same political party. One 1573
member appointed by the speaker shall not be a member of the 1574
general assembly. 1575

Appointments to the task force shall be made within ~~fifteen~~ 1576
forty-five days after the commencement of the first regular 1577
session of each general assembly in the manner prescribed in this 1578
division. A vacancy on the task force shall be filled for the 1579
unexpired term in the same manner as the original appointment. 1580
Members of the task force shall serve on the task force until the 1581
appointments are made in the first regular session of the 1582

following general assembly or, in the case of task force members 1583
who also are general assembly members when appointed, until they 1584
are no longer general assembly members. 1585

The president of the senate shall appoint a member of the 1586
task force, and the speaker of the house of representatives shall 1587
appoint a member of the task force, to serve as ~~co-chairmen~~ 1588
co-chairpersons of the task force. The ~~co-chairmen~~ co-chairpersons 1589
shall be members of different political parties. The ~~co-chairmen~~ 1590
co-chairpersons may enter into any agreements on behalf of the 1591
task force and perform any acts that may be necessary or proper 1592
for the task force to carry out its powers and duties under this 1593
section. 1594

(B) The members of the task force shall serve without 1595
compensation, but shall be reimbursed for their actual and 1596
necessary expenses incurred in the performance of their official 1597
duties. 1598

(C) The task force shall do all of the following: 1599

(1) Provide such assistance to the general assembly and its 1600
committees as requested in order to help the general assembly 1601
fulfill its duty to establish districts for the election of 1602
representatives to congress; 1603

(2) Provide such assistance to the apportionment board as 1604
requested in order to help it fulfill its duty to provide for the 1605
apportionment of this state for members of the general assembly. 1606
As used in this section, "apportionment board" means the persons 1607
designated in Section 1 of Article XI, Ohio Constitution, as being 1608
responsible for that apportionment. 1609

(3) Engage in such research studies and other activities as 1610
the task force considers necessary or appropriate in the 1611
preparation and formulation of a plan for the next apportionment 1612
of the state for members of the general assembly and a plan for 1613

the next establishment of districts for the election of 1614
representatives to congress and in the utilization of census and 1615
other demographic and statistical data for policy analysis, 1616
program development, and program evaluation purposes for the 1617
benefit of the general assembly. 1618

(D) Notwithstanding any provision of law to the contrary, the 1619
task force may do all of the following: 1620

(1) Hire such employees and engage such experts and technical 1621
advisors and fix their compensation, and obtain such services, as 1622
are necessary for the task force to exercise its duties under this 1623
section; 1624

(2) Authorize the providing of such services and the 1625
furnishing of such data by the task force to any state agency or 1626
political subdivision of this state as the task force may specify, 1627
on such terms and conditions as the task force may specify, 1628
including the amount of the payment for providing the services and 1629
furnishing the data; 1630

(3) Conduct meetings and hearings both within and outside 1631
this state and otherwise exercise all of the powers of a standing 1632
or select committee of the general assembly; 1633

(4) Request and receive from any state agency or political 1634
subdivision of this state such assistance and data as will enable 1635
the task force to exercise its powers and duties under this 1636
section. 1637

Sec. 103.60. (A) As used in this section, "rare disease" 1638
means a disease or condition that affects fewer than 200,000 1639
people living in the United States. 1640

(B) There is hereby created the rare disease advisory 1641
council. The purpose of the council is to advise the general 1642
assembly regarding research, diagnosis, and treatment efforts 1643

related to rare diseases across the state.	1644
(C) The council shall consist of the following thirty-one members:	1645
	1646
(1) The following members appointed by the governor:	1647
(a) One individual who is a medical researcher with experience researching rare diseases;	1648
	1649
(b) One individual who represents an academic research institution in this state that receives funding for rare disease research;	1650
	1651
	1652
(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;	1653
	1654
	1655
	1656
(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;	1657
	1658
	1659
(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;	1660
	1661
	1662
(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;	1663
	1664
(g) One representative of a national organization representing patients with a rare disease;	1665
	1666
(h) One representative of a rare disease foundation operating in this state;	1667
	1668
(i) Two representatives of the department of health, one of whom is a representative of the <u>program for children and youth</u> with medical handicaps program <u>special health care needs</u> ;	1669
	1670
	1671
(j) One representative of the department of medicaid;	1672

(k) One representative of the department of insurance;	1673
(l) One representative of the commission on minority health;	1674
(m) One representative of the Ohio hospital association;	1675
(n) One representative of Ohio health insurers;	1676
(o) One representative of bioOhio;	1677
(p) One representative of the association of Ohio health commissioners;	1678 1679
(q) One representative of the pharmaceutical research and manufacturers of America.	1680 1681
(2) The following members appointed by the president of the senate:	1682 1683
(a) Two members of the senate, one from the majority party and one from the minority party;	1684 1685
(b) Three members of the public, one of whom is recommended by the minority leader of the senate.	1686 1687
(3) The following members appointed by the speaker of the house of representatives:	1688 1689
(a) Two members of the house of representatives, one from the majority party and one from the minority party;	1690 1691
(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.	1692 1693
(4) The governor or the governor's designee.	1694
(D)(1) Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty <u>forty-five</u> days after the commencement of the first regular session of each general assembly.	1695 1696 1697 1698 1699
(2) Each member shall serve on the council until appointments	1700

are made following the commencement of the next general assembly. 1701
Members may be reappointed; however, no member shall serve more 1702
than four consecutive terms on the council. 1703

(E) Prior to the expiration of each term, the council shall 1704
prepare and submit a report to the general assembly detailing the 1705
following: 1706

(1) The coordination of statewide efforts for studying the 1707
incidence of rare diseases in this state; 1708

(2) The council's findings and recommendations regarding rare 1709
disease research and care in this state; 1710

(3) Efforts to promote collaboration among rare disease 1711
organizations, clinicians, academic research institutions, and the 1712
general assembly to better understand the incidence of rare 1713
diseases in this state. 1714

(F) The council shall annually select from among its members 1715
a chairperson or co-chairpersons. 1716

(G) The council shall meet at the call of the chairperson, 1717
but not less than quarterly. A majority of the members of the 1718
council shall constitute a quorum. The chairperson shall provide 1719
members with at least five days written notice of all meetings. 1720

(H) Members shall serve without compensation except to the 1721
extent that serving on the council is considered part of the 1722
member's regular duties of employment. The council shall reimburse 1723
each member for actual and necessary expenses incurred in the 1724
performance of the member's official duties. 1725

Sec. 103.65. (A) There is hereby created the Ohio health 1726
oversight and advisory committee. The committee shall consist of 1727
the following members: 1728

(1) Three members of the senate appointed by the president of 1729
the senate, two of whom are members of the majority party and one 1730

of whom is a member of the minority party; 1731

(2) Three members of the house of representatives appointed 1732
by the speaker of the house of representatives, two of whom are 1733
members of the majority party and one of whom is a member of the 1734
minority party. 1735

(B) The president and speaker shall make the initial 1736
appointments to the committee not later than fifteen calendar days 1737
after ~~the effective date of this section~~ June 23, 2021. The 1738
president and speaker shall make subsequent appointments not later 1739
than ~~fifteen~~ forty-five calendar days after the commencement of 1740
the first regular session of each general assembly. Members of the 1741
committee shall serve on the committee until appointments are made 1742
in the first regular session of the following general assembly, 1743
until a member no longer serves as a member of the chamber from 1744
which the member was initially appointed, or until a member is 1745
removed by the speaker or president. No committee member shall be 1746
removed during the member's term during a state of emergency as 1747
defined in section 107.42 of the Revised Code, unless an 1748
extraordinary circumstance exists that prevents a member from 1749
serving on the committee. A vacancy on the committee shall be 1750
filled in the same manner as the original appointment. 1751

(C) In odd-numbered years, the president shall designate one 1752
committee member from the senate who is a member of the majority 1753
party as the committee chairperson, and the speaker shall 1754
designate one committee member from the house who is a member of 1755
the majority party as the committee vice-chairperson and one 1756
committee member from the house who is a member of the minority 1757
party as the committee ranking minority member. In even-numbered 1758
years, the speaker shall designate one committee member from the 1759
house who is a member of the majority party as the committee 1760
chairperson, and the president shall designate one committee 1761
member from the senate who is a member of the majority party as 1762

the committee vice-chairperson and one committee member from the 1763
senate who is a member of the minority party as the committee 1764
ranking minority member. 1765

(D) In appointing members from the minority party, and in 1766
designating ranking minority members, the president and speaker 1767
shall consult with the minority leader of their respective houses. 1768

(E) The Ohio health oversight and advisory committee shall 1769
meet at the call of the chairperson. 1770

(F) The executive director and other employees of the joint 1771
medicaid oversight committee shall serve the Ohio health oversight 1772
and advisory committee to enable the committee to successfully and 1773
efficiently perform its duties. 1774

Sec. 103.71. There is hereby created a correctional 1775
institution inspection committee as a subcommittee of the 1776
legislative service commission. The committee shall consist of 1777
eight persons, four of whom shall be members of the senate 1778
appointed by the president of the senate, not more than two of 1779
whom shall be members of the same political party, and four of 1780
whom shall be members of the house of representatives appointed by 1781
the speaker of the house of representatives, not more than two of 1782
whom shall be members of the same political party. Initial 1783
appointments to the committee shall be made within fifteen days 1784
after July 1, 1993, and in the manner prescribed in this section. 1785
Thereafter, appointments to the committee shall be made within 1786
~~fifteen~~ forty-five days after the commencement of the first 1787
regular session of the general assembly and in the manner 1788
prescribed in this section. A vacancy on the committee shall be 1789
filled for the unexpired term in the same manner as the original 1790
appointment. Members of the committee shall serve on the committee 1791
until the appointments are made in the first regular session of 1792
the following general assembly, unless they cease to be members of 1793

the general assembly. 1794

Sec. 106.02. When (A) Subject to division (B) of this 1795
section, when an agency files a proposed rule and rule summary and 1796
fiscal analysis with the joint committee on agency rule review, 1797
the joint committee shall review the proposed rule and rule 1798
summary and fiscal analysis, and an invalidating concurrent 1799
resolution may be adopted, not later than the sixty-fifth day 1800
after the day on which the proposed rule was filed with the joint 1801
committee. If, after filing the original version of a proposed 1802
rule, the agency makes a revision in the proposed rule, the agency 1803
shall file the revised proposed rule and a revised rule summary 1804
and fiscal analysis with the joint committee. If the revised 1805
proposed rule is filed thirty-five or fewer days after the 1806
original version of the proposed rule was filed, the joint 1807
committee shall review the revised proposed rule and revised rule 1808
summary and fiscal analysis, and an invalidating concurrent 1809
resolution may be adopted, not later than the sixty-fifth day 1810
after the original version of the proposed rule was filed. If, 1811
however, the revised proposed rule is filed more than thirty-five 1812
days after the original version of the proposed rule was filed, 1813
the joint committee shall review the revised proposed rule and 1814
revised rule summary and fiscal analysis, and an invalidating 1815
concurrent resolution may be adopted, not later than the thirtieth 1816
day after the revised proposed rule was filed with the joint 1817
committee. 1818

(B) If, after filing a proposed rule and rule summary and 1819
fiscal analysis with the joint committee, an agency determines 1820
that it needs additional time to consider the proposed rule and 1821
possibly file a revised proposed rule, the agency may notify the 1822
joint committee of the agency's intention to file a revised 1823
proposed rule. When the agency notifies the joint committee of its 1824
intention to file a revised proposed rule, the running of the time 1825

within which an invalidating concurrent resolution may be adopted 1826
is tolled. 1827

If, after notifying the joint committee of the agency's 1828
intention to file a revised proposed rule, the agency makes a 1829
revision in the proposed rule, the agency shall file the revised 1830
proposed rule and a revised rule summary and fiscal analysis with 1831
the joint committee. If the revised proposed rule is filed 1832
thirty-five or fewer days after the agency filed the original 1833
version of the proposed rule, the joint committee shall review the 1834
revised proposed rule and revised rule summary and fiscal 1835
analysis, and an invalidating concurrent resolution may be 1836
adopted, not later than the sixty-fifth day after the agency filed 1837
the original version of the proposed rule. If, however, the 1838
revised proposed rule is filed more than thirty-five days after 1839
the agency filed the original version of the proposed rule, the 1840
joint committee shall review the revised proposed rule and revised 1841
rule summary and fiscal analysis, and an invalidating concurrent 1842
resolution may be adopted, not later than the thirtieth day after 1843
the revised proposed rule is filed with the joint committee. 1844

(C) When ~~the~~ an original or revised version of a proposed 1845
rule and rule summary and fiscal analysis is filed with the joint 1846
committee in December or in the following January before the first 1847
day of the legislative session, the joint committee shall review 1848
the proposed rule and rule summary and fiscal analysis, and an 1849
invalidating concurrent resolution may be adopted, as if the 1850
original version of the proposed rule and rule summary and fiscal 1851
analysis had been filed with the joint committee on the first day 1852
of the legislative session in the following January. If, however, 1853
the original version of a proposed rule and rule summary and 1854
fiscal analysis have been pending before the joint committee for 1855
more than thirty-five days, and the proposed rule and rule summary 1856
and fiscal analysis are revised in December or in the following 1857

January before the first day of the legislative session, the joint 1858
committee shall review the revised proposed rule and revised rule 1859
summary and fiscal analysis, and an invalidating concurrent 1860
resolution may be adopted, not later than the thirtieth day after 1861
the first day of the legislative session in the following January. 1862

(D) A revised proposed rule supersedes each earlier version 1863
of the same proposed rule. 1864

(E) The joint committee shall endeavor not to hold its public 1865
hearing on a proposed rule earlier than the forty-first day after 1866
the proposed rule was filed with the joint committee. The 1867
chairperson of the joint committee responsible for calling and 1868
conducting meetings under section 101.35 of the Revised Code may 1869
select a date for the committee's public hearing on a proposed 1870
rule that is earlier than the forty-first day after the proposed 1871
rule was filed. 1872

Sec. 106.031. If an agency, on the basis of its review of a 1873
rule under section 106.03 of the Revised Code, determines that the 1874
rule does not need to be amended or rescinded, proceedings shall 1875
be had as follows: 1876

(A)(1) If, considering only the standard of review specified 1877
in division (A)(7) of section 106.03 of the Revised Code, the rule 1878
has an adverse impact on businesses, the agency shall prepare a 1879
business impact analysis that describes its review of the rule 1880
under that division and that explains why the regulatory intent of 1881
the rule justifies its adverse impact on businesses. If the rule 1882
does not have an adverse impact on businesses, the agency may 1883
proceed under division (B) of this section. 1884

(2) The agency shall transmit a copy of the full text of the 1885
rule and the business impact analysis electronically to the common 1886
sense initiative office. The office shall make the rule and 1887
analysis available to the public on its web site under section 1888

107.62 of the Revised Code. 1889

(3) The agency shall consider any recommendations made by the 1890
office. 1891

(4) Not earlier than the sixteenth business day after 1892
transmitting the rule and analysis to the office, the agency shall 1893
either (a) proceed under divisions (A)(5) and (B) of this section 1894
or (b) commence, under division (B)(1) of section 106.03 of the 1895
Revised Code, the process of rescinding the rule or of amending 1896
the rule to incorporate into the rule features the recommendations 1897
suggest will eliminate or reduce the adverse impact the rule has 1898
on businesses. If the agency determines to amend or rescind the 1899
rule, the agency is not subject to the time limit specified in 1900
division (B)(1) of section 106.03 of the Revised Code. 1901

(5) If the agency receives recommendations from the office, 1902
and determines not to amend or rescind the rule, the agency shall 1903
prepare a memorandum of response that explains why the rule is not 1904
being rescinded or why the recommendations are not being 1905
incorporated into the rule. 1906

(B) The agency shall assign a new review date to the rule. 1907
The review date assigned shall be not later than five years after 1908
the immediately preceding review date pertaining to the rule. If 1909
the agency assigns a review date that exceeds the five-year 1910
maximum, the review date is five years after the immediately 1911
preceding review date. The immediately preceding review date 1912
includes the date of the review of a rule under section 106.032 of 1913
the Revised Code. 1914

~~(C)(1)~~(C) The agency shall file all the following, in 1915
electronic form, with the joint committee on agency rule review, 1916
the secretary of state, and the director of the legislative 1917
service commission: a copy of the rule specifying its new review 1918
date, a complete and accurate rule summary and fiscal analysis, 1919

and, if relevant, a business impact analysis of the rule, any 1920
recommendations received from the common sense initiative office, 1921
and any memorandum of response. 1922

~~(2) Subject to section 106.05 of the Revised Code, the joint 1923
committee does not have jurisdiction to review, and shall reject, 1924
the filing of a rule under division (C)(1) of this section if, at 1925
any time while the rule is in its possession, it discovers that 1926
the rule has an adverse impact on businesses and the agency has 1927
not complied with division (A) of this section. The joint 1928
committee shall electronically return a rule that is rejected to 1929
the agency, together with any documents that were part of the 1930
filing. Such a rejection does not preclude the agency from 1931
refiling the rule under division (C)(1) of this section after 1932
complying with division (A) of this section. When the filing of a 1933
rule is rejected under this division, it is as if the filing had 1934
not been made. 1935~~

(D) The joint committee shall publish notice of the agency's 1936
determination not to amend or rescind the rule in the register of 1937
Ohio for four consecutive weeks after the rule is filed under 1938
division (C) of this section. 1939

(E) During the ninety-day period after a rule is filed under 1940
division (C) of this section, but after the four-week notice 1941
period required by division (D) of this section has ended, the 1942
joint committee may recommend to the senate and house of 1943
representatives the adoption of a concurrent resolution 1944
invalidating the rule if the joint committee finds any of the 1945
following: 1946

(1) The agency improperly applied the standards in division 1947
(A) of section 106.03 of the Revised Code in reviewing the rule 1948
and in determining that the rule did not need amendment or 1949
rescission. 1950

(2) The rule has an adverse impact on businesses, and the agency has failed to demonstrate through a business impact analysis, recommendations from the common sense initiative office, and a memorandum of response that the regulatory intent of the rule justifies its adverse impact on businesses.

(3) If the rule incorporates a text or other material by reference, any of the following applies:

(a) The citation accompanying the incorporation by reference is not such as reasonably would enable a reasonable person to whom the rule applies readily and without charge to find and inspect the incorporated text or other material;

(b) The citation accompanying the incorporation by reference is not such as reasonably would enable the joint committee readily and without charge to find and inspect the incorporated text or other material; or

(c) The rule has been exempted in whole or in part from sections 121.71 to 121.74 of the Revised Code on grounds the incorporated text or other material has one or more of the characteristics described in division (B) of section 121.75 of the Revised Code, but the incorporated text or other material actually does not have any of those characteristics.

(4) If the agency is subject to sections 121.95, 121.951, 121.952, and 121.953 of the Revised Code, the agency has failed to justify the retention of a rule containing a regulatory restriction.

(5) The rule implements a federal law or rule in a manner that is more stringent or burdensome than the federal law or rule requires.

If the agency fails to comply with section 106.03 or 106.031 of the Revised Code, the joint committee shall afford the agency an opportunity to appear before the joint committee to show cause

why the agency has not complied with either or both of those 1982
sections. If the agency appears before the joint committee at the 1983
time scheduled for the agency to show cause, and fails to do so, 1984
the joint committee, by vote of a majority of its members present, 1985
may recommend the adoption of a concurrent resolution invalidating 1986
the rule for the agency's failure to show cause. Or if the agency 1987
fails to appear before the joint committee at the time scheduled 1988
for the agency to show cause, the joint committee, by vote of a 1989
majority of its members present, may recommend adoption of a 1990
concurrent resolution invalidating the rule for the agency's 1991
default. 1992

When the joint committee recommends that a rule be 1993
invalidated, the recommendation does not suspend operation of the 1994
rule, and the rule remains operational pending action by the 1995
senate and house of representatives on the concurrent resolution 1996
embodying the recommendation. If the senate and house of 1997
representatives adopt the concurrent resolution, the rule is 1998
invalid. If, however, the senate and house of representatives do 1999
not adopt the resolution, the rule continues in effect, and shall 2000
next be reviewed according to the new review date assigned to the 2001
rule. 2002

Sec. 106.032. If the chairperson of the joint committee on 2003
agency rule review responsible for calling and conducting meetings 2004
under section 101.35 of the Revised Code becomes aware that an 2005
existing rule has had or is having an unintended or unexpected 2006
effect on businesses that is not reasonably within the express or 2007
implied scope of the statute under which the existing rule 2008
purportedly was adopted, ~~the~~ that chairperson may move that the 2009
joint committee order the agency that is administering the 2010
existing rule to submit the existing rule for review under section 2011
106.031 of the Revised Code, the same as if the agency had made a 2012
determination with regard to the existing rule under division 2013

(B)(2) of section 106.03 of the Revised Code. The joint committee 2014
may adopt the motion by vote of a majority of its members. The 2015
joint committee shall not adopt a motion under this paragraph for 2016
a rule if the joint committee previously has adopted a motion 2017
under this paragraph for the same rule within the immediately 2018
preceding five-year period. 2019

The joint committee shall prepare the order in writing, and 2020
shall transmit the order electronically to the agency. The joint 2021
committee also shall transmit a copy of the order electronically 2022
to the director of the legislative service commission and to the 2023
common sense initiative office. The joint committee shall indicate 2024
in the order the date on which the order is transmitted. The 2025
director shall publish the order in the register of Ohio. 2026

Upon receiving the order, the agency shall comply with the 2027
order as soon as reasonably possible, but shall commence 2028
compliance with the order not later than thirty days after the 2029
date on which the order was transmitted. 2030

When an agency complies with the order, proceedings are to be 2031
had with regard to the existing rule under section 106.031 of the 2032
Revised Code, the same as if the agency had made a determination 2033
with regard to the existing rule under division (B)(2) of section 2034
106.03 of the Revised Code. In addition to the standards of review 2035
stated in division (E) of section 106.031 of the Revised Code, the 2036
joint committee may recommend to the senate and house of 2037
representatives the adoption of a concurrent resolution 2038
invalidating the existing rule if the joint committee finds that 2039
the existing rule has an unintended or unexpected effect on 2040
businesses that is not reasonably within the express or implied 2041
scope of the statute under which the agency purportedly adopted 2042
the existing rule. 2043

Sec. 106.04. When the joint committee on agency rule review 2044
recommends invalidation of a proposed or existing rule under 2045
section 106.021 or 106.031 of the Revised Code, the chairperson of 2046
the joint committee responsible for calling and conducting 2047
meetings under section 101.35 of the Revised Code, or another 2048
member of the joint committee designated by ~~the~~ that chairperson, 2049
shall prepare the recommendation of invalidation in writing. The 2050
recommendation shall identify the proposed or existing rule, the 2051
agency that proposed or submitted the proposed or existing rule, 2052
and the finding that caused the joint committee to make the 2053
recommendation. The recommendation briefly shall explain the 2054
finding. 2055

The chairperson of the joint committee responsible for 2056
calling and conducting meetings under section 101.35 of the 2057
Revised Code shall request the legislative service commission to 2058
prepare a concurrent resolution to invalidate the proposed or 2059
existing rule according to the recommendation. The concurrent 2060
resolution shall state the finding that caused the joint committee 2061
to recommend invalidation of the rule. 2062

Sec. 106.041. The chairperson of the joint committee on 2063
agency rule review responsible for calling and conducting meetings 2064
under section 101.35 of the Revised Code, or another member of the 2065
joint committee designated by ~~the~~ that chairperson, shall submit a 2066
concurrent resolution to invalidate a proposed or existing rule to 2067
the clerk of either house of the general assembly. The 2068
recommendation of invalidation and a copy of the proposed or 2069
existing rule also shall be submitted to the clerk along with the 2070
concurrent resolution. 2071

Sec. 107.03. (A) As used in this section, "transportation 2072
budget" means the biennial budget that primarily includes the 2073

following:	2074
(1) Motor fuel excise tax-related appropriations for the department of transportation, public works commission, and department of development;	2075 2076 2077
(2) Other appropriations that pertain to transportation and infrastructure related to transportation.	2078 2079
(B) The governor shall submit a transportation budget to the general assembly not later than four weeks after the general assembly's organization.	2080 2081 2082
(C) The governor shall submit to the general assembly, not later than four weeks after its organization, a state budget containing a complete financial plan for the ensuing fiscal biennium, excluding items of revenue and expenditure described in section 126.022 of the Revised Code. However, in years of a new governor's inauguration, this budget shall be submitted not later than the fifteenth day of March.	2083 2084 2085 2086 2087 2088 2089
(D) In years of a new governor's inauguration, only the new governor shall submit a budget to the general assembly. In addition to other things required by law, each of the governor's budgets shall contain:	2090 2091 2092 2093
(1) A general budget summary by function and agency setting forth the proposed total expenses from each and all funds and the anticipated resources for meeting such expenses; such resources to include any available balances in the several funds at the beginning of the biennium and a classification by totals of all revenue receipts estimated to accrue during the biennium under existing law and proposed legislation.	2094 2095 2096 2097 2098 2099 2100
(2) A detailed statement showing the amounts recommended to be appropriated from each fund for each fiscal year of the biennium for current expenses, including, but not limited to,	2101 2102 2103

personal services, supplies and materials, equipment, subsidies 2104
and revenue distribution, merchandise for resale, transfers, and 2105
nonexpense disbursements, obligations, interest on debt, and 2106
retirement of debt, and for the biennium for capital outlay, to 2107
the respective departments, offices, institutions, as defined in 2108
section 121.01 of the Revised Code, and all other public purposes; 2109
and, in comparative form, the actual expenses by source of funds 2110
during each fiscal year of the previous two bienniums for each 2111
such purpose. No alterations shall be made in the requests for the 2112
legislative and judicial branches of the state filed with the 2113
director of budget and management under section 126.02 of the 2114
Revised Code. If any amount of federal money is recommended to be 2115
appropriated or has been expended for a purpose for which state 2116
money also is recommended to be appropriated or has been expended, 2117
the amounts of federal money and state money involved shall be 2118
separately identified. 2119

(3) A detailed estimate of the revenue receipts in each fund 2120
from each source under existing laws during each year of the 2121
biennium; and, in comparative form, actual revenue receipts in 2122
each fund from each source for each year of the two previous 2123
bienniums; 2124

(4) The estimated cash balance in each fund at the beginning 2125
of the biennium covered by the budget; the estimated liabilities 2126
outstanding against each such balance; and the estimated net 2127
balance remaining and available for new appropriations; 2128

(5) A detailed estimate of the additional revenue receipts in 2129
each fund from each source under proposed legislation, if enacted, 2130
during each year of the biennium; 2131

(6) The most recent report prepared by the department of 2132
taxation under section 5703.48 of the Revised Code, which shall be 2133
submitted to the general assembly as an appendix to the governor's 2134
budget; 2135

(7) The most recent TANF spending plan prepared by the 2136
department of job and family services under section 5101.806 of 2137
the Revised Code, which shall be submitted to the general assembly 2138
as an appendix to the governor's budget; 2139

(8) The medicaid caseload and expenditure forecast report 2140
prepared by the office of budget and management, in consultation 2141
with the department of medicaid, under section 126.021 of the 2142
Revised Code. The report shall be submitted to the general 2143
assembly as a supplemental budget document to provide an in-depth 2144
analysis of the governor's budget recommendations for the medicaid 2145
budget as a whole and for each of the major medicaid appropriation 2146
items. The report shall clearly distinguish a proposed policy 2147
change from continuing law or administrative policy and indicate 2148
whether the data used throughout the report is proposed, 2149
estimated, or actual data for the current or proposed budget 2150
biennium. At a minimum, the report shall delineate a part-to-whole 2151
mapping of the state and federal shares of the general revenue 2152
fund appropriation item 651525, medicaid health care services, or 2153
any other equivalent general revenue fund appropriation item, by 2154
eligibility group and subgroup, service delivery system, delivery 2155
system, medicaid provider, and program. 2156

Sec. 107.032. As used in sections 107.033 to 107.035 of the 2158
Revised Code: 2159

(A) "Aggregate general revenue fund appropriations" means all 2160
appropriations made by the general assembly either directly from 2161
the general revenue fund ~~appropriations made by the general 2162
assembly~~ or indirectly from any nongeneral revenue fund supported 2163
by cash transfers from the general revenue fund except for the 2164
following: 2165

(1) Appropriations of money received from the federal 2166

government;	2167
(2) Appropriations made for tax relief or refunds of taxes	2168
and other overpayments;	2169
(3) Appropriations of money received as gifts.	2170
(B) "Rate of inflation" means the percentage increase or	2171
decrease in the consumer price index over a one year period, based	2172
on the most recent consumer price index for all urban consumers,	2173
midwest region, all items, as determined by the bureau of labor	2174
statistics of the United States department of labor or, if that	2175
index is no longer published, a generally available comparable	2176
index.	2177
(C) "Rate of population change" means the percentage increase	2178
or decrease in the population of this state over a one year	2179
period, based on the most recent population data available for the	2180
state published by the bureau of the census of the United States	2181
department of commerce, or its successor in responsibility, in the	2182
population estimates program, or its successive equivalent.	2183
(D) "Recast fiscal year" means fiscal years 2012, 2016, 2020,	2184
and each fourth fiscal year thereafter.	2185
Sec. 107.033. As part of the state budget the governor	2186
submits to the general assembly under section 107.03 of the	2187
Revised Code, the governor shall include the state appropriation	2188
limitations the general assembly shall not exceed when making	2189
aggregate general revenue fund appropriations for each respective	2190
fiscal year of the biennium covered by that budget. <u>As part of</u>	2191
<u>this submission, the governor shall include a table of all</u>	2192
<u>non-general revenue fund appropriation line items that are subject</u>	2193
<u>to the state appropriation limitation for the current fiscal year</u>	2194
<u>and for each respective fiscal year of the biennium covered by</u>	2195
<u>that budget.</u> The aggregate general revenue fund appropriations the	2196

governor proposes in the state budget also shall not exceed those 2197
limitations for each respective fiscal year of the biennium 2198
covered by that budget. 2199

~~(A) For fiscal year 2008, the state appropriation limitation 2200
is the sum of the following: 2201~~

~~(1) The aggregate general revenue fund appropriations for 2202
fiscal year 2007; plus 2203~~

~~(2) The aggregate general revenue fund appropriations for 2204
fiscal year 2007 multiplied by either three and one half per cent, 2205
or the sum of the rate of inflation plus the rate of population 2206
change, whichever is greater. 2207~~

~~(B) For each fiscal year thereafter that is not a recast 2208
fiscal year, the state appropriation limitation is the sum of the 2209
following: 2210~~

~~(1) The state appropriation limitation for the previous 2211
fiscal year; plus 2212~~

~~(2) The state appropriation limitation for the previous 2213
fiscal year multiplied by either three and one half per cent, or 2214
the sum of the rate of inflation plus the rate of population 2215
change, whichever is greater. 2216~~

~~(C)~~(B) For each recast fiscal year, the state appropriation 2217
limitation is the sum of the following: 2218

(1) The aggregate general revenue fund appropriations for the 2219
previous fiscal year; plus 2220

(2) The aggregate general revenue fund appropriations for the 2221
previous fiscal year multiplied by either three and one half per 2222
cent, or the sum of the rate of inflation plus the rate of 2223
population change, whichever is greater. 2224

~~(D)~~(C) The state appropriation limitation for a fiscal year 2225
shall be increased by the amount of a nongeneral revenue fund 2226

appropriation made in the immediately preceding fiscal year, if 2227
all of the following apply to the nongeneral revenue fund 2228
appropriation: 2229

(1) It was made on or after July 1, 2013. 2230

(2) It is included in the aggregate general revenue fund 2231
appropriations proposed for that fiscal year. 2232

(3) It is being made for the first time from the general 2233
revenue fund. 2234

(D) The main operating appropriations act shall contain a 2235
list of all non-general revenue fund appropriation line items 2236
subject to the state appropriation limitation under this section. 2237

Sec. 107.035 107.034. Any appropriation that, for fiscal year 2238
2007, was an aggregate general revenue fund appropriation shall be 2239
considered an aggregate general revenue fund appropriation for 2240
each succeeding fiscal year with respect to the determination of 2241
the state appropriation limitation under section 107.033 of the 2242
Revised Code, even if it is made from a different fund. Any new 2243
general revenue fund appropriation made in a fiscal year after 2244
fiscal year 2007 shall be considered an aggregate general revenue 2245
fund appropriation for each succeeding fiscal year after it is 2246
first made with respect to the determination of the state 2247
appropriation limitation under section 107.033 of the Revised 2248
Code, even if it is made from a different fund. 2249

Sec. 107.035. For the purpose of calculations made on and 2250
after the effective date of this section, any tax revenue credited 2251
to the general revenue fund under section 113.09 of the Revised 2252
Code any time during fiscal years 2024 to 2027 shall be considered 2253
a general revenue fund tax source to fund general revenue fund 2254
appropriations for each succeeding fiscal year with respect to the 2255
determination of the state appropriation limitation under section 2256

107.033 of the Revised Code, even if that tax revenue is 2257
subsequently credited to a nongeneral revenue fund account. An 2258
appropriation made from that nongeneral revenue fund account shall 2259
be considered as if it were made from the general revenue fund. 2260

Sec. 107.13. (A) The governor, in the governor's official 2261
capacity as the supreme executive of this state, may retain legal 2262
counsel other than from the attorney general for either of the 2263
following purposes: 2264

(1) To represent, and intervene on behalf of, the governor in 2265
any judicial proceeding that involves a challenge to the 2266
constitution or laws of this state and that is an important matter 2267
of statewide concern. The governor may intervene in any such 2268
judicial proceeding at any time as a matter of right. Intervention 2269
under this division shall be in accordance with Rule 24 of the 2270
Ohio Rules of Civil Procedure or with Rule 24 of the Federal Rules 2271
of Civil Procedure, as applicable. 2272

(2) To provide advice and counsel to the governor on matters 2273
that affect the official business of the office of the governor. 2274

(B) The governor shall approve all terms of representation 2275
and authorize payment for all financial costs incurred under 2276
division (A) of this section from the office of the governor's 2277
operating expenses appropriation line item or from a separate 2278
appropriation made for those costs. The requirements of sections 2279
125.05 and 127.16 of the Revised Code do not apply to a 2280
representation agreement entered into under division (A) of this 2281
section. 2282

(C) Notwithstanding any contrary provision of law, nothing in 2283
this section shall be construed to do any of the following: 2284

(1) Constitute a waiver of any executive privilege of the 2285
governor or any executive officer or staff; 2286

<u>(2) Permit any violation of section 9.58 of the Revised Code;</u>	2287
<u>(3) Permit the retention of counsel, or intervention, in any criminal proceeding;</u>	2288
	2289
<u>(4) Limit any authority of the governor that is granted under the constitution of this state or under any other provision of law.</u>	2290
	2291
	2292
<u>Sec. 107.22. (A)(1) There is created the commission on eastern European affairs. The commission shall be made up of the following members:</u>	2293
	2294
	2295
<u>(a) Three members appointed by the governor, with the advice and consent of the senate, to serve a term ending one year after the appointment;</u>	2296
	2297
	2298
<u>(b) Four members appointed by the governor, with the advice and consent of the senate, to serve a term ending two years after the appointment;</u>	2299
	2300
	2301
<u>(c) Two members appointed by the governor, with the advice and consent of the senate, to serve a term ending three years after the appointment;</u>	2302
	2303
	2304
<u>(d) One member who is a private citizen appointed by the speaker of the house of representatives, to serve a term ending three years after the appointment;</u>	2305
	2306
	2307
<u>(e) One member who is a private citizen appointed by the president of the senate, to serve a term ending three years after the appointment;</u>	2308
	2309
	2310
<u>(f) One nonvoting member who is a member of the house of representatives appointed by the speaker of the house of representatives;</u>	2311
	2312
	2313
<u>(g) One nonvoting member who is a member of the senate appointed by the president of the senate.</u>	2314
	2315

(2) Members appointed under divisions (A)(1)(a), (b), (c), (d), and (e) of this section shall be representative of various geographical regions of eastern European people, proportionally representative of the eastern European composition of the state, and shall be at least one of the following: 2316
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2318
2319
2320

(a) A person of eastern European origin; 2321

(b) A United States citizen; 2322

(c) A lawful and permanent resident of the state. 2323

(B)(1) After the initial appointments, each term of office for members appointed under divisions (A)(1)(a), (b), (c), (d), and (e) of this section shall be for three years. The members shall serve from the date of the members' appointment until the end of the three-year term for which the members were appointed. 2324
2325
2326
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(2) Except for members appointed under divisions (A)(1)(f) and (g) of this section, members shall remain in office after the members' term has expired until the earlier of the following occur: 2329
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2331
2332

(a) A successor to the office is appointed; 2333

(b) Thirty days have passed since the end of a member's term and no successor has been appointed. 2334
2335

(3) Members appointed to the commission under divisions (A)(1)(f) and (g) of this section shall serve until the ending date of the members' terms as members of the general assembly. 2336
2337
2338

(4) Vacancies shall be filled in the same manner as appointment. Any member appointed to fill a vacancy shall serve the remainder of the original term for which the vacancy was filled. 2339
2340
2341
2342

(C) The commission shall meet not less than six times during a calendar year. During the first meeting, the commission shall elect from among its members appointed under divisions (A)(1)(a), 2343
2344
2345

(b), (c), (d), and (e) of this section a chairperson, 2346
vice-chairperson, and other officers. The commission shall 2347
prescribe rules to govern the commission. 2348

(D) Six voting members constitute a quorum and no action 2349
shall be taken without the affirmative vote of six voting members. 2350

(E) Members appointed under divisions (A)(1)(a), (b), (c), 2351
(d), and (e) of this section shall be compensated for actual and 2352
necessary expenses incurred and for each day that a member is 2353
engaged in commission duties, not to exceed one day per month. 2354

Sec. 107.23. (A) The commission on eastern European affairs 2355
shall do all of the following: 2356

(1) Gather and disseminate information and conduct hearings, 2357
conferences, investigations, and special studies on issues and 2358
programs concerning eastern European people; 2359

(2) Secure appropriate recognition of accomplishments and 2360
contributions of eastern European people to the state; 2361

(3) Promote public awareness of the issues facing eastern 2362
European people by conducting a program of public education; 2363

(4) Develop, coordinate, and assist other public and private 2364
organizations that serve eastern European people, including 2365
conducting training programs for community leadership and service 2366
project staff; 2367

(5) Advise the governor, general assembly, and state 2368
departments and agencies regarding the nature, magnitude, and 2369
priorities of the issues of eastern European people; 2370

(6) Advise the governor, general assembly, and state 2371
departments and agencies on the special needs of eastern European 2372
people regarding education, employment, energy, health, housing, 2373
welfare, and recreation and develop and implement policies and 2374
programs to address those needs; 2375

<u>(7) Propose new programs concerning eastern European people</u>	2376
<u>to public and private agencies and evaluate any existing programs</u>	2377
<u>within agencies;</u>	2378
<u>(8) Review and approve grants from federal, state, or private</u>	2379
<u>funds that are administered or subcontracted by the office of</u>	2380
<u>eastern European affairs under section 107.24 of the Revised Code;</u>	2381
<u>(9) Review and approve the annual report prepared by the</u>	2382
<u>office of eastern European affairs under section 107.24 of the</u>	2383
<u>Revised Code;</u>	2384
<u>(10) Coordinate and provide information regarding available</u>	2385
<u>state services to meet the needs of eastern European people;</u>	2386
<u>(11) Appoint a director to the office of eastern European</u>	2387
<u>affairs.</u>	2388
<u>(B) As used in this section and sections 107.22 and 107.24 of</u>	2389
<u>the Revised Code, "eastern European people" means persons who</u>	2390
<u>possess either of the following characteristics:</u>	2391
<u>(1) Use an eastern European language as the person's primary</u>	2392
<u>language;</u>	2393
<u>(2) Identify as or are regarded in the community as being of</u>	2394
<u>Albanian, Belarusian, Bosnian and Herzegovinian, Bulgarian,</u>	2395
<u>Carpatho-Rusyn, Croatian, Czech, east European Jewish, Estonian,</u>	2396
<u>Greek, Hungarian, Kashubian, Kosovar, Latvian, Lithuanian,</u>	2397
<u>Lusatian Sorbian, Macedonian, Moldovans, Montenegrins, Polish,</u>	2398
<u>Romanian, Russian, Serbian, Slovak, Slovenian, Transylvanian</u>	2399
<u>Saxon, Ukrainian, or any other eastern European origin.</u>	2400
<u>Sec. 107.24. (A) There is created the office of eastern</u>	2401
<u>European affairs. The office shall serve the commission on eastern</u>	2402
<u>European affairs, which shall appoint a director for the office.</u>	2403
<u>The director shall serve at the pleasure of the commission.</u>	2404
<u>(B) The director of the office of eastern European affairs,</u>	2405

<u>with approval of the commission on eastern European affairs, shall</u>	2406
<u>appoint employees as are necessary to carry out the duties of the</u>	2407
<u>office. The employees shall serve at the pleasure of the director.</u>	2408
<u>(C) The office shall do all of the following:</u>	2409
<u>(1) Provide information and advise the commission of eastern</u>	2410
<u>European affairs on proposed solutions to problems of eastern</u>	2411
<u>European people;</u>	2412
<u>(2) Serve as a clearinghouse to review and comment on all</u>	2413
<u>proposals to meet the needs of eastern European people that are</u>	2414
<u>submitted to the office by public and private agencies;</u>	2415
<u>(3) Apply for and accept grants and gifts from government and</u>	2416
<u>private sources to be administered by the office or subcontracted</u>	2417
<u>to local agencies, as long as the local agencies use the grants</u>	2418
<u>and gifts for the public purpose intended;</u>	2419
<u>(4) Monitor and evaluate all programs subcontracted to local</u>	2420
<u>agencies by the commission on eastern European affairs and ensure</u>	2421
<u>that any grants and gifts from the government are being used for</u>	2422
<u>the public purpose intended;</u>	2423
<u>(5) Endeavor to ensure that eastern European people have</u>	2424
<u>access to decision-making bodies in all state and local government</u>	2425
<u>departments and agencies;</u>	2426
<u>(6) Submit a written annual report of the office's</u>	2427
<u>activities, accomplishments, and recommendations to the commission</u>	2428
<u>on eastern European affairs;</u>	2429
<u>(7) Establish an advisory committee for special subjects, as</u>	2430
<u>needed, to facilitate and maximize community participation in the</u>	2431
<u>operation of the commission on eastern European affairs. An</u>	2432
<u>advisory committee shall be made up of persons representing</u>	2433
<u>community organizations, charitable institutions, public</u>	2434
<u>officials, and other persons as determined by the office.</u>	2435

(8) Establish relationships with local governments, state 2436
governments, and private businesses that promote and ensure equal 2437
opportunity for eastern European people in government, education, 2438
and employment. 2439

Sec. 107.51. As used in sections 107.51 to 107.55 of the 2440
Revised Code, "agency" and "draft rule" have the meanings defined 2441
in section 121.81 of the Revised Code. 2442

Sections 107.51 to 107.55 and 107.61 to 107.63 of the Revised 2443
Code are complementary to sections 121.81 to ~~121.83~~ 121.82 of the 2444
Revised Code. 2445

Sec. 107.63. As used in this section, "small business" means 2446
an independently owned and operated for-profit or nonprofit 2447
business entity, including affiliates, that has fewer than five 2448
hundred full time employees or gross annual sales of less than six 2449
million dollars, and has operations located in the state. 2450

The small business advisory council is established in the 2451
office of the governor. The council shall advise the governor, the 2452
lieutenant governor, and the common sense initiative office on the 2453
adverse impact draft and existing rules might have on small 2454
businesses. The council shall meet at ~~least quarterly~~ the 2455
discretion of the director of the common sense initiative office. 2456

The council consists of nine members. The governor, or the 2457
person to whom the governor has delegated responsibilities for the 2458
common sense initiative office under section 107.61 of the Revised 2459
Code, shall appoint five members, the president of the senate 2460
shall appoint two members, and the speaker of the house of 2461
representatives shall appoint two members. A member serves at the 2462
pleasure of the member's appointing authority. The appointing 2463
authorities shall consult with each other and appoint only 2464
individuals who are representative of small businesses, and shall 2465

do so in such a manner that the membership of the council is 2466
composed of representatives of small businesses that are of 2467
different sizes, engaged in different lines of business, and 2468
located in different parts of the state. 2469

Sec. 109.02. The attorney general is the chief law officer 2470
for the state and all its departments and shall be provided with 2471
adequate office space in Columbus. Except as provided in division 2472
(E) of section 120.06 and in sections 101.55, 107.13, and 3517.152 2473
to 3517.157 of the Revised Code, no state officer or board, or 2474
head of a department or institution of the state shall employ, or 2475
be represented by, other counsel or attorneys at law. The attorney 2476
general shall appear for the state in the trial and argument of 2477
all civil and criminal causes in the supreme court in which the 2478
state is directly or indirectly interested. When required by the 2479
governor or the general assembly, the attorney general shall 2480
appear for the state in any court or tribunal in a cause in which 2481
the state is a party, or in which the state is directly 2482
interested. Upon the written request of the governor, the attorney 2483
general shall prosecute any person indicted for a crime. 2484

Sec. 109.11. (A) There is hereby created in the state 2485
treasury the attorney general reimbursement fund that shall be 2486
used for the expenses of the office of the attorney general in 2487
providing legal services and other services on behalf of the state 2488
or any agency or officer thereof. ~~Except as otherwise provided in~~ 2489
~~this division, all~~ 2490

(B)(1) ~~All~~ amounts received ~~by the attorney general~~ as 2491
reimbursement for legal services and other services that have been 2492
rendered by the office of the attorney general to ~~other state~~ 2493
~~agencies~~ the state or any agency or officer thereof shall be paid 2494
into the state treasury to the credit of the attorney general 2495
reimbursement fund. ~~All~~ 2496

(2) All amounts awarded to the office of the attorney general 2497
by order or judgment of a court to the attorney general or as part 2498
of a settlement or other compromise of claims for attorney's fees, 2499
investigation costs, document management costs, expert witness 2500
fees, fines, and all other costs and fees associated with 2501
representation provided by the ~~attorney general and all amounts~~ 2502
~~awarded to the attorney general by a court~~ office shall be paid 2503
into the state treasury to the credit of the attorney general 2504
reimbursement fund. ~~All~~ 2505

(3) All amounts paid into the state treasury under division 2506
(D)(3) of section 2953.32 or division (B)(3) of section 2953.39 of 2507
the Revised Code and that are required under that division to be 2508
credited to the attorney general reimbursement fund shall be 2509
credited to the fund, and the amounts so credited shall be used by 2510
the bureau of criminal identification and investigation for 2511
expenses related to the sealing or expungement of records. 2512

(C)(1) When seeking an order or judgment of a court or 2513
entering a settlement agreement or other compromise of claims on 2514
behalf of the state or any agency or officer thereof, the office 2515
of the attorney general shall seek to secure payment of all costs, 2516
expenses, and contractual obligations related to the legal 2517
services and other services provided, including attorney fees owed 2518
to special counsel; costs associated with an investigation, 2519
preparation, and presentation of claims asserted, document 2520
management, and depositions; and any fees or expenses owed to any 2521
expert or consulting expert witness. This division does not apply 2522
to matters in which the costs, expenses, and obligations are to be 2523
paid from funds within an available appropriation of the office or 2524
of the agency or officer. 2525

(2) If the office of the attorney general is unable to secure 2526
payment of such costs, expenses, and obligations from an order or 2527
judgment of a court, settlement agreement, or other compromise of 2528

claims, or from an available appropriation of the office or state 2529
agency or officer, the office shall file a report with the 2530
president of the senate and speaker of the house of 2531
representatives detailing the costs, expenses, and obligations 2532
incurred and the efforts made to secure payment of those costs, 2533
expenses, and obligations, including a description of any cost 2534
sharing arrangements with other state attorneys general. 2535

Sec. 109.111. (A) There is hereby created the attorney 2536
general court order and settlement fund, which shall be in the 2537
custody of the treasurer of state but shall not be part of the 2538
state treasury. ~~The~~ 2539

(B) The fund shall consist of ~~all~~ money collected or received 2540
as a result of an order or judgment of ~~any a~~ court or a settlement 2541
or other compromise of claims, to be received or secured by, or 2542
delivered to, the office of the attorney general for transfer, 2543
distribution, disbursement, or allocation pursuant to ~~court the~~ 2544
order, judgment, settlement, or compromise and as provided by law. 2545
~~All~~ 2546

(C) All money in the fund, including investment earnings 2547
thereon, shall be used solely to make payment as directed pursuant 2548
to ~~court the~~ order, judgment, settlement, or compromise and as 2549
provided by law. 2550

Sec. 109.112. (A) If the state of Ohio or any agency or 2551
officer of the state is named in ~~a court~~ an order ~~to be~~ or 2552
judgment of any court or any settlement or compromise of claims as 2553
the recipient of any money collected or received by the office of 2554
the attorney general under section 109.111 of the Revised Code, 2555
the ~~attorney general~~ office shall notify the director of budget 2556
and management of the amount of money to be collected or received 2557
on behalf of the state or any agency or officer thereof under, and 2558

the terms of, the ~~court~~ order, judgment, settlement, or 2559
compromise. The 2560

(B)(1) For amounts awarded, adjudged, settled upon, or 2561
compromised to under division (A) of this section that are or will 2562
be less than two million dollars in total when fully collected or 2563
received on behalf of the state or any agency or officer thereof, 2564
the director, in consultation with the office of the attorney 2565
general, shall determine the appropriate distribution of the money 2566
to the appropriate custodial fund or funds within the state 2567
treasury, consistent with the terms of the order, judgment, 2568
settlement, or compromise and as provided by law. Upon ~~its~~ 2569
collection or receipt, the office of the attorney general shall 2570
transfer the money from the attorney general court order and 2571
settlement fund to the appropriate fund or funds as determined by 2572
the director. 2573

(2) For amounts awarded, adjudged, settled upon, or 2574
compromised to under division (A) of this section that are or will 2575
be two million dollars or more in total when fully collected or 2576
received on behalf of the state or any agency or officer thereof, 2577
upon collection or receipt, the office of the attorney general 2578
shall transfer the money from the attorney general court order and 2579
settlement fund to the large settlements and awards fund 2580
established under section 109.113 of the Revised Code. 2581

Sec. 109.113. (A) The large settlements and awards fund is 2582
created in the state treasury. 2583

(B) The fund shall consist of: 2584

(1) The proceeds of an order or judgment of a court or a 2585
settlement or compromise of claims received by or for use by the 2586
state or an agency or officer thereof, other than those described 2587
in division (B)(1) or (2) of section 109.11 of the Revised Code, 2588

division (B)(1) of section 109.112 of the Revised Code, or due to 2589
the state or a political subdivision under section 131.02 of the 2590
Revised Code, if the total amount is or will be two million 2591
dollars or more when fully collected or received on behalf of the 2592
state or any agency or officer thereof; 2593

(2) Investment earnings on money in the fund. 2594

(C) Pursuant to Ohio Constitution, Article II, Section 22, a 2595
specific appropriation shall be made by law before any money may 2596
be drawn from this fund. 2597

Sec. 109.461. (A) As used in this section, "trauma recovery 2598
center" means a treatment center with a multidisciplinary staff of 2599
clinicians that provides at least the following resources, 2600
treatments, and recovery services to victims of crime, including 2601
the family members of victims of homicide: 2602

(1) Mental health services; 2603

(2) Assertive community-based outreach and clinical care and 2604
case management; 2605

(3) Coordination of care among medical and mental health 2606
providers, other social services, and government agencies as 2607
needed by the client. 2608

(B) The attorney general may develop a grant program to 2609
support trauma recovery centers. The attorney general shall not 2610
use more than five per cent of the money appropriated to the grant 2611
program to pay costs associated with administering the grant 2612
program and shall use at least ninety-five per cent of the money 2613
appropriated to the grant program for the purpose of providing 2614
grants to trauma recovery centers under this section. 2615

(C) If the attorney general develops a grant program as 2616
described in division (B) of this section, the attorney general 2617
shall adopt rules pursuant to Chapter 119. of the Revised Code to 2618

establish procedures for trauma recovery centers to apply to the 2619
attorney general for funding from the grant program. 2620

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2621
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2622
a completed form prescribed pursuant to division (C)(1) of this 2623
section, and a set of fingerprint impressions obtained in the 2624
manner described in division (C)(2) of this section, the 2625
superintendent of the bureau of criminal identification and 2626
investigation shall conduct a criminal records check in the manner 2627
described in division (B) of this section to determine whether any 2628
information exists that indicates that the person who is the 2629
subject of the request previously has been convicted of or pleaded 2630
guilty to any of the following: 2631

(a) A violation of section 2903.01, 2903.02, 2903.03, 2632
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2633
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2634
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2635
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2636
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2637
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2638
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2639
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2640
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 2641
Revised Code, felonious sexual penetration in violation of former 2642
section 2907.12 of the Revised Code, a violation of section 2643
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2644
violation of section 2919.23 of the Revised Code that would have 2645
been a violation of section 2905.04 of the Revised Code as it 2646
existed prior to July 1, 1996, had the violation been committed 2647
prior to that date, or a violation of section 2925.11 of the 2648
Revised Code that is not a minor drug possession offense; 2649

(b) A violation of an existing or former law of this state, 2650
any other state, or the United States that is substantially 2651
equivalent to any of the offenses listed in division (A)(1)(a) of 2652
this section; 2653

(c) If the request is made pursuant to section 3319.39 of the 2654
Revised Code for an applicant who is a teacher, any offense 2655
specified under section 9.79 of the Revised Code or in section 2656
3319.31 of the Revised Code. 2657

(2) On receipt of a request pursuant to section 3712.09 or 2658
3721.121 of the Revised Code, a completed form prescribed pursuant 2659
to division (C)(1) of this section, and a set of fingerprint 2660
impressions obtained in the manner described in division (C)(2) of 2661
this section, the superintendent of the bureau of criminal 2662
identification and investigation shall conduct a criminal records 2663
check with respect to any person who has applied for employment in 2664
a position for which a criminal records check is required by those 2665
sections. The superintendent shall conduct the criminal records 2666
check in the manner described in division (B) of this section to 2667
determine whether any information exists that indicates that the 2668
person who is the subject of the request previously has been 2669
convicted of or pleaded guilty to any of the following: 2670

(a) A violation of section 2903.01, 2903.02, 2903.03, 2671
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2672
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2673
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2674
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2675
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2676
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2677
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2678
2925.22, 2925.23, or 3716.11 of the Revised Code; 2679

(b) An existing or former law of this state, any other state, 2680
or the United States that is substantially equivalent to any of 2681

the offenses listed in division (A)(2)(a) of this section. 2682

(3) On receipt of a request pursuant to section 173.27, 2683
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 2684
5123.081, or 5123.169 of the Revised Code, a completed form 2685
prescribed pursuant to division (C)(1) of this section, and a set 2686
of fingerprint impressions obtained in the manner described in 2687
division (C)(2) of this section, the superintendent of the bureau 2688
of criminal identification and investigation shall conduct a 2689
criminal records check of the person for whom the request is made. 2690
The superintendent shall conduct the criminal records check in the 2691
manner described in division (B) of this section to determine 2692
whether any information exists that indicates that the person who 2693
is the subject of the request previously has been convicted of, 2694
has pleaded guilty to, or (except in the case of a request 2695
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2696
Code) has been found eligible for intervention in lieu of 2697
conviction for any of the following, regardless of the date of the 2698
conviction, the date of entry of the guilty plea, or (except in 2699
the case of a request pursuant to section 5164.34, 5164.341, or 2700
5164.342 of the Revised Code) the date the person was found 2701
eligible for intervention in lieu of conviction: 2702

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2703
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2704
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2705
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2706
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2707
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2708
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2709
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2710
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2711
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2712
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2713

2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2714
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2715
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2716
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2717
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2718
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2719
2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2720
2927.12, or 3716.11 of the Revised Code; 2721

(b) Felonious sexual penetration in violation of former 2722
section 2907.12 of the Revised Code; 2723

(c) A violation of section 2905.04 of the Revised Code as it 2724
existed prior to July 1, 1996; 2725

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2726
the Revised Code when the underlying offense that is the object of 2727
the conspiracy, attempt, or complicity is one of the offenses 2728
listed in divisions (A)(3)(a) to (c) of this section; 2729

(e) A violation of an existing or former municipal ordinance 2730
or law of this state, any other state, or the United States that 2731
is substantially equivalent to any of the offenses listed in 2732
divisions (A)(3)(a) to (d) of this section. 2733

(4) On receipt of a request pursuant to section 2151.86 or 2734
2151.904 of the Revised Code, a completed form prescribed pursuant 2735
to division (C)(1) of this section, and a set of fingerprint 2736
impressions obtained in the manner described in division (C)(2) of 2737
this section, the superintendent of the bureau of criminal 2738
identification and investigation shall conduct a criminal records 2739
check in the manner described in division (B) of this section to 2740
determine whether any information exists that indicates that the 2741
person who is the subject of the request previously has been 2742
convicted of or pleaded guilty to any of the following: 2743

(a) A violation of section 959.13, 2151.421, 2903.01, 2744

2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2745
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2746
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2747
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2748
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2749
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2750
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2751
2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2752
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2753
2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2754
2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the Revised 2755
Code, a violation of section 2905.04 of the Revised Code as it 2756
existed prior to July 1, 1996, a violation of section 2919.23 of 2757
the Revised Code that would have been a violation of section 2758
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2759
had the violation been committed prior to that date, a violation 2760
of section 2925.11 of the Revised Code that is not a minor drug 2761
possession offense, two or more OVI or OVUAC violations committed 2762
within the three years immediately preceding the submission of the 2763
application or petition that is the basis of the request, or 2764
felonious sexual penetration in violation of former section 2765
2907.12 of the Revised Code, or a violation of Chapter 2919. of 2766
the Revised Code that is a felony; 2767

(b) A violation of an existing or former law of this state, 2768
any other state, or the United States that is substantially 2769
equivalent to any of the offenses listed in division (A)(4)(a) of 2770
this section. 2771

(5) Upon receipt of a request pursuant to section 5104.013 of 2772
the Revised Code, a completed form prescribed pursuant to division 2773
(C)(1) of this section, and a set of fingerprint impressions 2774
obtained in the manner described in division (C)(2) of this 2775
section, the superintendent of the bureau of criminal 2776

identification and investigation shall conduct a criminal records 2777
check in the manner described in division (B) of this section to 2778
determine whether any information exists that indicates that the 2779
person who is the subject of the request has been convicted of or 2780
pleaded guilty to any of the following: 2781

(a) A violation of section 2151.421, 2903.01, 2903.02, 2782
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2783
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2784
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2785
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2786
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2787
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2788
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2789
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2790
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2791
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2792
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2793
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2794
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2795
Revised Code, felonious sexual penetration in violation of former 2796
section 2907.12 of the Revised Code, a violation of section 2797
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2798
violation of section 2919.23 of the Revised Code that would have 2799
been a violation of section 2905.04 of the Revised Code as it 2800
existed prior to July 1, 1996, had the violation been committed 2801
prior to that date, a violation of section 2925.11 of the Revised 2802
Code that is not a minor drug possession offense, a violation of 2803
section 2923.02 or 2923.03 of the Revised Code that relates to a 2804
crime specified in this division, or a second violation of section 2805
4511.19 of the Revised Code within five years of the date of 2806
application for licensure or certification. 2807

(b) A violation of an existing or former law of this state, 2808

any other state, or the United States that is substantially 2809
equivalent to any of the offenses or violations described in 2810
division (A)(5)(a) of this section. 2811

(6) Upon receipt of a request pursuant to section 5153.111 of 2812
the Revised Code, a completed form prescribed pursuant to division 2813
(C)(1) of this section, and a set of fingerprint impressions 2814
obtained in the manner described in division (C)(2) of this 2815
section, the superintendent of the bureau of criminal 2816
identification and investigation shall conduct a criminal records 2817
check in the manner described in division (B) of this section to 2818
determine whether any information exists that indicates that the 2819
person who is the subject of the request previously has been 2820
convicted of or pleaded guilty to any of the following: 2821

(a) A violation of section 2903.01, 2903.02, 2903.03, 2822
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2823
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2824
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2825
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2826
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2827
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2828
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2829
felonious sexual penetration in violation of former section 2830
2907.12 of the Revised Code, a violation of section 2905.04 of the 2831
Revised Code as it existed prior to July 1, 1996, a violation of 2832
section 2919.23 of the Revised Code that would have been a 2833
violation of section 2905.04 of the Revised Code as it existed 2834
prior to July 1, 1996, had the violation been committed prior to 2835
that date, or a violation of section 2925.11 of the Revised Code 2836
that is not a minor drug possession offense; 2837

(b) A violation of an existing or former law of this state, 2838
any other state, or the United States that is substantially 2839
equivalent to any of the offenses listed in division (A)(6)(a) of 2840

this section. 2841

(7) On receipt of a request for a criminal records check from 2842
an individual pursuant to section 4749.03 or 4749.06 of the 2843
Revised Code, accompanied by a completed copy of the form 2844
prescribed in division (C)(1) of this section and a set of 2845
fingerprint impressions obtained in a manner described in division 2846
(C)(2) of this section, the superintendent of the bureau of 2847
criminal identification and investigation shall conduct a criminal 2848
records check in the manner described in division (B) of this 2849
section to determine whether any information exists indicating 2850
that the person who is the subject of the request has been 2851
convicted of or pleaded guilty to any criminal offense in this 2852
state or in any other state. If the individual indicates that a 2853
firearm will be carried in the course of business, the 2854
superintendent shall require information from the federal bureau 2855
of investigation as described in division (B)(2) of this section. 2856
Subject to division (F) of this section, the superintendent shall 2857
report the findings of the criminal records check and any 2858
information the federal bureau of investigation provides to the 2859
director of public safety. 2860

(8) On receipt of a request pursuant to section 1321.37, 2861
1321.53, or 4763.05 of the Revised Code, a completed form 2862
prescribed pursuant to division (C)(1) of this section, and a set 2863
of fingerprint impressions obtained in the manner described in 2864
division (C)(2) of this section, the superintendent of the bureau 2865
of criminal identification and investigation shall conduct a 2866
criminal records check with respect to any person who has applied 2867
for a license, permit, or certification from the department of 2868
commerce or a division in the department. The superintendent shall 2869
conduct the criminal records check in the manner described in 2870
division (B) of this section to determine whether any information 2871
exists that indicates that the person who is the subject of the 2872

request previously has been convicted of or pleaded guilty to any 2873
criminal offense in this state, any other state, or the United 2874
States. 2875

(9) On receipt of a request for a criminal records check from 2876
the treasurer of state under section 113.041 of the Revised Code 2877
or from an individual under section 928.03, 4701.08, 4715.101, 2878
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 2879
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 2880
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2881
4747.051, 4751.20, 4751.201, 4751.21, 4753.061, 4755.70, 4757.101, 2882
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 2883
4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 2884
4783.04 of the Revised Code, accompanied by a completed form 2885
prescribed under division (C)(1) of this section and a set of 2886
fingerprint impressions obtained in the manner described in 2887
division (C)(2) of this section, the superintendent of the bureau 2888
of criminal identification and investigation shall conduct a 2889
criminal records check in the manner described in division (B) of 2890
this section to determine whether any information exists that 2891
indicates that the person who is the subject of the request has 2892
been convicted of or pleaded guilty to any criminal offense in 2893
this state or any other state. Subject to division (F) of this 2894
section, the superintendent shall send the results of a check 2895
requested under section 113.041 of the Revised Code to the 2896
treasurer of state and shall send the results of a check requested 2897
under any of the other listed sections to the licensing board 2898
specified by the individual in the request. 2899

(10) On receipt of a request pursuant to section 124.74, 2900
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 2901
Code, a completed form prescribed pursuant to division (C)(1) of 2902
this section, and a set of fingerprint impressions obtained in the 2903
manner described in division (C)(2) of this section, the 2904

superintendent of the bureau of criminal identification and 2905
investigation shall conduct a criminal records check in the manner 2906
described in division (B) of this section to determine whether any 2907
information exists that indicates that the person who is the 2908
subject of the request previously has been convicted of or pleaded 2909
guilty to any criminal offense under any existing or former law of 2910
this state, any other state, or the United States. 2911

(11) On receipt of a request for a criminal records check 2912
from an appointing or licensing authority under section 3772.07 of 2913
the Revised Code, a completed form prescribed under division 2914
(C)(1) of this section, and a set of fingerprint impressions 2915
obtained in the manner prescribed in division (C)(2) of this 2916
section, the superintendent of the bureau of criminal 2917
identification and investigation shall conduct a criminal records 2918
check in the manner described in division (B) of this section to 2919
determine whether any information exists that indicates that the 2920
person who is the subject of the request previously has been 2921
convicted of or pleaded guilty or no contest to any offense under 2922
any existing or former law of this state, any other state, or the 2923
United States that makes the person ineligible for appointment or 2924
retention under section 3772.07 of the Revised Code or that is a 2925
disqualifying offense as defined in that section or substantially 2926
equivalent to a disqualifying offense, as applicable. 2927

(12) On receipt of a request pursuant to section 2151.33 or 2928
2151.412 of the Revised Code, a completed form prescribed pursuant 2929
to division (C)(1) of this section, and a set of fingerprint 2930
impressions obtained in the manner described in division (C)(2) of 2931
this section, the superintendent of the bureau of criminal 2932
identification and investigation shall conduct a criminal records 2933
check with respect to any person for whom a criminal records check 2934
is required under that section. The superintendent shall conduct 2935
the criminal records check in the manner described in division (B) 2936

of this section to determine whether any information exists that 2937
indicates that the person who is the subject of the request 2938
previously has been convicted of or pleaded guilty to any of the 2939
following: 2940

(a) A violation of section 2903.01, 2903.02, 2903.03, 2941
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2942
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2943
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2944
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2945
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2946
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2947
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2948
2925.22, 2925.23, or 3716.11 of the Revised Code; 2949

(b) An existing or former law of this state, any other state, 2950
or the United States that is substantially equivalent to any of 2951
the offenses listed in division (A)(12)(a) of this section. 2952

(13) On receipt of a request pursuant to section 3796.12 of 2953
the Revised Code, a completed form prescribed pursuant to division 2954
(C)(1) of this section, and a set of fingerprint impressions 2955
obtained in a manner described in division (C)(2) of this section, 2956
the superintendent of the bureau of criminal identification and 2957
investigation shall conduct a criminal records check in the manner 2958
described in division (B) of this section to determine whether any 2959
information exists that indicates that the person who is the 2960
subject of the request previously has been convicted of or pleaded 2961
guilty to ~~the following:~~ 2962

~~(a)~~ a disqualifying offense as specified in rules adopted 2963
under section 9.79 and division (B)(2)(b) of section 3796.03 of 2964
the Revised Code if the person who is the subject of the request 2965
is an administrator or other person responsible for the daily 2966
operation of, or an owner or prospective owner, officer or 2967
prospective officer, or board member or prospective board member 2968

of, an entity seeking a license from the department of commerce 2969
under Chapter 3796. of the Revised Code+ 2970

~~(b) A disqualifying offense as specified in rules adopted 2971
under section 9.79 and division (B)(2)(b) of section 3796.04 of 2972
the Revised Code if the person who is the subject of the request 2973
is an administrator or other person responsible for the daily 2974
operation of, or an owner or prospective owner, officer or 2975
prospective officer, or board member or prospective board member 2976
of, an entity seeking a license from the state board of pharmacy 2977
under Chapter 3796. of the Revised Code. 2978~~

(14) On receipt of a request required by section 3796.13 of 2979
the Revised Code, a completed form prescribed pursuant to division 2980
(C)(1) of this section, and a set of fingerprint impressions 2981
obtained in a manner described in division (C)(2) of this section, 2982
the superintendent of the bureau of criminal identification and 2983
investigation shall conduct a criminal records check in the manner 2984
described in division (B) of this section to determine whether any 2985
information exists that indicates that the person who is the 2986
subject of the request previously has been convicted of or pleaded 2987
guilty to the following+ 2988

~~(a) A a disqualifying offense as specified in rules adopted 2989
under division ~~(B)(8)(a)~~(B)(14)(a) of section 3796.03 of the 2990
Revised Code if the person who is the subject of the request is 2991
seeking employment with an entity licensed by the department of 2992
commerce under Chapter 3796. of the Revised Code+ 2993~~

~~(b) A disqualifying offense as specified in rules adopted 2994
under division (B)(14)(a) of section 3796.04 of the Revised Code 2995
if the person who is the subject of the request is seeking 2996
employment with an entity licensed by the state board of pharmacy 2997
under Chapter 3796. of the Revised Code. 2998~~

(15) On receipt of a request pursuant to section 4768.06 of 2999

the Revised Code, a completed form prescribed under division 3000
(C)(1) of this section, and a set of fingerprint impressions 3001
obtained in the manner described in division (C)(2) of this 3002
section, the superintendent of the bureau of criminal 3003
identification and investigation shall conduct a criminal records 3004
check in the manner described in division (B) of this section to 3005
determine whether any information exists indicating that the 3006
person who is the subject of the request has been convicted of or 3007
pleaded guilty to any criminal offense in this state or in any 3008
other state. 3009

(16) On receipt of a request pursuant to division (B) of 3010
section 4764.07 or division (A) of section 4735.143 of the Revised 3011
Code, a completed form prescribed under division (C)(1) of this 3012
section, and a set of fingerprint impressions obtained in the 3013
manner described in division (C)(2) of this section, the 3014
superintendent of the bureau of criminal identification and 3015
investigation shall conduct a criminal records check in the manner 3016
described in division (B) of this section to determine whether any 3017
information exists indicating that the person who is the subject 3018
of the request has been convicted of or pleaded guilty to any 3019
criminal offense in any state or the United States. 3020

(17) On receipt of a request for a criminal records check 3021
under section 147.022 of the Revised Code, a completed form 3022
prescribed under division (C)(1) of this section, and a set of 3023
fingerprint impressions obtained in the manner prescribed in 3024
division (C)(2) of this section, the superintendent of the bureau 3025
of criminal identification and investigation shall conduct a 3026
criminal records check in the manner described in division (B) of 3027
this section to determine whether any information exists that 3028
indicates that the person who is the subject of the request 3029
previously has been convicted of or pleaded guilty or no contest 3030
to any criminal offense under any existing or former law of this 3031

state, any other state, or the United States. 3032

(18) Upon receipt of a request pursuant to division (F) of 3033
section 2915.081 or division (E) of section 2915.082 of the 3034
Revised Code, a completed form prescribed under division (C)(1) of 3035
this section, and a set of fingerprint impressions obtained in the 3036
manner described in division (C)(2) of this section, the 3037
superintendent of the bureau of criminal identification and 3038
investigation shall conduct a criminal records check in the manner 3039
described in division (B) of this section to determine whether any 3040
information exists indicating that the person who is the subject 3041
of the request has been convicted of or pleaded guilty or no 3042
contest to any offense that is a violation of Chapter 2915. of the 3043
Revised Code or to any offense under any existing or former law of 3044
this state, any other state, or the United States that is 3045
substantially equivalent to such an offense. 3046

(19) On receipt of a request pursuant to section 3775.03 of 3047
the Revised Code, a completed form prescribed under division 3048
(C)(1) of this section, and a set of fingerprint impressions 3049
obtained in the manner described in division (C)(2) of this 3050
section, the superintendent of the bureau of criminal 3051
identification and investigation shall conduct a criminal records 3052
check in the manner described in division (B) of this section and 3053
shall request information from the federal bureau of investigation 3054
to determine whether any information exists indicating that the 3055
person who is the subject of the request has been convicted of any 3056
offense under any existing or former law of this state, any other 3057
state, or the United States that is a disqualifying offense as 3058
defined in section 3772.07 of the Revised Code. 3059

(B) Subject to division (F) of this section, the 3060
superintendent shall conduct any criminal records check to be 3061
conducted under this section as follows: 3062

(1) The superintendent shall review or cause to be reviewed 3063

any relevant information gathered and compiled by the bureau under 3064
division (A) of section 109.57 of the Revised Code that relates to 3065
the person who is the subject of the criminal records check, 3066
including, if the criminal records check was requested under 3067
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 3068
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 3069
2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 3070
3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 3071
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 3072
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 3073
the Revised Code, any relevant information contained in records 3074
that have been sealed under section 2953.32 of the Revised Code; 3075

(2) If the request received by the superintendent asks for 3076
information from the federal bureau of investigation, the 3077
superintendent shall request from the federal bureau of 3078
investigation any information it has with respect to the person 3079
who is the subject of the criminal records check, including 3080
fingerprint-based checks of national crime information databases 3081
as described in 42 U.S.C. 671 if the request is made pursuant to 3082
section 2151.86 or 5104.013 of the Revised Code or if any other 3083
Revised Code section requires fingerprint-based checks of that 3084
nature, and shall review or cause to be reviewed any information 3085
the superintendent receives from that bureau. If a request under 3086
section 3319.39 of the Revised Code asks only for information from 3087
the federal bureau of investigation, the superintendent shall not 3088
conduct the review prescribed by division (B)(1) of this section. 3089

(3) The superintendent or the superintendent's designee may 3090
request criminal history records from other states or the federal 3091
government pursuant to the national crime prevention and privacy 3092
compact set forth in section 109.571 of the Revised Code. 3093

(4) The superintendent shall include in the results of the 3094
criminal records check a list or description of the offenses 3095

listed or described in the relevant provision of division (A) of 3096
this section. The superintendent shall exclude from the results 3097
any information the dissemination of which is prohibited by 3098
federal law. 3099

(5) The superintendent shall send the results of the criminal 3100
records check to the person to whom it is to be sent not later 3101
than the following number of days after the date the 3102
superintendent receives the request for the criminal records 3103
check, the completed form prescribed under division (C)(1) of this 3104
section, and the set of fingerprint impressions obtained in the 3105
manner described in division (C)(2) of this section: 3106

(a) If the superintendent is required by division (A) of this 3107
section (other than division (A)(3) of this section) to conduct 3108
the criminal records check, thirty; 3109

(b) If the superintendent is required by division (A)(3) of 3110
this section to conduct the criminal records check, sixty. 3111

(C)(1) The superintendent shall prescribe a form to obtain 3112
the information necessary to conduct a criminal records check from 3113
any person for whom a criminal records check is to be conducted 3114
under this section. The form that the superintendent prescribes 3115
pursuant to this division may be in a tangible format, in an 3116
electronic format, or in both tangible and electronic formats. 3117

(2) The superintendent shall prescribe standard impression 3118
sheets to obtain the fingerprint impressions of any person for 3119
whom a criminal records check is to be conducted under this 3120
section. Any person for whom a records check is to be conducted 3121
under this section shall obtain the fingerprint impressions at a 3122
county sheriff's office, municipal police department, or any other 3123
entity with the ability to make fingerprint impressions on the 3124
standard impression sheets prescribed by the superintendent. The 3125
office, department, or entity may charge the person a reasonable 3126

fee for making the impressions. The standard impression sheets the 3127
superintendent prescribes pursuant to this division may be in a 3128
tangible format, in an electronic format, or in both tangible and 3129
electronic formats. 3130

(3) Subject to division (D) of this section, the 3131
superintendent shall prescribe and charge a reasonable fee for 3132
providing a criminal records check under this section. The person 3133
requesting the criminal records check shall pay the fee prescribed 3134
pursuant to this division. In the case of a request under section 3135
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3136
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 3137
the manner specified in that section. 3138

(4) The superintendent of the bureau of criminal 3139
identification and investigation may prescribe methods of 3140
forwarding fingerprint impressions and information necessary to 3141
conduct a criminal records check, which methods shall include, but 3142
not be limited to, an electronic method. 3143

(D) The results of a criminal records check conducted under 3144
this section, other than a criminal records check specified in 3145
division (A)(7) of this section, are valid for the person who is 3146
the subject of the criminal records check for a period of one year 3147
from the date upon which the superintendent completes the criminal 3148
records check. If during that period the superintendent receives 3149
another request for a criminal records check to be conducted under 3150
this section for that person, the superintendent shall provide the 3151
results from the previous criminal records check of the person at 3152
a lower fee than the fee prescribed for the initial criminal 3153
records check. 3154

(E) When the superintendent receives a request for 3155
information from a registered private provider, the superintendent 3156
shall proceed as if the request was received from a school 3157
district board of education under section 3319.39 of the Revised 3158

Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher.

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section.

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or
entity registered with the superintendent of public instruction
under section 3310.41 of the Revised Code to participate in the
autism scholarship program or section 3310.58 of the Revised Code
to participate in the Jon Peterson special needs scholarship
program.

Sec. 109.71. There is hereby created in the office of the
attorney general the Ohio peace officer training commission. The
commission shall consist of ten members appointed by the governor
with the advice and consent of the senate and selected as follows:
one member representing the public; one member who represents a
fraternal organization representing law enforcement officers; two
members who are incumbent sheriffs; two members who are incumbent
chiefs of police; one member from the bureau of criminal
identification and investigation; one member from the state
highway patrol; one member who is the special agent in charge of a
field office of the federal bureau of investigation in this state;
and one member from the department of education, trade and
industrial education services, law enforcement training.

This section does not confer any arrest authority or any
ability or authority to detain a person, write or issue any
citation, or provide any disposition alternative, as granted under
Chapter 2935. of the Revised Code.

Pursuant to division (A)(9) of section 101.82 of the Revised
Code, the commission is exempt from the requirements of sections
101.82 to 101.87 of the Revised Code.

As used in sections 109.71 to 109.801 of the Revised Code:

(A) "Peace officer" means:

(1) A deputy sheriff, marshal, deputy marshal, member of the
organized police department of a township or municipal

corporation, member of a township police district or joint police 3220
district police force, member of a police force employed by a 3221
metropolitan housing authority under division (D) of section 3222
3735.31 of the Revised Code, or township constable, who is 3223
commissioned and employed as a peace officer by a political 3224
subdivision of this state or by a metropolitan housing authority, 3225
and whose primary duties are to preserve the peace, to protect 3226
life and property, and to enforce the laws of this state, 3227
ordinances of a municipal corporation, resolutions of a township, 3228
or regulations of a board of county commissioners or board of 3229
township trustees, or any of those laws, ordinances, resolutions, 3230
or regulations; 3231

(2) A police officer who is employed by a railroad company 3232
and appointed and commissioned by the secretary of state pursuant 3233
to sections 4973.17 to 4973.22 of the Revised Code; 3234

(3) Employees of the department of taxation engaged in the 3235
enforcement of Chapter 5743. of the Revised Code and designated by 3236
the tax commissioner for peace officer training for purposes of 3237
the delegation of investigation powers under section 5743.45 of 3238
the Revised Code; 3239

(4) An undercover drug agent; 3240

(5) Enforcement agents of the department of public safety 3241
whom the director of public safety designates under section 3242
5502.14 of the Revised Code; 3243

(6) An employee of the department of natural resources who is 3244
a natural resources law enforcement staff officer designated 3245
pursuant to section 1501.013, a natural resources officer 3246
appointed pursuant to section 1501.24, a forest-fire investigator 3247
appointed pursuant to section 1503.09, or a wildlife officer 3248
designated pursuant to section 1531.13 of the Revised Code; 3249

(7) An employee of a park district who is designated pursuant 3250

to section 511.232 or 1545.13 of the Revised Code;	3251
(8) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	3252 3253
(9) A police officer who is employed by a hospital that employs and maintains its own proprietary police department or security department, and who is appointed and commissioned by the secretary of state pursuant to sections 4973.17 to 4973.22 of the Revised Code;	3254 3255 3256 3257 3258
(10) Veterans' homes police officers designated under section 5907.02 of the Revised Code;	3259 3260
(11) A police officer who is employed by a qualified nonprofit corporation police department pursuant to section 1702.80 of the Revised Code;	3261 3262 3263
(12) A state university law enforcement officer appointed under section 3345.04 of the Revised Code or a person serving as a state university law enforcement officer on a permanent basis on June 19, 1978, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program;	3264 3265 3266 3267 3268 3269 3270 3271
(13) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	3272 3273 3274 3275
(14) A member of a campus police department appointed under section 1713.50 of the Revised Code;	3276 3277
(15) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	3278 3279 3280

(16) Investigators appointed by the auditor of state pursuant 3281
to section 117.091 of the Revised Code and engaged in the 3282
enforcement of Chapter 117. of the Revised Code; 3283

(17) A special police officer designated by the 3284
superintendent of the state highway patrol pursuant to section 3285
5503.09 of the Revised Code or a person who was serving as a 3286
special police officer pursuant to that section on a permanent 3287
basis on October 21, 1997, and who has been awarded a certificate 3288
by the executive director of the Ohio peace officer training 3289
commission attesting to the person's satisfactory completion of an 3290
approved state, county, municipal, or department of natural 3291
resources peace officer basic training program; 3292

(18) A special police officer employed by a port authority 3293
under section 4582.04 or 4582.28 of the Revised Code or a person 3294
serving as a special police officer employed by a port authority 3295
on a permanent basis on May 17, 2000, who has been awarded a 3296
certificate by the executive director of the Ohio peace officer 3297
training commission attesting to the person's satisfactory 3298
completion of an approved state, county, municipal, or department 3299
of natural resources peace officer basic training program; 3300

(19) A special police officer employed by a municipal 3301
corporation who has been awarded a certificate by the executive 3302
director of the Ohio peace officer training commission for 3303
satisfactory completion of an approved peace officer basic 3304
training program and who is employed on a permanent basis on or 3305
after March 19, 2003, at a municipal airport, or other municipal 3306
air navigation facility, that has scheduled operations, as defined 3307
in section 119.3 of Title 14 of the Code of Federal Regulations, 3308
14 C.F.R. 119.3, as amended, and that is required to be under a 3309
security program and is governed by aviation security rules of the 3310
transportation security administration of the United States 3311
department of transportation as provided in Parts 1542. and 1544. 3312

of Title 49 of the Code of Federal Regulations, as amended; 3313

(20) A police officer who is employed by an owner or operator 3314
of an amusement park that has an average yearly attendance in 3315
excess of six hundred thousand guests and that employs and 3316
maintains its own proprietary police department or security 3317
department, and who is appointed and commissioned by a judge of 3318
the appropriate municipal court or county court pursuant to 3319
section 4973.17 of the Revised Code; 3320

(21) A police officer who is employed by a bank, savings and 3321
loan association, savings bank, credit union, or association of 3322
banks, savings and loan associations, savings banks, or credit 3323
unions, who has been appointed and commissioned by the secretary 3324
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3325
Code, and who has been awarded a certificate by the executive 3326
director of the Ohio peace officer training commission attesting 3327
to the person's satisfactory completion of a state, county, 3328
municipal, or department of natural resources peace officer basic 3329
training program; 3330

(22) An investigator, as defined in section 109.541 of the 3331
Revised Code, of the bureau of criminal identification and 3332
investigation who is commissioned by the superintendent of the 3333
bureau as a special agent for the purpose of assisting law 3334
enforcement officers or providing emergency assistance to peace 3335
officers pursuant to authority granted under that section; 3336

(23) A state fire marshal law enforcement officer appointed 3337
under section 3737.22 of the Revised Code or a person serving as a 3338
state fire marshal law enforcement officer on a permanent basis on 3339
or after July 1, 1982, who has been awarded a certificate by the 3340
executive director of the Ohio peace officer training commission 3341
attesting to the person's satisfactory completion of an approved 3342
state, county, municipal, or department of natural resources peace 3343
officer basic training program; 3344

(24) A gaming agent employed under section 3772.03 of the Revised Code; 3345
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(25) An employee of the state board of pharmacy designated by the executive director of the board pursuant to section 4729.04 of the Revised Code to investigate violations of Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; 3347
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(26) The inspector general or a deputy inspector general appointed pursuant to section 121.48 of the Revised Code while the inspector general or a deputy inspector general is engaged in the scope of the inspector general's or deputy inspector general's duties under sections 121.42 to 121.52 of the Revised Code. 3352
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(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code. 3357
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(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape. 3359
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(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code. 3362
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(E) "Tactical medical professional" means an EMT, EMT-basic, AEMT, EMT-I, paramedic, nurse, or physician who is trained and certified in a nationally recognized tactical medical training program that is equivalent to "tactical combat casualty care" (TCCC) and "tactical emergency medical support" (TEMS) and who functions in the tactical or austere environment while attached to a law enforcement agency of either this state or a political subdivision of this state. 3364
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(F) "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code and "EMT" and "AEMT" have the same meanings as in section 4765.011 of the Revised Code. 3372
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(G) "Nurse" means any of the following:	3376
(1) Any person who is licensed to practice nursing as a registered nurse by the board of nursing;	3377 3378
(2) Any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code;	3379 3380 3381 3382
(3) Any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code.	3383 3384 3385
(H) "Physician" means a person who is licensed pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	3386 3387 3388
(I) "County correctional officer" has the same meaning as in section 341.41 of the Revised Code.	3389 3390
Sec. 109.77. (A) As used in this section:	3391
(1) "Felony" has the same meaning as in section 109.511 of the Revised Code.	3392 3393
(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	3394 3395
(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:	3396 3397 3398 3399 3400 3401 3402 3403 3404

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	3405 3406 3407
(b) A natural resources law enforcement staff officer, forest-fire investigator, wildlife officer, or natural resources officer of the department of natural resources;	3408 3409 3410
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	3411 3412
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	3413 3414
(e) A state university law enforcement officer;	3415
(f) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	3416 3417 3418 3419
(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	3420 3421 3422
(h) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	3423 3424
(i) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended;	3425 3426 3427 3428 3429 3430 3431 3432 3433
(j) A gaming agent employed under section 3772.03 of the	3434

Revised Code;	3435
<u>(k) The inspector general or a deputy inspector general</u>	3436
<u>appointed pursuant to section 121.48 of the Revised Code.</u>	3437
(2) Every person who is appointed on a temporary basis or for	3438
a probationary term or on other than a permanent basis as any of	3439
the following shall forfeit the appointed position unless the	3440
person previously has completed satisfactorily or, within the time	3441
prescribed by rules adopted by the attorney general pursuant to	3442
section 109.74 of the Revised Code, satisfactorily completes a	3443
state, county, municipal, or department of natural resources peace	3444
officer basic training program for temporary or probationary	3445
officers and is awarded a certificate by the director attesting to	3446
the satisfactory completion of the program:	3447
(a) A peace officer of any county, township, municipal	3448
corporation, regional transit authority, or metropolitan housing	3449
authority;	3450
(b) A natural resources law enforcement staff officer, park	3451
officer, forest officer, preserve officer, wildlife officer, or	3452
state watercraft officer of the department of natural resources;	3453
(c) An employee of a park district under section 511.232 or	3454
1545.13 of the Revised Code;	3455
(d) An employee of a conservancy district who is designated	3456
pursuant to section 6101.75 of the Revised Code;	3457
(e) A special police officer employed by the department of	3458
mental health and addiction services pursuant to section 5119.08	3459
of the Revised Code or the department of developmental	3460
disabilities pursuant to section 5123.13 of the Revised Code;	3461
(f) An enforcement agent of the department of public safety	3462
whom the director of public safety designates under section	3463
5502.14 of the Revised Code;	3464

(g) A special police officer employed by a port authority 3465
under section 4582.04 or 4582.28 of the Revised Code; 3466

(h) A special police officer employed by a municipal 3467
corporation at a municipal airport, or other municipal air 3468
navigation facility, that has scheduled operations, as defined in 3469
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3470
C.F.R. 119.3, as amended, and that is required to be under a 3471
security program and is governed by aviation security rules of the 3472
transportation security administration of the United States 3473
department of transportation as provided in Parts 1542. and 1544. 3474
of Title 49 of the Code of Federal Regulations, as amended. 3475

(3) For purposes of division (B) of this section, a state, 3476
county, municipal, or department of natural resources peace 3477
officer basic training program, regardless of whether the program 3478
is to be completed by peace officers appointed on a permanent or 3479
temporary, probationary, or other nonpermanent basis, shall 3480
include training in the handling of the offense of domestic 3481
violence, other types of domestic violence-related offenses and 3482
incidents, protection orders and consent agreements issued or 3483
approved under section 2919.26 or 3113.31 of the Revised Code, 3484
crisis intervention training, and training on companion animal 3485
encounters and companion animal behavior. The requirement to 3486
complete training in the handling of the offense of domestic 3487
violence, other types of domestic violence-related offenses and 3488
incidents, and protection orders and consent agreements issued or 3489
approved under section 2919.26 or 3113.31 of the Revised Code does 3490
not apply to any person serving as a peace officer on March 27, 3491
1979, and the requirement to complete training in crisis 3492
intervention does not apply to any person serving as a peace 3493
officer on April 4, 1985. Any person who is serving as a peace 3494
officer on April 4, 1985, who terminates that employment after 3495
that date, and who subsequently is hired as a peace officer by the 3496

same or another law enforcement agency shall complete training in 3497
crisis intervention as prescribed by rules adopted by the attorney 3498
general pursuant to section 109.742 of the Revised Code. No peace 3499
officer shall have employment as a peace officer terminated and 3500
then be reinstated with intent to circumvent this section. 3501

(4) Division (B) of this section does not apply to any person 3502
serving on a permanent basis on March 28, 1985, as a park officer, 3503
forest officer, preserve officer, wildlife officer, or state 3504
watercraft officer of the department of natural resources or as an 3505
employee of a park district under section 511.232 or 1545.13 of 3506
the Revised Code, to any person serving on a permanent basis on 3507
March 6, 1986, as an employee of a conservancy district designated 3508
pursuant to section 6101.75 of the Revised Code, to any person 3509
serving on a permanent basis on January 10, 1991, as a preserve 3510
officer of the department of natural resources, to any person 3511
employed on a permanent basis on July 2, 1992, as a special police 3512
officer by the department of mental health and addiction services 3513
pursuant to section 5119.08 of the Revised Code or by the 3514
department of developmental disabilities pursuant to section 3515
5123.13 of the Revised Code, to any person serving on a permanent 3516
basis on May 17, 2000, as a special police officer employed by a 3517
port authority under section 4582.04 or 4582.28 of the Revised 3518
Code, to any person serving on a permanent basis on March 19, 3519
2003, as a special police officer employed by a municipal 3520
corporation at a municipal airport or other municipal air 3521
navigation facility described in division (A)(19) of section 3522
109.71 of the Revised Code, to any person serving on a permanent 3523
basis on June 19, 1978, as a state university law enforcement 3524
officer pursuant to section 3345.04 of the Revised Code and who, 3525
immediately prior to June 19, 1978, was serving as a special 3526
police officer designated under authority of that section, or to 3527
any person serving on a permanent basis on September 20, 1984, as 3528
a liquor control investigator, known after June 30, 1999, as an 3529

enforcement agent of the department of public safety, engaged in 3530
the enforcement of Chapters 4301. and 4303. of the Revised Code. 3531

(5) Division (B) of this section does not apply to any person 3532
who is appointed as a regional transit authority police officer 3533
pursuant to division (Y) of section 306.35 of the Revised Code if, 3534
on or before July 1, 1996, the person has completed satisfactorily 3535
an approved state, county, municipal, or department of natural 3536
resources peace officer basic training program and has been 3537
awarded a certificate by the executive director of the Ohio peace 3538
officer training commission attesting to the person's satisfactory 3539
completion of such an approved program and if, on July 1, 1996, 3540
the person is performing peace officer functions for a regional 3541
transit authority. 3542

(C) No person, after September 20, 1984, shall receive an 3543
original appointment on a permanent basis as a veterans' home 3544
police officer designated under section 5907.02 of the Revised 3545
Code unless the person previously has been awarded a certificate 3546
by the executive director of the Ohio peace officer training 3547
commission attesting to the person's satisfactory completion of an 3548
approved police officer basic training program. Every person who 3549
is appointed on a temporary basis or for a probationary term or on 3550
other than a permanent basis as a veterans' home police officer 3551
designated under section 5907.02 of the Revised Code shall forfeit 3552
that position unless the person previously has completed 3553
satisfactorily or, within one year from the time of appointment, 3554
satisfactorily completes an approved police officer basic training 3555
program. 3556

(D) No bailiff or deputy bailiff of a court of record of this 3557
state and no criminal investigator who is employed by the state 3558
public defender shall carry a firearm, as defined in section 3559
2923.11 of the Revised Code, while on duty unless the bailiff, 3560
deputy bailiff, or criminal investigator has done or received one 3561

of the following: 3562

(1) Has been awarded a certificate by the executive director 3563
of the Ohio peace officer training commission, which certificate 3564
attests to satisfactory completion of an approved state, county, 3565
or municipal basic training program for bailiffs and deputy 3566
bailiffs of courts of record and for criminal investigators 3567
employed by the state public defender that has been recommended by 3568
the Ohio peace officer training commission; 3569

(2) Has successfully completed a firearms training program 3570
approved by the Ohio peace officer training commission prior to 3571
employment as a bailiff, deputy bailiff, or criminal investigator; 3572

(3) Prior to June 6, 1986, was authorized to carry a firearm 3573
by the court that employed the bailiff or deputy bailiff or, in 3574
the case of a criminal investigator, by the state public defender 3575
and has received training in the use of firearms that the Ohio 3576
peace officer training commission determines is equivalent to the 3577
training that otherwise is required by division (D) of this 3578
section. 3579

(E)(1) Before a person seeking a certificate completes an 3580
approved peace officer basic training program, the executive 3581
director of the Ohio peace officer training commission shall 3582
request the person to disclose, and the person shall disclose, any 3583
previous criminal conviction of or plea of guilty of that person 3584
to a felony. 3585

(2) Before a person seeking a certificate completes an 3586
approved peace officer basic training program, the executive 3587
director shall request a criminal history records check on the 3588
person. The executive director shall submit the person's 3589
fingerprints to the bureau of criminal identification and 3590
investigation, which shall submit the fingerprints to the federal 3591
bureau of investigation for a national criminal history records 3592

check. 3593

Upon receipt of the executive director's request, the bureau 3594
of criminal identification and investigation and the federal 3595
bureau of investigation shall conduct a criminal history records 3596
check on the person and, upon completion of the check, shall 3597
provide a copy of the criminal history records check to the 3598
executive director. The executive director shall not award any 3599
certificate prescribed in this section unless the executive 3600
director has received a copy of the criminal history records check 3601
on the person to whom the certificate is to be awarded. 3602

(3) The executive director of the commission shall not award 3603
a certificate prescribed in this section to a person who has been 3604
convicted of or has pleaded guilty to a felony or who fails to 3605
disclose any previous criminal conviction of or plea of guilty to 3606
a felony as required under division (E)(1) of this section. 3607

(4) The executive director of the commission shall revoke the 3608
certificate awarded to a person as prescribed in this section, and 3609
that person shall forfeit all of the benefits derived from being 3610
certified as a peace officer under this section, if the person, 3611
before completion of an approved peace officer basic training 3612
program, failed to disclose any previous criminal conviction of or 3613
plea of guilty to a felony as required under division (E)(1) of 3614
this section. 3615

(F)(1) Regardless of whether the person has been awarded the 3616
certificate or has been classified as a peace officer prior to, 3617
on, or after October 16, 1996, the executive director of the Ohio 3618
peace officer training commission shall revoke any certificate 3619
that has been awarded to a person as prescribed in this section if 3620
the person does either of the following: 3621

(a) Pleads guilty to a felony committed on or after January 3622
1, 1997; 3623

(b) Pleads guilty to a misdemeanor committed on or after 3624
January 1, 1997, pursuant to a negotiated plea agreement as 3625
provided in division (D) of section 2929.43 of the Revised Code in 3626
which the person agrees to surrender the certificate awarded to 3627
the person under this section. 3628

(2) The executive director of the commission shall suspend 3629
any certificate that has been awarded to a person as prescribed in 3630
this section if the person is convicted, after trial, of a felony 3631
committed on or after January 1, 1997. The executive director 3632
shall suspend the certificate pursuant to division (F)(2) of this 3633
section pending the outcome of an appeal by the person from that 3634
conviction to the highest court to which the appeal is taken or 3635
until the expiration of the period in which an appeal is required 3636
to be filed. If the person files an appeal that results in that 3637
person's acquittal of the felony or conviction of a misdemeanor, 3638
or in the dismissal of the felony charge against that person, the 3639
executive director shall reinstate the certificate awarded to the 3640
person under this section. If the person files an appeal from that 3641
person's conviction of the felony and the conviction is upheld by 3642
the highest court to which the appeal is taken or if the person 3643
does not file a timely appeal, the executive director shall revoke 3644
the certificate awarded to the person under this section. 3645

(G)(1) If a person is awarded a certificate under this 3646
section and the certificate is revoked pursuant to division (E)(4) 3647
or (F) of this section, the person shall not be eligible to 3648
receive, at any time, a certificate attesting to the person's 3649
satisfactory completion of a peace officer basic training program. 3650

(2) The revocation or suspension of a certificate under 3651
division (E)(4) or (F) of this section shall be in accordance with 3652
Chapter 119. of the Revised Code. 3653

(H)(1) A person who was employed as a peace officer of a 3654
county, township, or municipal corporation of the state on January 3655

1, 1966, and who has completed at least sixteen years of full-time 3656
active service as such a peace officer, or equivalent service as 3657
determined by the executive director of the Ohio peace officer 3658
training commission, may receive an original appointment on a 3659
permanent basis and serve as a peace officer of a county, 3660
township, or municipal corporation, or as a state university law 3661
enforcement officer, without complying with the requirements of 3662
division (B) of this section. 3663

(2) Any person who held an appointment as a state highway 3664
trooper on January 1, 1966, may receive an original appointment on 3665
a permanent basis and serve as a peace officer of a county, 3666
township, or municipal corporation, or as a state university law 3667
enforcement officer, without complying with the requirements of 3668
division (B) of this section. 3669

(I) No person who is appointed as a peace officer of a 3670
county, township, or municipal corporation on or after April 9, 3671
1985, shall serve as a peace officer of that county, township, or 3672
municipal corporation unless the person has received training in 3673
the handling of missing children and child abuse and neglect cases 3674
from an approved state, county, township, or municipal police 3675
officer basic training program or receives the training within the 3676
time prescribed by rules adopted by the attorney general pursuant 3677
to section 109.741 of the Revised Code. 3678

(J) No part of any approved state, county, or municipal basic 3679
training program for bailiffs and deputy bailiffs of courts of 3680
record and no part of any approved state, county, or municipal 3681
basic training program for criminal investigators employed by the 3682
state public defender shall be used as credit toward the 3683
completion by a peace officer of any part of the approved state, 3684
county, or municipal peace officer basic training program that the 3685
peace officer is required by this section to complete 3686
satisfactorily. 3687

(K) This section does not apply to any member of the police 3688
department of a municipal corporation in an adjoining state 3689
serving in this state under a contract pursuant to section 737.04 3690
of the Revised Code. 3691

(L) The executive director of the commission shall issue a 3692
certificate of completion of a training program required under 3693
this section in accordance with Chapter 4796. of the Revised Code 3694
to an individual if either of the following applies: 3695

(1) The individual holds a certificate of completion of such 3696
a program in another state. 3697

(2) The individual has satisfactory work experience, a 3698
government certification, or a private certification as described 3699
in that chapter in the same profession, occupation, or 3700
occupational activity as the profession, occupation, or 3701
occupational activity for which the certificate is required in 3702
this state in a state that does not require completion of such a 3703
training program. 3704

Sec. 109.803. (A)(1) Subject to divisions (A)(2) and (B) of 3705
this section, every appointing authority shall require each of its 3706
appointed peace officers and troopers to complete ~~up to~~ 3707
twenty-four hours of continuing professional training each 3708
calendar year, ~~as directed by the Ohio peace officer training~~ 3709
~~commission. The number of hours directed by the commission, up to~~ 3710
~~twenty-four~~ Twenty-four hours, is intended to be a minimum 3711
requirement, and appointing authorities are encouraged to exceed 3712
~~the number of hours the commission directs as the~~ twenty-four hour 3713
minimum. ~~The commission shall set the required minimum number of~~ 3714
~~hours based upon available funding for reimbursement as described~~ 3715
~~in this division. If no funding for the reimbursement is~~ 3716
~~available, no continuing professional training will be required~~ A 3717
minimum of twenty-four hours of continuing professional training 3718

shall be reimbursed each calendar year and a maximum of forty 3719
hours of continuing professional training may be reimbursed each 3720
calendar year. 3721

(2) An appointing authority may submit a written request to 3722
the peace officer training commission that requests for a calendar 3723
year because of emergency circumstances an extension of the time 3724
within which one or more of its appointed peace officers or 3725
troopers must complete the required minimum number of hours of 3726
continuing professional training set by the commission, as 3727
described in division (A)(1) of this section. A request made under 3728
this division shall set forth the name of each of the appointing 3729
authority's peace officers or troopers for whom an extension is 3730
requested, identify the emergency circumstances related to that 3731
peace officer or trooper, include documentation of those emergency 3732
circumstances, and set forth the date on which the request is 3733
submitted to the commission. A request shall be made under this 3734
division not later than the fifteenth day of December in the 3735
calendar year for which the extension is requested. 3736

Upon receipt of a written request made under this division, 3737
the executive director of the commission shall review the request 3738
and the submitted documentation. If the executive director of the 3739
commission is satisfied that emergency circumstances exist for any 3740
peace officer or trooper for whom a request was made under this 3741
division, the executive director may approve the request for that 3742
peace officer or trooper and grant an extension of the time within 3743
which that peace officer or trooper must complete the required 3744
minimum number of hours of continuing professional training set by 3745
the commission. An extension granted under this division may be 3746
for any period of time the executive director believes to be 3747
appropriate, and the executive director shall specify in the 3748
notice granting the extension the date on which the extension 3749
ends. Not later than thirty days after the date on which a request 3750

is submitted to the commission, for each peace officer and trooper 3751
for whom an extension is requested, the executive director either 3752
shall approve the request and grant an extension or deny the 3753
request and deny an extension and shall send to the appointing 3754
authority that submitted the request written notice of the 3755
executive director's decision. 3756

If the executive director grants an extension of the time 3757
within which a particular appointed peace officer or trooper of an 3758
appointing authority must complete the required minimum number of 3759
hours of continuing professional training set by the commission, 3760
the appointing authority shall require that peace officer or 3761
trooper to complete the required minimum number of hours of 3762
training not later than the date on which the extension ends. 3763

(B) With the advice of the Ohio peace officer training 3764
commission, the attorney general shall adopt in accordance with 3765
Chapter 119. of the Revised Code rules setting forth minimum 3766
standards for continuing professional training for peace officers 3767
and troopers and governing the administration of continuing 3768
professional training programs for peace officers and troopers. 3769
The rules adopted by the attorney general under division (B) of 3770
this section shall do all of the following: 3771

(1) Allow peace officers and troopers to earn credit for up 3772
to four hours of continuing professional training for time spent 3773
while on duty providing drug use prevention education training 3774
that utilizes evidence-based curricula to students in school 3775
districts, community schools established under Chapter 3314., STEM 3776
schools established under Chapter 3326., and college-preparatory 3777
boarding schools established under Chapter 3328. of the Revised 3778
Code. 3779

(2) Allow a peace officer or trooper appointed by a law 3780
enforcement agency to earn hours of continuing professional 3781
training for other peace officers or troopers appointed by the law 3782

enforcement agency by providing drug use prevention education 3783
training under division (B)(1) of this section so that hours 3784
earned by the peace officer or trooper providing the training in 3785
excess of four hours may be applied to offset the number of 3786
continuing professional training hours required of another peace 3787
officer or trooper appointed by that law enforcement agency. 3788

(3) Prohibit the use of continuing professional training 3789
hours earned under division (B)(1) or (2) of this section from 3790
being used to offset any mandatory hands-on training requirement. 3791

(4) Require a peace officer to complete training on proper 3792
interactions with civilians during traffic stops and other 3793
in-person encounters, which training shall have an online offering 3794
and shall include all of the following topics: 3795

(a) A person's rights during an interaction with a peace 3796
officer, including all of the following: 3797

(i) When a peace officer may require a person to exit a 3798
vehicle; 3799

(ii) Constitutional protections from illegal search and 3800
seizure; 3801

(iii) The rights of a passenger in a vehicle who has been 3802
pulled over for a traffic stop; 3803

(iv) The right for a citizen to record an encounter with a 3804
peace officer. 3805

(b) Proper actions for interacting with a civilian and 3806
methods for diffusing a stressful encounter with a civilian; 3807

(c) Laws regarding questioning and detention by peace 3808
officers, including any law requiring a person to present proof of 3809
identity to a peace officer, and the consequences for a person's 3810
or officer's failure to comply with those laws; 3811

(d) Any other requirements and procedures necessary for the 3812

proper implementation of this section. 3813

(C) The attorney general shall transmit a certified copy of 3814
any rule adopted under this section to the secretary of state. 3815

(D) As used in this section: 3816

(1) "Peace officer" has the same meaning as in section 109.71 3817
of the Revised Code. 3818

(2) "Trooper" means an individual appointed as a state 3819
highway patrol trooper under section 5503.01 of the Revised Code. 3820

(3) "Appointing authority" means any agency or entity that 3821
appoints a peace officer or trooper. 3822

Sec. 111.11. The office of data analytics and archives is 3823
created in the office of the secretary of state. Under the 3824
direction of the secretary of state, the office shall do both of 3825
the following: 3826

(A) Retain voter registration and other election related 3827
data, analyze those data for purposes of maintaining accurate 3828
election data, and publish those data; 3829

(B) Retain, analyze, and publish business services data. 3830

Sec. 111.15. (A) As used in this section: 3831

(1) "Rule" includes any rule, regulation, bylaw, or standard 3832
having a general and uniform operation adopted by an agency under 3833
the authority of the laws governing the agency; any appendix to a 3834
rule; and any internal management rule. "Rule" does not include 3835
any guideline adopted pursuant to section 3301.0714 of the Revised 3836
Code, any order respecting the duties of employees, any finding, 3837
any determination of a question of law or fact in a matter 3838
presented to an agency, or any rule promulgated pursuant to 3839
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 3840
Revised Code. "Rule" includes any amendment or rescission of a 3841

rule. 3842

(2) "Agency" means any governmental entity of the state and 3843
includes, but is not limited to, any board, department, division, 3844
commission, bureau, society, council, institution, state college 3845
or university, community college district, technical college 3846
district, or state community college. "Agency" does not include 3847
the general assembly, the controlling board, the adjutant 3848
general's department, or any court. 3849

(3) "Internal management rule" means any rule, regulation, 3850
bylaw, or standard governing the day-to-day staff procedures and 3851
operations within an agency. 3852

(B)(1) Any rule, other than a rule of an emergency nature, 3853
adopted by any agency pursuant to this section shall be effective 3854
on the tenth day after the day on which the rule in final form and 3855
in compliance with division (B)(3) of this section is filed as 3856
follows: 3857

(a) The rule shall be filed in electronic form with both the 3858
secretary of state and the director of the legislative service 3859
commission; 3860

(b) The rule shall be filed in electronic form with the joint 3861
committee on agency rule review. Division (B)(1)(b) of this 3862
section does not apply to any rule to which division (D) of this 3863
section does not apply. 3864

An agency that adopts or amends a rule that is subject to 3865
division (D) of this section shall assign a review date to the 3866
rule that is not later than five years after its effective date. 3867
If a review date assigned to a rule exceeds the five-year maximum, 3868
the review date for the rule is five years after its effective 3869
date. A rule with a review date is subject to review under section 3870
106.03 of the Revised Code. This paragraph does not apply to a 3871
rule of a state college or university, community college district, 3872

technical college district, or state community college. 3873

If an agency in adopting a rule designates an effective date 3874
that is later than the effective date provided for by division 3875
(B)(1) of this section, the rule if filed as required by such 3876
division shall become effective on the later date designated by 3877
the agency. 3878

Any rule that is required to be filed under division (B)(1) 3879
of this section is also subject to division (D) of this section if 3880
not exempted by that division. 3881

If a rule incorporates a text or other material by reference, 3882
the agency shall comply with sections 121.71 to 121.75 of the 3883
Revised Code. 3884

(2) A rule of an emergency nature necessary for the immediate 3885
preservation of the public peace, health, or safety shall state 3886
the reasons for the necessity. The emergency rule, in final form 3887
and in compliance with division (B)(3) of this section, shall be 3888
filed in electronic form with the secretary of state, the director 3889
of the legislative service commission, and the joint committee on 3890
agency rule review. The emergency rule is effective immediately 3891
upon completion of the latest filing, except that if the agency in 3892
adopting the emergency rule designates an effective date, or date 3893
and time of day, that is later than the effective date and time 3894
provided for by division (B)(2) of this section, the emergency 3895
rule if filed as required by such division shall become effective 3896
at the later date, or later date and time of day, designated by 3897
the agency. 3898

Except as provided in section 107.43 of the Revised Code, an 3899
emergency rule becomes invalid at the end of the one hundred 3900
twentieth day it is in effect. Prior to that date, the agency may 3901
file the emergency rule as a nonemergency rule in compliance with 3902
division (B)(1) of this section. The agency may not refile the 3903

emergency rule in compliance with division (B)(2) of this section 3904
so that, upon the emergency rule becoming invalid under such 3905
division, the emergency rule will continue in effect without 3906
interruption for another one hundred twenty-day period. 3907

The adoption of an emergency rule under division (B)(2) of 3908
this section in response to a state of emergency, as defined under 3909
section 107.42 of the Revised Code, may be invalidated by the 3910
general assembly, in whole or in part, by adopting a concurrent 3911
resolution in accordance with section 107.43 of the Revised Code. 3912

(3) An agency shall file a rule under division (B)(1) or (2) 3913
of this section in compliance with the following standards and 3914
procedures: 3915

(a) The rule shall be numbered in accordance with the 3916
numbering system devised by the director for the Ohio 3917
administrative code. 3918

(b) The rule shall be prepared and submitted in compliance 3919
with the rules of the legislative service commission. 3920

(c) The rule shall clearly state the date on which it is to 3921
be effective and the date on which it will expire, if known. 3922

(d) Each rule that amends or rescinds another rule shall 3923
clearly refer to the rule that is amended or rescinded. Each 3924
amendment shall fully restate the rule as amended. 3925

If the director of the legislative service commission or the 3926
director's designee gives an agency notice pursuant to section 3927
103.05 of the Revised Code that a rule filed by the agency is not 3928
in compliance with the rules of the legislative service 3929
commission, the agency shall within thirty days after receipt of 3930
the notice conform the rule to the rules of the commission as 3931
directed in the notice. 3932

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 3933

of this section shall be recorded by the secretary of state and 3934
the director under the title of the agency adopting the rule and 3935
shall be numbered according to the numbering system devised by the 3936
director. The secretary of state and the director shall preserve 3937
the rules in an accessible manner. Each such rule shall be a 3938
public record open to public inspection and may be transmitted to 3939
any law publishing company that wishes to reproduce it. 3940

(D) At least sixty-five days before a board, commission, 3941
department, division, or bureau of the government of the state 3942
files a rule under division (B)(1) of this section, it shall file 3943
the full text of the proposed rule in electronic form with the 3944
joint committee on agency rule review, and the proposed rule is 3945
subject to legislative review and invalidation under section 3946
106.021 of the Revised Code. If a state board, commission, 3947
department, division, or bureau makes a revision in a proposed 3948
rule after it is filed with the joint committee, the state board, 3949
commission, department, division, or bureau shall promptly file 3950
the full text of the proposed rule in its revised form in 3951
electronic form with the joint committee. A state board, 3952
commission, department, division, or bureau shall also file the 3953
rule summary and fiscal analysis prepared under section 106.024 of 3954
the Revised Code in electronic form along with a proposed rule, 3955
and along with a proposed rule in revised form, that is filed 3956
under this division. If a proposed rule has an adverse impact on 3957
businesses, the state board, commission, department, division, or 3958
bureau also shall file the business impact analysis, any 3959
recommendations received from the common sense initiative office, 3960
and the associated memorandum of response, if any, in electronic 3961
form along with the proposed rule, or the proposed rule in revised 3962
form, that is filed under this division. 3963

A proposed rule that is subject to legislative review under 3964
this division may not be adopted and filed in final form under 3965

division (B)(1) of this section unless the proposed rule has been 3966
filed with the joint committee on agency rule review under this 3967
division and the time for the joint committee to review the 3968
proposed rule has expired without recommendation of a concurrent 3969
resolution to invalidate the proposed rule. 3970

If a proposed rule that is subject to legislative review 3971
under this division implements a federal law or rule, the agency 3972
shall provide to the joint committee a citation to the federal law 3973
or rule the proposed rule implements and a statement as to whether 3974
the proposed rule implements the federal law or rule in a manner 3975
that is more or less stringent or burdensome than the federal law 3976
or rule requires. 3977

As used in this division, "commission" includes the public 3978
utilities commission when adopting rules under a federal or state 3979
statute. 3980

This division does not apply to any of the following: 3981

(1) A proposed rule of an emergency nature; 3982

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 3983
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 3984
4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 3985
Code; 3986

(3) A rule proposed by an agency other than a board, 3987
commission, department, division, or bureau of the government of 3988
the state; 3989

(4) A proposed internal management rule of a board, 3990
commission, department, division, or bureau of the government of 3991
the state; 3992

(5) Any proposed rule that must be adopted verbatim by an 3993
agency pursuant to federal law or rule, to become effective within 3994
sixty days of adoption, in order to continue the operation of a 3995

federally reimbursed program in this state, so long as the 3996
proposed rule contains both of the following: 3997

(a) A statement that it is proposed for the purpose of 3998
complying with a federal law or rule; 3999

(b) A citation to the federal law or rule that requires 4000
verbatim compliance. 4001

(6) An initial rule proposed by the director of health to 4002
impose safety standards and quality-of-care standards with respect 4003
to a health service specified in section 3702.11 of the Revised 4004
Code, or an initial rule proposed by the director to impose 4005
quality standards on a health care facility as defined in section 4006
3702.30 of the Revised Code, if section 3702.12 of the Revised 4007
Code requires that the rule be adopted under this section; 4008

(7) A rule of the state lottery commission pertaining to 4009
instant game rules. 4010

If a rule is exempt from legislative review under division 4011
(D)(5) of this section, and if the federal law or rule pursuant to 4012
which the rule was adopted expires, is repealed or rescinded, or 4013
otherwise terminates, the rule is thereafter subject to 4014
legislative review under division (D) of this section. 4015

Whenever a state board, commission, department, division, or 4016
bureau files a proposed rule or a proposed rule in revised form 4017
under division (D) of this section, it shall also file the full 4018
text of the same proposed rule or proposed rule in revised form in 4019
electronic form with the secretary of state and the director of 4020
the legislative service commission. A state board, commission, 4021
department, division, or bureau shall file the rule summary and 4022
fiscal analysis prepared under section 106.024 of the Revised Code 4023
in electronic form along with a proposed rule or proposed rule in 4024
revised form that is filed with the secretary of state or the 4025
director of the legislative service commission. 4026

Sec. 113.60. (A) As used in this section and sections 113.61 4027
and 113.62 of the Revised Code: 4028

(1) "Service intermediary" means a person or entity that 4029
enters into a pay for success contract under this section and 4030
sections 113.61 and 113.62 of the Revised Code. The service 4031
intermediary may act as the service provider that delivers the 4032
services specified in the contract or may contract with a separate 4033
service provider to deliver those services. 4034

(2) "State agency" and "political subdivision" have the same 4035
meanings as in section 9.23 of the Revised Code. 4036

(B) The treasurer of state shall administer the pay for 4037
success contracting program, shall develop procedures for awarding 4038
pay for success contracts, and may take any action necessary to 4039
implement and administer the program. Under the program, the 4040
treasurer of state may enter into a pay for success contract with 4041
a service intermediary for the delivery of specified services that 4042
benefit the state, a political subdivision, or a group of 4043
political subdivisions, such as programs addressing education, 4044
public health, criminal justice, or natural resource management. 4045
In the case of a contract for the delivery of services that 4046
benefit the state, the treasurer of state shall enter into the 4047
contract jointly with the director of administrative services. The 4048
treasurer of state and, as applicable, the director of 4049
administrative services, may enter into a pay for success contract 4050
under either of the following circumstances: 4051

(1) Upon receiving an appropriation from the general assembly 4052
for the purpose of entering into a pay for success contract; 4053

(2)(a) At the request of a state agency, a political 4054
subdivision, or a group of state agencies or political 4055
subdivisions that the treasurer of state and, as applicable, the 4056
director of administrative services, enter into a pay for success 4057

contract on behalf of the requesting state agency, political 4058
subdivision, or group. The requesting state agency, political 4059
subdivision, or group shall deposit the cost of the contract with 4060
the treasurer of state in the appropriate fund established in 4061
section 113.62 of the Revised Code. 4062

(b) A political subdivision or group of political 4063
subdivisions that requests the treasurer of state to enter into a 4064
pay for success contract on behalf of the political subdivision or 4065
group shall not use state funds to pay the cost of the contract. 4066

(c) The treasurer of state may apply for federal grant moneys 4067
on behalf of a requesting state agency, political subdivision, or 4068
group to pay the cost of all or part of the contract. The 4069
treasurer of state shall not apply for federal grant moneys for 4070
the purpose of entering into a pay for success contract without 4071
first entering into an agreement with a requesting state agency, 4072
political subdivision, or group for the treasurer of state to 4073
apply for those moneys. 4074

(C) The treasurer of state may adopt rules in accordance with 4075
Chapter 119. of the Revised Code to administer the pay for success 4076
contracting program, including rules concerning ~~both of~~ the 4077
following: 4078

(1) The procedure for a state agency, political subdivision, 4079
or group of state agencies or political subdivisions to request 4080
the treasurer of state and, as applicable, the director of 4081
administrative services to enter into a pay for success contract 4082
and to deposit the cost of the contract with the treasurer of 4083
state; 4084

(2) The types of services that are appropriate for a service 4085
provider to provide under a pay for success contract; 4086

(3) Any other rule necessary for the implementation and 4087
administration of section 113.60 to 113.62 of the Revised Code. 4088

~~(D) The rules of the treasurer of state shall include both of the following:~~ 4089
4090

~~(1) A requirement that for not less than seventy five per cent of the pay for success contracts entered into under this section, the performance targets specified in the contract require that, based on available regional or national data, the improvement in the status of this state or the relevant area of this state with respect to the issue the contract is meant to address be greater than the average improvement in status with respect to that issue in other geographical areas during the period of the contract;~~ 4091
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~~(2) A process to ensure that any regional or national data used to determine whether a service provider has met its performance targets under a pay for success contract are scientifically valid.~~ 4100
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Sec. 117.092. When conducting a performance audit pursuant to section 117.46 of the Revised Code, the auditor of state and the auditor of state's authorized representatives shall have access to all employees, books, accounts, reports, vouchers, correspondence files, contracts, money, property, or other records in possession of the state agency or state institution of higher education subject to audit, including access to all electronic data. Every officer or employee of the state agency or state institution of higher education subject to the audit having such records or property under their control shall permit access to and examination of those records upon request. 4104
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All information requested by the auditor of state for the purposes of an audit shall be promptly provided. Such information shall be provided in the format prescribed by the auditor of state along with all items necessary to interpret the requested information, including data. 4115
4116
4117
4118
4119

The auditor of state shall comply with all restrictions 4120
imposed by law on documents, data, or information deemed 4121
confidential or otherwise restricted. The auditor of state shall 4122
provide a data sharing agreement to govern the use of restricted 4123
data if the auditor of state determines an agreement is necessary 4124
to ensure compliance with restrictions imposed by law. 4125

Sec. 117.10. (A) The auditor of state shall audit all public 4126
offices as provided in this chapter. The auditor of state also may 4127
audit the specific funds or accounts of private institutions, 4128
associations, boards, and corporations into which has been placed 4129
or deposited public money from a public office and may require of 4130
them annual reports in such form as the auditor of state 4131
prescribes. The auditor of state may audit some or all of the 4132
other funds or accounts of a private institution, association, 4133
board, or corporation that has received public money from a public 4134
office only if one or more of the following applies: 4135

(1) The audit is specifically required or authorized by the 4136
Revised Code; 4137

(2) The private institution, association, board, or 4138
corporation requests that the auditor of state audit some or all 4139
of its other funds or accounts; 4140

(3) All of the revenue of the private institution, 4141
association, board, or corporation is composed of public money; 4142

(4) The private institution, association, board, or 4143
corporation failed to separately and independently account for the 4144
public money in its possession, in violation of section 117.431 of 4145
the Revised Code; 4146

(5) The auditor of state has a reasonable belief that the 4147
private institution, association, board, or corporation illegally 4148
expended, converted, misappropriated, or otherwise cannot account 4149

for the public money it received from a public office and that it 4150
is necessary to audit its other funds or accounts to make that 4151
determination. 4152

(B) If the auditor of state performs or contracts for the 4153
performance of an audit, including a special audit, of the public 4154
employees retirement system, school employees retirement system, 4155
state teachers retirement system, state highway patrol retirement 4156
system, or Ohio police and fire pension fund, the auditor of state 4157
shall make a timely report of the results of the audit to the Ohio 4158
retirement study council. 4159

(C) The auditor of state may audit the accounts of any 4160
medicaid provider, as defined in section 5164.01 of the Revised 4161
Code. 4162

(D) The auditor of state may audit the construction and 4163
rehabilitation expenses of any federally subsidized residential 4164
rental property, as that term is defined in section 5713.03 of the 4165
Revised Code. 4166

(E) If a public office has been audited by an agency of the 4167
United States government, the auditor of state may, if satisfied 4168
that the federal audit has been conducted according to principles 4169
and procedures not contrary to those of the auditor of state, use 4170
and adopt the federal audit and report in lieu of an audit by the 4171
auditor of state's own office. 4172

~~(E)~~(F) Within thirty days after the creation or dissolution 4173
or the winding up of the affairs of any public office, that public 4174
office shall notify the auditor of state in writing that this 4175
action has occurred. 4176

~~(F)~~(G) Nothing in this section precludes the auditor of state 4177
from issuing to a private institution, association, board, or 4178
corporation a subpoena and compulsory process for the attendance 4179
of witnesses or the production of records under section 117.18 of 4180

the Revised Code if the subpoena and compulsory process is in 4181
furtherance of an audit the auditor of state is authorized by law 4182
to perform. 4183

Sec. 117.103. (A)(1) The auditor of state shall establish and 4184
maintain a system for the reporting of fraud, including misuse and 4185
misappropriation of public money, by any public office or public 4186
official. The system shall allow Ohio residents and the employees 4187
of any public office to make anonymous complaints through a 4188
toll-free telephone number, the auditor of state's web site, or 4189
the United States mail to the auditor of state's office. The 4190
auditor of state shall review all complaints in a timely manner. 4191
4192

(2)(a) Subject to division (A)(2)(b) of this section, the 4193
auditor of state shall keep a log of all complaints filed under 4194
this section, which is a public record under section 149.43 of the 4195
Revised Code. The log shall include the date the complaint was 4196
received, a general description of the nature of the complaint, 4197
the name of the public office or agency with regard to which the 4198
complaint is directed, and a general description of the status of 4199
the review by the auditor of state. If section 149.43 of the 4200
Revised Code or another statute provides for an applicable 4201
exemption from the definition of public record for the information 4202
recorded on the log, that information may be redacted. 4203

(b) The auditor shall not log a complaint regarding an 4204
ongoing criminal investigation, but shall log the complaint not 4205
later than thirty days after the investigation is complete. 4206

~~(B)(1) A public office~~ (c) If the auditor of state determines 4207
that a report made under division (A)(1) of this section involves 4208
probable fraud or theft, including misuse and misappropriation of 4209
public money by any public office or public official, the auditor 4210
of state shall promptly notify the prosecuting attorney, director 4211

of law, village solicitor, or similar chief legal officer of the 4212
municipal corporation in whose jurisdiction the probable fraud or 4213
theft occurred, unless the prosecuting attorney, director of law, 4214
village solicitor, or similar chief legal officer of the municipal 4215
corporation is identified in the report as the alleged perpetrator 4216
of the fraud or theft. 4217

(B) The auditor of state shall create training material 4218
detailing Ohio's fraud-reporting system and the means of reporting 4219
fraud, waste, and abuse. The department of administrative services 4220
shall provide information about the Ohio fraud reporting system 4221
and the means of reporting fraud provide the auditor of state's 4222
training material to each new state employee, statewide elected 4223
official, and member of the general assembly upon employment with 4224
the public office. Such materials shall be as concise as 4225
practicable. The auditor of state shall provide the training 4226
material to employees and elected officials of a political 4227
subdivision. Current employees and elected officials as of the 4228
effective date of this amendment shall complete the training 4229
within ninety days of a date specified by the auditor of state 4230
unless good cause exists for noncompliance. Each new employee or 4231
elected official shall confirm receipt of this information 4232
material within thirty days after taking office or beginning 4233
employment. The training shall be required every four years for 4234
each employee or elected official. The auditor of state shall 4235
provide a model form on the auditor of state's web site to be 4236
printed and used by new public employees and elected officials to 4237
sign and verify their receipt of information material as required 4238
by this section. The auditor of state shall confirm, when 4239
conducting an audit under section 117.11 of the Revised Code, that 4240
new public employees and elected officials have been provided 4241
information material as required by this division. 4242

~~(2) On May 4, 2012, each public office shall make all its~~ 4243

~~employees aware of the fraud reporting system required by this~~ 4244
~~section.~~ 4245

~~(3) Divisions (B)(1) and (2) of this section are satisfied if~~ 4246
~~a public office provides information about the fraud reporting~~ 4247
~~system and the means of reporting fraud in the employee handbook~~ 4248
~~or manual for the public office. An employee shall sign and verify~~ 4249
~~the employee's receipt of such a handbook or manual.~~ 4250

Sec. 117.34. No cause of action on any matter set forth in 4251
any report of the auditor of state made under this chapter shall 4252
accrue until the report is filed with the officer or legal counsel 4253
whose duty it is to institute civil actions for enforcement. No 4254
statutes of limitations otherwise applicable to the cause of 4255
action shall begin to run until the date of filing. Once a report 4256
is submitted to the attorney general under this chapter, the 4257
amount payable shall be a final, certified claim under section 4258
131.02 of the Revised Code. The amount payable may be satisfied 4259
under the process provided in section 5747.12 of the Revised Code. 4260

Sec. 117.46. Each biennium the auditor of state shall conduct 4261
a minimum of four performance audits under this section. Except as 4262
otherwise provided in this section, at least two of the audits 4263
shall be of state agencies selected from a list comprised of the 4264
administrative departments listed in section 121.02 of the Revised 4265
Code and the department of education and at least two of the 4266
audits shall be of other state agencies. At the auditor of state's 4267
discretion, the auditor of state may also conduct performance 4268
audits of state institutions of higher education. The offices of 4269
the attorney general, auditor of state, governor, secretary of 4270
state, and treasurer of state and agencies of the legislative and 4271
judicial branches are not subject to an audit under this section. 4272
4273

The auditor shall select each agency or institution to be audited and shall determine whether to audit the entire agency or institution or a portion of the agency or institution by auditing one or more programs, offices, boards, councils, or other entities within that agency or institution. The auditor shall make the selection and determination in consultation with the governor and the speaker and minority leader of the house of representatives and president and minority leader of the senate.

An audit of a portion of an agency or institution shall be considered an audit of one agency or institution. The authority to audit a portion of an agency or institution in no way limits the auditor's ability to audit an entire agency or institution if it is in the best interest of the state.

The performance audits under this section shall be conducted pursuant to sections 117.01 and 117.13 of the Revised Code. In conducting a performance audit, the auditor of state shall determine the scope of the audit, but shall consider, if appropriate, supervisory and subordinate level operations in the agency or institution. A performance audit under this section shall not include review or evaluation of an institution's academic performance.

As used in this section and in sections 117.461, 117.462, 117.463, and 117.47, ~~117.471, and 147.472~~ of the Revised Code, "state institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

Sec. 117.462. (A) ~~A~~ Not later than two months after the end of the comment period for the audit, a state agency or state institution of higher education shall ~~implement~~ develop an implementation plan for the recommendations of a performance audit conducted pursuant to section 117.46 of the Revised Code. ~~If~~

(B) If an agency or institution does not commence

implementation of such recommendations within ~~three~~ four months 4305
after the end of the comment period for the audit, the agency or 4306
institution shall do both of the following: 4307

(1) File a report explaining why the agency or institution 4308
has not commenced implementation of the recommendations with the 4309
governor, auditor of state, speaker and minority leader of the 4310
house of representatives, and president and minority leader of the 4311
senate; 4312

(2) ~~Provide~~ Request an opportunity to provide testimony 4313
explaining why the agency or institution has not commenced 4314
implementation of the recommendations to the house of 4315
representatives and senate committees dealing primarily with the 4316
programs and activities of the agency or institution. 4317

~~(B)(C)~~ Comments submitted to the agency or institution under 4318
section 117.461 of the Revised Code shall be attached to the 4319
report required by division ~~(A)(1)~~(B)(1) of this section. 4320

~~(C)(D)~~ If an agency or institution does not fully implement 4321
an audit recommendation within one year after the end of the 4322
comment period for the audit, the agency or institution shall file 4323
a report with the ~~governor, auditor, speaker and minority leader~~ 4324
~~of the house of representatives, and president and minority leader~~ 4325
~~of the senate~~ and with the governor or the governing authority of 4326
the agency or institution, justifying why the recommendation has 4327
not or will not be implemented. After consideration of this 4328
report, the agency director or the governing authority shall 4329
submit a letter in writing to the auditor, the speaker and 4330
minority leader of the house of representatives, and the president 4331
and minority leader of the senate outlining the status and plan 4332
for the implementation of the recommendations. 4333

Sec. 117.463. (A) The auditor of state shall annually submit 4334
a report in writing to the governor, the speaker and minority 4335

leader of the house of representatives, and the president and 4336
minority leader of the senate ~~describing both~~ containing all of 4337
the following: 4338

(1) ~~Whether~~ The progress state agencies or state institutions 4339
of higher education ~~that received~~ have made in implementing the 4340
recommendations contained in recent performance audits ~~in the~~ 4341
~~immediately preceding year implemented the audit recommendations;~~ 4342

(2) The amount of money saved as a result of the 4343
implementation; 4344

(3) Other operational and programmatic improvements or 4345
efficiencies that have been achieved as a result of the 4346
implementation. 4347

(B) The auditor of state shall establish a process for 4348
obtaining the information required for the report. Submissions 4349
from agencies and institutions intended for inclusion in this 4350
annual report shall not substitute the requirements of section 4351
117.462 of the Revised Code. 4352

(C) The report shall be submitted no later than the ~~thirtieth~~ 4353
first day of ~~March~~ November of each year. 4354

Sec. 117.47. There is hereby created in the state treasury 4355
the ~~leverage for efficiency, accountability, and performance~~ 4356
auditor's innovation fund. The auditor of state ~~shall~~ may use the 4357
fund ~~to:~~ 4358

~~(A) Make loans to state agencies, local public offices, and~~ 4359
~~state institutions of higher education that have applied to and~~ 4360
~~been approved by the auditor of state to receive the loans and to~~ 4361
~~pay the costs of conducting performance audits incurred by the~~ 4362
~~auditor of state; or~~ 4363

~~(B) Pay the costs the auditor of state or the auditor's~~ 4364

~~auditing team incurs to conduct a feasibility study requested~~ 4365
~~under section 117.473 of the Revised Code for innovative audit,~~ 4366
~~accounting, or local government assistance services that improve~~ 4367
~~the quality or increase the range of services offered to local~~ 4368
~~governments and school districts.~~ 4369

The fund shall consist of money appropriated to it ~~plus the~~ 4370
~~repayments of principal and interest on loans made from the fund.~~ 4371
~~Interest earned on money in the fund shall be credited to the~~ 4372
~~fund.~~ 4373

~~During a fiscal year, the auditor of state shall use not more~~ 4374
~~than fifty per cent of the fund to make loans under division (A)~~ 4375
~~of this section and not more than fifty per cent to pay costs~~ 4376
~~under division (B) of this section.~~ 4377

Sec. 117.473. A state agency or local public office may 4378
request that the auditor of state conduct a feasibility study to 4379
determine if greater efficiency or cost savings could be realized 4380
by the state agency or local public office sharing services or 4381
facilities with other state agencies or local public offices. In 4382
the request, the requesting state agency or local public office 4383
shall identify for the auditor of state the specific state 4384
agencies or local public offices that may be included within the 4385
proposed plan for sharing services or facilities. The auditor of 4386
state may proceed with a requested feasibility study at the 4387
discretion of the auditor of state. 4388

The auditor of state shall provide written notification to 4389
each state agency and local public office that is identified in a 4390
request. The auditor of state may review only those identified 4391
state agencies or local public offices that do not opt out. To opt 4392
out, a state agency or local public office shall provide an opt 4393
out notice to the auditor of state within sixty days of the date 4394
on which the auditor's notification to the state agency or local 4395

public office is postmarked. If a state agency or local public office opts out of a requested feasibility study, the auditor of state, at the auditor's discretion, may cancel the feasibility study or may proceed to conduct the feasibility study considering only the identified state agencies and local public offices that have not opted out.

~~The auditing team that conducts performance audits shall conduct the feasibility study requested by a state agency or local public office as funds are allowed and available under section 117.47 of the Revised Code.~~

Not later than ten days before commencing a feasibility study requested under this section, the auditor of state shall provide written notice to the requesting state agency or local public office, and any other state agency or local public office that consented to being reviewed, of the date the study will be commenced.

The auditor of state shall pay the costs incurred by the auditor or the auditing team in conducting feasibility studies under this section.

Not later than one hundred eighty days after completing a feasibility study, the auditor of state shall conduct a public hearing on the feasibility study findings. Not later than ten days before the date of the public hearing, the auditor shall give notice of the date, time, and location of the public hearing in writing to the state agency or local public office that requested the feasibility study, to any other state agency or local public office that consented to being reviewed, and on the auditor's web site.

Sec. 119.01. As used in sections 119.01 to 119.13 of the Revised Code:

(A)(1) "Agency" means, except as limited by this division, 4426
any official, board, or commission having authority to promulgate 4427
rules or make adjudications in the civil service commission, the 4428
division of liquor control, the department of taxation, the 4429
industrial commission, the bureau of workers' compensation, the 4430
functions of any administrative or executive officer, department, 4431
division, bureau, board, or commission of the government of the 4432
state specifically made subject to sections 119.01 to 119.13 of 4433
the Revised Code, and the licensing functions of any 4434
administrative or executive officer, department, division, bureau, 4435
board, or commission of the government of the state having the 4436
authority or responsibility of issuing, suspending, revoking, or 4437
canceling licenses. 4438

Sections 119.01 to 119.13 of the Revised Code do not apply to 4439
the public utilities commission. Sections 119.01 to 119.13 of the 4440
Revised Code do not apply to the utility radiological safety 4441
board; to the controlling board; to actions of the superintendent 4442
of financial institutions and the superintendent of insurance in 4443
the taking possession of, and rehabilitation or liquidation of, 4444
the business and property of banks, savings and loan associations, 4445
savings banks, credit unions, insurance companies, associations, 4446
reciprocal fraternal benefit societies, and bond investment 4447
companies; to any action taken by the division of securities under 4448
section 1707.201 of the Revised Code; or to any action that may be 4449
taken by the superintendent of financial institutions under 4450
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 4451
1349.33, 1733.35, 1733.361, 1733.37, or 1761.03 of the Revised 4452
Code. 4453

Sections 119.01 to 119.13 of the Revised Code do not apply to 4454
actions of the industrial commission or the bureau of workers' 4455
compensation under sections 4123.01 to 4123.94 of the Revised Code 4456
with respect to all matters of adjudication, or to the actions of 4457

the industrial commission, bureau of workers' compensation board 4458
of directors, and bureau of workers' compensation under division 4459
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 4460
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, 4461
divisions (B), (C), and (E) of section 4131.04, and divisions (B), 4462
(C), and (E) of section 4131.14 of the Revised Code with respect 4463
to all matters concerning the establishment of premium, 4464
contribution, and assessment rates. 4465

(2) "Agency" also means any official or work unit having 4466
authority to promulgate rules or make adjudications in the 4467
department of job and family services, but only with respect to 4468
both of the following: 4469

(a) The adoption, amendment, or rescission of rules that 4470
section 5101.09 of the Revised Code requires be adopted in 4471
accordance with this chapter; 4472

(b) The issuance, suspension, revocation, or cancellation of 4473
licenses. 4474

(B) "License" means any license, permit, certificate, 4475
commission, or charter issued by any agency. "License" does not 4476
include any arrangement whereby a person or government entity 4477
furnishes medicaid services under a provider agreement with the 4478
department of medicaid. 4479

(C) "Rule" means any rule, regulation, or standard, having a 4480
general and uniform operation, adopted, promulgated, and enforced 4481
by any agency under the authority of the laws governing such 4482
agency, and includes any appendix to a rule. "Rule" does not 4483
include any internal management rule of an agency unless the 4484
internal management rule affects private rights and does not 4485
include any guideline adopted pursuant to section 3301.0714 of the 4486
Revised Code. 4487

(D) "Adjudication" means the determination by the highest or 4488

ultimate authority of an agency of the rights, duties, privileges, 4489
benefits, or legal relationships of a specified person, but does 4490
not include the issuance of a license in response to an 4491
application with respect to which no question is raised, nor other 4492
acts of a ministerial nature. 4493

(E) "Hearing" means a public hearing by any agency in 4494
compliance with procedural safeguards afforded by sections 119.01 4495
to 119.13 of the Revised Code. 4496

(F) "Person" means a person, firm, corporation, association, 4497
or partnership. 4498

(G) "Party" means the person whose interests are the subject 4499
of an adjudication by an agency. 4500

(H) "Appeal" means the procedure by which a person, aggrieved 4501
by a finding, decision, order, or adjudication of any agency, 4502
invokes the jurisdiction of a court. 4503

(I) "Internal management rule" means any rule, regulation, or 4504
standard governing the day-to-day staff procedures and operations 4505
within an agency. 4506

Sec. 119.05. (A) As used in this section: 4507

(1) "Last known address" means the mailing address or the 4508
electronic mail address appearing in an agency's official records. 4509

(2) "Traceable delivery service" means a delivery service 4510
provided by the United States postal service or a domestic 4511
commercial delivery service allowing the sender to track a sent 4512
item's progress and providing notice of a completed delivery to 4513
the sender. 4514

(B) Unless otherwise provided by law, in an adjudication 4515
conducted in accordance with sections 119.01 to 119.13 of the 4516
Revised Code, an agency may serve a document on a party to the 4517
adjudication through any of the following methods: 4518

<u>(1) Electronic mail at the party's last known address;</u>	4519
<u>(2) Facsimile transmission at the party's facsimile number</u>	4520
<u>appearing in the agency's official records;</u>	4521
<u>(3) Traceable delivery service at the party's last known</u>	4522
<u>address;</u>	4523
<u>(4) Personal service at the party's last known address.</u>	4524
<u>(C) Service of a document using a method listed in division</u>	4525
<u>(B) of this section is complete on the following dates:</u>	4526
<u>(1) For electronic mail, the date receipt of the document is</u>	4527
<u>relayed electronically to the agency either by a direct reply from</u>	4528
<u>the recipient or through electronic tracking software</u>	4529
<u>demonstrating that the recipient accessed the document.</u>	4530
<u>(2) For facsimile transmission, the date indicated on the</u>	4531
<u>facsimile transmission confirmation page.</u>	4532
<u>(3) For traceable delivery service, the date of delivery</u>	4533
<u>indicated on the notice of completed delivery provided to the</u>	4534
<u>agency by the United States postal service or domestic commercial</u>	4535
<u>delivery service.</u>	4536
<u>(4) For personal service, the date indicated on a document</u>	4537
<u>confirming physical delivery signed by either the intended</u>	4538
<u>recipient, an adult located at the intended recipient's address,</u>	4539
<u>or delivery personnel.</u>	4540
<u>(D) If an agency fails to complete service under division (C)</u>	4541
<u>of this section using a party's last known address or facsimile</u>	4542
<u>number, the agency may complete service by any method described in</u>	4543
<u>division (B) of this section at an alternative address or</u>	4544
<u>facsimile number. The agency shall verify the alternative address</u>	4545
<u>or number as current before service. If an agency completes</u>	4546
<u>service at an alternative address, the agency is not required to</u>	4547
<u>complete service under division (E) of this section.</u>	4548

(E) If an agency is unable to complete service using a method 4549
described in division (B) of this section, the agency shall 4550
publish a summary of the notice's substantive provisions in a 4551
newspaper of general circulation in the county where the last 4552
known address of the party is located. Notice by publication under 4553
this division is complete on the date of publication. An agency 4554
that completes service by publication under this division shall 4555
send a proof of publication affidavit, with the publication of the 4556
notice set forth in the affidavit, to the party by ordinary mail 4557
at the party's last known address. 4558

Sec. 119.06. No adjudication order of an agency shall be 4559
valid unless the agency is specifically authorized by law to make 4560
such order. 4561

No adjudication order shall be valid unless an opportunity 4562
for a hearing is afforded in accordance with sections 119.01 to 4563
119.13 of the Revised Code. Such opportunity for a hearing shall 4564
be given before making the adjudication order except in those 4565
situations where this section provides otherwise. 4566

The following adjudication orders shall be effective without 4567
a hearing: 4568

(A) Orders revoking a license in cases where an agency is 4569
required by statute to revoke a license pursuant to the judgment 4570
of a court; 4571

(B) Orders suspending a license where a statute specifically 4572
permits the suspension of a license without a hearing; 4573

(C) Orders or decisions of an authority within an agency if 4574
the rules of the agency or the statutes pertaining to such agency 4575
specifically give a right of appeal to a higher authority within 4576
such agency, to another agency, or to the board of tax appeals, 4577
and also give the appellant a right to a hearing on such appeal. 4578

When a statute permits the suspension of a license without a 4579
prior hearing, any agency issuing an order pursuant to such 4580
statute shall afford the person to whom the order is issued a 4581
hearing upon request. 4582

Whenever an agency claims that a person is required by 4583
statute to obtain a license, it shall afford a hearing upon the 4584
request of a person who claims that the law does not impose such a 4585
requirement. 4586

Every agency shall afford a hearing upon the request of any 4587
person who has been refused admission to an examination where such 4588
examination is a prerequisite to the issuance of a license unless 4589
a hearing was held prior to such refusal. 4590

Unless a hearing was held prior to the refusal to issue the 4591
license, every agency shall afford a hearing upon the request of a 4592
person whose application for a license has been rejected and to 4593
whom the agency has refused to issue a license, whether it is a 4594
renewal or a new license, except that the following are not 4595
required to afford a hearing to a person to whom a new license has 4596
been refused because the person failed a licensing examination: 4597
the state medical board, state chiropractic board, architects 4598
board, Ohio landscape architects board, and any section of the 4599
Ohio occupational therapy, physical therapy, and athletic trainers 4600
board. 4601

When periodic registration of licenses is required by law, 4602
the agency shall afford a hearing upon the request of any licensee 4603
whose registration has been denied, unless a hearing was held 4604
prior to such denial. 4605

When periodic registration of licenses or renewal of licenses 4606
is required by law, a licensee who has filed an application for 4607
registration or renewal within the time and in the manner provided 4608
by statute or rule of the agency shall not be required to 4609

discontinue a licensed business or profession merely because of 4610
the failure of the agency to act on the licensee's application. 4611
~~Action of an agency rejecting any such~~ An agency's rejection of an 4612
application for registration or renewal shall not be effective 4613
~~prior to fifteen days~~ until the fifteenth day after the notice of 4614
the rejection is mailed to the licensee. 4615

Sec. 119.062. (A) Notwithstanding section 119.06 of the 4616
Revised Code, the registrar of motor vehicles is not required to 4617
hold any hearing in connection with an order canceling or 4618
suspending a motor vehicle driver's or commercial driver's license 4619
pursuant to section 2903.06, 2903.08, 2921.331, 4549.02, 4549.021, 4620
or 5743.99 or any provision of Chapter 2925., 4509., 4510., or 4621
4511. of the Revised Code or in connection with an out-of-service 4622
order issued under Chapter 4506. of the Revised Code. 4623

(B) Notwithstanding section 119.07 of the Revised Code, the 4624
registrar is not required to ~~use registered mail, return receipt~~ 4625
~~requested,~~ comply with section 119.05 of the Revised Code in 4626
connection with an order canceling or suspending a motor vehicle 4627
driver's or commercial driver's license or a notification to a 4628
person to surrender a certificate of registration and registration 4629
plates. 4630

Sec. 119.07. Except when a statute prescribes a notice and 4631
the persons to whom it shall be given, in all cases in which 4632
section 119.06 of the Revised Code requires an agency to afford an 4633
opportunity for a hearing prior to the issuance of an order, the 4634
agency shall give notice to the party informing the party of the 4635
party's right to a hearing. Notice shall be ~~given by registered~~ 4636
~~mail, return receipt requested,~~ served in accordance with section 4637
119.05 of the Revised Code and shall include the charges or other 4638
reasons for the proposed action, the law or rule directly 4639
involved, and a statement informing the party that the party is 4640

entitled to a hearing if the party requests it within thirty days 4641
of the time of ~~mailing the notice~~ service. The notice shall also 4642
inform the party that at the hearing the party may appear in 4643
person, by the party's attorney, or by such other representative 4644
as is permitted to practice before the agency, or may present the 4645
party's position, arguments, or contentions in writing and that at 4646
the hearing the party may present evidence and examine witnesses 4647
appearing for and against the party. A copy of the notice shall be 4648
~~mailed~~ provided to attorneys or other representatives of record 4649
representing the party. This paragraph does not apply to 4650
situations in which such section provides for a hearing only when 4651
it is requested by the party. 4652

When a statute specifically permits the suspension of a 4653
license without a prior hearing, notice of the agency's order 4654
shall be ~~sent to~~ served on the party ~~by registered mail, return~~ 4655
~~receipt requested,~~ in accordance with section 119.05 of the 4656
Revised Code not later than the business day next succeeding such 4657
order. The notice shall state the reasons for the agency's action, 4658
cite the law or rule directly involved, and state that the party 4659
will be afforded a hearing if the party requests it within thirty 4660
days of the ~~time of mailing the~~ date on which notice is served. A 4661
copy of the notice shall be ~~mailed~~ provided to attorneys or other 4662
representatives of record representing the party. 4663

Whenever a party requests a hearing in accordance with this 4664
section and section 119.06 of the Revised Code, the agency shall 4665
immediately set the date, time, and place for the hearing and 4666
~~forthwith notify~~ serve the party ~~thereof~~ with notice of the 4667
hearing. The date set for the hearing shall be within fifteen 4668
days, but not earlier than seven days, after the party has 4669
requested a hearing, unless otherwise agreed to by both the agency 4670
and the party. 4671

~~When any notice sent by registered mail, as required by~~ 4672

~~sections 119.01 to 119.13 of the Revised Code, is returned because 4673
the party fails to claim the notice, the agency shall send the 4674
notice by ordinary mail to the party at the party's last known 4675
address and shall obtain a certificate of mailing. Service by 4676
ordinary mail is complete when the certificate of mailing is 4677
obtained unless the notice is returned showing failure of 4678
delivery. 4679~~

~~If any notice sent by registered or ordinary mail is returned 4680
for failure of delivery, the agency either shall make personal 4681
delivery of the notice by an employee or agent of the agency or 4682
shall cause a summary of the substantive provisions of the notice 4683
to be published once a week for three consecutive weeks in a 4684
newspaper of general circulation in the county where the last 4685
known address of the party is located. When notice is given by 4686
publication, a proof of publication affidavit, with the first 4687
publication of the notice set forth in the affidavit, shall be 4688
mailed by ordinary mail to the party at the party's last known 4689
address and the notice shall be deemed received as of the date of 4690
the last publication. An employee or agent of the agency may make 4691
personal delivery of the notice upon a party at any time. 4692~~

~~Refusal of delivery by personal service or by mail is not 4693
failure of delivery and service is deemed to be complete. Failure 4694
of delivery occurs only when a mailed notice is returned by the 4695
postal authorities marked undeliverable, address or addressee 4696
unknown, or forwarding address unknown or expired. A party's last 4697
known address is the mailing address of the party appearing in the 4698
records of the agency. 4699~~

The failure of an agency to ~~give~~ serve the notices for any 4700
hearing required by sections 119.01 to 119.13 of the Revised Code 4701
in the manner provided in ~~this~~ section 119.05 of the Revised Code 4702
shall invalidate any order entered pursuant to the hearing. 4703

Sec. 119.09. As used in this section "stenographic record" 4704
means a record provided by stenographic means or by the use of 4705
audio electronic recording devices, as the agency determines. 4706

For the purpose of conducting any adjudication hearing 4707
required by sections 119.01 to 119.13 of the Revised Code, the 4708
agency may require the attendance of such witnesses and the 4709
production of such books, records, and papers as it desires, and 4710
it may take the depositions of witnesses residing within or 4711
without the state in the same manner as is prescribed by law for 4712
the taking of depositions in civil actions in the court of common 4713
pleas, and for that purpose the agency may, and upon the request 4714
of any party receiving notice of the hearing as required by 4715
section 119.07 of the Revised Code shall, issue a subpoena for any 4716
witness or a subpoena duces tecum to compel the production of any 4717
books, records, or papers, directed to the sheriff of the county 4718
where such witness resides or is found, which shall be served and 4719
returned in the same manner as a subpoena in a criminal case is 4720
served and returned. The sheriff shall be paid the same fees for 4721
services as are allowed in the court of common pleas in criminal 4722
cases. Witnesses shall be paid the fees and mileage provided for 4723
under section 119.094 of the Revised Code. Fees and mileage shall 4724
be paid from the fund in the state treasury for the use of the 4725
agency in the same manner as other expenses of the agency are 4726
paid. 4727

An agency may postpone or continue any adjudication hearing 4728
upon the application of any party or upon its own motion. 4729

In any case of disobedience or neglect of any subpoena served 4730
on any person or the refusal of any witness to testify to any 4731
matter regarding which the witness may lawfully be interrogated, 4732
the court of common pleas of any county where such disobedience, 4733
neglect, or refusal occurs or any judge thereof, on application by 4734

the agency shall compel obedience by attachment proceedings for 4735
contempt, as in the case of disobedience of the requirements of a 4736
subpoena issued from such court, or a refusal to testify therein. 4737

At any adjudication hearing required by sections 119.01 to 4738
119.13 of the Revised Code, the record of which may be the basis 4739
of an appeal to court, a stenographic record of the testimony and 4740
other evidence submitted shall be taken at the expense of the 4741
agency. Such record shall include all of the testimony and other 4742
evidence, and rulings on the admissibility thereof presented at 4743
the hearing. This paragraph does not require a stenographic record 4744
at every adjudication hearing. In any situation where an 4745
adjudication hearing is required by sections 119.01 to 119.13 of 4746
the Revised Code, if an adjudication order is made without a 4747
stenographic record of the hearing, the agency shall, on request 4748
of the party, afford a hearing or rehearing for the purpose of 4749
making such a record which may be the basis of an appeal to court. 4750
The rules of an agency may specify the situations in which a 4751
stenographic record will be made only on request of the party; 4752
otherwise such a record shall be made at every adjudication 4753
hearing from which an appeal to court might be taken. 4754

The agency shall pass upon the admissibility of evidence, but 4755
a party may at the time make objection to the rulings of the 4756
agency thereon, and if the agency refuses to admit evidence, the 4757
party offering the same shall make a proffer thereof, and such 4758
proffer shall be made a part of the record of such hearing. 4759

In any adjudication hearing required by sections 119.01 to 4760
119.13 of the Revised Code, the agency may call any party to 4761
testify under oath as upon cross-examination. 4762

The agency, or any one delegated by it to conduct an 4763
adjudication hearing, may administer oaths or affirmations. 4764

In any adjudication hearing required by sections 119.01 to 4765

119.13 of the Revised Code, the agency may appoint a referee or 4766
examiner to conduct the hearing. The referee or examiner shall 4767
have the same powers and authority in conducting the hearing as is 4768
granted to the agency. Such referee or examiner shall have been 4769
admitted to the practice of law in the state and be possessed of 4770
such additional qualifications as the agency requires. The referee 4771
or examiner shall submit to the agency a written report setting 4772
forth the referee's or examiner's findings of fact and conclusions 4773
of law and a recommendation of the action to be taken by the 4774
agency. A copy of such written report and recommendation of the 4775
referee or examiner shall within five days of the date ~~of filing~~ 4776
~~thereof~~ it is submitted to the agency, be served upon the party or 4777
the party's attorney or other representative of record, ~~by~~ 4778
~~certified mail~~ in accordance with section 119.05 of the Revised 4779
Code. The party may, within ten days of ~~receipt of such copy~~ 4780
service of such written report and recommendation, file with the 4781
agency written objections to the report and recommendation, which 4782
objections shall be considered by the agency before approving, 4783
modifying, or disapproving the recommendation. The agency may 4784
grant extensions of time to the party within which to file such 4785
objections. No recommendation of the referee or examiner shall be 4786
approved, modified, or disapproved by the agency until after ten 4787
days after service of such report and recommendation ~~as provided~~ 4788
~~in this section~~. The agency may order additional testimony to be 4789
taken or permit the introduction of further documentary evidence. 4790
The recommendation of the referee or examiner may be approved, 4791
modified, or disapproved by the agency, and the order of the 4792
agency based on such report, recommendation, transcript of 4793
testimony and evidence, or objections of the parties, and 4794
additional testimony and evidence shall have the same effect as if 4795
such hearing had been conducted by the agency. No such 4796
recommendation shall be final until confirmed and approved by the 4797
agency as indicated by the order entered on its record of 4798

proceedings, and if the agency modifies or disapproves the 4799
recommendations of the referee or examiner it shall include in the 4800
record of its proceedings the reasons for such modification or 4801
disapproval. 4802

After such order is entered on its journal, the agency shall, 4803
in accordance with section 119.05 of the Revised Code, serve ~~by~~ 4804
~~certified mail, return receipt requested, upon~~ the party affected 4805
thereby, a certified copy of the order and a statement of the time 4806
and method by which an appeal may be perfected. A copy of such 4807
order shall be ~~mailed~~ provided to the attorneys or other 4808
representatives of record representing the party. 4809

Sec. 119.092. (A) As used in this section: 4810

(1) "Eligible party" means a party to an adjudication hearing 4811
other than the following: 4812

(a) The agency; 4813

(b) An individual whose net worth exceeded one million 4814
dollars at the time ~~he~~ the individual received notification of the 4815
hearing; 4816

(c) A sole owner of an unincorporated business that had, or a 4817
partnership, corporation, association, or organization that had, a 4818
net worth exceeding five million dollars at the time the party 4819
received notification of the hearing, except that an organization 4820
that is described in subsection 501(c)(3) and is tax exempt under 4821
subsection 501(a) of the Internal Revenue Code, shall not be 4822
excluded as an eligible party under this division because of its 4823
net worth; 4824

(d) A sole owner of an unincorporated business that employed, 4825
or a partnership, corporation, association, or organization that 4826
employed, more than five hundred persons at the time the party 4827
received notification of the hearing. 4828

(2) "Fees" means reasonable attorney's fees, in an amount not 4829
to exceed seventy-five dollars per hour or a higher hourly fee 4830
that the agency establishes by rule and that is applicable under 4831
the circumstances. 4832

(3) "Internal Revenue Code" means the "Internal Revenue Code 4833
of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended. 4834

(4) "Prevailing eligible party" means an eligible party that 4835
prevails after an adjudication hearing, as reflected in an order 4836
entered in the journal of the agency. 4837

(B)(1) Except as provided in divisions (B)(2) and (F) of this 4838
section, if an agency conducts an adjudication hearing under this 4839
chapter, the prevailing eligible party is entitled, upon filing a 4840
motion in accordance with this division, to compensation for fees 4841
incurred by that party in connection with the hearing. A 4842
prevailing eligible party that desires an award of compensation 4843
for fees shall file a motion requesting the award with the agency 4844
within thirty days after the date that the order of the agency is 4845
entered in its journal. The motion shall do all of the following: 4846

(a) Identify the party; 4847

(b) Indicate that the party is the prevailing eligible party 4848
and is entitled to receive an award of compensation for fees; 4849

(c) Include a statement that the agency's position in 4850
initiating the matter in controversy was not substantially 4851
justified; 4852

(d) Indicate the amount sought as an award; 4853

(e) Itemize all fees sought in the requested award. This 4854
itemization shall include a statement from any attorney who 4855
represented the prevailing eligible party, that indicates the fees 4856
charged, the actual time expended, and the rate at which the fees 4857
were calculated. 4858

(2) Upon the filing of a motion under this section, the 4859
request for the award shall be reviewed by the referee or examiner 4860
who conducted the adjudication hearing or, if none, by the agency 4861
involved. In the review, the referee, examiner, or agency shall 4862
determine whether the fees incurred by the prevailing eligible 4863
party exceeded one hundred dollars, whether the position of the 4864
agency in initiating the matter in controversy was substantially 4865
justified, whether special circumstances make an award unjust, and 4866
whether the prevailing eligible party engaged in conduct during 4867
the course of the hearing that unduly and unreasonably protracted 4868
the final resolution of the matter in controversy. The referee, 4869
examiner, or agency shall issue a determination, in writing, on 4870
the motion of the prevailing eligible party, which determination 4871
shall include a statement indicating whether an award has been 4872
granted, the findings and conclusions underlying it, the reasons 4873
or bases for the findings and conclusions, and, if an award has 4874
been granted, its amount. The determination shall be entered in 4875
the record of the prevailing eligible party's case, and a copy of 4876
it ~~mailed to~~ served on the prevailing eligible party in accordance 4877
with section 119.05 of the Revised Code. 4878

With respect to a motion under this section, the agency 4879
involved, through any representative it designates, has the burden 4880
of proving that its position in initiating the matter in 4881
controversy was substantially justified, that special 4882
circumstances make an award unjust, or that the prevailing 4883
eligible party engaged in conduct during the course of the hearing 4884
that unduly and unreasonably protracted the final resolution of 4885
the matter in controversy. A referee, examiner, or agency 4886
considering a motion under this section may deny an award 4887
entirely, or reduce the amount of an award that otherwise would be 4888
payable, to a prevailing eligible party only as follows: 4889

(a) If the determination is that the agency has sustained its 4890

burden of proof that its position in initiating the matter in 4891
controversy was substantially justified or that special 4892
circumstances make an award unjust, the motion shall be denied; 4893

(b) If the determination is that the agency has sustained its 4894
burden of proof that the prevailing eligible party engaged in 4895
conduct during the course of the hearing that unduly and 4896
unreasonably protracted the final resolution of the matter in 4897
controversy, the referee, examiner, or agency may reduce the 4898
amount of an award, or deny an award, to that party to the extent 4899
of that conduct; 4900

(c) If the determination is that the fees of the prevailing 4901
eligible party were not in excess of one hundred dollars, the 4902
referee, agency, or examiner shall deny the motion. 4903

(3) For purposes of this section, decisions by referees or 4904
examiners upon motions are final and are not subject to review and 4905
approval by an agency. These decisions constitute final 4906
determinations of the agency for purposes of appeals under 4907
division (C) of this section. 4908

(C) A prevailing eligible party that files a motion for an 4909
award of compensation for fees under this section and that is 4910
denied an award or receives a reduced award may appeal the 4911
determination of the referee, examiner, or agency to the same 4912
court, as determined under section 119.12 of the Revised Code, as 4913
the party could have appealed the adjudication order of the agency 4914
had the party been adversely affected by it. An agency may appeal 4915
the grant of an award to this same court if a referee or examiner 4916
made the final determination pursuant to division (B)(3) of this 4917
section. Notices of appeal shall be filed in the manner and within 4918
the period specified in section 119.12 of the Revised Code. 4919

Upon the filing of an appeal under this division, the agency 4920
shall prepare and certify to the court involved a complete record 4921

of the case, and the court shall conduct a hearing on the appeal. 4922
The agency and the court shall do so in accordance with the 4923
procedures established in section 119.12 of the Revised Code for 4924
appeals pursuant to that section, unless otherwise provided in 4925
this division. 4926

The court hearing an appeal under this division may modify 4927
the determination of the referee, examiner, or agency with respect 4928
to the motion for compensation for fees only if the court finds 4929
that the failure to grant an award, or the calculation of the 4930
amount of an award, involved an abuse of discretion. The judgment 4931
of the court is final and not appealable, and a copy of it shall 4932
be certified to the agency involved and the prevailing eligible 4933
party. 4934

(D) Compensation for fees awarded to a prevailing eligible 4935
party under this section may be paid by an agency from any funds 4936
available to it for payment of such compensation. If an agency 4937
does not pay compensation from such funds or no such funds are 4938
available, upon the filing of a referee's, examiner's, agency's, 4939
or court's determination or judgment in favor of the prevailing 4940
eligible party with the clerk of the court of claims, the 4941
determination or judgment awarding compensation for fees shall be 4942
treated as if it were a judgment under Chapter 2743. of the 4943
Revised Code and be payable in accordance with the procedures 4944
specified in section 2743.19 of the Revised Code, except that 4945
interest shall not be paid in relation to the award. 4946

(E) Each agency that is required to pay compensation for fees 4947
to a prevailing eligible party pursuant to this section during any 4948
fiscal year shall prepare a report for that year. The report shall 4949
be completed no later than the first day of October of the fiscal 4950
year following the fiscal year covered by the report, and copies 4951
of it shall be filed with the general assembly. It shall contain 4952
the following information for the covered fiscal year: 4953

(1) The total amount and total number of the awards of compensation for fees required to be paid by the agency;	4954 4955
(2) The amount and nature of each individual award that the agency was required to pay;	4956 4957
(3) Any other relevant information that may aid the general assembly in evaluating the scope and impact of awards of compensation for fees.	4958 4959 4960
(F) The provisions of this section do not apply when any of the following circumstances are involved:	4961 4962
(1) An adjudication hearing was conducted for the purpose of establishing or fixing a rate;	4963 4964
(2) An adjudication hearing was conducted for the purpose of determining the eligibility or entitlement of any individual to benefits;	4965 4966 4967
(3) A prevailing eligible party was represented in an adjudication hearing by an attorney who was paid pursuant to an appropriation by the federal or state government or a local government;	4968 4969 4970 4971
(4) An adjudication hearing was conducted by the state personnel board of review pursuant to authority conferred by section 124.03 of the Revised Code, or by the state employment relations board pursuant to authority conferred by Chapter 4117. of the Revised Code.	4972 4973 4974 4975 4976
Sec. 119.12. (A)(1) Except as provided in division (A)(2) or (3) of this section, any (A) Any party adversely affected by any order of an agency issued pursuant to an adjudication denying an applicant admission to an examination, or denying the issuance or renewal of a license or registration of a licensee, or revoking or suspending a license, or allowing the payment of a forfeiture under section 4301.252 of the Revised Code may appeal from the	4977 4978 4979 4980 4981 4982 4983

order of the agency to the court of common pleas of the county ~~in~~ 4984
~~which the place of business of the licensee is located or the~~ 4985
~~county in which the licensee is a resident~~ designated in division 4986
(B) of this section. 4987

~~(2)~~(B) An appeal from an order described in division 4988
~~(A)~~~~(1)~~(A) of this section shall be filed in the county designated 4989
as follows: 4990

(1) Except as otherwise provided in division (B)(2) of this 4991
section, an appeal from an order of an agency issued pursuant to 4992
an adjudication denying an applicant admission to an examination, 4993
denying the issuance or renewal of a license or registration of a 4994
licensee, revoking or suspending a license, or allowing the 4995
payment of a forfeiture under section 4301.252 of the Revised Code 4996
shall be filed in the county in which the place of business of the 4997
licensee is located or the county in which the licensee is a 4998
resident. 4999

(2) An appeal from an order issued by any of the following 5000
agencies shall be made to the court of common pleas of Franklin 5001
county or the court of common pleas in the county in which the 5002
place of business of the licensee is located or the county in 5003
which the licensee is a resident: 5004

(a) The liquor control commission; 5005

(b) The Ohio casino control commission_{7i}; 5006

(c) The state medical board; 5007

~~(e)~~(d) The state chiropractic board; 5008

~~(d)~~(e) The board of nursing; 5009

~~(e)~~(f) The bureau of workers' compensation regarding 5010
participation in the health partnership program created in 5011
sections 4121.44 and 4121.441 of the Revised Code. 5012

~~(3) If any party appealing from an order described in~~ 5013

~~division (A)(1) of this section is not a resident of and has no place of business in this state, the party may appeal to the court of common pleas of Franklin county.~~

~~(B) Any party adversely affected by any order of an agency issued pursuant to any other adjudication may appeal to the court of common pleas of Franklin county, except that appeals Appeals from orders of the fire marshal issued under Chapter 3737. of the Revised Code may shall be to the court of common pleas of the county in which the building of the aggrieved person is located and except that appeals.~~

(4) Appeals under division (B) of section 124.34 of the Revised Code from a decision of the state personnel board of review or a municipal or civil service township civil service commission shall be taken to the court of common pleas of the county in which the appointing authority is located or, in the case of an appeal by the department of rehabilitation and correction, to the court of common pleas of Franklin county.

(5) If any party appealing from an order described in division (B)(1), (2), or (6) of this section is not a resident of and has no place of business in this state, the party shall appeal to the court of common pleas of Franklin county.

(6) Any party adversely affected by any order of an agency issued pursuant to any other adjudication may appeal to the court of common pleas of Franklin county or the court of common pleas of the county in which the business of the party is located or in which the party is a resident.

(C) This section does not apply to appeals from the department of taxation.

(D) Any party desiring to appeal shall file a notice of appeal with the agency setting forth the order appealed from and stating that the agency's order is not supported by reliable,

probative, and substantial evidence and is not in accordance with 5045
law. The notice of appeal may, but need not, set forth the 5046
specific grounds of the party's appeal beyond the statement that 5047
the agency's order is not supported by reliable, probative, and 5048
substantial evidence and is not in accordance with law. The notice 5049
of appeal shall also be filed by the appellant with the court. In 5050
filing a notice of appeal with the agency or court, the notice 5051
that is filed may be either the original notice or a copy of the 5052
original notice. Unless otherwise provided by law relating to a 5053
particular agency, notices of appeal shall be filed within fifteen 5054
days after the ~~mailing~~ service of the notice of the agency's order 5055
as provided in ~~this~~ section 119.05 of the Revised Code. For 5056
purposes of this paragraph, an order includes a determination 5057
appealed pursuant to division (C) of section 119.092 of the 5058
Revised Code. The amendments made to this paragraph by Sub. H.B. 5059
215 of the 128th general assembly are procedural, and this 5060
paragraph as amended by those amendments shall be applied 5061
retrospectively to all appeals pursuant to this paragraph filed 5062
before September 13, 2010, but not earlier than May 7, 2009, which 5063
was the date the supreme court of Ohio released its opinion and 5064
judgment in *Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs.* 5065
(2009), 121 Ohio St.3d 622. 5066

(E) The filing of a notice of appeal shall not automatically 5067
operate as a suspension of the order of an agency. If it appears 5068
to the court that an unusual hardship to the appellant will result 5069
from the execution of the agency's order pending determination of 5070
the appeal, the court may grant a suspension and fix its terms. If 5071
an appeal is taken from the judgment of the court and the court 5072
has previously granted a suspension of the agency's order as 5073
provided in this section, the suspension of the agency's order 5074
shall not be vacated and shall be given full force and effect 5075
until the matter is finally adjudicated. No renewal of a license 5076
or permit shall be denied by reason of the suspended order during 5077

the period of the appeal from the decision of the court of common 5078
pleas. In the case of an appeal from the Ohio casino control 5079
commission, the state medical board, or the state chiropractic 5080
board, the court may grant a suspension and fix its terms if it 5081
appears to the court that an unusual hardship to the appellant 5082
will result from the execution of the agency's order pending 5083
determination of the appeal and the health, safety, and welfare of 5084
the public will not be threatened by suspension of the order. This 5085
provision shall not be construed to limit the factors the court 5086
may consider in determining whether to suspend an order of any 5087
other agency pending determination of an appeal. 5088

(F) The final order of adjudication may apply to any renewal 5089
of a license or permit which has been granted during the period of 5090
the appeal. 5091

(G) Notwithstanding any other provision of this section, any 5092
order issued by a court of common pleas or a court of appeals 5093
suspending the effect of an order of the liquor control commission 5094
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 5095
suspends, revokes, or cancels a permit issued under Chapter 4303. 5096
of the Revised Code or that allows the payment of a forfeiture 5097
under section 4301.252 of the Revised Code shall terminate not 5098
more than six months after the date of the filing of the record of 5099
the liquor control commission with the clerk of the court of 5100
common pleas and shall not be extended. The court of common pleas, 5101
or the court of appeals on appeal, shall render a judgment in that 5102
matter within six months after the date of the filing of the 5103
record of the liquor control commission with the clerk of the 5104
court of common pleas. A court of appeals shall not issue an order 5105
suspending the effect of an order of the liquor control commission 5106
that extends beyond six months after the date on which the record 5107
of the liquor control commission is filed with a court of common 5108
pleas. 5109

(H) Notwithstanding any other provision of this section, any order issued by a court of common pleas or a court of appeals suspending the effect of an order of the Ohio casino control commission issued under Chapter 3772. of the Revised Code that limits, conditions, restricts, suspends, revokes, denies, not renews, fines, or otherwise penalizes an applicant, licensee, or person excluded or ejected from a casino facility in accordance with section 3772.031 of the Revised Code shall terminate not more than six months after the date of the filing of the record of the Ohio casino control commission with the clerk of the court of common pleas and shall not be extended. The court of common pleas, or the court of appeals on appeal, shall render a judgment in that matter within six months after the date of the filing of the record of the Ohio casino control commission with the clerk of the court of common pleas. A court of appeals shall not issue an order suspending the effect of an order of the Ohio casino control commission that extends beyond six months after the date on which the record of the Ohio casino control commission is filed with the clerk of a court of common pleas.

(I) Notwithstanding any other provision of this section, any order issued by a court of common pleas suspending the effect of an order of the state medical board or state chiropractic board that limits, revokes, suspends, places on probation, or refuses to register or reinstate a certificate issued by the board or reprimands the holder of the certificate shall terminate not more than fifteen months after the date of the filing of a notice of appeal in the court of common pleas, or upon the rendering of a final decision or order in the appeal by the court of common pleas, whichever occurs first.

~~(I)~~(J) Within thirty days after receipt of a notice of appeal from an order in any case in which a hearing is required by sections 119.01 to 119.13 of the Revised Code, the agency shall

prepare and certify to the court a complete record of the 5142
proceedings in the case. Failure of the agency to comply within 5143
the time allowed, upon motion, shall cause the court to enter a 5144
finding in favor of the party adversely affected. Additional time, 5145
however, may be granted by the court, not to exceed thirty days, 5146
when it is shown that the agency has made substantial effort to 5147
comply. The record shall be prepared and transcribed, and the 5148
expense of it shall be taxed as a part of the costs on the appeal. 5149
The appellant shall provide security for costs satisfactory to the 5150
court of common pleas. Upon demand by any interested party, the 5151
agency shall furnish at the cost of the party requesting it a copy 5152
of the stenographic report of testimony offered and evidence 5153
submitted at any hearing and a copy of the complete record. 5154

~~(J)~~(K) Notwithstanding any other provision of this section, 5155
any party desiring to appeal an order or decision of the state 5156
personnel board of review shall, at the time of filing a notice of 5157
appeal with the board, provide a security deposit in an amount and 5158
manner prescribed in rules that the board shall adopt in 5159
accordance with this chapter. In addition, the board is not 5160
required to prepare or transcribe the record of any of its 5161
proceedings unless the appellant has provided the deposit 5162
described above. The failure of the board to prepare or transcribe 5163
a record for an appellant who has not provided a security deposit 5164
shall not cause a court to enter a finding adverse to the board. 5165

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 5166
the appeal, the court is confined to the record as certified to it 5167
by the agency. Unless otherwise provided by law, the court may 5168
grant a request for the admission of additional evidence when 5169
satisfied that the additional evidence is newly discovered and 5170
could not with reasonable diligence have been ascertained prior to 5171
the hearing before the agency. 5172

~~(L)~~(M) The court shall conduct a hearing on the appeal and 5173

shall give preference to all proceedings under sections 119.01 to 5174
119.13 of the Revised Code, over all other civil cases, 5175
irrespective of the position of the proceedings on the calendar of 5176
the court. An appeal from an order of the state medical board 5177
issued pursuant to division (G) of either section 4730.25 or 5178
4731.22 of the Revised Code, the state chiropractic board issued 5179
pursuant to section 4734.37 of the Revised Code, the liquor 5180
control commission issued pursuant to Chapter 4301. or 4303. of 5181
the Revised Code, or the Ohio casino control commission issued 5182
pursuant to Chapter 3772. of the Revised Code shall be set down 5183
for hearing at the earliest possible time and takes precedence 5184
over all other actions. The hearing in the court of common pleas 5185
shall proceed as in the trial of a civil action, and the court 5186
shall determine the rights of the parties in accordance with the 5187
laws applicable to a civil action. At the hearing, counsel may be 5188
heard on oral argument, briefs may be submitted, and evidence may 5189
be introduced if the court has granted a request for the 5190
presentation of additional evidence. 5191

~~(M)~~(N) The court may affirm the order of the agency 5192
complained of in the appeal if it finds, upon consideration of the 5193
entire record and any additional evidence the court has admitted, 5194
that the order is supported by reliable, probative, and 5195
substantial evidence and is in accordance with law. In the absence 5196
of this finding, it may reverse, vacate, or modify the order or 5197
make such other ruling as is supported by reliable, probative, and 5198
substantial evidence and is in accordance with law. The court 5199
shall award compensation for fees in accordance with section 5200
2335.39 of the Revised Code to a prevailing party, other than an 5201
agency, in an appeal filed pursuant to this section. 5202

~~(N)~~(O) The judgment of the court shall be final and 5203
conclusive unless reversed, vacated, or modified on appeal. These 5204
appeals may be taken either by the party or the agency, shall 5205

proceed as in the case of appeals in civil actions, and shall be 5206
pursuant to the Rules of Appellate Procedure and, to the extent 5207
not in conflict with those rules, Chapter 2505. of the Revised 5208
Code. An appeal by the agency shall be taken on questions of law 5209
relating to the constitutionality, construction, or interpretation 5210
of statutes and rules of the agency, and, in the appeal, the court 5211
may also review and determine the correctness of the judgment of 5212
the court of common pleas that the order of the agency is not 5213
supported by any reliable, probative, and substantial evidence in 5214
the entire record. 5215

The court shall certify its judgment to the agency or take 5216
any other action necessary to give its judgment effect. 5217

Sec. 120.04. (A) The state public defender shall serve at the 5218
pleasure of the Ohio public defender commission and shall be an 5219
attorney with a minimum of four years of experience in the 5220
practice of law and be admitted to the practice of law in this 5221
state at least one year prior to appointment. 5222

(B) The state public defender shall do all of the following: 5223

(1) Maintain a central office in Columbus. The central office 5224
shall be provided with a library of adequate size, considering the 5225
needs of the office and the accessibility of other libraries, and 5226
other necessary facilities and equipment. 5227

(2) Appoint assistant state public defenders, all of whom 5228
shall be attorneys admitted to the practice of law in this state, 5229
and other personnel necessary for the operation of the state 5230
public defender office. Assistant state public defenders shall be 5231
appointed on a full-time basis. The state public defender, 5232
assistant state public defenders, and employees appointed by the 5233
state public defender shall not engage in the private practice of 5234
law. 5235

(3) Supervise the compliance of county public defender offices, joint county public defender offices, and county appointed counsel systems with standards established by rules of the Ohio public defender commission pursuant to division (B) of section 120.03 of the Revised Code;

(4) Keep and maintain financial records of all cases handled and develop records for use in the calculation of direct and indirect costs, in the operation of the office, and report periodically, but not less than annually, to the commission on all relevant data on the operations of the office, costs, projected needs, and recommendations for legislation or amendments to court rules, as may be appropriate to improve the criminal justice system;

(5) Collect all moneys due the state for reimbursement for legal services under this chapter and under section 2941.51 of the Revised Code and institute any actions in court on behalf of the state for the collection of such sums that the state public defender considers advisable. Except as provided otherwise in division (D) of section 120.06 of the Revised Code, all moneys collected by the state public defender under this chapter and section 2941.51 of the Revised Code shall be deposited in the state treasury to the credit of the client payment fund, which is hereby created. All moneys credited to the fund shall be used by the state public defender to appoint assistant state public defenders and to provide other personnel, equipment, and facilities necessary for the operation of the state public defender office, to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems pursuant to sections 120.18, 120.28, and 120.33 of the Revised Code, or to provide assistance to counties in the operation of county indigent defense systems.

(6) With respect to funds appropriated to the commission to

pay criminal costs, perform the duties imposed by sections 2949.19 5268
and 2949.201 of the Revised Code; 5269

(7) Establish standards and guidelines for the reimbursement, 5270
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 5271
of the Revised Code, of counties for the operation of county 5272
public defender offices, joint county public defender offices, and 5273
county appointed counsel systems and for other costs related to 5274
felony prosecutions; 5275

(8) Establish maximum amounts that the state will reimburse 5276
the counties pursuant to sections 120.18, 120.28, 120.33, and 5277
2941.51 of the Revised Code; 5278

(9) Establish maximum amounts that the state will reimburse 5279
the counties pursuant to section 120.33 of the Revised Code for 5280
each specific type of legal service performed by a county 5281
appointed counsel system; 5282

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 5283
2949.19 of the Revised Code and make reimbursements pursuant to 5284
those sections; 5285

(11) Administer the program established pursuant to sections 5286
120.51 to 120.55 of the Revised Code for the charitable public 5287
purpose of providing financial assistance to legal aid societies. 5288
Neither the state public defender nor any of the state public 5289
defender's employees who is responsible in any way for the 5290
administration of that program and who performs those 5291
administrative responsibilities in good faith is in any manner 5292
liable if a legal aid society that is provided financial 5293
assistance under the program uses the financial assistance other 5294
than in accordance with sections 120.51 to 120.55 of the Revised 5295
Code or fails to comply with the requirements of those sections. 5296

(12) Establish an office for the handling of appeal and 5297
postconviction matters; 5298

(13) Provide technical aid and assistance to county public defender offices, joint county public defender offices, and other local counsel providing legal representation to indigent persons, including representation and assistance on appeals.

(C) The state public defender may do any of the following:

(1) In providing legal representation, conduct investigations, obtain expert testimony, take depositions, use other discovery methods, order transcripts, and make all other preparations which are appropriate and necessary to an adequate defense or the prosecution of appeals and other legal proceedings;

(2) Seek, solicit, and apply for grants for the operation of programs for the defense of indigent persons from any public or private source, and may receive donations, grants, awards, and similar funds from any lawful source. Such funds shall be deposited in the state treasury to the credit of the public defender gifts and grants fund, which is hereby created.

(3) Make all the necessary arrangements to coordinate the services of the office with any federal, county, or private programs established to provide legal representation to indigent persons and others, and to obtain and provide all funds allowable under any such programs;

(4) Consult and cooperate with professional groups concerned with the causes of criminal conduct, the reduction of crime, the rehabilitation and correction of persons convicted of crime, the administration of criminal justice, and the administration and operation of the state public defender's office;

(5) Accept the services of volunteer workers and consultants at no compensation other than reimbursement for actual and necessary expenses;

(6) Prescribe any forms that are necessary for the uniform operation of this chapter;

(7) Contract with a county public defender commission or a joint county public defender commission to provide all or any part of the services that a county public defender or joint county public defender is required or permitted to provide by this chapter, or contract with a board of county commissioners of a county that is not served by a county public defender commission or a joint county public defender commission for the provision of services in accordance with section 120.33 of the Revised Code. All money received by the state public defender pursuant to such a contract shall be credited to ~~either the multicounty: county share fund or, if received as a result of a contract with Trumbull county, the Trumbull county: county share fund.~~

(8) Authorize persons employed as criminal investigators to attend the Ohio peace officer training academy or any other peace officer training school for training;

(9) Procure a policy or policies of malpractice insurance that provide coverage for the state public defender and assistant state public defenders in connection with malpractice claims that may arise from their actions or omissions related to responsibilities derived pursuant to this chapter;

(10) Enter into agreements to license, lease, sell, and market for sale intellectual property owned by the office and receive payments from those agreements for use in the operation of the office and programs for the defense of indigent persons. All funds received by the state public defender pursuant to such agreements shall be deposited in the state treasury to the credit of the public defender gifts and grants fund.

(D) No person employed by the state public defender as a criminal investigator shall attend the Ohio peace officer training academy or any other peace officer training school unless authorized to do so by the state public defender.

Sec. 120.08. (A) There is hereby created in the state 5361
treasury the indigent defense support fund, consisting of money 5362
paid into the fund pursuant to sections 4507.45, 4509.101, 5363
4510.22, and 4511.19 of the Revised Code and pursuant to sections 5364
2937.22, 2949.091, and 2949.094 of the Revised Code out of the 5365
additional court costs imposed under those sections. ~~The~~ 5366

(B) ~~The~~ state public defender shall use at least eighty-three 5367
per cent of the money in the fund for the following purposes ~~of~~ 5368
reimbursing: 5369

(1) Reimbursing county governments for expenses incurred 5370
pursuant to sections 120.18, 120.28, and 120.33 of the Revised 5371
Code ~~and operating;~~ 5372

(2) Operating its system pursuant to division (C)(7) of 5373
section 120.04 of the Revised Code and division (B) of section 5374
120.33 of the Revised Code. ~~Disbursements~~ 5375

(C) Disbursements from the fund to county governments shall 5376
be made at least once per year and shall be allocated 5377
proportionately so that each county receives an equal percentage 5378
of its cost for operating its county public defender system, its 5379
joint county public defender system, its county appointed counsel 5380
system, or its system operated under division (C)(7) of section 5381
120.04 of the Revised Code and division (B) of section 120.33 of 5382
the Revised Code. ~~The~~ 5383

(D) ~~The~~ state public defender may use not more than seventeen 5384
per cent of the money in the fund for the purposes of appointing 5385
assistant state public defenders, providing other personnel, 5386
equipment, and facilities necessary for the operation of the state 5387
public defender office, and providing training, developing and 5388
implementing electronic forms, or establishing and maintaining an 5389
information technology system used for the uniform operation of 5390
this chapter. 5391

Sec. 121.04. Offices are created within the several	5392
departments as follows:	5393
In the department of commerce:	5394
Commissioner of securities;	5395
Superintendent of real estate and professional	5396
licensing;	
Superintendent of financial institutions;	5397
State fire marshal;	5398
Superintendent of industrial compliance;	5399
Superintendent of liquor control;	5400
Superintendent of unclaimed funds;	5401
<u>Superintendent of marijuana control.</u>	5402
In the department of administrative services:	5403
Equal employment opportunity coordinator.	5404
In the department of agriculture:	5405
Chiefs of divisions as follows:	5406
Administration;	5407
Animal health;	5408
Livestock environmental permitting;	5409
Soil and water conservation;	5410
Dairy;	5411
Food safety;	5412
Plant health;	5413
Markets;	5414
Meat inspection;	5415
Consumer protection laboratory;	5416
Amusement ride safety;	5417
Enforcement;	5418
Weights and measures.	5419
In the department of natural resources:	5420

Chiefs of divisions as follows:	5421
Mineral resources management;	5422
Oil and gas resources management;	5423
Forestry;	5424
Natural areas and preserves;	5425
Wildlife;	5426
Geological survey;	5427
Parks and	5428
watercraft;	5429
Water resources;	5430
Engineering.	5431

In the department of insurance:	5432
Deputy superintendent of insurance;	5433
Assistant superintendent of insurance, technical;	5434
Assistant superintendent of insurance, administrative;	5435
Assistant superintendent of insurance, research.	5436

Sec. 121.08. (A) There is hereby created in the department of 5437
commerce the position of deputy director of administration. This 5438
officer shall be appointed by the director of commerce, serve 5439
under the director's direction, supervision, and control, perform 5440
the duties the director prescribes, and hold office during the 5441
director's pleasure. The director of commerce may designate an 5442
assistant director of commerce to serve as the deputy director of 5443
administration. The deputy director of administration shall 5444
perform the duties prescribed by the director of commerce in 5445
supervising the activities of the division of administration of 5446
the department of commerce. 5447

(B) Except as provided in section 121.07 of the Revised Code, 5448
the department of commerce shall have all powers and perform all 5449
duties vested in the deputy director of administration, the state 5450
fire marshal, the superintendent of financial institutions, the 5451

superintendent of real estate and professional licensing, the 5452
superintendent of liquor control, the superintendent of industrial 5453
compliance, the superintendent of unclaimed funds, the 5454
superintendent of marijuana control, and the commissioner of 5455
securities, and shall have all powers and perform all duties 5456
vested by law in all officers, deputies, and employees of those 5457
offices. Except as provided in section 121.07 of the Revised Code, 5458
wherever powers are conferred or duties imposed upon any of those 5459
officers, the powers and duties shall be construed as vested in 5460
the department of commerce. 5461

(C)(1) There is hereby created in the department of commerce 5462
a division of financial institutions, which shall have all powers 5463
and perform all duties vested by law in the superintendent of 5464
financial institutions. Wherever powers are conferred or duties 5465
imposed upon the superintendent of financial institutions, those 5466
powers and duties shall be construed as vested in the division of 5467
financial institutions. The division of financial institutions 5468
shall be administered by the superintendent of financial 5469
institutions. 5470

(2) All provisions of law governing the superintendent of 5471
financial institutions shall apply to and govern the 5472
superintendent of financial institutions provided for in this 5473
section; all authority vested by law in the superintendent of 5474
financial institutions with respect to the management of the 5475
division of financial institutions shall be construed as vested in 5476
the superintendent of financial institutions created by this 5477
section with respect to the division of financial institutions 5478
provided for in this section; and all rights, privileges, and 5479
emoluments conferred by law upon the superintendent of financial 5480
institutions shall be construed as conferred upon the 5481
superintendent of financial institutions as head of the division 5482
of financial institutions. The director of commerce shall not 5483

transfer from the division of financial institutions any of the 5484
functions specified in division (C)(2) of this section. 5485

(D) There is hereby created in the department of commerce a 5486
division of liquor control, which shall have all powers and 5487
perform all duties vested by law in the superintendent of liquor 5488
control. Wherever powers are conferred or duties are imposed upon 5489
the superintendent of liquor control, those powers and duties 5490
shall be construed as vested in the division of liquor control. 5491
The division of liquor control shall be administered by the 5492
superintendent of liquor control. 5493

(E) The director of commerce shall not be interested, 5494
directly or indirectly, in any firm or corporation which is a 5495
dealer in securities as defined in sections 1707.01 and 1707.14 of 5496
the Revised Code, or in any firm or corporation licensed under 5497
sections 1321.01 to 1321.19 of the Revised Code. 5498

(F) The director of commerce shall not have any official 5499
connection with a savings and loan association, a savings bank, a 5500
bank, a bank holding company, a savings and loan association 5501
holding company, a consumer finance company, or a credit union 5502
that is under the supervision of the division of financial 5503
institutions, or a subsidiary of any of the preceding entities, or 5504
be interested in the business thereof. 5505

(G) There is hereby created in the state treasury the 5506
division of administration fund. The fund shall receive 5507
assessments on the operating funds of the department of commerce 5508
in accordance with procedures prescribed by the director of 5509
commerce. All operating expenses of the division of administration 5510
shall be paid from the division of administration fund. 5511

(H) There is hereby created in the department of commerce a 5512
division of real estate and professional licensing, which shall be 5513
under the control and supervision of the director of commerce. The 5514

division of real estate and professional licensing shall be 5515
administered by the superintendent of real estate and professional 5516
licensing. The superintendent of real estate and professional 5517
licensing shall exercise the powers and perform the functions and 5518
duties delegated to the superintendent under Chapters 4735., 5519
4763., 4764., 4767., and 4768. of the Revised Code. 5520

(I) There is hereby created in the department of commerce a 5521
division of industrial compliance, which shall have all powers and 5522
perform all duties vested by law in the superintendent of 5523
industrial compliance. Wherever powers are conferred or duties 5524
imposed upon the superintendent of industrial compliance, those 5525
powers and duties shall be construed as vested in the division of 5526
industrial compliance. The division of industrial compliance shall 5527
be under the control and supervision of the director of commerce 5528
and be administered by the superintendent of industrial 5529
compliance. 5530

(J) There is hereby created in the department of commerce a 5531
division of unclaimed funds, which shall have all powers and 5532
perform all duties delegated to or vested by law in the 5533
superintendent of unclaimed funds. Wherever powers are conferred 5534
or duties imposed upon the superintendent of unclaimed funds, 5535
those powers and duties shall be construed as vested in the 5536
division of unclaimed funds. The division of unclaimed funds shall 5537
be under the control and supervision of the director of commerce 5538
and shall be administered by the superintendent of unclaimed 5539
funds. The superintendent of unclaimed funds shall exercise the 5540
powers and perform the functions and duties delegated to the 5541
superintendent by the director of commerce under section 121.07 5542
and Chapter 169. of the Revised Code, and as may otherwise be 5543
provided by law. 5544

(K) There is hereby created in the department of commerce a 5545
division of marijuana control, which shall have all powers and 5546

perform all duties vested by law in the superintendent of 5547
marijuana control. Wherever powers are conferred or duties are 5548
imposed upon the superintendent of marijuana control, those powers 5549
and duties shall be construed as vested in the division of 5550
marijuana control. The division of marijuana control shall be 5551
under the control and supervision of the director of commerce and 5552
be administered by the superintendent of marijuana control. 5553

(L) The department of commerce or a division of the 5554
department created by the Revised Code that is acting with 5555
authorization on the department's behalf may request from the 5556
bureau of criminal identification and investigation pursuant to 5557
section 109.572 of the Revised Code, or coordinate with 5558
appropriate federal, state, and local government agencies to 5559
accomplish, criminal records checks for the persons whose 5560
identities are required to be disclosed by an applicant for the 5561
issuance or transfer of a permit, license, certificate of 5562
registration, or certification issued or transferred by the 5563
department or division. At or before the time of making a request 5564
for a criminal records check, the department or division may 5565
require any person whose identity is required to be disclosed by 5566
an applicant for the issuance or transfer of such a license, 5567
permit, certificate of registration, or certification to submit to 5568
the department or division valid fingerprint impressions in a 5569
format and by any media or means acceptable to the bureau of 5570
criminal identification and investigation and, when applicable, 5571
the federal bureau of investigation. The department or division 5572
may cause the bureau of criminal identification and investigation 5573
to conduct a criminal records check through the federal bureau of 5574
investigation only if the person for whom the criminal records 5575
check would be conducted resides or works outside of this state or 5576
has resided or worked outside of this state during the preceding 5577
five years, or if a criminal records check conducted by the bureau 5578
of criminal identification and investigation within this state 5579

indicates that the person may have a criminal record outside of 5580
this state. 5581

In the case of a criminal records check under section 109.572 5582
of the Revised Code, the department or division shall forward to 5583
the bureau of criminal identification and investigation the 5584
requisite form, fingerprint impressions, and fee described in 5585
division (C) of that section. When requested by the department or 5586
division in accordance with this section, the bureau of criminal 5587
identification and investigation shall request from the federal 5588
bureau of investigation any information it has with respect to the 5589
person who is the subject of the requested criminal records check 5590
and shall forward the requisite fingerprint impressions and 5591
information to the federal bureau of investigation for that 5592
criminal records check. After conducting a criminal records check 5593
or receiving the results of a criminal records check from the 5594
federal bureau of investigation, the bureau of criminal 5595
identification and investigation shall provide the results to the 5596
department or division. 5597

The department or division may require any person about whom 5598
a criminal records check is requested to pay to the department or 5599
division the amount necessary to cover the fee charged to the 5600
department or division by the bureau of criminal identification 5601
and investigation under division (C)(3) of section 109.572 of the 5602
Revised Code, including, when applicable, any fee for a criminal 5603
records check conducted by the federal bureau of investigation. 5604

~~(L)~~(M) The director of commerce, or the director's designee, 5605
may adopt rules to enhance compliance with statutes pertaining to, 5606
and rules adopted by, divisions under the direction, supervision, 5607
and control of the department or director by offering 5608
incentive-based programs that ensure safety and soundness while 5609
promoting growth and prosperity in the state. 5610

Sec. 121.31. There is hereby created the commission on 5611
Hispanic-Latino affairs consisting of eleven voting members 5612
appointed by the governor with the advice and consent of the 5613
senate ~~and four ex officio, nonvoting members who are members of~~ 5614
~~the general assembly.~~ The speaker of the house of representatives 5615
shall recommend to the governor two persons for appointment to the 5616
commission, the president of the senate shall recommend to the 5617
governor two such persons, and the minority leaders of the house 5618
and senate shall each recommend to the governor one such person. 5619
The governor shall make initial appointments to the commission. Of 5620
the initial appointments made to the commission, three shall be 5621
for a term ending October 7, 1978, four shall be for a term ending 5622
October 7, 1979, and four shall be for a term ending October 7, 5623
1980. ~~Two ex officio members of the commission shall be members of~~ 5624
~~the house of representatives appointed by the speaker of the house~~ 5625
~~of representatives and two ex officio members of the commission~~ 5626
~~shall be members of the senate appointed by the president of the~~ 5627
~~senate. The speaker shall appoint one member of the house of~~ 5628
~~representatives from among the representatives who are affiliated~~ 5629
~~with the political party having a majority in the house of~~ 5630
~~representatives and one member of the house of representatives~~ 5631
~~from among the representatives who are affiliated with the~~ 5632
~~political party having a minority in the house of representatives.~~ 5633
~~The president shall appoint one member of the senate from among~~ 5634
~~the senators who are affiliated with the political party having a~~ 5635
~~majority in the senate and one member of the senate from among the~~ 5636
~~senators who are affiliated with the political party having a~~ 5637
~~minority in the senate.~~ 5638

After the initial appointments by the governor, terms of 5639
office shall be for three years, ~~except that members of the~~ 5640
~~general assembly appointed to the commission shall be members of~~ 5641
~~the commission only so long as they are members of the general~~ 5642

assembly. Each term shall end on the same day of the same month of 5643
the year as did the term which it succeeds. Each member shall hold 5644
office from the date of appointment until the end of the term for 5645
which the member was appointed. Vacancies shall be filled in the 5646
same manner as the original appointment. Any member appointed to 5647
fill a vacancy occurring prior to the expiration of the term for 5648
which the member's predecessor was appointed shall hold office for 5649
the remainder of such term. Any member shall continue in office 5650
subsequent to the expiration date of the member's term until the 5651
member's successor takes office, or until a period of sixty days 5652
has elapsed, whichever occurs first. At the first organizational 5653
meeting of the commission, the original eleven members shall draw 5654
lots to determine the length of the term each member shall serve. 5655

All ~~voting~~ members of the commission shall speak Spanish, 5656
shall be of Spanish-speaking origin, and shall be American 5657
citizens or lawful, permanent, resident aliens. ~~Voting members~~ 5658
Members shall be from urban, suburban, and rural geographical 5659
areas representative of Spanish-speaking people with a numerical 5660
and geographical balance of the Spanish-speaking population 5661
throughout the state. 5662

The commission shall meet not less than six times per 5663
calendar year. The commission shall elect a chairperson, 5664
vice-chairperson, and other officers from its ~~voting~~ members as it 5665
considers advisable. Six ~~voting~~ members constitute a quorum. The 5666
commission shall adopt rules governing its procedures. No action 5667
of the commission is valid without the concurrence of six members. 5668

Each ~~voting~~ member shall be compensated for work as a member 5669
for each day that the member is actually engaged in the 5670
performance of work as a member. No ~~voting~~ member shall be 5671
compensated for more than one day each month. In addition, each 5672
~~voting~~ member shall be reimbursed for all actual and necessary 5673
expenses incurred in the performance of official business. 5674

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5675
and children first cabinet council. The council shall be composed 5676
of the superintendent of public instruction, the executive 5677
director of the opportunities for Ohioans with disabilities 5678
agency, the medicaid director, and the directors of youth 5679
services, job and family services, mental health and addiction 5680
services, health, developmental disabilities, aging, 5681
rehabilitation and correction, and budget and management. The 5682
chairperson of the council shall be the governor or the governor's 5683
designee and shall establish procedures for the council's internal 5684
control and management. 5685

The purpose of the cabinet council is to help families 5686
seeking government services. This section shall not be interpreted 5687
or applied to usurp the role of parents, but solely to streamline 5688
and coordinate existing government services for families seeking 5689
assistance for their children. 5690

(2) In seeking to fulfill its purpose, the council may do any 5691
of the following: 5692

(a) Advise and make recommendations to the governor and 5693
general assembly regarding the provision of services to children; 5694

(b) Advise and assess local governments on the coordination 5695
of service delivery to children; 5696

(c) Hold meetings at such times and places as may be 5697
prescribed by the council's procedures and maintain records of the 5698
meetings, except that records identifying individual children are 5699
confidential and shall be disclosed only as provided by law; 5700

(d) Develop programs and projects, including pilot projects, 5701
to encourage coordinated efforts at the state and local level to 5702
improve the state's social service delivery system; 5703

(e) Enter into contracts with and administer grants to county 5704

family and children first councils, as well as other county or 5705
multicounty organizations to plan and coordinate service delivery 5706
between state agencies and local service providers for families 5707
and children; 5708

(f) Enter into contracts with and apply for grants from 5709
federal agencies or private organizations; 5710

(g) Enter into interagency agreements to encourage 5711
coordinated efforts at the state and local level to improve the 5712
state's social service delivery system. The agreements may include 5713
provisions regarding the receipt, transfer, and expenditure of 5714
funds; 5715

(h) Identify public and private funding sources for services 5716
provided to alleged or adjudicated unruly children and children 5717
who are at risk of being alleged or adjudicated unruly children, 5718
including regulations governing access to and use of the services; 5719

(i) Collect information provided by local communities 5720
regarding successful programs for prevention, intervention, and 5721
treatment of unruly behavior, including evaluations of the 5722
programs; 5723

(j) Identify and disseminate publications regarding alleged 5724
or adjudicated unruly children and children who are at risk of 5725
being alleged or adjudicated unruly children and regarding 5726
programs serving those types of children; 5727

(k) Maintain an inventory of strategic planning facilitators 5728
for use by government or nonprofit entities that serve alleged or 5729
adjudicated unruly children or children who are at risk of being 5730
alleged or adjudicated unruly children. 5731

(3) The cabinet council shall provide for the following: 5732

(a) Reviews of service and treatment plans for children for 5733
which such reviews are requested; 5734

(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;

(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health developmental disabilities for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended;

(d) Establishing and maintaining the Ohio automated service coordination system pursuant to section 121.376 of the Revised Code.

(4) The cabinet council shall develop and implement the following:

(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. ~~The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.~~

(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county;

(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state;

(d) A state appeals process to resolve disputes among the members of a county council, established under division (B) of

this section, concerning whether reasonable responsibilities are 5766
being shared. The appeals process may be accessed only by a 5767
majority vote of the council members who are required to serve on 5768
the council. Upon appeal, the cabinet council may order that state 5769
funds for services to children and families be redirected to a 5770
county's board of county commissioners. 5771

(5) On an annual basis, the cabinet council shall submit to 5772
the governor and the general assembly a report on the status of 5773
efforts to increase child well-being in the state. This report 5774
shall be made available to any other person on request. 5775

(6) The cabinet council state office may adopt rules 5776
governing the responsibilities of county family and children first 5777
councils established in division (B)(3) of this section. 5778

(B)(1) Each board of county commissioners shall establish a 5779
county family and children first council. The board may invite any 5780
local public or private agency or group that funds, advocates, or 5781
provides services to children and families to have a 5782
representative become a permanent or temporary member of its 5783
county council. Each county council must include the following 5784
individuals: 5785

(a) At least three individuals who are not employed by an 5786
agency represented on the council and whose families are or have 5787
received services from an agency represented on the council or 5788
another county's council. Where possible, the number of members 5789
representing families shall be equal to twenty per cent of the 5790
council's membership. 5791

(b) The director of the board of alcohol, drug addiction, and 5792
mental health services that serves the county, or, in the case of 5793
a county that has a board of alcohol and drug addiction services 5794
and a community mental health board, the directors of both boards. 5795
If a board of alcohol, drug addiction, and mental health services 5796

covers more than one county, the director may designate a person	5797
to participate on the county's council.	5798
(c) The health commissioner, or the commissioner's designee,	5799
of the board of health of each city and general health district in	5800
the county. If the county has two or more health districts, the	5801
health commissioner membership may be limited to the commissioners	5802
of the two districts with the largest populations.	5803
(d) The director of the county department of job and family	5804
services;	5805
(e) The executive director of the public children services	5806
agency;	5807
(f) The superintendent of the county board of developmental	5808
disabilities or, if the superintendent serves as superintendent of	5809
more than one county board of developmental disabilities, the	5810
superintendent's designee;	5811
(g) The superintendent of the city, exempted village, or	5812
local school district with the largest number of pupils residing	5813
in the county, as determined by the department of education, which	5814
shall notify each board of county commissioners of its	5815
determination at least biennially;	5816
(h) A school superintendent representing all other school	5817
districts with territory in the county, as designated at a	5818
biennial meeting of the superintendents of those districts;	5819
(i) A representative of the municipal corporation with the	5820
largest population in the county;	5821
(j) The president of the board of county commissioners or an	5822
individual designated by the board;	5823
(k) A representative of the department of youth services or	5824
an individual designated by the department;	5825
(l) A representative of the county's head start agencies, as	5826

defined in section 3301.32 of the Revised Code; 5827

(m) A representative of the county's early intervention 5828
collaborative established pursuant to the federal early 5829
intervention program operated under the "Individuals with 5830
Disabilities Education Act of 2004"; 5831

(n) A representative of a local nonprofit entity that funds, 5832
advocates, or provides services to children and families. 5833

Notwithstanding any other provision of law, the public 5834
members of a county council are not prohibited from serving on the 5835
council and making decisions regarding the duties of the council, 5836
including those involving the funding of joint projects and those 5837
outlined in the county's service coordination mechanism 5838
implemented pursuant to division (C) of this section. 5839

~~The cabinet council shall establish a state appeals process 5840
to resolve disputes among the members of a county council 5841
concerning whether reasonable responsibilities as members are 5842
being shared. The appeals process may be accessed only by a 5843
majority vote of the council members who are required to serve on 5844
the council. Upon appeal, the cabinet council may order that state 5845
funds for services to children and families be redirected to a 5846
county's board of county commissioners. 5847~~

The county's juvenile court judge senior in service or 5848
another judge of the juvenile court designated by the 5849
administrative judge or, where there is no administrative judge, 5850
by the judge senior in service shall serve as the judicial advisor 5851
to the county family and children first council. The judge may 5852
advise the county council on the court's utilization of resources, 5853
services, or programs provided by the entities represented by the 5854
members of the county council and how those resources, services, 5855
or programs assist the court in its administration of justice. 5856
Service of a judge as a judicial advisor pursuant to this section 5857

is a judicial function. 5858

(2) The purpose of the county council is to streamline and 5859
coordinate existing government services for families seeking 5860
services for their children. In seeking to fulfill its purpose, a 5861
county council shall provide for the following: 5862

(a) Referrals to the cabinet council of those children for 5863
whom the county council cannot provide adequate services; 5864

(b) Development and implementation of a process that annually 5865
evaluates and prioritizes services, fills service gaps where 5866
possible, and invents new approaches to achieve better results for 5867
families and children; 5868

(c) Participation in the development of a countywide, 5869
comprehensive, coordinated, multi-disciplinary, interagency system 5870
for infants and toddlers with developmental disabilities or delays 5871
and their families, as established pursuant to federal grants 5872
received and administered by the department of ~~health~~ 5873
developmental disabilities for early intervention services under 5874
the "Individuals with Disabilities Education Act of 2004"; 5875

(d) Maintenance of an accountability system to monitor the 5876
county council's progress in achieving results for families and 5877
children; 5878

(e) Establishment of a mechanism to ensure ongoing input from 5879
a broad representation of families who are receiving services 5880
within the county system. 5881

(3) A county council shall develop and implement the 5882
following: 5883

(a) An interagency process to establish local indicators and 5884
monitor the county's progress toward increasing child well-being 5885
in the county; 5886

(b) An interagency process to identify local priorities to 5887

~~increase child well-being. The local priorities shall focus on 5888
expectant parents and newborns thriving; infants and toddlers 5889
thriving; children being ready for school; children and youth 5890
succeeding in school; youth choosing healthy behaviors; and youth 5891
successfully transitioning into adulthood and take into account 5892
the indicators established by the cabinet council under division 5893
(A)(4)(a) of this section. 5894~~

(c) An annual plan that identifies the county's interagency 5895
efforts to increase child well-being in the county. 5896

On an annual basis, the county council shall submit a report 5897
on the status of efforts by the county to increase child 5898
well-being in the county to the county's board of county 5899
commissioners and the cabinet council. This report shall be made 5900
available to any other person on request. 5901

(4)(a) Except as provided in division (B)(4)(b) of this 5902
section, a county council shall comply with the policies, 5903
procedures, and activities prescribed by the rules or interagency 5904
agreements of a state department participating on the cabinet 5905
council whenever the county council performs a function subject to 5906
those rules or agreements. 5907

(b) On application of a county council, the cabinet council 5908
may grant an exemption from any rules or interagency agreements of 5909
a state department participating on the council if an exemption is 5910
necessary for the council to implement an alternative program or 5911
approach for service delivery to families and children. The 5912
application shall describe the proposed program or approach and 5913
specify the rules or interagency agreements from which an 5914
exemption is necessary. The cabinet council shall approve or 5915
disapprove the application in accordance with standards and 5916
procedures it shall adopt. If an application is approved, the 5917
exemption is effective only while the program or approach is being 5918
implemented, including a reasonable period during which the 5919

program or approach is being evaluated for effectiveness. 5920

(5)(a) Each county council shall designate an administrative 5921
agent for the council from among the following public entities: 5922
the board of alcohol, drug addiction, and mental health services, 5923
including a board of alcohol and drug addiction or a community 5924
mental health board if the county is served by separate boards; 5925
the board of county commissioners; any board of health of the 5926
county's city and general health districts; the county department 5927
of job and family services; the county agency responsible for the 5928
administration of children services pursuant to section 5153.15 of 5929
the Revised Code; the county board of developmental disabilities; 5930
any of the county's boards of education or governing boards of 5931
educational service centers; or the county's juvenile court. Any 5932
of the foregoing public entities, other than the board of county 5933
commissioners, may decline to serve as the council's 5934
administrative agent. 5935

A county council's administrative agent shall serve as the 5936
council's appointing authority for any employees of the council. 5937
The council shall file an annual budget with its administrative 5938
agent, with copies filed with the county auditor and with the 5939
board of county commissioners, unless the board is serving as the 5940
council's administrative agent. The council's administrative agent 5941
shall ensure that all expenditures are handled in accordance with 5942
policies, procedures, and activities prescribed by state 5943
departments in rules, grant agreements, or interagency agreements 5944
that are applicable to the council's functions. 5945

The administrative agent of a county council shall send 5946
notice of a member's absence if a member listed in division (B)(1) 5947
of this section has been absent from either three consecutive 5948
meetings of the county council or a county council subcommittee, 5949
or from one-quarter of such meetings in a calendar year, whichever 5950
is less. The notice shall be sent to the board of county 5951

commissioners that establishes the county council and, for the 5952
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5953
section, to the governing board overseeing the respective entity; 5954
for the member listed in division (B)(1)(f) of this section, to 5955
the county board of developmental disabilities that employs the 5956
superintendent; for a member listed in division (B)(1)(g) or (h) 5957
of this section, to the school board that employs the 5958
superintendent; for the member listed in division (B)(1)(i) of 5959
this section, to the mayor of the municipal corporation; for the 5960
member listed in division (B)(1)(k) of this section, to the 5961
director of youth services; and for the member listed in division 5962
(B)(1)(n) of this section, to that member's board of trustees. 5963

The administrative agent for a county council may do any of 5964
the following on behalf of the council: 5965

(i) Enter into agreements or administer contracts with public 5966
or private entities to fulfill specific council business. Such 5967
agreements and contracts are exempt from the competitive bidding 5968
requirements of section 307.86 of the Revised Code if they have 5969
been approved by the county council and they are for the purchase 5970
of ~~family and child welfare or child protection services or other~~ 5971
~~social or job and family~~ services for families and children. The 5972
approval of the county council is not required to exempt 5973
agreements or contracts entered into under section 5139.34, 5974
5139.41, or 5139.43 of the Revised Code from the competitive 5975
bidding requirements of section 307.86 of the Revised Code. 5976

(ii) As determined by the council, provide financial 5977
stipends, reimbursements, or both, to family representatives for 5978
expenses related to council activity; 5979

(iii) Receive by gift, grant, devise, or bequest any moneys, 5980
lands, or other property for the purposes for which the council is 5981
established. The agent shall hold, apply, and dispose of the 5982
moneys, lands, or other property according to the terms of the 5983

gift, grant, devise, or bequest. Any interest or earnings shall be 5984
treated in the same manner and are subject to the same terms as 5985
the gift, grant, devise, or bequest from which it accrues. 5986

(b)(i) If the county council designates the board of county 5987
commissioners as its administrative agent, the board may, by 5988
resolution, delegate any of its powers and duties as 5989
administrative agent to an executive committee the board 5990
establishes from the membership of the county council. The board 5991
shall name to the executive committee at least the individuals 5992
described in divisions (B)(1)(b) to (h) of this section and may 5993
appoint the president of the board or another individual as the 5994
chair of the executive committee. The executive committee must 5995
include at least one family county council representative who does 5996
not have a family member employed by an agency represented on the 5997
council. 5998

(ii) The executive committee may, with the approval of the 5999
board, hire an executive director to assist the county council in 6000
administering its powers and duties. The executive director shall 6001
serve in the unclassified civil service at the pleasure of the 6002
executive committee. The executive director may, with the approval 6003
of the executive committee, hire other employees as necessary to 6004
properly conduct the county council's business. 6005

(iii) The board may require the executive committee to submit 6006
an annual budget to the board for approval and may amend or repeal 6007
the resolution that delegated to the executive committee its 6008
authority as the county council's administrative agent. 6009

(6) Two or more county councils may enter into an agreement 6010
to administer their county councils jointly by creating a regional 6011
family and children first council. A regional council possesses 6012
the same duties and authority possessed by a county council, 6013
except that the duties and authority apply regionally rather than 6014
to individual counties. Prior to entering into an agreement to 6015

create a regional council, the members of each county council to 6016
be part of the regional council shall meet to determine whether 6017
all or part of the members of each county council will serve as 6018
members of the regional council. 6019

(7) A board of county commissioners may approve a resolution 6020
by a majority vote of the board's members that requires the county 6021
council to submit a statement to the board each time the council 6022
proposes to enter into an agreement, adopt a plan, or make a 6023
decision, other than a decision pursuant to section 121.38 of the 6024
Revised Code, that requires the expenditure of funds for two or 6025
more families. The statement shall describe the proposed 6026
agreement, plan, or decision. 6027

Not later than fifteen days after the board receives the 6028
statement, it shall, by resolution approved by a majority of its 6029
members, approve or disapprove the agreement, plan, or decision. 6030
Failure of the board to pass a resolution during that time period 6031
shall be considered approval of the agreement, plan, or decision. 6032

An agreement, plan, or decision for which a statement is 6033
required to be submitted to the board shall be implemented only if 6034
it is approved by the board. 6035

(C) Each county shall develop a county service coordination 6036
mechanism. The county service coordination mechanism shall serve 6037
as the guiding document for coordination of services in the 6038
county. For children who also receive services under the ~~help-me~~ 6039
~~grow program~~ early intervention program, the main provider of 6040
service coordination ~~mechanism~~ shall be ~~consistent with rules~~ 6041
~~adopted by the department of health under~~ an early intervention 6042
service coordinator to ensure compliance with section ~~3701.61~~ 6043
5123.02 of the Revised Code. All family service coordination plans 6044
shall be developed in accordance with the county service 6045
coordination mechanism. The mechanism shall be developed and 6046
approved with the participation of the county entities 6047

representing child welfare; developmental disabilities; alcohol, 6048
drug addiction, and mental health services; health; juvenile 6049
judges; education; the county family and children first council; 6050
and the county early intervention collaborative established 6051
pursuant to the federal early intervention program operated under 6052
the "Individuals with Disabilities Education Act of 2004." The 6053
county shall establish an implementation schedule for the 6054
mechanism. The cabinet council may monitor the implementation and 6055
administration of each county's service coordination mechanism. 6056

Each mechanism shall include all of the following: 6057

(1) A procedure for an agency, including a juvenile court, or 6058
a family voluntarily seeking service coordination, to refer the 6059
child and family to the county council for service coordination in 6060
accordance with the mechanism; 6061

(2) A procedure ensuring that a family and all appropriate 6062
staff from involved agencies, including a representative from the 6063
appropriate school district, are notified of and invited to 6064
participate in all family service coordination plan meetings; 6065

(3) A procedure that permits a family to initiate a meeting 6066
to develop or review the family's service coordination plan and 6067
allows the family to invite a family advocate, mentor, or support 6068
person of the family's choice to participate in any such meeting; 6069

(4) A procedure for ensuring that a family service 6070
coordination plan meeting is conducted for each child who receives 6071
service coordination under the mechanism and for whom an emergency 6072
out-of-home placement has been made or for whom a nonemergency 6073
out-of-home placement is being considered. The meeting shall be 6074
conducted within ten days of an emergency out-of-home placement. 6075
The meeting shall be conducted before a nonemergency out-of-home 6076
placement. The family service coordination plan shall outline how 6077
the county council members will jointly pay for services, where 6078

applicable, and provide services in the least restrictive 6079
environment. 6080

(5) A procedure for monitoring the progress and tracking the 6081
outcomes of each service coordination plan requested in the county 6082
including monitoring and tracking children in out-of-home 6083
placements to assure continued progress, appropriateness of 6084
placement, and continuity of care after discharge from placement 6085
with appropriate arrangements for housing, treatment, and 6086
education; 6087

(6) A procedure for protecting the confidentiality of all 6088
personal family information disclosed during service coordination 6089
meetings or contained in the comprehensive family service 6090
coordination plan; 6091

(7) A procedure for assessing the needs and strengths of any 6092
child or family that has been referred to the council for service 6093
coordination, including a child whose parent or custodian is 6094
voluntarily seeking services, and for ensuring that parents and 6095
custodians are afforded the opportunity to participate; 6096

(8) A procedure for development of a family service 6097
coordination plan described in division (D) of this section; 6098

(9) A local dispute resolution process to serve as the 6099
process that must be used first to resolve disputes among the 6100
agencies represented on the county council concerning the 6101
provision of services to children, including children who are 6102
abused, neglected, dependent, unruly, alleged unruly, or 6103
delinquent children and under the jurisdiction of the juvenile 6104
court and children whose parents or custodians are voluntarily 6105
seeking services. The local dispute resolution process shall 6106
comply with sections 121.38, 121.381, and 121.382 of the Revised 6107
Code. The local dispute resolution process shall be used to 6108
resolve disputes between a child's parents or custodians and the 6109

county council regarding service coordination. The county council 6110
shall inform the parents or custodians of their right to use the 6111
dispute resolution process. Parents or custodians shall use 6112
existing local agency grievance procedures to address disputes not 6113
involving service coordination. The dispute resolution process is 6114
in addition to and does not replace other rights or procedures 6115
that parents or custodians may have under other sections of the 6116
Revised Code. 6117

The cabinet council shall adopt rules in accordance with 6118
Chapter 119. of the Revised Code establishing an administrative 6119
review process to address problems that arise concerning the 6120
operation of a local dispute resolution process. 6121

Nothing in division (C)(4) of this section shall be 6122
interpreted as overriding or affecting decisions of a juvenile 6123
court or public children services agency regarding an out-of-home 6124
placement, long-term placement, or emergency out-of-home 6125
placement. 6126

(D) Each county shall develop a family service coordination 6127
plan that does all of the following: 6128

(1) Designates service responsibilities among the various 6129
state and local agencies that provide services to children and 6130
their families, including children who are abused, neglected, 6131
dependent, unruly, or delinquent children and under the 6132
jurisdiction of the juvenile court and children whose parents or 6133
custodians are voluntarily seeking services; 6134

(2) Designates an individual, approved by the family, to 6135
track the progress of the family service coordination plan, 6136
schedule reviews as necessary, and facilitate the family service 6137
coordination plan meeting process; 6138

(3) Ensures that assistance and services to be provided are 6139
responsive to the strengths and needs of the family, as well as 6140

the family's culture, race, and ethnic group, by allowing the 6141
family to offer information and suggestions and participate in 6142
decisions. Identified assistance and services shall be provided in 6143
the least restrictive environment possible. 6144

(4) Includes a process for dealing with a child who is 6145
alleged to be an unruly child. The process shall include methods 6146
to divert the child from the juvenile court system; 6147

(5) Includes timelines for completion of goals specified in 6148
the plan with regular reviews scheduled to monitor progress toward 6149
those goals; 6150

(6) Includes a plan for dealing with short-term crisis 6151
situations and safety concerns. 6152

(E)(1) The process provided for under division (D)(4) of this 6153
section may include, but is not limited to, the following: 6154

(a) Designation of the person or agency to conduct the 6155
assessment of the child and the child's family as described in 6156
division (C)(7) of this section and designation of the instrument 6157
or instruments to be used to conduct the assessment; 6158

(b) An emphasis on the personal responsibilities of the child 6159
and the parental responsibilities of the parents, guardian, or 6160
custodian of the child; 6161

(c) Involvement of local law enforcement agencies and 6162
officials. 6163

(2) The method to divert a child from the juvenile court 6164
system that must be included in the service coordination process 6165
may include, but is not limited to, the following: 6166

(a) The preparation of a complaint under section 2151.27 of 6167
the Revised Code alleging that the child is an unruly child and 6168
notifying the child and the parents, guardian, or custodian that 6169
the complaint has been prepared to encourage the child and the 6170

parents, guardian, or custodian to comply with other methods to 6171
divert the child from the juvenile court system; 6172

(b) Conducting a meeting with the child, the parents, 6173
guardian, or custodian, and other interested parties to determine 6174
the appropriate methods to divert the child from the juvenile 6175
court system; 6176

(c) A method to provide to the child and the child's family a 6177
short-term respite from a short-term crisis situation involving a 6178
confrontation between the child and the parents, guardian, or 6179
custodian; 6180

(d) A program to provide a mentor to the child or the 6181
parents, guardian, or custodian; 6182

(e) A program to provide parenting education to the parents, 6183
guardian, or custodian; 6184

(f) An alternative school program for children who are truant 6185
from school, repeatedly disruptive in school, or suspended or 6186
expelled from school; 6187

(g) Other appropriate measures, including, but not limited 6188
to, any alternative methods to divert a child from the juvenile 6189
court system that are identified by the Ohio family and children 6190
first cabinet council. 6191

(F) Each county may review and revise the service 6192
coordination process described in division (D) of this section 6193
based on the availability of funds under Title IV-A of the "Social 6194
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 6195
or to the extent resources are available from any other federal, 6196
state, or local funds. 6197

(G) As used in this section, "early intervention service 6198
coordinator" means a person who holds an early intervention 6199
service coordinator credential or an early intervention service 6200

coordination supervisor credential issued by the department of 6201
developmental disabilities and who assists and enables an infant 6202
or toddler with a developmental delay or disability and the 6203
child's family to receive the services and rights, including 6204
procedural safeguards, required under part C of the "Individuals 6205
with Disabilities Education Act of 2004," 20 U.S.C. 1400, as 6206
amended. 6207

Sec. 121.376. (A) The Ohio family and children first cabinet 6208
council state office shall establish and maintain the Ohio 6209
automated service coordination information system. The information 6210
system shall contain county family and children first council 6211
records detailing funding sources and information regarding 6212
families seeking services from a county council including: 6213

(1) Demographics including: 6214

(a) Number and relationship of family members; 6215

(b) Genders of youth; 6216

(c) Ages of youth; 6217

(d) Races of youth; 6218

(e) Education of youth. 6219

(2) Youth financial resource eligibility information; 6220

(3) History and desired outcomes; 6221

(4) Youth's physical and behavioral health histories, when 6222
available; 6223

(5) Names of youth's insurers and physicians, when available; 6224

(6) Individualized plans including: 6225

(a) Referrals made to services; 6226

(b) Services and supports received; 6227

(c) Crisis plans; 6228

<u>(d) Safety plans.</u>	6229
<u>(7) All relevant case file documents;</u>	6230
<u>(8) Any other information related to families served,</u>	6231
<u>services provided, or the financial resources used to provide the</u>	6232
<u>services.</u>	6233
<u>(B) Each county family and children first council shall enter</u>	6234
<u>and update information in the Ohio automated service coordination</u>	6235
<u>information system as information becomes available or within five</u>	6236
<u>business days of acquiring new information. Failure to enter</u>	6237
<u>information may result in the withholding of state funding.</u>	6238
<u>(C) The data in the Ohio automated service coordination</u>	6239
<u>information system is confidential, and release of information is</u>	6240
<u>limited to those with whom the county family and children first</u>	6241
<u>council is permitted by law to share the information. Access to</u>	6242
<u>and use of data in the Ohio automated service coordination</u>	6243
<u>information system shall be limited to the extent necessary to</u>	6244
<u>carry out the duties of the family and children first cabinet</u>	6245
<u>council and the county family and children first councils</u>	6246
<u>established in section 121.37 of the Revised Code.</u>	6247
<u>(D) Personnel having access to the Ohio automated service</u>	6248
<u>coordination information system shall be limited to those</u>	6249
<u>individuals who have been educated on the confidentiality</u>	6250
<u>requirements of the Ohio automated service coordination</u>	6251
<u>information system, who are informed of all penalties, who have</u>	6252
<u>been educated in security procedures, and who have provided</u>	6253
<u>acknowledgement of rules developed by the Ohio family and children</u>	6254
<u>first cabinet council.</u>	6255
<u>(E) Each county family and children first council shall do</u>	6256
<u>both of the following:</u>	6257
<u>(1) Establish and implement a policy establishing</u>	6258
<u>administrative penalties, up to and including dismissal from</u>	6259

employment, for unauthorized access to, disclosure of, or use of 6260
data in the Ohio automated service coordination information 6261
system; 6262

(2) Monitor access to and use of the Ohio automated service 6263
coordination information system to prevent and identify 6264
unauthorized use of the system. 6265

(F) No direct access to the Ohio automated service 6266
coordination information system shall be requested by or on behalf 6267
of, nor approved for or granted to, any researcher conducting 6268
research. 6269

(G) The Ohio family and children first cabinet council state 6270
office may adopt rules, in accordance with Chapter 119. Of the 6271
Revised Code, governing county family and children first councils' 6272
access to, entry of, and use of information in the Ohio automated 6273
service coordination information system. 6274

Sec. 121.381. A parent or custodian who disagrees with a 6275
decision rendered by a county family and children first council 6276
regarding services for a child may initiate the dispute resolution 6277
process established in the county service coordination mechanism 6278
pursuant to division ~~(C)-(10)~~(C)(9) of section 121.37 of the 6279
Revised Code. 6280

Not later than sixty days after the parent or custodian 6281
initiates the dispute resolution process, the council shall make 6282
findings regarding the dispute and issue a written determination 6283
of its findings. 6284

Sec. 121.483. ~~A~~ The inspector general or a deputy inspector 6285
general appointed under section 121.48 of the Revised Code, who 6286
has been awarded a certificate by the executive director of the 6287
Ohio peace officer training commission attesting to the person's 6288
satisfactory completion of an approved state, county, ~~or~~ 6289

municipal, or department of natural resources peace officer basic 6290
training program, ~~shall, during the term of the deputy inspector~~ 6291
~~general's appointment, be considered a peace officer for the~~ 6292
~~purpose of maintaining a current and valid basic training~~ 6293
~~certificate pursuant to rules adopted under section 109.74 of the~~ 6294
~~Revised Code under section 109.77 of the Revised Code has the same~~ 6295
arrest authority as a peace officer. The inspector general or a 6296
deputy inspector general may exercise this arrest authority only 6297
while the inspector general or a deputy inspector general is 6298
engaged in the scope of the inspector general's or deputy 6299
inspector general's duties under sections 121.42 to 121.52 of the 6300
Revised Code. 6301

Sec. 121.49. (A) Subject to division (B) of this section, 6302
only an individual who meets one or more of the following 6303
qualifications is eligible to be appointed inspector general: 6304

(1) At least five years experience as a law enforcement 6305
officer in this or any other state; 6306

(2) Admission to the bar of this or any other state; 6307

(3) Certification as a certified public accountant in this or 6308
any other state; 6309

(4) At least five years service as the comptroller or similar 6310
officer of a public or private entity in this or any other state; 6311

(5) At least five years service as a deputy inspector general 6312
in this or any other state. 6313

(B) No individual who has been convicted, in this or any 6314
other state, of a felony or of any crime involving fraud, 6315
dishonesty, or moral turpitude shall be appointed inspector 6316
general. 6317

Sec. 121.81. As used in sections 121.81 to ~~121.83~~ 121.82 of 6318

the Revised Code: 6319

(A) "Agency" means a state agency that is required to file 6320
proposed rules for legislative review under division (D) of 6321
section 111.15 or division (C) of section 119.03 of the Revised 6322
Code. 6323

(B) "Draft rule" means any newly proposed rule and any 6324
proposed amendment, adoption, or rescission of a rule prior to the 6325
filing of that rule for legislative review under division (D) of 6326
section 111.15 or division (C) of section 119.03 of the Revised 6327
Code and includes a proposed amendment, adoption, or rescission of 6328
a rule in both its original and any revised form. "Draft rule" 6329
does not include an emergency rule adopted under division (B)(2) 6330
of section 111.15 or division (G) of section 119.03 of the Revised 6331
Code, but does include a rule that is proposed to replace an 6332
emergency rule that expires under those divisions. 6333

Sections 121.81 to ~~121.83~~ 121.82 and 121.91 of the Revised 6334
Code are complementary to sections 107.51 to 107.55 and 107.61 to 6335
107.63 of the Revised Code. 6336

Sec. 121.811. The offices of the governor, lieutenant 6337
governor, auditor of state, secretary of state, treasurer of 6338
state, and attorney general shall comply with the business review 6339
provisions of sections 106.03 and 106.031 and 121.81 to ~~121.83~~ 6340
121.82 of the Revised Code, but are not required to submit any 6341
document to the common sense initiative office or to prepare any 6342
document that would have been prepared in response to 6343
recommendations of the common sense initiative office, but rather 6344
shall prepare all other documents required under the business 6345
review provisions and submit them directly to the joint committee 6346
on agency rule review along with the proposed or existing rule. 6347
The offices of the governor, lieutenant governor, auditor of 6348
state, secretary of state, treasurer of state, and attorney 6349

general are subject, however, to section 106.05 of the Revised Code. 6350
6351

Sec. 121.93. (A) ~~An~~ Except as provided in division (E) of 6352
this section, an agency shall review its operations to identify 6353
principles of law or policy that have not been stated in a rule 6354
and that the agency is relying upon in conducting adjudications or 6355
other determinations of rights and liabilities or in issuing 6356
writings and other materials, such as instructions, directives, 6357
policy statements, guidelines, handbooks, manuals, advisories, 6358
notices, circulars, advertisements, forms, letters, and opinions. 6359
An agency is not required to identify principles of law or policy 6360
relied upon in issuing internal management rules as defined n 6361
section 111.15 of the Revised Code. The agency shall complete at 6362
least one of the reviews during a governor's term. 6363

Within ~~three~~ six months after the expiration of a governor's 6364
term, the agency electronically shall transmit a report to the 6365
joint committee on agency rule review containing the following: 6366

(1) A statement that the agency has completed one or more of 6367
the reviews, specifying the exact number of reviews completed 6368
during the governor's expired term; 6369

(2) The principles of law or policies identified under this 6370
division; 6371

(3) The agency's considerations regarding the identified 6372
principles of law or policies under division (B) of this section; 6373

(4) Any principles of law or policies for which the agency 6374
determines rulemaking is indicated or for which the agency has 6375
commenced the rule-making process under division (C) of this 6376
section. 6377

The joint committee on agency rule review shall make the 6378
reports available on its web site. 6379

(B) The agency shall determine whether a principle of law or policy thus identified has a general and uniform operation and establishes a legal regulation or standard that would not exist in its absence. If the principle of law or policy has these characteristics, the agency shall determine whether the principle of law or policy should be supplanted by its restatement in a rule to achieve one or more of the following as they are relevant to the principle of law or policy:

(1) Assert the general and uniform operation of the principle of law or policy;

(2) Make the principle of law or policy more readily available to the public;

(3) Make the principle of law or policy more readily available to persons who specifically are affected by the principle of law or policy;

(4) Enable the principle of law or policy to be better known in advance of its application;

(5) Enable greater public participation in improvement and further development of the principle of law or policy;

(6) Enable greater participation by persons specifically affected by the principle of law or policy in the improvement and further development of the principle of law or policy;

(7) Make the principle of law or policy more easily understandable; or

(8) Make the principle of law or policy more readily available to those legally charged with monitoring or reviewing the agency's operations.

If a principle of law or policy aids in the interpretation of an existing rule or statute, the agency shall consider whether the aiding effect clarifies or otherwise resolves an uncertainty in

the existing rule or statute. If the principle of law or policy 6410
can be so characterized, the agency shall consider whether the 6411
principle of law or policy should be supplanted by its restatement 6412
in an interpretive rule. The agency may not presume that a 6413
principle of law or policy that aids in the interpretation of an 6414
existing rule or statute is simply a reiteration of the existing 6415
rule or statute. 6416

(C) If the agency determines, in light of the foregoing 6417
standards, that rulemaking is indicated, the agency shall commence 6418
the rule-making process as soon as it is reasonably feasible to do 6419
so, but not later than the date that is six months after the 6420
determination was made. The principle of law or policy as it is 6421
restated in a rule does not need to be wholly congruent with the 6422
supplanted principle of law or policy. The agency lawfully may 6423
improve or develop further the supplanted principle of law or 6424
policy as it is restated in a rule. 6425

The agency may continue to rely upon the principle of law or 6426
policy, but only while it is complying with the preceding 6427
paragraph. The agency may not rely upon the principle of law or 6428
policy in advising with regard to or in determining the rights or 6429
liabilities of a person if the agency fails to commence the 6430
rule-making process by the deadline specified in the preceding 6431
paragraph, or if, after commencing the rule-making process, the 6432
agency neglects or abandons the rule-making process before it is 6433
completed. 6434

(D) A principle of law or policy that is relied upon directly 6435
or by clear implication from a statute applying to the agency does 6436
not need to be supplanted by rule. 6437

(E) This section does not apply to an agency, commission, or 6438
committee created in the legislative branch of government or to 6439
serve the general assembly including, but not limited to, all of 6440
the following: 6441

- (1) The joint legislative ethics committee; 6442
- (2) The joint medicaid oversight committee; 6443
- (3) The correctional institution inspection committee; 6444
- (4) The legislative service commission; 6445
- (5) The legislative information services; 6446
- (6) The capitol square review and advisory board. 6447

Sec. 122.07. (A) There is hereby created within the 6448
department of development services ~~agency~~ an office to be known as 6449
the state marketing office of ~~TourismOhio~~. The office shall be 6450
under the supervision of a director who shall ~~be of equivalent~~ 6451
~~rank of deputy director of the agency and shall~~ serve at the 6452
pleasure of the director of development ~~services~~. 6453

(B) The office shall do both of the following: 6454

(1) Promote the state as a ~~travel~~ destination for living, 6455
learning, working, and traveling, and provide related services or 6456
otherwise carry out the promotional functions or duties of the 6457
~~agency~~ department, as necessary; 6458

(2) Perform an annual return-on-investment study analyzing 6459
the office's success in promoting Ohio ~~tourism~~. A report 6460
containing the findings of the study shall be submitted to the 6461
governor, the speaker and minority leader of the house of 6462
representatives, and the president and minority leader of the 6463
senate. The report shall also be made available to the public. 6464

Sec. 122.071. (A) The ~~TourismOhio~~ state marketing advisory 6465
board is hereby established to advise the director of development 6466
~~services~~ and the director of the state marketing office of 6467
~~TourismOhio~~ on strategies for promoting tourism in this state. The 6468
board shall consist of the chief investment officer of the 6469
nonprofit corporation formed under section 187.01 of the Revised 6470

Code or the chief investment officer's designee, the director of 6471
the state marketing office of ~~TourismOhio~~, and nine members to be 6472
appointed by the governor as provided in division (B) of this 6473
section. All members of the board, except the director of the 6474
state marketing office of ~~TourismOhio~~, shall be voting members. 6475

(B)(1) The governor shall, ~~within sixty days after September~~ 6476
~~28, 2012,~~ appoint to the ~~TourismOhio~~ state marketing advisory 6477
board one individual who is a representative of convention and 6478
visitors' bureaus, one individual who is a representative of the 6479
lodging industry, one individual who is a representative of the 6480
restaurant industry, one individual who is a representative of 6481
attractions, one individual who is a representative of special 6482
events and festivals, one individual who is a representative of 6483
agritourism, and three individuals who are representatives of the 6484
tourism industry. Of the initial appointments, two individuals 6485
shall serve a term of one year, three individuals shall serve a 6486
term of two years, and the remainder shall serve a term of three 6487
years. Thereafter, terms of office shall be for three years. Each 6488
individual appointed to the board shall be a United States 6489
citizen. 6490

(2) For purposes of division (B)(1) of this section, an 6491
individual is a "representative of the tourism industry" if the 6492
individual possesses five years or more executive-level experience 6493
in the attractions, lodging, restaurant, transportation, or retail 6494
industry or five years or more executive-level experience with a 6495
destination marketing organization. 6496

(C)(1) Each member of the ~~TourismOhio~~ state marketing 6497
advisory board shall hold office from the date of the member's 6498
appointment until the end of the term for which the member is 6499
appointed. Vacancies that occur on the board shall be filled in 6500
the manner prescribed for regular appointments to the board. A 6501
member appointed to fill a vacancy occurring prior to the 6502

expiration of the term for which the member's predecessor was 6503
appointed shall hold office for the remainder of that 6504
predecessor's term. A member shall continue in office subsequent 6505
to the expiration date of the member's term until the member's 6506
successor takes office or until sixty days have elapsed, whichever 6507
occurs first. Any member appointed to the board is eligible for 6508
reappointment. 6509

(2) The governor shall designate one member of the board as 6510
chairperson. 6511

(3) Members appointed to the board may be reimbursed for 6512
actual and necessary expenses incurred in connection with their 6513
official duties. 6514

Sec. 122.072. There is hereby created in the state treasury 6515
the ~~tourism~~ state marketing fund consisting of money credited or 6516
transferred to it and grants, gifts, and contributions made 6517
directly to it. Money in the fund shall be used to defray costs 6518
incurred by the state marketing office of ~~TourismOhio~~ in promoting 6519
this state ~~as a travel destination~~. 6520

Sec. 122.073. (A) The department of development services 6521
~~agency~~ may do any of the following: 6522

(1) Disseminate information concerning the industrial, 6523
commercial, governmental, educational, cultural, recreational, 6524
agricultural, and other advantages and attractions of the state; 6525

(2) Provide technical assistance to public and private 6526
agencies in the preparation of promotional programs designed to 6527
attract business, industry, and tourists to the state; 6528

(3) Enter into cooperative or contractual agreements, through 6529
the director of development ~~services~~, with any individual, 6530
organization, or business to create, administer, or otherwise be 6531
involved with Ohio tourism-related promotional programs. 6532

Compensation under such agreements shall be determined by the 6533
director and may include deferred compensation. This compensation 6534
is payable from the tourism fund created in section 122.072 of the 6535
Revised Code. Any excess revenue generated under such a 6536
cooperative or contractual agreement shall be remitted to the fund 6537
to be reinvested in ongoing tourism marketing initiatives as 6538
authorized by law. 6539

(B) Records related to tourism market research submitted to 6540
or generated by the state marketing office ~~of TourismOhio~~, and any 6541
information taken for any purpose from such research, are not 6542
public records for the purposes of section 149.43 of the Revised 6543
Code. The ~~agency~~ department may use, however, such tourism market 6544
research in a public report if the director determines that 6545
issuing and distributing the report would promote or market the 6546
state's travel and tourism industry or otherwise advance the 6547
purposes of this section. 6548

Sec. 122.16. (A) As used in this section: 6549

(1) "Distressed area" means either a municipal corporation 6550
that has a population of at least fifty thousand according to the 6551
most recent federal decennial census published by the United 6552
States census bureau, or a county, that meets at least two of the 6553
following criteria: 6554

(a) Its average rate of unemployment, during the most recent 6555
five-year period for which ~~data~~ local area unemployment statistics 6556
published by the United States bureau of labor statistics are 6557
available, as of the date the most recent federal decennial census 6558
was published, is equal to ~~at least~~ or greater than one hundred 6559
twenty-five per cent of the average rate of unemployment for the 6560
United States for the same period. 6561

~~(b) It has a~~ (b)(i) In the case of a county, its per capita 6562
personal income is equal to or ~~below~~ less than eighty per cent of 6563

the ~~median county~~ per capita personal income of the United States 6564
as determined by the most recently available ~~figures~~ data from the 6565
United States ~~census~~ department of commerce, bureau of economic 6566
analysis as of the date the most recent federal decennial census 6567
was published. 6568

~~(e)(i)(ii)~~ In the case of a municipal corporation, ~~at least~~ 6569
~~twenty per cent of the residents have a total income for the most~~ 6570
~~recent census year that is below the official poverty line~~ its per 6571
capita income is equal to or less than eighty per cent of the per 6572
capita income of the United States as determined by the most 6573
recently available five-year estimates published in the American 6574
community survey as of the date the most recent federal decennial 6575
census was published. 6576

~~(ii)(c)(i)~~ In the case of a county, ~~in intercensal years, the~~ 6577
~~county has a~~ its ratio of personal current transfer payment 6578
receipts to total personal income to total county income is 6579
equal to or greater than twenty-five per cent, as determined by the most 6580
recently available data from the United States department of 6581
commerce, bureau of economic analysis as of the date the most 6582
recent federal decennial census was published. 6583

(ii) In the case of a municipal corporation, the percentage 6584
of its residents with incomes below the official poverty line is 6585
equal to or greater than twenty per cent as determined by the most 6586
recently available five-year estimates published in the American 6587
community survey as of the date the most recent federal decennial 6588
census was published. 6589

If a federal agency ceases to publish the applicable data 6590
described in division (A)(1) of this section, the director of 6591
development shall designate, on the department of development's 6592
web site, an alternative source of the applicable data published 6593
by a federal agency or, if no such source is available, another 6594
reliable source. 6595

(2) "Eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area. 6596
6597

(3) "Eligible costs associated with a voluntary action" means 6598
costs incurred during the qualifying period in performing a remedy 6599
or remedial activities, as defined in section 3746.01 of the 6600
Revised Code, and any costs incurred during the qualifying period 6601
in performing both a phase I and phase II property assessment, as 6602
defined in the rules adopted under section 3746.04 of the Revised 6603
Code, provided that the performance of the phase I and phase II 6604
property assessment resulted in the implementation of the remedy 6605
or remedial activities. 6606

(4) "Inner city area" means, in a municipal corporation that 6607
has a population of at least one hundred thousand and does not 6608
meet the criteria of a labor surplus area or a distressed area, 6609
targeted investment areas established by the municipal corporation 6610
within its boundaries that are comprised of the most recent census 6611
block tracts that individually have at least twenty per cent of 6612
their population at or below the state poverty level or other 6613
census block tracts contiguous to such census block tracts. 6614

(5) "Labor surplus area" means an area designated as a labor 6615
surplus area by the United States department of labor. 6616

(6) "Official poverty line" has the same meaning as in 6617
division (A) of section 3923.51 of the Revised Code. 6618

(7) "Partner" includes a member of a limited liability 6619
company formed under Chapter 1705. or 1706. of the Revised Code or 6620
under the laws of any other state if the limited liability company 6621
is not treated as a corporation for purposes of Chapter 5733. of 6622
the Revised Code and is not classified as an association taxable 6623
as a corporation for federal income tax purposes. 6624

(8) "Partnership" includes a limited liability company formed 6625
under Chapter 1705. or 1706. of the Revised Code or under the laws 6626

of any other state if the limited liability company is not treated 6627
as a corporation for purposes of Chapter 5733. of the Revised Code 6628
and is not classified as an association taxable as a corporation 6629
for federal income tax purposes. 6630

(9) "Qualifying period" means the period that begins July 1, 6631
1996, and ends June 30, 1999. 6632

(10) "S corporation" means a corporation that has made an 6633
election under subchapter S of chapter one of subtitle A of the 6634
Internal Revenue Code for its taxable year under the Internal 6635
Revenue Code; 6636

(11) "Situational distress area" means a county or a 6637
municipal corporation that has experienced or is experiencing a 6638
closing or downsizing of a major employer that will adversely 6639
affect the economy of the county or municipal corporation. In 6640
order for a county or municipal corporation to be designated as a 6641
situational distress area, the governing body of the county or 6642
municipal corporation shall submit a petition to the director of 6643
development in the form prescribed by the director. A county or 6644
municipal corporation may be designated as a situational distress 6645
area for a period not exceeding thirty-six months. 6646

The petition shall include written documentation that 6647
demonstrates all of the following: 6648

(a) The number of jobs lost by the closing or downsizing; 6649

(b) The impact that the job loss has on the unemployment rate 6650
of the county or municipal corporation as measured by the director 6651
of job and family services; 6652

(c) The annual payroll associated with the job loss; 6653

(d) The amount of state and local taxes associated with the 6654
job loss; 6655

(e) The impact that the closing or downsizing has on the 6656

suppliers located in the county or municipal corporation. 6657

(12) "Voluntary action" has the same meaning as in section 6658
3746.01 of the Revised Code. 6659

(13) "Taxpayer" means a corporation subject to the tax 6660
imposed by section 5733.06 of the Revised Code or any person 6661
subject to the tax imposed by section 5747.02 of the Revised Code. 6662

(14) "Governing body" means the board of county commissioners 6663
of a county, the board of township trustees of a township, or the 6664
legislative authority of a municipal corporation. 6665

(15) "Eligible site" means property for which a covenant not 6666
to sue has been issued under section 3746.12 of the Revised Code. 6667

(16) "American community survey" means the supplementary 6668
statistics collected and published annually by the United States 6669
census bureau in accordance with 13 U.S.C. 141 and 193. 6670

(B)(1) A taxpayer, partnership, or S corporation that has 6671
been issued, under section 3746.12 of the Revised Code, a covenant 6672
not to sue for a site by the director of environmental protection 6673
during the qualifying period may apply to the director of 6674
development, in the manner prescribed by the director, to enter 6675
into an agreement under which the applicant agrees to economically 6676
redevelop the site in a manner that will create employment 6677
opportunities and a credit will be granted to the applicant 6678
against the tax imposed by section 5733.06 or 5747.02 of the 6679
Revised Code. The application shall state the eligible costs 6680
associated with a voluntary action incurred by the applicant. The 6681
application shall be accompanied by proof, in a form prescribed by 6682
the director of development, that the covenant not to sue has been 6683
issued. 6684

The applicant shall request the certified professional that 6685
submitted the no further action letter for the eligible site under 6686
section 3746.11 of the Revised Code to submit an affidavit to the 6687

director of development verifying the eligible costs associated 6688
with the voluntary action at that site. 6689

The director shall review the applications in the order they 6690
are received. If the director determines that the applicant meets 6691
the requirements of this section, the director may enter into an 6692
agreement granting a credit against the tax imposed by section 6693
5733.06 or 5747.02 of the Revised Code. In making the 6694
determination, the director may consider the extent to which 6695
political subdivisions and other units of government will 6696
cooperate with the applicant to redevelop the eligible site. The 6697
agreement shall state the amount of the tax credit and the 6698
reporting requirements described in division (F) of this section. 6699

(2) The maximum annual amount of credits the director of 6700
development may grant under such agreements shall be as follows: 6701

1996 \$5,000,000 6702

1997 \$10,000,000 6703

1998 \$10,000,000 6704

1999 \$5,000,000 6705

For any year in which the director of development does not 6706
grant tax credits under this section equal to the maximum annual 6707
amount, the amount not granted for that year shall be added to the 6708
maximum annual amount that may be granted for the following year. 6709
However, the director shall not grant any tax credits under this 6710
section after June 30, 1999. 6711

(C)(1) If the covenant not to sue was issued in connection 6712
with a site that is not located in an eligible area, the credit 6713
amount is equal to the lesser of five hundred thousand dollars or 6714
ten per cent of the eligible costs associated with a voluntary 6715
action incurred by the taxpayer, partnership, or S corporation. 6716

(2) If a covenant not to sue was issued in connection with a 6717

site that is located in an eligible area, the credit amount is 6718
equal to the lesser of seven hundred fifty thousand dollars or 6719
fifteen per cent of the eligible costs associated with a voluntary 6720
action incurred by the taxpayer, partnership, or S corporation. 6721

(3) A taxpayer, partnership, or S corporation that has been 6722
issued covenants not to sue under section 3746.12 of the Revised 6723
Code for more than one site may apply to the director of 6724
development to enter into more than one agreement granting a 6725
credit against the tax imposed by section 5733.06 or 5747.02 of 6726
the Revised Code. 6727

(4) For each year for which a taxpayer, partnership, or S 6728
corporation has been granted a credit under an agreement entered 6729
into under this section, the director of development shall issue a 6730
certificate to the taxpayer, partnership, or S corporation 6731
indicating the amount of the credit the taxpayer, the partners of 6732
the partnership, or the shareholders of the S corporation may 6733
claim for that year, not including any amount that may be carried 6734
forward from previous years under section 5733.34 of the Revised 6735
Code. 6736

(D)(1) Each agreement entered into under this section shall 6737
incorporate a commitment by the taxpayer, partnership, or S 6738
corporation not to permit the use of an eligible site to cause the 6739
relocation of employment positions to that site from elsewhere in 6740
this state, except as otherwise provided in division (D)(2) of 6741
this section. The commitment shall be binding on the taxpayer, 6742
partnership, or S corporation for the lesser of five years from 6743
the date the agreement is entered into or the number of years the 6744
taxpayer, partnership, or S corporation is entitled to claim the 6745
tax credit under the agreement. 6746

(2) An eligible site may be the site of employment positions 6747
relocated from elsewhere in this state if the director of 6748
development determines both of the following: 6749

(a) That the site from which the employment positions would be relocated is inadequate to meet market and industry conditions, expansion plans, consolidation plans, or other business considerations affecting the relocating employer;

(b) That the governing body of the county, township, or municipal corporation from which the employment positions would be relocated has been notified of the possible relocation.

For purposes of this section, the movement of an employment position from one political subdivision to another political subdivision shall be considered a relocation of an employment position, but the transfer of an individual employee from one political subdivision to another political subdivision shall not be considered a relocation of an employment position as long as the individual's employment position in the first political subdivision is refilled.

(E) A taxpayer, partnership, or S corporation that has entered into an agreement granting a credit against the tax imposed by section 5733.06 or 5747.02 of the Revised Code that subsequently recovers in a lawsuit or settlement of a lawsuit at least seventy-five per cent of the eligible costs associated with a voluntary action shall not claim any credit amount remaining, including any amounts carried forward from prior years, beginning with the taxable year in which the judgment in the lawsuit is entered or the settlement is finally agreed to.

Any amount of credit that a taxpayer, partnership, or S corporation may not claim by reason of this division shall not be considered to have been granted for the purpose of determining the total amount of credits that may be issued under division (B)(2) of this section.

(F) Each year for which a taxpayer, partnership, or S corporation claims a credit under section 5733.34 of the Revised

Code, the taxpayer, partnership, or S corporation shall report the 6781
following to the director of development: 6782

(1) The status of all cost recovery litigation described in 6783
division (E) of this section to which it was a party during the 6784
previous year; 6785

(2) Confirmation that the covenant not to sue has not been 6786
revoked or has not been voided; 6787

(3) Confirmation that the taxpayer, partnership, or S 6788
corporation has not permitted the eligible site to be used in such 6789
a manner as to cause the relocation of employment positions from 6790
elsewhere in this state in violation of the commitment required 6791
under division (D) of this section; 6792

(4) Any other information the director of development 6793
requires to perform the director's duties under this section. 6794

(G) The director of development shall annually certify, by 6795
the first day of January of each year during the qualifying 6796
period, the eligible areas for the calendar year that includes 6797
that first day of January. 6798

(H) The director of development, in accordance with Chapter 6799
119. of the Revised Code, shall adopt rules necessary to implement 6800
this section, including rules prescribing forms required for 6801
administering this section. 6802

Sec. 122.17. (A) As used in this section: 6803

(1) "Payroll" means the total taxable income paid by the 6804
employer during the employer's taxable year, or during the 6805
calendar year that includes the employer's tax period, to each 6806
employee or each home-based employee employed in the project to 6807
the extent such payroll is not used to determine the credit under 6808
section 122.171 of the Revised Code. "Payroll" excludes amounts 6809
paid before the day the taxpayer becomes eligible for the credit 6810

and retirement or other benefits paid or contributed by the 6811
employer to or on behalf of employees. 6812

(2) "Baseline payroll" means Ohio employee payroll, except 6813
that the applicable measurement period is the twelve months 6814
immediately preceding the date the tax credit authority approves 6815
the taxpayer's application or the date the tax credit authority 6816
receives the recommendation described in division (C)(2)(a) of 6817
this section, whichever occurs first, multiplied by the sum of one 6818
plus an annual pay increase factor to be determined by the tax 6819
credit authority. 6820

(3) "Ohio employee payroll" means the amount of compensation 6821
used to determine the withholding obligations in division (A) of 6822
section 5747.06 of the Revised Code and paid by the employer 6823
during the employer's taxable year, or during the calendar year 6824
that includes the employer's tax period, to the following: 6825

(a) An employee employed in the project who is a resident of 6826
this state including a qualifying work-from-home employee not 6827
designated as a home-based employee by an applicant under division 6828
(C)(1) of this section; 6829

(b) An employee employed at the project location who is not a 6830
resident and whose compensation is not exempt from the tax imposed 6831
under section 5747.02 of the Revised Code pursuant to a 6832
reciprocity agreement with another state under division (A)(3) of 6833
section 5747.05 of the Revised Code; 6834

(c) A home-based employee employed in the project. 6835

"Ohio employee payroll" excludes any such compensation to the 6836
extent it is used to determine the credit under section 122.171 of 6837
the Revised Code, and excludes amounts paid before the day the 6838
taxpayer becomes eligible for the credit under this section. 6839

(4) "Excess payroll" means Ohio employee payroll minus 6840
baseline payroll. 6841

(5) "Home-based employee" means an employee whose services are performed primarily from the employee's residence in this state exclusively for the benefit of the project and whose rate of pay is at least one hundred thirty-one per cent of the federal minimum wage under 29 U.S.C. 206.

(6) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" excludes hours that are counted for a credit under section 122.171 of the Revised Code.

(7) "Metric evaluation date" means the date by which the taxpayer must meet all of the commitments included in the agreement.

(8) "Qualifying work-from-home employee" means an employee who is a resident of this state and whose services are supervised from the employer's project location and performed primarily from a residence of the employee located in this state.

(9) "Resident" or "resident of this state" means an individual who is a resident as defined in section 5747.01 of the Revised Code.

(10) "Reporting period" means a period corresponding to the annual report required under division (D)(6) of this section.

(11) "Megaproject" means a project in this state that meets all of the following requirements:

(a) At least one of the following applies:

(i) The project requires unique sites, extremely robust utility service, and a technically skilled workforce.

(ii) The megaproject operator of the project has its corporate headquarters in the United States, incurs more than fifty per cent of its research and development expenses in the

United States in the year preceding the date the tax credit 6872
authority approves the project for a credit under this section, 6873
and builds and operates semiconductor wafer manufacturing 6874
factories in this state or intends to do so by the metric 6875
evaluation date applicable to the megaproject operator. 6876

(b) The megaproject operator of the project agrees, in an 6877
agreement with the tax credit authority under division (D) of this 6878
section, that, on and after the metric evaluation date applicable 6879
to the megaproject operator and until the end of the last year for 6880
which the megaproject qualifies for the credit authorized under 6881
this section, the megaproject operator will compensate the 6882
project's employees at an average hourly wage of at least three 6883
hundred per cent of the federal minimum wage under 29 U.S.C. 206, 6884
exclusive of employee benefits, as determined at the time the tax 6885
credit authority approves the project for a credit under this 6886
section. 6887

(c) The megaproject operator agrees, in an agreement with the 6888
tax credit authority under division (D) of this section, to 6889
satisfy either of the following by the metric evaluation date 6890
applicable to the project: 6891

(i) The megaproject operator makes at least one billion 6892
dollars, as adjusted under division (V)(1) of this section, in 6893
fixed-asset investments in the project. 6894

(ii) The megaproject operator creates at least seventy-five 6895
million dollars, as adjusted under division (V)(1) of this 6896
section, in Ohio employee payroll at the project. 6897

(d) The megaproject operator agrees, in an agreement with the 6898
tax credit authority under division (D) of this section, that if 6899
the project satisfies division (A)(11)(c)(ii) of this section, 6900
then, on and after the metric evaluation date and until the end of 6901
the last year for which the megaproject qualifies for the credit 6902

authorized under this section, the megaproject operator will 6903
maintain at least the amount in Ohio employee payroll at the 6904
project required under that division for each year in that period. 6905

(12) "Megaproject operator" means a taxpayer that, separately 6906
or collectively with other taxpayers, undertakes and operates a 6907
megaproject. Such a taxpayer becomes a megaproject operator 6908
effective the first day of the calendar year in which the taxpayer 6909
and the tax credit authority enter into an agreement under 6910
division (D) of this section with respect to the megaproject. More 6911
than one taxpayer may be designated by the tax credit authority as 6912
a megaproject operator for the same megaproject. 6913

(13) "Megaproject supplier" means a supplier in this state 6914
that meets either or both of the following requirements: 6915

(a) The supplier sells tangible personal property directly to 6916
a megaproject operator of a megaproject that satisfies the 6917
criteria described in division (A)(11)(a)(ii) of this section for 6918
use at a megaproject site, provided that such property was subject 6919
to substantial manufacturing, assembly, or processing in this 6920
state at a facility owned or operated by the supplier; 6921

(b) The supplier sells tangible personal property directly to 6922
a megaproject operator for use at a megaproject site, provided 6923
that the supplier agrees, in an agreement with the tax credit 6924
authority under division (D) of this section, to meet all of the 6925
following requirements: 6926

(i) By the metric evaluation date applicable to the supplier, 6927
makes at least one hundred million dollars, as adjusted under 6928
division (V)(2) of this section, in fixed-asset investments in 6929
this state; 6930

(ii) By the metric evaluation date applicable to the 6931
supplier, creates at least ten million dollars, as adjusted under 6932
division (V)(2) of this section, in Ohio employee payroll; 6933

(iii) On and after the metric evaluation date applicable to the supplier, until the end of the last year for which the supplier qualifies for the credit authorized under this section, maintains at least the amount in Ohio employee payroll required under division (A)(13)(b)(ii) of this section for each year in that period.

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to taxes imposed under section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the Revised Code, the credit shall be claimed in the order required under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of the credit available for a taxable year or for a calendar year that includes a tax period equals the excess payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority.

(C)(1) A taxpayer or potential taxpayer who proposes a project to create new jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section.

An application shall not propose to include both home-based employees and employees who are not home-based employees in the computation of Ohio employee payroll for the purposes of the same tax credit agreement, except that a qualifying work-from-home employee shall not be considered to be a home-based employee unless so designated by the applicant. If a taxpayer or potential

taxpayer employs both home-based employees and employees who are 6966
not home-based employees in a project, the taxpayer shall submit 6967
separate applications for separate tax credit agreements for the 6968
project, one of which shall include home-based employees in the 6969
computation of Ohio employee payroll and one of which shall 6970
include all other employees in the computation of Ohio employee 6971
payroll. 6972

The director of development shall prescribe the form of the 6973
application. After receipt of an application, the authority may 6974
enter into an agreement with the taxpayer for a credit under this 6975
section if it determines all of the following: 6976

(a) The taxpayer's project will increase payroll; 6977

(b) The taxpayer's project is economically sound and will 6978
benefit the people of this state by increasing opportunities for 6979
employment and strengthening the economy of this state; 6980

(c) Receiving the tax credit is a major factor in the 6981
taxpayer's decision to go forward with the project. 6982

(2)(a) A taxpayer that chooses to begin the project prior to 6983
receiving the determination of the authority may, upon submitting 6984
the taxpayer's application to the authority, request that the 6985
chief investment officer of the nonprofit corporation formed under 6986
section 187.01 of the Revised Code and the director review the 6987
taxpayer's application and recommend to the authority that the 6988
taxpayer's application be considered. As soon as possible after 6989
receiving such a request, the chief investment officer and the 6990
director shall review the taxpayer's application and, if they 6991
determine that the application warrants consideration by the 6992
authority, make that recommendation to the authority not later 6993
than six months after the application is received by the 6994
authority. 6995

(b) The authority shall consider any taxpayer's application 6996

for which it receives a recommendation under division (C)(2)(a) of 6997
this section. If the authority determines that the taxpayer does 6998
not meet all of the criteria set forth in division (C)(1) of this 6999
section, the authority and the department of development shall 7000
proceed in accordance with rules adopted by the director pursuant 7001
to division (I) of this section. 7002

(D) An agreement under this section shall include all of the 7003
following: 7004

(1) A detailed description of the project that is the subject 7005
of the agreement; 7006

(2)(a) The term of the tax credit, which, except as provided 7007
in division (D)(2)(b) or (C) of this section, shall not exceed 7008
fifteen years, and the first taxable year, or first calendar year 7009
that includes a tax period, for which the credit may be claimed; 7010

(b) If the tax credit is computed on the basis of home-based 7011
employees, the term of the credit shall expire on or before the 7012
last day of the taxable or calendar year ending before the 7013
beginning of the seventh year after September 6, 2012, the 7014
effective date of H.B. 327 of the 129th general assembly. 7015

(c) If the taxpayer is a megaproject operator or a 7016
megaproject supplier that meets the requirements described in 7017
division (A)(13)(b) of this section, the term of the tax credit 7018
shall not exceed thirty years. 7019

(3) A requirement that the taxpayer shall maintain operations 7020
at the project location for at least the greater of seven years or 7021
the term of the credit plus three years; 7022

(4) The percentage, as determined by the tax credit 7023
authority, of excess payroll that will be allowed as the amount of 7024
the credit for each taxable year or for each calendar year that 7025
includes a tax period; 7026

(5) The pay increase factor to be applied to the taxpayer's 7027
baseline payroll; 7028

(6) A requirement that the taxpayer annually shall report to 7029
the director of development full-time equivalent employees, 7030
payroll, Ohio employee payroll, investment, the provision of 7031
health care benefits and tuition reimbursement if required in the 7032
agreement, and other information the director needs to perform the 7033
director's duties under this section; 7034

(7) A requirement that the director of development annually 7035
review the information reported under division (D)(6) of this 7036
section and verify compliance with the agreement; if the taxpayer 7037
is in compliance, a requirement that the director issue a 7038
certificate to the taxpayer stating that the information has been 7039
verified and identifying the amount of the credit that may be 7040
claimed for the taxable or calendar year. If the taxpayer is a 7041
megaproject supplier, the director shall issue such a certificate 7042
to the megaproject supplier and to any megaproject operator (a) to 7043
which the megaproject supplier directly sells tangible personal 7044
property and (b) that is authorized to claim the credit pursuant 7045
to division (D)(10) of this section. 7046

(8) A provision providing that the taxpayer may not relocate 7047
a substantial number of employment positions from elsewhere in 7048
this state to the project location unless the director of 7049
development determines that the legislative authority of the 7050
county, township, or municipal corporation from which the 7051
employment positions would be relocated has been notified by the 7052
taxpayer of the relocation. 7053

For purposes of this section, the movement of an employment 7054
position from one political subdivision to another political 7055
subdivision shall be considered a relocation of an employment 7056
position unless the employment position in the first political 7057
subdivision is replaced. The movement of a qualifying 7058

work-from-home employee to a different residence located in this 7059
state or to the project location shall not be considered a 7060
relocation of an employment position. 7061

(9) If the tax credit is computed on the basis of home-based 7062
employees, that the tax credit may not be claimed by the taxpayer 7063
until the taxable year or tax period in which the taxpayer employs 7064
at least two hundred employees more than the number of employees 7065
the taxpayer employed on June 30, 2011; 7066

(10) If the taxpayer is a megaproject supplier, the 7067
percentage of the annual tax credit certified under division 7068
(D)(7) of this section, up to one hundred per cent, that may be 7069
claimed by each megaproject operator to which the megaproject 7070
supplier directly sells tangible personal property, rather than by 7071
that megaproject supplier, on the condition that the megaproject 7072
operator continues to qualify as a megaproject operator; 7073

(11) If the taxpayer is a megaproject operator or megaproject 7074
supplier, a requirement that the taxpayer meet and maintain 7075
compliance with all thresholds and requirements to which the 7076
taxpayer agreed, pursuant to division (A)(11) or (13) of this 7077
section, respectively, as a condition of the operator's project 7078
qualifying as a megaproject or the supplier qualifying as a 7079
megaproject supplier until the end of the last year for which the 7080
taxpayer qualifies for the credit authorized under this section. 7081
In each year that a megaproject operator or megaproject supplier 7082
is subject to an agreement with the tax credit authority under 7083
this section and meets the requirements of this division, the 7084
director of development shall issue a certificate to the 7085
megaproject operator or megaproject supplier stating that the 7086
megaproject operator or megaproject supplier continues to meet 7087
those requirements. 7088

(12) If the taxpayer is a megaproject operator, a requirement 7089
that the megaproject operator submit, in a form acceptable to the 7090

director of development, an economic impact report with respect to 7091
each megaproject for which the megaproject operator is designated, 7092
summarizing all of the following for the reporting year: 7093

(a) The aggregate amount of purchases made by the megaproject 7094
operator for such megaproject from megaproject suppliers; 7095

(b) The aggregate amount of purchases made by the megaproject 7096
operator for such megaproject from suppliers other than 7097
megaproject suppliers; 7098

(c) A summary of the construction activity for any facilities 7099
at the site of the megaproject in that year; 7100

(d) The aggregate amount expended by the megaproject operator 7101
on research and development at the site of the megaproject in that 7102
year; 7103

(e) The number of employees working at the site of the 7104
megaproject and the counties in which those employees reside; 7105

(f) A summary of the supply chain activity in support of the 7106
megaproject, including a list of the twenty-five suppliers with a 7107
physical presence in Ohio from which the megaproject operator made 7108
the most purchases in that year. 7109

The economic impact report shall be due on or before the 7110
first day of July of each year, beginning in the year specified in 7111
the agreement with the tax credit authority. The information 7112
required in the report shall be certified as true and correct by 7113
an officer of the megaproject operator. If there is more than one 7114
megaproject operator designated for a single megaproject, all of 7115
the megaproject operators designated for the megaproject may 7116
jointly submit a single report. Any information contained in the 7117
report is a public record for purposes of section 149.43 of the 7118
Revised Code and shall be published on the department of 7119
development's web site. 7120

(E)(1) If a taxpayer fails to meet or comply with any 7121
condition or requirement set forth in a tax credit agreement, the 7122
tax credit authority may amend the agreement to reduce the 7123
percentage or term of the tax credit. The reduction of the 7124
percentage or term may take effect in the current taxable or 7125
calendar year. 7126

(2) If the tax credit authority determines that a taxpayer 7127
that is a megaproject operator of a megaproject described in 7128
division (A)(11)(a)(ii) of this section is not fully compliant 7129
with the requirements of the agreement, the authority may impose a 7130
recoupment payment on the taxpayer in accordance with the 7131
following: 7132

(a) If, on the metric evaluation date, the taxpayer fails to 7133
substantially meet the capital investment, full-time equivalent 7134
employee, or payroll requirements included in the agreement, an 7135
amount determined at the discretion of the authority, not to 7136
exceed the sum of the following for all years prior to the metric 7137
evaluation date: (i) the amount of taxes that would have been 7138
imposed under Chapters 5739. and 5741. of the Revised Code in the 7139
absence of the agreement, and (ii) the amount of taxes that would 7140
have been imposed under Chapter 5751. of the Revised Code on 7141
receipts realized from sales to the taxpayer in the absence of the 7142
agreement; 7143

(b) If the taxpayer fails to substantially maintain the 7144
capital investment, full-time equivalent employee, or payroll 7145
requirements included in the agreement in any year after the 7146
metric evaluation date, an amount determined at the discretion of 7147
the authority, not to exceed the sum of the following for the 7148
calendar year in which taxpayer failed to meet the requirements: 7149
(i) the amount of taxes that would have been imposed under 7150
Chapters 5739. and 5741. of the Revised Code in the absence of the 7151
agreement, and (ii) the amount of taxes that would have been 7152

imposed under Chapter 5751. of the Revised Code on receipts 7153
realized from sales to the taxpayer in the absence of the 7154
agreement. 7155

(3) The tax credit authority may, subject to any requirements 7156
of the tax credit agreement, take into consideration the 7157
taxpayer's prior performance and any market conditions impacting 7158
the taxpayer when determining the amount of the recoupment payment 7159
described in division (E)(2) of this section. 7160

(F) Projects that consist solely of point-of-final-purchase 7161
retail facilities are not eligible for a tax credit under this 7162
section. If a project consists of both point-of-final-purchase 7163
retail facilities and nonretail facilities, only the portion of 7164
the project consisting of the nonretail facilities is eligible for 7165
a tax credit and only the excess payroll from the nonretail 7166
facilities shall be considered when computing the amount of the 7167
tax credit. If a warehouse facility is part of a 7168
point-of-final-purchase retail facility and supplies only that 7169
facility, the warehouse facility is not eligible for a tax credit. 7170
Catalog distribution centers are not considered 7171
point-of-final-purchase retail facilities for the purposes of this 7172
division, and are eligible for tax credits under this section. 7173

(G) Financial statements and other information submitted to 7174
the department of development or the tax credit authority by an 7175
applicant or recipient of a tax credit under this section, and any 7176
information taken for any purpose from such statements or 7177
information, are not public records subject to section 149.43 of 7178
the Revised Code. However, the chairperson of the authority may 7179
make use of the statements and other information for purposes of 7180
issuing public reports or in connection with court proceedings 7181
concerning tax credit agreements under this section. Upon the 7182
request of the tax commissioner or, if the applicant or recipient 7183
is an insurance company, upon the request of the superintendent of 7184

insurance, the chairperson of the authority shall provide to the 7185
commissioner or superintendent any statement or information 7186
submitted by an applicant or recipient of a tax credit in 7187
connection with the credit. The commissioner or superintendent 7188
shall preserve the confidentiality of the statement or 7189
information. 7190

(H) A taxpayer claiming a credit under this section shall 7191
submit to the tax commissioner or, if the taxpayer is an insurance 7192
company, to the superintendent of insurance, a copy of the 7193
director of development's certificate of verification under 7194
division (D)(7) of this section with the taxpayer's tax report or 7195
return for the taxable year or for the calendar year that includes 7196
the tax period. Failure to submit a copy of the certificate with 7197
the report or return does not invalidate a claim for a credit if 7198
the taxpayer submits a copy of the certificate to the commissioner 7199
or superintendent within the time prescribed by section 5703.0510 7200
of the Revised Code or within thirty days after the commissioner 7201
or superintendent requests it. 7202

(I) The director of development, after consultation with the 7203
tax commissioner and the superintendent of insurance and in 7204
accordance with Chapter 119. of the Revised Code, shall adopt 7205
rules necessary to implement this section, including rules that 7206
establish a procedure to be followed by the tax credit authority 7207
and the department of development in the event the authority 7208
considers a taxpayer's application for which it receives a 7209
recommendation under division (C)(2)(a) of this section but does 7210
not approve it. The rules may provide for recipients of tax 7211
credits under this section to be charged fees to cover 7212
administrative costs of the tax credit program. For the purposes 7213
of these rules, a qualifying work-from-home employee shall be 7214
considered to be an employee employed at the applicant's project 7215
location. The fees collected shall be credited to the tax 7216

incentives operating fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

(J) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (D)(6) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

(K)(1) If the director of development determines that a taxpayer who has received a credit under this section is not complying with the requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

(a) If the taxpayer fails to comply with the requirement under division (D)(3) of this section, an amount determined in accordance with the following:

(i) If the taxpayer maintained operations at the project

location for a period less than or equal to the term of the 7249
credit, an amount not exceeding one hundred per cent of the sum of 7250
any credits allowed and received under this section; 7251

(ii) If the taxpayer maintained operations at the project 7252
location for a period longer than the term of the credit, but less 7253
than the greater of seven years or the term of the credit plus 7254
three years, an amount not exceeding seventy-five per cent of the 7255
sum of any credits allowed and received under this section. 7256

(b) If, on the metric evaluation date, the taxpayer fails to 7257
substantially meet the job creation, payroll, or investment 7258
requirements included in the agreement, an amount determined at 7259
the discretion of the authority; 7260

(c) If the taxpayer fails to substantially maintain the 7261
number of new full-time equivalent employees or amount of payroll 7262
required under the agreement at any time during the term of the 7263
agreement after the metric evaluation date, an amount determined 7264
at the discretion of the authority. 7265

(2) If a taxpayer files for bankruptcy and fails as described 7266
in division (K)(1)(a), (b), or (c) of this section, the director 7267
may immediately commence an action to recoup an amount not 7268
exceeding one hundred per cent of the sum of any credits received 7269
by the taxpayer under this section. 7270

(3) In determining the portion of the tax credit to be 7271
refunded to this state, the tax credit authority shall consider 7272
the effect of market conditions on the taxpayer's project and 7273
whether the taxpayer continues to maintain other operations in 7274
this state. After making the determination, the authority shall 7275
certify the amount to be refunded to the tax commissioner or 7276
superintendent of insurance, as appropriate. If the amount is 7277
certified to the commissioner, the commissioner shall make an 7278
assessment for that amount against the taxpayer under Chapter 7279

5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. Within ninety days after certifying the amount to be refunded, if circumstances have changed, the authority may adjust the amount to be refunded and certify the adjusted amount to the commissioner or superintendent. The authority may only adjust the amount to be refunded one time and only if the amount initially certified by the authority has not been repaid, in whole or in part, by the taxpayer or certified to the attorney general for collection under section 131.02 of the Revised Code.

(L) On or before the first day of August each year, the director of development shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section. The report shall include information on the number of agreements that were entered into under this section during the preceding calendar year, a description of the project that is the subject of each such agreement, and an update on the status of projects under agreements entered into before the preceding calendar year.

(M) There is hereby created the tax credit authority, which consists of the director of development and ~~four~~ six other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint each of the following: (i) a member

who is a specialist in taxation, (ii) a member with experience in residential housing mortgage lending, loan servicing, or brokering at an institution insured by the federal deposit insurance corporation; and (iii) a member with experience in development or financing of multifamily housing. Terms of office shall be for four years. Each member shall serve on the authority until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Members may be reappointed to the authority. Members of the authority shall receive their necessary and actual expenses while engaged in the business of the authority. The director of development shall serve as chairperson of the authority, and the members annually shall elect a vice-chairperson from among themselves. ~~Three~~ Four members of the authority constitute a quorum to transact and vote on the business of the authority. The majority vote of the membership of the authority is necessary to approve any such business, including the election of the vice-chairperson.

The director of development may appoint a professional employee of the department of development to serve as the director's substitute at a meeting of the authority. The director shall make the appointment in writing. In the absence of the director from a meeting of the authority, the appointed substitute shall serve as chairperson. In the absence of both the director and the director's substitute from a meeting, the vice-chairperson shall serve as chairperson.

(N) For purposes of the credits granted by this section against the taxes imposed under sections 5725.18 and 5729.03 of the Revised Code, "taxable year" means the period covered by the

taxpayer's annual statement to the superintendent of insurance. 7344

(O) On or before the first day of March of each of the five 7345
calendar years beginning with 2014, each taxpayer subject to an 7346
agreement with the tax credit authority under this section on the 7347
basis of home-based employees shall report the number of 7348
home-based employees and other employees employed by the taxpayer 7349
in this state to the department of development. 7350

(P) On or before the first day of January of 2019, the 7351
director of development shall submit a report to the governor, the 7352
president of the senate, and the speaker of the house of 7353
representatives on the effect of agreements entered into under 7354
this section in which the taxpayer included home-based employees 7355
in the computation of income tax revenue, as that term was defined 7356
in this section prior to the amendment of this section by H.B. 64 7357
of the 131st general assembly. The report shall include 7358
information on the number of such agreements that were entered 7359
into in the preceding six years, a description of the projects 7360
that were the subjects of such agreements, and an analysis of 7361
nationwide home-based employment trends, including the number of 7362
home-based jobs created from July 1, 2011, through June 30, 2017, 7363
and a description of any home-based employment tax incentives 7364
provided by other states during that time. 7365

(Q) The director of development may require any agreement 7366
entered into under this section for a tax credit computed on the 7367
basis of home-based employees to contain a provision that the 7368
taxpayer makes available health care benefits and tuition 7369
reimbursement to all employees. 7370

(R) Original agreements approved by the tax credit authority 7371
under this section in 2014 or 2015 before September 29, 2015, may 7372
be revised at the request of the taxpayer to conform with the 7373
amendments to this section and sections 5733.0610, 5736.50, 7374
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 7375

general assembly, upon mutual agreement of the taxpayer and the 7376
department of development, and approval by the tax credit 7377
authority. 7378

(S)(1) As used in division (S) of this section: 7379

(a) "Eligible agreement" means an agreement approved by the 7380
tax credit authority under this section on or before December 31, 7381
2013. 7382

(b) "Income tax revenue" has the same meaning as under this 7383
section as it existed before September 29, 2015, the effective 7384
date of the amendment of this section by H.B. 64 of the 131st 7385
general assembly. 7386

(2) In calendar year 2016 and thereafter, the tax credit 7387
authority shall annually determine a withholding adjustment factor 7388
to be used in the computation of income tax revenue for eligible 7389
agreements. The withholding adjustment factor shall be a numerical 7390
percentage that equals the percentage that employer income tax 7391
withholding rates have been increased or decreased as a result of 7392
changes in the income tax rates prescribed by section 5747.02 of 7393
the Revised Code by amendment of that section taking effect on or 7394
after June 29, 2013. 7395

(3) Except as provided in division (S)(4) of this section, 7396
for reporting periods ending in 2015 and thereafter for taxpayers 7397
subject to eligible agreements, the tax credit authority shall 7398
adjust the income tax revenue reported on the taxpayer's annual 7399
report by multiplying the withholding adjustment factor by the 7400
taxpayer's income tax revenue and doing one of the following: 7401

(a) If the income tax rates prescribed by section 5747.02 of 7402
the Revised Code have decreased by amendment of that section 7403
taking effect on or after June 29, 2013, add the product to the 7404
taxpayer's income tax revenue. 7405

(b) If the income tax rates prescribed by section 5747.02 of 7406

the Revised Code have increased by amendment of that section 7407
taking effect on or after June 29, 2013, subtract the product from 7408
the taxpayer's income tax revenue. 7409

(4) Division (S)(3) of this section shall not apply unless 7410
all of the following apply for the reporting period with respect 7411
to the eligible agreement: 7412

(a) The taxpayer has achieved one hundred per cent of the new 7413
employment commitment identified in the agreement. 7414

(b) If applicable, the taxpayer has achieved one hundred per 7415
cent of the new payroll commitment identified in the agreement. 7416

(c) If applicable, the taxpayer has achieved one hundred per 7417
cent of the investment commitment identified in the agreement. 7418

(5) Failure by a taxpayer to have achieved any of the 7419
applicable commitments described in divisions (S)(4)(a) to (c) of 7420
this section in a reporting period does not disqualify the 7421
taxpayer for the adjustment under division (S) of this section for 7422
an ensuing reporting period. 7423

(T) For reporting periods ending in calendar year 2020 or 7424
thereafter, any taxpayer may include qualifying work-from-home 7425
employees in its report required under division (D)(6) of this 7426
section, and the compensation of such employees shall qualify as 7427
Ohio employee payroll under division (A)(3)(a) of this section, 7428
even if the taxpayer's application to the tax credit authority to 7429
enter into an agreement for a tax credit under this section was 7430
approved before September 29, 2017, the effective date of the 7431
amendment of this section by H.B. 49 of the 132nd general 7432
assembly. 7433

(U) The director of development ~~services~~ shall notify the tax 7434
commissioner if the director determines that a megaproject 7435
operator or megaproject supplier is not in compliance with the 7436
agreement pursuant to a review conducted under division (D)(11) of 7437

this section. 7438

(V) Beginning in 2025 and in each fifth calendar year 7439
thereafter, the tax commissioner shall adjust the following 7440
amounts in September of that year: 7441

(1) The fixed-asset investment threshold described in 7442
division (A)(11)(c)(i) of this section and the Ohio employee 7443
payroll threshold described in division (A)(11)(c)(ii) of this 7444
section by completing the following calculations: 7445

(a) Determine the percentage increase in the gross domestic 7446
product deflator determined by the bureau of economic analysis of 7447
the United States department of commerce from the first day of 7448
January of the fifth preceding calendar year to the last day of 7449
December of the preceding calendar year; 7450

(b) Multiply that percentage increase by the fixed-asset 7451
investment threshold and the Ohio employee payroll threshold for 7452
the current year; 7453

(c) Add the resulting products to the corresponding 7454
fixed-asset investment threshold and Ohio employee payroll 7455
threshold for the current year; 7456

(d) Round the resulting fixed-asset investment sum to the 7457
nearest multiple of ten million dollars and the Ohio employee 7458
payroll sum to the nearest multiple of one million dollars. 7459

(2) The fixed-asset investment threshold described in 7460
division (A)(13)(b)(i) of this section and the Ohio employee 7461
payroll threshold described in division (A)(13)(b)(ii) of this 7462
section by completing the calculations described in divisions 7463
(V)(1)(a) to (c) of this section and rounding the resulting 7464
fixed-asset investment sum to the nearest multiple of one million 7465
dollars and the Ohio employee payroll sum to the nearest multiple 7466
of one hundred thousand dollars. 7467

The commissioner shall certify the amount of the adjustments 7468
under divisions (V)(1) and (2) of this section to the director of 7469
development ~~services~~ and to the tax credit authority not later 7470
than the first day of December of the year the commissioner 7471
computes the adjustment. Each certified amount applies to the 7472
ensuing calendar year and each calendar year thereafter until the 7473
tax commissioner makes a new adjustment. The tax commissioner 7474
shall not calculate a new adjustment in any year in which the 7475
resulting amount from the adjustment would be less than the 7476
corresponding amount for the current year. 7477

Sec. 122.171. (A) As used in this section: 7478

(1) "Capital investment project" means a plan of investment 7479
at a project site for the acquisition, construction, renovation, 7480
or repair of buildings, machinery, or equipment, or for 7481
capitalized costs of basic research and new product development 7482
determined in accordance with generally accepted accounting 7483
principles, but does not include any of the following: 7484

(a) Payments made for the acquisition of personal property 7485
through operating leases; 7486

(b) Project costs paid before January 1, 2002; 7487

(c) Payments made to a related member as defined in section 7488
5733.042 of the Revised Code or to a consolidated elected taxpayer 7489
or a combined taxpayer as defined in section 5751.01 of the 7490
Revised Code. 7491

(2) "Eligible business" means a taxpayer and its related 7492
members with Ohio operations that had a capital investment project 7493
reviewed and approved by the tax credit authority as provided in 7494
divisions (C), (D), and (E) of this section and that satisfies 7495
either of the following requirements: 7496

(a) If engaged at the project site primarily in significant 7497

corporate administrative functions, as defined by the director of 7498
development by rule, the taxpayer meets both of the following 7499
criteria: 7500

(i) The taxpayer either is located in a foreign trade zone, 7501
employs at least five hundred full-time equivalent employees, or 7502
has an annual Ohio employee payroll of at least thirty-five 7503
million dollars at the time the tax credit authority grants the 7504
tax credit under this section; 7505

(ii) The taxpayer makes or causes to be made payments for the 7506
capital investment project of at least twenty million dollars in 7507
the aggregate at the project site during a period of three 7508
consecutive calendar years including the calendar year that 7509
includes a day of the taxpayer's taxable year or tax period with 7510
respect to which the credit is granted. 7511

(b) If engaged at the project site primarily as a 7512
manufacturer, the taxpayer makes or causes to be made payments for 7513
the capital investment project at the project site during a period 7514
of three consecutive calendar years, including the calendar year 7515
that includes a day of the taxpayer's taxable year or tax period 7516
with respect to which the credit is granted, in an amount that in 7517
the aggregate equals or exceeds the lesser of the following: 7518

(i) Fifty million dollars; 7519

(ii) Five per cent of the net book value of all tangible 7520
personal property used at the project site as of the last day of 7521
the three-year period in which the capital investment payments are 7522
made. 7523

(3) "Full-time equivalent employees" means the quotient 7524
obtained by dividing the total number of hours for which employees 7525
were compensated for employment in the project by two thousand 7526
eighty. "Full-time equivalent employees" shall exclude hours that 7527
are counted for a credit under section 122.17 of the Revised Code. 7528

(4) "Ohio employee payroll" has the same meaning as in	7529
section 122.17 of the Revised Code.	7530
(5) "Manufacturer" has the same meaning as in section	7531
5739.011 of the Revised Code.	7532
(6) "Project site" means an integrated complex of facilities	7533
in this state, as specified by the tax credit authority under this	7534
section, within a fifteen-mile radius where a taxpayer is	7535
primarily operating as an eligible business.	7536
(7) "Related member" has the same meaning as in section	7537
5733.042 of the Revised Code as that section existed on the	7538
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd	7539
general assembly, September 29, 1997.	7540
(8) "Taxable year" includes, in the case of a domestic or	7541
foreign insurance company, the calendar year ending on the	7542
thirty-first day of December preceding the day the superintendent	7543
of insurance is required to certify to the treasurer of state	7544
under section 5725.20 or 5729.05 of the Revised Code the amount of	7545
taxes due from insurance companies.	7546
(9) "Foreign trade zone" means a general purpose foreign	7547
trade zone or a special purpose subzone for which, pursuant to 19	7548
U.S.C. 81a, as amended, a permit for foreign trade zone status has	7549
been granted and remains active, including special purpose	7550
subzones for which a permit has been granted and remains active.	7551
(B) The tax credit authority created under section 122.17 of	7552
the Revised Code may grant a nonrefundable tax credit to an	7553
eligible business under this section for the purpose of fostering	7554
job retention in this state. Upon application by an eligible	7555
business and upon consideration of the determination of the	7556
director of budget and management, tax commissioner, and the	7557
superintendent of insurance in the case of an insurance company,	7558
the recommendation and determination of the director of	7559

development under division (C)(1) of this section, and a review of 7560
the criteria described in division (C)(2) of this section, the tax 7561
credit authority may grant the credit against the tax imposed by 7562
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 7563
5751.02 of the Revised Code. 7564

The credit authorized in this section may be granted for a 7565
period up to fifteen taxable years or, in the case of the tax 7566
levied by section 5736.02 or 5751.02 of the Revised Code, for a 7567
period of up to fifteen calendar years. The credit amount for a 7568
taxable year or a calendar year that includes the tax period for 7569
which a credit may be claimed equals the Ohio employee payroll for 7570
that year multiplied by the percentage specified in the agreement 7571
with the tax credit authority. The credit shall be claimed in the 7572
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 7573
5747.98, or 5751.98 of the Revised Code. In determining the 7574
percentage and term of the credit, the tax credit authority shall 7575
consider both the number of full-time equivalent employees and the 7576
value of the capital investment project. The credit amount may not 7577
be based on the Ohio employee payroll for a calendar year before 7578
the calendar year in which the tax credit authority specifies the 7579
tax credit is to begin, and the credit shall be claimed only for 7580
the taxable years or tax periods specified in the eligible 7581
business' agreement with the tax credit authority. In no event 7582
shall the credit be claimed for a taxable year or tax period 7583
terminating before the date specified in the agreement. 7584

If a credit allowed under this section for a taxable year or 7585
tax period exceeds the taxpayer's tax liability for that year or 7586
period, the excess may be carried forward for the three succeeding 7587
taxable or calendar years, but the amount of any excess credit 7588
allowed in any taxable year or tax period shall be deducted from 7589
the balance carried forward to the succeeding year or period. 7590

(C)(1) A taxpayer that proposes a capital investment project 7591

to retain jobs in this state may apply to the tax credit authority 7592
to enter into an agreement for a tax credit under this section. 7593
The director of development shall prescribe the form of the 7594
application. After receipt of an application, the authority shall 7595
forward copies of the application to the director of budget and 7596
management, the tax commissioner, and the superintendent of 7597
insurance in the case of an insurance company, each of whom shall 7598
review the application to determine the economic impact the 7599
proposed project would have on the state and the affected 7600
political subdivisions and shall submit a summary of their 7601
determinations to the authority. The authority shall also forward 7602
a copy of the application to the director of development, who 7603
shall review the application to determine the economic impact the 7604
proposed project would have on the state and the affected 7605
political subdivisions and shall submit a summary of the 7606
director's determinations and recommendations to the authority. 7607

(2) The director of development, in reviewing applications 7608
and making recommendations to the tax credit authority, and the 7609
authority, in selecting taxpayers with which to enter into an 7610
agreement under division (D) of this section, shall give priority 7611
to applications that meet one or more of the following criteria, 7612
with greater priority given to applications that meet more of the 7613
criteria: 7614

(a) Within the preceding five years, the applicant has not 7615
received a credit under this section or section 122.17 of the 7616
Revised Code for a project at the same project site as that 7617
proposed in the application. 7618

(b) The applicant is not currently receiving a credit under 7619
this section or section 122.17 of the Revised Code. 7620

(c) The applicant has operated at the project site for at 7621
least the preceding ten years. 7622

(d) The project involves a significant upgrade of the project 7623
site, rather than only routine maintenance of existing facilities, 7624
such as an increase in capacity of a facility, new product 7625
development, or technology upgrades or other facility 7626
modernization. 7627

(e) The applicant intends to use machinery, equipment, and 7628
materials supplied by Ohio businesses in the project when 7629
possible. 7630

(D) Upon review and consideration of the determinations, 7631
recommendations, and criteria described in division (C) of this 7632
section, the tax credit authority may enter into an agreement with 7633
the taxpayer for a credit under this section if the authority 7634
determines all of the following: 7635

(1) The taxpayer's capital investment project will result in 7636
the retention of employment in this state. 7637

(2) The taxpayer is economically sound and has the ability to 7638
complete the proposed capital investment project. 7639

(3) The taxpayer intends to and has the ability to maintain 7640
operations at the project site for at least the greater of (a) the 7641
term of the credit plus three years, or (b) seven years. 7642

(4) Receiving the credit is a major factor in the taxpayer's 7643
decision to begin, continue with, or complete the project. 7644

(E) An agreement under this section shall include all of the 7645
following: 7646

(1) A detailed description of the project that is the subject 7647
of the agreement, including the amount of the investment, the 7648
period over which the investment has been or is being made, the 7649
number of full-time equivalent employees at the project site, and 7650
the anticipated Ohio employee payroll to be generated. 7651

(2) The term of the credit, the percentage of the tax credit, 7652

the maximum annual value of tax credits that may be allowed each 7653
year, and the first year for which the credit may be claimed. 7654

(3) A requirement that the taxpayer maintain operations at 7655
the project site for at least the greater of (a) the term of the 7656
credit plus three years, or (b) seven years. 7657

(4)(a) If the taxpayer is engaged at the project site 7658
primarily in significant corporate administrative functions, a 7659
requirement that the taxpayer either retain at least five hundred 7660
full-time equivalent employees at the project site and within this 7661
state for the entire term of the credit, maintain an annual Ohio 7662
employee payroll of at least thirty-five million dollars for the 7663
entire term of the credit, or remain located in a foreign trade 7664
zone for the entire term of the credit; 7665

(b) If the taxpayer is engaged at the project site primarily 7666
as a manufacturer, a requirement that the taxpayer maintain at 7667
least the number of full-time equivalent employees specified in 7668
the agreement pursuant to division (E)(1) of this section at the 7669
project site and within this state for the entire term of the 7670
credit. 7671

(5) A requirement that the taxpayer annually report to the 7672
director of development full-time equivalent employees, Ohio 7673
employee payroll, capital investment, and other information the 7674
director needs to perform the director's duties under this 7675
section. 7676

(6) A requirement that the director of development annually 7677
review the annual reports of the taxpayer to verify the 7678
information reported under division (E)(5) of this section and 7679
compliance with the agreement. Upon verification, the director 7680
shall issue a certificate to the taxpayer stating that the 7681
information has been verified and identifying the amount of the 7682
credit for the taxable year or calendar year that includes the tax 7683

period. In determining the number of full-time equivalent 7684
employees, no position shall be counted that is filled by an 7685
employee who is included in the calculation of a tax credit under 7686
section 122.17 of the Revised Code. 7687

(7) A provision providing that the taxpayer may not relocate 7688
a substantial number of employment positions from elsewhere in 7689
this state to the project site unless the director of development 7690
determines that the taxpayer notified the legislative authority of 7691
the county, township, or municipal corporation from which the 7692
employment positions would be relocated. 7693

For purposes of this section, the movement of an employment 7694
position from one political subdivision to another political 7695
subdivision shall be considered a relocation of an employment 7696
position unless the movement is confined to the project site. The 7697
transfer of an employment position from one political subdivision 7698
to another political subdivision shall not be considered a 7699
relocation of an employment position if the employment position in 7700
the first political subdivision is replaced by another employment 7701
position. 7702

(8) A waiver by the taxpayer of any limitations periods 7703
relating to assessments or adjustments resulting from the 7704
taxpayer's failure to comply with the agreement. 7705

(F) If a taxpayer fails to meet or comply with any condition 7706
or requirement set forth in a tax credit agreement, the tax credit 7707
authority may amend the agreement to reduce the percentage or term 7708
of the credit. The reduction of the percentage or term may take 7709
effect in the current taxable or calendar year. 7710

(G) Financial statements and other information submitted to 7711
the department of development or the tax credit authority by an 7712
applicant for or recipient of a tax credit under this section, and 7713
any information taken for any purpose from such statements or 7714

information, are not public records subject to section 149.43 of 7715
the Revised Code. However, the chairperson of the authority may 7716
make use of the statements and other information for purposes of 7717
issuing public reports or in connection with court proceedings 7718
concerning tax credit agreements under this section. Upon the 7719
request of the tax commissioner, or the superintendent of 7720
insurance in the case of an insurance company, the chairperson of 7721
the authority shall provide to the commissioner or superintendent 7722
any statement or other information submitted by an applicant for 7723
or recipient of a tax credit in connection with the credit. The 7724
commissioner or superintendent shall preserve the confidentiality 7725
of the statement or other information. 7726

(H) A taxpayer claiming a tax credit under this section shall 7727
submit to the tax commissioner or, in the case of an insurance 7728
company, to the superintendent of insurance, a copy of the 7729
director of development's certificate of verification under 7730
division (E)(6) of this section with the taxpayer's tax report or 7731
return for the taxable year or for the calendar year that includes 7732
the tax period. Failure to submit a copy of the certificate with 7733
the report or return does not invalidate a claim for a credit if 7734
the taxpayer submits a copy of the certificate to the commissioner 7735
or superintendent within the time prescribed by section 5703.0510 7736
of the Revised Code or within thirty days after the commissioner 7737
or superintendent requests it. 7738

(I) For the purposes of this section, a taxpayer may include 7739
a partnership, a corporation that has made an election under 7740
subchapter S of chapter one of subtitle A of the Internal Revenue 7741
Code, or any other business entity through which income flows as a 7742
distributive share to its owners. A partnership, S-corporation, or 7743
other such business entity may elect to pass the credit received 7744
under this section through to the persons to whom the income or 7745
profit of the partnership, S-corporation, or other entity is 7746

distributed. The election shall be made on the annual report 7747
required under division (E)(5) of this section. The election 7748
applies to and is irrevocable for the credit for which the report 7749
is submitted. If the election is made, the credit shall be 7750
apportioned among those persons in the same proportions as those 7751
in which the income or profit is distributed. 7752

(J)(1) If the director of development determines that a 7753
taxpayer that received a certificate under division (E)(6) of this 7754
section is not complying with the requirements of the agreement, 7755
the director shall notify the tax credit authority of the 7756
noncompliance. After receiving such a notice, and after giving the 7757
taxpayer an opportunity to explain the noncompliance, the 7758
authority may terminate the agreement and require the taxpayer, or 7759
any related member or members that claimed the tax credit under 7760
division (N) of this section, to refund to the state all or a 7761
portion of the credit claimed in previous years, as follows: 7762

(a) If the taxpayer fails to comply with the requirement 7763
under division (E)(3) of this section, an amount determined in 7764
accordance with the following: 7765

(i) If the taxpayer maintained operations at the project site 7766
for less than or equal to the term of the credit, an amount not to 7767
exceed one hundred per cent of the sum of any tax credits allowed 7768
and received under this section. 7769

(ii) If the taxpayer maintained operations at the project 7770
site longer than the term of the credit, but less than the greater 7771
of seven years or the term of the credit plus three years, the 7772
amount required to be refunded shall not exceed seventy-five per 7773
cent of the sum of any tax credits allowed and received under this 7774
section. 7775

(b) If the taxpayer fails to substantially, satisfy the 7776
employment, payroll, or location requirements required under the 7777

agreement, as prescribed under division (E)(4)(a) or (b), as 7778
applicable to the taxpayer, at any time during the term of the 7779
agreement or during the post-term reporting period, an amount 7780
determined at the discretion of the authority. 7781

(2) If a taxpayer files for bankruptcy and fails as described 7782
in division (J)(1)(a) or (b) of this section, the director may 7783
immediately commence an action to recoup an amount not exceeding 7784
one hundred per cent of the sum of any credits received by the 7785
taxpayer under this section. 7786

(3) In determining the portion of the credit to be refunded 7787
to this state, the authority shall consider the effect of market 7788
conditions on the taxpayer's project and whether the taxpayer 7789
continues to maintain other operations in this state. After making 7790
the determination, the authority shall certify the amount to be 7791
refunded to the tax commissioner or the superintendent of 7792
insurance. If the taxpayer, or any related member or members who 7793
claimed the tax credit under division (N) of this section, is not 7794
an insurance company, the commissioner shall make an assessment 7795
for that amount against the taxpayer under Chapter 5726., 5733., 7796
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 7797
any related member or members that claimed the tax credit under 7798
division (N) of this section, is an insurance company, the 7799
superintendent of insurance shall make an assessment under section 7800
5725.222 or 5729.102 of the Revised Code. The time limitations on 7801
assessments under those chapters and sections do not apply to an 7802
assessment under this division, but the commissioner or 7803
superintendent shall make the assessment within one year after the 7804
date the authority certifies to the commissioner or superintendent 7805
the amount to be refunded. Within ninety days after certifying the 7806
amount to be refunded, if circumstances have changed, the 7807
authority may adjust the amount to be refunded and certify the 7808
adjusted amount to the commissioner or superintendent. The 7809

authority may only adjust the amount to be refunded one time and 7810
only if the amount initially certified by the authority has not 7811
been repaid, in whole or in part, by the taxpayer or certified to 7812
the attorney general for collection under section 131.02 of the 7813
Revised Code. 7814

(K) The director of development, after consultation with the 7815
tax commissioner and the superintendent of insurance and in 7816
accordance with Chapter 119. of the Revised Code, shall adopt 7817
rules necessary to implement this section. The rules may provide 7818
for recipients of tax credits under this section to be charged 7819
fees to cover administrative costs of the tax credit program. The 7820
fees collected shall be credited to the tax incentives operating 7821
fund created in section 122.174 of the Revised Code. At the time 7822
the director gives public notice under division (A) of section 7823
119.03 of the Revised Code of the adoption of the rules, the 7824
director shall submit copies of the proposed rules to the 7825
chairpersons of the standing committees on economic development in 7826
the senate and the house of representatives. 7827

(L) On or before the first day of August of each year, the 7828
director of development shall submit a report to the governor, the 7829
president of the senate, and the speaker of the house of 7830
representatives on the tax credit program under this section. The 7831
report shall include information on the number of agreements that 7832
were entered into under this section during the preceding calendar 7833
year, a description of the project that is the subject of each 7834
such agreement, and an update on the status of projects under 7835
agreements entered into before the preceding calendar year. 7836

(M) The aggregate amount of nonrefundable tax credits issued 7837
under this section during any calendar year for capital investment 7838
projects reviewed and approved by the tax credit authority may not 7839
exceed the following amounts: 7840

(1) For 2010, thirteen million dollars; 7841

(2) For 2011 through 2023, the amount of the limit for the 7842
preceding calendar year plus thirteen million dollars; 7843

(3) For 2024 and each year thereafter, one hundred 7844
ninety-five million dollars. 7845

The limitations in division (M) of this section do not apply 7846
to credits for capital investment projects approved by the tax 7847
credit authority before July 1, 2009. 7848

(N) This division applies only to an eligible business that 7849
is part of an affiliated group that includes a diversified savings 7850
and loan holding company or a grandfathered unitary savings and 7851
loan holding company, as those terms are defined in section 7852
5726.01 of the Revised Code. Notwithstanding any contrary 7853
provision of the agreement between such an eligible business and 7854
the tax credit authority, any credit granted under this section 7855
against the tax imposed by section 5725.18, 5729.03, 5733.06, 7856
5747.02, or 5751.02 of the Revised Code to the eligible business, 7857
at the election of the eligible business and without any action by 7858
the tax credit authority, may be shared with any member or members 7859
of the affiliated group that includes the eligible business, which 7860
member or members may claim the credit against the taxes imposed 7861
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 7862
of the Revised Code. Credits shall be claimed by the eligible 7863
business in sequential order, as applicable, first claiming the 7864
credits to the fullest extent possible against the tax that the 7865
certificate holder is subject to, then against the tax imposed by, 7866
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 7867
lastly 5726.02 of the Revised Code. The credits may be allocated 7868
among the members of the affiliated group in such manner as the 7869
eligible business elects, but subject to the sequential order 7870
required under this division. This division applies to credits 7871
granted before, on, or after March 27, 2013, the effective date of 7872
H.B. 510 of the 129th general assembly. Credits granted before 7873

that effective date that are shared and allocated under this 7874
division may be claimed in those calendar years in which the 7875
remaining taxable years specified in the agreement end. 7876

As used in this division, "affiliated group" means a group of 7877
two or more persons with fifty per cent or greater of the value of 7878
each person's ownership interests owned or controlled directly, 7879
indirectly, or constructively through related interests by common 7880
owners during all or any portion of the taxable year, and the 7881
common owners. "Affiliated group" includes, but is not limited to, 7882
any person eligible to be included in a consolidated elected 7883
taxpayer group under section 5751.011 of the Revised Code or a 7884
combined taxpayer group under section 5751.012 of the Revised 7885
Code. 7886

(O)(1) As used in division (O) of this section: 7887

(a) "Eligible agreement" means an agreement approved by the 7888
tax credit authority under this section on or before December 31, 7889
2013. 7890

(b) "Reporting period" means a period corresponding to the 7891
annual report required under division (E)(5) of this section. 7892

(c) "Income tax revenue" has the same meaning as under 7893
division (S) of section 122.17 of the Revised Code. 7894

(2) In calendar year 2016 and thereafter, the tax credit 7895
authority shall annually determine a withholding adjustment factor 7896
to be used in the computation of income tax revenue for eligible 7897
agreements. The withholding adjustment factor shall be a numerical 7898
percentage that equals the percentage that employer income tax 7899
withholding rates have been increased or decreased as a result of 7900
changes in the income tax rates prescribed by section 5747.02 of 7901
the Revised Code by amendment of that section taking effect on or 7902
after June 29, 2013. 7903

(3) Except as provided in division (O)(4) of this section, 7904

for reporting periods ending in 2015 and thereafter for taxpayers 7905
subject to eligible agreements, the tax credit authority shall 7906
adjust the income tax revenue reported on the taxpayer's annual 7907
report by multiplying the withholding adjustment factor by the 7908
taxpayer's income tax revenue and doing one of the following: 7909

(a) If the income tax rates prescribed by section 5747.02 of 7910
the Revised Code have decreased by amendment of this section 7911
taking effect on or after June 29, 2013, add the product to the 7912
taxpayer's income tax revenue. 7913

(b) If the income tax rates prescribed by section 5747.02 of 7914
the Revised Code have increased by amendment of this section 7915
taking effect on or after June 29, 2013, subtract the product from 7916
the taxpayer's income tax revenue. 7917

(4) Division (O)(3) of this section shall not apply unless 7918
all of the following apply with respect to the eligible agreement: 7919

(a) If applicable, the taxpayer has achieved one hundred per 7920
cent of the job retention commitment identified in the agreement. 7921

(b) If applicable, the taxpayer has achieved one hundred per 7922
cent of the payroll retention commitment identified in the 7923
agreement." 7924

(c) If applicable, the taxpayer has achieved one hundred per 7925
cent of the investment commitment identified in the agreement. 7926

(5) Failure by a taxpayer to have achieved any of the 7927
applicable commitments described in divisions (O)(4)(a) to (c) of 7928
this section in a reporting period does not disqualify the 7929
taxpayer for the adjustment under division (O) of this section for 7930
an ensuing reporting period. 7931

Sec. 122.173. (A) As used in this section: 7932

(1) "Manufacturing machinery and equipment" means engines and 7933
machinery, and tools and implements, of every kind used, or 7934

designed to be used, in refining and manufacturing. "Manufacturing
machinery and equipment" does not include property acquired after
December 31, 1999, that is used:

(a) For the transmission and distribution of electricity;

(b) For the generation of electricity, if fifty per cent or
more of the electricity that the property generates is consumed,
during the one-hundred-twenty-month period commencing with the
date the property is placed in service, by persons that are not
related members to the person who generates the electricity.

(2) "New manufacturing machinery and equipment" means
manufacturing machinery and equipment, the original use in this
state of which commences with the taxpayer or with a partnership
of which the taxpayer is a partner. "New manufacturing machinery
and equipment" does not include property acquired after December
31, 1999, that is used:

(a) For the transmission and distribution of electricity;

(b) For the generation of electricity, if fifty per cent or
more of the electricity that the property generates is consumed,
during the one-hundred-twenty-month period commencing with the
date the property is placed in service, by persons that are not
related members to the person who generates the electricity.

(3)(a) "Purchase" has the same meaning as in section
179(d)(2) of the Internal Revenue Code.

(b) For purposes of this section, any property that is not
manufactured or assembled primarily by the taxpayer is considered
purchased at the time the agreement to acquire the property
becomes binding. Any property that is manufactured or assembled
primarily by the taxpayer is considered purchased at the time the
taxpayer places the property in service in the county for which
the taxpayer will calculate the county excess amount.

(c) Notwithstanding section 179(d) of the Internal Revenue Code, a taxpayer's direct or indirect acquisition of new manufacturing machinery and equipment is not purchased on or after July 1, 1995, if the taxpayer, or a person whose relationship to the taxpayer is described in subparagraphs (A), (B), or (C) of section 179(d)(2) of the Internal Revenue Code, had directly or indirectly entered into a binding agreement to acquire the property at any time prior to July 1, 1995.

(4) "Qualifying period" means the period that begins July 1, 1995, and ends June 30, 2005.

(5) "County average new manufacturing machinery and equipment investment" means either of the following:

(a) The average annual cost of new manufacturing machinery and equipment purchased for use in the county during baseline years, in the case of a taxpayer that was in existence for more than one year during baseline years.

(b) Zero, in the case of a taxpayer that was not in existence for more than one year during baseline years.

(6) "Partnership" includes a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation.

(7) "Partner" includes a member of a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state, provided that the company is not classified for federal income tax purposes as an association taxable as a corporation.

(8) "~~Distressed area" means either a municipal corporation that has a population of at least fifty thousand or a county that meets two of the following criteria of economic distress, or a~~

~~municipal corporation the majority of the population of which is situated in such a county:~~ 7996
7997

~~(a) Its average rate of unemployment, during the most recent five year period for which data are available, is equal to at least one hundred twenty five per cent of the average rate of unemployment for the United States for the same period:~~ 7998
7999
8000
8001

~~(b) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau:~~ 8002
8003
8004
8005

~~(c)(i) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line:~~ 8006
8007
8008

~~(ii) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty five per cent has the same meaning as in section 122.16 of the Revised Code.~~ 8009
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(9) "Eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area. 8013
8014

(10) "Inner city area" means, in a municipal corporation that has a population of at least one hundred thousand and does not meet the criteria of a labor surplus area or a distressed area, targeted investment areas established by the municipal corporation within its boundaries that are comprised of the most recent census block tracts that individually have at least twenty per cent of their population at or below the state poverty level or other census block tracts contiguous to such census block tracts. 8015
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(11) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor. 8023
8024

(12) "Official poverty line" has the same meaning as in 8025

division (A) of section 3923.51 of the Revised Code. 8026

(13) "Situational distress area" means a county or a 8027
municipal corporation that has experienced or is experiencing a 8028
closing or downsizing of a major employer that will adversely 8029
affect the county's or municipal corporation's economy. In order 8030
to be designated as a situational distress area, for a period not 8031
to exceed thirty-six months, the county or municipal corporation 8032
may petition the director of development. The petition shall 8033
include written documentation that demonstrates all of the 8034
following adverse effects on the local economy: 8035

(a) The number of jobs lost by the closing or downsizing; 8036

(b) The impact that the job loss has on the county's or 8037
municipal corporation's unemployment rate as measured by the state 8038
director of job and family services; 8039

(c) The annual payroll associated with the job loss; 8040

(d) The amount of state and local taxes associated with the 8041
job loss; 8042

(e) The impact that the closing or downsizing has on 8043
suppliers located in the county or municipal corporation. 8044

(14) "Cost" has the same meaning and limitation as in section 8045
179(d)(3) of the Internal Revenue Code. 8046

(15) "Baseline years" means: 8047

(a) Calendar years 1992, 1993, and 1994, with regard to a 8048
grant claimed for the purchase during calendar year 1995, 1996, 8049
1997, or 1998 of new manufacturing machinery and equipment; 8050

(b) Calendar years 1993, 1994, and 1995, with regard to a 8051
grant claimed for the purchase during calendar year 1999 of new 8052
manufacturing machinery and equipment; 8053

(c) Calendar years 1994, 1995, and 1996, with regard to a 8054
grant claimed for the purchase during calendar year 2000 of new 8055

manufacturing machinery and equipment;	8056
(d) Calendar years 1995, 1996, and 1997, with regard to a	8057
grant claimed for the purchase during calendar year 2001 of new	8058
manufacturing machinery and equipment;	8059
(e) Calendar years 1996, 1997, and 1998, with regard to a	8060
grant claimed for the purchase during calendar year 2002 of new	8061
manufacturing machinery and equipment;	8062
(f) Calendar years 1997, 1998, and 1999, with regard to a	8063
grant claimed for the purchase during calendar year 2003 of new	8064
manufacturing machinery and equipment;	8065
(g) Calendar years 1998, 1999, and 2000, with regard to a	8066
grant claimed for the purchase during calendar year 2004 of new	8067
manufacturing machinery and equipment;	8068
(h) Calendar years 1999, 2000, and 2001, with regard to a	8069
grant claimed for the purchase on or after January 1, 2005, and on	8070
or before June 30, 2005, of new manufacturing machinery and	8071
equipment.	8072
(16) "Related member" has the same meaning as in section	8073
5733.042 of the Revised Code.	8074
(17) "Qualifying controlled group" has the same meaning as in	8075
section 5733.04 of the Revised Code.	8076
(18) "Tax liability" has the same meaning as in section	8077
122.172 of the Revised Code.	8078
(B)(1) Subject to divisions (I) and (J) of this section, a	8079
grant is allowed against the tax imposed by section 5733.06 or	8080
5747.02 of the Revised Code for a taxpayer that purchases new	8081
manufacturing machinery and equipment during the qualifying	8082
period, provided that the new manufacturing machinery and	8083
equipment are installed in this state not later than June 30,	8084
2006.	8085

(2)(a) Except as otherwise provided in division (B)(2)(b) of 8086
this section, a grant may be claimed under this section in excess 8087
of one million dollars only if the cost of all manufacturing 8088
machinery and equipment owned in this state by the taxpayer 8089
claiming the grant on the last day of the calendar year exceeds 8090
the cost of all manufacturing machinery and equipment owned in 8091
this state by the taxpayer on the first day of that calendar year. 8092

As used in division (B)(2)(a) of this section, "calendar 8093
year" means the calendar year in which the machinery and equipment 8094
for which the grant is claimed was purchased. 8095

(b) Division (B)(2)(a) of this section does not apply if the 8096
taxpayer claiming the grant applies for and is issued a waiver of 8097
the requirement of that division. A taxpayer may apply to the 8098
director of development for such a waiver in the manner prescribed 8099
by the director, and the director may issue such a waiver if the 8100
director determines that granting the grant is necessary to 8101
increase or retain employees in this state, and that the grant has 8102
not caused relocation of manufacturing machinery and equipment 8103
among counties within this state for the primary purpose of 8104
qualifying for the grant. 8105

(C)(1) Except as otherwise provided in division (C)(2) and 8106
division (I) of this section, the grant amount is equal to seven 8107
and one-half per cent of the excess of the cost of the new 8108
manufacturing machinery and equipment purchased during the 8109
calendar year for use in a county over the county average new 8110
manufacturing machinery and equipment investment for that county. 8111

(2) Subject to division (I) of this section, as used in 8112
division (C)(2) of this section, "county excess" means the 8113
taxpayer's excess cost for a county as computed under division 8114
(C)(1) of this section. 8115

Subject to division (I) of this section, a taxpayer with a 8116

county excess, whose purchases included purchases for use in any 8117
eligible area in the county, the grant amount is equal to thirteen 8118
and one-half per cent of the cost of the new manufacturing 8119
machinery and equipment purchased during the calendar year for use 8120
in the eligible areas in the county, provided that the cost 8121
subject to the thirteen and one-half per cent rate shall not 8122
exceed the county excess. If the county excess is greater than the 8123
cost of the new manufacturing machinery and equipment purchased 8124
during the calendar year for use in eligible areas in the county, 8125
the grant amount also shall include an amount equal to seven and 8126
one-half per cent of the amount of the difference. 8127

(3) If a taxpayer is allowed a grant for purchases of new 8128
manufacturing machinery and equipment in more than one county or 8129
eligible area, it shall aggregate the amount of those grants each 8130
year. 8131

(4) Except as provided in division (J) of this section, the 8132
taxpayer shall claim one-seventh of the grant amount for the 8133
taxable year ending in the calendar year in which the new 8134
manufacturing machinery and equipment is purchased for use in the 8135
county by the taxpayer or partnership. One-seventh of the taxpayer 8136
grant amount is allowed for each of the six ensuing taxable years. 8137
Except for carried-forward amounts, the taxpayer is not allowed 8138
any grant amount remaining if the new manufacturing machinery and 8139
equipment is sold by the taxpayer or partnership or is transferred 8140
by the taxpayer or partnership out of the county before the end of 8141
the seven-year period unless, at the time of the sale or transfer, 8142
the new manufacturing machinery and equipment has been fully 8143
depreciated for federal income tax purposes. 8144

(5)(a) A taxpayer that acquires manufacturing machinery and 8145
equipment as a result of a merger with the taxpayer with whom 8146
commenced the original use in this state of the manufacturing 8147
machinery and equipment, or with a taxpayer that was a partner in 8148

a partnership with whom commenced the original use in this state 8149
of the manufacturing machinery and equipment, is entitled to any 8150
remaining or carried-forward grant amounts to which the taxpayer 8151
was entitled. 8152

(b) A taxpayer that enters into an agreement under division 8153
(C)(3) of section 5709.62 of the Revised Code and that acquires 8154
manufacturing machinery or equipment as a result of purchasing a 8155
large manufacturing facility, as defined in section 5709.61 of the 8156
Revised Code, from another taxpayer with whom commenced the 8157
original use in this state of the manufacturing machinery or 8158
equipment, and that operates the large manufacturing facility so 8159
purchased, is entitled to any remaining or carried-forward grant 8160
amounts to which the other taxpayer who sold the facility would 8161
have been entitled under this section had the other taxpayer not 8162
sold the manufacturing facility or equipment. 8163

(c) New manufacturing machinery and equipment is not 8164
considered sold if a pass-through entity transfers to another 8165
pass-through entity substantially all of its assets as part of a 8166
plan of reorganization under which substantially all gain and loss 8167
is not recognized by the pass-through entity that is transferring 8168
the new manufacturing machinery and equipment to the transferee 8169
and under which the transferee's basis in the new manufacturing 8170
machinery and equipment is determined, in whole or in part, by 8171
reference to the basis of the pass-through entity that transferred 8172
the new manufacturing machinery and equipment to the transferee. 8173

(d) Division (C)(5) of this section applies only if the 8174
acquiring taxpayer or transferee does not sell the new 8175
manufacturing machinery and equipment or transfer the new 8176
manufacturing machinery and equipment out of the county before the 8177
end of the seven-year period to which division (C)(4) of this 8178
section refers. 8179

(e) Division (C)(5)(b) of this section applies only to the 8180

extent that the taxpayer that sold the manufacturing machinery or 8181
equipment, upon request, timely provides to the tax commissioner 8182
any information that the tax commissioner considers to be 8183
necessary to ascertain any remaining or carried-forward amounts to 8184
which the taxpayer that sold the facility would have been entitled 8185
under this section had the taxpayer not sold the manufacturing 8186
machinery or equipment. Nothing in division (C)(5)(b) or (e) of 8187
this section shall be construed to allow a taxpayer to claim any 8188
grant amount with respect to the acquired manufacturing machinery 8189
or equipment that is greater than the amount that would have been 8190
available to the other taxpayer that sold the manufacturing 8191
machinery or equipment had the other taxpayer not sold the 8192
manufacturing machinery or equipment. 8193

(D) The taxpayer shall claim the grant allowed by this 8194
section in the manner provided by section 122.172 of the Revised 8195
Code. Any portion of the grant in excess of the taxpayer's tax 8196
liability for the taxable year shall not be refundable but may be 8197
carried forward for the next three consecutive taxable years. 8198

(E) A taxpayer purchasing new manufacturing machinery and 8199
equipment and intending to claim the grant shall file, with the 8200
director of development, a notice of intent to claim the grant on 8201
a form prescribed by the director of development. The director of 8202
development shall inform the tax commissioner of the notice of 8203
intent to claim the grant. No grant may be claimed under this 8204
section for any manufacturing machinery and equipment with respect 8205
to which a notice was not filed by the date of a timely filed 8206
return, including extensions, for the taxable year that includes 8207
September 30, 2005, but a notice filed on or before such date 8208
under division (E) of section 5733.33 of the Revised Code of the 8209
intent to claim the credit under that section also shall be 8210
considered a notice of the intent to claim a grant under this 8211
section. 8212

(F) The director of development shall annually certify, by 8213
the first day of January of each year during the qualifying 8214
period, the eligible areas for the tax grant for the calendar year 8215
that includes that first day of January. The director shall send a 8216
copy of the certification to the tax commissioner. 8217

(G) New manufacturing machinery and equipment for which a 8218
taxpayer claims the credit under section 5733.31 or 5733.311 of 8219
the Revised Code shall not be considered new manufacturing 8220
machinery and equipment for purposes of the grant under this 8221
section. 8222

(H)(1) Notwithstanding sections 5733.11 and 5747.13 of the 8223
Revised Code, but subject to division (H)(2) of this section, the 8224
tax commissioner may issue an assessment against a person with 8225
respect to a grant claimed under this section for new 8226
manufacturing machinery and equipment described in division 8227
(A)(1)(b) or (2)(b) of this section, if the machinery or equipment 8228
subsequently does not qualify for the grant. 8229

(2) Division (H)(1) of this section shall not apply after the 8230
twenty-fourth month following the last day of the period described 8231
in divisions (A)(1)(b) and (2)(b) of this section. 8232

(I) Notwithstanding any other provision of this section to 8233
the contrary, in the case of a qualifying controlled group, the 8234
grant available under this section to a taxpayer or taxpayers in 8235
the qualifying controlled group shall be computed as if all 8236
corporations in the group were a single corporation. The grant 8237
shall be allocated to such a taxpayer or taxpayers in the group in 8238
any amount elected for the taxable year by the group. The election 8239
shall be revocable and amendable during the period described in 8240
division (B) of section 5733.12 of the Revised Code. 8241

This division applies to all purchases of new manufacturing 8242
machinery and equipment made on or after January 1, 2001, and to 8243

all baseline years used to compute any grant attributable to such purchases; provided, that this division may be applied solely at the election of the qualifying controlled group with respect to all purchases of new manufacturing machinery and equipment made before that date, and to all baseline years used to compute any grant attributable to such purchases. The qualifying controlled group at any time may elect to apply this division to purchases made prior to January 1, 2001, subject to the following:

(1) The election is irrevocable;

(2) The election need not accompany a timely filed report, but the election may accompany a subsequently filed but timely application for refund, a subsequently filed but timely amended report, or a subsequently filed but timely petition for reassessment.

(J) Except as provided in division (B) of section 122.172 of the Revised Code, no grant under this section may be claimed for any taxable year for which a credit is allowed under section 5733.33 of the Revised Code. If the tax imposed by section 5733.06 of the Revised Code for which a grant is allowed under this section has been prorated under division (G)(2) of section 5733.01 of the Revised Code, the grant shall be prorated by the same percentage as the tax.

Sec. 122.1710. (A) As used in this section:

(1) "Low-income individual" has the same meaning as "low-income person" in section 122.66 of the Revised Code.

(2) "Microcredential" has the same meaning as in section 122.178 of the Revised Code.

(3) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(4) "Partially unemployed" and "totally unemployed" have the

same meanings as in section 4141.01 of the Revised Code. 8274

(5) "Training provider" means all of the following: 8275

(a) A state institution of higher education as defined in 8276
section 3345.011 of the Revised Code; 8277

(b) An Ohio technical center as defined in section 3333.94 of 8278
the Revised Code; 8279

(c) A private business or institution that offers training to 8280
allow an individual to earn one or more microcredentials. 8281

(B) There is hereby created the individual microcredential 8282
assistance program to reimburse training providers for training 8283
costs for individuals to earn a microcredential. The department of 8284
development ~~services agency~~, in consultation with the governor's 8285
office of workforce transformation, shall administer the program. 8286

(C) A training provider seeking to participate in the program 8287
shall submit an application to the director of development 8288
~~services~~. The training provider shall include in the application 8289
all of the following information: 8290

(1) The number of microcredentials the training provider will 8291
seek a reimbursement for and the names of the microcredentials; 8292

(2) The cost of the training for each microcredential; 8293

(3) The total amount of the reimbursement the training 8294
provider will seek; 8295

(4) The training provider's plan to provide opportunities for 8296
individuals who are low income, partially unemployed, or totally 8297
unemployed to participate in a training program and receive a 8298
microcredential; 8299

(5) Any other information the director requires. 8300

(D)(1) The director shall consider the following factors in 8301
determining whether to approve an application submitted under 8302

division (C) of this section:	8303
(a) The duration of the training program;	8304
(b) The cost of the training;	8305
(c) Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state;	8306 8307 8308
(d) The training provider's commitment to providing opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential.	8309 8310 8311 8312
(2) In determining regional diversity under division (D)(1)(c) of this section, the director shall use the regions established under division (G) of section 122.178 of the Revised Code.	8313 8314 8315 8316
(3) The director shall not approve an application submitted under this section if either of the following apply:	8317 8318
(a) The microcredentials identified in the application are not included in the list the chancellor of higher education establishes under section 122.178 of the Revised Code.	8319 8320 8321
(b) The training provider has violated Chapter 4111. of the Revised Code within the four fiscal years immediately preceding the date of application.	8322 8323 8324
(4) The director shall notify a training provider in writing of the director's decision to approve or deny the training provider's application to participate in the program.	8325 8326 8327
(E) A participating training provider shall not charge an individual participating in a training program to earn a microcredential for which the training provider is seeking a reimbursement for either of the following:	8328 8329 8330 8331
(1) Any costs associated with the individual's participation	8332

in the training program; 8333

(2) Any costs to the training provider resulting from an 8334
individual not completing the training program. 8335

(F)(1) Each participating training provider seeking 8336
reimbursement for training costs for one or more microcredentials 8337
earned by one or more individuals in a training program shall 8338
submit an application to the director after the individual or 8339
individuals have earned a microcredential. The training provider 8340
shall include in the reimbursement application all of the 8341
following information: 8342

(a) The actual cost for the training provider to provide each 8343
individual with the training; 8344

(b) Evidence that each individual earned a microcredential; 8345

(c) Any demographic information of each individual that the 8346
individual provides to the training provider, including race and 8347
gender. 8348

(2) The amount of the reimbursement shall be not more than 8349
three thousand dollars for each microcredential an individual 8350
receives. A participating training provider may not receive a 8351
reimbursement for any additional individual who earns a 8352
microcredential beyond the number of microcredentials included in 8353
the application under division (C) of this section. A 8354
participating training provider may receive a total reimbursement 8355
of ~~two~~ five hundred ~~fifty~~ thousand dollars in a fiscal year. 8356

(3) A training provider may request that an individual 8357
participating in the training provider's program provide 8358
demographic information to the training provider, including race 8359
and gender. An individual is not required to provide that 8360
information. 8361

(G) The director shall do both of the following regarding the 8362

operation of the program: 8363

(1) Create an application to participate in the program and 8364
an application for reimbursement; 8365

(2) Create and distribute a survey to each individual who 8366
successfully earned a microcredential because of a reimbursement 8367
to a training provider under this section inquiring as to the 8368
individual's occupation and wages at the time of completing the 8369
survey. 8370

(H) The director shall include on the internet web site 8371
maintained by the ~~development services agency~~ department, and the 8372
governor's office of workforce transformation shall include on the 8373
office's internet web site and the OhioMeansJobs web site, all of 8374
the content created under division (G) of this section. 8375

(I) The director may adopt rules in accordance with Chapter 8376
119. of the Revised Code as the director considers necessary to 8377
implement this section, including establishing priority guidelines 8378
for approving applications under division (D) of this section. 8379

(J) Any personal information of an individual the director 8380
receives in connection with the individual microcredential 8381
assistance program created under this section is not a public 8382
record for purposes of section 149.43 of the Revised Code. 8383
However, the director may use the information as necessary to 8384
complete the reports required under section 122.1711 of the 8385
Revised Code. 8386

Sec. 122.19. As used in sections 122.19 to 122.22 of the 8387
Revised Code: 8388

(A) "Distressed area" ~~means either a municipal corporation~~ 8389
~~that has a population of at least fifty thousand or a county, that~~ 8390
~~meets at least two of the following criteria of economic distress:~~ 8391

~~(1) Its average rate of unemployment, during the most recent~~ 8392

~~five year period for which data are available, is equal to at least one hundred twenty five per cent of the average rate of unemployment for the United States for the same period.~~

~~(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.~~

~~(3)(a) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line.~~

~~(b) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty five per cent has the same meaning as in section 122.16 of the Revised Code.~~

(B) "~~Eligible~~ Eligible applicant" means any of the following that are designated by the legislative authority of a county, township, or municipal corporation as provided in division (B)(1) of section 122.22 of the Revised Code:

(1) A port authority as defined in division (A) of section 4582.01 or division (A) of section 4582.21 of the Revised Code;

(2) A community improvement corporation as described in section 1724.01 of the Revised Code;

(3) A community-based organization or action group that provides social services and has experience in economic development;

(4) Any other nonprofit economic development entity;

(5) A county, township, or municipal corporation if it designates itself.

(C) "Eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area, as

designated annually by the director of development under division 8423
(A) of section 122.21 of the Revised Code. 8424

(D) "Governing body" means, in the case of a county, the 8425
board of county commissioners; in the case of a municipal 8426
corporation, the legislative authority; and in the case of a 8427
township, the board of township trustees. 8428

(E) "Infrastructure improvements" includes site preparation, 8429
including building demolition and removal; retention ponds and 8430
flood and drainage improvements; streets, roads, bridges, and 8431
traffic control devices; parking lots and facilities; water and 8432
sewer lines and treatment plants; gas, electric, and 8433
telecommunications hook-ups; and waterway and railway access 8434
improvements. 8435

(F) "Inner city area" means, in a municipal corporation that 8436
has a population of at least one hundred thousand and does not 8437
meet the criteria of a labor surplus area or a distressed area, 8438
targeted investment areas established by the municipal corporation 8439
within its boundaries that are comprised of the most recent census 8440
block tracts that individually have at least twenty per cent of 8441
their population at or below the state poverty level, or other 8442
census block tracts contiguous to such census block tracts. 8443

(G) "Labor surplus area" means an area designated as a labor 8444
surplus area by the United States department of labor. 8445

(H) "Official poverty line" has the same meaning as in 8446
division (A) of section 3923.51 of the Revised Code. 8447

(I) "Redevelopment plan" means a plan that includes all of 8448
the following: a plat; a land use description; identification of 8449
all utilities and infrastructure needed to develop the property, 8450
including street connections; highway, rail, air, or water access; 8451
utility connections; water and sewer treatment facilities; storm 8452
drainage; and parking, and any other elements required by a rule 8453

adopted by the director of development under division (B) of 8454
section 122.21 of the Revised Code. 8455

(J) "Situational distress area" means a county or a municipal 8456
corporation that has experienced or is experiencing a closing or 8457
downsizing of a major employer that will adversely affect the 8458
county's or municipal corporation's economy. In order to be 8459
designated as a situational distress area for a period not to 8460
exceed thirty-six months, the county or municipal corporation may 8461
petition the director of development. The petition shall include 8462
documentation that demonstrates all of the following: 8463

(1) The number of jobs lost by the closing or downsizing; 8464

(2) The impact that the job loss has on the county's or 8465
municipal corporation's unemployment rate as measured by the Ohio 8466
department of job and family services; 8467

(3) The annual payroll associated with the job loss; 8468

(4) The amount of state and local taxes associated with the 8469
job loss; 8470

(5) The impact that the closing or downsizing has on the 8471
suppliers located in the county or municipal corporation. 8472

Sec. 122.21. In administering the urban and rural initiative 8473
grant program created under section 122.20 of the Revised Code, 8474
the director of development services shall do all of the 8475
following: 8476

(A) ~~Annually designate, by the first day of January of each~~ 8477
~~year~~ Designate, within three months after the publication of each 8478
decennial census by the United States census bureau, the entities 8479
that constitute the eligible areas in this state; 8480

(B) Adopt rules in accordance with Chapter 119. of the 8481
Revised Code establishing procedures and forms by which eligible 8482
applicants in eligible areas may apply for a grant, which 8483

procedures shall include a requirement that the applicant file a 8484
redevelopment plan; standards and procedures for reviewing 8485
applications and awarding grants; procedures for distributing 8486
grants to recipients; procedures for monitoring the use of grants 8487
by recipients; requirements, procedures, and forms by which 8488
recipients who have received grants shall report their use of that 8489
assistance; and standards and procedures for terminating and 8490
requiring repayment of grants in the event of their improper use. 8491
The rules adopted under this division shall comply with sections 8492
122.19 to 122.22 of the Revised Code and shall include a rule 8493
requiring that an eligible applicant who receives a grant from the 8494
program provide a matching contribution of at least twenty-five 8495
per cent of the amount of the grant awarded to the eligible 8496
applicant. 8497

The rules shall require that any eligible applicant for a 8498
grant for land acquisition demonstrate to the director that the 8499
property to be acquired meets all state environmental requirements 8500
and that utilities for that property are available and adequate. 8501
The rules shall require that any eligible applicant for a grant 8502
for property eligible for the voluntary action program created 8503
under Chapter 3746. of the Revised Code receive disbursement of 8504
grant moneys only after receiving a covenant not to sue from the 8505
director of environmental protection under section 3746.12 of the 8506
Revised Code and shall require that those moneys be disbursed only 8507
as reimbursement of actual expenses incurred in the undertaking of 8508
the voluntary action. The rules shall require that whenever any 8509
money is granted for land acquisition, infrastructure 8510
improvements, or renovation of existing structures in order to 8511
develop an industrial park site for a distressed area, labor 8512
surplus area, or situational distress area as defined in section 8513
122.19 of the Revised Code that also is a distressed area, labor 8514
surplus area, or situational distress area as defined in section 8515
122.23 of the Revised Code, a substantial portion of the site be 8516

used for manufacturing, distribution, high technology, research 8517
and development, or other businesses in which a majority of the 8518
product or service produced is exported out of the state. Any 8519
retail use at the site shall not constitute a primary use but only 8520
a use incidental to other eligible uses. The rules shall require 8521
that whenever any money is granted for land acquisition, 8522
infrastructure improvements, and renovation of existing structures 8523
in order to develop an industrial park site for a distressed area, 8524
labor surplus area, or situational distress area as defined in 8525
section 122.19 of the Revised Code that also is a distressed area, 8526
labor surplus area, or situational distress area as defined in 8527
section 122.23 of the Revised Code, the applicant for the grant 8528
shall verify to the development services agency the existence of a 8529
local economic development planning committee in a municipal 8530
corporation, county, or township whose territory includes the 8531
eligible area. The committee shall consist of members of the 8532
public and private sectors who live in that municipal corporation, 8533
county, or township. The local economic development planning 8534
committee shall prepare and submit to the agency a five-year 8535
economic development plan for that municipal corporation, county, 8536
or township that identifies, for the five-year period covered by 8537
the plan, the economic development strategies of a municipal 8538
corporation, county, or township whose territory includes the 8539
proposed industrial park site. The economic development plan shall 8540
describe in detail how the proposed industrial park would 8541
complement other current or planned economic development programs 8542
for that municipal corporation, county, or township, including, 8543
but not limited to, workforce development initiatives, business 8544
retention and expansion efforts, small business development 8545
programs, and technology modernization programs. 8546

(C) Report to the governor, president of the senate, speaker 8547
of the house of representatives, and minority leaders of the 8548
senate and the house of representatives by the first day of August 8549

of each year on the activities carried out under the program 8550
during the preceding calendar year. The report shall include the 8551
total number of grants made that year, and, for each individual 8552
grant awarded, the following: the amount and recipient, the 8553
eligible applicant, the purpose for awarding the grant, the number 8554
of firms or businesses operating at the awarded site, the number 8555
of employees employed by each firm or business, any excess 8556
capacity at an industrial park site, and any additional 8557
information the director declares to be relevant. 8558

(D) Inform local governments and others in the state of the 8559
availability of grants under section 122.20 of the Revised Code; 8560

(E) Annually compile, pursuant to rules adopted by the 8561
director of development services in accordance with Chapter 119. 8562
of the Revised Code, using pertinent information submitted by any 8563
municipal corporation, county, or township, a list of industrial 8564
parks located in the state. The list shall include the following 8565
information, expressed if possible in terms specified in the 8566
director's rules adopted under this division: location of each 8567
industrial park site, total acreage of each park site, total 8568
occupancy of each park site, total capacity for new business at 8569
each park site, total capacity of each park site for sewer, water, 8570
and electricity, a contact person for each park site, and any 8571
additional information the director declares to be relevant. Once 8572
the list is compiled, the director shall make it available to the 8573
governor, president of the senate, speaker of the house of 8574
representatives, and minority leaders of the senate and the house 8575
of representatives. 8576

Sec. 122.23. As used in sections 122.23 to 122.27 of the 8577
Revised Code: 8578

(A) "Distressed area" means a county with a population of 8579
less than one hundred twenty-five thousand according to the most 8580

recent federal decennial census published by the United States 8581
census bureau that meets at least two of the following criteria of 8582
economic distress: 8583

(1) Its average rate of unemployment, during the most recent 8584
five-year period for which ~~data~~ local area unemployment statistics 8585
published by the United States bureau of labor statistics are 8586
available, as of the date the most recent federal decennial census 8587
was published, is equal to ~~at least~~ or greater than one hundred 8588
twenty-five per cent of the average rate of unemployment for the 8589
United States for the same period. 8590

(2) It has a per capita personal income equal to or ~~below~~ 8591
less than eighty per cent of the ~~median county~~ per capita personal 8592
income of the United States as determined by the most recently 8593
available ~~figures~~ data from the United States ~~census~~ department of 8594
commerce, bureau of economic analysis as of the date the most 8595
recent federal decennial census was published. 8596

(3) ~~In intercensal years, the county has a~~ Its ratio of 8597
personal current transfer payment receipts to total personal 8598
income ~~to total county income~~ is equal to or greater than 8599
twenty-five per cent, as determined by the most recently available 8600
data from the United States department of commerce, bureau of 8601
economic analysis as of the date the most recent federally 8602
decennial census was published. 8603

If a federal agency ceases to publish the applicable data 8604
described in division (A) of this section, the director of 8605
development shall designate, on the department of development's 8606
web site, an alternative source of the applicable data published 8607
by a federal agency or, if no such source is available, another 8608
reliable source. 8609

(B) "Eligible applicant" means any of the following that is 8610
designated by the governing body of an eligible area as provided 8611

in division (B)(1) of section 122.27 of the Revised Code: 8612

(1) A port authority as defined in division (A) of section 8613
4582.01 or division (A) of section 4582.21 of the Revised Code; 8614

(2) A community improvement corporation as defined in section 8615
1724.01 of the Revised Code; 8616

(3) A community-based organization or action group that 8617
provides social services and has experience in economic 8618
development; 8619

(4) Any other nonprofit economic development entity; 8620

(5) A private developer that previously has not received 8621
financial assistance under section 122.24 of the Revised Code in 8622
the current biennium and that has experience and a successful 8623
history in industrial development. 8624

(C) "Eligible area" means a distressed area, a labor surplus 8625
area, a rural area, or a situational distress area, as designated 8626
~~annually~~ by the director of development pursuant to division (A) 8627
of section 122.25 of the Revised Code. 8628

(D) "Labor surplus area" means an area designated as a labor 8629
surplus area by the United States department of labor. 8630

(E) "Official poverty line" has the same meaning as in 8631
division (A) of section 3923.51 of the Revised Code. 8632

(F) "Situational distress area" means a county that has a 8633
population of less than one hundred twenty-five thousand, or a 8634
municipal corporation in such a county, that has experienced or is 8635
experiencing a closing or downsizing of a major employer that will 8636
adversely affect the county's or municipal corporation's economy. 8637
In order to be designated as a situational distress area for a 8638
period not to exceed thirty-six months, the county or municipal 8639
corporation may petition the director of development. The petition 8640
shall include documentation that demonstrates all of the 8641

following:	8642
(1) The number of jobs lost by the closing or downsizing;	8643
(2) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the director of job and family services;	8644 8645 8646
(3) The annual payroll associated with the job loss;	8647
(4) The amount of state and local taxes associated with the job loss;	8648 8649
(5) The impact that the closing or downsizing has on the suppliers located in the rural county or municipal corporation.	8650 8651
(G) "Governing body" means, in the case of a county, the board of county commissioners; in the case of a municipal corporation, the legislative authority; and in the case of a township, the board of township trustees.	8652 8653 8654 8655
(H) "Infrastructure improvements" includes site preparation, including building demolition and removal; retention ponds and flood and drainage improvements; streets, roads, bridges, and traffic control devices; parking lots and facilities; water and sewer lines and treatment plants; gas, electric, and telecommunications hook-ups; and waterway and railway access improvements.	8656 8657 8658 8659 8660 8661 8662
(I) "Private developer" means any individual, firm, corporation, or entity, other than a nonprofit entity, limited profit entity, or governmental entity.	8663 8664 8665
(J) "Rural area" means any Ohio county that was an eligible area immediately prior to the effective date of this amendment <u>September 30, 2021</u> , and any other Ohio county that is not designated as part of a metropolitan statistical area by the United States office of management and budget.	8666 8667 8668 8669 8670

Sec. 122.25. (A) In administering the program established 8671
under section 122.24 of the Revised Code, the director of 8672
development services shall do all of the following: 8673

(1) ~~Annually designate, by the first day of January of each~~ 8674
~~year~~ Designate, within three months after the publication of each 8675
decennial census by the United States census bureau, the entities 8676
that constitute the eligible areas in this state as defined in 8677
section 122.23 of the Revised Code; 8678

(2) Inform local governments and others in the state of the 8679
availability of the program and financial assistance established 8680
under sections 122.23 to 122.27 of the Revised Code; 8681

(3) Report to the governor, president of the senate, speaker 8682
of the house of representatives, and minority leaders of the 8683
senate and the house of representatives by the first day of August 8684
of each year on the activities carried out under the program 8685
during the preceding calendar year. The report shall include the 8686
number of loans made that year and the amount and recipient of 8687
each loan. 8688

(4) Work in conjunction with conventional lending 8689
institutions, local revolving loan funds, private investors, and 8690
other private and public financing sources to provide loans or 8691
loan guarantees to eligible applicants; 8692

(5) Establish fees, charges, interest rates, payment 8693
schedules, local match requirements, and other terms and 8694
conditions for loans and loan guarantees provided under the 8695
program; 8696

(6) Require each applicant to demonstrate the suitability of 8697
any site for the assistance sought; that the site has been 8698
surveyed, that the site has adequate or available utilities, and 8699
that there are no zoning restrictions, environmental regulations, 8700

or other matters impairing the use of the site for the purpose intended; 8701
8702

(7) Require each applicant to provide a marketing plan and management strategy for the project; 8703
8704

(8) Adopt rules establishing all of the following: 8705

(a) Forms and procedures by which eligible applicants may apply for assistance; 8706
8707

(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program; 8708
8709
8710

(c) Reporting requirements and monitoring procedures; 8711

(d) Guidelines regarding situations in which industrial parks would be considered to compete against one another for the purposes of division (B)(2) of section 122.27 of the Revised Code; 8712
8713
8714

(e) Any other rules necessary to implement and administer the program. 8715
8716

(B) The director may adopt rules establishing requirements governing the use of any industrial park site receiving assistance under section 122.24 of the Revised Code, such that a certain portion of the site must be used for manufacturing, distribution, high technology, research and development, or other businesses wherein a majority of the product or service produced is exported out of the state. 8717
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(C) As a condition of receiving assistance under section 122.24 of the Revised Code, and except as provided in division (D) of this section, an applicant shall agree, for a period of five years, not to permit the use of a site that is developed or improved with such assistance to cause the relocation of jobs to that site from elsewhere in the state. 8724
8725
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8729

(D) A site developed or improved with assistance under 8730

section 122.24 of the Revised Code may be the site of jobs 8731
relocated from elsewhere in the state if the director of 8732
development services does all of the following: 8733

(1) Makes a written determination that the site from which 8734
the jobs would be relocated is inadequate to meet market or 8735
industry conditions, expansion plans, consolidation plans, or 8736
other business considerations affecting the relocating employer; 8737

(2) Provides a copy of the determination required by division 8738
(D)(1) of this section to the members of the general assembly 8739
whose legislative districts include the site from which the jobs 8740
would be relocated; 8741

(3) Determines that the governing body of the area from which 8742
the jobs would be relocated has been notified in writing by the 8743
relocating company of the possible relocation. 8744

(E) The director of development services shall obtain the 8745
approval of the controlling board for any loan or loan guarantee 8746
provided under sections 122.23 to 122.27 of the Revised Code. 8747

Sec. 122.27. (A) In order to be eligible for financial 8748
assistance under section 122.24 of the Revised Code, an applicant 8749
shall demonstrate to the director of development the applicant's 8750
capacity to undertake and oversee the project, as evidenced by 8751
documentation of the applicant's past performance in economic 8752
development projects. 8753

(B) In order for an applicant to be eligible for financial 8754
assistance under section 122.24 of the Revised Code, both of the 8755
following apply: 8756

(1) The governing body of the entity that has been designated 8757
as an eligible area by the director of development under division 8758
(A) of section 122.25 of the Revised Code, by resolution or 8759
ordinance, shall designate the applicant that will carry out the 8760

project for the purposes described in section 122.24 of the Revised Code and specify the eligible area's financial participation in the project.

(2) The board of county commissioners of a county that has been designated as an eligible area by the director of development under division (A)(1) of section 122.25 of the Revised Code shall certify, by resolution, that no existing industrial park is located in the county that would compete against an industrial park that would be developed and improved in the county through the use of financial assistance provided to the applicant under the rural industrial park loan program. Guidelines regarding situations in which industrial parks would be considered to compete against one another shall be established by rule in accordance with division (A)(8)(d) of section 122.25 of the Revised Code. However, an existing industrial park owner's consent to the new industrial park is sufficient to demonstrate noncompetition.

(C) Solely for the purpose of applying for assistance for infrastructure improvements, a governing body may designate itself as an eligible applicant.

Sec. 122.40. As used in sections 122.40 to 122.4077 of the Revised Code:

(A) "Application" means an application made under section 122.4013 of the Revised Code for a program grant.

(B) "Broadband funding gap" means the difference between the total amount of money a broadband provider calculates is necessary to construct the last mile of a specific broadband network and the total amount of money that the provider has determined is the maximum amount of money that is cost effective for the provider to invest in last mile construction for that network.

(C)(1) "Broadband provider" means one of the following:	8791
(a) A video service provider as defined in section 1332.21 of the Revised Code;	8792 8793
(b) A provider that is capable of providing tier one or tier two broadband service and is one of the following:	8794 8795
(i) A telecommunications service provider;	8796
(ii) A satellite broadcasting service provider;	8797
(iii) A wireless service provider as defined in section 4927.01 of the Revised Code.	8798 8799
(2) "Broadband provider" does not include a governmental or quasi-governmental entity.	8800 8801
(D) <u>"Eligible addresses" means residential addresses that are in an unserved area or a tier one area.</u>	8802 8803
(E) <u>"Extremely high cost per location threshold area" means an area in which the cost to build high speed internet infrastructure exceeds the extremely high cost per location threshold established by the broadband expansion program authority under section 122.407 of the Revised Code.</u>	8804 8805 8806 8807 8808
(F) "Eligible project" means a project to provide tier two broadband service access to residences <u>eligible addresses</u> in an unserved area or tier one area of a municipal corporation or township that is eligible for funding under sections 122.4013 to 122.4046 of the Revised Code.	8809 8810 8811 8812 8813
(E) (G) "Last mile" means the last portion of a physical broadband network that connects an eligible project to the broader network used to provide tier two broadband service, and to which both of the following apply:	8814 8815 8816 8817
(1) It includes other network infrastructure in the last portion of the network that is needed to provide tier two broadband service to residences <u>eligible addresses</u> as part of an	8818 8819 8820

eligible project, but does not include network infrastructure in 8821
any portion of the network that is outside of the last portion. 8822

(2) It is not required to be, or limited to, a specific 8823
distance measurement of one mile or any other specific distance. 8824

~~(F)~~(H) "Ohio residential broadband expansion grant program" 8825
means the program established under sections 122.40 to 122.4077 of 8826
the Revised Code. 8827

~~(G)~~(I) "Program grant" means money awarded under the Ohio 8828
residential broadband expansion grant program to assist in 8829
covering the broadband funding gap for an eligible project. 8830

~~(H)~~(J) "Satellite broadcasting service" has the same meaning 8831
as in section 5739.01 of the Revised Code. 8832

~~(I)~~(K) "Telecommunications service" has the same meaning as 8833
in section 1332.21 of the Revised Code. 8834

~~(J)~~(L) "Tier one broadband service" means a retail wireline 8835
~~or wireless~~ broadband service capable of delivering internet 8836
access at speeds of at least ~~ten~~ twenty-five but less than 8837
~~twenty-five~~ one hundred megabits per second downstream and at 8838
least ~~one~~ three but less than ~~three~~ twenty megabits per second 8839
upstream. 8840

~~(K)~~(M) "Tier two broadband service" means a retail wireline 8841
~~or wireless~~ broadband service capable of delivering internet 8842
access at speeds of ~~at least twenty-five~~ one hundred megabits per 8843
second or greater downstream and ~~at least three~~ twenty megabits 8844
per second or greater upstream. "Tier two broadband service" may 8845
include, in an extremely high cost per location threshold area, 8846
fixed wireless broadband service. 8847

~~(L)~~(N) "Tier one area" means an area that has access to tier 8848
one broadband service but not tier two broadband service. "Tier 8849
one area" includes an area where construction of a network to 8850

provide tier one broadband service is in progress and is scheduled 8851
to be completed within a two-year period. "Tier one area" excludes 8852
an area where construction of a network to provide tier two 8853
broadband service is in progress and is scheduled to be completed 8854
within a two-year period. 8855

~~(M)~~(O) "Unserved area" means an area without access to either 8856
tier one broadband service or tier two broadband service. 8857
"Unserved area" excludes an area where construction of a network 8858
to provide ~~tier one broadband service or~~ tier two broadband 8859
service is in progress and is scheduled to be completed within a 8860
two-year period. 8861

Sec. 122.407. The broadband expansion program authority shall 8862
do the following: 8863

(A) Continually examine, and propose updates to, any 8864
broadband plan provided by law enacted by the general assembly or 8865
executive order issued by the governor; 8866

(B) Monitor the Ohio residential broadband expansion grant 8867
program, including by doing the following: 8868

(1) Tracking the details for annual applications to the 8869
program, including: 8870

(a) The number of applications; 8871

(b) The geographic locations of the eligible projects listed 8872
in the applications; 8873

(c) The broadband providers submitting applications; 8874

(d) A description of the tier two broadband infrastructure 8875
and technology proposed in applications; 8876

(e) A description of any public right-of-way or public 8877
facilities to be utilized for the projects; 8878

(f) The speeds of the tier two broadband services under the 8879

projects;	8880
(g) The amount of the grant funds requested for each project	8881
and the proportion of project funding to be provided by the	8882
broadband provider and by other entities;	8883
(h) The number of residential and nonresidential locations	8884
that will have access to tier two broadband service under each	8885
project.	8886
(2) Tracking the program grants awarded annually, including:	8887
(a) The number of program grants;	8888
(b) The geographic location or locations of the projects;	8889
(c) The broadband providers that received program grants and	8890
the entities or companies that submitted the application;	8891
(d) A description of the tier two broadband infrastructure	8892
and technology deployed in each project;	8893
(e) A description of any public right-of-way or public	8894
facilities utilized as part of the project;	8895
(f) The speeds of the tier two broadband services enabled by	8896
each project;	8897
(g) The amounts of each program grant, the share of the	8898
project funding provided by the broadband provider, and any share	8899
of the project funding provided by other entities;	8900
(h) The number of residential and nonresidential locations	8901
that will have access to tier two broadband service for each	8902
project.	8903
(3) Listing the amount of any unencumbered program grant	8904
funds that remain available for award under the Ohio residential	8905
broadband expansion grant program;	8906
(4) Adding any additional factors deemed necessary by the	8907
authority to monitor the program.	8908

(C) Review all progress reports and operational reports required under section 122.4070 of the Revised Code.	8909 8910
(D) Review all pending county requests made pursuant to section 122.4051 of the Revised Code for program grants.	8911 8912
(E) Identify any best practices for, and impediments to, the continued expansion of tier two broadband infrastructure and technology in the state;	8913 8914 8915
(F) Coordinate and promote the availability of publicly accessible digital literacy programs to increase fluency in the use and security of interactive digital tools and searchable networks, including the ability to use digital tools safely and effectively for learning, collaborating, and producing;	8916 8917 8918 8919 8920
(G) Identify, examine, and report on any federal or state government grant or loan program that would promote the deployment of tier two broadband infrastructure and technology in the state;	8921 8922 8923
(H) Track the availability, location, rates and speeds, and adoption of programs that offer tier one broadband service and tier two broadband service in an affordable manner to low-income consumers in this state;	8924 8925 8926 8927
<u>(I) Establish the extremely high cost per location threshold for the costs of building high speed internet infrastructure in any specific area, above which wireline broadband service has an extremely high cost in comparison to fixed wireless broadband service.</u>	8928 8929 8930 8931 8932
Sec. 122.4017. (A) The broadband expansion program authority shall award program grants under the Ohio residential broadband expansion grant program using funds from the Ohio residential broadband expansion grant program fund created in section 122.4037 of the Revised Code and other funds appropriated by the general assembly.	8933 8934 8935 8936 8937 8938

(B) If an appropriation for the program includes funds that 8939
are not state funds or if the director of development receives 8940
funds that are in the form of a gift, grant, or contribution to 8941
the broadband expansion grant program fund, the broadband 8942
expansion program authority shall award those funds as described 8943
in sections 122.40 to 122.4077 of the Revised Code, except as 8944
provided in division (C) of this section. 8945

(C) If the use of the funds described in division (B) of this 8946
section is contingent upon meeting application, scoring, or other 8947
requirements that are different from program requirements under 8948
sections 122.40 to 122.4077 of the Revised Code, the department of 8949
development shall adopt the requirements and publish a description 8950
of the different requirements with the program application as 8951
required under section 122.4040 of the Revised Code. 8952

Sec. 122.4019. (A)(1) Each fiscal year, the department of 8953
development ~~services agency~~ shall accept applications for program 8954
grants. 8955

(2) To apply for a program grant, a broadband provider shall 8956
submit an application to the ~~agency~~ department on a form 8957
prescribed by the ~~agency~~ department and shall provide the 8958
information required under section 122.4020 of the Revised Code. 8959
The form shall include a statement informing the applicant that 8960
failure to comply with the program or to meet the required tier 8961
two broadband service proposed in the application may require the 8962
refund of all or a portion of the program grant awarded for the 8963
project. 8964

(3) Applications may be submitted in person or by certified 8965
mail or electronic mail, or uploaded to a designated ~~agency~~ 8966
department web site for applications. 8967

(B) Applications shall be accepted during a submission period 8968
specified by the broadband expansion program authority. Each 8969

submission period shall be at least sixty but not more than ninety 8970
days. Each fiscal year there shall be not more than two submission 8971
periods. 8972

(C) The agency department shall publish information from 8973
submitted applications on the agency's department's web site as 8974
follows: 8975

(1) Not later than five days after the close of the 8976
submission period in which the application is made, the agency 8977
department shall publish, for each completed application, the list 8978
of ~~residential~~ eligible addresses included with the completed 8979
applications under division (A)(1)(a) of section 122.4020 of the 8980
Revised Code. 8981

(2) Not later than thirty-five days after the close of the 8982
submission period in which the application is made, the agency 8983
department shall publish all information from each completed 8984
application that it determines is not confidential under section 8985
122.4023 of the Revised Code. 8986

(D) If an application is incomplete, the agency department 8987
shall notify the broadband provider that submitted the 8988
application. The notification shall list what information is 8989
incomplete and shall describe the procedure for refiling a 8990
completed application. 8991

(E) The agency department shall review an application 8992
determined incomplete under division (D) of this section as 8993
provided in sections 122.4019 to 122.4036 of the Revised Code if 8994
the application is completed and refiled: 8995

(1) Before the end of the submission period described under 8996
division (B) of this section; or 8997

(2) Not later than fourteen days after the end of the 8998
submission period described under division (B) of this section, if 8999
the agency department, for good cause shown, has granted the 9000

broadband provider an extension period of not more than fourteen 9001
days in which to file the completed application. 9002

(F) The ~~agency~~ department shall deny an incomplete 9003
application if the broadband provider fails to complete and refile 9004
it within the applicable submission period or extension period. 9005
Applications that are denied shall not be published on the 9006
~~agency's~~ department's web site. 9007

(G) To facilitate the challenge process, after publication of 9008
all applications, the department shall publish a provisional 9009
scoring for applications based on the scoring criteria in section 9010
122.4041 of the Revised Code. The department shall publish the 9011
provisional scoring on its web site not later than fifteen 9012
business days after all applications have been accepted as 9013
complete under this section. The authority shall neither vote on, 9014
nor make awards based on, the provisional scoring. 9015

Sec. 122.4020. (A) An application for a program grant under 9016
the Ohio residential broadband expansion grant program shall 9017
include, at a minimum, the following information for an eligible 9018
project: 9019

(1) The location and description of the project, including: 9020

(a) The residential addresses in the unserved or tier one 9021
areas where tier two broadband service will be available following 9022
completion of the project; 9023

(b) A notarized letter of intent that the broadband provider 9024
will provide access to tier two broadband service to all of the 9025
residential addresses listed in the project; 9026

(c) A notarized letter of intent by the broadband provider 9027
that none of the funds provided by the program grant will be used 9028
to extend or deploy facilities to any ~~residences~~ residential 9029
addresses other than those in the unserved or tier one areas that 9030

are part of the project. 9031

(2) The amount of the broadband funding gap and the amount of 9032
state funds requested; 9033

(3) The amount of any financial or in-kind contributions to 9034
be used towards the broadband funding gap and identification of 9035
the contribution sources, which may include, but are not limited 9036
to, any combination of the following: 9037

(a) Funds that the broadband provider is willing to 9038
contribute to the broadband funding gap; 9039

(b) Funds received or approved under any other federal or 9040
state government grant or loan program; 9041

(c) General revenue funds of a municipal corporation, 9042
township, or county comprising the area of the eligible project; 9043

(d) Other discretionary funds of the municipal corporation, 9044
township, or county comprising the area of the eligible project; 9045

(e) Any alternate payment terms that the broadband provider 9046
and any legislative authority in which the project is located have 9047
negotiated and agreed to pursuant to section 122.4025 of the 9048
Revised Code; 9049

(f) Contributions or grants from individuals, organizations, 9050
or companies; 9051

(g) Property tax assessments made by the municipal 9052
corporation under Chapter 727. of the Revised Code, township under 9053
section 505.881 of the Revised Code, or county under section 9054
303.251 of the Revised Code. 9055

(4) The source and amount of any financial or in-kind 9056
contributions received or approved for any part of the overall 9057
eligible project cost, but not applied to the broadband funding 9058
gap; 9059

(5) A description of, or documentation demonstrating, the 9060

broadband provider's managerial and technical expertise and	9061
experience with broadband service projects;	9062
(6) Whether the broadband provider plans to use wired,	9063
wireless, or satellite technology to complete the project;	9064
(7) A description of the scalability of the project;	9065
(8) The megabit-per-second broadband download and upload	9066
speeds planned for the project;	9067
(9) A description of the broadband provider's customer	9068
service capabilities, including any locally based call centers or	9069
customer service offices;	9070
(10) A copy of the broadband provider's general customer	9071
service policies, including any policy to credit customers for	9072
service outages or the provider's failure to keep scheduled	9073
appointments for service;	9074
(11) The length of time that the broadband provider has been	9075
operating in the state;	9076
(12) Proof that the broadband provider has the financial	9077
stability to complete the project;	9078
(13) A projected construction timetable, including the	9079
anticipated date of the provision of tier two broadband service	9080
access within the project;	9081
(14) A description of anticipated or preliminary government	9082
authorizations, permits, and other approvals required in	9083
connection with the project, and an estimated timetable for the	9084
acquisition of such approvals;	9085
(15) A notification from the broadband provider informing the	9086
<u>department of</u> development services agency of any information	9087
contained in the application, or within related documents	9088
submitted with it, that the provider considers proprietary or a	9089
trade secret;	9090

(16) A notarized statement that the broadband provider 9091
accepts the condition that noncompliance with Ohio residential 9092
broadband expansion grant program requirements may require the 9093
provider to refund all or part of any program grant the provider 9094
receives; 9095

(17) A brief description of any arrangements, including any 9096
subleases of infrastructure or joint ownership arrangements that 9097
the broadband provider that submitted the application has entered 9098
into, or plans to enter into, with another broadband provider, an 9099
electric cooperative, or an electric distribution utility, to 9100
enable the offering of tier two broadband service under the 9101
project; 9102

(18) Other relevant information that the ~~agency~~ department 9103
determines is necessary and prescribes by rule; 9104

(19) Any other information the broadband provider considers 9105
necessary. 9106

(B) To meet the requirement to provide proof of financial 9107
responsibility in the application, the broadband provider may 9108
submit publicly available financial statements with its 9109
application. 9110

Sec. 122.4023. Pursuant to rules adopted under section 9111
122.4077 of the Revised Code, the department of development 9112
~~services~~ ~~agency~~ shall evaluate the information and documents 9113
submitted by a broadband provider in an application under section 9114
122.4013 of the Revised Code or by a challenging provider under 9115
section 122.4030 of the Revised Code. The evaluation shall 9116
determine whether the information and documents are proprietary or 9117
constitute a trade secret. Upon receipt of the information and 9118
documents, the ~~agency~~ department shall keep them confidential and 9119
shall not publish them on the ~~agency's~~ department's web site, 9120
unless the ~~agency~~ department finds that any information or 9121

document is not proprietary or a trade secret. Any information or 9122
document found not to be proprietary or a trade secret under this 9123
section shall not be considered confidential and shall be 9124
published on the ~~agency~~ department web site as is required for an 9125
application under division (C)(2) of section 122.4019 of the 9126
Revised Code. 9127

Sec. 122.4030. (A) As used in ~~section 122.4023~~ and sections 9128
122.4030 to 122.4035 of the Revised Code, "challenging provider" 9129
means either of the following: 9130

(1) A broadband provider that provides tier two broadband 9131
service within or directly adjacent to an eligible project; 9132

(2) A municipal electric utility that provides tier two 9133
broadband service to an area within the eligible project that is 9134
within the geographic area served by the municipal electric 9135
utility. 9136

(B)(1)(a) A challenging provider may challenge, in writing, 9137
all or part of a completed application for a program grant for the 9138
project not later than sixty-five days after ~~the close of the~~ 9139
~~submission period, or an extension granted under division (E)(2)~~ 9140
~~of section 122.4019 of the Revised Code, in which the application~~ 9141
~~was made~~ the provisional application scoring has been published on 9142
the web site as required under section 122.4019 of the Revised 9143
Code. 9144

(b) The department of development services ~~agency~~, for good 9145
cause shown, may grant the broadband provider an extension of not 9146
more than fourteen days in which to submit a challenge. 9147

(2) The challenging provider shall provide, ~~by certified~~ 9148
~~mail, a written copy of the~~ its complete challenge ~~to the agency~~ 9149
~~and to the broadband provider that submitted the application to~~ 9150
the department, by electronic mail or such other means as may be 9151

established by the department. Within ten business days of its 9152
receipt of a challenge, the department shall provide, by 9153
electronic mail or such other means as may be established by the 9154
department, a complete copy of such challenge to the applicant 9155
whose application is the subject of a challenge. The copy provided 9156
to the agency may include any information the challenging provider 9157
considers to be proprietary or a trade secret. Proprietary 9158
information or trade secrets may be redacted from the copy 9159
provided to the broadband provider that submitted the application. 9160

(C) No challenge to an application may be accepted before the 9161
completed application is published in its entirety on the ~~agency's~~ 9162
department's web site pursuant to division (C)(2) of section 9163
122.4019 of the Revised Code. 9164

Sec. 122.4031. (A) To successfully challenge an application, 9165
a challenging provider shall provide sufficient evidence to the 9166
department of development services agency demonstrating that all 9167
or part of a project under the application is ineligible for a 9168
grant. The challenge shall, at minimum, include the following 9169
information: 9170

(1) Sufficient evidence disputing the notarized letter of 9171
intent submitted with the application that the eligible project 9172
contains ~~unserved or tier one areas~~ eligible addresses; 9173

(2) Sufficient evidence attesting to the challenging 9174
provider's existing or planned offering of tier two broadband 9175
service to all or part of the eligible project, which evidence 9176
shall include the following: 9177

(a) With regard to existing tier two broadband service, a 9178
signed, notarized statement submitted by the challenging provider 9179
that sufficiently identifies the part of the eligible project to 9180
which the challenging provider offers broadband service and the 9181
aggregate number of eligible addresses to which the challenging 9182

provider offers tier two broadband service; 9183

(b) With regard to the planned provision of tier two 9184
broadband service by a challenging provider as described in 9185
division (B) of section 122.4016 of the Revised Code, both of the 9186
following: 9187

(i) A signed, notarized statement submitted by the 9188
challenging provider that sufficiently identifies the part of the 9189
eligible project to which the challenging provider will offer tier 9190
two broadband service; 9191

(ii) A summary of the construction efforts that includes the 9192
dates when tier two broadband construction is expected to be 9193
completed and when tier two broadband service will first be 9194
offered to the part of the eligible project being challenged. 9195

(B) To demonstrate that all or part of a project under the 9196
application is ineligible for a grant, a challenging provider ~~may~~ 9197
shall present shapefile data, and residential addresses, ~~maps, or~~ 9198
~~similar geographic details~~ identifying each challenged residential 9199
address and the basis for such challenge. Census block or census 9200
tract level data shall not be acceptable as evidence of 9201
ineligibility of all or part of a project. 9202

(C) The department shall reject any challenge regarding a 9203
residential address where the provision of tier two broadband 9204
service is planned to be provided if the challenging provider has 9205
also submitted an application for funding for the same residential 9206
address. 9207

Sec. 122.4032. If an application filed during an application 9208
submission period established by the department of development 9209
under section 122.4019 of the Revised Code is not challenged 9210
pursuant to sections 122.4030 to 122.4035 of the Revised Code, the 9211
lack of a challenge does not do either of the following: 9212

(A) Create a presumption that residential addresses included 9213
in an application submitted in a subsequent submission period are 9214
eligible addresses under the Ohio residential broadband expansion 9215
grant program; 9216

(B) Prohibit a challenging provider from filing a challenge 9217
to an application that is being refiled during a subsequent 9218
submission period. 9219

Sec. 122.4034. (A) If the broadband expansion program 9220
authority suspends all or part of an application, the broadband 9221
provider that submitted the application may revise and resubmit 9222
the application not later than fourteen days after receiving the 9223
suspension notification sent by the authority pursuant to section 9224
122.4033 of the Revised Code. The broadband provider may request, 9225
and the authority may grant for good cause shown, an extension 9226
period of not more than fourteen days in which the broadband 9227
provider may resubmit the application. 9228

(B) When revising the application, the broadband provider 9229
shall not expand the scope or impact of the original application, 9230
nor shall the provider add any new residential addresses to the 9231
eligible project. 9232

(C) The broadband provider shall provide a copy of the 9233
revised application to ~~both~~ the authority ~~and the challenging~~ 9234
~~provider by certified mail or by electronic mail or by uploading~~ 9235
~~it to the development services agency's department of~~ 9236
development's designated web site for applications. The ~~agency~~ 9237
department shall publish the revised application on the ~~agency's~~ 9238
department's public web site and provide the application to the 9239
challenging provider by electronic mail or such other means as may 9240
be established by the department, provided that any information 9241
determined to be proprietary or a trade secret under section 9242
122.4023 of the Revised Code is redacted. 9243

(D) Any failure to respond to the notification or properly
revise the application to the authority's satisfaction shall be
considered a withdrawal of the application.

Sec. 122.4037. Any gift, grant, and contribution received by
the director of development for the Ohio residential broadband
expansion grant program and any money collected under section
122.4036 of the Revised Code shall be deposited into the Ohio
residential broadband expansion grant program fund, which is
hereby created in the state treasury. All amounts in the fund,
including interest earned on those amounts, shall be used by the
department of development ~~services agency~~ exclusively for grants
under sections 122.40 to 122.4077 of the Revised Code.

Sec. 122.4040. The department of development ~~services agency,~~
in consultation with the broadband expansion program authority,
shall establish a ~~weighted~~ scoring system to evaluate and select
applications for program grants. The scoring system shall be
available on the ~~agency's~~ department's web site at least thirty
days before the beginning of the application submission period set
by the ~~agency~~ department by rule. A description of any differences
in application, scoring system, or other program requirements
adopted under division (C) of section 122.4017 of the Revised Code
shall be available with the application on the department's web
site at least thirty days before the beginning of the application
submission period.

Sec. 122.4041. (A) As used in this section, "passes" means
the residential addresses in close proximity to a broadband
provider's broadband infrastructure network to which residents at
those addresses may opt to connect.

(B) The scoring system ~~established~~ required under section
122.4040 of the Revised Code shall ~~prioritize applications, from~~

~~highest to lowest weight, in include the following order factors+~~ 9274
~~and scoring rubric as described in divisions (C) to (J) of this~~ 9275
~~section. Applications for a grant under the Ohio residential~~ 9276
~~broadband expansion grant program shall be prioritized from the~~ 9277
~~highest to the lowest point score under those factors and rubric.~~ 9278

~~(1) Eligible projects for unserved areas, rather than tier~~ 9279
~~one areas;~~ 9280

~~(2) Eligible projects located within distressed areas as~~ 9281
~~defined under section 122.19 of the Revised Code;~~ 9282

~~(3) Eligible projects that are receiving or have been~~ 9283
~~approved to receive any financial or in kind contributions towards~~ 9284
~~the broadband funding gap identified in the application under~~ 9285
~~division (A)(3) of section 122.4020 of the Revised Code, including~~ 9286
~~the amounts and proportions of the contributions;~~ 9287

~~(4) Eligible projects for which the proposed construction~~ 9288
~~will utilize state rights of way or otherwise require attachment~~ 9289
~~to, or use of, public facilities or conduit to provide tier two~~ 9290
~~broadband service to an eligible project;~~ 9291

~~(5) Eligible projects based on proposed upstream and~~ 9292
~~downstream speeds and the scalability of the tier two broadband~~ 9293
~~service infrastructure proposed to be deployed to speeds higher~~ 9294
~~than twenty five megabits per second downstream and three megabits~~ 9295
~~per second upstream;~~ 9296

~~(6) Eligible projects based on each of the following, in~~ 9297
~~equal measure, without favoring one broadband provider over~~ 9298
~~another;~~ 9299

~~(a) Demonstrated support, supported by evidence, for~~ 9300
~~community and economic development efforts in, or adjacent to, the~~ 9301
~~projects, including the provision of tier two broadband service to~~ 9302
~~commercial and nonresidential entities as a result of, but not~~ 9303
~~funded directly by, the program;~~ 9304

~~(b) The broadband provider's experience, technical ability, and financial capability in successfully deploying and providing tier two broadband service;~~ 9305
9306
9307

~~(c) The length of time the broadband provider has been providing tier two broadband service in the state;~~ 9308
9309

~~(d) The extent to which funding is necessary to deploy tier two broadband service infrastructure in an economically feasible manner to the eligible project;~~ 9310
9311
9312

~~(e) The ability of the broadband provider to leverage nearby or adjacent tier one or tier two broadband service infrastructure to facilitate the proposed deployment and provision of tier two broadband service to the eligible project;~~ 9313
9314
9315
9316

~~(f) If existing tier one or tier two broadband service infrastructure exists in the area of the eligible project, the extent to which the project utilizes or upgrades the existing tier one or tier two infrastructure, rather than duplicates it;~~ 9317
9318
9319
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~~(g) The eligible projects' location within Ohio opportunity zones as defined under division (A)(2) of section 122.84 of the Revised Code.~~ 9321
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~~(B) The development services agency may include in the weighted scoring system any other factors it determines to be reasonable, appropriate, and consistent with the purpose of facilitating the economic deployment of tier two broadband service to unserved or tier one areas. The factors included under this division shall be considered after the weighted factors described in division (A) of this section.~~ 9324
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(C) Of a possible maximum score of three hundred points, the score for eligible projects for unserved and underserved areas shall be calculated as the sum of the following: 9331
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(1) The point value determined by multiplying three hundred 9334

times the percentage of passes in unserved areas of the 9335
application; 9336

(2) One half of the point value determined by multiplying 9337
three hundred times the percentage of passes in underserved areas 9338
of the application. 9339

(D) Of a possible maximum score of two hundred points, the 9340
score for broadband service speed, based on a graduated scale, 9341
shall be: 9342

(1) Twenty-five points for broadband speeds that are one 9343
hundred megabits per second downstream or greater and twenty 9344
megabits per second or greater upstream, but less than two hundred 9345
fifty megabits per second downstream and fifty megabits upstream; 9346

(2) Fifty points for broadband speeds that are two hundred 9347
fifty megabits per second or greater downstream and fifty megabits 9348
or greater per second upstream, but less than five hundred 9349
megabits per second downstream and one hundred megabits per second 9350
upstream; 9351

(3) One hundred points for broadband speeds that are five 9352
hundred megabits per second or greater downstream and one hundred 9353
megabits per second or greater upstream, but less than seven 9354
hundred fifty megabits per second downstream and two hundred fifty 9355
megabits per second upstream; 9356

(4) One hundred twenty-five points for broadband speeds that 9357
are seven hundred fifty megabits per second or greater downstream 9358
and two hundred fifty megabits per second or greater upstream, but 9359
less than one gigabit per second downstream and five hundred 9360
megabits per second upstream; 9361

(5) One hundred fifty points for broadband speeds that are 9362
one gigabit per second or greater downstream and five hundred 9363
megabits per second or greater upstream, but less than one gigabit 9364
per second upstream; 9365

(6) Two hundred points for broadband speeds that are one gigabit per second or greater downstream and one gigabit per second or greater upstream. 9366
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(E)(1) Of a possible maximum score of one hundred fifty points, the score for rating broadband service cost shall be the sum of divisions (E)(1)(a) and (b) of this section as follows: 9369
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(a) Of a possible maximum of seventy-five points, the number of points equal to the application's grant cost percentile multiplied by seventy-five; 9372
9373
9374

(b) Of a possible maximum score of seventy-five points, the number of points equal to one half of the application's percentage of eligible project funding from all sources other than the Ohio residential broadband expansion grant program. 9375
9376
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(2)(a) For each application submission period, the broadband expansion program authority shall determine the grant cost percentile for each application submitted during that period. The authority shall determine the grant cost percentile by doing the following: 9379
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(i) Determining, for each individual application in the state, the total grant cost per eligible address in the application by calculating the quotient of the amount of program grant funds requested for the application divided by the number of eligible addresses in the application; 9384
9385
9386
9387
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(ii) Ranking, from lowest to highest cost, all individual applications by total grant cost per eligible address; 9389
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(iii) Assigning each individual application a percentile based on its total grant cost per eligible address relative to all other applications' total grant cost per eligible address. 9391
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(b) Percentiles under division (E)(2)(a)(iii) of this section shall be assigned so that the highest percentile is assigned to 9394
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the application with the lowest total grant cost per eligible address and percentiles for all other applications assigned based on each application's relative grant cost per eligible address. 9396
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(F) Of a possible maximum score of one hundred points, the score for providing tier two broadband service or greater to eligible addresses located in an eligible project shall be calculated as follows: 9399
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(1) Ten points for the number of eligible addresses equal to five hundred or more, but less than one thousand; 9403
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(2) Twenty points for the number of eligible addresses equal to one thousand or more, but less than one thousand five hundred; 9405
9406

(3) Thirty points for the number of eligible addresses equal to one thousand five hundred or more, but less than two thousand; 9407
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(4) Forty points for the number of eligible addresses equal to two thousand or more, but less than two thousand five hundred; 9409
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(5) Fifty points for the number of eligible addresses equal to two thousand five hundred or more, but less than three thousand; 9411
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9413

(6) Sixty points for the number of eligible addresses equal to three thousand or more, but less than three thousand five hundred; 9414
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9416

(7) Seventy points for the number of eligible addresses equal to three thousand five hundred or more, but less than four thousand; 9417
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9419

(8) Eighty points for the number of eligible addresses equal to four thousand or more, but less than four thousand five hundred; 9420
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(9) Ninety points for the number of eligible addresses equal to four thousand five hundred or more, but less than five thousand; 9423
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9425

(10) One hundred points for the number of eligible addresses 9426
equal to five thousand or more. 9427

(G) Of a possible maximum score of fifty points, the score 9428
for local support for the application shall be calculated as 9429
follows: 9430

(1)(a) Twenty-five points if the application includes a 9431
resolution of support from the board of county commissioners in 9432
the county where the eligible project is located; or 9433

(b) If an application's eligible project spans multiple 9434
counties, of a possible maximum score of twenty-five points for 9435
resolutions adopted by boards of county commissioners, the number 9436
of points awarded on a pro rata basis based on the percentage of 9437
eligible addresses for the eligible project in each affected 9438
county for which the board of county commissioners adopted a 9439
resolution of support. 9440

(2)(a) Fifteen points if the application includes a letter of 9441
support from a board of township trustees, village, or municipal 9442
corporation; or 9443

(b) If an application's eligible project spans multiple 9444
townships, villages, and municipal corporations, of a possible 9445
maximum score of fifteen points for letters from boards of 9446
township trustees, villages, or municipal corporations, the number 9447
of points awarded on a pro rata basis according to the percentage 9448
of eligible addresses for the project in each affected village, 9449
municipal corporation, and unincorporated area of the township for 9450
which a board of township trustees, village, or municipal 9451
corporation submitted a letter of support; 9452

(c) Ten points for letters of support from a local economic 9453
development agency or a chamber of commerce that advocates for an 9454
area of the eligible project with the majority of eligible 9455
addresses in the application. 9456

(H) Of a possible maximum score of seventy-five points, the score for broadband provider general experience and technical and financial ability shall be based on the judgment of the broadband expansion program authority. The authority may award partial points for scores awarded under division (H) of this section. 9457
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(I) Of a possible maximum score of seventy-five points, the score for broadband provider experience based on the number of years that the provider has been providing tier two broadband service shall be calculated as follows: 9462
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(1) Ten points for four years, but less than five years of experience; 9466
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(2) Twenty points for five years, but less than six years of experience; 9468
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(3) Thirty points for six years, but less than seven; 9470

(4) Forty points for seven years, but less than eight years of experience; 9471
9472

(5) Fifty points for eight years, but less than nine years of experience; 9473
9474

(6) Sixty points for nine years, but less than ten years of experience; 9475
9476

(7) Seventy-five points for ten or more years of experience years of experience. 9477
9478

(J)(1) Of a possible maximum score of fifty points, the score for county median income, based on the median county per capita income of the United States as determined by the most recently available data from the United States census bureau, shall be calculated as follows: 9479
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(a) Zero points for a county median income that is equal to or greater than one hundred sixty per cent of the county median income; 9484
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(b) Ten points for a county median income that is equal to or greater than one hundred forty per cent, but less than one hundred sixty per cent of the county median income; 9487
9488
9489

(c) Twenty points for a county median income that is equal to or greater than one hundred twenty per cent, but less than one hundred forty per cent of the county median income; 9490
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(d) Thirty points for a county median income that is equal to or greater than one hundred per cent, but less than one hundred twenty per cent of the county median income; 9493
9494
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(e) Forty points for a county median income that is equal to or greater than eighty per cent, but less than one hundred per cent of the county median income; 9496
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(f) Fifty points for a county median income that is less than eighty per cent of the county median income. 9499
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(2) If an application's eligible project spans multiple counties, the points awarded as specified in division (J)(1) of this section shall be based on the percentage of eligible addresses for the eligible project in each affected county. 9501
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Sec. 122.4045. (A) The department of development services ~~agency~~ may, through an independent third party, conduct speed verification tests of an eligible project that receives a program grant. Such tests shall occur as follows: 9505
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(1) After the construction is complete, but prior to the final disbursement made under division (C) of section 122.4044 of the Revised Code to verify that tier two broadband service is being offered; 9509
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(2) At any time during the reporting period required under division (B) of section 122.4070 of the Revised Code, after receiving a complaint concerning a ~~residence~~ residential address that is part of the eligible project. 9513
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(B) To evaluate compliance with tier two broadband service standards, speed verification tests conducted under this section shall be conducted on at least two different days and at two different times on each of those days.

(C) The agency may withhold payments under this section for failure to meet at least the minimum speeds required under division (A)(8) of section 122.4020 of the Revised Code. Payments may be held until such speeds are achieved.

Sec. 122.4050. Upon adoption of a resolution, a board of county commissioners may request the department of development services agency to solicit applications from broadband providers for program grants under the Ohio residential broadband expansion grant program for eligible projects in the municipal corporations and townships of the county.

A request made by a county shall identify, to the extent possible, the residential addresses in unserved or tier one areas of the county and provide a point of contact at the county and the municipal corporations and townships in which the addresses are located. The request may include any relevant information, documents, or materials that may be helpful for an application.

Sec. 122.4071. (A) The reports required under section 122.4070 of the Revised Code and except as provided in section 122.4075 of the Revised Code, all information and documents in them shall be in a format specified by the department of development services agency and shall be publicly available on the ~~agency's~~ department's web site.

(B) In each report, the broadband provider shall include an account of how program grant funds have been used and the project's progress toward fulfilling the objectives for which the program grant was awarded. The reports, at a minimum, shall

include the following:	9547
(1) The number of residences <u>residential addresses</u> that have access to tier two broadband services as a result of the eligible project;	9548 9549 9550
(2) The number of <u>residential</u> commercial and nonresidential entities <u>addresses</u> that are not funded directly by the grant program but have access to tier two broadband service as a result of the eligible project;	9551 9552 9553 9554
(3) The upstream and downstream speed of the broadband service provided;	9555 9556
(4) The average price of broadband service;	9557
(5) The number of broadband service subscriptions attributable to the program grant.	9558 9559
Sec. 122.4076. (A) The broadband expansion program authority shall complete an annual report for the Ohio residential broadband expansion grant program. The report shall evaluate the success of the program grants awarded under section 122.4043 of the Revised Code in making tier two broadband services available to unserved and tier one areas. The report shall include the following information:	9560 9561 9562 9563 9564 9565 9566
(1) The number of applications received;	9567
(2) The number of applications that received program grants;	9568
(3) The amount of broadband infrastructure constructed for eligible projects;	9569 9570
(4) The number of residences <u>residential addresses</u> receiving, for that year, tier two broadband service for the first time under the program;	9571 9572 9573
(5) Findings and recommendations that have been agreed to by a majority of the authority members.	9574 9575

(B) The report shall be published on the ~~development services~~ 9576
~~agency's~~ department of development's web site and shall be 9577
included as part of the ~~agency's~~ department's annual report filed 9578
under section 121.18 of the Revised Code. The authority shall 9579
present the report annually to the governor and the general 9580
assembly not later than the first of December of each calendar 9581
year. 9582

Sec. 122.631. (A) As used in sections 122.631 to 122.633 of 9583
the Revised Code: 9584

(1) "Electing subdivision," "county land reutilization 9585
corporation," and "land reutilization program" have the same 9586
meanings as in section 5722.01 of the Revised Code. 9587

(2) "Manufactured home" has the same meaning as in section 9588
3781.06 of the Revised Code. 9589

(3) "Qualifying residential property" means single-family 9590
residential property, including a single unit in a multi-unit 9591
property containing not more than ten units but excluding 9592
manufactured homes, that has at least one thousand square feet of 9593
habitable space per unit. 9594

(4) "Qualifying median income" means eighty per cent of 9595
median income for the county where qualifying residential property 9596
is located, as determined by the director of development pursuant 9597
to section 174.04 of the Revised Code. 9598

(B) There is created in the department of development the 9599
welcome home Ohio (WHO) program to administer the grants 9600
authorized by this section and section 163.632 of the Revised Code 9601
and the tax credits authorized by section 122.633 of the Revised 9602
Code. The department shall create and maintain a list of 9603
qualifying residential property to which the deed restriction 9604
described in division (D)(4) of this section, division (B)(4) of 9605

section 122.632, or division (C)(4) of section 122.633 of the 9606
Revised Code applies. That list is not a public record for 9607
purposes of section 149.43 of the Revised Code. 9608

(C) An electing subdivision or county land reutilization 9609
corporation may apply to the director of development for a grant 9610
from the welcome home Ohio fund, which is created in the state 9611
treasury, to pay or defer the cost of purchasing qualifying 9612
residential property for incorporation into the electing 9613
subdivision's or county land reutilization corporation's land 9614
reutilization program. To the extent that funding is available in 9615
that fund, the director may award grants to electing subdivisions 9616
and county land reutilization corporations that make such an 9617
application and agree to comply with division (D) of this section. 9618

(D) The director of development shall require all applicants 9619
for a grant authorized by division (C) of this section to agree, 9620
as part of the application, to all of the following: 9621

(1) That grant funds shall only be used to pay the cost of 9622
purchasing qualifying residential property; 9623

(2) That qualifying residential property on which grant funds 9624
are spent shall be held until sold to an individual or individuals 9625
who, inclusively: 9626

(a) Have annual income that is not more than the qualifying 9627
median income; 9628

(b) Demonstrate the financial means to purchase the 9629
qualifying residential property; 9630

(c) Agree to maintain ownership of the qualifying residential 9631
property, occupy it as a primary residence, and not to rent any 9632
portion of the property to another individual for use as a 9633
dwelling, for at least five years following the date of purchase; 9634

(d) Agree not to sell the qualifying residential property, 9635

within twenty years after the date of the sale, to any purchaser 9636
except an individual or individuals who have annual income that is 9637
not more than the qualifying median income; 9638

(e) Agree to pay a penalty to the director of development for 9639
violation of the agreement required by division (D)(2)(c) of this 9640
section that, subject to divisions (F)(2) and (3) of this section, 9641
equals ninety thousand dollars, less eighteen thousand dollars 9642
multiplied by the number of full years the individual or 9643
individuals owned the property; 9644

(f) Agree that the director of development is a third-party 9645
beneficiary of the purchase agreement; 9646

(g) Agree to participate in the applicant's financial 9647
literacy program; 9648

(h) Agree to annually certify to the director of development 9649
or the director's designee, during the period described by 9650
division (D)(2)(c) of this section, that the individual or 9651
individuals own and occupy the qualifying residential property, 9652
and that no part of the property is being rented to another 9653
individual for use as a dwelling. 9654

(3) That qualifying residential property on which grant funds 9655
are spent shall be sold for not more than one hundred eighty 9656
thousand dollars per property. 9657

(4) That qualifying residential property on which grant funds 9658
are spent shall not be sold without a deed restriction prohibiting 9659
the sale of the property to a person that is not an individual or 9660
individuals who have annual income that is not more than the 9661
median income for twenty years after the date of the property's 9662
first transfer from the applicant following the use of grant 9663
funds. 9664

(5) That the applicant shall repay all grant funds not 9665
expended to purchase qualifying residential property and all grant 9666

funds expended to purchase qualifying residential property that is 9667
not sold to an individual or individuals who meet the requirements 9668
described in division (D)(2) of this section or that is sold 9669
without the deed restriction described in division (D)(4) of this 9670
section. 9671

(6) That the applicant shall provide financial literacy 9672
counseling, over a minimum of one year, to each purchaser of 9673
qualifying residential property on which grant funds are spent. An 9674
applicant may provide information regarding its financial literacy 9675
program to the director of development for review as part of the 9676
application or prior to application. Financial literacy counseling 9677
provided by the applicant to the same purchaser, in accordance 9678
with division (B)(6) of section 122.632 of the Revised Code or 9679
division (C)(5) of section 122.633 of the Revised Code, satisfies 9680
the requirements of division (D)(6) of this section. 9681

(7) That the applicant shall report to the department of 9682
development the date when the qualifying residential property that 9683
is the subject of the application is sold by the applicant. 9684

(E) The director of development has authority and standing to 9685
sue for the enforcement of a deed restriction described in 9686
division (D)(4) of this section. 9687

(F)(1) An electing subdivision or county land reutilization 9688
corporation may apply for, and the director of development may 9689
award both a grant under this section for the purchase of 9690
qualifying residential property, and either a grant under section 9691
122.632 of the Revised Code, or a tax credit under section 122.633 9692
of the Revised Code, to rehabilitate or construct the same 9693
qualifying residential property. 9694

(2) If an electing subdivision or county land reutilization 9695
is awarded a grant under this section and a grant under section 9696
122.632 of the Revised Code for the same qualifying residential 9697

property, and the individual or individuals who purchase the 9698
property violate both of the agreements required by division 9699
(D)(2)(c) of this section and division (B)(2)(c) of section 9700
122.632 of the Revised Code, only the penalty described by 9701
division (B)(2)(e) of section 122.632 of the Revised Code applies. 9702

(3) If an electing subdivision or county land reutilization 9703
is awarded a grant under this section and a tax credit under 9704
section 122.633 of the Revised Code for the same qualifying 9705
residential property, and the individual or individuals who 9706
purchase the property violate both of the agreements required by 9707
division (D)(2)(c) of this section and division (C)(2)(a) of 9708
section 122.633 of the Revised Code, only the greater of the 9709
penalties described in divisions (D)(2)(e) of this section and 9710
division (C)(2)(c) of section 122.633 of the Revised Code applies. 9711

(G)(1) The director may adopt rules in accordance with 9712
Chapter 119. Of the Revised Code as necessary to administer the 9713
grant program. Such rules may include the following: 9714

(a) Application forms, deadlines, and procedures; 9715

(b) Criteria for evaluating and prioritizing applications; 9716

(c) Guidelines for promoting an even geographic distribution 9717
of grants throughout the state. 9718

(2) Any grants repaid under this section shall be credited to 9719
the welcome home Ohio fund. 9720

Sec. 122.632. (A) An electing subdivision or county land 9721
reutilization corporation may apply to the director of development 9722
for a grant from the welcome home Ohio fund created in section 9723
122.631 of the Revised Code to pay or defer the cost to 9724
rehabilitate or construct qualifying residential property held by 9725
the electing subdivision's or county land reutilization 9726
corporation's land reutilization program. To the extent that 9727

funding is available, in that fund the director may award grants 9728
to electing subdivisions and county land reutilization 9729
corporations that make such an application and agree to comply 9730
with division (B) of this section, with a maximum grant of thirty 9731
thousand dollars per qualifying residential property. 9732

(B) The director of development shall require all applicants 9733
for a grant authorized by division (A) of this section to agree, 9734
as part of the application, to all of the following: 9735

(1) That grant funds shall only be used to pay the cost of 9736
rehabilitation or construction of qualifying residential property 9737
and all work will be completed according to all applicable 9738
construction and design standards; 9739

(2) That qualifying residential property on which grant funds 9740
are spent shall be held until sold to an individual or individuals 9741
who, inclusively: 9742

(a) Have annual income that is not more than the qualifying 9743
median income; 9744

(b) Demonstrate the financial means to purchase the 9745
qualifying residential property; 9746

(c) Agree to maintain ownership of the qualifying residential 9747
property, occupy it as a primary residence, and not to rent any 9748
portion of the property to another individual for use as a 9749
dwelling, for at least five years following the date of purchase; 9750

(d) Agree not to sell the qualifying residential property, 9751
within twenty years after the date of the sale, to any purchaser 9752
except an individual or individuals who have annual income that is 9753
not more than the qualifying median income; 9754

(e) Agree to pay a penalty to the director of development for 9755
violation of the agreement required by division (B)(2)(c) of this 9756
section that, subject to division (F)(2) of section 122.631 of the 9757

Revised Code, equals ninety thousand dollars, less eighteen 9758
thousand dollars multiplied by the number of full years the 9759
individual or individuals owned the property. 9760

(f) Agree that the director of development is a third-party 9761
beneficiary of the purchase agreement; 9762

(g) Agree to participate in the applicant's financial 9763
literacy program; 9764

(h) Agree to annually certify to the director of development 9765
or the director's designee, during the period described by 9766
division (B)(2)(c) of this section, that the individual or 9767
individuals own and occupy the qualifying residential property, 9768
and that no part of the property is being rented to another 9769
individual for use as a dwelling. 9770

(3) That qualifying residential property on which grant funds 9771
are spent shall be sold for not more than one hundred eighty 9772
thousand dollars per property. 9773

(4) That qualifying residential property on which grant funds 9774
are spent shall not be sold without a deed restriction prohibiting 9775
the sale of the property to a person that is not an individual or 9776
individuals who have annual income that is not more than the 9777
median income for twenty years after the date of the property's 9778
first transfer from the applicant following the use of grant 9779
funds; 9780

(5) That the applicant shall repay all grant funds expended 9781
on any expenses other than the construction or rehabilitation of 9782
qualifying residential property or on qualifying residential 9783
property that is not sold to an individual or individuals who meet 9784
the requirements described in division (B)(2) of this section or 9785
that is sold without the deed restriction described in division 9786
(B)(4) of this section; 9787

(6) That the applicant shall provide financial literacy 9788

counseling, over a minimum of one year, to each purchaser of 9789
qualifying residential property on which grant funds are spent. An 9790
applicant may provide information regarding its financial literacy 9791
program to the director of development for review as part of the 9792
application or prior to application; 9793

(7) That the applicant shall report to the department of 9794
development the date when the qualifying residential property that 9795
is the subject of the application is sold by the applicant. 9796

(8) That, if grant funds are received, the qualifying 9797
residential property that is the subject of the application shall 9798
not be the subject of an application for a tax credit under 9799
section 122.633 of the Revised Code. 9800

(C) The director of development is granted authority and 9801
standing to sue for the enforcement of a deed restriction 9802
described in division (B)(4) of this section. 9803

(D)(1) The director may adopt rules in accordance with 9804
Chapter 119. of the Revised Code as necessary to administer the 9805
grant program. Such rules may include the following: 9806

(a) Application forms, deadlines, and procedures; 9807

(b) Criteria for evaluating and prioritizing applications; 9808

(c) Guidelines for promoting an even geographic distribution 9809
of grants throughout the state. 9810

(2) Any grants repaid under this section shall be credited to 9811
the welcome home Ohio fund. 9812

Sec. 122.633. (A) As used in this section, "eligible 9813
developer" means any of the following: 9814

(1) A nonprofit corporation, as defined in section 1702.01 of 9815
the Revised Code, based in this state with a primary activity of 9816
the development and preservation of affordable housing; 9817

(2) A limited partnership or domestic limited partnership, as defined in section 1782.01 of the Revised Code, in which a general partner is a nonprofit corporation based in this state, a primary activity of which is the development and preservation of affordable housing; 9818
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(3) A limited liability company, as defined in section 1706.01 of the Revised Code, in which the manager is a nonprofit corporation based in this state, a primary activity of which is the development and preservation of affordable housing; 9823
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(4) A community improvement corporation, as defined in section 1724.01 of the Revised Code, or a community urban redevelopment corporation, as defined in section 1728.01 of the Revised Code. 9827
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(B) An electing subdivision or eligible developer that rehabilitates or constructs a unit of qualifying residential property and sells the property to an individual or individuals for the individual's or individuals' occupancy may apply to the director of development for a nonrefundable credit against the tax levied under section 5726.02 or 5747.02 of the Revised Code, provided the rehabilitation or construction and the sale comply with division (C) of this section. The credit application shall be made on forms prescribed by the director. The credit shall equal ninety thousand dollars or one-third of the cost to rehabilitate or construct the property, whichever is less. 9831
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(C) An application for a credit authorized by division (C) of this section shall certify all of the following: 9842
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(1) That the rehabilitation or construction of qualifying residential property that is the subject of the application was completed according to all applicable construction and design standards; 9844
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(2) That each qualifying residential property that is the 9848

subject of the application was sold to an individual or 9849
individuals who have annual income that is not more than the 9850
qualifying median income, demonstrated the financial means to 9851
purchase the qualifying residential property, and agreed to all of 9852
the following in the purchase agreement: 9853

(a) To maintain ownership of the qualifying residential 9854
property, occupy it as a primary residence, and not to rent any 9855
portion of the property to another individual for use as a 9856
dwelling, for at least five years following the date of purchase; 9857

(b) Not to sell the qualifying residential property to a 9858
purchaser other than an individual or individuals who have annual 9859
income that is no more than the qualifying median income for at 9860
least twenty years after the date of purchase; 9861

(c) To pay a penalty to the director of development for 9862
violation of the agreement required by division (C)(2)(a) of this 9863
section that, subject to division (F)(3) of section 122.631 of the 9864
Revised Code, equals the total amount of the tax credit authorized 9865
by this section and attributable to the qualifying residential 9866
property purchased by the individual, reduced by twenty per cent 9867
of that amount for each full year the individual or individuals 9868
owned the property; 9869

(d) That the director of development is a third-party 9870
beneficiary of the purchase agreement; 9871

(e) To participate in the applicant's financial literacy 9872
program; 9873

(f) Agree to annually certify to the director of development 9874
or the director's designee, during the period described by 9875
division (C)(2)(a) of this section, that the individual or 9876
individuals own and occupy the qualifying residential property, 9877
and that no part of the property is being rented to another 9878
individual for use as a dwelling. 9879

(3) That the qualifying residential property that is the subject of the application was sold for not more than one hundred eighty thousand dollars; 9880
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(4) That the qualifying residential property that is the subject of the application was transferred with a deed restriction prohibiting the sale of the property to a person other than an individual or individuals who have annual income that is not more than the qualifying median income for at least twenty years after the date of transfer. 9883
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(5) That the applicant provides a minimum of one year of financial literacy counseling to each purchaser of qualifying residential property that is the subject of the application. An applicant may provide information regarding its financial literacy program to the director of development for review as part of the application or prior to application; 9889
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(6) That the applicant shall report to the department of development the date when the qualifying residential property that is the subject of the application is sold by the applicant. 9895
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(7) That the qualifying residential property that is the subject of the application was not rehabilitated or constructed using grant funds received under section 122.632 of the Revised Code. 9898
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(D) The director of development is granted authority and standing to sue for the enforcement of a deed restriction described in division (C)(4) of this section. 9902
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(E)(1) Subject to division (E)(2) of this section, if the director determines that the applicant qualifies for a credit under this section, the director shall issue a tax credit certificate to the applicant identified with a unique number and listing the amount of the credit that is eligible to be transferred or claimed pursuant to division (E)(3) or (F) of this 9905
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section. 9911

(2) The total amount of tax credits issued by the director 9912
under this section shall not exceed twenty-five million dollars in 9913
any fiscal year, and no tax credits shall be issued after June 30, 9914
2025. 9915

(3) A person granted a certificate pursuant to division 9916
(E)(1) of this section may claim the credit against the tax levied 9917
under section 5726.02 of the Revised Code or against the person's 9918
aggregate tax liability under section 5747.02 of the Revised Code 9919
for the taxable year in which the certificate is issued. The 9920
taxpayer shall claim the credit in the order prescribed by section 9921
5726.98 or 5747.98 of the Revised Code, as applicable. Any unused 9922
amount may be carried forward for the following five taxable 9923
years. If the person is a pass-through entity, any taxpayer that 9924
is a direct or indirect investor in the pass-through entity on the 9925
last day of the entity's taxable year may claim the taxpayer's 9926
proportionate or distributive share of the credit against the 9927
taxpayer's aggregate amount of tax levied under section 5747.02 of 9928
the Revised Code. 9929

A taxpayer claiming a credit under this section shall submit 9930
a copy of the certificate with the taxpayer's return or report. 9931

(F) A person granted a certificate pursuant to division 9932
(E)(1) of this section may transfer the right to claim all or part 9933
of the credit reflected on the certificate to another person. 9934

To effectuate the transfer, the transferor shall notify the 9935
tax commissioner, in writing, that the transferor is transferring 9936
the right to claim all or part of the remaining credit stated on 9937
the certificate. The transferor shall identify in that 9938
notification the certificate's number, the name and the tax 9939
identification number of the transferee, the amount of the 9940
remaining credit transferred to the transferee, and, if 9941

applicable, the amount of remaining credit retained by the 9942
transferor. 9943

The transferee may claim the amount of the credit received 9944
under this division against the tax levied under section 5726.02 9945
of the Revised Code or against the person's aggregate tax 9946
liability under section 5747.02 of the Revised Code for the 9947
taxable year in the same manner and for the same taxable years as 9948
it may be claimed by a person under division (E)(3) of this 9949
section. 9950

Any person to which a credit has been transferred under this 9951
division may transfer the right to claim all or part of the 9952
transferred credit amount to any other person, in the same manner 9953
prescribed by this division for the initial transfer, including 9954
that any such transfer be reported by the transferor to the tax 9955
commissioner as described in this division. 9956

Transferring a credit under this division does not extend the 9957
taxable years for which the credit may be claimed or number of 9958
years for which the unclaimed credit amount may be carried 9959
forward. 9960

(G) The director may adopt rules in accordance with Chapter 9961
119. of the Revised Code as necessary to administer the tax 9962
credits authorized by this section. Such rules may include the 9963
following: 9964

(1) Application forms, deadlines, and procedures; 9965

(2) Criteria for evaluating and prioritizing applications; 9966

(3) Guidelines for promoting an even geographic distribution 9967
of credits throughout the state. 9968

Sec. 122.6511. (A) As used in this section and section 9969
122.6512 of the Revised Code, "~~brownfield~~" and "~~remediation~~" have 9970
~~the same meanings as in section 122.65 of the Revised Code.:~~ 9971

(1) "Brownfield" means an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum. 9972
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(2) "Lead entity" means the award recipient and the responsible party with whom the department of development executes a grant agreement for the grant funds. 9976
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(3) "Remediation" means any action to contain, remove, or dispose of hazardous substances or petroleum at a brownfield. "Cleanup or remediation" includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity. 9979
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(4) "County land reutilization corporation" has the same meaning as in section 1724.01 of the Revised Code. 9986
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(B)(1) There is hereby created the brownfield remediation program to award grants for the remediation of brownfield sites throughout Ohio. The program shall be administered by the director of development pursuant to this section and rules adopted pursuant to division (B)(2) of this section. 9988
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(2) The director shall adopt rules, under Chapter 119. of the Revised Code, for the administration of the program. The rules shall include provisions for determining project and project sponsor eligibility, program administration, and any other provisions the director finds necessary. 9993
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(3) The director shall ensure that the program is operational and accepting proposals for grants not later than ninety days after ~~the effective date of this section~~ September 30, 2021. 9998
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(4) To streamline funding through the program, each county shall have one lead entity. If the county contains a county land 10001
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reutilization corporation, that corporation shall be the lead 10003
entity. If the county does not contain a county land reutilization 10004
corporation, the board of county commissioners shall submit a lead 10005
entity letter of intent and any other documentation required by 10006
the director to the department in order for the department to 10007
select a lead entity for that county. 10008

(5) The lead entity of each county shall submit all grant 10009
applications for that county. The lead entity shall submit with a 10010
grant application any agreements executed between the lead entity 10011
with other recipients that will receive grant money through the 10012
lead entity, if applicable. Such recipients may include local 10013
governments, nonprofit organizations, community development 10014
corporations, regional planning commissions, county land 10015
reutilization corporations, and community action agencies. 10016

(C)(1) There is hereby created in the state treasury the 10017
brownfield remediation fund. The fund shall consist of moneys 10018
appropriated to it by the general assembly, and investment 10019
earnings on moneys in the fund shall be credited to the fund. 10020

~~(2)~~ The director shall reserve funds from each appropriation 10021
to the fund to each county in the state. The amount reserved shall 10022
be one million dollars per county, or, if an appropriation is less 10023
than eighty-eight million dollars, a proportionate amount to each 10024
county. Amounts reserved pursuant to this section are reserved for 10025
one calendar year from the date of the appropriation. After one 10026
calendar year, the funds shall be available pursuant to division 10027
~~(C)~~~~(3)~~~~(D)~~ of this section. 10028

~~(3)~~~~(2)~~ A lead entity may submit an initial grant application 10029
for the use of funds reserved under division (C)(1) of this 10030
section to the director. The lead entity may later submit an 10031
amended application to the director, and the director may accept 10032
and approve that application for use of funds up to the amount 10033
reserved for that county. 10034

(D) Funds from an appropriation not reserved under division 10035
~~(C)(2)(C)(1)~~ of this section shall be available for grants to 10036
projects located anywhere in the state, and grants from those 10037
funds shall be awarded to qualifying projects on a first-come, 10038
first-served basis. Grants awarded pursuant to this division shall 10039
be limited to seventy-five per cent of a project's total cost. 10040

Sec. 122.6512. (A)(1) There is hereby created the building 10041
demolition and site revitalization program to award grants for the 10042
demolition of commercial and residential buildings and 10043
revitalization of surrounding properties on sites that are not 10044
brownfields. The program shall be administered by the director of 10045
development pursuant to this section and rules adopted pursuant to 10046
division (A)(2) of this section. 10047

(2) The director shall adopt rules, under Chapter 119. of the 10048
Revised Code, for the administration of the program. The rules 10049
shall include provisions for determining project and project 10050
sponsor eligibility, program administration, and any other 10051
provisions the director finds necessary. 10052

(3) The director shall ensure that the program is operational 10053
and accepting proposals for grants not later than ninety days 10054
after ~~the effective date of this section~~ September 30, 2021. 10055

(4) To streamline funding through the program, each county 10056
shall have one lead entity. If the county contains a county land 10057
reutilization corporation, that corporation shall be the lead 10058
entity. If the county does not contain a county land reutilization 10059
corporation, the board of county commissioners shall submit a lead 10060
entity letter of intent and any other documentation required by 10061
the director to the department in order for the department to 10062
select a lead entity for that county. 10063

(5) The lead entity of each county shall submit all grant 10064
applications for that county. The lead entity shall submit with a 10065

grant application any agreements executed between the lead entity 10066
with other recipients that will receive grant money through the 10067
lead entity, if applicable. Such recipients may include local 10068
governments, nonprofit organizations, community development 10069
corporations, regional planning commissions, county land 10070
reutilization corporations, and community action agencies. 10071

(B)(1) There is hereby created in the state treasury the 10072
building demolition and site revitalization fund. The fund shall 10073
consist of moneys appropriated to it by the general assembly, and 10074
investment earnings on moneys in the fund shall be credited to the 10075
fund. 10076

(2) The director shall reserve funds from each appropriation 10077
to the fund to each county in the state. The amount reserved shall 10078
be five hundred thousand dollars per county, or, if an 10079
appropriation is less than forty-four million dollars, a 10080
proportionate amount to each county. Amounts reserved pursuant to 10081
this section are reserved for one calendar year from the date of 10082
the appropriation. After one calendar year, the funds shall be 10083
available pursuant to division (B)(3) of this section. 10084

(3) Funds from an appropriation not reserved under division 10085
(B)(2) of this section shall be available for grants to projects 10086
located anywhere in the state, and grants from those funds shall 10087
be awarded to qualifying projects on a first-come, first-served 10088
basis. Grants awarded pursuant to this division shall be limited 10089
to seventy-five per cent of a project's total cost. 10090

Sec. 122.85. (A) As used in this section and in sections 10091
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 10092

(1) "Tax credit-eligible production" means a motion picture 10093
or Broadway theatrical production certified by the director of 10094
development under division (B) of this section as qualifying the 10095
production company for a tax credit under section 5726.55, 10096

5733.59, 5747.66, or 5751.54 of the Revised Code. 10097

(2) "Certificate owner" means a production company to which a 10098
tax credit certificate is issued. 10099

(3) "Production company" means an individual, corporation, 10100
partnership, limited liability company, or other form of business 10101
association that is registered with the secretary of state and 10102
that is producing a motion picture or Broadway theatrical 10103
production. 10104

(4) "Eligible expenditures" means expenditures made after 10105
June 30, 2009, for goods or services purchased and consumed in 10106
this state by a production company directly for the production of 10107
a tax credit-eligible production, for postproduction activities, 10108
or for advertising and promotion of the production. 10109

"Eligible expenditures" do not include qualified expenditures 10110
for which a production company receives a tax credit under section 10111
122.852 of the Revised Code. 10112

"Eligible expenditures" include expenditures for cast and 10113
crew wages, accommodations, costs of set construction and 10114
operations, editing and related services, photography, sound 10115
synchronization, lighting, wardrobe, makeup and accessories, film 10116
processing, transfer, sound mixing, special and visual effects, 10117
music, location fees, and the purchase or rental of facilities and 10118
equipment. 10119

(5) "Motion picture" means entertainment content created in 10120
whole or in part within this state for distribution or exhibition 10121
to the general public, including, but not limited to, 10122
feature-length films; documentaries; long-form, specials, 10123
miniseries, series, and interstitial television programming; 10124
interactive web sites; sound recordings; videos; music videos; 10125
interactive television; interactive games; video games; 10126
commercials; any format of digital media; and any trailer, pilot, 10127

video teaser, or demo created primarily to stimulate the sale, 10128
marketing, promotion, or exploitation of future investment in 10129
either a product or a motion picture by any means and media in any 10130
digital media format, film, or videotape, provided the motion 10131
picture qualifies as a motion picture. "Motion picture" does not 10132
include any television program created primarily as news, weather, 10133
or financial market reports, a production featuring current events 10134
or sporting events, an awards show or other gala event, a 10135
production whose sole purpose is fundraising, a long-form 10136
production that primarily markets a product or service or in-house 10137
corporate advertising or other similar productions, a production 10138
for purposes of political advocacy, or any production for which 10139
records are required to be maintained under 18 U.S.C. 2257 with 10140
respect to sexually explicit content. 10141

(6) "Broadway theatrical production" means a prebroadway 10142
production, long run production, or tour launch that is directed, 10143
managed, and performed by a professional cast and crew and that is 10144
directly associated with New York city's broadway theater 10145
district. 10146

(7) "Prebroadway production" means a live stage production 10147
that is scheduled for presentation in New York city's broadway 10148
theater district after the original or adaptive version is 10149
performed in a qualified production facility. 10150

(8) "Long run production" means a live stage production that 10151
is scheduled to be performed at a qualified production facility 10152
for more than five weeks, with an average of at least six 10153
performances per week. 10154

(9) "Tour launch" means a live stage production for which the 10155
activities comprising the technical period are conducted at a 10156
qualified production facility before a tour of the original or 10157
adaptive version of the production begins. 10158

(10) "Qualified production facility" means a facility located 10159
in this state that is used in the development or presentation to 10160
the public of theater productions. 10161

(B) For the purpose of encouraging and developing strong film 10162
and theater industries in this state, the director of development 10163
may certify a motion picture or Broadway theatrical production 10164
produced by a production company as a tax credit-eligible 10165
production. In the case of a television series, the director may 10166
certify the production of each episode of the series as a separate 10167
tax credit-eligible production. A production company shall apply 10168
for certification of a motion picture or Broadway theatrical 10169
production as a tax credit-eligible production on a form and in 10170
the manner prescribed by the director. Each application shall 10171
include the following information: 10172

(1) The name and telephone number of the production company; 10173

(2) The name and telephone number of the company's contact 10174
person; 10175

(3) A list of the first preproduction date through the last 10176
production and postproduction dates in Ohio and, in the case of a 10177
Broadway theatrical production, a list of each scheduled 10178
performance in a qualified production facility; 10179

(4) The Ohio production office or qualified production 10180
facility address and telephone number; 10181

(5) The total production budget; 10182

(6) The total budgeted eligible expenditures and the 10183
percentage that amount is of the total production budget of the 10184
motion picture or Broadway theatrical production; 10185

(7) In the case of a motion picture, the total percentage of 10186
the production being shot in Ohio; 10187

(8) The level of employment of cast and crew who reside in 10188

Ohio;	10189
(9) A synopsis of the script;	10190
(10) In the case of a motion picture, the shooting script;	10191
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	10192 10193
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	10194 10195 10196 10197 10198
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	10199 10200
(14) Estimated amount of state and local taxes to be generated in this state from the production;	10201 10202
(15) Estimated economic impact of the production in this state;	10203 10204
(16) Any other information considered necessary by the director.	10205 10206
Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or Broadway theatrical production does not begin within ninety days after the date it is certified as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the production company shows good cause for the delay, meaning that the production was delayed due to	10207 10208 10209 10210 10211 10212 10213 10214 10215 10216 10217 10218

unforeseeable circumstances beyond the production company's 10219
control or due to action or inaction by a government agency. Upon 10220
rescission, the director shall notify the applicant that the 10221
certification has been rescinded. Nothing in this section 10222
prohibits an applicant whose tax credit-eligible production 10223
certification has been rescinded from submitting a subsequent 10224
application for certification. 10225

(C)(1) A production company whose motion picture or Broadway 10226
theatrical production has been certified as a tax credit-eligible 10227
production may apply to the director of development on or after 10228
July 1, 2009, for a refundable credit against the tax imposed by 10229
section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. 10230
The director in consultation with the tax commissioner shall 10231
prescribe the form and manner of the application and the 10232
information or documentation required to be submitted with the 10233
application. 10234

The credit is determined as follows: 10235

(a) If the total budgeted eligible expenditures stated in the 10236
application submitted under division (B) of this section or the 10237
actual eligible expenditures as finally determined under division 10238
(D) of this section, whichever is least, is less than or equal to 10239
three hundred thousand dollars, no credit is allowed; 10240

(b) If the total budgeted eligible expenditures stated in the 10241
application submitted under division (B) of this section or the 10242
actual eligible expenditures as finally determined under division 10243
(D) of this section, whichever is least, is greater than three 10244
hundred thousand dollars, the credit equals thirty per cent of the 10245
least of such budgeted or actual eligible expenditure amounts. 10246

(2) Except as provided in division (C)(4) of this section, if 10247
the director of development approves a production company's 10248
application for a credit, the director shall issue a tax credit 10249

certificate to the company. The director in consultation with the 10250
tax commissioner shall prescribe the form and manner of issuing 10251
certificates. The director shall assign a unique identifying 10252
number to each tax credit certificate and shall record the 10253
certificate in a register devised and maintained by the director 10254
for that purpose. The certificate shall state the amount of the 10255
eligible expenditures on which the credit is based and the amount 10256
of the credit. Upon the issuance of a certificate, the director 10257
shall certify to the tax commissioner the name of the production 10258
company to which the certificate was issued, the amount of 10259
eligible expenditures shown on the certificate, the amount of the 10260
credit, and any other information required by the rules adopted to 10261
administer this section. 10262

(3) The amount of eligible expenditures for which a tax 10263
credit may be claimed is subject to inspection and examination by 10264
the tax commissioner or employees of the commissioner under 10265
section 5703.19 of the Revised Code and any other applicable law. 10266
Once the eligible expenditures are finally determined under 10267
section 5703.19 of the Revised Code and division (D) of this 10268
section, the credit amount is not subject to adjustment unless the 10269
director determines an error was committed in the computation of 10270
the credit amount. 10271

(4) No tax credit certificate may be issued before the 10272
completion of the tax credit-eligible production. Not more than 10273
~~forty~~ fifty million dollars of tax credit may be allowed per 10274
fiscal year ~~provided that, for.~~ Of the fifty million dollar total, 10275
five million dollars shall be reserved for Broadway theatrical 10276
productions, and forty-five million dollars may be allowed for any 10277
tax credit-eligible production. For any fiscal year in which the 10278
amount of tax credits allowed under this section is less than ~~that~~ 10279
~~the~~ maximum annual amount, the amount not allowed for that fiscal 10280
year shall be added to the maximum annual amount that may be 10281

allowed for the following fiscal year. For any fiscal year in 10282
which less than five million dollars of tax credits are allowed 10283
for Broadway theatrical productions, the amount of the five 10284
million dollars not allowed and added to the maximum annual amount 10285
for the following fiscal year shall be reserved for Broadway 10286
theatrical productions in the following fiscal year. 10287

(5) The director shall review and approve applications for 10288
tax credits in two rounds each fiscal year. The first round of 10289
credits shall be awarded not later than the last day of July of 10290
the fiscal year, and the second round of credits shall be awarded 10291
not later than the last day of the ensuing January. The amount of 10292
credits awarded in the first round of applications each fiscal 10293
year shall not exceed ~~twenty~~ twenty-five million dollars, two 10294
million five hundred thousand dollars of which shall be reserved 10295
for Broadway theatrical productions, plus any credit allotment 10296
that was not awarded in the preceding fiscal year and carried over 10297
under division (C)(4) of this section. For each round, the 10298
director shall rank applications on the basis of the extent of 10299
positive economic impact each tax credit-eligible production is 10300
likely to have in this state and the effect on developing a 10301
permanent workforce in motion picture or theatrical production 10302
industries in the state. For the purpose of such ranking, the 10303
director shall give priority to tax-credit eligible productions 10304
that are television series or miniseries due to the long-term 10305
commitment typically associated with such productions. The 10306
economic impact ranking shall be based on the production company's 10307
total expenditures in this state directly associated with the tax 10308
credit-eligible production. The effect on developing a permanent 10309
workforce in the motion picture or theatrical production 10310
industries shall be evaluated first by the number of new jobs 10311
created and second by amount of payroll added with respect to 10312
employees in this state. 10313

The director shall approve productions in the order of their ranking, from those with the greatest positive economic impact and workforce development effect to those with the least positive economic impact and workforce development effect.

(D) A production company whose motion picture or Broadway theatrical production has been certified as a tax credit-eligible production shall engage, at the company's expense, an independent certified public accountant to examine the company's production, postproduction, and advertising and promotion expenditures to identify the expenditures that qualify as eligible expenditures. The certified public accountant shall issue a report to the company and to the director of development certifying the company's eligible expenditures and any other information required by the director. Upon receiving and examining the report, the director may disallow any expenditure the director determines is not an eligible expenditure. If the director disallows an expenditure, the director shall issue a written notice to the production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine finally the lesser of the total budgeted eligible expenditures stated in the application submitted under division (B) of this section or the actual eligible expenditures for the purpose of computing the amount of the credit.

(E) No credit shall be allowed under section 5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless the director has reviewed the report and made the determination prescribed by division (D) of this section.

(F) This state reserves the right to refuse the use of this state's name in the credits of any tax credit-eligible motion picture production or program of any Broadway theatrical production.

(G)(1) The director of development in consultation with the tax commissioner shall adopt rules for the administration of this section, including rules setting forth and governing the criteria for determining whether a motion picture or Broadway theatrical production is a tax credit-eligible production; activities that constitute the production or postproduction of a motion picture or Broadway theatrical production; reporting sufficient evidence of reviewable progress; expenditures that qualify as eligible expenditures; a schedule and deadlines for applications to be submitted and reviewed; a competitive process for approving credits based on likely economic impact in this state and development of a permanent workforce in motion picture or theatrical production industries in this state; consideration of geographic distribution of credits; and implementation of the program described in division (H) of this section. The rules shall be adopted under Chapter 119. of the Revised Code.

(2) To cover the administrative costs of the program, the director shall require each applicant to pay an application fee equal to the lesser of ten thousand dollars or one per cent of the estimated value of the tax credit as stated in the application. The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. All grants, gifts, fees, and contributions made to the director for marketing and promotion of the motion picture industry within this state shall also be credited to the fund.

(H) The director of development shall establish a program for the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training

or have completed a relevant training course approved by the 10378
director, and have met any other requirements established by the 10379
director. 10380

(2) Accept applications from production companies that intend 10381
to hire and provide on-the-job training to one or more certified 10382
film and multimedia trainees who will be employed in the company's 10383
tax credit-eligible production. 10384

(3) Upon completion of a tax-credit eligible production, and 10385
upon the receipt of any salary information and other documentation 10386
required by the director, authorize a reimbursement payment to 10387
each production company whose application was approved under 10388
division (H)(2) of this section. The payment shall equal fifty per 10389
cent of the salaries paid to film and multimedia trainees employed 10390
in the production. 10391

Sec. 122.852. (A) As used in this section: 10392

(1) "Capital improvement project" means a project that 10393
consists of acquiring, constructing, rehabilitating, repairing, 10394
redeveloping, expanding, or improving facilities located, or 10395
equipment used in this state for production and postproduction of 10396
motion pictures or Broadway theatrical productions. 10397

(2) "Qualified expenditures" means expenditures incurred by a 10398
production company after June 30, 2023, for goods and services 10399
purchased and consumed directly for a capital improvement project. 10400
"Qualified expenditures" include accounting or auditing 10401
expenditures incurred in connection with the report required by 10402
division (F) of this section if paid to an independent certified 10403
public accountant certified, or an accounting firm registered 10404
under Chapter 4701. of the Revised Code. "Qualified expenditures" 10405
do not include eligible expenditures for which a production 10406
company received a tax credit under section 122.85 of the Revised 10407
Code. 10408

(3) "Certificate owner" means a production company to which a tax credit certificate is issued under division (H) of this section or a person to which all or part of a tax credit is transferred under division (I) of this section. 10409
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(4) "Production company," "eligible expenditures," "motion picture," and "broadway theatrical production" have the same meanings as in section 122.85 of the Revised Code. 10413
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(B) For the purpose of encouraging and developing strong film and theater industries in this state, the director of development may award a refundable credit against the tax imposed by section 5726.02, 5747.02, or 5751.02 of the Revised Code to a production company that completes a capital improvement project expected to have a positive economic impact in this state as a whole, or in any community in this state in which the facilities or equipment involved in the project are or will be located. A production company may apply to the director for a credit on a form and in the manner prescribed by rules adopted under division (J) of this section. An application may be submitted before, during, or after completion of the capital improvement project, but not sooner than July 1, 2024, and shall include all of the following information: 10416
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(1) The name, address, telephone number, and taxpayer identification number of the production company; 10429
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(2) A detailed description of the capital improvement project including the location of the facilities or equipment involved in the project and an explanation of how those facilities or equipment are intended to be used in the production or postproduction of motion pictures or Broadway theatrical productions in this state; 10431
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(3)(a) If the capital improvement project is complete at the time the application is submitted, a schedule documenting the progression of the project from its commencement to its 10437
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completion; 10440

(b) If the capital improvement project is not complete at the 10441
time the application is submitted, a schedule for the progression, 10442
completion, and, if applicable, commencement of the project. 10443

(4) An estimate of the amount of the project's qualified 10444
expenditures that have been or will be incurred by the production 10445
company and, if the project is not complete at the time the 10446
application is submitted, documentation of the company's financial 10447
ability to complete the project, including documentation that 10448
shows the company has secured funding, other than the tax credit 10449
authorized by this section, equal to at least fifty per cent of 10450
the total cost of the project; 10451

(5) The estimated credit amount, which shall equal the lesser 10452
of five million dollars or twenty-five per cent of the production 10453
company's estimated qualified expenditures; 10454

(6) The estimated economic impact of the capital improvement 10455
project in this state as a whole, and in any community in this 10456
state in which the facilities or equipment involved in the project 10457
are or will be located; 10458

(7) Any other information considered necessary by the 10459
director. 10460

(C) The director shall review, evaluate, and approve 10461
applications in one round per fiscal year. For each round, the 10462
director shall rank applications on the basis of the capital 10463
improvement project's likely positive economic impact and effect 10464
on developing a permanent workforce in motion picture or 10465
theatrical production industries in the state as a whole, and in 10466
any community in this state in which the facilities or equipment 10467
involved in the project are or will be located. The effect on 10468
developing a permanent workforce in the motion picture or 10469
theatrical production industries shall be evaluated first by the 10470

number of new jobs created and second by amount of payroll added 10471
with respect to employees in this state. Subject to division 10472
(D)(2) of this section, the director shall approve applications in 10473
the order of their ranking, from those with the greatest positive 10474
economic impact and workforce development effect to those with the 10475
least positive economic impact and workforce development effect. 10476
The director shall not approve an application or issue a tax 10477
credit certificate for a capital improvement project that is not 10478
likely to have a positive economic impact or workforce development 10479
impact in either the state as a whole, or any community in this 10480
state in which the facilities or equipment involved in the project 10481
are or will be located. 10482

(D)(1) The director shall not approve more than twenty-five 10483
million dollars in estimated tax credits in total per fiscal year 10484
provided that, for any fiscal year in which the amount of 10485
estimated credits approved under this section is less than the 10486
maximum annual amount, the amount not approved for that fiscal 10487
year shall be added to the maximum annual amount that may be 10488
approved for the following fiscal year. 10489

If the director rescinds approval of a capital improvement 10490
project under division (E)(2) of this section, the estimated 10491
credit amount attributed to that project shall be added back to 10492
the maximum total annual credit amount for that fiscal year. If 10493
the actual credit amount computed under division (H) of this 10494
section is less than the estimated credit amount approved by the 10495
director, the difference shall be added back to the maximum total 10496
annual credit amount for that fiscal year. 10497

(2) The director shall not approve more than five million 10498
dollars in estimated tax credits per fiscal year for capital 10499
improvement projects located in any single county. 10500

(E)(1) Within ninety days after the director of development 10501
approves a capital improvement project that was not complete at 10502

the time of the production company's application, the production 10503
company shall submit sufficient evidence of reviewable progress to 10504
the director. The director may request additional updates from the 10505
production company regarding the progression of the project as 10506
often as the director considers necessary until the project is 10507
complete or approval of the project is rescinded. The production 10508
company shall respond to each such request within thirty days. 10509

(2) The director may rescind approval of a capital 10510
improvement project if the production company fails to timely 10511
submit evidence of reviewable progress or respond to the 10512
director's request for a project update, as required by division 10513
(E)(1) of this section, or if the director determines that the 10514
progression of the project is significantly behind the schedule 10515
submitted in the tax credit application. The director shall 10516
rescind approval of a project that does not begin within ninety 10517
days after the date the application is approved unless the 10518
production company shows good cause for the delay, meaning that 10519
the project was delayed due to unforeseeable circumstances beyond 10520
the production company's control or due to action or inaction by a 10521
government agency. 10522

(3) The director shall notify the production company upon 10523
rescinding approval of a capital improvement project. Nothing in 10524
this section prohibits the production company from reapplying for 10525
approval of the same capital improvement project. 10526

(F)(1) A production company whose capital improvement project 10527
is approved by the director of development shall engage, at the 10528
company's expense, an independent certified public accountant to 10529
examine the company's qualified expenditures. Within ninety days 10530
after the director approves the project or within ninety days 10531
after a project approved by the director is complete, whichever is 10532
later, the certified public accountant shall issue a report to the 10533
company and to the director that includes all of the following: 10534

<u>(a) The amount of the company's actual qualified expenditures;</u>	10535
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<u>(b) Completed copies of all accounting and auditing forms required by the director in connection with the capital improvement project;</u>	10537
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<u>(c) An itemized review of all contract and expense items of ten thousand dollars or more that are reported as qualified expenditures;</u>	10540
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<u>(d) An itemized review of at least one-half of the contract and expense items of less than ten thousand dollars that are reported as qualified expenditures, both in terms of the total number of such contracts and items and the total amount of qualified expenditures reported for such contracts and items;</u>	10543
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<u>(e) Certification that all goods and services reported as qualified expenditures were purchased and consumed in this state.</u>	10548
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<u>(2) Upon receiving and examining the report, the director may disallow any expenditure the director determines is not a qualified expenditure. If the director disallows an expenditure, the director shall issue a written notice to the production company stating that the expenditure is disallowed and the reason for the disallowance. Upon examination of the report and disallowance of any expenditures, the director shall determine the production company's actual qualified expenditures for the purpose of computing the amount of the credit.</u>	10550
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<u>(3) Qualified expenditures reported by the production company are subject to inspection and examination by the tax commissioner or employees of the commissioner under section 5703.19 of the Revised Code and any other applicable law. Once the qualified expenditures are finally determined division (F)(2) of this section, the credit amount is not subject to adjustment unless the director determines an error was committed in the computation of</u>	10559
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the credit amount. 10566

(G) After reviewing the report and making the determination 10567
prescribed by division (F) of this section, the director of 10568
development shall issue a tax credit certificate to the production 10569
company. The director, in consultation with the tax commissioner, 10570
shall prescribe the form and manner of issuing certificates. The 10571
director shall assign a unique identifying number to each tax 10572
credit certificate and shall record the certificate in a register 10573
devised and maintained by the director for that purpose. The 10574
certificate shall state the amount of the credit and the amount of 10575
the qualified expenditures upon which the credit is based. Upon 10576
issuance of a certificate, the director shall certify to the tax 10577
commissioner the name of the production company to which the 10578
certificate was issued, the amount of qualified expenditures shown 10579
on the certificate, the amount of the credit, and any other 10580
information required by the rules adopted to administer this 10581
section. 10582

(H) The credit amount stated on the tax credit certificate 10583
shall equal the lesser of the following: 10584

(1) Twenty-five per cent of the production company's actual 10585
qualified expenditures, as determined by the director of 10586
development under division (F) of this section; 10587

(2) The estimated credit amount specified in the production 10588
company's tax credit application under division (B)(5) of this 10589
section; 10590

(3) Five million dollars. 10591

(I)(1) A production company to which a tax credit certificate 10592
is issued under division (H) of this section may transfer the 10593
authority to claim all or a portion of the amount of the tax 10594
credit the production company is authorized to claim pursuant to 10595
that certificate under section 5726.59, 5747.67, or 5751.55 of the 10596

Revised Code to one or more other persons. Within thirty days 10597
after a transfer under this division, the production company shall 10598
submit the following information to the director of development, 10599
on a form prescribed by the director: 10600

(a) Information necessary for the director to identify the 10601
certificate that is the basis for the transfer; 10602

(b) The portion or amount of the tax credit transferred to 10603
each transferee; 10604

(c) The portion or amount of the tax credit that the 10605
production company retains the authority to claim; 10606

(d) The tax identification number of each transferee; 10607

(e) The date of the transfer; 10608

(f) Any other information required by the director; 10609

(g) Any information required by the tax commissioner. 10610

The director shall deliver a copy of any submission received 10611
under division (I)(1) of this section to the tax commissioner. 10612

(2) A transferee may not claim a credit under section 10613
5726.59, 5747.67, or 5751.55 of the Revised Code unless and until 10614
the transferring production company complies with division (I)(1) 10615
of this section. A transferee may claim the transferred amount of 10616
any credit or portion of a credit for the same taxable year or tax 10617
period for which the transferring production company was 10618
authorized to claim the credit or portion of a credit pursuant to 10619
the certificate. A production company shall make no transfer under 10620
division (I)(1) of this section after the last day of the tax 10621
period or taxable year for which the production company is 10622
required to claim the credit pursuant to the certificate. 10623

A production company may make not more than one transfer 10624
under division (I)(1) of this section for each tax credit 10625
certificate, but pursuant to that transaction, may allocate the 10626

authority to claim a portion of the credit to more than one transferee. A production company may not authorize more than one transferee to claim the same portion of a credit. No transferee may transfer the right to claim the credit to another person. 10627
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(J) The director of development, in consultation with the tax commissioner, shall adopt rules in accordance with Chapter 119. of the Revised Code for the administration of this section, including rules setting forth and governing the criteria for reporting sufficient evidence of reviewable progress; expenditures that are qualified expenditures; a schedule and deadlines for applications to be submitted and reviewed; a competitive process for approving credits based on likely economic impact and development of a permanent workforce in motion picture or theatrical production industries; and consideration of geographic distribution of credits. 10631
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To cover the administrative costs of the program, the director shall require each applicant to pay an application fee equal to the lesser of ten thousand dollars or one per cent of the estimated value of the tax credit as stated in the application. The fees collected shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code. 10642
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Sec. 122.941. (A) On or before the first day of August in each year, the director of development ~~services~~ shall make an annual report of the activities and operations under the assistance programs of the department of development ~~services agency~~ for the preceding fiscal year to the governor and general assembly. The annual report shall include a detailing of those grants, guarantees, loans, and other forms of state assistance to women-owned businesses. The annual report shall also include the reports submitted to the director by the governor's office of housing transformation under section 175.04 of the Revised Code. 10648
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(B) As used in this section: 10658

(1) "Women-owned business" means any individual, partnership, 10659
corporation, or joint venture of any kind that is owned and 10660
controlled by women who are United States citizens and residents 10661
of this state. 10662

(2) "Owned and controlled" means that at least fifty-one per 10663
cent of the business, including corporate stock if it is a 10664
corporation, is owned by women and that such owners have control 10665
over the day-to-day operations of the business and an interest in 10666
the capital, assets, and profits and losses of the business 10667
proportionate to their percentage of ownership. In order to 10668
qualify as a women-owned business, a business shall have been 10669
owned by such owners at least one year. 10670

Sec. 123.20. (A) There is hereby created the Ohio facilities 10671
construction commission. The commission shall administer the 10672
design and construction of improvements to public facilities of 10673
the state in accordance with this chapter, the provision of 10674
financial assistance to school districts for the acquisition or 10675
construction of classroom facilities in accordance with Chapter 10676
3318. of the Revised Code, and any other applicable provisions of 10677
the Revised Code. 10678

The commission is a body corporate and politic, an agency of 10679
state government and an instrumentality of the state, performing 10680
essential governmental functions of this state. The carrying out 10681
of the purposes and the exercise by the commission of its powers 10682
are essential public functions and public purposes of the state. 10683
The commission may, in its own name, sue and be sued, enter into 10684
contracts, and perform all the powers and duties given to it by 10685
the Revised Code, but it does not have and shall not exercise the 10686
power of eminent domain. In its discretion and as it determines 10687
appropriate, the commission may delegate to any of its members, 10688

executive director, or other employees any of the commission's 10689
powers and duties to carry out its functions. 10690

(B) The commission shall consist of seven members, three of 10691
whom shall be voting members. The voting members shall be the 10692
director of the office of budget and management, the director of 10693
administrative services, and an additional administrative 10694
department head listed in section 121.03 of the Revised Code whom 10695
the governor shall appoint. Each voting member of the commission 10696
may designate an employee of the member's agency to serve on the 10697
member's behalf. 10698

The nonvoting members shall be two members of the senate 10699
appointed by the president of the senate and two members of the 10700
house of representatives appointed by the speaker of the house of 10701
representatives. The nonvoting members who are senators shall not 10702
be members of the same political party, and the nonvoting members 10703
who are representatives shall not be members of the same political 10704
party. 10705

~~Not later than the thirty-first day of January of an~~ 10706
~~odd-numbered year, the~~ The president of the senate and the speaker 10707
of the house of representatives shall appoint the nonvoting 10708
members of the commission within forty-five days after the 10709
commencement of the first regular session of each general 10710
assembly, to serve for the duration of that general assembly. A 10711
seat on the commission becomes vacant if the nonvoting member who 10712
held the seat ceases to serve in the chamber of the general 10713
assembly from which the nonvoting member was appointed. A vacancy 10714
in a nonvoting seat on the commission shall be filled in the 10715
manner provided for original appointments not later than the 10716
thirty-first day after the day the seat becomes vacant. 10717

Members of the commission or their designees shall serve 10718
without compensation. 10719

Organizational meetings of the commission shall be held at 10720
the first meeting of each calendar year. At each organizational 10721
meeting, the commission shall elect from among its voting members 10722
a chairperson and vice-chairperson, who shall serve until the next 10723
annual organizational meeting. The commission shall adopt rules 10724
pursuant to Chapter 119. of the Revised Code for the conduct of 10725
its internal business and shall keep a journal of its proceedings. 10726
Including the organizational meeting, the commission shall meet at 10727
least once each calendar year. 10728

Two voting members of the commission constitute a quorum, and 10729
the affirmative vote of two members is necessary for approval of 10730
any action taken by the commission. A vacancy in the membership of 10731
the commission does not impair a quorum from exercising all the 10732
rights and performing all the duties of the commission. Meetings 10733
of the commission may be held anywhere in the state and shall be 10734
held in compliance with section 121.22 of the Revised Code. 10735

(C) The commission shall file an annual report of its 10736
activities and finances, including a report of the expenditures 10737
and progress of the classroom facilities assistance program under 10738
Chapter 3318. of the Revised Code, with the governor, speaker of 10739
the house of representatives, president of the senate, and 10740
chairpersons of the house and senate finance committees. 10741

(D) The commission shall be exempt from the requirements of 10742
sections 101.82 to 101.87 of the Revised Code. 10743

Sec. 123.211. (A) Notwithstanding any contrary provision of 10744
section 123.21 of the Revised Code, the executive director of the 10745
Ohio facilities construction commission may authorize any of the 10746
following agencies to administer any capital facilities project, 10747
the estimated cost of which, including design fees, construction, 10748
equipment, and contingency amounts, is less than three million 10749
dollars: 10750

(1) The department of mental health and addiction services;	10751
(2) The department of developmental disabilities;	10752
(3) The department of agriculture;	10753
(4) The department of job and family services;	10754
(5) The department of rehabilitation and correction;	10755
(6) The department of youth services;	10756
(7) The department of public safety;	10757
(8) The department of transportation;	10758
(9) The department of veterans services;	10759
(10) The bureau of workers' compensation;	10760
(11) The department of administrative services;	10761
(12) The state school for the deaf;	10762
(13) The state school for the blind <u>Ohio deaf and blind</u>	10763
<u>education services.</u>	10764
(B) A state agency that wishes to administer a project under	10765
division (A) of this section shall submit a request for	10766
authorization through the Ohio administrative knowledge system	10767
capital improvements application. Upon the release of funds for	10768
the projects by the controlling board or the director of budget	10769
and management, the agency may administer the capital project or	10770
projects for which agency administration has been authorized	10771
without the supervision, control, or approval of the executive	10772
director of the Ohio facilities construction commission.	10773
(C) A state agency authorized by the executive director of	10774
the Ohio facilities construction commission to administer capital	10775
facilities projects pursuant to this section shall comply with the	10776
applicable procedures and guidelines established in Chapter 153.	10777
of the Revised Code and shall track all project information in the	10778
Ohio administrative knowledge system capital improvements	10779

application pursuant to Ohio facilities construction commission 10780
guidelines. 10781

Sec. 124.136. (A) As used in this section: 10782

(1) "Fetal death" has the same meaning as in section 3705.01 10783
of the Revised Code. 10784

(2) "Stillborn" means that an infant of at least twenty weeks 10785
of gestation suffered a fetal death. 10786

(B)(1) Each permanent full-time and permanent part-time 10787
employee paid in accordance with section 124.152 of the Revised 10788
Code and each employee listed in division (B)(2), (3), or (4) of 10789
section 124.14 of the Revised Code who works thirty or more hours 10790
per week, and who meets the requirement of division (B)(2)(a) of 10791
this section is eligible, upon the birth, stillbirth, or adoption 10792
of a child, for a parental leave of absence and parental leave 10793
benefits under this section. If the employee takes leave under 10794
this section for a stillbirth, the employee is ineligible for 10795
leave under section 124.387 of the Revised Code. 10796

(2)(a) To be eligible for leave and benefits under this 10797
section, an employee must be one of the following: 10798

(i) A parent, as listed on the birth certificate, of a newly 10799
born child; 10800

(ii) A parent, as listed on the fetal death certificate, of a 10801
stillborn child; 10802

(iii) A legal guardian of ~~and reside~~ a newly adopted child 10803
who resides in the same household as ~~a newly adopted~~ that child. 10804

(b) Employees may elect to receive five thousand dollars for 10805
adoption expenses in lieu of receiving the paid leave benefit 10806
provided under this section. Such payment may be requested upon 10807
placement of the child in the employee's home. If the child is 10808
already residing in the home, payment may be requested at the time 10809

the adoption is approved. 10810

(3) The average number of regular hours worked, which shall 10811
include all hours of holiday pay and other types of paid leave, 10812
during the three-month period immediately preceding the day 10813
parental leave of absence begins shall be used to determine 10814
eligibility and benefits under this section for part-time 10815
employees, but such benefits shall not exceed forty hours per 10816
week. If an employee has not worked for a three-month period, the 10817
number of hours for which the employee has been scheduled to work 10818
per week during the employee's period of employment shall be used 10819
to determine eligibility and benefits under this section. 10820

(C)(1) Parental leave granted under this section shall not 10821
exceed ~~six~~ eight consecutive weeks, which shall include ~~four~~ three 10822
~~weeks or one~~ hundred ~~sixty~~ twenty hours of paid leave for 10823
permanent full-time employees and a prorated number of hours of 10824
paid leave for permanent part-time employees. ~~Parental~~ 10825

(2) Parental leave shall be taken within one year of the 10826
birth of the child, delivery of the stillborn child, or placement 10827
of the child for adoption. ~~All employees granted parental leave~~ 10828
~~shall serve a waiting period of fourteen days that begins on the~~ 10829
~~day parental leave begins and during which they shall not receive~~ 10830
~~paid leave under this section. Employees may choose to work during~~ 10831
~~the waiting period. During~~ 10832

(3) During the ~~remaining four weeks of the~~ leave period, 10833
employees shall receive paid leave in amounts equal to ~~seventy per~~ 10834
~~cent~~ the following percentages of their base rate of pay: 10835

(a) For the first two weeks, which shall include eighty 10836
hours, one hundred per cent; 10837

(b) For the remaining six weeks, which shall include two 10838
hundred forty hours, seventy per cent. All 10839

(4) All of the following apply to employees granted parental 10840

leave: 10841

~~(1)~~(a) They remain eligible to receive all employer-paid 10842
benefits and continue to accrue all other forms of paid leave as 10843
if they were in active pay status. 10844

~~(2)~~(b) They are ineligible to receive overtime pay, and no 10845
portion of their parental leave shall be included in calculating 10846
their overtime pay. 10847

~~(3)~~(c) They are ineligible to receive holiday pay. A holiday 10848
occurring during the leave period shall be counted as one day of 10849
parental leave and be paid as such. 10850

(D) Employees receiving parental leave may utilize available 10851
sick leave, personal leave, vacation leave, or compensatory time 10852
balances in order to ~~be paid during the fourteen day waiting~~ 10853
~~period and to~~ supplement the seventy per cent of their base rate 10854
of pay received during the ~~remaining part of their~~ last six weeks 10855
of the parental leave period, in an amount sufficient to give them 10856
up to one hundred per cent of their pay for time on parental 10857
leave. 10858

Use of parental leave does not affect an employee's 10859
eligibility for other forms of paid leave granted under this 10860
chapter and does not prohibit an employee from taking leave under 10861
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 10862
U.S.C.A. 2601, except that parental leave shall be included in any 10863
leave time provided under that act. An employee may not receive 10864
parental leave under this section after exhausting leave under the 10865
Family and Medical Leave Act of 1993 for the birth of the child, 10866
delivery of the stillborn child, or placement of the child for 10867
adoption. 10868

(E) Employees receiving disability leave benefits under 10869
section 124.385 of the Revised Code prior to becoming eligible for 10870
parental leave shall continue to receive disability leave benefits 10871

for the duration of their disabling condition or as otherwise 10872
provided under the disability leave benefits program. If an 10873
employee is receiving disability leave benefits because of 10874
pregnancy and these benefits expire prior to the expiration date 10875
of any benefits the employee would have been entitled to receive 10876
under this section, the employee shall receive parental leave for 10877
such additional time ~~without being required to serve an additional~~ 10878
~~waiting period if the parental leave is contiguous to the~~ 10879
~~disability leave.~~ 10880

Sec. 124.14. (A)(1) The director of administrative services 10881
shall establish, and may modify or rescind, a job classification 10882
plan for all positions, offices, and employments in the service of 10883
the state. The director shall group jobs within a classification 10884
so that the positions are similar enough in duties and 10885
responsibilities to be described by the same title, to have the 10886
same pay assigned with equity, and to have the same qualifications 10887
for selection applied. The director shall assign a classification 10888
title to each classification within the classification plan. 10889
However, the director shall consider in establishing 10890
classifications, including classifications with parenthetical 10891
titles, and assigning pay ranges such factors as duties performed 10892
only on one shift, special skills in short supply in the labor 10893
market, recruitment problems, separation rates, comparative salary 10894
rates, the amount of training required, and other conditions 10895
affecting employment. The director shall describe the duties ~~and,~~ 10896
responsibilities, and essential character of the work of the 10897
class~~;~~ establish the essential knowledge, abilities, skills, and 10898
qualifications for being employed in each position in the class~~;~~ 10899
and file with the secretary of state a copy of specifications for 10900
all of the classifications. The director shall state the required 10901
qualifications in terms of experience, training, specific 10902
coursework, or other terms, but shall not state qualifications in 10903

terms of academic degrees unless the degrees are required by a 10904
specific statute or rule. The director shall file new, additional, 10905
or revised specifications with the secretary of state before they 10906
are used. 10907

An appointing authority may request position-specific minimum 10908
qualifications for a position that differ from the minimum 10909
qualifications of the classification specification established by 10910
the director, provided that the requested qualifications are not 10911
stated solely in terms of academic degrees. The director must 10912
approve such a request before it may be implemented. 10913

The director shall assign each classification, either on a 10914
statewide basis or in particular counties or state institutions, 10915
to a pay range established under section 124.15 or section 124.152 10916
of the Revised Code. The director may assign a classification to a 10917
pay range on a temporary basis for a period of six months. The 10918
director may establish experimental classification plans for some 10919
or all employees paid directly by warrant of the director of 10920
budget and management. Any such experimental classification plan 10921
shall include specifications for each classification within the 10922
plan and shall specifically address compensation ranges, and 10923
methods for advancing within the ranges, for the classifications, 10924
which may be assigned to pay ranges other than the pay ranges 10925
established under section 124.15 or 124.152 of the Revised Code. 10926

(2) The director of administrative services may reassign to a 10927
proper classification those positions that have been assigned to 10928
an improper classification. If the compensation of an employee in 10929
such a reassigned position exceeds the maximum rate of pay for the 10930
employee's new classification, the employee shall be placed in pay 10931
step X and shall not receive an increase in compensation until the 10932
maximum rate of pay for that classification exceeds the employee's 10933
compensation. 10934

(3) The director may reassign an exempt employee, as defined 10935

in section 124.152 of the Revised Code, to a bargaining unit 10936
classification if the director determines that the bargaining unit 10937
classification is the proper classification for that employee. 10938
Notwithstanding Chapter 4117. of the Revised Code or instruments 10939
and contracts negotiated under it, these placements are at the 10940
director's discretion. 10941

(4) The director shall assign related classifications, which 10942
form a career progression, to a classification series. The 10943
director shall assign each classification in the classification 10944
plan a five-digit number, the first four digits of which shall 10945
denote the classification series to which the classification is 10946
assigned. When a career progression encompasses more than ten 10947
classifications, the director shall identify the additional 10948
classifications belonging to a classification series. The 10949
additional classifications shall be part of the classification 10950
series, notwithstanding the fact that the first four digits of the 10951
number assigned to the additional classifications do not 10952
correspond to the first four digits of the numbers assigned to 10953
other classifications in the classification series. 10954

(B) Division (A) of this section and sections 124.15 and 10955
124.152 of the Revised Code do not apply to the following persons, 10956
positions, offices, and employments: 10957

(1) Elected officials; 10958

(2) Legislative employees, employees of the legislative 10959
service commission, employees in the office of the governor, 10960
employees who are in the unclassified civil service and exempt 10961
from collective bargaining coverage in the office of the secretary 10962
of state, auditor of state, treasurer of state, and attorney 10963
general, and employees of the supreme court; 10964

(3) Any position for which the authority to determine 10965
compensation is given by law to another individual or entity; 10966

(4) Employees of the bureau of workers' compensation whose 10967
compensation the administrator of workers' compensation 10968
establishes under division (B) of section 4121.121 of the Revised 10969
Code. 10970

(C) The director may employ a consulting agency to aid and 10971
assist the director in carrying out this section. 10972

(D)(1) When the director proposes to modify a classification 10973
or the assignment of classes to appropriate pay ranges, the 10974
director shall notify the appointing authorities of the affected 10975
employees before implementing the modification. The director's 10976
notice shall include the effective date of the modification. The 10977
appointing authorities shall notify the affected employees 10978
regarding the modification. 10979

(2) When the director proposes to reclassify any employee in 10980
the service of the state so that the employee is adversely 10981
affected, the director shall give to the employee affected and to 10982
the employee's appointing authority a written notice setting forth 10983
the proposed new classification, pay range, and salary. Upon the 10984
request of any classified employee in the service of the state who 10985
is not serving in a probationary period, the director shall 10986
perform a job audit to review the classification of the employee's 10987
position to determine whether the position is properly classified. 10988
The director shall give to the employee affected and to the 10989
employee's appointing authority a written notice of the director's 10990
determination whether or not to reclassify the position or to 10991
reassign the employee to another classification. An employee or 10992
appointing authority desiring a hearing shall file a written 10993
request for the hearing with the state personnel board of review 10994
within thirty days after receiving the notice. The board shall set 10995
the matter for a hearing and notify the employee and appointing 10996
authority of the time and place of the hearing. The employee, the 10997
appointing authority, or any authorized representative of the 10998

employee who wishes to submit facts for the consideration of the 110999
board shall be afforded reasonable opportunity to do so. After the 11000
hearing, the board shall consider anew the reclassification and 11001
may order the reclassification of the employee and require the 11002
director to assign the employee to such appropriate classification 11003
as the facts and evidence warrant. As provided in division (A)(1) 11004
of section 124.03 of the Revised Code, the board may determine the 11005
most appropriate classification for the position of any employee 11006
coming before the board, with or without a job audit. The board 11007
shall disallow any reclassification or reassignment classification 11008
of any employee when it finds that changes have been made in the 11009
duties and responsibilities of any particular employee for 11010
political, religious, or other unjust reasons. 11011

(E)(1) Employees of each county department of job and family 11012
services shall be paid a salary or wage established by the board 11013
of county commissioners. The provisions of section 124.18 of the 11014
Revised Code concerning the standard work week apply to employees 11015
of county departments of job and family services. A board of 11016
county commissioners may do either of the following: 11017

(a) Notwithstanding any other section of the Revised Code, 11018
supplement the sick leave, vacation leave, personal leave, and 11019
other benefits of any employee of the county department of job and 11020
family services of that county, if the employee is eligible for 11021
the supplement under a written policy providing for the 11022
supplement; 11023

(b) Notwithstanding any other section of the Revised Code, 11024
establish alternative schedules of sick leave, vacation leave, 11025
personal leave, or other benefits for employees not inconsistent 11026
with the provisions of a collective bargaining agreement covering 11027
the affected employees. 11028

(2) Division (E)(1) of this section does not apply to 11029
employees for whom the state employment relations board 11030

establishes appropriate bargaining units pursuant to section 11031
4117.06 of the Revised Code, except in either of the following 11032
situations: 11033

(a) The employees for whom the state employment relations 11034
board establishes appropriate bargaining units elect no 11035
representative in a board-conducted representation election. 11036

(b) After the state employment relations board establishes 11037
appropriate bargaining units for such employees, all employee 11038
organizations withdraw from a representation election. 11039

(F)(1) Notwithstanding any contrary provision of sections 11040
124.01 to 124.64 of the Revised Code, the board of trustees of 11041
each state university or college, as defined in section 3345.12 of 11042
the Revised Code, shall carry out all matters of governance 11043
involving the officers and employees of the university or college, 11044
including, but not limited to, the powers, duties, and functions 11045
of the department of administrative services and the director of 11046
administrative services specified in this chapter. Officers and 11047
employees of a state university or college shall have the right of 11048
appeal to the state personnel board of review as provided in this 11049
chapter. 11050

(2) Each board of trustees shall adopt rules under section 11051
111.15 of the Revised Code to carry out the matters of governance 11052
described in division (F)(1) of this section. Until the board of 11053
trustees adopts those rules, a state university or college shall 11054
continue to operate pursuant to the applicable rules adopted by 11055
the director of administrative services under this chapter. 11056

(G)(1) Each board of county commissioners may, by a 11057
resolution adopted by a majority of its members, establish a 11058
county personnel department to exercise the powers, duties, and 11059
functions specified in division (G) of this section. As used in 11060
division (G) of this section, "county personnel department" means 11061

a county personnel department established by a board of county commissioners under division (G)(1) of this section. 11062
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(2)(a) Each board of county commissioners, by a resolution adopted by a majority of its members, may designate the county personnel department of the county to exercise the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county, except for the powers and duties of the state personnel board of review, which powers and duties shall not be construed as having been modified or diminished in any manner by division (G)(2) of this section, with respect to the employees for whom the board of county commissioners is the appointing authority or co-appointing authority. 11064
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(b) Nothing in division (G)(2) of this section shall be construed to limit the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal. 11075
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(c) Any board of county commissioners that has established a county personnel department may contract with the department of administrative services, in accordance with division (H) of this section, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services. 11079
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(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of 11085
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that elected official, board, agency, or other appointing authority. 11094
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(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department. 11096
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(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate. 11099
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(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department. 11104
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(H) County agencies may contract with the department of administrative services for any human resources services, including, but not limited to, establishment and modification of job classification plans, competitive testing services, and periodic audits and reviews of the county's uniform application of the powers, duties, and functions specified in sections 124.01 to 124.64 and Chapter 325. of the Revised Code with regard to employees in the service of the county. Nothing in this division modifies the powers and duties of the state personnel board of review with respect to employees in the service of the county. Nothing in this division limits the right of any employee who possesses the right of appeal to the state personnel board of review to continue to possess that right of appeal. 11112
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(I) The director of administrative services shall establish 11125
the rate and method of compensation for all employees who are paid 11126
directly by warrant of the director of budget and management and 11127
who are serving in positions that the director of administrative 11128
services has determined impracticable to include in the state job 11129
classification plan. This division does not apply to elected 11130
officials, legislative employees, employees of the legislative 11131
service commission, employees who are in the unclassified civil 11132
service and exempt from collective bargaining coverage in the 11133
office of the secretary of state, auditor of state, treasurer of 11134
state, and attorney general, employees of the courts, employees of 11135
the bureau of workers' compensation whose compensation the 11136
administrator of workers' compensation establishes under division 11137
(B) of section 4121.121 of the Revised Code, or employees of an 11138
appointing authority authorized by law to fix the compensation of 11139
those employees. 11140

(J) The director of administrative services shall set the 11141
rate of compensation for all intermittent, seasonal, temporary, 11142
emergency, and casual employees in the service of the state who 11143
are not considered public employees under section 4117.01 of the 11144
Revised Code. Those employees are not entitled to receive employee 11145
benefits, unless otherwise required by law. This rate of 11146
compensation shall be equitable in terms of the rate of employees 11147
serving in the same or similar classifications. This division does 11148
not apply to elected officials, legislative employees, employees 11149
of the legislative service commission, employees who are in the 11150
unclassified civil service and exempt from collective bargaining 11151
coverage in the office of the secretary of state, auditor of 11152
state, treasurer of state, and attorney general, employees of the 11153
courts, employees of the bureau of workers' compensation whose 11154
compensation the administrator establishes under division (B) of 11155
section 4121.121 of the Revised Code, or employees of an 11156
appointing authority authorized by law to fix the compensation of 11157

those employees. 11158

Sec. 124.15. (A) Board and commission members appointed prior 11159
to July 1, 1991, shall be paid a salary or wage in accordance with 11160
the following schedules of rates: 11161

Schedule B 11162

Pay Ranges and Step Values 11163

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	11164
Annually	11897.60	12292.80	12688.00	13124.80	11165
	Step 5	Step 6			11166
Hourly	6.52	6.75			11167
Annually	13561.60	14040.00			11168
	Step 1	Step 2	Step 3	Step 4	11169
24 Hourly	6.00	6.20	6.41	6.63	11170
Annually	12480.00	12896.00	13332.80	13790.40	11171
	Step 5	Step 6			11172
Hourly	6.87	7.10			11173
Annually	14289.60	14768.00			11174
	Step 1	Step 2	Step 3	Step 4	11175
25 Hourly	6.31	6.52	6.75	6.99	11176
Annually	13124.80	13561.60	14040.00	14539.20	11177
	Step 5	Step 6			11178
Hourly	7.23	7.41			11179
Annually	15038.40	15412.80			11180
	Step 1	Step 2	Step 3	Step 4	11181
26 Hourly	6.63	6.87	7.10	7.32	11182
Annually	13790.40	14289.60	14768.00	15225.60	11183
	Step 5	Step 6			11184
Hourly	7.53	7.77			11185
Annually	15662.40	16161.60			11186
	Step 1	Step 2	Step 3	Step 4	11187
					11188

27	Hourly	6.99	7.23	7.41	7.64	11189
	Annually	14534.20	15038.40	15412.80	15891.20	11190
		Step 5	Step 6	Step 7		11191
	Hourly	7.88	8.15	8.46		11192
	Annually	16390.40	16952.00	17596.80		11193
		Step 1	Step 2	Step 3	Step 4	11194
28	Hourly	7.41	7.64	7.88	8.15	11195
	Annually	15412.80	15891.20	16390.40	16952.00	11196
		Step 5	Step 6	Step 7		11197
	Hourly	8.46	8.79	9.15		11198
	Annually	17596.80	18283.20	19032.00		11199
		Step 1	Step 2	Step 3	Step 4	11200
29	Hourly	7.88	8.15	8.46	8.79	11201
	Annually	16390.40	16952.00	17596.80	18283.20	11202
		Step 5	Step 6	Step 7		11203
	Hourly	9.15	9.58	10.01		11204
	Annually	19032.00	19926.40	20820.80		11205
		Step 1	Step 2	Step 3	Step 4	11206
30	Hourly	8.46	8.79	9.15	9.58	11207
	Annually	17596.80	18283.20	19032.00	19926.40	11208
		Step 5	Step 6	Step 7		11209
	Hourly	10.01	10.46	10.99		11210
	Annually	20820.80	21756.80	22859.20		11211
		Step 1	Step 2	Step 3	Step 4	11212
31	Hourly	9.15	9.58	10.01	10.46	11213
	Annually	19032.00	19962.40	20820.80	21756.80	11214
		Step 5	Step 6	Step 7		11215
	Hourly	10.99	11.52	12.09		11216
	Annually	22859.20	23961.60	25147.20		11217
		Step 1	Step 2	Step 3	Step 4	11218
32	Hourly	10.01	10.46	10.99	11.52	11219
	Annually	20820.80	21756.80	22859.20	23961.60	11220
		Step 5	Step 6	Step 7	Step 8	11221

	Hourly	12.09	12.68	13.29	13.94	11222
	Annually	25147.20	26374.40	27643.20	28995.20	11223
		Step 1	Step 2	Step 3	Step 4	11224
33	Hourly	10.99	11.52	12.09	12.68	11225
	Annually	22859.20	23961.60	25147.20	26374.40	11226
		Step 5	Step 6	Step 7	Step 8	11227
	Hourly	13.29	13.94	14.63	15.35	11228
	Annually	27643.20	28995.20	30430.40	31928.00	11229
		Step 1	Step 2	Step 3	Step 4	11230
34	Hourly	12.09	12.68	13.29	13.94	11231
	Annually	25147.20	26374.40	27643.20	28995.20	11232
		Step 5	Step 6	Step 7	Step 8	11233
	Hourly	14.63	15.35	16.11	16.91	11234
	Annually	30430.40	31928.00	33508.80	35172.80	11235
		Step 1	Step 2	Step 3	Step 4	11236
35	Hourly	13.29	13.94	14.63	15.35	11237
	Annually	27643.20	28995.20	30430.40	31928.00	11238
		Step 5	Step 6	Step 7	Step 8	11239
	Hourly	16.11	16.91	17.73	18.62	11240
	Annually	33508.80	35172.80	36878.40	38729.60	11241
		Step 1	Step 2	Step 3	Step 4	11242
36	Hourly	14.63	15.35	16.11	16.91	11243
	Annually	30430.40	31928.00	33508.80	35172.80	11244
		Step 5	Step 6	Step 7	Step 8	11245
	Hourly	17.73	18.62	19.54	20.51	11246
	Annually	36878.40	38729.60	40643.20	42660.80	11247
	Schedule C					11248
		Pay Range and Values				11249
	Range	Minimum		Maximum		11250
41	Hourly	10.44		15.72		11251
	Annually	21715.20		32697.60		11252
42	Hourly	11.51		17.35		11253
	Annually	23940.80		36088.00		11254

43 Hourly	12.68	19.12	11255
Annually	26374.40	39769.60	11256
44 Hourly	13.99	20.87	11257
Annually	29099.20	43409.60	11258
45 Hourly	15.44	22.80	11259
Annually	32115.20	47424.00	11260
46 Hourly	17.01	24.90	11261
Annually	35380.80	51792.00	11262
47 Hourly	18.75	27.18	11263
Annually	39000.00	56534.40	11264
48 Hourly	20.67	29.69	11265
Annually	42993.60	61755.20	11266
49 Hourly	22.80	32.06	11267
Annually	47424.00	66684.80	11268

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 11269
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 11271
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and 11274
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management, may establish payments to employees for uniforms, 11287
tools, equipment, and other requirements of the department and 11288
payments for the maintenance of them. 11289

The director of administrative services may review collective 11290
bargaining agreements entered into under Chapter 4117. of the 11291
Revised Code that cover employees in the service of the state and 11292
determine whether certain benefits or payments provided to the 11293
employees covered by those agreements should also be provided to 11294
employees in the service of the state who are exempt from 11295
collective bargaining coverage and are paid in accordance with 11296
section 124.152 of the Revised Code or are listed in division 11297
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 11298
the review, the director of administrative services, with the 11299
approval of the director of budget and management, may provide to 11300
some or all of these employees any payment or benefit, except for 11301
salary, contained in such a collective bargaining agreement even 11302
if it is similar to a payment or benefit already provided by law 11303
to some or all of these employees. Any payment or benefit so 11304
provided shall not exceed the highest level for that payment or 11305
benefit specified in such a collective bargaining agreement. The 11306
director of administrative services shall not provide, and the 11307
director of budget and management shall not approve, any payment 11308
or benefit to such an employee under this division unless the 11309
payment or benefit is provided pursuant to a collective bargaining 11310
agreement to a state employee who is in a position with similar 11311
duties as, is supervised by, or is employed by the same appointing 11312
authority as, the employee to whom the benefit or payment is to be 11313
provided. 11314

As used in this division, "payment or benefit already 11315
provided by law" includes, but is not limited to, bereavement, 11316
personal, vacation, administrative, and sick leave, disability 11317
benefits, holiday pay, and pay supplements provided under the 11318

Revised Code, but does not include wages or salary. 11319

(E) New employees paid in accordance with schedule B of 11320
division (A) of this section or schedule E-1 of section 124.152 of 11321
the Revised Code shall be employed at the minimum rate established 11322
for the range unless otherwise provided. Employees with 11323
qualifications that are beyond the minimum normally required for 11324
the position and that are determined by the director to be 11325
exceptional may be employed in, or may be transferred or promoted 11326
to, a position at an advanced step of the range. Further, in time 11327
of a serious labor market condition when it is relatively 11328
impossible to recruit employees at the minimum rate for a 11329
particular classification, the entrance rate may be set at an 11330
advanced step in the range by the director of administrative 11331
services. This rate may be limited to geographical regions of the 11332
state. Appointments made to an advanced step under the provision 11333
regarding exceptional qualifications shall not affect the step 11334
assignment of employees already serving. However, anytime the 11335
hiring rate of an entire classification is advanced to a higher 11336
step, all incumbents of that classification being paid at a step 11337
lower than that being used for hiring, shall be advanced beginning 11338
at the start of the first pay period thereafter to the new hiring 11339
rate, and any time accrued at the lower step will be used to 11340
calculate advancement to a succeeding step. If the hiring rate of 11341
a classification is increased for only a geographical region of 11342
the state, only incumbents who work in that geographical region 11343
shall be advanced to a higher step. When an employee in the 11344
unclassified service changes from one state position to another or 11345
is appointed to a position in the classified service, or if an 11346
employee in the classified service is appointed to a position in 11347
the unclassified service, the employee's salary or wage in the new 11348
position shall be determined in the same manner as if the employee 11349
were an employee in the classified service. When an employee in 11350
the unclassified service who is not eligible for step increases is 11351

appointed to a classification in the classified service under 11352
which step increases are provided, future step increases shall be 11353
based on the date on which the employee last received a pay 11354
increase. If the employee has not received an increase during the 11355
previous year, the date of the appointment to the classified 11356
service shall be used to determine the employee's annual step 11357
advancement eligibility date. In reassigning any employee to a 11358
classification resulting in a pay range increase or to a new pay 11359
range as a result of a promotion, an increase pay range 11360
adjustment, or other classification change resulting in a pay 11361
range increase, the director shall assign such employee to the 11362
step in the new pay range that will provide an increase of 11363
approximately four per cent if the new pay range can accommodate 11364
the increase. When an employee is being assigned to a 11365
classification or new pay range as the result of a class plan 11366
change, if the employee has completed a probationary period, the 11367
employee shall be placed in a step no lower than step two of the 11368
new pay range. If the employee has not completed a probationary 11369
period, the employee may be placed in step one of the new pay 11370
range. Such new salary or wage shall become effective on such date 11371
as the director determines. 11372

(F) If employment conditions and the urgency of the work 11373
require such action, the director of administrative services may, 11374
upon the application of a department head, authorize payment at 11375
any rate established within the range for the class of work, for 11376
work of a casual or intermittent nature or on a project basis. 11377
Payment at such rates shall not be made to the same individual for 11378
more than three calendar months in any one calendar year. Any such 11379
action shall be subject to the approval of the director of budget 11380
and management as to the availability of funds. This section and 11381
sections 124.14 and 124.152 of the Revised Code do not repeal any 11382
authority of any department or public official to contract with or 11383
fix the compensation of professional persons who may be employed 11384

temporarily for work of a casual nature or for work on a project 11385
basis. 11386

(G)(1) Except as provided in divisions (G)(2) and (3) of this 11387
section, each state employee paid in accordance with schedule B of 11388
this section or schedule E-1 of section 124.152 of the Revised 11389
Code shall be eligible for advancement to succeeding steps in the 11390
range for the employee's class or grade according to the schedule 11391
established in this division. Beginning on the first day of the 11392
pay period within which the employee completes the prescribed 11393
probationary period in the employee's classification with the 11394
state, each employee shall receive an automatic salary adjustment 11395
equivalent to the next higher step within the pay range for the 11396
employee's class or grade. 11397

Except as provided in divisions (G)(2) and (3) of this 11398
section, each employee paid in accordance with schedule E-1 of 11399
section 124.152 of the Revised Code shall be eligible to advance 11400
to the next higher step until the employee reaches the top step in 11401
the range for the employee's class or grade, if the employee has 11402
maintained satisfactory performance in accordance with criteria 11403
established by the employee's appointing authority. Those step 11404
advancements shall not occur more frequently than once in any 11405
twelve-month period. 11406

When an employee is promoted, the step entry date shall be 11407
set to account for a probationary period. When an employee is 11408
reassigned to a higher pay range, the step entry date shall be set 11409
to allow an employee who is not at the highest step of the range 11410
to receive a step advancement one year from the reassignment date. 11411
Step advancement shall not be affected by demotion. A promoted 11412
employee shall advance to the next higher step of the pay range on 11413
the first day of the pay period in which the required probationary 11414
period is completed. Step advancement shall become effective at 11415
the beginning of the pay period within which the employee attains 11416

the necessary length of service. Time spent on authorized leave of absence shall be counted for this purpose. 11417
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If determined to be in the best interest of the state service, the director of administrative services may, either statewide or in selected agencies, adjust the dates on which annual step advancements are received by employees paid in accordance with schedule E-1 of section 124.152 of the Revised Code. 11419
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(2)(a) There shall be a moratorium on annual step advancements under division (G)(1) of this section beginning June 21, 2009, through June 20, 2011. Step advancements shall resume with the pay period beginning June 21, 2011. Upon the resumption of step advancements, there shall be no retroactive step advancements for the period the moratorium was in effect. The moratorium shall not affect an employee's performance evaluation schedule. 11425
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An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011. 11433
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(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009. 11441
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(3) Employees in intermittent positions shall be employed at 11449
the minimum rate established for the pay range for their 11450
classification and are not eligible for step advancements. 11451

(H) Employees in appointive managerial or professional 11452
positions paid in accordance with schedule C of this section or 11453
schedule E-2 of section 124.152 of the Revised Code may be 11454
appointed at any rate within the appropriate pay range. This rate 11455
of pay may be adjusted higher or lower within the respective pay 11456
range at any time the appointing authority so desires as long as 11457
the adjustment is based on the employee's ability to successfully 11458
administer those duties assigned to the employee. Salary 11459
adjustments shall not be made more frequently than once in any 11460
six-month period under this provision to incumbents holding the 11461
same position and classification. 11462

(I) When an employee is assigned to duty outside this state, 11463
the employee may be compensated, upon request of the department 11464
head and with the approval of the director of administrative 11465
services, at a rate not to exceed fifty per cent in excess of the 11466
employee's current base rate for the period of time spent on that 11467
duty. 11468

(J) Unless compensation for members of a board or commission 11469
is otherwise specifically provided by law, the director of 11470
administrative services shall establish the rate and method of 11471
payment for members of boards and commissions pursuant to the pay 11472
schedules listed in section 124.152 of the Revised Code. 11473

(K) Regular full-time employees in positions assigned to 11474
classes within the instruction and education administration series 11475
under the job classification plans of the director of 11476
administrative services, except certificated employees on the 11477
instructional staff of ~~the state school for the blind or the state~~ 11478
~~school for the deaf~~ Ohio deaf and blind education services, whose 11479
positions are scheduled to work on the basis of an academic year 11480

rather than a full calendar year, shall be paid according to the 11481
pay range assigned by the applicable job classification plan, but 11482
only during those pay periods included in the academic year of the 11483
school where the employee is located. 11484

(1) Part-time or substitute teachers or those whose period of 11485
employment is other than the full academic year shall be 11486
compensated for the actual time worked at the rate established by 11487
this section. 11488

(2) Employees governed by this division are exempt from 11489
sections 124.13 and 124.19 of the Revised Code. 11490

(3) Length of service for the purpose of determining 11491
eligibility for step advancements as provided by division (G) of 11492
this section and for the purpose of determining eligibility for 11493
longevity pay supplements as provided by division (E) of section 11494
124.181 of the Revised Code shall be computed on the basis of one 11495
full year of service for the completion of each academic year. 11496

(L) The superintendent of ~~the state school for the deaf and~~ 11497
~~the superintendent of the state school for the blind~~ Ohio deaf and 11498
blind education services shall, subject to the approval of the 11499
superintendent of public instruction, carry out both of the 11500
following: 11501

(1) Annually, between the first day of April and the last day 11502
of June, establish for the ensuing fiscal year a schedule of 11503
hourly rates for the compensation of each certificated employee on 11504
the instructional staff of ~~that superintendent's respective school~~ 11505
Ohio deaf and blind education services constructed as follows: 11506

(a) Determine for each level of training, experience, and 11507
other professional qualification for which an hourly rate is set 11508
forth in the current schedule, the per cent that rate is of the 11509
rate set forth in such schedule for a teacher with a bachelor's 11510
degree and no experience. If there is more than one such rate for 11511

such a teacher, the lowest rate shall be used to make the 11512
computation. 11513

(b) Determine which six city, local, and exempted village 11514
school districts with territory in Franklin county have in effect 11515
on, or have adopted by, the first day of April for the school year 11516
that begins on the ensuing first day of July, teacher salary 11517
schedules with the highest minimum salaries for a teacher with a 11518
bachelor's degree and no experience; 11519

(c) Divide the sum of such six highest minimum salaries by 11520
ten thousand five hundred sixty; 11521

(d) Multiply each per cent determined in division (L)(1)(a) 11522
of this section by the quotient obtained in division (L)(1)(c) of 11523
this section; 11524

(e) One hundred five per cent of each product thus obtained 11525
shall be the hourly rate for the corresponding level of training, 11526
experience, or other professional qualification in the schedule 11527
for the ensuing fiscal year. 11528

(2) Annually, assign each certificated employee on the 11529
instructional staff of ~~the superintendent's respective school~~ Ohio 11530
deaf and blind education services to an hourly rate on the 11531
schedule that is commensurate with the employee's training, 11532
experience, and other professional qualifications. 11533

If an employee is employed on the basis of an academic year, 11534
the employee's annual salary shall be calculated by multiplying 11535
the employee's assigned hourly rate times one thousand seven 11536
hundred sixty. If an employee is not employed on the basis of an 11537
academic year, the employee's annual salary shall be calculated in 11538
accordance with the following formula: 11539

(a) Multiply the number of days the employee is required to 11540
work pursuant to the employee's contract by eight; 11541

(b) Multiply the product of division (L)(2)(a) of this section by the employee's assigned hourly rate.

Each employee shall be paid an annual salary in biweekly installments. The amount of each installment shall be calculated by dividing the employee's annual salary by the number of biweekly installments to be paid during the year.

Sections 124.13 and 124.19 of the Revised Code do not apply to an employee who is paid under this division.

As used in this division, "academic year" means the number of days in each school year that the ~~schools~~ state school for the deaf and the state school for the blind are required to be open for instruction with pupils in attendance. Upon completing an academic year, an employee paid under this division shall be deemed to have completed one year of service. An employee paid under this division is eligible to receive a pay supplement under division (L)(1), (2), or (3) of section 124.181 of the Revised Code for which the employee qualifies, but is not eligible to receive a pay supplement under division (L)(4) or (5) of that section. An employee paid under this division is eligible to receive a pay supplement under division (L)(6) of section 124.181 of the Revised Code for which the employee qualifies, except that the supplement is not limited to a maximum of five per cent of the employee's regular base salary in a calendar year.

(M) Division (A) of this section does not apply to "exempt employees," as defined in section 124.152 of the Revised Code, who are paid under that section.

Notwithstanding any other provisions of this chapter, when an employee transfers between bargaining units or transfers out of or into a bargaining unit, the director of administrative services shall establish the employee's compensation and adjust the maximum leave accrual schedule as the director deems equitable.

Sec. 124.34. (A) The tenure of every officer or employee in 11573
the classified service of the state and the counties, civil 11574
service townships, cities, city health districts, general health 11575
districts, and city school districts of the state, holding a 11576
position under this chapter, shall be during good behavior and 11577
efficient service. No officer or employee shall be reduced in pay 11578
or position, fined, suspended, or removed, or have the officer's 11579
or employee's longevity reduced or eliminated, except as provided 11580
in section 124.32 of the Revised Code, and for incompetency, 11581
inefficiency, unsatisfactory performance, dishonesty, drunkenness, 11582
immoral conduct, insubordination, discourteous treatment of the 11583
public, neglect of duty, violation of any policy or work rule of 11584
the officer's or employee's appointing authority, violation of 11585
this chapter or the rules of the director of administrative 11586
services or the commission, any other failure of good behavior, 11587
any other acts of misfeasance, malfeasance, or nonfeasance in 11588
office, or conviction of a felony while employed in the civil 11589
service. The denial of a one-time pay supplement or a bonus to an 11590
officer or employee is not a reduction in pay for purposes of this 11591
section. 11592

This section does not apply to any modifications or 11593
reductions in pay or work week authorized by section 124.392, 11594
124.393, or 124.394 of the Revised Code. 11595

An appointing authority may require an employee who is 11596
suspended to report to work to serve the suspension. An employee 11597
serving a suspension in this manner shall continue to be 11598
compensated at the employee's regular rate of pay for hours 11599
worked. The disciplinary action shall be recorded in the 11600
employee's personnel file in the same manner as other disciplinary 11601
actions and has the same effect as a suspension without pay for 11602
the purpose of recording disciplinary actions. 11603

A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal. The tenure of an employee in the career professional service of the department of transportation is subject to section 5501.20 of the Revised Code.

Conviction of a felony while employed in the civil service is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the state personnel board of review or the commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony while employed in the civil service immediately forfeits the person's status as a classified employee in any public employment on and after the date of the conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the

removal, unless the conviction for the felony is subsequently 11636
reversed or annulled. 11637

Any person removed for conviction of a felony is entitled to 11638
a cash payment for any accrued but unused sick, personal, and 11639
vacation leave as authorized by law. If subsequently reemployed in 11640
the public sector, the person shall qualify for and accrue these 11641
forms of leave in the manner specified by law for a newly 11642
appointed employee and shall not be credited with prior public 11643
service for the purpose of receiving these forms of leave. 11644

As used in this division, "felony" means any of the 11645
following: 11646

(1) A felony that is an offense of violence as defined in 11647
section 2901.01 of the Revised Code; 11648

(2) A felony that is a felony drug abuse offense as defined 11649
in section 2925.01 of the Revised Code; 11650

(3) A felony under the laws of this or any other state or the 11651
United States that is a crime of moral turpitude; 11652

(4) A felony involving dishonesty, fraud, or theft; 11653

(5) A felony that is a violation of section 2921.05, 2921.32, 11654
or 2921.42 of the Revised Code. 11655

(B) In case of a reduction, a suspension of more than forty 11656
work hours in the case of an employee exempt from the payment of 11657
overtime compensation, a suspension of more than twenty-four work 11658
hours in the case of an employee required to be paid overtime 11659
compensation, a fine of more than forty hours' pay in the case of 11660
an employee exempt from the payment of overtime compensation, a 11661
fine of more than twenty-four hours' pay in the case of an 11662
employee required to be paid overtime compensation, or removal, 11663
except for the reduction or removal of a probationary employee, 11664
the appointing authority shall serve the employee with a copy of 11665

the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action.

Within ten days following the date on which the order is served or, in the case of an employee in the career professional service of the department of transportation, within ten days following the filing of a removal order, the employee, except as otherwise provided in this section, may file an appeal of the order in writing with the state personnel board of review or the commission. For purposes of this section, the date on which an order is served is the date of hand delivery of the order or the date of delivery of the order by certified United States mail, whichever occurs first. If an appeal is filed, the board or commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, the appeal within thirty days from and after its filing with the board or commission. The board, commission, or trial board may affirm, disaffirm, or modify the judgment of the appointing authority. However, in an appeal of a removal order based upon a violation of a last chance agreement, the board, commission, or trial board may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal from the decision of the state personnel board of review or the commission, and any such appeal shall be to the court of common pleas ~~of the county in which the appointing authority is located, or to the court of common pleas of Franklin county, as provided by section 119.12 of the Revised Code~~ in accordance with section 119.12 of the Revised Code.

(C) In the case of the suspension for any period of time, or a fine, demotion, or removal, of a chief of police, a chief of a fire department, or any member of the police or fire department of

a city or civil service township, who is in the classified civil 11698
service, the appointing authority shall furnish the chief or 11699
member with a copy of the order of suspension, fine, demotion, or 11700
removal, which order shall state the reasons for the action. The 11701
order shall be filed with the municipal or civil service township 11702
civil service commission. Within ten days following the filing of 11703
the order, the chief or member may file an appeal, in writing, 11704
with the commission. If an appeal is filed, the commission shall 11705
forthwith notify the appointing authority and shall hear, or 11706
appoint a trial board to hear, the appeal within thirty days from 11707
and after its filing with the commission, and it may affirm, 11708
disaffirm, or modify the judgment of the appointing authority. An 11709
appeal on questions of law and fact may be had from the decision 11710
of the commission to the court of common pleas in the county in 11711
which the city or civil service township is situated. The appeal 11712
shall be taken within thirty days from the finding of the 11713
commission. 11714

(D) A violation of division (A)(7) of section 2907.03 of the 11715
Revised Code is grounds for termination of employment of a 11716
nonteaching employee under this section. 11717

(E) The director shall adopt a rule in accordance with 11718
Chapter 119. of the Revised Code to define the term 11719
"unsatisfactory performance" as it is used in this section with 11720
regard to employees in the service of the state. 11721

(F) As used in this section, "last chance agreement" means an 11722
agreement signed by both an appointing authority and an officer or 11723
employee of the appointing authority that describes the type of 11724
behavior or circumstances that, if it occurs, will automatically 11725
lead to removal of the officer or employee without the right of 11726
appeal to the state personnel board of review or the appropriate 11727
commission. 11728

Sec. 124.387. (A) As used in this section, "stillborn" has 11729
the same meaning as in section 124.136 of the Revised Code. 11730

(B) Each full-time permanent and part-time permanent employee 11731
whose salary or wage is paid directly by warrant of the director 11732
of budget and management shall be granted three days of 11733
bereavement leave with pay ~~upon~~ due to the death of a member of 11734
the employee's immediate family. 11735

(C) Except as provided in division (E) of this section, an 11736
employee described in division (B) of this section may use 11737
bereavement leave under this section when the employee is the 11738
parent of a miscarried or stillborn child. An employee using 11739
bereavement leave based on a miscarriage shall provide appropriate 11740
medical documentation of the miscarriage. An employee using 11741
bereavement leave based on a stillbirth shall provide a copy of 11742
the fetal death certificate. 11743

(D) The bereavement leave described in this section begins 11744
within one of the following time periods: 11745

(1) Not more than five calendar days after the immediate 11746
family member's death; 11747

(2) Not more than five days before or five days after the 11748
date of the immediate family member's funeral. 11749

(E) An employee who takes bereavement leave granted under 11750
this section on the basis of a stillbirth is ineligible for 11751
parental leave or benefits under section 124.136 of the Revised 11752
Code based on the same stillbirth. 11753

(F) Compensation for bereavement leave shall be equal to the 11754
employee's base rate of pay. 11755

Sec. 124.41. No person shall be eligible to receive an 11756
original appointment to a police department, as a police officer, 11757

subject to the civil service laws of this state, unless the person 11758
has reached the age of ~~twenty-one~~ eighteen and has, not more than 11759
one hundred twenty days prior to the date of such appointment, 11760
passed a physical examination, given by a licensed physician, a 11761
physician assistant, a clinical nurse specialist, a certified 11762
nurse practitioner, or a certified nurse-midwife, certifying that 11763
the applicant is free of cardiovascular and pulmonary diseases, 11764
and showing that the applicant meets the physical requirements 11765
necessary to perform the duties of a police officer as established 11766
by the civil service commission having jurisdiction over the 11767
appointment. The appointing authority shall, prior to making any 11768
such appointment, file with the Ohio police and fire pension fund 11769
a copy of the report or findings of the licensed physician, 11770
physician assistant, clinical nurse specialist, certified nurse 11771
practitioner, or certified nurse-midwife. The professional fee for 11772
such physical examination shall be paid by the civil service 11773
commission. Except as otherwise provided in this section, no 11774
person is eligible to receive an original appointment when the 11775
person is thirty-five years of age or older, and no person can be 11776
declared disqualified as over age prior to that time. The maximum 11777
age limitation established by this section does not apply to a 11778
city in which an ordinance establishes a different maximum age 11779
limitation for an original appointment to the police department or 11780
to a civil service township in which a resolution adopted by the 11781
board of trustees of the township establishes a different maximum 11782
age limitation for an original appointment to the police 11783
department. 11784

Nothing in this section shall prevent a municipal corporation 11785
or a civil service township from establishing a police cadet 11786
program and employing persons as police cadets at age eighteen for 11787
the purposes of training persons to become police officers. The 11788
board of trustees of a civil service township may establish by 11789
resolution such a cadet program. A person participating in a 11790

municipal or township police cadet program shall not be permitted 11791
to carry or use any firearm in the performance of the person's 11792
duties, except that the person may be taught the proper use of 11793
firearms as part of the person's training. 11794

Sec. 125.01. As used in this chapter: 11795

(A) "Order" means a copy of a contract or a statement of the 11796
nature of a contemplated expenditure, a description of the 11797
property or supplies to be purchased or service to be performed, 11798
other than a service performed by officers and regular employees 11799
of the state, and per diem of the national guard, and the total 11800
sum of the expenditure to be made therefor, if the sum is fixed 11801
and ascertained, otherwise the estimated sum thereof, and an 11802
authorization to pay for the contemplated expenditure, signed by 11803
the person instructed and authorized to pay upon receipt of a 11804
proper invoice. 11805

(B) "Invoice" means an itemized listing showing delivery of 11806
the supplies or performance of the service described in the order 11807
including all of the following: 11808

(1) The date of the purchase or rendering of the service; 11809

(2) An itemization of the things done, material supplied, or 11810
labor furnished; 11811

(3) The sum due pursuant to the contract or obligation. 11812

(C) "Products" means materials, manufacturer's supplies, 11813
merchandise, goods, wares, and foodstuffs. 11814

(D) "Produced" means the manufacturing, processing, mining, 11815
developing, and making of a thing into a new article with a 11816
distinct character in use through the application of input, within 11817
the state, of Ohio products, labor, skill, or other services. 11818
"Produced" does not include the mere assembling or putting 11819
together of non-Ohio products or materials. 11820

(E) "Ohio products" means products that are mined, excavated, produced, manufactured, raised, or grown in the state by a person where the input of Ohio products, labor, skill, or other services constitutes no less than twenty-five per cent of the manufactured cost. With respect to mined products, such products shall be mined or excavated in this state.

(F) "Purchase" means to buy, rent, lease, lease purchase, or otherwise acquire supplies or services. "Purchase" also includes all functions that pertain to the obtaining of supplies or services, including description of requirements, selection and solicitation of sources, preparation and award of contracts, all phases of contract administration, and receipt and acceptance of the supplies and services and payment for them.

(G) "Services" means the furnishing of labor, time, or effort by a person, not involving the delivery of a specific end product other than a report which, if provided, is merely incidental to the required performance. "Services" does not include services furnished pursuant to employment agreements or collective bargaining agreements.

(H) "Supplies" means all property, including, but not limited to, equipment, materials, and other tangible assets, ~~and insurance~~, but excluding real property or an interest in real property.

(I) "Competitive selection" means any of the following procedures for making purchases:

(1) Competitive sealed bidding under section 125.07 of the Revised Code;

(2) Competitive sealed proposals under section 125.071 of the Revised Code;

(3) Reverse auctions under section 125.072 of the Revised Code;

(4) Electronic procurement under section 125.073 of the Revised Code, if the contract for the supplies or services being procured was selected for inclusion in the electronic procurement system using one of the methods described in division (I)(1), (2), or (3) of this section.

(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code.

Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request to the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.

(B) The following programs are first requisite procurement programs that shall be given preference in the following order in fulfilling a purchase request:

(1) Ohio penal industries within the department of rehabilitation and correction; ~~and~~

(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code;

<u>(3) Ohio-based personal protective equipment manufacturers</u>	11882
<u>program established by the director of administrative services</u>	11883
<u>under section 125.036 of the Revised Code.</u>	11884
(C) The following programs are second requisite procurement	11885
programs that may be able to fulfill the purchase request if the	11886
first requisite procurement programs are unable to do so:	11887
(1) Business enterprise program at the opportunities for	11888
Ohioans with disabilities agency as prescribed in sections 3304.28	11889
to 3304.33 of the Revised Code;	11890
(2) Office of information technology at the department of	11891
administrative services as established in section 125.18 of the	11892
Revised Code;	11893
(3) Office of state printing and mail services at the	11894
department of administrative services as prescribed in Chapter	11895
125. of the Revised Code;	11896
(4) Ohio pharmacy services at the department of mental health	11897
and addiction services as prescribed in section 5119.44 of the	11898
Revised Code;	11899
(5) Ohio facilities construction commission established in	11900
section 123.20 of the Revised Code; and	11901
(6) Any other program within, or administered by, a state	11902
agency that, by law, requires purchases to be made by, or with the	11903
approval of, the state agency.	11904
(D) Upon receipt of a purchase request, the department of	11905
administrative services shall provide the requesting agency a	11906
notification of receipt of the purchase request. The department	11907
then shall determine whether the request can be fulfilled through	11908
a first requisite procurement program. In making the	11909
determination, the department may consult with each of the first	11910
requisite procurement programs. When the department has made its	11911

determination, it shall: 11912

(1) Direct the requesting agency to obtain the desired 11913
supplies or services through the proper first requisite 11914
procurement program; 11915

(2) Provide the agency with a waiver from the use of the 11916
applicable first requisite procurement programs under sections 11917
125.609 or 5147.07 of the Revised Code; or 11918

(3) Determine whether the purchase can be fulfilled through a 11919
second requisite procurement program under division (E) of this 11920
section. 11921

(E) In making the determination that a purchase is subject to 11922
a second requisite procurement program, the department shall 11923
identify potentially applicable programs and notify each program 11924
of the requested purchase. The notified second requisite 11925
procurement program shall respond to the department within two 11926
business days with regard to its ability to provide the requested 11927
purchase. If the second requisite procurement program can provide 11928
the requested purchase, the department shall direct the requesting 11929
agency to make the requested purchase from the appropriate second 11930
requisite procurement program. If the department has not received 11931
notification from a second requisite procurement program within 11932
two business days and the department has made the determination 11933
that the purchase is not subject to a second requisite procurement 11934
program, the department shall provide a waiver to the requesting 11935
agency. 11936

(F) Within five business days after receipt of a request, the 11937
department shall notify the requesting agency of its determination 11938
and provide any waiver under divisions (D) or (E) of this section. 11939
If the department fails to respond within five business days or 11940
fails to provide an explanation for any further delay within that 11941
time, the requesting agency may use direct purchasing authority to 11942

make the requested purchase, subject to the requirements of 11943
division (G) of this section, division ~~(E)~~(F) of section 125.05, 11944
and section 127.16 of the Revised Code. 11945

(G) As provided in sections 125.02 and 125.05 of the Revised 11946
Code and subject to such rules as the director of administrative 11947
services may adopt, the department may issue a release and permit 11948
to the agency to secure supplies or services. A release and permit 11949
shall specify the supplies or services to which it applies, the 11950
time during which it is operative, and the reason for its 11951
issuance. A release and permit for telephone, other 11952
telecommunications, and computer services shall be provided in 11953
accordance with section 125.18 of the Revised Code and shall 11954
specify the type of services to be rendered, the number and type 11955
of hardware to be used, and may specify the amount of such 11956
services to be performed. The director may issue a release and 11957
permit for the purchase of personal protective equipment from a 11958
foreign personal protective equipment manufacturer, if purchasing 11959
from an Ohio-based personal protective equipment manufacturer 11960
would result in the state agency paying a price that is one 11961
hundred twenty per cent or higher than the price that is available 11962
from the foreign supplier. No requesting agency shall proceed with 11963
such purchase until it has received an approved release and permit 11964
from the director of administrative services or the director's 11965
designee. 11966

Sec. 125.036. (A) As used in this section: 11967

"Ohio-based personal protective equipment manufacturer" means 11968
a manufacturer, at least two-thirds of the beneficial ownership of 11969
which is vested in residents of this state, that produces personal 11970
protective equipment in this state. 11971

"Personal protective equipment" has the meaning defined in 11972
division (E) of section 125.05 of the Revised Code. 11973

(B) The director of administrative services shall establish and maintain an Ohio-based personal protective equipment manufacturers program. Under the program, the director shall establish and maintain a list of Ohio-based personal protective equipment manufacturers qualified to fulfill a purchase request under division (B)(3) of section 125.035 of the Revised Code. 11974
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~~Sec. 125.05. Except as provided in division (D) or (E) of this section, no~~ No state agency shall purchase any supplies or services except as provided in divisions (A) to (C) of this section and section 127.16 of the Revised Code. When exercising direct purchasing authority the agency shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services. 11980
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(A) A state agency may, without competitive selection, make any purchase of supplies or services that cost less than fifty thousand dollars after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division. 11987
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Section 127.16 of the Revised Code does not apply to purchases made under this division. 11996
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(B) A state agency shall make purchases of supplies and services that cost fifty thousand dollars or more through the department of administrative services and the process provided in section 125.035 of the Revised Code, unless the department grants a waiver ~~under division (D) or (E) of that section~~ and a release and permit under ~~division (G) of that section~~. 11998
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(C) An agency that has been granted a release and permit 12004

under ~~division (G)~~ of section 125.035 of the Revised Code to make 12005
a purchase may make the purchase without competitive selection if 12006
after making the purchase the cumulative purchase threshold as 12007
computed under division (E) of section 127.16 of the Revised Code 12008
would: 12009

(1) Be exceeded and the controlling board approves the 12010
purchase; 12011

(2) Not be exceeded and the department of administrative 12012
services approves the purchase. 12013

(D) An agency that has been granted a release and permit 12014
under section 125.035 of the Revised Code to make a purchase may 12015
make the purchase by utilizing the electronic procurement system 12016
established by the department of administrative services under 12017
section 125.073 of the Revised Code. 12018

(E) If the department of education or the Ohio education 12019
computer network determines that it can purchase software services 12020
or supplies for specified school districts at a price less than 12021
the price for which the districts could purchase the same software 12022
services or supplies for themselves, the department or network 12023
shall certify that fact to the department of administrative 12024
services and, acting as an agent for the specified school 12025
districts, shall make that purchase without following the 12026
provisions in divisions (A) to (D) of this section. 12027

~~(E)~~(F) When the purchase cost of personal protective 12028
equipment is less than fifty thousand dollars, a state agency 12029
shall comply with ~~divisions (A) to (E)~~ of section 125.035 of the 12030
Revised Code. If the purchase is not subject to the requirements 12031
of an applicable first or second requisite procurement program, 12032
the agency shall apply the same preferences in section 125.09 of 12033
the Revised Code when making the purchase. As used in this 12034
division, "personal protective equipment" means equipment worn to 12035

minimize exposure to hazards that cause workplace injuries and 12036
illnesses. 12037

Sec. 125.071. (A) In accordance with rules the director of 12038
administrative services shall adopt, the director may make 12039
purchases by competitive sealed proposal whenever the director 12040
determines that the use of competitive sealed bidding is not 12041
possible or not advantageous to the state. 12042

(B) Proposals shall be solicited through a request for 12043
proposals. The request for proposals shall state the relative 12044
importance of price and other evaluation factors. Notice of the 12045
request for proposals shall be given in accordance with rules the 12046
director shall adopt. 12047

(C) Proposals shall be opened so as to avoid disclosure of 12048
contents to competing offerors. 12049

In order to ensure fair and impartial evaluation, proposals 12050
and related documents submitted in response to a request for 12051
proposals are not available for public inspection and copying 12052
under section 149.43 of the Revised Code until after the award of 12053
the contract. 12054

(D) As provided in the request for proposals, and under rules 12055
the director shall adopt, discussions may be conducted with 12056
responsible offerors who submit proposals determined to be 12057
reasonably susceptible of being selected for award for the purpose 12058
of ensuring full understanding of, and responsiveness to, 12059
solicitation requirements. Offerors shall be accorded fair and 12060
equal treatment with respect to any opportunity for discussion 12061
regarding any clarification, correction, or revision of proposals. 12062
No disclosure of any information derived from proposals submitted 12063
by competing offerors shall occur when discussions are conducted. 12064

(E) Award may be made to the ~~offerer~~ offerors whose ~~proposal~~ 12065

~~is~~ proposals are determined to be the most advantageous to this state, taking into consideration factors such as price and the evaluation criteria set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

Sec. 125.073. ~~(A)~~ The department of administrative services shall actively promote and accelerate the use of electronic procurement, including reverse auctions as defined by section 125.072 of the Revised Code, ~~by implementing the relevant recommendations concerning electronic procurement from the "2000 Management Improvement Commission Report to the Governor"~~ when exercising its statutory powers.

~~(B)~~ Beginning July 1, 2004, the department shall annually on or before the first day of July report to the committees in each house of the general assembly dealing with finance indicating the effectiveness of electronic procurement.

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 125.072 of the Revised Code, the department of administrative services may prescribe such conditions under which competitive sealed bids, competitive sealed proposals, and bids in reverse auctions will be received and terms of the proposed purchase as it considers necessary; provided, that all such conditions and terms shall be reasonable and shall not unreasonably restrict competition, and bidders may bid and offerors may propose upon all or any item of the products, supplies, or services listed in such notice. Those bidders and offerors claiming the preference outlined in this chapter shall designate in their bid or offer ~~either that~~ whether the product or supply is produced or mined in the United States and is either an Ohio product or that the product, supply, or service is provided by a bidder or offeror that qualifies as having a significant Ohio economic presence under the rules established by the director of administrative

services.	12097
(B) The department may require that each bidder or offeror	12098
provide sufficient information about the energy efficiency or	12099
energy usage of the bidder's or offeror's product, supply, or	12100
service.	12101
(C) The director of administrative services shall, by rule	12102
adopted pursuant to Chapter 119. of the Revised Code, prescribe	12103
criteria and procedures for use by all state agencies in giving	12104
preference under this section as required by division (B) of	12105
section 125.11 of the Revised Code. The rules shall extend to:	12106
(1) Criteria for determining that a product is produced or	12107
mined in the United States rather than in another country or	12108
territory;	12109
(2) Criteria for determining that a product is produced or	12110
mined in Ohio;	12111
(3) Information to be submitted by bidders or offerors as to	12112
the nature of a product and the location where it is produced or	12113
mined;	12114
(4) Criteria and procedures to be used by the director to	12115
qualify bidders or offerors located in states bordering Ohio who	12116
might otherwise be excluded from being awarded a contract by	12117
operation of this section and section 125.11 of the Revised Code.	12118
The criteria and procedures shall recognize the level and	12119
regularity of interstate commerce between Ohio and the border	12120
states and provide that the non-Ohio businesses may qualify for	12121
award of a contract as long as they are located in a state that	12122
imposes no greater restrictions than are contained in this section	12123
and section 125.11 of the Revised Code upon persons located in	12124
Ohio selling products or services to agencies of that state. The	12125
criteria and procedures shall also provide that a non-Ohio	12126
business shall not bid on a contract for state printing in this	12127

state if the business is located in a state that excludes Ohio 12128
businesses from bidding on state printing contracts in that state. 12129

(5) Criteria and procedures to be used to qualify bidders and 12130
offerors whose manufactured products, except for mined products, 12131
are produced in other states or in North America, but the bidders 12132
or offerors have a significant Ohio economic presence in terms of 12133
the number of employees or capital investment a bidder or offeror 12134
has in this state. Bidders and offerors with a significant Ohio 12135
economic presence shall qualify for award of a contract on the 12136
same basis as if their products were produced in this state or as 12137
if the bidder or offeror was domiciled in this state. 12138

(6) Criteria and procedures for the director to grant waivers 12139
of the requirements of division (B) of section 125.11 of the 12140
Revised Code on a contract-by-contract basis where compliance with 12141
those requirements would result in the state agency paying an 12142
excessive price for the product or acquiring a disproportionately 12143
inferior product; 12144

(7) Such other requirements or procedures reasonably 12145
necessary to implement the system of preferences established 12146
pursuant to division (B) of section 125.11 of the Revised Code. 12147

In adopting the rules required under this division, the 12148
director shall, to the maximum extent possible, conform to the 12149
requirements of the federal "Buy ~~America~~ American Act," ~~47 Stat.~~ 12150
~~1520, (1933)~~, 41 U.S.C.A. ~~10a-10d~~ U.S.C. 8301-8305, as amended, 12151
and to the regulations adopted thereunder. 12152

Sec. 125.10. (A) The department of administrative services 12153
may require that all competitive sealed bids, competitive sealed 12154
proposals, and bids received in a reverse auction be accompanied 12155
by a performance bond or other financial assurance acceptable to 12156
the director of administrative services, in the sum and with the 12157
sureties it prescribes, payable to the state, and conditioned that 12158

the person submitting the bid or proposal, if that person's bid or proposal is accepted, will faithfully execute the terms of the contract and promptly make deliveries of the supplies purchased.

(B) A sealed copy of each competitive sealed bid or competitive sealed proposal shall be filed with the department prior to the time specified in the notice for opening of the bids or proposals. All competitive sealed bids and competitive sealed proposals shall be ~~publicly~~ opened in the ~~office of~~ standardized system of electronic procurement by the department at the time specified in the notice. ~~A representative of the auditor of state shall be present at the opening of all competitive sealed bids and competitive sealed proposals, and shall certify the opening of each competitive sealed bid and competitive sealed proposal. No competitive sealed bid or competitive sealed proposal shall be considered valid unless it is so certified.~~

Sec. 125.11. (A) Subject to division (B) of this section, contracts awarded pursuant to a reverse auction under section 125.072 of the Revised Code or pursuant to competitive sealed bidding, including contracts awarded under section 125.081 of the Revised Code, shall be awarded to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. ~~When the contract is for meat products as defined in section 918.01 of the Revised Code or poultry products as defined in section 918.21 of the Revised Code, only those bids received from vendors under inspection of the United States department of agriculture or who are licensed by the Ohio department of agriculture shall be eligible for acceptance. The department of administrative services may accept or reject any or all bids in whole or by items, except that when the contract is for services or products available from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the~~

~~Revised Code, the contract shall be awarded to that agency.~~ 12190

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products shall evaluate the bids received according to the criteria and procedures established pursuant to divisions (C)(1) and (2) of section 125.09 of the Revised Code for determining if a product is produced or mined in the United States and if a product is produced or mined in this state. The department or other state agency shall first consider bids that offer products that have been or that will be produced or mined in the United States. From among the remaining bids, the department or other state agency shall select the lowest responsive and responsible bid, in accordance with section 9.312 of the Revised Code, from among the bids that offer products that have been produced or mined in this state where sufficient competition can be generated within this state to ensure that compliance with these requirements will not result in an excessive price for the product or acquiring a disproportionately inferior product.

(C) Division (B) of this section applies to contracts for which competitive bidding is waived by the controlling board.

(D) Division (B) of this section does not apply to the purchase by the division of liquor control of spirituous liquor.

~~(E) The director of administrative services shall publish in the form of a model act for use by counties, townships, municipal corporations, or any other political subdivision described in division (B) of section 125.04 of the Revised Code, a system of preferences for products mined and produced in this state and in the United States and for Ohio based contractors. The model act shall reflect substantial equivalence to the system of preferences in purchasing and public improvement contracting procedures under~~

~~which the state operates pursuant to this chapter and section 12221
153.012 of the Revised Code. To the maximum extent possible, 12222
consistent with the Ohio system of preferences in purchasing and 12223
public improvement contracting procedures, the model act shall 12224
incorporate all of the requirements of the federal "Buy America 12225
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 12226
the rules adopted under that act. 12227~~

~~Before and during the development and promulgation of the 12228
model act, the director shall consult with appropriate statewide 12229
organizations representing counties, townships, and municipal 12230
corporations so as to identify the special requirements and 12231
concerns these political subdivisions have in their purchasing and 12232
public improvement contracting procedures. The director shall 12233
promulgate the model act by rule adopted pursuant to Chapter 119. 12234
of the Revised Code and shall revise the act as necessary to 12235
reflect changes in this chapter or section 153.012 of the Revised 12236
Code. 12237~~

~~The director shall make available copies of the model act, 12238
supporting information, and technical assistance to any township, 12239
county, or municipal corporation wishing to incorporate the 12240
provisions of the act into its purchasing or public improvement 12241
contracting procedure. 12242~~

Sec. 125.18. (A) There is hereby established the office of 12244
information technology within the department of administrative 12245
services. The office shall be under the supervision of a state 12246
chief information officer to be appointed by the director of 12247
administrative services and subject to removal at the pleasure of 12248
the director. The chief information officer is an assistant 12249
director of administrative services. 12250

(B) Under the direction of the director of administrative 12251
services, the state chief information officer shall lead, oversee, 12252

and direct state agency activities related to information 12253
technology development and use. In that regard, the state chief 12254
information officer shall do all of the following: 12255

(1) Coordinate and superintend statewide efforts to promote 12256
common use and development of technology by state agencies. The 12257
office of information technology shall establish policies and 12258
standards that govern and direct state agency participation in 12259
statewide programs and initiatives. 12260

(2) Coordinate with the office of procurement services to 12261
establish policies and standards for state agency acquisition of 12262
information technology supplies and services; 12263

(3) Establish policies and standards for the use of common 12264
information technology by state agencies, including, but not 12265
limited to, hardware, software, technology services, and security, 12266
and the extension of the service life of information technology 12267
systems, with which state agencies shall comply; 12268

(4) Establish criteria and review processes to identify state 12269
agency information technology projects or purchases that require 12270
alignment or oversight. As appropriate, the department of 12271
administrative services shall provide the governor and the 12272
director of budget and management with notice and advice regarding 12273
the appropriate allocation of resources for those projects. The 12274
state chief information officer may require state agencies to 12275
provide, and may prescribe the form and manner by which they must 12276
provide, information to fulfill the state chief information 12277
officer's alignment and oversight role; 12278

(5) Establish policies and procedures for the security of 12279
personal information that is maintained and destroyed by state 12280
agencies; 12281

(6) Employ a chief information security officer who is 12282
responsible for the implementation of the policies and procedures 12283

described in division (B)(5) of this section and for coordinating 12284
the implementation of those policies and procedures in all of the 12285
state agencies; 12286

(7) Employ a chief privacy officer who is responsible for 12287
advising state agencies when establishing policies and procedures 12288
for the security of personal information and developing education 12289
and training programs regarding the state's security procedures; 12290

(8) Establish policies on the purchasing, use, and 12291
reimbursement for use of handheld computing and telecommunications 12292
devices by state agency employees; 12293

(9) Establish policies for the reduction of printing and for 12294
the increased use of electronic records by state agencies; 12295

(10) Establish policies for the reduction of energy 12296
consumption by state agencies; 12297

(11) Compute the amount of revenue attributable to the 12298
amortization of all equipment purchases and capitalized systems 12299
from information technology service delivery and major information 12300
technology purchases, MARCS administration, and enterprise 12301
applications, ~~and the professions licensing system~~ operating 12302
appropriation items and major computer purchases capital 12303
appropriation items that is recovered as part of the information 12304
technology services rates the department of administrative 12305
services charges and deposits into the information technology fund 12306
created in section 125.15 of the Revised Code, and the user fees 12307
the department of administrative services charges and deposits in 12308
the MARCS administration fund created in section 4501.29 of the 12309
Revised Code, the rates the department of administrative services 12310
charges to benefiting agencies for the operation and management of 12311
information technology applications and deposits in the enterprise 12312
applications fund, ~~and the rates the department of administrative~~ 12313
~~services charges for the cost of ongoing maintenance of the~~ 12314

~~professions licensing system and deposits in the professions
licensing system fund.~~ The enterprise applications fund is hereby
created in the state treasury.

(12) Regularly review and make recommendations regarding
improving the infrastructure of the state's cybersecurity
operations with existing resources and through partnerships
between government, business, and institutions of higher
education;

(13) Assist, as needed, with general state efforts to grow
the cybersecurity industry in this state.

(C)(1) The chief information security officer shall assist
each state agency with the development of an information
technology security strategic plan and review that plan, and each
state agency shall submit that plan to the state chief information
officer. The chief information security officer may require that
each state agency update its information technology security
strategic plan annually as determined by the state chief
information officer.

(2) Prior to the implementation of any information technology
data system, a state agency shall prepare or have prepared a
privacy impact statement for that system.

(D) When a state agency requests a purchase of information
technology supplies or services under Chapter 125. of the Revised
Code, the state chief information officer may review and reject
the requested purchase for noncompliance with information
technology direction, plans, policies, standards, or
project-alignment criteria.

(E) The office of information technology may operate
technology services for state agencies in accordance with this
chapter.

Notwithstanding any provision of the Revised Code to the

contrary, the office of information technology may assess a 12346
transaction fee on each license or registration issued as part of 12347
an electronic licensing system operated by the office in an amount 12348
determined by the office not to exceed three dollars and fifty 12349
cents. The transaction fee shall apply to all transactions, 12350
regardless of form, that immediately precede the issuance, 12351
renewal, reinstatement, reactivation of, or other activity that 12352
results in, a license or registration to operate as a regulated 12353
professional or entity. Each license or registration is a separate 12354
transaction to which a fee under this division applies. 12355
Notwithstanding any provision of the Revised Code to the contrary, 12356
if a fee is assessed under this section, no agency, board, or 12357
commission shall issue a license or registration unless a fee 12358
required by this division has been received. The director of 12359
administrative services may collect the fee or require a state 12360
agency, board, or commission for which the system is being 12361
operated to collect the fee. Amounts received under this division 12362
shall be deposited in or transferred to the ~~professions licensing~~ 12363
~~system~~ occupational licensing and regulatory fund created in 12364
~~division (H) of this section 4743.05 or the Revised Code.~~ 12365

(F) With the approval of the director of administrative 12366
services, the office of information technology may establish 12367
cooperative agreements with federal and local government agencies 12368
and state agencies that are not under the authority of the 12369
governor for the provision of technology services and the 12370
development of technology projects. 12371

(G) The office of information technology may operate a 12372
program to make information technology purchases. The director of 12373
administrative services may recover the cost of operating the 12374
program from all participating government entities by issuing 12375
intrastate transfer voucher billings for the procured technology 12376
or through any pass-through billing method agreed to by the 12377

director of administrative services, the director of budget and 12378
management, and the participating government entities that will 12379
receive the procured technology. 12380

If the director of administrative services chooses to recover 12381
the program costs through intrastate transfer voucher billings, 12382
the participating government entities shall process the intrastate 12383
transfer vouchers to pay for the cost. Amounts received under this 12384
section for the information technology purchase program shall be 12385
deposited to the credit of the information technology governance 12386
fund created in section 125.15 of the Revised Code. 12387

(H) Upon request from the director of administrative 12388
services, the director of budget and management may transfer cash 12389
from the information technology fund created in section 125.15 of 12390
the Revised Code, the MARCS administration fund created in section 12391
4501.29 of the Revised Code, or the enterprise applications fund 12392
created in division (B)(11) of this section, ~~or the professions~~ 12393
~~licensing system fund created in division (I) of this section~~ to 12394
the major information technology purchases fund in an amount not 12395
to exceed the amount computed under division (B)(11) of this 12396
section. The major information technology purchases fund is hereby 12397
created in the state treasury. 12398

~~(I) There is hereby created in the state treasury the 12399
professions licensing system fund. The fund shall be used to 12400
operate the electronic licensing system referenced in division (E)
of this section. 12401
12402~~

~~(J)~~ As used in this section: 12403

(1) "Personal information" has the same meaning as in section 12404
149.45 of the Revised Code. 12405

(2) "State agency" means every organized body, office, or 12406
agency established by the laws of the state for the exercise of 12407
any function of state government, other than any state-supported 12408

institution of higher education, the office of the auditor of 12409
state, treasurer of state, secretary of state, or attorney 12410
general, the adjutant general's department, the bureau of workers' 12411
compensation, the industrial commission, the public employees 12412
retirement system, the Ohio police and fire pension fund, the 12413
state teachers retirement system, the school employees retirement 12414
system, the state highway patrol retirement system, the general 12415
assembly or any legislative agency, the capitol square review 12416
advisory board, or the courts or any judicial agency. 12417

Sec. 125.182. (A) An Ohio trade association that represents 12418
the majority of newspapers of general circulation as defined in 12419
section 7.12 of the Revised Code shall operate and maintain the 12420
official public notice web site. 12421

Not later than one hundred eighty days after ~~the effective~~ 12422
~~date of this section~~ September 15, 2014, in all cases in which a 12423
notice or advertisement is required by a section of the Revised 12424
Code or an administrative rule to be published in a newspaper of 12425
general circulation, or in a daily law journal as required by 12426
section 2701.09 of the Revised Code, the notice or advertisement 12427
also shall be posted on the official public notice web site by the 12428
publisher of the newspaper or journal. 12429

The operator of the official public notice web site shall: 12430

(1) Use a domain name for the web site that will be easily 12431
recognizable and remembered by and understandable to users of the 12432
web site; 12433

(2) Maintain the web site on the internet so that it is fully 12434
accessible to and searchable by members of the public at all 12435
times, other than during maintenance or acts of God outside the 12436
operator's control; 12437

(3) Not charge a fee to a person that accesses the web site 12438

to view notices or advertisements or to perform searches of the 12439
web site, provided that the operator may charge a fee for enhanced 12440
search and customized content delivery features; 12441

(4) Not charge a fee to a state agency or political 12442
subdivision for publishing a notice or advertisement on the web 12443
site, including when the notice or advertisement is not otherwise 12444
published in a newspaper or journal; 12445

(5) Ensure that notices and advertisements displayed on the 12446
web site conform to the requirements that would apply to the 12447
notices and advertisements if they were being published in a 12448
newspaper, as directed in section 7.16 of the Revised Code or in 12449
the relevant provision of the statute or rule that requires the 12450
notice, as applicable; 12451

(6) Ensure that notices and advertisements continue to be 12452
displayed on the web site for not less than the length of time 12453
required by the relevant provision of the statute or rule that 12454
requires the notice or advertisement; 12455

(7) Maintain an archive of notices and advertisements that no 12456
longer are displayed on the web site; 12457

(8) Enable notices and advertisements, both those currently 12458
displayed and those archived, to be accessed by key word, by party 12459
name, by case number, by county, and by other useful identifiers; 12460

(9) Maintain adequate systemic security and backup features, 12461
and develop and maintain a contingency plan for coping with and 12462
recovering from power outages, systemic failures, and other 12463
unforeseeable difficulties; 12464

(10) Provide access to the web site to the publisher of any 12465
Ohio newspaper or daily law journal that qualifies under the 12466
Revised Code to publish notices and advertisements, for the 12467
posting of notices and advertisements at no cost, or for a 12468
reasonable, uniform fee for the service; and 12469

(11) Provide, if requested, a regularly scheduled feed or similar data transfer to the department of administrative services of notices and advertisements posted on the web site, provided that the operator of the web site shall not be required to provide the feed or transfer more often than once every business day.

(B) An error in a notice or advertisement posted on the official public notice web site, or a temporary web site outage or service interruption preventing the posting or display of a notice or advertisement on that web site, does not constitute a defect in making legal publication of the notice or advertisement, and publication requirements shall be considered met if the notice or advertisement published in the newspaper or daily law journal is correct.

(C) The official public notice web site shall not contain any political publications or political advertising described in division (A)(1)(a), (b), or (c) of section 3517.20 of the Revised Code.

(D) The publisher of a newspaper of general circulation or of a daily law journal that maintains a web site shall include on its web site a link to the official public notice web site.

Sec. 125.183. (A) As used in this section:

(1) "Covered application" means all of the following:

(a) The TikTok application and service or any successor application or service developed or provided by ByteDance limited or an entity owned by ByteDance limited;

(b) The WeChat application and service or any successor application or service developed or provided by Tencent holdings limited or an entity owned by Tencent holdings limited;

(c) Any application or service owned by an entity located in China, including QQ International (QQi), Ozone, Weibo, Xiao

HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little Red Book, and Zhihu. 12500
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(2) "State agency" means every organized body, office, or agency established by the laws of this state for the exercise of any function of state government, other than any state-supported institution of higher education, the courts, or any judicial agency. "State agency" includes the general assembly, any legislative agency, and the capitol square review and advisory board. 12503
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(B) Subject to division (C) of this section, the state chief information officer shall adopt rules under Chapter 119. of the Revised Code to do all of the following: 12510
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12512

(1) Require state agencies immediately to remove any covered application from all equipment they own or lease; 12513
12514

(2) Prohibit all of the following on equipment owned or leased by a state agency: 12515
12516

(a) The downloading, installation, or use of a covered application; 12517
12518

(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency; 12519
12520
12521

(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency. 12522
12523
12524

(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B)(2) of this section. 12525
12526
12527

(C) The rules adopted under division (B) of this section shall include exceptions to allow a qualified person to download, 12528
12529

install, or use a covered application for law enforcement or 12530
information technology security purposes, so long as the person 12531
takes appropriate measures to mitigate the security risks involved 12532
in doing so. 12533

Sec. 125.901. (A) There is hereby established the Ohio 12534
geographically referenced information program council within the 12535
department of administrative services to coordinate the property 12536
owned by the state. The department of administrative services 12537
shall provide administrative support for the council. 12538

(B) The council shall consist of the following ~~fifteen~~ 12539
fourteen members: 12540

(1) The state chief information officer, or the officer's 12541
designee, who shall serve as the council chair; 12542

(2) The director of natural resources, or the director's 12543
designee; 12544

(3) The director of transportation, or the director's 12545
designee; 12546

(4) The director of environmental protection, or the 12547
director's designee; 12548

(5) The director of development ~~services~~, or the director's 12549
designee; 12550

(6) ~~The treasurer of state, or the treasurer of state's~~ 12551
~~designee;~~ 12552

~~(7)~~ The attorney general, or the attorney general's designee; 12553

~~(8)~~(7) The chancellor of higher education or the chancellor's 12554
designee; 12555

~~(9)~~(8) The chief of the division of oil and gas resources 12556
management in the department of natural resources or the chief's 12557
designee; 12558

(10) (9) The director of public safety or the director's designee;	12559 12560
(11) (10) The executive director of the county auditors' association or the executive director's designee;	12561 12562
(12) (11) The executive director of the county commissioners' association or the executive director's designee;	12563 12564
(13) (12) The executive director of the county engineers' association or the executive director's designee;	12565 12566
(14) (13) The executive director of the Ohio municipal league or the executive director's designee;	12567 12568
(15) (14) The executive director of the Ohio townships association or the executive director's designee.	12569 12570
(C) Members of the council shall serve without compensation.	12571
Sec. 113.41 <u>125.903</u>. (A) The treasurer <u>department</u> of state <u>administrative services</u> shall develop and maintain a comprehensive and descriptive database of all real property under the custody and control of the state, except when otherwise required for reasons of homeland security. <u>The database shall adequately describe, when known, the location, boundary, and acreage of the property, the use and name of the property, and the contact information and name of the state agency managing the property.</u> The information in the database shall be available to the public free of charge through a searchable internet web site. The treasurer of state shall allow for public comment on property owned by the state.	12572 12573 12574 12575 12576 12577 12578 12579 12580 12581 12582 12583
(B) For purposes of the database, <u>Each landholding state agency shall collect and maintain a geographic information systems database of its respective landholdings, and shall provide the database to</u> the Ohio geographically referenced information program council established in section 125.901 of the Revised Code shall	12584 12585 12586 12587 12588

~~provide to the treasurer of state, and the treasurer of state 12589
shall collect, information, in a format prescribed by the 12590
treasurer of state, that adequately describes, when known, the 12591
location, acreage, and use of state owned property. The council 12592
shall make its best efforts to obtain the required information on 12593
the state owned property and shall submit updated information to 12594
the treasurer of state as it becomes available. 12595~~

(C) As used in this section, "state-owned property" does not 12596
include state property owned or under the control of the general 12597
assembly or any legislative agency, any court or judicial agency, 12598
the secretary of state, auditor of state, treasurer of state, or 12599
attorney general and their respective offices. 12600

Sec. 126.021. The director of budget and management, as part 12601
of the submission to the governor under section 126.02 of the 12602
Revised Code, shall prepare and submit to the governor not later 12603
than the first day of January preceding the convening of the 12604
general assembly a medicaid caseload and expenditure forecast 12605
report, prepared in consultation with the department of medicaid. 12606
For each component identified in divisions (A) to (Q) of this 12607
section, the report shall include proposed, actual, or estimated 12608
medicaid program data for each fiscal year of the proposed budget 12609
biennium and for each fiscal year of the current budget biennium. 12610
If determined useful, the directors of budget and management and 12611
medicaid may choose to include additional years of data for 12612
components of the report. 12613

The report shall include all of the following: 12614

(A) A complete budget for the medicaid program delineated by 12615
the agency administering each component of the program, fund, 12616
appropriation item, and whether the spending is for services or 12617
administration; 12618

(B) A summary of medicaid service spending by eligibility 12619

<u>group and subgroup and service delivery system;</u>	12620
<u>(C) A detailed mapping of the summary spending provided in</u>	12621
<u>division (B) of this section into individual appropriation items</u>	12622
<u>and including state and federal shares of each appropriation item;</u>	12623
<u>(D) A complete description of each policy proposal, including</u>	12624
<u>assumed start date and cost projection delineated by fiscal year,</u>	12625
<u>appropriation item, state and federal shares, eligibility group</u>	12626
<u>and subgroup, and service delivery system;</u>	12627
<u>(E) The medicaid caseload delineated by eligibility group and</u>	12628
<u>subgroup and service delivery system;</u>	12629
<u>(F) The percentage of total medicaid enrollment that is</u>	12630
<u>comprised of medicaid recipients enrolled under the care</u>	12631
<u>management system established under section 5167.03 of the Revised</u>	12632
<u>Code and the percentage of total medicaid spending that the care</u>	12633
<u>management system comprises;</u>	12634
<u>(G) A detailed accounting of the care management system</u>	12635
<u>component of the medicaid budget by eligibility group and</u>	12636
<u>subgroup, including spending, member months, and per member per</u>	12637
<u>month capitation rates;</u>	12638
<u>(H) A detailed accounting of the fee-for-service component of</u>	12639
<u>the medicaid budget by eligibility group and subgroup, including</u>	12640
<u>spending, member months, and per member per month costs;</u>	12641
<u>(I) Historical spending data by service delivery system,</u>	12642
<u>medicaid provider and program, including at least the following</u>	12643
<u>provider categories: hospital, pharmacy, waiver, nursing, home</u>	12644
<u>health care, professional medical and clinic, nursing facility,</u>	12645
<u>behavioral health care, and intermediate care facility for</u>	12646
<u>individuals with intellectual disabilities;</u>	12647
<u>(J) A detailed accounting of the medicare buy-in and medicare</u>	12648
<u>Part D components of the medicaid budget by eligibility group and</u>	12649

subgroup, including spending, average monthly premiums, and 12650
average rates; 12651

(K) A summary of projected spending for each fiscal year 12652
delineated by forecast component and by baseline and policy 12653
proposals; 12654

(L) A detailed calculation demonstrating the effect of a 12655
hypothetical one-dollar increase in medicaid home and 12656
community-based services wages for direct care providers for each 12657
fiscal year, delineated by provider, appropriation item, and state 12658
and federal shares; 12659

(M) A detailed calculation demonstrating the effect of a 12660
hypothetical one percentage point increase in provider franchise 12661
fee revenue for each fiscal year, for each of the fees imposed 12662
under sections 5168.21, 5168.41, and 5168.76 of the Revised Code; 12663

(N) A detailed calculation demonstrating the effect of a 12664
hypothetical one-dollar increase in nursing facility and 12665
intermediate care facility for individuals with intellectual 12666
disabilities per medicaid day payment rates; 12667

(O) A detailed explanation of how the governor's medicaid 12668
budget recommendations satisfy the requirements of section 5162.70 12669
of the Revised Code; 12670

(P) The most recent cost containment report required under 12671
section 5162.131 of the Revised Code; 12672

(Q) Any other information the director of budget and 12673
management or the medicaid director deems to be useful to 12674
facilitate a better understanding of the governor's medicaid 12675
budget recommendations. 12676

Sec. ~~126.021~~ 126.023. Whenever, pursuant to section 126.06 of 12677
the Revised Code, the department of development files with the 12678
director of budget and management its estimate of proposed 12679

expenditures for the succeeding biennium, the department shall 12680
request, and the director of budget and management shall approve 12681
the request for, the following general revenue fund appropriations 12682
for operating the construction compliance section of the 12683
department of development: 12684

(A) For the first fiscal year of the biennium, an 12685
appropriation equal to fifty-three one-thousandths of one per cent 12686
of the total new capital appropriations provided for in the most 12687
recently enacted main capital appropriations act; 12688

(B) For the second fiscal year of the biennium, an 12689
appropriation equal to the amount computed under division (A) of 12690
this section, adjusted for anticipated changes in operating costs 12691
based upon the inflation/deflation factor used by the director of 12692
budget and management for that fiscal year. 12693

The amounts of the appropriations requested pursuant to 12694
divisions (A) and (B) of this section shall be in addition to the 12695
amounts provided for staff in the construction compliance section 12696
of the equal employment opportunity office of the department of 12697
administrative services as of January 1, 1988. 12698

Sec. 126.21. (A) The director of budget and management shall 12699
do all of the following: 12700

(1) Keep all necessary accounting records; 12701

(2) Prescribe and maintain the accounting system of the state 12702
and establish appropriate accounting procedures and charts of 12703
accounts; 12704

(3) Establish procedures for the use of written, electronic, 12705
optical, or other communications media for approving and reviewing 12706
payment vouchers; 12707

(4) Reconcile, in the case of any variation between the 12708
amount of any appropriation and the aggregate amount of items of 12709

the appropriation, with the advice and assistance of the state 12710
agency affected by it and the legislative service commission, 12711
totals so as to correspond in the aggregate with the total 12712
appropriation. In the case of a conflict between the item and the 12713
total of which it is a part, the item shall be considered the 12714
intended appropriation. 12715

(5) Evaluate on an ongoing basis and, if necessary, recommend 12716
improvements to the internal controls used in state agencies; 12717

(6) Authorize the establishment of petty cash accounts. The 12718
director may withdraw approval for any petty cash account and 12719
require the officer in charge to return to the state treasury any 12720
unexpended balance shown by the officer's accounts to be on hand. 12721
Any officer who is issued a warrant for petty cash shall render a 12722
detailed account of the expenditures of the petty cash and shall 12723
report when requested the balance of petty cash on hand at any 12724
time. 12725

(7) Process orders, invoices, vouchers, claims, and payrolls 12726
and prepare financial reports and statements; 12727

(8) Perform extensions, reviews, and compliance checks prior 12728
to or after approving a payment as the director considers 12729
necessary; 12730

(9) Issue the official annual comprehensive ~~annual~~ financial 12731
report of the state. The report shall cover all funds of the state 12732
reporting entity and shall include basic financial statements and 12733
required supplementary information prepared in accordance with 12734
generally accepted accounting principles and other information as 12735
the director provides. All state agencies, authorities, 12736
institutions, offices, retirement systems, and other component 12737
units of the state reporting entity as determined by the director 12738
shall furnish the director whatever financial statements and other 12739
information the director requests for the report, in the form, at 12740

the times, covering the periods, and with the attestation the 12741
director prescribes. The information for state institutions of 12742
higher education, as defined in section 3345.011 of the Revised 12743
Code, shall be submitted to the chancellor of higher education by 12744
the ~~Ohio board~~ department of ~~regents~~ higher education. The ~~board~~ 12745
chancellor shall establish a due date by which each such 12746
institution shall submit the information to the ~~board~~ department, 12747
but no such date shall be later than one hundred twenty days after 12748
the end of the state fiscal year unless a later date is approved 12749
by the director. 12750

(B) In addition to the director's duties under division (A) 12751
of this section, the director may establish and administer one or 12752
more payment card programs that permit state agencies and 12753
political subdivisions to use a payment card to purchase 12754
equipment, materials, supplies, or services in accordance with 12755
guidelines issued by the director. The chief administrative 12756
officer of a state agency or political subdivision that uses a 12757
payment card for such purposes shall ensure that purchases made 12758
with the card are made in accordance with the guidelines issued by 12759
the director. State agencies may participate in only those payment 12760
card programs that the director establishes pursuant to this 12761
section. 12762

(C) In addition to the director's duties under divisions (A) 12763
and (B) of this section, the director may enter into any contract 12764
or agreement necessary for and incidental to the performance of 12765
the director's duties or the duties of the office of budget and 12766
management. 12767

(D) In addition to the director's duties under divisions (A), 12768
(B), and (C) of this section, the director may operate a shared 12769
services center within the office of budget and management for the 12770
purpose of consolidating common business functions and 12771
transactional processes. The services offered by the shared 12772

services center may be provided to any state agency or political 12773
subdivision. In consultation with the director of administrative 12774
services, the director may appoint and fix the compensation of 12775
employees of the office whose primary duties include the 12776
consolidation of common business functions and transactional 12777
processes. 12778

(E) The director may transfer cash between funds other than 12779
the general revenue fund in order to correct an erroneous payment 12780
or deposit regardless of the fiscal year during which the 12781
erroneous payment or deposit occurred. 12782

(F) As used in divisions (B) and (D) of this section: 12783

(1) "Political subdivision" has the same meaning as in 12784
section 2744.01 of the Revised Code. 12785

(2) "State agency" has the same meaning as in section 9.482 12786
of the Revised Code. 12787

Sec. 126.25. The services provided by the director of budget 12788
and management under ~~section~~ sections 126.21 and 126.42 of the 12789
Revised Code shall be supported by charges. The director shall 12790
determine a rate that is sufficient to defray the expense of those 12791
services and the manner by which those charges shall be collected. 12792
All money collected from the charges shall be deposited in the 12793
state treasury to the credit of the accounting and budgeting fund, 12794
which is hereby created. Rebates or revenue shares received from 12795
any payment card program established under division (B) of section 12796
126.21 of the Revised Code and miscellaneous payments that 12797
reimburse expenses paid from the accounting and budgeting fund may 12798
be deposited into the accounting and budgeting fund and used to 12799
support the services provided by the director. 12800

Sec. 126.30. (A) Any state agency that purchases, leases, or 12801
otherwise acquires any equipment, materials, goods, supplies, or 12802

services from any person and fails to make payment for the 12803
equipment, materials, goods, supplies, or services by the required 12804
payment date shall pay an interest charge to the person in 12805
accordance with division (E) of this section, unless the amount of 12806
the interest charge is less than ten dollars. Except as otherwise 12807
provided in division (B), (C), or (D) of this section, the 12808
required payment date shall be the date on which payment is due 12809
under the terms of a written agreement between the state agency 12810
and the person or, if a specific payment date is not established 12811
by such a written agreement, the required payment date shall be 12812
thirty days after the state agency receives a proper invoice for 12813
the amount of the payment due. 12814

(B) If the invoice submitted to the state agency contains a 12815
defect or impropriety, the agency shall send written notification 12816
to the person within fifteen days after receipt of the invoice. 12817
The notice shall contain a description of the defect or 12818
impropriety and any additional information necessary to correct 12819
the defect or impropriety. If the agency sends such written 12820
notification to the person, the required payment date shall be 12821
thirty days after the state agency receives a proper invoice. 12822

(C) In applying this section to claims submitted to the 12823
department of job and family services by providers of equipment, 12824
materials, goods, supplies, or services, the required payment date 12825
shall be the date on which payment is due under the terms of a 12826
written agreement between the department and the provider. If a 12827
specific payment date is not established by a written agreement, 12828
the required payment date shall be thirty days after the 12829
department receives a proper claim. If the department determines 12830
that the claim is improperly executed or that additional evidence 12831
of the validity of the claim is required, the department shall 12832
notify the claimant in writing or by telephone within fifteen days 12833
after receipt of the claim. The notice shall state that the claim 12834

is improperly executed and needs correction or that additional 12835
information is necessary to establish the validity of the claim. 12836
If the department makes such notification to the provider, the 12837
required payment date shall be thirty days after the department 12838
receives the corrected claim or such additional information as may 12839
be necessary to establish the validity of the claim. 12840

(D) In applying this section to invoices submitted to the 12841
bureau of workers' compensation for equipment, materials, goods, 12842
supplies, or services provided to employees in connection with an 12843
employee's claim against the state insurance fund, the public 12844
work-relief employees' compensation fund, the coal-workers 12845
pneumoconiosis fund, or the marine industry fund as compensation 12846
for injuries or occupational disease pursuant to Chapter 4123., 12847
4127., or 4131. of the Revised Code, the required payment date 12848
shall be the date on which payment is due under the terms of a 12849
written agreement between the bureau and the provider. If a 12850
specific payment date is not established by a written agreement, 12851
the required payment date shall be thirty days after the bureau 12852
receives a proper invoice for the amount of the payment due or 12853
thirty days after the final adjudication allowing payment of an 12854
award to the employee, whichever is later. Nothing in this section 12855
shall supersede any faster timetable for payments to health care 12856
providers contained in sections 4121.44 and 4123.512 of the 12857
Revised Code. 12858

For purposes of this division, a "proper invoice" includes 12859
the claimant's name, claim number and date of injury, employer's 12860
name, the provider's name and address, the provider's assigned 12861
payee number, a description of the equipment, materials, goods, 12862
supplies, or services provided by the provider to the claimant, 12863
the date provided, and the amount of the charge. If more than one 12864
item of equipment, materials, goods, supplies, or services is 12865
listed by a provider on a single application for payment, each 12866

item shall be considered separately in determining if it is a 12867
proper invoice. 12868

If prior to a final adjudication the bureau determines that 12869
the invoice contains a defect, the bureau shall notify the 12870
provider in writing at least fifteen days prior to what would be 12871
the required payment date if the invoice did not contain a defect. 12872
The notice shall contain a description of the defect and any 12873
additional information necessary to correct the defect. If the 12874
bureau sends a notification to the provider, the required payment 12875
date shall be redetermined in accordance with this division after 12876
the bureau receives a proper invoice. 12877

For purposes of this division, "final adjudication" means the 12878
later of the date of the decision or other action by the bureau, 12879
the industrial commission, or a court allowing payment of the 12880
award to the employee from which there is no further right to 12881
reconsideration or appeal that would require the bureau to 12882
withhold compensation and benefits, or the date on which the 12883
rights to reconsideration or appeal have expired without an 12884
application therefor having been filed or, if later, the date on 12885
which an application for reconsideration or appeal is withdrawn. 12886
If after final adjudication, the administrator of the bureau of 12887
workers' compensation or the industrial commission makes a 12888
modification with respect to former findings or orders, pursuant 12889
to Chapter 4123., 4127., or 4131. of the Revised Code or pursuant 12890
to court order, the adjudication process shall no longer be 12891
considered final for purposes of determining the required payment 12892
date for invoices for equipment, materials, goods, supplies, or 12893
services provided after the date of the modification when the 12894
propriety of the invoices is affected by the modification. 12895

(E) The interest charge on amounts due shall be paid to the 12896
person for the period beginning on the day after the required 12897
payment date and ending on the day that payment of the amount due 12898

is made. The amount of the interest charge that remains unpaid at 12899
the end of any thirty-day period after the required payment date, 12900
including amounts under ten dollars, shall be added to the 12901
principal amount of the debt and thereafter the interest charge 12902
shall accrue on the principal amount of the debt plus the added 12903
interest charge. The interest charge shall be at the rate per 12904
calendar month that equals one-twelfth of the rate per annum 12905
prescribed by section 5703.47 of the Revised Code for the calendar 12906
year that includes the month for which the interest charge 12907
accrues. 12908

(F) No appropriations shall be made for the payment of any 12909
interest charges required by this section. Any state agency 12910
required to pay interest charges under this section shall make the 12911
payments from moneys available for the administration of agency 12912
programs. 12913

If a state agency pays interest charges under this section, 12914
but determines that all or part of the interest charges should 12915
have been paid by another state agency, the state agency that paid 12916
the interest charges may request the attorney general to determine 12917
the amount of the interest charges that each state agency should 12918
have paid under this section. If the attorney general determines 12919
that the state agency that paid the interest charges should have 12920
paid none or only a part of the interest charges, the attorney 12921
general shall notify the state agency that paid the interest 12922
charges, any other state agency that should have paid all or part 12923
of the interest charges, and the director of budget and management 12924
of the attorney general's decision, stating the amount of interest 12925
charges that each state agency should have paid. The director 12926
shall transfer from the appropriate funds of any other state 12927
agency that should have paid all or part of the interest charges 12928
to the appropriate funds of the state agency that paid the 12929
interest charges an amount necessary to implement the attorney 12930

general's decision. 12931

(G) ~~Not later than forty five days after the end of each~~ 12932
~~fiscal year, each state agency shall file with the~~ The director of 12933
budget and management ~~a detailed report concerning the interest~~ 12934
~~charges the agency paid under this section during the previous~~ 12935
~~fiscal year. The report shall include the number, amounts, and~~ 12936
~~frequency of interest charges the agency incurred during the~~ 12937
~~previous fiscal year and the reasons why the interest charges were~~ 12938
~~not avoided by payment prior to the required payment date. The~~ 12939
~~director shall compile a summary of all the reports submitted~~ 12940
~~under this division~~ interest charges paid under this section 12941
during the previous fiscal year and shall submit a copy of the 12942
summary to the president and minority leader of the senate and to 12943
the speaker and minority leader of the house of representatives no 12944
later than the thirtieth day of September of each year. 12945

Sec. ~~125.22~~ 126.42. (A) ~~The department of administrative~~ 12946
~~services~~ Notwithstanding any provision of law to the contrary, the 12947
office of budget and management shall ~~establish the central~~ 12948
~~service agency to~~ perform routine support for the following boards 12949
and commissions: 12950

(1) Architects board; 12951

(2) State chiropractic board; 12952

(3) State cosmetology and barber board; 12953

(4) Accountancy board; 12954

(5) State dental board; 12955

(6) Ohio occupational therapy, physical therapy, and athletic 12956
trainers board; 12957

(7) State board of registration for professional engineers 12958
and surveyors; 12959

(8) Board of embalmers and funeral directors;	12960
(9) State board of psychology;	12961
(10) Counselor, social worker, and marriage and family therapist board;	12962 12963
(11) State veterinary medical licensing board;	12964
(12) Commission on Hispanic-Latino affairs;	12965
(13) Commission on African-Americans;	12966
(14) Chemical dependency professionals board;	12967
(15) State vision professionals board;	12968
(16) State speech and hearing professionals board.	12969
(B)(1) Notwithstanding any other <u>For purposes of this</u> section	12970
of the Revised Code, the agency office of budget and management	12971
shall perform the following routine support services for the	12972
boards and commissions named in division (A) of this section	12973
unless the controlling board exempts a board or commission from	12974
this requirement on the recommendation of the director of	12975
administrative services <u>office of budget and management:</u>	12976
(a) Preparing and processing payroll and other personnel documents;	12977 12978
(b) Preparing and processing vouchers, purchase orders, encumbrances, and other accounting documents;	12979 12980
(c) Maintaining ledgers of accounts and balances;	12981
(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions;	12982 12983
(e) <u>Routine human resources and personnel services;</u>	12984
<u>(f)</u> Other routine support services that the director of administrative services <u>budget and management</u> considers appropriate to achieve efficiency.	12985 12986 12987

(2) ~~The agency~~ In addition to the routine support services 12988
listed in division (B)(1) of this section, the office of budget 12989
and management may perform other services which a board or 12990
commission named in division (A) of this section delegates to the 12991
agency office and the agency office accepts. 12992

(3) ~~The agency~~ office of budget and management may perform 12993
~~any service~~ routine support services for any professional or 12994
occupational licensing board or commission not named in division 12995
(A) of this section ~~or any commission if~~ at the request of the 12996
board or commission ~~requests such service and the agency accepts.~~ 12997

(C) ~~The director of administrative services shall be the~~ 12998
~~appointing authority for the agency.~~ 12999

~~(D) The agency~~ office of budget and management shall 13000
determine the fees to be charged to the boards and commissions, 13001
which shall be in proportion to the services performed for each 13002
board or commission. 13003

~~(E) Each board or commission named in division (A) of this~~ 13004
~~section and any other board or commission requesting services from~~ 13005
~~the agency shall pay these fees to the agency from the general~~ 13006
~~revenue fund maintenance account of the board or commission or~~ 13007
~~from such other fund as the operating expenses of the board or~~ 13008
~~commission are paid. Any amounts set aside for a fiscal year by a~~ 13009
~~board or commission to allow for the payment of fees shall be used~~ 13010
~~only for the services performed by the agency in that fiscal year.~~ 13011
~~All receipts collected by the agency shall be deposited in the~~ 13012
~~state treasury to the credit of the central service agency fund,~~ 13013
~~which is hereby created. All expenses incurred by the agency in~~ 13014
~~performing services for the boards or commissions shall be paid~~ 13015
~~from the fund.~~ 13016

~~(F) Nothing in this section shall be construed as a grant of~~ 13017
~~authority for the central service agency to initiate or deny~~ 13018

~~personnel or fiscal actions for the boards and commissions.~~ 13019

Sec. 126.46. (A)(1) There is hereby created the state audit 13020
committee, consisting of the following five members: one public 13021
member appointed by the governor; two public members appointed by 13022
the speaker of the house of representatives, one of which may be a 13023
person who is recommended by the minority leader of the house of 13024
representatives; and two public members appointed by the president 13025
of the senate, one of which may be a person who is recommended by 13026
the minority leader of the senate. Not more than two of the four 13027
members appointed by the speaker of the house of representatives 13028
and the president of the senate shall belong to or be affiliated 13029
with the same political party. The member appointed by the 13030
governor shall have the program and management expertise required 13031
to perform the duties of the committee's chairperson. 13032

Each member of the committee shall be external to the 13033
management structure of state government and shall serve a 13034
three-year term. Each term shall commence on the first day of July 13035
and end on the thirtieth day of June. Any member may continue in 13036
office subsequent to the expiration date of the member's term 13037
until the member's successor takes office or until a period of 13038
ninety days has elapsed, whichever occurs first. Members may be 13039
reappointed to serve one additional term. 13040

On September 29, 2011, the terms of the members shall be 13041
altered as follows: 13042

(a) The terms of the members appointed by the president shall 13043
expire on June 30, 2012. 13044

(b) The term of the member appointed by the speaker scheduled 13045
to expire on November 17, 2012, shall expire on June 30, 2013. 13046

(c) The term of the other member appointed by the speaker 13047
shall expire on June 30, 2014. 13048

(d) The term of the member appointed by the governor shall 13049
expire on June 30, 2014. 13050

The committee shall include at least one member who is a 13051
financial expert; at least one member who is an active, inactive, 13052
or retired certified public accountant; at least one member who is 13053
familiar with governmental financial accounting; at least one 13054
member who is familiar with information technology systems and 13055
services; and at least one member who is a representative of the 13056
public. 13057

Any vacancy on the committee shall be filled in the same 13058
manner as provided in this division, and, when applicable, the 13059
person appointed to fill a vacancy shall serve the remainder of 13060
the predecessor's term. 13061

(2) Members of the committee shall receive reimbursement for 13062
actual and necessary expenses incurred in the discharge of their 13063
duties. 13064

(3) The member of the committee appointed by the governor 13065
shall serve as the committee's chairperson. 13066

(4) Members of the committee shall be subject to the 13067
disclosure statement requirements of section 102.02 of the Revised 13068
Code. 13069

(B) The state audit committee shall do all of the following: 13070

(1) Evaluate whether the internal audits directed by the 13071
office of internal audit in the office of budget and management 13072
conform to the institute of internal auditors' international 13073
professional practices framework for internal auditing and to the 13074
institute of internal auditors' code of ethics; 13075

(2) Review and comment on the process used by the office of 13076
budget and management to prepare the state's annual comprehensive 13077
~~annual~~ financial report required under division (A)(9) of section 13078

126.21 of the Revised Code;	13079
(3) Review and comment on unaudited financial statements submitted to the auditor of state and communicate with external auditors as required by government auditing standards;	13080 13081 13082
(4) Perform the additional functions imposed upon it by section 126.47 of the Revised Code.	13083 13084
(C) As used in this section, "financial expert" means a person who has all of the following:	13085 13086
(1) An understanding of generally accepted accounting principles and financial statements;	13087 13088
(2) The ability to assess the general application of those principles in connection with accounting for estimates, accruals, and reserves;	13089 13090 13091
(3) Experience preparing, auditing, analyzing, or evaluating financial statements presenting accounting issues that generally are of comparable breadth and level of complexity to those likely to be presented by a state agency's financial statements, or experience actively supervising one or more persons engaged in those activities;	13092 13093 13094 13095 13096 13097
(4) An understanding of internal controls and procedures for financial reporting; and	13098 13099
(5) An understanding of audit committee functions.	13100
Sec. 126.47. (A) The state audit committee created by section 126.46 of the Revised Code shall ensure that the office of internal audit in the office of budget and management has an annual internal audit plan that identifies the internal audits of state agencies or divisions of state agencies scheduled for the next fiscal year. The chief internal auditor of the office of internal audit shall submit the plan to the state audit committee for review and comment before the beginning of each fiscal year.	13101 13102 13103 13104 13105 13106 13107 13108

The chief internal auditor may submit a revised internal audit plan for review and comment at any time the director of budget and management believes there is reason to modify the previously submitted plan for a fiscal year.

(B) To determine the state agencies or divisions of state agencies that are to be internally audited, the office of internal audit, in the formulation of an annual or revised internal audit plan, and the state audit committee, in reviewing a submitted annual or revised internal audit plan, shall consider the following factors:

(1) The risk for fraud, waste, or abuse of public money within an agency or division;

(2) The length of time since an agency or division was last subject to an internal audit;

(3) The size of an agency or division, and the amount of time and resources necessary to audit it;

(4) Any other factor the state audit committee determines to be relevant.

(C) All internal audits shall be directed by employees of the office of internal audit.

(D) After the conclusion of an internal audit, the chief internal auditor shall submit a preliminary report of the internal audit's findings and recommendations to the state audit committee and to the director of the state agency involved. The state agency or division of the state agency covered by the preliminary report shall be provided an opportunity to respond within thirty days after receipt of the preliminary report. The response shall include a corrective action plan for any recommendations in the preliminary report that are not disputed by the agency or division. Any response received by the office of internal audit within that thirty-day period shall be included in the office's

final report of the internal audit's findings and recommendations. 13140
The final report shall be issued by the office of internal audit 13141
within thirty days after the termination of the thirty-day 13142
response period. Copies of the final report shall be submitted to 13143
the state audit committee, the governor, and the director of the 13144
state agency involved. The state audit committee shall determine 13145
an appropriate method for making the preliminary and final reports 13146
available for public inspection in a timely manner. 13147

Any suspected fraud or other illegal activity discovered by 13148
the office of internal audit during an internal audit shall be 13149
reported immediately to the state audit committee, the director of 13150
the state agency in which the fraud or illegal activity is 13151
suspected to have occurred, and the auditor of state. 13152

(E) The office of internal audit may consult with the auditor 13153
of state regarding any written report the office receives under 13154
section 124.341 of the Revised Code. The office of internal audit 13155
may share such written reports with the auditor of state upon 13156
request. Reports shared under this division are not a public 13157
record under section 149.43 of the Revised Code. 13158

(F) The chief internal auditor shall prepare an annual report 13159
and submit the report to the governor, the president of the 13160
senate, the speaker of the house of representatives, and the 13161
auditor of state. The office of budget and management shall make 13162
the report available to the public by posting it on the office's 13163
web site before the first of August of each year. 13164

Sec. 126.62. (A) ~~The investing in all~~ Ohio future fund is 13165
hereby created in the state treasury. ~~Moneys~~ The fund shall 13166
consist of money credited to it and any donations, gifts, 13167
bequests, or other money received for deposit in the fund. All 13168
investment earnings of the fund shall be credited to the fund. 13169
Money in the fund shall be used to provide financial assistance 13170

through loans, grants, or other incentives that promote economic 13171
development throughout the state, including gas, sewer, and water 13172
infrastructure projects and other infrastructure improvements. 13173
Such improvements include electric infrastructure development 13174
approved by the public utilities commission under sections 4928.85 13175
to 4928.89 of the Revised Code and electric infrastructure 13176
improvements made by electric cooperatives and municipal electric 13177
utilities as those utilities are defined in section 4928.01 of the 13178
Revised Code. 13179

(B) The director of development shall adopt rules in 13180
accordance with Chapter 119. of the Revised Code that establish 13181
requirements and procedures to provide financial assistance from 13182
the all Ohio future fund to eligible economic development 13183
projects. The director shall consult with JobsOhio in adopting the 13184
rules. 13185

The rules shall include all of the following: 13186

(1) All forms and materials required to apply for financial 13187
assistance from the all Ohio future fund; 13188

(2) Requirements, procedures, and criteria that the director 13189
shall use in selecting sites to receive financial assistance from 13190
the fund. The rules shall require the director to consider sites 13191
that JobsOhio and local and regional economic development 13192
organizations have identified for economic development. 13193

The criteria adopted in rules for site selection shall 13194
include a means to identify and designate economic development 13195
projects into the following development tiers: 13196

(a) A tier one project is a megaproject, as defined in 13197
section 122.17 of the Revised Code; 13198

(b) A tier two project is a megaproject supplier, as defined 13199
in section 122.17 of the Revised Code; 13200

<u>(c) A tier three project is a project in an industrial park</u>	13201
<u>or a site that is zoned industrial.</u>	13202
<u>(3) Any other requirements or procedures necessary to</u>	13203
<u>administer this section.</u>	13204
<u>(C) When awarding financial assistance under this section and</u>	13205
<u>rules adopted under it, the director shall do both of the</u>	13206
<u>following:</u>	13207
<u>(1) Unless a higher amount is approved by the controlling</u>	13208
<u>board, limit financial assistance amounts as follows:</u>	13209
<u>(a) For tier one projects, not more than two hundred million</u>	13210
<u>dollars per project;</u>	13211
<u>(b) For tier two projects, not more than seventy-five million</u>	13212
<u>dollars per project;</u>	13213
<u>(c) For tier three projects, not more than twenty-five</u>	13214
<u>million dollars per project.</u>	13215
<u>(2) Give preference to sites that are publicly owned.</u>	13216
<u>(D) The director may provide grants and loans under this</u>	13217
<u>section to port counties, community improvement corporations,</u>	13218
<u>joint economic development districts, and public private</u>	13219
<u>partnerships to aid in the acquisition of land necessary for site</u>	13220
<u>development. The director may provide loans under this section to</u>	13221
<u>a board of county commissioners to facilitate the transfer or</u>	13222
<u>relocation of assets under the control of the county for the</u>	13223
<u>purpose of site development.</u>	13224
<u>(E) No money shall be expended from the all Ohio future fund,</u>	13225
<u>pursuant to appropriation, until it has been released by the</u>	13226
<u>controlling board.</u>	13227
<u>(F) No entity that receives financial assistance from the all</u>	13228
<u>Ohio future fund under this section shall:</u>	13229
<u>(1) Issue riders or any other additional charges to its</u>	13230

customers for the purposes of a project that is funded by such 13231
assistance; 13232

(2) If the entity is a water company, use the financial 13233
assistance for a new or expanded water treatment facility or waste 13234
water treatment facility. 13235

Sec. 127.16. (A) Upon the request of either a state agency or 13236
the director of budget and management and after the controlling 13237
board determines that an emergency or a sufficient economic reason 13238
exists, the controlling board may approve the making of a purchase 13239
without competitive selection as provided in division (B) of this 13240
section. 13241

(B) Except as otherwise provided in this section, no state 13242
agency, using money that has been appropriated to it directly, 13243
shall: 13244

(1) Make any purchase from a particular supplier, that would 13245
amount to fifty thousand dollars or more when combined with both 13246
the amount of all disbursements to the supplier during the fiscal 13247
year for purchases made by the agency and the amount of all 13248
outstanding encumbrances for purchases made by the agency from the 13249
supplier, unless the purchase is made by competitive selection or 13250
with the approval of the controlling board; 13251

(2) Lease real estate from a particular supplier, if the 13252
lease would amount to seventy-five thousand dollars or more when 13253
combined with both the amount of all disbursements to the supplier 13254
during the fiscal year for real estate leases made by the agency 13255
and the amount of all outstanding encumbrances for real estate 13256
leases made by the agency from the supplier, unless the lease is 13257
made by competitive selection or with the approval of the 13258
controlling board. 13259

(C) Any person who authorizes a purchase in violation of 13260

division (B) of this section shall be liable to the state for any 13261
state funds spent on the purchase, and the attorney general shall 13262
collect the amount from the person. 13263

(D) Nothing in division (B) of this section shall be 13264
construed as: 13265

(1) A limitation upon the authority of the director of 13266
transportation as granted in sections 5501.17, 5517.02, and 13267
5525.14 of the Revised Code; 13268

(2) Applying to medicaid provider agreements under the 13269
medicaid program; 13270

(3) Applying to the purchase of examinations from a sole 13271
supplier by a state licensing board under Title XLVII of the 13272
Revised Code; 13273

(4) Applying to entertainment contracts for the Ohio state 13274
fair entered into by the Ohio expositions commission, provided 13275
that the controlling board has given its approval to the 13276
commission to enter into such contracts and has approved a total 13277
budget amount for such contracts as agreed upon by commission 13278
action, and that the commission causes to be kept itemized records 13279
of the amounts of money spent under each contract and annually 13280
files those records with the clerk of the house of representatives 13281
and the clerk of the senate following the close of the fair; 13282

(5) Limiting the authority of the chief of the division of 13283
mineral resources management to contract for reclamation work with 13284
an operator mining adjacent land as provided in section 1513.27 of 13285
the Revised Code; 13286

(6) Applying to investment transactions and procedures of any 13287
state agency, except that the agency shall file with the board the 13288
name of any person with whom the agency contracts to make, broker, 13289
service, or otherwise manage its investments, as well as the 13290
commission, rate, or schedule of charges of such person with 13291

respect to any investment transactions to be undertaken on behalf	13292
of the agency. The filing shall be in a form and at such times as	13293
the board considers appropriate.	13294
(7) Applying to purchases made with money for the per cent	13295
for arts program established by section 3379.10 of the Revised	13296
Code;	13297
(8) Applying to purchases made by the opportunities for	13298
Ohioans with disabilities agency of services, or supplies, that	13299
are provided to persons with disabilities, or to purchases made by	13300
the agency in connection with the eligibility determinations it	13301
makes for applicants of programs administered by the social	13302
security administration;	13303
(9) Applying to payments by the department of medicaid under	13304
section 5164.85 of the Revised Code for group health plan	13305
premiums, deductibles, coinsurance, and other cost-sharing	13306
expenses;	13307
(10) Applying to any agency of the legislative branch of the	13308
state government;	13309
(11) Applying to agreements or contracts entered into under	13310
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	13311
Revised Code;	13312
(12) Applying to purchases of services by the adult parole	13313
authority under section 2967.14 of the Revised Code or by the	13314
department of youth services under section 5139.08 of the Revised	13315
Code;	13316
(13) Applying to dues or fees paid for membership in an	13317
organization or association;	13318
(14) Applying to purchases of utility services pursuant to	13319
section 9.30 of the Revised Code;	13320
(15) Applying to purchases made in accordance with rules	13321

adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	13322
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(16) Applying to purchases of tickets for passenger air transportation;	13325
	13326
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	13327
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(18) Applying to the judicial branch of state government;	13330
(19) Applying to purchases of liquor for resale by the division of liquor control;	13331
	13332
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	13333
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	13335
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	13336
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	13339
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	13340
	13341
	13342
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education or the Ohio history connection;	13343
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	13345
(24) Applying to purchases from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code;	13346
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	13348
(25) Applying to payments by the department of job and family services to the United States department of health and human services for printing and mailing notices pertaining to the tax	13349
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	13351

refund offset program of the internal revenue service of the	13352
United States department of the treasury;	13353
(26) Applying to contracts entered into by the department of	13354
developmental disabilities under section 5123.18 of the Revised	13355
Code;	13356
(27) Applying to payments made by the department of mental	13357
health and addiction services under a physician recruitment	13358
program authorized by section 5119.185 of the Revised Code;	13359
(28) Applying to contracts entered into with persons by the	13360
director of commerce for unclaimed funds collection and remittance	13361
efforts as provided in division (G) of section 169.03 of the	13362
Revised Code. The director shall keep an itemized accounting of	13363
unclaimed funds collected by those persons and amounts paid to	13364
them for their services.	13365
(29) Applying to purchases made by a state institution of	13366
higher education in accordance with the terms of a contract	13367
between the vendor and an inter-university purchasing group	13368
comprised of purchasing officers of state institutions of higher	13369
education;	13370
(30) Applying to the department of medicaid's purchases of	13371
health assistance services under the children's health insurance	13372
program;	13373
(31) Applying to payments by the attorney general from the	13374
reparations fund to hospitals and other emergency medical	13375
facilities for performing medical examinations to collect physical	13376
evidence pursuant to section 2907.28 of the Revised Code;	13377
(32) Applying to contracts with a contracting authority or	13378
administrative receiver under division (B) of section 5126.056 of	13379
the Revised Code;	13380
(33) Applying to purchases of goods and services by the	13381

department of veterans services in accordance with the terms of 13382
contracts entered into by the United States department of veterans 13383
affairs; 13384

(34) Applying to payments by the superintendent of the bureau 13385
of criminal identification and investigation to the federal bureau 13386
of investigation for criminal records checks pursuant to section 13387
109.572 of the Revised Code; 13388

(35) Applying to contracts entered into by the department of 13389
medicaid under section 5164.47 of the Revised Code; 13390

(36) Applying to contracts entered into under section 5160.12 13391
of the Revised Code; 13392

(37) Applying to payments to the Ohio history connection from 13393
other state agencies. 13394

(E) When determining whether a state agency has reached the 13395
cumulative purchase thresholds established in divisions (B)(1) and 13396
(2) of this section, ~~all of~~ the following purchases by such agency 13397
shall not be considered: 13398

(1) Purchases made through competitive selection or with 13399
controlling board approval; 13400

(2) Purchases listed in division (D) of this section; 13401

(3) For the purposes of the threshold of division (B)(1) of 13402
this section only, leases of real estate. 13403

(F) A state agency, when exercising direct purchasing 13404
authority under this section, shall utilize a selection process 13405
that complies with all applicable laws, rules, or regulations of 13406
the department of administrative services. 13407

(G) As used in this section, "competitive selection," "direct 13408
purchasing authority," "purchase," "supplies," and "services" have 13409
the same meanings as in section 125.01 of the Revised Code. 13410

Sec. 131.02. (A) Except as otherwise provided in section 13411
4123.37, section 5703.061, and division (K) of section 4123.511 of 13412
the Revised Code, whenever any amount is payable to the state, the 13413
officer, employee, or agent responsible for administering the law 13414
under which the amount is payable shall immediately proceed to 13415
collect the amount or cause the amount to be collected and shall 13416
pay the amount into the state treasury or into the appropriate 13417
custodial fund in the manner set forth pursuant to section 113.08 13418
of the Revised Code. Except as otherwise provided in this 13419
division, if the amount is not paid within forty-five days after 13420
payment is due, the officer, employee, or agent shall certify the 13421
amount due to the attorney general, in the form and manner 13422
prescribed by the attorney general, ~~and notify the director of~~ 13423
~~budget and management thereof~~. In the case of an amount payable by 13424
a student enrolled in a state institution of higher education, the 13425
amount shall be certified within the later of forty-five days 13426
after the amount is due or the tenth day after the beginning of 13427
the next academic semester, quarter, or other session following 13428
the session for which the payment is payable. The attorney general 13429
may assess the collection cost to the amount certified in such 13430
manner and amount as prescribed by the attorney general. If an 13431
amount payable to a political subdivision is past due, the 13432
political subdivision may, with the approval of the attorney 13433
general, certify the amount to the attorney general pursuant to 13434
this section. 13435

For the purposes of this section, the attorney general and 13436
the officer, employee, or agent responsible for administering the 13437
law under which the amount is payable shall agree on the time a 13438
payment is due, and that agreed upon time shall be one of the 13439
following times: 13440

(1) If a law, including an administrative rule, of this state 13441
prescribes the time a payment is required to be made or reported, 13442

when the payment is required by that law to be paid or reported.	13443
(2) If the payment is for services rendered, when the rendering of the services is completed.	13444 13445
(3) If the payment is reimbursement for a loss, when the loss is incurred.	13446 13447
(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.	13448 13449 13450
(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.	13451 13452 13453
(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.	13454 13455
(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.	13456 13457 13458
(8) Upon proof of claim being filed in a bankruptcy case.	13459
(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the agency, institution, or political subdivision to which the payment is owed.	13460 13461 13462 13463 13464 13465
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	13466 13467 13468
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:	13469 13470 13471
(a) The assessment or case number;	13472

(b) The tax pursuant to which the assessment is made;	13473
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	13474 13475
(d) An explanation of how and when interest will be added to the amount assessed;	13476 13477
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	13478 13479 13480 13481
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	13482 13483
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	13484 13485 13486
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	13487 13488 13489
(1) Compromise the claim;	13490
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	13491 13492 13493 13494
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	13495 13496 13497
(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	13498 13499 13500 13501 13502

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection; 13503
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(b) Cancel the claim or cause it to be canceled. 13505

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims. 13506
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(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists. 13511
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(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued. 13524
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(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court. 13526
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For the purposes of division (F)(3) of this section, an
initial action to collect a tax debt is commenced at the time when
a certified copy of the tax commissioner's entry making an
assessment final has been filed in the office of the clerk of
court of common pleas in the county in which the taxpayer resides
or has its principal place of business in this state, or in the
office of the clerk of court of common pleas of Franklin county,
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of
the Revised Code or in any other applicable law requiring such a
filing. If an assessment has not been issued and there is no time
limitation on the issuance of an assessment under applicable law,
an action to collect a tax debt commences when the action is filed
in the courts of this state to collect the liability.

(4) If information contained in a claim that is sold,
conveyed, or transferred to a private entity pursuant to this
section is confidential pursuant to federal law or a section of
the Revised Code that implements a federal law governing
confidentiality, such information remains subject to that law
during and following the sale, conveyance, or transfer.

(5) The attorney general may adopt rules to aid in the
implementation of this section.

Sec. 131.43. There is hereby created in the state treasury
the budget stabilization fund. The first six hundred fifty million
dollars of investment earnings of the fund received on or after
the effective date of this amendment shall be credited to the
general revenue fund. All other investment earnings of the fund
shall be credited to the budget stabilization fund. It is the
intent of the general assembly to maintain an amount of money in
the budget stabilization fund that amounts to approximately ~~eight~~
~~and one-half~~ ten per cent of the general revenue fund revenues for
the preceding fiscal year. The governor shall include in the state

budget the governor submits to the general assembly under section 13565
107.03 of the Revised Code proposals for transfers between the 13566
general revenue fund and the budget stabilization fund for the 13567
ensuing fiscal biennium. The balance in the fund may be combined 13568
with the balance in the general revenue fund for purposes of cash 13569
management. If, in any fiscal year, investment earnings of the 13570
fund are credited to the general revenue fund, the director of 13571
budget and management shall certify the total amount so credited 13572
in that fiscal year to the tax commissioner. The director shall 13573
certify the amount on or before the tenth day of July following 13574
the end of that fiscal year. 13575

Sec. 131.44. (A) As used in this section: 13576

(1) "Surplus revenue" means the excess, if any, of the total 13577
fund balance over the required year-end balance. 13578

(2) "Total fund balance" means the sum of the unencumbered 13579
balance in the general revenue fund on the last day of the 13580
preceding fiscal year plus the balance in the budget stabilization 13581
fund. 13582

(3) "Required year-end balance" means the sum of the 13583
following: 13584

(a) ~~Eight and one-half~~ Ten per cent of the general revenue 13585
fund revenues for the preceding fiscal year; 13586

(b) "Ending fund balance," which means one-half of one per 13587
cent of general revenue fund revenues for the preceding fiscal 13588
year; 13589

(c) "Carryover balance," which means, with respect to a 13590
fiscal biennium, the excess, if any, of the estimated general 13591
revenue fund appropriation and transfer requirement for the second 13592
fiscal year of the biennium over the estimated general revenue 13593
fund revenue for that fiscal year; 13594

(d) "Capital appropriation reserve," which means the amount, 13595
if any, of general revenue fund capital appropriations made for 13596
the current biennium that the director of budget and management 13597
has determined will be encumbered or disbursed; 13598

~~(e) "Income tax reduction impact reserve," which means an 13599
amount equal to the reduction projected by the director of budget 13600
and management in income tax revenue in the current fiscal year 13601
attributable to the previous reduction in the income tax rate made 13602
by the tax commissioner pursuant to division (B) of section 13603
5747.02 of the Revised Code. 13604~~

(4) "Estimated general revenue fund appropriation and 13605
transfer requirement" means the most recent adjusted 13606
appropriations made by the general assembly from the general 13607
revenue fund and includes both of the following: 13608

(a) Appropriations made and transfers of appropriations from 13609
the first fiscal year to the second fiscal year of the biennium in 13610
provisions of acts of the general assembly signed by the governor 13611
but not yet effective; 13612

(b) Transfers of appropriations from the first fiscal year to 13613
the second fiscal year of the biennium approved by the controlling 13614
board. 13615

(5) "Estimated general revenue fund revenue" means the most 13616
recent such estimate available to the director of budget and 13617
management. 13618

(6) "Sales tax holiday" has the same meaning as in section 13619
5739.01 of the Revised Code. 13620

(B)(1) Not later than the thirty-first day of July each year, 13621
the director of budget and management shall determine the surplus 13622
revenue that existed on the preceding thirtieth day of June and 13623
transfer from the general revenue fund, to the extent of the 13624
unobligated, unencumbered balance on the preceding thirtieth day 13625

of June in excess of one-half of one per cent of the general revenue fund revenues in the preceding fiscal year, the following:

(a) First, to the budget stabilization fund, any amount necessary for the balance of the budget stabilization fund to equal ~~eight and one-half~~ ten per cent of the general revenue fund revenues of the preceding fiscal year;

(b) Then, to the ~~income~~ expanded sales tax reduction holiday fund, which is hereby created in the state treasury, an amount equal to the surplus revenue.

(2) Not later than the thirty-first day of July of 2024 and each year thereafter, if the balance in the expanded sales tax holiday fund is fifty million dollars or more, the director shall ~~determine the percentage that the balance in the income tax reduction fund is of the amount of revenue that the director estimates will be received from the tax levied under section 5747.02 of the Revised Code in the current fiscal year without regard to any reduction under division (B) of that section~~ certify to the tax commissioner that a sales tax holiday shall be held in August of the following fiscal year. The commissioner, in consultation with the director and county commissioners association of Ohio, shall determine the number of days for which the sales tax holiday will be held, which shall be at least three days, and which may include additional days if the commissioner and director determine that the balance in the expanded sales tax holiday fund is sufficient to reimburse the general revenue fund, local government fund, public library fund, and permissive tax distribution fund for the revenue that would be forgone on four or more of the dates during the period specified in section 5739.41 of the Revised Code. In making the determination, the commissioner and director shall take into account estimated changes in consumer behavior during the time of and immediately preceding and following the sales tax holiday. ~~If that percentage exceeds~~

~~thirty five one hundredths of one per cent, the director shall~~ 13658
~~certify the percentage to the tax commissioner not later than the~~ 13659
~~thirty first day of July.~~ 13660

(C) The director of budget and management shall transfer 13661
money in the ~~income~~ expanded sales tax reduction holiday fund to 13662
the general revenue fund, ~~the~~ local government fund, ~~and the~~ 13663
public library fund, and permissive tax distribution fund as 13664
necessary to offset revenue reductions resulting from ~~the~~ 13665
~~reductions in taxes required under division (B) of section 5747.02~~ 13666
~~of the Revised Code in the respective amounts and percentages~~ 13667
~~prescribed by section 5747.03 and divisions (A) and (B) of section~~ 13668
~~131.51 of the Revised Code as if the amount transferred had been~~ 13669
~~collected as taxes under Chapter 5747. of the Revised Code~~ a sales 13670
tax holiday held under section 5739.41 of the Revised Code. The 13671
amount transferred to each such fund, and the amounts distributed 13672
to counties and transit authorities from the permissive tax 13673
distribution fund, shall be in the same proportions as the 13674
transfer and distribution of taxes actually collected under 13675
sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 13676
5741.022, and 5741.023 of the Revised Code in August of the fiscal 13677
year in which the sales tax holiday is held. If no ~~reductions in~~ 13678
~~taxes are made under that division that affect revenue received~~ 13679
sales tax holiday is held under section 5739.41 of the Revised 13680
Code in the current fiscal year, the director shall not transfer 13681
money from the ~~income~~ sales tax reduction holiday fund to the 13682
general revenue fund, ~~the~~ local government fund, ~~and the~~ public 13683
library fund, or permissive tax distribution fund. 13684

Sec. 131.51. (A) On or before the seventh day of each month, 13685
the director of budget and management shall credit to the local 13686
government fund one and ~~sixty six one hundredths~~ seven-tenths per 13687
cent of the total tax revenue credited to the general revenue fund 13688
during the preceding month. In determining the total tax revenue 13689

credited to the general revenue fund during the preceding month, 13690
the director shall include amounts transferred from the fund 13691
during the preceding month under this division and division (B) of 13692
this section. Money shall be distributed from the local government 13693
fund as required under sections 5747.50 and 5747.503 of the 13694
Revised Code during the same month in which it is credited to the 13695
fund. 13696

(B) On or before the seventh day of each month, the director 13697
of budget and management shall credit to the public library fund 13698
one and ~~sixty-six one hundredths~~ seven-tenths per cent of the 13699
total tax revenue credited to the general revenue fund during the 13700
preceding month. In determining the total tax revenue credited to 13701
the general revenue fund during the preceding month, the director 13702
shall include amounts transferred from the fund during the 13703
preceding month under this division and division (A) of this 13704
section. Money shall be distributed from the public library fund 13705
as required under section 5747.47 of the Revised Code during the 13706
same month in which it is credited to the fund. 13707

(C) The director of budget and management shall develop a 13708
schedule identifying the specific tax revenue sources to be used 13709
to make the monthly transfers required under divisions (A) and (B) 13710
of this section. The director may, from time to time, revise the 13711
schedule as the director considers necessary. 13712

Sec. 131.56. The general assembly shall not make aggregate 13713
general revenue fund appropriations for ~~fiscal year 2008 and each~~ 13714
a fiscal year thereafter that exceed the state appropriation 13715
limitation determined for the respective fiscal year under section 13716
107.033 of the Revised Code. 13717

Sec. 131.57. Notwithstanding section 131.56 of the Revised 13718
Code, the general assembly may make aggregate general revenue fund 13719

appropriations for a fiscal year that exceed the state 13720
appropriation limitation for that fiscal year if either of the 13721
~~following apply:~~ 13722

~~(A) The excess appropriations are made in response to the 13723
governor's proclamation of an emergency concerning such things as 13724
an act of God, a pandemic disease, an infestation of destructive 13725
organisms, repelling invasion, suppressing insurrection, defending 13726
the state in time of war, or responding to terrorist attacks, and 13727
can be used only for that emergency. 13728~~

~~(B) The the general assembly passes a bill by an affirmative 13729
vote of two-thirds of the members of each house that does both of 13730
the following: 13731~~

~~(1)(A) Specifically identifies the purpose of each excess 13732
appropriation; 13733~~

~~(2)(B) States whether the appropriations are to be included 13734
as aggregate general revenue fund appropriations with respect to 13735
future determinations of the state appropriation limitation under 13736
section 107.033 of the Revised Code. 13737~~

~~**Sec. 131.58. Neither of the following Appropriations that the 13738
general assembly determines shall not be included as aggregate 13739
general revenue fund appropriations pursuant to a bill passed 13740
under section 131.57 of the Revised Code shall not be included as 13741
aggregate general revenue fund appropriations with respect to the 13742
determination of the state appropriation limitation under section 13743
107.033 of the Revised Code:**~~ 13744

~~(A) Appropriations made under division (A) of section 131.57 13745
of the Revised Code; 13746~~

~~(B) Appropriations that are not to be included as aggregate 13747
general revenue fund appropriations pursuant to a bill passed 13748
under division (B) of section 131.57 of the Revised Code. 13749~~

Sec. 133.07. (A) A county shall not incur, without a vote of the electors, either of the following:	13750 13751
(1) Net indebtedness for all purposes that exceeds an amount equal to one per cent of its tax valuation;	13752 13753
(2) Net indebtedness for the purpose of paying the county's share of the cost of the construction, improvement, maintenance, or repair of state highways that exceeds an amount equal to one-half of one per cent of its tax valuation.	13754 13755 13756 13757
(B) A county shall not incur total net indebtedness that exceeds an amount equal to one of the following limitations that applies to the county:	13758 13759 13760
(1) A county with a valuation not exceeding one hundred million dollars, three per cent of that tax valuation;	13761 13762
(2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;	13763 13764 13765 13766
(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	13767 13768 13769 13770
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	13771 13772
(1) Securities described in section 307.201 of the Revised Code;	13773 13774
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	13775 13776 13777
(a) Water systems or facilities;	13778

(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	13779 13780 13781
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	13782 13783 13784
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	13785 13786 13787
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	13788 13789 13790
(f) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	13791 13792
(g) Facilities for natural resources exploration, development, recovery, use, and sale;	13793 13794
(h) Correctional and detention facilities and related rehabilitation facilities.	13795 13796
(3) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the county amounts equivalent to debt charges on the securities;	13797 13798 13799 13800 13801 13802 13803
(4) Voted general obligation securities issued for the purpose of permanent improvements for sanitary sewerage or water systems or facilities to the extent that the total principal amount of voted securities outstanding for the purpose does not exceed an amount equal to two per cent of the county's tax	13804 13805 13806 13807 13808

valuation;	13809
(5) Securities issued for permanent improvements to house	13810
agencies, departments, boards, or commissions of the county or of	13811
any municipal corporation located, in whole or in part, in the	13812
county, to the extent that the revenues, other than revenues from	13813
unvoted county property taxes, derived from leases or other	13814
agreements between the county and those agencies, departments,	13815
boards, commissions, or municipal corporations relating to the use	13816
of the permanent improvements are sufficient to cover the cost of	13817
all operating expenses of the permanent improvements paid by the	13818
county and debt charges on the securities;	13819
(6) Securities issued pursuant to section 133.08 of the	13820
Revised Code;	13821
(7) Securities issued for the purpose of acquiring or	13822
constructing roads, highways, bridges, or viaducts, for the	13823
purpose of acquiring or making other highway permanent	13824
improvements, or for the purpose of procuring and maintaining	13825
computer systems for the office of the clerk of any	13826
county-operated municipal court, for the office of the clerk of	13827
the court of common pleas, or for the office of the clerk of the	13828
probate, juvenile, or domestic relations division of the court of	13829
common pleas to the extent that the legislation authorizing the	13830
issuance of the securities includes a covenant to appropriate from	13831
moneys distributed to the county pursuant to division (B) of	13832
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or	13833
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a	13834
sufficient amount to cover debt charges on and financing costs	13835
relating to the securities as they become due;	13836
(8) Securities issued for the purpose of acquiring,	13837
constructing, improving, and equipping a county, multicounty, or	13838
multicounty-municipal jail, workhouse, juvenile detention	13839
facility, or correctional facility;	13840

(9) Securities issued for the acquisition, construction, 13841
equipping, or repair of any permanent improvement or any class or 13842
group of permanent improvements enumerated in a resolution adopted 13843
pursuant to division (D) of section 5739.026, or under division 13844
(J) or (T) of section 5739.09, of the Revised Code to the extent 13845
that the legislation authorizing the issuance of the securities 13846
includes a covenant to appropriate from moneys received from the 13847
taxes authorized under section 5739.023 and division (A)(5) of 13848
section 5739.026, or under division (J) or (T) of section 5739.09 13849
of the Revised Code, respectively, an amount sufficient to pay 13850
debt charges on the securities and those moneys shall be pledged 13851
for that purpose; 13852

(10) Securities issued for county or joint county solid waste 13853
or hazardous waste collection, transfer, or disposal facilities, 13854
or resource recovery and solid or hazardous waste recycling 13855
facilities, or any combination of those facilities; 13856

(11) Securities issued for the acquisition, construction, and 13857
equipping of a port authority educational and cultural facility 13858
under section 307.671 of the Revised Code; 13859

(12) Securities issued for the acquisition, construction, 13860
equipping, and improving of a municipal educational and cultural 13861
facility under division (B)(1) of section 307.672 of the Revised 13862
Code; 13863

(13) Securities issued for energy conservation measures under 13864
section 307.041 of the Revised Code; 13865

(14) Securities issued for the acquisition, construction, 13866
equipping, improving, or repair of a sports facility, including 13867
obligations issued to pay costs of a sports facility under section 13868
307.673 of the Revised Code; 13869

(15) Securities issued under section 755.17 of the Revised 13870
Code if the legislation authorizing issuance of the securities 13871

includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;

(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs related to the sales tax supported bonds as they become due;

(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay the debt charges on the bonds or notes, and the board of county commissioners pledges that revenue for that purpose;

(18) Securities issued under section 3707.55 of the Revised Code for the acquisition of real property by a general health district;

(19) Securities issued under division (A)(3) of section 3313.37 of the Revised Code for the acquisition of real and personal property by an educational service center;

(20) Securities issued for the purpose of paying the costs of acquiring, constructing, reconstructing, renovating, rehabilitating, expanding, adding to, equipping, furnishing, or

otherwise improving an arena, convention center, or a combination 13903
of an arena and convention center under section 307.695 of the 13904
Revised Code; 13905

(21) Securities issued for the purpose of paying project 13906
costs under section 307.678 of the Revised Code; 13907

(22) Securities issued for the purpose of paying project 13908
costs under section 307.679 of the Revised Code. 13909

(D) In calculating the net indebtedness of a county, no 13910
obligation incurred under division (F) of section 339.06 of the 13911
Revised Code shall be considered. 13912

Sec. 135.143. (A) The treasurer of state may invest or 13913
execute transactions for any part or all of the interim funds of 13914
the state in the following classifications of obligations: 13915

(1) United States treasury bills, notes, bonds, or any other 13916
obligations or securities issued by the United States treasury or 13917
any other obligation guaranteed as to principal and interest by 13918
the United States; 13919

(2) Bonds, notes, debentures, or any other obligations or 13920
securities issued by any federal government agency or 13921
instrumentality; 13922

(3)(a) Bonds, notes, and other obligations of the state of 13923
Ohio, including, but not limited to, any obligations issued by the 13924
treasurer of state, the Ohio public facilities commission, the 13925
Ohio building authority, the ~~Ohio~~ governor's office of housing 13926
~~finance agency transformation~~, the Ohio water development 13927
authority, the Ohio turnpike infrastructure commission, the Ohio 13928
higher educational facility commission, and state institutions of 13929
higher education as defined in section 3345.011 of the Revised 13930
Code; 13931

(b) Bonds, notes, and other obligations of any state or 13932

political subdivision thereof rated in the three highest 13933
categories by at least one nationally recognized standard rating 13934
service and purchased through a registered securities broker or 13935
dealer, provided the treasurer of state is not the sole purchaser 13936
of the bonds, notes, or other obligations at original issuance. 13937

(4)(a) Written repurchase agreements with any eligible Ohio 13938
financial institution that is a member of the federal reserve 13939
system or federal home loan bank, or any registered United States 13940
government securities dealer, under the terms of which agreement 13941
the treasurer of state purchases and the eligible financial 13942
institution or dealer agrees unconditionally to repurchase any of 13943
the securities that are listed in division (A)(1), (2), or (6) of 13944
this section. The market value of securities subject to these 13945
transactions must exceed the principal value of the repurchase 13946
agreement by an amount specified by the treasurer of state, and 13947
the securities must be delivered into the custody of the treasurer 13948
of state or the qualified trustee or agent designated by the 13949
treasurer of state. The agreement shall contain the requirement 13950
that for each transaction pursuant to the agreement, the 13951
participating institution or dealer shall provide all of the 13952
following information: 13953

(i) The par value of the securities; 13954

(ii) The type, rate, and maturity date of the securities; 13955

(iii) A numerical identifier generally accepted in the 13956
securities industry that designates the securities. 13957

(b) The treasurer of state also may sell any securities, 13958
listed in division (A)(1), (2), or (6) of this section, regardless 13959
of maturity or time of redemption of the securities, under the 13960
same terms and conditions for repurchase, provided that the 13961
securities have been fully paid for and are owned by the treasurer 13962
of state at the time of the sale. 13963

(5) Securities lending agreements with any eligible financial institution that is a member of the federal reserve system or federal home loan bank or any recognized United States government securities dealer, under the terms of which agreements the treasurer of state lends securities and the eligible financial institution or dealer agrees to simultaneously exchange similar securities or cash, equal value for equal value.

Securities and cash received as collateral for a securities lending agreement are not interim funds of the state. The investment of cash collateral received pursuant to a securities lending agreement may be invested only in such instruments specified by the treasurer of state in accordance with a written investment policy.

(6) Various forms of commercial paper issued by any entity that is organized under the laws of the United States or a state, which notes are rated in the two highest categories by two nationally recognized standard rating services, provided that the total amount invested under this section in any commercial paper at any time shall not exceed forty per cent of the state's total average portfolio, as determined and calculated by the treasurer of state;

(7) Bankers acceptances, maturing in two hundred seventy days or less, provided that the total amount invested in bankers acceptances at any time shall not exceed ten per cent of the state's total average portfolio, as determined and calculated by the treasurer of state;

(8) Certificates of deposit in eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code, including linked deposits as provided in sections 135.61 to 135.67 of the Revised Code, agricultural linked deposits as provided in sections 135.71 to 135.76 of the Revised Code, business linked deposits as provided in sections 135.77 to 135.774

of the Revised Code, and housing linked deposits as provided in 13996
sections 135.81 to 135.87 of the Revised Code; 13997

(9) Negotiable certificates of deposit denominated in United 13998
States dollars issued by a nationally or state-chartered bank, a 13999
savings association or a federal association, a state or federal 14000
credit union, or a federally licensed or state-licensed branch of 14001
a foreign bank, which are rated in the two highest categories by 14002
two nationally recognized standard rating services, provided that 14003
the total amount invested under this section in negotiable 14004
certificates of deposit at any time shall not exceed twenty-five 14005
per cent of the state's total average portfolio, as determined and 14006
calculated by the treasurer of state. Interim funds invested in 14007
accordance with division (A)(9) of this section are not limited to 14008
institutions applying for interim moneys under section 135.08 of 14009
the Revised Code, nor are they subject to any pledging 14010
requirements described in sections 135.18, 135.181, or 135.182 of 14011
the Revised Code. 14012

(10) The state treasurer's investment pool authorized under 14013
section 135.45 of the Revised Code; 14014

(11) Debt interests, other than commercial paper described in 14015
division (A)(6) of this section, rated in the three highest 14016
categories by two nationally recognized standard rating services 14017
and issued by entities that are organized under the laws of the 14018
United States or a state, or issued by foreign nations 14019
diplomatically recognized by the United States government, or any 14020
instrument based on, derived from, or related to such interests, 14021
provided that: 14022

(a) The investments in debt interests other than commercial 14023
paper shall not exceed in the aggregate twenty-five per cent of 14024
the state's portfolio. 14025

(b) The investments in debt interests issued by foreign 14026

nations shall not exceed in the aggregate two per cent of the 14027
state's portfolio. 14028

The treasurer of state shall invest under division (A)(11) of 14029
this section in a debt interest issued by a foreign nation only if 14030
the debt interest is backed by the full faith and credit of that 14031
foreign nation, and provided that all interest and principal shall 14032
be denominated and payable in United States funds. 14033

(c) When added to the investment in commercial paper and 14034
negotiable certificates of deposit, the investments in the debt 14035
interests of a single issuer shall not exceed in the aggregate 14036
five per cent of the state's portfolio. 14037

(d) For purposes of division (A)(11) of this section, a debt 14038
interest is rated in the three highest categories by two 14039
nationally recognized standard rating services if either the debt 14040
interest itself or the issuer of the debt interest is rated, or is 14041
implicitly rated, in the three highest categories by two 14042
nationally recognized standard rating services. 14043

(e) For purposes of division (A)(11) of this section, the 14044
"state's portfolio" means the state's total average portfolio, as 14045
determined and calculated by the treasurer of state. 14046

(12) No-load money market mutual funds rated in the highest 14047
category by one nationally recognized standard rating service or 14048
consisting exclusively of obligations described in division 14049
(A)(1), (2), or (6) of this section and repurchase agreements 14050
secured by such obligations; 14051

(13) Obligations issued by, or on behalf of, an Ohio 14052
political subdivision under Chapter 133. of the Revised Code or 14053
Section 12 of Article XVIII, Ohio Constitution, and identified in 14054
an agreement described in division (G) of this section; 14055

(14) Obligations issued by the state of Ohio, any political 14056
subdivision thereof, or by or on behalf of any nonprofit 14057

corporation or association doing business in this state rated in 14058
the four highest categories by at least one nationally recognized 14059
standard rating service and identified in an agreement described 14060
in division (K) of this section. 14061

(B) Whenever, during a period of designation, the treasurer 14062
of state classifies public moneys as interim moneys, the treasurer 14063
of state shall notify the state board of deposit of such action. 14064
The notification shall be given within thirty days after such 14065
classification and, in the event the state board of deposit does 14066
not concur in such classification or in the investments or 14067
deposits made under this section, the board may order the 14068
treasurer of state to sell or liquidate any of the investments or 14069
deposits, and any such order shall specifically describe the 14070
investments or deposits and fix the date upon which they are to be 14071
sold or liquidated. Investments or deposits so ordered to be sold 14072
or liquidated shall be sold or liquidated for cash by the 14073
treasurer of state on the date fixed in such order at the then 14074
current market price. Neither the treasurer of state nor the 14075
members of the state board of deposit shall be held accountable 14076
for any loss occasioned by sales or liquidations of investments or 14077
deposits at prices lower than their cost. Any loss or expense 14078
incurred in making these sales or liquidations is payable as other 14079
expenses of the treasurer's office. 14080

(C) If any securities or obligations invested in by the 14081
treasurer of state pursuant to this section are registrable either 14082
as to principal or interest, or both, such securities or 14083
obligations shall be registered in the name of the treasurer of 14084
state. 14085

(D) The treasurer of state is responsible for the safekeeping 14086
of all securities or obligations under this section. Any such 14087
securities or obligations may be deposited for safekeeping as 14088
provided in section 113.05 of the Revised Code. 14089

(E) Interest earned on any investments or deposits authorized 14090
by this section shall be collected by the treasurer of state and 14091
credited by the treasurer of state to the proper fund of the 14092
state. 14093

(F) Whenever investments or deposits acquired under this 14094
section mature and become due and payable, the treasurer of state 14095
shall present them for payment according to their tenor, and shall 14096
collect the moneys payable thereon. The moneys so collected shall 14097
be treated as public moneys subject to sections 135.01 to 135.21 14098
of the Revised Code. 14099

(G) The treasurer of state and any entity issuing obligations 14100
referred to in division (A)(13) of this section, which obligations 14101
mature within one year from the original date of issuance, may 14102
enter into an agreement providing for: 14103

(1) The purchase of those obligations by the treasurer of 14104
state on terms and subject to conditions set forth in the 14105
agreement; 14106

(2) The payment to the treasurer of state of a reasonable fee 14107
as consideration for the agreement of the treasurer of state to 14108
purchase those obligations; provided, however, that the treasurer 14109
of state shall not be authorized to enter into any such agreement 14110
with a board of education of a school district that has an 14111
outstanding obligation with respect to a loan received under 14112
authority of section 3313.483 of the Revised Code. 14113

(H) For purposes of division (G) of this section, a fee shall 14114
not be considered reasonable unless it is set to recover only the 14115
direct costs, a reasonable estimate of the indirect costs 14116
associated with the purchasing of obligations under division (G) 14117
of this section and any reselling of the obligations or any 14118
interest in the obligations, including interests in a fund 14119
comprised of the obligations, and the administration thereof. No 14120

money from the general revenue fund shall be used to subsidize the 14121
purchase or resale of these obligations. 14122

(I) All money collected by the treasurer of state from the 14123
fee imposed by division (G) of this section shall be deposited to 14124
the credit of the state political subdivision obligations fund, 14125
which is hereby created in the state treasury. Money credited to 14126
the fund shall be used solely to pay the treasurer of state's 14127
direct and indirect costs associated with purchasing and reselling 14128
obligations under division (G) of this section. 14129

(J) As used in this section, "political subdivision" means a 14130
county, township, municipal corporation, school district, or other 14131
body corporate and politic responsible for governmental activities 14132
in a geographic area smaller than that of the state. 14133

(K)(1) The treasurer of state and any entity issuing 14134
obligations referred to in division (A)(14) of this section, which 14135
obligations have a demand feature to tender the obligation at par 14136
plus accrued interest, may enter into an agreement providing for 14137
the following: 14138

(a) The purchase of the obligations by the treasurer of state 14139
on terms and subject to conditions set forth in the agreement; 14140

(b) Payment to the treasurer of state of a fee as 14141
consideration for the agreement of the treasurer of state to 14142
purchase the obligations. 14143

(2) The treasurer of state shall not enter into agreements 14144
under division (K)(1) of this section for obligations that, in the 14145
aggregate, exceed ten per cent of the state's total average 14146
portfolio, as determined and calculated by the treasurer of state. 14147

(3) For purposes of division (A)(14) of this section, an 14148
obligation is rated in the four highest categories by at least one 14149
nationally recognized standard rating service if either the debt 14150
interest itself or the obligor of the debt interest is rated in 14151

the four highest categories by at least one nationally recognized 14152
standard rating service. 14153

(4) All money collected by the treasurer of state from the 14154
fee imposed by division (K) of this section shall be deposited to 14155
the credit of the state securities tender program fund, which is 14156
hereby created in the state treasury. The amount of income from 14157
the state securities tender program credited to the state 14158
securities tender program fund shall not exceed one per cent of 14159
the average par value of obligations subject to agreements under 14160
division (K)(1) of this section. All other such income shall be 14161
credited to the general revenue fund. The treasurer of state may 14162
use the state securities tender program fund solely for operations 14163
of the office of the treasurer of state. 14164

(L)(1) The treasurer of state and a state university or 14165
college issuing obligations under section 3345.12 of the Revised 14166
Code may enter into an agreement providing for the following: 14167

(a) The purchase of those obligations by the treasurer of 14168
state pursuant to division (A)(3)(a) of this section on terms and 14169
subject to conditions set forth in the agreement; 14170

(b) The department of higher education to withhold, in the 14171
event the state university or college does not pay bond service 14172
charges on the obligations when due, appropriated funds allocated 14173
to the state university or college in an amount sufficient to pay 14174
bond service charges on the obligations, less any amounts 14175
deposited for that purpose under the bond proceedings. Upon the 14176
request of the treasurer of state, the department of higher 14177
education shall promptly pay to the treasurer of state the amounts 14178
withheld. 14179

(2) For purposes of division (L)(1) of this section, 14180
"obligations," "state university or college," "bond service 14181
charges," and "bond proceedings" have the same meanings as in 14182

section 3345.12 of the Revised Code.	14183
Sec. 145.01. As used in this chapter:	14184
(A) "Public employee" means:	14185
(1) Any person holding an office, not elective, under the	14186
state or any county, township, municipal corporation, park	14187
district, conservancy district, sanitary district, health	14188
district, metropolitan housing authority, state retirement board,	14189
Ohio history connection, public library, county law library, union	14190
cemetery, joint hospital, institutional commissary, state	14191
university, or board, bureau, commission, council, committee,	14192
authority, or administrative body as the same are, or have been,	14193
created by action of the general assembly or by the legislative	14194
authority of any of the units of local government named in	14195
division (A)(1) of this section, or employed and paid in whole or	14196
in part by the state or any of the authorities named in division	14197
(A)(1) of this section in any capacity not covered by section	14198
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.	14199
(2) A person who is a member of the public employees	14200
retirement system and who continues to perform the same or similar	14201
duties under the direction of a contractor who has contracted to	14202
take over what before the date of the contract was a publicly	14203
operated function. The governmental unit with which the contract	14204
has been made shall be deemed the employer for the purposes of	14205
administering this chapter.	14206
(3) Any person who is an employee of a public employer,	14207
notwithstanding that the person's compensation for that employment	14208
is derived from funds of a person or entity other than the	14209
employer. Credit for such service shall be included as total	14210
service credit, provided that the employee makes the payments	14211
required by this chapter, and the employer makes the payments	14212
required by sections 145.48 and 145.51 of the Revised Code.	14213

(4) A person who elects in accordance with section 145.015 of the Revised Code to remain a contributing member of the public employees retirement system.

(5) A person who is an employee of the legal rights service on September 30, 2012, and continues to be employed by the nonprofit entity established under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly. The nonprofit entity is the employer for the purpose of this chapter.

In all cases of doubt, the public employees retirement board shall determine under section 145.036, 145.037, or 145.038 of the Revised Code whether any person is a public employee, and its decision is final.

(B) "Member" means any public employee, other than a public employee excluded or exempted from membership in the retirement system by section 145.03, 145.031, 145.032, 145.033, 145.034, 145.035, or 145.38 of the Revised Code. "Member" includes a PERS retirant who becomes a member under division (C) of section 145.38 of the Revised Code. "Member" also includes a disability benefit recipient.

(C) "Head of the department" means the elective or appointive head of the several executive, judicial, and administrative departments, institutions, boards, and commissions of the state and local government as the same are created and defined by the laws of this state or, in case of a charter government, by that charter.

(D) "Employer" or "public employer" means the state or any county, township, municipal corporation, park district, conservancy district, sanitary district, health district, metropolitan housing authority, state retirement board, Ohio history connection, public library, county law library, union cemetery, joint hospital, institutional commissary, state medical

university, state university, or board, bureau, commission, 14245
council, committee, authority, or administrative body as the same 14246
are, or have been, created by action of the general assembly or by 14247
the legislative authority of any of the units of local government 14248
named in this division not covered by section 742.01, 3307.01, 14249
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 14250
means the employer of any public employee. 14251

(E) "Prior military service" also means all service credited 14252
for active duty with the armed forces of the United States as 14253
provided in section 145.30 of the Revised Code. 14254

(F) "Contributor" means any person who has an account in the 14255
employees' savings fund created by section 145.23 of the Revised 14256
Code. When used in the sections listed in division (B) of section 14257
145.82 of the Revised Code, "contributor" includes any person 14258
participating in a PERS defined contribution plan. 14259

(G) "Beneficiary" or "beneficiaries" means the estate or a 14260
person or persons who, as the result of the death of a member, 14261
contributor, or retirant, qualify for or are receiving some right 14262
or benefit under this chapter. 14263

(H)(1) "Total service credit," except as provided in sections 14264
145.016 and 145.37 of the Revised Code, means all service credited 14265
to a member of the retirement system since last becoming a member, 14266
including restored service credit as provided by section 145.31 of 14267
the Revised Code; credit purchased under sections 145.293 and 14268
145.299 of the Revised Code; all the member's military service 14269
credit computed as provided in this chapter; all service credit 14270
established pursuant to section 145.297 of the Revised Code; and 14271
any other service credited under this chapter. 14272

(2) "One and one-half years of contributing service credit," 14273
as used in division (B) of section 145.45 of the Revised Code, 14274
also means eighteen or more calendar months of employment by a 14275

municipal corporation that formerly operated its own retirement 14276
plan for its employees or a part of its employees, provided that 14277
all employees of that municipal retirement plan who have eighteen 14278
or more months of such employment, upon establishing membership in 14279
the public employees retirement system, shall make a payment of 14280
the contributions they would have paid had they been members of 14281
this system for the eighteen months of employment preceding the 14282
date membership was established. When that payment has been made 14283
by all such employee members, a corresponding payment shall be 14284
paid into the employers' accumulation fund by that municipal 14285
corporation as the employer of the employees. 14286

(3) Not more than one year of credit may be given for any 14287
period of twelve months. 14288

(4) "Ohio service credit" means credit for service that was 14289
rendered to the state or any of its political subdivisions or any 14290
employer. 14291

(I) "Regular interest" means interest at any rates for the 14292
respective funds and accounts as the public employees retirement 14293
board may determine from time to time. 14294

(J) "Accumulated contributions" means the sum of all amounts 14295
credited to a contributor's individual account in the employees' 14296
savings fund together with any interest credited to the 14297
contributor's account under section 145.471 or 145.472 of the 14298
Revised Code. 14299

(K)(1) "Final average salary" means the greater of the 14300
following: 14301

(a) The sum of the member's earnable salaries for the 14302
appropriate number of calendar years of contributing service, 14303
determined under section 145.017 of the Revised Code, in which the 14304
member's earnable salary was highest, divided by the same number 14305
of calendar years or, if the member has fewer than the appropriate 14306

number of calendar years of contributing service, the total of the member's earnable salary for all years of contributing service divided by the number of calendar years of the member's contributing service;

(b) The sum of a member's earnable salaries for the appropriate number of consecutive months, determined under section 145.017 of the Revised Code, that were the member's last months of service, up to and including the last month, divided by the appropriate number of years or, if the time between the first and final months of service is less than the appropriate number of consecutive months, the total of the member's earnable salary for all months of contributing service divided by the number of years between the first and final months of contributing service, including any fraction of a year, except that the member's final average salary shall not exceed the member's highest earnable salary for any twelve consecutive months.

(2) If contributions were made in only one calendar year, "final average salary" means the member's total earnable salary.

(L) "Annuity" means payments for life derived from contributions made by a contributor and paid from the annuity and pension reserve fund as provided in this chapter. All annuities shall be paid in twelve equal monthly installments.

(M) "Annuity reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any annuity, or benefit in lieu of any annuity, granted to a retirant as provided in this chapter.

(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.

(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.

(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.

(4) "Disability benefit recipient" means a member who is receiving a disability benefit.

(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 and former section 145.34 of the Revised Code.

(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.

(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.

(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary" includes the following:

(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;

(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;

(c) Allowances paid by the employer for maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;

(d) Fees and commissions paid under section 507.09 of the Revised Code;

(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;

(f) Amounts included pursuant to former division (K)(3) and former division (Y) of this section and section 145.2916 of the Revised Code.

(2) "Earnable salary" does not include any of the following:

(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;

(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;

(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the

employer's property or equipment, or amounts paid by the employer	14399
to the contributor in lieu of providing the incidental benefits;	14400
(d) Reimbursement for job-related expenses authorized by the	14401
employer, including moving and travel expenses and expenses	14402
related to professional development;	14403
(e) Payments for accrued but unused sick leave, personal	14404
leave, or vacation that are made at any time other than in the	14405
year in which the sick leave, personal leave, or vacation was	14406
accrued;	14407
(f) Payments made to or on behalf of a contributor that are	14408
in excess of the annual compensation that may be taken into	14409
account by the retirement system under division (a)(17) of section	14410
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26	14411
U.S.C.A. 401(a)(17), as amended;	14412
(g) Payments made under division (B), (C), or (E) of section	14413
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill	14414
No. 3 of the 119th general assembly, Section 3 of Amended	14415
Substitute Senate Bill No. 164 of the 124th general assembly, or	14416
Amended Substitute House Bill No. 405 of the 124th general	14417
assembly;	14418
(h) Anything of value received by the contributor that is	14419
based on or attributable to retirement or an agreement to retire,	14420
except that payments made on or before January 1, 1989, that are	14421
based on or attributable to an agreement to retire shall be	14422
included in earnable salary if both of the following apply:	14423
(i) The payments are made in accordance with contract	14424
provisions that were in effect prior to January 1, 1986;	14425
(ii) The employer pays the retirement system an amount	14426
specified by the retirement board equal to the additional	14427
liability resulting from the payments.	14428

(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions. 14429
14430

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is 14431
earnable salary, and its decision shall be final. 14432
14433

(S) "Pension reserve" means the present value, computed upon 14434
the basis of the mortality and other tables adopted by the board, 14435
of all payments to be made on account of any retirement allowance 14436
or benefit in lieu of any retirement allowance, granted to a 14437
member or beneficiary under this chapter. 14438

(T) "Contributing service" means both of the following: 14439

(1) All service credited to a member of the system since 14440
January 1, 1935, for which contributions are made as required by 14441
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 14442
year subsequent to 1934, credit for any service shall be allowed 14443
in accordance with section 145.016 of the Revised Code. 14444

(2) Service credit received by election of the member under 14445
section 145.814 of the Revised Code. 14446

(U) "State retirement board" means the public employees 14447
retirement board, the school employees retirement board, or the 14448
state teachers retirement board. 14449

(V) "Retirant" means any former member who retires and is 14450
receiving a monthly allowance as provided in sections 145.32, 14451
145.33, 145.331, 145.332, 145.335, and 145.46 and former section 14452
145.34 of the Revised Code. 14453

(W) "Employer contribution" means the amount paid by an 14454
employer as determined under section 145.48 of the Revised Code. 14455

(X) "Public service terminates" means the last day for which 14456
a public employee is compensated for services performed for an 14457
employer or the date of the employee's death, whichever occurs 14458

first. 14459

(Y) "Five years of service credit," for the exclusive purpose 14460
of satisfying the service credit requirements and of determining 14461
eligibility under section 145.33 or 145.332 of the Revised Code, 14462
means employment covered under this chapter or under a former 14463
retirement plan operated, recognized, or endorsed by the employer 14464
prior to coverage under this chapter or under a combination of the 14465
coverage. 14466

(Z) "Deputy sheriff" means any person who is commissioned and 14467
employed as a full-time peace officer by the sheriff of any 14468
county, and has been so employed since on or before December 31, 14469
1965; any person who is or has been commissioned and employed as a 14470
peace officer by the sheriff of any county since January 1, 1966, 14471
and who has received a certificate attesting to the person's 14472
satisfactory completion of the peace officer training school as 14473
required by section 109.77 of the Revised Code; or any person 14474
deputized by the sheriff of any county and employed pursuant to 14475
section 2301.12 of the Revised Code as a criminal bailiff or court 14476
constable who has received a certificate attesting to the person's 14477
satisfactory completion of the peace officer training school as 14478
required by section 109.77 of the Revised Code. 14479

(AA) "Township constable or police officer in a township 14480
police department or district" means any person who is 14481
commissioned and employed as a full-time peace officer pursuant to 14482
Chapter 505. or 509. of the Revised Code, who has received a 14483
certificate attesting to the person's satisfactory completion of 14484
the peace officer training school as required by section 109.77 of 14485
the Revised Code. 14486

(BB) "Drug agent" means any person who is either of the 14487
following: 14488

(1) Employed full time as a narcotics agent by a county 14489

narcotics agency created pursuant to section 307.15 of the Revised Code and has received a certificate attesting to the satisfactory completion of the peace officer training school as required by section 109.77 of the Revised Code;

(2) Employed full time as an undercover drug agent as defined in section 109.79 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(CC) "Department of public safety enforcement agent" means a full-time employee of the department of public safety who is designated under section 5502.14 of the Revised Code as an enforcement agent and who is in compliance with section 109.77 of the Revised Code.

(DD) "Natural resources law enforcement staff officer" means a full-time employee of the department of natural resources who is designated a natural resources law enforcement staff officer under section 1501.013 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(EE) "Forest-fire investigator" means a full-time employee of the department of natural resources who is appointed a forest-fire investigator under section 1503.09 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(FF) "Natural resources officer" means a full-time employee of the department of natural resources who is appointed as a natural resources officer under section 1501.24 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(GG) "Wildlife officer" means a full-time employee of the department of natural resources who is designated a wildlife officer under section 1531.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(HH) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section

511.232 or 1545.13 of the Revised Code and is in compliance with 14521
section 109.77 of the Revised Code. 14522

(II) "Conservancy district officer" means a full-time 14523
employee of a conservancy district who is designated pursuant to 14524
section 6101.75 of the Revised Code and is in compliance with 14525
section 109.77 of the Revised Code. 14526

(JJ) "Municipal police officer" means a member of the 14527
organized police department of a municipal corporation who is 14528
employed full time, is in compliance with section 109.77 of the 14529
Revised Code, and is not a member of the Ohio police and fire 14530
pension fund. 14531

(KK) "Veterans' home police officer" means any person who is 14532
employed at a veterans' home as a police officer pursuant to 14533
section 5907.02 of the Revised Code and is in compliance with 14534
section 109.77 of the Revised Code. 14535

(LL) "Special police officer for a mental health institution" 14536
means any person who is designated as such pursuant to section 14537
5119.08 of the Revised Code and is in compliance with section 14538
109.77 of the Revised Code. 14539

(MM) "Special police officer for an institution for persons 14540
with intellectual disabilities" means any person who is designated 14541
as such pursuant to section 5123.13 of the Revised Code and is in 14542
compliance with section 109.77 of the Revised Code. 14543

(NN) "State university law enforcement officer" means any 14544
person who is employed full time as a state university law 14545
enforcement officer pursuant to section 3345.04 of the Revised 14546
Code and who is in compliance with section 109.77 of the Revised 14547
Code. 14548

(OO) "House sergeant at arms" means any person appointed by 14549
the speaker of the house of representatives under division (B)(1) 14550
of section 101.311 of the Revised Code who has arrest authority 14551

under division (E)(1) of that section. 14552

(PP) "Assistant house sergeant at arms" means any person 14553
appointed by the house sergeant at arms under division (C)(1) of 14554
section 101.311 of the Revised Code. 14555

(QQ) "Regional transit authority police officer" means a 14556
person who is employed full time as a regional transit authority 14557
police officer under division (Y) of section 306.35 of the Revised 14558
Code and is in compliance with section 109.77 of the Revised Code. 14559

(RR) "State highway patrol police officer" means a special 14560
police officer employed full time and designated by the 14561
superintendent of the state highway patrol pursuant to section 14562
5503.09 of the Revised Code or a person serving full time as a 14563
special police officer pursuant to that section on a permanent 14564
basis on October 21, 1997, who is in compliance with section 14565
109.77 of the Revised Code. 14566

(SS) "Municipal public safety director" means a person who 14567
serves full time as the public safety director of a municipal 14568
corporation with the duty of directing the activities of the 14569
municipal corporation's police department and fire department. 14570

(TT) "Bureau of criminal identification and investigation 14571
investigator" means a person who is in compliance with section 14572
109.77 of the Revised Code and is employed full time as an 14573
investigator, as defined in section 109.541 of the Revised Code, 14574
of the bureau of criminal identification and investigation 14575
commissioned by the superintendent of the bureau as a special 14576
agent for the purpose of assisting law enforcement officers or 14577
providing emergency assistance to peace officers pursuant to 14578
authority granted under that section. 14579

(UU) "Gaming agent" means a person who is in compliance with 14580
section 109.77 of the Revised Code and is employed full time as a 14581
gaming agent with the Ohio casino control commission pursuant to 14582

section 3772.03 of the Revised Code. 14583

(VV) "Department of taxation investigator" means a person 14584
employed full time with the department of taxation to whom both of 14585
the following apply: 14586

(1) The person has been delegated investigation powers 14587
pursuant to section 5743.45 of the Revised Code for the 14588
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 14589
5747. of the Revised Code. 14590

(2) The person is in compliance with section 109.77 of the 14591
Revised Code. 14592

(WW) "Special police officer for a port authority" means a 14593
person who is in compliance with section 109.77 of the Revised 14594
Code and is employed full time as a special police officer with a 14595
port authority under section 4582.04 or 4582.28 of the Revised 14596
Code. 14597

(XX) "Special police officer for a municipal airport" means a 14598
person to whom both of the following apply: 14599

(1) The person is employed full time as a special police 14600
officer with a municipal corporation at a municipal airport or 14601
other municipal air navigation facility that meets both of the 14602
following requirements: 14603

(a) The airport or navigation facility has scheduled 14604
operations, as defined in 14 C.F.R. 110.2, as amended. 14605

(b) The airport or navigation facility is required to be 14606
under a security program and is governed by aviation security 14607
rules of the transportation security administration of the United 14608
States department of transportation as provided in 49 C.F.R. parts 14609
1542 and 1544, as amended. 14610

(2) The person is in compliance with section 109.77 of the 14611
Revised Code. 14612

(YY) Notwithstanding section 2901.01 of the Revised Code, 14613
"PERS law enforcement officer" means a sheriff or any of the 14614
following whose primary duties are to preserve the peace, protect 14615
life and property, and enforce the laws of this state: a deputy 14616
sheriff, township constable or police officer in a township police 14617
department or district, drug agent, department of public safety 14618
enforcement agent, natural resources law enforcement staff 14619
officer, wildlife officer, forest-fire investigator, natural 14620
resources officer, park district police officer, conservancy 14621
district officer, veterans' home police officer, special police 14622
officer for a mental health institution, special police officer 14623
for an institution for persons with developmental disabilities, 14624
state university law enforcement officer, municipal police 14625
officer, house sergeant at arms, assistant house sergeant at arms, 14626
regional transit authority police officer, or state highway patrol 14627
police officer. 14628

"PERS law enforcement officer" also includes a person 14629
employed as a bureau of criminal identification and investigation 14630
investigator, gaming agent, department of taxation investigator, 14631
special police officer for a port authority, or special police 14632
officer for a municipal airport who commences employment in any of 14633
those positions on or after April 6, 2017, or makes the election 14634
described in section 145.334 of the Revised Code. 14635

"PERS law enforcement officer" also includes a person serving 14636
as a municipal public safety director at any time during the 14637
period from September 29, 2005, to March 24, 2009, if the duties 14638
of that service were to preserve the peace, protect life and 14639
property, and enforce the laws of this state. 14640

(ZZ) "Hamilton county municipal court bailiff" means a person 14641
appointed by the clerk of courts of the Hamilton county municipal 14642
court under division (A)(3) of section 1901.32 of the Revised Code 14643
who is employed full time as a bailiff or deputy bailiff, who has 14644

received a certificate attesting to the person's satisfactory 14645
completion of the peace officer basic training described in 14646
division (D)(1) of section 109.77 of the Revised Code. 14647

(AAA) "PERS public safety officer" means a Hamilton county 14648
municipal court bailiff, or any of the following whose primary 14649
duties are other than to preserve the peace, protect life and 14650
property, and enforce the laws of this state: a deputy sheriff, 14651
township constable or police officer in a township police 14652
department or district, drug agent, department of public safety 14653
enforcement agent, natural resources law enforcement staff 14654
officer, wildlife officer, forest-fire investigator, natural 14655
resources officer, park district police officer, conservancy 14656
district officer, veterans' home police officer, special police 14657
officer for a mental health institution, special police officer 14658
for an institution for persons with developmental disabilities, 14659
state university law enforcement officer, municipal police 14660
officer, house sergeant at arms, assistant house sergeant at arms, 14661
regional transit authority police officer, or state highway patrol 14662
police officer. 14663

"PERS public safety officer" also includes a person employed 14664
as a bureau of criminal identification and investigation 14665
investigator, gaming agent, department of taxation investigator, 14666
special police officer for a port authority, or special police 14667
officer for a municipal airport who commences employment in any of 14668
those positions on or after April 6, 2017, or makes the election 14669
described in section 145.334 of the Revised Code. 14670

"PERS public safety officer" also includes a person serving 14671
as a municipal public safety director at any time during the 14672
period from September 29, 2005, to March 24, 2009, if the duties 14673
of that service were other than to preserve the peace, protect 14674
life and property, and enforce the laws of this state. 14675

(BBB) "Fiduciary" means a person who does any of the 14676

following:	14677
(1) Exercises any discretionary authority or control with respect to the management of the system or with respect to the management or disposition of its assets;	14678 14679 14680
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	14681 14682
(3) Has any discretionary authority or responsibility in the administration of the system.	14683 14684
(CCC) "Actuary" means an individual who satisfies all of the following requirements:	14685 14686
(1) Is a member of the American academy of actuaries;	14687
(2) Is an associate or fellow of the society of actuaries;	14688
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	14689 14690
(DDD) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	14691 14692
(EEE) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	14693 14694
Sec. 145.016. Contributing service shall be allowed in accordance with the following:	14695 14696
(A) For service not later than December 31, 2013, credit for any contributing service shall be allowed as follows:	14697 14698
(1) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit;	14699 14700
(2) For each month for which the member's earnable salary is less than two hundred fifty dollars, allow a fraction of a month's credit with a numerator of the earnable salary during the month and a denominator of two hundred fifty dollars, except that if the	14701 14702 14703 14704

member's annual earnable salary is less than six hundred dollars, 14705
the member's credit shall not be reduced below twenty per cent of 14706
a year for a calendar year of employment during which the member 14707
worked each month. 14708

Division (A)(2) of this section shall not reduce any credit 14709
earned before January 1, 1985. 14710

(B) For service on or after January 1, 2014, credit for any 14711
contributing service shall be allowed in accordance with the 14712
following: 14713

(1) For each month in which the member's earnable salary 14714
equals or exceeds the amount specified in division (B)(1)(a) or 14715
(b) of this section, as appropriate, allow one month's credit: 14716

(a) For service on or after January 1, 2014, but not later 14717
than December 31, 2014, six hundred dollars; 14718

(b) For each calendar year thereafter, the sum of the 14719
following: 14720

(i) The prior year's amount; 14721

(ii) The prior year's amount multiplied by the average 14722
percentage increase, if any, made to compensation under section 14723
505.24 of the Revised Code, if that increase became effective in 14724
the prior year. 14725

(2) For each month that the member's earnable salary is less 14726
than the appropriate amount specified in division (B)(1) of this 14727
section, allow a fraction of a month's credit with a numerator of 14728
the earnable salary during the month and a denominator of the 14729
amount specified in division (B)(1)(a) or (b) of this section, as 14730
appropriate. 14731

Division (B) of this section shall not reduce any credit 14732
earned before January 1, 2014. 14733

(C)(1) Except as provided in division (C)(2) of this section, 14734

for the purpose of satisfying the service credit requirement and 14735
determining eligibility for benefits under sections 145.196, 14736
145.32, 145.33, 145.331, 145.332, 145.35, 145.335, 145.36, and 14737
145.361 of the Revised Code, "five or more years of total service 14738
credit" means five or more years of contributing service for which 14739
credit is allowed under division (A) or (B) of this section. 14740

(2)(a) A member who, as of ~~the effective date of this~~ 14741
~~amendment~~ March 22, 2019, has sixty or more calendar months of 14742
contributions and has attained sixty years of age shall be 14743
considered to have five or more years of total service credit for 14744
the purpose of satisfying the service credit requirement and 14745
determining eligibility for benefits under sections 145.196, 14746
145.32, 145.33, 145.331, 145.332, 145.35, 145.335, 145.36, and 14747
145.361 of the Revised Code. 14748

(b) A member who, as of ~~the effective date of this amendment~~ 14749
March 22, 2019, has sixty or more calendar months of contributions 14750
and is receiving a benefit under section 145.35, 145.36, or 14751
145.361 of the Revised Code shall be considered to have five or 14752
more years of total service credit for the purpose of satisfying 14753
the service credit requirement and determining eligibility for 14754
benefits under section 145.196, 145.32, 145.33, 145.331, ~~or~~ 14755
145.332, or 145.335 of the Revised Code. 14756

(D) Notwithstanding any other provision of this section, an 14757
elected official who prior to January 1, 1980, was granted a full 14758
year of credit for each year of service as an elected official 14759
shall be considered to have earned a full year of credit for each 14760
year of service regardless of whether the service was full-time or 14761
part-time. The public employees retirement board has no authority 14762
to reduce the credit. 14763

Sec. 145.017. (A) For a member eligible for a retirement 14764
allowance under division (A) or (B) of section 145.32 of the 14765

Revised Code or division (A), (B), or (E)(1), (3), or (4) of 14766
section 145.332 of the Revised Code, the number of years used in 14767
the calculation of final average salary shall be three and the sum 14768
of the earnable salary for those years shall be divided by three. 14769

(B) For a member eligible for a retirement allowance under 14770
division (C) of section 145.32 of the Revised Code or division (C) 14771
or (E)(2) or (5) of section 145.332 of the Revised Code, the 14772
number of years used in the calculation of final average salary 14773
shall be five and the sum of the earnable salary for those years 14774
shall be divided by five. 14775

(C)(1) For a member described in division (A) or (B) of 14776
section 145.32 or division (A), (B), or (E)(1), (3), or (4) of 14777
section 145.332 of the Revised Code who is eligible for a 14778
retirement allowance under section 145.331 of the Revised Code or 14779
a benefit under section 145.36 or 145.361 of the Revised Code, the 14780
number of years used in the calculation of final average salary 14781
shall be three and the sum of the earnable salary for those years 14782
shall be divided by three. 14783

(2) For a member described in division (C) of section 145.32 14784
or division (C) or (E)(2) or (5) of section 145.332 of the Revised 14785
Code who is eligible for a retirement allowance under section 14786
145.331 of the Revised Code or a benefit under section 145.36 or 14787
145.361 of the Revised Code, the number of years used in the 14788
calculation of final average salary shall be five and the sum of 14789
the earnable salary for those years shall be divided by five. 14790

(D) For a benefit under section 145.45 of the Revised Code: 14791

(1) The number of years used in the calculation of the 14792
deceased member's final average salary shall be three and the sum 14793
of the earnable salary for those years shall be divided by three 14794
if the member is described in division (A) or (B) of section 14795
145.32 of the Revised Code or division (A), (B), or (E)(1), (3), 14796

or (4) of section 145.332 of the Revised Code. 14797

(2) The number of years used in the calculation of the 14798
deceased member's final average salary shall be five and the sum 14799
of the earnable salary for those years shall be divided by five if 14800
the member is described in division (C) of section 145.32 of the 14801
Revised Code or division (C) or (E)(2) or (5) of section 145.332 14802
of the Revised Code. 14803

(E) This section applies to a member described in section 14804
145.196 of the Revised Code. 14805

Sec. 145.195. The public employees retirement system may, in 14806
accordance with rules it adopts under this section, permit a 14807
member who participated in both the PERS defined benefit plan and 14808
one or more PERS defined contribution plans to combine years of 14809
service as a member for the purpose of determining eligibility for 14810
a benefit under section 145.32, 145.331, ~~or~~ 145.332, or 145.335 of 14811
the Revised Code, or a benefit under a PERS defined contribution 14812
plan. 14813

Sec. 145.196. (A) As used in this section: 14814

(1) "Individual account" means the account maintained for a 14815
member of the PERS combined plan in the defined contribution fund 14816
created in section 145.23 of the Revised Code, in which the 14817
member's contributions under section 145.85 of the Revised Code 14818
are deposited and credited. 14819

(2) "PERS combined plan" means the hybrid plan established 14820
under section 145.81 of the Revised Code that includes a PERS 14821
defined benefit plan component and a PERS defined contribution 14822
plan component that includes definitely determinable benefits as 14823
described in section 145.82 of the Revised Code. 14824

(B) The public employees retirement system may, in accordance 14825
with rules it adopts under this section, consolidate the PERS 14826

combined plan with the PERS defined benefit plan for the purpose 14827
of administering the definitely determinable benefits under the 14828
PERS combined plan and the allowance payable under section 145.335 14829
of the Revised Code. 14830

(C) If the system consolidates the PERS combined plan with 14831
the PERS defined benefit plan as permitted under division (B) of 14832
this section, all of the following apply: 14833

(1) The PERS combined plan ceases to be a separate legal 14834
entity, and all members participating in the PERS combined plan at 14835
the time of consolidation shall be members of the PERS defined 14836
benefit plan. 14837

(2) The system shall do all of the following regarding a 14838
member's individual account: 14839

(a) Maintain the individual account of each member who was 14840
participating in the PERS combined plan at the time of 14841
consolidation; 14842

(b) Deposit and credit the member's contributions under 14843
section 145.47 of the Revised Code into the member's individual 14844
account; 14845

(c) If the system maintains the member's individual account 14846
in the defined contribution fund for purposes of investing the 14847
account's funds, treat the individual account as deposited and 14848
credited to the PERS defined benefit plan for accounting purposes; 14849

(d) Administer the member's individual account in accordance 14850
with rules adopted by the public employees retirement board and in 14851
a manner consistent with the PERS defined contribution plan. 14852

(3) The system shall deposit and credit the employer 14853
contributions under section 145.48 of the Revised Code for a 14854
member participating in the PERS combined plan at the time of 14855
consolidation into the employers' accumulation fund created in 14856

section 145.23 of the Revised Code to pay the definitely 14857
determinable benefits under the plan. 14858

(4) All members participating in the PERS combined plan at 14859
the time of consolidation shall be entitled to the rights and 14860
benefits to which the member was entitled under the PERS combined 14861
plan as of the date of consolidation, subject to future amendments 14862
to the PERS defined benefit plan. 14863

(D) The eligibility of members participating in the PERS 14864
combined plan at the time of consolidation under this section for 14865
age and service retirement, disability, survivor, or death 14866
benefits shall be determined under sections 145.32, 145.35, 14867
145.36, 145.361, 145.45, and 145.451 of the Revised Code. A 14868
member's retirement allowance shall be an amount determined in 14869
accordance with section 145.335 of the Revised Code. 14870

(E) The following sections of Chapter 145. of the Revised 14871
Code do not apply to the individual account of a member 14872
participating in the PERS combined plan at the time of 14873
consolidation under this section: sections 145.222, 145.297, 14874
145.298, 145.2914, 145.31, 145.311, 145.312, 145.33, 145.332, 14875
145.334, 145.37, 145.382, 145.383, 145.385, 145.40, 145.401, 14876
145.472, 145.49, 145.581, 145.582, 145.62, 145.63, 145.64, and 14877
145.65 of Revised Code. 14878

Sec. 145.201. (A) Subject to the limit described in division 14879
(C) of this section, any member who is or has been an elected 14880
official of the state or any political subdivision thereof or has 14881
been appointed either by the governor with the advice and consent 14882
of the senate or directly by the speaker of the house of 14883
representatives or president of the senate to serve full-time as a 14884
member of a board, commission, or other public body may at any 14885
time prior to retirement purchase additional service credit in an 14886
amount not to exceed thirty-five per cent of the service credit 14887

allowed the member for the period of service as an elected or 14888
appointed official subsequent to January 1, 1935, other than 14889
credit for military service, part-time service, and service 14890
subject to the tax on wages imposed by the "Federal Insurance 14891
Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as 14892
amended. 14893

For each year of additional service credit purchased under 14894
this section, the member shall pay into the employees' savings 14895
fund an amount specified by the public employees retirement board 14896
that is equal to one hundred per cent of the additional liability 14897
resulting from the purchase of that year or portion of a year of 14898
credit as determined by an actuary employed by the board. The 14899
member shall receive full credit for such additional elective 14900
service in computing an allowance or benefit under section 145.33, 14901
145.331, 145.332, 145.335, 145.36, 145.361, or 145.46 of the 14902
Revised Code, notwithstanding any other provision of this chapter. 14903
The payment to the employees' savings fund, and payments made to 14904
the employers' accumulation fund prior to ~~the effective date of~~ 14905
~~this amendment~~ January 7, 2013, for such additional elective 14906
service credit shall, in the event of death or withdrawal from 14907
service, be considered as accumulated contributions of the member. 14908

The board may determine by rule what constitutes full- or 14909
part-time service for purposes of this section. 14910

(B) Notwithstanding division (A) of this section, a member 14911
who purchased service credit under this section prior to January 14912
1, 1980, on the basis of part-time service shall be permitted to 14913
retain the credit and shall be given full credit for it in 14914
computing an allowance or benefit under section 145.33, 145.331, 14915
145.332, 145.335, 145.36, 145.361, or 145.46 of the Revised Code. 14916
The public employees retirement board has no authority to cancel 14917
or rescind such credit. 14918

(C) A purchase made under this section shall not exceed the 14919

limits established by division (n) of section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as amended.

(D) Subject to rules adopted by the public employees retirement board, a member who has purchased service credit under this section is entitled to be refunded all or a portion of the actual amount the member paid for the service credit if, in computing an age and service retirement allowance under division (A) of section 145.33 or section 145.332 or 145.335 of Revised Code, the allowance exceeds a limit established by either of those sections.

A refund under this division cancels the equivalent amount of service credit.

Sec. 145.32. Eligibility of members of the public employees retirement system, including for members described in section 145.196 of the Revised Code and other than those subject to section 145.332 of the Revised Code, for age and service retirement shall be determined under this section.

(A) A member is eligible for age and service retirement under this division if, not later than five years after ~~the effective date of this amendment~~ January 7, 2013, the member meets one of the following requirements:

(1) Has five or more years of total service credit and has attained age sixty;

(2) Has twenty-five or more years of total service credit and has attained age fifty-five;

(3) Has thirty or more years of total service credit at any age.

(B)(1) A member who would be eligible to retire not later than ten years after ~~the effective date of this amendment~~ January

7, 2013, if the requirements of this section as they existed 14950
immediately prior to ~~the effective date of this amendment~~ January 14951
7, 2013, were still in effect is eligible to retire under this 14952
division if the member meets one of the following requirements: 14953

(a) Has five or more years of total service credit and has 14954
attained age sixty; 14955

(b) Has twenty-five or more years of total service credit and 14956
has attained age fifty-five; 14957

(c) Has thirty-one or more years of total service credit and 14958
has attained age fifty-two; 14959

(d) Has thirty-two or more years of total service credit at 14960
any age. 14961

(2) A member who on ~~the effective date of this amendment~~ 14962
January 7, 2013, has twenty or more years of total service credit 14963
is eligible for age and service retirement under this division on 14964
meeting one of the requirements of division (B)(1) of this 14965
section, regardless of when the member meets the requirement 14966
unless, between ~~the effective date of this section~~ January 7, 14967
2013, and the date the member meets the requirement, the member 14968
receives a refund of accumulated contributions under section 14969
145.40 of the Revised Code. 14970

(C) A member who is not eligible for age and service 14971
retirement under division (A) or (B) of this section, or who 14972
became a member on or after ~~the effective date of this amendment~~ 14973
January 7, 2013, is eligible for age and service retirement under 14974
this division if the member meets one of the following 14975
requirements: 14976

(1) Has five years or more of total service credit and has 14977
attained age sixty-two; 14978

(2) Has twenty-five years or more of total service credit and 14979

has attained age fifty-seven; 14980

(3) Has thirty-two years or more of total service credit and 14981
has attained age fifty-five. 14982

(D) Service credit purchased or obtained under this chapter 14983
shall be used in determining whether a member has the number of 14984
years of total service credit required under division (A) or (B) 14985
of this section only if the member was a member on ~~the effective~~ 14986
~~date of this amendment~~ January 7, 2013, or obtains credit under 14987
section 145.483 of the Revised Code that would have made the 14988
member a member on that date and one of the following applies: 14989

(1) Except in the case of service credit that has been or 14990
will be purchased or obtained under section 145.295 or 145.37 of 14991
the Revised Code or is for service covered by the Cincinnati 14992
retirement system: 14993

(a) For division (A) of this section, the service credit 14994
purchase is completed or the service credit is obtained not later 14995
than five years after ~~the effective date of this amendment~~ January 14996
7, 2013. 14997

(b) For division (B) of this section, the service credit 14998
purchase is completed or the service credit is obtained not later 14999
than ten years after ~~the effective date of this amendment~~ January 15000
7, 2013. 15001

(2) In the case of service credit that has been or will be 15002
purchased or obtained under section 145.295 or 145.37 of the 15003
Revised Code or is for service covered by the Cincinnati 15004
retirement system: 15005

(a) For division (A) of this section, the service for which 15006
the credit has been or will be purchased or obtained occurs not 15007
later than five years after ~~the effective date of this amendment~~ 15008
January 7, 2013. 15009

(b) For division (B) of this section, the service for which 15010
the credit has been or will be purchased or obtained occurs not 15011
later than ten years after ~~the effective date of this amendment~~ 15012
January 7, 2013. 15013

(E) A member seeking to retire shall file with the board an 15014
application for retirement. Service retirement shall be effective 15015
on the first day of the month immediately following the later of: 15016

(1) The last day for which compensation was paid; 15017

(2) The attainment of minimum age or service credit 15018
eligibility provided under this section; 15019

(3) Ninety days prior to receipt by the board of the member's 15020
completed application for retirement. 15021

An employer may, except as otherwise provided in the "Age 15022
Discrimination in Employment Act of 1967," as amended, 81 Stat. 15023
602, 29 U.S.C. 621 to 634, as of the thirtieth day of June of any 15024
year, terminate the employment of any member who has attained the 15025
age of seventy years. A member may at the time of retirement by 15026
written designation duly executed and filed with the public 15027
employees retirement board designate a beneficiary to receive any 15028
installment which may remain unpaid at the time of death. Except 15029
as provided in section 145.46 of the Revised Code, after the date 15030
of retirement such nomination shall not be changed if the member 15031
elects to receive the member's retirement allowance computed as 15032
provided in section 145.46 of the Revised Code as a joint-life 15033
plan or multiple-life plan. 15034

Sec. 145.33. (A)(1) Except as provided in ~~section~~ sections 15035
145.332 and 145.335 of the Revised Code, when a member retires on 15036
age and service retirement, the member's total annual single 15037
lifetime allowance shall be an amount adjusted in accordance with 15038
division (A)(2) or (B) of this section and determined by 15039

multiplying the member's total service credit by the following: 15040

(a) If the member is eligible for age and service retirement 15041
 under division (A) or (B) of section 145.32 of the Revised Code, 15042
 two and two-tenths per cent of the member's final average salary 15043
 for each of the first thirty years of service plus two and 15044
 one-half per cent of the member's final average salary for each 15045
 subsequent year of service; 15046

(b) If the member is eligible for age and service retirement 15047
 under division (C) of section 145.32 of the Revised Code, two and 15048
 two-tenths per cent of the member's final average salary for each 15049
 of the first thirty-five years of service plus two and one-half 15050
 per cent of the member's final average salary for each subsequent 15051
 year of service. 15052

(2)(a) For a member eligible to retire under division (A) of 15053
 section 145.32 of the Revised Code, the member's allowance under 15054
 division (A)(1) of this section shall be adjusted by the factors 15055
 of attained age or years of service to provide the greater amount 15056
 as determined by the following schedule: 15057

Attained	or	Years of Total Service Credit	Percentage of Base Amount	
Birthday				15058
58		25	75	15059
59		26	80	15060
60		27	85	15061
61			88	15062
		28	90	15063
62			91	15064
63			94	15065
		29	95	15066
64			97	15067
65		30 or more	100	15068

(b) For a member eligible to retire under division (B) or (C) 15071

of section 145.32 of the Revised Code, the member's allowance 15072
under division (A)(1) of this section shall be reduced by a 15073
percentage determined by the board's actuary based on the number 15074
of years the commencement of the allowance precedes the member's 15075
eligibility for an unreduced allowance. 15076

(c) The actuary may use an actuarially based average 15077
percentage reduction for purposes of division (A)(2)(b) of this 15078
section. 15079

(3) For a member eligible to retire under division (A) or (B) 15080
of section 145.32 of the Revised Code, the right to a benefit 15081
shall vest in accordance with the following schedule, based on the 15082
member's attained age by September 1, 1976: 15083

Attained	Percentage	
Birthday	of	
	Base Amount	
66	102	15084
67	104	15085
68	106	15086
69	108	15087
70 or more	110	15088

(B) The total annual single lifetime allowance that a member 15089
shall receive under this section shall not exceed the lesser of 15090
the following: 15091

(1) Any limit established under section 145.333 of the 15092
Revised Code; 15093

(2) One hundred per cent of the member's final average 15094
salary; 15095

(3) The limit established by section 415 of the "Internal 15096
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 15097
amended. 15098

(C) Retirement allowances determined under this section shall 15099

be paid as provided in section 145.46 of the Revised Code. 15103

If the monthly amount of a member's annual single lifetime 15104
allowance that is first payable on or after ~~the effective date of~~ 15105
~~this amendment~~ March 22, 2019, under division (A) of this section 15106
would be less than fifty dollars, instead of a monthly payment the 15107
retirement system shall pay the greater of the following in a 15108
single payment: 15109

(1) An amount determined under section 145.40 of the Revised 15110
Code as a refund of accumulated contributions; 15111

(2) An amount equal to the actuarial present value of the 15112
allowance as determined by the retirement system. 15113

Sec. 145.331. (A) A recipient of a disability allowance under 15114
section 145.361 of the Revised Code who is subject to division 15115
(C)(3) of that section may make application for age and service 15116
retirement under this section. Retirement shall be effective on 15117
the first day of the first month following the last day for which 15118
the disability allowance is paid. 15119

(B) The annual allowance payable under this section shall 15120
consist of the sum of the amounts determined under divisions 15121
(B)(1) and (2) of this section: 15122

(1) The greater of the following: 15123

(a) An allowance calculated as provided in section 145.33 ~~or~~, 15124
145.332, or 145.335 of the Revised Code, excluding any period 15125
during which the applicant received a disability benefit under 15126
section 145.361 of the Revised Code; 15127

(b) An allowance calculated by multiplying the applicant's 15128
total service credit, including service credit for the last 15129
continuous period during which the applicant received a disability 15130
benefit under section 145.361 of the Revised Code, by two and 15131
two-tenths per cent of the applicant's final average salary, 15132

except that the allowance shall not exceed forty-five per cent of 15133
the applicant's final average salary. 15134

(2) An amount equal to the additional allowance the recipient 15135
would receive under section 145.323 of the Revised Code, plus any 15136
other additional amount the recipient would receive under this 15137
chapter, had the recipient retired under section 145.33 ~~or~~, 15138
145.332, or 145.335 of the Revised Code effective on the effective 15139
date of the recipient's most recent continuous period of receipt 15140
of a disability benefit under section 145.361 of the Revised Code. 15141

(C) The allowance calculated under division (B) of this 15142
section, exclusive of any amount added under division (B)(2) of 15143
this section based on section 145.323 of the Revised Code, shall 15144
be the base for all future additional allowances under section 15145
145.323 of the Revised Code. 15146

The anniversary date for future additional allowances under 15147
section 145.323 of the Revised Code shall be the effective date of 15148
the recipient's most recent continuous period of receipt of a 15149
disability benefit under section 145.361 of the Revised Code. 15150

(D) The retirement allowance determined under this section 15151
shall be paid as provided in section 145.46 of the Revised Code. 15152

Sec. 145.332. Eligibility of members of the public employees 15153
retirement system, other than those subject to section 145.196 or 15154
145.32 of the Revised Code, for age and service retirement shall 15155
be determined under this section. 15156

(A) A member of the public employees retirement system is 15157
eligible for age and service retirement under this division if, 15158
not later than five years after January 7, 2013, the member meets 15159
one of the following requirements: 15160

(1) Has attained age forty-eight and has at least twenty-five 15161
years of total service credit as a PERS law enforcement officer; 15162

(2) Has attained age fifty-two and has at least twenty-five 15163
years of total service credit as a PERS public safety officer or 15164
has service as a PERS public safety officer and service as a PERS 15165
law enforcement officer that when combined equal at least 15166
twenty-five years of total service credit; 15167

(3) Has attained age sixty-two and has at least fifteen years 15168
of total service credit as a PERS law enforcement officer or PERS 15169
public safety officer. 15170

(B)(1) A member who would be eligible to retire not later 15171
than ten years after January 7, 2013, if the requirements of 15172
section 145.33 of the Revised Code as they existed immediately 15173
prior to January 7, 2013, were still in effect is eligible to 15174
retire under this division if the member meets one of the 15175
following requirements: 15176

(a) Has attained age fifty and has at least twenty-five years 15177
of total service credit as a PERS law enforcement officer; 15178

(b) Has attained age fifty-four and has at least twenty-five 15179
years of total service credit as a PERS public safety officer or 15180
has service as a PERS public safety officer and service as a PERS 15181
law enforcement officer that when combined equal at least 15182
twenty-five years of total service credit; 15183

(c) Has attained age sixty-four and has at least fifteen 15184
years of total service credit as a PERS law enforcement officer or 15185
PERS public safety officer. 15186

(2) A member who on January 7, 2013, has twenty or more years 15187
of total service credit is eligible for age and service retirement 15188
under this division on meeting one of the requirements of division 15189
(B)(1) of this section, regardless of when the member meets the 15190
requirement unless, between January 7, 2013, and the date the 15191
member meets the requirement, the member receives a refund of 15192
accumulated contributions under section 145.40 of the Revised 15193

Code.	15194
(C) A member who is not eligible for age and service	15195
retirement under division (A) or (B) of this section is eligible	15196
under this division if the member meets one of the following	15197
requirements:	15198
(1) Has attained age fifty-two and has at least twenty-five	15199
years of total service credit as a PERS law enforcement officer;	15200
(2) Has attained age fifty-six and has at least twenty-five	15201
years of total service credit as a PERS public safety officer or	15202
has service as a PERS public safety officer and service as a PERS	15203
law enforcement officer that when combined equal at least	15204
twenty-five years of total service credit;	15205
(3) Has attained age sixty-four and has at least fifteen	15206
years of total service credit as a PERS law enforcement officer or	15207
PERS public safety officer.	15208
(D) Service credit purchased or obtained under this chapter	15209
shall be used in determining whether a member has the number of	15210
years of total service credit required under division (A) or (B)	15211
of this section only if the member was a member on January 7,	15212
2013, or obtains credit under section 145.483 of the Revised Code	15213
that would have made the member a member on that date and one of	15214
the following applies:	15215
(1) Except in the case of service credit that has been or	15216
will be purchased or obtained under section 145.295 or 145.37 of	15217
the Revised Code or is for service covered by the Cincinnati	15218
retirement system:	15219
(a) For division (A) of this section, the service credit	15220
purchase is completed or the service credit is obtained not later	15221
than five years after January 7, 2013;	15222
(b) For division (B) of this section, the service credit	15223

purchase is completed or the service credit is obtained not later than ten years after January 7, 2013.

(2) In the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system:

(a) For division (A) of this section, the service for which the credit has been or will be purchased or obtained occurs not later than five years after January 7, 2013;

(b) For division (B) of this section, the service for which the credit has been or will be purchased or obtained occurs not later than ten years after January 7, 2013.

(E)(1) A member with at least twenty-five years of total service credit who would be eligible to retire under division (B)(1)(a) of this section had the member attained age fifty and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after attaining age forty-eight, but before attaining age fifty, may elect to receive a reduced benefit. The benefit shall be the actuarial equivalent of the allowance calculated under division (F) of this section adjusted for age.

(2) A member with at least twenty-five years of total service credit who would be eligible to retire under division (C)(1) of this section had the member attained age fifty-two and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after attaining age forty-eight, but before attaining age fifty-two, may elect to receive a reduced benefit. The benefit shall be the actuarial equivalent of the allowance calculated under division (F) of this section adjusted for age.

(3) A member with at least twenty-five years of total service

credit who would be eligible to retire under division (A)(2) of 15255
this section had the member attained age fifty-two and who 15256
voluntarily resigns or is discharged for any reason except death, 15257
dishonesty, cowardice, intemperate habits, or conviction of a 15258
felony, on or after attaining age forty-eight, but before 15259
attaining age fifty-two, may elect to receive a reduced benefit. 15260

(a) If eligibility to make the election under division (E)(3) 15261
of this section occurs not later than five years after January 7, 15262
2013, the benefit shall be calculated in accordance with the 15263
following schedule: 15264

Attained Age	Reduced Benefit	
48	75% of the benefit payable under	15266
	division (F) of this section	
49	80% of the benefit payable under	15267
	division (F) of this section	
50	86% of the benefit payable under	15268
	division (F) of this section	
51	93% of the benefit payable under	15269
	division (F) of this section	

(b) If eligibility to make the election occurs after the date 15270
determined under division (E)(3)(a) of this section, the benefit 15271
shall be the actuarial equivalent of the allowance calculated 15272
under division (F) of this section adjusted for age. 15273

(4) A member with at least twenty-five years of total service 15274
credit who would be eligible to retire under division (B)(1)(b) of 15275
this section had the member attained age fifty-four and who 15276
voluntarily resigns or is discharged for any reason except death, 15277
dishonesty, cowardice, intemperate habits, or conviction of a 15278
felony, on or after attaining age forty-eight, but before 15279
attaining age fifty-four, may elect to receive a reduced benefit. 15280
The benefit shall be the actuarial equivalent of the allowance 15281
calculated under division (F) of this section adjusted for age. 15282

(5) A member with at least twenty-five years of total service credit who would be eligible to retire under division (C)(2) of this section had the member attained age fifty-six and who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony, on or after attaining age fifty-two, but before attaining age fifty-six, may elect to receive a reduced benefit. The benefit shall be the actuarial equivalent of the allowance calculated under division (F) of this section adjusted for age.

(6) If a member elects to receive a reduced benefit under division (E)(1), (2), (3), (4), or (5) of this section, the reduced benefit shall be based on the member's age on the member's most recent birthday. Once a member elects to receive a reduced benefit and has received a payment, the member may not change that election.

(F) A benefit paid under division (A), (B), or (C) of this section shall consist of an annual single lifetime allowance equal to the sum of two and one-half per cent of the member's final average salary multiplied by the first twenty-five years of the member's total service credit plus two and one-tenth per cent of the member's final average salary multiplied by the number of years of the member's total service credit in excess of twenty-five years.

(G) A member with at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer who voluntarily resigns or is discharged for any reason except death, dishonesty, cowardice, intemperate habits, or conviction of a felony may apply for an age and service retirement benefit, which shall consist of an annual single lifetime allowance equal to one and one-half per cent of the member's final average salary multiplied by the number of years of the member's total service credit.

(1) If the member will attain age fifty-two not later than ten years after January 7, 2013, the retirement allowance shall commence on the first day of the calendar month following the month in which application is filed with the board on or after the member's attainment of age fifty-two.

(2) If the member will not attain age fifty-two on or before the date determined under division (G)(1) of this section, the retirement allowance shall commence on the first day of the calendar month following the month in which application is filed with the board on or after the member's attainment of age fifty-six.

(H) A benefit paid under this section shall not exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended.

(I) A member with service credit as a PERS law enforcement officer or PERS public safety officer and other service credit under this chapter may elect one of the following:

(1) To have all the member's service credit under this chapter, including credit for service as a PERS law enforcement officer or PERS public safety officer, used in calculating a retirement allowance under section 145.33 of the Revised Code if the member qualifies for an allowance under that section;

(2) If the member qualifies for an allowance under division (A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section, to receive all of the following:

(a) A benefit under division (A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section for the member's service credit as a PERS law enforcement officer;

(b) A single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service

other than PERS law enforcement service; 15346

(c) A pension equal to the annuity provided under division 15347
(I)(2)(b) of this section, excluding amounts of the member's 15348
accumulated contributions deposited under former division (Y) of 15349
section 145.01 or former sections 145.02, 145.29, 145.292, and 15350
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 15351
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 15352
Revised Code for the purchase of service credit. 15353

(3) If the member qualifies for an allowance under division 15354
(A)(2), (B)(2), (C)(2), or (E)(3), (4), or (5) of this section, to 15355
receive all of the following: 15356

(a) A benefit under division (A)(2), (B)(2), (C)(2), or 15357
(E)(3), (4), or (5) of this section for the member's service 15358
credit as a PERS law enforcement officer or PERS public safety 15359
officer; 15360

(b) A single life annuity having a reserve equal to the 15361
amount of the member's accumulated contributions for all service 15362
other than PERS law enforcement service or PERS public safety 15363
officer service; 15364

(c) A pension equal to the annuity provided under division 15365
(I)(3)(b) of this section, excluding amounts of the member's 15366
accumulated contributions deposited under former division (Y) of 15367
section 145.01 or former sections 145.02, 145.29, 145.292, and 15368
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 15369
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 15370
Revised Code for the purchase of service credit. 15371

(J) For the purposes of this section, "total service credit" 15372
includes credit for military service to the extent permitted by 15373
division (K) of this section and credit for service as a police 15374
officer or state highway patrol trooper to the extent permitted by 15375
division (L) of this section. 15376

(K) Notwithstanding sections 145.01 and 145.30 of the Revised Code, not more than four years of military service credit granted or purchased under section 145.30 of the Revised Code and five years of military service credit purchased under section 145.301 or 145.302 of the Revised Code shall be used in calculating service as a PERS law enforcement officer or PERS public safety officer or the total service credit of that person.

(L)(1) Only credit for the member's service as a PERS law enforcement officer, PERS public safety officer, or service credit obtained as a police officer or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under this section for the following:

(a) Any person who originally is commissioned and employed as a deputy sheriff by the sheriff of any county, or who originally is elected sheriff, on or after January 1, 1975;

(b) Any deputy sheriff who originally is employed as a criminal bailiff or court constable on or after April 16, 1993;

(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981;

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984;

(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, forest-fire investigator, natural resources officer, wildlife officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for persons with developmental disabilities, or municipal police officer on or

after December 15, 1988;	15408
(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996;	15409 15410
(g) Any person who is originally employed as a state university law enforcement officer by the university of Akron on or after September 16, 1998;	15411 15412 15413
(h) Any person who originally is employed as a preserve officer on or after March 18, 1999;	15414 15415
(i) Any person who originally is employed as a natural resources law enforcement staff officer on or after March 18, 1999;	15416 15417 15418
(j) Any person who is originally employed as a department of public safety enforcement agent on or after June 30, 1999;	15419 15420
(k) Any person who is originally employed as a house sergeant at arms or assistant house sergeant at arms on or after September 5, 2001;	15421 15422 15423
(l) Any person who is originally appointed as a regional transit authority police officer or state highway patrol police officer on or after February 1, 2002;	15424 15425 15426
(m) Any person who is originally employed as a municipal public safety director on or after September 29, 2005, but not later than March 24, 2009.	15427 15428 15429
(2) Only credit for a member's service as a PERS public safety officer or service credit obtained as a PERS law enforcement officer, police officer, or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under division (B)(1)(b) or (c), (B)(2), (C)(1)(b) or (c), or (C)(2) of this section for any person who originally is employed as a Hamilton county municipal court bailiff on or after November 6, 1996.	15430 15431 15432 15433 15434 15435 15436 15437

(M) For purposes of this section, service prior to June 30, 1999, as a food stamp trafficking agent under former section 5502.14 of the Revised Code shall be considered service as a law enforcement officer.

(N)(1) Retirement allowances determined under this section shall be paid as provided in section 145.46 of the Revised Code.

(2) If the monthly amount of a member's annual single lifetime allowance that is first payable on or after ~~the effective date of this amendment~~ March 22, 2019, under division (F) or (G) of this section would be less than fifty dollars, instead of a monthly payment, the retirement system shall pay the greater of the following in a single payment:

(a) An amount determined under section 145.40 of the Revised Code as a refund of accumulated contributions;

(b) An amount equal to the actuarial present value of the allowance as determined by the retirement system.

(3) If the monthly amount of a member's single life annuity that is first payable on or after ~~the effective date of this amendment~~ March 22, 2019, under division (I)(2) or (3) of this section for service other than PERS law enforcement service or PERS public safety service would be less than fifty dollars, instead of a monthly payment, the retirement system shall pay an amount determined under section 145.40 of the Revised Code as a refund of accumulated contributions.

(O) A member seeking to retire under this section shall file an application with the public employees retirement board.

Service retirement shall be effective as provided in division (E) of section 145.32 of the Revised Code.

(P) If fewer than one per cent of the retirement system's members are contributing as public safety officers, the board,

pursuant to a rule it adopts, may treat service as a public safety officer as service as a law enforcement officer. 15468
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Sec. 145.333. (A) As used in this section: 15470

(1) "Retirement allowance" means any of the following as appropriate: 15471
15472

(a) An allowance calculated under section 145.33 ~~or~~ 145.332, or 145.335 of the Revised Code prior to any reduction for early retirement or election under section 145.46 of the Revised Code of a plan of payment and exclusive of any amounts payable under divisions (I)(2)(b) and (c) or (I)(3)(b) and (c) of section 145.332 of the Revised Code; 15473
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(b) An allowance calculated under division (A) of section 145.45 of the Revised Code; 15479
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(c) An allowance calculated under division (B)(1)(a) of section 145.331 of the Revised Code. 15481
15482

(2) "CBBC" means the contribution based benefit cap, a limit established by the public employees retirement board on the retirement allowance a member may receive. 15483
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(B) Based on the advice of an actuary appointed by the board, the board shall designate a number as the CBBC factor. The board may revise the factor pursuant to advice from an actuary appointed by the board. 15486
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(C) Prior to paying a retirement allowance, the public employees retirement system shall make the following calculations: 15490
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(1) Determine an amount equal to the value of the member's accumulated contributions, exclusive of contributions payable under divisions (I)(2)(b) and (c) or (I)(3)(b) and (c) of section 145.332 of the Revised Code but including any contributions made under section 145.483 of the Revised Code that represent member contributions, any contributions used to fund a benefit under 15492
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section 145.36 of the Revised Code, with interest compounded at a 15498
rate approved by the board, and a portion of any amounts paid by 15499
an employer under sections 145.297 or 145.298 of the Revised Code, 15500
as determined by an actuary appointed by the board; 15501

(2) Determine the amount of a single life annuity that is the 15502
actuarial equivalent of the amount determined under division 15503
(C)(1) of this section, adjusted for age of the member at the time 15504
of retirement or, when appropriate, the age at the time of the 15505
member's death; 15506

(3) Multiply the annuity amount determined under division 15507
(C)(2) of this section by the CBBC factor. 15508

(D) The amount determined under division (C)(3) of this 15509
section is the member's CBBC. Except as provided in division (E) 15510
of this section, if the retirement allowance the member would 15511
receive exceeds the member's CBBC, the allowance shall be reduced 15512
to an amount equal to the member's CBBC. 15513

(E) The retirement allowance of a member eligible for age and 15514
service retirement under division (A) of section 145.32 of the 15515
Revised Code or division (A) of section 145.332 of the Revised 15516
Code shall not be reduced under division (D) of this section by 15517
more than five per cent of the member's single lifetime allowance 15518
computed under section 145.33 or 145.332 of the Revised Code, 15519
unless during any full month of service earned after January 1, 15520
1987, the member's earnable salary was less than one thousand 15521
dollars. 15522

Sec. 145.335. (A) This section applies only to members of the 15523
public employees retirement system participating in the PERS 15524
combined plan, as defined in section 145.196 of the Revised Code, 15525
that was consolidated by the system with the PERS defined benefit 15526
plan under that section. 15527

(B)(1) When a member described in section 145.196 of the Revised Code retires on age and service retirement, the total annual single lifetime allowance for that member shall be an amount adjusted in accordance with division (B)(2) or (C) of this section and determined by multiplying the member's total service credit by the following: 15528
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(a) If the member is eligible for age and service retirement under division (A) or (B) of section 145.32 of the Revised Code, one per cent of the member's final average salary for each of the first thirty years of service plus one and one-quarter per cent of the member's final average salary for each subsequent year of service; 15534
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(b) If the member is eligible for age and service retirement under division (C) of section 145.32 of the Revised Code, one per cent of the member's final average salary for each of the first thirty-five years of service plus one and one-quarter per cent of the member's final average salary for each subsequent year of service. 15540
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(2)(a) For a member eligible to retire under division (A) of section 145.32 of the Revised Code, the member's allowance under division (B)(1) of this section shall be adjusted by the factors of attained age or years of service to provide the greater amount as determined by the following schedule: 15546
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<u>Attained</u>	<u>or</u>	<u>Years of Total</u>	<u>Percentage of Base</u>	
<u>Birthdays</u>		<u>Service Credit</u>	<u>Amount</u>	
<u>58</u>		<u>25</u>	<u>75</u>	15552
<u>59</u>		<u>26</u>	<u>80</u>	15553
<u>60</u>		<u>27</u>	<u>85</u>	15554
<u>61</u>			<u>88</u>	15555
		<u>28</u>	<u>90</u>	15556
<u>62</u>			<u>91</u>	15557
<u>63</u>			<u>94</u>	15558

	<u>29</u>	<u>95</u>	15559
<u>64</u>		<u>97</u>	15560
<u>65</u>	<u>30 or more</u>	<u>100</u>	15561
	<u>(b) For a member eligible to retire under division (B) or (C)</u>		15562
	<u>of section 145.32 of the Revised Code, the member's allowance</u>		15563
	<u>under division (B)(1) of this section shall be reduced by a</u>		15564
	<u>percentage determined by the public employees retirement board's</u>		15565
	<u>actuary based on the number of years the commencement of the</u>		15566
	<u>allowance precedes the member's eligibility for an unreduced</u>		15567
	<u>allowance.</u>		15568
	<u>(c) The actuary may use an actuarially based average</u>		15569
	<u>percentage reduction for purposes of division (B)(2)(b) of this</u>		15570
	<u>section.</u>		15571
	<u>(C) The total annual single lifetime allowance that a member</u>		15572
	<u>shall receive under this section shall not exceed the lesser of</u>		15573
	<u>the following:</u>		15574
	<u>(1) Any limit established under section 145.333 of the</u>		15575
	<u>Revised Code;</u>		15576
	<u>(2) One hundred per cent of the member's final average</u>		15577
	<u>salary;</u>		15578
	<u>(3) The limit established by section 415 of the "Internal</u>		15579
	<u>Revenue Code of 1986," 26 U.S.C. 415.</u>		15580
	<u>(D) Retirement allowances determined under this section shall</u>		15581
	<u>be paid as provided in section 145.46 of the Revised Code.</u>		15582
	<u>If the monthly amount of a member's annual single lifetime</u>		15583
	<u>allowance that is first payable on or after the effective date of</u>		15584
	<u>this section under division (B) of this section would be less than</u>		15585
	<u>fifty dollars, instead of a monthly payment the retirement system</u>		15586
	<u>shall pay an amount determined under section 145.40 of the Revised</u>		15587
	<u>Code as a refund of accumulated contributions.</u>		15588

Sec. 145.35. (A) As used in this section and sections 145.362 15589
and 145.363 of the Revised Code: 15590

(1) "Examining physician" means a physician appointed by the 15591
public employees retirement board to conduct a medical examination 15592
of a disability benefit applicant or recipient. 15593

(2) "Medical consultant" means a physician appointed by the 15594
board to review a member's application for a disability benefit or 15595
an appeal of a denial or termination of a benefit. 15596

(3) "On-duty" illness or injury" means an illness or injury 15597
that occurred during or resulted from performance of duties under 15598
the direct supervision of a public employer. 15599

(B) The public employees retirement system shall provide 15600
disability coverage to each member who has at least five years of 15601
total service credit and disability coverage for on-duty illness 15602
or injury to each member who is a PERS law enforcement officer or 15603
PERS public safety officer, regardless of length of service. 15604

The coverage shall extend only to illness or injury that 15605
occurs before the member's contributing service terminates or, in 15606
the case of illness or injury that results from contributing 15607
service, becomes evident not later than two years after the date 15608
the contributing service ends. The coverage shall not extend to 15609
disability resulting from elective cosmetic surgery other than 15610
reconstructive surgery. 15611

Not later than October 16, 1992, the public employees 15612
retirement board shall give each person who is a member on July 15613
29, 1992, the opportunity to elect disability coverage either 15614
under section 145.36 of the Revised Code or under section 145.361 15615
of the Revised Code. The board shall mail notice of the election, 15616
accompanied by an explanation of the coverage under each of the 15617
Revised Code sections and a form on which the election is to be 15618

made, to each member at the member's last known address. The board 15619
shall also provide the explanation and form to any member on 15620
request. 15621

Regardless of whether the member actually receives notice of 15622
the right to make an election, a member who fails to file a valid 15623
election under this section shall be considered to have elected 15624
disability coverage under section 145.36 of the Revised Code. To 15625
be valid, an election must be made on the form provided by the 15626
retirement board, signed by the member, and filed with the board 15627
not later than one hundred eighty days after the date the notice 15628
was mailed, or, in the case of a form provided at the request of a 15629
member, a date specified by rule of the retirement board. Once 15630
made, an election is irrevocable, but if the member ceases to be a 15631
member of the retirement system, the election is void. If a person 15632
who makes an election under this section also makes an election 15633
under section 3307.62 or 3309.39 of the Revised Code, the election 15634
made for the system that pays a disability benefit to that person 15635
shall govern the benefit. 15636

Disability coverage shall be provided under section 145.361 15637
of the Revised Code for persons who become members after July 29, 15638
1992, and for members who elect under this division to be covered 15639
under section 145.361 of the Revised Code. 15640

The retirement board may adopt rules governing elections made 15641
under this division. 15642

(C) Application for a disability benefit may be made by a 15643
member, by a person acting in the member's behalf, or by the 15644
member's employer, provided the member has disability coverage 15645
under section 145.36 or 145.361 of the Revised Code and is not 15646
receiving a disability benefit under any other Ohio state or 15647
municipal retirement program. Application must be made within two 15648
years from the date the member's contributing service under the 15649
PERS defined benefit plan terminated or the date the member ceased 15650

to make contributions to the PERS defined benefit plan under 15651
section 145.814 of the Revised Code, unless the board's medical 15652
consultant determines that the member's medical records 15653
demonstrate conclusively that at the time the two-year period 15654
expired, the member was physically or mentally incapacitated for 15655
duty and unable to make an application. Application may not be 15656
made by or for any person receiving age and service retirement 15657
benefits under section 145.33, 145.331, 145.332, 145.335, or 15658
145.37 or former section 145.34 of the Revised Code or any person 15659
who, pursuant to section 145.40 of the Revised Code, has been paid 15660
the accumulated contributions standing to the credit of the 15661
person's individual account in the employees' savings fund. The 15662
application shall be made on a form provided by the retirement 15663
board. 15664

(D) The benefit payable to any member who is approved for a 15665
disability benefit shall become effective on the first day of the 15666
month immediately following the later of the following: 15667

(1) The last day for which compensation was paid; 15668

(2) The attainment of eligibility for a disability benefit. 15669

(E) Medical examination of a member who has applied for a 15670
disability benefit shall be conducted by a competent disinterested 15671
examining physician to determine whether the member is mentally or 15672
physically incapacitated for the performance of duty by a 15673
disabling condition either permanent or presumed to be permanent. 15674
The disability must have occurred since last becoming a member or 15675
have increased since last becoming a member to such extent as to 15676
make the disability permanent or presumed to be permanent. A 15677
disability is presumed to be permanent if it is expected to last 15678
for a continuous period of not less than twelve months following 15679
the filing of the application. 15680

The standard used to determine whether a member is 15681

incapacitated for duty is that the member is mentally or 15682
physically incapable of performing the duties of the most recent 15683
public position held by the member. 15684

A member shall receive a disability benefit under section 15685
145.36 or 145.361 of the Revised Code if all of the following 15686
apply: 15687

(1) The board's examining physician determines that the 15688
member qualifies for a disability benefit and the board's medical 15689
consultant concurs with the determination; 15690

(2) The board concurs with the medical consultant's 15691
determination; 15692

(3) The member agrees to medical treatment as specified in 15693
division (F) of this section. 15694

A disability benefit described in this division may be 15695
commenced prior to the board's concurrence with the determination 15696
if the conditions specified in divisions (E)(1) and (3) of this 15697
section are met. 15698

The action of the board shall be final. 15699

(F) The public employees retirement board shall adopt rules 15700
requiring a disability benefit recipient, as a condition of 15701
continuing to receive a disability benefit, to agree in writing to 15702
obtain any medical treatment recommended by the board's medical 15703
consultant and submit medical reports regarding the treatment. If 15704
the board determines that a disability benefit recipient is not 15705
obtaining the medical treatment or the board does not receive a 15706
required medical report, the disability benefit shall be suspended 15707
until the treatment is obtained, the report is received by the 15708
board, or the board's medical consultant certifies that the 15709
treatment is no longer helpful or advisable. Should the 15710
recipient's failure to obtain treatment or submit a medical report 15711
continue for one year, the recipient's right to the disability 15712

benefit shall be terminated as of the effective date of the 15713
original suspension. 15714

The board shall require the recipient of a disability benefit 15715
who is described in section 145.363 of the Revised Code to comply 15716
with that section. 15717

(G) A disability benefit that has been granted a member but 15718
has not commenced shall not be paid if the member continues in or 15719
returns to employment with the same employer in the same position 15720
or in a position with duties similar to those of the position the 15721
member held at the time the benefit was granted. 15722

(H) In the event an employer files an application for a 15723
disability benefit as a result of a member having been separated 15724
from service because the member is considered to be mentally or 15725
physically incapacitated for the performance of the member's 15726
present duty, and the board's medical consultant reports to the 15727
board that the member is physically and mentally capable of 15728
performing service similar to that from which the member was 15729
separated and the board concurs in the report, the board shall so 15730
certify to the employer and the employer shall restore the member 15731
to the member's previous position and salary or to a similar 15732
position and salary. 15733

Sec. 145.361. (A) A member with disability coverage under 15734
this section who is determined by the public employees retirement 15735
board under section 145.35 of the Revised Code to qualify for a 15736
disability benefit shall receive a disability allowance under this 15737
section. The allowance shall be an annual amount equal to the 15738
greater of the following: 15739

(1) Forty-five per cent of the member's final average salary; 15740

(2) The member's total service credit multiplied by two and 15741
two-tenths per cent of the member's final average salary, not 15742

exceeding sixty per cent of the member's final average salary. 15743

(B) Sufficient reserves for payment of the disability 15744
allowance shall be transferred to the annuity and pension reserve 15745
fund from the employers' contribution fund. The accumulated 15746
contributions of the member shall remain in the employees' savings 15747
fund. No part of the allowance paid under this section shall be 15748
charged against the member's accumulated contributions. 15749

(C) A disability allowance paid under this section shall 15750
terminate at the earliest of the following: 15751

(1) The effective date of age and service retirement under 15752
sections 145.32, 145.33, ~~and~~ 145.332, and 145.335, or section 15753
145.37 or former section 145.34 of the Revised Code; 15754

(2) The date the allowance is terminated under section 15755
145.362 of the Revised Code; 15756

(3) The later of the last day of the month in which the 15757
recipient attains the applicable age, or the last day of the month 15758
in which the benefit period ends as follows: 15759

Attained Age at		Benefit Period	
Effective Date of			
Disability Allowance			
60 or 61		60 months	15763
62 or 63		48 months	15764
64 or 65		36 months	15765
66, 67, or 68		24 months	15766
69 or older		12 months	15767

The applicable age is sixty-five if the member is described 15768
in division (A) of section 145.32 or division (A) of section 15769
145.332 of the Revised Code. It is sixty-six if the member is 15770
described in division (B) of section 145.32 or division (B) of 15771
section 145.332 of the Revised Code. It is sixty-seven if the 15772
member is described in division (C) of section 145.32 or division 15773

(C) of section 145.332 of the Revised Code.	15774
Sec. 145.38. (A) As used in this section and sections 145.381 and 145.384 of the Revised Code:	15775
(1) "PERS retirant" means a former member of the public employees retirement system who is receiving one of the following:	15777
(a) Age and service retirement benefits under section 145.32, 145.33, 145.331, 145.332, <u>145.335</u> , or 145.46 or former section 145.34 of the Revised Code;	15778
(b) Age and service retirement benefits paid by the public employees retirement system under section 145.37 of the Revised Code;	15779
(c) Any benefit paid under a PERS defined contribution plan.	15780
(2) "Other system retirant" means both of the following:	15781
(a) A member or former member of the Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, state highway patrol retirement system, or Cincinnati retirement system who is receiving age and service or commuted age and service retirement benefits or a disability benefit from a system of which the person is a member or former member;	15782
(b) A member or former member of the public employees retirement system who is receiving age and service retirement benefits or a disability benefit under section 145.37 of the Revised Code paid by the school employees retirement system or the state teachers retirement system.	15783
(B)(1) Subject to this section and section 145.381 of the Revised Code, a PERS retirant or other system retirant may be employed by a public employer. If so employed, the PERS retirant or other system retirant shall contribute to the public employees retirement system in accordance with section 145.47 of the Revised	15784
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Code, and the employer shall make contributions in accordance with 15804
section 145.48 of the Revised Code. 15805

(2) A public employer that employs a PERS retirant or other 15806
system retirant, or enters into a contract for services as an 15807
independent contractor with a PERS retirant, shall notify the 15808
retirement board of the employment or contract not later than the 15809
end of the month in which the employment or contract commences. 15810
Any overpayment of benefits to a PERS retirant by the retirement 15811
system resulting from delay or failure of the employer to give the 15812
notice shall be repaid to the retirement system by the employer. 15813

(3) On receipt of notice from a public employer that a person 15814
who is an other system retirant has been employed, the retirement 15815
system shall notify the retirement system of which the other 15816
system retirant was a member of such employment. 15817

(4)(a) A PERS retirant who has received a retirement 15818
allowance for less than two months when employment subject to this 15819
section commences shall forfeit the retirement allowance for any 15820
month the PERS retirant is employed prior to the expiration of the 15821
two-month period. Service and contributions for that period shall 15822
not be included in calculation of any benefits payable to the PERS 15823
retirant, and those contributions shall be refunded on the 15824
retirant's death or termination of the employment. 15825

(b) An other system retirant who has received a retirement 15826
allowance or disability benefit for less than two months when 15827
employment subject to this section commences shall forfeit the 15828
retirement allowance or disability benefit for any month the other 15829
system retirant is employed prior to the expiration of the 15830
two-month period. Service and contributions for that period shall 15831
not be included in the calculation of any benefits payable to the 15832
other system retirant, and those contributions shall be refunded 15833
on the retirant's death or termination of the employment. 15834

(c) Contributions made on compensation earned after the 15835
expiration of the two-month period shall be used in the 15836
calculation of the benefit or payment due under section 145.384 of 15837
the Revised Code. 15838

(5) On receipt of notice from the Ohio police and fire 15839
pension fund, school employees retirement system, or state 15840
teachers retirement system of the re-employment of a PERS 15841
retirant, the public employees retirement system shall not pay, or 15842
if paid, shall recover, the amount to be forfeited by the PERS 15843
retirant in accordance with section 742.26, 3307.35, or 3309.341 15844
of the Revised Code. 15845

(6) A PERS retirant who enters into a contract to provide 15846
services as an independent contractor to the employer by which the 15847
retirant was employed at the time of retirement or, less than two 15848
months after the retirement allowance commences, begins providing 15849
services as an independent contractor pursuant to a contract with 15850
another public employer, shall forfeit the pension portion of the 15851
retirement benefit for the period beginning the first day of the 15852
month following the month in which the services begin and ending 15853
on the first day of the month following the month in which the 15854
services end. The annuity portion of the retirement allowance 15855
shall be suspended on the day services under the contract begin 15856
and shall accumulate to the credit of the retirant to be paid in a 15857
single payment after services provided under the contract 15858
terminate. A PERS retirant subject to division (B)(6) of this 15859
section shall not contribute to the retirement system and shall 15860
not become a member of the system. 15861

(7) As used in this division, "employment" includes service 15862
for which a PERS retirant or other system retirant, the retirant's 15863
employer, or both, have waived any earnable salary for the 15864
service. 15865

(C)(1) Except as provided in division (C)(3) of this section, 15866

this division applies to both of the following: 15867

(a) A PERS retirant who, prior to September 14, 2000, was 15868
subject to division (C)(1)(b) of this section as that division 15869
existed immediately prior to September 14, 2000, and has not 15870
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 15871
assembly to cease to be subject to that division; 15872

(b) A PERS retirant to whom both of the following apply: 15873

(i) The retirant held elective office in this state, or in 15874
any municipal corporation, county, or other political subdivision 15875
of this state at the time of retirement under this chapter. 15876

(ii) The retirant was elected or appointed to the same office 15877
for the remainder of the term or the term immediately following 15878
the term during which the retirement occurred. 15879

(2) A PERS retirant who is subject to this division is a 15880
member of the public employees retirement system with all the 15881
rights, privileges, and obligations of membership, except that the 15882
membership does not include survivor benefits provided pursuant to 15883
section 145.45 of the Revised Code or, beginning on the ninetieth 15884
day after September 14, 2000, any amount calculated under section 15885
145.401 of the Revised Code. The pension portion of the PERS 15886
retirant's retirement allowance shall be forfeited until the first 15887
day of the first month following termination of the employment. 15888
The annuity portion of the retirement allowance shall accumulate 15889
to the credit of the PERS retirant to be paid in a single payment 15890
after termination of the employment. The retirement allowance 15891
shall resume on the first day of the first month following 15892
termination of the employment. On termination of the employment, 15893
the PERS retirant shall elect to receive either a refund of the 15894
retirant's contributions to the retirement system during the 15895
period of employment subject to this section or a supplemental 15896
retirement allowance based on the retirant's contributions and 15897

service credit for that period of employment. 15898

(3) This division does not apply to any of the following: 15899

(a) A PERS retirant elected to office who, at the time of the 15900
election for the retirant's current term, was not retired but, not 15901
less than ninety days prior to the primary election for the term 15902
or the date on which a primary for the term would have been held, 15903
filed a written declaration of intent to retire before the end of 15904
the term with the director of the board of elections of the county 15905
in which petitions for nomination or election to the office are 15906
filed; 15907

(b) A PERS retirant elected to office who, at the time of the 15908
election for the retirant's current term, was a retirant and had 15909
been retired for not less than ninety days; 15910

(c) A PERS retirant appointed to office who, at the time of 15911
appointment to the retirant's current term, notified the person or 15912
entity making the appointment that the retirant was already 15913
retired or intended to retire before the end of the term. 15914

(D)(1) Except as provided in division (C) of this section, a 15915
PERS retirant or other system retirant subject to this section is 15916
not a member of the public employees retirement system, and, 15917
except as specified in this section does not have any of the 15918
rights, privileges, or obligations of membership. Except as 15919
specified in division (D)(2) of this section, the retirant is not 15920
eligible to receive health, medical, hospital, or surgical 15921
benefits under section 145.58 of the Revised Code for employment 15922
subject to this section. 15923

(2) A PERS retirant subject to this section shall receive 15924
primary health, medical, hospital, or surgical insurance coverage 15925
from the retirant's employer, if the employer provides coverage to 15926
other employees performing comparable work. Neither the employer 15927
nor the PERS retirant may waive the employer's coverage, except 15928

that the PERS retirant may waive the employer's coverage if the 15929
retirant has coverage comparable to that provided by the employer 15930
from a source other than the employer or the public employees 15931
retirement system. If a claim is made, the employer's coverage 15932
shall be the primary coverage and shall pay first. The benefits 15933
provided under section 145.58 of the Revised Code shall pay only 15934
those medical expenses not paid through the employer's coverage or 15935
coverage the PERS retirant receives through a source other than 15936
the retirement system. 15937

(E) If the disability benefit of an other system retirant 15938
employed under this section is terminated, the retirant shall 15939
become a member of the public employees retirement system, 15940
effective on the first day of the month next following the 15941
termination with all the rights, privileges, and obligations of 15942
membership. If such person, after the termination of the 15943
disability benefit, earns two years of service credit under this 15944
system or under the Ohio police and fire pension fund, state 15945
teachers retirement system, school employees retirement system, or 15946
state highway patrol retirement system, the person's prior 15947
contributions as an other system retirant under this section shall 15948
be included in the person's total service credit as a public 15949
employees retirement system member, and the person shall forfeit 15950
all rights and benefits of this section. Not more than one year of 15951
credit may be given for any period of twelve months. 15952

(F) This section does not affect the receipt of benefits by 15953
or eligibility for benefits of any person who on August 20, 1976, 15954
was receiving a disability benefit or service retirement pension 15955
or allowance from a state or municipal retirement system in Ohio 15956
and was a member of any other state or municipal retirement system 15957
of this state. 15958

(G) The public employees retirement board may adopt rules to 15959
carry out this section. 15960

Sec. 145.39. Whenever the limits established by section 415 15961
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 15962
U.S.C.A. 415, as amended, are raised, the public employees 15963
retirement board shall increase the amount of the pension, 15964
benefit, or allowance of any person whose pension, benefit, or 15965
allowance payable under section 145.323, 145.33, 145.331, 145.332, 15966
145.335, 145.36, or 145.361 or former section 145.34 of the 15967
Revised Code was limited by the application of section 415. The 15968
amount of the increased pension, benefit, or allowance shall not 15969
exceed the lesser of the amount the person would have received if 15970
the limits established by section 415 had not been applied or the 15971
amount the person is eligible to receive subject to the new limits 15972
established by section 415. 15973

Sec. 145.41. Membership shall cease upon refund of 15974
accumulated contributions, death, or retirement except as provided 15975
in section 145.362 of the Revised Code. A member who separates 15976
from service for any reason other than death or retirement or who 15977
otherwise ceases to be a public employee for any reason other than 15978
death or retirement may leave the member's accumulated 15979
contributions on deposit with the public employees retirement 15980
board and, for the purposes of the public employees retirement 15981
system, be considered on a membership leave of absence. The 15982
member's membership rights shall continue until the member has 15983
withdrawn the member's accumulated contributions, retired on a 15984
retirement allowance as provided in section 145.33, 145.331, ~~or~~ 15985
145.332, or 145.335 of the Revised Code, or died. The account of 15986
such a member shall remain in the employees' savings fund, except 15987
that the account of a member who has less than five calendar years 15988
of contributing service credit or is a member of the state 15989
teachers retirement system or the school employees retirement 15990
system may be transferred to the income fund if by the end of the 15991

fifth calendar year following the calendar year in which the last
contribution was received the member has not died, claimed a
refund of contributions, or requested the retirement board to
continue the member's membership on a leave of absence basis. In
case such a member later requests a refund, the member's account
shall be restored to the employees' savings account and refunded
therefrom. Members on such leaves of absence shall retain all
rights, obligations, and privileges of membership in the public
employees retirement system. A "contributor," as defined in
division (F) of section 145.01 of the Revised Code, who formerly
lost membership through termination of membership leave of absence
and who has not withdrawn the contributor's account shall be
reinstated as a member with all the rights, privileges, and
obligations of membership in the system. In no case shall a member
on leave of absence as provided in this section add to the
member's total number of years of service credit by reason of such
leave of absence, unless such member is eligible to and does make
a payment as provided in section 145.291 of the Revised Code.

Sec. 145.45. Except as provided in division (C)(1) of this
section, in lieu of accepting the payment of the accumulated
account of a member who dies before service retirement, a
beneficiary, as determined in this section or section 145.43 of
the Revised Code, may elect to forfeit the accumulated
contributions and to substitute certain other benefits under
division (A) or (B) of this section.

(A)(1) Except as provided in division (A)(3) of this section,
if a deceased member was eligible for a service retirement benefit
as provided in section 145.33, 145.331, ~~or 145.332,~~ or 145.335 of
the Revised Code, a surviving spouse or other sole dependent
beneficiary may elect to receive a monthly benefit computed as a
joint-life plan under which the spouse or beneficiary receives one
hundred per cent of the actuarial equivalent of the deceased

member's lesser retirement allowance payable for the member's 16024
life, which the member would have received had the member retired 16025
on the last day of the month of death and had the member at that 16026
time selected such a plan. Payment shall begin with the month 16027
subsequent to the member's death, except that a surviving spouse 16028
who is less than sixty-five years old may defer receipt of such 16029
benefit. Upon receipt, the benefit shall be calculated based upon 16030
the spouse's age at the time of first payment, and shall accrue 16031
regular interest during the time of deferral. 16032

(2) Except as provided in division (A)(3) of this section, a 16033
surviving spouse or other sole dependent beneficiary may elect, in 16034
lieu of a monthly payment under division (A)(1) of this section, a 16035
plan of payment consisting of both of the following: 16036

(a) A lump sum in an amount the surviving spouse or other 16037
sole dependent beneficiary designates that constitutes a portion 16038
of the allowance that would be payable under division (A)(1) of 16039
this section; 16040

(b) The remainder of that allowance in monthly payments. 16041

The total amount paid as a lump sum and a monthly benefit 16042
shall be the actuarial equivalent of the amount that would have 16043
been paid had the lump sum not been selected. 16044

The lump sum amount designated by the surviving spouse or 16045
other sole dependent beneficiary under division (A)(2)(a) of this 16046
section shall be not less than six times and not more than 16047
thirty-six times the monthly amount that would be payable to the 16048
surviving spouse or other sole dependent beneficiary under 16049
division (A)(1) of this section and shall not result in a monthly 16050
payment that is less than fifty per cent of that monthly amount. 16051

(3) If the monthly amount of the single lifetime allowance of 16052
a member who dies on or after ~~the effective date of this amendment~~ 16053
March 22, 2019, would be less than fifty dollars, a benefit under 16054

division (A)(1) or (2) of this section shall be the greater of the 16055
following: 16056

(a) The amount payable under section 145.43 of the Revised 16057
Code as a refund of the member's accumulated contributions; 16058

(b) An amount equal to the actuarial present value of the 16059
member's retirement allowance as determined by the public 16060
employees retirement system. 16061

(B) If a deceased member had, except as provided in division 16062
(B)(7) of this section, at least one and one-half years of 16063
contributing service credit, with, except as provided in division 16064
(B)(7) of this section, at least one-quarter year of contributing 16065
service credit within the two and one-half years prior to the date 16066
of death, or was receiving at the time of death a disability 16067
benefit as provided in section 145.36, 145.361, or 145.37 of the 16068
Revised Code, qualified survivors who elect to receive monthly 16069
benefits shall receive the greater of the benefits provided in 16070
division (B)(1)(a) or (b) and (4) of this section as allocated in 16071
accordance with division (B)(5) of this section. 16072

(1)(a) Number of Qualified survivors affecting the benefit	Annual Benefit as a Per Cent of Decedent's Final Average Salary	Or Monthly Benefit shall not be less than	
1	25%	\$250	16073
2	40	400	16074
3	50	500	16075
4	55	500	16076
5 or more	60	500	16077
(b) Years of Service	Annual Benefit as a Per Cent of Member's Final Average Salary		16078
			16079
			16080
			16081
			16082
			16083
			16084
			16085
20	29%		16086

21	33	16087
22	37	16088
23	41	16089
24	45	16090
25	48	16091
26	51	16092
27	54	16093
28	57	16094
29 or more	60	16095

(2) Benefits shall begin as qualified survivors meet 16096
eligibility requirements as follows: 16097

(a) A qualified spouse is the surviving spouse of the 16098
deceased member, who is age sixty-two, or regardless of age meets 16099
one of the following qualifications: 16100

(i) Except as provided in division (B)(7) of this section, 16101
the deceased member had ten or more years of Ohio service credit. 16102

(ii) The spouse is caring for a qualified child. 16103

(iii) The spouse is adjudged physically or mentally 16104
incompetent. 16105

A spouse of a member who died prior to August 27, 1970, whose 16106
eligibility was determined at the member's death, and who is 16107
physically or mentally incompetent on or after August 20, 1976, 16108
shall be paid the monthly benefit which that person would 16109
otherwise receive when qualified by age. 16110

(b) A qualified child is any child of the deceased member who 16111
has never been married and to whom one of the following applies: 16112

(i) Is under age twenty-two; 16113

(ii) Regardless of age, is adjudged physically or mentally 16114
incompetent at the time of the member's death. 16115

(c) A qualified parent is a dependent parent aged sixty-five 16116

or older or regardless of age if physically or mentally 16117
incompetent, a dependent parent whose eligibility was determined 16118
by the member's death prior to August 20, 1976, and who is 16119
physically or mentally incompetent on or after August 20, 1976, 16120
shall be paid the monthly benefit for which that person would 16121
otherwise qualify. 16122

(3) "Physically or mentally incompetent" as used in this 16123
section may be determined by a court of jurisdiction, or by a 16124
physician appointed by the retirement board. Incapability of 16125
making a living because of a physically or mentally disabling 16126
condition shall meet the qualifications of this division. 16127

(4) Benefits to a qualified survivor shall terminate upon 16128
ceasing to meet eligibility requirements as provided in this 16129
division, a first marriage, abandonment, adoption, or during 16130
active military service. Benefits to a deceased member's surviving 16131
spouse that were terminated under a former version of this section 16132
that required termination due to remarriage and were not resumed 16133
prior to September 16, 1998, shall resume on the first day of the 16134
month immediately following receipt by the board of an application 16135
on a form provided by the board. 16136

Benefits to a qualified child who is at least eighteen years 16137
of age but under twenty-two years of age that under a former 16138
version of this section never commenced or were terminated due to 16139
a lack of attendance at an institution of learning or training and 16140
not commenced or resumed before April 6, 2017, shall commence or 16141
resume on the first day of the month immediately following receipt 16142
by the board of an application on a form provided by the board if 16143
the application is received on or before the date that is one year 16144
after April 6, 2017. These benefits terminate on the child 16145
attaining twenty-two years of age. 16146

Upon the death of any subsequent spouse who was a member of 16147
the public employees retirement system, state teachers retirement 16148

system, or school employees retirement system, the surviving 16149
spouse of such member may elect to continue receiving benefits 16150
under this division, or to receive survivor's benefits, based upon 16151
the subsequent spouse's membership in one or more of the systems, 16152
for which such surviving spouse is eligible under this section or 16153
section 3307.66 or 3309.45 of the Revised Code. If the surviving 16154
spouse elects to continue receiving benefits under this division, 16155
such election shall not preclude the payment of benefits under 16156
this division to any other qualified survivor. 16157

Benefits shall begin or resume on the first day of the month 16158
following the attainment of eligibility and shall terminate on the 16159
first day of the month following loss of eligibility. 16160

(5)(a) If a benefit is payable under division (B)(1)(a) of 16161
this section, benefits to a qualified spouse shall be paid in the 16162
amount determined for the first qualifying survivor in division 16163
(B)(1)(a) of this section. All other qualifying survivors shall 16164
share equally in the benefit or remaining portion thereof. 16165

(b) All qualifying survivors shall share equally in a benefit 16166
payable under division (B)(1)(b) of this section, except that if 16167
there is a surviving spouse, the surviving spouse shall receive 16168
not less than the amount determined for the first qualifying 16169
survivor in division (B)(1)(a) of this section. 16170

(6) The beneficiary of a member who is also a member of the 16171
state teachers retirement system or of the school employees 16172
retirement system, must forfeit the member's accumulated 16173
contributions in those systems and in the public employees 16174
retirement system, if the beneficiary takes a survivor benefit. 16175
Such benefit shall be exclusively governed by section 145.37 of 16176
the Revised Code. 16177

(7) The following restrictions do not apply if the deceased 16178
member was contributing toward benefits under section 145.332 of 16179

the Revised Code at the time of death: 16180

(a) That the deceased member have had at least one and 16181
one-half years of contributing service credit, with at least 16182
one-quarter year of contributing service within the two and 16183
one-half years prior to the date of death; 16184

(b) If the deceased member was killed in the line of duty, 16185
that the deceased member have had ten or more years of Ohio 16186
service credit as described in division (B)(2)(a)(i) of this 16187
section. 16188

For the purposes of division (B)(7)(b) of this section, 16189
"killed in the line of duty," means either that death occurred in 16190
the line of duty or that death occurred as a result of injury 16191
sustained in the line of duty. 16192

(C)(1) Regardless of whether the member is survived by a 16193
spouse or designated beneficiary, if the public employees 16194
retirement system receives notice that a deceased member described 16195
in division (A) or (B) of this section has one or more qualified 16196
children, all persons who are qualified survivors under division 16197
(B) of this section shall receive monthly benefits as provided in 16198
division (B) of this section. 16199

If, after determining the monthly benefits to be paid under 16200
division (B) of this section, the system receives notice that 16201
there is a qualified survivor who was not considered when the 16202
determination was made, the system shall, notwithstanding section 16203
145.561 of the Revised Code, recalculate the monthly benefits with 16204
that qualified survivor included, even if the benefits to 16205
qualified survivors already receiving benefits are reduced as a 16206
result. The benefits shall be calculated as if the qualified 16207
survivor who is the subject of the notice became eligible on the 16208
date the notice was received and shall be paid to qualified 16209
survivors effective on the first day of the first month following 16210

the system's receipt of the notice. 16211

If the retirement system did not receive notice that a 16212
deceased member has one or more qualified children prior to making 16213
payment under section 145.43 of the Revised Code to a beneficiary 16214
as determined by the retirement system, the payment is a full 16215
discharge and release of the system from any future claims under 16216
this section or section 145.43 of the Revised Code. 16217

(2) If benefits under division (C)(1) of this section to all 16218
persons, or to all persons other than a surviving spouse or other 16219
sole beneficiary, terminate, there are no children under the age 16220
of twenty-two years, and the surviving spouse or beneficiary 16221
qualifies for benefits under division (A) of this section, the 16222
surviving spouse or beneficiary may elect to receive benefits 16223
under division (A) of this section. The benefits shall be 16224
effective on the first day of the month immediately following the 16225
termination. 16226

(D) The final average salary used in the calculation of a 16227
benefit payable pursuant to division (A) or (B) of this section to 16228
a survivor or beneficiary of a disability benefit recipient shall 16229
be adjusted for each year between the disability benefit's 16230
effective date and the recipient's date of death by the lesser of 16231
three per cent or the actual average percentage increase in the 16232
consumer price index prepared by the United States bureau of labor 16233
statistics (U.S. city average for urban wage earners and clerical 16234
workers: "all items 1982-84=100"). 16235

(E) If the survivor benefits due and paid under this section 16236
are in a total amount less than the member's accumulated account 16237
that was transferred from the public employees' savings fund to 16238
the survivors' benefit fund, then the difference between the total 16239
amount of the benefits paid shall be paid to the beneficiary under 16240
section 145.43 of the Revised Code. 16241

Sec. 145.46. (A) A retirement allowance calculated under 16242
section 145.33, 145.331, ~~or 145.332,~~ or 145.335 of the Revised 16243
Code shall be paid as provided in this section. 16244

Unless the member is required by division (C) of this section 16245
to select a specified plan of payment, a member may elect a plan 16246
of payment as provided in division (B)(1), (2), or (3) of this 16247
section. An election shall be made at the time the member makes 16248
application for retirement and on a form provided by the public 16249
employees retirement board. A plan of payment elected under this 16250
section shall be effective only if approved by the board, which 16251
shall approve it only if it is certified by an actuary engaged by 16252
the board to be the actuarial equivalent of the retirement 16253
allowance calculated under section 145.33, 145.331, ~~or 145.332,~~ or 16254
145.335 of the Revised Code. 16255

(B) The following plans of payment shall be offered by the 16256
public employees retirement system: 16257

(1) "Joint-life plan," an allowance that consists of the 16258
actuarial equivalent of the member's retirement allowance 16259
determined under section 145.33, 145.331, ~~or 145.332,~~ or 145.335 16260
of the Revised Code in a lesser amount payable for life and 16261
one-half or some other portion equal to ten per cent or more of 16262
the allowance continuing after death to the member's designated 16263
beneficiary for the beneficiary's life. The beneficiary shall be 16264
nominated by written designation filed with the retirement board. 16265
The amount payable to the beneficiary shall not exceed the amount 16266
payable to the member. 16267

(2) "Single-life plan," the member's retirement allowance 16268
determined under section 145.33, 145.331, ~~or 145.332,~~ or 145.335 16269
of the Revised Code; 16270

(3) "Multiple-life plan," an allowance that consists of the 16271
actuarial equivalent of the member's retirement allowance 16272

determined under section 145.33, 145.331, ~~or 145.332,~~ or 145.335 16273
of the Revised Code in a lesser amount payable to the retirant for 16274
life and some portion of the lesser amount continuing after death 16275
to two, three, or four surviving beneficiaries designated at the 16276
time of the member's retirement. Unless required under division 16277
(C) of this section, no portion allocated under this plan of 16278
payment shall be less than ten per cent. The total of the portions 16279
allocated shall not exceed one hundred per cent of the member's 16280
lesser allowance. 16281

(C) A member shall select a plan of payment as follows: 16282

(1) Subject to division (C)(2) of this section, if the member 16283
is married at the time of retirement, the member shall select a 16284
joint-life plan and receive a plan of payment that consists of the 16285
actuarial equivalent of the member's retirement allowance 16286
determined under section 145.33, 145.331, ~~or 145.332,~~ or 145.335 16287
of the Revised Code in a lesser amount payable for life and 16288
one-half of such allowance continuing after death to the member's 16289
surviving spouse for the life of the spouse. A married member is 16290
not required to select this plan of payment if the member's spouse 16291
consents in writing to the member's election of a plan of payment 16292
other than described in this division or the board waives the 16293
requirement that the spouse consent; 16294

(2) If prior to the effective date of the member's 16295
retirement, the public employees retirement board receives a copy 16296
of a court order issued under section 3105.171 or 3105.65 of the 16297
Revised Code or the laws of another state regarding division of 16298
marital property the board shall accept the member's election of a 16299
plan of payment under this section only if the member complies 16300
with both of the following: 16301

(a) The member elects a plan of payment that is in accordance 16302
with the order. 16303

(b) If the member is married, the member elects a multiple-life plan and designates the member's current spouse as a beneficiary under that plan unless that spouse consents in writing to not being designated a beneficiary under any plan of payment or the board waives the requirement that the current spouse consent.

(D) An application for retirement shall include an explanation of all of the following:

(1) That, if the member is married, unless the spouse consents to another plan of payment or there is a court order dividing marital property issued under section 3105.171 or 3105.65 of the Revised Code or the laws of another state regarding the division of marital property that provides for payment in a specified amount, the member's retirement allowance will be paid under a joint-life plan and consist of the actuarial equivalent of the member's retirement allowance in a lesser amount payable for life and one-half of the allowance continuing after death to the surviving spouse for the life of the spouse;

(2) A description of the alternative plans of payment, including all plans described in division (B) of this section, available with the consent of the spouse;

(3) That the spouse may consent to another plan of payment and the procedure for giving consent;

(4) That consent is irrevocable once notice of consent is filed with the board.

Consent shall be valid only if it is signed, in writing, and witnessed by a notary public. The board may waive the requirement of consent if the spouse is incapacitated or cannot be located or for any other reason specified by the board. Consent or waiver is effective only with regard to the spouse who is the subject of the consent or waiver.

(E)(1) Beginning on a date selected by the retirement board,

which shall be not later than July 1, 2004, a member may elect to receive a retirement allowance under a plan of payment consisting of both a lump sum in an amount the member designates that constitutes a portion of the member's retirement allowance under a plan described in division (B) of this section and the remainder as a monthly allowance under that plan.

The total amount paid as a lump sum and a monthly benefit shall be the actuarial equivalent of the amount that would have been paid had the lump sum not been selected.

(2) The lump sum designated by a member shall be not less than six times and not more than thirty-six times the monthly amount that would be payable to the member under the plan of payment elected under division (B) of this section had the lump sum not been elected and shall not result in a monthly allowance that is less than fifty per cent of that monthly amount.

(F) If the retirement allowances, as a single life annuity or payment plan as provided in this section, due and paid are in a total amount less than (1) the accumulated contributions, and (2) other deposits made by the member as provided by this chapter, standing to the credit of the member at the time of retirement, then the difference between the total amount of the allowances paid and the accumulated contributions and other deposits shall be paid to the beneficiary provided under division (D) of section 145.43 of the Revised Code.

(G)(1) The death of a spouse or any designated beneficiary following retirement shall cancel the portion of the plan of payment providing continuing lifetime benefits to the deceased spouse or deceased designated beneficiary. The retirant shall receive the actuarial equivalent of the retirant's single lifetime benefit, as determined by the board, based on the number of remaining beneficiaries, with no change in the amount payable to any remaining beneficiary. The change shall be effective the month

following the date of death. 16367

(2) On divorce, annulment, or marriage dissolution, a 16368
retirant receiving a retirement allowance under a plan that 16369
provides for continuation of all or part of the allowance after 16370
death for the lifetime of the retirant's surviving spouse may, 16371
with the written consent of the spouse or pursuant to an order of 16372
the court with jurisdiction over the termination of the marriage, 16373
elect to cancel the portion of the plan providing continuing 16374
lifetime benefits to that spouse. The retirant shall receive the 16375
actuarial equivalent of the retirant's single lifetime benefit as 16376
determined by the retirement board based on the number of 16377
remaining beneficiaries, with no change in amount payable to any 16378
remaining beneficiary. The election shall be made on a form 16379
provided by the board and shall be effective the month following 16380
its receipt by the board. 16381

(H)(1) Following a marriage or remarriage, both of the 16382
following apply: 16383

(a) A retirant who is receiving the retirant's retirement 16384
allowance under a single-life plan may elect a new plan of payment 16385
under division (B)(1) of this section based on the actuarial 16386
equivalent of the retirant's single lifetime benefit as determined 16387
by the board. 16388

(b) A retirant who is receiving a retirement allowance 16389
pursuant to a plan of payment providing for payment to a former 16390
spouse pursuant to a court order described in division (C)(2) of 16391
this section may elect a new plan of payment in the form of a 16392
multiple-life plan based on the actuarial equivalent of the 16393
retirant's single lifetime retirement allowance as determined by 16394
the board if the new plan of payment elected does not reduce the 16395
payment to the former spouse. 16396

(2) If the marriage or remarriage occurs on or after June 6, 16397

2005, the election must be made not later than one year after the date of the marriage or remarriage.

The plan elected under this division shall become effective on the date of receipt by the board of an application on a form approved by the board, but any change in the amount of the retirement allowance shall commence on the first day of the month following the effective date of the plan.

(I) Any person who, prior to July 24, 1990, selected an optional plan of payment at retirement that provided for a return to the single life benefit after the designated beneficiary's death shall have the retirant's benefit adjusted to the optional plan equivalent without such provision.

(J) A retirant's receipt of the first month's retirement allowance constitutes the retirant's final acceptance of the plan of payment and may be changed only as provided in this chapter.

Sec. 149.309. (A) The Ohio commission for the United States semiquincentennial is established to plan, encourage, develop, and coordinate the commemoration of the two hundred fiftieth anniversary of the founding of the United States and the impact of Ohioans on the nation's past, present, and future.

(B) The commission shall consist of the following twenty-nine members:

(1) Two members of the senate appointed by the president of the senate, one of whom shall be recommended by the minority leader of the senate;

(2) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be recommended by the minority leader of the house of representatives;

(3) The governor or the governor's designee;

(4) The chief justice of the supreme court of Ohio;	16428
(5) The president of the board of trustees of the Ohio history connection;	16429 16430
(6) The president of the Ohio local history alliance's designee;	16431 16432
(7) The president of the Ohio county commissioners association's designee;	16433 16434
(8) The chairperson of the board of the Ohio arts council;	16435
(9) The director of TourismOhio <u>the state marketing office in the department of development</u> ;	16436 16437
(10) The executive director of the Ohio travel association;	16438
(11) Seventeen members who are private citizens, of whom:	16439
(a) Eight shall be appointed by the governor;	16440
(b) Four shall be appointed by the president of the senate, two of whom shall be recommended by the minority leader of the senate;	16441 16442 16443
(c) Four shall be appointed by the speaker of the house of representatives, two of whom shall be recommended by the minority leader of the house of representatives;	16444 16445 16446
(d) One shall be appointed by the chief justice of the supreme court of Ohio.	16447 16448
(C) The governor shall designate one of the private citizen members as the chairperson of the commission and a different private citizen member as the vice chairperson of the commission.	16449 16450 16451
The executive director or the deputy executive director of the Ohio history connection shall serve as the secretary of the commission and shall be an ex officio, nonvoting member of the commission.	16452 16453 16454 16455
(D) A member shall be appointed for the duration of the	16456

commission, so long as the member continues to hold the office 16457
that entitled the member to the position on the commission. A 16458
vacancy on the commission shall be filled in the same manner as 16459
the original appointment. The members of the commission shall 16460
receive no compensation for service on the commission, except for 16461
reimbursement for reasonable travel expenses. 16462

(E) Meetings of the commission shall be held throughout this 16463
state at times and locations determined by the chairperson. A 16464
majority of the members of the commission shall constitute a 16465
quorum, ~~but a lesser number of members may hold hearings or~~ 16466
~~meetings for the purpose of furthering the commission's work.~~ 16467

(F) The commission shall do all of the following: 16468

(1) Plan, coordinate, and implement an overall program to 16469
build public awareness and foster public participation to 16470
celebrate and commemorate the two hundred fiftieth anniversary of 16471
the independence and founding of the United States; 16472

(2) Coordinate with all federal, state, and local agencies 16473
and private organizations on infrastructural improvements and 16474
projects or programs to welcome and encourage regional, national, 16475
and international tourists; 16476

(3) Establish and maintain an official web site that is 16477
available and accessible to the public. 16478

(G) In preparing plans and an overall program, the commission 16479
shall do all of the following: 16480

(1) Give due consideration to related plans and programs 16481
developed by federal, other state, local, and private groups; 16482

(2) Conduct extensive public engagement throughout this state 16483
to develop programs of its own or with or by other agencies, 16484
communities, or organizations that may take place to mark the 16485
semiquincentennial by December 31, 2026; 16486

(3) Aim to involve and showcase all counties in this state;	16487
(4) Draw attention to the achievements, struggles, honors, innovations, and significance of all people in this state since before its founding to the present day.	16488 16489 16490
(H) The commission may designate special committees with representatives from stakeholding groups to plan, develop, and coordinate specific activities.	16491 16492 16493
(I)(1) Not later than September 30, 2022, the commission shall submit to the governor and the general assembly a comprehensive report that includes the specific recommendations of the commission for the commemoration of the two hundred fiftieth anniversary of the independence and founding of the United States and related events, as well as a timeline of the plans and overall program and estimates of all costs associated with the plans and overall program.	16494 16495 16496 16497 16498 16499 16500 16501
(2) The report may include recommendations for the following:	16502
(a) Improvements to the infrastructure of the state or for capital projects necessary for the successful delivery of the commission's plan and overall program;	16503 16504 16505
(b) Legislation needed to effectuate the plan and overall program.	16506 16507
(3) The report shall be available on the commission's official web site.	16508 16509
(4) The commission may, from time to time, expand upon or revise its initial report as events warrant.	16510 16511
(J) The commission may secure directly from a state agency information as the commission considers necessary to carry out its duties. On the request of the chairperson of the commission or the commission's executive director, the head of a state agency shall provide the information to the commission.	16512 16513 16514 16515 16516

(K) The commission may accept, use, and dispose of gifts and donations of money, property, or personal services and may request personnel or other supportive resources from state agencies, local governments, and public universities.

(L) As determined necessary by the commission, the commission may do any of the following:

(1) Procure supplies, services, and property;

(2) Take actions as are necessary to enable the commission to carry out efficiently and in the public interest the purpose of this section.

(M)(1) The chairperson of the commission shall appoint an executive director who may, in turn, hire personnel as are necessary to enable the commission to perform its powers and duties. With approval from the commission, the executive director may authorize the Ohio history connection to enter into contracts with ~~venders~~ vendors and consultants to undertake work commensurate with the commission's public functions. All commission employees shall be employees of the Ohio history connection and shall be subject to its customary personnel policies and procedures.

(2) The employment of an executive director shall be subject to confirmation by majority vote of the commission.

(3) The commission, from time to time, may request operating and capital appropriations from the general assembly. Such appropriated money shall be received by the Ohio history connection and held for the use of the commission. Such money shall be audited annually in the ordinary manner and commensurate with the Ohio history connection's audit by the auditor of state.

(N) Once each year on or before the thirty-first day of December, during the period beginning on ~~the effective date of this section~~ September 30, 2021, through December 31, 2026, the

commission shall submit to the governor and the general assembly a 16548
report of the activities of the commission, including a summary of 16549
funds received and expended during the year covered by the report, 16550
the outputs and outcomes achieved, and whether those achievements 16551
meet the commission's plan and overall program. The report shall 16552
be available on the commission's official web site. The commission 16553
shall publish a final report of its activities on or before June 16554
30, 2027. 16555

(O) The commission terminates on June 30, 2027. 16556

Sec. 149.3010. The Ohio history connection, in addition to 16557
its other functions, may use any land owned by the Ohio history 16558
connection, any land owned by the state and in the Ohio history 16559
connection's custody and control, any land leased by the Ohio 16560
history connection, or any land that the Ohio history connection 16561
has agreed to lease to another entity or organization, for the 16562
purpose of repatriation of American Indian human remains. 16563

The Ohio history connection shall work with and cooperate 16564
with federally recognized Indian tribal governments in the 16565
selection, management, and use of burial sites under this section. 16566
The Ohio history connection shall implement reasonable standards 16567
for the use and maintenance of the burial sites. In the event the 16568
Ohio history connection shall deaccession, otherwise dispose of, 16569
or no longer have custody and control of a burial site, the Ohio 16570
history connection shall retain access and authority to maintain 16571
the site or the Ohio history connection shall assign its right of 16572
access and maintenance to the person acquiring the site. 16573

Chapters 517., 759., 1721., and 4767. of the Revised Code do 16574
not apply to burial sites under this section. 16575

Sec. 149.311. (A) As used in this section: 16576

(1) "Historic building" means a building, including its 16577

structural components, that is located in this state and that is 16578
either individually listed on the national register of historic 16579
places under 16 U.S.C. 470a, located in a registered historic 16580
district, and certified by the state historic preservation officer 16581
as being of historic significance to the district, or is 16582
individually listed as an historic landmark designated by a local 16583
government certified under 16 U.S.C. 470a(c). 16584

(2) "Qualified rehabilitation expenditures" means 16585
expenditures paid or incurred during the rehabilitation period, 16586
and before and after that period as determined under 26 U.S.C. 47, 16587
by an owner or qualified lessee of an historic building to 16588
rehabilitate the building. "Qualified rehabilitation expenditures" 16589
includes architectural or engineering fees paid or incurred in 16590
connection with the rehabilitation, and expenses incurred in the 16591
preparation of nomination forms for listing on the national 16592
register of historic places. "Qualified rehabilitation 16593
expenditures" does not include any of the following: 16594

(a) The cost of acquiring, expanding, or enlarging an 16595
historic building; 16596

(b) Expenditures attributable to work done to facilities 16597
related to the building, such as parking lots, sidewalks, and 16598
landscaping; 16599

(c) New building construction costs. 16600

(3) "Owner" of an historic building means a person holding 16601
the fee simple interest in the building. "Owner" does not include 16602
the state or a state agency, or any political subdivision as 16603
defined in section 9.23 of the Revised Code. 16604

(4) "Qualified lessee" means a person subject to a lease 16605
agreement for an historic building and eligible for the federal 16606
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 16607
does not include the state or a state agency or political 16608

subdivision as defined in section 9.23 of the Revised Code. 16609

(5) "Certificate owner" means the owner or qualified lessee 16610
of an historic building to which a rehabilitation tax credit 16611
certificate was issued under this section. 16612

(6) "Registered historic district" means an historic district 16613
listed in the national register of historic places under 16 U.S.C. 16614
470a, an historic district designated by a local government 16615
certified under 16 U.S.C. 470a(c), or a local historic district 16616
certified under 36 C.F.R. 67.8 and 67.9. 16617

(7) "Rehabilitation" means the process of repairing or 16618
altering an historic building or buildings, making possible an 16619
efficient use while preserving those portions and features of the 16620
building and its site and environment that are significant to its 16621
historic, architectural, and cultural values. 16622

(8) "Rehabilitation period" means one of the following: 16623

(a) If the rehabilitation initially was not planned to be 16624
completed in stages, a period chosen by the owner or qualified 16625
lessee not to exceed twenty-four months during which 16626
rehabilitation occurs; 16627

(b) If the rehabilitation initially was planned to be 16628
completed in stages, a period chosen by the owner or qualified 16629
lessee not to exceed sixty months during which rehabilitation 16630
occurs. Each stage shall be reviewed as a phase of a 16631
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 16632
successor to that section. 16633

(9) "State historic preservation officer" or "officer" means 16634
the state historic preservation officer appointed by the governor 16635
under 16 U.S.C. 470a. 16636

(10) "Catalytic project" means the rehabilitation of an 16637
historic building, the rehabilitation of which will foster 16638

economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of an historic building may apply to the director of development for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of an historic building. If the owner of an historic building enters a pass-through agreement with a qualified lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred and shall indicate whether the historic building was used as a theater before, and is intended to be used as a theater after, the rehabilitation. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;

(3) Eligibility requirements for obtaining a certificate

under this section;	16670
(4) The form of rehabilitation tax credit certificates;	16671
(5) Reporting requirements and monitoring procedures;	16672
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	16673 16674 16675 16676 16677 16678
(7) Any other rules necessary to implement and administer this section.	16679 16680
(C) The director shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	16681 16682 16683
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	16684 16685 16686
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	16687 16688 16689 16690
(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:	16691 16692
(a) The applicant's decision to rehabilitate the historic building; or	16693 16694
(b) To increase the level of investment in such rehabilitation.	16695 16696
(4) The historic building that is the subject of the application is not, and will not upon completion of the rehabilitation project be, part of a qualified low income housing	16697 16698 16699

~~project allocated a tax credit pursuant to section 42 of the~~ 16700
~~Internal Revenue Code a federally subsidized residential rental~~ 16701
~~property, as that term is defined in section 5713.03 of the~~ 16702
~~Revised Code.~~ 16703

An applicant shall demonstrate to the satisfaction of the 16704
state historic preservation officer and director that the 16705
rehabilitation will satisfy the standards described in division 16706
(C)(2) of this section before the applicant begins the physical 16707
rehabilitation of the historic building. 16708

(D)(1) If the director determines that an application meets 16709
the criteria in division (C) of this section, the director shall 16710
conduct a cost-benefit analysis for the historic building that is 16711
the subject of the application to determine whether rehabilitation 16712
of the historic building will result in a net revenue gain in 16713
state and local taxes once the building is used. The director 16714
shall consider the results of the cost-benefit analysis in 16715
determining whether to approve the application. The director shall 16716
also consider the potential economic impact and the regional 16717
distributive balance of the credits throughout the state. The 16718
director may approve an application only after completion of the 16719
cost-benefit analysis. 16720

(2) A rehabilitation tax credit certificate shall not be 16721
issued for an amount greater than the estimated amount furnished 16722
by the applicant on the application for such certificate and 16723
approved by the director. The director shall not approve more than 16724
a total of one hundred twenty million dollars of rehabilitation 16725
tax credits for each of fiscal years 2023 and 2024, and sixty 16726
million dollars of rehabilitation tax credits for each fiscal year 16727
thereafter but the director may reallocate unused tax credits from 16728
a prior fiscal year for new applicants and such reallocated 16729
credits shall not apply toward the dollar limit of this division. 16730

(3) For rehabilitations with a rehabilitation period not 16731

exceeding twenty-four months as provided in division (A)(8)(a) of 16732
this section, a rehabilitation tax credit certificate shall not be 16733
issued before the rehabilitation of the historic building is 16734
completed. 16735

(4) For rehabilitations with a rehabilitation period not 16736
exceeding sixty months as provided in division (A)(8)(b) of this 16737
section, a rehabilitation tax credit certificate shall not be 16738
issued before a stage of rehabilitation is completed. After all 16739
stages of rehabilitation are completed, if the director cannot 16740
determine that the criteria in division (C) of this section are 16741
satisfied for all stages of rehabilitations, the director shall 16742
certify this finding to the tax commissioner, and any 16743
rehabilitation tax credits received by the applicant shall be 16744
repaid by the applicant and may be collected by assessment as 16745
unpaid tax by the commissioner. 16746

(5) The director shall require the applicant to provide a 16747
third-party cost certification by a certified public accountant of 16748
the actual costs attributed to the rehabilitation of the historic 16749
building when qualified rehabilitation expenditures exceed two 16750
hundred thousand dollars. 16751

If an applicant whose application is approved for receipt of 16752
a rehabilitation tax credit certificate fails to provide to the 16753
director sufficient evidence of reviewable progress, including a 16754
viable financial plan, copies of final construction drawings, and 16755
evidence that the applicant has obtained all historic approvals 16756
within twelve months after the date the applicant received 16757
notification of approval, and if the applicant fails to provide 16758
evidence to the director that the applicant has secured and closed 16759
on financing for the rehabilitation within eighteen months after 16760
receiving notification of approval, the director may rescind the 16761
approval of the application. The director shall notify the 16762
applicant if the approval has been rescinded. Credits that would 16763

have been available to an applicant whose approval was rescinded 16764
shall be available for other qualified applicants. Nothing in this 16765
division prohibits an applicant whose approval has been rescinded 16766
from submitting a new application for a rehabilitation tax credit 16767
certificate. 16768

(6) The director may approve the application of, and issue a 16769
rehabilitation tax credit certificate to, the owner of a catalytic 16770
project, provided the application otherwise meets the criteria 16771
described in divisions (C) and (D) of this section. The director 16772
may not approve more than one application for a rehabilitation tax 16773
credit certificate under division (D)(6) of this section during 16774
each state fiscal biennium. The director shall not approve an 16775
application for a rehabilitation tax credit certificate under 16776
division (D)(6) of this section during the state fiscal biennium 16777
beginning July 1, 2017, or during any state fiscal biennium 16778
thereafter. The director shall consider the following criteria in 16779
determining whether to approve an application for a certificate 16780
under division (D)(6) of this section: 16781

(a) Whether the historic building is a catalytic project; 16782

(b) The effect issuance of the certificate would have on the 16783
availability of credits for other applicants that qualify for a 16784
credit certificate within the credit dollar limit described in 16785
division (D)(2) of this section; 16786

(c) The number of jobs, if any, the catalytic project will 16787
create. 16788

(7)(a) The owner or qualified lessee of a historic building 16789
may apply for a rehabilitation tax credit certificate under both 16790
divisions (B) and (D)(6) of this section. In such a case, the 16791
director shall consider each application at the time the 16792
application is submitted. 16793

(b) The director shall not issue more than one certificate 16794

under this section with respect to the same qualified 16795
rehabilitation expenditures. 16796

(8) The director shall give consideration for tax credits 16797
awarded under this section to rehabilitations of historic 16798
buildings used as a theater before, and intended to be used as a 16799
theater after, the rehabilitation. In determining whether to 16800
approve an application for such a rehabilitation, the director 16801
shall consider the extent to which the rehabilitation will 16802
increase attendance at the theater and increase the theater's 16803
gross revenue. 16804

(9) The director shall rescind the approval of any 16805
application if the building that is the subject of the application 16806
is ~~part of a qualified low income housing project allocated a tax~~ 16807
~~credit pursuant to section 42 of the Internal Revenue Code a~~ 16808
federally subsidized residential rental property, as that term is 16809
defined in section 5713.03 of the Revised Code, at any time before 16810
the building's rehabilitation is complete. 16811

(E) Issuance of a certificate represents a finding by the 16812
director of the matters described in divisions (C)(1), (2), and 16813
(3) of this section only; issuance of a certificate does not 16814
represent a verification or certification by the director of the 16815
amount of qualified rehabilitation expenditures for which a tax 16816
credit may be claimed under section 5725.151, 5725.34, 5726.52, 16817
5729.17, 5733.47, or 5747.76 of the Revised Code. The amount of 16818
qualified rehabilitation expenditures for which a tax credit may 16819
be claimed is subject to inspection and examination by the tax 16820
commissioner or employees of the commissioner under section 16821
5703.19 of the Revised Code and any other applicable law. Upon the 16822
issuance of a certificate, the director shall certify to the tax 16823
commissioner, in the form and manner requested by the tax 16824
commissioner, the name of the applicant, the amount of qualified 16825
rehabilitation expenditures shown on the certificate, and any 16826

other information required by the rules adopted under this 16827
section. 16828

(F)(1) On or before the first day of August each year, the 16829
director and tax commissioner jointly shall submit to the 16830
president of the senate and the speaker of the house of 16831
representatives a report on the tax credit program established 16832
under this section and sections 5725.151, 5725.34, 5726.52, 16833
5729.17, 5733.47, and 5747.76 of the Revised Code. The report 16834
shall present an overview of the program and shall include 16835
information on the number of rehabilitation tax credit 16836
certificates issued under this section during the preceding fiscal 16837
year, an update on the status of each historic building for which 16838
an application was approved under this section, the dollar amount 16839
of the tax credits granted under sections 5725.151, 5725.34, 16840
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 16841
any other information the director and commissioner consider 16842
relevant to the topics addressed in the report. 16843

(2) On or before December 1, 2015, the director and tax 16844
commissioner jointly shall submit to the president of the senate 16845
and the speaker of the house of representatives a comprehensive 16846
report that includes the information required by division (F)(1) 16847
of this section and a detailed analysis of the effectiveness of 16848
issuing tax credits for rehabilitating historic buildings. The 16849
report shall be prepared with the assistance of an economic 16850
research organization jointly chosen by the director and 16851
commissioner. 16852

(G) There is hereby created in the state treasury the 16853
historic rehabilitation tax credit operating fund. The director is 16854
authorized to charge reasonable application and other fees in 16855
connection with the administration of tax credits authorized by 16856
this section and sections 5725.151, 5725.34, 5726.52, 5729.17, 16857
5733.47, and 5747.76 of the Revised Code. Any such fees collected 16858

shall be credited to the fund and used to pay reasonable costs 16859
incurred by the department of development in administering this 16860
section and sections 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, 16861
and 5747.76 of the Revised Code. 16862

The Ohio historic preservation office is authorized to charge 16863
reasonable fees in connection with its review and approval of 16864
applications under this section. Any such fees collected shall be 16865
credited to the fund and used to pay administrative costs incurred 16866
by the Ohio historic preservation office pursuant to this section. 16867

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 16868
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 16869
owner of a tax credit certificate issued under division (D)(6) of 16870
this section may claim a tax credit equal to twenty-five per cent 16871
of the dollar amount indicated on the certificate for a total 16872
credit of not more than twenty-five million dollars. The credit 16873
claimed by such a certificate owner for any calendar year, tax 16874
year, or taxable year under section 5725.151, 5725.34, 5726.52, 16875
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 16876
five million dollars. If the certificate owner is eligible for 16877
more than five million dollars in total credits, the certificate 16878
owner may carry forward the balance of the credit in excess of the 16879
amount claimed for that year for not more than five ensuing 16880
calendar years, tax years, or taxable years. If the credit claimed 16881
in any calendar year, tax year, or taxable year exceeds the tax 16882
otherwise due, the excess shall be refunded to the taxpayer. 16883

(I) Notwithstanding sections 5725.151, 5725.34, 5726.52, 16884
5729.17, 5733.47, and 5747.76 of the Revised Code, the following 16885
apply to a tax credit approved under this section after September 16886
13, 2022, and before July 1, 2024: 16887

(1) The certificate holder may claim a tax credit equal to 16888
thirty-five per cent of the dollar amount indicated on the tax 16889
credit certificate if any county, township, or municipal 16890

corporation within which the project is located has a population 16891
of less than three hundred thousand according to the 2020 16892
decennial census. The tax credit equals twenty-five per cent of 16893
the dollar amount indicated on the certificate if the project is 16894
not located within such a county, township, or municipal 16895
corporation. 16896

(2) The total tax credit claimed under section 5725.151, 16897
5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code 16898
for any one project shall not exceed ten million dollars for any 16899
calendar year, tax year, or taxable year. 16900

(3) If the credit claimed in any calendar year, tax year, or 16901
taxable year exceeds the tax otherwise due, the excess shall be 16902
refunded to the taxpayer, subject to division (I)(2) of this 16903
section. 16904

(J) The director of development, in consultation with the 16905
director of budget and management, shall develop and adopt a 16906
system of tracking any information necessary to anticipate the 16907
impact of credits issued under this section on tax revenues for 16908
current and future fiscal years. Such information may include the 16909
number of applications approved, the estimated rehabilitation 16910
expenditures and rehabilitation period associated with such 16911
applications, the number and amount of tax credit certificates 16912
issued, and any other information the director of budget and 16913
management requires for the purposes of this division. 16914

(K) For purposes of this section and Chapter 122:19-1 of the 16915
Ohio Administrative Code, a tax credit certificate issued under 16916
this section is effective on the date that all historic buildings 16917
rehabilitated by the project are "placed in service," as that term 16918
is used in section 47 of the Internal Revenue Code. 16919

Sec. 149.43. (A) As used in this section: 16920

(1) "Public record" means records kept by any public office, 16921
including, but not limited to, state, county, city, village, 16922
township, and school district units, and records pertaining to the 16923
delivery of educational services by an alternative school in this 16924
state kept by the nonprofit or for-profit entity operating the 16925
alternative school pursuant to section 3313.533 of the Revised 16926
Code. "Public record" does not mean any of the following: 16927

(a) Medical records; 16928

(b) Records pertaining to probation and parole proceedings, 16929
to proceedings related to the imposition of community control 16930
sanctions and post-release control sanctions, or to proceedings 16931
related to determinations under section 2967.271 of the Revised 16932
Code regarding the release or maintained incarceration of an 16933
offender to whom that section applies; 16934

(c) Records pertaining to actions under section 2151.85 and 16935
division (C) of section 2919.121 of the Revised Code and to 16936
appeals of actions arising under those sections; 16937

(d) Records pertaining to adoption proceedings, including the 16938
contents of an adoption file maintained by the department of 16939
health under sections 3705.12 to 3705.124 of the Revised Code; 16940

(e) Information in a record contained in the putative father 16941
registry established by section 3107.062 of the Revised Code, 16942
regardless of whether the information is held by the department of 16943
job and family services or, pursuant to section 3111.69 of the 16944
Revised Code, the office of child support in the department or a 16945
child support enforcement agency; 16946

(f) Records specified in division (A) of section 3107.52 of 16947
the Revised Code; 16948

(g) Trial preparation records prior to the conclusion of all 16949
direct appeals or, if no appeal is filed, at the expiration of the 16950
time during which an appeal may be filed; 16951

(h) Confidential law enforcement investigatory records;	16952
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	16953 16954
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	16955 16956
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	16957 16958 16959 16960
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	16961 16962 16963 16964
(m) Intellectual property records;	16965
(n) Donor profile records;	16966
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	16967 16968
(p) Designated public service worker residential and familial information;	16969 16970
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	16971 16972 16973 16974 16975
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	16976 16977
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided	16978 16979 16980 16981

to the board or director, statements made by board members during 16982
meetings of the board or by persons participating in the 16983
director's review, and all work products of the board or director, 16984
and in the case of a child fatality review board, child fatality 16985
review data submitted by the board to the department of health or 16986
a national child death review database, other than the report 16987
prepared pursuant to division (A) of section 307.626 of the 16988
Revised Code; 16989

(t) Records provided to and statements made by the executive 16990
director of a public children services agency or a prosecuting 16991
attorney acting pursuant to section 5153.171 of the Revised Code 16992
other than the information released under that section; 16993

(u) Test materials, examinations, or evaluation tools used in 16994
an examination for licensure as a nursing home administrator that 16995
the board of executives of long-term services and supports 16996
administers under section 4751.15 of the Revised Code or contracts 16997
under that section with a private or government entity to 16998
administer; 16999

(v) Records the release of which is prohibited by state or 17000
federal law; 17001

(w) Proprietary information of or relating to any person that 17002
is submitted to or compiled by the Ohio venture capital authority 17003
created under section 150.01 of the Revised Code; 17004

(x) Financial statements and data any person submits for any 17005
purpose to the Ohio governor's office of housing ~~finance agency~~ 17006
transformation or the controlling board in connection with 17007
applying for, receiving, or accounting for financial assistance 17008
from the agency office, and information that identifies any 17009
individual who benefits directly or indirectly from financial 17010
assistance from the agency office; 17011

(y) Records listed in section 5101.29 of the Revised Code; 17012

(z) Discharges recorded with a county recorder under section 17013
317.24 of the Revised Code, as specified in division (B)(2) of 17014
that section; 17015

(aa) Usage information including names and addresses of 17016
specific residential and commercial customers of a municipally 17017
owned or operated public utility; 17018

(bb) Records described in division (C) of section 187.04 of 17019
the Revised Code that are not designated to be made available to 17020
the public as provided in that division; 17021

(cc) Information and records that are made confidential, 17022
privileged, and not subject to disclosure under divisions (B) and 17023
(C) of section 2949.221 of the Revised Code; 17024

(dd) Personal information, as defined in section 149.45 of 17025
the Revised Code; 17026

(ee) The confidential name, address, and other personally 17027
identifiable information of a program participant in the address 17028
confidentiality program established under sections 111.41 to 17029
111.47 of the Revised Code, including the contents of any 17030
application for absent voter's ballots, absent voter's ballot 17031
identification envelope statement of voter, or provisional ballot 17032
affirmation completed by a program participant who has a 17033
confidential voter registration record; records or portions of 17034
records pertaining to that program that identify the number of 17035
program participants that reside within a precinct, ward, 17036
township, municipal corporation, county, or any other geographic 17037
area smaller than the state; and any real property confidentiality 17038
notice filed under section 111.431 of the Revised Code and the 17039
information described in division (C) of that section. As used in 17040
this division, "confidential address" and "program participant" 17041
have the meaning defined in section 111.41 of the Revised Code. 17042

(ff) Orders for active military service of an individual 17043

serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;

(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;

(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;

(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's

behalf, statements made by review board members during board 17075
meetings, all work products of the board, and data submitted by 17076
the board to the department of health or a national infant death 17077
review database, other than the report prepared pursuant to 17078
section 3707.77 of the Revised Code. 17079

(ll) Records, documents, reports, or other information 17080
presented to the pregnancy-associated mortality review board 17081
established under section 3738.01 of the Revised Code, statements 17082
made by board members during board meetings, all work products of 17083
the board, and data submitted by the board to the department of 17084
health, other than the biennial reports prepared under section 17085
3738.08 of the Revised Code; 17086

(mm) Except as otherwise provided in division (A)(1)(oo) of 17087
this section, telephone numbers for a victim, as defined in 17088
section 2930.01 of the Revised Code or a witness to a crime that 17089
are listed on any law enforcement record or report. 17090

(nn) A preneed funeral contract, as defined in section 17091
4717.01 of the Revised Code, and contract terms and personally 17092
identifying information of a preneed funeral contract, that is 17093
contained in a report submitted by or for a funeral home to the 17094
board of embalmers and funeral directors under division (C) of 17095
section 4717.13, division (J) of section 4717.31, or section 17096
4717.41 of the Revised Code. 17097

(oo) Telephone numbers for a party to a motor vehicle 17098
accident subject to the requirements of section 5502.11 of the 17099
Revised Code that are listed on any law enforcement record or 17100
report, except that the telephone numbers described in this 17101
division are not excluded from the definition of "public record" 17102
under this division on and after the thirtieth day after the 17103
occurrence of the motor vehicle accident. 17104

(pp) Records pertaining to individuals who complete training 17105

under section 5502.703 of the Revised Code to be permitted by a 17106
school district board of education or governing body of a 17107
community school established under Chapter 3314. of the Revised 17108
Code, a STEM school established under Chapter 3326. of the Revised 17109
Code, or a chartered nonpublic school to convey deadly weapons or 17110
dangerous ordnance into a school safety zone; 17111

(qq) Records, documents, reports, or other information 17112
presented to a domestic violence fatality review board established 17113
under section 307.651 of the Revised Code, statements made by 17114
board members during board meetings, all work products of the 17115
board, and data submitted by the board to the department of 17116
health, other than a report prepared pursuant to section 307.656 17117
of the Revised Code; 17118

(rr) Records, documents, and information the release of which 17119
is prohibited under sections 2930.04 and 2930.07 of the Revised 17120
Code. 17121

(ss) Records of an existing qualified nonprofit corporation 17122
that creates a special improvement district under Chapter 1710. of 17123
the Revised Code that do not pertain to a purpose for which the 17124
district is created; 17125

(tt) Attorney work product record at any time. 17126

A record that is not a public record under division (A)(1) of 17127
this section and that, under law, is permanently retained becomes 17128
a public record on the day that is seventy-five years after the 17129
day on which the record was created, except for any record 17130
protected by the attorney-client privilege, a trial preparation 17131
record as defined in this section, a statement prohibiting the 17132
release of identifying information signed under section 3107.083 17133
of the Revised Code, a denial of release form filed pursuant to 17134
section 3107.46 of the Revised Code, or any record that is exempt 17135
from release or disclosure under section 149.433 of the Revised 17136

Code. If the record is a birth certificate and a biological 17137
parent's name redaction request form has been accepted under 17138
section 3107.391 of the Revised Code, the name of that parent 17139
shall be redacted from the birth certificate before it is released 17140
under this paragraph. If any other section of the Revised Code 17141
establishes a time period for disclosure of a record that 17142
conflicts with the time period specified in this section, the time 17143
period in the other section prevails. 17144

~~(2)~~(2)(a) "Confidential law enforcement investigatory record" 17145
means any record that pertains to a law enforcement matter of a 17146
criminal, quasi-criminal, civil, or administrative nature, but 17147
only to the extent that the release of the record would create a 17148
high probability of disclosure of any of the following: 17149

~~(a)~~(i) The identity of a suspect who has not been charged 17150
with the offense to which the record pertains, or of an 17151
information source or witness to whom confidentiality has been 17152
reasonably promised; 17153

~~(b)~~(ii) Information provided by an information source or 17154
witness to whom confidentiality has been reasonably promised, 17155
which information would reasonably tend to disclose the source's 17156
or witness's identity; 17157

~~(c)~~(iii) Specific confidential investigatory techniques or 17158
procedures or specific investigatory work product; 17159

~~(d)~~(iv) Information that would endanger the life or physical 17160
safety of law enforcement personnel, a crime victim, a witness, or 17161
a confidential information source. 17162

(b) As used in division (A)(2) of this section, "specific 17163
investigatory work product" means any record, thing, or item that 17164
documents the independent thought processes, factual findings, 17165
mental impressions, theories, strategies, opinions, or analyses of 17166
an investigating officer or an agent of an investigative agency 17167

and also includes any documents and evidence collected, written or 17168
recorded interviews or statements, interview notes, test results, 17169
lab results, preliminary lab results, and other internal 17170
memoranda, things, or items created during any point of an 17171
investigation. "Specific investigatory work product" does not 17172
include basic information regarding date, time, address, and type 17173
of incident. 17174

(3) "Medical record" means any document or combination of 17175
documents, except births, deaths, and the fact of admission to or 17176
discharge from a hospital, that pertains to the medical history, 17177
diagnosis, prognosis, or medical condition of a patient and that 17178
is generated and maintained in the process of medical treatment. 17179

(4) "Trial preparation record" means any record that is not a 17180
confidential law enforcement investigatory record or attorney work 17181
product record and that contains factual information that is 17182
specifically compiled in reasonable anticipation of, or in defense 17183
of, a civil or criminal action or proceeding, ~~including the~~ 17184
~~independent thought processes and personal trial preparation of an~~ 17185
~~attorney.~~ 17186

(5) "Intellectual property record" means a record, other than 17187
a financial or administrative record, that is produced or 17188
collected by or for faculty or staff of a state institution of 17189
higher learning in the conduct of or as a result of study or 17190
research on an educational, commercial, scientific, artistic, 17191
technical, or scholarly issue, regardless of whether the study or 17192
research was sponsored by the institution alone or in conjunction 17193
with a governmental body or private concern, and that has not been 17194
publicly released, published, or patented. 17195

(6) "Donor profile record" means all records about donors or 17196
potential donors to a public institution of higher education 17197
except the names and reported addresses of the actual donors and 17198
the date, amount, and conditions of the actual donation. 17199

(7) "Designated public service worker" means a peace officer, 17200
parole officer, probation officer, bailiff, prosecuting attorney, 17201
assistant prosecuting attorney, correctional employee, county or 17202
multicounty corrections officer, community-based correctional 17203
facility employee, designated Ohio national guard member, 17204
protective services worker, youth services employee, firefighter, 17205
EMT, medical director or member of a cooperating physician 17206
advisory board of an emergency medical service organization, state 17207
board of pharmacy employee, investigator of the bureau of criminal 17208
identification and investigation, emergency service 17209
telecommunicator, forensic mental health provider, mental health 17210
evaluation provider, regional psychiatric hospital employee, 17211
judge, magistrate, or federal law enforcement officer. 17212

(8) "Designated public service worker residential and 17213
familial information" means any information that discloses any of 17214
the following about a designated public service worker: 17215

(a) The address of the actual personal residence of a 17216
designated public service worker, except for the following 17217
information: 17218

(i) The address of the actual personal residence of a 17219
prosecuting attorney or judge; and 17220

(ii) The state or political subdivision in which a designated 17221
public service worker resides. 17222

(b) Information compiled from referral to or participation in 17223
an employee assistance program; 17224

(c) The social security number, the residential telephone 17225
number, any bank account, debit card, charge card, or credit card 17226
number, or the emergency telephone number of, or any medical 17227
information pertaining to, a designated public service worker; 17228

(d) The name of any beneficiary of employment benefits, 17229
including, but not limited to, life insurance benefits, provided 17230

to a designated public service worker by the designated public 17231
service worker's employer; 17232

(e) The identity and amount of any charitable or employment 17233
benefit deduction made by the designated public service worker's 17234
employer from the designated public service worker's compensation, 17235
unless the amount of the deduction is required by state or federal 17236
law; 17237

(f) The name, the residential address, the name of the 17238
employer, the address of the employer, the social security number, 17239
the residential telephone number, any bank account, debit card, 17240
charge card, or credit card number, or the emergency telephone 17241
number of the spouse, a former spouse, or any child of a 17242
designated public service worker; 17243

(g) A photograph of a peace officer who holds a position or 17244
has an assignment that may include undercover or plain clothes 17245
positions or assignments as determined by the peace officer's 17246
appointing authority. 17247

(9) As used in divisions (A)(7) and (15) to (17) of this 17248
section: 17249

"Peace officer" has the meaning defined in section 109.71 of 17250
the Revised Code and also includes the superintendent and troopers 17251
of the state highway patrol; it does not include the sheriff of a 17252
county or a supervisory employee who, in the absence of the 17253
sheriff, is authorized to stand in for, exercise the authority of, 17254
and perform the duties of the sheriff. 17255

"Correctional employee" means any employee of the department 17256
of rehabilitation and correction who in the course of performing 17257
the employee's job duties has or has had contact with inmates and 17258
persons under supervision. 17259

"County or multicounty corrections officer" means any 17260
corrections officer employed by any county or multicounty 17261

correctional facility. 17262

"Designated Ohio national guard member" means a member of the 17263
Ohio national guard who is participating in duties related to 17264
remotely piloted aircraft, including, but not limited to, pilots, 17265
sensor operators, and mission intelligence personnel, duties 17266
related to special forces operations, or duties related to 17267
cybersecurity, and is designated by the adjutant general as a 17268
designated public service worker for those purposes. 17269

"Protective services worker" means any employee of a county 17270
agency who is responsible for child protective services, child 17271
support services, or adult protective services. 17272

"Youth services employee" means any employee of the 17273
department of youth services who in the course of performing the 17274
employee's job duties has or has had contact with children 17275
committed to the custody of the department of youth services. 17276

"Firefighter" means any regular, paid or volunteer, member of 17277
a lawfully constituted fire department of a municipal corporation, 17278
township, fire district, or village. 17279

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 17280
emergency medical services for a public emergency medical service 17281
organization. "Emergency medical service organization," 17282
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 17283
section 4765.01 of the Revised Code. 17284

"Investigator of the bureau of criminal identification and 17285
investigation" has the meaning defined in section 2903.11 of the 17286
Revised Code. 17287

"Emergency service telecommunicator" has the meaning defined 17288
in section 4742.01 of the Revised Code. 17289

"Forensic mental health provider" means any employee of a 17290
community mental health service provider or local alcohol, drug 17291

addiction, and mental health services board who, in the course of 17292
the employee's duties, has contact with persons committed to a 17293
local alcohol, drug addiction, and mental health services board by 17294
a court order pursuant to section 2945.38, 2945.39, 2945.40, or 17295
2945.402 of the Revised Code. 17296

"Mental health evaluation provider" means an individual who, 17297
under Chapter 5122. of the Revised Code, examines a respondent who 17298
is alleged to be a mentally ill person subject to court order, as 17299
defined in section 5122.01 of the Revised Code, and reports to the 17300
probate court the respondent's mental condition. 17301

"Regional psychiatric hospital employee" means any employee 17302
of the department of mental health and addiction services who, in 17303
the course of performing the employee's duties, has contact with 17304
patients committed to the department of mental health and 17305
addiction services by a court order pursuant to section 2945.38, 17306
2945.39, 2945.40, or 2945.402 of the Revised Code. 17307

"Federal law enforcement officer" has the meaning defined in 17308
section 9.88 of the Revised Code. 17309

(10) "Information pertaining to the recreational activities 17310
of a person under the age of eighteen" means information that is 17311
kept in the ordinary course of business by a public office, that 17312
pertains to the recreational activities of a person under the age 17313
of eighteen years, and that discloses any of the following: 17314

(a) The address or telephone number of a person under the age 17315
of eighteen or the address or telephone number of that person's 17316
parent, guardian, custodian, or emergency contact person; 17317

(b) The social security number, birth date, or photographic 17318
image of a person under the age of eighteen; 17319

(c) Any medical record, history, or information pertaining to 17320
a person under the age of eighteen; 17321

(d) Any additional information sought or required about a 17322
person under the age of eighteen for the purpose of allowing that 17323
person to participate in any recreational activity conducted or 17324
sponsored by a public office or to use or obtain admission 17325
privileges to any recreational facility owned or operated by a 17326
public office. 17327

(11) "Community control sanction" has the meaning defined in 17328
section 2929.01 of the Revised Code. 17329

(12) "Post-release control sanction" has the meaning defined 17330
in section 2967.01 of the Revised Code. 17331

(13) "Redaction" means obscuring or deleting any information 17332
that is exempt from the duty to permit public inspection or 17333
copying from an item that otherwise meets the definition of a 17334
"record" in section 149.011 of the Revised Code. 17335

(14) "Designee," "elected official," and "future official" 17336
have the meanings defined in section 109.43 of the Revised Code. 17337

(15) "Body-worn camera" means a visual and audio recording 17338
device worn on the person of a correctional employee, youth 17339
services employee, or peace officer while the correctional 17340
employee, youth services employee, or peace officer is engaged in 17341
the performance of official duties. 17342

(16) "Dashboard camera" means a visual and audio recording 17343
device mounted on a peace officer's vehicle or vessel that is used 17344
while the peace officer is engaged in the performance of the peace 17345
officer's duties. 17346

(17) "Restricted portions of a body-worn camera or dashboard 17347
camera recording" means any visual or audio portion of a body-worn 17348
camera or dashboard camera recording that shows, communicates, or 17349
discloses any of the following: 17350

(a) The image or identity of a child or information that 17351

could lead to the identification of a child who is a primary 17352
subject of the recording when the department of rehabilitation and 17353
correction, department of youth services, or the law enforcement 17354
agency knows or has reason to know the person is a child based on 17355
the department's or law enforcement agency's records or the 17356
content of the recording; 17357

(b) The death of a person or a deceased person's body, unless 17358
the death was caused by a correctional employee, youth services 17359
employee, or peace officer or, subject to division (H)(1) of this 17360
section, the consent of the decedent's executor or administrator 17361
has been obtained; 17362

(c) The death of a correctional employee, youth services 17363
employee, peace officer, firefighter, paramedic, or other first 17364
responder, occurring while the decedent was engaged in the 17365
performance of official duties, unless, subject to division (H)(1) 17366
of this section, the consent of the decedent's executor or 17367
administrator has been obtained; 17368

(d) Grievous bodily harm, unless the injury was effected by a 17369
correctional employee, youth services employee, or peace officer 17370
or, subject to division (H)(1) of this section, the consent of the 17371
injured person or the injured person's guardian has been obtained; 17372

(e) An act of severe violence against a person that results 17373
in serious physical harm to the person, unless the act and injury 17374
was effected by a correctional employee, youth services employee, 17375
or peace officer or, subject to division (H)(1) of this section, 17376
the consent of the injured person or the injured person's guardian 17377
has been obtained; 17378

(f) Grievous bodily harm to a correctional employee, youth 17379
services employee, peace officer, firefighter, paramedic, or other 17380
first responder, occurring while the injured person was engaged in 17381
the performance of official duties, unless, subject to division 17382

(H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 17383
17384

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained; 17385
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(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained; 17392
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(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter; 17394
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(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence; 17400
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(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person; 17402
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(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer; 17410
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(m) Proprietary correctional, youth services, or police contingency plans or tactics that are intended to prevent crime 17412
17413

and maintain public order and safety; 17414

(n) A personal conversation unrelated to work between 17415
correctional employees, youth services employees, or peace 17416
officers or between a correctional employee, youth services 17417
employee, or peace officer and an employee of a law enforcement 17418
agency; 17419

(o) A conversation between a correctional employee, youth 17420
services employee, or peace officer and a member of the public 17421
that does not concern correctional, youth services, or law 17422
enforcement activities; 17423

(p) The interior of a residence, unless the interior of a 17424
residence is the location of an adversarial encounter with, or a 17425
use of force by, a correctional employee, youth services employee, 17426
or peace officer; 17427

(q) Any portion of the interior of a private business that is 17428
not open to the public, unless an adversarial encounter with, or a 17429
use of force by, a correctional employee, youth services employee, 17430
or peace officer occurs in that location. 17431

As used in division (A)(17) of this section: 17432

"Grievous bodily harm" has the same meaning as in section 17433
5924.120 of the Revised Code. 17434

"Health care facility" has the same meaning as in section 17435
1337.11 of the Revised Code. 17436

"Protected health information" has the same meaning as in 45 17437
C.F.R. 160.103. 17438

"Law enforcement agency" means a government entity that 17439
employs peace officers to perform law enforcement duties. 17440

"Personal information" means any government-issued 17441
identification number, date of birth, address, financial 17442
information, or criminal justice information from the law 17443

enforcement automated data system or similar databases. 17444

"Sex offense" has the same meaning as in section 2907.10 of 17445
the Revised Code. 17446

"Firefighter," "paramedic," and "first responder" have the 17447
same meanings as in section 4765.01 of the Revised Code. 17448

(18) "Attorney work product record" means any record that 17449
documents the independent thought processes, mental impressions, 17450
legal theories, strategies, opinions, analysis, or reasoning of an 17451
attorney for the state including reports, memoranda, or other 17452
internal documents made by a prosecuting attorney, or the 17453
prosecuting attorney's agent, in connection with the investigation 17454
or prosecution of a case. 17455

(B)(1) Upon request by any person and subject to division 17456
(B)(8) of this section, all public records responsive to the 17457
request shall be promptly prepared and made available for 17458
inspection to the requester at all reasonable times during regular 17459
business hours. Subject to division (B)(8) of this section, upon 17460
request by any person, a public office or person responsible for 17461
public records shall make copies of the requested public record 17462
available to the requester at cost and within a reasonable period 17463
of time. If a public record contains information that is exempt 17464
from the duty to permit public inspection or to copy the public 17465
record, the public office or the person responsible for the public 17466
record shall make available all of the information within the 17467
public record that is not exempt. When making that public record 17468
available for public inspection or copying that public record, the 17469
public office or the person responsible for the public record 17470
shall notify the requester of any redaction or make the redaction 17471
plainly visible. A redaction shall be deemed a denial of a request 17472
to inspect or copy the redacted information, except if federal or 17473
state law authorizes or requires a public office to make the 17474
redaction. When the auditor of state receives a request to inspect 17475

or to make a copy of a record that was provided to the auditor of 17476
state for purposes of an audit, but the original public office has 17477
asserted to the auditor of state that the record is not a public 17478
record, the auditor of state may handle the requests by directing 17479
the requestor to the original public office that provided the 17480
record to the auditor of state. 17481

(2) To facilitate broader access to public records, a public 17482
office or the person responsible for public records shall organize 17483
and maintain public records in a manner that they can be made 17484
available for inspection or copying in accordance with division 17485
(B) of this section. A public office also shall have available a 17486
copy of its current records retention schedule at a location 17487
readily available to the public. If a requester makes an ambiguous 17488
or overly broad request or has difficulty in making a request for 17489
copies or inspection of public records under this section such 17490
that the public office or the person responsible for the requested 17491
public record cannot reasonably identify what public records are 17492
being requested, the public office or the person responsible for 17493
the requested public record may deny the request but shall provide 17494
the requester with an opportunity to revise the request by 17495
informing the requester of the manner in which records are 17496
maintained by the public office and accessed in the ordinary 17497
course of the public office's or person's duties. 17498

(3) If a request is ultimately denied, in part or in whole, 17499
the public office or the person responsible for the requested 17500
public record shall provide the requester with an explanation, 17501
including legal authority, setting forth why the request was 17502
denied. If the initial request was provided in writing, the 17503
explanation also shall be provided to the requester in writing. 17504
The explanation shall not preclude the public office or the person 17505
responsible for the requested public record from relying upon 17506
additional reasons or legal authority in defending an action 17507

commenced under division (C) of this section. 17508

(4) Unless specifically required or authorized by state or 17509
federal law or in accordance with division (B) of this section, no 17510
public office or person responsible for public records may limit 17511
or condition the availability of public records by requiring 17512
disclosure of the requester's identity or the intended use of the 17513
requested public record. Any requirement that the requester 17514
disclose the requester's identity or the intended use of the 17515
requested public record constitutes a denial of the request. 17516

(5) A public office or person responsible for public records 17517
may ask a requester to make the request in writing, may ask for 17518
the requester's identity, and may inquire about the intended use 17519
of the information requested, but may do so only after disclosing 17520
to the requester that a written request is not mandatory, that the 17521
requester may decline to reveal the requester's identity or the 17522
intended use, and when a written request or disclosure of the 17523
identity or intended use would benefit the requester by enhancing 17524
the ability of the public office or person responsible for public 17525
records to identify, locate, or deliver the public records sought 17526
by the requester. 17527

(6) If any person requests a copy of a public record in 17528
accordance with division (B) of this section, the public office or 17529
person responsible for the public record may require the requester 17530
to pay in advance the cost involved in providing the copy of the 17531
public record in accordance with the choice made by the requester 17532
under this division. The public office or the person responsible 17533
for the public record shall permit the requester to choose to have 17534
the public record duplicated upon paper, upon the same medium upon 17535
which the public office or person responsible for the public 17536
record keeps it, or upon any other medium upon which the public 17537
office or person responsible for the public record determines that 17538
it reasonably can be duplicated as an integral part of the normal 17539

operations of the public office or person responsible for the 17540
public record. When the requester makes a choice under this 17541
division, the public office or person responsible for the public 17542
record shall provide a copy of it in accordance with the choice 17543
made by the requester. Nothing in this section requires a public 17544
office or person responsible for the public record to allow the 17545
requester of a copy of the public record to make the copies of the 17546
public record. 17547

(7)(a) Upon a request made in accordance with division (B) of 17548
this section and subject to division (B)(6) of this section, a 17549
public office or person responsible for public records shall 17550
transmit a copy of a public record to any person by United States 17551
mail or by any other means of delivery or transmission within a 17552
reasonable period of time after receiving the request for the 17553
copy. The public office or person responsible for the public 17554
record may require the person making the request to pay in advance 17555
the cost of postage if the copy is transmitted by United States 17556
mail or the cost of delivery if the copy is transmitted other than 17557
by United States mail, and to pay in advance the costs incurred 17558
for other supplies used in the mailing, delivery, or transmission. 17559

(b) Any public office may adopt a policy and procedures that 17560
it will follow in transmitting, within a reasonable period of time 17561
after receiving a request, copies of public records by United 17562
States mail or by any other means of delivery or transmission 17563
pursuant to division (B)(7) of this section. A public office that 17564
adopts a policy and procedures under division (B)(7) of this 17565
section shall comply with them in performing its duties under that 17566
division. 17567

(c) In any policy and procedures adopted under division 17568
(B)(7) of this section: 17569

(i) A public office may limit the number of records requested 17570
by a person that the office will physically deliver by United 17571

States mail or by another delivery service to ten per month, 17572
unless the person certifies to the office in writing that the 17573
person does not intend to use or forward the requested records, or 17574
the information contained in them, for commercial purposes; 17575

(ii) A public office that chooses to provide some or all of 17576
its public records on a web site that is fully accessible to and 17577
searchable by members of the public at all times, other than 17578
during acts of God outside the public office's control or 17579
maintenance, and that charges no fee to search, access, download, 17580
or otherwise receive records provided on the web site, may limit 17581
to ten per month the number of records requested by a person that 17582
the office will deliver in a digital format, unless the requested 17583
records are not provided on the web site and unless the person 17584
certifies to the office in writing that the person does not intend 17585
to use or forward the requested records, or the information 17586
contained in them, for commercial purposes. 17587

(iii) For purposes of division (B)(7) of this section, 17588
"commercial" shall be narrowly construed and does not include 17589
reporting or gathering news, reporting or gathering information to 17590
assist citizen oversight or understanding of the operation or 17591
activities of government, or nonprofit educational research. 17592

(8) A public office or person responsible for public records 17593
is not required to permit a person who is incarcerated pursuant to 17594
a criminal conviction or a juvenile adjudication to inspect or to 17595
obtain a copy of any public record concerning a criminal 17596
investigation or prosecution or concerning what would be a 17597
criminal investigation or prosecution if the subject of the 17598
investigation or prosecution were an adult, unless the request to 17599
inspect or to obtain a copy of the record is for the purpose of 17600
acquiring information that is subject to release as a public 17601
record under this section and the judge who imposed the sentence 17602
or made the adjudication with respect to the person, or the 17603

judge's successor in office, finds that the information sought in 17604
the public record is necessary to support what appears to be a 17605
justiciable claim of the person. 17606

(9)(a) Upon written request made and signed by a journalist, 17607
a public office, or person responsible for public records, having 17608
custody of the records of the agency employing a specified 17609
designated public service worker shall disclose to the journalist 17610
the address of the actual personal residence of the designated 17611
public service worker and, if the designated public service 17612
worker's spouse, former spouse, or child is employed by a public 17613
office, the name and address of the employer of the designated 17614
public service worker's spouse, former spouse, or child. The 17615
request shall include the journalist's name and title and the name 17616
and address of the journalist's employer and shall state that 17617
disclosure of the information sought would be in the public 17618
interest. 17619

(b) Division (B)(9)(a) of this section also applies to 17620
journalist requests for: 17621

(i) Customer information maintained by a municipally owned or 17622
operated public utility, other than social security numbers and 17623
any private financial information such as credit reports, payment 17624
methods, credit card numbers, and bank account information; 17625

(ii) Information about minors involved in a school vehicle 17626
accident as provided in division (A)(1)(gg) of this section, other 17627
than personal information as defined in section 149.45 of the 17628
Revised Code. 17629

(c) As used in division (B)(9) of this section, "journalist" 17630
means a person engaged in, connected with, or employed by any news 17631
medium, including a newspaper, magazine, press association, news 17632
agency, or wire service, a radio or television station, or a 17633
similar medium, for the purpose of gathering, processing, 17634

transmitting, compiling, editing, or disseminating information for 17635
the general public. 17636

(10) Upon a request made by a victim, victim's attorney, or 17637
victim's representative, as that term is used in section 2930.02 17638
of the Revised Code, a public office or person responsible for 17639
public records shall transmit a copy of a depiction of the victim 17640
as described in division (A)(1)(ii) of this section to the victim, 17641
victim's attorney, or victim's representative. 17642

(C)(1) If a person allegedly is aggrieved by the failure of a 17643
public office or the person responsible for public records to 17644
promptly prepare a public record and to make it available to the 17645
person for inspection in accordance with division (B) of this 17646
section or by any other failure of a public office or the person 17647
responsible for public records to comply with an obligation in 17648
accordance with division (B) of this section, the person allegedly 17649
aggrieved may do only one of the following, and not both: 17650

(a) File a complaint with the clerk of the court of claims or 17651
the clerk of the court of common pleas under section 2743.75 of 17652
the Revised Code; 17653

(b) Commence a mandamus action to obtain a judgment that 17654
orders the public office or the person responsible for the public 17655
record to comply with division (B) of this section, that awards 17656
court costs and reasonable attorney's fees to the person that 17657
instituted the mandamus action, and, if applicable, that includes 17658
an order fixing statutory damages under division (C)(2) of this 17659
section. The mandamus action may be commenced in the court of 17660
common pleas of the county in which division (B) of this section 17661
allegedly was not complied with, in the supreme court pursuant to 17662
its original jurisdiction under Section 2 of Article IV, Ohio 17663
Constitution, or in the court of appeals for the appellate 17664
district in which division (B) of this section allegedly was not 17665
complied with pursuant to its original jurisdiction under Section 17666

3 of Article IV, Ohio Constitution. 17667

(2) If a requester transmits a written request by hand 17668
delivery, electronic submission, or certified mail to inspect or 17669
receive copies of any public record in a manner that fairly 17670
describes the public record or class of public records to the 17671
public office or person responsible for the requested public 17672
records, except as otherwise provided in this section, the 17673
requester shall be entitled to recover the amount of statutory 17674
damages set forth in this division if a court determines that the 17675
public office or the person responsible for public records failed 17676
to comply with an obligation in accordance with division (B) of 17677
this section. 17678

The amount of statutory damages shall be fixed at one hundred 17679
dollars for each business day during which the public office or 17680
person responsible for the requested public records failed to 17681
comply with an obligation in accordance with division (B) of this 17682
section, beginning with the day on which the requester files a 17683
mandamus action to recover statutory damages, up to a maximum of 17684
one thousand dollars. The award of statutory damages shall not be 17685
construed as a penalty, but as compensation for injury arising 17686
from lost use of the requested information. The existence of this 17687
injury shall be conclusively presumed. The award of statutory 17688
damages shall be in addition to all other remedies authorized by 17689
this section. 17690

The court may reduce an award of statutory damages or not 17691
award statutory damages if the court determines both of the 17692
following: 17693

(a) That, based on the ordinary application of statutory law 17694
and case law as it existed at the time of the conduct or 17695
threatened conduct of the public office or person responsible for 17696
the requested public records that allegedly constitutes a failure 17697
to comply with an obligation in accordance with division (B) of 17698

this section and that was the basis of the mandamus action, a 17699
well-informed public office or person responsible for the 17700
requested public records reasonably would believe that the conduct 17701
or threatened conduct of the public office or person responsible 17702
for the requested public records did not constitute a failure to 17703
comply with an obligation in accordance with division (B) of this 17704
section; 17705

(b) That a well-informed public office or person responsible 17706
for the requested public records reasonably would believe that the 17707
conduct or threatened conduct of the public office or person 17708
responsible for the requested public records would serve the 17709
public policy that underlies the authority that is asserted as 17710
permitting that conduct or threatened conduct. 17711

(3) In a mandamus action filed under division (C)(1) of this 17712
section, the following apply: 17713

(a)(i) If the court orders the public office or the person 17714
responsible for the public record to comply with division (B) of 17715
this section, the court shall determine and award to the relator 17716
all court costs, which shall be construed as remedial and not 17717
punitive. 17718

(ii) If the court makes a determination described in division 17719
(C)(3)(b)(iii) of this section, the court shall determine and 17720
award to the relator all court costs, which shall be construed as 17721
remedial and not punitive. 17722

(b) If the court renders a judgment that orders the public 17723
office or the person responsible for the public record to comply 17724
with division (B) of this section or if the court determines any 17725
of the following, the court may award reasonable attorney's fees 17726
to the relator, subject to division (C)(4) of this section: 17727

(i) The public office or the person responsible for the 17728
public records failed to respond affirmatively or negatively to 17729

the public records request in accordance with the time allowed 17730
under division (B) of this section. 17731

(ii) The public office or the person responsible for the 17732
public records promised to permit the relator to inspect or 17733
receive copies of the public records requested within a specified 17734
period of time but failed to fulfill that promise within that 17735
specified period of time. 17736

(iii) The public office or the person responsible for the 17737
public records acted in bad faith when the office or person 17738
voluntarily made the public records available to the relator for 17739
the first time after the relator commenced the mandamus action, 17740
but before the court issued any order concluding whether or not 17741
the public office or person was required to comply with division 17742
(B) of this section. No discovery may be conducted on the issue of 17743
the alleged bad faith of the public office or person responsible 17744
for the public records. This division shall not be construed as 17745
creating a presumption that the public office or the person 17746
responsible for the public records acted in bad faith when the 17747
office or person voluntarily made the public records available to 17748
the relator for the first time after the relator commenced the 17749
mandamus action, but before the court issued any order described 17750
in this division. 17751

(c) The court shall not award attorney's fees to the relator 17752
if the court determines both of the following: 17753

(i) That, based on the ordinary application of statutory law 17754
and case law as it existed at the time of the conduct or 17755
threatened conduct of the public office or person responsible for 17756
the requested public records that allegedly constitutes a failure 17757
to comply with an obligation in accordance with division (B) of 17758
this section and that was the basis of the mandamus action, a 17759
well-informed public office or person responsible for the 17760
requested public records reasonably would believe that the conduct 17761

or threatened conduct of the public office or person responsible 17762
for the requested public records did not constitute a failure to 17763
comply with an obligation in accordance with division (B) of this 17764
section; 17765

(ii) That a well-informed public office or person responsible 17766
for the requested public records reasonably would believe that the 17767
conduct or threatened conduct of the public office or person 17768
responsible for the requested public records would serve the 17769
public policy that underlies the authority that is asserted as 17770
permitting that conduct or threatened conduct. 17771

(4) All of the following apply to any award of reasonable 17772
attorney's fees awarded under division (C)(3)(b) of this section: 17773

(a) The fees shall be construed as remedial and not punitive. 17774

(b) The fees awarded shall not exceed the total of the 17775
reasonable attorney's fees incurred before the public record was 17776
made available to the relator and the fees described in division 17777
(C)(4)(c) of this section. 17778

(c) Reasonable attorney's fees shall include reasonable fees 17779
incurred to produce proof of the reasonableness and amount of the 17780
fees and to otherwise litigate entitlement to the fees. 17781

(d) The court may reduce the amount of fees awarded if the 17782
court determines that, given the factual circumstances involved 17783
with the specific public records request, an alternative means 17784
should have been pursued to more effectively and efficiently 17785
resolve the dispute that was subject to the mandamus action filed 17786
under division (C)(1) of this section. 17787

(5) If the court does not issue a writ of mandamus under 17788
division (C) of this section and the court determines at that time 17789
that the bringing of the mandamus action was frivolous conduct as 17790
defined in division (A) of section 2323.51 of the Revised Code, 17791
the court may award to the public office all court costs, 17792

expenses, and reasonable attorney's fees, as determined by the court. 17793
17794

(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 17795
17796

(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. A future official may satisfy the requirements of this division by attending the training before taking office, provided that the future official may not send a designee in the future official's place. 17797
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(2) All public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours. 17806
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The public office shall distribute the public records policy adopted by the public office under this division to the employee of the public office who is the records custodian or records manager or otherwise has custody of the records of that office. The public office shall require that employee to acknowledge receipt of the copy of the public records policy. The public 17819
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office shall create a poster that describes its public records 17825
policy and shall post the poster in a conspicuous place in the 17826
public office and in all locations where the public office has 17827
branch offices. The public office may post its public records 17828
policy on the internet web site of the public office if the public 17829
office maintains an internet web site. A public office that has 17830
established a manual or handbook of its general policies and 17831
procedures for all employees of the public office shall include 17832
the public records policy of the public office in the manual or 17833
handbook. 17834

(F)(1) The bureau of motor vehicles may adopt rules pursuant 17835
to Chapter 119. of the Revised Code to reasonably limit the number 17836
of bulk commercial special extraction requests made by a person 17837
for the same records or for updated records during a calendar 17838
year. The rules may include provisions for charges to be made for 17839
bulk commercial special extraction requests for the actual cost of 17840
the bureau, plus special extraction costs, plus ten per cent. The 17841
bureau may charge for expenses for redacting information, the 17842
release of which is prohibited by law. 17843

(2) As used in division (F)(1) of this section: 17844

(a) "Actual cost" means the cost of depleted supplies, 17845
records storage media costs, actual mailing and alternative 17846
delivery costs, or other transmitting costs, and any direct 17847
equipment operating and maintenance costs, including actual costs 17848
paid to private contractors for copying services. 17849

(b) "Bulk commercial special extraction request" means a 17850
request for copies of a record for information in a format other 17851
than the format already available, or information that cannot be 17852
extracted without examination of all items in a records series, 17853
class of records, or database by a person who intends to use or 17854
forward the copies for surveys, marketing, solicitation, or resale 17855
for commercial purposes. "Bulk commercial special extraction 17856

request" does not include a request by a person who gives 17857
assurance to the bureau that the person making the request does 17858
not intend to use or forward the requested copies for surveys, 17859
marketing, solicitation, or resale for commercial purposes. 17860

(c) "Commercial" means profit-seeking production, buying, or 17861
selling of any good, service, or other product. 17862

(d) "Special extraction costs" means the cost of the time 17863
spent by the lowest paid employee competent to perform the task, 17864
the actual amount paid to outside private contractors employed by 17865
the bureau, or the actual cost incurred to create computer 17866
programs to make the special extraction. "Special extraction 17867
costs" include any charges paid to a public agency for computer or 17868
records services. 17869

(3) For purposes of divisions (F)(1) and (2) of this section, 17870
"surveys, marketing, solicitation, or resale for commercial 17871
purposes" shall be narrowly construed and does not include 17872
reporting or gathering news, reporting or gathering information to 17873
assist citizen oversight or understanding of the operation or 17874
activities of government, or nonprofit educational research. 17875

(G) A request by a defendant, counsel of a defendant, or any 17876
agent of a defendant in a criminal action that public records 17877
related to that action be made available under this section shall 17878
be considered a demand for discovery pursuant to the Criminal 17879
Rules, except to the extent that the Criminal Rules plainly 17880
indicate a contrary intent. The defendant, counsel of the 17881
defendant, or agent of the defendant making a request under this 17882
division shall serve a copy of the request on the prosecuting 17883
attorney, director of law, or other chief legal officer 17884
responsible for prosecuting the action. 17885

(H)(1) Any portion of a body-worn camera or dashboard camera 17886
recording described in divisions (A)(17)(b) to (h) of this section 17887

may be released by consent of the subject of the recording or a representative of that person, as specified in those divisions, only if either of the following applies:

(a) The recording will not be used in connection with any probable or pending criminal proceedings;

(b) The recording has been used in connection with a criminal proceeding that was dismissed or for which a judgment has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A)(17) of this section, any person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing articulates by clear and convincing evidence that the public interest in the recording substantially outweighs privacy interests and other interests asserted to deny release, the court shall order the public office to release the recording.

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 151.40 of the Revised Code and in the applicable bond proceedings unless otherwise provided:

(1) "Bond proceedings" means the resolutions, orders, agreements, and credit enhancement facilities, and amendments and supplements to them, or any one or more or combination of them, authorizing, awarding, or providing for the terms and conditions applicable to or providing for the security or liquidity of, the particular obligations, and the provisions contained in those

obligations. 17919

(2) "Bond service fund" means the respective bond service 17920
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 17921
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and 17922
any accounts in that fund, including all moneys and investments, 17923
and earnings from investments, credited and to be credited to that 17924
fund and accounts as and to the extent provided in the applicable 17925
bond proceedings. 17926

(3) "Capital facilities" means capital facilities or projects 17927
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 17928
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 17929

(4) "Costs of capital facilities" means the costs of 17930
acquiring, constructing, reconstructing, rehabilitating, 17931
remodeling, renovating, enlarging, improving, equipping, or 17932
furnishing capital facilities, and of the financing of those 17933
costs. "Costs of capital facilities" includes, without limitation, 17934
and in addition to costs referred to in section 151.03, 151.04, 17935
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 17936
of the Revised Code, the cost of clearance and preparation of the 17937
site and of any land to be used in connection with capital 17938
facilities, the cost of any indemnity and surety bonds and 17939
premiums on insurance, all related direct administrative expenses 17940
and allocable portions of direct costs of the issuing authority, 17941
costs of engineering and architectural services, designs, plans, 17942
specifications, surveys, and estimates of cost, financing costs, 17943
interest on obligations, including but not limited to, interest 17944
from the date of their issuance to the time when interest is to be 17945
paid from sources other than proceeds of obligations, amounts 17946
necessary to establish any reserves as required by the bond 17947
proceedings, the reimbursement of all moneys advanced or applied 17948
by or borrowed from any person or governmental agency or entity 17949
for the payment of any item of costs of capital facilities, and 17950

all other expenses necessary or incident to planning or 17951
determining feasibility or practicability with respect to capital 17952
facilities, and such other expenses as may be necessary or 17953
incident to the acquisition, construction, reconstruction, 17954
rehabilitation, remodeling, renovation, enlargement, improvement, 17955
equipment, and furnishing of capital facilities, the financing of 17956
those costs, and the placing of the capital facilities in use and 17957
operation, including any one, part of, or combination of those 17958
classes of costs and expenses. For purposes of sections 122.085 to 17959
122.0820 of the Revised Code, "costs of capital facilities" 17960
includes "allowable costs" as defined in section 122.085 of the 17961
Revised Code. 17962

(5) "Credit enhancement facilities," "financing costs," and 17963
"interest" or "interest equivalent" have the same meanings as in 17964
section 133.01 of the Revised Code. 17965

(6) "Debt service" means principal, including any mandatory 17966
sinking fund or redemption requirements for retirement of 17967
obligations, interest and other accreted amounts, interest 17968
equivalent, and any redemption premium, payable on obligations. If 17969
not prohibited by the applicable bond proceedings, debt service 17970
may include costs relating to credit enhancement facilities that 17971
are related to and represent, or are intended to provide a source 17972
of payment of or limitation on, other debt service. 17973

(7) "Issuing authority" means the Ohio public facilities 17974
commission created in section 151.02 of the Revised Code for 17975
obligations issued under section 151.03, 151.04, 151.05, 151.07, 17976
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 17977
treasurer of state, or the officer who by law performs the 17978
functions of that office, for obligations issued under section 17979
151.06 or 151.40 of the Revised Code. 17980

(8) "Net proceeds" means amounts received from the sale of 17981
obligations, excluding amounts used to refund or retire 17982

outstanding obligations, amounts required to be deposited into 17983
special funds pursuant to the applicable bond proceedings, and 17984
amounts to be used to pay financing costs. 17985

(9) "Obligations" means bonds, notes, or other evidences of 17986
obligation of the state, including any appertaining interest 17987
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 17988
15 of Article VIII, Ohio Constitution, and pursuant to sections 17989
151.01 to 151.11 or 151.40 of the Revised Code or other general 17990
assembly authorization. 17991

(10) "Principal amount" means the aggregate of the amount as 17992
stated or provided for in the applicable bond proceedings as the 17993
amount on which interest or interest equivalent on particular 17994
obligations is initially calculated. Principal amount does not 17995
include any premium paid to the state by the initial purchaser of 17996
the obligations. "Principal amount" of a capital appreciation 17997
bond, as defined in division (C) of section 3334.01 of the Revised 17998
Code, means its face amount, and "principal amount" of a zero 17999
coupon bond, as defined in division (J) of section 3334.01 of the 18000
Revised Code, means the discounted offering price at which the 18001
bond is initially sold to the public, disregarding any purchase 18002
price discount to the original purchaser, if provided for pursuant 18003
to the bond proceedings. 18004

(11) "Special funds" or "funds," unless the context indicates 18005
otherwise, means the bond service fund, and any other funds, 18006
including any reserve funds, created under the bond proceedings 18007
and stated to be special funds in those proceedings, including 18008
moneys and investments, and earnings from investments, credited 18009
and to be credited to the particular fund. Special funds do not 18010
include the school building program assistance fund created by 18011
section 3318.25 of the Revised Code, the higher education 18012
improvement fund created by division (F) of section 154.21 of the 18013
Revised Code, the higher education improvement taxable fund 18014

created by division (G) of section 154.21 of the Revised Code, the 18015
highway capital improvement bond fund created by section 5528.53 18016
of the Revised Code, the state parks and natural resources fund 18017
created by section 1557.02 of the Revised Code, the coal research 18018
and development fund created by section 1555.15 of the Revised 18019
Code, the clean Ohio conservation fund created by section 164.27 18020
of the Revised Code, ~~the clean Ohio revitalization fund created by~~ 18021
~~section 122.658 of the Revised Code,~~ the job ready site 18022
development fund created by section 122.0820 of the Revised Code, 18023
the third frontier research and development fund created by 18024
section 184.19 of the Revised Code, the third frontier research 18025
and development taxable bond fund created by section 184.191 of 18026
the Revised Code, or other funds created by the bond proceedings 18027
that are not stated by those proceedings to be special funds. 18028

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15, and 18029
Section 17, of Article VIII, Ohio Constitution, the state, by the 18030
issuing authority, is authorized to issue and sell, as provided in 18031
sections 151.03 to 151.11 or 151.40 of the Revised Code, and in 18032
respective aggregate principal amounts as from time to time 18033
provided or authorized by the general assembly, general 18034
obligations of this state for the purpose of paying costs of 18035
capital facilities or projects identified by or pursuant to 18036
general assembly action. 18037

(C) Each issue of obligations shall be authorized by 18038
resolution or order of the issuing authority. The bond proceedings 18039
shall provide for or authorize the manner for determining the 18040
principal amount or maximum principal amount of obligations of an 18041
issue, the principal maturity or maturities, the interest rate or 18042
rates, the date of and the dates of payment of interest on the 18043
obligations, their denominations, and the place or places of 18044
payment of debt service which may be within or outside the state. 18045
Unless otherwise provided by law, the latest principal maturity 18046

may not be later than the earlier of the thirty-first day of 18047
December of the twenty-fifth calendar year after the year of 18048
issuance of the particular obligations or of the twenty-fifth 18049
calendar year after the year in which the original obligation to 18050
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 18051
and 9.983 of the Revised Code apply to obligations. The purpose of 18052
the obligations may be stated in the bond proceedings in general 18053
terms, such as, as applicable, "financing or assisting in the 18054
financing of projects as provided in Section 2l of Article VIII, 18055
Ohio Constitution," "financing or assisting in the financing of 18056
highway capital improvement projects as provided in Section 2m of 18057
Article VIII, Ohio Constitution," "paying costs of capital 18058
facilities for a system of common schools throughout the state as 18059
authorized by Section 2n of Article VIII, Ohio Constitution," 18060
"paying costs of capital facilities for state-supported and 18061
state-assisted institutions of higher education as authorized by 18062
Section 2n of Article VIII, Ohio Constitution," "paying costs of 18063
coal research and development as authorized by Section 15 of 18064
Article VIII, Ohio Constitution," "financing or assisting in the 18065
financing of local subdivision capital improvement projects as 18066
authorized by Section 2m, 2p, and 2s of Article VIII, Ohio 18067
Constitution," "paying costs of conservation projects as 18068
authorized by Sections 2o and 2q of Article VIII, Ohio 18069
Constitution," "paying costs of revitalization projects as 18070
authorized by Sections 2o and 2q of Article VIII, Ohio 18071
Constitution," "paying costs of preparing sites for industry, 18072
commerce, distribution, or research and development as authorized 18073
by Section 2p of Article VIII, Ohio Constitution," or "paying 18074
costs of research and development as authorized by Section 2p of 18075
Article VIII, Ohio Constitution." 18076

(D) The issuing authority may appoint or provide for the 18077
appointment of paying agents, bond registrars, securities 18078
depositories, clearing corporations, and transfer agents, and may 18079

without need for any other approval retain or contract for the 18080
services of underwriters, investment bankers, financial advisers, 18081
accounting experts, marketing, remarketing, indexing, and 18082
administrative agents, other consultants, and independent 18083
contractors, including printing services, as are necessary in the 18084
judgment of the issuing authority to carry out the issuing 18085
authority's functions under this chapter. When the issuing 18086
authority is the Ohio public facilities commission, the issuing 18087
authority also may without need for any other approval retain or 18088
contract for the services of attorneys and other professionals for 18089
that purpose. Financing costs are payable, as may be provided in 18090
the bond proceedings, from the proceeds of the obligations, from 18091
special funds, or from other moneys available for the purpose. 18092

(E) The bond proceedings may contain additional provisions 18093
customary or appropriate to the financing or to the obligations or 18094
to particular obligations including, but not limited to, 18095
provisions for: 18096

(1) The redemption of obligations prior to maturity at the 18097
option of the state or of the holder or upon the occurrence of 18098
certain conditions, and at particular price or prices and under 18099
particular terms and conditions; 18100

(2) The form of and other terms of the obligations; 18101

(3) The establishment, deposit, investment, and application 18102
of special funds, and the safeguarding of moneys on hand or on 18103
deposit, in lieu of the applicability of provisions of Chapter 18104
131. or 135. of the Revised Code, but subject to any special 18105
provisions of sections 151.01 to 151.11 or 151.40 of the Revised 18106
Code with respect to the application of particular funds or 18107
moneys. Any financial institution that acts as a depository of any 18108
moneys in special funds or other funds under the bond proceedings 18109
may furnish indemnifying bonds or pledge securities as required by 18110
the issuing authority. 18111

(4) Any or every provision of the bond proceedings being 18112
binding upon the issuing authority and upon such governmental 18113
agency or entity, officer, board, commission, authority, agency, 18114
department, institution, district, or other person or body as may 18115
from time to time be authorized to take actions as may be 18116
necessary to perform all or any part of the duty required by the 18117
provision; 18118

(5) The maintenance of each pledge or instrument comprising 18119
part of the bond proceedings until the state has fully paid or 18120
provided for the payment of the debt service on the obligations or 18121
met other stated conditions; 18122

(6) In the event of default in any payments required to be 18123
made by the bond proceedings, or by any other agreement of the 18124
issuing authority made as part of a contract under which the 18125
obligations were issued or secured, including a credit enhancement 18126
facility, the enforcement of those payments by mandamus, a suit in 18127
equity, an action at law, or any combination of those remedial 18128
actions; 18129

(7) The rights and remedies of the holders or owners of 18130
obligations or of book-entry interests in them, and of third 18131
parties under any credit enhancement facility, and provisions for 18132
protecting and enforcing those rights and remedies, including 18133
limitations on rights of individual holders or owners; 18134

(8) The replacement of mutilated, destroyed, lost, or stolen 18135
obligations; 18136

(9) The funding, refunding, or advance refunding, or other 18137
provision for payment, of obligations that will then no longer be 18138
outstanding for purposes of this section or of the applicable bond 18139
proceedings; 18140

(10) Amendment of the bond proceedings; 18141

(11) Any other or additional agreements with the owners of 18142

obligations, and such other provisions as the issuing authority 18143
determines, including limitations, conditions, or qualifications, 18144
relating to any of the foregoing. 18145

(F) The great seal of the state or a facsimile of it may be 18146
affixed to or printed on the obligations. The obligations 18147
requiring execution by or for the issuing authority shall be 18148
signed as provided in the bond proceedings. Any obligations may be 18149
signed by the individual who on the date of execution is the 18150
authorized signer although on the date of these obligations that 18151
individual is not an authorized signer. In case the individual 18152
whose signature or facsimile signature appears on any obligation 18153
ceases to be an authorized signer before delivery of the 18154
obligation, that signature or facsimile is nevertheless valid and 18155
sufficient for all purposes as if that individual had remained the 18156
authorized signer until delivery. 18157

(G) Obligations are investment securities under Chapter 1308. 18158
of the Revised Code. Obligations may be issued in bearer or in 18159
registered form, registrable as to principal alone or as to both 18160
principal and interest, or both, or in certificated or 18161
uncertificated form, as the issuing authority determines. 18162
Provision may be made for the exchange, conversion, or transfer of 18163
obligations and for reasonable charges for registration, exchange, 18164
conversion, and transfer. Pending preparation of final 18165
obligations, the issuing authority may provide for the issuance of 18166
interim instruments to be exchanged for the final obligations. 18167

(H) Obligations may be sold at public sale or at private 18168
sale, in such manner, and at such price at, above or below par, 18169
all as determined by and provided by the issuing authority in the 18170
bond proceedings. 18171

(I) Except to the extent that rights are restricted by the 18172
bond proceedings, any owner of obligations or provider of a credit 18173
enhancement facility may by any suitable form of legal proceedings 18174

protect and enforce any rights relating to obligations or that 18175
facility under the laws of this state or granted by the bond 18176
proceedings. Those rights include the right to compel the 18177
performance of all applicable duties of the issuing authority and 18178
the state. Each duty of the issuing authority and that authority's 18179
officers, staff, and employees, and of each state entity or 18180
agency, or using district or using institution, and its officers, 18181
members, staff, or employees, undertaken pursuant to the bond 18182
proceedings, is hereby established as a duty of the entity or 18183
individual having authority to perform that duty, specifically 18184
enjoined by law and resulting from an office, trust, or station 18185
within the meaning of section 2731.01 of the Revised Code. The 18186
individuals who are from time to time the issuing authority, 18187
members or officers of the issuing authority, or those members' 18188
designees acting pursuant to section 151.02 of the Revised Code, 18189
or the issuing authority's officers, staff, or employees, are not 18190
liable in their personal capacities on any obligations or 18191
otherwise under the bond proceedings. 18192

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 18193
15, and Section 17, of Article VIII, Ohio Constitution and 18194
sections 151.01 to 151.11 or 151.40 of the Revised Code, the 18195
issuing authority may, in addition to the authority referred to in 18196
division (B) of this section, authorize and provide for the 18197
issuance of: 18198

(a) Obligations in the form of bond anticipation notes, and 18199
may provide for the renewal of those notes from time to time by 18200
the issuance of new notes. The holders of notes or appertaining 18201
interest coupons have the right to have debt service on those 18202
notes paid solely from the moneys and special funds that are or 18203
may be pledged to that payment, including the proceeds of bonds or 18204
renewal notes or both, as the issuing authority provides in the 18205
bond proceedings authorizing the notes. Notes may be additionally 18206

secured by covenants of the issuing authority to the effect that 18207
the issuing authority and the state will do all things necessary 18208
for the issuance of bonds or renewal notes in such principal 18209
amount and upon such terms as may be necessary to provide moneys 18210
to pay when due the debt service on the notes, and apply their 18211
proceeds to the extent necessary, to make full and timely payment 18212
of debt service on the notes as provided in the applicable bond 18213
proceedings. In the bond proceedings authorizing the issuance of 18214
bond anticipation notes the issuing authority shall set forth for 18215
the bonds anticipated an estimated schedule of annual principal 18216
payments the latest of which shall be no later than provided in 18217
division (C) of this section. While the notes are outstanding 18218
there shall be deposited, as shall be provided in the bond 18219
proceedings for those notes, from the sources authorized for 18220
payment of debt service on the bonds, amounts sufficient to pay 18221
the principal of the bonds anticipated as set forth in that 18222
estimated schedule during the time the notes are outstanding, 18223
which amounts shall be used solely to pay the principal of those 18224
notes or of the bonds anticipated. 18225

(b) Obligations for the refunding, including funding and 18226
retirement, and advance refunding with or without payment or 18227
redemption prior to maturity, of any obligations previously 18228
issued. Refunding obligations may be issued in amounts sufficient 18229
to pay or to provide for repayment of the principal amount, 18230
including principal amounts maturing prior to the redemption of 18231
the remaining prior obligations, any redemption premium, and 18232
interest accrued or to accrue to the maturity or redemption date 18233
or dates, payable on the prior obligations, and related financing 18234
costs and any expenses incurred or to be incurred in connection 18235
with that issuance and refunding. Subject to the applicable bond 18236
proceedings, the portion of the proceeds of the sale of refunding 18237
obligations issued under division (J)(1)(b) of this section to be 18238
applied to debt service on the prior obligations shall be credited 18239

to an appropriate separate account in the bond service fund and 18240
held in trust for the purpose by the issuing authority or by a 18241
corporate trustee. Obligations authorized under this division 18242
shall be considered to be issued for those purposes for which the 18243
prior obligations were issued. 18244

(2) Except as otherwise provided in sections 151.01 to 151.11 18245
or 151.40 of the Revised Code, bonds or notes authorized pursuant 18246
to division (J) of this section are subject to the provisions of 18247
those sections pertaining to obligations generally. 18248

(3) The principal amount of refunding or renewal obligations 18249
issued pursuant to division (J) of this section shall be in 18250
addition to the amount authorized by the general assembly as 18251
referred to in division (B) of the following sections: section 18252
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 18253
151.11, or 151.40 of the Revised Code. 18254

(K) Obligations are lawful investments for banks, savings and 18255
loan associations, credit union share guaranty corporations, trust 18256
companies, trustees, fiduciaries, insurance companies, including 18257
domestic for life and domestic not for life, trustees or other 18258
officers having charge of sinking and bond retirement or other 18259
special funds of the state and political subdivisions and taxing 18260
districts of this state, the sinking fund, the administrator of 18261
workers' compensation subject to the approval of the workers' 18262
compensation board, the state teachers retirement system, the 18263
public employees retirement system, the school employees 18264
retirement system, and the Ohio police and fire pension fund, 18265
notwithstanding any other provisions of the Revised Code or rules 18266
adopted pursuant to those provisions by any state agency with 18267
respect to investments by them, and are also acceptable as 18268
security for the repayment of the deposit of public moneys. The 18269
exemptions from taxation in Ohio as provided for in particular 18270
sections of the Ohio Constitution and section 5709.76 of the 18271

Revised Code apply to the obligations. 18272

(L)(1) Unless otherwise provided or provided for in any 18273
applicable bond proceedings, moneys to the credit of or in a 18274
special fund shall be disbursed on the order of the issuing 18275
authority. No such order is required for the payment, from the 18276
bond service fund or other special fund, when due of debt service 18277
or required payments under credit enhancement facilities. 18278

(2) Payments received by the state under interest rate hedges 18279
entered into as credit enhancement facilities under this chapter 18280
shall be deposited to the credit of the bond service fund for the 18281
obligations to which those credit enhancement facilities relate. 18282

(M) The full faith and credit, revenue, and taxing power of 18283
the state are and shall be pledged to the timely payment of debt 18284
service on outstanding obligations as it comes due, all in 18285
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15 of 18286
Article VIII, Ohio Constitution, and section 151.03, 151.04, 18287
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 18288
Revised Code. Moneys referred to in Section 5a of Article XII, 18289
Ohio Constitution, may not be pledged or used for the payment of 18290
debt service except on obligations referred to in section 151.06 18291
of the Revised Code. Net state lottery proceeds, as provided for 18292
and referred to in section 3770.06 of the Revised Code, may not be 18293
pledged or used for the payment of debt service except on 18294
obligations referred to in section 151.03 of the Revised Code. The 18295
state covenants, and that covenant shall be controlling 18296
notwithstanding any other provision of law, that the state and the 18297
applicable officers and agencies of the state, including the 18298
general assembly, shall, so long as any obligations are 18299
outstanding in accordance with their terms, maintain statutory 18300
authority for and cause to be levied, collected and applied 18301
sufficient pledged excises, taxes, and revenues of the state so 18302
that the revenues shall be sufficient in amounts to pay debt 18303

service when due, to establish and maintain any reserves and other 18304
requirements, and to pay financing costs, including costs of or 18305
relating to credit enhancement facilities, all as provided for in 18306
the bond proceedings. Those excises, taxes, and revenues are and 18307
shall be deemed to be levied and collected, in addition to the 18308
purposes otherwise provided for by law, to provide for the payment 18309
of debt service and financing costs in accordance with sections 18310
151.01 to 151.11 of the Revised Code and the bond proceedings. 18311

(N) The general assembly may from time to time repeal or 18312
reduce any excise, tax, or other source of revenue pledged to the 18313
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 18314
2o, 2p, 2q, 2s, or 15 of Article VIII, Ohio Constitution, and 18315
sections 151.01 to 151.11 or 151.40 of the Revised Code, and may 18316
levy, collect and apply any new or increased excise, tax, or 18317
revenue to meet the pledge, to the payment of debt service on 18318
outstanding obligations, of the state's full faith and credit, 18319
revenue and taxing power, or of designated revenues and receipts, 18320
except fees, excises or taxes referred to in Section 5a of Article 18321
XII, Ohio Constitution, for other than obligations referred to in 18322
section 151.06 of the Revised Code and except net state lottery 18323
proceeds for other than obligations referred to in section 151.03 18324
of the Revised Code. Nothing in division (N) of this section 18325
authorizes any impairment of the obligation of this state to levy 18326
and collect sufficient excises, taxes, and revenues to pay debt 18327
service on obligations outstanding in accordance with their terms. 18328

(O) Each bond service fund is a trust fund and is hereby 18329
pledged to the payment of debt service on the applicable 18330
obligations. Payment of that debt service shall be made or 18331
provided for by the issuing authority in accordance with the bond 18332
proceedings without necessity for any act of appropriation. The 18333
bond proceedings may provide for the establishment of separate 18334
accounts in the bond service fund and for the application of those 18335

accounts only to debt service on specific obligations, and for 18336
other accounts in the bond service fund within the general 18337
purposes of that fund. 18338

(P) Subject to the bond proceedings pertaining to any 18339
obligations then outstanding in accordance with their terms, the 18340
issuing authority may in the bond proceedings pledge all, or such 18341
portion as the issuing authority determines, of the moneys in the 18342
bond service fund to the payment of debt service on particular 18343
obligations, and for the establishment and maintenance of any 18344
reserves for payment of particular debt service. 18345

(Q) The issuing authority shall by the fifteenth day of July 18346
of each fiscal year, certify or cause to be certified to the 18347
office of budget and management the total amount of moneys 18348
required during the current fiscal year to meet in full all debt 18349
service on the respective obligations and any related financing 18350
costs payable from the applicable bond service fund and not from 18351
the proceeds of refunding or renewal obligations. The issuing 18352
authority shall make or cause to be made supplemental 18353
certifications to the office of budget and management for each 18354
debt service payment date and at such other times during each 18355
fiscal year as may be provided in the bond proceedings or 18356
requested by that office. Debt service, costs of credit 18357
enhancement facilities, and other financing costs shall be set 18358
forth separately in each certification. If and so long as the 18359
moneys to the credit of the bond service fund, together with any 18360
other moneys available for the purpose, are insufficient to meet 18361
in full all payments when due of the amount required as stated in 18362
the certificate or otherwise, the office of budget and management 18363
shall at the times as provided in the bond proceedings, and 18364
consistent with any particular provisions in sections 151.03 to 18365
151.11 and 151.40 of the Revised Code, transfer a sufficient 18366
amount to the bond service fund from the pledged revenues in the 18367

case of obligations issued pursuant to section 151.40 of the Revised Code, and in the case of other obligations from the revenues derived from excises, taxes, and other revenues, including net state lottery proceeds in the case of obligations referred to in section 151.03 of the Revised Code.

(R) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of special funds may be invested by or on behalf of the state only in one or more of the following:

(1) Notes, bonds, or other direct obligations of the United States or of any agency or instrumentality of the United States, or in no-front-end-load money market mutual funds consisting exclusively of those obligations, or in repurchase agreements, including those issued by any fiduciary, secured by those obligations, or in collective investment funds consisting exclusively of those obligations;

(2) Obligations of this state or any political subdivision of this state;

(3) Certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions;

(4) The treasurer of state's pooled investment program under section 135.45 of the Revised Code.

The income from investments referred to in division (R) of this section shall, unless otherwise provided in sections 151.01 to 151.11 or 151.40 of the Revised Code, be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.

(S) The treasurer of state shall have responsibility for keeping records, making reports, and making payments, relating to

any arbitrage rebate requirements under the applicable bond 18399
proceedings. 18400

Sec. 151.40. (A) As used in this section: 18401

(1) "Bond proceedings" includes any trust agreements, and any 18402
amendments or supplements to them, as authorized by this section. 18403

(2) "Costs of revitalization projects" includes related 18404
direct administrative expenses and allocable portions of the 18405
direct costs of those projects of the department of development or 18406
the environmental protection agency. 18407

(3) "Issuing authority" means the treasurer of state. 18408

(4) "Obligations" means obligations as defined in section 18409
151.01 of the Revised Code issued to pay the costs of projects for 18410
revitalization purposes as referred to in division (A)(2) of 18411
Section 2o of Article VIII, Ohio Constitution and division (A)(2) 18412
of Section 2q of Article VIII, Ohio Constitution. 18413

(5) "Pledged liquor profits" means all receipts of the state 18414
representing the gross profit on the sale of spirituous liquor, as 18415
referred to in division (B)(4) of section 4301.10 of the Revised 18416
Code, after paying all costs and expenses of the division of 18417
liquor control and providing an adequate working capital reserve 18418
for the division of liquor control as provided in that division, 18419
but excluding the sum required by the second paragraph of section 18420
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 18421
to be paid into the state treasury. 18422

(6) "Pledged receipts" means, as and to the extent provided 18423
in bond proceedings: 18424

(a) Pledged liquor profits. The pledge of pledged liquor 18425
profits to obligations is subject to the priority of the pledge of 18426
those profits to obligations issued and to be issued pursuant to 18427
Chapter 166. of the Revised Code. 18428

(b) Moneys accruing to the state from the lease, sale, or other disposition or use of revitalization projects or from the repayment, including any interest, of loans or advances made from net proceeds;	18429 18430 18431 18432
(c) Accrued interest received from the sale of obligations;	18433
(d) Income from the investment of the special funds;	18434
(e) Any gifts, grants, donations, or pledges, and receipts therefrom, available for the payment of debt service;	18435 18436
(f) Additional or any other specific revenues or receipts lawfully available to be pledged, and pledged, pursuant to further authorization by the general assembly, to the payment of debt service.	18437 18438 18439 18440
(B)(1) The issuing authority shall issue obligations of the state to pay costs of revitalization projects pursuant to division (B)(2) of Section 2o of Article VIII, Ohio Constitution, division (B)(2) of Section 2q of Article VIII, Ohio Constitution, section 151.01 of the Revised Code as applicable to this section, and this section. The issuing authority, upon the certification to it by the clean Ohio council of the amount of moneys needed in and for the purposes of the clean Ohio revitalization fund created by section 122.658 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. Not more than four hundred million dollars principal amount of obligations issued under this section for revitalization purposes may be outstanding at any one time. Not more than fifty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal year could have been, but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year.	18441 18442 18443 18444 18445 18446 18447 18448 18449 18450 18451 18452 18453 18454 18455 18456 18457 18458
(2) The provisions and authorizations in section 151.01 of	18459

the Revised Code apply to the obligations and the bond proceedings 18460
except as otherwise provided or provided for in those obligations 18461
and bond proceedings. 18462

(C) Net proceeds of obligations shall be deposited in the 18463
~~clean Ohio revitalization fund created in section 122.658 of the~~ 18464
~~Revised Code~~ general revenue fund. 18465

(D) There is hereby created the revitalization projects bond 18466
service fund, which shall be in the custody of the treasurer of 18467
state, but shall be separate and apart from and not a part of the 18468
state treasury. All money received by the state and required by 18469
the bond proceedings, consistent with section 151.01 of the 18470
Revised Code and this section, to be deposited, transferred, or 18471
credited to the bond service fund, and all other money transferred 18472
or allocated to or received for the purposes of that fund, shall 18473
be deposited and credited to the bond service fund, subject to any 18474
applicable provisions of the bond proceedings, but without 18475
necessity for any act of appropriation. During the period 18476
beginning with the date of the first issuance of obligations and 18477
continuing during the time that any obligations are outstanding in 18478
accordance with their terms, so long as moneys in the bond service 18479
fund are insufficient to pay debt service when due on those 18480
obligations payable from that fund, except the principal amounts 18481
of bond anticipation notes payable from the proceeds of renewal 18482
notes or bonds anticipated, and due in the particular fiscal year, 18483
a sufficient amount of pledged receipts is committed and, without 18484
necessity for further act of appropriation, shall be paid to the 18485
bond service fund for the purpose of paying that debt service when 18486
due. 18487

(E) The issuing authority may pledge all, or such portion as 18488
the issuing authority determines, of the pledged receipts to the 18489
payment of the debt service charges on obligations issued under 18490
this section, and for the establishment and maintenance of any 18491

reserves, as provided in the bond proceedings, and make other 18492
provisions in the bond proceedings with respect to pledged 18493
receipts as authorized by this section, which provisions are 18494
controlling notwithstanding any other provisions of law pertaining 18495
to them. 18496

(F) The issuing authority may covenant in the bond 18497
proceedings, and such covenants shall be controlling 18498
notwithstanding any other provision of law, that the state and 18499
applicable officers and state agencies, including the general 18500
assembly, so long as any obligations issued under this section are 18501
outstanding, shall maintain statutory authority for and cause to 18502
be charged and collected wholesale or retail prices for spirituous 18503
liquor sold by the state or its agents so that the available 18504
pledged receipts are sufficient in time and amount to meet debt 18505
service payable from pledged liquor profits and for the 18506
establishment and maintenance of any reserves and other 18507
requirements provided for in the bond proceedings. 18508

(G) Obligations may be further secured, as determined by the 18509
issuing authority, by a trust agreement between the state and a 18510
corporate trustee, which may be any trust company or bank having a 18511
place of business within the state. Any trust agreement may 18512
contain the resolution or order authorizing the issuance of the 18513
obligations, any provisions that may be contained in any bond 18514
proceedings, and other provisions that are customary or 18515
appropriate in an agreement of that type, including, but not 18516
limited to: 18517

(1) Maintenance of each pledge, trust agreement, or other 18518
instrument comprising part of the bond proceedings until the state 18519
has fully paid or provided for the payment of debt service on the 18520
obligations secured by it; 18521

(2) In the event of default in any payments required to be 18522
made by the bond proceedings, enforcement of those payments or 18523

agreements by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of them; 18524
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(3) The rights and remedies of the holders or owners of obligations and of the trustee and provisions for protecting and enforcing them, including limitations on rights of individual holders and owners. 18526
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(H) The obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them. The holders or owners of the obligations shall have no right to have any moneys obligated or pledged for the payment of debt service except as provided in this section and in the applicable bond proceedings. The rights of the holders and owners to payment of debt service are limited to all or that portion of the pledged receipts, and those special funds, pledged to the payment of debt service pursuant to the bond proceedings in accordance with this section, and each obligation shall bear on its face a statement to that effect. 18530
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Sec. 153.12. (A) With respect to award of any contract for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement made by the state, or any county, township, municipal corporation, school district, or other political subdivision, or any public board, commission, authority, instrumentality, or special purpose district of or in the state or a political subdivision or that is authorized by state law, the award, and execution of the contract, shall be made within sixty days after the date on which the bids are opened. The failure to award and execute the contract within sixty days invalidates the entire bid proceedings and all bids submitted, unless the time for awarding and executing the contract is extended by mutual consent of the 18542
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owner or its representatives and the bidder whose bid the owner 18555
accepts and with respect to whom the owner subsequently awards and 18556
executes a contract. The public owners referred to in this section 18557
shall include, in the plans and specifications for the project for 18558
which bids are solicited, the estimate of cost. The bid for which 18559
the award is to be made shall be opened at the time and place 18560
named in the advertisement for bids, unless extended by the owner 18561
or its representative or unless, within seventy-two hours prior to 18562
the published time for the opening of bids, excluding Saturdays, 18563
Sundays, and legal holidays, any modification of the plans or 18564
specifications and estimates of cost for the project for which 18565
bids are solicited is issued and mailed or otherwise furnished to 18566
persons who have obtained plans or specifications for the project, 18567
for which the time for opening of bids shall be extended one week, 18568
with no further advertising of bids required. The contractor, upon 18569
request, is entitled to a notice to proceed with the work by the 18570
owner or its representative upon execution of the contract. No 18571
contract to which this section applies shall be entered into if 18572
the price of the contract, or, if the project involves multiple 18573
contracts where the total price of all contracts for the project, 18574
is in excess of ten per cent, in the case of a contract made by 18575
the state or a public board, commission, authority, or 18576
instrumentality of the state, or twenty per cent, in the case of a 18577
contract made by a county, township, municipal corporation, school 18578
district, special purpose district, or other political subdivision 18579
or a public board, commission, authority, or instrumentality of 18580
the political subdivision, above the entire estimate thereof, nor 18581
shall the entire cost of the construction, reconstruction, repair, 18582
painting, decorating, improvement, alteration, addition, or 18583
installation, including changes and estimates of expenses for 18584
architects or engineers, exceed in the aggregate the amount 18585
authorized by law. 18586

The unit or lump sum price stated in the contract shall be 18587

used in determining the amount to be paid and shall constitute 18588
full and final compensation for all the work. 18589

Partial payment to the contractor for work performed under 18590
the lump sum price shall be based on a schedule prepared by the 18591
contractor and approved by the architect or engineer who shall 18592
apportion the lump sum price to the major components entering into 18593
or forming a part of the work under the lump sum price. 18594

Partial payments to the contractor for labor performed under 18595
either a unit or lump sum price contract shall be made at the rate 18596
of ninety-two per cent of the estimates prepared by the contractor 18597
and approved by the architect or engineer. All labor performed 18598
after the job is fifty per cent completed shall be paid for at the 18599
rate of one hundred per cent of the estimates submitted by the 18600
contractor and approved by the architect or engineer. 18601

The amounts and time of payments of any public improvements 18602
contract made by the state or any county, township, municipal 18603
corporation, school district, or other political subdivision, or 18604
any public board, commission, authority, instrumentality, or 18605
special purpose district of or in the state or a political 18606
subdivision or that is authorized by state law, except as provided 18607
in section 5525.19 of the Revised Code, shall be governed by this 18608
section and sections 153.13 and 153.14 of the Revised Code. If the 18609
time for awarding the contract is extended by mutual consent, or 18610
if the owner or its representative fails to issue a timely notice 18611
to proceed as required by this section, the owner or its 18612
representative shall issue a change order authorizing delay costs 18613
to the contractor, which does not invalidate the contract. The 18614
amount of such a change order to the owner shall be determined in 18615
accordance with the provisions of the contract for change orders 18616
or force accounts or, if no such provision is set forth in the 18617
contract, the cost to the owner shall be the contractor's actual 18618
costs including wages, labor costs other than wages, wage taxes, 18619

materials, equipment costs and rentals, insurance, and 18620
subcontracts attributable to the delay, plus a reasonable sum for 18621
overhead. In the event of a dispute between the owner and the 18622
contractor concerning such change order, procedures shall be 18623
commenced under the applicable terms of the contract, or, if the 18624
contract contains no provision for resolving the dispute, it shall 18625
be resolved pursuant to the procedures for arbitration in Chapter 18626
2711. of the Revised Code, except as provided in division (B) of 18627
this section. Nothing in this division shall be construed as a 18628
limitation upon the authority of the director of transportation 18629
granted in Chapter 5525. of the Revised Code. 18630

(B) If a dispute arises between the state and a contractor 18631
concerning the terms of a public improvement contract let by the 18632
state or concerning a breach of the contract, and after 18633
administrative remedies provided for in such contract and any 18634
alternative dispute resolution procedures provided in accordance 18635
with guidelines established by the executive director of the Ohio 18636
facilities construction commission are exhausted, the contractor 18637
may bring an action to the court of claims in accordance with 18638
Chapter 2743. of the Revised Code. The state or the contractor may 18639
request the chief justice of the supreme court to appoint a 18640
referee or panel of referees in accordance with division (C)(3) of 18641
section 2743.03 of the Revised Code. As used in this division, 18642
"dispute" means a disagreement between the state and the 18643
contractor concerning a public improvement contract let by the 18644
state. 18645

Sec. 153.17. (A) When in the opinion of the owner referred to 18646
in section 153.01 of the Revised Code, the work under any contract 18647
made under any law of the state is neglected by the contractor or 18648
such work is not prosecuted with the diligence and force specified 18649
or intended in the contract, such owner may make requisition upon 18650
the contractor for such additional specific force or materials to 18651

be brought into the work under such contract or to remove improper materials from the grounds as in their judgment the contract and its faithful fulfillment requires.

Not less than five days' notice in writing of such action shall be served upon the contractor or the contractor's agent in charge of the work. If the contractor fails to comply with such requisition within fifteen days, such owner with the written consent of the Ohio facilities construction commission, may employ upon the work the additional force, or supply the special materials or such part of either as is considered proper, and may remove improper materials from the grounds.

(B) When the original contractor has defaulted on a contract and the surety has declined to take over the project, the owner may contract with one or more takeover contractors to complete work that was not finished because of the default of the original contractor. The owner may enter into a contract with a takeover contractor without competitive bidding or controlling board approval. ~~Upon execution of a takeover contract, the owner shall notify the director of budget and management.~~

When the owner has taken over a project after a default has occurred, any moneys that the owner receives from the surety as a settlement for completion of the project shall be deposited in the original fund from which the capital appropriation for the project was made. The executive director, without controlling board approval, may authorize specified additional uses for the moneys related to completion of the project and may increase the appropriation authority in the appropriation line item used to fund the project by an amount equal to the moneys received from the surety.

Sec. 153.54. (A) Except with respect to a contract described in section 9.334 or 153.693 of the Revised Code, each person

bidding for a contract with the state or any political 18683
subdivision, district, institution, or other agency thereof, 18684
excluding therefrom the department of transportation, for any 18685
public improvement shall file with the bid, a bid guaranty in the 18686
form of either: 18687

(1) A bond in accordance with division (B) of this section 18688
for the full amount of the bid; 18689

(2) A certified check, cashier's check, or letter of credit 18690
pursuant to Chapter 1305. of the Revised Code, in accordance with 18691
division (C) of this section. Any such letter of credit is 18692
revocable only at the option of the beneficiary state, political 18693
subdivision, district, institution, or agency. The amount of the 18694
certified check, cashier's check, or letter of credit shall be 18695
equal to ten per cent of the bid. 18696

(B) A bid guaranty filed pursuant to division (A)(1) of this 18697
section shall be conditioned to: 18698

(1) Provide that, if the bid is accepted, the bidder, after 18699
the awarding or the recommendation for the award of the contract, 18700
whichever the contracting authority designates, will enter into a 18701
proper contract in accordance with the bid, plans, details, and 18702
specifications. If for any reason, other than as authorized by 18703
section 9.31 of the Revised Code or division (G) of this section, 18704
the bidder fails to enter into the contract, and the contracting 18705
authority awards the contract to the next lowest bidder, the 18706
bidder and the surety on the bidder's bond are liable to the 18707
state, political subdivision, district, institution, or agency for 18708
the difference between the bid and that of the next lowest bidder, 18709
or for a penal sum not to exceed ten per cent of the amount of the 18710
bond, whichever is less. If the state, political subdivision, 18711
district, institution, or agency does not award the contract to 18712
the next lowest bidder but resubmits the project for bidding, the 18713
bidder failing to enter into the contract and the surety on the 18714

bidder's bond, except as provided in division (G) of this section, 18715
are liable to the state, political subdivision, district, 18716
institution, or agency for a penal sum not to exceed ten per cent 18717
of the amount of the bid or the costs in connection with the 18718
resubmission of printing new contract documents, required 18719
advertising, and printing and mailing notices to prospective 18720
bidders, whichever is less. 18721

(2) Indemnify the state, political subdivision, district, 18722
institution, or agency against all damage suffered by failure to 18723
perform the contract according to its provisions and in accordance 18724
with the plans, details, and specifications therefor and to pay 18725
all lawful claims of subcontractors, material suppliers, and 18726
laborers for labor performed or material furnished in carrying 18727
forward, performing, or completing the contract; and agree and 18728
assent that this undertaking is for the benefit of any 18729
subcontractor, material supplier, or laborer having a just claim, 18730
as well as for the state, political subdivision, district, 18731
institution, or agency. 18732

(C)(1) A bid guaranty filed pursuant to division (A)(2) of 18733
this section shall be conditioned to provide that if the bid is 18734
accepted, the bidder, after the awarding or the recommendation for 18735
the award of the contract, whichever the contracting authority 18736
designates, will enter into a proper contract in accordance with 18737
the bid, plans, details, specifications, and bills of material. If 18738
for any reason, other than as authorized by section 9.31 of the 18739
Revised Code or division (G) of this section, the bidder fails to 18740
enter into the contract, and the contracting authority awards the 18741
contract to the next lowest bidder, the bidder is liable to the 18742
state, political subdivision, district, institution, or agency for 18743
the difference between the bidder's bid and that of the next 18744
lowest bidder, or for a penal sum not to exceed ten per cent of 18745
the amount of the bid, whichever is less. If the state, political 18746

subdivision, district, institution, or agency does not award the 18747
contract to the next lowest bidder but resubmits the project for 18748
bidding, the bidder failing to enter into the contract, except as 18749
provided in division (G) of this section, is liable to the state, 18750
political subdivision, district, institution, or agency for a 18751
penal sum not to exceed ten per cent of the amount of the bid or 18752
the costs in connection with the resubmission, of printing new 18753
contract documents, required advertising, and printing and mailing 18754
notices to prospective bidders, whichever is less. 18755

If the bidder enters into the contract, the bidder, at the 18756
time the contract is entered to, shall file a bond for the amount 18757
of the contract to indemnify the state, political subdivision, 18758
district, institution, or agency against all damage suffered by 18759
failure to perform the contract according to its provisions and in 18760
accordance with the plans, details, and specifications and to pay 18761
all lawful claims of subcontractors, material suppliers, and 18762
laborers for labor performed or material furnished in carrying 18763
forward, performing, or completing the contract; and agree and 18764
assent that this undertaking is for the benefit of any 18765
subcontractor, material supplier, or laborer having a just claim, 18766
as well as for the state, political subdivision, district, 18767
institution, or agency. 18768

(2) A construction manager who enters into a contract 18769
pursuant to sections 9.33 to 9.333 of the Revised Code, if 18770
required by the public authority at the time the construction 18771
manager enters into the contract, shall file a letter of credit 18772
pursuant to Chapter 1305. of the Revised Code, bond, certified 18773
check, or cashier's check, for the value of the construction 18774
management contract to indemnify the state, political subdivision, 18775
district, institution, or agency against all damage suffered by 18776
the construction manager's failure to perform the contract 18777
according to its provisions, and shall agree and assent that this 18778

undertaking is for the benefit of the state, political 18779
subdivision, district, institution, or agency. A letter of credit 18780
provided by the construction manager is revocable only at the 18781
option of the beneficiary state, political subdivision, district, 18782
institution, or agency. 18783

(D) Where the state, political subdivision, district, 18784
institution, or agency accepts a bid but the bidder fails or 18785
refuses to enter into a proper contract in accordance with the 18786
bid, plans, details, and specifications within ten days after the 18787
awarding of the contract, the bidder and the surety on any bond, 18788
except as provided in division (G) of this section, are liable for 18789
the amount of the difference between the bidder's bid and that of 18790
the next lowest bidder, but not in excess of the liability 18791
specified in division (B)(1) or (C) of this section. Where the 18792
state, political subdivision, district, institution, or agency 18793
then awards the bid to such next lowest bidder and such next 18794
lowest bidder also fails or refuses to enter into a proper 18795
contract in accordance with the bid, plans, details, and 18796
specifications within ten days after the awarding of the contract, 18797
the liability of such next lowest bidder, except as provided in 18798
division (G) of this section, is the amount of the difference 18799
between the bids of such next lowest bidder and the third lowest 18800
bidder, but not in excess of the liability specified in division 18801
(B)(1) or (C) of this section. Liability on account of an award to 18802
any lowest bidder beyond the third lowest bidder shall be 18803
determined in like manner. 18804

(E) Notwithstanding division (C) of this section, where the 18805
state, political subdivision, district, institution, or agency 18806
resubmits the project for bidding, each bidder whose bid was 18807
accepted but who failed or refused to enter into a proper 18808
contract, except as provided in division (G) of this section, is 18809
liable for an equal share of a penal sum in connection with the 18810

resubmission, of printing new contract documents, required 18811
advertising, and printing and mailing notices to prospective 18812
bidders, but no bidder's liability shall exceed the amount of the 18813
bidder's bid guaranty. 18814

(F) All bid guaranties filed pursuant to this section shall 18815
be payable to the state, political subdivision, district, 18816
institution, or agency, be for the benefit of the state, political 18817
subdivision, district, institution, or agency or any person having 18818
a right of action thereon, and be deposited with, and held by, the 18819
board, officer, or agent contracting on behalf of the state, 18820
political subdivision, district, institution, or agency. All bonds 18821
filed pursuant to this section shall be issued by a surety company 18822
authorized to do business in this state as surety approved by the 18823
board, officer, or agent awarding the contract on behalf of the 18824
state, political subdivision, district, institution, or agency. 18825

(G) A bidder for a contract with the state or any political 18826
subdivision, district, institution, or other agency thereof, 18827
excluding therefrom the Ohio department of transportation, for a 18828
public improvement costing less than one-half million dollars may 18829
withdraw the bid from consideration if the bidder's bid for some 18830
other contract with the state or any political subdivision, 18831
district, institution, or other agency thereof, excluding 18832
therefrom the department of transportation, for the public 18833
improvement costing less than one-half million dollars has already 18834
been accepted, if the bidder certifies in good faith that the 18835
total amount of all the bidder's current contracts is less than 18836
one-half million dollars, and if the surety certifies in good 18837
faith that the bidder is unable to perform the subsequent contract 18838
because to do so would exceed the bidder's bonding capacity. If a 18839
bid is withdrawn under authority of this division, the contracting 18840
authority may award the contract to the next lowest bidder or 18841
reject all bids and resubmit the project for bidding, and neither 18842

the bidder nor the surety on the bidder's bond are liable for the 18843
difference between the bidder's bid and that of the next lowest 18844
bidder, for a penal sum, or for the costs of printing new contract 18845
documents, required advertising, and printing and mailing notices 18846
to prospective bidders. 18847

(H) Bid guaranties filed pursuant to division (A) of this 18848
section shall be returned to all unsuccessful bidders immediately 18849
after the contract is executed. The bid guaranty filed pursuant to 18850
division (A)(2) of this section shall be returned to the 18851
successful bidder upon filing of the bond required in division (C) 18852
of this section. 18853

~~(I) For the purposes of this section, "next lowest bidder" 18854
means, in the case of a political subdivision that has adopted the 18855
model Ohio and United States preference requirements promulgated 18856
pursuant to division (E) of section 125.11 of the Revised Code, 18857
the next lowest bidder that qualifies under those preference 18858
requirements. 18859~~

~~(J) For the purposes of this section and sections 153.56, 18860
153.57, and 153.571 of the Revised Code, "public improvement," 18861
"subcontractor," "material supplier," "laborer," and "materials" 18862
have the same meanings as in section 1311.25 of the Revised Code. 18863~~

Sec. 154.20. (A) Subject to authorization by the general 18864
assembly under section 154.02 of the Revised Code, the issuing 18865
authority may issue obligations pursuant to this chapter to pay 18866
costs of capital facilities for mental hygiene and retardation, 18867
including housing for mental hygiene and retardation patients and 18868
persons with substance use disorders. 18869

(B) Any capital facilities for mental hygiene or retardation, 18870
including housing for mental hygiene and retardation patients and 18871
persons with substance use disorders, may be leased by the 18872
commission to the department of mental health and addiction 18873

services or the department of developmental disabilities, and 18874
other agreements may be made by the commission and any one or more 18875
of these departments with respect to the use or purchase of such 18876
capital facilities or, subject to the approval of the director of 18877
the department, the commission may lease such capital facilities 18878
to, and make or provide for other agreements with respect to the 18879
use or purchase thereof with, any governmental agency having 18880
authority under law to operate such capital facilities, and the 18881
director of the department may sublease such capital facilities 18882
to, and make other agreements with respect to the use or purchase 18883
thereof with, any such governmental agency, which may include 18884
provisions for transmittal to the mental health bond service trust 18885
fund created under division (E) of this section, by such 18886
governmental agency or by a nonprofit corporation providing mental 18887
hygiene and retardation services for or under contract with or the 18888
supervision of that governmental agency, of receipts of that 18889
agency or nonprofit corporation from charges for the treatment or 18890
care of mental hygiene and retardation patients, all upon such 18891
terms and conditions as the parties may agree upon and pursuant to 18892
this chapter, notwithstanding any other provision of law affecting 18893
the leasing, acquisition, or disposition of capital facilities by 18894
the parties. 18895

(C) For purposes of this section, "available receipts" means 18896
all receipts of the state from charges for the treatment or care 18897
of mental hygiene and retardation patients, including support 18898
payments received under Chapter 5121. of the Revised Code and 18899
moneys required to be transmitted to the mental health bond 18900
service trust fund pursuant to subleases and other agreements 18901
between any of the departments and another governmental agency 18902
pursuant to division (B) of this section as the subleases and 18903
other agreements may be further implemented for internal planning, 18904
budgeting, and accounting purposes pursuant to rules adopted by 18905
the director of mental health and addiction services or director 18906

of developmental disabilities, any revenues or receipts derived by 18907
the commission from the operation, leasing, or other disposition 18908
of capital facilities financed under this section, the proceeds of 18909
obligations issued under this section and sections 154.11 and 18910
154.12 of the Revised Code, and also means any gifts, grants, 18911
donations, and pledges, and receipts therefrom, available for the 18912
payment of bond service charges on such obligations. The issuing 18913
authority may pledge all, or such portion as that authority 18914
determines, of the available receipts to the payment of bond 18915
service charges on obligations issued under this section and under 18916
sections 154.11 and 154.12 of the Revised Code and for the 18917
establishment and maintenance of any reserves, as provided in the 18918
bond proceedings, and make other provisions therein with respect 18919
to such available receipts as authorized by this chapter, which 18920
provisions shall be controlling notwithstanding any other 18921
provision of law pertaining thereto. 18922

(D) The issuing authority may covenant in the bond 18923
proceedings that the state and state agencies shall, so long as 18924
any obligations issued under this section are outstanding, cause 18925
to be charged and collected charges for the treatment or care of 18926
mental hygiene and retardation patients sufficient in amount to 18927
provide for the payment of bond service charges on such 18928
obligations and for the establishment and maintenance of any 18929
reserves, as provided in the bond proceedings, and such covenants 18930
shall be controlling notwithstanding any other provision of law 18931
pertaining to such charges. 18932

(E) There is hereby created the mental health bond service 18933
trust fund, which shall be in the custody of the treasurer of 18934
state but shall be separate and apart from and not a part of the 18935
state treasury. All moneys received by or on account of the 18936
commission or issuing authority or state agencies and required by 18937
the applicable bond proceedings to be deposited, transferred, or 18938

credited to the fund, and all other moneys transferred or 18939
allocated to or received for the purposes of the fund, shall be 18940
deposited with the treasurer of state and credited to such fund, 18941
subject to applicable provisions of the bond proceedings, but 18942
without necessity for any act of appropriation. The mental health 18943
bond service trust fund is a trust fund and is hereby pledged to 18944
the payment of bond service charges on the obligations issued 18945
pursuant to this section and sections 154.11 and 154.12 of the 18946
Revised Code to the extent provided in the applicable bond 18947
proceedings, and payment thereof from such fund shall be made or 18948
provided for by the treasurer of state in accordance with such 18949
bond proceedings without necessity for any act of appropriation. 18950

(F) There is hereby created in the state treasury the mental 18951
health facilities improvement fund. Subject to the bond 18952
proceedings therefor, all of the proceeds of the sale of 18953
obligations pursuant to this section shall be credited to the 18954
fund, except that any accrued interest shall be credited to the 18955
mental health bond service fund. The mental health facilities 18956
improvement fund may also be comprised of gifts, grants, 18957
appropriated moneys, and other sums and securities received to the 18958
credit of such fund. All investment earnings on the cash balance 18959
in the fund shall be credited to the fund. The fund shall be 18960
applied only to the following purposes: 18961

(1) Paying costs of capital facilities for mental hygiene and 18962
retardation, including housing for mental hygiene and retardation 18963
patients or for persons with substance use disorders, under the 18964
jurisdiction of the department of mental health and addiction 18965
services or department of developmental disabilities; 18966

(2) Participating in capital facilities for mental hygiene 18967
and retardation, including housing for mental hygiene and 18968
retardation patients or for persons with substance use disorders, 18969
with the federal government, municipal corporations, counties, or 18970

other governmental agencies, or a nonprofit corporation 18971
specifically chartered to provide a mental health, substance use, 18972
or mental retardation service when such service fulfills a public 18973
purpose, which participation may be by grants or contributions to 18974
them for such capital facilities. Except as provided in division 18975
(G) of this section, the nonprofit corporation may act in concert 18976
with a limited partnership or a limited liability company eligible 18977
to participate in the nonprofit set-aside described in section 18978
42(h)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2198, 18979
26 U.S.C. 42, and the ~~Ohio~~ governor's office of housing finance 18980
~~agency's transformation's~~ housing tax credit program for the 18981
purpose of making use of low-income housing tax credits in support 18982
of housing for mental hygiene and retardation patients. 18983

(G) A nonprofit corporation providing a mental retardation 18984
service must obtain written approval from the director of 18985
developmental disabilities before acting in concert with a limited 18986
partnership or limited liability company as described in division 18987
(F)(2) of this section. However, the director may issue one 18988
blanket approval for all such nonprofit corporations. 18989

(H) This section is to be applied with other applicable 18990
provisions of this chapter. 18991

Sec. 164.02. (A) There is hereby created the Ohio public 18992
works commission consisting of seven members who shall be 18993
appointed as follows: two persons shall be appointed by the 18994
speaker of the house of representatives; one person shall be 18995
appointed by the minority leader of the house of representatives; 18996
two persons shall be appointed by the president of the senate; one 18997
person shall be appointed by the minority leader of the senate; 18998
and one person from the private sector, who shall have experience 18999
in matters of public finance, shall be appointed alternately by 19000
the speaker of the house of representatives and the president of 19001

the senate, with the speaker of the house making the first 19002
appointment. The director of transportation, the director of 19003
environmental protection, the director of development, the 19004
director of natural resources, and the chairperson of the Ohio 19005
water development authority shall be nonvoting, ex officio members 19006
of the commission. ~~The initial appointments made to the commission~~ 19007
~~by the minority leaders of the senate and house of representatives~~ 19008
~~and one of the initial appointments made by the speaker of the~~ 19009
~~house of representatives and the president of the senate shall be~~ 19010
~~for terms ending December 31, 1989; one of the initial~~ 19011
~~appointments made by the speaker of the house of representatives~~ 19012
~~and the president of the senate shall be for terms ending December~~ 19013
~~31, 1990; and the initial term of the appointment to the~~ 19014
~~commission that is alternately made by the speaker of the house of~~ 19015
~~representatives and the president of the senate shall be for a~~ 19016
~~term ending December 31, 1989. Thereafter, terms~~ Terms of office 19017
shall be for ~~three~~ four years, each term ending on the ~~same day of~~ 19018
~~the same month of the year as did the term which it succeeds~~ date 19019
that is four years from the date of appointment. ~~Each member shall~~ 19020
~~hold office from the date of appointment until the end of the term~~ 19021
~~for which the member is appointed.~~ Members may be reappointed, to 19022
a subsequent four year term, one time. Vacancies shall be filled 19023
in the same manner provided for original appointments. Any member 19024
appointed to fill a vacancy occurring prior to the expiration date 19025
of the term for which the member's predecessor was appointed shall 19026
hold office for the remainder of that term, and may be reappointed 19027
for up to two subsequent four year terms. A member shall continue 19028
in office subsequent to the expiration date of the member's term 19029
until the member's successor takes office or until a period of 19030
sixty days has elapsed, whichever occurs first. 19031

The commission shall elect a chairperson, vice-chairperson, 19032
and other officers as it considers advisable. Four voting members 19033
constitute a quorum. Members of the commission shall serve without 19034

compensation but shall be reimbursed for their actual and 19035
necessary expenses incurred in the performance of their duties. 19036

(B) The Ohio public works commission shall: 19037

(1) Review and evaluate persons who will be recommended to 19038
the governor for appointment to the position of director of the 19039
Ohio public works commission, and, when the commission considers 19040
it appropriate, recommend the removal of a director; 19041

(2) Provide the governor with a list of names of three 19042
persons who are, in the judgment of the commission, qualified to 19043
be appointed to the position of director. The commission shall 19044
provide the list, which may include the name of the incumbent 19045
director to the governor, not later than sixty days prior to the 19046
expiration of the term of such incumbent director. A director 19047
shall serve a two-year term upon initial appointment, and 19048
four-year terms if subsequently reappointed by the governor; 19049
however, the governor may remove a director at any time following 19050
the commission's recommendation of such action. Upon the 19051
expiration of a director's term, or in the case of the 19052
resignation, death, or removal of a director, the commission shall 19053
provide such list of the names of three persons to the governor 19054
within thirty days of such expiration, resignation, death, or 19055
removal. Nothing in this section shall prevent the governor, in 19056
the governor's discretion, from rejecting all of the nominees of 19057
the commission and requiring the commission to select three 19058
additional nominees. However, when the governor has requested and 19059
received a second list of three additional names, the governor 19060
shall make the appointment from one of the names on the first list 19061
or the second list. Appointment by the governor is subject to the 19062
advice and consent of the senate. 19063

In the case of the resignation, removal, or death of the 19064
director during the director's term of office, a successor shall 19065
be chosen for the remainder of the term in the same manner as is 19066

provided for an original appointment. 19067

(3) Provide oversight to the director and advise in the 19068
development of policy guidelines for the implementation of this 19069
chapter, and report and make recommendations to the general 19070
assembly with respect to such implementation; 19071

(4) Adopt bylaws to govern the conduct of the commission's 19072
business; 19073

(5) Appoint the members of the Ohio small government capital 19074
improvements commission in accordance with division (C) of this 19075
section. 19076

(C)(1) There is hereby created the Ohio small government 19077
capital improvements commission. The commission shall consist of 19078
ten members, including the director of transportation, the 19079
director of environmental protection, and the chairperson of the 19080
Ohio water development authority as nonvoting, ex officio members 19081
and seven voting members appointed by the Ohio public works 19082
commission. Each such appointee shall be a member of a district 19083
public works integrating committee who was appointed to the 19084
integrating committee pursuant to the majority vote of the chief 19085
executive officers of the villages of the appointee's district or 19086
by a majority of the boards of township trustees of the 19087
appointee's district. 19088

(2) Two of the initial appointments shall be for terms ending 19089
two years after March 29, 1988. The remaining initial appointments 19090
shall be for terms ending three years after March 29, 1988. 19091
Thereafter, terms of office shall be for two years, with each term 19092
ending on the same date of the same month as did the term that it 19093
succeeds. Each member shall hold office from the date of 19094
appointment until the end of the term for which the member is 19095
appointed. Vacancies shall be filled in the same manner as 19096
original appointments. Any member appointed to fill a vacancy 19097

occurring before the expiration date of the term for which the 19098
member's predecessor was appointed shall hold office as a member 19099
for the remainder of that term. A member shall continue in office 19100
after the expiration of the member's term until the member's 19101
successor takes office or until a period of sixty days has 19102
elapsed, whichever occurs first. Members of the commission may be 19103
reappointed. No more than two members of the commission may be 19104
members of the same district public works integrating committee. 19105

(3) The Ohio small government capital improvements commission 19106
shall elect one of its appointed members as chairperson and 19107
another as vice-chairperson. Four voting members of the commission 19108
constitute a quorum, and the affirmative vote of four appointed 19109
members is required for any action taken by vote of the 19110
commission. No vacancy in the membership of the commission shall 19111
impair the right of a quorum by an affirmative vote of four 19112
appointed members to exercise all rights and perform all duties of 19113
the commission. Members of the commission shall serve without 19114
compensation, but shall be reimbursed for their actual and 19115
necessary expenses incurred in the performance of their duties. 19116

(D) The Ohio small government capital improvements commission 19117
shall: 19118

(1) Advise the general assembly on the development of policy 19119
guidelines for the implementation of this chapter, especially as 19120
it relates to the interests of small governments and the use of 19121
the portion of bond proceeds set aside for the exclusive use of 19122
townships and villages; 19123

(2) Advise the township and village subcommittees of the 19124
various district public works integrating committees concerning 19125
the selection of projects for which the use of such proceeds will 19126
be authorized; 19127

(3) Affirm or overrule the recommendations of its 19128

administrator made in accordance with section 164.051 of the 19129
Revised Code concerning requests from townships and villages for 19130
financial assistance for capital improvement projects. 19131

(E) Membership on the Ohio public works commission or the 19132
Ohio small government capital improvements commission does not 19133
constitute the holding of a public office. No appointed member 19134
shall be required, by reason of section 101.26 of the Revised 19135
Code, to resign from or forfeit membership in the general 19136
assembly. 19137

Notwithstanding any provision of law to the contrary, a 19138
county, municipal, or township public official may serve as a 19139
member of the Ohio public works commission or the Ohio small 19140
government capital improvements commission. 19141

Members of the commissions established by this section do not 19142
have an unlawful interest in a public contract under section 19143
2921.42 of the Revised Code solely by virtue of the receipt of 19144
financial assistance under this chapter by the local subdivision 19145
of which they are also a public official or appointee. 19146

Sec. 164.23. (A) An entity seeking a grant for a project that 19147
is eligible for funding under section 164.22 of the Revised Code 19148
shall submit an application to the natural resources assistance 19149
council with geographical jurisdiction over the proposed project 19150
area. Entities that are eligible for funding are limited to local 19151
political subdivisions and nonprofit organizations. The director 19152
of the Ohio public works commission shall develop the form of the 19153
application and shall provide application forms to each council. 19154
The application shall require at least all of the following: 19155

(1) An identification of the local political subdivision or 19156
nonprofit organization that is responsible for the execution and 19157
completion of the proposed project; 19158

- (2) A detailed description of the proposed project; 19159
- (3) An identification of the areas that are proposed to be 19160
protected, restored, preserved, or constructed; 19161
- (4) Detailed information concerning the practices and 19162
procedures that will be undertaken to complete the project; 19163
- (5) A formal detailed estimate of the project's cost; 19164
- (6) The amount and nature of the moneys or resources to be 19165
used as matching funds for the project. Matching funds shall 19166
constitute not less than twenty-five per cent of the total cost of 19167
the project and may consist of contributions of money by any 19168
person, any local political subdivision, or the federal government 19169
or of contributions in-kind by such parties through the purchase 19170
or donation of equipment, land, easements, labor, or materials 19171
necessary to complete the project. 19172
- (7) An identification of any participation by state agencies 19173
that may have expertise regarding the particular project and that 19174
may provide assistance with respect to the project; 19175
- (8) Information concerning the coordination of the project 19176
among local political subdivisions, state agencies, federal 19177
agencies, community organizations, conservation organizations, and 19178
local business groups; 19179
- (9) Information about any coordination that the project will 19180
have with projects being undertaken under the jurisdiction of 19181
other natural resources assistance councils throughout the state 19182
under sections 164.20 to 164.27 of the Revised Code ~~or with~~ 19183
~~projects being undertaken under sections 122.65 to 122.658 of the~~ 19184
~~Revised Code;~~ 19185
- (10) Information about public participation in the planning 19186
and execution of the project; 19187
- (11) Information about whether the general public will be 19188

given access to the project area upon the completion of the project; 19189
19190

(12) A timetable for completion of the proposed project. 19191

(B) In addition to the application required under division (A) of this section, an applicant for a grant for a project shall include with the application all of the following: 19192
19193
19194

(1) Except as otherwise provided in division (C) of this section, a copy of a resolution supporting the project from each county in which the proposed project is to be conducted and whichever of the following is applicable: 19195
19196
19197
19198

(a) If the proposed project is to be conducted wholly within the geographical boundaries of one township, a copy of a resolution supporting the project from the township; 19199
19200
19201

(b) If the proposed project is to be conducted wholly within the geographical boundaries of one municipal corporation, a copy of a resolution supporting the project from the municipal corporation; 19202
19203
19204
19205

(c) If the proposed project is to be conducted in more than one, but fewer than five townships or municipal corporations, a copy of a resolution supporting the project from at least one-half of the total number of townships and municipal corporations in which the proposed project is to be conducted; 19206
19207
19208
19209
19210

(d) If the proposed project is to be conducted in five or more townships or municipal corporations, a copy of a resolution supporting the project from at least three-fifths of the total number of townships and municipal corporations in which the proposed project is to be conducted. 19211
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However, if the applicant is a county and the proposed project is to be located wholly within the geographical boundaries of the county, the applicant shall not be required to include a 19216
19217
19218

copy of a resolution from any township or municipal corporation. 19219
If the applicant is a municipal corporation and the proposed 19220
project is to be located wholly within the geographical boundaries 19221
of the municipal corporation, the applicant shall not be required 19222
to include a copy of a resolution from the county in which it is 19223
located. If the applicant is a township and the proposed project 19224
is to be located wholly within the geographical boundaries of the 19225
township, the applicant shall not be required to include a copy of 19226
a resolution from the county in which it is located. 19227

(2) Documentation that demonstrates that the applicant has 19228
the capacity, financial or otherwise, to complete the project for 19229
which the grant is sought and to provide any necessary ongoing 19230
maintenance of the project; 19231

(3) Documentation that indicates compliance with division (A) 19232
of section 164.26 of the Revised Code related to the long-term 19233
ownership or control of the property that is the subject of the 19234
grant application. 19235

(C) Prior to submitting an application for a grant for a 19236
project under this section, an applicant that is a park district 19237
or other similar park authority shall consult with the legislative 19238
authority of each county, township, and municipal corporation in 19239
which the proposed project will be located. 19240

(D) Upon receipt of an application under division (A) of this 19241
section and the information required under division (B) of this 19242
section, a council may request additional information concerning 19243
the proposed project to which the application and information 19244
apply. Upon receiving such a request, the entity proposing the 19245
project shall provide the additional information requested. 19246

Sec. 164.24. (A) A natural resources assistance council shall 19247
review each application for a grant submitted under section 164.23 19248
of the Revised Code. In reviewing an application for the purpose 19249

of determining whether to approve or disapprove the application, a council shall consider all of the following criteria:

- (1) Whether the project emphasizes the factors specified in division (A) or (B) of section 164.22 of the Revised Code;
- (2) The amount of funding that is necessary for the completion of the project;
- (3) The amount and percentage of the matching funds provided under the proposal;
- (4) The level of coordination among local political subdivisions, state agencies, federal agencies, community organizations, conservation organizations, and local business groups;
- (5) The level of coordination with projects being undertaken under the jurisdiction of other natural resources assistance councils throughout the state under sections 164.20 to 164.27 of the Revised Code ~~or with projects being undertaken under sections 122.65 to 122.658 of the Revised Code;~~
- (6) The relative economic, social, and environmental benefits that the proposed project will bring to the geographical area represented by the council as compared to other proposed projects;
- (7) Whether the project incorporates more than one purpose for which grant moneys may be used as specified in section 164.22 of the Revised Code;
- (8) Whether the general public will be given access to the project area upon the completion of the project;
- (9) Whether the project will comply with all of the requirements established in sections 164.20 to 164.27 of the Revised Code;
- (10) The readiness of the applicant to proceed with the

project; 19279

(11) Any other factors that are relevant to the project. 19280

(B) A natural resources assistance council shall establish a 19281
prioritization and selection methodology system for applications 19282
submitted under section 164.23 of the Revised Code. The 19283
methodology shall be submitted to and approved by the director of 19284
the Ohio public works commission. 19285

(C) In accordance with the methodology system established and 19286
approved under division (B) of this section, a natural resources 19287
assistance council shall approve or disapprove an application for 19288
a grant submitted to it after consideration of all of the criteria 19289
specified in divisions (A)(1) to (11) of this section. If the 19290
council approves an application, the council shall submit a copy 19291
of the application, along with all accompanying materials, to the 19292
Ohio public works commission for final approval or disapproval. 19293

Sec. 169.05. (A) Every holder required to file a report under 19294
section 169.03 of the Revised Code shall, at the time of filing, 19295
pay to the director of commerce ten per cent of the aggregate 19296
amount of unclaimed funds as shown on the report, except for 19297
aggregate amounts of fifty dollars or less in which case one 19298
hundred per cent shall be paid. The funds may be deposited by the 19299
director in the state treasury to the credit of the unclaimed 19300
funds trust fund, which is hereby created, or placed with a 19301
financial organization. Any interest earned on money in the trust 19302
fund shall be credited to the trust fund. The remainder of the 19303
aggregate amount of unclaimed funds as shown on the report, plus 19304
earnings accrued to date of payment to the director, shall, at the 19305
option of the director, be retained by the holder or paid to the 19306
director for deposit as agent for the mortgage funds with a 19307
financial organization as defined in section 169.01 of the Revised 19308
Code, with the funds to be in income-bearing accounts to the 19309

credit of the mortgage funds, or the holder may enter into an 19310
agreement with the director specifying the obligations of the 19311
United States in which funds are to be invested, and agree to pay 19312
the interest on the obligations to the state. Holders retaining 19313
any funds not in obligations of the United States shall enter into 19314
an agreement with the director specifying the classification of 19315
income-bearing account in which the funds will be held and pay the 19316
state interest on the funds at a rate equal to the prevailing 19317
market rate for similar funds. Moneys that the holder is required 19318
to pay to the director rather than to retain may be deposited with 19319
the treasurer of state, or placed with a financial organization. 19320

Securities and other intangible property transferred to the 19321
director shall, within a reasonable time, be converted to cash and 19322
the proceeds deposited as provided for other funds. 19323

One-half of the funds evidenced by agreements, in 19324
income-bearing accounts, or on deposit with the treasurer of state 19325
shall be allocated on the records of the director to the mortgage 19326
insurance fund created by section 122.561 of the Revised Code. Out 19327
of the remaining half, after allocation of sufficient moneys to 19328
the minority business bonding fund to meet the provisions of 19329
division (B) of this section, the remainder shall be allocated on 19330
the records of the director to the housing development fund 19331
created by division (A) of section 175.11 of the Revised Code. 19332

(B) The director of commerce shall serve as agent for the 19333
director of development ~~and as agent for the Ohio housing finance~~ 19334
~~agency~~ in making deposits and withdrawals and maintaining records 19335
pertaining to the minority business bonding fund created by 19336
section 122.88 of the Revised Code, the mortgage insurance fund, 19337
and the housing development fund created by section 175.11 of the 19338
Revised Code. Funds from the mortgage insurance fund are available 19339
to the director of development when those funds are to be 19340
disbursed to prevent or cure, or upon the occurrence of, a default 19341

of a mortgage insured pursuant to section 122.451 of the Revised Code. Funds from the housing development fund are available upon request to the ~~Ohio housing finance agency~~ director of development, in an amount not to exceed the funds allocated on the records of the director of commerce, for the purposes of section 175.05 of the Revised Code. Funds from the minority business bonding fund are available to the director of development upon request to pay obligations on bonds the director writes pursuant to section 122.88 of the Revised Code; except that, unless the general assembly authorizes additional amounts, the total maximum amount of moneys that may be allocated to the minority business bonding fund under this division is ten million dollars.

When funds are to be disbursed, the ~~appropriate agency~~ director of development shall call upon the director of commerce to transfer the necessary funds to it. The director of commerce shall first withdraw the funds paid by the holders and deposited with the treasurer of state or in a financial institution as agent for the funds. Whenever these funds are inadequate to meet the request, the director of commerce shall provide for a withdrawal of funds, within a reasonable time and in the amount necessary to meet the request, from financial institutions in which the funds were retained or placed by a holder and from other holders who have retained funds, in an equitable manner as the director of commerce prescribes. In the event that the amount to be withdrawn from any one holder is less than five hundred dollars, the amount to be withdrawn is at the ~~director's~~ director of commerce's discretion. The director of commerce shall then transfer to the ~~agency~~ director of development the amount of funds requested.

Funds deposited in the unclaimed funds trust fund are subject to call by the director of commerce when necessary to pay claims the director of commerce allows under section 169.08 of the Revised Code, in accordance with the ~~director's~~ director of

commerce's rules, to defray the necessary costs of making 19374
publications this chapter requires and to pay other operating and 19375
administrative expenses the department of commerce incurs in the 19376
administration and enforcement of this chapter. 19377

The unclaimed funds trust fund shall be assessed a 19378
proportionate share of the administrative costs of the department 19379
of commerce in accordance with procedures the director of commerce 19380
prescribes. The assessment shall be paid from the unclaimed funds 19381
trust fund to the division of administration fund. 19382

(C) Earnings on the accounts in financial organizations to 19383
the credit of the mortgage funds shall, at the option of the 19384
financial organization, be credited to the accounts at times and 19385
at rates as earnings are paid on other accounts of the same 19386
classification held in the financial organization or paid to the 19387
director. The director shall be notified annually, and at other 19388
times as the director may request, of the amount of the earnings 19389
credited to the accounts. Interest on unclaimed funds a holder 19390
retains shall be paid to the director or credited as specified in 19391
the agreement under which the organization retains the funds. 19392
Interest payable to the director under an agreement to invest 19393
unclaimed funds in income-bearing accounts or obligations of the 19394
United States shall be paid annually by the holder to the 19395
director. Any earnings or interest the director receives under 19396
this division shall be deposited in and credited to the mortgage 19397
funds. 19398

Sec. 169.07. (A) Upon the payment of unclaimed funds to the 19399
director of commerce under section 169.05 of the Revised Code in 19400
good faith and in compliance with this chapter, the holder will be 19401
relieved of further responsibility for the safe-keeping thereof 19402
and will be held harmless by the state from any and all 19403
liabilities for any claim arising out of the transfer of such 19404

funds to the state, to the extent of the value of the unclaimed 19405
funds paid, as of the time of the payment. 19406

(B) If legal proceedings are instituted against a holder 19407
which has paid unclaimed funds to the director or entered into an 19408
agreement as provided in section 169.05 of the Revised Code in 19409
respect to such funds, such holder shall notify the director in 19410
writing of the pendency of such proceedings ~~and~~ not later than 19411
fourteen days after the date process is served on the holder. 19412
Failure by a holder to give such notice absolves the state from 19413
any liability the state may otherwise have with regard to the 19414
unclaimed funds, beyond the value of the unclaimed funds paid by 19415
the holder to the director. 19416

(C)(1) Upon receiving notice of a legal proceeding, in 19417
accordance with division (B) of this section, the director may 19418
take such action as the director considers necessary or expedient 19419
to protect the interests of the state. If the director shall 19420
elects to intervene and assume the defense of such proceedings- 19421
~~Failure to give such notice shall absolve the state from any and~~ 19422
~~all liability which it may have with regard to such funds. If and~~ 19423
judgment is entered against such holder, the director shall, upon 19424
proof of satisfaction of such judgment, forthwith reimburse such 19425
organization for the amount of the judgment or enter into an 19426
agreement modified to reflect the satisfaction of such judgment, 19427
if the holder retained such funds, and shall reimburse such holder 19428
for any legal fees, costs and other expenses incurred in such 19429
proceedings in the manner provided for the payment of claims under 19430
divisions (D) and (E) of section 169.08 of the Revised Code. 19431

(2) If the director elects not to intervene and assume the 19432
defense of such proceedings, and judgment is entered against such 19433
holder for any amount paid to the director pursuant to this 19434
chapter, the director shall, upon proof of satisfaction of such 19435
judgment, forthwith reimburse such organization for the amount so 19436

paid or enter into an agreement modified to reflect the 19437
satisfaction of such judgment, if the holder retained such funds, 19438
to the extent of the value of the unclaimed funds paid by the 19439
holder to the director. 19440

(D) No person has a claim against the state, a holder of 19441
unclaimed funds, or a transfer agent, registrar, or other person 19442
acting for, or on behalf of, a holder for any change in the market 19443
value of unclaimed funds occurring after payment by the holder to 19444
the director of commerce, or after sale of the unclaimed funds by 19445
the director. 19446

(E) The director of commerce is not required to hold 19447
harmless, or to intervene and assume the defense of, a holder of 19448
unclaimed funds that does not act in good faith, or that does not 19449
act in compliance with this chapter and the rules adopted in 19450
accordance with this chapter, when reporting unclaimed funds. This 19451
section does not insure or indemnify a holder of unclaimed funds 19452
against the holder's own acts or omissions, negligence, bad faith, 19453
or breach of any duties owed to the owner of the unclaimed funds 19454
or the director of commerce. 19455

Sec. 173.03. (A) There is hereby created the Ohio advisory 19456
council for the aging, which shall consist of twelve members to be 19457
appointed by the governor with the advice and consent of the 19458
senate. Two ex officio members of the council shall be members of 19459
the house of representatives appointed by the speaker of the house 19460
of representatives and shall be members of two different political 19461
parties. Two ex officio members of the council shall be members of 19462
the senate appointed by the president of the senate and shall be 19463
members of two different political parties. The medicaid director 19464
and directors of mental health and addiction services, 19465
developmental disabilities, health, and job and family services, 19466
or their designees, shall serve as ex officio members of the 19467

council. The ~~purpose of the~~ council shall carry out its role as 19468
~~defined under~~ is to advise the department of aging on the 19469
objectives of the "Older Americans Act of 1965," 79 Stat. 219, 42 19470
U.S.C. 3001, ~~as amended~~ and as directed by the governor. 19471

~~At the first meeting of the council, and annually thereafter~~ 19472
Annually, the members shall select one of their members to serve 19473
as chairperson and one of their members to serve as 19474
vice-chairperson. 19475

(B) Members of the council appointed by the governor shall be 19476
appointed for a term of three years, ~~except that for the first~~ 19477
~~appointment members of the Ohio commission on aging who were~~ 19478
~~serving on the commission immediately prior to July 26, 1984,~~ 19479
~~shall become members of the council for the remainder of their~~ 19480
~~unexpired terms. Thereafter, appointment to the council shall be~~ 19481
~~for a three year term by the governor.~~ Each member shall hold 19482
office from the date of appointment until the end of the term for 19483
which the member was appointed. Any member appointed to fill a 19484
vacancy occurring prior to the expiration of the term for which 19485
the member's predecessor was appointed shall hold office for the 19486
remainder of the term. No member shall continue in office 19487
subsequent to the expiration date of the member's term unless 19488
reappointed under the provisions of this section, and no member 19489
shall serve more than three consecutive terms on the council. 19490

(C) Membership of the council shall represent all areas of 19491
Ohio and shall be as follows: 19492

(1) A majority of members of the council shall have attained 19493
the age of fifty and have a knowledge of and continuing interest 19494
in the affairs and welfare of the older citizens of Ohio. The 19495
fields of business, labor, health, law, and human services shall 19496
be represented in the membership. 19497

(2) No more than seven members shall be of the same political 19498

party. 19499

(D) Any member of the council may be removed from office by 19500
the governor for neglect of duty, misconduct, or malfeasance in 19501
office after being informed in writing of the charges and afforded 19502
an opportunity for a hearing. Two consecutive unexcused absences 19503
from regularly scheduled meetings constitute neglect of duty. 19504

(E) The director of aging may reimburse a member for actual 19505
and necessary traveling and other expenses incurred in the 19506
discharge of official duties. But reimbursement shall be made in 19507
the manner and at rates that do not exceed those prescribed by the 19508
director of budget and management for any officer, member, or 19509
employee of, or consultant to, any state agency. 19510

(F) Council members are not limited as to the number of terms 19511
they may serve. 19512

(G)(1) The department of aging may award grants to or enter 19513
into contracts with a member of the advisory council or an entity 19514
that the member represents if any of the following apply: 19515

(a) The department determines that the member or the entity 19516
the member represents is capable of providing the goods or 19517
services specified under the terms of the grant or contract. 19518

(b) The member has not taken part in any discussion or vote 19519
of the council related to whether the council should recommend 19520
that the department of aging award the grant to or enter into the 19521
contract with the member of the advisory council or the entity 19522
that the member represents. 19523

(2) A member of the advisory council is not in violation of 19524
Chapter 102. or section 2921.42 of the Revised Code with regard to 19525
receiving a grant or entering into a contract under this section 19526
if the conditions of division (G)(1)(a) and (b) of this section 19527
have been met. 19528

Sec. 173.06. (A) The director of aging shall establish a 19529
golden buckeye card program and provide a golden buckeye card to 19530
any resident of this state who applies to the director for a card 19531
and is sixty years of age or older or is a person with a 19532
disability and is eighteen years of age or older. ~~The A golden~~ 19533
buckeye card may be physical or electronic and may be an 19534
individual card or an endorsement on a card for one or more other 19535
programs. 19536

The director shall devise programs to provide benefits of any 19537
kind to card holders, and encourage support and participation in 19538
them by all persons, including governmental organizations. Card 19539
holders ~~shall be~~ are entitled to any benefits granted to them by 19540
private persons or organizations, the laws of this state, or 19541
ordinances or resolutions of political subdivisions. This section 19542
does not require any person or organization to provide benefits to 19543
any card holder. The department of aging shall bear all costs of 19544
the program. 19545

(B) Before issuing a golden buckeye card to any person, the 19546
director shall establish the identity of any person who applies 19547
for a card and shall ascertain that such person is sixty years of 19548
age or older or is a person with a disability and is eighteen 19549
years of age or older. The director shall adopt rules under 19550
Chapter 119. of the Revised Code to prevent the issuance of cards 19551
to persons not qualified to have them. Cards shall contain ~~the~~ 19552
~~signature of the card holder and any other~~ information the 19553
director considers necessary to carry out the purposes of the 19554
golden buckeye card program under this section. Any card that the 19555
director issues shall be held in perpetuity by the original card 19556
holder and shall not be transferable to any other person. A person 19557
who loses the person's card may obtain another card from the 19558
director ~~upon~~ on providing the same information to the director as 19559
was required for the issuance of the original card. 19560

(C) No person shall use a golden buckeye card except to obtain a benefit for the holder of the card to which the holder is entitled under the conditions of the offer.

(D) As used in this section, "person with a disability" means a person who has some impairment of body or mind and has been certified as permanently and totally disabled by an agency of this state or the United States having the function of so classifying persons.

Sec. 173.21. (A) The office of the state long-term care ombudsman program, through the state long-term care ombudsman and the regional long-term care ombudsman programs, shall require each representative of the office to complete a training and certification ~~program~~ in accordance with this section and to meet ~~the~~ any continuing education requirements that may be established ~~under~~ in rules adopted under division (B) of this section.

(B) The department of aging shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the content of training ~~programs~~ for representatives of the office of the state long-term care ombudsman program. Training for representatives other than those who are volunteers providing services through regional long-term care ombudsman programs shall include instruction regarding federal, state, and local laws, rules, and policies on long-term care facilities and community-based long-term care services; investigative techniques; and other topics considered relevant by the department ~~and shall consist.~~ All of the following apply to training for representatives other than volunteers:

(1) ~~A~~ Representatives shall complete a minimum of ~~forty clock~~ thirty-six hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the supervision of a representative of the office certified under this

section; 19592

(2) ~~An additional sixty clock~~ Additional hours of 19593
instruction, ~~which shall be completed within the first fifteen~~ 19594
~~months of employment~~ may include an internship, in-service 19595
training, and continuing education requirements as may be required 19596
in rules adopted under division (B) of this section; 19597

(3) ~~An internship of twenty clock hours, which shall be~~ 19598
~~completed within the first twenty four months of employment,~~ 19599
~~including instruction in, and observation of, basic nursing care~~ 19600
~~and long term care provider operations and procedures. The~~ 19601
~~internship shall be performed at a site that has been approved as~~ 19602
~~an internship site by the state long term care ombudsman.~~ 19603

(4) ~~One of the following, which shall be completed within the~~ 19604
~~first twenty four months of employment:~~ 19605

(a) ~~Observation of a survey conducted by the director of~~ 19606
~~health to certify a nursing facility to participate in the~~ 19607
~~medicaid program;~~ 19608

(b) ~~Observation of an inspection conducted by the director of~~ 19609
~~mental health and addiction services to license a residential~~ 19610
~~facility under section 5119.34 of the Revised Code that provides~~ 19611
~~accommodations, supervision, and personal care services for three~~ 19612
~~to sixteen unrelated adults.~~ 19613

(5) ~~Any~~ Representatives may be required to complete any other 19614
~~training considered appropriate by the department.~~ 19615

(C) ~~Any person who for a period of at least six months prior~~ 19616
~~to June 11, 1990, served as an ombudsman through the long term~~ 19617
~~care ombudsman program established by the department of aging~~ 19618
~~under section 173.01 of the Revised Code shall not be required to~~ 19619
~~complete a training program. Such a person and persons who~~ 19620
~~complete a training program shall take an examination administered~~ 19621
~~by the department of aging. On attainment of a passing score, the~~ 19622

~~person shall be certified by the department as a representative of 19623
the office. The department shall issue the person an 19624
identification card, which the representative shall show at the 19625
request of any person with whom the representative deals while 19626
performing the representative's duties and which shall be 19627
surrendered at the time the representative separates from the 19628
office. 19629~~

~~(D) The state ombudsman and each regional program shall 19630
conduct training programs for train volunteers on their respective 19631
staffs in accordance with the rules ~~of the department of aging~~ 19632
adopted under division (B) of this section. ~~Training programs~~ 19633
Volunteers may be ~~conducted that train volunteers~~ trained to 19634
complete some, but not all, of the duties of a representative of 19635
the office. Each regional office shall bear the cost of training 19636
its representatives who are volunteers. On completion of a 19637
training ~~program~~, the representative shall take an examination 19638
administered by the department of aging. On attainment of a 19639
passing score, a volunteer shall be certified by the department as 19640
a representative authorized to perform services specified in the 19641
certification. The department shall issue an identification card, 19642
which the representative shall show at the request of any person 19643
with whom the representative deals while performing the 19644
representative's duties and which shall be surrendered at the time 19645
the representative separates from the office. Except as a 19646
supervised part of a training ~~program~~, no volunteer shall perform 19647
any duty unless the volunteer is certified as a representative 19648
having received appropriate training for that duty. 19649~~

~~(E)(D) The state ombudsman shall provide technical assistance 19650
to regional programs conducting training ~~programs~~ for volunteers 19651
and shall monitor the training ~~programs~~. 19652~~

~~(F) Prior to scheduling an observation of a certification 19653
survey or licensing inspection for purposes of division (B)(4) of 19654~~

~~this section, the state ombudsman shall obtain permission to have 19655
the survey or inspection observed from both the long term care 19656
facility at which the survey or inspection is to take place and, 19657
as the case may be, the director of health or director of mental 19658
health and addiction services. 19659~~

~~(G) The department of aging shall establish continuing 19660
education requirements for representatives of the office. 19661~~

Sec. 173.39. (A) As used in sections 173.39 to ~~173.393~~ 19662
173.394 of the Revised Code: 19663

(1) "Provider" means a person or government entity that 19664
provides any services, including community-based long-term care 19665
services, under a program the department of aging administers. 19666
"Provider" includes a person or government entity that provides 19667
home and community-based services to older adults through the 19668
PASSPORT program or assisted living program. 19669

(2) "Community-based long-term care services" has the same 19670
meaning as in section 173.14 of the Revised Code. 19671

(3) "PASSPORT program" and "assisted living program" have the 19672
same meanings as in section 173.51 of the Revised Code. 19673

(B) The department of aging shall not pay a provider for 19674
providing any service, including community-based long-term care 19675
services, under the PASSPORT program or assisted living program 19676
unless the provider is certified under section 173.391 of the 19677
Revised Code and the service is in fact provided. 19678

The department may require a provider under any other program 19679
the department administers to be certified under section 173.391 19680
of the Revised Code. If the department requires this 19681
certification, the department shall not pay the provider for 19682
providing any service under that program unless the provider is 19683
certified under section 173.391 of the Revised Code and the 19684

service is in fact provided. If the department does not require 19685
this certification, the department shall not pay the provider for 19686
providing any service under that program unless the provider 19687
complies with section 173.392 of the Revised Code. 19688

Sec. 173.391. (A) Subject to section 173.381 of the Revised 19689
Code, the department of aging or its designee shall do all of the 19690
following in accordance with Chapter 119. of the Revised Code: 19691

(1) Certify a provider to provide services, including 19692
community-based long-term care services, under a program the 19693
department administers if the provider satisfies the requirements 19694
for certification established by rules adopted under division (B) 19695
of this section and pays the fee, if any, established by rules 19696
adopted under division (G) of this section; 19697

(2) When required to do so by rules adopted under division 19698
(B) of this section, take one or more of the following 19699
disciplinary actions against a provider certified under division 19700
(A)(1) of this section: 19701

(a) Issue a written warning; 19702

(b) Require the submission of a plan of correction or 19703
evidence of compliance with requirements identified by the 19704
department; 19705

(c) Suspend referrals; 19706

(d) Remove clients; 19707

(e) Impose a fiscal sanction such as a civil monetary penalty 19708
or an order that unearned funds be repaid; 19709

(f) Suspend the certification; 19710

(g) Revoke the certification; 19711

(h) Impose another sanction. 19712

(3) Except as provided in division (E) of this section, hold 19713

hearings when there is a dispute between the department or its 19714
designee and a provider concerning actions the department or its 19715
designee takes regarding a decision not to certify the provider 19716
under division (A)(1) of this section or a disciplinary action 19717
under divisions (A)(2)(e) to (h) of this section. 19718

(B) The Subject to section 173.394 of the Revised Code, the 19719
director of aging shall adopt rules in accordance with Chapter 19720
119. of the Revised Code establishing certification requirements 19721
and standards for determining which type of disciplinary action to 19722
take under division (A)(2) of this section in individual 19723
situations. The rules shall establish procedures for all of the 19724
following: 19725

(1) Ensuring that providers comply with sections 173.38 and 19726
173.381 of the Revised Code; 19727

(2) Evaluating the services provided by the providers to 19728
ensure that the services are provided in a quality manner 19729
advantageous to the individual receiving the services; 19730

(3) In a manner consistent with section 173.381 of the 19731
Revised Code, determining when to take disciplinary action under 19732
division (A)(2) of this section and which disciplinary action to 19733
take; 19734

(4) Determining what constitutes another sanction for 19735
purposes of division (A)(2)(h) of this section. 19736

(C) The procedures established in rules adopted under 19737
division (B)(2) of this section shall require that all of the 19738
following be considered as part of an evaluation described in 19739
division (B)(2) of this section: 19740

(1) The provider's experience and financial responsibility; 19741

(2) The provider's ability to comply with standards for the 19742
services, including community-based long-term care services, that 19743

the provider provides under a program the department administers; 19744

(3) The provider's ability to meet the needs of the 19745
individuals served; 19746

(4) Any other factor the director considers relevant. 19747

(D) The rules adopted under division (B)(3) of this section 19748
shall specify that the reasons disciplinary action may be taken 19749
under division (A)(2) of this section include good cause, 19750
including misfeasance, malfeasance, nonfeasance, confirmed abuse 19751
or neglect, financial irresponsibility, or other conduct the 19752
director determines is injurious, or poses a threat, to the health 19753
or safety of individuals being served. 19754

(E) Subject to division (F) of this section, the department 19755
is not required to hold hearings under division (A)(3) of this 19756
section if any of the following conditions apply: 19757

(1) Rules adopted by the director of aging pursuant to this 19758
chapter require the provider to be a party to a provider 19759
agreement; hold a license, certificate, or permit; or maintain a 19760
certification, any of which is required or issued by a state or 19761
federal government entity other than the department of aging, and 19762
either of the following is the case: 19763

(a) The provider agreement has not been entered into or the 19764
license, certificate, permit, or certification has not been 19765
obtained or maintained. 19766

(b) The provider agreement, license, certificate, permit, or 19767
certification has been denied, revoked, not renewed, or suspended 19768
or has been otherwise restricted. 19769

(2) The provider's certification under this section has been 19770
denied, suspended, or revoked for any of the following reasons: 19771

(a) A government entity of this state, other than the 19772
department of aging, has terminated or refused to renew any of the 19773

following held by, or has denied any of the following sought by, a 19774
provider: a provider agreement, license, certificate, permit, or 19775
certification. Division (E)(2)(a) of this section applies 19776
regardless of whether the provider has entered into a provider 19777
agreement in, or holds a license, certificate, permit, or 19778
certification issued by, another state. 19779

(b) The provider or a principal owner or manager of the 19780
provider who provides direct care has entered a guilty plea for, 19781
or has been convicted of, an offense materially related to the 19782
medicaid program. 19783

(c) A principal owner or manager of the provider who provides 19784
direct care has entered a guilty plea for, been convicted of, or 19785
been found eligible for intervention in lieu of conviction for an 19786
offense listed or described in divisions (A)(3)(a) to (e) of 19787
section 109.572 of the Revised Code, but only if the provider, 19788
principal owner, or manager does not meet standards specified by 19789
the director in rules adopted under section 173.38 of the Revised 19790
Code. 19791

(d) The department or its designee is required by section 19792
173.381 of the Revised Code to deny or revoke the provider's 19793
certification. 19794

(e) The United States department of health and human services 19795
has taken adverse action against the provider and that action 19796
impacts the provider's participation in the medicaid program. 19797

(f) The provider has failed to enter into or renew a provider 19798
agreement with the PASSPORT administrative agency, as that term is 19799
defined in section 173.42 of the Revised Code, that administers 19800
programs on behalf of the department of aging in the region of the 19801
state in which the provider is certified to provide services. 19802

(g) The provider has not billed or otherwise submitted a 19803
claim to the department for payment under the medicaid program in 19804

at least two years. 19805

(h) The provider denied or failed to provide the department 19806
or its designee access to the provider's facilities during the 19807
provider's normal business hours for purposes of conducting an 19808
audit or structural compliance review. 19809

(i) The provider has ceased doing business. 19810

(j) The provider has voluntarily relinquished its 19811
certification for any reason. 19812

(3) The provider's provider agreement with the department of 19813
medicaid has been suspended under section 5164.36 of the Revised 19814
Code. 19815

(4) The provider's provider agreement with the department of 19816
medicaid is denied or revoked because the provider or its owner, 19817
officer, authorized agent, associate, manager, or employee has 19818
been convicted of an offense that caused the provider agreement to 19819
be suspended under section 5164.36 of the Revised Code. 19820

(F) If the department does not hold hearings when any 19821
condition described in division (E) of this section applies, the 19822
department shall send a notice to the provider describing a 19823
decision not to certify the provider under division (A)(1) of this 19824
section or the disciplinary action the department is taking under 19825
divisions (A)(2)(e) to (h) of this section. The notice shall be 19826
sent to the provider's address that is on record with the 19827
department and may be sent by regular mail. 19828

(G) The director of aging may adopt rules in accordance with 19829
Chapter 119. of the Revised Code establishing a fee to be charged 19830
by the department of aging or its designee for certification 19831
issued under this section. 19832

(H) Any amounts collected by the department or its designee 19833
under this section shall be deposited in the state treasury to the 19834

credit of the provider certification fund, which is hereby 19835
created. Money credited to the fund shall be used to pay for 19836
services, including community-based long-term care services, to 19837
pay for administrative costs associated with provider 19838
certification under this section, and to pay for administrative 19839
costs related to the publication of the Ohio long-term care 19840
consumer guide. 19841

Sec. 173.394. (A) As used in this section: 19842

(1) "Full bathroom" means a bathroom that includes a toilet, 19843
sink, and shower or bathtub. 19844

(2) "Residential care facility" has the same meaning as in 19845
section 3721.01 of the Revised Code. 19846

(B) The department of aging shall not deny certification to a 19847
residential care facility that seeks to participate in the 19848
assisted living program on the basis that the residential care 19849
facility's resident units are such that two residents share a full 19850
bathroom, so long as all of the following are satisfied: 19851

(1) The shared full bathroom is accessible from the living 19852
quarters of each resident's unit, does not require one resident to 19853
pass through the living quarters of another resident, and allows 19854
each resident to lock both bathroom doors to prevent access to the 19855
bathroom while it is in use. 19856

(2) In addition to the shared bathroom, the residential care 19857
facility also offers the use of at least one other full bathroom 19858
to its residents that is accessible from a single door directly 19859
off of the hallway and not connected to any resident's individual 19860
unit. 19861

(3) The shared bathrooms and other accessible bathrooms meet 19862
the accessibility requirements of the "Americans with Disabilities 19863
Act of 1990," 42 U.S.C. 12101. 19864

(4) The residential care facility informs residents of the 19865
shared bathroom arrangement prior to admission to the residential 19866
care facility and residents sign a written consent form 19867
acknowledging the arrangement. 19868

Sec. 173.51. As used in sections 173.51 to 173.56 of the 19869
Revised Code: 19870

"Area agency on aging" has the same meaning as in section 19871
173.14 of the Revised Code. 19872

"Assisted living program" means the program that consists of 19873
a medicaid-funded component created under section 173.54 of the 19874
Revised Code and a state-funded component created under section 19875
173.543 of the Revised Code and provides assisted living services 19876
to individuals who meet the program's applicable eligibility 19877
requirements. 19878

"Assisted living services" means the following home and 19879
community-based services: personal care, homemaker, chore, 19880
attendant care, companion, medication oversight, and therapeutic 19881
social and recreational programming. 19882

"Assisted living waiver" means the federal medicaid waiver 19883
granted by the United States secretary of health and human 19884
services that authorizes the medicaid-funded component of the 19885
assisted living program. 19886

"County or district home" means a county or district home 19887
operated under Chapter 5155. of the Revised Code. 19888

"Long-term care consultation program" means the program the 19889
department of aging is required to develop under section 173.42 of 19890
the Revised Code. 19891

"Long-term care consultation program administrator" or 19892
"administrator" means the department of aging or, if the 19893
department contracts with an area agency on aging or other entity 19894

to administer the long-term care consultation program for a particular area, that agency or entity. 19895
19896

"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 19897
19898

"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 19899
19900

"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. 19901
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"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program. 19909
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"Representative" means a person acting on behalf of an applicant for the medicaid-funded component or state-funded component of the assisted living program. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of an applicant. 19912
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"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 19917
19918

~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.~~ 19919
19920
19921

Sec. 173.52. (A) The department of medicaid shall create the medicaid-funded component of the PASSPORT program. In creating the medicaid-funded component, the department of medicaid shall 19922
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19924

collaborate with the department of aging. 19925

~~(B) Unless the medicaid funded component of the PASSPORT~~ 19926
~~program is terminated under division (C) of this section, all~~ All 19927
of the following apply to the medicaid-funded component of the 19928
PASSPORT program: 19929

(1) The department of aging shall administer the 19930
medicaid-funded component through a contract entered into with the 19931
department of medicaid under section 5162.35 of the Revised Code. 19932

(2) The medicaid-funded component shall be operated as a 19933
separate medicaid waiver component. 19934

(3) For an individual to be eligible for the medicaid-funded 19935
component, the individual must be a medicaid recipient and meet 19936
the additional eligibility requirements applicable to the 19937
individual established in rules adopted under division (B)(4) of 19938
this section. 19939

(4) To the extent authorized by rules ~~authorization~~ 19940
authorized by section 5162.021 of the Revised Code, the director 19941
of aging shall adopt rules in accordance with Chapter 119. of the 19942
Revised Code to implement the medicaid-funded component. 19943

~~(C) If the unified long term services and support medicaid~~ 19944
~~waiver component is created, the departments of aging and medicaid~~ 19945
~~shall work together to determine whether the medicaid funded~~ 19946
~~component of the PASSPORT program should continue to operate as a~~ 19947
~~separate medicaid waiver component or be terminated. If the~~ 19948
~~departments determine that the medicaid funded component of the~~ 19949
~~PASSPORT program should be terminated, the medicaid funded~~ 19950
~~component shall cease to exist on a date the departments shall~~ 19951
~~specify.~~ 19952

Sec. 173.521. (A) ~~Unless the medicaid funded component of the~~ 19953
~~PASSPORT program is terminated pursuant to division (C) of section~~ 19954

~~173.52 of the Revised Code, the~~ The department shall establish a home first component of the PASSPORT program under which eligible individuals may be enrolled in the medicaid-funded component of the PASSPORT program in accordance with this section. An individual is eligible for the PASSPORT program's home first component if both of the following apply:

(1) The individual has been determined to be eligible for the medicaid-funded component of the PASSPORT program.

(2) At least one of the following applies:

(a) The individual has been admitted to a nursing facility.

(b) A physician has determined and documented in writing that the individual has a medical condition that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, will require the individual to be admitted to a nursing facility within thirty days of the physician's determination.

(c) The individual has been hospitalized and a physician has determined and documented in writing that, unless the individual is enrolled in home and community-based services such as the PASSPORT program, the individual is to be transported directly from the hospital to a nursing facility and admitted.

(d) Both of the following apply:

(i) The individual is the subject of a report made under section 5101.63 of the Revised Code regarding abuse, neglect, or exploitation or such a report referred to a county department of job and family services under section 5126.31 of the Revised Code or has made a request to a county department for protective services as defined in section 5101.60 of the Revised Code.

(ii) A county department of job and family services and an area agency on aging have jointly documented in writing that,

unless the individual is enrolled in home and community-based 19985
services such as the PASSPORT program, the individual should be 19986
admitted to a nursing facility. 19987

(B) Each month, each area agency on aging shall identify 19988
individuals residing in the area that the agency serves who are 19989
eligible for the home first component of the PASSPORT program. 19990
When an area agency on aging identifies such an individual, the 19991
agency shall notify the long-term care consultation program 19992
administrator serving the area in which the individual resides. 19993
The administrator shall determine whether the PASSPORT program is 19994
appropriate for the individual and whether the individual would 19995
rather participate in the PASSPORT program than continue or begin 19996
to reside in a nursing facility. If the administrator determines 19997
that the PASSPORT program is appropriate for the individual and 19998
the individual would rather participate in the PASSPORT program 19999
than continue or begin to reside in a nursing facility, the 20000
administrator shall so notify the department of aging. On receipt 20001
of the notice from the administrator, the department shall approve 20002
the individual's enrollment in the medicaid-funded component of 20003
the PASSPORT program regardless of the unified waiting list 20004
established under section 173.55 of the Revised Code, unless the 20005
enrollment would cause the component to exceed any limit on the 20006
number of individuals who may be enrolled in the component as set 20007
by the United States secretary of health and human services in the 20008
PASSPORT waiver. 20009

Sec. 173.522. (A) The department of aging shall create and 20010
administer the state-funded component of the PASSPORT program. The 20011
state-funded component shall not be administered as part of the 20012
medicaid program. 20013

(B) For an individual to be eligible for the state-funded 20014
component of the PASSPORT program, the individual must meet one of 20015

the following requirements and meet the additional eligibility 20016
requirements applicable to the individual established in rules 20017
adopted under division (D) of this section: 20018

(1) The individual must have been enrolled in the 20019
state-funded component on September 1, 1991, (as the state-funded 20020
component was authorized by uncodified law in effect at that time) 20021
and have had one or more applications for enrollment in the 20022
medicaid-funded component of the PASSPORT program ~~(or, if the 20023
medicaid-funded component is terminated under division (C) of 20024
section 173.52 of the Revised Code, the unified long term services 20025
and support medicaid waiver component)~~ denied. 20026

(2) The individual must have an application for the 20027
medicaid-funded component of the PASSPORT program ~~(or, if the 20028
medicaid-funded component is terminated under division (C) of 20029
section 173.52 of the Revised Code, the unified long term services 20030
and support medicaid waiver component)~~ pending and the department 20031
or the department's designee must have determined that the 20032
individual meets the nonfinancial eligibility requirements of the 20033
medicaid-funded component ~~(or, if the medicaid-funded component is 20034
terminated under division (C) of section 173.52 of the Revised 20035
Code, the unified long term services and support medicaid waiver 20036
component)~~ and not have reason to doubt that the individual meets 20037
the financial eligibility requirements of the medicaid-funded 20038
component ~~(or, if the medicaid-funded component is terminated 20039
under division (C) of section 173.52 of the Revised Code, the 20040
unified long term services and support medicaid waiver component)~~. 20041

(C) An individual who is eligible for the state-funded 20042
component of the PASSPORT program because the individual meets the 20043
requirement of division (B)(2) of this section may participate in 20044
the component on that basis for a period of time specified in 20045
rules adopted under division (D) of this section. 20046

(D)(1) The director of aging shall adopt rules in accordance 20047

with section 111.15 of the Revised Code to implement the 20048
state-funded component of the PASSPORT program. 20049

The rules shall include all of the following: 20050

(a) Additional eligibility requirements for an individual to 20051
be eligible for the state-funded component of the PASSPORT 20052
program; 20053

(b) The duration that an individual eligible for the 20054
state-funded component of the PASSPORT program under division 20055
(B)(2) of this section may participate in that component; 20056

(c) Any other rules the director considers appropriate to 20057
implement the state-funded component of the PASSPORT program. 20058

(2) The additional eligibility requirements established in 20059
the rules may vary for the different groups of individuals 20060
specified in divisions (B)(1) and (2) of this section. 20061

Sec. 173.525. (A)(1) In addition to any other eligibility 20062
requirement of this chapter, to be eligible to serve as a personal 20063
care aide under the PASSPORT program, an individual must 20064
successfully complete thirty hours of pre-service training 20065
acceptable to the department of aging. 20066

To maintain eligibility, each personal care aide must 20067
successfully complete six hours of in-service training acceptable 20068
to the department. Such training must be completed every twelve 20069
months. 20070

(2) In administering the PASSPORT program, the department 20071
shall not require a personal care aide to do either of the 20072
following: 20073

(a) Complete more than thirty hours of pre-service training; 20074

(b) Complete more than six hours of in-service training in a 20075
twelve-month period. 20076

(B) The department shall not require an individual serving as a home health aide under the PASSPORT program to complete more hours of pre-service training or annual in-service training than required by federal law. 20077
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(C) Only the following may supervise a home health aide or personal care aide under the PASSPORT program: 20081
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(1) A registered nurse; 20083

(2) A licensed practical nurse under the direction of a registered nurse. 20084
20085

Sec. 173.54. (A) The department of medicaid shall create the medicaid-funded component of the assisted living program. In creating the medicaid-funded component, the department of medicaid shall collaborate with the department of aging. 20086
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(B) Unless the medicaid-funded component of the assisted living program is terminated under division (C) of this section, all of the following apply: 20090
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(1) The department of aging shall administer the medicaid-funded component through a contract entered into with the department of medicaid under section 5162.35 of the Revised Code. 20093
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(2) The contract shall include an estimate of the medicaid-funded component's costs. 20096
20097

(3) The medicaid-funded component shall be operated as a separate medicaid waiver component. 20098
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(4) The medicaid-funded component may not serve more individuals than is set by the United States secretary of health and human services in the assisted living waiver. 20100
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(5) To the extent authorized by rules authorized by section 5162.021 of the Revised Code, the director of aging may adopt rules under Chapter 119. of the Revised Code regarding the 20103
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medicaid-funded component. 20106

~~(C) If the unified long term services and support medicaid 20107
waiver component is created, the departments of aging and medicaid 20108
shall collaborate to determine whether the medicaid funded 20109
component of the assisted living program should continue to 20110
operate as a separate medicaid waiver component or be terminated. 20111
If the departments determine that the medicaid funded component of 20112
the assisted living program should be terminated, the 20113
medicaid funded component shall cease to exist on a date the 20114
departments shall specify. 20115~~

Sec. 173.542. (A) ~~Unless the medicaid funded component of the 20116
assisted living program is terminated pursuant to division (C) of 20117
section 173.54 of the Revised Code, the The department of aging 20118
shall establish a home first component of the assisted living 20119
program under which eligible individuals may be enrolled in the 20120
medicaid-funded component of the assisted living program in 20121
accordance with this section. An individual is eligible for the 20122
assisted living program's home first component if both of the 20123
following apply: 20124~~

(1) The individual has been determined to be eligible for the 20125
medicaid-funded component of the assisted living program. 20126

(2) At least one of the following applies: 20127

(a) The individual has been admitted to a nursing facility. 20128

(b) A physician has determined and documented in writing that 20129
the individual has a medical condition that, unless the individual 20130
is enrolled in home and community-based services such as the 20131
assisted living program, will require the individual to be 20132
admitted to a nursing facility within thirty days of the 20133
physician's determination. 20134

(c) The individual has been hospitalized and a physician has 20135

determined and documented in writing that, unless the individual 20136
is enrolled in home and community-based services such as the 20137
assisted living program, the individual is to be transported 20138
directly from the hospital to a nursing facility and admitted. 20139

(d) Both of the following apply: 20140

(i) The individual is the subject of a report made under 20141
section 5101.63 of the Revised Code regarding abuse, neglect, or 20142
exploitation or such a report referred to a county department of 20143
job and family services under section 5126.31 of the Revised Code 20144
or has made a request to a county department for protective 20145
services as defined in section 5101.60 of the Revised Code. 20146

(ii) A county department of job and family services and an 20147
area agency on aging have jointly documented in writing that, 20148
unless the individual is enrolled in home and community-based 20149
services such as the assisted living program, the individual 20150
should be admitted to a nursing facility. 20151

(B) Each month, each area agency on aging shall identify 20152
individuals residing in the area that the area agency on aging 20153
serves who are eligible for the home first component of the 20154
assisted living program. When an area agency on aging identifies 20155
such an individual and determines that there is a vacancy in a 20156
residential care facility participating in the medicaid-funded 20157
component of the assisted living program that is acceptable to the 20158
individual, the agency shall notify the long-term care 20159
consultation program administrator serving the area in which the 20160
individual resides. The administrator shall determine whether the 20161
assisted living program is appropriate for the individual and 20162
whether the individual would rather participate in the assisted 20163
living program than continue or begin to reside in a nursing 20164
facility. If the administrator determines that the assisted living 20165
program is appropriate for the individual and the individual would 20166
rather participate in the assisted living program than continue or 20167

begin to reside in a nursing facility, the administrator shall so 20168
notify the department of aging. On receipt of the notice from the 20169
administrator, the department shall approve the individual's 20170
enrollment in the medicaid-funded component of the assisted living 20171
program regardless of the unified waiting list established under 20172
section 173.55 of the Revised Code, unless the enrollment would 20173
cause the component to exceed any limit on the number of 20174
individuals who may participate in the component as set by the 20175
United States secretary of health and human services in the 20176
assisted living waiver. 20177

Sec. 173.544. To be eligible for the state-funded component 20178
of the assisted living program, an individual must meet all of the 20179
following requirements: 20180

(A) The individual must need an intermediate level of care as 20181
determined by an assessment conducted under section 173.546 of the 20182
Revised Code. 20183

(B) The individual must have an application for the 20184
medicaid-funded component of the assisted living program ~~(or, if~~ 20185
~~the medicaid-funded component is terminated under division (C) of~~ 20186
~~section 173.54 of the Revised Code, the unified long term services~~ 20187
~~and support medicaid waiver component)~~ pending and the department 20188
or the department's designee must have determined that the 20189
individual meets the nonfinancial eligibility requirements of the 20190
medicaid-funded component ~~(or, if the medicaid-funded component is~~ 20191
~~terminated under division (C) of section 173.54 of the Revised~~ 20192
~~Code, the unified long term services and support medicaid waiver~~ 20193
~~component)~~ and not have reason to doubt that the individual meets 20194
the financial eligibility requirements of the medicaid-funded 20195
component ~~(or, if the medicaid-funded component is terminated~~ 20196
~~under division (C) of section 173.54 of the Revised Code, the~~ 20197
~~unified long term services and support medicaid waiver component).~~ 20198

(C) While receiving assisted living services under the state-funded component, the individual must reside in a residential care facility that is authorized by a valid provider agreement to participate in the component, including both of the following:

(1) A residential care facility that is owned or operated by a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section 173.543 of the Revised Code.

Sec. 173.60. (A) As used in this section:

(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(2) "Person-centered care" means a relationship-based approach to care that honors and respects the opinions of individuals receiving care and those working closely with them.

(B) The department of aging shall implement a nursing home quality initiative to improve the provision of person-centered care in nursing homes. The office of the state long-term care ombudsman program shall assist the department with the initiative. The initiative shall include quality improvement projects that provide nursing homes with resources and on-site education promoting person-centered care strategies and positive resident outcomes, as well as other assistance designed to improve the quality of nursing home services. The department may offer any of

the projects. 20229

~~(C)(1)~~ The department shall make available a list of 20230
quality improvement projects that may be used by nursing homes in 20231
meeting the requirements of section 3721.072 of the Revised Code. 20232
In addition to any of the projects offered by the department 20233
pursuant to division (B) of this section, the list may include 20234
projects offered by any of the following: 20235

~~(1)(a)~~ Other state agencies; 20236

~~(2)(b)~~ A quality improvement organization under contract with 20237
the United States secretary of health and human services to carry 20238
out in this state the functions described in the "Social Security 20239
Act," section 1154, 42 U.S.C. 1320c-3; 20240

~~(3)(c)~~ The Ohio person-centered care coalition; 20241

~~(4)(d)~~ Any other academic, research, or health care entity 20242
identified by the department. 20243

(2) The department shall offer to nursing homes and other 20244
long-term care facility settings infection prevention and control 20245
and facility technical assistance, including services, programs, 20246
and content expertise, as a project authorized under division 20247
(C)(1) of this section to improve quality of care and quality of 20248
life, subject to the availability of funds. 20249

(D) The director of aging may adopt rules in accordance with 20250
Chapter 119. of the Revised Code as necessary to implement this 20251
section. 20252

Sec. 174.01. As used in this chapter: 20253

(A) "Financial assistance" means grants, loans, loan 20254
guarantees, an equity position in a project, or loan subsidies. 20255

(B) "Grant" means funding the department of development or 20256
the ~~Ohio~~ governor's office of housing finance agency 20257

<u>transformation</u> provides for which the relevant agency <u>or office</u>	20258
does not require repayment.	20259
(C) "Housing" means housing for owner-occupancy and	20260
multifamily rental housing.	20261
(D) "Housing for owner-occupancy" means housing that is	20262
intended for occupancy by an owner as a principal residence.	20263
"Housing for owner-occupancy" may be any type of structure and may	20264
be owned in any type of ownership.	20265
(E) "Housing trust fund" means the low- and moderate-income	20266
housing trust fund created and administered pursuant to Chapter	20267
174. of the Revised Code.	20268
(F) "Lending institution" means any financial institution	20269
qualified to conduct business in this state, a subsidiary	20270
corporation that is wholly owned by a financial institution	20271
qualified to conduct business in this state, and a mortgage lender	20272
whose regular business is originating, servicing, or brokering	20273
real estate loans and who is qualified to do business in this	20274
state.	20275
(G) "Loan" means any extension of credit or other form of	20276
financing or indebtedness directly or indirectly to a borrower	20277
with the expectation that it will be repaid in accordance with the	20278
terms of the underlying loan agreement or other pertinent	20279
document. "Loan" includes financing extended to lending	20280
institutions and indebtedness purchased from lending institutions.	20281
(H) "Loan guarantee" means any agreement in favor of a	20282
lending institution or other lender in which the credit and	20283
resources of the housing trust fund are pledged to secure the	20284
payment or collection of financing extended to a borrower for the	20285
acquisition, construction, improvement, rehabilitation or	20286
preservation of housing, or to refinance any financing previously	20287
extended for those purposes by any lender.	20288

(I) "Loan subsidy" means any deposit of funds into a lending institution with the authorization or direction that the income or revenues the deposit earns, or could have earned at competitive rates, be applied directly or indirectly to the benefit of housing assistance or financial assistance.

(J) "Low- and moderate-income persons" means individuals and families who qualify as low- and moderate-income persons pursuant to guidelines the department establishes.

(K) "Multifamily rental housing" means multiple unit housing intended for rental occupancy.

(L) "Nonprofit organization" means a nonprofit organization in good standing and qualified to conduct business in this state including any corporation whose members are members of a metropolitan housing authority.

Sec. 174.03. (A) The department of development and the ~~Ohio~~ governor's office of housing finance agency transformation shall each develop programs under which, in accordance with rules adopted under this section, they may make grants, loans, loan guarantees, and loan subsidies to counties, municipal corporations, townships, local housing authorities, and nonprofit organizations and may make loans, loan guarantees, and loan subsidies to private developers and private lenders to assist in activities that provide housing and housing assistance for specifically targeted low- and moderate-income families and individuals. There is no minimum housing project size for awards under this division for any project that is developed for a special needs population and that is supported by a social service agency where the housing project is located. Activities for which grants, loans, loan guarantees, and loan subsidies may be made under this section include all of the following:

(1) Acquiring, financing, constructing, leasing,

rehabilitating, remodeling, improving, and equipping publicly or 20320
privately owned housing; 20321

(2) Providing supportive services related to housing and the 20322
homeless, including housing counseling. Not more than twenty per 20323
cent of the current year appropriation authority for the low- and 20324
moderate-income housing trust fund that remains after the award of 20325
funds made pursuant to divisions (A)(1) and ~~(A)~~(2) of section 20326
174.02 of the Revised Code, shall be awarded in any fiscal year 20327
for supportive services. 20328

(3) Providing rental assistance payments or other project 20329
operating subsidies that lower tenant rents; 20330

(4) Improving the quality of life of tenants by providing 20331
education for tenants and residents of manufactured home 20332
communities regarding their rights and responsibilities, planning 20333
and implementing activities designed to improve conflict 20334
resolution and the capacity of tenants to negotiate and mediate 20335
with landlords, and developing tenant and resident councils and 20336
organizations; 20337

(5) Promoting capacity building initiatives related to the 20338
creation of county housing trust funds. 20339

(B) Grants, loans, loan guarantees, and loan subsidies may be 20340
made to counties, municipal corporations, townships, and nonprofit 20341
organizations for the additional purposes of providing technical 20342
assistance, design and finance services and consultation, and 20343
payment of pre-development and administrative costs related to any 20344
of the activities listed above. 20345

(C) In developing programs under this section, the department 20346
and the ~~agency~~ office shall invite, accept, and consider public 20347
comment, and recommendations from the housing trust fund advisory 20348
committee created under section 174.06 of the Revised Code, on how 20349
the programs should be designed to most effectively benefit low- 20350

and moderate-income families and individuals. The programs 20351
developed under this section shall respond collectively to housing 20352
and housing assistance needs of low- and moderate-income families 20353
and individuals statewide. 20354

(D) The department and the ~~agency~~ office, in accordance with 20355
Chapter 119. of the Revised Code, shall each adopt rules to 20356
administer programs developed under this section. The rules shall 20357
prescribe procedures and forms that counties, municipal 20358
corporations, townships, local housing authorities, and nonprofit 20359
organizations shall use in applying for grants, loans, loan 20360
guarantees, and loan subsidies and that private developers and 20361
private lenders shall use in applying for loans, loan guarantees, 20362
and loan subsidies; eligibility criteria for the receipt of funds; 20363
procedures for reviewing and granting or denying applications; 20364
procedures for paying out funds; conditions on the use of funds; 20365
procedures for monitoring the use of funds; and procedures under 20366
which a recipient shall be required to repay funds that are 20367
improperly used. The rules shall do both of the following: 20368

(1) Require each recipient of a grant or loan made from the 20369
low- and moderate-income housing trust fund for activities that 20370
provide, or assist in providing, a rental housing project, to 20371
reasonably ensure that the rental housing project will remain 20372
affordable to those families and individuals targeted for the 20373
rental housing project for the useful life of the rental housing 20374
project or for thirty years, whichever is longer; 20375

(2) Require each recipient of a grant or loan made from the 20376
low- and moderate-income housing trust fund for activities that 20377
provide, or assist in providing, a housing project to prepare and 20378
implement a plan to reasonably assist any families and individuals 20379
displaced by the housing project in obtaining decent affordable 20380
housing. 20381

(E) In prescribing eligibility criteria and conditions for 20382

the use of funds, neither the department nor the agency office is 20383
limited to the criteria and conditions specified in this section 20384
and each may prescribe additional eligibility criteria and 20385
conditions that relate to the purposes for which grants, loans, 20386
loan guarantees, and loan subsidies may be made. However, the 20387
department and agency office are limited by the following 20388
specifically targeted low- and moderate-income guidelines: 20389

(1) Not less than seventy-five per cent of the money granted 20390
and loaned under this section in any fiscal year shall be for 20391
activities that provide affordable housing and housing assistance 20392
to families and individuals whose incomes are equal to or less 20393
than fifty per cent of the median income for the county in which 20394
they live, as determined by the department under section 174.04 of 20395
the Revised Code. 20396

(2) Any money granted and loaned under this section in any 20397
fiscal year that is not granted or loaned pursuant to division 20398
(F)(1) of this section shall be for activities that provide 20399
affordable housing and housing assistance to families and 20400
individuals whose incomes are equal to or less than eighty per 20401
cent of the median income for the county in which they live, as 20402
determined by the department under section 174.04 of the Revised 20403
Code. 20404

(F) In making grants, loans, loan guarantees, and loan 20405
subsidies under this section, the department and the agency office 20406
shall give preference to viable projects and activities that 20407
benefit those families and individuals whose incomes are equal to 20408
or less than thirty-five per cent of the median income for the 20409
county in which they live, as determined by the department under 20410
section 174.04 of the Revised Code. 20411

(G) The department and the agency office shall monitor the 20412
programs developed under this section to ensure that money granted 20413
and loaned under this section is not used in a manner that 20414

violates division (H) of section 4112.02 of the Revised Code or 20415
discriminates against families with children. 20416

Sec. 174.05. (A) Annually, the department of development 20417
shall submit a report to the president of the senate and the 20418
speaker of the house of representatives describing the activities 20419
of the department under sections 174.01 to 174.07 of the Revised 20420
Code during the previous state fiscal year. 20421

(B) Annually, the ~~Ohio~~ governor's office of housing finance 20422
~~agency transformation~~ shall submit a report to the president of 20423
the senate and the speaker of the house of representatives 20424
describing the activities of the ~~agency~~ office under sections 20425
174.02, 174.03, and 174.05 of the Revised Code during the previous 20426
state fiscal year. 20427

Sec. 174.06. (A) There is hereby created the housing trust 20428
fund advisory committee. The committee consists of the following 20429
seven members, appointed by the governor, with advice and consent 20430
of the ~~Senate~~ senate, who possess knowledge and experience with 20431
respect to the housing needs of low- and moderate-income persons: 20432

(1) One member to represent lenders; 20433

(2) One member to represent affordable housing developers; 20434

(3) One member to represent organizations working to address 20435
the housing and other needs of homeless Ohioans; 20436

(4) Two members to represent counties or other local 20437
government entities; 20438

(5) One member to represent real estate brokers licensed 20439
under Chapter 4735. of the Revised Code; ~~i~~ 20440

(6) A county recorder. 20441

(B)(1) Terms of office are for four years, with each term 20442
ending on the same day of the same month as did the term that it 20443

succeeds. Each member shall hold office from the date of 20444
appointment until the end of the term for which the member was 20445
appointed. Vacancies shall be filled in the manner prescribed for 20446
the original appointment. A member appointed to fill a vacancy 20447
occurring prior to the expiration of a term shall hold office for 20448
the remainder of that term. A member shall continue in office 20449
subsequent to the expiration of a term until a successor takes 20450
office or until a period of sixty days has elapsed, whichever 20451
occurs first. 20452

(2) The governor may remove a member for misfeasance, 20453
malfeasance, or willful neglect of duty. 20454

(C)(1) The committee shall select a chairperson from among 20455
its members. The committee shall meet at least once each calendar 20456
year and upon the call of the chair. Members of the committee 20457
serve without compensation, but shall be reimbursed for reasonable 20458
and necessary expenses incurred in the discharge of duties. 20459

(2) The department of development shall provide the committee 20460
with a meeting place, supplies, and staff assistance as the 20461
committee requests. 20462

(D) The committee shall assist the department and the Ohio 20463
governor's office of housing finance agency transformation in 20464
defining housing needs and priorities, recommend to the department 20465
and agency office at least annually how the programs developed 20466
under section 174.02 of the Revised Code should be designed to 20467
most effectively benefit low- and moderate-income persons, 20468
consider an allocation of funds for projects of fifteen units or 20469
less, and advise the director of development on whether and how to 20470
reallocate money in the low- and moderate-income housing trust 20471
fund under division (B) of section 174.02 of the Revised Code. 20472

Sec. 174.07. The department of development, on its own and on 20473
the behalf of the Ohio governor's office of housing finance agency 20474

transformation and the Ohio department of aging, shall obtain 20475
controlling board approval prior to making any grant, loan, loan 20476
guarantee, or loan subsidy greater than fifty thousand dollars 20477
from or allocated from the low- and moderate-income housing trust 20478
fund. 20479

Sec. 175.01. As used in sections 175.01 to 175.13 of the 20480
Revised Code: 20481

(A) "Bonds" means bonds, notes, debentures, refunding bonds, 20482
refunding notes, and other obligations. 20483

(B) "Down payment assistance" means monetary assistance for 20484
down payment closing costs, and pre-paid expenses directly related 20485
to the purchase of a home. 20486

(C) "Financial assistance" means grants, loans, loan 20487
guarantees, an equity position in a project, and loan subsidies. 20488

(D) "Grant" means funding for which repayment is not 20489
required. 20490

(E) "Homeownership program" means any program for which the 20491
~~Ohio~~ governor's office of housing finance agency transformation 20492
provides financing, directly or indirectly, for the purchase of 20493
housing for owner-occupancy. 20494

(F) "Housing" means housing for owner-occupancy and 20495
multifamily rental housing. 20496

(G) "Housing development fund" means the housing development 20497
fund created and administered pursuant to section 175.11 of the 20498
Revised Code. 20499

(H) ~~"Housing finance agency personal services fund" means the~~ 20500
~~housing finance agency personal services fund created and~~ 20501
~~administered pursuant to section 175.051 of the Revised Code.~~ 20502

~~(I)~~ "Housing for owner-occupancy" means housing that is 20503

intended for occupancy by an owner as a principal residence. 20504
"Housing for owner-occupancy" may be any type of structure and may 20505
be owned in any form of ownership. 20506

~~(J)~~(I) "Housing trust fund" means the low- and 20507
moderate-income housing trust fund created and administered 20508
pursuant to Chapter 174. of the Revised Code. 20509

~~(K)~~(J) "Improvement" means any alteration, remodeling, 20510
addition, or repair that substantially protects or improves the 20511
basic habitability or energy efficiency of housing. 20512

~~(L)~~(K) "Issuing authority" has the same meaning as in section 20513
154.01 of the Revised Code. 20514

(L) "Lending institution" means any financial institution 20515
qualified to conduct business in this state, a subsidiary 20516
corporation that is wholly owned by a financial institution 20517
qualified to conduct business in this state, and a mortgage lender 20518
whose regular business is originating, servicing, or brokering 20519
real estate loans and who is qualified to do business in this 20520
state. 20521

(M) "Loan" means any extension of credit or other form of 20522
financing or indebtedness extended directly or indirectly to a 20523
borrower with the expectation that it will be repaid in accordance 20524
with the terms of the underlying loan agreement or other pertinent 20525
document. "Loan" includes financing the ~~Ohio~~ governor's office of 20526
housing finance agency transformation extends to lending 20527
institutions and indebtedness the ~~agency~~ office purchases from 20528
lending institutions. 20529

(N) "Loan guarantee" means any agreement in favor of a 20530
lending institution, bondholder, or other lender in which the 20531
credit and resources of the governor's office of housing finance 20532
agency transformation or the housing trust fund are pledged to 20533
secure the payment or collection of financing extended to a 20534

borrower for the acquisition, construction, improvement, 20535
rehabilitation, or preservation of housing or to refinance any 20536
financing previously extended for those purposes. 20537

(O) "Loan subsidy" means any deposit of funds the ~~Ohio~~ 20538
governor's office of housing finance agency transformation holds 20539
or administers into a lending institution with the authorization 20540
or direction that the income or revenues the deposit earns, or 20541
could have earned at competitive rates, be applied directly or 20542
indirectly to the benefit of housing assistance or financial 20543
assistance. 20544

(P) "Low- and moderate-income persons" means individuals and 20545
families who qualify as low- and moderate-income persons pursuant 20546
to guidelines the ~~agency office~~ establishes. 20547

(Q) "Multifamily rental housing" means multiple unit housing 20548
intended for rental occupancy. 20549

(R) "Nonprofit organization" means a nonprofit organization 20550
in good standing and qualified to conduct business in this state 20551
including any corporation whose members are members of a 20552
metropolitan housing authority. 20553

(S) "Owner" means any person who, jointly or severally, has 20554
legal or equitable title to housing together with the right to 20555
control or possess that housing. "Owner" includes a purchaser of 20556
housing pursuant to a land installment contract if that contract 20557
vests possession and maintenance responsibilities in the 20558
purchaser, and a person who has care or control of housing as 20559
executor, administrator, assignee, trustee, or guardian of the 20560
estate of the owner of that housing. 20561

(T) "Security interest" means any lien, encumbrance, pledge, 20562
assignment, mortgage, or other form of collateral the ~~Ohio~~ 20563
governor's office of housing finance agency transformation holds 20564
as security for financial assistance the ~~agency office~~ extends or 20565

a loan the ~~agency~~ office acquires. 20566

Sec. 175.02. (A) There is hereby created in the department of 20567
development, the Ohio governor's office of housing finance agency, 20568
~~a body corporate and politic~~ transformation, performing essential 20569
governmental functions of the state. The governor shall designate 20570
the director of the governor's office of housing transformation. 20571
The mission of the ~~agency~~ office includes but is not limited to 20572
assisting with the financing, refinancing, production, 20573
development, and preservation of safe, decent, and affordable 20574
housing for occupancy by low- and moderate-income persons; 20575
provision of rental assistance and housing services for low- and 20576
moderate-income persons; allocating all state and federal funds in 20577
accordance with applicable state and federal laws, including 20578
Section 42 of the Internal Revenue Code; and promoting community 20579
development, economic stability, and growth within Ohio. To 20580
accomplish this mission, the ~~agency~~ office shall work with persons 20581
eligible for its programs, nonprofit organizations and for-profit 20582
housing development entities, public entities, and lending 20583
institutions. The ~~agency~~ office may review conformity with its 20584
programs and monitor a recipient's use of funds it provides to 20585
assure compliance. 20586

(B) It is hereby declared to be the public purpose of this 20587
state to improve and promote the public health, safety, 20588
convenience, welfare, and prosperity of the people of the state by 20589
the production and preservation of housing in accordance with 20590
applicable state and federal laws. 20591

Sec. 175.04. (A) ~~The governor shall appoint a chairperson~~ 20592
~~from among the members. The agency members shall elect a member as~~ 20593
~~vice chairperson. The agency members may appoint other officers,~~ 20594
~~who need not be members of the agency, as the agency deems~~ 20595
~~necessary.~~ 20596

~~(B) Six members of the agency constitute a quorum and the affirmative vote of six members is necessary for any action the agency takes. No vacancy in agency membership impairs the right of a quorum to exercise all of the agency's rights and perform all the agency's duties. Agency meetings may be held at any place within the state. Meetings shall comply with section 121.22 of the Revised Code.~~ 20597
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~~(C) The agency governor's office of housing transformation shall maintain accounting records in accordance with generally accepted accounting principals and other required accounting standards.~~ 20604
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~~(D)(B) The agency office shall develop policies and guidelines for the administration of its programs and annually shall conduct at least one public hearing to obtain input from any interested party regarding the administration of its programs. The hearing shall be held at a time and place as the agency office determines and when a quorum of the agency is present.~~ 20608
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~~(E) The agency shall appoint committees and subcommittees comprised of members of the agency to handle matters it deems appropriate.~~ 20614
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~~(1) The agency office shall adopt an annual plan to address this state's housing needs. The agency shall appoint an annual plan committee to develop the plan and present it to the agency for consideration.~~ 20617
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~~(2) The annual plan committee office shall select an advisory board from a list of interested individuals the ~~executive~~ director of the office provides or on ~~its~~ the office's own recommendation. The advisory board shall provide input on the plan at ~~committee meetings~~ prior to the annual public hearing. At the public hearing, the ~~committee~~ office shall discuss advisory board comments. The advisory board may include, ~~but is not limited to,~~~~ 20621
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persons who represent state agencies, local governments, public 20628
corporations, nonprofit organizations, community development 20629
corporations, housing advocacy organizations for low- and 20630
moderate-income persons, realtors, syndicators, investors, lending 20631
institutions as recommended by a statewide banking organization, 20632
and other entities participating in the ~~agency's~~ office's 20633
programs. 20634

(3) Each ~~agency~~ office program that allows for loans to be 20635
made to finance housing for owner occupancy that benefits other 20636
than low- and moderate-income households, or for loans to be made 20637
to individuals under bonds issued pursuant to division (B) of 20638
section 175.08 of the Revised Code, shall be presented to the 20639
advisory board and included in the annual plan as approved by the 20640
~~agency~~ office before the program's implementation. 20641

~~(F)(C)(1)~~ The ~~agency~~ office shall prepare an annual financial 20642
report describing its activities during the reporting year ~~and~~ 20643
~~submit that report in accordance with division (H) of this section~~ 20644
~~and to the governor, the speaker of the house of representatives,~~ 20645
~~and the president of the senate within three months after the end~~ 20646
~~of the reporting year. The report shall include~~ and including the 20647
~~agency's~~ office's audited financial statements, prepared in 20648
accordance with generally accepted accounting principles and 20649
appropriate accounting standards. 20650

~~(G)(2)~~ The ~~agency~~ office shall prepare an annual report of 20651
its programs describing how the programs have met this state's 20652
housing needs. ~~The agency~~ 20653

(3) The office shall submit the report ~~in accordance with~~ 20654
~~division (H) of this~~ to the director of development for inclusion 20655
in the annual report required by section ~~and to the governor, the~~ 20656
~~speaker of the house of representatives, and the president of the~~ 20657
~~senate within three months after the end of the reporting year~~ 20658
122.941 of the Revised Code. 20659

~~(H)(1) The agency shall submit, within a time frame agreed to
by the agency and the chairs, the annual financial report
described in division (F) of this section and the annual report of
programs described in division (G) of this section to the chairs
of the committees dealing with housing issues in the house of
representatives and the senate.~~

~~(2) Within forty five days of issuance of the annual
financial report, the agency's executive director shall request to
appear in person before the committees described in division
(H)(1) of this section to testify in regard to the financial
report and the report of programs. The testimony shall include
each of the following:~~

~~(a) An overview of the annual plan adopted pursuant to
division (E)(1) of this section;~~

~~(b) An evaluation of whether the objectives in the annual
plan were met through a comparison of the annual plan with the
annual financial report and report of programs;~~

~~(c) A complete listing by award and amount of all business
and contractual relationships in excess of one hundred thousand
dollars between the agency and other entities and organizations
that participated in agency programs during the fiscal year
reported by the agency's annual financial report and report of
programs;~~

~~(d) A complete listing by award and amount of the low income
housing tax credit syndication and direct investor entities for
projects that received tax credit reservations and IRS Form 8609
during the fiscal year.~~

Sec. 175.05. ~~(A) The Ohio housing finance agency shall do all
of the following related to the agency's operation:~~

~~(1) Adopt bylaws for the conduct of its business;~~

~~(2) Employ and fix the compensation of the executive director who serves at the pleasure of the agency to administer the agency's programs and activities. The executive director may employ and fix the compensation of employees in the unclassified civil service as necessary to carry out this chapter and may employ other personnel who are governed by collective bargaining law and classified under that law. The executive director shall carry out all duties as described in section 175.053 of the Revised Code.~~ 20690
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~~(3) Establish an operating budget for the agency and administer funds appropriated for the agency's use;~~ 20699
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(4) Notwithstanding any other provision of the Revised Code, hold all moneys, the governor's office of housing transformation shall funds, properties, and assets the agency office acquires or that are directly or indirectly within the agency's office's control, including proceeds from the sale of bonds, revenues, and otherwise, in trust for the purpose of exercising its powers and carrying out its duties pursuant to this chapter. Notwithstanding any other provision of the Revised Code ~~other than section 175.051 of the Revised Code~~, at no time shall the agency's office's moneys, funds, properties, or assets be considered public moneys, public funds, public properties, or public assets or subject to Chapters 131. and 135. of the Revised Code. 20701
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~~(5) Maintain a principal office and other offices within the state.~~ 20713
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(B) The ~~Ohio~~ governor's office of housing finance agency transformation may do any of the following related to the agency's office's operation: 20715
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(1) Except as otherwise provided in section 174.04 of the Revised Code, determine income limits for low- and moderate-income persons and establish periodic reviews of income limits. In 20718
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determining income limits, the ~~agency~~ office shall take into 20721
consideration the amount of income available for housing, family 20722
size, the cost and condition of available housing, ability to pay 20723
the amounts the private market charges for decent, safe, and 20724
sanitary housing without federal subsidy or state assistance, and 20725
the income eligibility standards of federal programs. Income 20726
limits may vary from area to area within the state. 20727

(2) Provide technical information, advice, and assistance 20728
related to obtaining federal and state aid to assist in the 20729
planning, construction, rehabilitation, refinancing, and operation 20730
of housing; 20731

(3) Provide information, assistance, or instruction 20732
concerning ~~agency~~ office programs, eligibility requirements, 20733
application procedures, and other related matters; 20734

(4) Procure or require the procurement of insurance and pay 20735
the premium against loss in connection with the ~~agency's~~ office's 20736
operations, to include the repayment of a loan, in amounts and 20737
from insurers, including the federal government, as the ~~agency~~ 20738
office determines; 20739

~~(5) Contract with, retain, or designate financial 20740
consultants, accountants, and other consultants and independent 20741
contractors, other than attorneys, whom the agency determines are 20742
necessary or appropriate; 20743~~

~~(6) Charge, alter, and collect interest and other charges for 20744
program services including, but not limited to, the allocation of 20745
loan funds, the purchase of mortgage loans, and the provision of 20746
services that include processing, inspecting, and monitoring of 20747
housing units financed and the financial records for those units; 20748~~

~~(7)~~ (6) Conduct or authorize studies and analyses of housing 20749
needs and conditions to the extent that those activities are not 20750
carried out by other agencies in a manner that is satisfactory for 20751

the ~~agency's~~ office's needs; 20752

~~(8)(a)(7)(a)~~ Acquire by gift, purchase, foreclosure, 20753
investment, or other means, and hold, assign, pledge, lease, 20754
transfer, or otherwise dispose of real and personal property or 20755
any interest in that property in the exercise of its powers and 20756
the performance of its duties; 20757

(b) Any instrument by which real property is acquired 20758
pursuant to this section shall identify the state agency that has 20759
the use and benefit of the real property as specified in section 20760
5301.012 of the Revised Code. 20761

~~(9)(a)(8)(a)~~ Borrow money, receive gifts, grants, loans, or 20762
other assistance from any federal, state, local, or other 20763
government source, including the housing development fund and the 20764
housing trust fund, and enter into contracts in connection with 20765
those sources of assistance; 20766

(b) Receive assistance or contributions from any 20767
nongovernment source to include money, property, labor, or things 20768
of value, to be held, used, and applied only for the purposes for 20769
which the grants and contributions are made and within the 20770
purposes of this chapter. 20771

~~(10)~~ ~~Sue and be sued in its own name with respect to its~~ 20772
~~contracts, obligations, and covenants, or the enforcement of this~~ 20773
~~chapter. Any actions against the agency shall be brought in a~~ 20774
~~court of competent jurisdiction located in Franklin county, Ohio.~~ 20775

~~(11)(9)~~ Enter into any contract, commitment, or agreement and 20776
execute any instrument necessary or incidental to the performance 20777
of duties and the execution of powers; 20778

~~(12)~~ ~~Adopt an official seal;~~ 20779

~~(13)(a)(10)~~ ~~Contract with any private or government entity to~~ 20780
~~administer programs for which the agency receives sufficient~~ 20781

~~revenues for its services or the agency supports with uncommitted agency resources that pay the agency's operating costs;~~ 20782
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~~(b) Administer state and federal programs for which the governor designates the agency office to act as administrator. The agency office may charge administrative fees to the state, the federal government, or a program recipient.~~ 20784
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~~(14) Notwithstanding any other provision of the Revised Code, establish, maintain, administer, and close funds and accounts as convenient or appropriate to the agency's operations;~~ 20788
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~~(15) Establish a policy to permit the investment of agency funds in securities and obligations;~~ 20791
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~~(16) Establish rules and procedures that the agency determines are appropriate to appeal the agency's actions and decisions;~~ 20793
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~~(17)~~(11) Serve housing needs in instances that the ~~agency~~ governor's office of housing transformation determines necessary as a public purpose; 20796
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~~(18) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;~~ 20799
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~~(19) Adopt rules pursuant to Chapter 119. of the Revised Code;~~ 20801
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~~(20)~~(12) Do anything necessary or appropriate to exercise the powers of this chapter and carry out the purposes of this chapter and Section 14, Article VIII and Section 16, Article VIII, Ohio Constitution. 20803
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~~(C) The attorney general shall serve as the legal representative for the Ohio housing finance agency and may appoint special counsel for that purpose in accordance with section 109.07 of the Revised Code director of development may adopt rules pursuant to Chapter 119. of the Revised Code as the director~~ 20807
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determines are appropriate to implement and administer this 20812
chapter, including rules and procedures to appeal the office's 20813
actions and decisions. 20814

Sec. 175.052. ~~The Ohio governor's office of housing finance~~ 20815
~~agency transformation,~~ in providing homeownership program 20816
assistance, shall give preference to grants or loans for 20817
activities that provide housing and housing assistance to 20818
honorably discharged veterans. 20819

Sec. 175.053. ~~The executive director employed by the agency~~ 20820
~~pursuant to division (A)(2) of section 175.05 of the Revised Code~~ 20821
of the governor's office of housing transformation shall do all 20822
both of the following: 20823

(A) File financial disclosure statements as described in 20824
section 102.02 of the Revised Code; 20825

(B) Ensure policies and procedures are developed and 20826
maintained for the operation and administration of the ~~agency's~~ 20827
office's programs and activities that encourage competition and 20828
minimize concentration. Policies and procedures shall address all 20829
applicable requirements described in the Revised Code and federal 20830
regulations. 20831

~~(C) Provide an update, during the testimony described in~~ 20832
~~division (H)(2) of section 175.04 of the Revised Code, on any~~ 20833
~~audits performed during the fiscal year.~~ 20834

Sec. 175.06. (A) ~~The Ohio governor's office of housing~~ 20835
~~finance agency transformation~~ shall do all of the following 20836
related to carrying out its programs: 20837

(1) Upon the governor's designation, serve as the housing 20838
credit agency for the state and perform all responsibilities of a 20839
housing credit agency pursuant to Section 42 of the Internal 20840

Revenue Code and similar applicable laws;	20841
(2) Require that housing that benefits from the agency's <u>office's</u> assistance be available without discrimination in	20842
accordance with Chapter 4112. of the Revised Code and applicable	20843
provisions of federal law;	20844
(3) Demonstrate measurable and objective transparency;	20845
(4) Efficiently award funding to maximize affordable housing	20846
production using cost-effective strategies;	20847
(5) Encourage national equity investment in low-income	20848
housing tax credit projects;	20849
(6) Utilize resources to provide competitive homebuyer	20850
programs to serve low- and moderate-income persons.	20851
(B) <u>The issuing authority, upon certification by the director</u>	20852
<u>of development, shall issue bonds related to carrying out the</u>	20853
<u>programs of the governor's office of housing transformation.</u>	20854
(C) The Ohio governor's office of housing finance agency <u>transformation</u> may do any of the following related to carrying out	20855
its programs:	20856
(1) Issue bonds, provide <u>Provide</u> security for assets, make	20857
deposits, purchase or make loans, provide economic incentives for	20858
the development of housing, and provide financial assistance for	20859
emergency housing;	20860
(2) Serve as a public housing agency and contract with the	20861
United States department of housing and urban development to	20862
administer the department's rent subsidy program, housing subsidy	20863
program, and monitoring programs for low- and moderate-income	20864
persons. The agency <u>office</u> shall ensure that any contract into	20865
which it enters provides for sufficient compensation to the agency	20866
<u>office</u> for its services.	20867
(3) Develop and administer programs under which the agency	20868
	20869
	20870

~~office~~ uses moneys from the housing trust fund ~~as allocated by the~~ 20871
~~department of development~~ to extend financial assistance pursuant 20872
to sections 174.01 to 174.07 of the Revised Code; 20873

(4) Make financial assistance available; 20874

(5) Guarantee and commit to guarantee the repayment of 20875
financing that a lending institution extends for housing, 20876
guaranteeing that debt with any of the ~~agency's~~ office's reserve 20877
funds not raised by taxation and not otherwise obligated for debt 20878
service, including the housing development fund established 20879
pursuant to section 175.11 of the Revised Code and any fund 20880
created under division ~~(B)(14)~~ (B)(11) of section 175.05 of the 20881
Revised Code; 20882

(6) Make, commit to make, and participate in making financial 20883
assistance, including federally insured mortgage loans, available 20884
to finance the construction and rehabilitation of housing or to 20885
refinance existing housing; 20886

(7) Invest in, purchase, and take from lenders the assignment 20887
of notes or other evidence of debt including federally insured 20888
mortgage loans, or participate with lenders in notes and loans for 20889
homeownership, development, or refinancing of housing; 20890

(8) Sell at public or private sale any mortgage or mortgage 20891
backed securities the ~~agency~~ office holds; 20892

(9) ~~Issue bonds to carry out the agency's purposes as set~~ 20893
~~forth in this chapter;~~ 20894

~~(10)~~ Extend or otherwise make available housing assistance on 20895
terms the ~~agency~~ office determines. 20896

~~(C)(D)~~ The Ohio housing finance agency issuing authority, on 20897
behalf of the office, may issue bonds and the office may extend 20898
financial assistance from any fund the ~~agency~~ office administers 20899
for the prompt replacement, repair, or refinancing of damaged 20900

housing if both of the following apply: 20901

(1) The governor declares that a state of emergency exists 20902
with respect to a county, region, or political subdivision of this 20903
state, or declares that a county, region, or political subdivision 20904
has experienced a disaster as defined in section 5502.21 of the 20905
Revised Code. 20906

(2) The ~~agency~~ office determines that the emergency or 20907
disaster has substantially damaged or destroyed housing in the 20908
area of the emergency or disaster. 20909

~~(D)~~(E) The ~~agency~~ office shall establish guidelines for 20910
extending financial assistance for emergency housing. The 20911
guidelines shall include eligibility criteria for assistance and 20912
the terms and conditions under which the ~~agency~~ office may extend 20913
financial assistance. 20914

Sec. 175.07. (A)(1) The ~~Ohio~~ governor's office of housing 20915
~~finance agency transformation~~ shall not approve funding for any 20916
multifamily rental housing to be constructed with ~~agency~~ office 20917
assistance or pursuant to any program the ~~agency~~ office operates 20918
or administers unless without first obtaining approval of the tax 20919
credit authority created under section 122.17 of the Revised Code. 20920
The office shall not submit such a project for approval of the tax 20921
credit authority until the applicant provides notice of the 20922
proposed project as this section requires. 20923

(2) Any notice shall be in writing and delivered by certified 20924
mail. The notice shall include the proposed project's address, the 20925
number of units in the project, a description of the project, a 20926
statement of whether the project is new construction, 20927
rehabilitation, or other, a summary of the programs that the 20928
project will utilize, and the address of the ~~agency~~ office and the 20929
person to whom to direct comments. The notice shall inform 20930
recipients of their right to submit, within thirty days of the 20931

mailing date of the notice, comments to the ~~agency~~ office 20932
regarding the proposed project's impact on the community and that 20933
objection to the project must be submitted in writing and signed 20934
by a majority of the voting members of the legislative body. 20935

(3) An applicant requesting funds for a project of more than 20936
ten units shall provide the notice to all of the following: 20937

(a) The chief executive officer and the clerk of the 20938
legislative body of any municipal corporation in which the project 20939
is proposed to be constructed or that is within one-half mile of 20940
the project's boundaries; 20941

(b) The clerk of any township in which the project is 20942
proposed to be constructed or that is within one-half mile of the 20943
project's boundaries; 20944

(c) The clerk of the board of county commissioners of any 20945
county in which the project is proposed to be constructed or that 20946
is within one-half mile of the project's boundaries. 20947

(4) An applicant requesting funds for a project with ten or 20948
fewer units shall provide the notice to the chief elected official 20949
of the jurisdiction in which the project is proposed to be 20950
constructed, except that if more than one individual serves as the 20951
chief elected official, the applicant shall deliver the notice to 20952
the clerk of the legislative body of that jurisdiction. 20953

(5) To object to a proposed project, a recipient of a notice 20954
shall do both of the following: 20955

(a) Submit a written objection that is signed by a majority 20956
of the voting members of the legislative body in which the project 20957
is proposed to be constructed or that is within one-half mile of 20958
the project's boundaries; 20959

(b) Send a copy of the written objection to the ~~executive~~ 20960
director of the ~~agency~~ office by certified mail, return receipt 20961

requested, so that the agency office receives the objection within 20962
forty-five days after the applicant mailed the notice to the 20963
recipient. 20964

(6) The agency office shall provide a written response to any 20965
objections that it receives pursuant to division (A)(5) of this 20966
section. 20967

(7) The agency office shall hold a public hearing to receive 20968
comments of residents of any political subdivision in which the 20969
multifamily rental housing is proposed to be constructed with the 20970
assistance of the ~~agency's office's~~ multifamily bond program. The 20971
applicant shall provide notice of the hearing to all persons 20972
listed in divisions (A)(3) and (4) of this section and ten days in 20973
advance of the hearing shall publish a notice of the hearing in a 20974
newspaper of general circulation in the county in which the 20975
project is proposed to be constructed. The agency office shall 20976
hold the public hearing in the county in which the project is 20977
proposed to be constructed. 20978

(B) For purposes of this section, "constructed" means the 20979
creation of multifamily rental housing units through new 20980
construction or the conversion of an existing nonresidential 20981
building into multifamily rental housing units. 20982

Sec. 175.08. (A) The ~~Ohio~~ governor's office of housing 20983
~~finance agency transformation~~ may use the proceeds of bonds to 20984
carry out the ~~agency's office's~~ lawful purposes. 20985

(B) The agency issuing authority, on behalf of the office, is 20986
the sole entity in the state that may issue bonds pursuant to 20987
Section 143(a) of the Internal Revenue Code or any similar 20988
provision of law. When the agency issuing authority issues bonds 20989
to fund ~~its~~ the homeownership program, ~~it~~ the office shall take 20990
all diligent measures to maximize the distribution of mortgage 20991
loans statewide, especially in underserved areas of the state, 20992

including ~~but not limited to~~ attempting to involve qualified 20993
lending institutions throughout the state. 20994

(C) Bonds issued pursuant to this chapter need not comply 20995
with any provision of the Revised Code not in this chapter that 20996
applies to the issuance of bonds or notes. Notwithstanding any 20997
other provision of the Revised Code, the deposit, application, 20998
safeguarding, and investment of ~~agency~~ office funds received or 20999
held under the ~~agency's~~ office's bond proceedings are not subject 21000
to Chapters 131. and 135. of the Revised Code and at no time are 21001
those funds public moneys or public funds. 21002

(D)(1) Bonds issued pursuant to this chapter do not 21003
constitute a debt or the pledge of the faith and credit of this 21004
state or any political subdivision of this state. The holders or 21005
owners of the ~~agency's~~ bonds have no right to require the general 21006
assembly or the taxing authority of any political subdivision to 21007
levy taxes for the payment of the principal or interest on the 21008
~~agency's~~ bonds. Money raised by taxation shall not be obligated or 21009
pledged for the payment of the principal or interest on bonds ~~the~~ 21010
~~agency issues~~ issued pursuant to this chapter. 21011

(2) Bonds issued pursuant to this chapter are payable solely 21012
from the revenues and security interests pledged for their payment 21013
as authorized by this chapter, except for bonds ~~the agency issues~~ 21014
issued in anticipation of the issuance of bonds and bonds that are 21015
refunded by refunding bonds. Refunding bonds are payable solely 21016
from revenues and security interests pledged for their payment as 21017
authorized by this chapter. 21018

(E)(1) Any pledge on bonds is valid and binding from the time 21019
the pledge is made, and the revenues and security interests 21020
pledged and received are immediately subject to the lien of the 21021
pledge without any physical delivery or further act. The lien of 21022
the pledge is valid and binding as against all parties having 21023
claims of any kind in tort, contract, or otherwise against the 21024

agency issuing authority or office, irrespective of whether the 21025
parties have notice of the lien of the pledge. 21026

(2) Any ~~resolution order~~ or trust agreement, or other 21027
approval by which a pledge is created need not be filed or 21028
recorded except in the records of the agency issuing authority or 21029
office, as appropriate. Any bond shall contain on its face a 21030
statement to the effect that the bond, as to both principal and 21031
interest, is not a debt of this state or any political subdivision 21032
of this state, but is payable solely from the revenues and 21033
security interests pledged for its payment. 21034

(F) The agency issuing authority may issue bonds for any 21035
term, at any interest rate, use any method of calculating interest 21036
including a variable interest rate, and include any provision or 21037
condition authorized pursuant to ~~resolutions orders of the agency~~ 21038
~~adopts~~ issuing authority. The agency issuing authority may 21039
authorize bonds of any denomination, form, registration privilege, 21040
medium of payment, place of payment, and term of redemption. 21041

(G) The agency issuing authority may sell bonds at public or 21042
private sale, for an amount not less than the price that the 21043
agency issuing authority establishes. The ~~agency chairperson or~~ 21044
~~vice chairperson and any other officer that the agency designates~~ 21045
issuing authority shall execute the bonds manually or by facsimile 21046
signature. The agency issuing authority may affix or print the 21047
~~agency's official great seal or a facsimile of the state~~ on the 21048
bonds. Any coupons attached to the bonds shall bear the signature 21049
or facsimile signature of the ~~chairperson or vice chairperson and~~ 21050
~~any other officer the agency designates~~ issuing authority. If an 21051
officer whose signature appears on bonds or coupons ceases to be 21052
an officer before the delivery of the bonds, that signature or 21053
facsimile is sufficient for all purposes as if the officer had 21054
remained in office. ~~If the agency changes its seal after a~~ 21055
~~facsimile is imprinted on the bonds, the imprinted facsimile seal~~ 21056

~~is sufficient for all purposes.~~ The ~~agency~~ issuing authority may 21057
execute bonds in book entry form in any manner appropriate to that 21058
form. 21059

(H)(1) Any ~~resolution~~ order or approval that authorizes bonds 21060
or an issue of bonds may do any of the following: 21061

(a) Pledge any of the ~~agency's~~ office's revenues and security 21062
interests to secure the payment of bonds or any issue of bonds and 21063
provide for agreements between the office and the issuing 21064
authority to effectuate the pledge and issuance of bonds and other 21065
terms for such purpose pursuant to this chapter; 21066

(b) Specify the use, investment, and disposition of the 21067
~~agency's~~ office's revenues; 21068

(c) Agree to establish, alter, and collect fees and other 21069
charges in an amount that pledged revenues are sufficient to pay 21070
the costs of operation and pay the principal and interest on bonds 21071
secured by the pledge of the revenues; 21072

(d) Provide reserves that the ~~resolution~~ order or trust 21073
agreement requires; 21074

(e) Set aside reserve funds or sinking funds and regulate and 21075
dispose of those funds; 21076

(f) Credit the proceeds of the sale of bonds to and among the 21077
funds referred to or provided for in the trust agreement or the 21078
~~resolution~~ order that authorized the issuance of bonds; 21079

(g) Establish limits on the purposes to which the proceeds of 21080
the sale of bonds may be applied and pledge those proceeds to 21081
secure the payment of the bonds or any issue of bonds; 21082

(h) Agree to do all things necessary for the authorization, 21083
issuance, and sale of bonds in amounts necessary for the timely 21084
retirement of notes issued in anticipation of the issuance of 21085
bonds; 21086

(i) Establish limits on the issuance of additional bonds;	21087
(j) Establish the terms upon which additional bonds may be issued and secured;	21088 21089
(k) Provide for the refunding of outstanding bonds;	21090
(l) Establish procedures for amending or abrogating the terms of any contract with bondholders;	21091 21092
(m) Establish limits on the amount of moneys the agency may expend for operating, administrative, or other expenses;	21093 21094
(n) Secure bonds by a trust agreement in accordance with section 175.06 of the Revised Code;	21095 21096
(o) <u>(n)</u> Establish rules and procedures to address matters that affect the security or protection of the bonds.	21097 21098
(2) Any resolution <u>order or approval</u> authorizing bonds or an issue of bonds is subject to any agreement with bondholders that exists at the time of the resolution <u>order or approval</u> . The provisions of any resolution <u>order or approval</u> authorizing bonds becomes part of the contract with the bondholders.	21099 21100 21101 21102 21103
(I) No agency member <u>Neither the issuing authority</u> nor any person executing agency bonds <u>in accordance with this chapter</u> is liable personally on the bonds or is subject to any personal liability by reason of the issuance of the bonds.	21104 21105 21106 21107
(J) Bonds issued pursuant to this chapter are deemed to be negotiable instruments, subject only to the provisions of the bonds for registration, and possessing the qualities and incidents of negotiable instruments, notwithstanding whether those bonds are of the form or character otherwise to be negotiable instruments.	21108 21109 21110 21111 21112
Sec. 175.09. (A)(1) At the discretion of the Ohio <u>governor's office of housing finance agency transformation and the issuing authority</u> , bonds issued pursuant to this chapter may be secured by	21113 21114 21115

a trust agreement between the ~~agency~~ issuing authority and a 21116
corporate trustee, which may be any trust company or financial 21117
institution that has the powers of a trust company and is 21118
qualified to exercise those trust powers within this state. A 21119
trust agreement may pledge or assign the ~~agency's~~ office's 21120
revenues and security interests the ~~agency~~ office holds or is to 21121
receive. Any trust agreement or ~~resolution~~ order that provides for 21122
the issuance of bonds may contain reasonable and proper provisions 21123
that protect and enforce the rights and remedies of the 21124
bondholders and do not violate any law or covenant that sets forth 21125
the ~~agency's~~ office's duties in relation to fees, interest, or 21126
other charges imposed for loans the ~~agency~~ office makes or 21127
purchases, services the ~~agency~~ office renders, and the custody, 21128
safekeeping, and application of moneys. 21129

(2) Any financial institution or trust company that acts as a 21130
depository of the proceeds of bonds, revenues, or reserve funds 21131
may furnish indemnifying bonds or pledge securities that the 21132
~~agency~~ issuing authority requires. The trust agreement may set 21133
forth the rights and remedies of the bondholders and the trustee 21134
and may restrict the individual right of action by bondholders as 21135
is customary in trust agreements or trust indentures securing 21136
similar bonds. 21137

(3) A trust agreement may contain provisions the ~~agency~~ 21138
issuing authority considers reasonable and proper for the security 21139
of the bondholders, including any provision that may be contained 21140
in a ~~resolution~~ an order or approval under this section, with that 21141
provision having the same effect as if it were in a ~~resolution~~ an 21142
order or approval. 21143

(B) Any holder of bonds and the trustee under any trust 21144
agreement executed pursuant to division (A) of this section, 21145
except to the extent to which the ~~resolution~~ order, approval, or 21146
trust agreement restricts rights, may by suit, action, mandamus, 21147

or other proceedings protect and enforce any rights under the laws 21148
of this state granted under the trust agreement or included in the 21149
~~resolution~~ order or approval that authorizes the issuance of the 21150
bonds, and may enforce and compel the performance of all duties 21151
required by this chapter, the trust agreement, and the ~~resolution~~ 21152
order or approval to be performed by the ~~agency office, issuing~~ 21153
authority, or any ~~agency~~ officer of the office or issuing 21154
authority, including establishing, charging, and collecting fees, 21155
interest, or other charges. 21156

(C) Moneys in the ~~agency's~~ trust estates may be invested as 21157
provided in any resolution that authorizes the issuance of ~~its~~ 21158
bonds or in any trust agreement that secures those bonds. Income 21159
from investments shall be credited to funds as the ~~agency~~ issuing 21160
authority determines, subject to the provisions of any resolution 21161
order, approval, or trust agreement, and investments may be sold 21162
at times that the ~~agency~~ issuing authority determines. 21163

Sec. 175.10. (A) All bonds issued under this chapter are 21164
lawful investments of banks, societies for savings, savings and 21165
loan associations, deposit guarantee associations, trust 21166
companies, trustees, fiduciaries, insurance companies, including 21167
domestic for life and domestic not for life, trustees or other 21168
officers having charge of sinking and bond retirement or other 21169
special funds of political subdivisions and taxing districts of 21170
this state, the treasurer of state, the administrator of workers' 21171
compensation, the state teachers retirement system, the public 21172
employees retirement system, the school employees retirement 21173
system, and the Ohio police and fire pension fund, notwithstanding 21174
any other provision of the Revised Code or rules adopted by any 21175
governmental agency of this state with respect to investments, and 21176
are acceptable as security for the deposit of public moneys. 21177

(B) The exercise of the powers this chapter grants is in all 21178

respects for the benefit of the people of the state, for the 21179
improvement of their health, safety, convenience, and economic 21180
welfare, and for the enhancement of the opportunities for safe and 21181
sanitary housing and is a public purpose. 21182

(C) The programs undertaken by the ~~Ohio~~ governor's office of 21183
housing ~~finance agency~~ transformation constitute the performance 21184
of essential public functions, and the bonds issued under this 21185
chapter by the issuing authority at the direction of the office, 21186
their transfer, and income from those bonds, including any profit 21187
made on their sale, is at all times free from taxation within this 21188
state. 21189

Sec. 175.11. (A) There is hereby created the housing 21190
development fund, ~~which shall be in the custody of the treasurer~~ 21191
~~of state but shall not be part of~~ the state treasury. The fund 21192
shall consist of all grants, gifts, loan repayments, and 21193
contributions of money made from any source to the ~~Ohio~~ governor's 21194
office of housing finance agency transformation for deposit into 21195
the fund in addition to amounts loaned to the ~~agency~~ office 21196
pursuant to section 169.05 of the Revised Code. The ~~agency~~ office 21197
shall administer the fund. The ~~agency~~ director of development may 21198
request funds as needed pursuant to section 169.05 of the Revised 21199
Code to fund loans, loan guarantees, and loan subsidies. The 21200
~~agency~~ director of development may request funds for a loan 21201
guarantee only to satisfy a mortgage guarantee that is in default. 21202

(B) The ~~agency~~ office shall use moneys in the housing 21203
development fund solely for the purposes this chapter authorizes 21204
and at no time shall the fund be considered a part of the public 21205
moneys or subject to Chapters 131. and 135. of the Revised Code. 21206

Sec. 175.12. (A) This chapter, being necessary for the 21207
welfare of the state and its inhabitants, shall be liberally 21208

construed to effect its purposes and the purposes of Section 14, 21209
of Article VIII and Section 16, Article VIII, Ohio Constitution. 21210

~~(B) The following are not public records subject to section 21211
149.43 of the Revised Code: 21212~~

~~(1) Financial statements and data submitted for any purpose 21213
to the Ohio housing finance agency or the controlling board by any 21214
person in connection with applying for, receiving, or accounting 21215
for financial assistance the agency provides: 21216~~

~~(2) Information that identifies any individual who benefits 21217
directly or indirectly from financial assistance the agency 21218
provides. 21219~~

~~(C)(1)(B)(1) The agencies of this state shall cooperate fully 21220
with the Ohio governor's office of housing finance agency 21221
transformation and shall provide information the Ohio housing 21222
finance agency office determines is necessary or helpful for its 21223
operation. 21224~~

~~(2) The Ohio housing finance agency department of development 21225
may arrange with and enter into contracts with other entities, on 21226
behalf of the office, to perform functions this chapter authorizes 21227
the agency office to perform and compensate those entities for 21228
performing those functions. 21229~~

~~(3) The agency department of development may enter into 21230
contracts with state entities, on behalf of the office, as 21231
described in this chapter. 21232~~

~~(D)(C) Any state agency that provides supplies, equipment, or 21233
services directly related to the mission of the Ohio housing 21234
finance agency office as described in section 175.02 of the 21235
Revised Code may enter into an agreement with the Ohio housing 21236
finance agency department of development to furnish those 21237
supplies, equipment, or services pursuant to terms both agencies 21238
the state agency and the department, on behalf of the office, 21239~~

agree upon for remuneration to the state agency. 21240

(E) ~~The Ohio housing finance agency is exempt from the~~ 21241
~~requirements of Chapters 123. and 125. and sections 127.16 and~~ 21242
~~5147.07 of the Revised Code~~ Information provided to the tax 21243
commissioner under section 175.16 or 175.17 of the Revised Code, 21244
information provided under divisions (I)(1)(a) and (b) of section 21245
175.16 of the Revised Code, and information provided under 21246
divisions (H)(1) and (2) of section 175.17 of the Revised Code are 21247
not public records for the purpose of section 149.43 of the 21248
Revised Code. 21249

Sec. 175.13. (A) Any agreement the ~~Ohio housing finance~~ 21250
~~agency~~ issuing authority enters into with bondholders is a 21251
contract that the ~~agency~~ issuing authority shall enforce and no 21252
action of the general assembly or any state agency may limit or 21253
alter the terms of that agreement or the authority of the ~~agency~~ 21254
issuing authority or its successors to fulfill the terms of that 21255
agreement. No state agency may impair any right or remedy of the 21256
holders of bonds until the ~~agency~~ issuing authority has fully met 21257
and discharged its bond obligations, together with interest, 21258
interest on any unpaid installments of interest, and costs and 21259
expenses related to any bondholder action or proceeding. The 21260
~~agency~~ issuing authority may include in any bond agreement a 21261
statement that sets forth the ~~agency's~~ issuing authority's 21262
authority to enforce agreements pursuant to this section. 21263

(B) Bonds ~~the agency issues~~ issued pursuant to this chapter 21264
are at all times bonds of the state, subject to this chapter. The 21265
~~agency~~ issuing authority and officers of the state may do all 21266
things necessary so that the interest on bonds ~~the agency intends~~ 21267
intended to be exempt from federal taxation remains exempt from 21268
federal income taxation. Any error or failure in efforts to assure 21269
tax exemption does not affect the validity of the bonds. 21270

Sec. 175.14. ~~(A) The Ohio governor's office of housing 21271
finance agency transformation shall include reducing infant 21272
mortality as a priority housing need in the agency's office's 21273
annual plan under section 175.04 of the Revised Code. 21274~~

~~(B) The Ohio housing finance agency may establish a housing 21275
assistance pilot program to expand housing opportunities for 21276
extremely low income households that include pregnant women or new 21277
mothers. The housing assistance pilot program shall include rental 21278
assistance. If the Ohio housing finance agency establishes such a 21279
program under this division, it shall do all of the following: 21280~~

~~(1) Establish the program not later than December 31, 2017, 21281
and not end the program before December 31, 2020; 21282~~

~~(2) Through a competitive bidding process, select local 21283
community entities that are involved with issues concerning 21284
housing and infant mortality reduction efforts to participate in 21285
the program; 21286~~

~~(3) Evaluate the outcome of the program and include the 21287
findings in the annual report prepared pursuant to division (C) of 21288
section 175.04 of the Revised Code. 21289~~

Sec. 175.15. ~~The Ohio governor's office of housing finance 21290
agency and the Ohio development services agency transformation 21291
shall include pregnancy as a priority in its housing assistance 21292
programs and local emergency shelter programs. In consultation 21293
with the Ohio development services agency, the Ohio housing 21294
finance agency may adopt rules in accordance with Chapter 119. of 21295
the Revised Code that are necessary to implement the requirements 21296
of this section. 21297~~

Sec. 175.16. (A) As used in this section: 21298

(1) "Federal credit" means the tax credit authorized under 21299

<u>section 42 of the Internal Revenue Code.</u>	21300
<u>(2) "Credit period," "qualified low-income building," and</u>	21301
<u>"qualified basis" have the same meanings as in section 42 of the</u>	21302
<u>Internal Revenue Code.</u>	21303
<u>(3) "Qualified project" means a qualified low-income building</u>	21304
<u>that is located in Ohio, is placed in service on or after July 1,</u>	21305
<u>2023, and for which the director reserves a tax credit under</u>	21306
<u>division (B) of this section before July 1, 2027.</u>	21307
<u>(4) "Pass-through entity" has the same meaning as in section</u>	21308
<u>5733.04 of the Revised Code.</u>	21309
<u>(5) "Project owner" means a person holding a fee simple</u>	21310
<u>interest or a leasehold interest pursuant to a ground lease in the</u>	21311
<u>land on which a qualified project sits.</u>	21312
<u>(6) "Reserved credit amount" means the amount determined by</u>	21313
<u>the director and stipulated in the notice sent to each owner of a</u>	21314
<u>qualified project under division (B) of this section.</u>	21315
<u>(7) "Annual credit amount" means the amount computed by the</u>	21316
<u>director under division (D) of this section prior to issuing an</u>	21317
<u>eligibility certificate.</u>	21318
<u>(8) "Equity owner" means a direct or indirect owner of a</u>	21319
<u>project owner, provided the project owner is a pass-through</u>	21320
<u>entity, as determined under applicable state law governing such an</u>	21321
<u>entity.</u>	21322
<u>(9) "Person" has the same meaning as in section 5701.01 of</u>	21323
<u>the Revised Code.</u>	21324
<u>(10) "Eligibility certificate" means a certificate issued by</u>	21325
<u>the director to each owner of a qualified project under division</u>	21326
<u>(D) of this section stating the amount of credit that may be</u>	21327
<u>claimed for each year of the credit period.</u>	21328
<u>(11) "Qualified allocation plan" means the plan developed by</u>	21329

the governor's office of housing transformation, as required under 21330
section 175.06 of the Revised Code, for evaluating and selecting 21331
projects for the federal credit pursuant to the mandates and 21332
requirements within section 42 of the Internal Revenue Code. 21333

(12) "Internal Revenue Code" has the same meaning as in 21334
section 5747.01 of the Revised Code. 21335

(13) "Designated reporter" means the project owner or one of 21336
the project owner's equity owners designated pursuant to division 21337
(I)(1) of this section. 21338

(14) "Director" means the director of the governor's office 21339
of housing transformation. 21340

(B) Except as otherwise provided by this division, the 21341
director, upon allocating a federal credit and issuing a binding 21342
reservation or letter of eligibility, pursuant to the governor's 21343
office of housing transformation's qualified allocation plan, for 21344
a qualified low-income building that is located in this state and 21345
placed in service on or after July 1, 2023, may reserve a tax 21346
credit under this section for the project owners so long as doing 21347
so will not result in exceeding the annual credit cap prescribed 21348
by division (C) of this section. The director shall not reserve a 21349
tax credit under this section after June 30, 2027. 21350

The director shall send written notice of the reservation to 21351
each project owner. The notice shall state the aggregate credit 21352
amount reserved for all years of the qualified project's credit 21353
period and stipulate that receipt of the credit is contingent upon 21354
issuance of an eligibility certificate and filing the information 21355
described in division (I) of this section. Upon receipt of that 21356
notice, the owner shall provide the identity of the owner's 21357
designated reporter to the director. 21358

The director shall determine the credit amount reserved for 21359
each qualified project. The reserved credit amount shall not 21360

exceed the amount necessary, when combined with the federal 21361
credit, to ensure the financial feasibility of the qualified 21362
project. 21363

The director shall reserve credits in a manner that ensures 21364
that a qualified project is creating additional housing units that 21365
would not have otherwise been created with other state, federal, 21366
or private financing. The director may assess application, 21367
processing, and reporting fees to cover the cost of administering 21368
the tax credit authorized under this section. 21369

(C) The aggregate amount of credits reserved by the director 21370
under division (B) of this section in a fiscal year shall not 21371
exceed the sum of (1) one hundred million dollars, (2) the amount, 21372
if any, by which the credit cap prescribed by this division for 21373
the preceding fiscal year exceeds the credits reserved by the 21374
director in that year, and (3) the amount of tax credits 21375
recaptured or otherwise disallowed under division (G) of this 21376
section in the preceding fiscal year. 21377

For the purpose of computing and determining compliance with 21378
the credit cap prescribed by this division, the credit amount 21379
reserved for the project owners of a qualified project is the full 21380
amount for all years of the qualified project's credit period. 21381

(D) Immediately after approving the final cost certification 21382
for a qualified project for which a tax credit under this section 21383
is reserved, or upon otherwise determining the qualified basis of 21384
the qualified project and the date it was placed into service as 21385
required by section 42(m) of the Internal Revenue Code, the 21386
director shall compute the annual credit amount and issue an 21387
eligibility certificate to each project owner. The director shall 21388
send copies of all eligibility certificates issued each calendar 21389
year to the tax commissioner and the superintendent of insurance. 21390

The annual credit amount shall equal the lesser of the 21391

following: 21392

(1) The amount of the federal credit that would be awarded to the project owners for the first year of the credit period if not for the adjustment required under section 42(f)(2) of the Internal Revenue Code; 21393
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(2) One-tenth of the reserved credit amount stated in the notice issued under division (B) of this section. 21397
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(E) Each eligibility certificate shall state the annual credit amount, the years that comprise the credit period, the name, address, and taxpayer identification number of each project owner, each owner's designated reporter, the date the certificate is issued, a unique identifying number, and any additional information prescribed by a rule adopted under division (H) of this section. A project owner, if the project owner is a pass-through entity, shall provide a copy of the eligibility certificate and any information described in division (I) of this section to each equity owner that has been allocated a credit under division (F)(2) of this section, if requested. 21399
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(F)(1) For each year of a qualified project's credit period, the project owner or an equity owner may claim a nonrefundable credit against the tax imposed by section 5725.18, 5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a portion of the annual credit amount stated on the eligibility certificate. The credit shall be claimed in the manner prescribed by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised Code, as applicable. 21410
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(2) If a project owner is a pass-through entity, the annual credit amount for any year of a qualified project's credit period may be allocated by the project owner among one or more equity owners and may be applied by those equity owners against more than one tax, but the total credits claimed in connection with that 21418
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year of the qualified project's credit period by all project 21423
owners and equity owners against all taxes shall not exceed the 21424
annual credit amount stated on the eligibility certificate. 21425

(3) A project owner or equity owner may claim the credit 21426
authorized by this section after the date the qualified project is 21427
placed into service but not before the director issues the project 21428
owner an eligibility certificate under division (D) of this 21429
section and the applicable report required by division (I) of this 21430
section is filed by the designated reporter. 21431

(4) A project owner or equity owner that claims a tax credit 21432
under division (F)(1) of this section shall submit a copy of the 21433
eligibility certificate with the project owner's or equity owner's 21434
tax return or report. Upon request of the tax commissioner or the 21435
superintendent of insurance, any project owner or equity owner 21436
claiming a tax credit under this section shall provide the 21437
commissioner or superintendent other documentation that may be 21438
necessary to verify that the project owner or equity owner is 21439
entitled to claim the credit. 21440

(5) A project owner that is a pass-through entity may 21441
allocate the credit authorized by this section to its equity 21442
owners under division (F)(2) of this section in any manner agreed 21443
to by such persons regardless of whether such equity owners are 21444
eligible for an allocation of the federal credit, whether the 21445
allocation of the credit under the terms of the agreement has 21446
substantial economic effect within the meaning of section 704(b) 21447
of the Internal Revenue Code, and whether any such person is 21448
deemed a partner of the project owner or equity owner for federal 21449
income tax purposes as long as the equity owner acquired its 21450
ownership interest prior to claiming the credit. The allocation 21451
shall be allowed without regard to any provision of the Internal 21452
Revenue Code, or regulation promulgated pursuant to it, that may 21453
be interpreted as contrary to the allocation, including, without 21454

limitation, the treatment of the allocation as a disguised sale. 21455

An equity owner may assign all or any part of its interest in 21456
a qualified project, including its interest in the tax credits 21457
authorized by this section, to one or more other equity owners, 21458
and each assignee shall be able to claim the credit so long as its 21459
interest is acquired prior to the filing of its tax return or 21460
report or amended tax return or report claiming the credit and the 21461
assignee's ownership interest is identified in the report required 21462
by division (I) of this section. 21463

(6) Nothing in this section or section 5725.36, 5726.58, 21464
5729.19, or 5747.83 of the Revised Code allows the assignment or 21465
transfer of any carryforward of the credit authorized under this 21466
section once the annual credit amount is claimed. 21467

(G) If any portion of the federal credit allocated to a 21468
qualified project is recaptured under section 42(j) of the 21469
Internal Revenue Code or is otherwise disallowed, the director 21470
shall recapture a proportionate amount of the tax credit claimed 21471
pursuant to this section in connection with the same qualified 21472
project. 21473

If the director determines to recapture such a tax credit, 21474
the director shall certify the name of each project owner and the 21475
amount to be recaptured to the tax commissioner and to the 21476
superintendent of insurance. The commissioner or superintendent 21477
shall determine the taxpayer or taxpayers that claimed the credit, 21478
the tax against which the credit was claimed, and the amount to be 21479
recaptured and make an assessment against the taxpayer or 21480
taxpayers under Chapter 5725., 5726., 5729., or 5747. of the 21481
Revised Code, as applicable, for the amount of the tax credit to 21482
be recaptured. The time limitations on assessments under those 21483
chapters do not bar an assessment made under this division. 21484

(H) The director of development, in consultation with the tax 21485

commissioner, superintendent of insurance, and the director of the 21486
governor's office of housing transformation, shall adopt any rules 21487
necessary to implement this section in accordance with Chapter 21488
119. of the Revised Code. 21489

(I)(1) For each calendar year, a designated reporter shall 21490
provide the tax commissioner and the superintendent of insurance, 21491
in the form prescribed by the tax commissioner in consultation 21492
with the superintendent of insurance, all of the following: 21493

(a) The name, address, and taxpayer identification number of 21494
each project owner and equity owner that has been allocated a 21495
portion of the annual credit awarded on the eligibility 21496
certificate for that year; 21497

(b) The amount of the annual credit allocated to each such 21498
project owner and equity owner for such year and the tax against 21499
which the credit will be claimed; 21500

(c) The total of the amounts listed for each project owner 21501
and equity owner under division (I)(1)(b) of this section, 21502
demonstrating that the total does not exceed the amount listed on 21503
the eligibility certificate for that year. 21504

(2) A designated reporter shall notify the tax commissioner 21505
and the superintendent of insurance of any changes to the 21506
information reported in division (I)(1) of this section in the 21507
time and manner prescribed by the commissioner and superintendent. 21508

(3) No credit allocated under this section may be claimed by 21509
a project owner or equity owner for a year unless that owner and 21510
the amount of the credit allocated to that owner appear on the 21511
report required by division (I)(1) of this section for that year. 21512

Sec. 175.17. (A) As used in this section: 21513

(1) "Qualified project" means a project to develop 21514
single-family dwellings in this state that satisfies any 21515

qualifications established by the director under division (I) of this section. 21516
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(2) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 21518
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(3) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent under division (B) of this section. 21520
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(4) "Annual credit amount" means the amount computed by the director under division (D) of this section before issuing an eligibility certificate. 21523
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(5) "Equity owner" means any person who directly or indirectly, through one or more pass-through entities, is a member, partner, or shareholder of a pass-through entity. 21526
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(6) "Person" has the same meaning as in section 5701.01 of the Revised Code. 21529
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(7) "Eligibility certificate" means a certificate issued by the director to a project development owner under division (D) of this section. 21531
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(8) "Project development owner" means a unit of government that owns a qualified project. 21534
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(9) "Affordability period" means the period that commences on the date of sale of a single-family dwelling constructed as part of a qualified project to the initial qualified buyer and continues through subsequent qualified buyers for ten years. 21536
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(10) "Designated reporter" means the project development owner or one of the owner's direct or indirect partners, members, or shareholders, as selected by the owner under division (B) of this section. 21540
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(11) "Project development investor" means any person that contributes capital to a qualified project in exchange for an 21544
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<u>allocation of a tax credit under this section.</u>	21546
<u>(12) "Credit period" means the ten-year period that begins in the year the eligibility certificate is issued.</u>	21547 21548
<u>(13) "Director" means the director of the governor's office of housing transformation.</u>	21549 21550
<u>(14) "Unit of government" means a county, township, municipal corporation, regional planning commission, community improvement corporation, economic development corporation, or county land reutilization corporation organized under Chapter 1724. of the Revised Code, or port authority.</u>	21551 21552 21553 21554 21555
<u>(15) "Project development team" means the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner.</u>	21556 21557 21558 21559
<u>(B)(1) A project development owner may submit an application to the director for a credit reservation under this section on a form and in a manner that the director shall prescribe. On the application, the project development owner shall provide all of the following:</u>	21560 21561 21562 21563 21564
<u>(a) The name and address of the project development owner's designated reporter;</u>	21565 21566
<u>(b) The names and addresses of all members of the project development team;</u>	21567 21568
<u>(c) An estimate of the qualified project's development costs;</u>	21569
<u>(d) Any other information as the director may require pursuant to division (I) of this section.</u>	21570 21571
<u>The director shall competitively evaluate and approve applications and award tax credit reservations under this section for a qualified project in accordance with the plan adopted under division (I)(1) of this section. The director shall determine the</u>	21572 21573 21574 21575

credit amount reserved for each qualified project, which shall not 21576
exceed the difference between the total estimated development 21577
costs included with the application and the appraised market value 21578
of all homes in the finished project, as estimated by the 21579
director. The director shall not reserve a credit under this 21580
section if doing so would exceed the annual limit prescribed by 21581
division (B)(3) of this section. 21582

(2) The director shall send written notice of the tax credit 21583
reservation to the project development owner of an approved 21584
qualified project. The notice shall state the aggregate credit 21585
amount reserved for all years of the qualified project's credit 21586
period and stipulate that receipt of the credit is contingent upon 21587
issuance of an eligibility certificate and filing the information 21588
required by division (H) of this section. 21589

(3) The amount of credits reserved by the director under 21590
division (B) of this section in a fiscal year shall not exceed the 21591
sum of (a) fifty million dollars, (b) the amount, if any, by which 21592
the credit allocation prescribed by this division for the 21593
preceding fiscal year exceeds the credits reserved by the director 21594
in that year, and (c) the amount of tax credits recaptured, 21595
assessed, and collected by the tax commissioner or superintendent 21596
of insurance, and disallowed or subject to reduction under this 21597
section in the preceding fiscal year. For the purpose of computing 21598
and determining compliance with the credit allocation prescribed 21599
by division (B)(3) of this section, the credit amount reserved for 21600
the project development owner is the full amount for all years of 21601
the qualified project's credit period. 21602

(4) The director shall not reserve a tax credit under this 21603
section after June 30, 2027. 21604

(C) The project development owner shall maintain ownership of 21605
a qualified project and associated single-family dwellings until 21606
the dwellings are sold to qualified buyers. The project 21607

development team shall service the associated properties of a 21608
qualified project for the duration of the applicable affordability 21609
period. 21610

The qualified buyer of a single-family home constructed as 21611
part of a qualified project for which a tax credit was reserved 21612
under this section shall occupy the home as the buyer's primary 21613
residence during the affordability period. 21614

(D) Upon completion of a qualified project for which a tax 21615
credit was reserved under this section, the project development 21616
owner shall notify the director and provide a final development 21617
cost certification for approval. After receipt of this notice, the 21618
director shall appraise the project's dwellings. Immediately after 21619
approving the final cost certification, the director shall compute 21620
the amount of the tax credit that may be claimed in each year and 21621
issue an eligibility certificate to the project development owner. 21622
That annual amount, which shall be stated on the certificate, 21623
shall equal one-tenth of the reserved credit amount stated in the 21624
notice issued under division (B) of this section, subject to any 21625
reduction or increase as the result of the approval of the final 21626
cost certification and the appraisal conducted under this 21627
division. 21628

(E) Each eligibility certificate shall state the annual 21629
credit amount, the years that comprise the credit period, the 21630
name, address, and the taxpayer identification number of the 21631
project development owner, the project development owner's 21632
designated reporter, and all members of the project development 21633
team along with the date the certificate is issued, a unique 21634
identifying number, and any additional information the director 21635
may require by rule. The director shall certify a copy of each 21636
eligibility certificate to the tax commissioner and the 21637
superintendent of insurance. 21638

(F)(1) For each year of a qualified project's credit period, 21639

a project development owner may claim a nonrefundable credit 21640
against the tax imposed by section 5725.18, 5726.02, 5729.03, 21641
5729.06, or 5747.02 of the Revised Code equal to all or a portion 21642
of the annual credit amount listed on the eligibility certificate. 21643
The credit shall be claimed in the manner prescribed by section 21644
5725.37, 5726.60, 5729.20, or 5747.84 of the Revised Code. 21645

(2) A project development owner may or, if the owner is not 21646
subject to any tax against which the credit authorized under this 21647
section may be claimed, shall allocate all or a portion of the 21648
annual credit amount for any year of a qualified project's credit 21649
period among one or more project development investors. Such 21650
allocated credits may be applied by those project development 21651
investors or the equity owners of such an investor that is a 21652
pass-through entity against more than one tax, as applicable, but 21653
the total credits claimed for that year of the qualified project's 21654
credit period by all project development investors and equity 21655
owners shall not exceed the annual credit amount stated on the 21656
eligibility certificate. 21657

(3) A project development investor or the equity owner of 21658
such an investor that is a pass-through entity may claim the 21659
credit authorized by this section after the date the director 21660
issues an eligibility certificate under division (D) of this 21661
section and the applicable annual report required by division (H) 21662
of this section is filed by the designated reporter. 21663

(4) A project development investor or equity owner that 21664
claims a tax credit under division (F)(2) of this section shall 21665
submit a copy of the eligibility certificate with the investor's 21666
or equity owner's tax return. Upon request of the tax commissioner 21667
or the superintendent of insurance, any project development 21668
investor or equity owner claiming a tax credit under that division 21669
shall provide the tax commissioner or superintendent other 21670
documentation that may be necessary to verify that the project 21671

development investor or equity owner is entitled to claim the 21672
credit. 21673

(G) The director may disallow or recapture any portion of a 21674
credit if the project development owner or the project development 21675
owner's qualified project does not or ceases to qualify for the 21676
credit. If the director determines to recapture such a tax credit, 21677
the director shall certify the name of the project development 21678
owner, and the amount to be recaptured to the tax commissioner and 21679
to the superintendent of insurance. The tax commissioner or 21680
superintendent shall determine the taxpayer or taxpayers that 21681
claimed the credit, the tax against which the credit was claimed, 21682
and the amount to be recaptured and make an assessment against the 21683
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. 21684
of the Revised Code, as applicable, for the amount to be 21685
recaptured. The time limitations on assessments under those 21686
chapters do not bar an assessment made under this division. 21687

(H) For each calendar year, a designated reporter shall 21688
provide the following information to the director on a form 21689
prescribed by the director in consultation with the tax 21690
commissioner and the superintendent of insurance: 21691

(1) A list of each project development investor or equity 21692
owner that has been allocated a portion of the annual credit 21693
awarded in an eligibility certificate for that year, including the 21694
investor or owner's name, address, taxpayer identification number, 21695
and the tax against which the credit will be claimed by each. 21696

(2) For each project development investor or equity owner, 21697
the amount of annual credit that has been allocated for that year. 21698

(3) An aggregate list of the credit amount allocated for a 21699
qualified project demonstrating that the aggregate annual amount 21700
of the credits allocated does not exceed the aggregate annual 21701
credit awarded in the eligibility certificate. 21702

A designated reporter shall notify the director of any changes to the information reported under division (H) of this section in the time and manner prescribed by the director. 21703
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No credits allocated under this section may be claimed unless the credits are listed on the report required by division (H) of this section. 21706
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(I)(1) The director shall adopt a plan for competitively awarding tax credits under this section. The plan shall establish the criteria and metrics under which projects will be assessed for qualification and may allocate tax credits in a pooled manner. 21709
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(2) The director may assess application, processing, and reporting fees to cover the cost of administering this section. 21713
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(3) The director of development, in consultation with the tax commissioner, the superintendent of insurance, and the director of the governor's office of housing transformation, shall adopt any rules necessary to implement this section in accordance with Chapter 119. of the Revised Code. Such rules may include all of the following: 21715
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(a) Supplementary definitions as may be necessary to administer this section. 21721
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(b) Underwriting criteria to assess the risk associated with any application and determine appropriate criteria to deny an application based upon risk. 21723
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(c) Criteria by which a project development owner shall be responsible for any or all risk associated with a qualified project such as homeowner abandonment, default, foreclosure, or other such risks. 21726
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(d) Criteria to maintain the affordability of each of a qualified project's single-family dwellings during the affordability period, which may include a deed restriction held by 21730
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<u>the project development owner for some or all of the amount of the</u>	21733
<u>tax credit or any appreciated value of the property.</u>	21734
<u>(e) Requirements that the project development owner provide</u>	21735
<u>certain capital assets or other investments that contribute to the</u>	21736
<u>affordability of the project.</u>	21737
<u>(f) Criteria to be used in determining whether an individual</u>	21738
<u>is a qualified buyer.</u>	21739
<u>(g) Criteria regarding the purchase, ownership, and sale of</u>	21740
<u>completed qualified project single-family dwellings.</u>	21741
<u>(h) The manner of determining the project's development costs</u>	21742
<u>and the appraised market value of qualified project single-family</u>	21743
<u>dwellings.</u>	21744
<u>(i) Any other qualifications a project must meet to qualify</u>	21745
<u>as a qualified project.</u>	21746
<u>Sec. 175.20. (A) As used in this section, "federally</u>	21747
<u>subsidized residential rental property" has the same meaning as in</u>	21748
<u>section 5713.03 of the Revised Code.</u>	21749
<u>(B) The governor's office of housing transformation shall</u>	21750
<u>prepare and maintain a list of all federally subsidized</u>	21751
<u>residential rental property in the state. The list shall be</u>	21752
<u>organized by county and include the following information for each</u>	21753
<u>individual property:</u>	21754
<u>(1) The owner of the property;</u>	21755
<u>(2) The address and permanent parcel numbers associated with</u>	21756
<u>the property;</u>	21757
<u>(3) The type of federally subsidized residential rental</u>	21758
<u>property the property is, as described in divisions (A)(1) to (7)</u>	21759
<u>of section 5713.031 of the Revised Code;</u>	21760
<u>(4) For federally subsidized residential rental property</u>	21761

described in division (A)(1) of section 5713.03 of the Revised Code, the name and primary business address of any person allocated the credit under section 42 of the Internal Revenue Code on the basis of such property. 21762
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Upon the request of the office, a metropolitan housing authority shall provide any information necessary to enable the office to prepare or update the list. The office shall certify the initial list to the auditor of state, the board of tax appeals, and the tax commissioner not later than the thirty-first day of January first occurring after the effective date of this section. The list shall include such properties as of the preceding first day of January. 21766
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The office shall update the list annually and certify, not later than the thirty-first day of January, the updated list to the auditor of state, the board of tax appeals, and the tax commissioner. Each updated list shall include such properties as of the preceding first day of January. 21774
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The tax commissioner, upon receipt of a list prepared or updated under this section, shall certify it to the county auditor of each county. Each list prepared under this section is a public record for purposes of section 149.43 of the Revised Code. 21779
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Sec. 175.31. (A) There is hereby created the grants for grads program for the purpose of providing grants or other financial assistance or down payment assistance to Ohio residents who have received an associate, baccalaureate, master's, doctoral, or other postgraduate degree, which grants or assistance shall be used by a recipient to pay for the down payment or closing costs on the purchase of a first home. The program shall be administered by the Ohio governor's office of housing finance agency transformation using moneys available to it. The program shall not be subject to the income limits established by the agency office under section 21783
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175.05 of the Revised Code. Participation in the program shall 21793
require a graduate to be eligible under division (B) of this 21794
section. 21795

(B)(1) A graduate is eligible to participate in the program 21796
if the graduate: 21797

(a) Is an Ohio resident who has received an associate, 21798
baccalaureate, master's, doctoral, or other postgraduate degree 21799
from an institution of higher education within the eighteen months 21800
immediately preceding the date of application for the program; 21801

(b) Is able to provide to the ~~agency~~ office evidence 21802
documenting the graduate's Ohio residency and documenting 21803
graduation from a high school and an institution of higher 21804
education; 21805

(c) Intends to live and work in this state for at least five 21806
years after the graduate's graduation or completion of a degree 21807
described in division (B)(1)(a) of this section; and 21808

(d) Intends to purchase a first home in this state. 21809

(2) A graduate who is married to an individual who has 21810
previously received a grant or financial assistance or downpayment 21811
assistance under the program is ineligible to apply for a grant or 21812
assistance under this section. 21813

(C) A graduate who has been found by the state to be 21814
delinquent in the payment of individual income taxes is ineligible 21815
to receive a grant or other assistance under the program. 21816

(D) A graduate who is eligible for the program shall receive 21817
down payment assistance and a reduction in the interest rate of 21818
the mortgage offered by the ~~Ohio~~ governor's office of housing 21819
~~finance agency~~ transformation. 21820

(E) The down payment assistance shall be provided to the 21821
recipient when the recipient obtains a qualifying mortgage loan 21822

through a participating lender in the ~~agency's~~ office's first time 21823
home buyer program. 21824

Sec. 175.32. (A)(1) At the time a first home is purchased 21825
under the program, the ~~Ohio~~ governor's office of housing finance 21826
~~agency~~ transformation shall secure the amount of the down payment 21827
assistance by a lien on the home for a period of five years. Such 21828
lien shall attach, and may be perfected, collected, and enforced 21829
in the same manner as a mortgage lien on the home, and shall 21830
otherwise have the same force and effect as a mortgage lien, 21831
except that it shall be subordinate to a mortgage lien securing 21832
any money loaned by a financial institution for the purchase of 21833
the home. 21834

(2) If the ~~agency~~ office finds that a recipient failed to 21835
comply with the first home ownership criteria in division (A) of 21836
section 175.30 of the Revised Code, or otherwise used fraudulent 21837
information to obtain down payment assistance, the ~~agency~~ office 21838
shall enforce the lien. 21839

(B)(1) If a recipient becomes a resident of another state and 21840
does not reside at least five years in a first home purchased with 21841
down payment assistance awarded under the program, the amount of 21842
the lien created in division (A) of this section that may be 21843
collected shall be determined as follows: 21844

Months resided in first home	Collectable amount as per cent of down payment assistance	
Less than 12 months	100%	21846
12 months and a day to 24 months	80%	21847
24 months and a day to 36 months	60%	21848
36 months and a day to 48 months	40%	21849
48 months and a day to 60 months	20%	21850

The lien created under division (A) of this section shall be 21851

extinguished upon collection pursuant to this division. 21852

(2) A lien created under division (A)(1) of this section 21853
shall be extinguished if the recipient, within the five-year 21854
period, moves to another residence located in this state. 21855

Sec. 182.02. (A) "OneOhio recovery foundation" means the 21856
nonprofit corporation receiving payments under the settlement 21857
agreement in State of Ohio v. McKesson Corp., Case No. CVH20180055 21858
(C.P. Madison Co., settlement agreement of October 7, 2021) and 21859
its constituent regional boards. 21860

(B) The OneOhio recovery foundation is not any of the 21861
following: 21862

(1) A state agency as defined in section 1.60, 9.28, 121.41, 21863
or 149.011 of the Revised Code; 21864

(2) An executive agency as defined in section 121.60 of the 21865
Revised Code; 21866

(3) A public office as defined in section 9.28, 9.74, 102.01, 21867
117.01, 149.011, or 1331.01 of the Revised Code; 21868

(4) A state entity as defined in section 113.70 of the 21869
Revised Code; 21870

(5) A public employer as defined in section 4117.01 of the 21871
Revised Code; 21872

(6) Departments, offices, and institutions as defined in 21873
section 2921.01 of the Revised Code. 21874

(C) An employee, officer, or appointed member of OneOhio 21875
recovery foundation is not any of the following because of 21876
employment with, office held, or appointment to the foundation: 21877

(1) A public employee as defined in section 145.012 of the 21878
Revised Code; 21879

(2) An employee as defined in section 124.01 of the Revised 21880

<u>Code;</u>	21881
<u>(3) A public official as defined in section 2921.01 of the Revised Code.</u>	21882 21883
<u>(D) The offices, positions of trust, or persons employed with OneOhio recovery foundation are not engaged in or included in the definitions of "service of the state" or "civil service of the state" as defined in section 124.01 of the Revised Code because of holding the office, position, or employment with the foundation.</u>	21884 21885 21886 21887 21888
<u>(E) The OneOhio recovery foundation is not subject to section 121.22 of the Revised Code.</u>	21889 21890
<u>(F) Meetings of the full OneOhio recovery foundation board of directors shall be open to the public unless the board, by a majority of a quorum of directors present, vote to hold an executive session.</u>	21891 21892 21893 21894
Sec. 183.19. The biomedical research and technology transfer trust fund is hereby created in the state treasury. Money credited to the fund shall be used as provided in sections 184.01 to 184.03 <u>and 184.02</u> of the Revised Code. The third frontier commission shall administer the fund in accordance with those sections. All investment earnings of the fund shall be credited to the fund.	21895 21896 21897 21898 21899 21900 21901
Sec. 184.02. (A) In addition to the powers and duties under sections 184.10 to 184.20 and 184.37 of the Revised Code, the third frontier commission may perform any act to ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under, sections 184.01 and 184.02 of the Revised Code. In addition, the commission may do any of the following:	21902 21903 21904 21905 21906 21907 21908
(1) Adopt, amend, and rescind rules under section 111.15 of the Revised Code for the administration of any aspect of its	21909 21910

operations;	21911
(2) Adopt bylaws governing its operations, including bylaws that establish procedures and set policies as may be necessary to assist with the furtherance of its purposes;	21912 21913 21914
(3) Appoint and set the compensation of employees needed to carry out its duties;	21915 21916
(4) Contract with, retain the services of, or designate, and fix the compensation of, such financial consultants, accountants, other consultants and advisors, and other independent contractors as may be necessary or desirable to carry out its duties;	21917 21918 21919 21920
(5) Solicit input and comments from the third frontier advisory board, and specialized industry, professional, and other relevant interest groups concerning its purposes;	21921 21922 21923
(6) Facilitate alignment of the state's science and technology programs and activities;	21924 21925
(7) Make grants and loans to individuals, public agencies, private companies or organizations, or joint ventures for any of the broad range of activities related to its purposes.	21926 21927 21928
(B) In addition to the powers and duties under sections 184.10 to 184.20 and 184.37 of the Revised Code, the commission shall do all of the following:	21929 21930 21931
(1) Establish a competitive process for the award of grants and loans that is designed to fund the most meritorious proposals and, when appropriate, provide for peer review of proposals;	21932 21933 21934
(2) On or before the first day of August of each year, submit to the governor and the general assembly a report of the activities of the commission during the preceding fiscal year;	21935 21936 21937
(3) With specific application to the biomedical research and technology transfer trust fund, periodically make strategic assessments of the types of state investments in biomedical	21938 21939 21940

research and biotechnology in the state that would likely create 21941
jobs and business opportunities in the state and produce the most 21942
beneficial long-term improvements to the public health of Ohioans, 21943
including, but not limited to, biomedical research and 21944
biotechnology initiatives that address tobacco-related illnesses 21945
as may be outlined in any master agreement. The commission shall 21946
award grants and loans from the fund pursuant to a process 21947
established under division (B)(1) of this section. 21948

Sec. 184.20. A member of the third frontier commission ~~or a~~ 21949
~~member of the third frontier advisory board~~ shall not receive 21950
support under section 184.11 of the Revised Code. 21951

A member who violates this section shall forfeit the support 21952
received and shall pay the amount forfeited to the third frontier 21953
commission. 21954

Sec. 191.01. As used in sections 191.01 to 191.45 of the 21955
Revised Code: 21956

(A) "Affiliate" means a person or entity under common 21957
ownership or control with, or a participant in a joint venture, 21958
partnership, consortium, or similar business arrangement with, 21959
another person or entity pertaining to the provision of broadband 21960
service. 21961

(B) "Broadband expansion program authority" means the entity 21962
created under section 122.403 of the Revised Code. 21963

(C) "Broadband infrastructure" means facilities that are 21964
used, in whole or in part, to provide qualifying broadband service 21965
access to residences and businesses. 21966

(D) "Mid-span pole installation" means the installation of, 21967
and attachment of broadband infrastructure to, a new utility pole 21968
that is installed between or adjacent to one or more existing 21969
utility poles or replaced utility poles to which poles broadband 21970

<u>infrastructure is attached.</u>	21971
<u>(E) "Pole owner" means any person or entity that owns or controls a utility pole.</u>	21972
	21973
<u>(F) "Pole replacement" means the removal of an existing utility pole and replacement of that pole with a new utility pole to which a provider attaches broadband infrastructure.</u>	21974
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<u>(G) "Provider" means an entity, including a pole owner or affiliate, that provides qualifying broadband service.</u>	21977
	21978
<u>(H) "Qualifying broadband service" means a retail wireline broadband service that is capable of delivering symmetrical internet access at download and upload speeds of at least one hundred megabits per second with a latency level sufficient to permit real-time, interactive applications.</u>	21979
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<u>(I) "Undergrounding" means the placement of broadband infrastructure underground, including by directly burying the infrastructure or through the underground placement of new ducts or conduits and installation of the infrastructure in them.</u>	21984
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<u>(J) "Unserved area" means an area in the state that is without access to fixed, terrestrial broadband service capable of delivering internet access at download speeds of at least twenty-five megabits per second and upload speeds of at least three megabits per second.</u>	21988
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<u>(K) "Utility pole" means any pole used, in whole or in part, for any wired communications or electric distribution, irrespective of who owns or operates such pole.</u>	21993
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<u>Sec. 191.02. There is hereby established the Ohio broadband pole replacement and undergrounding program within the department of development to advance the provision of qualifying broadband service access to residences and businesses in an unserved area by reimbursing certain costs of pole replacements, mid-span pole</u>	21996
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installations, and undergrounding. 22001

The department shall administer and provide staff assistance 22002
for the program. The department shall be responsible for receiving 22003
and reviewing program applications and for sending completed 22004
applications to the broadband expansion program authority for 22005
final review and award of program reimbursements. 22006

Sec. 191.03. (A) The department of development shall 22007
establish an administrative process to award program 22008
reimbursements under the Ohio broadband pole replacement and 22009
undergrounding program according to the provisions of sections 22010
191.03 to 191.45 of the Revised Code. 22011

(B) The broadband expansion program authority shall award 22012
program reimbursements after reviewing program applications and 22013
determining whether the applications meet the program's 22014
requirements for reimbursement. 22015

Sec. 191.05. For the purposes of an application under the 22016
Ohio broadband pole replacement and undergrounding program, an 22017
area of the state shall be considered to be an unserved area, if 22018
one of the following applies: 22019

(A) Under a program to deploy broadband service to unserved 22020
areas, a governmental entity has awarded a broadband grant for the 22021
area after determining the area to be an eligible unserved area 22022
under that program. 22023

(B) The area has not been awarded any broadband grant 22024
funding, and the most recent mapping information published by the 22025
federal communications commission indicates that the area is an 22026
unserved area. 22027

Sec. 191.07. (A) The broadband expansion program authority 22028
shall not award program reimbursements to an applicant under the 22029

Ohio broadband pole replacement and undergrounding program, if any 22030
of the following apply: 22031

(1) The broadband infrastructure deployed is used only for 22032
the provision of wholesale broadband service and is not used by 22033
the applicant to provide qualifying broadband service directly to 22034
residences or businesses. 22035

(2) A provider, other than the applicant, is meeting the 22036
terms of a legally binding commitment to a governmental entity to 22037
deploy qualifying broadband service in the unserved area. 22038

(3) For program reimbursements that are funded by federal 22039
funds deposited in the pole replacement fund, the applicant fails 22040
to commit to compliance with any conditions required by the 22041
federal government in connection with the funds. 22042

(B) The authority shall not award program reimbursements that 22043
are federally funded, if the reimbursements are inconsistent with 22044
federal requirements. 22045

Sec. 191.10. In accordance with sections 191.10 to 191.45 of 22046
the Revised Code, a provider may submit an application for a 22047
program reimbursement under the Ohio broadband pole replacement 22048
and undergrounding program, if the provider has deployed 22049
qualifying broadband infrastructure in an unserved area and has 22050
paid any of the following costs in connection with the deployment 22051
of such broadband infrastructure: 22052

(A) Pole replacement costs; 22053

(B) Mid-span pole installation costs; 22054

(C) Undergrounding costs. 22055

The application shall be submitted on a form prescribed by 22056
the department of development. 22057

Sec. 191.13. (A) Not later than sixty days after the pole 22058

replacement fund created in section 191.27 of the Revised Code 22059
receives funds for the purpose of providing program reimbursements 22060
under the Ohio broadband pole replacement and undergrounding 22061
program, the department of development shall develop and publish 22062
an application form for the program and post the form on the 22063
department web site. 22064

(B) An application shall include the following information: 22065

(1) The number, cost, and locations of pole replacements, 22066
mid-span pole installations, and undergrounding for which 22067
reimbursement is requested; 22068

(2) Documentation sufficient to establish that the pole 22069
replacements, mid-span pole installations, and undergrounding 22070
described in the application have been completed; 22071

(3) Documentation sufficient to establish how the costs for 22072
which reimbursement is requested comport with the reimbursement 22073
requirements under the program; 22074

(4) The reimbursement amount requested under the program; 22075

(5) Documentation of any broadband grant funding awarded or 22076
received for the area described in the application; 22077

(6) Accounting information that is sufficient to demonstrate 22078
that costs for which a program reimbursement is requested are 22079
eligible for a program reimbursement pursuant to division (C) of 22080
section 191.21 of the Revised Code, if the applicant has received 22081
any grant funding described in division (B)(5) of this section; 22082

(7) A notarized statement, from an officer or agent of the 22083
applicant, that the contents of the application are true and 22084
accurate and that the applicant accepts the requirements of the 22085
program as a condition of receiving a program reimbursement; 22086

(8) Any information necessary to demonstrate the applicant's 22087
compliance, and agreement to comply, with any conditions 22088

<u>associated with the reimbursement awarded to the applicant;</u>	22089
<u>(9) Any other information the department considers necessary</u>	22090
<u>for final review and for the award and payment of program</u>	22091
<u>reimbursements.</u>	22092
<u>(C) If any federal funds are used for any awards under the</u>	22093
<u>program, the application form shall identify and describe any</u>	22094
<u>additional federal conditions required in connection with the use</u>	22095
<u>of the federal funds.</u>	22096
<u>Sec. 191.15. (A) Before receiving a program reimbursement</u>	22097
<u>under the Ohio broadband pole replacement and undergrounding</u>	22098
<u>program, each applicant shall agree to do the following:</u>	22099
<u>(1) Not later than ninety days after receipt of a program</u>	22100
<u>reimbursement, activate qualifying broadband service to end users</u>	22101
<u>utilizing the broadband infrastructure for which the applicant has</u>	22102
<u>received reimbursement for pole replacement, mid-span pole</u>	22103
<u>installation, or undergrounding costs;</u>	22104
<u>(2) Certify the application's compliance with the</u>	22105
<u>requirements of sections 191.10 to 191.24 of the Revised Code;</u>	22106
<u>(3) Comply with any federal requirements associated with the</u>	22107
<u>funding used by the broadband expansion program authority in</u>	22108
<u>connection with the award;</u>	22109
<u>(4) Refund all or any portion of reimbursements received</u>	22110
<u>under the program as specified in section 191.30 of the Revised</u>	22111
<u>Code, if pursuant to that section the applicant is found to have</u>	22112
<u>materially violated any of the requirements of sections 191.10 to</u>	22113
<u>191.24 of the Revised Code.</u>	22114
<u>(B) For an application regarding a pole replacement or</u>	22115
<u>mid-span pole installation, the applicant shall do the following</u>	22116
<u>if the applicant is the pole owner, or affiliate of the pole</u>	22117
<u>owner:</u>	22118

<u>(1) Comply with division (A) of this section;</u>	22119
<u>(2) Commit that the pole owner will comply with all</u>	22120
<u>applicable pole attachment regulations and requirements imposed by</u>	22121
<u>the state or federal government;</u>	22122
<u>(3) Commit that the pole owner will exclude from its costs</u>	22123
<u>used to calculate its rates or charges for access to its utility</u>	22124
<u>poles for which the applicant has been reimbursed as follows:</u>	22125
<u>(a) Under the Ohio broadband pole replacement and</u>	22126
<u>undergrounding program or any other broadband grant program;</u>	22127
<u>(b) By a provider, for make-ready charges;</u>	22128
<u>(4)(a) Commit that the pole owner will maintain and make</u>	22129
<u>available, upon reasonable request, to the department of</u>	22130
<u>development or to a party subject to the rates and charges</u>	22131
<u>described in division (B)(3) of this section, accounting</u>	22132
<u>documentation sufficient to demonstrate compliance with division</u>	22133
<u>(B)(3) of this section;</u>	22134
<u>(b) Division (B)(4)(a) of this section does not apply to an</u>	22135
<u>electric distribution utility as defined in section 4928.01 of the</u>	22136
<u>Revised Code, unless the electric distribution utility is the</u>	22137
<u>applicant.</u>	22138
<u>Sec. 191.17. (A) Not later than sixty days after receiving an</u>	22139
<u>application forwarded by the department of development, the</u>	22140
<u>broadband expansion program authority shall award program</u>	22141
<u>reimbursements to the applicant for costs described in divisions</u>	22142
<u>(A) and (B) of section 191.21 of the Revised Code after reviewing</u>	22143
<u>the application, and establishing the applicant's eligibility for</u>	22144
<u>reimbursement under the Ohio broadband pole replacement and</u>	22145
<u>undergrounding program. Except as provided in division (B) of this</u>	22146
<u>section, program reimbursements shall be in an amount equal to the</u>	22147
<u>lesser of seven thousand five hundred dollars or seventy-five per</u>	22148

cent of the total amount paid by the applicant for each pole replacement or mid-span pole installation. 22149
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(B) For undergrounding costs described under division (B) of section 191.21 of the Revised Code, the authority shall approve program reimbursements as provided in division (A) of this section, except that the reimbursements may not exceed the reimbursement amount that would be available under division (A) of this section, if the applicant had attached broadband infrastructure to utility poles instead of undergrounding that infrastructure. 22151
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Sec. 191.19. (A) The department of development, at the direction of the broadband expansion program authority, shall issue program reimbursements awarded for applications approved under the Ohio broadband pole replacement and undergrounding program. The reimbursements shall be made using money available for this purpose in the broadband pole replacement fund created in section 191.27 of the Revised Code. The authority shall award, and the department shall fund, reimbursements until funds available for that purpose are no longer available. 22159
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(B) If, upon the exhaustion of the fund, there are any applications pending, the applications shall be denied. Applications that have been denied pursuant to this division may be resubmitted to the department, and, if sufficient money is later deposited in the fund, reimbursements may be awarded according to the application and award process under sections 191.10 to 191.24 of the Revised Code. 22168
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Sec. 191.21. If the broadband expansion program authority approves an application under the Ohio broadband pole replacement and undergrounding program, the following costs are eligible for reimbursement under the program: 22175
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(A) Actual and reasonable costs to perform a pole replacement or mid-span pole installation, including the amount of any expenditures to remove and dispose of an existing utility pole, purchase and install a replacement utility pole, and transfer any existing facilities to the new pole; 22179
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(B) Actual and reasonable undergrounding costs, including the costs to dig a trench, perform directional boring, install conduit, and seal the trench, if the undergrounding is either of the following: 22184
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(1) Required by law, regulation, or local ordinance; 22188

(2) More economical than the cost of performing a pole replacement. 22189
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(C)(1) Costs of deploying qualifying broadband service for which the applicant is entitled to obtain full reimbursement from another governmental entity are not eligible for reimbursement under the program, except as provided in division (C)(2) of this section. 22191
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(2) If an applicant's costs for deploying such service are reimbursed in part by a governmental entity, the applicant may apply for and obtain reimbursement under the program for the portion of the eligible costs for which the applicant was not reimbursed. 22196
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(D) For applicants that obtain broadband grant funding from sources other than reimbursements under the program, the authority may require the applicants to maintain accounting records sufficient to demonstrate that the other grant funds do not fully reimburse the same costs as those reimbursed under the program. 22201
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Sec. 191.24. A pole owner that provides information and documentation to a provider to enable the provider to submit an application to the Ohio broadband pole replacement and 22206
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undergrounding program may require the provider to reimburse the 22209
owner for the owner's actual and reasonable administrative 22210
expenses, the total of which shall not exceed five per cent of the 22211
pole replacement or mid-span pole installation costs. Such costs 22212
are not eligible for reimbursement under the program. 22213

Sec. 191.27. There is hereby created in the state treasury 22214
the broadband pole replacement fund consisting of money credited 22215
or transferred to the fund, money appropriated by the general 22216
assembly, including from available federal funds, or money 22217
authorized for expenditure by the state controlling board under 22218
section 131.35 of the Revised Code from available federal funds, 22219
and grants, gifts, and contributions made directly to the fund. 22220
Money in the fund shall be used by the department of development 22221
to provide reimbursements awarded under the Ohio broadband pole 22222
replacement and undergrounding program and by the director of 22223
development to administer the program. 22224

Sec. 191.30. (A) The department of development shall direct 22225
an applicant that has been awarded a program reimbursement under 22226
the Ohio broadband pole replacement and undergrounding program to 22227
refund, with interest, all or any portion of the reimbursements 22228
the applicant received under the program, if the department finds, 22229
upon substantial evidence and after notice and the opportunity to 22230
respond, that the applicant materially violated any of the 22231
requirements agreed to under sections 191.10 to 191.24 of the 22232
Revised Code with respect to all or any portion of the 22233
reimbursements received. The interest included with a refund under 22234
this section shall be at the applicable federal funds rate as 22235
specified in division (B) of section 1304.84 of the Revised Code. 22236

(B) At the direction of the department, refunds submitted 22237
under division (A) of this section shall be deposited into the 22238
broadband pole replacement fund created in section 191.27 of the 22239

Revised Code or the general revenue fund. 22240

Sec. 191.33. Not later than sixty days after the first amount 22241
of money is deposited to the credit of the broadband pole 22242
replacement fund created in section 191.27 of the Revised Code, 22243
the department of development shall publish and regularly update 22244
on its web site the following program information: 22245

(A) The number of program applications received, processed, 22246
and rejected by the broadband expansion program authority; 22247

(B) The number, reimbursement amount, and status of program 22248
reimbursements awarded by the authority; 22249

(C) The number of providers receiving reimbursements; 22250

(D) The balance remaining in the fund at the time of the 22251
latest program update on the web site. 22252

Sec. 191.35. Beginning not later than one year after the 22253
first amount of money is deposited to the credit of the broadband 22254
pole replacement fund created in section 191.27 of the Revised 22255
Code and annually thereafter, the auditor of state shall audit the 22256
fund and its administration by the broadband expansion program 22257
authority and the department of development for compliance with 22258
the requirements of sections 191.02 to 191.45 of the Revised Code. 22259

Sec. 191.37. Not later than one year after each time money in 22260
the broadband pole replacement fund created in section 191.27 of 22261
the Revised Code is exhausted, the broadband expansion program 22262
authority shall identify, examine, and report on the deployment of 22263
qualifying broadband infrastructure under the Ohio broadband pole 22264
replacement and undergrounding program and the technology 22265
facilitated by the program reimbursements the authority has 22266
awarded. The report shall be published on the department of 22267
development web site. 22268

Sec. 191.40. Not later than ninety days after the effective date of this section, the director of development shall adopt rules under Chapter 119. of the Revised Code that are necessary for successful and efficient administration of the broadband pole replacement and undergrounding program.

Sec. 191.43. On the date that is six years after the effective date of this section, payments under the Ohio broadband pole replacement fund shall cease and section 191.27 of the Revised Code shall not be in force or have further application, except as described in sections 191.44 and 191.45 of the Revised Code.

Sec. 191.44. The department of development in coordination with the Ohio broadband expansion program authority shall do the following, for the period ending six months after the date described in section 191.43 of the Revised Code:

(A) Complete the review of any program applications that were submitted prior to the date described in section 191.43 of the Revised Code and pay program reimbursements for the approved applications;

(B) Complete the review of any program applications submitted not later than four months after the date described in section 191.43 of the Revised Code and pay program reimbursements for the approved applications, if the reimbursements are for costs that were incurred prior to the date described in section 191.43 of the Revised Code.

Sec. 191.45. If there is an outstanding balance in the broadband pole replacement fund after the Ohio broadband pole replacement program reimbursements are paid pursuant to section 191.44 of the Revised Code, the remaining balance shall be

returned to the original funding sources as determined by the 22298
department of development. 22299

Sec. 301.27. (A) As used in this section: 22300

(1) "Credit card" includes gasoline and telephone credit 22301
cards but excludes any procurement card authorized under section 22302
301.29 of the Revised Code. 22303

(2) "Officer" includes an individual who also is an 22304
appointing authority. 22305

~~(3) "Gasoline and oil expenses" and "motor vehicle repair and~~ 22306
~~maintenance expenses" refer to only those expenses incurred for~~ 22307
~~motor vehicles owned or leased by the county.~~ 22308

~~(B)(1)~~(B) A board of county commissioners, in consultation 22309
with the county auditor, shall adopt a policy by resolution 22310
regarding the use of county credit cards by the board of county 22311
commissioners, by the office of any other county appointing 22312
authority, or by an officer or employee of the board or any other 22313
appointing authority. The board shall deliver a copy of the policy 22314
to the county auditor. The policy shall include all of the 22315
following: 22316

(1) The procedure for submitting itemized receipts for 22317
purchases to the county auditor; 22318

(2) Any other provision regarding the use of county credit 22319
cards so long as the provision does not conflict with this 22320
section. 22321

~~(C) A county credit card held by a board of county~~ 22322
~~commissioners or the office of any other county appointing~~ 22323
authority shall be used only to pay the following work-related 22324
expenses: 22325

~~(a) Food expenses;~~ 22326

(b) Transportation expenses;	22327
(c) Gasoline and oil expenses;	22328
(d) Motor vehicle repair and maintenance expenses;	22329
(e) Telephone expenses;	22330
(f) Lodging expenses;	22331
(g) Internet service provider expenses;	22332
(h) In the case of a public children services agency,	22333
expenses for purchases for children for whom the agency is	22334
providing temporary emergency care pursuant to section 5153.16 of	22335
the Revised Code, children in the temporary or permanent custody	22336
of the agency, and children in a planned permanent living	22337
arrangement;	22338
(i) Webinar expenses;	22339
(j) The expenses for purchases of automatic or electronic	22340
data processing or record keeping equipment, software, or	22341
services, provided that, in a county that has established an	22342
automatic data processing board, the county office and the county	22343
officer or employee authorized to use the credit card comply with	22344
sections 307.84 to 307.847 of the Revised Code. The expenses paid	22345
by a credit card under division (B)(1)(j) of this section shall	22346
not exceed ten thousand dollars per quarter, unless the board of	22347
county commissioners adopts a resolution approving the payment by	22348
credit card of such expenses that exceed that amount during that	22349
time period;	22350
(k) Expenses related to temporary and necessary assistance	22351
care provided by the county veterans service office <u>in accordance</u>	22352
<u>with this section and in accordance with the policy adopted under</u>	22353
<u>division (B) of this section.</u>	22354
(2) No late charges or finance charges shall be allowed as an	22355
allowable expense unless authorized by the board of county	22356

~~commissioners.~~ 22357

~~(C)(D)~~ A county appointing authority ~~may~~ shall apply to the 22358
board of county commissioners for authorization to have an officer 22359
or employee of the appointing authority use a county credit card 22360
~~held by that appointing authority.~~ The authorization request shall 22361
state whether the card is to be issued ~~only~~ in the name of the 22362
office of the appointing authority ~~or whether the issued card also~~ 22363
~~shall include~~ in the name of a ~~specified~~ an officer or employee. A 22364
county appointing authority shall notify, and update as necessary, 22365
the county auditor and the board of county commissioners regarding 22366
in whose name a county credit card is issued. 22367

~~(D)~~ The debt incurred as a result of the use of a credit card 22368
pursuant to this section shall be paid from moneys appropriated to 22369
specific appropriation line items of the appointing authority for 22370
work related expenses listed in division (B)(1) of this section. 22371

(E)(1) A county credit card shall be used only for purchases 22372
that satisfy all of the following: 22373

(a) The purchase is for a work-related expense. 22374

(b) The purchase serves a public purpose. 22375

(c) The debt incurred as a result of the purchase is payable 22376
with available moneys appropriated to a specific appropriation 22377
line item that is appropriate for the purchase. 22378

(d) The purchase complies with this section and with the 22379
policy adopted by the board of county commissioners under division 22380
(B) of this section. 22381

(2) An officer, employee, or appointing authority is liable 22382
in the manner prescribed under division (H) of this section for 22383
the following, unless approved by the board of county 22384
commissioners: 22385

(a) Finance charges; 22386

<u>(b) Late fees or late penalties;</u>	22387
<u>(c) Sales tax.</u>	22388
(E)(1)(F)(1) Except as otherwise provided in division	22389
(E)(2)(F)(2) of this section, every officer or employee authorized	22390
to use a <u>county</u> credit card held by the board or appointing	22391
authority shall submit to the board by the first day of each month	22392
an estimate of the officer's or employee's work-related expenses	22393
listed in division (B)(1) of this section for that month along	22394
with the specific appropriation line items from which those	22395
expenditures are to be made, unless the board authorizes, by	22396
resolution, the officer or employee to submit to the board such an	22397
estimate for a period longer than one month. The board may revise	22398
the estimate and determine the amount it approves, if any, not to	22399
exceed the estimated amount. The board shall certify the amount of	22400
its determination to the county auditor along with the specific	22401
appropriation line items from which the expenditures are to be	22402
made. After receiving certification from the county auditor that	22403
the determined sum of money is in the treasury or in the process	22404
of collection to the credit of the specific appropriation line	22405
items for which the credit card is approved for use, and is free	22406
from previous and then-outstanding obligations or certifications,	22407
the board shall authorize the officer or employee to incur debt	22408
for the expenses against the county's credit up to the authorized	22409
amount.	22410
(2) In lieu of following the procedure set forth in division	22411
(E)(1)(F)(1) of this section, a board of county commissioners may	22412
adopt a resolution authorizing an officer or employee of an	22413
appointing authority to use a county credit card to pay for	22414
specific classes of the work-related expenses listed in division	22415
(B)(1) of this section , or use a specific credit card for any of	22416
those work-related expenses listed in division (B)(1) of this	22417
section , without submitting an estimate of those expenses to the	22418

board as required by division ~~(E)(1)(F)(1)~~ of this section. ~~Prior~~ 22419
~~to~~ Before adopting the resolution, the board shall notify the 22420
county auditor. The resolution shall specify whether the officer's 22421
or employee's exemption extends to the use of a specific credit 22422
card, ~~which card shall be identified by its number,~~ or to one or 22423
more specific work-related uses ~~from the classes of uses permitted~~ 22424
~~under division (B)(1) of this section.~~ A new resolution is not 22425
necessary when a new credit card number is issued due to 22426
fraudulent use of the specified credit card. Before any credit 22427
card exempted for specific uses may be used to make purchases for 22428
uses other than those specific uses listed in the resolution, the 22429
procedures outlined in division ~~(E)(1)(F)(1)~~ of this section must 22430
be followed or the use shall be considered an unauthorized use. 22431
Use of any credit card under division ~~(E)(2)(F)(2)~~ of this section 22432
shall be limited to the amount appropriated and encumbered in a 22433
specific appropriation line item for the permitted use or uses 22434
designated in the authorizing resolution, or, in the case of a 22435
resolution that authorizes use of a specific credit card, for each 22436
of the permitted uses listed in ~~division (B) of this section~~ the 22437
resolution, but only to the extent the moneys in those specific 22438
appropriation line items are not otherwise encumbered. 22439

~~(F)(1)(3)~~ Any time a county credit card approved for use for 22440
an authorized amount under division ~~(E)(1)(F)(1)~~ of this section 22441
is used for more than that authorized amount, any time a county 22442
credit card approved for specific work-related expenses under 22443
division (F)(2) of this section is used for other uses, or any 22444
time an officer or employee has authority to use a specific card 22445
under division (F)(2) of this section but uses a different county 22446
credit card, the appointing authority may request the board of 22447
county commissioners to authorize after the fact the unauthorized 22448
expenditure ~~of any amount charged beyond the originally authorized~~ 22449
~~amount~~ if, upon the board's request, the county auditor certifies 22450
that sum of money is in the treasury or in the process of 22451

collection to the credit of the appropriate appropriation line 22452
item for which the credit card was used, and is free from previous 22453
and then-outstanding obligations or certifications. If ~~the card is~~ 22454
~~used for more than the amount originally authorized and if~~ for any 22455
reason that amount expenditure is not authorized after the fact, 22456
the county treasury shall be reimbursed ~~for any amount spent~~ 22457
~~beyond the originally authorized amount in the following manner:~~ 22458

~~(a) If the card is issued in the name of a specific officer 22459
or employee, that officer or employee is liable in person and upon 22460
any official bond the officer or employee has given to the county 22461
to reimburse the county treasury for the amount charged to the 22462
county beyond the originally authorized amount. 22463~~

~~(b) If the card is issued to the office of the appointing 22464
authority, the appointing authority is liable in person and upon 22465
any official bond the appointing authority has given to the county 22466
for the amount charged to the county beyond the originally 22467
authorized amount as provided in division (H) of this section. 22468~~

~~(2)(G) After making a credit card purchase, the officer or 22469
employee shall provide to the county auditor an itemized receipt, 22470
in accordance with the policy adopted by the board of county 22471
commissioners under division (B) of this section. 22472~~

~~(H) Any time a county credit card ~~authorized for use under 22473
division (E)(2) of this section is used for more than the amount 22474
appropriated under that division in a manner that is not in 22475
accordance with this section or with the policy adopted under 22476
division (B) of this section, the county treasury shall be 22477
reimbursed for any the amount spent beyond the originally 22478
appropriated amount in the following manner not in accordance with 22479
this section or with the policy adopted under division (B) of this 22480
section, as follows: 22481~~~~

~~(a)(1) If the card is issued in the name of a specific 22482~~

officer or employee, that officer or employee is liable in person 22483
and upon any official bond the officer or employee has given to 22484
the county for reimbursing the county treasury ~~for any amount~~ 22485
~~charged on the card beyond the originally appropriated amount.~~ 22486

~~(b)(2)~~ If the card is issued in the name of the office of the 22487
appointing authority, the appointing authority is liable in person 22488
and upon any official bond the appointing authority has given to 22489
the county for ~~reimbursement for any amount charged on the card~~ 22490
~~beyond the originally appropriated amount~~ reimbursing the county 22491
treasury. 22492

~~(3)(I)~~ Whenever any officer or employee who is authorized to 22493
use a credit card ~~held by the board or the office of any other~~ 22494
~~county appointing authority~~ suspects the loss, theft, or 22495
possibility of unauthorized use of the card, the officer or 22496
employee shall notify the county auditor and either the officer's 22497
or employee's appointing authority or the board immediately and in 22498
writing. 22499

~~(4)(J)~~ If the county auditor determines ~~there has been a~~ 22500
credit card ~~expenditure beyond the appropriated or authorized~~ 22501
~~amount as provided in division (E) of this section~~ has been used 22502
in a manner that is not in accordance with this section or the 22503
policy adopted under division (B) of this section, the auditor 22504
immediately shall notify the board of county commissioners. ~~When~~ 22505
If the board determines, on its own or after notification from the 22506
county auditor, that the county treasury should be reimbursed for 22507
~~credit card expenditures beyond the appropriated or authorized~~ 22508
~~amount~~ as provided in ~~divisions (F)(1) and (2)~~ division (H) of 22509
this section, ~~it~~ the board shall give written notice to the county 22510
auditor and to the officer or employee or appointing authority 22511
liable to the treasury as provided in ~~these divisions~~ that 22512
division. If, within thirty days after issuance of the written 22513
notice, the county treasury is not reimbursed for the amount shown 22514

on the written notice, the prosecuting attorney of the county 22515
shall recover that amount from the officer or employee or 22516
appointing authority who is liable under this section by civil 22517
action in any court of appropriate jurisdiction. 22518

~~(G)(K)~~ Use of a county credit card ~~for any use other than~~ 22519
~~those permitted under division (B)(1) of~~ in a manner that is not 22520
in accordance with this section or with the policy adopted under 22521
division (B) of this section is a violation of section 2913.21 of 22522
the Revised Code. 22523

Sec. 303.65. A final judgment on the merits issued by a court 22524
of competent jurisdiction pursuant to its power of review under 22525
Chapter 2506. of the Revised Code, on claims brought under this 22526
chapter, does not preclude later claims for damages, including 22527
claims brought under 42 U.S.C. 1983, even if the common law 22528
doctrine of res judicata would otherwise bar the claim. 22529

The general assembly intends that this section be construed 22530
to override the federal sixth circuit court of appeals's decision 22531
in the case Lavon Moore v. Hiram Twp., 988 F.3d 353 (6th Cir. 22532
2021). 22533

Sec. 307.86. Anything to be purchased, leased, leased with an 22534
option or agreement to purchase, or constructed, including, but 22535
not limited to, any product, structure, construction, 22536
reconstruction, improvement, maintenance, repair, or service, 22537
except the services of an accountant, architect, attorney at law, 22538
physician, professional engineer, construction project manager, 22539
consultant, surveyor, or appraiser, by or on behalf of the county 22540
or contracting authority, as defined in section 307.92 of the 22541
Revised Code, at a cost in excess of ~~fifty thousand dollars~~ the 22542
amount specified in section 9.17 of the Revised Code, except as 22543
otherwise provided in division (D) of section 713.23 and in 22544

sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 22545
307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 22546
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 22547
obtained through competitive bidding. No purchase, lease, project, 22548
or other transaction subject to this section shall be divided into 22549
component parts, separate projects, or separate items of work in 22550
order to avoid the requirements of this section. However, 22551
competitive bidding is not required when any of the following 22552
applies: 22553

(A) The board of county commissioners, by a unanimous vote of 22554
its members, makes a determination that a real and present 22555
emergency exists, and that determination and the reasons for it 22556
are entered in the minutes of the proceedings of the board, when 22557
any of the following applies: 22558

(1) The estimated cost is less than one hundred twenty-five 22559
thousand dollars. 22560

(2) There is actual physical disaster to structures, radio 22561
communications equipment, or computers. 22562

(3) The product to be purchased is personal protective 22563
equipment and the purchase is completed during the period of the 22564
emergency declared by Executive Order 2020-01D, issued on March 9, 22565
2020. 22566

For purposes of this division: 22567

"Personal protective equipment" means equipment worn to 22568
minimize exposure to hazards that cause workplace injuries and 22569
illnesses. 22570

"Unanimous vote" means all three members of a board of county 22571
commissioners when all three members are present, or two members 22572
of the board if only two members, constituting a quorum, are 22573
present. 22574

Whenever a contract of purchase, lease, or construction is 22575
exempted from competitive bidding under division (A)(1) of this 22576
section because the estimated cost is less than one hundred 22577
twenty-five thousand dollars, but the estimated cost is ~~fifty~~ 22578
~~thousand dollars~~ the amount specified in section 9.17 of the 22579
Revised Code or more, the county or contracting authority shall 22580
solicit informal estimates from no fewer than three persons who 22581
could perform the contract, before awarding the contract. With 22582
regard to each such contract, the county or contracting authority 22583
shall maintain a record of such estimates, including the name of 22584
each person from whom an estimate is solicited. The county or 22585
contracting authority shall maintain the record for the longer of 22586
at least one year after the contract is awarded or the amount of 22587
time the federal government requires. 22588

(B)(1) The purchase consists of supplies or a replacement or 22589
supplemental part or parts for a product or equipment owned or 22590
leased by the county, and the only source of supply for the 22591
supplies, part, or parts is limited to a single supplier. 22592

(2) The purchase consists of services related to information 22593
technology, such as programming services, that are proprietary or 22594
limited to a single source. 22595

(C) The purchase is from the federal government, the state, 22596
another county or contracting authority of another county, or a 22597
board of education, educational service center, township, or 22598
municipal corporation. 22599

(D) The purchase is made by a county department of job and 22600
family services under section 329.04 of the Revised Code and 22601
consists of family services duties or workforce development 22602
activities or is made by a county board of developmental 22603
disabilities under section 5126.05 of the Revised Code and 22604
consists of program services, such as direct and ancillary client 22605
services, child care, case management services, residential 22606

services, and family resource services. 22607

(E) The purchase consists of criminal justice services, 22608
social services programs, family services, or workforce 22609
development activities by the board of county commissioners from 22610
nonprofit corporations or associations under programs funded by 22611
the federal government or by state grants. 22612

(F) The purchase consists of any form of an insurance policy 22613
or contract authorized to be issued under Title XXXIX of the 22614
Revised Code or any form of health care plan authorized to be 22615
issued under Chapter 1751. of the Revised Code, or any combination 22616
of such policies, contracts, plans, or services that the 22617
contracting authority is authorized to purchase, and the 22618
contracting authority does all of the following: 22619

(1) Determines that compliance with the requirements of this 22620
section would increase, rather than decrease, the cost of the 22621
purchase; 22622

(2) Requests issuers of the policies, contracts, plans, or 22623
services to submit proposals to the contracting authority, in a 22624
form prescribed by the contracting authority, setting forth the 22625
coverage and cost of the policies, contracts, plans, or services 22626
as the contracting authority desires to purchase; 22627

(3) Negotiates with the issuers for the purpose of purchasing 22628
the policies, contracts, plans, or services at the best and lowest 22629
price reasonably possible. 22630

(G) The purchase consists of computer hardware, software, or 22631
consulting services that are necessary to implement a computerized 22632
case management automation project administered by the Ohio 22633
prosecuting attorneys association and funded by a grant from the 22634
federal government. 22635

(H) Child care services are purchased for provision to county 22636
employees. 22637

(I)(1) Property, including land, buildings, and other real	22638
property, is leased for offices, storage, parking, or other	22639
purposes, and all of the following apply:	22640
(a) The contracting authority is authorized by the Revised	22641
Code to lease the property.	22642
(b) The contracting authority develops requests for proposals	22643
for leasing the property, specifying the criteria that will be	22644
considered prior to leasing the property, including the desired	22645
size and geographic location of the property.	22646
(c) The contracting authority receives responses from	22647
prospective lessors with property meeting the criteria specified	22648
in the requests for proposals by giving notice in a manner	22649
substantially similar to the procedures established for giving	22650
notice under section 307.87 of the Revised Code.	22651
(d) The contracting authority negotiates with the prospective	22652
lessors to obtain a lease at the best and lowest price reasonably	22653
possible considering the fair market value of the property and any	22654
relocation and operational costs that may be incurred during the	22655
period the lease is in effect.	22656
(2) The contracting authority may use the services of a real	22657
estate appraiser to obtain advice, consultations, or other	22658
recommendations regarding the lease of property under this	22659
division.	22660
(J) The purchase is made pursuant to section 5139.34 or	22661
sections 5139.41 to 5139.46 of the Revised Code and is of programs	22662
or services that provide case management, treatment, or prevention	22663
services to any felony or misdemeanor delinquent, unruly youth,	22664
or status offender under the supervision of the juvenile court,	22665
including, but not limited to, community residential care, day	22666
treatment, services to children in their home, or electronic	22667
monitoring.	22668

(K) The purchase is made by a public children services agency 22669
pursuant to section 307.92 or 5153.16 of the Revised Code and 22670
consists of family services, programs, or ancillary services that 22671
provide case management, prevention, or treatment services for 22672
children at risk of being or alleged to be abused, neglected, or 22673
dependent children. 22674

(L) The purchase is to obtain the services of emergency 22675
medical service organizations under a contract made by the board 22676
of county commissioners pursuant to section 307.05 of the Revised 22677
Code with a joint emergency medical services district. 22678

(M) The county contracting authority determines that the use 22679
of competitive sealed proposals would be advantageous to the 22680
county and the contracting authority complies with section 307.862 22681
of the Revised Code. 22682

(N) The purchase consists of used supplies and is made at a 22683
public auction. 22684

Any issuer of policies, contracts, plans, or services listed 22685
in division (F) of this section and any prospective lessor under 22686
division (I) of this section may have the issuer's or prospective 22687
lessor's name and address, or the name and address of an agent, 22688
placed on a special notification list to be kept by the 22689
contracting authority, by sending the contracting authority that 22690
name and address. The contracting authority shall send notice to 22691
all persons listed on the special notification list. Notices shall 22692
state the deadline and place for submitting proposals. The 22693
contracting authority shall mail the notices at least six weeks 22694
prior to the deadline set by the contracting authority for 22695
submitting proposals. Every five years the contracting authority 22696
may review this list and remove any person from the list after 22697
mailing the person notification of that action. 22698

Any contracting authority that negotiates a contract under 22699

division (F) of this section shall request proposals and negotiate 22700
with issuers in accordance with that division at least every three 22701
years from the date of the signing of such a contract, unless the 22702
parties agree upon terms for extensions or renewals of the 22703
contract. Such extension or renewal periods shall not exceed six 22704
years from the date the initial contract is signed. 22705

Any real estate appraiser employed pursuant to division (I) 22706
of this section shall disclose any fees or compensation received 22707
from any source in connection with that employment. 22708

As used in division (N) of this section, "supplies" means any 22709
personal property including equipment, materials, and other 22710
tangible assets. 22711

Sec. 307.861. The county or contracting authority, as defined 22712
in section 307.92 of the Revised Code, may renew a lease which has 22713
been entered into for electronic data processing equipment, 22714
services, or systems, or a radio communications system at a cost 22715
in excess of ~~fifty thousand dollars~~ the amount specified in 22716
section 9.17 of the Revised Code as follows: 22717

(A) The lessor shall submit a written bid to the county or 22718
contracting authority that is the lessee under the lease, stating 22719
the terms under which the lease would be renewed, including the 22720
length of the renewal lease, and the cost of the renewal lease to 22721
the county or contracting authority. The county or contracting 22722
authority may require the lessor to submit a bond with the bid. 22723

(B) The county or contracting authority shall advertise for 22724
and receive competitive bids, as provided in sections 307.87 to 22725
307.90 of the Revised Code, for a lease under the same terms and 22726
for the same period as provided in the bid of the lessor submitted 22727
under division (A) of this section. 22728

(C) The county or contracting authority may renew the lease 22729

with the lessor only if the bid submitted by the lessor under 22730
division (A) of this section is an amount less than the lowest and 22731
best bid submitted pursuant to competitive bidding under division 22732
(B) of this section. 22733

Sec. 307.87. Where competitive bidding is required by section 22734
307.86 of the Revised Code, notice thereof shall be given in the 22735
following manner: 22736

(A) Notice shall be published once a week for not less than 22737
two consecutive weeks preceding the day of the opening of bids in 22738
a newspaper of general circulation within the county for any 22739
purchase, lease, lease with option or agreement to purchase, or 22740
construction contract in excess of fifty thousand dollars. The 22741
contracting authority may also cause notice to be inserted in 22742
trade papers or other publications designated by it or to be 22743
distributed by electronic means, including posting the notice on 22744
the contracting authority's internet site on the world wide web. 22745
If the contracting authority posts the notice on that location on 22746
the world wide web, it may eliminate the second notice otherwise 22747
required to be published in a newspaper of general circulation 22748
within the county, provided that the first notice published in 22749
such a newspaper meets all of the following requirements: 22750

(1) It is published at least two weeks before the opening of 22751
bids. 22752

(2) It includes a statement that the notice is posted on the 22753
contracting authority's internet site on the world wide web. 22754

(3) It includes the internet address of the contracting 22755
authority's internet site on the world wide web. 22756

(4) It includes instructions describing how the notice may be 22757
accessed on the contracting authority's internet site on the world 22758
wide web. 22759

(B) Notices shall state all of the following:	22760
(1) A general description of the subject of the proposed contract and the time and place where the plans and specifications or itemized list of supplies, facilities, or equipment and estimated quantities can be obtained or examined;	22761 22762 22763 22764
(2) The time and place where bids will be opened;	22765
(3) The time and place for filing bids;	22766
(4) The terms of the proposed purchase;	22767
(5) Conditions under which bids will be received;	22768
(6) The existence of a system of preference, if any, for products mined and produced in Ohio and the United States adopted pursuant to section 307.90 of the Revised Code.	22769 22770 22771
(C) The contracting authority shall also maintain in a public place in its office or other suitable public place a bulletin board upon which it shall post and maintain a copy of such notice for at least two weeks preceding the day of the opening of the bids.	22772 22773 22774 22775 22776
Sec. 307.90. (A) The award of all contracts subject to sections 307.86 to 307.92 of the Revised Code shall be made to the lowest and best bidder. The bond or bid guaranty of all unsuccessful bidders shall be returned to them by the contracting authority immediately upon awarding the contract or rejection of all bids. The contracting authority may reject all bids.	22777 22778 22779 22780 22781 22782
(B) With respect to any contract for the purchase of equipment, materials, supplies, insurance, services, or a public improvement into which a county or its officers may enter, a board of county commissioners, by resolution, may adopt the model system of preferences for products mined or produced in Ohio and the United States and for Ohio based contractors promulgated pursuant to division (E) of section 125.11 of the Revised Code. The	22783 22784 22785 22786 22787 22788 22789

~~resolution shall specify the class or classes of contracts to 22790
which the system of preferences apply, and once adopted, operates 22791
to modify the awarding of such contracts accordingly. While the 22792
system of preferences is in effect, no county officer or employee 22793
with the responsibility for doing so shall award a contract to 22794
which the system applies in violation of the preference system. 22795~~

Sec. 308.13. (A) The board of trustees of a regional airport 22796
authority or any officer or employee designated by such board may 22797
make without competitive bidding any contract for any purchase, 22798
lease, lease with option or agreement to purchase any property, or 22799
any construction contract for any work, the cost of which shall 22800
not exceed ~~fifty thousand dollars~~ the amount specified in section 22801
9.17 of the Revised Code. Any purchase, lease, lease with option 22802
or agreement to purchase, or construction contract in excess of 22803
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 22804
Revised Code shall require that a notice calling for bids be 22805
published once a week for not less than two consecutive weeks 22806
preceding the day of the opening of the bids in a newspaper of 22807
general circulation within the territorial boundaries of the 22808
regional airport authority. The regional airport authority also 22809
may cause notice to be inserted in trade papers or other 22810
publications designated by it or to be distributed by electronic 22811
means, including posting the notice on the internet site on the 22812
world wide web of the regional airport authority. If the 22813
contracting authority posts the notice on that internet web site, 22814
the requirement that a second notice be published in a newspaper 22815
of general circulation within the territorial boundaries of the 22816
regional airport authority does not apply provided the first 22817
notice published in that newspaper meets all of the following 22818
requirements: 22819

(1) It is published at least two weeks prior to the day of 22820
the opening of the bids. 22821

(2) It includes a statement that the notice is posted on the internet site on the world wide web of the regional airport authority. 22822
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22824

(3) It includes the internet address of the internet site on the world wide web of the regional airport authority. 22825
22826

(4) It includes instructions describing how the notice may be accessed on the internet site on the world wide web of the regional airport authority. 22827
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22829

No purchase, lease, project, or other transaction subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section. 22830
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If the bid is for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, it shall meet the requirements of section 153.54 of the Revised Code. If the bid is for any other contract authorized by this section, it shall be accompanied by a good and approved bond with ample security conditioned on the carrying out of the contract as determined by the board. The board may let the contract to the lowest and best bidder. Such contract shall be in writing and shall be accompanied by or shall refer to plans and specifications for the work to be done, as approved by the board. The plans and specifications at all times shall be made and considered part of the contract. The contract shall be approved by the board and signed by its chief executive officer and by the contractor, and shall be executed in duplicate. 22834
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(B) The competitive bidding procedures described in division (A) of this section do not apply in any of the following circumstances: 22848
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(1) The board of trustees of a regional airport authority, by a majority vote of its members present at any meeting, determines 22851
22852

that a real and present emergency exists under any of the 22853
following conditions, and the board enters its determination and 22854
the reasons for it in its proceedings: 22855

(a) Affecting safety, welfare, or the ability to deliver 22856
services; 22857

(b) Arising out of an interruption of contracts essential to 22858
the provision of daily air services and other services related to 22859
the airport; 22860

(c) Involving actual physical damage to structures, supplies, 22861
equipment, or property requiring immediate repair or replacement. 22862

(2) The purchase consists of goods or services, or any 22863
combination thereof, and after reasonable inquiry the board or any 22864
officer or designee of the board finds that only one source of 22865
supply is reasonably available. 22866

(3) The expenditure is for a renewal or renegotiation of a 22867
lease or license for telecommunications or informational 22868
technology equipment, services, or systems, or for the upgrade of 22869
such equipment, services, or systems, or for the maintenance 22870
thereof as supplied by the original source or its successors or 22871
assigns. 22872

(4) The purchase of goods or services is made from another 22873
political subdivision, public agency, public transit system, 22874
regional transit authority, the state, or the federal government, 22875
or as a third-party beneficiary under a state or federal 22876
procurement contract, or as a participant in a department of 22877
administrative services contract under division (B) of section 22878
125.04 of the Revised Code or under an approved purchasing plan of 22879
this state. 22880

(5) The purchase substantially involves services of a 22881
personal, professional, highly technical, or scientific nature, 22882
including the services of an attorney, physician, engineer, 22883

architect, surveyor, appraiser, investigator, adjuster, 22884
advertising consultant, or licensed broker, or involves the 22885
special skills or proprietary knowledge required for the operation 22886
of the airport owned by the regional transit authority. 22887

(6) Services or supplies are available from a qualified 22888
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 22889
Revised Code. 22890

(7) The purchase consists of the product or services of a 22891
public utility. 22892

Sec. 308.21. (A) The board of trustees of a regional airport 22893
authority, the board of directors of a port authority, or the 22894
legislative authority of a municipal corporation that owns, 22895
operates, or maintains a qualifying airport may, by resolution 22896
adopted before January 1, 2024, create an airport development 22897
district for the purpose of developing and implementing plans for 22898
public infrastructure improvements that benefit the qualifying 22899
airport and to finance expenditures to attract or retain airlines, 22900
increase the number of scheduled flights to and from the 22901
qualifying airport, or increase use of the airport by aircraft 22902
having greater passenger capacity or greater first-class seating 22903
availability. The resolution shall include a development plan for 22904
the district that, at minimum, specifies all of the following: 22905

(1) The manner in which the nonprofit corporation that is to 22906
govern the district will be formed, operated, and organized; 22907

(2) The manner in which the board of directors of the 22908
nonprofit corporation that is to govern the district are 22909
appointed; 22910

(3) A plan for the public infrastructure improvements and 22911
other expenditures to be financed by the district; 22912

(4) A description of the territory of the district, which 22913

shall consist of all parcels of real property that are located 22914
within five miles of the qualifying airport. For the purpose of 22915
this division, a parcel is located within five miles of a 22916
qualifying airport if the distance between any portion of the 22917
parcel and any portion of the qualifying airport is five miles or 22918
less. 22919

(B) After adopting a resolution under division (A) of this 22920
section, the board of trustees of the regional airport authority, 22921
board of directors of the port authority, or legislative authority 22922
of the municipal corporation shall submit a copy to the director 22923
of development ~~services~~. 22924

(C) An airport development district is not a political 22925
subdivision for any purpose prescribed in the Revised Code. A 22926
district shall be considered a public agency under section 102.01 22927
of the Revised Code and a public authority under section 4115.03 22928
of the Revised Code. Districts are subject to sections 121.22 and 22929
121.23 of the Revised Code, but are not subject to sections 121.81 22930
to ~~121.83~~ 121.82 of the Revised Code. 22931

Sec. 317.08. (A) The county recorder shall record all 22932
instruments in one general record series to be known as the 22933
"official records." The county recorder shall record in the 22934
official records all of the following instruments that are 22935
presented for recording, upon payment of the fees prescribed by 22936
law: 22937

(1) Deeds and other instruments of writing for the absolute 22938
and unconditional sale or conveyance of lands, tenements, and 22939
hereditaments; 22940

(2) Notices as provided in sections 5301.47 to 5301.56 of the 22941
Revised Code; 22942

(3) Judgments or decrees in actions brought under section 22943

5303.01 of the Revised Code;	22944
(4) Declarations and bylaws, and all amendments to	22945
declarations and bylaws, as provided in Chapter 5311. of the	22946
Revised Code;	22947
(5) Affidavits as provided in sections 5301.252 and 5301.56	22948
of the Revised Code;	22949
(6) Certificates as provided in section 5311.17 of the	22950
Revised Code;	22951
(7) Articles dedicating archaeological preserves accepted by	22952
the director of the Ohio history connection under section 149.52	22953
of the Revised Code;	22954
(8) Articles dedicating nature preserves accepted by the	22955
director of natural resources under section 1517.05 of the Revised	22956
Code;	22957
(9) Conveyances of conservation easements and agricultural	22958
easements under section 5301.68 of the Revised Code;	22959
(10) Instruments extinguishing agricultural easements under	22960
section 901.21 or 5301.691 of the Revised Code or pursuant to the	22961
terms of such an easement granted to a charitable organization	22962
under section 5301.68 of the Revised Code;	22963
(11) Instruments or orders described in division (B)(2)(b) of	22964
section 5301.56 of the Revised Code;	22965
(12) No further action letters issued under section 122.654	22966
or 3746.11 of the Revised Code;	22967
(13) Covenants not to sue issued under section 3746.12 of the	22968
Revised Code, including all covenants not to sue issued pursuant	22969
to section 122.654 of the Revised Code;	22970
(14) Restrictions on the use of property contained in a no	22971
further action letter issued under section 122.654 of the Revised	22972
Code, restrictions on the use of property identified pursuant to	22973

division (C)(3)(a) of section 3746.10 of the Revised Code, and	22974
restrictions on the use of property contained in a deed or other	22975
instrument as provided in division (E) or (F) of section 3737.882	22976
of the Revised Code;	22977
(15) Any easement executed or granted under section 3734.22,	22978
3734.24, 3734.25, or 3734.26 of the Revised Code;	22979
(16) Any environmental covenant entered into in accordance	22980
with sections 5301.80 to 5301.92 of the Revised Code;	22981
(17) Memoranda of trust, as described in division (A) of	22982
section 5301.255 of the Revised Code, that describe specific real	22983
property;	22984
(18) Agreements entered into under section 1506.44 of the	22985
Revised Code;	22986
(19) Mortgages, including amendments, supplements,	22987
modifications, and extensions of mortgages, or other instruments	22988
of writing by which lands, tenements, or hereditaments are or may	22989
be mortgaged or otherwise conditionally sold, conveyed, affected,	22990
or encumbered;	22991
(20) Executory installment contracts for the sale of land	22992
executed after September 29, 1961, that by their terms are not	22993
required to be fully performed by one or more of the parties to	22994
them within one year of the date of the contracts;	22995
(21) Options to purchase real estate, including supplements,	22996
modifications, and amendments of the options, but no option of	22997
that nature shall be recorded if it does not state a specific day	22998
and year of expiration of its validity;	22999
(22) Any tax certificate sold under section 5721.33 of the	23000
Revised Code, or memorandum of it, that is presented for filing of	23001
record;	23002
(23) Powers of attorney, including all memoranda of trust, as	23003

described in division (A) of section 5301.255 of the Revised Code, 23004
that do not describe specific real property; 23005

(24) Plats and maps of town lots, of the subdivision of town 23006
lots, and of other divisions or surveys of lands, any center line 23007
survey of a highway located within the county, the plat of which 23008
shall be furnished by the director of transportation or county 23009
engineer, and all drawings and amendments to drawings, as provided 23010
in Chapter 5311. of the Revised Code; 23011

(25) Leases, memoranda of leases, and supplements, 23012
modifications, and amendments of leases and memoranda of leases, 23013
including a lease described in section 5301.09 of the Revised 23014
Code; 23015

(26) Declarations executed pursuant to section 2133.02 of the 23016
Revised Code and durable powers of attorney for health care 23017
executed pursuant to section 1337.12 of the Revised Code; 23018

(27) Unemployment compensation liens, internal revenue tax 23019
liens, and other liens in favor of the United States as described 23020
in division (A) of section 317.09 of the Revised Code, personal 23021
tax liens, mechanic's liens, agricultural product liens, notices 23022
of liens, certificates of satisfaction or partial release of 23023
estate tax liens, discharges of recognizances, excise and 23024
franchise tax liens on corporations, broker's liens, and liens 23025
provided for in section 1513.33, 1513.37, 3752.13, 4141.23, 23026
~~5111.022~~ 5164.56, or 5311.18 of the Revised Code; ~~and~~ 23027

(28) Corrupt activity lien notices filed pursuant to section 23028
2923.36 of the Revised Code and medicaid fraud lien notices filed 23029
pursuant to section 2933.75 of the Revised Code; 23030

(29) Deeds for the purchase of burial lots or other interment 23031
rights under section 517.07 of the Revised Code. 23032

(B) All instruments or memoranda of instruments entitled to 23033
record shall be recorded in the order in which they are presented 23034

for recording. 23035

The recording of an option to purchase real estate, including 23036
any supplement, modification, and amendment of the option, under 23037
this section shall serve as notice to any purchaser of an interest 23038
in the real estate covered by the option only during the period of 23039
the validity of the option as stated in the option. 23040

(C) In addition to the official records, a county recorder 23041
may elect to keep a separate set of records that contain the 23042
instruments listed in division (A)(24) of this section. 23043

(D) As part of the official records, the county recorder 23044
shall keep a separate set of records containing all transfers, 23045
conveyances, or assignments of any type of tangible or intangible 23046
personal property or any rights or interests in that property if 23047
and to the extent that any person wishes to record that personal 23048
property transaction and if the applicable instrument is 23049
acknowledged before a notary public. If the transferor is a 23050
natural person, the notice of personal property transfer shall be 23051
recorded in the county in this state in which the transferor 23052
maintains the transferor's principal residence. If the transferor 23053
is not a natural person, the notice of personal property transfer 23054
shall be recorded in the county in this state in which the 23055
transferor maintains its principal place of business. If the 23056
transferor does not maintain a principal residence or a principal 23057
place of business in this state and the transfer is to a trustee 23058
of a legacy trust formed pursuant to Chapter 5816. of the Revised 23059
Code, the notice of personal property transfer shall be recorded 23060
in the county in this state where that trustee maintains a 23061
principal residence or principal place of business. In all other 23062
instances, the notice of personal property transfer shall be 23063
recorded in the county in this state where the property described 23064
in the notice is located. 23065

Sec. 317.13. (A) Except as otherwise provided in division (B) 23066
of this section, the county recorder shall record in the official 23067
records, in legible handwriting, typewriting, or printing, or by 23068
any authorized photographic or electronic process, all deeds, 23069
mortgages, plats, or other instruments of writing that are 23070
required or authorized by the Revised Code to be recorded and that 23071
are presented to the county recorder for that purpose. The county 23072
recorder shall record the instruments in regular succession, 23073
according to the priority of presentation, and shall enter the 23074
file number at the beginning of the record. On the record of each 23075
instrument, the county recorder shall record the date and precise 23076
time the instrument was presented for record. All records made, 23077
prior to July 28, 1949, by means authorized by this section or by 23078
section 9.01 of the Revised Code shall be deemed properly made. 23079

~~(B)(1)~~ The county recorder may refuse to record an 23080
instrument of writing presented for recording if the instrument is 23081
not required or authorized by the Revised Code to be recorded or 23082
the county recorder has reasonable cause to believe the instrument 23083
is materially false or fraudulent. ~~This division~~ 23084

(2) The county recorder shall refuse to record a 23085
right-to-list home sale agreement described in division (B) of 23086
section 5301.94 of the Revised Code. 23087

Division (B) of this section does not create a duty upon a 23088
recorder to inspect, evaluate, or investigate an instrument of 23089
writing, including a right-to-list home sale agreement, that is 23090
presented for recording. 23091

(C) If a person presents an instrument of writing to the 23092
county recorder for recording and the county recorder, pursuant to 23093
division (B) of this section, refuses to record the instrument, 23094
the person has a cause of action for an order from the court of 23095
common pleas in the county that the county recorder serves, to 23096

require the county recorder to record the instrument. If the court 23097
determines that the instrument is required or authorized by the 23098
Revised Code to be recorded ~~and~~, is not materially false or 23099
fraudulent, and is not a right-to-list home sale agreement, it 23100
shall order the county recorder to record the instrument. 23101

(D) The county recorder shall keep confidential information 23102
that is subject to a real property confidentiality notice under 23103
section 111.431 of the Revised Code, in accordance with that 23104
section. A copy of the real property confidentiality notice shall 23105
accompany subsequent recordings of the property, unless the 23106
program participant's certification has been canceled under 23107
section 111.431 or 111.45 of the Revised Code. 23108

Sec. 317.321. (A) Not later than the first day of October of 23109
any year, the county recorder may submit to the board of county 23110
commissioners a proposal for funding any of the following: 23111

(1) The acquisition and maintenance of imaging and other 23112
technological equipment and contract services therefor; 23113

(2) To reserve funds for the office's future technology needs 23114
if the county recorder has no immediate plans for the acquisition 23115
of imaging and other technological equipment or contract services, 23116
or to use the county recorder's technology fund as a dedicated 23117
revenue source to repay debt to purchase any imaging and other 23118
technological equipment before the accumulation of adequate 23119
resources to purchase the equipment with cash. 23120

(3) Subject to division (G) of this section, for other 23121
expenses associated with the acquisition and maintenance of 23122
imaging and other technological equipment and contract services. 23123

(B) The proposal shall be in writing and shall include at 23124
least the following: 23125

(1) A request that an amount not to exceed eight dollars of 23126

the total base fees collected for filing or recording a document 23127
for which a fee is charged as required by division (A)(1) of 23128
section 317.32 or by section 1309.525 or 5310.15 of the Revised 23129
Code be placed in the county treasury to the credit of the county 23130
recorder's technology fund; 23131

(2) Except as provided in division (E)(3) of this section, 23132
the number of years, not to exceed five, for which the county 23133
recorder requests that the amount requested under division (A)(1) 23134
of this section be given the designation specified in that 23135
division; 23136

(3) An estimate of the total amount of fees that will be 23137
generated for filing or recording a document for which a fee is 23138
charged as required by division (A)(1) or (2) of section 317.32 of 23139
the Revised Code or by section 1309.525 or 5310.15 of the Revised 23140
Code; 23141

(4) An estimate of the total amount of fees for filing or 23142
recording a document for which a fee is charged as required by 23143
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 23144
5310.15 of the Revised Code that will be credited to the county 23145
recorder's technology fund if the request submitted under division 23146
(B)(1) of this section is approved by the board of county 23147
commissioners. 23148

(C) A proposal for the purposes of division (A)(1) of this 23149
section shall include a description or summary of the imaging and 23150
other technological equipment that the county recorder proposes to 23151
acquire and maintain, and the nature of contract services that the 23152
county recorder proposes to utilize, if the proposal is for those 23153
purposes. A proposal for the purposes of division (A)(2) of this 23154
section shall explain the general future technology needs of the 23155
office for imaging and other technological equipment, or for 23156
revenue to repay debt, if the proposal is for those purposes. A 23157
proposal for the purposes of division (A)(3) of this section shall 23158

identify the other expenses associated with the acquisition and 23159
maintenance of imaging and other technological equipment and 23160
contract services that the county recorder proposes to pay with 23161
moneys in the county recorder's technology fund, if the proposal 23162
is for those purposes. 23163

(D) The board of county commissioners shall receive a 23164
proposal and the clerk shall enter it on the journal. At the same 23165
time, the board shall establish a date, not sooner than fifteen or 23166
later than thirty days after the board receives the proposal, on 23167
which to meet with the recorder to review the proposal. 23168

(E)(1) Except as provided in division (E)(3) of this section, 23169
not later than the fifteenth day of December of any year in which 23170
a proposal is submitted under division (A) of this section, the 23171
board of county commissioners shall approve, reject, or modify the 23172
proposal and notify the county recorder of its action on the 23173
proposal. If the board rejects or modifies the proposal, it shall 23174
make a written finding that the request is for a purpose other 23175
than for a purpose in division (A) of this section, or that the 23176
amount requested is excessive as determined by the board. 23177

(2) A proposal submitted under division (A) of this section 23178
that was approved by the board of county commissioners before, and 23179
is in effect on ~~the effective date of this amendment~~ the effective 23180
date of this amendment, shall continue in effect until January 1, 23181
~~2025~~ 2030, notwithstanding the number of years of funding 23182
specified in the approved proposal. 23183

(3) A proposal submitted under division (A) of this section 23184
between October 1, 2019, and October 1, ~~2023~~ 2028, may request 23185
that an amount that does not exceed three dollars be credited to 23186
the county recorder's technology fund, in addition to the amount 23187
previously approved by the board of county commissioners in a 23188
proposal described in division (E)(2) of this section. The 23189
proposal may be submitted each year during that time period, but 23190

shall be limited to funding in the following fiscal year. If the 23191
total of the amount under division (E)(2) of this section and the 23192
amount requested under this division does not exceed eight 23193
dollars, the board shall approve the proposal and notify the 23194
county recorder of its approval. 23195

(4) If the total amount of fees provided for in divisions 23196
(B), (E)(2), and (E)(3) of this section is less than eight 23197
dollars, a proposal requesting additional fees may be submitted to 23198
the board of county commissioners under division (E)(1) of this 23199
section, as long as the total amount of the fees in divisions (B) 23200
and (E)(2), (3), and (4) of this section that are to be credited 23201
to the county recorder's technology fund does not exceed eight 23202
dollars, and the proposal is for a number of years, not to exceed 23203
five. 23204

(5) When a proposal is approved by the board of county 23205
commissioners under division (E) of this section, the county 23206
recorder's technology fund is established in the county treasury, 23207
and, beginning on the following first day of January, the fees 23208
approved shall be deposited in that fund. 23209

(F) The acquisition and maintenance of imaging and other 23210
technological equipment, and other associated expenses and 23211
contract services therefor, shall be specifically governed by 23212
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 23213
and 5705.38, and by division (D) of section 5705.41 of the Revised 23214
Code. 23215

(G) If the use of the county recorder's technology fund for 23216
the purposes of division (A)(3) of this section includes 23217
associated expenses for personnel, the use of the fund for 23218
personnel shall be strictly confined to personnel directly related 23219
to imaging and other technological equipment, and any compensation 23220
increases for those personnel shall not exceed the average of the 23221
annual aggregate percentage increase or decrease in the 23222

compensation fixed by the board of county commissioners for their 23223
employees, and for the officers in section 325.27 of the Revised 23224
Code. Use of the fund for compensation bonuses, or for recognizing 23225
outstanding employee performance in a manner described in section 23226
325.25 of the Revised Code, is prohibited. 23227

(H) If a county is under a fiscal caution under section 23228
118.025 of the Revised Code, or is under a fiscal watch or fiscal 23229
emergency as defined in section 118.01 of the Revised Code, the 23230
board of county commissioners, notwithstanding sections 5705.14 to 23231
5705.16 of the Revised Code, may transfer from the county 23232
recorder's technology fund any moneys the board deems necessary. 23233

Sec. 319.202. Before the county auditor indorses any real 23234
property conveyance or manufactured or mobile home conveyance 23235
presented to the auditor pursuant to section 319.20 of the Revised 23236
Code or registers any manufactured or mobile home conveyance 23237
pursuant to section 4503.061 of the Revised Code, the grantee or 23238
the grantee's representative shall submit in triplicate, either 23239
electronically or three written copies of, a statement, in the 23240
form prescribed by the tax commissioner, and other information as 23241
the county auditor may require, declaring the value of real 23242
property or manufactured or mobile home conveyed, except that when 23243
the transfer is exempt under division (G)(3) of section 319.54 of 23244
the Revised Code only a statement of the reason for the exemption 23245
shall be required. Each statement submitted under this section 23246
shall contain the information required under divisions (A) and (B) 23247
of this section. 23248

(A) Each statement submitted under this section shall either: 23249

(1) Contain an affirmation by the grantee that the grantor 23250
has been asked by the grantee or the grantee's representative 23251
whether to the best of the grantor's knowledge either the 23252
preceding or the current year's taxes on the real property or the 23253

current or following year's taxes on the manufactured or mobile 23254
home conveyed will be reduced under division (A) of section 23255
323.152 or under section 4503.065 of the Revised Code and that the 23256
grantor indicated that to the best of the grantor's knowledge the 23257
taxes will not be so reduced; or 23258

(2) Be accompanied by a sworn or affirmed instrument stating: 23259

(a) To the best of the grantor's knowledge the real property 23260
or the manufactured or mobile home that is the subject of the 23261
conveyance is eligible for and will receive a reduction in taxes 23262
for or payable in the current year under division (A) of section 23263
323.152 or under section 4503.065 of the Revised Code and that the 23264
reduction or reductions will be reflected in the grantee's taxes; 23265

(b) The estimated amount of such reductions that will be 23266
reflected in the grantee's taxes; 23267

(c) That the grantor and the grantee have considered and 23268
accounted for the total estimated amount of such reductions to the 23269
satisfaction of both the grantee and the grantor. The auditor 23270
shall indorse the instrument, return it to the grantee or the 23271
grantee's representative, and provide a copy of the indorsed 23272
instrument to the grantor or the grantor's representative. 23273

(B) Each statement submitted under this section shall either: 23274

(1) Contain an affirmation by the grantee that the grantor 23275
has been asked by the grantee or the grantee's representative 23276
whether to the best of the grantor's knowledge the real property 23277
conveyed qualified for the current agricultural use valuation 23278
under section 5713.30 of the Revised Code either for the preceding 23279
or the current year and that the grantor indicated that to the 23280
best of the grantor's knowledge the property conveyed was not so 23281
qualified; or 23282

(2) Be accompanied by a sworn or affirmed instrument stating: 23283

(a) To the best of the grantor's knowledge the real property 23284
conveyed was qualified for the current agricultural use valuation 23285
under section 5713.30 of the Revised Code either for the preceding 23286
or the current year; 23287

(b) To the extent that the property will not continue to 23288
qualify for the current agricultural use valuation either for the 23289
current or the succeeding year, that the property will be subject 23290
to a recoupment charge equal to the tax savings in accordance with 23291
section 5713.34 of the Revised Code; 23292

(c) That the grantor and the grantee have considered and 23293
accounted for the total estimated amount of such recoupment, if 23294
any, to the satisfaction of both the grantee and the grantor. The 23295
auditor shall indorse the instrument, forward it to the grantee or 23296
the grantee's representative, and provide a copy of the indorsed 23297
instrument to the grantor or the grantor's representative. 23298

(C) The grantor shall pay the fee required by division (G)(3) 23299
of section 319.54 of the Revised Code; and, in the event the board 23300
of county commissioners of the county has levied a real property 23301
or a manufactured home transfer tax pursuant to Chapter 322. of 23302
the Revised Code, the amount required by the real property or 23303
manufactured home transfer tax so levied. If the conveyance is 23304
exempt from the fee provided for in division (G)(3) of section 23305
319.54 of the Revised Code and the tax, if any, levied pursuant to 23306
Chapter 322. of the Revised Code, the reason for such exemption 23307
shall be shown on the statement. "Value" means, in the case of any 23308
deed or certificate of title not a gift in whole or part, the 23309
amount of the full consideration therefor, paid or to be paid for 23310
the real estate or manufactured or mobile home described in the 23311
deed or title, including the amount of any mortgage or vendor's 23312
lien thereon. If property sold under a land installment contract 23313
is conveyed by the seller under such contract to a third party and 23314
the contract has been of record at least twelve months prior to 23315

the date of conveyance, "value" means the unpaid balance owed to 23316
the seller under the contract at the time of the conveyance, but 23317
the statement shall set forth the amount paid under such contract 23318
prior to the date of conveyance. In the case of a gift in whole or 23319
part, "value" means the estimated price the real estate or 23320
manufactured or mobile home described in the deed or certificate 23321
of title would bring in the open market and under the then 23322
existing and prevailing market conditions in a sale between a 23323
willing seller and a willing buyer, both conversant with the 23324
property and with prevailing general price levels. No person shall 23325
willfully falsify the value of property conveyed. 23326

(D) The auditor shall indorse each conveyance on its face to 23327
indicate the amount of the conveyance fee and compliance with this 23328
section and if the property is residential rental property include 23329
a statement that the grantee shall file with the county auditor 23330
the information required under division (A) or (C) of section 23331
5323.02 of the Revised Code. The auditor shall retain the original 23332
copy of the statement of value, forward to the tax commissioner 23333
one copy on which shall be noted the most recent assessed value of 23334
the property, and furnish one copy to the grantee or the grantee's 23335
representative. 23336

(E) In order to achieve uniform administration and collection 23337
of the transfer fee required by division (G)(3) of section 319.54 23338
of the Revised Code, the tax commissioner shall adopt and 23339
promulgate rules for the administration and enforcement of the 23340
levy and collection of such fee. 23341

(F) As used in this section, "residential rental property" 23342
has the same meaning as in section 5323.01 of the Revised Code. 23343

Sec. 323.25. (A) When taxes charged against an entry on the 23344
tax duplicate, or any part of those taxes, are not paid within 23345
sixty days after delivery of the delinquent land duplicate to the 23346

county treasurer as prescribed by section 5721.011 of the Revised Code, the county treasurer shall enforce the lien for the taxes by civil action in the treasurer's official capacity as treasurer, for the sale of such premises in the same way mortgage liens are enforced or for the transfer of such premises to an electing subdivision pursuant to section 323.28 or 323.78 of the Revised Code, in the court of common pleas of the county, in a municipal court with jurisdiction, or in the county board of revision with jurisdiction pursuant to section 323.66 of the Revised Code. Nothing in this section prohibits the treasurer from instituting such an action before the delinquent tax list or delinquent vacant land tax list that includes the premises has been published pursuant to division (B) of section 5721.03 of the Revised Code if the list is not published within the time prescribed by that division.

(B) After the civil action has been instituted, but before the expiration of the applicable redemption period, any person entitled to redeem the land may do so by tendering to the county treasurer an amount sufficient, as determined by the court or board of revision, to pay the taxes, assessments, penalties, interest, and charges then due and unpaid, and the costs incurred in the civil action, and by demonstrating that the property is in compliance with all applicable zoning regulations, land use restrictions, and building, health, and safety codes.

(C) If the delinquent land duplicate lists minerals or rights to minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the Revised Code, the county treasurer may enforce the lien for taxes against such minerals or rights to minerals by civil action, in the treasurer's official capacity as treasurer, in the manner prescribed by this section, or proceed as provided under section 5721.46 of the Revised Code.

(D) If service by publication is necessary, instead of as

provided by the Rules of Civil Procedure, such publication shall 23379
either be made (1) once a week for three consecutive weeks instead 23380
of as provided by the Rules of Civil Procedure, and the service in 23381
a newspaper of general circulation in the county or (2) once in a 23382
newspaper of general circulation in the county and, beginning one 23383
week thereafter, on a web site of the county or of the court, as 23384
selected by the clerk of the court. Publication on the web site 23385
shall continue until one year after the date a finding is entered 23386
under section 323.28 of the Revised Code with respect to such 23387
property. Any notices published on a web site shall identify the 23388
date the notice is first published on the web site. If proceeding 23389
under division (D)(1) of this section, the second and third 23390
publication of the notice may be abbreviated as authorized under 23391
section 7.16 of the Revised Code. 23392

Service shall be complete, if proceeding under division 23393
(D)(1) of this section, at the expiration of three weeks after the 23394
date of the first publication or, if proceeding under division 23395
(D)(2) of this section, the date that is two weeks after the clerk 23396
causes the notice to be published on the selected web site. If the 23397
prosecuting attorney determines that service upon a defendant may 23398
be obtained ultimately only by publication, the prosecuting 23399
attorney may cause service to be made simultaneously by certified 23400
mail, return receipt requested, ordinary mail, and publication. 23401
The 23402

(E) The county treasurer shall not enforce the lien for taxes 23403
against real property to which any of the following applies: 23404

(A)(1) The real property is the subject of an application for 23405
exemption from taxation under section 5715.27 of the Revised Code 23406
and does not appear on the delinquent land duplicate; 23407

(B)(2) The real property is the subject of a valid delinquent 23408
tax contract under section 323.31 of the Revised Code for which 23409
the county treasurer has not made certification to the county 23410

auditor that the delinquent tax contract has become void in 23411
accordance with that section; 23412

~~(C)~~(3) A tax certificate respecting that property has been 23413
sold under section 5721.32 or 5721.33 of the Revised Code; 23414
provided, however, that nothing in this division shall prohibit 23415
the county treasurer or the county prosecuting attorney from 23416
enforcing the lien of the state and its political subdivisions for 23417
taxes against a certificate parcel with respect to any or all of 23418
such taxes that at the time of enforcement of such lien are not 23419
the subject of a tax certificate. 23420

(F) Upon application of the plaintiff, the court shall 23421
advance such cause on the docket, so that it may be first heard. 23422

The court may order that the proceeding be transferred to the 23423
county board of revision if so authorized under section 323.691 of 23424
the Revised Code. 23425

Sec. 323.69. (A) Upon the completion of the title search 23426
required by section 323.68 of the Revised Code, the prosecuting 23427
attorney, representing the county treasurer, the county land 23428
reutilization corporation, or the certificate holder may file with 23429
the clerk of court a complaint for the foreclosure of each parcel 23430
of abandoned land appearing on the abandoned land list, and for 23431
the equity of redemption on each parcel. The complaint shall name 23432
all parties having any interest of record in the abandoned land 23433
that was discovered in the title search. The prosecuting attorney, 23434
county land reutilization corporation, or certificate holder may 23435
file such a complaint regardless of whether the parcel has 23436
appeared on a delinquent tax list or delinquent vacant land tax 23437
list published pursuant to division (B) of section 5721.03 of the 23438
Revised Code. 23439

(B)(1) In accordance with Civil Rule 4, the clerk of court 23440
promptly shall serve notice of the summons and the complaint filed 23441

under division (A) of this section to the last known address of 23442
the record owner of the abandoned land and to the last known 23443
address of each lienholder or other person having a legal or 23444
equitable ownership interest or security interest of record 23445
identified by the title search. The notice shall inform the 23446
addressee that delinquent taxes stand charged against the 23447
abandoned land; that the land will be sold at public auction or 23448
otherwise disposed of if not redeemed by the owner or other 23449
addressee; that the sale or transfer will occur at a date, time, 23450
and place, and in the manner prescribed in sections 323.65 to 23451
323.79 of the Revised Code; that the owner or other addressee may 23452
redeem the land by paying the total of the impositions against the 23453
land at any time before confirmation of sale or transfer of the 23454
parcel as prescribed in sections 323.65 to 323.79 of the Revised 23455
Code or before the expiration of the alternative redemption 23456
period, as may be applicable to the proceeding; that the case is 23457
being prosecuted by the prosecuting attorney of the county in the 23458
name of the county treasurer for the county in which the abandoned 23459
land is located or by a certificate holder, whichever is 23460
applicable; of the name, address, and telephone number of the 23461
county board of revision before which the action is pending; of 23462
the board case number for the action, which shall be maintained in 23463
the official file and docket of the clerk of court; and that all 23464
subsequent pleadings, petitions, and papers associated with the 23465
case and filed by any interested party must be filed with the 23466
clerk of court and will become part of the case file for the board 23467
of revision. 23468

(2) The notice required by division (B)(1) of this section 23469
also shall inform the addressee that any owner of record may, at 23470
any time on or before the fourteenth day after service of process 23471
is perfected, file a pleading with the clerk of court requesting 23472
that the board transfer the case to a court of competent 23473
jurisdiction to be conducted in accordance with the applicable 23474

laws. 23475

(C) Subject to division (D) of this section, subsequent 23476
pleadings, motions, or papers associated with the case and filed 23477
with the clerk of court shall be served upon all parties of record 23478
in accordance with Civil Rules 4 and 5, except that service by 23479
publication in any case requiring such service shall require that 23480
any such publication shall be advertised in the manner, and for 23481
the time periods and frequency, prescribed in section 5721.18 of 23482
the Revised Code. Any inadvertent noncompliance with those rules 23483
does not serve to defeat or terminate the case, or subject the 23484
case to dismissal, as long as actual notice or service of filed 23485
papers is shown by a preponderance of the evidence or is 23486
acknowledged by the party charged with notice or service, 23487
including by having made an appearance or filing in relation to 23488
the case. The county board of revision may conduct evidentiary 23489
hearings on the sufficiency of process, service of process, or 23490
sufficiency of service of papers in any proceeding arising from a 23491
complaint filed under this section. Other than the notice and 23492
service provisions contained in Civil Rules 4 and 5, the Rules of 23493
Civil Procedure shall not be applicable to the proceedings of the 23494
board. The board of revision may utilize procedures contained in 23495
the Rules of Civil Procedure to the extent that such use 23496
facilitates the needs of the proceedings, such as vacating orders, 23497
correcting clerical mistakes, and providing notice to parties. To 23498
the extent not otherwise provided in sections 323.65 to 323.79 of 23499
the Revised Code, the board may apply the procedures prescribed by 23500
sections 323.25 to 323.28 or Chapters 5721., 5722., and 5723. of 23501
the Revised Code. Board practice shall be in accordance with the 23502
practice and rules, if any, of the board that are promulgated by 23503
the board under section 323.66 of the Revised Code and are not 23504
inconsistent with sections 323.65 to 323.79 of the Revised Code. 23505

(D)(1) A party shall be deemed to be in default of the 23506

proceedings in an action brought under sections 323.65 to 323.79 23507
of the Revised Code if either of the following occurs: 23508

(a) The party fails to appear at any hearing after being 23509
served with notice of the summons and complaint by certified or 23510
ordinary mail. 23511

(b) For a party upon whom notice of summons and complaint is 23512
required by publication as provided under section 5721.18 of the 23513
Revised Code and has been considered ~~served~~ complete pursuant to 23514
that section, the party fails to appear, move, or plead to the 23515
complaint within twenty-eight days after service by publication is 23516
~~completed~~ considered complete. 23517

(2) If a party is deemed to be in default pursuant to 23518
division (D)(1) of this section, no further service of any 23519
subsequent pleadings, papers, or proceedings is required on the 23520
party by the court or any other party. 23521

(E) At any time after a foreclosure action is filed under 23522
this section, the county board of revision may, upon its own 23523
motion, transfer the case to a court pursuant to section 323.691 23524
of the Revised Code if it determines that, given the complexity of 23525
the case or other circumstances, a court would be a more 23526
appropriate forum for the action. 23527

Sec. 340.01. (A) As used in this chapter: 23528

(1) "Addiction," "addiction services," "alcohol and drug 23529
addiction services," ~~"alcoholism,"~~ "alcohol use disorder," 23530
"certifiable services and supports," "community addiction services 23531
provider," "community mental health services provider," "drug 23532
addiction," "gambling addiction services," "included opioid and 23533
co-occurring drug addiction services and recovery supports," 23534
"mental health services," "mental illness," "recovery housing 23535
residence," and "recovery supports" have the same meanings as in 23536

section 5119.01 of the Revised Code. 23537

(2) "Medication-assisted treatment" means alcohol and drug 23538
addiction services that are accompanied by medication approved by 23539
the United States food and drug administration for the treatment 23540
of ~~alcoholism~~ alcohol use disorder or drug addiction, prevention 23541
of relapse ~~of alcoholism or drug addiction~~, or both. 23542

~~(3) "Recovery housing" means housing for individuals 23543
recovering from alcoholism or drug addiction that provides an 23544
alcohol and drug free living environment, peer support, assistance 23545
with obtaining alcohol and drug addiction services, and other 23546
alcoholism and drug addiction recovery assistance. 23547~~

(B) An alcohol, drug addiction, and mental health service 23548
district shall be established in any county or combination of 23549
counties having a population of at least fifty thousand. With the 23550
approval of the director of mental health and addiction services, 23551
any county or combination of counties having a population of less 23552
than fifty thousand may establish such a district. Districts 23553
comprising more than one county shall be known as joint-county 23554
districts. 23555

The board of county commissioners of any county participating 23556
in a joint-county district may submit a resolution requesting 23557
withdrawal from the district together with a comprehensive plan or 23558
plans that are in compliance with rules adopted by the director of 23559
mental health and addiction services under section 5119.22 of the 23560
Revised Code, ~~and that provide for the equitable adjustment and 23561
division of all services, assets, property, debts, and 23562
obligations, if any, of the joint-county district to the board of 23563
alcohol, drug addiction, and mental health services, to the boards 23564
of county commissioners of each county in the district, and to the 23565
director. The plan or plans shall include all of the following: 23566
proposed bylaws for the operation of the newly established 23567
district; a list of potential board members; a list of the 23568~~

behavioral health services available in the newly established 23569
district, including inpatient, outpatient, prevention, and housing 23570
services; equitable adjustment and division of all services, 23571
assets, property, debts, and obligations of the former 23572
joint-county district; a plan ensuring no disruption in behavioral 23573
health services in the newly established district; and provision 23574
for the employment of an executive director of the newly 23575
established district. 23576

The director shall approve the plan not later than one year 23577
after the date the resolution was adopted by the board of county 23578
commissioners. No county participating in a joint-county ~~service~~ 23579
district may withdraw from the district without the consent of the 23580
director of mental health and addiction services nor earlier than 23581
one year after the submission of such resolution unless all of the 23582
participating counties agree to an earlier withdrawal. ~~Any~~ 23583

Any county withdrawing from a joint-county district shall 23584
continue to have levied against its tax list and duplicate any tax 23585
levied by the district during the period in which the county was a 23586
member of the district until such time as the levy expires or is 23587
renewed or replaced. 23588

(C) For any tax levied under section 5705.19 of the Revised 23589
Code by a board of a joint-county district formed on or after ~~the~~ 23590
~~effective date of this amendment~~ April 3, 2023, revenue from the 23591
tax shall only be expended for the benefit of the residents of the 23592
county from which the revenue is derived. For the purpose of this 23593
division, a joint-county district is not formed by virtue of a 23594
county joining or withdrawing from a district or if a joint-county 23595
service district merges with another joint-county district. 23596

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 23597
health service district, there shall be appointed a board of 23598
alcohol, drug addiction, and mental health services ~~consisting.~~ As 23599

~~provided in this section, the board shall consist of eighteen 23600
members or, fifteen members, fourteen members, twelve members, or 23601
nine members. Should the board of alcohol, drug addiction, and 23602
mental health services elect to remain at eighteen members, as 23603
provided under section 340.02 of the Revised Code as it existed 23604
immediately prior to the date of this amendment, the board of 23605
alcohol, drug addiction, and mental health services and the board 23606
of county commissioners shall not be required to take any action. 23607
Should the board of alcohol, drug addiction, and mental health 23608
services elect a recommendation to become a fourteen member board, 23609
that recommendation must be approved by the board of county 23610
commissioners of the county in which the alcohol, drug addiction, 23611
and mental health district is located in order for the transition 23612
to a fourteen member board to occur. Not later than September 30, 23613
2013, each board of alcohol, drug addiction, and mental health 23614
services wishing to become a fourteen member board shall notify 23615
the board of county commissioners of that recommendation. Failure 23616
of the board of county commissioners to take action within thirty 23617
days after receipt of the recommendation shall be deemed agreement 23618
by the board of county commissioners to transition to a 23619
fourteen member board of alcohol, drug addiction, and mental 23620
health services. Should the board of county commissioners reject 23621
the recommendation, the board of county commissioners shall adopt 23622
a resolution stating that rejection within thirty days after 23623
receipt of the recommendation. Upon adoption of the resolution, 23624
the board of county commissioners shall meet with the board of 23625
alcohol, drug addiction, and mental health services to discuss the 23626
matter. After the meeting, the board of county commissioners shall 23627
notify the department of mental health and addiction services of 23628
its election not later than January 1, 2014. In a joint county 23629
district, a majority of the boards of county commissioners must 23630
not reject the recommendation of a joint county board to become a 23631~~

~~fourteen member board in order for the transition to a 23632
fourteen member board to occur. Should the joint county district 23633
have an even number of counties, and the boards of county 23634
commissioners of these counties tie in terms of whether or not to 23635
accept the recommendation of the alcohol, drug addiction, and 23636
mental health services board, the recommendation of the alcohol, 23637
drug addiction, and mental health service board to become a 23638
fourteen member board shall prevail. The election shall be final. 23639
Failure to provide notice of its election to the department on or 23640
before January 1, 2014, shall constitute an election to continue 23641
to operate as an eighteen member board, which election shall also 23642
be final. If an existing board provides timely notice of its 23643
election to transition to operate as a fourteen member board, the 23644
number of board members may decline from eighteen to fourteen by 23645
attrition as current members' terms expire. However, the 23646
composition of the board must reflect the requirements set forth 23647
in this section for fourteen member boards. For all boards, half 23648
of the members shall be interested in mental health services and 23649
half of the members shall be interested in alcohol, drug, or 23650
gambling addiction services. 23651~~

In a single-county district, the size of the board shall be 23652
determined by the board of county commissioners representing the 23653
county that constitutes the district. In a joint-county district, 23654
the size of the board shall be determined jointly by all of the 23655
boards of county commissioners representing the counties that 23656
constitute the district. 23657

The determination of board size shall be made by selecting 23658
one of the options described in division (B) of this section. 23659
After an option is selected and implemented, a subsequent 23660
determination of board size may be made, except that subsequent 23661
determinations shall not occur more frequently than once every 23662
four calendar years. 23663

If a selected option would result in a change in board size, 23664
before the option may be implemented the board of county 23665
commissioners or boards of county commissioners, as the case may 23666
be, shall send a representative to a meeting of the board of 23667
alcohol, drug addiction, and mental health services to solicit 23668
feedback about the matter. After considering any feedback 23669
received, the board or boards of county commissioners may proceed 23670
with implementing the change in board size. If the change results 23671
in a reduction of board members, the reduction shall be 23672
implemented by not filling vacancies as they occur. 23673

To implement a selected option that would result in the 23674
establishment of a new board of alcohol, drug addiction, and 23675
mental health services or in a change in size of an existing 23676
board, the board or boards of county commissioners, as the case 23677
may be, shall adopt a resolution specifying the board size that 23678
has been selected. The board or boards of county commissioners 23679
also shall notify the department of mental health and addiction 23680
services of the board size that has been selected. 23681

(B)(1) In the case of a board of alcohol, drug addiction, and 23682
mental health services that is established on or after the 23683
effective date of this amendment, any of the following options may 23684
be selected for purposes of division (A) of this section: 23685

(a) To establish the board as an eighteen-member board; 23686

(b) To establish the board as a fifteen-member board; 23687

(c) To establish the board as a fourteen-member board; 23688

(d) To establish the board as a twelve-member board; 23689

(e) To establish the board as a nine-member board; 23690

(f) To change the board's size after it has been established 23691
by selecting a number of members that is eighteen, fifteen, 23692
fourteen, twelve, or nine, as the case may be. 23693

(2) In the case of a board of alcohol, drug addiction, and mental health services that existed immediately prior to the effective date of this amendment, either of the following options may be selected for purposes of division (A) of this section: 23694
23695
23696
23697

(a) To continue the board's operation as an eighteen-member or fourteen-member board, as a board of that size was authorized prior to the effective date of this amendment, in which case no further action is required; 23698
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23700
23701

(b) To change the board's size by selecting a number of members that is eighteen, fifteen, fourteen, twelve, or nine as the case may be. 23702
23703
23704

(C) All members shall be residents of the service district. The membership shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex. 23705
23706
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23708

~~(B) For boards operating as eighteen member boards, the~~The director of mental health and addiction services shall appoint ~~eight~~ one-third of the members of the board and the board of county commissioners shall appoint ~~ten~~ two-thirds of the members. 23709
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23712
~~For boards operating as fourteen member boards, the director of mental health and addiction services shall appoint six members of the board and the board of county commissioners shall appoint eight members.~~ In a joint-county district, the board of county commissioners of each participating county shall appoint members in as nearly as possible the same proportion as that county's population bears to the total population of the district, except that at least one member shall be appointed from each participating county. 23713
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~~(C)~~ The director of mental health and addiction services shall ensure that at least one member of the board is a clinician with experience in the delivery of mental health services, at 23722
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23724

least one member of the board is a person who has received or is 23725
receiving mental health services, at least one member of the board 23726
is a parent or other relative of such a person, at least one 23727
member of the board is a clinician with experience in the delivery 23728
of addiction services, at least one member of the board is a 23729
person who has received or is receiving addiction services, and at 23730
least one member of the board is a parent or other relative of 23731
such a person. A single member who meets both qualifications may 23732
fulfill the requirement for a clinician with experience in the 23733
delivery of mental health services and a clinician with experience 23734
in the delivery of addiction services. 23735

~~(D)~~ No member or employee of a board of alcohol, drug 23736
addiction, and mental health services shall serve as a member of 23737
the board of any provider with which the board of alcohol, drug 23738
addiction, and mental health services has entered into a contract 23739
for the provision of services or facilities. No member of a board 23740
of alcohol, drug addiction, and mental health services shall be an 23741
employee of any provider with which the board has entered into a 23742
contract for the provision of services or facilities. No person 23743
shall be an employee of a board and such a provider unless the 23744
board and provider both agree in writing. 23745

~~(E)~~ No person shall serve as a member of the board of 23746
alcohol, drug addiction, and mental health services whose spouse, 23747
child, parent, brother, sister, grandchild, stepparent, stepchild, 23748
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 23749
daughter-in-law, brother-in-law, or sister-in-law serves as a 23750
member of the board of any provider with which the board of 23751
alcohol, drug addiction, and mental health services has entered 23752
into a contract for the provision of services or facilities. No 23753
person shall serve as a member or employee of the board whose 23754
spouse, child, parent, brother, sister, stepparent, stepchild, 23755
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 23756

daughter-in-law, brother-in-law, or sister-in-law serves as a 23757
county commissioner of a county or counties in the alcohol, drug 23758
addiction, and mental health service district. 23759

~~(F)~~ Each year each board member shall attend at least one 23760
in-service training session provided or approved by the department 23761
of mental health and addiction services. 23762

~~(G) For boards operating as eighteen member boards, each~~ Each 23763
member shall be appointed for a term of four years, commencing the 23764
first day of July, except that ~~one third of initial appointments~~ 23765
~~to a newly established board, and to the extent possible to~~ 23766
~~expanded boards, shall be for terms of two years, one third of~~ 23767
~~initial appointments shall be for terms of three years, and~~ 23768
~~one third of initial appointments shall be for terms of four~~ 23769
~~years. For boards operating as fourteen member boards, each member~~ 23770
~~shall be appointed for a term of four years, commencing the first~~ 23771
~~day of July, except that four of the initial appointments to a~~ 23772
~~newly established board, and to the extent possible to expanded~~ 23773
~~boards, shall be for terms of two years, five initial appointments~~ 23774
~~shall be for terms of three years, and five initial appointments~~ 23775
~~shall be for terms of four years. No~~ when a board is established 23776
on or after the effective date of this amendment, the initial 23777
appointments shall be staggered among the members as equally as 23778
possible with terms of two years, three years, and four years. 23779

No member shall serve more than two consecutive four-year 23780
terms under the same appointing authority. A member may serve for 23781
three consecutive terms under the same appointing authority only 23782
if one of the terms is for less than two years. A member who has 23783
served two consecutive four-year terms or three consecutive terms 23784
totaling less than ten years is eligible for reappointment by the 23785
same appointing authority one year following the end of the second 23786
or third term, respectively. 23787

When a vacancy occurs, appointment for the expired or 23788

unexpired term shall be made in the same manner as an original 23789
appointment. The board shall notify the appointing authority 23790
either by certified mail or, if the board has record of an 23791
internet identifier of record associated with the authority, by 23792
ordinary mail and by that internet identifier of record of any 23793
vacancy and shall fill the vacancy within sixty days following 23794
that notice. As used in this paragraph, "internet identifier of 23795
record" has the same meaning as in section 9.312 of the Revised 23796
Code. 23797

Any member of the board may be removed from office by the 23798
appointing authority ~~for neglect of duty, misconduct, or~~ 23799
~~malfeasance in office, and shall be removed by the appointing~~ 23800
~~authority if the member is barred by this section from serving as~~ 23801
~~a board member at will. The~~ Before a member may be removed at 23802
will, the member shall be informed in writing of the ~~charges~~ 23803
proposed removal and afforded an opportunity for a public hearing. 23804
Upon the absence of a member within one year from either four 23805
board meetings or from two board meetings without prior notice, 23806
the board shall notify the appointing authority, which may vacate 23807
the appointment and appoint another person to complete the 23808
member's term. 23809

Members of the board shall serve without compensation, but 23810
shall be reimbursed for actual and necessary expenses incurred in 23811
the performance of their official duties, as defined by rules of 23812
the department of mental health and addiction services. 23813

~~(H) As used in this section, "internet identifier of record"~~ 23814
~~has the same meaning as in section 9.312 of the Revised Code.~~ 23815

Sec. 340.022. ~~(A) if~~ Notwithstanding the procedures 23816
established by section 340.02 of the Revised Code for determining 23817
the size of a board of alcohol, drug addiction, and mental health 23818
services, the size of a board shall be determined in accordance 23819

with this section in both of the following circumstances: 23820

(A)(1) If the director of mental health and addiction 23821
services during the period beginning January 1, 2021, and ending 23822
December 31, 2022, grants approval to a board of county 23823
commissioners of a county with a population of at least seventy 23824
thousand but not more than eighty thousand, according to data from 23825
the 2010 federal census, to withdraw from a joint-county alcohol, 23826
drug addiction, and mental health service district pursuant to 23827
section 340.01 of the Revised Code, ~~The~~ the size of the board 23828
shall be determined by the board of county commissioners 23829
representing the county that constitutes the single-county 23830
alcohol, drug addiction, and mental health service district 23831
created as a result of the withdrawal. The determination shall be 23832
made from among the options that may be selected under division 23833
~~(B)~~(A)(2) of this section. Once an option is selected, the board 23834
of county commissioners shall adopt a resolution specifying the 23835
selection that has been made and shall notify the department of 23836
mental health and addiction services. After the resolution is 23837
adopted and the department is notified, the determination of size 23838
is final. 23839

~~(B)~~(1)(2) In the case of a board of alcohol, drug addiction, 23840
and mental health services that is established on or after the 23841
date the director grants the approval to withdraw described in 23842
division ~~(A)~~(A)(1) of this section, ~~any~~ either of the following 23843
options may be selected by the board of county commissioners when 23844
making the determination required under that division: 23845

(a) To establish the board as an eighteen-member board; 23846

(b) To establish the board as a fourteen-member board. 23847

~~(C)~~(3) When a board is established on or after ~~the effective~~ 23848
~~date of this section~~September 30, 2021, the initial appointments 23849
shall be staggered among the members as equally as possible with 23850

terms of two years, three years, and four years. 23851

~~(D)(1) Notwithstanding the membership requirements of section 23852~~
~~340.02 of the Revised Code, if (B)(1) If a county with a population 23853~~
of at least thirty-five thousand but not more than forty-five 23854
thousand, according to data from the 2010 federal census, joins an 23855
existing alcohol, drug addiction, and mental health service 23856
district during the period beginning on June 30, 2021, and ending 23857
June 30, 2023, the existing board of alcohol, drug addiction, and 23858
mental health services serving that district may elect to expand 23859
its membership to eighteen members if the existing board has 23860
fourteen members. 23861

(2) The option to expand the board, as provided in division 23862
~~(D)(1)(B)(1)~~ of this section, is available only during the 23863
twelve-month period beginning on the date the county with a 23864
population of at least thirty-five thousand but not more than 23865
forty-five thousand joins the alcohol, drug addiction, and mental 23866
health service district served by the board. The additional 23867
members shall be appointed in the manner specified in section 23868
340.02 of the Revised Code. 23869

Sec. 340.03. (A) Subject to rules issued by the director of 23870
mental health and addiction services after consultation with 23871
relevant constituencies as required by division (A)(10) of section 23872
5119.21 of the Revised Code, each board of alcohol, drug 23873
addiction, and mental health services shall: 23874

(1) Serve as the community addiction and mental health 23875
planning agency for the county or counties under its jurisdiction, 23876
and in so doing it shall: 23877

(a) Evaluate the need for facility services, addiction 23878
services, mental health services, and recovery supports; 23879

(b) In cooperation with other local and regional planning and 23880

funding bodies and with relevant ethnic organizations, evaluate 23881
strengths and challenges and set priorities for addiction 23882
services, mental health services, and recovery supports. A board 23883
shall include treatment and prevention services when setting 23884
priorities for addiction services and mental health services. When 23885
a board sets priorities for addiction services, the board shall 23886
consult with the county commissioners of the counties in the 23887
board's service district regarding the services described in 23888
section 340.15 of the Revised Code and shall give priority to 23889
those services, except that those services shall not have a 23890
priority over services provided to pregnant women under programs 23891
developed in relation to the mandate established in section 23892
5119.17 of the Revised Code. 23893

(c) In accordance with guidelines issued by the director of 23894
mental health and addiction services under division (F) of section 23895
5119.22 of the Revised Code, annually develop and submit to the 23896
department of mental health and addiction services a community 23897
addiction and mental health plan that addresses both of the 23898
following: 23899

(i) The needs of all residents of the service district 23900
currently receiving inpatient services in state-operated 23901
hospitals, the needs of other populations as required by state or 23902
federal law or programs, and the needs of all children subject to 23903
a determination made pursuant to section 121.38 of the Revised 23904
Code; 23905

(ii) The department's priorities for facility services, 23906
addiction services, mental health services, and recovery supports 23907
during the period for which the plan will be in effect. The 23908
department shall inform all of the boards of the department's 23909
priorities in a timely manner that enables the boards to know the 23910
department's priorities before the boards develop and submit the 23911
plans. 23912

In alcohol, drug addiction, and mental health service 23913
districts that have separate alcohol and drug addiction services 23914
and community mental health boards, the alcohol and drug addiction 23915
services board shall submit a community addiction plan and the 23916
community mental health board shall submit a community mental 23917
health plan. Each board shall consult with its counterpart in 23918
developing its plan and address the interaction between the local 23919
addiction and mental health systems and populations with regard to 23920
needs and priorities in developing its plan. 23921

The department shall approve or disapprove the plan, in whole 23922
or in part, in accordance with division (G) of section 5119.22 of 23923
the Revised Code. Eligibility for state and federal funding shall 23924
be contingent upon an approved plan or relevant part of a plan. 23925

If a board determines that it is necessary to amend an 23926
approved plan, the board shall submit a proposed amendment to the 23927
director. The director shall approve or disapprove all or part of 23928
the amendment in accordance with division (H) of section 5119.22 23929
of the Revised Code. 23930

The board shall operate in accordance with the plan approved 23931
by the department. 23932

(d) Promote, arrange, and implement working agreements with 23933
social service agencies, both public and private, and with 23934
judicial agencies. 23935

(2) Investigate, or request another agency to investigate, 23936
any complaint alleging abuse or neglect of any person receiving 23937
addiction services, mental health services, or recovery supports 23938
from a community addiction services provider or community mental 23939
health services provider or alleging abuse or neglect of a 23940
resident receiving addiction services or with mental illness or 23941
severe mental disability residing in a residential facility 23942
licensed under section 5119.34 of the Revised Code. If the 23943

investigation substantiates the charge of abuse or neglect, the 23944
board shall take whatever action it determines is necessary to 23945
correct the situation, including notification of the appropriate 23946
authorities. Upon request, the board shall provide information 23947
about such investigations to the department. 23948

(3) For the purpose of section 5119.36 of the Revised Code, 23949
cooperate with the director of mental health and addiction 23950
services in visiting and evaluating whether the certifiable 23951
services and supports of a community addiction services provider 23952
or community mental health services provider satisfy the 23953
certification standards established by rules adopted under that 23954
section. In addition, a board may provide input and 23955
recommendations to the department when an application for 23956
certification or the renewal of a certification has been submitted 23957
by a provider or when a provider is being investigated by the 23958
department, if the board, in either of those circumstances, is 23959
aware of information that would be beneficial to the department's 23960
consideration of the matter. 23961

(4) In accordance with criteria established under division 23962
(D) of section 5119.22 of the Revised Code, conduct program audits 23963
that review and evaluate the quality, effectiveness, and 23964
efficiency of addiction services, mental health services, and 23965
recovery supports provided by community addiction services 23966
providers and community mental health services providers under 23967
contract with the board and submit the board's findings and 23968
recommendations to the department of mental health and addiction 23969
services; 23970

(5) In accordance with section 5119.34 of the Revised Code, 23971
review an application for a residential facility license and 23972
provide to the department of mental health and addiction services 23973
any information about the applicant or facility that the board 23974
would like the department to consider in reviewing the 23975

application;	23976
(6) Audit, in accordance with rules adopted by the auditor of state pursuant to section 117.20 of the Revised Code, at least annually all programs, addiction services, mental health services, and recovery supports provided under contract with the board. In so doing, the board may contract for or employ the services of private auditors. A copy of the fiscal audit report shall be provided to the director of mental health and addiction services, the auditor of state, and the county auditor of each county in the board's district.	23977 23978 23979 23980 23981 23982 23983 23984 23985
(7) Recruit and promote local financial support for addiction services, mental health services, and recovery supports from private and public sources;	23986 23987 23988
(8) In accordance with guidelines issued by the department as necessary to comply with state and federal laws pertaining to financial assistance, approve fee schedules and related charges or adopt a unit cost schedule or other methods of payment for addiction services, mental health services, and recovery supports provided by community addiction services providers and community mental health services providers that have contracted with the board under section 340.036 of the Revised Code;	23989 23990 23991 23992 23993 23994 23995 23996
(9) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the addiction services, mental health services, and recovery supports under the jurisdiction of the board, including a fiscal accounting;	23997 23998 23999 24000 24001
(10) Establish a method for evaluating referrals for court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to court-ordered	24002 24003 24004 24005 24006

treatment and whether alternatives to hospitalization are 24007
available and appropriate; 24008

(11) Designate the treatment services, provider, facility, or 24009
other placement for each person involuntarily committed to the 24010
board pursuant to Chapter 5122. of the Revised Code. The board 24011
shall provide the least restrictive and most appropriate 24012
alternative that is available for any person involuntarily 24013
committed to it and shall assure that the list of addiction 24014
services, mental health services, and recovery supports submitted 24015
and approved in accordance with division (B) of section 340.08 of 24016
the Revised Code are available to persons with severe mental 24017
disabilities residing within its service district. The board shall 24018
establish the procedure for authorizing payment for the services 24019
and supports, which may include prior authorization in appropriate 24020
circumstances. In accordance with section 340.037 of the Revised 24021
Code, the board may provide addiction services and mental health 24022
services directly to a person with a severe mental disability when 24023
life or safety is endangered and when no community addiction 24024
services provider or community mental health services provider is 24025
available to provide the service. 24026

(12) Ensure that housing built, subsidized, renovated, 24027
rented, owned, or leased by the board or a community addiction 24028
services provider or community mental health services provider has 24029
been approved as meeting minimum fire safety standards and that 24030
persons residing in the housing have access to appropriate and 24031
necessary services, including culturally relevant services, from a 24032
community addiction services provider or community mental health 24033
services provider. This division does not apply to residential 24034
facilities licensed pursuant to section 5119.34 of the Revised 24035
Code. 24036

(13) Establish a mechanism for obtaining advice and 24037
involvement of persons receiving addiction services, mental health 24038

services, or recovery supports on matters pertaining to services 24039
and supports in the alcohol, drug addiction, and mental health 24040
service district; 24041

(14) Perform the duties required by rules adopted under 24042
section 5119.22 of the Revised Code regarding referrals by the 24043
board or community mental health services providers under contract 24044
with the board of individuals with mental illness or severe mental 24045
disability to class two residential facilities licensed under 24046
section 5119.34 of the Revised Code and effective arrangements for 24047
ongoing mental health services for the individuals. The board is 24048
accountable in the manner specified in the rules for ensuring that 24049
the ongoing mental health services are effectively arranged for 24050
the individuals. 24051

(B) Each board of alcohol, drug addiction, and mental health 24052
services shall establish such rules, operating procedures, 24053
standards, and bylaws, and perform such other duties as may be 24054
necessary or proper to carry out the purposes of this chapter. 24055

(C) A board of alcohol, drug addiction, and mental health 24056
services may receive by gift, grant, devise, or bequest any 24057
moneys, lands, or property for the benefit of the purposes for 24058
which the board is established, and may hold and apply it 24059
according to the terms of the gift, grant, or bequest. All money 24060
received, including accrued interest, by gift, grant, or bequest 24061
shall be deposited in the treasury of the county, the treasurer of 24062
which is custodian of the alcohol, drug addiction, and mental 24063
health services funds to the credit of the board and shall be 24064
available for use by the board for purposes stated by the donor or 24065
grantor. 24066

(D) No member or employee of a board of alcohol, drug 24067
addiction, and mental health services shall be liable for injury 24068
or damages caused by any action or inaction taken within the scope 24069
of the member's official duties or the employee's employment, 24070

whether or not such action or inaction is expressly authorized by 24071
this section or any other section of the Revised Code, unless such 24072
action or inaction constitutes willful or wanton misconduct. 24073
Chapter 2744. of the Revised Code applies to any action or 24074
inaction by a member or employee of a board taken within the scope 24075
of the member's official duties or employee's employment. For the 24076
purposes of this division, the conduct of a member or employee 24077
shall not be considered willful or wanton misconduct if the member 24078
or employee acted in good faith and in a manner that the member or 24079
employee reasonably believed was in or was not opposed to the best 24080
interests of the board and, with respect to any criminal action or 24081
proceeding, had no reasonable cause to believe the conduct was 24082
unlawful. 24083

(E) The meetings held by any committee established by a board 24084
of alcohol, drug addiction, and mental health services shall be 24085
considered to be meetings of a public body subject to section 24086
121.22 of the Revised Code. 24087

(F)(1) A board of alcohol, drug addiction, and mental health 24088
services may establish a rule, operating procedure, standard, or 24089
bylaw to allow the executive director of the board to execute both 24090
of the following types of contracts valued at twenty-five thousand 24091
dollars or less, as determined by the board, on behalf of the 24092
board without the board's prior approval: 24093

(a) Emergency contracts for clinical services or recovery 24094
support services; 24095

(b) Standard service contracts pertaining to the board's 24096
operations. 24097

(2) If a board establishes a rule, operating procedure, 24098
standard, or bylaw under division (F)(1) of this section, both of 24099
the following shall be the case: 24100

(a) The board shall define the scope of contracts described 24101

in divisions (F)(1)(a) and (b) of this section in that rule, 24102
operating procedure, standard, or bylaw. 24103

(b) The board shall disclose the existence of a contract 24104
executed pursuant to the rule, operating procedure, standard, or 24105
bylaw at the first board meeting that occurs after the contract 24106
was executed and ensure that a record of that disclosure is 24107
included in the written minutes of that meeting. 24108

Sec. 340.032. Subject to rules adopted by the director of 24109
mental health and addiction services after consultation with 24110
relevant constituencies as required by division (A)(10) of section 24111
5119.21 of the Revised Code, each board of alcohol, drug 24112
addiction, and mental health services shall do all of the 24113
following: 24114

(A) Establish, to the extent resources are available, a 24115
community-based continuum of care that includes all of the 24116
following as essential elements: 24117

(1) Prevention and wellness management services; 24118

(2) At least both of the following outreach and engagement 24119
activities: 24120

(a) Locating persons in need of addiction services and 24121
persons in need of mental health services to inform them of 24122
available addiction services, mental health services, and recovery 24123
supports; 24124

(b) Helping persons who receive addiction services and 24125
persons who receive mental health services obtain services 24126
necessary to meet basic human needs for food, clothing, shelter, 24127
medical care, personal safety, and income. 24128

(3) Assessment services; 24129

(4) Care coordination; 24130

(5) Residential services;	24131
(6) At least the following outpatient services:	24132
(a) Nonintensive;	24133
(b) Intensive, such as partial hospitalization and assertive community treatment;	24134 24135
(c) Withdrawal management;	24136
(d) Emergency and crisis.	24137
(7) Where appropriate, at least the following inpatient services:	24138 24139
(a) Psychiatric care;	24140
(b) Medically managed alcohol or drug treatment.	24141
(8) At least all of the following recovery supports:	24142
(a) Peer support;	24143
(b) A wide range of housing and support services, including recovery housing <u>residences</u> ;	24144 24145
(c) Employment, vocational, and educational opportunities;	24146
(d) Assistance with social, personal, and living skills;	24147
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	24148 24149
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	24150 24151 24152
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	24153 24154 24155
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based	24156 24157 24158

continuum of care. 24159

(B) Ensure that the rights of persons receiving any elements 24160
of the community-based continuum of care are protected; 24161

(C) Ensure that persons receiving any elements of the 24162
community-based continuum of care are able to utilize grievance 24163
procedures applicable to the elements. 24164

Sec. 340.033. The array of addiction services and recovery 24165
supports for all levels of opioid and co-occurring drug addiction 24166
required by section 340.032 of the Revised Code to be included in 24167
a community-based continuum of care established under that section 24168
shall include at least ambulatory and sub-acute detoxification, 24169
non-intensive and intensive outpatient services, 24170
medication-assisted treatment, peer support, residential services, 24171
recovery housing residences pursuant to section 340.034 of the 24172
Revised Code, and multiple paths to recovery such as twelve-step 24173
approaches. The services and supports shall be made available in 24174
the service district of each board of alcohol, drug addiction, and 24175
mental health services, except as provided by either of the 24176
following: 24177

(A) Sub-acute detoxification and residential services may be 24178
made available through a contract with one or more providers of 24179
sub-acute detoxification or residential services located in other 24180
service districts. 24181

(B) To the extent authorized by a time-limited waiver issued 24182
under section 5119.221 of the Revised Code, ambulatory 24183
detoxification and medication-assisted treatment may be made 24184
available through a contract with one or more community addiction 24185
services providers located not more than thirty miles beyond the 24186
borders of the board's service district. 24187

The services and supports shall be made available in a manner 24188

that ensures that recipients are able to access the services and 24189
supports they need for opioid and co-occurring drug addiction in 24190
an integrated manner and in accordance with their assessed needs 24191
when changing or obtaining additional addiction services or 24192
recovery supports for such addiction. An individual seeking a 24193
service or support for opioid and co-occurring drug addiction 24194
included in a community-based continuum of care shall not be 24195
denied the service or support on the basis of the individual's 24196
prior experience with the service or support. 24197

Sec. 340.034. All of the following apply to ~~the~~ recovery 24198
housing residences required by section 340.033 of the Revised Code 24199
to be part of included opioid and co-occurring drug addiction 24200
services and recovery supports: 24201

(A) ~~The~~ A recovery housing residence shall comply with the 24202
requirements of being monitored by the department of mental health 24203
and addiction services under sections 5119.39 to 5119.396 of the 24204
Revised Code and any rules adopted under section 5119.397 of the 24205
Revised Code, but the residence is not ~~be~~ subject to residential 24206
facility licensure by the department of ~~mental health and~~ 24207
~~addiction services~~ under section 5119.34 of the Revised Code. 24208

(B) ~~The recovery housing shall not be subject to~~ 24209
~~certification as a recovery support under section 5119.36 of the~~ 24210
~~Revised Code.~~ 24211

~~(C) The~~ A recovery housing residence shall not be ~~owned and~~ 24212
operated by a board of alcohol, drug addiction, and mental health 24213
services unless any of the following applies: 24214

(1) The board ~~owns and operates~~ operated the recovery housing 24215
residence on July 1, 2017. 24216

(2) The board utilizes local funds in the development~~,~~ 24217
~~purchase,~~ or operation of the recovery housing residence. 24218

(3) The board determines that there is a need for the board 24219
to assume ~~the ownership and~~ operation of the recovery housing 24220
residence, such as when an existing ~~owner and~~ operator of the 24221
~~recovery housing~~ residence goes out of business, and the board 24222
considers the assumption of ~~ownership and~~ operation of the 24223
~~recovery housing~~ residence to be in the best interest of the 24224
community. 24225

~~(D)~~ (C) A recovery housing residence shall have protocols 24226
for all of the following: 24227

(1) Administrative oversight; 24228

(2) Quality standards; 24229

(3) Policies and procedures, including house rules, for its 24230
residents to which the residents must agree to adhere. 24231

~~(E)~~ (D) Family members of ~~the~~ a resident of a recovery 24232
~~housing's residents~~ housing residence may reside in the ~~recovery~~ 24233
~~housing~~ residence to the extent permitted by protocols of the 24234
~~recovery housing's protocols permit~~ residence. 24235

~~(F)~~ (E) A recovery housing residence shall not limit a 24236
resident's duration of stay to an arbitrary or fixed amount of 24237
time. Instead, each resident's duration of stay shall be 24238
determined by the resident's needs, progress, and willingness to 24239
abide by the ~~recovery housing's~~ residence's protocols, in 24240
collaboration with the ~~recovery housing's owner and~~ residence's 24241
operator, and, if appropriate, in consultation and integration 24242
with a community addiction services provider. 24243

~~(G)~~ (F) A recovery housing residence may permit its 24244
residents to receive medication-assisted treatment. 24245

~~(H)~~ (G) A resident of a recovery housing ~~resident~~ residence 24246
may receive addiction services that are certified by the 24247
department ~~of mental health and addiction services~~ under section 24248

5119.36 of the Revised Code. 24249

Sec. 340.035. (A) A board of alcohol, drug addiction, and 24250
mental health services may advocate on behalf of medicaid 24251
recipients enrolled in medicaid managed care organizations and 24252
medicaid-eligible individuals, any of whom have been identified as 24253
needing addiction or mental health services. 24254

(B)(1) The department of mental health and addiction services 24255
and the department of medicaid shall, not later than December 31, 24256
2024, develop and implement standards and procedures for the 24257
exchange of medicaid recipient information, as defined in section 24258
5160.45 of the Revised Code, between boards of alcohol, drug 24259
addiction, and mental health services and the department of 24260
medicaid to the fullest extent permitted by federal law. The 24261
information shall be exchanged in accordance with those standards 24262
and procedures. 24263

(2) Not later than March 31, 2025, each of the departments 24264
shall prepare a report specifying how the respective department 24265
has met the information exchange requirements of division (B)(1) 24266
of this section, the extent to which the department determined 24267
that information could be exchanged pursuant to federal law, and 24268
the reasoning supporting those determinations. On completion, each 24269
of the reports shall be submitted to the general assembly in 24270
accordance with section 101.68 of the Revised Code. 24271

Sec. 340.036. (A) Subject to division (B) of this section and 24272
rules adopted by the director of mental health and addiction 24273
services after consultation with relevant constituencies as 24274
required by division (A)(10) of section 5119.21 of the Revised 24275
Code, each board of alcohol, drug addiction, and mental health 24276
services shall enter into contracts with all of the following: 24277

(1) Public and private facilities for the operation of 24278

facility services;	24279
(2) Community addiction services providers for addiction services and recovery supports;	24280 24281
(3) Community mental health services providers for mental health services and recovery supports.	24282 24283
(B) No board shall do any of the following:	24284
(1) Contract with a residential facility required to be licensed under section 5119.34 of the Revised Code unless the facility is so licensed;	24285 24286 24287
(2) Contract with a community addiction services provider or community mental health services provider for certifiable services and supports unless the certifiable services and supports are certified under section 5119.36 of the Revised Code;	24288 24289 24290 24291
(3) Contract with a community addiction services provider or community mental health services provider for recovery supports that are required by the director to meet quality criteria or core competencies unless the recovery supports meet the criteria or competencies.	24292 24293 24294 24295 24296
(C) When a board contracts with a community addiction services provider or community mental health services provider for addiction services, mental health services, or recovery supports, all of the following apply:	24297 24298 24299 24300
(1) The board shall consider both of the following:	24301
(a) The cost effectiveness and quality of the provider's services and supports;	24302 24303
(b) Continuity of care.	24304
(2) The board may review cost elements, including salary costs, of the services and supports.	24305 24306
(3) The board may establish, in a way that is most effective	24307

and efficient in meeting local needs, a utilization review process 24308
as part of the contract. 24309

(4) The board may contract with a government entity, 24310
for-profit entity, or nonprofit entity. Any such entity may be 24311
faith-based. 24312

(D) If a party to a contract entered into under this section 24313
proposes not to renew the contract or proposes substantial changes 24314
in contract terms, the other party shall be given written notice 24315
at least one hundred twenty days before the expiration date of the 24316
contract. During the first sixty days of this 24317
one-hundred-twenty-day period, both parties shall attempt to 24318
resolve any dispute through good faith collaboration and 24319
negotiation in order to continue to provide services and supports 24320
to persons in need. If the dispute has not been resolved sixty 24321
days before the expiration date of the contract, either party may 24322
notify the director of the unresolved dispute. The director may 24323
require both parties to submit the dispute to another entity with 24324
the cost to be shared by the parties. Not later than twenty days 24325
before the expiration date of the contract or a later date to 24326
which both parties agree, the other entity shall issue to the 24327
parties and director recommendations on how the dispute may be 24328
resolved. The director shall adopt rules establishing the 24329
procedures of this dispute resolution process. 24330

(E) Section 307.86 of the Revised Code does not apply to 24331
contracts entered into under this section. 24332

Sec. 340.04. Each board of alcohol, drug addiction, and 24333
mental health services shall employ a qualified mental health or 24334
addiction services professional with experience in administration 24335
or a professional administrator with experience in mental health 24336
services or addiction services to serve as executive director of 24337
the board and shall prescribe the director's duties. 24338

The board shall fix the compensation of the executive 24339
director. In addition to such compensation, the director shall be 24340
reimbursed for actual and necessary expenses incurred in the 24341
performance of the director's official duties. The board, by 24342
majority vote of the full membership, may remove the director for 24343
cause at any time, contingent upon any written contract between 24344
the board and the executive director, upon written charges, after 24345
an opportunity has been afforded the director for a hearing before 24346
the board on request. 24347

The board may delegate to its executive director the 24348
authority to act in its behalf in the performance of its 24349
administrative duties. 24350

As used in this section, "mental health professional" and 24351
"addiction services professional" mean an individual who is 24352
qualified to work with persons with mental illnesses or persons 24353
receiving addiction services, pursuant to standards established by 24354
the director of mental health and addiction services under Chapter 24355
5119. of the Revised Code. 24356

Sec. 340.08. In accordance with rules or guidelines issued by 24357
the director of mental health and addiction services, each board 24358
of alcohol, drug addiction, and mental health services shall do 24359
all of the following: 24360

(A) Submit to the department of mental health and addiction 24361
services a proposed budget of receipts and expenditures for all 24362
federal, state, and local moneys the board expects to receive. 24363

(1) The proposed budget shall identify funds the board has 24364
available for included opioid and co-occurring drug addiction 24365
services and recovery supports. 24366

(2) The proposed budget shall identify funds the board and 24367
public children services agencies in the board's service district 24368

have available to fund jointly the services described in section 24369
340.15 of the Revised Code. 24370

(3) The board's proposed budget for expenditures of state and 24371
federal funds distributed to the board by the department shall be 24372
deemed an application for funds, and the department shall approve 24373
or disapprove the budget for these expenditures in whole or in 24374
part in accordance with division (G) of section 5119.22 of the 24375
Revised Code. 24376

If a board determines that it is necessary to amend an 24377
approved budget, the board shall submit a proposed amendment to 24378
the director. The director shall approve or disapprove all or part 24379
of the amendment in accordance with division (H) of section 24380
5119.22 of the Revised Code. 24381

(B) Submit to the department a proposed list of addiction 24382
services, mental health services, and recovery supports the board 24383
intends to make available. The board shall include the services 24384
and supports required by section 340.032 of the Revised Code to be 24385
included in the community-based continuum of care and the services 24386
required by section 340.15 of the Revised Code. The board shall 24387
explain the manner in which the board intends to make such 24388
services and supports available. The list shall be compatible with 24389
the budget submitted pursuant to division (A) of this section. The 24390
department shall approve or disapprove the list in whole or in 24391
part in accordance with division (G) of section 5119.22 of the 24392
Revised Code. 24393

If a board determines that it is necessary to amend an 24394
approved list, the board shall submit a proposed amendment to the 24395
director. The director shall approve or disapprove all or part of 24396
the amendment in accordance with division (H) of section 5119.22 24397
of the Revised Code. 24398

(C) Enter into a continuity of care agreement with the state 24399

institution operated by the department of mental health and 24400
addiction services and designated as the institution serving the 24401
district encompassing the board's service district. The continuity 24402
of care agreement shall outline the department's and the board's 24403
responsibilities to plan for and coordinate with each other to 24404
address the needs of board residents who are patients in the 24405
institution, with an emphasis on managing appropriate hospital bed 24406
day use and discharge planning. The continuity of care agreement 24407
shall not require the board to provide addiction services, mental 24408
health services, or recovery supports other than those on the list 24409
of services and supports submitted by the board pursuant to 24410
division (B) of this section and approved by the department in 24411
accordance with division (G) of section 5119.22 of the Revised 24412
Code. 24413

(D) In conjunction with the department, operate a coordinated 24414
system for tracking and monitoring persons found not guilty by 24415
reason of insanity and committed pursuant to section 2945.40 of 24416
the Revised Code who have been granted a conditional release and 24417
persons found incompetent to stand trial and committed pursuant to 24418
section 2945.39 of the Revised Code who have been granted a 24419
conditional release. The system shall do all of the following: 24420

(1) Centralize responsibility for the tracking of those 24421
persons; 24422

(2) Provide for uniformity in monitoring those persons; 24423

(3) Provide a mechanism to allow prompt rehospitalization, 24424
reinstitutionalization, or detention when a violation of the 24425
conditional release or decompensation occurs. 24426

(E) Submit to the department a report summarizing all of the 24427
following: 24428

(1) Complaints and grievances received by the board 24429
concerning the rights of persons seeking or receiving addiction 24430

services, mental health services, or recovery supports;	24431
(2) Investigations of the complaints and grievances;	24432
(3) Outcomes of the investigations.	24433
(F) Provide to the department information to be submitted to	24434
the community behavioral health information system or systems	24435
established by the department under Chapter 5119. of the Revised	24436
Code.	24437
(G) Annually, and upon any change in membership, submit to	24438
the department a list of all current members of the board of	24439
alcohol, drug addiction, and mental health services, including the	24440
appointing authority for each member, and the member's specific	24441
qualification for appointment pursuant to section 340.02 or	24442
340.021 of the Revised Code, if applicable.	24443
(H) Submit to the department other information as is	24444
reasonably required for purposes of the department's operations,	24445
service evaluation, reporting activities, research, system	24446
administration, and oversight.	24447
(I) <u>Annually update and publish on the board's web site a</u>	24448
<u>list of all opioid treatment programs licensed under section</u>	24449
<u>5119.37 of the Revised Code that are operating within the board's</u>	24450
<u>district, based on information obtained from any of the following:</u>	24451
(1) <u>The federal substance abuse and mental health services</u>	24452
<u>administration's opioid treatment program directory;</u>	24453
(2) <u>A resource directory created by the department of mental</u>	24454
<u>health and addiction services;</u>	24455
(3) <u>The list maintained by the department of mental health</u>	24456
<u>and addiction services pursuant to division (P) of section 5119.37</u>	24457
<u>of the Revised Code.</u>	24458
Sec. 340.30. (A) There is hereby created the county hub	24459

program to combat opioid addiction. The purposes of the program 24460
are as follows: 24461

(1) To strengthen county and community efforts to prevent and 24462
treat opioid addiction; 24463

(2) To educate youth and adults about the dangers of opioid 24464
addiction and the negative effects it has on society; 24465

(3) To promote family building and workforce development as 24466
ways of ~~combating~~ combating opioid addiction in communities; 24467

(4) To encourage community engagement in efforts to address 24468
the purposes specified in divisions (A)(1) to (3) of this section. 24469

(B) The program shall be administered by each board of 24470
alcohol, drug addiction, and mental health services. If the 24471
service district a board represents consists of more than one 24472
county, the board shall administer the program in each county. 24473

~~(C) Not later than January 1, 2020, each board shall submit a 24474
report to the department of mental health and addiction services 24475
summarizing the board's work on, and progress toward, addressing 24476
each of the program's purposes. The department shall aggregate the 24477
reports received from the boards and submit a statewide report to 24478
the governor and general assembly. The copy submitted to the 24479
general assembly shall be submitted in accordance with section 24480
101.68 of the Revised Code. 24481~~

Sec. 341.25. (A) The sheriff may establish a commissary for 24482
the jail. The commissary may be established either in-house or by 24483
another arrangement. If a commissary is established, all persons 24484
incarcerated in the jail shall receive commissary privileges. A 24485
person's purchases from the commissary shall be deducted from the 24486
person's account record in the jail's business office. The 24487
commissary shall provide for the distribution to indigent persons 24488
incarcerated in the jail necessary hygiene articles and writing 24489

materials.	24490
(B)(1) If a commissary is established, the sheriff shall	24491
establish a commissary fund for the jail. The management of funds	24492
in the commissary fund shall be strictly controlled in accordance	24493
with procedures adopted by the auditor of state.	24494
(2) Commissary fund revenue over and above operating costs	24495
and reserve shall be considered profits.	24496
(3) All profits from the commissary fund shall be used for	24497
the following:	24498
(a) To purchase supplies and equipment, and to provide life	24499
skills training and education or treatment services, or both, for	24500
the benefit of persons incarcerated in the jail;	24501
(b) To pay salary and benefits for employees of the sheriff	24502
who work in or are employed for the purpose of providing service	24503
to the commissary;	24504
(c) To purchase technology designed to prevent contraband	24505
from entering the jail;	24506
<u>(d) To pay for construction or renovation of a jail facility</u>	24507
<u>to provide medical or mental health services.</u>	24508
(4) The sheriff shall adopt rules for the operation of any	24509
commissary fund the sheriff establishes.	24510
Sec. 349.01. As used in this chapter:	24511
(A) "New community" means a community or development of	24512
property in relation to an existing community planned so that the	24513
resulting community includes facilities for the conduct of	24514
industrial, commercial, residential, cultural, educational, and	24515
recreational activities, and designed in accordance with planning	24516
concepts for the placement of utility, open space, and other	24517
supportive facilities.	24518

(B) "New community development program" means a program for 24519
the development of a new community characterized by well-balanced 24520
and diversified land use patterns and which includes land 24521
acquisition and land development, the acquisition, construction, 24522
operation, and maintenance of community facilities, and the 24523
provision of services authorized in this chapter. 24524

A new community development program may take into account any 24525
existing community in relation to which a new community is 24526
developed for purposes of being characterized by well-balanced and 24527
diversified land use patterns. 24528

(C) "New community district" means the area of land described 24529
by the developer in the petition as set forth in division (A) of 24530
section 349.03 of the Revised Code for development as a new 24531
community and any lands added to the district by amendment of the 24532
resolution establishing the community authority. 24533

(D) "New community authority" means a body corporate and 24534
politic in this state, established pursuant to section 349.03 of 24535
the Revised Code and governed by a board of trustees as provided 24536
in section 349.04 of the Revised Code. 24537

(E) "Developer" means any person, organized for carrying out 24538
a new community development program who owns or controls, through 24539
leases of at least seventy-five years' duration, options, or 24540
contracts to purchase, the land within a new community district, 24541
or any municipal corporation, township, county, or port authority 24542
that owns the land within a new community district, or has the 24543
ability to acquire such land, either by voluntary acquisition or 24544
condemnation in order to eliminate slum, blighted, and 24545
deteriorated or deteriorating areas and to prevent the recurrence 24546
thereof. "Developer" may also mean a person, municipal 24547
corporation, township, county, or port authority that controls 24548
land within a new community district through leases of at least 24549
seventy-five years' duration. "Developer" includes a lessor that 24550

continues to own and control land for purposes of this chapter 24551
pursuant to leases with a ninety-nine-year renewable term, so long 24552
as all of the following apply: 24553

(1) The developer's new community district consists of at 24554
least five leases described in this section. 24555

(2) The leases are subject to forfeiture for all of the 24556
following: 24557

(a) Failing to pay taxes and assessments; 24558

(b) Failing to pay an annual fee of up to one per cent of 24559
rent for sanitary purposes and improvements made to streets; 24560

(c) Failing to keep the premises as required by sanitary and 24561
police regulations of the developer. 24562

(3) The new community authority is established on or before 24563
December 31, 2024. 24564

(F) "Organizational board of commissioners" means any of the 24565
following: 24566

(1) For a new community district that is located in only one 24567
county, the board of county commissioners of that county; 24568

(2) For a new community district that is located in more than 24569
one county, a board consisting of the members of the board of 24570
county commissioners of each of the counties in which the district 24571
is located, provided that action of the board shall require a 24572
majority vote of the members of each separate board of county 24573
commissioners; ~~or~~ 24574

(3) For a new community district that is located entirely 24575
within the boundaries of a municipal corporation or for a new 24576
community district where more than half of the new community 24577
district is located within the boundaries of the most populous 24578
municipal corporation of a county, the legislative authority of 24579
the municipal corporation; 24580

(4) For a new community district that is comprised entirely of unincorporated territory within the boundaries of a township with a population of at least five thousand, and located in a county with a population of at least two hundred thousand and not more than four hundred thousand, the board of township trustees of the township.

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(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

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(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

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(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, whether within or without the new community district, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, day care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and

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overpasses, lighting facilities, design amenities, or other 24613
community facilities, and buildings needed in connection with 24614
water supply or sewage disposal installations, or energy 24615
facilities including those for renewable or sustainable energy 24616
sources, and steam, gas, or electric lines or installation. 24617

(J) "Cost" as applied to a new community development program 24618
means all costs related to land acquisition and land development, 24619
the acquisition, construction, maintenance, and operation of 24620
community facilities and offices of the community authority, and 24621
of providing furnishings and equipment therefor, financing charges 24622
including interest prior to and during construction and for the 24623
duration of the new community development program, planning 24624
expenses, engineering expenses, administrative expenses including 24625
working capital, and all other expenses necessary and incident to 24626
the carrying forward of the new community development program. 24627

(K) "Income source" means any and all sources of income to 24628
the community authority, including community development charges 24629
of which the new community authority is the beneficiary as 24630
provided in section 349.07 of the Revised Code, rentals, user fees 24631
and other charges received by the new community authority, any 24632
gift or grant received, any moneys received from any funds 24633
invested by or on behalf of the new community authority, and 24634
proceeds from the sale or lease of land and community facilities. 24635

(L) "Community development charge" means: 24636

(1) A dollar amount which shall be determined on the basis of 24637
the assessed valuation of real property or interests in real 24638
property in a new community district, the income of the residents 24639
of such property subject to such charge under section 349.07 of 24640
the Revised Code, if such property is devoted to residential uses 24641
or to the profits, gross receipts, or other revenues of any 24642
business including, but not limited to, rentals received from 24643
leases of real property located in the district, a uniform or 24644

other fee on each parcel of such real property in a new community district, or any combination of the foregoing bases. 24645
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(2) If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.45, 5709.48, 5709.73, or 5709.78 of the Revised Code. 24647
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(M) "Proximate ~~city~~ community" means the following: 24653

(1) For a new community district other than a new community district described in division (M)(2) ~~or~~, (3), or (4) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new community district is located, is the city with the greatest population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district. 24654
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(2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located. 24665
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(3) For a new community district other than a new community district described in division (M)(2) or (4) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district. 24668
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(4) For a new community district other than a new community district described in division (M)(2) or (3) of this section, if at the time of filing the petition under section 343.03 of the Revised Code the proposed new community district is comprised entirely of unincorporated territory within the boundaries of a township with a population of five thousand, and located in a county with a population of at least two hundred thousand and not more than four hundred thousand, the township in which the proposed new community district is located.

(N) "Community activities" means cultural, educational, governmental, recreational, residential, industrial, commercial, distribution and research activities, or any combination thereof ~~that includes residential activities.~~

Sec. 349.03. (A) Proceedings for the organization of a new community authority shall be initiated by a petition filed by the developer in the office of the clerk of ~~the~~ an organizational board of commissioners determined based on where the territory of the proposed new community district is located. Such petition shall be signed by the developer and may be signed by each proximate ~~city~~ community. The legislative authorities of each such proximate ~~city~~ community shall act in behalf of such ~~city~~ community. Such petition shall contain:

(1) The name of the proposed new community authority;

(2) The address where the principal office of the authority will be located or the manner in which the location will be selected;

(3) A map and a full and accurate description of the boundaries of the new community district together with a description of the properties within such boundaries, if any, which will not be included in the new community district.

(4) A statement setting forth the zoning regulations proposed 24706
for zoning the area within the boundaries of the new community 24707
district for comprehensive development as a new community, and if 24708
the area has been zoned for such development, a certified copy of 24709
the applicable zoning regulations therefor; 24710

(5) A current plan indicating the proposed development 24711
program for the new community district, the land acquisition and 24712
land development activities, community facilities, services 24713
proposed to be undertaken by the new community authority under 24714
such program, the proposed method of financing such activities and 24715
services, including a description of the bases, timing, and manner 24716
of collecting any proposed community development charges, and the 24717
projected total residential population of, and employment within, 24718
the new community; 24719

(6) A suggested number of members, consistent with section 24720
349.04 of the Revised Code, for the board of trustees; 24721

(7) A preliminary economic feasibility analysis, including 24722
the area development pattern and demand, location and proposed new 24723
community district size, present and future socio-economic 24724
conditions, public services provision, financial plan, and the 24725
developer's management capability; 24726

(8) A statement that the development will comply with all 24727
applicable environmental laws and regulations. 24728

Upon the filing of such petition, the organizational board of 24729
commissioners shall determine whether such petition complies with 24730
the requirements of this section as to form and substance. The 24731
board in subsequent proceedings may at any time permit the 24732
petition to be amended in form and substance to conform to the 24733
facts by correcting any errors in the description of the proposed 24734
new community district or in any other particular. 24735

Upon the determination of the organizational board of 24736

commissioners that a sufficient petition has been filed in 24737
accordance with this section, the board shall fix the time and 24738
place of a hearing on the petition for the establishment of the 24739
proposed new community authority. Such hearing shall be held not 24740
less than ninety-five nor more than one hundred fifteen days after 24741
the petition filing date, except that if the petition has been 24742
signed by all proximate ~~cities~~ communities or if the 24743
organizational board of commissioners is the legislative authority 24744
of the only proximate ~~city~~ community for the proposed new 24745
community district, such hearing shall be held not less than 24746
thirty nor more than forty-five days after the petition filing 24747
date. The clerk of the organizational board of commissioners ~~with~~ 24748
~~which the petition was filed~~ shall give notice thereof by 24749
publication once each week for three consecutive weeks, or as 24750
provided in section 7.16 of the Revised Code, in a newspaper of 24751
general circulation in any county of which a portion is within the 24752
proposed new community district. Except where the organizational 24753
board of commissioners is the legislative authority of the only 24754
proximate ~~city~~ community for the proposed new community district, 24755
such clerk shall also give written notice of the date, time, and 24756
place of the hearing and furnish a certified copy of the petition 24757
to the clerk of the legislative authority of each proximate ~~city~~ 24758
community which has not signed such petition. Except where the 24759
organizational board of commissioners is the legislative authority 24760
of the only proximate ~~city~~ community for the proposed new 24761
community district, in the event that the legislative authority of 24762
a proximate ~~city~~ community which did not sign the petition does 24763
not approve by ordinance, resolution, or motion the establishment 24764
of the proposed new community authority and does not deliver such 24765
ordinance, resolution, or motion to the clerk of the 24766
organizational board of commissioners ~~with which the petition was~~ 24767
~~filed~~ within ninety days following the date of the first 24768
publication of the notice of the public hearing, the 24769

organizational board of commissioners shall cancel such public 24770
hearing and terminate the proceedings for the establishment of the 24771
new community authority. 24772

Upon the hearing, if the organizational board of 24773
commissioners determines by resolution that the proposed new 24774
community district will be conducive to the public health, safety, 24775
convenience, and welfare, and is intended to result in the 24776
development of a new community, the board shall by its resolution, 24777
declare the new community authority to be organized and a body 24778
politic and corporate with the corporate name designated in the 24779
resolution, and define the boundary of the new community district. 24780
In addition, the resolution shall provide the method of selecting 24781
the board of trustees of the new community authority and fix the 24782
surety for their bonds in accordance with section 349.04 of the 24783
Revised Code. 24784

If the organizational board of commissioners finds that the 24785
establishment of the district will not be conducive to the public 24786
health, safety, convenience, or welfare, or is not intended to 24787
result in the development of a new community, it shall reject the 24788
petition thereby terminating the proceedings for the establishment 24789
of the new community authority. 24790

~~(B)~~(B)(1) At any time after the creation of a new community 24791
authority, the developer may file an application with the clerk of 24792
the organizational board of commissioners with which the original 24793
petition was filed, setting forth a general description of 24794
territory it desires to add or to delete from such district, that 24795
such change will be conducive to the public health, safety, 24796
convenience, and welfare, and will be consistent with the 24797
development of a new community and will not jeopardize the plan of 24798
the new community. ~~If~~ 24799

(2) If the territory to be added or deleted from a new 24800
community district meets the criteria described in either division 24801

(F)(3) or (4) of section 349.01 of the Revised Code, and the 24802
original petition was not filed with the municipal or township 24803
organizational board of commissioners described in those 24804
divisions, the developer shall also file the application to the 24805
clerk of that municipal or township organizational board of 24806
commissioners. A municipal or township organizational board of 24807
commissioners that receives an application under division (B)(2) 24808
of this section is the acting organizational board of 24809
commissioners for the purposes of division (B)(4) of this section. 24810
Otherwise, the organizational board of commissioners with which 24811
the original petition was filed is the acting organizational board 24812
of commissioners for the purposes of that division. 24813

(3) If the developer is not a municipal corporation, port 24814
authority, or county, all of such an addition to such a district 24815
shall be owned by, or under the control through leases of at least 24816
seventy-five years' duration, options, or contracts to purchase, 24817
of the developer. ~~Upon~~ 24818

(4) Upon the filing of the application, the acting 24819
organizational board of commissioners shall follow the same 24820
procedure as required by this section in relation to the original 24821
petition for the establishment of the proposed new community. The 24822
acting organizational board of commissioners also may determine by 24823
resolution to add territory to such district, provided that the 24824
owner or other person who controls such territory through leases 24825
of at least forty years' duration, options, or contracts to 24826
purchase files a written consent to the addition of such territory 24827
with the clerk of the acting organizational board of 24828
commissioners, and neither the developer ~~does not object nor, if~~ 24829
applicable, the organizational board of commissioners with which 24830
the original petition was filed objects to the addition of such 24831
territory by filing a written objection ~~to the addition of such~~ 24832
~~territory~~ with the clerk of the acting organizational board of 24833

commissioners before the adoption of the resolution adding such 24834
territory to the district. The acting organizational board of 24835
commissioners shall follow the same procedure as required by this 24836
section in relation to the original petition for the establishment 24837
of the proposed new community when adopting such a resolution. 24838

(C) If all or any part of the new community district is 24839
annexed to one or more existing municipal corporations, their 24840
legislative authorities may appoint persons to replace any 24841
appointed citizen member of the board of trustees. The number of 24842
such trustees to be replaced by the municipal corporation shall be 24843
the number, rounded to the lowest integer, bearing the 24844
proportionate relationship to the number of existing appointed 24845
citizen members as the acreage of the new community district 24846
within such municipal corporation bears to the total acreage of 24847
the new community district. If any such municipal corporation 24848
chooses to replace an appointed citizen member, it shall do so by 24849
ordinance, the term of the trustee being replaced shall terminate 24850
thirty days from the date of passage of such ordinance, and the 24851
trustee to be replaced shall be determined by lot. Each newly 24852
appointed member shall assume the term of the member's 24853
predecessor. 24854

Sec. 349.04. The following method of selecting a board of 24855
trustees is deemed to be a compelling state interest. Within ten 24856
days after the new community authority has been established, as 24857
provided in section 349.03 of the Revised Code, an initial board 24858
of trustees shall be appointed as follows: the organizational 24859
board of commissioners shall appoint by resolution at least three, 24860
but not more than six, citizen members of the board of trustees to 24861
represent the interests of present and future residents and 24862
employers of the new community district and one member to serve as 24863
a representative of local government, and the developer shall 24864
appoint a number of members equal to the number of citizen members 24865

to serve as representatives of the developer. 24866

Members shall serve two-year overlapping terms, with two of 24867
each of the initial citizen and developer members appointed to 24868
serve initial one-year terms. The organizational board of 24869
commissioners shall adopt, by further resolution adopted within 24870
one year of such resolution establishing such initial board of 24871
trustees, a method for selection of successor members thereof 24872
which determines the projected total population of the projected 24873
new community and meets the following criteria: 24874

(A) The appointed citizen members shall be replaced by 24875
elected citizen members according to a schedule established by the 24876
organizational board of commissioners calculated to achieve one 24877
such replacement each time the new community district gains a 24878
proportion, having a numerator of one and a denominator of twice 24879
the number of citizen members, of its projected total population 24880
until such time as all of the appointed citizen members are 24881
replaced. 24882

(B) Representatives of the developer shall be replaced by 24883
elected citizen members according to a schedule established by the 24884
organizational board of commissioners calculated to achieve one 24885
such replacement each time the new community district gains a 24886
proportion, having a numerator of one and a denominator equal to 24887
the number of developer members, of its projected total population 24888
until such time as all of the developer's representatives are 24889
replaced. 24890

(C) The representative of local government shall be replaced 24891
by an elected citizen member at the time the new community 24892
district gains three-quarters of its projected total population. 24893

Elected citizen members of the board of trustees shall be 24894
elected by a majority of the residents of the new community 24895
district voting at elections held at the times and in the manner 24896

provided in a resolution of the organizational board of 24897
commissioners. Each citizen member except an appointed citizen 24898
member shall be a qualified elector who resides within the new 24899
community district. The organizational board of commissioners, by 24900
resolution, may adopt an alternative method of selecting or 24901
electing successor members of the board of trustees provided that 24902
if an alternative method of selection is adopted for a new 24903
community authority organized prior to March 22, 2012, the board 24904
of trustees of that authority shall be limited in the collection 24905
of a community development charge, collected pursuant to division 24906
(Q) of section 349.06 of the Revised Code, and the issuance of 24907
bonds or notes, issued pursuant to section 349.08 of the Revised 24908
Code, to the amount or to the extent otherwise permitted for a 24909
board of trustees whose members are not elected by residents of 24910
the new community district. If the alternative method provides for 24911
the election of citizen members, the elections may be held at the 24912
times and in the manner provided in the petition or in a 24913
resolution of the organizational board of commissioners, and the 24914
elected citizen members shall be qualified electors who reside in 24915
the new community district. 24916

Citizen members shall not be employees of or have financial 24917
interest in the developer. If a vacancy occurs in the office of a 24918
member other than a member appointed by the developer, the 24919
organizational board of commissioners may appoint a successor 24920
member for the remainder of the unexpired term. Any appointed 24921
member of the board of trustees may at any time be removed by the 24922
organizational board of commissioners for misfeasance, 24923
nonfeasance, or malfeasance in office. Members appointed by the 24924
developer may also at any time be removed by the developer without 24925
a showing of cause. 24926

Each member of the board of trustees, before entering upon 24927
official duties, shall take and subscribe to an oath before an 24928

officer authorized to administer oaths in Ohio that the member 24929
will honestly and faithfully perform the duties of the member's 24930
office. Such oath shall be filed in the office of the clerk of the 24931
organizational board of commissioners ~~with which the petition was~~ 24932
~~filed~~. Upon taking the oath, the board of trustees shall elect one 24933
of its number as chairperson and another as vice-chairperson, and 24934
shall appoint suitable persons as secretary and treasurer who need 24935
not be members of the board. The treasurer shall be the fiscal 24936
officer of the authority. The board shall adopt by-laws governing 24937
the administration of the affairs of the new community authority. 24938
Each member of the board shall post a bond for the faithful 24939
performance of official duties and give surety therefor in such 24940
amount, but not less than ten thousand dollars, as the resolution 24941
creating such board shall prescribe. 24942

All of the powers of the new community authority shall be 24943
exercised by its board of trustees, but without relief of such 24944
responsibility, such powers may be delegated to committees of the 24945
board or its officers and employees in accordance with its 24946
by-laws. A majority of the board shall constitute a quorum, and a 24947
concurrence of a majority of a quorum in any matter within the 24948
board's duties is sufficient for its determination, provided a 24949
quorum is present when such concurrence is had and a majority of 24950
those members constituting such quorum are trustees not appointed 24951
by the developer. All trustees shall be empowered to vote on all 24952
matters within the authority of the board of trustees, and no vote 24953
by a member appointed by the developer shall be construed to give 24954
rise to civil or criminal liability for conflict of interest on 24955
the part of public officials. 24956

Sec. 349.14. Except as provided in section 349.03 of the 24957
Revised Code, or as otherwise provided in a resolution adopted by 24958
the organizational board of commissioners of a new community 24959
authority, a new community authority organized under this chapter 24960

may be dissolved only on the vote of a majority of the voters of 24961
the new community district at a special election called by the 24962
board of trustees on the question of dissolution. Such an election 24963
may be called only after the board has determined that the new 24964
community development program has been completed, when no 24965
community authority bonds or notes are outstanding, and other 24966
legal indebtedness of the authority has been discharged or 24967
provided for, and only after there has been filed with the board 24968
of trustees a petition requesting such election, signed by a 24969
number of qualified electors residing in the new community 24970
district equal to not less than eight per cent of the total vote 24971
cast for all candidates for governor in the new community district 24972
at the most recent general election at which a governor was 24973
elected. If a majority of the votes cast favor dissolution, the 24974
board of trustees shall, by resolution, declare the authority 24975
dissolved and thereupon the community authority shall be 24976
dissolved. A certified copy of the resolution shall, within 24977
fifteen days after its adoption, be filed with the clerk of the 24978
organizational board of commissioners ~~of the county~~ with which the 24979
original petition for the organization of the new community 24980
authority was filed and with the clerk of any other organizational 24981
board of commissioners where territory of the new community 24982
district was located. 24983

Upon dissolution of a new community authority, the powers 24984
thereof shall cease to exist. Any property of the new community 24985
authority shall vest with a municipal corporation, county, or 24986
township in which that property is located or with the developer 24987
of the new community authority or the developer's designee, all as 24988
provided in a resolution adopted by the organizational board of 24989
commissioners. Any vesting of property in a municipal corporation, 24990
township, or county shall be subject to acceptance of the property 24991
by resolution of the legislative authority of the municipal 24992
corporation, board of township trustees, or board of county 24993

commissioners, as applicable. If the legislative authority of a 24994
municipal corporation, board of township trustees, or board of 24995
county commissioners declines to accept the property, the property 24996
vests with the developer or the developer's designee. Any funds of 24997
the community authority at the time of dissolution shall be 24998
transferred to the municipal corporation and county or township, 24999
as provided in a resolution, in which the new community district 25000
is located in the proportion to the assessed valuation of taxable 25001
real property of the new community authority within such municipal 25002
corporation and township or county as said valuation appears on 25003
the current assessment rolls. 25004

Sec. 503.59. A board of township trustees that has entered 25005
into an agreement with the Ohio air quality development authority 25006
under section 3706.051 of the Revised Code may levy, in accordance 25007
with that agreement, a special assessment upon real property 25008
located in the township specially benefited by an air quality 25009
facility that is the subject of that agreement. 25010

An assessment levied under this section shall be made in any 25011
manner authorized under section 727.01 of the Revised Code and, 25012
except as otherwise provided in this section, in accordance with 25013
the procedures prescribed for special assessments levied by 25014
municipal corporations under Chapter 727. of the Revised Code, 25015
except that where that chapter refers to a municipal corporation, 25016
it shall be deemed to refer to the township and where that chapter 25017
refers to the legislative authority of a municipal corporation, it 25018
shall be deemed to refer to the board of township trustees. All 25019
rights and privileges of an owner of property subject to an 25020
assessment levied under that chapter shall apply to the owner of 25021
property assessed under this section. 25022

No special assessment may be levied under this section unless 25023
the owner of the property to be assessed files a written statement 25024

with the board of township trustees requesting that the assessment 25025
be levied. 25026

Sec. 504.12. No resolution and no section or numbered or 25027
lettered division of a section shall be revised or amended unless 25028
the new resolution contains the entire resolution, section, or 25029
division as revised or amended, and the resolution, section, or 25030
division so amended shall be repealed. This requirement does not 25031
prevent the amendment of a resolution by the addition of a new 25032
section, or division, and in this case the full text of the former 25033
resolution need not be set forth, nor does this section prevent 25034
repeals by implication. Except in the case of a codification or 25035
recodification of resolutions, a separate vote shall be taken on 25036
each resolution proposed to be amended. Resolutions that have been 25037
introduced and have received their first reading or their first 25038
and second readings, but have not been voted on for passage, may 25039
be amended or revised by a majority vote of the members of the 25040
board of township trustees, and the amended or revised resolution 25041
need not receive additional readings. 25042

The board of township trustees of a limited home rule 25043
township may revise, codify, and publish in book form the 25044
resolutions of the township in the ~~same~~ manner ~~as~~ provided in 25045
section ~~731.23~~ 504.123 of the Revised Code ~~for municipal~~ 25046
~~corporations~~. Resolutions adopted by the board shall be published 25047
in the ~~same~~ manner ~~as~~ provided by sections ~~731.21~~ 504.121, ~~731.22~~ 25048
504.122, ~~731.24~~ 504.124, ~~731.25~~ 504.125, and ~~731.26~~ 504.126 of the 25049
Revised Code ~~for municipal corporations, except that they shall be~~ 25050
~~published in a newspaper of general circulation within the~~ 25051
~~township. The fiscal officer of the township shall perform the~~ 25052
~~duties that the clerk of the legislative authority of a municipal~~ 25053
~~corporation is required to perform under those sections.~~ 25054

The procedures provided in this section and sections 504.121 25055

to 504.126 of the Revised Code apply only to resolutions adopted 25056
pursuant to a township's limited home rule powers as authorized by 25057
this chapter. 25058

Sec. 504.121. (A) A succinct summary of each resolution, of 25059
all notices to bidders for the construction of public improvements 25060
and notices of the sale of bonds, and of all statements, orders, 25061
proclamations, notices, and reports required by law or resolution 25062
to be published, shall be published in a newspaper of general 25063
circulation in the township. Proof of the publication and required 25064
circulation of any newspaper used as a medium of publication as 25065
provided by this section shall be made by affidavit of the 25066
proprietor of the newspaper and shall be filed with the fiscal 25067
officer of the township. 25068

(B) The publication shall contain notice that the complete 25069
text of each such resolution may be obtained or viewed at the 25070
office of the fiscal officer of the township and may be viewed at 25071
any other location designated by the board of township trustees. 25072
The township law director or the county prosecuting attorney, as 25073
applicable, shall review the summary of a resolution published 25074
under this section before forwarding it to the fiscal officer for 25075
publication, to ensure the summary is legally accurate and 25076
sufficient. 25077

(C) Upon publication of a summary of a resolution in 25078
accordance with this section, the fiscal officer of the township 25079
shall supply a copy of the complete text of each such resolution 25080
to any person, upon request, and may charge a reasonable fee, set 25081
by the board of township trustees, for each copy supplied. The 25082
fiscal officer of the township shall post a copy of the text at 25083
the fiscal officer's office and at every other location designated 25084
by the board of township trustees. 25085

Sec. 504.122. The publication required in section 504.121 of 25086
the Revised Code shall be for the following times: 25087

(A) Summaries of resolutions, and proclamations of elections, 25088
once a week for two consecutive weeks or as provided in section 25089
7.16 of the Revised Code; 25090

(B) Notices, not less than two nor more than four consecutive 25091
weeks or as provided in section 7.16 of the Revised Code; 25092

(C) All other matters shall be published once. 25093

Sec. 504.123. When resolutions are revised, codified, 25094
rearranged, published in book form, and certified as correct by 25095
the fiscal officer of the township and the township administrator, 25096
such publication shall be a sufficient publication, and the 25097
resolutions so published, under appropriate titles, chapters, and 25098
sections, shall be held the same in law as though they had been 25099
published in a newspaper. A new resolution so published in book 25100
form, a summary of which has not been published as required by 25101
sections 504.121 and 504.122 of the Revised Code, and which 25102
contains entirely new matter, shall be published as required by 25103
such sections. If such revision or codification is made by a 25104
township and contains new matter, it shall be a sufficient 25105
publication of such codification, including the new matter, to 25106
publish, in the manner required by such sections, a notice of the 25107
enactment of such codifying resolution, containing the title of 25108
the resolution and a summary of the new matters covered by it. 25109
Such revision and codification may be made under appropriate 25110
titles, chapters, and sections and in one resolution containing 25111
one or more subjects. 25112

Except as provided by this section, a succinct summary of all 25113
resolutions, including emergency resolutions, shall be published 25114
in accordance with section 504.121 of the Revised Code. 25115

Sec. 504.124. Immediately after the expiration of the period 25116
of publication of summaries of resolutions required by section 25117
504.122 of the Revised Code, the fiscal officer of the township 25118
shall enter on the record of resolutions, in a blank to be left 25119
for such purpose under the recorded resolution, a certificate 25120
stating in which newspaper and on what dates such publication was 25121
made, and shall sign the fiscal officer's name thereto officially. 25122
Such certificate shall be prima-facie evidence that legal 25123
publication of the summary of the resolution was made. 25124

Sec. 504.125. In townships in which no newspaper is generally 25125
circulated, publication of summaries of resolutions, and 25126
publication of all statements, orders, proclamations, notices, and 25127
reports, required by law or resolution to be published, shall be 25128
accomplished by posting copies in not less than five of the most 25129
public places in the township, as determined by the board of 25130
township trustees, for a period of not less than fifteen days 25131
before the effective date thereof. 25132

Where such publication is by posting, the fiscal officer of 25133
the township shall make a certificate as to such posting, and as 25134
to the times when and the places where such posting is done, in 25135
the manner provided in section 504.124 of the Revised Code, and 25136
such certificate shall be prima-facie evidence that the copies 25137
were posted as required. 25138

Sec. 504.126. It is a sufficient defense to any suit or 25139
prosecution under a resolution, to show that no publication or 25140
posting was made as required by sections 504.121 to 504.125 of the 25141
Revised Code. 25142

Sec. 505.08. After adopting by a unanimous vote a resolution 25143
declaring a real and present emergency in connection with the 25144

administration of township services or the execution of duties 25145
assigned by law to any officer of a township, the board of 25146
township trustees may, by resolution, enter into a contract, 25147
without bidding or advertising, for the purchase of services, 25148
materials, equipment, or supplies needed to meet the emergency if 25149
the estimated cost of the contract is less than ~~fifty thousand~~ 25150
~~dollars~~ the amount specified in section 9.17 of the Revised Code. 25151

During the period of the emergency declared by Executive 25152
Order 2020-01D, issued on March 9, 2020, the board of township 25153
trustees may, by resolution, enter into a contract, without 25154
bidding or advertising, for the purchase of personal protective 25155
equipment needed to meet the emergency, regardless of the 25156
estimated cost of the contract. 25157

"Personal protective equipment" means equipment worn to 25158
minimize exposure to hazards that cause workplace injuries and 25159
illnesses. 25160

Sec. 505.37. (A) The board of township trustees may establish 25161
all necessary rules to guard against the occurrence of fires and 25162
to protect the property and lives of the citizens against damage 25163
and accidents, and may, with the approval of the specifications by 25164
the prosecuting attorney or, if the township has adopted limited 25165
home rule government under Chapter 504. of the Revised Code, with 25166
the approval of the specifications by the township's law director, 25167
purchase, lease, lease with an option to purchase, or otherwise 25168
provide any fire apparatus, mechanical resuscitators, underwater 25169
rescue and recovery equipment, or other fire equipment, 25170
appliances, materials, fire hydrants, and water supply for 25171
fire-fighting and fire and rescue purposes that seems advisable to 25172
the board. The board shall provide for the care and maintenance of 25173
such fire equipment, and, for these purposes, may purchase, lease, 25174
lease with an option to purchase, or construct and maintain 25175

necessary buildings, and it may establish and maintain lines of 25176
fire-alarm communications within the limits of the township. The 25177
board may employ one or more persons to maintain and operate such 25178
fire equipment, or it may enter into an agreement with a volunteer 25179
fire company for the use and operation of the equipment. The board 25180
may compensate the members of a volunteer fire company on any 25181
basis and in any amount that it considers equitable. 25182

25183

When the estimated cost to purchase fire apparatus, 25184
mechanical resuscitators, underwater rescue and recovery 25185
equipment, or other fire equipment, appliances, materials, fire 25186
hydrants, buildings, or fire-alarm communications equipment or 25187
services exceeds ~~fifty thousand dollars~~ the amount specified in 25188
section 9.17 of the Revised Code, the contract shall be let by 25189
competitive bidding. No purchase or other transaction subject to 25190
this section shall be divided into component parts in order to 25191
avoid the requirements of this section. When competitive bidding 25192
is required, the board shall advertise once a week for not less 25193
than two consecutive weeks in a newspaper of general circulation 25194
within the township. The board may also cause notice to be 25195
inserted in trade papers or other publications designated by it or 25196
to be distributed by electronic means, including posting the 25197
notice on the board's internet web site. If the board posts the 25198
notice on its web site, it may eliminate the second notice 25199
otherwise required to be published in a newspaper of general 25200
circulation within the township, provided that the first notice 25201
published in such newspaper meets all of the following 25202
requirements: 25203

(1) It is published at least two weeks before the opening of 25204
bids. 25205

(2) It includes a statement that the notice is posted on the 25206

board's internet web site. 25207

(3) It includes the internet address of the board's internet 25208
web site. 25209

(4) It includes instructions describing how the notice may be 25210
accessed on the board's internet web site. 25211

The advertisement shall include the time, date, and place 25212
where the clerk of the township, or the clerk's designee, will 25213
read bids publicly. The time, date, and place of bid openings may 25214
be extended to a later date by the board of township trustees, 25215
provided that written or oral notice of the change shall be given 25216
to all persons who have received or requested specifications not 25217
later than ninety-six hours prior to the original time and date 25218
fixed for the opening. The board may reject all the bids or accept 25219
the lowest and best bid, provided that the successful bidder meets 25220
the requirements of section 153.54 of the Revised Code when the 25221
contract is for the construction, demolition, alteration, repair, 25222
or reconstruction of an improvement. 25223

(B) The boards of township trustees of any two or more 25224
townships, or the legislative authorities of any two or more 25225
political subdivisions, or any combination of these, may, through 25226
joint action, unite in the joint purchase, lease, lease with an 25227
option to purchase, maintenance, use, and operation of fire 25228
equipment described in division (A) of this section, or for any 25229
other purpose designated in sections 505.37 to 505.42 of the 25230
Revised Code, and may prorate the expense of the joint action on 25231
any terms that are mutually agreed upon. 25232

(C) The board of township trustees of any township may, by 25233
resolution, whenever it is expedient and necessary to guard 25234
against the occurrence of fires or to protect the property and 25235
lives of the citizens against damages resulting from their 25236
occurrence, create a fire district of any portions of the township 25237

that it considers necessary. The board may purchase, lease, lease 25238
with an option to purchase, or otherwise provide any fire 25239
apparatus, mechanical resuscitators, underwater rescue and 25240
recovery equipment, or other fire equipment, appliances, 25241
materials, fire hydrants, and water supply for fire-fighting and 25242
fire and rescue purposes, or may contract for the fire protection 25243
for the fire district as provided in section 9.60 of the Revised 25244
Code. The fire district so created shall be given a separate name 25245
by which it shall be known. 25246

Additional unincorporated territory of the township may be 25247
added to a fire district upon the board's adoption of a resolution 25248
authorizing the addition. A municipal corporation, or a portion of 25249
a municipal corporation, that is within or adjoining the township 25250
may be added to a fire district upon the board's adoption of a 25251
resolution authorizing the addition and the municipal legislative 25252
authority's adoption of a resolution or ordinance requesting the 25253
addition of the municipal corporation or a portion of the 25254
municipal corporation to the fire district. 25255

If the township fire district imposes a tax, additional 25256
unincorporated territory of the township or a municipal 25257
corporation or a portion of a municipal corporation that is within 25258
or adjoining the township shall become part of the fire district 25259
only after all of the following have occurred: 25260

(1) Adoption by the board of township trustees of a 25261
resolution approving the expansion of the territorial limits of 25262
the district and, if the resolution proposes to add a municipal 25263
corporation or a portion of a municipal corporation, adoption by 25264
the municipal legislative authority of a resolution or ordinance 25265
requesting the addition of the municipal corporation or a portion 25266
of the municipal corporation to the district; 25267

(2) Adoption by the board of township trustees of a 25268
resolution recommending the extension of the tax to the additional 25269

territory; 25270

(3) The board requests and obtains from the county auditor 25271
the information required for a tax levy under section 5705.03 of 25272
the Revised Code, in the manner prescribed in that section, except 25273
that the levy's annual collections shall be estimated assuming 25274
that the additional territory has been added to the fire district. 25275

(4) Approval of the tax by the electors of the territory 25276
proposed for addition to the district. 25277

Each resolution of the board adopted under division (C)(2) of 25278
this section shall state the name of the fire district, a 25279
description of the territory to be added, the rate, expressed in 25280
mills for each one dollar of taxable value, the estimated 25281
effective rate, expressed in dollars for each one hundred thousand 25282
dollars of the county auditor's appraised value, and termination 25283
date of the tax, which shall be the rate, estimated effective 25284
rate, and termination date of the tax currently in effect in the 25285
fire district. 25286

The board of trustees shall certify each resolution adopted 25287
under division (C)(2) of this section and the county auditor's 25288
certification under division (C)(3) of this section to the board 25289
of elections in accordance with section 5705.19 of the Revised 25290
Code. The election required under division (C)(4) of this section 25291
shall be held, canvassed, and certified in the manner provided for 25292
the submission of tax levies under section 5705.25 of the Revised 25293
Code, except that the question appearing on the ballot shall read: 25294

"Shall the territory within _____ 25295
(description of the proposed territory to be added) be added to 25296
_____ (name) fire district, and a property tax, 25297
that the county auditor estimates will collect \$_____ annually, at 25298
a rate not exceeding _____ mills for each \$1 of taxable value, 25299
which amounts to \$_____ (here insert estimated effective rate) 25300

for each \$100,000 of the county auditor's appraised value, be in 25301
effect for _____ (here insert the number of years the tax is 25302
to be in effect or "a continuing period of time," as applicable)?" 25303

If the question is approved by at least a majority of the 25304
electors voting on it, the joinder shall be effective as of the 25305
first day of July of the year following approval, and on that 25306
date, the township fire district tax shall be extended to the 25307
taxable property within the territory that has been added. If the 25308
territory that has been added is a municipal corporation or 25309
portion thereof and if it had adopted a tax levy for fire 25310
purposes, the levy is terminated on the effective date of the 25311
joinder in the area of the municipal corporation added to the 25312
district. 25313

Any municipal corporation may withdraw from a township fire 25314
district created under division (C) of this section by the 25315
adoption by the municipal legislative authority of a resolution or 25316
ordinance ordering withdrawal. On the first day of July of the 25317
year following the adoption of the resolution or ordinance of 25318
withdrawal, the withdrawing municipal corporation or the portion 25319
thereof ceases to be a part of the district, and the power of the 25320
fire district to levy a tax upon taxable property in the 25321
withdrawing municipal corporation or the portion thereof 25322
terminates, except that the fire district shall continue to levy 25323
and collect taxes for the payment of indebtedness within the 25324
territory of the fire district as it was composed at the time the 25325
indebtedness was incurred. 25326

Upon the withdrawal of any municipal corporation from a 25327
township fire district created under division (C) of this section, 25328
the county auditor shall ascertain, apportion, and order a 25329
division of the funds on hand, moneys and taxes in the process of 25330
collection except for taxes levied for the payment of 25331
indebtedness, credits, and real and personal property, either in 25332

money or in kind, on the basis of the valuation of the respective 25333
tax duplicates of the withdrawing municipal corporation and the 25334
remaining territory of the fire district. 25335

A board of township trustees may remove unincorporated 25336
territory of the township from the fire district upon the adoption 25337
of a resolution authorizing the removal. On the first day of July 25338
of the year following the adoption of the resolution, the 25339
unincorporated township territory described in the resolution 25340
ceases to be a part of the district, and the power of the fire 25341
district to levy a tax upon taxable property in that territory 25342
terminates, except that the fire district shall continue to levy 25343
and collect taxes for the payment of indebtedness within the 25344
territory of the fire district as it was composed at the time the 25345
indebtedness was incurred. 25346

As used in this section, "the county auditor's appraised 25347
value" and "estimated effective rate" have the same meanings as in 25348
section 5705.01 of the Revised Code. 25349

(D) The board of township trustees of any township, the board 25350
of fire district trustees of a fire district created under section 25351
505.371 of the Revised Code, or the legislative authority of any 25352
municipal corporation may purchase, lease, or lease with an option 25353
to purchase the necessary fire equipment described in division (A) 25354
of this section, buildings, and sites for the township, fire 25355
district, or municipal corporation and issue securities for that 25356
purpose with maximum maturities as provided in section 133.20 of 25357
the Revised Code. The board of township trustees, board of fire 25358
district trustees, or legislative authority may also construct any 25359
buildings necessary to house fire equipment and issue securities 25360
for that purpose with maximum maturities as provided in section 25361
133.20 of the Revised Code. 25362

The board of township trustees, board of fire district 25363
trustees, or legislative authority may issue the securities of the 25364

township, fire district, or municipal corporation, signed by the 25365
board or designated officer of the municipal corporation and 25366
attested by the signature of the township fiscal officer, fire 25367
district clerk, or municipal clerk, covering any deferred payments 25368
and payable at the times provided, which securities shall bear 25369
interest not to exceed the rate determined as provided in section 25370
9.95 of the Revised Code, and shall not be subject to Chapter 133. 25371
of the Revised Code. The legislation authorizing the issuance of 25372
the securities shall provide for levying and collecting annually 25373
by taxation, amounts sufficient to pay the interest on and 25374
principal of the securities. The securities shall be offered for 25375
sale on the open market or given to the vendor or contractor if no 25376
sale is made. 25377

Section 505.40 of the Revised Code does not apply to any 25378
securities issued, or any lease with an option to purchase entered 25379
into, in accordance with this division. 25380

(E) A board of township trustees of any township or a board 25381
of fire district trustees of a fire district created under section 25382
505.371 of the Revised Code may purchase a policy or policies of 25383
liability insurance for the officers, employees, and appointees of 25384
the fire department, fire district, or joint fire district 25385
governed by the board that includes personal injury liability 25386
coverage as to the civil liability of those officers, employees, 25387
and appointees for false arrest, detention, or imprisonment, 25388
malicious prosecution, libel, slander, defamation or other 25389
violation of the right of privacy, wrongful entry or eviction, or 25390
other invasion of the right of private occupancy, arising out of 25391
the performance of their duties. 25392

When a board of township trustees cannot, by deed of gift or 25393
by purchase and upon terms it considers reasonable, procure land 25394
for a township fire station that is needed in order to respond in 25395
reasonable time to a fire or medical emergency, the board may 25396

appropriate land for that purpose under sections 163.01 to 163.22 25397
of the Revised Code. If it is necessary to acquire additional 25398
adjacent land for enlarging or improving the fire station, the 25399
board may purchase, appropriate, or accept a deed of gift for the 25400
land for these purposes. 25401

(F) As used in this division, "emergency medical service 25402
organization" has the same meaning as in section 4766.01 of the 25403
Revised Code. 25404

A board of township trustees, by adoption of an appropriate 25405
resolution, may choose to have the state board of emergency 25406
medical, fire, and transportation services license any emergency 25407
medical service organization it operates. If the board adopts such 25408
a resolution, Chapter 4766. of the Revised Code, except for 25409
sections 4766.06 and 4766.99 of the Revised Code, applies to the 25410
organization. All rules adopted under the applicable sections of 25411
that chapter also apply to the organization. A board of township 25412
trustees, by adoption of an appropriate resolution, may remove its 25413
emergency medical service organization from the jurisdiction of 25414
the state board of emergency medical, fire, and transportation 25415
services. 25416

Sec. 505.376. When any expenditure of a fire and ambulance 25417
district, other than for the compensation of district employees, 25418
exceeds ~~fifty thousand dollars~~ the amount specified in section 25419
9.17 of the Revised Code, the contract for the expenditure shall 25420
be in writing and made with the lowest and best bidder after 25421
advertising once a week for not less than two consecutive weeks in 25422
a newspaper of general circulation within the district. The board 25423
of trustees of a fire and ambulance district may also cause notice 25424
to be inserted in trade papers or other publications designated by 25425
it or to be distributed by electronic means, including posting the 25426
notice on the board's internet web site. If the board posts the 25427

notice on its web site, it may eliminate the second notice 25428
otherwise required to be published in a newspaper of general 25429
circulation within the district, provided that the first notice 25430
published in such newspaper meets all of the following 25431
requirements: 25432

(A) It is published at least two weeks before the opening of 25433
bids. 25434

(B) It includes a statement that the notice is posted on the 25435
board's internet web site. 25436

(C) It includes the internet address of the board's internet 25437
web site. 25438

(D) It includes instructions describing how the notice may be 25439
accessed on the board's internet web site. 25440

The bids shall be opened and shall be publicly read by the 25441
clerk of the district, or the clerk's designee, at the time, date, 25442
and place specified in the advertisement to bidders or the 25443
specifications. The time, date, and place of bid openings may be 25444
extended to a later date by the board of trustees of the district, 25445
provided that written or oral notice of the change shall be given 25446
to all persons who have received or requested specifications no 25447
later than ninety-six hours prior to the original time and date 25448
fixed for the opening. 25449

Each bid on any contract shall contain the full name of every 25450
person interested in the bid. If the bid is for a contract for the 25451
construction, demolition, alteration, repair, or reconstruction of 25452
an improvement, it shall meet the requirements of section 153.54 25453
of the Revised Code. If the bid is for any other contract, it 25454
shall be accompanied by a sufficient bond or certified check, 25455
cashier's check, or money order on a solvent bank or savings and 25456
loan association that, if the bid is accepted, a contract will be 25457
entered into and the performance of it will be properly secured. 25458

If the bid for work embraces both labor and material, it shall be 25459
separately stated, with the price of the labor and the material. 25460
The board may reject any and all bids. The contract shall be 25461
between the district and the bidder, and the district shall pay 25462
the contract price in cash. When a bonus is offered for completion 25463
of a contract prior to a specified date, the board may exact a 25464
prorated penalty in like sum for each day of delay beyond the 25465
specified date. When there is reason to believe there is collusion 25466
or combination among bidders, the bids of those concerned shall be 25467
rejected. 25468

No expenditure subject to this section shall be divided into 25469
component parts, separate projects, or separate items of work in 25470
order to avoid the requirements of this section. 25471

Sec. 511.01. If, in a township, a town hall is to be built, 25472
improved, enlarged, or removed at a cost greater than ~~fifty~~ 25473
~~thousand dollars~~ the amount specified in section 9.17 of the 25474
Revised Code, the board of township trustees shall submit the 25475
question to the electors of such township and shall certify their 25476
resolution to the board of elections not later than four p.m. of 25477
the ninetieth day before the day of the election. 25478

Sec. 511.12. The board of township trustees may prepare plans 25479
and specifications and make contracts for the construction and 25480
erection of a memorial building, monument, statue, or memorial, 25481
for the purposes specified and within the amount authorized by 25482
section 511.08 of the Revised Code. If the total estimated cost of 25483
the construction and erection exceeds ~~fifty thousand dollars~~ the 25484
amount specified in section 9.17 of the Revised Code, the contract 25485
shall be let by competitive bidding. If the estimated cost is 25486
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 25487
Revised Code or less, competitive bidding may be required at the 25488
board's discretion. In making contracts under this section, the 25489

board shall be governed as follows: 25490

(A) Contracts for construction when competitive bidding is 25491
required shall be based upon detailed plans, specifications, forms 25492
of bids, and estimates of cost, adopted by the board. 25493

(B) Contracts shall be made in writing upon concurrence of a 25494
majority of the members of the board, and shall be signed by at 25495
least two of the members and by the contractor. If competitive 25496
bidding is required, no contract shall be made or signed until an 25497
advertisement has been placed in a newspaper, published or of 25498
general circulation in the township, at least twice. The board may 25499
also cause notice to be inserted in trade papers or other 25500
publications designated by it or to be distributed by electronic 25501
means, including posting the notice on the board's internet web 25502
site. If the board posts the notice on its web site, it may 25503
eliminate the second notice otherwise required to be published in 25504
a newspaper published or of general circulation in the township, 25505
provided that the first notice published in such newspaper meets 25506
all of the following requirements: 25507

(1) It is published at least two weeks before the opening of 25508
bids. 25509

(2) It includes a statement that the notice is posted on the 25510
board's internet web site. 25511

(3) It includes the internet address of the board's internet 25512
web site. 25513

(4) It includes instructions describing how the notice may be 25514
accessed on the board's internet web site. 25515

(C) No contract shall be let by competitive bidding except to 25516
the lowest and best bidder, who shall meet the requirements of 25517
section 153.54 of the Revised Code. 25518

(D) When, in the opinion of the board, it becomes necessary 25519

in the prosecution of such work to make alterations or 25520
modifications in any contract, the alterations or modifications 25521
shall be made only by order of the board, and that order shall be 25522
of no effect until the price to be paid for the work or materials 25523
under the altered or modified contract has been agreed upon in 25524
writing and signed by the contractor and at least two members of 25525
the board. 25526

(E) No contract or alteration or modification of it shall be 25527
valid unless made in the manner provided in this section. 25528

(F) No project subject to this section shall be divided into 25529
component parts, separate projects, or separate items of work in 25530
order to avoid the requirements of this section. 25531

Sec. 515.01. The board of township trustees may provide 25532
artificial lights for any road, highway, public place, or building 25533
under its supervision or control, or for any territory within the 25534
township and outside the boundaries of any municipal corporation, 25535
when the board determines that the public safety or welfare 25536
requires that the road, highway, public place, building, or 25537
territory shall be lighted. The lighting may be procured either by 25538
the township installing a lighting system or by contracting with 25539
any person or corporation to furnish lights. 25540

If lights are furnished under contract, the contract may 25541
provide that the equipment employed may be owned by the township 25542
or by the person or corporation supplying the lights. 25543

If the board determines to procure lighting by contract and 25544
the total estimated cost of the contract exceeds ~~fifty thousand~~ 25545
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 25546
the board shall prepare plans and specifications for the lighting 25547
equipment and shall, for two weeks, advertise for bids for 25548
furnishing the lighting equipment, either by posting the 25549
advertisement in three conspicuous places in the township or by 25550

publication of the advertisement once a week, for two consecutive 25551
weeks, in a newspaper of general circulation in the township. Any 25552
such contract for lighting shall be made with the lowest and best 25553
bidder. 25554

The board may also cause notice to be inserted in trade 25555
papers or other publications designated by it or to be distributed 25556
by electronic means, including posting the notice on the board's 25557
internet web site. If the board posts the notice on its web site, 25558
it may eliminate the second notice otherwise required to be 25559
published in a newspaper of general circulation in the township, 25560
provided that the first notice published in such newspaper meets 25561
all of the following requirements: 25562

(A) It is published at least two weeks before the opening of 25563
bids. 25564

(B) It includes a statement that the notice is posted on the 25565
board's internet web site. 25566

(C) It includes the internet address of the board's internet 25567
web site. 25568

(D) It includes instructions describing how the notice may be 25569
accessed on the board's internet web site. 25570

No lighting contract awarded by the board shall be made to 25571
cover a period of more than twenty years. The cost of installing 25572
and operating any lighting system or any light furnished under 25573
contract shall be paid from the general fund of the township 25574
treasury. 25575

No procurement subject to this section shall be divided into 25576
component parts, separate projects, or separate items of work in 25577
order to avoid the requirements of this section. 25578

Sec. 517.07. Upon application, the board of township trustees 25579
shall sell at a reasonable price the number of lots as public 25580

wants demand for burial purposes. Purchasers of lots or other 25581
interment rights, upon complying with the terms of sale, may 25582
receive deeds for the lots or rights which the board shall execute 25583
~~and which shall be recorded by the.~~ The township fiscal officer 25584
shall record each deed in a book the township keeps for that 25585
purpose or with the county recorder under section 317.08 of the 25586
Revised Code. The expense of recording shall be paid by the person 25587
receiving the deed. Upon the application of a head of a family 25588
living in the township, the board shall, without charge, make and 25589
deliver to the applicant a deed for a suitable lot or right for 25590
the interment of the applicant's family, if, in the opinion of the 25591
board and by reason of the circumstances of the family, the 25592
payment would be oppressive. 25593

The terms of sale and any deed for lots executed after July 25594
24, 1986, for an entombment, including a mausoleum, columbarium, 25595
or other interment right executed on or after September 29, 2015, 25596
may include the following requirements: 25597

(A) The grantee shall provide to the board of township 25598
trustees, in writing, a list of the names and addresses of the 25599
persons to whom the grantee's property would pass by intestate 25600
succession. 25601

(B) The grantee shall notify the board in writing of any 25602
subsequent changes in the name or address of any persons to whom 25603
property would descend. 25604

(C) Any person who receives a township cemetery lot or right 25605
by gift, inheritance, or any other means other than the original 25606
conveyance shall, within one year after receiving the interest, 25607
give written notice of the person's name and address to the board 25608
having control of the cemetery, and shall notify the board of any 25609
subsequent changes in the person's name or address. 25610

The terms of sale and any deed for any lots or rights 25611

executed in compliance with the notification requirements set 25612
forth in divisions (A), (B), and (C) of this section shall state 25613
that the board of township trustees shall have right of reentry to 25614
the cemetery lot or right if the notification requirements are not 25615
met. At least ninety days before establishing reentry, the board 25616
shall publish a notice on the board's internet web site, if 25617
applicable, and shall send a notice by certified mail to the last 25618
known owner at the owner's last known address to inform the owner 25619
that the owner's interest in the lot or right will cease unless 25620
the notification requirements are met. If the owner's address is 25621
unknown and cannot reasonably be obtained, it is sufficient to 25622
publish the notice once in a newspaper of general circulation in 25623
the county. In order to establish reentry, the board shall pass a 25624
resolution stating that the conditions of the sale or of the deed 25625
have not been fulfilled, and that the board reclaims its interest 25626
in the lot or right. 25627

The board may limit the terms of sale or the deed for a 25628
cemetery lot or right by specifying that the owner, a member of 25629
the owner's family, or an owner's descendant must use the lot, 25630
tomb, including a mausoleum, or columbarium, or at least a portion 25631
of the lot, tomb, including a mausoleum, or columbarium, within a 25632
specified time period. The board may specify this time period to 25633
be at least twenty but not more than fifty years, with right of 25634
renewal provided at no cost. At least ninety days before the 25635
termination date for use of the cemetery lot, tomb, including a 25636
mausoleum, or columbarium, the board shall publish a notice on the 25637
board's internet web site, if applicable, and shall send a notice 25638
to the owner to inform the owner that the owner's interest in the 25639
lot or right will cease on the termination date unless the owner 25640
contracts for renewal by that date. The board shall send the 25641
notice by certified mail to the owner if the owner is a resident 25642
of the township or is a nonresident whose address is known. If the 25643
owner's address is unknown and cannot reasonably be obtained, it 25644

is sufficient to publish the notice once in a newspaper of general 25645
circulation in the county. 25646

The terms of sale and any deed for lots or rights conveyed 25647
with a termination date shall state that the board shall have 25648
right of reentry to the lot or right at the end of the specified 25649
time period if the lot, tomb, including a mausoleum, or 25650
columbarium, is not used within this time period or renewed for an 25651
extended period. In order to establish reentry, the board shall 25652
pass a resolution stating that the conditions of the sale or of 25653
the deed have not been fulfilled, and that the board reclaims its 25654
interest in the lot or right. The board shall compensate owners of 25655
unused lots or rights who do not renew the terms of sale or the 25656
deed by offering to pay the owner eighty per cent of the purchase 25657
price or to provide another available lot or right, as applicable, 25658
at no additional cost. The board may repurchase any cemetery lot 25659
or right from its owner at any time at a price that is mutually 25660
agreed upon by the board and the owner. 25661

Sec. 517.271. Notwithstanding section 517.22 of the Revised 25662
Code, the company, association, or religious society that most 25663
recently owned and operated a cemetery currently owned by a board 25664
of township trustees may petition the probate court of the county 25665
in which the cemetery is located to transfer the ownership of the 25666
cemetery to the petitioner. 25667

If the court determines that the petitioner has met all of 25668
the following conditions, the court shall transfer the ownership 25669
of the cemetery to the petitioner and shall order the board and 25670
county recorder to give the petitioner all necessary records and 25671
documents concerning the cemetery, including records of the 25672
board's sale of any lots pursuant to section 517.07 of the Revised 25673
Code: 25674

(A) The petitioner has the financial resources necessary to 25675

operate and maintain the cemetery; 25676

(B) The petitioner is in compliance with all applicable laws 25677
and administrative rules concerning the owners and operators of 25678
cemeteries, including registration under section 4767.02 of the 25679
Revised Code; and 25680

(C) The petitioner owes no delinquent taxes. 25681

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 25682
be initiated by motion of the township zoning commission, by the 25683
passage of a resolution by the board of township trustees, or by 25684
the filing of an application by one or more of the owners or 25685
lessees of property within the area proposed to be changed or 25686
affected by the proposed amendment with the township zoning 25687
commission. The board of township trustees may require that the 25688
owner or lessee of property filing an application to amend the 25689
zoning resolution pay a fee to defray the cost of advertising, 25690
mailing, filing with the county recorder, and other expenses. If 25691
the board of township trustees requires such a fee, it shall be 25692
required generally, for each application. The board of township 25693
trustees, upon the passage of such a resolution, shall certify it 25694
to the township zoning commission. 25695

(2) Upon the adoption of a motion by the township zoning 25696
commission, the certification of a resolution by the board of 25697
township trustees to the commission, or the filing of an 25698
application by property owners or lessees as described in division 25699
(A)(1) of this section with the commission, the commission shall 25700
set a date for a public hearing, which date shall not be less than 25701
twenty nor more than forty days from the date of the certification 25702
of such a resolution, the date of adoption of such a motion, or 25703
the date of the filing of such an application. Notice of the 25704
hearing shall be given by the commission by one publication in one 25705
or more newspapers of general circulation in the township at least 25706

ten days before the date of the hearing. 25707

(B) If the proposed amendment intends to rezone or redistrict 25708
ten or fewer parcels of land, as listed on the county auditor's 25709
current tax list, written notice of the hearing shall be mailed by 25710
the township zoning commission, by first class mail, at least ten 25711
days before the date of the public hearing to all owners of 25712
property within and contiguous to and directly across the street 25713
from the area proposed to be rezoned or redistricted to the 25714
addresses of those owners appearing on the county auditor's 25715
current tax list. The failure of delivery of that notice shall not 25716
invalidate any such amendment. 25717

(C) If the proposed amendment intends to rezone or redistrict 25718
ten or fewer parcels of land as listed on the county auditor's 25719
current tax list, the published and mailed notices shall set forth 25720
the time, date, and place of the public hearing and include all of 25721
the following: 25722

(1) The name of the township zoning commission that will be 25723
conducting the hearing; 25724

(2) A statement indicating that the motion, resolution, or 25725
application is an amendment to the zoning resolution; 25726

(3) A list of the addresses of all properties to be rezoned 25727
or redistricted by the proposed amendment and of the names of 25728
owners of those properties, as they appear on the county auditor's 25729
current tax list; 25730

(4) The present zoning classification of property named in 25731
the proposed amendment and the proposed zoning classification of 25732
that property; 25733

(5) The time and place where the motion, resolution, or 25734
application proposing to amend the zoning resolution will be 25735
available for examination for a period of at least ten days prior 25736
to the hearing; 25737

(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;	25738 25739 25740
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	25741 25742 25743
(8) Any other information requested by the commission.	25744
(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:	25745 25746 25747 25748 25749
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;	25750 25751
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;	25752 25753
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;	25754 25755 25756
(4) The name of the person responsible for giving notice of the hearing by publication;	25757 25758
(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;	25759 25760 25761
(6) Any other information requested by the commission.	25762
(E)(1)(a) Except as provided in division (E)(1)(b) of this section, within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this	25763 25764 25765 25766 25767

section, the township zoning commission shall transmit a copy of 25768
it together with text and map pertaining to it to the county or 25769
regional planning commission, if there is such a commission, for 25770
approval, disapproval, or suggestions. 25771

The county or regional planning commission shall recommend 25772
the approval or denial of the proposed amendment or the approval 25773
of some modification of it and shall submit its recommendation to 25774
the township zoning commission. The recommendation shall be 25775
considered at the public hearing held by the township zoning 25776
commission on the proposed amendment. 25777

(b) The township zoning commission of a township that has 25778
adopted a limited home rule government under Chapter 504. of the 25779
Revised Code is not subject to division (E)(1)(a) of this section 25780
but may choose to comply with division (E)(1)(a) of this section. 25781

(2) The township zoning commission, within thirty days after 25782
the hearing, shall recommend the approval or denial of the 25783
proposed amendment, or the approval of some modification of it, 25784
and submit that recommendation together with the motion, 25785
application, or resolution involved, the text and map pertaining 25786
to the proposed amendment, and the recommendation of the county or 25787
regional planning commission on it to the board of township 25788
trustees. 25789

(3) The board of township trustees, upon receipt of that 25790
recommendation, shall set a time for a public hearing on the 25791
proposed amendment, which date shall not be more than thirty days 25792
from the date of the receipt of that recommendation. Notice of the 25793
hearing shall be given by the board by one publication in one or 25794
more newspapers of general circulation in the township, at least 25795
ten days before the date of the hearing. 25796

(F) If the proposed amendment intends to rezone or redistrict 25797
ten or fewer parcels of land as listed on the county auditor's 25798

current tax list, the published notice shall set forth the time, 25799
date, and place of the public hearing and include all of the 25800
following: 25801

(1) The name of the board of township trustees that will be 25802
conducting the hearing; 25803

(2) A statement indicating that the motion, application, or 25804
resolution is an amendment to the zoning resolution; 25805

(3) A list of the addresses of all properties to be rezoned 25806
or redistricted by the proposed amendment and of the names of 25807
owners of those properties, as they appear on the county auditor's 25808
current tax list; 25809

(4) The present zoning classification of property named in 25810
the proposed amendment and the proposed zoning classification of 25811
that property; 25812

(5) The time and place where the motion, application, or 25813
resolution proposing to amend the zoning resolution will be 25814
available for examination for a period of at least ten days prior 25815
to the hearing; 25816

(6) The name of the person responsible for giving notice of 25817
the hearing by publication, by mail, or by both publication and 25818
mail; 25819

(7) Any other information requested by the board. 25820

(G) If the proposed amendment alters the text of the zoning 25821
resolution, or rezones or redistricts more than ten parcels of 25822
land as listed on the county auditor's current tax list, the 25823
published notice shall set forth the time, date, and place of the 25824
public hearing and include all of the following: 25825

(1) The name of the board of township trustees that will be 25826
conducting the hearing on the proposed amendment; 25827

(2) A statement indicating that the motion, application, or 25828

resolution is an amendment to the zoning resolution; 25829

(3) The time and place where the text and maps of the 25830
proposed amendment will be available for examination for a period 25831
of at least ten days prior to the hearing; 25832

(4) The name of the person responsible for giving notice of 25833
the hearing by publication; 25834

(5) Any other information requested by the board. 25835

(H) Within twenty days after its public hearing, the board of 25836
township trustees shall either adopt or deny the recommendations 25837
of the township zoning commission or adopt some modification of 25838
them. If the board denies or modifies the commission's 25839
recommendations, a majority vote of the board shall be required. 25840

The proposed amendment, if adopted by the board, shall become 25841
effective in thirty days after the date of its adoption, unless, 25842
within thirty days after the adoption, there is presented to the 25843
board of township trustees a petition, signed by a number of 25844
registered electors residing in the unincorporated area of the 25845
township or part of that unincorporated area included in the 25846
zoning plan equal to not less than ~~eight~~ twenty-five per cent of 25847
the total vote cast for all candidates for governor in that area 25848
at the most recent general election at which a governor was 25849
elected, requesting the board of township trustees to submit the 25850
amendment to the electors of that area for approval or rejection 25851
at a special election to be held on the day of the next primary or 25852
general election that occurs at least ninety days after the 25853
petition is filed. Each part of this petition shall contain the 25854
number and the full and correct title, if any, of the zoning 25855
amendment resolution, motion, or application, furnishing the name 25856
by which the amendment is known and a brief summary of its 25857
contents. In addition to meeting the requirements of this section, 25858
each petition shall be governed by the rules specified in section 25859

3501.38 of the Revised Code.	25860	
The form of a petition calling for a zoning referendum and	25861	
the statement of the circulator shall be substantially as follows:	25862	
"PETITION FOR ZONING REFERENDUM	25863	
(if the proposal is identified by a particular name or number, or	25864	
both, these should be inserted here)	25865	
A proposal to amend the zoning map of the unincorporated area	25866	
of Township, County, Ohio, adopted	25867	
.....(date)..... (followed by brief summary of the proposal).	25868	
To the Board of Township Trustees of	25869	
Township, County, Ohio:	25870	
	25871	
We, the undersigned, being electors residing in the	25872	
unincorporated area of Township, included	25873	
within the Township Zoning Plan, equal to not less	25874	
than eight <u>twenty-five</u> per cent of the total vote cast for all	25875	
candidates for governor in the area at the preceding general	25876	
election at which a governor was elected, request the Board of	25877	
Township Trustees to submit this amendment of the zoning	25878	
resolution to the electors of Township	25879	
residing within the unincorporated area of the township included	25880	
in the Township Zoning Resolution, for approval	25881	
or rejection at a special election to be held on the day of the	25882	
primary or general election to be held on(date).....,	25883	
pursuant to section 519.12 of the Revised Code.	25884	
Street Address	Date of	25885
Signature or R.F.D. Township Precinct County Signing		25886
.....		25887
.....		25888
STATEMENT OF CIRCULATOR		25889
I,(name of circulator)....., declare under		25890

penalty of election falsification that I am an elector of the 25891
state of Ohio and reside at the address appearing below my 25892
signature; that I am the circulator of the foregoing part petition 25893
containing(number)..... signatures; that I have 25894
witnessed the affixing of every signature; that all signers were 25895
to the best of my knowledge and belief qualified to sign; and that 25896
every signature is to the best of my knowledge and belief the 25897
signature of the person whose signature it purports to be or of an 25898
attorney in fact acting pursuant to section 3501.382 of the 25899
Revised Code. 25900

..... 25901
(Signature of circulator) 25902
..... 25903
(Address of circulator's permanent 25904
residence in this state) 25905
..... 25906
(City, village, or township, 25907
and zip code) 25908

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 25909
OF THE FIFTH DEGREE." 25910

The petition shall be filed with the board of township 25911
trustees and shall be accompanied by an appropriate map of the 25912
area affected by the zoning proposal. Within two weeks after 25913
receiving a petition filed under this section, the board of 25914
township trustees shall certify the petition to the board of 25915
elections. A petition filed under this section shall be certified 25916
to the board of elections not less than ninety days prior to the 25917
election at which the question is to be voted upon. 25918

The board of elections shall determine the sufficiency and 25919
validity of each petition certified to it by a board of township 25920
trustees under this section. If the board of elections determines 25921
that a petition is sufficient and valid, the question shall be 25922

voted upon at a special election to be held on the day of the next 25923
primary or general election that occurs at least ninety days after 25924
the date the petition is filed with the board of township 25925
trustees, regardless of whether any election will be held to 25926
nominate or elect candidates on that day. 25927

No amendment for which such a referendum vote has been 25928
requested shall be put into effect unless a majority of the vote 25929
cast on the issue is in favor of the amendment. Upon certification 25930
by the board of elections that the amendment has been approved by 25931
the voters, it shall take immediate effect. 25932

Within five working days after an amendment's effective date, 25933
the board of township trustees shall file the text and maps of the 25934
amendment in the office of the county recorder and with the county 25935
or regional planning commission, if one exists. 25936

The failure to file any amendment, or any text and maps, or 25937
duplicates of any of these documents, with the office of the 25938
county recorder or the county or regional planning commission as 25939
required by this section does not invalidate the amendment and is 25940
not grounds for an appeal of any decision of the board of zoning 25941
appeals. 25942

Sec. 519.25. In any township in which there is in force a 25943
plan of township zoning, the plan may be repealed by the board of 25944
township trustees in the following manner: 25945

(A) The board may adopt a resolution upon its own initiative. 25946

(B) The board shall adopt a resolution if there is presented 25947
to it a petition, similar in all relevant aspects to that 25948
prescribed in section 519.12 of the Revised Code, signed by a 25949
number of qualified electors residing in the unincorporated area 25950
of such township included in the zoning plan equal to not less 25951
than ~~eight~~ twenty-five per cent of the total vote cast for all 25952

candidates for governor in such area at the most recent general 25953
election at which a governor was elected, requesting that the 25954
question of whether or not the plan of zoning in effect in such 25955
township shall be repealed be submitted to the electors residing 25956
in the unincorporated area of the township included in the zoning 25957
plan at a special election to be held on the day of the next 25958
primary or general election. The resolution adopted by the board 25959
of township trustees to cause such question to be submitted to the 25960
electors shall be certified to the board of elections not later 25961
than ninety days prior to the day of election at which said 25962
question is to be voted upon. In the event a majority of the vote 25963
cast on such question in the township is in favor of repeal of 25964
zoning, then such regulations shall no longer be of any effect. 25965
Not more than one such election shall be held in any two calendar 25966
years. 25967

Sec. 519.26. A final judgment on the merits issued by a court 25968
of competent jurisdiction pursuant to its power of review under 25969
Chapter 2506. of the Revised Code, on claims brought under this 25970
chapter, does not preclude later claims for damages, including 25971
claims brought under 42 U.S.C. 1983, even if the common law 25972
doctrine of res judicata would otherwise bar the claim. 25973

The general assembly intends that this section be construed 25974
to override the federal sixth circuit court of appeals's decision 25975
in the case *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 25976
2021). 25977

Sec. 703.21. (A) The surrender of corporate powers by a 25978
village under section 703.20 or 703.201 of the Revised Code does 25979
not affect vested rights or accrued liabilities of the village, or 25980
the power to settle claims, dispose of property, or levy and 25981
collect taxes to pay existing obligations, or to operate its 25982
utilities, including collection of existing rates and charges for 25983

services rendered, until the ownership and operation of each 25984
utility is transferred to another entity. But, after the 25985
presentation of the petition mentioned in section 703.20 of the 25986
Revised Code or receipt of the audit report and notice mentioned 25987
in section 703.201 of the Revised Code, the legislative authority 25988
of the village shall not create any new liability until the result 25989
of the election under section 703.20 of the Revised Code is 25990
declared or the decision of the court of common pleas under 25991
division (C) of section 703.201 of the Revised Code is declared, 25992
or thereafter, if the result, in either case, is for the surrender 25993
of the village's corporate powers, except to the extent such 25994
liability is necessary in connection with the operations of the 25995
village's utilities consistent with prudent utility practice. If 25996
the auditor of state notifies the village that the attorney 25997
general may file a legal action under section 703.201 of the 25998
Revised Code, but the attorney general does not file such an 25999
action, the village shall not create any new liability for thirty 26000
days after receipt of the auditor of state's notice, except to the 26001
extent such liability is necessary in connection with the 26002
operations of the village's utilities consistent with prudent 26003
utility practice. 26004

(B) Due and unpaid taxes may be collected after the surrender 26005
of corporate powers, and all moneys or property remaining after 26006
the surrender belongs to the township or townships located wholly 26007
or partly within the village, subject to the agreements entered 26008
into as provided for in this section for the timely transfer of 26009
real and personal property and subject to the report of an audit 26010
or, at the discretion of the auditor of state, an agreed-upon 26011
procedure audit performed by the auditor of state under section 26012
117.11 of the Revised Code. The auditor of state shall commence 26013
the audit or agreed-upon procedure audit within thirty days after 26014
receipt of the notice of dissolution as provided in division 26015

~~(E)~~(F) of section 117.10 of the Revised Code. Cash balances shall 26016
be transferred at the completion of the audit or agreed-upon 26017
procedure audit performed by the auditor of state. Except as 26018
otherwise provided by agreement of the affected village and 26019
townships, if more than one township is to receive the remaining 26020
money or property, the money and property shall be divided among 26021
the townships in proportion to the amount of territory that each 26022
township has within the village boundaries as compared to the 26023
total territory within the village. 26024

(C)(1) Village real and personal property, other than 26025
electric, water, and sewer utility property, shall be transferred 26026
in a timely manner in accordance with agreements between or among 26027
the affected village and township or townships. If no such 26028
agreements have been reached within sixty days after the 26029
certificate of dissolution is filed with the county recorder, 26030
title to real and personal property other than any electric, 26031
water, and sewer utility property vests by operation of law in the 26032
affected township or townships. If more than one township is 26033
affected, and agreements have not been reached within sixty days 26034
after the certificate of dissolution is filed, title vests by 26035
operation of law in proportion to the amount of territory that 26036
each township has within the village boundaries as compared to the 26037
total territory within the village. 26038

(2) Any agreements entered into under this section regarding 26039
the transfer of real property shall be recorded with the county 26040
recorder of the county in which the affected real property is 26041
situated, along with affidavits stating facts relating to title as 26042
provided for in section 5301.252 of the Revised Code. The county 26043
recorder shall make appropriate notations in the county records to 26044
reflect the conveyance of the village's interest in real property 26045
in accordance with the recorded agreements resulting from the 26046
surrender of corporate powers. The notations shall include a 26047

reference to the county's recorded certificate of dissolution. 26048

In the absence of any agreements and upon the recording of 26049
affidavits relating to title, the county recorder shall make 26050
appropriate notations in the county records to reflect the 26051
conveyance of the village's interest in real property and to 26052
evidence that title vested by operation of law in the township or 26053
townships as otherwise provided for in this section and as a 26054
result of the surrender of corporate powers. The recording of a 26055
certificate of dissolution or a certified copy of it, any 26056
agreements regarding the transfer of real property, and supporting 26057
affidavits serve as sufficient evidence of a transfer of title 26058
from the former village to a township or townships. These 26059
documents shall be recorded in the same manner as a deed of 26060
conveyance, except that the affected township or townships are 26061
exempt from any fees specified under section 317.32 of the Revised 26062
Code. 26063

(3) Cash balances shall be transferred at the completion of 26064
the audit, or, at the discretion of the auditor of state, the 26065
agreed-upon procedure audit performed by the auditor of state. 26066

(D)(1) Electric and water and sewer utility property shall be 26067
transferred by agreement entered into by the village and the 26068
entity that will be taking over the electric and water and sewer 26069
utility property and assets. Cash balances shall be transferred at 26070
the completion of the audit, or, at the discretion of the auditor 26071
of state, the agreed-upon procedure audit performed by the auditor 26072
of state. The provision of utility and other services shall be 26073
uninterrupted during the transition period following the surrender 26074
of corporate powers. 26075

(a) Following the filing of the certificate of dissolution, 26076
if it is determined that a county, or a regional water and sewer 26077
district organized under Chapter 6119. of the Revised Code, is 26078
obligated to assume water and sewer utility property and assets by 26079

default, the board of county commissioners or board of trustees of 26080
the district, as appropriate, may petition the court of common 26081
pleas of the county in which the village was located, for an order 26082
to revise the current user fees, rates, and charges charged, or 26083
assessments levied, by the utility. The board of county 26084
commissioners or board of trustees of the district shall file with 26085
the petition a systems audit of the utility. The systems audit 26086
shall address the financial solvency of the utility; the utility's 26087
debt service obligations and operating revenue stream, including 26088
user fees, rates, charges, and assessments; the utility's 26089
compliance with operating permit requirements; the necessary 26090
system maintenance, upgrades, and operational modifications and 26091
their associated costs for the utility; outstanding, pending, or 26092
potential enforcement actions against the utility; and any other 26093
relevant matters impacting the operational viability and financial 26094
solvency of the utility. 26095

When considering whether to grant the order, the court shall 26096
review the systems audit and any other relevant evidence. The 26097
order of the court shall assure that the operational viability and 26098
financial solvency of the utility is maintained, and that an 26099
unreasonable financial burden is not placed upon the county or 26100
district due to the acquisition of the utility property and 26101
assets. 26102

(b) In the case of a village electric utility, the village 26103
shall be required to take all necessary steps to transfer its 26104
ownership and operation, including continuing with normal 26105
operations and activities, fulfilling its contractual and other 26106
obligations, and transferring its contractual and other 26107
obligations to a successor entity in a timely manner following the 26108
filing of the certificate of dissolution. Such steps shall include 26109
hiring a third-party engineer knowledgeable about the operation of 26110
municipal electric systems to conduct a systems audit of the 26111

electric utility, addressing such items as set forth in division 26112
~~(D)(2)(D)(1)(a)~~ of this section. The systems audit shall commence 26113
not later than sixty days after the filing of the certificate of 26114
dissolution. Such systems audit is a proper expense of the 26115
village's electric utility fund. If the village's electric utility 26116
fund has a balance of zero or a negative fund balance, the 26117
absorbing entity shall pay for the systems audit. During this 26118
period, the village's electric utility shall continue with all 26119
normal operations and activities, shall continue fulfilling its 26120
contractual and other obligations, including with its customers 26121
and users and licensees of its poles, conduits, and rights-of-way, 26122
and shall collect charges for service at the rates in effect on 26123
the date the certificate of dissolution is filed. 26124

(2) The systems audit required under division (D)(1)(a) or 26125
(b) of this section shall not prevent the auditor of state from 26126
conducting the audit, or, at the discretion of the auditor of 26127
state, the agreed-upon procedure audit, required by this section. 26128

(E) As used in divisions (C) and (D) of this section, 26129
"certificate of dissolution" means the certified election results 26130
approving the surrender of corporate powers as recorded by the 26131
county recorder under section 703.20 of the Revised Code. 26132

After the surrender of corporate powers, all resolutions of 26133
the township or townships into which the village's territory was 26134
dissolved shall apply throughout the township's newly included 26135
territory. 26136

Sec. 713.16. A final judgment on the merits issued by a court 26137
of competent jurisdiction pursuant to its power of review under 26138
Chapter 2506. of the Revised Code, on claims brought under this 26139
chapter, does not preclude later claims for damages, including 26140
claims brought under 42 U.S.C. 1983, even if the common law 26141
doctrine of res judicata would otherwise bar the claim. 26142

The general assembly intends that this section be construed 26143
to override the federal sixth circuit court of appeals's decision 26144
in the case *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 26145
2021). 26146

Sec. 715.18. Any municipal corporation may establish and 26147
furnish the necessary equipment for a department of purchase, 26148
construction, and repair. Such department shall be under the 26149
management of the director of public service, who shall purchase 26150
all material, supplies, tools, machinery, and equipment, and shall 26151
supervise all construction, alterations, and repairs in each of 26152
the municipal departments whether established by law or ordinance. 26153

No such purchase, construction, alteration, or repair shall 26154
be made except upon requisition by the director, the officer at 26155
the head of the department for which it is to be made or done, or 26156
upon the order of the legislative authority of the municipal 26157
corporation, nor shall any purchase, construction, alteration, or 26158
repair for any of such departments be made or done except on 26159
authority of the legislative authority and under sections 735.05 26160
to 735.09 of the Revised Code, if the cost thereof exceeds ~~ten~~ 26161
~~thousand dollars~~ the amount specified in section 9.17 of the 26162
Revised Code. 26163

Sec. 715.691. (A) As used in this section: 26164

(1) "Contracting party" means a municipal corporation that 26165
has entered into a joint economic development zone contract or any 26166
party succeeding to the municipal corporation, or a township that 26167
entered into a joint economic development zone contract with a 26168
municipal corporation. 26169

(2) "Zone" means a joint economic development zone designated 26170
under this section. 26171

(3) "Substantial amendment" means an amendment to a joint 26172

economic development zone contract that increases the rate of 26173
municipal income tax that may be imposed within the zone, changes 26174
the purposes for which municipal income tax revenue derived from 26175
the zone may be used, or adds new territory to the zone. 26176

(B) This section provides procedures and requirements for 26177
creating and operating a joint economic development zone. This 26178
section applies only if one of the contracting parties to the zone 26179
does not levy a municipal income tax under Chapter 718. of the 26180
Revised Code. 26181

At any time before January 1, 2015, two or more municipal 26182
corporations or one or more townships and one or more municipal 26183
corporations may enter into a contract whereby they agree to share 26184
in the costs of improvements for an area or areas located in one 26185
or more of the contracting parties that they designate as a joint 26186
economic development zone for the purpose of facilitating new or 26187
expanded growth for commercial or economic development in the 26188
state. The contract and zone shall meet the requirements of 26189
divisions (B) to (J) of this section. 26190

(C) The contract shall set forth each contracting party's 26191
contribution to the joint economic development zone. The 26192
contributions may be in any form that the contracting parties 26193
agree to, and may include, but are not limited to, the provision 26194
of services, money, or equipment. The contract may be amended, 26195
renewed, or terminated with the consent of the contracting 26196
parties, subject to division (K) of this section. The contract 26197
shall continue in existence throughout the term it specifies and 26198
shall be binding on the contracting parties and on any entities 26199
succeeding to the contracting parties. If the contract is approved 26200
by the electors of any contracting party under division (F) of 26201
this section or substantially amended after the effective date of 26202
H.B. 289 of the 130th general assembly, June 5, 2014, the 26203
contracting parties shall include within the contract or the 26204

amendment to the contract an economic development plan for the 26205
zone, a schedule for the implementation or provision of any new, 26206
expanded, or additional services, facilities, or improvements 26207
within the zone or in the area surrounding the zone, and any 26208
provisions necessary for the contracting parties to create a joint 26209
economic development review council in compliance with section 26210
715.692 of the Revised Code. 26211

(D) Before the legislative authority of any of the 26212
contracting parties enacts an ordinance or resolution approving a 26213
contract to designate a joint economic development zone, the 26214
legislative authority of each of the contracting parties shall 26215
hold a public hearing concerning the contract and zone. Each 26216
legislative authority shall provide at least thirty days' public 26217
notice of the time and place of the public hearing in a newspaper 26218
of general circulation in the municipal corporation or township. 26219
During the thirty-day period prior to the public hearing, all of 26220
the following documents shall be available for public inspection 26221
in the office of the clerk of the legislative authority of a 26222
municipal corporation that is a contracting party and in the 26223
office of the fiscal officer of a township that is a contracting 26224
party: 26225

(1) A copy of the contract designating the zone; 26226

(2) A description of the area or areas to be included in the 26227
zone, including a map in sufficient detail to denote the specific 26228
boundaries of the area or areas; 26229

(3) An economic development plan for the zone that includes a 26230
schedule for the provision of any new, expanded, or additional 26231
services, facilities, or improvements. 26232

A public hearing held under division (D) of this section 26233
shall allow for public comment and recommendations on the contract 26234
and zone. The contracting parties may include in the contract any 26235

of those recommendations prior to approval of the contract. 26236

(E) After the public hearings required under division (D) of 26237
this section have been held and the economic development plan has 26238
been approved under division (D) of section 715.692 of the Revised 26239
Code, and before January 1, 2015, each contracting party may enact 26240
an ordinance or resolution approving the contract to designate a 26241
joint economic development zone. After each contracting party has 26242
enacted an ordinance or resolution, the clerk of the legislative 26243
authority of a municipal corporation that is a contracting party 26244
and the fiscal officer of a township that is a contracting party 26245
shall file with the board of elections of each county within which 26246
a contracting party is located a copy of the ordinance or 26247
resolution approving the contract and shall direct the board of 26248
elections to submit the ordinance or resolution to the electors of 26249
the contracting party on the day of the next general, primary, or 26250
special election occurring at least ninety days after the 26251
ordinance or resolution is filed with the board of elections. If 26252
any of the contracting parties is a township, however, then only 26253
the township or townships shall submit the resolution to the 26254
electors. The board of elections shall not submit an ordinance or 26255
resolution filed under this division to the electors at any 26256
election occurring on or after January 1, 2015. 26257

(F)(1) If a vote is required to approve a municipal 26258
corporation as a contracting party to a joint economic development 26259
zone under this section, the ballot shall be in the following 26260
form: 26261

"Shall the ordinance of the legislative authority of the 26262
(city or village) of (name of contracting party) approving the 26263
contract with (name of each other contracting party) for the 26264
designation of a joint economic development zone be approved? 26265

26266

	FOR THE ORDINANCE AND CONTRACT		26267
	AGAINST THE ORDINANCE AND CONTRACT	"	26268

26269

(2) If a vote is required to approve a township as a
contracting party to a joint economic development zone under this
section, the ballot shall be in the following form:

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"Shall the resolution of the board of township trustees of
the township of (name of contracting party) approving the contract
with (name of each other contracting party) for the designation of
a joint economic development zone be approved?

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26274
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26277

	FOR THE ORDINANCE AND CONTRACT		26278
	AGAINST THE ORDINANCE AND CONTRACT	"	26279

26280

If a majority of the electors of each contracting party
voting on the issue vote for the ordinance or resolution and
contract, the ordinance or resolution shall become effective
immediately and the contract shall go into effect immediately or
in accordance with its terms.

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(G)(1) A board of directors shall govern each joint economic
development zone created under this section. The members of the
board shall be appointed as provided in the contract. Each of the
contracting parties shall appoint three members to the board.
Terms for each member shall be for two years, each term ending on
the same day of the month of the year as did the term that it
succeeds. A member may be reappointed to the board.

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(2) Membership on the board is not the holding of a public

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office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment. Membership on the board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law or a charter to the contrary, no member of the board shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

(3) The board is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to the board and the zone.

(H) The contract may grant to the board of directors appointed under division (G) of this section the power to adopt a resolution to levy an income tax within the zone. The income tax shall be used for the purposes of the zone and for the purposes of the contracting parties pursuant to the contract. Not less than fifty per cent of the revenue from the tax shall be used solely to provide the new, expanded, or additional services, facilities, or improvements specified in the economic development plan until all such services, facilities, or improvements have been completed as specified in that plan. The income tax may be levied in the zone based on income earned by persons working within the zone and on the net profits of businesses located in the zone. The income tax is subject to Chapter 718. of the Revised Code, except that a vote shall be required by the electors residing in the zone to approve the rate of income tax unless a majority of the electors residing within the zone, as determined by the total number of votes cast in the zone for the office of governor at the most recent general election for that office, submit a petition to the board requesting that the election provided for in division (H)(1) of

this section not be held. If no electors reside within the zone, 26326
then division (H)(3) of this section applies. The rate of the 26327
income tax shall be no higher than the highest rate being levied 26328
by a municipal corporation that is a party to the contract. 26329

(1) The board of directors may levy an income tax at a rate 26330
that is not higher than the highest rate being levied by a 26331
municipal corporation that is a party to the contract, provided 26332
that the rate of the income tax is first submitted to and approved 26333
by the electors of the zone at the succeeding regular or primary 26334
election, or a special election called by the board, occurring 26335
subsequent to ninety days after a certified copy of the resolution 26336
levying the income tax and calling for the election is filed with 26337
the board of elections. If the voters approve the levy of the 26338
income tax, the income tax shall be in force for the full period 26339
of the contract establishing the zone. No election shall be held 26340
under this section if a majority of the electors residing within 26341
the zone, determined as specified in division (H) of this section, 26342
submit a petition to that effect to the board of directors. Any 26343
increase in the rate of an income tax by the board of directors 26344
shall be approved by a vote of the electors of the zone and shall 26345
be in force for the remaining period of the contract establishing 26346
the zone. 26347

(2) Whenever a zone is located in the territory of more than 26348
one contracting party, a majority vote of the electors in each of 26349
the several portions of the territory of the contracting parties 26350
constituting the zone approving the levy of the tax is required 26351
before it may be imposed under division (H) of this section. 26352

(3) If no electors reside in the zone, no election for the 26353
approval or rejection of an income tax shall be held under this 26354
section, provided that where no electors reside in the zone, the 26355
rate of the income tax shall be no higher than the highest rate 26356
being levied by a municipal corporation that is a party to the 26357

contract. 26358

(4) The board of directors of a zone levying an income tax 26359
shall enter into an agreement with one of the municipal 26360
corporations that is a party to the contract to administer, 26361
collect, and enforce the income tax on behalf of the zone. 26362

(5) The board of directors of a zone shall publish or post 26363
public notice ~~within the zone~~ of any resolution adopted levying an 26364
income tax ~~in the same manner required of municipal corporations~~ 26365
~~under sections 731.21 and 731.25 of the Revised Code~~ in a 26366
newspaper of general circulation within the zone once a week for 26367
two consecutive weeks or as provided in section 7.16 of the 26368
Revised Code, before the resolution takes effect. In zones in 26369
which no newspaper is generally circulated, notice shall be 26370
accomplished by posting copies in not less than five of the most 26371
public places in the district, as determined by the board of 26372
directors, for a period of not less than fifteen days before the 26373
effective date of the resolution. 26374

(I)(1) If for any reason a contracting party reverts to or 26375
has its boundaries changed so that it is classified as a township 26376
that is the entity succeeding to that contracting party, the 26377
township is considered to be a municipal corporation for the 26378
purposes of the contract for the full period of the contract 26379
establishing the joint economic development zone, except that if 26380
that contracting party is administering, collecting, and enforcing 26381
the income tax on behalf of the district as provided in division 26382
(H)(4) of this section, the contract shall be amended to allow one 26383
of the other contracting parties to administer, collect, and 26384
enforce that tax. 26385

(2) Notwithstanding any other section of the Revised Code, if 26386
there is any change in the boundaries of a township so that a 26387
municipal corporation once located within the township is no 26388
longer so located, the township shall remain in existence even 26389

though its remaining unincorporated area contains less than 26390
twenty-two square miles, if the township has been or becomes a 26391
party to a contract creating a joint economic development zone 26392
under this section or the contract creating that joint economic 26393
development zone under this section is terminated or repudiated 26394
for any reason by any party or person. The township shall continue 26395
its existing status in all respects, including having the same 26396
form of government and the same elected board of trustees as its 26397
governing body. The township shall continue to receive all of its 26398
tax levies and sources of income as a township in accordance with 26399
any section of the Revised Code, whether the levies and sources of 26400
income generate millage within the ten-mill limitation or in 26401
excess of the ten-mill limitation. The name of the township may be 26402
changed to the name of the contracting party appearing in the 26403
contract creating a joint economic development zone under this 26404
section, so long as the name does not conflict with any other name 26405
in the state that has been certified by the secretary of state. 26406
The township shall have all of the powers set out in sections 26407
715.79, 715.80, and 715.81 of the Revised Code. 26408

(J) If, after creating and operating a joint economic 26409
development zone under this section, a contracting party that did 26410
not levy a municipal income tax under Chapter 718. of the Revised 26411
Code levies such a tax, the tax shall not apply to the zone for 26412
the full period of the contract establishing the zone if the board 26413
of directors of the zone has levied an income tax as provided in 26414
division (H) of this section. 26415

(K) No substantial amendment may be made to any joint 26416
economic development zone contract after December 31, 2014. 26417

Sec. 715.693. (A) The requirement in division (C) of section 26418
121.22 of the Revised Code that a member of a public body be 26419
present in person at a meeting open to the public in order to be 26420

part of a quorum or to vote does not apply to a board of directors 26421
of a joint economic development zone created under section 715.691 26422
of the Revised Code, or a joint economic development review 26423
council created under section 715.692 of the Revised Code, if the 26424
board or council holds the meeting by interactive video conference 26425
or by teleconference in the following manner: 26426

(1) The board or council establishes a primary meeting 26427
location that is open and accessible to the public. 26428

(2) Meeting-related materials that are available before the 26429
meeting are sent via electronic mail, facsimile, hand-delivery, or 26430
United States postal service to each member. 26431

(3) In the case of an interactive video conference, the board 26432
or council causes a clear video and audio connection to be 26433
established that enables all meeting participants at the primary 26434
meeting location to see and hear each member. 26435

(4) In the case of a teleconference, the board or the council 26436
causes a clear audio connection to be established that enables all 26437
meeting participants at the primary meeting location to hear each 26438
member. 26439

(5) All board or council members have the capability to 26440
receive meeting-related materials that are distributed during a 26441
meeting. 26442

(6) A roll call voice vote is recorded for each vote taken. 26443

(7) The minutes of the board or council meeting identify 26444
which members remotely attended the meeting by interactive video 26445
conference or teleconference. 26446

If the board or council proceeds under this section, use of 26447
an interactive video conference is preferred, but nothing in this 26448
section prohibits the council from conducting its meetings by 26449
teleconference or by a combination of interactive video conference 26450

and teleconference at the same meeting. 26451

(B) A board of directors or a joint economic development review council shall adopt rules necessary to implement this section. At a minimum, the rules shall do all of the following: 26452
26453
26454

(1) Authorize members to remotely attend a meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person; 26455
26456
26457

(2) Establish a minimum number of members that must be physically present in person at the primary meeting location if the board or council conducts a meeting by interactive video conference or teleconference; 26458
26459
26460
26461

(3) Require that not more than one member remotely attending a meeting by teleconference is permitted to be physically present at the same remote location; 26462
26463
26464

(4) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference; 26465
26466

(5) Establish a policy for distributing and circulating meeting-related materials to members, the public, and the media in advance of or during a meeting at which members are permitted to attend by interactive video conference or teleconference; 26467
26468
26469
26470

(6) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference. 26471
26472

Sec. 715.70. (A) This section and section 715.71 of the Revised Code apply only to: 26473
26474

(1) Municipal corporations and townships within a county that has adopted a charter under Sections 3 and 4 of Article X, Ohio Constitution; 26475
26476
26477

(2) Municipal corporations and townships that have created a joint economic development district comprised entirely of real 26478
26479

property owned by a municipal corporation at the time the district 26480
was created under this section. The real property owned by the 26481
municipal corporation shall include an airport owned by the 26482
municipal corporation and located entirely beyond the municipal 26483
corporation's corporate boundary. 26484

(3) Municipal corporations or townships that are part of or 26485
contiguous to a transportation improvement district created under 26486
Chapter 5540. of the Revised Code and that have created a joint 26487
economic development district under this section or section 715.71 26488
of the Revised Code prior to November 15, 1995; 26489

(4) Municipal corporations that have previously entered into 26490
a contract creating a joint economic development district pursuant 26491
to division (A)(2) of this section, even if the territory to be 26492
included in the district does not meet the requirements of that 26493
division. 26494

(B)(1) One or more municipal corporations and one or more 26495
townships may enter into a contract approved by the legislative 26496
authority of each contracting party pursuant to which they create 26497
as a joint economic development district an area or areas for the 26498
purpose of facilitating economic development to create or preserve 26499
jobs and employment opportunities and to improve the economic 26500
welfare of the people in the state and in the area of the 26501
contracting parties. A municipal corporation described in division 26502
(A)(4) of this section may enter into a contract with other 26503
municipal corporations and townships to create a new joint 26504
economic development district. In a district that includes a 26505
municipal corporation described in division (A)(4) of this 26506
section, the territory of each of the contracting parties shall be 26507
contiguous to the territory of at least one other contracting 26508
party, or contiguous to the territory of a township or municipal 26509
corporation that is contiguous to another contracting party, even 26510
if the intervening township or municipal corporation is not a 26511

contracting party. The area or areas of land to be included in the 26512
district shall not include any parcel of land owned in fee by a 26513
municipal corporation or a township or parcel of land that is 26514
leased to a municipal corporation or a township, unless the 26515
municipal corporation or township is a party to the contract or 26516
unless the municipal corporation or township has given its consent 26517
to have its parcel of land included in the district by the 26518
adoption of a resolution. As used in this division, "parcel of 26519
land" means any parcel of land owned by a municipal corporation or 26520
a township for at least a six-month period within a five-year 26521
period prior to the creation of a district, but "parcel of land" 26522
does not include streets or public ways and sewer, water, and 26523
other utility lines whether owned in fee or otherwise. 26524

The district created shall be located within the territory of 26525
one or more of the participating parties and may consist of all or 26526
a portion of such territory. The boundaries of the district shall 26527
be described in the contract or in an addendum to the contract. 26528

(2) Prior to the public hearing to be held pursuant to 26529
division (D)(2) of this section, the participating parties shall 26530
give a copy of the proposed contract to each municipal corporation 26531
located within one-quarter mile of the proposed joint economic 26532
development district and not otherwise a party to the contract, 26533
and afford the municipal corporation the reasonable opportunity, 26534
for a period of thirty days following receipt of the proposed 26535
contract, to make comments and suggestions to the participating 26536
parties regarding elements contained in the proposed contract. 26537

(3) The district shall not exceed two thousand acres in area. 26538
The territory of the district shall not completely surround 26539
territory that is not included within the boundaries of the 26540
district. 26541

(4) Sections 503.07 to 503.12 of the Revised Code do not 26542
apply to territory included within a district created pursuant to 26543

this section as long as the contract creating the district is in effect, unless the legislative authority of each municipal corporation and the board of township trustees of each township included in the district consent, by ordinance or resolution, to the application of those sections of the Revised Code.

(5) Upon the execution of the contract creating the district by the parties to the contract, a participating municipal corporation or township included within the district shall file a copy of the fully executed contract with the county recorder of each county within which a party to the contract is located, in the miscellaneous records of the county. No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to, merger, or consolidation with a municipal corporation of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the county recorder of each county within which a party to the contract is located unless each board of township trustees whose territory is included, in whole or part, within the district and the territory proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each county within which a party to the contract is located or unless the contract is terminated during this period.

The contract entered into between the municipal corporations and townships pursuant to this section may provide for the prohibition of any annexation by the participating municipal corporations of any unincorporated territory within the district beyond the three-year mandatory prohibition of any annexation provided for in division (B)(5) of this section.

(C)(1) After the legislative authority of a municipal corporation and the board of township trustees have adopted an

ordinance and resolution approving a contract to create a joint economic development district pursuant to this section, and after a contract has been signed, the municipal corporations and townships shall jointly file a petition with the legislative authority of each county within which a party to the contract is located.

(a) The petition shall contain all of the following:

(i) A statement that the area or areas of the district ~~is~~ are not greater than two thousand acres and ~~is~~ are located within the territory of one or more of the contracting parties;

(ii) A brief summary of the services to be provided by each party to the contract or a reference to the portion of the contract describing those services;

(iii) A description of the area or areas to be designated as the district;

(iv) The signature of a representative of each of the contracting parties.

(b) The following documents shall be filed with the petition:

(i) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;

(ii) A certified copy of the ordinances and resolutions of the contracting parties approving the contract;

(iii) A certificate from each of the contracting parties indicating that the public hearings required by division (D)(2) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings;

(iv) One or more signed statements of persons who are owners of property located in whole or in part within the area to be designated as the district, requesting that the property be included within the district, provided that those statements shall

represent a majority of the persons owning property located in 26606
whole or in part within the district and persons owning a majority 26607
of the acreage located within the district. A signature may be 26608
withdrawn by the signer up to but not after the time of the public 26609
hearing required by division (D)(2) of this section. 26610

(2) The legislative authority of each county within which a 26611
party to the contract is located shall adopt a resolution 26612
approving the petition for the creation of the district if the 26613
petition and other documents have been filed in accordance with 26614
the requirements of division (C)(1) of this section. If the 26615
petition and other documents do not substantially meet the 26616
requirements of that division, the legislative authority of any 26617
county within which a party to the contract is located may adopt a 26618
resolution disapproving the petition for the creation of the 26619
district. The legislative authority of each county within which a 26620
party to the contract is located shall adopt a resolution 26621
approving or disapproving the petition within thirty days after 26622
the petition was filed. If the legislative authority of each such 26623
county does not adopt the resolution within the thirty-day period, 26624
the petition shall be deemed approved and the contract shall go 26625
into effect immediately after that approval or at such other time 26626
as the contract specifies. 26627

(D)(1) The contract creating the district shall set forth or 26628
provide for the amount or nature of the contribution of each 26629
municipal corporation and township to the development and 26630
operation of the district and may provide for the sharing of the 26631
costs of the operation of and improvements for the district. The 26632
contributions may be in any form to which the contracting 26633
municipal corporations and townships agree and may include but are 26634
not limited to the provision of services, money, real or personal 26635
property, facilities, or equipment. The contract may provide for 26636
the contracting parties to share revenue from taxes levied on 26637

property by one or more of the contracting parties if those 26638
revenues may lawfully be applied to that purpose under the 26639
legislation by which those taxes are levied. The contract shall 26640
provide for new, expanded, or additional services, facilities, or 26641
improvements, including expanded or additional capacity for or 26642
other enhancement of existing services, facilities, or 26643
improvements, provided that those services, facilities, or 26644
improvements, or expanded or additional capacity for or 26645
enhancement of existing services, facilities, or improvements, 26646
required herein have been provided within the two-year period 26647
prior to the execution of the contract. 26648

(2) Before the legislative authority of a municipal 26649
corporation or a board of township trustees passes any ordinance 26650
or resolution approving a contract to create a joint economic 26651
development district pursuant to this section, the legislative 26652
authority of the municipal corporation and the board of township 26653
trustees shall each hold a public hearing concerning the joint 26654
economic development district contract and shall provide thirty 26655
days' public notice of the time and place of the public hearing in 26656
a newspaper of general circulation in the municipal corporation 26657
and the township. The board of township trustees may provide 26658
additional notice to township residents in accordance with section 26659
9.03 of the Revised Code, and any additional notice shall include 26660
the public hearing announcement; a summary of the terms of the 26661
contract; a statement that the entire text of the contract and 26662
district maps and plans are on file for public examination in the 26663
office of the township fiscal officer; and information pertaining 26664
to any tax changes that will or may occur as a result of the 26665
contract. 26666

During the thirty-day period prior to the public hearing, a 26667
copy of the text of the contract together with copies of district 26668
maps and plans related to or part of the contract shall be on 26669

file, for public examination, in the offices of the clerk of the 26670
legislative authority of the municipal corporation and of the 26671
township fiscal officer. The public hearing provided for in 26672
division (D)(2) of this section shall allow for public comment and 26673
recommendations from the public on the proposed contract. The 26674
contracting parties may include in the contract any of those 26675
recommendations prior to the approval of the contract. 26676

(3) Any resolution of the board of township trustees that 26677
approves a contract that creates a joint economic development 26678
district pursuant to this section shall be subject to a referendum 26679
of the electors of the township. When a referendum petition, 26680
signed by ten per cent of the number of electors in the township 26681
who voted for the office of governor at the most recent general 26682
election for the office of governor, is presented to the board of 26683
township trustees within thirty days after the board of township 26684
trustees adopted the resolution, ordering that the resolution be 26685
submitted to the electors of the township for their approval or 26686
rejection, the board of township trustees shall, after ten days 26687
and not later than four p.m. of the ninetieth day before the 26688
election, certify the text of the resolution to the board of 26689
elections. The board of elections shall submit the resolution to 26690
the electors of the township for their approval or rejection at 26691
the next general, primary, or special election occurring 26692
subsequent to ninety days after the certifying of the petition to 26693
the board of elections. 26694

(4) Upon the creation of a district under this section or 26695
section 715.71 of the Revised Code, one of the contracting parties 26696
shall file a copy of the following with the director of 26697
development: 26698

(a) The petition and other documents described in division 26699
(C)(1) of this section, if the district is created under this 26700
section; 26701

(b) The documents described in division (D) of section 715.71 26702
of the Revised Code, if the district is created under this 26703
section. 26704

(E) The district created by the contract shall be governed by 26705
a board of directors that shall be established by or pursuant to 26706
the contract. The board is a public body for the purposes of 26707
section 121.22 of the Revised Code. The provisions of Chapter 26708
2744. of the Revised Code apply to the board and the district. The 26709
members of the board shall be appointed as provided in the 26710
contract from among the elected members of the legislative 26711
authorities and the elected chief executive officers of the 26712
contracting parties, provided that there shall be at least two 26713
members appointed from each of the contracting parties. 26714

(F) The contract shall enumerate the specific powers, duties, 26715
and functions of the board of directors of a district, and the 26716
contract shall provide for the determination of procedures that 26717
are to govern the board of directors. The contract may grant to 26718
the board the power to adopt a resolution to levy an income tax 26719
within the district. The income tax shall be used for the purposes 26720
of the district and for the purposes of the contracting municipal 26721
corporations and townships pursuant to the contract. The income 26722
tax may be levied in the district based on income earned by 26723
persons working or residing within the district and based on the 26724
net profits of businesses located in the district. The income tax 26725
shall follow the provisions of Chapter 718. of the Revised Code, 26726
except that a vote shall be required by the electors residing in 26727
the district to approve the rate of income tax. If no electors 26728
reside within the district, then division (F)(4) of this section 26729
applies. The rate of the income tax shall be no higher than the 26730
highest rate being levied by a municipal corporation that is a 26731
party to the contract. 26732

(1) Within one hundred eighty days after the first meeting of 26733

the board of directors, the board may levy an income tax, provided 26734
that the rate of the income tax is first submitted to and approved 26735
by the electors of the district at the succeeding regular or 26736
primary election, or a special election called by the board, 26737
occurring subsequent to ninety days after a certified copy of the 26738
resolution levying the income tax and calling for the election is 26739
filed with the board of elections. If the voters approve the levy 26740
of the income tax, the income tax shall be in force for the full 26741
period of the contract establishing the district. Any increase in 26742
the rate of an income tax that was first levied within one hundred 26743
eighty days after the first meeting of the board of directors 26744
shall be approved by a vote of the electors of the district, shall 26745
be in force for the remaining period of the contract establishing 26746
the district, and shall not be subject to division (F)(2) of this 26747
section. 26748

(2) Any resolution of the board of directors levying an 26749
income tax that is adopted subsequent to one hundred eighty days 26750
after the first meeting of the board of directors shall be subject 26751
to a referendum as provided in division (F)(2) of this section. 26752
Any resolution of the board of directors levying an income tax 26753
that is adopted subsequent to one hundred eighty days after the 26754
first meeting of the board of directors shall be subject to an 26755
initiative proceeding to amend or repeal the resolution levying 26756
the income tax as provided in division (F)(2) of this section. 26757
When a referendum petition, signed by ten per cent of the number 26758
of electors in the district who voted for the office of governor 26759
at the most recent general election for the office of governor, is 26760
filed with the county auditor of each county within which a party 26761
to the contract is located within thirty days after the resolution 26762
is adopted by the board or when an initiative petition, signed by 26763
ten per cent of the number of electors in the district who voted 26764
for the office of governor at the most recent general election for 26765
the office of governor, is filed with the county auditor of each 26766

such county ordering that a resolution to amend or repeal a prior 26767
resolution levying an income tax be submitted to the electors 26768
within the district for their approval or rejection, the county 26769
auditor of each such county, after ten days and not later than 26770
four p.m. of the ninetieth day before the election, shall certify 26771
the text of the resolution to the board of elections of that 26772
county. The county auditor of each such county shall retain the 26773
petition. The board of elections shall submit the resolution to 26774
such electors, for their approval or rejection, at the next 26775
general, primary, or special election occurring subsequent to 26776
ninety days after the certifying of such petition to the board of 26777
elections. 26778

(3) Whenever a district is located in the territory of more 26779
than one contracting party, a majority vote of the electors, if 26780
any, in each of the several portions of the territory of the 26781
contracting parties constituting the district approving the levy 26782
of the tax is required before it may be imposed pursuant to this 26783
division. 26784

(4) If there are no electors residing in the district, no 26785
election for the approval or rejection of an income tax shall be 26786
held pursuant to this section, provided that where no electors 26787
reside in the district, the maximum rate of the income tax that 26788
may be levied shall not exceed one per cent. 26789

(5) The board of directors of a district levying an income 26790
tax shall enter into an agreement with one of the municipal 26791
corporations that is a party to the contract to administer, 26792
collect, and enforce the income tax on behalf of the district. The 26793
resolution levying the income tax shall provide the same credits, 26794
if any, to residents of the district for income taxes paid to 26795
other such districts or municipal corporations where the residents 26796
work, as credits provided to residents of the municipal 26797
corporation administering the income tax. 26798

(6)(a) The board shall publish or post public notice ~~within~~ 26799
~~the district~~ of any resolution adopted levying an income tax ~~in~~ 26800
~~the same manner required of municipal corporations under sections~~ 26801
~~731.21 and 731.25 of the Revised Code~~ in a newspaper of general 26802
circulation within the district once a week for two consecutive 26803
weeks or as provided in section 7.16 of the Revised Code, before 26804
the resolution takes effect. In districts in which no newspaper is 26805
generally circulated, notice shall be accomplished by posting 26806
copies in not less than five of the most public places in the 26807
district, as determined by the board, for a period of not less 26808
than fifteen days before the effective date of the resolution. 26809

(b) Except as otherwise specified by this division, any 26810
referendum or initiative proceeding within a district shall be 26811
conducted in the same manner as is required for such proceedings 26812
within a municipal corporation pursuant to sections 731.28 to 26813
731.40 of the Revised Code. 26814

(G) Membership on the board of directors does not constitute 26815
the holding of a public office or employment within the meaning of 26816
any section of the Revised Code or any charter provision 26817
prohibiting the holding of other public office or employment, and 26818
shall not constitute an interest, either direct or indirect, in a 26819
contract or expenditure of money by any municipal corporation, 26820
township, county, or other political subdivision with which the 26821
member may be connected. No member of a board of directors shall 26822
be disqualified from holding any public office or employment, nor 26823
shall such member forfeit or be disqualified from holding any such 26824
office or employment, by reason of the member's membership on the 26825
board of directors, notwithstanding any law or charter provision 26826
to the contrary. 26827

(H) The powers and authorizations granted pursuant to this 26828
section or section 715.71 of the Revised Code are in addition to 26829
and not in derogation of all other powers granted to municipal 26830

corporations and townships pursuant to law. When exercising a 26831
power or performing a function or duty under a contract authorized 26832
pursuant to this section or section 715.71 of the Revised Code, a 26833
municipal corporation may exercise all of the powers of a 26834
municipal corporation, and may perform all the functions and 26835
duties of a municipal corporation, within the district, pursuant 26836
to and to the extent consistent with the contract. When exercising 26837
a power or performing a function or duty under a contract 26838
authorized pursuant to this section or section 715.71 of the 26839
Revised Code, a township may exercise all of the powers of a 26840
township, and may perform all the functions and duties of a 26841
township, within the district, pursuant to and to the extent 26842
consistent with the contract. The district board of directors has 26843
no powers except those specifically set forth in the contract as 26844
agreed to by the participating parties. No political subdivision 26845
shall authorize or grant any tax exemption pursuant to Chapter 26846
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 26847
Revised Code on any property located within the district without 26848
the consent of the contracting parties. The prohibition for any 26849
tax exemption pursuant to this division shall not apply to any 26850
exemption filed, pending, or approved, or for which an agreement 26851
has been entered into, before the effective date of the contract 26852
entered into by the parties. 26853

(I) Municipal corporations and townships may enter into 26854
binding agreements pursuant to a contract authorized under this 26855
section or section 715.71 of the Revised Code with respect to the 26856
substance and administration of zoning and other land use 26857
regulations, building codes, public permanent improvements, and 26858
other regulatory and proprietary matters that are determined, 26859
pursuant to the contract, to be for a public purpose and to be 26860
desirable with respect to the operation of the district or to 26861
facilitate new or expanded economic development in the state or 26862
the district, provided that no contract shall exempt the territory 26863

within the district from the procedures and processes of land use regulation applicable pursuant to municipal corporation, township, and county regulations, including but not limited to procedures and processes concerning zoning.

(J) A contract creating a joint economic development district under this section or section 715.71 of the Revised Code may designate property as a community entertainment district or may be amended to designate property as a community entertainment district as prescribed in division (D) of section 4301.80 of the Revised Code. A joint economic development district contract or amendment designating a community entertainment district shall include all information and documentation described in divisions (B)(1) through (6) of section 4301.80 of the Revised Code. The public notice required under division (D)(2) of this section and division (C) of section 715.71 of the Revised Code shall specify that the contract designates a community entertainment district and describe the location of that district. Except as provided in division (F) of section 4301.80 of the Revised Code, an area designated as a community entertainment district under a joint economic development district contract shall not lose its designation even if the contract is canceled or terminated.

(K) A contract entered into pursuant to this section or section 715.71 of the Revised Code may be amended and it may be renewed, canceled, or terminated as provided in or pursuant to the contract. The contract may be amended to add property owned by one of the contracting parties to the district, or may be amended to delete property from the district whether or not one of the contracting parties owns the deleted property. The contract shall continue in existence throughout its term and shall be binding on the contracting parties and on any entities succeeding to such parties, whether by annexation, merger, or otherwise. The income tax levied by the board pursuant to this section or section 715.71

of the Revised Code shall apply in the entire district throughout 26896
the term of the contract, notwithstanding that all or a portion of 26897
the district becomes subject to annexation, merger, or 26898
incorporation. No township or municipal corporation is divested of 26899
its rights or obligations under the contract because of 26900
annexation, merger, or succession of interests. 26901

(L) After the creation of a joint economic development 26902
district described in division (A)(2) of this section, a municipal 26903
corporation that is a contracting party may cease to own property 26904
included in the district, but such property shall continue to be 26905
included in the district and subject to the terms of the contract. 26906

Sec. 718.01. Any term used in this chapter that is not 26907
otherwise defined in this chapter has the same meaning as when 26908
used in a comparable context in laws of the United States relating 26909
to federal income taxation or in Title LVII of the Revised Code, 26910
unless a different meaning is clearly required. Except as provided 26911
in section 718.81 of the Revised Code, if a term used in this 26912
chapter that is not otherwise defined in this chapter is used in a 26913
comparable context in both the laws of the United States relating 26914
to federal income tax and in Title LVII of the Revised Code and 26915
the use is not consistent, then the use of the term in the laws of 26916
the United States relating to federal income tax shall control 26917
over the use of the term in Title LVII of the Revised Code. 26918

Except as otherwise provided in section 718.81 of the Revised 26919
Code, as used in this chapter: 26920

(A)(1) "Municipal taxable income" means the following: 26921

(a) For a person other than an individual, income apportioned 26922
or situated to the municipal corporation under section 718.02 of 26923
the Revised Code, as applicable, reduced by any pre-2017 net 26924
operating loss carryforward available to the person for the 26925
municipal corporation. 26926

(b)(i) For an individual who is a resident of a municipal corporation other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation. 26927
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(ii) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 718.03 of the Revised Code. 26934
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(c) For an individual who is a nonresident of a municipal corporation, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or situated to the municipal corporation under section 718.02 of the Revised Code, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation. 26947
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(2) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (A)(1)(b)(i) or (c) of this section, the amount of the individual's employee business expenses reported on the 26955
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individual's form 2106 that the individual deducted for federal 26959
income tax purposes for the taxable year, subject to the 26960
limitation imposed by section 67 of the Internal Revenue Code. For 26961
the municipal corporation in which the taxpayer is a resident, the 26962
taxpayer may deduct all such expenses allowed for federal income 26963
tax purposes. For a municipal corporation in which the taxpayer is 26964
not a resident, the taxpayer may deduct such expenses only to the 26965
extent the expenses are related to the taxpayer's performance of 26966
personal services in that nonresident municipal corporation. 26967

(B) "Income" means the following: 26968

(1)(a) For residents, all income, salaries, qualifying wages, 26969
commissions, and other compensation from whatever source earned or 26970
received by the resident, including the resident's distributive 26971
share of the net profit of pass-through entities owned directly or 26972
indirectly by the resident and any net profit of the resident, 26973
except as provided in division (D)(5) of this section. 26974

(b) For the purposes of division (B)(1)(a) of this section: 26975

(i) Any net operating loss of the resident incurred in the 26976
taxable year and the resident's distributive share of any net 26977
operating loss generated in the same taxable year and attributable 26978
to the resident's ownership interest in a pass-through entity 26979
shall be allowed as a deduction, for that taxable year and the 26980
following five taxable years, against any other net profit of the 26981
resident or the resident's distributive share of any net profit 26982
attributable to the resident's ownership interest in a 26983
pass-through entity until fully utilized, subject to division 26984
(B)(1)(d) of this section; 26985

(ii) The resident's distributive share of the net profit of 26986
each pass-through entity owned directly or indirectly by the 26987
resident shall be calculated without regard to any net operating 26988
loss that is carried forward by that entity from a prior taxable 26989

year and applied to reduce the entity's net profit for the current 26990
taxable year. 26991

(c) Division (B)(1)(b) of this section does not apply with 26992
respect to any net profit or net operating loss attributable to an 26993
ownership interest in an S corporation unless shareholders' 26994
distributive shares of net profits from S corporations are subject 26995
to tax in the municipal corporation as provided in division 26996
(C)(14)(b) or (c) of this section. 26997

(d) Any amount of a net operating loss used to reduce a 26998
taxpayer's net profit for a taxable year shall reduce the amount 26999
of net operating loss that may be carried forward to any 27000
subsequent year for use by that taxpayer. In no event shall the 27001
cumulative deductions for all taxable years with respect to a 27002
taxpayer's net operating loss exceed the original amount of that 27003
net operating loss available to that taxpayer. 27004

(2) In the case of nonresidents, all income, salaries, 27005
qualifying wages, commissions, and other compensation from 27006
whatever source earned or received by the nonresident for work 27007
done, services performed or rendered, or activities conducted in 27008
the municipal corporation, including any net profit of the 27009
nonresident, but excluding the nonresident's distributive share of 27010
the net profit or loss of only pass-through entities owned 27011
directly or indirectly by the nonresident. 27012

(3) For taxpayers that are not individuals, net profit of the 27013
taxpayer; 27014

(4) Lottery, sweepstakes, gambling and sports winnings, 27015
winnings from games of chance, and prizes and awards. If the 27016
taxpayer is a professional gambler for federal income tax 27017
purposes, the taxpayer may deduct related wagering losses and 27018
expenses to the extent authorized under the Internal Revenue Code 27019
and claimed against such winnings. 27020

(C) "Exempt income" means all of the following:	27021
(1) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;	27022 27023 27024
(2)(a) Except as provided in division (C)(2)(b) of this section, intangible income;	27025 27026
(b) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.	27027 27028 27029 27030 27031 27032 27033
(3) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (C)(3) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.	27034 27035 27036 27037 27038 27039 27040 27041 27042 27043 27044
(4) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.	27045 27046 27047 27048
(5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand	27049 27050 27051

dollars for the taxable year. Such compensation in excess of one 27052
thousand dollars for the taxable year may be subject to taxation 27053
by a municipal corporation. A municipal corporation shall not 27054
require the payer of such compensation to withhold any tax from 27055
that compensation. 27056

(6) Dues, contributions, and similar payments received by 27057
charitable, religious, educational, or literary organizations or 27058
labor unions, lodges, and similar organizations; 27059

(7) Alimony and child support received; 27060

(8) Compensation for personal injuries or for damages to 27061
property from insurance proceeds or otherwise, excluding 27062
compensation paid for lost salaries or wages or compensation from 27063
punitive damages; 27064

(9) Income of a public utility when that public utility is 27065
subject to the tax levied under section 5727.24 or 5727.30 of the 27066
Revised Code. Division (C)(9) of this section does not apply for 27067
purposes of Chapter 5745. of the Revised Code. 27068

(10) Gains from involuntary conversions, interest on federal 27069
obligations, items of income subject to a tax levied by the state 27070
and that a municipal corporation is specifically prohibited by law 27071
from taxing, and income of a decedent's estate during the period 27072
of administration except such income from the operation of a trade 27073
or business; 27074

(11) Compensation or allowances excluded from federal gross 27075
income under section 107 of the Internal Revenue Code; 27076

(12) Employee compensation that is not qualifying wages as 27077
defined in division (R) of this section; 27078

(13) Compensation paid to a person employed within the 27079
boundaries of a United States air force base under the 27080
jurisdiction of the United States air force that is used for the 27081

housing of members of the United States air force and is a center 27082
for air force operations, unless the person is subject to taxation 27083
because of residence or domicile. If the compensation is subject 27084
to taxation because of residence or domicile, tax on such income 27085
shall be payable only to the municipal corporation of residence or 27086
domicile. 27087

(14)(a) Except as provided in division (C)(14)(b) or (c) of 27088
this section, an S corporation shareholder's distributive share of 27089
net profits of the S corporation, other than any part of the 27090
distributive share of net profits that represents wages as defined 27091
in section 3121(a) of the Internal Revenue Code or net earnings 27092
from self-employment as defined in section 1402(a) of the Internal 27093
Revenue Code. 27094

(b) If, pursuant to division (H) of former section 718.01 of 27095
the Revised Code as it existed before March 11, 2004, a majority 27096
of the electors of a municipal corporation voted in favor of the 27097
question at an election held on November 4, 2003, the municipal 27098
corporation may continue after 2002 to tax an S corporation 27099
shareholder's distributive share of net profits of an S 27100
corporation. 27101

(c) If, on December 6, 2002, a municipal corporation was 27102
imposing, assessing, and collecting a tax on an S corporation 27103
shareholder's distributive share of net profits of the S 27104
corporation to the extent the distributive share would be 27105
allocated or apportioned to this state under divisions (B)(1) and 27106
(2) of section 5733.05 of the Revised Code if the S corporation 27107
were a corporation subject to taxes imposed under Chapter 5733. of 27108
the Revised Code, the municipal corporation may continue to impose 27109
the tax on such distributive shares to the extent such shares 27110
would be so allocated or apportioned to this state only until 27111
December 31, 2004, unless a majority of the electors of the 27112
municipal corporation voting on the question of continuing to tax 27113

such shares after that date voted in favor of that question at an 27114
election held November 2, 2004. If a majority of those electors 27115
voted in favor of the question, the municipal corporation may 27116
continue after December 31, 2004, to impose the tax on such 27117
distributive shares only to the extent such shares would be so 27118
allocated or apportioned to this state. 27119

(d) A municipal corporation shall be deemed to have elected 27120
to tax S corporation shareholders' distributive shares of net 27121
profits of the S corporation in the hands of the shareholders if a 27122
majority of the electors of a municipal corporation voted in favor 27123
of a question at an election held under division (C)(14)(b) or (c) 27124
of this section. The municipal corporation shall specify by 27125
resolution or ordinance that the tax applies to the distributive 27126
share of a shareholder of an S corporation in the hands of the 27127
shareholder of the S corporation. 27128

(15) To the extent authorized under a resolution or ordinance 27129
adopted by a municipal corporation before January 1, 2016, all or 27130
a portion of the income of individuals or a class of individuals 27131
under eighteen years of age. 27132

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 27133
(d) of this section, qualifying wages described in division (B)(1) 27134
or (E) of section 718.011 of the Revised Code to the extent the 27135
qualifying wages are not subject to withholding for the municipal 27136
corporation under either of those divisions. 27137

(b) The exemption provided in division (C)(16)(a) of this 27138
section does not apply with respect to the municipal corporation 27139
in which the employee resided at the time the employee earned the 27140
qualifying wages. 27141

(c) The exemption provided in division (C)(16)(a) of this 27142
section does not apply to qualifying wages that an employer elects 27143
to withhold under division (D)(2) of section 718.011 of the 27144

Revised Code. 27145

(d) The exemption provided in division (C)(16)(a) of this 27146
section does not apply to qualifying wages if both of the 27147
following conditions apply: 27148

(i) For qualifying wages described in division (B)(1) of 27149
section 718.011 of the Revised Code, the employee's employer 27150
withholds and remits tax on the qualifying wages to the municipal 27151
corporation in which the employee's principal place of work is 27152
situated, or, for qualifying wages described in division (E) of 27153
section 718.011 of the Revised Code, the employee's employer 27154
withholds and remits tax on the qualifying wages to the municipal 27155
corporation in which the employer's fixed location is located; 27156

(ii) The employee receives a refund of the tax described in 27157
division (C)(16)(d)(i) of this section on the basis of the 27158
employee not performing services in that municipal corporation. 27159

(17)(a) Except as provided in division (C)(17)(b) or (c) of 27160
this section, compensation that is not qualifying wages paid to a 27161
nonresident individual for personal services performed in the 27162
municipal corporation on not more than twenty days in a taxable 27163
year. 27164

(b) The exemption provided in division (C)(17)(a) of this 27165
section does not apply under either of the following 27166
circumstances: 27167

(i) The individual's base of operation is located in the 27168
municipal corporation. 27169

(ii) The individual is a professional athlete, professional 27170
entertainer, or public figure, and the compensation is paid for 27171
the performance of services in the individual's capacity as a 27172
professional athlete, professional entertainer, or public figure. 27173
For purposes of division (C)(17)(b)(ii) of this section, 27174
"professional athlete," "professional entertainer," and "public 27175

figure" have the same meanings as in section 718.011 of the Revised Code.

(c) Compensation to which division (C)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.

(d) For purposes of division (C)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.

(18) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.

(19) In the case of a tax administered, collected, and enforced by a municipal corporation pursuant to an agreement with the board of directors of a joint economic development district under section 715.72 of the Revised Code, the net profits of a business, and the income of the employees of that business, exempted from the tax under division (Q) of that section.

(20) All of the following:

(a) Income derived from disaster work conducted in this state

by an out-of-state disaster business during a disaster response 27207
period pursuant to a qualifying solicitation received by the 27208
business; 27209

(b) Income of a qualifying employee described in division 27210
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent 27211
such income is derived from disaster work conducted in this state 27212
by the employee during a disaster response period pursuant to a 27213
qualifying solicitation received by the employee's employer; 27214

(c) Income of a qualifying employee described in division 27215
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 27216
such income is derived from disaster work conducted in this state 27217
by the employee during a disaster response period on critical 27218
infrastructure owned or used by the employee's employer. 27219

(21) Income the taxation of which is prohibited by the 27220
constitution or laws of the United States. 27221

Any item of income that is exempt income of a pass-through 27222
entity under division (C) of this section is exempt income of each 27223
owner of the pass-through entity to the extent of that owner's 27224
distributive or proportionate share of that item of the entity's 27225
income. 27226

(D)(1) "Net profit" for a person who is an individual means 27227
the individual's net profit required to be reported on schedule C, 27228
schedule E, or schedule F reduced by any net operating loss 27229
carried forward. For the purposes of division (D)(1) of this 27230
section, the net operating loss carried forward shall be 27231
calculated and deducted in the same manner as provided in division 27232
(D)(3) of this section. 27233

(2) "Net profit" for a person other than an individual means 27234
adjusted federal taxable income reduced by any net operating loss 27235
incurred by the person in a taxable year beginning on or after 27236
January 1, 2017, subject to the limitations of division (D)(3) of 27237

this section. 27238

(3)(a) The amount of such net operating loss shall be 27239
deducted from net profit to the extent necessary to reduce 27240
municipal taxable income to zero, with any remaining unused 27241
portion of the net operating loss carried forward to not more than 27242
five consecutive taxable years following the taxable year in which 27243
the loss was incurred, but in no case for more years than 27244
necessary for the deduction to be fully utilized. 27245

(b) No person shall use the deduction allowed by division 27246
(D)(3) of this section to offset qualifying wages. 27247

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 27248
or 2022, a person may not deduct, for purposes of an income tax 27249
levied by a municipal corporation that levies an income tax before 27250
January 1, 2016, more than fifty per cent of the amount of the 27251
deduction otherwise allowed by division (D)(3) of this section. 27252

(ii) For taxable years beginning in 2023 or thereafter, a 27253
person may deduct, for purposes of an income tax levied by a 27254
municipal corporation that levies an income tax before January 1, 27255
2016, the full amount allowed by division (D)(3) of this section 27256
without regard to the limitation of division 27257
~~(D)(3)(b)(i)~~ (D)(3)(c)(i) of this section. 27258

(d) Any pre-2017 net operating loss carryforward deduction 27259
that is available may be utilized before a taxpayer may deduct any 27260
amount pursuant to division (D)(3) of this section. 27261

(e) Nothing in division (D)(3)(c)(i) of this section 27262
precludes a person from carrying forward, for use with respect to 27263
any return filed for a taxable year beginning after 2018, any 27264
amount of net operating loss that was not fully utilized by 27265
operation of division (D)(3)(c)(i) of this section. To the extent 27266
that an amount of net operating loss that was not fully utilized 27267
in one or more taxable years by operation of division (D)(3)(c)(i) 27268

of this section is carried forward for use with respect to a 27269
return filed for a taxable year beginning in 2019, 2020, 2021, or 27270
2022, the limitation described in division (D)(3)(c)(i) of this 27271
section shall apply to the amount carried forward. 27272

(4) For the purposes of this chapter, and notwithstanding 27273
division (D)(2) of this section, net profit of a disregarded 27274
entity shall not be taxable as against that disregarded entity, 27275
but shall instead be included in the net profit of the owner of 27276
the disregarded entity. 27277

(5) For the purposes of this chapter, and notwithstanding any 27278
other provision of this chapter, the net profit of a publicly 27279
traded partnership that makes the election described in division 27280
(D)(5) of this section shall be taxed as if the partnership were a 27281
C corporation, and shall not be treated as the net profit or 27282
income of any owner of the partnership. 27283

A publicly traded partnership that is treated as a 27284
partnership for federal income tax purposes and that is subject to 27285
tax on its net profits in one or more municipal corporations in 27286
this state may elect to be treated as a C corporation for 27287
municipal income tax purposes. The publicly traded partnership 27288
shall make the election in every municipal corporation in which 27289
the partnership is subject to taxation on its net profits. The 27290
election shall be made on the annual tax return filed in each such 27291
municipal corporation. The publicly traded partnership shall not 27292
be required to file the election with any municipal corporation in 27293
which the partnership is not subject to taxation on its net 27294
profits, but division (D)(5) of this section applies to all 27295
municipal corporations in which an individual owner of the 27296
partnership resides. 27297

(E) "Adjusted federal taxable income," for a person required 27298
to file as a C corporation, or for a person that has elected to be 27299
taxed as a C corporation under division (D)(5) of this section, 27300

means a C corporation's federal taxable income before net 27301
operating losses and special deductions as determined under the 27302
Internal Revenue Code, adjusted as follows: 27303

(1) Deduct intangible income to the extent included in 27304
federal taxable income. The deduction shall be allowed regardless 27305
of whether the intangible income relates to assets used in a trade 27306
or business or assets held for the production of income. 27307

(2) Add an amount equal to five per cent of intangible income 27308
deducted under division (E)(1) of this section, but excluding that 27309
portion of intangible income directly related to the sale, 27310
exchange, or other disposition of property described in section 27311
1221 of the Internal Revenue Code; 27312

(3) Add any losses allowed as a deduction in the computation 27313
of federal taxable income if the losses directly relate to the 27314
sale, exchange, or other disposition of an asset described in 27315
section 1221 or 1231 of the Internal Revenue Code; 27316

(4)(a) Except as provided in division (E)(4)(b) of this 27317
section, deduct income and gain included in federal taxable income 27318
to the extent the income and gain directly relate to the sale, 27319
exchange, or other disposition of an asset described in section 27320
1221 or 1231 of the Internal Revenue Code; 27321

(b) Division (E)(4)(a) of this section does not apply to the 27322
extent the income or gain is income or gain described in section 27323
1245 or 1250 of the Internal Revenue Code. 27324

(5) Add taxes on or measured by net income allowed as a 27325
deduction in the computation of federal taxable income; 27326

(6) In the case of a real estate investment trust or 27327
regulated investment company, add all amounts with respect to 27328
dividends to, distributions to, or amounts set aside for or 27329
credited to the benefit of investors and allowed as a deduction in 27330
the computation of federal taxable income; 27331

(7) Deduct, to the extent not otherwise deducted or excluded 27332
in computing federal taxable income, any income derived from a 27333
transfer agreement or from the enterprise transferred under that 27334
agreement under section 4313.02 of the Revised Code; 27335

(8) Deduct exempt income to the extent not otherwise deducted 27336
or excluded in computing adjusted federal taxable income. 27337

(9) Deduct any net profit of a pass-through entity owned 27338
directly or indirectly by the taxpayer and included in the 27339
taxpayer's federal taxable income unless an affiliated group of 27340
corporations includes that net profit in the group's federal 27341
taxable income in accordance with division (E)(3)(b) of section 27342
718.06 of the Revised Code. 27343

(10) Add any loss incurred by a pass-through entity owned 27344
directly or indirectly by the taxpayer and included in the 27345
taxpayer's federal taxable income unless an affiliated group of 27346
corporations includes that loss in the group's federal taxable 27347
income in accordance with division (E)(3)(b) of section 718.06 of 27348
the Revised Code. 27349

If the taxpayer is not a C corporation, is not a disregarded 27350
entity that has made the election described in division (L)(2) of 27351
this section, is not a publicly traded partnership that has made 27352
the election described in division (D)(5) of this section, and is 27353
not an individual, the taxpayer shall compute adjusted federal 27354
taxable income under this section as if the taxpayer were a C 27355
corporation, except guaranteed payments and other similar amounts 27356
paid or accrued to a partner, former partner, shareholder, former 27357
shareholder, member, or former member shall not be allowed as a 27358
deductible expense unless such payments are a pension or 27359
retirement benefit payment paid to a retired partner, retired 27360
shareholder, or retired member or are in consideration for the use 27361
of capital and treated as payment of interest under section 469 of 27362
the Internal Revenue Code or United States treasury regulations. 27363

Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.	27364 27365 27366 27367 27368 27369 27370 27371
Nothing in division (E) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.	27372 27373 27374 27375 27376
(F) "Schedule C" means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	27377 27378 27379
(G) "Schedule E" means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	27380 27381 27382
(H) "Schedule F" means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.	27383 27384 27385
(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	27386 27387
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	27388 27389 27390
(K) "Nonresident" means an individual that is not a resident.	27391
(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter.	27392 27393

"Taxpayer" does not include a grantor trust or, except as provided 27394
in division (L)(2)(a) of this section, a disregarded entity. 27395

(2)(a) A single member limited liability company that is a 27396
disregarded entity for federal tax purposes may be a separate 27397
taxpayer from its single member in all Ohio municipal corporations 27398
in which it either filed as a separate taxpayer or did not file 27399
for its taxable year ending in 2003, if all of the following 27400
conditions are met: 27401

(i) The limited liability company's single member is also a 27402
limited liability company. 27403

(ii) The limited liability company and its single member were 27404
formed and doing business in one or more Ohio municipal 27405
corporations for at least five years before January 1, 2004. 27406

(iii) Not later than December 31, 2004, the limited liability 27407
company and its single member each made an election to be treated 27408
as a separate taxpayer under division (L) of this section as this 27409
section existed on December 31, 2004. 27410

(iv) The limited liability company was not formed for the 27411
purpose of evading or reducing Ohio municipal corporation income 27412
tax liability of the limited liability company or its single 27413
member. 27414

(v) The Ohio municipal corporation that was the primary place 27415
of business of the sole member of the limited liability company 27416
consented to the election. 27417

(b) For purposes of division (L)(2)(a)(v) of this section, a 27418
municipal corporation was the primary place of business of a 27419
limited liability company if, for the limited liability company's 27420
taxable year ending in 2003, its income tax liability was greater 27421
in that municipal corporation than in any other municipal 27422
corporation in Ohio, and that tax liability to that municipal 27423
corporation for its taxable year ending in 2003 was at least four 27424

hundred thousand dollars.	27425
(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.	27426 27427 27428 27429 27430
(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.	27431 27432 27433 27434 27435 27436 27437 27438 27439
(O) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.	27440 27441 27442
(P) "Single member limited liability company" means a limited liability company that has one direct member.	27443 27444
(Q) "Limited liability company" means a limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of another state.	27445 27446 27447
(R) "Qualifying wages" means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:	27448 27449 27450
(1) Deduct the following amounts:	27451
(a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.	27452 27453 27454

(b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer. 27455
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(c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax. 27459
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(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax. 27465
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(e) Any amount included in wages that is exempt income. 27472

(2) Add the following amounts: 27473

(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986. 27474
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~~(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.~~ 27476
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~~(e)~~ Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal 27484
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Revenue Code. Division (R)(2)(e) <u>(R)(2)(b)</u> of this section applies	27486
only to employee contributions and employee deferrals.	27487
(d) <u>(c)</u> Any amount that is supplemental unemployment	27488
compensation benefits described in section 3402(o)(2) of the	27489
Internal Revenue Code and not included in wages.	27490
(e) <u>(d)</u> Any amount received that is treated as self-employment	27491
income for federal tax purposes in accordance with section	27492
1402(a)(8) of the Internal Revenue Code.	27493
(f) <u>(e)</u> Any amount not included in wages if all of the	27494
following apply:	27495
(i) For the taxable year the amount is employee compensation	27496
that is earned outside of the United States and that either is	27497
included in the taxpayer's gross income for federal income tax	27498
purposes or would have been included in the taxpayer's gross	27499
income for such purposes if the taxpayer did not elect to exclude	27500
the income under section 911 of the Internal Revenue Code;	27501
(ii) For no preceding taxable year did the amount constitute	27502
wages as defined in section 3121(a) of the Internal Revenue Code;	27503
(iii) For no succeeding taxable year will the amount	27504
constitute wages; and	27505
(iv) For any taxable year the amount has not otherwise been	27506
added to wages pursuant to either division (R)(2) of this section	27507
or section 718.03 of the Revised Code, as that section existed	27508
before the effective date of H.B. 5 of the 130th general assembly,	27509
March 23, 2015.	27510
(S) "Intangible income" means income of any of the following	27511
types: income yield, interest, capital gains, dividends, or other	27512
income arising from the ownership, sale, exchange, or other	27513
disposition of intangible property including, but not limited to,	27514
investments, deposits, money, or credits as those terms are	27515

defined in Chapter 5701. of the Revised Code, and patents, 27516
copyrights, trademarks, tradenames, investments in real estate 27517
investment trusts, investments in regulated investment companies, 27518
and appreciation on deferred compensation. "Intangible income" 27519
does not include prizes, awards, or other income associated with 27520
any lottery winnings, gambling winnings, or other similar games of 27521
chance. 27522

(T) "Taxable year" means the corresponding tax reporting 27523
period as prescribed for the taxpayer under the Internal Revenue 27524
Code. 27525

(U)(1) "Tax administrator" means, subject to division (U)(2) 27526
of this section, the individual charged with direct responsibility 27527
for administration of an income tax levied by a municipal 27528
corporation in accordance with this chapter, and also includes the 27529
following: 27530

(a) A municipal corporation acting as the agent of another 27531
municipal corporation; 27532

(b) A person retained by a municipal corporation to 27533
administer a tax levied by the municipal corporation, but only if 27534
the municipal corporation does not compensate the person in whole 27535
or in part on a contingency basis; 27536

(c) The central collection agency or the regional income tax 27537
agency or their successors in interest, or another entity 27538
organized to perform functions similar to those performed by the 27539
central collection agency and the regional income tax agency. 27540

(2) "Tax administrator" does not include the tax 27541
commissioner. 27542

(3) A private individual or entity serving in any position 27543
described in division (U)(1)(b) or (c) of this section shall have 27544
no access to criminal history record information. 27545

(V) "Employer" means a person that is an employer for federal income tax purposes.	27546 27547
(W) "Employee" means an individual who is an employee for federal income tax purposes.	27548 27549
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	27550 27551 27552 27553 27554
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	27555 27556
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	27557 27558
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	27559 27560 27561 27562
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	27563 27564 27565 27566
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	27567 27568 27569 27570 27571 27572
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	27573 27574 27575

(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.	27576 27577 27578 27579 27580
(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.	27581 27582
(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.	27583 27584 27585 27586
(HH) "Casino operator" and "casino facility" have the same meanings as in section 3772.01 of the Revised Code.	27587 27588
(II) "Video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.	27589 27590
(JJ) "Video lottery terminal sales agent" means a lottery sales agent licensed under Chapter 3770. of the Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Revised Code.	27591 27592 27593 27594
(KK) "Postal service" means the United States postal service.	27595
(LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code.	27596 27597 27598
(MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of section 5703.056 of the Revised Code.	27599 27600 27601
(NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom	27602 27603 27604 27605

there is attribution of stock ownership in accordance with section 27606
1563(e) of the Internal Revenue Code except, for purposes of 27607
determining whether a person is a related member under this 27608
division, "twenty per cent" shall be substituted for "5 percent" 27609
wherever "5 percent" appears in section 1563(e) of the Internal 27610
Revenue Code. 27611

(00) "Related entity" means any of the following: 27612

(1) An individual stockholder, or a member of the 27613
stockholder's family enumerated in section 318 of the Internal 27614
Revenue Code, if the stockholder and the members of the 27615
stockholder's family own directly, indirectly, beneficially, or 27616
constructively, in the aggregate, at least fifty per cent of the 27617
value of the taxpayer's outstanding stock; 27618

(2) A stockholder, or a stockholder's partnership, estate, 27619
trust, or corporation, if the stockholder and the stockholder's 27620
partnerships, estates, trusts, or corporations own directly, 27621
indirectly, beneficially, or constructively, in the aggregate, at 27622
least fifty per cent of the value of the taxpayer's outstanding 27623
stock; 27624

(3) A corporation, or a party related to the corporation in a 27625
manner that would require an attribution of stock from the 27626
corporation to the party or from the party to the corporation 27627
under division (00)(4) of this section, provided the taxpayer owns 27628
directly, indirectly, beneficially, or constructively, at least 27629
fifty per cent of the value of the corporation's outstanding 27630
stock; 27631

(4) The attribution rules described in section 318 of the 27632
Internal Revenue Code apply for the purpose of determining whether 27633
the ownership requirements in divisions (00)(1) to (3) of this 27634
section have been met. 27635

(PP)(1) "Assessment" means a written finding by the tax 27636

administrator that a person has underpaid municipal income tax, or 27637
owes penalty and interest, or any combination of tax, penalty, or 27638
interest, to the municipal corporation that commences the person's 27639
time limitation for making an appeal to the local board of tax 27640
review pursuant to section 718.11 of the Revised Code, and has 27641
"ASSESSMENT" written in all capital letters at the top of such 27642
finding. 27643

(2) "Assessment" does not include an informal notice denying 27644
a request for refund issued under division (B)(3) of section 27645
718.19 of the Revised Code, a billing statement notifying a 27646
taxpayer of current or past-due balances owed to the municipal 27647
corporation, a tax administrator's request for additional 27648
information, a notification to the taxpayer of mathematical 27649
errors, or a tax administrator's other written correspondence to a 27650
person or taxpayer that does not meet the criteria prescribed by 27651
division (PP)(1) of this section. 27652

(QQ) "Taxpayers' rights and responsibilities" means the 27653
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 27654
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 27655
Revised Code and the responsibilities of taxpayers to file, 27656
report, withhold, remit, and pay municipal income tax and 27657
otherwise comply with Chapter 718. of the Revised Code and 27658
resolutions, ordinances, and rules adopted by a municipal 27659
corporation for the imposition and administration of a municipal 27660
income tax. 27661

(RR) "Qualified municipal corporation" means a municipal 27662
corporation that, by resolution or ordinance adopted on or before 27663
December 31, 2011, adopted Ohio adjusted gross income, as defined 27664
by section 5747.01 of the Revised Code, as the income subject to 27665
tax for the purposes of imposing a municipal income tax. 27666

(SS)(1) "Pre-2017 net operating loss carryforward" means any 27667
net operating loss incurred in a taxable year beginning before 27668

January 1, 2017, to the extent such loss was permitted, by a 27669
resolution or ordinance of the municipal corporation that was 27670
adopted by the municipal corporation before January 1, 2016, to be 27671
carried forward and utilized to offset income or net profit 27672
generated in such municipal corporation in future taxable years. 27673

(2) For the purpose of calculating municipal taxable income, 27674
any pre-2017 net operating loss carryforward may be carried 27675
forward to any taxable year, including taxable years beginning in 27676
2017 or thereafter, for the number of taxable years provided in 27677
the resolution or ordinance or until fully utilized, whichever is 27678
earlier. 27679

(TT) "Small employer" means any employer that had total 27680
revenue of less than five hundred thousand dollars during the 27681
preceding taxable year. For purposes of this division, "total 27682
revenue" means receipts of any type or kind, including, but not 27683
limited to, sales receipts; payments; rents; profits; gains, 27684
dividends, and other investment income; compensation; commissions; 27685
premiums; money; property; grants; contributions; donations; 27686
gifts; program service revenue; patient service revenue; premiums; 27687
fees, including premium fees and service fees; tuition payments; 27688
unrelated business revenue; reimbursements; any type of payment 27689
from a governmental unit, including grants and other allocations; 27690
and any other similar receipts reported for federal income tax 27691
purposes or under generally accepted accounting principles. "Small 27692
employer" does not include the federal government; any state 27693
government, including any state agency or instrumentality; any 27694
political subdivision; or any entity treated as a government for 27695
financial accounting and reporting purposes. 27696

(UU) "Audit" means the examination of a person or the 27697
inspection of the books, records, memoranda, or accounts of a 27698
person for the purpose of determining liability for a municipal 27699
income tax. 27700

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

(WW) "Tax commissioner" means the tax commissioner appointed under section 121.03 of the Revised Code.

(XX) "Out-of-state disaster business," "qualifying solicitation," "qualifying employee," "disaster work," "critical infrastructure," and "disaster response period" have the same meanings as in section 5703.94 of the Revised Code.

(YY) "Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

(ZZ) "Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Sec. 718.02. This section applies to any taxpayer engaged in a business or profession in a municipal corporation that imposes an income tax in accordance with this chapter, unless the taxpayer is an individual who resides in the municipal corporation or the taxpayer is an electric company, combined company, or telephone company that is subject to and required to file reports under

Chapter 5745. of the Revised Code.	27732
(A) Except as otherwise provided in <u>section 718.021 of the Revised Code and</u> division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:	27733 27734 27735 27736 27737 27738 27739
(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.	27740 27741 27742 27743 27744 27745
As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;	27746 27747 27748 27749
(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the municipal corporation to wages, salaries, and other compensation paid during the same period to individuals employed in the business or profession, wherever the individual's services are performed, excluding compensation from which taxes are not required to be withheld under section 718.011 of the Revised Code;	27750 27751 27752 27753 27754 27755 27756 27757
(3) Total gross receipts of the business or profession from sales and rentals made and services performed during the taxable period in the municipal corporation to total gross receipts of the business or profession during the same period from sales, rentals, and services, wherever made or performed.	27758 27759 27760 27761 27762

(B)(1) If the apportionment factors described in division (A) 27763
of this section do not fairly represent the extent of a taxpayer's 27764
business activity in a municipal corporation, the taxpayer may 27765
request, or the tax administrator of the municipal corporation may 27766
require, that the taxpayer use, with respect to all or any portion 27767
of the income of the taxpayer, an alternative apportionment method 27768
involving one or more of the following: 27769

(a) Separate accounting; 27770

(b) The exclusion of one or more of the factors; 27771

(c) The inclusion of one or more additional factors that 27772
would provide for a more fair apportionment of the income of the 27773
taxpayer to the municipal corporation; 27774

(d) A modification of one or more of the factors. 27775

(2) A taxpayer request to use an alternative apportionment 27776
method shall be in writing and shall accompany a tax return, 27777
timely filed appeal of an assessment, or timely filed amended tax 27778
return. The taxpayer may use the requested alternative method 27779
unless the tax administrator denies the request in an assessment 27780
issued within the period prescribed by division (A) of section 27781
718.12 of the Revised Code. 27782

(3) A tax administrator may require a taxpayer to use an 27783
alternative apportionment method as described in division (B)(1) 27784
of this section only by issuing an assessment to the taxpayer 27785
within the period prescribed by division (A) of section 718.12 of 27786
the Revised Code. 27787

(4) Nothing in division (B) of this section nullifies or 27788
otherwise affects any alternative apportionment arrangement 27789
approved by a tax administrator or otherwise agreed upon by both 27790
the tax administrator and taxpayer before January 1, 2016. 27791

(C) As used in division (A)(2) of this section, "wages, 27792

salaries, and other compensation" includes only wages, salaries, 27793
or other compensation paid to an employee for services performed 27794
at any of the following locations: 27795

(1) A location that is owned, controlled, or used by, rented 27796
to, or under the possession of one of the following: 27797

(a) The employer; 27798

(b) A vendor, customer, client, or patient of the employer, 27799
or a related member of such a vendor, customer, client, or 27800
patient; 27801

(c) A vendor, customer, client, or patient of a person 27802
described in division (C)(1)(b) of this section, or a related 27803
member of such a vendor, customer, client, or patient. 27804

(2) Any location at which a trial, appeal, hearing, 27805
investigation, inquiry, review, court-martial, or similar 27806
administrative, judicial, or legislative matter or proceeding is 27807
being conducted, provided that the compensation is paid for 27808
services performed for, or on behalf of, the employer or that the 27809
employee's presence at the location directly or indirectly 27810
benefits the employer; 27811

(3) Any other location, if the tax administrator determines 27812
that the employer directed the employee to perform the services at 27813
the other location in lieu of a location described in division 27814
(C)(1) or (2) of this section solely in order to avoid or reduce 27815
the employer's municipal income tax liability. If a tax 27816
administrator makes such a determination, the employer may dispute 27817
the determination by establishing, by a preponderance of the 27818
evidence, that the tax administrator's determination was 27819
unreasonable. 27820

(D) For the purposes of division (A)(3) of this section, and 27821
except as provided in section 718.021 of the Revised Code, 27822
receipts from sales and rentals made and services performed shall 27823

be sitused to a municipal corporation as follows: 27824

(1) Gross receipts from the sale of tangible personal 27825
property shall be sitused to the municipal corporation only if, 27826
regardless of where title passes, the property meets either of the 27827
following criteria: 27828

(a) The property is shipped to or delivered within the 27829
municipal corporation from a stock of goods located within the 27830
municipal corporation. 27831

(b) The property is delivered within the municipal 27832
corporation from a location outside the municipal corporation, 27833
provided the taxpayer is regularly engaged through its own 27834
employees in the solicitation or promotion of sales within such 27835
municipal corporation and the sales result from such solicitation 27836
or promotion. 27837

(2) Gross receipts from the sale of services shall be sitused 27838
to the municipal corporation to the extent that such services are 27839
performed in the municipal corporation. 27840

(3) To the extent included in income, gross receipts from the 27841
sale of real property located in the municipal corporation shall 27842
be sitused to the municipal corporation. 27843

(4) To the extent included in income, gross receipts from 27844
rents and royalties from real property located in the municipal 27845
corporation shall be sitused to the municipal corporation. 27846

(5) Gross receipts from rents and royalties from tangible 27847
personal property shall be sitused to the municipal corporation 27848
based upon the extent to which the tangible personal property is 27849
used in the municipal corporation. 27850

(E) The net profit received by an individual taxpayer from 27851
the rental of real estate owned directly by the individual or by a 27852
disregarded entity owned by the individual shall be subject to tax 27853

only by the municipal corporation in which the property generating 27854
the net profit is located and the municipal corporation in which 27855
the individual taxpayer that receives the net profit resides. 27856

A municipal corporation shall allow such taxpayers to elect 27857
to use separate accounting for the purpose of calculating net 27858
profit sitused under this division to the municipal corporation in 27859
which the property is located. 27860

(F)(1) Except as provided in division (F)(2) of this section, 27861
commissions received by a real estate agent or broker relating to 27862
the sale, purchase, or lease of real estate shall be sitused to 27863
the municipal corporation in which the real estate is located. Net 27864
profit reported by the real estate agent or broker shall be 27865
allocated to a municipal corporation based upon the ratio of the 27866
commissions the agent or broker received from the sale, purchase, 27867
or lease of real estate located in the municipal corporation to 27868
the commissions received from the sale, purchase, or lease of real 27869
estate everywhere in the taxable year. 27870

(2) An individual who is a resident of a municipal 27871
corporation that imposes a municipal income tax shall report the 27872
individual's net profit from all real estate activity on the 27873
individual's annual tax return for that municipal corporation. The 27874
individual may claim a credit for taxes the individual paid on 27875
such net profit to another municipal corporation to the extent 27876
that such a credit is allowed under the municipal income tax 27877
ordinance, or rules of the municipal corporation of residence. 27878

(G) If, in computing a taxpayer's adjusted federal taxable 27879
income, the taxpayer deducted any amount with respect to a stock 27880
option granted to an employee, ~~and if the employee is not required~~ 27881
~~to include in the employee's income any such amount or a portion~~ 27882
~~thereof because it is exempted from taxation under divisions~~ 27883
~~(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a~~ 27884
~~municipal corporation to which the taxpayer has apportioned a~~ 27885

~~portion of its net profit,~~ the taxpayer shall add the amount that 27886
is exempt from taxation to the taxpayer's net profit that was 27887
apportioned to that municipal corporation. In no case shall a 27888
taxpayer be required to add to its net profit that was apportioned 27889
to that municipal corporation any amount other than the amount 27890
upon which the employee would be required to pay tax were the 27891
amount related to the stock option not exempted from taxation. 27892

This division applies solely for the purpose of making an 27893
adjustment to the amount of a taxpayer's net profit that was 27894
apportioned to a municipal corporation under this section. 27895

(H) When calculating the ratios described in division (A) of 27896
this section for the purposes of that division or division (B) of 27897
this section, the owner of a disregarded entity shall include in 27898
the owner's ratios the property, payroll, and gross receipts of 27899
such disregarded entity. 27900

Sec. 718.021. (A) As used in this section: 27901

(1) "Qualifying remote employee or owner" means an individual 27902
who is an employee of a taxpayer or who is a partner or member 27903
holding an ownership interest in a taxpayer that is treated as a 27904
partnership for federal income tax purposes, provided that the 27905
individual meets both of the following criteria: 27906

(a) The taxpayer has assigned the individual to a qualifying 27907
reporting location. 27908

(b) The individual is permitted or required to perform 27909
services for the taxpayer at a qualifying remote work location. 27910

(2) "Qualifying remote work location" means a permanent or 27911
temporary location at which an employee or owner chooses or is 27912
required to perform services for the taxpayer, other than a 27913
reporting location of the taxpayer or any other location owned or 27914
controlled by a customer or client of the taxpayer. "Qualifying 27915

remote work location" may include the residence of an employee or 27916
owner and may be located outside of a municipal corporation that 27917
imposes an income tax in accordance with this chapter. An employee 27918
or owner may have more than one qualifying remote work location 27919
during a taxable year. 27920

(3) "Reporting location" means either of the following: 27921

(a) A permanent or temporary place of doing business, such as 27922
an office, warehouse, storefront, construction site, or similar 27923
location, that is owned or controlled directly or indirectly by 27924
the taxpayer; 27925

(b) Any location in this state owned or controlled by a 27926
customer or client of the taxpayer, provided that the taxpayer is 27927
required to withhold taxes under section 718.03 of the Revised 27928
Code on qualifying wages paid to an employee for the performance 27929
of personal services at that location. 27930

(4) "Qualifying reporting location" means one of the 27931
following: 27932

(a) The reporting location in this state at which an employee 27933
or owner performs services for the taxpayer on a regular or 27934
periodic basis during the taxable year; 27935

(b) If no reporting location exists in this state for an 27936
employee or owner under division (A)(4)(a) of this section, the 27937
reporting location in this state at which the employee's or 27938
owner's supervisor regularly or periodically reports during the 27939
taxable year; 27940

(c) If no reporting location exists in this state for an 27941
employee or owner under division (A)(4)(a) or (b) of this section, 27942
the location that the taxpayer otherwise assigns as the employee's 27943
or owner's qualifying reporting location, provided the assignment 27944
is made in good faith and is recorded and maintained in the 27945
taxpayer's business records. A taxpayer may change the qualifying 27946

reporting location designated for an employee or owner under this 27947
division at any time. 27948

(B) A taxpayer may elect to apply the provisions of this 27949
section to the apportionment of its net profit from a business or 27950
profession. For taxpayers that make this election, the provisions 27951
of section 718.02 of the Revised Code apply to such apportionment 27952
except as otherwise provided in this section. 27953

A taxpayer shall make the election allowed under this section 27954
in writing on or with the taxpayer's net profit return or, if 27955
applicable, a timely filed amended net profit return or a timely 27956
filed appeal of an assessment. The election applies to the taxable 27957
year for which that return or appeal is filed and for all 27958
subsequent taxable years, until the taxpayer revokes the election. 27959

The taxpayer shall make the initial election with the tax 27960
administrator of each municipal corporation with which, after 27961
applying the apportionment provisions authorized in this section, 27962
the taxpayer is required to file a net profit tax return for that 27963
taxable year. A taxpayer shall not be required to notify the tax 27964
administrator of a municipal corporation in which a qualifying 27965
remote employee's or owner's qualifying remote work location is 27966
located, unless the taxpayer is otherwise required to file a net 27967
profit return with that municipal corporation due to business 27968
operations that are unrelated to the employee's or owner's 27969
activity at the qualifying remote work location. 27970

After the taxpayer makes the initial election, the election 27971
applies to every municipal corporation in which the taxpayer 27972
conducts business. The taxpayer shall not be required to file a 27973
net profit return with a municipal corporation solely because a 27974
qualifying remote employee's or owner's qualifying remote work 27975
location is located in such municipal corporation. 27976

Nothing in this section prohibits a taxpayer from making a 27977

new election under this section after properly revoking a prior election. 27978
27979

(C) For the purpose of calculating the ratios described in division (A) of section 718.02 of the Revised Code, all of the following apply to a taxpayer that has made the election described in division (B) of this section: 27980
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(1) For the purpose of division (A)(1) of section 718.02 of the Revised Code, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location. 27984
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(2) For the purpose of division (A)(2) of section 718.02 of the Revised Code, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location. 27989
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(3) For the purpose of division (A)(3) of section 718.02 of the Revised Code, and notwithstanding division (D) of that section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location. 27995
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(D) Nothing in this section prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (B) of section 718.02 of the Revised Code. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a 28002
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net profit return with a municipal corporation solely because a 28009
qualifying remote employee's or owner's qualifying remote work 28010
location is located in that municipal corporation. 28011

(E) Except as otherwise provided in this section, nothing in 28012
this section is intended to affect the withholding of taxes on 28013
qualifying wages pursuant to sections 718.011 and 718.03 of the 28014
Revised Code. 28015

Sec. 718.05. (A) An annual return with respect to the income 28016
tax levied by a municipal corporation shall be completed and filed 28017
by every taxpayer for any taxable year for which the taxpayer is 28018
liable for the tax. If the total credit allowed against the tax as 28019
described in division (D) of section 718.04 of the Revised Code 28020
for the year is equal to or exceeds the tax imposed by the 28021
municipal corporation, no return shall be required unless the 28022
municipal ordinance or resolution levying the tax requires the 28023
filing of a return in such circumstances. 28024

(B) If an individual is deceased, any return or notice 28025
required of that individual shall be completed and filed by that 28026
decedent's executor, administrator, or other person charged with 28027
the property of that decedent. 28028

(C) If an individual is unable to complete and file a return 28029
or notice required by a municipal corporation in accordance with 28030
this chapter, the return or notice required of that individual 28031
shall be completed and filed by the individual's duly authorized 28032
agent, guardian, conservator, fiduciary, or other person charged 28033
with the care of the person or property of that individual. 28034

(D) Returns or notices required of an estate or a trust shall 28035
be completed and filed by the fiduciary of the estate or trust. 28036

(E) No municipal corporation shall deny spouses the ability 28037
to file a joint return. 28038

(F)(1) Each return required to be filed under this section 28039
shall contain the signature of the taxpayer or the taxpayer's duly 28040
authorized agent and of the person who prepared the return for the 28041
taxpayer, and shall include the taxpayer's social security number 28042
or taxpayer identification number. Each return shall be verified 28043
by a declaration under penalty of perjury. 28044

(2) A tax administrator may require a taxpayer who is an 28045
individual to include, with each annual return, amended return, or 28046
request for refund required under this section, copies of only the 28047
following documents: all of the taxpayer's Internal Revenue 28048
Service form W-2, "Wage and Tax Statements," including all 28049
information reported on the taxpayer's federal W-2, as well as 28050
taxable wages reported or withheld for any municipal corporation; 28051
the taxpayer's Internal Revenue Service form 1040 or, in the case 28052
of a return or request required by a qualified municipal 28053
corporation, Ohio form IT-1040; and, with respect to an amended 28054
tax return or refund request, any other documentation necessary to 28055
support the refund request or the adjustments made in the amended 28056
return. An individual taxpayer who files the annual return 28057
required by this section electronically is not required to provide 28058
paper copies of any of the foregoing to the tax administrator 28059
unless the tax administrator requests such copies after the return 28060
has been filed. 28061

(3) A tax administrator may require a taxpayer that is not an 28062
individual to include, with each annual net profit return, amended 28063
net profit return, or request for refund required under this 28064
section, copies of only the following documents: the taxpayer's 28065
Internal Revenue Service form 1041, form 1065, form 1120, form 28066
1120-REIT, form 1120F, or form 1120S, and, with respect to an 28067
amended tax return or refund request, any other documentation 28068
necessary to support the refund request or the adjustments made in 28069
the amended return. 28070

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the tax administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio business gateway. The department of taxation shall publish a method of electronically submitting the documents required under this division through the Ohio business gateway on or before January 1, 2016. The department shall transmit all documents submitted electronically under this division to the appropriate tax administrator.

(4) After a taxpayer files a tax return, the tax administrator may request, and the taxpayer shall provide, any information, statements, or documents required by the municipal corporation to determine and verify the taxpayer's municipal income tax liability. The requirements imposed under division (F) of this section apply regardless of whether the taxpayer files on a generic form or on a form prescribed by the tax administrator.

(G)(1)(a) Except as otherwise provided in this chapter, each individual income tax return required to be filed under this section shall be completed and filed as required by the tax administrator on or before the date prescribed for the filing of state individual income tax returns under division (G) of section 5747.08 of the Revised Code. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less. A municipal corporation shall not require a qualifying employee whose income consists exclusively of exempt income described in division (C)(20)(b) or (c) of section 718.01 of the Revised Code to file a return under this section.

(b) Except as otherwise provided in this chapter, each annual net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the tax administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less.

(2)(a) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return for a taxpayer that is an individual shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. The extended due date of the municipal income tax return for a taxpayer that is not an individual shall be the fifteenth day of the eleventh month after the last day of the taxable year to which the return relates.

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the tax administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the request is received by the tax administrator on or before the date the municipal income tax return is due, the tax administrator shall grant the taxpayer's requested extension.

(c) An extension of time to file under division (G)(2) of this section is not an extension of the time to pay any tax due unless the tax administrator grants an extension of that date.

(3) If the tax commissioner extends for all taxpayers the

date for filing state income tax returns under division (G) of 28135
section 5747.08 of the Revised Code, a taxpayer shall 28136
automatically receive an extension for the filing of a municipal 28137
income tax return. The extended due date of the municipal income 28138
tax return shall be the same as the extended due date of the state 28139
income tax return. 28140

(4) If the tax administrator considers it necessary in order 28141
to ensure the payment of the tax imposed by the municipal 28142
corporation in accordance with this chapter, the tax administrator 28143
may require taxpayers to file returns and make payments otherwise 28144
than as provided in this section, including taxpayers not 28145
otherwise required to file annual returns. 28146

(5) If a taxpayer receives an extension for the filing of a 28147
municipal income tax return under division (G)(2), (3), or (4) of 28148
this section, the tax administrator shall not make any inquiry or 28149
send any notice to the taxpayer with regard to the return on or 28150
before the date the taxpayer files the return or on or before the 28151
extended due date to file the return, whichever occurs first. 28152

If a tax administrator violates division (G)(5) of this 28153
section, the municipal corporation shall reimburse the taxpayer 28154
for any reasonable costs incurred to respond to such inquiry or 28155
notice, up to one hundred fifty dollars. 28156

Division (G)(5) of this section does not apply to an 28157
extension received under division (G)(2) of this section if the 28158
tax administrator has actual knowledge that the taxpayer failed to 28159
file for a federal extension as required to receive the extension 28160
under division (G)(2)(a) of this section or failed to file for an 28161
extension under division (G)(2)(b) of this section. 28162

(6) To the extent that any provision in this division 28163
conflicts with any provision in section 718.052 of the Revised 28164
Code, the provision in that section prevails. 28165

(H)(1) For taxable years beginning after 2015, a municipal corporation shall not require a taxpayer to remit tax with respect to net profits if the amount due is less than ten dollars.

(2) Except as provided in division (H)(3) of this section, any taxpayer not required to remit tax to a municipal corporation for a taxable year pursuant to division (H)(1) of this section shall file with the municipal corporation an annual net profit return under division (F)(3) of this section.

(3) A municipal corporation shall not require a person to file a net profit return under this section if the person's income consists exclusively of exempt income described in division (C)(20)(a) of section 718.01 of the Revised Code.

(I)(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the tax administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) If a payment under this chapter is made by electronic funds transfer, the payment shall be considered to be made on the date of the timestamp assigned by the first electronic system receiving that payment.

(J) The amounts withheld by an employer, the agent of an employer, or an other payer as described in section 718.03 of the

Revised Code shall be allowed to the recipient of the compensation 28197
as credits against payment of the tax imposed on the recipient by 28198
the municipal corporation, unless the amounts withheld were not 28199
remitted to the municipal corporation and the recipient colluded 28200
with the employer, agent, or other payer in connection with the 28201
failure to remit the amounts withheld. 28202

(K) Each return required by a municipal corporation to be 28203
filed in accordance with this section shall include a box that the 28204
taxpayer may check to authorize another person, including a tax 28205
return preparer who prepared the return, to communicate with the 28206
tax administrator about matters pertaining to the return. The 28207
return or instructions accompanying the return shall indicate that 28208
by checking the box the taxpayer authorizes the tax administrator 28209
to contact the preparer or other person concerning questions that 28210
arise during the examination or other review of the return and 28211
authorizes the preparer or other person only to provide the tax 28212
administrator with information that is missing from the return, to 28213
contact the tax administrator for information about the 28214
examination or other review of the return or the status of the 28215
taxpayer's refund or payments, and to respond to notices about 28216
mathematical errors, offsets, or return preparation that the 28217
taxpayer has received from the tax administrator and has shown to 28218
the preparer or other person. 28219

(L) The tax administrator of a municipal corporation shall 28220
accept for filing a generic form of any income tax return, report, 28221
or document required by the municipal corporation in accordance 28222
with this chapter, provided that the generic form, once completed 28223
and filed, contains all of the information required by ordinance, 28224
resolution, or rules adopted by the municipal corporation or tax 28225
administrator, and provided that the taxpayer or tax return 28226
preparer filing the generic form otherwise complies with the 28227
provisions of this chapter and of the municipal corporation 28228

ordinance or resolution governing the filing of returns, reports, 28229
or documents. 28230

(M) When income tax returns, reports, or other documents 28231
require the signature of a tax return preparer, the tax 28232
administrator shall accept a facsimile of such a signature in lieu 28233
of a manual signature. 28234

(N)(1) As used in this division, "worksite location" has the 28235
same meaning as in section 718.011 of the Revised Code. 28236

(2) A person may notify a tax administrator that the person 28237
does not expect to be a taxpayer with respect to the municipal 28238
corporation for a taxable year if both of the following conditions 28239
apply: 28240

(a) The person was required to file a tax return with the 28241
municipal corporation for the immediately preceding taxable year 28242
because the person performed services at a worksite location 28243
within that municipal corporation. 28244

(b) The person no longer provides services in the municipal 28245
corporation and does not expect to be subject to the municipal 28246
corporation's income tax for the taxable year. 28247

The person shall provide the notice in a signed affidavit 28248
that briefly explains the person's circumstances, including the 28249
location of the previous worksite location and the last date on 28250
which the person performed services or made any sales within the 28251
municipal corporation. The affidavit also shall include the 28252
following statement: "The affiant has no plans to perform any 28253
services within the municipal corporation, make any sales in the 28254
municipal corporation, or otherwise become subject to the tax 28255
levied by the municipal corporation during the taxable year. If 28256
the affiant does become subject to the tax levied by the municipal 28257
corporation for the taxable year, the affiant agrees to be 28258
considered a taxpayer and to properly register as a taxpayer with 28259

the municipal corporation if such a registration is required by 28260
the municipal corporation's resolutions, ordinances, or rules." 28261
The person shall sign the affidavit under penalty of perjury. 28262

(c) If a person submits an affidavit described in division 28263
(N)(2) of this section, the tax administrator shall not require 28264
the person to file any tax return for the taxable year unless the 28265
tax administrator possesses information that conflicts with the 28266
affidavit or if the circumstances described in the affidavit 28267
change. Nothing in division (N) of this section prohibits the tax 28268
administrator from performing an audit of the person. 28269

Sec. ~~718.021~~718.17. (A) As used in this section: 28270

(1) "Nonqualified deferred compensation plan" means a 28271
compensation plan described in section 3121(v)(2)(C) of the 28272
Internal Revenue Code. 28273

(2)(a) Except as provided in division (A)(2)(b) of this 28274
section, "qualifying loss" means the excess, if any, of the total 28275
amount of compensation the payment of which is deferred pursuant 28276
to a nonqualified deferred compensation plan over the total amount 28277
of income the taxpayer has recognized for federal income tax 28278
purposes for all taxable years on a cumulative basis as 28279
compensation with respect to the taxpayer's receipt of money and 28280
property attributable to distributions in connection with the 28281
nonqualified deferred compensation plan. 28282

(b) If, for one or more taxable years, the taxpayer has not 28283
paid to one or more municipal corporations income tax imposed on 28284
the entire amount of compensation the payment of which is deferred 28285
pursuant to a nonqualified deferred compensation plan, then the 28286
"qualifying loss" is the product of the amount resulting from the 28287
calculation described in division (A)(2)(a) of this section 28288
computed without regard to division (A)(2)(b) of this section and 28289
a fraction the numerator of which is the portion of such 28290

compensation on which the taxpayer has paid income tax to one or 28291
more municipal corporations and the denominator of which is the 28292
total amount of compensation the payment of which is deferred 28293
pursuant to a nonqualified deferred compensation plan. 28294

(c) With respect to a nonqualified deferred compensation 28295
plan, the taxpayer sustains a qualifying loss only in the taxable 28296
year in which the taxpayer receives the final distribution of 28297
money and property pursuant to that nonqualified deferred 28298
compensation plan. 28299

(3) "Qualifying tax rate" means the applicable tax rate for 28300
the taxable year for which the taxpayer paid income tax to a 28301
municipal corporation with respect to any portion of the total 28302
amount of compensation the payment of which is deferred pursuant 28303
to a nonqualified deferred compensation plan. If different tax 28304
rates applied for different taxable years, then the "qualifying 28305
tax rate" is a weighted average of those different tax rates. The 28306
weighted average shall be based upon the tax paid to the municipal 28307
corporation each year with respect to the nonqualified deferred 28308
compensation plan. 28309

(B)(1) Except as provided in division (D) of this section, a 28310
refundable credit shall be allowed against the income tax imposed 28311
by a municipal corporation for each qualifying loss sustained by a 28312
taxpayer during the taxable year. The amount of the credit shall 28313
be equal to the product of the qualifying loss and the qualifying 28314
tax rate. 28315

(2) A taxpayer shall claim the credit allowed under this 28316
section from each municipal corporation to which the taxpayer paid 28317
municipal income tax with respect to the nonqualified deferred 28318
compensation plan in one or more taxable years. 28319

(3) If a taxpayer has paid tax to more than one municipal 28320
corporation with respect to the nonqualified deferred compensation 28321

plan, the amount of the credit that a taxpayer may claim from each 28322
municipal corporation shall be calculated on the basis of each 28323
municipal corporation's proportionate share of the total municipal 28324
corporation income tax paid by the taxpayer to all municipal 28325
corporations with respect to the nonqualified deferred 28326
compensation plan. 28327

(4) In no case shall the amount of the credit allowed under 28328
this section exceed the cumulative income tax that a taxpayer has 28329
paid to a municipal corporation for all taxable years with respect 28330
to the nonqualified deferred compensation plan. 28331

(C)(1) For purposes of this section, municipal corporation 28332
income tax that has been withheld with respect to a nonqualified 28333
deferred compensation plan shall be considered to have been paid 28334
by the taxpayer with respect to the nonqualified deferred 28335
compensation plan. 28336

(2) Any municipal income tax that has been refunded or 28337
otherwise credited for the benefit of the taxpayer with respect to 28338
a nonqualified deferred compensation plan shall not be considered 28339
to have been paid to the municipal corporation by the taxpayer. 28340

(D) The credit allowed under this section is allowed only to 28341
the extent the taxpayer's qualifying loss is attributable to: 28342

(1) The insolvency or bankruptcy of the employer who had 28343
established the nonqualified deferred compensation plan; or 28344

(2) The employee's failure or inability to satisfy all of the 28345
employer's terms and conditions necessary to receive the 28346
nonqualified deferred compensation. 28347

Sec. 718.27. (A) As used in this section: 28348

(1) "Applicable law" means this chapter, the resolutions, 28349
ordinances, codes, directives, instructions, and rules adopted by 28350
a municipal corporation provided such resolutions, ordinances, 28351

codes, directives, instructions, and rules impose or directly or 28352
indirectly address the levy, payment, remittance, or filing 28353
requirements of a municipal income tax. 28354

(2) "Income tax," "estimated income tax," and "withholding 28355
tax" means any income tax, estimated income tax, and withholding 28356
tax imposed by a municipal corporation pursuant to applicable law, 28357
including at any time before January 1, 2016. 28358

(3) A "return" includes any tax return, report, 28359
reconciliation, schedule, and other document required to be filed 28360
with a tax administrator or municipal corporation by a taxpayer, 28361
employer, any agent of the employer, or any other payer pursuant 28362
to applicable law, including at any time before January 1, 2016. 28363

(4) "Federal short-term rate" means the rate of the average 28364
market yield on outstanding marketable obligations of the United 28365
States with remaining periods to maturity of three years or less, 28366
as determined under section 1274 of the Internal Revenue Code, for 28367
July of the current year. 28368

(5) "Interest rate as described in division (A) of this 28369
section" means the federal short-term rate, rounded to the nearest 28370
whole number per cent, plus five per cent. The rate shall apply 28371
for the calendar year next following the July of the year in which 28372
the federal short-term rate is determined in accordance with 28373
division (A)(4) of this section. 28374

(6) "Unpaid estimated income tax" means estimated income tax 28375
due but not paid by the date the tax is required to be paid under 28376
applicable law. 28377

(7) "Unpaid income tax" means income tax due but not paid by 28378
the date the income tax is required to be paid under applicable 28379
law. 28380

(8) "Unpaid withholding tax" means withholding tax due but 28381
not paid by the date the withholding tax is required to be paid 28382

under applicable law. 28383

(9) "Withholding tax" includes amounts an employer, any agent 28384
of an employer, or any other payer did not withhold in whole or in 28385
part from an employee's qualifying wages, but that, under 28386
applicable law, the employer, agent, or other payer is required to 28387
withhold from an employee's qualifying wages. 28388

(B)(1) This section applies to the following: 28389

(a) Any return required to be filed under applicable law for 28390
taxable years beginning on or after January 1, 2016; 28391

(b) Income tax, estimated income tax, and withholding tax 28392
required to be paid or remitted to the municipal corporation on or 28393
after January 1, 2016. 28394

(2) This section does not apply to returns required to be 28395
filed or payments required to be made before January 1, 2016, 28396
regardless of the filing or payment date. Returns required to be 28397
filed or payments required to be made before January 1, 2016, but 28398
filed or paid after that date shall be subject to the ordinances 28399
or rules, as adopted before January 1, 2016, of the municipal 28400
corporation to which the return is to be filed or the payment is 28401
to be made. 28402

(C) Each municipal corporation levying a tax on income may 28403
impose on a taxpayer, employer, any agent of the employer, and any 28404
other payer, and must attempt to collect, the interest amounts and 28405
penalties prescribed under division (C) of this section when the 28406
taxpayer, employer, any agent of the employer, or any other payer 28407
for any reason fails, in whole or in part, to make to the 28408
municipal corporation timely and full payment or remittance of 28409
income tax, estimated income tax, or withholding tax or to file 28410
timely with the municipal corporation any return required to be 28411
filed. 28412

(1) Interest shall be imposed at the rate described in 28413

division (A) of this section, per annum, on all unpaid income tax, 28414
unpaid estimated income tax, and unpaid withholding tax. 28415

(2)(a) With respect to unpaid income tax and unpaid estimated 28416
income tax, a municipal corporation may impose a penalty equal to 28417
fifteen per cent of the amount not timely paid. 28418

(b) With respect to any unpaid withholding tax, a municipal 28419
corporation may impose a penalty not exceeding fifty per cent of 28420
the amount not timely paid. 28421

(3) With respect to returns other than estimated income tax 28422
returns, a municipal corporation may impose a penalty ~~of not~~ 28423
exceeding twenty-five dollars for each failure to timely file each 28424
return, regardless of the liability shown thereon ~~for each month,~~ 28425
~~or any fraction thereof, during which the return remains unfiled~~ 28426
~~regardless of the liability shown thereon. The penalty shall not~~ 28427
~~exceed one hundred fifty dollars for each failure, except that a~~ 28428
municipal corporation shall abate or refund the penalty assessed 28429
on a taxpayer's first failure to timely file a return after the 28430
taxpayer files that return. 28431

(D)(1) With respect to the income taxes, estimated income 28432
taxes, withholding taxes, and returns, no municipal corporation 28433
shall impose, seek to collect, or collect any penalty, amount of 28434
interest, charges, or additional fees not described in this 28435
section. 28436

(2) With respect to the income taxes, estimated income taxes, 28437
withholding taxes, and returns not described in division (A) of 28438
this section, nothing in this section requires a municipal 28439
corporation to refund or credit any penalty, amount of interest, 28440
charges, or additional fees that the municipal corporation has 28441
properly imposed or collected before January 1, 2016. 28442

(E) Nothing in this section limits the authority of a 28443
municipal corporation to abate or partially abate penalties or 28444

interest imposed under this section when the tax administrator 28445
determines, in the tax administrator's sole discretion, that such 28446
abatement is appropriate. 28447

(F) By the thirty-first day of October of each year the 28448
municipal corporation shall publish the rate described in division 28449
(A) of this section applicable to the next succeeding calendar 28450
year. 28451

(G) The municipal corporation may impose on the taxpayer, 28452
employer, any agent of the employer, or any other payer the 28453
municipal corporation's post-judgment collection costs and fees, 28454
including attorney's fees. 28455

Sec. 718.80. (A) A taxpayer may elect to be subject to 28456
sections 718.80 to 718.95 of the Revised Code in lieu of the 28457
provisions set forth in the remainder of this chapter. 28458
Notwithstanding any other provision of this chapter, upon the 28459
taxpayer's election, both of the following shall apply: 28460

(1) The tax commissioner shall serve as the sole 28461
administrator of each municipal income tax for which the taxpayer 28462
is liable for the term of the election; 28463

(2) The commissioner shall administer the tax pursuant to 28464
sections 718.80 to 718.95 of the Revised Code and any applicable 28465
provision of Chapter 5703. of the Revised Code. 28466

(B)(1) A taxpayer shall make the initial election on or 28467
before the fifteenth day of the fourth month after the beginning 28468
of the taxpayer's taxable year by providing to the tax 28469
commissioner a list of all municipal corporations in which the 28470
taxpayer conducted business during the previous taxable year, on a 28471
form prescribed by the tax commissioner. 28472

(2) At least quarterly, the tax commissioner shall notify 28473
each municipal corporation that a taxpayer lists in its election 28474

under division (B)(1) of this section that the taxpayer has made 28475
the election. 28476

(3)(a) The election, once made by the taxpayer, applies to 28477
the taxable year in which the election is made and to each 28478
subsequent taxable year until the taxpayer notifies the tax 28479
commissioner of its termination of the election. 28480

(b) A notification of termination shall be made, on a form 28481
prescribed by the tax commissioner, on or before the fifteenth day 28482
of the fourth month of any taxable year. 28483

(c) Upon a timely and valid termination of the election, the 28484
taxpayer is no longer subject to sections 718.80 to 718.95 of the 28485
Revised Code, and is instead subject to the provisions set forth 28486
in the remainder of this chapter. 28487

(d) At least quarterly, the tax commissioner shall notify 28488
each municipal corporation reported on a taxpayer's most recent 28489
return or declaration filed with the commissioner of the 28490
taxpayer's termination of its election. 28491

(4) The tax commissioner shall provide to all municipal 28492
corporations imposing a tax on income on or after January 1, 2018, 28493
a list of taxpayers that are subject to sections 718.80 to 718.95 28494
of the Revised Code, including the taxpayers' names, addresses, 28495
and federal employee identification numbers. The list shall be 28496
made available via the portal created under section 718.841 of the 28497
Revised Code. 28498

(C)(1)(a) On or before the thirty-first day of January each 28499
year, each municipal corporation imposing a tax on income shall 28500
certify to the tax commissioner the rate of the tax in effect on 28501
the first day of January of that year. 28502

(b) If, after the thirty-first day of January of any year, 28503
~~the electors of a municipal corporation approve an increase in~~ 28504
changes the rate of the municipal corporation's tax on income such 28505

that a new rate takes effect within that year, the municipal 28506
corporation shall certify to the tax commissioner the new rate of 28507
tax not less than sixty days before the effective date of the 28508
~~increase~~ new rate, after which effective date the commissioner 28509
shall apply the ~~increased~~ new rate. 28510

(2) A municipal corporation that receives a notification 28511
under division (B)(2) of this section shall submit to the tax 28512
commissioner, on a form prescribed by the commissioner and within 28513
the time prescribed by division (C)(3) of this section, the 28514
following information regarding the taxpayer and any member of an 28515
affiliated group of corporations included on the taxpayer's 28516
consolidated tax return, when applicable: 28517

(a) The amount of any net operating loss that the taxpayer is 28518
entitled to carry forward to a future tax year; 28519

(b) The amount of any net operating loss carryforward 28520
utilized by the taxpayer in prior years; 28521

(c) Any credits granted by the municipal corporation to which 28522
the taxpayer is entitled, the amount of such credits, whether the 28523
credits may be carried forward to future tax years, and, if the 28524
credits may be carried forward, the duration of any such 28525
carryforward; 28526

(d) Any overpayments of tax that the taxpayer has elected to 28527
carry forward to a subsequent tax year; 28528

(e) Any other information the municipal corporation deems 28529
relevant in order to effectuate the tax commissioner's efficient 28530
administration of the tax on the municipal corporation's behalf. 28531

(3) A municipal corporation shall submit the information 28532
required under division (C)(2) of this section to the tax 28533
commissioner within ninety days after the taxpayer files its final 28534
return or within fifteen days after the end of the taxable year 28535
for which the taxpayer made the initial election under division 28536

(B)(1) of this section, whichever occurs first. For the purposes 28537
of this section, "final return" means the return filed with the 28538
municipal corporation for the taxable year immediately preceding 28539
the taxable year for which the taxpayer made the election under 28540
division (B)(1) of this section. 28541

(4) If any municipal corporation fails to timely comply with 28542
division (C)(1), (2), or (3) of this section, the tax commissioner 28543
may notify the director of budget and management, who, upon 28544
receiving such notification, shall withhold a portion of each 28545
payment made to the municipal corporation under section 718.83 of 28546
the Revised Code. The commissioner shall specify the percentage of 28547
the payment to be withheld, not to exceed fifty per cent of the 28548
amount of the payment otherwise due to the municipal corporation 28549
under that section. The director shall compute the withholding on 28550
the basis of the tax rate most recently certified to the tax 28551
commissioner until the municipal corporation complies with 28552
divisions (C)(1), (2), and (3) of this section. 28553

If, after any such withholding, the municipal corporation 28554
complies with divisions (C)(1), (2), and (3) of this section, the 28555
tax commissioner shall notify the director of budget and 28556
management, who shall provide payment to the municipal corporation 28557
under section 718.83 of the Revised Code of such amounts withheld 28558
under this division. 28559

(D) The tax commissioner shall enforce and administer 28560
sections 718.80 to 718.95 of the Revised Code. In addition to any 28561
other powers conferred upon the tax commissioner by law, the tax 28562
commissioner may: 28563

(1) Prescribe all forms necessary to administer those 28564
sections; 28565

(2) Adopt such rules as the tax commissioner finds necessary 28566
to carry out those sections; 28567

(3) Appoint and employ such personnel as are necessary to 28568
carry out the duties imposed upon the tax commissioner by those 28569
sections. 28570

(E) No tax administrator shall utilize sections 718.81 to 28571
718.95 of the Revised Code in the administrator's administration 28572
of a municipal income tax, and those sections shall not be applied 28573
to any taxpayer that has not made the election under this section. 28574

(F) Nothing in this chapter shall be construed to make any 28575
section of this chapter, other than sections 718.01 and 718.80 to 28576
718.95 of the Revised Code, applicable to the tax commissioner's 28577
administration of a municipal income tax or to any taxpayer that 28578
has made the election under this section. 28579

(G) The tax commissioner shall not be considered a tax 28580
administrator, as that term is defined in section 718.01 of the 28581
Revised Code. 28582

Sec. 718.82. This section applies to any taxpayer that is 28583
engaged in a business or profession in a municipal corporation and 28584
that has made the election under section 718.80 of the Revised 28585
Code. 28586

(A) Except as otherwise provided in section 718.821 of the 28587
Revised Code and division (B) of this section, net profit from a 28588
business or profession conducted both within and without the 28589
boundaries of a municipal corporation shall be considered as 28590
having a taxable situs in the municipal corporation for purposes 28591
of municipal income taxation in the same proportion as the average 28592
ratio of the following: 28593

(1) The average original cost of the real property and 28594
tangible personal property owned or used by the taxpayer in the 28595
business or profession in the municipal corporation during the 28596
taxable period to the average original cost of all of the real and 28597

tangible personal property owned or used by the taxpayer in the 28598
business or profession during the same period, wherever situated. 28599

As used in the preceding paragraph, tangible personal or real 28600
property shall include property rented or leased by the taxpayer 28601
and the value of such property shall be determined by multiplying 28602
the annual rental thereon by eight; 28603

(2) Wages, salaries, and other compensation paid during the 28604
taxable period to individuals employed in the business or 28605
profession for services performed in the municipal corporation to 28606
wages, salaries, and other compensation paid during the same 28607
period to individuals employed in the business or profession, 28608
wherever the individual's services are performed, excluding 28609
compensation from which taxes are not required to be withheld 28610
under section 718.011 of the Revised Code; 28611

(3) Total gross receipts of the business or profession from 28612
sales and rentals made and services performed during the taxable 28613
period in the municipal corporation to total gross receipts of the 28614
business or profession during the same period from sales, rentals, 28615
and services, wherever made or performed. 28616

(B)(1) If the apportionment factors described in division (A) 28617
of this section do not fairly represent the extent of a taxpayer's 28618
business activity in a municipal corporation, the taxpayer may 28619
request, or the tax commissioner may require, that the taxpayer 28620
use, with respect to all or any portion of the income of the 28621
taxpayer, an alternative apportionment method involving one or 28622
more of the following: 28623

(a) Separate accounting; 28624

(b) The exclusion of one or more of the factors; 28625

(c) The inclusion of one or more additional factors that 28626
would provide for a more fair apportionment of the income of the 28627
taxpayer to the municipal corporation; 28628

(d) A modification of one or more of the factors.	28629
(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax commissioner denies the request in an assessment issued within the period prescribed by division (A) of section 718.90 of the Revised Code.	28630 28631 28632 28633 28634 28635 28636
(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.90 of the Revised Code.	28637 28638 28639 28640 28641
(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:	28642 28643 28644 28645
(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:	28646 28647
(a) The employer;	28648
(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;	28649 28650 28651
(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.	28652 28653 28654
(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for	28655 28656 28657 28658

services performed for, or on behalf of, the employer or that the 28659
employee's presence at the location directly or indirectly 28660
benefits the employer; 28661

(3) Any other location, if the tax commissioner determines 28662
that the employer directed the employee to perform the services at 28663
the other location in lieu of a location described in division 28664
(C)(1) or (2) of this section solely in order to avoid or reduce 28665
the employer's municipal income tax liability. If the tax 28666
commissioner makes such a determination, the employer may dispute 28667
the determination by establishing, by a preponderance of the 28668
evidence, that the tax commissioner's determination was 28669
unreasonable. 28670

(D) For the purposes of division (A)(3) of this section, and 28671
except as provided in section 718.821 of the Revised Code, 28672
receipts from sales and rentals made and services performed shall 28673
be sitused to a municipal corporation as follows: 28674

(1) Gross receipts from the sale of tangible personal 28675
property shall be sitused to the municipal corporation only if, 28676
regardless of where title passes, the property meets either of the 28677
following criteria: 28678

(a) The property is shipped to or delivered within the 28679
municipal corporation from a stock of goods located within the 28680
municipal corporation. 28681

(b) The property is delivered within the municipal 28682
corporation from a location outside the municipal corporation, 28683
provided the taxpayer is regularly engaged through its own 28684
employees in the solicitation or promotion of sales within such 28685
municipal corporation and the sales result from such solicitation 28686
or promotion. 28687

(2) Gross receipts from the sale of services shall be sitused 28688
to the municipal corporation to the extent that such services are 28689

performed in the municipal corporation. 28690

(3) To the extent included in income, gross receipts from the 28691
sale of real property located in the municipal corporation shall 28692
be sitused to the municipal corporation. 28693

(4) To the extent included in income, gross receipts from 28694
rents and royalties from real property located in the municipal 28695
corporation shall be sitused to the municipal corporation. 28696

(5) Gross receipts from rents and royalties from tangible 28697
personal property shall be sitused to the municipal corporation 28698
based upon the extent to which the tangible personal property is 28699
used in the municipal corporation. 28700

(E) Commissions received by a real estate agent or broker 28701
relating to the sale, purchase, or lease of real estate shall be 28702
sitused to the municipal corporation in which the real estate is 28703
located. Net profit reported by the real estate agent or broker 28704
shall be allocated to a municipal corporation based upon the ratio 28705
of the commissions the agent or broker received from the sale, 28706
purchase, or lease of real estate located in the municipal 28707
corporation to the commissions received from the sale, purchase, 28708
or lease of real estate everywhere in the taxable year. 28709

(F) If, in computing a taxpayer's adjusted federal taxable 28710
income, the taxpayer deducted any amount with respect to a stock 28711
option granted to an employee, ~~and if the employee is not required~~ 28712
~~to include in the employee's income any such amount or a portion~~ 28713
~~thereof because it is exempted from taxation under divisions~~ 28714
~~(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a~~ 28715
~~municipal corporation to which the taxpayer has apportioned a~~ 28716
~~portion of its net profit,~~ the taxpayer shall add the amount that 28717
is exempt from taxation to the taxpayer's net profit that was 28718
apportioned to that municipal corporation. In no case shall a 28719
taxpayer be required to add to its net profit that was apportioned 28720

to that municipal corporation any amount other than the amount 28721
upon which the employee would be required to pay tax were the 28722
amount related to the stock option not exempted from taxation. 28723

This division applies solely for the purpose of making an 28724
adjustment to the amount of a taxpayer's net profit that was 28725
apportioned to a municipal corporation under this section. 28726

(G) When calculating the ratios described in division (A) of 28727
this section for the purposes of that division or division (B) of 28728
this section, the owner of a disregarded entity shall include in 28729
the owner's ratios the property, payroll, and gross receipts of 28730
such disregarded entity. 28731

Sec. 718.821. (A) Terms used in this section have the same 28732
meanings as in section 718.021 of the Revised Code. 28733

(B) A taxpayer may elect to apply the provisions of this 28734
section to the apportionment of its net profit from a business or 28735
profession. For taxpayers that make this election, the provisions 28736
of section 718.82 of the Revised Code apply to such apportionment 28737
except as otherwise provided in this section. 28738

A taxpayer shall make the election allowed under this section 28739
by notifying the tax commissioner in writing on or with the 28740
taxpayer's net profit return or, if applicable, a timely filed 28741
amended net profit return or a timely filed appeal of an 28742
assessment. The election applies to the taxable year for which 28743
that return or appeal is filed and for all subsequent taxable 28744
years, until the taxpayer revokes the election. After the taxpayer 28745
makes the initial election, the election applies to every 28746
municipal corporation in which the taxpayer conducts business. 28747

Nothing in this section prohibits a taxpayer from making a 28748
new election under this section after properly revoking a prior 28749
election. 28750

(C) For the purpose of calculating the ratios described in 28751
division (A) of section 718.82 of the Revised Code, all of the 28752
following apply to a taxpayer that has made the election described 28753
in division (B) of this section: 28754

(1) For the purpose of division (A)(1) of section 718.82 of 28755
the Revised Code, the average original cost of any tangible 28756
personal property used by a qualifying remote employee or owner at 28757
that individual's qualifying remote work location shall be sitused 28758
to that individual's qualifying reporting location. 28759

(2) For the purpose of division (A)(2) of section 718.82 of 28760
the Revised Code, any wages, salaries, and other compensation paid 28761
during the taxable period to a qualifying remote employee or owner 28762
for services performed at that individual's qualifying remote work 28763
location shall be sitused to that individual's qualifying 28764
reporting location. 28765

(3) For the purpose of division (A)(3) of section 718.82 of 28766
the Revised Code, and notwithstanding division (D) of that 28767
section, any gross receipts of the business or profession from 28768
services performed during the taxable period by a qualifying 28769
remote employee or owner for services performed at that 28770
individual's qualifying remote work location shall be sitused to 28771
that individual's qualifying reporting location. 28772

(D) Nothing in this section prevents a taxpayer from 28773
requesting, or the tax commissioner from requiring, that the 28774
taxpayer use, with respect to all or a portion of the income of 28775
the taxpayer, an alternative apportionment method as described in 28776
division (B) of section 718.82 of the Revised Code. However, the 28777
commissioner shall not require an alternative apportionment method 28778
in such a manner that it would cause a taxpayer to incur tax 28779
liability in a municipal corporation solely because a qualifying 28780
remote employee's or owner's qualifying remote work location is 28781
located in that municipal corporation. 28782

(E) Except as otherwise provided in this section, nothing in this section is intended to affect the withholding of taxes on qualifying wages pursuant to sections 718.011 and 718.03 of the Revised Code.

Sec. 718.84. (A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by sections 718.80 to 718.95 of the Revised Code is confidential, and no person shall disclose such information, except for official purposes, in accordance with a proper judicial order, or as provided in section 4123.271 or 5703.21 of the Revised Code. The tax commissioner may furnish the internal revenue service with copies of returns filed. This section does not prohibit the publication of statistics in a form which does not disclose information with respect to particular taxpayers.

(B) In May and ~~November~~ December of each year, the tax commissioner shall provide each tax administrator with the following information for every taxpayer that ~~filed~~ had municipal taxable income apportionable to the municipal corporation under this chapter on tax returns filed with the commissioner under sections 718.80 to 718.95 of the Revised Code ~~and that had municipal taxable income apportionable to the municipal corporation under this chapter for any prior year in the preceding five or seven months, respectively:~~

(1) The taxpayer's name, address, and federal employer identification number;

(2) The taxpayer's apportionment ratio for, and amount of municipal taxable income apportionable to, the municipal corporation pursuant to section 718.82 of the Revised Code;

(3) The amount of any pre-2017 net operating loss carryforward utilized by the taxpayer;

(4) Whether the taxpayer requested that any overpayment be carried forward to a future taxable year;	28813 28814
(5) The amount of any credit claimed under section 718.94 of the Revised Code.	28815 28816
(C) Not later than thirty days after each distribution made to municipal corporations under section 718.83 of the Revised Code, the tax commissioner shall provide to each municipal corporation a report stating the name and federal identification number of every taxpayer that made estimated payments that are attributable to the municipal corporation and the amount of each such taxpayer's estimated payment.	28817 28818 28819 28820 28821 28822 28823
(D) Not later than the thirty-first day of January of each year, every municipal corporation having taxpayers that have made the election allowed under section 718.80 of the Revised Code shall provide to the tax commissioner, in a format prescribed by the commissioner, the name and mailing address of up to two persons to whom the municipal corporation requests that the commissioner send the information described in divisions (B) and (C) of this section. The commissioner shall not provide such information to any person other than a person who is designated to receive the information under this section and who is employed by the municipal corporation or by a tax administrator, as defined in section 718.01 of the Revised Code, that administers the municipal corporation's income tax, except as may otherwise be provided by law.	28824 28825 28826 28827 28828 28829 28830 28831 28832 28833 28834 28835 28836 28837
(E)(1) The tax commissioner may adopt rules that further govern the terms and conditions under which tax returns filed with the commissioner under this chapter, and any other information gained in the performance of the commissioner's duties prescribed by this chapter, shall be available for inspection by properly authorized officers, employees, or agents of the municipal corporations to which the taxpayer's net profit is apportioned	28838 28839 28840 28841 28842 28843 28844

under section 718.82 of the Revised Code. 28845

(2) As used in this division, "properly authorized officer,
employee, or agent" means an officer, employee, or agent of a
municipal corporation who is authorized by charter or ordinance of
the municipal corporation to view or possess information referred
to in section 718.13 of the Revised Code. 28846
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28850

(F)(1) If, upon receiving the information described in 28851
division (B) of section 718.91 of the Revised Code or division (B)
or (C) of this section, a municipal corporation discovers that it 28852
has additional information in its possession that could result in 28853
a change to a taxpayer's tax liability, the municipal corporation 28854
may refer the taxpayer to the tax commissioner for an audit. Such 28855
referral shall be made on a form prescribed by the commissioner 28856
and shall include any information that forms the basis for the 28857
referral. 28858
28859

(2) Upon receipt of a referral under division (F)(1) of this 28860
section, the commissioner shall review the referral and may 28861
conduct an audit of the taxpayer that is the subject of the 28862
referral based on the information in the referral and any other 28863
relevant information available to the commissioner. 28864

(3) Nothing in division (F) of this section shall be 28865
construed as forming the sole basis upon which the commissioner 28866
may conduct an audit of a taxpayer. 28867

(4) Nothing in this chapter shall prohibit a municipal 28868
corporation from filing a writ of mandamus if the municipal 28869
corporation believes that the commissioner has violated the 28870
commissioner's fiduciary duty as the administrator of the tax 28871
levied by the municipal corporation. 28872

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 28873
shall file an annual return. Such return, along with the amount of 28874

tax shown to be due on the return less the amount paid for the 28875
taxable year under section 718.88 of the Revised Code, shall be 28876
submitted to the tax commissioner, on a form and in the manner 28877
prescribed by the commissioner, on or before the fifteenth day of 28878
the fourth month following the end of the taxpayer's taxable year. 28879

(2) The remittance shall be made payable to the treasurer of 28880
state and in the form prescribed by the tax commissioner. If the 28881
amount payable with the tax return is ten dollars or less, no 28882
remittance is required. 28883

(B) The tax commissioner shall immediately forward to the 28884
treasurer of state all amounts the commissioner receives pursuant 28885
to sections 718.80 to 718.95 of the Revised Code. The treasurer 28886
shall credit such amounts to the municipal net profit tax fund 28887
which is hereby created in the state treasury. 28888

(C)(1) Each return required to be filed under this section 28889
shall contain the signature of the taxpayer or the taxpayer's duly 28890
authorized agent and of the person who prepared the return for the 28891
taxpayer, and shall include the taxpayer's identification number. 28892
Each return shall be verified by a declaration under penalty of 28893
perjury. 28894

(2)(a) The tax commissioner may require a taxpayer to 28895
include, with each annual tax return, amended return, or request 28896
for refund filed with the commissioner under sections 718.80 to 28897
718.95 of the Revised Code, copies of any relevant documents or 28898
other information. 28899

(b) A taxpayer that files an annual tax return electronically 28900
through the Ohio business gateway or in another manner as 28901
prescribed by the tax commissioner shall either submit the 28902
documents required under this division electronically as 28903
prescribed at the time of filing or, if electronic submission is 28904
not available, mail the documents to the tax commissioner. The 28905

department of taxation shall publish a method of electronically 28906
submitting the documents required under this division on or before 28907
January 1, 2019. 28908

(3) After a taxpayer files a tax return, the tax commissioner 28909
may request, and the taxpayer shall provide, any information, 28910
statements, or documents required to determine and verify the 28911
taxpayer's municipal income tax. 28912

(D)(1)(a) Any taxpayer that has duly requested an automatic 28913
extension for filing the taxpayer's federal income tax return 28914
shall automatically receive an extension for the filing of a tax 28915
return with the commissioner under this section. The extended due 28916
date of the return shall be the fifteenth day of the ~~tenth~~ 28917
eleventh month after the last day of the taxable year to which the 28918
return relates. 28919

(b) A taxpayer that has not requested or received a six-month 28920
extension for filing the taxpayer's federal income tax return may 28921
request that the commissioner grant the taxpayer a six-month 28922
extension of the date for filing the taxpayer's ~~municipal income~~ 28923
tax return. If the commissioner receives the request on or before 28924
the date the ~~municipal income~~ tax return is due, the commissioner 28925
shall grant the taxpayer's extension request. 28926

(c) An extension of time to file under division (D)(1) of 28927
this section is not an extension of the time to pay any tax due 28928
unless the tax commissioner grants an extension of that date. 28929

(2) If the commissioner considers it necessary in order to 28930
ensure payment of a tax imposed in accordance with section 718.04 28931
of the Revised Code, the commissioner may require taxpayers to 28932
file returns and make payments otherwise than as provided in this 28933
section, including taxpayers not otherwise required to file annual 28934
returns. 28935

(3) If a taxpayer receives an extension for the filing of a 28936

tax return under division (D)(1) or (2) of this section, the 28937
commissioner shall not make any inquiry or send any notice to the 28938
taxpayer with regard to the return on or before the date the 28939
taxpayer files the return or on or before the extended due date to 28940
file the return, whichever occurs first. 28941

Division (D)(3) of this section does not apply to an 28942
extension received under division (D)(1) of this section if the 28943
commissioner has actual knowledge that the taxpayer failed to file 28944
for a federal extension as required to receive the extension under 28945
division (D)(1)(a) of this section or failed to file for an 28946
extension under division (D)(1)(b) of this section. 28947

(E) Each return required to be filed in accordance with this 28948
section shall include a box that the taxpayer may check to 28949
authorize another person, including a tax return preparer who 28950
prepared the return, to communicate with the tax commissioner 28951
about matters pertaining to the return. The return or instructions 28952
accompanying the return shall indicate that by checking the box 28953
the taxpayer authorizes the commissioner to contact the preparer 28954
or other person concerning questions that arise during the 28955
examination or other review of the return and authorizes the 28956
preparer or other person only to provide the commissioner with 28957
information that is missing from the return, to contact the 28958
commissioner for information about the examination or other review 28959
of the return or the status of the taxpayer's refund or payments, 28960
and to respond to notices about mathematical errors, offsets, or 28961
return preparation that the taxpayer has received from the 28962
commissioner and has shown to the preparer or other person. 28963

(F) When income tax returns or other documents require the 28964
signature of a tax return preparer, the tax commissioner shall 28965
accept a facsimile or electronic version of such a signature in 28966
lieu of a manual signature. 28967

Sec. 718.89. (A) In addition to any other penalty imposed by 28968
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 28969
the following penalties shall apply: 28970

(1) If a taxpayer required to file a tax return under 28971
sections 718.80 to 718.95 of the Revised Code fails to make and 28972
file the return within the time prescribed, including any 28973
extensions of time granted by the tax commissioner, the 28974
commissioner may impose a penalty not exceeding twenty-five 28975
dollars ~~per month or fraction of a month, for each month or~~ 28976
~~fraction of a month elapsing between the due date, including~~ 28977
~~extensions of the due date, and the date on which the return is~~ 28978
~~filed. The aggregate penalty, per instance, under this division~~ 28979
~~shall not exceed one hundred fifty dollars, except that the~~ 28980
commissioner shall abate or refund the penalty assessed on a 28981
taxpayer's first failure to timely file a return after the 28982
taxpayer files that return. 28983

(2) If a person required to file a tax return electronically 28984
under sections 718.80 to 718.95 of the Revised Code fails to do 28985
so, the commissioner may impose a penalty not to exceed the 28986
following: 28987

(a) For each of the first two failures, five per cent of the 28988
amount required to be reported on the return; 28989

(b) For the third and any subsequent failure, ten per cent of 28990
the amount required to be reported on the return. 28991

(3) If a taxpayer that has made the election allowed under 28992
section 718.80 of the Revised Code fails to timely pay an amount 28993
of tax required to be paid under this chapter, the commissioner 28994
may impose a penalty equal to fifteen per cent of the amount not 28995
timely paid. 28996

(4) If a taxpayer files what purports to be a tax return 28997

required by sections 718.80 to 718.95 of the Revised Code that 28998
does not contain information upon which the substantial 28999
correctness of the return may be judged or contains information 29000
that on its face indicates that the return is substantially 29001
incorrect, and the filing of the return in that manner is due to a 29002
position that is frivolous or a desire that is apparent from the 29003
return to delay or impede the administration of sections 718.80 to 29004
718.95 of the Revised Code, a penalty of up to five hundred 29005
dollars may be imposed. 29006

(5) If a taxpayer makes a fraudulent attempt to evade the 29007
reporting or payment of the tax required to be shown on any return 29008
required under sections 718.80 to 718.95 of the Revised Code, a 29009
penalty may be imposed not exceeding the greater of one thousand 29010
dollars or one hundred per cent of the tax required to be shown on 29011
the return. 29012

(6) If any person makes a false or fraudulent claim for a 29013
refund under section 718.91 of the Revised Code, a penalty may be 29014
imposed not exceeding the greater of one thousand dollars or one 29015
hundred per cent of the claim. Any penalty imposed under this 29016
division, any refund issued on the claim, and interest on any 29017
refund from the date of the refund, may be assessed under section 29018
718.90 of the Revised Code without regard to any time limitation 29019
for the assessment imposed by division (A) of that section. 29020

(B) For purposes of this section, the tax required to be 29021
shown on a tax return shall be reduced by the amount of any part 29022
of the tax paid on or before the date, including any extensions of 29023
the date, prescribed for filing the return. 29024

(C) Each penalty imposed under this section shall be in 29025
addition to any other penalty imposed under this section. All or 29026
part of any penalty imposed under this section may be abated by 29027
the tax commissioner. The commissioner may adopt rules governing 29028
the imposition and abatement of such penalties. 29029

(D) All amounts collected under this section shall be 29030
considered as taxes collected under sections 718.80 to 718.95 of 29031
the Revised Code and shall be credited and distributed to 29032
municipal corporations in the same proportion as the underlying 29033
tax liability is required to be distributed to such municipal 29034
corporations under section 718.83 of the Revised Code. 29035

Sec. 725.01. As used in sections 725.01 to 725.11 of the 29036
Revised Code: 29037

(A) "Slum area" means an area within a municipal corporation, 29038
in which area there is a predominance of buildings or 29039
improvements, whether residential or nonresidential, which by 29040
reason of dilapidation, deterioration, age or obsolescence, 29041
inadequate provision for ventilation, light, air, sanitation, or 29042
open spaces, high density of population and overcrowding, or the 29043
existence of conditions which endanger life or property, by fire 29044
and other causes, or any combination of such factors, is conducive 29045
to ill health, transmission of disease, infant mortality, juvenile 29046
delinquency, or crime, and is detrimental to public health, 29047
safety, morals, or welfare. 29048

(B) "Blighted area" means an area within a municipal 29049
corporation that substantially impairs or arrests the sound growth 29050
of a municipal corporation, retards the provision of housing 29051
accommodations, or constitutes an economic or social liability and 29052
is a menace to the public health, safety, morals, or welfare in 29053
its present condition and use by reason of the presence of a 29054
substantial number of slums, deteriorated or deteriorating 29055
structures, predominance of defective or inadequate street layout, 29056
faulty lot layout in relation to size, adequacy, accessibility, or 29057
usefulness, unsanitary or unsafe conditions, contamination by 29058
hazardous substances or petroleum, deterioration of site or other 29059
improvements, diversity of ownership, tax or special assessment 29060

delinquency exceeding the fair value of the land, defective or 29061
unusual conditions to title, or the existence of conditions which 29062
endanger life or property by fire and other causes, or any 29063
combination of such factors. 29064

(C)(1) "Development agreement" means an agreement that 29065
includes as a minimum all of the following agreements between a 29066
municipal corporation as obligee and the following parties as 29067
obligors: 29068

(a) An agreement to construct or rehabilitate the structures 29069
and facilities described in the development agreement on real 29070
property described in the agreement situated in an urban renewal 29071
area, the obligor of such agreement to be a party determined by 29072
the legislative authority of the municipal corporation to have the 29073
ability to perform or cause the performance of the agreement; 29074

(b) The agreement required by section 725.04 of the Revised 29075
Code, the obligor of the agreement to be the owner or owners of 29076
the improvements to be constructed or rehabilitated; 29077

(c) An agreement of the owner or owners of the fee simple of 29078
the real property to which the development agreement pertains, as 29079
obligor, that the owner or owners and their successors and assigns 29080
shall use, develop, and redevelop the real property in accordance 29081
with, and for the period of, the urban renewal plan and shall so 29082
bind their successors and assigns by appropriate agreements and 29083
covenants running with the land enforceable by the municipal 29084
corporation. 29085

(2) A municipal corporation on behalf of the holders of urban 29086
renewal bonds may be the obligor of any of the agreements 29087
described in division (C)(1) of this section. 29088

(D) "Revenues" means all rentals received under leases made 29089
by the municipal corporation in any part or all of one or more 29090
urban renewal areas; all proceeds of the sale or other disposition 29091

of property of the municipal corporation in any part or all of one 29092
or more urban renewal areas; all revenue available to the 29093
municipal corporation pursuant to a development agreement 29094
described in division (C)(1) of this section; and all urban 29095
renewal service payments collected from any part or all of one or 29096
more urban renewal areas. 29097

(E) "Urban renewal area" means a slum area or a blighted area 29098
or a combination thereof which the legislative authority of the 29099
municipal corporation designates as appropriate for an urban 29100
renewal project. 29101

(F) "Urban renewal bonds" means, unless the context indicates 29102
a different meaning, definitive bonds, interim receipts, temporary 29103
bonds, and urban renewal refunding bonds issued pursuant to 29104
sections 725.01 to 725.11 of the Revised Code, and bonds issued 29105
pursuant to Article XVIII, Section 3, Ohio Constitution, for the 29106
uses specified in section 725.07 of the Revised Code. 29107

(G) "Urban renewal refunding bonds" means the refunding bonds 29108
authorized by section 725.07 of the Revised Code. 29109

(H) "Urban renewal plan" means a plan, as it exists from time 29110
to time, for an urban renewal project, which plan shall do both of 29111
the following: 29112

(1) Conform to the general plan for the municipal 29113
corporation, if any; 29114

(2) Be sufficiently complete to indicate such land 29115
acquisition, demolition, and removal of structures, redevelopment, 29116
improvements, cleanup or remediation of hazardous substances or 29117
petroleum, and rehabilitation as may be proposed to be carried out 29118
in the urban renewal area, zoning, and planning changes, if any, 29119
land uses, maximum densities, and building requirements. 29120

(I) "Urban renewal project" may include undertakings and 29121
activities of a municipal corporation in an urban renewal area for 29122

the elimination and for the prevention of the development or 29123
spread of slums and blight. "Urban renewal project" may involve 29124
slum clearance and redevelopment in an urban renewal area, or 29125
rehabilitation or conservation in an urban renewal area, or any 29126
combination or part thereof, in accordance with an urban renewal 29127
plan, and such aforesaid undertakings and activities may include 29128
any of the following: 29129

(1) Acquisition of a slum area or a blighted area, or portion 29130
thereof, demolition and removal of buildings and improvements; 29131

(2) Installation, construction, or reconstruction of streets, 29132
utilities, parks, playgrounds, public buildings and facilities, 29133
and other improvements necessary for carrying out in the urban 29134
renewal area the urban renewal objectives in accordance with the 29135
urban renewal plan, disposition of any property acquired in the 29136
urban renewal area, including sale, leasing, or retention by the 29137
municipal corporation itself, at its fair value for uses in 29138
accordance with the urban renewal plan; 29139

(3) Carrying out plans for a program of voluntary or 29140
compulsory repair and rehabilitation of buildings or other 29141
improvements in accordance with the urban renewal plan; 29142

(4) The cleanup or remediation of hazardous substances or 29143
petroleum in fulfillment of revitalization purposes provided for 29144
in Article VIII, section 2q, Ohio Constitution; 29145

(5) The acquisition, construction, enlargement, improvement, 29146
or equipment of property, structures, equipment, or facilities for 29147
industry, commerce, distribution, or research from the proceeds of 29148
urban renewal bonds issued pursuant to division (C) of section 29149
725.05 of the Revised Code; and 29150

(6) Acquisition of any other real property in the urban 29151
renewal area where necessary to eliminate unhealthful, unsanitary, 29152
or unsafe conditions, lessen density, eliminate obsolete, or other 29153

uses detrimental to the public welfare, or otherwise to remove or 29154
prevent the spread of blight or deterioration, or to provide land 29155
for needed public facilities. 29156

(J) "Urban renewal debt retirement fund" means a fund, 29157
created pursuant to section 725.03 of the Revised Code by the 29158
legislative authority of a municipal corporation when authorizing 29159
a single issue or a series of urban renewal bonds, to be used for 29160
payment of the principal of and interest and redemption premium on 29161
such urban renewal bonds, trustee's fees, and costs and expenses 29162
of providing credit facilities, put arrangements, and interest 29163
rate hedges, and for fees and expenses of agents, and other fees, 29164
costs, and expenses, in connection with arrangements under 29165
sections 9.98 to 9.983 of the Revised Code; or when authorizing 29166
the repayment of loans from the state issued pursuant to Chapter 29167
164. of the Revised Code and used for urban renewal projects, to 29168
be used to repay the principal and interest on such loans. When so 29169
authorized by the legislative authority of a municipal 29170
corporation, such a fund may be used for both purposes permitted 29171
under this division. 29172

(K) "Urban renewal service payments" means the urban renewal 29173
service payments, in lieu of taxes, provided for in section 725.04 29174
of the Revised Code. 29175

(L) "Improvements" means the structures and facilities 29176
constructed or rehabilitated pursuant to a development agreement. 29177

(M) "Exemption period" means that period during which all or 29178
a portion of the assessed valuation of the improvements has been 29179
exempted from real property taxation pursuant to section 725.02 of 29180
the Revised Code. 29181

(N) "Cleanup or remediation" ~~has the same meaning as in~~ 29182
~~section 122.65 of the Revised Code~~ means any action to contain, 29183
remove, or dispose of hazardous substances or petroleum at a 29184

brownfield. "Cleanup or remediation" includes the acquisition of a 29185
brownfield, demolition performed at a brownfield, and the 29186
installation or upgrade of the minimum amount of infrastructure 29187
that is necessary to make a brownfield operational for economic 29188
development activity. 29189

(O) "Hazardous substances" and "petroleum" have the same 29190
meanings as in section 3746.01 of the Revised Code. 29191

Sec. 727.01. Each municipal corporation shall have special 29192
power to levy and collect special assessments. The legislative 29193
authority of a municipal corporation may assess upon the abutting, 29194
adjacent, and contiguous, or other specially benefited, lots or 29195
lands in the municipal corporation, any part of the cost connected 29196
with the improvement of any street, alley, dock, wharf, pier, 29197
public road, place, boulevard, parkway, or park entrance or an 29198
easement of the municipal corporation available for the purpose of 29199
the improvement to be made in it by grading, draining, curbing, 29200
paving, repaving, repairing, treating the surface with substances 29201
designed to lay the dust on it or preserve it, constructing 29202
sidewalks, piers, wharves, docks, retaining walls, sewers, sewage 29203
disposal works and treatment plants, sewage pumping stations, 29204
water treatment plants, water pumping stations, reservoirs, and 29205
water storage tanks or standpipes, together with the facilities 29206
and appurtenances necessary and proper therefor, drains, 29207
storm-water retention basins, watercourses, water mains, or laying 29208
of water pipe, or the lighting, sprinkling, sweeping, or cleaning 29209
thereof, or removing snow therefrom, any part of the cost and 29210
expense of planting, maintaining, and removing shade trees 29211
thereupon; any part of the cost of a voluntary action, as defined 29212
in section 3746.01 of the Revised Code, undertaken pursuant to 29213
Chapter 3746. of the Revised Code by a special improvement 29214
district created under Chapter 1710. of the Revised Code, 29215
including the cost of acquiring property with respect to which the 29216

voluntary action is undertaken; any part of the cost and expense 29217
of constructing, maintaining, repairing, cleaning, and enclosing 29218
ditches; any part of the cost and expense of operating, 29219
maintaining, and replacing heating and cooling facilities for 29220
enclosed pedestrian canopies and malls; any part of the cost and 29221
expense of acquiring and improving parking facilities and 29222
structures for off-street parking of motor vehicles or of 29223
acquiring land and improving it by clearing, grading, draining, 29224
paving, lighting, erecting, constructing, and equipping it for 29225
parking facilities and structures for off-street parking of motor 29226
vehicles, to the extent authorized by section 717.05 of the 29227
Revised Code, but only if no special assessment made for the 29228
purpose of developing off-street parking facilities and structures 29229
is levied against any land being used solely for off-street 29230
parking or against any land used solely for single or two-family 29231
dwellings; any part of the cost and expense of operating and 29232
maintaining the off-street parking facilities and structures; and 29233
any part of the cost connected with changing the channel of, or 29234
narrowing, widening, dredging, deepening, or improving, any stream 29235
or watercourse, and for constructing or improving any levees or 29236
boulevards on any stream or watercourse, or along or about any 29237
stream or watercourse, together with any retaining wall, riprap 29238
protection, bulkhead, culverts, approaches, flood gates, 29239
waterways, or drains incidental to any stream or watercourse, or 29240
for making any other improvement of any river or lake front, 29241
whether it is privately or publicly owned, which the legislative 29242
authority declares conducive to the public health, convenience, or 29243
welfare. If a program grant is awarded for an eligible project 29244
under sections 122.40 to 122.4077 of the Revised Code, a municipal 29245
corporation may levy, against dwellings that are subject to the 29246
project, a special assessment for the purpose of providing a 29247
contribution from the municipal corporation towards the funding 29248

gap for the project. The assessment shall be at a rate that will 29249
produce a total assessment that is not more than the municipal 29250
corporation's contribution towards the funding gap for the 29251
eligible project as described in the application under section 29252
122.4020 of the Revised Code. In addition, a municipal corporation 29253
may levy a special assessment for public improvement or public 29254
services plans of a district formed under Chapter 1710. of the 29255
Revised Code, as provided in that chapter. In addition, a 29256
municipal corporation may levy a special assessment for an air 29257
quality facility pursuant to an agreement entered into under 29258
section 3706.051 of the Revised Code, provided that the owner of 29259
the property to be assessed files a written statement with the 29260
legislative authority of the municipal corporation requesting that 29261
the assessment be levied. Except as otherwise provided in Chapter 29262
1710. of the Revised Code, special assessments may be levied by 29263
any of the following methods: 29264

(A) By a percentage of the tax value of the property 29265
assessed; 29266

(B) In proportion to the benefits that may result from the 29267
improvement; 29268

(C) By the front foot of the property bounding and abutting 29269
upon the improvement. 29270

Sec. 731.141. In those villages that have established the 29271
position of village administrator, as provided by section 735.271 29272
of the Revised Code, the village administrator shall make 29273
contracts, purchase supplies and materials, and provide labor for 29274
any work under the administrator's supervision involving not more 29275
than ~~fifty thousand dollars~~ the amount specified in section 9.17 29276
of the Revised Code. When an expenditure, other than the 29277
compensation of persons employed by the village, exceeds ~~fifty~~ 29278

~~thousand dollars~~ the amount specified in section 9.17 of the 29279
Revised Code, the expenditure shall first be authorized and 29280
directed by ordinance of the legislative authority of the village. 29281
When so authorized and directed, except where the contract is for 29282
equipment, services, materials, or supplies to be purchased under 29283
division (D) of section 713.23 or section 125.04 or 5513.01 of the 29284
Revised Code, available from a qualified nonprofit agency pursuant 29285
to sections 4115.31 to 4115.35 of the Revised Code, or required to 29286
be purchased from a qualified nonprofit agency under sections 29287
125.60 to 125.6012 of the Revised Code, the village administrator 29288
shall make a written contract with the lowest and best bidder 29289
after advertisement for not less than two nor more than four 29290
consecutive weeks in a newspaper of general circulation within the 29291
village or as provided in section 7.16 of the Revised Code. The 29292
bids shall be opened and shall be publicly read by the village 29293
administrator or a person designated by the village administrator 29294
at the time, date, and place as specified in the advertisement to 29295
bidders or specifications. The time, date, and place of bid 29296
openings may be extended to a later date by the village 29297
administrator, provided that written or oral notice of the change 29298
shall be given to all persons who have received or requested 29299
specifications no later than ninety-six hours prior to the 29300
original time and date fixed for the opening. All contracts shall 29301
be executed in the name of the village and signed on its behalf by 29302
the village administrator and the clerk. No expenditure subject to 29303
this section shall be divided into component parts, separate 29304
projects, or separate items of work in order to avoid the 29305
requirements of this section. 29306

The legislative authority of a village may provide, by 29307
ordinance, for central purchasing for all offices, departments, 29308
divisions, boards, and commissions of the village, under the 29309
direction of the village administrator, who shall make contracts, 29310
purchase supplies or materials, and provide labor for any work of 29311

the village in the manner provided by this section. 29312

Sec. 731.21. (A) A succinct summary of each municipal 29313
ordinance or resolution and all statements, orders, proclamations, 29314
notices, and reports required by law or ordinance to be published 29315
shall be published ~~in~~ using at least one of the following methods: 29316

(1) In a newspaper of general circulation in the municipal 29317
corporation; 29318

(2) On the official public notice web site established under 29319
section 125.182 of the Revised Code; 29320

(3) On the web site and social media account of the municipal 29321
corporation. ~~Proof~~ 29322

~~Proof~~ of the publication and ~~required circulation of any~~ 29323
~~newspaper used as a medium of publication as provided by this~~ 29324
~~section~~ shall be made by affidavit of the proprietor of the 29325
newspaper or operator of the official public notice web site, as 29326
applicable, and shall be filed with the clerk of the legislative 29327
authority. 29328

(B) The publication shall contain notice that the complete 29329
text of each such ordinance or resolution may be obtained or 29330
viewed at the office of the clerk of the legislative authority of 29331
the municipal corporation and may be viewed at any other location 29332
designated by the legislative authority of the municipal 29333
corporation. The city director of law, village solicitor, or other 29334
chief legal officer of the municipal corporation shall review the 29335
summary of an ordinance or resolution published under this section 29336
~~prior to~~ before forwarding it to the clerk for publication, to 29337
ensure that the summary is legally accurate and sufficient. 29338

(C) Upon publication of a summary of an ordinance or 29339
resolution in accordance with this section, the clerk of the 29340
legislative authority shall supply a copy of the complete text of 29341

each such ordinance or resolution to any person, upon request, and 29342
may charge a reasonable fee, set by the legislative authority, for 29343
each copy supplied. The clerk shall post a copy of the text at the 29344
clerk's office and at every other location designated by the 29345
legislative authority. 29346

Sec. 731.22. The publication required in section 731.21 of 29347
the Revised Code shall be for the following times: 29348

(A) Summaries of ordinances or resolutions, and proclamations 29349
of elections, once a week for two consecutive weeks ~~or as provided~~ 29350
~~in section 7.16 of the Revised Code;~~ 29351

(B) Notices, not less than two nor more than four consecutive 29352
weeks ~~or as provided in section 7.16 of the Revised Code;~~ 29353

(C) All other matters shall be published once. 29354

Sec. 731.23. When ordinances are revised, codified, 29355
rearranged, published in book form, and certified as correct by 29356
the clerk of the legislative authority of a municipal corporation 29357
and the mayor, such publication shall be a sufficient publication, 29358
and the ordinances so published, under appropriate titles, 29359
chapters, and sections, shall be held the same in law as though 29360
they had been published in a ~~newspaper~~ accordance with section 29361
731.21 of the Revised Code. A new ordinance so published in book 29362
form, a summary of which has not been published as required by 29363
sections 731.21 and 731.22 of the Revised Code, and which contains 29364
entirely new matter, shall be published as required by such 29365
sections. If such revision or codification is made by a municipal 29366
corporation and contains new matter, it shall be a sufficient 29367
publication of such codification, including the new matter, to 29368
publish, in the manner required by such sections, a notice of the 29369
enactment of such codifying ordinance, containing the title of the 29370
ordinance and a summary of the new matters covered by it. Such 29371

revision and codification may be made under appropriate titles, 29372
chapters, and sections and in one ordinance containing one or more 29373
subjects. 29374

Except as provided by this section, a succinct summary of all 29375
ordinances, including emergency ordinances, shall be published in 29376
accordance with section 731.21 of the Revised Code. 29377

Sec. 731.231. The legislative authority of a municipality may 29378
adopt standard ordinances and codes, prepared and promulgated by 29379
the state, or any department, board, or other agency thereof or 29380
any code prepared and promulgated by a public or private 29381
organization which publishes a model or standard code, including 29382
but not limited to codes and regulations pertaining to fire, fire 29383
hazards, fire prevention, plumbing code, electrical code, building 29384
code, refrigeration machinery code, piping code, boiler code, 29385
heating code, or air conditioning code, by incorporation by 29386
reference. 29387

The publication required by sections 731.21 to ~~731.25~~ 731.24, 29388
inclusive, of the Revised Code, shall clearly identify such code, 29389
shall state the purpose of the code, shall state that a complete 29390
copy of such code is on file with the clerk of the legislative 29391
authority for inspection by the public and also on file in the law 29392
library of the county or counties in which the municipality is 29393
located and that said clerk has copies available for distribution 29394
to the public at cost. If the adopting municipality amends or 29395
deletes any provisions of such code, the publication shall contain 29396
a brief summary of such deletion or amendment. 29397

If the agency which originally promulgated or published the 29398
code thereafter amends said code, any municipality which has 29399
adopted a code by the provisions of this section may adopt such 29400
amendment or change by incorporation by reference in an amending 29401
ordinance by the same procedure as required for the adoption of 29402

the original code without the necessity of setting forth in full 29403
in the amending ordinance the provisions of the original ordinance 29404
or code. 29405

Ordinances or codes adopted by a municipality under the 29406
provisions of this section shall be deemed to be a full and 29407
complete compliance with sections 731.21 to 731.25, inclusive, of 29408
the Revised Code, and no other publication is necessary. 29409

Sec. 731.24. Immediately after the expiration of the period 29410
of publication of summaries of ordinances required by section 29411
731.22 of the Revised Code, the clerk of the legislative authority 29412
of a municipal corporation shall enter on the record of 29413
ordinances, in a blank to be left for such purpose under the 29414
recorded ordinance, a certificate stating in which ~~newspaper~~ 29415
manner and on what dates such publication was made, and shall sign 29416
the clerk's name thereto officially. Such certificate shall be 29417
prima-facie evidence that legal publication of the summary of the 29418
ordinance was made. 29419

Sec. ~~731.26~~ 731.25. It is a sufficient defense to any suit or 29420
prosecution under an ordinance, to show that no publication or 29421
posting was made as required by sections 731.21 to ~~731.25~~ 731.24, 29422
inclusive, of the Revised Code. 29423

Sec. 735.05. The director of public service may make any 29424
contract, purchase supplies or material, or provide labor for any 29425
work under the supervision of the department of public service 29426
involving not more than ~~fifty thousand dollars~~ the amount 29427
specified in section 9.17 of the Revised Code. When an expenditure 29428
within the department, other than the compensation of persons 29429
employed in the department, exceeds ~~fifty thousand dollars~~ the 29430
amount specified in section 9.17 of the Revised Code, the 29431
expenditure shall first be authorized and directed by ordinance of 29432

the city legislative authority. When so authorized and directed, 29433
except where the contract is for equipment, services, materials, 29434
or supplies to be purchased under division (D) of section 713.23 29435
or section 125.04 or 5513.01 of the Revised Code or available from 29436
a qualified nonprofit agency pursuant to sections 4115.31 to 29437
4115.35 of the Revised Code, the director shall make a written 29438
contract with the lowest and best bidder after advertisement for 29439
not less than two nor more than four consecutive weeks in a 29440
newspaper of general circulation within the city or as provided in 29441
section 7.16 of the Revised Code. No expenditure subject to this 29442
section shall be divided into component parts, separate projects, 29443
or separate items of work in order to avoid the requirements of 29444
this section. 29445

Sec. 737.03. The director of public safety shall manage and 29446
make all contracts with reference to police stations, fire houses, 29447
reform schools, infirmaries, hospitals other than municipal 29448
hospitals operated pursuant to Chapter 749. of the Revised Code, 29449
workhouses, farms, pesthouses, and all other charitable and 29450
reformatory institutions. In the control and supervision of those 29451
institutions, the director shall be governed by the provisions of 29452
Title VII of the Revised Code relating to those institutions. 29453

The director may make all contracts and expenditures of money 29454
for acquiring lands for the erection or repairing of station 29455
houses, police stations, fire department buildings, fire cisterns, 29456
and plugs, that are required, for the purchase of engines, 29457
apparatus, and all other supplies necessary for the police and 29458
fire departments, and for other undertakings and departments under 29459
the director's supervision, but no obligation involving an 29460
expenditure of more than ~~fifty thousand dollars~~ the amount 29461
specified in section 9.17 of the Revised Code shall be created 29462
unless first authorized and directed by ordinance. In making, 29463
altering, or modifying those contracts, the director shall be 29464

governed by sections 735.05 to 735.09 of the Revised Code, except 29465
that all bids shall be filed with and opened by the director. The 29466
director shall make no sale or disposition of any property 29467
belonging to the city without first being authorized by resolution 29468
or ordinance of the city legislative authority. 29469

Sec. 755.13. (A) The authority to supervise and maintain 29470
parks, playgrounds, playfields, gymnasiums, public baths, swimming 29471
pools, or indoor recreation centers, may be vested in any existing 29472
body or board, or in a recreation board, as the legislative 29473
authority of the municipal corporation, the board of township 29474
trustees, or the board of county commissioners determines. The 29475
local authorities of any such municipal corporation, township, or 29476
county may equip, develop, operate, and maintain such facilities 29477
as authorized by sections 755.12 to 755.18 of the Revised Code. 29478
Such local authorities may, for the purpose of carrying out such 29479
sections, employ play leaders, recreation directors, supervisors, 29480
superintendents, or any other officers or employees, and may 29481
procure and pay all or any part of the cost of a policy or 29482
policies insuring such officers or employees against liability on 29483
account of damage or injury to persons or property arising from 29484
the performance of their official duties. 29485

(B) The board of township trustees may expend funds from the 29486
township general fund, or revenue derived from property taxes 29487
levied for parks and recreational purposes, for the public purpose 29488
of presenting community events that are open to the public at such 29489
parks, playgrounds, playfields, gymnasiums, public baths, swimming 29490
pools, or indoor recreation centers. 29491

(C) The board of county commissioners may adopt rules for the 29492
preservation of good order within parks, playfields, and 29493
reservations of land under its jurisdiction and on adjacent 29494
highways, rivers, riverbanks, and lakes, and the preservation of 29495

property and natural life therein. Such rules shall be published 29496
~~as provided in sections 731.21 to 731.25 of the Revised Code in a~~ 29497
~~newspaper of general circulation within the county once a week for~~ 29498
~~two consecutive weeks, or as provided in section 7.16 of the~~ 29499
~~Revised Code, before taking effect, and . In counties in which no~~ 29500
~~newspaper is generally circulated, notice shall be accomplished by~~ 29501
~~posting copies in not less than five of the most public places in~~ 29502
~~the district, as determined by the board of county commissioners,~~ 29503
~~for a period of not less than fifteen days before the rules take~~ 29504
~~effect. The rules~~ shall be enforced by a "law enforcement officer" 29505
as defined in section 2901.01 of the Revised Code. No person shall 29506
violate a rule adopted under this division. Whoever violates a 29507
rule adopted under this division shall be fined not more than one 29508
hundred dollars. If the offender has previously been convicted of 29509
a violation of the rule, the offender shall be fined not more than 29510
five hundred dollars. All fines collected for any violation of any 29511
rule adopted under this division shall be paid into the general 29512
fund of the county treasury. 29513

Sec. 907.27. As used in sections 907.27 to 907.35, inclusive, 29514
of the Revised Code: 29515

(A) "Person" includes any individual, firm, partnership, 29516
corporation, company, society, or association. 29517

(B) "Distribute" means to offer for sale, hold for sale, 29518
sell, barter, or otherwise supply legume inoculants or 29519
pre-inoculated seed. 29520

(C) "Legume inoculant" means a pure or mixed culture of 29521
bacteria of the genus rhizobium capable of effectively inoculating 29522
a specific kind or specific kinds of legume plants. 29523

(D) "Brand" means a term, word, number, symbol, design, 29524
trademark, or any combination thereof used on the package, tag, or 29525
in advertising to identify the legume inoculants of a manufacturer 29526

or distributor and to distinguish them from those of others and 29527
from each other if on different media or substrata. 29528

(E) "Advertisement" means all representations other than 29529
those on the label, disseminated in any manner or by any means 29530
relating to legume inoculants and pre-inoculated seed. 29531

(F) "Label" means any written or printed matter on the 29532
package of legume inoculant or pre-inoculated seeds, or tag 29533
attached thereto, or to the pertinent invoice. 29534

(G) "Registrant" means a person who has currently registered 29535
a brand of inoculant. 29536

(H) "Pre-inoculated seeds" means legume seeds which have 29537
received prior to sale an application of a legume inoculant 29538
purported to be effective until the expiration date shown on the 29539
label. 29540

(I) "Custom inoculated seeds" means legume seeds to which 29541
application of a legume inoculant is made either at the time of 29542
the sale of the seed, or later, or to seed belonging to another 29543
person either as a service or as a part of the sales contract 29544
involving the sale or distribution either of the legume inoculant 29545
or seed not previously inoculated. It also includes subsequent 29546
application of legume inoculant to pre-inoculated seed when 29547
applied by a custom inoculator. 29548

(J) ~~"Legume inoculator" means a person who applies legume 29549
inoculant to legume seeds either to produce pre inoculated seed, 29550
or custom inoculated seeds but other than for his own use for 29551
seeding. 29552~~

~~(K)~~ "Sell" includes transfer of ownership or custody, or the 29553
receiving of, accepting, or holding on consignment for sale. 29554

Sec. 907.32. The director of agriculture may: 29555

(A) Refuse to register a brand of legume inoculant or ~~he~~ the 29556

director may cancel a registration that previously has been 29557
approved when, in ~~his~~ the director's opinion, the brand of legume 29558
inoculant is distributed under false or misleading claims; 29559

~~(B) Refuse to license a legume inoculator or revoke a license 29560
previously issued for any violation of sections 907.27 to 907.35 29561
of the Revised Code, or rules adopted thereunder; 29562~~

~~(C)~~ Issue a stop sale order on any legume inoculant or 29563
pre-inoculated seed that is not registered, that is improperly or 29564
insufficiently labeled, that is offered for sale after the 29565
expiration date printed thereon, or that has been subjected to 29566
devitalizing conditions. 29567

Sec. 926.18. (A) When a depositor has made a demand for 29568
settlement of an obligation concerning an agricultural commodity 29569
on which a fee was required to be remitted under section 926.16 of 29570
the Revised Code and the licensed handler is experiencing failure, 29571
as "failure" is defined in section 926.021 of the Revised Code, 29572
and has failed to honor the demand, the depositor, after providing 29573
the director of agriculture or the director's authorized 29574
representative with evidence of the depositor's demand and the 29575
dishonoring of that demand, may file a claim with the director not 29576
later than six months after dishonor of the demand for 29577
indemnification of the depositor's damages, from the agricultural 29578
commodity depositors fund, to be measured as follows: 29579

(1) The commodity advisory commission created in section 29580
926.32 of the Revised Code shall establish the dollar value of the 29581
loss incurred by a depositor holding a receipt or a ticket for 29582
agricultural commodities on which a fee was required and that the 29583
depositor delivered to the handler under a delayed price 29584
agreement, bailment agreement, or feed agreement, or that the 29585
depositor delivered to the handler before delivery was due under a 29586
contract or other agreement between the depositor and handler. The 29587

value shall be based on the fair market price being paid to 29588
producers by handlers for the commodities on the date on which the 29589
director received notice that the receipt or ticket was dishonored 29590
by the handler. All depositors filing claims under this division 29591
shall be bound by the value determined by the commission. 29592

(2) The dollar value of the loss incurred by a depositor who 29593
has sold or delivered for sale, exchange, or solicitation or 29594
negotiation for sale agricultural commodities on which a fee was 29595
required and who is a creditor of the handler for all or a part of 29596
the value of the commodities shall be based on the amount stated 29597
on the obligation on the date of the sale. 29598

(B) The agricultural commodity depositors fund shall be 29599
liable to a depositor for any moneys that are owed to the 29600
depositor for commodities deposited with a licensed handler 29601
pursuant to a transaction for which the handler must remit a fee 29602
under division (B) of section 926.16 of the Revised Code and that 29603
are not recovered through other legal and equitable remedies as 29604
follows: 29605

(1)(a) The liability of the fund shall equal one hundred per 29606
cent of the depositor's loss as determined under division (A)(1) 29607
of this section if any of the following applies: 29608

(i) The commodities were stored with the handler under a 29609
bailment agreement. 29610

(ii) Payment for the commodities was tendered by the handler 29611
and subsequently dishonored, such as payment by a check for which 29612
there were insufficient funds or by a check that was written on an 29613
account that was frozen by the financial institution. 29614

(iii) The commodities were priced not more than ~~thirty~~ 29615
forty-five days prior to the director's suspension of the 29616
handler's license under division (E), (G), or (H) of section 29617
926.10 of the Revised Code, and the handler failed to pay for the 29618

commodities on or before the date on which the suspension
occurred. 29619
29620

(iv) The commodities were priced not more than ~~ninety three~~
hundred sixty-five days prior to the director's suspension of the 29621
handler's license under division (E), (G), or (H) of section 29622
926.10 of the Revised Code, the commodities were subject to a 29623
signed, written agreement for deferred between the handler and 29624
depositor to defer payment by the handler not later than ~~ninety~~ 29625
three hundred sixty-five days following the date of delivery, and 29626
the handler failed to pay for the commodities on or before the 29627
payment date established in the written agreement. 29628
29629

(v) The commodities were delivered and marketed under a 29630
delayed price agreement not more than two years prior to the 29631
director's suspension of the handler's license under division (E), 29632
(G), or (H) of section 926.10 of the Revised Code. The delivery 29633
date as marked on the tickets shall be used to determine the 29634
two-year period. 29635

(b) If the commodities were delivered and marketed under a 29636
delayed price agreement more than two years prior to the 29637
director's suspension of the handler's license under division (E), 29638
(G), or (H) of section 926.10 of the Revised Code, the fund has no 29639
liability. 29640

(c) If the deposit of commodities that were the subject of 29641
the depositor's loss involves circumstances other than those 29642
described in division (B)(1)(a) or (b) of this section, the 29643
liability of the fund shall equal ~~one hundred seventy-five per~~ 29644
~~cent of the first ten thousand dollars of the loss and eighty per~~ 29645
~~cent of the remaining dollar value of that loss as determined~~ 29646
under divisions (A)(1) and (2) of this section. 29647

(2) The aggregate amount recovered by a depositor under all 29648
remedies shall not exceed one hundred per cent of the value of the 29649

depositor's loss. If the moneys recovered by a depositor under all 29650
remedies exceed one hundred per cent of the value of the 29651
depositor's loss, the depositor shall reimburse the fund in the 29652
amount that exceeds the value of that loss. 29653

(C) The director, with the recommendation of the commodity 29654
advisory commission, shall determine the validity of all claims 29655
presented against the fund. A claim filed under this section for 29656
losses on agricultural commodities other than commodities stored 29657
under a bailment agreement shall not be valid unless the depositor 29658
has made a demand for settlement of the obligation within twelve 29659
months after the commodities are priced. Any depositor whose claim 29660
has been refused by the director and the commission may appeal the 29661
refusal either to the court of common pleas of Franklin county or 29662
the court of common pleas of the county in which the depositor 29663
resides. 29664

The director shall provide for payment from the fund to any 29665
depositor whose claim has been found to be valid. 29666

(D) If at any time the fund does not contain sufficient 29667
assets to pay valid claims, the director shall hold those claims 29668
for payment until the fund again contains sufficient assets. 29669
Claims against the fund shall be paid in the order in which they 29670
are presented and found to be valid. 29671

(E) If a depositor files an action for legal or equitable 29672
remedies in a state or federal court having jurisdiction in those 29673
matters that includes a claim against agricultural commodities 29674
upon which the depositor may file a claim against the fund at a 29675
later date, the depositor also shall file with the director a copy 29676
of the action filed with the court. 29677

In the event of payment of a loss under this section, the 29678
director shall be subrogated to the extent of the amount of any 29679
payments to all rights, powers, privileges, and remedies of the 29680

depositor against any person regarding the loss. 29681

The depositor shall render all necessary assistance to aid 29682
the director in securing the rights granted in this section. No 29683
action or claim initiated by the depositor and pending at the time 29684
of payment from the fund may be compromised or settled without the 29685
consent of the director. 29686

(F) If, prior to June 20, 1994, a lawsuit, adversary 29687
proceeding, or other legal proceeding is brought against a 29688
depositor to recover money or payments from funds to which a 29689
depositor has a right of indemnification under this section, and 29690
the depositor retains legal counsel resulting in a cost or expense 29691
to the depositor, upon the rendering of a judgment or other 29692
resolution of the lawsuit, adversary proceeding, or other legal 29693
proceeding, the director, in the director's discretion and with 29694
the approval of the commodity advisory commission, may authorize 29695
indemnification from the fund for attorney's fees paid by the 29696
depositor. Any claim made by a depositor for the payment of 29697
attorney's fees under this division shall be made in the same 29698
manner as a claim under division (A) of this section. 29699

Attorney's fees payable under this division shall be limited 29700
to the actual hourly fee charged or one hundred dollars per hour, 29701
whichever is less, and to a total maximum amount of three hundred 29702
dollars. 29703

Sec. 955.011. (A) When an application is made for 29704
registration of an assistance dog and the owner can show proof by 29705
certificate or other means that the dog is an assistance dog, the 29706
owner of the dog shall be exempt from any fee for the 29707
registration. Registration for an assistance dog shall be 29708
permanent and not subject to annual renewal so long as the dog is 29709
an assistance dog. Certificates and tags stamped "Ohio Assistance 29710
Dog-Permanent Registration," with registration number, shall be 29711

issued upon registration of such a dog. Any certificate and tag 29712
stamped "Ohio Service Dog-Permanent Registration," with 29713
registration number, that was issued for a dog in accordance with 29714
this section as it existed on and after November 26, 2004, but 29715
prior to June 30, 2006, shall remain in effect as valid proof of 29716
the registration of the dog on and after November 26, 2004. 29717
Duplicate certificates and tags for a dog registered in accordance 29718
with this section, upon proper proof of loss, shall be issued and 29719
no fee required. Each duplicate certificate and tag that is issued 29720
shall be stamped "Ohio Assistance Dog-Permanent Registration." 29721

(B) As used in this section and in sections 955.16 and 955.43 29722
of the Revised Code: 29723

(1) "Person with a mobility impairment" means any person, 29724
regardless of age, who is subject to a physiological impairment 29725
regardless of its cause, nature, or extent that renders the person 29726
unable to move about without the aid of crutches, a wheelchair, or 29727
any other form of support, or that limits the person's functional 29728
ability to ambulate, climb, descend, sit, rise, or perform any 29729
related function. "Person with a mobility impairment" includes a 29730
person with a neurological or psychological disability that limits 29731
the person's functional ability to ambulate, climb, descend, sit, 29732
rise, or perform any related function. "Person with a mobility 29733
impairment" also includes a person with a seizure disorder and a 29734
person who is diagnosed with autism. 29735

(2) "Blind" means either of the following: 29736

(a) Vision twenty/two hundred or less in the better eye with 29737
proper correction; 29738

(b) Field defect in the better eye with proper correction 29739
that contracts the peripheral field so that the diameter of the 29740
visual field subtends an angle no greater than twenty degrees. 29741

(3) "Assistance dog" means a dog that has been trained by a 29742

nonprofit or for-profit special agency and that is one of the 29743
following: 29744

(a) A guide dog~~i~~ 29745

(b) A hearing dog~~or i~~ 29746

(c) A service dog that has been trained by a nonprofit 29747
special agency. 29748

(4) "Guide dog" means a dog that has been trained or is in 29749
training to assist a blind person. 29750

(5) "Hearing dog" means a dog that has been trained or is in 29751
training to assist a deaf or hearing-impaired person. 29752

(6) "Service dog" means a dog that has been trained or is in 29753
training to assist a person with a mobility impairment. 29754

Sec. 956.11. (A) The director of agriculture may enter into 29755
contracts or agreements with an animal rescue for dogs, an animal 29756
shelter for dogs, a boarding kennel, a veterinarian, a board of 29757
county commissioners, or a humane society for the purposes of this 29758
section. 29759

(B)(1) If the director or the director's authorized 29760
representative determines that a dog is being kept by a high 29761
volume breeder or dog broker in a manner that materially violates 29762
this chapter or rules adopted under it, the director may impound 29763
the dog and order it to be seized by an animal rescue for dogs, an 29764
animal shelter for dogs, a boarding kennel, a veterinarian, a 29765
board of county commissioners, or a humane society with which the 29766
director has entered into a contract or agreement under division 29767
(A) of this section. Upon receiving the order from the director, 29768
the animal rescue for dogs, animal shelter for dogs, boarding 29769
kennel, veterinarian, board of county commissioners, or humane 29770
society shall seize the dog and keep, house, and maintain it. 29771

(2) The director or the director's authorized representative 29772

shall give written notice of the impoundment by posting a notice 29773
on the door of the premises from which the dog was taken or by 29774
otherwise posting the notice in a conspicuous place at the 29775
premises from which the dog was taken. The notice shall provide a 29776
date for an adjudication hearing, which shall take place not later 29777
than five business days after the dog is taken and at which the 29778
director shall determine if the dog should be permanently 29779
relinquished to the custody of the director. 29780

(C) The owner or operator of the applicable high volume 29781
breeder or the person acting as or performing the functions of a 29782
dog broker may appeal the determination made at the adjudication 29783
hearing in accordance with section 119.12 of the Revised Code, 29784
~~except that the appeal may be made only to the environmental~~ 29785
~~division of the Franklin county municipal court.~~ 29786

(D) If, after the final disposition of an adjudication 29787
hearing and any appeals from that adjudication hearing, it is 29788
determined that a dog shall be permanently relinquished to the 29789
custody of the director, the dog may be adopted directly from the 29790
animal rescue for dogs, animal shelter for dogs, boarding kennel, 29791
veterinarian, county dog pound, or humane society where it is 29792
being kept, housed, and maintained, provided that the dog has been 29793
spayed or neutered unless there are medical reasons against 29794
spaying or neutering as determined by a veterinarian. The animal 29795
rescue for dogs, animal shelter for dogs, boarding kennel, 29796
veterinarian, county dog pound, or humane society may charge a 29797
reasonable adoption fee. The fee shall be at least sufficient to 29798
cover the costs of spaying or neutering the dog unless it is 29799
medically contraindicated. Impounded dogs shall be returned to 29800
persons acquitted of any alleged violations. 29801

Sec. 956.15. (A) The director of agriculture shall deny an 29802
application for a license that is submitted under section 956.04 29803

or 956.05 of the Revised Code for either of the following reasons: 29804

(1) The applicant for the license has violated any provision 29805
of this chapter or a rule adopted under it if the violation 29806
materially threatens the health or welfare of a dog. 29807

(2) The applicant has been convicted of or pleaded guilty to 29808
a disqualifying offense as determined in accordance with section 29809
9.79 of the Revised Code. 29810

(B) The director may suspend or revoke a license issued under 29811
this chapter for violation of any provision of this chapter or a 29812
rule adopted or order issued under it if the violation materially 29813
threatens the health and welfare of a dog. 29814

(C) An application or a license shall not be denied, 29815
suspended, or revoked under this section without a written order 29816
of the director stating the findings on which the denial, 29817
suspension, or revocation is based. A copy of the order shall be 29818
sent to the applicant or license holder by certified mail or may 29819
be provided to the applicant or license holder by personal 29820
service. In addition, the person to whom a denial, suspension, or 29821
revocation applies may request an adjudication hearing under 29822
Chapter 119. of the Revised Code. The director shall comply with 29823
such a request. The determination of the director at an 29824
adjudication hearing may be appealed in accordance with section 29825
119.12 of the Revised Code, ~~except that the determination may be~~ 29826
~~appealed only to the environmental division of the Franklin county~~ 29827
~~municipal court.~~ 29828

Sec. 991.02. (A) There is hereby created the Ohio expositions 29829
commission, which shall consist of the following ~~fifteen~~ thirteen 29830
members: nine members appointed by the governor with the advice 29831
and consent of the senate; the director of development, the 29832
director of natural resources, and the director of agriculture, or 29833

their designated representatives, who shall be ex officio members 29834
with voting rights of the commission; and the dean of the college 29835
of food, agricultural, and environmental sciences of the Ohio 29836
state university as a nonvoting, ex officio member of the 29837
commission; ~~and the chairperson of the standing committee in the~~ 29838
~~house of representatives to which matters dealing with agriculture~~ 29839
~~are generally referred and the chairperson of the standing~~ 29840
~~committee in the senate to which matters dealing with agriculture~~ 29841
~~are generally referred, who shall be nonvoting members.~~ If the 29842
senate is not in session, recess appointments shall be made by the 29843
governor. 29844

(B) Of the nine members of the commission appointed by the 29845
governor, not more than five shall be from one political party, at 29846
least three members shall receive the major portion of their 29847
income from farming, and at least one member shall, at the time of 29848
appointment, be a member of the board of directors of an 29849
agricultural society that was organized in compliance with section 29850
1711.01 or 1711.02 of the Revised Code. Terms of office shall be 29851
for six years, commencing on the second day of December and ending 29852
on the first day of December. Each member shall hold office from 29853
the date of appointment until the end of the term for which the 29854
member was appointed. Any member appointed to fill a vacancy 29855
occurring prior to the expiration of the term for which the 29856
member's predecessor was appointed shall hold office for the 29857
remainder of that term. Any member shall continue in office 29858
subsequent to the expiration date of the member's term until the 29859
member's successor takes office, or until a period of sixty days 29860
has elapsed, whichever occurs first. 29861

~~The term of each nonvoting, legislative member of the~~ 29862
~~commission shall be for two years or until the end of the member's~~ 29863
~~legislative term, whichever occurs first.~~ 29864

(C) The commission shall annually, during the month of 29865

December, select from among its members a chairperson, a 29866
vice-chairperson, who in the absence of the chairperson shall 29867
carry out the chairperson's duties, and a secretary, who may be a 29868
member or employee of the commission, to record the minutes of its 29869
meetings and to carry out such other duties as may be assigned by 29870
the commission, its chairperson, or its vice-chairperson. 29871

(D) The director of agriculture, the director of natural 29872
resources, and the director of development, or their designated 29873
representatives, and the dean of the college of food, 29874
agricultural, and environmental sciences of the Ohio state 29875
university, ~~and the two legislators appointed to the commission,~~ 29876
~~as members of the commission~~ shall serve without compensation. 29877

(E) Each of the members of the commission appointed by the 29878
governor shall be paid the rate established pursuant to division 29879
(J) of section 124.15 of the Revised Code. All members of the 29880
commission are entitled to their actual and necessary expenses 29881
incurred in the performance of their duties as such members, 29882
payable from the appropriations for the commission. 29883

(F) The commission shall hold at least one regular meeting in 29884
each quarter of each calendar year, and shall keep a record of its 29885
proceedings, which shall be open to the public for inspection. 29886
Special meetings may be called by the chairperson and shall be 29887
called by the chairperson upon receipt of a written request 29888
therefor signed by two or more members of the commission. Written 29889
notice of the time and place of each meeting shall be sent to each 29890
member of the commission. Six of the voting members of the 29891
commission shall constitute a quorum. 29892

(G) The commission shall employ and prescribe the powers and 29893
duties of a general manager who shall serve in the unclassified 29894
civil service at a salary fixed pursuant to section 124.14 of the 29895
Revised Code. The general manager may employ such assistant 29896
managers as the general manager and the commission may approve. At 29897

no time shall such assistant managers exceed four in number, one 29898
of whom shall be appointed in the classified civil service. The 29899
general manager may, subject to the approval of the commission, 29900
employ a fiscal officer and such other officers, employees, and 29901
consultants with such powers and duties as are necessary to carry 29902
out this chapter. With the approval of the commission and in order 29903
to implement this chapter, the general manager may employ and fix 29904
the compensation of seasonal employees; these employees shall be 29905
in the unclassified civil service, and the overtime pay 29906
requirements of section 124.18 of the Revised Code do not apply to 29907
them. The general manager shall be considered the appointing 29908
authority of the commission for purposes of Chapter 124. of the 29909
Revised Code. 29910

(H) The governor may remove any appointed voting member of 29911
the commission at any time for inefficiency, neglect of duty, or 29912
malfeasance in office. 29913

Sec. 993.04. (A)(1) No person shall operate an amusement ride 29914
within the state without a permit issued by the director of 29915
agriculture under division (A)(2) of this section. The owner of an 29916
amusement ride, whether the ride is a temporary amusement ride or 29917
a permanent amusement ride, who desires to operate the amusement 29918
ride within the state shall, prior to the operation of the 29919
amusement ride and annually thereafter, submit to the department 29920
of agriculture an application for a permit, together with the 29921
appropriate permit and inspection fee, on a form to be furnished 29922
by the department. Prior to issuing any permit the department 29923
shall, within thirty days after the date on which it receives the 29924
application, inspect each amusement ride described in the 29925
application. The owner of an amusement ride shall have the 29926
amusement ride ready for inspection not later than two hours after 29927
the time that is requested by the person for the inspection. 29928

(2) For each amusement ride found to comply with the rules 29929
adopted by the director under division (B) of this section and 29930
division (B) of section 993.08 of the Revised Code, the director 29931
shall issue an annual permit, provided that evidence of liability 29932
insurance coverage for the amusement ride as required by section 29933
993.06 of the Revised Code is on file with the department. 29934

(3) The director shall issue with each permit a decal 29935
indicating that the amusement ride has been issued the permit. The 29936
owner of the amusement ride shall affix the decal on the ride at a 29937
location where the decal is easily visible to the patrons of the 29938
ride. A copy of the permit shall be kept on file at the same 29939
address as the location of the amusement ride identified on the 29940
permit, and shall be made available for inspection, upon 29941
reasonable demand, by any person. An owner may operate an 29942
amusement ride prior to obtaining a permit, provided that the 29943
operation is for the purpose of testing the amusement ride or 29944
training amusement ride operators and other employees of the owner 29945
and the amusement ride is not open to the public. 29946

(B)(1) The director, in accordance with Chapter 119. of the 29947
Revised Code, shall adopt rules providing for both of the 29948
following: 29949

(a) A schedule of fines, with no fine exceeding five thousand 29950
dollars, for violations of this chapter or any rules adopted under 29951
this division; 29952

(b) The classification of amusement rides and rules for the 29953
safe operation and inspection of all amusement rides as are 29954
necessary for amusement ride safety and for the protection of the 29955
general public. The classification of amusement rides must 29956
identify those rides that need more comprehensive inspection and 29957
testing in addition to regular state inspections, taking into 29958
account hidden components integral to the safety of the ride. 29959

(2)(a) Rules adopted by the director for the safe operation 29960
and inspection of amusement rides shall be reasonable and shall be 29961
based upon generally accepted engineering standards and practices. 29962
The rules shall establish a minimum number of inspections to be 29963
conducted on each ride depending on the size, complexity, nature 29964
of the ride, and the number of days the ride is in operation 29965
during the year for which the applicable permit is valid. The 29966
rules also shall require the minimum number of inspectors assigned 29967
to inspect a ride or rides to be reasonable and adequate given the 29968
number, size, complexity, and nature of the ride or rides. 29969

(b) In adopting rules under this section, the director may 29970
adopt by reference, in whole or in part, the national fire code or 29971
the national electrical code (NEC) prepared by the national fire 29972
protection association or the American national standards 29973
institute (ANSI), or any other principles, tests, or standards of 29974
nationally recognized technical or scientific authorities. 29975

(c) In adopting rules under this section, the director shall 29976
adopt, by reference, the following chapters of the American 29977
society for testing and materials (ASTM) international regarding 29978
amusement ride safety standards and any other equivalent national 29979
standard: 29980

(i) ASTM F1193-18; 29981

(ii) ASTM F770-18; 29982

(iii) ASTM F2291-18. 29983

(d) Insofar as is practicable and consistent with this 29984
chapter, rules adopted under this division shall be consistent 29985
with the rules of other states. 29986

(3) The department shall cause this chapter and the rules 29987
adopted in accordance with this division and division (B) of 29988
section 993.08 of the Revised Code to be published in pamphlet 29989
form and a copy to be furnished without charge to each owner of an 29990

amusement ride who holds a current permit or is an applicant 29991
therefor. 29992

(C) With respect to an application for a permit for an 29993
amusement ride, an owner may apply to the director for a waiver or 29994
modification of any rule adopted under division (B) of this 29995
section if there are practical difficulties or unnecessary 29996
hardships for the amusement ride to comply with the rules. Any 29997
application shall set forth the reasons for the request. The 29998
director, with the approval of the advisory council on amusement 29999
ride safety, may waive or modify the application of a rule to any 30000
amusement ride if the public safety is secure. Any authorization 30001
by the director under this division shall be in writing and shall 30002
set forth the conditions under which the waiver or modification is 30003
authorized, and the department shall retain separate records of 30004
all proceedings under this division. 30005

(D)(1) The director shall employ and provide for training of 30006
a chief inspector and additional inspectors and employees as may 30007
be necessary to administer and enforce this chapter. The director 30008
may appoint or contract with other persons to perform inspections 30009
of amusement rides, provided that the persons meet the 30010
qualifications for inspectors established by rules adopted under 30011
division (B) of this section and are not owners, or employees of 30012
owners, of any amusement ride subject to inspection under this 30013
chapter. When employing a new chief inspector or an additional 30014
inspector after November 6, 2019, the director shall give 30015
preference to the following: 30016

(a) An individual holding a level one or higher inspector 30017
certification from either the national association of amusement 30018
ride safety officials (NAARSO), the amusement industry 30019
manufacturers and suppliers (AIMS) international, or another 30020
substantially equivalent organization as determined by the 30021
director; and 30022

(b) An individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from NAARSO, AIMS International, or another substantially equivalent organization as determined by the director.

(2) No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the owner of the ride.

(3) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E)(2) of section 1711.11 of the Revised Code.

(4) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E)(1) Except as otherwise provided in division (E)(1) of this section, the department shall charge the following amusement ride fees:

1	2	
A Permit	\$ 225	
B Annual inspection and reinspection per ride:		
C Kiddie rides	\$ 100	
D Roller coaster	\$ 1,200	

E	Aerial lifts or bungee jumping facilities	\$ 450	30053
F	Go karts, per kart	\$ 5	30054
G	Other rides	\$ 160	30055
H	Midseason operational inspection per ride	\$ 25	30056
I	Expedited inspection per ride	\$ 100	30057
J	Failure to cancel scheduled inspection per ride	\$ 100	30058
K	Failure to have amusement ride ready for inspection per ride	\$ 100	30059

The go kart inspection fee is in addition to the inspection fee for the go kart track. 30060
30061

The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued. 30062
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The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts. 30072
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As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section. 30075
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(2) All fees and fines collected by the department under this 30080

chapter shall be deposited in the state treasury to the credit of 30081
the amusement ride inspection fund, which is hereby created, and 30082
shall be used only for the purpose of administering and enforcing 30083
section 1711.11 of the Revised Code and this chapter. 30084

(3) The owner of an amusement ride shall be required to pay a 30085
reinspection fee only if the reinspection is required by division 30086
(B)(2) of this section or rules adopted under that division, if 30087
the reinspection was conducted at the owner's request under 30088
division (F) of this section, if the reinspection is required by 30089
division (F) of this section because of an accident, or if the 30090
reinspection is required by division (F) of section 993.07 of the 30091
Revised Code. If a reinspection is conducted at the request of the 30092
chief officer of a fair, festival, or event where the ride is 30093
operating, the reinspection fee shall be charged to the fair, 30094
festival, or event. 30095

(4) The rules adopted under division (B) of this section 30096
shall define "roller coaster," "aerial lifts," "go karts," and 30097
"other rides" for purposes of determining the fees under division 30098
(E) of this section. The rules shall define "other rides" to 30099
include go kart tracks. 30100

(F) A reinspection of an amusement ride shall take place if 30101
an accident occurs, if the owner of the ride or the chief officer 30102
of the fair, festival, or event where the ride is operating 30103
requests a reinspection, if the chief inspector determines 30104
reinspection is necessary in accordance with section 993.042 of 30105
the Revised Code, or if the reinspection is required by division 30106
(F) of section 993.07 of the Revised Code. 30107

(G) As a supplement to its annual inspection of a temporary 30108
amusement ride, the department may inspect the ride during each 30109
scheduled event, as listed in the schedule of events provided to 30110
the department by the owner pursuant to division (C) of section 30111
993.07 of the Revised Code, at which the ride is operated in this 30112

state. These supplemental inspections are in addition to any other 30113
inspection or reinspection of the ride as may be required under 30114
this chapter or rules adopted under it, and the owner of the 30115
temporary amusement ride is not required to pay an inspection or 30116
reinspection fee for this supplemental inspection unless the 30117
supplemental inspection is being conducted pursuant to division 30118
(B)(2) of this section or rules adopted under that division. 30119

Nothing in this division shall be construed to prohibit the owner 30120
of a temporary amusement ride having a valid permit to operate in 30121
this state from operating the ride at a scheduled event before the 30122
department conducts a supplemental inspection. 30123

(H) The department may annually conduct a midseason 30124
operational inspection of every amusement ride upon which it 30125
conducts an annual inspection pursuant to division (A) of this 30126
section. The midseason operational inspection is in addition to 30127
any other inspection or reinspection of the amusement ride as may 30128
be required pursuant to this chapter. The owner of an amusement 30129
ride shall submit to the department, at the time determined by the 30130
department, the midseason operational inspection fee specified in 30131
division (E) of this section. The director, in accordance with 30132
Chapter 119. of the Revised Code, shall adopt rules specifying the 30133
time period during which the department will conduct midseason 30134
operational inspections. 30135

Sec. 1121.23. (A) As used in this section: 30136

(1) "Control" means either of the following: 30137

(a) The power to vote, directly or indirectly, at least 30138
twenty-five per cent of outstanding voting shares or voting 30139
interests of a licensee or person in control of a licensee; 30140

(b) The power to elect or appoint a majority of executive 30141
officers or directors. 30142

(2) "Director" means an individual elected to serve as the director of a for-profit corporation pursuant to section 1701.55 of the Revised Code or an individual elected to serve as the director of a nonprofit corporation pursuant to section 1702.26 of the Revised Code.

(3) "Executive officer" means president, treasurer, secretary, any individual at or above the senior vice-president level or its functional equivalent, any individual at the vice-president level or its functional equivalent if the organization does not have senior vice-presidents, and "manager" as that term is defined in section 1706.01 of the Revised Code.

(4) "Incorporator" has the same meaning as in section 1701.01 of the Revised Code.

(5) "Organizer" has the same meaning as in section 1706.01 of the Revised Code.

(B)(1) A person is presumed to exercise control when the person holds the power to vote, directly or indirectly, at least ten per cent of outstanding voting shares or voting interests of a licensee or person in control of a licensee.

(2) A person presumed to exercise control under division (B)(1) of this section can rebut the presumption by establishing, by a preponderance of the evidence, that the person is a passive investor.

(C) For purposes of determining the percentage of a person controlled by any person, the person's interest shall be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, mothers- and fathers-in law, sons- and daughters-in law, brothers- and sisters-in law, and any other person who shares such person's home.

(D) Whenever the approval of the superintendent of financial

institutions is required under Chapters 1101. to 1127. of the 30174
Revised Code, or under an order or supervisory action issued or 30175
taken under those chapters, for a person to serve as an organizer, 30176
incorporator, director, executive officer, or person who exercises 30177
control, ~~directly or indirectly controls a bank, or to otherwise~~ 30178
~~have a substantial interest in or participate in the management of~~ 30179
~~a bank,~~ the superintendent shall request the superintendent of the 30180
bureau of criminal identification and investigation, or a vendor 30181
approved by the bureau, to conduct a criminal records check based 30182
on the person's fingerprints in accordance with section 109.572 of 30183
the Revised Code. The superintendent of financial institutions 30184
shall request that criminal record information from the federal 30185
bureau of investigation be obtained as part of the criminal 30186
records check. Any fee required under division (C)(3) of section 30187
109.572 of the Revised Code shall be paid by the person who is the 30188
subject of the request. 30189

(E) Nothing in this section prohibits the superintendent of 30190
financial institutions from conditionally approving a person to 30191
serve as an organizer, incorporator, director, executive officer, 30192
or person who exercises control, ~~directly or indirectly, controls~~ 30193
~~a bank, or to otherwise have a substantial interest in or~~ 30194
~~participate in the management of a bank,~~ subject to receiving 30195
satisfactory results of the criminal records check. If the 30196
superintendent does not receive the results within ninety days 30197
after the criminal records check was requested, the superintendent 30198
may extend the conditional approval for not more than ninety days. 30199

Sec. 1317.07. No retail installment contract authorized by 30200
section 1317.03 of the Revised Code that is executed in connection 30201
with any retail installment sale shall evidence any indebtedness 30202
in excess of the time balance fixed in the written instrument in 30203
compliance with section 1317.04 of the Revised Code, but it may 30204
evidence in addition any agreements of the parties for the payment 30205

of delinquent charges, as provided for in section 1317.06 of the Revised Code, taxes, and any lawful fee actually paid out, or to be paid out, by the retail seller to any public officer for filing, recording, or releasing any instrument securing the payment of the obligation owed on any retail installment contract. No retail seller, directly or indirectly, shall charge, contract for, or receive from any retail buyer, any further or other amount for examination, service, brokerage, commission, expense, fee, or other thing of value, unless the retail seller is otherwise authorized by law to do so. A documentary service charge customarily and presently being paid on May 9, 1949, in a particular business and area may be charged if the charge does not exceed ~~two~~ five hundred ~~fifty~~ dollars per sale.

No retail seller shall use multiple agreements with respect to a single item or related items purchased at the same time, with intent to obtain a higher charge than would otherwise be permitted by Chapter 1317. of the Revised Code or to avoid disclosure of an annual percentage rate, nor by use of such agreements make any charge greater than that which would be permitted by Chapter 1317. of the Revised Code had a single agreement been used.

Sec. 1321.37. (A) Application for an original or renewal license to make short-term loans shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain the name and address of the applicant, the location where the business of making loans is to be conducted, and any further information as the superintendent requires. At the time of making an application for an original license, the applicant shall pay to the superintendent a nonrefundable investigation fee of two hundred dollars. No investigation fee or any portion thereof shall be refunded after an original license has been issued. The application for an

original or renewal license shall be accompanied by an original or 30237
renewal license fee, for each business location of one thousand 30238
dollars, except that applications for original licenses issued on 30239
or after the first day of July for any year shall be accompanied 30240
by an original license fee of five hundred dollars, and except 30241
that an application for an original or renewal license, for a 30242
nonprofit corporation that is incorporated under Chapter 1702. of 30243
the Revised Code, shall be accompanied by an original or renewal 30244
license fee, for each business location, that is one-half of the 30245
fee otherwise required. All fees paid to the superintendent 30246
pursuant to this division shall be deposited into the state 30247
treasury to the credit of the consumer finance fund. 30248

(B) Upon the filing of an application for an original license 30249
and, with respect to an application filed for a renewal license, 30250
on a schedule determined by the superintendent by rule adopted 30251
pursuant to section 1321.43 of the Revised Code, and the payment 30252
of fees in accordance with division (A) of this section, the 30253
superintendent shall investigate the facts concerning the 30254
applicant and the requirements provided by this division. The 30255
superintendent shall request the superintendent of the bureau of 30256
criminal identification and investigation, or a vendor approved by 30257
the bureau, to conduct a criminal records check based on the 30258
applicant's fingerprints in accordance with section 109.572 of the 30259
Revised Code. Notwithstanding division ~~(K)~~(L) of section 121.08 of 30260
the Revised Code, the superintendent of financial institutions 30261
shall request that criminal record information from the federal 30262
bureau of investigation be obtained as part of the criminal 30263
records check. The superintendent of financial institutions shall 30264
conduct a civil records check. The superintendent shall approve an 30265
application and issue an original or renewal license to the 30266
applicant if the superintendent finds all of the following: 30267

(1) The financial responsibility, experience, and general 30268

fitness of the applicant are such as to warrant the belief that 30269
the business of making loans will be operated lawfully, honestly, 30270
and fairly under sections 1321.35 to 1321.48 of the Revised Code 30271
and within the purposes of those sections; that the applicant has 30272
fully complied with those sections and any rule or order adopted 30273
or issued pursuant to section 1321.43 of the Revised Code; and 30274
that the applicant is qualified to engage in the business of 30275
making loans under sections 1321.35 to 1321.48 of the Revised 30276
Code. 30277

(2) The applicant is financially sound and has a net worth of 30278
not less than one hundred thousand dollars, or in the case of a 30279
nonprofit corporation that is incorporated under Chapter 1702. of 30280
the Revised Code, a net worth of not less than fifty thousand 30281
dollars. The applicant's net worth shall be computed according to 30282
generally accepted accounting principles. 30283

(3) The applicant has never had revoked a license to make 30284
loans under sections 1321.35 to 1321.48 of the Revised Code, under 30285
former sections 1315.35 to 1315.44 of the Revised Code, or to do 30286
business under sections 1315.21 to 1315.30 of the Revised Code. 30287

(4) Neither the applicant nor any senior officer, or partner 30288
of the applicant, has pleaded guilty to or been convicted of a 30289
disqualifying offense as determined in accordance with section 30290
9.79 of the Revised Code. 30291

(5) Neither the applicant nor any senior officer, or partner 30292
of the applicant, has been subject to any adverse judgment for 30293
conversion, embezzlement, misappropriation of funds, fraud, 30294
misfeasance or malfeasance, or breach of fiduciary duty, or if the 30295
applicant or any of those other persons has been subject to such a 30296
judgment, the applicant has proven to the superintendent, by a 30297
preponderance of the evidence, that the applicant's or other 30298
person's activities and employment record since the judgment show 30299
that the applicant or other person is honest and truthful and 30300

there is no basis in fact for believing that the applicant or
other person will be subject to such a judgment again.

(C) If the superintendent finds that the applicant does not
meet the requirements of division (B) of this section, or the
superintendent finds that the applicant knowingly or repeatedly
contracts with or employs persons to directly engage in lending
activities who have been convicted of a felony crime listed in
division (B)(5) of this section, the superintendent shall issue an
order denying the application for an original or renewal license
and giving the applicant an opportunity for a hearing on the
denial in accordance with Chapter 119. of the Revised Code. The
superintendent shall notify the applicant of the denial, the
grounds for the denial, and the applicant's opportunity for a
hearing. If the application is denied, the superintendent shall
return the annual license fee but shall retain the investigation
fee.

(D) No person licensed under sections 1321.35 to 1321.48 of
the Revised Code shall conduct business in this state unless the
licensee has obtained and maintains in effect at all times a
corporate surety bond issued by a bonding company or insurance
company authorized to do business in this state. The bond shall be
in favor of the superintendent and in the penal sum of at least
one hundred thousand dollars, or in the case of a nonprofit
corporation that is incorporated under Chapter 1702. of the
Revised Code, in the amount of fifty thousand dollars. The term of
the bond shall coincide with the term of the license. The licensee
shall file a copy of the bond with the superintendent. The bond
shall be for the exclusive benefit of any borrower injured by a
violation by a licensee or any employee of a licensee, of any
provision of sections 1321.35 to 1321.48 of the Revised Code.

Sec. 1321.53. (A)(1) An application for a certificate of

registration under sections 1321.51 to 1321.60 of the Revised Code 30332
shall contain an undertaking by the applicant to abide by those 30333
sections. The application shall be in writing, under oath, and in 30334
the form prescribed by the division of financial institutions, and 30335
shall contain any information that the division may require. 30336
Applicants that are foreign corporations shall obtain and maintain 30337
a license pursuant to Chapter 1703. of the Revised Code before a 30338
certificate is issued or renewed. 30339

(2) Upon the filing of the application and the payment by the 30340
applicant of a nonrefundable two-hundred-dollar investigation fee 30341
and a nonrefundable three-hundred-dollar annual registration fee, 30342
the division shall investigate the relevant facts. If the 30343
application involves investigation outside this state, the 30344
applicant may be required by the division to advance sufficient 30345
funds to pay any of the actual expenses of such investigation, 30346
when it appears that these expenses will exceed two hundred 30347
dollars. An itemized statement of any of these expenses which the 30348
applicant is required to pay shall be furnished to the applicant 30349
by the division. No certificate shall be issued unless all the 30350
required fees have been submitted to the division. 30351

(3) The investigation undertaken upon application shall 30352
include both a civil and criminal records check of the applicant 30353
including any individual whose identity is required to be 30354
disclosed in the application. Where the applicant is a business 30355
entity the superintendent shall have the authority to require a 30356
civil and criminal background check of those persons that in the 30357
determination of the superintendent have the authority to direct 30358
and control the operations of the applicant. 30359

(4)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 30360
the Revised Code, the superintendent of financial institutions 30361
shall obtain a criminal history records check and, as part of that 30362

records check, request that criminal record information from the 30363
federal bureau of investigation be obtained. To fulfill this 30364
requirement, the superintendent shall request the superintendent 30365
of the bureau of criminal identification and investigation, or a 30366
vendor approved by the bureau, to conduct a criminal records check 30367
based on the applicant's fingerprints or, if the fingerprints are 30368
unreadable, based on the applicant's social security number, in 30369
accordance with section 109.572 of the Revised Code. 30370

(b) Any fee required under division (C)(3) of section 109.572 30371
of the Revised Code shall be paid by the applicant. 30372

(5) If an application for a certificate of registration does 30373
not contain all of the information required under division (A) of 30374
this section, and if such information is not submitted to the 30375
division within ninety days after the superintendent requests the 30376
information in writing, including by electronic transmission or 30377
facsimile, the superintendent may consider the application 30378
withdrawn. 30379

(6) If the division finds that the financial responsibility, 30380
experience, and general fitness of the applicant command the 30381
confidence of the public and warrant the belief that the business 30382
will be operated honestly and fairly in compliance with the 30383
purposes of sections 1321.51 to 1321.60 of the Revised Code and 30384
the rules adopted thereunder, and that the applicant has the 30385
applicable net worth and assets required by division (B) of this 30386
section, the division shall thereupon issue a certificate of 30387
registration to the applicant. The superintendent shall not use a 30388
credit score as the sole basis for a registration denial. 30389

(a)(i) Certificates of registration issued on or after July 30390
1, 2010, shall annually expire on the thirty-first day of 30391
December, unless renewed by the filing of a renewal application 30392
and payment of a three-hundred-dollar nonrefundable annual 30393
registration fee and any assessment as determined by the 30394

superintendent pursuant to division (A)(6)(a)(ii) of this section 30395
on or before the last day of December of each year. No other fee 30396
or assessment shall be required of a registrant by the state or 30397
any political subdivision of this state. 30398

(ii) If the renewal fees billed by the superintendent 30399
pursuant to division (A)(6)(a)(i) of this section are less than 30400
the estimated expenditures of the consumer finance section of the 30401
division of financial institutions, as determined by the 30402
superintendent, for the following fiscal year, the superintendent 30403
may assess each registrant at a rate sufficient to equal in the 30404
aggregate the difference between the renewal fees billed and the 30405
estimated expenditures. Each registrant shall pay the assessed 30406
amount to the superintendent prior to the last day of June. In no 30407
case shall the assessment exceed ten cents per each one hundred 30408
dollars of interest (excluding charge-off recoveries), points, 30409
loan origination charges, and credit line charges collected by 30410
that registrant during the previous calendar year. If such an 30411
assessment is imposed, it shall not be less than two hundred fifty 30412
dollars per registrant and shall not exceed thirty thousand 30413
dollars less the total renewal fees paid pursuant to division 30414
(A)(6)(a)(i) of this section by each registrant. 30415

(b) Registrants shall timely file renewal applications on 30416
forms prescribed by the division and provide any further 30417
information that the division may require. If a renewal 30418
application does not contain all of the information required under 30419
this section, and if that information is not submitted to the 30420
division within ninety days after the superintendent requests the 30421
information in writing, including by electronic transmission or 30422
facsimile, the superintendent may consider the application 30423
withdrawn. 30424

(c) Renewal shall not be granted if the applicant's 30425
certificate of registration is subject to an order of suspension, 30426

revocation, or an unpaid and past due fine imposed by the 30427
superintendent. 30428

(d) If the division finds the applicant does not meet the 30429
conditions set forth in this section, it shall issue a notice of 30430
intent to deny the application, and forthwith notify the applicant 30431
of the denial, the grounds for the denial, and the applicant's 30432
reasonable opportunity to be heard on the action in accordance 30433
with Chapter 119. of the Revised Code. 30434

(7) If there is a change of five per cent or more in the 30435
ownership of a registrant, the division may make any investigation 30436
necessary to determine whether any fact or condition exists that, 30437
if it had existed at the time of the original application for a 30438
certificate of registration, the fact or condition would have 30439
warranted the division to deny the application under division 30440
(A)(6) of this section. If such a fact or condition is found, the 30441
division may, in accordance with Chapter 119. of the Revised Code, 30442
revoke the registrant's certificate. 30443

(B) Each registrant that engages in lending under sections 30444
1321.51 to 1321.60 of the Revised Code shall maintain both of the 30445
following: 30446

(1) A net worth of at least fifty thousand dollars; 30447

(2) For each certificate of registration, assets of at least 30448
fifty thousand dollars either in use or readily available for use 30449
in the conduct of the business. 30450

(C) Not more than one place of business shall be maintained 30451
under the same certificate, but the division may issue additional 30452
certificates to the same registrant upon compliance with sections 30453
1321.51 to 1321.60 of the Revised Code, governing the issuance of 30454
a single certificate. No change in the place of business of a 30455
registrant to a location outside the original municipal 30456
corporation shall be permitted under the same certificate without 30457

the approval of a new application, the payment of the registration fee and, if required by the superintendent, the payment of an investigation fee of two hundred dollars. When a registrant wishes to change its place of business within the same municipal corporation, it shall give written notice of the change in advance to the division, which shall provide a certificate for the new address without cost. If a registrant changes its name, prior to making loans under the new name it shall give written notice of the change to the division, which shall provide a certificate in the new name without cost. Sections 1321.51 to 1321.60 of the Revised Code do not limit the loans of any registrant to residents of the community in which the registrant's place of business is situated. Each certificate shall be kept conspicuously posted in the place of business of the registrant and is not transferable or assignable.

(D) Sections 1321.51 to 1321.60 of the Revised Code do not apply to any of the following:

(1) Entities chartered and lawfully doing business under the authority of any law of this state, another state, or the United States as a bank, savings bank, trust company, savings and loan association, or credit union, or a subsidiary of any such entity, which subsidiary is regulated by a federal banking agency and is owned and controlled by such a depository institution;

(2) Life, property, or casualty insurance companies licensed to do business in this state;

(3) Any person that is a lender making a loan pursuant to sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of the Revised Code or a business loan as described in division (B)(6) of section 1343.01 of the Revised Code;

(4) Any political subdivision, or any governmental or other public entity, corporation, instrumentality, or agency, in or of

the United States or any state of the United States, or any entity 30489
described in division (B)(3) of section 1343.01 of the Revised 30490
Code; 30491

(5) A college or university, or controlled entity of a 30492
college or university, as those terms are defined in section 30493
1713.05 of the Revised Code. 30494

(E) No person engaged in the business of selling tangible 30495
goods or services related to tangible goods may receive or retain 30496
a certificate under sections 1321.51 to 1321.60 of the Revised 30497
Code for such place of business. 30498

Sec. 1321.64. (A) An application for a license shall contain 30499
an undertaking by the applicant to abide by those sections. The 30500
application shall be in writing, under oath, and in the form 30501
prescribed by the superintendent of financial institutions, and 30502
shall contain any information that the superintendent may require. 30503
Applicants that are foreign corporations shall obtain and maintain 30504
a license pursuant to Chapter 1703. of the Revised Code before a 30505
license is issued or renewed. 30506

(B) Upon the filing of the application and the payment by the 30507
applicant of a nonrefundable investigation fee of two hundred 30508
dollars, a nonrefundable annual registration fee of three hundred 30509
dollars, and any additional fee required by the NMLSR, the 30510
division of financial institutions shall investigate the relevant 30511
facts. If the application involves investigation outside this 30512
state, the applicant may be required by the division to advance 30513
sufficient funds to pay any of the actual expenses of the 30514
investigation when it appears that these expenses will exceed two 30515
hundred dollars. An itemized statement of any of these expenses 30516
which the applicant is required to pay shall be furnished to the 30517
applicant by the division. A license shall not be issued unless 30518
all the required fees have been submitted to the division. 30519

(C)(1) The investigation undertaken upon receipt of an application shall include both a civil and criminal records check of any control person.

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal records check on each control person and, as part of that records check, request that criminal records information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the control person's fingerprints or, if the fingerprints are unreadable, based on the control person's social security number, in accordance with section 109.572 of the Revised Code;

(ii) Authorize the NMLSR to request a criminal records check of the control person.

(b) Any fee required under division (C)(3) of section 109.572 of the Revised Code or by the NMLSR shall be paid by the applicant.

(D) If an application for a license does not contain all of the information required under division (A) of this section, and if such information is not submitted to the division or to the NMLSR within ninety days after the superintendent or the NMLSR requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(E) If the superintendent of financial institutions finds that the financial responsibility, experience, and general fitness of the applicant command the confidence of the public and warrant the belief that the business will be operated honestly and fairly

in compliance with the purposes of sections 1321.62 to 1321.702 of 30551
the Revised Code and the rules adopted thereunder, and that the 30552
applicant has the requisite net worth and assets required under 30553
section 1321.65 of the Revised Code, the superintendent shall 30554
issue a license to the applicant. The license shall be valid until 30555
the thirty-first day of December of the year in which it is 30556
issued. A person may be licensed under both sections 1321.51 to 30557
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 30558

(F) If the superintendent finds that the applicant does not 30559
meet the conditions set forth in this section, the superintendent 30560
shall issue a notice of intent to deny the application, and 30561
promptly notify the applicant of the denial, the grounds for the 30562
denial, and the applicant's reasonable opportunity to be heard on 30563
the action in accordance with Chapter 119. of the Revised Code. 30564

Sec. 1346.03. Any information provided to the attorney 30565
general by the department of taxation in accordance with division 30566
~~(C)(5)~~ (C)(2) of section 5703.21 of the Revised Code shall not be 30567
disclosed publicly by the attorney general except when it is 30568
necessary to facilitate compliance with and enforcement of section 30569
1346.01 or 1346.02 of the Revised Code. 30570

Sec. 1349.09. (A) As used in this section: 30571

(1) "Operator" means any business, entity, or person that 30572
operates an online web site, service, or product that has users in 30573
this state and that allows those users to do all of the following: 30574

(a) Interact socially with other users within the confines of 30575
the online web site, service, or product; 30576

(b) Construct a public or semipublic profile for the purpose 30577
of signing into and using the online web site, service, or 30578
product; 30579

(c) Populate a list of other users with whom an individual 30580

shares or has the ability to share a social connection within the 30581
online web site, service, or product; 30582

(d) Create or post content viewable by others, including on 30583
message boards, chat rooms, video channels, direct or private 30584
messages or chats, and a landing page or main feed that presents 30585
the user with content generated by other users. 30586

(2) "Child" means any consumer of an online web site, 30587
service, or product who is under the age of sixteen and who is not 30588
emancipated. 30589

(B) The operator of an online web site, service, or product 30590
that targets children, or is reasonably anticipated to be accessed 30591
by children, shall do all of the following: 30592

(1) Obtain verifiable consent for any contract with a child, 30593
including terms of service, to register, sign up, or otherwise 30594
create a unique username to access or utilize the online web site, 30595
service, or product, from the child's parent or legal guardian 30596
using any of the following methods: 30597

(a) Requiring a parent or legal guardian to sign and return 30598
to the operator a form consenting to the contract by postal mail, 30599
facsimile, or electronic mail; 30600

(b) Requiring a parent or legal guardian, in connection with 30601
a monetary transaction, to use a credit card, debit card, or other 30602
online payment system that provides notification of each discrete 30603
transaction to the primary account holder; 30604

(c) Requiring a parent or legal guardian to call a toll-free 30605
telephone number implemented by the operator and staffed by 30606
trained personnel; 30607

(d) Requiring a parent or legal guardian to connect to 30608
trained personnel by videoconference; 30609

(e) Verifying a parent's or legal guardian's identity by 30610

checking a form of government-issued identification against 30611
databases of such information, and promptly deleting the parent's 30612
or legal guardian's identification from the operator's records 30613
after such verification is complete. 30614

(2) Present to the child's parent or legal guardian a list of 30615
the features offered by an operator's online web site, service, or 30616
product related to censoring or moderating content, including any 30617
features that can be disabled for a particular profile. 30618

(3) Provide to the child's parent or guardian a web site link 30619
at which the parent or legal guardian may access and review the 30620
list of features described in division (B)(2) of this section at 30621
another time. 30622

(C) In determining whether an operator's online web site, 30623
service, or product targets children, or is reasonably anticipated 30624
to be accessed by children, the attorney general or a court may 30625
consider the following factors: 30626

(1) Subject matter; 30627

(2) Language; 30628

(3) Design elements; 30629

(4) Visual content; 30630

(5) Use of animated characters or child-oriented activities 30631
and incentives; 30632

(6) Music or other audio content; 30633

(7) Age of models; 30634

(8) Presence of child celebrities or celebrities who appeal 30635
to children; 30636

(9) Advertisements; 30637

(10) Empirical evidence regarding audience composition; and 30638

(11) Evidence regarding the intended audience. 30639

(D)(1) Except as otherwise provided in division (D)(2) of this section, after obtaining consent from a child's parent or legal guardian, an operator shall send written confirmation to the parent or legal guardian via electronic mail, postal mail, or facsimile. 30640
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(2) If an operator is unable to secure an address, electronic mail address, or facsimile number of the child's parent or legal guardian, after making a reasonable effort to obtain such information, the operator may verify consent via telephone. 30645
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(E) If a child's parent or legal guardian does not affirmatively consent to the terms of service or other contract, the operator shall deny the child access to or use of the online web site, service, or product. 30649
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(F) If a parent or legal guardian receives confirmation of consent, as described in division (D) of this section, and determines that consent was given in error, or if the parent or legal guardian chooses to withdraw consent for any reason, the parent or legal guardian shall notify the operator, and the operator shall terminate the child's use of or access to the online web site, service, or product within thirty days after receiving such notification. 30653
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(G) The attorney general shall investigate any noncompliance with this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as in section 1349.191 of the Revised Code. Nothing in this section shall be interpreted to serve as the basis for a private right of action. 30661
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(H) If it appears that an operator of an online web site, service, or product failed to comply with this section, the attorney general has the exclusive authority to bring a civil action in a court of common pleas, or other appropriate court, for appropriate relief including a temporary restraining order, 30666
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preliminary or permanent injunction, and civil penalties. 30671

(I) If a court finds that an operator of an online web site, 30672
service, or product entered into a contract with a child without 30673
consent of the child's parent or guardian, as required by this 30674
section, the court shall impose a civil penalty on the operator as 30675
follows: 30676

(1) Up to one thousand dollars for each of the first sixty 30677
days the operator failed to comply with this section; 30678

(2) In addition to the civil penalty required by division 30679
(I)(1) of this section, up to five thousand dollars for each 30680
subsequent day the operator failed to comply with this section, 30681
commencing with the sixty-first day and ending with the ninetieth 30682
day; 30683

(3) In addition to the civil penalties required by divisions 30684
(I)(1) and (2) of this section, up to ten thousand dollars for 30685
each subsequent day the operator failed to comply with this 30686
section, commencing with the ninety-first day. 30687

(J) Any civil penalty that is imposed under division (I) of 30688
this section shall be deposited into the consumer protection 30689
enforcement fund created under section 1345.51 of the Revised 30690
Code. 30691

(K) Any operator that is found by the court to have failed to 30692
comply with this section is liable to the attorney general for the 30693
attorney general's costs in conducting an investigation and 30694
bringing an action under this section. 30695

(L) The rights and remedies that are provided under this 30696
section are in addition to any other rights or remedies that are 30697
provided by law. 30698

(M)(1) If an operator is in substantial compliance with this 30699
section, the attorney general shall provide written notice to the 30700

operator before commencing a civil action under this section. The 30701
notice must identify the specific provisions of this section that 30702
the attorney general alleges have been violated. 30703

(2) The attorney general shall not commence a civil action 30704
under this section, and a court shall not impose a civil penalty, 30705
for a violation identified in a notice sent by the attorney 30706
general under division (M)(1) of this section if the operator does 30707
both of the following within ninety days after the date such 30708
notice is sent: 30709

(a) Cures the violation; 30710

(b) Provides the attorney general with written documentation 30711
that the violation has been cured and that the operator has taken 30712
measures sufficient to prevent future violations. 30713

(N)(1) This section does not apply to an online web site, 30714
service, or product where the predominant or exclusive function 30715
is: 30716

(a) Cloud storage or cloud computing services; 30717

(b) Broadband internet access services; 30718

(c) Search engine services. 30719

(2) Division (N)(1) of this section does not apply with 30720
respect to content and communications created or controlled by the 30721
provider, affiliate, or subsidiary. 30722

(O) This section does not apply to an online web site, 30723
service, or product respecting which interaction between users is 30724
limited to the following: 30725

(1) Reviewing products offered for sale by electronic 30726
commerce or commenting on reviews posted by other users; 30727

(2) Comments incidental to content posted by an established 30728
and widely recognized media outlet, the primary purpose of which 30729
is to report news and current events. 30730

Sec. 1351.01. As used in this chapter:	30731
(A) "Advertisement" means any written, visual, or oral communication made to a lessee or prospective lessee by means of personal representation, newspaper, magazine, circular, billboard, direct mailing, sign, radio, television, telephone, or other means of communication, that aids, promotes, or assists, directly or indirectly, a lease-purchase agreement.	30732 30733 30734 30735 30736 30737
(B) "Cash price" means the price at which a lessor in the ordinary course of business would offer the property that is the subject of a lease-purchase agreement to the lessee for cash on the date of the lease-purchase agreement. It may include sales taxes.	30738 30739 30740 30741 30742
(C) "Lessee" means an individual who leases personal property pursuant to a lease-purchase agreement.	30743 30744
(D) "Lessor" means a person who, in the ordinary course of business, regularly offers to lease or arranges for personal property to be leased pursuant to a lease-purchase agreement.	30745 30746 30747
(E) "Personal property" means any property that is not real property under the laws of the state where it is located when it is offered or made available for a lease-purchase agreement.	30748 30749 30750
(F) "Lease-purchase agreement" means an agreement for the use of personal property by an individual primarily for personal, family, or household purposes for an initial period of four months or less that is automatically renewable with each lease payment after the initial period and that permits the lessee to acquire ownership of the property. It does not include any of the following:	30751 30752 30753 30754 30755 30756 30757
(1) A lease for agricultural, business, or commercial purposes;	30758 30759
(2) A lease made to an organization;	30760

(3) A lease of money or intangible personal property;	30761
(4) A lease of a motor vehicle as defined in section 4501.01 of the Revised Code.	30762 30763
<u>(G) "Lease-purchase property" means personal property that is owned by the lessor at the time it is physically displayed and offered for lease-purchase to the consumer, and prior to execution of any lease-purchase agreement.</u>	30764 30765 30766 30767
Sec. 1351.07. (A) No advertisement for a lease-purchase agreement shall state that a lease of any specific property is available at specific amounts or on specific terms unless the lessor will lease the property at those amounts or on those terms.	30768 30769 30770 30771
(B) No advertisement shall state that a payment or a lease payment is due upon origination of a lease without disclosing all of the following:	30772 30773 30774
(1) The payment due upon origination of the lease;	30775
(2) The lease payment;	30776
(3) The total number of lease payments necessary to obtain ownership of the property that is the subject of the lease-purchase agreement.	30777 30778 30779
(C) All <u>lease-purchase</u> property displayed or offered under a lease-purchase agreement shall have stamped upon or affixed to the property, <u>or otherwise disclosed as provided in division (D) of this section,</u> and clearly and conspicuously indicated in Arabic numerals that are readable and understandable by visual inspection, all of the following:	30780 30781 30782 30783 30784 30785
(1) The cash price of the property;	30786
(2) The amount of the lease payment;	30787
(3) The total number of lease payments necessary to acquire ownership of the property that is the subject of the	30788 30789

lease-purchase agreement. 30790

(D) For any lease-purchase property displayed or offered 30791
online and for which a consumer can enter into a lease-purchase 30792
agreement online or remotely through electronic commerce, a lessor 30793
may, in lieu of stamping or affixing the disclosures required by 30794
division (C) of this section to the property, provide the same 30795
information electronically so long as such information is clearly 30796
and conspicuously indicated in Arabic numerals that are readable 30797
and understandable by visual inspection and the disclosure is 30798
provided prior to any disclosure required under section 1351.02 of 30799
the Revised Code. 30800

(E) When personal property that is not lease-purchase 30801
property is displayed or offered for a lease-purchase agreement, 30802
the lessor shall provide the information described under divisions 30803
(C)(1) to (3) of this section electronically, in the same manner 30804
described under division (D) of this section, rather than stamping 30805
or affixing such information to the property. 30806

(F) With respect to matters specifically governed by the 30807
"Consumer Credit Protection Act," 15 U.S.C.A. 1667, 90 Stat. 257, 30808
as amended, compliance with such act satisfies the requirements of 30809
this section. 30810

Sec. 1501.014. (A) As used in this section, "highest 30811
appraised value" means the highest appraised value of the property 30812
as appraised by a person regularly engaged in the business of 30813
conducting property appraisals. 30814

(B) Notwithstanding any provision of law to the contrary, the 30815
director of natural resources and any chief of a division within 30816
the department of natural resources shall not purchase real 30817
property in accordance with any lawfully granted authority if the 30818
purchase price both exceeds twenty-five per cent of the real 30819
property's highest appraised value and is more than one million 30820

dollars unless the controlling board, in accordance with division 30821
(C) of this section, approves that purchase. 30822

(C) For purposes of approving a real property purchase under 30823
division (B) of this section, the controlling board shall do all 30824
of the following: 30825

(1) Only allow legislative members of the controlling board 30826
to participate in the vote; 30827

(2) In order to favorably approve the purchase, receive a 30828
majority vote from members of the house of representatives and 30829
receive a majority vote from members of the senate; 30830

(3) Take a roll call of each individual voting member's vote. 30831

Sec. 1501.16. There is hereby created in the state treasury 30832
the performance bond refunds fund. The fund shall consist of money 30833
received by the department of natural resources from other 30834
entities as performance security. Upon the completion of work or 30835
satisfaction of terms for which the performance bond was required, 30836
the money shall be refunded to the pledging entity. In the event 30837
that the performance bond is forfeited, the money shall be 30838
transferred to the appropriate fund within the state treasury. 30839

Sec. 1509.01. As used in this chapter: 30840

(A) "Well" means any borehole, whether drilled or bored, 30841
within the state for production, extraction, or injection of any 30842
gas or liquid mineral, excluding potable water to be used as such, 30843
but including natural or artificial brines and oil field waters. 30844
"Well" includes a stratigraphic well. 30845

(B) "Oil" means crude petroleum oil and all other 30846
hydrocarbons, regardless of gravity, that are produced in liquid 30847
form by ordinary production methods, but does not include 30848
hydrocarbons that were originally in a gaseous phase in the 30849

reservoir.	30850
(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.	30851 30852
(D) "Condensate" means liquid hydrocarbons separated at or near the well pad or along the gas production or gathering system prior to gas processing.	30853 30854 30855
(E) "Pool" means an underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.	30856 30857 30858 30859 30860
(F) "Field" means the general area underlaid by one or more pools.	30861 30862
(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir <u>and does not apply to a stratigraphic well.</u>	30863 30864 30865 30866
(H) "Waste" includes all of the following:	30867
(1) Physical waste, as that term generally is understood in the oil and gas industry;	30868 30869
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	30870 30871
(3) Inefficient storing of oil or gas;	30872
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	30873 30874 30875 30876 30877 30878
(5) Other underground or surface waste in the production or	30879

storage of oil, gas, or condensate, however caused. 30880

(I) "Correlative rights" means the reasonable opportunity to 30881
every person entitled thereto to recover and receive the oil and 30882
gas in and under the person's tract or tracts, or the equivalent 30883
thereof, without having to drill unnecessary wells or incur other 30884
unnecessary expense. 30885

(J) "Tract" means a single, individual parcel of land or a 30886
portion of a single, individual parcel of land. 30887

(K) "Owner," unless referring to a mine, means the person who 30888
has the right to drill on a tract or drilling unit, to drill into 30889
and produce from a pool, and to appropriate the oil or gas 30890
produced therefrom either for the person or for others, except 30891
that a person ceases to be an owner with respect to a well when 30892
the well has been plugged in accordance with applicable rules 30893
adopted and orders issued under this chapter. "Owner" does not 30894
include a person who obtains a lease of the mineral rights for oil 30895
and gas on a parcel of land if the person does not attempt to 30896
produce or produce oil or gas from a well or obtain a permit under 30897
this chapter for a well or if the entire interest of a well is 30898
transferred to the person in accordance with division (B) of 30899
section 1509.31 of the Revised Code. 30900

(L) "Royalty interest" means the fee holder's share in the 30901
production from a well, except a stratigraphic well. 30902

(M) "Discovery well" means the first well, except a 30903
stratigraphic well, capable of producing oil or gas in commercial 30904
quantities from a pool. 30905

(N) "Prepared clay" means a clay that is plastic and is 30906
thoroughly saturated with fresh water to a weight and consistency 30907
great enough to settle through saltwater in the well in which it 30908
is to be used, except as otherwise approved by the chief of the 30909
division of oil and gas resources management. 30910

(O) "Rock sediment" means the combined cutting and residue	30911
from drilling sedimentary rocks and formation.	30912
(P) "Excavations and workings," "mine," and "pillar" have the	30913
same meanings as in section 1561.01 of the Revised Code.	30914
(Q) "Coal bearing township" means a township designated as	30915
such by the chief of the division of mineral resources management	30916
under section 1561.06 of the Revised Code.	30917
(R) "Gas storage reservoir" means a continuous area of a	30918
subterranean porous sand or rock stratum or strata into which gas	30919
is or may be injected for the purpose of storing it therein and	30920
removing it therefrom and includes a gas storage reservoir as	30921
defined in section 1571.01 of the Revised Code.	30922
(S) "Safe Drinking Water Act" means the "Safe Drinking Water	30923
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the	30924
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42	30925
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986,"	30926
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water	30927
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and	30928
regulations adopted under those acts.	30929
(T) "Person" includes any political subdivision, department,	30930
agency, or instrumentality of this state; the United States and	30931
any department, agency, or instrumentality thereof; any legal	30932
entity defined as a person under section 1.59 of the Revised Code;	30933
and any other form of business organization or entity recognized	30934
by the laws of this state.	30935
(U) "Brine" means all saline geological formation water	30936
resulting from, obtained from, or produced in connection with	30937
exploration, drilling, well stimulation, production of oil or gas,	30938
or plugging of a well.	30939
(V) "Waters of the state" means all streams, lakes, ponds,	30940
marshes, watercourses, waterways, springs, irrigation systems,	30941

drainage systems, and other bodies of water, surface or 30942
underground, natural or artificial, that are situated wholly or 30943
partially within this state or within its jurisdiction, except 30944
those private waters that do not combine or effect a junction with 30945
natural surface or underground waters. 30946

(W) "Exempt Mississippian well" means a well that meets all 30947
of the following criteria: 30948

(1) Was drilled and completed before January 1, 1980; 30949

(2) Is located in an unglaciated part of the state; 30950

(3) Was completed in a reservoir no deeper than the 30951
Mississippian Big Injun sandstone in areas underlain by 30952
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 30953
sandstone in areas directly underlain by Permian stratigraphy; 30954

(4) Is used primarily to provide oil or gas for domestic use. 30955

(X) "Exempt domestic well" means a well that meets all of the 30956
following criteria: 30957

(1) Is owned by the owner of the surface estate of the tract 30958
on which the well is located; 30959

(2) Is used primarily to provide gas for the owner's domestic 30960
use; 30961

(3) Is located more than two hundred feet horizontal distance 30962
from any inhabited private dwelling house other than an inhabited 30963
private dwelling house located on the tract on which the well is 30964
located; 30965

(4) Is located more than two hundred feet horizontal distance 30966
from any public building that may be used as a place of resort, 30967
assembly, education, entertainment, lodging, trade, manufacture, 30968
repair, storage, traffic, or occupancy by the public. 30969

(Y) "Urbanized area" means an area where a well or production 30970
facilities of a well are located within a municipal corporation or 30971

within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.

(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.

(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:

(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;

(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;

(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;

(4) Equipment and facilities at a wellpad or other location

that are used for the transportation, handling, recycling, 31003
temporary storage, management, processing, or treatment of any 31004
equipment, material, and by-products or other substances from an 31005
operation at a wellpad that may be used or reused at the same or 31006
another operation at a wellpad or that will be disposed of in 31007
accordance with applicable laws and rules adopted under them. 31008

(BB) "Annular overpressurization" means the accumulation of 31009
fluids within an annulus with sufficient pressure to allow 31010
migration of annular fluids into underground sources of drinking 31011
water. 31012

(CC) "Orphaned well" means a well that has not been properly 31013
plugged or its land surface restored in accordance with this 31014
chapter and the rules adopted under it to which either of the 31015
following apply: 31016

(1) The owner of the well is unknown, deceased, or cannot be 31017
located and the well is abandoned. 31018

(2) The owner of the well has abandoned the well and there is 31019
no money available to plug the well in accordance with this 31020
chapter and the rules adopted under it. 31021

(DD) "Temporarily inactive well" means a well that has been 31022
granted temporary inactive status under section 1509.062 of the 31023
Revised Code. 31024

(EE) "Material and substantial violation" means any of the 31025
following: 31026

(1) Failure to obtain a permit to drill, reopen, convert, 31027
plugback, or plug a well under this chapter; 31028

(2) Failure to obtain, maintain, update, or submit proof of 31029
insurance coverage that is required under this chapter; 31030

(3) Failure to obtain, maintain, update, or submit proof of a 31031
surety bond that is required under this chapter; 31032

(4) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	31033 31034
(5) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	31035 31036 31037
(6) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	31038 31039
(7) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	31040 31041
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	31042 31043
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated. <u>"Horizontal well" does not include a stratigraphic well.</u>	31044 31045 31046 31047 31048
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	31049 31050
<u>(II) "Stratigraphic well" means a borehole that is drilled within the state on a tract solely to conduct research or testing of the subsurface geology, including porosity and permeability. "Stratigraphic well" does not include geotechnical or soil borings or a borehole drilled for seismic shot or mining of industrial minerals or coal.</u>	31051 31052 31053 31054 31055 31056
Sec. 1509.03. (A) The chief of the division of oil and gas resources management shall adopt, rescind, and amend, in accordance with Chapter 119. of the Revised Code, rules for the administration, implementation, and enforcement of this chapter. The rules shall include an identification of the subjects that the chief shall address when attaching terms and conditions to a	31057 31058 31059 31060 31061 31062

permit with respect to a well and production facilities of a well 31063
that are located within an urbanized area or with respect to a 31064
horizontal well and production facilities associated with a 31065
horizontal well. The subjects shall include all of the following: 31066

(1) Safety concerning the drilling or operation of a well; 31067

(2) Protection of the public and private water supply, 31068
including the amount of water used and the source or sources of 31069
the water; 31070

(3) Fencing and screening of surface facilities of a well; 31071

(4) Containment and disposal of drilling and production 31072
wastes; 31073

(5) Construction of access roads for purposes of the drilling 31074
and operation of a well; 31075

(6) Noise mitigation for purposes of the drilling of a well 31076
and the operation of a well, excluding safety and maintenance 31077
operations. 31078

No person shall violate any rule of the chief adopted under 31079
this chapter. 31080

(B)(1) Any order issuing, denying, or modifying a permit or 31081
notices required to be made by the chief pursuant to this chapter 31082
shall be made in compliance with Chapter 119. of the Revised Code, 31083
except that personal service may be used in lieu of service by 31084
mail. Every order issuing, denying, or modifying a permit under 31085
this chapter and described as such shall be considered an 31086
adjudication order for purposes of Chapter 119. of the Revised 31087
Code. Division (B)(1) of this section does not apply to a permit 31088
issued under section 1509.06 of the Revised Code. 31089

(2) Where notice to ~~the owners~~ any person is required by this 31090
chapter, the notice shall be given ~~as prescribed by a rule adopted~~ 31091
~~by the chief to govern the giving of notices. The rule shall~~ 31092

~~provide for notice by publication except in those cases where~~ 31093
~~other types of notice are necessary~~ in order to meet the 31094
requirements of ~~the~~ law. 31095

(C) The chief or the chief's authorized representative may at 31096
any time enter upon lands, public or private, for the purpose of 31097
administration or enforcement of this chapter, the rules adopted 31098
or orders made thereunder, or terms or conditions of permits or 31099
registration certificates issued thereunder and may examine and 31100
copy records pertaining to the drilling, conversion, or operation 31101
of a well for injection of fluids and logs required by division 31102
(C) of section 1509.223 of the Revised Code. No person shall 31103
prevent or hinder the chief or the chief's authorized 31104
representative in the performance of official duties. If entry is 31105
prevented or hindered, the chief or the chief's authorized 31106
representative may apply for, and the court of common pleas may 31107
issue, an appropriate inspection warrant necessary to achieve the 31108
purposes of this chapter within the court's territorial 31109
jurisdiction. 31110

(D) The chief may issue orders to enforce this chapter, rules 31111
adopted thereunder, and terms or conditions of permits issued 31112
thereunder. Any such order shall be considered an adjudication 31113
order for the purposes of Chapter 119. of the Revised Code. No 31114
person shall violate any order of the chief issued under this 31115
chapter. No person shall violate a term or condition of a permit 31116
or registration certificate issued under this chapter. 31117

(E) Orders of the chief denying, suspending, or revoking a 31118
registration certificate; approving or denying approval of an 31119
application for revision of a registered transporter's plan for 31120
disposal; or to implement, administer, or enforce division (A) of 31121
section 1509.224 and sections 1509.22, 1509.222, 1509.223, 31122
1509.225, and 1509.226 of the Revised Code pertaining to the 31123
transportation of brine by vehicle and the disposal of brine so 31124

transported are not adjudication orders for purposes of Chapter 31125
119. of the Revised Code. The chief shall issue such orders under 31126
division (A) or (B) of section 1509.224 of the Revised Code, as 31127
appropriate. 31128

Sec. 1509.04. (A) The chief of the division of oil and gas 31129
resources management, or the chief's authorized representatives, 31130
shall enforce this chapter and the rules, terms and conditions of 31131
permits and registration certificates, and orders adopted or 31132
issued pursuant thereto, except that any peace officer, as defined 31133
in section 2935.01 of the Revised Code, may arrest for violations 31134
of this chapter involving transportation of brine by vehicle. The 31135
enforcement authority of the chief includes the authority to issue 31136
compliance notices and to enter into compliance agreements. 31137

(B)(1) The chief or the chief's authorized representative may 31138
issue an administrative order to ~~an owner~~ a person that is subject 31139
to this chapter or rules adopted under it for a violation of this 31140
chapter or rules adopted under it, terms and conditions of a 31141
permit issued under it, a registration certificate that is 31142
required under this chapter, or orders issued under this chapter. 31143

(2)(a) If ~~an owner or other~~ a person who is required to 31144
submit a report, test result, fee, or document by this chapter or 31145
rules adopted under it submits a request for an extension of time 31146
to submit the report, test result, fee, or document to the chief 31147
prior to the date on which the report, test result, fee, or 31148
document is due, the chief may grant an extension of not more than 31149
sixty additional days from the original date on which the report, 31150
test result, fee, or document is due. 31151

(b) If ~~an owner or other~~ a person who is required to submit a 31152
report, test result, fee, or document by this chapter or rules 31153
adopted under it fails to submit the report, test result, fee, or 31154
document before or on the date on which it is due and the chief 31155

has not granted an extension of time under division (B)(2)(a) of 31156
this section, the chief shall make reasonable attempts to notify 31157
the ~~owner or other~~ person of the failure to submit the report, 31158
test result, fee, or document. If ~~an owner or other~~ a person who 31159
receives such a notification fails to submit the report, test 31160
result, fee, or document on or before thirty days after the date 31161
on which the chief so notified the ~~owner or other~~ person, the 31162
chief may issue an order under division ~~(B)(2)(e)~~ (B)(3) of this 31163
section. 31164

~~(e)(3)~~ The chief may issue an order finding that ~~an owner~~ a 31165
person has committed a material and substantial violation. 31166

(C) The chief, by order, immediately may suspend drilling, 31167
operating, or plugging activities that are related to a material 31168
and substantial violation and suspend and revoke an unused permit 31169
after finding either of the following: 31170

(1) ~~An owner~~ A person has failed to comply with an order 31171
issued under division ~~(B)(2)(e)~~ (B)(3) of this section that is 31172
final and nonappealable. 31173

(2) ~~An owner~~ A person that has committed a material and 31174
substantial violation is causing, engaging in, or maintaining a 31175
condition or activity that the chief determines presents an 31176
imminent danger to the health or safety of the public or that 31177
results in or is likely to result in immediate substantial damage 31178
to the natural resources of this state. 31179

(D)(1) The chief may issue an order under division (C) of 31180
this section without prior notification if reasonable attempts to 31181
notify the ~~owner~~ person have failed or if the ~~owner~~ person is 31182
currently in material breach of a prior order, but in such an 31183
event notification shall be given as soon thereafter as practical. 31184

(2) Not later than five days after the issuance of an order 31185
under division (C) of this section, the chief shall provide the 31186

~~owner~~ person an opportunity to be heard and to present evidence 31187
that one of the following applies: 31188

(a) The condition or activity does not present an imminent 31189
danger to the public health or safety or is not likely to result 31190
in immediate substantial damage to natural resources. 31191

(b) Required records, reports, or logs have been submitted. 31192

(3) If the chief, after considering evidence presented by the 31193
~~owner~~ person under division (D)(2)(a) of this section, determines 31194
that the activities do not present such a threat or that the 31195
required records, reports, or logs have been submitted under 31196
division (D)(2)(b) of this section, the chief shall revoke the 31197
order. The ~~owner~~ person may appeal an order to the court of common 31198
pleas of the county in which the activity that is the subject of 31199
the order is located. 31200

(E) The chief may issue a bond forfeiture order pursuant to 31201
section 1509.071 of the Revised Code for failure to comply with a 31202
final nonappealable order issued or compliance agreement entered 31203
into under this section. 31204

(F) The chief may notify drilling contractors, transporters, 31205
service companies, or other similar entities of the compliance 31206
status of ~~an owner~~ a person that is subject to this chapter or 31207
rules adopted under it. 31208

If the ~~owner~~ person fails to comply with a prior enforcement 31209
action of the chief, the chief may issue a suspension order 31210
without prior notification, but in such an event the chief shall 31211
give notice as soon thereafter as practical. Not later than five 31212
calendar days after the issuance of an order, the chief shall 31213
provide the ~~owner~~ person an opportunity to be heard and to present 31214
evidence that required records, reports, or logs have been 31215
submitted. If the chief, after considering the evidence presented 31216
by the ~~owner~~ person, determines that the requirements have been 31217

satisfied, the chief shall revoke the suspension order. The ~~owner~~ 31218
person may appeal a suspension order to the court of common pleas 31219
of the county in which the activity that is the subject of the 31220
suspension order is located. 31221

(G) The prosecuting attorney of the county or the attorney 31222
general, upon the request of the chief, may apply to the court of 31223
common pleas in the county in which any of the provisions of this 31224
chapter or any rules, terms or conditions of a permit or 31225
registration certificate, or orders adopted or issued pursuant to 31226
this chapter are being violated for a temporary restraining order, 31227
preliminary injunction, or permanent injunction restraining any 31228
person from such violation. 31229

Sec. 1509.051. (A) Except as otherwise provided in this 31230
section, this chapter and rules adopted under it apply to a 31231
stratigraphic well regardless of whether a section in this chapter 31232
or in such rules refers to a well for oil and gas production or to 31233
an owner. 31234

(B) Notwithstanding section 1509.06 of the Revised Code, an 31235
application for a permit to drill a stratigraphic well shall be on 31236
a form prescribed by the chief of the division of oil and gas 31237
resources management and shall contain the information required 31238
under section 1509.06 of the Revised Code that is applicable. 31239

(C) A person shall not submit more than seven applications 31240
per year for a permit to drill a stratigraphic well unless 31241
otherwise approved by the chief. 31242

(D) All of the following do not apply to a stratigraphic 31243
well: 31244

(1) Section 1509.062 of the Revised Code; 31245

(2) Section 1509.11 of the Revised Code; 31246

(3) Section 1509.24 of the Revised Code and the rules adopted 31247

<u>under it relative to minimum acreage requirements for a drilling</u>	31248
<u>unit;</u>	31249
<u>(4) Ohio Administrative Code 1501:9-2;</u>	31250
<u>(5) Ohio Administrative Code 1501:9-3;</u>	31251
<u>(6) Ohio Administrative Code 1501:9-4;</u>	31252
<u>(7) Ohio Administrative Code 1501:9-5;</u>	31253
<u>(8) Ohio Administrative Code 1501:9-7.</u>	31254
<u>(E) A stratigraphic well may be assigned or otherwise</u>	31255
<u>transferred. Notice of any such assignment or transfer shall be</u>	31256
<u>provided to the chief on a form prescribed and provided by the</u>	31257
<u>chief and signed by both the assignor and assignee or by both the</u>	31258
<u>transferor and transferee.</u>	31259
<u>(F) The surface location of a stratigraphic well shall not be</u>	31260
<u>within one hundred fifty feet from the property line of the tract</u>	31261
<u>on which the well is drilled.</u>	31262
<u>(G)(1) A stratigraphic well shall be plugged not later than</u>	31263
<u>one year after drilling commenced on the well, unless either of</u>	31264
<u>the following apply:</u>	31265
<u>(a) Subject to division (G)(2) of this section, the owner of</u>	31266
<u>the stratigraphic well applies, within that one-year period, for a</u>	31267
<u>permit to convert the well to another use subject to regulation</u>	31268
<u>under this chapter or Chapter 6111. of the Revised Code;</u>	31269
<u>(b) Subject to division (G)(3) of this section, the owner of</u>	31270
<u>the stratigraphic well executes and files with the division, on a</u>	31271
<u>form prescribed and provided by the division, financial assurance</u>	31272
<u>payable to the state in an amount approved by the chief that is</u>	31273
<u>equal to or greater than the estimated cost to plug the well and</u>	31274
<u>reclaim the associated well site. The financial assurance shall be</u>	31275
<u>in addition to, and not in lieu of, any surety bond or other</u>	31276
<u>financial assurance required under law. The financial assurance</u>	31277

may be in the form of cash or a surety bond that names the state 31278
as obligee and is executed by a surety company authorized to do 31279
business in this state. 31280

(2) If an owner of a stratigraphic well applies for a permit 31281
to convert the well in accordance with division (G)(1)(a) of this 31282
section, but fails to complete the conversion of the well to 31283
another use within two years after drilling commenced on the 31284
stratigraphic well, the owner shall immediately plug the well or, 31285
not later than thirty days after the expiration of that two-year 31286
period, execute and file with the division financial assurance in 31287
accordance with division (G)(1)(b) of this section. 31288

(3) If an owner of a stratigraphic well executes and files 31289
financial assurance with the division in accordance with division 31290
(G)(1)(b) of this section, the stratigraphic well shall be plugged 31291
not later than five years after drilling commenced on the well, 31292
unless the stratigraphic well is lawfully converted to another use 31293
subject to regulation under this chapter or Chapter 6111. of the 31294
Revised Code within that five-year period. 31295

(4) Except as otherwise provided in section 1509.12 of the 31296
Revised Code, a stratigraphic well shall be plugged not later than 31297
one year after the issuance of a final nonappealable order 31298
denying, or affirming the denial of, an application for a permit 31299
to convert the well to another use subject to regulation under 31300
this chapter or Chapter 6111. of the Revised Code. 31301

(H)(1) The chief may forfeit by order the total amount of 31302
financial assurance executed and filed under division (G)(1)(b) of 31303
this section if the chief finds that the owner of that well is not 31304
in compliance with this section. The chief shall ensure that the 31305
order contains findings of fact supporting the forfeiture and sets 31306
forth the violations giving rise to the order. The chief may use 31307
the money obtained from such forfeiture to plug the stratigraphic 31308
well if the well is not plugged or has not been completely 31309

converted in accordance with the times specified in division (G) 31310
of this section. A stratigraphic well that has not been plugged 31311
and is not completely converted may be plugged using the 31312
procedures established under section 1509.071 of the Revised Code 31313
pertaining to orphan wells. 31314

(2) If a stratigraphic well owner filed financial assurance 31315
in the form of a surety bond with the division and the chief 31316
issues an order under division (H)(1) of this section to the 31317
owner, the chief also shall issue an order to the bank or surety 31318
company informing the bank or company of the option to plug the 31319
well in lieu of forfeiture. 31320

(I)(1) Subject to division (I)(2) or (3) of this section, the 31321
owner of a stratigraphic well may elect, at its sole discretion, 31322
to designate any of the following to be confidential business 31323
information not subject to disclosure under any provision of law 31324
for a period of five years from the time that drilling commenced 31325
on the stratigraphic well: 31326

(a) Data from the research of the subsurface geology obtained 31327
from a stratigraphic well; 31328

(b) Any of the following that are otherwise required for 31329
submission under this chapter or rules adopted under it, any order 31330
of the chief, or any term or condition of a permit issued by the 31331
chief: 31332

(i) Reports; 31333

(ii) Documents; 31334

(iii) Records. 31335

(2) The owner of a stratigraphic well, upon request of the 31336
chief, shall disclose data from the research of the subsurface 31337
geology obtained from a stratigraphic well to the chief as may be 31338
necessary to respond to or investigate harm or potential harm to 31339

public health or safety or the environment, including potential 31340
damage to subsurface formations. However, such data remains 31341
confidential business information, shall not be disclosed by the 31342
chief, and is not a public record subject to inspection and 31343
copying under section 149.43 of the Revised Code until the 31344
expiration of the five-year period. 31345

(3) The owner of a stratigraphic well shall submit any 31346
reports, documents, or records that are required for submission 31347
under this chapter or rules adopted under it, any order of the 31348
chief, or any term or condition of a permit issued by the chief. 31349
However, such reports, documents, or records so designated as 31350
confidential business information remain confidential business 31351
information, shall not be disclosed by the chief, and are not a 31352
public record subject to inspection and copying under section 31353
149.43 of the Revised Code until the expiration of the five-year 31354
period. 31355

(K) The chief may post the surface location of a 31356
stratigraphic well on the division's web site. 31357

Sec. 1509.11. (A)(1) The owner of any well, except a 31358
horizontal well, that is producing or capable of producing oil or 31359
gas shall file with the chief of the division of oil and gas 31360
resources management, on or before the thirty-first day of March, 31361
a statement of production of oil, gas, and brine for the last 31362
preceding calendar year in such form as the chief may prescribe. 31363
An owner that has more than one hundred such wells in this state 31364
shall submit electronically the statement of production in a 31365
format that is approved by the chief. 31366

(2) The owner of any horizontal well that is producing or 31367
capable of producing oil or gas shall file with the chief, on the 31368
forty-fifth day following the close of each calendar quarter, a 31369
statement of production of oil, gas, and brine for the preceding 31370

calendar quarter in a form that the chief prescribes. An owner 31371
that has more than one hundred horizontal wells in this state 31372
shall submit electronically the statement of production in a 31373
format that is approved by the chief. 31374

(B) The chief shall not disclose information received from 31375
the department of taxation under ~~division (C)(12)~~ of section 31376
5703.21 of the Revised Code until the ~~related~~ statement of 31377
production required by division (A) of this section and related to 31378
that information is filed with the chief. 31379

Sec. 1531.01. As used in this chapter and Chapter 1533. of 31380
the Revised Code: 31381

(A) "Person" means a person as defined in section 1.59 of the 31382
Revised Code or a company; an employee, agent, or officer of such 31383
a person or company; a combination of individuals; the state; a 31384
political subdivision of the state; an interstate body created by 31385
a compact; or the federal government or a department, agency, or 31386
instrumentality of it. 31387

(B) "Resident" means ~~any~~ either of the following: 31388

(1) An individual who has resided in this state for not less 31389
than six months preceding the date of making application for a 31390
license or permit; 31391

(2) An individual who is a full-time student enrolled in an 31392
accredited Ohio public or private college or university and who 31393
resides in this state at the time the individual makes application 31394
for a license or permit and who attests to the individual's 31395
full-time student status in a manner determined by the chief of 31396
the division of wildlife. 31397

(C) "Nonresident" means any individual who does not qualify 31398
as a resident. 31399

(D) "Division rule" or "rule" means any rule adopted by the 31400

chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.

(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.

(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.

(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.

(H) "Possession" means both actual and constructive possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.

(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.

(K) "Sell and sale" means barter, exchange, or offer or expose for sale.

(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal

with the same effect as it applies to the whole. 31431

(M) "Angling" means fishing with not more than two hand 31432
lines, not more than two units of rod and line, or a combination 31433
of not more than one hand line and one rod and line, either in 31434
hand or under control at any time while fishing. The hand line or 31435
rod and line shall have attached to it not more than three baited 31436
hooks, not more than three artificial fly rod lures, or one 31437
artificial bait casting lure equipped with not more than three 31438
sets of three hooks each. 31439

(N) "Trotline" means a device for catching fish that consists 31440
of a line having suspended from it, at frequent intervals, 31441
vertical lines with hooks attached. 31442

(O) "Fish" means a cold-blooded vertebrate having fins. 31443

(P) "Measurement of fish" means length from the end of the 31444
nose to the longest tip or end of the tail. 31445

(Q) "Wild birds" includes game birds and nongame birds. 31446

(R) "Game" includes game birds, game quadrupeds, and 31447
fur-bearing animals. 31448

(S) "Game birds" includes mourning doves, ringneck pheasants, 31449
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated 31450
grouse, wild turkey, Hungarian partridge, Chukar partridge, 31451
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 31452
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 31453
duck, geese, brant, and crows. 31454

(T) "Nongame birds" includes all other wild birds not 31455
included and defined as game birds or migratory game birds. 31456

(U) "Wild quadrupeds" includes game quadrupeds and 31457
fur-bearing animals. 31458

(V) "Game quadrupeds" includes cottontail rabbits, gray 31459
squirrels, black squirrels, fox squirrels, red squirrels, flying 31460

squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 31461
wild boar, elk, and black bears. 31462

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 31463
skunks, opossums, muskrats, fox, beavers, badgers, otters, 31464
coyotes, and bobcats. 31465

(X) "Wild animals" includes mollusks, crustaceans, aquatic 31466
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 31467
and all other wild mammals, but does not include domestic deer. 31468

(Y) "Hunting" means pursuing, shooting, killing, following 31469
after or on the trail of, lying in wait for, shooting at, or 31470
wounding wild birds or wild quadrupeds while employing any device 31471
commonly used to kill or wound wild birds or wild quadrupeds 31472
whether or not the acts result in killing or wounding. "Hunting" 31473
includes every attempt to kill or wound and every act of 31474
assistance to any other person in killing or wounding or 31475
attempting to kill or wound wild birds or wild quadrupeds. 31476

(Z) "Trapping" means securing or attempting to secure 31477
possession of a wild bird or wild quadruped by means of setting, 31478
placing, drawing, or using any device that is designed to close 31479
upon, hold fast, confine, or otherwise capture a wild bird or wild 31480
quadruped whether or not the means results in capture. "Trapping" 31481
includes every act of assistance to any other person in capturing 31482
wild birds or wild quadrupeds by means of the device whether or 31483
not the means results in capture. 31484

(AA) "Muskrat spear" means any device used in spearing 31485
muskrats. 31486

(BB) "Channels and passages" means those narrow bodies of 31487
water lying between islands or between an island and the mainland 31488
in Lake Erie. 31489

(CC) "Island" means a rock or land elevation above the waters 31490
of Lake Erie having an area of five or more acres above water. 31491

(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.

(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.

(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.

(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.

(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin (*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye

(Hiodon tergisus), quillback (Carpiodes cyprinus), smelt 31524
(Allosmerus elongatus, Hypomesus sp., Osmerus sp., Spirinchus 31525
sp.), sturgeon (Acipenser sp., Scaphirhynchus sp.), sucker other 31526
than buffalo and quillback (Carpiodes sp., Catostomus sp., 31527
Hypentelium sp., Minytrema sp., Moxostoma sp.), white bass (Morone 31528
chrysops), white perch (Roccus americanus), and yellow perch 31529
(Perca flavescens). When the common name of a fish is used in this 31530
chapter or Chapter 1533. of the Revised Code, it refers to the 31531
fish designated by the scientific name in this definition. 31532

(II) "Fishing" means taking or attempting to take fish by any 31533
method, and all other acts such as placing, setting, drawing, or 31534
using any device commonly used to take fish whether resulting in a 31535
taking or not. 31536

(JJ) "Fillet" means the pieces of flesh taken or cut from 31537
both sides of a fish, joined to form one piece of flesh. 31538

(KK) "Part fillet" means a piece of flesh taken or cut from 31539
one side of a fish. 31540

(LL) "Round" when used in describing fish means with head and 31541
tail intact. 31542

(MM) "Migrate" means the transit or movement of fish to or 31543
from one place to another as a result of natural forces or 31544
instinct and includes, but is not limited to, movement of fish 31545
induced or caused by changes in the water flow. 31546

(NN) "Spreader bar" means a brail or rigid bar placed across 31547
the entire width of the back, at the top and bottom of the cars in 31548
all trap, crib, and fyke nets for the purpose of keeping the 31549
meshes hanging squarely while the nets are fishing. 31550

(OO) "Fishing guide" means any person who, for consideration 31551
or hire, operates a boat, rents, leases, or otherwise furnishes 31552
angling devices, ice fishing shanties or shelters of any kind, or 31553
other fishing equipment, and accompanies, guides, directs, or 31554

assists any other person in order for the other person to engage 31555
in fishing. 31556

(PP) "Net" means fishing devices with meshes composed of 31557
twine or synthetic material and includes, but is not limited to, 31558
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 31559
seines, except minnow seines and minnow dip nets. 31560

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 31561
nets, dip nets, carp aprons, trotlines, other similar gear, and 31562
any boat used in conjunction with that gear, but does not include 31563
gill nets. 31564

(RR) "Native wildlife" means any species of the animal 31565
kingdom indigenous to this state. 31566

(SS) "Gill net" means a single section of fabric or netting 31567
seamed to a float line at the top and a lead line at the bottom, 31568
which is designed to entangle fish in the net openings as they 31569
swim into it. 31570

(TT) "Tag fishing tournament" means a contest in which a 31571
participant pays a fee, or gives other valuable consideration, for 31572
a chance to win a prize by virtue of catching a tagged or 31573
otherwise specifically marked fish within a limited period of 31574
time. 31575

(UU) "Tenant" means an individual who resides on land for 31576
which the individual pays rent and whose annual income is 31577
primarily derived from agricultural production conducted on that 31578
land, as "agricultural production" is defined in section 929.01 of 31579
the Revised Code. 31580

(VV) "Nonnative wildlife" means any wild animal not 31581
indigenous to this state, but does not include domestic deer. 31582

(WW) "Reptiles" includes common musk turtle (*sternotherus* 31583
odoratus), common snapping turtle (*Chelydra serpentina* 31584

serpentina), spotted turtle (<i>Clemmys guttata</i>), eastern box turtle	31585
(<i>Terrapene carolina carolina</i>), Blanding's turtle (<i>Emydoidea</i>	31586
<i>blandingii</i>), common map turtle (<i>Graptemys geographica</i>), ouachita	31587
map turtle (<i>Graptemys pseudogeographica ouachitensis</i>), midland	31588
painted turtle (<i>Chrysemys picta marginata</i>), red-eared slider	31589
(<i>Trachemys scripta elegans</i>), eastern spiny softshell turtle	31590
(<i>Apalone spinifera spinifera</i>), midland smooth softshell turtle	31591
(<i>Apalone mutica mutica</i>), northern fence lizard (<i>Sceloporus</i>	31592
<i>undulatus hyacinthinus</i>), ground skink (<i>Scincella lateralis</i>),	31593
five-lined skink (<i>Eumeces fasciatus</i>), broadhead skink (<i>Eumeces</i>	31594
<i>laticeps</i>), northern coal skink (<i>Eumeces anthracinus anthracinus</i>),	31595
European wall lizard (<i>Podarcis muralis</i>), queen snake (<i>Regina</i>	31596
<i>septemvittata</i>), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	31597
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	31598
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	31599
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	31600
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	31601
northern redbelly snake (<i>Storeria occipitomaculata</i>	31602
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	31603
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	31604
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	31605
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	31606
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	31607
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	31608
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	31609
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	31610
(<i>Carphophis amoenus helena</i>), eastern worm snake (<i>Carphophis</i>	31611
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	31612
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	31613
(<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys vernalis</i>	31614
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	31615
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	31616
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	31617

triangulum), northern copperhead (*Agkistrodon contortrix mokasen*), 31618
eastern massasauga (*Sistrurus catenatus catenatus*), and timber 31619
rattlesnake (*Crotalus horridus horridus*). 31620

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus* 31621
alleganiensis alleganiensis), mudpuppy (*Necturus maculosus* 31622
maculosus), red-spotted newt (*Notophthalmus viridescens* 31623
viridescens), Jefferson salamander (*Ambystoma jeffersonianum*), 31624
spotted salamander (*Ambystoma maculatum*), blue-spotted salamander 31625
(*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), 31626
streamside salamander (*Ambystoma barbouri*), marbled salamander 31627
(*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum* 31628
tigrinum), northern dusky salamander (*Desmognathus fuscus fuscus*), 31629
mountain dusky salamander (*Desmognathus ochrophaeus*), redback 31630
salamander (*Plethodon cinereus*), ravine salamander (*Plethodon* 31631
richmondi), northern slimy salamander (*Plethodon glutinosus*), 31632
Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander 31633
(*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus* 31634
porphyriticus duryi), northern spring salamander (*Gyrinophilus* 31635
porphyriticus porphyriticus), mud salamander (*Pseudotriton* 31636
montanus), northern red salamander (*Pseudotriton ruber ruber*), 31637
green salamander (*Aneides aeneus*), northern two-lined salamander 31638
(*Eurycea bislineata*), longtail salamander (*Eurycea longicauda* 31639
longicauda), cave salamander (*Eurycea lucifuga*), southern 31640
two-lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo* 31641
woodhousii fowleri), American toad (*Bufo americanus*), eastern 31642
spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris* 31643
crepitans blanchardi), northern spring peeper (*Pseudacris crucifer* 31644
crucifer), gray treefrog (*Hyla versicolor*), Cope's gray treefrog 31645
(*Hyla chrysoscelis*), western chorus frog (*Pseudacris triseriata* 31646
triseriata), mountain chorus frog (*Pseudacris brachyphona*), 31647
bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*), 31648
northern leopard frog (*Rana pipiens*), pickerel frog (*Rana* 31649
palustris), southern leopard frog (*Rana utricularia*), and wood 31650

frog (<i>Rana sylvatica</i>).	31651
(YY) "Deer" means white-tailed deer (<i>Odocoileus virginianus</i>).	31652 31653
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	31654 31655 31656
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>); doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants (<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and woodcock and snipe (<i>Scolopacidae</i>).	31657 31658 31659 31660
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	31661 31662 31663
(CCC) "All-purpose vehicle" means any vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes.	31664 31665 31666 31667 31668 31669 31670
(DDD) "Wholly enclosed preserve" means an area of land that is surrounded by a fence that is at least six feet in height, unless otherwise specified in division rule, and is constructed of a woven wire mesh, or another enclosure that the division of wildlife may approve, where game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals are raised and may be sold under the authority of a commercial propagating license or captive white-tailed deer propagation license obtained under section 1533.71 of the Revised Code.	31671 31672 31673 31674 31675 31676 31677 31678 31679
(EEE) "Commercial bird shooting preserve" means an area of land where game birds are released and hunted by shooting as	31680 31681

authorized by a commercial bird shooting preserve license obtained 31682
under section 1533.72 of the Revised Code. 31683

(FFF) "Wild animal hunting preserve" means an area of land 31684
where game, captive white-tailed deer, and nonnative wildlife, 31685
other than game birds, are released and hunted as authorized by a 31686
wild animal hunting preserve license obtained under section 31687
1533.721 of the Revised Code. 31688

(GGG) "Captive white-tailed deer" means legally acquired deer 31689
that are held in private ownership at a facility licensed under 31690
section 943.03 or 943.031 of the Revised Code and under section 31691
1533.71 or 1533.721 of the Revised Code. 31692

Sec. 1531.03. There is hereby created within the department 31693
of natural resources a division of wildlife and a wildlife 31694
council. 31695

The council shall have eight members, not more than four of 31696
whom shall be of the same political party, who shall be appointed 31697
by the governor with the advice and consent of the senate and 31698
shall be persons interested in the conservation of the natural 31699
resources of the state. At least two of the eight members shall be 31700
engaged in farming as their principal means of support. Terms of 31701
office shall be for four years, commencing on the first day of 31702
February and ending on the thirty-first day of January. Each 31703
member shall hold office from the date of ~~his~~ appointment until 31704
the end of the term for which ~~he~~ the member was appointed. In the 31705
event of the death, removal, resignation, or incapacity of a 31706
member of the council, the governor, with the advice and consent 31707
of the senate, shall appoint a successor who shall hold office for 31708
the remainder of the term for which ~~his~~ the member's predecessor 31709
was appointed. Any member shall continue in office subsequent to 31710
the expiration date of ~~his~~ the member's term until ~~his~~ a successor 31711
takes office, or until a period of sixty days has elapsed, 31712

whichever occurs first. 31713

The council shall hold at least four regular quarterly 31714
meetings each year. Special meetings may be held at the behest of 31715
the ~~chairman~~ chairperson or a majority of the members. The council 31716
shall annually select from among its members a ~~chairman~~ 31717
chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary to 31718
keep a record of its proceedings. 31719

The governor may at any time remove any member of the council 31720
for misfeasance, nonfeasance, or malfeasance in office. 31721

A majority vote of the members of the council is necessary in 31722
all matters. 31723

The division shall cooperate with the other divisions of the 31724
department and with all agencies of the state and federal 31725
government for the promotion of a general program of conservation. 31726

All division rules, in their entirety, relating to the annual 31727
establishment of each calendar year's seasons, bag limits, size, 31728
species, method of taking, and possession shall be adopted only 31729
upon approval of the wildlife council. The wildlife council shall 31730
not approve or disapprove such rules prior to fifteen days 31731
following a public hearing held upon the rules in accordance with 31732
Chapter 119. of the Revised Code. 31733

The wildlife council shall do all of the following: 31734

(A) Be represented by not less than three of its members at 31735
all public hearings held pursuant to Chapter 119. of the Revised 31736
Code for the purpose of establishment of seasons, bag limits, 31737
size, species, methods of taking, and possession; 31738

(B) Advise on policies of the division and the planning, 31739
development, and institution of programs and policies of the 31740
division; 31741

(C) Investigate, consider, and make recommendations in all 31742

matters pertaining to the protection, preservation, propagation, 31743
possession, and management of wild animals throughout the state, 31744
as provided in this chapter and Chapter 1533. of the Revised Code; 31745

(D) Report to the governor from time to time the results of 31746
its investigations concerning the wildlife resources of the state 31747
with recommendations of such measures as it considers necessary or 31748
suitable to conserve or develop those resources and preserve them 31749
as far as practicable. 31750

Sec. 1545.09. (A) The board of park commissioners shall adopt 31751
such bylaws and rules as the board considers advisable for the 31752
preservation of good order within and adjacent to parks and 31753
reservations of land, and for the protection and preservation of 31754
the parks, parkways, and other reservations of land under its 31755
jurisdiction and control and of property and natural life therein. 31756
The board shall also adopt bylaws or rules establishing a 31757
procedure for contracting for professional, technical, consulting, 31758
and other special services. Any competitive bidding procedures of 31759
the board do not apply to the purchase of benefits for park 31760
district officers or employees when such benefits are provided 31761
through a health and welfare trust fund administered through or in 31762
conjunction with a collective bargaining representative of the 31763
park district employees, as authorized in section 1545.071 of the 31764
Revised Code. Summaries of the bylaws and rules shall be published 31765
~~as provided in the case of ordinances of municipal corporations~~ 31766
~~under section 731.21 of the Revised Code~~ in a newspaper of general 31767
circulation within the park district, once a week for two 31768
consecutive weeks or as provided in section 7.16 of the Revised 31769
Code, before taking effect. 31770

(B)(1) As used in division (B)(2) of this section, "similar 31771
violation under state law" means a violation of any section of the 31772
Revised Code, other than division (C) of this section, that is 31773

similar to a violation of a bylaw or rule adopted under division	31774
(A) of this section.	31775
(2) The board of park commissioners may adopt by bylaw a	31776
penalty for a violation of any bylaw or rule adopted under	31777
division (A) of this section, and any penalty so adopted shall not	31778
exceed in severity whichever of the following is applicable:	31779
(a) The penalty designated under the Revised Code for a	31780
violation of the state law that is similar to the bylaw or rule	31781
for which the board adopted the penalty;	31782
(b) For a violation of a bylaw or rule adopted under division	31783
(A) of this section for which the similar violation under state	31784
law does not bear a penalty or for which there is no similar	31785
violation under state law, a fine of not more than one hundred	31786
fifty dollars for a first offense and not more than one thousand	31787
dollars for each subsequent offense.	31788
(3) A summary of any bylaw adopted under division (B)(2) of	31789
this section shall be published as provided in the case of	31790
ordinances of municipal corporations under section 731.21 of the	31791
Revised Code before taking effect.	31792
(C) No person shall violate any bylaws or rules adopted under	31793
division (A) of this section. All fines collected for any	31794
violation of this section shall be paid into the treasury of such	31795
park board.	31796
Sec. 1545.21. (A) The board of park commissioners, by	31797
resolution, may submit to the electors of the park district the	31798
question of levying taxes for the use of the district. The	31799
resolution shall declare the necessity of levying such taxes,	31800
shall specify the purpose for which such taxes shall be used, the	31801
annual rate proposed, and the number of consecutive years the rate	31802
shall be levied. Such resolution shall be forthwith certified to	31803

the board of elections in each county in which any part of such 31804
district is located, not later than the ninetieth day before the 31805
day of the election, and the question of the levy of taxes as 31806
provided in such resolution shall be submitted to the electors of 31807
the district at a special election to be held on whichever of the 31808
following occurs first: 31809

~~(A)(1)~~ The day of the next general election; 31810

~~(B)(2)~~ The first Tuesday after the first Monday in May in any 31811
calendar year, except that if a presidential primary election is 31812
held in that calendar year, then the day of that election. 31813

The A resolution to renew, renew and increase, or renew and 31814
decrease any existing levy shall not be placed on the ballot 31815
unless the question is submitted at the general election held 31816
during the last year the tax to be renewed may be extended on the 31817
tax list, or at any election described in division (A)(1) or (2) 31818
of this section in the ensuing year. Such a resolution may specify 31819
that the renewal, increase, or decrease of the existing levy shall 31820
be extended on the tax list for the tax year specified in the 31821
resolution, which may be the last year the existing levy may be 31822
extended on the list for the ensuing year. If the renewal, 31823
increase, or decrease is to be extended on the tax list for the 31824
last tax year the existing levy would otherwise be extended, the 31825
existing levy shall not be extended on the tax list for that last 31826
year unless the question of the renewal, increase, or decrease is 31827
not approved by a majority of electors voting on the question, in 31828
which case the existing levy shall be extended on the tax list for 31829
that last year. 31830

Except as otherwise prescribed in division (B) of this 31831
section, the ballot shall set forth the purpose for which the 31832
taxes shall be levied, the levy's estimated annual collections, 31833
the annual rate of levy, expressed in mills for each dollar of 31834

taxable value and in dollars for each one hundred thousand dollars 31835
of the county auditor's appraised value, and the number of years 31836
of such levy. If the tax is to be placed on the current tax list, 31837
the form of the ballot shall state that the tax will be levied in 31838
the current tax year and shall indicate the first calendar year 31839
the tax will be due. 31840

(B)(1) If the resolution of the board of park commissioners 31841
provides that an existing levy will be renewed, increased, or 31842
decreased upon the passage of the ballot question, the form of the 31843
ballot shall be the same as prescribed for such levies in 31844
divisions (B) and (C) of section 5705.25 of the Revised Code. 31845

(2) If the resolution of the board of park commissioners 31846
provides that an existing levy will be canceled upon the passage 31847
of the new levy, the board shall request that the county auditor, 31848
in addition to the information the auditor is required to certify 31849
under section 5705.03 of the Revised Code, certify the estimated 31850
effective rate of the existing levy. In such an instance, the 31851
ballot must include a statement that: "an existing levy of ___ 31852
mills (stating the original levy millage) for each \$1 of taxable 31853
value, which amounts to \$___ (estimated effective rate) for each 31854
\$100,000 of the county auditor's appraised value, having ___ years 31855
remaining, will be canceled and replaced upon the passage of this 31856
levy." In such case, the ballot may refer to the new levy as a 31857
"replacement levy" if the new millage does not exceed the original 31858
millage of the levy being canceled or as a "replacement and 31859
additional levy" if the new millage exceeds the original millage 31860
of the levy being canceled. ¶ 31861

(C) If a majority of the electors voting upon the question of 31862
such levy vote in favor thereof, such taxes shall be levied and 31863
shall be in addition to the taxes authorized by section 1545.20 of 31864
the Revised Code, and all other taxes authorized by law. The rate 31865
submitted to the electors at any one time shall not exceed two 31866

mills annually upon each dollar of taxable value unless the 31867
purpose of the levy includes providing operating revenues for one 31868
of Ohio's major metropolitan zoos, as defined in section 4503.74 31869
of the Revised Code, in which case the rate shall not exceed three 31870
mills annually upon each dollar of taxable value. When a tax levy 31871
has been authorized as provided in this section or in section 31872
1545.041 of the Revised Code, the board of park commissioners may 31873
issue bonds pursuant to section 133.24 of the Revised Code in 31874
anticipation of the collection of such levy, provided that such 31875
bonds shall be issued only for the purpose of acquiring and 31876
improving lands. Such levy, when collected, shall be applied in 31877
payment of the bonds so issued and the interest thereon. The 31878
amount of bonds so issued and outstanding at any time shall not 31879
exceed one per cent of the total taxable value in such district. 31880
Such bonds shall bear interest at a rate not to exceed the rate 31881
determined as provided in section 9.95 of the Revised Code. 31882

(D) As used in this section, "the county auditor's appraised 31883
value" and "estimated effective rate" have the same meanings as in 31884
section 5705.01 of the Revised Code. 31885

Sec. 1546.24. There is hereby created in the state treasury 31886
the parks and watercraft federal grants fund. The fund shall 31887
consist of federal funds received by the department of natural 31888
resources for purposes of this section and any other money 31889
credited to the fund. The chief of the division of parks and 31890
watercraft shall use money in the fund for parks and watercraft 31891
projects approved by the director of natural resources. 31892

Sec. 1546.32. (A) As used in this section: 31893

(1) "Property owner" means the owner of property adjacent to 31894
state park lands that abut a state park lake. 31895

(2) "State park lake" means a lake originally constructed for 31896

economic development purposes that is located in a state park that 31897
is situated in a county with a population under fifty thousand 31898
residents in accordance with the most recent federal decennial 31899
census. 31900

(B) The chief of the division of parks and watercraft shall 31901
establish a program for the issuance of permits to property owners 31902
who seek to do any of the following: 31903

(1) Construct or acquire and maintain a dock on and abutting 31904
a state park lake; 31905

(2) Mow state park land that is located between a state park 31906
lake and the owner's property; 31907

(3) Remove trees from state park land that is located between 31908
a state park lake and the owner's property; 31909

(4) Control the undergrowth or remove invasive species of 31910
plants or trees on state park property that is located between a 31911
state park lake and the owner's property. 31912

(C)(1) If a property owner seeks to construct or acquire and 31913
maintain a dock, the property owner shall apply for a dock permit 31914
to the chief. The chief shall issue such a permit after 31915
application is so made on forms prescribed by the chief unless the 31916
dock does not meet standards the chief establishes for docks under 31917
the program. 31918

(2) The chief shall allow adjoining property owners to submit 31919
an application to construct one dock with multiple watercraft 31920
slips that serves all such property owners. Each property owner 31921
shall individually pay the annual dock and slip fees applicable to 31922
each property owner under division (C)(7) of this section. 31923

(3) A permittee shall maintain the dock in accordance with 31924
any maintenance standards established by the chief. 31925

(4) The chief shall allow a dock permittee to install a cover 31926

for the permittee's dock upon request of the permittee. The 31927
installation and maintenance of the cover is the responsibility of 31928
the permittee. The permittee shall ensure that the dock cover 31929
consists of a metal roof that is painted green or white and is 31930
maintained in good repair. 31931

(5) The chief shall allow a dock permittee to install 31932
electricity on the permittee's dock upon request of the permittee. 31933
The installation and maintenance of the electricity is the 31934
responsibility of the permittee. A permittee that intends to 31935
install electricity shall include with a request for electricity 31936
an aerial map from the county auditor's web site that shows the 31937
path of the electric line to be installed. The chief shall approve 31938
the path of the electric line. The permittee shall ensure that all 31939
of the following apply to the electric service: 31940

(a) The electric service is installed by a licensed 31941
contractor. 31942

(b) The electrical service to the dock is placed in conduit. 31943

(c) A disconnect box is installed at the dock. 31944

(d) A disconnect box is installed at the property meter at 31945
the origin of service. 31946

Upon installation of the electric service, the dock permittee 31947
shall return the state park property to its original condition 31948
prior to such installation, ensuring that the trench is filled and 31949
level to the surrounding area and that the disturbed area is 31950
seeded and covered with a material to reduce possible erosion. 31951
Only one electric service shall be installed per dock location. 31952

(6) The chief shall allow adjoining dock permittees to 31953
construct a motor vehicle access path to their dock or docks upon 31954
request of all such permittees. Such access path shall be 31955
constructed only with natural materials and maintained with 31956
natural materials that are not permanent in nature. Adjoining 31957

permittees that intend to construct an access path shall include 31958
with the request an aerial photo from the county auditor's web 31959
site that indicates where the proposed path will be located and a 31960
photo of any motor vehicle that the permittees intend to use to 31961
access the dock. Such a motor vehicle shall weigh not more than 31962
two thousand five hundred pounds and shall have a power source of 31963
not more than 899cc. The chief shall approve and issue an annual 31964
sticker for each motor vehicle that the permittees intend to use 31965
on the access path. If a permittee uses a motor vehicle that is 31966
not approved by the chief, the chief shall revoke any stickers 31967
issued to the permittee and may fine the permittee up to five 31968
hundred dollars. 31969

(7) The chief shall charge all of the following fees, as 31970
applicable: 31971

<u>Dock permit application</u>	<u>\$100</u>	31972
<u>Annual dock permit - one dock</u>	<u>\$120</u>	31973
<u>slip included</u>		
<u>Each additional annual dock slip</u>	<u>\$95</u>	31974
<u>charge added to a dock permit</u>		
<u>Annual dock covering charge</u>	<u>\$25</u>	31975
<u>Request to install electricity on</u>	<u>\$100</u>	31976
<u>the dock</u>		
<u>Annual electricity charge</u>	<u>\$25</u>	31977
<u>Annual access path sticker for</u>	<u>\$25</u>	31978
<u>each motorized vehicle</u>		

(8) Divisions (C)(1) to (7) of this section do not apply to 31979
any property owner who, before the effective date of this section, 31980
has lawfully constructed or acquired a dock. 31981

(D) A property owner whose property is adjacent to state park 31982
land that abuts a state park lake who seeks to mow any portion of 31983
the state park land may apply to the chief for a mowing permit. 31984
The chief shall issue such a permit after application is so made 31985

on forms prescribed by the chief. The property owner shall include 31986
with the application an aerial map from the county auditor's web 31987
site that indicates the area the property owner seeks to mow. The 31988
chief may deny mowing access in areas that currently show signs of 31989
substantial soil erosion that impacts the state park lake. A 31990
mowing permit does not grant any authority to remove live trees on 31991
the state park land. Each mowing permit is valid for one year. 31992

The chief shall charge an annual mowing permit fee in the 31993
amount of twenty-five dollars. 31994

(E) A property owner whose property is adjacent to state park 31995
land that abuts a state park lake who seeks to remove trees on the 31996
state park land that have fallen and that are deemed hazardous, or 31997
that are dead and pose a hazard to other trees, may apply to the 31998
chief for a tree removal permit. The chief shall issue such a 31999
permit after application is so made on forms prescribed by the 32000
chief. If a property owner makes an application to remove a 32001
standing tree, a park official shall inspect and mark any tree 32002
that is to be removed prior to the chief issuing a permit. The 32003
permittee shall remove only those standing trees so marked by the 32004
park official. The permittee shall pay all costs associated with 32005
the removal of such trees. 32006

The chief shall not charge an applicant for the issuance of a 32007
tree removal permit. 32008

(F)(1) If a property owner whose property is adjacent to 32009
state park land that abuts a state park lake seeks to assist the 32010
state in the control of undergrowth on the state park land or 32011
engage in the removal of invasive plant or tree species on the 32012
state park land, the property owner may apply to the chief for an 32013
undergrowth and invasive species removal permit. The chief shall 32014
issue such a permit after application is so made on forms 32015
prescribed by the chief. If a property owner makes an application 32016
for an undergrowth and invasive species removal permit, a park 32017

official shall, prior to the chief issuing such permit, inspect 32018
the proposed area to determine which trees or plants shall be 32019
removed under the terms of the permit. The permittee shall pay all 32020
costs associated with the removal and disposal of undergrowth or 32021
invasive trees or plants. 32022

(2) An undergrowth and invasive species removal permit shall 32023
not allow for the removal of any live tree. If a permittee removes 32024
a live tree, the permittee shall be fined up to five hundred 32025
dollars per tree, and the chief shall revoke any undergrowth and 32026
invasive species removal permit issued to such permittee. 32027

(3) The chief shall not charge an applicant for the issuance 32028
of an undergrowth and invasive species removal permit. 32029

(4) After the permittee exercises the rights granted under an 32030
undergrowth and invasive species removal permit, the permittee may 32031
apply for a mowing permit in accordance with division (D) of this 32032
section to maintain the area to prevent the undergrowth or the 32033
invasive tree or plant from growing back. 32034

(G) Any fees or fines collected by the chief under this 32035
section shall be deposited into the state park fund created in 32036
section 1546.21 of the Revised Code. 32037

(H)(1) No property owner whose property is adjacent to state 32038
park land may purposely alter, modify, or destroy state park land 32039
that abuts a state park lake, except in accordance with the 32040
permits authorized under this section. 32041

(2) The chief may fine any property owner who violates 32042
division (H)(1) of this section in an amount equal to the amount 32043
of damage caused or all costs incurred in remediating the 32044
alteration, modification, or destruction in addition to a penal 32045
sum of up to five thousand dollars. The amount of any fine beyond 32046
that needed to cover damage caused or costs incurred in 32047
remediation may equal, but shall not exceed, the amount charged 32048

for damage or remediation. In addition, any permit currently held 32049
or any applied for by the property owner shall be revoked or 32050
denied for a period of two years for the first offense, three 32051
years for the second offense, and five years for the third and any 32052
subsequent offense. 32053

Sec. 1547.25. (A) No person shall operate or permit to be 32054
operated any vessel, other than a vessel exempted by rules, on the 32055
waters in this state: 32056

(1) That is sixteen feet or greater in length without 32057
carrying aboard one wearable personal flotation device for each 32058
person aboard and one throwable personal flotation device; 32059

(2) That is less than sixteen feet in length, including 32060
paddlecraft of any length, without carrying aboard one wearable 32061
personal flotation device for each person aboard. 32062

(B) No person shall operate or permit to be operated any 32063
commercial vessel on the waters in this state: 32064

(1) That is less than forty feet in length and is not 32065
carrying persons for hire without carrying aboard at least one 32066
wearable personal flotation device for each person aboard; 32067

(2) That is carrying persons for hire or is forty feet in 32068
length or longer and is not carrying persons for hire without 32069
carrying aboard at least one wearable personal flotation device 32070
for each person aboard that complies with all of the following: 32071

(a) It is designed to support the person wearing the wearable 32072
personal flotation device in the water in an upright or slightly 32073
backward position and provides support to the head so that the 32074
face of an unconscious or exhausted person is held above the 32075
water. 32076

(b) It is capable of turning the person wearing the wearable 32077
personal flotation device, upon entering the water, to a safe 32078

flotation position.	32079
(c) It is capable of being worn inside out.	32080
(d) It is capable of supporting a minimum of twenty-two pounds in fresh water for forty-eight hours.	32081 32082
(e) It is a highly visible color.	32083
(3) That is twenty-six feet in length or longer without carrying aboard at least one throwable personal flotation device in addition to the applicable requirements of divisions (B)(1) and (2) of this section.	32084 32085 32086 32087
(C) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be coast guard approved and in good and serviceable condition, of appropriate size for the wearer, readily accessible to each person aboard the vessel at all times, and used in accordance with any requirements on its approval label or in accordance with requirements in its owner's manual if the approval label refers to such a manual.	32088 32089 32090 32091 32092 32093 32094 32095
(D) A personal flotation device shall not be used in a manner that is inconsistent with any limitations or restrictions related to federal approval under 46 C.F.R. 160 or special instructions for use provided by the manufacturer. Appropriate use shall be indicated on the label of an approved personal flotation device with one or more of the following designations:	32096 32097 32098 32099 32100 32101
(1) Conditional approval;	32102
(2) Performance type;	32103
(3) Type one personal flotation device;	32104
(4) Type two personal flotation device;	32105
(5) Type three personal flotation device;	32106
(6) Type four personal flotation device;	32107

- ~~(7) Type five personal flotation device;~~ 32108
- ~~(8) Throwable personal flotation device;~~ 32109
- ~~(9) Wearable personal flotation device.~~ 32110

(E) As used in this section, "commercial vessel" means any 32111
vessel used in the carriage of any person or property for a 32112
valuable consideration whether flowing directly or indirectly from 32113
the owner, partner, or agent or any other person interested in the 32114
vessel. "Commercial vessel" does not include any vessel that is 32115
manufactured or used primarily for noncommercial use or that is 32116
leased, rented, or chartered to another for noncommercial use. 32117

Sec. 1547.27. (A) Except those powercraft ~~propelled by an~~ 32118
~~electric motor and those~~ less than twenty-six feet in length 32119
designed for use with an outboard motor, of open construction that 32120
is not capable of entrapping explosive or flammable gases or 32121
vapors, and not carrying passengers for hire, all powercraft shall 32122
carry fire extinguishers as prescribed in this section. The fire 32123
extinguishers shall be capable of extinguishing a burning gasoline 32124
fire, shall be ~~so placed as to be readily accessible and~~ in such 32125
condition as to be ready for immediate and effective use, and 32126
shall comply with minimum or higher standards for such 32127
extinguishers then prevailing as prescribed by the United States 32128
coast guard. 32129

(B) ~~Class~~ Except for vessels subject to exemptions listed in 32130
33 C.F.R. 175.380 or 175.390, any vessel not equipped with fixed 32131
fire extinguishing systems in machinery spaces shall carry the 32132
following: 32133

(1) Class A and class 1 powercraft shall carry at least one 32134
~~B-1~~ 5-B portable fire extinguisher. 32135

(2) Class 2 powercraft shall carry at least two ~~B-1~~ 5-B 32136
portable fire extinguishers or at least one ~~B-2~~ 20-B portable fire 32137

extinguisher. 32138

(3) Class 3 powercraft shall carry at least three B-1 5-B 32139
portable fire extinguishers, or at least one B-1 5-B portable and 32140
one B-2 20-B portable fire extinguishers. 32141

(4) Class 4 powercraft shall carry the number and type of 32142
20-B portable fire extinguishers specified by gross tonnage as 32143
prescribed by 33 C.F.R. 175, subpart E. 32144

~~A B 1 fire extinguisher is one containing a minimum of one~~ 32145
~~and one fourth gallons foam, four pounds carbon dioxide, two~~ 32146
~~pounds dry chemical, two and one half pounds halon, or another~~ 32147
~~extinguishing material approved by the United States coast guard,~~ 32148
~~in a quantity approved by the United States coast guard, for such~~ 32149
~~use. A B 2 fire extinguisher is one containing a minimum of two~~ 32150
~~and one half gallons foam, fifteen pounds carbon dioxide, ten~~ 32151
~~pounds dry chemical, ten pounds halon, or another extinguishing~~ 32152
~~material approved by the United States coast guard, in a quantity~~ 32153
~~approved by the United States coast guard, for such use.~~ 32154

(C) All portable and semi-portable fire extinguishers for use 32155
on a vessel shall: 32156

(1) Be on board the vessel and be readily accessible; 32157

(2) Be of an approved type; 32158

(3) Not be expired or appear to have been previously used; 32159

(4) Be maintained in good and serviceable working condition. 32160

As used in division (C)(4) of this section, "good and serviceable 32161
working condition" means all of the following: 32162

(a) If the fire extinguisher has a pressure gauge or 32163
indicator, the reading or indicator is in the operable range or 32164
position; 32165

(b) The fire extinguisher's lock pin is firmly in place; 32166

(c) The fire extinguisher's discharge nozzle is clean and 32167

<u>free of obstruction;</u>	32168
<u>(d) The fire extinguisher does not show visible signs of</u>	32169
<u>significant corrosion or damage.</u>	32170
<u>(D) No person shall operate or permit to be operated on the</u>	32171
waters in this state any powercraft that does not comply with this	32172
section.	32173
Sec. 1548.03. No person, except as provided in section	32174
1548.05 of the Revised Code, shall sell or otherwise dispose of a	32175
watercraft or outboard motor without delivering to the purchaser	32176
or transferee a physical certificate of title with an assignment	32177
on it as is necessary to show title in the purchaser or	32178
transferee; nor shall any person purchase or otherwise acquire a	32179
watercraft or outboard motor without obtaining a certificate of	32180
title for it in the person's name in accordance with this chapter;	32181
however, a purchaser may take possession of and operate a	32182
watercraft or outboard motor on the waters in this state without a	32183
certificate of title for a period not exceeding thirty <u>sixty</u> days	32184
if the purchaser has been issued and has in the purchaser's	32185
possession a dealer's dated bill of sale or, in the case of a	32186
casual sale, a notarized bill of sale.	32187
Sec. 1551.35. (A) There is hereby established a technical	32188
advisory committee to assist the director of the Ohio coal	32189
development office in achieving the office's purposes. The	32190
director of development shall appoint to the committee one member	32191
of the public utilities commission and one representative each of	32192
coal production companies, the united mine workers of America, and	32193
electric utilities, as well as two people with a background in	32194
coal research and development technology, one of whom is employed	32195
at the time of the member's appointment by a state university, as	32196
defined in section 3345.011 of the Revised Code. In addition, the	32197

~~committee shall include four legislative members. The speaker and~~ 32198
~~minority leader of the house of representatives each shall appoint~~ 32199
~~one member of the house of representatives, and the president and~~ 32200
~~minority leader of the senate each shall appoint one member of the~~ 32201
~~senate, to the committee.~~ The director of environmental protection 32202
shall serve on the committee as an ex officio member. Any member 32203
of the committee may designate in writing a substitute to serve in 32204
the member's absence on the committee. The director of 32205
environmental protection may designate in writing the chief of the 32206
air pollution control division of the environmental protection 32207
agency to represent the agency. Members shall serve on the 32208
committee at the pleasure of their appointing authority. Members 32209
of the committee appointed by the director of development ~~and,~~ 32210
~~notwithstanding section 101.26 of the Revised Code, legislative~~ 32211
~~members of the committee,~~ when engaged in their official duties as 32212
members of the committee, shall be compensated on a per diem basis 32213
in accordance with division (J) of section 124.15 of the Revised 32214
Code, except that the member of the public utilities commission 32215
and, while employed by a state university, the member with a 32216
background in coal research, shall not be so compensated. Members 32217
shall receive their actual and necessary expenses incurred in the 32218
performance of their duties. 32219

(B) The technical advisory committee shall review and make 32220
recommendations concerning the Ohio coal development agenda 32221
required under section 1551.34 of the Revised Code, project 32222
proposals, research and development projects submitted to the 32223
office by public utilities for the purpose of section 4905.304 of 32224
the Revised Code, proposals for grants, loans, and loan guarantees 32225
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 32226
and such other topics as the director of the office considers 32227
appropriate. 32228

(C) The technical advisory committee may hold an executive 32229

session at any regular or special meeting for the purpose of 32230
considering research and development project proposals or 32231
applications for assistance submitted to the Ohio coal development 32232
office under section 1551.33, or sections 1555.01 to 1555.06, of 32233
the Revised Code, to the extent that the proposals or applications 32234
consist of trade secrets or other proprietary information. 32235

Any materials or data submitted to, made available to, or 32236
received by the department of development or the director of the 32237
Ohio coal development office in connection with agreements for 32238
assistance entered into under this chapter or Chapter 1555. of the 32239
Revised Code, or any information taken from those materials or 32240
data for any purpose, to the extent that the materials or data 32241
consist of trade secrets or other proprietary information, are not 32242
public records for the purposes of section 149.43 of the Revised 32243
Code. 32244

As used in this division, "trade secrets" has the same 32245
meaning as in section 1333.61 of the Revised Code. 32246

Sec. 1707.01. As used in this chapter: 32247

(A) Whenever the context requires it, "division" or "division 32248
of securities" may be read as "director of commerce" or as 32249
"commissioner of securities." 32250

(B) "Security" means any certificate or instrument, or any 32251
oral, written, or electronic agreement, understanding, or 32252
opportunity, that represents title to or interest in, or is 32253
secured by any lien or charge upon, the capital, assets, profits, 32254
property, or credit of any person or of any public or governmental 32255
body, subdivision, or agency. It includes shares of stock, 32256
certificates for shares of stock, an uncertificated security, 32257
membership interests in limited liability companies, voting-trust 32258
certificates, warrants and options to purchase securities, 32259
subscription rights, interim receipts, interim certificates, 32260

promissory notes, all forms of commercial paper, evidences of 32261
indebtedness, bonds, debentures, land trust certificates, fee 32262
certificates, leasehold certificates, syndicate certificates, 32263
endowment certificates, interests in or under profit-sharing or 32264
participation agreements, interests in or under oil, gas, or 32265
mining leases, preorganization or reorganization subscriptions, 32266
preorganization certificates, reorganization certificates, 32267
interests in any trust or pretended trust, any investment 32268
contract, any life settlement interest, any instrument evidencing 32269
a promise or an agreement to pay money, warehouse receipts for 32270
intoxicating liquor, and the currency of any government other than 32271
those of the United States and Canada, but sections 1707.01 to 32272
1707.50 of the Revised Code do not apply to the sale of real 32273
estate. 32274

(C)(1) "Sale" has the full meaning of "sale" as applied by or 32275
accepted in courts of law or equity, and includes every 32276
disposition, or attempt to dispose, of a security or of an 32277
interest in a security. "Sale" also includes a contract to sell, 32278
an exchange, an attempt to sell, an option of sale, a solicitation 32279
of a sale, a solicitation of an offer to buy, a subscription, or 32280
an offer to sell, directly or indirectly, by agent, circular, 32281
pamphlet, advertisement, or otherwise. 32282

(2) "Sell" means any act by which a sale is made. 32283

(3) The use of advertisements, circulars, or pamphlets in 32284
connection with the sale of securities in this state exclusively 32285
to the purchasers specified in division (D) of section 1707.03 of 32286
the Revised Code is not a sale when the advertisements, circulars, 32287
and pamphlets describing and offering those securities bear a 32288
readily legible legend in substance as follows: "This offer is 32289
made on behalf of dealers licensed under sections 1707.01 to 32290
1707.50 of the Revised Code, and is confined in this state 32291
exclusively to institutional investors and licensed dealers." 32292

(4) The offering of securities by any person in conjunction with a licensed dealer by use of advertisement, circular, or pamphlet is not a sale if that person does not otherwise attempt to sell securities in this state.

(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the business of the purchase or sale of securities for the account of others in the reasonable expectation of receiving a commission, fee, or other remuneration as a result of engaging in the purchase and sale of securities. "Dealer" does not mean any of the following:

(a) Any issuer, including any officer, director, employee, or

trustee of, or member or manager of, or partner in, or any general 32324
partner of, any issuer, that sells, offers for sale, or does any 32325
act in furtherance of the sale of a security that represents an 32326
economic interest in that issuer, provided no commission, fee, or 32327
other similar remuneration is paid to or received by the issuer 32328
for the sale; 32329

(b) Any licensed attorney, public accountant, or firm of such 32330
attorneys or accountants, whose activities are incidental to the 32331
practice of the attorney's, accountant's, or firm's profession; 32332

(c) Any person that, for the account of others, engages in 32333
the purchase or sale of securities that are issued and outstanding 32334
before such purchase and sale, if a majority or more of the equity 32335
interest of an issuer is sold in that transaction, and if, in the 32336
case of a corporation, the securities sold in that transaction 32337
represent a majority or more of the voting power of the 32338
corporation in the election of directors; 32339

(d) Any person that brings an issuer together with a 32340
potential investor and whose compensation is not directly or 32341
indirectly based on the sale of any securities by the issuer to 32342
the investor; 32343

(e) Any bank; 32344

(f) Any person that the division of securities by rule 32345
exempts from the definition of "dealer" under division (E)(1) of 32346
this section. 32347

(2) "Licensed dealer" means a dealer licensed under this 32348
chapter. 32349

(F)(1) "Salesman" or "salesperson" means every natural 32350
person, other than a dealer, who is employed, authorized, or 32351
appointed by a dealer to sell securities within this state. 32352

(2) The general partners of a partnership, and the executive 32353

officers of a corporation or unincorporated association, licensed 32354
as a dealer are not salespersons within the meaning of this 32355
definition, nor are clerical or other employees of an issuer or 32356
dealer that are employed for work to which the sale of securities 32357
is secondary and incidental; but the division of securities may 32358
require a license from any such partner, executive officer, or 32359
employee if it determines that protection of the public 32360
necessitates the licensing. 32361

(3) "Licensed salesperson" means a salesperson licensed under 32362
this chapter. 32363

(G) "Issuer" means every person who has issued, proposes to 32364
issue, or issues any security. 32365

(H) "Director" means each director or trustee of a 32366
corporation, each trustee of a trust, each general partner of a 32367
partnership, except a partnership association, each manager of a 32368
partnership association, and any person vested with managerial or 32369
directory power over an issuer not having a board of directors or 32370
trustees. 32371

(I) "Incorporator" means any incorporator of a corporation 32372
and any organizer of, or any person participating, other than in a 32373
representative or professional capacity, in the organization of an 32374
unincorporated issuer. 32375

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 32376
practices," or "fraudulent transactions" means anything recognized 32377
on or after July 22, 1929, as such in courts of law or equity; any 32378
device, scheme, or artifice to defraud or to obtain money or 32379
property by means of any false pretense, representation, or 32380
promise; any fictitious or pretended purchase or sale of 32381
securities; and any act, practice, transaction, or course of 32382
business relating to the purchase or sale of securities that is 32383
fraudulent or that has operated or would operate as a fraud upon 32384

the seller or purchaser. 32385

(K) Except as otherwise specifically provided, whenever any 32386
classification or computation is based upon "par value," as 32387
applied to securities without par value, the average of the 32388
aggregate consideration received or to be received by the issuer 32389
for each class of those securities shall be used as the basis for 32390
that classification or computation. 32391

(L)(1) "Intangible property" means patents, copyrights, 32392
secret processes, formulas, services, good will, promotion and 32393
organization fees and expenses, trademarks, trade brands, trade 32394
names, licenses, franchises, any other assets treated as 32395
intangible according to generally accepted accounting principles, 32396
and securities, accounts receivable, or contract rights having no 32397
readily determinable value. 32398

(2) "Tangible property" means all property other than 32399
intangible property and includes securities, accounts receivable, 32400
and contract rights, when the securities, accounts receivable, or 32401
contract rights have a readily determinable value. 32402

(M) "Public utilities" means those utilities defined in 32403
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 32404
Code; in the case of a foreign corporation, it means those 32405
utilities defined as public utilities by the laws of its domicile; 32406
and in the case of any other foreign issuer, it means those 32407
utilities defined as public utilities by the laws of the situs of 32408
its principal place of business. The term always includes 32409
railroads whether or not they are so defined as public utilities. 32410

(N) "State" means any state of the United States, any 32411
territory or possession of the United States, the District of 32412
Columbia, and any province of Canada. 32413

(O) "Bank" means any bank, trust company, savings and loan 32414
association, savings bank, or credit union that is incorporated or 32415

organized under the laws of the United States, any state of the 32416
United States, Canada, or any province of Canada and that is 32417
subject to regulation or supervision by that country, state, or 32418
province. 32419

(P) "Include," when used in a definition, does not exclude 32420
other things or persons otherwise within the meaning of the term 32421
defined. 32422

(Q)(1) "Registration by description" means that the 32423
requirements of section 1707.08 of the Revised Code have been 32424
complied with. 32425

(2) "Registration by qualification" means that the 32426
requirements of sections 1707.09 and 1707.11 of the Revised Code 32427
have been complied with. 32428

(3) "Registration by coordination" means that there has been 32429
compliance with section 1707.091 of the Revised Code. ~~Reference in 32430
this chapter to registration by qualification also includes 32431
registration by coordination unless the context otherwise 32432
indicates 32433~~

(4) Reference in this chapter to "registration by 32434
description" or "registration by qualification" does not include 32435
registration by coordination. 32436

(R) "Intoxicating liquor" includes all liquids and compounds 32437
that contain more than three and two-tenths per cent of alcohol by 32438
weight and are fit for use for beverage purposes. 32439

(S) "Institutional investor" means any of the following, 32440
whether acting for itself or for others in a fiduciary capacity: 32441

(1) A bank or international banking institution; 32442

(2) An insurance company; 32443

(3) A separate account of an insurance company; 32444

(4) An investment company as defined in the "Investment 32445

Company Act of 1940," 15 U.S.C. 80a-3;	32446
(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;	32447 32448 32449
(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	32450 32451 32452 32453 32454
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	32455 32456
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	32457 32458 32459
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	32460 32461
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	32462 32463 32464 32465 32466 32467 32468 32469
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	32470 32471
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	32472 32473 32474
(c) An investment adviser registered under this chapter, a	32475

bank, or an insurance company. 32476

(8) A trust, if it has total assets in excess of ten million 32477
dollars, its trustee is a bank, and its participants are 32478
exclusively plans of the types identified in division (S)(6) or 32479
(7) of this section, regardless of the size of their assets, 32480
except a trust that includes as participants self-directed 32481
individual retirement accounts or similar self-directed plans; 32482

(9) An organization described in section 501(c)(3) of the 32483
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 32484
corporation, Massachusetts trust or similar business trust, 32485
limited liability company, or partnership, not formed for the 32486
specific purpose of acquiring the securities offered, with total 32487
assets in excess of ten million dollars; 32488

(10) A small business investment company licensed by the 32489
small business administration under section 301(c) of the "Small 32490
Business Investment Act of 1958," 15 U.S.C. 681(c), with total 32491
assets in excess of ten million dollars; 32492

(11) A private business development company as defined in 32493
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 32494
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 32495
dollars; 32496

(12) A federal covered investment adviser acting for its own 32497
account; 32498

(13) A "qualified institutional buyer" as defined in 17 32499
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 32500

(14) A "major U.S. institutional investor" as defined in 17 32501
C.F.R. 240.15a-6(b)(4)(i); 32502

(15) Any other person, other than an individual, of 32503
institutional character with total assets in excess of ten million 32504
dollars not organized for the specific purpose of evading this 32505

chapter;	32506
(16) Any other person specified by rule adopted or order issued under this chapter.	32507 32508
(T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and exchange commission or by another federal agency means the statute, rule, regulation, or form as it exists at the time of the act, omission, event, or transaction to which it is applied under this chapter.	32509 32510 32511 32512 32513 32514
(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934.	32515 32516 32517
(V)(1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies:	32518 32519 32520
(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer.	32521 32522 32523 32524
(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.	32525 32526 32527 32528
(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following:	32529 32530
(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;	32531 32532
(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the	32533 32534 32535

offeror, in good faith and not for the purpose of avoiding the 32536
provisions of this chapter, and not involving any public offering 32537
of the other security within the meaning of Section 4 of Title I 32538
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 32539
as amended; 32540

(c) Any other offer to acquire any equity security, or the 32541
acquisition of any equity security pursuant to an offer, for the 32542
sole account of the offeror, from not more than fifty persons, in 32543
good faith and not for the purpose of avoiding the provisions of 32544
this chapter. 32545

(W) "Offeror" means a person who makes, or in any way 32546
participates or aids in making, a control bid and includes persons 32547
acting jointly or in concert, or who intend to exercise jointly or 32548
in concert any voting rights attached to the securities for which 32549
the control bid is made and also includes any subject company 32550
making a control bid for its own securities. 32551

(X)(1) "Investment adviser" means any person who, for 32552
compensation, engages in the business of advising others, either 32553
directly or through publications or writings, as to the value of 32554
securities or as to the advisability of investing in, purchasing, 32555
or selling securities, or who, for compensation and as a part of 32556
regular business, issues or promulgates analyses or reports 32557
concerning securities. 32558

(2) "Investment adviser" does not mean any of the following: 32559

(a) Any attorney, accountant, engineer, or teacher, whose 32560
performance of investment advisory services described in division 32561
(X)(1) of this section is solely incidental to the practice of the 32562
attorney's, accountant's, engineer's, or teacher's profession; 32563

(b) A publisher of any bona fide newspaper, news magazine, or 32564
business or financial publication of general and regular 32565
circulation; 32566

(c) A person who acts solely as an investment adviser representative;	32567 32568
(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;	32569 32570 32571
(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;	32572 32573
(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;	32574 32575 32576 32577 32578 32579
(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;	32580 32581 32582 32583 32584 32585 32586 32587
(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.	32588 32589 32590 32591 32592 32593 32594 32595
(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief	32596 32597

investment officer; 32598

(j) Any other person that the division designates by rule, if 32599
the division finds that the designation is necessary or 32600
appropriate in the public interest or for the protection of 32601
investors or clients and consistent with the purposes fairly 32602
intended by the policy and provisions of this chapter. 32603

(Y)(1) "Subject company" means an issuer that satisfies both 32604
of the following: 32605

(a) Its principal place of business or its principal 32606
executive office is located in this state, or it owns or controls 32607
assets located within this state that have a fair market value of 32608
at least one million dollars. 32609

(b) More than ten per cent of its beneficial or record equity 32610
security holders are resident in this state, more than ten per 32611
cent of its equity securities are owned beneficially or of record 32612
by residents in this state, or more than one thousand of its 32613
beneficial or record equity security holders are resident in this 32614
state. 32615

(2) The division of securities may adopt rules to establish 32616
more specific application of the provisions set forth in division 32617
(Y)(1) of this section. Notwithstanding the provisions set forth 32618
in division (Y)(1) of this section and any rules adopted under 32619
this division, the division, by rule or in an adjudicatory 32620
proceeding, may make a determination that an issuer does not 32621
constitute a "subject company" under division (Y)(1) of this 32622
section if appropriate review of control bids involving the issuer 32623
is to be made by any regulatory authority of another jurisdiction. 32624

(Z) "Beneficial owner" includes any person who directly or 32625
indirectly through any contract, arrangement, understanding, or 32626
relationship has or shares, or otherwise has or shares, the power 32627
to vote or direct the voting of a security or the power to dispose 32628

of, or direct the disposition of, the security. "Beneficial ownership" includes the right, exercisable within sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that person owns ten per cent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which that person owns ten per cent or more of the equity, and any affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying any warrant or right to subscribe to or purchase any such security, or any such warrant or right, or any other security that, for the protection of security holders, is treated as an equity security pursuant to rules of the division of securities.

(CC)(1) "Investment adviser representative" means a supervised person of an investment adviser, provided that the supervised person has more than five clients who are natural persons other than excepted persons defined in division (EE) of this section, and that more than ten per cent of the supervised person's clients are natural persons other than excepted persons

defined in division (EE) of this section. "Investment adviser
representative" does not mean any of the following:

(a) A supervised person that does not on a regular basis
solicit, meet with, or otherwise communicate with clients of the
investment adviser;

(b) A supervised person that provides only investment
advisory services described in division (X)(1) of this section by
means of written materials or oral statements that do not purport
to meet the objectives or needs of specific individuals or
accounts;

(c) Any other person that the division designates by rule, if
the division finds that the designation is necessary or
appropriate in the public interest or for the protection of
investors or clients and is consistent with the provisions fairly
intended by the policy and provisions of this chapter.

(2) For the purpose of the calculation of clients in division
(CC)(1) of this section, a natural person and the following
persons are deemed a single client: Any minor child of the natural
person; any relative, spouse, or relative of the spouse of the
natural person who has the same principal residence as the natural
person; all accounts of which the natural person or the persons
referred to in division (CC)(2) of this section are the only
primary beneficiaries; and all trusts of which the natural person
or persons referred to in division (CC)(2) of this section are the
only primary beneficiaries. Persons who are not residents of the
United States need not be included in the calculation of clients
under division (CC)(1) of this section.

(3) If subsequent to March 18, 1999, amendments are enacted
or adopted defining "investment adviser representative" for
purposes of the Investment Advisers Act of 1940 or additional
rules or regulations are promulgated by the securities and

exchange commission regarding the definition of "investment
adviser representative" for purposes of the Investment Advisers
Act of 1940, the division of securities shall, by rule, adopt the
substance of the amendments, rules, or regulations, unless the
division finds that the amendments, rules, or regulations are not
necessary for the protection of investors or in the public
interest.

(DD) "Supervised person" means a natural person who is any of
the following:

(1) A partner, officer, or director of an investment adviser,
or other person occupying a similar status or performing similar
functions with respect to an investment adviser;

(2) An employee of an investment adviser;

(3) A person who provides investment advisory services
described in division (X)(1) of this section on behalf of the
investment adviser and is subject to the supervision and control
of the investment adviser.

(EE) "Excepted person" means a natural person to whom any of
the following applies:

(1) Immediately after entering into the investment advisory
contract with the investment adviser, the person has at least
seven hundred fifty thousand dollars under the management of the
investment adviser.

(2) The investment adviser reasonably believes either of the
following at the time the investment advisory contract is entered
into with the person:

(a) The person has a net worth, together with assets held
jointly with a spouse, of more than one million five hundred
thousand dollars.

(b) The person is a qualified purchaser as defined in

division (FF) of this section. 32722

(3) Immediately prior to entering into an investment advisory 32723
contract with the investment adviser, the person is either of the 32724
following: 32725

(a) An executive officer, director, trustee, general partner, 32726
or person serving in a similar capacity, of the investment 32727
adviser; 32728

(b) An employee of the investment adviser, other than an 32729
employee performing solely clerical, secretarial, or 32730
administrative functions or duties for the investment adviser, 32731
which employee, in connection with the employee's regular 32732
functions or duties, participates in the investment activities of 32733
the investment adviser, provided that, for at least twelve months, 32734
the employee has been performing such nonclerical, nonsecretarial, 32735
or nonadministrative functions or duties for or on behalf of the 32736
investment adviser or performing substantially similar functions 32737
or duties for or on behalf of another company. 32738

If subsequent to March 18, 1999, amendments are enacted or 32739
adopted defining "excepted person" for purposes of the Investment 32740
Advisers Act of 1940 or additional rules or regulations are 32741
promulgated by the securities and exchange commission regarding 32742
the definition of "excepted person" for purposes of the Investment 32743
Advisers Act of 1940, the division of securities shall, by rule, 32744
adopt the substance of the amendments, rules, or regulations, 32745
unless the division finds that the amendments, rules, or 32746
regulations are not necessary for the protection of investors or 32747
in the public interest. 32748

(FF)(1) "Qualified purchaser" means either of the following: 32749

(a) A natural person who owns not less than five million 32750
dollars in investments as defined by rule by the division of 32751
securities; 32752

(b) A natural person, acting for the person's own account or
accounts of other qualified purchasers, who in the aggregate owns
and invests on a discretionary basis, not less than twenty-five
million dollars in investments as defined by rule by the division
of securities.

(2) If subsequent to March 18, 1999, amendments are enacted
or adopted defining "qualified purchaser" for purposes of the
Investment Advisers Act of 1940 or additional rules or regulations
are promulgated by the securities and exchange commission
regarding the definition of "qualified purchaser" for purposes of
the Investment Advisers Act of 1940, the division of securities
shall, by rule, adopt the amendments, rules, or regulations,
unless the division finds that the amendments, rules, or
regulations are not necessary for the protection of investors or
in the public interest.

(GG)(1) "Purchase" has the full meaning of "purchase" as
applied by or accepted in courts of law or equity and includes
every acquisition of, or attempt to acquire, a security or an
interest in a security. "Purchase" also includes a contract to
purchase, an exchange, an attempt to purchase, an option to
purchase, a solicitation of a purchase, a solicitation of an offer
to sell, a subscription, or an offer to purchase, directly or
indirectly, by agent, circular, pamphlet, advertisement, or
otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any
purchase of securities is conclusively presumed to constitute a
part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or
any fractional interest in an insurance policy or certificate of
insurance, or in an insurance benefit under such a policy or

certificate, that is the subject of a life settlement contract. 32784

For purposes of this division, "life settlement contract" 32785
means an agreement for the purchase, sale, assignment, transfer, 32786
devise, or bequest of any portion of the death benefit or 32787
ownership of any life insurance policy or contract, in return for 32788
consideration or any other thing of value that is less than the 32789
expected death benefit of the life insurance policy or contract. 32790
"Life settlement contract" includes a viatical settlement contract 32791
as defined in section 3916.01 of the Revised Code, but does not 32792
include any of the following: 32793

(1) A loan by an insurer under the terms of a life insurance 32794
policy, including, but not limited to, a loan secured by the cash 32795
value of the policy; 32796

(2) An agreement with a bank that takes an assignment of a 32797
life insurance policy as collateral for a loan; 32798

(3) The provision of accelerated benefits as defined in 32799
section 3915.21 of the Revised Code; 32800

(4) Any agreement between an insurer and a reinsurer; 32801

(5) An agreement by an individual to purchase an existing 32802
life insurance policy or contract from the original owner of the 32803
policy or contract, if the individual does not enter into more 32804
than one life settlement contract per calendar year; 32805

(6) The initial purchase of an insurance policy or 32806
certificate of insurance from its owner by a viatical settlement 32807
provider, as defined in section 3916.01 of the Revised Code, that 32808
is licensed under Chapter 3916. of the Revised Code. 32809

(II) "State retirement system" means the public employees 32810
retirement system, Ohio police and fire pension fund, state 32811
teachers retirement system, school employees retirement system, 32812
and state highway patrol retirement system. 32813

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

Sec. 1707.09. (A)(1) All securities, except those enumerated in section 1707.02 of the Revised Code ~~and~~, those that are the subject matter of a transaction permitted by section 1707.03, 1707.04, or 1707.06 of the Revised Code, and those that are subject to registration by coordination under section 1707.091 of the Revised Code, shall be qualified in the manner provided by this section before being sold in this state. No security subject to registration by coordination under section 1707.091 of the Revised Code shall be subject to any provision of this section.

(2) Applications for qualification, on forms prescribed by the division of securities, shall be made in writing either by the issuer of the securities or by any licensed dealer desiring to sell them within this state and shall be signed by the applicant, sworn to by any individual having knowledge of the facts stated in the application, and filed in the office of the division.

(3) The individual who executes the application for qualification of securities on behalf of the applicant shall state the individual's relationship to the applicant and certify that: the individual has executed the application on behalf of the applicant; the individual is fully authorized to execute and file

the application on behalf of the applicant; the individual is 32845
familiar with the applicant's application; and to the best of the 32846
individual's knowledge, information, and belief, the statements 32847
made in the application are true, and the documents submitted with 32848
the application are true copies of the original documents. 32849

(B) The division shall require the applicant for 32850
qualification of securities to submit to it the following 32851
information: 32852

(1) The names and addresses of the directors or trustees and 32853
of the officers of the issuer, if the issuer is a corporation or 32854
an unincorporated association; of all the members of the issuer, 32855
if the issuer is a limited liability company in which management 32856
is reserved to its members; of all the managers of the issuer, if 32857
the issuer is a limited liability company in which management is 32858
not reserved to its members; of all partners, if the issuer is a 32859
general or limited partnership or a partnership association; and 32860
the name and address of the issuer, if the issuer is an 32861
individual; 32862

(2) The address of the issuer's principal place of business 32863
and principal office in this state, if any; 32864

(3) The purposes and general character of the business 32865
actually being transacted, or to be transacted, by the issuer, and 32866
the purpose of issuing the securities named in the application; 32867

(4) A statement of the capitalization of the issuer; a 32868
balance sheet made up as of the most recent practicable date, 32869
showing the amount and general character of its assets and 32870
liabilities; a description of the security for the qualification 32871
of which application is being made; and copies of all circulars, 32872
prospectuses, advertisements, or other descriptions of the 32873
securities, that are then prepared by or for the issuer, or by or 32874
for the applicant if the applicant is not the issuer, or by or for 32875

both, to be used for distribution or publication in this state; 32876

(5) A statement of the amount of the issuer's income, 32877
expenses, and fixed charges during the last fiscal year or, if the 32878
issuer has been in actual business less than one year, for the 32879
time that the issuer has been in actual business; 32880

(6) A statement showing the price at which the security is to 32881
be offered for sale; 32882

(7) A statement showing the considerations received or to be 32883
received by the issuer of the securities purchased or to be 32884
purchased from the issuer and an itemized statement of all 32885
expenses of financing to be paid from those considerations so as 32886
to show the aggregate net amount actually received or to be 32887
received by the issuer; 32888

(8) All other information, including an opinion of counsel as 32889
to the validity of the securities that are the subject matter of 32890
the application, that the division considers necessary to enable 32891
it to ascertain whether the securities are entitled to 32892
qualification; 32893

(9) If the issuer is a corporation, there shall be filed with 32894
the application a certified copy of its articles of incorporation 32895
with all amendments to the articles, if the articles or amendments 32896
are not already on file in the office of the secretary of state; 32897
if the issuer is a limited liability company, there shall be filed 32898
with the application a certified copy of its articles of 32899
organization with all amendments to the articles, if the articles 32900
or amendments are not already on file in the office of the 32901
secretary of state; if the issuer is a trust or trustee, there 32902
shall be filed with the application a copy of all instruments by 32903
which the trust was created; and if the issuer is a partnership or 32904
an unincorporated association, or any other form of organization, 32905
there shall be filed with the application a copy of its articles 32906

of partnership or association and of all other papers pertaining 32907
to its organization, if the articles or other papers are not 32908
already on file in the office of the secretary of state; 32909

(10) If the application is made with respect to securities to 32910
be sold or distributed by or on behalf of the issuer, or by or on 32911
behalf of an underwriter, as defined in division (N) of section 32912
1707.03 of the Revised Code, a statement showing that the issuer 32913
has received, or will receive at or prior to the delivery of those 32914
securities, not less than eighty-five per cent of the aggregate 32915
price at which all those securities are sold by or on behalf of 32916
the issuer, without deduction for any additional commission, 32917
directly or indirectly, and without liability to pay any 32918
additional sum as commission; 32919

(11) If the division so permits with respect to a security, 32920
an applicant may file with the division, in lieu of the division's 32921
prescribed forms, a copy of the registration statement relating to 32922
the security, with all amendments to that statement, previously 32923
filed with the securities and exchange commission of the United 32924
States under the "Securities Act of 1933," as amended, together 32925
with all additional data, information, and documents that the 32926
division requires. 32927

(C) If the division finds that it is not necessary in the 32928
public interest and for the protection of investors to require all 32929
the information specified in divisions (B)(1) to (10) of this 32930
section, it may permit the filing of applications for 32931
qualification that contain the information that it considers 32932
necessary and appropriate in the public interest and for the 32933
protection of investors, but this provision applies only in the 32934
case of applications for qualification of securities previously 32935
issued and outstanding that may not be made the subject matter of 32936
transactions exempt under division (M) of section 1707.03 of the 32937
Revised Code by reason of the fact that those securities within 32938

one year were purchased outside this state or within one year were 32939
transported into this state. 32940

(D) All the statements, exhibits, and documents required by 32941
the division under this section, except properly certified public 32942
documents, shall be verified by the oath of the applicant for 32943
qualification, of the issuer, or of any individual having 32944
knowledge of the facts, and in the manner and form that may be 32945
required by the division. Failure or refusal to comply with the 32946
requests of the division shall be sufficient reason for a refusal 32947
by the division to register securities. 32948

(E) If it appears to the division that substantially the only 32949
consideration to be paid for any of the securities to be qualified 32950
is to be intangible property of doubtful value, the division may 32951
require that the securities be delivered in escrow to a bank in 32952
this state under the terms that the division may reasonably 32953
prescribe or require to prevent a deceitful misrepresentation or 32954
sale of the securities; that the securities be subordinated in 32955
favor of those sold for sound value until they have a value 32956
bearing a reasonable relation to the value of those sold for sound 32957
value; or that a legend of warning specifying the considerations 32958
paid or to be paid for the securities be stamped or printed on all 32959
advertisements, circulars, pamphlets, or subscription blanks used 32960
in connection with the sale of any securities of the same issuer; 32961
or it may impose a combination of any two or more of these 32962
requirements. 32963

(F) At the time of filing the information prescribed in this 32964
section, the applicant shall pay to the division a filing fee of 32965
one hundred dollars. 32966

(G)(1) The division, at any time, as a prerequisite to 32967
qualification, may make an examination of the issuer of securities 32968
sought to be qualified. The applicant for qualification of any 32969
securities may be required by the division to advance sufficient 32970

funds to pay all or any part of the actual expenses of that 32971
examination, an itemized statement of which shall be furnished the 32972
applicant. 32973

(2) If the division finds that the business of the issuer is 32974
not fraudulently conducted, that the proposed offer or disposal of 32975
securities is not on grossly unfair terms, that the plan of 32976
issuance and sale of the securities referred to in the proposed 32977
offer or disposal would not defraud or deceive, or tend to defraud 32978
or deceive, purchasers, and that division (B)(10) of this section 32979
applies and has been complied with, the division shall notify the 32980
applicant of its findings, and, upon payment of a registration fee 32981
of one-tenth of one per cent of the aggregate price at which the 32982
securities are to be sold to the public in this state, which fee, 32983
however, shall in no case be less than one hundred or more than 32984
one thousand dollars, the division shall register the 32985
qualification of the securities. 32986

(H) An application for qualification of securities may be 32987
amended by the person filing it at any time prior to the 32988
division's action on it either in registering the securities for 32989
qualification or in refusing to do so. Subsequent to any such 32990
action by the division, the person who filed the application may 32991
file with the consent of the division one or more amendments to it 32992
that shall become effective upon the making by the division of the 32993
findings enumerated in division (G) of this section; the giving of 32994
notice of those findings to the applicant by the division; and the 32995
payment by the applicant of the additional fee that would have 32996
been payable had the application, as it previously became 32997
effective, contained the amendment. 32998

(I) When any securities have been qualified and the fees for 32999
the qualification have been paid as provided in this section, any 33000
licensed dealer subsequently may sell the securities under the 33001
qualification, so long as the qualification remains in full force, 33002

and any dealer of that nature that desires may file with the 33003
division a written notice of intention to sell the securities or 33004
any designated portion of them. For that filing, no fee need be 33005
paid. 33006

Sec. 1707.091. (A) Any security for which a registration 33007
statement has been filed pursuant to Section 6 of the Securities 33008
Act of 1933 or for which a notification form and offering circular 33009
has been filed pursuant to regulation A of the general rules and 33010
regulations of the securities and exchange commission, 17 C.F.R. 33011
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 33012
before or after the effective date of this section, in connection 33013
with the same offering ~~may~~ shall be registered by coordination 33014
rather than by qualification under section 1707.09 of the Revised 33015
Code or any other method of registration. 33016

(B) A registration statement filed by or on behalf of the 33017
issuer under this section with the division of securities shall 33018
contain the following information and be accompanied by the 33019
following items in addition to the consent to service of process 33020
required by section 1707.11 of the Revised Code: 33021

(1) One copy of the latest form of prospectus or offering 33022
circular and notification filed with the securities and exchange 33023
commission; 33024

(2) If the division of securities by rule or otherwise 33025
requires, a copy of the articles of incorporation and code of 33026
regulations or bylaws, or their substantial equivalents, as 33027
currently in effect, a copy of any agreements with or among 33028
underwriters, a copy of any indenture or other instrument 33029
governing the issuance of the security to be registered, and a 33030
specimen or copy of the security; 33031

(3) If the division of securities requests, any other 33032
information, or copies of any other documents, filed with the 33033

securities and exchange commission; 33034

(4) An undertaking by the issuer to forward to the division, 33035
promptly and in any event not later than the first business day 33036
after the day they are forwarded to or thereafter are filed with 33037
the securities and exchange commission, whichever occurs first, 33038
all amendments to the federal prospectus, offering circular, 33039
notification form, or other documents filed with the securities 33040
and exchange commission, other than an amendment that merely 33041
delays the effective date; 33042

(5) A filing fee of one hundred dollars. 33043

(C) A registration statement filed under this section becomes 33044
effective, without delay or waiver of any condition by the 33045
division or issuer, either at the moment the federal registration 33046
statement becomes effective or at the time the offering may 33047
otherwise be commenced in accordance with the rules, regulations, 33048
or orders of the securities and exchange commission, if all of the 33049
following conditions are satisfied: 33050

(1) No stop order is in effect, no proceeding is pending 33051
under section 1707.13 of the Revised Code, and no cease and desist 33052
order has been issued pursuant to section 1707.23 of the Revised 33053
Code; 33054

(2) The registration statement has been on file with the 33055
division for at least fifteen days or for such shorter period as 33056
the division by rule or otherwise permits; provided, that if the 33057
registration statement is not filed with the division within five 33058
days of the initial filing with the securities and exchange 33059
commission, the registration statement must be on file with the 33060
division for thirty days or for such shorter period as the 33061
division by rule or otherwise permits. 33062

(3) A statement of the maximum and minimum proposed offering 33063
prices and the maximum underwriting discounts and commissions has 33064

been on file with the division for two full business days or for 33065
such shorter period as the division by rule or otherwise permits 33066
and the offering is made within those limitations; 33067

(4) The division has received a registration fee of one-tenth 33068
of one per cent of the aggregate price at which the securities are 33069
to be sold to the public in this state, which fee, however, shall 33070
in no case be less than one hundred or more than one thousand 33071
dollars. 33072

(D) The issuer shall promptly notify the division by 33073
telephone or telegram of the date and time when the federal 33074
registration statement became effective, or when the offering may 33075
otherwise be commenced in accordance with the rules, regulations, 33076
or orders of the securities and exchange commission, and of the 33077
contents of the price amendment, if any, and shall promptly file 33078
the price amendment. 33079

"Price amendment" for the purpose of this division, means the 33080
final federal registration statement amendment that includes a 33081
statement of the offering price, underwriting and selling 33082
discounts or commissions, amount of proceeds, conversion rates, 33083
call prices, and other matters dependent upon the offering price. 33084

If the division fails to receive the required notice and 33085
required copies of the price amendment, the division may enter a 33086
provisional stop order retroactively denying effectiveness to the 33087
registration statement or suspending its effectiveness until there 33088
is compliance with this division, provided the division promptly 33089
notifies the issuer or its representative by telephone or 33090
telegram, and promptly confirms by letter or telegram when it 33091
notifies by telephone, of the entry of the order. If the issuer or 33092
its representative proves compliance with the requirements of this 33093
division as to notice and price amendment filing, the stop order 33094
is void as of the time of its entry. The division may by rule or 33095
otherwise waive either or both of the conditions specified in 33096

divisions (C)(2) and (3) of this section. If the federal 33097
registration statement becomes effective, or if the offering may 33098
otherwise be commenced in accordance with the rules, regulations, 33099
or orders of the securities and exchange commission, before all of 33100
the conditions specified in divisions (C) and (D) of this section 33101
are satisfied and they are not waived by the division the 33102
registration statement becomes effective as soon as all of the 33103
conditions are satisfied. 33104

If the issuer advises the division of the date when the 33105
federal registration statement is expected to become effective, or 33106
when the offering may otherwise be commenced in accordance with 33107
the rules, regulations, or orders of the securities and exchange 33108
commission, the division shall promptly advise the issuer or its 33109
representative by telephone or telegram, at the issuer's expense, 33110
whether all of the conditions have been satisfied or whether the 33111
division then contemplates the institution of a proceeding under 33112
section 1707.13 or 1707.23 of the Revised Code, but such advice 33113
does not preclude the institution of such a proceeding at any 33114
time. 33115

Sec. 1707.092. (A) For the purposes of selling securities in 33116
this state, except securities that are the subject matter of 33117
transactions enumerated in section 1707.03 of the Revised Code, an 33118
investment company, as defined by the Investment Company Act of 33119
1940, ~~that is registered or has filed a registration statement~~ 33120
~~with the securities and exchange commission under the Investment~~ 33121
~~Company Act of 1940,~~ and a business development company that has 33122
elected to be subject to 15 U.S.C. 80a-54 to 80a-64, shall file 33123
the following with the division of securities: 33124

(1) A notice filing consisting of either of the following: 33125

(a) A copy of the investment company's or business 33126
development company's federal registration statement as filed with 33127

the securities and exchange commission; 33128

(b) A form U-1 or form NF of the North American securities administrators association. 33129
33130

(2) Appropriate filing fees consisting of both of the following: 33131
33132

(a) A flat fee of one hundred dollars; 33133

(b) A fee calculated at one-tenth of one per cent of the aggregate price at which the securities are to be sold to the public in this state, which calculated fee, however, shall in no case be less than one hundred or more than one thousand dollars. 33134
33135
33136
33137

(B)(1) Upon payment of the maximum filing fees as provided in division (A)(2) of this section, an investment company or business development company may sell an indefinite amount of securities in this state. 33138
33139
33140
33141

(2) An investment company or business development company making a notice filing as provided in this section shall comply with section 1707.11 of the Revised Code. An investment company or business development company that previously filed with the division a valid consent to service of process pursuant to section 1707.11 of the Revised Code may incorporate that consent by reference. 33142
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(C)(1) For offerings involving covered securities, as defined in section 18 of the "Securities Act of 1933," 15 U.S.C. 77r, that are not subject to section 1707.02, 1707.03, 1707.04, 1707.06, 1707.08, 1707.09, or 1707.091 of the Revised Code, or division (A) of this section, a notice filing shall be submitted to the division together with a consent to service of process pursuant to section 1707.11 of the Revised Code and a filing fee as provided in division (A)(2) of this section. 33149
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(2) The notice filing described in division (C)(1) of this 33157

section shall consist of any document filed with the securities 33158
and exchange commission pursuant to the Securities Act of 1933, 33159
together with annual or periodic reports of the value of the 33160
securities sold or offered to be sold to persons located in this 33161
state. 33162

(D) A notice filing submitted under this section shall be 33163
effective for thirteen months. 33164

Sec. 1710.01. As used in this chapter: 33165

(A) "Special improvement district" means a special 33166
improvement district organized under this chapter. 33167

(B) "Church" means a fellowship of believers, congregation, 33168
society, corporation, convention, or association that is formed 33169
primarily or exclusively for religious purposes and that is not 33170
formed for the private profit of any person. 33171

(C) "Church property" means property that is described as 33172
being exempt from taxation under division (A)(2) of section 33173
5709.07 of the Revised Code and that the county auditor has 33174
entered on the exempt list compiled under section 5713.07 of the 33175
Revised Code. 33176

(D) "Municipal executive" means the mayor, city manager, or 33177
other chief executive officer of the municipal corporation in 33178
which a special improvement district is located. 33179

(E) "Participating political subdivision" means the municipal 33180
corporation or township, or each of the municipal corporations or 33181
townships, that has territory within the boundaries of a special 33182
improvement district created under this chapter. 33183

(F) "Legislative authority of a participating political 33184
subdivision" means, with reference to a township, the board of 33185
township trustees. 33186

(G) "Public improvement" means the planning, design, 33187

construction, reconstruction, enlargement, or alteration of any 33188
facility or improvement, including the acquisition of land, for 33189
which a special assessment may be levied under Chapter 727. of the 33190
Revised Code, and includes any special energy improvement project 33191
or shoreline improvement project. 33192

(H) "Public service" means any service that can be provided 33193
by a municipal corporation or any service for which a special 33194
assessment may be levied under Chapter 727. of the Revised Code. 33195

(I) "Special energy improvement project" means any property, 33196
device, structure, or equipment necessary for the acquisition, 33197
installation, equipping, and improvement of any real or personal 33198
property used for the purpose of creating a solar photovoltaic 33199
project, a solar thermal energy project, a geothermal energy 33200
project, a customer-generated energy project, or an energy 33201
efficiency improvement, whether such real or personal property is 33202
publicly or privately owned. 33203

(J)(1) Except as provided in division (J)(2) of this section, 33204
"existing" qualified nonprofit corporation" means a nonprofit 33205
corporation that existed before the creation of the corresponding 33206
district under this chapter, that is composed of members located 33207
within or adjacent to the district, that has established a police 33208
department under section 1702.80 of the Revised Code, and that is 33209
organized for purposes that include acquisition of real property 33210
within an area specified by its articles for the subsequent 33211
transfer of such property to its members exclusively for 33212
charitable, scientific, literary, or educational purposes, or 33213
holding and maintaining and leasing such property; planning for 33214
and assisting in the development of its members; providing for the 33215
relief of the poor and distressed or underprivileged in the area 33216
and adjacent areas; combating community deterioration and 33217
lessening the burdens of government; providing or assisting others 33218
in providing housing for low- or moderate-income persons; and 33219

assisting its members by the provision of public safety and 33220
security services, parking facilities, transit service, 33221
landscaping, and parks. 33222

(2) Regarding a special improvement district to implement a 33223
shoreline improvement project, "existing qualified nonprofit 33224
corporation" has the same meaning as in division (J)(1) of this 33225
section, except that the nonprofit does not need to have an 33226
established police department and does not need to be organized 33227
for purposes that include the acquisition of real property. 33228

(K) "Energy efficiency improvement" means energy efficiency 33229
technologies, products, and activities that reduce or support the 33230
reduction of energy consumption, allow for the reduction in 33231
demand, or support the production of clean, renewable energy and 33232
that are or will be permanently fixed to real property. 33233

(L) "Customer-generated energy project" means a wind, 33234
biomass, or gasification facility for the production of 33235
electricity that meets either of the following requirements: 33236

(1) The facility is designed to have a generating capacity of 33237
two hundred fifty kilowatts of electricity or less. 33238

(2) The facility is: 33239

(a) Designed to have a generating capacity of more than two 33240
hundred fifty kilowatts of electricity; 33241

(b) Operated in parallel with electric transmission and 33242
distribution facilities serving the real property at the site of 33243
the customer-generated energy project; 33244

(c) Intended primarily to offset part or all of the facility 33245
owner's requirements for electricity at the site of the 33246
customer-generated energy project and is located on the facility 33247
owner's real property; and 33248

(d) Not producing energy for direct sale by the facility 33249

owner to the public.	33250
(M) "Reduction in demand" means a change in customer behavior	33251
or a change in customer-owned or operated assets that reduces or	33252
has the capability to reduce the demand for electricity as a	33253
result of price signals or other incentives.	33254
(N) "Electric distribution utility" and "mercantile customer"	33255
have the same meanings as in section 4928.01 of the Revised Code.	33256
(O) "Shoreline improvement project" means acquiring,	33257
constructing, installing, equipping, improving, maintaining, or	33258
repairing real or tangible personal property necessary or useful	33259
for making improvements to abate erosion along either the Lake	33260
Erie shoreline or any water resource.	33261
(P) "Water resource" has the same meaning as in section	33262
6105.01 of the Revised Code.	33263
<u>(Q) "Park district" means a park district created under</u>	33264
<u>Chapter 1545. of the Revised Code.</u>	33265
Sec. 1710.02. (A)(1) A special improvement district may be	33266
created within the boundaries of any one municipal corporation,	33267
any one township, or any combination of municipal corporations and	33268
townships within a single county, or counties that adjoin one	33269
another, for the purpose of developing and implementing plans for	33270
public improvements and public services that benefit the district.	33271
A district may be created by petition of the owners of real	33272
property within the proposed district, or by an existing qualified	33273
nonprofit corporation.	33274
(2) If the district is created by an existing qualified	33275
nonprofit corporation, the purposes for which the district is	33276
created may be supplemental to the other purposes for which the	33277
corporation is organized. The corporation is considered a special	33278
improvement district only when it acts with respect to a purpose	33279

for which the district is created, and not when it acts with 33280
respect to any other purpose for which it is organized. 33281

(3) All territory in a special improvement district shall be 33282
contiguous; except that the territory in a special improvement 33283
district may be noncontiguous if at least one special energy 33284
improvement project or shoreline improvement project is designated 33285
for each parcel of real property included within the special 33286
improvement district. Additional territory may be added to a 33287
special improvement district created under this chapter for the 33288
purpose of developing and implementing plans for special energy 33289
improvement projects or shoreline improvement projects if at least 33290
one special energy improvement project or shoreline improvement 33291
project, respectively, is designated for each parcel of real 33292
property included within such additional territory and the 33293
addition of territory is authorized by the initial plan proposed 33294
under division (F) of this section or a plan adopted by the board 33295
of directors of the special improvement district under section 33296
1710.06 of the Revised Code. 33297

(4) The district shall be governed by the board of trustees 33298
of a nonprofit corporation. This board shall be known as the board 33299
of directors of the special improvement district. 33300

(5) No special improvement district shall include any church 33301
property, or property of the federal or state government or a 33302
county, township, ~~or~~ municipal corporation, or park district, 33303
unless the church or the county, township, ~~or~~ municipal 33304
corporation, or park district specifically requests in writing 33305
that the property be included within the district, or unless the 33306
church is a member of the existing qualified nonprofit corporation 33307
creating the district at the time the district is created. 33308

(6) A shoreline improvement project may extend into the 33309
territory of Lake Erie as described in sections 1506.10 and 33310
1506.11 of the Revised Code. However, the state shall remain 33311

exempt from any special assessment that may be levied against that 33312
territory under section 1710.06 and Chapter 727. of the Revised 33313
Code. 33314

(7) More than one district may be created within a 33315
participating political subdivision, but no real property may be 33316
included within more than one district unless the owner of the 33317
property files a written consent with the clerk of the legislative 33318
authority, the township fiscal officer, or the village clerk, as 33319
appropriate. 33320

(8) The area of each district shall be contiguous; except 33321
that the area of a special improvement district may be 33322
noncontiguous if all parcels of real property included within such 33323
area contain at least one special energy improvement or shoreline 33324
improvement thereon. 33325

(B) Subject to division (A)(2) of this section, all of the 33326
following apply: 33327

(1) A district created under this chapter is not a political 33328
subdivision, except for purposes of section 4905.34 of the Revised 33329
Code. 33330

(2) A district created under this chapter shall be considered 33331
a public agency under section 102.01 and a public authority under 33332
section 4115.03 of the Revised Code. 33333

(3) Districts created under this chapter are not subject to 33334
sections 121.81 to ~~121.83~~ 121.82 of the Revised Code. Districts 33335
created under this chapter are subject to sections 121.22 and 33336
121.23 of the Revised Code. 33337

(4) All records of the district are public records under 33338
section 149.43 of the Revised Code, except that records of 33339
organizations contracting with a district are not public records 33340
under section 149.43 or section 149.431 of the Revised Code solely 33341
by reason of any contract with a district. 33342

(C)(1) Subject to division (C)(2) of this section, both of 33343
the following apply: 33344

(a) Membership on the board of directors of the district 33345
shall not be considered as holding a public office. However, each 33346
member of the board of directors of a district, each member's 33347
designee or proxy, and each officer or employee of a district is a 33348
public official or employee under section 102.01 and a public 33349
official under section 2921.42 of the Revised Code. District 33350
officers and district members and directors and their designees or 33351
proxies are not required to file a statement with the Ohio ethics 33352
commission under section 102.02 of the Revised Code. 33353

(b) Directors and their designees shall be entitled to the 33354
immunities provided by Chapter 1702. and to the same immunity as 33355
an employee under division (A)(6) of section 2744.03 of the 33356
Revised Code, except that directors and their designees shall not 33357
be entitled to the indemnification provided in section 2744.07 of 33358
the Revised Code unless the director or designee is an employee or 33359
official of a participating political subdivision of the district 33360
and is acting within the scope of the director's or designee's 33361
employment or official responsibilities. 33362

(2) District officers and district members and directors of a 33363
district created by an existing qualified nonprofit corporation, 33364
and their designees or proxies, are public officials or employees 33365
under section 102.01 and public officials under section 2921.42 of 33366
the Revised Code by virtue of their positions with the corporation 33367
only when they act with respect to a purpose for which the 33368
district is created, and not when they act with respect to any 33369
other purpose for which the corporation is organized. 33370

(D) Except as otherwise provided in this section, the 33371
nonprofit corporation that governs a district shall be organized 33372
in the manner described in Chapter 1702. of the Revised Code. 33373
Except in the case of a district created by an existing qualified 33374

nonprofit corporation, the corporation's articles of incorporation 33375
are required to be approved, as provided in division (E) of this 33376
section, by resolution of the legislative authority of each 33377
participating political subdivision of the district. A copy of 33378
that resolution shall be filed along with the articles of 33379
incorporation in the secretary of state's office. 33380

In addition to meeting the requirements for articles of 33381
incorporation set forth in Chapter 1702. of the Revised Code, the 33382
articles of incorporation for the nonprofit corporation governing 33383
a district formed under this chapter shall provide all the 33384
following: 33385

(1) The name for the district, which shall include the name 33386
of each participating political subdivision of the district; 33387

(2) A description of the territory within the district, which 33388
may be all or part of each participating political subdivision. 33389
The description shall be specific enough to enable real property 33390
owners to determine if their property is located within the 33391
district. 33392

(3) A description of the procedure by which the articles of 33393
incorporation may be amended. The procedure shall include 33394
receiving approval of the amendment, by resolution, from the 33395
legislative authority of each participating political subdivision 33396
and filing the approved amendment and resolution with the 33397
secretary of state. 33398

(4) The reasons for creating the district, plus an 33399
explanation of how the district will be conducive to the public 33400
health, safety, peace, convenience, and welfare of the district. 33401

(E) The articles of incorporation for a nonprofit corporation 33402
governing a district created under this chapter and amendments to 33403
them shall be submitted to the municipal executive, if any, and 33404
the legislative authority of each municipal corporation or 33405

township in which the proposed district is to be located. Except 33406
in the case of a district created by an existing qualified 33407
nonprofit corporation, the articles or amendments shall be 33408
accompanied by a petition signed either by the owners of at least 33409
sixty per cent of the front footage of all real property located 33410
in the proposed district that abuts upon any street, alley, public 33411
road, place, boulevard, parkway, park entrance, easement, or other 33412
existing public improvement within the proposed district, 33413
excluding church property or property owned by the state, county, 33414
township, municipal, park district, or federal government, unless 33415
a church, county, township, ~~or~~ municipal corporation, or park 33416
district has specifically requested in writing that the property 33417
be included in the district, or by the owners of at least 33418
seventy-five per cent of the area of all real property located 33419
within the proposed district, excluding church property or 33420
property owned by the state, county, township, municipal, park 33421
district, or federal government, unless a church, county, 33422
township, ~~or~~ municipal corporation, or park district has 33423
specifically requested in writing that the property be included in 33424
the district. Pursuant to Section 2o of Article VIII, Ohio 33425
Constitution, the petition required under this division may be for 33426
the purpose of developing and implementing plans for special 33427
energy improvement projects or shoreline improvement projects, 33428
and, in such case, is determined to be in furtherance of the 33429
purposes set forth in Section 2o of Article VIII, Ohio 33430
Constitution. Except as provided in division (H) of this section, 33431
if a special improvement district is being created under this 33432
chapter for the purpose of developing and implementing plans for 33433
special energy improvement projects or shoreline improvement 33434
projects, the petition required under this division shall be 33435
signed by one hundred per cent of the owners of the area of all 33436
real property located within the proposed special improvement 33437
district, at least one special energy improvement project or 33438

shoreline improvement project shall be designated for each parcel 33439
of real property within the special improvement district, and the 33440
special improvement district may include any number of parcels of 33441
real property as determined by the legislative authority of each 33442
participating political subdivision in which the proposed special 33443
improvement district is to be located. For purposes of determining 33444
compliance with these requirements, the area of the district, or 33445
the front footage and ownership of property, shall be as shown in 33446
the most current records available at the county recorder's office 33447
and the county engineer's office sixty days prior to the date on 33448
which the petition is filed. 33449

Each municipal corporation or township with which the 33450
petition is filed has sixty days to approve or disapprove, by 33451
resolution, the petition, including the articles of incorporation. 33452
In the case of a district created by an existing qualified 33453
nonprofit corporation, each municipal corporation or township has 33454
sixty days to approve or disapprove the creation of the district 33455
after the corporation submits the articles of incorporation or 33456
amendments thereto. This chapter does not prohibit or restrict the 33457
rights of municipal corporations under Article XVIII of the Ohio 33458
Constitution or the right of the municipal legislative authority 33459
to impose reasonable conditions in a resolution of approval. The 33460
acquisition, installation, equipping, and improvement of a special 33461
energy improvement project under this chapter shall not supersede 33462
any local zoning, environmental, or similar law or regulation. In 33463
addition, all activities associated with a shoreline improvement 33464
project that is implemented under this chapter shall comply with 33465
all applicable local zoning requirements, all local, state, and 33466
federal environmental laws and regulations, and all applicable 33467
requirements established in Chapter 1506. of the Revised Code and 33468
rules adopted under it. 33469

(F) Persons proposing creation and operation of the district 33470

may propose an initial plan for public services or public 33471
improvements that benefit all or any part of the district. Any 33472
initial plan shall be submitted as part of the petition proposing 33473
creation of the district or, in the case of a district created by 33474
an existing qualified nonprofit corporation, shall be submitted 33475
with the articles of incorporation or amendments thereto. 33476

An initial plan may include provisions for the following: 33477

(1) Creation and operation of the district and of the 33478
nonprofit corporation to govern the district under this chapter; 33479

(2) Hiring employees and professional services; 33480

(3) Contracting for insurance; 33481

(4) Purchasing or leasing office space and office equipment; 33482

(5) Other actions necessary initially to form, operate, or 33483
organize the district and the nonprofit corporation to govern the 33484
district; 33485

(6) A plan for public improvements or public services that 33486
benefit all or part of the district, which plan shall comply with 33487
the requirements of division (A) of section 1710.06 of the Revised 33488
Code and may include, but is not limited to, any of the permissive 33489
provisions described in the fourth sentence of that division or 33490
listed in divisions (A)(1) to (7) of that section; 33491

(7) If the special improvement district is being created 33492
under this chapter for the purpose of developing and implementing 33493
plans for special energy improvement projects or shoreline 33494
improvement projects, provision for the addition of territory to 33495
the special improvement district. 33496

After the initial plan is approved by all municipal 33497
corporations and townships to which it is submitted for approval 33498
and the district is created, each participating subdivision shall 33499
levy a special assessment within its boundaries to pay for the 33500

costs of the initial plan. The levy shall be for no more than ten 33501
years from the date of the approval of the initial plan; except 33502
that if the proceeds of the levy are to be used to pay the costs 33503
of a special energy improvement project or shoreline improvement 33504
project, the levy of a special assessment shall be for no more 33505
than thirty years from the date of approval of the initial plan. 33506
In the event that additional territory is added to a special 33507
improvement district, the special assessment to be levied with 33508
respect to such additional territory shall commence not earlier 33509
than the date such territory is added and shall be for no more 33510
than thirty years from such date. For purposes of levying an 33511
assessment for this initial plan, the services or improvements 33512
included in the initial plan shall be deemed a special benefit to 33513
property owners within the district. 33514

(G) Each nonprofit corporation governing a district under 33515
this chapter may do the following: 33516

(1) Exercise all powers of nonprofit corporations granted 33517
under Chapter 1702. of the Revised Code that do not conflict with 33518
this chapter; 33519

(2) Develop, adopt, revise, implement, and repeal plans for 33520
public improvements and public services for all or any part of the 33521
district; 33522

(3) Contract with any person, political subdivision as 33523
defined in section 2744.01 of the Revised Code, or state agency as 33524
defined in section 1.60 of the Revised Code to develop and 33525
implement plans for public improvements or public services within 33526
the district; 33527

(4) Contract and pay for insurance for the district and for 33528
directors, officers, agents, contractors, employees, or members of 33529
the district for any consequences of the implementation of any 33530
plan adopted by the district or any actions of the district. 33531

The board of directors of a special improvement district may, 33532
acting as agent and on behalf of a participating political 33533
subdivision, sell, transfer, lease, or convey any special energy 33534
improvement project owned by the participating political 33535
subdivision upon a determination by the legislative authority 33536
thereof that the project is not required to be owned exclusively 33537
by the participating political subdivision for its purposes, for 33538
uses determined by the legislative authority thereof as those that 33539
will promote the welfare of the people of such participating 33540
political subdivision; improve the quality of life and the general 33541
and economic well-being of the people of the participating 33542
political subdivision; better ensure the public health, safety, 33543
and welfare; protect water and other natural resources; provide 33544
for the conservation and preservation of natural and open areas 33545
and farmlands, including by making urban areas more desirable or 33546
suitable for development and revitalization; control, prevent, 33547
minimize, clean up, or mediate certain contamination of or 33548
pollution from lands in the state and water contamination or 33549
pollution; or provide for safe and natural areas and resources. 33550
The legislative authority of each participating political 33551
subdivision shall specify the consideration for such sale, 33552
transfer, lease, or conveyance and any other terms thereof. Any 33553
determinations made by a legislative authority of a participating 33554
political subdivision under this division shall be conclusive. 33555

Any sale, transfer, lease, or conveyance of a special energy 33556
improvement project by a participating political subdivision or 33557
the board of directors of the special improvement district may be 33558
made without advertising, receipt of bids, or other competitive 33559
bidding procedures applicable to the participating political 33560
subdivision or the special improvement district under Chapter 153. 33561
or 735. or section 1710.11 of the Revised Code or other 33562
representative provisions of the Revised Code. 33563

(H) The owner of real property that is part of a planned 33564
community or a condominium development is deemed to have signed 33565
the petitions required under division (E) of this section and 33566
division (B) of section 1710.06 of the Revised Code with respect 33567
to a special improvement district that is being created for the 33568
purpose of developing and implementing plans for shoreline 33569
improvement projects if the district and the projects have been 33570
approved through an alternative process prescribed by the bylaws, 33571
declarations, covenants, and restrictions governing the planned 33572
community or condominium development. Such an alternative process 33573
may consist of a vote of the owners association or unit owners 33574
association, the approval of a specified percentage of property 33575
owners, or any other procedure authorized by the bylaws, 33576
declarations, covenants, and restrictions governing the planned 33577
community or condominium development. 33578

As used in this division, "condominium development" and "unit 33579
owners association" have the same meanings as in section 5311.01 33580
of the Revised Code, and "planned community," "owners 33581
association," "bylaws," and "declaration" have the same meanings 33582
as in section 5312.01 of the Revised Code. 33583

Sec. 1710.03. (A) Except as otherwise provided in this 33584
division, each owner of real property within a special improvement 33585
district other than the state or federal government is a member of 33586
the district, and the real property of each member of the district 33587
is subject to special assessment under division (C) of section 33588
1710.06 of the Revised Code. A church is not a member of the 33589
district unless the church specifically requested in writing that 33590
its property be included in the district or unless, in the case of 33591
a district created by an existing qualified nonprofit corporation, 33592
the church is a member of the corporation at the time the district 33593
is created. A county, township, ~~or~~ municipal corporation, or park 33594
district owning real property in the district is not a member of 33595

the district unless such entity specifically requested in writing 33596
that its property be included in the district. 33597

The identity and address of the owners shall be determined 33598
for any particular action of the nonprofit corporation that 33599
governs the district, including notice of meetings of the 33600
district, no more than sixty days prior to the date of the action, 33601
from the most current records available at the county auditor's 33602
office. For purposes of this chapter, the persons shown on such 33603
records as having common or joint ownership interests in a parcel 33604
of real property collectively shall constitute the owner of the 33605
real property. 33606

(B) A member may file a written statement with the district's 33607
secretary at least three days prior to any meeting of the entire 33608
membership of the district to appoint a proxy to carry out the 33609
member's rights and responsibilities under this chapter at that 33610
meeting. 33611

(C) A member also may appoint a designee to carry out the 33612
member's rights and responsibilities under this chapter by filing 33613
a written designation form with the district's secretary. This 33614
form shall include the name and address of the member, the name 33615
and address of the designee, and the expiration date, if any, of 33616
the designation and may authorize the designee to vote at any 33617
meeting of the district. 33618

(D) A proxy or designee need not be an elector or resident of 33619
any participating political subdivision of the district or a 33620
member of the district. The appointment of a proxy or a designee 33621
may be changed by filing a new form with the district's secretary. 33622
The most current form filed with the secretary is the valid 33623
appointment. Service of any notice upon a proxy or designee at the 33624
proxy's or designee's address as shown on that form satisfies any 33625
requirements for notification of the member. 33626

Sec. 1710.06. (A) The board of directors of a special 33627
improvement district may develop and adopt one or more written 33628
plans for public improvements or public services that benefit all 33629
or any part of the district. Each plan shall set forth the 33630
specific public improvements or public services that are to be 33631
provided, identify the area in which they will be provided, and 33632
specify the method of assessment to be used. Each plan for public 33633
improvements or public services shall indicate the period of time 33634
the assessments are to be levied for the improvements and services 33635
and, if public services are included in the plan, the period of 33636
time the services are to remain in effect. Plans for public 33637
improvements may include the planning, design, construction, 33638
reconstruction, enlargement, or alteration of any public 33639
improvements and the acquisition of land for the improvements. 33640
Plans for public improvements or public services may also include, 33641
but are not limited to, provisions for the following: 33642

(1) Creating and operating the district and the nonprofit 33643
corporation under this chapter, including hiring employees and 33644
professional services, contracting for insurance, and purchasing 33645
or leasing office space and office equipment and other 33646
requirements of the district; 33647

(2) Planning, designing, and implementing a public 33648
improvements or public services plan, including hiring 33649
architectural, engineering, legal, appraisal, insurance, 33650
consulting, energy auditing, and planning services, and, for 33651
public services, managing, protecting, and maintaining public and 33652
private facilities, including public improvements; 33653

(3) Conducting court proceedings to carry out this chapter; 33654

(4) Paying damages resulting from the provision of public 33655
improvements or public services and implementing the plans; 33656

(5) Paying the costs of issuing, paying interest on, and 33657

redeeming notes and bonds issued for funding public improvements 33658
and public services plans; 33659

(6) Sale, lease, lease with an option to purchase, conveyance 33660
of other interests in, or other contracts for the acquisition, 33661
construction, maintenance, repair, furnishing, equipping, 33662
operation, or improvement of any special energy improvement 33663
project by the special improvement district, between a 33664
participating political subdivision and the special improvement 33665
district, and between the special improvement district and any 33666
owner of real property in the special improvement district on 33667
which a special energy improvement project has been acquired, 33668
installed, equipped, or improved; and 33669

(7) Aggregating the renewable energy credits generated by one 33670
or more special energy improvement projects within a special 33671
improvement district, upon the consent of the owners of the 33672
credits and for the purpose of negotiating and completing the sale 33673
of such credits. 33674

(B) Once the board of directors of the special improvement 33675
district adopts a plan, it shall submit the plan to the 33676
legislative authority of each participating political subdivision 33677
and the municipal executive of each municipal corporation in which 33678
the district is located, if any. The legislative authorities and 33679
municipal executives shall review the plan and, within sixty days 33680
after receiving it, may submit their comments and recommendations 33681
about it to the district. After reviewing these comments and 33682
recommendations, the board of directors may amend the plan. It may 33683
then submit the plan, amended or otherwise, in the form of a 33684
petition to members of the district whose property may be assessed 33685
for the plan. Once the petition is signed by those members who own 33686
at least sixty per cent of the front footage of property that is 33687
to be assessed and that abuts upon a street, alley, public road, 33688
place, boulevard, parkway, park entrance, easement, or other 33689

public improvement, or those members who own at least seventy-five 33690
per cent of the area to be assessed for the improvement or 33691
service, the petition may be submitted to each legislative 33692
authority for approval. Except as provided in division (H) of 33693
section 1710.02 of the Revised Code, if the special improvement 33694
district was created for the purpose of developing and 33695
implementing plans for special energy improvement projects or 33696
shoreline improvement projects, the petition required under this 33697
division shall be signed by one hundred per cent of the owners of 33698
the area of all real property located within the area to be 33699
assessed for the special energy improvement project or shoreline 33700
improvement project. 33701

Each legislative authority shall, by resolution, approve or 33702
reject the petition within sixty days after receiving it. If the 33703
petition is approved by the legislative authority of each 33704
participating political subdivision, the plan contained in the 33705
petition shall be effective at the earliest date on which a 33706
nonemergency resolution of the legislative authority with the 33707
latest effective date may become effective. A plan may not be 33708
resubmitted to the legislative authorities and municipal 33709
executives more than three times in any twelve-month period. 33710

(C) Each participating political subdivision shall levy, by 33711
special assessment upon specially benefited property located 33712
within the district, the costs of any public improvements or 33713
public services plan contained in a petition approved by the 33714
participating political subdivisions under this section or 33715
division (F) of section 1710.02 of the Revised Code. The levy 33716
shall be made in accordance with the procedures set forth in 33717
Chapter 727. of the Revised Code, except that: 33718

(1) The assessment for each improvements or services plan may 33719
be levied by any one or any combination of the methods of 33720
assessment listed in section 727.01 of the Revised Code, provided 33721

that the assessment is uniformly applied. 33722

(2) For the purpose of levying an assessment, the board of 33723
directors may combine one or more improvements or services plans 33724
or parts of plans and levy a single assessment against specially 33725
benefited property. 33726

(3) For purposes of special assessments levied by a township 33727
pursuant to this chapter, references in Chapter 727. of the 33728
Revised Code to the municipal corporation shall be deemed to refer 33729
to the township, and references to the legislative authority of 33730
the municipal corporation shall be deemed to refer to the board of 33731
township trustees. 33732

(4) Revenue collected from the levy of a special assessment 33733
for the cost of a special energy improvement project may be 33734
assigned and remitted to the Ohio air quality development 33735
authority pursuant to an agreement entered into under section 33736
3706.12 of the Revised Code. 33737

Church property or property owned by a political subdivision, 33738
including any participating political subdivision in which a 33739
special improvement district is located, shall be included in and 33740
be subject to special assessments made pursuant to a plan adopted 33741
under this section or division (F) of section 1710.02 of the 33742
Revised Code, if the church or political subdivision has 33743
specifically requested in writing that its property be included 33744
within the special improvement district and the church or 33745
political subdivision is a member of the district or, in the case 33746
of a district created by an existing qualified nonprofit 33747
corporation, if the church is a member of the corporation. 33748

For tax years 2020 to 2024, qualifying real property, as 33749
defined in section 727.031 of the Revised Code, is exempt from 33750
special assessments levied under division (C) of this section, 33751
provided no delinquent special assessments and related interest 33752

and penalties are levied or assessed against any property owned by 33753
the owner and operator of the qualifying real property for that 33754
tax year. 33755

(D) All rights and privileges of property owners who are 33756
assessed under Chapter 727. of the Revised Code shall be granted 33757
to property owners assessed under this chapter, including those 33758
rights and privileges specified in sections 727.15 to 727.17 and 33759
727.18 to 727.22 of the Revised Code and the right to notice of 33760
the resolution of necessity and the filing of the estimated 33761
assessment under section 727.13 of the Revised Code. Property 33762
owners assessed for public services under this chapter shall have 33763
the same rights and privileges as property owners assessed for 33764
public improvements under this chapter. 33765

Sec. 1710.13. This section does not apply to a special 33766
improvement district created by an existing qualified nonprofit 33767
corporation. 33768

The process for dissolving a special improvement district or 33769
repealing an improvements or services plan may be initiated by a 33770
petition signed by members of the district who own at least twenty 33771
per cent of the appraised value of the real property located in 33772
the district, excluding church property or real property owned by 33773
the federal government, the state, or a county, township, ~~or~~ 33774
municipal corporation, or park district, unless the church, 33775
county, township, ~~or~~ municipal corporation, or park district has 33776
specifically requested in writing that the property be included in 33777
the district, and filed with the municipal executive, if any, and 33778
the legislative authorities of all the participating political 33779
subdivisions of the district. As used in this section, "appraised 33780
value" means the taxable value established by the county auditor 33781
for purposes of real estate taxation. 33782

No later than forty-five days after such a petition is filed, 33783

the members of the district shall meet to consider it. Notice of 33784
the meeting shall be given as provided in section 1710.05 of the 33785
Revised Code. Upon the affirmative vote of members who 33786
collectively own more than fifty per cent of the appraised value 33787
of the real property in the district that may be subject to 33788
assessment under division (C) of section 1710.06 of the Revised 33789
Code, the district shall be dissolved, or the plan shall be 33790
repealed, as applicable. 33791

No rights or obligations of any person under any contract, or 33792
in relation to any bonds, notes, or assessments made under this 33793
chapter, shall be affected by the dissolution of the district or 33794
the repeal of a plan, except with the consent of that person or by 33795
order of a court with jurisdiction over the matter. Upon 33796
dissolution of a district, any assets or rights of the district, 33797
after payment of all bonds, notes, or other obligations of the 33798
district, shall be deposited in a special account in the treasury 33799
of each participating political subdivision, prorated among all 33800
participating political subdivisions to reflect the percentage of 33801
the district's territory within that political subdivision, to be 33802
used for the benefit of the territory that made up the district. 33803

Once the members have approved the repeal of a plan, all 33804
bonds, notes, and other obligations of the district associated 33805
with the plan shall be paid. Thereafter, the plan shall be 33806
repealed. Upon receipt of proof that all bonds, notes, and other 33807
obligations have been paid and that the plan has been repealed, 33808
the participating political subdivisions shall terminate any 33809
levies imposed to pay for costs of the plan. 33810

Sec. 1715.551. (A) As used in this section: 33811

(1)(a) "Benefactor representative" means either of the 33812
following: 33813

(i) The administrator or executor of the estate of a person 33814

who signed a qualified endowment agreement as donor; 33815

(ii) A person designated in a qualified endowment agreement, 33816
whether or not born or existing at the time of such designation, 33817
to act in place of a party to the agreement for the purpose of 33818
resolving disputes about the agreement, including without 33819
limitation, its validity, interpretation, performance, 33820
enforcement, and any action that it contemplates. 33821

(b) "Benefactor representative" does not mean the state 33822
institution of higher education receiving or administering 33823
property under a qualified endowment agreement or any person 33824
designated by such state institution of higher education for any 33825
purpose. 33826

(c) A benefactor representative named in a qualified 33827
endowment agreement shall be the only benefactor representative 33828
for purposes of this section, regardless of the existence of an 33829
administrator or executor of the estate of a person who signed a 33830
qualified endowment agreement as donor. 33831

(2) "Qualified endowment agreement" means a gift instrument, 33832
signed by a person and a state institution of higher education 33833
prior to the effective date of this section, under which the 33834
person commits to transfer property, the aggregate value of which 33835
is at least three million dollars, to that or another state 33836
institution of higher education and the state institution of 33837
higher education commits that it or another state institution of 33838
higher education will hold or administer the property as an 33839
endowment fund, subject to any restrictions on management, 33840
investment, spending, or purpose contained in the gift instrument. 33841

(3) "Aggregate value" includes the full value of all property 33842
transferred by the donor pursuant to the gift instrument, 33843
regardless of whether the state institution of higher education 33844
holds and administers such property as one endowment fund or 33845

divides the property into multiple endowment funds. 33846

(4) "State institution of higher education" has the same 33847
meaning as in section 3345.011 of the Revised Code but also 33848
includes foundations, the corporate purpose of which is solely to 33849
benefit an identified state institution of higher education, as 33850
defined in that section, and that receive, hold, or administer 33851
charitable transfers of property for that state institution of 33852
higher education. 33853

(B) If a state institution of higher education violates a 33854
restriction contained in a qualified endowment agreement on the 33855
management, investment, spending, or purpose of the endowment 33856
fund, the person who signed the qualified endowment agreement as 33857
donor, or the benefactor representative of such person, may notify 33858
the charitable law section of the office of the attorney general 33859
in writing of the violation. 33860

(C)(1) If, within one hundred eighty days after receiving the 33861
notice, the attorney general has not obtained full compliance with 33862
the restriction, and restitution to the endowment fund of property 33863
approximately equal to any value lost due to the violated 33864
restriction, the person who notified the attorney general, or the 33865
benefactor representative of such person, may file a complaint: 33866

(a) For breach of the qualified endowment agreement; or 33867

(b) To obtain a declaration of rights and duties expressed in 33868
the qualified endowment agreement and as to all of the actions it 33869
contemplates, including, without limitation, the interpretation, 33870
performance, and enforcement of the qualified endowment agreement 33871
and determination of its validity. 33872

(2) Each of the following applies to the complaint: 33873

(a) It may be filed regardless of whether the qualified 33874
endowment agreement expressly reserves a right to sue or enforce. 33875

(b) It shall not seek a judgment awarding to the plaintiff damages, court costs, attorney's fees, or any other award of money or other property. 33876
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(c) It shall seek only one or both of the following: 33879

(i) Declaratory relief; 33880

(ii) Equitable relief consistent with the charitable purposes expressed in the qualified endowment agreement and consistent with the charitable purposes of the state institution of higher education. 33881
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(D) The attorney general may enforce the interests of the beneficiaries of a qualified endowment agreement by filing a complaint for breach or to obtain a declaration of rights and duties expressed in the qualified endowment agreement and as to all of the actions it contemplates, including, without limitation, the interpretation, performance, and enforcement of the qualified endowment agreement and determination of its validity. 33885
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(E) A state institution of higher education may obtain a judicial declaration of rights and duties expressed in a qualified endowment agreement and as to all of the actions it contemplates, including, without limitation, the interpretation, performance, and enforcement of the qualified endowment agreement and determination of its validity. The state institution of higher education shall seek such declaration in any suit brought under this section or by filing a complaint. 33892
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(F) Every complaint authorized by this section shall be filed in a court of general jurisdiction in the county where the state institution of higher education named as a party has its principal office or principal place of carrying out its charitable purpose, or in a court of the United States whose district includes such county. Every such complaint shall: 33900
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(1) Name the attorney general as a party; 33906

(2) Name as parties the state institution of higher education that signed the qualified endowment agreement or its successor, and each state institution of higher education that currently administers property subject to the qualified endowment agreement; 33907
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(3) If the attorney general or state institution of higher education files the complaint within twenty-five years after the date of the first transfer of property to the state institution of higher education pursuant to the qualified endowment agreement, name as a party the person who signed the qualified endowment agreement as donor, or the benefactor representative of each such person, if the person or benefactor representative can be located and identified after diligent inquiry. 33911
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(G) The failure to name or join as a party a person who signed the qualified endowment agreement as donor, or the benefactor representative of such person, is not jurisdictional. The court, however, shall not act on the merits of the complaint or on any motion for an order to address its merits without first ensuring that the plaintiff has acted diligently to notify such person or the benefactor representative of such person of the complaint and, if the person or benefactor representative is located and identified, affords such person or benefactor representative an opportunity to be heard or to intervene. 33919
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(H) The interest of a person who signed a qualified endowment agreement as donor, and the interest represented by the benefactor representative of such person, shall not be presumed to be identical to the interest of either the attorney general or the state institution of higher education. 33929
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(I)(1) Subject to division (I)(2) of this section, a person who signed a qualified endowment agreement as donor, or the benefactor representative of such person, shall file a complaint authorized by this section within six years after discovery of the accrual of the cause of action, but in no event shall such a 33934
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person or the benefactor representative of such person file a 33939
complaint authorized by this section more than twenty-five years 33940
after the date of the first transfer of property under the 33941
qualified endowment agreement. 33942

(2) If, during the sixth year after discovery of the accrual 33943
of the cause of action, a person who signed a qualified endowment 33944
agreement as donor, or the benefactor representative of such 33945
person, notifies the charitable law section of the office of the 33946
attorney general in writing of a violation by a state institution 33947
of higher education of a restriction contained in the qualified 33948
endowment agreement as authorized by this section, the period 33949
within which such person or benefactor representative must file a 33950
complaint authorized by this section shall be extended 33951
automatically by two hundred ten days. 33952

(J) This section applies only to breaches of qualified 33953
endowment agreements, if those breaches are alleged to have 33954
occurred on or after the effective date of this section. 33955

Sec. 1724.11. (A) When a community improvement corporation is 33956
acting as an agent of a political subdivision designated pursuant 33957
to section 1724.10 of the Revised Code and at all times as a 33958
county land reutilization corporation, both of the following 33959
apply: 33960

(1) Any financial and proprietary information, including 33961
trade secrets, submitted by or on behalf of an entity to the 33962
community improvement corporation in connection with the 33963
relocation, location, expansion, improvement, or preservation of 33964
the business of that entity, or in the pursuit of any one or more 33965
of the purposes under division (B) of section 1724.01 of the 33966
Revised Code for which a county land reutilization corporation is 33967
organized, held or kept by the community improvement corporation, 33968
or by any political subdivision for which the community 33969

improvement corporation is acting as agent, is confidential 33970
information and is not a public record subject to section 149.43 33971
of the Revised Code. 33972

(2) Any other information submitted by or on behalf of an 33973
entity to the community improvement corporation in connection with 33974
the relocation, location, expansion, improvement, or preservation 33975
of the business of that entity held or kept by the community 33976
improvement corporation, or by any political subdivision for which 33977
the community improvement corporation is acting as agent, is 33978
confidential information and is not a public record subject to 33979
section 149.43 of the Revised Code, until the entity commits in 33980
writing to proceed with the relocation, location, expansion, 33981
improvement, preservation of its business, or other purpose under 33982
division (B) of section 1724.01 of the Revised Code. 33983

(B)(1) When the board of directors of a community improvement 33984
corporation or any committee or subcommittee of such a board meets 33985
to consider information that is not a public record pursuant to 33986
division (A) of this section, the board, committee, or 33987
subcommittee, by majority vote of all members present, may close 33988
the meeting during consideration of the confidential information. 33989
The board, committee, or subcommittee shall consider no other 33990
information during the closed session. 33991

(2) Any meeting at which a decision or determination of the 33992
board is required in connection with the relocation, location, 33993
expansion, improvement, or preservation of the business of the 33994
entity or is required in pursuit of any purpose under division (B) 33995
of section 1724.01 of the Revised Code for which a county land 33996
reutilization corporation is organized shall be open to the public 33997
and may be held by interactive video conference or by 33998
teleconference in accordance with division (C) of this section. 33999

(C) The board of directors of a community improvement 34000
corporation may hold a meeting by interactive video conference or 34001

by teleconference in the following manner: 34002

(1) The board establishes a primary meeting location that is 34003
open and accessible to the public. 34004

(2) Meeting-related materials that are available before the 34005
meeting are sent via electronic mail, facsimile, hand-delivery, or 34006
United States postal service to each board member. 34007

(3) In the case of an interactive video conference, the board 34008
causes a clear video and audio connection to be established that 34009
enables all meeting participants at the primary meeting location 34010
to see and hear each board member. 34011

(4) In the case of a teleconference, the board causes a clear 34012
audio connection to be established that enables all meeting 34013
participants at the primary meeting location to hear each board 34014
member. 34015

(5) All board members have the capability to receive 34016
meeting-related materials that are distributed during a board 34017
meeting. 34018

(6) A roll call voice vote is recorded for each vote taken. 34019

(7) The minutes of the board meeting identify which board 34020
members remotely attended the meeting by interactive video 34021
conference or teleconference. 34022

If the board proceeds under this division, use of an 34023
interactive video conference is preferred, but nothing in this 34024
section prohibits the board from conducting its meetings by 34025
teleconference or by a combination of interactive video conference 34026
and teleconference at the same meeting. 34027

(D) The board of directors of a community improvement 34028
corporation shall adopt rules necessary to implement this section. 34029
At a minimum, the rules shall do all of the following: 34030

(1) Authorize board members to remotely attend a board 34031

meeting by interactive video conference or teleconference, or by a 34032
combination thereof, in lieu of attending the meeting in person; 34033

(2) Establish a minimum number of board members that must be 34034
physically present in person at the primary meeting location if 34035
the board conducts a meeting by interactive video conference or 34036
teleconference; 34037

(3) Require that not more than one board member remotely 34038
attending a board meeting by teleconference is permitted to be 34039
physically present at the same remote location; 34040

(4) Establish geographic restrictions for participation in 34041
meetings by interactive video conference and by teleconference; 34042

(5) Establish a policy for distributing and circulating 34043
meeting-related materials to board members, the public, and the 34044
media in advance of or during a meeting at which board members are 34045
permitted to attend by interactive video conference or 34046
teleconference; 34047

(6) Establish a method for verifying the identity of a board 34048
member who remotely attends a meeting by teleconference. 34049

Sec. 1739.10. The superintendent of insurance, or any person 34050
appointed by ~~him~~ the superintendent, may examine, as often as ~~he~~ 34051
the superintendent or the superintendent's appointee considers it 34052
necessary, the affairs of a multiple employer welfare arrangement 34053
and its members. 34054

The arrangement shall pay to the superintendent the expenses 34055
incurred by the department of insurance in making an examination 34056
authorized under this section. To the extent that expenses are the 34057
result of the use of the personnel of the examination department 34058
of the department of insurance, the superintendent shall remit 34059
expenses paid to ~~him~~ the superintendent by the arrangement to the 34060
state treasury to the credit of the ~~superintendent's examination~~ 34061

department of insurance operating fund pursuant to section 34062
~~3901.071~~ 3901.021 of the Revised Code. 34063

As used in this section, "expenses" has the same meaning as 34064
in section 3901.07 of the Revised Code. 34065

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 34066
Revised Code, any policy, contract, or agreement for health care 34067
services authorized by this chapter that is issued, delivered, or 34068
renewed in this state and that provides that coverage of an 34069
unmarried dependent child will terminate upon attainment of the 34070
limiting age for dependent children specified in the policy, 34071
contract, or agreement, shall also provide in substance both of 34072
the following: 34073

(1) Once an unmarried child has attained the limiting age for 34074
dependent children, as provided in the policy, contract, or 34075
agreement, upon the request of the subscriber, the health insuring 34076
corporation shall offer to cover the unmarried child until the 34077
child attains twenty-six years of age if all of the following are 34078
true: 34079

(a) The child is the natural child, stepchild, or adopted 34080
child of the subscriber. 34081

(b) The child is a resident of this state or a full-time 34082
student at an accredited public or private institution of higher 34083
education. 34084

(c) The child is not employed by an employer that offers any 34085
health benefit plan under which the child is eligible for 34086
coverage. 34087

(d) The child is not eligible for coverage under the medicaid 34088
program or the medicare program. 34089

(2) That attainment of the limiting age for dependent 34090
children shall not operate to terminate the coverage of a 34091

dependent child if the child is and continues to be both of the 34092
following: 34093

(a) Incapable of self-sustaining employment by reason of 34094
physical disability or intellectual disability; 34095

(b) Primarily dependent upon the subscriber for support and 34096
maintenance. 34097

(B) Proof of incapacity and dependence for purposes of 34098
division (A)(2) of this section shall be furnished to the health 34099
insuring corporation within thirty-one days of the child's 34100
attainment of the limiting age. Upon request, but not more 34101
frequently than annually, the health insuring corporation may 34102
require proof satisfactory to it of the continuance of such 34103
incapacity and dependency. 34104

(C) Nothing in this section shall do any of the following: 34105

(1) Require that any policy, contract, or agreement offer 34106
coverage for dependent children or provide coverage for an 34107
unmarried dependent child's children as dependents on the policy, 34108
contract, or agreement; 34109

(2) Require an employer to pay for any part of the premium 34110
for an unmarried dependent child that has attained the limiting 34111
age for dependents, as provided in the policy, contract, or 34112
agreement; 34113

(3) Require an employer to offer health insurance coverage to 34114
the dependents of any employee. 34115

~~(D) This~~ (D)(1) Except as provided in division (D)(2) of this 34116
section, this section does not apply to any health insuring 34117
corporation policy, contract, or agreement offering only 34118
supplemental health care services or specialty health care 34119
services. 34120

(2) This section applies to health insuring corporation 34121

policies, contracts, or agreements providing coverage of dental 34122
care or vision care services that are issued, renewed, or amended 34123
on or after January 1, 2024. 34124

(E) As used in this section, "health benefit plan" has the 34125
same meaning as in section 3924.01 of the Revised Code and also 34126
includes both of the following: 34127

(1) A public employee benefit plan; 34128

(2) A health benefit plan as regulated under the "Employee 34129
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 34130

Sec. 1751.34. (A) Each health insuring corporation and each 34131
applicant for a certificate of authority under this chapter shall 34132
be subject to examination by the superintendent of insurance in 34133
accordance with section 3901.07 of the Revised Code. Section 34134
3901.07 of the Revised Code shall govern every aspect of the 34135
examination, including the circumstances under and frequency with 34136
which it is conducted, the authority of the superintendent and any 34137
examiner or other person appointed by the superintendent, the 34138
liability for the assessment of expenses incurred in conducting 34139
the examination, and the remittance of the assessment to the 34140
~~superintendent's examination~~ department of insurance operating 34141
fund. 34142

(B) The superintendent shall make an examination concerning 34143
the matters subject to the superintendent's consideration in 34144
section 1751.04 of the Revised Code as often as the superintendent 34145
considers it necessary for the protection of the interests of the 34146
people of this state. The expenses of such examinations shall be 34147
assessed against the health insuring corporation being examined in 34148
the manner in which expenses of examinations are assessed against 34149
an insurance company under section 3901.07 of the Revised Code. 34150
Nothing in this division requires the superintendent to make an 34151
examination of any of the following: 34152

(1) A health insuring corporation that covers solely medicaid recipients;	34153 34154
(2) A health insuring corporation that covers solely medicare beneficiaries;	34155 34156
(3) A health insuring corporation that covers solely medicaid recipients and medicare beneficiaries.	34157 34158
(C) An examination, pursuant to section 3901.07 of the Revised Code, of an insurance company holding a certificate of authority under this chapter to organize and operate a health insuring corporation shall include an examination of the health insuring corporation pursuant to this section and the examination shall satisfy the requirements of divisions (A) and (B) of this section.	34159 34160 34161 34162 34163 34164 34165
(D) The superintendent may conduct market conduct examinations pursuant to section 3901.011 of the Revised Code of any health insuring corporation as often as the superintendent considers it necessary for the protection of the interests of subscribers and enrollees. The expenses of such market conduct examinations shall be assessed against the health insuring corporation being examined. All costs, assessments, or fines collected under this division shall be paid into the state treasury to the credit of the department of insurance operating fund.	34166 34167 34168 34169 34170 34171 34172 34173 34174 34175
Sec. 1761.16. (A) A credit union share guaranty corporation shall file with the superintendent of credit unions an annual report containing audited financial statements, prepared in accordance with generally accepted accounting principles or such other accounting requirements determined by the superintendent of credit unions, covering the fiscal year within one hundred days after the close of such fiscal year in accordance with division (E) of this section and in the form and with such other relevant	34176 34177 34178 34179 34180 34181 34182 34183

information as the superintendent of credit unions may require by 34184
rules adopted under division (C) of section 1761.04 of the Revised 34185
Code. The audited financial statements shall include at least a 34186
balance sheet and a statement of income for the year ended on the 34187
balance sheet date. The report and audited financial statements 34188
shall be accompanied by a report, certificate, or opinion of an 34189
independent certified public accountant or independent public 34190
accountant. Every such report shall be certified by the oath of 34191
the president and secretary of the corporation, and such 34192
verification shall state that the report is true and correct in 34193
all respects to the best of the knowledge and belief of the 34194
persons verifying it. 34195

(B) If the report, certificate, or opinion of the certified 34196
public accountant or independent accountant referred to in 34197
division (A) of this section is qualified pursuant to generally 34198
accepted auditing standards, the superintendent of credit unions 34199
shall require the corporation to take such action as ~~he~~ the 34200
superintendent considers appropriate to permit an independent 34201
accountant to remove such qualification from the report, 34202
certificate, or opinion. The superintendent may reject any 34203
financial statement, report, certificate, or opinion filed 34204
pursuant to division (A) of this section by notifying the 34205
corporation of its rejection and the cause thereof. Within thirty 34206
days after receipt of such notice, the corporation shall correct 34207
such qualification, and the failure to do so is deemed a violation 34208
of this division. The superintendent shall retain a copy of all 34209
filings so rejected. 34210

(C) The superintendent of credit unions shall conduct or 34211
cause to be conducted, not more often than annually and not less 34212
than every three years, an audit examination of the credit union 34213
share guaranty corporation. The audit examination shall include an 34214
actuarial study of the capital adequacy of the corporation. The 34215

corporation shall be assessed the costs of such audit examination, 34216
which assessment shall not exceed one per cent of the capital 34217
contributions and surplus of the corporation. 34218

(D) The superintendent of credit unions may require a special 34219
examination of the corporation in the event the superintendent 34220
determines that there is or will be an impairment of the guarantee 34221
fund as defined in division (C)(1) of section 1761.10 of the 34222
Revised Code. The corporation shall be assessed the cost of such 34223
special examination. 34224

(E) The accounting of the corporation shall be on a calendar 34225
year basis or as otherwise prescribed by the corporation with the 34226
prior written approval of the superintendent of credit unions. The 34227
books of the corporation shall be maintained in accordance with 34228
generally accepted accounting principles. 34229

(F) The corporation shall make any other special report to 34230
the superintendent of credit unions as ~~he~~ the superintendent may 34231
from time to time require. Such a report shall be in the form and 34232
filed at such date as prescribed by the superintendent, and shall, 34233
if required by the superintendent, be verified in such manner as 34234
prescribed. 34235

(G) Each credit union share guaranty corporation shall be 34236
subject to examination by the superintendent of insurance in 34237
accordance with section 3901.07 of the Revised Code. Section 34238
3901.07 of the Revised Code shall govern every aspect of the 34239
examination, including the circumstances under and frequency with 34240
which it is conducted, the authority of the superintendent and any 34241
examiner or other person appointed by the superintendent, the 34242
liability for the assessment of expenses incurred in conducting 34243
the examination, and the remittance of the assessment to the 34244
~~superintendent's examination~~ department of insurance operating 34245
fund. 34246

(H) All of the provisions of this section are in addition to 34247
those chapters of Title XXXIX of the Revised Code specified in 34248
division (A) of section 1761.04 of the Revised Code. 34249

Sec. 1901.261. (A)(1) A municipal court may determine that 34250
for the efficient operation of the court additional funds are 34251
required to computerize the court, to make available computerized 34252
legal research services, or to do both. Upon making a 34253
determination that additional funds are required for either or 34254
both of those purposes, the court shall include in its schedule of 34255
fees and costs under section 1901.26 of the Revised Code one 34256
additional fee not to exceed three dollars on the filing of each 34257
cause of action or appeal equivalent to one described in division 34258
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 34259
direct the clerk of the court to charge the fee. 34260

(2) All fees collected under this section shall be paid on or 34261
before the twentieth day of the month following the month in which 34262
they are collected to the county treasurer if the court is a 34263
county-operated municipal court or to the city treasurer if the 34264
court is not a county-operated municipal court. The treasurer 34265
shall place the funds from the fees in a separate fund to be 34266
disbursed upon an order of the court, subject to an appropriation 34267
by the board of county commissioners if the court is a 34268
county-operated municipal court or by the legislative authority of 34269
the municipal corporation if the court is not a county-operated 34270
municipal court, or upon an order of the court, subject to the 34271
court making an annual report available to the public listing the 34272
use of all such funds, in an amount not greater than the actual 34273
cost to the court of computerizing the court, procuring and 34274
maintaining computerized legal research services, or both. 34275

(3) If the court determines that the funds in the fund 34276
described in division (A)(2) of this section are more than 34277

sufficient to satisfy the purpose for which the additional fee 34278
described in division (A)(1) of this section was imposed, the 34279
court may declare a surplus in the fund and, subject to an 34280
appropriation by the board of county commissioners if the court is 34281
a county-operated municipal court or by the legislative authority 34282
of the municipal corporation if the court is not a county-operated 34283
municipal court, expend those surplus funds, or upon an order of 34284
the court, subject to the court making an annual report available 34285
to the public listing the use of all such funds, expend those 34286
surplus funds, for other appropriate technological expenses of the 34287
court. 34288

~~(B)(1) A(B)(1)(a) Except as provided in division (B)(1)(b) of~~ 34289
~~this section, the clerk of a municipal court may determine that,~~ 34290
~~for the efficient operation of the office of the clerk of the~~ 34291
~~municipal court, additional funds are required to computerize the~~ 34292
~~office of the clerk of the court and, upon that determination, may~~ 34293
~~include in its schedule of fees and costs under section 1901.26 of~~ 34294
~~the Revised Code an additional authorize and direct that a~~ 34295
~~computerization fee not to exceed ~~ten~~ twenty-five dollars be~~ 34296
~~charged on the filing of each cause of action or appeal, on the~~ 34297
~~filing, docketing, and endorsing of each certificate of judgment,~~ 34298
~~or on the docketing and indexing of each aid in execution or~~ 34299
~~petition to vacate, revive, or modify a judgment that is~~ 34300
~~equivalent to one described in division (A), (P), (Q), (T), or (U)~~ 34301
~~of section 2303.20 of the Revised Code.~~ 34302

(b) In a county in which the clerk of the municipal court is 34303
appointed, the municipal court may make the determination 34304
described in division (B)(1)(a) of this section and, upon that 34305
determination, may include such a computerization fee in its 34306
schedule of fees and costs under section 1901.26 of the Revised 34307
Code. 34308

(2) Subject to division (B)~~(2)~~(3) of this section, all moneys 34309

collected under division ~~(B)(1)~~(B)(1)(a) of this section shall be 34310
paid on or before the twentieth day of the month following the 34311
month in which they are collected to the county treasurer if the 34312
court is a county-operated municipal court or to the city 34313
treasurer if the court is not a county-operated municipal court. 34314
The treasurer shall place the funds from the fees in a separate 34315
fund to be disbursed, ~~upon an order of the municipal court and~~ 34316
subject to an appropriation made by the board of county 34317
commissioners if the court is a county-operated municipal court or 34318
by the legislative authority of the municipal corporation if the 34319
court is not a county-operated municipal court, in an amount no 34320
greater than the actual cost to the court of procuring and 34321
maintaining computer systems for the office of the clerk of the 34322
municipal court. 34323

~~(2)~~(3) If a municipal court or the clerk of a municipal court 34324
makes the determination described in division ~~(B)(1)~~(B)(1)(a) of 34325
this section, the board of county commissioners of the county if 34326
the court is a county-operated municipal court or the legislative 34327
authority of the municipal corporation if the court is not a 34328
county-operated municipal court, may issue one or more general 34329
obligation bonds for the purpose of procuring and maintaining the 34330
computer systems for the office of the clerk of the municipal 34331
court. In addition to the purposes stated in division 34332
~~(B)(1)~~(B)(1)(a) of this section for which the moneys collected 34333
under that division may be expended, the moneys additionally may 34334
be expended to pay debt charges and financing costs related to any 34335
general obligation bonds issued pursuant to division ~~(B)(2)~~(B)(3) 34336
of this section as they become due. General obligation bonds 34337
issued pursuant to division ~~(B)(2)~~(B)(3) of this section are 34338
Chapter 133. securities. 34339

Sec. 1901.313. (A) Pleadings or documents may be filed with 34340
the clerk of court either in paper format or in electronic format. 34341

(B)(1) The clerk shall determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online platform. 34342
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(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing. 34346
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(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format. 34351
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(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format. 34355
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(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in this section, the pleadings or documents in that format shall be considered the official version of the record. 34359
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Sec. 1907.202. (A) Pleadings or documents may be filed with the clerk of the county court either in paper format or in electronic format. 34363
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(B)(1) The clerk shall determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online platform. 34366
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(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require 34370
34371

that any fee for the filing of pleadings or documents in 34372
electronic format be paid before the filing, unless the clerk has 34373
provided for an electronic payment system for such filing. 34374

(3) The clerk shall not require a fee for the filing of 34375
pleadings or documents in electronic format that is greater than 34376
the applicable fee for the filing of pleadings or documents in 34377
paper format. 34378

(C) Pleadings and documents filed in paper format may be 34379
converted to an electronic format. Documents created by the clerk 34380
of the county court in the exercise of the clerk's duties may be 34381
created in an electronic format. 34382

(D) When pleadings or documents are received or created in, 34383
or converted to, an electronic format as provided in this section, 34384
the pleadings or documents in that format shall be considered the 34385
official version of the record. 34386

Sec. 1907.261. (A)(1) A county court may determine that for 34387
the efficient operation of the court additional funds are required 34388
to computerize the court, to make available computerized legal 34389
research services, or to do both. Upon making a determination that 34390
additional funds are required for either or both of those 34391
purposes, the court shall include in its schedule of fees and 34392
costs under section 1907.24 of the Revised Code one additional fee 34393
not to exceed three dollars on the filing of each cause of action 34394
or appeal equivalent to one described in division (A), (Q), or (U) 34395
of section 2303.20 of the Revised Code and shall direct the clerk 34396
of the court to charge the fee. 34397

(2) All fees collected under this section shall be paid on or 34398
before the twentieth day of the month following the month in which 34399
they are collected to the county treasurer. The treasurer shall 34400
place the funds from the fees in a separate fund to be disbursed 34401
either upon an order of the court, subject to an appropriation by 34402

the board of county commissioners, or upon an order of the court, 34403
subject to the court making an annual report available to the 34404
public listing the use of all such funds, in an amount not greater 34405
than the actual cost to the court of computerizing the court, 34406
procuring and maintaining computerized legal research services, or 34407
both. 34408

(3) If the court determines that the funds in the fund 34409
described in division (A)(2) of this section are more than 34410
sufficient to satisfy the purpose for which the additional fee 34411
described in division (A)(1) of this section was imposed, the 34412
court may declare a surplus in the fund and, subject to an 34413
appropriation by the board of county commissioners, expend those 34414
surplus funds, or upon an order of the court, subject to the court 34415
making an annual report available to the public listing the use of 34416
all such funds, expend those surplus funds, for other appropriate 34417
technological expenses of the court. 34418

~~(B)(1) A(B)(1)(a) Except as provided in division (B)(1)(b) of~~ 34419
~~this section, the clerk of a county court may determine that, for~~ 34420
~~the efficient operation of the office of the clerk of the court,~~ 34421
~~additional funds are required to computerize the office of the~~ 34422
~~clerk of the court and, upon that determination, may include in~~ 34423
~~its schedule of fees and costs under section 1907.24 of the~~ 34424
~~Revised Code an additional~~ authorize and direct that a 34425
computerization fee not to exceed ~~ten~~ twenty-five dollars be 34426
charged on the filing of each cause of action or appeal, on the 34427
filing, docketing, and endorsing of each certificate of judgment, 34428
or on the docketing and indexing of each aid in execution or 34429
petition to vacate, revive, or modify a judgment that is 34430
equivalent to one described in division (A), (P), (Q), (T), or (U) 34431
of section 2303.20 of the Revised Code. 34432

(b) In a county in which the clerk of the county court is 34433
appointed, the county court may make the determination described 34434

in division (B)(1)(a) of this section and, upon that 34435
determination, may include such a computerization fee in its 34436
schedule of fees and costs under section 1907.24 of the Revised 34437
Code. 34438

(2) Subject to division ~~(B)(2)~~(B)(3) of this section, all 34439
moneys collected under division (B)(1) of this section shall be 34440
paid on or before the twentieth day of the month following the 34441
month in which they are collected to the county treasurer. The 34442
treasurer shall place the funds from the fees in a separate fund 34443
to be disbursed, ~~upon an order of the county court and~~ subject to 34444
an appropriation made by the board of county commissioners, in an 34445
amount no greater than the actual cost to the court of procuring 34446
and maintaining computer systems for the office of the clerk of 34447
the county court. 34448

~~(2)~~(3) If a county court or the clerk of a county court makes 34449
the determination described in division ~~(B)(1)~~(B)(1)(a) of this 34450
section, the board of county commissioners of that county may 34451
issue one or more general obligation bonds for the purpose of 34452
procuring and maintaining the computer systems for the office of 34453
the clerk of the county court. In addition to the purposes stated 34454
in division ~~(B)(1)~~(B)(1)(a) of this section for which the moneys 34455
collected under that division may be expended, the moneys 34456
additionally may be expended to pay debt charges and financing 34457
costs related to any general obligation bonds issued pursuant to 34458
division ~~(B)(2)~~(B)(3) of this section as they become due. General 34459
obligation bonds issued pursuant to division ~~(B)(2)~~(B)(3) of this 34460
section are Chapter 133. securities. 34461

Sec. 2101.16. (A) Except as provided in section 2101.164 of 34462
the Revised Code, the fees enumerated in this division shall be 34463
charged and collected, if possible, by the probate judge and shall 34464
be in full for all services rendered in the respective 34465

proceedings:		34466
(1) Account, in addition to advertising charges		34467
.....	\$ 12.00	34468
Waivers and proof of notice of hearing on account, per page, minimum one dollar		34469
.....	\$ 1.00	34470
(2) Account of distribution, in addition to advertising charges		34471
.....	\$ 7.00	34472
(3) Adoption of child, petition for		34473
.....	\$ 20.00	34474
(4) Alter or cancel contract for sale or purchase of real property, complaint to		34475
.....	\$ 20.00	34476
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section		34477
.....	\$ 5.00	34478
(6) Appropriation suit, per day, hearing in		34479
.....	\$ 20.00	34480
(7) Birth, application for registration of		34481
.....	\$ 7.00	34482
(8) Birth record, application to correct		34483
.....	\$ 5.00	34484
(9) Bond, application for new or additional		34485
.....	\$ 5.00	34486
(10) Bond, application for release of surety or reduction of		34487
.....	\$ 5.00	34488
(11) Bond, receipt for securities deposited in lieu of		34489
.....	\$ 5.00	34490
(12) Certified copy of journal entry, record, or		34491

proceeding, per page, minimum fee one dollar		
.....	\$ 1.00	34492
(13) Citation and issuing citation, application for		34493
.....	\$ 5.00	34494
(14) Change of name, petition for		34495
.....	\$ 20.00	34496
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own		34497
.....	\$ 10.00	34498
(16) Claim, application to compromise or settle		34499
.....	\$ 10.00	34500
(17) Claim, authority to present		34501
.....	\$ 10.00	34502
(18) Commissioner, appointment of		34503
.....	\$ 5.00	34504
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for		34505
.....	\$ 5.00	34506
(20) Competency, application to procure adjudication of		34507
.....	\$ 20.00	34508
(21) Complete contract, application to		34509
.....	\$ 10.00	34510
(22) Concealment of assets, citation for		34511
.....	\$ 10.00	34512
(23) Construction of will, complaint for		34513
.....	\$ 20.00	34514
(24) Continue decedent's business, application to		34515
.....	\$ 10.00	34516
Monthly reports of operation		34517
.....	\$ 5.00	34518
(25) Declaratory judgment, complaint for		34519
.....	\$ 20.00	34520
(26) Deposit of will		34521

.....	\$ 5.00	34522
(27) Designation of heir		34523
.....	\$ 20.00	34524
(28) Distribution in kind, application, assent, and order for		34525
.....	\$ 5.00	34526
(29) Distribution under section 2109.36 of the Revised Code, application for an order of		34527
.....	\$ 7.00	34528
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars		34529
.....	\$ 15.00	34530
(31) Exceptions to any proceeding named in this section, contest of appointment or		34531
.....	\$ 10.00	34532
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to		34533
.....	\$ 10.00	34534
(33) Election of surviving spouse under will		34535
.....	\$ 5.00	34536
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of		34537
.....	\$ 35.00	34538
(35) Foreign will, application to record		34539
.....	\$ 10.00	34540
Record of foreign will, additional, per page		34541
.....	\$ 1.00	34542
(36) Forms when supplied by the probate court, not to exceed		34543
.....	\$ 10.00	34544
(37) Heirship, complaint to determine		34545

.....	\$ 20.00	34546
(38) Injunction proceedings		34547
.....	\$ 20.00	34548
(39) Improve real property, petition to		34549
.....	\$ 20.00	34550
(40) Inventory with appraisement		34551
.....	\$ 10.00	34552
(41) Inventory without appraisement		34553
.....	\$ 7.00	34554
(42) Investment or expenditure of funds, application for		34555
.....	\$ 10.00	34556
(43) Invest in real property, application to		34557
.....	\$ 10.00	34558
(44) Lease for oil, gas, coal, or other mineral, petition to		34559
.....	\$ 20.00	34560
(45) Lease or lease and improve real property, petition to		34561
.....	\$ 20.00	34562
(46) Marriage license		34563
.....	\$ 10.00	34564
Certified abstract of each marriage		34565
.....	\$ 2.00	34566
(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of		34567
.....	\$ 10.00	34568
(48) Mortgage or mortgage and repair or improve real property, complaint to		34569
.....	\$ 20.00	34570
(49) Newly discovered assets, report of		34571
.....	\$ 7.00	34572
(50) Nonresident executor or administrator to bar creditors' claims, proceedings by		34573
.....	\$ 20.00	34574

(51) Power of attorney or revocation of power, bonding company	34575
..... \$ 10.00	34576
(52) Presumption of death, petition to establish	34577
..... \$ 20.00	34578
(53) Probating will	34579
..... \$ 15.00	34580
Proof of notice to beneficiaries	34581
..... \$ 5.00	34582
(54) Purchase personal property, application of surviving spouse to	34583
..... \$ 10.00	34584
(55) Purchase real property at appraised value, petition of surviving spouse to	34585
..... \$ 20.00	34586
(56) Receipts in addition to advertising charges, application and order to record	34587
..... \$ 5.00	34588
Record of those receipts, additional, per page	34589
..... \$ 1.00	34590
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page	34591
..... \$ 1.00	34592
(58) Release of estate by mortgagee or other lienholder	34593
..... \$ 5.00	34594
(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code	34595
..... \$ 60.00	34596
(60) Removal of fiduciary, application for	34597
..... \$ 10.00	34598
(61) Requalification of executor or administrator	34599

.....	\$ 10.00	34600
(62) Resignation of fiduciary		34601
.....	\$ 5.00	34602
(63) Sale bill, public sale of personal property		34603
.....	\$ 10.00	34604
(64) Sale of personal property and report, application for		34605
.....	\$ 10.00	34606
(65) Sale of real property, petition for		34607
.....	\$ 25.00	34608
(66) Terminate guardianship, petition to		34609
.....	\$ 10.00	34610
(67) Transfer of real property, application, entry, and certificate for		34611
.....	\$ 7.00	34612
(68) Unclaimed money, application to invest		34613
.....	\$ 7.00	34614
(69) Vacate approval of account or order of distribution, motion to		34615
.....	\$ 10.00	34616
(70) Writ of execution		34617
.....	\$ 5.00	34618
(71) Writ of possession		34619
.....	\$ 5.00	34620
(72) Wrongful death, application and settlement of claim for		34621
.....	\$ 20.00	34622
(73) Year's allowance, petition to review		34623
.....	\$ 7.00	34624
(74) Guardian's report, filing and review of		34625
.....	\$ 5.00	34626
(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for		34627
.....	\$ 25.00	34628

(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a person with a mental illness subject to court order, the court may waive the fee under division (A)(75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F)(1) The "putative father registry fund" is hereby created in the state treasury. The department of job and family services shall use the money in the fund to fund the department's costs of performing its duties related to the putative father registry established under section 3107.062 of the Revised Code.

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division ~~(C)~~(D) of section ~~2151.3534~~ 2151.3527, ~~division (B) of section 2151.3535~~, or section 5103.155 of the Revised Code.

Sec. 2105.16. No person who is capable of inheriting shall be deprived of the inheritance by reason of any of the person's ancestors having been aliens. Aliens Except as provided in section 5301.256 of the Revised Code, aliens may hold, possess, and enjoy real property within this state, either by descent, devise, gift, or purchase, as fully as any citizen of the United States or of this state may do.

Sec. 2108.35. (A) There is hereby created within the department of health the second chance trust fund advisory committee, consisting of ~~thirteen~~ eleven members. The members shall include the following:

(1) The chairs of the standing committees of the house of representatives and senate with primary responsibilities for health legislation;	34691
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(2) One representative of each of the following appointed by the director of health:	34694
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(a) An Ohio organ procurement organization that is a member of the Organ Procurement and Transplantation Network;	34696
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(b) An Ohio tissue bank that is an accredited member of the American association of tissue banks;	34698
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(c) An Ohio eye bank that is certified by the eye bank association of America;	34700
	34701
(d) The Ohio solid organ transplantation consortium;	34702
(e) A hospital to which both of the following apply:	34703
(i) It is a member of the Ohio hospital association.	34704
(ii) It has a transplant program or a facility that has been verified as a level I or level II trauma center by the American college of surgeons.	34705
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(f) The department of health.	34708
(3)(2) Three members of the public appointed by the director who are not affiliated with procurement organizations;	34709
	34710
(4)(3) Two members appointed by the director who are either affiliated with procurement organizations or members of the public.	34711
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(B) Of the members first appointed under division	34714
(A)(2)(A)(1) of this section, the representatives of the organ procurement organization, tissue procurement organization, and eye bank shall serve terms of three years; the representatives of the department of health and Ohio solid organ transplantation consortium shall serve terms of two years; and the member	34715
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representing the Ohio hospital association shall serve a term of 34720
one year. Thereafter, all members shall serve terms of three 34721
years. 34722

(C) Members appointed under ~~division (A)(2), (3), or (4) of~~ 34723
this section shall be geographically and demographically 34724
representative of the state. No more than a total of three members 34725
appointed under ~~divisions (A)(2), (3), and (4) of~~ this section 34726
shall be affiliated with the same procurement organization or 34727
group of procurement organizations. Procurement organizations that 34728
recover only one type of organ, tissue, or part, as well as 34729
procurement organizations that recover more than one type of 34730
organ, tissue, or part, shall be represented. 34731

~~No individual appointed under division (A)(2), (3), or (4) of~~ 34732
~~this section shall serve more than two consecutive terms,~~ 34733
~~regardless of whether the terms were full or partial terms.~~ Each 34734
member shall serve from the date of appointment until the member's 34735
successor is appointed. All vacancies on the committee shall be 34736
filled for the balance of the unexpired term in the same manner as 34737
the original appointment. 34738

(D) The committee shall ~~annually~~ elect a chairperson from 34739
among its members and shall establish procedures for the 34740
governance of its operations. The committee shall meet at least 34741
semiannually. It shall submit an annual report of its activities 34742
and recommendations to the director of health. 34743

(E) Committee members shall serve without compensation, but 34744
shall be reimbursed from the second chance trust fund for all 34745
actual and necessary expenses incurred in the performance of 34746
official duties. 34747

(F) The committee shall do all of the following: 34748

(1) Make recommendations to the director of health for 34749
projects for funding from the second chance trust fund; 34750

(2) Consult with the registrar of motor vehicles in formulating proposed rules under division (C)(1) of section 2108.23 of the Revised Code;	34751 34752 34753
(3) As requested, consult with the registrar or director on other matters related to organ donation;	34754 34755
(4) Approve brochures, written materials, and electronic media regarding anatomical gifts and anatomical gift procedures for use in driver training schools pursuant to section 4508.021 of the Revised Code.	34756 34757 34758 34759
(G) The committee is not subject to section 101.84 of the Revised Code.	34760 34761
Sec. 2151.031. As used in this chapter, an "abused child" includes any child who:	34762 34763
(A) Is the victim of "sexual activity" as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child;	34764 34765 34766 34767 34768
(B) <u>Is the victim of disseminating, obtaining, or displaying "materials" or "performances" that are "harmful to juveniles" as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense under that chapter, except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child;</u>	34769 34770 34771 34772 34773 34774
<u>(C)</u> Is endangered as defined in section 2919.22 of the Revised Code, except that the court need not find that any person has been convicted under that section in order to find that the child is an abused child;	34775 34776 34777 34778
(C) (D) Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or	34779 34780

death which is at variance with the history given of it. Except as 34781
provided in division ~~(D)~~(E) of this section, a child exhibiting 34782
evidence of corporal punishment or other physical disciplinary 34783
measure by a parent, guardian, custodian, caretaker, person having 34784
custody or control, or person in loco parentis of a child is not 34785
an abused child under this division if the measure is not 34786
prohibited under section 2919.22 of the Revised Code. 34787

~~(D)~~(E) Because of the acts of ~~his~~ the child's parents, 34788
guardian, ~~or~~ custodian, or caretaker, suffers physical or mental 34789
injury that harms or threatens to harm the child's health or 34790
welfare. 34791

~~(E)~~(F) Is subjected to out-of-home care child abuse. 34792

Sec. 2151.231. (A) The parent, ~~guardian~~, or ~~eustodian~~ 34793
caretaker of a child, ~~the person with whom a child resides~~, or the 34794
child support enforcement agency of the county in which the child, 34795
parent, ~~guardian~~, or ~~eustodian~~ caretaker of the child resides may 34796
bring an action in a juvenile court or other court with 34797
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 34798
under this section requesting the court to issue an order 34799
requiring a parent of the child to pay an amount for the support 34800
of the child without regard to the marital status of the child's 34801
parents. No action may be brought under this section against a 34802
person presumed to be the parent of a child based on an 34803
acknowledgment of paternity that has not yet become final under 34804
former section 3111.211 or 5101.314 or section 2151.232, 3111.25, 34805
or 3111.821 of the Revised Code. 34806

The parties to an action under this section may raise the 34807
issue of the existence or nonexistence of a parent-child 34808
relationship, unless a final and enforceable determination of the 34809
issue has been made with respect to the parties pursuant to 34810
Chapter 3111. of the Revised Code or an acknowledgment of 34811

paternity signed by the child's parents has become final pursuant 34812
to former section 3111.211 or 5101.314 or section 2151.232, 34813
3111.25, or 3111.821 of the Revised Code. If a complaint is filed 34814
under this section and an issue concerning the existence or 34815
nonexistence of a parent-child relationship is raised, the court 34816
shall treat the action as an action pursuant to sections 3111.01 34817
to 3111.18 of the Revised Code. An order issued in an action under 34818
this section does not preclude a party to the action from bringing 34819
a subsequent action pursuant to sections 3111.01 to 3111.18 of the 34820
Revised Code if the issue concerning the existence or nonexistence 34821
of the parent-child relationship was not determined with respect 34822
to the party pursuant to a proceeding under this section, a 34823
proceeding under Chapter 3111. of the Revised Code, or an 34824
acknowledgment of paternity that has become final under former 34825
section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 34826
3111.821 of the Revised Code. An order issued pursuant to this 34827
section shall remain effective until an order is issued pursuant 34828
to sections 3111.01 to 3111.18 of the Revised Code that a 34829
parent-child relationship does not exist between the alleged 34830
father of the child and the child or until the occurrence of an 34831
event described in section 3119.88 of the Revised Code that would 34832
require the order to terminate. 34833

The court, in accordance with sections 3119.29 to 3119.56 of 34834
the Revised Code, shall include in each support order made under 34835
this section the requirement that one or both of the parents 34836
provide for the health care needs of the child to the satisfaction 34837
of the court. 34838

(B) As used in this section, "caretaker" has the same meaning 34839
as in section 3119.01 of the Revised Code. 34840

Sec. 2151.3515. As used in sections 2151.3515 to ~~2151.3535~~ 34841
2151.3533 of the Revised Code: 34842

(A) "Emergency medical service organization," "emergency medical technician-basic," "emergency medical technician-intermediate," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.	34843 34844 34845 34846
(B) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic.	34847 34848 34849
(C) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	34850 34851
(D) "Hospital employee" means any of the following persons:	34852
(1) A physician who has been granted privileges to practice at the hospital;	34853 34854
(2) A nurse, physician assistant, or nursing assistant employed by the hospital;	34855 34856
(3) An authorized person employed by the hospital who is acting under the direction of a physician described in division (E)(1) <u>(D)(1)</u> of this section.	34857 34858 34859
(E) "Law enforcement agency" means an organization or entity made up of peace officers.	34860 34861
(F) "Nurse" means a person who is licensed under Chapter 4723. of the Revised Code to practice as a registered nurse or licensed practical nurse.	34862 34863 34864
(G) "Nursing assistant" means a person designated by a hospital as a nurse aide or nursing assistant whose job is to aid nurses, physicians, and physician assistants in the performance of their duties.	34865 34866 34867 34868
(H) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.	34869 34870 34871 34872

(I) "Peace officer support employee" means an authorized person employed by a law enforcement agency who is acting under the direction of a peace officer. 34873
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(J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 34876
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~~(J)~~(K) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code. 34880
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Sec. 2151.3516. A parent may voluntarily deliver ~~his or her~~ the parent's child who is not older than thirty days, without intent to return for the child, to ~~a~~ any of the following: 34883
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(A) An entity or person specified in section 2151.3517 of the Revised Code ~~or a~~ 34886
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(B) A peace officer, peace officer support employee, hospital employee, or emergency medical service worker specified in section 2151.3517 of the Revised Code, by calling 9-1-1 and waiting with the child until the officer, support employee, employee, or worker arrives and takes possession of the child; 34888
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(C) A newborn safety incubator provided by an entity described specified in that section 2151.3517 of the Revised Code and that meets the requirements of section 2151.3532 of the Revised Code. 34893
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Sec. 2151.3517. The following entities or persons, while acting in an official capacity on behalf of any of the entities, shall take possession of a child delivered in accordance with section 2151.3516 of the Revised Code: 34897
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(A) A law enforcement agency ~~or~~ a peace officer employed by 34901

the agency, or a peace officer support employee; 34902

(B) A hospital or a person granted the privilege to practice 34903
at, or employed by, the hospital; 34904

(C) An emergency medical service organization or an emergency 34905
medical service worker employed by or providing services to the 34906
organization. 34907

Sec. 2151.3518. (A) On taking possession of a child pursuant 34908
to section 2151.3517 of the Revised Code, a law enforcement 34909
agency, hospital, or emergency medical service organization shall 34910
do all the following: 34911

(1) Perform any act necessary to protect the child's health 34912
or safety; 34913

(2) Notify the public children services agency of the county 34914
in which the agency, hospital, or organization is located that the 34915
child has been taken into possession; 34916

(3) If possible, make available to the parent who delivered 34917
the child forms developed under section ~~2151.3534~~ 2151.3527 of the 34918
Revised Code that are designed to gather medical information 34919
concerning the child and the child's parents; 34920

(4) If possible, make available to the parent who delivered 34921
the child written materials developed under section ~~2151.3534~~ 34922
2151.3527 of the Revised Code that describe services available to 34923
assist parents and newborns; 34924

(5) If the child has suffered a physical or mental wound, 34925
injury, disability, or condition of a nature that reasonably 34926
indicates abuse or neglect of the child, attempt to identify and 34927
pursue the person who delivered the child. 34928

(B) An emergency medical service worker who takes possession 34929
of a child shall, in addition to any act performed under division 34930
(A)(1) of this section, perform any medical service the worker is 34931

authorized to perform that is necessary to protect the physical 34932
health or safety of the child. 34933

Sec. ~~2151.3534~~2151.3527. (A) The director of job and family 34934
services shall promulgate forms designed to gather pertinent 34935
medical information concerning a deserted child and the child's 34936
parents. The forms shall clearly and unambiguously state on each 34937
page that the information requested is to facilitate medical care 34938
for the child, that the forms may be fully or partially completed 34939
or left blank, that completing the forms or parts of the forms is 34940
completely voluntary, and that no adverse legal consequence will 34941
result from failure to complete any part of the forms. 34942

(B) The director shall promulgate written materials to be 34943
made available to the parents of a child delivered pursuant to 34944
section 2151.3516 of the Revised Code. The materials shall 34945
describe services available to assist parents and newborns and 34946
shall include information directly relevant to situations that 34947
might cause parents to desert a child and information on the 34948
procedures for a person to follow in order to reunite with a child 34949
the person delivered under section 2151.3516 of the Revised Code, 34950
including notice that the person will be required to submit to a 34951
DNA test, at that person's expense, to prove that the person is 34952
the parent of the child. 34953

(C) The director of job and family services shall distribute 34954
the medical information forms and written materials promulgated 34955
pursuant to this section to all of the following: 34956

(1) Entities permitted to receive a deserted child as 34957
specified in section 2151.3517 of the Revised Code; 34958

(2) Public children services agencies; 34959

(3) Other public or private agencies that, in the discretion 34960
of the director, are best able to disseminate the forms and 34961

materials to the persons who are most in need of the forms and materials. 34962
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(D) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development, distribution, and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section. 34964
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(E) The department of job and family services shall develop an educational plan, in collaboration with the Ohio family and children first cabinet council, for informing at-risk populations who are most likely to voluntarily deliver a child under section 2151.3516 of the Revised Code concerning the provisions of sections 2151.3515 to 2151.3533 of the Revised Code. 34971
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Sec. 2151.3528. A All of the following apply to a parent who voluntarily delivers a child under section 2151.3516 of the Revised Code may: 34977
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(A) The parent may complete all or any part of the medical information forms made available under ~~division (A)(3)~~ of section 2151.3518 of the Revised Code. The 34980
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(B) The parent may deliver the fully or partially completed forms at the same time as delivering the child or at a later time. The 34983
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(C) The parent is not required to complete all or any part of the forms. 34986
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(D) The parent may refuse to accept the materials made available under section 2151.3518 of the Revised Code. 34988
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Sec. 2151.3532. Not later than one hundred eighty days after 34990

~~the effective date of this section, the~~(A) The director of the 34991
~~department of health shall adopt rules in accordance with Chapter~~ 34992
119. of the Revised Code governing newborn safety incubators 34993
provided by entities described in section 2151.3517 of the Revised 34994
Code. The rules shall provide for all of the following: 34995

~~(A) Sanitation standards;~~ 34996

~~(B) Procedures to provide emergency care for a child~~ 34997
~~delivered to an incubator;~~ 34998

~~(C) Manufacturing and manufacturer standards;~~ 34999

~~(D)~~(1) Design and function requirements that include the 35000
following: 35001

~~(1)~~(a) Take into account installation at a facility operated 35002
by a law enforcement agency, a hospital, or an emergency medical 35003
service organization; 35004

~~(2)~~(b) Allow a child to be placed anonymously from outside 35005
the facility; 35006

~~(3)~~(c) Lock the incubator after a child is placed in it so 35007
that a person outside the facility is unable to access the child; 35008

~~(4)~~(d) Provide a controlled environment for the care and 35009
protection of the child; 35010

~~(5)~~(e) Provide notification to a centralized location in the 35011
facility within thirty seconds of a child being placed in the 35012
incubator; 35013

~~(6)~~(f) Trigger a 9-1-1 call if a facility does not respond 35014
within a reasonable amount of time after a child is placed in the 35015
facility's incubator. 35016

~~(E) Operating~~(2) Manufacturing and manufacturer standards; 35017

(3) Installation and installer standards, including: 35018

<u>(a) Qualifications for installers, including that installers</u>	35019
<u>must maintain appropriate certification and licensing credentials;</u>	35020
<u>(b) Procedures and forms for registration of newborn safety</u>	35021
<u>incubator installers.</u>	35022
<u>(4) Subject to section 2151.3533 of the Revised Code,</u>	35023
<u>operating policies, supervision, and maintenance requirements for</u>	35024
<u>an incubator, including requirements that only a peace officer,</u>	35025
<u>emergency medical service worker, or hospital employee supervise</u>	35026
<u>the incubator and take custody of a child placed in it;</u>	35027
(F) Qualifications for persons to install incubators;	35028
(G) Procedures and forms for the registration of qualified	35029
incubator installers;	35030
(H)(5) Procedures to provide emergency care for a child	35031
placed into an incubator;	35032
<u>(6) Sanitation standards;</u>	35033
<u>(7) Costs for registering and regulating incubators and fees</u>	35034
<u>to cover those costs;</u>	35035
(I)(8) Creating and posting signs to be placed near or on	35036
incubators to provide information about using them;	35037
(J)(9) Enforcement of and remedies for violations for failure	35038
to comply with the requirements governing incubators;	35039
(K) Any other requirement the department considers necessary	35040
to ensure the safety and welfare of a child placed in an	35041
incubator.	35042
<u>(B) Notwithstanding division (A) of section 2151.3526 of the</u>	35043
<u>Revised Code, video surveillance is permitted at the facility</u>	35044
<u>where the incubator is located. The surveillance footage may be</u>	35045
<u>reviewed only when:</u>	35046
<u>(1) A child has been surrendered under the circumstances</u>	35047

described in division (B) of section 2151.3526 of the Revised Code; 35048
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(2) There is reason to believe a crime has been committed within view of the video surveillance system. 35050
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Sec. 2151.3533. (A) In adopting the rules described in division (A)(4) of section 2151.3532 of the Revised Code, the director of health shall specify that a newborn safety incubator is deemed to be supervised when either of the following is the case: 35052
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(1) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is present at the facility where the incubator is located to take possession of a child placed in the incubator. 35057
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(2) An alternate peace officer, peace officer support employee, hospital employee, or emergency medical service worker is dispatched by a secondary alarm that triggers a 9-1-1 call, in accordance with division (A)(1)(f) of section 2151.3532 of the Revised Code, when either of the following is the case: 35061
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(a) No individual described in division (A) of this section who is present at the facility responds within a reasonable amount of time after a child is placed in the incubator. 35066
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(b) Every individual described in section 2151.3517 of the Revised Code who is scheduled to work at the facility when a parent places a child into the incubator has been dispatched on an emergency call. 35069
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(B) A person authorized by section 2151.3517 of the Revised Code to take possession of a child is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's failure to respond within a reasonable amount of time after a child is placed in the incubator or after 35073
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the person is dispatched by a secondary alarm, unless that failure 35078
constitutes willful or wanton misconduct. 35079

Sec. 2151.421. (A)(1)(a) No person described in division 35080
(A)(1)(b) of this section who is acting in an official or 35081
professional capacity and knows, or has reasonable cause to 35082
suspect based on facts that would cause a reasonable person in a 35083
similar position to suspect, that a child under eighteen years of 35084
age, or a person under twenty-one years of age with a 35085
developmental disability or physical impairment, has suffered or 35086
faces a threat of suffering any physical or mental wound, injury, 35087
disability, or condition of a nature that reasonably indicates 35088
abuse or neglect of the child shall fail to immediately report 35089
that knowledge or reasonable cause to suspect to the entity or 35090
persons specified in this division. Except as otherwise provided 35091
in this division or section 5120.173 of the Revised Code, the 35092
person making the report shall make it to the public children 35093
services agency or a peace officer in the county in which the 35094
child resides or in which the abuse or neglect is occurring or has 35095
occurred. If the person making the report is a peace officer, the 35096
officer shall make it to the public children services agency in 35097
the county in which the child resides or in which the abuse or 35098
neglect is occurring or has occurred. In the circumstances 35099
described in section 5120.173 of the Revised Code, the person 35100
making the report shall make it to the entity specified in that 35101
section. 35102

(b) Division (A)(1)(a) of this section applies to any person 35103
who is an attorney; health care professional; practitioner of a 35104
limited branch of medicine as specified in section 4731.15 of the 35105
Revised Code; licensed school psychologist; independent marriage 35106
and family therapist or marriage and family therapist; coroner; 35107
administrator or employee of a child day-care center; 35108
administrator or employee of a residential camp, child day camp, 35109

or private, nonprofit therapeutic wilderness camp; administrator 35110
or employee of a certified child care agency or other public or 35111
private children services agency; school teacher; school employee; 35112
school authority; peace officer; humane society agent; dog warden, 35113
deputy dog warden, or other person appointed to act as an animal 35114
control officer for a municipal corporation or township in 35115
accordance with state law, an ordinance, or a resolution; person, 35116
other than a cleric, rendering spiritual treatment through prayer 35117
in accordance with the tenets of a well-recognized religion; 35118
employee of a county department of job and family services who is 35119
a professional and who works with children and families; 35120
superintendent or regional administrator employed by the 35121
department of youth services; superintendent, board member, or 35122
employee of a county board of developmental disabilities; 35123
investigative agent contracted with by a county board of 35124
developmental disabilities; employee of the department of 35125
developmental disabilities; employee of a facility or home that 35126
provides respite care in accordance with section 5123.171 of the 35127
Revised Code; employee of an entity that provides homemaker 35128
services; employee of a qualified organization as defined in 35129
section 2151.90 of the Revised Code; a host family as defined in 35130
section 2151.90 of the Revised Code; foster caregiver; a person 35131
performing the duties of an assessor pursuant to Chapter 3107. or 35132
5103. of the Revised Code; third party employed by a public 35133
children services agency to assist in providing child or family 35134
related services; court appointed special advocate; or guardian ad 35135
litem. 35136

(c) If two or more health care professionals, after providing 35137
health care services to a child, determine or suspect that the 35138
child has been or is being abused or neglected, the health care 35139
professionals may designate one of the health care professionals 35140
to report the abuse or neglect. A single report made under this 35141
division shall meet the reporting requirements of division (A)(1) 35142

of this section. 35143

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding. 35144
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(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply: 35152
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(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment. 35161
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(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient. 35165
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(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 35171
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2151.85 of the Revised Code. 35174

(4)(a) No cleric and no person, other than a volunteer, 35175
designated by any church, religious society, or faith acting as a 35176
leader, official, or delegate on behalf of the church, religious 35177
society, or faith who is acting in an official or professional 35178
capacity, who knows, or has reasonable cause to believe based on 35179
facts that would cause a reasonable person in a similar position 35180
to believe, that a child under eighteen years of age, or a person 35181
under twenty-one years of age with a developmental disability or 35182
physical impairment, has suffered or faces a threat of suffering 35183
any physical or mental wound, injury, disability, or condition of 35184
a nature that reasonably indicates abuse or neglect of the child, 35185
and who knows, or has reasonable cause to believe based on facts 35186
that would cause a reasonable person in a similar position to 35187
believe, that another cleric or another person, other than a 35188
volunteer, designated by a church, religious society, or faith 35189
acting as a leader, official, or delegate on behalf of the church, 35190
religious society, or faith caused, or poses the threat of 35191
causing, the wound, injury, disability, or condition that 35192
reasonably indicates abuse or neglect shall fail to immediately 35193
report that knowledge or reasonable cause to believe to the entity 35194
or persons specified in this division. Except as provided in 35195
section 5120.173 of the Revised Code, the person making the report 35196
shall make it to the public children services agency or a peace 35197
officer in the county in which the child resides or in which the 35198
abuse or neglect is occurring or has occurred. In the 35199
circumstances described in section 5120.173 of the Revised Code, 35200
the person making the report shall make it to the entity specified 35201
in that section. 35202

(b) Except as provided in division (A)(4)(c) of this section, 35203
a cleric is not required to make a report pursuant to division 35204
(A)(4)(a) of this section concerning any communication the cleric 35205

receives from a penitent in a cleric-penitent relationship, if, in 35206
accordance with division (C) of section 2317.02 of the Revised 35207
Code, the cleric could not testify with respect to that 35208
communication in a civil or criminal proceeding. 35209

(c) The penitent in a cleric-penitent relationship described 35210
in division (A)(4)(b) of this section is deemed to have waived any 35211
testimonial privilege under division (C) of section 2317.02 of the 35212
Revised Code with respect to any communication the cleric receives 35213
from the penitent in that cleric-penitent relationship, and the 35214
cleric shall make a report pursuant to division (A)(4)(a) of this 35215
section with respect to that communication, if all of the 35216
following apply: 35217

(i) The penitent, at the time of the communication, is a 35218
child under eighteen years of age or is a person under twenty-one 35219
years of age with a developmental disability or physical 35220
impairment. 35221

(ii) The cleric knows, or has reasonable cause to believe 35222
based on facts that would cause a reasonable person in a similar 35223
position to believe, as a result of the communication or any 35224
observations made during that communication, the penitent has 35225
suffered or faces a threat of suffering any physical or mental 35226
wound, injury, disability, or condition of a nature that 35227
reasonably indicates abuse or neglect of the penitent. 35228

(iii) The abuse or neglect does not arise out of the 35229
penitent's attempt to have an abortion performed upon a child 35230
under eighteen years of age or upon a person under twenty-one 35231
years of age with a developmental disability or physical 35232
impairment without the notification of her parents, guardian, or 35233
custodian in accordance with section 2151.85 of the Revised Code. 35234

(d) Divisions (A)(4)(a) and (c) of this section do not apply 35235
in a cleric-penitent relationship when the disclosure of any 35236

communication the cleric receives from the penitent is in 35237
violation of the sacred trust. 35238

(e) As used in divisions (A)(1) and (4) of this section, 35239
"cleric" and "sacred trust" have the same meanings as in section 35240
2317.02 of the Revised Code. 35241

(B) Anyone who knows, or has reasonable cause to suspect 35242
based on facts that would cause a reasonable person in similar 35243
circumstances to suspect, that a child under eighteen years of 35244
age, or a person under twenty-one years of age with a 35245
developmental disability or physical impairment, has suffered or 35246
faces a threat of suffering any physical or mental wound, injury, 35247
disability, or other condition of a nature that reasonably 35248
indicates abuse or neglect of the child may report or cause 35249
reports to be made of that knowledge or reasonable cause to 35250
suspect to the entity or persons specified in this division. 35251
Except as provided in section 5120.173 of the Revised Code, a 35252
person making a report or causing a report to be made under this 35253
division shall make it or cause it to be made to the public 35254
children services agency or to a peace officer. In the 35255
circumstances described in section 5120.173 of the Revised Code, a 35256
person making a report or causing a report to be made under this 35257
division shall make it or cause it to be made to the entity 35258
specified in that section. 35259

(C) Any report made pursuant to division (A) or (B) of this 35260
section shall be made forthwith either by telephone ~~or~~, in person, 35261
or electronically and shall be followed by a written report, if 35262
requested by the receiving agency or officer. The written report 35263
shall contain: 35264

(1) The names and addresses of the child and the child's 35265
parents or the person or persons having custody of the child, if 35266
known; 35267

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information, including, but not limited to, results and reports of any medical examinations, tests, or procedures performed under division (D) of this section, that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

(D)(1) Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically necessary for the purpose of diagnosing or treating injuries that are suspected to have occurred as a result of child abuse or child neglect, perform or cause to be performed radiological examinations and any other medical examinations of, and tests or procedures on, the child.

(2) The results and any available reports of examinations, tests, or procedures made under division (D)(1) of this section shall be included in a report made pursuant to division (A) of this section. Any additional reports of examinations, tests, or procedures that become available shall be provided to the public children services agency, upon request.

(3) If a health care professional provides health care services in a hospital, children's advocacy center, or emergency medical facility to a child about whom a report has been made

under division (A) of this section, the health care professional 35300
may take any steps that are reasonably necessary for the release 35301
or discharge of the child to an appropriate environment. Before 35302
the child's release or discharge, the health care professional may 35303
obtain information, or consider information obtained, from other 35304
entities or individuals that have knowledge about the child. 35305
Nothing in division (D)(3) of this section shall be construed to 35306
alter the responsibilities of any person under sections 2151.27 35307
and 2151.31 of the Revised Code. 35308

(4) A health care professional may conduct medical 35309
examinations, tests, or procedures on the siblings of a child 35310
about whom a report has been made under division (A) of this 35311
section and on other children who reside in the same home as the 35312
child, if the professional determines that the examinations, 35313
tests, or procedures are medically necessary to diagnose or treat 35314
the siblings or other children in order to determine whether 35315
reports under division (A) of this section are warranted with 35316
respect to such siblings or other children. The results of the 35317
examinations, tests, or procedures on the siblings and other 35318
children may be included in a report made pursuant to division (A) 35319
of this section. 35320

(5) Medical examinations, tests, or procedures conducted 35321
under divisions (D)(1) and (4) of this section and decisions 35322
regarding the release or discharge of a child under division 35323
(D)(3) of this section do not constitute a law enforcement 35324
investigation or activity. 35325

(E)(1) When a peace officer receives a report made pursuant 35326
to division (A) or (B) of this section, upon receipt of the 35327
report, the peace officer who receives the report shall refer the 35328
report to the appropriate public children services agency, in 35329
accordance with requirements specified under division (B)(6) of 35330
section 2151.4211 of the Revised Code, unless an arrest is made at 35331

the time of the report that results in the appropriate public 35332
children services agency being contacted concerning the possible 35333
abuse or neglect of a child or the possible threat of abuse or 35334
neglect of a child. 35335

(2) When a public children services agency receives a report 35336
pursuant to this division or division (A) or (B) of this section, 35337
upon receipt of the report, the public children services agency 35338
shall do all of the following: 35339

(a) Comply with section 2151.422 of the Revised Code; 35340

(b) If the county served by the agency is also served by a 35341
children's advocacy center and the report alleges sexual abuse of 35342
a child or another type of abuse of a child that is specified in 35343
the memorandum of understanding that creates the center as being 35344
within the center's jurisdiction, comply regarding the report with 35345
the protocol and procedures for referrals and investigations, with 35346
the coordinating activities, and with the authority or 35347
responsibility for performing or providing functions, activities, 35348
and services stipulated in the interagency agreement entered into 35349
under section 2151.428 of the Revised Code relative to that 35350
center; 35351

(c) Unless an arrest is made at the time of the report that 35352
results in the appropriate law enforcement agency being contacted 35353
concerning the possible abuse or neglect of a child or the 35354
possible threat of abuse or neglect of a child, and in accordance 35355
with requirements specified under division (B)(6) of section 35356
2151.4211 of the Revised Code, notify the appropriate law 35357
enforcement agency of the report, if the public children services 35358
agency received either of the following: 35359

(i) A report of abuse of a child; 35360

(ii) A report of neglect of a child that alleges a type of 35361
neglect identified by the department of job and family services in 35362

rules adopted under division (L)(2) of this section. 35363

(F) No peace officer shall remove a child about whom a report 35364
is made pursuant to this section from the child's parents, 35365
stepparents, or guardian or any other persons having custody of 35366
the child without consultation with the public children services 35367
agency, unless, in the judgment of the officer, and, if the report 35368
was made by physician, the physician, immediate removal is 35369
considered essential to protect the child from further abuse or 35370
neglect. The agency that must be consulted shall be the agency 35371
conducting the investigation of the report as determined pursuant 35372
to section 2151.422 of the Revised Code. 35373

(G)(1) Except as provided in section 2151.422 of the Revised 35374
Code or in an interagency agreement entered into under section 35375
2151.428 of the Revised Code that applies to the particular 35376
report, the public children services agency shall investigate, 35377
within twenty-four hours, each report of child abuse or child 35378
neglect that is known or reasonably suspected or believed to have 35379
occurred and of a threat of child abuse or child neglect that is 35380
known or reasonably suspected or believed to exist that is 35381
referred to it under this section to determine the circumstances 35382
surrounding the injuries, abuse, or neglect or the threat of 35383
injury, abuse, or neglect, the cause of the injuries, abuse, 35384
neglect, or threat, and the person or persons responsible. The 35385
investigation shall be made in cooperation with the law 35386
enforcement agency and in accordance with the memorandum of 35387
understanding prepared under sections 2151.4210 to 2151.4224 of 35388
the Revised Code. A representative of the public children services 35389
agency shall, at the time of initial contact with the person 35390
subject to the investigation, inform the person of the specific 35391
complaints or allegations made against the person. The information 35392
shall be given in a manner that is consistent with division (I)(1) 35393
and rules adopted under division (L)(3) of this section and 35394

protects the rights of the person making the report under this 35395
section. 35396

A failure to make the investigation in accordance with the 35397
memorandum is not grounds for, and shall not result in, the 35398
dismissal of any charges or complaint arising from the report or 35399
the suppression of any evidence obtained as a result of the report 35400
and does not give, and shall not be construed as giving, any 35401
rights or any grounds for appeal or post-conviction relief to any 35402
person. The public children services agency shall report each case 35403
to the uniform statewide automated child welfare information 35404
system that the department of job and family services shall 35405
maintain in accordance with section 5101.13 of the Revised Code. 35406
The public children services agency shall submit a report of its 35407
investigation, in writing, to the law enforcement agency. 35408

(2) The public children services agency shall make any 35409
recommendations to the county prosecuting attorney or city 35410
director of law that it considers necessary to protect any 35411
children that are brought to its attention. 35412

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 35413
(I)(3) of this section, any person, health care professional, 35414
hospital, institution, school, health department, or agency shall 35415
be immune from any civil or criminal liability for injury, death, 35416
or loss to person or property that otherwise might be incurred or 35417
imposed as a result of any of the following: 35418

(i) Participating in the making of reports pursuant to 35419
division (A) of this section or in the making of reports in good 35420
faith, pursuant to division (B) of this section; 35421

(ii) Participating in medical examinations, tests, or 35422
procedures under division (D) of this section; 35423

(iii) Providing information used in a report made pursuant to 35424
division (A) of this section or providing information in good 35425

faith used in a report made pursuant to division (B) of this section; 35426
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(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section. 35428
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(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession. 35432
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(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section. 35435
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(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought. 35441
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(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this 35450
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division shall preclude the use of reports of other incidents of 35457
known or suspected abuse or neglect in a civil action or 35458
proceeding brought pursuant to division (M) of this section 35459
against a person who is alleged to have violated division (A)(1) 35460
of this section, provided that any information in a report that 35461
would identify the child who is the subject of the report or the 35462
maker of the report, if the maker of the report is not the 35463
defendant or an agent or employee of the defendant, has been 35464
redacted. In a criminal proceeding, the report is admissible in 35465
evidence in accordance with the Rules of Evidence and is subject 35466
to discovery in accordance with the Rules of Criminal Procedure. 35467

(2)(a) Except as provided in division (I)(2)(b) of this 35468
section, no person shall permit or encourage the unauthorized 35469
dissemination of the contents of any report made under this 35470
section. 35471

(b) A health care professional that obtains the same 35472
information contained in a report made under this section from a 35473
source other than the report may disseminate the information, if 35474
its dissemination is otherwise permitted by law. 35475

(3) A person who knowingly makes or causes another person to 35476
make a false report under division (B) of this section that 35477
alleges that any person has committed an act or omission that 35478
resulted in a child being an abused child or a neglected child is 35479
guilty of a violation of section 2921.14 of the Revised Code. 35480

(4) If a report is made pursuant to division (A) or (B) of 35481
this section and the child who is the subject of the report dies 35482
for any reason at any time after the report is made, but before 35483
the child attains eighteen years of age, the public children 35484
services agency or peace officer to which the report was made or 35485
referred, on the request of the child fatality review board, the 35486
suicide fatality review committee, or the director of health 35487
pursuant to guidelines established under section 3701.70 of the 35488

Revised Code, shall submit a summary sheet of information 35489
providing a summary of the report to the review board or review 35490
committee of the county in which the deceased child resided at the 35491
time of death or to the director. On the request of the review 35492
board, review committee, or director, the agency or peace officer 35493
may, at its discretion, make the report available to the review 35494
board, review committee, or director. If the county served by the 35495
public children services agency is also served by a children's 35496
advocacy center and the report of alleged sexual abuse of a child 35497
or another type of abuse of a child is specified in the memorandum 35498
of understanding that creates the center as being within the 35499
center's jurisdiction, the agency or center shall perform the 35500
duties and functions specified in this division in accordance with 35501
the interagency agreement entered into under section 2151.428 of 35502
the Revised Code relative to that advocacy center. 35503

(5) A Not later than five business days after the 35504
determination of a disposition, a public children services agency 35505
shall advise a person alleged to have inflicted abuse or neglect 35506
on a child who is the subject of a report made pursuant to this 35507
section, including a report alleging sexual abuse of a child or 35508
another type of abuse of a child referred to a children's advocacy 35509
center pursuant to an interagency agreement entered into under 35510
section 2151.428 of the Revised Code, in writing of the 35511
disposition of the investigation. The agency shall not provide to 35512
the person any information that identifies the person who made the 35513
report, statements of witnesses, or police or other investigative 35514
reports. The written notice of disposition shall be made in a form 35515
designated by the department of job and family services and shall 35516
inform the person of the right to appeal the disposition. 35517

(J) Any report that is required by this section, other than a 35518
report that is made to the state highway patrol as described in 35519
section 5120.173 of the Revised Code, shall result in protective 35520

services and emergency supportive services being made available by 35521
the public children services agency on behalf of the children 35522
about whom the report is made, ~~in an effort to prevent further~~ 35523
~~neglect or abuse, to enhance their welfare, and, whenever~~ 35524
~~possible, to preserve the family unit intact.~~ The agency required 35525
to provide the services shall be the agency conducting the 35526
investigation of the report pursuant to section 2151.422 of the 35527
Revised Code. If a child is determined to be a candidate for 35528
prevention services, the agency also shall make efforts to prevent 35529
neglect or abuse, to enhance a child's welfare, and to preserve 35530
the family unit intact by referring a report for assessment and 35531
provision of services to an agency providing prevention services. 35532

(K)(1) Except as provided in division (K)(4) or (5) of this 35533
section, a person who is required to make a report under division 35534
(A) of this section may make a reasonable number of requests of 35535
the public children services agency that receives or is referred 35536
the report, or of the children's advocacy center that is referred 35537
the report if the report is referred to a children's advocacy 35538
center pursuant to an interagency agreement entered into under 35539
section 2151.428 of the Revised Code, to be provided with the 35540
following information: 35541

(a) Whether the agency or center has initiated an 35542
investigation of the report; 35543

(b) Whether the agency or center is continuing to investigate 35544
the report; 35545

(c) Whether the agency or center is otherwise involved with 35546
the child who is the subject of the report; 35547

(d) The general status of the health and safety of the child 35548
who is the subject of the report; 35549

(e) Whether the report has resulted in the filing of a 35550
complaint in juvenile court or of criminal charges in another 35551

court. 35552

(2)(a) A person may request the information specified in 35553
division (K)(1) of this section only if, at the time the report is 35554
made, the person's name, address, and telephone number are 35555
provided to the person who receives the report. 35556

(b) When a peace officer or employee of a public children 35557
services agency receives a report pursuant to division (A) or (B) 35558
of this section the recipient of the report shall inform the 35559
person of the right to request the information described in 35560
division (K)(1) of this section. The recipient of the report shall 35561
include in the initial child abuse or child neglect report that 35562
the person making the report was so informed and, if provided at 35563
the time of the making of the report, shall include the person's 35564
name, address, and telephone number in the report. 35565

(c) If the person making the report provides the person's 35566
name and contact information on making the report, the public 35567
children services agency that received or was referred the report 35568
shall send a written notice via United States mail or electronic 35569
mail, in accordance with the person's preference, to the person 35570
not later than seven calendar days after receipt of the report. 35571
The notice shall provide the status of the agency's investigation 35572
into the report made, who the person may contact at the agency for 35573
further information, and a description of the person's rights 35574
under division (K)(1) of this section. 35575

(d) Each request is subject to verification of the identity 35576
of the person making the report. If that person's identity is 35577
verified, the agency shall provide the person with the information 35578
described in division (K)(1) of this section a reasonable number 35579
of times, except that the agency shall not disclose any 35580
confidential information regarding the child who is the subject of 35581
the report other than the information described in those 35582
divisions. 35583

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (K)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care professional who provided health care services to the child about whom the report was made.

(6) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

(L)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to

protect children from child abuse and child neglect. 35616

(2) Not later than ninety days after ~~the effective date of~~ 35617
~~this amendment~~ May 30, 2022, the director of job and family 35618
services shall adopt rules in accordance with Chapter 119. of the 35619
Revised Code to identify the types of neglect of a child that a 35620
public children services agency shall be required to notify law 35621
enforcement of pursuant to division (E)(2)(c)(ii) of this section. 35622

(M) Whoever violates division (A) of this section is liable 35623
for compensatory and exemplary damages to the child who would have 35624
been the subject of the report that was not made. A person who 35625
brings a civil action or proceeding pursuant to this division 35626
against a person who is alleged to have violated division (A)(1) 35627
of this section may use in the action or proceeding reports of 35628
other incidents of known or suspected abuse or neglect, provided 35629
that any information in a report that would identify the child who 35630
is the subject of the report or the maker of the report, if the 35631
maker is not the defendant or an agent or employee of the 35632
defendant, has been redacted. 35633

(N)(1) As used in this division: 35634

(a) "Out-of-home care" includes a nonchartered nonpublic 35635
school if the alleged child abuse or child neglect, or alleged 35636
threat of child abuse or child neglect, described in a report 35637
received by a public children services agency allegedly occurred 35638
in or involved the nonchartered nonpublic school and the alleged 35639
perpetrator named in the report holds a certificate, permit, or 35640
license issued by the state board of education under section 35641
3301.071 or Chapter 3319. of the Revised Code. 35642

(b) "Administrator, director, or other chief administrative 35643
officer" means the superintendent of the school district if the 35644
out-of-home care entity subject to a report made pursuant to this 35645
section is a school operated by the district. 35646

(2) No later than the end of the day following the day on 35647
which a public children services agency receives a report of 35648
alleged child abuse or child neglect, or a report of an alleged 35649
threat of child abuse or child neglect, that allegedly occurred in 35650
or involved an out-of-home care entity, the agency shall provide 35651
written notice of the allegations contained in and the person 35652
named as the alleged perpetrator in the report to the 35653
administrator, director, or other chief administrative officer of 35654
the out-of-home care entity that is the subject of the report 35655
unless the administrator, director, or other chief administrative 35656
officer is named as an alleged perpetrator in the report. If the 35657
administrator, director, or other chief administrative officer of 35658
an out-of-home care entity is named as an alleged perpetrator in a 35659
report of alleged child abuse or child neglect, or a report of an 35660
alleged threat of child abuse or child neglect, that allegedly 35661
occurred in or involved the out-of-home care entity, the agency 35662
shall provide the written notice to the owner or governing board 35663
of the out-of-home care entity that is the subject of the report. 35664
The agency shall not provide witness statements or police or other 35665
investigative reports. 35666

(3) No later than three days after the day on which a public 35667
children services agency that conducted the investigation as 35668
determined pursuant to section 2151.422 of the Revised Code makes 35669
a disposition of an investigation involving a report of alleged 35670
child abuse or child neglect, or a report of an alleged threat of 35671
child abuse or child neglect, that allegedly occurred in or 35672
involved an out-of-home care entity, the agency shall send written 35673
notice of the disposition of the investigation to the 35674
administrator, director, or other chief administrative officer and 35675
the owner or governing board of the out-of-home care entity. The 35676
agency shall not provide witness statements or police or other 35677
investigative reports. 35678

(0) As used in this section:	35679
(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.	35680 35681 35682
(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner.	35683 35684 35685 35686 35687 35688 35689 35690 35691 35692 35693
(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.	35694 35695 35696
(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.	35697 35698 35699 35700
Sec. 2151.423. A public children services agency shall disclose confidential information discovered during an investigation conducted pursuant to section 2151.421 or 2151.422 of the Revised Code to any federal, state, or local government entity, including any appropriate military authority <u>or any agency providing prevention services to the child</u> , that needs the information to carry out its responsibilities to protect children from abuse or neglect.	35701 35702 35703 35704 35705 35706 35707 35708

Information disclosed pursuant to this section is 35709
confidential and is not subject to disclosure pursuant to section 35710
149.43 or 1347.08 of the Revised Code by the agency to whom the 35711
information was disclosed. The agency receiving the information 35712
shall maintain the confidentiality of information disclosed 35713
pursuant to this section. 35714

Sec. 2152.26. (A) Except as provided in section 2152.261 of 35715
the Revised Code and divisions (B) and (F) of this section, a 35716
child alleged to be or adjudicated a delinquent child or a 35717
juvenile traffic offender may be held only in the following 35718
places: 35719

(1) A certified foster home or a home approved by the court; 35720

(2) A facility operated by a certified child welfare agency; 35721

(3) Any other suitable place designated by the court. 35722

(B) In addition to the places listed in division (A) of this 35723
section, a child alleged to be or adjudicated a delinquent child 35724
or a person described in division (C)(7) of section 2152.02 of the 35725
Revised Code may be held in a detention facility for delinquent 35726
children that is under the direction or supervision of the court 35727
or other public authority or of a private agency and approved by 35728
the court, and a child adjudicated a delinquent child may be held 35729
in accordance with division (F)(2) of this section in a facility 35730
of a type specified in that division. 35731

(C)(1) Except as provided under division (C)(1) of section 35732
2151.311 of the Revised Code or division (A)(5) of section 2152.21 35733
of the Revised Code, a child alleged to be or adjudicated a 35734
juvenile traffic offender may not be held in any of the following 35735
facilities: 35736

(a) A state correctional institution, county, multicounty, or 35737
municipal jail or workhouse, or other place in which an adult 35738

convicted of crime, under arrest, or charged with a crime is held. 35739

(b) A secure correctional facility. 35740

(2) Except as provided under this section, sections 2151.56 35741
to 2151.59, and divisions (A)(5) and (6) of section 2152.21 of the 35742
Revised Code, a child alleged to be or adjudicated a juvenile 35743
traffic offender may not be held for more than twenty-four hours 35744
in a detention facility. 35745

(D) Except as provided in division (F) of this section or in 35746
division (C) of section 2151.311, in division (C)(2) of section 35747
5139.06 and section 5120.162, or in division (B) of section 35748
5120.16 of the Revised Code, a child who is alleged to be or is 35749
adjudicated a delinquent child or a person described in division 35750
(C)(7) of section 2152.02 of the Revised Code may not be held in a 35751
state correctional institution, county, multicounty, or municipal 35752
jail or workhouse, or other place where an adult convicted of 35753
crime, under arrest, or charged with crime is held. 35754

(E) Unless the detention is pursuant to division (F) of this 35755
section or division (C) of section 2151.311, division (C)(2) of 35756
section 5139.06 and section 5120.162, or division (B) of section 35757
5120.16 of the Revised Code, the official in charge of the 35758
institution, jail, workhouse, or other facility shall inform the 35759
court immediately when a person who is or appears to be under the 35760
age of eighteen years, or a person who is charged with a violation 35761
of an order of a juvenile court or a violation of probation or 35762
parole conditions imposed by a juvenile court and who is or 35763
appears to be between the ages of eighteen and twenty-one years, 35764
is received at the facility and shall deliver the person to the 35765
court upon request or transfer the person to a detention facility 35766
designated by the court. 35767

(F)(1) If a case is transferred to another court for criminal 35768
prosecution pursuant to section 2152.12 of the Revised Code and 35769

the alleged offender is a person described in division (C)(7) of 35770
section 2152.02 of the Revised Code, the person may not be 35771
transferred for detention pending the criminal prosecution in a 35772
jail or other facility except under the circumstances described in 35773
division (F)(4) of this section. Any child held in accordance with 35774
division (F)(3) of this section shall be confined in a manner that 35775
keeps the child beyond the sight and sound of all adult detainees. 35776
The child shall be supervised at all times during the detention. 35777

(2) If a person is adjudicated a delinquent child or juvenile 35778
traffic offender or is a person described in division (C)(7) of 35779
section 2152.02 of the Revised Code and the court makes a 35780
disposition of the person under this chapter, at any time after 35781
the person attains twenty-one years of age, the person may be held 35782
under that disposition or under the circumstances described in 35783
division (F)(4) of this section in places other than those 35784
specified in division (A) of this section, including, but not 35785
limited to, a county, multicounty, or municipal jail or workhouse, 35786
or other place where an adult convicted of crime, under arrest, or 35787
charged with crime is held. 35788

(3)(a) A person alleged to be a delinquent child may be held 35789
in places other than those specified in division (A) of this 35790
section, including, but not limited to, a county, multicounty, or 35791
municipal jail, if the delinquent act that the child allegedly 35792
committed would be a felony if committed by an adult, and if 35793
either of the following applies: 35794

(i) The person attains twenty-one years of age before the 35795
person is arrested or apprehended for that act. 35796

(ii) The person is arrested or apprehended for that act 35797
before the person attains twenty-one years of age, but the person 35798
attains twenty-one years of age before the court orders a 35799
disposition in the case. 35800

(b) If, pursuant to division (F)(3)(a) of this section, a person is held in a place other than a place specified in division (A) of this section, the person has the same rights to bail as an adult charged with the same offense who is confined in a jail pending trial.

(4)(a) Any person whose case is transferred for criminal prosecution pursuant to section 2152.10 or 2152.12 of the Revised Code or any person who has attained the age of eighteen years but has not attained the age of twenty-one years and who is being held in a place specified in division (B) of this section may be held under that disposition or charge in places other than those specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held if the juvenile court, upon its own motion or upon motion by the prosecutor and after notice and hearing, establishes by a preponderance of the evidence and makes written findings of either of the following:

(i) With respect to a person whose case is transferred for criminal prosecution pursuant to either specified section or who has attained the age of eighteen years but who has not attained the age of twenty-one years and is being so held, that the youth is a threat to the safety and security of the facility;

(ii) With respect to a person who has attained the age of eighteen years but who has not attained the age of twenty-one years and is being so held, that the best interests of the youth require that the youth be held in a place other than a place specified in division (B) of this section, including a county, multicounty, or municipal jail or workhouse, or other place where an adult under arrest or charged with crime is held.

(b) In determining for purposes of division (F)(4)(a)(i) of this section whether a youth is a threat to the safety and

security of the facility, evidence that the youth is a threat to 35833
the safety and security of the facility may include, but is not 35834
limited to, whether the youth has done any of the following: 35835

(i) Injured or created an imminent danger to the life or 35836
health of another youth or staff member in the facility or program 35837
by violent behavior; 35838

(ii) Escaped from the facility or program in which the youth 35839
is being held on more than one occasion; 35840

(iii) Established a pattern of disruptive behavior as 35841
verified by a written record that the youth's behavior is not 35842
conducive to the established policies and procedures of the 35843
facility or program in which the youth is being held. 35844

(c) If a prosecutor submits a motion requesting that a person 35845
be held in a place other than those specified in division (B) of 35846
this section or if the court submits its own motion, the juvenile 35847
court shall hold a hearing within five days of the filing of the 35848
motion, and, in determining whether a place other than those 35849
specified in division (B) of this section is the appropriate place 35850
of confinement for the person, the court shall consider the 35851
following factors: 35852

(i) The age of the person; 35853

(ii) Whether the person would be deprived of contact with 35854
other people for a significant portion of the day or would not 35855
have access to recreational facilities or age-appropriate 35856
educational opportunities in order to provide physical separation 35857
from adults; 35858

(iii) The person's current emotional state, intelligence, and 35859
developmental maturity, including any emotional and psychological 35860
trauma, and the risk to the person in an adult facility, which may 35861
be evidenced by mental health or psychological assessments or 35862
screenings made available to the prosecuting attorney and the 35863

defense counsel;	35864
(iv) Whether detention in a juvenile facility would	35865
adequately serve the need for community protection pending the	35866
outcome of the criminal proceeding;	35867
(v) The relative ability of the available adult and juvenile	35868
detention facilities to meet the needs of the person, including	35869
the person's need for age-appropriate mental health and	35870
educational services delivered by individuals specifically trained	35871
to deal with youth;	35872
(vi) Whether the person presents an imminent risk of	35873
self-inflicted harm or an imminent risk of harm to others within a	35874
juvenile facility;	35875
(vii) Any other factors the juvenile court considers to be	35876
relevant.	35877
(d) If the juvenile court determines that a place other than	35878
those specified in division (B) of this section is the appropriate	35879
place for confinement of a person pursuant to division (F)(4)(a)	35880
of this section, the person may petition the juvenile court for a	35881
review hearing thirty days after the initial confinement decision,	35882
thirty days after any subsequent review hearing, or at any time	35883
after the initial confinement decision upon an emergency petition	35884
by the youth due to the youth facing an imminent danger from	35885
others or the youth's self. Upon receipt of the petition, the	35886
juvenile court has discretion over whether to conduct the review	35887
hearing and may set the matter for a review hearing if the youth	35888
has alleged facts or circumstances that, if true, would warrant	35889
reconsideration of the youth's placement in a place other than	35890
those specified in division (B) of this section based on the	35891
factors listed in division (F)(4)(c) of this section.	35892
(e) Upon the admission of a person described in division	35893
(F)(4)(a) of this section to a place other than those specified in	35894

division (B) of this section, the facility shall advise the person 35895
of the person's right to request a review hearing as described in 35896
division (F)(4)(d) of this section. 35897

(f) Any person transferred under division (F)(4)(a) of this 35898
section to a place other than those specified in division (B) of 35899
this section shall be confined in a manner that keeps those under 35900
eighteen years of age beyond sight and sound of all adult 35901
detainees. Those under eighteen years of age shall be supervised 35902
at all times during the detention. 35903

(G)(1) If a person who is alleged to be or has been 35904
adjudicated a delinquent child or who is in any other category of 35905
persons identified in this section or section 2151.311 of the 35906
Revised Code is confined under authority of any Revised Code 35907
section in a place other than a place specified in division (B) of 35908
this section, including a county, multicounty, or municipal jail 35909
or workhouse, or other place where an adult under arrest or 35910
charged with crime is held, subject to division (G)(2) of this 35911
section, all identifying information, other than the person's 35912
county of residence, age, gender, and race and the charges against 35913
the person, that relates to the person's admission to and 35914
confinement in that place is not a public record open for 35915
inspection or copying under section 149.43 of the Revised Code and 35916
is confidential and shall not be released to any person other than 35917
to a court, to a law enforcement agency for law enforcement 35918
purposes, or to a person specified by court order. 35919

(2) Division (G)(1) of this section does not apply with 35920
respect to a person whose case is transferred for criminal 35921
prosecution pursuant to section 2152.10 or 2152.12 of the Revised 35922
Code, who is convicted of or pleads guilty to an offense in that 35923
case, who is confined after that conviction or guilty plea in a 35924
place other than a place specified in division (B) of this 35925
section, and to whom one of the following applies: 35926

(a) The case was transferred other than pursuant to division 35927
(A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised 35928
Code. 35929

(b) The case was transferred pursuant to division 35930
(A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised 35931
Code, and the person is sentenced for the offense pursuant to 35932
division (B)(4) of section 2152.121 of the Revised Code. 35933

(c) The case was transferred pursuant to division 35934
(A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of the Revised 35935
Code, the person is sentenced for the offense pursuant to division 35936
(B)(3) of section 2152.121 of the Revised Code by the court in 35937
which the person was convicted of or pleaded guilty to the 35938
offense, and the sentence imposed by that court is invoked 35939
pursuant to division (B)(3)(b) of section 2152.121 of the Revised 35940
Code. 35941

Sec. 2152.261. (A)(1) The director of youth services may 35942
request the prosecuting attorney of the county in which is located 35943
the juvenile court that imposed a sentence upon a person under 35944
section 2152.121, 2152.16, 2152.17, or 2152.19 of the Revised Code 35945
to file a motion with that juvenile court to modify the place at 35946
which the person is held if all of the following apply to the 35947
person: 35948

(a) The person is at least 18 years of age. 35949

(b) The person is in the institutional custody, or an escapee 35950
from the custody, of the department of youth services. 35951

(c) The person is serving a sentence imposed upon the person 35952
under section 2152.121, 2152.16, 2152.17, or 2152.19 of the 35953
Revised Code. 35954

(2) The motion shall state that there is reasonable cause to 35955
believe that either of the following misconduct has occurred and 35956

shall state that at least one incident of misconduct of that 35957
nature occurred after the person reached eighteen years of age: 35958

(a) The person committed an act that is a violation of the 35959
rules of the institution and that could be charged as a felony, or 35960
the person committed two or more acts that are violations of the 35961
rules of the institution and that could be charged as a first 35962
degree misdemeanor offense of violence. 35963

(b) The person engaged in conduct that creates a substantial 35964
risk to the safety or security of the institution or the 35965
institution's staff, the community, or the victim. 35966

(B) If the prosecuting attorney declines a request to file a 35967
motion that was made by the department of youth services under 35968
division (A) of this section or fails to act on a request made by 35969
the department of youth services within five days of the request 35970
to file a motion, the department of youth services may notify the 35971
juvenile court of the circumstances described in division (A) of 35972
this section. Upon receiving the notice, the juvenile court, upon 35973
its own motion, may seek to modify the place at which the person 35974
is held. 35975

(C) Within twenty days of the filing of a motion described in 35976
division (A) or (B) of this section, the juvenile court shall hold 35977
a hearing to determine whether to modify the place at which the 35978
person is held. At the hearing, the person who is the subject of 35979
the motion has the right to be present, to receive notice of the 35980
grounds upon which the place at which the person to be held is to 35981
be modified, to be represented by counsel, to be advised on the 35982
procedures and protections set forth in the Rules of Criminal 35983
Procedure, and to present evidence on the person's own behalf, 35984
including evidence that the person has a mental illness or 35985
intellectual disability. The person may not waive the right to 35986
counsel. The hearing shall be open to the public. If the person 35987
presents evidence that the person has a mental illness or 35988

intellectual disability, the juvenile court shall consider that 35989
evidence in determining whether to modify the place at which the 35990
person is held. 35991

(D) The juvenile court may modify the place at which the 35992
person is held if the juvenile court finds all of the following on 35993
the record by clear and convincing evidence: 35994

(1) The person is at least 18 years of age and has been 35995
admitted to a department of youth services facility or criminal 35996
charges are pending against the person. 35997

(2) The person engaged in the misconduct described in 35998
division (A)(2) of this section. 35999

(E) If a juvenile court issues an order modifying the place 36000
at which the person is held, the department of youth services 36001
shall transfer the person to the department of rehabilitation and 36002
correction. The juvenile court shall state in its order the total 36003
number of days that the person has been held in detention or in a 36004
facility operated by, or under contract with, the department of 36005
youth services. The time the person must serve on the sentence 36006
imposed on the person under section 2152.121, 2152.16, 2152.17, or 36007
2152.19 of the Revised Code shall be reduced by the total number 36008
of days specified in the order plus any additional days the person 36009
is held in a juvenile facility or detention after the order is 36010
issued and before the person is transferred to the custody of the 36011
department of rehabilitation and correction. 36012

Any community control imposed as part of the adult sentence 36013
or as a condition of a judicial release from prison shall be under 36014
the supervision of the entity that provides adult probation 36015
services in the county. Any post-release control imposed after the 36016
offender otherwise is released from prison shall be supervised by 36017
the adult parole authority. 36018

Sec. 2303.081. (A) Pleadings or documents may be filed with the clerk of court either in paper format or in electronic format.

(B)(1) The clerk shall determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online platform.

(2) The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk shall not require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing.

(3) The clerk shall not require a fee for the filing of pleadings or documents in electronic format that is greater than the applicable fee for the filing of pleadings or documents in paper format.

(4) Divisions (B)(1), (2), and (3) of this section do not apply to the filing of pleadings or documents in a probate court or juvenile court.

(C) Pleadings and documents filed in paper format may be converted to an electronic format. Documents created by the clerk of court in the exercise of the clerk's duties may be created in an electronic format.

~~(B)~~(D) When pleadings or documents are received or created in, or converted to, an electronic format as provided in ~~division (A)~~ of this section, the pleadings or documents in that format shall be considered the official version of the record.

Sec. 2303.201. (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both.

Upon making a determination that additional funds are required for 36049
either or both of those purposes, the court shall authorize and 36050
direct the clerk of the court of common pleas to charge one 36051
additional fee, not to exceed six dollars, on the filing of each 36052
cause of action or appeal under divisions (A), (Q), and (U) of 36053
section 2303.20 of the Revised Code. 36054

(2) All fees collected under division (A)(1) of this section 36055
shall be paid to the county treasurer. The treasurer shall place 36056
the funds from the fees in a separate fund to be disbursed either 36057
upon an order of the court, subject to an appropriation by the 36058
board of county commissioners, or upon an order of the court, 36059
subject to the court making an annual report available to the 36060
public listing the use of all such funds, in an amount not greater 36061
than the actual cost to the court of procuring and maintaining 36062
computerization of the court, computerized legal research 36063
services, or both. 36064

(3) If the court determines that the funds in the fund 36065
described in division (A)(2) of this section are more than 36066
sufficient to satisfy the purpose for which the additional fee 36067
described in division (A)(1) of this section was imposed, the 36068
court may declare a surplus in the fund and, subject to an 36069
appropriation by the board of county commissioners, expend those 36070
surplus funds, or upon an order of the court, subject to the court 36071
making an annual report available to the public listing the use of 36072
all such funds, expend those surplus funds, for other appropriate 36073
technological expenses of the court. 36074

(B)(1) The clerk of the court of common pleas of any county 36075
may determine that, for the efficient operation of the office of 36076
the clerk of the court of common pleas, additional funds are 36077
required to make technological advances in or to computerize the 36078
office of the clerk of the court of common pleas and, upon that 36079
determination, authorize and direct ~~the clerk of the court of~~ 36080

~~common pleas to charge that~~ an additional fee, not to exceed 36081
~~twenty twenty-five~~ dollars, on the filing of each cause of action 36082
or appeal, on the filing, docketing, and endorsing of each 36083
certificate of judgment, or on the docketing and indexing of each 36084
aid in execution or petition to vacate, revive, or modify a 36085
judgment under divisions (A), (P), (Q), (T), and (U) of section 36086
2303.20 of the Revised Code and not to exceed one dollar each for 36087
the services described in divisions (B), (C), (D), (F), (H), and 36088
(L) of section 2303.20 of the Revised Code, be charged. Subject to 36089
division (B)(2) of this section, all moneys collected under 36090
division (B)(1) of this section shall be paid to the county 36091
treasurer to be disbursed, ~~upon an order of the court of common~~ 36092
~~pleas and~~ subject to an appropriation made by the board of county 36093
commissioners, in an amount no greater than the actual cost to the 36094
court of procuring and maintaining technology and computer systems 36095
for the office of the clerk of the court of common pleas. 36096

(2) If the clerk of the court of common pleas of a county 36097
makes the determination described in division (B)(1) of this 36098
section, the board of county commissioners of that county may 36099
issue one or more general obligation bonds for the purpose of 36100
procuring and maintaining the technology and computer systems for 36101
the office of the clerk of the court of common pleas. In addition 36102
to the purposes stated in division (B)(1) of this section for 36103
which the moneys collected under that division may be expended, 36104
the moneys additionally may be expended to pay debt charges on and 36105
financing costs related to any general obligation bonds issued 36106
pursuant to division (B)(2) of this section as they become due. 36107
General obligation bonds issued pursuant to division (B)(2) of 36108
this section are Chapter 133. securities. 36109

(C) The court of common pleas shall collect the sum of 36110
twenty-six dollars as additional filing fees in each new civil 36111
action or proceeding for the charitable public purpose of 36112

providing financial assistance to legal aid societies that operate 36113
within the state and to support the office of the state public 36114
defender. This division does not apply to a juvenile division of a 36115
court of common pleas, except that an additional filing fee of 36116
fifteen dollars shall apply to custody, visitation, and parentage 36117
actions; to a probate division of a court of common pleas, except 36118
that the additional filing fees shall apply to name change, 36119
guardianship, adoption, and decedents' estate proceedings; or to 36120
an execution on a judgment, proceeding in aid of execution, or 36121
other post-judgment proceeding arising out of a civil action. The 36122
filing fees required to be collected under this division shall be 36123
in addition to any other filing fees imposed in the action or 36124
proceeding and shall be collected at the time of the filing of the 36125
action or proceeding. The court shall not waive the payment of the 36126
additional filing fees in a new civil action or proceeding unless 36127
the court waives the advanced payment of all filing fees in the 36128
action or proceeding. All such moneys collected during a month 36129
except for an amount equal to up to one per cent of those moneys 36130
retained to cover administrative costs shall be transmitted on or 36131
before the twentieth day of the following month by the clerk of 36132
the court to the treasurer of state in a manner prescribed by the 36133
treasurer of state or by the Ohio access to justice foundation. 36134
The treasurer of state shall deposit four per cent of the funds 36135
collected under this division to the credit of the civil case 36136
filing fee fund established under section 120.07 of the Revised 36137
Code and ninety-six per cent of the funds collected under this 36138
division to the credit of the legal aid fund established under 36139
section 120.52 of the Revised Code. 36140

The court may retain up to one per cent of the moneys it 36141
collects under this division to cover administrative costs, 36142
including the hiring of any additional personnel necessary to 36143
implement this division. If the court fails to transmit to the 36144
treasurer of state the moneys the court collects under this 36145

division in a manner prescribed by the treasurer of state or by 36146
the Ohio access to justice foundation, the court shall forfeit the 36147
moneys the court retains under this division to cover 36148
administrative costs, including the hiring of any additional 36149
personnel necessary to implement this division, and shall transmit 36150
to the treasurer of state all moneys collected under this 36151
division, including the forfeited amount retained for 36152
administrative costs, for deposit in the legal aid fund. 36153

(D) On and after the thirtieth day after December 9, 1994, 36154
the court of common pleas shall collect the sum of thirty-two 36155
dollars as additional filing fees in each new action or proceeding 36156
for annulment, divorce, or dissolution of marriage for the purpose 36157
of funding shelters for victims of domestic violence pursuant to 36158
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 36159
required to be collected under this division shall be in addition 36160
to any other filing fees imposed in the action or proceeding and 36161
shall be collected at the time of the filing of the action or 36162
proceeding. The court shall not waive the payment of the 36163
additional filing fees in a new action or proceeding for 36164
annulment, divorce, or dissolution of marriage unless the court 36165
waives the advanced payment of all filing fees in the action or 36166
proceeding. On or before the twentieth day of each month, all 36167
moneys collected during the immediately preceding month pursuant 36168
to this division shall be deposited by the clerk of the court into 36169
the county treasury in the special fund used for deposit of 36170
additional marriage license fees as described in section 3113.34 36171
of the Revised Code. Upon their deposit into the fund, the moneys 36172
shall be retained in the fund and expended only as described in 36173
section 3113.34 of the Revised Code. 36174

(E)(1) The court of common pleas may determine that, for the 36175
efficient operation of the court, additional funds are necessary 36176
to acquire and pay for special projects of the court, including, 36177

but not limited to, the acquisition of additional facilities or 36178
the rehabilitation of existing facilities, the acquisition of 36179
equipment, the hiring and training of staff, community service 36180
programs, mediation or dispute resolution services, the employment 36181
of magistrates, the training and education of judges, acting 36182
judges, and magistrates, and other related services. Upon that 36183
determination, the court by rule may charge a fee, in addition to 36184
all other court costs, on the filing of each criminal cause, civil 36185
action or proceeding, or judgment by confession. 36186

If the court of common pleas offers or requires a special 36187
program or additional services in cases of a specific type, the 36188
court by rule may assess an additional charge in a case of that 36189
type, over and above court costs, to cover the special program or 36190
service. The court shall adjust the special assessment 36191
periodically, but not retroactively, so that the amount assessed 36192
in those cases does not exceed the actual cost of providing the 36193
service or program. 36194

All moneys collected under division (E) of this section shall 36195
be paid to the county treasurer for deposit into either a general 36196
special projects fund or a fund established for a specific special 36197
project. Moneys from a fund of that nature shall be disbursed upon 36198
an order of the court, subject to an appropriation by the board of 36199
county commissioners, in an amount no greater than the actual cost 36200
to the court of a project. If a specific fund is terminated 36201
because of the discontinuance of a program or service established 36202
under division (E) of this section, the court may order, subject 36203
to an appropriation by the board of county commissioners, that 36204
moneys remaining in the fund be transferred to an account 36205
established under this division for a similar purpose. 36206

(2) As used in division (E) of this section: 36207

(a) "Criminal cause" means a charge alleging the violation of 36208
a statute or ordinance, or subsection of a statute or ordinance, 36209

that requires a separate finding of fact or a separate plea before 36210
disposition and of which the defendant may be found guilty, 36211
whether filed as part of a multiple charge on a single summons, 36212
citation, or complaint or as a separate charge on a single 36213
summons, citation, or complaint. "Criminal cause" does not include 36214
separate violations of the same statute or ordinance, or 36215
subsection of the same statute or ordinance, unless each charge is 36216
filed on a separate summons, citation, or complaint. 36217

(b) "Civil action or proceeding" means any civil litigation 36218
that must be determined by judgment entry. 36219

Sec. 2305.113. (A) Except as otherwise provided in this 36220
section, an action upon a medical, dental, optometric, or 36221
chiropractic claim shall be commenced within one year after the 36222
cause of action accrued. 36223

(B)(1) If prior to the expiration of the one-year period 36224
specified in division (A) of this section, a claimant who 36225
allegedly possesses a medical, dental, optometric, or chiropractic 36226
claim gives to the person who is the subject of that claim written 36227
notice that the claimant is considering bringing an action upon 36228
that claim, that action may be commenced against the person 36229
notified at any time within one hundred eighty days after the 36230
notice is so given. 36231

(2) A claimant who allegedly possesses a medical claim and 36232
who intends to give to the person who is the subject of that claim 36233
the written notice described in division (B)(1) of this section 36234
shall give that notice by sending it by certified mail, return 36235
receipt requested, addressed to any of the following: 36236

(a) The person's residence; 36237

(b) The person's professional practice; 36238

(c) The person's employer; 36239

(d) The business address of the person on file with the state 36240
medical board or other appropriate agency that issued the person's 36241
professional license. 36242

(3) An insurance company shall not consider the existence or 36243
nonexistence of a written notice described in division (B)(1) of 36244
this section in setting the liability insurance premium rates that 36245
the company may charge the company's insured person who is 36246
notified by that written notice. 36247

(C) Except as to persons within the age of minority or of 36248
unsound mind as provided by section 2305.16 of the Revised Code, 36249
and except as provided in division (D) of this section, both of 36250
the following apply: 36251

(1) No action upon a medical, dental, optometric, or 36252
chiropractic claim shall be commenced more than four years after 36253
the occurrence of the act or omission constituting the alleged 36254
basis of the medical, dental, optometric, or chiropractic claim. 36255

(2) If an action upon a medical, dental, optometric, or 36256
chiropractic claim is not commenced within four years after the 36257
occurrence of the act or omission constituting the alleged basis 36258
of the medical, dental, optometric, or chiropractic claim, then, 36259
any action upon that claim is barred. 36260

(D)(1) If a person making a medical claim, dental claim, 36261
optometric claim, or chiropractic claim, in the exercise of 36262
reasonable care and diligence, could not have discovered the 36263
injury resulting from the act or omission constituting the alleged 36264
basis of the claim within three years after the occurrence of the 36265
act or omission, but, in the exercise of reasonable care and 36266
diligence, discovers the injury resulting from that act or 36267
omission before the expiration of the four-year period specified 36268
in division (C)(1) of this section, the person may commence an 36269
action upon the claim not later than one year after the person 36270

discovers the injury resulting from that act or omission. 36271

(2) If the alleged basis of a medical claim, dental claim, 36272
optometric claim, or chiropractic claim is the occurrence of an 36273
act or omission that involves a foreign object that is left in the 36274
body of the person making the claim, the person may commence an 36275
action upon the claim not later than one year after the person 36276
discovered the foreign object or not later than one year after the 36277
person, with reasonable care and diligence, should have discovered 36278
the foreign object. 36279

(3) A person who commences an action upon a medical claim, 36280
dental claim, optometric claim, or chiropractic claim under the 36281
circumstances described in division (D)(1) or (2) of this section 36282
has the affirmative burden of proving, by clear and convincing 36283
evidence, that the person, with reasonable care and diligence, 36284
could not have discovered the injury resulting from the act or 36285
omission constituting the alleged basis of the claim within the 36286
three-year period described in division (D)(1) of this section or 36287
within the one-year period described in division (D)(2) of this 36288
section, whichever is applicable. 36289

(E) As used in this section: 36290

(1) "Hospital" includes any person, corporation, association, 36291
board, or authority that is responsible for the operation of any 36292
hospital licensed or registered in the state, including, but not 36293
limited to, those that are owned or operated by the state, 36294
political subdivisions, any person, any corporation, or any 36295
combination of the state, political subdivisions, persons, and 36296
corporations. "Hospital" also includes any person, corporation, 36297
association, board, entity, or authority that is responsible for 36298
the operation of any clinic that employs a full-time staff of 36299
physicians practicing in more than one recognized medical 36300
specialty and rendering advice, diagnosis, care, and treatment to 36301
individuals. "Hospital" does not include any hospital operated by 36302

the government of the United States or any of its branches. 36303

(2) "Physician" means a person who is licensed to practice 36304
medicine and surgery or osteopathic medicine and surgery by the 36305
state medical board or a person who otherwise is authorized to 36306
practice medicine and surgery or osteopathic medicine and surgery 36307
in this state. 36308

(3) "Medical claim" means any claim that is asserted in any 36309
civil action against a physician, podiatrist, hospital, home, or 36310
residential facility, against any employee or agent of a 36311
physician, podiatrist, hospital, home, or residential facility, or 36312
against a licensed practical nurse, registered nurse, advanced 36313
practice registered nurse, physical therapist, physician 36314
assistant, emergency medical technician-basic, emergency medical 36315
technician-intermediate, or emergency medical 36316
technician-paramedic, and that arises out of the medical 36317
diagnosis, care, or treatment of any person. "Medical claim" 36318
includes the following: 36319

(a) Derivative claims for relief that arise from the medical 36320
diagnosis, care, or treatment of a person; 36321

(b) Derivative claims for relief that arise from the plan of 36322
care prepared for a resident of a home; 36323

(c) Claims that arise out of the medical diagnosis, care, or 36324
treatment of any person or claims that arise out of the plan of 36325
care prepared for a resident of a home and to which both types of 36326
claims either of the following applies: 36327

(i) The claim results from acts or omissions in providing 36328
medical care. 36329

(ii) The claim results from the hiring, training, 36330
supervision, retention, or termination of caregivers providing 36331
medical diagnosis, care, or treatment. 36332

(d) Claims that arise out of the plan of care, medical diagnosis, or treatment of any person and that are brought under section 3721.17 of the Revised Code;

(e) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.

(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.

(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.

(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.

(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental operation, optometric diagnosis, care, or treatment, or chiropractic diagnosis, care, or treatment, that arise from that diagnosis, care, treatment, or operation, and that seek the recovery of damages for any of the following:

(a) Loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, or any other intangible loss that was sustained by the parent, guardian, custodian, or spouse;

(b) Expenditures of the parent, guardian, custodian, or spouse for medical, dental, optometric, or chiropractic care or treatment, for rehabilitation services, or for other care,

treatment, services, products, or accommodations provided to the 36364
individual who was the subject of the medical diagnosis, care, or 36365
treatment, the dental diagnosis, care, or treatment, the dental 36366
operation, the optometric diagnosis, care, or treatment, or the 36367
chiropractic diagnosis, care, or treatment. 36368

(8) "Registered nurse" means any person who is licensed to 36369
practice nursing as a registered nurse by the board of nursing. 36370

(9) "Chiropractic claim" means any claim that is asserted in 36371
any civil action against a chiropractor, or against any employee 36372
or agent of a chiropractor, and that arises out of the 36373
chiropractic diagnosis, care, or treatment of any person. 36374
"Chiropractic claim" includes derivative claims for relief that 36375
arise from the chiropractic diagnosis, care, or treatment of a 36376
person. 36377

(10) "Chiropractor" means any person who is licensed to 36378
practice chiropractic by the state chiropractic board. 36379

(11) "Optometric claim" means any claim that is asserted in 36380
any civil action against an optometrist, or against any employee 36381
or agent of an optometrist, and that arises out of the optometric 36382
diagnosis, care, or treatment of any person. "Optometric claim" 36383
includes derivative claims for relief that arise from the 36384
optometric diagnosis, care, or treatment of a person. 36385

(12) "Optometrist" means any person licensed to practice 36386
optometry by the state vision professionals board. 36387

(13) "Physical therapist" means any person who is licensed to 36388
practice physical therapy under Chapter 4755. of the Revised Code. 36389

(14) "Home" has the same meaning as in section 3721.10 of the 36390
Revised Code. 36391

(15) "Residential facility" means a facility licensed under 36392
section 5123.19 of the Revised Code. 36393

(16) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code. 36394
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(17) "Licensed practical nurse" means any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code. 36396
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(18) "Physician assistant" means any person who is licensed as a physician assistant under Chapter 4730. of the Revised Code. 36399
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(19) "Emergency medical technician-basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" means any person who is certified under Chapter 4765. of the Revised Code as an emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic, whichever is applicable. 36401
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(20) "Skilled nursing care" and "personal care services" have the same meanings as in section 3721.01 of the Revised Code. 36407
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Sec. 2329.261. (A) As used in this section: 36409

(1) "Levying officer" means the officer who makes the public sale of the residential property subject to this section. "Levying officer" includes a private selling officer. 36410
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(2) "Electing subdivision," "county land reutilization corporation," and "land reutilization program" have the same meanings as in section 5722.01 of the Revised Code. 36413
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(3) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code. 36416
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(4) "Qualifying residential property" means single-family residential property, including a single unit in a multi-unit property containing not more than ten units but excluding manufactured homes, that has at least one thousand square feet of habitable space per unit. 36418
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(B) If qualifying residential property sold at public sale pursuant to this chapter is located within the territory of a land reutilization program, the levying officer shall notify the electing subdivision or county land reutilization corporation that operates the program of the sale. 36423
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(C) The levying officer shall maintain a web site and telephone number to provide information on applicable properties. 36428
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(D) A levying officer may use any web site maintained to satisfy any other provision of this chapter, including the official public sheriff sale web site established pursuant to section 2329.153 of the Revised Code, to satisfy the requirements of division (C) of this section. 36430
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Sec. 2329.27. (A) When the public notice required by division (A)(2) of section 2329.26 of the Revised Code is made in a newspaper published weekly, it is sufficient to insert it for three consecutive weeks. If both a daily and weekly edition of the paper are published and the circulation of the daily in the county exceeds that of the weekly in the county, or if the lands and tenements taken in execution are situated in a city, both a daily and weekly edition of the paper are published, and the circulation of the daily in that city exceeds the circulation of the weekly in that city, it is sufficient to publish the public notice in the daily once a week for three consecutive weeks before the day of sale, each insertion to be on the same day of the week. The expense of that publication in a daily shall not exceed the cost of publishing it in a weekly. 36435
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(B)(1) Subject to divisions (B)(2) and (3) of this section, all sales of lands and tenements taken in execution that are made without compliance with the written notice requirements of division (A)(1)(a) of section 2329.26 of the Revised Code, the public notice requirements of division (A)(2) of that section, the 36449
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notice requirements of section 2329.261 of the Revised Code, the 36454
purchaser information requirements of section 2329.271 of the 36455
Revised Code, and division (A) of this section shall be set aside, 36456
on motion by any interested party, by the court to which the 36457
execution is returnable. 36458

(2) Proof of service endorsed upon a copy of the written 36459
notice required by division (A)(1)(a) of section 2329.26 of the 36460
Revised Code shall be conclusive evidence of the service of the 36461
written notice in compliance with the requirements of that 36462
division, unless a party files a motion to set aside the sale of 36463
the lands and tenements pursuant to division (B)(1) of this 36464
section and establishes by a preponderance of the evidence that 36465
the proof of service is fraudulent. 36466

(3) If the court to which the execution is returnable enters 36467
its order confirming the sale of the lands and tenements, the 36468
order shall have both of the following effects: 36469

(a) The order shall be deemed to constitute a judicial 36470
finding as follows: 36471

(i) That the sale of the lands and tenements complied with 36472
the written notice requirements of division (A)(1)(a) of section 36473
2329.26 of the Revised Code and the public notice requirements of 36474
division (A)(2) of that section, section 2329.261 of the Revised 36475
Code, and division (A) of this section, or that compliance of that 36476
nature did not occur but the failure to give a written notice to a 36477
party entitled to notice under division (A)(1)(a) of section 36478
2329.26 of the Revised Code has not prejudiced that party; 36479

(ii) That all parties entitled to notice under division 36480
(A)(1)(a) of section 2329.26 of the Revised Code received adequate 36481
notice of the date, time, and place of the sale of the lands and 36482
tenements; 36483

(iii) That the purchaser has submitted the contact 36484

information required by section 2329.271 of the Revised Code. 36485

(b) The order bars the filing of any further motions to set 36486
aside the sale of the lands and tenements. 36487

Sec. 2913.46. (A)(1) As used in this section: 36488

(a) "Electronically transferred benefit" means the transfer 36489
of supplemental nutrition assistance program benefits or WIC 36490
program benefits through the use of an access device. 36491

(b) "WIC program benefits" includes money, coupons, delivery 36492
verification receipts, other documents, food, or other property 36493
received directly or indirectly pursuant to section 17 of the 36494
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 36495
amended. 36496

(c) "Access device" means any card, plate, code, account 36497
number, or other means of access that can be used, alone or in 36498
conjunction with another access device, to obtain payments, 36499
allotments, benefits, money, goods, or other things of value or 36500
that can be used to initiate a transfer of funds pursuant to 36501
section 5101.33 of the Revised Code and the Food and Nutrition Act 36502
of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program 36503
administered by any department of this state or any county or 36504
local agency pursuant to section 17 of the "Child Nutrition Act of 36505
1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access 36506
device" may include any electronic debit card or other means 36507
authorized by section 5101.33 of the Revised Code. 36508

(d) "Aggregate value of supplemental nutrition assistance 36509
program benefits, WIC program benefits, and electronically 36510
transferred benefits involved in the violation" means the total 36511
face value of any supplemental nutrition assistance program 36512
benefits, plus the total face value of WIC program coupons or 36513
delivery verification receipts, plus the total value of other WIC 36514

program benefits, plus the total value of any electronically transferred benefit or other access device, involved in the violation. 36515
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(e) "Total value of any electronically transferred benefit or other access device" means the total value of the payments, allotments, benefits, money, goods, or other things of value that may be obtained, or the total value of funds that may be transferred, by use of any electronically transferred benefit or other access device at the time of violation. 36518
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(f) "Traffic" has the same meaning as "trafficking," as defined in 7 C.F.R. 271.2. 36524
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(2) If supplemental nutrition assistance program benefits, WIC program benefits, or electronically transferred benefits or other access devices of various values are used, transferred, bought, acquired, altered, purchased, possessed, presented for redemption, or transported in violation of this section over a period of twelve months, the course of conduct may be charged as one offense and the values of supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefits or other access devices may be aggregated in determining the degree of the offense. 36526
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~~(B)~~(B)(1) No individual shall knowingly solicit, possess, buy, sell, use, alter, accept, or transfer supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit in any manner not authorized by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), including regulations adopted under that act, or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 36536
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(2) No individual shall knowingly traffic supplemental nutrition assistance program benefits. 36544
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(C) No organization, as defined in division (D) of section 2901.23 of the Revised Code, shall do either of the following:

(1) Knowingly allow an employee or agent to solicit, sell, transfer, traffic, or trade items or services, ~~the purchase of which is prohibited by the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) or section 17 of the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, in exchange for supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit~~ in violation of division (B) of this section;

(2) Negligently allow an employee or agent to solicit, sell, transfer, traffic, or exchange supplemental nutrition assistance program benefits, WIC program benefits, or any electronically transferred benefit ~~for anything of value~~ in violation of division (B) of this section.

(D) Whoever violates this section is guilty of illegal use of supplemental nutrition assistance program benefits or WIC program benefits. Except as otherwise provided in this division, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fifth degree. If the aggregate value of the supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is one thousand dollars or more and is less than seven thousand five hundred dollars, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the fourth degree. If the aggregate value of the supplemental nutrition assistance program benefits, WIC program benefits, and electronically transferred benefits involved in the violation is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, illegal use of supplemental nutrition assistance program benefits or WIC program benefits is a felony of the third degree. If the aggregate

value of the supplemental nutrition assistance program benefits, 36578
WIC program benefits, and electronically transferred benefits 36579
involved in the violation is one hundred fifty thousand dollars or 36580
more, illegal use of supplemental nutrition assistance program 36581
benefits or WIC program benefits is a felony of the second degree. 36582

Sec. 2917.14. (A) No person, without privilege to do so, 36583
shall recklessly obstruct any highway, street, sidewalk, or any 36584
other public passage in such a manner as to render the highway, 36585
street, sidewalk, or passage impassable without unreasonable 36586
inconvenience or hazard if both of the following apply: 36587

(1) The obstruction prevents an emergency vehicle from 36588
accessing a highway or street, prevents an emergency service 36589
responder from responding to an emergency, or prevents an 36590
emergency vehicle or an emergency service responder from having 36591
access to an exit from an emergency. 36592

(2) Upon receipt of a request or order from an emergency 36593
service responder to remove or cease the obstruction, the person 36594
refuses to remove or cease the obstruction. 36595

(B) Division (A) of this section does not limit or affect the 36596
application of section 2921.31 of the Revised Code or any other 36597
section of the Revised Code. Any conduct that is a violation of 36598
division (A) of this section and that also is a violation of 36599
section 2921.31 of the Revised Code or any other section of the 36600
Revised Code may be prosecuted under this section, the other 36601
section, or both sections. 36602

(C) Whoever violates this section is guilty of unlawfully 36603
impeding public passage of an emergency service responder, a 36604
misdemeanor of the first degree. 36605

(D) As used in this section, "emergency service responder" 36606
has the same meaning as in section ~~2921.01~~ 2903.13 of the Revised 36607

Code. 36608

Sec. 2919.171. (A)(1) A physician who performs or induces or 36609
attempts to perform or induce an abortion on a pregnant woman 36610
shall submit a report to the department of health in accordance 36611
with the forms, rules, and regulations adopted by the department 36612
that includes all of the information the physician is required to 36613
certify in writing or determine under section 2919.17, section 36614
2919.18, divisions (A) and (C) of section 2919.192, division (C) 36615
of section 2919.193, division (B) of section 2919.195, or division 36616
(A) of section 2919.196 of the Revised Code. 36617

(2) If a person other than the physician described in 36618
division (A)(1) of this section makes or maintains a record 36619
required by sections 2919.192 to 2919.196 of the Revised Code on 36620
the physician's behalf or at the physician's direction, that 36621
person shall comply with the reporting requirement described in 36622
division (A)(1) of this section as if the person were the 36623
physician described in that division. 36624

(B) By September 30 of each year, the department of health 36625
shall issue a public report that provides statistics for the 36626
previous calendar year compiled from all of the reports covering 36627
that calendar year submitted to the department in accordance with 36628
this section for each of the items listed in division (A) of this 36629
section. The report shall also provide the statistics for each 36630
previous calendar year in which a report was filed with the 36631
department pursuant to this section, adjusted to reflect any 36632
additional information that a physician provides to the department 36633
in a late or corrected report. The department shall ensure that 36634
none of the information included in the report could reasonably 36635
lead to the identification of any pregnant woman upon whom an 36636
abortion is performed. 36637

(C)(1) The physician shall submit the report described in 36638

division (A) of this section to the department of health within 36639
fifteen days after the woman is discharged. If the physician fails 36640
to submit the report more than thirty days after that fifteen-day 36641
deadline, the physician shall be subject to a late fee of five 36642
hundred dollars for each additional thirty-day period or portion 36643
of a thirty-day period the report is overdue. A physician who is 36644
required to submit to the department of health a report under 36645
division (A) of this section and who has not submitted a report or 36646
has submitted an incomplete report more than one year following 36647
the fifteen-day deadline may, in an action brought by the 36648
department of health, be directed by a court of competent 36649
jurisdiction to submit a complete report to the department of 36650
health within a period of time stated in a court order or be 36651
subject to contempt of court. 36652

(2) If a physician fails to comply with the requirements of 36653
this section, other than filing a late report with the department 36654
of health, or fails to submit a complete report to the department 36655
of health in accordance with a court order, the physician is 36656
subject to division ~~(B)(44)~~(B)(43) of section 4731.22 of the 36657
Revised Code. 36658

(3) No person shall falsify any report required under this 36659
section. Whoever violates this division is guilty of abortion 36660
report falsification, a misdemeanor of the first degree. 36661

(D) The department of health shall adopt rules pursuant to 36662
section 111.15 of the Revised Code to assist in compliance with 36663
this section. 36664

Sec. 2919.202. (A) A physician who performs or induces or 36665
attempts to perform or induce an abortion on a pregnant woman 36666
shall submit a report to the department of health in accordance 36667
with the forms, rules, and regulations adopted by the department 36668
that includes all of the information the physician is required to 36669

certify in writing or determine under sections 2919.201 and 36670
2919.203 of the Revised Code. 36671

(B) By the thirtieth day of September of each year, the 36672
department of health shall issue a public report that provides 36673
statistics for the previous calendar year compiled from all of the 36674
reports covering that calendar year submitted to the department in 36675
accordance with this section for each of the items listed in 36676
division (A) of this section. The report shall also provide the 36677
statistics for each previous calendar year in which a report was 36678
filed with the department pursuant to this section, adjusted to 36679
reflect any additional information that a physician provides to 36680
the department in a late or corrected report. The department shall 36681
ensure that none of the information included in the report could 36682
reasonably lead to the identification of any pregnant woman upon 36683
whom an abortion is performed. 36684

(C)(1) The physician shall submit the report described in 36685
division (A) of this section to the department of health within 36686
fifteen days after the woman is discharged. If the physician fails 36687
to submit the report more than thirty days after that fifteen-day 36688
deadline, the physician shall be subject to a late fee of five 36689
hundred dollars for each additional thirty-day period or portion 36690
of a thirty-day period the report is overdue. A physician who is 36691
required to submit to the department of health a report under 36692
division (A) of this section and who has not submitted a report or 36693
has submitted an incomplete report more than one year following 36694
the last day of the fifteen-day deadline may, in an action brought 36695
by the department of health, be directed by a court of competent 36696
jurisdiction to submit a complete report to the department of 36697
health within a period of time stated in a court order or be 36698
subject to contempt of court. 36699

(2) If a physician fails to comply with the requirements of 36700

this section, other than filing a late report with the department 36701
of health, or fails to submit a complete report to the department 36702
of health in accordance with a court order, the physician is 36703
subject to division ~~(B)(44)~~(B)(43) of section 4731.22 of the 36704
Revised Code. 36705

(3) No person shall purposely falsify any report required 36706
under this section. Whoever purposely violates this division is 36707
guilty of pain-capable unborn child abortion report falsification, 36708
a misdemeanor of the first degree. 36709

(D) Within ninety days of ~~the effective date of this section~~ 36710
March 14, 2017, the department of health shall adopt rules 36711
pursuant to section 111.15 of the Revised Code to assist in 36712
compliance with this section. 36713

Sec. 2927.02. (A) As used in this section and sections 36714
2927.021 ~~and 2927.022~~ to 2927.024 of the Revised Code: 36715

(1) "Age verification" means a service provided by an 36716
independent third party (other than a manufacturer, producer, 36717
distributor, wholesaler, or retailer of cigarettes, other tobacco 36718
products, alternative nicotine products, or papers used to roll 36719
cigarettes) that compares information available from a 36720
commercially available database, or aggregate of databases, that 36721
regularly are used by government and businesses for the purpose of 36722
age and identity verification to personal information provided 36723
during an internet sale or other remote method of sale to 36724
establish that the purchaser is twenty-one years of age or older. 36725

(2)(a) "Alternative nicotine product" means, subject to 36726
division (A)(2)(b) of this section, an electronic smoking device, 36727
vapor product, or any other product or device that consists of or 36728
contains nicotine that can be ingested into the body by any means, 36729
including, but not limited to, chewing, smoking, absorbing, 36730
dissolving, or inhaling. 36731

(b) "Alternative nicotine product" does not include any of the following: 36732
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(i) Any cigarette or other tobacco product; 36734

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1); 36735
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(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h); 36737
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(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g). 36739
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(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes. 36741
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(4) "Characterizing flavor" means any taste or smell other than the taste or smell of tobacco or menthol. "Characterizing flavor" includes the taste or smell of fruit, mint, chocolate, cocoa, vanilla, honey, candy, dessert, any alcoholic beverage, herb, or spice. 36743
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(5) "Distribute" means to furnish, give, or provide cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes. 36748
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~~(5)~~(6) "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes ~~any substance intended to be aerosolized or vaporized during the use of the device~~ electronic liquids. "Electronic smoking device" does not include any product 36753
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that is a drug, device, or combination product, as those terms are 36762
defined or described in 21 U.S.C. 321 and 353(g). 36763

~~(6)~~(7) "Proof of age" means a driver's license, a commercial 36764
driver's license, a military identification card, a passport, or 36765
an identification card issued under sections 4507.50 to 4507.52 of 36766
the Revised Code that shows that a person is ~~eighteen~~ twenty-one 36767
years of age or older. 36768

~~(7)~~(8) "Electronic liquid" means any solution containing 36769
nicotine, including synthetic nicotine, that is designed or sold 36770
for use with an electronic smoking device. 36771

(9) "Flavored electronic liquid" means any electronic liquid 36772
with a characterizing flavor. 36773

(10) "Tobacco product" means any product that is made or 36774
derived from tobacco or that contains any form of nicotine, if it 36775
is intended for human consumption or is likely to be consumed, 36776
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 36777
ingested by any other means, including, but not limited to, a 36778
cigarette, an electronic smoking device, a cigar, pipe tobacco, 36779
chewing tobacco, snuff, or snus. "Tobacco product" also means any 36780
component or accessory used in the consumption of a tobacco 36781
product, such as filters, rolling papers, pipes, blunt or hemp 36782
wraps, and electronic liquids ~~used in electronic smoking devices,~~ 36783
~~whether or not they contain nicotine.~~ "Tobacco product" does not 36784
include any product that is a drug, device, or combination 36785
product, as those terms are defined or described in 21 U.S.C. 321 36786
and 353(g). 36787

~~(8)~~(11) "Vapor product" means a product, other than a 36788
cigarette or other tobacco product as defined in Chapter 5743. of 36789
the Revised Code, that contains or is made or derived from 36790
nicotine and that is intended and marketed for human consumption, 36791
including by smoking, inhaling, snorting, or sniffing. "Vapor 36792

product" includes any component, part, or additive that is 36793
intended for use in an electronic smoking device, a mechanical 36794
heating element, battery, or electronic circuit and is used to 36795
deliver the product. "Vapor product" does not include any product 36796
that is a drug, device, or combination product, as those terms are 36797
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 36798
includes any product containing nicotine, regardless of 36799
concentration. 36800

~~(9)~~(12) "Vending machine" has the same meaning as "coin 36801
machine" in section 2913.01 of the Revised Code. 36802

(B) No manufacturer, producer, distributor, wholesaler, or 36803
retailer of cigarettes, other tobacco products, alternative 36804
nicotine products, or papers used to roll cigarettes, no agent, 36805
employee, or representative of a manufacturer, producer, 36806
distributor, wholesaler, or retailer of cigarettes, other tobacco 36807
products, alternative nicotine products, or papers used to roll 36808
cigarettes, and no other person shall do any of the following: 36809

(1) Give away, sell, or otherwise distribute cigarettes, 36810
other tobacco products, alternative nicotine products, or papers 36811
used ~~to~~: 36812

(a) To roll cigarettes to any person under twenty-one years 36813
of age; or 36814

(b) Without first verifying proof of age. 36815

(2) Give away, sell, or otherwise distribute cigarettes, 36816
other tobacco products, alternative nicotine products, or papers 36817
used to roll cigarettes in any place that does not have posted in 36818
a conspicuous place a legibly printed sign in letters at least 36819
one-half inch high stating that giving, selling, or otherwise 36820
distributing cigarettes, other tobacco products, alternative 36821
nicotine products, or papers used to roll cigarettes to a person 36822
under twenty-one years of age is prohibited by law; 36823

(3) Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;

(4) Manufacture, sell, or otherwise distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;

(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;

(6) Give away, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification;

(7) Allow an employee under eighteen years of age to sell any tobacco product;

(8) Give away or otherwise distribute free samples of cigarettes, other tobacco products, alternative nicotine products, or coupons redeemable for cigarettes, other tobacco products, or alternative nicotine products:

(a) To any person under twenty-one years of age;

(b) Without first verifying proof of age;

(c) In a manner prohibited under, or in accordance with Chapter 1333. or 1345. of the Revised Code; or

(d) Without first paying the taxes levied on such cigarettes, other tobacco products, or alternative nicotine products under, or in accordance with Chapter 5743. of the Revised Code.

(9) Give away, sell, offer for sale, advertise for sale,

display, or market any flavored electronic liquid, other than an 36854
electronic smoking device or electronic liquid for which a 36855
marketing order has been issued by the United States food and drug 36856
administration under 21 U.S.C. 387j. 36857

(C) No person shall sell or offer to sell cigarettes, other 36858
tobacco products, or alternative nicotine products by or from a 36859
vending machine, except in the following locations: 36860

(1) An area within a factory, business, office, or other 36861
place not open to the general public; 36862

(2) An area to which persons under twenty-one years of age 36863
are not generally permitted access; 36864

(3) Any other place not identified in division (C)(1) or (2) 36865
of this section, upon all of the following conditions: 36866

(a) The vending machine is located within the immediate 36867
vicinity, plain view, and control of the person who owns or 36868
operates the place, or an employee of that person, so that all 36869
cigarettes, other tobacco product, and alternative nicotine 36870
product purchases from the vending machine will be readily 36871
observed by the person who owns or operates the place or an 36872
employee of that person. For the purpose of this section, a 36873
vending machine located in any unmonitored area, including an 36874
unmonitored coatroom, restroom, hallway, or outer waiting area, 36875
shall not be considered located within the immediate vicinity, 36876
plain view, and control of the person who owns or operates the 36877
place, or an employee of that person. 36878

(b) The vending machine is inaccessible to the public when 36879
the place is closed. 36880

(c) A clearly visible notice is posted in the area where the 36881
vending machine is located that states the following in letters 36882
that are legibly printed and at least one-half inch high: 36883

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products." 36884
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(D) The following are affirmative defenses to a charge under division (B)(1) of this section: 36886
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(1) The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age. 36888
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(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age. 36891
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~~(E)~~(E)(1) It is not a violation of division (B)(1) or (2) of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply: 36897
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~~(1)~~(a) The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol. 36904
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~~(2)~~(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol. 36908
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~~(3)~~(c) The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol. 36911
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(2) It is not a violation of division (B)(1) or (2) of this section for an employer to permit an employee eighteen, nineteen, or twenty years of age to sell a tobacco product. 36914
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(F)(1) No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following: 36917
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(a) Alternative nicotine products; 36920

(b) Papers used to roll cigarettes; 36921

(c) Tobacco products other than cigarettes. 36922

(2) A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in divisions (F)(1)(a) to (c) of this section. 36923
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(G) Whoever violates division (B)(1), (2), (4), (5), ~~or (6)~~ or, (7), (8), or (9), (C), or (F) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(1), (2), (4), (5), or (6) or (C) of this section, or pleaded guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree. 36927
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~~(2)~~(H) Whoever violates division (B)(3) of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender 36938
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previously has been convicted of a violation of division (B)(3) of 36945
this section, permitting a person under twenty-one years of age to 36946
use cigarettes, other tobacco products, or alternative nicotine 36947
products is a misdemeanor of the third degree. 36948

~~(G)~~(I) Any cigarettes, other tobacco products, alternative 36949
nicotine products, or papers used to roll cigarettes that are 36950
given, sold, or otherwise distributed to a person under twenty-one 36951
years of age in violation of this section and that are used, 36952
possessed, purchased, or received by a person under twenty-one 36953
years of age in violation of section 2151.87 of the Revised Code 36954
are subject to seizure and forfeiture as contraband under Chapter 36955
2981. of the Revised Code. 36956

Sec. 2927.023. (A) As used in this section: 36957

(1) "Authorized recipient of tobacco products" means ~~a~~: 36958

(a) In the case of cigarettes, a person who is: 36959

~~(a)~~(i) Licensed as a cigarette wholesale dealer under section 36960
5743.15 of the Revised Code; 36961

~~(b)~~(ii) Licensed as a retail dealer as long as the person 36962
purchases cigarettes with the appropriate tax stamp affixed; 36963

~~(c)~~(iii) An export warehouse proprietor as defined in section 36964
5702 of the Internal Revenue Code; 36965

~~(d)~~(iv) An operator of a customs bonded warehouse under 19 36966
U.S.C. 1311 or 19 U.S.C. 1555; 36967

~~(e)~~(v) An officer, employee, or agent of the federal 36968
government or of this state acting in the person's official 36969
capacity; 36970

~~(f)~~(vi) A department, agency, instrumentality, or political 36971
subdivision of the federal government or of this state; 36972

~~(g)~~(vii) A person having a consent for consumer shipment 36973

issued by the tax commissioner under section 5743.71 of the Revised Code. 36974
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(b) In the case of electronic smoking devices or vapor products, a person who is: 36976
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(i) Licensed as a distributor or retailer of tobacco or vapor products under section 5743.61 of the Revised Code; 36978
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(ii) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555; 36980
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(iii) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity; 36982
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(iv) A department, agency, instrumentality, or political subdivision of the federal government or of this state. 36985
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(2) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code. 36987
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The purpose of this section is to prevent the sale of cigarettes, electronic smoking devices, and vapor products to minors and to ensure compliance with the Master Settlement Agreement, as defined in section 1346.01 of the Revised Code. 36989
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(B)(1) No person shall cause to be shipped any cigarettes, electronic smoking devices, and vapor products to any person in this state other than an authorized recipient of tobacco products. 36993
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(2) No motor carrier, or other person shall knowingly transport cigarettes, electronic smoking devices, and vapor products to any person in this state that the carrier or other person reasonably believes is not an authorized recipient of tobacco products. If cigarettes, electronic smoking devices, and vapor products are transported to a home or residence, it shall be presumed that the motor carrier, or other person knew that the person to whom the cigarettes, electronic smoking devices, and 36996
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vapor products were delivered was not an authorized recipient of 37004
tobacco products. 37005

(C) No person engaged in the business of selling cigarettes, 37006
electronic smoking devices, and vapor products who ships or causes 37007
to be shipped cigarettes, electronic smoking devices, and vapor 37008
products to any person in this state in any container or wrapping 37009
other than the original container or wrapping ~~of the cigarettes~~ 37010
shall fail to plainly and visibly mark the exterior of the 37011
container or wrapping in which the cigarettes, electronic smoking 37012
devices, and vapor products are shipped with the words 37013
"cigarettes," "electronic smoking devices," or "vapor products," 37014
as applicable. 37015

(D) A court shall impose a fine of up to one thousand dollars 37016
for each violation of division (B)(1), (B)(2), or (C) of this 37017
section. 37018

Sec. 2929.18. (A) Except as otherwise provided in this 37019
division and in addition to imposing court costs pursuant to 37020
section 2947.23 of the Revised Code, the court imposing a sentence 37021
upon an offender for a felony may sentence the offender to any 37022
financial sanction or combination of financial sanctions 37023
authorized under this section or, in the circumstances specified 37024
in section 2929.32 of the Revised Code, may impose upon the 37025
offender a fine in accordance with that section, and shall 37026
sentence the offender to make restitution pursuant to this section 37027
and section 2929.281 of the Revised Code. The victim has a right 37028
not to seek restitution. Financial sanctions that either are 37029
required to be or may be imposed pursuant to this section include, 37030
but are not limited to, the following: 37031

(1) Restitution by the offender to the victim of the 37032
offender's criminal offense or the victim's estate, in an amount 37033
based on the victim's economic loss. In open court, the court 37034

shall order that full restitution be made to the victim, to the 37035
adult probation department that serves the county on behalf of the 37036
victim, to the clerk of courts, or to another agency designated by 37037
the court. At sentencing, the court shall determine the amount of 37038
restitution to be made by the offender. The victim, victim's 37039
representative, victim's attorney, if applicable, the prosecutor 37040
or the prosecutor's designee, and the offender may provide 37041
information relevant to the determination of the amount of 37042
restitution. The amount the court orders as restitution shall not 37043
exceed the amount of the economic loss suffered by the victim as a 37044
direct and proximate result of the commission of the offense. If 37045
the court imposes restitution for the cost of accounting or 37046
auditing done to determine the extent of economic loss, the court 37047
may order restitution for any amount of the victim's costs of 37048
accounting or auditing provided that the amount of restitution is 37049
reasonable and does not exceed the value of property or services 37050
stolen or damaged as a result of the offense. The court shall hold 37051
a hearing on restitution if the offender, victim, victim's 37052
representative, or victim's estate disputes the amount. The court 37053
shall determine the amount of full restitution by a preponderance 37054
of the evidence. All restitution payments shall be credited 37055
against any recovery of economic loss in a civil action brought by 37056
the victim or the victim's estate against the offender. 37057

The court may order that the offender pay a surcharge of not 37058
more than five per cent of the amount of the restitution otherwise 37059
ordered to the entity responsible for collecting and processing 37060
restitution payments. 37061

The victim, victim's estate, or victim's attorney, if 37062
applicable, may file a motion or request that the prosecutor in 37063
the case file a motion, or the offender may file a motion, for 37064
modification of the payment terms of any restitution ordered. If 37065
the court grants the motion, it may modify the payment terms as it 37066

determines appropriate but shall not reduce the amount of 37067
restitution ordered, except as provided in division (A) of section 37068
2929.281 of the Revised Code. The court shall not discharge 37069
restitution until it is fully paid by the offender. 37070

(2) Except as provided in division (B)(1), (3), or (4) of 37071
this section, a fine payable by the offender to the state, to a 37072
political subdivision, or as described in division (B)(2) of this 37073
section to one or more law enforcement agencies, with the amount 37074
of the fine based on a standard percentage of the offender's daily 37075
income over a period of time determined by the court and based 37076
upon the seriousness of the offense. A fine ordered under this 37077
division shall not exceed the maximum conventional fine amount 37078
authorized for the level of the offense under division (A)(3) of 37079
this section. 37080

(3) Except as provided in division (B)(1), (3), or (4) of 37081
this section, a fine payable by the offender to the state, to a 37082
political subdivision when appropriate for a felony, or as 37083
described in division (B)(2) of this section to one or more law 37084
enforcement agencies, in the following amount: 37085

(a) For a felony of the first degree, not more than twenty 37086
thousand dollars; 37087

(b) For a felony of the second degree, not more than fifteen 37088
thousand dollars; 37089

(c) For a felony of the third degree, not more than ten 37090
thousand dollars; 37091

(d) For a felony of the fourth degree, not more than five 37092
thousand dollars; 37093

(e) For a felony of the fifth degree, not more than two 37094
thousand five hundred dollars. 37095

(4) A state fine or costs as defined in section 2949.111 of 37096

the Revised Code. 37097

(5)(a) Reimbursement by the offender of any or all of the 37098
costs of sanctions incurred by the government, including the 37099
following: 37100

(i) All or part of the costs of implementing any community 37101
control sanction, including a supervision fee under section 37102
2951.021 of the Revised Code; 37103

(ii) All or part of the costs of confinement under a sanction 37104
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 37105
Revised Code, provided that the amount of reimbursement ordered 37106
under this division shall not exceed the total amount of 37107
reimbursement the offender is able to pay as determined at a 37108
hearing and shall not exceed the actual cost of the confinement; 37109

(iii) All or part of the cost of purchasing and using an 37110
immobilizing or disabling device, including a certified ignition 37111
interlock device, or a remote alcohol monitoring device that a 37112
court orders an offender to use under section 4510.13 of the 37113
Revised Code. 37114

(b) If the offender is sentenced to a sanction of confinement 37115
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 37116
to be served in a facility operated by a board of county 37117
commissioners, a legislative authority of a municipal corporation, 37118
or another local governmental entity, if, pursuant to section 37119
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 37120
or 2947.19 of the Revised Code and section 2929.37 of the Revised 37121
Code, the board, legislative authority, or other local 37122
governmental entity requires prisoners to reimburse the county, 37123
municipal corporation, or other entity for its expenses incurred 37124
by reason of the prisoner's confinement, and if the court does not 37125
impose a financial sanction under division (A)(5)(a)(ii) of this 37126
section, confinement costs may be assessed pursuant to section 37127

2929.37 of the Revised Code. In addition, the offender may be 37128
required to pay the fees specified in section 2929.38 of the 37129
Revised Code in accordance with that section. 37130

(c) Reimbursement by the offender for costs pursuant to 37131
section 2929.71 of the Revised Code; 37132

(d) Reimbursement by the offender for costs pursuant to 37133
section 2917.321 of the Revised Code. 37134

(B)(1) For a first, second, or third degree felony violation 37135
of any provision of Chapter 2925., 3719., or 4729. of the Revised 37136
Code, the sentencing court shall impose upon the offender a 37137
mandatory fine of at least one-half of, but not more than, the 37138
maximum statutory fine amount authorized for the level of the 37139
offense pursuant to division (A)(3) of this section. If an 37140
offender alleges in an affidavit filed with the court prior to 37141
sentencing that the offender is indigent and unable to pay the 37142
mandatory fine and if the court determines the offender is an 37143
indigent person and is unable to pay the mandatory fine described 37144
in this division, the court shall not impose the mandatory fine 37145
upon the offender. 37146

(2) Any mandatory fine imposed upon an offender under 37147
division (B)(1) of this section and any fine imposed upon an 37148
offender under division (A)(2) or (3) of this section for any 37149
fourth or fifth degree felony violation of any provision of 37150
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 37151
to law enforcement agencies pursuant to division (F) of section 37152
2925.03 of the Revised Code. 37153

(3) For a fourth degree felony OVI offense and for a third 37154
degree felony OVI offense, the sentencing court shall impose upon 37155
the offender a mandatory fine in the amount specified in division 37156
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 37157
is applicable. The mandatory fine so imposed shall be disbursed as 37158

provided in the division pursuant to which it is imposed. 37159

(4) Notwithstanding any fine otherwise authorized or required 37160
to be imposed under division (A)(2) or (3) or (B)(1) of this 37161
section or section 2929.31 of the Revised Code for a violation of 37162
section 2925.03 of the Revised Code, in addition to any penalty or 37163
sanction imposed for that offense under section 2925.03 or 37164
sections 2929.11 to 2929.18 of the Revised Code and in addition to 37165
the forfeiture of property in connection with the offense as 37166
prescribed in Chapter 2981. of the Revised Code, the court that 37167
sentences an offender for a violation of section 2925.03 of the 37168
Revised Code may impose upon the offender a fine in addition to 37169
any fine imposed under division (A)(2) or (3) of this section and 37170
in addition to any mandatory fine imposed under division (B)(1) of 37171
this section. The fine imposed under division (B)(4) of this 37172
section shall be used as provided in division (H) of section 37173
2925.03 of the Revised Code. A fine imposed under division (B)(4) 37174
of this section shall not exceed whichever of the following is 37175
applicable: 37176

(a) The total value of any personal or real property in which 37177
the offender has an interest and that was used in the course of, 37178
intended for use in the course of, derived from, or realized 37179
through conduct in violation of section 2925.03 of the Revised 37180
Code, including any property that constitutes proceeds derived 37181
from that offense; 37182

(b) If the offender has no interest in any property of the 37183
type described in division (B)(4)(a) of this section or if it is 37184
not possible to ascertain whether the offender has an interest in 37185
any property of that type in which the offender may have an 37186
interest, the amount of the mandatory fine for the offense imposed 37187
under division (B)(1) of this section or, if no mandatory fine is 37188
imposed under division (B)(1) of this section, the amount of the 37189
fine authorized for the level of the offense imposed under 37190

division (A)(3) of this section. 37191

(5) Prior to imposing a fine under division (B)(4) of this 37192
section, the court shall determine whether the offender has an 37193
interest in any property of the type described in division 37194
(B)(4)(a) of this section. Except as provided in division (B)(6) 37195
or (7) of this section, a fine that is authorized and imposed 37196
under division (B)(4) of this section does not limit or affect the 37197
imposition of the penalties and sanctions for a violation of 37198
section 2925.03 of the Revised Code prescribed under those 37199
sections or sections 2929.11 to 2929.18 of the Revised Code and 37200
does not limit or affect a forfeiture of property in connection 37201
with the offense as prescribed in Chapter 2981. of the Revised 37202
Code. 37203

(6) If the sum total of a mandatory fine amount imposed for a 37204
first, second, or third degree felony violation of section 2925.03 37205
of the Revised Code under division (B)(1) of this section plus the 37206
amount of any fine imposed under division (B)(4) of this section 37207
does not exceed the maximum statutory fine amount authorized for 37208
the level of the offense under division (A)(3) of this section or 37209
section 2929.31 of the Revised Code, the court may impose a fine 37210
for the offense in addition to the mandatory fine and the fine 37211
imposed under division (B)(4) of this section. The sum total of 37212
the amounts of the mandatory fine, the fine imposed under division 37213
(B)(4) of this section, and the additional fine imposed under 37214
division (B)(6) of this section shall not exceed the maximum 37215
statutory fine amount authorized for the level of the offense 37216
under division (A)(3) of this section or section 2929.31 of the 37217
Revised Code. The clerk of the court shall pay any fine that is 37218
imposed under division (B)(6) of this section to the county, 37219
township, municipal corporation, park district as created pursuant 37220
to section 511.18 or 1545.04 of the Revised Code, or state law 37221
enforcement agencies in this state that primarily were responsible 37222

for or involved in making the arrest of, and in prosecuting, the 37223
offender pursuant to division (F) of section 2925.03 of the 37224
Revised Code. 37225

(7) If the sum total of the amount of a mandatory fine 37226
imposed for a first, second, or third degree felony violation of 37227
section 2925.03 of the Revised Code plus the amount of any fine 37228
imposed under division (B)(4) of this section exceeds the maximum 37229
statutory fine amount authorized for the level of the offense 37230
under division (A)(3) of this section or section 2929.31 of the 37231
Revised Code, the court shall not impose a fine under division 37232
(B)(6) of this section. 37233

(8)(a) If an offender who is convicted of or pleads guilty to 37234
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 37235
2923.32, division (A)(1) or (2) of section 2907.323 involving a 37236
minor, or division (B)(1), (2), (3), (4), or (5) of section 37237
2919.22 of the Revised Code also is convicted of or pleads guilty 37238
to a specification of the type described in section 2941.1422 of 37239
the Revised Code that charges that the offender knowingly 37240
committed the offense in furtherance of human trafficking, the 37241
sentencing court shall sentence the offender to a financial 37242
sanction of restitution by the offender to the victim or the 37243
victim's estate, with the restitution including the costs of 37244
housing, counseling, and medical and legal assistance incurred by 37245
the victim as a direct result of the offense and the greater of 37246
the following: 37247

(i) The gross income or value to the offender of the victim's 37248
labor or services; 37249

(ii) The value of the victim's labor as guaranteed under the 37250
minimum wage and overtime provisions of the "Federal Fair Labor 37251
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 37252
labor laws. 37253

(b) If a court imposing sentence upon an offender for a 37254
felony is required to impose upon the offender a financial 37255
sanction of restitution under division (B)(8)(a) of this section, 37256
in addition to that financial sanction of restitution, the court 37257
may sentence the offender to any other financial sanction or 37258
combination of financial sanctions authorized under this section, 37259
including a restitution sanction under division (A)(1) of this 37260
section. 37261

(9) In addition to any other fine that is or may be imposed 37262
under this section, the court imposing sentence upon an offender 37263
for a felony that is a sexually oriented offense or a child-victim 37264
oriented offense, as those terms are defined in section 2950.01 of 37265
the Revised Code, may impose a fine of not less than fifty nor 37266
more than five hundred dollars. 37267

(10) For a felony violation of division (A) of section 37268
2921.321 of the Revised Code that results in the death of the 37269
police dog or horse that is the subject of the violation, the 37270
sentencing court shall impose upon the offender a mandatory fine 37271
from the range of fines provided under division (A)(3) of this 37272
section for a felony of the third degree. A mandatory fine imposed 37273
upon an offender under division (B)(10) of this section shall be 37274
paid to the law enforcement agency that was served by the police 37275
dog or horse that was killed in the felony violation of division 37276
(A) of section 2921.321 of the Revised Code to be used as provided 37277
in division (E)(1)(b) of that section. 37278

(11) In addition to any other fine that is or may be imposed 37279
under this section, the court imposing sentence upon an offender 37280
for any of the following offenses that is a felony may impose a 37281
fine of not less than seventy nor more than five hundred dollars, 37282
which, except as provided in division (B)(12) of this section, 37283
shall be transmitted to the treasurer of state to be credited to 37284
the address confidentiality program fund created by section 111.48 37285

of the Revised Code:	37286
(a) Domestic violence;	37287
(b) Menacing by stalking;	37288
(c) Rape;	37289
(d) Sexual battery;	37290
(e) Trafficking in persons;	37291
(f) A violation of section 2905.01, 2905.02, 2907.21,	37292
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323	37293
involving a minor, or division (B)(1), (2), (3), (4), or (5) of	37294
section 2919.22 of the Revised Code, if the offender also is	37295
convicted of a specification of the type described in section	37296
2941.1422 of the Revised Code that charges that the offender	37297
knowingly committed the offense in furtherance of human	37298
trafficking.	37299
<u>(12)(a) A court that imposes a fine under division (B)(11) of</u>	37300
<u>this section may retain up to twenty-five per cent of amounts</u>	37301
<u>collected in satisfaction of the fine to cover administrative</u>	37302
<u>costs.</u>	37303
<u>(b) A court that imposes a fine under division (B)(11) of</u>	37304
<u>this section may assign up to twenty-five per cent of amounts</u>	37305
<u>collected in satisfaction of the fine to reimburse the prosecuting</u>	37306
<u>attorney for costs associated with prosecution of the offense.</u>	37307
(C)(1) Except as provided in section 2951.021 of the Revised	37308
Code, the offender shall pay reimbursements imposed upon the	37309
offender pursuant to division (A)(5)(a) of this section to pay the	37310
costs incurred by a county pursuant to any sanction imposed under	37311
this section or section 2929.16 or 2929.17 of the Revised Code or	37312
in operating a facility used to confine offenders pursuant to a	37313
sanction imposed under section 2929.16 of the Revised Code to the	37314
county treasurer. The county treasurer shall deposit the	37315

reimbursements in the sanction cost reimbursement fund that each 37316
board of county commissioners shall create in its county treasury. 37317
The county shall use the amounts deposited in the fund to pay the 37318
costs incurred by the county pursuant to any sanction imposed 37319
under this section or section 2929.16 or 2929.17 of the Revised 37320
Code or in operating a facility used to confine offenders pursuant 37321
to a sanction imposed under section 2929.16 of the Revised Code. 37322

(2) Except as provided in section 2951.021 of the Revised 37323
Code, the offender shall pay reimbursements imposed upon the 37324
offender pursuant to division (A)(5)(a) of this section to pay the 37325
costs incurred by a municipal corporation pursuant to any sanction 37326
imposed under this section or section 2929.16 or 2929.17 of the 37327
Revised Code or in operating a facility used to confine offenders 37328
pursuant to a sanction imposed under section 2929.16 of the 37329
Revised Code to the treasurer of the municipal corporation. The 37330
treasurer shall deposit the reimbursements in a special fund that 37331
shall be established in the treasury of each municipal 37332
corporation. The municipal corporation shall use the amounts 37333
deposited in the fund to pay the costs incurred by the municipal 37334
corporation pursuant to any sanction imposed under this section or 37335
section 2929.16 or 2929.17 of the Revised Code or in operating a 37336
facility used to confine offenders pursuant to a sanction imposed 37337
under section 2929.16 of the Revised Code. 37338

(3) Except as provided in section 2951.021 of the Revised 37339
Code, the offender shall pay reimbursements imposed pursuant to 37340
division (A)(5)(a) of this section for the costs incurred by a 37341
private provider pursuant to a sanction imposed under this section 37342
or section 2929.16 or 2929.17 of the Revised Code to the provider. 37343

(D) Except as otherwise provided in this division, a 37344
financial sanction imposed pursuant to division (A) or (B) of this 37345
section is a judgment in favor of the state or a political 37346
subdivision in which the court that imposed the financial sanction 37347

is located, and the offender subject to the financial sanction is 37348
the judgment debtor. A financial sanction of reimbursement imposed 37349
pursuant to division (A)(5)(a)(ii) of this section upon an 37350
offender who is incarcerated in a state facility or a municipal 37351
jail is a judgment in favor of the state or the municipal 37352
corporation, and the offender subject to the financial sanction is 37353
the judgment debtor. A financial sanction of reimbursement imposed 37354
upon an offender pursuant to this section for costs incurred by a 37355
private provider of sanctions is a judgment in favor of the 37356
private provider, and the offender subject to the financial 37357
sanction is the judgment debtor. A financial sanction of a 37358
mandatory fine imposed under division (B)(10) of this section that 37359
is required under that division to be paid to a law enforcement 37360
agency is a judgment in favor of the specified law enforcement 37361
agency, and the offender subject to the financial sanction is the 37362
judgment debtor. A financial sanction of restitution imposed 37363
pursuant to division (A)(1) or (B)(8) of this section is an order 37364
in favor of the victim of the offender's criminal act that can be 37365
collected through a certificate of judgment as described in 37366
division (D)(1) of this section, through execution as described in 37367
division (D)(2) of this section, or through an order as described 37368
in division (D)(3) of this section, and the offender shall be 37369
considered for purposes of the collection as the judgment debtor. 37370
Imposition of a financial sanction and execution on the judgment 37371
does not preclude any other power of the court to impose or 37372
enforce sanctions on the offender. Once the financial sanction is 37373
imposed as a judgment or order under this division, the victim, 37374
private provider, state, or political subdivision may do any of 37375
the following: 37376

(1) Obtain from the clerk of the court in which the judgment 37377
was entered, at no cost, a certificate of judgment that shall be 37378
in the same manner and form as a certificate of judgment issued in 37379
a civil action; 37380

(2) Obtain execution of the judgment or order through any available procedure, including:	37381 37382
(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;	37383 37384
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	37385 37386
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	37387 37388
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	37389 37390 37391
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	37392 37393
(iii) A creditor's suit under section 2333.01 of the Revised Code.	37394 37395
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	37396 37397
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	37398 37399
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	37400 37401
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	37402 37403 37404 37405
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into	37406 37407 37408 37409 37410

contracts with one or more public agencies or private vendors for 37411
the collection of, amounts due under the financial sanction 37412
imposed pursuant to this section or section 2929.32 of the Revised 37413
Code. Before entering into a contract for the collection of 37414
amounts due from an offender pursuant to any financial sanction 37415
imposed pursuant to this section or section 2929.32 of the Revised 37416
Code, a court shall comply with sections 307.86 to 307.92 of the 37417
Revised Code. 37418

(G) If a court that imposes a financial sanction under 37419
division (A) or (B) of this section finds that an offender 37420
satisfactorily has completed all other sanctions imposed upon the 37421
offender and that all restitution that has been ordered has been 37422
paid as ordered, the court may suspend any financial sanctions 37423
imposed pursuant to this section or section 2929.32 of the Revised 37424
Code that have not been paid. 37425

(H) No financial sanction imposed under this section or 37426
section 2929.32 of the Revised Code shall preclude a victim from 37427
bringing a civil action against the offender. 37428

(I) If the court imposes restitution, fines, fees, or 37429
incarceration costs on a business or corporation, it is the duty 37430
of the person authorized to make disbursements from the assets of 37431
the business or corporation to pay the restitution, fines, fees, 37432
or incarceration costs from those assets. 37433

(J) If an offender is sentenced to pay restitution, a fine, 37434
fee, or incarceration costs, the clerk of the sentencing court, on 37435
request, shall make the offender's payment history available to 37436
the prosecutor, victim, victim's representative, victim's 37437
attorney, if applicable, the probation department, and the court 37438
without cost. 37439

Sec. 2929.28. (A) In addition to imposing court costs 37440
pursuant to section 2947.23 of the Revised Code, the court 37441

imposing a sentence upon an offender for a misdemeanor, including 37442
a minor misdemeanor, may sentence the offender to any financial 37443
sanction or combination of financial sanctions authorized under 37444
this section and, if the offender is being sentenced for a 37445
criminal offense as defined in section 2930.01 of the Revised 37446
Code, shall sentence the offender to make restitution pursuant to 37447
this section and section 2929.281 of the Revised Code. If the 37448
court, in its discretion or as required by this section, imposes 37449
one or more financial sanctions, the financial sanctions that may 37450
be imposed pursuant to this section include, but are not limited 37451
to, the following: 37452

(1) Unless the misdemeanor offense could be disposed of by 37453
the traffic violations bureau serving the court under Traffic Rule 37454
13, restitution by the offender to the victim of the offender's 37455
crime or the victim's estate, in an amount based on the victim's 37456
economic loss. The court may not impose restitution as a sanction 37457
pursuant to this division if the offense could be disposed of by 37458
the traffic violations bureau serving the court under Traffic Rule 37459
13. If the court requires restitution, the court shall order that 37460
the restitution be made to the victim in open court or to the 37461
adult probation department that serves the jurisdiction or the 37462
clerk of the court on behalf of the victim. 37463

The court shall determine the amount of restitution to be 37464
paid by the offender. The victim, victim's representative, 37465
victim's attorney, if applicable, the prosecutor or the 37466
prosecutor's designee, and the offender may provide information 37467
relevant to the determination of the amount of restitution. The 37468
amount the court orders as restitution shall not exceed the amount 37469
of the economic loss suffered by the victim as a direct and 37470
proximate result of the commission of the offense. If the court 37471
imposes restitution for the cost of accounting or auditing done to 37472
determine the extent of economic loss, the court may order 37473

restitution for any amount of the victim's costs of accounting or 37474
auditing provided that the amount of restitution is reasonable and 37475
does not exceed the value of property or services stolen or 37476
damaged as a result of the offense. If the court decides to or is 37477
required to impose restitution, the court shall hold an 37478
evidentiary hearing on restitution if the offender, victim, 37479
victim's representative, victim's attorney, if applicable, or 37480
victim's estate disputes the amount of restitution. The court 37481
shall determine the amount of full restitution by a preponderance 37482
of the evidence. 37483

All restitution payments shall be credited against any 37484
recovery of economic loss in a civil action brought by the victim 37485
or the victim's estate against the offender. No person may 37486
introduce evidence of an award of restitution under this section 37487
in a civil action for purposes of imposing liability against an 37488
insurer under section 3937.18 of the Revised Code. 37489

The court may order that the offender pay a surcharge, of not 37490
more than five per cent of the amount of the restitution otherwise 37491
ordered, to the entity responsible for collecting and processing 37492
restitution payments. 37493

The victim, victim's attorney, if applicable, or the attorney 37494
for the victim's estate may request that the prosecutor in the 37495
case file a motion, or the offender may file a motion, for 37496
modification of the payment terms of any restitution ordered. If 37497
the court grants the motion, it may modify the payment terms as it 37498
determines appropriate but shall not reduce the amount of 37499
restitution ordered, except as provided in division (A) of section 37500
2929.281 of the Revised Code. 37501

(2) A fine of the type described in divisions (A)(2)(a) and 37502
(b) of this section payable to the appropriate entity as required 37503
by law: 37504

(a) A fine in the following amount:	37505
(i) For a misdemeanor of the first degree, not more than one thousand dollars;	37506 37507
(ii) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;	37508 37509
(iii) For a misdemeanor of the third degree, not more than five hundred dollars;	37510 37511
(iv) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars;	37512 37513
(v) For a minor misdemeanor, not more than one hundred fifty dollars.	37514 37515
(b) A state fine or cost as defined in section 2949.111 of the Revised Code.	37516 37517
(3)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:	37518 37519 37520
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code and the costs of global positioning system device monitoring;	37521 37522 37523 37524
(ii) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;	37525 37526 37527 37528 37529
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	37530 37531 37532 37533 37534

(b) The amount of reimbursement ordered under division 37535
(A)(3)(a) of this section shall not exceed the total amount of 37536
reimbursement the offender is able to pay and shall not exceed the 37537
actual cost of the sanctions. The court may collect any amount of 37538
reimbursement the offender is required to pay under that division. 37539
If the court does not order reimbursement under that division, 37540
confinement costs may be assessed pursuant to a repayment policy 37541
adopted under section 2929.37 of the Revised Code. In addition, 37542
the offender may be required to pay the fees specified in section 37543
2929.38 of the Revised Code in accordance with that section. 37544

(B) If the court determines a hearing is necessary, the court 37545
may hold a hearing to determine whether the offender is able to 37546
pay the financial sanction imposed pursuant to this section or 37547
court costs or is likely in the future to be able to pay the 37548
sanction or costs. 37549

If the court determines that the offender is indigent and 37550
unable to pay the financial sanction or court costs, the court 37551
shall consider imposing and may impose a term of community service 37552
under division (A) of section 2929.27 of the Revised Code in lieu 37553
of imposing a financial sanction or court costs. If the court does 37554
not determine that the offender is indigent, the court may impose 37555
a term of community service under division (A) of section 2929.27 37556
of the Revised Code in lieu of or in addition to imposing a 37557
financial sanction under this section and in addition to imposing 37558
court costs. The court may order community service for a minor 37559
misdemeanor pursuant to division (D) of section 2929.27 of the 37560
Revised Code in lieu of or in addition to imposing a financial 37561
sanction under this section and in addition to imposing court 37562
costs. If a person fails to pay a financial sanction or court 37563
costs, the court may order community service in lieu of the 37564
financial sanction or court costs. 37565

(C)(1) The offender shall pay reimbursements imposed upon the 37566

offender pursuant to division (A)(3) of this section to pay the 37567
costs incurred by a county pursuant to any sanction imposed under 37568
this section or section 2929.26 or 2929.27 of the Revised Code or 37569
in operating a facility used to confine offenders pursuant to a 37570
sanction imposed under section 2929.26 of the Revised Code to the 37571
county treasurer. The county treasurer shall deposit the 37572
reimbursements in the county's general fund. The county shall use 37573
the amounts deposited in the fund to pay the costs incurred by the 37574
county pursuant to any sanction imposed under this section or 37575
section 2929.26 or 2929.27 of the Revised Code or in operating a 37576
facility used to confine offenders pursuant to a sanction imposed 37577
under section 2929.26 of the Revised Code. 37578

(2) The offender shall pay reimbursements imposed upon the 37579
offender pursuant to division (A)(3) of this section to pay the 37580
costs incurred by a municipal corporation pursuant to any sanction 37581
imposed under this section or section 2929.26 or 2929.27 of the 37582
Revised Code or in operating a facility used to confine offenders 37583
pursuant to a sanction imposed under section 2929.26 of the 37584
Revised Code to the treasurer of the municipal corporation. The 37585
treasurer shall deposit the reimbursements in the municipal 37586
corporation's general fund. The municipal corporation shall use 37587
the amounts deposited in the fund to pay the costs incurred by the 37588
municipal corporation pursuant to any sanction imposed under this 37589
section or section 2929.26 or 2929.27 of the Revised Code or in 37590
operating a facility used to confine offenders pursuant to a 37591
sanction imposed under section 2929.26 of the Revised Code. 37592

(3) The offender shall pay reimbursements imposed pursuant to 37593
division (A)(3) of this section for the costs incurred by a 37594
private provider pursuant to a sanction imposed under this section 37595
or section 2929.26 or 2929.27 of the Revised Code to the provider. 37596

~~(D)~~(D)(1) In addition to any other fine that is or may be 37597
imposed under this section, the court imposing sentence upon an 37598

offender for misdemeanor domestic violence or menacing by stalking 37599
may impose a fine of not less than seventy nor more than five 37600
hundred dollars, which shall, except as provided in divisions 37601
(D)(2) and (3) of this section, be transmitted to the treasurer of 37602
state to be credited to the address confidentiality program fund 37603
created by section 111.48 of the Revised Code. 37604

(2) A court that imposes a fine under division (D)(1) of this 37605
section may retain up to twenty-five per cent of amounts collected 37606
in satisfaction of the fine to cover administrative costs. 37607

(3) A court that imposes a fine under division (D)(1) of this 37608
section may assign up to twenty-five per cent of amounts collected 37609
in satisfaction of the fine to reimburse the prosecuting attorney 37610
for costs associated with prosecution of the offense. 37611

(E) Except as otherwise provided in this division, a 37612
financial sanction imposed under division (A) of this section is a 37613
judgment in favor of the state or the political subdivision that 37614
operates the court that imposed the financial sanction, and the 37615
offender subject to the financial sanction is the judgment debtor. 37616
A financial sanction of reimbursement imposed pursuant to division 37617
(A)(3)(a)(i) of this section upon an offender is a judgment in 37618
favor of the entity administering the community control sanction, 37619
and the offender subject to the financial sanction is the judgment 37620
debtor. A financial sanction of reimbursement imposed pursuant to 37621
division (A)(3)(a)(ii) of this section upon an offender confined 37622
in a jail or other residential facility is a judgment in favor of 37623
the entity operating the jail or other residential facility, and 37624
the offender subject to the financial sanction is the judgment 37625
debtor. A financial sanction of restitution imposed pursuant to 37626
division (A)(1) of this section is an order in favor of the victim 37627
of the offender's criminal act that can be collected through a 37628
certificate of judgment as described in division (E)(1) of this 37629
section, through execution as described in division (E)(2) of this 37630

section, or through an order as described in division (E)(3) of 37631
this section, and the offender shall be considered for purposes of 37632
the collection as the judgment debtor. 37633

Once the financial sanction is imposed as a judgment or order 37634
under this division, the victim, private provider, state, or 37635
political subdivision may do any of the following: 37636

(1) Obtain from the clerk of the court in which the judgment 37637
was entered, at no charge, a certificate of judgment that shall be 37638
in the same manner and form as a certificate of judgment issued in 37639
a civil action; 37640

(2) Obtain execution of the judgment or order through any 37641
available procedure, including any of the procedures identified in 37642
divisions (D)(1) and (2) of section 2929.18 of the Revised Code. 37643

(3) Obtain an order for the assignment of wages of the 37644
judgment debtor under section 1321.33 of the Revised Code. 37645

(F) The civil remedies authorized under division (E) of this 37646
section for the collection of the financial sanction supplement, 37647
but do not preclude, enforcement of the criminal sentence. 37648

(G) Each court imposing a financial sanction upon an offender 37649
under this section may designate the clerk of the court or another 37650
person to collect the financial sanction. The clerk, or another 37651
person authorized by law or the court to collect the financial 37652
sanction may do the following: 37653

(1) Enter into contracts with one or more public agencies or 37654
private vendors for the collection of amounts due under the 37655
sanction. Before entering into a contract for the collection of 37656
amounts due from an offender pursuant to any financial sanction 37657
imposed pursuant to this section, a court shall comply with 37658
sections 307.86 to 307.92 of the Revised Code. 37659

(2) Permit payment of all or any portion of the sanction in 37660

installments, by financial transaction device if the court is a 37661
county court or a municipal court operated by a county, by credit 37662
or debit card or by another electronic transfer if the court is a 37663
municipal court not operated by a county, or by any other 37664
reasonable method, in any time, and on any terms that court 37665
considers just, except that the maximum time permitted for payment 37666
shall not exceed five years. If the court is a county court or a 37667
municipal court operated by a county, the acceptance of payments 37668
by any financial transaction device shall be governed by the 37669
policy adopted by the board of county commissioners of the county 37670
pursuant to section 301.28 of the Revised Code. If the court is a 37671
municipal court not operated by a county, the clerk may pay any 37672
fee associated with processing an electronic transfer out of 37673
public money or may charge the fee to the offender. 37674

(3) To defray administrative costs, charge a reasonable fee 37675
to an offender who elects a payment plan rather than a lump sum 37676
payment of any financial sanction. 37677

(H) No financial sanction imposed under this section shall 37678
preclude a victim from bringing a civil action against the 37679
offender. 37680

(I) If the court imposes restitution, fines, fees, or 37681
incarceration costs on a business or corporation, it is the duty 37682
of the person authorized to make disbursements from assets of the 37683
business or corporation to pay the restitution, fines, fees, or 37684
incarceration costs from those assets. 37685

(J) If an offender is sentenced to pay restitution, a fine, 37686
fee, or incarceration costs, the clerk of the sentencing court, on 37687
request, shall make the offender's payment history available to 37688
the victim, victim's representative, victim's attorney, if 37689
applicable, the prosecutor, the probation department, and the 37690
court without cost. 37691

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall serve that term as follows:

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of this section, in an institution under the control of the department of rehabilitation and correction if the term is a prison term or as otherwise determined by the sentencing court pursuant to section 2929.16 of the Revised Code if the term is not a prison term;

(b) In a facility of a type described in division (G)(1) of section 2929.13 of the Revised Code, if the offender is sentenced pursuant to that division.

(2) If the term is a prison term, the person may be imprisoned in a jail that is not a minimum security jail pursuant to agreement under section 5120.161 of the Revised Code between the department of rehabilitation and correction and the local authority that operates the jail.

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, "voluntary county" means any county in which the board of county commissioners of the county and the administrative judge of the general division of the court of common pleas of the county enter into an agreement of the type described in division (B)(3)(b) of this section and in which the agreement has not been terminated as

described in that division. 37723

~~(b)(i)~~ In any voluntary county, the board of county 37724
commissioners of the county and the administrative judge of the 37725
general division of the court of common pleas of the county may 37726
agree to having the county participate in the ~~procedures regarding~~ 37727
~~local and state confinement established~~ targeted community 37728
alternatives to prison (T-CAP) program for prisoners who serve a 37729
term in a facility under pursuant to division (B)(3)(c) of this 37730
section by submitting a memorandum of understanding, either as a 37731
single county or jointly with other counties, to the department of 37732
rehabilitation and correction for approval, pursuant to section 37733
5149.38 of the Revised Code. A board of county commissioners and 37734
an administrative judge of a court of common pleas that enter into 37735
an agreement of the type described in this division may terminate 37736
the agreement, but a termination under this division shall take 37737
effect only at the end of the state fiscal biennium in which the 37738
termination decision is made. 37739

(ii) The department of rehabilitation and correction shall 37740
establish deadlines for a voluntary county to indicate the 37741
voluntary county's participation in the targeted community 37742
alternatives to prison (T-CAP) program before each state fiscal 37743
biennium. 37744

(iii) In reviewing a submitted memorandum of understanding 37745
for approval, the department of rehabilitation and correction 37746
shall prioritize a voluntary county that has previously been a 37747
voluntary county. The department of rehabilitation and correction 37748
may review a memorandum of understanding for a new voluntary 37749
county if the general assembly has appropriated sufficient funds 37750
for that purpose. 37751

(c) Except as provided in division (B)(3)(d) of this section, 37752
in any voluntary county, either division (B)(3)(c)(i) or divisions 37753
(B)(3)(c)(i) and (ii) of this section shall apply: 37754

(i) On and after July 1, 2018, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fifth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section.

(ii) On and after September 1, 2022, no person sentenced by the court of common pleas of a voluntary county to a prison term for a felony of the fourth degree shall serve the term in an institution under the control of the department of rehabilitation and correction. The person shall instead serve the sentence as a term of confinement in a facility of a type described in division (C) or (D) of this section.

Nothing in this division relieves the state of its obligation to pay for the cost of confinement of the person in a community-based correctional facility under division (D) of this section.

(d) Division (B)(3)(c) of this section does not apply to any person to whom any of the following apply:

(i) The felony of the fourth or fifth degree was an offense of violence, as defined in section 2901.01 of the Revised Code, a sex offense under Chapter 2907. of the Revised Code, a violation of section 2925.03 of the Revised Code, or any offense for which a mandatory prison term is required.

(ii) The person previously has been convicted of or pleaded guilty to any felony offense of violence, as defined in section 2901.01 of the Revised Code, unless the felony of the fifth degree for which the person is being sentenced is a violation of division (I)(1) of section 2903.43 of the Revised Code.

(iii) The person previously has been convicted of or pleaded

guilty to any felony sex offense under Chapter 2907. of the Revised Code. 37786
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(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction. 37788
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(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail. 37792
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(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility. 37801
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Sec. 2930.11. (A) Except as otherwise provided in this section or in Chapter 2981. of the Revised Code, the law enforcement agency responsible for investigating a criminal offense or delinquent act shall promptly return to the victim of the criminal offense or delinquent act any property of the victim that was taken in the course of the investigation, and the victim shall not be compelled to pay any charge as a condition of retrieving that property. In accordance with Criminal Rule 26 or an applicable Juvenile Rule, the law enforcement agency may take photographs of the property for use as evidence. If the ownership of the property is in dispute, the agency shall not return the property until the dispute is resolved. 37804
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(B) The law enforcement agency responsible for investigating 37816

a criminal offense or delinquent act shall retain any property of 37817
the victim of the criminal offense or delinquent act that is 37818
needed as evidence in the case, including any weapon used in the 37819
commission of the criminal offense or delinquent act, if the 37820
prosecutor certifies to the court a need to retain the property in 37821
lieu of a photograph of the property or of another evidentiary 37822
substitute for the property itself, pursuant to Ohio Rules of 37823
Appellate Procedure. 37824

(C) If the defendant or alleged juvenile offender in a case 37825
files a motion requesting the court to order the law enforcement 37826
agency to retain property of the victim because the property is 37827
needed for the defense in the case, the agency shall retain the 37828
property until the court rules on the motion. The court, in making 37829
a determination on the motion, shall weigh the victim's need for 37830
the property against the defendant's or alleged juvenile 37831
offender's assertion that the property has evidentiary value for 37832
the defense. The court shall rule on the motion in a timely 37833
fashion. 37834

Sec. 2930.16. (A) If a defendant is incarcerated, a victim or 37835
victim's representative who has requested to receive notice under 37836
this section shall be given notice of the incarceration of the 37837
defendant. If an alleged juvenile offender is committed to the 37838
temporary custody of a school, camp, institution, or other 37839
facility operated for the care of delinquent children or to the 37840
legal custody of the department of youth services, a victim or 37841
victim's representative who has requested to receive notice under 37842
this section shall be given notice of the commitment. Promptly 37843
after sentence is imposed upon the defendant or the commitment of 37844
the alleged juvenile offender is ordered, the court or the court's 37845
designee shall notify the prosecutor in the case and the 37846
prosecutor shall notify the victim and the victim's 37847
representative, if applicable, of the date on which the defendant 37848

will be released, or initially will be eligible for release, from 37849
confinement or the prosecutor's reasonable estimate of that date 37850
or the date on which the alleged juvenile offender will have 37851
served the minimum period of commitment or the prosecutor's 37852
reasonable estimate of that date. The prosecutor also shall notify 37853
the victim and the victim's representative of the name of the 37854
custodial agency of the defendant or alleged juvenile offender and 37855
tell the victim and the victim's representative how to contact 37856
that custodial agency. If the custodial agency is the department 37857
of rehabilitation and correction, the prosecutor shall notify the 37858
victim and the victim's representative of the services offered by 37859
the office of victims' services pursuant to section 5120.60 of the 37860
Revised Code. If the custodial agency is the department of youth 37861
services, the prosecutor shall notify the victim and the victim's 37862
representative of the services provided by the office of victims' 37863
services within the release authority of the department pursuant 37864
to section 5139.55 of the Revised Code and the victim's right 37865
pursuant to section 5139.56 of the Revised Code to submit a 37866
written request to the release authority to be notified of actions 37867
the release authority takes with respect to the alleged juvenile 37868
offender. The victim and the victim's representative shall keep 37869
the custodial agency informed of the victim's or victim's 37870
representative's current contact information. 37871

(B)(1) Upon the victim's or victim's representative's request 37872
or in accordance with division (D) of this section, the court or 37873
the court's designee shall notify the prosecutor in the case and 37874
the prosecutor promptly, but not later than seven days after the 37875
hearing is scheduled or the application is filed, shall notify the 37876
victim and the victim's representative, if applicable, of any 37877
application or hearing for judicial release of the defendant 37878
pursuant to section 2929.20 of the Revised Code or of any hearing 37879
for judicial release or early release of the alleged juvenile 37880

offender pursuant to section 2151.38 of the Revised Code and of 37881
the victim's and victim's representative's right to make a 37882
statement under those sections. If the court does not hold a 37883
hearing or if the victim and victim's representative, if 37884
applicable, do not attend the hearing or make a statement, the 37885
court shall notify the victim and victim's representative of its 37886
ruling in each of those hearings and on each of those 37887
applications. 37888

(2) If an offender is sentenced to a prison term pursuant to 37889
division (A)(3) or (B) of section 2971.03 of the Revised Code, on 37890
the request of the victim or victim's representative or in 37891
accordance with division (D) of this section, the court or the 37892
court's designee shall notify the prosecutor in the case and the 37893
prosecutor promptly shall notify the victim and the victim's 37894
representative, if applicable, of any hearing to be conducted 37895
pursuant to section 2971.05 of the Revised Code to determine 37896
whether to modify the requirement that the offender serve the 37897
entire prison term in a state correctional facility in accordance 37898
with division (C) of that section, whether to continue, revise, or 37899
revoke any existing modification of that requirement, or whether 37900
to terminate the prison term in accordance with division (D) of 37901
that section. If the court does not hold a hearing or if the 37902
victim and victim's representative, if applicable, do not attend 37903
the hearing or make a statement, the court shall notify the victim 37904
and the victim's representative of any order issued at the 37905
conclusion of the hearing. 37906

(C)(1) On first contact with a victim, the custodial agency 37907
of a defendant or delinquent child shall verify with the victim 37908
and victim's representative, if applicable, that all information 37909
and requests are current. If a victim's rights request form was 37910
not provided by the prosecutor, the custodial agency shall give 37911
the victim and victim's representative, if applicable, the 37912

victim's rights request form, or similar form that, at a minimum, 37913
contains the required information listed in this section and on 37914
the victim's rights request form. A person claiming direct and 37915
proximate harm as a result of a criminal offense or delinquent act 37916
must affirmatively identify the person's self and request the 37917
notifications provided in this section and section 2967.28 of the 37918
Revised Code. 37919

(2) Upon the victim's or victim's representative's request 37920
made at any time before the particular notice would be due or in 37921
accordance with division (D) of this section, the custodial agency 37922
of a defendant or alleged juvenile offender shall give the victim 37923
and the victim's representative, if applicable, any of the 37924
following notices that is applicable: 37925

(a) At least sixty days before the adult parole authority 37926
recommends a pardon or commutation of sentence for the defendant 37927
or at least sixty days prior to a hearing before the adult parole 37928
authority regarding a grant of parole to the defendant, notice of 37929
the victim's and victim's representative's right to submit a 37930
statement regarding the impact of the defendant's release in 37931
accordance with section 2967.12 of the Revised Code and, if 37932
applicable, of the victim's and victim's representative's right to 37933
appear at a full board hearing of the parole board to give 37934
testimony as authorized by section 5149.101 of the Revised Code; 37935
and at least sixty days prior to a hearing before the department 37936
regarding a determination of whether the inmate must be released 37937
under division (C) or (D)(2) of section 2967.271 of the Revised 37938
Code if the inmate is serving a non-life felony indefinite prison 37939
term, notice of the fact that the inmate will be having a hearing 37940
regarding a possible grant of release, the date of any hearing 37941
regarding a possible grant of release, and the right of any person 37942
to submit a written statement regarding the pending action; 37943

(b) At least sixty days before the defendant is transferred 37944

to transitional control under section 2967.26 of the Revised Code, 37945
notice of the pendency of the transfer and of the victim's and 37946
victim's representative's right under that section to submit a 37947
statement regarding the impact of the transfer; 37948

(c) At least sixty days before the release authority of the 37949
department of youth services holds a release review, release 37950
hearing, or discharge review for the alleged juvenile offender, 37951
notice of the pendency of the review or hearing, of the victim's 37952
and victim's representative's right to make an oral or written 37953
statement regarding the impact of the crime upon the victim or 37954
regarding the possible release or discharge, and, if the notice 37955
pertains to a hearing, of the victim's right to attend and make 37956
statements or comments at the hearing as authorized by section 37957
5139.56 of the Revised Code; 37958

(d) Prompt notice, but not more than three days after the 37959
escape, of the defendant's or alleged juvenile offender's escape 37960
from a facility of the custodial agency in which the defendant was 37961
incarcerated or in which the alleged juvenile offender was placed 37962
after commitment, of the defendant's or alleged juvenile 37963
offender's absence without leave from a mental health or 37964
developmental disabilities facility or from other custody, and of 37965
the capture of the defendant or alleged juvenile offender after an 37966
escape or absence; 37967

(e) Notice of the defendant's or alleged juvenile offender's 37968
death while in confinement or custody within thirty days of the 37969
defendant's or alleged juvenile offender's death; 37970

(f) Notice of the filing of a petition by the director of 37971
rehabilitation and correction pursuant to section 2929.20 of the 37972
Revised Code requesting the early release of the defendant 37973
pursuant to a judicial release under that section within thirty 37974
days of the filing of the petition; 37975

(g) Notice of the defendant's or alleged juvenile offender's 37976
post-conviction release from confinement or custody, including 37977
jail or local custody, and the terms and conditions of the release 37978
as soon as the custodial agency becomes aware of the release. 37979

(D)(1) If a defendant is incarcerated for the commission of 37980
aggravated murder, murder, or an offense of violence that is a 37981
felony of the first, second, or third degree or is under a 37982
sentence of life imprisonment or if an alleged juvenile offender 37983
has been charged with the commission of an act that would be 37984
aggravated murder, murder, or an offense of violence that is a 37985
felony of the first, second, or third degree or be subject to a 37986
sentence of life imprisonment if committed by an adult, except as 37987
otherwise provided in this division, the notices described in 37988
divisions (B) and (C) of this section shall be given regardless of 37989
whether the victim or victim's representative has requested the 37990
notification. The notices described in divisions (B) and (C) of 37991
this section shall not be given under this division to a victim or 37992
victim's representative if the victim or victim's representative 37993
has requested pursuant to division (B)(2) of section 2930.03 of 37994
the Revised Code that the victim or victim's representative not be 37995
provided the notice. Regardless of whether the victim or victim's 37996
representative has requested that the notices described in 37997
division (C) of this section be provided or not be provided, the 37998
custodial agency shall give notice similar to those notices to the 37999
prosecutor in the case, to the sentencing court, to the law 38000
enforcement agency that arrested the defendant or alleged juvenile 38001
offender if any officer of that agency was a victim of the 38002
offense, and to any member of the victim's immediate family who 38003
requests notification. If the notice given under this division to 38004
the victim and victim's representative is based on an offense 38005
committed prior to March 22, 2013, and if the prosecutor or 38006
custodial agency has not previously successfully provided any 38007
notice to the victim and victim's representative under this 38008

division or division (B) or (C) of this section with respect to 38009
that offense and the offender who committed it, the notice also 38010
shall inform the victim and victim's representative that the 38011
victim or victim's representative may request that the victim or 38012
victim's representative not be provided any further notices with 38013
respect to that offense and the offender who committed it and 38014
shall describe the procedure for making that request. If the 38015
notice given under this division to the victim and victim's 38016
representative pertains to a hearing regarding a grant of a parole 38017
to the defendant, the notice also shall inform the victim and 38018
victim's representative that the victim, a member of the victim's 38019
immediate family, or the victim's representative may request a 38020
victim conference, as described in division (E) of this section, 38021
and shall provide an explanation of a victim conference. 38022

The prosecutor or custodial agency may give the notices to 38023
which this division applies by any reasonable means, including, 38024
but not limited to, regular mail, telephone, and electronic mail. 38025
If the prosecutor or custodial agency attempts to provide notice 38026
to a victim or victim's representative under this division but the 38027
attempt is unsuccessful because the prosecutor or custodial agency 38028
is unable to locate the victim or victim's representative, is 38029
unable to provide the notice by its chosen method because it 38030
cannot determine the mailing address, telephone number, or 38031
electronic mail address at which to provide the notice, or, if the 38032
notice is sent by mail, the notice is returned, the prosecutor or 38033
custodial agency shall make another attempt to provide the notice 38034
to the victim or victim's representative. If the second attempt is 38035
unsuccessful, the prosecutor or custodial agency shall make at 38036
least one more attempt to provide the notice. If the notice is 38037
based on an offense committed prior to March 22, 2013, in each 38038
attempt to provide the notice to the victim or victim's 38039
representative, the notice shall include the opt-out information 38040
described in the preceding paragraph. The prosecutor or custodial 38041

agency, in accordance with division (D)(2) of this section, shall 38042
keep a record of all attempts to provide the notice, and of all 38043
notices provided, under this division. 38044

Division (D)(1) of this section, and the notice-related 38045
provisions of divisions (E)(2) and (K) of section 2929.20, 38046
division (H) of section 2967.12, division (E)(1)(b) of section 38047
2967.19 as it existed prior to the effective date of this 38048
amendment, division (A)(3)(b) of section 2967.26, division (D)(1) 38049
of section 2967.28, and division (A)(2) of section 5149.101 of the 38050
Revised Code enacted in the act in which division (D)(1) of this 38051
section was enacted, shall be known as "Roberta's Law." 38052

(2) Each prosecutor and custodial agency that attempts to 38053
give any notice to which division (D)(1) of this section applies 38054
shall keep a record of all attempts to give the notice. The record 38055
shall indicate the person who was to be the recipient of the 38056
notice, the date on which the attempt was made, the manner in 38057
which the attempt was made, and the person who made the attempt. 38058
If the attempt is successful and the notice is given, the record 38059
shall indicate that fact. The record shall be kept in a manner 38060
that allows public inspection of attempts and notices given to 38061
persons other than victims or victims' representatives without 38062
revealing the names, addresses, or other identifying information 38063
relating to victims or victims' representatives. The record of 38064
attempts and notices given to victims or victims' representatives 38065
is not a public record, but the prosecutor or custodial agency 38066
shall provide upon request a copy of that record to a prosecuting 38067
attorney, judge, law enforcement agency, or member of the general 38068
assembly. The record of attempts and notices given to persons 38069
other than victims or victims' representatives is a public record. 38070
A record kept under this division may be indexed by offender name, 38071
or in any other manner determined by the prosecutor or the 38072
custodial agency. Each prosecutor or custodial agency that is 38073

required to keep a record under this division shall determine the 38074
procedures for keeping the record and the manner in which it is to 38075
be kept, subject to the requirements of this division. 38076

(E) The adult parole authority shall adopt rules under 38077
Chapter 119. of the Revised Code providing for a victim 38078
conference, upon request of the victim, a member of the victim's 38079
immediate family, or the victim's representative, prior to a 38080
parole hearing in the case of a prisoner who is incarcerated for 38081
the commission of aggravated murder, murder, or an offense of 38082
violence that is a felony of the first, second, or third degree or 38083
is under a sentence of life imprisonment. The rules shall provide 38084
for, but not be limited to, all of the following: 38085

(1) Subject to division (E)(3) of this section, attendance by 38086
the victim, members of the victim's immediate family, the victim's 38087
representative, and, if practicable, other individuals; 38088

(2) Allotment of up to one hour for the conference; 38089

(3) A specification of the number of persons specified in 38090
division (E)(1) of this section who may be present at any single 38091
victim conference, if limited by the department pursuant to 38092
division (F) of this section. 38093

(F) The department may limit the number of persons specified 38094
in division (E)(1) of this section who may be present at any 38095
single victim conference, provided that the department shall not 38096
limit the number of persons who may be present at any single 38097
conference to fewer than three. If the department limits the 38098
number of persons who may be present at any single victim 38099
conference, the department shall permit and schedule, upon request 38100
of the victim, a member of the victim's immediate family, or the 38101
victim's representative, multiple victim conferences for the 38102
persons specified in division (E)(1) of this section. 38103

(G) Communications during a victim conference held pursuant 38104

to division (E) of this section and the rules adopted by the adult 38105
parole authority under that division shall be confidential and are 38106
not public records under section 149.43 of the Revised Code. 38107

(H) As used in this section, "victim's immediate family" has 38108
the same meaning as in section 2967.12 of the Revised Code. 38109

Sec. 2935.01. As used in this chapter: 38110

(A) "Magistrate" has the same meaning as in section 2931.01 38111
of the Revised Code. 38112

(B) "Peace officer" includes, except as provided in section 38113
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 38114
deputy marshal; member of the organized police department of any 38115
municipal corporation, including a member of the organized police 38116
department of a municipal corporation in an adjoining state 38117
serving in Ohio under a contract pursuant to section 737.04 of the 38118
Revised Code; member of a police force employed by a metropolitan 38119
housing authority under division (D) of section 3735.31 of the 38120
Revised Code; member of a police force employed by a regional 38121
transit authority under division (Y) of section 306.05 of the 38122
Revised Code; state university law enforcement officer appointed 38123
under section 3345.04 of the Revised Code; enforcement agent of 38124
the department of public safety designated under section 5502.14 38125
of the Revised Code; employee of the department of taxation to 38126
whom investigation powers have been delegated under section 38127
5743.45 of the Revised Code; employee of the department of natural 38128
resources who is a natural resources law enforcement staff officer 38129
designated pursuant to section 1501.013 of the Revised Code, a 38130
forest-fire investigator appointed pursuant to section 1503.09 of 38131
the Revised Code, a natural resources officer appointed pursuant 38132
to section 1501.24 of the Revised Code, or a wildlife officer 38133
designated pursuant to section 1531.13 of the Revised Code; 38134
individual designated to perform law enforcement duties under 38135

section 511.232, 1545.13, or 6101.75 of the Revised Code; 38136
veterans' home police officer appointed under section 5907.02 of 38137
the Revised Code; special police officer employed by a port 38138
authority under section 4582.04 or 4582.28 of the Revised Code; 38139
police constable of any township; police officer of a township or 38140
joint police district; a special police officer employed by a 38141
municipal corporation at a municipal airport, or other municipal 38142
air navigation facility, that has scheduled operations, as defined 38143
in section 119.3 of Title 14 of the Code of Federal Regulations, 38144
14 C.F.R. 119.3, as amended, and that is required to be under a 38145
security program and is governed by aviation security rules of the 38146
transportation security administration of the United States 38147
department of transportation as provided in Parts 1542. and 1544. 38148
of Title 49 of the Code of Federal Regulations, as amended; the 38149
house of representatives sergeant at arms if the house of 38150
representatives sergeant at arms has arrest authority pursuant to 38151
division (E)(1) of section 101.311 of the Revised Code; an 38152
assistant house of representatives sergeant at arms; the senate 38153
sergeant at arms; an assistant senate sergeant at arms; officer or 38154
employee of the bureau of criminal identification and 38155
investigation established pursuant to section 109.51 of the 38156
Revised Code who has been awarded a certificate by the executive 38157
director of the Ohio peace officer training commission attesting 38158
to the officer's or employee's satisfactory completion of an 38159
approved state, county, municipal, or department of natural 38160
resources peace officer basic training program and who is 38161
providing assistance upon request to a law enforcement officer or 38162
emergency assistance to a peace officer pursuant to section 109.54 38163
or 109.541 of the Revised Code; a state fire marshal law 38164
enforcement officer described in division (A)(23) of section 38165
109.71 of the Revised Code; a gaming agent, as defined in section 38166
3772.01 of the Revised Code; the inspector general or a deputy 38167
inspector general appointed pursuant to section 121.48 of the 38168

Revised Code while the inspector general or a deputy inspector 38169
general is engaged in the scope of the inspector general's or 38170
deputy inspector general's duties under sections 121.42 to 121.52 38171
of the Revised Code; and, for the purpose of arrests within those 38172
areas, for the purposes of Chapter 5503. of the Revised Code, and 38173
the filing of and service of process relating to those offenses 38174
witnessed or investigated by them, the superintendent and troopers 38175
of the state highway patrol. 38176

(C) "Prosecutor" includes the county prosecuting attorney and 38177
any assistant prosecutor designated to assist the county 38178
prosecuting attorney, and, in the case of courts inferior to 38179
courts of common pleas, includes the village solicitor, city 38180
director of law, or similar chief legal officer of a municipal 38181
corporation, any such officer's assistants, or any attorney 38182
designated by the prosecuting attorney of the county to appear for 38183
the prosecution of a given case. 38184

(D) "Offense," except where the context specifically 38185
indicates otherwise, includes felonies, misdemeanors, and 38186
violations of ordinances of municipal corporations and other 38187
public bodies authorized by law to adopt penal regulations. 38188

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 of 38189
the Revised Code: 38190

(1) "Prosecutor" means a prosecuting attorney or a city 38191
director of law, village solicitor, or similar chief legal officer 38192
of a municipal corporation who has authority to prosecute a 38193
criminal case that is before the court or the criminal case in 38194
which a defendant in a criminal case has been found incompetent to 38195
stand trial or not guilty by reason of insanity. 38196

(2) "Examiner" means either of the following: 38197

(a) A psychiatrist or a licensed clinical psychologist who 38198

satisfies the criteria of division (I) of section 5122.01 of the Revised Code or is employed by a certified forensic center designated by the department of mental health and addiction services to conduct examinations or evaluations.

(b) For purposes of a separate intellectual disability evaluation that is ordered by a court pursuant to division (I) of section 2945.371 of the Revised Code, a psychologist designated by the director of developmental disabilities pursuant to that section to conduct that separate intellectual disability evaluation.

(3) "Nonsecured status" means any unsupervised, off-grounds movement or trial visit from a hospital or institution, or any conditional release, that is granted to a person who is found incompetent to stand trial and is committed pursuant to section 2945.39 of the Revised Code or to a person who is found not guilty by reason of insanity and is committed pursuant to section 2945.40 of the Revised Code.

(4) "Unsupervised, off-grounds movement" includes only off-grounds privileges that are unsupervised and that have an expectation of return to the hospital or institution on a daily basis.

(5) "Trial visit" means a patient privilege of a longer stated duration of unsupervised community contact with an expectation of return to the hospital or institution at designated times.

(6) "Conditional release" means a commitment status under which the trial court at any time may revoke a person's conditional release and order the rehospitalization or reinstitutionalization of the person as described in division (A) of section 2945.402 of the Revised Code and pursuant to which a person who is found incompetent to stand trial or a person who is

found not guilty by reason of insanity lives and receives 38230
treatment in the community for a period of time that does not 38231
exceed the maximum prison term or term of imprisonment that the 38232
person could have received for the offense in question had the 38233
person been convicted of the offense instead of being found 38234
incompetent to stand trial on the charge of the offense or being 38235
found not guilty by reason of insanity relative to the offense. 38236

(7) "Licensed clinical psychologist," "person with a mental 38237
illness subject to court order," and "psychiatrist" have the same 38238
meanings as in section 5122.01 of the Revised Code. 38239

(8) "Person with an intellectual disability subject to 38240
institutionalization by court order" has the same meaning as in 38241
section 5123.01 of the Revised Code. 38242

(9) "Jail" has the same meaning as in section 2929.01 of the 38243
Revised Code. 38244

(B) In a criminal action in a court of common pleas, a county 38245
court, or a municipal court, the court, prosecutor, or defense may 38246
raise the issue of the defendant's competence to stand trial. If 38247
the issue is raised before the trial has commenced, the court 38248
shall hold a hearing on the issue as provided in this section. If 38249
the issue is raised after the trial has commenced, the court shall 38250
hold a hearing on the issue only for good cause shown or on the 38251
court's own motion. 38252

(C) The court shall conduct the hearing required or 38253
authorized under division (B) of this section within thirty days 38254
after the issue is raised, unless the defendant has been referred 38255
for evaluation in which case the court shall conduct the hearing 38256
within ten days after the filing of the report of the evaluation 38257
or, in the case of a defendant who is ordered by the court 38258
pursuant to division (I) of section 2945.371 of the Revised Code 38259
to undergo a separate intellectual disability evaluation conducted 38260

by a psychologist designated by the director of developmental 38261
disabilities, within ten days after the filing of the report of 38262
the separate intellectual disability evaluation under that 38263
division. A hearing may be continued for good cause. 38264

(D) The defendant shall be represented by counsel at the 38265
hearing conducted under division (C) of this section. If the 38266
defendant is unable to obtain counsel, the court shall appoint 38267
counsel under Chapter 120. of the Revised Code or under the 38268
authority recognized in division (C) of section 120.06, division 38269
(E) of section 120.16, division (E) of section 120.26, or section 38270
2941.51 of the Revised Code before proceeding with the hearing. 38271

(E) The prosecutor and defense counsel may submit evidence on 38272
the issue of the defendant's competence to stand trial. A written 38273
report of the evaluation of the defendant may be admitted into 38274
evidence at the hearing by stipulation, but, if either the 38275
prosecution or defense objects to its admission, the report may be 38276
admitted under sections 2317.36 to 2317.38 of the Revised Code or 38277
any other applicable statute or rule. 38278

(F) The court shall not find a defendant incompetent to stand 38279
trial solely because the defendant is receiving or has received 38280
treatment as a voluntary or involuntary patient with a mental 38281
illness under Chapter 5122. or a voluntary or involuntary resident 38282
with an intellectual disability under Chapter 5123. of the Revised 38283
Code or because the defendant is receiving or has received 38284
psychotropic drugs or other medication, even if the defendant 38285
might become incompetent to stand trial without the drugs or 38286
medication. 38287

(G) A defendant is presumed to be competent to stand trial. 38288
If, after a hearing, the court finds by a preponderance of the 38289
evidence that, because of the defendant's present mental 38290
condition, the defendant is incapable of understanding the nature 38291
and objective of the proceedings against the defendant or of 38292

assisting in the defendant's defense, the court shall find the 38293
defendant incompetent to stand trial and shall enter an order 38294
authorized by section 2945.38 of the Revised Code. 38295

(H) Municipal courts shall follow the procedures set forth in 38296
sections 2945.37 to 2945.402 of the Revised Code. Except as 38297
provided in section 2945.371 of the Revised Code, a municipal 38298
court shall not order an evaluation of the defendant's competence 38299
to stand trial or the defendant's mental condition at the time of 38300
the commission of the offense to be conducted at any hospital 38301
operated by the department of mental health and addiction 38302
services. Those evaluations shall be performed through community 38303
resources including, but not limited to, certified forensic 38304
centers, court probation departments, and community mental health 38305
services providers. All expenses of the evaluations shall be borne 38306
by the legislative authority of the municipal court, as defined in 38307
section 1901.03 of the Revised Code, and shall be taxed as costs 38308
in the case. If a defendant is found incompetent to stand trial or 38309
not guilty by reason of insanity, a municipal court may commit the 38310
defendant as provided in sections 2945.38 to 2945.402 of the 38311
Revised Code. 38312

Sec. 2945.38. (A) If the issue of a defendant's competence to 38313
stand trial is raised and if the court, upon conducting the 38314
hearing provided for in section 2945.37 of the Revised Code, finds 38315
that the defendant is competent to stand trial, the defendant 38316
shall be proceeded against as provided by law. If the court finds 38317
the defendant competent to stand trial and the defendant is 38318
receiving psychotropic drugs or other medication, the court may 38319
authorize the continued administration of the drugs or medication 38320
or other appropriate treatment in order to maintain the 38321
defendant's competence to stand trial, unless the defendant's 38322
attending physician advises the court against continuation of the 38323
drugs, other medication, or treatment. 38324

(B)(1)(a)(i) If the defendant has been charged with a felony 38325
offense or a misdemeanor offense of violence for which the 38326
prosecutor has not recommended the procedures under division 38327
(B)(1)(a)(vi) of this section and if, after taking into 38328
consideration all relevant reports, information, and other 38329
evidence, the court finds that the defendant is incompetent to 38330
stand trial and that there is a substantial probability that the 38331
defendant will become competent to stand trial within one year if 38332
the defendant is provided with a course of treatment, the court 38333
shall order the defendant to undergo treatment. 38334

(ii) If the defendant has been charged with a felony offense 38335
and if, after taking into consideration all relevant reports, 38336
information, and other evidence, the court finds that the 38337
defendant is incompetent to stand trial, but the court is unable 38338
at that time to determine whether there is a substantial 38339
probability that the defendant will become competent to stand 38340
trial within one year if the defendant is provided with a course 38341
of treatment, the court shall order continuing evaluation and 38342
treatment of the defendant for a period not to exceed four months 38343
to determine whether there is a substantial probability that the 38344
defendant will become competent to stand trial within one year if 38345
the defendant is provided with a course of treatment. 38346

(iii) If the defendant has not been charged with a felony 38347
offense but has been charged with a misdemeanor offense of 38348
violence and if, after taking into consideration all relevant 38349
reports, information, and other evidence, the court finds that the 38350
defendant is incompetent to stand trial, but the court is unable 38351
at that time to determine whether there is a substantial 38352
probability that the defendant will become competent to stand 38353
trial within the time frame permitted under division (C)(1) of 38354
this section, the court may order continuing evaluation and 38355
treatment of the defendant for a period not to exceed the maximum 38356

period permitted under that division. 38357

(iv) If the defendant has not been charged with a felony 38358
offense or a misdemeanor offense of violence, but has been charged 38359
with a misdemeanor offense that is not a misdemeanor offense of 38360
violence and if, after taking into consideration all relevant 38361
reports, information, and other evidence, the court finds that the 38362
defendant is incompetent to stand trial, but the court is unable 38363
at that time to determine whether there is a substantial 38364
probability that the defendant will become competent to stand 38365
trial within the time frame permitted under division (C)(1) of 38366
this section, the court shall dismiss the charges and follow the 38367
process outlined in division (B)(1)(a)(v)(I) of this section. 38368

(v) If the defendant has not been charged with a felony 38369
offense or a misdemeanor offense of violence, or if the defendant 38370
has been charged with a misdemeanor offense of violence and the 38371
prosecutor has recommended the procedures under division 38372
(B)(1)(a)(vi) of this section, and if, after taking into 38373
consideration all relevant reports, information, and other 38374
evidence, the trial court finds that the defendant is incompetent 38375
to stand trial, the trial court shall do one of the following: 38376

(I) Dismiss the charges pending against the defendant. A 38377
dismissal under this division is not a bar to further prosecution 38378
based on the same conduct. Upon dismissal of the charges, the 38379
trial court shall discharge the defendant unless the court or 38380
prosecutor, after consideration of the requirements of section 38381
5122.11 of the Revised Code, files an affidavit in probate court 38382
alleging that the defendant is a mentally ill person subject to 38383
court order or a person with an intellectual disability subject to 38384
institutionalization by court order. If an affidavit is filed in 38385
probate court, the trial court may detain the defendant for ten 38386
days pending a hearing in the probate court and shall send to the 38387
probate court copies of all written reports of the defendant's 38388

mental condition that were prepared pursuant to section 2945.371 38389
of the Revised Code. The trial court or prosecutor shall specify 38390
in the appropriate space on the affidavit that the defendant is a 38391
person described in this subdivision. 38392

(II) Order the defendant to undergo outpatient competency 38393
restoration treatment at a facility operated or certified by the 38394
department of mental health and addiction services as being 38395
qualified to treat mental illness, at a public or community mental 38396
health facility, at a jail that employs or contracts with an 38397
individual or entity listed in division (B)(1)(b)(i) of this 38398
section to provide treatment or continuing evaluation and 38399
treatment at a jail, or in the care of a psychiatrist or other 38400
mental health professional. If a defendant who has been released 38401
on bail or recognizance refuses to comply with court-ordered 38402
outpatient treatment under this division, the court may dismiss 38403
the charges pending against the defendant and proceed under 38404
division (B)(1)(a)(v)(I) of this section or may amend the 38405
conditions of bail or recognizance and order the sheriff to take 38406
the defendant into custody and deliver the defendant to a center, 38407
~~program,~~ or facility operated or certified by the department of 38408
mental health and addiction services for treatment. 38409

(vi) If the defendant has not been charged with a felony 38410
offense but has been charged with a misdemeanor offense of 38411
violence and after taking into consideration all relevant reports, 38412
information, and other evidence, the court finds that the 38413
defendant is incompetent to stand trial, the prosecutor in the 38414
case may recommend that the court follow the procedures prescribed 38415
in division (B)(1)(a)(v) of this section. If the prosecutor does 38416
not make such a recommendation, the court shall follow the 38417
procedures in division (B)(1)(a)(i) of this section. 38418

~~(b)(b)(i)~~ The court order for the defendant to undergo 38419
treatment or continuing evaluation and treatment under division 38420

(B)(1)(a) of this section shall specify that the defendant, if 38421
determined to require mental health treatment or continuing 38422
evaluation and treatment, ~~either~~ shall be committed to ~~the one of~~ 38423
the following: 38424

(I) The department of mental health and addiction services 38425
for treatment or continuing evaluation and treatment at a 38426
hospital, facility, or agency, as determined to be clinically 38427
appropriate by the department ~~of mental health and addiction~~ 38428
~~services or shall be committed to a;~~ 38429

(II) A facility certified by the department of mental health 38430
and addiction services as being qualified to treat mental illness, 38431
~~to a;~~ 38432

(III) A public or community mental health facility, ~~or to a;~~ 38433

(IV) A jail that employs or contracts with an entity or 38434
individual listed in division (B)(1)(b)(i) of this section to 38435
provide treatment or continuing evaluation and treatment at a 38436
jail; 38437

(V) A psychiatrist or another mental health professional for 38438
treatment or continuing evaluation and treatment. ~~Prior~~ 38439

(ii) Prior to placing the defendant, the department of mental 38440
health and addiction services shall obtain court approval for that 38441
placement following a hearing. The court order for the defendant 38442
to undergo treatment or continuing evaluation and treatment under 38443
division (B)(1)(a) of this section shall specify that the 38444
defendant, if determined to require treatment or continuing 38445
evaluation and treatment for an intellectual disability, shall 38446
receive treatment or continuing evaluation and treatment at an 38447
institution or facility operated by the department of 38448
developmental disabilities, at a facility certified by the 38449
department of developmental disabilities as being qualified to 38450
treat intellectual disabilities, at a public or private 38451

intellectual disabilities facility, or by a psychiatrist or 38452
another intellectual disabilities professional. In any case, the 38453
order may restrict the defendant's freedom of movement as the 38454
court considers necessary. The prosecutor in the defendant's case 38455
shall send to the chief clinical officer of the hospital, 38456
facility, or agency where the defendant is placed by the 38457
department of mental health and addiction services, or to the 38458
managing officer or director of the institution, ~~the director of~~ 38459
~~the program or~~ facility, or jail, or the person to which the 38460
defendant is committed, copies of relevant police reports and 38461
other background information that pertains to the defendant and is 38462
available to the prosecutor unless the prosecutor determines that 38463
the release of any of the information in the police reports or any 38464
of the other background information to unauthorized persons would 38465
interfere with the effective prosecution of any person or would 38466
create a substantial risk of harm to any person. 38467

(iii) In determining the place of commitment, the court shall 38468
consider the extent to which the person is a danger to the person 38469
and to others, the need for security, the availability of housing 38470
and supportive services, including outpatient mental health 38471
services in the community, and the type of crime involved and 38472
shall order the least restrictive alternative available that is 38473
consistent with public safety and treatment goals. In weighing 38474
these factors, the court shall give preference to protecting 38475
public safety and the availability of housing and supportive 38476
services. 38477

(c) If the defendant is found incompetent to stand trial, if 38478
the chief clinical officer of the hospital, facility, or agency 38479
where the defendant is placed, or the managing officer or director 38480
of the institution, ~~the director of the program or~~ facility, or 38481
jail, or the person to which the defendant is committed for 38482
treatment or continuing evaluation and treatment under division 38483

(B)(1)(b) of this section determines that medication is necessary 38484
to restore the defendant's competency to stand trial, and if the 38485
defendant lacks the capacity to give informed consent or refuses 38486
medication, the chief clinical officer of the hospital, facility, 38487
or agency where the defendant is placed, or the managing officer 38488
or director of the institution, ~~the director of the program or~~ 38489
facility, or jail, or the person to which the defendant is 38490
committed for treatment or continuing evaluation and treatment may 38491
petition the court for authorization for the involuntary 38492
administration of medication. The court shall hold a hearing on 38493
the petition within five days of the filing of the petition if the 38494
petition was filed in a municipal court or a county court 38495
regarding an incompetent defendant charged with a misdemeanor or 38496
within ten days of the filing of the petition if the petition was 38497
filed in a court of common pleas regarding an incompetent 38498
defendant charged with a felony offense. Following the hearing, 38499
the court may authorize the involuntary administration of 38500
medication or may dismiss the petition. 38501

(2) If the court finds that the defendant is incompetent to 38502
stand trial and that, even if the defendant is provided with a 38503
course of treatment, there is not a substantial probability that 38504
the defendant will become competent to stand trial within one 38505
year, the court shall order the discharge of the defendant, unless 38506
upon motion of the prosecutor or on its own motion, the court 38507
either seeks to retain jurisdiction over the defendant pursuant to 38508
section 2945.39 of the Revised Code or files an affidavit in the 38509
probate court for the civil commitment of the defendant pursuant 38510
to Chapter 5122. or 5123. of the Revised Code alleging that the 38511
defendant is a person with a mental illness subject to court order 38512
or a person with an intellectual disability subject to 38513
institutionalization by court order. If an affidavit is filed in 38514
the probate court, the trial court shall send to the probate court 38515
copies of all written reports of the defendant's mental condition 38516

that were prepared pursuant to section 2945.371 of the Revised Code. 38517
38518

The trial court may issue the temporary order of detention 38519
that a probate court may issue under section 5122.11 or 5123.71 of 38520
the Revised Code, to remain in effect until the probable cause or 38521
initial hearing in the probate court. Further proceedings in the 38522
probate court are civil proceedings governed by Chapter 5122. or 38523
5123. of the Revised Code. 38524

(C) No defendant shall be required to undergo treatment, 38525
including any continuing evaluation and treatment, under division 38526
(B)(1) of this section for longer than whichever of the following 38527
periods is applicable: 38528

(1) One year, if the most serious offense with which the 38529
defendant is charged is one of the following offenses: 38530

(a) Aggravated murder, murder, or an offense of violence for 38531
which a sentence of death or life imprisonment may be imposed; 38532

(b) An offense of violence that is a felony of the first or 38533
second degree; 38534

(c) A conspiracy to commit, an attempt to commit, or 38535
complicity in the commission of an offense described in division 38536
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 38537
complicity is a felony of the first or second degree. 38538

(2) Six months, if the most serious offense with which the 38539
defendant is charged is a felony other than a felony described in 38540
division (C)(1) of this section; 38541

(3) Sixty days, if the most serious offense with which the 38542
defendant is charged is a misdemeanor of the first or second 38543
degree; 38544

(4) Thirty days, if the most serious offense with which the 38545
defendant is charged is a misdemeanor of the third or fourth 38546

degree, a minor misdemeanor, or an unclassified misdemeanor. 38547

(D) Any defendant who is committed pursuant to this section 38548
shall not voluntarily admit the defendant or be voluntarily 38549
admitted to a hospital or institution pursuant to section 5122.02, 38550
5122.15, 5123.69, or 5123.76 of the Revised Code. 38551

(E) Except as otherwise provided in this division, a 38552
defendant who is charged with an offense and is committed by the 38553
court under this section to the department of mental health and 38554
addiction services or is committed to an institution or facility 38555
for the treatment of intellectual disabilities shall not be 38556
granted unsupervised on-grounds movement, supervised off-grounds 38557
movement, or nonsecured status except in accordance with the court 38558
order. The court may grant a defendant supervised off-grounds 38559
movement to obtain medical treatment or specialized habilitation 38560
treatment services if the person who supervises the treatment or 38561
the continuing evaluation and treatment of the defendant ordered 38562
under division (B)(1)(a) of this section informs the court that 38563
the treatment or continuing evaluation and treatment cannot be 38564
provided at the hospital or facility where the defendant is placed 38565
by the department of mental health and addiction services or the 38566
institution ~~or~~, facility, or jail to which the defendant is 38567
committed. The chief clinical officer of the hospital or facility 38568
where the defendant is placed by the department of mental health 38569
and addiction services or the managing officer or director of the 38570
institution ~~or director of the~~, facility, or jail to which the 38571
defendant is committed, or a designee of any of those persons, may 38572
grant a defendant movement to a medical facility for an emergency 38573
medical situation with appropriate supervision to ensure the 38574
safety of the defendant, staff, and community during that 38575
emergency medical situation. The chief clinical officer of the 38576
hospital or facility where the defendant is placed by the 38577
department of mental health and addiction services or the managing 38578

officer or director of the institution ~~or director of the~~, 38579
facility, or jail to which the defendant is committed shall notify 38580
the court within twenty-four hours of the defendant's movement to 38581
the medical facility for an emergency medical situation under this 38582
division. 38583

(F) The person who supervises the treatment or continuing 38584
evaluation and treatment of a defendant ordered to undergo 38585
treatment or continuing evaluation and treatment under division 38586
(B)(1)(a) of this section shall file a written report with the 38587
court at the following times: 38588

(1) Whenever the person believes the defendant is capable of 38589
understanding the nature and objective of the proceedings against 38590
the defendant and of assisting in the defendant's defense; 38591

(2) For a felony offense, fourteen days before expiration of 38592
the maximum time for treatment as specified in division (C) of 38593
this section and fourteen days before the expiration of the 38594
maximum time for continuing evaluation and treatment as specified 38595
in division (B)(1)(a) of this section, and, for a misdemeanor 38596
offense, ten days before the expiration of the maximum time for 38597
treatment, as specified in division (C) of this section; 38598

(3) At a minimum, after each six months of treatment; 38599

(4) Whenever the person who supervises the treatment or 38600
continuing evaluation and treatment of a defendant ordered under 38601
division (B)(1)(a) of this section believes that there is not a 38602
substantial probability that the defendant will become capable of 38603
understanding the nature and objective of the proceedings against 38604
the defendant or of assisting in the defendant's defense even if 38605
the defendant is provided with a course of treatment. 38606

(G) A report under division (F) of this section shall contain 38607
the examiner's findings, the facts in reasonable detail on which 38608
the findings are based, and the examiner's opinion as to the 38609

defendant's capability of understanding the nature and objective 38610
of the proceedings against the defendant and of assisting in the 38611
defendant's defense. If, in the examiner's opinion, the defendant 38612
remains incapable of understanding the nature and objective of the 38613
proceedings against the defendant and of assisting in the 38614
defendant's defense and there is a substantial probability that 38615
the defendant will become capable of understanding the nature and 38616
objective of the proceedings against the defendant and of 38617
assisting in the defendant's defense if the defendant is provided 38618
with a course of treatment, if in the examiner's opinion the 38619
defendant continues to have a mental illness or an intellectual 38620
disability, and if the maximum time for treatment as specified in 38621
division (C) of this section has not expired, the report also 38622
shall contain the examiner's recommendation as to the least 38623
restrictive placement or commitment alternative that is consistent 38624
with the defendant's treatment needs for restoration to competency 38625
and with the safety of the community. The court shall provide 38626
copies of the report to the prosecutor and defense counsel. 38627

(H) If a defendant is committed pursuant to division (B)(1) 38628
of this section, within ten days after the treating physician of 38629
the defendant or the examiner of the defendant who is employed or 38630
retained by the treating facility advises that there is not a 38631
substantial probability that the defendant will become capable of 38632
understanding the nature and objective of the proceedings against 38633
the defendant or of assisting in the defendant's defense even if 38634
the defendant is provided with a course of treatment, within ten 38635
days after the expiration of the maximum time for treatment as 38636
specified in division (C) of this section, within ten days after 38637
the expiration of the maximum time for continuing evaluation and 38638
treatment as specified in division (B)(1)(a) of this section, 38639
within thirty days after a defendant's request for a hearing that 38640
is made after six months of treatment, or within thirty days after 38641
being advised by the treating physician or examiner that the 38642

defendant is competent to stand trial, whichever is the earliest, 38643
the court shall conduct another hearing to determine if the 38644
defendant is competent to stand trial and shall do whichever of 38645
the following is applicable: 38646

(1) If the court finds that the defendant is competent to 38647
stand trial, the defendant shall be proceeded against as provided 38648
by law. 38649

(2) If the court finds that the defendant is incompetent to 38650
stand trial, but that there is a substantial probability that the 38651
defendant will become competent to stand trial if the defendant is 38652
provided with a course of treatment, and the maximum time for 38653
treatment as specified in division (C) of this section has not 38654
expired, the court, after consideration of the examiner's 38655
recommendation, shall order that treatment be continued, may 38656
change the facility or ~~program~~ location at which the treatment is 38657
to be continued, and shall specify whether the treatment is to be 38658
continued at the same or a different facility or ~~program~~ location. 38659

(3) If the court finds that the defendant is incompetent to 38660
stand trial, if the defendant is charged with an offense listed in 38661
division (C)(1) of this section, and if the court finds that there 38662
is not a substantial probability that the defendant will become 38663
competent to stand trial even if the defendant is provided with a 38664
course of treatment, or if the maximum time for treatment relative 38665
to that offense as specified in division (C) of this section has 38666
expired, further proceedings shall be as provided in sections 38667
2945.39, 2945.401, and 2945.402 of the Revised Code. 38668

(4) If the court finds that the defendant is incompetent to 38669
stand trial, if the most serious offense with which the defendant 38670
is charged is a misdemeanor or a felony other than a felony listed 38671
in division (C)(1) of this section, and if the court finds that 38672
there is not a substantial probability that the defendant will 38673
become competent to stand trial even if the defendant is provided 38674

with a course of treatment, or if the maximum time for treatment 38675
relative to that offense as specified in division (C) of this 38676
section has expired, the court shall dismiss the indictment, 38677
information, or complaint against the defendant. A dismissal under 38678
this division is not a bar to further prosecution based on the 38679
same conduct. The court shall discharge the defendant unless the 38680
court or prosecutor files an affidavit in probate court for civil 38681
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 38682
If an affidavit for civil commitment is filed, the court may 38683
detain the defendant for ten days pending civil commitment and 38684
shall send to the probate court copies of all written reports of 38685
the defendant's mental condition prepared pursuant to section 38686
2945.371 of the Revised Code. 38687

All of the following provisions apply to persons charged with 38688
a misdemeanor or a felony other than a felony listed in division 38689
(C)(1) of this section who are committed by the probate court 38690
subsequent to the court's or prosecutor's filing of an affidavit 38691
for civil commitment under authority of this division: 38692

(a) The chief clinical officer of the entity, hospital, or 38693
facility, the managing officer or director of the institution, ~~the~~ 38694
~~director of the program facility, or jail,~~ or the person to which 38695
the defendant is committed or admitted shall do all of the 38696
following: 38697

(i) Notify the prosecutor, in writing, of the discharge of 38698
the defendant, send the notice at least ten days prior to the 38699
discharge unless the discharge is by the probate court, and state 38700
in the notice the date on which the defendant will be discharged; 38701

(ii) Notify the prosecutor, in writing, when the defendant is 38702
absent without leave or is granted unsupervised, off-grounds 38703
movement, and send this notice promptly after the discovery of the 38704
absence without leave or prior to the granting of the 38705
unsupervised, off-grounds movement, whichever is applicable; 38706

(iii) Notify the prosecutor, in writing, of the change of the defendant's commitment or admission to voluntary status, send the notice promptly upon learning of the change to voluntary status, and state in the notice the date on which the defendant was committed or admitted on a voluntary status.

(b) Upon receiving notice that the defendant will be granted unsupervised, off-grounds movement, the prosecutor either shall re-indict the defendant or promptly notify the court that the prosecutor does not intend to prosecute the charges against the defendant.

(I) If a defendant is convicted of a crime and sentenced to a jail ~~or workhouse~~, the defendant's sentence shall be reduced by the total number of days the defendant is confined for evaluation to determine the defendant's competence to stand trial or treatment under this section and sections 2945.37 and 2945.371 of the Revised Code or by the total number of days the defendant is confined for evaluation to determine the defendant's mental condition at the time of the offense charged.

Sec. 2967.16. (A) Except as provided in division (D) of this section, when a paroled prisoner has faithfully performed the conditions and obligations of the paroled prisoner's parole and has obeyed the rules and regulations adopted by the adult parole authority that apply to the paroled prisoner, the authority may grant a final release and thereupon shall issue to the paroled prisoner a certificate of final release that shall serve as the minutes of the authority, but the authority shall not grant a final release earlier than one year after the paroled prisoner is released from the institution on parole, and, in the case of a paroled prisoner whose sentence is life imprisonment, the authority shall not grant a final release earlier than five years after the paroled prisoner is released from the institution on

parole. 38738

(B)(1) When a prisoner who has been released under a period 38739
of post-release control pursuant to section 2967.28 of the Revised 38740
Code has faithfully performed the conditions and obligations of 38741
the released prisoner's post-release control sanctions and has 38742
obeyed the rules and regulations adopted by the adult parole 38743
authority that apply to the released prisoner or has the period of 38744
post-release control terminated by a court pursuant to section 38745
2929.141 of the Revised Code, the authority may terminate the 38746
period of post-release control and issue to the released prisoner 38747
a certificate of termination, which shall serve as the minutes of 38748
the authority. In the case of a prisoner who has been released 38749
under a period of post-release control pursuant to division (B) of 38750
section 2967.28 of the Revised Code, the authority shall not 38751
terminate post-release control earlier than one year after the 38752
released prisoner is released from the institution under a period 38753
of post-release control. The authority ~~shall~~ may classify the 38754
termination of post-release control as ~~favorable or~~ unfavorable 38755
~~depending on~~ if the offender's conduct and compliance with the 38756
conditions of supervision is unsatisfactory. If the authority does 38757
not classify the termination of post-release control as 38758
unfavorable, the offender's conduct and compliance with the 38759
conditions of post-release control shall be not considered as an 38760
unfavorable termination under this division by a court when the 38761
court, at a future sentencing hearing, is considering the factors 38762
described in division (D)(1) of section 2929.12 of the Revised 38763
Code. In the case of a released prisoner whose sentence is life 38764
imprisonment, the authority shall not terminate post-release 38765
control earlier than five years after the released prisoner is 38766
released from the institution under a period of post-release 38767
control. 38768

(2) The department of rehabilitation and correction, no later 38769

than six months after July 8, 2002, shall adopt a rule in 38770
accordance with Chapter 119. of the Revised Code that establishes 38771
the criteria for the classification of a post-release control 38772
termination as ~~"favorable"~~ or "unfavorable." 38773

(C)(1) Except as provided in division (C)(2) of this section, 38774
the following prisoners or person shall be restored to the rights 38775
and privileges forfeited by a conviction: 38776

(a) A prisoner who has served the entire prison term that 38777
comprises or is part of the prisoner's sentence and has not been 38778
placed under any post-release control sanctions; 38779

(b) A prisoner who has been granted a final release or 38780
termination of post-release control by the adult parole authority 38781
pursuant to division (A) or (B) of this section; 38782

(c) A person who has completed the period of a community 38783
control sanction or combination of community control sanctions, as 38784
defined in section 2929.01 of the Revised Code, that was imposed 38785
by the sentencing court. 38786

(2)(a) As used in division (C)(2)(c) of this section: 38787

(i) "Position of honor, trust, or profit" has the same 38788
meaning as in section 2929.192 of the Revised Code. 38789

(ii) "Public office" means any elected federal, state, or 38790
local government office in this state. 38791

(b) For purposes of division (C)(2)(c) of this section, a 38792
violation of section 2923.32 of the Revised Code or any other 38793
violation or offense that includes as an element a course of 38794
conduct or the occurrence of multiple acts is "committed on or 38795
after May 13, 2008," if the course of conduct continues, one or 38796
more of the multiple acts occurs, or the subject person's 38797
accountability for the course of conduct or for one or more of the 38798
multiple acts continues, on or after May 13, 2008. 38799

(c) Division (C)(1) of this section does not restore a 38800
prisoner or person to the privilege of holding a position of 38801
honor, trust, or profit if the prisoner or person was convicted of 38802
or pleaded guilty to committing on or after May 13, 2008, any of 38803
the following offenses that is a felony: 38804

(i) A violation of section 2921.02, 2921.03, 2921.05, 38805
2921.41, 2921.42, or 2923.32 of the Revised Code; 38806

(ii) A violation of section 2913.42, 2921.04, 2921.11, 38807
2921.12, 2921.31, or 2921.32 of the Revised Code, when the person 38808
committed the violation while the person was serving in a public 38809
office and the conduct constituting the violation was related to 38810
the duties of the person's public office or to the person's 38811
actions as a public official holding that public office; 38812

(iii) A violation of an existing or former municipal 38813
ordinance or law of this or any other state or the United States 38814
that is substantially equivalent to any violation listed in 38815
division (C)(2)(c)(i) of this section; 38816

(iv) A violation of an existing or former municipal ordinance 38817
or law of this or any other state or the United States that is 38818
substantially equivalent to any violation listed in division 38819
(C)(2)(c)(ii) of this section, when the person committed the 38820
violation while the person was serving in a public office and the 38821
conduct constituting the violation was related to the duties of 38822
the person's public office or to the person's actions as a public 38823
official holding that public office; 38824

(v) A conspiracy to commit, attempt to commit, or complicity 38825
in committing any offense listed in division (C)(2)(c)(i) or 38826
described in division (C)(2)(c)(iii) of this section; 38827

(vi) A conspiracy to commit, attempt to commit, or complicity 38828
in committing any offense listed in division (C)(2)(c)(ii) or 38829
described in division (C)(2)(c)(iv) of this section, if the person 38830

committed the violation while the person was serving in a public 38831
office and the conduct constituting the offense that was the 38832
subject of the conspiracy, that would have constituted the offense 38833
attempted, or constituting the offense in which the person was 38834
complicit was or would have been related to the duties of the 38835
person's public office or to the person's actions as a public 38836
official holding that public office. 38837

(D) Division (A) of this section does not apply to a prisoner 38838
in the shock incarceration program established pursuant to section 38839
5120.031 of the Revised Code. 38840

(E) The final release certificate of a parolee and the 38841
certificate of termination of a prisoner shall serve as the 38842
official minutes of the adult parole authority, and the authority 38843
shall consider those certificates as its official minutes. 38844

Sec. 2967.193. (A)(1) The provisions of this section ~~shall~~ 38845
~~apply, until the date that is one year after the effective date of~~ 38846
~~this amendment, April 4, 2024,~~ to persons confined in a state 38847
correctional institution or in the substance use disorder 38848
treatment program. On and after April 4, 2024, the provisions of 38849
section 2967.194 of the Revised Code apply to persons so confined, 38850
in the manner specified in division (G) of that section. 38851

(2) Except as provided in division (C) of this section and 38852
subject to the maximum aggregate total specified in division 38853
(A)(4) of this section, a person confined in a state correctional 38854
institution or placed in the substance use disorder treatment 38855
program may provisionally earn one day or five days of credit, 38856
based on the category set forth in division (D)(1), (2), (3), (4), 38857
or (5) of this section in which the person is included, toward 38858
satisfaction of the person's stated prison term, as described in 38859
division (F) of this section, for each completed month during 38860
which the person, if confined in a state correctional institution, 38861

productively participates in an education program, vocational 38862
training, employment in prison industries, treatment for substance 38863
abuse, or any other constructive program developed by the 38864
department of rehabilitation and correction with specific 38865
standards for performance by prisoners or during which the person, 38866
if placed in the substance use disorder treatment program, 38867
productively participates in the program. Except as provided in 38868
division (C) of this section and subject to the maximum aggregate 38869
total specified in division (A)(4) of this section, a person so 38870
confined in a state correctional institution who successfully 38871
completes two programs or activities of that type may, in 38872
addition, provisionally earn up to five days of credit toward 38873
satisfaction of the person's stated prison term, as described in 38874
division (F) of this section, for the successful completion of the 38875
second program or activity. The person shall not be awarded any 38876
provisional days of credit for the successful completion of the 38877
first program or activity or for the successful completion of any 38878
program or activity that is completed after the second program or 38879
activity. At the end of each calendar month in which a person 38880
productively participates in a program or activity listed in this 38881
division or successfully completes a program or activity listed in 38882
this division, the department of rehabilitation and correction 38883
shall determine and record the total number of days credit that 38884
the person provisionally earned in that calendar month. If the 38885
person in a state correctional institution violates prison rules 38886
or the person in the substance use disorder treatment program 38887
violates program or department rules, the department may deny the 38888
person a credit that otherwise could have been provisionally 38889
awarded to the person or may withdraw one or more credits 38890
previously provisionally earned by the person. Days of credit 38891
provisionally earned by a person shall be finalized and awarded by 38892
the department subject to administrative review by the department 38893
of the person's conduct. 38894

(3) Unless a person is serving a mandatory prison term or a prison term for an offense of violence or a sexually oriented offense, and notwithstanding the maximum aggregate total specified in division (A)(4) of this section, a person who successfully completes any of the following shall earn ninety days of credit toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term, whichever is less:

(a) An Ohio high school diploma or Ohio certificate of high school equivalence certified by the Ohio central school system;

(b) A therapeutic drug community program;

(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;

(d) A career technical vocational school program;

(e) A college certification program;

(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.

~~(4)(a)~~ Except for persons described in division (A)(3) of this section and subject to division (A)(4)(b) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.

(b) If a person is confined in a state correctional institution or in the substance use disorder treatment program after the effective date of this amendment, and if the person as of that effective date has met the eight per cent limit specified

in division (A)(4)(a) of this section or the person meets that 38925
eight per cent limit between that effective date and April 3, 38926
2024, both of the following apply with respect to the person: 38927

(i) On and after the effective date of this amendment, the 38928
eight per cent limit specified in division (A)(4)(a) of this 38929
section no longer applies to the person; 38930

(ii) On and after the effective date of this amendment, the 38931
aggregate days of credit provisionally earned by a person for 38932
program or activity participation and program and activity 38933
completion under this section and the aggregate days of credit 38934
finally credited to a person under this section shall not exceed 38935
fifteen per cent of the total number of days in the person's 38936
stated prison term. 38937

(B) The department of rehabilitation and correction shall 38938
adopt rules that specify the programs or activities for which 38939
credit may be earned under this section, the criteria for 38940
determining productive participation in, or completion of, the 38941
programs or activities and the criteria for awarding credit, 38942
including criteria for awarding additional credit for successful 38943
program or activity completion, and the criteria for denying or 38944
withdrawing previously provisionally earned credit as a result of 38945
a violation of prison rules, or program or department rules, 38946
whichever is applicable. 38947

(C) No person confined in a state correctional institution or 38948
placed in a substance use disorder treatment program to whom any 38949
of the following applies shall be awarded any days of credit under 38950
division (A) of this section: 38951

(1) The person is serving a prison term that section 2929.13 38952
or section 2929.14 of the Revised Code specifies cannot be reduced 38953
pursuant to this section or this chapter or is serving a sentence 38954
for which section 2967.13 or division (B) of section 2929.143 of 38955

the Revised Code specifies that the person is not entitled to any earned credit under this section. 38956
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(2) The person is sentenced to death or is serving a prison term or a term of life imprisonment for aggravated murder, murder, or a conspiracy or attempt to commit, or complicity in committing, aggravated murder or murder. 38958
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(3) The person is serving a sentence of life imprisonment without parole imposed pursuant to section 2929.03 or 2929.06 of the Revised Code, a prison term or a term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011. 38962
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(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following: 38968
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(1) The offender may earn one day of credit under division (A) of this section, except as provided in division (C) of this section, if the most serious offense for which the offender is confined is any of the following that is a felony of the first or second degree: 38978
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(a) A violation of division (A) of section 2903.04 or of section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 38983
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2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 38987
or 2927.24 of the Revised Code; 38988

(b) A conspiracy or attempt to commit, or complicity in 38989
committing, any other offense for which the maximum penalty is 38990
imprisonment for life or any offense listed in division (D)(1)(a) 38991
of this section. 38992

(2) The offender may earn one day of credit under division 38993
(A) of this section, except as provided in division (C) of this 38994
section, if the offender is serving a stated prison term that 38995
includes a prison term imposed for a sexually oriented offense 38996
that the offender committed prior to September 30, 2011. 38997

(3) The offender may earn one day of credit under division 38998
(A) of this section, except as provided in division (C) of this 38999
section, if the offender is serving a stated prison term that 39000
includes a prison term imposed for a felony other than carrying a 39001
concealed weapon an essential element of which is any conduct or 39002
failure to act expressly involving any deadly weapon or dangerous 39003
ordnance. 39004

(4) Except as provided in division (C) of this section, if 39005
the most serious offense for which the offender is confined is a 39006
felony of the first or second degree and divisions (D)(1), (2), 39007
and (3) of this section do not apply to the offender, the offender 39008
may earn one day of credit under division (A) of this section if 39009
the offender committed that offense prior to September 30, 2011, 39010
and the offender may earn five days of credit under division (A) 39011
of this section if the offender committed that offense on or after 39012
September 30, 2011. 39013

(5) Except as provided in division (C) of this section, if 39014
the most serious offense for which the offender is confined is a 39015
felony of the third, fourth, or fifth degree or an unclassified 39016
felony and neither division (D)(2) nor (3) of this section applies 39017

to the offender, the offender may earn one day of credit under 39018
division (A) of this section if the offender committed that 39019
offense prior to September 30, 2011, and the offender may earn 39020
five days of credit under division (A) of this section if the 39021
offender committed that offense on or after September 30, 2011. 39022

(E) The department annually shall seek and consider the 39023
written feedback of the Ohio prosecuting attorneys association, 39024
the Ohio judicial conference, the Ohio public defender, the Ohio 39025
association of criminal defense lawyers, and other organizations 39026
and associations that have an interest in the operation of the 39027
corrections system and the earned credits program under this 39028
section as part of its evaluation of the program and in 39029
determining whether to modify the program. 39030

(F) Days of credit awarded under this section shall be 39031
applied toward satisfaction of a person's stated prison term as 39032
follows: 39033

(1) Toward the definite prison term of a prisoner serving a 39034
definite prison term as a stated prison term; 39035

(2) Toward the minimum and maximum terms of a prisoner 39036
serving an indefinite prison term imposed under division (A)(1)(a) 39037
or (2)(a) of section 2929.14 of the Revised Code for a felony of 39038
the first or second degree committed on or after March 22, 2019. 39039

(G) As used in this section: 39040

(1) "Sexually oriented offense" has the same meaning as in 39041
section 2950.01 of the Revised Code. 39042

(2) "Substance use disorder treatment program" means the 39043
substance use disorder treatment program established by the 39044
department of rehabilitation and correction under section 5120.035 39045
of the Revised Code. 39046

Sec. 2967.194. (A)(1) Beginning ~~one year after the effective~~ 39047

~~date of this section~~ April 4, 2024, the provisions of this section 39048
shall apply, in the manner described in division (G) of this 39049
section, to persons confined on or after that date in a state 39050
correctional institution or in the substance use disorder 39051
treatment program. 39052

(2) Except as provided in division (C) of this section and 39053
subject to the maximum aggregate total specified in division 39054
(A)(4) of this section, a person confined in a state correctional 39055
institution or placed in the substance use disorder treatment 39056
program may provisionally earn one day or five days of credit, 39057
based on the category set forth in division (D)(1) or (2) of this 39058
section in which the person is included, toward satisfaction of 39059
the person's stated prison term, as described in division (F) of 39060
this section, for each completed month during which the person, if 39061
confined in a state correctional institution, productively 39062
participates in an education program, vocational training, 39063
employment in prison industries, treatment for substance abuse, or 39064
any other constructive program developed by the department of 39065
rehabilitation and correction with specific standards for 39066
performance by prisoners or during which the person, if placed in 39067
the substance use disorder treatment program, productively 39068
participates in the program. Except as provided in division (C) of 39069
this section and subject to the maximum aggregate total specified 39070
in division (A)(4) of this section, a person so confined in a 39071
state correctional institution who successfully completes two 39072
programs or activities of that type may, in addition, 39073
provisionally earn up to five days of credit toward satisfaction 39074
of the person's stated prison term, as described in division (F) 39075
of this section, for the successful completion of the second 39076
program or activity. The person shall not be awarded any 39077
provisional days of credit for the successful completion of the 39078
first program or activity or for the successful completion of any 39079

program or activity that is completed after the second program or 39080
activity. At the end of each calendar month in which a person 39081
productively participates in a program or activity listed in this 39082
division or successfully completes a program or activity listed in 39083
this division, the department of rehabilitation and correction 39084
shall determine and record the total number of days credit that 39085
the person provisionally earned in that calendar month. If the 39086
person in a state correctional institution violates prison rules 39087
or the person in the substance use disorder treatment program 39088
violates program or department rules, the department may deny the 39089
person a credit that otherwise could have been provisionally 39090
awarded to the person or may withdraw one or more credits 39091
previously provisionally earned by the person. Days of credit 39092
provisionally earned by a person shall be finalized and awarded by 39093
the department subject to administrative review by the department 39094
of the person's conduct. 39095

(3) Except as provided in division (C) of this section, 39096
unless a person is serving a mandatory prison term or a prison 39097
term for an offense of violence or a sexually oriented offense, 39098
and notwithstanding the maximum aggregate total specified in 39099
division (A)(4) of this section, a person who successfully 39100
completes any diploma, equivalence, program, or criteria 39101
identified in divisions (A)(3)(a) to (g) of this section shall 39102
earn ninety days of credit toward satisfaction of the person's 39103
stated prison term or a ten per cent reduction of the person's 39104
stated prison term, whichever is less, for each such diploma, 39105
equivalence, program, or criteria successfully completed. The 39106
diplomas, equivalences, programs, and criteria for which credit 39107
shall be granted under this division, upon successful completion, 39108
are: 39109

(a) An Ohio high school diploma or Ohio certificate of high 39110
school equivalence certified by the Ohio central school system; 39111

(b) A therapeutic drug community program;	39112
(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;	39113 39114
(d) A career technical vocational school program;	39115
(e) A college certification program;	39116
(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code;	39117 39118 39119
(g) Any other constructive program developed by the department of rehabilitation and correction with specific standards for performance by prisoners.	39120 39121 39122
(4) Except for persons described in division (A)(3) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed fifteen per cent of the total number of days in the person's stated prison term.	39123 39124 39125 39126 39127 39128 39129
(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.	39130 39131 39132 39133 39134 39135 39136 39137 39138 39139
(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any	39140 39141

of the following applies shall be awarded any days of credit under 39142
division (A)(2) or (3) of this section: 39143

(1) The person is serving a prison term that section 2929.13 39144
or section 2929.14 of the Revised Code specifies cannot be reduced 39145
pursuant to this section or this chapter or is serving a sentence 39146
for which section 2967.13 or division (B) of section 2929.143 of 39147
the Revised Code specifies that the person is not entitled to any 39148
earned credit under this section. 39149

(2) The person is sentenced to death or is serving a prison 39150
term or a term of life imprisonment for aggravated murder, murder, 39151
or a conspiracy or attempt to commit, or complicity in committing, 39152
aggravated murder or murder. 39153

(3) The person is serving a sentence of life imprisonment 39154
without parole imposed pursuant to section 2929.03 or 2929.06 of 39155
the Revised Code, a prison term or a term of life imprisonment 39156
without parole imposed pursuant to section 2971.03 of the Revised 39157
Code, or a sentence for a sexually oriented offense that was 39158
committed on or after September 30, 2011. 39159

(D) This division does not apply to a determination of 39160
whether a person confined in a state correctional institution or 39161
placed in a substance use disorder treatment program may earn any 39162
days of credit under division (A)(2) of this section for 39163
successful completion of a second program or activity. The 39164
determination of whether a person confined in a state correctional 39165
institution may earn one day of credit or five days of credit 39166
under division (A)(2) of this section for each completed month 39167
during which the person productively participates in a program or 39168
activity specified under that division shall be made in accordance 39169
with the following: 39170

(1) The offender may earn one day of credit under division 39171
(A)(2) of this section, except as provided in division (C) of this 39172

section, if the offender is serving a stated prison term that 39173
includes a prison term imposed for a sexually oriented offense 39174
that the offender committed prior to September 30, 2011. 39175

(2) Except as provided in division (C) of this section, if 39176
division (D)(1) of this section does not apply to the offender, 39177
the offender may earn five days of credit under division (A)(2) of 39178
this section. 39179

(E) The department annually shall seek and consider the 39180
written feedback of the Ohio prosecuting attorneys association, 39181
the Ohio judicial conference, the Ohio public defender, the Ohio 39182
association of criminal defense lawyers, and other organizations 39183
and associations that have an interest in the operation of the 39184
corrections system and the earned credits program under this 39185
section as part of its evaluation of the program and in 39186
determining whether to modify the program. 39187

(F) Days of credit awarded under this section shall be 39188
applied toward satisfaction of a person's stated prison term as 39189
follows: 39190

(1) Toward the definite prison term of a prisoner serving a 39191
definite prison term as a stated prison term; 39192

(2) Toward the minimum and maximum terms of a prisoner 39193
serving an indefinite prison term imposed under division (A)(1)(a) 39194
or (2)(a) of section 2929.14 of the Revised Code for a felony of 39195
the first or second degree committed on or after March 22, 2019. 39196

(G) The provisions of this section apply to persons confined 39197
in a state correctional institution or in the substance use 39198
disorder treatment program on or after ~~the date that is one year~~ 39199
~~after the effective date of this section~~ April 4, 2024, as 39200
follows: 39201

(1) Subject to division (G)(2) of this section, the 39202
provisions apply to a person so confined regardless of whether the 39203

person committed the offense for which the person is confined in 39204
the institution or was placed in the program prior to, on, or 39205
~~after the date that is one year after the effective date of this~~ 39206
~~section~~ April 4, 2024, and regardless of whether the person was 39207
convicted of or pleaded guilty to that offense prior to, on, or 39208
~~after the date that is one year after the effective date of this~~ 39209
~~section~~ April 4, 2024. 39210

(2) The provisions apply to a person so confined only with 39211
respect to the time that the person is so confined on and after 39212
~~the date that is one year after the effective date of this section~~ 39213
April 4, 2024, and the provisions of section 2967.193 of the 39214
Revised Code that were in effect prior to ~~the date that is one~~ 39215
~~year after the effective date of this section~~ April 4, 2024, and 39216
that applied to the person prior to that date, including the 39217
provisions of division (A)(4) of that section as amended by this 39218
act, apply to the person with respect to the time that the person 39219
was so confined prior to ~~the date that is one year after that~~ 39220
~~effective date~~ April 4, 2024. 39221

(H) As used in this section: 39222

(1) "Sexually oriented offense" has the same meaning as in 39223
section 2950.01 of the Revised Code. 39224

(2) "Substance use disorder treatment program" means the 39225
substance use disorder treatment program established by the 39226
department of rehabilitation and correction under section 5120.035 39227
of the Revised Code. 39228

Sec. 3101.08. An ordained or licensed minister of any 39229
religious society or congregation within this state who is 39230
licensed to solemnize marriages, a judge of a county court in 39231
accordance with section 1907.18 of the Revised Code, a judge of a 39232
municipal court in accordance with section 1901.14 of the Revised 39233
Code, a probate judge in accordance with section 2101.27 of the 39234

Revised Code, the mayor of a municipal corporation anywhere within 39235
this state, the superintendent of ~~the state school for the deaf~~ 39236
Ohio deaf and blind education services, or any religious society 39237
in conformity with the rules of its church, may join together as 39238
husband and wife any persons who are not prohibited by law from 39239
being joined in marriage. 39240

Sec. 3103.03. (A) Each married person must support the 39241
person's self and spouse out of the person's property or by the 39242
person's labor. If a married person is unable to do so, the spouse 39243
of the married person must assist in the support so far as the 39244
spouse is able. The biological or adoptive parent of a minor child 39245
must support the parent's minor children out of the parent's 39246
property or by the parent's labor. 39247

(B) Notwithstanding section 3109.01 of the Revised Code and 39248
to the extent provided in section 3119.86 of the Revised Code, the 39249
parental duty of support to children shall continue beyond the age 39250
of majority as long as the child continuously attends on a 39251
full-time basis any recognized and accredited high school. That 39252
duty of support shall continue during seasonal vacation periods. 39253

(C) If a married person neglects to support the person's 39254
spouse in accordance with this section, any other person, in good 39255
faith, may supply the spouse with necessaries for the support of 39256
the spouse and recover the reasonable value of the necessaries 39257
supplied from the married person who neglected to support the 39258
spouse unless the spouse abandons that person without cause. 39259

~~(D)~~(D)(1) If a parent neglects to support the parent's minor 39260
child in accordance with this section and if the minor child in 39261
question is unemancipated, any other person, in good faith, may 39262
supply the minor child with necessaries for the support of the 39263
minor child and recover the reasonable value of the necessaries 39264
supplied from the parent who neglected to support the minor child. 39265

(2) A duty of support may be enforced by a child support order, as defined under division (B) of section 3119.01 of the Revised Code. 39266
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(E) If a decedent during the decedent's lifetime has purchased an irrevocable preneed funeral contract pursuant to section 4717.34 of the Revised Code, then the duty of support owed to a spouse pursuant to this section does not include an obligation to pay for the funeral expenses of the deceased spouse. This division does not preclude a surviving spouse from assuming by contract the obligation to pay for the funeral expenses of the deceased spouse. 39269
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Sec. 3109.054. (A) If a child is born to an unmarried woman and the father of the child has acknowledged the child and that acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code or has been determined in an action under Chapter 3111. of the Revised Code to be the father of the child, the court, upon its own motion or the motion of one of the parties, may order the parents to undergo conciliation with a magistrate in order to resolve any disputes regarding the allocation of parental rights and responsibilities between the parents in a case pending before the court. An order requiring conciliation shall set forth the the name of the magistrate who will serve as the conciliator and the manner in which the costs of any conciliation procedures are to be paid. 39277
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(B) A magistrate who serves as a conciliator shall use conciliation procedures to resolve a dispute regarding the allocation of parental rights and responsibilities and, upon resolution of the dispute, issue an order regarding the allocation of parental rights and responsibilities, parenting time, or companionship or visitation pursuant to section 2151.23, 3109.04, or 3109.12 of the Revised Code. The conciliation procedures may 39290
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include without limitation the use of family counselors and 39297
service agencies, community health services, physicians, licensed 39298
psychologists, or clergy. If the magistrate orders the parties to 39299
undergo family counseling, the magistrate shall name the counselor 39300
and set forth the required type of counseling, the length of time 39301
for the counseling, and any other specific conditions. No order 39302
regarding the allocation of parental rights and responsibilities, 39303
parenting time, or companionship or visitation shall be issued 39304
until the conciliation has concluded and been reported to the 39305
magistrate. 39306

Sec. 3109.15. There is hereby created within the department 39307
of job and family services the children's trust fund board 39308
consisting of fifteen members. The directors of mental health and 39309
addiction services, health, and job and family services shall be 39310
members of the board. Eight public members shall be appointed by 39311
the governor. These members shall be persons with demonstrated 39312
knowledge in programs for children, shall be representative of the 39313
demographic composition of this state, and, to the extent 39314
practicable, shall be representative of the following categories: 39315
the educational community; the legal community; the social work 39316
community; the medical community; the voluntary sector; and 39317
professional providers of child abuse and child neglect services. 39318
Two members of the board shall be members of the house of 39319
representatives appointed by the speaker of the house of 39320
representatives and shall be members of two different political 39321
parties. Two members of the board shall be members of the senate 39322
appointed by the president of the senate and shall be members of 39323
two different political parties. All members of the board 39324
appointed by the speaker of the house of representatives or the 39325
president of the senate shall serve until the expiration of the 39326
sessions of the general assembly during which they were appointed. 39327
They may be reappointed to an unlimited number of successive terms 39328

of two years at the pleasure of the speaker of the house of 39329
representatives or president of the senate. ~~Public~~ 39330

Public members shall serve terms of three years. Each member 39331
shall serve until the member's successor is appointed, or until a 39332
period of sixty days has elapsed, whichever occurs first. No 39333
public member may serve more than two consecutive full terms. 39334
However, a member may serve two consecutive full terms following 39335
the remainder of a term for which the member was appointed to fill 39336
a vacancy. 39337

All vacancies on the board shall be filled for the balance of 39338
the unexpired term in the same manner as the original appointment. 39339

Any member of the board may be removed by the member's 39340
appointing authority for misconduct, incompetency, or neglect of 39341
duty after first being given the opportunity to be heard in the 39342
member's own behalf. Pursuant to section 3.17 of the Revised Code, 39343
a member, except a member of the general assembly or a judge of 39344
any court in the state, who fails to attend at least three-fifths 39345
of the regular and special meetings held by the board during any 39346
two-year period forfeits the member's position on the board. 39347

Each member of the board shall serve without compensation but 39348
shall be reimbursed for all actual and necessary expenses incurred 39349
in the performance of official duties. 39350

At the beginning of the first year of each even-numbered 39351
general assembly, the chairperson of the board shall be appointed 39352
by the speaker of the house of representatives from among members 39353
of the board who are members of the house of representatives. At 39354
the beginning of the first year of each odd-numbered general 39355
assembly, the chairperson of the board shall be appointed by the 39356
president of the senate from among the members of the board who 39357
are senate members. 39358

The board shall biennially select a vice-chair from among its 39359

nonlegislative members. 39360

Sec. 3109.16. (A) The children's trust fund board, upon the 39361
recommendation of the director of job and family services, shall 39362
approve the employment of an executive director who will 39363
administer the programs of the board. 39364

(B) The department of job and family services shall provide 39365
budgetary, procurement, accounting, and other related management 39366
functions for the board and may adopt rules in accordance with 39367
Chapter 119. of the Revised Code for these purposes. An amount not 39368
to exceed three per cent of the total amount of fees deposited in 39369
the children's trust fund in each fiscal year may be used for 39370
costs directly related to these administrative functions of the 39371
department. Each fiscal year, the board shall approve a budget for 39372
administrative expenditures for the next fiscal year. 39373

(C) The board may request that the department adopt rules the 39374
board considers necessary for the purpose of carrying out the 39375
board's responsibilities under this section, and the department 39376
may adopt those rules. The department may, after consultation with 39377
the board and the executive director, adopt any other rules to 39378
assist the board in carrying out its responsibilities under this 39379
section. In either case, the rules shall be adopted under Chapter 39380
119. of the Revised Code. 39381

(D) The board shall meet at least quarterly at the call of 39382
the chairperson to conduct its official business. All business 39383
transactions of the board shall be conducted in public meetings. 39384
~~Eight~~ A majority of the members of ~~appointed to~~ the board 39385
constitute a quorum. A majority of the quorum is required to make 39386
all decisions of the board. 39387

(E) With respect to funding, all of the following apply: 39388

(1) The board may apply for and accept federal and other 39389

funds for the purpose of funding child abuse and child neglect prevention programs. 39390
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(2) The board may solicit and accept gifts, money, and other donations from any public or private source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments. 39392
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(3) The board may develop private-public partnerships to support the mission of the children's trust fund. 39396
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(4) The acceptance and use of federal and other funds shall not ~~entail any commitment or pledge of state funds, nor~~ obligate the general assembly to continue the programs or activities for which the federal and other funds are made available. 39398
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(5) All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in section 3109.14 of the Revised Code. 39402
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Sec. 3109.17. (A) The children's trust fund board shall establish a strategic plan for child abuse and child neglect prevention. The plan shall be transmitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives and shall be made available to the general public. 39406
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(B) In developing and carrying out the strategic plan, the children's trust fund board shall, in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code, do all of the following: 39412
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(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds; 39416
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(2) Allocate funds to entities for the purpose of funding 39419

child abuse and child neglect prevention programs that have 39420
statewide significance and that have been approved by the 39421
children's trust fund board; 39422

(3) Provide for the monitoring of expenditures from the 39423
children's trust fund and of programs that receive money from the 39424
children's trust fund; 39425

(4) Establish reporting requirements for ~~both of the~~ 39426
~~following:~~ 39427

~~(a) Regional~~ regional child abuse and child neglect 39428
prevention councils, including deadlines for the submission of the 39429
progress and annual reports required under section 3107.172 of the 39430
Revised Code; 39431

~~(b) Children's advocacy centers, including deadlines for the~~ 39432
~~submission of reports required under section 3107.178 of the~~ 39433
~~Revised Code.~~ 39434

(5) Collaborate with appropriate persons and government 39435
entities and facilitate the exchange of information among those 39436
persons and entities for the purpose of child abuse and child 39437
neglect prevention; 39438

(6) Provide for the education of the public and professionals 39439
for the purpose of child abuse and child neglect prevention. 39440

(C) The children's trust fund board shall prepare a report 39441
for each fiscal biennium that delineates the expenditure of money 39442
from the children's trust fund. On or before January 1, 2002, and 39443
on or before the first day of January of a year that follows the 39444
end of a fiscal biennium of this state, the board shall file a 39445
copy of the report with the governor, the president and minority 39446
leader of the senate, and the speaker and minority leader of the 39447
house of representatives. 39448

~~(D) The children's trust fund board shall develop a list of~~ 39449

~~all state and federal sources of funding that might be available 39450
for establishing, operating, or establishing and operating a 39451
children's advocacy center under sections 2151.425 to 2151.428 of 39452
the Revised Code. The board periodically shall update the list as 39453
necessary. The board shall maintain, or provide for the 39454
maintenance of, the list at an appropriate location. That location 39455
may be the offices of the department of job and family services. 39456
The board shall provide the list upon request to any children's 39457
advocacy center or to any person or entity identified in section 39458
2151.426 of the Revised Code as a person or entity that may 39459
participate in the establishment of a children's advocacy center. 39460~~

Sec. 3109.172. (A) As used in this section, "county 39461
prevention specialist" includes the following: 39462

(1) Members of agencies responsible for the administration of 39463
children's services in the counties within a child abuse and child 39464
neglect prevention region established in section 3109.171 of the 39465
Revised Code; 39466

(2) Providers of alcohol or drug addiction services or 39467
members of boards of alcohol, drug addiction, and mental health 39468
services that serve counties within a region; 39469

(3) Providers of mental health services or members of boards 39470
of alcohol, drug addiction, and mental health services that serve 39471
counties within a region; 39472

(4) Members of county boards of developmental disabilities 39473
that serve counties within a region; 39474

(5) Members of the educational community appointed by the 39475
superintendent of the school district with the largest enrollment 39476
in the counties within a region; 39477

(6) Juvenile justice officials serving counties within a 39478
region; 39479

(7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;	39480 39481
(8) Counselors and social workers serving counties within a region;	39482 39483
(9) Head start agencies serving counties within a region;	39484
(10) Child care providers serving counties within a region;	39485
(11) <u>Parent advocates with relevant experience and knowledge of services in a region;</u>	39486 39487
<u>(12)</u> Other persons with demonstrated knowledge in programs for children serving counties within a region.	39488 39489
(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of job and family services pursuant to Chapter 119. of the Revised Code.	39490 39491 39492 39493 39494 39495
(C)(1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of job and family services under Chapter 119. of the Revised Code.	39496 39497 39498 39499 39500
(2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion.	39501 39502 39503
(3) A representative of the council's regional prevention coordinator shall serve as a nonvoting member of the council.	39504 39505
(D) Each council member appointed under division (C)(1) of this section shall be appointed for a two-year term. Each council member appointed under division (C)(2) or (3) of this section shall be appointed for a three-year term. A member may be	39506 39507 39508 39509

reappointed, but for two consecutive terms only. 39510

(E) A member may be removed from the council by the member's 39511
appointing authority for misconduct, incompetence, or neglect of 39512
duty. 39513

(F) Each appointed member of a council shall serve without 39514
compensation but shall be reimbursed for all actual and necessary 39515
expenses incurred in the performance of official duties. 39516

(G) ~~The representative of the regional prevention coordinator~~ 39517
~~shall serve as~~ A chairperson of the council shall be selected by 39518
the council's regional prevention coordinator from among the 39519
county prevention specialists serving on the council. 39520

(1) The chairperson shall serve as a nonvoting member of the 39521
council. 39522

(2) The chairperson shall preside over council meetings or 39523
may call upon the vice-chairperson to preside over meetings. 39524

(H) At the first regular meeting of the year, which shall be 39525
called by the chairperson, the members shall elect a 39526
vice-chairperson by a majority vote. 39527

(1) The vice-chairperson shall preside over council meetings 39528
in the absence of the chairperson or upon the request of the 39529
chairperson. 39530

(2) The vice-chairperson functions in the same capacity as 39531
the chairperson and becomes a nonvoting member when presiding over 39532
a council meeting. 39533

(I) Each council shall meet at least quarterly. 39534

~~(I)~~(J) Council members shall do all of the following: 39535

(1) Attend meetings of the council on which they serve; 39536

(2) Assist the regional prevention coordinator in conducting 39537
a needs assessment to ascertain the child abuse and child neglect 39538

prevention programming and services that are needed in their region; 39539
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(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 39541
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(4) Assist the council's regional prevention coordinator with all of the following: 39544
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(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes; 39546
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(b) Coordinating county data collection; 39549

(c) Ensuring timely and accurate reporting to the children's trust fund board. 39550
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(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code. 39552
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~~(J)~~(K) No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee. 39555
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~~(K)~~(L) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board. 39560
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Sec. 3109.178. (A) Each child abuse and child neglect regional prevention council may request from the children's trust 39567
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fund board up to five thousand dollars for each county within the 39569
council's region to be used as one-time, start-up costs for the 39570
establishment and operation of a children's advocacy center to 39571
serve each county in the region or a center to serve two or more 39572
contiguous counties within the region. 39573

(B) On receipt of a request made under this section, the 39574
board shall review and approve or disapprove the request. 39575

(C) If the board disapproves the request, the board shall 39576
send to the requesting council written notice of the disapproval 39577
that states the reasons for the disapproval. 39578

(D) No funds allocated to a council under this section may be 39579
used as start-up costs for any children's advocacy center unless 39580
the center has as a component a primary prevention strategy. 39581

(E) A council that receives funds under this section in any 39582
fiscal year shall not use the funds received in a different fiscal 39583
year or for a different center in any fiscal year without the 39584
approval of the board. 39585

(F) A children's advocacy center established using funds 39586
awarded under this section shall comply with sections 2151.425 to 39587
2151.428 of the Revised Code. 39588

~~(G) Each children's advocacy center that receives funds under 39589
this section shall file with its respective council, by the date 39590
specified by the board, an annual report that includes the 39591
information required by the board. The council shall forward a 39592
copy of the annual report to the board. 39593~~

Sec. 3109.53. To create a power of attorney under section 39594
3109.52 of the Revised Code, a parent, guardian, or custodian 39595
shall use a form that is identical in form and content to the 39596
following: 39597

POWER OF ATTORNEY

39598

I, the undersigned, residing at, in the county of 39599
....., state of, hereby appoint the child's 39600
grandparent,, residing at, in the county of 39601
....., in the state of Ohio, with whom the child of whom I 39602
am the parent, guardian, or custodian is residing, my attorney in 39603
fact to exercise any and all of my rights and responsibilities 39604
regarding the care, physical custody, and control of the child, 39605
....., born, having social security number 39606
(optional), except my authority to consent to marriage 39607
or adoption of the child, and to perform all acts 39608
necessary in the execution of the rights and responsibilities 39609
hereby granted, as fully as I might do if personally present. The 39610
rights I am transferring under this power of attorney include the 39611
ability to enroll the child in school, to obtain from the school 39612
district educational and behavioral information about the child, 39613
to consent to all school-related matters regarding the child, and 39614
to consent to medical, psychological, or dental treatment for the 39615
child. This transfer does not affect my rights in any future 39616
proceedings concerning the custody of the child or the allocation 39617
of the parental rights and responsibilities for the care of the 39618
child and does not give the attorney in fact legal custody of the 39619
child. This transfer does not terminate my right to have regular 39620
contact with the child. 39621

I hereby certify that I am transferring the rights and 39622
responsibilities designated in this power of attorney because one 39623
of the following circumstances exists: 39624

(1) I am: (a) Seriously ill, incarcerated, or about to be 39625
incarcerated, (b) Temporarily unable to provide financial support 39626
or parental guidance to the child, (c) Temporarily unable to 39627
provide adequate care and supervision of the child because of my 39628
physical or mental condition, (d) Homeless or without a residence 39629
because the current residence is destroyed or otherwise 39630

uninhabitable, or (e) In or about to enter a residential treatment 39631
program for substance abuse; 39632

(2) I am a parent of the child, the child's other parent is 39633
deceased, and I have authority to execute the power of attorney; 39634
or 39635

(3) I have a well-founded belief that the power of attorney 39636
is in the child's best interest. 39637

I hereby certify that I am not transferring my rights and 39638
responsibilities regarding the child for the purpose of enrolling 39639
the child in a school or school district so that the child may 39640
participate in the academic or interscholastic athletic programs 39641
provided by that school or district. 39642

~~I understand that this document does not authorize a child 39643
support enforcement agency to redirect child support payments to 39644
the grandparent designated as attorney in fact. I further 39645
understand that to have an existing child support order modified 39646
or a new child support order issued administrative or judicial 39647
proceedings must be initiated. 39648~~

If there is a court order naming me the residential parent 39649
and legal custodian of the child who is the subject of this power 39650
of attorney and I am the sole parent signing this document, I 39651
hereby certify that one of the following is the case: 39652

(1) I have made reasonable efforts to locate and provide 39653
notice of the creation of this power of attorney to the other 39654
parent and have been unable to locate that parent; 39655

(2) The other parent is prohibited from receiving a notice of 39656
relocation; or 39657

(3) The parental rights of the other parent have been 39658
terminated by order of a juvenile court. 39659

This POWER OF ATTORNEY is valid until the occurrence of 39660

whichever of the following events occurs first: (1) I revoke this 39661
POWER OF ATTORNEY in writing and give notice of the revocation to 39662
the grandparent designated as attorney in fact and the juvenile 39663
court with which this POWER OF ATTORNEY was filed; (2) the child 39664
ceases to reside with the grandparent designated as attorney in 39665
fact; (3) this POWER OF ATTORNEY is terminated by court order; (4) 39666
the death of the child who is the subject of the power of 39667
attorney; or (5) the death of the grandparent designated as the 39668
attorney in fact. 39669

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 39670
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 39671
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE 39672
SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 39673
TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 39674
BOTH. 39675

Witness my hand this day of, 39676

..... 39677

Parent/Custodian/Guardian's signature 39678

..... 39679

Parent's signature 39680

..... 39681

Grandparent designated as attorney in fact 39682

State of Ohio) 39683

) ss: 39684

County of) 39685

Subscribed, sworn to, and acknowledged before me this day 39686

of, 39687

..... 39688

Notary Public 39689

Notices: 39690

1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest. 39691
2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public. 39692
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the 39693 39694

person designated as the attorney in fact.

4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 39695
5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 39696
6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 39697
7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact. 39698

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the 39699

following:

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 39700

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 39701

(c) The court in which the power of attorney was filed after its creation; 39702

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates. 39703

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed. 39704

Additional information: 39705

To the grandparent designated as attorney in fact: 39706

39707

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you. 39708

2. You must include with the power of attorney the following information: 39709
- (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 39710
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 39711
 - (c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 39712
 - (d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 39713
 - (e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication. 39714
3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or removal is not in the best interest of the child, you may, 39715

within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

- To school officials: 39716
1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 39717
 2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 39718
 3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation. 39719
- To health care providers: 39720
1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized. 39721
 2. The decision of a grandparent designated as attorney in fact, 39722

based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.

Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:

CARETAKER AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and to consent to medical, psychological, or dental treatment for the child.

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent.

1. Name of child:
2. Child's date and year of birth:
3. Child's social security number (optional):
4. My name:
5. My home address:
6. My date and year of birth:
7. My Ohio driver's license number or identification card number:
8. Despite having made reasonable attempts, I am either:
 - (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or
 - (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent

because paternity has not been established; or

(c) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case: 39749

(i) The parent has been prohibited from receiving notice of a relocation; or 39750

(ii) The parental rights of the parent have been terminated. 39751

9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district. 39752

~~I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.~~ 39753

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 39754 39755 39756 39757 39758

I declare that the foregoing is true and correct: 39759

Signed:..... Date:..... 39760

Grandparent 39761

State of Ohio) 39762

) ss: 39763

County of) 39764

Subscribed, sworn to, and acknowledged before me this day 39765

of,	39766
.....	39767
Notary Public	39768
Notices:	39769
1. The grandparent's signature must be notarized by an Ohio notary public.	39770
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.	39771
3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.	39772
4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation.	39773
5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit.	39774
A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by	39775

delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following: 39776

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 39777

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 39778

(c) The court in which the affidavit was filed after its creation. 39779

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 39780

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 39781

Additional information: 39782

To caretakers: 39783

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would 39784

reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 39785

3. You must include with the caretaker authorization affidavit the following information: 39786

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 39787

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 39788

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 39789

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 39790

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a 39791

child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

4. If the child's parent, guardian, or custodian acts to terminate the caretaker authorization affidavit by delivering a written notice of negation, reversal, or disapproval of an action or decision of yours or removes the child from your home and if you believe that the termination or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise. 39792

To school officials: 39793

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 39794
2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5 of the affidavit. 39795
3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation. 39796
4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's 39797

action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

- To health care providers: 39798
1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized. 39799
 2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 39800
 3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 39801

Sec. 3111.01. ~~(A)~~(A)(1) As used in sections 3111.01 to 39802

3111.85 of the Revised Code, "parent and child relationship" means 39803
the legal relationship that exists between a child and the child's 39804
natural or adoptive parents and upon which those sections and any 39805
other provision of the Revised Code confer or impose rights, 39806
privileges, duties, and obligations. The "parent and child 39807
relationship" includes the mother and child relationship and the 39808
father and child relationship. 39809

~~(B)(2)~~ The parent and child relationship extends equally to 39810
all children and all parents, regardless of the marital status of 39811
the parents. 39812

(B) As used in this chapter, "caretaker" has the same meaning 39813
as in section 3119.01 of the Revised Code. 39814

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 39815
this section, an action to determine the existence or nonexistence 39816
of the father and child relationship may be brought by the child 39817
or the child's personal representative, the child's caretaker, the 39818
child's mother or her personal representative, a man alleged or 39819
alleging himself to be the child's father, the child support 39820
enforcement agency of the county in which the child resides if the 39821
child's mother, father, or alleged father is a recipient of public 39822
assistance or of services under Title IV-D of the "Social Security 39823
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 39824
alleged father's personal representative. 39825

(2) A man alleged or alleging himself to be the child's 39826
father is not eligible to file an action under division (A)(1) of 39827
this section if the man was convicted of or pleaded guilty to rape 39828
or sexual battery, the victim of the rape or sexual battery was 39829
the child's mother, and the child was conceived as a result of the 39830
rape or sexual battery. 39831

(B) An agreement does not bar an action under this section. 39832

(C) If an action under this section is brought before the 39833
birth of the child and if the action is contested, all 39834
proceedings, except service of process and the taking of 39835
depositions to perpetuate testimony, may be stayed until after the 39836
birth. 39837

(D) A recipient of public assistance or of services under 39838
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 39839
U.S.C.A. 651, as amended, shall cooperate with the child support 39840
enforcement agency of the county in which a child resides to 39841
obtain an administrative determination pursuant to sections 39842
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 39843
determination pursuant to sections 3111.01 to 3111.18 of the 39844
Revised Code, of the existence or nonexistence of a parent and 39845
child relationship between the father and the child. If the 39846
recipient fails to cooperate, the agency may commence an action to 39847
determine the existence or nonexistence of a parent and child 39848
relationship between the father and the child pursuant to sections 39849
3111.01 to 3111.18 of the Revised Code. 39850

(E) As used in this section: 39851

(1) "Public assistance" means both of the following: 39852

(a) Medicaid; 39853

(b) Ohio works first under Chapter 5107. of the Revised Code. 39854

(2) "Rape" means a violation of section 2907.02 of the 39855
Revised Code or similar law of another state. 39856

(3) "Sexual battery" means a violation of section 2907.03 of 39857
the Revised Code or similar law of another state. 39858

Sec. 3111.041. A caretaker of a child may authorize genetic 39859
testing of the child pursuant to any action or proceeding under 39860
Chapter 3111. of the Revised Code. 39861

Sec. 3111.06. (A) Except as otherwise provided in division 39862
(B) ~~or~~, (C), or (D) of section 3111.381 of the Revised Code, an 39863
action authorized under sections 3111.01 to 3111.18 of the Revised 39864
Code may be brought in the juvenile court or other court with 39865
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 39866
of the county in which the child, the child's mother, or the 39867
alleged father resides or is found or, if the alleged father is 39868
deceased, of the county in which proceedings for the probate of 39869
the alleged father's estate have been or can be commenced, or of 39870
the county in which the child is being provided support by the 39871
county department of job and family services of that county. An 39872
action pursuant to sections 3111.01 to 3111.18 of the Revised Code 39873
to object to an administrative order issued pursuant to former 39874
section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the 39875
Revised Code determining the existence or nonexistence of a parent 39876
and child relationship that has not become final and enforceable, 39877
may be brought only in the juvenile court or other court with 39878
jurisdiction of the county in which the child support enforcement 39879
agency that issued the order is located. If an action for divorce, 39880
dissolution, or legal separation has been filed in a court of 39881
common pleas, that court of common pleas has original jurisdiction 39882
to determine if the parent and child relationship exists between 39883
one or both of the parties and any child alleged or presumed to be 39884
the child of one or both of the parties. 39885

(B) A person who has sexual intercourse in this state submits 39886
to the jurisdiction of the courts of this state as to an action 39887
brought under sections 3111.01 to 3111.18 of the Revised Code with 39888
respect to a child who may have been conceived by that act of 39889
intercourse. In addition to any other method provided by the Rules 39890
of Civil Procedure, personal jurisdiction may be acquired by 39891
personal service of summons outside this state or by certified 39892
mail with proof of actual receipt. 39893

Sec. 3111.07. (A) The natural mother, each man presumed to be the father under section 3111.03 of the Revised Code, ~~and~~ each man alleged to be the natural father, and a caretaker of a child shall be made parties to the action brought pursuant to sections 3111.01 to 3111.18 of the Revised Code or, if not subject to the jurisdiction of the court, shall be given notice of the action pursuant to the Rules of Civil Procedure and shall be given an opportunity to be heard. The child support enforcement agency of the county in which the action is brought also shall be given notice of the action pursuant to the Rules of Civil Procedure and shall be given an opportunity to be heard. The court may align the parties. The child shall be made a party to the action unless a party shows good cause for not doing so. Separate counsel shall be appointed for the child if the court finds that the child's interests conflict with those of the mother.

If the person bringing the action knows that a particular man is not or, based upon the facts and circumstances present, could not be the natural father of the child, the person bringing the action shall not allege in the action that the man is the natural father of the child and shall not make the man a party to the action.

(B) If an action is brought pursuant to sections 3111.01 to 3111.18 of the Revised Code and the child to whom the action pertains is or was being provided support by a caretaker, the department of job and family services, a county department of job and family services, or another public agency, the caretaker, department, county department, or agency may intervene for purposes of collecting or recovering the support.

Sec. 3111.111. If an action is brought pursuant to sections 3111.01 to 3111.18 of the Revised Code to object to a determination made pursuant to former section 3111.21 or 3111.22

or sections 3111.38 to 3111.54 of the Revised Code that the 39925
alleged father is the natural father of a child, the court, on its 39926
own motion or on the motion of either party, shall issue a 39927
temporary order for the support of the child pursuant to Chapters 39928
3119., 3121., 3123., and 3125. of the Revised Code requiring the 39929
alleged father to pay support to the natural mother or the 39930
~~guardian or legal custodian~~ caretaker of the child. The order 39931
shall remain in effect until the court issues a judgment in the 39932
action pursuant to section 3111.13 of the Revised Code that 39933
determines the existence or nonexistence of a father and child 39934
relationship. If the court, in its judgment, determines that the 39935
alleged father is not the natural father of the child, the court 39936
shall order the person to whom the temporary support was paid 39937
under the order to repay the alleged father all amounts paid for 39938
support under the temporary order. 39939

Sec. 3111.15. (A) If the existence of the father and child 39940
relationship is declared or if paternity or a duty of support has 39941
been adjudicated under sections 3111.01 to 3111.18 of the Revised 39942
Code or under prior law, the obligation of the father may be 39943
enforced in the same or other proceedings by the mother, the 39944
child, the caretaker of the child, or the public authority that 39945
has furnished or may furnish the reasonable expenses of pregnancy, 39946
confinement, education, support, or funeral, or by any other 39947
person, including a private agency, to the extent that any of them 39948
may furnish, has furnished, or is furnishing these expenses. 39949

(B) The court may order support payments to be made to the 39950
mother, the clerk of the court, the caretaker, or a person or 39951
agency designated to administer them for the benefit of the child 39952
under the supervision of the court. 39953

(C) Willful failure to obey the judgment or order of the 39954
court is a civil contempt of the court. 39955

Sec. 3111.21. If the natural mother and alleged father of a 39956
child sign an acknowledgment of paternity affidavit prepared 39957
pursuant to section 3111.31 of the Revised Code with respect to 39958
that child at a child support enforcement agency, the agency shall 39959
provide a notary public to notarize or witnesses to witness the 39960
acknowledgment. 39961

Sec. 3111.22. A child support enforcement agency shall send a 39962
signed and notarized or witnessed acknowledgment of paternity to 39963
the office of child support in the department of job and family 39964
services pursuant to section 3111.23 of the Revised Code. The 39965
agency shall send the acknowledgment no later than ten days after 39966
it has been signed and notarized or witnessed. If the agency knows 39967
a man is presumed under section 3111.03 of the Revised Code to be 39968
the father of the child and the presumed father is not the man who 39969
signed an acknowledgment with respect to the child, the agency 39970
shall not notarize, witness, or send the acknowledgment with 39971
respect to the child pursuant to this section. 39972

Sec. 3111.23. (A) The natural mother, the man acknowledging 39973
he is the natural father, or the other custodian or guardian of a 39974
child, a child support enforcement agency pursuant to section 39975
3111.22 of the Revised Code, a local registrar of vital statistics 39976
pursuant to section 3705.091 of the Revised Code, or a hospital 39977
staff person pursuant to section 3727.17 of the Revised Code, ~~in~~ 39978
~~person or by mail~~, may file an acknowledgment of paternity with 39979
the office of child support in the department of job and family 39980
services, acknowledging that the child is the child of the man who 39981
signed the acknowledgment. The natural mother, the man 39982
acknowledging he is the natural father, and the other custodian or 39983
guardian of a child, may file an acknowledgment in person or by 39984
mail. A child support enforcement agency, a local registrar of 39985

vital statistics, and a hospital staff person may file an 39986
acknowledgment electronically, in person, or by mail. 39987

(B) The acknowledgment of paternity shall be made: 39988

(1) Made on the affidavit prepared pursuant to section 39989
3111.31 of the Revised Code, shall be signed; 39990

(2) Signed by the natural mother and the man acknowledging 39991
that he is the natural father, and each signature shall be 39992
notarized. The mother and man may sign and have the signature 39993
notarized outside of each other's presence. An acknowledgment 39994
shall be sent and notarized or witnessed in accordance with 39995
division (C) of this section; 39996

(3) Sent to the office no not later than ten days after it 39997
has been signed and notarized. 39998

(C) Each signature in an acknowledgment of paternity shall be 39999
notarized or witnessed by two adult witnesses. The mother and the 40000
man acknowledging that he is the natural father may sign and have 40001
the signature notarized or witnessed outside of each other's 40002
presence. If a person knows a man is presumed under section 40003
3111.03 of the Revised Code to be the natural father of the child 40004
described in this section and that the presumed father is not the 40005
man who signed an acknowledgment with respect to the child, the 40006
person shall not notarize, witness, or file the acknowledgment 40007
pursuant to this section. 40008

Sec. 3111.29. Once an acknowledgment of paternity becomes 40009
final under section 3111.25 of the Revised Code, the mother or 40010
~~other custodian or guardian~~ caretaker of the child may do either 40011
of the following: 40012

(A) File a complaint pursuant to section 2151.231 of the 40013
Revised Code in the juvenile court or other court with 40014
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 40015

of the county in which the child or the ~~guardian or legal~~ 40016
~~eustodian~~ caretaker of the child resides requesting that the court 40017
order the father or mother, or both, to pay an amount for the 40018
support of the child; 40019

(B) Contact the child support enforcement agency for 40020
assistance in obtaining a child support order as defined in 40021
section 3119.01 of the Revised Code. 40022

Sec. 3111.31. The department of job and family services shall 40023
prepare an acknowledgment of paternity affidavit that includes in 40024
boldface type at the top of the affidavit the rights and 40025
responsibilities of and the due process safeguards afforded to a 40026
person who acknowledges that he is the natural father of a child, 40027
including that if an alleged father acknowledges a parent and 40028
child relationship he assumes the parental duty of support, that 40029
both signators waive any right to bring an action pursuant to 40030
sections 3111.01 to 3111.18 of the Revised Code or make a request 40031
pursuant to section 3111.38 of the Revised Code, other than for 40032
purposes of rescinding the acknowledgment pursuant to section 40033
3111.27 of the Revised Code in order to ensure expediency in 40034
resolving the question of the existence of a parent and child 40035
relationship, that either parent may rescind the acknowledgment 40036
pursuant to section 3111.27 of the Revised Code, that an action 40037
may be brought pursuant to section 3111.28 of the Revised Code, or 40038
a motion may be filed pursuant to section 3119.961 of the Revised 40039
Code, to rescind the acknowledgment, and that the natural father 40040
has the right to petition a court pursuant to section 3109.12 of 40041
the Revised Code for an order granting him reasonable parenting 40042
time with respect to the child and to petition the court for 40043
custody of the child pursuant to section 2151.23 of the Revised 40044
Code. The affidavit shall include all of the following: 40045

(A) Basic instructions for completing the form, including 40046

instructions that both the natural father and the mother of the 40047
child are required to sign the statement, that they may sign the 40048
statement without being in each other's presence, and that the 40049
signatures must be notarized or witnessed; 40050

(B) Blank spaces to enter the full name, social security 40051
number, date of birth and address of each parent; 40052

(C) Blank spaces to enter the full name, date of birth, and 40053
the residence of the child; 40054

(D) A blank space to enter the name of the hospital or 40055
department of health code number assigned to the hospital, for use 40056
in situations in which the hospital fills out the form pursuant to 40057
section 3727.17 of the Revised Code; 40058

(E) An affirmation by the mother that the information she 40059
supplied is true to the best of her knowledge and belief and that 40060
she is the natural mother of the child named on the form and 40061
assumes the parental duty of support of the child; 40062

(F) An affirmation by the father that the information he 40063
supplied is true to the best of his knowledge and belief, that he 40064
has received information regarding his legal rights and 40065
responsibilities, that he consents to the jurisdiction of the 40066
courts of this state, and that he is the natural father of the 40067
child named on the form and assumes the parental duty of support 40068
of the child; 40069

(G) Signature lines for the mother of the child and the 40070
natural father; 40071

(H) Signature lines for the notary public or witnesses; 40072

(I) An instruction to include or attach any other evidence 40073
necessary to complete the new birth record that is required by the 40074
department by rule. 40075

Sec. 3111.38. At the request of a person described in 40076

division (A) of section 3111.04 of the Revised Code, the child 40077
support enforcement agency of the county in which a child resides 40078
or in which the ~~guardian or legal custodian~~ caretaker of the child 40079
resides shall determine the existence or nonexistence of a parent 40080
and child relationship between an alleged father and the child if 40081
an application for services administered under Title IV-D of the 40082
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 40083
amended, or other IV-D referral has been completed and filed. 40084

Sec. 3111.381. (A) Except as provided in divisions (B), (C), 40085
(D), ~~and~~ (E), and (F) of this section, no person may bring an 40086
action under sections 3111.01 to 3111.18 of the Revised Code 40087
unless the person has requested an administrative determination 40088
under section 3111.38 of the Revised Code of the existence or 40089
nonexistence of a parent and child relationship. 40090

(B) An action to determine the existence or nonexistence of a 40091
parent and child relationship may be brought by the child's mother 40092
in the appropriate division of the court of common pleas in the 40093
county in which the child resides, without requesting an 40094
administrative determination, if the child's mother brings the 40095
action in order to request an order to determine the allocation of 40096
parental rights and responsibilities, the payment of all or any 40097
part of the reasonable expenses of the mother's pregnancy and 40098
confinement, or support of the child. The clerk of the court shall 40099
forward a copy of the complaint to the child support enforcement 40100
agency of the county in which the complaint is filed. 40101

(C) An action to determine the existence or nonexistence of a 40102
parent and child relationship may be brought by the putative 40103
father of the child in the appropriate division of the court of 40104
common pleas in the county in which the child resides, without 40105
requesting an administrative determination, if the putative father 40106
brings the action in order to request an order to determine the 40107

allocation of parental rights and responsibilities. The clerk of 40108
the court shall forward a copy of the complaint to the child 40109
support enforcement agency of the county in which the complaint is 40110
filed. 40111

(D) An action to determine the existence or nonexistence of a 40112
parent and child relationship may be brought by the caretaker of 40113
the child in the appropriate division of the court of common pleas 40114
in the county in which the child resides, without requesting an 40115
administrative determination, if the caretaker brings the action 40116
in order to request support of the child. The clerk of the court 40117
shall forward a copy of the complaint to the child support 40118
enforcement agency of the county in which the complaint is filed. 40119

(E) If services are requested by the court, under divisions 40120
(B) ~~and~~, (C), and (D) of this section, of the child support 40121
enforcement agency to determine the existence or nonexistence of a 40122
parent and child relationship, a Title IV-D application must be 40123
completed and delivered to the child support enforcement agency. 40124

~~(E)~~(F) If the alleged father of a child is deceased and 40125
proceedings for the probate of the estate of the alleged father 40126
have been or can be commenced, the court with jurisdiction over 40127
the probate proceedings shall retain jurisdiction to determine the 40128
existence or nonexistence of a parent and child relationship 40129
between the alleged father and any child without an administrative 40130
determination being requested from a child support enforcement 40131
agency. 40132

If an action for divorce, dissolution of marriage, or legal 40133
separation, or an action under section 2151.231 or 2151.232 of the 40134
Revised Code requesting an order requiring the payment of child 40135
support and provision for the health care of a child, has been 40136
filed in a court of common pleas and a question as to the 40137
existence or nonexistence of a parent and child relationship 40138
arises, the court in which the original action was filed shall 40139

retain jurisdiction to determine the existence or nonexistence of 40140
the parent and child relationship without an administrative 40141
determination being requested from a child support enforcement 40142
agency. 40143

If a juvenile court or other court with jurisdiction under 40144
section 2101.022 or 2301.03 of the Revised Code issues a support 40145
order under section 2151.231 or 2151.232 of the Revised Code 40146
relying on a presumption under section 3111.03 of the Revised 40147
Code, the juvenile court or other court with jurisdiction that 40148
issued the support order shall retain jurisdiction if a question 40149
as to the existence of a parent and child relationship arises. 40150

Sec. 3111.44. After issuing a genetic testing order, the 40151
administrative officer may schedule a conference with the mother 40152
and the alleged father to provide information. If a conference is 40153
scheduled and no other man is presumed to be the father of the 40154
child under section 3111.03 of the Revised Code, the 40155
administrative officer shall provide the mother and alleged father 40156
the opportunity to sign an acknowledgment of paternity affidavit 40157
prepared pursuant to section 3111.31 of the Revised Code. If they 40158
sign an acknowledgment of paternity, the administrative officer 40159
shall cancel the genetic testing order the officer had issued. 40160
Regardless of whether a conference is held, if the mother and 40161
alleged father do not sign an acknowledgment of paternity 40162
affidavit or if an affidavit cannot be notarized or witnessed or 40163
filed because another man is presumed under section 3111.03 of the 40164
Revised Code to be the father of the child, the child, the mother, 40165
and the alleged father shall submit to genetic testing in 40166
accordance with the order issued by the administrative officer. 40167

Sec. 3111.48. An administrative officer shall include in an 40168
order issued under section 3111.46 of the Revised Code a notice 40169
that contains the information described in section 3111.49 of the 40170

Revised Code informing the mother, father, and ~~the guardian or~~ 40171
~~legal custodian~~ caretaker of the child of the right to bring an 40172
action under sections 3111.01 to 3111.18 of the Revised Code and 40173
of the effect of failure to timely bring the action. 40174

An agency shall include in an administrative order issued 40175
under section 3111.47 of the Revised Code a notice that contains 40176
the information described in section 3111.50 of the Revised Code 40177
informing the parties of their right to bring an action under 40178
sections 3111.01 to 3111.18 of the Revised Code. 40179

Sec. 3111.49. The mother, alleged father, and ~~guardian or~~ 40180
~~legal custodian~~ caretaker of a child may object to an 40181
administrative order determining the existence or nonexistence of 40182
a parent and child relationship by bringing, within fourteen days 40183
after the date the administrative officer issues the order, an 40184
action under sections 3111.01 to 3111.18 of the Revised Code in 40185
the juvenile court or other court with jurisdiction under section 40186
2101.022 or 2301.03 of the Revised Code in the county in which the 40187
child support enforcement agency that employs the administrative 40188
officer who issued the order is located. If the action is not 40189
brought within the fourteen-day period, the administrative order 40190
is final and enforceable by a court and may not be challenged in 40191
an action or proceeding under Chapter 3111. of the Revised Code. 40192

Sec. 3111.71. The department of job and family services shall 40193
enter into a contract with local hospitals for the provision of 40194
staff by the hospitals to meet with unmarried women who give birth 40195
in or en route to the particular hospital. On or before April 1, 40196
1998, each hospital shall enter into a contract with the 40197
department of job and family services pursuant to this section 40198
regarding the duties imposed by this section and section 3727.17 40199
of the Revised Code concerning paternity establishment. A hospital 40200
that fails to enter into a contract shall not receive the fee from 40201

the department for correctly signed and notarized or witnessed 40202
affidavits submitted by the hospital. 40203

Sec. 3111.72. The contract between the department of job and 40204
family services and a local hospital shall require all of the 40205
following: 40206

(A) That the hospital provide a staff person to meet with 40207
each unmarried mother who gave birth in or en route to the 40208
hospital within twenty-four hours of the birth or before the 40209
mother is released from the hospital; 40210

(B) That the staff person attempt to meet with the father of 40211
the unmarried mother's child if possible; 40212

(C) That the staff person explain to the unmarried mother and 40213
the father, if he is present, the benefit to the child of 40214
establishing a parent and child relationship between the father 40215
and the child and the various proper procedures for establishing a 40216
parent and child relationship; 40217

(D) That the staff person present to the unmarried mother 40218
and, if possible, the father, the pamphlet or statement regarding 40219
the rights and responsibilities of a natural parent that is 40220
prepared and provided by the department of job and family services 40221
pursuant to section 3111.32 of the Revised Code; 40222

(E) That the staff person provide the mother and, if 40223
possible, the father, all forms and statements necessary to 40224
voluntarily establish a parent and child relationship, including, 40225
but not limited to, the acknowledgment of paternity affidavit 40226
prepared by the department of job and family services pursuant to 40227
section 3111.31 of the Revised Code; 40228

(F) That the staff person, at the request of both the mother 40229
and father, help the mother and father complete any form or 40230
statement necessary to establish a parent and child relationship; 40231

(G) That the hospital provide a notary public to notarize, or 40232
witnesses to witness, an acknowledgment of paternity affidavit 40233
signed by the mother and father; 40234

(H) That the staff person present to an unmarried mother who 40235
is not participating in the Ohio works first program established 40236
under Chapter 5107. of the Revised Code or receiving medicaid an 40237
application for Title IV-D services; 40238

(I) That the staff person forward any completed 40239
acknowledgment of paternity, no later than ten days after it is 40240
completed, to the office of child support in the department of job 40241
and family services; 40242

(J) That the department of job and family services pay the 40243
hospital twenty dollars for every correctly signed and notarized 40244
or witnessed acknowledgment of paternity affidavit from the 40245
hospital. 40246

Sec. 3111.78. A parent, ~~guardian, or legal custodian of a~~ 40247
~~child, the person with whom the child resides, or caretaker of the~~ 40248
child, or the child support enforcement agency of the county in 40249
which the child, parent, ~~guardian, or legal custodian~~ or caretaker 40250
of the child resides may do either of the following to require a 40251
man to pay support and provide for the health care needs of the 40252
child if the man is presumed to be the natural father of the child 40253
under section 3111.03 of the Revised Code: 40254

(A) If the presumption is not based on an acknowledgment of 40255
paternity, file a complaint pursuant to section 2151.231 of the 40256
Revised Code in the juvenile court or other court with 40257
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 40258
of the county in which the child, parent, ~~guardian, or legal~~ 40259
~~custodian~~ caretaker resides; 40260

(B) Contact a child support enforcement agency to request 40261

assistance in obtaining an order for support and the provision of 40262
health care for the child. 40263

Sec. 3119.01. (A) As used in the Revised Code, "child support 40264
enforcement agency" means a child support enforcement agency 40265
designated under former section 2301.35 of the Revised Code prior 40266
to October 1, 1997, or a private or government entity designated 40267
as a child support enforcement agency under section 307.981 of the 40268
Revised Code. 40269

(B) As used in this chapter and Chapters 3121., 3123., and 40270
3125. of the Revised Code: 40271

(1) "Administrative child support order" means any order 40272
issued by a child support enforcement agency for the support of a 40273
child pursuant to section 3109.19 or 3111.81 of the Revised Code 40274
or former section 3111.211 of the Revised Code, section 3111.21 of 40275
the Revised Code as that section existed prior to January 1, 1998, 40276
or section 3111.20 or 3111.22 of the Revised Code as those 40277
sections existed prior to March 22, 2001. 40278

(2) "Child support order" means either a court child support 40279
order or an administrative child support order. 40280

(3) "Obligee" means the person who is entitled to receive the 40281
support payments under a support order. 40282

(4) "Obligor" means the person who is required to pay support 40283
under a support order. 40284

(5) "Support order" means either an administrative child 40285
support order or a court support order. 40286

(C) As used in this chapter: 40287

(1) "Caretaker" means any of the following, other than a 40288
parent: 40289

(a) A person with whom the child resides for at least thirty 40290

<u>consecutive days, and who is the child's primary caregiver;</u>	40291
<u>(b) A person who is receiving public assistance on behalf of the child;</u>	40292
	40293
<u>(c) A person or agency with legal custody of the child, including a county department of job and family services or a public children services agency;</u>	40294
	40295
	40296
<u>(d) A guardian of the person or the estate of a child;</u>	40297
<u>(e) Any other appropriate court or agency with custody of the child.</u>	40298
	40299
<u>"Caretaker" excludes a "host family" as defined under section 2151.90 of the Revised Code.</u>	40300
	40301
<u>(2) "Cash medical support" means an amount ordered to be paid in a child support order toward the ordinary medical expenses incurred during a calendar year.</u>	40302
	40303
	40304
(2) <u>(3) "Child care cost" means annual out-of-pocket costs for the care and supervision of a child or children subject to the order that is related to work or employment training.</u>	40305
	40306
	40307
(3) <u>(4) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.</u>	40308
	40309
	40310
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	40313
	40314
(4) <u>(5) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.</u>	40315
	40316
	40317
	40318
(5) <u>(6) "Court support order" means either a court child support order or an order for the support of a spouse or former</u>	40319
	40320

spouse issued pursuant to Chapter 3115. of the Revised Code, 40321
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or 40322
division (B) of former section 3113.21 of the Revised Code. 40323

~~(6)~~(7) "CPI-U" means the consumer price index for all urban 40324
consumers, published by the United States department of labor, 40325
bureau of labor statistics. 40326

~~(7)~~(8) "Extraordinary medical expenses" means any uninsured 40327
medical expenses incurred for a child during a calendar year that 40328
exceed the total cash medical support amount owed by the parents 40329
during that year. 40330

~~(8)~~(9) "Federal poverty level" has the same meaning as in 40331
section 5121.30 of the Revised Code. 40332

~~(9)~~(10) "Income" means either of the following: 40333

(a) For a parent who is employed to full capacity, the gross 40334
income of the parent; 40335

(b) For a parent who is unemployed or underemployed, the sum 40336
of the gross income of the parent and any potential income of the 40337
parent. 40338

~~(10)~~(11) "Income share" means the percentage derived from a 40339
comparison of each parent's annual income after allowable 40340
deductions and credits as indicated on the worksheet to the total 40341
annual income of both parents. 40342

~~(11)~~(12) "Insurer" means any person authorized under Title 40343
XXXIX of the Revised Code to engage in the business of insurance 40344
in this state, any health insuring corporation, and any legal 40345
entity that is self-insured and provides benefits to its employees 40346
or members. 40347

~~(12)~~(13) "Gross income" means, except as excluded in division 40348
~~(C)~~(12)~~(C)~~(13) of this section, the total of all earned and 40349
unearned income from all sources during a calendar year, whether 40350

or not the income is taxable, and includes income from salaries, 40351
wages, overtime pay, and bonuses to the extent described in 40352
division (D) of section 3119.05 of the Revised Code; commissions; 40353
royalties; tips; rents; dividends; severance pay; pensions; 40354
interest; trust income; annuities; social security benefits, 40355
including retirement, disability, and survivor benefits that are 40356
not means-tested; workers' compensation benefits; unemployment 40357
insurance benefits; disability insurance benefits; benefits that 40358
are not means-tested and that are received by and in the 40359
possession of the veteran who is the beneficiary for any 40360
service-connected disability under a program or law administered 40361
by the United States department of veterans' affairs or veterans' 40362
administration; spousal support actually received; and all other 40363
sources of income. "Gross income" includes income of members of 40364
any branch of the United States armed services or national guard, 40365
including, amounts representing base pay, basic allowance for 40366
quarters, basic allowance for subsistence, supplemental 40367
subsistence allowance, cost of living adjustment, specialty pay, 40368
variable housing allowance, and pay for training or other types of 40369
required drills; self-generated income; and potential cash flow 40370
from any source. 40371

"Gross income" does not include any of the following: 40372

(a) Benefits received from means-tested government 40373
administered programs, including Ohio works first; prevention, 40374
retention, and contingency; means-tested veterans' benefits; 40375
supplemental security income; supplemental nutrition assistance 40376
program; disability financial assistance; or other assistance for 40377
which eligibility is determined on the basis of income or assets; 40378

(b) Benefits for any service-connected disability under a 40379
program or law administered by the United States department of 40380
veterans' affairs or veterans' administration that are not 40381
means-tested, that have not been distributed to the veteran who is 40382

the beneficiary of the benefits, and that are in the possession of 40383
the United States department of veterans' affairs or veterans' 40384
administration; 40385

(c) Child support amounts received for children who are not 40386
included in the current calculation; 40387

(d) Amounts paid for mandatory deductions from wages such as 40388
union dues but not taxes, social security, or retirement in lieu 40389
of social security; 40390

(e) Nonrecurring or unsustainable income or cash flow items; 40391

(f) Adoption assistance, kinship guardianship assistance, and 40392
foster care maintenance payments made pursuant to Title IV-E of 40393
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 40394
as amended; 40395

(g) State kinship guardianship assistance described in 40396
section 5153.163 of the Revised Code and payment from the kinship 40397
support program described in section 5101.881 of the Revised Code. 40398

~~(13)~~(14) "Nonrecurring or unsustainable income or cash flow 40399
item" means an income or cash flow item the parent receives in any 40400
year or for any number of years not to exceed three years that the 40401
parent does not expect to continue to receive on a regular basis. 40402
"Nonrecurring or unsustainable income or cash flow item" does not 40403
include a lottery prize award that is not paid in a lump sum or 40404
any other item of income or cash flow that the parent receives or 40405
expects to receive for each year for a period of more than three 40406
years or that the parent receives and invests or otherwise uses to 40407
produce income or cash flow for a period of more than three years. 40408

~~(14)~~(15) "Ordinary medical expenses" includes copayments and 40409
deductibles, and uninsured medical-related costs for the children 40410
of the order. 40411

~~(15)(a)~~(16)(a) "Ordinary and necessary expenses incurred in 40412

generating gross receipts" means actual cash items expended by the 40413
parent or the parent's business and includes depreciation expenses 40414
of business equipment as shown on the books of a business entity. 40415

(b) Except as specifically included in "ordinary and 40416
necessary expenses incurred in generating gross receipts" by 40417
division ~~(C)(15)(a)~~(C)(16)(a) of this section, "ordinary and 40418
necessary expenses incurred in generating gross receipts" does not 40419
include depreciation expenses and other noncash items that are 40420
allowed as deductions on any federal tax return of the parent or 40421
the parent's business. 40422

~~(16)~~(17) "Personal earnings" means compensation paid or 40423
payable for personal services, however denominated, and includes 40424
wages, salary, commissions, bonuses, draws against commissions, 40425
profit sharing, vacation pay, or any other compensation. 40426

~~(17)~~(18) "Potential income" means both of the following for a 40427
parent who the court pursuant to a court support order, or a child 40428
support enforcement agency pursuant to an administrative child 40429
support order, determines is voluntarily unemployed or voluntarily 40430
underemployed: 40431

(a) Imputed income that the court or agency determines the 40432
parent would have earned if fully employed as determined from the 40433
following criteria: 40434

(i) The parent's prior employment experience; 40435

(ii) The parent's education; 40436

(iii) The parent's physical and mental disabilities, if any; 40437

(iv) The availability of employment in the geographic area in 40438
which the parent resides; 40439

(v) The prevailing wage and salary levels in the geographic 40440
area in which the parent resides; 40441

(vi) The parent's special skills and training; 40442

(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	40443 40444
(viii) The age and special needs of the child for whom child support is being calculated under this section;	40445 40446
(ix) The parent's increased earning capacity because of experience;	40447 40448
(x) The parent's decreased earning capacity because of a felony conviction;	40449 40450
(xi) Any other relevant factor.	40451
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	40452 40453 40454 40455 40456
(18) (19) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	40457 40458
(19) (20) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	40459 40460 40461 40462 40463 40464 40465 40466 40467 40468
(20) (21) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined under section 3119.021 of the Revised Code.	40469 40470 40471
(21) (22) "Split parental rights and responsibilities" means a	40472

situation in which there is more than one child who is the subject of an allocation of parental rights and responsibilities and each parent is the residential parent and legal custodian of at least one of those children.

~~(22)~~(23) "Worksheet" means the applicable worksheet created in rules adopted under section 3119.022 of the Revised Code that is used to calculate a parent's child support obligation.

Sec. 3119.023. (A) At least once every four years, the department of job and family services shall review the basic child support schedule issued by the department pursuant to section 3119.021 of the Revised Code to determine whether child support orders issued in accordance with that schedule and the worksheets created under rules adopted under section 3119.022 of the Revised Code adequately provide for the needs of children who are subject to the child support orders. The review is in addition to, and independent of, any schedule update completed as set forth in section 3119.021 of the Revised Code. The department shall prepare a report of its review and include recommendations for statutory changes, and submit a copy of the report to both houses of the general assembly.

(B) Each review shall include all of the following:

(1) Consideration of all of the following:

(a) Economic data on the cost of raising children;

(b) Labor market data, such as unemployment rates, employment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets;

(c) The impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below two hundred per cent of the federal poverty level;

(d) Factors that influence employment rates among

noncustodial parents and compliance with child support orders. 40503

(2) Analysis of all of the following, to be used to ensure 40504
that deviations from the basic child support schedule are limited 40505
and that support amounts are appropriate based on criteria 40506
established under division (G) of section 3119.05 of the Revised 40507
Code: 40508

(a) Case data on the application of and deviations from the 40509
basic child support schedule, as gathered through sampling or 40510
other methods; 40511

(b) Rates of default, child support orders with imputed 40512
income, and orders determined using low-income adjustments such as 40513
a self-support reserve or another method as determined by the 40514
state; 40515

(c) A comparison of payments on child support orders by case 40516
characteristics, including whether the order was entered by 40517
default, based on imputed income, or determined using the 40518
low-income adjustment, as described in division (B)(2)(b) of this 40519
section. 40520

(3) Meaningful opportunity for public input, including input 40521
from low-income custodial and noncustodial parents and their 40522
representatives. 40523

(C) For each review, the department shall establish a child 40524
support guideline advisory council to assist the department in the 40525
completion of its reviews and reports. Each council shall be 40526
composed of: 40527

(1) Obligor; 40528

(2) Obligees; 40529

(3) Judges of courts of common pleas who have jurisdiction 40530
over domestic relations and juvenile court cases that involve the 40531
determination of child support; 40532

(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support;

(5) Representatives of child support enforcement agencies;

(6) Other persons interested in the welfare of children;

~~(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and~~

~~(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party.~~

(D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015.

(E) The department shall publish on the internet and make accessible to the public all of the following:

(1) All reports of the council;

(2) The membership of the council;

(3) The effective date of new or modified guidelines adopted after the review;

(4) The date of the next review.

(F) The advisory council shall cease to exist at the time that the department submits its review to the general assembly under this section.

(G) Any expenses incurred by an advisory council shall be paid by the department.

Sec. 3119.06. (A) Except as otherwise provided in this

section, in any action in which a court or a child support 40561
enforcement agency issues or modifies a child support order or in 40562
any other proceeding in which a court or agency determines the 40563
amount of child support to be paid pursuant to a child support 40564
order, the court or agency shall issue a minimum child support 40565
order requiring the obligor to pay a minimum of eighty dollars a 40566
month for all the children subject to that order. The court or 40567
agency, in its discretion and in appropriate circumstances, may 40568
issue a minimum child support order of less than eighty dollars a 40569
month or issue an order not requiring the obligor to pay any child 40570
support amount. The circumstances under which a court or agency 40571
may issue such an order include the nonresidential parent's 40572
medically verified or documented physical or mental disability or 40573
institutionalization in a facility for persons with a mental 40574
illness or any other circumstances considered appropriate by the 40575
court or agency. 40576

If a court or agency issues a minimum child support 40577
obligation pursuant to this section and the obligor under the 40578
support order is the recipient of means-tested public assistance, 40579
as described in division ~~(C)(12)(a)~~(C)(13)(a) of section 3119.01 40580
of the Revised Code, any unpaid amounts of support due under the 40581
support order shall accrue as arrearages from month to month, and 40582
the obligor's current obligation to pay the support due under the 40583
support order is suspended during any period of time that the 40584
obligor is receiving means-tested public assistance and is 40585
complying with any seek work orders issued pursuant to section 40586
3121.03 of the Revised Code. The court, obligee, and child support 40587
enforcement agency shall not enforce the obligation of the obligor 40588
to pay the amount of support due under the support order while the 40589
obligor is receiving means-tested public assistance and is 40590
complying with any seek work orders issued pursuant to section 40591
3121.03 of the Revised Code. 40592

(B) As used in this section, "means-tested public assistance" 40593
includes cash assistance payments under the Ohio works first 40594
program established under Chapter 5107. of the Revised Code, 40595
financial assistance under the disability financial assistance 40596
program established under Chapter 5115. of the Revised Code, 40597
supplemental security income, or means-tested veterans' benefits. 40598

Sec. 3119.07. (A) Except when the parents have split parental 40599
rights and responsibilities, a parent's child support obligation 40600
for a child for whom the parent is the residential parent and 40601
legal custodian shall be presumed to be spent on that child and 40602
shall not become part of a child support order, and a parent's 40603
child support obligation for a child for whom the parent is not 40604
the residential parent and legal custodian shall become part of a 40605
child support order. 40606

(B) If the parents have split parental rights and 40607
responsibilities, the child support obligations of the parents 40608
shall be offset, and ~~the court shall issue a child support order~~ 40609
~~requiring~~ the parent with the larger child support obligation ~~to~~ 40610
shall pay the net amount pursuant to the child support order. 40611

(C) If neither parent of a child who is the subject of a 40612
child support order is the residential parent and legal custodian 40613
of the child and the child resides with a ~~third party who is the~~ 40614
~~legal custodian of the child caretaker~~, ~~the court shall issue a~~ 40615
~~child support order requiring~~ each parent ~~to~~ shall pay that 40616
parent's child support obligation pursuant to the child support 40617
order. 40618

Sec. 3119.95. A child support order subject to sections 40619
3119.951 to 3119.9541 of the Revised Code shall include the health 40620
care coverage and cash medical support required for the child 40621
subject to the order. 40622

Sec. 3119.951. The caretaker of a child may file an application for Title IV-D services with the child support enforcement agency in the county in which the caretaker resides to obtain support for the care of the child.

Sec. 3119.953. (A) On receipt of an application for Title IV-D services from the caretaker of a child under section 3119.951 of the Revised Code, or a Title IV-D services referral regarding the child, the child support enforcement agency shall determine whether the child is the subject of an existing child support order.

(B) If the child is the subject of an existing child support order, the agency shall comply with sections 3119.955 to 3119.9519 of the Revised Code.

(C) If the child is not the subject of an existing child support order, the agency shall comply with sections 3119.9523 and 3119.9525 of the Revised Code.

Sec. 3119.955. (A) If a child support enforcement agency determines under section 3119.953 of the Revised Code that there is an existing child support order regarding the child in the care of a caretaker, the agency shall determine if any reason exists for which the child support order should be redirected to the caretaker. If the agency determines that the caretaker is the primary caregiver of the child, the agency shall determine that a reason exists for redirection.

(B) If the agency determines that a reason exists for redirection, the agency also shall determine all of the following:

(1) The amount of each parent's obligation under the existing child support order that may be subject to redirection;

(2) Whether any prior redirection has been terminated under

sections 3119.9531 to 3119.9535 of the Revised Code; 40652

(3) Whether any arrearages are owed, and the recommended 40653
payment amount to satisfy such arrears; 40654

(4) If more than one child is subject to the existing child 40655
support order, whether the child support order for all or some of 40656
the children shall be subject to redirection. 40657

(C) The agency shall make the determinations required under 40658
this section not later than twenty days after receipt of a Title 40659
IV-D services application or referral under section 3119.953 of 40660
the Revised Code. 40661

Sec. 3119.957. If the child support enforcement agency 40662
determines under section 3119.955 of the Revised Code that more 40663
than one child is the subject of a child support order and the 40664
order for fewer than all of the children should be redirected, the 40665
agency shall determine the amount of child support to be 40666
redirected, which amount shall equal the pro rata share of the 40667
child support amounts for each such child under the child support 40668
order. The agency also shall make, in relation to the 40669
determination of the amount of child support that may be 40670
redirected, a determination regarding the health care coverage and 40671
cash medical support under the child support order that may be 40672
redirected. 40673

Sec. 3119.9511. Not later than twenty days after completion 40674
of an investigation of a child support order under section 40675
3119.955 or 3119.957 of the Revised Code, the child support 40676
enforcement agency shall determine, based on the information 40677
gathered, whether the order shall or shall not be redirected under 40678
sections 3119.9513 and 3119.9515 of the Revised Code. 40679

Sec. 3119.9513. If the child support enforcement agency 40680

determines that a child support order should be redirected, the 40681
agency shall do one of the following: 40682

(A) For an administrative child support order, the agency 40683
shall issue a redirection order that shall include the child 40684
support amount to be redirected and provisions for redirection 40685
regarding health care coverage and cash medical support. 40686

(B) For a court child support order, the agency shall 40687
recommend to the court that has jurisdiction over the support 40688
order to issue a redirection order and include the child support 40689
amount to be redirected and provisions for redirection regarding 40690
health care coverage and cash medical support. 40691

Sec. 3119.9515. (A) On issuing an order or making a 40692
recommendation under section 3119.9513 of the Revised Code, the 40693
child support enforcement agency shall provide notice of the 40694
following to the parent or caretaker of the child subject to the 40695
order or recommendation: 40696

(1) The results of its investigation under section 3119.955 40697
or 3119.957 of the Revised Code; 40698

(2) For an administrative child support order, notice of the 40699
following: 40700

(a) That the agency has issued a redirection order under 40701
section 3119.9513 of the Revised Code regarding the child support 40702
order and a copy of the redirection order; 40703

(b) The right to object to the redirection order by bringing 40704
an action under section 2151.231 of the Revised Code not later 40705
than fourteen days after the order is issued; 40706

(c) That the order becomes final and enforceable if no timely 40707
objection is made; 40708

(d) The effective date of the order as determined under 40709

<u>section 3119.9519 of the Revised Code.</u>	40710
<u>(3) For a court child support order, notice of the following:</u>	40711
<u>(a) That the agency has made a recommendation for a</u>	40712
<u>redirection order under section 3119.9513 of the Revised Code to</u>	40713
<u>the court that has jurisdiction over the court child support</u>	40714
<u>order, and a copy of the recommendation;</u>	40715
<u>(b) The right to object to the redirection by requesting a</u>	40716
<u>hearing with the court that has jurisdiction over the court child</u>	40717
<u>support order not later than fourteen days after the</u>	40718
<u>recommendation is issued;</u>	40719
<u>(c) That the recommendation will be submitted to the court</u>	40720
<u>for inclusion in a redirection order, unless a request for a court</u>	40721
<u>hearing is made not later than fourteen days after the</u>	40722
<u>recommendation is issued;</u>	40723
<u>(d) The effective date of the redirection order as determined</u>	40724
<u>under section 3119.9519 of the Revised Code.</u>	40725
<u>(B) The notice under division (A) of this section shall be</u>	40726
<u>included as part of the applicable order or recommendation.</u>	40727
<u>Sec. 3119.9517. (A) A parent or caretaker may object to an</u>	40728
<u>order issued under section 3119.9513 of the Revised Code by</u>	40729
<u>bringing an action under section 2151.231 of the Revised Code not</u>	40730
<u>later than fourteen days after the notice is issued under division</u>	40731
<u>(A)(2) of section 3119.9515 of the Revised Code. The order shall</u>	40732
<u>be final and enforceable if no objection is timely made.</u>	40733
<u>(B) A parent or caretaker may object to a recommendation</u>	40734
<u>issued under section 3119.9513 of the Revised Code by requesting a</u>	40735
<u>hearing with the court that has jurisdiction over the court child</u>	40736
<u>support order not later than fourteen days after the</u>	40737
<u>recommendation is issued under division (A)(3) of section</u>	40738
<u>3119.9515 of the Revised Code. The recommendation shall be</u>	40739

submitted to the court for inclusion in a redirection order, 40740
unless a request for a court hearing is made not later than 40741
fourteen days after the recommendation is issued. 40742

Sec. 3119.9519. (A) The redirection of a child support order 40743
under a redirection order that has become final as provided under 40744
section 3119.9517 of the Revised Code shall take effect as of, and 40745
relate back to, the date that the child support enforcement agency 40746
received the Title IV-D services application or referral under 40747
section 3119.953 of the Revised Code that initiated the 40748
proceedings resulting in the order. 40749

(B) A redirection order under section 3119.9517 of the 40750
Revised Code based on a recommendation for redirection shall take 40751
effect as of, and relate back to, the date that the child support 40752
enforcement agency received the Title IV-D services application or 40753
referral under section 3119.953 of the Revised Code that initiated 40754
the proceedings resulting in the redirection order. 40755

Sec. 3119.9523. If a child support enforcement agency 40756
determines under section 3119.953 of the Revised Code that the 40757
child in the care of the caretaker is not subject to an existing 40758
child support order, the agency shall determine, not later than 40759
twenty days after its receipt of the Title IV-D services 40760
application or referral under section 3119.953 of the Revised 40761
Code, whether any reason exists for which a child support order 40762
for the child should be imposed. That determination shall include 40763
whether the caretaker is the child's primary caregiver. 40764

Sec. 3119.9525. If, pursuant to an investigation under 40765
section 3119.9523 of the Revised Code, the child support 40766
enforcement agency determines that a reason exists for a child 40767
support order to be imposed regarding the child subject of the 40768
investigation, the agency shall comply with sections 3111.80 to 40769

3111.84 of the Revised Code. 40770

Sec. 3119.9527. If a child support enforcement agency 40771
receives notice that a caretaker is no longer the primary 40772
caregiver for a child subject to a redirection order or 40773
recommendation issued under section 3119.9513 of the Revised Code, 40774
the agency shall do both of the following: 40775

(A) Investigate whether the caretaker to whom support amounts 40776
are redirected under the existing redirection order or 40777
recommendation is still the primary caregiver for the child; 40778

(B) Take action as applicable under sections 3119.9529 to 40779
3119.9535 of the Revised Code. 40780

Sec. 3119.9529. If, upon investigation under section 40781
3119.9527 of the Revised Code, the child support enforcement 40782
agency determines that the caretaker to whom support amounts are 40783
redirected remains the primary caregiver of the child who is the 40784
subject of the redirection order or recommendation, the agency 40785
shall take no further action on the notice received under section 40786
3119.9527 of the Revised Code. 40787

Sec. 3119.9531. If, after an investigation under section 40788
3119.9527 of the Revised Code, the child support enforcement 40789
agency determines that a new caretaker is the primary caregiver 40790
for the child who is the subject of the redirection order or 40791
recommendation, the agency shall do both of the following: 40792

(A) Terminate the existing redirection order or request that 40793
the court terminate the redirection order based on the 40794
recommendation, whichever is applicable; 40795

(B) Direct the new caretaker to file an application for Title 40796
IV-D services under section 3119.951 of the Revised Code. 40797

Sec. 3119.9533. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a parent of the child who is the subject of the redirection order or recommendation is the primary caregiver of the child, the agency shall do one of the following: 40798
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(A) If the parent is the obligee under the child support order that is subject to redirection, terminate the existing redirection order or request the court to terminate the redirection order based on the recommendation, whichever is applicable. 40803
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(B) If the parent is the obligor under the child support order that is subject to redirection: 40808
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(1) Terminate the existing redirection order or request the court to terminate the redirection order based on the recommendation, whichever is applicable; and 40810
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(2) Notify the obligor that he or she may do the following: 40813

(a) Request that the child support order be terminated pursuant to section 3119.87 of the Revised Code; 40814
40815

(b) Request either of the following, whichever is applicable: 40816

(i) For an administrative child support order, request a review of the order under sections 3119.60 and 3119.61 of the Revised Code; 40817
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(ii) For a court child support order, request the court with jurisdiction over the order to amend the order. 40820
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Sec. 3119.9535. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that the child who is the subject of the redirection order or recommendation is not under the care of any individual, the agency shall do the following: 40822
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(A) Terminate the existing redirection order or request the court to terminate the redirection order based on the recommendation, whichever is applicable; 40827
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(B) If the agency becomes aware of circumstances indicating that the child may be abused or neglected, make a report under section 2151.421 of the Revised Code. 40830
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Sec. 3119.9537. (A) If a child support enforcement agency receives a notification under section 3119.9527 of the Revised Code, the agency shall impound any funds received on behalf of the child pursuant to the child support order to which the notification applies. 40833
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(B) Impoundment shall continue under this section until the occurrence of any of the following: 40838
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(1) The agency makes a determination under section 3119.9529 of the Revised Code; 40840
40841

(2) The agency issues a redirection order for a new caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of the Revised Code; 40842
40843
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(3) The agency, under section 3119.9533 of the Revised Code, terminates the redirection order or a court terminates its redirection order; 40845
40846
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(C) On termination of impoundment as described in division (B) of this section, impounded amounts shall be paid to the obligee designated under the child support order or under the applicable redirection order. 40848
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Sec. 3119.9539. Impoundment of child support under section 3119.9537 of the Revised Code regarding a redirection order described in section 3119.9535 of the Revised Code shall continue until further order from the child support enforcement agency 40853
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40856

administering the administrative child support order or from the 40857
court with jurisdiction over the court child support order, 40858
whichever is applicable. 40859

Sec. 3119.9541. The director of job and family services shall 40860
adopt rules in accordance with Chapter 119. of the Revised Code to 40861
provide for both of the following: 40862

(A) Requirements for child support enforcement agencies to 40863
conduct investigations and issue findings pursuant to sections 40864
3119.955 and 3119.957 of the Revised Code; 40865

(B) Any other standards, forms, or procedures needed to 40866
ensure uniform implementation of sections 3119.95 to 3119.9539 of 40867
the Revised Code. 40868

Sec. 3121.29. Each support order, or modification of a 40869
support order, shall contain a notice that states the following in 40870
boldface type and in all capital letters: 40871

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 40872
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 40873
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 40874
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 40875
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 40876
ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 40877
WHICHEVER ISSUED THE SUPPORT ORDER. 40878

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 40879
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 40880
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 40881
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 40882
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE 40883
THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE 40884
SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 40885

90 DAYS. 40886

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 40887
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 40888
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 40889
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 40890
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND 40891
YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE 40892
OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF 40893
LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR 40894
OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; 40895
WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION 40896
FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 40897
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT 40898
OBLIGATION. 40899

~~Sec. 3123.89. (A) Subject to section 3770.071 of the Revised 40900
Code, a child support enforcement agency that determines that an 40901
obligor who is the recipient of a lottery prize award is subject 40902
to a final and enforceable determination of default made under 40903
sections 3123.01 to 3123.07 of the Revised Code shall issue an 40904
intercept directive to the director of the state lottery 40905
commission. A copy of this intercept directive shall be sent to 40906
the obligor. 40907~~

~~(B) The intercept directive shall require the director or the 40908
director's designee to transmit an amount or amounts from the 40909
proceeds of the specified lottery prize award to the office of 40910
child support in the department of job and family services. The 40911
intercept directive also shall contain all of the following 40912
information: 40913~~

~~(1) The name, address, and social security number or taxpayer 40914
identification number of the obligor; 40915~~

~~(2) A statement that the obligor has been determined to be in 40916~~

~~default under a support order;~~ 40917

~~(3) The amount of the arrearage owed by the obligor as
determined by the agency.~~ 40918
40919

~~(C) After receipt of an intercept directive and in accordance
with section 3770.071 of the Revised Code, the director or the
director's designee shall deduct the amount or amounts specified
from the proceeds of the lottery prize award referred to in the
directive and transmit the amounts to the office of child support.~~ 40920
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~~(D) The department of job and family services shall develop
and implement a real time data match program with the state
lottery commission and its lottery sales agents and lottery agents
to identify obligors who are subject to a final and enforceable
determination of default made under sections 3123.01 to 3123.07 of
the Revised Code in accordance with section 3770.071 of the
Revised Code.~~ 40925
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~~(E)~~(B) Upon the data match program's implementation, the 40932
department, in consultation with the commission, shall promulgate 40933
rules to facilitate withholding, in appropriate circumstances and 40934
in accordance with section 3770.071 of the Revised Code, by the 40935
commission or its lottery sales agents or lottery agents of an 40936
amount sufficient to satisfy any past due support owed by an 40937
obligor from a lottery prize award owed to the obligor up to the 40938
amount of the award. The rules shall describe an expedited method 40939
for withholding, and the time frame for transmission of the amount 40940
withheld to the department. 40941

~~(F)~~(C) As used in this section, "lottery prize award" has the 40942
same meaning as in section 3770.10 of the Revised Code. 40943

Sec. 3123.90. (A) As used in this section: 40944

(1) "Casino facility," "casino operator," and "management 40945
company" have the meanings defined in section 3772.01 of the 40946

Revised Code. 40947

(2) "Sports gaming proprietor" has the meaning defined in 40948
section 3775.01 of the Revised Code. 40949

(B) The department of job and family services shall develop 40950
and implement a real time data match program with each casino 40951
facility's casino operator or management company and with each 40952
sports gaming proprietor to identify obligors who are subject to a 40953
final and enforceable determination of default made under sections 40954
3123.01 to 3123.07 of the Revised Code. 40955

(C) Upon the data match program's implementation, if a person 40956
receives a payout of winnings at a casino facility or from sports 40957
gaming in an amount for which reporting to the internal revenue 40958
service of the amount is required by section 6041 of the Internal 40959
Revenue Code, as amended, the casino operator, management company, 40960
or sports gaming proprietor shall refer to the data match program 40961
to determine if the person entitled to the winnings is in default 40962
under a support order. If the data match program indicates that 40963
the person is in default, the casino operator, management company, 40964
or sports gaming proprietor shall withhold from the person's 40965
winnings an amount sufficient to satisfy any past due support owed 40966
by the obligor identified in the data match up to the amount of 40967
the winnings. 40968

(D) Not later than fourteen days after withholding the 40969
amount, the casino operator, management company, or sports gaming 40970
proprietor shall electronically transmit any amount withheld to 40971
the department as payment on the support obligation. 40972

(E) The department, in consultation with the Ohio casino 40973
control commission, may adopt rules under Chapter 119. of the 40974
Revised Code as are necessary for implementation of this section. 40975

Sec. 3125.18. A child support enforcement agency shall 40976

administer a Title IV-A program identified under division 40977
(A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that 40978
the department of job and family services provides for the agency 40979
to administer under the department's supervision pursuant to 40980
section 5101.801 of the Revised Code. 40981

Sec. 3301.071. (A)(1) In the case of nontax-supported 40982
schools, standards for teacher certification prescribed under 40983
section 3301.07 of the Revised Code shall provide for 40984
certification, without further educational requirements, of any 40985
administrator, supervisor, or teacher who has attended and 40986
received a bachelor's degree or a master's degree from a college 40987
or university accredited by a national or regional association in 40988
the United States except that, at the discretion of the state 40989
board of education, this requirement may be met by having an 40990
equivalent degree from a foreign college or university of 40991
comparable standing. 40992

(2) In the case of nonchartered, nontax-supported schools, 40993
the standards for teacher certification prescribed under section 40994
3301.07 of the Revised Code shall provide for certification, 40995
without further educational requirements, of any administrator, 40996
supervisor, or teacher who has attended and received a diploma 40997
from a "bible college" or "bible institute" described in division 40998
(E) of section 1713.02 of the Revised Code. 40999

(3) A certificate issued under division (A)(3) of this 41000
section shall be valid only for teaching foreign language, music, 41001
religion, computer technology, or fine arts. 41002

Notwithstanding division (A)(1) of this section, the 41003
standards for teacher certification prescribed under section 41004
3301.07 of the Revised Code shall provide for certification of a 41005
person as a teacher upon receipt by the state board of an 41006
affidavit signed by the chief administrative officer of a 41007

chartered nonpublic school seeking to employ the person, stating 41008
that the person meets one of the following conditions: 41009

(a) The person has specialized knowledge, skills, or 41010
expertise that qualifies the person to provide instruction. 41011

(b) The person has provided to the chief administrative 41012
officer evidence of at least three years of teaching experience in 41013
a public or nonpublic school. 41014

(c) The person has provided to the chief administrative 41015
officer evidence of completion of a teacher training program named 41016
in the affidavit. 41017

(B) Each person applying for a certificate under this section 41018
for purposes of serving in a nonpublic school chartered by the 41019
state board under section 3301.16 of the Revised Code shall pay a 41020
fee in the amount established under division (A) of section 41021
3319.51 of the Revised Code. Any fees received under this division 41022
shall be paid into the state treasury to the credit of the state 41023
board of education certification fund established under division 41024
(B) of section 3319.51 of the Revised Code. 41025

(C) A person applying for or holding any certificate pursuant 41026
to this section for purposes of serving in a nonpublic school 41027
chartered by the state board is subject to sections 3123.41 to 41028
3123.50 of the Revised Code and any applicable rules adopted under 41029
section 3123.63 of the Revised Code and sections 3319.31 and 41030
3319.311 of the Revised Code. 41031

(D) Divisions (B) and (C) of this section and sections 41032
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 41033
to any administrators, supervisors, or teachers in nonchartered, 41034
nontax-supported schools. 41035

Sec. 3301.0711. (A) The department of education shall: 41036

(1) Annually furnish to, grade, and score all assessments 41037

required by divisions (A)(1) and (B)(1) of section 3301.0710 of 41038
the Revised Code to be administered by city, local, exempted 41039
village, and joint vocational school districts, except that each 41040
district shall score any assessment administered pursuant to 41041
division (B)(10) of this section. Each assessment so furnished 41042
shall include the data verification code of the student to whom 41043
the assessment will be administered, as assigned pursuant to 41044
division (D)(2) of section 3301.0714 of the Revised Code. In 41045
furnishing the practice versions of Ohio graduation tests 41046
prescribed by division (D) of section 3301.0710 of the Revised 41047
Code, the department shall make the tests available on its web 41048
site for reproduction by districts. In awarding contracts for 41049
grading assessments, the department shall give preference to 41050
Ohio-based entities employing Ohio residents. 41051

(2) Adopt rules for the ethical use of assessments and 41052
prescribing the manner in which the assessments prescribed by 41053
section 3301.0710 of the Revised Code shall be administered to 41054
students. 41055

(B) Except as provided in divisions (C) and (J) of this 41056
section, the board of education of each city, local, and exempted 41057
village school district shall, in accordance with rules adopted 41058
under division (A) of this section: 41059

(1) Administer the English language arts assessments 41060
prescribed under division (A)(1)(a) of section 3301.0710 of the 41061
Revised Code twice annually to all students in the third grade who 41062
have not attained the score designated for that assessment under 41063
division (A)(2)(c) of section 3301.0710 of the Revised Code. 41064

(2) Administer the mathematics assessment prescribed under 41065
division (A)(1)(a) of section 3301.0710 of the Revised Code at 41066
least once annually to all students in the third grade. 41067

(3) Administer the assessments prescribed under division 41068

(A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	41069 41070
(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	41071 41072 41073
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	41074 41075 41076
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	41077 41078 41079
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	41080 41081 41082
(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:	41083 41084 41085
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	41086 41087 41088 41089
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.	41090 41091 41092 41093 41094 41095
(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall	41096 41097 41098

administer any assessment prescribed under division (B)(1) of 41099
section 3301.0710 of the Revised Code at least twice annually to 41100
any student enrolled in the joint vocational school district who 41101
has not yet attained the score on that assessment designated under 41102
that division. A board of a joint vocational school district may 41103
also administer such an assessment to any student described in 41104
division (B)(8)(b) of this section. 41105

(10) If the district has a three-year average graduation rate 41106
of not more than seventy-five per cent, administer each assessment 41107
prescribed by division (D) of section 3301.0710 of the Revised 41108
Code in September to all ninth grade students who entered ninth 41109
grade prior to July 1, 2014. 41110

Except as provided in section 3313.614 of the Revised Code 41111
for administration of an assessment to a person who has fulfilled 41112
the curriculum requirement for a high school diploma but has not 41113
passed one or more of the required assessments, the assessments 41114
prescribed under division (B)(1) of section 3301.0710 of the 41115
Revised Code shall not be administered after the date specified in 41116
the rules adopted by the state board of education under division 41117
(D)(1) of section 3301.0712 of the Revised Code. 41118

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of 41119
this section, administer the assessments prescribed by division 41120
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 41121
Code in accordance with the timeline and plan for implementation 41122
of those assessments prescribed by rule of the state board adopted 41123
under division (D)(1) of section 3301.0712 of the Revised Code; 41124

(b) A student who has presented evidence to the district or 41125
school of having satisfied the condition prescribed by division 41126
(A)(1) of section 3313.618 of the Revised Code to qualify for a 41127
high school diploma prior to the date of the administration of the 41128
assessment prescribed under division (B)(1) of section 3301.0712 41129
of the Revised Code shall not be required to take that assessment. 41130

However, no board shall prohibit a student who is not required to 41131
take such assessment from taking the assessment. 41132

(c) A student shall not be required to retake the Algebra I 41133
end-of-course examination or the English language arts II 41134
end-of-course examination prescribed under division (B)(2) of 41135
section 3301.0712 of the Revised Code in grades nine through 41136
twelve if the student demonstrates at least a proficient level of 41137
skill, as prescribed under division (B)(5)(a) of that section, or 41138
achieves a competency score, as prescribed under division (B)(10) 41139
of that section, in an administration of the examination prior to 41140
grade nine. 41141

(C)(1)(a) In the case of a student receiving special 41142
education services under Chapter 3323. of the Revised Code, the 41143
individualized education program developed for the student under 41144
that chapter shall specify the manner in which the student will 41145
participate in the assessments administered under this section, 41146
except that a student with significant cognitive disabilities to 41147
whom an alternate assessment is administered in accordance with 41148
division (C)(1) of this section and a student determined to have a 41149
disability that includes an intellectual disability as outlined in 41150
guidance issued by the department shall not be required to take 41151
the assessment prescribed under division (B)(1) of section 41152
3301.0712 of the Revised Code. The individualized education 41153
program may excuse the student from taking any particular 41154
assessment required to be administered under this section if it 41155
instead specifies an alternate assessment method approved by the 41156
department of education as conforming to requirements of federal 41157
law for receipt of federal funds for disadvantaged pupils. To the 41158
extent possible, the individualized education program shall not 41159
excuse the student from taking an assessment unless no reasonable 41160
accommodation can be made to enable the student to take the 41161
assessment. No board shall prohibit a student who is not required 41162

to take an assessment under division (C)(1) of this section from 41163
taking the assessment. 41164

(b) Any alternate assessment approved by the department for a 41165
student under this division shall produce measurable results 41166
comparable to those produced by the assessment it replaces in 41167
order to allow for the student's results to be included in the 41168
data compiled for a school district or building under section 41169
3302.03 of the Revised Code. 41170

(c)(i) Any student enrolled in a chartered nonpublic school 41171
who has been identified, based on an evaluation conducted in 41172
accordance with section 3323.03 of the Revised Code or section 504 41173
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 41174
794, as amended, as a child with a disability shall be excused 41175
from taking any particular assessment required to be administered 41176
under this section if either of the following apply: 41177

(I) A plan developed for the student pursuant to rules 41178
adopted by the state board excuses the student from taking that 41179
assessment. 41180

(II) The chartered nonpublic school develops a written plan 41181
in which the school, in consultation with the student's parents, 41182
determines that an assessment or alternative assessment with 41183
accommodations does not accurately assess the student's academic 41184
performance. The plan shall include an academic profile of the 41185
student's academic performance and shall be reviewed annually to 41186
determine if the student's needs continue to require excusal from 41187
taking the assessment. 41188

(ii) A student with significant cognitive disabilities to 41189
whom an alternate assessment is administered in accordance with 41190
division (C)(1) of this section and a student determined to have a 41191
disability that includes an intellectual disability as outlined in 41192
guidance issued by the department shall not be required to take 41193

the assessment prescribed under division (B)(1) of section 41194
3301.0712 of the Revised Code. 41195

(iii) In the case of any student so excused from taking an 41196
assessment under division (C)(1)(c) of this section, the chartered 41197
nonpublic school shall not prohibit the student from taking the 41198
assessment. 41199

(2) A district board may, for medical reasons or other good 41200
cause, excuse a student from taking an assessment administered 41201
under this section on the date scheduled, but that assessment 41202
shall be administered to the excused student not later than nine 41203
days following the scheduled date. The district board shall 41204
annually report the number of students who have not taken one or 41205
more of the assessments required by this section to the state 41206
board not later than the thirtieth day of June. 41207

(3) ~~As used in this division, "English learner" has the same 41208
meaning as in 20 U.S.C. 7801.~~ 41209

No school district board shall excuse any English learner 41210
from taking any particular assessment required to be administered 41211
under this section, except ~~as follows:~~ 41212

~~(a) Any that any English learner who has been enrolled in 41213
United States schools for less than two years and for whom no 41214
appropriate accommodations are available based on guidance issued 41215
by the department shall not be required to take the assessment 41216
prescribed under division (B)(1) of section 3301.0712 of the 41217
Revised Code. 41218~~

~~(b) Any English learner who has been enrolled in United 41219
States schools for less than one full school year shall not be 41220
required to take any reading, writing, or English language arts 41221
assessment. 41222~~

However, no board shall prohibit an English learner who is 41223
not required to take ~~an that assessment under division (C)(3) of~~ 41224

~~this section~~ from taking the assessment. A 41225

A board may permit any English learner to take an assessment 41226
required to be administered under this section with appropriate 41227
accommodations, as determined by the department. ~~For~~ 41228

~~For~~ each English learner, each school district shall annually 41229
assess that student's progress in learning English, in accordance 41230
with procedures approved by the department. 41231

The guidance and procedures issued by the department for the 41232
purposes of division (C)(3) of this section shall comply with the 41233
rules adopted under section 3301.0731 of the Revised Code. 41234

(4)(a) The governing authority of a chartered nonpublic 41235
school may excuse an English learner from taking any assessment 41236
administered under this section. 41237

(b) No governing authority shall require an English learner 41238
who has been enrolled in United States schools for less than two 41239
years and for whom no appropriate accommodations are available 41240
based on guidance issued by the department to take the assessment 41241
prescribed under division (B)(1) of section 3301.0712 of the 41242
Revised Code. 41243

(c) No governing authority shall prohibit an English learner 41244
from taking an assessment from which the student was excused under 41245
division (C)(4) of this section. 41246

(D)(1) In the school year next succeeding the school year in 41247
which the assessments prescribed by division (A)(1) or (B)(1) of 41248
section 3301.0710 of the Revised Code or former division (A)(1), 41249
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 41250
existed prior to September 11, 2001, are administered to any 41251
student, the board of education of any school district in which 41252
the student is enrolled in that year shall provide to the student 41253
intervention services commensurate with the student's performance, 41254
including any intensive intervention required under section 41255

3313.608 of the Revised Code, in any skill in which the student 41256
failed to demonstrate at least a score at the proficient level on 41257
the assessment. 41258

(2) Following any administration of the assessments 41259
prescribed by division (D) of section 3301.0710 of the Revised 41260
Code to ninth grade students, each school district that has a 41261
three-year average graduation rate of not more than seventy-five 41262
per cent shall determine for each high school in the district 41263
whether the school shall be required to provide intervention 41264
services to any students who took the assessments. In determining 41265
which high schools shall provide intervention services based on 41266
the resources available, the district shall consider each school's 41267
graduation rate and scores on the practice assessments. The 41268
district also shall consider the scores received by ninth grade 41269
students on the English language arts and mathematics assessments 41270
prescribed under division (A)(1)(f) of section 3301.0710 of the 41271
Revised Code in the eighth grade in determining which high schools 41272
shall provide intervention services. 41273

Each high school selected to provide intervention services 41274
under this division shall provide intervention services to any 41275
student whose results indicate that the student is failing to make 41276
satisfactory progress toward being able to attain scores at the 41277
proficient level on the Ohio graduation tests. Intervention 41278
services shall be provided in any skill in which a student 41279
demonstrates unsatisfactory progress and shall be commensurate 41280
with the student's performance. Schools shall provide the 41281
intervention services prior to the end of the school year, during 41282
the summer following the ninth grade, in the next succeeding 41283
school year, or at any combination of those times. 41284

(E) Except as provided in section 3313.608 of the Revised 41285
Code and division (N) of this section, no school district board of 41286
education shall utilize any student's failure to attain a 41287

specified score on an assessment administered under this section 41288
as a factor in any decision to deny the student promotion to a 41289
higher grade level. However, a district board may choose not to 41290
promote to the next grade level any student who does not take an 41291
assessment administered under this section or make up an 41292
assessment as provided by division (C)(2) of this section and who 41293
is not exempt from the requirement to take the assessment under 41294
division (C)(3) of this section. 41295

(F) No person shall be charged a fee for taking any 41296
assessment administered under this section. 41297

(G)(1) Each school district board shall designate one 41298
location for the collection of assessments administered in the 41299
spring under division (B)(1) of this section and those 41300
administered under divisions (B)(2) to (7) of this section. Each 41301
district board shall submit the assessments to the entity with 41302
which the department contracts for the scoring of the assessments 41303
as follows: 41304

(a) If the district's total enrollment in grades kindergarten 41305
through twelve during the first full school week of October was 41306
less than two thousand five hundred, not later than the Friday 41307
after all of the assessments have been administered; 41308

(b) If the district's total enrollment in grades kindergarten 41309
through twelve during the first full school week of October was 41310
two thousand five hundred or more, but less than seven thousand, 41311
not later than the Monday after all of the assessments have been 41312
administered; 41313

(c) If the district's total enrollment in grades kindergarten 41314
through twelve during the first full school week of October was 41315
seven thousand or more, not later than the Tuesday after all of 41316
the assessments have been administered. 41317

However, any assessment that a student takes during the 41318

make-up period described in division (C)(2) of this section shall 41319
be submitted not later than the Friday following the day the 41320
student takes the assessment. 41321

(2) The department or an entity with which the department 41322
contracts for the scoring of the assessment shall send to each 41323
school district board a list of the individual scores of all 41324
persons taking a state achievement assessment as follows: 41325

(a) Except as provided in division (G)(2)(b) or (c) of this 41326
section, within forty-five days after the administration of the 41327
assessments prescribed by sections 3301.0710 and 3301.0712 of the 41328
Revised Code, but in no case shall the scores be returned later 41329
than the thirtieth day of June following the administration; 41330

(b) In the case of the third-grade English language arts 41331
assessment, within forty-five days after the administration of 41332
that assessment, but in no case shall the scores be returned later 41333
than the fifteenth day of June following the administration; 41334

(c) In the case of the writing component of an assessment or 41335
end-of-course examination in the area of English language arts, 41336
except for the third-grade English language arts assessment, the 41337
results may be sent after forty-five days of the administration of 41338
the writing component, but in no case shall the scores be returned 41339
later than the thirtieth day of June following the administration. 41340

(3) For assessments administered under this section by a 41341
joint vocational school district, the department or entity shall 41342
also send to each city, local, or exempted village school district 41343
a list of the individual scores of any students of such city, 41344
local, or exempted village school district who are attending 41345
school in the joint vocational school district. 41346

(4) Beginning with the 2019-2020 school year, a school 41347
district, other public school, or chartered nonpublic school may 41348
administer the third-grade English language arts or mathematics 41349

assessment, or both, in a paper format in any school year for 41350
which the district board of education or school governing body 41351
adopts a resolution indicating that the district or school chooses 41352
to administer the assessment in a paper format. The board or 41353
governing body shall submit a copy of the resolution to the 41354
department of education not later than the first day of May prior 41355
to the school year for which it will apply. If the resolution is 41356
submitted, the district or school shall administer the assessment 41357
in a paper format to all students in the third grade, except that 41358
any student whose individualized education program or plan 41359
developed under section 504 of the "Rehabilitation Act of 1973," 41360
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 41361
assessment in an online format is an appropriate accommodation for 41362
the student may take the assessment in an online format. 41363

(H) Individual scores on any assessments administered under 41364
this section shall be released by a district board only in 41365
accordance with section 3319.321 of the Revised Code and the rules 41366
adopted under division (A) of this section. No district board or 41367
its employees shall utilize individual or aggregate results in any 41368
manner that conflicts with rules for the ethical use of 41369
assessments adopted pursuant to division (A) of this section. 41370

(I) Except as provided in division (G) of this section, the 41371
department or an entity with which the department contracts for 41372
the scoring of the assessment shall not release any individual 41373
scores on any assessment administered under this section. The 41374
state board shall adopt rules to ensure the protection of student 41375
confidentiality at all times. The rules may require the use of the 41376
data verification codes assigned to students pursuant to division 41377
(D)(2) of section 3301.0714 of the Revised Code to protect the 41378
confidentiality of student scores. 41379

(J) Notwithstanding division (D) of section 3311.52 of the 41380
Revised Code, this section does not apply to the board of 41381

education of any cooperative education school district except as 41382
provided under rules adopted pursuant to this division. 41383

(1) In accordance with rules that the state board shall 41384
adopt, the board of education of any city, exempted village, or 41385
local school district with territory in a cooperative education 41386
school district established pursuant to divisions (A) to (C) of 41387
section 3311.52 of the Revised Code may enter into an agreement 41388
with the board of education of the cooperative education school 41389
district for administering any assessment prescribed under this 41390
section to students of the city, exempted village, or local school 41391
district who are attending school in the cooperative education 41392
school district. 41393

(2) In accordance with rules that the state board shall 41394
adopt, the board of education of any city, exempted village, or 41395
local school district with territory in a cooperative education 41396
school district established pursuant to section 3311.521 of the 41397
Revised Code shall enter into an agreement with the cooperative 41398
district that provides for the administration of any assessment 41399
prescribed under this section to both of the following: 41400

(a) Students who are attending school in the cooperative 41401
district and who, if the cooperative district were not 41402
established, would be entitled to attend school in the city, 41403
local, or exempted village school district pursuant to section 41404
3313.64 or 3313.65 of the Revised Code; 41405

(b) Persons described in division (B)(8)(b) of this section. 41406

Any assessment of students pursuant to such an agreement 41407
shall be in lieu of any assessment of such students or persons 41408
pursuant to this section. 41409

(K)(1)(a) Except as otherwise provided in division (K)(1) or 41410
(2) of this section, each chartered nonpublic school for which at 41411
least sixty-five per cent of its total enrollment is made up of 41412

students who are participating in state scholarship programs shall 41413
administer the assessments prescribed by division (A) of section 41414
3301.0710 of the Revised Code or an alternative standardized 41415
assessment determined by the department. In accordance with 41416
procedures and deadlines prescribed by the department, the parent 41417
or guardian of a student enrolled in the school who is not 41418
participating in a state scholarship program may submit notice to 41419
the chief administrative officer of the school that the parent or 41420
guardian does not wish to have the student take the assessments 41421
prescribed for the student's grade level under division (A) of 41422
section 3301.0710 of the Revised Code. If a parent or guardian 41423
submits an opt-out notice, the school shall not administer the 41424
assessments to that student. This option does not apply to any 41425
assessment required for a high school diploma under section 41426
3313.612 of the Revised Code. 41427

(b) Any chartered nonpublic school that enrolls students who 41428
are participating in state scholarship programs may administer an 41429
alternative standardized assessment determined by the department 41430
instead of the assessments prescribed by division (A) of section 41431
3301.0710 of the Revised Code. 41432

Each chartered nonpublic school subject to division (K)(1)(a) 41433
or (b) of this section shall report the results of each assessment 41434
administered under those divisions to the department. 41435

(2) A chartered nonpublic school may submit to the 41436
superintendent of public instruction a request for a waiver from 41437
administering the elementary assessments prescribed by division 41438
(A) of section 3301.0710 of the Revised Code. The state 41439
superintendent shall approve or disapprove a request for a waiver 41440
submitted under division (K)(2) of this section. No waiver shall 41441
be approved for any school year prior to the 2015-2016 school 41442
year. 41443

To be eligible to submit a request for a waiver, a chartered 41444

nonpublic school shall meet the following conditions: 41445

(a) At least ninety-five per cent of the students enrolled in 41446
the school are children with disabilities, as defined under 41447
section 3323.01 of the Revised Code, or have received a diagnosis 41448
by a school district or from a physician, including a 41449
neuropsychiatrist or psychiatrist, or a psychologist who is 41450
authorized to practice in this or another state as having a 41451
condition that impairs academic performance, such as dyslexia, 41452
dyscalculia, attention deficit hyperactivity disorder, or 41453
Asperger's syndrome. 41454

(b) The school has solely served a student population 41455
described in division (K)(1)(a) of this section for at least ten 41456
years. 41457

(c) The school provides to the department at least five years 41458
of records of internal testing conducted by the school that 41459
affords the department data required for accountability purposes, 41460
including diagnostic assessments and nationally standardized 41461
norm-referenced achievement assessments that measure reading and 41462
math skills. 41463

(3) Any chartered nonpublic school that is not subject to 41464
division (K)(1) of this section may participate in the assessment 41465
program by administering any of the assessments prescribed by 41466
division (A) of section 3301.0710 of the Revised Code. The chief 41467
administrator of the school shall specify which assessments the 41468
school will administer. Such specification shall be made in 41469
writing to the superintendent of public instruction prior to the 41470
first day of August of any school year in which assessments are 41471
administered and shall include a pledge that the nonpublic school 41472
will administer the specified assessments in the same manner as 41473
public schools are required to do under this section and rules 41474
adopted by the department. 41475

(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of

this section, for a student who is enrolled in a chartered 41508
nonpublic school that is not accredited through the independent 41509
schools association of the central states, regardless of whether 41510
the student is attending or is not attending the school under a 41511
state scholarship program, the student shall do one of the 41512
following: 41513

(i) Take all of the assessments prescribed by division (B) of 41514
section 3301.0712 of the Revised Code; 41515

(ii) Take only the assessment prescribed by division (B)(1) 41516
of section 3301.0712 of the Revised Code, provided that the 41517
student's school publishes the results of that assessment for each 41518
graduating class. The published results of that assessment shall 41519
include the overall composite scores, mean scores, twenty-fifth 41520
percentile scores, and seventy-fifth percentile scores for each 41521
subject area of the assessment. 41522

(iii) Take an alternative assessment approved by the 41523
department under section 3313.619 of the Revised Code. 41524

(b) A student who is excused from taking an assessment under 41525
division (C) of this section or has presented evidence to the 41526
chartered nonpublic school of having satisfied the condition 41527
prescribed by division (A)(1) of section 3313.618 of the Revised 41528
Code to qualify for a high school diploma prior to the date of the 41529
administration of the assessment prescribed under division (B)(1) 41530
of section 3301.0712 of the Revised Code shall not be required to 41531
take that assessment. No governing authority of a chartered 41532
nonpublic school shall prohibit a student who is not required to 41533
take such assessment from taking the assessment. 41534

(4) The assessments prescribed by sections 3301.0712 and 41535
3313.619 of the Revised Code shall not be administered to any 41536
student attending the school, if the school meets all of the 41537
following conditions: 41538

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M)(1) The superintendent of ~~the state school for the blind and the superintendent of the state school for the deaf~~ Ohio deaf and blind education services shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code for the state school for the blind and the state school for the deaf. ~~Each~~ The superintendent of Ohio deaf and blind education services shall administer the assessments in the same manner as district boards are required to do under this section and rules

adopted by the department of education and in conformity with 41571
division (C)(1)(a) of this section. 41572

(2) The department of education shall furnish the assessments 41573
described by sections 3301.0710 and 3301.0712 of the Revised Code 41574
to ~~each~~ the superintendent of Ohio deaf and blind education 41575
services. 41576

(N) Notwithstanding division (E) of this section, a school 41577
district may use a student's failure to attain a score in at least 41578
the proficient range on the mathematics assessment described by 41579
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 41580
an assessment described by division (A)(1)(b), (c), (d), (e), or 41581
(f) of section 3301.0710 of the Revised Code as a factor in 41582
retaining that student in the current grade level. 41583

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 41584
and (7) of this section, the assessments required by division 41585
(A)(1) of section 3301.0710 of the Revised Code shall become 41586
public records pursuant to section 149.43 of the Revised Code on 41587
the thirty-first day of July following the school year that the 41588
assessments were administered. 41589

(2) The department may field test proposed questions with 41590
samples of students to determine the validity, reliability, or 41591
appropriateness of questions for possible inclusion in a future 41592
year's assessment. The department also may use anchor questions on 41593
assessments to ensure that different versions of the same 41594
assessment are of comparable difficulty. 41595

Field test questions and anchor questions shall not be 41596
considered in computing scores for individual students. Field test 41597
questions and anchor questions may be included as part of the 41598
administration of any assessment required by division (A)(1) or 41599
(B) of section 3301.0710 and division (B) of section 3301.0712 of 41600
the Revised Code. 41601

(3) Any field test question or anchor question administered under division (O)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (O)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B)(1) of section 3301.0710 of the Revised Code shall not be a public record.

(6)(a) Except as provided in division (O)(6)(b) of this section, for the administrations in the 2014-2015, 2015-2016, and

2016-2017 school years, questions on the assessments prescribed 41633
under division (A) of section 3301.0710 and division (B)(2) of 41634
section 3301.0712 of the Revised Code and the corresponding 41635
preferred answers that are used to compute a student's score shall 41636
become a public record as follows: 41637

(i) Forty per cent of the questions and preferred answers on 41638
the assessments on the thirty-first day of July following the 41639
administration of the assessment; 41640

(ii) Twenty per cent of the questions and preferred answers 41641
on the assessment on the thirty-first day of July one year after 41642
the administration of the assessment; 41643

(iii) The remaining forty per cent of the questions and 41644
preferred answers on the assessment on the thirty-first day of 41645
July two years after the administration of the assessment. 41646

The entire content of an assessment shall become a public 41647
record within three years of its administration. 41648

The department shall make the questions that become a public 41649
record under this division readily accessible to the public on the 41650
department's web site. Questions on the spring administration of 41651
each assessment shall be released on an annual basis, in 41652
accordance with this division. 41653

(b) No questions and corresponding preferred answers shall 41654
become a public record under division (O)(6) of this section after 41655
July 31, 2017. 41656

(7) Division (O)(7) of this section applies to the 41657
assessments prescribed by division (A) of section 3301.0710 and 41658
division (B)(2) of section 3301.0712 of the Revised Code. 41659

Beginning with the assessments administered in the spring of 41660
the 2017-2018 school year, not less than forty per cent of the 41661
questions on each assessment that are used to compute a student's 41662

score shall be a public record. The department shall determine 41663
which questions will be needed for reuse on a future assessment 41664
and those questions shall not be public records and shall be 41665
redacted from the assessment prior to its release as a public 41666
record. However, for each redacted question, the department shall 41667
inform each city, local, and exempted village school district of 41668
the corresponding statewide academic standard adopted by the state 41669
board under section 3301.079 of the Revised Code and the 41670
corresponding benchmark to which the question relates. The 41671
department is not required to provide corresponding standards and 41672
benchmarks to field test questions that are redacted under 41673
division (O)(3) of this section. 41674

(P) As used in this section: 41675

(1) "Three-year average" means the average of the most recent 41676
consecutive three school years of data. 41677

(2) "Dropout" means a student who withdraws from school 41678
before completing course requirements for graduation and who is 41679
not enrolled in an education program approved by the state board 41680
of education or an education program outside the state. "Dropout" 41681
does not include a student who has departed the country. 41682

(3) "Graduation rate" means the ratio of students receiving a 41683
diploma to the number of students who entered ninth grade four 41684
years earlier. Students who transfer into the district are added 41685
to the calculation. Students who transfer out of the district for 41686
reasons other than dropout are subtracted from the calculation. If 41687
a student who was a dropout in any previous year returns to the 41688
same school district, that student shall be entered into the 41689
calculation as if the student had entered ninth grade four years 41690
before the graduation year of the graduating class that the 41691
student joins. 41692

(4) "State scholarship programs" means the educational choice 41693

scholarship pilot program established under sections 3310.01 to 41694
3310.17 of the Revised Code, the autism scholarship program 41695
established under section 3310.41 of the Revised Code, the Jon 41696
Peterson special needs scholarship program established under 41697
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 41698
project scholarship program established under sections 3313.974 to 41699
3313.979 of the Revised Code. 41700

(5) "Other public school" means a community school 41701
established under Chapter 3314., a STEM school established under 41702
Chapter 3326., or a college-preparatory boarding school 41703
established under Chapter 3328. of the Revised Code. 41704

(6) "English learner" has the same meaning as in section 41705
3301.0731 of the Revised Code. 41706

Sec. 3301.0714. (A) The state board of education shall adopt 41707
rules for a statewide education management information system. The 41708
rules shall require the state board to establish guidelines for 41709
the establishment and maintenance of the system in accordance with 41710
this section and the rules adopted under this section. The 41711
guidelines shall include: 41712

(1) Standards identifying and defining the types of data in 41713
the system in accordance with divisions (B) and (C) of this 41714
section; 41715

(2) Procedures for annually collecting and reporting the data 41716
to the state board in accordance with division (D) of this 41717
section; 41718

(3) Procedures for annually compiling the data in accordance 41719
with division (G) of this section; 41720

(4) Procedures for annually reporting the data to the public 41721
in accordance with division (H) of this section; 41722

(5) Standards to provide strict safeguards to protect the 41723

confidentiality of personally identifiable student data. 41724

(B) The guidelines adopted under this section shall require 41725
the data maintained in the education management information system 41726
to include at least the following: 41727

(1) Student participation and performance data, for each 41728
grade in each school district as a whole and for each grade in 41729
each school building in each school district, that includes: 41730

(a) The numbers of students receiving each category of 41731
instructional service offered by the school district, such as 41732
regular education instruction, vocational education instruction, 41733
specialized instruction programs or enrichment instruction that is 41734
part of the educational curriculum, instruction for gifted 41735
students, instruction for students with disabilities, and remedial 41736
instruction. The guidelines shall require instructional services 41737
under this division to be divided into discrete categories if an 41738
instructional service is limited to a specific subject, a specific 41739
type of student, or both, such as regular instructional services 41740
in mathematics, remedial reading instructional services, 41741
instructional services specifically for students gifted in 41742
mathematics or some other subject area, or instructional services 41743
for students with a specific type of disability. The categories of 41744
instructional services required by the guidelines under this 41745
division shall be the same as the categories of instructional 41746
services used in determining cost units pursuant to division 41747
(C)(3) of this section. 41748

(b) The numbers of students receiving support or 41749
extracurricular services for each of the support services or 41750
extracurricular programs offered by the school district, such as 41751
counseling services, health services, and extracurricular sports 41752
and fine arts programs. The categories of services required by the 41753
guidelines under this division shall be the same as the categories 41754
of services used in determining cost units pursuant to division 41755

(C)(4)(a) of this section.	41756
(c) Average student grades in each subject in grades nine through twelve;	41757 41758
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	41759 41760
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	41761 41762 41763
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	41764 41765 41766
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	41767 41768 41769 41770
(h) Expulsion rates;	41771
(i) Suspension rates;	41772
(j) Dropout rates;	41773
(k) Rates of retention in grade;	41774
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	41775 41776 41777
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	41778 41779 41780 41781 41782
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	41783 41784

Revised Code to permit a comparison of the academic readiness of 41785
kindergarten students. However, no district shall be required to 41786
report to the department the results of any diagnostic assessment 41787
administered to a kindergarten student, except for the language 41788
and reading assessment described in division (A)(2) of section 41789
3301.0715 of the Revised Code, if the parent of that student 41790
requests the district not to report those results. 41791

(o) Beginning on July 1, 2018, for each disciplinary action 41792
which is required to be reported under division ~~(B)(4)~~(B)(5) of 41793
this section, districts and schools also shall include an 41794
identification of the person or persons, if any, at whom the 41795
student's violent behavior that resulted in discipline was 41796
directed. The person or persons shall be identified by the 41797
respective classification at the district or school, such as 41798
student, teacher, or nonteaching employee, but shall not be 41799
identified by name. 41800

Division (B)(1)(o) of this section does not apply after the 41801
date that is two years following the submission of the report 41802
required by Section 733.13 of H.B. 49 of the 132nd general 41803
assembly. 41804

(p) The number of students earning each state diploma seal 41805
included in the system prescribed under division (A) of section 41806
3313.6114 of the Revised Code; 41807

(q) The number of students demonstrating competency for 41808
graduation using each option described in divisions (B)(1)(a) to 41809
(d) of section 3313.618 of the Revised Code; 41810

(r) The number of students completing each foundational and 41811
supporting option as part of the demonstration of competency for 41812
graduation pursuant to division (B)(1)(b) of section 3313.618 of 41813
the Revised Code; 41814

(s) The number of students enrolled in all-day kindergarten, 41815

as defined in section 3321.05 of the Revised Code. 41816

(2) Personnel and classroom enrollment data for each school 41817
district, including: 41818

(a) The total numbers of licensed employees and nonlicensed 41819
employees and the numbers of full-time equivalent licensed 41820
employees and nonlicensed employees providing each category of 41821
instructional service, instructional support service, and 41822
administrative support service used pursuant to division (C)(3) of 41823
this section. The guidelines adopted under this section shall 41824
require these categories of data to be maintained for the school 41825
district as a whole and, wherever applicable, for each grade in 41826
the school district as a whole, for each school building as a 41827
whole, and for each grade in each school building. 41828

(b) The total number of employees and the number of full-time 41829
equivalent employees providing each category of service used 41830
pursuant to divisions (C)(4)(a) and (b) of this section, and the 41831
total numbers of licensed employees and nonlicensed employees and 41832
the numbers of full-time equivalent licensed employees and 41833
nonlicensed employees providing each category used pursuant to 41834
division (C)(4)(c) of this section. The guidelines adopted under 41835
this section shall require these categories of data to be 41836
maintained for the school district as a whole and, wherever 41837
applicable, for each grade in the school district as a whole, for 41838
each school building as a whole, and for each grade in each school 41839
building. 41840

(c) The total number of regular classroom teachers teaching 41841
classes of regular education and the average number of pupils 41842
enrolled in each such class, in each of grades kindergarten 41843
through five in the district as a whole and in each school 41844
building in the school district. 41845

(d) The number of lead teachers employed by each school 41846

district and each school building. 41847

(3)(a) Student demographic data for each school district, 41848
including information regarding the gender ratio of the school 41849
district's pupils, the racial make-up of the school district's 41850
pupils, the number of English learners in the district, and an 41851
appropriate measure of the number of the school district's pupils 41852
who reside in economically disadvantaged households. The 41853
demographic data shall be collected in a manner to allow 41854
correlation with data collected under division (B)(1) of this 41855
section. Categories for data collected pursuant to division (B)(3) 41856
of this section shall conform, where appropriate, to standard 41857
practices of agencies of the federal government. 41858

(b) With respect to each student entering kindergarten, 41859
whether the student previously participated in a public preschool 41860
program, a private preschool program, or a head start program, and 41861
the number of years the student participated in each of these 41862
programs. 41863

~~(4)(a) The core curriculum and instructional materials~~ 41864
being used for English language arts in each of grades 41865
pre-kindergarten to five; 41866

(b) The reading intervention programs being used in each of 41867
grades pre-kindergarten to twelve. 41868

(5) Any data required to be collected pursuant to federal 41869
law. 41870

(C) The education management information system shall include 41871
cost accounting data for each district as a whole and for each 41872
school building in each school district. The guidelines adopted 41873
under this section shall require the cost data for each school 41874
district to be maintained in a system of mutually exclusive cost 41875
units and shall require all of the costs of each school district 41876
to be divided among the cost units. The guidelines shall require 41877

the system of mutually exclusive cost units to include at least 41878
the following: 41879

(1) Administrative costs for the school district as a whole. 41880
The guidelines shall require the cost units under this division 41881
(C)(1) to be designed so that each of them may be compiled and 41882
reported in terms of average expenditure per pupil in enrolled ADM 41883
in the school district, as determined pursuant to section 3317.03 41884
of the Revised Code. 41885

(2) Administrative costs for each school building in the 41886
school district. The guidelines shall require the cost units under 41887
this division (C)(2) to be designed so that each of them may be 41888
compiled and reported in terms of average expenditure per 41889
full-time equivalent pupil receiving instructional or support 41890
services in each building. 41891

(3) Instructional services costs for each category of 41892
instructional service provided directly to students and required 41893
by guidelines adopted pursuant to division (B)(1)(a) of this 41894
section. The guidelines shall require the cost units under 41895
division (C)(3) of this section to be designed so that each of 41896
them may be compiled and reported in terms of average expenditure 41897
per pupil receiving the service in the school district as a whole 41898
and average expenditure per pupil receiving the service in each 41899
building in the school district and in terms of a total cost for 41900
each category of service and, as a breakdown of the total cost, a 41901
cost for each of the following components: 41902

(a) The cost of each instructional services category required 41903
by guidelines adopted under division (B)(1)(a) of this section 41904
that is provided directly to students by a classroom teacher; 41905

(b) The cost of the instructional support services, such as 41906
services provided by a speech-language pathologist, classroom 41907
aide, multimedia aide, or librarian, provided directly to students 41908

in conjunction with each instructional services category; 41909

(c) The cost of the administrative support services related 41910
to each instructional services category, such as the cost of 41911
personnel that develop the curriculum for the instructional 41912
services category and the cost of personnel supervising or 41913
coordinating the delivery of the instructional services category. 41914

(4) Support or extracurricular services costs for each 41915
category of service directly provided to students and required by 41916
guidelines adopted pursuant to division (B)(1)(b) of this section. 41917
The guidelines shall require the cost units under division (C)(4) 41918
of this section to be designed so that each of them may be 41919
compiled and reported in terms of average expenditure per pupil 41920
receiving the service in the school district as a whole and 41921
average expenditure per pupil receiving the service in each 41922
building in the school district and in terms of a total cost for 41923
each category of service and, as a breakdown of the total cost, a 41924
cost for each of the following components: 41925

(a) The cost of each support or extracurricular services 41926
category required by guidelines adopted under division (B)(1)(b) 41927
of this section that is provided directly to students by a 41928
licensed employee, such as services provided by a guidance 41929
counselor or any services provided by a licensed employee under a 41930
supplemental contract; 41931

(b) The cost of each such services category provided directly 41932
to students by a nonlicensed employee, such as janitorial 41933
services, cafeteria services, or services of a sports trainer; 41934

(c) The cost of the administrative services related to each 41935
services category in division (C)(4)(a) or (b) of this section, 41936
such as the cost of any licensed or nonlicensed employees that 41937
develop, supervise, coordinate, or otherwise are involved in 41938
administering or aiding the delivery of each services category. 41939

(D)(1) The guidelines adopted under this section shall 41940
require school districts to collect information about individual 41941
students, staff members, or both in connection with any data 41942
required by division (B) or (C) of this section or other reporting 41943
requirements established in the Revised Code. The guidelines may 41944
also require school districts to report information about 41945
individual staff members in connection with any data required by 41946
division (B) or (C) of this section or other reporting 41947
requirements established in the Revised Code. The guidelines shall 41948
not authorize school districts to request social security numbers 41949
of individual students. The guidelines shall prohibit the 41950
reporting under this section of a student's name, address, and 41951
social security number to the state board of education or the 41952
department of education. The guidelines shall also prohibit the 41953
reporting under this section of any personally identifiable 41954
information about any student, except for the purpose of assigning 41955
the data verification code required by division (D)(2) of this 41956
section, to any other person unless such person is employed by the 41957
school district or the information technology center operated 41958
under section 3301.075 of the Revised Code and is authorized by 41959
the district or technology center to have access to such 41960
information or is employed by an entity with which the department 41961
contracts for the scoring or the development of state assessments. 41962
The guidelines may require school districts to provide the social 41963
security numbers of individual staff members and the county of 41964
residence for a student. Nothing in this section prohibits the 41965
state board of education or department of education from providing 41966
a student's county of residence to the department of taxation to 41967
facilitate the distribution of tax revenue. 41968

(2)(a) The guidelines shall provide for each school district 41969
or community school to assign a data verification code that is 41970
unique on a statewide basis over time to each student whose 41971
initial Ohio enrollment is in that district or school and to 41972

report all required individual student data for that student 41973
utilizing such code. The guidelines shall also provide for 41974
assigning data verification codes to all students enrolled in 41975
districts or community schools on the effective date of the 41976
guidelines established under this section. The assignment of data 41977
verification codes for other entities, as described in division 41978
(D)(2)(d) of this section, the use of those codes, and the 41979
reporting and use of associated individual student data shall be 41980
coordinated by the department in accordance with state and federal 41981
law. 41982

School districts shall report individual student data to the 41983
department through the information technology centers utilizing 41984
the code. The entities described in division (D)(2)(d) of this 41985
section shall report individual student data to the department in 41986
the manner prescribed by the department. 41987

(b)(i) Except as provided in sections 3301.941, 3310.11, 41988
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 41989
Code, and in division (D)(2)(b)(ii) of this section, at no time 41990
shall the state board or the department have access to information 41991
that would enable any data verification code to be matched to 41992
personally identifiable student data. 41993

(ii) For the purpose of making per-pupil payments to 41994
community schools under section 3317.022 of the Revised Code, the 41995
department shall have access to information that would enable any 41996
data verification code to be matched to personally identifiable 41997
student data. 41998

(c) Each school district and community school shall ensure 41999
that the data verification code is included in the student's 42000
records reported to any subsequent school district, community 42001
school, or state institution of higher education, as defined in 42002
section 3345.011 of the Revised Code, in which the student 42003
enrolls. Any such subsequent district or school shall utilize the 42004

same identifier in its reporting of data under this section. 42005

(d)(i) The director of any state agency that administers a 42006
publicly funded program providing services to children who are 42007
younger than compulsory school age, as defined in section 3321.01 42008
of the Revised Code, including the directors of health, job and 42009
family services, mental health and addiction services, and 42010
developmental disabilities, shall request and receive, pursuant to 42011
sections 3301.0723 and 5123.0423 of the Revised Code, a data 42012
verification code for a child who is receiving those services. 42013

(ii) The director of developmental disabilities, director of 42014
health, director of job and family services, director of mental 42015
health and addiction services, medicaid director, executive 42016
director of the commission on minority health, executive director 42017
of the opportunities for Ohioans with disabilities agency, or 42018
director of education and workforce, on behalf of a program that 42019
receives public funds and provides services to children who are 42020
younger than compulsory school age, may request and receive, 42021
pursuant to section 3301.0723 of the Revised Code, a data 42022
verification code for a child who is receiving services from the 42023
program. 42024

(E) The guidelines adopted under this section may require 42025
school districts to collect and report data, information, or 42026
reports other than that described in divisions (A), (B), and (C) 42027
of this section for the purpose of complying with other reporting 42028
requirements established in the Revised Code. The other data, 42029
information, or reports may be maintained in the education 42030
management information system but are not required to be compiled 42031
as part of the profile formats required under division (G) of this 42032
section or the annual statewide report required under division (H) 42033
of this section. 42034

(F) Beginning with the school year that begins July 1, 1991, 42035
the board of education of each school district shall annually 42036

collect and report to the state board, in accordance with the 42037
guidelines established by the board, the data required pursuant to 42038
this section. A school district may collect and report these data 42039
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 42040

(G) The state board shall, in accordance with the procedures 42041
it adopts, annually compile the data reported by each school 42042
district pursuant to division (D) of this section. The state board 42043
shall design formats for profiling each school district as a whole 42044
and each school building within each district and shall compile 42045
the data in accordance with these formats. These profile formats 42046
shall: 42047

(1) Include all of the data gathered under this section in a 42048
manner that facilitates comparison among school districts and 42049
among school buildings within each school district; 42050

(2) Present the data on academic achievement levels as 42051
assessed by the testing of student achievement maintained pursuant 42052
to division (B)(1)(d) of this section. 42053

(H)(1) The state board shall, in accordance with the 42054
procedures it adopts, annually prepare a statewide report for all 42055
school districts and the general public that includes the profile 42056
of each of the school districts developed pursuant to division (G) 42057
of this section. Copies of the report shall be sent to each school 42058
district. 42059

(2) The state board shall, in accordance with the procedures 42060
it adopts, annually prepare an individual report for each school 42061
district and the general public that includes the profiles of each 42062
of the school buildings in that school district developed pursuant 42063
to division (G) of this section. Copies of the report shall be 42064
sent to the superintendent of the district and to each member of 42065
the district board of education. 42066

(3) Copies of the reports received from the state board under 42067

divisions (H)(1) and (2) of this section shall be made available 42068
to the general public at each school district's offices. Each 42069
district board of education shall make copies of each report 42070
available to any person upon request and payment of a reasonable 42071
fee for the cost of reproducing the report. The board shall 42072
annually publish in a newspaper of general circulation in the 42073
school district, at least twice during the two weeks prior to the 42074
week in which the reports will first be available, a notice 42075
containing the address where the reports are available and the 42076
date on which the reports will be available. 42077

(I) Any data that is collected or maintained pursuant to this 42078
section and that identifies an individual pupil is not a public 42079
record for the purposes of section 149.43 of the Revised Code. 42080

(J) As used in this section: 42081

(1) "School district" means any city, local, exempted 42082
village, or joint vocational school district and, in accordance 42083
with section 3314.17 of the Revised Code, any community school. As 42084
used in division (L) of this section, "school district" also 42085
includes any educational service center or other educational 42086
entity required to submit data using the system established under 42087
this section. 42088

(2) "Cost" means any expenditure for operating expenses made 42089
by a school district excluding any expenditures for debt 42090
retirement except for payments made to any commercial lending 42091
institution for any loan approved pursuant to section 3313.483 of 42092
the Revised Code. 42093

(K) Any person who removes data from the information system 42094
established under this section for the purpose of releasing it to 42095
any person not entitled under law to have access to such 42096
information is subject to section 2913.42 of the Revised Code 42097
prohibiting tampering with data. 42098

(L)(1) In accordance with division (L)(2) of this section and 42099
the rules adopted under division (L)(10) of this section, the 42100
department of education may sanction any school district that 42101
reports incomplete or inaccurate data, reports data that does not 42102
conform to data requirements and descriptions published by the 42103
department, fails to report data in a timely manner, or otherwise 42104
does not make a good faith effort to report data as required by 42105
this section. 42106

(2) If the department decides to sanction a school district 42107
under this division, the department shall take the following 42108
sequential actions: 42109

(a) Notify the district in writing that the department has 42110
determined that data has not been reported as required under this 42111
section and require the district to review its data submission and 42112
submit corrected data by a deadline established by the department. 42113
The department also may require the district to develop a 42114
corrective action plan, which shall include provisions for the 42115
district to provide mandatory staff training on data reporting 42116
procedures. 42117

(b) Withhold up to ten per cent of the total amount of state 42118
funds due to the district for the current fiscal year and, if not 42119
previously required under division (L)(2)(a) of this section, 42120
require the district to develop a corrective action plan in 42121
accordance with that division; 42122

(c) Withhold an additional amount of up to twenty per cent of 42123
the total amount of state funds due to the district for the 42124
current fiscal year; 42125

(d) Direct department staff or an outside entity to 42126
investigate the district's data reporting practices and make 42127
recommendations for subsequent actions. The recommendations may 42128
include one or more of the following actions: 42129

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	42130 42131
(ii) Conduct a site visit and evaluation of the district;	42132
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	42133 42134 42135
(iv) Continue monitoring the district's data reporting;	42136
(v) Assign department staff to supervise the district's data management system;	42137 42138
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	42139 42140 42141
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	42142 42143 42144 42145
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	42146 42147 42148 42149 42150
(ix) Any other action designed to correct the district's data reporting problems.	42151 42152
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	42153 42154 42155 42156 42157 42158
(4) If any action taken under division (L)(2) of this section	42159

resolves a school district's data reporting problems to the 42160
department's satisfaction, the department shall not take any 42161
further actions described by that division. If the department 42162
withheld funds from the district under that division, the 42163
department may release those funds to the district, except that if 42164
the department withheld funding under division (L)(2)(c) of this 42165
section, the department shall not release the funds withheld under 42166
division (L)(2)(b) of this section and, if the department withheld 42167
funding under division (L)(2)(d) of this section, the department 42168
shall not release the funds withheld under division (L)(2)(b) or 42169
(c) of this section. 42170

(5) Notwithstanding anything in this section to the contrary, 42171
the department may use its own staff or an outside entity to 42172
conduct an audit of a school district's data reporting practices 42173
any time the department has reason to believe the district has not 42174
made a good faith effort to report data as required by this 42175
section. If any audit conducted by an outside entity under 42176
division (L)(2)(d)(i) or (5) of this section confirms that a 42177
district has not made a good faith effort to report data as 42178
required by this section, the district shall reimburse the 42179
department for the full cost of the audit. The department may 42180
withhold state funds due to the district for this purpose. 42181

(6) Prior to issuing a revised report card for a school 42182
district under division (L)(2)(d)(viii) of this section, the 42183
department may hold a hearing to provide the district with an 42184
opportunity to demonstrate that it made a good faith effort to 42185
report data as required by this section. The hearing shall be 42186
conducted by a referee appointed by the department. Based on the 42187
information provided in the hearing, the referee shall recommend 42188
whether the department should issue a revised report card for the 42189
district. If the referee affirms the department's contention that 42190
the district did not make a good faith effort to report data as 42191

required by this section, the district shall bear the full cost of 42192
conducting the hearing and of issuing any revised report card. 42193

(7) If the department determines that any inaccurate data 42194
reported under this section caused a school district to receive 42195
excess state funds in any fiscal year, the district shall 42196
reimburse the department an amount equal to the excess funds, in 42197
accordance with a payment schedule determined by the department. 42198
The department may withhold state funds due to the district for 42199
this purpose. 42200

(8) Any school district that has funds withheld under 42201
division (L)(2) of this section may appeal the withholding in 42202
accordance with Chapter 119. of the Revised Code. 42203

(9) In all cases of a disagreement between the department and 42204
a school district regarding the appropriateness of an action taken 42205
under division (L)(2) of this section, the burden of proof shall 42206
be on the district to demonstrate that it made a good faith effort 42207
to report data as required by this section. 42208

(10) The state board of education shall adopt rules under 42209
Chapter 119. of the Revised Code to implement division (L) of this 42210
section. 42211

(M) No information technology center or school district shall 42212
acquire, change, or update its student administration software 42213
package to manage and report data required to be reported to the 42214
department unless it converts to a student software package that 42215
is certified by the department. 42216

(N) The state board of education, in accordance with sections 42217
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 42218
license as defined under division (A) of section 3319.31 of the 42219
Revised Code that has been issued to any school district employee 42220
found to have willfully reported erroneous, inaccurate, or 42221
incomplete data to the education management information system. 42222

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

(P) The department shall disaggregate the data collected under division (B)(1)(n) of this section according to the race and socioeconomic status of the students assessed.

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

Sec. 3301.0723. (A) ~~The~~ All of the following apply to the independent contractor engaged by the department of education to create and maintain for school districts and community schools the student data verification codes required by division (D)(2) of section 3301.0714 of the Revised Code, ~~upon:~~

(1) Upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, ~~as defined in section 3321.01 of the Revised Code~~, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, the contractor shall assign a data verification code to a child who is receiving such services and shall provide that code to the director. ~~The~~

(2) Upon request of the director of developmental disabilities, director of health, director of job and family services, director of mental health and addiction services, medicaid director, executive director of the commission on minority health, executive director of the opportunities for Ohioans with disabilities agency, or director of education and workforce and on behalf of a program that receives public funds

and provides services to children younger than compulsory school 42254
age, the contractor shall assign a data verification code to a 42255
child who is receiving such services from the program and shall 42256
provide that code to the director. 42257

(3) The contractor also shall provide ~~that code~~ the codes 42258
requested under division (A) of this section to the department of 42259
education. 42260

For purposes of division (A) of this section, "compulsory 42261
school age" has the same meaning as in section 3321.01 of the 42262
Revised Code. 42263

(B) The director of a state agency that receives a child's 42264
data verification code under division ~~(A)~~(A)(1) of this section 42265
shall use that code to submit information for that child to the 42266
department of education in accordance with section 3301.0714 of 42267
the Revised Code. 42268

The director of a state agency that receives a child's data 42269
verification code under division (A)(2) of this section shall 42270
provide that code to the publicly or privately funded program 42271
providing services to the child. The program shall use that code 42272
to submit information for that child to the department of 42273
education in accordance with section 3301.0714 of the Revised 42274
Code, but only to the extent permitted by federal law. 42275

(C) A public school that receives from the independent 42276
contractor the data verification code for a child assigned under 42277
division (A) of this section shall not request or assign to that 42278
child another data verification code under division (D)(2) of 42279
section 3301.0714 of the Revised Code. That school and any other 42280
public school in which the child subsequently enrolls shall use 42281
the data verification code assigned under division (A) of this 42282
section to report data relative to that student required under 42283
section 3301.0714 of the Revised Code. 42284

Sec. 3301.0727. (A) As used in this section, "dropout recovery community school" has the same meaning as in section 3319.301 of the Revised Code. 42285
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(B) Notwithstanding any provision to the contrary in section 3301.0710, 3301.0711, or 3301.0712 of the Revised Code, a dropout recovery community school shall do both of the following with regard to the administration of end-of-course examinations required under section 3301.0712 of the Revised Code: 42288
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(1) In addition to the annual testing windows established by the director of education and workforce under division (C) of section 3301.0710 of the Revised Code, administer the examinations in an online or paper format based on the needs of the student; 42293
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(2) Adhere to security requirements prescribed under section 3319.151 of the Revised Code for the online examinations administered under division (B)(1) of this section. 42297
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(C) The director of education and workforce shall establish extended testing windows of ten weeks in duration in the fall and spring for dropout recovery community schools so that they may administer assessments in closer proximity to when students complete related coursework. The director also shall establish a summer testing window for students participating in summer instruction. 42300
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(D) Nothing in this section shall be construed to relieve a dropout recovery community school from its obligation to administer testing in-person as otherwise required by law. 42307
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Sec. 3301.0731. As used in this section, "English learner" has the same meaning as in 20 U.S.C. 7801. 42310
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The director of education and workforce shall adopt rules regarding the identification, instruction, assessment, and reclassification of English learners. The rules shall conform to 42312
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the department of education and workforce's plan, as approved by 42315
the United States secretary of education, to comply with the 42316
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 42317
to 6339. 42318

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 42319
Revised Code: 42320

(A) "Preschool program" means either of the following: 42321

(1) A child care program for preschool children that is 42322
operated by a school district board of education or an eligible 42323
nonpublic school. 42324

(2) A child care program for preschool children age three or 42325
older that is operated by a county board of developmental 42326
disabilities or a community school. 42327

(B) "Preschool child" or "child" means a child who has not 42328
entered kindergarten and is not of compulsory school age. 42329

(C) "Parent, guardian, or custodian" means the person or 42330
government agency that is or will be responsible for a child's 42331
school attendance under section 3321.01 of the Revised Code. 42332

(D) "Superintendent" means the superintendent of a school 42333
district or the chief administrative officer of a community school 42334
or an eligible nonpublic school. 42335

(E) "Director" means the director, head teacher, elementary 42336
principal, or site administrator who is the individual on site and 42337
responsible for supervision of a preschool program. 42338

(F) "Preschool staff member" means a preschool employee whose 42339
primary responsibility is care, teaching, or supervision of 42340
preschool children. 42341

(G) "Nonteaching employee" means a preschool program or 42342
school child program employee whose primary responsibilities are 42343

duties other than care, teaching, and supervision of preschool 42344
children or school children. 42345

(H) "Eligible nonpublic school" means a nonpublic school 42346
chartered as described in division (B)(7) of section 5104.02 of 42347
the Revised Code or chartered by the ~~state board~~ department of 42348
education and workforce for any combination of grades one through 42349
twelve, regardless of whether it also offers kindergarten. 42350

(I) "School child program" means a either of the following: 42351

(1) A child care program for only school children that is 42352
operated by a school district board of education, county board of 42353
developmental disabilities, community school, or eligible 42354
nonpublic school; 42355

(2) A child care program operated by an authorized private 42356
before and after school care program. 42357

(J) "School child" means a child who is enrolled in or is 42358
eligible to be enrolled in a grade of kindergarten or above but is 42359
less than fifteen years old. 42360

(K) "School child program staff member" means an employee 42361
whose primary responsibility is the care, teaching, or supervision 42362
of children in a school child program. 42363

(L) "Child care" means administering to the needs of infants, 42364
toddlers, preschool children, and school children outside of 42365
school hours by persons other than their parents or guardians, 42366
custodians, or relatives by blood, marriage, or adoption for any 42367
part of the twenty-four-hour day in a place or residence other 42368
than a child's own home. 42369

(M) "Child day-care center" and "publicly funded child care" 42370
have the same meanings as in section 5104.01 of the Revised Code. 42371

(N) "Community school" means either of the following: 42372

(1) A community school established under Chapter 3314. of the 42373

Revised Code that is sponsored by an entity that is rated	42374
"exemplary" under section 3314.016 of the Revised Code.	42375
(2) A community school established under Chapter 3314. of the	42376
Revised Code that has received, on its most recent report card,	42377
either of the following:	42378
(a) If the school offers any of grade levels four through	42379
twelve, either of the following:	42380
(i) A grade of "C" or better for the overall value-added	42381
progress dimension under division (C)(1)(e) of section 3302.03 of	42382
the Revised Code and for the performance index score under	42383
division (C)(1)(b) of section 3302.03 of the Revised Code;	42384
(ii) A performance rating of three stars or higher for	42385
achievement under division (D)(3)(b) of section 3302.03 of the	42386
Revised Code and progress under division (D)(3)(c) of that	42387
section.	42388
(b) If the school does not offer a grade level higher than	42389
three, either of the following:	42390
(i) A grade of "C" or better for making progress in improving	42391
literacy in grades kindergarten through three under division	42392
(C)(1)(g) of section 3302.03 of the Revised Code;	42393
(ii) A performance rating of three stars or higher for early	42394
literacy under division (D)(3)(e) of that section.	42395
<u>(O) "Authorized private before and after school care program"</u>	42396
<u>means a child care program operated only for school children that</u>	42397
<u>is all of the following:</u>	42398
<u>(1) Operated by a nonprofit or for-profit private entity;</u>	42399
<u>(2) Operated under a contract with a school district board of</u>	42400
<u>education, community school, or eligible nonpublic school; (3)</u>	42401
<u>Conducted only outside of school hours and in a building owned or</u>	42402
<u>operated by the contracting board or school.</u>	42403

Sec. 3301.57. (A) For the purpose of improving programs, 42404
facilities, and implementation of the standards promulgated ~~by the~~ 42405
~~state board of education~~ under section 3301.53 of the Revised 42406
Code, the ~~state~~ department of education and workforce shall 42407
provide consultation and technical assistance to school districts, 42408
county boards of developmental disabilities, community schools, 42409
authorized private before and after school care programs, and 42410
eligible nonpublic schools operating preschool programs or school 42411
child programs, and inservice training to preschool staff members, 42412
school child program staff members, and nonteaching employees. 42413

(B) The department and the school district board of 42414
education, county board of developmental disabilities, community 42415
school, or eligible nonpublic school shall jointly monitor each 42416
preschool program and each school child program. 42417

If the program receives any grant or other funding from the 42418
state or federal government, the department annually shall monitor 42419
all reports on attendance, financial support, and expenditures 42420
according to provisions for use of the funds. 42421

(C) The department of education and workforce, at least once 42422
during every twelve-month period of operation of a preschool 42423
program or a licensed school child program, shall inspect the 42424
program and provide a written inspection report to the 42425
superintendent of the school district, county board of 42426
developmental disabilities, community school, or eligible 42427
nonpublic school. The department may inspect any program more than 42428
once, as considered necessary by the department, during any 42429
twelve-month period of operation. All inspections may be 42430
unannounced. No person shall interfere with any inspection 42431
conducted pursuant to this division or to the rules adopted 42432
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 42433

Upon receipt of any complaint that a preschool program or a 42434

licensed school child program is out of compliance with the 42435
requirements in sections 3301.52 to 3301.59 of the Revised Code or 42436
the rules adopted under those sections, the department shall 42437
investigate and may inspect the program. 42438

(D) If a preschool program or a licensed school child program 42439
is determined to be out of compliance with the requirements of 42440
sections 3301.52 to 3301.59 of the Revised Code or the rules 42441
adopted under those sections, the department of education and 42442
workforce shall notify the appropriate superintendent, county 42443
board of developmental disabilities, community school, authorized 42444
private before and after school care program, or eligible 42445
nonpublic school in writing regarding the nature of the violation, 42446
what must be done to correct the violation, and by what date the 42447
correction must be made. If the correction is not made by the date 42448
established by the department, it may commence action under 42449
Chapter 119. of the Revised Code to close the program or to revoke 42450
the license of the program. If a program does not comply with an 42451
order to cease operation issued in accordance with Chapter 119. of 42452
the Revised Code, the department shall notify the attorney 42453
general, the prosecuting attorney of the county in which the 42454
program is located, or the city attorney, village solicitor, or 42455
other chief legal officer of the municipal corporation in which 42456
the program is located that the program is operating in violation 42457
of sections 3301.52 to 3301.59 of the Revised Code or the rules 42458
adopted under those sections and in violation of an order to cease 42459
operation issued in accordance with Chapter 119. of the Revised 42460
Code. Upon receipt of the notification, the attorney general, 42461
prosecuting attorney, city attorney, village solicitor, or other 42462
chief legal officer shall file a complaint in the court of common 42463
pleas of the county in which the program is located requesting the 42464
court to issue an order enjoining the program from operating. The 42465
court shall grant the requested injunctive relief upon a showing 42466
that the program named in the complaint is operating in violation 42467

of sections 3301.52 to 3301.59 of the Revised Code or the rules 42468
adopted under those sections and in violation of an order to cease 42469
operation issued in accordance with Chapter 119. of the Revised 42470
Code. 42471

(E) The department of education and workforce shall prepare 42472
an annual report on inspections conducted under this section. The 42473
report shall include the number of inspections conducted, the 42474
number and types of violations found, and the steps taken to 42475
address the violations. The department shall file the report with 42476
the governor, the president and minority leader of the senate, and 42477
the speaker and minority leader of the house of representatives on 42478
or before the first day of January of each year, beginning in 42479
1999. 42480

Sec. 3301.58. (A) The department of education and workforce 42481
is responsible for the licensing of preschool programs and school 42482
child programs and for the enforcement of sections 3301.52 to 42483
3301.59 of the Revised Code and of any rules adopted under those 42484
sections. No school district board of education, county board of 42485
developmental disabilities, community school, or eligible 42486
nonpublic school shall operate, establish, manage, conduct, or 42487
maintain a preschool program without a license issued under this 42488
section. A school district board of education, county board of 42489
developmental disabilities, community school, authorized private 42490
before and after school care program, or eligible nonpublic school 42491
may obtain a license under this section for a school child 42492
program. The school district board of education, county board of 42493
developmental disabilities, community school, or eligible 42494
nonpublic school shall post the license for each preschool program 42495
and licensed school child program it operates, establishes, 42496
manages, conducts, or maintains in a conspicuous place in the 42497
preschool program or licensed school child program that is 42498
accessible to parents, custodians, or guardians and employees and 42499

staff members of the program at all times when the program is in operation. 42500
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(B) Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to operate, establish, manage, conduct, or maintain a preschool program shall apply to the department of education and workforce for a license on a form that the department shall prescribe by rule. Any school district board of education, county board of developmental disabilities, community school, authorized private before and after school care program, or eligible nonpublic school that desires to obtain a license for a school child program shall apply to the department for a license on a form that the department shall prescribe by rule. The department shall provide at no charge to each applicant for a license under this section a copy of the requirements under sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. The department may establish application fees by rule adopted under Chapter 119. of the Revised Code, and all applicants for a license shall pay any fee established by the department at the time of making an application for a license. All fees collected pursuant to this section shall be paid into the state treasury to the credit of the general revenue fund. 42502
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(C) Upon the filing of an application for a license, the department of education and workforce shall investigate and inspect the preschool program or school child program to determine the license capacity for each age category of children of the program and to determine whether the program complies with sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. When, after investigation and inspection, the department of education is satisfied that sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under 42523
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those sections are complied with by the applicant, the department 42532
of education and workforce shall issue the program a provisional 42533
license as soon as practicable in the form and manner prescribed 42534
by the rules of the department. The provisional license shall be 42535
valid for one year from the date of issuance unless revoked. 42536

(D) The department of education and workforce shall 42537
investigate and inspect a preschool program or school child 42538
program that has been issued a provisional license at least once 42539
during operation under the provisional license. If, after the 42540
investigation and inspection, the department of education and 42541
workforce determines that the requirements of sections 3301.52 to 42542
3301.59 of the Revised Code and any rules adopted under those 42543
sections are met by the provisional licensee, the department of 42544
education and workforce shall issue the program a license. The 42545
license shall remain valid unless revoked or the program ceases 42546
operations. 42547

(E) The department of education and workforce annually shall 42548
investigate and inspect each preschool program or school child 42549
program licensed under division (D) of this section to determine 42550
if the requirements of sections 3301.52 to 3301.59 of the Revised 42551
Code and any rules adopted under those sections are met by the 42552
program, and shall notify the program of the results. 42553

(F) The license or provisional license shall state the name 42554
of the school district board of education, county board of 42555
developmental disabilities, community school, authorized private 42556
before and after school care program, or eligible nonpublic school 42557
that operates the preschool program or school child program and 42558
the license capacity of the program. 42559

(G) The department of education and workforce may revoke the 42560
license of any preschool program or school child program that is 42561
not in compliance with the requirements of sections 3301.52 to 42562
3301.59 of the Revised Code and any rules adopted under those 42563

sections. 42564

(H) If the department of education and workforce revokes a 42565
license, the department shall not issue a license to the program 42566
within two years from the date of the revocation. All actions of 42567
the department with respect to licensing preschool programs and 42568
school child programs shall be in accordance with Chapter 119. of 42569
the Revised Code. 42570

Sec. 3301.85. (A) The department of education and workforce 42571
shall submit to the joint committee on agency rule review, created 42572
in section 101.35 of the Revised Code, any proposed changes to the 42573
manual containing the standards and procedures the department uses 42574
to review or audit the full-time equivalency student enrollment 42575
reporting by community schools established under Chapter 3314. of 42576
the Revised Code. 42577

(B) When the department submits the proposed changes to the 42578
manual, the joint committee on agency rule review shall hold one 42579
or more public hearings at which community schools may present 42580
testimony on their ability and capacity to comply with the 42581
proposed changes. 42582

(C) The joint committee on agency rule review shall consider 42583
any testimony provided at the public hearings required under 42584
division (B) of this section and vote to determine whether 42585
community schools can reasonably comply with the proposed changes. 42586

(D) The department shall not implement any changes to the 42587
manual that may affect community schools without the joint 42588
committee on agency rule review's determination that community 42589
schools can reasonably comply with those changes. 42590

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 42591
later than July 1, 2007, the department of education shall 42592
implement a value-added progress dimension for school districts 42593

and buildings and shall incorporate the value-added progress 42594
dimension into the report cards and performance ratings issued for 42595
districts and buildings under section 3302.03 of the Revised Code. 42596

The state board of education shall adopt rules, pursuant to 42597
Chapter 119. of the Revised Code, for the implementation of the 42598
value-added progress dimension. The rules adopted under this 42599
division shall specify both of the following: 42600

(1) A scale for describing the levels of academic progress in 42601
reading and mathematics relative to a standard year of academic 42602
growth in those subjects for each of grades three through eight; 42603

(2) That the department shall maintain the confidentiality of 42604
individual student test scores and individual student reports in 42605
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 42606
Revised Code and federal law. The department may require school 42607
districts to use a unique identifier for each student for this 42608
purpose. Individual student test scores and individual student 42609
reports shall be made available only to a student's classroom 42610
teacher and other appropriate educational personnel and to the 42611
student's parent or guardian. 42612

(B) The department shall explore the feasibility of using the 42613
value-added gain index and effect size to improve differentiation 42614
and interpretation of the measure. If the department determines 42615
that it is feasible, the state board may update the rules adopted 42616
under division (A) of this section to implement the use of gain 42617
index and effect size. If rules are adopted under division (A) of 42618
this section that use the gain index and effect size, any prior 42619
method used to calculate letter grades or performance ratings 42620
under section 3302.03 of the Revised Code shall no longer apply. 42621
Rather, the state board shall update its rules to determine how 42622
letter grades or performance ratings for each level of performance 42623
are calculated under section 3302.03 of the Revised Code using 42624

gain index and effect size. 42625

(C) The department shall use a system designed for collecting 42626
necessary data, calculating the value-added progress dimension, 42627
analyzing data, and generating reports, which system has been used 42628
previously by a nonprofit organization led by the Ohio business 42629
community for at least one year in the operation of a pilot 42630
program in cooperation with school districts to collect and report 42631
student achievement data via electronic means and to provide 42632
information to the districts regarding the academic performance of 42633
individual students, grade levels, school buildings, and the 42634
districts as a whole. 42635

(D) The department shall not pay more than two dollars per 42636
student for data analysis and reporting to implement the 42637
value-added progress dimension in the same manner and with the 42638
same services as under the pilot program described by division (B) 42639
of this section. However, nothing in this section shall preclude 42640
the department or any school district from entering into a 42641
contract for the provision of more services at a higher fee per 42642
student. Any data analysis conducted under this section by an 42643
entity under contract with the department shall be completed in 42644
accordance with timelines established by the superintendent of 42645
public instruction. 42646

(E) The department shall share any aggregate student data and 42647
any calculation, analysis, or report utilizing aggregate student 42648
data that is generated under this section with the chancellor of 42649
the Ohio board of regents. The department shall not share 42650
individual student test scores and individual student reports with 42651
the chancellor. 42652

(F) The department shall make individual student performance 42653
data reports available to districts and schools that have an 42654
overall score under the value-added progress dimension calculated 42655
under division (D)(1)(d) of section 3302.03 of the Revised Code. 42656

The reports shall include data regarding student level 42657
percentiles, normal curve equivalents, unique identifiers, and 42658
other data for each school year a district or school has an 42659
overall score calculated under that division. The department also 42660
shall make available the data used to calculate the district's or 42661
school's overall growth rating. The reports shall be made 42662
available in an electronic spreadsheet form, as soon as 42663
practicable each school year, to appropriate educational personnel 42664
in each district or school for all the individual students who are 42665
administered assessments by, or who are enrolled in, the district 42666
or school. 42667

Division (F) of this section is subject to section 3319.321 42668
of the Revised Code and the "Family Educational Rights and Privacy 42669
Act of 1974," 20 U.S.C. 1232g. 42670

Sec. 3302.03. Not later than the thirty-first day of July of 42671
each year, the department of education shall submit preliminary 42672
report card data for overall academic performance and for each 42673
separate performance measure for each school district, and each 42674
school building, in accordance with this section. 42675

Annually, not later than the fifteenth day of September or 42676
the preceding Friday when that day falls on a Saturday or Sunday, 42677
the department shall assign a letter grade or performance rating 42678
for overall academic performance and for each separate performance 42679
measure for each school district, and each school building in a 42680
district, in accordance with this section. The state board of 42681
education shall adopt rules pursuant to Chapter 119. of the 42682
Revised Code to implement this section. The state board's rules 42683
shall establish performance criteria for each letter grade or 42684
performance rating and prescribe a method by which the department 42685
assigns each letter grade or performance rating. For a school 42686
building to which any of the performance measures do not apply, 42687

due to grade levels served by the building, the department shall 42688
designate the performance measures that are applicable to the 42689
building and that must be calculated separately and used to 42690
calculate the building's overall grade or performance rating. The 42691
department shall issue annual report cards reflecting the 42692
performance of each school district, each building within each 42693
district, and for the state as a whole using the performance 42694
measures and letter grade or performance rating system described 42695
in this section. The department shall include on the report card 42696
for each district and each building within each district the most 42697
recent two-year trend data in student achievement for each subject 42698
and each grade. 42699

(A)(1) For the 2012-2013 school year, the department shall 42700
issue grades as described in division (F) of this section for each 42701
of the following performance measures: 42702

(a) Annual measurable objectives; 42703

(b) Performance index score for a school district or 42704
building. Grades shall be awarded as a percentage of the total 42705
possible points on the performance index system as adopted by the 42706
state board. In adopting benchmarks for assigning letter grades 42707
under division (A)(1)(b) of this section, the state board shall 42708
designate ninety per cent or higher for an "A," at least seventy 42709
per cent but not more than eighty per cent for a "C," and less 42710
than fifty per cent for an "F." 42711

(c) The extent to which the school district or building meets 42712
each of the applicable performance indicators established by the 42713
state board under section 3302.02 of the Revised Code and the 42714
percentage of applicable performance indicators that have been 42715
achieved. In adopting benchmarks for assigning letter grades under 42716
division (A)(1)(c) of this section, the state board shall 42717
designate ninety per cent or higher for an "A." 42718

(d) The four- and five-year adjusted cohort graduation rates. 42719

In adopting benchmarks for assigning letter grades under 42720
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 42721
department shall designate a four-year adjusted cohort graduation 42722
rate of ninety-three per cent or higher for an "A" and a five-year 42723
cohort graduation rate of ninety-five per cent or higher for an 42724
"A." 42725

(e) The overall score under the value-added progress 42726
dimension of a school district or building, for which the 42727
department shall use up to three years of value-added data as 42728
available. The letter grade assigned for this growth measure shall 42729
be as follows: 42730

(i) A score that is at least one standard error of measure 42731
above the mean score shall be designated as an "A." 42732

(ii) A score that is less than one standard error of measure 42733
above but greater than one standard error of measure below the 42734
mean score shall be designated as a "B." 42735

(iii) A score that is less than or equal to one standard 42736
error of measure below the mean score but greater than two 42737
standard errors of measure below the mean score shall be 42738
designated as a "C." 42739

(iv) A score that is less than or equal to two standard 42740
errors of measure below the mean score but is greater than three 42741
standard errors of measure below the mean score shall be 42742
designated as a "D." 42743

(v) A score that is less than or equal to three standard 42744
errors of measure below the mean score shall be designated as an 42745
"F." 42746

Whenever the value-added progress dimension is used as a 42747
graded performance measure in this division and divisions (B) and 42748

(C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state

board shall adopt rules to prescribe benchmarks and standards for 42811
assigning grades to districts and buildings for purposes of 42812
division (B)(1)(g) of this section. In adopting benchmarks for 42813
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 42814
this section, the state board shall determine progress made based 42815
on the reduction in the total percentage of students scoring below 42816
grade level, or below proficient, compared from year to year on 42817
the reading and writing diagnostic assessments administered under 42818
section 3301.0715 of the Revised Code and the third grade English 42819
language arts assessment under section 3301.0710 of the Revised 42820
Code, as applicable. The state board shall designate for a "C" 42821
grade a value that is not lower than the statewide average value 42822
for this measure. No grade shall be issued under divisions 42823
(B)(1)(g) and (C)(1)(g) of this section for a district or building 42824
in which less than five per cent of students have scored below 42825
grade level on the diagnostic assessment administered to students 42826
in kindergarten under division (B)(1) of section 3313.608 of the 42827
Revised Code. 42828

(h) For a high mobility school district or building, an 42829
additional value-added progress dimension score. For this measure, 42830
the department shall use value-added data from the most recent 42831
school year available and shall use assessment scores for only 42832
those students to whom the district or building has administered 42833
the assessments prescribed by section 3301.0710 of the Revised 42834
Code for each of the two most recent consecutive school years. 42835

As used in this division, "high mobility school district or 42836
building" means a school district or building where at least 42837
twenty-five per cent of its total enrollment is made up of 42838
students who have attended that school district or building for 42839
less than one year. 42840

(2) In addition to the graded measures in division (B)(1) of 42841
this section, the department shall include on a school district's 42842

or building's report card all of the following without an assigned 42843
letter grade: 42844

(a) The percentage of students enrolled in a district or 42845
building participating in advanced placement classes and the 42846
percentage of those students who received a score of three or 42847
better on advanced placement examinations; 42848

(b) The number of a district's or building's students who 42849
have earned at least three college credits through dual enrollment 42850
or advanced standing programs, such as the post-secondary 42851
enrollment options program under Chapter 3365. of the Revised Code 42852
and state-approved career-technical courses offered through dual 42853
enrollment or statewide articulation, that appear on a student's 42854
transcript or other official document, either of which is issued 42855
by the institution of higher education from which the student 42856
earned the college credit. The credits earned that are reported 42857
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 42858
include any that are remedial or developmental and shall include 42859
those that count toward the curriculum requirements established 42860
for completion of a degree. 42861

(c) The percentage of students enrolled in a district or 42862
building who have taken a national standardized test used for 42863
college admission determinations and the percentage of those 42864
students who are determined to be remediation-free in accordance 42865
with standards adopted under division (F) of section 3345.061 of 42866
the Revised Code; 42867

(d) The percentage of the district's or the building's 42868
students who receive industry-recognized credentials as approved 42869
under section 3313.6113 of the Revised Code. 42870

(e) The percentage of students enrolled in a district or 42871
building who are participating in an international baccalaureate 42872
program and the percentage of those students who receive a score 42873

of four or better on the international baccalaureate examinations. 42874

(f) The percentage of the district's or building's students 42875
who receive an honors diploma under division (B) of section 42876
3313.61 of the Revised Code. 42877

(3) Not later than December 31, 2013, the state board shall 42878
adopt rules in accordance with Chapter 119. of the Revised Code 42879
that prescribe the methods by which the performance measures under 42880
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 42881
and assigned a letter grade, including performance benchmarks for 42882
each grade. 42883

At least forty-five days prior to the stateboard's adoption 42884
of rules to prescribe the methods by which the performance 42885
measures under division (B)(1) of this section shall be assessed 42886
and assigned a letter grade, the department shall conduct a public 42887
presentation before the standing committees of the house of 42888
representatives and the senate that consider education legislation 42889
describing such methods, including performance benchmarks. 42890

(4) There shall not be an overall letter grade for a school 42891
district or building for the 2013-2014, 2014-2015, 2015-2016, and 42892
2016-2017 school years. 42893

(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 42894
2018-2019, 2019-2020, and 2020-2021 school years, the department 42895
shall issue grades as described in division (F) of this section 42896
for each of the performance measures prescribed in division (C)(1) 42897
of this section. The graded measures are as follows: 42898

(a) Annual measurable objectives. For the 2017-2018 school 42899
year, the department shall not include any subgroup data in the 42900
annual measurable objectives that includes data from fewer than 42901
twenty-five students. For the 2018-2019 school year, the 42902
department shall not include any subgroup data in the annual 42903
measurable objectives that includes data from fewer than twenty 42904

students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the state board shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "C" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored

below grade level on the kindergarten diagnostic assessment under 42968
division (B)(1) of section 3313.608 of the Revised Code. 42969

(h) For a high mobility school district or building, an 42970
additional value-added progress dimension score. For this measure, 42971
the department shall use value-added data from the most recent 42972
school year available and shall use assessment scores for only 42973
those students to whom the district or building has administered 42974
the assessments prescribed by section 3301.0710 of the Revised 42975
Code for each of the two most recent consecutive school years. 42976

As used in this division, "high mobility school district or 42977
building" means a school district or building where at least 42978
twenty-five per cent of its total enrollment is made up of 42979
students who have attended that school district or building for 42980
less than one year. 42981

(2) In addition to the graded measures in division (C)(1) of 42982
this section, the department shall include on a school district's 42983
or building's report card all of the following without an assigned 42984
letter grade: 42985

(a) The percentage of students enrolled in a district or 42986
building who have taken a national standardized test used for 42987
college admission determinations and the percentage of those 42988
students who are determined to be remediation-free in accordance 42989
with the standards adopted under division (F) of section 3345.061 42990
of the Revised Code; 42991

(b) The percentage of students enrolled in a district or 42992
building participating in advanced placement classes and the 42993
percentage of those students who received a score of three or 42994
better on advanced placement examinations; 42995

(c) The percentage of a district's or building's students who 42996
have earned at least three college credits through advanced 42997
standing programs, such as the college credit plus program under 42998

Chapter 3365. of the Revised Code and state-approved 42999
career-technical courses offered through dual enrollment or 43000
statewide articulation, that appear on a student's college 43001
transcript issued by the institution of higher education from 43002
which the student earned the college credit. The credits earned 43003
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 43004
section shall not include any that are remedial or developmental 43005
and shall include those that count toward the curriculum 43006
requirements established for completion of a degree. 43007

(d) The percentage of the district's or building's students 43008
who receive an honor's diploma under division (B) of section 43009
3313.61 of the Revised Code; 43010

(e) The percentage of the district's or building's students 43011
who receive industry-recognized credentials as approved under 43012
section 3313.6113 of the Revised Code; 43013

(f) The percentage of students enrolled in a district or 43014
building who are participating in an international baccalaureate 43015
program and the percentage of those students who receive a score 43016
of four or better on the international baccalaureate examinations; 43017

(g) The results of the college and career-ready assessments 43018
administered under division (B)(1) of section 3301.0712 of the 43019
Revised Code; 43020

(h) Whether the school district or building has implemented a 43021
positive behavior intervention and supports framework in 43022
compliance with the requirements of section 3319.46 of the Revised 43023
Code, notated as a "yes" or "no" answer. 43024

(3) The state board shall adopt rules pursuant to Chapter 43025
119. of the Revised Code that establish a method to assign an 43026
overall grade for a school district or school building for the 43027
2017-2018 school year and each school year thereafter. The rules 43028
shall group the performance measures in divisions (C)(1) and (2) 43029

of this section into the following components:	43030
(a) Gap closing, which shall include the performance measure in division (C)(1)(a) of this section;	43031 43032
(b) Achievement, which shall include the performance measures in divisions (C)(1)(b) and (c) of this section;	43033 43034
(c) Progress, which shall include the performance measures in divisions (C)(1)(e) and (f) of this section;	43035 43036
(d) Graduation, which shall include the performance measure in division (C)(1)(d) of this section;	43037 43038
(e) Kindergarten through third-grade literacy, which shall include the performance measure in division (C)(1)(g) of this section;	43039 43040 43041
(f) Prepared for success, which shall include the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. The state board shall develop a method to determine a grade for the component in division (C)(3)(f) of this section using the performance measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of this section. When available, the state board may incorporate the performance measure under division (C)(2)(g) of this section into the component under division (C)(3)(f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C)(3)(f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the state board may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C)(3)(f) of this section, the state board shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four-	43042 43043 43044 43045 43046 43047 43048 43049 43050 43051 43052 43053 43054 43055 43056 43057 43058 43059 43060

and five-year adjusted graduation cohort. 43061

In the rules adopted under division (C)(3) of this section, 43062
the state board shall adopt a method for determining a grade for 43063
each component in divisions (C)(3)(a) to (f) of this section. The 43064
state board also shall establish a method to assign an overall 43065
grade of "A," "B," "C," "D," or "F" using the grades assigned for 43066
each component. The method the state board adopts for assigning an 43067
overall grade shall give equal weight to the components in 43068
divisions (C)(3)(b) and (c) of this section. 43069

At least forty-five days prior to the state board's adoption 43070
of rules to prescribe the methods for calculating the overall 43071
grade for the report card, as required by this division, the 43072
department shall conduct a public presentation before the standing 43073
committees of the house of representatives and the senate that 43074
consider education legislation describing the format for the 43075
report card, weights that will be assigned to the components of 43076
the overall grade, and the method for calculating the overall 43077
grade. 43078

(D) For the 2021-2022 school year and each school year 43079
thereafter, all of the following apply: 43080

(1) The department shall include on a school district's or 43081
building's report card all of the following performance measures 43082
without an assigned performance rating: 43083

(a) Whether the district or building meets the gifted 43084
performance indicator under division (A)(2) of section 3302.02 of 43085
the Revised Code and the extent to which the district or building 43086
meets gifted indicator performance benchmarks; 43087

(b) The extent to which the district or building meets the 43088
chronic absenteeism indicator under division (A)(3) of section 43089
3302.02 of the Revised Code; 43090

(c) Performance index score percentage for a district or 43091

building, which shall be calculated by dividing the district's or 43092
building's performance index score according to the performance 43093
index system created by the department by the maximum performance 43094
index score for a district or building. The maximum performance 43095
index score shall be as follows: 43096

(i) For a building, the average of the highest two per cent 43097
of performance index scores achieved by a building for the school 43098
year for which a report card is issued; 43099

(ii) For a district, the average of the highest two per cent 43100
of performance index scores achieved by a district for the school 43101
year for which a report card is issued. 43102

(d) The overall score under the value-added progress 43103
dimension of a district or building, for which the department 43104
shall use three consecutive years of value-added data. In using 43105
three years of value-added data to calculate the measure 43106
prescribed under division (D)(1)(d) of this section, the 43107
department shall assign a weight of fifty per cent to the most 43108
recent year's data and a weight of twenty-five per cent to the 43109
data of each of the other years. However, if three consecutive 43110
years of value-added data is not available, the department shall 43111
use prior years of value-added data to calculate the measure, as 43112
follows: 43113

(i) If two consecutive years of value-added data is not 43114
available, the department shall use one year of value-added data 43115
to calculate the measure. 43116

(ii) If two consecutive years of value-added data is 43117
available, the department shall use two consecutive years of 43118
value-added data to calculate the measure. In using two years of 43119
value-added data to calculate the measure, the department shall 43120
assign a weight of sixty-seven per cent to the most recent year's 43121
data and a weight of thirty-three per cent to the data of the 43122

other year.	43123
(e) The four-year adjusted cohort graduation rate.	43124
(f) The five-year adjusted cohort graduation rate.	43125
(g) The percentage of students in the district or building	43126
who score proficient or higher on the reading segment of the third	43127
grade English language arts assessment under section 3301.0710 of	43128
the Revised Code.	43129
To the extent possible, the department shall include the	43130
results of the summer administration of the third grade reading	43131
assessment under section 3301.0710 of the Revised Code in the	43132
performance measures prescribed under divisions (D)(1)(g) and (h)	43133
of this section.	43134
(h) Whether a district or building is making progress in	43135
improving literacy in grades kindergarten through three, as	43136
determined using a method prescribed by the department. The method	43137
shall determine progress made based on the reduction in the total	43138
percentage of students scoring below grade level, or below	43139
proficient, compared from year to year on the reading segments of	43140
the diagnostic assessments administered under section 3301.0715 of	43141
the Revised Code, including the kindergarten readiness assessment,	43142
and the third grade English language arts assessment under section	43143
3301.0710 of the Revised Code, as applicable. The method shall not	43144
include a deduction for students who did not pass the third grade	43145
English language arts assessment under section 3301.0710 of the	43146
Revised Code and were not on a reading improvement and monitoring	43147
plan.	43148
The performance measure prescribed under division (D)(1)(h)	43149
of this section shall not be included on the report card of a	43150
district or building in which less than ten per cent of students	43151
have scored below grade level on the diagnostic assessment	43152
administered to students in kindergarten under division (B)(1) of	43153

section 3313.608 of the Revised Code. 43154

(i) The percentage of students in a district or building who 43155
are promoted to the fourth grade and not subject to retention 43156
under division (A)(2) of section 3313.608 of the Revised Code; 43157

(j) A post-secondary readiness measure. This measure shall be 43158
calculated by dividing the number of students included in the 43159
four-year adjusted graduation rate cohort who demonstrate 43160
post-secondary readiness by the total number of students included 43161
in the denominator of the four-year adjusted graduation rate 43162
cohort. Demonstration of post-secondary readiness shall include a 43163
student doing any of the following: 43164

(i) Attaining a remediation-free score, in accordance with 43165
standards adopted under division (F) of section 3345.061 of the 43166
Revised Code, on a nationally standardized assessment prescribed 43167
under division (B)(1) of section 3301.0712 of the Revised Code; 43168

(ii) Attaining required scores on three or more advanced 43169
placement or international baccalaureate examinations. The 43170
required score for an advanced placement examination shall be a 43171
three or better. The required score for an international 43172
baccalaureate examination shall be a four or better. A student may 43173
satisfy this condition with any combination of advanced placement 43174
or international baccalaureate examinations. 43175

(iii) Earning at least twelve college credits through 43176
advanced standing programs, such as the college credit plus 43177
program under Chapter 3365. of the Revised Code, an early college 43178
high school program under section 3313.6013 of the Revised Code, 43179
and state-approved career-technical courses offered through dual 43180
enrollment or statewide articulation, that appear on a student's 43181
college transcript issued by the institution of higher education 43182
from which the student earned the college credit. Earned credits 43183
reported under division (D)(1)(j)(iii) of this section shall 43184

include credits that count toward the curriculum requirements	43185
established for completion of a degree, but shall not include any	43186
remedial or developmental credits.	43187
(iv) Meeting the additional criteria for an honors diploma	43188
under division (B) of section 3313.61 of the Revised Code;	43189
(v) Earning an industry-recognized credential or license	43190
issued by a state agency or board for practice in a vocation that	43191
requires an examination for issuance of that license approved	43192
under section 3313.6113 of the Revised Code;	43193
(vi) Satisfying any of the following conditions:	43194
(I) Completing a pre-apprenticeship aligned with options	43195
established under section 3313.904 of the Revised Code in the	43196
student's chosen career field;	43197
(II) Completing an apprenticeship registered with the	43198
apprenticeship council established under section 4139.02 of the	43199
Revised Code in the student's chosen career field;	43200
(III) Providing evidence of acceptance into an apprenticeship	43201
program after high school that is restricted to participants	43202
eighteen years of age or older.	43203
(vii) Earning a cumulative score of proficient or higher on	43204
three or more state technical assessments aligned with section	43205
3313.903 of the Revised Code in a single career pathway;	43206
(viii) Earning an OhioMeansJobs-readiness seal established	43207
under section 3313.6112 of the Revised Code and completing two	43208
hundred fifty hours of an internship or other work-based learning	43209
experience that is either:	43210
(I) Approved by the business advisory council established	43211
under section 3313.82 of the Revised Code that represents the	43212
student's district; or	43213
(II) Aligned to the career-technical education pathway	43214

approved by the department in which the student is enrolled. 43215

(ix) Providing evidence that the student has enlisted in a 43216
branch of the armed services of the United States as defined in 43217
section 5910.01 of the Revised Code; 43218

(x) Having received sufficient remediation under section 43219
3313.6030 of the Revised Code, as determined by the department. 43220

A student who satisfies more than one of the conditions 43221
prescribed under this division shall be counted as one student for 43222
the purposes of calculating the measure prescribed under division 43223
(D)(1)(j) of this section. 43224

(2) In addition to the performance measures under division 43225
(D)(1) of this section, the department shall report on a 43226
district's or building's report card all of the following data 43227
without an assigned performance rating: 43228

(a) The applicable performance indicators established by the 43229
state board under division (A)(1) of section 3302.02 of the 43230
Revised Code; 43231

(b) The overall score under the value-added progress 43232
dimension of a district or building for the most recent school 43233
year; 43234

(c) A composite of the overall scores under the value-added 43235
progress dimension of a district or building for the previous 43236
three school years or, if only two years of value-added data are 43237
available, for the previous two years; 43238

(d) The percentage of students included in the four- and 43239
five-year adjusted cohort graduation rates of a district or 43240
building who did not receive a high school diploma under section 43241
3313.61 or 3325.08 of the Revised Code. To the extent possible, 43242
the department shall disaggregate that data according to the 43243
following categories: 43244

(i) Students who are still enrolled in the district or building and receiving general education services;	43245 43246
(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services;	43247 43248 43249 43250 43251
(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;	43252 43253 43254 43255
(iv) Students who are no longer enrolled in any district or building;	43256 43257
(v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code than other students in the four- or five-year adjusted cohort graduation rate.	43258 43259 43260 43261 43262
The department may disaggregate the data prescribed under division (D)(2)(d) of this section according to other categories that the department determines are appropriate.	43263 43264 43265
(e) The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code;	43266 43267 43268
(f) Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card is issued, including the percentage of students who:	43269 43270 43271 43272 43273
(i) Enrolled in a post-secondary educational institution. To	43274

the extent possible, the department shall disaggregate that data 43275
according to whether the student enrolled in a four-year 43276
institution of higher education, a two-year institution of higher 43277
education, an Ohio technical center that provides adult technical 43278
education services and is recognized by the chancellor of higher 43279
education, or another type of post-secondary educational 43280
institution. 43281

(ii) Entered an apprenticeship program registered with the 43282
apprenticeship council established under Chapter 4139. of the 43283
Revised Code. The department may include other job training 43284
programs with similar rigor and outcomes. 43285

(iii) Attained gainful employment, as determined by the 43286
department; 43287

(iv) Enlisted in a branch of the armed forces of the United 43288
States, as defined in section 5910.01 of the Revised Code. 43289

(g) Whether the school district or building has implemented a 43290
positive behavior intervention and supports framework in 43291
compliance with the requirements of section 3319.46 of the Revised 43292
Code, notated with a "yes" or "no"; 43293

(h) The number and percentage of high school seniors in each 43294
school year who completed the free application for federal student 43295
aid; 43296

(i) Beginning with the report card issued under this section 43297
for the 2022-2023 school year, a student opportunity profile 43298
measure that reports data regarding the opportunities provided to 43299
students by a district or building. To the extent possible, and 43300
when appropriate, the data shall be disaggregated by grade level 43301
and subgroup. The measure also shall include data regarding the 43302
statewide average, the average for similar school districts, and, 43303
for a building, the average for the district in which the building 43304
is located. The measure shall include all of the following data 43305

for the district or building:	43306
(i) The average ratio of teachers of record to students in each grade level in a district or building;	43307 43308
(ii) The average ratio of school counselors to students in a district or building;	43309 43310
(iii) The average ratio of nurses to students in a district or building;	43311 43312
(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;	43313 43314
(v) The average ratio of social workers to students in a district or building;	43315 43316
(vi) The average ratio of mental health professionals to students in a district or building;	43317 43318
(vii) The average ratio of paraprofessionals to students in a district or building;	43319 43320
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	43321 43322
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	43323 43324
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	43325 43326
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	43327 43328 43329
(xii) The percentage of students enrolled in a performing or visual arts course;	43330 43331
(xiii) The percentage of students enrolled in a physical education or wellness course;	43332 43333
(xiv) The percentage of students enrolled in a world language	43334

course;	43335
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	43336 43337
(xvi) The percentage of students participating in one or more cocurricular activities;	43338 43339
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	43340 43341 43342 43343
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	43344 43345 43346 43347
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	43348 43349 43350
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	43351 43352 43353 43354
(xxi) The percentage of students who are transported by a school bus each school day;	43355 43356
(xxii) The ratio of portable technology devices that students may take home to the number of students.	43357 43358
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	43359 43360 43361
(j)(i) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or building who completed all of grades nine through twelve while	43362 43363 43364

enrolled in the district or building; 43365

(ii) The four-year adjusted cohort graduation rate for only 43366
those students who were continuously enrolled in the same district 43367
or building for grades nine through twelve. 43368

(k) The percentage of students in the district or building to 43369
whom both of the following apply: 43370

(i) The students are promoted to fourth grade and not subject 43371
to retention under division (A)(2) of section 3313.608 of the 43372
Revised Code. 43373

(ii) The students completed all of the grade levels offered 43374
prior to the fourth grade in the district or building. 43375

(3) Except as provided in division (D)(3)(f) of this section, 43376
the department shall use the state board's method prescribed under 43377
rules adopted under division (D)(4) of this section to assign 43378
performance ratings of "one star," "two stars," "three stars," 43379
"four stars," or "five stars," as described in division (F) of 43380
this section, for a district or building for the individual 43381
components prescribed under division (D)(3) of this section. The 43382
department also shall assign an overall performance rating for a 43383
district or building in accordance with division (D)(3)(g) of this 43384
section. The method shall use the performance measures prescribed 43385
under division (D)(1) of this section to calculate performance 43386
ratings for components. The method may report data under division 43387
(D)(2) of this section with corresponding components, but shall 43388
not use the data to calculate performance ratings for that 43389
component. The performance measures and reported data shall be 43390
grouped together into components as follows: 43391

(a) Gap closing. In addition to other criteria determined 43392
appropriate by the department, performance ratings for the gap 43393
closing component shall reflect whether each of the following 43394
performance measures are met or not met: 43395

(i) The gifted performance indicator as described in division (D)(1)(a) of this section;	43396 43397
(ii) The chronic absenteeism indicator as described in division (D)(1)(b) of this section;	43398 43399
(iii) For English learners, an English language proficiency improvement indicator established by the department;	43400 43401
(iv) The subgroup graduation targets;	43402
(v) The subgroup achievement targets in both mathematics and English language arts;	43403 43404
(vi) The subgroup progress targets in both mathematics and English language arts.	43405 43406
Achievement and progress targets under division (D)(3)(a) of this section shall be calculated individually, and districts and buildings shall receive a status of met or not met on each measure. The department shall not require a subgroup of a district or building to meet both the achievement and progress targets at the same time to receive a status of met.	43407 43408 43409 43410 43411 43412
The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.	43413 43414 43415 43416 43417
(b) Achievement, which shall include the performance measure in division (D)(1)(c) of this section and the reported data in division (D)(2)(a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D)(1)(c) of this section.	43418 43419 43420 43421 43422 43423
(c) Progress, which shall include the performance measure in division (D)(1)(d) of this section and the reported data in	43424 43425

divisions (D)(2)(b) and (c) of this section; 43426

(d) Graduation, which shall include the performance measures 43427
in divisions (D)(1)(e) and (f) of this section and the reported 43428
data in divisions (D)(2)(d) and (j) of this section. The four-year 43429
adjusted cohort graduation rate shall be assigned a weight of 43430
sixty per cent and the five-year adjusted cohort graduation rate 43431
shall be assigned a weight of forty per cent; 43432

(e) Early literacy, which shall include the performance 43433
measures in divisions (D)(1)(g), (h), and (i) of this section and 43434
the reported data in divisions (D)(2)(e) and (k) of this section. 43435

If the measure prescribed under division (D)(1)(h) of this 43436
section is included in a report card, performance ratings for the 43437
early literacy component shall give a weight of forty per cent to 43438
the measure prescribed under division (D)(1)(g) of this section, a 43439
weight of thirty-five per cent to the measure prescribed under 43440
division (D)(1)(i) of this section, and a weight of twenty-five 43441
per cent to the measure prescribed under division (D)(1)(h) of 43442
this section. 43443

If the measure prescribed under division (D)(1)(h) of this 43444
section is not included in a report card of a district or 43445
building, performance ratings for the early literacy component 43446
shall give a weight of sixty per cent to the measure prescribed 43447
under division (D)(1)(g) of this section and a weight of forty per 43448
cent to the measure prescribed under division (D)(1)(i) of this 43449
section. 43450

(f) College, career, workforce, and military readiness, which 43451
shall include the performance measure in division (D)(1)(j) of 43452
this section and the reported data in division (D)(2)(f) of this 43453
section. 43454

For the 2021-2022, 2022-2023, and 2023-2024 school years, the 43455
department only shall report the data for, and not assign a 43456

performance rating to, the college, career, workforce, and 43457
military readiness component. The reported data shall include the 43458
percentage of students who demonstrate post-secondary readiness 43459
using any of the options described in division (D)(1)(j) of this 43460
section. 43461

The department shall analyze the data included in the 43462
performance measure prescribed in division (D)(1)(j) of this 43463
section for the 2021-2022, 2022-2023, and 2023-2024 school years. 43464
Using that data, the department shall develop and propose rules 43465
for a method to assign a performance rating to the college, 43466
career, workforce, and military readiness component based on that 43467
measure. The method to assign a performance rating shall not 43468
include a tiered structure or per student bonuses. The rules shall 43469
specify that a district or building shall not receive lower than a 43470
performance rating of three stars for the component if the 43471
district's or building's performance on the component meets or 43472
exceeds a level of improvement set by the department. 43473
Notwithstanding division (D)(4)(b) of this section, more than half 43474
of the total districts and buildings may earn a performance rating 43475
of three stars on this component to account for the districts and 43476
buildings that earned a performance rating of three stars because 43477
they met or exceeded the level of improvement set by the 43478
department. 43479

The department shall submit the rules to the joint committee 43480
on agency rule review. The committee shall conduct at least one 43481
public hearing on the proposed rules and approve or disapprove the 43482
rules. If the committee approves the rules, the state board shall 43483
adopt the rules in accordance with Chapter 119. of the Revised 43484
Code. If the rules are adopted, the department shall assign a 43485
performance rating to the college, career, workforce, and military 43486
readiness component under the rules beginning with the 2024-2025 43487
school year, and for each school year thereafter. If the committee 43488

disapproves the rules, the component shall be included in the 43489
report card only as reported data for the 2024-2025 school year, 43490
and each school year thereafter. 43491

(g)(i) Except as provided for in division (D)(3)(g)(ii) of 43492
this section, beginning with the 2022-2023 school year, under the 43493
state board's method prescribed under rules adopted in division 43494
(D)(4) of this section, the department shall use the performance 43495
ratings assigned for the components prescribed in divisions 43496
(D)(3)(a) to (e) of this section to determine and assign an 43497
overall performance rating of "one star," "one and one-half 43498
stars," "two stars," "two and one-half stars," "three stars," 43499
"three and one-half stars," "four stars," "four and one-half 43500
stars," or "five stars" for a district or building. The method 43501
shall give equal weight to the components in divisions (D)(3)(b) 43502
and (c) of this section. The method shall give equal weight to the 43503
components in divisions (D)(3)(a), (d), and (e) of this section. 43504
The individual weights of each of the components prescribed in 43505
divisions (D)(3)(a), (d), and (e) of this section shall be equal 43506
to one-half of the weight given to the component prescribed in 43507
division (D)(3)(b) of this section. 43508

(ii) If the joint committee on agency rule review approves 43509
the department's rules regarding the college, career, workforce, 43510
and military readiness component as described in division 43511
(D)(3)(f) of this section, for the 2024-2025 school year, and each 43512
school year thereafter, the state board's method shall use the 43513
components in divisions (D)(3)(a), (b), (c), (d), (e), and (f) of 43514
this section to calculate the overall performance rating. The 43515
method shall give equal weight to the components in divisions 43516
(D)(3)(b) and (c) of this section. The method shall give equal 43517
weight to the components prescribed in divisions (D)(3)(a), (d), 43518
(e), and (f) of this section. The individual weights of each of 43519
the components prescribed in divisions (D)(3)(a), (d), (e), and 43520

(f) of this section shall be equal to one-half the weight given to 43521
the component prescribed in division (D)(3)(b) of this section. 43522

If the joint committee on agency rule review disapproves the 43523
department's rules regarding the college, career, workforce, and 43524
military readiness component as described in division (D)(3)(f) of 43525
this section, division (D)(3)(g)(ii) of this section does not 43526
apply. 43527

(4)(a) The state board shall adopt rules in accordance with 43528
Chapter 119. of the Revised Code to establish the performance 43529
criteria, benchmarks, and rating system necessary to implement 43530
divisions (D) and (F) of this section, including the method for 43531
the department to assign performance ratings under division (D)(3) 43532
of this section. 43533

(b) In establishing the performance criteria, benchmarks, and 43534
rating system, the state board shall consult with stakeholder 43535
groups and advocates that represent parents, community members, 43536
students, business leaders, and educators from different school 43537
typology regions. The state board shall use data from prior school 43538
years and simulations to ensure that there is meaningful 43539
differentiation among districts and buildings across all 43540
performance ratings and that, except as permitted in division 43541
(D)(3)(f) of this section, more than half of all districts or 43542
buildings do not earn the same performance rating in any component 43543
or overall performance rating. 43544

(c) The state board shall adopt the rules prescribed by 43545
division (D)(4) of this section not later than March 31, 2022. 43546
However, the department shall notify districts and buildings of 43547
the changes to the report card prescribed in law not later than 43548
one week after ~~the effective date of this amendment~~ September 30, 43549
2021. 43550

(d) Prior to adopting or updating rules under division (D)(4) 43551

of this section, the president of the state board and the 43552
department shall conduct a public presentation before the standing 43553
committees of the house of representatives and the senate that 43554
consider primary and secondary education legislation describing 43555
the format for the report card and the performance criteria, 43556
benchmarks, and rating system, including the method to assign 43557
performance ratings under division (D)(3) of this section. 43558

(E) On or after July 1, 2015, the state board may develop a 43559
measure of student academic progress for high school students 43560
using only data from assessments in English language arts and 43561
mathematics. If the state board develops this measure, each school 43562
district and applicable school building shall be assigned a 43563
separate letter grade for it not sooner than the 2017-2018 school 43564
year. The district's or building's grade for that measure shall 43565
not be included in determining the district's or building's 43566
overall letter grade. 43567

(F)(1) The letter grades assigned to a school district or 43568
building under this section shall be as follows: 43569

(a) "A" for a district or school making excellent progress; 43570

(b) "B" for a district or school making above average 43571
progress; 43572

(c) "C" for a district or school making average progress; 43573

(d) "D" for a district or school making below average 43574
progress; 43575

(e) "F" for a district or school failing to meet minimum 43576
progress. 43577

(2) For the overall performance rating under division (D)(3) 43578
of this section, the department shall include a descriptor for 43579
each performance rating as follows: 43580

(a) "Significantly exceeds state standards" for a performance 43581

rating of five stars; 43582

(b) "Exceeds state standards" for a performance rating of 43583
four stars or four and one-half stars; 43584

(c) "Meets state standards" for a performance rating of three 43585
stars or three and one-half stars; 43586

(d) "Needs support to meet state standards" for a performance 43587
rating of two stars or two and one-half stars; 43588

(e) "Needs significant support to meet state standards" for a 43589
performance rating of one star or one and one-half stars. 43590

(3) For performance ratings for each component under 43591
divisions (D)(3)(a) to (f) of this section, the state board shall 43592
include a description of each component and performance rating. 43593
The description shall include component-specific context to each 43594
performance rating earned, estimated comparisons to other school 43595
districts and buildings if appropriate, and any other information 43596
determined by the state board. The descriptions shall be not 43597
longer than twenty-five words in length when possible. In addition 43598
to such descriptions, the state board shall include the 43599
descriptors in division (F)(2) of this section for component 43600
performance ratings. 43601

(4) Each report card issued under this section shall include 43602
all of the following: 43603

(a) A graphic that depicts the performance ratings of a 43604
district or school on a color scale. The color associated with a 43605
performance rating of three stars shall be green and the color 43606
associated with a performance rating of one star shall be red. 43607

(b) An arrow graphic that shows data trends for performance 43608
ratings for school districts or buildings. The state board shall 43609
determine the data to be used for this graphic, which shall 43610
include at least the three most recent years of data. 43611

(c) A description regarding the weights that are assigned to each component and used to determine an overall performance rating, as prescribed under division (D)(3)(g) of this section, which shall be included in the presentation of the overall performance rating on each report card.

(G) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:

(1) Performance of students by grade-level;

(2) Performance of students by race and ethnic group;

(3) Performance of students by gender;

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

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

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

(7) Performance of students grouped by those who are economically disadvantaged;

(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;

(9) Performance of students grouped by those who are classified as English learners;

(10) Performance of students grouped by those who have disabilities;

(11) Performance of students grouped by those who are classified as migrants;

(12) Performance of students grouped by those who are 43641
identified as gifted in superior cognitive ability and the 43642
specific academic ability fields of reading and math pursuant to 43643
Chapter 3324. of the Revised Code. In disaggregating specific 43644
academic ability fields for gifted students, the department shall 43645
use data for those students with specific academic ability in math 43646
and reading. If any other academic field is assessed, the 43647
department shall also include data for students with specific 43648
academic ability in that field as well. 43649

(13) Performance of students grouped by those who perform in 43650
the lowest quintile for achievement on a statewide basis, as 43651
determined by a method prescribed by the state board. 43652

The department may disaggregate data on student performance 43653
according to other categories that the department determines are 43654
appropriate. To the extent possible, the department shall 43655
disaggregate data on student performance according to any 43656
combinations of two or more of the categories listed in divisions 43657
(G)(1) to (13) of this section that it deems relevant. 43658

In reporting data pursuant to division (G) of this section, 43659
the department shall not include in the report cards any data 43660
statistical in nature that is statistically unreliable or that 43661
could result in the identification of individual students. For 43662
this purpose, the department shall not report student performance 43663
data for any group identified in division (G) of this section that 43664
contains less than ten students. If the department does not report 43665
student performance data for a group because it contains less than 43666
ten students, the department shall indicate on the report card 43667
that is why data was not reported. 43668

(H) The department may include with the report cards any 43669
additional education and fiscal performance data it deems 43670
valuable. 43671

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

The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

(J)(1)(a) Except as provided in division (J)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)(4)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum to the district's report card the ratings and performance measures that are required under section 3314.017 of the Revised Code for any community school to which division (J)(1)(b) of this section

applies. This addendum shall include, at a minimum, the data 43704
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 43705
3314.017 of the Revised Code. 43706

(2) Any district that leases a building to a community school 43707
located in the district or that enters into an agreement with a 43708
community school located in the district whereby the district and 43709
the school endorse each other's programs may elect to have data 43710
regarding the academic performance of students enrolled in the 43711
community school combined with comparable data from the schools of 43712
the district for the purpose of determining the performance of the 43713
district as a whole on the district report card. Any district that 43714
so elects shall annually file a copy of the lease or agreement 43715
with the department. 43716

(3) Any municipal school district, as defined in section 43717
3311.71 of the Revised Code, that sponsors a community school 43718
located within the district's territory, or that enters into an 43719
agreement with a community school located within the district's 43720
territory whereby the district and the community school endorse 43721
each other's programs, may exercise either or both of the 43722
following elections: 43723

(a) To have data regarding the academic performance of 43724
students enrolled in that community school combined with 43725
comparable data from the schools of the district for the purpose 43726
of determining the performance of the district as a whole on the 43727
district's report card; 43728

(b) To have the number of students attending that community 43729
school noted separately on the district's report card. 43730

The election authorized under division (J)(3)(a) of this 43731
section is subject to approval by the governing authority of the 43732
community school. 43733

Any municipal school district that exercises an election to 43734

combine or include data under division (J)(3) of this section, by 43735
the first day of October of each year, shall file with the 43736
department documentation indicating eligibility for that election, 43737
as required by the department. 43738

(K) The department shall include on each report card the 43739
percentage of teachers in the district or building who are 43740
properly certified or licensed teachers, as defined in section 43741
3319.074 of the Revised Code, and a comparison of that percentage 43742
with the percentages of such teachers in similar districts and 43743
buildings. 43744

(L)(1) In calculating English language arts, mathematics, 43745
science, American history, or American government assessment 43746
passage rates used to determine school district or building 43747
performance under this section, the department shall include all 43748
students taking an assessment with accommodation or to whom an 43749
alternate assessment is administered pursuant to division (C)(1) 43750
or (3) of section 3301.0711 of the Revised Code and all students 43751
who take substitute examinations approved under division (B)(4) of 43752
section 3301.0712 of the Revised Code in the subject areas of 43753
science, American history and American government. 43754

(2) In calculating performance index scores, rates of 43755
achievement on the performance indicators established by the state 43756
board under section 3302.02 of the Revised Code, and annual 43757
measurable objectives for determining adequate yearly progress for 43758
school districts and buildings under this section, the department 43759
shall do all of the following: 43760

(a) Include for each district or building only those students 43761
who are included in the ADM certified for the first full school 43762
week of October and are continuously enrolled in the district or 43763
building through the time of the spring administration of any 43764
assessment prescribed by division (A)(1) or (B)(1) of section 43765
3301.0710 or division (B) of section 3301.0712 of the Revised Code 43766

that is administered to the student's grade level; 43767

(b) Include cumulative totals from both the fall and spring 43768
administrations of the third grade English language arts 43769
achievement assessment and, to the extent possible, the summer 43770
administration of that assessment; 43771

(c) ~~Except as required by the No Child Left Behind Act of~~ 43772
~~2001, exclude~~ Include for each district or building any English 43773
learner ~~who has been enrolled in United States schools for less~~ 43774
~~than one full school year~~ in accordance with the department's 43775
plan, as approved by the United States secretary of education, to 43776
comply with the "Elementary and Secondary Education Act of 1965," 43777
20 U.S.C. 6311 to 6339. 43778

As used in this section, "English learner" has the same 43779
meaning as in section 3301.0731 of the Revised Code. 43780

(M) Beginning with the 2015-2016 school year and at least 43781
once every three years thereafter, the state board of education 43782
shall review and may adjust the benchmarks for assigning letter 43783
grades or performance ratings to the performance measures and 43784
components prescribed under divisions (C)(3), (D), and (E) of this 43785
section. 43786

Sec. 3302.0310. (A) As used in this section: 43787

(1) "Online high school" means a high school that is either: 43788

(a) A school operated by a city, local, or exempted village 43789
school district using an online learning model in accordance with 43790
section 3302.42 of the Revised Code; 43791

(b) An internet- or computer-based community school, as 43792
defined in section 3314.02 of the Revised Code. 43793

(2) "Graduation eligible student" means a student who, when 43794
enrolling for the first time in an online high school, is in the 43795
twelfth grade and has earned at least fifteen high school credits. 43796

(3) "State report card" means a report card issued under section 3302.03, 3314.012, or 3314.017 of the Revised Code. 43797
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(B) Notwithstanding anything to the contrary in section 3302.03 of the Revised Code, the department of education and workforce shall include on an online high school's state report card, as a performance measure without an assigned performance rating, a modified graduation rate. The department shall calculate the modified graduation rate in the same manner as the four-year adjusted cohort graduation rate, except that the department only shall include graduation eligible students in the modified graduation rate's calculation. The department shall not include in the modified graduation rate calculation a graduation eligible student who is automatically withdrawn from an online high school pursuant to division (A)(6)(b) of section 3314.03 of the Revised Code and who does not re-enroll in a school. 43799
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(C) Except as necessary to comply with federal law, but notwithstanding anything to the contrary in the Revised Code, beginning with the report card for the 2023-2024 school year, the department shall report an online high school's modified graduation rate as data without an assigned performance rating. 43812
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Sec. 3302.07. (A) The board of education of any school district, the governing board of any educational service center, or the administrative authority of any chartered nonpublic school may submit to the state board of education an application proposing an innovative education pilot program the implementation of which requires exemptions from specific statutory provisions or rules. If a district or service center board employs teachers under a collective bargaining agreement adopted pursuant to Chapter 4117. of the Revised Code, any application submitted under this division shall include the written consent of the teachers' employee representative designated under division (B) of section 43817
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4117.04 of the Revised Code. The exemptions requested in the 43828
application shall be limited to any requirement of Title XXXIII of 43829
the Revised Code or of any rule of the state board adopted 43830
pursuant to that title except that the application may not propose 43831
an exemption from any requirement of or rule adopted pursuant to 43832
Chapter 3307. or 3309., section 3302.41 or 3302.42, sections 43833
3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 43834
Furthermore, an exemption from any operating standard adopted 43835
under division (B)(2) or (D) of section 3301.07 of the Revised 43836
Code shall be granted only pursuant to a waiver granted by the 43837
superintendent of public instruction under division (O) of that 43838
section. 43839

(B) The state board of education shall accept any application 43840
submitted in accordance with division (A) of this section. The 43841
superintendent of public instruction shall approve or disapprove 43842
the application in accordance with standards for approval, which 43843
shall be adopted by the state board. 43844

(C) The superintendent of public instruction shall exempt 43845
each district or service center board or chartered nonpublic 43846
school administrative authority with an application approved under 43847
division (B) of this section for a specified period from the 43848
statutory provisions or rules specified in the approved 43849
application. The period of exemption shall not exceed the period 43850
during which the pilot program proposed in the application is 43851
being implemented and a reasonable period to allow for evaluation 43852
of the effectiveness of the program. 43853

Sec. 3302.111. (A) This section applies to a school district 43854
that meets both of the following conditions: 43855

(1) An academic distress commission was established for the 43856
district in 2013 by the superintendent of public instruction under 43857
former section 3302.10 of the Revised Code, as it existed prior to 43858

October 15, 2015; 43859

(2) A new academic distress commission was established for 43860
the district by the state superintendent under division (A)(2) of 43861
section 3302.10 of the Revised Code. 43862

(B) Notwithstanding anything to the contrary in the Revised 43863
Code, any academic distress commission established under section 43864
3302.10 of the Revised Code and academic improvement plan 43865
established under section 3302.103 of the Revised Code for a 43866
school district to which this section applies shall be dissolved 43867
immediately on the effective date of this section, and the chief 43868
executive officer shall relinquish management and control of the 43869
school district to the district board of education and the 43870
district superintendent. 43871

Sec. 3309.363. (A) As used in this section: 43872

(1) "Retirement allowance" means any of the following as 43873
appropriate: 43874

(a) An allowance calculated under section 3309.36 of the 43875
Revised Code before any reduction for early retirement or election 43876
under section 3309.46 of the Revised Code of a plan of payment; 43877

(b) An allowance calculated under division (A) of section 43878
3309.45 of the Revised Code; 43879

(c) An allowance calculated under division (B)(1)(a) of 43880
section 3309.381 of the Revised Code. 43881

(2) "CBBC" means the contribution based benefit cap, which is 43882
a limit established by the school employees retirement board on 43883
the retirement allowance a member may receive. 43884

(B) Based on the advice of an actuary appointed by the board, 43885
the board shall designate a number as the CBBC factor. The board 43886
may, from time to time, revise the factor pursuant to advice from 43887
an actuary appointed by the board. 43888

(C) Beginning on and after August 1, 2024, before paying a retirement allowance, the board shall make all of the following calculations: 43889
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(1) Determine an amount equal to the value of the member's accumulated contributions, including any contributions used to fund a disability benefit under section 3309.40 of the Revised Code and a portion of any amounts paid by an employer under section 3309.33 of the Revised Code, as determined by an actuary appointed by the board; 43892
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(2) Determine the amount of a single life annuity that is the actuarial equivalent of the amount determined under division (C)(1) of this section, adjusted for the age of the member at the time of retirement or, when appropriate, the age at the time of the member's death; 43898
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(3) Multiply the annuity amount determined under division (C)(2) of this section by the CBBC factor. 43903
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(D) The amount determined under division (C)(3) of this section is the member's CBBC. Beginning on and after August 1, 2024, if the retirement allowance the member would receive exceeds the member's CBBC, the board shall reduce the retirement allowance to an amount equal to the member's CBBC. 43905
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(E) If a member's retirement allowance is reduced under this section, the reduced retirement allowance is the member's single lifetime allowance for purposes of sections 3309.36, 3309.381, and 3309.45 of the Revised Code. 43910
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(F) The board may adopt rules to implement this section. 43914

Sec. 3310.03. For the 2021-2022 school year and each school year thereafter, subject to division (G) of this section, a student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident 43915
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district is not a school district in which the pilot project 43919
scholarship program is operating under sections 3313.974 to 43920
3313.979 of the Revised Code, the student satisfies one of the 43921
conditions in division (A), (B), or (C) of this section, and the 43922
student maintains eligibility to receive a scholarship under 43923
division (D) of this section. 43924

However, any student who received a scholarship for the 43925
2020-2021 school year under this section, as it existed prior to 43926
March 2, 2021, shall continue to receive that scholarship until 43927
the student completes grade twelve, as long as the student 43928
maintains eligibility to receive a scholarship under division (D) 43929
of this section. 43930

(A)(1) A student is eligible for a scholarship if the student 43931
is enrolled in a school building operated by the student's 43932
resident district and to which both of the following apply: 43933

(a) The building was ranked in the lowest twenty per cent of 43934
all buildings operated by city, local, and exempted village school 43935
districts according to performance index score as determined by 43936
the department of education, as follows: 43937

(i) For a scholarship sought for the 2021-2022 or 2022-2023 43938
school year, the building was ranked in the lowest twenty per cent 43939
of buildings for each of the 2017-2018 and 2018-2019 school years. 43940

(ii) For a scholarship sought for the 2023-2024 school year, 43941
the building was ranked in the lowest twenty per cent of buildings 43942
for each of the 2018-2019 and 2021-2022 school years. 43943

(iii) For a scholarship sought for the 2024-2025 school year, 43944
the building was ranked in the lowest twenty per cent of buildings 43945
for each of the 2021-2022 and 2022-2023 school years. 43946

(iv) For a scholarship sought for the 2025-2026 school year 43947
or any school year thereafter, the building was ranked in the 43948

lowest twenty per cent of buildings for at least two of the three 43949
most recent consecutive rankings issued prior to the first day of 43950
July of the school year for which a scholarship is sought. 43951

(b) The building is operated by a school district in which, 43952
for the three consecutive school years prior to the school year 43953
for which a scholarship is sought, an average of twenty per cent 43954
or more of the students entitled to attend school in the district, 43955
under section 3313.64 or 3313.65 of the Revised Code, were 43956
qualified to be included in the formula to distribute funds under 43957
Title I of the "Elementary and Secondary Education Act of 1965," 43958
20 U.S.C. 6301 et seq. 43959

When ranking school buildings under division (A)(1) of this 43960
section, the department shall not include buildings operated by a 43961
school district in which the pilot project scholarship program is 43962
operating in accordance with sections 3313.974 to 3313.979 of the 43963
Revised Code. 43964

(2) A student is eligible for a scholarship if the student 43965
will be enrolling in any of grades kindergarten through twelve in 43966
this state for the first time in the school year for which a 43967
scholarship is sought, will be at least five years of age, as 43968
defined in section 3321.01 of the Revised Code, by the first day 43969
of January of the school year for which a scholarship is sought, 43970
and otherwise would be assigned under section 3319.01 of the 43971
Revised Code in the school year for which a scholarship is sought, 43972
to a school building described in division (A)(1) of this section. 43973

(3) A student is eligible for a scholarship if the student is 43974
enrolled in a community school established under Chapter 3314. of 43975
the Revised Code but otherwise would be assigned under section 43976
3319.01 of the Revised Code to a building described in division 43977
(A)(1) of this section. 43978

(4) A student is eligible for a scholarship if the student is 43979

enrolled in a school building operated by the student's resident 43980
district or in a community school established under Chapter 3314. 43981
of the Revised Code and otherwise would be assigned under section 43982
3319.01 of the Revised Code to a school building described in 43983
division (A)(1) of this section in the school year for which the 43984
scholarship is sought. 43985

(5) A student is eligible for a scholarship if the student 43986
was enrolled in a public or nonpublic school or was homeschooled 43987
in the prior school year and completed any of grades eight through 43988
eleven in that school year and otherwise would be assigned under 43989
section 3319.01 of the Revised Code to a school building described 43990
in division (A)(1) of this section in the school year for which 43991
the scholarship is sought. 43992

(B) A student is eligible for a scholarship if the student is 43993
enrolled in a nonpublic school at the time the school is granted a 43994
charter by the state board of education under section 3301.16 of 43995
the Revised Code and the student meets the standards of division 43996
(B) of section 3310.031 of the Revised Code. 43997

(C) A student is eligible for a scholarship if the student's 43998
resident district is subject to section 3302.10 of the Revised 43999
Code and the student either: 44000

(1) Is enrolled in a school building operated by the resident 44001
district or in a community school established under Chapter 3314. 44002
of the Revised Code; 44003

(2) Will be both enrolling in any of grades kindergarten 44004
through twelve in this state for the first time and at least five 44005
years of age by the first day of January of the school year for 44006
which a scholarship is sought. 44007

(D) A student who receives a scholarship under the 44008
educational choice scholarship pilot program remains an eligible 44009
student and may continue to receive scholarships in subsequent 44010

school years until the student completes grade twelve, so long as 44011
all of the following apply: 44012

(1) The student's resident district remains the same, or the 44013
student transfers to a new resident district and otherwise would 44014
be assigned in the new resident district to a school building 44015
described in division (A)(1) or (C) of this section. 44016

(2) The student takes each assessment prescribed for the 44017
student's grade level under section 3301.0710, 3301.0712, or 44018
3313.619 of the Revised Code while enrolled in a chartered 44019
nonpublic school, unless one of the following applies to the 44020
student: 44021

(a) The student is excused from taking that assessment under 44022
federal law, the student's individualized education program, or 44023
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 44024

(b) The student is enrolled in a chartered nonpublic school 44025
that meets the conditions specified in division (K)(2) or (L)(4) 44026
of section 3301.0711 of the Revised Code. 44027

(c) The student is enrolled in any of grades three to eight 44028
and takes an alternative standardized assessment under division 44029
(K)(1) of section 3301.0711 of the Revised Code. 44030

(d) The student is excused from taking the assessment 44031
prescribed under division (B)(1) of section 3301.0712 of the 44032
Revised Code pursuant to division (C)(1)(c)(ii) of section 44033
3301.0711 of the Revised Code. 44034

(3) In each school year that the student is enrolled in a 44035
chartered nonpublic school, the student is absent from school for 44036
not more than twenty days that the school is open for instruction, 44037
not including excused absences. 44038

(E)(1) The department shall cease awarding first-time 44039
scholarships pursuant to divisions (A)(1) to (5) of this section 44040

with respect to a school building that, in the most recent ratings 44041
of school buildings under section 3302.03 of the Revised Code 44042
prior to the first day of July of the school year, ceases to meet 44043
the criteria in division (A)(1) of this section. 44044

(2) The department shall cease awarding first-time 44045
scholarships pursuant to division (C) of this section with respect 44046
to a school district subject to section 3302.10 of the Revised 44047
Code when the academic distress commission established for the 44048
district ceases to exist. 44049

(3) However, students who have received scholarships in the 44050
prior school year remain eligible students pursuant to division 44051
(D) of this section. 44052

(F) The state board of education shall adopt rules defining 44053
excused absences for purposes of division (D)(3) of this section. 44054

(G) Notwithstanding anything to the contrary in this section 44055
or section 3310.031 of the Revised Code, a student shall not be 44056
required to be enrolled or enrolling in a school building operated 44057
by the student's resident district or a community school in order 44058
to be eligible for a scholarship, as follows: 44059

(1) For a scholarship sought for the 2021-2022 school year, a 44060
student entering any of grades kindergarten through two; 44061

(2) For a scholarship sought for the 2022-2023 school year, a 44062
student entering any of grades kindergarten through four; 44063

(3) For a scholarship sought for the 2023-2024 school year, a 44064
student entering any of grades kindergarten through six; 44065

(4) For a scholarship sought for the 2024-2025 school year, a 44066
student entering any of grades kindergarten through eight; 44067

(5) For a scholarship sought for the 2025-2026 school year, 44068
and each school year thereafter, a student entering any of grades 44069
kindergarten through twelve. 44070

(G) Except as provided for in division (C)(2) of section 3365.07 of the Revised Code, the department shall not require the parent of a student who applies for or receives a scholarship under this section or section 3310.033, 3310.034, or 3310.035 of the Revised Code to complete any kind of income verification regarding the student's family income.

Sec. 3310.032. (A) A student is an "eligible student" for purposes of the expansion of the educational choice scholarship pilot program under this section if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, the student is not eligible for an educational choice scholarship under section 3310.03 of the Revised Code, and ~~either of the following apply:~~

~~(1) The student's family income is at or below two hundred fifty per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, when the student applies for a scholarship under this section.~~

~~(2) The student's sibling, as defined in section 3310.033 of the Revised Code, receives a scholarship under this section for at least one of the following:~~

~~(a) For the school year immediately prior to the school year for which the student is seeking a scholarship;~~

~~(b) For the school year for which the student is seeking a scholarship~~the student is entering any of grades kindergarten through twelve in the school year for which a scholarship is sought. A student's parent or guardian may certify income eligibility to the department of education and workforce by submitting, in a manner determined by the department, an affidavit affirming the student's family income meets the requirement, proof of income eligibility under another state or federal program, or

other evidence determined appropriate by the department. Any 44102
individual who is not required to file a tax return under section 44103
5747.02 of the Revised Code shall not be required to certify 44104
income eligibility under this section. 44105

(B) In each fiscal year for which the general assembly 44106
appropriates funds for purposes of this section, the department of 44107
education shall pay scholarships to attend chartered nonpublic 44108
schools in accordance with section 3317.022 of the Revised Code. 44109
The number of scholarships awarded under this section shall not 44110
exceed the number that can be funded for that school year as 44111
authorized by the general assembly. 44112

(C) Scholarships under this section shall be awarded as 44113
follows: 44114

(1) For the 2013-2014 school year, to eligible students who 44115
are entering kindergarten in that school year for the first time; 44116

(2) For each subsequent school year through the 2019-2020 44117
school year, scholarships shall be awarded to eligible students in 44118
the next grade level above the highest grade level awarded in the 44119
preceding school year, in addition to the grade levels for which 44120
students received scholarships in the preceding school year; 44121

(3) Beginning with the 2020-2021 school year, to eligible 44122
students who are entering any of grades kindergarten through 44123
twelve in that school year for the first time. 44124

~~(D) If the number of eligible students who apply for a~~ 44125
~~scholarship under this section exceeds the scholarships available~~ 44126
~~based on the appropriation for this section, the department shall~~ 44127
~~award scholarships in the following order of priority:~~ 44128

~~(1) First, to eligible students who received scholarships~~ 44129
~~under this section in the prior school year;~~ 44130

~~(2) Second, to eligible students with family incomes at or~~ 44131

~~below one hundred per cent of the federal poverty guidelines. If 44132
the number of students described in division (D)(2) of this 44133
section who apply for a scholarship exceeds the number of 44134
available scholarships after awards are made under division (D)(1) 44135
of this section, the department shall select students described in 44136
division (D)(2) of this section by lot to receive any remaining 44137
scholarships. 44138~~

~~(3) Third, to other eligible students who qualify under this 44139
section. If the number of students described in division (D)(3) of 44140
this section exceeds the number of available scholarships after 44141
awards are made under divisions (D)(1) and (2) of this section, 44142
the department shall select students described in division (D)(3) 44143
of this section by lot to receive any remaining scholarships. 44144~~

~~(E) A student who receives a scholarship under this section 44145
remains an eligible student and may continue to receive 44146
scholarships under this section in subsequent school years until 44147
the student completes grade twelve, so long as the student 44148
satisfies the conditions specified in divisions (D)(2) and (3) of 44149
section 3310.03 of the Revised Code. 44150~~

Once a scholarship is awarded under this section, the student 44151
shall remain eligible for that scholarship for the current school 44152
year and subsequent school years even if the student's family 44153
income rises above the amount specified in division (A) of this 44154
section, provided the student remains enrolled in a chartered 44155
nonpublic school. 44156

Sec. 3310.035. (A) A student who is eligible for an 44157
educational choice scholarship under both sections 3310.03 and 44158
3310.032 of the Revised Code, and applies for a scholarship for 44159
the first time after ~~September 29, 2013~~ the effective date of this 44160
amendment, shall select which scholarship to receive a scholarship 44161
under section 3310.03 of the Revised Code. 44162

(B) A Except as provided in division (C) of this section, a student who is eligible under both sections 3310.03 and 3310.032 of the Revised Code and received a scholarship in the previous school year shall continue to receive the scholarship under the section from which the student received the scholarship in the previous school year, so long as a student who receives a scholarship under section 3310.03 of the Revised Code satisfies with the conditions specified in divisions (D)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 satisfies with the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

(C) A student may change which scholarship the student receives as described in division (A) of this section. A student who chooses to change which scholarship the student receives shall continue to receive that scholarship so long as a student who receives a scholarship under section 3310.03 of the Revised Code satisfies the conditions specified in divisions (D)(1) to (3) of that section, and a student who receives a scholarship under section 3310.032 of the Revised Code satisfies the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

Sec. 3310.08. (A) As used in this section:

(1) "Constant multiplier" means 0.50.

(2) "Base amount" means the maximum educational choice scholarship amount for the student's grade level under division (A)(10)(a)(ii)(I) of section 3317.022 of the Revised Code for the fiscal year.

(3) "Federal poverty level multiplier" means a percentage equal to the student's family income percentage of the federal poverty guidelines for the fiscal year.

(4) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code. 44193
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(5) "Power equation" means the following formula: 44195
The federal poverty level multiplier X ln(constant multiplier) 44196

(6) "Minimum amount" means an amount equal to the student's base amount multiplied by ten per cent. 44197
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(B) The department of education and workforce shall determine the educational choice scholarship amount for a student described in division (A)(10)(a)(ii)(II) of section 3317.022 of the Revised Code for a fiscal year, as follows: 44199
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(1) For a student with a family adjusted gross income, as defined in section 5747.01 of the Revised Code, at or below four hundred fifty per cent of the federal poverty guidelines for the fiscal year, the base amount; 44203
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(2) For a student with a family adjusted gross income, as defined in section 5747.01 of the Revised Code, above four hundred fifty per cent of the federal poverty guidelines, an amount calculated according to the following formula: 44207
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The base amount X (1 / the constant multiplier)^{4.5} X e^{power equation} 44211
44212

If the amount calculated for a student under division (B)(2) of this division is less than the minimum amount, the student's scholarship amount shall be the minimum amount. 44213
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(C) For the purposes of calculating a scholarship amount for a student under this section, the department shall require a student's parent to submit documentation regarding the student's family income. The department shall use the documentation submitted for the first school year that the student has a scholarship amount calculated under this section to calculate the amount for that school year and each subsequent school year, unless, for a subsequent school year, the parent requests the 44216
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department recalculate the student's scholarship amount based on 44224
updated documentation. 44225

A parent shall submit documentation, or a request for a 44226
recalculation, to the department in a form and manner prescribed 44227
by the department. 44228

~~Sec. 3310.13. (A) No chartered nonpublic school shall charge~~ 44229
~~any student whose family income is at or below two hundred per~~ 44230
~~cent of the federal poverty guidelines, as defined in section~~ 44231
~~5101.46 of the Revised Code, a tuition fee that is greater than~~ 44232
~~the total amount paid for that student under section 3317.022 of~~ 44233
~~the Revised Code.~~ 44234

~~(B)~~ A chartered nonpublic school may charge any other student 44235
who is paid a scholarship under ~~that~~ section 3317.022 of the 44236
Revised Code up to the difference between the amount of the 44237
scholarship and the regular tuition charge of the school. Each 44238
chartered nonpublic school may permit such an eligible student's 44239
family to provide volunteer services in lieu of cash payment to 44240
pay all or part of the amount of the school's tuition not covered 44241
by the scholarship paid under section 3317.022 of the Revised 44242
Code. 44243

~~(C)~~(B) Each chartered nonpublic school that charges a 44244
scholarship student an additional amount as authorized under 44245
division ~~(B)~~(A) of this section shall annually report to the 44246
department of education in the manner prescribed by the department 44247
the following: 44248

(1) The number of students charged; 44249

(2) The average of the amounts charged to such students. 44250

(C) On and after July 1, 2024, the department shall not 44251
require the parent of a student to submit a complete copy of the 44252
parent's federal income tax return, or a return filed under 44253

section 5747.08 of the Revised Code, to determine a student's 44254
family income for the purposes of the educational choice 44255
scholarship pilot program. Rather, the department may require a 44256
parent to submit a partial federal income tax return, or a return 44257
filed under section 5747.08 of the Revised Code, that only 44258
contains the minimum amount of information necessary to determine 44259
a student's family income. 44260

(D) No chartered nonpublic school participating in the 44261
educational choice scholarship pilot program shall require the 44262
parent of a student to disclose, as part of the school's admission 44263
procedure, whether the student's family income is at or below two 44264
hundred per cent of the federal poverty guidelines. 44265

(E) A chartered nonpublic school may accept scholarships 44266
issued by a scholarship granting organization authorized under 44267
section 5747.73 of the Revised Code as payment for the difference 44268
between the amount of the scholarship paid under section 3317.022 44269
of the Revised Code and the regular tuition charge of the school, 44270
as well as for any fees regularly charged by the school." 44271

(F) Not later than the thirtieth day of June of each year, 44272
each chartered nonpublic school that enrolls students who receive 44273
educational choice scholarships shall submit to the department of 44274
education and workforce, in a form and manner prescribed by the 44275
department, the tuition rates charged by the school for the 44276
following school year. 44277

Sec. 3310.16. (A) For the 2020-2021 school year and each 44278
school year thereafter, the department of education shall accept, 44279
process, and award scholarships each year for the educational 44280
choice scholarship pilot program under sections 3310.03 and 44281
3310.032 of the Revised Code, as follows: 44282

(1) The application period shall open on the first day of 44283
February prior to the first day of July of the school year for 44284

which a scholarship is sought. Not later than forty-five days 44285
after an applicant submits to the department of education a 44286
completed application, the department of education shall determine 44287
whether that applicant is eligible for a scholarship and notify 44288
the applicant whether or not the applicant is eligible. The 44289
department of education shall award a scholarship to each student 44290
with an approved application. However, for any application 44291
submitted on or after the beginning the fifteenth day of October 44292
of the school year for which a scholarship is sought, the 44293
department of education shall prorate the amount of the awarded 44294
scholarship based on how much of the school year remains after the 44295
date of the student's enrollment in the chartered nonpublic 44296
school. 44297

(2) In each school year, the department of education shall 44298
accept applications for conditional approval of a scholarship 44299
sought for that year or the next school year. Not later than five 44300
days after receiving an application under this division, the 44301
department of education shall grant conditional approval to an 44302
applicant who is eligible for a scholarship and notify the 44303
applicant whether or not conditional approval is granted. 44304

(B) If the department determines an application submitted 44305
under this section contains an error or deficiency, the department 44306
shall notify the applicant who submitted that application not 44307
later than fourteen days after the application is submitted. 44308

(C) The departments of education, job and family services, 44309
and taxation shall enter into a data sharing agreement so that, in 44310
administering this section, the department of education shall be 44311
able to determine, based on the address provided in a student's 44312
application, whether that student is eligible for an educational 44313
choice scholarship under section 3310.03 of the Revised Code and 44314
whether the student meets the residency requirements for an 44315
educational choice scholarship under section 3310.032 of the 44316

Revised Code.	44317
(D) No city, local, or exempted village school district shall	44318
have access to an application submitted under this section.	44319
Sec. 3310.41. (A) As used in this section:	44320
(1) "Alternative public provider" means either of the	44321
following providers that agrees to enroll a child in the	44322
provider's special education program to implement the child's	44323
individualized education program <u>or an education plan developed by</u>	44324
<u>the school district under division (G) of this section</u> and to	44325
which the child's parent owes fees for the services provided to	44326
the child:	44327
(a) A school district that is not the school district in	44328
which the child is entitled to attend school;	44329
(b) A public entity other than a school district.	44330
(2) "Entitled to attend school" means entitled to attend	44331
school in a school district under section 3313.64 or 3313.65 of	44332
the Revised Code.	44333
(3) "Formula ADM" has the same meaning as in section 3317.02	44334
of the Revised Code.	44335
(4) "Preschool child with a disability" and "individualized	44336
education program" have the same meanings as in section 3323.01 of	44337
the Revised Code.	44338
(5) "Parent" has the same meaning as in section 3313.64 of	44339
the Revised Code, except that "parent" does not mean a parent	44340
whose custodial rights have been terminated. "Parent" also	44341
includes the custodian of a qualified special education child,	44342
when a court has granted temporary, legal, or permanent custody of	44343
the child to an individual other than either of the natural or	44344
adoptive parents of the child or to a government agency.	44345

(6) "Qualified special education child" is a child who was either enrolled in or eligible to enter school in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought and for whom ~~all~~ any of the following conditions apply:

(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section.

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child that includes services related to autism.

~~(c) The child either:~~

~~(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or~~

~~(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship under this section is first sought for the child. The child has been diagnosed as autistic by a physician or psychologist.~~

(7) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the department of education to participate in the program established under this section.

(8) "Special education program" means a school or facility

that provides special education and related services to children 44377
with disabilities. 44378

(B) There is hereby established the autism scholarship 44379
program. Under the program, the department of education shall pay 44380
a scholarship under section 3317.022 of the Revised Code to the 44381
parent of each qualified special education child upon application 44382
of that parent pursuant to procedures and deadlines established by 44383
rule of the state board of education. Each scholarship shall be 44384
used only to pay tuition for the child on whose behalf the 44385
scholarship is awarded to attend a special education program that 44386
implements the child's individualized education program or 44387
education plan and that is operated by an alternative public 44388
provider or by a registered private provider, and to pay for other 44389
services agreed to by the provider and the parent of a qualified 44390
special education child that are not included in the 44391
individualized education program or education plan but are 44392
associated with educating the child. Upon agreement with the 44393
parent of a qualified special education child, the alternative 44394
public provider or the registered private provider may modify the 44395
services provided to the child. The purpose of the scholarship is 44396
to permit the parent of a qualified special education child the 44397
choice to send the child to a special education program, instead 44398
of the one operated by or for the school district in which the 44399
child is entitled to attend school, to receive the services 44400
prescribed in the child's individualized education program or 44401
education plan once the individualized education program or 44402
education plan is finalized and any other services agreed to by 44403
the provider and the parent of a qualified special education 44404
child. The services provided under the scholarship shall include 44405
an educational component or services designed to assist the child 44406
to benefit from the child's education. 44407

A scholarship under this section shall not be awarded to the 44408

parent of a child while the child's individualized education 44409
program is being developed by the school district in which the 44410
child is entitled to attend school, or while any administrative or 44411
judicial mediation or proceedings with respect to the content of 44412
the child's individualized education program are pending. A 44413
scholarship under this section shall not be used for a child to 44414
attend a public special education program that operates under a 44415
contract, compact, or other bilateral agreement between the school 44416
district in which the child is entitled to attend school and 44417
another school district or other public provider, or for a child 44418
to attend a community school established under Chapter 3314. of 44419
the Revised Code. However, nothing in this section or in any rule 44420
adopted by the state board shall prohibit a parent whose child 44421
attends a public special education program under a contract, 44422
compact, or other bilateral agreement, or a parent whose child 44423
attends a community school, from applying for and accepting a 44424
scholarship under this section so that the parent may withdraw the 44425
child from that program or community school and use the 44426
scholarship for the child to attend a special education program 44427
for which the parent is required to pay for services for the 44428
child. 44429

Except for development of the child's individualized 44430
education program or education plan, the school district in which 44431
a qualified special education child is entitled to attend school 44432
and the child's school district of residence, as defined in 44433
section 3323.01 of the Revised Code, if different, are not 44434
obligated to provide the child with a free appropriate public 44435
education under Chapter 3323. of the Revised Code for as long as 44436
the child continues to attend the special education program 44437
operated by either an alternative public provider or a registered 44438
private provider for which a scholarship is awarded under the 44439
autism scholarship program. If at any time, the eligible applicant 44440
for the child decides no longer to accept scholarship payments and 44441

enrolls the child in the special education program of the school 44442
district in which the child is entitled to attend school, that 44443
district shall provide the child with a free appropriate public 44444
education under Chapter 3323. of the Revised Code. 44445

A child attending a special education program with a 44446
scholarship under this section shall continue to be entitled to 44447
transportation to and from that program in the manner prescribed 44448
by law. 44449

(C) As prescribed in division (A)(2)(h) of section 3317.03 of 44450
the Revised Code, a child who is not a preschool child with a 44451
disability for whom a scholarship is awarded under this section 44452
shall be counted in the formula ADM of the district in which the 44453
child is entitled to attend school and not in the formula ADM of 44454
any other school district. 44455

(D) A scholarship shall not be paid under section 3317.022 of 44456
the Revised Code to a parent for payment of tuition owed to a 44457
nonpublic entity unless that entity is a registered private 44458
provider. The department shall approve entities that meet the 44459
standards established by rule of the state board for the program 44460
established under this section. 44461

(E) The state board shall adopt rules under Chapter 119. of 44462
the Revised Code prescribing procedures necessary to implement 44463
this section, including, but not limited to, procedures and 44464
deadlines for parents to apply for scholarships, standards for 44465
registered private providers, and procedures for approval of 44466
entities as registered private providers. 44467

The rules also shall specify that intervention services under 44468
the autism scholarship program may be provided by a qualified, 44469
credentialed provider, including, but not limited to, all of the 44470
following: 44471

(1) A behavior analyst certified by a nationally recognized 44472

organization that certifies behavior analysts; 44473

(2) A psychologist licensed to practice in this state under 44474
Chapter 4732. of the Revised Code; 44475

(3) An independent school psychologist or school psychologist 44476
licensed to practice in this state under Chapter 4732. of the 44477
Revised Code; 44478

(4) Any person employed by a licensed psychologist, licensed 44479
independent school psychologist, or licensed school psychologist, 44480
while carrying out specific tasks, under the licensee's 44481
supervision, as an extension of the licensee's legal and ethical 44482
authority as specified under Chapter 4732. of the Revised Code who 44483
is ascribed as "psychology trainee," "psychology assistant," 44484
"psychology intern," or other appropriate term that clearly 44485
implies their supervised or training status; 44486

(5) Unlicensed persons holding a doctoral degree in 44487
psychology or special education from a program approved by the 44488
state board; 44489

(6) A "registered behavior technician" as described under 44490
rule 5123-9-41 of the Administrative Code working under the 44491
supervision and following the intervention plan of a certified 44492
Ohio behavior analyst or a behavior analyst certified by a 44493
nationally recognized organization that certifies behavior 44494
analysts; 44495

(7) A "certified Ohio behavior analyst" under Chapter 4783. 44496
of the Revised Code; 44497

(8) Any other qualified individual as determined by the state 44498
board. 44499

(F) The department shall provide reasonable notice to all 44500
parents of children receiving a scholarship under the autism 44501
scholarship program, alternative public providers, and registered 44502

private providers of any amendment to a rule governing, or change 44503
in the administration of, the autism scholarship program. 44504

(G) If a child qualifies for the autism scholarship program 44505
pursuant to a diagnosis under division (A)(6)(c) of this section 44506
and does not have an individualized education program that 44507
includes services related to autism, the school district in which 44508
the child is entitled to attend school shall develop an education 44509
plan for the child. 44510

(H) Not later than the thirtieth day of June each year, each 44511
alternative public provider and registered private provider 44512
enrolling students receiving autism scholarships shall submit to 44513
the department, in a form and manner prescribed by the department, 44514
the tuition rates charged by the provider for the following school 44515
year. 44516

(I) The department shall not require the parent of a student 44517
who applies for or receives a scholarship under this section to 44518
complete any kind of income verification regarding the student's 44519
family income. 44520

Sec. 3310.43. (A) As used in this section: 44521

(1) "Registered private provider" has the same meaning as in 44522
section 3310.41 of the Revised Code. 44523

(2) "Two years of study" means the equivalent of forty-eight 44524
semester hours or seventy-two quarter hours. 44525

(B) The state board of education may issue an instructional 44526
assistant permit to an individual, upon the request of a 44527
registered private provider, qualifying that individual to provide 44528
services to a child under the autism scholarship program under 44529
section 3310.41 of the Revised Code. The permit shall be valid for 44530
one year from the date of issue and shall be renewable. 44531

For an individual to qualify for a permit under this section, 44532

the registered private provider shall assure to the state board 44533
all of the following: 44534

(1) The individual possesses the appropriate skills necessary 44535
to perform the duties of an instructional assistant, including the 44536
supervision of children and assistance with instructional tasks. 44537

(2) The individual demonstrates the potential to benefit from 44538
and consents to participating in in-service training, as required 44539
by the registered private provider. 44540

(3) The individual either: 44541

(a) Has an associate degree or higher from an accredited 44542
institution of higher education; 44543

(b) Has completed at least two years of study at an 44544
accredited institution of higher education. 44545

(C) An individual issued a permit under this section may 44546
provide instructional services in the home of a child so long as 44547
the individual is subject to adequate training and supervision. 44548
The state board shall adopt rules, pursuant to Chapter 119. of the 44549
Revised Code, regarding how providers will demonstrate this 44550
supervision. 44551

(D) An individual issued a permit under this section shall be 44552
subject to the requirements of sections 3319.291, 3319.31, 44553
3319.311, and 3319.313 of the Revised Code. 44554

(E) The state board shall not require any of the following 44555
providers to receive a permit under this section to qualify to 44556
provide services to a child, including in-home services, under the 44557
autism scholarship program: 44558

(1) A registered behavior technician as described under rule 44559
5123-9-41 of the Administrative Code; 44560

(2) A certified Ohio behavior analyst under Chapter 4783. of 44561
the Revised Code. 44562

Sec. 3310.52. (A) The Jon Peterson special needs scholarship program is hereby established. Under the program, beginning with the 2012-2013 school year, subject to division (B) of this section, the department of education annually shall pay a scholarship under section 3317.022 of the Revised Code to an eligible applicant for services provided by an alternative public provider or a registered private provider for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the provider and eligible applicant that are not included in the individualized education program but are associated with educating the child. Beginning in the 2014-2015 school year, if the child is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, the scholarship shall be used only to pay for related services that are included in the child's individualized education program. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child.

(B) The number of scholarships awarded under the program in any fiscal year shall not exceed five per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year.

(C) The department shall pay a scholarship under section 3317.022 of the Revised Code to the parent of each qualified special education child, unless the parent authorizes a direct payment to the child's provider, upon application of that parent

in the manner prescribed by the department. However, the 44595
department shall not adopt specific dates for application 44596
deadlines for scholarships under the program. 44597

(D) The department shall not require the parent of a student 44598
who applies for or receives a scholarship under this section to 44599
complete any kind of income verification regarding the student's 44600
family income. 44601

Sec. 3310.581. Not later than the thirtieth day of June each 44602
year, each alternative public provider and registered private 44603
provider enrolling students receiving a scholarship shall submit 44604
to the department of education and workforce, in a form and manner 44605
prescribed by the department, the tuition rates charged by the 44606
provider for the following school year. 44607

Sec. 3313.33. (A) Conveyances made by a board of education 44608
shall be executed by the president and treasurer thereof. 44609

(B) Except as provided in division (C) of this section, no 44610
member of the board shall have, directly or indirectly, any 44611
pecuniary interest in any contract of the board or be employed in 44612
any manner for compensation by the board of which the person is a 44613
member. No contract shall be binding upon any board unless it is 44614
made or authorized at a regular or special meeting of such board. 44615

(C) A member of the board may have a pecuniary interest in a 44616
contract of the board if all of the following apply: 44617

(1) The member's pecuniary interest in that contract is that 44618
the member is employed by a political subdivision, 44619
instrumentality, or agency of the state or a private institution 44620
of higher education that is contracting with the board; 44621

(2) The member does not participate in any discussion or 44622
debate regarding the contract or vote on the contract; 44623

(3) The member files with the school district treasurer an affidavit stating the member's exact employment status with the political subdivision, instrumentality, or agency or private institution of higher education contracting with the board.

(D) This section does not apply where a member of the board, being a shareholder of a corporation but not being an officer or director thereof, owns not in excess of five per cent of the stock of such corporation. If a stockholder desires to avail self of the exception, before entering upon such contract such person shall first file with the treasurer an affidavit stating the stockholder's exact status and connection with said corporation.

This section does not apply where a member of the board elects to be covered by a health care plan under section 3313.202 of the Revised Code.

Sec. 3313.41. (A) Except as provided in divisions (C), (D), and (F) of this section and in sections 3313.412 and 3313.413 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is personal property, in the school district of the board of education that owns the property. Not less than thirty days before the auction, the board shall advertise an auction for real property on a major commercial real estate web site. The board may offer real property for sale as an entire tract or in parcels.

In an auction for real property, the board may set a minimum

amount that the board will accept as a winning bid, provided that 44655
amount is disclosed to all auction participants and is not greater 44656
than the appraised fair market value of the property as determined 44657
by an appraisal, as defined in section 3313.411 of the Revised 44658
Code, of the property. 44659

In evaluating bids, a board shall not reject the bid of a 44660
qualified party, as defined in section 3313.411 of the Revised 44661
Code, or a private person that proposes to lease or otherwise make 44662
the property available to a qualified party if the party or person 44663
complies with reasonable and customary requirements imposed by the 44664
board on all auction participants regarding proof of funds and 44665
similar matters and the party or person makes the highest bid. 44666

(B) When the board of education has offered real or personal 44667
property for sale at public auction at least once pursuant to 44668
division (A) of this section, and the property has not been sold, 44669
the board may sell it at a private sale. Regardless of how it was 44670
offered at public auction, at a private sale, the board shall, as 44671
it considers best, sell real property as an entire tract or in 44672
parcels, and personal property in a single lot or in several lots. 44673

(C) ~~If~~ Subject to section 3313.411 of the Revised Code, if a 44674
board of education decides to dispose of real or personal property 44675
that it owns in its corporate capacity and that exceeds in value 44676
ten thousand dollars, it may sell the property to the adjutant 44677
general; to any subdivision or taxing authority as respectively 44678
defined in section 5705.01 of the Revised Code, township park 44679
district, board of park commissioners established under Chapter 44680
755. of the Revised Code, or park district established under 44681
Chapter 1545. of the Revised Code; to a wholly or partially 44682
tax-supported university, university branch, or college; to a 44683
nonprofit institution of higher education that has a certificate 44684
of authorization under Chapter 1713. of the Revised Code; to the 44685
governing authority of a chartered nonpublic school; or to the 44686

board of trustees of a school district library, upon such terms as 44687
are agreed upon. The sale of real or personal property to the 44688
board of trustees of a school district library is limited, in the 44689
case of real property, to a school district library within whose 44690
boundaries the real property is situated, or, in the case of 44691
personal property, to a school district library whose boundaries 44692
lie in whole or in part within the school district of the selling 44693
board of education. 44694

(D) When a board of education decides to trade as a part or 44695
an entire consideration, an item of personal property on the 44696
purchase price of an item of similar personal property, it may 44697
trade the same upon such terms as are agreed upon by the parties 44698
to the trade. 44699

(E) The president and the treasurer of the board of education 44700
shall execute and deliver deeds or other necessary instruments of 44701
conveyance to complete any sale or trade under this section. 44702

(F) When a board of education has identified a parcel of real 44703
property that it determines is needed for school purposes, the 44704
board may, upon a majority vote of the members of the board and 44705
subject to the board's obligation to comply with section 3313.411 44706
of the Revised Code, acquire that property by exchanging real 44707
property that the board owns in its corporate capacity for the 44708
identified real property or by using real property that the board 44709
owns in its corporate capacity as part or an entire consideration 44710
for the purchase price of the identified real property. Any 44711
exchange or acquisition made pursuant to this division shall be 44712
made by a conveyance executed by the president and the treasurer 44713
of the board. 44714

(G) When a school district board of education has property 44715
that the board, by resolution, finds is not needed for school 44716
district use, is obsolete, or is unfit for the use for which it 44717
was acquired, the board may donate that property in accordance 44718

with this division if the fair market value of the property is, in 44719
the opinion of the board, two thousand five hundred dollars or 44720
less. 44721

The property may be donated to an eligible nonprofit 44722
organization that is located in this state and is exempt from 44723
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 44724
Before donating any property under this division, the board shall 44725
adopt a resolution expressing its intent to make unneeded, 44726
obsolete, or unfit-for-use school district property available to 44727
these organizations. The resolution shall include guidelines and 44728
procedures the board considers to be necessary to implement the 44729
donation program and shall indicate whether the school district 44730
will conduct the donation program or the board will contract with 44731
a representative to conduct it. If a representative is known when 44732
the resolution is adopted, the resolution shall provide contact 44733
information such as the representative's name, address, and 44734
telephone number. 44735

The resolution shall include within its procedures a 44736
requirement that any nonprofit organization desiring to obtain 44737
donated property under this division shall submit a written notice 44738
to the board or its representative. The written notice shall 44739
include evidence that the organization is a nonprofit organization 44740
that is located in this state and is exempt from federal income 44741
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 44742
the organization's primary purpose; a description of the type or 44743
types of property the organization needs; and the name, address, 44744
and telephone number of a person designated by the organization's 44745
governing board to receive donated property and to serve as its 44746
agent. 44747

After adoption of the resolution, the board shall publish, in 44748
a newspaper of general circulation in the school district or as 44749
provided in section 7.16 of the Revised Code, notice of its intent 44750

to donate unneeded, obsolete, or unfit-for-use school district 44751
property to eligible nonprofit organizations. The notice shall 44752
include a summary of the information provided in the resolution 44753
and shall be published twice. The second notice shall be published 44754
not less than ten nor more than twenty days after the previous 44755
notice. A similar notice also shall be posted continually in the 44756
board's office. If the school district maintains a web site on the 44757
internet, the notice shall be posted continually at that web site. 44758

The board or its representatives shall maintain a list of all 44759
nonprofit organizations that notify the board or its 44760
representative of their desire to obtain donated property under 44761
this division and that the board or its representative determines 44762
to be eligible, in accordance with the requirements set forth in 44763
this section and in the donation program's guidelines and 44764
procedures, to receive donated property. 44765

The board or its representative also shall maintain a list of 44766
all school district property the board finds to be unneeded, 44767
obsolete, or unfit for use and to be available for donation under 44768
this division. The list shall be posted continually in a 44769
conspicuous location in the board's office, and, if the school 44770
district maintains a web site on the internet, the list shall be 44771
posted continually at that web site. An item of property on the 44772
list shall be donated to the eligible nonprofit organization that 44773
first declares to the board or its representative its desire to 44774
obtain the item unless the board previously has established, by 44775
resolution, a list of eligible nonprofit organizations that shall 44776
be given priority with respect to the item's donation. Priority 44777
may be given on the basis that the purposes of a nonprofit 44778
organization have a direct relationship to specific school 44779
district purposes of programs provided or administered by the 44780
board. A resolution giving priority to certain nonprofit 44781
organizations with respect to the donation of an item of property 44782

shall specify the reasons why the organizations are given that 44783
priority. 44784

Members of the board shall consult with the Ohio ethics 44785
commission, and comply with Chapters 102. and 2921. of the Revised 44786
Code, with respect to any donation under this division to a 44787
nonprofit organization of which a board member, any member of a 44788
board member's family, or any business associate of a board member 44789
is a trustee, officer, board member, or employee. 44790

Sec. 3313.411. (A) As used in this section: 44791

(1) ~~"College preparatory boarding school" means a~~ 44792
~~college preparatory boarding school established under Chapter~~ 44793
~~3328. of the Revised Code.~~ 44794

~~(2) "Community school" means a community school established~~ 44795
~~under Chapter 3314. of the Revised Code.~~ 44796

~~(3) Appraisal" means a valuation that is not more than one~~ 44797
~~year old of a real property that is performed by an appraiser,~~ 44798
~~which includes an opinion of the property's fair market value, and~~ 44799
~~which is prepared based on reasonable assumptions about the~~ 44800
~~property's use as a school.~~ 44801

~~(2) Appraiser" means a general real estate appraiser who is~~ 44802
~~certified under Chapter 4763. of the Revised Code, who has~~ 44803
~~experience appraising school buildings or other real property used~~ 44804
~~for school operations, and who has a membership in and a~~ 44805
~~designation from a nationally recognized organization of real~~ 44806
~~estate appraisers.~~ 44807

~~(3) "High-performing community school" has the same meaning~~ 44808
~~as in section 3313.413 of the Revised Code.~~ 44809

~~(4) "STEM school" means a science, technology, engineering,~~ 44810
~~and mathematics Qualified party" means any of the following:~~ 44811

~~(a) The governing authority of a community school established~~ 44812

<u>under Chapter 3314. of the Revised Code;</u>	44813
<u>(b) The governing body of a STEM school established under</u>	44814
<u>Chapter 3326. of the Revised Code;</u>	44815
<u>(c) The board of trustees of a college-preparatory boarding</u>	44816
<u>school established under Chapter 3328. of the Revised Code.</u>	44817
(5) "Unused school facilities" means either <u>any of the</u>	44818
<u>following:</u>	44819
(a) Any real property that has been used by a school district	44820
for school operations, including, but not limited to, academic	44821
instruction or administration, since July 1, 1998, but has not	44822
been used in that capacity for one year;	44823
(b) Any school building that has been used for direct	44824
academic instruction but less than sixty per cent of the building	44825
was used for that purpose in the preceding school year;	44826
<u>(c) Any school building that has been used for direct</u>	44827
<u>academic instruction, but which the district board has decided to</u>	44828
<u>demolish in whole or in part by eliminating a gross floor area in</u>	44829
<u>excess of sixty per cent of the building;</u>	44830
<u>(d) Any school building that a district board has decided to</u>	44831
<u>dispose of in accordance with division (C) of section 3313.41 of</u>	44832
<u>the Revised Code;</u>	44833
<u>(e) Any school building, together with the land on which it</u>	44834
<u>is located and all easements and other rights appurtenant to that</u>	44835
<u>land, that a district board has decided to exchange for other real</u>	44836
<u>property in accordance with division (F) of section 3313.41 of the</u>	44837
<u>Revised Code.</u>	44838
(B)(1) Except as provided in section 3313.412 of the Revised	44839
Code, on and after June 30, 2011, any school district board of	44840
education shall offer any unused school facilities it owns in its	44841
corporate capacity for lease or sale to the governing authorities	44842

~~of community schools, the boards of trustees of any~~ 44843
~~college preparatory boarding schools, and the governing bodies of~~ 44844
~~any STEM schools, that are located within the territory of the~~ 44845
~~district.~~ all qualified parties in the state. The district board 44846
shall make the offer by advertising the unused school facility on 44847
a major commercial real estate web site for not less than sixty 44848
days. 44849

Not later than sixty days after the district board makes the 44850
offer, interested ~~governing authorities, boards of trustees, and~~ 44851
~~governing bodies~~ qualified parties shall notify the district 44852
treasurer in writing of the intention to lease or purchase the 44853
property. 44854

The district board shall give priority to the governing 44855
authorities of high-performing community schools that are located 44856
within the territory of the district. 44857

(2) ~~At the same time that a district board makes the offer~~ 44858
~~required under division (B)(1) of this section, the board also~~ 44859
~~may, but shall not be required to,~~ In addition to submitting an 44860
offer as required under division (B)(1) of this section, a 44861
district board shall make the same offer that property for sale or 44862
lease of that property directly to the governing authorities of 44863
community schools with plans, stipulated in their contracts 44864
entered into under section 3314.03 of the Revised Code, ~~either to~~ 44865
~~relocate~~ to do any of the following: 44866

(a) Open a new community school in the territory of the 44867
district; 44868

(b) Relocate their operations to the territory of the 44869
district ~~or to add;~~ 44870

(c) Add facilities, as authorized by division (B)(3) or (4) 44871
of section 3314.05 of the Revised Code, to be located within the 44872
territory of the district. 44873

A community school governing authority that receives an offer 44874
under division (B)(2) of this section shall notify the district 44875
treasurer in writing of the intention to purchase the property not 44876
later than sixty days after the district board makes the offer on 44877
a major commercial real estate web site. 44878

(C)(1) If, not later than sixty days after the district board 44879
makes the offer, only one governing authority of a high-performing 44880
community school offered the property under division (B) of this 44881
section notifies the district treasurer in writing of the 44882
intention to purchase the property pursuant to that division, the 44883
district board shall sell the property to that party for the 44884
appraised ~~fair market~~ value of the property as determined in an 44885
appraisal ~~of the property that is not more than one year old.~~ 44886

If, not later than sixty days after the district board makes 44887
the offer, more than one governing authority of a high-performing 44888
community school offered the property under division (B) of this 44889
section notifies the district treasurer in writing of the 44890
intention to purchase the property pursuant to that division, the 44891
board shall conduct a public auction in the manner required for 44892
auctions of district property under division (A) of section 44893
3313.41 of the Revised Code. Only the governing authorities of 44894
high-performing community schools that notified the district 44895
treasurer of the intention to purchase the property pursuant to 44896
division (B) of this section are eligible to bid at the auction. 44897
The district board is not obligated to accept any bid for the 44898
property that is lower than the appraised fair market value of the 44899
property as determined in an appraisal ~~that is not more than one~~ 44900
~~year old.~~ 44901

(2) If, not later than sixty days after the district board 44902
makes the offer, no governing authority of a high-performing 44903
community school notifies the district treasurer of its intention 44904
to purchase the property pursuant to division (B) of this section, 44905

the board shall then proceed with the offers from all other 44906
~~start up community schools, college preparatory boarding schools,~~ 44907
~~and STEM schools~~ qualified parties made pursuant to that division. 44908

If only one qualified party notifies the district treasurer 44909
in writing of the intention to purchase or lease the property 44910
pursuant to division (B) of this section, the district board shall 44911
sell the property to that party for the appraised fair market 44912
value of the property as determined in an appraisal of the 44913
property. If more than one ~~such entity~~ qualified party notifies 44914
the district treasurer of its intention to purchase the property 44915
pursuant to division (B) of this section, the board shall conduct 44916
a public auction in the manner required for auctions of district 44917
property under division (A) of section 3313.41 of the Revised 44918
Code. Only the ~~entities~~ qualified parties that notified the 44919
district treasurer pursuant to division (B) of this section are 44920
eligible to bid at the auction. 44921

~~(3) If more than one governing authority of a high performing~~ 44922
~~community school notifies the district treasurer in writing of the~~ 44923
~~intention to lease the property pursuant to division (B) of this~~ 44924
~~section, the district board shall conduct a lottery to select from~~ 44925
~~among those governing authorities the one qualified governing~~ 44926
~~authority to which the district board shall lease the property.~~ 44927

~~If no such governing authority of a high performing community~~ 44928
~~school notifies the district treasurer of its intention to lease~~ 44929
~~the property pursuant to division (B) of this section, the board~~ 44930
~~shall then proceed with the offers from all other start up~~ 44931
~~community schools, college preparatory boarding schools, and STEM~~ 44932
~~schools made pursuant to that division. If more than one other~~ 44933
~~start up community school, college preparatory boarding school, or~~ 44934
~~STEM school notified the district treasurer of its intention to~~ 44935
~~lease the property pursuant to division (B) of this section, the~~ 44936
~~district board shall conduct a lottery to select from among those~~ 44937

~~parties the one qualified party to which the district board shall~~ 44938
~~lease the property~~ Not later than sixty days after the district 44939
board makes an offer made under division (B) of this section, a 44940
qualified party may notify the district treasurer of the party's 44941
intent to challenge the appraised fair market value of the 44942
property included in the offer. If one or more qualified parties 44943
notify the district treasurer and no other qualified party accepts 44944
the offer to purchase or lease the property, all of the following 44945
apply: 44946

(a) The district shall notify any qualified party challenging 44947
the value that it has been challenged. 44948

(b) Not later than thirty days after the district issues the 44949
notification, the qualified party that first notifies the district 44950
treasurer of the party's intent to challenge the value shall 44951
select an appraiser to perform an appraisal of the property to 44952
determine its fair market value. 44953

(c) Not later than ten days after the qualified party selects 44954
an appraiser, the party's appraiser and the district's appraiser 44955
shall confer and select a third appraiser to perform an appraisal 44956
of the property to determine its fair market value. 44957

(d) Not later than ten days after the selection of the third 44958
appraiser, the appraisers shall either: 44959

(i) If the appraisers reach a unanimous decision regarding 44960
the appraised fair market value of the property, notify the 44961
district and any qualified party challenging the value in a timely 44962
manner of their decision regarding the property's value; 44963

(ii) If the appraisers do not reach a unanimous decision, the 44964
appraisers shall determine the appraised fair market value by 44965
averaging the values determined in their appraisals, except that 44966
they shall exclude from the average any appraisal with a value 44967
that is ten per cent higher or lower than the median fair market 44968

value included in the three appraisals. The appraisers shall 44969
notify the district and any qualified party challenging the value 44970
in a timely manner of the property's determined value. 44971

(e) Upon receipt of notification of the appraised fair market 44972
value determined by the appraisers, the district board shall offer 44973
the property for sale to any qualified party that challenged the 44974
value for the appraised fair market value determined by the 44975
appraisers. 44976

If, not later than sixty days days after the district board 44977
makes the offer, only one qualified party that challenged the 44978
value for the appraised fair market value notifies the district 44979
treasurer in writing of the intention to purchase the property, 44980
the district board shall sell the property to that party for the 44981
appraised fair market value determined by the appraisers. 44982

If, not later than sixty days after the district board makes 44983
the offer, more than one qualified party notifies the district 44984
treasurer of its intention to purchase or lease the property, the 44985
board shall conduct a public auction in the manner required for 44986
auctions of district property under division (A) of section 44987
3313.41 of the Revised Code. Only the qualified parties that 44988
challenged the value are eligible to bid at the auction. The 44989
district board is not obligated to accept any bid for the property 44990
that is lower than the appraised fair market value determined 44991
under division (C)(3)(d) of this section. 44992

~~(4) The lease price offered by a district board to a~~ 44993
~~community school, college preparatory boarding school, or STEM~~ 44994
~~school under this section shall not be higher than the fair market~~ 44995
~~value for such a leasehold as determined in an appraisal that is~~ 44996
~~not more than one year old.~~ 44997

~~(5) If no qualified party offered the property under division~~ 44998
~~(B) of this section accepts the offer to lease or buy the property~~ 44999

within sixty days after the offer is made, or within sixty days 45000
after an offer is made under division (C)(3)(e) of this section, 45001
the district board may offer the property to any other entity in 45002
accordance with divisions (A) to (F) of section 3313.41 of the 45003
Revised Code. If the district board still owns the property two 45004
years after that date and the property is still an unused school 45005
facility, the district board is subject to this section again with 45006
respect to that property. 45007

(D) Notwithstanding division (B) of this section, a school 45008
district board may renew any agreement it originally entered into 45009
prior to June 30, 2011, to lease real property to an entity other 45010
than a community school, college-preparatory boarding school, or 45011
STEM school. Nothing in this section shall affect the leasehold 45012
arrangements between the district board and that other entity. 45013

(E)(1) Except as provided in division (E)(2) or (3) of this 45014
section, ~~the governing authority of a community school, board of~~ 45015
~~trustees of a college preparatory boarding school, or governing~~ 45016
~~body of a STEM school~~ a qualified party shall not sell any 45017
property purchased under ~~division (B)~~ of this section within five 45018
ten years of purchasing that property. 45019

(2) ~~The governing authority, board of trustees, or governing~~ 45020
~~body~~ A qualified party may sell a property purchased under 45021
~~division (B)~~ of this section within five ten years of the 45022
purchase, only if the ~~governing authority, board of trustees, or~~ 45023
~~governing body~~ the qualified party sells or transfers that 45024
property to another ~~entity described in that division~~ qualified 45025
party. 45026

(3) A qualified party may sell or lease a property purchased 45027
under division (B) of this section to an individual or entity that 45028
is not a qualified party if, prior to the expiration of the 45029
ten-year term described in division (E)(1) of this section with 45030
respect to that property, both of the following apply: 45031

<u>(a) The individual or entity arranges for the property to be</u>	45032
<u>used by a qualified party for school operations;</u>	45033
<u>(b) The individual or entity does not transfer or sell the</u>	45034
<u>property to an entity other than a qualified party.</u>	45035
<u>(F)(1) No district board shall arrange for any of its unused</u>	45036
<u>school facilities to be demolished prior to offering the property</u>	45037
<u>under division (B) of this section.</u>	45038
<u>(2) Any school building or real property that is an unused</u>	45039
<u>school facility as described in division (A)(5)(a) or (b) of this</u>	45040
<u>section on or after January 1, 2023, shall remain designated as an</u>	45041
<u>unused school facility until the district board complies with its</u>	45042
<u>obligations under this section with respect to that building or</u>	45043
<u>property, unless, prior to the effective date of this amendment,</u>	45044
<u>the district board complied with its obligations under this</u>	45045
<u>section as it existed prior to that date.</u>	45046
<u>(3) An offer made by a district board under division (B) of</u>	45047
<u>this section shall be irrevocable for the sixty days after the</u>	45048
<u>offer is made under that division, while the property's appraised</u>	45049
<u>fair market value is challenged under division (C)(3) of this</u>	45050
<u>section, and for the sixty days after an offer is made under</u>	45051
<u>division (C)(3)(e) of this section.</u>	45052
<u>(4) A qualified party may notify a district treasurer if the</u>	45053
<u>party identifies a school building or other real property that the</u>	45054
<u>party reasonably believes is an unused school facility. If the</u>	45055
<u>building or property is an unused school facility, the district</u>	45056
<u>board shall promptly comply with the requirements under this</u>	45057
<u>section.</u>	45058
Sec. 3313.48. (A) The board of education of each city,	45059
exempted village, local, and joint vocational school district	45060
shall provide for the free education of the youth of school age	45061

within the district under its jurisdiction, at such places as will 45062
be most convenient for the attendance of the largest number 45063
thereof. Each school so provided and each chartered nonpublic 45064
school shall be open for instruction with pupils in attendance, 45065
including scheduled classes, supervised activities, and approved 45066
education options but excluding lunch and breakfast periods and 45067
extracurricular activities, for not less than four hundred 45068
fifty-five hours in the case of pupils in kindergarten unless such 45069
pupils are provided all-day kindergarten, as defined in section 45070
3321.05 of the Revised Code, in which case the pupils shall be in 45071
attendance for nine hundred ten hours; nine hundred ten hours in 45072
the case of pupils in grades one through six; and one thousand one 45073
hours in the case of pupils in grades seven through twelve in each 45074
school year, which may include all of the following: 45075

(1) Up to the equivalent of two school days per year during 45076
which pupils would otherwise be in attendance but are not required 45077
to attend for the purpose of individualized parent-teacher 45078
conferences and reporting periods; 45079

(2) Up to the equivalent of two school days per year during 45080
which pupils would otherwise be in attendance but are not required 45081
to attend for professional meetings of teachers; 45082

(3) Morning and afternoon recess periods of not more than 45083
fifteen minutes duration per period for pupils in grades 45084
kindergarten through six. 45085

(B) Not later than thirty days prior to adopting a school 45086
calendar, the board of education of each city, exempted village, 45087
and local school district shall hold a public hearing on the 45088
school calendar, addressing topics that include, but are not 45089
limited to, the total number of hours in a school year, length of 45090
school day, and beginning and end dates of instruction. 45091

(C) No school operated by a city, exempted village, local, or 45092

joint vocational school district shall reduce the number of hours 45093
in each school year that the school is scheduled to be open for 45094
instruction from the number of hours per year the school was open 45095
for instruction during the previous school year unless the 45096
reduction is approved by a resolution adopted by the district 45097
board of education. Any reduction so approved shall not result in 45098
fewer hours of instruction per school year than the applicable 45099
number of hours required under division (A) of this section. 45100

~~(D) Prior to making any change in the hours or days in which 45101
a high school under its jurisdiction is open for instruction, the 45102
board of education of each city, exempted village, and local 45103
school district shall consider the compatibility of the proposed 45104
change with the scheduling needs of any joint vocational school 45105
district in which any of the high school's students are also 45106
enrolled. The board shall consider the impact of the proposed 45107
change on student access to the instructional programs offered by 45108
the joint vocational school district, incentives for students to 45109
participate in career technical education, transportation, and the 45110
timing of graduation. The board shall provide the joint vocational 45111
school district board with advance notice of the proposed change 45112
and the two boards shall enter into a written agreement 45113
prescribing reasonable accommodations to meet the scheduling needs 45114
of the joint vocational school district prior to implementation of 45115
the change. 45116~~

~~(E) Subject to section 3327.016 of the Revised Code, prior to 45117
making any change in the hours or days in which a school under its 45118
jurisdiction is open for instruction, the board of education of 45119
each city, exempted village, and local school district shall 45120
consider the compatibility of the proposed change with the 45121
scheduling needs of any community school established under Chapter 45122
3314. of the Revised Code to which the district is required to 45123
transport students under sections 3314.09 and 3327.01 of the 45124~~

~~Revised Code. The board shall consider the impact of the proposed 45125
change on student access to the instructional programs offered by 45126
the community school, transportation, and the timing of 45127
graduation. The board shall provide the sponsor, governing 45128
authority, and operator of the community school with advance 45129
notice of the proposed change, and the board and the governing 45130
authority, or operator if such authority is delegated to the 45131
operator, shall enter into a written agreement prescribing 45132
reasonable accommodations to meet the scheduling needs of the 45133
community school prior to implementation of the change. 45134~~

~~(F) Subject to section 3327.016 of the Revised Code, prior to 45135
making any change in the hours or days in which the schools under 45136
its jurisdiction are open for instruction, the board of education 45137
of each city, exempted village, and local school district shall 45138
consult with the chartered nonpublic schools to which the district 45139
is required to transport students under section 3327.01 of the 45140
Revised Code and shall consider the effect of the proposed change 45141
on the schedule for transportation of those students to their 45142
nonpublic schools. The governing authority of a chartered 45143
nonpublic school shall consult with each school district board of 45144
education that transports students to the chartered nonpublic 45145
school under section 3327.01 of the Revised Code prior to making 45146
any change in the hours or days in which the nonpublic school is 45147
open for instruction. Subject to section 3327.016 of the Revised 45148
Code, the board of each city, exempted village, and local school 45149
district shall not make any changes in the hours or days in which 45150
the schools under its jurisdiction are open for instruction unless 45151
the school district receives approval from each joint vocational 45152
school district, community school, and chartered nonpublic school 45153
to which the district is required to transport students under 45154
section 3314.09 or 3327.01 of the Revised Code. If a community or 45155
chartered nonpublic school has students that receive 45156
transportation from different districts, the school district 45157~~

providing transportation to the greatest number of students 45158
enrolled at the community or chartered nonpublic school shall be 45159
responsible for coordinating school hours or days with the other 45160
school districts. 45161

~~(G)~~(E) The state board of education shall not adopt or 45162
enforce any rule or standard that imposes on chartered nonpublic 45163
schools the procedural requirements imposed on school districts by 45164
divisions (B), (C), and (D), ~~and (E)~~ of this section. 45165

Sec. 3313.482. (A) As used in this section: 45166

(1) "Community school" means a community school established 45167
under Chapter 3314. of the Revised Code that is not an internet- 45168
or computer-based community school, as defined in section 3314.02 45169
of the Revised Code. 45170

(2) "Qualifying school" means a school operated by a school 45171
district, a community school, a STEM school, or a chartered 45172
nonpublic school that is not operating using a blended learning 45173
model in accordance with section 3302.41 of the Revised Code for 45174
the applicable school year. However, "qualifying school" does not 45175
include any school operated by a school district that uses an 45176
online learning model pursuant to section 3302.42 of the Revised 45177
Code. 45178

(3) "School district" means a city, local, exempted village, 45179
or joint vocational school district. 45180

(4) "STEM school" means a STEM school established under 45181
Chapter 3326. of the Revised Code. 45182

(B)(1) Not later than the first day of August of each school 45183
year, the governing body of each qualifying school shall adopt a 45184
plan to provide instruction via online delivery in order to make 45185
up hours in that school year for which it is necessary to close 45186
schools for disease epidemic, hazardous weather conditions, law 45187

enforcement emergencies, inoperability of school buses or other 45188
equipment necessary to the school's operation, damage to a school 45189
building, or other temporary circumstances due to utility failure 45190
rendering the school building unfit for use. 45191

(2) Each plan shall be designed to ensure continuity of 45192
learning for students during a school closure and shall include 45193
all of the following: 45194

(a) A statement that the qualifying school, to the extent 45195
possible, will provide for teacher-directed synchronous learning 45196
in which the teacher and students are interacting in real time on 45197
a virtual learning platform during the closure; 45198

(b) The qualifying school's attendance requirements, 45199
including how the school will document participation in learning 45200
opportunities and how the school will reach out to students to 45201
ensure engagement during the closure; 45202

(c) A description of how equitable access to quality 45203
instruction will be ensured, including how the qualifying school 45204
will address the needs of students with disabilities, English 45205
learners, and other vulnerable student populations; 45206

(d) The process the qualifying school will use to notify 45207
staff, students, and parents that the school will be using online 45208
delivery of instruction; 45209

(e) Information on contacting teachers by telephone, 45210
electronic mail, or a virtual learning platform during the 45211
closure; 45212

(f) A description of how the qualifying school will meet the 45213
needs of staff and students regarding internet connectivity and 45214
technology for online delivery of instruction. 45215

(3) A plan adopted under this section shall provide for 45216
making up any number of hours, up to a maximum of the number of 45217

hours that are the equivalent of three school days. 45218

(4) Each plan adopted under this section shall include the 45219
written consent of the teachers' employee representative 45220
designated under division (B) of section 4117.04 of the Revised 45221
Code. 45222

(C) In addition to the hours that may be made up in 45223
accordance with division (B) of this section, the board of 45224
education of any joint vocational school district may include in 45225
its plan adopted under this section other options to make up any 45226
number of additional hours missed as a result of one or more of 45227
the schools of its member city, exempted village, or local school 45228
districts being closed for the reasons specified in division 45229
(B)(1) of this section. Those options may include additional 45230
online lessons, planned student internships, student projects, or 45231
other options specified by the board in its plan. 45232

(D)(1) No school district that implements a plan in 45233
accordance with this section shall be considered to have failed to 45234
comply with division (B) of section 3317.01 of the Revised Code 45235
with respect to the number of make-up hours for which the plan is 45236
utilized. 45237

(2) No community school that implements a plan in accordance 45238
with this section shall be considered to have failed to comply 45239
with the minimum number of hours required under Chapter 3314. of 45240
the Revised Code with respect to the number of make-up hours for 45241
which the plan is utilized. 45242

(3) No STEM school that implements a plan in accordance with 45243
this section shall be considered to have failed to comply with the 45244
minimum number of hours required under Chapter 3326. of the 45245
Revised Code with respect to the number of make-up hours for which 45246
the plan is utilized. 45247

(4) No chartered nonpublic school that implements a plan in 45248

accordance with this section shall be considered to have failed to 45249
comply with the minimum number of hours required under section 45250
3313.48 of the Revised Code with respect to the number of make-up 45251
hours for which the plan is utilized. 45252

Sec. 3313.5319. (A) As used in this section: 45253

(1) "Qualifying school" means a school district or chartered 45254
nonpublic school that elects to participate in athletic events 45255
regulated by an interscholastic conference or an organization that 45256
regulates interscholastic conferences. 45257

(2) "School-affiliated event" means an athletic event, play, 45258
musical, or any other school-related event or activity that a 45259
district or school conducts, sponsors, or participates in and for 45260
which a district or school charges admission to attend. 45261
"School-affiliated event" does not include any event or activity 45262
that is conducted in a public facility that is leased by a 45263
professional sports team or a privately-owned facility. 45264

(B) Each qualifying school shall permit an individual to pay 45265
cash for a ticket to a school-affiliated event. If a qualifying 45266
school does not accept cash payment from an individual who wishes 45267
to purchase a ticket to an event on the date of that event, the 45268
school shall grant that individual a free ticket if there are 45269
still tickets available and the individual demonstrates that the 45270
individual has enough cash to cover the full cost of the ticket. 45271

(C) Each qualifying school that offers concessions for sale 45272
at a school-affiliated event shall provide at least one location 45273
where an individual may pay cash for concessions and, if 45274
concessions are sold on multiple floors, at least one location on 45275
each floor that accepts cash payment. 45276

Sec. 3313.603. (A) As used in this section: 45277

(1) "One unit" means a minimum of one hundred twenty hours of 45278

course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 45279
45280
45281

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 45282
45283
45284
45285

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 45286
45287
45288
45289
45290

(1) English language arts, four units; 45291

(2) Health, one-half unit; 45292

(3) Mathematics, three units; 45293

(4) Physical education, one-half unit; 45294

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 45295
45296
45297

(a) Biological sciences, one unit; 45298

(b) Physical sciences, one unit. 45299

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following: 45300
45301
45302

(a) American history, one-half unit; 45303

(b) American government, one-half unit. 45304

(7) Social studies, two units. 45305

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction 45306
45307

prescribed by division (B)(7) of this section shall include at 45308
least one-half unit of instruction in the study of world history 45309
and civilizations. 45310

(8) Elective units, seven units until September 15, 2003, and 45311
six units thereafter. 45312

Each student's electives shall include at least one unit, or 45313
two half units, chosen from among the areas of 45314
business/technology, fine arts, and/or foreign language. 45315

(C) Beginning with students who enter ninth grade for the 45316
first time on or after July 1, 2010, except as provided in 45317
divisions (D) to (F) of this section, the requirements for 45318
graduation from every public and chartered nonpublic high school 45319
shall include twenty units that are designed to prepare students 45320
for the workforce and college. The units shall be distributed as 45321
follows: 45322

(1) English language arts, four units; 45323

(2) Health, one-half unit, which shall include instruction in 45324
nutrition and the benefits of nutritious foods and physical 45325
activity for overall health; 45326

(3) Mathematics, four units, which shall include one unit of 45327
algebra II or the equivalent of algebra II, or one unit of 45328
advanced computer science as described in the standards adopted 45329
pursuant to division (A)(4) of section 3301.079 of the Revised 45330
Code. However, students who enter ninth grade for the first time 45331
on or after July 1, 2015, and who are pursuing a career-technical 45332
instructional track shall not be required to take algebra II or 45333
advanced computer science, and instead may complete a career-based 45334
pathway mathematics course approved by the department of education 45335
as an alternative. 45336

For students who choose to take advanced computer science in 45337
lieu of algebra II under division (C)(3) of this section, the 45338

school shall communicate to those students that some institutions 45339
of higher education may require algebra II for the purpose of 45340
college admission. Also, the parent, guardian, or legal custodian 45341
of each student who chooses to take advanced computer science in 45342
lieu of algebra II shall sign and submit to the school a document 45343
containing a statement acknowledging that not taking algebra II 45344
may have an adverse effect on college admission decisions. 45345

A student may fulfill one unit of mathematics under division 45346
(C)(3) of this section by completing one-half unit of financial 45347
literacy instruction to satisfy the requirement prescribed under 45348
division (C)(9) of this section and one-half unit of a mathematics 45349
course. The one-half unit course in mathematics shall not be in 45350
algebra II, or its equivalent, or a course for which the state 45351
board requires an end-of-course examination under section 45352
3301.0712 of the Revised Code. 45353

Students who choose to take one unit of advanced computer 45354
science in lieu of algebra II, as described in division (C)(3) of 45355
this section, shall not be permitted to complete one-half unit of 45356
financial literacy instruction to satisfy the mathematics unit 45357
requirements of that division. Instead, those students shall be 45358
required to complete the one-half unit of financial literacy 45359
instruction under division (C)(8) of this section. 45360

(4) Physical education, one-half unit; 45361

(5) Science, three units with inquiry-based laboratory 45362
experience that engages students in asking valid scientific 45363
questions and gathering and analyzing information, which shall 45364
include the following, or their equivalent: 45365

(a) Physical sciences, one unit; 45366

(b) Life sciences, one unit; 45367

(c) Advanced study in one or more of the following sciences, 45368
one unit: 45369

(i) Chemistry, physics, or other physical science;	45370
(ii) Advanced biology or other life science;	45371
(iii) Astronomy, physical geology, or other earth or space science;	45372 45373
(iv) Computer science.	45374
No student shall substitute a computer science course for a life sciences or biology course under division (C)(5) of this section.	45375 45376 45377
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	45378 45379 45380
(a) American history, one-half unit;	45381
(b) American government, one-half unit.	45382
(7) Social studies, two units.	45383
Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C)(7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	45384 45385 45386 45387 45388
<u>One-half unit of instruction under division (C)(7) of this section may be instruction in financial literacy to satisfy the requirement under division (C)(9) of this section.</u>	45389 45390 45391
(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section.	45392 45393 45394 45395 45396 45397 45398 45399

One-half unit of instruction under division (C)(8) of this section may be instruction in financial literacy to satisfy the requirement under division (C)(9) of this section.

(9)(a) Except as provided in division (C)(9)(b) of this section, for students who enter ninth grade for the first time on or after July 1, 2022, financial literacy, one-half unit. Each student shall elect to complete the one-half unit of instruction in financial literacy either in lieu of one-half unit of instruction in mathematics under division (C)(3) of this section or an elective under division (C)(8) of this section, social studies under division (C)(7) of this section.

(b) A student attending a nonpublic school accredited through the independent schools association of the central states or any other chartered nonpublic school shall not be required to complete the one-half unit of financial literacy instruction prescribed in division (C)(9)(a) of this section, unless that student is attending the school under a state scholarship program as defined in section 3301.0711 of the Revised Code.

The study and instruction of financial literacy required under division (C)(9) of this section shall align with the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of section 3301.079 of the Revised Code. In developing the curriculum for the study and instruction of financial literacy, schools may use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education.

Ohioans must be prepared to apply increased knowledge and skills in the workplace and to adapt their knowledge and skills quickly to meet the rapidly changing conditions of the twenty-first century. National studies indicate that all high school graduates need the same academic foundation, regardless of

the opportunities they pursue after graduation. The goal of Ohio's 45432
system of elementary and secondary education is to prepare all 45433
students for and seamlessly connect all students to success in 45434
life beyond high school graduation, regardless of whether the next 45435
step is entering the workforce, beginning an apprenticeship, 45436
engaging in post-secondary training, serving in the military, or 45437
pursuing a college degree. 45438

The requirements for graduation prescribed in division (C) of 45439
this section are the standard expectation for all students 45440
entering ninth grade for the first time at a public or chartered 45441
nonpublic high school on or after July 1, 2010. A student may 45442
satisfy this expectation through a variety of methods, including, 45443
but not limited to, integrated, applied, career-technical, and 45444
traditional coursework. 45445

Stronger coordination between high schools and institutions 45446
of higher education is necessary to prepare students for more 45447
challenging academic endeavors and to lessen the need for academic 45448
remediation in college, thereby reducing the costs of higher 45449
education for Ohio's students, families, and the state. The state 45450
board and the chancellor of higher education shall develop 45451
policies to ensure that only in rare instances will students who 45452
complete the requirements for graduation prescribed in division 45453
(C) of this section require academic remediation after high 45454
school. 45455

School districts, community schools, and chartered nonpublic 45456
schools shall integrate technology into learning experiences 45457
across the curriculum in order to maximize efficiency, enhance 45458
learning, and prepare students for success in the 45459
technology-driven twenty-first century. Districts and schools 45460
shall use distance and web-based course delivery as a method of 45461
providing or augmenting all instruction required under this 45462
division, including laboratory experience in science. Districts 45463

and schools shall utilize technology access and electronic 45464
learning opportunities provided by the broadcast educational media 45465
commission, chancellor, the Ohio learning network, education 45466
technology centers, public television stations, and other public 45467
and private providers. 45468

(D) Except as provided in division (E) of this section, a 45469
student who enters ninth grade on or after July 1, 2010, and 45470
before July 1, 2016, may qualify for graduation from a public or 45471
chartered nonpublic high school even though the student has not 45472
completed the requirements for graduation prescribed in division 45473
(C) of this section if all of the following conditions are 45474
satisfied: 45475

(1) During the student's third year of attending high school, 45476
as determined by the school, the student and the student's parent, 45477
guardian, or custodian sign and file with the school a written 45478
statement asserting the parent's, guardian's, or custodian's 45479
consent to the student's graduating without completing the 45480
requirements for graduation prescribed in division (C) of this 45481
section and acknowledging that one consequence of not completing 45482
those requirements is ineligibility to enroll in most state 45483
universities in Ohio without further coursework. 45484

(2) The student and parent, guardian, or custodian fulfill 45485
any procedural requirements the school stipulates to ensure the 45486
student's and parent's, guardian's, or custodian's informed 45487
consent and to facilitate orderly filing of statements under 45488
division (D)(1) of this section. Annually, each district or school 45489
shall notify the department of the number of students who choose 45490
to qualify for graduation under division (D) of this section and 45491
the number of students who complete the student's success plan and 45492
graduate from high school. 45493

(3) The student and the student's parent, guardian, or 45494
custodian and a representative of the student's high school 45495

jointly develop a student success plan for the student in the 45496
manner described in division (C)(1) of section 3313.6020 of the 45497
Revised Code that specifies the student matriculating to a 45498
two-year degree program, acquiring a business and 45499
industry-recognized credential, or entering an apprenticeship. 45500

(4) The student's high school provides counseling and support 45501
for the student related to the plan developed under division 45502
(D)(3) of this section during the remainder of the student's high 45503
school experience. 45504

(5)(a) Except as provided in division (D)(5)(b) of this 45505
section, the student successfully completes, at a minimum, the 45506
curriculum prescribed in division (B) of this section. 45507

(b) Beginning with students who enter ninth grade for the 45508
first time on or after July 1, 2014, a student shall be required 45509
to complete successfully, at the minimum, the curriculum 45510
prescribed in division (B) of this section, except as follows: 45511

(i) Mathematics, four units, one unit which shall be one of 45512
the following: 45513

(I) Probability and statistics; 45514

(II) Computer science; 45515

(III) Applied mathematics or quantitative reasoning; 45516

(IV) Any other course approved by the department using 45517
standards established by the superintendent not later than October 45518
1, 2014. 45519

(ii) Elective units, five units; 45520

(iii) Science, three units as prescribed by division (B) of 45521
this section which shall include inquiry-based laboratory 45522
experience that engages students in asking valid scientific 45523
questions and gathering and analyzing information. 45524

(E) Each school district and chartered nonpublic school 45525

retains the authority to require an even more challenging minimum 45526
curriculum for high school graduation than specified in division 45527
(B) or (C) of this section. A school district board of education, 45528
through the adoption of a resolution, or the governing authority 45529
of a chartered nonpublic school may stipulate any of the 45530
following: 45531

(1) A minimum high school curriculum that requires more than 45532
twenty units of academic credit to graduate; 45533

(2) An exception to the district's or school's minimum high 45534
school curriculum that is comparable to the exception provided in 45535
division (D) of this section but with additional requirements, 45536
which may include a requirement that the student successfully 45537
complete more than the minimum curriculum prescribed in division 45538
(B) of this section; 45539

(3) That no exception comparable to that provided in division 45540
(D) of this section is available. 45541

If a school district or chartered nonpublic school requires a 45542
foreign language as an additional graduation requirement under 45543
division (E) of this section, a student may apply one unit of 45544
instruction in computer coding to satisfy one unit of foreign 45545
language. If a student applies more than one computer coding 45546
course to satisfy the foreign language requirement, the courses 45547
shall be sequential and progressively more difficult. 45548

(F) A student enrolled in a dropout prevention and recovery 45549
program, which program has received a waiver from the department, 45550
may qualify for graduation from high school by successfully 45551
completing a competency-based instructional program administered 45552
by the dropout prevention and recovery program in lieu of 45553
completing the requirements for graduation prescribed in division 45554
(C) of this section. The department shall grant a waiver to a 45555
dropout prevention and recovery program, within sixty days after 45556

the program applies for the waiver, if the program meets all of 45557
the following conditions: 45558

(1) The program serves only students not younger than sixteen 45559
years of age and not older than twenty-one years of age. 45560

(2) The program enrolls students who, at the time of their 45561
initial enrollment, either, or both, are at least one grade level 45562
behind their cohort age groups or experience crises that 45563
significantly interfere with their academic progress such that 45564
they are prevented from continuing their traditional programs. 45565

(3) The program requires students to attain at least the 45566
applicable score designated for each of the assessments prescribed 45567
under division (B)(1) of section 3301.0710 of the Revised Code or, 45568
to the extent prescribed by rule of the state board under division 45569
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 45570
of that section. 45571

(4) The program develops a student success plan for the 45572
student in the manner described in division (C)(1) of section 45573
3313.6020 of the Revised Code that specifies the student's 45574
matriculating to a two-year degree program, acquiring a business 45575
and industry-recognized credential, or entering an apprenticeship. 45576

(5) The program provides counseling and support for the 45577
student related to the plan developed under division (F)(4) of 45578
this section during the remainder of the student's high school 45579
experience. 45580

(6) The program requires the student and the student's 45581
parent, guardian, or custodian to sign and file, in accordance 45582
with procedural requirements stipulated by the program, a written 45583
statement asserting the parent's, guardian's, or custodian's 45584
consent to the student's graduating without completing the 45585
requirements for graduation prescribed in division (C) of this 45586
section and acknowledging that one consequence of not completing 45587

those requirements is ineligibility to enroll in most state 45588
universities in Ohio without further coursework. 45589

(7) Prior to receiving the waiver, the program has submitted 45590
to the department an instructional plan that demonstrates how the 45591
academic content standards adopted by the state board under 45592
section 3301.079 of the Revised Code will be taught and assessed. 45593

(8) Prior to receiving the waiver, the program has submitted 45594
to the department a policy on career advising that satisfies the 45595
requirements of section 3313.6020 of the Revised Code, with an 45596
emphasis on how every student will receive career advising. 45597

(9) Prior to receiving the waiver, the program has submitted 45598
to the department a written agreement outlining the future 45599
cooperation between the program and any combination of local job 45600
training, postsecondary education, nonprofit, and health and 45601
social service organizations to provide services for students in 45602
the program and their families. 45603

Divisions (F)(8) and (9) of this section apply only to 45604
waivers granted on or after July 1, 2015. 45605

If the department does not act either to grant the waiver or 45606
to reject the program application for the waiver within sixty days 45607
as required under this section, the waiver shall be considered to 45608
be granted. 45609

(G) Every high school may permit students below the ninth 45610
grade to take advanced work. If a high school so permits, it shall 45611
award high school credit for successful completion of the advanced 45612
work and shall count such advanced work toward the graduation 45613
requirements of division (B) or (C) of this section if the 45614
advanced work was both: 45615

(1) Taught by a person who possesses a license or certificate 45616
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 45617
Code that is valid for teaching high school; 45618

(2) Designated by the board of education of the city, local, 45619
or exempted village school district, the board of the cooperative 45620
education school district, or the governing authority of the 45621
chartered nonpublic school as meeting the high school curriculum 45622
requirements. 45623

Each high school shall record on the student's high school 45624
transcript all high school credit awarded under division (G) of 45625
this section. In addition, if the student completed a seventh- or 45626
eighth-grade fine arts course described in division (K) of this 45627
section and the course qualified for high school credit under that 45628
division, the high school shall record that course on the 45629
student's high school transcript. 45630

(H) The department shall make its individual academic career 45631
plan available through its Ohio career information system web site 45632
for districts and schools to use as a tool for communicating with 45633
and providing guidance to students and families in selecting high 45634
school courses. 45635

(I) A school district or chartered nonpublic school may 45636
integrate academic content in a subject area for which the state 45637
board has adopted standards under section 3301.079 of the Revised 45638
Code into a course in a different subject area, including a 45639
career-technical education course, in accordance with guidance for 45640
integrated coursework developed by the department. Upon successful 45641
completion of an integrated course, a student may receive credit 45642
for both subject areas that were integrated into the course. Units 45643
earned for subject area content delivered through integrated 45644
academic and career-technical instruction are eligible to meet the 45645
graduation requirements of division (B) or (C) of this section. 45646

For purposes of meeting graduation requirements, if an 45647
end-of-course examination has been prescribed under section 45648
3301.0712 of the Revised Code for the subject area delivered 45649
through integrated instruction, the school district or school may 45650

administer the related subject area examinations upon the 45651
student's completion of the integrated course. 45652

Nothing in division (I) of this section shall be construed to 45653
excuse any school district, chartered nonpublic school, or student 45654
from any requirement in the Revised Code related to curriculum, 45655
assessments, or the awarding of a high school diploma. 45656

(J)(1) The state board, in consultation with the chancellor, 45657
shall adopt a statewide plan implementing methods for students to 45658
earn units of high school credit based on a demonstration of 45659
subject area competency, instead of or in combination with 45660
completing hours of classroom instruction. The state board shall 45661
adopt the plan not later than March 31, 2009, and commence phasing 45662
in the plan during the 2009-2010 school year. The plan shall 45663
include a standard method for recording demonstrated proficiency 45664
on high school transcripts. Each school district and community 45665
school shall comply with the state board's plan adopted under this 45666
division and award units of high school credit in accordance with 45667
the plan. The state board may adopt existing methods for earning 45668
high school credit based on a demonstration of subject area 45669
competency as necessary prior to the 2009-2010 school year. 45670

(2) Not later than December 31, 2015, the state board shall 45671
update the statewide plan adopted pursuant to division (J)(1) of 45672
this section to also include methods for students enrolled in 45673
seventh and eighth grade to meet curriculum requirements based on 45674
a demonstration of subject area competency, instead of or in 45675
combination with completing hours of classroom instruction. 45676
Beginning with the 2017-2018 school year, each school district and 45677
community school also shall comply with the updated plan adopted 45678
pursuant to this division and permit students enrolled in seventh 45679
and eighth grade to meet curriculum requirements based on subject 45680
area competency in accordance with the plan. 45681

(3) Not later than December 31, 2017, the department shall 45682

develop a framework for school districts and community schools to 45683
use in granting units of high school credit to students who 45684
demonstrate subject area competency through work-based learning 45685
experiences, internships, or cooperative education. Beginning with 45686
the 2018-2019 school year, each district and community school 45687
shall comply with the framework. Each district and community 45688
school also shall review any policy it has adopted regarding the 45689
demonstration of subject area competency to identify ways to 45690
incorporate work-based learning experiences, internships, and 45691
cooperative education into the policy in order to increase student 45692
engagement and opportunities to earn units of high school credit. 45693

(K) This division does not apply to students who qualify for 45694
graduation from high school under division (D) or (F) of this 45695
section, or to students pursuing a career-technical instructional 45696
track as determined by the school district board of education or 45697
the chartered nonpublic school's governing authority. 45698
Nevertheless, the general assembly encourages such students to 45699
consider enrolling in a fine arts course as an elective. 45700

Beginning with students who enter ninth grade for the first 45701
time on or after July 1, 2010, each student enrolled in a public 45702
or chartered nonpublic high school shall complete two semesters or 45703
the equivalent of fine arts to graduate from high school. The 45704
coursework may be completed in any of grades seven to twelve. Each 45705
student who completes a fine arts course in grade seven or eight 45706
may elect to count that course toward the five units of electives 45707
required for graduation under division (C)(8) of this section, if 45708
the course satisfied the requirements of division (G) of this 45709
section. In that case, the high school shall award the student 45710
high school credit for the course and count the course toward the 45711
five units required under division (C)(8) of this section. If the 45712
course in grade seven or eight did not satisfy the requirements of 45713
division (G) of this section, the high school shall not award the 45714

student high school credit for the course but shall count the 45715
course toward the two semesters or the equivalent of fine arts 45716
required by this division. 45717

(L) Notwithstanding anything to the contrary in this section, 45718
the board of education of each school district and the governing 45719
authority of each chartered nonpublic school may adopt a policy to 45720
excuse from the high school physical education requirement each 45721
student who, during high school, has participated in 45722
interscholastic athletics, marching band, show choir, or 45723
cheerleading for at least two full seasons or in the junior 45724
reserve officer training corps for at least two full school years. 45725
If the board or authority adopts such a policy, the board or 45726
authority shall not require the student to complete any physical 45727
education course as a condition to graduate. However, the student 45728
shall be required to complete one-half unit, consisting of at 45729
least sixty hours of instruction, in another course of study. In 45730
the case of a student who has participated in the junior reserve 45731
officer training corps for at least two full school years, credit 45732
received for that participation may be used to satisfy the 45733
requirement to complete one-half unit in another course of study. 45734

(M) It is important that high school students learn and 45735
understand United States history and the governments of both the 45736
United States and the state of Ohio. Therefore, beginning with 45737
students who enter ninth grade for the first time on or after July 45738
1, 2012, the study of American history and American government 45739
required by divisions (B)(6) and (C)(6) of this section shall 45740
include the study of all of the following documents: 45741

(1) The Declaration of Independence; 45742

(2) The Northwest Ordinance; 45743

(3) The Constitution of the United States with emphasis on 45744
the Bill of Rights; 45745

(4) The Ohio Constitution. 45746

The study of each of the documents prescribed in divisions 45747
(M)(1) to (4) of this section shall include study of that document 45748
in its original context. 45749

The study of American history and government required by 45750
divisions (B)(6) and (C)(6) of this section shall include the 45751
historical evidence of the role of documents such as the 45752
Federalist Papers and the Anti-Federalist Papers to firmly 45753
establish the historical background leading to the establishment 45754
of the provisions of the Constitution and Bill of Rights. 45755

(N) A student may apply one unit of instruction in computer 45756
science to satisfy one unit of mathematics or one unit of science 45757
under division (C) of this section as the student chooses, 45758
regardless of the field of certification of the teacher who 45759
teaches the course, so long as that teacher meets the licensure 45760
requirements prescribed by section 3319.236 of the Revised Code 45761
and, prior to teaching the course, completes a professional 45762
development program determined to be appropriate by the district 45763
board. 45764

If a student applies more than one computer science course to 45765
satisfy curriculum requirements under that division, the courses 45766
shall be sequential and progressively more difficult or cover 45767
different subject areas within computer science. 45768

Sec. 3313.6028. (A)(1) As used in Title XXXIII of the Revised 45769
Code, "science of reading" means an interdisciplinary body of 45770
scientific evidence that: 45771

(a) Informs how students learn to read and write 45772
proficiently; 45773

(b) Explains why some students have difficulty with reading 45774
and writing; 45775

(c) Indicates that all students benefit from explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, comprehension, and writing to become effective readers; 45776
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(d) Does not rely on any model of teaching students to read based on meaning, structure and syntax, and visual cues, including a three-cueing approach. 45779
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(2) As used in this section, "three-cueing approach" means any model of teaching students to read based on meaning, structure and syntax, and visual cues. 45782
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(B) The department of education and workforce shall establish a list of high-quality core curriculum and instructional materials in English language arts, and a list of evidence-based reading intervention programs, that are aligned with the science of reading and strategies for effective literacy instruction. 45785
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(C) Beginning not later than the 2024-2025 school year, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code, shall use core curriculum and instructional materials in English language arts and evidence-based reading intervention programs only from the lists established under division (B) of this section. Except as provided in division (D) of this section, no district or school shall use any core curriculum, instructional materials, or intervention program in grades pre-kindergarten to five that use the three-cueing approach to teach students to read. 45790
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(D) A district or school may apply to the department for a waiver on an individual student basis to use curriculum, instructional materials, or an intervention program in grades pre-kindergarten through five that uses the three-cueing approach to teach students to read, except as follows: 45801
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(1) No student for whom a reading improvement and monitoring 45806

plan has been developed under division (C) of section 3313.608 of 45807
the Revised Code shall be eligible for a waiver. 45808

(2) If a student has an individualized education program that 45809
explicitly indicates the three-cueing approach is appropriate for 45810
the student's learning needs, the student shall not be required to 45811
have a waiver. 45812

In determining whether to approve a waiver requested under 45813
this section, the department shall consider the performance of the 45814
student's district or school on the state report card issued under 45815
section 3302.03 of the Revised Code, including on the early 45816
literacy component prescribed under division (D)(3)(e) of that 45817
section. 45818

(E)(1) The department shall identify vendors that provide 45819
professional development to educators, including pre-service 45820
teachers and faculty employed by educator preparation programs, on 45821
the use of high-quality core curriculum and instructional 45822
materials and reading intervention programs on the lists 45823
established under division (B) of this section. 45824

(2) A professional development committee established under 45825
section 3319.22 of the Revised Code shall qualify any completed 45826
professional development coursework provided by a vendor described 45827
in division (E)(1) of this section to count towards professional 45828
development coursework requirements for teacher licensure renewal. 45829

(3) A professional development committee shall permit a 45830
teacher to apply any hours earned over the minimum amount of hours 45831
required for professional development coursework for teacher 45832
licensure renewal under division (E)(2) of this section to the 45833
next renewal period for that license. 45834

Sec. 3313.6029. (A) As used in this section: 45835

(1) "Parent" has the same meaning as in section 3313.98 of 45836

the Revised Code. 45837

(2) "State assessment" means an achievement assessment 45838
prescribed under section 3301.0710 of the Revised Code or an 45839
end-of-course examination under section 3301.0712 of the Revised 45840
Code. 45841

(B) Not later than the thirtieth day of June each school 45842
year, each school district and chartered nonpublic school shall 45843
provide a student's parents with the student's score on any state 45844
assessment administered to the student in that school year by 45845
doing either of the following: 45846

(1) Sending the scores to the parent by mail or electronic 45847
mail; 45848

(2) Posting the scores in a secure portal on the district's 45849
or school's web site that the parent may access. 45850

Sec. 3313.6030. (A) As used in this section: 45851

(1) "Qualifying student" means a student who demonstrates a 45852
limited level of skill on a state assessment in mathematics, 45853
science, or English language arts. 45854

(2) "State assessment" means an achievement assessment 45855
prescribed under section 3301.0710 of the Revised Code or an 45856
end-of-course examination prescribed under section 3301.0712 of 45857
the Revised Code. 45858

(B) Each school district, community school established 45859
pursuant to Chapter 3314., and STEM school established pursuant to 45860
Chapter 3326. of the Revised Code shall provide academic 45861
intervention services, free of cost, to each qualifying student. 45862
The district or school shall provide those services directly or 45863
through a contracted vendor. A district or school shall not refer 45864
a qualifying student for tutoring or informally recommend that 45865
such student receive some other form of support without actually 45866

providing those services. 45867

(C) Academic intervention services provided to a student 45868
under this section may encompass a wide and open-ended variety of 45869
supports, including tutoring, additional instruction time, 45870
participation in a learning support program, or any other 45871
academically centered support service that the district or school 45872
determines will improve the student's academic performance. 45873

(D) Each district and school annually shall provide the 45874
department of education and workforce, in a form and manner 45875
prescribed by the department, any information the department 45876
determines is necessary for it to track and monitor the academic 45877
progress of students receiving intervention services under this 45878
section. The department shall track and monitor those students and 45879
may index diagnostic assessments provided to them to determine 45880
whether each student makes progress toward demonstrating grade 45881
level proficiency and no longer needs intervention services. 45882

(E) The department annually shall administer a self-reporting 45883
survey to all districts and schools with students receiving 45884
intervention services pursuant to this section. The department 45885
shall prepare a report of that information, which shall include at 45886
least all of the following: 45887

(1) A list of districts and schools that the department has 45888
determined are providing academic intervention services pursuant 45889
to this section; 45890

(2) A list of districts and schools that are not providing 45891
academic intervention services pursuant to this section; 45892

(3) A list of districts and schools that failed to respond to 45893
the survey. 45894

(F) Not later than the fifteenth day of November each year, 45895
the department shall present the report required under division 45896
(E) of this section to the standing committees of the house of 45897

representatives and the senate that consider primary and secondary 45898
education legislation, the governor, and the superintendent of 45899
public instruction. 45900

Sec. 3313.61. (A) A diploma shall be granted by the board of 45901
education of any city, exempted village, or local school district 45902
that operates a high school to any person to whom all of the 45903
following apply: 45904

(1) The person has successfully completed the curriculum in 45905
any high school or the individualized education program developed 45906
for the person by any high school pursuant to section 3323.08 of 45907
the Revised Code, or has qualified under division (D) or (F) of 45908
section 3313.603 of the Revised Code, provided that no school 45909
district shall require a student to remain in school for any 45910
specific number of semesters or other terms if the student 45911
completes the required curriculum early; 45912

(2) Subject to section 3313.614 of the Revised Code, the 45913
person has met the assessment requirements of division (A)(2)(a) 45914
or (b) of this section, as applicable. 45915

(a) If the person entered the ninth grade prior to July 1, 45916
2014, the person either: 45917

(i) Has attained at least the applicable scores designated 45918
under division (B)(1) of section 3301.0710 of the Revised Code on 45919
all the assessments required by that division unless the person 45920
was excused from taking any such assessment pursuant to section 45921
3313.532 of the Revised Code or unless division (H) or (L) of this 45922
section applies to the person; 45923

(ii) Has satisfied the alternative conditions prescribed in 45924
section 3313.615 of the Revised Code. 45925

(b) If the person entered the ninth grade on or after July 1, 45926
2014, the person has met the requirement prescribed by section 45927

3313.618 of the Revised Code, except to the extent that the person 45928
is excused from an assessment prescribed by that section pursuant 45929
to section 3313.532 of the Revised Code or division (H) or (L) of 45930
this section. 45931

(3) The person is not eligible to receive an honors diploma 45932
granted pursuant to division (B) of this section. 45933

Except as provided in divisions (C), (E), (J), and (L) of 45934
this section, no diploma shall be granted under this division to 45935
anyone except as provided under this division. 45936

(B) In lieu of a diploma granted under division (A) of this 45937
section, an honors diploma shall be granted, in accordance with 45938
rules of the state board, by any such district board to anyone who 45939
accomplishes all of the following: 45940

(1) Successfully completes the curriculum in any high school 45941
or the individualized education program developed for the person 45942
by any high school pursuant to section 3323.08 of the Revised 45943
Code; 45944

(2) Subject to section 3313.614 of the Revised Code, has met 45945
the assessment requirements of division (B)(2)(a) or (b) of this 45946
section, as applicable. 45947

(a) If the person entered the ninth grade prior to July 1, 45948
2014, the person either: 45949

(i) Has attained at least the applicable scores designated 45950
under division (B)(1) of section 3301.0710 of the Revised Code on 45951
all the assessments required by that division; 45952

(ii) Has satisfied the alternative conditions prescribed in 45953
section 3313.615 of the Revised Code. 45954

(b) If the person entered the ninth grade on or after July 1, 45955
2014, the person has met the requirement prescribed under section 45956
3313.618 of the Revised Code. 45957

(3) Has met additional criteria established by the state 45958
board for the granting of such a diploma. 45959

An honors diploma shall not be granted to a student who is 45960
subject to the requirements prescribed in division (C) of section 45961
3313.603 of the Revised Code but elects the option of division (D) 45962
or (F) of that section. Except as provided in divisions (C), (E), 45963
and (J) of this section, no honors diploma shall be granted to 45964
anyone failing to comply with this division and no more than one 45965
honors diploma shall be granted to any student under this 45966
division. 45967

The state board shall adopt rules prescribing the granting of 45968
honors diplomas under this division. These rules may prescribe the 45969
granting of honors diplomas that recognize a student's achievement 45970
as a whole or that recognize a student's achievement in one or 45971
more specific subjects or both. The rules may prescribe the 45972
granting of an honors diploma recognizing technical expertise for 45973
a career-technical student. In any case, the rules shall designate 45974
two or more criteria for the granting of each type of honors 45975
diploma the board establishes under this division and the number 45976
of such criteria that must be met for the granting of that type of 45977
diploma. The number of such criteria for any type of honors 45978
diploma shall be at least one less than the total number of 45979
criteria designated for that type and no one or more particular 45980
criteria shall be required of all persons who are to be granted 45981
that type of diploma. 45982

(C) Any district board administering any of the assessments 45983
required by section 3301.0710 of the Revised Code to any person 45984
requesting to take such assessment pursuant to division (B)(8)(b) 45985
of section 3301.0711 of the Revised Code shall award a diploma to 45986
such person if the person attains at least the applicable scores 45987
designated under division (B)(1) of section 3301.0710 of the 45988
Revised Code on all the assessments administered and if the person 45989

has previously attained the applicable scores on all the other 45990
assessments required by division (B)(1) of that section or has 45991
been exempted or excused from attaining the applicable score on 45992
any such assessment pursuant to division (H) or (L) of this 45993
section or from taking any such assessment pursuant to section 45994
3313.532 of the Revised Code. 45995

(D) Each diploma awarded under this section shall be signed 45996
by the president and treasurer of the issuing board, the 45997
superintendent of schools, and the principal of the high school. 45998
Each diploma shall bear the date of its issue, be in such form as 45999
the district board prescribes, and be paid for out of the 46000
district's general fund. 46001

(E) A person who is a resident of Ohio and is eligible under 46002
state board of education minimum standards to receive a high 46003
school diploma based in whole or in part on credits earned while 46004
an inmate of a correctional institution operated by the state or 46005
any political subdivision thereof, shall be granted such diploma 46006
by the correctional institution operating the programs in which 46007
such credits were earned, and by the board of education of the 46008
school district in which the inmate resided immediately prior to 46009
the inmate's placement in the institution. The diploma granted by 46010
the correctional institution shall be signed by the director of 46011
the institution, and by the person serving as principal of the 46012
institution's high school and shall bear the date of issue. 46013

(F) Persons who are not residents of Ohio but who are inmates 46014
of correctional institutions operated by the state or any 46015
political subdivision thereof, and who are eligible under state 46016
board of education minimum standards to receive a high school 46017
diploma based in whole or in part on credits earned while an 46018
inmate of the correctional institution, shall be granted a diploma 46019
by the correctional institution offering the program in which the 46020
credits were earned. The diploma granted by the correctional 46021

institution shall be signed by the director of the institution and 46022
by the person serving as principal of the institution's high 46023
school and shall bear the date of issue. 46024

(G) The state board of education shall provide by rule for 46025
the administration of the assessments required by sections 46026
3301.0710 and 3301.0712 of the Revised Code to inmates of 46027
correctional institutions. 46028

(H) Any person to whom all of the following apply shall be 46029
exempted from attaining the applicable score on the assessment in 46030
social studies designated under division (B)(1) of section 46031
3301.0710 of the Revised Code, any American history end-of-course 46032
examination and any American government end-of-course examination 46033
required under division (B) of section 3301.0712 of the Revised 46034
Code if such an exemption is prescribed by rule of the state board 46035
under division (D)(3) of section 3301.0712 of the Revised Code, or 46036
the test in citizenship designated under former division (B) of 46037
section 3301.0710 of the Revised Code as it existed prior to 46038
September 11, 2001: 46039

(1) The person is not a citizen of the United States; 46040

(2) The person is not a permanent resident of the United 46041
States; 46042

(3) The person indicates no intention to reside in the United 46043
States after the completion of high school. 46044

(I) Notwithstanding division (D) of section 3311.19 and 46045
division (D) of section 3311.52 of the Revised Code, this section 46046
and section 3313.611 of the Revised Code do not apply to the board 46047
of education of any joint vocational school district or any 46048
cooperative education school district established pursuant to 46049
divisions (A) to (C) of section 3311.52 of the Revised Code. 46050

(J) Upon receipt of a notice under division (D) of section 46051
3325.08 or division (D) of section 3328.25 of the Revised Code 46052

that a student has received a diploma under either section, the 46053
board of education receiving the notice may grant a high school 46054
diploma under this section to the student, except that such board 46055
shall grant the student a diploma if the student meets the 46056
graduation requirements that the student would otherwise have had 46057
to meet to receive a diploma from the district. The diploma 46058
granted under this section shall be of the same type the notice 46059
indicates the student received under section 3325.08 or 3328.25 of 46060
the Revised Code. 46061

(K) As used in this division, "English learner" has the same 46062
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 46063
the Revised Code. 46064

Notwithstanding division (C)(3) of section 3301.0711 of the 46065
Revised Code, no English learner who has not either attained the 46066
applicable scores designated under division (B)(1) of section 46067
3301.0710 of the Revised Code on all the assessments required by 46068
that division, or met the requirement prescribed by section 46069
3313.618 of the Revised Code, shall be awarded a diploma under 46070
this section. 46071

(L)(1) Any student described by division (A)(1) of this 46072
section who is subject to divisions (A)(1) to (3) of section 46073
3313.618 of the Revised Code may be awarded a diploma without 46074
meeting the requirements prescribed by those divisions provided an 46075
individualized education program specifically exempts the student 46076
from meeting such requirement. This division does not negate the 46077
requirement for a student to take the assessments prescribed by 46078
section 3301.0710 or under division (B) of section 3301.0712 of 46079
the Revised Code, or alternate assessments required by division 46080
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 46081
of assessing student progress as required by federal law. 46082

(2) Any student described by division (A)(1) of this section 46083
who is subject to division (B) of section 3313.618 of the Revised 46084

Code may be awarded a diploma without meeting the requirement 46085
prescribed by division (B)(1) of that section provided the 46086
student's individualized education program specifically exempts 46087
the student from meeting that requirement and either division 46088
(L)(2)(a) or (b) of this section applies to the student, as 46089
follows: 46090

(a)(i) The student took an alternate assessment in 46091
mathematics and English language arts administered to the student 46092
in accordance with division (C)(1) of section 3301.0711 of the 46093
Revised Code and failed to attain a score established by the state 46094
board on one or both assessments. 46095

(ii) The school district offered remedial support to the 46096
student in each subject area in which the student did not attain 46097
the established score and the student received that support. 46098

(iii) The student retook each alternate assessment in which 46099
the student did not attain the established score and the student 46100
did not attain the established score on the retake assessment. 46101

(b)(i) The student took the Algebra I and English language 46102
arts II end-of-course examinations and failed to attain the 46103
competency score as determined under division (B)(10) of section 46104
3301.0712 of the Revised Code on one or both examinations. 46105

(ii) The school district offered remedial support to the 46106
student in each subject area in which the student did not attain 46107
the competency score and the student received that support. 46108

(iii) The student retook each examination in which the 46109
student did not attain the competency score and the student did 46110
not attain the competency score on the retake examination. 46111

Sec. 3313.611. (A) The state board of education shall adopt, 46112
by rule, standards for awarding high school credit equivalent to 46113
credit for completion of high school academic and vocational 46114

education courses to applicants for diplomas under this section.	46115
The standards may permit high school credit to be granted to an	46116
applicant for any of the following:	46117
(1) Work experiences or experiences as a volunteer;	46118
(2) Completion of academic, vocational, or self-improvement	46119
courses offered to persons over the age of twenty-one by a	46120
chartered public or nonpublic school;	46121
(3) Completion of academic, vocational, or self-improvement	46122
courses offered by an organization, individual, or educational	46123
institution other than a chartered public or nonpublic school;	46124
(4) Other life experiences considered by the board to provide	46125
knowledge and learning experiences comparable to that gained in a	46126
classroom setting.	46127
(B) The board of education of any city, exempted village, or	46128
local school district that operates a high school shall grant a	46129
diploma of adult education to any applicant if all of the	46130
following apply:	46131
(1) The applicant is a resident of the district;	46132
(2) The applicant is over the age of twenty-one and has not	46133
been issued a diploma as provided in section 3313.61 of the	46134
Revised Code;	46135
(3) Subject to section 3313.614 of the Revised Code, the	46136
applicant has met the assessment requirements of division	46137
(B)(3)(a) or (b) of this section, as applicable.	46138
(a) Prior to July 1, 2014, the applicant either:	46139
(i) Has attained the applicable scores designated under	46140
division (B)(1) of section 3301.0710 of the Revised Code on all of	46141
the assessments required by that division or was excused or	46142
exempted from any such assessment pursuant to section 3313.532 or	46143
was exempted from attaining the applicable score on any such	46144

assessment pursuant to division (H) or (L) of section 3313.61 of 46145
the Revised Code; 46146

(ii) Has satisfied the alternative conditions prescribed in 46147
section 3313.615 of the Revised Code. 46148

(b) On or after July 1, 2014, has met the requirement 46149
prescribed by section 3313.618 of the Revised Code, except and 46150
only to the extent that the applicant is excused from some portion 46151
of that section pursuant to section 3313.532 of the Revised Code 46152
or division (H) or (L) of section 3313.61 of the Revised Code. 46153

(4) The district board determines, in accordance with the 46154
standards adopted under division (A) of this section, that the 46155
applicant has attained sufficient high school credits, including 46156
equivalent credits awarded under such standards, to qualify as 46157
having successfully completed the curriculum required by the 46158
district for graduation. 46159

(C) If a district board determines that an applicant is not 46160
eligible for a diploma under division (B) of this section, it 46161
shall inform the applicant of the reason the applicant is 46162
ineligible and shall provide a list of any courses required for 46163
the diploma for which the applicant has not received credit. An 46164
applicant may reapply for a diploma under this section at any 46165
time. 46166

(D) If a district board awards an adult education diploma 46167
under this section, the president and treasurer of the board and 46168
the superintendent of schools shall sign it. Each diploma shall 46169
bear the date of its issuance, be in such form as the district 46170
board prescribes, and be paid for from the district's general 46171
fund, except that the state board may by rule prescribe standard 46172
language to be included on each diploma. 46173

(E) As used in this division, "English learner" has the same 46174
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 46175

the Revised Code. 46176

Notwithstanding division (C)(3) of section 3301.0711 of the 46177
Revised Code, no English learner who has not either attained the 46178
applicable scores designated under division (B)(1) of section 46179
3301.0710 of the Revised Code on all the assessments required by 46180
that division, or has not met the requirement prescribed by 46181
section 3313.618 of the Revised Code, shall be awarded a diploma 46182
under this section. 46183

Sec. 3313.612. (A) No nonpublic school chartered by the state 46184
board of education shall grant a high school diploma to any person 46185
unless, subject to section 3313.614 of the Revised Code, the 46186
person has met the assessment requirements of division (A)(1) or 46187
(2) of this section, as applicable. 46188

(1) If the person entered the ninth grade prior to July 1, 46189
2014, the person has attained at least the applicable scores 46190
designated under division (B)(1) of section 3301.0710 of the 46191
Revised Code on all the assessments required by that division, or 46192
has satisfied the alternative conditions prescribed in section 46193
3313.615 of the Revised Code. 46194

(2) If the person entered the ninth grade on or after July 1, 46195
2014, the person has met the requirement prescribed by section 46196
3313.618 or 3313.619 of the Revised Code. 46197

(B) This section does not apply to any of the following: 46198

(1) Any person with regard to any assessment from which the 46199
person was excused pursuant to division (C)(1)(c) of section 46200
3301.0711 of the Revised Code; 46201

(2) Except as provided in division (B)(4) of this section, 46202
any person who attends a nonpublic school accredited through the 46203
independent schools association of the central states, except for 46204
a student attending the school under a state scholarship program 46205

as defined in section 3301.0711 of the Revised Code; 46206

(3) Any person with regard to the social studies assessment 46207
under division (B)(1) of section 3301.0710 of the Revised Code, 46208
any American history end-of-course examination and any American 46209
government end-of-course examination required under division (B) 46210
of section 3301.0712 of the Revised Code if such an exemption is 46211
prescribed by rule of the state board of education under division 46212
(D)(3) of section 3301.0712 of the Revised Code, or the 46213
citizenship test under former division (B) of section 3301.0710 of 46214
the Revised Code as it existed prior to September 11, 2001, if all 46215
of the following apply: 46216

(a) The person is not a citizen of the United States; 46217

(b) The person is not a permanent resident of the United 46218
States; 46219

(c) The person indicates no intention to reside in the United 46220
States after completion of high school. 46221

(4) Any person who attends a chartered nonpublic school that 46222
satisfies the requirements of division (L)(4) of section 3301.0711 46223
of the Revised Code. In the case of such a student, the student's 46224
chartered nonpublic school shall determine the student's 46225
eligibility for graduation based on the standards of the school's 46226
accrediting body. 46227

(C) As used in this division, "English learner" has the same 46228
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 46229
the Revised Code. 46230

Notwithstanding division (C)(3) of section 3301.0711 of the 46231
Revised Code, no English learner who has not either attained the 46232
applicable scores designated under division (B)(1) of section 46233
3301.0710 of the Revised Code on all the assessments required by 46234
that division, or met the requirement prescribed by section 46235
3313.618 or 3313.619 of the Revised Code, shall be awarded a 46236

diploma under this section. 46237

(D) The state board shall not impose additional requirements 46238
or assessments for the granting of a high school diploma under 46239
this section that are not prescribed by this section. 46240

(E) The department of education shall furnish the assessment 46241
administered by a nonpublic school pursuant to division (B)(1) of 46242
section 3301.0712 of the Revised Code. 46243

Sec. 3313.618. (A) In addition to the curriculum requirements 46244
specified by the board of education of a school district or 46245
governing authority of a chartered nonpublic school, each student 46246
entering ninth grade for the first time on or after July 1, 2014, 46247
but prior to July 1, 2019, shall satisfy at least one of the 46248
following conditions or the conditions prescribed under division 46249
(B) of this section in order to qualify for a high school diploma: 46250
46251

(1) Be remediation-free, in accordance with standards adopted 46252
under division (F) of section 3345.061 of the Revised Code, on 46253
each of the nationally standardized assessments in English, 46254
mathematics, and reading; 46255

(2) Attain a score specified under division (B)(5)(c) of 46256
section 3301.0712 of the Revised Code on the end-of-course 46257
examinations prescribed under division (B) of section 3301.0712 of 46258
the Revised Code. 46259

(3) Attain a score that demonstrates workforce readiness and 46260
employability on a nationally recognized job skills assessment 46261
selected by the state board of education under division (G) of 46262
section 3301.0712 of the Revised Code and obtain either an 46263
industry-recognized credential or a license issued by a state 46264
agency or board for practice in a vocation that requires an 46265
examination for issuance of that license. 46266

For the purposes of this division, the industry-recognized 46267
credentials and licenses shall be as approved under section 46268
3313.6113 of the Revised Code. 46269

A student may choose to qualify for a high school diploma by 46270
satisfying any of the separate requirements prescribed by 46271
divisions (A)(1) to (3) of this section. If the student's school 46272
district or school does not administer the examination prescribed 46273
by one of those divisions that the student chooses to take to 46274
satisfy the requirements of this section, the school district or 46275
school may require that student to arrange for the applicable 46276
scores to be sent directly to the district or school by the 46277
company or organization that administers the examination. 46278

(B) In addition to the curriculum requirements specified by 46279
the district board or school governing authority, each student 46280
entering ninth grade for the first time on or after July 1, 2019, 46281
shall satisfy the following conditions in order to qualify for a 46282
high school diploma: 46283

(1) Attain a competency score as determined under division 46284
(B)(10) of section 3301.0712 of the Revised Code on each of the 46285
Algebra I and English language arts II end-of-course examinations 46286
prescribed under division (B)(2) of section 3301.0712 of the 46287
Revised Code. 46288

School districts and chartered nonpublic schools shall offer 46289
remedial support to any student who fails to attain a competency 46290
score on one or both of the Algebra I and English language arts II 46291
end-of-course examinations. 46292

Following the first administration of the exam, if a student 46293
fails to attain a competency score on one or both of the Algebra I 46294
and English language arts II end-of-course examinations that 46295
student must retake the respective examination at least once. 46296

If a student fails to attain a competency score on a retake 46297

examination, the student may demonstrate competency in the failed 46298
subject area through one of the following options: 46299

(a) Earn course credit taken through the college credit plus 46300
program established under Chapter 3365. of the Revised Code in the 46301
failed subject area; 46302

(b) Complete two of the following options, one of which must 46303
be foundational: 46304

(i) Foundational options to demonstrate competency, which 46305
include earning a cumulative score of proficient or higher on 46306
three or more state technical assessments aligned with section 46307
3313.903 of the Revised Code in a single career pathway, obtaining 46308
an industry-recognized credential, or group of credentials, 46309
approved under section 3313.6113 of the Revised Code that is at 46310
least equal to the total number of points established under that 46311
section to qualify for a high school diploma, obtaining a license 46312
approved under section 3313.6113 of the Revised Code that is 46313
issued by a state agency or board for practice in a vocation that 46314
requires an examination for issuance of that license, completing a 46315
pre-apprenticeship aligned with options established under section 46316
3313.904 of the Revised Code in the student's chosen career field, 46317
completing an apprenticeship registered with the apprenticeship 46318
council established under section 4139.02 of the Revised Code in 46319
the student's chosen career field, or providing evidence of 46320
acceptance into an apprenticeship program after high school that 46321
is restricted to participants eighteen years of age or older; 46322

(ii) Supporting options to demonstrate competency, which 46323
include completing two hundred fifty hours of a work-based 46324
learning experience with evidence of positive evaluations, 46325
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 46326
of the Revised Code, or attaining a workforce readiness score, as 46327
determined by the department of education and workforce, on the 46328
nationally recognized job skills assessment selected by the state 46329

board under division (G) of section 3301.0712 of the Revised Code. 46330

(c) Provide evidence that the student has enlisted in a 46331
branch of the armed services of the United States as defined in 46332
section 5910.01 of the Revised Code. 46333

(d) Be remediation-free, in accordance with standards adopted 46334
under division (F) of section 3345.061 of the Revised Code, in the 46335
failed subject area on a nationally standardized assessment 46336
prescribed under division (B)(1) of section 3301.0712 of the 46337
Revised Code. For English language arts II, a student must be 46338
remediation-free in the subjects of English and reading on the 46339
nationally standardized assessment. 46340

Subject to division (L)(2) of section 3313.61 of the Revised 46341
Code, for any students receiving special education and related 46342
services under Chapter 3323. of the Revised Code, the 46343
individualized education program developed for the student under 46344
that chapter shall specify the manner in which the student will 46345
participate in the assessments administered under this division or 46346
an alternate assessment in accordance with division (C)(1) of 46347
section 3301.0711 of the Revised Code. 46348

(2) Earn at least two of the state diploma seals prescribed 46349
under division (A) of section 3313.6114 of the Revised Code, at 46350
least one of which shall be any of the following: 46351

(a) The state seal of biliteracy established under section 46352
3313.6111 of the Revised Code; 46353

(b) The OhioMeansJobs-readiness seal established under 46354
section 3313.6112 of the Revised Code; 46355

(c) One of the state diploma seals established under 46356
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 46357

(3) Provide evidence of having completed and submitted the 46358
free application for federal student aid, unless either of the 46359

following apply: 46360

(a) The student's parent or guardian, or the student if the student is at least eighteen years of age, has indicated, in a manner prescribed by the department, to the district or school that the student will not complete and submit the free application for federal student aid. 46361
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(b) The district or school has made a record, in a manner prescribed by the department, describing circumstances that exist which make it impossible or impracticable for the student to complete the free application for federal student aid. 46366
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(C)(1) A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year shall meet the requirements of division (B) or (D) of this section, as applicable, in order to qualify for a high school diploma. However, any student subject to division (B) of this section who transfers or enrolls after the start of the student's twelfth grade year and fails to attain a competency score on the Algebra I or English language arts II end-of-course examination shall not be required to retake the applicable examination prior to demonstrating competency in the failed subject area under the options prescribed in divisions (B)(1)(a) to (d) of this section. 46370
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(2) The department shall prescribe standards that allow a transfer student who, prior to the student's transfer, took an assessment described in division (B)(1) or (2) of section 3301.0712 or section 3313.619 of the Revised Code to apply the score from that assessment towards graduation requirements at the student's new public or chartered nonpublic school. 46383
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(D) Notwithstanding division (B) of this section, in addition to the curriculum requirements specified by the school governing 46389
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authority, a chartered nonpublic school student subject to 46391
division (L)(3)(a)(ii) of section 3301.0711 of the Revised Code 46392
entering ninth grade for the first time on or after July 1, 2019, 46393
shall qualify for a high school diploma if the student earns a 46394
remediation-free score in the areas of English, mathematics, and 46395
reading, in accordance with standards adopted under division (F) 46396
of section 3345.061 of the Revised Code, on a nationally 46397
standardized assessment prescribed under division (B)(1) of 46398
section 3301.0712 of the Revised Code. No such student shall be 46399
required to take the Algebra I or English language arts II 46400
end-of-course examination or earn diploma seals under this 46401
section. 46402

A student to whom division (D) of this section applies is 46403
subject to division (B)(3) of this section. 46404

(E) The state board of education shall not create or require 46405
any additional assessment for the granting of any type of high 46406
school diploma other than as prescribed by this section. Except as 46407
provided in sections 3313.6111, 3313.6112, and 3313.6114 of the 46408
Revised Code, the state board or the superintendent of public 46409
instruction shall not create any endorsement or designation that 46410
may be affiliated with a high school diploma. 46411

Sec. 3313.619. (A) In lieu of the assessment requirements 46412
prescribed by division (A) of section 3313.618 of the Revised Code 46413
or the requirements to demonstrate competency and earn diploma 46414
seals prescribed by division (B) of that section, a chartered 46415
nonpublic school may grant a high school diploma to a student who 46416
attains at least the designated score on an assessment approved by 46417
the department of education and workforce under division (B) of 46418
this section and selected by the school's governing authority. 46419
Nothing in this section waives the requirement for a student to 46420
complete the free application for federal student aid as required 46421

under division (B)(3) of section 3313.618 of the Revised Code, 46422
except as provided for in that division. 46423

(B) For purposes of division (A) of this section, the 46424
department shall approve assessments that meet the conditions 46425
specified under division (C) of this section and shall designate 46426
passing scores for each of those assessments. 46427

(C) Each assessment approved under division (B) of this 46428
section shall be nationally norm-referenced, have internal 46429
consistency reliability coefficients of at least "0.8," be 46430
standardized, have specific evidence of content, concurrent, or 46431
criterion validity, have evidence of norming studies in the 46432
previous ten years, have a measure of student achievement in core 46433
academic areas, and have high validity evidenced by the alignment 46434
of the assessment with nationally recognized content. 46435

(D) Nothing in this section shall prohibit a chartered 46436
nonpublic school from granting a high school diploma to a student 46437
if the student satisfies the applicable requirements prescribed by 46438
section 3313.618 of the Revised Code. 46439

Sec. 3313.6413. (A) As used in this section: 46440

(1) "Feminine hygiene products" has the same meaning as in 46441
section 5739.01 of the Revised Code. 46442

(2) "Other public school" has the same meaning as in section 46443
3301.0711 of the Revised Code. 46444

(3) "School building" means any facility that is owned, 46445
leased, or under the care, custody, and control of a school 46446
district board of education or other public school. 46447

(4) "Chartered nonpublic school" has the same meaning as in 46448
section 3310.01 of the Revised Code. 46449

(B)(1) Each school district, other public school, and 46450

chartered nonpublic school that enrolls girls in any of grades six through twelve shall provide free feminine hygiene products to those students. All such products shall be for use on school premises. 46451
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(2) Each school district, other public school, and chartered nonpublic school shall determine where feminine hygiene products are to be kept in the school. 46455
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(3) Each school district, other public school, and chartered nonpublic school may choose to provide free feminine hygiene products to students below grade six. 46458
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Sec. 3313.7117. (A) As used in this section: 46461

(1) "Licensed health care professional" means any of the following: 46462
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 46464
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(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 46467
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(c) A physician assistant licensed under Chapter 4730. of the Revised Code. 46470
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(2) "Seizure disorder" means epilepsy or involuntary disturbance of brain function that may manifest as an impairment, loss of consciousness, behavioral abnormalities, sensory disturbance or convulsions. 46472
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(3) "Treating practitioner" means any of the following who has primary responsibility for treating a student's seizure disorder and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student: 46476
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 46481
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code; 46484
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 46490
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(B) A school nurse, or another district or school employee if a district or school does not have a school nurse, of each city, local, exempted village, and joint vocational school district and the governing authority of a chartered nonpublic school, acting in collaboration with a student's parents or guardian, shall create an individualized seizure action plan for each student enrolled in the school district or chartered nonpublic school who has an active seizure disorder diagnosis. A plan shall include all of the following components: 46494
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(1) A written request signed by the parent, guardian, or other person having care or charge of the student, required by division (C)(1) of section 3313.713 of the Revised Code, to have one or more drugs prescribed for a seizure disorder administered to the student; 46503
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(2) A written statement from the student's treating practitioner providing the drug information required by division (C)(2) of section 3313.713 of the Revised Code for each drug prescribed to the student for a seizure disorder. 46508
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(3) Any other component required by the state board of education. 46512
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(C)(1) The school nurse or a school administrator if the district does not employ a school nurse, shall notify a school employee, contractor, and volunteer in writing regarding the existence and content of each seizure action plan in force if the employee, contractor, or volunteer does any of the following: 46514
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(a) Regularly interacts with the student; 46519

(b) Has legitimate educational interest in the student or is responsible for the direct supervision of the student; 46520
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(c) Is responsible for transportation of the student to and from school. 46522
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(2) The school nurse or a school administrator if the district does not employ a school nurse, shall identify each individual who has received training under division (G) of this section in the administration of drugs prescribed for seizure disorders. The school nurse, or another district employee if a district does not employ a school nurse, shall coordinate seizure disorder care at that school and ensure that all staff described in division (C)(1) of this section are trained in the care of students with seizure disorders. 46524
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(D) A drug prescribed to a student with a seizure disorder shall be provided to the school nurse or another person at the school who is authorized to administer it to the student if the district does not employ a full-time school nurse. The drug shall be provided in the container in which it was dispensed by the prescriber or a licensed pharmacist. 46533
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(E) A seizure action plan is effective only for the school year in which the written request described in division (B)(1) of this section was submitted and must be renewed at the beginning of each school year. 46539
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(F) A seizure action plan created under division (B) of this section shall be maintained in the office of the school nurse or school administrator if the district does not employ a full-time school nurse. 46543
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(G) A school district or governing authority of a chartered nonpublic school shall designate at least one employee at each school building it operates, aside from a school nurse, to be trained on the implementation of seizure action plans every two years. The district or governing authority shall provide or arrange for the training of the employee. The training must include and be consistent with guidelines and best practices established by a nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders, such as the Epilepsy Alliance Ohio or Epilepsy Foundation of Ohio or other similar organizations as determined by the department of education, and address all of the following: 46547
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(1) Recognizing the signs and symptoms of a seizure; 46559

(2) The appropriate treatment for a student who exhibits the symptoms of a seizure; 46560
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(3) Administering drugs prescribed for seizure disorders, subject to section 3313.713 of the Revised Code. 46562
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A seizure training program under division (G) of this section shall not exceed one hour and shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code. If the training is provided to a school district on portable media by a nonprofit entity, the training shall be provided free of charge. 46564
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(H) A board of education or governing authority shall require each person it employs as an administrator, guidance counselor, 46572
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teacher, or bus driver to complete a minimum of one hour of 46574
self-study training or in-person training on seizure disorders not 46575
later than twenty-four months after the effective date of this 46576
section. Any such person employed after that date shall complete 46577
the training within ninety days of employment. The training shall 46578
qualify as a professional development activity for the renewal of 46579
educator licenses, including activities approved by local 46580
professional development committees under division (F) of section 46581
3319.22 of the Revised Code. 46582

(I)(1) A school or school district, a member of a board or 46583
governing authority, or a district or school employee is not 46584
liable in damages in a civil action for injury, death, or loss to 46585
person or property allegedly arising from providing care or 46586
performing duties under this section unless the act or omission 46587
constitutes willful or wanton misconduct. 46588

This section does not eliminate, limit, or reduce any other 46589
immunity or defense that a school district, member of a school 46590
district board of education, or school district employee may be 46591
entitled to under Chapter 2744. or any other provision of the 46592
Revised Code or under the common law of this state. 46593

(2) A chartered nonpublic school or any officer, director, or 46594
employee of the school is not liable in damages in a civil action 46595
for injury, death, or loss to person or property allegedly arising 46596
from providing care or performing duties under this section unless 46597
the act or omission constitutes willful or wanton misconduct. 46598

Sec. 3313.831. (A)(1) For the purpose of pooling resources, 46599
operating more cost effectively, minimizing administrative 46600
overhead, encouraging the sharing of resource development, and 46601
diminishing duplication, the boards of education of two or more 46602
city, local, or exempted village school districts, by adopting 46603
identical resolutions, may enter into an agreement providing for 46604

the creation of a career-technical cooperative education district 46605
for the purpose of funding and providing the career-technical 46606
education of students enrolled in those school districts in grades 46607
seven through twelve with career-technical education adequate to 46608
prepare those students for an occupation. 46609

(2) The territory of a career-technical cooperative education 46610
district at any time shall be composed of the combined territories 46611
of the school districts that are parties to the agreement at that 46612
time. Services funded by a career-technical cooperative education 46613
district shall be available to all individuals enrolled in a 46614
school district that is a part of the career-technical cooperative 46615
education district. 46616

(3) The agreement may be amended pursuant to terms and 46617
procedures mutually agreed to by the boards of education that are 46618
parties to the agreement. 46619

(B) Each career-technical cooperative education district 46620
shall be governed by a board of directors. The superintendent of 46621
each board of education that is a party to the agreement shall 46622
serve on the board of directors. The agreement shall provide for 46623
the terms of office of directors. Directors shall receive no 46624
compensation, but shall be reimbursed, from the special fund of 46625
the career-technical education district, for the reasonable and 46626
necessary expenses they incur in the performance of their duties 46627
for the district. The agreement shall provide for the conduct of 46628
the board's initial organizational meeting and for the frequency 46629
of subsequent meetings and quorum requirements. At its first 46630
meeting, the board shall designate from among its members a 46631
president and secretary in the manner provided in the agreement. 46632

The board of directors of a career-technical cooperative 46633
education district is a body corporate and politic, is capable of 46634
suing and being sued, is capable of contracting within the limits 46635

of this section and the agreement governing the district, and is 46636
capable of accepting gifts, donations, bequests, or other grants 46637
of money for use in paying its expenses. The district is a public 46638
office and its directors are public officials within the meaning 46639
of section 117.01 of the Revised Code, the board of directors is a 46640
public body within the meaning of section 121.22 of the Revised 46641
Code, and records of the board and of the district are public 46642
records within the meaning of section 149.43 of the Revised Code. 46643

The agreement shall require the board to designate a 46644
permanent location for its offices and meeting place, and may 46645
provide for the use of such facilities and property for the 46646
provision of services by the agencies with which the board 46647
contracts under division (C) of this section. 46648

(C)(1) To provide the services identified in division (A)(1) 46649
of this section, the board of directors of a career-technical 46650
cooperative education district shall provide for the hiring of 46651
employees or shall contract with one or more entities, including a 46652
school district that is a party to the agreement, an educational 46653
service center, or a state institution of higher education. 46654

An agreement entered into under this section shall do both of 46655
the following: 46656

(a) Provide for the distribution of services to be provided 46657
by the career-technical cooperative education district and a 46658
resident district. The agreement shall specify which services will 46659
be provided by employees of member districts and which services 46660
will be provided by the career-technical cooperative education 46661
district. 46662

(b) Include a statement of how transportation of students to 46663
and from school will be provided in the career-technical 46664
cooperative education district. The statement shall include at 46665
least both of the following: 46666

(i) How special education students will be transported as required by their individualized education plan adopted pursuant to section 3323.08 of the Revised Code; 46667
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(ii) Whether transportation to and from school will be provided to any other students of the career-technical cooperative education district, and, if so, the manner in which this transportation will be provided. 46670
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(2) The board of directors may levy a tax throughout the district as provided in section 5705.2114 of the Revised Code. The board of directors shall provide for the creation of a special fund to hold the proceeds of any tax levied under section 5705.2114 of the Revised Code and any gifts, donations, bequests, or other grants of money coming into the possession of the district. A career-technical cooperative education district is a subdivision, and the board of directors is a governing body, within the meaning of section 135.01 of the Revised Code. The board of directors may not issue securities or otherwise incur indebtedness. 46674
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(3) The adoption or rejection by electors of a tax levy to fund a career-technical cooperative education district pursuant to section 5705.2114 of the Revised Code does not alter the duty of each school district member of the career-technical cooperative education district to provide special education and related services as required under section 3313.90 of the Revised Code. On the expiration of a career-technical cooperative education district levy, the state, member school districts of the career-technical cooperative education district, and any other governmental entity shall not be obligated to provide replacement funding for the revenues under the expired levy. The tax levy, in whole or in part, shall not be considered a levy for current operating expenses pursuant to division (A) of section 3317.01 of the Revised Code for any of the school districts that are members 46685
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of the career-technical cooperative education district. 46699

(D)(1) The agreement shall provide for the manner of 46700
appointing an individual or entity to perform the duties of fiscal 46701
officer of the career-technical cooperative education district. 46702
The agreement shall specify the length of time the individual or 46703
entity shall perform those duties and whether the individual or 46704
entity may be reappointed upon the completion of a term. The 46705
fiscal officer may receive compensation for performing the duties 46706
of the position and be reimbursed for reasonable expenses of 46707
performing those duties from the career-technical cooperative 46708
education district's special fund. 46709

(2) The legal advisor of the board of directors of a 46710
career-technical cooperative education district shall be the 46711
prosecuting attorney of the most populous county containing a 46712
school district that is a member of the career-technical 46713
cooperative education district. The prosecuting attorney shall 46714
prosecute all actions against a member of the board of directors 46715
for malfeasance or misfeasance in office and shall be the legal 46716
counsel for the board and its members in all other actions brought 46717
by or against them and shall conduct those actions in the 46718
prosecuting attorney's official capacity. No compensation in 46719
addition to the prosecuting attorney's regular salary shall be 46720
allowed. 46721

(E) The board of directors of a career-technical cooperative 46722
education district shall procure a policy or policies of insurance 46723
insuring the board, the fiscal officer, and the legal 46724
representative against liability on account of damage or injury to 46725
persons and property. Before procuring such insurance the board 46726
shall adopt a resolution setting forth the amount of insurance to 46727
be purchased, the necessity of the insurance, and a statement of 46728
its estimated premium cost. Insurance procured pursuant to this 46729
section shall be from one or more recognized insurance companies 46730

authorized to do business in this state. The cost of the insurance 46731
shall be paid from the district's special fund. 46732

A career-technical cooperative education district is a 46733
political subdivision within the meaning of section 2744.01 of the 46734
Revised Code. 46735

(F)(1) The board of education of a school district may join 46736
an existing career-technical cooperative education district by 46737
adopting a resolution requesting to join as a party to the 46738
agreement and upon approval by the boards of education that 46739
currently are parties to the agreement. If a tax is levied in the 46740
career-technical cooperative education district under section 46741
5705.2114 of the Revised Code, a board of education may join the 46742
district only after a majority of qualified electors in the school 46743
district voting on the question vote in favor of levying the tax 46744
throughout the school district. A board of education joining an 46745
existing district shall have the same powers, rights, and 46746
obligations under the agreement as other boards of education that 46747
are parties to the agreement. 46748

(2) A board of education that is a party to an agreement 46749
under this section may withdraw the school district from a 46750
career-technical cooperative education district by adopting a 46751
resolution. The withdrawal shall take effect on the date provided 46752
in the resolution. If a tax is levied in the career-technical 46753
cooperative education district under section 5705.2114 of the 46754
Revised Code, the resolution shall take effect not later than the 46755
first day of January following adoption of the resolution. 46756
Beginning with the first day of January following adoption of the 46757
resolution, any tax levied under section 5705.2114 of the Revised 46758
Code shall not be levied within the territory of the withdrawing 46759
school district. Any collection of tax levied in the territory of 46760
the withdrawing school district under that section that has not 46761
been settled and distributed when the resolution takes effect 46762

shall be credited to the district's special fund. 46763

(G) An agreement entered into under this section shall 46764
provide for the manner of the career-technical cooperative 46765
education district's dissolution. The district shall cease to 46766
exist when not more than one school district remains in the 46767
district, and the levy of any tax under section 5705.2114 of the 46768
Revised Code shall not be extended on the tax lists in any tax 46769
year beginning after the dissolution of the district. The 46770
agreement shall provide that, upon dissolution of the district, 46771
any unexpended balance in the district's special fund shall be 46772
divided among the school districts that are parties to the 46773
agreement immediately before dissolution in proportion to the 46774
taxable valuation of taxable property in the districts, and 46775
credited to their respective general funds. 46776

(H)(1) A career-technical cooperative education district is 46777
not a joint vocational school district. Rather, a career-technical 46778
cooperative education district shall be considered a compact 46779
career-technical education provider, as defined in section 3326.01 46780
of the Revised Code, for the purposes of Title XXXIII of the 46781
Revised Code. 46782

(2) The career-technical cooperative education district shall 46783
be the lead district as defined in section 3317.023 of the Revised 46784
Code to provide primary career-technical education leadership to 46785
the member districts. The department of education and workforce 46786
shall compute and make payments under Chapter 3317. of the Revised 46787
Code to a career-technical cooperative education district in the 46788
same manner as a lead district of a career-technical planning 46789
district under that chapter. 46790

(I) The department shall create an internal retrieval number 46791
for each career-technical cooperative education district 46792
established under this section. 46793

Sec. 3313.901. (A) As used in this section, "Ohio technical center" has the same meaning as in section 3333.94 of the Revised Code. 46794
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(B) Upon approval by the department of education and workforce, any city, exempted village, local, or joint vocational school district may contract with an Ohio technical center to serve students in any of grades seven to twelve who are enrolled in a career-technical education program at the district but cannot enroll in a course at the district for any of the following reasons: 46797
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(1) The course is at capacity and cannot serve all students who want to enroll in the course. 46804
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(2) The student has a scheduling conflict that prevents the student from taking the course at the time offered by the district. 46806
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(3) The district does not offer the course due to lack of enrollment, lack of a qualified teacher, or lack of facilities. 46809
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(4) Any other reason determined by the department. 46811

(C) School districts shall apply to the department for approval to contract with an Ohio technical center under this section. Applicants shall submit a plan to the department describing how the district and the Ohio technical center will establish a collaborative partnership to provide career-technical education to students. Prior to approval, the department shall consider the extent to which the partnership will increase access to career-technical education courses for students. 46812
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(D) If the department approves an application under this section, the school district that received that approval shall do all of the following: 46820
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(1) Award a student high school credit for completion of any 46823

career-technical education course at an Ohio technical center; 46824

(2) Report the student in the education management 46825
information system established under section 3301.0714 of the 46826
Revised Code as enrolled in the district for the time the student 46827
is taking a course at an Ohio technical center, but the district 46828
shall indicate that the course is being taken through a center 46829
rather than at the district; 46830

(3) Not count a student taking a course at an Ohio technical 46831
center as more than one full-time equivalent student, unless the 46832
student is enrolled full-time in the district during the regularly 46833
scheduled school day and takes the course at the center during 46834
time outside of normal school hours; 46835

(4) Pay the Ohio technical center for each student taking a 46836
course at the technical center. The payment amount shall be the 46837
lesser of the standard tuition charged for the course by the 46838
center or the applicable one of the following: 46839

(a) If the center is located on the same campus as the high 46840
school in which the student is enrolled, the amount equal to the 46841
statewide average base cost per pupil and the amount applicable to 46842
the student pursuant to division (C) of section 3317.014 of the 46843
Revised Code for the portion of the full-time equivalency the 46844
student is enrolled in the course, without application of the 46845
district's state share percentage; 46846

(b) If the center is not located on the same campus as the 46847
high school in which the student is enrolled, \$7,500. 46848

(E) A district and an Ohio technical center may enter into an 46849
agreement under this section to establish alternate amounts than 46850
those prescribed under division (D) of this section that the 46851
district will pay to the center. 46852

(F) A district may use career-technical education funds 46853
received under division (C) of section 3317.014 of the Revised 46854

Code to pay for any costs incurred by students enrolling in 46855
courses at an Ohio technical center under this section. The 46856
department shall consider that cost as an approved 46857
career-technical education expense under division (F) of section 46858
3317.014 of the Revised Code. 46859

(G) Notwithstanding anything to the contrary in the Revised 46860
Code, an individual who holds an adult education permit issued by 46861
the state board of education and is employed by an Ohio technical 46862
center may provide instruction to a student in grades seven 46863
through twelve who is taking a course at an Ohio technical center 46864
under this section. 46865

(H) If the department approves an application from a school 46866
district to contract with an Ohio technical center under this 46867
section, the district shall not prohibit a student enrolled in the 46868
district from taking any course for which the district has 46869
contracted at the technical center. 46870

Sec. 3313.902. (A) As used in this section: 46871

(1) "Approved industry credential or certificate" means a 46872
credential or certificate that is approved by the chancellor of 46873
higher education. 46874

(2) "Approved institution" means an eligible institution that 46875
has been approved to participate in the adult diploma pilot 46876
program under this section. 46877

(3) "Approved program of study" means a program of study 46878
offered by an approved institution that satisfies the requirements 46879
of division (B) of this section. 46880

(4) An eligible student's "career pathway training program 46881
amount" means the following: 46882

(a) If the student is enrolled in a tier one career pathway 46883
training program, \$4,800; 46884

(b) If the student is enrolled in a tier two career pathway training program, \$3,200;	46885 46886
(c) If the student is enrolled in a tier three career pathway training program, \$1,600.	46887 46888
(5) "Eligible institution" means any of the following:	46889
(a) A community college established under Chapter 3354. of the Revised Code;	46890 46891
(b) A technical college established under Chapter 3357. of the Revised Code;	46892 46893
(c) A state community college established under Chapter 3358. of the Revised Code;	46894 46895
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	46896 46897
(6) "Eligible student" means an individual who is at least twenty <u>eighteen</u> years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.	46898 46899 46900 46901
(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.	46902 46903 46904 46905
(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.	46906 46907 46908 46909
(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.	46910 46911 46912
(10) An eligible student's "work readiness training amount" means the following:	46913 46914

(a) If the student's grade level upon initial enrollment in 46915
an approved program of study at an approved institution is below 46916
the ninth grade, as determined in accordance with rules adopted 46917
under division (E) of this section, \$1,500. 46918

(b) If the student's grade level upon initial enrollment in 46919
an approved program of study at an approved institution is at or 46920
above the ninth grade, as determined in accordance with rules 46921
adopted under division (E) of this section, \$750. 46922

(B) The adult diploma pilot program is hereby established to 46923
permit an eligible institution to obtain approval from the 46924
superintendent of public instruction and the chancellor to develop 46925
and offer a program of study that allows an eligible student to 46926
obtain a high school diploma. A program shall be eligible for this 46927
approval if it satisfies all of the following requirements: 46928

(1) The program allows an eligible student to complete the 46929
requirements for obtaining a high school diploma that are 46930
specified in rules adopted by the superintendent under division 46931
(E) of this section while also completing requirements for an 46932
approved industry credential or certificate. 46933

(2) The program includes career advising and outreach. 46934

(3) The program includes opportunities for students to 46935
receive a competency-based education. 46936

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 46937
3313.614, 3313.618, and 3313.619 of the Revised Code, the state 46938
board of education shall grant a high school diploma to each 46939
eligible student who enrolls in an approved program of study at an 46940
approved institution and completes the requirements for obtaining 46941
a high school diploma that are specified in rules adopted by the 46942
superintendent under division (E) of this section. 46943

(D)(1) The department shall calculate the following amount 46944
for each eligible student enrolled in each approved institution's 46945

approved program of study: 46946

(The student's career pathway training program amount + the 46947
student's work readiness training amount) X 1.2 46948

(2) Except as provided in division (D)(4) of this section, 46949
the department shall pay the amount calculated for an eligible 46950
student under division (D)(1) of this section to the approved 46951
institution in which the student is enrolled in the following 46952
manner: 46953

(a) Twenty-five per cent of the amount calculated under 46954
division (D)(1) of this section shall be paid to the approved 46955
institution after the student successfully completes the first 46956
third of the approved program of study, as determined by the 46957
department; 46958

(b) Twenty-five per cent of the amount calculated under 46959
division (D)(1) of this section shall be paid to the approved 46960
institution after the student successfully completes the second 46961
third of the approved program of study, as determined by the 46962
department; 46963

(c) Fifty per cent of the amount calculated under division 46964
(D)(1) of this section shall be paid to the approved institution 46965
after the student successfully completes the final third of the 46966
approved program of study, as determined by the department. 46967

(3) Of the amount paid to an approved institution under 46968
division (D)(2) of this section, the institution may use the 46969
amount that is in addition to the student's career pathway 46970
training amount and the student's work readiness training amount 46971
for the associated services of the approved program of study. 46972
These services include counseling, advising, assessment, and other 46973
services as determined or required by the department. 46974

(4) If the superintendent and the chancellor determine that 46975
is it appropriate for an entity other than the department to make 46976

full or partial payments for an eligible student under division 46977
(D)(2) of this section, that entity shall make those payments and 46978
the department shall not make those payments. 46979

(E) The superintendent, in consultation with the chancellor, 46980
shall adopt rules for the implementation of the adult diploma 46981
pilot program, including all of the following: 46982

(1) The requirements for applying for program approval; 46983

(2) The requirements for obtaining a high school diploma 46984
through the program, including the requirement to obtain a passing 46985
score on an assessment that is appropriate for the career pathway 46986
training program that is being completed by the eligible student, 46987
and the date on which these requirements take effect; 46988

(3) The assessment or assessments that may be used to 46989
complete the assessment requirement for each career pathway 46990
training program under division (E)(2) of this section and the 46991
score that must be obtained on each assessment in order to pass 46992
the assessment; 46993

(4) Guidelines regarding the funding of the program under 46994
division (D) of this section, including a method of funding for 46995
students who transfer from one approved institution to another 46996
approved institution prior to completing an approved program of 46997
study; 46998

(5) Circumstances under which an eligible student may be 46999
charged for tuition, supplies, or associated fees while enrolled 47000
in an approved institution's approved program of study; 47001

(6) A requirement that an eligible student may not be charged 47002
for tuition, supplies, or associated fees while enrolled in an 47003
approved institution's approved program of study except in the 47004
circumstances described under division (E)(5) of this section; 47005

(7) The payment of federal funds that are to be used by 47006

approved programs of study at approved institutions. 47007

Sec. 3313.975. As used in this section and in sections 47008
3313.976 to 3313.979 of the Revised Code, "the pilot project 47009
school district" or "the district" means any school district 47010
included in the pilot project scholarship program pursuant to this 47011
section. 47012

(A) The superintendent of public instruction shall establish 47013
a pilot project scholarship program and shall include in such 47014
program any school districts that are or have ever been under 47015
federal court order requiring supervision and operational 47016
management of the district by the state superintendent. The 47017
program shall provide for a number of students residing in any 47018
such district to receive scholarships to attend alternative 47019
schools, and for an equal number of students to receive tutorial 47020
assistance grants while attending public school in any such 47021
district. 47022

(B) The state superintendent shall establish an application 47023
process and deadline for accepting applications from students 47024
residing in the district to participate in the scholarship 47025
program. In the initial year of the program students may only use 47026
a scholarship to attend school in grades kindergarten through 47027
third. 47028

The state superintendent shall award as many scholarships and 47029
tutorial assistance grants as can be funded given the amount 47030
appropriated for the program. 47031

(C)(1) The pilot project program shall continue in effect 47032
each year that the general assembly has appropriated sufficient 47033
money to fund scholarships and tutorial assistance grants. In each 47034
year the program continues, new students may receive scholarships 47035
in grades kindergarten to twelve. A student who has received a 47036
scholarship may continue to receive one until the student has 47037

completed grade twelve. 47038

(2) If the general assembly discontinues the scholarship 47039
program, all students who are attending an alternative school 47040
under the pilot project shall be entitled to continued admittance 47041
to that specific school through all grades that are provided in 47042
such school, under the same conditions as when they were 47043
participating in the pilot project. The state superintendent shall 47044
continue to make scholarship payments in accordance with section 47045
3317.022 of the Revised Code for students who remain enrolled in 47046
an alternative school under this provision in any year that funds 47047
have been appropriated for this purpose. 47048

If funds are not appropriated, the tuition charged to the 47049
parents of a student who remains enrolled in an alternative school 47050
under this provision shall not be increased beyond the amount 47051
equal to the amount of the scholarship plus any additional amount 47052
charged that student's parent in the most recent year of 47053
attendance as a participant in the pilot project, except that 47054
tuition for all the students enrolled in such school may be 47055
increased by the same percentage. 47056

(D) Notwithstanding sections 124.39 and 3311.83 of the 47057
Revised Code, if the pilot project school district experiences a 47058
decrease in enrollment due to participation in a state-sponsored 47059
scholarship program pursuant to sections 3313.974 to 3313.979 of 47060
the Revised Code, the district board of education may enter into 47061
an agreement with any teacher it employs to provide to that 47062
teacher severance pay or early retirement incentives, or both, if 47063
the teacher agrees to terminate the employment contract with the 47064
district board, provided any collective bargaining agreement in 47065
force pursuant to Chapter 4117. of the Revised Code does not 47066
prohibit such an agreement for termination of a teacher's 47067
employment contract. 47068

(E) Except as provided for in division (C)(2) of section 47069

3365.07 of the Revised Code, the director shall not require the 47070
parent of a student who applies for or receives a scholarship 47071
under the pilot project program to complete any kind of income 47072
verification regarding the student's family income. 47073

Sec. 3313.976. (A) No private school may receive scholarship 47074
payments from parents pursuant to section 3317.022 of the Revised 47075
Code until the chief administrator of the private school registers 47076
the school with the superintendent of public instruction. The 47077
state superintendent shall register any school that meets the 47078
following requirements: 47079

(1) ~~The school does any of the following:~~ 47080

~~(a) Offers any of grades kindergarten through twelve and is~~ 47081
~~located within the boundaries of the pilot project school~~ 47082
~~district;~~ 47083

~~(b) Offers any of grades kindergarten through twelve and is~~ 47084
~~located within the boundaries of a city, local, or exempted~~ 47085
~~village school district that is both:~~ 47086

~~(i) Located in a municipal corporation with a population of~~ 47087
~~fifteen thousand or more;~~ 47088

~~(ii) Located within five miles of the border of the pilot~~ 47089
~~project school district.~~ 47090

~~(c) Offers all of grades pre-kindergarten through eight, but~~ 47091
~~not any of grades nine through twelve, and is located within the~~ 47092
~~boundaries of a city, local, or exempted village school district~~ 47093
~~that is:~~ 47094

~~(i) Located in a municipal corporation with a population of~~ 47095
~~greater than ten thousand but less than thirteen thousand;~~ 47096

~~(ii) Located within five miles of the border of the pilot~~ 47097
~~project school district;~~ 47098

~~(iii) Located in the same county as the pilot project school district.~~ 47099
47100

~~(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;~~ 47101
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~~(3)(2) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that the state superintendent at the superintendent's discretion may register nonchartered nonpublic schools meeting the other requirements of this division;~~ 47106
47107
47108
47109
47110

~~(4)(3) The school does not discriminate on the basis of race, religion, or ethnic background;~~ 47111
47112

~~(5)(4) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered;~~ 47113
47114
47115

~~(6)(5) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion;~~ 47116
47117
47118

~~(7)(6) The school does not provide false or misleading information about the school to parents, students, or the general public;~~ 47119
47120
47121

~~(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division.~~ 47122
47123
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~~(9)~~(7) For students in grades kindergarten through eight with 47129
family incomes above two hundred per cent of the federal poverty 47130
guidelines, whose scholarship amounts are less than the actual 47131
tuition charge of the school, the school agrees not to charge any 47132
tuition in excess of the difference between the actual tuition 47133
charge of the school and the scholarship amount established 47134
pursuant to division (A)(11)(a) of section 3317.022 of the Revised 47135
Code, excluding any increase described in that division. The 47136
school shall permit such tuition, at the discretion of the parent, 47137
to be satisfied by the family's provision of in-kind contributions 47138
or services. 47139

~~(10)~~(8) The school agrees not to charge any tuition to 47140
families of students in grades nine through twelve receiving a 47141
scholarship in excess of the actual tuition charge of the school 47142
less the scholarship amount established pursuant to division 47143
(A)(11)(a) of section 3317.022 of the Revised Code, excluding any 47144
increase described in that division. 47145

~~(11)~~(9) It annually administers the applicable assessments 47146
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 47147
Revised Code to each scholarship student enrolled in the school in 47148
accordance with section 3301.0711 or 3301.0712 of the Revised Code 47149
and reports to the department of education the results of each 47150
such assessment administered to each scholarship student, unless 47151
one of the following applies to the student: 47152

(a) The student is excused from taking that assessment under 47153
federal law, the student's individualized education program, or 47154
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 47155

(b) The student is enrolled in a chartered nonpublic school 47156
that meets the conditions specified in division (K)(2) or (L)(4) 47157
of section 3301.0711 of the Revised Code. 47158

(c) The student is enrolled in any of grades three to eight 47159

and takes an alternative standardized assessment under division 47160
(K)(1) of section 3301.0711 of the Revised Code. 47161

(d) The student is excused from taking the assessment 47162
prescribed under division (B)(1) of section 3301.0712 of the 47163
Revised Code pursuant to division (C)(1)(c)(ii) of section 47164
3301.0711 of the Revised Code. 47165

(B) The state superintendent shall revoke the registration of 47166
any school if, after a hearing, the superintendent determines that 47167
the school is in violation of any of the provisions of division 47168
(A) of this section. 47169

(C) Any public school located in a school district adjacent 47170
to the pilot project school district may receive scholarship 47171
payments on behalf of parents pursuant to section 3317.022 of the 47172
Revised Code if the superintendent of the district in which such 47173
public school is located notifies the state superintendent prior 47174
to the first day of March that the district intends to admit 47175
students from the pilot project school district for the ensuing 47176
school year pursuant to section 3327.06 of the Revised Code. 47177

(D) Any parent wishing to purchase tutorial assistance from 47178
any person or governmental entity pursuant to the pilot project 47179
program under sections 3313.974 to 3313.979 of the Revised Code 47180
shall apply to the state superintendent. The state superintendent 47181
shall approve providers who appear to possess the capability of 47182
furnishing the instructional services they are offering to 47183
provide. 47184

(E) On and after July 1, 2024, the director shall not require 47185
the parent of a student to submit a complete copy of the parent's 47186
federal income tax return, or a return filed under section 5747.08 47187
of the Revised Code, to determine a student's family income for 47188
the purposes of the pilot project scholarship program. Rather, the 47189
director may require a parent to submit a partial federal income 47190

tax return, or a return filed under section 5747.08 of the Revised Code, that only contains the minimum amount of information necessary to determine a student's family income.

(F) Not later than the thirtieth day of June of each year, each private school registered under this section shall submit to the director of education and workforce, in a form and manner prescribed by the director, the tuition rates charged by the school for the following school year.

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

The state superintendent shall provide information about the scholarship program to all students residing in the district and shall accept applications from any such students during the application period established under division (H) of this section.

(1) A student receiving a pilot project scholarship may utilize it at an alternative public school by notifying the district superintendent, of the name of the public school in an adjacent school district to which the student has been accepted pursuant to section 3327.06 of the Revised Code.

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

(a) The parent makes an application on behalf of the student to a registered private school.

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

(i) By the school pursuant to division (A) of section 47221
3313.977 of the Revised Code; 47222

(ii) By the school pursuant to division (C) of section 47223
3313.977 of the Revised Code. 47224

(c) The student actually enrolls in the registered private 47225
school to which the student was first admitted or in another 47226
registered private school ~~in the district~~ or in a public school in 47227
an adjacent school district. 47228

(B) The state superintendent shall also award in any school 47229
year tutorial assistance grants to a number of students equal to 47230
the number of students who receive scholarships under division (A) 47231
of this section. Tutorial assistance grants shall be awarded 47232
solely to students who are enrolled in the public schools of the 47233
district in a grade level covered by the pilot project. Tutorial 47234
assistance grants may be used solely to obtain tutorial assistance 47235
from a provider approved pursuant to division (D) of section 47236
3313.976 of the Revised Code. 47237

All students wishing to obtain tutorial assistance grants 47238
shall make application to the state superintendent by the first 47239
day of the school year in which the assistance will be used. The 47240
state superintendent shall award assistance grants in accordance 47241
with criteria the superintendent shall establish. 47242

(C) In the case of tutorial assistance grants, the grant 47243
amount shall not exceed the lesser of the provider's actual 47244
charges for such assistance or: 47245

(1) Before fiscal year 2007, a percentage established by the 47246
state superintendent, not to exceed twenty per cent, of the amount 47247
of the pilot project school district's average basic scholarship 47248
amount; 47249

(2) In fiscal year 2007 and thereafter, four hundred dollars. 47250

(D)(1) Annually by the first day of November, the state 47251
superintendent shall estimate the maximum per-pupil scholarship 47252
amounts for the ensuing school year. The state superintendent 47253
shall make this estimate available to the general public at the 47254
offices of the district board of education together with the forms 47255
required by division (D)(2) of this section. 47256

(2) Annually by the fifteenth day of January, the chief 47257
administrator of each registered private school ~~located in the~~ 47258
~~pilot project district,~~ and the principal of each public school in 47259
~~such~~ the pilot project district, shall complete a parental 47260
information form and forward it to the president of the board of 47261
education. The parental information form shall be prescribed by 47262
the department of education and shall provide information about 47263
the grade levels offered, the numbers of students, tuition 47264
amounts, achievement test results, and any sectarian or other 47265
organizational affiliations. 47266

(E)(1) Only for the purpose of administering the pilot 47267
project scholarship program, the department may request from any 47268
of the following entities the data verification code assigned 47269
under division (D)(2) of section 3301.0714 of the Revised Code to 47270
any student who is seeking a scholarship under the program: 47271

(a) The school district in which the student is entitled to 47272
attend school under section 3313.64 or 3313.65 of the Revised 47273
Code; 47274

(b) If applicable, the community school in which the student 47275
is enrolled; 47276

(c) The independent contractor engaged to create and maintain 47277
data verification codes. 47278

(2) Upon a request by the department under division (E)(1) of 47279
this section for the data verification code of a student seeking a 47280
scholarship or a request by the student's parent for that code, 47281

the school district or community school shall submit that code to 47282
the department or parent in the manner specified by the 47283
department. If the student has not been assigned a code, because 47284
the student will be entering kindergarten during the school year 47285
for which the scholarship is sought, the district shall assign a 47286
code to that student and submit the code to the department or 47287
parent by a date specified by the department. If the district does 47288
not assign a code to the student by the specified date, the 47289
department shall assign a code to the student. 47290

The department annually shall submit to each school district 47291
the name and data verification code of each student residing in 47292
the district who is entering kindergarten, who has been awarded a 47293
scholarship under the program, and for whom the department has 47294
assigned a code under this division. 47295

(3) The department shall not release any data verification 47296
code that it receives under division (E) of this section to any 47297
person except as provided by law. 47298

(F) Any document relative to the pilot project scholarship 47299
program that the department holds in its files that contains both 47300
a student's name or other personally identifiable information and 47301
the student's data verification code shall not be a public record 47302
under section 149.43 of the Revised Code. 47303

(G)(1) The department annually shall compile the scores 47304
attained by scholarship students enrolled in registered private 47305
schools on the assessments administered to the students pursuant 47306
to division ~~(A)(11)~~(A)(9) of section 3313.976 of the Revised Code. 47307
The scores shall be aggregated as follows: 47308

(a) By school district, which shall include all scholarship 47309
students residing in the pilot project school district who are 47310
enrolled in a registered private school and were required to take 47311
an assessment pursuant to division ~~(A)(11)~~(A)(9) of section 47312

3313.976 of the Revised Code;	47313
(b) By registered private school, which shall include all scholarship students enrolled in that school who were required to take an assessment pursuant to division (A)(11) <u>(A)(9)</u> of section 3313.976 of the Revised Code.	47314 47315 47316 47317
(2) The department shall disaggregate the student performance data described in division (G)(1) of this section according to the following categories:	47318 47319 47320
(a) Grade level;	47321
(b) Race and ethnicity;	47322
(c) Gender;	47323
(d) Students who have participated in the scholarship program for three or more years;	47324 47325
(e) Students who have participated in the scholarship program for more than one year and less than three years;	47326 47327
(f) Students who have participated in the scholarship program for one year or less;	47328 47329
(g) Economically disadvantaged students.	47330
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	47331 47332 47333 47334 47335 47336 47337 47338 47339 47340
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with	47341 47342

information comparing the student's performance on the assessments 47343
administered pursuant to division ~~(A)(11)~~(A)(9) of section 47344
3313.976 of the Revised Code with the average performance of 47345
similar students enrolled in the building operated by the pilot 47346
project school district that the scholarship student would 47347
otherwise attend. In calculating the performance of similar 47348
students, the department shall consider age, grade, race and 47349
ethnicity, gender, and socioeconomic status. 47350

(H) The department shall open the application period on the 47351
first day of February prior to the first day of July of the school 47352
year for which a scholarship is sought. Not later than forty-five 47353
days after an applicant submits to the department of education a 47354
completed application, the department of education shall determine 47355
whether that applicant is eligible for a scholarship and notify 47356
the applicant whether or not the applicant is eligible. The 47357
department of education shall award a scholarship to each student 47358
with an approved application. However, for any application 47359
submitted on or after the beginning fifteenth day of October of 47360
the school year for which the scholarship is sought, the 47361
department of education shall prorate the amount of the awarded 47362
scholarship based on how much of the school year remains after the 47363
date of the student's enrollment in the private school. 47364

Sec. 3313.984. (A) Each school district shall report to the 47365
department of education and workforce, in the manner prescribed by 47366
the department, the number of students who attend a school 47367
building other than the one assigned by the board or district 47368
superintendent. 47369

(B) A school district that conducts an enrollment lottery for 47370
students through an intradistrict open enrollment policy under 47371
this section shall conduct that lottery on the second Monday of 47372
June prior to the school year for which the student is seeking 47373

enrollment. 47374

Sec. 3314.016. This section applies to any entity that 47375
sponsors a community school, regardless of whether section 47376
3314.021 or 3314.027 of the Revised Code exempts the entity from 47377
the requirement to be approved for sponsorship under divisions 47378
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 47379
office of Ohio school sponsorship established under section 47380
3314.029 of the Revised Code shall be rated under division (B) of 47381
this section, but divisions (A) and (C) of this section do not 47382
apply to the office. 47383

(A) An entity that sponsors a community school shall be 47384
permitted to enter into contracts under section 3314.03 of the 47385
Revised Code to sponsor additional community schools only if the 47386
entity meets all of the following criteria: 47387

(1) The entity is in compliance with all provisions of this 47388
chapter requiring sponsors of community schools to report data or 47389
information to the department of education. 47390

(2) The entity is not rated as "ineffective" under division 47391
(B)(6) of this section. 47392

(3) Except as set forth in sections 3314.021 and 3314.027 of 47393
the Revised Code, the entity has received approval from and 47394
entered into an agreement with the department of education 47395
pursuant to section 3314.015 of the Revised Code. 47396

(B)(1) The department shall develop and implement an 47397
evaluation system that annually rates and assigns an overall 47398
rating to each entity that sponsors a community school. The 47399
department, not later than the first day of February of each year, 47400
shall post on the department's web site the framework for the 47401
evaluation system, including technical documentation that the 47402
department intends to use to rate sponsors for the next school 47403

year. The department shall solicit public comment on the 47404
evaluation system for thirty consecutive days. Not later than the 47405
first day of April of each year, the department shall compile and 47406
post on the department's web site all public comments that were 47407
received during the public comment period. The evaluation system 47408
shall be posted on the department's web site by the fifteenth day 47409
of July of each school year. Any changes to the evaluation system 47410
after that date shall take effect the following year. The 47411
evaluation system shall be based on the following components: 47412

(a) Academic performance of students enrolled in community 47413
schools sponsored by the same entity. The academic performance 47414
component shall be derived from the performance measures 47415
prescribed for the state report cards under section 3302.03 or 47416
3314.017 of the Revised Code, and shall be based on the 47417
performance of the schools for the school year for which the 47418
evaluation is conducted. In addition to the academic performance 47419
for a specific school year, the academic performance component 47420
shall also include year-to-year changes in the overall sponsor 47421
portfolio. For a community school for which no graded performance 47422
measures are applicable or available, the department shall use 47423
nonreport card performance measures specified in the contract 47424
between the community school and the sponsor under division (A)(4) 47425
of section 3314.03 of the Revised Code. For the purpose of 47426
calculating the academic component of the evaluation for each 47427
sponsor, the department shall use the higher of the sponsor's 47428
score for the schools in the sponsor's portfolio as determined by 47429
weighting each school based on enrollment or by weighting each 47430
school equally. 47431

(b) Adherence by a sponsor to the quality practices 47432
prescribed by the department under division (B)(3) of this 47433
section. For a sponsor that was rated "effective" or "exemplary" 47434
on its most recent rating, the department may evaluate that 47435

sponsor's adherence to quality practices once over a period of 47436
three years. If the department elects to evaluate a sponsor once 47437
over a period of three years, the most recent rating for a 47438
sponsor's adherence to quality practices shall be used when 47439
determining an annual overall rating conducted under this section. 47440
Each sponsor shall submit documentation of the sponsor's adherence 47441
to quality practices to the department not later than the 47442
fifteenth day of May each year. A sponsor may participate in an 47443
interview with the party contracted by the department to assess 47444
the quality practices of sponsors and may submit to the department 47445
additional documentation as evidence of the sponsor's adherence to 47446
quality practices following the interview. 47447

(c) Compliance with all applicable laws and administrative 47448
rules by an entity that sponsors a community school. 47449

Under the evaluation system prescribed under division (B)(1) 47450
of this section, the department shall not assign an overall rating 47451
of "ineffective" or lower to an entity that sponsors a community 47452
school solely because that entity received no points on one of the 47453
components prescribed under that division. 47454

(2) In calculating an academic performance component, the 47455
department shall exclude all community schools that have been in 47456
operation for not more than two full school years and all 47457
community schools described in division (A)(4)(b) of section 47458
3314.35 of the Revised Code. However, the academic performance of 47459
the community schools described in division (A)(4)(b) of section 47460
3314.35 of the Revised Code shall be reported, but shall not be 47461
used as a factor when determining a sponsoring entity's rating 47462
under this section. 47463

(3) The department, in consultation with entities that 47464
sponsor community schools, shall prescribe quality practices for 47465
community school sponsors and develop an instrument to measure 47466
adherence to those quality practices. The quality practices shall 47467

be based on standards developed by the national association of 47468
charter school authorizers or any other nationally organized 47469
community school organization. 47470

(4)(a) The department may permit peer review of a sponsor's 47471
adherence to the quality practices prescribed under division 47472
(B)(3) of this section. Peer reviewers shall be limited to 47473
individuals employed by sponsors rated "effective" or "exemplary" 47474
on the most recent ratings conducted under this section. 47475

(b) The department shall require individuals participating in 47476
peer review under division (B)(4)(a) of this section to complete 47477
training approved or established by the department. 47478

(c) The department may enter into an agreement with another 47479
entity to provide training to individuals conducting peer review 47480
of sponsors. Prior to entering into an agreement with an entity, 47481
the department shall review and approve of the entity's training 47482
program. 47483

(5) The state board of education shall adopt rules in 47484
accordance with Chapter 119. of the Revised Code prescribing 47485
standards for measuring compliance with applicable laws and rules 47486
under division (B)(1)(c) of this section. 47487

(6) The department annually shall rate all entities that 47488
sponsor community schools as either "exemplary," "effective," 47489
"ineffective," or "poor," based on the components prescribed by 47490
division (B) of this section, where each component is weighted 47491
equally. A separate rating shall be given by the department for 47492
each component of the evaluation system. 47493

The department shall publish the ratings between the first 47494
day of October and the fifteenth day of November. 47495

Prior to the publication of the final ratings, the department 47496
shall designate and provide notice of a period of at least ten 47497
business days during which each sponsor may review the information 47498

used by the department to determine the sponsor's rating on the 47499
components prescribed by division (B)(1) of this section. If the 47500
sponsor believes there is an error in the department's evaluation, 47501
the sponsor may request adjustments to the rating of any of those 47502
components based on documentation previously submitted as part of 47503
an evaluation. The sponsor shall provide to the department any 47504
necessary evidence or information to support the requested 47505
adjustments. The department shall review the evidence and 47506
information, determine whether an adjustment is valid, and 47507
promptly notify the sponsor of its determination and reasons. If 47508
any adjustments to the data could result in a change to the rating 47509
on the applicable component or to the overall rating, the 47510
department shall recalculate the ratings prior to publication. 47511

The department shall provide training on an annual basis 47512
regarding the evaluation system prescribed under this section. The 47513
training shall, at a minimum, describe methodology, timelines, and 47514
data required for the evaluation system. The first training 47515
session shall occur not later than March 2, 2016. Beginning in 47516
2018, the training shall be made available to each entity that 47517
sponsors a community school by the fifteenth day of July of each 47518
year and shall include guidance on any changes made to the 47519
evaluation system. 47520

(7)(a) Entities with an overall rating of "exemplary" ~~for the~~ 47521
~~two most recent years in which the entity was evaluated~~ may take 47522
advantage of the following incentives: 47523

(i) Renewal of the written agreement with the department, not 47524
to exceed ten years, provided that the entity consents to 47525
continued evaluation of adherence to quality practices as 47526
described in division (B)(1)(b) of this section; 47527

(ii) The ability to extend the term of the contract between 47528
the sponsoring entity and the community school beyond the term 47529
described in the written agreement with the department; 47530

(iii) An exemption from the preliminary agreement and contract adoption and execution deadline requirements prescribed in division (D) of section 3314.02 of the Revised Code;

(iv) An exemption from the automatic contract expiration requirement, should a new community school fail to open by the thirtieth day of September of the calendar year in which the community school contract is executed;

(v) No limit on the number of community schools the entity may sponsor;

(vi) No territorial restrictions on sponsorship.

An entity may continue to sponsor any community schools with which it entered into agreements under division (B)(7)(a)(v) or (vi) of this section while rated "exemplary," notwithstanding the fact that the entity later receives a lower overall rating.

(b) Entities with an overall rating of "exemplary" or "effective" for the three most recent years in which the entity was evaluated shall be evaluated by the department once every three years.

(c)(i) Entities that receive an overall rating of "ineffective" shall be prohibited from sponsoring any new or additional community schools during the time in which the sponsor is rated as "ineffective" and shall be subject to a quality improvement plan based on correcting the deficiencies that led to the "ineffective" rating, with timelines and benchmarks that have been established by the department.

(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the superintendent of public instruction, who shall appoint an independent hearing officer to

conduct a hearing in accordance with Chapter 119. of the Revised 47562
Code. The hearing shall be conducted within thirty days after 47563
receipt of the notice of appeal. Within forty-five days after the 47564
hearing is completed, the state board of education shall determine 47565
whether the revocation is appropriate based on the hearing 47566
conducted by the independent hearing officer, and if determined 47567
appropriate, the revocation shall be confirmed. 47568

(d) Entities that receive an overall rating of "poor" shall 47569
have all sponsorship authority revoked. Within thirty days after 47570
receiving a rating of "poor," the entity may appeal the revocation 47571
of its sponsorship authority to the superintendent of public 47572
instruction, who shall appoint an independent hearing officer to 47573
conduct a hearing in accordance with Chapter 119. of the Revised 47574
Code. The hearing shall be conducted within thirty days after 47575
receipt of the notice of appeal. Within forty-five days after the 47576
hearing is completed, the state board of education shall determine 47577
whether the revocation is appropriate based on the hearing 47578
conducted by the independent hearing officer, and if determined 47579
appropriate, the revocation shall be confirmed. 47580

(8) For the 2014-2015 school year and each school year 47581
thereafter, student academic performance prescribed under division 47582
(B)(1)(a) of this section shall include student academic 47583
performance data from community schools that primarily serve 47584
students enrolled in a dropout prevention and recovery program. 47585

(9) If a sponsor with an overall rating of "exemplary" for 47586
the three most recent years in which the entity was evaluated 47587
enters into a contract to sponsor, for the first time, an existing 47588
community school that is sponsored by the office of school 47589
sponsorship established under section 3314.029 of the Revised 47590
Code, the academic performance of that school's students shall be 47591
excluded from the calculation of the sponsor's performance rating 47592
for the first two school years of that sponsorship contract. 47593

However, in the event that the sponsor loses its "exemplary" rating during the first two years of the contract, the academic performance of that school shall be included in the calculation of the sponsor's performance rating.

(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked pursuant to division (B)(7)(c) or (d) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not 47625
be counted for purposes of directly authorized community schools 47626
under division (A)(3) of section 3314.029 of the Revised Code. 47627

(E) The department shall recalculate the rating for the 47628
2017-2018 school year for each sponsor of a community school that 47629
receives recalculated ratings pursuant to division (I) of section 47630
3314.017 of the Revised Code. 47631

Sec. 3314.017. (A) The state board of education shall 47632
prescribe by rules, adopted in accordance with Chapter 119. of the 47633
Revised Code, an academic performance rating and report card 47634
system that satisfies the requirements of this section for 47635
community schools that primarily serve students enrolled in 47636
dropout prevention and recovery programs as described in division 47637
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 47638
lieu of the system prescribed under sections 3302.03 and 3314.012 47639
of the Revised Code beginning with the 2012-2013 school year. Each 47640
such school shall comply with the testing and reporting 47641
requirements of the system as prescribed by the state board. 47642

(B) Nothing in this section shall at any time relieve a 47643
school from its obligations under the "No Child Left Behind Act of 47644
2001" to make "adequate yearly progress," as both that act and 47645
that term are defined in section 3302.01 of the Revised Code, or a 47646
school's amenability to the provisions of section 3302.04 or 47647
3302.041 of the Revised Code. The department of education shall 47648
continue to report each school's performance as required by the 47649
act and to enforce applicable sanctions under section 3302.04 or 47650
3302.041 of the Revised Code. 47651

(C) The rules adopted by the state board shall prescribe the 47652
following performance indicators for the rating and report card 47653
system required by this section: 47654

(1) Graduation rate for each of the following student 47655

cohorts:	47656
(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;	47657 47658 47659
(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	47660 47661 47662
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	47663 47664 47665
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	47666 47667 47668
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	47669 47670 47671
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by their twenty-second birthday;	47672 47673 47674 47675 47676 47677 47678 47679 47680 47681 47682 47683 47684
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	47685 47686

(4) Growth in student achievement in reading, or mathematics, 47687
or both as measured by separate nationally norm-referenced 47688
assessments that have developed appropriate standards for students 47689
enrolled in dropout prevention and recovery programs, adopted or 47690
approved by the state board. 47691

(D)(1) The state board's rules shall prescribe the expected 47692
performance levels and benchmarks for each of the indicators 47693
prescribed by division (C) of this section based on the data 47694
gathered by the department under division (G) of this section and 47695
simulations created by the department. Based on a school's level 47696
of attainment or nonattainment of the expected performance levels 47697
and benchmarks for each of the indicators, the department shall 47698
rate each school in one of the following categories: 47699

(a) Exceeds standards; 47700

(b) Meets standards; 47701

(c) Does not meet standards. 47702

(2) The state board's rules shall establish all of the 47703
following: 47704

(a) ~~Not later than June 30, 2013, performance~~ Performance 47705
levels and benchmarks for the indicators described in divisions 47706
(C)(1) to (3) of this section; 47707

(b) ~~Not later than December 31, 2014, both~~ Both of the 47708
following: 47709

(i) Performance levels and benchmarks for the indicator 47710
described in division (C)(4) of this section; 47711

(ii) Standards for awarding a community school described in 47712
division (A)(4)(a) of section 3314.35 of the Revised Code an 47713
overall designation, which shall be calculated as follows: 47714

(I) Thirty per cent of the score shall be based on the 47715
indicators described in division (C)(1) of this section that are 47716

applicable to the school year for which the overall designation is granted. 47717
47718

(II) Thirty per cent of the score shall be based on the indicators described in division (C)(4) of this section. 47719
47720

(III) Twenty per cent of the score shall be based on the indicators described in division (C)(2) of this section. 47721
47722

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section. 47723
47724

(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards." 47725
47726
47727
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The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school. 47729
47730
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47732

(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code: 47733
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47735
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47737
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(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section; 47739
47740

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section; 47741
47742
47743
47744

(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) 47745
47746

and (C)(2) of this section; 47747

(d) Annual measurable objectives described in division (C)(3) 47748
of this section. 47749

(2) For the 2013-2014 school year, the department shall issue 47750
a report card including the following performance measures for 47751
each community school described in division (A)(4)(a) of section 47752
3314.35 of the Revised Code: 47753

(a) The graduation rates described in divisions (C)(1)(a) to 47754
(d) of this section, including a performance rating as described 47755
in divisions (D)(1)(a) to (c) of this section; 47756

(b) The percentage of twelfth-grade students and other 47757
students who have attained a designated passing score on high 47758
school achievement assessments as described in division (C)(2) of 47759
this section, including a performance rating as described in 47760
divisions (D)(1)(a) to (c) of this section; 47761

(c) Annual measurable objectives described in division (C)(3) 47762
of this section, including a performance rating as described in 47763
divisions (D)(1)(a) to (c) of this section; 47764

(d) Both of the following without an assigned rating: 47765

(i) Growth in annual student achievement in reading and 47766
mathematics described in division (C)(4) of this section, if 47767
available; 47768

(ii) Student outcome data, including postsecondary credit 47769
earned, nationally recognized career or technical certification, 47770
military enlistment, job placement, and attendance rate. 47771

(3) Beginning with the 2014-2015 school year, and annually 47772
thereafter, the department shall issue a report card for each 47773
community school described in division (A)(4)(a) of section 47774
3314.35 of the Revised Code that includes all of the following 47775
performance measures, including a performance rating for each 47776

measure as described in divisions (D)(1)(a) to (c) of this section:	47777
	47778
(a) The graduation rates as described in division (C)(1) of this section;	47779
	47780
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;	47781
	47782
	47783
	47784
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	47785
	47786
	47787
(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section;	47788
	47789
(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section.	47790
	47791
	47792
The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.	47793
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(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division (E)(3) of this section for each community school to which this section applies.	47799
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	47801
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	47803
(G) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years,	47804
<u>For the purposes of prescribing performance levels and benchmarks</u>	47805
	47806

~~under division (D) of this section, the department shall gather~~ 47807
~~and analyze data as determined necessary from prior school years~~ 47808
~~for each community school described in division (A)(4)(a) of~~ 47809
section 3314.35 of the Revised Code. Each such school shall 47810
cooperate with the department ~~by supplying requested data and~~ 47811
~~administering required assessments, including sample assessments~~ 47812
~~for purposes of measuring student achievement growth as described~~ 47813
~~in division (C)(4) of this section.~~ The department shall consult 47814
with stakeholder groups in performing its duties under this 47815
division. 47816

~~The department shall also identify one or more states that~~ 47817
~~have established or are in the process of establishing similar~~ 47818
~~academic performance rating systems for dropout prevention and~~ 47819
~~recovery programs and consult with the departments of education of~~ 47820
~~those states in developing the system required by this section.~~ 47821

(H) Not later than December 31, 2014, the state board shall 47822
review the performance levels and benchmarks for performance 47823
indicators in the report card issued under this section and may 47824
revise them based on the data collected under division (G) of this 47825
section. 47826

(I) For the purposes of division (F) of section 3314.351 of 47827
the Revised Code, the department shall recalculate the ratings for 47828
each school under division (E)(3) of this section for the 47829
2017-2018 school year and calculate the ratings under that 47830
division for the 2018-2019 school year using the indicators 47831
prescribed by division (C) of this section, as it exists on and 47832
after July 18, 2019. 47833

Sec. 3314.03. A copy of every contract entered into under 47834
this section shall be filed with the superintendent of public 47835
instruction. The department of education shall make available on 47836
its web site a copy of every approved, executed contract filed 47837

with the superintendent under this section. 47838

(A) Each contract entered into between a sponsor and the 47839
governing authority of a community school shall specify the 47840
following: 47841

(1) That the school shall be established as either of the 47842
following: 47843

(a) A nonprofit corporation established under Chapter 1702. 47844
of the Revised Code, if established prior to April 8, 2003; 47845

(b) A public benefit corporation established under Chapter 47846
1702. of the Revised Code, if established after April 8, 2003. 47847

(2) The education program of the school, including the 47848
school's mission, the characteristics of the students the school 47849
is expected to attract, the ages and grades of students, and the 47850
focus of the curriculum; 47851

(3) The academic goals to be achieved and the method of 47852
measurement that will be used to determine progress toward those 47853
goals, which shall include the statewide achievement assessments; 47854

(4) Performance standards, including but not limited to all 47855
applicable report card measures set forth in section 3302.03 or 47856
3314.017 of the Revised Code, by which the success of the school 47857
will be evaluated by the sponsor; 47858

(5) The admission standards of section 3314.06 of the Revised 47859
Code and, if applicable, section 3314.061 of the Revised Code; 47860

(6)(a) Dismissal procedures; 47861

(b) A requirement that the governing authority adopt an 47862
attendance policy that includes a procedure for automatically 47863
withdrawing a student from the school if the student without a 47864
legitimate excuse fails to participate in seventy-two consecutive 47865
hours of the learning opportunities offered to the student. 47866

- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 47867
47868
- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 47869
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- (9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 47875
47876
- (a) A detailed description of each facility used for instructional purposes; 47877
47878
- (b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; 47879
47880
- (c) The annual mortgage principal and interest payments that are paid by the school; 47881
47882
- (d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any. 47883
47884
47885
- (10) Qualifications of ~~teachers~~ employees, including a both of the following: 47886
47887
- (a) A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code; 47888
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47892
- (b) A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position. 47893
47894
- (11) That the school will comply with the following requirements: 47895
47896

(a) The school will provide learning opportunities to a 47897
minimum of twenty-five students for a minimum of nine hundred 47898
twenty hours per school year. 47899

(b) The governing authority will purchase liability 47900
insurance, or otherwise provide for the potential liability of the 47901
school. 47902

(c) The school will be nonsectarian in its programs, 47903
admission policies, employment practices, and all other 47904
operations, and will not be operated by a sectarian school or 47905
religious institution. 47906

(d) The school will comply with sections 9.90, 9.91, 109.65, 47907
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 47908
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 47909
3313.50, 3313.539, 3313.5310, 3313.5319, 3313.608, 3313.609, 47910
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 47911
3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.6030, 3313.643, 47912
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 47913
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 47914
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 47915
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 47916
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 47917
3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 47918
3319.321, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 47919
3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 47920
3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 47921
4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 47922
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 47923
of the Revised Code as if it were a school district and will 47924
comply with section 3301.0714 of the Revised Code in the manner 47925
specified in section 3314.17 of the Revised Code. 47926

(e) The school shall comply with Chapter 102. and section 47927
2921.42 of the Revised Code. 47928

(f) The school will comply with sections 3313.61, 3313.611, 47929
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 47930
except that for students who enter ninth grade for the first time 47931
before July 1, 2010, the requirement in sections 3313.61 and 47932
3313.611 of the Revised Code that a person must successfully 47933
complete the curriculum in any high school prior to receiving a 47934
high school diploma may be met by completing the curriculum 47935
adopted by the governing authority of the community school rather 47936
than the curriculum specified in Title XXXIII of the Revised Code 47937
or any rules of the state board of education. Beginning with 47938
students who enter ninth grade for the first time on or after July 47939
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 47940
Revised Code that a person must successfully complete the 47941
curriculum of a high school prior to receiving a high school 47942
diploma shall be met by completing the requirements prescribed in 47943
section 3313.6027 and division (C) of section 3313.603 of the 47944
Revised Code, unless the person qualifies under division (D) or 47945
(F) of that section. Each school shall comply with the plan for 47946
awarding high school credit based on demonstration of subject area 47947
competency, and beginning with the 2017-2018 school year, with the 47948
updated plan that permits students enrolled in seventh and eighth 47949
grade to meet curriculum requirements based on subject area 47950
competency adopted by the state board of education under divisions 47951
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 47952
with the 2018-2019 school year, the school shall comply with the 47953
framework for granting units of high school credit to students who 47954
demonstrate subject area competency through work-based learning 47955
experiences, internships, or cooperative education developed by 47956
the department under division (J)(3) of section 3313.603 of the 47957
Revised Code. 47958

(g) The school governing authority will submit within four 47959
months after the end of each school year a report of its 47960
activities and progress in meeting the goals and standards of 47961

divisions (A)(3) and (4) of this section and its financial status 47962
to the sponsor and the parents of all students enrolled in the 47963
school. 47964

(h) The school, unless it is an internet- or computer-based 47965
community school, will comply with section 3313.801 of the Revised 47966
Code as if it were a school district. 47967

(i) If the school is the recipient of moneys from a grant 47968
awarded under the federal race to the top program, Division (A), 47969
Title XIV, Sections 14005 and 14006 of the "American Recovery and 47970
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 47971
school will pay teachers based upon performance in accordance with 47972
section 3317.141 and will comply with section 3319.111 of the 47973
Revised Code as if it were a school district. 47974

(j) If the school operates a preschool program that is 47975
licensed by the department of education under sections 3301.52 to 47976
3301.59 of the Revised Code, the school shall comply with sections 47977
3301.50 to 3301.59 of the Revised Code and the minimum standards 47978
for preschool programs prescribed in rules adopted by the state 47979
board under section 3301.53 of the Revised Code. 47980

(k) The school will comply with sections 3313.6021 and 47981
3313.6023 of the Revised Code as if it were a school district 47982
unless it is either of the following: 47983

(i) An internet- or computer-based community school; 47984

(ii) A community school in which a majority of the enrolled 47985
students are children with disabilities as described in division 47986
(A)(4)(b) of section 3314.35 of the Revised Code. 47987

(l) The school will comply with section 3321.191 of the 47988
Revised Code, unless it is an internet- or computer-based 47989
community school that is subject to section 3314.261 of the 47990
Revised Code. 47991

(12) Arrangements for providing health and other benefits to employees;	47992 47993
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	47994 47995 47996 47997
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	47998 47999
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	48000 48001 48002
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	48003 48004 48005
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	48006 48007 48008 48009 48010 48011 48012 48013 48014 48015 48016
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	48017 48018 48019
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply	48020 48021 48022

with the admissions procedures specified in sections 3314.06 and 48023
3314.061 of the Revised Code and, at the sole discretion of the 48024
authority, shall do one of the following: 48025

(a) Prohibit the enrollment of students who reside outside 48026
the district in which the school is located; 48027

(b) Permit the enrollment of students who reside in districts 48028
adjacent to the district in which the school is located; 48029

(c) Permit the enrollment of students who reside in any other 48030
district in the state. 48031

(20) A provision recognizing the authority of the department 48032
of education to take over the sponsorship of the school in 48033
accordance with the provisions of division (C) of section 3314.015 48034
of the Revised Code; 48035

(21) A provision recognizing the sponsor's authority to 48036
assume the operation of a school under the conditions specified in 48037
division (B) of section 3314.073 of the Revised Code; 48038

(22) A provision recognizing both of the following: 48039

(a) The authority of public health and safety officials to 48040
inspect the facilities of the school and to order the facilities 48041
closed if those officials find that the facilities are not in 48042
compliance with health and safety laws and regulations; 48043

(b) The authority of the department of education as the 48044
community school oversight body to suspend the operation of the 48045
school under section 3314.072 of the Revised Code if the 48046
department has evidence of conditions or violations of law at the 48047
school that pose an imminent danger to the health and safety of 48048
the school's students and employees and the sponsor refuses to 48049
take such action. 48050

(23) A description of the learning opportunities that will be 48051
offered to students including both classroom-based and 48052

non-classroom-based learning opportunities that is in compliance 48053
with criteria for student participation established by the 48054
department under division (H)(2) of section 3314.08 of the Revised 48055
Code; 48056

(24) The school will comply with sections 3302.04 and 48057
3302.041 of the Revised Code, except that any action required to 48058
be taken by a school district pursuant to those sections shall be 48059
taken by the sponsor of the school. However, the sponsor shall not 48060
be required to take any action described in division (F) of 48061
section 3302.04 of the Revised Code. 48062

(25) Beginning in the 2006-2007 school year, the school will 48063
open for operation not later than the thirtieth day of September 48064
each school year, unless the mission of the school as specified 48065
under division (A)(2) of this section is solely to serve dropouts. 48066
In its initial year of operation, if the school fails to open by 48067
the thirtieth day of September, or within one year after the 48068
adoption of the contract pursuant to division (D) of section 48069
3314.02 of the Revised Code if the mission of the school is solely 48070
to serve dropouts, the contract shall be void. 48071

(26) Whether the school's governing authority is planning to 48072
seek designation for the school as a STEM school equivalent under 48073
section 3326.032 of the Revised Code; 48074

(27) That the school's attendance and participation policies 48075
will be available for public inspection; 48076

(28) That the school's attendance and participation records 48077
shall be made available to the department of education, auditor of 48078
state, and school's sponsor to the extent permitted under and in 48079
accordance with the "Family Educational Rights and Privacy Act of 48080
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 48081
regulations promulgated under that act, and section 3319.321 of 48082
the Revised Code; 48083

(29) If a school operates using the blended learning model,	48084
as defined in section 3301.079 of the Revised Code, all of the	48085
following information:	48086
(a) An indication of what blended learning model or models	48087
will be used;	48088
(b) A description of how student instructional needs will be	48089
determined and documented;	48090
(c) The method to be used for determining competency,	48091
granting credit, and promoting students to a higher grade level;	48092
(d) The school's attendance requirements, including how the	48093
school will document participation in learning opportunities;	48094
(e) A statement describing how student progress will be	48095
monitored;	48096
(f) A statement describing how private student data will be	48097
protected;	48098
(g) A description of the professional development activities	48099
that will be offered to teachers.	48100
(30) A provision requiring that all moneys the school's	48101
operator loans to the school, including facilities loans or cash	48102
flow assistance, must be accounted for, documented, and bear	48103
interest at a fair market rate;	48104
(31) A provision requiring that, if the governing authority	48105
contracts with an attorney, accountant, or entity specializing in	48106
audits, the attorney, accountant, or entity shall be independent	48107
from the operator with which the school has contracted.	48108
(32) A provision requiring the governing authority to adopt	48109
an enrollment and attendance policy that requires a student's	48110
parent to notify the community school in which the student is	48111
enrolled when there is a change in the location of the parent's or	48112
student's primary residence.	48113

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school

receives from the state. 48144

(D) The contract shall specify the duties of the sponsor 48145
which shall be in accordance with the written agreement entered 48146
into with the department of education under division (B) of 48147
section 3314.015 of the Revised Code and shall include the 48148
following: 48149

(1) Monitor the community school's compliance with all laws 48150
applicable to the school and with the terms of the contract; 48151

(2) Monitor and evaluate the academic and fiscal performance 48152
and the organization and operation of the community school on at 48153
least an annual basis; 48154

(3) Report on an annual basis the results of the evaluation 48155
conducted under division (D)(2) of this section to the department 48156
of education and to the parents of students enrolled in the 48157
community school; 48158

(4) Provide technical assistance to the community school in 48159
complying with laws applicable to the school and terms of the 48160
contract; 48161

(5) Take steps to intervene in the school's operation to 48162
correct problems in the school's overall performance, declare the 48163
school to be on probationary status pursuant to section 3314.073 48164
of the Revised Code, suspend the operation of the school pursuant 48165
to section 3314.072 of the Revised Code, or terminate the contract 48166
of the school pursuant to section 3314.07 of the Revised Code as 48167
determined necessary by the sponsor; 48168

(6) Have in place a plan of action to be undertaken in the 48169
event the community school experiences financial difficulties or 48170
closes prior to the end of a school year. 48171

(E) Upon the expiration of a contract entered into under this 48172
section, the sponsor of a community school may, with the approval 48173

of the governing authority of the school, renew that contract for 48174
a period of time determined by the sponsor, but not ending earlier 48175
than the end of any school year, if the sponsor finds that the 48176
school's compliance with applicable laws and terms of the contract 48177
and the school's progress in meeting the academic goals prescribed 48178
in the contract have been satisfactory. Any contract that is 48179
renewed under this division remains subject to the provisions of 48180
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 48181

(F) If a community school fails to open for operation within 48182
one year after the contract entered into under this section is 48183
adopted pursuant to division (D) of section 3314.02 of the Revised 48184
Code or permanently closes prior to the expiration of the 48185
contract, the contract shall be void and the school shall not 48186
enter into a contract with any other sponsor. A school shall not 48187
be considered permanently closed because the operations of the 48188
school have been suspended pursuant to section 3314.072 of the 48189
Revised Code. 48190

Sec. 3314.034. (A) Subject to division (B) of this section, 48191
and except as described in division (E) of this section, any 48192
community school to which either of the following conditions apply 48193
shall be prohibited from entering into a contract with a new 48194
sponsor: 48195

(1) The community school has received, on the most recent 48196
report card issued for that school under section 3302.03 of the 48197
Revised Code, either of the following: 48198

(a) A grade of "D" or "F" for the performance index score, 48199
under division (C)(1)(b) of section 3302.03 of the Revised Code, 48200
and an overall grade of "D" or "F" for the value-added progress 48201
dimension or another measure of student academic progress if 48202
adopted by the state board of education, under division (C)(1)(e) 48203
of that section; 48204

(b) A performance rating of less than three stars for 48205
achievement under division (D)(3)(b) of section 3302.03 of the 48206
Revised Code and a performance rating of less than three stars for 48207
progress under division (D)(3)(c) of that section. 48208

(2) The community school is one in which a majority of the 48209
students are enrolled in a dropout prevention and recovery 48210
program, and it has received a rating of "does not meet standards" 48211
for the annual student growth measure and combined graduation 48212
rates on the most recent report card issued for the school under 48213
section 3314.017 of the Revised Code. 48214

(B) A community school to which division (A) of this section 48215
applies may enter into a contract with a new sponsor if all of the 48216
following conditions are satisfied: 48217

(1) The proposed sponsor received a rating of "effective" or 48218
higher pursuant to division (B)(6) of section 3314.016 of the 48219
Revised Code on its most recent evaluation conducted according to 48220
that section, or the proposed sponsor is the office of Ohio school 48221
sponsorship established in section 3314.029 of the Revised Code. 48222

(2) The community school submits a request to enter into a 48223
new contract with a sponsor. 48224

(3) The community school has not submitted a prior request 48225
that was granted. 48226

(4) The department grants the school's request pursuant to 48227
division (C) of this section. 48228

~~(C)(C)(1)~~ A school shall submit a request to change sponsors 48229
under this section not later than on the fifteenth day of February 48230
of the year in which the school wishes to do so. If a community 48231
school to which division (A)(1) of this section applies submits a 48232
request to the department to enter into a contract with a new 48233
sponsor and a majority of the school's students are children with 48234
disabilities receiving special education and related services 48235

under Chapter 3323. of the Revised Code, the department shall at 48236
least consider the school's performance as measured against the 48237
average performance of all other community schools that primarily 48238
serve children with disabilities. 48239

(2) The department shall grant or deny the request not later 48240
than thirty days after the department receives it. If the 48241
department denies the request, the community school may submit an 48242
appeal to the state board of education, which shall hold a hearing 48243
in accordance with Chapter 119. of the Revised Code. The community 48244
school shall file its notice of appeal to the state board not 48245
later than ten days after receiving the decision from the 48246
department. The state board shall conduct the hearing not later 48247
than thirty days after receiving the school's notice of appeal and 48248
act upon the determination of the hearing officer not later than 48249
the twenty-fifth day of June of the year in which the school 48250
wishes to change sponsors. 48251

(D) Factors to be considered during a hearing held pursuant 48252
to division (C) of this section include, but are not limited to, 48253
the following: 48254

(1) The school's impact on the students and the community or 48255
communities it serves; 48256

(2) The quality and quantity of academic and administrative 48257
support the school receives from its current sponsor to help the 48258
school to improve; 48259

(3) The sponsor's annual evaluations of the community school 48260
under division (D)(2) of section 3314.03 of the Revised Code for 48261
the previous three years; 48262

(4) The academic performance of the school, taking into 48263
account the demographic information of the students enrolled in 48264
the school; 48265

(5) The academic performance of alternative schools that 48266

serve comparable populations of students as those served by the community school;	48267 48268
(6) The fiscal stability of the school;	48269
(7) The results of any audits of the school by the auditor of state;	48270 48271
(8) The length of time the school has been under the oversight of its current sponsor;	48272 48273
(9) The number of times the school has changed sponsors prior to the current request;	48274 48275
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	48276 48277
<u>(E) Notwithstanding anything to the contrary in this section, if a community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code meets both of the following criteria, the school may enter into a contract with a new sponsor, provided that the new sponsor satisfies the criteria in division (B)(1) of this section:</u>	48278 48279 48280 48281 48282 48283 48284
<u>(1) The school received, on its most recent report card issued under section 3302.03 of the Revised Code, a performance rating of at least three stars for progress under division (D)(3)(c) of that section.</u>	48285 48286 48287 48288
<u>(2) As calculated for the most recent school year under section 3302.035 of the Revised Code, the school's performance index score for students with disabilities was higher than the performance index score for students with disabilities of the school district in which the school is located.</u>	48289 48290 48291 48292 48293
Sec. 3314.08. (A) As used in this section:	48294
(1) "IEP" has the same meaning as in section 3323.01 of the	48295

Revised Code.	48296
(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	48297 48298 48299
(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:	48300 48301 48302
(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	48303 48304 48305 48306
(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	48307 48308 48309 48310
(3) The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	48311 48312 48313 48314
(4) The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;	48315 48316 48317 48318 48319
(5) The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	48320 48321 48322 48323 48324 48325 48326

(6) The number of students reported under divisions (B)(1) 48327
and (2) of this section who are category one to three English 48328
learners described in each of divisions (A) to (C) of section 48329
3317.016 of the Revised Code; 48330

(7) The number of students reported under divisions (B)(1) 48331
and (2) of this section who are economically disadvantaged, as 48332
defined by the department. A student shall not be categorically 48333
excluded from the number reported under division (B)(7) of this 48334
section based on anything other than family income. 48335

(8) For each student, the city, exempted village, or local 48336
school district in which the student is entitled to attend school 48337
under section 3313.64 or 3313.65 of the Revised Code. 48338

(9) The number of students enrolled in a preschool program 48339
operated by the school that is licensed by the department of 48340
education under sections 3301.52 to 3301.59 of the Revised Code 48341
who are not receiving special education and related services 48342
pursuant to an IEP. 48343

A school district board and a community school governing 48344
authority shall include in their respective reports under division 48345
(B) of this section any child admitted in accordance with division 48346
(A)(2) of section 3321.01 of the Revised Code. 48347

A governing authority of a community school shall not include 48348
in its report under divisions (B)(1) to (9) of this section any 48349
student for whom tuition is charged under division (F) of this 48350
section. 48351

(C)(1)(a) If a community school's costs for a fiscal year for 48352
a student receiving special education and related services 48353
pursuant to an IEP for a disability described in divisions (B) to 48354
(F) of section 3317.013 of the Revised Code exceed the threshold 48355
~~catastrophic~~ cost for serving the student as specified in division 48356
(B) of section 3317.0214 of the Revised Code, the school may 48357

submit to the superintendent of public instruction documentation, 48358
as prescribed by the superintendent, of all its costs for that 48359
student. Upon submission of documentation for a student of the 48360
type and in the manner prescribed, the department shall pay to the 48361
community school an amount equal to the school's costs for the 48362
student in excess of the threshold catastrophic costs. 48363

(b) The community school shall report under division 48364
(C)(1)(a) of this section, and the department shall pay for, only 48365
the costs of educational expenses and the related services 48366
provided to the student in accordance with the student's 48367
individualized education program. Any legal fees, court costs, or 48368
other costs associated with any cause of action relating to the 48369
student may not be included in the amount. 48370

(2) In any fiscal year, a community school receiving funds 48371
under division (A)(7) of section 3317.022 of the Revised Code 48372
shall spend those funds only for the purposes that the department 48373
designates as approved for career-technical education expenses. 48374
Career-technical education expenses approved by the department 48375
shall include only expenses connected to the delivery of 48376
career-technical programming to career-technical students. The 48377
department shall require the school to report data annually so 48378
that the department may monitor the school's compliance with the 48379
requirements regarding the manner in which funding received under 48380
division (A)(7) of section 3317.022 of the Revised Code may be 48381
spent. 48382

(3) Notwithstanding anything to the contrary in section 48383
3313.90 of the Revised Code, except as provided in division (C)(5) 48384
of this section, all funds received under division (A)(7) of 48385
section 3317.022 of the Revised Code shall be spent in the 48386
following manner: 48387

(a) At least seventy-five per cent of the funds shall be 48388
spent on curriculum development, purchase, and implementation; 48389

instructional resources and supplies; industry-based program 48390
certification; student assessment, credentialing, and placement; 48391
curriculum specific equipment purchases and leases; 48392
career-technical student organization fees and expenses; home and 48393
agency linkages; work-based learning experiences; professional 48394
development; and other costs directly associated with 48395
career-technical education programs including development of new 48396
programs. 48397

(b) Not more than twenty-five per cent of the funds shall be 48398
used for personnel expenditures. 48399

(4) A community school shall spend the funds it receives 48400
under division (A)(4) of section 3317.022 of the Revised Code in 48401
accordance with section 3317.25 of the Revised Code. 48402

(5) The department may waive the requirement in division 48403
(C)(3) of this section for any community school that exclusively 48404
provides one or more career-technical workforce development 48405
programs in arts and communications that are not 48406
equipment-intensive, as determined by the department. 48407

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a community 48408
school shall spend the funds it receives under division (A)(5) of 48409
section 3317.022 of the Revised Code only for services for English 48410
learners. 48411

(D) A board of education sponsoring a community school may 48412
utilize local funds to make enhancement grants to the school or 48413
may agree, either as part of the contract or separately, to 48414
provide any specific services to the community school at no cost 48415
to the school. 48416

(E) A community school may not levy taxes or issue bonds 48417
secured by tax revenues. 48418

(F) No community school shall charge tuition for the 48419
enrollment of any student who is a resident of this state. A 48420

community school may charge tuition for the enrollment of any 48421
student who is not a resident of this state. 48422

(G)(1)(a) A community school may borrow money to pay any 48423
necessary and actual expenses of the school in anticipation of the 48424
receipt of any portion of the payments to be received by the 48425
school pursuant to section 3317.022 of the Revised Code. The 48426
school may issue notes to evidence such borrowing. The proceeds of 48427
the notes shall be used only for the purposes for which the 48428
anticipated receipts may be lawfully expended by the school. 48429

(b) A school may also borrow money for a term not to exceed 48430
fifteen years for the purpose of acquiring facilities. 48431

(2) ~~Except for any amount guaranteed under section 3318.50 of~~ 48432
~~the Revised Code, the~~ The state is not liable for debt incurred by 48433
the governing authority of a community school. 48434

(H) The department of education shall adjust the amounts paid 48435
under section 3317.022 of the Revised Code to reflect any 48436
enrollment of students in community schools for less than the 48437
equivalent of a full school year. The state board of education 48438
within ninety days after April 8, 2003, shall adopt in accordance 48439
with Chapter 119. of the Revised Code rules governing the payments 48440
to community schools under section 3317.022 of the Revised Code 48441
including initial payments in a school year and adjustments and 48442
reductions made in subsequent periodic payments to community 48443
schools as provided under section 3317.022 of the Revised Code. 48444
For purposes of this division: 48445

(1) A student shall be considered enrolled in the community 48446
school for any portion of the school year the student is 48447
participating at a college under Chapter 3365. of the Revised 48448
Code. 48449

(2) A student shall be considered to be enrolled in a 48450
community school for the period of time beginning on the later of 48451

the date on which the school both has received documentation of 48452
the student's enrollment from a parent and the student has 48453
commenced participation in learning opportunities as defined in 48454
the contract with the sponsor, or thirty days prior to the date on 48455
which the student is entered into the education management 48456
information system established under section 3301.0714 of the 48457
Revised Code. For purposes of applying this division and divisions 48458
(H)(3) and (4) of this section to a community school student, 48459
"learning opportunities" shall be defined in the contract, which 48460
shall describe both classroom-based and non-classroom-based 48461
learning opportunities and shall be in compliance with criteria 48462
and documentation requirements for student participation which 48463
shall be established by the department. Any student's instruction 48464
time in non-classroom-based learning opportunities shall be 48465
certified by an employee of the community school. A student's 48466
enrollment shall be considered to cease on the date on which any 48467
of the following occur: 48468

(a) The community school receives documentation from a parent 48469
terminating enrollment of the student. 48470

(b) The community school is provided documentation of a 48471
student's enrollment in another public or private school. 48472

(c) The community school ceases to offer learning 48473
opportunities to the student pursuant to the terms of the contract 48474
with the sponsor or the operation of any provision of this 48475
chapter. 48476

Except as otherwise specified in this paragraph, beginning in 48477
the 2011-2012 school year, any student who completed the prior 48478
school year in an internet- or computer-based community school 48479
shall be considered to be enrolled in the same school in the 48480
subsequent school year until the student's enrollment has ceased 48481
as specified in division (H)(2) of this section. The department 48482
shall continue paying amounts for the student under section 48483

3317.022 of the Revised Code without interruption at the start of 48484
the subsequent school year. However, if the student without a 48485
legitimate excuse fails to participate in the first seventy-two 48486
consecutive hours of learning opportunities offered to the student 48487
in that subsequent school year, the student shall be considered 48488
not to have re-enrolled in the school for that school year and the 48489
department shall recalculate the payments to the school for that 48490
school year to account for the fact that the student is not 48491
enrolled. 48492

(3) The department shall determine each community school 48493
student's percentage of full-time equivalency based on the 48494
percentage of learning opportunities offered by the community 48495
school to that student, reported either as number of hours or 48496
number of days, is of the total learning opportunities offered by 48497
the community school to a student who attends for the school's 48498
entire school year. However, no internet- or computer-based 48499
community school shall be credited for any time a student spends 48500
participating in learning opportunities beyond ten hours within 48501
any period of twenty-four consecutive hours. Whether it reports 48502
hours or days of learning opportunities, each community school 48503
shall offer not less than nine hundred twenty hours of learning 48504
opportunities during the school year. 48505

(4) With respect to the calculation of full-time equivalency 48506
under division (H)(3) of this section, the department shall waive 48507
the number of hours or days of learning opportunities not offered 48508
to a student because the community school was closed during the 48509
school year due to disease epidemic, hazardous weather conditions, 48510
law enforcement emergencies, inoperability of school buses or 48511
other equipment necessary to the school's operation, damage to a 48512
school building, or other temporary circumstances due to utility 48513
failure rendering the school building unfit for school use, so 48514
long as the school was actually open for instruction with students 48515

in attendance during that school year for not less than the 48516
minimum number of hours required by this chapter. The department 48517
shall treat the school as if it were open for instruction with 48518
students in attendance during the hours or days waived under this 48519
division. 48520

(I) The department of education shall reduce the amounts paid 48521
under section 3317.022 of the Revised Code to reflect payments 48522
made to colleges under section 3365.07 of the Revised Code. 48523

(J)(1) No student shall be considered enrolled in any 48524
internet- or computer-based community school or, if applicable to 48525
the student, in any community school that is required to provide 48526
the student with a computer pursuant to division (C) of section 48527
3314.22 of the Revised Code, unless both of the following 48528
conditions are satisfied: 48529

(a) The student possesses or has been provided with all 48530
required hardware and software materials and all such materials 48531
are operational so that the student is capable of fully 48532
participating in the learning opportunities specified in the 48533
contract between the school and the school's sponsor as required 48534
by division (A)(23) of section 3314.03 of the Revised Code; 48535

(b) The school is in compliance with division (A) of section 48536
3314.22 of the Revised Code, relative to such student. 48537

(2) In accordance with policies adopted by the superintendent 48538
of public instruction, in consultation with the auditor of state, 48539
the department shall reduce the amounts otherwise payable under 48540
section 3317.022 of the Revised Code to any community school that 48541
includes in its program the provision of computer hardware and 48542
software materials to any student, if such hardware and software 48543
materials have not been delivered, installed, and activated for 48544
each such student in a timely manner or other educational 48545
materials or services have not been provided according to the 48546

contract between the individual community school and its sponsor. 48547

The superintendent of public instruction and the auditor of 48548
state shall jointly establish a method for auditing any community 48549
school to which this division pertains to ensure compliance with 48550
this section. 48551

The superintendent, auditor of state, and the governor shall 48552
jointly make recommendations to the general assembly for 48553
legislative changes that may be required to assure fiscal and 48554
academic accountability for such schools. 48555

(K)(1) If the department determines that a review of a 48556
community school's enrollment is necessary, such review shall be 48557
completed and written notice of the findings shall be provided to 48558
the governing authority of the community school and its sponsor 48559
within ninety days of the end of the community school's fiscal 48560
year, unless extended for a period not to exceed thirty additional 48561
days for one of the following reasons: 48562

(a) The department and the community school mutually agree to 48563
the extension. 48564

(b) Delays in data submission caused by either a community 48565
school or its sponsor. 48566

(2) If the review results in a finding that additional 48567
funding is owed to the school, such payment shall be made within 48568
thirty days of the written notice. If the review results in a 48569
finding that the community school owes moneys to the state, the 48570
following procedure shall apply: 48571

(a) Within ten business days of the receipt of the notice of 48572
findings, the community school may appeal the department's 48573
determination to the state board of education or its designee. 48574

(b) The board or its designee shall conduct an informal 48575
hearing on the matter within thirty days of receipt of such an 48576

appeal and shall issue a decision within fifteen days of the 48577
conclusion of the hearing. 48578

(c) If the board has enlisted a designee to conduct the 48579
hearing, the designee shall certify its decision to the board. The 48580
board may accept the decision of the designee or may reject the 48581
decision of the designee and issue its own decision on the matter. 48582

(d) Any decision made by the board under this division is 48583
final. 48584

(3) If it is decided that the community school owes moneys to 48585
the state, the department shall deduct such amount from the 48586
school's future payments in accordance with guidelines issued by 48587
the superintendent of public instruction. 48588

(L) The department shall not pay to a community school under 48589
section 3317.022 of the Revised Code any amount for any of the 48590
following: 48591

(1) Any student who has graduated from the twelfth grade of a 48592
public or nonpublic high school; 48593

(2) Any student who is not a resident of the state; 48594

(3) Any student who was enrolled in the community school 48595
during the previous school year when assessments were administered 48596
under section 3301.0711 of the Revised Code but did not take one 48597
or more of the assessments required by that section and was not 48598
excused pursuant to division (C)(1) or (3) of that section, unless 48599
the superintendent of public instruction grants the student a 48600
waiver from the requirement to take the assessment and a parent is 48601
not paying tuition for the student pursuant to section 3314.26 of 48602
the Revised Code. The superintendent may grant a waiver only for 48603
good cause in accordance with rules adopted by the state board of 48604
education. 48605

(4) Any student who has attained the age of twenty-two years, 48606

except for veterans of the armed services whose attendance was 48607
interrupted before completing the recognized twelve-year course of 48608
the public schools by reason of induction or enlistment in the 48609
armed forces and who apply for enrollment in a community school 48610
not later than four years after termination of war or their 48611
honorable discharge. If, however, any such veteran elects to 48612
enroll in special courses organized for veterans for whom tuition 48613
is paid under federal law, or otherwise, the department shall not 48614
pay to a community school under section 3317.022 of the Revised 48615
Code any amount for that veteran. 48616

Sec. 3314.104. No community school shall employ an individual 48617
in any position if the state board of education permanently 48618
revoked or permanently denied the individual a license under 48619
section 3319.31 of the Revised Code or if the individual entered 48620
into a consent agreement under division (E) of section 3319.311 of 48621
the Revised Code in which the individual agreed never to apply for 48622
a license after the date on which the agreement was entered into. 48623
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Sec. 3314.23. (A) Subject to division (B) of this section, 48625
each internet- or computer-based community school shall comply 48626
with the national standards developed by the international 48627
association for K-12 quality online learning developed under a 48628
project led by a partnership between quality matters, the virtual 48629
learning leadership alliance, and the digital learning 48630
collaborative, or any successor organization. 48631

(B) Each internet- or computer-based community school that 48632
initially opens for operation on or after January 1, 2013, shall 48633
comply with the standards required by division (A) of this section 48634
at the time it opens. Each internet- or computer-based community 48635
school that initially opened for operation prior to January 1, 48636
2013, shall comply with the standards required by division (A) of 48637

this section not later than July 1, 2013. 48638

(C) The sponsor of each internet- or computer-based community 48639
school shall be responsible for monitoring, ensuring, and 48640
reporting compliance with the online learning standards described 48641
in divisions (A) and (B) of this section. 48642

Sec. 3314.381. (A) As used in this section, "dropout recovery 48643
community school" has the same meaning as in section 3319.301 of 48644
the Revised Code. 48645

(B) The department of education and workforce shall establish 48646
the dropout prevention and recovery advisory council. The council 48647
shall provide a forum for communication and collaboration between 48648
the department and parties involved in the establishment and 48649
operation of dropout recovery community schools, including 48650
sponsors and operators. 48651

(C) The advisory council shall consist of the following 48652
members appointed by the director of education and workforce: 48653

(1) Two members of the state board of education; 48654

(2) One employee of the department who works directly with 48655
dropout recovery community schools, including any employee who 48656
works as a liaison with such schools; 48657

(3) Seven individuals with experience in dropout recovery 48658
community schools, their operators, and their sponsors. In 48659
appointing these individuals, the director shall ensure they 48660
represent a diverse array of schools in terms of enrollment, 48661
programs, learning models, and methods of instruction. 48662

(D) The advisory council shall, in collaboration with the 48663
director, review all existing rules and guidance previously 48664
developed or adopted by the department pursuant to division (D) of 48665
section 3314.382 of the Revised Code. 48666

Sec. 3314.382. (A) As used in this section, "dropout recovery community school" has the same meaning as in section 3319.301 of the Revised Code. 48667
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(B) Notwithstanding anything to the contrary in the Revised Code, the department of education and workforce shall only adopt rules in accordance with Chapter 119. of the Revised Code for any requirement to be imposed on a dropout recovery community school. 48670
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The department shall not develop guidelines that impose requirements on the general and uniform operation of a dropout recovery community school. 48674
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(C) Pursuant to section 119.035 of the Revised Code, prior to adoption, the dropout prevention and recovery advisory council established under section 3314.381 of the Revised Code shall review any proposed rule described in division (B) of this section. 48677
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(D) Any guidance document previously developed by the department that establishes general and uniform operations regarding a dropout recovery community school in effect on the effective date of this section is void after that date. 48682
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Sec. 3315.37. The board of education of a school district may establish a teacher education loan program and may expend school funds for the program. The program shall be for the purpose of making loans to students who are residents of the school district or graduates of schools in the school district, who are enrolled in teacher preparation programs at institutions approved by the chancellor of ~~the Ohio board of regents~~ higher education pursuant to section 3333.048 of the Revised Code, and who indicate an intent to teach in the school district providing the loan. The district board may forgive the obligation to repay any or all of the principal and interest on the loan if the borrower teaches in 48686
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that school district. 48697

The district board shall adopt rules establishing eligibility 48698
criteria, application procedures, procedures for review of 48699
applications, loan amounts, interest, repayment schedules, 48700
conditions under which principal and interest obligations incurred 48701
under the program will be forgiven, and any other matter 48702
incidental to the operation of the program. 48703

The board may contract with a private, nonprofit foundation, 48704
one or more institutions of higher education, or other educational 48705
agencies to administer the program. 48706

The receipt of a loan under this section does not affect a 48707
student's eligibility for assistance, or the amount of such 48708
assistance, granted under section 3315.33, ~~3333.12~~, 3333.122, 48709
3333.22, 3333.26, 5910.04, or 5919.34 of the Revised Code, but the 48710
board's rules may provide for taking such assistance into 48711
consideration when determining a student's eligibility for a loan 48712
under this section. 48713

Sec. 3316.042. The auditor of state, on the auditor of 48714
state's initiative, may conduct a performance audit of a school 48715
district that is under a fiscal caution under section 3316.031 of 48716
the Revised Code, in a state of fiscal watch, or in a state of 48717
fiscal emergency, in which the auditor of state reviews any 48718
programs or areas of operation in which the auditor of state 48719
believes that greater operational efficiencies or enhanced program 48720
results can be achieved. 48721

The auditor of state, in consultation with the department of 48722
education ~~and the office of budget and management, shall determine~~ 48723
~~for which school districts to conduct performance audits under~~ 48724
~~this section. Priority shall be given to districts, may conduct a~~ 48725
performance audit of a school district in fiscal distress, 48726
including districts employing fiscal practices or experiencing 48727

budgetary conditions that could produce a state of fiscal watch or 48728
fiscal emergency, as determined by the auditor of state, ~~in~~ 48729
~~consultation with the department and the office of budget and~~ 48730
~~management.~~ 48731

The cost of a performance audit conducted under this section 48732
shall be paid by the auditor of state with funds appropriated by 48733
the general assembly for that purpose. 48734

A performance audit under this section shall not include 48735
review or evaluation of school district academic performance. 48736

Sec. 3317.011. This section shall apply only for fiscal years 48737
~~2022~~ 2024 and ~~2023~~ 2025. 48738

(A) As used in this section: 48739

(1) "Average administrative assistant salary" means the 48740
average salary of administrative assistants employed by city, 48741
local, and exempted village school districts in this state with 48742
salaries greater than \$20,000 but less than \$65,000, using fiscal 48743
year ~~2018~~ 2022 data, as determined by the department of education. 48744

(2) "Average bookkeeping and accounting employee salary" 48745
means the average salary of bookkeeping employees and accounting 48746
employees employed by city, local, and exempted village school 48747
districts in this state with salaries greater than \$20,000 but 48748
less than \$80,000, using fiscal year ~~2018~~ 2022 data, as determined 48749
by the department. 48750

(3) "Average clerical staff salary" means the average salary 48751
of clerical staff employed by city, local, and exempted village 48752
school districts in this state with salaries greater than \$15,000 48753
but less than \$50,000, using fiscal year ~~2018~~ 2022 data, as 48754
determined by the department. 48755

(4) "Average counselor salary" means the average salary of 48756
counselors employed by city, local, and exempted village school 48757

districts in this state with salaries greater than \$30,000 but 48758
less than \$95,000, using fiscal year ~~2018~~ 2022 data, as determined 48759
by the department. 48760

(5) "Average education management information system support 48761
employee salary" means the average salary of accounting employees 48762
employed by city, local, and exempted village school districts in 48763
this state with salaries greater than \$30,000 but less than 48764
\$90,000, using fiscal year ~~2018~~ 2022 data, as determined by the 48765
department. 48766

(6) "Average librarian and media staff salary" means the 48767
average salary of librarians and media staff employed by city, 48768
local, and exempted village school districts in this state with 48769
salaries greater than \$30,000 but less than \$95,000, using fiscal 48770
year ~~2018~~ 2022 data, as determined by the department. 48771

(7) "Average other district administrator salary" means the 48772
average salary of all assistant superintendents and directors 48773
employed by city, local, and exempted village school districts in 48774
this state with salaries greater than \$50,000 but less than 48775
\$135,000, using fiscal year ~~2018~~ 2022 data, as determined by the 48776
department. 48777

(8) "Average principal salary" means the average salary of 48778
all principals employed by city, local, and exempted village 48779
school districts in this state with salaries greater than \$50,000 48780
but less than \$120,000, using fiscal year ~~2018~~ 2022 data, as 48781
determined by the department. 48782

(9) "Average superintendent salary" means the average salary 48783
of all superintendents employed by city, local, and exempted 48784
village school districts in this state with salaries greater than 48785
\$60,000 but less than \$180,000, using fiscal year ~~2018~~ 2022 data, 48786
as determined by the department. 48787

(10) "Average teacher cost" for a fiscal year is equal to the 48788

sum of the following: 48789

(a) The average salary of teachers employed by city, local, 48790
and exempted village school districts in this state with salaries 48791
greater than \$30,000 but less than \$95,000, using fiscal year ~~2018~~ 48792
2022 data, as determined by the department; 48793

(b) An amount for teacher benefits equal to 0.16 times the 48794
average salary calculated under division (A)(10)(a) of this 48795
section; 48796

(c) An amount for district-paid insurance costs equal to the 48797
following product: 48798
The statewide weighted average employer-paid monthly premium based 48799
on data reported by city, local, and exempted village school 48800
districts to the state employment relations board for the health 48801
insurance survey conducted in accordance with divisions (K)(5) and 48802
(6) of section 4117.02 of the Revised Code using fiscal year ~~2018~~ 48803
2022 data X 12 48804

(11) "Eligible school district" means a city, local, or 48805
exempted village school district that satisfies one of the 48806
following: 48807

(a) The district is a member of an organization that 48808
regulates interscholastic athletics. 48809

(b) The district has teams in at least three different sports 48810
that participate in an interscholastic league. 48811

(B) When calculating a district's aggregate base cost under 48812
this section, the department shall use data from fiscal year ~~2018~~ 48813
2022 for all of the following: 48814

(1) The average salaries determined under divisions (A)(1), 48815
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 48816
section; 48817

(2) The amount for teacher benefits determined under division 48818

(A)(10)(b) of this section;	48819
(3) The district-paid insurance costs determined under division (A)(10)(c) of this section;	48820 48821
(4) The spending determined under divisions (E)(4)(a), (E)(5)(a), (E)(6)(a), and (H)(1) of this section and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), (E)(6)(b), and (H)(2) of this section;	48822 48823 48824 48825
(5) The information determined under division (G)(3) of this section.	48826 48827
(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:	48828 48829 48830
(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)	48831 48832 48833 48834 48835 48836 48837 48838 48839 48840
(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:	48841 48842
(1) Calculate the district's classroom teacher cost for that fiscal year as follows:	48843 48844
(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;	48845 48846 48847
(b) Determine the full-time equivalency of students in the	48848

district's base cost enrolled ADM for that fiscal year that are 48849
enrolled in grades one through three and divide that number by 23; 48850

(c) Determine the full-time equivalency of students in the 48851
district's base cost enrolled ADM for that fiscal year that are 48852
enrolled in grades four through eight but are not enrolled in a 48853
career-technical education program or class described under 48854
section 3317.014 of the Revised Code and divide that number by 25; 48855

(d) Determine the full-time equivalency of students in the 48856
district's base cost enrolled ADM for that fiscal year that are 48857
enrolled in grades nine through twelve but are not enrolled in a 48858
career-technical education program or class described under 48859
section 3317.014 of the Revised Code and divide that number by 27; 48860

(e) Determine the full-time equivalency of students in the 48861
district's base cost enrolled ADM for that fiscal year that are 48862
enrolled in a career-technical education program or class, as 48863
certified under divisions (B)(11), (12), (13), (14), and (15) of 48864
section 3317.03 of the Revised Code, and divide that number by 18; 48865

(f) Compute the sum of the quotients obtained under divisions 48866
(D)(1)(a), (b), (c), (d), and (e) of this section; 48867

(g) Compute the classroom teacher cost by multiplying the 48868
average teacher cost for that fiscal year by the sum computed 48869
under division (D)(1)(f) of this section. 48870

(2) Calculate the district's special teacher cost for that 48871
fiscal year as follows: 48872

(a) Divide the district's base cost enrolled ADM for that 48873
fiscal year by 150; 48874

(b) If the quotient obtained under division (D)(2)(a) of this 48875
section is greater than 6, the special teacher cost shall be equal 48876
to that quotient multiplied by the average teacher cost for that 48877
fiscal year. 48878

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of this section for that fiscal year)/180] X 4

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;

(b) Compute the counselor cost in accordance with the	48909
following formula:	48910
(The greater of the quotient obtained under division (E)(1)(a) of	48911
this section and 1) X [(the average counselor salary for that	48912
fiscal year X 1.16) + the amount specified under division	48913
(A)(10)(c) of this section for that fiscal year]	48914
(2) Calculate the district's librarian and media staff cost	48915
for that fiscal year as follows:	48916
(a) Divide the district's base cost enrolled ADM for that	48917
fiscal year by 1,000;	48918
(b) Compute the librarian and media staff cost in accordance	48919
with the following formula:	48920
The quotient obtained under division (E)(2)(a) of this section X	48921
[(the average librarian and media staff salary for that fiscal	48922
year X 1.16) + the amount specified under division (A)(10)(c) of	48923
this section for that fiscal year]	48924
(3) Calculate the district's staffing cost for student	48925
wellness and success for that fiscal year as follows:	48926
(a) Divide the district's base cost enrolled ADM for that	48927
fiscal year by 250;	48928
(b) Compute the staffing cost for student wellness and	48929
success in accordance with the following formula:	48930
(The greater of the quotient obtained under division (E)(3)(a) of	48931
this section and 5) X [(the average counselor salary for that	48932
fiscal year X 1.16) + the amount specified under division	48933
(A)(10)(c) of this section for that fiscal year]	48934
(4) Calculate the district's academic co-curricular	48935
activities cost for that fiscal year as follows:	48936
(a) Determine the total amount of spending for academic	48937
co-curricular activities reported by city, local, and exempted	48938

village school districts to the department using fiscal year 2018	48939
<u>2022</u> data;	48940
(b) Determine the sum of the enrolled ADM of every school	48941
district in the state using fiscal year 2018 <u>2022</u> data as	48942
specified under division (E)(4)(a) of this section;	48943
(c) Compute the academic co-curricular activities cost in	48944
accordance with the following formula:	48945
(The amount determined under division (E)(4)(a) of this section /	48946
the sum determined under division (E)(4)(b) of this section) X the	48947
district's base cost enrolled ADM for the fiscal year for which	48948
the academic co-curricular activities cost is computed	48949
(5) Calculate the district's building safety and security	48950
cost for that fiscal year as follows:	48951
(a) Determine the total amount of spending for building	48952
safety and security reported by city, local, and exempted village	48953
school districts to the department using fiscal year 2018 <u>2022</u>	48954
data;	48955
(b) Determine the sum of the enrolled ADM of every school	48956
district in the state that reported the data specified under	48957
division (E)(5)(a) of this section using fiscal year 2018 <u>2022</u>	48958
data;	48959
(c) Compute the building safety and security cost in	48960
accordance with the following formula:	48961
(The amount determined under division (E)(5)(a) of this section /	48962
the sum determined under division (E)(5)(a) of this section) X the	48963
district's base cost enrolled ADM for the fiscal year for which	48964
the building safety and security cost is computed	48965
(6) Calculate the district's supplies and academic content	48966
cost for that fiscal year as follows:	48967
(a) Determine the total amount of spending for supplies and	48968

academic content, excluding supplies for transportation and 48969
maintenance, reported by city, local, and exempted village school 48970
districts to the department using fiscal year ~~2018~~ 2022 data; 48971

(b) Determine the sum of the enrolled ADM of every school 48972
district in the state using fiscal year ~~2018~~ 2022 data as 48973
specified under division (E)(6)(a) of this section; 48974

(c) Compute the supplies and academic content cost in 48975
accordance with the following formula: 48976

(The amount determined under division (E)(6)(a) of this section / 48977
the sum determined under division (E)(6)(b) of this section) X the 48978
district's base cost enrolled ADM for the fiscal year for which 48979
the supplies and academic content cost is computed 48980

(7) Calculate the district's technology cost for that fiscal 48981
year in accordance with the following formula: 48982

$\$37.50$ X the district's base cost enrolled ADM for that fiscal 48983
year 48984

(8) Calculate the district's student support base cost for 48985
that fiscal year, which equals the sum of divisions (E)(1), (2), 48986
(3), (4), (5), (6), and (7) of this section. 48987

(F) The department shall compute a district's leadership and 48988
accountability base cost for a fiscal year as follows: 48989

(1) Calculate the district's superintendent cost for that 48990
fiscal year as follows: 48991

(a) If the district's base cost enrolled ADM for that fiscal 48992
year is greater than 4,000, then the district's superintendent 48993
cost shall be equal to $[(\$160,000 \times 1.16) + \text{the amount specified}$ 48994
under division (A)(10)(c) of this section for that fiscal year]. 48995

(b) If the district's base cost enrolled ADM for that fiscal 48996
year is less than or equal to 4,000 but greater than or equal to 48997
500, the district's superintendent cost shall be equal to the sum 48998

of the following: 48999

(i) (The district's base cost enrolled ADM for that fiscal 49000
year - 500) X $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 49001

(ii) $(\$80,000 \times 1.16)$ + the amount specified under division 49002
(A)(10)(c) of this section for that fiscal year. 49003

(c) If the district's base cost enrolled ADM is less than 49004
500, then the district's superintendent cost shall be equal to 49005
 $[(\$80,000 \times 1.16) +$ the amount specified under division (A)(10)(c) 49006
of this section for that fiscal year]. 49007

(2) Calculate the district's treasurer cost for that fiscal 49008
year as follows: 49009

(a) If the district's base cost enrolled ADM for that fiscal 49010
year is greater than 4,000, then the district's treasurer cost 49011
shall be equal to $[(\$130,000 \times 1.16) +$ the amount specified under 49012
division (A)(10)(c) of this section for that fiscal year]. 49013

(b) If the district's base cost enrolled ADM for that fiscal 49014
year is less than or equal to 4,000 but greater than or equal to 49015
500, the district's treasurer cost shall be equal to the sum of 49016
the following: 49017

(i) (The district's base cost enrolled ADM for that fiscal 49018
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 49019

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division 49020
(A)(10)(c) of this section for that fiscal year. 49021

(c) If the district's base cost enrolled ADM is less than 49022
500, then the district's treasurer cost shall be equal to 49023
 $[(\$60,000 \times 1.16) +$ the amount specified under division (A)(10)(c) 49024
of this section for that fiscal year]. 49025

(3) Calculate the district's other district administrator 49026
cost for that fiscal year as follows: 49027

(a) Divide the average other district administrator salary 49028

for that fiscal year by the average superintendent salary for that 49029
fiscal year; 49030

(b) Divide the district's base cost enrolled ADM for that 49031
fiscal year by 750; 49032

(c) Compute the other district administrator cost in 49033
accordance with the following formula: 49034

{[(The district's superintendent cost for that fiscal year 49035
calculated under division (F)(1) of this section - the amount 49036
specified under division (A)(10)(c) of this section for that 49037
fiscal year) X the quotient obtained under division (F)(3)(a) of 49038
this section] + the amount specified under division (A)(10)(c) of 49039
this section} X (the greater of the quotient obtained under 49040
division (F)(3)(b) of this section and 2) 49041

(4) Calculate the district's fiscal support cost for that 49042
fiscal year as follows: 49043

(a) Divide the district's base cost enrolled ADM for that 49044
fiscal year by 850; 49045

(b) Determine the lesser of the following: 49046

(i) The maximum of the quotient obtained under division 49047
(F)(4)(a) of this section and 2; 49048

(ii) 35. 49049

(c) Compute the fiscal support cost in accordance with the 49050
following formula: 49051

The number obtained under division (F)(4)(b) of this section X 49052
[(the average bookkeeping and accounting employee salary for that 49053
fiscal year X 1.16) + the amount specified under division 49054
(A)(10)(c) of this section for that fiscal year] 49055

(5) Calculate the district's education management information 49056
system support cost for that fiscal year as follows: 49057

(a) Divide the district's base cost enrolled ADM for that 49058

fiscal year by 5,000; 49059

(b) Compute the education management information system 49060
support cost in accordance with the following formula: 49061
(The greater of the quotient obtained under division (F)(5)(a) of 49062
this section and 1) X [(the average education management 49063
information system support employee salary for that fiscal year X 49064
1.16) + the amount specified under division (A)(10)(c) of this 49065
section for that fiscal year] 49066

(6) Calculate the district's leadership support cost for that 49067
fiscal year as follows: 49068

(a) Determine the greater of the quotient obtained under 49069
division (F)(3)(b) of this section and 2, and add 1 to that 49070
number; 49071

(b) Divide the number obtained under division (F)(6)(a) of 49072
this section by 3; 49073

(c) Compute the leadership support cost in accordance with 49074
the following formula: 49075
(The greater of the quotient obtained under division (F)(6)(b) of 49076
this section and 1) X [(the average administrative assistant 49077
salary for that fiscal year X 1.16) + the amount specified under 49078
division (A)(10)(c) of this section for that fiscal year] 49079

(7) Calculate the district's information technology center 49080
support cost for that fiscal year in accordance with the following 49081
formula: 49082
\$31 X the district's base cost enrolled ADM for that fiscal year 49083

(8) Calculate the district's district leadership and 49084
accountability base cost for that fiscal year, which equals the 49085
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 49086
section. 49087

(G) The department shall compute a district's building 49088

leadership and operations base cost for a fiscal year as follows: 49089

(1) Calculate the district's building leadership cost for 49090
that fiscal year as follows: 49091

(a) Divide the average principal salary for that fiscal year 49092
by the average superintendent salary for that fiscal year; 49093

(b) Divide the district's base cost enrolled ADM for that 49094
fiscal year by 450; 49095

(c) Compute the building leadership cost in accordance with 49096
the following formula: 49097

{[(The district's superintendent cost for that fiscal year 49098
calculated under division (F)(1) of this section - the amount 49099
specified under division (A)(10)(c) of this section for that 49100
fiscal year) X the quotient obtained under division (G)(1)(a) of 49101
this section] + the amount specified under division (A)(10)(c) of 49102
this section for that fiscal year} X the quotient obtained under 49103
division (G)(1)(b) of this section 49104

(2) Calculate the district's building leadership support cost 49105
for that fiscal year as follows: 49106

(a) Divide the district's base cost enrolled ADM for that 49107
fiscal year by 400; 49108

(b) Determine the number of school buildings in the district 49109
for that fiscal year; 49110

(c) Compute the building leadership support cost in 49111
accordance with the following formula: 49112

(i) If the quotient obtained under division (G)(2)(a) of this 49113
section is less than the number obtained under division (G)(2)(b) 49114
of this section, then the district's building leadership support 49115
cost shall be equal to {the number obtained under division 49116
(G)(2)(b) of this section for that fiscal year X [(the average 49117
clerical staff salary for that fiscal year X 1.16) + the amount 49118

specified under division (A)(10)(c) of this section for that 49119
fiscal year}}. 49120

(ii) If the quotient obtained under division (G)(2)(a) of 49121
this section is greater than or equal to the number obtained under 49122
division (G)(2)(b) of this section, then the district's building 49123
leadership support cost shall be equal to {[the lesser of (the 49124
number obtained under division (G)(2)(b) of this section X 3) and 49125
the quotient obtained under division (G)(2)(a) of this section] X 49126
[(the average clerical staff salary for that fiscal year X 1.16) + 49127
the amount specified under division (A)(10)(c) of this section for 49128
that fiscal year}}. 49129

(3) Calculate the district's building operations cost for 49130
that fiscal year as follows: 49131

~~(a) Using data for the six most recent fiscal years for which~~ 49132
~~data is available, determine~~ Determine both of the following: 49133

(i) The ~~six year average of the~~ average building square feet 49134
per pupil for all city, local, and exempted village school 49135
district buildings in the state; 49136

(ii) The ~~six year~~ average cost per square foot for all city, 49137
local, and exempted village school district buildings in the 49138
state. 49139

(b) Compute the building operations cost in accordance with 49140
the following formula: 49141

The district's base cost enrolled ADM for that fiscal year X 49142
[(the number determined under division (G)(3)(a)(i) of this 49143
section X the number determined under division (G)(3)(a)(ii) of 49144
this section) - (the amount determined under division (E)(5)(a) of 49145
this section for that fiscal year/ the sum determined under 49146
division (E)(5)(b) of this section for that fiscal year)] 49147

(4) Calculate the district's building leadership and 49148

operations base cost for that fiscal year, which equals the sum of 49149
divisions (G)(1), (2), and (3) of this section. 49150

(H) If a district is an eligible school district, the 49151
department shall compute the district's athletic co-curricular 49152
activities base cost for a fiscal year as follows: 49153

(1) Determine the total amount of spending for athletic 49154
co-curricular activities reported by city, local, and exempted 49155
village school districts to the department for that fiscal year; 49156

(2) Determine the sum of the enrolled ADM of every school 49157
district in the state for that fiscal year; 49158

(3) Compute the district's athletic co-curricular activities 49159
base cost in accordance with the following formula: 49160

(The amount determined under division (H)(1) of this section / the 49161
sum determined under division (H)(2) of this section) X the 49162
district's base cost enrolled ADM for the fiscal year for which 49163
the funds for athletic co-curricular activities are computed 49164

Sec. 3317.012. This section shall apply only for fiscal years 49165
~~2022 and 2023~~ 2024 and 2025. 49166

(A) As used in this section, "average administrative 49167
assistant salary," "average bookkeeping and accounting employee 49168
salary," "average clerical staff salary," "average counselor 49169
salary," "average education management information system support 49170
employee salary," "average librarian and media staff salary," 49171
"average other district administrator salary," "average principal 49172
salary," "average superintendent salary," and "average teacher 49173
cost" have the same meanings as in section 3317.011 of the Revised 49174
Code. 49175

(B) When calculating a district's aggregate base cost under 49176
this section, the department shall use data from fiscal year ~~2018~~ 49177
2022 for all of the following: 49178

(1) The average salaries determined under divisions (A)(1),	49179
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section	49180
3317.011 of the Revised Code;	49181
(2) The amount for teacher benefits determined under division	49182
(A)(10)(b) of section 3317.011 of the Revised Code;	49183
(3) The district-paid insurance costs determined under	49184
division (A)(10)(c) of section 3317.011 of the Revised Code;	49185
(4) Spending determined under divisions (E)(4)(a), (E)(5)(a),	49186
and (H)(1) of section 3317.011 of the Revised Code and the	49187
corresponding student counts determined under divisions (E)(4)(b),	49188
(E)(5)(b), and (H)(2) of that section;	49189
(5) The information determined under division (G)(3) of	49190
section 3317.011 of the Revised Code.	49191
(C) A joint vocational school district's aggregate base cost	49192
for a fiscal year shall be equal to the following sum:	49193
The district's teacher base cost for that fiscal year computed	49194
under division (D) of this section + the district's student	49195
support base cost for that fiscal year computed under division (E)	49196
of this section + the district's leadership and accountability	49197
base cost for that fiscal year computed under division (F) of this	49198
section + the district's building leadership and operations base	49199
cost for that fiscal year computed under division (G) of this	49200
section	49201
(D) The department of education shall compute a district's	49202
teacher base cost for a fiscal year as follows:	49203
(1) Calculate the district's classroom teacher cost for that	49204
fiscal year as follows:	49205
(a) Determine the full-time equivalency of students in the	49206
district's base cost enrolled ADM for that fiscal year that are	49207
enrolled in a career-technical education program or class, as	49208

certified under divisions (D)(2)(h), (i), (j), (k), and (l) of 49209
section 3317.03 of the Revised Code, and divide that number by 18; 49210

(b) Determine the full-time equivalency of students in the 49211
district's base cost enrolled ADM for that fiscal year that are 49212
enrolled in grades six through eight but are not enrolled in a 49213
career-technical education program or class described under 49214
section 3317.014 of the Revised Code and divide that number by 25; 49215

(c) Determine the full-time equivalency of students in the 49216
district's base cost enrolled ADM for that fiscal year that are 49217
enrolled in grades nine through twelve but are not enrolled in a 49218
career-technical education program or class described under 49219
section 3317.014 of the Revised Code and divide that number by 27; 49220

(d) Compute the sum of the quotients obtained under divisions 49221
(D)(1)(a), (b), and (c) of this section; 49222

(e) Compute the classroom teacher base cost by multiplying 49223
the average teacher cost for that fiscal year by the sum computed 49224
under division (D)(1)(d) of this section. 49225

(2) Calculate the district's cost for that fiscal year for 49226
teachers providing health and physical education, instruction 49227
regarding employability and soft skills, development and 49228
coordination of internships and job placements, career-technical 49229
student organization activities, pre-apprenticeship and 49230
apprenticeship coordination, and any assessment related to 49231
career-technical education, including any nationally recognized 49232
job skills or end-of-course assessment, as follows: 49233

(a) Divide the district's base cost enrolled ADM for that 49234
fiscal year by 150; 49235

(b) If the quotient obtained under division (D)(2)(a) of this 49236
section is greater than 6, the teacher cost shall be equal to that 49237
quotient multiplied by the average teacher cost for that fiscal 49238
year. 49239

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D)(1)(d) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D)(1)(d) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.

(E) The department shall compute a district's student support base cost for a fiscal year as follows:

(1) Calculate the district's guidance counselor cost for that fiscal year as follows:

(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades

nine through twelve and divide that number by 360; 49270

(b) Compute the counselor cost in accordance with the 49271
following formula: 49272

(The greater of the quotient obtained under division (E)(1)(a) of 49273
this section and 1) X [(the average counselor salary for that 49274
fiscal year X 1.16) + the amount specified under division 49275
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 49276
year] 49277

(2) Calculate the district's librarian and media staff cost 49278
for that fiscal year as follows: 49279

(a) Divide the district's base cost enrolled ADM for that 49280
fiscal year by 1,000; 49281

(b) Compute the librarian and media staff cost in accordance 49282
with the following formula: 49283

The quotient obtained under division (E)(2)(a) of this section X 49284
[(the average librarian and media staff salary for that fiscal 49285
year X 1.16) + the amount specified under division (A)(10)(c) of 49286
section 3317.011 of the Revised Code for that fiscal year] 49287

(3) Calculate the district's staffing cost for student 49288
wellness and success for that fiscal year as follows: 49289

(a) Divide the district's base cost enrolled ADM for that 49290
fiscal year by 250; 49291

(b) Compute the staffing cost for student wellness and 49292
success in accordance with the following formula: 49293

The quotient obtained under division (E)(3)(a) of this section X 49294
[(the average counselor salary for that fiscal year X 1.16) + the 49295
amount specified under division (A)(10)(c) of section 3317.011 of 49296
the Revised Code for that fiscal year] 49297

(4) Calculate the district's cost for that fiscal year for 49298
career-technical curriculum specialists and coordinators, career 49299

assessment and program placement, recruitment and orientation, 49300
student success coordination, analysis of test results, 49301
development of intervention and remediation plans and monitoring 49302
of those plans, and satellite program coordination in accordance 49303
with the following formula: 49304

[(The amount determined under division (E)(4)(a) of section 49305
3317.011 of the Revised Code for that fiscal year / the sum 49306
determined under division (E)(4)(b) of section 3317.011 of the 49307
Revised Code) + (the amount determined under division (H)(1) of 49308
section 3317.011 of the Revised Code for that fiscal year / the 49309
sum determined under division (H)(2) of section 3317.011 of the 49310
Revised Code)] X the district's base cost enrolled ADM for the 49311
fiscal year for which the district's cost under this division is 49312
computed 49313

(5) Compute the district's building safety and security cost 49314
for that fiscal year in accordance with the following formula: 49315

(The amount determined under division (E)(5)(a) of section 49316
3317.011 of the Revised Code for that fiscal year / the sum 49317
determined under division (E)(5)(b) of section 3317.011 of the 49318
Revised Code) X the district's base cost enrolled ADM for the 49319
fiscal year for which the building safety and security cost is 49320
computed 49321

(6) Compute the district's supplies and academic content cost 49322
for that fiscal year in accordance with the following formula: 49323

(The amount determined under division (E)(6)(a) of section 49324
3317.011 of the Revised Code for that fiscal year / the sum 49325
determined under division (E)(6)(b) of section 3317.011 of the 49326
Revised Code) X the district's base cost enrolled ADM for the 49327
fiscal year for which the supplies and academic content cost is 49328
computed 49329

(7) Calculate the district's technology cost for that fiscal 49330
year in accordance with the following formula: 49331

\$37.50 X the district's base cost enrolled ADM for that fiscal year 49332
year 49333

(8) Calculate the district's student support base cost for 49334
that fiscal year, which equals the sum of divisions (E)(1), (2), 49335
(3), (4), (5), (6), and (7) of this section. 49336

(F) The department shall compute a district's leadership and 49337
accountability base cost for a fiscal year as follows: 49338

(1) Calculate the district's superintendent cost for that 49339
fiscal year as follows: 49340

(a) If the district's base cost enrolled ADM for that fiscal 49341
year is greater than 4,000, then the district's superintendent 49342
cost shall be equal to $[(\$160,000 \times 1.16) + \text{the amount specified}$ 49343
under division (A)(10)(c) of section 3317.011 of the Revised Code 49344
for that fiscal year]. 49345

(b) If the district's base cost enrolled ADM for that fiscal 49346
year is less than or equal to 4,000 but greater than or equal to 49347
500, the district's superintendent cost shall be equal to the sum 49348
of the following: 49349

(i) (The district's base cost enrolled ADM for that fiscal 49350
year - 500) X $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$; 49351

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under division}$ 49352
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 49353
year. 49354

(c) If the district's base cost enrolled ADM is less than 49355
500, then the district's superintendent cost shall be equal to 49356
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c)}$ 49357
of section 3317.011 of the Revised Code for that fiscal year]. 49358

(2) Calculate the district's treasurer cost for that fiscal 49359
year as follows: 49360

(a) If the district's base cost enrolled ADM for that fiscal 49361

year is greater than 4,000, then the district's treasurer cost 49362
shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified under}$ 49363
division (A)(10)(c) of section 3317.011 of the Revised Code for 49364
that fiscal year]. 49365

(b) If the district's base cost enrolled ADM for that fiscal 49366
year is less than or equal to 4,000 but greater than or equal to 49367
500, the district's treasurer cost shall be equal to the sum of 49368
the following: 49369

(i) (The district's base cost enrolled ADM for that fiscal 49370
year - 500) $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 49371

(ii) $(\$60,000 \times 1.16) + \text{the amount specified under division}$ 49372
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 49373
year. 49374

(c) If the district's base cost enrolled ADM is less than 49375
500, then the district's treasurer cost shall be equal to 49376
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A)(10)(c)}$ 49377
of section 3317.011 of the Revised Code for that fiscal year]. 49378

(3) Calculate the district's other district administrator 49379
cost for that fiscal year as follows: 49380

(a) Divide the average other district administrator salary 49381
for that fiscal year by the average superintendent salary for that 49382
fiscal year; 49383

(b) Divide the district's base cost enrolled ADM for that 49384
fiscal year by 750; 49385

(c) Compute the other district administrator cost in 49386
accordance with the following formula: 49387

$\{[(\text{The district's superintendent cost for that fiscal year}$ 49388
calculated under division (F)(1) of this section - the amount 49389
specified under division (A)(10)(c) of section 3317.011 of the 49390
Revised Code for that fiscal year) \times the quotient obtained under 49391

division (F)(3)(a) of this section] + the amount specified under 49392
division (A)(10)(c) of section 3317.011 of the Revised Code} X 49393
(the greater of the quotient obtained under division (F)(3)(b) of 49394
this section and 2) 49395

(4) Calculate the district's fiscal support cost for that 49396
fiscal year as follows: 49397

(a) Divide the district's base cost enrolled ADM for that 49398
fiscal year by 850; 49399

(b) Determine the lesser of the following: 49400

(i) The maximum of the quotient obtained under division 49401
(F)(4)(a) of this section and 2; 49402

(ii) 35. 49403

(c) Compute the fiscal support cost in accordance with the 49404
following formula: 49405

The number obtained under division (F)(4)(b) of this section X 49406
[(the average bookkeeping and accounting employee salary for that 49407
fiscal year X 1.16) + the amount specified under division 49408
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 49409
year] 49410

(5) Calculate the district's education management information 49411
system support cost for that fiscal year as follows: 49412

(a) Divide the district's base cost enrolled ADM for that 49413
fiscal year by 5,000; 49414

(b) Compute the education management information system 49415
support cost in accordance with the following formula: 49416

(The greater of the quotient obtained under division (F)(5)(a) of 49417
this section and 1) X [(the average education management 49418
information system support employee salary for that fiscal year X 49419
1.16) + the amount specified under division (A)(10)(c) of section 49420
3317.011 of the Revised Code for that fiscal year] 49421

(6) Calculate the district's leadership support cost for that fiscal year as follows:	49422 49423
(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2 and add 1 to that number;	49424 49425
(b) Divide the number obtained under division (F)(6)(a) of this section by 3;	49426 49427
(c) Compute the leadership support cost in accordance with the following formula:	49428 49429
(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	49430 49431 49432 49433 49434
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	49435 49436 49437
\$31 X the district's base cost enrolled ADM for that fiscal year	49438
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this section;	49439 49440 49441 49442
(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows:	49443 49444
(1) Calculate the district's building leadership cost for that fiscal year as follows:	49445 49446
(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year;	49447 49448
(b) Divide the district's base cost enrolled ADM for that fiscal year by 450;	49449 49450
(c) Compute the building leadership cost in accordance with	49451

the following formula: 49452

{[(The district's superintendent cost for that fiscal year 49453
calculated under division (F)(1) of this section - the amount 49454
specified under division (A)(10)(c) of section 3317.011 of the 49455
Revised Code for that fiscal year) X the quotient obtained under 49456
division (G)(1)(a) of this section] + the amount specified under 49457
division (A)(10)(c) of section 3317.011 of the Revised Code for 49458
that fiscal year} X the quotient obtained under division (G)(1)(b) 49459
of this section 49460

(2) Calculate the district's building leadership support cost 49461
for that fiscal year as follows: 49462

(a) Divide the district's base cost enrolled ADM for that 49463
fiscal year by 400; 49464

(b) Determine the number of school buildings in the district 49465
for that fiscal year; 49466

(c) Compute the building leadership support cost in 49467
accordance with the following formula: 49468

(i) If the quotient obtained under division (G)(2)(a) of this 49469
section is less than the number obtained under division (G)(2)(b) 49470
of this section, then the district's building leadership support 49471
cost shall be equal to {the number obtained under division 49472
(G)(2)(b) of this section X [(the average clerical staff salary X 49473
1.16) + the amount specified under division (A)(10)(c) of section 49474
3317.011 of the Revised Code for that fiscal year]}. 49475

(ii) If the quotient obtained under division (G)(2)(a) of 49476
this section is greater than or equal to the number obtained under 49477
division (G)(2)(b) of this section, then the district's building 49478
leadership support cost shall be equal to {[the lesser of (the 49479
number obtained under division (G)(2)(b) of this section X 3) and 49480
the quotient obtained under division (G)(2)(a) of this section] X 49481
[(the average clerical staff salary for that fiscal year X 1.16) + 49482

the amount specified under division (A)(10)(c) of section 3317.011 49483
of the Revised Code for that fiscal year}}. 49484

(3) Compute the district's building operations cost for that 49485
fiscal year in accordance with the following formula: 49486

The district's base cost enrolled ADM for that fiscal year X [(the 49487
number determined under division (G)(3)(a)(i) of section 3317.011 49488
of the Revised Code X the number determined under division 49489
(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 49490
amount determined under division (E)(5)(a) of section 3317.011 of 49491
the Revised Code for that fiscal year / the sum determined under 49492
division (E)(5)(b) of section 3317.011 of the Revised Code for 49493
that fiscal year)] 49494

(4) Calculate the district's building leadership and 49495
operations base cost for that fiscal year, which equals the sum of 49496
divisions (G)(1), (2), and (3) of this section. 49497

Sec. 3317.014. (A) The multiples for the following categories 49498
of career-technical education programs approved by the department 49499
of education under section 3317.161 of the Revised Code shall be 49500
as follows: 49501

(1) A multiple of 0.6230 for students enrolled in 49502
career-technical education workforce development programs in 49503
agricultural and environmental systems, construction technologies, 49504
engineering and science technologies, finance, health science, 49505
information technology, and manufacturing technologies, each of 49506
which shall be defined by the department in consultation with the 49507
governor's office of workforce transformation; 49508

(2) A multiple of 0.5905 for students enrolled in workforce 49509
development programs in business and administration, hospitality 49510
and tourism, human services, law and public safety, transportation 49511
systems, and arts and communications, each of which shall be 49512
defined by the department in consultation with the governor's 49513

office of workforce transformation; 49514

(3) A multiple of 0.2154 for students enrolled in 49515
career-based intervention programs, which shall be defined by the 49516
department in consultation with the governor's office of workforce 49517
transformation; 49518

(4) A multiple of 0.1830 for students enrolled in workforce 49519
development programs in education and training, marketing, 49520
workforce development academics, public administration, and career 49521
development, each of which shall be defined by the department of 49522
education in consultation with the governor's office of workforce 49523
transformation; 49524

(5) A multiple of 0.1570 for students enrolled in family and 49525
consumer science programs, which shall be defined by the 49526
department of education in consultation with the governor's office 49527
of workforce transformation. 49528

(B) The multiple for career-technical education associated 49529
services, as defined by the department, shall be 0.0294. 49530

(C) The department of education shall calculate 49531
career-technical education funds for each funding unit that is a 49532
city, local, exempted village, or joint vocational school district 49533
or the community and STEM school unit as follows: 49534

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 49535
following: 49536

(a) The funding unit's category one career-technical 49537
education ADM X the multiple specified in division (A)(1) of this 49538
section X the statewide average career-technical base cost per 49539
pupil for that fiscal year X if the funding unit is a city, local, 49540
exempted village, or joint vocational school district, the 49541
district's state share percentage; 49542

(b) The funding unit's category two career-technical 49543

education ADM X the multiple specified in division (A)(2) of this 49544
section X the statewide average career-technical base cost per 49545
pupil for that fiscal year X if the funding unit is a city, local, 49546
exempted village, or joint vocational school district, the 49547
district's state share percentage; 49548

(c) The funding unit's category three career-technical 49549
education ADM X the multiple specified in division (A)(3) of this 49550
section X the statewide average career-technical base cost per 49551
pupil for that fiscal year X if the funding unit is a city, local, 49552
exempted village, or joint vocational school district, the 49553
district's state share percentage; 49554

(d) The funding unit's category four career-technical 49555
education ADM X the multiple specified in division (A)(4) of this 49556
section X the statewide average career-technical base cost per 49557
pupil for that fiscal year X if the funding unit is a city, local, 49558
exempted village, or joint vocational school district, the 49559
district's state share percentage; 49560

(e) The funding unit's category five career-technical 49561
education ADM X the multiple specified in division (A)(5) of this 49562
section X the statewide average career-technical base cost per 49563
pupil for that fiscal year X if the funding unit is a city, local, 49564
exempted village, or joint vocational school district, the 49565
district's state share percentage. 49566

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 49567
thereafter, the sum of the following: 49568

(a) An amount calculated in a manner determined by the 49569
general assembly times the funding unit's category one 49570
career-technical education ADM; 49571

(b) An amount calculated in a manner determined by the 49572
general assembly times the funding unit's category two 49573
career-technical education ADM; 49574

(c) An amount calculated in a manner determined by the 49575
general assembly times the funding unit's category three 49576
career-technical education ADM; 49577

(d) An amount calculated in a manner determined by the 49578
general assembly times the funding unit's category four 49579
career-technical education ADM; 49580

(e) An amount calculated in a manner determined by the 49581
general assembly times the funding unit's category five 49582
career-technical education ADM. 49583

(3) Payment of funds calculated under division (C) of this 49584
section is subject to approval under section 3317.161 of the 49585
Revised Code. 49586

(D) Subject to division (I) of section 3317.023 of the 49587
Revised Code, the department shall calculate career-technical 49588
associated services funds for each funding unit that is a city, 49589
local, exempted village, or joint vocational school district or 49590
the community and STEM school unit as follows: 49591

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 49592
product: 49593

(If the funding unit is a city, local, exempted village, or joint 49594
vocational school district, the funding unit's state share 49595
percentage) X the multiple for career-technical education 49596
associated services specified under division (B) of this section X 49597
the statewide average career-technical base cost per pupil for 49598
that fiscal year X the sum of the funding unit's categories one 49599
through five career-technical education ADM 49600

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 49601
thereafter, an amount calculated in a manner determined by the 49602
general assembly times the funding unit's categories one through 49603
five career-technical education ADM. 49604

(E)(1) In accordance with division (I) of section 3317.023 of 49605

the Revised Code, the department shall compute career awareness 49606
and exploration funds for each city, local, exempted village, and 49607
joint vocational school district, community school established 49608
under Chapter 3314. of the Revised Code, and STEM school 49609
established under Chapter 3326. of the Revised Code that is part 49610
of a career technical planning district. The department shall pay 49611
the lead district in each career technical planning district as 49612
follows: 49613

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 49614
to the following product: 49615

The sum of enrolled ADM for all districts and schools within the 49616
career technical planning district X ~~\$2.50~~ \$7.50, for fiscal year 49617
~~2022~~ 2024, or ~~\$5~~ \$10, for fiscal year ~~2023~~ 2025 49618

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 49619
thereafter, an amount calculated in a manner determined by the 49620
general assembly, if the general assembly authorizes such a 49621
payment to city, local, exempted village, and joint vocational 49622
school districts, community schools, and STEM schools. 49623

(2) The lead district of a career technical planning district 49624
shall use career awareness and exploration funds in accordance 49625
with division (H) of this section. 49626

(F)(1) In any fiscal year, a school district receiving funds 49627
calculated under division (C) of this section shall spend those 49628
funds only for the purposes that the department designates as 49629
approved for career-technical education expenses. Career-technical 49630
education expenses approved by the department shall include only 49631
expenses connected to the delivery of career-technical programming 49632
to career-technical students. The department shall require the 49633
school district to report data annually so that the department may 49634
monitor the district's compliance with the requirements regarding 49635
the manner in which funding calculated under division (C) of this 49636
section may be spent. 49637

(2) All funds received under division (C) of this section 49638
shall be spent in the following manner: 49639

(a) At least seventy-five per cent of the funds shall be 49640
spent on curriculum development, purchase, and implementation; 49641
instructional resources and supplies; industry-based program 49642
certification; student assessment, credentialing, and placement; 49643
curriculum specific equipment purchases and leases; 49644
career-technical student organization fees and expenses; home and 49645
agency linkages; work-based learning experiences; professional 49646
development; and other costs directly associated with 49647
career-technical education programs including development of new 49648
programs. 49649

(b) Not more than twenty-five per cent of the funds shall be 49650
used for personnel expenditures. 49651

(G) In any fiscal year, a school district receiving funds 49652
calculated under division (D) of this section, or through a 49653
transfer of funds pursuant to division (I) of section 3317.023 of 49654
the Revised Code, shall spend those funds only for the purposes 49655
that the department designates as approved for career-technical 49656
education associated services expenses, which may include such 49657
purposes as apprenticeship coordinators, coordinators for other 49658
career-technical education services, career-technical evaluation, 49659
and other purposes designated by the department. The department 49660
may deny payment of funds calculated under division (D) of this 49661
section to any district that the department determines is not 49662
operating those services or is using funds calculated under 49663
division (D) of this section, or through a transfer of funds 49664
pursuant to division (I) of section 3317.023 of the Revised Code, 49665
for other purposes. 49666

(H) In any fiscal year, a lead district of a career-technical 49667
planning district receiving funds under division (E) of this 49668
section, shall utilize those funds to deliver relevant career 49669

awareness and exploration programs to all students within its 49670
career technical planning district in a manner that is consistent 49671
with the career-technical planning district's plan that is on file 49672
with the department of education. The lead district that receives 49673
funds under this division shall spend those funds only for the 49674
following purposes: 49675

(1) Delivery of career awareness programs to students 49676
enrolled in grades kindergarten through twelve; 49677

(2) Provision of a common, consistent curriculum to students 49678
throughout their primary and secondary education; 49679

(3) Assistance to teachers in providing a career development 49680
curriculum to students; 49681

(4) Development of a career development plan for each student 49682
that stays with that student for the duration of the student's 49683
primary and secondary education; 49684

(5) Provision of opportunities for students to engage in 49685
activities, such as career fairs, hands-on experiences, and job 49686
shadowing, across all career pathways at each grade level. 49687

The department may deny payment under this division to any 49688
district or school that the department determines is using funds 49689
paid under this division for other purposes. 49690

Sec. 3317.016. As used in this section, "English learner" has 49691
the same meaning as in section 3301.0731 of the Revised Code. 49692

The multiples for English learners shall be as follows: 49693

(A) A multiple of 0.2104 for each student who has been 49694
identified as an English learner following the state's 49695
standardized identification process enrolled in schools in the 49696
United States for 180 school days or less. 49697

(B) A multiple of 0.1577 for each student who, for fiscal 49698

years ~~2022~~ 2024 and ~~2023~~ 2025 has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division ~~(C)(3)(b)~~(C)(3) of section 3301.0711 of the Revised Code or who, for fiscal year ~~2024~~ 2026 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

(C) A multiple of 0.1053 for each student who, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, achieves a score of proficient on the spring administration of the state's English language proficiency assessments prescribed by division ~~(C)(3)(b)~~(C)(3) of section 3301.0711 of the Revised Code for the two school years following the school year in which the student achieved that level of achievement or who, for fiscal year ~~2024~~ 2026 and each fiscal year thereafter, satisfies criteria specified by the general assembly for purposes of this division.

Sec. 3317.017. This section shall apply only for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025.

(A) The department of education shall compute a city, local, or exempted village school district's per-pupil local capacity amount for a fiscal year as follows:

(1) Calculate the district's valuation per pupil for that fiscal year as follows:

(a) Determine the minimum of the district's three-year average valuation for the fiscal year for which the calculation is made and the district's taxable value for the most recent tax year for which data is available;

(b) Divide the amount determined under division (A)(1)(a) of

this section by the district's base cost enrolled ADM for the 49729
fiscal year for which the calculation is made. 49730

(2) Calculate the district's local share federal adjusted 49731
gross income per pupil for that fiscal year as follows: 49732

(a) Determine the minimum of the following: 49733

(i) The average of the total federal adjusted gross income of 49734
the district's residents for the three most recent tax years for 49735
which data is available, as certified under section 3317.021 of 49736
the Revised Code; 49737

(ii) The total federal adjusted gross income of the 49738
district's residents for the most recent tax year for which data 49739
is available, as certified under section 3317.021 of the Revised 49740
Code. 49741

(b) Divide the amount determined under division (A)(2)(a) of 49742
this section by the district's base cost enrolled ADM for the 49743
fiscal year for which the calculation is made. 49744

~~(3) Calculate the district's adjusted local share federal 49745
adjusted gross income per pupil for that fiscal year as follows: 49746~~

~~(a) Determine both of the following: 49747~~

~~(i) The the median federal adjusted gross income of the 49748
district's residents for the most recent tax year for which data 49749
is available, as certified under section 3317.021 of the Revised 49750
Code. 49751~~

~~(ii) The number of state tax returns filed by taxpayers 49752
residing in the district for the most recent tax year for which 49753
data is available, as certified under section 3317.021 of the 49754
Revised Code. 49755~~

~~(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of 49756
this section. 49757~~

~~(c) Divide the amount determined under division (A)(3)(b) of 49758~~

~~this section by the district's base cost enrolled ADM for the~~ 49759
~~fiscal year for which the calculation is made.~~ 49760

(4) Calculate the district's per-pupil local capacity 49761
percentage as follows: 49762

(a) Determine the median of the median federal adjusted gross 49763
incomes determined for all districts statewide under division 49764
~~(A)(3)(a)(i)~~(A)(3) of this section for that fiscal year; 49765

(b) Divide the district's median federal adjusted gross 49766
income for that fiscal year determined under division 49767
~~(A)(3)(a)(i)~~(A)(3) of this section by the median federal adjusted 49768
gross income for all districts statewide determined under division 49769
(A)(4)(a) of this section; 49770

(c) Rank all school districts in order of the ratios 49771
calculated under division (A)(4)(b) of this section, from the 49772
district with the highest ratio calculated under division 49773
(A)(4)(b) of this section to the district with the lowest ratio 49774
calculated under division (A)(4)(b) of this section; 49775

(d) Determine the district's per-pupil local capacity 49776
percentage as follows: 49777

(i) If the ratio calculated for the district under division 49778
(A)(4)(b) of this section is greater than or equal to the ratio 49779
calculated under division (A)(4)(b) of this section for the 49780
district with the fortieth highest ratio as determined under 49781
division (A)(4)(c) of this section, the district's per-pupil local 49782
capacity percentage shall be equal to 0.025. 49783

(ii) If the ratio calculated for the district under division 49784
(A)(4)(b) of this section is less than the ratio calculated under 49785
division (A)(4)(b) of this section for the district with the 49786
fortieth highest ratio as determined under division (A)(4)(c) of 49787
this section but greater than 1.0, the district's per-pupil local 49788
capacity percentage shall be equal to an amount calculated as 49789

follows: 49790

{[(The ratio calculated for the district under division 49791
(A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated 49792
under division (A)(4)(b) of this section for the district with the 49793
fortieth highest ratio as determined under division (A)(4)(c) of 49794
this section - 1)} + 0.0225 49795

(iii) If the ratio calculated for the district under division 49796
(A)(4)(b) of this section is less than or equal to 1.0, the 49797
district's per-pupil local capacity percentage shall be equal to 49798
the amount calculated under division (A)(4)(b) of this section 49799
times 0.0225. 49800

(5) Calculate the district's per-pupil local capacity amount 49801
for that fiscal year as follows: 49802

(The district's valuation per pupil calculated under division 49803
(A)(1) of this section for that fiscal year X the district's 49804
per-pupil local capacity percentage calculated under division 49805
(A)(4) of this section X 0.60) + (the district's local share 49806
~~adjusted~~ federal adjusted gross income per pupil calculated under 49807
division (A)(2) of this section for that fiscal year X the 49808
district's per-pupil local capacity percentage calculated under 49809
division (A)(4) of this section X ~~0.20~~ 0.40) + ~~(the district's~~ 49810
~~adjusted local share federal adjusted gross income per pupil~~ 49811
~~calculated under division (A)(3) of this section for that fiscal~~ 49812
~~year X the district's per pupil local capacity percentage~~ 49813
~~calculated under division (A)(4) of this section X 0.20)~~ 49814

(B) The department shall compute a city, local, or exempted 49815
village school district's state share for a fiscal year as 49816
follows: 49817

(1) If the district's per-pupil local capacity amount for 49818
that fiscal year divided by the district's base cost per pupil for 49819
that fiscal year is greater than ~~0.95~~ 0.90, then the district's 49820

state share shall be equal to (the district's base cost per pupil 49821
for that fiscal year X ~~0.05~~ 0.10 X the district's enrolled ADM for 49822
that fiscal year). 49823

(2) If the district's per-pupil local capacity amount for 49824
that fiscal year divided by the district's base cost per pupil for 49825
that fiscal year is less than or equal to ~~0.95~~ 0.90, then the 49826
district's state share for that fiscal year shall be equal to 49827
[(the district's base cost per pupil for that fiscal year - the 49828
district's per-pupil local capacity amount for that fiscal year) X 49829
the district's enrolled ADM for that fiscal year]. 49830

(C) The department shall compute a city, local, or exempted 49831
village school district's state share percentage for a fiscal year 49832
as follows: 49833

(the district's base cost per pupil amount for that fiscal year - 49834
the district's per pupil local capacity amount for that fiscal 49835
year)/(the district's base cost per pupil amount for that fiscal 49836
year). 49837

If the result is less than ~~0.05~~ 0.10, the state share 49838
percentage shall be ~~0.05~~ 0.10. 49839

Sec. 3317.018. (A) The statewide average base cost per pupil 49840
shall be determined as follows: 49841

(1) For fiscal year ~~2022~~ 2024, the statewide average base 49842
cost per pupil shall be equal to the sum of the aggregate base 49843
cost calculated for all city, local, and exempted village school 49844
districts in the state for that fiscal year under section 3317.011 49845
of the Revised Code divided by the sum of the base cost enrolled 49846
ADMs of all of the city, local, and exempted village school 49847
districts in the state for that fiscal year. 49848

(2) For fiscal year ~~2023~~ 2025, the statewide average base 49849
cost per pupil shall be equal to the amount calculated under 49850

division (A)(1) of this section. 49851

(B) The statewide average career-technical base cost per 49852
pupil shall be determined as follows: 49853

(1) For fiscal year ~~2022~~ 2024, the statewide average 49854
career-technical base cost per pupil shall be equal to the sum of 49855
the aggregate base cost calculated for all joint vocational school 49856
districts in the state for that fiscal year under section 3317.012 49857
of the Revised Code divided by the sum of the base cost enrolled 49858
ADMs of all of the joint vocational school districts in the state 49859
for that fiscal year. 49860

(2) For fiscal year ~~2023~~ 2025, the statewide average 49861
career-technical base cost per pupil shall be equal to the amount 49862
calculated under division (B)(1) of this section. 49863

Sec. 3317.019. ~~(A)(1) Subject to division (C) of this 49864
section, for fiscal years 2022 and 2023, the department of 49865
education shall pay temporary transitional aid to each city, 49866
local, and exempted village school district according to the 49867
following formula: 49868~~

~~(The district's funding base, as that term is defined in section 49869
3317.02 of the Revised Code) — (the district's payment under 49870
section 3317.022 of the Revised Code — the district's payment for 49871
supplemental targeted assistance under section 3317.0218 of the 49872
Revised Code for the fiscal year for which each payment is 49873
computed) 49874~~

~~If the computation made under division (A)(1) of this section 49875
results in a negative number, the district's funding under 49876
division (A)(1) of this section shall be zero. 49877~~

~~(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 49878
of education and workforce shall pay temporary transitional 49879
transportation aid to ~~that~~ each city, local, and exempted village 49880~~

school district according to the following formula: 49881
(The amount calculated for the district for fiscal year 2020 under 49882
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 49883
general assembly, prior to any funding reductions authorized by 49884
Executive Order 2020-19D, "Implementing Additional Spending 49885
Controls to Balance the State Budget" issued on May 7, 2020) - 49886
(the district's payment for fiscal year 2019 under division (D)(2) 49887
of section 3314.091 of the Revised Code as that division existed 49888
prior to September 30, 2021) - (the district's payment under 49889
section 3317.0212 of the Revised Code for the fiscal year for 49890
which the payment is computed) 49891

If the computation made under ~~division (A)(2)~~ of this section 49892
results in a negative number, the district's funding under 49893
~~division (A)(2)~~ of this section shall be zero. 49894

~~(B) If a local school district participates in the 49895
establishment of a joint vocational school district that begins 49896
receiving payments under section 3317.16 of the Revised Code for 49897
fiscal year 2022 or fiscal year 2023, but does not receive 49898
payments for the fiscal year immediately preceding that fiscal 49899
year, the department shall adjust, as necessary, the district's 49900
funding base, as that term is defined in section 3317.02 of the 49901
Revised Code, according to the amounts received by the district in 49902
the immediately preceding fiscal year for career technical 49903
education students who attend the newly established joint 49904
vocational school district. 49905~~

~~(C)(1) For purposes of division (C) of this section, a 49906
district's "decrease threshold" for a fiscal year is the greater 49907
of the following: 49908~~

~~(a) Twenty; 49909~~

~~(b) Ten per cent of the number of the district's students 49910
counted under division (A)(1)(b) of section 3317.03 of the Revised 49911~~

~~Code for the previous fiscal year.~~ 49912

~~(2) For fiscal years 2022 and 2023, if a district has fewer 49913
students counted under division (A)(1)(b) of section 3317.03 of 49914
the Revised Code for that fiscal year than for the previous fiscal 49915
year and the positive difference between those two student counts 49916
is greater than or equal to the district's decrease threshold for 49917
that fiscal year, the amount paid to the district under division 49918
(A) of this section shall be reduced by the following amount: 49919~~

~~The statewide average base cost per pupil X [(the positive 49920
difference between the number of the district's students counted 49921
under division (A)(1)(b) of section 3317.03 of the Revised Code 49922
for that fiscal year and the number of the district's students 49923
counted under that division for the previous fiscal year) — the 49924
district's decrease threshold for that fiscal year] 49925~~

~~At no time, however, shall the amount paid to a district 49926
under division (A) of this section be less than zero. 49927~~

Sec. 3317.0110. This section shall apply only for fiscal 49928
years ~~2022~~ 2024 and ~~2023~~ 2025. 49929

(A) As used in this section: 49930

(1) "Average teacher cost" for a fiscal year has the same 49931
meaning as in section 3317.011 of the Revised Code. 49932

(2) "Eligible community or STEM school" means a community or 49933
STEM school that satisfies one of the following: 49934

(a) The school is a member of an organization that regulates 49935
interscholastic athletics. 49936

(b) The school has teams in at least three different sports 49937
that participate in an interscholastic league. 49938

(B) When calculating a community or STEM school's aggregate 49939
base cost under this section, the department shall use data from 49940
fiscal year ~~2018~~ 2022 for the average teacher cost. 49941

(C) A community or STEM school's aggregate base cost for a fiscal year shall be equal to the following sum: 49942
49943
(The school's teacher base cost for that fiscal year computed 49944
under division (D) of this section) + (the school's student 49945
support base cost for that fiscal year computed under division (E) 49946
of this section) + (the school's leadership and accountability 49947
base cost for that fiscal year computed under division (F) of this 49948
section) + (the school's building leadership and operations base 49949
cost for that fiscal year computed under division (G) of this 49950
section) + (the school's athletic co-curricular activities base 49951
cost for that fiscal year computed under division (H) of this 49952
section, if the school is an eligible community or STEM school) 49953
(D) The department of education shall compute a community or 49954
STEM school's teacher base cost for a fiscal year as follows: 49955
(1) Calculate the school's classroom teacher cost for that 49956
fiscal year as follows: 49957
(a) Determine the full-time equivalency of students enrolled 49958
in the school for that fiscal year that are enrolled in 49959
kindergarten and divide that number by 20; 49960
(b) Determine the full-time equivalency of students enrolled 49961
in the school for that fiscal year that are enrolled in grades one 49962
through three and divide that number by 23; 49963
(c) Determine the full-time equivalency of students enrolled 49964
in the school for that fiscal year that are enrolled in grades 49965
four through eight but are not enrolled in a career-technical 49966
education program or class described under section 3317.014 of the 49967
Revised Code and divide that number by 25; 49968
(d) Determine the full-time equivalency of students enrolled 49969
in the school for that fiscal year that are enrolled in grades 49970
nine through twelve but are not enrolled in a career-technical 49971
education program or class described under section 3317.014 of the 49972

Revised Code and divide that number by 27;	49973
(e) Determine the full-time equivalency of students enrolled	49974
in the school for that fiscal year that are enrolled in a	49975
career-technical education program or class, as reported under	49976
division (B)(4) of section 3314.08 of the Revised Code, and divide	49977
that number by 18;	49978
(f) Compute the sum of the quotients obtained under divisions	49979
(D)(1)(a), (b), (c), (d), and (e) of this section;	49980
(g) Compute the classroom teacher cost by multiplying the	49981
average teacher cost for that fiscal year by the sum computed	49982
under division (D)(1)(f) of this section.	49983
(2) Calculate the school's special teacher cost for that	49984
fiscal year as follows:	49985
(a) Divide the number of students enrolled in the school for	49986
that fiscal year by 150;	49987
(b) Compute the special teacher cost by multiplying the	49988
quotient obtained under division (D)(2)(a) of this section by the	49989
average teacher cost for that fiscal year.	49990
(3) Calculate the school's substitute teacher cost for that	49991
fiscal year in accordance with the following formula:	49992
(a) Compute the substitute teacher daily rate with benefits	49993
by multiplying the substitute teacher daily rate of \$90 by 1.16;	49994
(b) Compute the substitute teacher cost in accordance with	49995
the following formula:	49996
(The sum computed under division (D)(1)(f) of this section + the	49997
quotient obtained under division (D)(2)(a) of this section) X the	49998
amount computed under division (D)(3)(a) of this section X 5	49999
(4) Calculate the school's professional development cost for	50000
that fiscal year in accordance with the following formula:	50001
(The sum computed under division (D)(1)(f) of this section + the	50002

quotient obtained under division (D)(2)(a) of this section) X 50003
[(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of 50004
the Revised Code for that fiscal year)/180] X 4 50005

(5) Calculate the school's teacher base cost for that fiscal 50006
year, which equals the sum of divisions (D)(1), (2), (3), and (4) 50007
of this section. 50008

(E) The department shall compute a community or STEM school's 50009
student support base cost for a fiscal year as follows: 50010
The number of students enrolled in the school for that fiscal year 50011
X [(the sum of the student support base cost calculated for all 50012
city, local, and exempted village school districts in the state 50013
for that fiscal year under division (E) of section 3317.011 of the 50014
Revised Code) / the sum of the base cost enrolled ADMs of all of 50015
the city, local, and exempted village school districts in the 50016
state for that fiscal year] 50017

(F) The department shall compute a community or STEM school's 50018
leadership and accountability base cost for a fiscal year as 50019
follows: 50020
The number of students enrolled in the school for that fiscal year 50021
X (the sum of the leadership and accountability base cost 50022
calculated for all city, local, and exempted village school 50023
districts in the state for that fiscal year under division (F) of 50024
section 3317.011 of the Revised Code / the sum of the base cost 50025
enrolled ADMs of all of the city, local, and exempted village 50026
school districts in the state for that fiscal year) 50027

(G) The department shall compute a community or STEM school's 50028
building leadership and operations base cost for a fiscal year as 50029
follows: 50030
The number of students enrolled in the school for that fiscal year 50031
X (the sum of the building leadership and accountability base cost 50032
calculated for all city, local, and exempted village school 50033
districts in the state for that fiscal year under division (G) of 50034

section 3317.011 of the Revised Code / the sum of the base cost 50035
enrolled ADMS of all of the city, local, and exempted village 50036
school districts in the state for that fiscal year) 50037

(H) If a community or STEM school is an eligible community or 50038
STEM school, the department shall compute the school's athletic 50039
co-curricular activities base cost for a fiscal year as follows: 50040
The number of students enrolled in the school for that fiscal year 50041
X (the amount determined under division (H)(1) of section 3317.011 50042
of the Revised Code / the sum determined under division (H)(2) of 50043
section 3317.011 of the Revised Code) 50044

Sec. 3317.02. As used in this chapter: 50045

(A) "Alternative school" has the same meaning as in section 50046
3313.974 of the Revised Code. 50047

(B) "Autism scholarship unit" means a unit that consists of 50048
all of the students for whom autism scholarships are awarded under 50049
section 3310.41 of the Revised Code. 50050

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a district's 50051
"base cost enrolled ADM" for a fiscal year means the greater of 50052
the following: 50053

(1) The district's enrolled ADM for the previous fiscal year; 50054

(2) The average of the district's enrolled ADM for the 50055
previous three fiscal years. 50056

(D)(1) "Base cost per pupil" means the following for a city, 50057
local, or exempted village school district: 50058

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 50059
base cost calculated for that district for that fiscal year under 50060
section 3317.011 of the Revised Code divided by the district's 50061
base cost enrolled ADM for that fiscal year; 50062

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50063
thereafter, an amount calculated in a manner determined by the 50064

general assembly. 50065

(2) "Base cost per pupil" means the following for a joint 50066
vocational school district: 50067

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 50068
base cost calculated for that district for that fiscal year under 50069
section 3317.012 of the Revised Code divided by the district's 50070
base cost enrolled ADM for that fiscal year; 50071

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50072
thereafter, an amount calculated in a manner determined by the 50073
general assembly. 50074

(E)(1) "Category one career-technical education ADM" means 50075
the enrollment of students during the school year on a full-time 50076
equivalency basis in career-technical education programs described 50077
in division (A)(1) of section 3317.014 of the Revised Code and, in 50078
the case of a funding unit that is a city, local, exempted 50079
village, or joint vocational school district, certified under 50080
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 50081
Code or, in the case of the community and STEM school unit, 50082
reported by all community and STEM schools statewide under 50083
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50084
and division (D) of section 3326.32 of the Revised Code. 50085

(2) "Category two career-technical education ADM" means the 50086
enrollment of students during the school year on a full-time 50087
equivalency basis in career-technical education programs described 50088
in division (A)(2) of section 3317.014 of the Revised Code and, in 50089
the case of a funding unit that is a city, local, exempted 50090
village, or joint vocational school district, certified under 50091
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 50092
Code or, in the case of the community and STEM school unit, 50093
reported by all community and STEM schools statewide under 50094
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50095

and division (D) of section 3326.32 of the Revised Code. 50096

(3) "Category three career-technical education ADM" means the 50097
enrollment of students during the school year on a full-time 50098
equivalency basis in career-technical education programs described 50099
in division (A)(3) of section 3317.014 of the Revised Code and, in 50100
the case of a funding unit that is a city, local, exempted 50101
village, or joint vocational school district, certified under 50102
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 50103
Code or, in the case of the community and STEM school unit, 50104
reported by all community and STEM schools statewide under 50105
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50106
and division (D) of section 3326.32 of the Revised Code. 50107

(4) "Category four career-technical education ADM" means the 50108
enrollment of students during the school year on a full-time 50109
equivalency basis in career-technical education programs described 50110
in division (A)(4) of section 3317.014 of the Revised Code and, in 50111
the case of a funding unit that is a city, local, exempted 50112
village, or joint vocational school district, certified under 50113
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 50114
Code or, in the case of the community and STEM school unit, 50115
reported by all community and STEM schools statewide under 50116
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50117
and division (D) of section 3326.32 of the Revised Code. 50118

(5) "Category five career-technical education ADM" means the 50119
enrollment of students during the school year on a full-time 50120
equivalency basis in career-technical education programs described 50121
in division (A)(5) of section 3317.014 of the Revised Code and, in 50122
the case of a funding unit that is a city, local, exempted 50123
village, or joint vocational school district, certified under 50124
division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised 50125
Code or, in the case of the community and STEM school unit, 50126
reported by all community and STEM schools statewide under 50127

divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50128
and division (D) of section 3326.32 of the Revised Code. 50129

(F)(1) "Category one English learner ADM" means the full-time 50130
equivalent number of English learners described in division (A) of 50131
section 3317.016 of the Revised Code and, in the case of a funding 50132
unit that is a city, local, exempted village, or joint vocational 50133
school district, certified under division (B)(16) or (D)(2)(m) of 50134
section 3317.03 of the Revised Code or, in the case of the 50135
community and STEM school unit, reported by all community and STEM 50136
schools statewide under division (B)(6) of section 3314.08 of the 50137
Revised Code and division (E) of section 3326.32 of the Revised 50138
Code. 50139

(2) "Category two English learner ADM" means the full-time 50140
equivalent number of English learners described in division (B) of 50141
section 3317.016 of the Revised Code and, in the case of a funding 50142
unit that is a city, local, exempted village, or joint vocational 50143
school district, certified under division (B)(17) or (D)(2)(n) of 50144
section 3317.03 of the Revised Code or, in the case of the 50145
community and STEM school unit, reported by all community and STEM 50146
schools statewide under division (B)(6) of section 3314.08 of the 50147
Revised Code and division (E) of section 3326.32 of the Revised 50148
Code. 50149

(3) "Category three English learner ADM" means the full-time 50150
equivalent number of English learners described in division (C) of 50151
section 3317.016 of the Revised Code and, in the case of a funding 50152
unit that is a city, local, exempted village, or joint vocational 50153
school district, certified under division (B)(18) or (D)(2)(o) of 50154
section 3317.03 of the Revised Code or, in the case of the 50155
community and STEM school unit, reported by all community and STEM 50156
schools statewide under division (B)(6) of section 3314.08 of the 50157
Revised Code and division (E) of section 3326.32 of the Revised 50158
Code. 50159

(G)(1) "Category one special education ADM" means the 50160
full-time equivalent number of children with disabilities 50161
receiving special education services for the disability specified 50162
in division (A) of section 3317.013 of the Revised Code and, in 50163
the case of a funding unit that is a city, local, exempted 50164
village, or joint vocational school district, certified under 50165
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 50166
Code or, in the case of the community and STEM school unit, 50167
reported by all community and STEM schools statewide under 50168
division (B)(3) of section 3314.08 of the Revised Code and 50169
division (C) of section 3326.32 of the Revised Code. 50170

(2) "Category two special education ADM" means the full-time 50171
equivalent number of children with disabilities receiving special 50172
education services for those disabilities specified in division 50173
(B) of section 3317.013 of the Revised Code and, in the case of a 50174
funding unit that is a city, local, exempted village, or joint 50175
vocational school district, certified under division (B)(6) or 50176
(D)(2)(c) of section 3317.03 of the Revised Code or, in the case 50177
of the community and STEM school unit, reported by all community 50178
and STEM schools statewide under division (B)(3) of section 50179
3314.08 of the Revised Code and division (C) of section 3326.32 of 50180
the Revised Code. 50181

(3) "Category three special education ADM" means the 50182
full-time equivalent number of students receiving special 50183
education services for those disabilities specified in division 50184
(C) of section 3317.013 of the Revised Code, and, in the case of a 50185
funding unit that is a city, local, exempted village, or joint 50186
vocational school district, certified under division (B)(7) or 50187
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 50188
of the community and STEM school unit, reported by all community 50189
and STEM schools statewide under division (B)(3) of section 50190
3314.08 of the Revised Code and division (C) of section 3326.32 of 50191

the Revised Code. 50192

(4) "Category four special education ADM" means the full-time 50193
equivalent number of students receiving special education services 50194
for those disabilities specified in division (D) of section 50195
3317.013 of the Revised Code and, in the case of a funding unit 50196
that is a city, local, exempted village, or joint vocational 50197
school district, certified under division (B)(8) or (D)(2)(e) of 50198
section 3317.03 of the Revised Code or, in the case of the 50199
community and STEM school unit, reported by all community and STEM 50200
schools statewide under division (B)(3) of section 3314.08 of the 50201
Revised Code and division (C) of section 3326.32 of the Revised 50202
Code. 50203

(5) "Category five special education ADM" means the full-time 50204
equivalent number of students receiving special education services 50205
for the disabilities specified in division (E) of section 3317.013 50206
of the Revised Code and, in the case of a funding unit that is a 50207
city, local, exempted village, or joint vocational school 50208
district, certified under division (B)(9) or (D)(2)(f) of section 50209
3317.03 of the Revised Code or, in the case of the community and 50210
STEM school unit, reported by all community and STEM schools 50211
statewide under division (B)(3) of section 3314.08 of the Revised 50212
Code and division (C) of section 3326.32 of the Revised Code. 50213

(6) "Category six special education ADM" means the full-time 50214
equivalent number of students receiving special education services 50215
for the disabilities specified in division (F) of section 3317.013 50216
of the Revised Code and, in the case of a funding unit that is a 50217
city, local, exempted village, or joint vocational school district 50218
certified under division (B)(10) or (D)(2)(g) of section 3317.03 50219
of the Revised Code or, in the case of the community and STEM 50220
school unit, reported by all community and STEM schools statewide 50221
under division (B)(3) of section 3314.08 of the Revised Code and 50222
division (C) of section 3326.32 of the Revised Code. 50223

(H) "Community and STEM school unit" means a unit that 50224
consists of all of the students enrolled in community schools 50225
established under Chapter 3314. of the Revised Code and science, 50226
technology, engineering, and mathematics schools established under 50227
Chapter 3326. of the Revised Code. 50228

(I)(1) "Economically disadvantaged index for a school 50229
district" means the following: 50230

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of 50231
the quotient of that district's percentage of students in its 50232
enrolled ADM who are identified as economically disadvantaged as 50233
defined by the department of education, divided by the percentage 50234
of students in the statewide ADM identified as economically 50235
disadvantaged. For purposes of this calculation: 50236

(i) For a city, local, or exempted village school district, 50237
the "statewide ADM" equals the sum of the following: 50238

(I) The enrolled ADM for all city, local, and exempted 50239
village school districts combined; 50240

(II) The statewide enrollment of students in community 50241
schools established under Chapter 3314. of the Revised Code; 50242

(III) The statewide enrollment of students in science, 50243
technology, engineering, and mathematics schools established under 50244
Chapter 3326. of the Revised Code. 50245

(ii) For a joint vocational school district, the "statewide 50246
ADM" equals the sum of the enrolled ADM for all joint vocational 50247
school districts combined. 50248

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50249
thereafter, an index calculated in a manner determined by the 50250
general assembly. 50251

(2) "Economically disadvantaged index for a community or STEM 50252
school" means the following: 50253

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of 50254
the quotient of the percentage of students enrolled in the school 50255
who are identified as economically disadvantaged as defined by the 50256
department of education, divided by the percentage of students in 50257
the statewide ADM identified as economically disadvantaged. For 50258
purposes of this calculation, the "statewide ADM" equals the 50259
"statewide ADM" for city, local, and exempted village school 50260
districts described in division (I)(1)(a)(i) of this section. 50261

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50262
thereafter, an index calculated in a manner determined by the 50263
general assembly. 50264

(J) "Educational choice scholarship unit" means a unit that 50265
consists of all of the students for whom educational choice 50266
scholarships are awarded under sections 3310.03 and 3310.032 of 50267
the Revised Code. 50268

(K) "Enrolled ADM" means the following: 50269

(1) For a city, local, or exempted village school district, 50270
the enrollment reported under division (A) of section 3317.03 of 50271
the Revised Code, as verified by the superintendent of public 50272
instruction and adjusted if so ordered under division (K) of that 50273
section, and as further adjusted by the department of education, 50274
as follows: 50275

(a) Add the students described in division (A)(1)(b) of 50276
section 3317.03 of the Revised Code; 50277

(b) Subtract the students counted under divisions (A)(2)(a), 50278
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 50279
Code; 50280

(c) Count only twenty per cent of the number of joint 50281
vocational school district students counted under division (A)(3) 50282
of section 3317.03 of the Revised Code; 50283

(d) Add twenty per cent of the number of students who are 50284
entitled to attend school in the district under section 3313.64 or 50285
3313.65 of the Revised Code and are enrolled in another school 50286
district under a career-technical education compact; 50287

(e) Add twenty per cent of the number of students described 50288
in division (A)(1)(b) of section 3317.03 of the Revised Code who 50289
enroll in a joint vocational school district or under a 50290
career-technical education compact. 50291

(2) For a joint vocational school district, the final number 50292
verified by the superintendent of public instruction, based on the 50293
enrollment reported and certified under division (D) of section 50294
3317.03 of the Revised Code, as adjusted, if so ordered, under 50295
division (K) of that section, and as further adjusted by the 50296
department of education by adding the students described in 50297
division (D)(1)(b) of section 3317.03 of the Revised Code; 50298

(3) For the community and STEM school unit, the sum of the 50299
number of students reported as enrolled in community schools under 50300
divisions (B)(1) and (2) of section 3314.08 of the Revised Code 50301
and the number of students reported as enrolled in STEM schools 50302
under division (A) of section 3326.32 of the Revised Code; 50303

(4) For the educational choice scholarship unit, the number 50304
of students for whom educational choice scholarships are awarded 50305
under sections 3310.03 and 3310.032 of the Revised Code as 50306
reported under division (A)(2)(g) of section 3317.03 of the 50307
Revised Code; 50308

(5) For the pilot project scholarship unit, the number of 50309
students for whom pilot project scholarships are awarded under 50310
sections 3313.974 to 3313.979 of the Revised Code as reported 50311
under division (A)(2)(b) of section 3317.03 of the Revised Code; 50312

(6) For the autism scholarship unit, the number of students 50313
for whom autism scholarships are awarded under section 3310.41 of 50314

the Revised Code as reported under division (A)(2)(h) of section 50315
3317.03 of the Revised Code; 50316

(7) For the Jon Peterson special needs scholarship unit, the 50317
number of students for whom Jon Peterson special needs 50318
scholarships are awarded under sections 3310.51 to 3310.64 of the 50319
Revised Code as reported under division (A)(2)(h) of section 50320
3317.03 of the Revised Code. 50321

(L)(1) "Formula ADM" means, for a city, local, or exempted 50322
village school district, the enrollment reported under division 50323
(A) of section 3317.03 of the Revised Code, as verified by the 50324
superintendent of public instruction and adjusted if so ordered 50325
under division (K) of that section, and as further adjusted by the 50326
department of education, as follows: 50327

(a) Count only twenty per cent of the number of joint 50328
vocational school district students counted under division (A)(3) 50329
of section 3317.03 of the Revised Code; 50330

(b) Add twenty per cent of the number of students who are 50331
entitled to attend school in the district under section 3313.64 or 50332
3313.65 of the Revised Code and are enrolled in another school 50333
district under a career-technical education compact. 50334

(2) "Formula ADM" means, for a joint vocational school 50335
district, the final number verified by the superintendent of 50336
public instruction, based on the enrollment reported and certified 50337
under division (D) of section 3317.03 of the Revised Code, as 50338
adjusted, if so ordered, under division (K) of that section. 50339

(M) "FTE basis" means a count of students based on full-time 50340
equivalency, in accordance with rules adopted by the department of 50341
education pursuant to section 3317.03 of the Revised Code. In 50342
adopting its rules under this division, the department shall 50343
provide for counting any student in category one, two, three, 50344
four, five, or six special education ADM or in category one, two, 50345

three, four, or five career-technical education ADM in the same 50346
proportion the student is counted in enrolled ADM and formula ADM. 50347

(N) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 50348
means, for a city, local, or exempted village school district, the 50349
sum of the following as calculated by the department: 50350

(1) The district's "general funding base," which equals the 50351
amount calculated as follows: 50352

(a) Compute the sum of the following: 50353

(i) The amount calculated for the district for fiscal year 50354
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 50355
133rd general assembly after any adjustments required under 50356
Section 265.227 of H.B. 166 of the 133rd general assembly and 50357
prior to any funding reductions authorized by Executive Order 50358
2020-19D, "Implementing Additional Spending Controls to Balance 50359
the State Budget" issued on May 7, 2020; 50360

(ii) ~~Either of the following:~~ 50361

~~(I) For fiscal year 2022, the district's payments for fiscal 50362
year 2020 under divisions (C)(1), (2), (3), and (4) of section 50363
3313.981 of the Revised Code as those divisions existed prior to 50364
September 30, 2021;~~ 50365

~~(II) For fiscal year 2023~~ years 2024 and 2025, the district's 50366
payments for fiscal year 2020 under divisions (C)(1), (3), and (4) 50367
of section 3313.981 of the Revised Code as those divisions existed 50368
prior to September 30, 2021. 50369

(b) Subtract from the amount calculated in division (N)(1)(a) 50370
of this section the sum of the following: 50371

(i) The following difference: 50372

(The amount paid to the district under division (A)(5) of section 50373
3317.022 of the Revised Code, as that division existed prior to 50374
September 30, 2021, for fiscal year 2019) - (the amounts deducted 50375

from the district and paid to a community school under division 50376
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 50377
technology, engineering, and mathematics school under division (E) 50378
of section 3326.33 of the Revised Code as those divisions existed 50379
prior to September 30, 2021, for fiscal year 2020 in accordance 50380
with division (A) of Section 265.235 of H.B. 166 of the 133rd 50381
general assembly) 50382

(ii) The payments deducted from the district and paid to a 50383
community school for fiscal year 2020 under divisions (C)(1)(a), 50384
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised 50385
Code as those divisions existed prior to September 30, 2021, in 50386
accordance with division (A) of Section 265.230 of H.B. 166 of the 50387
133rd general assembly; 50388

(iii) The payments deducted from the district and paid to a 50389
science, technology, engineering, and mathematics school for 50390
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and 50391
(G) of section 3326.33 of the Revised Code as those divisions 50392
existed prior to September 30, 2021, in accordance with division 50393
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly; 50394

(iv) The payments deducted from the district under division 50395
(C) of section 3310.08 of the Revised Code as that division 50396
existed prior to September 30, 2021, division (C)(2) of section 50397
3310.41 of the Revised Code as that division existed prior to 50398
September 30, 2021, and former section 3310.55 of the Revised Code 50399
for fiscal year 2020 and, in the case of a pilot project school 50400
district as defined in section 3313.975 of the Revised Code, the 50401
funds deducted from the district under Section 265.210 of H.B. 166 50402
of the 133rd general assembly to operate the pilot project 50403
scholarship program for fiscal year 2020 under sections 3313.974 50404
to 3313.979 of the Revised Code; 50405

(v) ~~Either of the following:~~ 50406

~~(I) For fiscal year 2022, the payments subtracted from the~~ 50407

~~district for fiscal year 2020 under divisions (B)(1), (2), and (3) 50408~~
~~of section 3313.981 of the Revised Code as those divisions existed 50409~~
~~prior to September 30, 2021; 50410~~

~~(II) For fiscal year 2023~~ years 2024 and 2025, the payments 50411
subtracted from the district for fiscal year 2020 under divisions 50412
(B)(1) and (3) of section 3313.981 of the Revised Code as those 50413
divisions existed prior to September 30, 2021. 50414

(2) The district's "disadvantaged pupil impact aid funding 50415
base," which equals the following difference: 50416

(The amount paid to the district under division (A)(5) of section 50417
3317.022 of the Revised Code, as that division existed prior to 50418
September 30, 2021, for fiscal year 2019) - (the amounts deducted 50419
from the district and paid to a community school under division 50420
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 50421
technology, engineering, and mathematics school under division (E) 50422
of section 3326.33 of the Revised Code as those divisions existed 50423
prior to September 30, 2021, for fiscal year 2020 in accordance 50424
with division (A) of Section 265.235 of H.B. 166 of the 133rd 50425
general assembly) 50426

(O) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 50427
means, for a joint vocational school district, the sum of the 50428
following as calculated by the department: 50429

(1) The district's "general funding base," which equals the 50430
amount calculated as follows: 50431

(a) Compute the sum of the following: 50432

(i) The district's payments for fiscal year 2020 under 50433
Section 265.225 of H.B. 166 of the 133rd general assembly after 50434
any adjustments required under Section 265.227 of H.B. 166 of the 50435
133rd general assembly; 50436

~~(ii) Either of the following:~~ 50437

~~(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (D)(1), (2), and (E)(3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;~~ 50438
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~~(II) For fiscal year 2023~~ years 2024 and 2025, the district's payments for fiscal year 2020 under divisions (D)(1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021. 50442
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(b) Subtract from the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019. 50446
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(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A)(3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019. 50450
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50453

(P) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" for a community school means the following: 50454
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(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly; 50456
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(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to 50465
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September 30, 2021, in accordance with division (A) of Section 50469
265.230 of H.B. 166 of the 133rd general assembly if the school 50470
had been in operation for the entirety of that fiscal year, as 50471
calculated by the department, and the amount that would have been 50472
paid to the school for that fiscal year under section 3314.085 of 50473
the Revised Code in accordance with division (B) of Section 50474
265.230 of H.B. 166 of the 133rd general assembly, if any, if the 50475
school had been in operation for the entirety of that fiscal year, 50476
as calculated by the department; 50477

(3) For a community school that was not in operation for 50478
fiscal year 2020, the amount that would have been paid to the 50479
school if it was in operation for that school year under division 50480
(C)(1) of section 3314.08 of the Revised Code as that division 50481
existed prior to September 30, 2021, in accordance with division 50482
(A) of Section 265.230 of H.B. 166 of the 133rd general assembly 50483
if the school had been in operation for the entirety of that 50484
fiscal year, as calculated by the department, and the amount that 50485
would have been paid to the school for that fiscal year under 50486
section 3314.085 of the Revised Code in accordance with division 50487
(B) of Section 265.230 of H.B. 166 of the 133rd general assembly, 50488
if any, if the school had been in operation for the entirety of 50489
that fiscal year, as calculated by the department. 50490

(Q) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 50491
for a STEM school means the following: 50492

(1) For a science, technology, engineering, and mathematics 50493
school that was in operation for the entirety of fiscal year 2020, 50494
the amount paid to the school for that fiscal year under section 50495
3326.33 of the Revised Code as that section existed prior to 50496
September 30, 2021, in accordance with division (A) of Section 50497
265.235 of H.B. 166 of the 133rd general assembly and the amount, 50498
if any, paid to the school for that fiscal year under section 50499
3326.41 of the Revised Code in accordance with division (B) of 50500

Section 265.235 of H.B. 166 of the 133rd general assembly; 50501

(2) For a science, technology, engineering, and mathematics 50502
school that was in operation for part of fiscal year 2020, the 50503
amount that would have been paid to the school for that fiscal 50504
year under section 3326.33 of the Revised Code as that section 50505
existed prior to September 30, 2021, in accordance with division 50506
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 50507
if the school had been in operation for the entirety of that 50508
fiscal year, as calculated by the department, and the amount that 50509
would have been paid to the school for that fiscal year under 50510
section 3326.41 of the Revised Code in accordance with division 50511
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 50512
if any, if the school had been in operation for the entirety of 50513
that fiscal year, as calculated by the department; 50514

(3) For a science, technology, engineering, and mathematics 50515
school that was not in operation for fiscal year 2020, the amount 50516
that would have been paid to the school if it was in operation for 50517
that school year under section 3326.33 of the Revised Code as that 50518
section existed prior to September 30, 2021, in accordance with 50519
division (A) of Section 265.235 of H.B. 166 of the 133rd general 50520
assembly if the school had been in operation for the entirety of 50521
that fiscal year, as calculated by the department, and the amount 50522
that would have been paid to the school for that fiscal year under 50523
section 3326.41 of the Revised Code in accordance with division 50524
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 50525
if any, if the school had been in operation for the entirety of 50526
that fiscal year, as calculated by the department. 50527

(R) "Funding unit" means any of the following: 50528

(1) A city, local, exempted village, or joint vocational 50529
school district; 50530

(2) The community and STEM school unit; 50531

(3) The educational choice scholarship unit;	50532
(4) The pilot project scholarship unit;	50533
(5) The autism scholarship unit;	50534
(6) The Jon Peterson special needs scholarship unit.	50535
(S) "Jon Peterson special needs scholarship unit" means a	50536
unit that consists of all of the students for whom Jon Peterson	50537
scholarships are awarded under sections 3310.51 to 3310.64 of the	50538
Revised Code.	50539
(T) "Internet- or computer-based community school" has the	50540
same meaning as in section 3314.02 of the Revised Code.	50541
(U) "LRE student with a disability" means a child with a	50542
disability who has an individualized education program providing	50543
for the student to spend more than half of each school day in a	50544
regular school setting with nondisabled students. For purposes of	50545
this division, "individualized education program" and "child with	50546
a disability" have the same meanings as in section 3323.01 of the	50547
Revised Code, and "LRE" is an abbreviation for "least restrictive	50548
environment."	50549
(V) "Medically fragile child" means a child to whom all of	50550
the following apply:	50551
(1) The child requires the services of a doctor of medicine	50552
or osteopathic medicine at least once a week due to the	50553
instability of the child's medical condition.	50554
(2) The child requires the services of a registered nurse on	50555
a daily basis.	50556
(3) The child is at risk of institutionalization in a	50557
hospital, skilled nursing facility, or intermediate care facility	50558
for individuals with intellectual disabilities.	50559
(W)(1) A child may be identified as having an "other health	50560
impairment-major" if the child's condition meets the definition of	50561

"other health impaired" established in rules previously adopted by 50562
the state board of education and if either of the following apply: 50563

(a) The child is identified as having a medical condition 50564
that is among those listed by the superintendent of public 50565
instruction as conditions where a substantial majority of cases 50566
fall within the definition of "medically fragile child." 50567

(b) The child is determined by the superintendent of public 50568
instruction to be a medically fragile child. A school district 50569
superintendent may petition the superintendent of public 50570
instruction for a determination that a child is a medically 50571
fragile child. 50572

(2) A child may be identified as having an "other health 50573
impairment-minor" if the child's condition meets the definition of 50574
"other health impaired" established in rules previously adopted by 50575
the state board of education but the child's condition does not 50576
meet either of the conditions specified in division (W)(1)(a) or 50577
(b) of this section. 50578

(X)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, 50579
local, exempted village, or joint vocational school district's, 50580
community school's, or STEM school's "general phase-in percentage" 50581
is equal to the percentage for that fiscal year that is determined 50582
by the general assembly. 50583

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, 50584
exempted village, or joint vocational school district's "phase-in 50585
percentage for disadvantaged pupil impact aid" is equal to the 50586
percentage for that fiscal year that is determined by the general 50587
assembly. 50588

(Y) "Pilot project scholarship unit" means a unit that 50589
consists of all of the students for whom pilot project 50590
scholarships are awarded under sections 3313.974 to 3313.979 of 50591
the Revised Code. 50592

(Z) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(AA) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (G)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

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

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.

(DD) "State education aid" has the same meaning as in section

5751.20 of the Revised Code. 50623

(EE)(1) "State share percentage" means the following for a 50624
city, local, or exempted village school district: 50625

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the state share 50626
percentage calculated under section 3317.017 of the Revised Code; 50627

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50628
thereafter, a percentage calculated in a manner determined by the 50629
general assembly. 50630

(2) "State share percentage" means the following for a joint 50631
vocational school district: 50632

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the percentage 50633
calculated in accordance with the following formula: 50634

The amount computed for the district under division (A)(1) of 50635
section 3317.16 of the Revised Code for that fiscal year / the 50636
aggregate base cost calculated for the district for that fiscal 50637
year under section 3317.012 of the Revised Code 50638

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50639
thereafter, a percentage calculated in a manner determined by the 50640
general assembly. 50641

(FF) "Statewide average base cost per pupil" means the 50642
following: 50643

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 50644
average base cost per pupil calculated under division (A) of 50645
section 3317.018 of the Revised Code; 50646

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 50647
thereafter, an amount calculated in a manner determined by the 50648
general assembly. 50649

(GG) "Statewide average career-technical base cost per pupil" 50650
means the following: 50651

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 50652

average career-technical base cost per pupil calculated under 50653
division (B) of section 3317.018 of the Revised Code; 50654

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 50655
thereafter, an amount calculated in a manner determined by the 50656
general assembly. 50657

(HH) "STEM school" means a science, technology, engineering, 50658
and mathematics school established under Chapter 3326. of the 50659
Revised Code. 50660

(II) "Taxes charged and payable" means the taxes charged and 50661
payable against real and public utility property after making the 50662
reduction required by section 319.301 of the Revised Code, plus 50663
the taxes levied against tangible personal property. 50664

(JJ) For purposes of sections 3317.017 and 3317.16 of the 50665
Revised Code, "three-year average valuation" for a fiscal year 50666
means the average of total taxable value for the three most recent 50667
tax years for which data is available, as certified under section 50668
3317.021 of the Revised Code. 50669

(KK) "Total ADM" means, for a city, local, or exempted 50670
village school district, the enrollment reported under division 50671
(A) of section 3317.03 of the Revised Code minus the enrollment 50672
reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that 50673
section, as verified by the superintendent of public instruction 50674
and adjusted if so ordered under division (K) of that section. 50675

(LL) "Total special education ADM" means the sum of 50676
categories one through six special education ADM. 50677

(MM) "Total taxable value" means the sum of the amounts 50678
certified for a city, local, exempted village, or joint vocational 50679
school district under divisions (A)(1) and (2) of section 3317.021 50680
of the Revised Code. 50681

(NN) "Tuition discount" means any deduction from the base 50682

tuition amount per student charged by a chartered nonpublic 50683
school, to which the student's family is entitled due to one or 50684
more of the following conditions: 50685

(1) The student's family has multiple children enrolled in 50686
the same school. 50687

(2) The student's family is a member of or affiliated with a 50688
religious or secular organization that provides oversight of the 50689
school or from which the school has agreed to enroll students. 50690

(3) The student's parent is an employee of the school. 50691

(4) Some other qualification not based on the income of the 50692
student's family or the student's athletic or academic ability and 50693
for which all students in the school may qualify. 50694

Sec. 3317.021. (A) On or before the first day of June of each 50695
year, the tax commissioner shall certify to the department of 50696
education and the office of budget and management the information 50697
described in divisions (A)(1) to (5) of this section for each 50698
city, exempted village, and local school district, and the 50699
information required by divisions (A)(1) and (2) of this section 50700
for each joint vocational school district, and it shall be used, 50701
along with the information certified under division (B) of this 50702
section, in making the computations for the district under this 50703
chapter. 50704

(1) The taxable value of real and public utility real 50705
property in the school district subject to taxation in the 50706
preceding tax year, by class and by county of location. 50707

(2) The taxable value of tangible personal property, 50708
including public utility personal property, subject to taxation by 50709
the district for the preceding tax year. 50710

(3)(a) The total property tax rate and total taxes charged 50711
and payable for the current expenses for the preceding tax year 50712

and the total property tax rate and the total taxes charged and 50713
payable to a joint vocational district for the preceding tax year 50714
that are limited to or to the extent apportioned to current 50715
expenses. 50716

(b) The portion of the amount of taxes charged and payable 50717
reported for each city, local, and exempted village school 50718
district under division (A)(3)(a) of this section attributable to 50719
a joint vocational school district. 50720

(4) The value of all real and public utility real property in 50721
the school district exempted from taxation minus both of the 50722
following: 50723

(a) The value of real and public utility real property in the 50724
district owned by the United States government and used 50725
exclusively for a public purpose; 50726

(b) The value of real and public utility real property in the 50727
district exempted from taxation under Chapter 725. or 1728. or 50728
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 50729
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 50730

(5) The total federal adjusted gross income of the residents 50731
of the school district, based on tax returns filed by the 50732
residents of the district, for the most recent year for which this 50733
information is available, and the median Ohio adjusted gross 50734
income of the residents of the school district determined on the 50735
basis of tax returns filed for the second preceding tax year by 50736
the residents of the district. 50737

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the number of 50738
state tax returns filed by the residents of the district for the 50739
most recent year for which this information is available. 50740

(B) On or before the first day of May each year, the tax 50741
commissioner shall certify to the department of education and the 50742
office of budget and management the total taxable real property 50743

value of railroads and, separately, the total taxable tangible 50744
personal property value of all public utilities for the preceding 50745
tax year, by school district and by county of location. 50746

(C) If on the basis of the information certified under 50747
division (A) of this section, the department determines that any 50748
district fails in any year to meet the qualification requirement 50749
specified in division (A) of section 3317.01 of the Revised Code, 50750
the department shall immediately request the tax commissioner to 50751
determine the extent to which any school district income tax 50752
levied by the district under Chapter 5748. of the Revised Code 50753
shall be included in meeting that requirement. Within five days of 50754
receiving such a request from the department, the tax commissioner 50755
shall make the determination required by this division and report 50756
the quotient obtained under division (C)(3) of this section to the 50757
department and the office of budget and management. This quotient 50758
represents the number of mills that the department shall include 50759
in determining whether the district meets the qualification 50760
requirement of division (A) of section 3317.01 of the Revised 50761
Code. 50762

The tax commissioner shall make the determination required by 50763
this division as follows: 50764

(1) Multiply one mill times the total taxable value of the 50765
district as determined in divisions (A)(1) and (2) of this 50766
section; 50767

(2) Estimate the total amount of tax liability for the 50768
current tax year under taxes levied by Chapter 5748. of the 50769
Revised Code that are apportioned to current operating expenses of 50770
the district, excluding any income tax receipts allocated for the 50771
project cost, debt service, or maintenance set-aside associated 50772
with a state-assisted classroom facilities project as authorized 50773
by section 3318.052 of the Revised Code; 50774

(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section. 50775
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Sec. 3317.022. The department of education shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following: 50778
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For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for a funding unit that is a city, local, or exempted village school district: 50787
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The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in accordance with division (N)(1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(4) of this section - the district's disadvantaged pupil impact aid funding base calculated in accordance with division (N)(2) of section 3317.02 of the Revised Code) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] ~~+ the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code~~ 50789
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For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation 50803
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funding components for that fiscal year calculated under divisions 50806
(A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section ~~and~~ 50807
~~the district's supplemental targeted assistance funds calculated~~ 50808
~~under section 3317.0218 of the Revised Code~~, if the general 50809
assembly authorizes such payments to these funding units. 50810

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for the community 50811
and STEM school unit, an amount calculated in accordance with 50812
section 3317.026 of the Revised Code. 50813

For fiscal years ~~2024~~ 2026 and each fiscal year thereafter, 50814
for the community and STEM school unit, an amount calculated in 50815
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 50816
of this section, if the general assembly authorizes such payments 50817
to these funding units. 50818

For the educational choice scholarship unit, the amount 50819
calculated under division (A)(10) of this section. 50820

For the pilot project scholarship unit, the amount calculated 50821
under division (A)(11) of this section. 50822

For the autism scholarship unit, the amount calculated under 50823
division (A)(12) of this section. 50824

For the Jon Peterson special needs scholarship unit, the 50825
amount calculated under division (A)(13) of this section. 50826

(A) A funding unit's state core foundation funding components 50827
shall be the following: 50828

(1)(a) If the funding unit is a city, local, or exempted 50829
village school district, the district's state share, which is 50830
equal to the following: 50831

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 50832
calculated under division (B) of section 3317.017 of the Revised 50833
Code; 50834

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 50835

thereafter, an amount calculated in a manner determined by the 50836
general assembly. 50837

(b) If the funding unit is the community and STEM school 50838
unit, the aggregate base cost for all schools in that unit, which 50839
is equal to the following: 50840

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 50841
calculated under section 3317.0110 of the Revised Code; 50842

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 50843
thereafter, an amount calculated in a manner determined by the 50844
general assembly. 50845

(2) If the funding unit is a city, local, or exempted village 50846
school district, targeted assistance funds equal to the following: 50847

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 50848
calculated under section 3317.0217 of the Revised Code; 50849

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50850
thereafter, an amount calculated in a manner determined by the 50851
general assembly. 50852

(3) If the funding unit is a city, local, or exempted village 50853
school district or the community and STEM school unit, additional 50854
state aid for special education and related services provided 50855
under Chapter 3323. of the Revised Code calculated as follows: 50856

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 50857
following: 50858

(i) The funding unit's category one special education ADM X 50859
the multiple specified in division (A) of section 3317.013 of the 50860
Revised Code X the statewide average base cost per pupil for that 50861
fiscal year X if the funding unit is a city, local, or exempted 50862
village school district, the district's state share percentage; 50863

(ii) The funding unit's category two special education ADM X 50864
the multiple specified in division (B) of section 3317.013 of the 50865

Revised Code X the statewide average base cost per pupil for that 50866
fiscal year X if the funding unit is a city, local, or exempted 50867
village school district, the district's state share percentage; 50868

(iii) The funding unit's category three special education ADM 50869
X the multiple specified in division (C) of section 3317.013 of 50870
the Revised Code X the statewide average base cost per pupil for 50871
that fiscal year X if the funding unit is a city, local, or 50872
exempted village school district, the district's state share 50873
percentage; 50874

(iv) The funding unit's category four special education ADM X 50875
the multiple specified in division (D) of section 3317.013 of the 50876
Revised Code X the statewide average base cost per pupil for that 50877
fiscal year X if the funding unit is a city, local, or exempted 50878
village school district, the district's state share percentage; 50879

(v) The funding unit's category five special education ADM X 50880
the multiple specified in division (E) of section 3317.013 of the 50881
Revised Code X the statewide average base cost per pupil for that 50882
fiscal year X if the funding unit is a city, local, or exempted 50883
village school district, the district's state share percentage; 50884

(vi) The funding unit's category six special education ADM X 50885
the multiple specified in division (F) of section 3317.013 of the 50886
Revised Code X the statewide average base cost per pupil for that 50887
fiscal year X if the funding unit is a city, local, or exempted 50888
village school district, the district's state share percentage. 50889

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50890
thereafter, the sum of the following: 50891

(i) An amount calculated in a manner determined by the 50892
general assembly times the funding unit's category one special 50893
education ADM; 50894

(ii) An amount calculated in a manner determined by the 50895
general assembly times the funding unit's category two special 50896

education ADM;	50897
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;	50898 50899 50900
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	50901 50902 50903
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	50904 50905 50906
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	50907 50908 50909
(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:	50910 50911 50912 50913
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	50914 50915
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the following product:	50916 50917
\$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code	50918 50919 50920
(ii) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	50921 50922 50923
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	50924 50925
(i) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , an amount	50926

calculated as follows: 50927

(I) For each student in the funding unit's enrolled ADM who 50928
is economically disadvantaged and is not enrolled in an internet- 50929
or computer-based community school, multiply \$422 by the 50930
economically disadvantaged index of the school in which the 50931
student is enrolled; 50932

(II) Compute the funding unit's disadvantaged pupil impact 50933
aid by calculating the sum of the amounts determined under 50934
division (A)(4)(b)(i)(I) of this section. 50935

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 50936
thereafter, an amount calculated as follows: 50937

(I) For each student in the funding unit's enrolled ADM who 50938
is economically disadvantaged and is not enrolled in an internet- 50939
or computer-based community school, calculate an amount in the 50940
manner determined by the general assembly; 50941

(II) Compute the funding unit's disadvantaged pupil impact 50942
aid by calculating the sum of the amounts determined under 50943
division (A)(4)(b)(ii)(I) of this section. 50944

(5) If the funding unit is a city, local, or exempted village 50945
school district or the community and STEM school unit, English 50946
learner funds calculated as follows: 50947

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 50948
following: 50949

(i) The funding unit's category one English learner ADM X the 50950
multiple specified in division (A) of section 3317.016 of the 50951
Revised Code X the statewide average base cost per pupil for that 50952
fiscal year X if the funding unit is a city, local, or exempted 50953
village school district, the district's state share percentage; 50954

(ii) The funding unit's category two English learner ADM X 50955
the multiple specified in division (B) of section 3317.016 of the 50956

Revised Code X the statewide average base cost per pupil for that 50957
fiscal year X if the funding unit is a city, local, or exempted 50958
village school district, the district's state share percentage; 50959

(iii) The funding unit's category three English learner ADM X 50960
the multiple specified in division (C) of section 3317.016 of the 50961
Revised Code X the statewide average base cost per pupil for that 50962
fiscal year X if the funding unit is a city, local, or exempted 50963
village school district, the district's state share percentage. 50964

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50965
thereafter, the sum of the following: 50966

(i) An amount calculated in a manner determined by the 50967
general assembly times the funding unit's category one English 50968
learner ADM; 50969

(ii) An amount calculated in a manner determined by the 50970
general assembly times the funding unit's category two English 50971
learner ADM; 50972

(iii) An amount calculated in a manner determined by the 50973
general assembly times the funding unit's category three English 50974
learner ADM. 50975

(6)(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if the 50976
funding unit is a city, local, or exempted village school 50977
district, all of the following: 50978

(i) Gifted identification funds calculated according to the 50979
following formula: 50980

\$24 X the district's enrolled ADM for grades kindergarten through 50981
six X the district's state share percentage 50982

(ii) Gifted referral funds calculated according to the 50983
following formula: 50984

\$2.50 X the district's enrolled ADM X the district's state share 50985
percentage 50986

(iii) Gifted professional development funds calculated	50987
according to the following formula:	50988
(The greater of the number of gifted students enrolled in the	50989
district as certified under division (B)(22) of section 3317.03 of	50990
the Revised Code and ten per cent of the district's enrolled ADM)	50991
X the district's state share percentage X \$7 <u>\$21</u> , for fiscal year	50992
2022 <u>2024</u> , or \$14 <u>\$28</u> , for fiscal year 2023 <u>2025</u>	50993
(iv) Gifted unit funding calculated under section 3317.051 of	50994
the Revised Code.	50995
(b) For fiscal year 2024 <u>2026</u> and each fiscal year	50996
thereafter, all of the following:	50997
(i) Gifted identification funds calculated in a manner	50998
determined by the general assembly;	50999
(ii) Gifted referral funds calculated in a manner determined	51000
by the general assembly, if the general assembly authorizes such a	51001
payment;	51002
(iii) Gifted professional development funds calculated in a	51003
manner determined by the general assembly, if the general assembly	51004
authorizes such a payment;	51005
(iv) Gifted unit funding calculated in an amount determined	51006
by the general assembly.	51007
(7) If the funding unit is a city, local, or exempted village	51008
school district or the community and STEM school unit,	51009
career-technical education funds calculated under division (C) of	51010
section 3317.014 of the Revised Code.	51011
(8) If the funding unit is a city, local, or exempted village	51012
school district or the community and STEM school unit,	51013
career-technical education associated services funds calculated	51014
under division (D) of section 3317.014 of the Revised Code.	51015
(9) If the funding unit is the community and STEM school	51016

unit, an amount calculated as follows: 51017

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 51018
to the following: 51019

[The number of students in the funding unit's enrolled ADM who are 51020
reported under division (B)(5) of section 3314.08 of the Revised 51021
Code X (the aggregate base cost calculated for all schools in the 51022
funding unit for that fiscal year under section 3317.0110 of the 51023
Revised Code / the funding unit's enrolled ADM) X.20] 51024

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 51025
thereafter, an amount calculated in a manner determined by the 51026
general assembly. 51027

(10) If the funding unit is the educational choice 51028
scholarship unit, an amount calculated as follows: 51029

(a) For each student in the funding unit's enrolled ADM, 51030
determine the lesser of the following: 51031

(i) The base tuition of the chartered nonpublic school in 51032
which the student is enrolled minus the total amount of any 51033
applicable tuition discounts for which the student qualifies; 51034

~~(ii)~~(ii)(I) If the student receives a scholarship under 51035
section 3310.03 of the Revised Code, or received a scholarship for 51036
the first time under section 3310.032 of the Revised Code prior to 51037
the effective date of this amendment and the student's parent does 51038
not elect to receive a scholarship amount under division 51039
(A)(10)(a)(ii)(II) of this section, \$5,500, if the student is in 51040
grades kindergarten through eight, or \$7,500, if the student is in 51041
grades nine through twelve. 51042

(II) If the student receives a scholarship for the first time 51043
under section 3310.032 of the Revised Code on and after the 51044
effective date of this amendment, or if a student who received a 51045
scholarship for the first time under that section prior to that 51046
date and the student's parent elects to receive a scholarship 51047

amount under division (A)(10)(a)(ii)(II) of this section, an 51048
amount calculated in accordance with section 3310.08 of the 51049
Revised Code. The department shall provide an opportunity each 51050
fiscal year for a parent to elect to receive a scholarship amount 51051
under division (A)(10)(a)(ii)(II) of this section. 51052

The amounts specified in division 51053
~~(A)(10)(a)(ii)~~(A)(10)(a)(ii)(I) of this section shall increase in 51054
future fiscal years by the same percentage that the statewide 51055
average base cost per pupil increases in future fiscal years. 51056

(b) Compute the sum of the amounts calculated under division 51057
(A)(10)(a) of this section. 51058

(11) If the funding unit is the pilot project scholarship 51059
unit, an amount calculated as follows: 51060

(a) For each student in the funding unit's enrolled ADM, 51061
determine the lesser of the following: 51062

(i) The net tuition charges of the student's alternative 51063
school; 51064

(ii) \$5,500, if the student is in grades kindergarten through 51065
eight, or \$7,500, if the student is in grades nine through twelve. 51066

The amounts specified in division (A)(11)(a)(ii) of this 51067
section shall increase in future fiscal years by the same 51068
percentage that the statewide average base cost per pupil 51069
increases in future fiscal years. 51070

For purposes of division (A)(11)(a) of this section, the net 51071
tuition and fees charged to a student shall be the tuition amount 51072
specified by the alternative school minus all other financial aid, 51073
discounts, and adjustments received for the student. In cases 51074
where discounts are offered for multiple students from the same 51075
family, and not all students in the same family are scholarship 51076
recipients, the net tuition amount attributable to the scholarship 51077

recipient shall be the lowest net tuition to which the family is 51078
entitled. 51079

The department shall provide for an increase in the amount 51080
determined for any student who is an LRE student with a disability 51081
and shall further increase such amount in the case of any 51082
separately educated student with a disability, as that term is 51083
defined in section 3313.974 of the Revised Code. Such increases 51084
shall take into account the instruction, related services, and 51085
transportation costs of educating such students. 51086

(b) Compute the sum of the amounts calculated under division 51087
(A)(17)(a) of this section. 51088

(12) If the funding unit is the autism scholarship unit, an 51089
amount calculated as follows: 51090

(a) For each student in the funding unit's enrolled ADM, 51091
determine the lesser of the following: 51092

(i) The tuition charged for the student's special education 51093
program, as that term is defined in section 3310.41 of the Revised 51094
Code; 51095

(ii) ~~\$31,500, for fiscal year 2022, and \$32,445, for fiscal~~ 51096
~~year 2023 and each fiscal year thereafter.~~ 51097

(b) Compute the sum of the amounts calculated under division 51098
(A)(12)(a) of this section. 51099

(13) If the funding unit is the Jon Peterson special needs 51100
scholarship unit, an amount calculated as follows: 51101

(a) For each student in the funding unit's enrolled ADM, 51102
determine the least of the following: 51103

(i) The amount of fees charged for that school year by the 51104
student's alternative public provider or registered private 51105
provider, as those terms are defined in section 3310.51 of the 51106
Revised Code; 51107

(ii) ~~\$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, \$7,190~~ plus an amount determined as follows: 51108
51109

(I) If the student is receiving special education services 51110
for a disability specified in division (A) of section 3317.013 of 51111
the Revised Code, ~~\$1,514, for fiscal year 2022, and \$1,562, for~~ 51112
~~fiscal year 2023~~ \$1,751, for fiscal year 2024, and \$2,395 for 51113
fiscal year 2025; 51114

(II) If the student is receiving special education services 51115
for a disability specified in division (B) of section 3317.013 of 51116
the Revised Code, ~~\$3,841, for fiscal year 2022, and \$3,963, for~~ 51117
~~fiscal year 2023~~ \$4,442, for fiscal year 2024, and \$5,280 for 51118
fiscal year 2025; 51119

(III) If the student is receiving special education services 51120
for a disability specified in division (C) of section 3317.013 of 51121
the Revised Code, ~~\$9,465, for fiscal year 2022, and \$9,522, for~~ 51122
~~fiscal year 2023~~ \$10,673, for fiscal year 2024, and \$11,960 for 51123
fiscal year 2025; 51124

(IV) If the student is receiving special education services 51125
for a disability specified in division (D) of section 3317.013 of 51126
the Revised Code, ~~\$12,644, for fiscal year 2022, and \$12,707, for~~ 51127
~~fiscal year 2023~~ \$14,243, for fiscal year 2024, and \$15,787 for 51128
fiscal year 2025; 51129

(V) If the student is receiving special education services 51130
for a disability specified in division (E) of section 3317.013 of 51131
the Revised Code, ~~\$17,193, for fiscal year 2022, and \$17,209, for~~ 51132
~~fiscal year 2023~~ \$19,290, for fiscal year 2024, and \$21,197 for 51133
fiscal year 2025; 51134

(VI) If the student is receiving special education services 51135
for a disability specified in division (F) of section 3317.013 of 51136
the Revised Code, ~~\$24,591, for fiscal year 2022, and \$25,370, for~~ 51137
~~fiscal year 2023~~ \$28,438, for fiscal year 2024, and \$30,469 for 51138

fiscal year 2025. 51139

(iii) \$27,000 \$30,000, for fiscal year 2024, and \$32,445 for 51140
fiscal year 2025. 51141

The amount specified ~~for fiscal year 2023~~ in division 51142
(A)(13)(a)(ii) of this section shall increase in future fiscal 51143
years by the same percentage that the statewide average base cost 51144
per pupil increases in future fiscal years. 51145

The amounts specified ~~for fiscal year 2023~~ in divisions 51146
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in future 51147
fiscal years by the same percentage that the amounts calculated by 51148
the general assembly for those categories of special education 51149
services under division (A)(3) of this section increase in future 51150
fiscal years. 51151

(b) Compute the sum of the amounts calculated under division 51152
(A)(13)(a) of this section. 51153

(B) In any fiscal year, a funding unit that is a city, local, 51154
or exempted village school district shall spend for purposes that 51155
the department designates as approved for special education and 51156
related services expenses at least the amount calculated as 51157
follows: 51158

(The base cost per pupil calculated for the district for that 51159
fiscal year X the total special education ADM) + (the district's 51160
category one special education ADM X the multiple specified in 51161
division (A) of section 3317.013 of the Revised Code X the 51162
statewide average base cost per pupil) + (the district's category 51163
two special education ADM X the multiple specified in division (B) 51164
of section 3317.013 of the Revised Code X the statewide average 51165
base cost per pupil) + (the district's category three special 51166
education ADM X the multiple specified in division (C) of section 51167
3317.013 of the Revised Code X the statewide average base cost per 51168
pupil) + (the district's category four special education ADM X the 51169

multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil) + (the district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

(C) A funding unit that is a city, local, or exempted village school district shall spend the funds it receives under division (A)(4) of this section in accordance with section 3317.25 of the Revised Code.

(D)(1) Except as provided in division (B) of section 3317.026 of the Revised Code, the department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount for each student enrolled in the school equal to the sum of the following:

(a) The school's base cost per pupil for that fiscal year, calculated as follows:

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025:

The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year 51201
51202
51203

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount determined by the general assembly under division (A)(1)(b)(ii) of this section divided by the number of students enrolled in the school for that fiscal year. 51204
51205
51206
51207

(b) If the student is a special education student: 51208

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil; 51209
51210
51211
51212

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section. 51213
51214
51215
51216

(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged: 51217
51218

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section; 51219
51220
51221

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this section. 51222
51223
51224
51225

(d) If ~~the school is not an internet- or computer-based community school and~~ the student is an English learner: 51226
51227

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost 51228
51229
51230

per pupil; 51231

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51232
thereafter, the amount calculated for the student's special 51233
education category in a manner determined by the general assembly 51234
under division (A)(5)(b) of this section. 51235

(e) If the student is a career-technical education student: 51236

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 51237
specified for the student's career-technical education category 51238
under section 3317.014 of the Revised Code times the statewide 51239
average career-technical base cost per pupil; 51240

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51241
thereafter, the amount calculated for the student's 51242
career-technical education category in a manner determined by the 51243
general assembly under section 3317.014 of the Revised Code. 51244

(f) If the student is a career-technical education student: 51245

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 51246
for career-technical associated services specified under section 51247
3317.014 of the Revised Code times the statewide average 51248
career-technical base cost per pupil; 51249

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51250
thereafter, the amount calculated for career-technical associated 51251
services in a manner determined by the general assembly under 51252
section 3317.014 of the Revised Code. 51253

(2) The department shall distribute to each community school 51254
established under Chapter 3314. of the Revised Code and to each 51255
STEM school established under Chapter 3326. of the Revised Code, 51256
from the funds paid to the community and STEM school unit under 51257
this section, an amount equal to the amount calculated for the 51258
school under division (A)(9) of this section. 51259

(E) The department shall distribute to the parent of each 51260

student for whom an educational choice scholarship is awarded 51261
under section 3310.03 or 3310.032 of the Revised Code, or to the 51262
student if at least eighteen years of age, from the funds paid to 51263
the educational choice scholarship unit under this section, a 51264
scholarship equal to the amount calculated for the student under 51265
division (A)(10)(a) of this section. The scholarship shall be 51266
distributed in monthly partial payments, and the department shall 51267
proportionately reduce or terminate the payments for any student 51268
who withdraws from a chartered nonpublic school prior to the end 51269
of the school year. 51270

For purposes of divisions (E) and (F) of this section, in the 51271
case of a student who is not living with the student's parent, the 51272
department shall distribute the scholarship payments to the 51273
student's guardian, legal custodian, kinship caregiver, foster 51274
caregiver, or caretaker. For the purposes of this division, 51275
"caretaker" has the same meaning as in section 3310.033 of the 51276
Revised Code, "kinship caregiver" has the same meaning as in 51277
section 5101.85 of the Revised Code, and "foster caregiver" has 51278
the same meaning as in section 5103.02 of the Revised Code. 51279

(F) If a student is awarded a pilot project scholarship under 51280
sections 3313.974 to 3313.979 of the Revised Code, the department 51281
shall distribute to the parent of the student, if the student is 51282
attending a registered private school as defined in section 51283
3313.974 of the Revised Code, or the student's school district of 51284
attendance, if the scholarship is to be used for payments to a 51285
public school in a school district adjacent to the pilot project 51286
school district pursuant to section 3327.06 of the Revised Code, a 51287
scholarship from the funds paid to the pilot project scholarship 51288
unit under this section that is equal to the amount calculated for 51289
the student under division (A)(11)(a) of this section. 51290

In the case of a scholarship distributed to a student's 51291
parent, the scholarship shall be distributed in monthly partial 51292

payments. The scholarship amount shall be proportionately reduced 51293
in the case of any such student who is not enrolled in a 51294
registered private school, as that term is defined in section 51295
3313.974 of the Revised Code, for the entire school year. 51296

In the case of a scholarship distributed to a student's 51297
school district of attendance, the department shall, on behalf of 51298
the student's parents, use the scholarship to make the tuition 51299
payments required by section 3327.06 of the Revised Code to the 51300
student's school district of attendance, except that, 51301
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 51302
Revised Code, the total payments in any school year shall not 51303
exceed the scholarship amount calculated for the student under 51304
division (A)(11)(a) of this section. 51305

(G) The department shall distribute to the parent of each 51306
student for whom an autism scholarship is awarded under section 51307
3310.41 of the Revised Code, from the funds paid to the autism 51308
scholarship unit under this section, a scholarship equal to the 51309
amount calculated for the student under division (A)(12)(a) of 51310
this section. The scholarship shall be distributed from time to 51311
time in partial payments. The scholarship amount shall be 51312
proportionately reduced in the case of any student who is not 51313
enrolled in the special education program for which a scholarship 51314
was awarded under section 3310.41 of the Revised Code for the 51315
entire school year. The department shall make no payments to the 51316
parent of a student while any administrative or judicial mediation 51317
or proceedings with respect to the content of the student's 51318
individualized education program are pending. 51319

(H) The department shall distribute to the parent of each 51320
student for whom a Jon Peterson special needs scholarship is 51321
awarded under sections 3310.51 to 3310.64 of the Revised Code, 51322
from the funds paid to the Jon Peterson special needs scholarship 51323
unit under this section, a scholarship equal to the amount 51324

calculated for the student under division (A)(13)(a) of this 51325
section. The scholarship shall be distributed in periodic 51326
payments, and the department shall proportionately reduce or 51327
terminate the payments for any student who is not enrolled in the 51328
special education program of an alternative public provider or a 51329
registered private provider, as those terms are defined in section 51330
3310.51 of the Revised Code, for the entire school year. 51331

(I) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 51332
district shall spend the funds it receives under division (A)(5) 51333
of this section only for services for English learners. 51334

(J) For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal year 51335
thereafter, a school district shall spend the funds it receives 51336
under division (A)(6) of this section only for the identification 51337
of gifted students, gifted coordinator services, gifted 51338
intervention specialist services, other service providers approved 51339
by the department of education, and gifted professional 51340
development. For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal 51341
year thereafter, if the department determines that a district is 51342
not in compliance with this division, it shall reduce the 51343
district's payments for that fiscal year under this chapter by an 51344
amount equal to the amount paid to the district for that fiscal 51345
year under division (A)(6) of this section that was not spent in 51346
accordance with this division. The department shall reduce the 51347
payment within ninety days of data finalization. 51348

Sec. 3317.024. The following shall be distributed monthly, 51349
quarterly, or annually as may be determined by the state board of 51350
education: 51351

(A) An amount for each island school district and each joint 51352
state school district for the operation of each high school and 51353
each elementary school maintained within such district and for 51354
capital improvements for such schools. Such amounts shall be 51355

determined on the basis of standards adopted by the state board of 51356
education. However, for fiscal years 2012 and 2013, an island 51357
district shall receive the lesser of its actual cost of operation, 51358
as certified to the department of education, or ninety-three per 51359
cent of the amount the district received in state operating 51360
funding for fiscal year 2011. If an island district received no 51361
funding for fiscal year 2011, it shall receive no funding for 51362
either of fiscal year 2012 or 2013. 51363

(B) An amount for each school district required to pay 51364
tuition for a child in an institution maintained by the department 51365
of youth services pursuant to section 3317.082 of the Revised 51366
Code, provided the child was not included in the calculation of 51367
the district's formula ADM, as that term is defined in section 51368
3317.02 of the Revised Code, for the preceding school year. 51369

(C)(1) An amount for the approved cost of transporting 51370
eligible pupils with disabilities attending a special education 51371
program approved by the department of education whom it is 51372
impossible or impractical to transport by regular school bus in 51373
the course of regular route transportation provided by the school 51374
district or educational service center. For fiscal years ~~2022~~ 2024 51375
and ~~2023~~ 2025, this amount shall be equal to the actual costs 51376
incurred in the prior fiscal year by the district or service 51377
center when transporting those students, as reported to the 51378
department, multiplied by one of the following: 51379

(a) For a district, the percentage determined for the 51380
district for that fiscal year under divisions (E)(1)(c)(i) and 51381
(ii) of section 3317.0212 of the Revised Code; 51382

(b) For a service center, ~~twenty-nine~~ thirty-seven and 51383
~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 2024 and 51384
~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent for 51385
fiscal year ~~2023~~ 2025. 51386

(2) No district or service center is eligible to receive a payment under division (C) of this section for the cost of transporting any pupil whom it transports by regular school bus and who is included in the district's transportation ADM.

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, both of the following apply:

(a) The state board shall also establish the deadline for each district and service center to report its actual costs for transporting students described in division (C)(1) of this section.

(b) The costs reported by each district and service center under division (C) of this section shall be subject to periodic, random audits by the department.

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the state board of education.

(E)(1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E)(2) of this section.

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the

Revised Code. The election shall take effect the following first 51418
day of July. The school subsequently may rescind its election, but 51419
it may do so only in an odd-numbered year by notifying the 51420
department and the school district in which the school is located 51421
of the rescission not later than the first day of April of that 51422
year. Beginning the following first day of July after the 51423
rescission, the school shall receive funds under division (E)(1) 51424
of this section. 51425

(b) Not later later than ten days after the notification of 51426
approval and issuance of a charter to a nonpublic school, that 51427
school may elect to receive funds under division (E)(2) of this 51428
section. If no election is made, the chartered nonpublic school 51429
shall receive funds under division (E)(1) of this section. The 51430
school may subsequently change its election in accordance with 51431
division (E)(2)(a) of this section. 51432

(c) A chartered nonpublic school that elects to receive 51433
auxiliary services funds under division (E)(2) of this section may 51434
designate an organization that oversees one or more nonpublic 51435
schools to receive those funds on its behalf. 51436

(i) Each chartered nonpublic school that designates an 51437
organization to receive auxiliary services funds on its behalf 51438
shall notify the department of education of the organization's 51439
name not later than the first day of April of each odd-numbered 51440
year. 51441

(ii) A school may rescind its decision, but may do so only in 51442
each odd-numbered year by notifying the department of that 51443
rescission not later than the first day of April of that year. A 51444
rescission submitted in compliance with this division takes effect 51445
on the following first day of July, and the school district may 51446
elect to then begin receiving auxiliary services funds directly or 51447
as specified under division (E)(1) of this section. 51448

(iii) An organization shall disburse the auxiliary services 51449
funds of all chartered nonpublic schools that have designated the 51450
organization to receive funds on their behalf in accordance with 51451
division ~~(E)(2)(b)~~(E)(2)(c) of this section. If multiple chartered 51452
nonpublic schools designate the same organization to receive 51453
auxiliary services funds on their behalf, that organization may 51454
use one or more accounts for the purposes of managing the funds. 51455
The organization shall maintain appropriate accounting and 51456
reporting standards and ensure that each chartered nonpublic 51457
school receives the auxiliary services funds to which the school 51458
is entitled. 51459

(iv) Each chartered nonpublic school that elects to receive 51460
funds directly in accordance with division (E)(2) of this section 51461
or the organization designated to receive and disburse auxiliary 51462
services funds on behalf of a chartered nonpublic school shall 51463
maintain records of receipt and expenditures of the funds in a 51464
manner that conforms with generally accepted accounting 51465
principles. 51466

(v) The department of education shall create and disseminate 51467
a standardized reporting form that chartered nonpublic schools and 51468
organizations designated to receive funds in accordance with 51469
division ~~(E)(2)(b)~~(E)(2)(c) of this section may use to comply with 51470
division ~~(E)(2)(b)(iv)~~(E)(2)(c)(iv) of this section. However, the 51471
department shall not require schools to use that form. 51472

(vi) An organization that manages a school's auxiliary 51473
services funds pursuant to a designation made in accordance with 51474
division ~~(E)(2)(b)~~(E)(2)(c) of this section may require the 51475
school's governing authority to pay a fee for that service that 51476
does not exceed four per cent of the total amount of payments for 51477
auxiliary services that the school receives from the state. A 51478
school may pay any fee assessed pursuant to division 51479
~~(E)(2)(b)(vi)~~(E)(2)(c)(vi) of this section using auxiliary 51480

services funds. 51481

~~(e)~~(d) The amount paid under divisions (E)(1) and (2) of this 51482
section shall equal the total amount appropriated for the 51483
implementation of sections 3317.06 and 3317.062 of the Revised 51484
Code divided by the average daily membership in grades 51485
kindergarten through twelve in chartered nonpublic elementary and 51486
high schools within the state as determined as of the last day of 51487
October of each school year. 51488

(F) An amount for each county board of developmental 51489
disabilities for the approved cost of transportation required for 51490
children attending special education programs operated by the 51491
county board under section 3323.09 of the Revised Code. For fiscal 51492
years ~~2022~~ 2024 and ~~2023~~ 2025, this amount shall be equal to the 51493
actual costs incurred in the prior fiscal year by the county board 51494
when transporting those students multiplied by ~~twenty-nine~~ 51495
~~thirty-seven~~ and ~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 51496
2024 and ~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent 51497
for fiscal year ~~2023~~ 2025. 51498

(G) An amount to each institution defined under section 51499
3317.082 of the Revised Code providing elementary or secondary 51500
education to children other than children receiving special 51501
education under section 3323.091 of the Revised Code. This amount 51502
for any institution in any fiscal year shall equal the total of 51503
all tuition amounts required to be paid to the institution under 51504
division (A)(1) of section 3317.082 of the Revised Code. 51505

The state board of education or any other board of education 51506
or governing board may provide for any resident of a district or 51507
educational service center territory any educational service for 51508
which funds are made available to the board by the United States 51509
under the authority of public law, whether such funds come 51510
directly or indirectly from the United States or any agency or 51511
department thereof or through the state or any agency, department, 51512

or political subdivision thereof. 51513

Sec. 3317.026. This section shall apply only for fiscal years 51514
~~2022~~ 2024 and ~~2023~~ 2025. 51515

(A) For each fiscal year, the department of education shall 51516
calculate an amount for the community and STEM school unit as 51517
follows: 51518

(1) For each community school and STEM school, determine the 51519
sum of the following: 51520

(a) The aggregate base cost calculated for the school for 51521
that fiscal year under section 3317.0110 of the Revised Code; 51522

(b) The sum of the following: 51523

(i) The school's category one special education ADM X the 51524
multiple specified in division (A) of section 3317.013 of the 51525
Revised Code X the statewide average base cost per pupil for that 51526
fiscal year; 51527

(ii) The school's category two special education ADM X the 51528
multiple specified in division (B) of section 3317.013 of the 51529
Revised Code X the statewide average base cost per pupil for that 51530
fiscal year; 51531

(iii) The school's category three special education ADM X the 51532
multiple specified in division (C) of section 3317.013 of the 51533
Revised Code X the statewide average base cost per pupil for that 51534
fiscal year; 51535

(iv) The school's category four special education ADM X the 51536
multiple specified in division (D) of section 3317.013 of the 51537
Revised Code X the statewide average base cost per pupil for that 51538
fiscal year; 51539

(v) The school's category five special education ADM X the 51540
multiple specified in division (E) of section 3317.013 of the 51541

Revised Code X the statewide average base cost per pupil for that 51542
fiscal year; 51543

(vi) The school's category six special education ADM X the 51544
multiple specified in division (F) of section 3317.013 of the 51545
Revised Code X the statewide average base cost per pupil for that 51546
fiscal year. 51547

(c) If the school is not an internet- or computer-based 51548
community school, an amount of disadvantaged pupil impact aid 51549
equal to the following: 51550

\$422 X the school's economically disadvantaged index X the number 51551
of students in the school's enrolled ADM who are economically 51552
disadvantaged 51553

~~(d) If the school is not an internet- or computer-based~~ 51554
~~community school, the~~ The sum of the following: 51555

(i) The school's category one English learner ADM X the 51556
multiple specified in division (A) of section 3317.016 of the 51557
Revised Code X the statewide average base cost per pupil for that 51558
fiscal year; 51559

(ii) The school's category two English learner ADM X the 51560
multiple specified in division (B) of section 3317.016 of the 51561
Revised Code X the statewide average base cost per pupil for that 51562
fiscal year; 51563

(iii) The school's category three English learner ADM X the 51564
multiple specified in division (C) of section 3317.016 of the 51565
Revised Code X the statewide average base cost per pupil for that 51566
fiscal year. 51567

(e) The sum of the following: 51568

(i) The school's category one career-technical education ADM 51569
X the multiple specified under division (A)(1) of section 3317.014 51570
of the Revised Code X the statewide average career-technical base 51571

cost per pupil for that fiscal year;	51572
(ii) The school's category two career-technical education ADM	51573
X the multiple specified under division (A)(2) of section 3317.014	51574
of the Revised Code X the statewide average career-technical base	51575
cost per pupil for that fiscal year;	51576
(iii) The school's category three career-technical education	51577
ADM X the multiple specified under division (A)(3) of section	51578
3317.014 of the Revised Code X the statewide average	51579
career-technical base cost per pupil for that fiscal year;	51580
(iv) The school's category four career-technical education	51581
ADM X the multiple specified under division (A)(4) of section	51582
3317.014 of the Revised Code X the statewide average	51583
career-technical base cost per pupil for that fiscal year;	51584
(v) The school's category five career-technical education ADM	51585
X the multiple specified under division (A)(5) of section 3317.014	51586
of the Revised Code X the statewide average career-technical base	51587
cost per pupil for that fiscal year.	51588
(f) An amount equal to the following:	51589
The multiple for career-technical associated services specified	51590
under division (B) of section 3317.014 of the Revised Code X the	51591
statewide average career-technical base cost per pupil for that	51592
fiscal year X the sum of the school's categories one through five	51593
career-technical education ADM	51594
(g) If the school is a community school, an amount equal to	51595
the following:	51596
The number of students reported by the community school under	51597
division (B)(5) of section 3314.08 of the Revised Code X (the	51598
aggregate base cost calculated for the school for that fiscal year	51599
under section 3317.0110 of the Revised Code / the school's	51600
enrolled ADM) X 0.20	51601
(2) For each community and STEM school, determine the lesser	51602

of the following: 51603

(a) The following sum: 51604

The school's funding base + {[the sum calculated for the school 51605
under division (A) of this section) - the school's funding base] X 51606
the school's general phase-in percentage for that fiscal year} 51607

(b) The sum of the amounts calculated for the school for that 51608
fiscal year under division (A) of this section. 51609

(3) Compute the sum of the amounts determined under division 51610
(B) of this section to determine the amount calculated for the 51611
community and STEM school unit. 51612

(B) Notwithstanding division (D) of section 3317.022 of the 51613
Revised Code, for each fiscal year, the department shall 51614
distribute to each community school and each STEM school, from the 51615
funds paid to the community and STEM school unit under section 51616
3317.022 of the Revised Code, an amount equal to the amount 51617
determined for that school under division (A)(2) of this section. 51618

Sec. 3317.0212. (A) As used in this section: 51619

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "assigned bus" 51620
means a school bus used to transport qualifying riders. 51621

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "density" means 51622
the total riders per square mile of a school district. 51623

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "nontraditional 51624
ridership" means the average number of qualifying riders who are 51625
enrolled in a community school established under Chapter 3314. of 51626
the Revised Code, in a STEM school established under Chapter 3326. 51627
of the Revised Code, or in a nonpublic school and are provided 51628
school bus service by a school district during the first full week 51629
of October. 51630

(4) "Qualifying riders" means the following: 51631

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, resident students enrolled in preschool and regular education in grades kindergarten to twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school;

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, students specified by the general assembly.

(5) "Qualifying ridership" means the following:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the greater of the average number of qualifying riders counted in the morning or counted in the afternoon who are provided school bus service by a school district during the first full week of October;

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, a ridership determined in a manner specified by the general assembly.

(6) "Rider density" means the following:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following quotient:

A school district's total number of qualifying riders/ the number of square miles in the district

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, a number calculated in a manner determined by the general assembly.

(7) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "riders" means students enrolled in regular and special education in grades kindergarten through twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school

district, and students enrolled in a community school, STEM 51662
school, or nonpublic school. 51663

(8) "School bus service" means a school district's 51664
transportation of qualifying riders in any of the following types 51665
of vehicles: 51666

(a) School buses owned or leased by the district; 51667

(b) School buses operated by a private contractor hired by 51668
the district; 51669

(c) School buses operated by another school district or 51670
entity with which the district has contracted, either as part of a 51671
consortium for the provision of transportation or otherwise. 51672

(B) Not later than the first day of November, for fiscal 51673
years ~~2022~~ 2024 and ~~2023~~ 2025, or a date determined by the general 51674
assembly, for fiscal year ~~2024~~ 2026 and each fiscal year 51675
thereafter, of each year, each city, local, and exempted village 51676
school district shall report to the department of education its 51677
qualifying ridership and any other information requested by the 51678
department. Subsequent adjustments to the reported numbers shall 51679
be made only in accordance with rules adopted by the department. 51680

(C) The department shall calculate the statewide 51681
transportation cost per student as follows: 51682

(1) Determine each city, local, and exempted village school 51683
district's transportation cost per student by dividing the 51684
district's total costs for school bus service in the previous 51685
fiscal year by its qualifying ridership in the previous fiscal 51686
year. 51687

(2) After excluding districts that do not provide school bus 51688
service and the ten districts with the highest transportation 51689
costs per student and the ten districts with the lowest 51690
transportation costs per student, divide the aggregate cost for 51691

school bus service for the remaining districts in the previous 51692
fiscal year by the aggregate qualifying ridership of those 51693
districts in the previous fiscal year. 51694

(D) The department shall calculate the statewide 51695
transportation cost per mile as follows: 51696

(1) Determine each city, local, and exempted village school 51697
district's transportation cost per mile by dividing the district's 51698
total costs for school bus service in the previous fiscal year by 51699
its total number of miles driven for school bus service in the 51700
previous fiscal year. 51701

(2) After excluding districts that do not provide school bus 51702
service and the ten districts with the highest transportation 51703
costs per mile and the ten districts with the lowest 51704
transportation costs per mile, divide the aggregate cost for 51705
school bus service for the remaining districts in the previous 51706
fiscal year by the aggregate miles driven for school bus service 51707
in those districts in the previous fiscal year. 51708

(E) The department shall calculate each city, local, and 51709
exempted village school district's transportation base payment as 51710
follows: 51711

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 51712

(a) Calculate the sum of the following: 51713

(i) The product of the statewide transportation cost per 51714
student and the number of students counted in the district's 51715
qualifying ridership for the current fiscal year who are enrolled 51716
in the district; 51717

(ii) 1.5 times the statewide transportation cost per student 51718
times the number of students counted in the district's qualifying 51719
ridership for the current fiscal year who are enrolled in 51720
community schools established under Chapter 3314. of the Revised 51721

Code or STEM schools established under Chapter 3326. of the 51722
Revised Code; 51723

(iii) 2.0 times the statewide transportation cost per student 51724
times the number of students counted in the district's qualifying 51725
ridership for the current fiscal year who are enrolled in 51726
nonpublic schools. 51727

(b) Calculate the sum of the following: 51728

(i) The product of the statewide transportation cost per mile 51729
and the number of miles driven for school bus service as reported 51730
for qualifying riders for the current fiscal year who are enrolled 51731
in the district; 51732

(ii) 1.5 times the statewide transportation cost per mile 51733
times the number of miles driven for school bus service as 51734
reported for qualifying riders for the current fiscal year who are 51735
enrolled in community schools or STEM schools; 51736

(iii) 2.0 times the statewide transportation cost per mile 51737
times the number of miles driven for school bus service as 51738
reported for qualifying riders for the current fiscal year who are 51739
enrolled in nonpublic schools. 51740

(c) Multiply the greater of the amounts calculated under 51741
divisions (E)(1)(a) and (b) of this section by the following: 51742

(i) For fiscal year ~~2022~~ 2024, the greater of ~~twenty-nine~~ 51743
thirty-seven and ~~one-sixth~~ one-half per cent or the district's 51744
state share percentage, as defined in section 3317.02 of the 51745
Revised Code; 51746

(ii) For fiscal year ~~2023~~ 2025, the greater of ~~thirty-three~~ 51747
forty-one and ~~one-third~~ two-thirds per cent or the district's 51748
state share percentage. 51749

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 51750
thereafter, an amount determined by the general assembly. 51751

(F) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 51752
shall pay a district's efficiency adjustment payment in accordance 51753
with divisions (F)(1) to (3) of this section. For fiscal year ~~2024~~ 51754
2026 and each fiscal year thereafter, the department shall pay a 51755
district's efficiency adjustment payment in a manner determined by 51756
the general assembly, if the general assembly authorizes such a 51757
payment to districts. 51758

(1) The department annually shall establish a target number 51759
of qualifying riders per assigned bus for each city, local, and 51760
exempted village school district. The department shall use the 51761
most recently available data in establishing the target number. 51762
The target number shall be based on the statewide median number of 51763
riders per assigned bus as adjusted to reflect the district's 51764
density in comparison to the density of all other districts. The 51765
department shall post on the department's web site each district's 51766
target number of riders per assigned bus and a description of how 51767
the target number was determined. 51768

(2) The department shall determine each school district's 51769
efficiency index by dividing the district's number of riders per 51770
assigned bus by its target number of riders per assigned bus. 51771

(3) The department shall determine each city, local, and 51772
exempted village school district's efficiency adjustment payment 51773
as follows: 51774

(a) If the district's efficiency index is equal to or greater 51775
than 1.5, the efficiency adjustment payment shall be calculated 51776
according to the following formula: 51777
 $0.15 \times$ the district's transportation base payment calculated under 51778
division (E) of this section 51779

(b) If the district's efficiency index is less than 1.5 but 51780
greater than or equal to 1.0, the efficiency adjustment payment 51781
shall be calculated according to the following formula: 51782

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 51783
district's transportation base payment calculated under division 51784
(E) of this section 51785

(c) If the district's efficiency index is less than 1.0, the 51786
efficiency adjustment payment shall be zero. 51787

(G) In addition to funds paid under divisions (E), (F), and 51788
(H) of this section, each city, local, and exempted village 51789
district shall receive in accordance with rules adopted by the 51790
state board of education a payment for students transported by 51791
means other than school bus service and whose transportation is 51792
not funded under division (C) of section 3317.024 of the Revised 51793
Code. The rules shall include provisions for school district 51794
reporting of such students. 51795

(H)(1) For purposes of division (H) of this section, a school 51796
district's "transportation supplement percentage" means the 51797
following: 51798

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 51799
quotient: 51800

(28 - the district's rider density) / 100 51801

If the result of the calculation for a district under 51802
division (H)(1)(a) of this section is less than zero, the 51803
district's transportation supplement percentage shall be zero. 51804

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 51805
thereafter, a percentage calculated in a manner determined by the 51806
general assembly. 51807

(2) The department shall pay each district a transportation 51808
supplement calculated according to the following formula: 51809

The district's transportation supplement percentage X the amount 51810
calculated for the district under division (E)(1)(b) of this 51811
section X 0.55 51812

(I)(1) If a school district board and a community school 51813

governing authority elect to enter into an agreement under 51814
division (A) of section 3314.091 of the Revised Code, the 51815
department shall make payments to the community school according 51816
to the terms of the agreement for each student actually 51817
transported under division (C)(1) of that section. If a community 51818
school governing authority accepts transportation responsibility 51819
under division (B) of that section, the department shall make 51820
payments to the community school for each student actually 51821
transported or for whom transportation is arranged by the 51822
community school under division (C)(1) of that section, calculated 51823
as follows: 51824

(a) For any fiscal year which the general assembly has 51825
specified that transportation payments to school districts be 51826
based on an across-the-board percentage of the district's payment 51827
for the previous school year, the per pupil payment to the 51828
community school shall be the following quotient: 51829

(i) The total amount calculated for the school district in 51830
which the child is entitled to attend school for student 51831
transportation other than transportation of children with 51832
disabilities; divided by 51833

(ii) The number of students included in the district's 51834
transportation ADM for the current fiscal year, as calculated 51835
under section 3317.03 of the Revised Code, plus the number of 51836
students enrolled in the community school not counted in the 51837
district's transportation ADM who are transported under division 51838
(B)(1) or (2) of section 3314.091 of the Revised Code. 51839

(b) For any fiscal year which the general assembly has 51840
specified that the transportation payments to school districts be 51841
calculated in accordance with this section and any rules of the 51842
state board of education implementing this section, the payment to 51843
the community school shall be the following: 51844

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, either of the 51845
following: 51846

(I) If the school district in which the student is entitled 51847
to attend school would have used a method of transportation for 51848
the student for which payments are computed and paid under 51849
division (E) of this section, 1.0 times the statewide 51850
transportation cost per student, as calculated in division (C) of 51851
this section; 51852

(II) If the school district in which the student is entitled 51853
to attend school would have used a method of transportation for 51854
the student for which payments are computed and paid in a manner 51855
described in division (G) of this section, the amount that would 51856
otherwise be computed for and paid to the district. 51857

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51858
thereafter, an amount calculated in a manner determined by the 51859
general assembly. 51860

The community school, however, is not required to use the 51861
same method to transport the student. 51862

As used in this division, "entitled to attend school" means 51863
entitled to attend school under section 3313.64 or 3313.65 of the 51864
Revised Code. 51865

(2) A community school shall be paid under division (I)(2) of 51866
this section only for students who are eligible as specified in 51867
section 3327.01 of the Revised Code and division (C)(1) of section 51868
3314.091 of the Revised Code, and whose transportation to and from 51869
school is actually provided, who actually utilized transportation 51870
arranged, or for whom a payment in lieu of transportation is made 51871
by the community school's governing authority. To qualify for the 51872
payments, the community school shall report to the department, in 51873
the form and manner required by the department, data on the number 51874
of students transported or whose transportation is arranged, the 51875

number of miles traveled, cost to transport, and any other 51876
information requested by the department. 51877

Sec. 3317.0213. (A) The department of education shall compute 51878
and pay in accordance with this section additional state aid for 51879
preschool children with disabilities to each city, local, and 51880
exempted village school district and to each institution, as 51881
defined in section 3323.091 of the Revised Code. Funding shall be 51882
provided for children who are not enrolled in kindergarten and who 51883
are under age six on the thirtieth day of September of the 51884
academic year, or on the first day of August of the academic year 51885
if the school district in which the child is enrolled has adopted 51886
a resolution under division (A)(3) of section 3321.01 of the 51887
Revised Code, but not less than age three on the first day of 51888
December of the academic year. 51889

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the additional 51890
state aid shall be calculated under the following formula: 51891

(\$4,000 X the number of students who are preschool children 51892
with disabilities) + the sum of the following: 51893

(1) The district's or institution's category one special 51894
education students who are preschool children with disabilities X 51895
the multiple specified in division (A) of section 3317.013 of the 51896
Revised Code X the statewide average base cost per pupil for that 51897
fiscal year X the district's state share percentage X 0.50; 51898

(2) The district's or institution's category two special 51899
education students who are preschool children with disabilities X 51900
the multiple specified in division (B) of section 3317.013 of the 51901
Revised Code X the statewide average base cost per pupil for that 51902
fiscal year X the district's state share percentage X 0.50; 51903

(3) The district's or institution's category three special 51904
education students who are preschool children with disabilities X 51905

the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(4) The district's or institution's category four special education students who are preschool children with disabilities X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(5) The district's or institution's category five special education students who are preschool children with disabilities X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50;

(6) The district's or institution's category six special education students who are preschool children with disabilities X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage X 0.50.

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the additional state aid shall be calculated for each category of special education students who are preschool children with disabilities using a formula specified by the general assembly.

The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code.

As used in division (A) of this section, the state share percentage of a student enrolled in an institution is the state share percentage of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) If an educational service center is providing services to

students who are preschool children with disabilities under 51937
agreement with the city, local, or exempted village school 51938
district in which the students are entitled to attend school, that 51939
district may authorize the department to transfer funds computed 51940
under this section to the service center providing those services. 51941

(C) If a county DD board is providing services to students 51942
who are preschool children with disabilities under agreement with 51943
the city, local, or exempted village school district in which the 51944
students are entitled to attend school, the department shall 51945
deduct from the district's payment computed under division (A) of 51946
this section the total amount of those funds that are attributable 51947
to the students served by the county DD board and pay that amount 51948
to that board. 51949

Sec. 3317.0214. (A) The department shall compute and pay in 51950
accordance with this section additional state aid to school 51951
districts for students in categories two through six special 51952
education ADM. If a district's costs for the fiscal year for a 51953
student in its categories two through six special education ADM 51954
exceed the threshold ~~catastrophic~~ cost for serving the student, 51955
the district may submit to the superintendent of public 51956
instruction documentation, as prescribed by the superintendent, of 51957
all its costs for that student. Upon submission of documentation 51958
for a student of the type and in the manner prescribed, the 51959
department shall pay to the district an amount equal to the sum of 51960
the following: 51961

(1) One-half of the district's costs for the student in 51962
excess of the threshold ~~catastrophic~~ cost; 51963

(2) The product of one-half of the district's costs for the 51964
student in excess of the threshold ~~catastrophic~~ cost multiplied by 51965
the district's state share percentage. 51966

(B) For purposes of division (A) of this section, the 51967

threshold catastrophic cost for serving a student equals: 51968

(1) For a student in the school district's category two, 51969
three, four, or five special education ADM, twenty-seven thousand 51970
three hundred seventy-five dollars; 51971

(2) For a student in the district's category six special 51972
education ADM, thirty-two thousand eight hundred fifty dollars. 51973

(C) The district shall report under division (A) of this 51974
section, and the department shall pay for, only the costs of 51975
educational expenses and the related services provided to the 51976
student in accordance with the student's individualized education 51977
program. Any legal fees, court costs, or other costs associated 51978
with any cause of action relating to the student may not be 51979
included in the amount. 51980

Sec. 3317.0215. (A)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 51981
2025, the department of education shall withhold from the 51982
aggregate amount paid for a fiscal year to each city, local, 51983
exempted village, and joint vocational school district, community 51984
school established under Chapter 3314. of the Revised Code, and 51985
science, technology, engineering, and mathematics school 51986
established under Chapter 3326. of the Revised Code an amount 51987
equal to the following: 51988

(a) In the case of a city, local, or exempted village school 51989
district, the aggregate amount of special education funding paid 51990
to the district under division (A)(3) of section 3317.022 of the 51991
Revised Code times 0.10, subject to any funding limitations 51992
enacted by the general assembly to the computation. 51993

(b) In the case of a community school or STEM school, the 51994
aggregate amount of special education funding paid to the school 51995
under division (A)(1)(b) of section 3317.026 of the Revised Code 51996
times 0.10, subject to any funding limitations enacted by the 51997

general assembly to the computation. 51998

(c) In the case of a joint vocational school district, the 51999
aggregate amount of special education funding paid to the school 52000
under division (A)(2) of section 3317.16 of the Revised Code times 52001
0.10, subject to any funding limitations enacted by the general 52002
assembly to the computation. 52003

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52004
thereafter, the department of education shall withhold from the 52005
aggregate amount paid for a fiscal year to each city, local, 52006
exempted village, and joint vocational school district, community 52007
school, and science, technology, engineering, and mathematics 52008
school an amount determined by the general assembly, if any, for 52009
purposes of this section. 52010

(B) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 52011
shall use the amount of funds withheld under division (A) of this 52012
section for purposes of division (C)(1) of section 3314.08 of the 52013
Revised Code, section 3317.0214 of the Revised Code, division (B) 52014
of section 3317.16 of the Revised Code, and section 3326.34 of the 52015
Revised Code. 52016

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 52017
the department shall use the amount of funds withheld under 52018
division (A) of this section, if any, for purposes determined by 52019
the general assembly. 52020

Sec. 3317.0217. This section shall apply only for fiscal 52021
years ~~2022~~ 2024 and ~~2023~~ 2025. 52022

Payment of the amount calculated for a school district under 52023
this section shall be made under division (A) of section 3317.022 52024
of the Revised Code. 52025

(A) For each fiscal year, the department of education shall 52026
compute targeted assistance funds for city, local, and exempted 52027

village school districts, in accordance with the following 52028
formula: 52029
A district's capacity amount for that fiscal year calculated under 52030
division (B) of this section + a district's wealth amount for that 52031
fiscal year calculated under division (C) of this section 52032
(B) The department shall calculate each district's capacity 52033
amount for a fiscal year as follows: 52034
(1) Calculate each district's weighted wealth for that fiscal 52035
year, which equals the following sum: 52036
(The amount determined for the district for that fiscal year under 52037
division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 52038
+ (the amount determined for the district for that fiscal year 52039
under division (A)(2)(a) of section 3317.017 of the Revised Code X 52040
0.4) 52041
(2) Determine the median weighted wealth of all school 52042
districts in this state for that fiscal year; 52043
(3) Compute each district's capacity index for that fiscal 52044
year by dividing the median weighted wealth of all school 52045
districts in this state for that fiscal year by the district's 52046
weighted wealth for that fiscal year; 52047
(4) Compute each district's capacity amount for that fiscal 52048
year as follows: 52049
(a) The district's capacity amount shall be zero if the 52050
district satisfies either of the following criteria for that 52051
fiscal year: 52052
(i) The district's capacity index is less than 1. 52053
(ii) The district's enrolled ADM is less than 200. 52054
(b) If the district does not satisfy either of the criteria 52055
specified in division (B)(4)(a) of this section for that fiscal 52056
year, the district's capacity amount for that fiscal year shall be 52057

calculated as follows: 52058

(i) Compute the following amount for the district: 52059
(The median weighted wealth of all school districts in this state 52060
for that fiscal year X 0.008) - (the district's weighted wealth 52061
for that fiscal year X 0.008) 52062

(ii) If the district's enrolled ADM for that fiscal year is 52063
greater than or equal to 200 but less than or equal to 400, the 52064
district's capacity amount for that fiscal year shall be equal to 52065
0.05 X the amount computed under division (B)(4)(b)(i) of this 52066
section. 52067

(iii) If the district's enrolled ADM for that fiscal year is 52068
greater than 400 and less than 600, the district's capacity amount 52069
for that fiscal year shall be calculated in accordance with the 52070
following formula: 52071

{[0.95 X (the district's enrolled ADM for that fiscal year - 52072
400)/200] + 0.05} X the amount computed under division 52073
(B)(4)(b)(i) of this section 52074

(iv) If the district's enrolled ADM for that fiscal year is 52075
greater than or equal to 600, the district's capacity amount for 52076
that fiscal year shall be equal to the amount computed under 52077
division (B)(4)(b)(i) of this section. 52078

(C) The department shall calculate each district's wealth 52079
amount for a fiscal year as follows: 52080

(1) Calculate each district's weighted wealth per pupil for 52081
that fiscal year, which equals the following quotient: 52082

The district's weighted wealth for that fiscal year calculated 52083
under division (B)(1) of this section/ (the district's enrolled 52084
ADM for that fiscal year ~~—the students described in division~~ 52085
~~(A)(1)(b) of section 3317.03 of the Revised Code + the students~~ 52086
~~described in division (A)(2)(d) of section 3317.03 of the Revised~~ 52087
Code) 52088

(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year;

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year;

(4) Compute each district's wealth amount for that fiscal year, as follows:

(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero.

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula:

[(The median weighted wealth per pupil of all school districts in this state for that fiscal year X 0.014) - (the district's weighted wealth per pupil for that fiscal year X 0.0112)] X the district's enrolled ADM for that fiscal year

Sec. 3317.051. (A) The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

(b) One kindergarten through eighth grade gifted intervention

specialist unit shall be allocated for every 140 gifted students 52119
enrolled in grades kindergarten through eight in the district, as 52120
certified under division (B)(22) of section 3317.03 of the Revised 52121
Code, with a minimum of 0.3 units allocated for the district. 52122

(c) One ninth through twelfth grade gifted intervention 52123
specialist unit shall be allocated for every 140 gifted students 52124
enrolled in grades nine through twelve in the district, as 52125
certified under division (B)(22) of section 3317.03 of the Revised 52126
Code, with a minimum of 0.3 units allocated for the district. 52127

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52128
thereafter, in the manner prescribed by the general assembly. 52129

(C) The department shall pay an amount to a school district 52130
for gifted units as follows: 52131

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 52132
to the following sum: 52133

(\$85,776 X the number of units allocated to a school district 52134
under division (B)(1)(a) of this section X the district's state 52135
share percentage) + (\$89,378 X the number of units allocated to a 52136
school district under division (B)(1)(b) of this section X the 52137
district's state share percentage) + (\$80,974 X the number of 52138
units allocated to a school district under division (B)(1)(c) of 52139
this section X the district's state share percentage) 52140

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52141
thereafter, an amount calculated in a manner determined by the 52142
general assembly. 52143

(D) A school district may assign gifted unit funding that it 52144
receives under division (C) of this section to another school 52145
district, an educational service center, a community school, or a 52146
STEM school as part of an arrangement to provide services to the 52147
district. 52148

Sec. 3317.06. Moneys paid to school districts under division 52149
(E)(1) of section 3317.024 of the Revised Code shall be used for 52150
the following independent and fully severable purposes: 52151

(A) To purchase such secular textbooks or digital texts as 52152
have been approved by the superintendent of public instruction for 52153
use in public schools in the state and to loan such textbooks or 52154
digital texts to pupils attending nonpublic schools within the 52155
district described in division (E)(1) of section 3317.024 of the 52156
Revised Code or to their parents and to hire clerical personnel to 52157
administer such lending program. Such loans shall be based upon 52158
individual requests submitted by such nonpublic school pupils or 52159
parents. Such requests shall be submitted to the school district 52160
in which the nonpublic school is located. Such individual requests 52161
for the loan of textbooks or digital texts shall, for 52162
administrative convenience, be submitted by the nonpublic school 52163
pupil or the pupil's parent to the nonpublic school, which shall 52164
prepare and submit collective summaries of the individual requests 52165
to the school district. As used in this section: 52166

(1) "Textbook" means any book or book substitute that a pupil 52167
uses as a consumable or nonconsumable text, text substitute, or 52168
text supplement in a particular class or program in the school the 52169
pupil regularly attends. 52170

(2) "Digital text" means a consumable book or book substitute 52171
that a student accesses through the use of a computer or other 52172
electronic medium or that is available through an internet-based 52173
provider of course content, or any other material that contributes 52174
to the learning process through electronic means. 52175

(B) To provide speech and hearing diagnostic services to 52176
pupils attending nonpublic schools within the district described 52177
in division (E)(1) of section 3317.024 of the Revised Code. Such 52178
service shall be provided in the nonpublic school attended by the 52179

pupil receiving the service. 52180

(C) To provide physician, nursing, dental, and optometric 52181
services to pupils attending nonpublic schools within the district 52182
described in division (E)(1) of section 3317.024 of the Revised 52183
Code. Such services shall be provided in the school attended by 52184
the nonpublic school pupil receiving the service. 52185

(D) To provide diagnostic psychological services to pupils 52186
attending nonpublic schools within the district described in 52187
division (E)(1) of section 3317.024 of the Revised Code. Such 52188
services shall be provided in the school attended by the pupil 52189
receiving the service. 52190

(E) To provide therapeutic psychological and speech and 52191
hearing services to pupils attending nonpublic schools within the 52192
district described in division (E)(1) of section 3317.024 of the 52193
Revised Code. Such services shall be provided in the public 52194
school, in nonpublic schools, in public centers, or in mobile 52195
units located on or off of the nonpublic premises. If such 52196
services are provided in the public school or in public centers, 52197
transportation to and from such facilities shall be provided by 52198
the school district in which the nonpublic school is located. 52199

(F) To provide guidance, counseling, and social work services 52200
to pupils attending nonpublic schools within the district 52201
described in division (E)(1) of section 3317.024 of the Revised 52202
Code. Such services shall be provided in the public school, in 52203
nonpublic schools, in public centers, or in mobile units located 52204
on or off of the nonpublic premises. If such services are provided 52205
in the public school or in public centers, transportation to and 52206
from such facilities shall be provided by the school district in 52207
which the nonpublic school is located. 52208

(G) To provide remedial services to pupils attending 52209
nonpublic schools within the district described in division (E)(1) 52210

of section 3317.024 of the Revised Code. Such services shall be 52211
provided in the public school, in nonpublic schools, in public 52212
centers, or in mobile units located on or off of the nonpublic 52213
premises. If such services are provided in the public school or in 52214
public centers, transportation to and from such facilities shall 52215
be provided by the school district in which the nonpublic school 52216
is located. 52217

(H) To supply for use by pupils attending nonpublic schools 52218
within the district described in division (E)(1) of section 52219
3317.024 of the Revised Code such standardized tests and scoring 52220
services as are in use in the public schools of the state; 52221

(I) To provide programs for children who attend nonpublic 52222
schools within the district described in division (E)(1) of 52223
section 3317.024 of the Revised Code and are children with 52224
disabilities as defined in section 3323.01 of the Revised Code or 52225
gifted children. Such programs shall be provided in the public 52226
school, in nonpublic schools, in public centers, or in mobile 52227
units located on or off of the nonpublic premises. If such 52228
programs are provided in the public school or in public centers, 52229
transportation to and from such facilities shall be provided by 52230
the school district in which the nonpublic school is located. 52231

(J) To hire clerical personnel to assist in the 52232
administration of programs pursuant to divisions (B), (C), (D), 52233
(E), (F), (G), and (I) of this section and to hire supervisory 52234
personnel to supervise the providing of services and textbooks 52235
pursuant to this section. 52236

(K) To purchase or lease any secular, neutral, and 52237
nonideological computer application software designed to assist 52238
students in performing a single task or multiple related tasks, 52239
device management software, learning management software, 52240
site-licensing, digital video on demand (DVD), wide area 52241
connectivity and related technology as it relates to internet 52242

access, mathematics or science equipment and materials, 52243
instructional materials, and school library materials that are in 52244
general use in the public schools of the state and loan such items 52245
to pupils attending nonpublic schools within the district 52246
described in division (E)(1) of section 3317.024 of the Revised 52247
Code or to their parents, and to hire clerical personnel to 52248
administer the lending program. Only such items that are incapable 52249
of diversion to religious use and that are susceptible of loan to 52250
individual pupils and are furnished for the use of individual 52251
pupils shall be purchased and loaned under this division. As used 52252
in this section, "instructional materials" means prepared learning 52253
materials that are secular, neutral, and nonideological in 52254
character and are of benefit to the instruction of school 52255
children. "Instructional materials" includes media content that a 52256
student may access through the use of a computer or electronic 52257
device. 52258

Mobile applications that are secular, neutral, and 52259
nonideological in character and that are purchased for less than 52260
twenty dollars for instructional use shall be considered to be 52261
consumable and shall be distributed to students without the 52262
expectation that the applications must be returned. 52263

(L) To purchase or lease instructional equipment, including 52264
computer hardware and related equipment in general use in the 52265
public schools of the state, for use by pupils attending nonpublic 52266
schools within the district described in division (E)(1) of 52267
section 3317.024 of the Revised Code and to loan such items to 52268
pupils attending such nonpublic schools within the district or to 52269
their parents, and to hire clerical personnel to administer the 52270
lending program. "Computer hardware and related equipment" 52271
includes desktop computers and workstations; laptop computers, 52272
computer tablets, and other mobile handheld devices; their 52273
operating systems and accessories; and any equipment designed to 52274

make accessible the environment of a classroom to a student, who 52275
is physically unable to attend classroom activities due to 52276
hospitalization or other circumstances, by allowing real-time 52277
interaction with other students both one-on-one and in group 52278
discussion. 52279

(M) To purchase mobile units to be used for the provision of 52280
services pursuant to divisions (E), (F), (G), and (I) of this 52281
section and to pay for necessary repairs and operating costs 52282
associated with these units. 52283

(N) To reimburse costs the district incurred to store the 52284
records of a chartered nonpublic school that closes. 52285
Reimbursements under this division shall be made one time only for 52286
each chartered nonpublic school described in division (E)(1) of 52287
section 3317.024 of the Revised Code that closes. 52288

(O) To purchase life-saving medical or other emergency 52289
equipment for placement in nonpublic schools within the district 52290
described in division (E)(1) of section 3317.024 of the Revised 52291
Code or to maintain such equipment. 52292

(P) To procure and pay for security services from a county 52293
sheriff or a township or municipal police force or from a person 52294
certified through the Ohio peace officer training commission, in 52295
accordance with section 109.78 of the Revised Code, as a special 52296
police, security guard, or as a privately employed person serving 52297
in a police capacity for nonpublic schools in the district 52298
described in division (E)(1) of section 3317.024 of the Revised 52299
Code. 52300

(Q) To provide language and academic support services and 52301
other accommodations for English learners attending nonpublic 52302
schools within the district described in division (E)(1) of 52303
section 3317.024 of the Revised Code. 52304

Clerical and supervisory personnel hired pursuant to division 52305

(J) of this section shall perform their services in the public 52306
schools, in nonpublic schools, public centers, or mobile units 52307
where the services are provided to the nonpublic school pupil, 52308
except that such personnel may accompany pupils to and from the 52309
service sites when necessary to ensure the safety of the children 52310
receiving the services. 52311

All services provided pursuant to this section may be 52312
provided under contract with educational service centers, the 52313
department of health, city or general health districts, or private 52314
agencies whose personnel are properly licensed by an appropriate 52315
state board or agency. School districts shall not deny a nonpublic 52316
school's request for personnel who are properly licensed by a 52317
state board or agency. 52318

Transportation of pupils provided pursuant to divisions (E), 52319
(F), (G), and (I) of this section shall be provided by the school 52320
district from its general funds and not from moneys paid to it 52321
under division (E)(1) of section 3317.024 of the Revised Code 52322
unless a special transportation request is submitted by the parent 52323
of the child receiving service pursuant to such divisions. If such 52324
an application is presented to the school district, it may pay for 52325
the transportation from moneys paid to it under division (E)(1) of 52326
section 3317.024 of the Revised Code. 52327

No school district shall provide health or remedial services 52328
to nonpublic school pupils as authorized by this section unless 52329
such services are available to pupils attending the public schools 52330
within the district. 52331

Materials, equipment, computer hardware or software, 52332
textbooks, digital texts, and health and remedial services 52333
provided for the benefit of nonpublic school pupils pursuant to 52334
this section and the admission of pupils to such nonpublic schools 52335
shall be provided without distinction as to race, creed, color, or 52336
national origin of such pupils or of their teachers. 52337

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

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

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division (E)(1) of section 3317.024 of the Revised Code and any payments made to school districts under division (E)(1) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the state board of education's estimated annual average daily membership in nonpublic elementary and high schools located in the district described in division (E)(1) of section 3317.024 of the Revised Code.

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

The department of education shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts and educational service centers with which districts contract to provide auxiliary services shall

be reimbursed for administrative costs incurred in providing such 52369
programs and services, and under which any unexpended balance of 52370
the amounts appropriated by the general assembly to implement this 52371
section may be transferred to the auxiliary services personnel 52372
unemployment compensation fund established pursuant to section 52373
4141.47 of the Revised Code. If a district contracts with an 52374
educational service center to provide auxiliary services, only the 52375
service center shall be reimbursed for administrative costs. The 52376
department shall also adopt guidelines and procedures limiting the 52377
purchase and loan of the items described in division (K) of this 52378
section to items that are in general use in the public schools of 52379
the state, that are incapable of diversion to religious use, and 52380
that are susceptible to individual use rather than classroom use. 52381
Within thirty days after the end of each biennium, each board of 52382
education shall remit to the department all moneys paid to it 52383
under division (E)(1) of section 3317.024 of the Revised Code and 52384
any interest earned on those moneys that are not required to pay 52385
expenses incurred under this section during the biennium for which 52386
the money was appropriated and during which the interest was 52387
earned. If a board of education subsequently determines that the 52388
remittal of moneys leaves the board with insufficient money to pay 52389
all valid expenses incurred under this section during the biennium 52390
for which the remitted money was appropriated, the board may apply 52391
to the department of education for a refund of money, not to 52392
exceed the amount of the insufficiency. If the department 52393
determines the expenses were lawfully incurred and would have been 52394
lawful expenditures of the refunded money, it shall certify its 52395
determination and the amount of the refund to be made to the 52396
director of job and family services who shall make a refund as 52397
provided in section 4141.47 of the Revised Code. 52398

Each school district shall label materials, equipment, 52399
computer hardware or software, textbooks, and digital texts 52400
purchased or leased for loan to a nonpublic school under this 52401

section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in nature or have a value of less than two hundred dollars.

Sec. 3317.11. (A) As used in this section:

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "base amount" is equal to \$356,250.

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means an amount calculated by the department of education that is equal to the amount an educational service center would have received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made.

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.

(4) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department of education shall pay the governing board of each educational service center an amount equal to the following:

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general

phase-in percentage for that fiscal year] 52432

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52433
thereafter, the department shall pay the governing board of each 52434
educational service center an amount calculated in a manner 52435
determined by the general assembly. 52436

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 52437
shall calculate an amount for each educational service center as 52438
follows: 52439

(1) If the educational service center has a student count of 52440
5,000 students or less, the base amount. 52441

(2) If the educational service center has a student count 52442
greater than 5,000 students but less than or equal to 35,000 52443
students, the following sum: 52444
The base amount + [(the educational service center's student count 52445
- 5,000) X \$24.72] 52446

(3) If the educational service center has a student count 52447
greater than 35,000 students, the following sum: 52448
The base amount + (30,000 X \$24.72) + [(the educational service 52449
center's student count - 35,000) X \$30.90] 52450

Sec. 3317.16. The department of education shall compute and 52451
distribute state core foundation funding to each funding unit that 52452
is a joint vocational school district for the fiscal year as 52453
follows: 52454

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 52455

The district's funding base + [(the district's state core 52456
foundation funding components for that fiscal year calculated 52457
under divisions (A)(1), (2), (4), (5), and (6) of this section - 52458
the district's general funding base) X the district's general 52459
phase-in percentage for that fiscal year] + [(the district's 52460
disadvantaged pupil impact aid for that fiscal year calculated 52461

under division (A)(3) of this section - the district's 52462
disadvantaged pupil impact aid funding base) X the district's 52463
phase-in percentage for disadvantaged pupil impact aid for that 52464
fiscal year] 52465

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 52466
the sum of the district's state core foundation funding components 52467
for that fiscal year calculated under divisions (A)(1), (2), (3), 52468
(4), (5), and (6) of this section. 52469

(A) A district's state core foundation funding components 52470
shall be all of the following: 52471

(1) The district's state share of the base cost, which is 52472
equal to the following: 52473

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 52474
calculated according to the following formula: 52475
(The district's base cost calculated under section 3317.012 of the 52476
Revised Code) - (0.0005 X the lesser of the district's three-year 52477
average valuation or the district's most recent valuation) 52478

However, no district shall receive an amount under division 52479
(A)(1) of this section that is less than ~~0.05~~ 0.10 times the base 52480
cost calculated for the district under section 3317.012 of the 52481
Revised Code. 52482

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 52483
thereafter, an amount calculated in a manner determined by the 52484
general assembly. 52485

(2) Additional state aid for special education and related 52486
services provided under Chapter 3323. of the Revised Code 52487
calculated as follows: 52488

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 52489
following: 52490

(i) The district's category one special education ADM X the 52491

multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 52492
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52494

(ii) The district's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 52495
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(iii) The district's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 52499
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(iv) The district's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 52503
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(v) The district's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 52507
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(vi) The district's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage. 52511
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(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the sum of the following: 52515
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(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM; 52517
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(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special 52520
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education ADM;	52522
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;	52523 52524 52525
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	52526 52527 52528
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	52529 52530 52531
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	52532 52533 52534
(3) Disadvantaged pupil impact aid calculated as follows:	52535
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , an amount calculated according to the following formula:	52536 52537
\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	52538 52539 52540
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	52541 52542 52543
(4) English learner funds calculated as follows:	52544
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the sum of the following:	52545 52546
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	52547 52548 52549 52550
(ii) The district's category two English learner ADM X the	52551

multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; (iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage. (b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the sum of the following: (i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM; (ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM; (iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM. (5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code. (6) Career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code. (B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon

submission of documentation for a student of the type and in the 52582
manner prescribed, the department shall pay to the district an 52583
amount equal to the sum of the following: 52584

(a) One-half of the district's costs for the student in 52585
excess of the threshold ~~catastrophic~~ cost; 52586

(b) The product of one-half of the district's costs for the 52587
student in excess of the threshold ~~catastrophic~~ cost multiplied by 52588
the district's state share percentage. 52589

(2) The district shall report under division (B)(1) of this 52590
section, and the department shall pay for, only the costs of 52591
educational expenses and the related services provided to the 52592
student in accordance with the student's individualized education 52593
program. Any legal fees, court costs, or other costs associated 52594
with any cause of action relating to the student may not be 52595
included in the amount. 52596

(C)(1) For each student with a disability receiving special 52597
education and related services under an individualized education 52598
program, as defined in section 3323.01 of the Revised Code, at a 52599
joint vocational school district, the resident district or, if the 52600
student is enrolled in a community school, the community school 52601
shall be responsible for the amount of any costs of providing 52602
those special education and related services to that student that 52603
exceed the sum of the amount calculated for those services 52604
attributable to that student under division (A) of this section. 52605

Those excess costs shall be calculated using a formula 52606
approved by the department. 52607

(2) The board of education of the joint vocational school 52608
district may report the excess costs calculated under division 52609
(C)(1) of this section to the department of education. 52610

(3) If the board of education of the joint vocational school 52611
district reports excess costs under division (C)(2) of this 52612

section, the department shall pay the amount of excess cost 52613
calculated under division (C)(2) of this section to the joint 52614
vocational school district and shall deduct that amount as 52615
provided in division (C)(3)(a) or (b) of this section, as 52616
applicable: 52617

(a) If the student is not enrolled in a community school, the 52618
department shall deduct the amount from the account of the 52619
student's resident district pursuant to division (J) of section 52620
3317.023 of the Revised Code. 52621

(b) If the student is enrolled in a community school, the 52622
department shall deduct the amount from the account of the 52623
community school pursuant to section 3314.083 of the Revised Code. 52624

(D) A joint vocational school district shall spend the funds 52625
it receives under division (A)(3) of this section in accordance 52626
with section 3317.25 of the Revised Code. 52627

(E) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 52628
district shall spend the funds it receives under division (A)(4) 52629
of this section only for services for English learners. 52630

(F) As used in this section: 52631

(1) "Community school" means a community school established 52632
under Chapter 3314. of the Revised Code. 52633

(2) "Resident district" means the city, local, or exempted 52634
village school district in which a student is entitled to attend 52635
school under section 3313.64 or 3313.65 of the Revised Code. 52636

Sec. 3317.161. (A) As used in this section, "lead district" 52637
has the same meaning as in section 3317.023 of the Revised Code. 52638

(B)(1) A career-technical education program or a dropout 52639
prevention and recovery program of a city, local, or exempted 52640
village school district, community school, or STEM school shall be 52641
subject to approval under this section in order for the district 52642

or school to qualify for state funding for the program. Approval 52643
granted under this section shall be valid for the five fiscal 52644
years following the fiscal year in which the program is approved 52645
and may be renewed. Approval shall be subject to annual review 52646
under division (E) of this section. 52647

(2) If a district or school becomes a new member of a 52648
career-technical planning district, its career-technical education 52649
programs shall be approved or disapproved by the lead district of 52650
the career-technical planning district during the fiscal year in 52651
which the district or school becomes a member of the 52652
career-technical planning district. Any program of the district or 52653
school that was approved by the department of education for an 52654
approval period that includes the fiscal year in which the 52655
district or school becomes a new member of the career-technical 52656
planning district shall retain its approved status during that 52657
fiscal year. 52658

(3) If an existing member of a career-technical planning 52659
district develops a new career-technical education program, that 52660
program shall be approved or disapproved by the lead district of 52661
the career-technical planning district prior to the first fiscal 52662
year for which the district or school is seeking funding for the 52663
program. 52664

(4) Except as provided in division (B)(2) of this section, if 52665
a career-technical education program was approved by the 52666
department prior to September 29, 2013, that approval remains 52667
valid for the unexpired remainder of the approval period specified 52668
by the department. Approval of that program may then be renewed in 52669
accordance with this section on a date prior to the expiration of 52670
the approval period. 52671

(C)(1) The lead district of a career-technical planning 52672
district shall approve or disapprove for a five-year period each 52673
career-technical education program of the city, local, and 52674

exempted village school districts, community schools, and STEM 52675
schools that are assigned by the department to the 52676
career-technical planning district. The lead district's decision 52677
to approve or disapprove a program shall be based on requirements 52678
for career-technical education programs that are specified in 52679
rules adopted by the department. These requirements shall include, 52680
but are not limited to, all of the following: 52681

(a) Demand for the career-technical education program by 52682
industries in the state; 52683

(b) Quality of the program; 52684

(c) Potential for a student enrolled in the program to 52685
receive the training that will qualify the student for industry 52686
credentials or post-secondary education; 52687

(d) Admission requirements of the lead district; 52688

(e) Past performance of the district or school that is 52689
offering the program; 52690

(f) Traveling distance; 52691

(g) Sustainability; 52692

(h) Capacity; 52693

(i) Availability of the program within the career-technical 52694
planning district; 52695

(j) In the case of a new program, the cost to begin the 52696
program. 52697

(2) The lead district shall approve or disapprove each 52698
program not later than the first day of March prior to the first 52699
fiscal year for which the district or school is seeking funding 52700
for the program. If a program is approved, the lead district shall 52701
notify the department of its decision. If a program is 52702
disapproved, the lead district shall notify the district or school 52703
of its decision. 52704

If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March.

(D)(1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education program, the department shall review the lead district's decision and determine whether to approve or disapprove the program not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the district or school and the lead district of the district's or school's career-technical planning district of its determination.

(2) Upon receiving an appeal from a district or school of a lead district's disapproval of a career-technical education program or failure to take action to approve or disapprove the program, the department shall review the lead district's disapproval or failure to take action. The department shall decide whether to approve or disapprove the program as a result of this review not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the lead district and the appealing district or school of its determination.

(3) In conducting a review under division (D)(1) or (2) of this section, the department shall consider the criteria prescribed under division (C)(1) of this section.

(4) If the department approves a program under division (D)(1) or (2) of this section, it shall authorize the payment to the district or school of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the

department. 52737

(5) The department's decisions under divisions (D)(1) and (2) 52738
of this section shall be final and not appealable. 52739

(6) The superintendent of public instruction may adopt 52740
guidelines identifying circumstances in which the department may, 52741
after consulting with a lead district, approve or disapprove a 52742
program that has been approved or disapproved by the lead district 52743
after the deadline prescribed in division (D)(1) or (2) of this 52744
section has passed. 52745

The department shall authorize a payment for any dropout 52746
prevention and recovery program offering career-technical 52747
education that is in its first year of operation and that submits 52748
an application during the additional application period described 52749
in division (D)(6) of this section in the fiscal year for which 52750
the application was submitted. 52751

(E) The department and the lead district of each 52752
career-technical planning district shall conduct an annual review 52753
of each career-technical education program in the lead district's 52754
career-technical planning district that receives approval under 52755
this section. Continued funding of the program during the 52756
five-year approval period shall be subject to the school's 52757
compliance with any directives for performance improvement that 52758
are issued by the department or the lead district as a result of 52759
any review conducted under this section. 52760

Sec. 3317.163. (A) As used in this section: 52761

(1) "Credential-only program" means an industry-approved 52762
credentialing program, or a series of such programs, offered by a 52763
dropout recovery community school in which students enrolled in 52764
grades eleven and twelve may earn an industry-recognized 52765
credential approved under section 3313.6113 of the Revised Code. 52766

The program, or programs, shall align with a career-technical education program approved under section 3317.161 of the Revised Code. The dropout recovery community school shall offer the program, or programs, using classroom teachers employed by the school. 52767
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(2) "Dropout recovery community school" has the same meaning as in section 3319.301 of the Revised Code. 52772
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(B) Notwithstanding any provision of Chapter 3317. of the Revised Code to the contrary, all of the following shall apply: 52774
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(1) For the purposes of sections 3317.014, 3317.022, and 3317.026 of the Revised Code, the department of education and workforce shall adjust the career-technical education ADM of a dropout recovery community school that offers a credential-only program so that each student enrolled in that program is included only in the school's category one career-technical education ADM, regardless of whether the credential-only program includes programs described in division (A)(1) of section 3317.014 of the Revised Code. 52776
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(2) For funding purposes, the department shall count each student enrolled in a credential-only program as a full-time student. 52785
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(3) A dropout recovery community school that offers a credential-only program may provide support services to students who graduate from the school to assist them in securing post-secondary placement opportunities, including careers with state, regional, or local labor organizations. For that purpose, the school may use a portion of the career-technical education funds received under section 3317.022 of the Revised Code to provide recent graduates, in the year following their graduation from the school, with short-term, emergency financial assistance for expenses related to child care, housing, food insecurity, 52788
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transportation, and services including but not limited to health 52798
care, dental care, mental health care, and addiction treatment 52799
services. 52800

Sec. 3317.20. This section does not apply to preschool 52801
children with disabilities. 52802

(A) As used in this section: 52803

(1) "Applicable special education amount" means the amount 52804
specified in section 3317.013 of the Revised Code for a disability 52805
described in that section. 52806

(2) "Child's school district" means the school district in 52807
which a child is entitled to attend school pursuant to section 52808
3313.64 or 3313.65 of the Revised Code. 52809

(3) "State share percentage" means the state share percentage 52810
of the child's school district. 52811

(B) The department shall annually pay each county board of 52812
developmental disabilities for each child with a disability, other 52813
than a preschool child with a disability, for whom the county 52814
board provides special education and related services an amount 52815
equal to the following: 52816

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 52817
average base cost per pupil + (state share percentage X the 52818
applicable special education multiple X the statewide average base 52819
cost per pupil); 52820

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52821
thereafter, an amount determined by the general assembly. 52822

(C) Each county board of developmental disabilities shall 52823
report to the department, in the manner specified by the 52824
department, the name of each child for whom the county board of 52825
developmental disabilities provides special education and related 52826
services and the child's school district. 52827

(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from either of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any child who is placed with a county board of developmental disabilities:

(a) The child's school district;

(b) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child.

The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division.

(3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law.

(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3317.201. This section does not apply to preschool 52859
children with disabilities. 52860

(A) As used in this section, the "total special education 52861
amount" for an institution means the following: 52862

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 52863
following amounts: 52864

(a) The number of children certified by the institution under 52865
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52866
receiving services for a disability described in division (A) of 52867
section 3317.013 of the Revised Code multiplied by the multiple 52868
specified in that division multiplied by the statewide average 52869
base cost per pupil; 52870

(b) The number of children certified by the institution under 52871
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52872
receiving services for a disability described in division (B) of 52873
section 3317.013 of the Revised Code multiplied by the multiple 52874
specified in that division multiplied by the statewide average 52875
base cost per pupil; 52876

(c) The number of children certified by the institution under 52877
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52878
receiving services for a disability described in division (C) of 52879
section 3317.013 of the Revised Code multiplied by the multiple 52880
specified in that division multiplied by the statewide average 52881
base cost per pupil; 52882

(d) The number of children certified by the institution under 52883
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52884
receiving services for a disability described in division (D) of 52885
section 3317.013 of the Revised Code multiplied by the multiple 52886
specified in that division multiplied by the statewide average 52887
base cost per pupil; 52888

(e) The number of children certified by the institution under 52889
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52890
receiving services for a disability described in division (E) of 52891
section 3317.013 of the Revised Code multiplied by the multiple 52892
specified in that division multiplied by the statewide average 52893
base cost per pupil; 52894

(f) The number of children certified by the institution under 52895
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 52896
receiving services for a disability described in division (F) of 52897
section 3317.013 of the Revised Code multiplied by the multiple 52898
specified in that division multiplied by the statewide average 52899
base cost per pupil. 52900

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52901
thereafter, the sum of the following amounts: 52902

(a) An amount calculated in a manner determined by the 52903
general assembly times the number of children certified by the 52904
institution under division (G)(1)(a)(i) of section 3317.03 of the 52905
Revised Code as receiving services for a disability described in 52906
division (A) of section 3317.013 of the Revised Code; 52907

(b) An amount calculated in a manner determined by the 52908
general assembly times the number of children certified by the 52909
institution under division (G)(1)(a)(i) of section 3317.03 of the 52910
Revised Code as receiving services for a disability described in 52911
division (B) of section 3317.013 of the Revised Code; 52912

(c) An amount calculated in a manner determined by the 52913
general assembly times the number of children certified by the 52914
institution under division (G)(1)(a)(i) of section 3317.03 of the 52915
Revised Code as receiving services for a disability described in 52916
division (C) of section 3317.013 of the Revised Code; 52917

(d) An amount calculated in a manner determined by the 52918
general assembly times the number of children certified by the 52919

institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code;

(e) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code;

(f) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code.

(B) For each fiscal year, the department of education shall pay each state institution required to provide special education services under division (A) of section 3323.091 of the Revised Code an amount equal to the institution's total special education amount.

Sec. 3317.25. (A) As used in this section, "disadvantaged pupil impact aid" means the following:

(1) For a city, local, or exempted village school district, the funds received under division (A)(4)(a) of section 3317.022 of the Revised Code;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the

Revised Code, the funds received under division (A)(4)(b) of 52950
section 3317.022 of the Revised Code. 52951

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, 52952
local, exempted village, or joint vocational school district, 52953
community school, or STEM school shall spend the disadvantaged 52954
pupil impact aid it receives for any of the following initiatives 52955
or a combination of any of the following initiatives: 52956

(a) Extended school day and school year; 52957

(b) Reading improvement and intervention that is aligned with 52958
the science of reading and evidence-based strategies for effective 52959
literacy instruction; 52960

(c) Instructional technology or blended learning; 52961

(d) Professional development in the science of reading and 52962
evidence-based strategies for effective literacy instruction for 52963
teachers of students in kindergarten through third grade; 52964

(e) Dropout prevention; 52965

(f) School safety and security measures; 52966

(g) Community learning centers that address barriers to 52967
learning; 52968

(h) Academic interventions for students in any of grades six 52969
through twelve; 52970

(i) Employment of an individual who has successfully 52971
completed the bright new leaders for Ohio schools program as a 52972
principal or an assistant principal under section 3319.272 of the 52973
Revised Code; 52974

(j) Mental health services, including telehealth services, community-based behavioral health services, and recovery supports; 52975
52976

(k) Culturally appropriate, evidence-based or 52977
evidence-informed prevention ~~education~~ services, including 52978

youth-led programming and social and emotional learning curricula	52979
to promote mental health and prevent substance use and suicide,	52980
<u>and trauma-informed services;</u>	52981
(l) Services for homeless youth;	52982
(m) Services for child welfare involved youth;	52983
(n) Community liaisons or programs that connect students to	52984
community resources, including <u>behavioral wellness coordinators</u>	52985
<u>and</u> city connects, communities in schools, and other similar	52986
programs;	52987
(o) Physical health care services, including telehealth	52988
services <u>and community-based health services;</u>	52989
(p) Family engagement and support services;	52990
(q) Student services provided prior to or after the regularly	52991
scheduled school day or any time school is not in session,	52992
including mentoring programs.	52993
(2) For fiscal year 2024 <u>2026</u> and each fiscal year	52994
thereafter, each city, local, exempted village, and joint	52995
vocational school district, community school, and STEM school	52996
shall spend the disadvantaged pupil impact aid it receives for one	52997
or more initiatives specified by the general assembly.	52998
(C)(1) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , each city,	52999
local, exempted village, and joint vocational school district,	53000
community school, and STEM school that is subject to the	53001
requirements of this section shall develop a plan for utilizing	53002
the disadvantaged pupil impact aid it receives in coordination	53003
with at least one of the following community partners:	53004
(a) A board of alcohol, drug addiction, and mental health	53005
services established under Chapter 340. of the Revised Code;	53006
(b) An educational service center;	53007
(c) A county board of developmental disabilities;	53008

(d) A community-based mental health treatment provider;	53009
(e) A board of health of a city or general health district;	53010
(f) A county department of job and family services;	53011
(g) A nonprofit organization with experience serving children;	53012 53013
(h) A public hospital agency.	53014
(2) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.	53015 53016 53017 53018 53019 53020 53021 53022 53023
(D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative.	53024 53025 53026 53027 53028 53029 53030 53031 53032
(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the general assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	53033 53034 53035 53036 53037
<u>Sec. 3317.26.</u> (A) As used in this section, "student wellness	53038

and success funds" means the following: 53039

(1) For a city, local, or exempted village school district, 53040
the funds received under division (E)(3) of section 3317.011 of 53041
the Revised Code, subject to the state share and any phase-in 53042
established by the general assembly; 53043

(2) For a joint vocational school district, the funds 53044
received under division (E)(3) of section 3317.012 of the Revised 53045
Code, subject to the state share and any phase-in established by 53046
the general assembly; 53047

(3) For a community school established under Chapter 3314. of 53048
the Revised Code, the funds received under division (E) of section 53049
3317.0110 of the Revised Code for student wellness and success 53050
funds, as determined by the department, subject to any phase-in 53051
established by the general assembly; 53052

(4) For a STEM school established under Chapter 3326. of the 53053
Revised Code, the funds received under division (E) of section 53054
3317.0110 of the Revised Code for student wellness and success 53055
funds, as determined by the department, subject to any phase-in 53056
established by the general assembly. 53057

(B) For each fiscal year, the department of education and 53058
workforce shall notify each city, local, exempted village, and 53059
joint vocational school district, community school, and STEM 53060
school, of the portion of the district or school's state share of 53061
the base cost calculated under section 3317.022 or 3317.16 of the 53062
Revised Code, that is attributable to the staffing cost for the 53063
student wellness and success component of the base cost, as 53064
determined by the department. 53065

(C) In each fiscal year, a city, local, exempted village or 53066
joint vocational school district, community school, or STEM school 53067
shall spend the student wellness and success funds it receives for 53068

any of the initiatives, or a combination of any of the 53069
initiatives, described in divisions (B)(1)(j) to (q) of section 53070
3317.25 of the Revised Code. 53071

(D) Not less than fifty per cent of the amount determined 53072
under division (B) of this section shall be spent on initiatives 53073
described under division (B)(1)(j) or (o) of section 3317.25 of 53074
the Revised Code, or a combination of both. 53075

(E) Each city, local, exempted village, joint vocational 53076
school district, community school, and STEM school that is subject 53077
to the requirements of this section shall develop a plan to 53078
utilize the student wellness and success funds it receives in 53079
coordination with a community mental health prevention or 53080
treatment provider or local board of alcohol, drug addiction, and 53081
mental health services established under Chapter 340. of the 53082
Revised Code and one of the community partners identified under 53083
division (C) of section 3317.25 of the Revised Code. 53084

(F) Within thirty days of the creation or amendment of the 53085
plan required under division (E) of this section, each city, 53086
local, exempted village, or joint vocational school district, 53087
community school, and STEM school shall share the plan at a public 53088
meeting of the board of education or governing authority and post 53089
the plan on the district or school's web site. 53090

(G)(1) All student wellness and success funds allocated in 53091
any of fiscal years 2020 to 2023 shall be expended prior to June 53092
30, 2025. Any unexpended funds shall be repaid to the department. 53093

(2) Beginning in fiscal year 2024, all student wellness and 53094
success funds shall be spent by the end of the following fiscal 53095
year. Any unexpended funds shall be repaid to the department. 53096

(H)(1) If the department determines that a city, local, 53097
exempted village, joint vocational school district, community 53098
school, or STEM school has not spent funds in accordance with 53099

divisions (C) and (D) of this section, the department may require 53100
a corrective action plan. 53101

(2) If a city, local, exempted village, joint vocational 53102
school district, community school, or STEM school is determined to 53103
be out of compliance with the corrective action plan described 53104
under division (H)(1) of this section, the department may withhold 53105
student wellness and success from that district or school. 53106

(I) At the end of each fiscal year, each district and school 53107
shall submit a report to the department, in a manner determined by 53108
the department, describing the initiative or initiatives on which 53109
the district or school's funds were spent under this section 53110
during that fiscal year. 53111

Sec. 3318.08. Except in the case of a joint vocational school 53112
district that receives assistance under sections 3318.40 to 53113
3318.45 of the Revised Code, if the requisite favorable vote on 53114
the election is obtained, or if the school district board has 53115
resolved to apply the proceeds of a property tax levy or the 53116
proceeds of an income tax, or a combination of proceeds from such 53117
taxes, as authorized in section 3318.052 of the Revised Code, the 53118
Ohio facilities construction commission, upon certification to it 53119
of either the results of the election or the resolution under 53120
section 3318.052 of the Revised Code, shall enter into a written 53121
agreement with the school district board for the construction and 53122
sale of the project. In the case of a joint vocational school 53123
district that receives assistance under sections 3318.40 to 53124
3318.45 of the Revised Code, if the school district board of 53125
education and the school district electors have satisfied the 53126
conditions prescribed in division (D)(1) of section 3318.41 of the 53127
Revised Code, the commission shall enter into an agreement with 53128
the school district board for the construction and sale of the 53129
project. In either case, the agreement shall include, but need not 53130

be limited to, the following provisions: 53131

(A) The sale and issuance of bonds or notes in anticipation 53132
thereof, as soon as practicable after the execution of the 53133
agreement, in an amount equal to the school district's portion of 53134
the basic project cost, including any securities authorized under 53135
division (J) of section 133.06 of the Revised Code and dedicated 53136
by the school district board to payment of the district's portion 53137
of the basic project cost of the project; provided, that if at 53138
that time the county treasurer of each county in which the school 53139
district is located has not commenced the collection of taxes on 53140
the general duplicate of real and public utility property for the 53141
year in which the controlling board approved the project, the 53142
school district board shall authorize the issuance of a first 53143
installment of bond anticipation notes in an amount specified by 53144
the agreement, which amount shall not exceed an amount necessary 53145
to raise the net bonded indebtedness of the school district as of 53146
the date of the controlling board's approval to within five 53147
thousand dollars of the required level of indebtedness for the 53148
preceding year. In the event that a first installment of bond 53149
anticipation notes is issued, the school district board shall, as 53150
soon as practicable after the county treasurer of each county in 53151
which the school district is located has commenced the collection 53152
of taxes on the general duplicate of real and public utility 53153
property for the year in which the controlling board approved the 53154
project, authorize the issuance of a second and final installment 53155
of bond anticipation notes or a first and final issue of bonds. 53156

The combined value of the first and second installment of 53157
bond anticipation notes or the value of the first and final issue 53158
of bonds shall be equal to the school district's portion of the 53159
basic project cost. The proceeds of any such bonds shall be used 53160
first to retire any bond anticipation notes. Otherwise, the 53161
proceeds of such bonds and of any bond anticipation notes, except 53162

the premium and accrued interest thereon, shall be deposited in 53163
the school district's project construction fund. In determining 53164
the amount of net bonded indebtedness for the purpose of fixing 53165
the amount of an issue of either bonds or bond anticipation notes, 53166
gross indebtedness shall be reduced by moneys in the bond 53167
retirement fund only to the extent of the moneys therein on the 53168
first day of the year preceding the year in which the controlling 53169
board approved the project. Should there be a decrease in the tax 53170
valuation of the school district so that the amount of 53171
indebtedness that can be incurred on the tax duplicates for the 53172
year in which the controlling board approved the project is less 53173
than the amount of the first installment of bond anticipation 53174
notes, there shall be paid from the school district's project 53175
construction fund to the school district's bond retirement fund to 53176
be applied against such notes an amount sufficient to cause the 53177
net bonded indebtedness of the school district, as of the first 53178
day of the year following the year in which the controlling board 53179
approved the project, to be within five thousand dollars of the 53180
required level of indebtedness for the year in which the 53181
controlling board approved the project. The maximum amount of 53182
indebtedness to be incurred by any school district board as its 53183
share of the cost of the project is either an amount that will 53184
cause its net bonded indebtedness, as of the first day of the year 53185
following the year in which the controlling board approved the 53186
project, to be within five thousand dollars of the required level 53187
of indebtedness, or an amount equal to the required percentage of 53188
the basic project costs, whichever is greater. All bonds and bond 53189
anticipation notes shall be issued in accordance with Chapter 133. 53190
of the Revised Code, and notes may be renewed as provided in 53191
section 133.22 of the Revised Code. 53192

(B) The transfer of such funds of the school district board 53193
available for the project, together with the proceeds of the sale 53194
of the bonds or notes, except premium, accrued interest, and 53195

interest included in the amount of the issue, to the school	53196
district's project construction fund;	53197
(C) For all school districts except joint vocational school	53198
districts that receive assistance under sections 3318.40 to	53199
3318.45 of the Revised Code, the following provisions as	53200
applicable:	53201
(1) If section 3318.052 of the Revised Code applies, the	53202
earmarking of the proceeds of a tax levied under section 5705.21	53203
of the Revised Code for general permanent improvements or under	53204
section 5705.218 of the Revised Code for the purpose of permanent	53205
improvements, or the proceeds of a school district income tax	53206
levied under Chapter 5748. of the Revised Code, or the proceeds	53207
from a combination of those two taxes, in an amount to pay all or	53208
part of the service charges on bonds issued to pay the school	53209
district portion of the project and an amount equivalent to all or	53210
part of the tax required under division (B) of section 3318.05 of	53211
the Revised Code;	53212
(2) If section 3318.052 of the Revised Code does not apply,	53213
one of the following:	53214
(a) The levy of the tax authorized at the election for the	53215
payment of maintenance costs, as specified in division (B) of	53216
section 3318.05 of the Revised Code;	53217
(b) If the school district electors have approved a	53218
continuing tax for general permanent improvements under section	53219
5705.21 of the Revised Code and that tax can be used for	53220
maintenance, the earmarking of an amount of the proceeds from such	53221
tax for maintenance of classroom facilities as specified in	53222
division (B) of section 3318.05 of the Revised Code;	53223
(c) If, in lieu of the tax otherwise required under division	53224
(B) of section 3318.05 of the Revised Code, the commission has	53225
approved the transfer of money to the maintenance fund in	53226

accordance with section 3318.051 of the Revised Code, a 53227
requirement that the district board comply with the provisions of 53228
that section. The district board may rescind the provision 53229
prescribed under division (C)(2)(c) of this section only so long 53230
as the electors of the district have approved, in accordance with 53231
section 3318.063 of the Revised Code, the levy of a tax for the 53232
maintenance of the classroom facilities acquired under the 53233
district's project and that levy continues to be collected as 53234
approved by the electors. 53235

(D) For joint vocational school districts that receive 53236
assistance under sections 3318.40 to 3318.45 of the Revised Code, 53237
provision for deposit of school district moneys dedicated to 53238
maintenance of the classroom facilities acquired under those 53239
sections as prescribed in section 3318.43 of the Revised Code; 53240

(E) Dedication of any local donated contribution as provided 53241
for under section 3318.084 of the Revised Code, including a 53242
schedule for depositing such moneys applied as an offset of the 53243
district's obligation to levy the tax described in division (B) of 53244
section 3318.05 of the Revised Code as required under division 53245
(D)(2) of section 3318.084 of the Revised Code; 53246

(F) Ownership of or interest in the project during the period 53247
of construction, which shall be divided between the commission and 53248
the school district board in proportion to their respective 53249
contributions to the school district's project construction fund; 53250

(G) Maintenance of the state's interest in the project until 53251
any obligations issued for the project under section 3318.26 of 53252
the Revised Code are no longer outstanding; 53253

(H) The insurance of the project by the school district from 53254
the time there is an insurable interest therein and so long as the 53255
state retains any ownership or interest in the project pursuant to 53256
division (F) of this section, in such amounts and against such 53257

risks as the commission shall require; provided, that the cost of 53258
any required insurance until the project is completed shall be a 53259
part of the basic project cost; 53260

(I) The certification by the director of budget and 53261
management that funds are available and have been set aside to 53262
meet the state's share of the basic project cost as approved by 53263
the controlling board pursuant to either section 3318.04 or 53264
division (B)(1) of section 3318.41 of the Revised Code; 53265

(J) Authorization of the school district board to advertise 53266
for and receive construction bids for the project, for and on 53267
behalf of the commission, and to award contracts in the name of 53268
the state subject to approval by the commission; 53269

(K) Provisions for the disbursement of moneys from the school 53270
district's project account upon issuance by the commission or the 53271
commission's designated representative of vouchers for work done 53272
to be certified to the commission by the treasurer of the school 53273
district board; 53274

(L) Disposal of any balance left in the school district's 53275
project construction fund upon completion of the project; 53276

(M) Limitations upon use of the project or any part of it so 53277
long as any obligations issued to finance the project under 53278
section 3318.26 of the Revised Code are outstanding; 53279

(N) Provision for vesting the state's interest in the project 53280
to the school district board when the obligations issued to 53281
finance the project under section 3318.26 of the Revised Code are 53282
outstanding; 53283

(O) Provision for deposit of an executed copy of the 53284
agreement in the office of the commission; 53285

(P) Provision for termination of the contract and release of 53286
the funds encumbered at the time of the conditional approval, if 53287

the proceeds of the sale of the bonds of the school district board 53288
are not paid into the school district's project construction fund 53289
and if bids for the construction of the project have not been 53290
taken within such period after the execution of the agreement as 53291
may be fixed by the commission; 53292

(Q) A provision that requires the school district to adhere 53293
to a facilities maintenance plan approved by the commission; 53294

(R) Provision that all state funds reserved and encumbered to 53295
pay the state share of the cost of the project and the funds 53296
provided by the school district to pay for its share of the 53297
project cost, including the respective shares of the cost of a 53298
segment if the project is divided into segments, be spent on the 53299
construction and acquisition of the project or segment 53300
simultaneously in proportion to the state's and the school 53301
district's respective shares of that basic project cost as 53302
determined under section 3318.032 of the Revised Code or, if the 53303
district is a joint vocational school district, under section 53304
3318.42 of the Revised Code. However, if the school district 53305
certifies to the commission that expenditure by the school 53306
district is necessary to maintain the federal tax status or 53307
tax-exempt status of notes or bonds issued by the school district 53308
to pay for its share of the project cost or to comply with 53309
applicable temporary investment periods or spending exceptions to 53310
rebate as provided for under federal law in regard to those notes 53311
or bonds, the school district may commit to spend, or spend, a 53312
greater portion of the funds it provides during any specific 53313
period than would otherwise be required under this division. 53314

(S) A provision stipulating that the commission may prohibit 53315
the district from proceeding with any project if the commission 53316
determines that the site is not suitable for construction 53317
purposes. The commission may perform soil tests in its 53318
determination of whether a site is appropriate for construction 53319

purposes. 53320

(T) A provision stipulating that, unless otherwise authorized 53321
by the commission, any contingency reserve portion of the 53322
construction budget prescribed by the commission shall be used 53323
only to pay costs resulting from unforeseen job conditions, to 53324
comply with rulings regarding building and other codes, to pay 53325
costs related to design clarifications or corrections to contract 53326
documents, and to pay the costs of settlements or judgments 53327
related to the project as provided under section 3318.086 of the 53328
Revised Code; 53329

(U) A provision stipulating that for continued release of 53330
project funds the school district board shall comply with sections 53331
3313.41, 3313.411, and 3313.413 of the Revised Code throughout the 53332
project and shall notify the department of education and the Ohio 53333
community school association when the board plans to dispose of 53334
facilities by sale under that section; 53335

(V) A provision stipulating that the commission shall not 53336
approve a contract for demolition of a facility until the school 53337
district board has complied with sections 3313.41, 3313.411, and 53338
3313.413 of the Revised Code relative to that facility, ~~unless~~ 53339
~~demolition of that facility is to clear a site for construction of~~ 53340
~~a replacement facility included in the district's project.~~ 53341

Sec. 3319.074. (A) As used in this section: 53342

(1) "Core subject area" means reading and English language 53343
arts, mathematics, science, social studies, foreign language, and 53344
fine arts. 53345

(2) "Properly certified or licensed teacher" means a 53346
classroom teacher who has successfully completed all requirements 53347
for certification or licensure under this chapter applicable to 53348
the subject areas and grade levels in which the teacher provides 53349

instruction and the students to whom the teacher provides the 53350
instruction. 53351

(3) "Properly certified paraprofessional" means a 53352
paraprofessional who holds an educational aide permit issued under 53353
section 3319.088 of the Revised Code and satisfies at least one of 53354
the following conditions: 53355

(a) Has a designation of "ESEA qualified" on the educational 53356
aide permit; 53357

(b) Has successfully completed at least two years of 53358
coursework at an accredited institution of higher education; 53359

(c) Holds an associate degree or higher from an accredited 53360
institution of higher education; 53361

(d) Meets a rigorous standard of quality as demonstrated by 53362
attainment of a qualifying score on an academic assessment 53363
specified by the department of education. 53364

(B) Beginning July 1, 2019, no city, exempted village, local, 53365
joint vocational, or cooperative education school district shall 53366
do either of the following: 53367

(1) Employ any classroom teacher to provide instruction in a 53368
core subject area to any student, unless such teacher is a 53369
properly certified or licensed teacher or employed in accordance 53370
with section 3319.283 of the Revised Code; 53371

(2) Employ any paraprofessional in a program supported with 53372
funds received under Title I of the "Elementary and Secondary 53373
Education Act of 1965," 20 U.S.C. 6301 et seq., to provide 53374
academic support in a core subject area to any student, unless 53375
such paraprofessional is a properly certified paraprofessional. 53376

(C) At the start of each school year, each school district 53377
shall notify the parent or guardian of each student enrolled in 53378
the district that the parent or guardian may request information 53379

on the professional qualifications of each classroom teacher who 53380
provides instruction to the student. The district shall provide 53381
the information on each applicable teacher in a timely manner to 53382
any parent or guardian who requests it. Such information shall 53383
include at least the following: 53384

(1) Whether the teacher has satisfied all requirements for 53385
certification or licensure under this chapter applicable to the 53386
subject areas and grade levels in which the teacher provides 53387
instruction and the students to whom the teacher provides the 53388
instruction, or whether the teacher provides instruction under a 53389
waiver of any such requirements; 53390

(2) Whether a paraprofessional provides any services to the 53391
student and, if so, the qualifications of the paraprofessional. 53392

Sec. 3319.077. (A) As used in this section: 53393

(1) "Dyslexia" has the same meaning as in section 3323.25 of 53394
the Revised Code. 53395

(2) "Ohio dyslexia committee" means the committee established 53396
under section 3325.25 of the Revised Code. 53397

(3) "Special education" has the same meaning as in section 53398
3323.01 of the Revised Code. 53399

(4) "Teacher" does not include any teacher who provides 53400
instruction in fine arts, music, or physical education. 53401

(B)(1) The department of education, in collaboration with the 53402
Ohio dyslexia committee, shall maintain a list of training that 53403
fulfills the professional development requirements prescribed in 53404
division (C) of this section. The list may consist of online or 53405
classroom learning models. 53406

(2) Each approved training shall align with the guidebook 53407
developed under section 3323.25 of the Revised Code, be 53408
evidence-based, and require instruction and training for 53409

identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia.

(3) The Ohio dyslexia committee shall prescribe a total number of clock hours of instruction in training approved under this section for a teacher to complete to satisfy the professional development requirements prescribed in division (C) of this section. The Ohio dyslexia committee shall prescribe a total number of clock hours that is not less than six clock hours and not more than eighteen clock hours.

(C)(1) Division (C)(1) of this section applies to any teacher who was employed by a local, city, or exempted village school district on April 12, 2021, and is still employed by that district on the dates specified under division (C)(1)(a), (b), or (c) of this section as follows:

(a) Not later than the beginning of the 2023-2024 school year, each district teacher employed by a local, city, or exempted village school district who provides instruction for students in kindergarten and first grade, including those providing special education instruction, shall complete the number of instructional hours in approved professional development training required by the committee under this section.

~~(2)(b)~~ Not later than ~~the beginning of the 2024-2025 school year~~ September 15, 2024, each district teacher employed by a school district who provides instruction for students in grades two and three, including those providing special education instruction, shall complete the number of instructional hours in approved professional development training required by the committee under this section.

~~(3)(c)~~ Not later than ~~the beginning of the 2025-2026 school year~~ September 15, 2025, each district teacher employed by a school district who provides special education instruction for

students in grades four through twelve shall complete a 53441
professional development training approved under division (B) of 53442
this section. 53443

(2) Any teacher hired by a local, city, or exempted village 53444
school district after April 12, 2021, who provides instruction for 53445
students in any of grades kindergarten through three, including a 53446
teacher providing special education instruction, or who provides 53447
special education instruction for students in any of grades four 53448
through twelve shall complete professional development training in 53449
accordance with division (C)(1)(a), (b), or (c) of this section by 53450
the later of two years after the date of hire or the date 53451
specified under division (C)(1)(a), (b), or (c) of this section, 53452
unless the teacher completed the training while employed by a 53453
different district under division (C)(1) of this section. 53454

(D) Any professional development training completed by a 53455
teacher prior to April 12, 2021, that is then included on the list 53456
of training approved under division (B)(1) of this section shall 53457
count toward the number of instructional hours in approved 53458
professional development training required under division (C) of 53459
this section. 53460

(E) Nothing in this section shall prohibit a school district 53461
from requiring employees who are not subject to this section from 53462
completing professional development training approved under 53463
division (B) of this section. 53464

Sec. 3319.088. As used in this section, "educational 53465
assistant" means any nonteaching employee in a school district who 53466
directly assists a teacher as defined in section 3319.09 of the 53467
Revised Code, by performing duties for which a license issued 53468
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 53469
required. 53470

(A) The state board of education shall issue educational aide 53471

permits and educational paraprofessional licenses for educational 53472
assistants and shall adopt rules for the issuance and renewal of 53473
such permits and licenses which shall be consistent with the 53474
provisions of this section. Educational aide permits and 53475
educational paraprofessional licenses may be of several types and 53476
the rules shall prescribe the minimum qualifications of education 53477
and health for the service to be authorized under each type. The 53478
prescribed minimum qualifications may require special training or 53479
educational courses designed to qualify a person to perform 53480
effectively the duties authorized under an educational aide permit 53481
or educational paraprofessional license. 53482

(B)(1) Any application for a permit or license, or a renewal 53483
or duplicate of a permit or license, under this section shall be 53484
accompanied by the payment of a fee in the amount established 53485
under division (A) of section 3319.51 of the Revised Code. Any 53486
fees received under this division shall be paid into the state 53487
treasury to the credit of the state board of education licensure 53488
fund established under division (B) of section 3319.51 of the 53489
Revised Code. 53490

(2) Any person applying for or holding a permit or license 53491
pursuant to this section is subject to sections 3123.41 to 3123.50 53492
of the Revised Code and any applicable rules adopted under section 53493
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 53494
the Revised Code. 53495

(C) Educational assistants shall at all times while in the 53496
performance of their duties be under the supervision and direction 53497
of a teacher as defined in section 3319.09 of the Revised Code. 53498
Educational assistants may assist a teacher to whom assigned in 53499
the supervision of pupils, in assisting with instructional tasks, 53500
and in the performance of duties which, in the judgment of the 53501
teacher to whom the assistant is assigned, may be performed by a 53502
person not licensed pursuant to sections 3319.22 to 3319.30 of the 53503

Revised Code and for which a teaching license, issued pursuant to 53504
sections 3319.22 to 3319.30 of the Revised Code is not required. 53505
The duties of an educational assistant shall not include the 53506
assignment of grades to pupils. The duties of an educational 53507
assistant need not be performed in the physical presence of the 53508
teacher to whom assigned, but the activity of an educational 53509
assistant shall at all times be under the direction of the teacher 53510
to whom assigned. The assignment of an educational assistant need 53511
not be limited to assisting a single teacher. In the event an 53512
educational assistant is assigned to assist more than one teacher 53513
the assignments shall be clearly delineated and so arranged that 53514
the educational assistant shall never be subject to simultaneous 53515
supervision or direction by more than one teacher. 53516

Educational assistants assigned to supervise children shall, 53517
when the teacher to whom assigned is not physically present, 53518
maintain the degree of control and discipline that would be 53519
maintained by the teacher. 53520

Educational assistants may not be used in place of classroom 53521
teachers or other employees and any payment of compensation by 53522
boards of education to educational assistants for such services is 53523
prohibited. The ratio between the number of licensed teachers and 53524
the pupils in a school district may not be decreased by 53525
utilization of educational assistants and no grouping, or other 53526
organization of pupils, for utilization of educational assistants 53527
shall be established which is inconsistent with sound educational 53528
practices and procedures. A school district may employ up to one 53529
full time equivalent educational assistant for each six full time 53530
equivalent licensed employees of the district. Educational 53531
assistants shall not be counted as licensed employees for purposes 53532
of state support in the school foundation program and no grouping 53533
or regrouping of pupils with educational assistants may be counted 53534
as a class or unit for school foundation program purposes. Neither 53535

special courses required by the regulations of the state board of 53536
education, prescribing minimum qualifications of education for an 53537
educational assistant, nor years of service as an educational 53538
assistant shall be counted in any way toward qualifying for a 53539
teacher license, for a teacher contract of any type, or for 53540
determining placement on a salary schedule in a school district as 53541
a teacher. 53542

(D) Educational assistants employed by a board of education 53543
shall have all rights, benefits, and legal protection available to 53544
other nonteaching employees in the school district, except that 53545
provisions of Chapter 124. of the Revised Code shall not apply to 53546
any person employed as an educational assistant, and shall be 53547
members of the school employees retirement system. Educational 53548
assistants shall be compensated according to a salary plan adopted 53549
annually by the board. 53550

Except as provided in this section nonteaching employees 53551
shall not serve as educational assistants without first obtaining 53552
an appropriate educational aide permit or educational 53553
paraprofessional license from the state board of education. A 53554
nonteaching employee who is the holder of a valid educational aide 53555
permit or educational paraprofessional license shall neither 53556
render nor be required to render services inconsistent with the 53557
type of services authorized by the permit or license held. No 53558
person shall receive compensation from a board of education for 53559
services rendered as an educational assistant in violation of this 53560
provision. 53561

Nonteaching employees whose functions are solely 53562
secretarial-clerical and who do not perform any other duties as 53563
educational assistants, even though they assist a teacher and work 53564
under the direction of a teacher shall not be required to hold a 53565
permit or license issued pursuant to this section. ~~Students~~ 53566
~~preparing to become licensed teachers or educational assistants~~ 53567

~~shall not be required to hold an educational aide permit or 53568
paraprofessional license for such periods of time as such students 53569
are assigned, as part of their training program, to work with a 53570
teacher in a school district. Such students shall not be 53571
compensated for such services. 53572~~

Following the determination of the assignment and general job 53573
description of an educational assistant and subject to supervision 53574
by the teacher's immediate administrative officer, a teacher to 53575
whom an educational assistant is assigned shall make all final 53576
determinations of the duties to be assigned to such assistant. 53577
Teachers shall not be required to hold a license designated for 53578
being a supervisor or administrator in order to perform the 53579
necessary supervision of educational assistants. 53580

(E) No person who is, or who has been employed as an 53581
educational assistant shall divulge, except to the teacher to whom 53582
assigned, or the administrator of the school in the absence of the 53583
teacher to whom assigned, or when required to testify in a court 53584
or proceedings, any personal information concerning any pupil in 53585
the school district which was obtained or obtainable by the 53586
educational assistant while so employed. Violation of this 53587
provision is grounds for disciplinary action or dismissal, or 53588
both. 53589

(F) Notwithstanding anything to the contrary in this section, 53590
the superintendent of a school district may allow an employee who 53591
does not hold a permit or license issued under this section to 53592
work as a substitute for an educational assistant who is absent on 53593
account of illness or on a leave of absence, or to fill a 53594
temporary position created by an emergency, provided that the 53595
superintendent believes the employee's application materials 53596
indicate that the employee is qualified to obtain a permit or 53597
license under this section. 53598

An employee shall begin work as a substitute under this 53599

division not earlier than on the date on which the employee files 53600
an application with the state board for a permit or license under 53601
this section. An employee shall cease working as a substitute 53602
under this division on the earliest of the following: 53603

(1) The date on which the employee files a valid permit or 53604
license issued under this section with the superintendent; 53605

(2) The date on which the employee is denied a permit or 53606
license under this section; 53607

(3) Sixty days following the date on which the employee began 53608
work as a substitute under this division. 53609

The superintendent shall ensure that an employee assigned to 53610
work as a substitute under division (F) of this section has 53611
undergone a criminal records check in accordance with section 53612
3319.391 of the Revised Code. 53613

Sec. 3319.0812. (A) The state board of education shall adopt 53614
rules in accordance with Chapter 119. of the Revised Code, 53615
establishing the standards and requirements for obtaining a 53616
pre-service teacher permit. The permit shall be required for an 53617
individual who is enrolled in an educator preparation program in 53618
order to participate in any student classroom teaching or other 53619
training experience that involves students in any of grades 53620
pre-kindergarten through twelve in a public or chartered nonpublic 53621
school and that is required for completion of the program. 53622

(B) Notwithstanding section 3319.226 of the Revised Code, a 53623
school district or school may employ an individual who holds a 53624
permit issued under this section as a substitute teacher. The 53625
individual may teach for up to the equivalent of one full 53626
semester, subject to the approval of the employing district board 53627
of education or school governing authority and may be compensated 53628
for that service. The district superintendent or chief 53629

administrator of the school may request that the board or 53630
governing authority approve one or more additional subsequent 53631
semester-long periods of teaching for the individual. 53632

(C) A pre-service teacher permit shall be valid for three 53633
years. The state board, on a case-by-case basis, may extend the 53634
permit's duration as needed to enable the permit holder to 53635
complete the educator preparation program in which the permit 53636
holder is enrolled. 53637

(D) An individual applying for a pre-service teacher permit 53638
shall be subject to a criminal records check as prescribed by 53639
section 3319.39 of the Revised Code. In the manner prescribed by 53640
the state board, the individual shall submit the criminal records 53641
check to the department. The state board shall use the information 53642
submitted to enroll the individual in the retained applicant 53643
fingerprint database, established under section 109.5721 of the 53644
Revised Code, in the same manner as any teacher licensed under 53645
section 3319.22 to 3319.31 of the Revised Code. 53646

If the state board receives notification of the arrest or 53647
conviction of an individual under division (D) of this section, 53648
the department shall promptly notify the applicable educator 53649
preparation program and any school district or school in which the 53650
pre-service teacher has been employed or assigned as part of the 53651
program and may take any action authorized under sections 3319.31 53652
and 3319.311 of the Revised Code that it considers to be 53653
appropriate. Upon receiving notification from the state board of 53654
an arrest or conviction of an individual under division (D) of 53655
this section, the educator preparation program shall provide to 53656
the department a list of all school districts and schools to which 53657
the pre-service teacher has been assigned as a part of the 53658
program. 53659

Sec. 3319.22. (A)(1) The state board of education shall issue 53660

the following educator licenses: 53661

(a) A resident educator license, which shall be valid for two 53662
years and shall be renewable for reasons specified by rules 53663
adopted by the state board pursuant to division (A)(3) of this 53664
section. The state board, on a case-by-case basis, may extend the 53665
license's duration as necessary to enable the license holder to 53666
complete the Ohio teacher residency program established under 53667
section 3319.223 of the Revised Code; 53668

(b) A professional educator license, which shall be valid for 53669
five years and shall be renewable; 53670

(c) A senior professional educator license, which shall be 53671
valid for five years and shall be renewable; 53672

(d) A lead professional educator license, which shall be 53673
valid for five years and shall be renewable. 53674

~~Licenses~~ Subject to division (A)(4) of this section, licenses 53675
issued under division (A)(1) of this section on and after November 53676
2, 2018, shall specify whether the educator is licensed to teach 53677
grades pre-kindergarten through ~~five, grades four through nine~~ 53678
~~eight~~, or grades ~~seven~~ six through twelve. The changes to the 53679
grade band specifications under this ~~amendment~~ section shall not 53680
apply to a person who holds a license under division (A)(1) of 53681
this section prior to November 2, 2018. Further, the changes to 53682
the grade band specifications under this ~~amendment~~ section shall 53683
not apply to any license issued to teach in the area of ~~computer~~ 53684
~~information science~~, bilingual education, dance, drama or theater, 53685
world language, health, library or media, music, physical 53686
education, teaching English to speakers of other languages, 53687
career-technical education, or visual arts or to any license 53688
issued to an intervention specialist, including a gifted 53689
intervention specialist, or to any other license that does not 53690
align to the grade band specifications. 53691

(2)(a) Except as provided in division (A)(2)(b) of this section, the state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.

(b) Not later than December 31, 2024, the state board shall cease licensing school psychologists. The state board shall coordinate with the state board of psychology to transition to licensure under Chapter 4732. of the Revised Code any school psychologists licensed under rules adopted in accordance with sections 3301.07 and 3319.22 of the Revised Code.

(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section.

(4) Notwithstanding the requirement that each license issued under division (A)(1) of this section specify the grade band in which the educator is licensed to teach, a school district or community school may employ an educator to teach outside of the designated grade band by not more than two grade levels and for not more than two school years at a time. The school district superintendent or governing authority of the community school may renew that teacher's eligibility to teach in accordance with this division on a biennial basis.

(B) The rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section:

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section

3319.227 of the Revised Code.	53723
(2) An applicant for a professional educator license shall:	53724
(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;	53725 53726 53727
(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.	53728 53729 53730 53731 53732 53733
(3) An applicant for a senior professional educator license shall:	53734 53735
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	53736 53737 53738
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	53739 53740 53741
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	53742 53743 53744 53745
(4) An applicant for a lead professional educator license shall:	53746 53747
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	53748 53749 53750
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or	53751 53752

a professional educator license issued under section 3319.222 or 53753
former section 3319.22 of the Revised Code; 53754

(c) Meet the criteria for the distinguished level of 53755
performance, as described in the standards for teachers adopted by 53756
the state board under section 3319.61 of the Revised Code; 53757

(d) Either hold a valid certificate issued by the national 53758
board for professional teaching standards or meet the criteria for 53759
a master teacher or other criteria for a lead teacher adopted by 53760
the educator standards board under division (F)(4) or (5) of 53761
section 3319.61 of the Revised Code. 53762

(C) The state board shall align the standards and 53763
qualifications for obtaining a principal license with the 53764
standards for principals adopted by the state board under section 53765
3319.61 of the Revised Code. 53766

(D) If the state board requires any examinations for educator 53767
licensure, the department of education shall provide the results 53768
of such examinations received by the department to the chancellor 53769
of higher education, in the manner and to the extent permitted by 53770
state and federal law. 53771

(E) Any rules the state board of education adopts, amends, or 53772
rescinds for educator licenses under this section, division (D) of 53773
section 3301.07 of the Revised Code, or any other law shall be 53774
adopted, amended, or rescinded under Chapter 119. of the Revised 53775
Code except as follows: 53776

(1) Notwithstanding division (E) of section 119.03 and 53777
division (A)(1) of section 119.04 of the Revised Code, in the case 53778
of the adoption of any rule or the amendment or rescission of any 53779
rule that necessitates institutions' offering preparation programs 53780
for educators and other school personnel that are approved by the 53781
chancellor of higher education under section 3333.048 of the 53782
Revised Code to revise the curriculum of those programs, the 53783

effective date shall not be as prescribed in division (E) of 53784
section 119.03 and division (A)(1) of section 119.04 of the 53785
Revised Code. Instead, the effective date of such rules, or the 53786
amendment or rescission of such rules, shall be the date 53787
prescribed by section 3333.048 of the Revised Code. 53788

(2) Notwithstanding the authority to adopt, amend, or rescind 53789
emergency rules in division (G) of section 119.03 of the Revised 53790
Code, this authority shall not apply to the state board of 53791
education with regard to rules for educator licenses. 53792

(F)(1) The rules adopted under this section establishing 53793
standards requiring additional coursework for the renewal of any 53794
educator license shall require a school district and a chartered 53795
nonpublic school to establish local professional development 53796
committees. In a nonpublic school, the chief administrative 53797
officer shall establish the committees in any manner acceptable to 53798
such officer. The committees established under this division shall 53799
determine whether coursework that a district or chartered 53800
nonpublic school teacher proposes to complete meets the 53801
requirement of the rules. The department of education shall 53802
provide technical assistance and support to committees as the 53803
committees incorporate the professional development standards 53804
adopted by the state board of education pursuant to section 53805
3319.61 of the Revised Code into their review of coursework that 53806
is appropriate for license renewal. The rules shall establish a 53807
procedure by which a teacher may appeal the decision of a local 53808
professional development committee. 53809

(2) In any school district in which there is no exclusive 53810
representative established under Chapter 4117. of the Revised 53811
Code, the professional development committees shall be established 53812
as described in division (F)(2) of this section. 53813

Not later than the effective date of the rules adopted under 53814
this section, the board of education of each school district shall 53815

establish the structure for one or more local professional 53816
development committees to be operated by such school district. The 53817
committee structure so established by a district board shall 53818
remain in effect unless within thirty days prior to an anniversary 53819
of the date upon which the current committee structure was 53820
established, the board provides notice to all affected district 53821
employees that the committee structure is to be modified. 53822
Professional development committees may have a district-level or 53823
building-level scope of operations, and may be established with 53824
regard to particular grade or age levels for which an educator 53825
license is designated. 53826

Each professional development committee shall consist of at 53827
least three classroom teachers employed by the district, one 53828
principal employed by the district, and one other employee of the 53829
district appointed by the district superintendent. For committees 53830
with a building-level scope, the teacher and principal members 53831
shall be assigned to that building, and the teacher members shall 53832
be elected by majority vote of the classroom teachers assigned to 53833
that building. For committees with a district-level scope, the 53834
teacher members shall be elected by majority vote of the classroom 53835
teachers of the district, and the principal member shall be 53836
elected by a majority vote of the principals of the district, 53837
unless there are two or fewer principals employed by the district, 53838
in which case the one or two principals employed shall serve on 53839
the committee. If a committee has a particular grade or age level 53840
scope, the teacher members shall be licensed to teach such grade 53841
or age levels, and shall be elected by majority vote of the 53842
classroom teachers holding such a license and the principal shall 53843
be elected by all principals serving in buildings where any such 53844
teachers serve. The district superintendent shall appoint a 53845
replacement to fill any vacancy that occurs on a professional 53846
development committee, except in the case of vacancies among the 53847
elected classroom teacher members, which shall be filled by vote 53848

of the remaining members of the committee so selected. 53849

Terms of office on professional development committees shall 53850
be prescribed by the district board establishing the committees. 53851
The conduct of elections for members of professional development 53852
committees shall be prescribed by the district board establishing 53853
the committees. A professional development committee may include 53854
additional members, except that the majority of members on each 53855
such committee shall be classroom teachers employed by the 53856
district. Any member appointed to fill a vacancy occurring prior 53857
to the expiration date of the term for which a predecessor was 53858
appointed shall hold office as a member for the remainder of that 53859
term. 53860

The initial meeting of any professional development 53861
committee, upon election and appointment of all committee members, 53862
shall be called by a member designated by the district 53863
superintendent. At this initial meeting, the committee shall 53864
select a chairperson and such other officers the committee deems 53865
necessary, and shall adopt rules for the conduct of its meetings. 53866
Thereafter, the committee shall meet at the call of the 53867
chairperson or upon the filing of a petition with the district 53868
superintendent signed by a majority of the committee members 53869
calling for the committee to meet. 53870

(3) In the case of a school district in which an exclusive 53871
representative has been established pursuant to Chapter 4117. of 53872
the Revised Code, professional development committees shall be 53873
established in accordance with any collective bargaining agreement 53874
in effect in the district that includes provisions for such 53875
committees. 53876

If the collective bargaining agreement does not specify a 53877
different method for the selection of teacher members of the 53878
committees, the exclusive representative of the district's 53879
teachers shall select the teacher members. 53880

If the collective bargaining agreement does not specify a 53881
different structure for the committees, the board of education of 53882
the school district shall establish the structure, including the 53883
number of committees and the number of teacher and administrative 53884
members on each committee; the specific administrative members to 53885
be part of each committee; whether the scope of the committees 53886
will be district levels, building levels, or by type of grade or 53887
age levels for which educator licenses are designated; the lengths 53888
of terms for members; the manner of filling vacancies on the 53889
committees; and the frequency and time and place of meetings. 53890
However, in all cases, except as provided in division (F)(4) of 53891
this section, there shall be a majority of teacher members of any 53892
professional development committee, there shall be at least five 53893
total members of any professional development committee, and the 53894
exclusive representative shall designate replacement members in 53895
the case of vacancies among teacher members, unless the collective 53896
bargaining agreement specifies a different method of selecting 53897
such replacements. 53898

(4) Whenever an administrator's coursework plan is being 53899
discussed or voted upon, the local professional development 53900
committee shall, at the request of one of its administrative 53901
members, cause a majority of the committee to consist of 53902
administrative members by reducing the number of teacher members 53903
voting on the plan. 53904

(G)(1) The department of education, educational service 53905
centers, county boards of developmental disabilities, college and 53906
university departments of education, head start programs, and the 53907
Ohio education computer network may establish local professional 53908
development committees to determine whether the coursework 53909
proposed by their employees who are licensed or certificated under 53910
this section or section 3319.222 of the Revised Code, or under the 53911
former version of either section as it existed prior to October 53912

16, 2009, meet the requirements of the rules adopted under this 53913
section. They may establish local professional development 53914
committees on their own or in collaboration with a school district 53915
or other agency having authority to establish them. 53916

Local professional development committees established by 53917
county boards of developmental disabilities shall be structured in 53918
a manner comparable to the structures prescribed for school 53919
districts in divisions (F)(2) and (3) of this section, as shall 53920
the committees established by any other entity specified in 53921
division (G)(1) of this section that provides educational services 53922
by employing or contracting for services of classroom teachers 53923
licensed or certificated under this section or section 3319.222 of 53924
the Revised Code, or under the former version of either section as 53925
it existed prior to October 16, 2009. All other entities specified 53926
in division (G)(1) of this section shall structure their 53927
committees in accordance with guidelines which shall be issued by 53928
the state board. 53929

(2) Educational service centers may establish local 53930
professional development committees to serve educators who are not 53931
employed in schools in this state, including pupil services 53932
personnel who are licensed under this section. Local professional 53933
development committees shall be structured in a manner comparable 53934
to the structures prescribed for school districts in divisions 53935
(F)(2) and (3) of this section. 53936

These committees may agree to review the coursework, 53937
continuing education units, or other equivalent activities related 53938
to classroom teaching or the area of licensure that is proposed by 53939
an individual who satisfies both of the following conditions: 53940

(a) The individual is licensed or certificated under this 53941
section or under the former version of this section as it existed 53942
prior to October 16, 2009. 53943

(b) The individual is not currently employed as an educator 53944
or is not currently employed by an entity that operates a local 53945
professional development committee under this section. 53946

Any committee that agrees to work with such an individual 53947
shall work to determine whether the proposed coursework, 53948
continuing education units, or other equivalent activities meet 53949
the requirements of the rules adopted by the state board under 53950
this section. 53951

(3) Any public agency that is not specified in division 53952
(G)(1) or (2) of this section but provides educational services 53953
and employs or contracts for services of classroom teachers 53954
licensed or certificated under this section or section 3319.222 of 53955
the Revised Code, or under the former version of either section as 53956
it existed prior to October 16, 2009, may establish a local 53957
professional development committee, subject to the approval of the 53958
department of education. The committee shall be structured in 53959
accordance with guidelines issued by the state board. 53960

(H) Not later than July 1, 2016, the state board, in 53961
accordance with Chapter 119. of the Revised Code, shall adopt 53962
rules pursuant to division (A)(3) of this section that do both of 53963
the following: 53964

(1) Exempt consistently high-performing teachers from the 53965
requirement to complete any additional coursework for the renewal 53966
of an educator license issued under this section or section 53967
3319.26 of the Revised Code. The rules also shall specify that 53968
such teachers are exempt from any requirements prescribed by 53969
professional development committees established under divisions 53970
(F) and (G) of this section. 53971

(2) For purposes of division (H)(1) of this section, the 53972
state board shall define the term "consistently high-performing 53973
teacher. 53974

Sec. 3319.223. (A) The superintendent of public instruction 53975
and the chancellor of higher education jointly shall establish the 53976
Ohio teacher residency program, which shall be a two-year, 53977
entry-level program for classroom teachers. Except as provided in 53978
division (B) of this section, the teacher residency program shall 53979
include at least the following components: 53980

(1) Mentoring by teachers, which may be provided online or 53981
in person. The state superintendent shall provide participants and 53982
mentors with access to online professional development resources 53983
and sample videos of Ohio classroom lessons submitted for the 53984
assessment prescribed under division (A)(3) of this section at no 53985
cost. 53986

(2) Counseling, as determined necessary by the school 53987
district or school, to ensure that program participants receive 53988
needed professional development. The state superintendent shall 53989
provide to each participant who does not receive a passing score 53990
on the assessment under division (A)(3) of this section, at no 53991
cost, the opportunity to meet online with an instructional coach 53992
who is a certified assessor of the assessment to review the 53993
participant's assessment score results and discuss improvement 53994
strategies and professional development. 53995

Participants who choose to meet with an instructional coach 53996
shall select from an online pool of instructional coaches who have 53997
completed training and are approved by the state superintendent. 53998
The characteristics of each coach's school or district, including 53999
its size, typology, and demographics, shall be made available. 54000
However, participants shall not be required to choose an 54001
instructional coach from a similar district or school. 54002

Participants who have not taken the assessment under division 54003
(A)(3) of this section may meet online with instructional coaches 54004
approved by the state superintendent if the participant's school 54005

district or school pays the costs associated with the meetings. 54006

(3) Measures of appropriate progression through the program, 54007
which shall include the performance-based assessment prescribed by 54008
the state board of education for resident educators. The state 54009
board shall not limit the number of attempts to successfully 54010
complete the performance-based assessment. 54011

An individual may submit the assessment between the first 54012
Tuesday of October and the first Friday of April of the 54013
individual's second year of the program. The results of the 54014
assessment shall be returned within thirty days unless a new 54015
assessor is contracted, in which case the results shall be 54016
returned in forty-five days. 54017

(B) No individual who is teaching career-technical courses 54018
under an alternative resident educator license issued under 54019
section 3319.26 of the Revised Code or rule of the state board 54020
shall be required to do either of the following: 54021

(1) Complete the conditions of the Ohio teacher residency 54022
program that a participant, as of September 29, 2015, would have 54023
been required to complete during the participant's first and 54024
second year of teaching under an alternative resident educator 54025
license. 54026

(2) Take a performance-based assessment. 54027

(C) The teacher residency program shall be aligned with the 54028
standards for teachers adopted by the state board under section 54029
3319.61 of the Revised Code and best practices identified by the 54030
superintendent of public instruction. 54031

(D) Each person who holds a resident educator license issued 54032
under section 3319.22 or 3319.227 of the Revised Code or an 54033
alternative resident educator license issued under section 3319.26 54034
of the Revised Code shall participate in the teacher residency 54035
program. Successful completion of the program shall be required to 54036

qualify any such person for a professional educator license issued 54037
under section 3319.22 of the Revised Code. 54038

Sec. 3319.2210. An applicant for a one-year nonrenewable 54039
out-of-state educator license who successfully completes Ohio's 54040
foundations of reading exam on the applicant's first attempt shall 54041
not be required to have completed at least six of the required 54042
twelve semester hours of coursework in the teaching of reading as 54043
described in section 3319.24 of the Revised Code prior to receipt 54044
of the license. 54045

Sec. 3319.2213. (A) The state board of education shall issue 54046
an initial five-year professional pupil services license in school 54047
counseling under section 3319.22 of the Revised Code to an 54048
applicant for that license if the applicant has done all of the 54049
following: 54050

(1) Completed a school counselor preparation program approved 54051
by the state board; 54052

(2) Passed an examination prescribed by the state board; 54053

(3) Attained a master's degree; 54054

(4) Successfully completed a six hundred hour internship in a 54055
school setting; 54056

(5) Successfully completed six hours of training about the 54057
building and construction trades and available apprenticeships. 54058
The training shall be completed on a construction site or at a 54059
training facility for the building and construction trades. An 54060
applicant may count that six hours of training toward meeting the 54061
six hundred hour internship requirement prescribed in division 54062
(A)(4) of this section. 54063

The training shall include information about both of the 54064
following: 54065

(a) The pay and benefits available to people who work in the building and construction trades in the applicant's community; 54066
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(b) Job opportunities for boilermakers, electrical workers, bricklayers, insulators, laborers, iron workers, plumbers and pipefitters, roofers, plasterers and cement masons, sheet metal workers, painters and glaziers, elevator constructors, operating engineers, teamsters, and carpenters. 54068
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(B) The state board shall require an individual who holds a valid professional pupil services license in school counseling to complete four hours of training described in division (A)(5) of this section to renew that license. An individual may count those four hours toward meeting continuing education unit requirements established by the state board for licensure renewal. The training required by this division may be conducted and approved by a member of the building and construction trades. 54073
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Sec. 3319.236. (A) Except as provided in division (B) or (E) of this section, a school district shall require an individual to hold a valid educator license in computer science, or have a license endorsement in computer technology and a passing score on a content examination in the area of computer science, to teach computer science courses. 54081
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(B) A school district may employ an individual, for the purpose of teaching computer science courses, who holds a valid educator license ~~in any of grades kindergarten through twelve,~~ provided the individual meets the requirements established by rules of the state board of education to qualify for a supplemental teaching license for teaching computer science. The rules shall require an applicant for a supplemental teaching license to pass a content examination in the area of computer science. The rules also shall permit an individual, after at least two years of successfully teaching computer science courses under 54087
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the supplemental teaching license, to advance to a standard 54097
educator license in computer science by completing a pedagogy 54098
course applicable to the grade levels in which the individual is 54099
teaching. However, the rules may exempt an individual teaching 54100
computer science from the requirement to complete a pedagogy 54101
course if the individual previously completed a pedagogy course 54102
applicable to the grade levels in which the individual is 54103
teaching. 54104

(C) In order for an individual to teach advanced placement 54105
computer science courses, a school district shall require the 54106
individual to also complete a professional development program 54107
endorsed or provided by the organization that creates and 54108
administers national advanced placement examinations. For this 54109
purpose, the individual may complete the program at any time 54110
during the calendar year. 54111

(D) Notwithstanding section 3301.012 of the Revised Code, as 54112
used in this section, "computer science courses" means any courses 54113
that are reported in the education management information system 54114
established under section 3301.0714 of the Revised Code as 54115
computer science courses and which are aligned to computer science 54116
standards adopted by the state board of education. 54117

(E) The state board of education shall adopt rules to create 54118
a computer science teaching license for industry professionals to 54119
teach computer science to specific grades. The holder of a 54120
computer science teaching license for industry professionals shall 54121
be limited to teaching forty hours in a week in the subject area 54122
of computer science. The superintendent of public instruction 54123
shall consult with the chancellor of higher education in creating 54124
and revising the requirements for computer science teacher 54125
licensure. 54126

(F) Licenses issued under this section shall specify whether 54127
the educator is licensed to teach grades kindergarten through 54128

twelve, pre-kindergarten through five, grades four through nine, 54129
or grades seven through twelve. 54130

Sec. 3319.238. (A) Except as provided in division (F) of this 54131
section, beginning with the 2024-2025 school year, a school 54132
district ~~or chartered nonpublic school~~ shall require an individual 54133
to have an educator license validation in financial literacy to 54134
provide financial literacy instruction under division (C)(9) of 54135
section 3313.603 of the Revised Code. 54136

(B) To obtain a license validation in financial literacy, an 54137
individual shall hold a valid educator license issued under 54138
section 3319.22 or 3319.26 of the Revised Code, or a permanent 54139
teaching certificate issued under former law, ~~or for an individual~~ 54140
~~at a chartered nonpublic school, a certificate issued under~~ 54141
~~section 3301.071 of the Revised Code,~~ and meet additional 54142
requirements adopted under rules by the state board of education. 54143

(C) Prior to adopting rules under division (B) of this 54144
section, the state board shall establish and consult with an 54145
advisory committee of at least four classroom teachers and one 54146
expert in financial literacy instruction for classroom teachers. 54147
The classroom teachers shall include a representative of each of 54148
the following: 54149

(1) The Ohio council of teachers of mathematics; 54150

(2) The Ohio council for the social studies; 54151

(3) The Ohio business educators association; 54152

(4) The Ohio association of teachers of family and consumer 54153
sciences. 54154

(D) Each district ~~or school~~ shall pay for any costs necessary 54155
for an individual employed by the district ~~or school~~ who is 54156
required under division (A) of this section to meet the additional 54157
requirements adopted by the state board under division (B) of this 54158

section. The district ~~or school~~ may seek reimbursement from the 54159
department of education for those costs under section 3319.239 of 54160
the Revised Code. 54161

(E) This section does not apply to a any chartered nonpublic 54162
school ~~accredited through the independent schools association of~~ 54163
~~the central states or other chartered nonpublic school, if the~~ 54164
~~school does not have a student attending the school under a state~~ 54165
~~scholarship program as defined in section 3301.0711 of the Revised~~ 54166
Code. 54167

(F) A classroom teacher who holds a valid educator license or 54168
endorsement that is required to provide instruction in social 54169
studies, family and consumer sciences, or business education shall 54170
not be required to have a validation prescribed under this section 54171
to provide financial literacy instruction under division (C)(9) of 54172
section 3313.603 of the Revised Code. A teacher to which this 54173
division applies may obtain the validation described in division 54174
(A) of this section at the district's ~~or school's~~ expense. 54175

Sec. 3319.239. (A) As used in this section: 54176

(1) "Approved costs" means any costs necessary to meet the 54177
additional requirements adopted by the state board of education 54178
under division (B) of section 3319.238 of the Revised Code for 54179
educator license validation in financial literacy. 54180

(2) "Eligible entity" includes the following: 54181

(a) A city, exempted village, local, or joint vocational 54182
school district; 54183

(b) A community school established under Chapter 3314. of the 54184
Revised Code; 54185

(c) A science, technology, engineering, and mathematics 54186
school established under Chapter 3326. of the Revised Code; 54187

(d) ~~A chartered nonpublic school;~~ 54188

~~(e)~~ An educational service center. 54189

(B)(1) The department shall reimburse eligible entities for 54190
approved costs incurred under division (D) or (F) of section 54191
3319.238 of the Revised Code. 54192

(2) Except as provided in division (E)(2) of this section, 54193
the total amount reimbursed to an eligible entity for paying the 54194
costs of an individual teacher under division (D) or (F) of 54195
section 3319.238 of the Revised Code shall be the lesser of five 54196
hundred dollars or the total approved costs incurred by the 54197
qualifying teacher. 54198

(C) Reimbursements paid under this section shall be taken 54199
from moneys in the high school financial literacy fund established 54200
under section 121.086 of the Revised Code. At least two times each 54201
fiscal year, the department shall request the treasurer of state 54202
to transfer moneys from the fund to the department to reimburse 54203
eligible entities in accordance with this section. 54204

(D) Each eligible entity seeking reimbursement under this 54205
section shall report to the department, in the form and manner 54206
determined by the department, the number of teachers employed by 54207
the entity who, during the reporting period, met the additional 54208
requirements adopted by the state board under division (B) of 54209
section 3319.238 of the Revised Code for educator license 54210
validation in financial literacy. 54211

(E)(1) The department may use a portion of the moneys 54212
transferred from the high school financial literacy fund for 54213
administration of the reimbursement program prescribed by this 54214
section. 54215

(2) In the event the moneys available in the fund are 54216
insufficient to cover all requests for reimbursement under 54217
division (B)(1) of this section, the department may limit the 54218
number of teachers for which an eligible entity may request 54219

reimbursement or may prorate reimbursement amounts as necessary to 54220
pay all reimbursement requests. 54221

Sec. 3319.26. (A) The state board of education shall adopt 54222
rules establishing the standards and requirements for obtaining an 54223
alternative resident educator license or an alternative educator 54224
license for teaching in grades kindergarten to twelve, or the 54225
equivalent, in a designated subject area or in the area of 54226
intervention specialist, as defined by rule of the state board. 54227
~~The rules shall also include the reasons for which an alternative~~ 54228
~~resident educator license may be renewed under division (D) of~~ 54229
~~this section.~~ 54230

(B) The superintendent of public instruction and the 54231
chancellor of higher education jointly shall develop an intensive 54232
pedagogical training institute to provide instruction in the 54233
principles and practices of teaching for individuals seeking an 54234
alternative resident educator license. The instruction shall cover 54235
such topics as student development and learning, pupil assessment 54236
procedures, curriculum development, classroom management, and 54237
teaching methodology. 54238

(C) The rules adopted under this section shall require 54239
applicants for the alternative resident educator license to 54240
satisfy the following conditions prior to issuance of the license, 54241
but they shall not require applicants to have completed a major or 54242
coursework in the subject area for which application is being 54243
made: 54244

(1) Hold a minimum of a baccalaureate degree; 54245

(2) Successfully complete the pedagogical training institute 54246
described in division (B) of this section or the preservice 54247
training provided to participants of a teacher preparation program 54248
that has been approved by the chancellor. The chancellor may 54249
approve any such program that requires participants to hold a 54250

bachelor's degree; have either a cumulative undergraduate grade 54251
point average of at least 2.5 out of 4.0, or its equivalent or a 54252
cumulative graduate school grade point average of at least 3.0 out 54253
of 4.0; and successfully complete the program's preservice 54254
training. 54255

(3) Pass an examination in the subject area for which 54256
application is being made. 54257

(D) An alternative resident educator license shall be valid 54258
for ~~four~~ two years and shall be renewable ~~for reasons specified by~~ 54259
~~rules adopted by the state board pursuant to division (A) of this~~ 54260
~~section. The state board, on a case by case basis, may extend the~~ 54261
~~license's duration as necessary to enable the license holder to~~ 54262
~~complete the Ohio teacher residency program established under~~ 54263
~~section 3319.223 of the Revised Code.~~ 54264

(E) The rules shall require the holder of an alternative 54265
resident educator license, as a condition of continuing to hold 54266
the license, to do ~~all~~ both of the following: 54267

~~(1) Participate in the Ohio teacher residency program;~~ 54268

~~(2) Show satisfactory progress in taking and successfully 54269
completing one of the following: 54270~~

~~(a) At least twelve additional semester hours, or the 54271
equivalent, of college coursework in the principles and practices 54272
of teaching in such topics as student development and learning, 54273
pupil assessment procedures, curriculum development, classroom 54274
management, and teaching methodology; 54275~~

~~(b) Professional Professional development provided by a 54276
teacher preparation program that has been approved by the 54277
chancellor under division (C)(2) of this section-; 54278~~

~~(3)-(2) Take an assessment of professional knowledge in the 54279
second year of teaching under the license. 54280~~

The holder of an alternative resident educator license may 54281
obtain a professional educator license upon completion of the 54282
requirements in division (F) of this section or may renew the 54283
alternative resident educator license issued under this section, 54284
at which point the renewed license shall become an alternative 54285
educator license. 54286

(F) The rules shall provide for the granting of ~~a~~ an optional 54287
professional educator license to a holder of an alternative 54288
resident educator license upon successfully completing all of the 54289
following: 54290

(1) ~~Four~~ Two years of teaching under the alternative license; 54291

(2) The additional ~~college coursework or~~ professional 54292
development described in division ~~(E)(2)~~(E)(1) of this section or 54293
at least twelve additional semester hours, or the equivalent, of 54294
college coursework in the principles and practices of teaching in 54295
such topics as student development and learning, pupil assessment 54296
procedures, curriculum development, classroom management, and 54297
teaching methodology; 54298

(3) The assessment of professional knowledge described in 54299
division ~~(E)(3)~~(E)(2) of this section. The standards for 54300
successfully completing this assessment and the manner of 54301
conducting the assessment shall be the same as for any other 54302
individual who is required to take the assessment pursuant to 54303
rules adopted by the state board under section 3319.22 of the 54304
Revised Code. 54305

(4) The Ohio teacher residency program; 54306

(5) All other requirements for a professional educator 54307
license adopted by the state board under section 3319.22 of the 54308
Revised Code. 54309

(G) A person who is assigned to teach in this state as a 54310
participant in the teach for America program or who has completed 54311

two years of teaching in another state as a participant in that 54312
program shall be eligible for a license only under section 54313
3319.227 of the Revised Code and shall not be eligible for a 54314
license under this section. 54315

(H) The holder of an alternative resident educator license 54316
may teach preschool students under that license. 54317

Sec. 3319.283. (A) The As used in this section, "school 54318
governing authority" means any of the following: 54319

(1) The board of education of any a school district; 54320

(2) The governing authority of a community school established 54321
under Chapter 3314. of the Revised Code; 54322

(3) The governing body of a STEM school established under 54323
Chapter 3326. of the Revised Code. 54324

(B) A school governing authority may employ an individual who 54325
is not certificated or licensed as required by Chapter 3319. of 54326
the Revised Code, but who meets the following qualifications, as a 54327
teacher in ~~the schools of the district~~ a school operated by the 54328
school governing authority: 54329

(1) The individual is a veteran of the armed forces of the 54330
United States and was honorably discharged ~~within three years of~~ 54331
~~June 30, 1997;~~ 54332

(2) While in the armed forces the individual had meaningful 54333
teaching or other instructional experience; 54334

(3) The individual holds at least a baccalaureate degree. 54335

~~(B)~~(C) An individual employed under this section shall be 54336
deemed to hold a teaching certificate or educator license for the 54337
purposes of state and federal law and rules and regulations and 54338
the school district governing authority's policies, rules, and 54339
regulations. However, an individual employed under this section is 54340

not a properly certified or licensed teacher for purposes of the 54341
school district's compliance with section 3319.074 of the Revised 54342
Code. Each individual employed under this section shall meet the 54343
requirement to successfully complete fifteen hours, or the 54344
equivalent, of coursework every five years that is approved by the 54345
local professional development committee as is required of other 54346
teachers licensed in accordance with Chapter 3319. of the Revised 54347
Code. 54348

(C)(D) As a condition of employment, each individual employed 54349
under division (B) of this section shall be subject to a criminal 54350
records check as prescribed by section 3319.391 of the Revised 54351
Code. In the manner prescribed by the state board of education, 54352
the individual shall submit the criminal records check to the 54353
department and shall register with the state board during the 54354
period in which the individual is employed by the school governing 54355
authority. The state board shall use the information submitted to 54356
enroll the individual in the retained applicant fingerprint 54357
database, established under section 109.5721 of the Revised Code, 54358
in the same manner as any teacher licensed under sections 3319.22 54359
to 3319.31 of the Revised Code. 54360

If the state board receives notification of the arrest or 54361
conviction of an individual registered under this division, the 54362
state board shall promptly notify the school governing authority 54363
and may take any action authorized under sections 3319.31 and 54364
3319.311 of the Revised Code that the state board considers 54365
appropriate. The state board shall not accept the application of 54366
any individual under this division if the state board learns that 54367
the individual has pleaded guilty to, has been found guilty by a 54368
jury or court of, or has been convicted of any of the offenses 54369
listed in division (C) of section 3319.31 of the Revised Code. 54370

(E) The superintendent of public instruction may revoke the 54371
right of an individual employed under division (A) of this section 54372

to teach if, after an investigation and an adjudication conducted 54373
pursuant to Chapter 119. of the Revised Code, the superintendent 54374
finds that the person is not competent to teach the subject the 54375
person has been employed to teach or did not fulfill the 54376
requirements of division (A) of this section. No individual whose 54377
right to teach has been revoked under this division shall teach in 54378
a public school, and no ~~board of education~~ school governing 54379
authority may engage such an individual to teach in ~~the schools of~~ 54380
~~its district~~ a school it operates. 54381

Notwithstanding division ~~(B)~~(C) of this section, a board of 54382
education is not required to comply with the provisions of 54383
sections 3311.81, 3311.82, 3319.11, and 3319.16 of the Revised 54384
Code with regard to termination of employment if the 54385
superintendent, after an investigation and an adjudication, has 54386
revoked the individual's right to teach. 54387

Sec. 3319.291. (A) The state board of education shall require 54388
each of the following persons, at the times prescribed by division 54389
(A) of this section, to undergo a criminal records check, unless 54390
the person has undergone a records check under this section or a 54391
former version of this section less than five years prior to that 54392
time. 54393

(1) Any person initially applying for any certificate, 54394
license, or permit described in this chapter or in division (B) of 54395
section 3301.071 or in section 3301.074 of the Revised Code at the 54396
time that application is made; 54397

(2) Any person applying for renewal of any certificate, 54398
license, or permit described in division (A)(1) of this section at 54399
the time that application is made; 54400

(3) Any person who is teaching under a professional teaching 54401
certificate issued under former section 3319.222 of the Revised 54402
Code upon a date prescribed by the state board; 54403

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter;

(5) Any person who is teaching under section 3319.283 of the Revised Code.

(B)(1) Except as otherwise provided in division (B)(2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person.

(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation so that bureau may forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(a) Under this section or any former version of this section, the state board or the superintendent of public instruction previously requested the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

(C) Except as provided in division (D) of this section, prior to issuing or renewing any certificate, license, or permit for a person described in division (A)(1) or (2) of this section who is subject to a criminal records check and in the case of a person described in division (A)(3) ~~or~~ (4), or (5) of this section who is subject to a criminal records check, the state board or the superintendent of public instruction shall do one of the following:

(1) If the person is required to submit fingerprints and written permission under division (B)(1) of this section, request the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, pertaining to the person and to obtain any criminal records that the federal bureau of investigation has on the person.

(2) If the person is required to submit fingerprints and written permission under division (B)(2) of this section, request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

(D) The state board or the superintendent of public instruction may choose not to request any information about a person required by division (C) of this section if the person provides proof that a criminal records check that satisfies the requirements of that division was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction may accept a certified copy

of records that were issued by the bureau of criminal 54468
identification and investigation and that are presented by the 54469
person in lieu of requesting that information under division (C) 54470
of this section if the records were issued by the bureau within 54471
the immediately preceding year. 54472

(E)(1) If a person described in division (A)(3) ~~or~~ (4), or 54473
(5) of this section who is subject to a criminal records check 54474
fails to submit fingerprints and written permission by the date 54475
specified in the applicable division, and the state board or the 54476
superintendent of public instruction does not apply division (D) 54477
of this section to the person, or if a person who is subject to 54478
division (G) of this section fails to submit fingerprints and 54479
written permission by the date prescribed under that division, the 54480
superintendent shall prepare a written notice stating that if the 54481
person does not submit the fingerprints and written permission 54482
within fifteen days after the date the notice was mailed, the 54483
person's application will be rejected or the person's professional 54484
or permanent teaching certificate or license will be inactivated. 54485
The superintendent shall send the notification by regular mail to 54486
the person's last known residence address or last known place of 54487
employment, as indicated in the department of education's records, 54488
or both. 54489

If the person fails to submit the fingerprints and written 54490
permission within fifteen days after the date the notice was 54491
mailed, the superintendent of public instruction, on behalf of the 54492
state board, shall issue a written order rejecting the application 54493
or inactivating the person's professional or permanent teaching 54494
certificate or license. The rejection or inactivation shall remain 54495
in effect until the person submits the fingerprints and written 54496
permission. The superintendent shall send the order by regular 54497
mail to the person's last known residence address or last known 54498
place of employment, as indicated in the department's records, or 54499

both. The order shall state the reason for the rejection or 54500
inactivation and shall explain that the rejection or inactivation 54501
remains in effect until the person submits the fingerprints and 54502
written permission. 54503

The rejection or inactivation of a professional or permanent 54504
teaching certificate or license under division (E)(1) of this 54505
section does not constitute a suspension or revocation of the 54506
certificate or license by the state board under section 3319.31 of 54507
the Revised Code and the state board and the superintendent of 54508
public instruction need not provide the person with an opportunity 54509
for a hearing with respect to the rejection or inactivation. 54510

(2) If a person whose professional or permanent teaching 54511
certificate or license has been rejected or inactivated under 54512
division (E)(1) of this section submits fingerprints and written 54513
permission as required by division (B) or (G) of this section, the 54514
superintendent of public instruction, on behalf of the state 54515
board, shall issue a written order issuing or reactivating the 54516
certificate or license. The superintendent shall send the order to 54517
the person by regular mail. 54518

(F) Notwithstanding divisions (A) to (C) of this section, if 54519
a person holds more than one certificate, license, or permit 54520
described in division (A)(1) of this section, the following shall 54521
apply: 54522

(1) If the certificates, licenses, or permits are of 54523
different durations, the person shall be subject to divisions (A) 54524
to (C) of this section only when applying for renewal of the 54525
certificate, license, or permit that is of the longest duration. 54526
Prior to renewing any certificate, license, or permit with a 54527
shorter duration, the state board or the superintendent of public 54528
instruction shall determine whether the department of education 54529
has received any information about the person pursuant to section 54530
109.5721 of the Revised Code, but the person shall not be subject 54531

to divisions (A) to (C) of this section as long as the person's 54532
certificate, license, or permit with the longest duration is 54533
valid. 54534

(2) If the certificates, licenses, or permits are of the same 54535
duration but do not expire in the same year, the person shall 54536
designate one of the certificates, licenses, or permits as the 54537
person's primary certificate, license, or permit and shall notify 54538
the department of that designation. The person shall be subject to 54539
divisions (A) to (C) of this section only when applying for 54540
renewal of the person's primary certificate, license, or permit. 54541
Prior to renewing any certificate, license, or permit that is not 54542
the person's primary certificate, license, or permit, the state 54543
board or the superintendent of public instruction shall determine 54544
whether the department has received any information about the 54545
person pursuant to section 109.5721 of the Revised Code, but the 54546
person shall not be subject to divisions (A) to (C) of this 54547
section as long as the person's primary certificate, license, or 54548
permit is valid. 54549

(3) If the certificates, licenses, or permits are of the same 54550
duration and expire in the same year and the person applies for 54551
renewal of the certificates, licenses, or permits at the same 54552
time, the state board or the superintendent of public instruction 54553
shall request only one criminal records check of the person under 54554
division (C) of this section. 54555

(G) If the department is unable to enroll a person who has 54556
submitted an application for licensure, or to whom the state board 54557
has issued a license, in the retained applicant fingerprint 54558
database established under section 109.5721 of the Revised Code 54559
because the person has not satisfied the requirements for 54560
enrollment, the department shall require the person to satisfy the 54561
requirements for enrollment, including requiring the person to 54562
submit, by a date prescribed by the department, one complete set 54563

of fingerprints and written permission that authorizes the 54564
superintendent of public instruction to forward the fingerprints 54565
to the bureau of criminal identification and investigation for the 54566
purpose of enrolling the person in the database. If the person 54567
fails to comply by the prescribed date, the department shall 54568
reject the application or shall take action to inactivate the 54569
person's license in accordance with division (E) of this section. 54570

Sec. 3319.316. ~~The department of education, on behalf of the~~ 54571
state board of education, shall be a participating public office 54572
for purposes of the retained applicant fingerprint database 54573
established under section 109.5721 of the Revised Code and shall 54574
receive notification from the bureau of criminal identification 54575
and investigation of the arrest or conviction of the following 54576
persons: 54577

(A) Persons to whom the state board has issued a license, as 54578
defined in section 3319.31 of the Revised Code; 54579

(B) On behalf of employers described in section 3319.391 or 54580
3327.10 of the Revised Code, persons who are not required to hold 54581
a license issued by the state board, including persons who operate 54582
a school bus or motor van. Notwithstanding anything to the 54583
contrary in division (E) of section 109.5721 of the Revised Code, 54584
the state board is authorized to and promptly shall transmit any 54585
notification received regarding a person under this division to 54586
the person's employer. 54587

Sec. 3322.20. (A) The Ohio computer science promise program 54588
is hereby established. Beginning with the 2024-2025 school year, 54589
under the program, a student in any of grades seven through twelve 54590
who is a resident of this state may, at no cost to the student, 54591
enroll in and receive high school credit for one computer science 54592
course per academic year that is not offered by the student's 54593

public or nonpublic secondary school, provided the student is 54594
accepted into an eligible course offered by an approved provider 54595
and there are sufficient funds to support enrollment. 54596

(B) All Ohio computer science promise program eligible 54597
courses and providers shall be approved by the department of 54598
education and workforce in consultation with the chancellor of 54599
higher education to be eligible for funding. The department 54600
annually shall publish a list of approved providers and courses. 54601

(C)(1) Any student enrolled in a public secondary school may 54602
participate in the program if the student meets the applicable 54603
eligibility criteria. 54604

(2) Any student enrolled in a nonpublic secondary school may 54605
participate in the program in a manner prescribed by the 54606
chancellor of higher education if the nonpublic school chooses to 54607
participate in the program. 54608

(D) Governing entities shall grant high school credit for 54609
courses approved to receive funding through the Ohio computer 54610
science promise program. 54611

(E) All public secondary schools shall participate in the 54612
program and are subject to the requirements of this chapter. Any 54613
nonpublic secondary school that chooses to participate in the 54614
program shall also be subject to the requirements of this chapter. 54615

(F) The chancellor of higher education, in accordance with 54616
Chapter 119. of the Revised Code and in consultation with the 54617
director of education and workforce, shall adopt rules governing 54618
the program. 54619

Sec. 3322.24. (A) All governing entities shall count courses 54620
successfully completed under this chapter for high school credit 54621
toward the graduation requirements and subject area requirements 54622
of the governing entity. If a course comparable to one a 54623

participant completed with an approved provider is offered by the 54624
governing entity, the governing entity shall award comparable 54625
credit. If no comparable course is offered, the governing entity 54626
shall grant an appropriate number of elective credits to the 54627
participant. 54628

(B) If there is a dispute between the governing entity of a 54629
participant's school and a participant regarding high school 54630
credits granted for a course, the participant may appeal the 54631
decision to the department of education. The department's decision 54632
regarding any high school credits granted under this section is 54633
final. 54634

(C) Evidence of successful completion of each course and the 54635
high school credits awarded by the school shall be included in the 54636
student's record. The record shall indicate that the credits were 54637
earned as a participant under this chapter and shall include the 54638
name of the educational provider at which the credits were earned. 54639

Sec. 3319.391. This section applies to any person hired by a 54640
school district, educational service center, or chartered 54641
nonpublic school and any contractor or person hired by a 54642
contractor engaged in providing services to a school district, 54643
educational service center, or chartered nonpublic school in any 54644
position that does not require a "license" issued by the state 54645
board of education, as defined in section 3319.31 of the Revised 54646
Code, or a registration issued by the state board of education 54647
under Chapter 3319. of the Revised Code, and is not for the 54648
operation of a vehicle for pupil transportation. This section does 54649
not apply to any person who volunteers at a school building within 54650
a district, educational service center, or chartered nonpublic 54651
school, including a parent volunteer in a student's classroom. 54652

(A)(A)(1) For each person to whom this section applies who is 54653

hired on or after November 14, 2007, the employer shall request a 54654
criminal records check in accordance with section 3319.39 of the 54655
Revised Code and shall request a subsequent criminal records check 54656
by the fifth day of September every fifth year thereafter. ~~For~~ 54657

(2) ~~For~~ each person to whom this ~~division~~ section applies who 54658
is hired prior to November 14, 2007, the employer shall request a 54659
criminal records check by a date prescribed by the ~~department of~~ 54660
~~education~~ state board and shall request a subsequent criminal 54661
records check by the fifth day of September every fifth year 54662
thereafter. 54663

(3) If, on the effective date of this amendment, the most 54664
recent criminal records check requested for a person under 54665
division (A)(1) or (2) of this section was completed more than one 54666
year prior to that date or does not include information gathered 54667
pursuant to division (A) of section 109.57 of the Revised Code, 54668
the employer shall request a new criminal records check that 54669
includes information gathered pursuant to division (A) of section 54670
109.57 of the Revised Code by a date prescribed by the state board 54671
and shall request a subsequent criminal records check by the fifth 54672
day of September every fifth year thereafter. 54673

(B)(1) Each request for a criminal records check under this 54674
section shall be made to the superintendent of the bureau of 54675
criminal identification and investigation in the manner prescribed 54676
in section 3319.39 of the Revised Code, except that if both of the 54677
following conditions apply to the person subject to the records 54678
check, the employer shall request the superintendent only to 54679
obtain any criminal records that the federal bureau of 54680
investigation has on the person: 54681

(a) The employer previously requested the superintendent to 54682
determine whether the bureau of criminal identification and 54683
investigation has any information, gathered pursuant to division 54684
(A) of section 109.57 of the Revised Code, on the person in 54685

conjunction with a criminal records check requested under section 54686
3319.39 of the Revised Code or under this section. 54687

(b) The person presents proof that the person has been a 54688
resident of this state for the five-year period immediately prior 54689
to the date upon which the person becomes subject to a criminal 54690
records check under this section. 54691

(2) Upon receipt of a request under division (B)(1) of this 54692
section, the superintendent of the bureau of criminal 54693
identification and investigation shall conduct the criminal 54694
records check in accordance with section 109.572 of the Revised 54695
Code as if the request had been made under section 3319.39 of the 54696
Revised Code. However, as specified in division (B)(2) of section 54697
109.572 of the Revised Code, if the employer requests the 54698
superintendent only to obtain any criminal records that the 54699
federal bureau of investigation has on the person for whom the 54700
request is made, the superintendent shall not conduct the review 54701
prescribed by division (B)(1) of that section. 54702

(C) Notwithstanding division (D) of section 3319.39 of the 54703
Revised Code, the bureau of criminal identification and 54704
investigation shall make the initial criminal records check of a 54705
person requested by an employer under division (A) of this section 54706
on or after the effective date of this amendment available to the 54707
state board. The state board shall use the information received to 54708
enroll the person in the retained applicant fingerprint database, 54709
established under section 109.5721 of the Revised Code, in the 54710
same manner as any teacher licensed under sections 3319.22 to 54711
3319.31 of the Revised Code. If the state board is unable to 54712
enroll the person in the retained applicant fingerprint database 54713
because the person has not satisfied the requirements for 54714
enrollment, the state board shall notify the employer that the 54715
person has not satisfied the requirements for enrollment. However, 54716
the bureau shall not be required to make available to the state 54717

board the criminal records check of any person who is already 54718
enrolled in the retained applicant fingerprint database on the 54719
date the person's employer requests a records check of the person 54720
under division (A) of this section. 54721

If the state board receives notification of the arrest, 54722
guilty plea, or conviction of a person who is subject to this 54723
section, the state board shall promptly notify the employing 54724
school district, chartered nonpublic school, or educational 54725
service center in accordance with division (B) of section 3319.316 54726
of the Revised Code. 54727

(D) Any person who is the subject of a criminal records check 54728
under this section and has been convicted of or pleaded guilty to 54729
any offense described in division (B)(1) of section 3319.39 of the 54730
Revised Code shall not be hired or shall be released from 54731
employment, as applicable, unless the person meets the 54732
rehabilitation standards adopted by the ~~department~~ state board 54733
under division (E) of that section. 54734

Sec. 3323.251. (A) Each school district and other public 54735
school shall do all of the following: 54736

(1) For the 2023-2024 school year, administer a tier one 54737
dyslexia screening measure to a student to whom either of the 54738
following applies: 54739

(a) The student is enrolled in any of grades kindergarten 54740
through three, or the student transfers into the district or 54741
school midyear and is enrolled in any of grades kindergarten 54742
through three. A screening measure shall be administered to a 54743
student enrolled in kindergarten after January 1, 2024, but prior 54744
to January 1, 2025. 54745

(b) The student is enrolled in any of grades four through 54746
six, or the student transfers into the district or school midyear 54747

and is enrolled in any of grades four through six, and either of 54748
the following applies: 54749

(i) The student's parent, guardian, or custodian requests 54750
that the screening measure be administered to the student. 54751

(ii) A classroom teacher requests that the screening measure 54752
be administered to the student and the student's parent, guardian, 54753
or custodian grants permission for the screening measure to be 54754
administered. 54755

A school district may implement the screening under division 54756
(A)(1) of this section prior to the 2023-2024 school year. 54757

A screening measure administered under division (A)(1) of 54758
this section shall be aligned to the grade level in which the 54759
student is enrolled at the time the screening is administered. 54760

(2) For the 2024-2025 school year and each school year 54761
thereafter, administer a tier one dyslexia screening measure to a 54762
student to whom either of the following applies: 54763

(a) A student enrolled in kindergarten, or a student who 54764
transfers into the district or school midyear and is enrolled in 54765
kindergarten. A screening measure shall be administered to a 54766
student after the first day of January of the school year in which 54767
the student is enrolled in kindergarten and prior to the first day 54768
of January of the following school year. 54769

(b) A student enrolled in any of grades one through six, or a 54770
student who transfers into the district or school midyear and is 54771
enrolled in any of grades one through six, if either of the 54772
following applies: 54773

(i) The student's parent, guardian, or custodian requests 54774
that the screening measure be administered to the student. 54775

(ii) A classroom teacher requests that the screening measure 54776
be administered to the student and the student's parent, guardian, 54777

or custodian grants permission for the screening measure to be administered. 54778
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A district or school may administer a tier two dyslexia screening measure to a student to whom the district or school administers a tier one screening measure under division (A)(1) or (2) of this section. In that case, a district or school shall not be required to complete division (A)(4) of this section. 54780
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A screening measure administered under division (A)(2) of this section shall be aligned to the grade level in which the student is enrolled at the time the screening is administered. 54785
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(3) Identify each student that is at risk of dyslexia based on the student's results on the tier one screening measure and notify the student's parent, guardian, or custodian that the student has been identified as being at risk. 54788
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(4) Monitor the progress of each at-risk student toward attaining grade-level reading and writing skills for up to six weeks. The district or school shall check each at-risk student's progress on at least the second week, fourth week, and sixth week after the student is identified as being at risk. If no progress is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student. 54792
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(5) Report to a student's parent or guardian the student's results on a tier two screening measure approved by the Ohio dyslexia committee within thirty days after the measure's administration. If, as determined by the tier two screening measure, the student is identified as having dyslexia tendencies, the student's parent or guardian shall be provided with information about reading development, the risk factors for dyslexia, and descriptions for evidenced-based interventions. 54800
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(6) If a student demonstrates markers for dyslexia, provide 54808

the student's parents or guardian with a written explanation of 54809
the district or school's structured literacy program. 54810

~~(B)(1) Beginning in the 2023-2024 school year, each district~~ 54811
~~or school shall~~ In the case of a transfer student described in 54812
division (A)(1) or (2) of this section, the following apply: 54813

~~(a) Administer a tier one dyslexia screening measure to each~~ 54814
~~kindergarten student that transfers into the district or school~~ 54815
~~midyear during the school's regularly scheduled screening of the~~ 54816
~~kindergarten class or within thirty days after the student's~~ 54817
~~enrollment if the screening already has been completed;~~ If the 54818
student is enrolled in kindergarten, a tier one dyslexia screening 54819
measure shall be administered to the student during the school's 54820
regularly scheduled screening of the kindergarten class or within 54821
thirty days after the student's enrollment if so required under 54822
this section, or within thirty days after the student's parent, 54823
guardian, or custodian requests the screening or grants permission 54824
for a screening. 54825

~~(b) Administer a tier one dyslexia screening measure to each~~ 54826
~~student in grades one through six that transfers into the district~~ 54827
~~or school midyear within thirty days after the student's~~ 54828
~~enrollment.~~ If the student is enrolled in any of grades one 54829
through six, a tier one dyslexia screening measure shall be 54830
administered to the student within thirty days after the student's 54831
enrollment if so required under this section, or within thirty 54832
days after the student's parent, guardian, or custodian requests 54833
the screening under division (A)(1)(b)(i) or (A)(2)(b)(i) of this 54834
section or grants permission for the screening under division 54835
(A)(1)(b)(ii) or (A)(2)(b)(ii) of this section. 54836

(c) No district or school shall be required to administer a 54837
tier one dyslexia screening measure to a student who transfers 54838
into the district or school midyear if the student's records 54839
indicate that such a screening was administered to the student by 54840

the district or school from which the student transferred during 54841
that school year. 54842

(2) If a student is identified as being at risk of dyslexia 54843
under division (B)(1) of this section, the district or school 54844
shall administer a tier two screening measure in a timely manner. 54845

(C) Each district or school shall do all of the following: 54846

(1) Comply with any provisions that are statutorily required, 54847
as they pertain to the guidebook developed under division (C) of 54848
section 3323.25 of the Revised Code; 54849

(2) Select screening and intervention measures to administer 54850
to students from the measures identified under division (E) of 54851
section 3323.25 of the Revised Code; 54852

(3) Establish a multidisciplinary team to administer 54853
screening and intervention measures and analyze the results of the 54854
measures. The team shall include trained and certified personnel 54855
and a stakeholder with expertise in the identification, 54856
intervention, and remediation of dyslexia. 54857

(4) Report to the department of education the results of 54858
screening measures administered under this section. 54859

In addition, districts and schools may utilize any best 54860
practices and recommendations contained in the guidebook developed 54861
under division (C) of section 3323.25 of the Revised Code. 54862

Sec. 3324.05. (A) Each school district shall submit an annual 54863
report to the department of education specifying the number of 54864
students in each of grades kindergarten through twelve screened, 54865
the number assessed, and the number identified as gifted in each 54866
category specified in section 3324.03 of the Revised Code. ~~For~~ 54867
~~fiscal years 2022 and 2023, this~~ The report shall also specify the 54868
number of students served in each category specified in section 54869
3324.03 of the Revised Code. 54870

(B) ~~For fiscal years 2022 and 2023, not~~ Not later than the 54871
thirty-first day of October annually, the department shall publish 54872
both of the following using data submitted by school districts 54873
under the education management information system established 54874
under section 3301.0714 of the Revised Code: 54875

(1) Services offered by each school district to students 54876
identified as gifted in each of the following grade bands: 54877

(a) Kindergarten through ~~third~~ second grade; 54878

(b) Third through sixth grade; 54879

~~Fourth~~ (c) Seventh through eighth grade; 54880

~~(e)~~ (d) Ninth through twelfth grade. 54881

(2) The number of licensed gifted intervention specialists 54882
and coordinators employed or contracted by each school district. 54883

(C) The department of education shall audit each school 54884
district's identification numbers at least once every three years 54885
and may select any district at random or upon complaint or 54886
suspicion of noncompliance for a further audit to determine 54887
compliance with sections 3324.03 to 3324.06 of the Revised Code. 54888
~~If a school district's audit under this division occurs during~~ 54889
~~fiscal year 2022 or 2023,~~ In each year the department audits a 54890
school district under this section, the department shall also 54891
audit the district's service numbers. 54892

(D) The department shall provide technical assistance to any 54893
district found in noncompliance under division (C) of this 54894
section. For fiscal years 2022 and 2023, the department shall 54895
reduce funds received by the district under Chapter 3317. of the 54896
Revised Code by any amount if the district continues to be 54897
noncompliant. For fiscal year 2024 and each fiscal year 54898
thereafter, the department may reduce funds received by the 54899
district under Chapter 3317. of the Revised Code by any amount if 54900

the district continues to be noncompliant. 54901

Sec. 3324.09. ~~(A) For fiscal years 2022 and 2023, not~~ Not 54902
later than the thirtieth day of October annually, the department 54903
of education shall publish on its web site the funds received for 54904
the previous fiscal year by each school district under division 54905
(A)(6) of section 3317.022 of the Revised Code for the 54906
identification of and services provided to the district's gifted 54907
students and each district's expenditures of those funds. 54908

~~(B) For fiscal year 2024 and each fiscal year thereafter, not~~ 54909
~~later than the thirtieth day of October, the department shall~~ 54910
~~publish on its web site each school district's expenditures for~~ 54911
~~the previous fiscal year of funds received under division (A)(6)~~ 54912
~~of section 3317.022 of the Revised Code for the identification of~~ 54913
~~and services provided to the district's gifted students.~~ 54914

Sec. 3325.01. The Ohio deaf and blind education services is 54915
hereby established and shall include the state school for the deaf 54916
and the state school for the blind. Ohio deaf and blind education 54917
services shall be operate under the control and supervision of the 54918
state board of education. On the recommendation of the 54919
superintendent of public instruction, the state board of education 54920
shall appoint a superintendent for Ohio deaf and blind education 54921
services, who shall supervise the state school for the deaf and a 54922
~~superintendent for the state school for the blind, each of whom.~~ 54923
The superintendent of Ohio deaf and blind education services shall 54924
serve at the pleasure of the state board of education. The 54925
superintendent of Ohio deaf and blind education services may 54926
create additional divisions to meet the educational needs of 54927
students throughout the state who are deaf, hard of hearing, 54928
blind, visually impaired, or deafblind. 54929

Sec. 3325.011. Subject to the regulations adopted by the 54930

state board of education, the state school for the deaf shall be 54931
open to receive persons who are deaf, ~~partially deaf~~ hard of 54932
hearing, and ~~both blind and deaf~~ deafblind residents of this 54933
state, who, in the judgment of the superintendent of public 54934
instruction and the superintendent of ~~the school for the deaf~~ Ohio 54935
deaf and blind education services, due to such disability, cannot 54936
be educated in the public school system and are suitable persons 54937
to receive instructions according to the methods employed in such 54938
school. ~~The superintendent of the school for the deaf may pay the~~ 54939
~~expenses necessary for the instruction of children who are both~~ 54940
~~blind and deaf, who are resident of this state, in any suitable~~ 54941
~~institution.~~ 54942

Sec. 3325.02. (A) As used in this chapter, a person with a 54943
"visual impairment" means ~~blindness, partial blindness,~~ 54944
~~deaf blindness~~ the person is blind, visually impaired, deafblind, 54945
or has multiple disabilities if one of the disabilities is vision 54946
related. 54947

(B) Subject to the regulations adopted by the state board of 54948
education, the state school for the blind shall be open to receive 54949
persons who are residents of this state, whose disabilities are 54950
visual impairments, and who, in the judgment of the superintendent 54951
of public instruction and the superintendent of ~~the school for the~~ 54952
~~blind~~ Ohio deaf and blind education services, due to such 54953
disability, cannot be educated in the public school system and are 54954
suitable persons to receive instructions according to the methods 54955
employed in the school. 54956

Sec. 3325.03. The superintendent of ~~the state school for the~~ 54957
~~deaf or the superintendent of the state school for the blind~~ Ohio 54958
deaf and blind education services may return ~~to its parents,~~ 54959
~~guardian, or proper agency~~ any pupil under his the 54960
superintendent's jurisdiction, who to the pupil's resident school 54961

district if, in the opinion of ~~such~~ the superintendent and the 54962
superintendent of public instruction, that pupil is not making 54963
sufficient progress ~~in its school or industrial work~~ to justify 54964
~~its~~ continuance as a pupil ~~in such school~~ at the state school for 54965
the deaf or the state school for the blind. 54966

Sec. 3325.04. The superintendent of ~~the state school for the~~ 54967
~~deaf and the superintendent of the state school for the blind~~ Ohio 54968
deaf and blind education services, with the approval of the 54969
superintendent of public instruction, shall, ~~for their respective~~ 54970
~~schools and~~ subject to the rules and regulations of the civil 54971
service, employ suitable teachers, nurses, and other help staff 54972
necessary to operate Ohio deaf and blind education services and 54973
provide ~~the~~ proper instruction and care ~~for~~ to the pupils under 54974
~~their~~ the jurisdiction of the superintendent of Ohio deaf and 54975
blind education services. 54976

~~No individual hired on or after the effective date of this~~ 54977
~~amendment as a classroom teacher at the state school for the blind~~ 54978
~~shall be permitted to retain employment as a teacher at the school~~ 54979
~~unless prior to the date of such hiring, or within one year of~~ 54980
~~that date, the individual completes at least two courses of~~ 54981
~~instruction in braille at an institution of higher education or~~ 54982
~~demonstrates equivalent competency in the use of braille to the~~ 54983
~~satisfaction of the superintendent of the state school for the~~ 54984
~~blind.~~ 54985

Sec. 3325.05. The state board of education may provide for 54986
the further and higher education of any blind pupils, who in its 54987
judgment are capable of receiving sufficient benefit to render 54988
them more efficient as citizens, by ~~appointing readers for~~ 54989
providing appropriate assistive technology to enable such persons 54990
to read from textbooks and pamphlets used in their studies while 54991
in attendance as regularly matriculated students in any college, 54992

university, or technical or professional school located in this 54993
state and authorized to grant degrees. Any fund appropriated for 54994
such purpose shall be distributed under the direct supervision of 54995
the state board of education. No person shall receive the benefit 54996
conferred by this section who has not had an actual residence in 54997
this state for at least one year. 54998

Sec. 3325.06. (A) ~~The state board of~~ Ohio deaf and blind 54999
education services shall institute and establish a program of 55000
education ~~by the department of education~~ to train parents of deaf 55001
or hard of hearing children of preschool age. The object and 55002
purpose of the educational program shall be to aid and assist the 55003
parents of deaf or hard of hearing children of preschool age in 55004
affording to the children the means of optimum communicational 55005
facilities. 55006

(B) ~~The state board of education~~ Ohio deaf and blind 55007
education services shall institute and establish a program of 55008
education to train and assist parents of blind or visually 55009
impaired children of preschool age ~~whose disabilities are visual~~ 55010
~~impairments~~. The object and purpose of the educational program 55011
shall be to enable the parents of blind or visually impaired 55012
children of preschool age ~~whose disabilities are visual~~ 55013
~~impairments~~ to provide their children with learning experiences 55014
that develop early literacy, communication, mobility, and daily 55015
living skills so the children can function independently in their 55016
living environments. 55017

Sec. 3325.07. ~~The state board of~~ Ohio deaf and blind 55018
education services in carrying out this section and division (A) 55019
of section 3325.06 of the Revised Code shall, insofar as 55020
practicable, plan, present, and carry into effect an educational 55021
program by means of any of the following methods of instruction: 55022

(A) Classes for parents of deaf or hard of hearing children of preschool age;	55023 55024
(B) A nursery school <u>preschool</u> where parent and child would <u>may</u> enter the nursery school <u>preschool</u> as a unit;	55025 55026
(C) Correspondence course;	55027
(D) Personal consultations and interviews;	55028
(E) Day-care or child development courses;	55029
(F) Summer enrichment courses;	55030
(G) By such other means or methods as the superintendent of the state school for the deaf <u>Ohio deaf and blind education services</u> deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of <u>build</u> communication <u>skills</u> at an early age.	55031 55032 55033 55034 55035
The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of <u>build</u> communication <u>skills</u> . The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.	55036 55037 55038 55039 55040 55041 55042
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.	55043 55044 55045 55046 55047 55048 55049 55050
Sec. 3325.071. The state board of <u>Ohio deaf and blind</u> education <u>services</u> in carrying out this section and division (B)	55051 55052

of section 3325.06 of the Revised Code shall, insofar as 55053
practicable, plan, present, and carry into effect an educational 55054
program by means of any of the following methods of instruction: 55055

(A) Classes for parents of children of preschool age whose 55056
disabilities are visual impairments, independently or in 55057
cooperation with community agencies; 55058

(B) ~~Periodic interactive parent-child classes for infants and~~ 55059
~~toddlers whose disabilities are visual impairments~~ A preschool 55060
where a parent and child may enter the preschool as a unit; 55061

(C) Correspondence course; 55062

(D) Personal consultations and interviews; 55063

(E) Day-care or child development courses for children and 55064
parents; 55065

(F) Summer enrichment courses; 55066

(G) By such other means or methods as the superintendent of 55067
~~the state school for the blind~~ Ohio deaf and blind education 55068
services deems advisable that would permit a child of preschool 55069
age whose disability is a visual impairment to ~~construct a pattern~~ 55070
~~of~~ build communication skills and develop literacy, mobility, and 55071
independence at an early age. 55072

The superintendent may allow children who do not have 55073
disabilities that are visual impairments to participate in the 55074
methods of instruction described in divisions (A) to (G) of this 55075
section so that children of preschool age whose disabilities are 55076
visual impairments are able to learn alongside their peers while 55077
receiving specialized instruction that is based on early learning 55078
and development strategies. The superintendent shall establish 55079
policies and procedures regarding the participation of children 55080
who do not have disabilities that are visual impairments. 55081

The superintendent may establish reasonable fees for 55082

participation in the methods of instruction described in divisions 55083
(A) to (G) of this section to defray the costs of carrying them 55084
out. The superintendent shall determine the manner by which any 55085
such fees shall be collected. All fees shall be deposited in the 55086
state school for the blind even start fees and gifts fund, which 55087
is hereby created in the state treasury. The money in the fund 55088
shall be used to implement this section. 55089

Sec. 3325.08. (A) A diploma shall be granted by the 55090
superintendent of ~~the state school for the blind and the~~ 55091
~~superintendent of the state school for the deaf~~ Ohio deaf and 55092
blind education services to any student enrolled in ~~one of these~~ 55093
~~state schools~~ the state school for the blind or the state school 55094
for the deaf to whom all of the following apply: 55095

(1) The student has successfully completed the individualized 55096
education program developed for the student for the student's high 55097
school education pursuant to section 3323.08 of the Revised Code; 55098

(2) Subject to section 3313.614 of the Revised Code, the 55099
student has met the assessment requirements of division (A)(2)(a) 55100
or (b) of this section, as applicable. 55101

(a) If the student entered the ninth grade prior to July 1, 55102
2014, the student either: 55103

(i) Has attained at least the applicable scores designated 55104
under division (B)(1) of section 3301.0710 of the Revised Code on 55105
all the assessments prescribed by that division unless division 55106
(L) of section 3313.61 of the Revised Code applies to the student; 55107

(ii) Has satisfied the alternative conditions prescribed in 55108
section 3313.615 of the Revised Code. 55109

(b) If the student entered the ninth grade on or after July 55110
1, 2014, the student has met the requirement prescribed by section 55111
3313.618 of the Revised Code, except to the extent that division 55112

(L) of section 3313.61 of the Revised Code applies to the student. 55113

(3) The student is not eligible to receive an honors diploma 55114
granted pursuant to division (B) of this section. 55115

No diploma shall be granted under this division to anyone 55116
except as provided under this division. 55117

(B) In lieu of a diploma granted under division (A) of this 55118
section, the superintendent of ~~the state school for the blind and~~ 55119
~~the superintendent of the state school for the deaf~~ Ohio deaf and 55120
blind education services shall grant an honors diploma, in the 55121
same manner that the boards of education of school districts grant 55122
such diplomas under division (B) of section 3313.61 of the Revised 55123
Code, to any student enrolled in ~~one of these state schools~~ the 55124
state school for the blind or the state school for the deaf who 55125
accomplishes all of the following: 55126

(1) Successfully completes the individualized education 55127
program developed for the student for the student's high school 55128
education pursuant to section 3323.08 of the Revised Code; 55129

(2) Subject to section 3313.614 of the Revised Code, has met 55130
the assessment requirements of division (B)(2)(a) or (b) of this 55131
section, as applicable. 55132

(a) If the student entered the ninth grade prior to July 1, 55133
2014, the student either: 55134

(i) Has attained at least the applicable scores designated 55135
under division (B)(1) of section 3301.0710 of the Revised Code on 55136
all the assessments prescribed under that division; 55137

(ii) Has satisfied the alternative conditions prescribed in 55138
section 3313.615 of the Revised Code. 55139

(b) If the student entered the ninth grade on or after July 55140
1, 2014, the student has met the requirement prescribed by section 55141
3313.618 of the Revised Code. 55142

(3) Has met additional criteria for granting an honors diploma. 55143
55144

These additional criteria shall be the same as those 55145
prescribed by the state board under division (B) of section 55146
3313.61 of the Revised Code for the granting of such diplomas by 55147
school districts. No honors diploma shall be granted to anyone 55148
failing to comply with this division and not more than one honors 55149
diploma shall be granted to any student under this division. 55150

(C) A diploma or honors diploma awarded under this section 55151
shall be signed by the superintendent of public instruction and 55152
the superintendent of ~~the state school for the blind or the~~ 55153
~~superintendent of the state school for the deaf, as applicable~~ 55154
Ohio deaf and blind education services. Each diploma shall bear 55155
the date of its issue and be in such form as the ~~school~~ 55156
superintendent of Ohio deaf and blind education services 55157
prescribes. 55158

(D) Upon granting a diploma to a student under this section, 55159
the superintendent of ~~the state school in which the student is~~ 55160
~~enrolled~~ Ohio deaf and blind education services shall provide 55161
notice of receipt of the diploma to the board of education of the 55162
school district where the student is entitled to attend school 55163
under section 3313.64 or 3313.65 of the Revised Code when not 55164
residing at the state school for the blind or the state school for 55165
the deaf. The notice shall indicate the type of diploma granted. 55166

Sec. 3325.09. (A) ~~The state board of~~ Ohio deaf and blind 55167
education services shall institute and establish career-technical 55168
education and work training programs for secondary and 55169
post-secondary students ~~whose disabilities are visual impairments~~ 55170
who are blind, visually impaired, deaf, hard of hearing, or 55171
deafblind. These programs shall develop communication, mobility, 55172
and work skills and assist students in becoming productive members 55173

of society so that they can contribute to their communities and 55174
living environments. 55175

(B) ~~The state school for the blind~~ Ohio deaf and blind 55176
education services may use any gifts, donations, or bequests it 55177
receives under section 3325.10 or 3325.15 of the Revised Code for 55178
one or more of the following purposes that are related to 55179
career-technical and work training programs for secondary and 55180
post-secondary students ~~whose disabilities are visual impairments~~ 55181
who are blind, visually impaired, deaf, hard of hearing, or 55182
deafblind: 55183

(1) Room and board; 55184

(2) Training in mobility and orientation; 55185

(3) Activities that teach daily living skills; 55186

(4) Rehabilitation technology; 55187

(5) Activities that teach group and individual social and 55188
interpersonal skills; 55189

(6) Work placement in the community by the school or a 55190
community agency; 55191

(7) Transportation to and from work sites or locations of 55192
community interaction; 55193

(8) Supervision and management of programs and services. 55194

(C) For the purposes of division (B) of this section, Ohio 55195
deaf and blind education services shall use funds received under 55196
section 3325.10 or 3325.15 of the Revised Code only for the school 55197
for which the funds were designated. 55198

Sec. 3325.10. ~~The state school for the blind~~ Ohio deaf and 55199
blind education services may receive and administer any federal 55200
funds relating to the education of students at the state school 55201

for the blind whose disabilities are visual impairments, including 55202
secondary and post-secondary students. ~~The school for the blind~~ 55203
Ohio deaf and blind education services also may accept and 55204
administer any gifts, donations, or bequests made to it for 55205
programs or services relating to the education of students at the 55206
state school for the blind whose disabilities are visual 55207
impairments, including secondary and post-secondary students. 55208

Sec. 3325.11. There is hereby created in the state treasury 55209
~~the state school for the blind~~ Ohio deaf and blind education 55210
services student activity and work-study fund. Moneys received 55211
from donations, bequests, the ~~school~~ vocational ~~program~~ programs 55212
of the state school for the blind and the state school for the 55213
deaf, and any other moneys designated for deposit in the fund by 55214
the superintendent of ~~the state school for the blind~~ Ohio deaf and 55215
blind education services shall be credited to the fund. 55216
Notwithstanding section 3325.01 of the Revised Code, the approval 55217
of the state board of education is not required to designate money 55218
for deposit into the fund. ~~The school for the blind~~ Ohio deaf and 55219
blind education services shall use money in the fund for the state 55220
school for the blind, the state school for the deaf, and Ohio deaf 55221
and blind education services' operating expenses, including, but 55222
not limited to, personal services, maintenance, and equipment 55223
related to student support, activities, and vocational programs, 55224
and for providing scholarships to students for further training 55225
upon graduation. 55226

Sec. 3325.12. Money deposited with the superintendent of ~~the~~ 55227
~~state school for the blind and the superintendent of the state~~ 55228
~~school for the deaf~~ Ohio deaf and blind education services by 55229
parents, relatives, guardians, and friends for the special benefit 55230
of any pupil at the state school for the blind or the state school 55231

for the deaf shall remain in the hands of the ~~respective~~ 55232
superintendent for use accordingly. ~~Each~~ The superintendent shall 55233
deposit the money into one or more personal deposit funds. ~~Each~~ 55234
The superintendent shall keep itemized book accounts of the 55235
receipt and disposition of the money, which books shall be open at 55236
all times to the inspection of the superintendent of public 55237
instruction. The superintendent of ~~the state school for the blind~~ 55238
~~and the superintendent of the state school for the deaf~~ each Ohio 55239
deaf and blind education services shall adopt ~~rules~~ procedures 55240
governing the deposit, transfer, withdrawal, or investment of the 55241
money and the investment earnings of the money. 55242

Whenever a pupil ceases to be enrolled in the state school 55243
for the blind or the state school for the deaf, if personal money 55244
of the pupil remains in the hands of the ~~respective~~ superintendent 55245
of Ohio deaf and blind education services and no demand is made 55246
upon the superintendent by the pupil or the pupil's parent or 55247
guardian, the superintendent shall hold the money in a personal 55248
deposit fund for a period of at least one year. During that time, 55249
the superintendent shall make every effort possible to locate the 55250
pupil or the pupil's parent or guardian. If, at the end of this 55251
period, no demand has been made for the money ~~held by~~ of a pupil 55252
in the state school for the blind, the superintendent ~~of the state~~ 55253
~~school for the blind~~ shall dispose of the money by transferring it 55254
to the state school for the blind ~~student activity and work study~~ 55255
educational program expense fund established by section ~~3325.11~~ 55256
3325.17 of the Revised Code. If at the end of this period, no 55257
demand has been made for the money ~~held by~~ of a pupil in the state 55258
school for the deaf, the superintendent ~~of the state school for~~ 55259
~~the deaf~~ shall dispose of the money by transferring it to the 55260
state school for the deaf educational program expenses fund 55261
established by section 3325.16 of the Revised Code. 55262

Sec. 3325.13. ~~The state school for the blind~~ Ohio deaf and blind education services employees food service fund is hereby created in the state treasury. The fund shall consist of payments received from employees who make purchases from the ~~school's~~ food service program of the state school for the blind or state school for the deaf. Notwithstanding section 3325.01 of the Revised Code, the approval of the state board of education is not required to designate money for deposit into the fund. ~~The school for the blind~~ Ohio deaf and blind education services shall use money in the fund to pay costs associated with ~~the school's~~ Ohio deaf and blind education services' food service program.

Sec. 3325.15. ~~The state school for the deaf~~ Ohio deaf and blind education services may receive and administer any federal funds relating to the education of deaf ~~or hearing impaired, hard of hearing, or deafblind~~ students. ~~The school for the deaf~~ Ohio deaf and blind education services also may accept and administer any gifts, donations, or bequests given to it for programs or services relating to the education of deaf or ~~hearing impaired~~ hard of hearing students and the state school for the deaf.

Sec. 3325.16. There is hereby created in the state treasury the state school for the deaf educational program expenses fund. Moneys received by ~~the~~ Ohio deaf and blind education services for the state school for the deaf from donations, bequests, student fundraising activities, fees charged for camps and workshops, gate receipts from athletic contests, and the student work experience program operated by the school, and any other moneys designated for deposit in the fund by the superintendent of ~~the school~~ Ohio deaf and blind education services, shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the state board of education is not required to designate money

for deposit into the fund. ~~The state school for the deaf~~ Ohio deaf 55293
and blind education services shall use moneys in the fund for 55294
educational programs, after-school activities, and expenses 55295
associated with student activities and clubs at the state school 55296
for the deaf. 55297

Sec. 3325.17. There is hereby created in the state treasury 55298
the state school for the blind educational program expense fund. 55299
Moneys received by ~~the~~ Ohio deaf and blind education services for 55300
the state school for the blind from donations, bequests, student 55301
fundraising activities, fees charged for camps, workshops, and 55302
summer work and learn cooperative programs, gate receipts from 55303
school activities, and any other moneys designated for deposit in 55304
the fund by the superintendent of ~~the school~~ Ohio deaf and blind 55305
education services, shall be credited to the fund. Notwithstanding 55306
section 3325.01 of the Revised Code, the approval of the state 55307
board of education is not required to designate money for deposit 55308
into the fund. ~~The state school for the blind~~ Ohio deaf and blind 55309
education services shall use moneys in the fund for educational 55310
programs, after-school activities, and expenses associated with 55311
student activities at the state school for the blind. 55312

Sec. 3326.11. Each science, technology, engineering, and 55313
mathematics school established under this chapter and its 55314
governing body shall comply with sections 9.90, 9.91, 109.65, 55315
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 55316
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 55317
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 55318
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5319, 55319
3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 55320
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 55321
3313.6030, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 55322

3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 55323
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 55324
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 55325
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 55326
3313.7117, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 55327
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 55328
3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 55329
3319.321, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 3319.45, 55330
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 55331
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 55332
3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 55333
5502.703, and 5705.391 and Chapters 102., 117., 1347., 2744., 55334
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of the 55335
Revised Code as if it were a school district. 55336

Sec. 3326.34. If a science, technology, engineering, and 55337
mathematics school established under this chapter incurs costs for 55338
a fiscal year for a student receiving special education and 55339
related services pursuant to an IEP for a disability described in 55340
divisions (B) to (F) of section 3317.013 of the Revised Code that 55341
exceed the threshold ~~catastrophic~~ cost for serving the student as 55342
specified in division (B) of section 3317.0214 of the Revised 55343
Code, the STEM school may submit to the superintendent of public 55344
instruction documentation, as prescribed by the superintendent, of 55345
all its costs for that student. Upon submission of documentation 55346
for a student of the type and in the manner prescribed, the 55347
department of education shall pay to the school or, if the school 55348
is part of a group of science, technology, engineering, and 55349
mathematics schools under section 3326.031 of the Revised Code, to 55350
the governing body of that group an amount equal to the school's 55351
costs for the student in excess of the threshold ~~catastrophic~~ 55352
costs. 55353

The school shall only report under this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's IEP. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

Sec. 3326.44. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a STEM school shall spend the funding it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners.

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

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

In all city, local, and exempted village school districts where pupil transportation is required under a career-technical plan approved by the state board of education under section 3313.90 of the Revised Code, for any student attending a career-technical program operated by another school district,

including a joint vocational school district, as prescribed under 55384
that section, the board of education of the student's district of 55385
residence shall provide transportation from the public high school 55386
operated by that district to which the student is assigned to the 55387
career-technical program. 55388

In all city, local, and exempted village school districts, 55389
the board may provide transportation for resident school pupils in 55390
grades nine through twelve to and from the high school to which 55391
they are assigned by the board of education of the district of 55392
residence or to and from the nonpublic or community high school 55393
which they attend for which the state board of education 55394
prescribes minimum standards pursuant to division (D) of section 55395
3301.07 of the Revised Code. 55396

A board of education shall not be required to transport 55397
elementary or high school pupils to and from a nonpublic or 55398
community school where such transportation would require more than 55399
thirty minutes of direct travel time as measured by school bus 55400
from the public school building to which the pupils would be 55401
assigned if attending the public school designated by the district 55402
of residence. 55403

Where it is impractical to transport a pupil by school 55404
conveyance, a board of education may offer payment, in lieu of 55405
providing such transportation in accordance with section 3327.02 55406
of the Revised Code. 55407

A board of education shall provide transportation to students 55408
enrolled in a community school or nonpublic school in accordance 55409
with this section on each day in which that school is open for 55410
operation with students in attendance, regardless of whether the 55411
district's own schools are open for operation with students in 55412
attendance on that day. However, a board of education shall not be 55413
required to transport elementary or high school pupils to and from 55414
a nonpublic or community school on Saturday or Sunday, unless a 55415

board of education and a nonpublic or community school have an 55416
agreement in place to do so before the first day of July of the 55417
school year in which the agreement takes effect. 55418

In all city, local, and exempted village school districts, 55419
the board shall provide transportation for all children who are so 55420
disabled that they are unable to walk to and from the school for 55421
which the state board of education prescribes minimum standards 55422
pursuant to division (D) of section 3301.07 of the Revised Code 55423
and which they attend. In case of dispute whether the child is 55424
able to walk to and from the school, the health commissioner shall 55425
be the judge of such ability. In all city, exempted village, and 55426
local school districts, the board shall provide transportation to 55427
and from school or special education classes for mentally disabled 55428
children in accordance with standards adopted by the state board 55429
of education. 55430

When transportation of pupils is provided the conveyance 55431
shall be run on a time schedule that shall be adopted and put in 55432
force by the board not later than ten days after the beginning of 55433
the school term. The operator of every school bus or motor van 55434
owned and operated by any school district or educational service 55435
center or privately owned and operated under contract with any 55436
school district or service center in this state shall deliver 55437
students enrolled in preschool through twelfth grades to their 55438
respective public and nonpublic schools not sooner than thirty 55439
minutes prior to the beginning of school and to be available to 55440
pick them up not later than thirty minutes after the close of 55441
their respective schools each day. Further, operators shall not 55442
deliver students late to school. 55443

The cost of any transportation service authorized by this 55444
section shall be paid first out of federal funds, if any, 55445
available for the purpose of pupil transportation, and secondly 55446
out of state appropriations, in accordance with regulations 55447

adopted by the state board of education. 55448

No transportation of any pupils shall be provided by any 55449
board of education to or from any school which in the selection of 55450
pupils, faculty members, or employees, practices discrimination 55451
against any person on the grounds of race, color, religion, or 55452
national origin. 55453

A board of education shall provide transportation as a 55454
related service for all children with disabilities living in the 55455
school district who are enrolled in a nonpublic school if the 55456
school district is provided with supporting documentation from the 55457
child's individual education program developed pursuant to Chapter 55458
3323. of the Revised Code, individual service plan developed 55459
pursuant to section 5126.41 of the Revised Code, or academic 55460
support plan. 55461

Sec. 3327.016. (A) As used in this section, "eligible 55462
student" means a student entitled to transportation services from 55463
the city, local, or exempted village school district pursuant to 55464
section 3327.01 of the Revised Code. 55465

(B) Each community school established under Chapter 3314. of 55466
the Revised Code or chartered nonpublic school shall ~~establish the 55467
school's start and end times for a particular school year not 55468
later than the first day of April prior to that school year. Each 55469
community or chartered nonpublic school shall provide such start 55470
and end times to each city, local, or exempted village school 55471
district that the school expects will be responsible for providing 55472
transportation services to eligible students enrolled in the 55473
school for that school year~~ do all of the following: 55474

(1) Not later than the first day of April of each year, 55475
establish the school's start and end times for the upcoming school 55476
year and provide such times to each city, local, or exempted 55477
village school district that the school expects will be 55478

responsible to provide transportation services for its students; 55479

(2) Not later than the first day of April of each year, 55480
provide the school's contact names, telephone numbers, and 55481
electronic mail addresses for the summer and upcoming school year 55482
and the home addresses of enrolled students to each city, local, 55483
or exempted village school district that the school expects will 55484
be responsible to provide transportation services for its 55485
students; 55486

(3) Not later than the first day of May each year, provide 55487
lists of students requiring transportation services to the 55488
appropriate school districts; 55489

(4) Not later than the first day of July of each year, 55490
provide updated lists of students requiring transportation 55491
services to the appropriate school districts; 55492

(5) Not later than the first day of September of each year, 55493
provide updated lists of students requiring transportation 55494
services to the appropriate school districts; 55495

(6) On the first day of September, December, March, and June, 55496
or within ten days of a new student enrolling in the school, 55497
provide updated lists of students requiring transportation to the 55498
appropriate school districts. 55499

(C) Each city, local, or exempted village school district 55500
that receives start and end times as prescribed under division (B) 55501
of this section shall use those start and end times to develop a 55502
transportation plan, including transportation routes and 55503
schedules, for eligible students who enrolled in a community or 55504
chartered nonpublic school and shall provide such transportation 55505
plan to the community or chartered nonpublic school ~~within sixty~~ 55506
~~days after receiving the information described in that division~~ 55507
not later than the first day of August of each year. If a school 55508
provides the start and end times to the school district after the 55509

first day of April but before the first day of July, the district 55510
shall attempt to provide a transportation plan to the school by 55511
the first day of August of that school year. For any eligible 55512
student who enrolls in a community or chartered nonpublic school 55513
after the first day of July prior to that school year, a district 55514
shall develop a transportation plan, including transportation 55515
routes and schedules, for that student within fourteen business 55516
days of receiving a request for transportation services from the 55517
student's parent or guardian. 55518

Sec. 3327.02. (A) After considering each of the following 55519
factors, the board of education of a city, exempted village, or 55520
local school district, or a community school governing authority 55521
providing transportation pursuant to section 3314.091 of the 55522
Revised Code, may determine that it is impractical to transport a 55523
pupil who is eligible for transportation to and from a school 55524
under section 3327.01 of the Revised Code: 55525

(1) The time and distance required to provide the 55526
transportation; 55527

(2) The number of pupils to be transported; 55528

(3) The cost of providing transportation in terms of 55529
equipment, maintenance, personnel, and administration; 55530

(4) Whether similar or equivalent service is provided to 55531
other pupils eligible for transportation; 55532

(5) Whether and to what extent the additional service 55533
unavoidably disrupts current transportation schedules; 55534

(6) Whether other reimbursable types of transportation are 55535
available. 55536

(B) Based on its consideration of the factors established in 55537
division (A) of this section, the board or governing authority may 55538
pass a resolution declaring the impracticality of transportation. 55539

The resolution shall include each pupil's name and the reason for impracticality. Such determination shall be made not later than thirty calendar days prior to the district's or school's first day of instruction, or in the case of a student who enrolls within thirty calendar days prior to the first day of instruction or on or after the first day of instruction, not later than fourteen calendar days after the student's enrollment. The determination may be made by the superintendent and formalized at the next following meeting of the board or governing authority.

The board or governing authority shall report its determination to the state board of education in a manner determined by the state board.

In addition, the board or governing authority shall issue a letter to the pupil's parent, guardian, or other person in charge of the pupil, the nonpublic or community school in which the pupil is enrolled, and to the state board with a detailed description of the reasons for which such determination was made.

The board or governing authority shall reevaluate determinations of impracticality made under division (B) of this section at least every other year. However, the board or governing authority shall reconsider a determination in each year that a parent, guardian, or other person in charge of the pupil has a change of circumstance and requests transportation.

(C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following:

(1) In accordance with guidelines established by the department of education, informing the pupil's parent, guardian, or other person in charge of the pupil of both of the following:

(a) The resolution;

(b) The right of the pupil's parent, guardian, or other person in charge of the pupil to accept the offer of payment in lieu of transportation or to reject the offer and instead request the department to initiate mediation procedures.

(2) Issuing the pupil's parent, guardian, or other person in charge of the pupil a contract or other form on which the parent, guardian, or other person in charge of the pupil is given the option to accept or reject the board's offer of payment in lieu of transportation.

(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than fifty per cent of the amount determined under division (C) of section 3317.0212 of the Revised Code of the average cost of pupil transportation for the previous year, and not more than ~~the amount determined by the department of education as the average cost of pupil transportation for the previous school year~~ two thousand five hundred dollars. Payment may be prorated if the time period involved is only a part of the school year.

(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. A parent, guardian, or other person in charge of the pupil may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf during the mediation proceedings.

Beginning with requests for mediation received after December 1, 2023, the department shall take initial action on the mediation within thirty days of receiving the request. The department may delay the initial action to within forty-five days of receiving a

request if the department notifies all affected parties in advance 55603
of the delay. 55604

(b) If the mediation does not resolve the dispute, the state 55605
board shall conduct a hearing in accordance with Chapter 119. of 55606
the Revised Code. The state board may approve the payment in lieu 55607
of transportation or may order the district board of education or 55608
governing authority to provide transportation. The decision of the 55609
state board is binding in subsequent years and on future parties 55610
in interest provided the facts of the determination remain 55611
comparable. 55612

(2) The school district or governing authority shall provide 55613
transportation for the pupil from the time the parent, guardian, 55614
or other person in charge of the pupil requests mediation until 55615
the matter is resolved under division (E)(1)(a) or (b) of this 55616
section. 55617

(F)(1) If the department determines that a school district 55618
board or governing authority has failed or is failing to provide 55619
transportation as required by division (E)(2) of this section or 55620
as ordered by the state board under division (E)(1)(b) of this 55621
section, the department shall order the school district board or 55622
governing authority to pay to the pupil's parent, guardian, or 55623
other person in charge of the pupil, an amount equal to fifty per 55624
cent of the cost of providing transportation as determined by the 55625
board or governing authority under division (A)(3) of this 55626
section, and not more than two thousand five hundred dollars. The 55627
school district board or governing authority shall make payments 55628
on a schedule ordered by the department. 55629

(2) If the department subsequently finds that a school 55630
district board is not in compliance with an order issued under 55631
division (F)(1) of this section and the affected pupils are 55632
enrolled in a nonpublic or community school, the department shall 55633
deduct the amount that the board is required to pay under that 55634

order from any pupil transportation payments the department makes 55635
to the school district board under section 3317.0212 of the 55636
Revised Code or other provisions of law. The department shall use 55637
the moneys so deducted to make payments to the nonpublic or 55638
community school attended by the pupil. The department shall 55639
continue to make the deductions and payments required under this 55640
division until the school district board either complies with the 55641
department's order issued under division (F)(1) of this section or 55642
begins providing transportation. 55643

(G) A nonpublic or community school that receives payments 55644
from the department under division (F)(2) of this section shall do 55645
either of the following: 55646

(1) Disburse the entire amount of the payments to the parent, 55647
guardian, or other person in charge of the pupil affected by the 55648
failure of the school district of residence to provide 55649
transportation; 55650

(2) Use the entire amount of the payments to provide 55651
acceptable transportation for the affected pupil. 55652

(H) At any time after a parent, guardian, or other person in 55653
charge of a pupil requests transportation for a pupil, that 55654
parent, guardian, or other person may authorize the nonpublic or 55655
community school in which the pupil is enrolled to act on the 55656
parent's, guardian's, or other person's behalf for purposes of 55657
this section. 55658

Sec. 3327.021. (A) As used in this section, "out of 55659
compliance" means that, for a period of five consecutive school 55660
days or ten school days within a school year, at least one of the 55661
following has occurred on each of those days: 55662

(1) Students transported to and from school by a school bus 55663
arrive more than thirty minutes late to school; 55664

(2) Students transported to and from school by a school bus 55665
are picked up more than thirty minutes after the end of the school 55666
day; 55667

(3) Students scheduled to be transported to and from school 55668
by a school bus are not transported by school bus at all due to 55669
the failure of the bus to arrive; 55670

(4) A school district has been noncompliant with any other 55671
transportation requirements under Chapter 3327. of the Revised 55672
Code. 55673

Any school day in which any of the conditions in divisions 55674
(A)(1) to (4) of this section occur due to inclement weather shall 55675
not be counted towards the determination of noncompliance under 55676
this section. 55677

(B) The department of education shall monitor whether each 55678
city, local, or exempted village school district's district is out 55679
of compliance with sections 3327.01 and 3327.016 and division (B) 55680
of section 3327.017 of the Revised Code. If the department 55681
determines a consistent or prolonged period of noncompliance on 55682
the part of the school district to provide transportation as 55683
required under those sections that a district is out of 55684
compliance, the department shall deduct from withhold the 55685
district's payment for student transportation under Chapter 3317. 55686
of the Revised Code the total daily amount of that payment, as 55687
computed by the department, for each day that the district is not 55688
in determined to be out of compliance, including the initial 55689
period that determined noncompliance. 55690

(C) For each day, including the initial period that 55691
determined noncompliance, that the district is found to be out of 55692
compliance under this section and any of the conditions in 55693
divisions (A)(1) to (4) of this section occur, the department of 55694
education and workforce shall calculate the daily amount of that 55695

payment on a per-pupil basis and disburse that per-pupil amount to the district or school in which the pupil is enrolled. The district or school shall then remit those funds to the parent, guardian, or other person in charge of each pupil who did not receive proper transportation while the district was out of compliance. Funds shall be disbursed out of the amount withheld by the department under division (B) of this section.

(D) This section does not affect the authority of a school district to provide payment in lieu of transportation in accordance with section 3327.02 of the Revised Code.

Beginning with disputes regarding determinations of school district noncompliance with transportation obligations arising after December 1, 2023, the department shall issue a determination within thirty days of receiving notice of the dispute. The department may delay a determination to within forty-five days of receiving a dispute notice if the department notifies all affected parties in advance that the determination will be delayed.

Sec. 3327.10. (A) No person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's

physical fitness for such employment. The examination shall be 55727
performed by one of the following: 55728

(1) A person licensed under Chapter 4731. or 4734. of the 55729
Revised Code or by another state to practice medicine and surgery, 55730
osteopathic medicine and surgery, or chiropractic; 55731

(2) A physician assistant; 55732

(3) A certified nurse practitioner; 55733

(4) A clinical nurse specialist; 55734

(5) A certified nurse-midwife; 55735

(6) A medical examiner who is listed on the national registry 55736
of certified medical examiners established by the federal motor 55737
carrier safety administration in accordance with 49 C.F.R. part 55738
390. 55739

Any certificate may be revoked by the authority granting the 55740
same on proof that the holder has been guilty of failing to comply 55741
with division (D)(1) of this section, or upon a conviction or a 55742
guilty plea for a violation, or any other action, that results in 55743
a loss or suspension of driving rights. Failure to comply with 55744
such division may be cause for disciplinary action or termination 55745
of employment under division (C) of section 3319.081, or section 55746
124.34 of the Revised Code. 55747

(B) No person shall be employed as driver of a school bus or 55748
motor van not subject to the rules of the department of education 55749
pursuant to division (A) of this section who has not received a 55750
certificate from the school administrator or contractor certifying 55751
that such person is at least eighteen years of age and is 55752
qualified physically and otherwise for such position. Each driver 55753
shall have an annual physical examination which conforms to the 55754
state highway patrol rules, ascertaining the driver's physical 55755
fitness for such employment. The examination shall be performed by 55756

one of the following: 55757

(1) A person licensed under Chapter 4731. or 4734. of the 55758
Revised Code or by another state to practice medicine and surgery, 55759
osteopathic medicine and surgery, or chiropractic; 55760

(2) A physician assistant; 55761

(3) A certified nurse practitioner; 55762

(4) A clinical nurse specialist; 55763

(5) A certified nurse-midwife; 55764

(6) A medical examiner who is listed on the national registry 55765
of certified medical examiners established by the federal motor 55766
carrier safety administration in accordance with 49 C.F.R. part 55767
390. 55768

Any written documentation of the physical examination shall 55769
be completed by the individual who performed the examination. 55770

Any certificate may be revoked by the authority granting the 55771
same on proof that the holder has been guilty of failing to comply 55772
with division (D)(2) of this section. 55773

(C) Any person who drives a school bus or motor van must give 55774
satisfactory and sufficient bond except a driver who is an 55775
employee of a school district and who drives a bus or motor van 55776
owned by the school district. 55777

(D) No person employed as driver of a school bus or motor van 55778
under this section who is convicted of a traffic violation or who 55779
has had the person's commercial driver's license suspended shall 55780
drive a school bus or motor van until the person has filed a 55781
written notice of the conviction or suspension, as follows: 55782

(1) If the person is employed under division (A) of this 55783
section, the person shall file the notice with the superintendent, 55784
or a person designated by the superintendent, of the school 55785
district for which the person drives a school bus or motor van as 55786

an employee or drives a privately owned and operated school bus or 55787
motor van under contract. 55788

(2) If employed under division (B) of this section, the 55789
person shall file the notice with the employing school 55790
administrator or contractor, or a person designated by the 55791
administrator or contractor. 55792

(E) In addition to resulting in possible revocation of a 55793
certificate as authorized by divisions (A) and (B) of this 55794
section, violation of division (D) of this section is a minor 55795
misdemeanor. 55796

(F)(1) Not later than thirty days after June 30, 2007, each 55797
owner of a school bus or motor van shall obtain the complete 55798
driving record for each person who is currently employed or 55799
otherwise authorized to drive the school bus or motor van. An 55800
owner of a school bus or motor van shall not permit a person to 55801
operate the school bus or motor van for the first time before the 55802
owner has obtained the person's complete driving record. 55803
Thereafter, the owner of a school bus or motor van shall obtain 55804
the person's driving record not less frequently than semiannually 55805
if the person remains employed or otherwise authorized to drive 55806
the school bus or motor van. An owner of a school bus or motor van 55807
shall not permit a person to resume operating a school bus or 55808
motor van, after an interruption of one year or longer, before the 55809
owner has obtained the person's complete driving record. 55810

(2) The owner of a school bus or motor van shall not permit a 55811
person to operate the school bus or motor van for ten years after 55812
the date on which the person pleads guilty to or is convicted of a 55813
violation of section 4511.19 of the Revised Code or a 55814
substantially equivalent municipal ordinance. 55815

(3) An owner of a school bus or motor van shall not permit 55816
any person to operate such a vehicle unless the person meets all 55817

other requirements contained in rules adopted by the state board 55818
of education prescribing qualifications of drivers of school buses 55819
and other student transportation. 55820

(G) No superintendent of a school district, educational 55821
service center, community school, or public or private employer 55822
shall permit the operation of a vehicle used for pupil 55823
transportation within this state by an individual unless both of 55824
the following apply: 55825

(1) Information pertaining to that driver has been submitted 55826
to the department of education, pursuant to procedures adopted by 55827
that department. Information to be reported shall include the name 55828
of the employer or school district, name of the driver, driver 55829
license number, date of birth, date of hire, status of physical 55830
evaluation, and status of training. 55831

(2) The most recent criminal records check required by 55832
division (J) of this section has been completed and received by 55833
the superintendent or public or private employer. 55834

(H) A person, school district, educational service center, 55835
community school, nonpublic school, or other public or nonpublic 55836
entity that owns a school bus or motor van, or that contracts with 55837
another entity to operate a school bus or motor van, may impose 55838
more stringent restrictions on drivers than those prescribed in 55839
this section, in any other section of the Revised Code, and in 55840
rules adopted by the state board. 55841

(I) For qualified drivers who, on July 1, 2007, are employed 55842
by the owner of a school bus or motor van to drive the school bus 55843
or motor van, any instance in which the driver was convicted of or 55844
pleaded guilty to a violation of section 4511.19 of the Revised 55845
Code or a substantially equivalent municipal ordinance prior to 55846
two years prior to July 1, 2007, shall not be considered a 55847
disqualifying event with respect to division (F) of this section. 55848

(J)(1) This division applies to persons hired by a school 55849
district, educational service center, community school, chartered 55850
nonpublic school, or science, technology, engineering, and 55851
mathematics school established under Chapter 3326. of the Revised 55852
Code to operate a vehicle used for pupil transportation. 55853

(a) For each person to whom this division applies who is 55854
hired on or after November 14, 2007, the employer shall request a 55855
criminal records check in accordance with section 3319.39 of the 55856
Revised Code and every six years thereafter. ~~For~~ 55857

(b) ~~For~~ each person to whom this division applies who is 55858
hired prior to ~~that date~~ November 14, 2007, the employer shall 55859
request a criminal records check by a date prescribed by the 55860
department of education and every six years thereafter. 55861

(c) If, on the effective date of this amendment, the most 55862
recent criminal records check requested for a person to whom 55863
division (J)(1) of this section applies was completed more than 55864
one year prior to that date or does not include information 55865
gathered pursuant to division (A) of section 109.57 of the Revised 55866
Code, the employer shall request a new criminal records check that 55867
includes information gathered pursuant to division (A) of section 55868
109.57 of the Revised Code by a date prescribed by the state board 55869
of education and every six years thereafter. 55870

(2) This division applies to persons hired by a public or 55871
private employer not described in division (J)(1) of this section 55872
to operate a vehicle used for pupil transportation. 55873

(a) For each person to whom this division applies who is 55874
hired on or after November 14, 2007, the employer shall request a 55875
criminal records check prior to the person's hiring and every six 55876
years thereafter. ~~For~~ 55877

(b) ~~For~~ each person to whom this division applies who is 55878
hired prior to ~~that date~~ November 14, 2007, the employer shall 55879

request a criminal records check by a date prescribed by the 55880
department and every six years thereafter. 55881

(c) If, on the effective date of this amendment, the most 55882
recent criminal records check requested for a person to whom 55883
division (J)(2) of this section applies was completed more than 55884
one year prior to that date or does not include information 55885
gathered pursuant to division (A) of section 109.57 of the Revised 55886
Code, the employer shall request a new criminal records check that 55887
includes information gathered pursuant to division (A) of section 55888
109.57 of the Revised Code by a date prescribed by the state board 55889
and every six years thereafter. 55890

(3) Each request for a criminal records check under division 55891
(J) of this section shall be made to the superintendent of the 55892
bureau of criminal identification and investigation in the manner 55893
prescribed in section 3319.39 of the Revised Code, except that if 55894
both of the following conditions apply to the person subject to 55895
the records check, the employer shall request the superintendent 55896
only to obtain any criminal records that the federal bureau of 55897
investigation has on the person: 55898

(a) The employer previously requested the superintendent to 55899
determine whether the bureau of criminal identification and 55900
investigation has any information, gathered pursuant to division 55901
(A) of section 109.57 of the Revised Code, on the person in 55902
conjunction with a criminal records check requested under section 55903
3319.39 of the Revised Code or under division (J) of this section. 55904

(b) The person presents proof that the person has been a 55905
resident of this state for the five-year period immediately prior 55906
to the date upon which the person becomes subject to a criminal 55907
records check under this section. 55908

Upon receipt of a request, the superintendent shall conduct 55909
the criminal records check in accordance with section 109.572 of 55910

the Revised Code as if the request had been made under section 55911
3319.39 of the Revised Code. However, as specified in division 55912
(B)(2) of section 109.572 of the Revised Code, if the employer 55913
requests the superintendent only to obtain any criminal records 55914
that the federal bureau of investigation has on the person for 55915
whom the request is made, the superintendent shall not conduct the 55916
review prescribed by division (B)(1) of that section. 55917

(4) Notwithstanding anything in the Revised Code to the 55918
contrary, the bureau of criminal identification and investigation 55919
shall make the initial criminal records check requested of a 55920
person by an employer under division (J)(1) or (2) of this section 55921
on or after the effective date of this amendment available to the 55922
state board of education. The state board shall use the 55923
information received to enroll the person in the retained 55924
applicant fingerprint database, established under section 109.5721 55925
of the Revised Code, in the same manner as any teacher licensed 55926
under sections 3319.22 to 3319.31 of the Revised Code. If the 55927
state board is unable to enroll the person in the retained 55928
applicant fingerprint database because the person has not 55929
satisfied the requirements for enrollment, the state board shall 55930
notify the employer that the person has not satisfied the 55931
requirements for enrollment. However, the bureau shall not be 55932
required to make available to the state board the criminal records 55933
check of any person who is already enrolled in the retained 55934
applicant fingerprint database on the date the person's employer 55935
requests a records check of the person under division (J)(1) or 55936
(2) of this section. 55937

If the state board receives notification of the arrest, 55938
guilty plea, or conviction of a person who is subject to this 55939
section, the state board shall promptly notify the person's 55940
employer in accordance with division (B) of section 3319.316 of 55941
the Revised Code. 55942

(K)(1) Until the effective date of the amendments to rule 55943
3301-83-23 of the Ohio Administrative Code required by the second 55944
paragraph of division (E) of section 3319.39 of the Revised Code, 55945
any person who is the subject of a criminal records check under 55946
division (J) of this section and has been convicted of or pleaded 55947
guilty to any offense described in division (B)(1) of section 55948
3319.39 of the Revised Code shall not be hired or shall be 55949
released from employment, as applicable, unless the person meets 55950
the rehabilitation standards prescribed for nonlicensed school 55951
personnel by rule 3301-20-03 of the Ohio Administrative Code. 55952

(2) Beginning on the effective date of the amendments to rule 55953
3301-83-23 of the Ohio Administrative Code required by the second 55954
paragraph of division (E) of section 3319.39 of the Revised Code, 55955
any person who is the subject of a criminal records check under 55956
division (J) of this section and has been convicted of or pleaded 55957
guilty to any offense that, under the rule, disqualifies a person 55958
for employment to operate a vehicle used for pupil transportation 55959
shall not be hired or shall be released from employment, as 55960
applicable, unless the person meets the rehabilitation standards 55961
prescribed by the rule. 55962

Sec. 3327.102. (A) The department of education and workforce 55963
shall develop the bus driver flex career path model that creates a 55964
pathway for bus drivers to work as educational aides or student 55965
monitors at school districts and other public schools, as defined 55966
in section 3301.0711 of the Revised Code. 55967

(B) In developing the model, the department shall do all of 55968
the following: 55969

(1) Ensure that bus drivers work an eight to ten hour shift 55970
by doing either a morning or afternoon bus route and spend the 55971
remainder of the work day working as an educational aide or 55972
student monitor at a school; 55973

(2) Make recommendations on how to seamlessly implement the model, including who would be responsible for paying wages in the most efficient way, whether proportional share or not; 55974
55975
55976

(3) Ensure that the model shall not adversely impact a bus driver's pension. 55977
55978

Sec. 3328.24. A college-preparatory boarding school 55979
established under this chapter and its board of trustees shall 55980
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 55981
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5319, 3313.6013, 55982
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.6029, 3313.617, 55983
3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 55984
3313.6610, 3313.7112, 3313.7117, 3313.721, 3313.89, 3319.073, 55985
3319.077, 3319.078, 3319.318, 3319.39, 3319.391, 3319.393, 55986
3319.46, 3320.01, 3320.02, 3320.03, 3323.251, and 5502.262, and 55987
Chapter 3365. of the Revised Code as if the school were a school 55988
district and the school's board of trustees were a district board 55989
of education. 55990

Sec. 3332.092. Any school subject to this chapter receiving 55991
money under section ~~3333.12~~ or 3333.122 of the Revised Code on 55992
behalf of a student who is determined by the state board of career 55993
colleges and schools to be ineligible under such section because 55994
the program in which the student is enrolled does not lead to an 55995
associate or baccalaureate degree, shall be liable to the state 55996
for the amount specified in section ~~3333.12~~ or 3333.122 of the 55997
Revised Code. The state board of career colleges and schools shall 55998
suspend the certificate of registration of a school receiving 55999
money under section ~~3333.12~~ or 3333.122 of the Revised Code for 56000
such ineligible student until such time as the money is repaid to 56001
the ~~Ohio board~~ department of ~~regents~~ higher education. 56002

Sec. ~~3333.03~~ 3333.01. (A) There is hereby created the 56003

department of higher education, which shall be composed of the 56004
chancellor of higher education and the chancellor's employees, 56005
agents, and representatives. The chancellor shall perform the 56006
functions, exercise the powers, and discharge the duties as are 56007
assigned to the chancellor by law. 56008

(B) The governor, with the advice and consent of the senate, 56009
shall appoint the chancellor of higher education. The chancellor 56010
shall serve at the pleasure of the governor, and the governor 56011
shall prescribe the chancellor's duties in addition to the 56012
chancellor's duties prescribed by law. The governor shall fix the 56013
compensation for the chancellor. The chancellor shall be a member 56014
of the governor's cabinet. 56015

(C) The chancellor is responsible for appointing and fixing 56016
the compensation of all professional, administrative, and clerical 56017
employees and staff members necessary to assist in the performance 56018
of the chancellor's duties. All employees and staff shall serve at 56019
the chancellor's pleasure. 56020

(D) The chancellor shall be a person qualified by training 56021
and experience to understand the problems and needs of the state 56022
in the field of higher education and to devise programs, plans, 56023
and methods of solving the problems and meeting the needs. 56024

(E) Neither the chancellor nor any staff member or employee 56025
of the chancellor shall be a trustee, officer, or employee of any 56026
public or private college or university while serving as 56027
chancellor, staff member, or employee. 56028

Sec. 3333.012. Whenever the term "Ohio board of regents" is 56029
used, referred to, or designated in any statute, rule, contract, 56030
grant, or other document, the use, reference, or designation shall 56031
be construed to mean the "chancellor of higher education," ~~except~~ 56032
~~in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the~~ 56033
~~Revised Code or unless the use, reference, or designation of the~~ 56034

~~term "Ohio board of regents" relates to the board's duties to give~~ 56035
~~advice to the chancellor or~~ unless another section of law 56036
expressly provides otherwise. 56037

Whenever the term "chancellor of the Ohio board of regents" 56038
or "chancellor" is used, referred to, or designated in any 56039
statute, rule, contract, grant, or other document, the use, 56040
reference, or designation shall be construed to mean the 56041
chancellor of higher education. 56042

Sec. 3333.021. As used in this section, "university" means 56043
any college or university that receives a state appropriation. 56044

(A) This division does not apply to proposed rules, 56045
amendments, or rescissions subject to legislative review under 56046
section 106.02 of the Revised Code. No action taken by the 56047
chancellor of higher education that could reasonably be expected 56048
to have an effect on the revenue or expenditures of any university 56049
shall take effect unless at least two weeks prior to the date on 56050
which the action is taken, the chancellor has filed with the 56051
speaker of the house of representatives, the president of the 56052
senate, and the legislative service commission, ~~and the director~~ 56053
~~of budget and management~~ a fiscal analysis of the proposed action. 56054
The analysis shall include an estimate of the amount by which, 56055
during the current and ensuing fiscal biennium, the action would 56056
increase or decrease the university's revenues or expenditures and 56057
increase or decrease any state expenditures and any other 56058
information the chancellor considers necessary to explain the 56059
action's fiscal effect. 56060

(B) Within three days of the date the chancellor files with 56061
the clerk of the senate a proposed rule, amendment, or rescission 56062
that is subject to legislative review and invalidation under 56063
section 106.02 of the Revised Code, the chancellor shall file with 56064
the speaker of the house of representatives, the president of the 56065

senate, and the legislative service commission, ~~and the director~~ 56066
~~of budget and management~~ a fiscal analysis of the proposed rule. 56067
The analysis shall include an estimate of the amount by which, 56068
during the current and ensuing fiscal biennium, the action would 56069
increase or decrease any university's revenues or expenditures and 56070
increase or decrease state revenues or expenditures and any other 56071
information the chancellor considers necessary to explain the 56072
fiscal effect of the rule, amendment, or rescission. No rule, 56073
amendment, or rescission shall take effect unless the chancellor 56074
has complied with this division. 56075

Sec. 3333.032. The ~~Ohio board~~ chancellor of ~~regents~~ higher 56076
education shall submit to the general assembly, in accordance with 56077
division (B) of section 101.68 of the Revised Code, and to the 56078
governor, an annual report on the condition of higher education in 56079
this state, ~~including the performance of the chancellor of higher~~ 56080
~~education.~~ 56081

Sec. 3333.04. The chancellor of higher education shall: 56082

(A) Make studies of state policy in the field of higher 56083
education and formulate a master plan for higher education for the 56084
state, considering the needs of the people, the needs of the 56085
state, and the role of individual public and private institutions 56086
within the state in fulfilling these needs; 56087

(B)(1) Report annually to the governor and the general 56088
assembly on the findings from the chancellor's studies and the 56089
master plan for higher education for the state; 56090

(2) Report at least semiannually to the general assembly and 56091
the governor the enrollment numbers at each state-assisted 56092
institution of higher education. 56093

(C) Approve or disapprove the establishment of new branches 56094
or academic centers of state colleges and universities; 56095

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

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

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall ~~request the board of regents to~~ hold at least one public hearing on the matter ~~and advise the chancellor on~~ to determine whether the program should be recommended for elimination. The ~~board~~ chancellor shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date. ~~Following the hearing, the board shall issue a recommendation to the chancellor. The chancellor shall consider the board's recommendation but shall not be required to accept it.~~

For purposes of determining the amounts of any state instructional subsidies paid to state colleges, universities, and other state-assisted institutions of higher education, the chancellor may exclude students enrolled in any program that the chancellor has recommended for elimination pursuant to this division except that the chancellor shall not exclude any such student who enrolled in the program prior to the date on which the

chancellor initially commences to exclude students under this 56128
division. 56129

The chancellor and state colleges, universities, and other 56130
state-assisted institutions of higher education shall jointly 56131
develop a process for determining which existing graduate or 56132
professional programs constitute unnecessary duplication. 56133

(G) Recommend to the state colleges, universities, and other 56134
state-assisted institutions of higher education programs which 56135
should be added to their present programs; 56136

(H) Conduct studies for the state colleges, universities, and 56137
other state-assisted institutions of higher education to assist 56138
them in making the best and most efficient use of their existing 56139
facilities and personnel; 56140

(I) Make recommendations to the governor and general assembly 56141
concerning the development of state-financed capital plans for 56142
higher education; the establishment of new state colleges, 56143
universities, and other state-assisted institutions of higher 56144
education; and the establishment of new programs at the existing 56145
state colleges, universities, and other institutions of higher 56146
education; 56147

(J) Review the appropriation requests of the public community 56148
colleges and the state colleges and universities and submit to the 56149
office of budget and management and to the chairpersons of the 56150
finance committees of the house of representatives and of the 56151
senate the chancellor's recommendations in regard to the biennial 56152
higher education appropriation for the state, including 56153
appropriations for the individual state colleges and universities 56154
and public community colleges. For the purpose of determining the 56155
amounts of instructional subsidies to be paid to state-assisted 56156
colleges and universities, the chancellor shall define "full-time 56157
equivalent student" by program per academic year. The definition 56158

may take into account the establishment of minimum enrollment 56159
levels in technical education programs below which support 56160
allowances will not be paid. Except as otherwise provided in this 56161
section, the chancellor shall make no change in the definition of 56162
"full-time equivalent student" in effect on November 15, 1981, 56163
which would increase or decrease the number of subsidy-eligible 56164
full-time equivalent students, without first submitting a fiscal 56165
impact statement to the president of the senate, the speaker of 56166
the house of representatives, the legislative service commission, 56167
and the director of budget and management. The chancellor shall 56168
work in close cooperation with the director of budget and 56169
management in this respect and in all other matters concerning the 56170
expenditures of appropriated funds by state colleges, 56171
universities, and other institutions of higher education. 56172

(K) Seek the cooperation and advice of the officers and 56173
trustees of both public and private colleges, universities, and 56174
other institutions of higher education in the state in performing 56175
the chancellor's duties and making the chancellor's plans, 56176
studies, and recommendations; 56177

(L) Appoint advisory committees consisting of persons 56178
associated with public or private secondary schools, members of 56179
the state board of education, or personnel of the state department 56180
of education; 56181

(M) Appoint advisory committees consisting of college and 56182
university personnel, or other persons knowledgeable in the field 56183
of higher education, or both, in order to obtain their advice and 56184
assistance in defining and suggesting solutions for the problems 56185
and needs of higher education in this state; 56186

(N) Approve or disapprove all new degrees and new degree 56187
programs at all state colleges, universities, and other 56188
state-assisted institutions of higher education. 56189

When considering approval of a new degree or degree program 56190
for a state institution of higher education, as defined in section 56191
3345.011 of the Revised Code, the chancellor shall take into 56192
account the extent to which the degree or degree program aligns 56193
with the state's workforce development priorities. 56194

(O) Adopt such rules as are necessary to carry out the 56195
chancellor's duties and responsibilities. The rules shall 56196
prescribe procedures for the chancellor to follow when taking 56197
actions associated with the chancellor's duties and 56198
responsibilities and shall indicate which types of actions are 56199
subject to those procedures. The procedures adopted under this 56200
division shall be in addition to any other procedures prescribed 56201
by law for such actions. However, if any other provision of the 56202
Revised Code or rule adopted by the chancellor prescribes 56203
different procedures for such an action, the procedures adopted 56204
under this division shall not apply to that action to the extent 56205
they conflict with the procedures otherwise prescribed by law. The 56206
procedures adopted under this division shall include at least the 56207
following: 56208

(1) Provision for public notice of the proposed action; 56209

(2) An opportunity for public comment on the proposed action, 56210
which may include a public hearing on the action by the ~~board of~~ 56211
~~regents~~ chancellor; 56212

(3) Methods for parties that may be affected by the proposed 56213
action to submit comments during the public comment period; 56214

~~(4) Submission of recommendations from the board of regents~~ 56215
~~regarding the proposed action, at the request of the chancellor;~~ 56216

~~(5)~~ Written publication of the final action taken by the 56217
chancellor and the chancellor's rationale for the action; 56218

~~(6)~~(5) A timeline for the process described in divisions 56219
(O)(1) to ~~(5)~~(4) of this section. 56220

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections ~~3333.12~~, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(R) Adopt rules for student financial aid programs as required by sections ~~3333.12~~, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;

(S) Conduct enrollment audits of state-supported institutions of higher education;

(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (O)(1) to ~~(6)~~(5) of this section.

(U) Adopt rules establishing advisory duties and responsibilities of the ~~board~~ department of ~~regents~~ higher education not otherwise prescribed by law;

(V) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.

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Sec. 3333.041. (A) On or before the last day of December of each year, the chancellor of higher education shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report or reports concerning all of the following:

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(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the chancellor. The chancellor also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district.

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Each state institution of higher education shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report.

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(2) The following information with respect to the Ohio tuition trust authority:

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(a) The name of each investment manager that is a minority

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business enterprise or a women's business enterprise with which	56283
the chancellor contracts;	56284
(b) The amount of assets managed by investment managers that	56285
are minority business enterprises or women's business enterprises,	56286
expressed as a percentage of assets managed by investment managers	56287
with which the chancellor has contracted;	56288
(c) Efforts by the chancellor to increase utilization of	56289
investment managers that are minority business enterprises or	56290
women's business enterprises.	56291
(3) The chancellor's strategy in assigning choose Ohio first	56292
scholarships, as established under section 3333.61 of the Revised	56293
Code, among state universities and colleges and how the actual	56294
awards fit that strategy.	56295
(4) The academic and economic impact of the Ohio	56296
co-op/internship program established under section 3333.72 of the	56297
Revised Code. At a minimum, the report shall include the	56298
following:	56299
(a) Progress and performance metrics for each initiative that	56300
received an award in the previous fiscal year;	56301
(b) Economic indicators of the impact of each initiative, and	56302
all initiatives as a whole, on the regional economies and the	56303
statewide economy;	56304
(c) The chancellor's strategy in allocating awards among	56305
state institutions of higher education and how the actual awards	56306
fit that strategy.	56307
(B) On or before the fifteenth day of February of each year,	56308
the director <u>chancellor</u> shall submit to the governor and, in	56309
accordance with section 101.68 of the Revised Code, the general	56310
assembly a report concerning aggregate academic growth data for	56311
students assigned to graduates of teacher preparation programs	56312

approved under section 3333.048 of the Revised Code who teach English language arts or mathematics in any of grades four to eight in a public school in Ohio. For this purpose, the ~~director~~ chancellor shall use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. The ~~director~~ chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this division applies, the ~~director~~ chancellor shall report the data for a group of classes over a three-year period. In no case shall the report identify any individual graduate. The department of education shall share any data necessary for the report with the ~~director~~ chancellor.

(C) As used in this section:

(1) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code.

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

Sec. 3333.044. (A) The chancellor of higher education may contract with any consultants that are necessary for the discharge of the chancellor's duties under this chapter.

(B) The chancellor may purchase, upon the terms that the

chancellor determines to be advisable, one or more policies of 56343
insurance from insurers authorized to do business in this state 56344
that insure consultants who have contracted with the chancellor 56345
under division (A) of this section or members of an advisory 56346
committee appointed under section 3333.04 of the Revised Code, 56347
with respect to the activities of the consultants or advisory 56348
committee members in the course of the performance of their 56349
responsibilities as consultants or advisory committee members. 56350

(C) Subject to the approval of the controlling board, the 56351
chancellor may contract with any entities for the discharge of the 56352
chancellor's duties and responsibilities under any of the programs 56353
established pursuant to sections ~~3333.12~~, 3333.122, 3333.21 to 56354
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 56355
chancellor shall not enter into a contract under this division 56356
unless the proposed contractor demonstrates that its primary 56357
purpose is to promote access to higher education by providing 56358
student financial assistance through loans, grants, or 56359
scholarships, and by providing high quality support services and 56360
information to students and their families with regard to such 56361
financial assistance. 56362

Chapter 125. of the Revised Code does not apply to contracts 56363
entered into pursuant to this section. In awarding contracts under 56364
this division, the chancellor shall consider factors such as the 56365
cost of the administration of the contract, the experience of the 56366
contractor, and the contractor's ability to properly execute the 56367
contract. 56368

Sec. 3333.045. As used in this section, "state institution of 56369
higher education" has the same meaning as in section 3345.011 of 56370
the Revised Code. 56371

The chancellor of higher education, in consultation with 56372
state institutions of higher education and members of their boards 56373

of trustees, shall develop and annually deliver educational 56374
programs for members of a board of trustees of each state 56375
institution. The chancellor may deliver the programs virtually and 56376
may offer the programs periodically throughout each year. New 56377
members of a board of trustees shall participate in the programs 56378
at least once in their first two years in office. Current members 56379
of a board of trustees shall participate in continuing trustee 56380
training at levels to be determined by the chancellor. 56381

The educational programs shall be designed to address the 56382
role, duties, and responsibilities of a member of a board of 56383
trustees and may include in-service programs on current issues in 56384
higher education. In developing the educational programs, the 56385
chancellor may consider similar programs offered in other states 56386
or through a recognized trustee group. 56387

The educational programs shall include presentations and 56388
content related to all of the following: 56389

(A) Each board member's duty to the state of Ohio; 56390

(B) The committee structure and function of a board of 56391
trustees; 56392

(C) The duties of the executive committee of a board of 56393
trustees; 56394

(D) Professional accounting and reporting standards; 56395

(E) Methods for meeting the statutory, regulatory, and 56396
fiduciary obligations of a board of trustees; 56397

(F) The requirements of the public records law; 56398

(G) Institutional ethics and conflicts of interest; 56399

(H) Creating and implementing institution-wide rules and 56400
regulations; 56401

(I) Business operations, administration, budgeting, 56402
financing, financial reporting, and financial reserves, including 56403

<u>a segment on endowment management;</u>	56404
<u>(J) Fixing student general and instructional fees, and other necessary charges, including a review of student debt trends;</u>	56405
<u>(K) Overseeing planning, construction, maintenance, expansion, and renovation projects that impact the state institution's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;</u>	56407
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<u>(L) Workforce planning, strategy, and investment;</u>	56412
<u>(M) Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;</u>	56413
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<u>(N) Student welfare issues, including academic studies, curriculum, residence life, student governance and activities, and the general physical and psychological well-being of undergraduate and graduate students;</u>	56417
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<u>(O) Current national and state issues in higher education;</u>	56421
<u>(P) Future national and state issues in higher education.</u>	56422
Sec. 3333.048. (A) Not later than one year after October 16, 2009, the <u>The</u> chancellor of higher education and, in consultation with the superintendent of public instruction jointly, shall do the following:	56423
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(1) In, <u>in</u> accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and to be used in educator preparation programs shall be <u>do all of the following:</u>	56427
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~~(2) Be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure;~~

(2) Ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code.

~~(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school personnel. ;~~

(3) Ensure that all educators complete coursework in evidence-based strategies for effective literacy instruction aligned to the science of reading, which includes phonics, phonemic awareness, fluency comprehension, and vocabulary development, and is part of a structured literacy program;

(4) Ensure that clinical preparation for all educators who are responsible for teaching reading only occur in the classrooms where the local education agency has verified that the practicing teachers have training in literacy instruction strategies aligned to the science of reading, use instructional materials aligned to the science of reading from the list established under section 3313.6028 of the Revised Code, and actively implement a structured literacy approach.

~~(B) Not later than one year after October 16, 2009, the chancellor shall approve institutions of higher education engaged in the preparation of educators and other school personnel that maintain satisfactory training procedures and records of~~

performance, as determined by the The chancellor shall do all of 56464
the following: 56465

(1) Develop an auditing process that clearly documents the 56466
degree to which every educator preparation program at an 56467
institution of higher education is effectively teaching the 56468
science of reading as follows: 56469

(a) By December 31, 2023, complete an initial survey of 56470
educator preparation programs, establish metrics for the audits, 56471
and update standards to reflect new requirements; 56472

(b) Grant a one-year grace period for all institutions to 56473
meet new standards and requirements under this section to begin on 56474
January 1, 2024; 56475

(c) On January 1, 2025, begin conducting audits of each 56476
institution that offers educator preparation programs. 56477

The chancellor shall revoke approval for programs that are 56478
found to be not in alignment and do not address the findings of 56479
the audit within a year. All programs shall be reviewed every four 56480
years thereafter to ensure continued alignment. 56481

(2) Annually create a summary of literacy instruction 56482
strategies and practices in place for all educator preparation 56483
programs based on the program audits, including institution-level 56484
summaries, until all programs reach the required alignment 56485
specified in division (A)(3) of this section; 56486

(3) In conjunction with the department of education, do all 56487
of the following: 56488

(a) Publicly release the summaries with local education 56489
agencies not later than the thirty-first day of March of each 56490
year; 56491

(b) Identify a list of approved vendors who can provide 56492
professional development experiences that are consistent with the 56493

science of reading to educators who are responsible for teaching 56494
reading, including faculty in educator preparation programs; 56495

(c) Develop a public dashboard that reports the first-time 56496
passage rates of students, by institution, on the foundations of 56497
reading licensure test. 56498

(C) If the metrics established under division ~~(A)(1)~~(A) of 56499
this section require an institution of higher education that 56500
prepares teachers to satisfy the standards of an independent 56501
accreditation organization, the chancellor shall permit each 56502
institution to satisfy the standards of any applicable national 56503
educator preparation accrediting agency recognized by the United 56504
States department of education. 56505

(D) The metrics and educator preparation programs established 56506
under division ~~(A)(1)~~(A) of this section may require an 56507
institution of higher education, as a condition of approval by the 56508
chancellor, to make changes in the curricula of its preparation 56509
programs for educators and other school personnel. 56510

Notwithstanding division (E) of section 119.03 and division 56511
(A)(1) of section 119.04 of the Revised Code, any metrics, 56512
educator preparation programs, rules, and regulations, or any 56513
amendment or rescission of such metrics, educator preparation 56514
programs, rules, and regulations, adopted under this section that 56515
necessitate institutions offering preparation programs for 56516
educators and other school personnel approved by the chancellor to 56517
revise the curricula of those programs shall not be effective for 56518
at least one year after the first day of January next succeeding 56519
the publication of the said change. 56520

Each institution shall allocate money from its existing 56521
revenue sources to pay the cost of making the curricular changes. 56522

(E) The chancellor shall notify the state board of the 56523
metrics and educator preparation programs established under 56524

division ~~(A)(1)(A)~~ of this section ~~and the institutions of higher~~ 56525
~~education approved under division (B) of this section.~~ The state 56526
board shall publish the metrics, and educator preparation 56527
programs, ~~and approved institutions~~ with the standards and 56528
qualifications for each type of educator license. 56529

(F) The graduates of educator preparation programs approved 56530
by the chancellor shall be licensed by the state board in 56531
accordance with the standards and qualifications adopted under 56532
section 3319.22 of the Revised Code. 56533

Sec. 3333.122. (A) The chancellor of higher education shall 56534
adopt rules to carry out this section and as authorized under 56535
section 3333.123 of the Revised Code. The rules shall include 56536
definitions of the terms "resident," "expected family 56537
contribution," "full-time student," "three-quarters-time student," 56538
"half-time student," "one-quarter-time student," "state cost of 56539
attendance," and "accredited" for the purpose of those sections. 56540

(B) Only an Ohio resident who meets both of the following is 56541
eligible for a grant awarded under this section: 56542

(1) The resident has an expected family contribution of ~~two~~ 56543
three thousand one seven hundred ninety fifty dollars or less; 56544

(2) The resident enrolls in one of the following: 56545

(a) An undergraduate program, or a nursing diploma program 56546
approved by the board of nursing under section 4723.06 of the 56547
Revised Code, at a state-assisted state institution of higher 56548
education, as defined in section 3345.12 of the Revised Code, that 56549
meets the requirements of Title VI of the Civil Rights Act of 56550
1964; 56551

(b) An undergraduate program, or a nursing diploma program 56552
approved by the board of nursing under section 4723.06 of the 56553
Revised Code, at a private, nonprofit institution in this state 56554

holding a certificate of authorization pursuant to Chapter 1713. 56555
of the Revised Code; 56556

(c) An undergraduate program, or a nursing diploma program 56557
approved by the board of nursing under section 4723.06 of the 56558
Revised Code, at a career college in this state that holds a 56559
certificate of registration from the state board of career 56560
colleges and schools under Chapter 3332. of the Revised Code or at 56561
a private institution exempt from regulation under Chapter 3332. 56562
of the Revised Code as prescribed in section 3333.046 of the 56563
Revised Code, if the program has a certificate of authorization 56564
pursuant to Chapter 1713. of the Revised Code. 56565

(d) A comprehensive transition and postsecondary program that 56566
is certified by the United States department of education. For 56567
purposes of this section, a "comprehensive transition and 56568
postsecondary program" means a degree, certificate, or non-degree 56569
program that is designed to support persons with intellectual 56570
disabilities who are receiving academic, career, technical, and 56571
independent living instruction at an institution of higher 56572
education in order to prepare for gainful employment as defined in 56573
20 U.S.C. 1140. 56574

(C)(1) The chancellor shall establish and administer a 56575
needs-based financial aid grants program based on the United 56576
States department of education's method of determining financial 56577
need. The program shall be known as the Ohio college opportunity 56578
grant program. The general assembly shall support the needs-based 56579
financial aid program by such sums and in such manner as it may 56580
provide, but the chancellor also may receive funds from other 56581
sources to support the program. If, for any academic year, the 56582
amounts available for support of the program are inadequate to 56583
provide grants to all eligible students, the chancellor shall do 56584
one of the following: 56585

(a) Give preference in the payment of grants based upon 56586

expected family contribution, beginning with the lowest expected 56587
family contribution category and proceeding upward by category to 56588
the highest expected family contribution category; 56589

(b) Proportionately reduce the amount of each grant to be 56590
awarded for the academic year under this section; 56591

(c) Use an alternate formula for such grants that addresses 56592
the shortage of available funds and has been submitted to and 56593
approved by the controlling board. 56594

(2) The needs-based financial aid grant shall be paid to the 56595
eligible student through the institution in which the student is 56596
enrolled, except that no needs-based financial aid grant shall be 56597
paid to any person serving a term of imprisonment. Applications 56598
for the grants shall be made as prescribed by the chancellor, and 56599
such applications may be made in conjunction with and upon the 56600
basis of information provided in conjunction with student 56601
assistance programs funded by agencies of the United States 56602
government or from financial resources of the institution of 56603
higher education. The institution shall certify that the student 56604
applicant meets the requirements set forth in division (B) of this 56605
section. Needs-based financial aid grants shall be provided to an 56606
eligible student only as long as the student is making appropriate 56607
progress toward a nursing diploma, an associate or bachelor's 56608
degree, or completion of a comprehensive transition and 56609
postsecondary program. No student shall be eligible to receive a 56610
grant for more than ten semesters, fifteen quarters, or the 56611
equivalent of five academic years. A grant made to an eligible 56612
student on the basis of less than full-time enrollment shall be 56613
based on the number of credit hours for which the student is 56614
enrolled and shall be computed in accordance with a formula 56615
adopted by rule issued by the chancellor. No student shall receive 56616
more than one grant on the basis of less than full-time 56617
enrollment. 56618

(D)(1) Except as provided in divisions (D)(4) and (5) of this section, no grant awarded under this section shall exceed the total state cost of attendance.

(2) Subject to divisions (D)(1), (3), (4), and (5) of this section, the chancellor shall determine the maximum per student award amount for each institutional sector by subtracting the sum of the maximum Pell grant and maximum expected family contribution amounts, as determined by the chancellor, from the average instructional and general fees charged by the institutional sector. The department of higher education shall publish on its web site an annual Ohio college opportunity award table. Except as provided for in section 3333.126 of the Revised Code, in no case shall the grant amount for such a student exceed any maximum that the chancellor may set by rule.

(3) For a student enrolled for a semester or quarter in addition to the portion of the academic year covered by a grant under this section, the maximum grant amount shall be a percentage of the maximum specified in any table established in rules adopted by the chancellor as provided in division (A) of this section. The maximum grant for a fourth quarter shall be one-third of the maximum amount so prescribed. The maximum grant for a third semester shall be one-half of the maximum amount so prescribed.

(4) If a student is enrolled in a two-year institution of higher education and is eligible for an education and training voucher through the Ohio education and training voucher program that receives federal funding under the John H. Chafee foster care independence program, 42 U.S.C. 677, the amount of a grant awarded under this section may exceed the total state cost of attendance to additionally cover housing costs.

(5) For a student who is receiving federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance

Program," 38 U.S.C. 3301 et seq., or any successor program, the 56651
amount of a grant awarded under this section shall be applied 56652
toward the total state cost of attendance and the student's 56653
housing costs and living expenses. Living expenses shall include 56654
reasonable costs for room and board. 56655

(E) No grant shall be made to any student in a course of 56656
study in theology, religion, or other field of preparation for a 56657
religious profession unless such course of study leads to an 56658
accredited bachelor of arts, bachelor of science, associate of 56659
arts, or associate of science degree. 56660

(F)(1) Except as provided in division (F)(2) of this section, 56661
no grant shall be made to any student for enrollment during a 56662
fiscal year in an institution with a cohort default rate 56663
determined by the United States secretary of education pursuant to 56664
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 56665
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 56666
preceding the fiscal year, equal to or greater than thirty per 56667
cent for each of the preceding two fiscal years. 56668

(2) Division (F)(1) of this section does not apply in the 56669
case of either of the following: 56670

(a) The institution pursuant to federal law appeals its loss 56671
of eligibility for federal financial aid and the United States 56672
secretary of education determines its cohort default rate after 56673
recalculation is lower than the rate specified in division (F)(1) 56674
of this section or the secretary determines due to mitigating 56675
circumstances that the institution may continue to participate in 56676
federal financial aid programs. The chancellor shall adopt rules 56677
requiring any such appellant to provide information to the 56678
chancellor regarding an appeal. 56679

(b) Any student who has previously received a grant pursuant 56680
to any provision of this section, including prior to the section's 56681

amendment by H.B. 1 of the 128th general assembly, effective July 17, 2009, and who meets all other eligibility requirements of this section.

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

(4) A student's attendance at any institution whose students are ineligible for grants due to division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

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

Sec. 3333.127. (A) As used in this section:

(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 108711.

(2) "Eligible student" means a student to whom all of the following apply:

(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section

3333.31 of the Revised Code. 56712

(b) The student has not attained a bachelor's degree from a 56713
qualifying institution or an institution of higher education in 56714
another state prior to applying for a grant under this section. 56715

(c) The student, while in good standing, disenrolled from a 56716
qualifying institution and did not transfer to a qualifying 56717
institution or an institution of higher education in another state 56718
in the two semesters or eight months immediately following the 56719
student's disenrollment. For the purposes of this division, "good 56720
standing" includes being in good academic standing and not having 56721
a record of disciplinary issues, including being suspended or 56722
expelled from the qualifying institution. 56723

Qualifying institutions that do not use a semester calendar 56724
shall use eight months as the metric for determining a student's 56725
disenrollment period. 56726

(d) Subject to division (A)(2)(c) of this section, the 56727
student enrolls in a qualifying institution within five years of 56728
disenrolling from the qualifying institution. 56729

(e) The student is not enrolled in the college credit plus 56730
program established under Chapter 3365. of the Revised Code. 56731

(f) The student meets any other eligibility criteria 56732
determined necessary by the chancellor. 56733

(3) "Qualifying institution" means any of the following: 56734

(a) A state institution of higher education, as defined in 56735
section 3345.011 of the Revised Code; 56736

(b) A private nonprofit institution of higher education that 56737
holds a certificate of authorization pursuant to Chapter 1713. of 56738
the Revised Code; 56739

(c) An institution with a certificate of registration from 56740
the state board of career colleges and schools under Chapter 3332. 56741

of the Revised Code; 56742

(d) A private institution exempt from regulation under 56743
Chapter 3332. of the Revised Code as prescribed in section 56744
3333.046 of the Revised Code; 56745

(e) An Ohio technical center, as defined in section 3333.94 56746
of the Revised Code. 56747

(B) The chancellor shall establish the second chance grant 56748
program. Under the program, the chancellor shall award a one-time 56749
grant of not more than ~~two~~ three thousand dollars to each eligible 56750
student approved to participate in the program. 56751

(C) Eligible students shall apply to participate in the 56752
program in a form and manner prescribed by the chancellor. The 56753
chancellor shall approve each applicant who is enrolled in a 56754
qualifying institution and who has a cost of attendance remaining 56755
for the academic year in which the application is approved after 56756
all other financial aid for which that applicant qualifies has 56757
been applied to the applicant's account at the institution. The 56758
chancellor shall approve applications in the order in which they 56759
are received. 56760

(D) The chancellor shall pay grants to the qualifying 56761
institution in which a participant is enrolled in the academic 56762
year in which the participant's application is approved. The 56763
qualifying institution shall apply the grant to a participant's 56764
cost of attendance for that academic year. If any amount of the 56765
grant remains after it is applied to the participant's cost of 56766
attendance for that year, the qualifying institution shall apply 56767
that remaining amount to the participant's cost of attendance for 56768
any other academic year in which the student is enrolled in the 56769
institution. The qualifying institution shall return to the 56770
chancellor any grant amount remaining after a participant 56771
graduates or disenrolls from the institution. 56772

(E) In each academic year, the chancellor shall submit to the general assembly, in accordance with section 101.68 of the Revised Code, a report that contains all of the following:

(1) The number of eligible students participating in the program who received a grant in that academic year;

(2) The qualifying institutions from which the participants disenrolled, as described in division (A)(2)(c) of this section;

(3) The types of academic programs in which the participants were enrolled prior to disenrolling from qualifying institutions;

(4) The types of academic programs in which participants were enrolled when they received grants under the program;

(5) Information regarding how the grants were used;

(6) If the participant completed a degree program with the grant.

(F) The second chance grant program fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be administered by the chancellor and shall be used to pay grants under the program established under this section. The fund also may be used by the chancellor to implement and administer the second chance grant program.

(G) The chancellor shall adopt rules to administer the program.

Sec. 3333.129. (A) The "Teach CS" grant program is established to fund coursework, materials, and exams to support the increasing number of existing teachers who qualify to teach computer science through all of the following:

(1) A supplemental license that involves a mentorship-based pathway for existing teachers;

(2) A university endorsement program that involves a 56802
coursework-based path for existing teachers; 56803

(3) An alternative resident educator licensure pathway for 56804
industry experts and other nonteachers; 56805

(4) A continuing education program that offers professional 56806
development to existing teachers, including those that teach 56807
pre-kindergarten to twelve who are generalists and those seeking 56808
advanced content knowledge. 56809

The chancellor of higher education shall administer the 56810
program. 56811

(B) The chancellor, in consultation with the department of 56812
education and workforce, shall develop an application process and 56813
criteria for awards. Priority may be given to education consortia 56814
that include economically disadvantaged schools in which there are 56815
limited computer science courses offered or where there is an 56816
unmet need for teachers credentialed to teach computer science 56817
courses, as determined by the chancellor. 56818

Sec. 3333.16. (A) As used in this section: 56819

(1) "State institution of higher education" means an 56820
institution of higher education as defined in section 3345.12 of 56821
the Revised Code. 56822

(2) "State university" has the same meaning as in section 56823
3345.011 of the Revised Code. 56824

(B) The chancellor of higher education shall do all of the 56825
following: 56826

(1) Establish policies and procedures applicable to all state 56827
institutions of higher education that ensure that students can 56828
begin higher education at any state institution of higher 56829
education and transfer coursework and degrees to any other state 56830
institution of higher education without unnecessary duplication or 56831

institutional barriers. The purpose of this requirement is to 56832
allow students to attain their highest educational aspirations in 56833
the most efficient and effective manner for the students and the 56834
state. These policies and procedures shall require state 56835
institutions of higher education to make changes or modifications, 56836
as needed, to strengthen course content so as to ensure 56837
equivalency for that course at any state institution of higher 56838
education. 56839

(2) Develop and implement a universal course equivalency 56840
classification system for state institutions of higher education 56841
so that the transfer of students and the transfer and articulation 56842
of equivalent courses or specified learning modules or units 56843
completed by students are not inhibited by inconsistent judgment 56844
about the application of transfer credits. Coursework completed 56845
within such a system at one state institution of higher education 56846
and transferred to another institution shall be applied to the 56847
student's degree objective in the same manner as equivalent 56848
coursework completed at the receiving institution. 56849

(3) Develop an electronic equivalency management tool to 56850
assist in the transfer of coursework and degrees between state 56851
institutions of higher education without unnecessary duplication 56852
or institutional barriers, to help minimize inconsistent judgment 56853
about the application of transfer credits, and to assist in 56854
allowing transfer credits to be applied to a student's degree 56855
objective in the same manner at each state institution of higher 56856
education. The electronic equivalency management tool shall 56857
include the universal documentation of course and program 56858
equivalencies statewide. Additionally, the electronic equivalency 56859
management tool shall be incorporated into a web site. 56860

(4) Develop a system of transfer policies that ensure that 56861
graduates with associate degrees which include completion of 56862
approved transfer modules shall be admitted to a state institution 56863

of higher education, shall be able to compete for admission to 56864
specific programs on the same basis as students native to the 56865
institution, and shall have priority over out-of-state associate 56866
degree graduates and transfer students. To assist a student in 56867
advising and transferring, all state institutions of higher 56868
education shall fully implement the information system for 56869
advising and transferring selected by, contracted for, or 56870
developed by the chancellor. 56871

(5) Examine the feasibility of developing a transfer 56872
marketing agenda that includes materials and interactive 56873
technology to inform the citizens of Ohio about the availability 56874
of transfer options at state institutions of higher education and 56875
to encourage adults to return to colleges and universities for 56876
additional education; 56877

(6) Study, in consultation with the state board of career 56878
colleges and schools, and in light of existing criteria and any 56879
other criteria developed by the articulation and transfer advisory 56880
council, the feasibility of credit recognition and transferability 56881
to state institutions of higher education for graduates who have 56882
received associate degrees from a career college or school with a 56883
certificate of registration from the state board of career 56884
colleges and schools under Chapter 3332. of the Revised Code. 56885

(C) All provisions of the existing articulation and transfer 56886
policy developed by the chancellor shall remain in effect except 56887
where amended by this section. 56888

(D) ~~Not later than December 1, 2018, the~~ The chancellor shall 56889
update and implement the policies and procedures established 56890
pursuant to this section to ensure that any associate degree 56891
offered at a state institution of higher education may be 56892
transferred and applied to a bachelor degree program in an 56893
equivalent field at any other state institution of higher 56894
education without unnecessary duplication or institutional 56895

barriers. The policies and procedures shall ensure that each 56896
transferred associate degree applies to the student's degree 56897
objective in the same manner as equivalent coursework completed by 56898
the student at the receiving institution. 56899

When updating and implementing the policies and procedures 56900
pursuant to this division, the chancellor shall seek input from 56901
faculty and academic leaders in each academic field or discipline. 56902

(E) If a state university refuses to accept and grant credit 56903
for any general education coursework that is both completed at a 56904
different state institution of higher education and subject to the 56905
policies, procedures, or systems prescribed under division (B) of 56906
this section, the state university shall provide the student that 56907
did not receive college credit for the completed general education 56908
coursework information to utilize the institution's transfer 56909
appeal process and information to utilize the department of higher 56910
education's student complaint portal. 56911

~~(F) The Ohio articulation and transfer network oversight 56912
board established by the chancellor shall conduct a study of 56913
current rules regarding the transfer of college credit between 56914
state institutions of higher education. Not later than one year 56915
after the effective date of this amendment, the board shall issue 56916
a report to the general assembly, in accordance with section 56917
101.68 of the Revised Code, that includes the findings of the 56918
board's study, as well as any recommendations regarding changes to 56919
the rules. 56920~~

Sec. 3333.163. (A) As used in this section, "state 56921
institution of higher education" has the same meaning as in 56922
section 3345.011 of the Revised Code. 56923

(B) Not later than April 15, 2008, the articulation and 56924
transfer advisory council of the chancellor of higher education 56925
shall recommend to the chancellor standards for awarding course 56926

credit toward degree requirements at state institutions of higher 56927
education based on scores attained on advanced placement 56928
examinations. The recommended standards shall include a score on 56929
each advanced placement examination that the council considers to 56930
be a passing score for which course credit may be awarded. Upon 56931
adoption of the standards by the chancellor, each state 56932
institution of higher education shall comply with the standards in 56933
awarding course credit to any student enrolled in the institution 56934
who has attained a passing score on an advanced placement 56935
examination. 56936

(C) Not later than April 15, 2025, the articulation and 56937
transfer advisory council of the chancellor of higher education 56938
shall recommend to the chancellor standards for awarding course 56939
credit toward degree requirements at state institutions of higher 56940
education based on scores attained on international baccalaureate 56941
examinations. The recommended standards shall include a score on 56942
each international baccalaureate examination that the council 56943
considers to be a passing score for which course credit may be 56944
awarded. Upon adoption of the standards by the chancellor, each 56945
state institution of higher education shall comply with the 56946
standards in awarding course credit to any student enrolled in the 56947
institution who has attained a passing score on an international 56948
baccalaureate examination. 56949

(D) Each state institution of higher education shall make 56950
available to the public in an electronic format the standards and 56951
policies adopted and implemented under divisions (B) and (C) of 56952
this section and section 3345.38 of the Revised Code. 56953

Sec. 3333.24. (A) As used in this section: 56954

(1) "Eligible student" means a student to whom all of the 56955
following apply: 56956

(a) The student is a resident of this state under rules 56957

adopted by the chancellor of higher education under section 56958
3333.31 of the Revised Code. 56959

(b) The student has completed a free application for federal 56960
student aid for the year for which the grant is to be awarded. 56961

(c) The student enrolls in a qualified program at a 56962
community, state community, or technical college, an Ohio 56963
technical center, or a state university branch campus. 56964

(2) "Qualified program" means a credit or noncredit program 56965
that leads to an industry-recognized credential, certificate, or 56966
degree and prepares the student for a job that meets either of the 56967
following criteria: 56968

(a) It is identified as an "in-demand" or "critical" job as 56969
determined by the office of workforce transformation. 56970

(b) It is submitted by a community, state community, or 56971
technical college, an Ohio technical center, or a state university 56972
branch campus and will meet regional workforce needs, as approved 56973
by the chancellor. 56974

(B) The chancellor of higher education shall establish the 56975
Ohio work ready grant program. Under the program, the chancellor 56976
shall award a grant of up to three thousand dollars to eligible 56977
students enrolled in a qualified program. Grant award amounts made 56978
to eligible students enrolled on either a full-time or part-time 56979
basis shall be computed in accordance with rules adopted by the 56980
chancellor. No student shall be eligible to receive a grant for 56981
more than six semesters or the equivalent of three academic years. 56982

(C) Eligible students shall apply to participate in the 56983
program in a form and manner prescribed by the chancellor. The 56984
chancellor shall determine the form and manner of payments. 56985

(D)(1) The program shall be funded in the sums and manner 56986
designated for such purpose by the general assembly, but the 56987

chancellor also may receive funds from other sources to support 56988
the program. 56989

(2) If, for any academic year, the amounts available for 56990
support of the program are inadequate to provide grants to all 56991
eligible students, the chancellor may establish different grant 56992
amounts based on the number of applicants and the total amount of 56993
funds set aside for that purpose. 56994

(E) The chancellor, in consultation with the providers of 56995
qualified programs, shall collect and report program metrics that 56996
include all of the following: 56997

(1) Demographics of recipients, including: 56998

(a) Age, disaggregated as follows: 56999

(i) Twenty-four years and younger; 57000

(ii) Twenty-five to thirty-four years; 57001

(iii) Thirty-five to forty-nine years; 57002

(iv) Fifty years and older. 57003

(b) Gender; 57004

(c) Race and ethnicity; 57005

(d) Enrollment status as full- or part-time; 57006

(e) Pell grant status. 57007

(2) Success rates of recipients, including program retention 57008
and completion; 57009

(3) Total number of industry-recognized credentials awarded, 57010
disaggregated by subject or program area. 57011

Sec. 3333.26. ~~(A) Any citizen of this state who has resided~~ 57012
~~within the state for one year, who was in the active service of~~ 57013
~~the United States as a soldier, sailor, nurse, or marine between~~ 57014
~~April 6, 1917, and November 11, 1918, and who has been honorably~~ 57015

~~discharged from that service, shall be admitted to any school, 57016
college, or university that receives state funds in support 57017
thereof, without being required to pay any tuition or 57018
matriculation fee, but is not relieved from the payment of 57019
laboratory or similar fees. 57020~~

~~(B)(1)(A)(1) As used in this section: 57021~~

(a) "Volunteer firefighter" has the meaning as in division 57022
(B)(1) of section 146.01 of the Revised Code. 57023

(b) "Public service officer" means an Ohio firefighter, 57024
volunteer firefighter, police officer, member of the state highway 57025
patrol, employee designated to exercise the powers of police 57026
officers pursuant to section 1545.13 of the Revised Code, or other 57027
peace officer as defined by division (B) of section 2935.01 of the 57028
Revised Code, or a person holding any equivalent position in 57029
another state. 57030

(c) "Qualified former spouse" means the former spouse of a 57031
public service officer, or of a member of the armed services of 57032
the United States, who is the custodial parent of a minor child of 57033
that marriage pursuant to an order allocating the parental rights 57034
and responsibilities for care of the child issued pursuant to 57035
section 3109.04 of the Revised Code. 57036

(d) "Operation enduring freedom" means that period of 57037
conflict which began October 7, 2001, and ends on a date declared 57038
by the president of the United States or the congress. 57039

(e) "Operation Iraqi freedom" means that period of conflict 57040
which began March 20, 2003, and ends on a date declared by the 57041
president of the United States or the congress. 57042

(f) "Combat zone" means an area that the president of the 57043
United States by executive order designates, for purposes of 26 57044
U.S.C. 112, as an area in which armed forces of the United States 57045

are or have engaged in combat. 57046

(2) Subject to division ~~(D)~~(C) of this section, any resident 57047
of this state who is under twenty-six years of age, or under 57048
thirty years of age if the resident has been honorably discharged 57049
from the armed services of the United States, who is the child of 57050
a public service officer killed in the line of duty or of a member 57051
of the armed services of the United States killed in the line of 57052
duty during operation enduring freedom or operation Iraqi freedom, 57053
and who is admitted to any state university or college as defined 57054
in division (A)(1) of section 3345.12 of the Revised Code, 57055
community college, state community college, university branch, or 57056
technical college shall not be required to pay any tuition or any 57057
student fee for up to four academic years of education, which 57058
shall be at the undergraduate level, or a certificate program as 57059
prescribed under division ~~(E)~~(D) of this section. 57060

A child of a member of the armed services of the United 57061
States killed in the line of duty during operation enduring 57062
freedom or operation Iraqi freedom is eligible for a waiver of 57063
tuition and student fees under this division only if the student 57064
is not eligible for a ~~war orphans and~~ deceased or severely 57065
disabled veterans' ~~children~~ children's scholarship authorized by 57066
Chapter 5910. of the Revised Code. In any year in which the ~~war~~ 57067
~~orphans and~~ deceased or severely disabled veterans' ~~children~~ 57068
children's scholarship board reduces the percentage of tuition 57069
covered by a ~~war orphans and~~ deceased or severely disabled 57070
veterans' ~~children~~ children's scholarship below one hundred per 57071
cent pursuant to division (A) of section 5910.04 of the Revised 57072
Code, the waiver of tuition and student fees under this division 57073
for a child of a member of the armed services of the United States 57074
killed in the line of duty during operation enduring freedom or 57075
operation Iraqi freedom shall be reduced by the same percentage. 57076

(3) Subject to division ~~(D)~~(C) of this section, any resident 57077

of this state who is the spouse or qualified former spouse of a 57078
public service officer killed in the line of duty, and who is 57079
admitted to any state university or college as defined in division 57080
(A)(1) of section 3345.12 of the Revised Code, community college, 57081
state community college, university branch, or technical college, 57082
shall not be required to pay any tuition or any student fee for up 57083
to four academic years of education, which shall be at the 57084
undergraduate level, or a certificate program as prescribed under 57085
division ~~(E)~~(D) of this section. 57086

(4) Any resident of this state who is the spouse or qualified 57087
former spouse of a member of the armed services of the United 57088
States killed in the line of duty while serving in a combat zone 57089
after May 7, 1975, and who is admitted to any state university or 57090
college as defined in division (A)(1) of section 3345.12 of the 57091
Revised Code, community college, state community college, 57092
university branch, or technical college, shall not be required to 57093
pay any tuition or any student fee for up to four years of 57094
academic education, which shall be at the undergraduate level, or 57095
a certificate program as prescribed under division ~~(E)~~(D) of this 57096
section. In order to qualify under division ~~(B)~~~~(4)~~(A)(4) of this 57097
section, the spouse or qualified former spouse shall have been a 57098
resident of this state at the time the member was killed in the 57099
line of duty. 57100

~~(C)~~(B) Any institution that is not subject to division ~~(B)~~(A) 57101
of this section and that holds a valid certificate of registration 57102
issued under Chapter 3332. of the Revised Code, a valid 57103
certificate issued under Chapter 4709. of the Revised Code, or a 57104
valid license issued under Chapter 4713. of the Revised Code, or 57105
that is nonprofit and has a certificate of authorization issued 57106
under section 1713.02 of the Revised Code, or that is a private 57107
institution exempt from regulation under Chapter 3332. of the 57108
Revised Code as prescribed in section 3333.046 of the Revised 57109

Code, which reduces tuition and student fees of a student who is 57110
eligible to attend an institution of higher education under the 57111
provisions of division ~~(B)~~(A) of this section by an amount 57112
indicated by the chancellor of higher education shall be eligible 57113
to receive a grant in that amount from the chancellor. 57114

Each institution that enrolls students under division ~~(B)~~(A) 57115
of this section shall report to the chancellor, by the first day 57116
of July of each year, the number of students who were so enrolled 57117
and the average amount of all such tuition and student fees waived 57118
during the preceding year. The chancellor shall determine the 57119
average amount of all such tuition and student fees waived during 57120
the preceding year. The average amount of the tuition and student 57121
fees waived under division ~~(B)~~(A) of this section during the 57122
preceding year shall be the amount of grants that participating 57123
institutions shall receive under this division during the current 57124
year, but no grant under this division shall exceed the tuition 57125
and student fees due and payable by the student prior to the 57126
reduction referred to in this division. The grants shall be made 57127
for two certificate programs or four years of undergraduate 57128
education of an eligible student. 57129

~~(D)~~(C) Notwithstanding anything to the contrary in section 57130
3333.31 of the Revised Code, for the purposes of divisions 57131
~~(B)~~(2)(A)(2) and (3) of this section, the child, spouse, or 57132
qualified former spouse of a public service officer or a member of 57133
the armed services of the United States killed in the line of duty 57134
shall be considered a resident of this state for the purposes of 57135
this section if the child, spouse, or qualified former spouse was 57136
a resident of this state at the time that the public service 57137
officer or member of the armed services was killed. 57138

However, no child, spouse, or qualified former spouse of a 57139
public service officer or a member of the armed services of the 57140
United States killed in the line of duty shall be required to be a 57141

resident of this state at the time the public service officer or 57142
member of the armed services of the United States was killed in 57143
order to receive benefits under divisions ~~(B)~~(2)(A)(2) and (3) of 57144
this section. 57145

~~(E)~~(D) A child, spouse, or qualified former spouse of a 57146
public service officer or a member of the armed services killed in 57147
the line of duty shall receive benefits for a certificate program 57148
in accordance with division ~~(B)~~(A) or ~~(C)~~(B) of this section, 57149
except that a particular child, spouse, or qualified former spouse 57150
shall not receive benefits for: 57151

(1) More than two certificate programs; 57152

(2) A total number of academic credits or instructional hours 57153
equivalent to more than four academic years; 57154

(3) For any particular academic year, an amount that is 57155
greater than eight thousand dollars. 57156

Sec. 3333.261. The chancellor of higher education shall 57157
notify each applicant for a tuition waiver under section 3333.26 57158
of the Revised Code whose parent, spouse, or former spouse was a 57159
member of the armed services of the United States killed in the 57160
line of duty of the federal Marine Gunnery Sergeant John David Fry 57161
scholarship. The chancellor shall establish a method by which to 57162
notify such applicants of the Fry scholarship. 57163

The chancellor shall not award a tuition waiver under section 57164
3333.26 of the Revised Code to an applicant who is eligible for a 57165
Fry scholarship unless the chancellor verifies that the applicant 57166
applied for and was denied a Fry scholarship. The chancellor shall 57167
determine a method by which to verify that an applicant has been 57168
denied a Fry scholarship. 57169

Sec. 3333.28. (A) The chancellor of higher education shall 57170
establish the nurse education assistance program, the purpose of 57171

which shall be to make loans to students enrolled in prelicensure 57172
nurse education programs at institutions approved by the board of 57173
nursing under section 4723.06 of the Revised Code and 57174
postlicensure nurse education programs approved by the chancellor 57175
under section 3333.04 of the Revised Code or offered by an 57176
institution holding a certificate of authorization issued under 57177
Chapter 1713. of the Revised Code. The board of nursing shall 57178
assist the chancellor in administering the program. 57179

(B) There is hereby created in the state treasury the nurse 57180
education assistance fund, which shall consist of all money 57181
transferred to it pursuant to section 4743.05 of the Revised Code. 57182
The fund shall be used by the chancellor for loans made under 57183
division (A) of this section and for expenses of administering the 57184
loan program. 57185

(C) Between July 1, 2005, and January 1, 2012, the chancellor 57186
shall distribute money in the nurse education assistance fund in 57187
the following manner: 57188

(1)(a) Fifty per cent of available funds shall be awarded as 57189
loans to registered nurses enrolled in postlicensure nurse 57190
education programs described in division (A) of this section. To 57191
be eligible for a loan, the applicant shall provide the chancellor 57192
with a letter of intent to practice as a faculty member at a 57193
prelicensure or postlicensure program for nursing in this state 57194
upon completion of the applicant's academic program. 57195

(b) If the borrower of a loan under division (C)(1)(a) of 57196
this section secures employment as a faculty member of an approved 57197
nursing education program in this state within six months 57198
following graduation from an approved nurse education program, the 57199
chancellor may forgive the principal and interest of the student's 57200
loans received under division (C)(1)(a) of this section at a rate 57201
of twenty-five per cent per year, for a maximum of four years, for 57202
each year in which the borrower is so employed. A deferment of the 57203

service obligation, and other conditions regarding the forgiveness 57204
of loans may be granted as provided by the rules adopted under 57205
division (D)(7) of this section. 57206

(c) Loans awarded under division (C)(1)(a) of this section 57207
shall be awarded on the basis of the student's expected family 57208
contribution, with preference given to those applicants with the 57209
lowest expected family contribution. However, the chancellor may 57210
consider other factors the chancellor determines relevant in 57211
ranking the applications. 57212

(d) Each loan awarded to a student under division (C)(1)(a) 57213
of this section shall be not less than five thousand dollars per 57214
year. 57215

(2) Twenty-five per cent of available funds shall be awarded 57216
to students enrolled in prelicensure nurse education programs for 57217
registered nurses, as defined in section 4723.01 of the Revised 57218
Code. 57219

(3) Twenty-five per cent of available funds shall be awarded 57220
to students enrolled in nurse education programs as determined by 57221
the chancellor, with preference given to programs aimed at 57222
increasing enrollment in an area of need. 57223

After January 1, 2012, the chancellor shall determine the 57224
manner in which to distribute loans under this section. 57225

(D) Subject to the requirements specified in division (C) of 57226
this section, the chancellor shall adopt rules in accordance with 57227
Chapter 119. of the Revised Code establishing: 57228

(1) Eligibility criteria for receipt of a loan; 57229

(2) Loan application procedures; 57230

(3) The amounts in which loans may be made and the total 57231
amount that may be loaned to an individual; 57232

(4) The total amount of loans that can be made each year; 57233

(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;	57234 57235
(6) Interest and principal repayment schedules;	57236
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	57237 57238 57239
(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven.	57240 57241 57242 57243 57244
(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	57245 57246 57247
(10) Any other matters incidental to the operation of the program.	57248 57249
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	57250 57251 57252 57253 57254 57255 57256
(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the chancellor under the rule adopted under division (D)(8) of this section.	57257 57258 57259 57260 57261
(G) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that	57262 57263

assistance, granted under section ~~3333.12~~, 3333.122, 3333.22, 57264
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 57265
the rules of the chancellor may provide for taking assistance 57266
received under those sections into consideration when determining 57267
a student's eligibility for a loan under this section. 57268

(H) As used in this section, "active duty" means active duty 57269
pursuant to an executive order of the president of the United 57270
States, an act of the congress of the United States, or section 57271
5919.29 or 5923.21 of the Revised Code. 57272

Sec. 3333.303. (A) As used in this section: 57273

(1) "FAFSA" means the free application for federal student 57274
aid. 57275

(2) "Public schools" means school districts, community 57276
schools established under Chapter 3314. of the Revised Code, and 57277
STEM schools established under Chapter 3326. of the Revised Code. 57278

(B) The chancellor of higher education shall designate a 57279
statewide system of FAFSA support teams to support public schools 57280
with FAFSA completion and college access programming. The 57281
chancellor shall divide the state into regions based on available 57282
resources and assign at least one FAFSA support team to operate in 57283
each region. A FAFSA support team may include existing efforts by 57284
educational service centers, colleges and universities, and 57285
community-based organizations. 57286

(C) The chancellor shall do all of the following in 57287
administering the statewide FAFSA support system: 57288

(1) Develop with state and local stakeholders a 57289
comprehensive, multiyear, and statewide strategy for increasing 57290
FAFSA completion in this state that coordinates the new and 57291
ongoing efforts to increase completion at the state and local 57292
level; 57293

<u>(2) Oversee the selection and coordination of FAFSA support teams;</u>	57294
	57295
<u>(3) Provide continuous information updates to FAFSA support teams;</u>	57296
	57297
<u>(4) Identify strategies that have been successful nationally to increase FAFSA completion and college access and share them with stakeholders in this state;</u>	57298
	57299
	57300
<u>(5) Develop and expand partnerships with existing organizations that work to expand college access and success for the purpose of assisting high school students in this state;</u>	57301
	57302
	57303
<u>(6) Partner with states that have implemented FAFSA requirements to learn best practices.</u>	57304
	57305
<u>(D) Each FAFSA support team shall do all of the following:</u>	57306
<u>(1) Offer FAFSA programming and training for all public schools in the team's region, including supplementing existing programs;</u>	57307
	57308
	57309
<u>(2) Provide annual updates on FAFSA changes to all public schools in the team's region;</u>	57310
	57311
<u>(3) Coordinate and financially support FAFSA and college application completion events for public schools in the team's region;</u>	57312
	57313
	57314
<u>(4) Contribute to the marketing of local FAFSA and college access events;</u>	57315
	57316
<u>(5) Analyze FAFSA data and report the results of that data to the chancellor;</u>	57317
	57318
<u>(6) Partner with local institutions of higher education to expand current strategies and services to public schools in the team's region;</u>	57319
	57320
	57321
<u>(7) Commit to participate in professional development</u>	57322

<u>regarding any updated FAFSA requirements;</u>	57323
<u>(8) Develop new strategies to increase FAFSA completion rates</u>	57324
<u>based on the team's knowledge and experiences.</u>	57325
Sec. 3333.375. (A)(1) There are hereby created the Ohio	57326
outstanding scholarship and the Ohio priority needs fellowship	57327
programs payment funds, which shall be in the custody of the	57328
treasurer of state, but shall not be a part of the state treasury.	57329
(2) The payment funds shall consist solely of all moneys	57330
returned to the treasurer of state, as issuer of certain	57331
tax-exempt student loan revenue bonds, from all indentures of	57332
trust, both presently existing and future, created as a result of	57333
tax-exempt student loan revenue bonds issued under Chapter 3366.	57334
of the Revised Code, and any moneys earned from allowable	57335
investments of the payment funds under division (B) of this	57336
section.	57337
(3) Except as provided in division (E) of this section, the	57338
payment funds shall be used solely for scholarship and fellowships	57339
awarded under sections 3333.37 to 3333.375 of the Revised Code by	57340
the chancellor of higher education and for any necessary	57341
administrative expenses incurred by the chancellor in	57342
administering the scholarship and fellowship programs.	57343
(B) The treasurer of state may invest any moneys in the	57344
payment funds not currently needed for scholarship and fellowship	57345
payments in any kind of investments in which moneys of the public	57346
employees retirement system may be invested under Chapter 145. of	57347
the Revised Code.	57348
(C)(1) The instruments of title of all investments shall be	57349
delivered to the treasurer of state or to a qualified trustee	57350
designated by the treasurer of state as provided in section 135.18	57351
of the Revised Code.	57352

(2) The treasurer of state shall collect both principal and investment earnings on all investments as they become due and pay them into the payment funds.

(3) All deposits to the payment funds shall be made in public depositories of this state and secured as provided in section 135.18 of the Revised Code.

(D) On or before March 1, 2001, and on or before the first day of March in each subsequent year, the treasurer of state shall provide to the chancellor a statement indicating the moneys in the Ohio outstanding scholarship and the Ohio priority needs fellowship programs payment funds that are available for the upcoming academic year to award scholarships and fellowships under sections 3333.37 to 3333.375 of the Revised Code.

(E) The chancellor may use funds the treasurer has indicated as available pursuant to division (D) of this section to support distribution of state need-based financial aid in accordance with ~~sections 3333.12 and~~ section 3333.122 of the Revised Code.

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

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

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

(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

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

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

(2) "Student financial assistance supported by state funds" 57383
includes assistance granted under sections 3315.33, ~~3333.12,~~ 57384
3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 57385
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 57386
award under the choose Ohio first scholarship program established 57387
under section 3333.61 of the Revised Code, or financed by an award 57388
under the Ohio co-op/internship program established under section 57389
3333.72 of the Revised Code, and any other post-secondary student 57390
financial assistance supported by state funds. 57391

(B) An individual who is convicted of, pleads guilty to, or 57392
is adjudicated a delinquent child for one of the following 57393
violations shall be ineligible to receive any student financial 57394
assistance supported by state funds at an institution of higher 57395
education for two calendar years from the time the individual 57396
applies for assistance of that nature: 57397

(1) A violation of section 2917.02 or 2917.03 of the Revised 57398
Code; 57399

(2) A violation of section 2917.04 of the Revised Code that 57400
is a misdemeanor of the fourth degree; 57401

(3) A violation of section 2917.13 of the Revised Code that 57402
is a misdemeanor of the fourth or first degree and occurs within 57403
the proximate area where four or more others are acting in a 57404
course of conduct in violation of section 2917.11 of the Revised 57405
Code. 57406

(C) If an individual is convicted of, pleads guilty to, or is 57407
adjudicated a delinquent child for committing a violation of 57408
section 2917.02 or 2917.03 of the Revised Code, and if the 57409
individual is enrolled in a state-supported institution of higher 57410
education, the institution in which the individual is enrolled 57411
shall immediately dismiss the individual. No state-supported 57412
institution of higher education shall admit an individual of that 57413

nature for one academic year after the individual applies for 57414
admission to a state-supported institution of higher education. 57415
This division does not limit or affect the ability of a 57416
state-supported institution of higher education to suspend or 57417
otherwise discipline its students. 57418

Sec. 3333.70. (A) The ~~director~~ chancellor of higher education 57419
shall establish and administer the Ohio higher education 57420
innovation grant program to promote educational excellence and 57421
economic efficiency throughout the state in order to stabilize or 57422
reduce student tuition rates at institutions of higher education. 57423
Under the program, the ~~director~~ chancellor shall award grants to 57424
state institutions of higher education, as defined in section 57425
3345.011 of the Revised Code, and private nonprofit institutions 57426
for innovative projects that incorporate academic achievement and 57427
economic efficiencies. State institutions of higher education and 57428
private nonprofit institutions may apply for grants and initiate 57429
collaboration with other institutions of higher education, either 57430
public or private, on such projects. 57431

(B) The ~~director~~ chancellor shall adopt rules to administer 57432
the program including, but not limited to, requirements that each 57433
grant application provides for all of the following: 57434

(1) A system by which to measure academic achievement and 57435
reductions in expenditures, both in funding and administration; 57436

(2) Demonstration of how the project will be sustained beyond 57437
the grant period and continue to provide substantial value and 57438
lasting impact; 57439

(3) Proof of commitment from all parties responsible for the 57440
implementation of the project; 57441

(4) Implementation of an ongoing evaluation process and 57442
improvement plans, as necessary. 57443

(C) As used in this section, "private nonprofit institution" 57444
means a nonprofit institution in this state that has a certificate 57445
of authorization pursuant to Chapter 1713. of the Revised Code. 57446

Sec. 3333.74. (A) Except as provided in division (B) of this 57447
section, each award under the Ohio co-op/internship program shall 57448
require a pledge of private funds equal to the following: 57449

(1) In the case of a program, initiative, or scholarships for 57450
undergraduate students, at least one hundred per cent of the money 57451
awarded; 57452

(2) In the case of a program, initiative, or scholarships for 57453
graduate students, at least one hundred fifty per cent of the 57454
money awarded. 57455

(B) The chancellor of higher education may waive the 57456
requirement of division (A) of this section if the chancellor 57457
finds that exceptional circumstances exist to do so, provided that 57458
the chancellor ~~reviews the proposal with the advisory committee~~ 57459
~~established under section 3333.731 of the Revised Code and~~ 57460
provides an explanation for the waiver to the controlling board. 57461

(C) The chancellor shall endeavor to distribute awards in 57462
such a way that a wide range of disciplines is supported and that 57463
all regions of the state benefit from the economic development 57464
impact of the program. 57465

Sec. 3335.02. (A) The government of the Ohio state university 57466
shall be vested in a board of fourteen trustees in 2005, and 57467
seventeen trustees beginning in 2006, who shall be appointed by 57468
the governor, with the advice and consent of the senate. Two of 57469
the seventeen trustees shall be students at the Ohio state 57470
university, and their selection and terms shall be in accordance 57471
with division (B) of this section. ~~Except~~ 57472

(1) For trustees appointed prior to January 1, 2024, except 57473

as provided in division ~~(D)~~(C) of this section and except for the 57474
terms of student members, terms of office shall be for nine years, 57475
commencing on the fourteenth day of May and ending on the 57476
thirteenth day of May. 57477

(2) For trustees appointed on or after January 1, 2024, 57478
except for the terms of student members, terms of office shall be 57479
for six years, commencing on the fourteenth day of May and ending 57480
on the thirteenth day of May. 57481

Each trustee shall hold office from the date of appointment 57482
until the end of the term for which the trustee was appointed. Any 57483
trustee appointed to fill a vacancy occurring prior to the 57484
expiration of the term for which the trustee's predecessor was 57485
appointed shall hold office for the remainder of such term. Any 57486
trustee shall continue in office subsequent to the expiration date 57487
of the trustee's term until the trustee's successor takes office, 57488
or until a period of sixty days has elapsed, whichever occurs 57489
first. ~~No person who has served a full nine year term or more than~~ 57490
~~six years of such a term shall be eligible for reappointment until~~ 57491
~~a period of four years has elapsed since the last day of the term~~ 57492
~~for which the person previously served.~~ The trustees shall not 57493
receive compensation for their services, but shall be paid their 57494
reasonable necessary expenses while engaged in the discharge of 57495
their official duties. 57496

(B) The student members of the board of trustees of the Ohio 57497
state university shall be students at the Ohio state university. 57498
~~Unless student members have been granted voting power under~~ 57499
~~division (C) of this section, they~~ student members shall have no 57500
voting power on the board, shall not be considered as members of 57501
the board in determining whether a quorum is present, and shall 57502
not be entitled to attend executive sessions of the board. The 57503
student members of the board shall be appointed by the governor, 57504
with the advice and consent of the senate, from a group of five 57505

candidates selected pursuant to a procedure adopted by the 57506
university's student governments and approved by the university's 57507
board of trustees. The initial term of office of one of the 57508
student members shall commence on May 14, 1988, and shall expire 57509
on May 13, 1989, and the initial term of office of the other 57510
student member shall commence on May 14, 1988, and expire on May 57511
13, 1990. Thereafter, terms of office of student members shall be 57512
for two years, each term ending on the same day of the same month 57513
of the year as the term it succeeds. In the event a student member 57514
cannot fulfill a two-year term, a replacement shall be selected to 57515
fill the unexpired term in the same manner used to make the 57516
original selection. 57517

~~(C) Not later than ninety days after the effective date of 57518
this amendment, the board of trustees shall adopt a resolution 57519
that does one of the following: 57520~~

~~(1) Grants the student members of the board voting power on 57521
the board. If so granted, in addition to having voting power, the 57522
student members shall be considered as members of the board in 57523
determining whether a quorum is present and shall be entitled to 57524
attend executive sessions of the board. 57525~~

~~(2) Declares that student members do not have voting power on 57526
the board. 57527~~

~~Thereafter, the board may change the voting status of student 57528
trustees by adopting a subsequent resolution. Each resolution 57529
adopted under this division shall take effect on the fourteenth 57530
day of May following the adoption of the resolution. All members 57531
with voting power at the time of the adoption of a resolution may 57532
vote on the resolution. 57533~~

~~If student members are granted voting power under this 57534
division, no student shall be disqualified from membership on the 57535
board of trustees because the student receives a scholarship, 57536~~

~~grant, loan, or any other financial assistance payable out of the state treasury or a university fund, or because the student is employed by the university in a position pursuant to a work study program or other student employment, including as a graduate teaching assistant, graduate administrative assistant, or graduate research assistant, the compensation for which is payable out of the state treasury or a university fund.~~

~~Acceptance of such financial assistance or employment by a student trustee shall not be considered a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code.~~

~~(D)(1)(C)(1)~~ The initial terms of office for the three additional trustees appointed in 2005 shall commence on a date in 2005 that is selected by the governor with one term of office expiring on May 13, 2009, one term of office expiring on May 13, 2010, and one term of office expiring on May 13, 2011, as designated by the governor upon appointment. Thereafter terms of office for trustees appointed prior to January 1, 2024, shall be for nine years, as provided in division ~~(A)(A)(1)~~ of this section. Terms of office for trustees appointed on or after January 1, 2024, shall be for six years, as provided in division (A)(2) of this section.

(2) The initial terms of office for the three additional trustees appointed in 2006 shall commence on May 14, 2006, with one term of office expiring on May 13, 2012, one term of office expiring on May 13, 2013, and one term of office expiring on May 13, 2014, as designated by the governor upon appointment. Thereafter terms of office for trustees appointed prior to January 1, 2024, shall be for nine years, as provided in division ~~(A)(A)(1)~~ of this section. Terms of office for trustees appointed on or after January 1, 2024, shall be for six years, as provided in division (A)(2) of this section.

Sec. 3335.09. The board of trustees of the Ohio state 57568
university shall elect, fix the compensation of, and remove, the 57569
president and such number of professors, teachers, and other 57570
employees as are necessary. ~~Except as provided under division (C)~~ 57571
~~of section 3335.02 of the Revised Code, no~~ No trustee, or relative 57572
of a trustee by blood or marriage, shall be eligible to a 57573
professorship or position in the university, the compensation for 57574
which is payable out of the state treasury or a university fund. 57575
The board shall fix and regulate the course of instruction and 57576
prescribe the extent and character of experiments to be made at 57577
the university. 57578

Sec. 3335.39. (A)(1) The Salmon P. Chase center for civics, 57579
culture, and society is established as an independent unit within 57580
the Ohio state university, initially located in the college of 57581
public affairs. The center shall conduct teaching and research in 57582
the historical ideas, traditions, and texts that have shaped the 57583
American constitutional order and society. 57584

(2) The center shall establish bylaws requiring the center to 57585
do all of the following: 57586

(a) Educate students by means of free, open, and rigorous 57587
intellectual inquiry to seek the truth; 57588

(b) Affirm its duty to equip students with the skills, 57589
habits, and dispositions of mind they need to reach their own 57590
informed conclusions on matters of social and political 57591
importance; 57592

(c) Affirm the value of intellectual diversity in higher 57593
education and aspire to enhance the intellectual diversity of the 57594
university; 57595

(d) Affirm a commitment to create a community dedicated to an 57596
ethic of civil and free inquiry, which respects the intellectual 57597

freedom of each member, supports individual capacities for growth, 57598
and welcomes the differences of opinion that shall naturally exist 57599
in a public university community. 57600

The requirements prescribed under divisions (A)(2)(a) to (d) 57601
of this section shall take priority over any other bylaws adopted 57602
by the center. 57603

(3) The board of trustees of the university may change the 57604
name of the center in accordance with the philanthropic naming 57605
policies and practices of the university. 57606

(B) The center shall be an independent unit physically 57607
located at the college of public affairs with the authority to 57608
make appointments of faculty, including tenure-track faculty. 57609
Faculty appointed to the center shall not be required, but may, 57610
hold joint appointments within any other division of the 57611
university. Not fewer than fifteen tenure-track faculty positions 57612
shall be allotted to teach under the center. 57613

(C)(1) The center shall offer instruction in all of the 57614
following: 57615

(a) The books and major debates which form the intellectual 57616
foundation of free societies, especially that of the United 57617
States; 57618

(b) The principles, ideals, and institutions of the American 57619
constitutional order; 57620

(c) The foundations of responsible leadership and informed 57621
citizenship. 57622

(2) The center also shall focus on both of the following: 57623

(a) Offering university-wide programming related to the 57624
values of free speech and civil discourse; 57625

(b) Expanding the intellectual diversity of the university's 57626
academic community. 57627

(D)(1) Not later than sixty days after the effective date of this section, the board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member Chase center academic council. 57628
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(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio. 57632
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(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats. 57637
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(E)(1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit to the president of the university a list of candidates from which the president shall select and appoint a director, subject to approval by the board of trustees. 57641
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(2) The director shall have the protection of tenure or tenure eligibility. The director shall consult with the dean of the college of public affairs; however, the director shall report directly to the provost or the president of the university. 57648
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(3) The director shall have the sole and exclusive ability to manage the recruitment and hiring process and have the authority to extend offers for employment for all faculty and staff, and to terminate employment of all staff. The director shall oversee, develop, and approve the center's curriculum. The center shall be granted the authority to offer courses and develop certificate, minor, and major programs as well as graduate programs, and offer 57652
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degrees. 57659

(F) The director of the center shall submit an annual report 57660
to the board of trustees of the university and the general 57661
assembly in accordance with section 101.68 of the Revised Code. 57662
The report shall provide a full account of the center's 57663
achievements, opportunities, challenges, and obstacles in the 57664
development of this academic unit. 57665

Sec. 3337.01. (A) The body politic and corporate by the name 57666
and style of "The President and Trustees of the Ohio University" 57667
now in the university instituted and established in Athens by the 57668
name and style of "The Ohio University" shall consist of a board 57669
of trustees composed of eleven members, who shall be appointed by 57670
the governor, with the advice and consent of the senate. At least 57671
five of the trustees who are not students shall be graduates of 57672
Ohio university. Two of the trustees shall be students at Ohio 57673
university, and their selection and terms shall be in accordance 57674
with division (B) of this section. A majority of the board 57675
constitutes a quorum. ~~Except~~ For trustees appointed prior to 57676
January 1, 2024, except for the terms of student members, terms of 57677
office shall be for nine years, commencing on the fourteenth day 57678
of May and ending on the thirteenth day of May, except that upon 57679
expiration of the term ending on May 14, 1978, the new term which 57680
succeeds it shall commence on May 15, 1978, and end on May 13, 57681
1987. For trustees appointed on or after January 1, 2024, except 57682
for the terms of student members, terms of office shall be for six 57683
years, commencing on the fourteenth day of May and ending on the 57684
thirteenth day of May. Each member shall hold office from the date 57685
of appointment until the end of the term for which the member was 57686
appointed. Any member appointed to fill a vacancy occurring prior 57687
to the expiration of the term for which the member's predecessor 57688
was appointed shall hold office for the remainder of such term. 57689
Any member shall continue in office subsequent to the expiration 57690

date of the member's term until the member's successor takes 57691
office, or until a period of sixty days has elapsed, whichever 57692
occurs first. ~~No person who has served a full nine year term or~~ 57693
~~more than six years of such a term shall be eligible for~~ 57694
~~reappointment until a period of four years has elapsed since the~~ 57695
~~last day of the term for which the person previously served.~~ Such 57696
trustees shall receive no compensation for their services, but 57697
shall be paid their actual and necessary expenses while engaged in 57698
the discharge of their official duties. 57699

(B) The student members of the board of trustees of the Ohio 57700
university have no voting power on the board. Student members 57701
shall not be considered as members of the board in determining 57702
whether a quorum is present. Student members shall not be entitled 57703
to attend executive sessions of the board. The student members of 57704
the board shall be appointed by the governor, with the advice and 57705
consent of the senate, from a group of five candidates selected 57706
pursuant to a procedure adopted by the university's student 57707
governments and approved by the university's board of trustees. 57708
The initial term of office of one of the student members shall 57709
commence on May 14, 1988, and shall expire on May 13, 1989, and 57710
the initial term of office of the other student member shall 57711
commence on May 14, 1988, and expire on May 13, 1990. Thereafter, 57712
terms of office of student members shall be for two years, each 57713
term ending on the same day of the same month of the year as the 57714
term it succeeds. In the event that a student member cannot 57715
fulfill the student member's two-year term, a replacement shall be 57716
selected to fill the unexpired term in the same manner used to 57717
make the original selection. 57718

Sec. 3339.01. (A) The government of Miami university shall be 57719
vested in eleven trustees, who shall be appointed by the governor 57720
with the advice and consent of the senate. Two of the trustees 57721
shall be students at Miami university, and their selection and 57722

terms shall be in accordance with division (B) of this section. A 57723
majority of the board constitutes a quorum. ~~Except For trustees~~ 57724
~~appointed prior to January 1, 2024, except~~ for the terms of 57725
student members, terms of office shall be for nine years, 57726
commencing on the first day of March and ending on the last day of 57727
February, except that upon expiration of the trustee term ending 57728
on March 1, 1974, the trustee term which succeeds it shall 57729
commence on March 2, 1974, and end on February 28, 1983; upon 57730
expiration of the trustee term ending on March 1, 1977, the 57731
trustee term which succeeds it shall commence on March 2, 1977, 57732
and end on February 28, 1986; upon expiration of the trustee term 57733
ending on March 1, 1978, the trustee term which succeeds it shall 57734
commence on March 2, 1978, and end on February 28, 1987; and upon 57735
expiration of the trustee term ending on March 1, 1979, the 57736
trustee term which succeeds it shall commence on March 2, 1979, 57737
and end on February 29, 1988. For trustees appointed on or after 57738
January 1, 2024, except for the terms of student members, terms of 57739
office shall be for six years, commencing on the first day of 57740
March and ending on the last day of February. Each trustee shall 57741
hold office from the date of appointment until the end of the term 57742
for which the trustee was appointed. Any trustee appointed to fill 57743
a vacancy occurring prior to the end of the term for which the 57744
trustee's predecessor was appointed shall hold office for the 57745
remainder of such term. Any trustee shall continue in office 57746
subsequent to the expiration date of the trustee's term until a 57747
successor takes office, or until a period of sixty days has 57748
elapsed, whichever occurs first. ~~No person who has served a full~~ 57749
~~nine year term or more than six years of such a term shall be~~ 57750
~~eligible for reappointment until a period of four years has~~ 57751
~~elapsed since the last day of the term for which the person~~ 57752
~~previously served.~~ The trustees shall receive no compensation for 57753
their services but shall be paid their reasonable necessary 57754
expenses while engaged in the discharge of their official duties. 57755

(B) The student members of the board of trustees of Miami university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on March 1, 1988, and shall expire on February 28, 1989, and the initial term of office of the other student member shall commence on March 1, 1988, and expire on February 28, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the last day of February. In the event that a student member cannot fulfill the student member's two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

Sec. 3341.02. (A) The government of Bowling Green state university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be students at Bowling Green state university, and their selection and terms shall be in accordance with division (B) of this section. A majority of the board constitutes a quorum. ~~Except For trustees appointed prior to January 1, 2024, except~~ for the terms of student members, terms of office shall be for nine years, commencing on the seventeenth day of May and ending on the sixteenth day of May. ~~No person who has served a full nine year term or more than six years of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served. For trustees appointed on or after January 1,~~

2024, except for the terms of student members, terms of office 57788
shall be for six years, commencing on the seventeenth day of May 57789
and ending on the sixteenth day of May. 57790

(B) The student members of the board of trustees of Bowling 57791
Green state university have no voting power on the board. Student 57792
members shall not be considered as members of the board in 57793
determining whether a quorum is present. Student members shall not 57794
be entitled to attend executive sessions of the board. The student 57795
members of the board shall be appointed by the governor, with the 57796
advice and consent of the senate, from a group of five candidates 57797
selected pursuant to a procedure adopted by the university's 57798
student governments and approved by the university's board of 57799
trustees. The initial term of office of one of the student members 57800
shall commence on March 17, 1988, and shall expire on March 16, 57801
1989, and the initial term of office of the other student member 57802
shall commence on March 17, 1988, and expire on March 16, 1990. 57803
After September 22, 2000, terms of office shall commence on the 57804
seventeenth day of May and shall end on the sixteenth day of May. 57805
Terms of office of student members shall be for two years, each 57806
term ending on the same day of the same month of the year as the 57807
term it succeeds. In the event that a student member cannot 57808
fulfill the student member's two-year term, a replacement shall be 57809
selected in the manner used for the original selection to fill the 57810
unexpired term. 57811

(C) The government of Kent state university is vested in a 57812
board of eleven trustees, who shall be appointed by the governor, 57813
with the advice and consent of the senate. Two of the trustees 57814
shall be students at Kent state university, and their selection 57815
and terms shall be in accordance with division (D) of this 57816
section. A majority of the board constitutes a quorum. ~~Except For~~ 57817
trustees appointed prior to January 1, 2024, except for the terms 57818
of student members, terms of office shall be for nine years, 57819

commencing on the seventeenth day of May and ending on the 57820
sixteenth day of May. ~~No person who has served a full nine year~~ 57821
~~term or more than six years of such a term shall be eligible for~~ 57822
~~reappointment until a period of four years has elapsed since the~~ 57823
~~last day of the term for which the person previously served. For~~ 57824
trustees appointed on or after January 1, 2024, except for the 57825
terms of student members, terms of office shall be for six years, 57826
commencing on the seventeenth day of May and ending on the 57827
sixteenth day of May. 57828

(D) The student members of the board of trustees of Kent 57829
state university have no voting power on the board. Student 57830
members shall not be considered as members of the board in 57831
determining whether a quorum is present. Student members shall not 57832
be entitled to attend executive sessions of the board. The student 57833
members of the board shall be appointed by the governor, with the 57834
advice and consent of the senate, from a group of five candidates 57835
selected pursuant to a procedure adopted by the university's 57836
student governments and approved by the university's board of 57837
trustees. The initial term of office of one of the student members 57838
shall commence on May 17, 1988, and shall expire on May 16, 1989, 57839
and the initial term of office of the other student member shall 57840
commence on May 17, 1988, and expire on May 16, 1990. Thereafter, 57841
terms of office of student members shall be for two years, each 57842
term ending on the same day of the same month of the year as the 57843
term it succeeds. In the event that a student member cannot 57844
fulfill the student member's two-year term, a replacement shall be 57845
selected to fill the unexpired term in the same manner used to 57846
make the original selection. 57847

(E) The trustees shall receive no compensation for their 57848
services but shall be paid their reasonable necessary expenses 57849
while engaged in the discharge of their official duties. 57850

(F) Each trustee shall hold office from the date of 57851

appointment until the end of the term for which the trustee was 57852
appointed. Any trustee appointed to fill a vacancy occurring prior 57853
to the expiration of the term for which the trustee's predecessor 57854
was appointed shall hold office for the remainder of such term. 57855
Any trustee shall continue in office subsequent to the expiration 57856
date of the trustee's term until a successor takes office, or 57857
until a period of sixty days has elapsed, whichever occurs first. 57858

Sec. 3343.02. (A) The government of Central state university 57859
shall be vested in a board of trustees to be known as "the board 57860
of trustees of the Central state university." Such board shall 57861
consist of eleven members who shall be appointed by the governor, 57862
with the advice and consent of the senate. Two of the trustees 57863
shall be students at Central state university, and their selection 57864
and terms shall be in accordance with division (B) of this 57865
section. A majority of the board constitutes a quorum. ~~Except For~~ 57866
~~trustees appointed prior to January 1, 2024, except for the~~ 57867
~~student members, terms of office shall be for nine years,~~ 57868
~~commencing on the first day of July and ending on the thirtieth~~ 57869
~~day of June. For trustees appointed on or after January 1, 2024,~~ 57870
~~except for the student members, terms of office shall be for six~~ 57871
~~years, commencing on the first day of July and ending on the~~ 57872
~~thirtieth day of June.~~ Each member shall hold office from the date 57873
of appointment until the end of the term for which the member was 57874
appointed. Any member appointed to fill a vacancy occurring prior 57875
to the expiration of the term for which the member's predecessor 57876
was appointed shall hold office for the remainder of such term. 57877
Any member shall continue in office subsequent to the expiration 57878
date of the member's term until the member's successor takes 57879
office, or until a period of sixty days has elapsed, whichever 57880
occurs first. ~~No person who has served a full nine year term or~~ 57881
~~more than six years of such a term shall be eligible for~~ 57882
~~reappointment until a period of four years has elapsed since the~~ 57883

~~last day of the term for which the person previously served.~~ 57884

(B) The student members of the board of trustees of Central 57885
state university have no voting power on the board. Student 57886
members shall not be considered as members of the board in 57887
determining whether a quorum is present. Student members shall not 57888
be entitled to attend executive sessions of the board. The student 57889
members of the board shall be appointed by the governor, with the 57890
advice and consent of the senate, from a group of five candidates 57891
selected pursuant to a procedure adopted by the university's 57892
student governments and approved by the university's board of 57893
trustees. The initial term of office of one of the student members 57894
shall commence on July 1, 1988, and shall expire on June 30, 1989, 57895
and the initial term of office of the other student member shall 57896
commence on July 1, 1988, and expire on June 30, 1990. Thereafter, 57897
terms of office of student members shall be for two years, each 57898
term ending on the same day of the same month of the year as the 57899
term it succeeds. In the event that a student member cannot 57900
fulfill a two-year term, a replacement shall be selected to fill 57901
the unexpired term in the same manner used to make the original 57902
selection. 57903

Sec. 3344.01. (A) There is hereby created the Cleveland state 57904
university. The government of the Cleveland state university is 57905
vested in a board of eleven trustees, who shall be appointed by 57906
the governor, with the advice and consent of the senate. Two of 57907
the trustees shall be students at the Cleveland state university, 57908
and their selection and terms shall be in accordance with division 57909
(B) of this section. ~~Except~~ For trustees appointed prior to 57910
January 1, 2024, except for the student members, terms of office 57911
shall be for nine years, commencing on the second day of May and 57912
ending on the first day of May. For trustees appointed on or after 57913
January 1, 2024, except for the student members, terms of office 57914
shall be for six years, commencing on the second day of May and 57915

ending on the first day of May. Each trustee shall hold office 57916
from the date of appointment until the end of the term for which 57917
the trustee was appointed. Any trustee appointed to fill a vacancy 57918
occurring prior to the expiration of the term for which the 57919
trustee's predecessor was appointed shall hold office for the 57920
remainder of such term. Any trustee shall continue in office 57921
subsequent to the expiration date of the trustee's term until the 57922
trustee's successor takes office, or until a period of sixty days 57923
has elapsed, whichever occurs first. ~~No person who has served a 57924~~
~~full nine year term or more than six years of such a term shall be 57925~~
~~eligible for reappointment until a period of four years has 57926~~
~~elapsed since the last day of the term for which the person 57927~~
~~previously served.~~ The trustees shall receive no compensation for 57928
their services but shall be paid their reasonable necessary 57929
expenses while engaged in the discharge of their official duties. 57930
A majority of the board constitutes a quorum. 57931

(B) The student members of the board of trustees of the 57932
Cleveland state university have no voting power on the board. 57933
Student members shall not be considered as members of the board in 57934
determining whether a quorum is present. Student members shall not 57935
be entitled to attend executive sessions of the board. The student 57936
members of the board shall be appointed by the governor, with the 57937
advice and consent of the senate, from a group of five candidates 57938
selected pursuant to a procedure adopted by the university's 57939
student governments and approved by the university's board of 57940
trustees. The initial term of office of one of the student members 57941
shall commence on May 2, 1988, and shall expire on May 1, 1989, 57942
and the initial term of office of the other student member shall 57943
commence on May 2, 1988, and expire on May 1, 1990. Thereafter, 57944
terms of office of student members shall be for two years, each 57945
term ending on the same day of the same month of the year as the 57946
term it succeeds. In the event that a student member cannot 57947
fulfill a two-year term, a replacement shall be selected to fill 57948

the unexpired term in the same manner used to make the original 57949
selection. 57950

Sec. 3345.027. (A) As used in this section, "state 57951
institution of higher education" has the same meaning as in 57952
section 3345.011 of the Revised Code. 57953

(B) A state institution of higher education, ~~as defined in 57954
section 3345.011 of the Revised Code,~~ shall not withhold a 57955
student's official transcripts from a potential employer because 57956
the student owes money to the institution, provided the student 57957
has authorized the transcripts to be sent to the employer and the 57958
employer affirms to the institution that the transcripts are a 57959
prerequisite of employment. 57960

(C)(1) Not later than December 1, 2023, the board of trustees 57961
of each state institution of higher education shall formally 57962
consider and adopt a resolution determining whether to end the 57963
practice of transcript withholding. Once adopted, each state 57964
institution shall submit a copy of the resolution to the 57965
chancellor of higher education. 57966

(2) In adopting the resolution required under this division, 57967
each board of trustees shall consider and evaluate all of the 57968
following factors: 57969

(a) The extent to which ending the practice of transcript 57970
withholding will promote the state's post-secondary education 57971
attainment and workforce goals; 57972

(b) The rate of collection on overdue balances resulting from 57973
the historical practice of transcript withholding; 57974

(c) The extent to which ending the practice of transcript 57975
withholding will help students who have disenrolled from the state 57976
institution complete an education, whether at the same institution 57977
or another state institution. 57978

If a board of trustees resolves to maintain the practice of transcript withholding, the board shall include in the resolution a summary of its evaluation of the factors contained in division (C)(2) of this section. 57979
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(3) Not later than January 1, 2024, the chancellor shall provide a copy of each resolution submitted under this division to the governor, the speaker of the house of representatives, and the president of the senate. 57983
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Sec. 3345.029. (A) As used in this section: 57987

(1) "Community college" has the same meaning as in section 3333.168 of the Revised Code. 57988
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(2) "Course syllabus" means a document produced for students by a course instructor that includes all of the following: 57990
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(a) The name of the course instructor; 57992

(b) A calendar for the course outlining what materials and topics will be covered and when during the course they will be covered; 57993
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(c) A list of any required or recommended readings for the course; 57996
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(d) The course instructor's professional qualifications. 57998

(3) "General syllabus" means a document produced for students by a community college regarding a course that includes both of the following: 57999
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(a) A calendar for the course outlining what materials and topics will be covered and when during the course they will be covered; 58002
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(b) A list of any required or recommended readings for the course. 58005
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(4) "State institution of higher education" has the same 58007

<u>meaning as in section 3345.011 of the Revised Code.</u>	58008
<u>(B) Each state institution of higher education shall make a syllabus for each undergraduate course it offers for college credit publicly available by doing one of the following:</u>	58009
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<u>(1) Ensuring that each course instructor posts a course syllabus on a publicly accessible web site. Each such web site shall include the following information:</u>	58012
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<u>(a) The course instructor's professional qualifications;</u>	58015
<u>(b) The course instructor's contact information;</u>	58016
<u>(c) The course instructor's course schedule;</u>	58017
<u>(d) The course syllabus for each course the instructor is currently teaching, which shall be accessible by link or download through the web site.</u>	58018
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<u>(2) Posting a course syllabus for each course on the institution's publicly accessible web site. Each course syllabus shall be all of the following:</u>	58021
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<u>(a) Accessible from the main page of the state institution's web site by use of not more than three links;</u>	58024
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<u>(b) Searchable by keywords and phrases;</u>	58026
<u>(c) Accessible to the public without requiring user registration of any kind.</u>	58027
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<u>(3) If the institution is a community college, posting a general syllabus for a course on the college's publicly available web site. Each general syllabus shall be all of the following:</u>	58029
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<u>(a) Accessible from the main page of the college's web site by use of not more than three links;</u>	58032
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<u>(b) Searchable by keywords and phrases;</u>	58034
<u>(c) Accessible to the public without requiring user registration of any kind.</u>	58035
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(C)(1) Each state institution shall make a syllabus available in accordance with division (B) of this section not later than the first day of classes for the semester or academic term in which the course is offered. 58037
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(2) For any syllabus posted under division (B)(1) of this section that is no longer used, the course instructor shall, upon request, make that syllabus available for not less than two years after that syllabus was posted under that division. 58041
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(3) Any syllabus posted under division (B)(2) or (3) of this section shall remain posted on the state institution's web site for not less than two years after it was first posted. 58045
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(4) To the extent practicable, each state institution shall ensure that the most recently updated syllabus for each undergraduate course it offers for college credit is posted in accordance with division (B) of this section. 58048
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(D) Divisions (B) and (C) of this section do not apply to a college course that is offered through the college credit plus program established under Chapter 3365. of the Revised Code, delivered in a secondary school, and taught by a high school teacher. 58052
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(E) Each state institution shall designate an administrator to implement the institution's responsibilities under this section. The administrator may assign duties for that purpose to one or more administrative employees. 58057
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(F) Not later than the first day of January of each year, all of the following apply: 58061
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(1) Each state institution shall submit a written report regarding its compliance with the requirements under this section to the chancellor of higher education. 58063
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(2) The chancellor shall prepare a report that includes each 58066

report received from a state institution under this division. 58067

(3) The chancellor shall submit the chancellor's report to 58068
the governor, speaker of the house of representatives, president 58069
of the senate, and chairpersons of the senate and house of 58070
representatives standing committees that consider higher education 58071
legislation. 58072

Sec. 3345.0216. Each state institution of higher education, 58073
as defined in section 3345.011 of the Revised Code, shall 58074
incorporate all of the following statements into a statement of 58075
commitment: 58076

(A) The institution declares that it will educate students by 58077
means of free, open, and rigorous intellectual inquiry to seek the 58078
truth. 58079

(B) The institution declares that its duty is to equip 58080
students with the opportunity to develop the intellectual skills 58081
they need to reach their own, informed conclusions. 58082

(C) The institution declares that its duty is to ensure that, 58083
within or outside the classroom, the institution shall not 58084
require, favor, disfavor, or prohibit speech or lawful assembly. 58085

(D) The institution declares it is committed to create a 58086
community dedicated to an ethic of civil and free inquiry, which 58087
respects the autonomy of each member, supports individual 58088
capacities for growth, and tolerates the differences in opinion 58089
that naturally occur in a public higher education community. 58090

(E) The institution declares that its duty is to treat all 58091
faculty, staff, and students as individuals, to hold them to equal 58092
standards, and to provide them equality of opportunity. 58093

Sec. 3345.0217. (A) As used in this section: 58094

(1) "Controversial belief or policy" means any belief or 58095

policy that is the subject of political controversy, including 58096
issues such as climate policies, electoral politics, foreign 58097
policy, diversity, equity, and inclusion programs, immigration 58098
policy, marriage, or abortion. 58099

(2) "Intellectual diversity" means multiple, divergent, and 58100
varied perspectives on an extensive range of public policy issues. 58101

(3) "Specified concept" means a concept such as allyship, 58102
diversity, social justice, sustainability, systematic racism, 58103
equity, or inclusion. 58104

(4) "Specified ideology" means any ideology that classifies 58105
individuals within identity groups, divides identity groups into 58106
oppressed and oppressors, and prescribes advantages, 58107
disadvantages, or segregation based upon identity group 58108
membership. 58109

(5) "State institution of higher education" has the same 58110
meaning as in section 3345.011 of the Revised Code. 58111

(B) Not later than ninety days after the effective date of 58112
this section, the board of trustees of each state institution of 58113
higher education shall adopt and enforce a policy that requires 58114
the institution to do all of the following: 58115

(1) Prohibit any mandatory programs or training courses 58116
regarding diversity, equity, and inclusion, unless the institution 58117
determines the program or training course is exempt from that 58118
prohibition because the program or course is required to do any of 58119
the following: 58120

(a) Comply with state and federal laws or regulations; 58121

(b) Comply with professional licensure requirements; 58122

(c) Obtain or retain accreditation; 58123

(d) Secure or retain grants or cooperative agreements; 58124

(e) Apply policies of the state institution of higher 58125

education with respect to employee or student discipline. 58126

(2) Affirm and declare that its primary function is to 58127
practice, or support the practice, discovery, improvement, 58128
transmission, and dissemination of knowledge by means of research, 58129
teaching, discussion, and debate; 58130

(3) Affirm and declare that, to fulfill the function 58131
described in division (B)(2) of this section, the institution 58132
shall ensure the fullest degree of intellectual diversity; 58133

(4) Affirm and declare that faculty and staff shall allow and 58134
encourage students to reach their own conclusions about all 58135
controversial beliefs or policies and shall not seek to inculcate 58136
any social, political, or religious point of view; 58137

(5) Demonstrate intellectual diversity for course approval, 58138
approval of courses to satisfy general education requirements, 58139
student course evaluations, common reading programs, annual 58140
reviews, strategic goals for each department, and student learning 58141
outcomes. 58142

Divisions (B)(2) to (5) of this section do not apply to the 58143
exercise of professional judgment about how to accomplish 58144
intellectual diversity within an academic discipline, unless that 58145
exercise is misused to constrict intellectual diversity. 58146

(6) Declare that it will not endorse or oppose, as an 58147
institution, any controversial belief or policy, specified 58148
concept, or specified ideology, although it may endorse the 58149
congress of the United States when it establishes a state of armed 58150
hostility against a foreign power. 58151

This division does not include the recognition of national 58152
and state holidays, support for the Constitution and laws of the 58153
United States or the state of Ohio, or the display of the American 58154
or Ohio flag. 58155

(7) Affirm and declare that the institution will not encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a given ideology, political stance, or view of a social policy, nor will the institution require students to do any of those things to obtain an undergraduate or post-graduate degree; 58156
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Divisions (B)(6) and (7) of this section do not apply to the exercise of professional judgment about whether to endorse the consensus or foundational beliefs of an academic discipline, unless that exercise is misused to take an action prohibited in division (B)(6) of this section. 58162
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(8) Prohibit political and ideological litmus tests in all hiring, promotion, and admissions decisions, including diversity statements and any other requirement that applicants describe their commitment to a specified concept, specified ideology, or any other ideology, principle, concept, or formulation that requires commitment to any controversial belief or policy; 58167
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(9) Affirm and declare that no hiring, promotion, or admissions process or decision shall encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a given ideology or political stance; 58173
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(10) Affirm and declare that the institution will not use a diversity statement or any other assessment of an applicant's political or ideological views in any hiring, promotions, or admissions process or decision; 58178
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(11) Affirm and declare that no process or decision regulating conditions of work or study, such as committee assignments, course scheduling, or workload adjustment policies, shall encourage, discourage, require, or forbid students, faculty, or administrators to endorse, assent to, or publicly express a 58182
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<u>given ideology or political stance;</u>	58187
<u>(12) Affirm and declare that the institution will seek out</u>	58188
<u>invited speakers who have diverse ideological or political views;</u>	58189
<u>(13) Post prominently on its web site a complete list of all</u>	58190
<u>speaker fees, honoraria, and other emoluments in excess of five</u>	58191
<u>hundred dollars for events that are sponsored by the state</u>	58192
<u>institution. That information shall be all of the following:</u>	58193
<u>(a) Accessible from the main page of the institution's web</u>	58194
<u>site by use of not more than three links;</u>	58195
<u>(b) Searchable by keywords and phrases;</u>	58196
<u>(c) Accessible to the public without requiring user</u>	58197
<u>registration of any kind.</u>	58198
<u>(C)(1) Prior to the initial offering of a diversity, equity,</u>	58199
<u>and inclusion program or training course, a state institution of</u>	58200
<u>higher education shall provide a written report to the chancellor</u>	58201
<u>of higher education explaining why that program or course</u>	58202
<u>qualifies for an exemption described in divisions (B)(1)(a) to (e)</u>	58203
<u>of this section. The report shall include all of the following:</u>	58204
<u>(a) The specific law, licensure requirement, accreditation,</u>	58205
<u>grant, or cooperative agreement at issue;</u>	58206
<u>(b) The specific language in the law, licensure requirement,</u>	58207
<u>accreditation, grant, or cooperative agreement that requires the</u>	58208
<u>training;</u>	58209
<u>(c) A detailed description of the diversity, equity, and</u>	58210
<u>inclusion program or training to be taught, including any</u>	58211
<u>materials that will be used;</u>	58212
<u>(d) The specific population of individuals who will be</u>	58213
<u>mandated to take the training;</u>	58214
<u>(e) The number of times the training is expected to be</u>	58215
<u>offered on a six-month basis;</u>	58216

(f) An estimate of the cost of the program or training; 58217

(g) In the case of an exemption reported for an 58218
accreditation, proof that alternative accreditation has been 58219
researched and evaluated. An alternative accreditation is an 58220
accreditation that would obtain the same or similar results for 58221
the institution while not requiring a diversity, equity, and 58222
inclusion program or training. 58223

(2) If a state institution of higher education makes a change 58224
to a diversity, equity, and inclusion program or training course 58225
reported to the chancellor under this division due to a change in 58226
the information listed in division (C)(1) of this section, the 58227
institution shall submit a new exemption report under this 58228
division with respect to that program or training. 58229

(D) At least once every six months, the chancellor shall 58230
prepare a report that summarizes all exemptions reported under 58231
division (C) of this section during that six-month period. The 58232
chancellor shall submit each report to the chairpersons of the 58233
standing committees of the senate and the house of representatives 58234
that consider higher education legislation. 58235

(E) The board of trustees of each state institution of higher 58236
education shall establish a process by which a student, student 58237
group, or faculty member may submit a complaint about an alleged 58238
violation of the prohibitions and requirements included in the 58239
policy adopted under this section by an employee of the state 58240
institution of higher education. The process shall comply with 58241
standards adopted by the chancellor of higher education. The 58242
process shall require the state institution to investigate the 58243
alleged violation and conduct a fair and impartial hearing 58244
regarding the alleged violation. If the hearing results in a 58245
determination that a violation has occurred, the board of trustees 58246
shall determine a resolution to address the violation and prevent 58247
further violations of the state institution's policy. 58248

(F) Nothing in this section prohibits faculty or students from classroom instruction, discussion, or debate, so long as faculty members remain committed to expressing intellectual diversity and allowing intellectual diversity to be expressed.

Sec. 3345.0218. (A) As used in this section:

(1) "Intellectual diversity" has the same meaning as in section 3345.0217 of the Revised Code.

(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(B) Each state institution of higher education shall implement a range of disciplinary sanctions for any administrator, faculty member, staff, or student who interferes with the intellectual diversity rights, prescribed under section 3345.0217 of the Revised Code, of another.

(C) Each state institution shall inform all of its students and employees of the protections afforded to them under section 3345.0217 of the Revised Code and any policies it has adopted to put them into practice, including by providing the information to new employees and to each student during any new student orientation the institution offers.

(D) Each state institution shall issue an annual report on any violations of the intellectual diversity rights prescribed under section 3345.0217 of the Revised Code by any individual under the institution's jurisdiction and any consequent disciplinary sanctions issued for that violation.

(E) Each state institution shall post the information described in division (C) of this section and a report issued under division (D) of this section on the institution's publicly accessible web site. Both the information and report shall be all of the following:

<u>(1) Accessible from the main page of the institution's web</u>	58279
<u>site by use of not more than three links;</u>	58280
<u>(2) Searchable by keywords and phrases;</u>	58281
<u>(3) Accessible to the public without requiring user</u>	58282
<u>registration of any kind.</u>	58283
Sec. 3345.10. (A) As used in this section, "state institution	58284
of higher education" has the same meaning as in section 3345.011	58285
of the Revised Code.	58286
(B) Each state institution of higher education shall	58287
establish competitive bidding procedures for the purchase of	58288
printed material and shall award all contracts for the purchase of	58289
printed material in accordance with those procedures. The	58290
procedures shall require the institution to evaluate all bids	58291
received for all contracts for the purchase of printed material in	58292
accordance with the criteria and procedures established pursuant	58293
to divisions (C)(1) (B)(1) and (2) of section 125.09 of the Revised	58294
Code for determining whether bidders will produce the printed	58295
material at manufacturing facilities within this state or in	58296
accordance with the criteria and procedures established pursuant	58297
to division (C)(4) (B)(4) or (5) of that section for determining	58298
whether bidders are otherwise qualified.	58299
An institution shall select, in accordance with the	58300
procedures it establishes under this section, a bid from among	58301
bidders that fulfill the criteria specified in the applicable	58302
divisions of section 125.09 of the Revised Code where sufficient	58303
competition can be generated within this state to ensure that	58304
compliance with this requirement will not result in paying an	58305
excessive price or acquiring a disproportionately inferior	58306
product. If there are two or more bids from among those bidders,	58307
it shall be deemed that there is sufficient competition to prevent	58308
paying an excessive price or acquiring a disproportionately	58309

inferior product.	58310
Sec. 3345.32. (A) As used in this section:	58311
(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university.	58312 58313 58314
(2) "Resident" has the meaning specified by rule of the chancellor of higher education.	58315 58316
(3) "Statement of selective service status" means a statement certifying one of the following:	58317 58318
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	58319 58320 58321 58322
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	58323 58324 58325
(i) The individual is under eighteen or over twenty-six years of age.	58326 58327
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	58328 58329 58330
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	58331 58332 58333
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	58334 58335 58336
(4) "Institution of higher education" means any eligible institution approved by the United States department of education	58337 58338

pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 58339
amended, or any institution whose students are eligible for 58340
financial assistance under any of the programs described by 58341
division (E) of this section. 58342

(B) The chancellor shall, by rule, specify the form of 58343
statements of selective service status to be filed in compliance 58344
with divisions (C) to (E) of this section. Each statement of 58345
selective service status shall contain a section wherein a male 58346
student born after December 31, 1959, certifies that the student 58347
has registered with the selective service system in accordance 58348
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 58349
App. 453, as amended. For those students not required to register 58350
with the selective service, as specified in divisions (A)(2)(b)(i) 58351
to (iv) of this section, a section shall be provided on the 58352
statement of selective service status for the certification of 58353
nonregistration and for an explanation of the reason for the 58354
exemption. The chancellor may require that such statements be 58355
accompanied by documentation specified by rule of the chancellor. 58356

(C) A state university or college that enrolls in any course, 58357
class, or program a male student born after December 31, 1959, who 58358
has not filed a statement of selective service status with the 58359
university or college shall, regardless of the student's 58360
residency, charge the student any tuition surcharge charged 58361
students who are not residents of this state. 58362

(D) No male born after December 31, 1959, shall be eligible 58363
to receive any loan, grant, scholarship, or other financial 58364
assistance for educational expenses granted under section 3315.33, 58365
~~3333.127~~, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 58366
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 58367
award under the choose Ohio first scholarship program established 58368
under section 3333.61 of the Revised Code, or financed by an award 58369
under the Ohio co-op/internship program established under section 58370

3333.72 of the Revised Code, unless that person has filed a statement of selective service status with that person's institution of higher education.

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended, or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.38. (A) The board of trustees of each state institution of higher education shall adopt and implement a policy to grant undergraduate course credit to a student who has successfully completed an international baccalaureate diploma program. The policy shall align with the standards adopted by the chancellor of higher education under division (C) of section 3333.163 of the Revised Code.

(B) The policy adopted by each institution under this section shall do all of the following:

(1) Establish conditions for granting course credit,

including the minimum scores required on examinations constituting 58402
the international baccalaureate diploma program in order to 58403
receive credit; 58404

(2) Identify specific course credit or other academic 58405
requirements of the institution, including the number of credit 58406
hours or other course credit that the institution will grant to a 58407
student who completes the diploma program. 58408

(C) As used in this section: 58409

(1) "State institution of higher education" has the same 58410
meaning as in section 3345.011 of the Revised Code. 58411

(2) "International baccalaureate diploma program" means the 58412
curriculum and examinations leading to an international 58413
baccalaureate diploma awarded by the international baccalaureate 58414
organization. 58415

Sec. 3345.382. (A) As used in this section, "state 58416
institution of higher education" has the same meaning as in 58417
section 3345.011 of the Revised Code. 58418

(B) The chancellor of higher education shall develop a course 58419
with not fewer than three credit hours in the subject area of 58420
American government or American history. The course shall comply 58421
with the criteria, policies, and procedures established under 58422
section 3333.16 of the Revised Code. The course may be offered 58423
under the college credit plus program established under Chapter 58424
3365. of the Revised Code. The course shall, at a minimum, require 58425
each student to read all the following: 58426

(1) The entire Constitution of the United States; 58427

(2) The entire Declaration of Independence; 58428

(3) A minimum of five essays in their entirety from the 58429
Federalist Papers. The essays shall be selected by the department 58430
chair. 58431

<u>(4) The entire Emancipation Proclamation;</u>	58432
<u>(5) The entire Gettysburg Address;</u>	58433
<u>(6) The entire Letter from Birmingham Jail written by Dr. Martin Luther King Jr.</u>	58434 58435
<u>Any student who takes the course shall be required to pass a cumulative final examination at the conclusion of the course that assesses student proficiency about the documents described in divisions (B)(1) to (6) of this section.</u>	58436 58437 58438 58439
<u>(C) Beginning with students who graduate from a state institution of higher education in the spring semester, or equivalent quarter, of the 2028-2029 academic year, no state institution of higher education shall grant a bachelor's degree to any student unless the student completes a course described in division (B) of this section or is a student described in division (D) of this section.</u>	58440 58441 58442 58443 58444 58445 58446
<u>(D) The president of a state institution, or the president's designee, may exempt a student from the requirement to complete a course described in division (B) of this section if the president or designee determines that the student has either:</u>	58447 58448 58449 58450
<u>(1) Completed at least three credit hours, or the equivalent, in a course in the subject area of American history or American government;</u>	58451 58452 58453
<u>(2) Passed an examination, developed by the chancellor, that assesses the student's competence in the documents and concepts described in division (B) of this section.</u>	58454 58455 58456
<u>(E) This section does not apply to associate's degrees programs.</u>	58457 58458
Sec. 3345.45. <u>(A) On or before January 1, 1994, the The chancellor of higher education jointly with all state universities institutions of higher education, as defined in section 3345.011</u>	58459 58460 58461

of the Revised Code, shall develop standards for instructional 58462
workloads for full-time and part-time faculty in keeping with the 58463
~~universities'~~ institutions' missions and with special emphasis on 58464
the undergraduate learning experience. The standards shall contain 58465
clear guidelines for institutions to determine a range of 58466
acceptable undergraduate teaching by faculty. 58467

(B) ~~On or before June 30, 1994, the~~ The board of trustees of 58468
each state ~~university~~ institution of higher education shall take 58469
formal action to adopt a faculty workload policy consistent with 58470
the standards developed under this section. ~~Notwithstanding~~ 58471
~~section 4117.08 of the Revised Code, the policies adopted under~~ 58472
~~this section are not appropriate subjects for collective~~ 58473
~~bargaining. Notwithstanding division (A) of section 4117.10 of the~~ 58474
~~Revised Code, any policy adopted under this section by a board of~~ 58475
~~trustees prevails over any conflicting provisions of any~~ 58476
~~collective bargaining agreement between an employees organization~~ 58477
~~and that board of trustees.~~ 58478

(C)(1) The board of trustees of each state ~~university~~ 58479
institution of higher education shall review the ~~university's~~ 58480
institution's policy on faculty tenure and update that policy to 58481
promote excellence in instruction, research, service, or 58482
commercialization, or any combination thereof. 58483

(2) ~~Beginning on July 1, 2018, as~~ As a condition for a state 58484
~~university~~ institution of higher education to receive any state 58485
funds for research that are allocated to the department of higher 58486
education under the appropriation line items referred to as either 58487
"research incentive third frontier fund" or "research incentive 58488
third frontier-tax," the chancellor shall require the ~~university~~ 58489
institution to include multiple pathways for faculty tenure, one 58490
of which may be a commercialization pathway, in its policy. 58491

(D)(1) At least once every five years, each state institution 58492
of higher education shall update its faculty workload policy and 58493

submit the policy to the chancellor. The updated policies shall be 58494
approved by the state institution's board of trustees each time it 58495
is submitted to the chancellor. 58496

(2) Each state institution of higher education's faculty 58497
workload policy shall include all of the following: 58498

(a) An objective and numerically defined teaching workload 58499
expectation based on credit hours as defined in 34 C.F.R. 600.2; 58500

(b) A definition of all faculty workload elements in terms of 58501
credit hours as defined in 34 CFR 600.2 with a full-time workload 58502
minimum standard established by the board of trustees and made 58503
publicly accessible on the state institution's web site. 58504

(c) A definition of justifiable credit hour equivalents for 58505
activities other than teaching, including research, clinical care, 58506
administration, service, and other activities as determined by the 58507
state institution of higher education; 58508

(d) Administrative action that a state institution of higher 58509
education may take, including censure, remedial training, 58510
for-cause termination, or other disciplinary action, regardless of 58511
tenure status, if a faculty member fails to comply with the 58512
policy's requirements. Termination under these circumstances 58513
requires the recommendation of the dean, provost, or equivalent 58514
official, concurrence of the state institution of higher 58515
education's president, and approval of the state institution of 58516
higher education's board of trustees. 58517

Sec. 3345.451. (A) As used in this section, "state 58518
institution of higher education" has the same meaning as in 58519
section 3345.011 of the Revised Code. 58520

(B) The chancellor of higher education shall develop a 58521
minimum set of standard questions for use by state institutions of 58522
higher education in student evaluations of faculty members. The 58523

questions shall include the following: 58524

"Does the faculty member create a classroom atmosphere free of political, racial, gender, and religious bias?" 58525
58526

(C) Each state institution of higher education shall establish a written system of faculty evaluations completed by students with a focus on teaching effectiveness and student learning. Each state institution shall include in its student evaluations of faculty the minimum set of standard questions developed by the department in division (B) of this section. 58527
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(D) Each state institution of higher education shall establish a written system of peer evaluations for faculty members with emphasis placed on the faculty member's professional development regarding the faculty member's teaching responsibilities. 58533
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Sec. 3345.452. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 58538
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(B) The board of trustees of each state institution of higher education shall adopt a faculty annual performance evaluation policy and submit the policy to the chancellor of higher education. Each policy must contain an appeals process for faculty to appeal the final evaluation. Each state institution's board of trustees shall review and update its policy every five years. 58541
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(C) Each state institution of higher education shall conduct an annual evaluation for each full-time faculty member who it directly compensates. 58547
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(D) Each faculty annual performance evaluation shall meet all of the following: 58550
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(1) The evaluation is comprehensive and includes standardized, objective, and measurable performance metrics. 58552
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<u>(2) The evaluation includes an assessment of performance for</u>	58554
<u>each of the following areas that the faculty member has spent at</u>	58555
<u>least five per cent of their annual work time on over the</u>	58556
<u>preceding year:</u>	58557
<u>(a) Teaching;</u>	58558
<u>(b) Research;</u>	58559
<u>(c) Service;</u>	58560
<u>(d) Clinical care;</u>	58561
<u>(e) Administration;</u>	58562
<u>(f) Other categories, as determined by the state institution</u>	58563
<u>of higher education.</u>	58564
<u>(3) The evaluation includes a summary assessment of the</u>	58565
<u>performance areas listed in division (D)(2) of this section</u>	58566
<u>including the parameters "exceeds performance expectations,"</u>	58567
<u>"meets performance expectations," or "does not meet performance</u>	58568
<u>expectations."</u>	58569
<u>(4) Student evaluations conducted pursuant to section</u>	58570
<u>3345.451 of the Revised Code account for at least twenty-five per</u>	58571
<u>cent of the teaching area component of the evaluation.</u>	58572
<u>(5) The evaluation establishes a projected work effort</u>	58573
<u>distribution for the faculty member for the next year which shall</u>	58574
<u>be used during the next year's evaluation. The distribution shall</u>	58575
<u>be compliant with the state institution's established workload</u>	58576
<u>policies adopted under section 3345.45 of the Revised Code and</u>	58577
<u>shall receive approval from the dean of faculty or the equivalent.</u>	58578
<u>(E) Evaluations shall be conducted by the department</u>	58579
<u>chairperson or equivalent administrator, reviewed and approved or</u>	58580
<u>disapproved by the dean, and submitted to the provost for review.</u>	58581
<u>If there is disagreement between the chairperson and dean, the</u>	58582
<u>provost shall have final decision authority.</u>	58583

Sec. 3345.453. This section applies only to state 58584
institutions of higher education that have tenured faculty 58585
members. 58586

(A) As used in this section, "state institution of higher 58587
education" has the same meaning as in section 3345.011 of the 58588
Revised Code. 58589

(B) The board of trustees of each state institution of higher 58590
education shall adopt a post-tenure review policy and submit the 58591
policy to the chancellor of higher education. Each policy must 58592
contain an appeals process for tenured faculty whose post-tenure 58593
review process results in a recommendation for administrative 58594
action pursuant to division (G) of this section. Each state 58595
institution's board of trustees shall update the post-tenure 58596
review policy every five years. 58597

(C) A state institution of higher education shall conduct a 58598
post-tenure review if a tenured faculty member receives a "does 58599
not meet performance expectations" evaluation within the same 58600
evaluative category for a minimum of two of the past three 58601
consecutive years on the faculty member's annual performance 58602
evaluation conducted pursuant to section 3345.452 of the Revised 58603
Code. 58604

(D) A state institution of higher education shall subject any 58605
faculty member who maintains tenure after a post-tenure review and 58606
receives an additional "does not meet performance expectations" 58607
assessment on any area of the faculty member's annual performance 58608
evaluation in the subsequent two years to an additional 58609
post-tenure review. 58610

(E) The department chairperson, dean of faculty, or provost 58611
of a state institution of higher education may require an 58612
immediate and for cause post-tenure review at any time for a 58613
faculty member who has a documented and sustained record of 58614

significant underperformance outside of the faculty member's 58615
annual performance evaluation. For this purpose, for cause shall 58616
not be based on a faculty member's allowable expression of 58617
academic freedom as defined by the state institution of higher 58618
education or Ohio law. 58619

(F) The state institution of higher education's post-tenure 58620
review due process period, from beginning to end, shall not exceed 58621
six months, except that a one-time two-month extension may be 58622
granted by the state institution's president. 58623

(G) The state institution of higher education's provost shall 58624
submit a recommended outcome of the post-tenure review process to 58625
the institution's entity that is responsible for the final 58626
decision of post-tenure review pursuant to the institution's 58627
policy. The administrative action that a state institution of 58628
higher education may take includes censure, remedial training, or 58629
for-cause termination, regardless of tenure status, and any other 58630
action permitted by the institution's post-tenure review policy. 58631

Sec. 3345.454. This section applies only to state 58632
institutions of higher education that have tenured faculty 58633
members. 58634

(A) As used in this section: 58635

(1) "State institution of higher education" has the same 58636
meaning as in section 3345.011 of the Revised Code. 58637

(2) "Retrenchment" means a process by which a state 58638
institution of higher education reduces programs or services, thus 58639
resulting in a temporary suspension or permanent separation of one 58640
or more institution faculty, to account for a reduction in student 58641
population or overall funding, a change to institutional missions 58642
or programs, or other fiscal pressures or emergencies facing the 58643
institution. 58644

(B) In addition to the policies described in sections 3345.45 to 3345.454 of the Revised Code, each state institution of higher education board of trustees shall develop policies on tenure and retrenchment. Each state institution shall submit those policies to the chancellor of higher education. Each state institution's board of trustees shall update those policies every five years.

Sec. 3345.455. With respect to a collective bargaining agreement entered into on or after the effective date of this section, both of the following apply to the standards, policies, and systems adopted under sections 3345.45 to 3345.454 of the Revised Code:

(A) Notwithstanding section 4117.08 of the Revised Code, the standards, policies, and systems are not appropriate subjects for collective bargaining.

(B) Notwithstanding division (A) of section 4117.10 of the Revised Code, the standards, policies, and systems prevail over any conflicting provision of a collective bargaining agreement.

Sec. 3345.47. (A) No state university shall require a student to live in on-campus student housing, ~~if the student lives within twenty five miles of the campus~~ unless the student is a first-year student. A state university may require only first-year students who live more than twenty-five miles away from the campus to live in on-campus student housing.

(B) As used in this section:

(1) "On-campus student housing" has the same meaning as in section 3345.85 of the Revised Code.

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.48. (A) As used in this section:

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

(3) "State university" has the same meaning as in section 3345.011 of the Revised Code.

(B) The board of trustees of each state university shall establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

The board shall adopt rules for the program that include, but are not limited to, all of the following:

(1) The number of credit hours required to earn an undergraduate degree in each major;

(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other

circumstances require an increase for the first cohort of above 58704
six per cent, the board shall submit a request to increase the 58705
amount by a specified percentage to the chancellor. The 58706
chancellor, based on information the chancellor requires from the 58707
board of trustees, shall approve or disapprove such a request. 58708
Thereafter, except as provided in division (F) of this section, 58709
the board of trustees may increase the guaranteed amount by up to 58710
the sum of the following above what has been charged in the 58711
previous academic year one time per subsequent cohort: 58712

(a) The average rate of inflation, as measured by the 58713
consumer price index prepared by the bureau of labor statistics of 58714
the United States department of labor (all urban consumers, all 58715
items), for the previous thirty-six-month period; and 58716

(b) The percentage amount the general assembly restrains 58717
increases on in-state undergraduate instructional and general fees 58718
for the applicable fiscal year. If the general assembly does not 58719
enact a limit on the increase of in-state undergraduate 58720
instructional and general fees, then no limit shall apply under 58721
this division for the cohort that first enrolls in any academic 58722
year for which the general assembly does not prescribe a limit. 58723

If, beginning with the academic year that starts four years 58724
after September 29, 2013, the board of trustees determines that 58725
the general and instructional fees charged under the tuition 58726
guarantee have fallen significantly lower than those of other 58727
state universities, the board of trustees may submit a request to 58728
increase the amount charged to a cohort by a specified percentage 58729
to the chancellor, who shall approve or disapprove such a request. 58730

(3) A benchmark by which the board sets annual increases in 58731
general and instructional fees. This benchmark and any subsequent 58732
change to the benchmark shall be subject to approval of the 58733
chancellor. 58734

(4) Eligibility requirements for students to participate in the program;	58735 58736
(5) Student rights and privileges under the program;	58737
(6) Consequences to the university for students unable to complete a degree program within four years, as follows:	58738 58739
(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.	58740 58741 58742 58743 58744
(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate.	58745 58746 58747 58748 58749
(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section.	58750 58751 58752 58753 58754 58755
(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years;	58756 58757 58758
(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site.	58759 58760 58761
(C) The board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.	58762 58763 58764

The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.

(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.

(E) Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has established an undergraduate tuition guarantee program under this section.

(F) Notwithstanding anything in this section to the contrary, the board of trustees of a state university shall not charge the cohort entering in the 2023-2024 or 2024-2025 academic year a guaranteed amount of general and instructional fees that is more than three per cent above what was charged to the cohort that entered the university in the previous academic year.

Sec. 3345.591. (A) As used in this section:

(1) "Confucius institute" means a public education partnership that is both of the following:

(a) Established by an institution of higher education in China and an institution of higher education in a different country;

(b) Funded and arranged by an entity affiliated with the People's Republic of China.

(2) "People's Republic of China" means the government of China, the Chinese Communist Party, the People's Liberation Army, or any other extension of, or entity affiliated with, the government of China.

(3) "State institution of higher education" has the same

meaning as in section 3345.011 of the Revised Code. 58795

(B) No state institution of higher education shall accept 58796
gifts, donations, or contributions from the People's Republic of 58797
China or any organization the institution reasonably suspects is 58798
acting on behalf of the People's Republic of China. 58799

Nothing in this section prohibits a state institution of 58800
higher education from accepting payments from Chinese citizens 58801
related to instructional fees, general fees, special fees, cost of 58802
instruction, or educational expenses or donations from the 58803
institution's alumni. 58804

(C) Each state institution shall submit to the chancellor of 58805
higher education a copy of the report it submits to the United 58806
States department of education pursuant to 20 U.S.C. 1011(f). 58807

(D) Upon the request, the chancellor shall make any 58808
information reported under division (C) of this section available 58809
to any member of the general assembly. 58810

(E) A state institution shall notify the chancellor of any 58811
new or renewed academic partnership with an academic or research 58812
institution located in China. A state institution shall only enter 58813
into a new or renewed academic partnership with an academic or 58814
research institution located in China if the state institution 58815
maintains sufficient structural safeguards to protect the state 58816
institution's intellectual property, the security of the state of 58817
Ohio, and the national security interests of the United States. 58818
The safeguards shall include, at a minimum, all of the following: 58819

(1) Compliance with all federal requirements, including the 58820
requirements of federal research sponsors and federal export 58821
control agencies, including regulations regarding international 58822
traffic in arms and export administration regulations, and 58823
economic and trade sanctions administered by the federal office of 58824
foreign assets control; 58825

<u>(2) Annual formal institution-level programs for faculty on conflicts of interest and conflicts of commitment;</u>	58826
	58827
<u>(3) A formalized foreign visitor process and uniform visiting scholar agreement.</u>	58828
	58829
<u>(F) The auditor of state shall audit the safeguards implemented by state institutions of higher education under division (E) of this section in the course of a normal audit conducted under section 117.46 of the Revised Code.</u>	58830
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<u>Sec. 3345.60. (A) As used in this section, "institution of higher education" includes all of the following:</u>	58834
	58835
<u>(1) A state institution of higher education as defined in section 3345.011 of the Revised Code;</u>	58836
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<u>(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;</u>	58838
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<u>(3) A career college or school that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.</u>	58841
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<u>(B) Each institution of higher education shall do both of the following:</u>	58848
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<u>(1) Make explicitly clear on its web site that a student has a right to access a transcript for purposes of seeking employment regardless of whether that student owes an institutional debt;</u>	58850
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	58852
<u>(2) Post a list of resources available to students who owe an institutional debt, including payment plans, opportunities for settlement, and any other programs that work to prevent students</u>	58853
	58854
	58855

from dropping out. 58856

Sec. 3345.80. (A) As used in this section, "state institution 58857
of higher education" has the same meaning as in section 3345.011 58858
of the Revised Code. 58859

(B) For each biennial main operating appropriations bill and 58860
capital appropriations bill, each state institution of higher 58861
education shall prepare and submit to the chancellor of higher 58862
education, by a date determined by the chancellor, a rolling 58863
five-year summary of its institutional costs to be considered by 58864
the general assembly when evaluating operating and capital project 58865
funding. The chancellor shall submit a report including each state 58866
institution's five-year institutional cost summaries to the 58867
general assembly under section 101.68 of the Revised Code. 58868

(C) Each state institution of higher education's five-year 58869
institutional cost summary shall consist of the following 58870
categories: 58871

(1) All costs related to student instruction, including 58872
instructor salaries, benefits, and related operating costs; 58873

(2) All general staff costs related to maintenance, grounds, 58874
utilities, food service, and other areas as determined by the 58875
institution; 58876

(3) All other costs for staff, including academic 58877
administrators, counseling, financial aid assistance, healthcare 58878
services, and housing management. 58879

(D) Each of the categories presented in the five-year 58880
institutional cost summary shall include all of the following: 58881

(1) A detailed breakdown of annual costs and employee 58882
headcounts; 58883

(2) A complete accounting of all spending on diversity, 58884
equity, and inclusion, or related subjects; 58885

(3) An annual count of all faculty, administration, and employees. 58886
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(E) The chancellor shall consult with state institutions of higher education to develop a standardized reporting format for the institutional cost summaries and a uniform approach to completing the categories required in division (C) of this section. 58888
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(F) During the general assembly's consideration of the main operating appropriations and capital appropriations bills, the president of each state institution of higher education or the chancellor of higher education shall have the opportunity to present in the appropriate hearings conducted by committees that consider higher education legislation to provide commentary on trends, potential justifications, or other explanations regarding the institution's five-year summary of institutional costs. 58893
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(G) Prior to the enactment of the main operating appropriations and capital appropriations bills, the chancellor shall create and present to the general assembly an aggregation report summarizing the total institutional costs for state universities and community colleges separately. 58901
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Sec. 3345.87. (A) As used in this section: 58906

(1) "Position, policy, program, and activity" includes all of the following: 58907
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(a) All forms of employment, including staff positions, internships, and work studies; 58909
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(b) All policies, including mission statements, hiring policies, promotion policies, and tenure policies; 58911
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(c) All programs and positions, including deanships, provostships, offices, programs, programs presented by residence halls, and committees; 58913
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<u>(d) All activities, including those conducted by the</u>	58916
<u>administrative units of orientation, first-year experience,</u>	58917
<u>student life, and residential life.</u>	58918
<u>(2) "State institution of higher education" has the same</u>	58919
<u>meaning as in section 3345.011 of the Revised Code.</u>	58920
<u>(B) With respect to every position, policy, program, and</u>	58921
<u>activity, each state institution of higher education shall do both</u>	58922
<u>of the following:</u>	58923
<u>(1) Treat all faculty, staff, and students as individuals,</u>	58924
<u>hold every individual to equal standards, and provide those</u>	58925
<u>individuals with equality of opportunity with regard to those</u>	58926
<u>individuals' race, ethnicity, religion, or sex;</u>	58927
<u>(2) Provide no advantage or disadvantage to faculty, staff,</u>	58928
<u>or students on the basis of race, ethnicity, religion, or sex in</u>	58929
<u>admissions, hiring, promotion, tenuring, or workplace conditions.</u>	58930
<u>(C) No state institution of higher education shall provide or</u>	58931
<u>require training for any administrator, teacher, staff member, or</u>	58932
<u>employee that advocates or promotes any of the following concepts:</u>	58933
<u>(1) One race or sex is inherently superior to another race or</u>	58934
<u>sex.</u>	58935
<u>(2) An individual, by virtue of his or her race or sex, is</u>	58936
<u>inherently racist, sexist, or oppressive, whether consciously or</u>	58937
<u>unconsciously.</u>	58938
<u>(3) An individual should be discriminated against or receive</u>	58939
<u>adverse treatment solely or partly because of the individual's</u>	58940
<u>race.</u>	58941
<u>(4) Members of one race cannot nor should not attempt to</u>	58942
<u>treat others without respect to race.</u>	58943
<u>(5) An individual's moral standing or worth is necessarily</u>	58944
<u>determined by the individual's race or sex.</u>	58945

(6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex. 58946
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(7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex. 58949
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(8) Meritocracy or traits such as hard work ethic are racist or sexist, or were created by members of a particular race to oppress members of another race. 58952
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(9) Fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex. 58955
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Division (C) of this section shall not be construed to preclude a state institution of higher education from providing or facilitating continuing education that complies with this division's requirements to public safety officers. 58957
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(D) Each state institution of higher education shall implement a range of disciplinary sanctions for any administrator, teacher, staff member, or employee who authorizes or engages in a training prohibited in division (C) of this section. 58961
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(E) Each state institution of higher education shall issue an annual report regarding each of the following: 58965
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(1) All violations of division (D) of this section committed by anyone under the institution's jurisdiction and of all consequent disciplinary sanctions; 58967
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(2) Statistics on the academic qualifications of accepted and matriculating students, disaggregated by race and sex. The statistics shall include information correlating students' academic qualifications and retention rates, disaggregated by race and sex. 58970
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(F) Each state institution of higher education shall post the 58975

reports prescribed under division (E) of this section in a 58976
prominent place on the institution's web site. The reports shall 58977
be: 58978

(1) Accessible from the main page of the institution's web 58979
site by use of not more than three links; 58980

(2) Searchable by keywords and phrases; 58981

(3) Accessible to the public without requiring user 58982
registration of any kind. 58983

(G) Each state institution of higher education shall prohibit 58984
all policies designed explicitly to segregate faculty, staff, or 58985
students based on those individuals' race, ethnicity, religion, or 58986
sex in credit-earning classroom settings, formal orientation 58987
ceremonies, and formal graduation ceremonies. 58988

(H) The board of trustees of each state institution of higher 58989
education shall establish a process by which a student, student 58990
group, or faculty member may submit a complaint about an alleged 58991
violation of the prohibitions and requirements under this section 58992
by an employee of the state institution of higher education. The 58993
process shall comply with standards adopted by the chancellor of 58994
higher education. The process shall require the state institution 58995
to investigate the alleged violation and conduct a fair and 58996
impartial hearing regarding the alleged violation. If the hearing 58997
results in a determination that a violation has occurred, the 58998
board of trustees shall determine a resolution to address the 58999
violation and prevent further violation of the state institution's 59000
policy. 59001

Sec. 3350.10. (A) There is hereby created the northeast Ohio 59002
medical university. ~~The principal goal of the medical university~~ 59003
~~shall be to collaborate with the university of Akron, Cleveland~~ 59004
~~state university, Kent state university, and Youngstown state~~ 59005

~~university to graduate physicians oriented to the practice of~~ 59006
~~medicine at the community level, especially family physicians. To~~ 59007
~~accomplish this goal, the medical university may incorporate in~~ 59008
~~the clinical experience provided its students the several~~ 59009
~~community hospitals in the cities and areas served by the medical~~ 59010
~~university; utilize practicing physicians as teachers; and to the~~ 59011
~~fullest extent possible utilize the basic science capabilities of~~ 59012
~~the university of Akron, Cleveland state university, Kent state~~ 59013
~~university, and Youngstown state university.~~ 59014
The government of 59014
northeast Ohio medical university is vested in a board of eleven 59015
trustees, who shall be appointed by the governor with the advice 59016
and consent of the senate pursuant to division (A)(2) of this 59017
section. 59018

(1) Until December 22, 2008, the government of the northeast 59019
Ohio medical university is vested in a nine-member board of 59020
trustees consisting of the presidents of the university of Akron, 59021
Kent state university, and Youngstown state university; one member 59022
each of the boards of trustees of the university of Akron, Kent 59023
state university, and Youngstown state university, to be appointed 59024
by their respective boards of trustees for a term of six years 59025
ending on the first day of May or until the trustee's term on the 59026
respective university board of trustees expires, whichever occurs 59027
first; and one person each to be appointed by the boards of 59028
trustees of the university of Akron, Kent state university, and 59029
Youngstown state university, for a term of nine years ending on 59030
the first day of May; except that the term of those first 59031
appointed by the several boards of trustees shall expire on the 59032
first day of May next following their appointment. Vacancies shall 59033
be filled for the unexpired term in the manner provided for 59034
original appointment. The trustees shall receive no compensation 59035
for their services but shall be paid their reasonable necessary 59036
expenses while engaged in the discharge of their official duties. 59037
A majority of the board constitutes a quorum. 59038

(2) Beginning December 22, 2008, the government of the northeast Ohio medical university is vested in a board of eleven trustees, who shall be appointed by the governor, with the advice and consent of the senate. Two of the trustees shall be current students of the medical university, and their selection and terms shall be in accordance with division (B) of this section. ~~Except~~ For trustees appointed prior to January 1, 2024, except as provided in division (A)(3) of this section and except for the student members, terms of office shall be for nine years. For trustees appointed on or after January 1, 2024, except for the student members, terms of office shall be for six years. Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. ~~No person who has served a full nine year term or more than six years of such a term shall be eligible for reappointment until a period of four years has elapsed since the last day of the term for which the person previously served.~~ The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their official duties. A majority of the board constitutes a quorum.

(3) Not later than December 22, 2008, the governor, with the advice and consent of the senate, shall appoint the two student trustees and successors for the trustees serving under division (A)(1) of this section. Except for the student trustees, who shall serve terms pursuant to division (B) of this section, the initial terms of office for trustees appointed under division (A)(2) of

this section shall be as follows: one term ending September 23, 59072
2009; one term ending September 23, 2010; one term ending 59073
September 23, 2011; one term ending September 23, 2012; one term 59074
ending September 23, 2013; one term ending September 23, 2014; one 59075
term ending September 23, 2015; one term ending September 23, 59076
2016; one term ending September 23, 2017. Thereafter, for trustees 59077
appointed prior to January 1, 2024, terms of office shall be for 59078
nine years, as provided in division (A)(2) of this section. For 59079
trustees appointed on or after January 1, 2024, terms of office 59080
shall be for six years, as provided in division (A)(2) of this 59081
section. 59082

(B) The student members of the board of trustees of the 59083
northeast Ohio medical university have no voting power on the 59084
board. Student members shall not be considered as members of the 59085
board in determining whether a quorum is present. Student members 59086
shall not be entitled to attend executive sessions of the board. 59087
The student members of the board shall be appointed by the 59088
governor, with the advice and consent of the senate, from a group 59089
of five candidates selected pursuant to a procedure adopted by the 59090
university's student governments and approved by the university's 59091
board of trustees. The initial term of office of one of the 59092
student members shall commence December 22, 2008, and shall expire 59093
on June 30, 2009, and the initial term of office of the other 59094
student member shall commence December 22, 2008, and shall expire 59095
on June 30, 2010. Thereafter, terms of office of student members 59096
shall be for two years, each term ending on the same day of the 59097
same month of the year as the term it succeeds. In the event that 59098
a student member cannot fulfill a two-year term, a replacement 59099
shall be selected to fill the unexpired term in the same manner 59100
used to make the original selection. 59101

Sec. 3352.01. (A) There is hereby created a state university 59102
to be known as "Wright state university." The government of Wright 59103

state university is vested in a board of eleven trustees, who 59104
shall be appointed by the governor, with the advice and consent of 59105
the senate. Two of the trustees shall be students at Wright state 59106
university, and their selection and terms shall be in accordance 59107
with division (B) of this section. ~~Except For trustees appointed~~ 59108
~~prior to January 1, 2024, except~~ for the terms of student members, 59109
terms of office shall be for nine years, commencing on the first 59110
day of July and ending on the thirtieth day of June. For trustees 59111
appointed on or after January 1, 2024, except for the terms of 59112
student members, terms of office shall be for six years, 59113
commencing on the first day of July and ending on the thirtieth 59114
day of June. Each trustee shall hold office from the date of 59115
appointment until the end of the term for which the trustee was 59116
appointed. Any trustee appointed to fill a vacancy occurring prior 59117
to the expiration of the term for which the trustee's predecessor 59118
was appointed shall hold office for the remainder of such term. 59119
Any trustee shall continue in office subsequent to the expiration 59120
date of the trustee's term until the trustee's successor takes 59121
office, or until a period of sixty days has elapsed, whichever 59122
occurs first. ~~No person who has served a full nine year term or~~ 59123
~~more than six years of such a term shall be eligible for~~ 59124
~~reappointment until a period of four years has elapsed since the~~ 59125
~~last day of the term for which the person previously served.~~ The 59126
trustees shall receive no compensation for their services but 59127
shall be paid their reasonable necessary expenses while engaged in 59128
the discharge of their official duties. A majority of the board 59129
constitutes a quorum. 59130

(B) The student members of the board of trustees of Wright 59131
state university have no voting power on the board. Student 59132
members shall not be considered as members of the board in 59133
determining whether a quorum is present. Student members shall not 59134
be entitled to attend executive sessions of the board. The student 59135
members of the board shall be appointed by the governor, with the 59136

advice and consent of the senate, from a group of five candidates 59137
selected pursuant to a procedure adopted by the university's 59138
student governments and approved by the university's board of 59139
trustees. The initial term of office of one of the student members 59140
shall commence on July 1, 1988, and shall expire on June 30, 1989, 59141
and the initial term of office of the other student member shall 59142
commence on July 1, 1988, and shall expire on June 30, 1990. 59143
Thereafter, terms of office of student members shall be for two 59144
years, each term ending on the same day of the same month of the 59145
year as the term it succeeds. In the event that a student member 59146
cannot fulfill a two-year term, a replacement shall be selected to 59147
fill the unexpired term in the same manner used to make the 59148
original selection. 59149

Sec. 3353.02. (A) There is hereby created the broadcast 59150
educational media commission as an independent agency to advance 59151
education and accelerate the learning of the citizens of this 59152
state through public educational broadcasting services. The 59153
commission shall provide leadership and support in extending the 59154
knowledge of the citizens of this state by promoting access to and 59155
use of educational broadcasting services, including educational 59156
television and radio and radio reading services. The commission 59157
also shall administer programs to provide financial and other 59158
assistance to educational television and radio and radio reading 59159
services. 59160

The commission is a body corporate and politic, an agency of 59161
the state performing essential governmental functions of the 59162
state. 59163

(B) The commission shall consist of ~~fifteen members~~, eleven 59164
~~of whom shall be~~ voting members. Nine ~~of the voting~~ members shall 59165
be representatives of the public selected from among leading 59166
citizens in the state who have demonstrated interest in 59167

educational broadcast media through service on boards or advisory 59168
councils of educational television stations, educational radio 59169
stations, educational technology agencies, or radio reading 59170
services. ~~Of Each of~~ the representatives of the public, ~~three~~ 59171
shall be appointed by the governor with the advice and consent of 59172
the senate, ~~three shall be appointed by the speaker of the house~~ 59173
~~of representatives, and three shall be appointed by the president~~ 59174
~~of the senate. Not more than two members appointed by the speaker~~ 59175
~~of the house of representatives and not more than two members~~ 59176
~~appointed by the president of the senate shall be of the same~~ 59177
~~political party.~~ The superintendent of public instruction or a 59178
designee of the superintendent and the chancellor of ~~the Ohio~~ 59179
~~board of regents~~ higher education or a designee of the chancellor 59180
shall be ex officio voting members. ~~Of the nonvoting members, two~~ 59181
~~shall be members of the house of representatives appointed by the~~ 59182
~~speaker of the house of representatives and two shall be members~~ 59183
~~of the senate appointed by the president of the senate. The~~ 59184
~~members appointed from each chamber shall not be members of the~~ 59185
~~same political party.~~ 59186

(C) Initial terms of office for appointed voting members 59187
shall be as follows: 59188

(1) For ~~one member~~ three members appointed by ~~each of~~ the 59189
governor, ~~speaker of the house of representatives, and president~~ 59190
~~of the senate,~~ one year; 59191

(2) For ~~one member~~ three members appointed by ~~each of~~ the 59192
governor, ~~speaker of the house of representatives, and president~~ 59193
~~of the senate,~~ two years; 59194

(3) For ~~one member~~ three members appointed by ~~each of~~ the 59195
governor, ~~speaker of the house of representatives, and president~~ 59196
~~of the senate,~~ three years. At the first meeting of the 59197
commission, such members shall draw lots to determine the length 59198
of the term each member will serve. Thereafter, terms of office 59199

for such members shall be for four years. Any member who is a 59200
representative of the public may be reappointed by the member's 59201
respective appointing authority, but no such member may serve more 59202
than two consecutive four-year terms. Such a member may be removed 59203
by the ~~member's respective appointing authority~~ governor for 59204
cause. 59205

~~Any legislative member appointed by the speaker of the house 59206
of representatives or the president of the senate who ceases to be 59207
a member of the legislative chamber from which the member was 59208
appointed shall cease to be a member of the commission. The 59209
speaker of the house of representatives and the president of the 59210
senate may remove their respective appointments to the commission 59211
at any time. 59212~~

(D) Vacancies among appointed members shall be filled in the 59213
manner provided for original appointments. Any member appointed to 59214
fill a vacancy occurring prior to the expiration of the term for 59215
which the member's predecessor was appointed shall hold office for 59216
the remainder of that term. Any appointed member shall continue in 59217
office subsequent to the expiration of that member's term until 59218
the member's successor takes office or until a period of sixty 59219
days has elapsed, whichever occurs first. 59220

(E) Members of the commission shall serve without 59221
compensation. The members who are representatives of the public 59222
shall be reimbursed, pursuant to office of budget and management 59223
guidelines, for actual and necessary expenses incurred in the 59224
performance of official duties. 59225

(F) The governor shall appoint the chairperson of the 59226
commission from among the commission's public voting members. The 59227
chairperson shall serve a term of two years and may be 59228
reappointed. The commission shall elect other officers as 59229
necessary from among its ~~voting~~ members and shall prescribe its 59230
rules of procedure. 59231

Sec. 3354.05. (A) Within ninety days after a community 59232
college district has been declared to be established, pursuant to 59233
sections 3354.02 to 3354.04 of the Revised Code, nine persons, all 59234
of whom shall be residents of the district, shall be appointed as 59235
a board of trustees of the community college district. Six 59236
trustees shall be appointed by the board of county commissioners 59237
or boards of county commissioners of such district and three 59238
trustees shall be appointed by the governor, with the advice and 59239
consent of the senate. At the time of the initial meeting of the 59240
trustees a drawing shall be held to determine the initial term of 59241
each appointee, one trustee to serve for a term ending two years 59242
after the date upon which the community college district had been 59243
declared established, three for terms ending three years after 59244
that date, three for terms ending four years after that date, and 59245
two for terms ending five years after that date. 59246

(B) At the expiration of each of the three terms appointed by 59247
the governor, and thereafter, the governor shall make 59248
appointments, with the advice and consent of the senate. At the 59249
expiration of each of the remaining six terms, and thereafter, the 59250
board of county commissioners or boards of county commissioners 59251
shall make appointments. Except as provided in division (C) of 59252
this section, the successive terms of trustees shall be for five 59253
years, each term ending on the same day of the same month of the 59254
year as did the term which it succeeds. Each trustee shall hold 59255
office from the date of ~~his~~ appointment until the end of the term 59256
for which ~~he was~~ appointed. Any trustee appointed to fill a 59257
vacancy occurring prior to the expiration of the term for which 59258
~~his~~ the trustee's predecessor was appointed shall hold office for 59259
the remainder of such term. Any trustee shall continue in office 59260
subsequent to the expiration date of ~~his~~ the trustee's term until 59261
~~his~~ the trustee's successor takes office, ~~or until a period of~~ 59262
~~sixty days has elapsed, whichever occurs first. A majority of the~~ 59263

sitting members of the board at the time of a meeting shall 59264
constitute a quorum. 59265

(C) Upon expiration of the Cuyahoga county community college 59266
district trustee term which ends on January 19, 1974 and for which 59267
the governor is required to appoint a successor, the new term 59268
which succeeds it shall commence on January 20, 1974 and end on 59269
October 12, 1978. Upon expiration of the Mahoning county community 59270
college district trustee terms which end on February 22, 1975 and 59271
for which the governor is required to appoint successors, the new 59272
terms which succeed them shall commence on February 23, 1975 and 59273
end on February 10, 1980. Upon expiration of the Lorain county 59274
community college district trustee terms which end on October 12, 59275
1977 and for which the governor is required to appoint successors, 59276
the new terms which succeed them shall commence on October 13, 59277
1977 and end on August 30, 1982. Upon expiration of the Montgomery 59278
county community college district trustee term which ends on July 59279
1, 1973 and for which the governor is required to appoint a 59280
successor, the new term which succeeds it shall commence on July 59281
2, 1973 and end on October 12, 1977. Upon expiration of the 59282
Lakeland community college district trustee term which ends on 59283
March 6, 1978, and for which the governor is required to appoint a 59284
successor, the new term which succeeds it shall commence on March 59285
7, 1978 and end on October 12, 1982. 59286

Sec. 3354.121. (A)(1) Each community college district may 59287
acquire, by purchase, lease, lease-purchase, lease with option to 59288
purchase, or otherwise, construct, equip, furnish, reconstruct, 59289
alter, enlarge, remodel, renovate, rehabilitate, improve, 59290
maintain, repair, and operate, and lease to or from others, 59291
auxiliary facilities or education facilities, except housing and 59292
dining facilities, and may pay for the facilities out of available 59293
receipts of such district. To pay all or part of the costs of 59294
auxiliary facilities or education facilities, except housing and 59295

dining facilities, and any combination of them, and to refund 59296
obligations previously issued for such purpose, each community 59297
college district may issue obligations in the manner provided by 59298
and subject to the applicable provisions of section 3345.12 of the 59299
Revised Code. 59300

(2) A community college district that is located either 59301
within one mile of a four-year private, nonprofit institution of 59302
higher education in the state or within one-quarter mile of a 59303
facility that, on January 1, 2023, rented at least seventy-five 59304
rooms to students at such district, may acquire, by purchase, 59305
lease, lease-purchase, lease with option to purchase, or 59306
otherwise, construct, equip, furnish, reconstruct, alter, enlarge, 59307
remodel, renovate, rehabilitate, improve, maintain, repair, and 59308
operate, and lease to or from others, housing and dining 59309
facilities, and may pay for the facilities out of the available 59310
receipts of such district. To pay all or part of the costs of the 59311
housing and dining facilities, and to refund obligations 59312
previously issued for such purpose, the community college district 59313
may issue obligations in the manner provided by and subject to the 59314
applicable provisions of section 3345.12 of the Revised Code. 59315

(B) Except as otherwise provided in this section, the 59316
definitions set forth in section 3345.12 of the Revised Code apply 59317
to this section. 59318

(C) Fee variations provided for in division (G) of section 59319
3354.09 of the Revised Code need not be applied to fees pledged to 59320
secure obligations. 59321

(D) The obligations authorized by this section are not bonded 59322
indebtedness of the community college district, shall not 59323
constitute general obligations or the pledge of the full faith and 59324
credit of such district, and the holders or owners thereof shall 59325
have no right to require the board to levy or collect any taxes 59326
for the payment of bond service charges, but they shall have the 59327

right to payment thereof solely from the available receipts and 59328
funds pledged for such payment as authorized by section 3345.12 of 59329
the Revised Code and this section. 59330

The bond proceedings may provide the method whereby the 59331
general administrative overhead expense of the district shall be 59332
allocated among the several operations and facilities of the 59333
district for purposes of determining any operating and maintenance 59334
expenses payable from the pledged available receipts prior to the 59335
provision for payment of bond service charges, and for other 59336
purposes of the bond proceedings. 59337

(E) The powers granted in this section are in addition to any 59338
other powers at any time granted by the Constitution and laws of 59339
the state, and not in derogation thereof or restrictions thereon. 59340

Sec. 3356.01. (A) There is hereby created Youngstown state 59341
university. The government of Youngstown state university is 59342
vested in a board of eleven trustees, who shall be appointed by 59343
the governor, with the advice and consent of the senate. Two of 59344
the trustees shall be students at Youngstown state university, and 59345
their selection and terms shall be in accordance with division (B) 59346
of this section. ~~Except~~ For trustees appointed prior to January 1, 59347
2024, except for the terms of student members, terms of office 59348
shall be for nine years, commencing on the second day of May and 59349
ending on the first day of May. For trustees appointed on or after 59350
January 1, 2024, except for the terms of student members, terms of 59351
office shall be for six years, commencing on the second day of May 59352
and ending on the first day of May. Each trustee shall hold office 59353
from the date of appointment until the end of the term for which 59354
the trustee was appointed. Any trustee appointed to fill a vacancy 59355
occurring prior to the expiration of the term for which the 59356
trustee's predecessor was appointed shall hold office for the 59357
remainder of such term. Any trustee shall continue in office 59358

subsequent to the expiration date of the trustee's term until the trustee's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. ~~No person who has served a full nine year term or more than six years of such a term shall be eligible to reappointment until a period of four years has elapsed since the last day of the term for which the person previously served.~~ The trustees shall receive no compensation for their services but shall be paid their reasonable necessary expenses while engaged in the discharge of their duties. A majority of the board constitutes a quorum.

(B) The student members of the board of trustees of Youngstown state university have no voting power on the board. Student members shall not be considered as members of the board in determining whether a quorum is present. Student members shall not be entitled to attend executive sessions of the board. The student members of the board shall be appointed by the governor, with the advice and consent of the senate, from a group of five candidates selected pursuant to a procedure adopted by the university's student governments and approved by the university's board of trustees. The initial term of office of one of the student members shall commence on May 2, 1988, and shall expire on May 1, 1989, and the initial term of office of the other student member shall commence on May 2, 1988, and expire on May 1, 1990. Thereafter, terms of office of student members shall be for two years, each term ending on the same day of the same month of the year as the term it succeeds. In the event that a student member cannot fulfill a two-year term, a replacement shall be selected to fill the unexpired term in the same manner used to make the original selection.

Sec. 3357.021. As used in this section, "technical college district" means a district created under division (A), (B), (C), or (D) of section 3357.02 of the Revised Code the voters of which

have not authorized the levy of a tax outside the ten-mill limitation. 59391
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The board of education of any city or exempted village school district that has territory in or that is contiguous to a technical college district may by resolution adopted by a majority of the members of the board request the inclusion of all of the school district's territory in the technical college district. The governing board of an educational service center whose service area contains the whole territory of a county or that is contiguous to a county that is contiguous to or that has territory in a technical college district may, by resolution adopted by a majority of the members of the board, request the inclusion of all of the county's territory in the technical college district. A copy of the resolution shall be certified to the board of trustees of the technical college district. 59393
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The board of trustees of a technical college district to which a resolution has been certified may by resolution adopted by a majority of the members of the board propose the expansion of the technical college district to include all of the territory described in the resolution, and certify a copy of the resolution to the Ohio board of regents, which may approve or disapprove the expansion and designate the date on which the expansion shall take effect. If a college district board of trustees has received more than one resolution requesting inclusion in the district, the board's resolution may propose the expansion to include the territory of more than one school district or one county, provided that all such territory is contiguous either to the college district or to territory described in the board's resolution. 59406
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The expansion of a technical college district under this section does not affect the terms of district trustees serving on the date of such expansion. If expansion of the technical college district requires the appointment of two additional trustees 59419
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pursuant to section 3357.05 of the Revised Code, the additional 59423
trustees shall meet the requirements set forth in such section and 59424
shall be appointed within ninety days of the effective date of the 59425
expansion. One such trustee shall be appointed by the governor 59426
with the advice and consent of the senate for a term ending the 59427
same day of the same month of the year as the terms of other 59428
trustees appointed by the governor end, in the first year during 59429
which the term of no other trustee appointed by the governor ends. 59430
~~One~~ For appointments made prior to January 1, 2024, one trustee 59431
shall be initially appointed by the presidents or their 59432
representatives of the city and exempted village school district 59433
boards of education and the educational service center governing 59434
boards whose territories are embraced by the expanded technical 59435
college district. Prior to the appointment of the trustee the 59436
president of the board of education of the city school district 59437
having the largest pupil enrollment shall call a caucus of the 59438
presidents of the foregoing boards at a time and place designated 59439
by such president. At such caucus the board presidents or their 59440
representatives shall select the trustee by majority vote of those 59441
attending. ~~This appointment~~ For appointments made on or after 59442
January 1, 2024, one trustee initially shall be appointed by the 59443
technical college's trustee selection committee in the manner set 59444
forth under division (A)(2) of section 3357.05 of the Revised 59445
Code, except for the required term of office length. The initial 59446
appointments of trustees not appointed by the governor shall be 59447
for a term ending the same day of the same month of the year as 59448
the terms of trustees not appointed by the governor in the first 59449
year during which the term of only one such trustee ends. 59450
Thereafter, all appointments of trustees shall be made in the 59451
manner set forth in section 3357.05 of the Revised Code. 59452

Sec. 3357.05. Within ninety days after a technical college 59453
district is created pursuant to section 3357.02 of the Revised 59454

Code, trustees shall be appointed to serve as a board of trustees 59455
of the technical college district. Appointees shall be qualified 59456
electors residing in the technical college district and shall not 59457
be employees of that technical college. No new trustee may be 59458
appointed who is a member of any board of education or educational 59459
service center governing board. The term of office shall be three 59460
years with the exception of initial appointments as provided in 59461
this section and section 3357.021 of the Revised Code. Trustees 59462
shall be appointed in the manner and for the terms provided by 59463
this section. Each trustee shall hold office from the date of 59464
appointment until the end of the appointed term. Any trustee 59465
appointed to fill a vacancy occurring prior to the expiration of 59466
the term for which the trustee's predecessor was appointed shall 59467
hold office for the remainder of such term. Any trustee shall 59468
continue in office subsequent to the expiration date of ~~his~~ the 59469
trustee's term until a successor takes office, ~~or until a period~~ 59470
~~of sixty days has elapsed, whichever occurs first.~~ A majority of 59471
the sitting members of the board at the time of a meeting 59472
constitutes a quorum. 59473

(A) If a technical college district embraces the territory of 59474
one or more school districts and more than half of the territory 59475
of each such district is in the same county, seven trustees shall 59476
be appointed. Two trustees shall be appointed by the governor with 59477
the advice and consent of the senate. Not more than one of such 59478
trustees appointed shall be an employee of a governmental agency. 59479
Of the initial appointments, one shall be for a term ending two 59480
years after the date upon which the technical college district was 59481
created and one for a term ending three years after that date. The 59482
successive terms of trustees appointed by the governor shall be 59483
for three years, each term ending on the same day of the same 59484
month of the year as did the term which it succeeds. ~~Five~~ 59485

(1) For trustees not appointed by the governor who are 59486

appointed prior to January 1, 2024, five trustees shall be 59487
appointed by the presidents or their representatives of the city 59488
and exempted village boards of education of school districts and 59489
the governing boards of service centers whose territories are 59490
embraced in the technical college district. Prior to the 59491
appointment of the trustees, the president of the board of 59492
education of the city school district having the largest pupil 59493
enrollment shall call a caucus of the presidents of the 59494
aforementioned boards of education at a time and place designated 59495
by such president. At such caucus, the board presidents or their 59496
representatives shall select five trustees by majority vote of 59497
those attending. Not more than two of such trustees selected shall 59498
be employees of any governmental agency. Of the initial 59499
appointments, two shall be for one year terms, two shall be for 59500
two year terms, and one shall be for a three year term. If there 59501
is a vacancy, such vacancy shall be filled by the authority making 59502
the original appointment for the balance of the unexpired term. 59503

(2) For trustees not appointed by the governor who are 59504
appointed on or after January 1, 2024, five trustees shall be 59505
appointed by a trustee selection committee. 59506

The executive committee of the technical college's board of 59507
trustees shall appoint the members of the trustee selection 59508
committee. The trustee selection committee shall consist of either 59509
three or five members who are local business, civic, or nonprofit 59510
leaders and who are not current sitting members of the technical 59511
college's board of trustees. The board of trustees shall nominate 59512
individuals to be considered by the trustee selection committee. 59513
The trustee selection committee may select new trustees from the 59514
individuals nominated by the board of trustees or other 59515
applicants. To the greatest extent possible, trustees appointed by 59516
the trustee selection committee shall be individuals who hold 59517
leadership positions within significant industries in the 59518

technical college district. Trustees appointed by the trustee 59519
selection committee shall reside within the technical college 59520
district. The terms of office for trustees appointed by the 59521
trustee selection committee shall be for three years. Trustees 59522
shall be appointed with the advice and consent of the senate. 59523

(B) If a technical college district embraces territory other 59524
than described in division (A) of this section, nine trustees 59525
shall be appointed. Three trustees shall be appointed by the 59526
governor with the advice and consent of the senate. Not more than 59527
one of such trustees appointed shall be an employee of a 59528
governmental agency. Of the initial appointments, one shall be for 59529
a term ending one year after the date upon which the technical 59530
college district was created, one for a term ending two years 59531
after that date, and one for a term ending three years after that 59532
date. ~~The successive terms of trustees appointed by the governor~~ 59533
~~shall be for three created, one for a term ending two years after~~ 59534
~~that date, and one for a term ending three years after that date.~~ 59535
The successive terms of trustees appointed by the governor shall 59536
be for three years, each term ending on the same day of the same 59537
month of the year as did the term which it succeeds. ~~Six~~ 59538

(1) For trustees not appointed by the governor who are 59539
appointed prior to January 1, 2024, six trustees shall be 59540
appointed by the presidents or their representatives of the city 59541
and exempted village boards of education of school districts and 59542
the governing boards of service districts whose territories are 59543
embraced in the technical college district. Prior to the 59544
appointment of the trustees, the president of the board of 59545
education of the city school district having the largest pupil 59546
enrollment shall call a caucus of the presidents of the foregoing 59547
boards of education at a time and place designated by such 59548
president. At such caucus, the board presidents or their 59549
representatives shall select six trustees by majority vote of 59550

those attending. Not more than two of such trustees selected shall 59551
be employees of any governmental agency. Of the initial 59552
appointments, two shall be for one year terms, two shall be for 59553
two year terms, and two shall be for three year terms. If there is 59554
a vacancy, such vacancy shall be filled by the authority making 59555
the original appointment for the balance of the unexpired term. 59556

(2) For trustees not appointed by the governor who are 59557
appointed on or after January 1, 2024, five trustees shall be 59558
appointed by a trustee selection committee. 59559

The executive committee of the technical college's board of 59560
trustees shall appoint the members of the trustee selection 59561
committee. The trustee selection committee shall consist of either 59562
three or five members who are local business, civic, or nonprofit 59563
leaders and who are not current sitting members of the technical 59564
college's board of trustees. The board of trustees shall nominate 59565
individuals to be considered by the trustee selection committee. 59566
The trustee selection committee may select new trustees from the 59567
individuals nominated by the board of trustees or other 59568
applicants. To the greatest extent possible, trustees appointed by 59569
the trustee selection committee shall be individuals who hold 59570
leadership positions within significant industries in the 59571
technical college district. Trustees appointed by the trustee 59572
selection committee shall reside within the technical college 59573
district. The terms of office for trustees appointed by the 59574
trustee selection committee shall be for three years. Trustees 59575
shall be appointed with the advice and consent of the senate. 59576

(C) A board of trustees of a technical college district 59577
established prior to November 5, 1965, may, by a resolution 59578
approved by a majority of the members of the board, abolish such 59579
board. Immediately thereafter, a new board shall be appointed 59580
under division (A) of this section, except that the persons 59581
serving on the board at the time of its dissolution shall be 59582

appointed to initial appointments which most nearly coincide in 59583
length with the time remaining in their terms at the time those 59584
terms were terminated under this division. 59585

Sec. 3357.131. Notwithstanding anything in this chapter to 59586
the contrary, a community college, as defined in section 3333.168 59587
of the Revised Code, that is not co-located with an institution of 59588
higher education may develop and offer a bachelor's degree issued 59589
pursuant to section 3333.051 of the Revised Code or an academic 59590
program, certificate, or associate's degree issued pursuant to 59591
section 3333.04 of the Revised Code in Fairfield county if the 59592
college does all of the following: 59593

(A) Creates a document that demonstrates that there is a 59594
workforce need in the county, which shall include a request for a 59595
program, certificate, or degree from a business that is located or 59596
locating in Fairfield county; 59597

(B) Submits the document to a workforce advisory board 59598
established by the board of county commissioners of Fairfield 59599
county. The advisory board shall review the document and confirm 59600
whether the document demonstrates a legitimate workforce need in 59601
Fairfield county. 59602

(C) Submits the document to any state university, as defined 59603
in section 3345.011 of the Revised Code, that operates a branch 59604
campus in Fairfield county, if the workforce advisory board 59605
confirms the document demonstrates a legitimate workforce need. If 59606
a state university elects to develop and offer the program, 59607
certificate, or degree identified in the document at the 59608
university's branch campus located in Fairfield county, the 59609
college shall not develop and offer the program, certificate, or 59610
degree in Fairfield county. If the state university does not elect 59611
to develop and offer the program, certificate, or degree, the 59612
college may develop and offer it in the county. 59613

Sec. 3358.03. The government of a state community college 59614
district is vested in a board of nine trustees who shall be 59615
appointed by the governor with the advice and consent of the 59616
senate. Within ninety days after a state community college 59617
district is created pursuant to section 3358.02 of the Revised 59618
Code, the governor shall make initial appointments to the board. 59619
Of these appointments three shall be for terms ending two years 59620
after the date upon which the district was created, three shall be 59621
for terms ending four years after that date, and three shall be 59622
for terms ending six years after that date. Thereafter, the 59623
successive terms of trustees shall be for six years, each term 59624
ending on the same day of the same month of the year as did the 59625
term which it succeeds. Each trustee shall hold office from the 59626
date of appointment until the end of the term for which the 59627
trustee was appointed. Any trustee appointed to fill a vacancy 59628
occurring prior to the expiration of the term for which the 59629
trustee's predecessor was appointed shall hold office for the 59630
remainder of such term. Any trustee shall continue in office 59631
subsequent to the expiration date of the trustee's term until the 59632
trustee's successor takes office, ~~or until a period of sixty days~~ 59633
~~has elapsed, whichever occurs first.~~ Where a state community 59634
college district succeeds to the operations of a state general and 59635
technical college, or a technical college district, the initial 59636
board of trustees of the district shall be composed of the members 59637
of the board of trustees of the state general and technical 59638
college, or a technical college district, to serve for the balance 59639
of their existing terms, and such additional number appointed by 59640
the governor, with the advice and consent of the senate, as will 59641
total nine members; and the terms of such members appointed by the 59642
governor originally and to all succeeding terms shall be such 59643
that, in combination with the original remaining terms of the 59644
members from the technical college district, the eventual result 59645

will be that three terms will expire every second year. Appointees 59646
shall be qualified electors of the state. The trustees shall 59647
receive no compensation for their services, but may be paid for 59648
their reasonably necessary expenses while engaged in the discharge 59649
of their official duties. A majority of the sitting members of the 59650
board at the time of a meeting constitutes a quorum. 59651

Sec. 3359.01. (A) There is hereby created a state university 59652
to be known as "The University of Akron." The government of the 59653
university of Akron is vested in a board of eleven trustees who 59654
shall be appointed by the governor, with the advice and consent of 59655
the senate. Two of the trustees shall be students at the 59656
university of Akron, and their selection and terms shall be in 59657
accordance with division (B) of this section. ~~Except For trustees~~ 59658
~~appointed prior to January 1, 2024, except~~ for the terms of 59659
student members, terms of office shall be for nine years, 59660
commencing on the second day of July and ending on the first day 59661
of July. For trustees appointed on or after January 1, 2024, 59662
except for the terms of student members, terms of office shall be 59663
for six years. Each trustee shall hold office from the date of 59664
appointment until the end of the term for which the trustee was 59665
appointed. Any trustee appointed to fill a vacancy occurring prior 59666
to the expiration of the term for which the trustee's predecessor 59667
was appointed shall hold office for the remainder of such term. 59668
Any trustee shall continue in office subsequent to the expiration 59669
date of the trustee's term until the trustee's successor takes 59670
office, or until a period of sixty days has elapsed, whichever 59671
occurs first. ~~No person who has served a full nine year term or~~ 59672
~~more than six years of such a term shall be eligible for~~ 59673
~~reappointment until a period of four years has elapsed since the~~ 59674
~~last day of the term for which the person previously served.~~ The 59675
trustees shall receive no compensation for their services but 59676
shall be paid their reasonable necessary expenses while engaged in 59677

the discharge of their official duties. A majority of the board 59678
constitutes a quorum. 59679

(B) The student members of the board of trustees of the 59680
university of Akron have no voting power on the board. Student 59681
members shall not be considered as members of the board in 59682
determining whether a quorum is present. Student members shall not 59683
be entitled to attend executive sessions of the board. The student 59684
members of the board shall be appointed by the governor, with the 59685
advice and consent of the senate, from a group of five candidates 59686
selected pursuant to a procedure adopted by the university's 59687
student governments and approved by the university's board of 59688
trustees. The initial term of office of one of the student members 59689
shall commence on July 2, 1988, and shall expire on July 1, 1989, 59690
and the initial term of office of the other student member shall 59691
commence on July 2, 1988, and expire on July 1, 1990. Thereafter, 59692
terms of office of student members shall be for two years, each 59693
term ending on the same day of the same month of the year as the 59694
term it succeeds. In the event that a student member cannot 59695
fulfill a two-year term, a replacement shall be selected to fill 59696
the unexpired term in the same manner used to make the original 59697
selection. 59698

Sec. 3361.01. (A) There is hereby created a state university 59699
to be known as the "university of Cincinnati." The government of 59700
the university of Cincinnati is vested in a board of eleven 59701
trustees who shall be appointed by the governor with the advice 59702
and consent of the senate. Two of the trustees shall be students 59703
at the university of Cincinnati, and their selection and terms 59704
shall be in accordance with division (B) of this section. The 59705
terms of the first nine members of the board of trustees shall 59706
commence upon the effective date of the transfer of assets of the 59707
state-affiliated university of Cincinnati to the university of 59708
Cincinnati hereby created. One of such trustees shall be appointed 59709

for a term ending on the first day of January occurring at least 59710
twelve months after such date of transfer, and each of the other 59711
trustees shall be appointed for respective terms ending on each 59712
succeeding first day of January, so that one term will expire on 59713
each first day of January after expiration of the shortest term. 59714
~~Except~~ For trustees appointed prior to January 1, 2024, except for 59715
the two student trustees, each successor trustee shall be 59716
appointed for a term ending on the first day of January, nine 59717
years from the expiration date of the term the trustee succeeds, 59718
except that any person appointed to fill a vacancy shall be 59719
appointed to serve only for the unexpired term. For trustees 59720
appointed on or after January 1, 2024, except for the two student 59721
trustees, each trustee shall be appointed for a term ending on the 59722
first day of January, six years from the expiration date of the 59723
term the trustee succeeds, except that any person appointed to 59724
fill a vacancy shall be appointed to serve only for the unexpired 59725
term. 59726

Any trustee shall continue in office subsequent to the 59727
expiration date of the trustee's term until the trustee's 59728
successor takes office, or until a period of sixty days has 59729
elapsed, whichever occurs first. 59730

~~No person who has served a full nine-year term or longer or 59731
more than six years of such a term shall be eligible to 59732
reappointment until a period of four years has elapsed since the 59733
last day of the term for which the person previously served. 59734~~

The trustees shall receive no compensation for their services 59735
but shall be paid their reasonable necessary expenses while 59736
engaged in the discharge of their official duties. A majority of 59737
the board constitutes a quorum. 59738

(B) The student members of the board of trustees of the 59739
university of Cincinnati have no voting power on the board. 59740
Student members shall not be considered as members of the board in 59741

determining whether a quorum is present. Student members shall not 59742
be entitled to attend executive sessions of the board. The student 59743
members of the board shall be appointed by the governor, with the 59744
advice and consent of the senate, from a group of five candidates 59745
selected pursuant to a procedure adopted by the university's 59746
student governments and approved by the university's board of 59747
trustees. The initial term of office of one of the student members 59748
shall commence on May 14, 1988, and shall expire on May 13, 1989, 59749
and the initial term of office of the other student member shall 59750
commence on May 14, 1988, and expire on May 13, 1990. Thereafter, 59751
terms of office of student members shall be for two years, each 59752
term ending on the same day of the same month of the year as the 59753
term it succeeds. In the event that a student cannot fulfill a 59754
two-year term, a replacement shall be selected to fill the 59755
unexpired term in the same manner used to make the original 59756
selection. 59757

Sec. 3362.01. (A) There is hereby created a state university 59758
to be known as "Shawnee state university." The government of 59759
Shawnee state university is vested in a board of eleven trustees 59760
who shall be appointed by the governor with the advice and consent 59761
of the senate. Two of the trustees shall be students at Shawnee 59762
state university, and their selection and terms shall be in 59763
accordance with division (B) of this section. The remaining 59764
trustees shall be appointed as follows: one for a term of one 59765
year, one for a term of two years, one for a term of three years, 59766
one for a term of four years, one for a term of five years, one 59767
for a term of six years, one for a term of seven years, one for a 59768
term of eight years, and one for a term of nine years. Thereafter, 59769
for trustees appointed prior to January 1, 2024, terms shall be 59770
for nine years. For trustees appointed on or after January 1, 59771
2024, terms shall be for six years. All terms of office shall 59772
commence on the first day of July and end on the thirtieth day of 59773

June. 59774

Each trustee shall hold office from the date of appointment 59775
until the end of the term for which the trustee was appointed. Any 59776
trustee appointed to fill a vacancy occurring prior to the 59777
expiration of the term for which the trustee's predecessor was 59778
appointed shall hold office for the remainder of such term. Any 59779
trustee shall continue in office subsequent to the expiration date 59780
of the trustee's term until the trustee's successor takes office, 59781
or until a period of sixty days has elapsed, whichever occurs 59782
first. ~~No person who has served a full nine year term or more than 59783
six years of such a term shall be eligible for reappointment until 59784
a period of four years has elapsed since the last day of the term 59785
for which the person previously served. 59786~~

The trustees shall receive no compensation for their services 59787
but shall be paid their reasonable and necessary expenses while 59788
engaged in the discharge of their official duties. 59789

A majority of the board constitutes a quorum. 59790

(B) The student members of the board of trustees of Shawnee 59791
state university have no voting power on the board. Student 59792
members shall not be considered as members of the board in 59793
determining whether a quorum is present. Student members shall not 59794
be entitled to attend executive sessions of the board. The student 59795
members of the board shall be appointed by the governor, with the 59796
advice and consent of the senate, from a group of five candidates 59797
selected pursuant to a procedure adopted by the university's 59798
student governments and approved by the university's board of 59799
trustees. The initial term of office of one of the student members 59800
shall commence on July 1, 1988, and shall expire on June 30, 1989, 59801
and the initial term of office of the other student member shall 59802
commence on July 1, 1988, and expire on June 30, 1990. Thereafter, 59803
terms of office of student members shall be for two years, each 59804
term ending on the same day of the same month of the year as the 59805

term it succeeds. In the event a student member cannot fulfill a 59806
two-year term, a replacement shall be selected to fill the 59807
unexpired term in the same manner used to make the original 59808
selection. 59809

Sec. 3364.01. (A) The university of Toledo, as authorized 59810
under former Chapter 3360. of the Revised Code, and the medical 59811
university of Ohio at Toledo, as authorized under former sections 59812
3350.01 to 3350.05 of the Revised Code, shall be combined as one 59813
state university to be known as the "university of Toledo." 59814

(B)(1) The government of the combined university of Toledo is 59815
vested in a board of trustees which, except as prescribed in 59816
division (B)(2) of this section, shall be appointed by the 59817
governor with the advice and consent of the senate. The initial 59818
board of trustees of the combined university shall be as 59819
prescribed in division (B)(2) of this section. After the 59820
abolishment of offices as prescribed in division (B)(2)(a) of this 59821
section, the board of trustees of the combined university shall 59822
consist of nine voting members, who, if appointed prior to January 59823
1, 2024, shall serve for terms of nine years, or, if appointed on 59824
or after January 1, 2024, shall serve for terms of six years, and 59825
two nonvoting members, who shall be students of the combined 59826
university and who shall serve for terms of two years. Terms of 59827
office of trustees shall begin on the second day of July and end 59828
on the first day of July. 59829

(2) The initial board of trustees of the combined university 59830
shall consist of seventeen voting members who are the eight 59831
members who made up the board of trustees of the medical 59832
university of Ohio at Toledo prior to May 1, 2006, under former 59833
section 3350.01 of the Revised Code, and whose terms would expire 59834
under that section after May 1, 2006; the eight voting members who 59835
made up the board of trustees of the university of Toledo, under 59836

former section 3360.01 of the Revised Code, and whose terms would 59837
expire under that section after July 1, 2006; and one additional 59838
member appointed by the governor with the advice and consent of 59839
the senate. The terms of office, abolishment of office, and 59840
succession of the voting members of the initial board shall be as 59841
prescribed in division (B)(2)(a) of this section. The initial 59842
board also shall consist of two nonvoting members who are students 59843
of the combined university, as prescribed in division (B)(2)(b) of 59844
this section. 59845

(a) The term of office of the voting member of the initial 59846
board of trustees of the combined university who was not formerly 59847
a member of either the board of trustees of the medical university 59848
of Ohio at Toledo or the board of trustees of the university of 59849
Toledo shall be for nine years, beginning on July 2, 2006, and 59850
ending on July 1, 2015. 59851

The terms of office of the sixteen other voting members of 59852
the initial board of trustees shall expire on July 1 of the year 59853
they otherwise would expire under former section 3350.01 or 59854
3360.01 of the Revised Code. 59855

The office of one voting member whose term expires on July 1, 59856
2007, shall be abolished on that date. The governor, with the 59857
advice and consent of the senate, shall appoint a successor to the 59858
office of the other voting member whose term expires on that date 59859
to a nine-year term beginning on July 2, 2007. 59860

The office of one voting member whose term expires on July 1, 59861
2008, shall be abolished on that date. The governor, with the 59862
advice and consent of the senate, shall appoint a successor to the 59863
office of the other voting member whose term expires on that date 59864
to a nine-year term beginning on July 2, 2008. 59865

The office of one voting member whose term expires on July 1, 59866
2009, shall be abolished on that date. The governor, with the 59867

advice and consent of the senate, shall appoint a successor to the 59868
office of the other voting member whose term expires on that date 59869
to a nine-year term beginning on July 2, 2009. 59870

The office of one voting member whose term expires on July 1, 59871
2010, shall be abolished on that date. The governor, with the 59872
advice and consent of the senate, shall appoint a successor to the 59873
office of the other voting member whose term expires on that date 59874
to a nine-year term beginning on July 2, 2010. 59875

The office of one voting member whose term expires on July 1, 59876
2011, shall be abolished on that date. The governor, with the 59877
advice and consent of the senate, shall appoint a successor to the 59878
office of the other voting member whose term expires on that date 59879
to a nine-year term beginning on July 2, 2011. 59880

The office of one voting member whose term expires on July 1, 59881
2012, shall be abolished on that date. The governor, with the 59882
advice and consent of the senate, shall appoint a successor to the 59883
office of the other voting member whose term expires on that date 59884
to a nine-year term beginning on July 2, 2012. 59885

The office of one voting member whose term expires on July 1, 59886
2013, shall be abolished on that date. The governor, with the 59887
advice and consent of the senate, shall appoint a successor to the 59888
office of the other voting member whose term expires on that date 59889
to a nine-year term beginning on July 2, 2013. 59890

The office of one voting member whose term expires on July 1, 59891
2014, shall be abolished on that date. The governor, with the 59892
advice and consent of the senate, shall appoint a successor to the 59893
office of the other voting member whose term expires on that date 59894
to a nine-year term beginning on July 2, 2014. 59895

The governor, with the advice and consent of the senate, 59896
shall appoint a successor to the office of the voting member whose 59897
term expires on July 1, 2015, to a nine-year term beginning on 59898

July 2, 2015. 59899

Thereafter the terms of office of all subsequent voting 59900
members of the board of trustees who are appointed prior to 59901
January 1, 2024, shall be for nine years beginning on the second 59902
day of July and ending on the first day of July. The terms of 59903
office for voting members of the board of trustees who are 59904
appointed on or after January 1, 2024, shall be for six years 59905
beginning on the second day of July and ending on the first day of 59906
July. 59907

(b) One of the student members of the initial board of 59908
trustees shall be the student member of the former university of 59909
Toledo board of trustees, appointed under former section 3360.01 59910
of the Revised Code, whose term would expire under that section on 59911
July 1, 2007. The term of that student member shall expire on July 59912
1, 2007. The other student member shall be a new appointee, 59913
representing the portion of the combined university that made up 59914
the former medical university of Ohio at Toledo, appointed to a 59915
two-year term beginning on July 2, 2006, and ending on July 1, 59916
2008. That student trustee shall be appointed by the governor, 59917
with the advice and consent of the senate, from a group of three 59918
candidates selected pursuant to a procedure adopted by the 59919
university's student governments and approved by the university's 59920
board of trustees. Thereafter appointment and terms of office of 59921
student members of the board of trustees shall be as prescribed by 59922
division (B)(3) of this section. 59923

(3) The student members of the board of trustees of the 59924
combined university shall be appointed by the governor, with the 59925
advice and consent of the senate, from a group of six candidates 59926
selected pursuant to a procedure adopted by the university's 59927
student governments and approved by the university's board of 59928
trustees. Terms of office of student members shall be for two 59929
years, each term ending on the same day of the same month of the 59930

year as the term it succeeds. In the event that a student member 59931
cannot fulfill a two-year term, a replacement shall be selected to 59932
fill the unexpired term in the same manner used to make the 59933
original selection. 59934

(4) Each trustee shall hold office from the date of 59935
appointment until the end of the term for which the trustee was 59936
appointed. Any trustee appointed to fill a vacancy occurring prior 59937
to the expiration of the term for which the trustee's predecessor 59938
was appointed shall hold office for the remainder of such term. 59939
Any trustee shall continue in office subsequent to the expiration 59940
date of the trustee's term until the trustee's successor takes 59941
office, or until a period of sixty days has elapsed, whichever 59942
occurs first. 59943

~~(5) No person who has served as a voting member of the board 59944
of trustees for a full nine year term or more than six years of 59945
such a term and no person who is a voting member of the initial 59946
board of trustees as prescribed in division (B)(2)(a) of this 59947
section is eligible for reappointment to the board until a period 59948
of four years has elapsed since the last day of the term for which 59949
the person previously served. 59950~~

~~No person who served as a voting member of the board of 59951
trustees of the former university of Toledo, as authorized under 59952
former Chapter 3360. of the Revised Code, for a full nine year 59953
term or more than six years of such a term, and no person who 59954
served on the board of trustees of the former medical university 59955
of Ohio at Toledo, as authorized under former sections 3350.01 to 59956
3350.05 of the Revised Code, for a full nine year term or more 59957
than six years of such a term is eligible for appointment to the 59958
board of trustees of the combined university until a period of 59959
four years has elapsed since the last day of the term for which 59960
the person previously served. 59961~~

(C) The trustees shall receive no compensation for their 59962

services but shall be paid their reasonable necessary expenses 59963
while engaged in the discharge of their official duties. A 59964
majority of the board constitutes a quorum. The student members of 59965
the board have no voting power on the board. Student members shall 59966
not be considered as members of the board in determining whether a 59967
quorum is present. Student members shall not be entitled to attend 59968
executive sessions of the board. 59969

Sec. 3364.07. (A) The institute of American constitutional 59970
thought and leadership is established for the purpose of creating 59971
and disseminating knowledge about American constitutional thought 59972
and to form future leaders of the legal profession through 59973
research, scholarship, teaching, collaboration, and mentorship. 59974
The institute shall be an academic unit within the university of 59975
Toledo, initially physically located at the college of law. The 59976
university shall require the college of law to provide adequate 59977
administrative space for the institute. 59978

(B) The institute shall pursue all of the following goals: 59979

(1) To enrich the curriculum in American constitutional 59980
studies, including the core texts and great debates of western 59981
civilization; 59982

(2) To educate university students in the principles, ideals, 59983
and institutions of the American and Ohio constitutional order; 59984

(3) To educate university students in the foundations of 59985
responsible leadership and informed citizenship and to cultivate 59986
the next generation of leaders in the legal profession; 59987

(4) To offer university-wide programming related to the 59988
values of open inquiry and civil discourse; 59989

(5) To expand the intellectual diversity of the university's 59990
academic community and to create a rich forum for the development 59991
of ideas across the political and ideological spectrum; 59992

<u>(6) To support faculty and graduate student scholarship that</u>	59993
<u>advances understanding of American constitutional thought and</u>	59994
<u>institutions;</u>	59995
<u>(7) To promote scholarly collaboration within the university</u>	59996
<u>and beyond;</u>	59997
<u>(8) To host lectures, debates, and symposia, and sponsor</u>	59998
<u>visiting scholars, jurists, and teachers.</u>	59999
<u>(C) The institute shall adhere to the following policies:</u>	60000
<u>(1) The institute shall educate students by means of free,</u>	60001
<u>open, and rigorous intellectual inquiry to seek the truth.</u>	60002
<u>(2) The institute shall equip students with the skills,</u>	60003
<u>habits, and dispositions of mind they need to reach their own</u>	60004
<u>informed conclusions on matters of legal, social, and political</u>	60005
<u>importance.</u>	60006
<u>(3) The institute shall value intellectual diversity in</u>	60007
<u>higher education, including in faculty recruitment, hiring, and</u>	60008
<u>appointment, and aspire to enhance the intellectual diversity of</u>	60009
<u>academic life at the university.</u>	60010
<u>(4) The institute shall create a community dedicated to an</u>	60011
<u>ethic of civil and free inquiry, which respects the intellectual</u>	60012
<u>freedom of each member, supports individual capacities for growth,</u>	60013
<u>and welcomes the differences of opinion that naturally occur in a</u>	60014
<u>public university community.</u>	60015
<u>(D)(1) Not later than sixty days after the effective date of</u>	60016
<u>this section, the talent, compensation, and governance committee</u>	60017
<u>of the board of trustees of the university, if such a committee</u>	60018
<u>exists, shall appoint, with the advice and consent of the senate,</u>	60019
<u>a seven-member institute academic council. If no such committee</u>	60020
<u>exists, the board of trustees shall appoint members under this</u>	60021
<u>division.</u>	60022

(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the council be from Ohio. 60023
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(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats. 60028
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(4) To fill a vacancy for the institute director, following a national search, the academic council shall transmit to the president a list of finalists from which the president shall select a director, subject to the approval of the talent, compensation, and governance committee of the board of trustees. 60032
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(E)(1) The institute shall be led by a director who shall report directly to the president and provost of the university and consult with the dean of the college of law. The president of the university shall appoint an initial director not later than thirty days after the effective date of this section. The director shall be an expert of the western tradition, the American founding, and American constitutional thought, and shall have shown a commitment to the purposes, goals, and policies of the institute. The director's term shall be for five years and shall be renewable. 60037
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(2) The director shall have the protection of tenure or tenure eligibility. Any existing tenure with the university held by a director shall be maintained with the university. 60046
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(F) The institute shall be an independent academic unit of the university with the authority to house tenure-track faculty who hold their appointments within the institute. Faculty appointed within the institute shall not be required, but may be permitted, to hold joint or courtesy appointments within any other 60049
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division of the university. 60054

(G)(1) The director shall have the sole and exclusive ability 60055
to manage the recruitment and hiring process and the authority to 60056
extend offers for employment for all faculty and staff, and to 60057
terminate employment of all staff. The director shall oversee, 60058
develop, and approve the institute's curriculum. The institute 60059
shall be granted the authority to offer courses and develop 60060
certificate, minor, major, and graduate programs, and offer 60061
degrees. 60062

(2) Employment contracts offered under division (G)(1) of 60063
this section to tenure-track faculty appointed to the institute 60064
shall guarantee reappointment elsewhere in the university, at the 60065
same rank and compensation, in the event the institute is 60066
discontinued. 60067

(H) The director of the institute shall submit an annual 60068
report to the board of trustees of the university and the general 60069
assembly in accordance with section 101.68 of the Revised Code. 60070
The report shall provide a full account of the institute's 60071
achievements, opportunities, challenges, and obstacles in the 60072
development of this academic unit. 60073

(I) The board of trustees of the university may change the 60074
name of the institute in accordance with the philanthropic naming 60075
policies and practices of the university. 60076

Sec. 3365.07. The department of education shall calculate and 60077
pay state funds to colleges for participants in the college credit 60078
plus program under division (B) of section 3365.06 of the Revised 60079
Code pursuant to this section. For a nonpublic secondary school 60080
participant, a nonchartered nonpublic secondary school 60081
participant, or a home-instructed participant, the department 60082
shall pay state funds pursuant to this section only if that 60083
participant is awarded funding according to rules adopted by the 60084

chancellor of higher education, in consultation with the 60085
superintendent of public instruction, pursuant to section 3365.071 60086
of the Revised Code. The program shall be the sole mechanism by 60087
which state funds are paid to colleges for students to earn 60088
transcripted credit for college courses while enrolled in both a 60089
secondary school and a college, with the exception of state funds 60090
paid to colleges according to an agreement described in division 60091
(A)(1) of section 3365.02 of the Revised Code. 60092

(A) For each public or nonpublic secondary school participant 60093
enrolled in a public college: 60094

(1) If no agreement has been entered into under division 60095
(A)(2) of this section, both of the following shall apply: 60096

(a) The department shall pay to the college the applicable 60097
amount as follows: 60098

(i) For a participant enrolled in a college course delivered 60099
on the college campus, at another location operated by the 60100
college, or online, the lesser of the default ceiling amount or 60101
the college's standard rate; 60102

(ii) For a participant enrolled in a college course delivered 60103
at the participant's secondary school but taught by college 60104
faculty, the lesser of fifty per cent of the default ceiling 60105
amount or the college's standard rate; 60106

(iii) For a participant enrolled in a college course 60107
delivered at the participant's secondary school and taught by a 60108
high school teacher who has met the credential requirements 60109
established for purposes of the program in rules adopted by the 60110
chancellor, the default floor amount. 60111

(b) The participant's secondary school shall pay for 60112
textbooks, and the college shall waive payment of all other fees 60113
related to participation in the program. 60114

(2) The governing entity of a participant's secondary school 60115
and the college may enter into an agreement to establish an 60116
alternative payment structure for tuition, textbooks, and fees. 60117
Under such an agreement, payments for each participant made by the 60118
department shall be not less than the default floor amount, unless 60119
approved by the chancellor, and not more than either the default 60120
ceiling amount or the college's standard rate, whichever is less. 60121
The chancellor may approve an agreement that includes a payment 60122
below the default floor amount, as long as the provisions of the 60123
agreement comply with all other requirements of this chapter to 60124
ensure program quality. If no agreement is entered into under 60125
division (A)(2) of this section, both of the following shall 60126
apply: 60127

(a) The department shall pay to the college the applicable 60128
default amounts prescribed by division (A)(1)(a) of this section, 60129
depending upon the method of delivery and instruction. 60130

(b) In accordance with division (A)(1)(b) of this section, 60131
the participant's secondary school shall pay for textbooks, and 60132
the college shall waive payment of all other fees related to 60133
participation in the program. 60134

(3) No participant that is enrolled in a public college shall 60135
be charged for any tuition, textbooks, or other fees related to 60136
participation in the program. 60137

(B) For each public secondary school participant enrolled in 60138
a private college: 60139

(1) If no agreement has been entered into under division 60140
(B)(2) of this section, the department shall pay to the college 60141
the applicable amount calculated in the same manner as in division 60142
(A)(1)(a) of this section. 60143

(2) The governing entity of a participant's secondary school 60144
and the college may enter into an agreement to establish an 60145

alternative payment structure for tuition, textbooks, and fees. 60146
Under such an agreement, payments shall be not less than the 60147
default floor amount, unless approved by the chancellor, and not 60148
more than either the default ceiling amount or the college's 60149
standard rate, whichever is less. 60150

If an agreement is entered into under division (B)(2) of this 60151
section, both of the following shall apply: 60152

(a) The department shall make a payment to the college for 60153
each participant that is equal to the default floor amount, unless 60154
approved by the chancellor to pay an amount below the default 60155
floor amount. The chancellor may approve an agreement that 60156
includes a payment below the default floor amount, as long as the 60157
provisions of the agreement comply with all other requirements of 60158
this chapter to ensure program quality. 60159

(b) Payment for costs for the participant that exceed the 60160
amount paid by the department pursuant to division (B)(2)(a) of 60161
this section shall be negotiated by the school and the college. 60162
The agreement may include a stipulation permitting the charging of 60163
a participant. 60164

However, under no circumstances shall: 60165

(i) Payments for a participant made by the department under 60166
division (B)(2) of this section exceed the lesser of the default 60167
ceiling amount or the college's standard rate; 60168

(ii) The amount charged to a participant under division 60169
(B)(2) of this section exceed the difference between the maximum 60170
per participant charge amount and the default floor amount; 60171

(iii) The sum of the payments made by the department for a 60172
participant and the amount charged to that participant under 60173
division (B)(2) of this section exceed the following amounts, as 60174
applicable: 60175

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is enrolled in that secondary school with a scholarship awarded under either the educational choice scholarship pilot program, as prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to

3313.979 of the Revised Code, and who qualifies as a low-income student ~~under either of those programs, as determined by a method established by the department~~ be charged for any tuition, textbooks, or other fees related to participation in the college credit plus program.

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the lesser of the default ceiling amount or the college's standard rate, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term, each college expecting to receive payment for the costs of a participant under this section shall notify the department of the number of enrolled credit hours for each participant.

(F) The department shall make the applicable payments under this section to each college, which provided proper notification to the department under division (E) of this section, for the number of enrolled credit hours for participants enrolled in the college under division (B) of section 3365.06 of the Revised Code. Except in cases involving incomplete participant information or a dispute of participant information, payments shall be made by the last day of January for participants who were enrolled during the fall term and by the last day of July for participants who were enrolled during the spring term. The department shall not make any payments to a college under this section if a participant withdrew from a course prior to the date on which a withdrawal from the course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(1) Payments made for public secondary school participants

under this section shall be deducted as follows: 60239

(a) For a participant enrolled in a school district, from the 60240
school foundation payments made to the participant's school 60241
district. If the participant is enrolled in a joint vocational 60242
school district, a portion of the amount shall be deducted from 60243
the payments to the joint vocational school district and a portion 60244
shall be deducted from the payments to the participant's city, 60245
local, or exempted village school district in accordance with the 60246
full-time equivalency of the student's enrollment in each 60247
district. 60248

(b) For a participant enrolled in a community school 60249
established under Chapter 3314. of the Revised Code, from the 60250
payments made to that school under section 3317.022 of the Revised 60251
Code; 60252

(c) For a participant enrolled in a STEM school, from the 60253
payments made to that school under section 3317.022 of the Revised 60254
Code; 60255

(d) For a participant enrolled in a college-preparatory 60256
boarding school, from the payments made to that school under 60257
section 3328.34 of the Revised Code; 60258

(e) For a participant enrolled in the state school for the 60259
deaf or the state school for the blind, from the amount paid to 60260
that school with funds appropriated by the general assembly for 60261
support of ~~that school~~ Ohio deaf and blind education services; 60262

(f) For a participant enrolled in an institution operated by 60263
the department of youth services, from the amount paid to that 60264
institution with funds appropriated by the general assembly for 60265
support of that institution. 60266

Amounts deducted under divisions (F)(1)(a) to (f) of this 60267
section shall be calculated in accordance with rules adopted by 60268
the chancellor, in consultation with the state superintendent, 60269

pursuant to division (B) of section 3365.071 of the Revised Code 60270

(2) Payments made for nonpublic secondary school 60271
participants, nonchartered nonpublic secondary school 60272
participants, and home-instructed participants under this section 60273
shall be deducted from moneys appropriated by the general assembly 60274
for such purpose. Payments shall be allocated and distributed in 60275
accordance with rules adopted by the chancellor, in consultation 60276
with the state superintendent, pursuant to division (A) of section 60277
3365.071 of the Revised Code. 60278

(G) Any public college that enrolls a student under division 60279
(B) of section 3365.06 of the Revised Code may include that 60280
student in the calculation used to determine its state share of 60281
instruction funds appropriated to the department of higher 60282
education by the general assembly. 60283

Sec. 3375.41. When a board of library trustees appointed 60284
pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, 60285
or 3375.30 of the Revised Code determines to construct, demolish, 60286
alter, repair, or reconstruct a library or make any improvements 60287
or repairs, the cost of which will exceed ~~fifty thousand dollars~~ 60288
the amount specified in section 9.17 of the Revised Code, except 60289
in cases of urgent necessity or for the security and protection of 60290
library property, it shall proceed as follows: 60291

(A) The board shall advertise for a period of two weeks for 60292
sealed bids in a newspaper of general circulation in the district 60293
or as provided in section 7.16 of the Revised Code. If no 60294
newspaper has a general circulation in the district, the board 60295
shall post the advertisement in three public places in the 60296
district. The advertisement shall be entered in full by the fiscal 60297
officer on the record of proceedings of the board. 60298

(B) The sealed bids shall be filed with the fiscal officer by 60299
twelve noon of the last day stated in the advertisement. 60300

(C) The sealed bids shall be opened at the next meeting of the board, shall be publicly read by the fiscal officer, and shall be entered in full on the records of the board; provided that the board, by resolution, may provide for the public opening and reading of the bids by the fiscal officer, immediately after the time for their filing has expired, at the usual place of meeting of the board, and for the tabulation of the bids and a report of the tabulation to the board at its next meeting.

(D) Each sealed bid shall contain the name of every person interested in it and shall meet the requirements of section 153.54 of the Revised Code.

(E) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the sealed bid, with their price, or may require that bids be submitted without the separation.

(F) None but the lowest responsible bid shall be accepted. The board may reject all the bids or accept any bid for both labor and material for the improvement or repair that is the lowest in the aggregate.

(G) The contract shall be between the board and the bidders. The board shall pay the contract price for the work in cash at the times and in the amounts as provided by sections 153.12, 153.13, and 153.14 of the Revised Code.

(H) When two or more bids are equal, in whole or in part, and are lower than any others, either may be accepted, but in no case shall the work be divided between these bidders.

(I) When there is reason to believe there is collusion or combination among the bidders, the bids of those concerned in the collusion or combination shall be rejected.

(J) No project subject to this section shall be divided into component parts, separate projects, or items of work in order to

avoid the requirements of this section. 60332

Sec. 3379.02. There is hereby created the Ohio arts council, 60333
which shall foster and encourage the development of the arts in 60334
this state and the preservation of Ohio's cultural heritage. 60335

The council shall consist of fifteen voting members appointed 60336
by the governor with the advice and consent of the senate, two 60337
nonvoting members of the house of representatives appointed by the 60338
speaker, and two nonvoting members of the senate appointed by the 60339
president. The members appointed from each house of the general 60340
assembly shall not be from the same political party. Terms of 60341
office for members appointed by the governor shall be for five 60342
years, commencing on the second day of July and ending on the 60343
first day of July. The legislative members shall be appointed 60344
within ~~ten~~ forty-five days of the convening of the first regular 60345
session of each general assembly and shall serve through the 60346
thirty-first day of December of the following year. Each member 60347
shall hold office from the date of ~~his~~ the member's appointment 60348
until the end of the term for which ~~he~~ the member was appointed. 60349
Any member appointed to fill a vacancy occurring prior to the 60350
expiration of the term for which ~~his~~ the member's predecessor was 60351
appointed shall hold office for the remainder of such term. Any 60352
member appointed by the governor shall continue in office 60353
subsequent to the expiration date of ~~his~~ the member's term until 60354
~~his~~ the member's successor takes office, or until a period of 60355
sixty days has elapsed, whichever occurs first. The governor shall 60356
name the ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson 60357
of the council, and they shall serve in such positions at ~~his~~ the 60358
governor's pleasure. Members of the council shall serve without 60359
compensation but are entitled to reimbursement for expenses 60360
incurred in connection with official business of the council. 60361

Persons appointed to the council by the governor shall have 60362

broad knowledge and experience in the arts. At least a majority of 60363
the members of the council shall be persons other than 60364
professional artists. In making appointments to the council, the 60365
governor may appoint such professional artists as are necessary, 60366
in ~~his~~ the governor's judgment, to ensure that the council is 60367
broadly representative of all the arts. 60368

Sec. 3501.01. As used in the sections of the Revised Code 60369
relating to elections and political communications: 60370

(A) "General election" means the election held on the first 60371
Tuesday after the first Monday in each November. 60372

(B) "Regular municipal election" means the election held on 60373
the first Tuesday after the first Monday in November in each 60374
odd-numbered year. 60375

(C) "Regular state election" means the election held on the 60376
first Tuesday after the first Monday in November in each 60377
even-numbered year. 60378

(D) "Special election" means any election other than those 60379
elections defined in other divisions of this section. A special 60380
election may be held only on the first Tuesday after the first 60381
Monday in May or November, on the first Tuesday after the first 60382
Monday in August in accordance with section 3501.022 of the 60383
Revised Code, or on the day authorized by a particular municipal 60384
or county charter for the holding of a primary election, except 60385
that in any year in which a presidential primary election is held, 60386
no special election shall be held in May, except as authorized by 60387
a municipal or county charter, but may be held on the third 60388
Tuesday after the first Monday in March. 60389

(E)(1) "Primary" or "primary election" means an election held 60390
for the purpose of nominating persons as candidates of political 60391
parties for election to offices, and for the purpose of electing 60392

persons as members of the controlling committees of political 60393
parties and as delegates and alternates to the conventions of 60394
political parties. Primary elections shall be held on the first 60395
Tuesday after the first Monday in May of each year except in years 60396
in which a presidential primary election is held. 60397

(2) "Presidential primary election" means a primary election 60398
as defined by division (E)(1) of this section at which an election 60399
is held for the purpose of choosing delegates and alternates to 60400
the national conventions of the major political parties pursuant 60401
to section 3513.12 of the Revised Code. Unless otherwise 60402
specified, presidential primary elections are included in 60403
references to primary elections. In years in which a presidential 60404
primary election is held, all primary elections shall be held on 60405
the third Tuesday after the first Monday in March except as 60406
otherwise authorized by a municipal or county charter. 60407

(F) "Political party" means any group of voters meeting the 60408
requirements set forth in section 3517.01 of the Revised Code for 60409
the formation and existence of a political party. 60410

(1) "Major political party" means any political party 60411
organized under the laws of this state whose candidate for 60412
governor or nominees for presidential electors received not less 60413
than twenty per cent of the total vote cast for such office at the 60414
most recent regular state election. 60415

(2) "Minor political party" means any political party 60416
organized under the laws of this state that meets either of the 60417
following requirements: 60418

(a) Except as otherwise provided in this division, the 60419
political party's candidate for governor or nominees for 60420
presidential electors received less than twenty per cent but not 60421
less than three per cent of the total vote cast for such office at 60422
the most recent regular state election. A political party that 60423

meets the requirements of this division remains a political party 60424
for a period of four years after meeting those requirements. 60425

(b) The political party has filed with the secretary of 60426
state, subsequent to its failure to meet the requirements of 60427
division (F)(2)(a) of this section, a petition that meets the 60428
requirements of section 3517.01 of the Revised Code. 60429

A newly formed political party shall be known as a minor 60430
political party until the time of the first election for governor 60431
or president which occurs not less than twelve months subsequent 60432
to the formation of such party, after which election the status of 60433
such party shall be determined by the vote for the office of 60434
governor or president. 60435

(G) "Dominant party in a precinct" or "dominant political 60436
party in a precinct" means that political party whose candidate 60437
for election to the office of governor at the most recent regular 60438
state election at which a governor was elected received more votes 60439
than any other person received for election to that office in such 60440
precinct at such election. 60441

(H) "Candidate" means any qualified person certified in 60442
accordance with the provisions of the Revised Code for placement 60443
on the official ballot of a primary, general, or special election 60444
to be held in this state, or any qualified person who claims to be 60445
a write-in candidate, or who knowingly assents to being 60446
represented as a write-in candidate by another at either a 60447
primary, general, or special election to be held in this state. 60448

(I) "Independent candidate" means any candidate who claims 60449
not to be affiliated with a political party, and whose name has 60450
been certified on the office-type ballot at a general or special 60451
election through the filing of a statement of candidacy and 60452
nominating petition, as prescribed in section 3513.257 of the 60453
Revised Code. 60454

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be listed on the nonpartisan ballot, including all candidates for judge of a municipal court, county court, or court of common pleas, for member of any board of education, for municipal or township offices in which primary elections are not held for nominating candidates by political parties, and for offices of municipal corporations having charters that provide for separate ballots for elections for these offices.

(K) "Party candidate" means any candidate who claims to be a member of a political party and who has been certified to appear on the office-type ballot at a general or special election as the nominee of a political party because the candidate has won the primary election of the candidate's party for the public office the candidate seeks, has been nominated under section 3517.012, or is selected by party committee in accordance with section 3513.31 of the Revised Code.

(L) "Officer of a political party" includes, but is not limited to, any member, elected or appointed, of a controlling committee, whether representing the territory of the state, a district therein, a county, township, a city, a ward, a precinct, or other territory, of a major or minor political party.

(M) "Question or issue" means any question or issue certified in accordance with the Revised Code for placement on an official ballot at a general or special election to be held in this state.

(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.

(O) "Voter" means an elector who votes at an election.

(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.

(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.

(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.

(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.

(T) "Political subdivision" means a county, township, city, village, or school district.

(U) "Election officer" or "election official" means any of the following:

(1) Secretary of state;

(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;

(3) Director of a board of elections;

(4) Deputy director of a board of elections;

(5) Member of a board of elections;

(6) Employees of a board of elections;

(7) Precinct election officials;

(8) Employees appointed by the boards of elections on a temporary or part-time basis.

(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who

wishes to change the applicant's residence or name of the status 60515
of the application; the information necessary to complete or 60516
update the application, if any; and if the application is 60517
complete, the precinct in which the applicant is to vote. 60518

(W) "Confirmation notice" means a notice sent by a board of 60519
elections, on a form prescribed by the secretary of state, to a 60520
registered elector to confirm the registered elector's current 60521
address. 60522

(X) "Designated agency" means an office or agency in the 60523
state that provides public assistance or that provides 60524
state-funded programs primarily engaged in providing services to 60525
persons with disabilities and that is required by the National 60526
Voter Registration Act of 1993 to implement a program designed and 60527
administered by the secretary of state for registering voters, or 60528
any other public or government office or agency that implements a 60529
program designed and administered by the secretary of state for 60530
registering voters, including the department of job and family 60531
services, the program administered under section 3701.132 of the 60532
Revised Code by the department of health, the department of mental 60533
health and addiction services, the department of developmental 60534
disabilities, the opportunities for Ohioans with disabilities 60535
agency, and any other agency the secretary of state designates. 60536
"Designated agency" does not include public high schools and 60537
vocational schools, public libraries, or the office of a county 60538
treasurer. 60539

(Y) "National Voter Registration Act of 1993" means the 60540
"National Voter Registration Act of 1993," 107 Stat. 77, 42 60541
U.S.C.A. 1973gg. 60542

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 60543
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 60544

(AA)(1) "Photo identification" means one of the following 60545

documents that includes the individual's name and photograph and 60546
is not expired: 60547

(a) An Ohio driver's license, state identification card, or 60548
interim identification form issued by the registrar of motor 60549
vehicles or a deputy registrar under Chapter 4506. or 4507. of the 60550
Revised Code; 60551

(b) A United States passport or passport card; 60552

(c) A United States military identification card, Ohio 60553
national guard identification card, or United States department of 60554
veterans affairs identification card. 60555

(2) A "copy" of an individual's photo identification means 60556
images of both the front and back of a document described in 60557
division (AA)(1) of this section, except that if the document is a 60558
United States passport, a copy of the photo identification means 60559
an image of the passport's identification page that includes the 60560
individual's name, photograph, and other identifying information 60561
and the passport's expiration date. 60562

(BB) "Driver's license" means a license or permit issued by 60563
the registrar or a deputy registrar under Chapter 4506. or 4507. 60564
of the Revised Code that authorizes an individual to drive. 60565
"Driver's license" includes a driver's license, commercial 60566
driver's license, probationary license, restricted license, 60567
motorcycle operator's license, or temporary instruction permit 60568
identification card. "Driver's license" does not include a 60569
~~nonrenewable~~ limited term license issued under section 4507.09 of 60570
the Revised Code. 60571

(CC) "State identification card" means a card issued by the 60572
registrar or a deputy registrar under sections 4507.50 to 4507.52 60573
of the Revised Code. 60574

(DD) "Interim identification form" means the document issued 60575
by the registrar or a deputy registrar to an applicant for a 60576

driver's license or state identification card that contains all of 60577
the information otherwise found on the license or card and that an 60578
applicant may use as a form of identification until the physical 60579
license or card arrives in the mail. 60580

Sec. 3501.27. (A) All precinct election officials shall 60581
complete a program of instruction pursuant to division (B) of this 60582
section. No person who has been convicted of a felony or any 60583
violation of the election laws, who is unable to read and write 60584
the English language readily, or who is a candidate for an office 60585
to be voted for by the voters of the precinct in which the person 60586
is to serve shall serve as an election officer. A person when 60587
appointed as an election officer shall receive from the board of 60588
elections a certificate of appointment that may be revoked at any 60589
time by the board for good and sufficient reasons. The certificate 60590
shall be in the form the board prescribes and shall specify the 60591
precinct, ward, or district in and for which the person to whom it 60592
is issued is appointed to serve, the date of appointment, and the 60593
expiration of the person's term of service. 60594

(B) Each board shall establish a program as prescribed by the 60595
secretary of state for the instruction of election officers in the 60596
rules, procedures, and law relating to elections. In each program, 60597
the board shall use training materials prepared by the secretary 60598
of state and may use additional materials prepared by or on behalf 60599
of the board. The board may use the services of unpaid volunteers 60600
in conducting its program and may reimburse those volunteers for 60601
necessary and actual expenses incurred in participating in the 60602
program. 60603

The board shall train each new election officer before the 60604
new officer participates in the first election in that capacity. 60605
The board shall instruct election officials who have been trained 60606
previously only when the board or secretary of state considers 60607

that instruction necessary, but the board shall reinstruct such 60608
persons, other than voting location managers, at least once in 60609
every three years and shall reinstruct voting location managers 60610
before the primary election in even-numbered years. The board 60611
shall schedule any program of instruction within sixty days prior 60612
to the election in which the officials to be trained will 60613
participate. 60614

(C) The duties of a precinct election official in each 60615
polling place shall be performed only by an individual who has 60616
successfully completed the requirements of the program, unless 60617
such an individual is unavailable after reasonable efforts to 60618
obtain such services. 60619

(D) The secretary of state shall establish a program for the 60620
instruction of members of boards of elections and employees of 60621
boards in the rules, procedures, and law relating to elections. 60622
Each member and employee shall complete the training program 60623
within six months after the member's or employee's original 60624
appointment or employment, and thereafter each member and employee 60625
shall complete a training program to update their knowledge once 60626
every four years or more often as determined by the secretary of 60627
state. 60628

(E) The secretary of state shall ~~reimburse each county for~~ 60629
~~make grants to the boards of elections to pay~~ the cost of programs 60630
established pursuant to division (B) of this section, ~~once the~~ 60631
~~secretary of state has received an itemized statement of expenses~~ 60632
~~for such instruction programs from the county. The itemized~~ 60633
~~statement shall be in a form prescribed by the secretary of state.~~ 60634

Sec. 3503.13. ~~(A)(A)(1)~~ Except as otherwise provided in 60635
~~division (A)(2) of this section 111.44 of the Revised Code or by~~ 60636
~~state or federal law, voter~~ registration forms submitted by 60637
applicants and the statewide voter registration database 60638

established under section 3503.15 of the Revised Code ~~shall be~~ 60639
~~open to~~ are public inspection at all times when the office of the 60640
~~board of elections is open for business, under such regulations as~~ 60641
~~the board adopts, provided that no person shall be permitted to~~ 60642
~~inspect voter registration forms except in the presence of an~~ 60643
~~employee of the board~~ records subject to disclosure under section 60644
149.43 of the Revised Code. 60645

(2) None of the following are subject to disclosure under 60646
division (A)(1) of this section: 60647

(a) An elector's full or partial social security number, 60648
driver's license or state identification card number, telephone 60649
number, or electronic mail address; 60650

(b) A confidential voter registration record, as described in 60651
section 111.44 of the Revised Code; 60652

(c) The address of a designated public service worker, if the 60653
designated public service worker has submitted a redaction request 60654
to the board of elections under section 149.45 of the Revised 60655
Code; 60656

(d) Any other information that is prohibited from being 60657
disclosed by state or federal law. 60658

(B) A board of elections may use a legible digitized 60659
signature list of voter signatures, copied from the signatures on 60660
the registration forms in a form and manner prescribed by the 60661
secretary of state, provided that the board includes the required 60662
voter registration information in the statewide voter registration 60663
database established under section 3503.15 of the Revised Code, 60664
and provided that the precinct election officials have computer 60665
printouts at the polls prepared in the manner required under 60666
section 3503.23 of the Revised Code. 60667

Sec. 3503.15. ~~(A)(1)~~(A) The secretary of state shall 60668

establish and maintain a statewide voter registration database 60669
that shall be administered by the office of data analytics and 60670
archives in the office of the secretary of state and made 60671
continuously available to each board of elections and to other 60672
agencies as authorized by law. 60673

~~(2)(a) State agencies, including, but not limited to, the 60674
department of health, the bureau of motor vehicles, the department 60675
of job and family services, the department of medicaid, and the 60676
department of rehabilitation and corrections, shall provide any 60677
information and data to the secretary of state that is collected 60678
in the course of normal business and that is necessary to register 60679
to vote, to update an elector's registration, or to maintain the 60680
statewide voter registration database established pursuant to this 60681
section, except where prohibited by federal law or regulation. The 60682
department of health, the bureau of motor vehicles, the department 60683
of job and family services, the department of medicaid, and the 60684
department of rehabilitation and corrections shall provide that 60685
information and data to the secretary of state not later than the 60686
last day of each month. The secretary of state shall ensure that 60687
any information or data provided to the secretary of state that is 60688
confidential in the possession of the entity providing the data 60689
remains confidential while in the possession of the secretary of 60690
state. No public office, and no public official or employee, shall 60691
sell that information or data or use that information or data for 60692
profit. 60693~~

~~(b) Information provided under this division for maintenance 60694
of the statewide voter registration database shall not be used to 60695
update the name or address of a registered elector. The name or 60696
address of a registered elector shall only be updated as a result 60697
of the elector's actions in filing a notice of change of name, 60698
change of address, or both. 60699~~

~~(c) A board of elections shall contact a registered elector pursuant to the rules adopted under division (D)(7) of this section to verify the accuracy of the information in the statewide voter registration database regarding that elector if that information does not conform with information provided under division (A)(2)(a) of this section and the discrepancy would affect the elector's eligibility to cast a regular ballot.~~

~~(3)(a) The secretary of state shall enter into agreements to share information or data that is in the possession of the secretary of state with other states or groups of states, as the secretary of state considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in division (A)(3)(b) of this section, the secretary of state shall ensure that any information or data provided to the secretary of state that is confidential in the possession of the state providing the data remains confidential while in the possession of the secretary of state.~~

~~(b) The secretary of state may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database. The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code identifying the persons or organizations who may receive that information or data. The secretary of state shall not share that information or data with a person or organization not identified in those rules. The secretary of state shall ensure that a person or organization that receives confidential information or data under this division keeps the information or data confidential in the person's or organization's possession by, at a minimum, entering into a confidentiality agreement with the person or organization. Any confidentiality agreement entered into~~

~~under this division shall include a requirement that the person or organization submit to the jurisdiction of this state in the event that the person or organization breaches the agreement.~~

~~(4) No person or entity that receives information or data under division (A)(3) of this section shall sell the information or data or use the information or data for profit.~~

~~(5) The secretary of state shall regularly transmit to the boards of elections, to the extent permitted by state and federal law, the information and data the secretary of state receives under divisions (A)(2) and (3) of this section that is necessary to do the following, in order to ensure that the accuracy of the statewide voter registration database is maintained on a regular basis in accordance with applicable state and federal law:~~

~~(a) Require the boards of elections to maintain the database in a manner that ensures that the name of each registered elector appears in the database, that only individuals who are not registered or eligible to vote are removed from the database, and that duplicate registrations are eliminated from the database;~~

~~(b) Require the boards of elections to make a reasonable effort to remove individuals who are not eligible to vote from the database;~~

~~(c) Establish safeguards to ensure that eligible electors are not removed in error from the database.~~

~~(B) The statewide voter registration database established under this section shall be the official list of registered voters electors for all elections conducted in this state.~~

~~(C)(B) The statewide voter registration database established under this section shall, at a minimum, include all of the following:~~

~~(1) An electronic network that connects all board of~~

elections offices with the office of the secretary of state and 60762
with the offices of all other boards of elections; 60763

(2) A computer program that harmonizes the records contained 60764
in the database with records maintained by each board of 60765
elections; 60766

(3) An interactive computer program that allows access to the 60767
records contained in the database by each board of elections and 60768
by any persons authorized by the secretary of state to add, 60769
delete, modify, or print database records, and to conduct updates 60770
of the database; 60771

(4) A search program capable of verifying registered ~~voters~~ 60772
electors and their registration information by name, driver's 60773
license or state identification card number, birth date, social 60774
security number, or current address; 60775

(5) Safeguards and components to ensure that the integrity, 60776
security, and confidentiality of the voter registration 60777
information is maintained; 60778

(6) Methods to retain canceled voter registration records for 60779
not less than five years after they are canceled and to record the 60780
reason for their cancellation. 60781

(C) For each registered elector, the statewide voter 60782
registration database shall include all of the following 60783
information: 60784

(1) The elector's name; 60785

(2) The elector's birth date; 60786

(3) The elector's current residence address; 60787

(4) The elector's precinct number; 60788

(5) The elector's Ohio driver's license or state 60789
identification card number, if available; 60790

<u>(6) The last four digits of the elector's social security number, if available;</u>	60791
	60792
<u>(7) The elector's telephone number, if available;</u>	60793
<u>(8) The elector's electronic mail address, if available;</u>	60794
<u>(9)(a) The elector's voter registration date, which shall be determined based on the elector's most recent application to register to vote in this state, subject to division (C)(9)(b) of this section, as follows:</u>	60795
	60796
	60797
	60798
<u>(i) In the case of an application delivered in person to a state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, or the office of a county treasurer, the date stamped on the application upon receipt by the entity that transmits the application to the board of elections or the secretary of state;</u>	60799
	60800
	60801
	60802
	60803
	60804
	60805
<u>(ii) In the case of an application delivered in person to a board of elections or the secretary of state, the date stamped on the application upon receipt by the board of elections or the secretary of state, as applicable;</u>	60806
	60807
	60808
	60809
<u>(iii) In the case of an application delivered by mail to a board of elections or the secretary of state, the date the application is postmarked;</u>	60810
	60811
	60812
<u>(iv) In the case of an application submitted through the online voter registration system established under section 3503.20 of the Revised Code, the date of the online submission;</u>	60813
	60814
	60815
<u>(v) In the case of an application submitted to a board of elections by facsimile transmission or electronic mail under Chapter 3511. of the Revised Code, the date of the receipt of the transmission or electronic mail by the board of elections;</u>	60816
	60817
	60818
	60819
<u>(vi) In the case of a provisional ballot affirmation that</u>	60820

serves as an application to register to vote in future elections 60821
because the individual who cast the ballot is not registered to 60822
vote, the date the board of elections determines that the 60823
provisional ballot is invalid under section 3505.183 of the 60824
Revised Code. 60825

(b) For purposes of determining an elector's voter 60826
registration date under division (C)(9)(a) of this section, all of 60827
the following apply: 60828

(i) An elector's voter registration date shall not be during 60829
the period beginning on the day after the close of voter 60830
registration before an election and ending on the day of the 60831
election. If the date determined under division (C)(9)(a) of this 60832
section would be during that period, the voter registration date 60833
instead shall be the date on which the board of elections 60834
processes the application to register to vote after the day of the 60835
election. 60836

(ii) A change of address or change of name form, including a 60837
provisional ballot affirmation that serves as a change of address 60838
or change of name form, is not considered an application to 60839
register to vote. 60840

(iii) An application to register to vote that is submitted by 60841
an individual who is already registered to vote in this state is 60842
not considered an application to register to vote. 60843

(10) The elector's voting history, including all of the 60844
following for each election in which the elector cast a ballot 60845
that was counted: 60846

(a) The date of the election; 60847

(b) If the election was a primary election, the political 60848
party whose ballot the elector cast at the primary election or an 60849
indication that the elector voted only on the questions and issues 60850
appearing on the ballot at a special election held on the day of 60851

the primary election; 60852

(c) The type of ballot the elector cast. 60853

(11) The elector's last activity date, which shall be 60854
determined in accordance with rules adopted by the secretary of 60855
state pursuant to Chapter 119. of the Revised Code. 60856

(12) Any other information the secretary of state requires to 60857
be included by rule adopted pursuant to Chapter 119. of the 60858
Revised Code. 60859

(D) Every day during the period beginning on the forty-sixth 60860
day before an election and ending on the eighty-first day after 60861
the day of the election, a board of elections shall create a daily 60862
record of its voter registration database as of four p.m. and 60863
shall transmit the daily record to the secretary of state in a 60864
secure manner prescribed by the secretary of state. The secretary 60865
of state shall archive the daily record and retain it for at least 60866
twenty-two months after the day of the election. 60867

(E) The secretary of state shall adopt rules pursuant to 60868
Chapter 119. of the Revised Code to implement this section and 60869
sections 3503.151 to 3503.153 of the Revised Code, including rules 60870
doing all of the following: 60871

(1) Specifying the manner in which ~~existing~~ any voter 60872
registration records maintained by boards of elections in other 60873
data formats shall be converted to electronic files for inclusion 60874
in the statewide voter registration database; 60875

(2) Establishing a uniform method for entering voter 60876
registration records into the statewide voter registration 60877
database on an expedited basis, but not less than once per day, if 60878
new registration information is received, and for transmitting 60879
information securely to the secretary of state; 60880

(3) Establishing a uniform method for purging canceled voter 60881

registration records from the statewide voter registration 60882
database in accordance with section 3503.21 of the Revised Code; 60883

(4) Specifying the persons authorized to add, delete, modify, 60884
or print records contained in the statewide voter registration 60885
database and to make updates of that database; 60886

(5) Establishing a process for annually auditing the 60887
information contained in the statewide voter registration 60888
database; 60889

~~(6) Establishing, by mutual agreement with the bureau of 60890
motor vehicles, the content and format of the information and data 60891
the bureau of motor vehicles shall provide to the secretary of 60892
state under division (A)(2)(a) of this section and the frequency 60893
with which the bureau shall provide that information and data; 60894~~

~~(7) Establishing a uniform method for addressing instances in 60895
which records contained in the statewide voter registration 60896
database do not conform with records maintained by an agency, 60897
state, or group of states described in division (A)(2)(a) or 60898
(3)(a) of this section. That method shall prohibit an elector's 60899
voter registration from being canceled on the sole basis that the 60900
information in the registration record does not conform to records 60901
maintained by such an agency. 60902~~

~~(E)(F)~~ A board of elections promptly shall purge a voter's 60903
name and voter registration information from the statewide voter 60904
registration database in accordance with the rules adopted by the 60905
secretary of state under division ~~(D)(3)~~(E)(3) of this section 60906
after the cancellation of a voter's registration under section 60907
3503.21 of the Revised Code. 60908

~~(F)(G)~~ The secretary of state shall provide training in the 60909
operation of the statewide voter registration database to each 60910
board of elections and to any persons authorized by the secretary 60911
of state to add, delete, modify, or print database records, and to 60912

conduct updates of the database. 60913

~~(G)(1) The statewide voter registration database established 60914
under this section shall be made available on a web site of the 60915
office of the secretary of state as follows: 60916~~

~~(a) Except as otherwise provided in division (G)(1)(b) of 60917
this section, the following information from the statewide voter 60918
registration database regarding a registered voter shall be made 60919
available on the web site: 60920~~

~~(i) The voter's name; 60921~~

~~(ii) The voter's address; 60922~~

~~(iii) The voter's precinct number; 60923~~

~~(iv) The voter's voting history. 60924~~

~~(b) During the thirty days before the day of a primary or 60925
general election, the web site interface of the statewide voter 60926
registration database shall permit a voter to search for the 60927
polling location at which that voter may cast a ballot. 60928~~

~~(2) The secretary of state shall establish, by rule adopted 60929
under Chapter 119. of the Revised Code, a process for boards of 60930
elections to notify the secretary of state of changes in the 60931
locations of precinct polling places for the purpose of updating 60932
the information made available on the secretary of state's web 60933
site under division (G)(1)(b) of this section. Those rules shall 60934
require a board of elections, during the thirty days before the 60935
day of a primary or general election, to notify the secretary of 60936
state within one business day of any change to the location of a 60937
precinct polling place within the county. 60938~~

~~(3) During the thirty days before the day of a primary or 60939
general election, not later than one business day after receiving 60940
a notification from a county pursuant to division (G)(2) of this 60941
section that the location of a precinct polling place has changed, 60942~~

~~the secretary of state shall update that information on the 60943
secretary of state's web site for the purpose of division 60944
(C)(1)(b) of this section. 60945~~

~~(H) The secretary of state shall conduct an annual review of 60946
the statewide voter registration database as follows: 60947~~

~~(1) The secretary of state shall compare the information in 60948
the statewide voter registration database with the information the 60949
secretary of state obtains from the bureau of motor vehicles under 60950
division (A)(2) of this section to identify any person who does 60951
all of the following, in the following order: 60952~~

~~(a) Submits documentation to the bureau of motor vehicles 60953
that indicates that the person is not a United States citizen; 60954~~

~~(b) Registers to vote, submits a voter registration change of 60955
residence or change of name form, or votes in this state; 60956~~

~~(c) Submits documentation to the bureau of motor vehicles 60957
that indicates that the person is not a United States citizen. 60958~~

~~(2) The secretary of state shall send a written notice to 60959
each person identified under division (H)(1) of this section, 60960
instructing the person either to confirm that the person is a 60961
United States citizen or to submit a completed voter registration 60962
cancellation form to the secretary of state. The secretary of 60963
state shall include a blank voter registration cancellation form 60964
with the notice. If the person fails to respond to the secretary 60965
of state in the manner described in division (H)(3) or (4) of this 60966
section not later than thirty days after the notice was sent, the 60967
secretary of state promptly shall send the person a second notice 60968
and form. 60969~~

~~(3) If, not later than sixty days after the first notice was 60970
sent, a person who is sent a notice under division (H)(2) of this 60971
section responds to the secretary of state, confirming that the 60972
person is a United States citizen, the secretary of state shall 60973~~

~~take no action concerning the person's voter registration.~~ 60974

~~(4) If, not later than sixty days after the first notice was sent, a person who receives a notice under division (H)(2) of this section sends a completed voter registration cancellation form to the secretary of state, the secretary of state shall instruct the board of elections of the county in which the person is registered to cancel the person's registration.~~ 60975
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~~(5) If a person who was sent a second notice under division (H)(2) of this section fails to respond to the secretary of state in the manner described in division (H)(3) or (4) of this section not later than thirty days after the second notice was sent, the secretary of state shall refer the matter to the attorney general for further investigation and possible prosecution under section 3599.11, 3599.12, 3599.13, or any other applicable section of the Revised Code. If, after the thirtieth day after the second notice was sent, the person sends a completed voter registration cancellation form to the secretary of state, the secretary of state shall instruct the board of elections of the county in which the person is registered to cancel the person's registration and shall notify the attorney general of the cancellation.~~ 60981
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~~(6) The secretary of state shall not conduct the review described in division (H) of this section during the ninety days immediately preceding a primary or general election for federal office. A board of elections and any vendor with which it contracts to provide voter registration software or related services shall ensure that the board's voter registration system and practices comply with the requirements of this section and any rules adopted under this section.~~ 60994
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Sec. 3503.151. (A) The secretary of state, through the office of data analytics and archives, and the boards of elections shall maintain the accuracy of the statewide voter registration database 61002
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in accordance with this section. 61005

(B)(1) State agencies, including, but not limited to, the 61006
department of health, the bureau of motor vehicles, the department 61007
of job and family services, the department of medicaid, and the 61008
department of rehabilitation and corrections, shall provide any 61009
information and data to the secretary of state that is collected 61010
in the course of normal business and that is necessary to register 61011
to vote, to update an elector's registration, or to maintain the 61012
statewide voter registration database, except where prohibited by 61013
federal law or regulation. The department of health, the bureau of 61014
motor vehicles, the department of job and family services, the 61015
department of medicaid, and the department of rehabilitation and 61016
corrections shall provide that information and data to the 61017
secretary of state not later than the last day of each month. The 61018
secretary of state shall ensure that any information or data 61019
provided to the secretary of state that is confidential in the 61020
possession of the entity providing the data remains confidential 61021
while in the possession of the secretary of state. No public 61022
office, and no public official or employee, shall sell that 61023
information or data or use that information or data for profit. 61024

(2) The secretary of state shall adopt rules under Chapter 61025
119. of the Revised Code that establish, by mutual agreement with 61026
the bureau of motor vehicles, the content and format of the 61027
information and data the bureau of motor vehicles shall provide to 61028
the secretary of state under division (B)(1) of this section and 61029
the frequency with which the bureau shall provide that information 61030
and data. 61031

(C)(1) The secretary of state shall enter into agreements to 61032
share information or data that is in the possession of the 61033
secretary of state with other states or groups of states, as the 61034
secretary of state considers necessary, in order to maintain the 61035
statewide voter registration database. Except as otherwise 61036

provided in division (C)(2) of this section, the secretary of 61037
state shall ensure that any information or data provided to the 61038
secretary of state that is confidential in the possession of the 61039
state providing the data remains confidential while in the 61040
possession of the secretary of state. 61041

(2) The secretary of state may provide such otherwise 61042
confidential information or data to persons or organizations that 61043
are engaging in legitimate governmental purposes related to the 61044
maintenance of the statewide voter registration database. The 61045
secretary of state shall adopt rules pursuant to Chapter 119. of 61046
the Revised Code identifying the persons or organizations who may 61047
receive that information or data. The secretary of state shall not 61048
share that information or data with a person or organization not 61049
identified in those rules. The secretary of state shall ensure 61050
that a person or organization that receives confidential 61051
information or data under this division keeps the information or 61052
data confidential in the person's or organization's possession by, 61053
at a minimum, entering into a confidentiality agreement with the 61054
person or organization. Any confidentiality agreement entered into 61055
under this division shall include a requirement that the person or 61056
organization submit to the jurisdiction of this state in the event 61057
that the person or organization breaches the agreement. 61058

(3) No person or entity that receives information or data 61059
under division (C) of this section shall sell the information or 61060
data or use the information or data for profit. 61061

(D) The secretary of state shall regularly transmit to the 61062
boards of elections, to the extent permitted by state and federal 61063
law, the information and data the secretary of state receives 61064
under divisions (B) and (C) of this section that is necessary to 61065
do the following, in order to ensure that the accuracy of the 61066
statewide voter registration database is maintained on a regular 61067
basis in accordance with applicable state and federal law: 61068

(1) Require the boards of elections to maintain the database in a manner that ensures that the name of each registered elector appears in the database, that only individuals who are not registered or eligible to vote are removed from the database, and that duplicate registrations are eliminated from the database; 61069
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(2) Require the boards of elections to make a reasonable effort to remove individuals who are not eligible to vote from the database; 61074
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(3) Establish safeguards to ensure that eligible electors are not removed in error from the database. 61077
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(E)(1) The secretary of state shall adopt rules under Chapter 119. of the Revised Code to establish a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by an agency, state, or group of states described in division (B) or (C) of this section. That method shall prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency. 61079
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(2) Information provided under division (B) or (C) of this section for maintenance of the statewide voter registration database shall not be used to update the name or address of a registered elector. The name or address of a registered elector shall only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both. 61088
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(3) A board of elections shall contact a registered elector pursuant to the rules adopted under division (E)(1) of this section to verify the accuracy of the information in the statewide voter registration database regarding that elector if that information does not conform with information provided under division (B) or (C) of this section and the discrepancy would 61094
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affect the elector's eligibility to cast a regular ballot. 61100

Sec. 3503.152. The secretary of state shall conduct an annual 61101
review of the statewide voter registration database to identify 61102
persons who appear not to be United States citizens, as follows: 61103
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(A) The secretary of state shall compare the information in 61105
the statewide voter registration database with the information the 61106
secretary of state obtains from the bureau of motor vehicles under 61107
section 3503.151 of the Revised Code to identify any person who 61108
does all of the following, in the following order: 61109

(1) Submits documentation to the bureau of motor vehicles 61110
that indicates that the person is not a United States citizen; 61111

(2) Registers to vote, submits a voter registration change of 61112
residence or change of name form, or votes in this state; 61113

(3) Submits documentation to the bureau of motor vehicles 61114
that indicates that the person is not a United States citizen. 61115

(B) The secretary of state shall send a written notice to 61116
each person identified under division (A) of this section, 61117
instructing the person either to confirm that the person is a 61118
United States citizen or to submit a completed voter registration 61119
cancellation form to the secretary of state. The secretary of 61120
state shall include a blank voter registration cancellation form 61121
with the notice. If the person fails to respond to the secretary 61122
of state in the manner described in division (C) or (D) of this 61123
section not later than thirty days after the notice is sent, the 61124
secretary of state promptly shall send the person a second notice 61125
and form. 61126

(C) If, not later than sixty days after the first notice is 61127
sent, a person who is sent a notice under division (B) of this 61128
section responds to the secretary of state, confirming that the 61129

person is a United States citizen, the secretary of state shall 61130
take no action concerning the person's voter registration. 61131

(D) If, not later than sixty days after the first notice was 61132
sent, a person who receives a notice under division (B) of this 61133
section sends a completed voter registration cancellation form to 61134
the secretary of state, the secretary of state shall instruct the 61135
board of elections of the county in which the person is registered 61136
to cancel the person's registration. 61137

(E) If a person who is sent a second notice under division 61138
(B) of this section fails to respond to the secretary of state in 61139
the manner described in division (C) or (D) of this section not 61140
later than thirty days after the second notice is sent, the 61141
secretary of state shall refer the matter to the attorney general 61142
for further investigation and possible prosecution under section 61143
3599.11, 3599.12, 3599.13, or any other applicable section of the 61144
Revised Code. If, after the thirtieth day after the second notice 61145
is sent, the person sends a completed voter registration 61146
cancellation form to the secretary of state, the secretary of 61147
state shall instruct the board of elections of the county in which 61148
the person is registered to cancel the person's registration and 61149
shall notify the attorney general of the cancellation. 61150

(F) The secretary of state shall not conduct the review 61151
described in this section during the ninety days immediately 61152
preceding a primary or general election for federal office. 61153

Sec. 3503.153. (A) The statewide voter registration database 61154
shall be made available on a web site of the office of the 61155
secretary of state as follows: 61156

(1) Except as otherwise provided in division (A)(2) of this 61157
section, the following information from the statewide voter 61158
registration database regarding a registered elector shall be made 61159
available on the web site: 61160

<u>(a) The elector's name;</u>	61161
<u>(b) The elector's birth date;</u>	61162
<u>(c) The elector's current residence address;</u>	61163
<u>(d) The elector's precinct number;</u>	61164
<u>(e) The elector's voter registration date, as described in</u> <u>division (C)(9) of section 3503.15 of the Revised Code;</u>	61165 61166
<u>(f) The elector's voting history, as described in division</u> <u>(C)(10) of section 3503.15 of the Revised Code;</u>	61167 61168
<u>(g) The elector's last activity date, as described in</u> <u>division (C)(11) of section 3503.15 of the Revised Code.</u>	61169 61170
<u>(2) During the thirty days before the day of a primary or</u> <u>general election, the web site interface of the statewide voter</u> <u>registration database shall permit an elector to search for the</u> <u>polling location at which that elector may cast a ballot.</u>	61171 61172 61173 61174
<u>(3) No information in the statewide voter registration</u> <u>database that is exempt from disclosure under division (A)(2) of</u> <u>section 3503.13 of the Revised Code shall be made available on the</u> <u>web site.</u>	61175 61176 61177 61178
<u>(B)(1) The secretary of state shall establish, by rule</u> <u>adopted under Chapter 119. of the Revised Code, a process for</u> <u>boards of elections to notify the secretary of state of changes in</u> <u>the locations of precinct polling places for the purpose of</u> <u>updating the information made available on the secretary of</u> <u>state's web site under division (A)(2) of this section. Those</u> <u>rules shall require a board of elections, during the thirty days</u> <u>before the day of a primary or general election, to notify the</u> <u>secretary of state within one business day of any change to the</u> <u>location of a precinct polling place within the county.</u>	61179 61180 61181 61182 61183 61184 61185 61186 61187 61188
<u>(2) During the thirty days before the day of a primary or</u> <u>general election, not later than one business day after receiving</u>	61189 61190

a notification from a county pursuant to division (B)(1) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (A)(2) of this section.

Sec. 3505.061. (A) The Ohio ballot board, as authorized by Section 1 of Article XVI, Ohio Constitution, shall consist of the secretary of state and four appointed members. No more than two of the appointed members shall be of the same political party. One of the members shall be appointed by the president of the senate, one shall be appointed by the minority leader of the senate, one shall be appointed by the speaker of the house of representatives, and one shall be appointed by the minority leader of the house of representatives. The appointments shall be made ~~no later than the last Monday in January~~ within forty-five days after the commencement of the first regular session of the general assembly in the year in which the appointments are to be made. If any appointment is not so made, the secretary of state, acting in place of the person otherwise required to make the appointment, shall appoint as many qualified members affiliated with the appropriate political party as are necessary.

(B)(1) The initial appointees to the board shall serve until the first Monday in February, 1977. Thereafter, terms of office shall be for four years, each term ending on the first Monday in February. The term of the secretary of state on the board shall coincide with the secretary of state's term of office. Except as otherwise provided in division (B)(2) of this section, division (B)(2) of section 3505.063, and division (B)(2) of section 3519.03 of the Revised Code, each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. Except as otherwise provided in those divisions, any member appointed to fill a vacancy occurring prior

to the expiration of the term for which the member's predecessor 61223
was appointed shall hold office for the remainder of that term. 61224
Except as otherwise provided in those divisions, any member shall 61225
continue in office subsequent to the expiration date of the 61226
member's term until the member's successor takes office or a 61227
period of sixty days has elapsed, whichever occurs first. Any 61228
vacancy occurring on the board shall be filled in the manner 61229
provided for original appointments. A member appointed to fill a 61230
vacancy shall be of the same political party as that required of 61231
the member whom the member replaces. 61232

(2) The term of office of a member of the board who also is a 61233
member of the general assembly and who was appointed to the board 61234
by the president of the senate, the minority leader of the senate, 61235
the speaker of the house of representatives, or the minority 61236
leader of the house of representatives shall end on the earlier of 61237
the following dates: 61238

(a) The ending date of the ballot board term for which the 61239
member was appointed; 61240

(b) The ending date of the member's term as a member of the 61241
general assembly. 61242

(C) Members of the board shall serve without compensation but 61243
shall be reimbursed for expenses actually and necessarily incurred 61244
in the performance of their duties. 61245

(D) The secretary of state shall be the chairperson of the 61246
board, and the secretary of state or the secretary of state's 61247
representative shall have a vote equal to that of any other 61248
member. The vice-chairperson shall act as chairperson in the 61249
absence or disability of the chairperson, or during a vacancy in 61250
that office. The board shall meet after notice of at least seven 61251
days at a time and place determined by the chairperson. At its 61252
first meeting, the board shall elect a vice-chairperson from among 61253

its members for a term of two years, and it shall adopt rules for 61254
its procedures. After the first meeting, the board shall meet at 61255
the call of the chairperson or upon the written request of three 61256
other members. Three members constitute a quorum. No action shall 61257
be taken without the concurrence of three members. 61258

(E) The secretary of state shall provide technical, 61259
professional, and clerical employees as necessary for the board to 61260
carry out its duties. 61261

Sec. 3505.31. When the results of the voting in a polling 61262
place on the day of an election have been determined and entered 61263
upon the proper forms and the certifications of those results have 61264
been signed by the precinct officials, those officials, before 61265
leaving the polling place, shall place all ballots that they have 61266
counted in containers provided for that purpose by the board of 61267
elections, and shall seal each container in a manner that it 61268
cannot be opened without breaking the seal or the material of 61269
which the container is made. They shall also seal the pollbook, 61270
poll list or signature pollbook, and tally sheet in a manner that 61271
the data contained in these items cannot be seen without breaking 61272
the seals. On the outside of these items shall be a plain 61273
indication that they are to be filed with the board. The voting 61274
location manager and an employee or appointee of the board of 61275
elections who has taken an oath to uphold the laws and 61276
constitution of this state, including an oath that the person will 61277
promptly and securely perform the duties required under this 61278
section and who is a member of a different political party than 61279
the voting location manager, shall then deliver to the board the 61280
containers of ballots and the sealed pollbook, poll list, and 61281
tally sheet, together with all other election reports, materials, 61282
and supplies required to be delivered to the board. 61283

The board shall carefully preserve all ballots prepared and 61284

provided by it for use in an election, whether used or unused, 61285
including any electronic images of ballots, for ~~sixty~~ at least 61286
eighty-one days after the day of the election, except that, if an 61287
election includes the nomination or election of candidates for any 61288
of the offices of president, vice-president, presidential elector, 61289
member of the senate of the congress of the United States, or 61290
member of the house of representatives of the congress of the 61291
United States, the board shall carefully preserve all ballots 61292
prepared and provided by it for use in that election, whether used 61293
or unused, for twenty-two months after the day of the election. If 61294
an election is held within that ~~sixty-day~~ eighty-one-day period, 61295
the board shall have authority to transfer those ballots to other 61296
containers to preserve them until the ~~sixty-day~~ eighty-one-day 61297
period has expired. After that ~~sixty-day~~ eighty-one-day period, 61298
the ballots shall be disposed of by the board in a manner that the 61299
board orders, or where voting machines have been used the counters 61300
may be turned back to zero; provided that the secretary of state, 61301
within that ~~sixty-day~~ eighty-one-day period, may order the board 61302
to preserve the ballots or any part of the ballots for a longer 61303
period of time, in which event the board shall preserve those 61304
ballots for that longer period of time. 61305

In counties where voting machines are used, if an election is 61306
to be held within the ~~sixty~~ eighty-one days immediately following 61307
a primary, general, or special election or within any period of 61308
time within which the ballots have been ordered preserved by the 61309
secretary of state or a court of competent jurisdiction, the 61310
board, after giving notice to all interested parties and affording 61311
them an opportunity to have a representative present, shall open 61312
the compartments of the machines and, without unlocking the 61313
machines, shall recanvass the vote cast in them as if a recount 61314
were being held. The results shall be certified by the board, and 61315
this certification shall be filed in the board's office and 61316
retained for the remainder of the period for which ballots must be 61317

kept. After preparation of the certificate, the counters may be 61318
turned back to zero, and the machines may be used for the 61319
election. 61320

The board shall carefully preserve the pollbook, poll list or 61321
signature pollbook, and tally sheet delivered to it from each 61322
polling place until it has completed the official canvass of the 61323
election returns from all precincts in which electors were 61324
entitled to vote at an election, and has prepared and certified 61325
the abstracts of election returns, as required by law. The board 61326
shall not break, or permit anyone to break, the seals upon the 61327
pollbook, poll list or signature pollbook, and tally sheet, or 61328
make, or permit any one to make, any changes or notations in these 61329
items, while they are in its custody, except as provided by 61330
section 3505.32 of the Revised Code. 61331

Pollbooks and poll lists or signature pollbooks of a party 61332
primary election delivered to the board from polling places shall 61333
be carefully preserved by it for two years after the day of 61334
election in which they were used, and shall then be disposed of by 61335
the board in a manner that the board orders. 61336

Pollbooks, poll lists or signature pollbooks, tally sheets, 61337
summary statements, and other records and returns of an election 61338
delivered to it from polling places shall be carefully preserved 61339
by the board for two years after the day of the election in which 61340
they were used, and shall then be disposed of by the board in a 61341
manner that the board orders. 61342

Sec. 3505.32. (A) Except as otherwise provided in division 61343
(D) of this section, not earlier than the ~~eleventh~~ fifth day or 61344
later than the fifteenth day after a general or special election, 61345
the board of elections shall begin to canvass the election returns 61346
from the precincts in which electors were entitled to vote at that 61347
election. It shall continue the canvass daily until it is 61348

completed and the results of the voting in that election in each 61349
of the precincts are determined. 61350

The board shall complete the canvass not later than the 61351
twenty-first day after the day of the election. Eighty-one days 61352
after the day of the election, the canvass of election returns 61353
shall be deemed final, and no amendments to the canvass may be 61354
made after that date. The secretary of state may specify an 61355
earlier date upon which the canvass of election returns shall be 61356
deemed final, and after which amendments to the final canvass may 61357
not be made, if so required by federal law. 61358

(B) The county executive committee of each political party, 61359
each committee designated in a petition nominating an independent 61360
or nonpartisan candidate for election at an election, each 61361
committee designated in a petition to represent the petitioners 61362
pursuant to which a question or issue was submitted at an 61363
election, and any committee opposing a question or issue submitted 61364
at an election that was permitted by section 3505.21 of the 61365
Revised Code to have a qualified elector serve as an observer 61366
during the counting of the ballots at each polling place at an 61367
election may designate a qualified elector who may be present and 61368
may observe the making of the official canvass. 61369

(C) The board shall first open all envelopes containing 61370
uncounted ballots and shall count and tally them. 61371

In connection with its investigation of any apparent or 61372
suspected error or defect in the election returns from a polling 61373
place, the board may cause subpoenas to be issued and served 61374
requiring the attendance before it of the election officials of 61375
that polling place, and it may examine them under oath regarding 61376
the manner in which the votes were cast and counted in that 61377
polling place, or the manner in which the returns were prepared 61378
and certified, or as to any other matters bearing upon the voting 61379
and the counting of the votes in that polling place at that 61380

election. 61381

Finally, the board shall open the sealed container containing 61382
the ballots that were counted in the polling place at the election 61383
and count those ballots, during the official canvass, in the 61384
presence of all of the members of the board and any other persons 61385
who are entitled to witness the official canvass. 61386

(D) Prior to the tenth day after a primary, general, or 61387
special election, the board may examine the pollbooks, poll lists, 61388
and tally sheets received from each polling place for its files 61389
and may compare the results of the voting in any polling place 61390
with the summary statement received from the polling place. If the 61391
board finds that any of these records or any portion of them is 61392
missing, or that they are incomplete, not properly certified, or 61393
ambiguous, or that the results of the voting in the polling place 61394
as shown on the summary statement from the polling place are 61395
different from the results of the voting in the polling place as 61396
shown by the pollbook, poll list, or tally sheet from the polling 61397
place, or that there is any other defect in the records, the board 61398
may make whatever changes to the pollbook, poll list, or tally 61399
sheet it determines to be proper in order to correct the errors or 61400
defects. 61401

Sec. 3513.22. (A) Not earlier than the ~~eleventh~~ fifth day or 61402
later than the fifteenth day after a primary election, the board 61403
of elections shall begin to canvass the election returns from the 61404
precincts in which electors were entitled to vote at that election 61405
and shall continue the canvass daily until it is completed. 61406

The board shall complete the canvass not later than the 61407
twenty-first day after the day of the election. Eighty-one days 61408
after the day of the election, the canvass of election returns 61409
shall be deemed final, and no amendments to the canvass may be 61410
made after that date. The secretary of state may specify an 61411

earlier date upon which the canvass of election returns shall be 61412
deemed final, and after which amendments to the final canvass may 61413
not be made, if so required by federal law. 61414

(B) The county executive committee of each political party 61415
that participated in the election, and each committee designated 61416
in a petition to represent the petitioners pursuant to which a 61417
question or issue was submitted at the election, may designate a 61418
qualified elector who may be present at and may observe the making 61419
of the canvass. Each person for whom votes were cast in the 61420
election may also be present at and observe the making of the 61421
canvass. 61422

(C) When the canvass of the election returns from all of the 61423
precincts in the county in which electors were entitled to vote at 61424
the election has been completed, the board shall determine and 61425
declare the results of the elections determined by the electors of 61426
the county or of a district or subdivision within the county. If 61427
more than the number of persons to be nominated for or elected to 61428
an office received the largest and an equal number of votes, the 61429
tie shall be resolved by lot by the chairperson of the board in 61430
the presence of a majority of the members of the board. The 61431
declaration shall be in writing and shall be signed by at least a 61432
majority of the members of the board. It shall bear the date of 61433
the day upon which it is made, and a copy of it shall be posted by 61434
the board in a conspicuous place in its office. The board shall 61435
keep the copy posted for a period of at least five days. 61436

The board shall promptly certify abstracts of the results of 61437
the elections within its county upon forms the secretary of state 61438
prescribes. One certified copy of each abstract shall be kept in 61439
the office of the board, and one certified copy of each abstract 61440
shall promptly be sent to the secretary of state. The board shall 61441
also promptly send a certified copy of that part of an abstract 61442
that pertains to an election in which only electors of a district 61443

comprised of more than one county but less than all of the 61444
counties of the state voted to the board of the most populous 61445
county in the district. It shall also promptly send a certified 61446
copy of that part of an abstract that pertains to an election in 61447
which only electors of a subdivision located partly within the 61448
county voted to the board of the county in which the major portion 61449
of the population of the subdivision is located. 61450

If, after certifying and sending abstracts and parts of 61451
abstracts, a board finds that any abstract or part of any abstract 61452
is incorrect, it shall promptly prepare, certify, and send a 61453
corrected abstract or part of an abstract to take the place of 61454
each incorrect abstract or part of an abstract previously 61455
certified and sent. 61456

(D)(1) When certified copies of abstracts are received by the 61457
secretary of state, the secretary of state shall canvass those 61458
abstracts and determine and declare the results of all elections 61459
in which electors throughout the entire state voted. If more than 61460
the number of persons to be nominated for or elected to an office 61461
received the largest and an equal number of votes, the tie shall 61462
be resolved by lot by the secretary of state in the presence of 61463
the governor, the auditor of state, and the attorney general, who 61464
at the request of the secretary of state shall assemble to witness 61465
the drawing of the lot. The declaration of results by the 61466
secretary of state shall be in writing and shall be signed by the 61467
secretary of state. It shall bear the date of the day upon which 61468
it is made, and a copy of it shall be posted by the secretary of 61469
state in a conspicuous place in the secretary of state's office. 61470
The secretary of state shall keep the copy posted for a period of 61471
at least five days. 61472

(2) When certified copies of parts of abstracts are received 61473
by the board of the most populous county in a district from the 61474
boards of all of the counties in the district, the board receiving 61475

those abstracts shall canvass them and determine and declare the 61476
results of the elections in which only electors of the district 61477
voted. If more than the number of persons to be nominated for or 61478
elected to an office received the largest and equal number of 61479
votes, the tie shall be resolved by lot by the chairperson of the 61480
board in the presence of a majority of the members of the board. 61481
The declaration of results by the board shall be in writing and 61482
shall be signed by at least a majority of the members of the 61483
board. It shall bear the date of the day upon which it is made, 61484
and a copy of it shall be posted by the board in a conspicuous 61485
place in its office. The board shall keep the copy posted for a 61486
period of at least five days. 61487

(3) When certified copies of parts of abstracts are received 61488
by the board of a county in which the major portion of the 61489
population of a subdivision located in more than one county is 61490
located from the boards of each county in which other portions of 61491
that subdivision are located, the board receiving those abstracts 61492
shall canvass them and determine and declare the results of the 61493
elections in which only electors of that subdivision voted. If 61494
more than the number of persons to be nominated for or elected to 61495
an office received the largest and an equal number of votes, the 61496
tie shall be resolved by lot by the chairperson of the board in 61497
the presence of a majority of the members of the board. The 61498
declaration of results by the board shall be in writing and shall 61499
be signed by at least a majority of the members of the board. It 61500
shall bear the date of the day upon which it is made, and a copy 61501
of it shall be posted by the board in a conspicuous place in its 61502
office. The board shall keep the copy posted for a period of at 61503
least five days. 61504

(E) Election officials, who are required to declare the 61505
results of primary elections, shall issue to each person declared 61506
nominated for or elected to an office, an appropriate certificate 61507

of nomination or election, provided that the boards required to 61508
determine and declare the results of the elections for candidates 61509
for nomination to the office of representative to congress from a 61510
congressional district shall, in lieu of issuing a certificate of 61511
nomination, certify to the secretary of state the names of the 61512
candidates nominated, and the secretary of state, upon receipt of 61513
that certification, shall issue a certificate of nomination to 61514
each person whose name is so certified. Certificates of nomination 61515
or election issued by boards to candidates and certifications to 61516
the secretary of state shall not be issued before the expiration 61517
of the time within which applications for recounts of votes may be 61518
filed or before recounts of votes, which have been applied for, 61519
are completed. 61520

Sec. 3517.10. (A) Except as otherwise provided in this 61521
division, every campaign committee, political action committee, 61522
legislative campaign fund, political party, and political 61523
contributing entity that made or received a contribution or made 61524
an expenditure in connection with the nomination or election of 61525
any candidate or in connection with any ballot issue or question 61526
at any election held or to be held in this state shall file, on a 61527
form prescribed under this section or by electronic means of 61528
transmission as provided in this section and section 3517.106 of 61529
the Revised Code, a full, true, and itemized statement, made under 61530
penalty of election falsification, setting forth in detail the 61531
contributions and expenditures, not later than four p.m. of the 61532
following dates: 61533

(1) The twelfth day before the election to reflect 61534
contributions received and expenditures made from the close of 61535
business on the last day reflected in the last previously filed 61536
statement, if any, to the close of business on the twentieth day 61537
before the election; 61538

(2) The thirty-eighth day after the election to reflect the 61539
contributions received and expenditures made from the close of 61540
business on the last day reflected in the last previously filed 61541
statement, if any, to the close of business on the seventh day 61542
before the filing of the statement; 61543

(3) The last business day of January of every year to reflect 61544
the contributions received and expenditures made from the close of 61545
business on the last day reflected in the last previously filed 61546
statement, if any, to the close of business on the last day of 61547
December of the previous year; 61548

(4) The last business day of July of every year to reflect 61549
the contributions received and expenditures made from the close of 61550
business on the last day reflected in the last previously filed 61551
statement, if any, to the close of business on the last day of 61552
June of that year. 61553

A campaign committee shall only be required to file the 61554
statements prescribed under divisions (A)(1) and (2) of this 61555
section in connection with the nomination or election of the 61556
committee's candidate. 61557

The statement required under division (A)(1) of this section 61558
shall not be required of any campaign committee, political action 61559
committee, legislative campaign fund, political party, or 61560
political contributing entity that has received contributions of 61561
less than one thousand dollars and has made expenditures of less 61562
than one thousand dollars at the close of business on the 61563
twentieth day before the election. Those contributions and 61564
expenditures shall be reported in the statement required under 61565
division (A)(2) of this section. 61566

If an election to select candidates to appear on the general 61567
election ballot is held within sixty days before a general 61568
election, the campaign committee of a successful candidate in the 61569

earlier election may file the statement required by division 61570
(A)(1) of this section for the general election instead of the 61571
statement required by division (A)(2) of this section for the 61572
earlier election if the pregeneral election statement reflects the 61573
status of contributions and expenditures for the period twenty 61574
days before the earlier election to twenty days before the general 61575
election. 61576

If a person becomes a candidate less than twenty days before 61577
an election, the candidate's campaign committee is not required to 61578
file the statement required by division (A)(1) of this section. 61579

No statement under division (A)(3) of this section shall be 61580
required for any year in which a campaign committee, political 61581
action committee, legislative campaign fund, political party, or 61582
political contributing entity is required to file a postgeneral 61583
election statement under division (A)(2) of this section. However, 61584
a statement under division (A)(3) of this section may be filed, at 61585
the option of the campaign committee, political action committee, 61586
legislative campaign fund, political party, or political 61587
contributing entity. 61588

No campaign committee of a candidate for the office of chief 61589
justice or justice of the supreme court, and no campaign committee 61590
of a candidate for the office of judge of any court in this state, 61591
shall be required to file a statement under division (A)(4) of 61592
this section. 61593

Except as otherwise provided in this paragraph and in the 61594
next paragraph of this section, the only campaign committees 61595
required to file a statement under division (A)(4) of this section 61596
are the campaign committee of a statewide candidate and the 61597
campaign committee of a candidate for county office. The campaign 61598
committee of a candidate for any other nonjudicial office is 61599
required to file a statement under division (A)(4) of this section 61600
if that campaign committee receives, during that period, 61601

contributions exceeding ten thousand dollars. 61602

No statement under division (A)(4) of this section shall be 61603
required of a campaign committee, a political action committee, a 61604
legislative campaign fund, a political party, or a political 61605
contributing entity for any year in which the campaign committee, 61606
political action committee, legislative campaign fund, political 61607
party, or political contributing entity is required to file a 61608
postprimary election statement under division (A)(2) of this 61609
section. However, a statement under division (A)(4) of this 61610
section may be filed at the option of the campaign committee, 61611
political action committee, legislative campaign fund, political 61612
party, or political contributing entity. 61613

No statement under division (A)(3) or (4) of this section 61614
shall be required if the campaign committee, political action 61615
committee, legislative campaign fund, political party, or 61616
political contributing entity has no contributions that it has 61617
received and no expenditures that it has made since the last date 61618
reflected in its last previously filed statement. However, the 61619
campaign committee, political action committee, legislative 61620
campaign fund, political party, or political contributing entity 61621
shall file a statement to that effect, on a form prescribed under 61622
this section and made under penalty of election falsification, on 61623
the date required in division (A)(3) or (4) of this section, as 61624
applicable. 61625

The campaign committee of a statewide candidate shall file a 61626
monthly statement of contributions received during each of the 61627
months of July, August, and September in the year of the general 61628
election in which the candidate seeks office. The campaign 61629
committee of a statewide candidate shall file the monthly 61630
statement not later than three business days after the last day of 61631
the month covered by the statement. During the period beginning on 61632
the nineteenth day before the general election in which a 61633

statewide candidate seeks election to office and extending through 61634
the day of that general election, each time the campaign committee 61635
of the joint candidates for the offices of governor and lieutenant 61636
governor or of a candidate for the office of secretary of state, 61637
auditor of state, treasurer of state, or attorney general receives 61638
a contribution from a contributor that causes the aggregate amount 61639
of contributions received from that contributor during that period 61640
to equal or exceed ten thousand dollars and each time the campaign 61641
committee of a candidate for the office of chief justice or 61642
justice of the supreme court receives a contribution from a 61643
contributor that causes the aggregate amount of contributions 61644
received from that contributor during that period to exceed ten 61645
thousand dollars, the campaign committee shall file a 61646
two-business-day statement reflecting that contribution. 61647
Contributions reported on a two-business-day statement required to 61648
be filed by a campaign committee of a statewide candidate in a 61649
primary election shall also be included in the postprimary 61650
election statement required to be filed by that campaign committee 61651
under division (A)(2) of this section. A two-business-day 61652
statement required by this paragraph shall be filed not later than 61653
two business days after receipt of the contribution. The 61654
statements required by this paragraph shall be filed in addition 61655
to any other statements required by this section. 61656

Subject to the secretary of state having implemented, tested, 61657
and verified the successful operation of any system the secretary 61658
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 61659
this section and division (F)(1) of section 3517.106 of the 61660
Revised Code for the filing of campaign finance statements by 61661
electronic means of transmission, a campaign committee of a 61662
statewide candidate shall file a two-business-day statement under 61663
the preceding paragraph by electronic means of transmission if the 61664
campaign committee is required to file a pre-election, 61665
postelection, or monthly statement of contributions and 61666

expenditures by electronic means of transmission under this 61667
section or section 3517.106 of the Revised Code. 61668

If a campaign committee or political action committee has no 61669
balance on hand and no outstanding obligations and desires to 61670
terminate itself, it shall file a statement to that effect, on a 61671
form prescribed under this section and made under penalty of 61672
election falsification, with the official with whom it files a 61673
statement under division (A) of this section after filing a final 61674
statement of contributions and a final statement of expenditures, 61675
if contributions have been received or expenditures made since the 61676
period reflected in its last previously filed statement. 61677

(B) Except as otherwise provided in division (C)(7) of this 61678
section, each statement required by division (A) of this section 61679
shall contain the following information: 61680

(1) The full name and address of each campaign committee, 61681
political action committee, legislative campaign fund, political 61682
party, or political contributing entity, including any treasurer 61683
of the committee, fund, party, or entity, filing a contribution 61684
and expenditure statement; 61685

(2)(a) In the case of a campaign committee, the candidate's 61686
full name and address; 61687

(b) In the case of a political action committee, the 61688
registration number assigned to the committee under division 61689
(D)(1) of this section. 61690

(3) The date of the election and whether it was or will be a 61691
general, primary, or special election; 61692

(4) A statement of contributions received, which shall 61693
include the following information: 61694

(a) The month, day, and year of the contribution; 61695

(b)(i) The full name and address of each person, political 61696

party, campaign committee, legislative campaign fund, political 61697
action committee, or political contributing entity from whom 61698
contributions are received and the registration number assigned to 61699
the political action committee under division (D)(1) of this 61700
section. The requirement of filing the full address does not apply 61701
to any statement filed by a state or local committee of a 61702
political party, to a finance committee of such committee, or to a 61703
committee recognized by a state or local committee as its 61704
fund-raising auxiliary. Notwithstanding division (F) of this 61705
section, the requirement of filing the full address shall be 61706
considered as being met if the address filed is the same address 61707
the contributor provided under division (E)(1) of this section. 61708

(ii) If a political action committee, political contributing 61709
entity, legislative campaign fund, or political party that is 61710
required to file campaign finance statements by electronic means 61711
of transmission under section 3517.106 of the Revised Code or a 61712
campaign committee of a statewide candidate or candidate for the 61713
office of member of the general assembly receives a contribution 61714
from an individual that exceeds one hundred dollars, the name of 61715
the individual's current employer, if any, or, if the individual 61716
is self-employed, the individual's occupation and the name of the 61717
individual's business, if any; 61718

(iii) If a campaign committee of a statewide candidate or 61719
candidate for the office of member of the general assembly 61720
receives a contribution transmitted pursuant to section 3599.031 61721
of the Revised Code from amounts deducted from the wages and 61722
salaries of two or more employees that exceeds in the aggregate 61723
one hundred dollars during any one filing period under division 61724
(A)(1), (2), (3), or (4) of this section, the full name of the 61725
employees' employer and the full name of the labor organization of 61726
which the employees are members, if any. 61727

(c) A description of the contribution received, if other than 61728

money; 61729

(d) The value in dollars and cents of the contribution; 61730

(e) A separately itemized account of all contributions and 61731
expenditures regardless of the amount, except a receipt of a 61732
contribution from a person in the sum of twenty-five dollars or 61733
less at one social or fund-raising activity and a receipt of a 61734
contribution transmitted pursuant to section 3599.031 of the 61735
Revised Code from amounts deducted from the wages and salaries of 61736
employees if the contribution from the amount deducted from the 61737
wages and salary of any one employee is twenty-five dollars or 61738
less aggregated in a calendar year. An account of the total 61739
contributions from each social or fund-raising activity shall 61740
include a description of and the value of each in-kind 61741
contribution received at that activity from any person who made 61742
one or more such contributions whose aggregate value exceeded two 61743
hundred fifty dollars and shall be listed separately, together 61744
with the expenses incurred and paid in connection with that 61745
activity. A campaign committee, political action committee, 61746
legislative campaign fund, political party, or political 61747
contributing entity shall keep records of contributions from each 61748
person in the amount of twenty-five dollars or less at one social 61749
or fund-raising activity and contributions from amounts deducted 61750
under section 3599.031 of the Revised Code from the wages and 61751
salary of each employee in the amount of twenty-five dollars or 61752
less aggregated in a calendar year. No continuing association that 61753
is recognized by a state or local committee of a political party 61754
as an auxiliary of the party and that makes a contribution from 61755
funds derived solely from regular dues paid by members of the 61756
auxiliary shall be required to list the name or address of any 61757
members who paid those dues. 61758

Contributions that are other income shall be itemized 61759
separately from all other contributions. The information required 61760

under division (B)(4) of this section shall be provided for all 61761
other income itemized. As used in this paragraph, "other income" 61762
means a loan, investment income, or interest income. 61763

(f) In the case of a campaign committee of a state elected 61764
officer, if a person doing business with the state elected officer 61765
in the officer's official capacity makes a contribution to the 61766
campaign committee of that officer, the information required under 61767
division (B)(4) of this section in regard to that contribution, 61768
which shall be filed together with and considered a part of the 61769
committee's statement of contributions as required under division 61770
(A) of this section but shall be filed on a separate form provided 61771
by the secretary of state. As used in this division: 61772

(i) "State elected officer" has the same meaning as in 61773
section 3517.092 of the Revised Code. 61774

(ii) "Person doing business" means a person or an officer of 61775
an entity who enters into one or more contracts with a state 61776
elected officer or anyone authorized to enter into contracts on 61777
behalf of that officer to receive payments for goods or services, 61778
if the payments total, in the aggregate, more than five thousand 61779
dollars during a calendar year. 61780

(5) A statement of expenditures which shall include the 61781
following information: 61782

(a) The month, day, and year of the expenditure; 61783

(b) The full name and address of each person, political 61784
party, campaign committee, legislative campaign fund, political 61785
action committee, or political contributing entity to whom the 61786
expenditure was made and the registration number assigned to the 61787
political action committee under division (D)(1) of this section; 61788

(c) The object or purpose for which the expenditure was made; 61789

(d) The amount of each expenditure. 61790

(C)(1) The statement of contributions and expenditures shall be signed by the person completing the form. If a statement of contributions and expenditures is filed by electronic means of transmission pursuant to this section or section 3517.106 of the Revised Code, the electronic signature of the person who executes the statement and transmits the statement by electronic means of transmission, as provided in division (F) of section 3517.106 of the Revised Code, shall be attached to or associated with the statement and shall be binding on all persons and for all purposes under the campaign finance reporting law as if the signature had been handwritten in ink on a printed form.

(2) The person filing the statement, under penalty of election falsification, shall include with it a list of each anonymous contribution, the circumstances under which it was received, and the reason it cannot be attributed to a specific donor.

(3) Each statement of a campaign committee of a candidate who holds public office shall contain a designation of each contributor who is an employee in any unit or department under the candidate's direct supervision and control. In a space provided in the statement, the person filing the statement shall affirm that each such contribution was voluntarily made.

(4) A campaign committee that did not receive contributions or make expenditures in connection with the nomination or election of its candidate shall file a statement to that effect, on a form prescribed under this section and made under penalty of election falsification, on the date required in division (A)(2) of this section.

(5) The campaign committee of any person who attempts to become a candidate and who, for any reason, does not become certified in accordance with Title XXXV of the Revised Code for placement on the official ballot of a primary, general, or special

election to be held in this state, and who, at any time prior to 61823
or after an election, receives contributions or makes 61824
expenditures, or has given consent for another to receive 61825
contributions or make expenditures, for the purpose of bringing 61826
about the person's nomination or election to public office, shall 61827
file the statement or statements prescribed by this section and a 61828
termination statement, if applicable. Division (C)(5) of this 61829
section does not apply to any person with respect to an election 61830
to the offices of member of a county or state central committee, 61831
presidential elector, or delegate to a national convention or 61832
conference of a political party. 61833

(6)(a) The statements required to be filed under this section 61834
shall specify the balance in the hands of the campaign committee, 61835
political action committee, legislative campaign fund, political 61836
party, or political contributing entity and the disposition 61837
intended to be made of that balance. 61838

(b) The secretary of state shall prescribe the form for all 61839
statements required to be filed under this section and shall 61840
furnish the forms to the boards of elections in the several 61841
counties. The boards of elections shall supply printed copies of 61842
those forms without charge. The secretary of state shall prescribe 61843
the appropriate methodology, protocol, and data file structure for 61844
statements required or permitted to be filed by electronic means 61845
of transmission to the secretary of state or a board of elections 61846
under division (A) of this section, division (E) of section 61847
3517.106, division (D) of section 3517.1011, division (B) of 61848
section 3517.1012, division (C) of section 3517.1013, and 61849
divisions (D) and (I) of section 3517.1014 of the Revised Code. 61850
Subject to division (A) of this section, division (E) of section 61851
3517.106, division (D) of section 3517.1011, division (B) of 61852
section 3517.1012, division (C) of section 3517.1013, and 61853
divisions (D) and (I) of section 3517.1014 of the Revised Code, 61854

the statements required to be stored on computer by the secretary 61855
of state under division (B) of section 3517.106 of the Revised 61856
Code shall be filed in whatever format the secretary of state 61857
considers necessary to enable the secretary of state to store the 61858
information contained in the statements on computer. Any such 61859
format shall be of a type and nature that is readily available to 61860
whoever is required to file the statements in that format. 61861

(c) The secretary of state shall assess the need for training 61862
regarding the filing of campaign finance statements by electronic 61863
means of transmission and regarding associated technologies for 61864
candidates, campaign committees, political action committees, 61865
legislative campaign funds, political parties, or political 61866
contributing entities, for individuals, partnerships, or other 61867
entities, for persons making disbursements to pay the direct costs 61868
of producing or airing electioneering communications, or for 61869
treasurers of transition funds, required or permitted to file 61870
statements by electronic means of transmission under this section 61871
or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 61872
3517.1014 of the Revised Code. If, in the opinion of the secretary 61873
of state, training in these areas is necessary, the secretary of 61874
state shall arrange for the provision of voluntary training 61875
programs for candidates, campaign committees, political action 61876
committees, legislative campaign funds, political parties, or 61877
political contributing entities, for individuals, partnerships, 61878
and other entities, for persons making disbursements to pay the 61879
direct costs of producing or airing electioneering communications, 61880
or for treasurers of transition funds, as appropriate. 61881

(7) Each monthly statement and each two-business-day 61882
statement required by division (A) of this section shall contain 61883
the information required by divisions (B)(1) to (4), (C)(2), and, 61884
if appropriate, (C)(3) of this section. Each statement shall be 61885
signed as required by division (C)(1) of this section. 61886

~~(D)(1)~~(D)(1)(a) Prior to receiving a contribution or making 61887
an expenditure, every campaign committee, political action 61888
committee, legislative campaign fund, political party, or 61889
political contributing entity shall appoint a treasurer and shall 61890
file, on a form prescribed by the secretary of state, a 61891
designation of that appointment, including the full name and 61892
address of the treasurer and of the campaign committee, political 61893
action committee, legislative campaign fund, political party, or 61894
political contributing entity. That designation shall be filed 61895
with the official with whom the campaign committee, political 61896
action committee, legislative campaign fund, political party, or 61897
political contributing entity is required to file statements under 61898
section 3517.11 of the Revised Code. The name of a campaign 61899
committee shall include at least the last name of the campaign 61900
committee's candidate. If two or more candidates are the 61901
beneficiaries of a single campaign committee under division (B) of 61902
section 3517.081 of the Revised Code, the name of the campaign 61903
committee shall include at least the last name of each candidate 61904
who is a beneficiary of that campaign committee. The secretary of 61905
state shall assign a registration number to each political action 61906
committee that files a designation of the appointment of a 61907
treasurer under this division if the political action committee is 61908
required by division (A)(1) of section 3517.11 of the Revised Code 61909
to file the statements prescribed by this section with the 61910
secretary of state. 61911

(b) The secretary of state shall not accept for filing a 61912
designation of treasurer of a political action committee or 61913
political contributing entity if, in the opinion of the secretary 61914
of state, the name of the political action committee or political 61915
contributing entity would lead a reasonable person to believe that 61916
the political action committee or political contributing entity 61917
acts on behalf of or represents a county political party, unless 61918
the designation is accompanied by a written statement, signed by 61919

the chairperson of the county political party's executive 61920
committee, granting the political action committee or political 61921
contributing entity permission to act on behalf of or represent 61922
the county political party. 61923

(2) The treasurer appointed under division (D)(1) of this 61924
section shall keep a strict account of all contributions, from 61925
whom received and the purpose for which they were disbursed. 61926

(3)(a) Except as otherwise provided in section 3517.108 of 61927
the Revised Code, a campaign committee shall deposit all monetary 61928
contributions received by the committee into an account separate 61929
from a personal or business account of the candidate or campaign 61930
committee. 61931

(b) A political action committee shall deposit all monetary 61932
contributions received by the committee into an account separate 61933
from all other funds. 61934

(c) A state or county political party may establish a state 61935
candidate fund that is separate from all other funds. A state or 61936
county political party may deposit into its state candidate fund 61937
any amounts of monetary contributions that are made to or accepted 61938
by the political party subject to the applicable limitations, if 61939
any, prescribed in section 3517.102 of the Revised Code. A state 61940
or county political party shall deposit all other monetary 61941
contributions received by the party into one or more accounts that 61942
are separate from its state candidate fund. 61943

(d) Each state political party shall have only one 61944
legislative campaign fund for each house of the general assembly. 61945
Each such fund shall be separate from any other funds or accounts 61946
of that state party. A legislative campaign fund is authorized to 61947
receive contributions and make expenditures for the primary 61948
purpose of furthering the election of candidates who are members 61949
of that political party to the house of the general assembly with 61950

which that legislative campaign fund is associated. Each 61951
legislative campaign fund shall be administered and controlled in 61952
a manner designated by the caucus. As used in this division, 61953
"caucus" has the same meaning as in section 3517.01 of the Revised 61954
Code and includes, as an ex officio member, the chairperson of the 61955
state political party with which the caucus is associated or that 61956
chairperson's designee. 61957

(4) Every expenditure in excess of twenty-five dollars shall 61958
be vouched for by a receipted bill, stating the purpose of the 61959
expenditure, that shall be filed with the statement of 61960
expenditures. A canceled check with a notation of the purpose of 61961
the expenditure is a receipted bill for purposes of division 61962
(D)(4) of this section. 61963

(5) The secretary of state or the board of elections, as the 61964
case may be, shall issue a receipt for each statement filed under 61965
this section and shall preserve a copy of the receipt for a period 61966
of at least six years. All statements filed under this section 61967
shall be open to public inspection in the office where they are 61968
filed and shall be carefully preserved for a period of at least 61969
six years after the year in which they are filed. 61970

(6) The secretary of state, by rule adopted pursuant to 61971
section 3517.23 of the Revised Code, shall prescribe both of the 61972
following: 61973

(a) The manner of immediately acknowledging, with date and 61974
time received, and preserving the receipt of statements that are 61975
transmitted by electronic means of transmission to the secretary 61976
of state or a board of elections pursuant to this section or 61977
section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of 61978
the Revised Code; 61979

(b) The manner of preserving the contribution and 61980
expenditure, contribution and disbursement, deposit and 61981

disbursement, gift and disbursement, or donation and disbursement 61982
information in the statements described in division (D)(6)(a) of 61983
this section. The secretary of state shall preserve the 61984
contribution and expenditure, contribution and disbursement, 61985
deposit and disbursement, gift and disbursement, or donation and 61986
disbursement information in those statements for at least ten 61987
years after the year in which they are filed by electronic means 61988
of transmission. 61989

(7)(a) The secretary of state, pursuant to division (G) of 61990
section 3517.106 of the Revised Code, shall make available online 61991
to the public through the internet the contribution and 61992
expenditure, contribution and disbursement, deposit and 61993
disbursement, gift and disbursement, or donation and disbursement 61994
information in all of the following documents: 61995

(i) All statements, all addenda, amendments, or other 61996
corrections to statements, and all amended statements filed with 61997
the secretary of state by electronic or other means of 61998
transmission under this section, division (B)(2)(b) or (C)(2)(b) 61999
of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 62000
3517.1013, 3517.1014, or 3517.11 of the Revised Code; 62001

(ii) All statements filed with a board of elections by 62002
electronic means of transmission, and all addenda, amendments, 62003
corrections, and amended versions of those statements, filed with 62004
the board under this section, division (B)(2)(b) or (C)(2)(b) of 62005
section 3517.105, or section 3517.106, 3517.1012, or 3517.11 of 62006
the Revised Code. 62007

(b) The secretary of state may remove the information from 62008
the internet after a reasonable period of time. 62009

(E)(1) Any person, political party, campaign committee, 62010
legislative campaign fund, political action committee, or 62011
political contributing entity that makes a contribution in 62012

connection with the nomination or election of any candidate or in 62013
connection with any ballot issue or question at any election held 62014
or to be held in this state shall provide its full name and 62015
address to the recipient of the contribution at the time the 62016
contribution is made. The political action committee also shall 62017
provide the registration number assigned to the committee under 62018
division (D)(1) of this section to the recipient of the 62019
contribution at the time the contribution is made. 62020

(2) Any individual who makes a contribution that exceeds one 62021
hundred dollars to a political action committee, political 62022
contributing entity, legislative campaign fund, or political party 62023
or to a campaign committee of a statewide candidate or candidate 62024
for the office of member of the general assembly shall provide the 62025
name of the individual's current employer, if any, or, if the 62026
individual is self-employed, the individual's occupation and the 62027
name of the individual's business, if any, to the recipient of the 62028
contribution at the time the contribution is made. Sections 62029
3599.39 and 3599.40 of the Revised Code do not apply to division 62030
(E)(2) of this section. 62031

(3) If a campaign committee shows that it has exercised its 62032
best efforts to obtain, maintain, and submit the information 62033
required under divisions (B)(4)(b)(ii) and (iii) of this section, 62034
that committee is considered to have met the requirements of those 62035
divisions. A campaign committee shall not be considered to have 62036
exercised its best efforts unless, in connection with written 62037
solicitations, it regularly includes a written request for the 62038
information required under division (B)(4)(b)(ii) of this section 62039
from the contributor or the information required under division 62040
(B)(4)(b)(iii) of this section from whoever transmits the 62041
contribution. 62042

(4) Any check that a political action committee uses to make 62043
a contribution or an expenditure shall contain the full name and 62044

address of the committee and the registration number assigned to 62045
the committee under division (D)(1) of this section. 62046

(F) As used in this section: 62047

(1)(a) Except as otherwise provided in division (F)(1) of 62048
this section, "address" means all of the following if they exist: 62049
apartment number, street, road, or highway name and number, rural 62050
delivery route number, city or village, state, and zip code as 62051
used in a person's post-office address, but not post-office box. 62052

(b) Except as otherwise provided in division (F)(1) of this 62053
section, if an address is required in this section, a post-office 62054
box and office, room, or suite number may be included in addition 62055
to, but not in lieu of, an apartment, street, road, or highway 62056
name and number. 62057

(c) If an address is required in this section, a campaign 62058
committee, political action committee, legislative campaign fund, 62059
political party, or political contributing entity may use the 62060
business or residence address of its treasurer or deputy 62061
treasurer. The post-office box number of the campaign committee, 62062
political action committee, legislative campaign fund, political 62063
party, or political contributing entity may be used in addition to 62064
that address. 62065

(d) For the sole purpose of a campaign committee's reporting 62066
of contributions on a statement of contributions received under 62067
division (B)(4) of this section, "address" has one of the 62068
following meanings at the option of the campaign committee: 62069

(i) The same meaning as in division (F)(1)(a) of this 62070
section; 62071

(ii) All of the following, if they exist: the contributor's 62072
post-office box number and city or village, state, and zip code as 62073
used in the contributor's post-office address. 62074

(e) As used with regard to the reporting under this section 62075
of any expenditure, "address" means all of the following if they 62076
exist: apartment number, street, road, or highway name and number, 62077
rural delivery route number, city or village, state, and zip code 62078
as used in a person's post-office address, or post-office box. If 62079
an address concerning any expenditure is required in this section, 62080
a campaign committee, political action committee, legislative 62081
campaign fund, political party, or political contributing entity 62082
may use the business or residence address of its treasurer or 62083
deputy treasurer or its post-office box number. 62084

(2) "Statewide candidate" means the joint candidates for the 62085
offices of governor and lieutenant governor or a candidate for the 62086
office of secretary of state, auditor of state, treasurer of 62087
state, attorney general, member of the state board of education, 62088
chief justice of the supreme court, or justice of the supreme 62089
court. 62090

(3) "Candidate for county office" means a candidate for the 62091
office of county auditor, county treasurer, clerk of the court of 62092
common pleas, judge of the court of common pleas, sheriff, county 62093
recorder, county engineer, county commissioner, prosecuting 62094
attorney, or coroner. 62095

(G) An independent expenditure shall be reported whenever and 62096
in the same manner that an expenditure is required to be reported 62097
under this section and shall be reported pursuant to division 62098
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 62099

(H)(1) Except as otherwise provided in division (H)(2) of 62100
this section, if, during the combined pre-election and 62101
postelection reporting periods for an election, a campaign 62102
committee has received contributions of five hundred dollars or 62103
less and has made expenditures in the total amount of five hundred 62104
dollars or less, it may file a statement to that effect, under 62105
penalty of election falsification, in lieu of the statement 62106

required by division (A)(2) of this section. The statement shall 62107
indicate the total amount of contributions received and the total 62108
amount of expenditures made during those combined reporting 62109
periods. 62110

(2) In the case of a successful candidate at a primary 62111
election, if either the total contributions received by or the 62112
total expenditures made by the candidate's campaign committee 62113
during the preprimary, postprimary, pregeneral, and postgeneral 62114
election periods combined equal more than five hundred dollars, 62115
the campaign committee may file the statement under division 62116
(H)(1) of this section only for the primary election. The first 62117
statement that the campaign committee files in regard to the 62118
general election shall reflect all contributions received and all 62119
expenditures made during the preprimary and postprimary election 62120
periods. 62121

(3) Divisions (H)(1) and (2) of this section do not apply if 62122
a campaign committee receives contributions or makes expenditures 62123
prior to the first day of January of the year of the election at 62124
which the candidate seeks nomination or election to office or if 62125
the campaign committee does not file a termination statement with 62126
its postprimary election statement in the case of an unsuccessful 62127
primary election candidate or with its postgeneral election 62128
statement in the case of other candidates. 62129

(I) In the case of a contribution made by a partner of a 62130
partnership or an owner or a member of another unincorporated 62131
business from any funds of the partnership or other unincorporated 62132
business, all of the following apply: 62133

(1) The recipient of the contribution shall report the 62134
contribution by listing both the partnership or other 62135
unincorporated business and the name of the partner, owner, or 62136
member making the contribution. 62137

(2) In reporting the contribution, the recipient of the contribution shall be entitled to conclusively rely upon the information provided by the partnership or other unincorporated business, provided that the information includes one of the following:

(a) The name of each partner, owner, or member as of the date of the contribution or contributions, and a statement that the total contributions are to be allocated equally among all of the partners, owners, or members; or

(b) The name of each partner, owner, or member as of the date of the contribution or contributions who is participating in the contribution or contributions, and a statement that the contribution or contributions are to be allocated to those individuals in accordance with the information provided by the partnership or other unincorporated business to the recipient of the contribution.

(3) For purposes of section 3517.102 of the Revised Code, the contribution shall be considered to have been made by the partner, owner, or member reported under division (I)(1) of this section.

(4) No contribution from a partner of a partnership or an owner or a member of another unincorporated business shall be accepted from any funds of the partnership or other unincorporated business unless the recipient reports the contribution under division (I)(1) of this section together with the information provided under division (I)(2) of this section.

(5) No partnership or other unincorporated business shall make a contribution or contributions solely in the name of the partnership or other unincorporated business.

(6) As used in division (I) of this section, "partnership or other unincorporated business" includes, but is not limited to, a cooperative, a sole proprietorship, a general partnership, a

limited partnership, a limited partnership association, a limited liability partnership, and a limited liability company.

(J) A candidate shall have only one campaign committee at any given time for all of the offices for which the person is a candidate or holds office.

(K)(1) In addition to filing a designation of appointment of a treasurer under division (D)(1) of this section, the campaign committee of any candidate for an elected municipal office that pays an annual amount of compensation of five thousand dollars or less, the campaign committee of any candidate for member of a board of education except member of the state board of education, or the campaign committee of any candidate for township trustee or township fiscal officer may sign, under penalty of election falsification, a certificate attesting that the committee will not accept contributions during an election period that exceed in the aggregate two thousand dollars from all contributors and one hundred dollars from any one individual, and that the campaign committee will not make expenditures during an election period that exceed in the aggregate two thousand dollars.

The certificate shall be on a form prescribed by the secretary of state and shall be filed not later than ten days after the candidate files a declaration of candidacy and petition, a nominating petition, or a declaration of intent to be a write-in candidate.

(2) Except as otherwise provided in division (K)(3) of this section, a campaign committee that files a certificate under division (K)(1) of this section is not required to file the statements required by division (A) of this section.

(3) If, after filing a certificate under division (K)(1) of this section, a campaign committee exceeds any of the limitations described in that division during an election period, the

certificate is void and thereafter the campaign committee shall 62200
file the statements required by division (A) of this section. If 62201
the campaign committee has not previously filed a statement, then 62202
on the first statement the campaign committee is required to file 62203
under division (A) of this section after the committee's 62204
certificate is void, the committee shall report all contributions 62205
received and expenditures made from the time the candidate filed 62206
the candidate's declaration of candidacy and petition, nominating 62207
petition, or declaration of intent to be a write-in candidate. 62208

(4) As used in division (K) of this section, "election 62209
period" means the period of time beginning on the day a person 62210
files a declaration of candidacy and petition, nominating 62211
petition, or declaration of intent to be a write-in candidate 62212
through the day of the election at which the person seeks 62213
nomination to office if the person is not elected to office, or, 62214
if the candidate was nominated in a primary election, the day of 62215
the election at which the candidate seeks office. 62216

(L) A political contributing entity that receives 62217
contributions from the dues, membership fees, or other assessments 62218
of its members or from its officers, shareholders, and employees 62219
may report the aggregate amount of contributions received from 62220
those contributors and the number of individuals making those 62221
contributions, for each filing period under divisions (A)(1), (2), 62222
(3), and (4) of this section, rather than reporting information as 62223
required under division (B)(4) of this section, including, when 62224
applicable, the name of the current employer, if any, of a 62225
contributor whose contribution exceeds one hundred dollars or, if 62226
such a contributor is self-employed, the contributor's occupation 62227
and the name of the contributor's business, if any. Division 62228
(B)(4) of this section applies to a political contributing entity 62229
with regard to contributions it receives from all other 62230
contributors. 62231

Sec. 3517.20. (A) As used in this section:	62232
(1) "Political publication for or against a candidate" means a notice, placard, advertisement, sample ballot, brochure, flyer, direct mailer, or other form of general publication that is designed to promote the nomination, election, or defeat of a candidate.	62233 62234 62235 62236 62237
(2) "Political publication for or against an issue" means a notice, placard, advertisement, sample ballot, brochure, flyer, direct mailer, or other form of general publication that is designed to promote the adoption or defeat of a ballot issue or question or to influence the voters in an election.	62238 62239 62240 62241 62242
(3) "Public political advertising" means newspapers, magazines, outdoor advertising facilities, direct mailings, or other similar types of general public political advertising, or flyers, handbills, or other nonperiodical printed matter.	62243 62244 62245 62246
(4) "Statewide candidate" has the same meaning as in section 3517.102 of the Revised Code.	62247 62248
(5) "Legislative candidate" means a candidate for the office of member of the general assembly.	62249 62250
(6) "Local candidate" means a candidate for an elective office of a political subdivision of this state.	62251 62252
(7) "Legislative campaign fund" has the same meaning as in section 3517.01 of the Revised Code.	62253 62254
(8) "Limited political action committee" means a political action committee of fewer than ten members.	62255 62256
(9) "Limited political contributing entity" means a political contributing entity of fewer than ten members.	62257 62258
(10) "Designated amount" means one hundred dollars in the case of a local candidate or a local ballot issue, two hundred	62259 62260

fifty dollars in the case of a legislative candidate, or five 62261
hundred dollars in the case of a statewide candidate or a 62262
statewide ballot issue. 62263

(11) "To issue" includes to print, post, distribute, 62264
reproduce for distribution, or cause to be issued, printed, 62265
posted, distributed, or reproduced for distribution. 62266

(12) "Telephone bank" means more than five hundred telephone 62267
calls of an identical or substantially similar nature within any 62268
thirty-day period, whether those telephone calls are made by 62269
individual callers or by recording. 62270

(B)(1) Except as otherwise provided in division (B)(2) of 62271
this section, no entity shall do any of the following unless the 62272
name of the entity appears in a conspicuous place on or is 62273
contained or included within the publication, communication, or 62274
telephone call: 62275

(a) Issue a form of political publication in support of or 62276
opposition to a candidate or a ballot issue or question; 62277

(b) Make an expenditure for the purpose of financing 62278
political communications in support of or opposition to a 62279
candidate or a ballot issue or question through public political 62280
advertising; 62281

(c) Utter or cause to be uttered, over the broadcasting 62282
facilities of any radio or television station within this state, 62283
any communication in support of or opposition to a candidate or a 62284
ballot issue or question or any communication that is designed to 62285
influence the voters in an election; 62286

(d) Conduct a telephone bank for the purpose of supporting or 62287
opposing a candidate or a ballot issue or question or for the 62288
purpose of influencing the voters in an election. 62289

(2) A limited political action committee or limited political 62290

contributing entity may do any of the following without including 62291
its name in the publication or communication: 62292

(a) Issue a form of political publication in support of or 62293
opposition to a candidate or a ballot issue or question that does 62294
not cost in excess of the designated amount or that is not issued 62295
in cooperation, consultation, or concert with, or at the request 62296
or suggestion of, a candidate, a campaign committee, a legislative 62297
campaign fund, a political party, a political action committee 62298
with ten or more members, a political contributing entity with ten 62299
or more members, or a limited political action committee or 62300
limited political contributing entity that spends in excess of the 62301
designated amount on a related or the same or similar political 62302
publication in support of or opposition to a candidate or a ballot 62303
issue or question; 62304

(b) Make an expenditure that is not in excess of the 62305
designated amount in support of or opposition to a candidate or a 62306
ballot issue or question or make an expenditure that is not made 62307
in cooperation, consultation, or concert with, or at the request 62308
or suggestion of, a candidate, a campaign committee, a legislative 62309
campaign fund, a political party, a political action committee 62310
with ten or more members, a political contributing entity with ten 62311
or more members, or a limited political action committee or 62312
limited political contributing entity that spends in excess of the 62313
designated amount in support of or opposition to the same 62314
candidate or a ballot issue or question, for the purpose of 62315
financing political communications in support of or opposition to 62316
that candidate or a ballot issue or question through public 62317
political advertising. 62318

(C) If more than one piece of printed matter or printed 62319
political communications are mailed as a single packet, the 62320
requirements of division (B) of this section are met if one of the 62321
pieces of printed matter or printed political communications in 62322

the packet contains the name of the organization or entity that 62323
issues or is responsible for the printed matter or other printed 62324
political communications. 62325

(D) This section does not apply to the transmittal of 62326
personal correspondence that is not reproduced by machine for 62327
general distribution. 62328

(E) The secretary of state, by rule, may exempt from the 62329
requirements of this section, printed matter and certain other 62330
kinds of printed communications such as campaign buttons, 62331
balloons, pencils, or similar items, the size or nature of which 62332
makes it unreasonable to add an identification or disclaimer. 62333

(F) The disclaimer or identification described in division 62334
(B) of this section, when paid for by a candidate, legislative 62335
campaign fund, or campaign committee, shall be identified by the 62336
words "paid for by" followed by the name of the entity. The 62337
identification or disclaimer may use reasonable abbreviations for 62338
common terms such as "committee". 62339

The disclaimer "paid political advertisement" is not 62340
sufficient to meet the requirements of this section. 62341

(G)(1) No person operating a broadcast station or an organ of 62342
printed media shall broadcast or print a paid political 62343
communication that does not contain the identification required by 62344
this section. 62345

(2) Division (B)(1)(c) of this section does not apply to any 62346
communications made on behalf of a radio or television station or 62347
network by any employee of such radio or television station or 62348
network while acting in the course of the employee's employment. 62349

~~(H)~~(H)(1) No candidate or entity shall use or cause to be 62350
used a false, fictitious, or fraudulent name or address in the 62351
making or issuing of a publication or communication included 62352
within the provisions of this section. 62353

(2) No political action committee or political contributing entity shall use or cause to be used, in the making or issuing of a publication or communication included within the provisions of this section, a name or address that would lead a reasonable person to believe that the publication or communication is made by or on behalf of a county political party, unless the political action committee or political contributing committee has obtained a written statement, signed by the chairperson of the county political party's executive committee, granting the political action committee or political contributing entity permission to act on behalf of or represent the county political party.

(I) Before a prosecution may commence under this section, a complaint shall be filed with the Ohio elections commission under section 3517.153 of the Revised Code. After the complaint is filed, the commission shall proceed in accordance with sections 3517.154 to 3517.157 of the Revised Code.

Sec. 3701.021. (A) The director of health shall adopt, in accordance with Chapter 119. of the Revised Code, such rules as are necessary to carry out sections 3701.021 to 3701.0210 of the Revised Code, including, but not limited to, rules to establish the following:

(1) Subject to division (D) of this section, medical and financial eligibility requirements for the program for ~~medically handicapped~~ children and youth with special health care needs;

(2) Subject to division (C) of this section, eligibility requirements for providers who provide goods and services for the program for ~~medically handicapped~~ children and youth with special health care needs;

(3) Procedures to be followed by the department of health in disqualifying providers for violating requirements adopted under division (A)(2) of this section;

(4) Procedures to be used by the department regarding application for diagnostic services under division (B) of section 3701.023 of the Revised Code and payment for those services under division (E) of that section;	62385 62386 62387 62388
(5) Standards for the provision of service coordination by the department of health and city and general health districts;	62389 62390
(6) Procedures for the department to use to determine the amount to be paid annually by each county for services for medically handicapped children <u>and youth with special health care needs</u> and to allow counties to retain funds under divisions (A)(2) and (3) of section 3701.024 of the Revised Code;	62391 62392 62393 62394 62395
(7) Financial eligibility requirements for services for Ohio residents twenty-one years of age or older who have cystic fibrosis;	62396 62397 62398
(8) Criteria for payment of approved providers who provide goods and services for medically handicapped children <u>and youth with special health care needs</u> ;	62399 62400 62401
(9) Criteria for the department to use in determining whether the payment of health insurance premiums of participants in the program for medically handicapped children <u>and youth with special health care needs</u> is cost-effective;	62402 62403 62404 62405
(10) Procedures for appeal of denials of applications under divisions (A) and (D) of section 3701.023 of the Revised Code, disqualification of providers, and amounts paid for services;	62406 62407 62408
(11) Terms of appointment for members of the medically handicapped children's <u>children and youth with special health care needs</u> medical advisory council created in section 3701.025 of the Revised Code;	62409 62410 62411 62412
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	62413 62414

(13) If a manufacturer discount program is established under 62415
division (J)(1) of section 3701.023 of the Revised Code, 62416
procedures for administering the program, including criteria and 62417
other requirements for participation in the program by 62418
manufacturers of drugs and nutritional formulas. 62419

(B) The department of health shall develop a manual of 62420
operational procedures and guidelines for the program for 62421
~~medically handicapped~~ children and youth with special health care 62422
needs to implement sections 3701.021 to 3701.0210 of the Revised 62423
Code. 62424

(C) A medicaid provider, as defined in section 5164.01 of the 62425
Revised Code, is eligible to be a provider of the same goods and 62426
services for the program for ~~medically handicapped~~ children and 62427
youth with special health care needs that the provider is approved 62428
to provide for the medicaid program and the director shall approve 62429
such a provider for participation in the program for ~~medically~~ 62430
~~handicapped~~ children and youth with special health care needs. 62431

(D) In establishing medical and financial eligibility 62432
requirements for the program for ~~medically handicapped~~ children 62433
and youth with special health care needs, the director of health 62434
shall not specify an age restriction that excludes from 62435
eligibility an individual who is either of the following: 62436

(1) Beginning on July 1, 2021, less than twenty-two years of 62437
age; 62438

(2) Beginning on July 1, 2022, less than twenty-three years 62439
of age; 62440

(3) Beginning on July 1, 2023, less than twenty-four years of 62441
age; 62442

(4) Beginning on July 1, 2024, less than twenty-five years of 62443
age. 62444

Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of 62445
the Revised Code: 62446

(A) "~~Medically handicapped child~~ Child or youth with special 62447
health care needs" means an Ohio resident who meets the age 62448
requirements set forth in division (D) of section 3701.021 of the 62449
Revised Code who ~~suffers primarily from~~ has an organic disease, 62450
defect, or a congenital or acquired ~~physically handicapping and~~ 62451
~~associated~~ medical condition that may hinder the achievement of 62452
normal growth and development. 62453

(B) "Provider" means a health professional, hospital, medical 62454
equipment supplier, and any individual, group, or agency that is 62455
approved by the department of health pursuant to division (C) of 62456
section 3701.023 of the Revised Code and that provides or intends 62457
to provide goods or services to a child who is eligible for the 62458
program for ~~medically handicapped children~~ and youth with special 62459
health care needs. 62460

(C) "Service coordination" means case management services 62461
provided to ~~medically handicapped children~~ and youth with special 62462
health care needs that promote effective and efficient 62463
organization and utilization of public and private resources and 62464
ensure that care rendered is family-centered, community-based, and 62465
coordinated. 62466

(D)(1) "Third party" means any person or government entity 62467
other than the following: 62468

(a) A ~~medically handicapped child~~ or youth with special 62469
health care needs participating in the program for ~~medically~~ 62470
~~handicapped children~~ and youth with special health care needs or 62471
the ~~child's~~ child or youth's parent or guardian; 62472

(b) The department or any program administered by the 62473
department, including the "Maternal and Child Health Block Grant," 62474

Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 62475
U.S.C.A. 701, as amended; 62476

(c) The "caring program for children" operated by the 62477
nonprofit community mutual insurance corporation. 62478

(2) "Third party" includes all of the following: 62479

(a) Any trust established to benefit a ~~medically handicapped~~ 62480
child or youth with special health care needs participating in the 62481
program or the ~~child's~~ child or youth's family or guardians, if 62482
the trust was established after the date the ~~medically handicapped~~ 62483
child or youth with special health care needs applied to 62484
participate in the program; 62485

(b) That portion of a trust designated to pay for the medical 62486
and ancillary care of a ~~medically handicapped~~ child or youth with 62487
special health care needs, if the trust was established on or 62488
before the date the ~~medically handicapped~~ child or youth with 62489
special health care needs applied to participate in the program; 62490

(c) The program awarding reparations to victims of crime 62491
established under sections 2743.51 to 2743.72 of the Revised Code. 62492

(E) "Third-party benefits" means any and all benefits paid by 62493
a third party to or on behalf of a ~~medically handicapped~~ child or 62494
youth with special health care needs participating in the program 62495
or the ~~child's~~ child or youth's parent or guardian for goods or 62496
services that are authorized by the department pursuant to 62497
division (B) or (D) of section 3701.023 of the Revised Code. 62498

(F) "Hemophilia program" means the hemophilia program the 62499
department of health is required to establish and administer under 62500
section 3701.029 of the Revised Code. 62501

Sec. 3701.023. (A) The department of health shall review 62502
applications for eligibility for the program for ~~medically~~ 62503
~~handicapped~~ children and youth with special health care needs that 62504

are submitted to the department by city and general health 62505
districts and physician providers approved in accordance with 62506
division (C) of this section. The department shall determine 62507
whether the applicants meet the medical and financial eligibility 62508
requirements established by the director of health pursuant to 62509
division (A)(1) of section 3701.021 of the Revised Code, and by 62510
the department in the manual of operational procedures and 62511
guidelines for the program for ~~medically handicapped~~ children and 62512
youth with special health care needs developed pursuant to 62513
division (B) of that section. Referrals of potentially eligible 62514
children and youth for the program may be submitted to the 62515
department on behalf of the child or youth by parents, guardians, 62516
public health nurses, or any other interested person. The 62517
department of health may designate other agencies to refer 62518
applicants to the department of health. 62519

(B) In accordance with the procedures established in rules 62520
adopted under division (A)(4) of section 3701.021 of the Revised 62521
Code, the department of health shall authorize a provider or 62522
providers to provide to any Ohio resident under twenty-one years 62523
of age, without charge to the resident or the resident's family 62524
and without restriction as to the economic status of the resident 62525
or the resident's family, diagnostic services necessary to 62526
determine whether the resident has a ~~medically handicapping~~ 62527
medical diagnosis resulting in, or potentially medically 62528
handicapping condition resulting in, special health care needs. 62529

(C) The department of health shall review the applications of 62530
health professionals, hospitals, medical equipment suppliers, and 62531
other individuals, groups, or agencies that apply to become 62532
providers. The department shall enter into a written agreement 62533
with each applicant who is determined, pursuant to the 62534
requirements set forth in rules adopted under division (A)(2) of 62535
section 3701.021 of the Revised Code, to be eligible to be a 62536

provider in accordance with the provider agreement required by the 62537
medicaid program. No provider shall charge a ~~medically handicapped~~ 62538
child or youth with special health care needs or the ~~child's~~ child 62539
or youth's parent or guardian for services authorized by the 62540
department under division (B) or (D) of this section. 62541

The department, in accordance with rules adopted under 62542
division (A)(3) of section 3701.021 of the Revised Code, may 62543
disqualify any provider from further participation in the program 62544
for violating any requirement set forth in rules adopted under 62545
division (A)(2) of that section. The disqualification shall not 62546
take effect until a written notice, specifying the requirement 62547
violated and describing the nature of the violation, has been 62548
delivered to the provider and the department has afforded the 62549
provider an opportunity to appeal the disqualification under 62550
division (H) of this section. 62551

(D) The department of health shall evaluate applications from 62552
city and general health districts and approved physician providers 62553
for authorization to provide treatment services, service 62554
coordination, and related goods to children or youth determined to 62555
be eligible for the program for ~~medically handicapped~~ children and 62556
youth with special health care needs pursuant to division (A) of 62557
this section. The department shall authorize necessary treatment 62558
services, service coordination, and related goods for each 62559
eligible child or youth in accordance with an individual plan of 62560
treatment for the child or youth. As an alternative, the 62561
department may authorize payment of health insurance premiums on 62562
behalf of eligible children or youth when the department 62563
determines, in accordance with criteria set forth in rules adopted 62564
under division (A)(9) of section 3701.021 of the Revised Code, 62565
that payment of the premiums is cost-effective. 62566

(E) The department of health shall pay, from appropriations 62567
to the department, any necessary expenses, including but not 62568

limited to, expenses for diagnosis, treatment, service 62569
coordination, supportive services, transportation, and accessories 62570
and their upkeep, provided to ~~medically handicapped~~ children and 62571
youth with special health care needs, provided that the provision 62572
of the goods or services is authorized by the department under 62573
division (B) or (D) of this section. Money appropriated to the 62574
department of health may also be expended for reasonable 62575
administrative costs incurred by the program. The department of 62576
health also may purchase liability insurance covering the 62577
provision of services under the program for ~~medically handicapped~~ 62578
children and youth with special health care needs by physicians 62579
and other health care professionals. 62580

Payments made to providers by the department of health 62581
pursuant to this division for inpatient hospital care, outpatient 62582
care, and all other medical assistance furnished to eligible 62583
recipients shall be made in accordance with rules adopted by the 62584
director of health pursuant to division (A) of section 3701.021 of 62585
the Revised Code. 62586

The departments of health and medicaid shall jointly 62587
implement procedures to ensure that duplicate payments are not 62588
made under the program for ~~medically handicapped~~ children and 62589
youth with special health care needs and the medicaid program and 62590
to identify and recover duplicate payments. 62591

(F) At the time of applying for participation in the program 62592
for ~~medically handicapped~~ children and youth with special health 62593
care needs, a ~~medically handicapped~~ child or youth with special 62594
health care needs or the ~~child's~~ child or youth's parent or 62595
guardian shall disclose the identity of any third party against 62596
whom the child or youth or the ~~child's~~ child or youth's parent or 62597
guardian has or may have a right of recovery for goods and 62598
services provided under division (B) or (D) of this section. The 62599
department of health shall require a ~~medically handicapped~~ child 62600

or youth with special health care needs who receives services from 62601
the program or the ~~child's~~ child or youth's parent or guardian to 62602
apply for all third-party benefits for which the child or youth 62603
may be eligible and require the child or youth, parent, or 62604
guardian to apply all third-party benefits received to the amount 62605
determined under division (E) of this section as the amount 62606
payable for goods and services authorized under division (B) or 62607
(D) of this section. The department is the payer of last resort 62608
and shall pay for authorized goods or services, up to the amount 62609
determined under division (E) of this section for the authorized 62610
goods or services, only to the extent that payment for the 62611
authorized goods or services is not made through third-party 62612
benefits. When a third party fails to act on an application or 62613
claim for benefits by a ~~medically handicapped~~ child or youth with 62614
special health care needs or the ~~child's~~ child or youth's parent 62615
or guardian, the department shall pay for the goods or services 62616
only after ninety days have elapsed since the date the child or 62617
youth, parents, or guardians made an application or claim for all 62618
third-party benefits. Third-party benefits received shall be 62619
applied to the amount determined under division (E) of this 62620
section. Third-party payments for goods and services not 62621
authorized under division (B) or (D) of this section shall not be 62622
applied to payment amounts determined under division (E) of this 62623
section. Payment made by the department shall be considered 62624
payment in full of the amount determined under division (E) of 62625
this section. Medicaid payments for persons eligible for the 62626
medicaid program shall be considered payment in full of the amount 62627
determined under division (E) of this section. 62628

(G) The department of health shall administer a program to 62629
provide services to Ohio residents who are twenty-one or more 62630
years of age who have cystic fibrosis and who meet the eligibility 62631
requirements established in rules adopted by the director of 62632
health pursuant to division (A)(7) of section 3701.021 of the 62633

Revised Code, subject to all provisions of this section, but not 62634
subject to section 3701.024 of the Revised Code. 62635

(H) The department of health shall provide for appeals, in 62636
accordance with rules adopted under section 3701.021 of the 62637
Revised Code, of denials of applications for the program for 62638
~~medically handicapped~~ children and youth with special health care 62639
needs under division (A) or (D) of this section, disqualification 62640
of providers, or amounts paid under division (E) of this section. 62641
Appeals under this division are not subject to Chapter 119. of the 62642
Revised Code. 62643

The department may designate ombudspersons to assist 62644
~~medically handicapped~~ children and youth with special health care 62645
needs or their parents or guardians, upon the request of the 62646
children or youth, parents, or guardians, in filing appeals under 62647
this division and to serve as ~~children's~~ children or youth's, 62648
parents', or guardians' advocates in matters pertaining to the 62649
administration of the program for ~~medically handicapped~~ children 62650
and youth with special health care needs and eligibility for 62651
program services. The ombudspersons shall receive no compensation 62652
but shall be reimbursed by the department, in accordance with 62653
rules of the office of budget and management, for their actual and 62654
necessary travel expenses incurred in the performance of their 62655
duties. 62656

(I) The department of health, and city and general health 62657
districts providing service coordination pursuant to division 62658
(A)(2) of section 3701.024 of the Revised Code, shall provide 62659
service coordination in accordance with the standards set forth in 62660
the rules adopted under section 3701.021 of the Revised Code, 62661
without charge, and without restriction as to economic status. 62662

(J)(1) The department of health may establish a manufacturer 62663
discount program under which a manufacturer of a drug or 62664
nutritional formula is permitted to enter into an agreement with 62665

the department to provide a discount on the price of the drug or 62666
nutritional formula distributed to ~~medically handicapped~~ children 62667
and youth with special health care needs participating in the 62668
program for ~~medically handicapped~~ children and youth with special 62669
health care needs. The program shall be administered in accordance 62670
with rules adopted under section 3701.021 of the Revised Code. 62671

(2) If a manufacturer enters into an agreement with the 62672
department as described in division (J)(1) of this section, the 62673
manufacturer and the department may negotiate the amount and terms 62674
of the discount. 62675

(3) In lieu of establishing a discount program as described 62676
in division (J)(1) of this section, the department and a 62677
manufacturer of a drug or nutritional formula may discuss a 62678
donation of drugs, nutritional formulas, or money by the 62679
manufacturer to the department. 62680

(K) As used in this division "209(b) option" has the same 62681
meaning as in section 5166.01 of the Revised Code. 62682

The program for ~~medically handicapped~~ children and youth with 62683
special health care needs and the program the department of health 62684
administers pursuant to division (G) of this section shall 62685
continue to assist individuals who have cystic fibrosis and are 62686
enrolled in those programs in qualifying for medicaid under the 62687
spenddown process in the same manner it assists such individuals 62688
on ~~the effective date of this amendment~~ September 29, 2015, 62689
regardless of whether the department of medicaid continues to 62690
implement the 209(b) option. 62691

Sec. 3701.024. (A)(1) Under a procedure established in rules 62692
adopted under section 3701.021 of the Revised Code, the department 62693
of health shall determine the amount each county shall provide 62694
annually for the program for ~~medically handicapped~~ children and 62695
youth with special health care needs, based on a proportion of the 62696

county's total general property tax duplicate, not to exceed 62697
one-tenth of a mill, and charge the county for any part of 62698
expenses incurred under the program for treatment services on 62699
behalf of ~~medically handicapped~~ children and youth with special 62700
health care needs having legal settlement in the county that is 62701
not paid from federal funds or through the medicaid program. The 62702
department shall not charge the county for expenses exceeding the 62703
difference between the amount determined under division (A)(1) of 62704
this section and any amounts retained under divisions (A)(2) and 62705
(3) of this section. 62706

All amounts collected by the department under division (A)(1) 62707
of this section shall be deposited into the state treasury to the 62708
credit of the ~~medically handicapped children-county~~ children and 62709
youth with special health care needs-county assessment fund, which 62710
is hereby created. The fund shall be used by the department to 62711
comply with sections 3701.021 to 3701.028 of the Revised Code. 62712

(2) The department, in accordance with rules adopted under 62713
section 3701.021 of the Revised Code, may allow each county to 62714
retain up to ten per cent of the amount determined under division 62715
(A)(1) of this section to provide funds to city or general health 62716
districts of the county with which the districts shall provide 62717
service coordination, public health nursing, or transportation 62718
services for ~~medically handicapped~~ children and youth with special 62719
health care needs. 62720

(3) In addition to any amount retained under division (A)(2) 62721
of this section, the department, in accordance with rules adopted 62722
under section 3701.021 of the Revised Code, may allow counties 62723
that it determines have significant numbers of potentially 62724
eligible ~~medically handicapped~~ children and youth with special 62725
health care needs to retain an amount equal to the difference 62726
between: 62727

(a) Twenty-five per cent of the amount determined under 62728

division (A)(1) of this section; 62729

(b) Any amount retained under division (A)(2) of this 62730
section. 62731

Counties shall use amounts retained under division (A)(3) of 62732
this section to provide funds to city or general health districts 62733
of the county with which the districts shall conduct outreach 62734
activities to increase participation in the program for ~~medically~~ 62735
~~handicapped~~ children and youth with special health care needs. 62736

(4) Prior to any increase in the millage charged to a county, 62737
the director of health shall hold a public hearing on the proposed 62738
increase and shall give notice of the hearing to each board of 62739
county commissioners that would be affected by the increase at 62740
least thirty days prior to the date set for the hearing. Any 62741
county commissioner may appear and give testimony at the hearing. 62742
Any increase in the millage any county is required to provide for 62743
the program for ~~medically handicapped~~ children and youth with 62744
special health care needs shall be determined, and notice of the 62745
amount of the increase shall be provided to each affected board of 62746
county commissioners, no later than the first day of June of the 62747
fiscal year next preceding the fiscal year in which the increase 62748
will take effect. 62749

(B) Each board of county commissioners shall establish a 62750
~~medically handicapped children's~~ children and youth with special 62751
health care needs fund and shall appropriate thereto an amount, 62752
determined in accordance with division (A)(1) of this section, for 62753
the county's share in providing medical, surgical, and other aid 62754
to ~~medically handicapped~~ children and youth with special health 62755
care needs residing in such county and for the purposes specified 62756
in divisions (A)(2) and (3) of this section. Each county shall use 62757
money retained under divisions (A)(2) and (3) of this section only 62758
for the purposes specified in those divisions. 62759

Sec. 3701.025. There is hereby created the ~~medically~~ 62760
~~handicapped children's~~ children and youth with special health care 62761
needs medical advisory council consisting of twenty-one members to 62762
be appointed by the director of health for terms set in accordance 62763
with rules adopted by the director under division (A)(11) of 62764
section 3701.021 of the Revised Code. The ~~medically handicapped~~ 62765
~~children's~~ children and youth with special health care needs 62766
medical advisory council shall advise the director regarding the 62767
administration of the program for ~~medically handicapped~~ children 62768
and youth with special health care needs, the suitable quality of 62769
medical practice for providers, and the requirements for medical 62770
eligibility for the program. 62771

All members of the council shall be licensed physicians, 62772
surgeons, dentists, and other professionals in the field of 62773
medicine, representative of the various disciplines involved in 62774
the treatment of children and youth with ~~medically handicapping~~ 62775
~~conditions~~ special health care needs, and representative of the 62776
treatment facilities involved, such as hospitals, private and 62777
public health clinics, and private physicians' offices, and shall 62778
be eligible for the program. 62779

Members of the council shall receive no compensation, but 62780
shall receive their actual and necessary travel expenses incurred 62781
in the performance of their official duties in accordance with the 62782
rules of the office of budget and management. 62783

Sec. 3701.026. (A) The acceptance of assistance under the 62784
program for ~~medically handicapped~~ children and youth with special 62785
health care needs gives a right of subrogation to the department 62786
of health against the liability of a third party for the costs of 62787
goods or services paid by the department under division (E) of 62788
section 3701.023 of the Revised Code. The department's subrogation 62789
claim shall not exceed the total cost of the goods and services 62790

paid under division (E) of section 3701.023 of the Revised Code. 62791

(B) To enforce its subrogation rights, the department may do 62792
any of the following: 62793

(1) Intervene or join in any action or proceeding brought by 62794
a ~~medically handicapped~~ child or youth with special health care 62795
needs or ~~his~~ the child or youth's parent or guardian against any 62796
third party who may be liable for the cost of goods and services 62797
paid under division (E) of section 3701.023 of the Revised Code; 62798

(2) Institute and pursue legal proceedings against any third 62799
party who may be liable for the cost of goods and services paid 62800
under division (E) of section 3701.023 of the Revised Code; 62801

(3) Initiate legal proceedings in conjunction with a 62802
~~medically handicapped~~ child or youth with special health care 62803
needs or ~~his~~ the child or youth's parent or guardian against any 62804
third party who may be liable for the cost of goods and services 62805
paid under division (E) of section 3701.023 of the Revised Code. 62806

(C) When an action or claim is brought against a third party 62807
by a ~~medically handicapped~~ child or youth with special health care 62808
needs participating in the program or ~~his~~ the child or youth's 62809
parent or guardian, the entire amount of any settlement or 62810
compromise of the action or claim, or any court award or judgment, 62811
is subject to the subrogation right of the department. If all or 62812
part of settlement, compromise, award, or judgment is established 62813
in the form of a trust to benefit the child or youth or ~~his~~ the 62814
child or youth's family or guardians, the department may waive its 62815
right of subrogation against all or part of the trust. Any 62816
settlement, compromise, award, or judgment that excludes the costs 62817
of goods and services paid under division (E) of section 3701.023 62818
of the Revised Code shall not preclude the department from 62819
enforcing its subrogation right under this section. 62820

(D) No settlement, compromise, judgment, or award or any 62821

recovery in any action or claim by a ~~medically handicapped~~ child 62822
or youth with special health care needs or ~~his~~ the child or 62823
youth's parent or guardian when the department has a right of 62824
subrogation shall be made final without first giving the 62825
department notice and the opportunity to perfect its right of 62826
subrogation. If the department is not given notice, the child or 62827
youth, parent, or guardian is liable to reimburse the department 62828
for the cost of goods and services paid under division (E) of 62829
section 3701.023 of the Revised Code out of any recovery received. 62830
The third party becomes liable to the department as soon as the 62831
third party is notified in writing of the valid claims for 62832
subrogation under this section. 62833

(E) Subrogation does not apply to that portion of any 62834
judgment, award, settlement, or compromise of a claim, to the 62835
extent that attorney's fees, costs, or other expenses are incurred 62836
by a ~~medically handicapped~~ child or youth with special health care 62837
needs or ~~his~~ the child or youth's parent or guardian in securing 62838
the judgment, award, settlement, or compromise, or to the extent 62839
that the cost of goods and services specified in divisions (B) and 62840
(D) of section 3701.023 of the Revised Code are paid by the child 62841
or youth, parent, or guardian. Attorney's fees and costs or other 62842
expenses in securing any recovery shall not be assessed against 62843
any subrogated claim of the department. 62844

Sec. 3701.027. The department of health shall administer 62845
funds received from the "Maternal and Child Health Block Grant," 62846
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 62847
U.S.C.A. 701, as amended, for programs including the program for 62848
~~medically handicapped~~ children and youth with special health care 62849
needs, and to provide technical assistance and consultation to 62850
city and general health districts and local health planning 62851
organizations in implementing local, community-based, 62852
family-centered, coordinated systems of care for ~~medically~~ 62853

~~handicapped~~ children and youth with special health care needs. The 62854
department may make grants to persons and other entities for the 62855
provision of services with the funds. In addition, the department 62856
may use the funds to purchase liability insurance covering the 62857
provision of services under the programs by physicians and other 62858
health care professionals, and to pay health insurance premiums on 62859
behalf of ~~medically handicapped~~ children and youth with special 62860
health care needs participating in the program for ~~medically~~ 62861
~~handicapped~~ children and youth with special health care needs when 62862
the department determines, in accordance with criteria set forth 62863
in rules adopted under division (A)(9) of section 3701.021 of the 62864
Revised Code, that payment of the premiums is cost effective. 62865

In determining eligibility for services provided with funds 62866
received from the "Maternal and Child Health Block Grant," the 62867
department may use the application form established under section 62868
5163.40 of the Revised Code. The department may require applicants 62869
to furnish their social security numbers. Funds from the "Maternal 62870
and Child Health Block Grant" that are administered for the 62871
purpose of providing family planning services shall be distributed 62872
in accordance with section 3701.033 of the Revised Code. 62873

Sec. 3701.028. (A) The following records of the program for 62874
~~medically handicapped~~ children and youth with special health care 62875
needs and of programs funded with funds received from the 62876
"Maternal and Child Health Block Grant," Title V of the "Social 62877
Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, 62878
are confidential and are not public records within the meaning of 62879
section 149.43 of the Revised Code: 62880

(1) Records that pertain to medical history, diagnosis, 62881
treatment, or medical condition; 62882

(2) Reports of psychological diagnosis and treatment and 62883
reports of social workers; 62884

(3) Reports of public health nurses. 62885

(B) The department of health shall not release any records 62886
specified in division (A) of this section without consent of the 62887
subject of the record or, if the subject is a minor, ~~his~~ the 62888
minor's parent or guardian, except as necessary to do any of the 62889
following: 62890

(1) Administer the program for ~~medically handicapped~~ children 62891
and youth with special health care needs or other programs funded 62892
with funds received from the "Maternal and Child Health Block 62893
Grant"; 62894

(2) Coordinate the provision of services under the programs 62895
with other state agencies and city and general health districts; 62896

(3) Coordinate payment of providers. 62897

No person or government entity to whom the director, for the 62898
purposes specified in this division, releases records described in 62899
division (A) of this section shall release those records without 62900
consent of the subject of the record or, if the subject is a 62901
minor, ~~his~~ the minor's parent or guardian, except as necessary for 62902
any of the reasons described in this division. 62903

Sec. 3701.0210. The ~~medically handicapped children's~~ children 62904
and youth with special health care needs medical advisory council 62905
shall appoint a hemophilia advisory subcommittee to advise the 62906
director of health and council on all matters pertaining to the 62907
care and treatment of persons with hemophilia. The duties of the 62908
subcommittee include, but are not limited to, the monitoring of 62909
care and treatment of children and adults who suffer from 62910
hemophilia or from other similar blood disorders. 62911

The subcommittee shall consist of not fewer than fifteen 62912
members, each of whom shall be appointed to terms of four years. 62913
The members of the subcommittee shall elect a chairperson from 62914

among the appointed membership to serve a term of two years. 62915
Members of the subcommittee shall serve without compensation, 62916
except that they may be reimbursed for travel expenses to and from 62917
meetings of the subcommittee. 62918

Members shall be appointed to represent all geographic areas 62919
of this state. Not fewer than five members of the subcommittee 62920
shall be persons with hemophilia or family members of persons with 62921
hemophilia. Not fewer than five members shall be providers of 62922
health care services to persons with hemophilia. Not fewer than 62923
five members shall be experts in fields of importance to treatment 62924
of persons with hemophilia, including experts in infectious 62925
diseases, insurance, and law. 62926

Notwithstanding section 101.83 of the Revised Code, that 62927
section does not apply to the ~~medically handicapped children's~~ 62928
children and youth with special health care needs medical advisory 62929
council hemophilia advisory subcommittee, and the subcommittee 62930
shall not expire under that section. 62931

Sec. 3701.242. (A) ~~An~~ A voluntary HIV test may be performed 62932
on an individual by or on the order of a health care provider ~~who,~~ 62933
~~in the exercise of the provider's professional judgment,~~ 62934
~~determines the test to be necessary for providing diagnosis and~~ 62935
~~treatment to the individual to be tested,~~ if the individual or the 62936
individual's parent or guardian has given general consent to the 62937
provider for medical or other health care treatment. ~~The~~ and if 62938
the health care provider ~~shall inform~~ or an authorized 62939
representative of the health care provider has notified the 62940
individual ~~of~~ that the HIV test is planned ~~individual's right~~ 62941
~~under division (D) of this section to an anonymous test. The~~ 62942
notification may be verbal or written, in person or electronic, or 62943
any combination thereof. 62944

(B) A minor may consent to be given an HIV test. The consent 62945

is not subject to disaffirmance because of minority. The parents 62946
or guardian of a minor giving consent under this division are not 62947
liable for payment and shall not be charged for an HIV test given 62948
to the minor without the consent of a parent or the guardian. 62949

(C) The health care provider ordering an HIV test shall 62950
provide post-test counseling for an individual who receives an 62951
HIV-positive test result. The director of health may adopt rules 62952
in accordance with Chapter 119. of the Revised Code specifying the 62953
information to be provided in post-test counseling. 62954

(D) An individual shall have the right to an anonymous test. 62955
A health care facility or health care provider that does not 62956
provide anonymous testing shall refer an individual requesting an 62957
anonymous test to a site where it is available. 62958

(E) Divisions ~~(B)~~ (A) to (D) of this section do not apply to 62959
the performance of an HIV test in any of the following 62960
circumstances: 62961

(1) When the test is performed in a medical emergency by a 62962
nurse or physician and the test results are medically necessary to 62963
avoid or minimize an immediate danger to the health or safety of 62964
the individual to be tested or another individual, except that 62965
post-test counseling shall be given to the individual if the 62966
individual receives an HIV-positive test result; 62967

(2) When the test is performed for the purpose of research if 62968
the researcher does not know and cannot determine the identity of 62969
the individual tested; 62970

(3) When the test is performed by a person who procures, 62971
processes, distributes, or uses a human body part from a deceased 62972
person donated for a purpose specified in Chapter 2108. of the 62973
Revised Code, if the test is medically necessary to ensure that 62974
the body part is acceptable for its intended purpose; 62975

(4) When the test is performed on a person incarcerated in a 62976

correctional institution under the control of the department of 62977
rehabilitation and correction if the head of the institution has 62978
determined, based on good cause, that a test is necessary; 62979

(5) When the test is performed in accordance with section 62980
2907.27 of the Revised Code; 62981

(6) When the test is performed on an individual after the 62982
infection control committee of a health care facility, or other 62983
body of a health care facility performing a similar function 62984
determines that a health care provider, emergency medical services 62985
worker, or peace officer, while rendering health or emergency care 62986
to an individual, has sustained a significant exposure to the body 62987
fluids of that individual, and the individual has refused to give 62988
consent for testing. 62989

Sec. 3701.25. (A) As used in sections 3701.25 to 3701.255 of 62990
the Revised Code: 62991

(1) "Certified nurse practitioner" and "clinical nurse 62992
specialist" have the same meanings as in section 4723.01 of the 62993
Revised Code. 62994

(2) "Hospital" has the same meaning as in section 3722.01 of 62995
the Revised Code. 62996

(3) "Parkinson's disease" means a chronic and progressive 62997
neurological disorder resulting from a deficiency of the 62998
neurotransmitter dopamine as the consequence of specific 62999
degenerative changes in the area of the brain called the basal 63000
ganglia. It is characterized by tremor at rest, slow movements, 63001
muscle rigidity, stooped posture, and unsteady or shuffling gait. 63002

(4) "Parkinsonisms" means conditions related to Parkinson's 63003
disease that cause a combination of the movement abnormalities 63004
seen in Parkinson's disease, such as tremor at rest, slow 63005
movement, muscle rigidity, impaired speech, or muscle stiffness, 63006

<u>which often overlap with and can evolve from what appears to be</u>	63007
<u>Parkinson's disease. Examples of Parkinsonisms include:</u>	63008
<u>(a) Multiple system atrophy;</u>	63009
<u>(b) Dementia with Lewy bodies;</u>	63010
<u>(c) Corticobasal degeneration;</u>	63011
<u>(d) Progressive supranuclear palsy.</u>	63012
<u>(5) "Physician" means an individual authorized under Chapter</u>	63013
<u>4731. of the Revised Code to practice medicine and surgery or</u>	63014
<u>osteopathic medicine and surgery.</u>	63015
<u>(6) "Physician assistant" means an individual authorized</u>	63016
<u>under Chapter 4730. of the Revised Code to practice as a physician</u>	63017
<u>assistant.</u>	63018
<u>(B) Within one year of the effective date of this section,</u>	63019
<u>the director of health shall establish and maintain a Parkinson's</u>	63020
<u>disease registry for the collection and monitoring of the</u>	63021
<u>incidence of Parkinson's disease in Ohio.</u>	63022
<u>(C) The director shall supervise the registry and the</u>	63023
<u>collection and dissemination of data included in the registry. The</u>	63024
<u>director may enter into contracts, grants, or other agreements as</u>	63025
<u>necessary to maintain the registry, including data sharing</u>	63026
<u>contracts with data reporting entities and their associated</u>	63027
<u>electronic medical record systems vendors. The director shall</u>	63028
<u>include the data collected by the registry in the Ohio public</u>	63029
<u>health information warehouse.</u>	63030
<u>(D) Within thirty days of the establishment of the registry</u>	63031
<u>and at least quarterly thereafter, each individual case of</u>	63032
<u>Parkinson's disease or a Parkinsonism shall be reported to the</u>	63033
<u>registry in a format specified by the director by one of the</u>	63034
<u>following:</u>	63035
<u>(1) The certified nurse practitioner, clinical nurse</u>	63036

specialist, physician, or physician assistant who diagnosed or 63037
treated the individual's Parkinson's disease or Parkinsonism; 63038

(2) The group practice, hospital, or other health care 63039
facility that employs or contracts with the medical professional 63040
described in division (D)(1) of this section. 63041

(E) Each medical professional or health care facility 63042
specified in division (D) of this section shall inform patients 63043
diagnosed with Parkinson's disease or a Parkinsonism at the time 63044
of diagnosis or treatment of the Parkinson's disease registry and 63045
of the patient's right not to participate. If a patient chooses 63046
not to participate in the registry, the medical professional or 63047
health care facility shall report to the registry only the 63048
existence of the Parkinson's disease or Parkinsonism case and no 63049
other information. 63050

(F) The director or a representative of a director may 63051
inspect upon reasonable notice a representative sample of the 63052
medical records of patients with Parkinson's disease diagnosed, 63053
treated, or admitted at a group practice, hospital, or other 63054
health care facility. 63055

(G) Each medical professional or health care facility 63056
specified in division (D) of this section who in good faith 63057
submits a Parkinson's disease report to the registry is not liable 63058
in any cause of action arising from the submission of the report. 63059

(H) Nothing in sections 3701.25 to 3701.255 of the Revised 63060
Code shall be deemed to compel any individual to submit to any 63061
medical examination or supervision by the department of health, 63062
any of its authorized representatives, or an approved researcher. 63063
No individual who seeks information from or obtains registry data 63064
pursuant to section 3701.251 of the Revised Code shall contact a 63065
patient in the registry or a patient's family unless the director 63066
has first obtained the permission of the patient or the patient's 63067

family. The director shall coordinate its activities with the 63068
individual requesting such contact and may authorize the 63069
individual to perform these contacts under the direction of the 63070
director. 63071

(I) Facilities or individuals providing diagnostic or 63072
treatment services to patients with Parkinson's disease may 63073
maintain separate facility-based Parkinson's disease registries. 63074

(J) Within thirty days of the effective date of this section, 63075
the director shall publish the reporting requirements established 63076
by this section on the department of health's internet web site. 63077
The director also may notify professional associations 63078
representing health care providers and hospitals of the reporting 63079
requirements. 63080

Sec. 3701.251. (A) Except as otherwise provided in this 63081
section, all data collected by the Parkinson's disease registry is 63082
confidential. Notwithstanding any other law to the contrary, any 63083
disclosure of confidential data authorized by this section shall 63084
include only the data necessary for the stated purpose of the 63085
requested disclosure, shall be used only for the approved purpose, 63086
and shall not be further disclosed. 63087

(B) The director of health may enter into agreements to 63088
furnish data collected in the Parkinson's disease registry to 63089
other states' Parkinson's disease registries, federal Parkinson's 63090
disease control agencies, local health officers, and local health 63091
researchers. Before confidential data is disclosed to an 63092
out-of-state registry, federal agency, health officer, or 63093
researcher, the requesting entity shall agree in writing to 63094
maintain the confidentiality of that information. Researchers also 63095
shall do the following: 63096

(1) Obtain approval of their institutional review board in 63097
accordance with federal requirements for the protection of human 63098

subjects established in 45 C.F.R. 46, and, as applicable, 21 63099
C.F.R. 56, the HIPAA privacy rule as defined in section 3798.01 of 63100
the Revised Code, and other relevant federal regulations, state 63101
laws, and policies of the institution where the research will be 63102
conducted; 63103

(2) Provide documentation to the director that demonstrates 63104
to the director's satisfaction that the researcher has established 63105
the procedures and ability to maintain the confidentiality of the 63106
information. 63107

(C) The director shall maintain an accurate record of all 63108
individuals who are given access to confidential data. The record 63109
shall include the following: 63110

(1) Name of the department of health employee authorizing 63111
access; 63112

(2) Name, title, address, and organizational affiliation of 63113
the individual given access; 63114

(3) Dates of access; 63115

(4) Specific purpose for which the data will be used. 63116

Records of access shall be open to public inspection during 63117
the normal operating hours of the department. 63118

(D) Notwithstanding any other law to the contrary, 63119
confidential data shall not be disclosed, discoverable, or 63120
compelled to be produced in any civil, criminal, administrative, 63121
or other proceeding. Confidential data shall not be deemed 63122
admissible as evidence in any civil, criminal, administrative, or 63123
other tribunal or court for any reason. 63124

(E) This section does not prohibit the publication of reports 63125
and aggregate statistical data by the director that do not 63126
identify individual cases or individual sources of data. 63127

(F) The patient or the patient's guardian to whom the 63128

<u>information pertains shall have access to the patient's own data.</u>	63129
<u>Sec. 3701.252. (A) There is hereby created the Parkinson's</u>	63130
<u>disease registry advisory committee. The committee shall consist</u>	63131
<u>of the director of health and the following members appointed by</u>	63132
<u>the director:</u>	63133
<u>(1) A neurologist;</u>	63134
<u>(2) A movement disorder specialist;</u>	63135
<u>(3) A primary care provider;</u>	63136
<u>(4) A physician informaticist;</u>	63137
<u>(5) A public health professional;</u>	63138
<u>(6) A population health researcher familiar with disease</u>	63139
<u>registries;</u>	63140
<u>(7) A Parkinson's disease researcher;</u>	63141
<u>(8) A patient living with Parkinson's disease;</u>	63142
<u>(9) Any other members the director deems necessary.</u>	63143
<u>(B) The committee shall do all of the following:</u>	63144
<u>(1) Assist the director of health in the development and</u>	63145
<u>implementation of the Parkinson's disease registry;</u>	63146
<u>(2) Determine what data shall be collected based on the</u>	63147
<u>following four core categories of data:</u>	63148
<u>(a) Patient demographics;</u>	63149
<u>(b) Geography;</u>	63150
<u>(c) Diagnosis;</u>	63151
<u>(d) Information that enables de-duplication of patient</u>	63152
<u>records in the registry.</u>	63153
<u>(3) Determine the information to be included on the</u>	63154
<u>department of health's Ohio Parkinson's research registry internet</u>	63155

<u>web site established pursuant to section 3701.254 of the Revised</u>	63156
<u>Code;</u>	63157
<u>(4) Advise the director on maintaining and improving the</u>	63158
<u>registry;</u>	63159
<u>(5) Conduct a review of the registry within five years of the</u>	63160
<u>effective date of this section, including how it is being used and</u>	63161
<u>whether it is fulfilling its intended purpose, and recommend any</u>	63162
<u>necessary changes to update the registry.</u>	63163
<u>(C) The director shall serve as the chairperson of the</u>	63164
<u>committee.</u>	63165
<u>(D) Each member shall serve without compensation except to</u>	63166
<u>the extent that serving on the committee is considered part of the</u>	63167
<u>member's regular duties of employment.</u>	63168
<u>(E) The committee shall meet at the call of the chairperson</u>	63169
<u>but not less than twice annually. The committee's first meeting</u>	63170
<u>shall occur within ninety days of the effective date of this</u>	63171
<u>section. Meetings may take place in-person or virtually at the</u>	63172
<u>discretion of the chairperson.</u>	63173
<u>(F) The department of health shall provide meeting space and</u>	63174
<u>other administrative support for the committee.</u>	63175
<u>Sec. 3701.253. Within six months of the establishment of the</u>	63176
<u>Parkinson's disease registry, and annually thereafter, the</u>	63177
<u>director of health shall submit a report to the general assembly</u>	63178
<u>in accordance with section 101.68 of the Revised Code summarizing</u>	63179
<u>the following:</u>	63180
<u>(A) The incidence and rates of Parkinson's disease in Ohio by</u>	63181
<u>county;</u>	63182
<u>(B) The number of new cases reported to the Parkinson's</u>	63183
<u>disease registry in the previous year;</u>	63184

(C) Demographic information including age, gender, and race. 63185

Sec. 3701.254. (A) Within one year of the effective date of this section, the director of health shall create and maintain the Ohio Parkinson's research registry internet web site. 63186
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(B) The web site shall describe the registry and provide any relevant or helpful information as determined by the Parkinson's disease registry advisory committee pursuant to section 3701.252 of the Revised Code. 63189
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(C) The director shall publish the annual report described in section 3701.253 of the Revised Code on the web site. 63193
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Sec. 3701.255. (A) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following regarding the Parkinson's disease registry: 63195
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(1) Specify the data to be collected and the format in which it is to be submitted to the registry, in collaboration with the Parkinson's disease registry advisory committee established pursuant to section 3701.252 of the Revised Code; 63198
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(2) Develop guidelines and procedures for requesting access to data, reviewing data access requests, and approving data access requests; 63202
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(3) Create a coding system to remove individually identifying information from the data collected in the registry. 63205
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(B) The director shall periodically review and revise data collection requirements to adapt to new knowledge and technology regarding Parkinson's disease and health data collection. 63207
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Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders 63210
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specified in rules adopted pursuant to this section. 63213

(2) Division (A)(1) of this section does not apply in any of 63214
the following circumstances: 63215

(a) If the parents of the child object to the screening on 63216
the grounds that it conflicts with their religious tenets and 63217
practices; 63218

(b) With respect to the screening for Krabbe disease 63219
described in division (C)(1)(b) of this section, if the parents of 63220
the child communicate their decision to forgo the screening; 63221

(c) If appropriate laboratory equipment is not available. 63222

(B) There is hereby created the newborn screening advisory 63223
council to advise the director of health regarding the screening 63224
of newborn children for genetic, endocrine, and metabolic 63225
disorders. The council shall engage in an ongoing review of the 63226
newborn screening requirements established under this section and 63227
shall provide recommendations and reports to the director as the 63228
director requests and as the council considers necessary. The 63229
director may assign other duties to the council, as the director 63230
considers appropriate. 63231

The council shall consist of fourteen members appointed by 63232
the director. In making appointments, the director shall select 63233
individuals and representatives of entities with interest and 63234
expertise in newborn screening, including such individuals and 63235
entities as health care professionals, hospitals, children's 63236
hospitals, regional genetic centers, regional sickle cell centers, 63237
newborn screening coordinators, and members of the public. 63238

The department of health shall provide meeting space, staff 63239
services, and other technical assistance required by the council 63240
in carrying out its duties. Members of the council shall serve 63241
without compensation, but shall be reimbursed for their actual and 63242
necessary expenses incurred in attending meetings of the council 63243

or performing assignments for the council. 63244

The council is not subject to sections 101.82 to 101.87 of 63245
the Revised Code. 63246

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 63247
director of health shall adopt rules in accordance with Chapter 63248
119. of the Revised Code specifying the disorders for which each 63249
newborn child must be screened. 63250

(b) In adopting the rules, all of the following apply: 63251

(i) The director shall specify Krabbe disease as a disorder 63252
for which a newborn child who is born on or after July 1, 2016, 63253
must be screened. 63254

(ii) The director shall specify spinal muscular atrophy and 63255
X-linked adrenoleukodystrophy as disorders for which a newborn 63256
child who is born on or after ~~the date that is two hundred forty~~ 63257
~~days after the effective date of this amendment~~ May 28, 2022, must 63258
be screened. 63259

(iii) The director shall specify Duchenne muscular dystrophy 63260
as a disorder for which a newborn child who is born on or after 63261
the date that is two hundred forty days after the effective date 63262
of this amendment must be screened. 63263

(iv) Not later than six months after receiving a 63264
recommendation as described in division (C)(3)(b) of this section, 63265
the director shall specify for screening a disorder recommended as 63266
described in division (C)(3)(b) of this section, with such 63267
screening to begin not later than one year after the date that the 63268
rule specifying the disorder for screening becomes effective. 63269

(2) The newborn screening advisory council shall evaluate 63270
genetic, metabolic, and endocrine disorders to assist the director 63271
in determining which disorders should be included in the 63272
screenings required under this section. In determining whether a 63273

disorder should be included, the council shall consider all of the following: 63274
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(a) The disorder's incidence, mortality, and morbidity; 63276

(b) Whether the disorder causes disability if diagnosis, treatment, and early intervention are delayed; 63277
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(c) The potential for successful treatment of the disorder; 63279

(d) The expected benefits to children and society in relation to the risks and costs associated with screening for the disorder; 63280
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(e) Whether a screening for the disorder can be conducted without taking an additional blood sample or specimen; 63282
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(f) Whether the secretary of the United States department of health and human services has included the disorder in the federal recommended uniform screening panel. 63284
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(3)(a) Based on the considerations specified in division (C)(2) of this section, the council shall make recommendations to the director of health for the adoption of rules under division (C)(1) of this section. 63287
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(b) In the case of a disorder included within the federal recommended uniform screening panel, the council shall determine not later than six months after the date of the disorder's inclusion on the federal panel whether or not to recommend to the director that each newborn child be screened for the disorder. If the council recommends screening for the disorder, the council shall submit to the director as soon as practicable a recommendation for such screening. 63291
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(c) The director shall promptly and thoroughly review each recommendation the council submits. 63299
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(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the screenings required by this section. The rules shall include 63301
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standards and procedures for all of the following: 63304

(1) Causing rescreenings to be performed when initial 63305
screenings have abnormal results; 63306

(2) Designating the person or persons who will be responsible 63307
for causing screenings and rescreenings to be performed; 63308

(3) Giving to the parents of a child notice of the required 63309
initial screening and the possibility that rescreenings may be 63310
necessary; 63311

(4) Communicating to the parents of a child the results of 63312
the child's screening and any rescreenings that are performed; 63313

(5) Giving notice of the results of an initial screening and 63314
any rescreenings to the person who caused the child to be screened 63315
or rescreened, or to another person or government entity when the 63316
person who caused the child to be screened or rescreened cannot be 63317
contacted; 63318

(6) Referring children who receive abnormal screening or 63319
rescreening results to providers of follow-up services, including 63320
the services made available through funds disbursed under division 63321
(F) of this section. 63322

(E)(1) Except as provided in divisions (E)(2) and (3) of this 63323
section, all newborn screenings required by this section shall be 63324
performed by the public health laboratory authorized under section 63325
3701.22 of the Revised Code. 63326

(2) If the director determines that the public health 63327
laboratory is unable to perform screenings for all of the 63328
disorders specified in the rules adopted under division (C) of 63329
this section, the director shall select another laboratory to 63330
perform the screenings. The director shall select the laboratory 63331
by issuing a request for proposals. The director may accept 63332
proposals submitted by laboratories located outside this state. At 63333

the conclusion of the selection process, the director shall enter 63334
into a written contract with the selected laboratory. If the 63335
director determines that the laboratory is not complying with the 63336
terms of the contract, the director shall immediately terminate 63337
the contract and another laboratory shall be selected and 63338
contracted with in the same manner. 63339

(3) Any rescreening caused to be performed pursuant to this 63340
section may be performed by the public health laboratory or one or 63341
more other laboratories designated by the director. Any laboratory 63342
the director considers qualified to perform rescreenings may be 63343
designated, including a laboratory located outside this state. If 63344
more than one laboratory is designated, the person responsible for 63345
causing a rescreening to be performed is also responsible for 63346
selecting the laboratory to be used. 63347

(F)(1) The director shall adopt rules in accordance with 63348
Chapter 119. of the Revised Code establishing a fee that shall be 63349
charged and collected in addition to or in conjunction with any 63350
laboratory fee that is charged and collected for performing the 63351
screenings required by this section. The fee, which shall be not 63352
less than fourteen dollars, shall be disbursed as follows: 63353

(a) Not less than ten dollars and twenty-five cents shall be 63354
deposited in the state treasury to the credit of the genetics 63355
services fund, which is hereby created. Not less than seven 63356
dollars and twenty-five cents of each fee credited to the genetics 63357
services fund shall be used to defray the costs of the programs 63358
authorized by section 3701.502 of the Revised Code. Not less than 63359
three dollars from each fee credited to the genetics services fund 63360
shall be used to defray costs of phenylketonuria programs. 63361

(b) Not less than three dollars and seventy-five cents shall 63362
be deposited into the state treasury to the credit of the sickle 63363
cell fund, which is hereby created. Money credited to the sickle 63364
cell fund shall be used to defray costs of programs authorized by 63365

section 3701.131 of the Revised Code. 63366

(2) In adopting rules under division (F)(1) of this section, 63367
the director shall not establish a fee that differs according to 63368
whether a screening is performed by the public health laboratory 63369
or by another laboratory selected by the director pursuant to 63370
division (E)(2) of this section. 63371

Sec. 3701.507. (A) To assist in implementing sections 63372
3701.503 to 3701.509 of the Revised Code, the ~~medically~~ 63373
~~handicapped children's~~ children and youth with special health care 63374
needs medical advisory council created in section 3701.025 of the 63375
Revised Code shall appoint a permanent infant hearing screening 63376
subcommittee. The subcommittee shall consist of the following 63377
members: 63378

(1) One otolaryngologist; 63379

(2) One neonatologist; 63380

(3) One pediatrician; 63381

(4) One neurologist; 63382

(5) One hospital administrator; 63383

(6) Two or more audiologists who are experienced in infant 63384
hearing screening and evaluation; 63385

(7) One speech-language pathologist licensed under section 63386
4753.07 of the Revised Code; 63387

(8) Two persons who are each a parent of a hearing-impaired 63388
child; 63389

(9) One geneticist; 63390

(10) One epidemiologist; 63391

(11) One adult who is deaf or hearing impaired; 63392

(12) One representative from an organization for persons who 63393

are deaf or hearing impaired;	63394
(13) One family advocate;	63395
(14) One nurse from a well-baby neonatal nursery;	63396
(15) One nurse from a special care neonatal nursery;	63397
(16) One teacher of persons who are deaf who works with infants and toddlers;	63398 63399
(17) One representative of the health insurance industry;	63400
(18) One representative of the <u>program for children and youth</u> with medical handicaps program <u>special health care needs</u> ;	63401 63402
(19) One representative of the department of education;	63403
(20) One representative of the department of medicaid;	63404
(21) Any other person the advisory council appoints.	63405
(B) The infant hearing subcommittee shall:	63406
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	63407 63408 63409
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	63410 63411 63412
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	63413 63414 63415 63416
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	63417 63418 63419 63420
(b) Identification of locations where hearing evaluations may	63421

be conducted;	63422
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	63423 63424
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	63425 63426
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	63427 63428
(f) Preparation of the information required by section 3701.506 of the Revised Code.	63429 63430
Sec. 3701.508. (A) The director of health shall adopt rules governing the statewide hearing screening, tracking, and early intervention program established under section 3701.504 of the Revised Code, including rules that do all of the following:	63431 63432 63433 63434
(1) Specify how hospitals and freestanding birthing centers are to comply with the requirements of section 3701.505 of the Revised Code, including methods to be used for hearing screening, except that with regard to the physiologic equipment to be used for hearing screening, the rules may require only that the equipment be capable of giving reliable results and may not specify particular equipment or a particular type of equipment;	63435 63436 63437 63438 63439 63440 63441
(2) Provide that no newborn or infant shall be required to undergo a hearing screening if the parent, guardian, or custodian of the newborn or infant objects on the grounds that the screening conflicts with the parent's, guardian's, or custodian's religious tenets and practices;	63442 63443 63444 63445 63446
(3) Provide for situations in which the parent, guardian, or custodian of a newborn or infant objects to a hearing screening for reasons other than religious tenets and practices;	63447 63448 63449
(4) Specify how the department of health will determine whether a person is financially unable to pay for a hearing	63450 63451

screening and define "third-party payer" for the purpose of 63452
reimbursement of hearing screening by the department under section 63453
3701.505 of the Revised Code; 63454

(5) Specify an inexpensive and efficient format and 63455
procedures for the submission of hearing screening information 63456
from hospitals and freestanding birthing centers to the department 63457
of health; 63458

(6) Specify a procedure whereby the department may conduct 63459
timely reviews of hearing screening information submissions for 63460
purposes of quality assurance, training, and disease prevention 63461
and control; 63462

(7) Specify any additional information that hospitals and 63463
freestanding birthing centers are to provide to the ~~medically~~ 63464
~~handicapped children's~~ children and youth with special health care 63465
needs medical advisory council's infant hearing screening 63466
subcommittee under section 3701.509 of the Revised Code. 63467

(B) In addition to the rules adopted under division (A) of 63468
this section, the director shall adopt rules that specify the 63469
training that must be completed by persons who will conduct 63470
hearing screenings. In adopting these rules, the director shall 63471
consider incorporating cost-saving training methods, including 63472
computer-assisted learning and on-site training. Neither the rules 63473
nor the director of health may establish a minimum educational 63474
level for persons conducting hearing screenings. 63475

(C) All rules adopted under this section shall be adopted in 63476
accordance with Chapter 119. of the Revised Code and shall be 63477
adopted so as to take effect not later than six months after 63478
August 1, 2002. 63479

Sec. 3701.509. (A) The department of health shall develop a 63480
mechanism to analyze and interpret the hearing screening 63481

information to be reported under division (B) of this section. The 63482
department shall notify all hospitals and freestanding birthing 63483
centers subject to the reporting requirements of the date the 63484
department anticipates that the mechanism will be complete. After 63485
the mechanism is complete, the department shall notify each 63486
hospital and freestanding birthing center subject to the reporting 63487
requirement of the date by which the hospital or center must 63488
submit its first report. 63489

(B) Subject to division (A) of this section and in accordance 63490
with rules adopted by the director of health under section 63491
3701.508 of the Revised Code, each hospital and freestanding 63492
birthing center that has conducted a hearing screening required by 63493
section 3701.505 of the Revised Code shall provide to the 63494
department of health for use by the ~~medically handicapped~~ 63495
children's children and youth with special health care needs 63496
medical advisory council's infant hearing screening subcommittee 63497
information specifying all of the following: 63498

(1) The number of newborns born in the hospital or 63499
freestanding birthing center and the number of newborns and 63500
infants not screened because they were transferred to another 63501
hospital; 63502

(2) The number of newborns and infants referred to the 63503
hospital or freestanding birthing center for a hearing screening 63504
and the number of those newborns and infants who received a 63505
hearing screening; 63506

(3) The number of newborns and infants who did not pass the 63507
hearing screenings conducted by the hospital or freestanding 63508
birthing center; 63509

(4) Any other information concerning the program established 63510
under section 3701.504 of the Revised Code. 63511

(C) The department of health shall conduct a timely review of 63512
the information submitted by hospitals and freestanding birthing 63513
centers in accordance with rules adopted by the director under 63514
section 3701.508 of the Revised Code. 63515

(D) The infant hearing screening subcommittee, with the 63516
support of the department of health, shall compile and summarize 63517
the information submitted to the department by hospitals and 63518
freestanding birthing centers under division (B) of this section. 63519
Beginning with the first year after the mechanism developed under 63520
division (A) of this section is complete, the subcommittee shall 63521
annually prepare and transmit a report to the director of health, 63522
the speaker of the house of representatives, and the president of 63523
the senate. The council shall make the report available to the 63524
public. 63525

(E) The department and all members of the subcommittee shall 63526
maintain the confidentiality of patient-identifying information 63527
submitted under division (B) of this section and section 3701.505 63528
of the Revised Code. The information is not a public record under 63529
section 149.43 of the Revised Code, except to the extent that the 63530
information is used in preparing reports under this section. 63531

Nothing in this division prohibits the department from 63532
providing patient-identifying information to other entities as it 63533
considers necessary to implement the statewide tracking and early 63534
intervention components of the program established under section 63535
3701.504 of the Revised Code. Any entity that receives 63536
patient-identifying information from the department shall maintain 63537
the confidentiality of the information. 63538

Sec. 3701.68. (A) As used in this section: 63539

(1) "Academic medical center" means a medical school and its 63540
affiliated teaching hospitals. 63541

(2) "State registrar" has the same meaning as in section 63542
3705.01 of the Revised Code. 63543

(B) There is hereby created the commission on infant 63544
mortality. The commission shall do all of the following: 63545

(1) Conduct a complete inventory of services provided or 63546
administered by the state that are available to address the infant 63547
mortality rate in this state; 63548

(2) For each service identified under division (B)(1) of this 63549
section, determine both of the following: 63550

(a) The sources of the funds that are used to pay for the 63551
service; 63552

(b) Whether the service and its funding sources have a 63553
connection with programs provided or administered by local or 63554
community-based public or private entities and, to the extent they 63555
do not, whether they should. 63556

(3) With assistance from academic medical centers, track and 63557
analyze infant mortality rates by county for the purpose of 63558
determining the impact of state and local initiatives to reduce 63559
those rates. 63560

(C) The commission shall consist of the following members: 63561

(1) Two members of the senate, one from the majority party 63562
and one from the minority party, each appointed by the senate 63563
president; 63564

(2) Two members of the house of representatives, one from the 63565
majority party and one from the minority party, each appointed by 63566
the speaker of the house of representatives; 63567

(3) The governor or the governor's designee; 63568

(4) The medicaid director or the director's designee; 63569

(5) The director of health or the director's designee; 63570

(6) The director of developmental disabilities or the director's designee;	63571 63572
(7) The executive director of the commission on minority health or the executive director's designee;	63573 63574
(8) The attorney general or the attorney general's designee;	63575
(9) A health commissioner of a city or general health district, appointed by the governor;	63576 63577
(10) A coroner, deputy coroner, or other person who conducts death scene investigations, appointed by the governor;	63578 63579
(11) An individual who represents the Ohio hospital association, appointed by the association's president;	63580 63581
(12) An individual who represents the Ohio children's hospital association, appointed by the association's president;	63582 63583
(13) Two individuals who represent community-based programs that serve pregnant women or new mothers whose infants tend to be at a higher risk for infant mortality, appointed by the governor;	63584 63585 63586
(14) Two individuals who represent children's interests, one to be appointed by the speaker of the house of representatives and one to be appointed by the senate president.	63587 63588 63589
(D) An appointed commission member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment.	63590 63591 63592
From among the members, the president of the senate and speaker of the house of representatives shall appoint two to serve as co-chairpersons of the commission.	63593 63594 63595
A member shall serve without compensation except to the extent that serving on the commission is considered part of the member's regular duties of employment.	63596 63597 63598
(E) The commission may request assistance from the staff of	63599

the legislative service commission. 63600

(F) For purposes of division (B)(3) of this section, the 63601
state registrar shall ensure that the commission and academic 63602
medical centers located in this state have access to any 63603
electronic system of vital records the state registrar or 63604
department of health maintains, including the Ohio public health 63605
information warehouse. Not later than six months after March 19, 63606
2015, the commission on infant mortality shall prepare a written 63607
report of its findings and recommendations concerning the matters 63608
described in division (B) of this section. On completion, the 63609
commission shall submit the report to the governor and, in 63610
accordance with section 101.68 of the Revised Code, the general 63611
assembly. 63612

(G) The president of the senate and speaker of the house of 63613
representatives shall determine the responsibilities of the 63614
commission following submission of the report under division (F) 63615
of this section. 63616

(H) The commission is not subject to sections 101.82 to 63617
101.87 of the Revised Code. 63618

(I) The commission shall provide information to the ~~Ohio~~ 63619
governor's office of housing finance agency transformation for the 63620
purposes of division (A) of section 175.14 of the Revised Code. 63621

Sec. 3701.741. (A) Each health care provider and medical 63622
records company shall provide copies of medical records in 63623
accordance with this section. 63624

(B) Except as provided in divisions (C) and (E) of this 63625
section, a health care provider or medical records company that 63626
receives a request for a copy of a patient's medical record shall 63627
charge not more than the amounts set forth in this section. 63628

~~(1) If~~ (1)(a) Except as provided in division (B)(1)(b) of 63629

this section, if the request is made by the patient or, the 63630
patient's personal representative, or an individual authorized to 63631
access the patient's medical record through a valid power of 63632
attorney, total costs for copies and all services related to those 63633
copies shall not exceed the sum of the following: 63634

~~(a) Except as provided in division (B)(1)(b) of this section,~~ 63635
~~with respect to data recorded on paper or electronically, the~~ 63636
~~following amounts adjusted in accordance with section 3701.742 of~~ 63637
~~the Revised Code:~~ 63638

~~(i) Two dollars and seventy four cents per page for the first~~ 63639
~~ten pages;~~ 63640

~~(ii) Fifty seven cents per page for pages eleven through~~ 63641
~~fifty;~~ 63642

~~(iii) Twenty three cents per page for pages fifty one and~~ 63643
~~higher;~~ 63644

~~(b) With respect to data resulting from an x ray, magnetic~~ 63645
~~resonance imaging (MRI), or computed axial tomography (CAT) scan~~ 63646
~~and recorded on paper or film, one dollar and eighty seven cents~~ 63647
~~per page;~~ 63648

~~(c) The actual cost of any related postage incurred by the~~ 63649
~~health care provider or medical records company be reasonable,~~ 63650
~~cost-based amounts permitted to be charged to the patient under~~ 63651
~~federal laws and regulations. Any per page charges shall not~~ 63652
~~exceed the sum of the per page charges authorized in division~~ 63653
~~(B)(2)(b) and (c) of this section.~~ 63654

(b) If the request is made by a person identified in division 63655
(B)(1)(a) of this section and the request is for access to digital 63656
records or electronically transmitted records, the total cost for 63657
that access or for the electronic transmission, and all related 63658
services, shall not exceed fifty dollars. 63659

(2) If the request is made ~~other than by the patient or the~~ 63660
~~patient's personal representative~~ anyone other than a person 63661
identified in division (B)(1)(a) of this section, total costs for 63662
copies and all services related to those copies shall not exceed 63663
the sum of the following: 63664

(a) An initial fee of sixteen dollars and eighty-four cents 63665
adjusted in accordance with section 3701.742 of the Revised Code, 63666
which shall compensate for the records search; 63667

(b) Except as provided in division (B)(2)(c) of this section, 63668
with respect to data recorded on paper or electronically, the 63669
following amounts adjusted in accordance with section 3701.742 of 63670
the Revised Code: 63671

(i) One dollar and eleven cents per page for the first ten 63672
pages; 63673

(ii) Fifty-seven cents per page for pages eleven through 63674
fifty; 63675

(iii) Twenty-three cents per page for pages fifty-one and 63676
higher. 63677

(c) With respect to data resulting from an x-ray, magnetic 63678
resonance imaging (MRI), or computed axial tomography (CAT) scan 63679
and recorded on paper or film, one dollar and eighty-seven cents 63680
per page; 63681

(d) The actual cost of any related postage incurred by the 63682
health care provider or medical records company. 63683

(C)(1) On request, a health care provider or medical records 63684
company shall provide one copy of the patient's medical record and 63685
one copy of any records regarding treatment performed subsequent 63686
to the original request, not including copies of records already 63687
provided, without charge to the following: 63688

(a) The bureau of workers' compensation, in accordance with 63689

Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	63690 63691
(b) The industrial commission, in accordance with Chapters 4121. and 4123. of the Revised Code and the rules adopted under those chapters;	63692 63693 63694
(c) The department of medicaid or a county department of job and family services, in accordance with Chapters 5160., 5161., 5162., 5163., 5164., 5165., 5166., and 5167. of the Revised Code and the rules adopted under those chapters;	63695 63696 63697 63698
(d) The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections;	63699 63700 63701
(e) A patient, patient's personal representative, or authorized person if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.	63702 63703 63704 63705 63706 63707
(2) Nothing in division (C)(1) of this section requires a health care provider or medical records company to provide a copy without charge to any person or entity not listed in division (C)(1) of this section.	63708 63709 63710 63711
(D) Division (C) of this section shall not be construed to supersede any rule of the bureau of workers' compensation, the industrial commission, or the department of medicaid.	63712 63713 63714
(E) A health care provider or medical records company may enter into a contract with either of the following for the copying of medical records at a fee other than as provided in division (B) of this section:	63715 63716 63717 63718
(1) A patient, a patient's personal representative, or an	63719

authorized person; 63720

(2) An insurer authorized under Title XXXIX of the Revised 63721
Code to do the business of sickness and accident insurance in this 63722
state or health insuring corporations holding a certificate of 63723
authority under Chapter 1751. of the Revised Code. 63724

(F) This section does not apply to medical records the 63725
copying of which is covered by section 173.20 of the Revised Code 63726
or by 42 C.F.R. 483.10. 63727

Sec. 3701.78. (A) There is hereby created the commission on 63728
minority health, consisting of ~~twenty-one~~ twenty-two members. The 63729
governor shall appoint to the commission nine members from among 63730
health researchers, health planners, and health professionals. The 63731
governor also shall appoint two members who are representatives of 63732
the lupus awareness and education program. The speaker of the 63733
house of representatives shall appoint to the commission two 63734
members of the house of representatives, not more than one of whom 63735
is a member of the same political party, and the president of the 63736
senate shall appoint to the commission two members of the senate, 63737
not more than one of whom is a member of the same political party. 63738
The following shall be members of the commission: the directors of 63739
health, mental health and addiction services, developmental 63740
disabilities, aging, and job and family services, or their 63741
designees; the medicaid director, or the director's designee; and 63742
the superintendent of public instruction, or the superintendent's 63743
designee. 63744

The commission shall elect a chairperson from among its 63745
members. 63746

Of the members appointed by the governor, five shall be 63747
appointed to initial terms of one year, and four shall be 63748
appointed to initial terms of two years. Thereafter, all members 63749
appointed by the governor shall be appointed to terms of two 63750

years. All members of the commission appointed by the speaker of 63751
the house of representatives or the president of the senate shall 63752
be nonvoting members of the commission and be appointed within 63753
~~thirty~~ forty-five days after the commencement of the first regular 63754
session of each general assembly, and shall serve until the 63755
expiration of the session of the general assembly during which 63756
they were appointed. 63757

Members of the commission shall serve without compensation, 63758
but shall be reimbursed for the actual and necessary expenses they 63759
incur in the performance of their official duties. 63760

(B) The commission shall promote health and the prevention of 63761
disease among members of minority groups. Each year the commission 63762
shall distribute grants from available funds to community-based 63763
health groups to be used to promote health and the prevention of 63764
disease among members of minority groups. As used in this 63765
division, "minority group" means any of the following economically 63766
disadvantaged groups: Blacks, American Indians, Hispanics, and 63767
Orientals. The commission shall adopt and maintain rules pursuant 63768
to Chapter 119. of the Revised Code to provide for the 63769
distribution of these grants. No group shall qualify to receive a 63770
grant from the commission unless it receives at least twenty per 63771
cent of its funds from sources other than grants distributed under 63772
this section. 63773

(C) The commission may appoint such employees as it considers 63774
necessary to carry out its duties under this section. The 63775
department of health shall provide office space for the 63776
commission. 63777

(D) The commission shall meet at the call of its chairperson 63778
to conduct its official business. A majority of the voting members 63779
of the commission constitute a quorum. The votes of at least eight 63780
voting members of the commission are necessary for the commission 63781
to take any official action or to approve the distribution of 63782

grants under this section. 63783

Sec. 3701.953. (A) The department of health shall create an 63784
infant mortality scorecard. The scorecard shall report all of the 63785
following: 63786

(1) The state's performance on population health measures, 63787
including the infant mortality rate, preterm birth rate, and low 63788
birth weight rate, delineated by race, ethnic group, region of the 63789
state, and the state as a whole; 63790

(2) Preliminary data the department possesses on the state's 63791
unexpected infant death rate; 63792

(3) To the extent such information is available, the state's 63793
performance on outcome measures identified by the department that 63794
are related to preconception health, reproductive health, prenatal 63795
care, labor and delivery, smoking, infant safe sleep practices, 63796
breastfeeding, and behavioral health, delineated by race, ethnic 63797
group, region of the state, and the state as a whole; 63798

(4) A comparison of the state's performance on the population 63799
health measures specified in division (A)(1) of this section and, 63800
to the extent such information is available, the state's 63801
performance on outcome measures specified in division (A)(3) of 63802
this section with the targets for the measures, or the targets for 63803
the objectives similar to the measures, established by the United 63804
States department of health and human services through the healthy 63805
people 2020 initiative or a subsequent initiative; 63806

(5) Any other information on maternal and child health that 63807
the department considers appropriate. 63808

(B) The scorecard shall be ~~updated each calendar quarter and~~ 63809
~~made available on the department's internet web site~~ built and 63810
automated to refresh data in real time on a data dashboard to be 63811
made publicly available. 63812

(C) The scorecard shall include a description of the data sources and methodology used to complete the scorecard.

Sec. 3702.3012. (A) As used in this section, "surgical smoke" and "surgical smoke evacuation system" have the same meanings as in section 3727.25 of the Revised Code.

(B) Not later than one year after the effective date of this section, each ambulatory surgical facility shall adopt and implement a policy designed to prevent human exposure to surgical smoke during any planned surgical procedure that is likely to generate surgical smoke. The policy shall include the use of a surgical smoke evacuation system.

(C) The director of health may adopt any rules the director considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 3702.511. (A) Except as provided in division (B) of this section and section 3702.512 of the Revised Code, the following activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code:

(1) Establishment, development, or construction of a new long-term care facility;

(2) Replacement of an existing long-term care facility;

(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of four million dollars or more, not including expenditures for equipment, staffing, or operational costs;

(4) An increase in long-term care bed capacity;

(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care

facility at the same site;	63842
(6) Expenditure of more than one hundred ten per cent of the	63843
maximum expenditure specified in a certificate of need concerning	63844
long term care beds;	63845
(7) Any failure to conduct a reviewable activity in	63846
substantial accordance with the approved application for which a	63847
certificate of need was granted, including a change in the site,	63848
if the failure occurs within five years after implementation of	63849
the reviewable activity for which the certificate was granted.	63850
(B) The following activities are not subject to review under	63851
sections 3702.51 to 3702.62 of the Revised Code:	63852
(1) Acquisition of computer hardware or software;	63853
(2) Acquisition of a telephone system;	63854
(3) Construction or acquisition of parking facilities;	63855
(4) Correction of cited deficiencies that constitute an	63856
imminent threat to public health or safety and are in violation of	63857
federal, state, or local fire, building, or safety statutes,	63858
ordinances, rules, or regulations;	63859
(5) Acquisition of an existing long-term care facility that	63860
does not involve a change in the number of the beds;	63861
(6) Mergers, consolidations, or other corporate	63862
reorganizations of long-term care facilities that do not involve a	63863
change in the number of beds;	63864
(7) Construction, repair, or renovation of bathroom	63865
facilities;	63866
(8) Construction of laundry facilities, waste disposal	63867
facilities, dietary department projects, heating and air	63868
conditioning projects, administrative offices, and portions of	63869
medical office buildings used exclusively for physician services;	63870

(9) Removal of asbestos from a health care facility. 63871

Only that portion of a project that is described in this 63872
division is not reviewable. 63873

Sec. 3702.52. The director of health shall administer a state 63874
certificate of need program in accordance with sections 3702.51 to 63875
3702.62 of the Revised Code and rules adopted under those 63876
sections. Administration of the program shall include both a 63877
standard review process and an expedited review process. 63878

(A) The director shall issue rulings on whether a particular 63879
proposed project is a reviewable activity. The director shall 63880
issue a ruling not later than forty-five days after receiving a 63881
request for a ruling accompanied by the information needed to make 63882
the ruling, except that if an expedited review is requested, the 63883
ruling shall be issued not later than thirty days after receiving 63884
the request for a ruling accompanied by the information needed to 63885
make the ruling. If the director does not issue a ruling in the 63886
required time, the project shall be considered to have been ruled 63887
not a reviewable activity. 63888

(B)(1) Each application for a certificate of need shall be 63889
submitted to the director on forms and in the manner prescribed by 63890
the director. An application for which expedited review is 63891
requested must meet the same requirements as all other 63892
applications. 63893

Each application shall include a plan for obligating the 63894
capital expenditures or implementing the proposed project on a 63895
timely basis in accordance with section 3702.524 of the Revised 63896
Code. Each application shall also include all other information 63897
required by rules adopted under division (B) of section 3702.57 of 63898
the Revised Code. 63899

(2) Each application shall be accompanied by the application 63900

fee established in rules adopted under division ~~(G)~~(F) of section 63901
3702.57 of the Revised Code. Application fees received by the 63902
director under this division shall be deposited into the state 63903
treasury to the credit of the certificate of need fund, which is 63904
hereby created. The director shall use the fund only to pay the 63905
costs of administering sections 3702.11 to 3702.20, 3702.30, and 63906
3702.51 to 3702.62 of the Revised Code and rules adopted under 63907
those sections. An application fee is nonrefundable unless the 63908
director determines that the application cannot be accepted. 63909

(3) The director shall review applications for certificates 63910
of need. As part of a review, the director shall determine whether 63911
an application is complete. The director shall not consider an 63912
application to be complete unless the application meets all 63913
criteria for a complete application specified in rules adopted 63914
under section 3702.57 of the Revised Code. For an application 63915
being considered under the standard review process, the director 63916
shall mail to the applicant a written notice that the application 63917
is complete, or a written request for additional information, not 63918
later than thirty days after receiving an application or a 63919
response to an earlier request for information. For an application 63920
for which expedited review is requested, the director's notice or 63921
request shall be mailed not later than fourteen days after the 63922
director receives the application or a response to an earlier 63923
request for information. Except as provided in section 3702.522 of 63924
the Revised Code, the director shall not make more than two 63925
requests for additional information. For either the standard or 63926
expedited review process, the director shall make a final 63927
determination regarding an application's completeness and issue a 63928
notice of the determination not later than one hundred eighty days 63929
after the date the director received the initial application. 63930

The director's determination that an application is not 63931
complete is final and not subject to appeal. 63932

(4) Except as necessary to comply with a subpoena issued 63933
under division (F) of this section, after a notice of completeness 63934
has been received, no person shall make revisions to information 63935
that was submitted to the director before the director mailed the 63936
notice of completeness or knowingly discuss in person or by 63937
telephone the merits of the application with the director. A 63938
person may supplement an application after a notice of 63939
completeness has been received by submitting clarifying 63940
information to the director. 63941

(C) All of the following apply to the process of granting or 63942
denying a certificate of need: 63943

(1) If the project proposed in a certificate of need 63944
application meets all of the applicable certificate of need 63945
criteria for approval under sections 3702.51 to 3702.62 of the 63946
Revised Code and the rules adopted under those sections, the 63947
director shall grant a certificate of need for all or part of the 63948
project that is the subject of the application by the applicable 63949
deadline specified in division (C)(4) of this section or any 63950
extension of it under division (C)(5) of this section. 63951

(2) The director's grant of a certificate of need does not 63952
affect, and sets no precedent for, the director's decision to 63953
grant or deny other applications for similar reviewable 63954
activities. 63955

(3) Any affected person may submit written comments regarding 63956
an application. The director shall consider all written comments 63957
received by the forty-fifth day after the application is submitted 63958
to the director, except that to be considered in an expedited 63959
review, written comments must be received by the twenty-first day 63960
after the application is submitted. 63961

(4) Except as provided in division (C)(5) of this section, 63962
the director shall grant or deny certificate of need applications 63963

not later than sixty days after mailing the notice of completeness 63964
unless the application is receiving expedited review. If the 63965
application is receiving expedited review, the director shall 63966
grant or deny the application not later than forty-five days after 63967
mailing the notice of completeness. 63968

(5) Except as provided in division (C)(6) of this section, 63969
the director or the applicant may extend the deadline prescribed 63970
in division (C)(4) of this section once, for no longer than thirty 63971
days, by written notice before the end of the deadline prescribed 63972
by division (C)(4) of this section. An extension by the director 63973
under division (C)(5) of this section shall apply to all 63974
applications that are in comparative review. 63975

(6) No applicant in a comparative review may extend the 63976
deadline specified in division (C)(4) of this section. 63977

(7) If the director does not grant or deny the certificate by 63978
the applicable deadline specified in division (C)(4) of this 63979
section or any extension of it under division (C)(5) of this 63980
section, the certificate shall be considered to have been granted. 63981

~~(8) In granting a certificate of need, the director shall 63982
specify as the maximum capital expenditure the certificate holder 63983
may obligate under the certificate a figure equal to one hundred 63984
ten per cent of the approved project cost. 63985~~

~~(9) In granting a certificate of need, the director may grant 63986
the certificate with conditions that must be met by the holder of 63987
the certificate. 63988~~

(D) When a certificate of need is granted for a project under 63989
which beds are to be relocated, upon completion of the project for 63990
which the certificate of need was granted a number of beds equal 63991
to the number of beds relocated shall cease to be operated in the 63992
long-term care facility from which they are relocated, except that 63993
the beds may continue to be operated for not more than fifteen 63994

days to allow relocation of residents to the facility to which the
beds have been relocated. Notwithstanding section 3721.03 of the
Revised Code, if the relocated beds are in a home licensed under
Chapter 3721. of the Revised Code, the facility's license is
automatically reduced by the number of beds relocated effective
fifteen days after the beds are relocated. If the beds are in a
facility that is certified as a skilled nursing facility or
nursing facility under Title XVIII or XIX of the "Social Security
Act," the certification for the beds shall be surrendered. If the
beds are registered under section 3701.07 of the Revised Code as
skilled nursing beds or long-term care beds, the director shall
remove the beds from registration not later than fifteen days
after the beds are relocated.

(E) During the period beginning with the granting of a
certificate of need and ending five years after implementation of
the reviewable activity for which the certificate was granted, the
director shall monitor the activities of the person granted the
certificate to determine whether the reviewable activity is
conducted in substantial accordance with the certificate. A
reviewable activity shall not be determined to be not in
substantial accordance with the certificate of need solely because
of either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless
any of the circumstances specified in division (B) of section
3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need,
considering appeals under section 3702.60 of the Revised Code, or
monitoring activities of persons granted certificates of need, the
director may issue and enforce, in the manner provided in section
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to
compel a person to testify and produce documents relevant to

review of the application, consideration of the appeal, or 64027
monitoring of the activities. In addition, the director or the 64028
director's designee may visit the sites where the activities are 64029
or will be conducted. 64030

(G) The director may withdraw certificates of need. 64031

(H) All long-term care facilities shall submit to the 64032
director, upon request, any information prescribed by rules 64033
adopted under division ~~(H)~~(G) of section 3702.57 of the Revised 64034
Code that is necessary to conduct reviews of certificate of need 64035
applications and to develop criteria for reviews. 64036

(I) Any decision to grant or deny a certificate of need shall 64037
consider the special needs and circumstances resulting from moral 64038
and ethical values and the free exercise of religious rights of 64039
long-term care facilities administered by religious organizations, 64040
and the special needs and circumstances of inner city and rural 64041
communities. 64042

Sec. 3702.532. When the director of health determines that a 64043
person has violated section 3702.53 of the Revised Code, the 64044
director shall send a notice to the person by certified mail, 64045
return receipt requested, specifying the activity constituting the 64046
violation and the penalties imposed under section 3702.54 ~~or~~ 64047
~~3702.541~~ of the Revised Code. 64048

Sec. 3702.54. ~~Except as provided in section 3702.541 of the~~ 64049
~~Revised Code, divisions~~ Divisions (A) and (B) of this section 64050
apply when the director of health determines that a person has 64051
violated section 3702.53 of the Revised Code. 64052

(A) The director shall impose a civil penalty on the person 64053
in an amount equal to the greatest of the following: 64054

(1) Three thousand dollars; 64055

(2) Five per cent of the operating cost of the activity that 64056
constitutes the violation during the period of time it was 64057
conducted in violation of section 3702.53 of the Revised Code; 64058

(3) If a certificate of need was granted, two per cent of the 64059
total ~~approved~~ capital cost associated with implementation of the 64060
activity for which the certificate of need was granted. 64061

In no event, however, shall the penalty exceed two hundred 64062
fifty thousand dollars. 64063

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 64064
the director shall refuse to accept for review any application for 64065
a certificate of need filed by or on behalf of the person, or any 64066
successor to the person or entity related to the person, for a 64067
period of not less than one year and not more than three years 64068
after the director mails the notice of the director's 64069
determination under section 3702.532 of the Revised Code or, if 64070
the determination is appealed under section 3702.60 of the Revised 64071
Code, the issuance of the order upholding the determination that 64072
is not subject to further appeal. In determining the length of 64073
time during which applications will not be accepted, the director 64074
may consider any of the following: 64075

(a) The nature and magnitude of the violation; 64076

(b) The ability of the person to have averted the violation; 64077

(c) Whether the person disclosed the violation to the 64078
director before the director commenced ~~his~~ investigation of the 64079
violation; 64080

(d) The person's history of compliance with sections 3702.51 64081
to 3702.62 and the rules adopted under section 3702.57 of the 64082
Revised Code; 64083

(e) Any community hardship that may result from refusing to 64084
accept future applications from the person. 64085

(2) Notwithstanding the one-year minimum imposed by division 64086
(B)(1) of this section, the director may establish a period of 64087
less than one year during which the director will refuse to accept 64088
certificate of need applications if, after reviewing all 64089
information available to the director, the director determines and 64090
expressly indicates in the notice mailed under section 3702.532 of 64091
the Revised Code that refusing to accept applications for a longer 64092
period would result in hardship to the community in which the 64093
person provides long-term care services. The director's finding of 64094
community hardship shall not affect the granting or denial of any 64095
future certificate of need application filed by the person. 64096

Sec. 3702.544. Each person required by section 3702.54 ~~or~~ 64097
~~3702.541~~ of the Revised Code to pay a civil penalty shall do so 64098
not later than sixty days after receiving the notice mailed under 64099
section 3702.532 of the Revised Code or, if the person appeals 64100
under section 3702.60 of the Revised Code the director of health's 64101
determination that a violation has occurred, not later than sixty 64102
days after the issuance of an order upholding the director's 64103
determination that is not subject to further appeal. The civil 64104
penalties shall be paid to the director. The director shall 64105
deposit them into the certificate of need fund created by section 64106
3702.52 of the Revised Code. 64107

Sec. 3702.55. A person that the director of health determines 64108
has violated section 3702.53 of the Revised Code shall cease 64109
conducting the activity that constitutes the violation or 64110
utilizing the facility resulting from the violation not later than 64111
thirty days after the person receives the notice mailed under 64112
section 3702.532 of the Revised Code or, if the person appeals the 64113
director's determination under section 3702.60 of the Revised 64114
Code, thirty days after the person receives an order upholding the 64115
director's determination that is not subject to further appeal. 64116

If any person determined to have violated section 3702.53 of the Revised Code fails to cease conducting an activity or using a facility as required by this section or if the person continues to seek payment or reimbursement for services rendered or costs incurred in conducting the activity as prohibited by section 3702.56 of the Revised Code, in addition to the penalties imposed under section 3702.54 ~~or 3702.541~~ of the Revised Code:

(A) The director of health may refuse to include any beds involved in the activity in the bed capacity of a hospital for purposes of registration under section 3701.07 of the Revised Code;

(B) The director of health may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a hospice care program under section 3712.04 of the Revised Code; a nursing home, residential care facility, or home for the aging under section 3721.02 of the Revised Code; or any beds within any of those facilities that are involved in the activity;

(C) A political subdivision certified under section 3721.09 of the Revised Code may refuse to license, or may revoke a license or reduce bed capacity previously granted to, a nursing home, residential care facility, or home for the aging, or any beds within any of those facilities that are involved in the activity;

(D) The director of mental health and addiction services may refuse to license under section 5119.33 of the Revised Code, or may revoke a license or reduce bed capacity previously granted to, a hospital receiving mentally ill persons or beds within such a hospital that are involved in the activity;

(E) The department of medicaid may refuse to enter into a provider agreement that includes a facility, beds, or services that result from the activity.

Sec. 3702.57. (A) The director of health shall adopt rules 64147
establishing procedures and criteria for reviews of applications 64148
for certificates of need and issuance, denial, or withdrawal of 64149
certificates. 64150

(1) In adopting rules that establish criteria for reviews of 64151
applications of certificates of need, the director shall consider 64152
the availability of and need for long-term care beds to provide 64153
care and treatment to persons diagnosed as having traumatic brain 64154
injuries and shall prescribe criteria for reviewing applications 64155
that propose to add long-term care beds to provide care and 64156
treatment to persons diagnosed as having traumatic brain injuries. 64157

(2) The criteria for reviews of applications for certificates 64158
of need shall relate to the need for the reviewable activity and 64159
shall pertain to all of the following matters: 64160

(a) The impact of the reviewable activity on the cost and 64161
quality of long-term care services in the relevant service area, 64162
including, but not limited, to the historical and projected 64163
utilization of the services to which the application pertains and 64164
the effect of the reviewable activity on utilization of other 64165
providers of similar services; 64166

(b) The quality of the services to be provided as the result 64167
of the activity, as evidenced by the historical performance of the 64168
persons that will be involved in providing the services and by the 64169
provisions that are proposed in the application to ensure quality, 64170
including but not limited to adequate available personnel, 64171
available ancillary and support services, available equipment, 64172
size and configuration of physical plant, and relations with other 64173
providers; 64174

(c) The impact of the reviewable activity on the availability 64175
and accessibility of the type of services proposed in the 64176
application to the population of the relevant service area, and 64177

the level of access to the services proposed in the application 64178
that will be provided to medically underserved individuals such as 64179
recipients of public assistance and individuals who have no health 64180
insurance or whose health insurance is insufficient; 64181

(d) The activity's short- and long-term financial feasibility 64182
and cost-effectiveness, the impact of the activity on the 64183
applicant's costs and charges, and a comparison of the applicant's 64184
costs and charges with those of providers of similar services in 64185
the applicant's proposed service area; 64186

(e) The advantages, disadvantages, and costs of alternatives 64187
to the reviewable activity; 64188

(f) The impact of the activity on all other providers of 64189
similar services in the relevant service area, including the 64190
impact on their utilization, market share, and financial status; 64191

(g) The historical performance of the applicant and related 64192
or affiliated parties in complying with previously granted 64193
certificates of need and any applicable certification, 64194
accreditation, or licensure requirements; 64195

(h) The historical performance of the applicant and related 64196
or affiliated parties in providing cost-effective long-term care 64197
services; 64198

(i) The special needs and circumstances of the applicant or 64199
population proposed to be served by the proposed project, 64200
including research activities, prevalence of particular diseases, 64201
unusual demographic characteristics, cost-effective contractual 64202
affiliations, and other special circumstances; 64203

(j) The appropriateness of the zoning status of the proposed 64204
site of the activity; 64205

(k) The participation by the applicant in research conducted 64206
by the United States food and drug administration or clinical 64207

trials sponsored by the national institutes of health. 64208

(3) The criteria for reviews of applications shall include a 64209
formula for determining each county's long-term care bed need for 64210
purposes of section 3702.593 of the Revised Code and may include 64211
other formulas for determining need for beds. 64212

Any rules prescribing criteria that establish ratios of beds 64213
to population shall specify the bases for establishing the ratios 64214
or mitigating factors or exceptions to the ratios. 64215

(B) The director shall adopt rules specifying all of the 64216
following: 64217

(1) Information that must be provided in applications for 64218
certificates of need; 64219

(2) Procedures for reviewing applications for completeness of 64220
information; 64221

(3) Criteria for determining that the application is 64222
complete; 64223

(4) Procedures for making a final determination regarding an 64224
application's completeness and issuing a notice of the 64225
determination within the one-hundred-eighty-day time frame 64226
specified in division (B)(3) of section 3702.52 of the Revised 64227
Code. 64228

(C) The director shall adopt rules specifying requirements 64229
that holders of certificates of need must meet in order for the 64230
certificates to remain valid and establishing definitions and 64231
requirements for obligation of capital expenditures and 64232
implementation of projects authorized by certificates of need. 64233

The rules shall not specify a maximum capital expenditure 64234
that a certificate holder may obligate under a certificate of 64235
need. 64236

(D) The director shall adopt rules establishing criteria and 64237

procedures under which the director of health may withdraw a 64238
certificate of need if the holder fails to meet requirements for 64239
continued validity of the certificate. 64240

(E) The director shall adopt rules establishing procedures 64241
under which the department of health shall monitor project 64242
implementation activities of holders of certificates of need. The 64243
rules adopted under this division also may establish procedures 64244
for monitoring implementation activities of persons that have 64245
received nonreviewability rulings. 64246

~~(F) The director shall adopt rules establishing procedures 64247
under which the director of health shall review certificates of 64248
need whose holders exceed or appear likely to exceed an 64249
expenditure maximum specified in a certificate. 64250~~

~~(G)~~ The director shall adopt rules establishing certificate 64251
of need application fees sufficient to pay the costs incurred by 64252
the department for administering sections 3702.51 to 3702.62 of 64253
the Revised Code. Unless rules are adopted under this division 64254
establishing different application fees, the application fee for a 64255
project not involving a capital expenditure shall be three 64256
thousand dollars and the application fee for a project involving a 64257
capital expenditure shall be nine-tenths of one per cent of the 64258
capital expenditure proposed subject to a minimum of three 64259
thousand dollars and a maximum of twenty thousand dollars. 64260

~~(H)~~(G) The director shall adopt rules specifying information 64261
that is necessary to conduct reviews of certificate of need 64262
applications and to develop criteria for reviews that long-term 64263
care facilities are to submit to the director under division (H) 64264
of section 3702.52 of the Revised Code. 64265

~~(I)~~(H) The director shall adopt rules defining "affiliated 64266
person," "related person," and "ultimate controlling interest" for 64267
purposes of section 3702.523 of the Revised Code. 64268

~~(J)~~(I) The director shall adopt rules prescribing 64269
requirements for holders of certificates of need to demonstrate to 64270
the director under section 3702.525 of the Revised Code that 64271
reasonable progress is being made toward completion of the 64272
reviewable activity and establishing standards by which the 64273
director shall determine whether reasonable progress is being 64274
made. 64275

~~(K)~~(J) The director shall adopt all rules under divisions (A) 64276
to ~~(J)~~(I) of this section in accordance with Chapter 119. of the 64277
Revised Code. The director may adopt other rules as necessary to 64278
carry out the purposes of sections 3702.51 to 3702.62 of the 64279
Revised Code. 64280

Sec. 3702.60. (A) The applicant for a certificate of need may 64281
appeal to the director of health a decision issued by the director 64282
to grant or deny a certificate of need application. The person 64283
that requested a reviewability ruling may appeal to the director 64284
with respect to the resulting ruling issued by the director. 64285

The appeal by the applicant or person shall be made in 64287
accordance with Chapter 119. of the Revised Code, and the director 64288
shall provide an adjudication hearing in accordance with that 64289
chapter. In the appeal, the applicant or person must prove by a 64290
preponderance of the evidence that the director's decision or 64291
ruling is not in accordance with sections 3702.52 to 3702.62 of 64292
the Revised Code or rules adopted under those sections. 64293

The applicant or person that was a party to and participated 64294
in an adjudication hearing conducted under this division may 64295
appeal to the tenth district court of appeals the decision issued 64296
by the director following the adjudication hearing. 64297

(B) The holder of a certificate of need may appeal to the 64298
director in accordance with Chapter 119. of the Revised Code a 64299

decision issued by the director under section 3702.52 or 3702.525 64300
of the Revised Code to withdraw a certificate of need, and the 64301
director shall provide an adjudication hearing in accordance with 64302
that chapter. The person may appeal the director's ruling in the 64303
adjudication hearing to the tenth district court of appeals. 64304

(C) Any person determined by the director to have violated 64305
section 3702.53 of the Revised Code may appeal that determination, 64306
or the penalties imposed under section 3702.54 or ~~3702.541~~ of the 64307
Revised Code, to the director in accordance with Chapter 119. of 64308
the Revised Code, and the director shall provide an adjudication 64309
hearing in accordance with that chapter. The person may appeal the 64310
director's ruling in the adjudication hearing to the tenth 64311
district court of appeals. 64312

(D) Each person appealing under this section to the director 64313
shall file with the director, not later than thirty days after the 64314
decision, ruling, or determination of the director was mailed, a 64315
notice of appeal designating the decision, ruling, or 64316
determination appealed from. 64317

(E) Each person appealing under this section to the tenth 64318
district court of appeals shall file with the court, not later 64319
than thirty days after the date the director's adjudication order 64320
was mailed, a notice of appeal designating the order appealed 64321
from. The appellant also shall file notice with the director not 64322
later than thirty days after the date the order was mailed. 64323

(1) Not later than thirty days after receipt of the notice of 64324
appeal, the director shall prepare and certify to the court the 64325
complete record of the proceedings out of which the appeal arises. 64326
The expense of preparing and transcribing the record shall be 64327
taxed as part of the costs of the appeal. In the event that the 64328
record or a part thereof is not certified within the time 64329
prescribed by this division, the appellant may apply to the court 64330
for an order that the record be certified. 64331

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (E)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(F) No person may intervene in an appeal brought under this section.

Sec. 3702.61. In addition to the sanctions imposed under sections 3702.54, ~~3702.541~~, and 3702.55 of the Revised Code, if any person violates section 3702.53 of the Revised Code, the attorney general may commence necessary legal proceedings in the court of common pleas of Franklin county to enjoin the person from such violation until the requirements of sections 3702.51 to 3702.62 of the Revised Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary proceedings. The court has jurisdiction to grant and, on a showing of a violation, shall grant appropriate injunctive

relief. 64363

Sec. 3702.87. (A) The director of health shall designate, as 64364
dental health resource shortage areas, areas in this state that 64365
experience special dental health problems and dentist practice 64366
patterns that limit access to dental care. Except as provided in 64367
division (B) of this section, the designations shall be made by 64368
rule. The designations may apply to a geographic area, one or more 64369
facilities within a particular area, or a population group within 64370
a particular area. The director shall consider for designation as 64371
a dental health resource shortage area, any area in this state 64372
that has been designated by the United States secretary of health 64373
and human services as a health professional shortage area under 64374
Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 64375
42 U.S.C. 201, as amended. 64376

~~(B)~~(B)(1) As used in this division, ~~"free:~~ 64377

(a) "Free clinic" has the same meaning as in section 3701.071 64378
of the Revised Code. 64379

(b) "Developmental disability" has the same meaning as in 64380
section 5123.01 of the Revised Code. 64381

(2) The director shall designate ~~each free clinic both of the~~ 64382
following as a dental health resource shortage ~~area~~ areas, 64383
regardless of whether the clinic or practice is located in a 64384
geographic area that is designated as a dental health resource 64385
shortage area. ~~;~~ 64386

(a) Free clinics; 64387

(b) Clinics or dental practices that serve a high proportion 64388
of individuals with developmental disabilities. 64389

Sec. 3702.92. There is hereby created the dentist loan 64390
repayment advisory board. The board shall consist of the following 64391

members: 64392

(A) ~~Two members of the house of representatives, one from~~ 64393
~~each political party, appointed by the speaker of the house of~~ 64394
~~representatives;~~ 64395

~~(B) Two members of the senate, one from each political party,~~ 64396
~~appointed by the president of the senate;~~ 64397

~~(C) A representative of the board of regents, appointed~~ 64398
department of higher education designated by the chancellor; 64399

~~(D)~~(B) The director of health or an employee of the 64400
department of health designated by the director; 64401

~~(E)~~(C) Four representatives of the dental profession, 64402
appointed by the governor from persons nominated by the Ohio 64403
dental association. 64404

Terms of office of the ~~appointed~~ members appointed under 64405
division (C) of this section shall be two years, with each term 64406
commencing on the twenty-eighth day of ~~January~~ February and ending 64407
on the twenty-seventh day of ~~January~~ February of the second year 64408
after appointment. The governor, ~~speaker of the house of~~ 64409
~~representatives~~, and ~~president of the senate~~ shall make each of 64410
~~their respective~~ the governor's appointments not later than the 64411
twenty-seventh day of ~~January~~ February of the year in which the 64412
term of the member being appointed is to commence. Each member 64413
shall hold office from the date of appointment until the end of 64414
the term for which the member was appointed, ~~except that a~~ 64415
~~legislative member ceases to be a member of the board on ceasing~~ 64416
~~to be a member of the general assembly.~~ No person shall be 64417
appointed to the board for more than two consecutive terms. 64418

Vacancies shall be filled in the manner prescribed for the 64419
original appointment. A member appointed to fill a vacancy 64420
occurring prior to the expiration of the term for which the 64421
member's predecessor was appointed shall hold office for the 64422

remainder of that term. A member shall continue in office 64423
subsequent to the expiration of the member's term until a 64424
successor takes office or until sixty days have elapsed, whichever 64425
occurs first. 64426

The governor, ~~speaker, or president~~ may remove a member for 64427
whom the governor, ~~speaker, or president~~ was the appointing 64428
authority, for misfeasance, malfeasance, or willful neglect of 64429
duty. 64430

The board shall designate a member to serve as chairperson of 64431
the board. 64432

The board shall meet at least once annually. The chairperson 64433
shall call special meetings as needed or upon the request of four 64434
members. 64435

~~Six~~ A majority members of the board constitute a quorum to 64436
transact and vote on all business coming before the board. 64437

Members of the board shall serve without compensation. 64438

The department of health shall provide the board with staff 64439
assistance as requested by the board. 64440

Sec. 3702.987. (A) There is hereby created the chiropractic 64441
loan repayment advisory board. The board shall consist of the 64442
following members: 64443

(1) ~~One member of the house of representatives, appointed by~~ 64444
~~the speaker of the house of representatives;~~ 64445

(2) ~~One member of the senate, appointed by the president of~~ 64446
~~the senate;~~ 64447

(3) A representative of the department of higher education, 64448
appointed by the chancellor; 64449

(4)(2) The director of health or an employee of the 64450
department of health designated by the director; 64451

~~(5)(3)~~ Three representatives of the chiropractic profession, 64452
appointed by the governor. 64453

(B) Initial appointments shall be made not later than ninety 64454
days after ~~the effective date of this section~~ November 22, 2020. 64455
Of the initial appointments made by the governor, two members 64456
shall serve a term of one year and one member shall serve a term 64457
of two years. ~~The member initially appointed by the speaker of the~~ 64458
~~house of representatives shall serve a term of one year. The~~ 64459
~~member initially appointed by the senate president shall serve a~~ 64460
~~term of two years.~~ Thereafter, terms of office of all appointed 64461
members shall be two years. Each member shall hold office from the 64462
date of appointment until the end of the term for which the member 64463
was appointed, ~~except that a legislative member ceases to be a~~ 64464
~~member of the board on ceasing to be a member of the general~~ 64465
~~assembly.~~ No person shall be appointed to the board for more than 64466
two consecutive terms. 64467

Vacancies shall be filled in the manner prescribed for the 64468
original appointment. A member appointed to fill a vacancy 64469
occurring prior to the expiration of the term for which the 64470
member's predecessor was appointed shall hold office for the 64471
remainder of that term. A member shall continue in office 64472
subsequent to the expiration of the member's term until a 64473
successor takes office or until sixty days have elapsed, whichever 64474
occurs first. 64475

The governor, ~~speaker, or president~~ may remove a member for 64476
whom the governor, ~~speaker, or president~~ was the appointing 64477
authority, for misfeasance, malfeasance, or willful neglect of 64478
duty. 64479

The board shall designate a member to serve as chairperson of 64480
the board. 64481

The board shall meet at least once annually. The chairperson 64482

shall call special meetings as needed or upon the request of four 64483
members. 64484

Four members of the board constitute a quorum to transact and 64485
vote on all business coming before the board. 64486

Members of the board shall serve without compensation. 64487

The department of health shall provide the board with staff 64488
assistance as requested by the board. 64489

Sec. 3704.14. (A)(1) If the director of environmental 64490
protection determines that implementation of a motor vehicle 64491
inspection and maintenance program is necessary for the state to 64492
effectively comply with the federal Clean Air Act after June 30, 64493
~~2019~~ 2023, the director may provide for the implementation of the 64494
program in those counties in this state in which such a program is 64495
federally mandated. Upon making such a determination, the director 64496
of environmental protection may request the director of 64497
administrative services to extend the terms of the contract that 64498
was entered into under the authority of Am. Sub. H.B. 64 of the 64499
131st general assembly. Upon receiving the request, the director 64500
of administrative services shall extend the contract, beginning on 64501
July 1, ~~2019~~ 2023, in accordance with this section. The contract 64502
shall be extended for a period of up to twenty-four months with 64503
the contractor who conducted the motor vehicle inspection and 64504
maintenance program under that contract. 64505

(2) Prior to the expiration of the contract extension that is 64506
authorized by division (A)(1) of this section, the director of 64507
environmental protection shall request the director of 64508
administrative services to enter into a contract with a vendor to 64509
operate a decentralized motor vehicle inspection and maintenance 64510
program in each county in this state in which such a program is 64511
federally mandated through June 30, ~~2023~~ 2027, with an option for 64512
the state to renew the contract for a period of up to twenty-four 64513

months through June 30, ~~2025~~ 2029. The contract shall ensure that 64514
the decentralized motor vehicle inspection and maintenance program 64515
achieves at least the same emission reductions as achieved by the 64516
program operated under the authority of the contract that was 64517
extended under division (A)(1) of this section. The director of 64518
administrative services shall select a vendor through a 64519
competitive selection process in compliance with Chapter 125. of 64520
the Revised Code. 64521

(3) Notwithstanding any law to the contrary, the director of 64522
administrative services shall ensure that a competitive selection 64523
process regarding a contract to operate a decentralized motor 64524
vehicle inspection and maintenance program in this state 64525
incorporates the following, which shall be included in the 64526
contract: 64527

(a) For purposes of expanding the number of testing locations 64528
for consumer convenience, a requirement that the vendor utilize 64529
established local businesses, auto repair facilities, or leased 64530
properties to operate state-approved inspection and maintenance 64531
testing facilities; 64532

(b) A requirement that the vendor selected to operate the 64533
program provide notification of the program's requirements to each 64534
owner of a motor vehicle that is required to be inspected under 64535
the program. The contract shall require the notification to be 64536
provided not later than sixty days prior to the date by which the 64537
owner of the motor vehicle is required to have the motor vehicle 64538
inspected. The director of environmental protection and the vendor 64539
shall jointly agree on the content of the notice. However, the 64540
notice shall include at a minimum the locations of all inspection 64541
facilities within a specified distance of the address that is 64542
listed on the owner's motor vehicle registration; 64543

(c) A requirement that the vendor comply with testing 64544
methodology and supply the required equipment approved by the 64545

director of environmental protection as specified in the 64546
competitive selection process in compliance with Chapter 125. of 64547
the Revised Code. 64548

(4) A decentralized motor vehicle inspection and maintenance 64549
program operated under this section shall comply with division (B) 64550
of this section. The director of environmental protection shall 64551
administer the decentralized motor vehicle inspection and 64552
maintenance program operated under this section. 64553

(B) The decentralized motor vehicle inspection and 64554
maintenance program authorized by this section, at a minimum, 64555
shall do all of the following: 64556

(1) Comply with the federal Clean Air Act; 64557

(2) Provide for the issuance of inspection certificates; 64558

(3) Provide for a new car exemption for motor vehicles four 64559
years old or newer and provide that a new motor vehicle is exempt 64560
for four years regardless of whether legal title to the motor 64561
vehicle is transferred during that period; 64562

(4) Provide for an exemption for battery electric motor 64563
vehicles. 64564

(C) The director of environmental protection shall adopt 64565
rules in accordance with Chapter 119. of the Revised Code that the 64566
director determines are necessary to implement this section. The 64567
director may continue to implement and enforce rules pertaining to 64568
the motor vehicle inspection and maintenance program previously 64569
implemented under former section 3704.14 of the Revised Code as 64570
that section existed prior to its repeal and reenactment by Am. 64571
Sub. H.B. 66 of the 126th general assembly, provided that the 64572
rules do not conflict with this section. 64573

(D) There is hereby created in the state treasury the auto 64574
emissions test fund, which shall consist of money received by the 64575

director from any cash transfers, state and local grants, and 64576
other contributions that are received for the purpose of funding 64577
the program established under this section. The director of 64578
environmental protection shall use money in the fund solely for 64579
the implementation, supervision, administration, operation, and 64580
enforcement of the motor vehicle inspection and maintenance 64581
program established under this section. Money in the fund shall 64582
not be used for either of the following: 64583

(1) To pay for the inspection costs incurred by a motor 64584
vehicle dealer so that the dealer may provide inspection 64585
certificates to an individual purchasing a motor vehicle from the 64586
dealer when that individual resides in a county that is subject to 64587
the motor vehicle inspection and maintenance program; 64588

(2) To provide payment for more than one free passing 64589
emissions inspection or a total of three emissions inspections for 64590
a motor vehicle in any three-hundred-sixty-five-day period. The 64591
owner or lessee of a motor vehicle is responsible for inspection 64592
fees that are related to emissions inspections beyond one free 64593
passing emissions inspection or three total emissions inspections 64594
in any three-hundred-sixty-five-day period. Inspection fees that 64595
are charged by a contractor conducting emissions inspections under 64596
a motor vehicle inspection and maintenance program shall be 64597
approved by the director of environmental protection. 64598

(E) The motor vehicle inspection and maintenance program 64599
established under this section expires upon the termination of all 64600
contracts entered into under this section and shall not be 64601
implemented beyond the final date on which termination occurs. 64602

(F) As used in this section "battery electric motor vehicle" 64603
has the same meaning as in section 4501.01 of the Revised Code. 64604

Sec. 3705.091. (A) If the natural mother and alleged father 64605
of a child sign an acknowledgment of paternity affidavit prepared 64606

pursuant to section 3111.31 of the Revised Code with respect to 64607
that child at the office of the local registrar, the local 64608
registrar shall provide a notary public to notarize, or witnesses 64609
to witness, the acknowledgment. The local registrar shall send a 64610
signed and notarized or witnessed acknowledgment of paternity to 64611
the office of child support in the department of job and family 64612
services pursuant to section 3111.22 of the Revised Code. The 64613
local registrar shall send the acknowledgment no later than ten 64614
days after it has been signed and notarized or witnessed. If the 64615
local registrar knows a man is presumed under section 3111.03 of 64616
the Revised Code to be the father of the child and that the 64617
presumed father is not the man who signed or is attempting to sign 64618
an acknowledgment with respect to the child, the local registrar 64619
shall not notarize, witness, or send the acknowledgment pursuant 64620
to this section. 64621

(B) The local registrar of vital statistics shall provide an 64622
acknowledgment of paternity affidavit described in division (A) of 64623
this section to any person that requests it. 64624

(C) The department of health shall store all acknowledgments 64625
of paternity affidavits it receives pursuant to section 3111.24 of 64626
the Revised Code. The department of health shall send to the 64627
office any acknowledgment the department is storing that the 64628
office requests. The department of health shall adopt rules 64629
pursuant to Chapter 119. of the Revised Code to govern the method 64630
of storage of the acknowledgments and to implement this section. 64631

(D) The department of health and the department of job and 64632
family services shall enter into an agreement regarding expenses 64633
incurred by the department of health in comparing acknowledgment 64634
of paternity affidavits to birth records and storage of 64635
acknowledgment of paternity affidavits. 64636

Sec. 3705.17. The body of a person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of by a funeral director until a burial permit is issued by a local registrar or sub-registrar of vital statistics. No such permit shall be issued by a local registrar or sub-registrar until a satisfactory death, fetal death, or provisional death certificate is filed with the local registrar or sub-registrar. When the medical certification as to the cause of death cannot be provided by the attending physician or coroner prior to burial, for sufficient cause, as determined by rule of the director of health, the funeral director may file a provisional death certificate with the local registrar or sub-registrar for the purpose of securing a burial or burial-transit permit. When the funeral director files a provisional death certificate to secure a burial or burial-transit permit, the funeral director shall file a satisfactory and complete death certificate within five days after the date of death. The director of health, by rule, may provide additional time for filing a satisfactory death certificate. A burial permit authorizing cremation shall not be issued upon the filing of a provisional certificate of death.

When a funeral director or other person obtains a burial permit from a local registrar or sub-registrar, the registrar or sub-registrar shall charge a fee of three dollars for the issuance of the burial permit. Two dollars and fifty cents of each fee collected for a burial permit shall be paid into the state treasury to the credit of the ~~division of real estate in the department of commerce~~ cemetery registration fund created under section 4767.03 of the Revised Code to be used by the division of real estate and professional licensing in the department of commerce in discharging its duties prescribed in Chapter 4767. of the Revised Code and the Ohio cemetery dispute resolution

commission created by section 4767.05 of the Revised Code. A local registrar or sub-registrar shall transmit payments of that portion of the amount of each fee collected under this section to the treasurer of state on a quarterly basis or more frequently, if possible. The director of health, by rule, shall provide for the issuance of a burial permit without the payment of the fee required by this section if the total cost of the burial will be paid by an agency or instrumentality of the United States, the state or a state agency, or a political subdivision of the state.

The director of commerce may by rule adopted in accordance with Chapter 119. of the Revised Code reduce the total amount of the fee required by this section and that portion of the amount of the fee required to be paid to the credit of the division of real estate and professional licensing for the use of the division and the Ohio cemetery dispute resolution commission, if the director determines that the total amount of funds the fee is generating at the amount required by this section exceeds the amount of funds the division of real estate and professional licensing and the commission need to carry out their powers and duties prescribed in Chapter 4767. of the Revised Code.

No person in charge of any premises in which interments or cremations are made shall inter or cremate or otherwise dispose of a body, unless it is accompanied by a burial permit. Each person in charge of a cemetery, crematory, or other place of disposal shall indorse upon a burial permit the date of interment, cremation, or other disposal and shall retain such permits for a period of at least five years. The person in charge shall keep an accurate record of all interments, cremations, or other disposal of dead bodies, made in the premises under the person's charge, stating the name of the deceased person, place of death, date of burial, cremation, or other disposal, and name and address of the funeral director. Such record shall at all times be open to public

inspection. 64701

Sec. 3706.01. As used in this chapter: 64702

(A) "Governmental agency" means a department, division, or 64703
other unit of state government, a municipal corporation, county, 64704
township, and other political subdivision, or any other public 64705
corporation or agency having the power to acquire, construct, or 64706
operate air quality facilities, the United States or any agency 64707
thereof, and any agency, commission, or authority established 64708
pursuant to an interstate compact or agreement. 64709

(B) "Person" means any individual, firm, partnership, 64710
association, or corporation, or any combination thereof. 64711

(C) "Air contaminant" means particulate matter, dust, fumes, 64712
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 64713
odorous substance, or any combination thereof. 64714

(D) "Air pollution" means the presence in the ambient air of 64715
one or more air contaminants in sufficient quantity and of such 64716
characteristics and duration as to injure human health or welfare, 64717
plant or animal life, or property, or that unreasonably interferes 64718
with the comfortable enjoyment of life or property. 64719

(E) "Ambient air" means that portion of the atmosphere 64720
outside of buildings and other enclosures, stacks, or ducts that 64721
surrounds human, plant, or animal life, or property. 64722

(F) "Emission" means the release into the outdoor atmosphere 64723
of an air contaminant. 64724

(G) "Air quality facility" means any of the following: 64725

(1) Any method, modification or replacement of property, 64726
process, device, structure, or equipment that removes, reduces, 64727
prevents, contains, alters, conveys, stores, disperses, or 64728
disposes of air contaminants or substances containing air 64729
contaminants, or that renders less noxious or reduces the 64730

concentration of air contaminants in the ambient air, including, 64731
without limitation, facilities and expenditures that qualify as 64732
air pollution control facilities under section 103 (C)(4)(F) of 64733
the Internal Revenue Code of 1954, as amended, and regulations 64734
adopted thereunder; 64735

(2) Motor vehicle inspection stations operated in accordance 64736
with, and any equipment used for motor vehicle inspections 64737
conducted under, section 3704.14 of the Revised Code and rules 64738
adopted under it; 64739

(3) Ethanol or other biofuel facilities, including any 64740
equipment used at the ethanol or other biofuel facility for the 64741
production of ethanol or other biofuels; 64742

(4) Any property or portion thereof used for the collection, 64743
storage, treatment, utilization, processing, or final disposal of 64744
a by-product or solid waste resulting from any method, process, 64745
device, structure, or equipment that removes, reduces, prevents, 64746
contains, alters, conveys, stores, disperses, or disposes of air 64747
contaminants, or that renders less noxious or reduces the 64748
concentration of air contaminants in the ambient air; 64749

(5) Any property, device, or equipment that promotes the 64750
reduction of emissions of air contaminants into the ambient air 64751
through improvements in the efficiency of energy utilization or 64752
energy conservation; 64753

(6) Any coal research and development project conducted under 64754
Chapter 1555. of the Revised Code; 64755

(7) As determined by the director of the Ohio coal 64756
development office, any property or portion thereof that is used 64757
for the collection, storage, treatment, utilization, processing, 64758
or final disposal of a by-product resulting from a coal research 64759
and development project as defined in section 1555.01 of the 64760
Revised Code or from the use of clean coal technology, excluding 64761

any property or portion thereof that is used primarily for other 64762
subsequent commercial purposes; 64763

(8) Any property or portion thereof that is part of the 64764
FutureGen project of the United States department of energy or 64765
related to the siting of the FutureGen project; 64766

(9) Any property, device, or equipment that promotes the 64767
reduction of emissions of air contaminants into the ambient air 64768
through the generation of clean, renewable energy with renewable 64769
energy resources or advanced energy resources as defined in 64770
section 3706.25 of the Revised Code; 64771

(10) Any property, device, structure, or equipment necessary 64772
for the manufacture and production of equipment described as an 64773
air quality facility under this chapter; 64774

(11) Any property, device, or equipment related to the 64775
recharging or refueling of vehicles that promotes the reduction of 64776
emissions of air contaminants into the ambient air through the use 64777
of an alternative fuel as defined in section 125.831 of the 64778
Revised Code or the use of a renewable energy resource as defined 64779
in section 3706.25 of the Revised Code; 64780

(12) Any special energy improvement project, as defined in 64781
section 1710.01 of the Revised Code, that promotes the reduction 64782
of emissions of air contaminants into the ambient air. 64783

"Air quality facility" further includes any property or 64784
system to be used in whole or in part for any of the purposes in 64785
divisions (G)(1) to ~~(11)~~ (12) of this section, whether another 64786
purpose is also served, and any property or system incidental to 64787
or that has to do with, or the end purpose of which is, any of the 64788
foregoing. Air quality facilities that are defined in this 64789
division for industry, commerce, distribution, or research, 64790
including public utility companies, are hereby determined to be 64791
those that qualify as facilities for the control of air pollution 64792

and thermal pollution related to air under Section 13 of Article 64793
VIII, Ohio Constitution. 64794

(H) "Project" or "air quality project" means any air quality 64795
facility, including undivided or other interests therein, acquired 64796
or to be acquired or constructed or to be constructed by the Ohio 64797
air quality development authority under this chapter, or acquired 64798
or to be acquired or constructed or to be constructed by a 64799
governmental agency or person with all or a part of the cost 64800
thereof being paid from a loan or grant from the authority under 64801
this chapter or otherwise paid from the proceeds of air quality 64802
revenue bonds, including all buildings and facilities that the 64803
authority determines necessary for the operation of the project, 64804
together with all property, rights, easements, and interests that 64805
may be required for the operation of the project. 64806

(I) "Cost" as applied to an air quality project means the 64807
cost of acquisition and construction, the cost of acquisition of 64808
all land, rights-of-way, property rights, easements, franchise 64809
rights, and interests required for such acquisition and 64810
construction, the cost of demolishing or removing any buildings or 64811
structures on land so acquired, including the cost of acquiring 64812
any lands to which such buildings or structures may be moved, the 64813
cost of acquiring or constructing and equipping a principal office 64814
and sub-offices of the authority, the cost of diverting highways, 64815
interchange of highways, and access roads to private property, 64816
including the cost of land or easements for such access roads, the 64817
cost of public utility and common carrier relocation or 64818
duplication, the cost of all machinery, furnishings, and 64819
equipment, financing charges, interest prior to and during 64820
construction and for no more than eighteen months after completion 64821
of construction, engineering, expenses of research and development 64822
with respect to air quality facilities, the cost of any commodity 64823
contract, including fees and expenses related thereto, legal 64824

expenses, plans, specifications, surveys, studies, estimates of 64825
cost and revenues, working capital, other expenses necessary or 64826
incident to determining the feasibility or practicability of 64827
acquiring or constructing such project, administrative expense, 64828
and such other expense as may be necessary or incident to the 64829
acquisition or construction of the project, the financing of such 64830
acquisition or construction, including the amount authorized in 64831
the resolution of the authority providing for the issuance of air 64832
quality revenue bonds to be paid into any special funds from the 64833
proceeds of such bonds, and the financing of the placing of such 64834
project in operation. Any obligation, cost, or expense incurred by 64835
any governmental agency or person for surveys, borings, 64836
preparation of plans and specifications, and other engineering 64837
services, or any other cost described above, in connection with 64838
the acquisition or construction of a project may be regarded as a 64839
part of the cost of that project and may be reimbursed out of the 64840
proceeds of air quality revenue bonds as authorized by this 64841
chapter. 64842

(J) "Owner" includes an individual, copartnership, 64843
association, or corporation having any title or interest in any 64844
property, rights, easements, or interests authorized to be 64845
acquired by this chapter. 64846

(K) "Revenues" means all rentals and other charges received 64847
by the authority for the use or services of any air quality 64848
project, any gift or grant received with respect to any air 64849
quality project, any moneys received with respect to the lease, 64850
sublease, sale, including installment sale or conditional sale, or 64851
other disposition of an air quality project, moneys received in 64852
repayment of and for interest on any loans made by the authority 64853
to a person or governmental agency, whether from the United States 64854
or any department, administration, or agency thereof, or 64855
otherwise, proceeds of such bonds to the extent that use thereof 64856

for payment of principal of, premium, if any, or interest on the 64857
bonds is authorized by the authority, amounts received or 64858
otherwise derived from a commodity contract or from the sale of 64859
the related commodity under such a contract, proceeds from any 64860
insurance, condemnation, or guaranty pertaining to a project or 64861
property mortgaged to secure bonds or pertaining to the financing 64862
of the project, and income and profit from the investment of the 64863
proceeds of air quality revenue bonds or of any revenues. 64864

(L) "Public roads" includes all public highways, roads, and 64865
streets in the state, whether maintained by the state, county, 64866
city, township, or other political subdivision. 64867

(M) "Public utility facilities" includes tracks, pipes, 64868
mains, conduits, cables, wires, towers, poles, and other equipment 64869
and appliances of any public utility. 64870

(N) "Construction," unless the context indicates a different 64871
meaning or intent, includes reconstruction, enlargement, 64872
improvement, or providing furnishings or equipment. 64873

(O) "Air quality revenue bonds," unless the context indicates 64874
a different meaning or intent, includes air quality revenue notes, 64875
air quality revenue renewal notes, and air quality revenue 64876
refunding bonds, except that notes issued in anticipation of the 64877
issuance of bonds shall have a maximum maturity of five years as 64878
provided in section 3706.05 of the Revised Code and notes or 64879
renewal notes issued as the definitive obligation may be issued 64880
maturing at such time or times with a maximum maturity of forty 64881
years from the date of issuance of the original note. 64882

(P) "Solid waste" means any garbage; refuse; sludge from a 64883
waste water treatment plant, water supply treatment plant, or air 64884
pollution control facility; and other discarded material, 64885
including solid, liquid, semisolid, or contained gaseous material 64886
resulting from industrial, commercial, mining, and agricultural 64887

operations, and from community activities, but not including solid 64888
or dissolved material in domestic sewage, or solid or dissolved 64889
material in irrigation return flows or industrial discharges that 64890
are point sources subject to permits under section 402 of the 64891
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 64892
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 64893
byproduct material as defined by the "Atomic Energy Act of 1954," 64894
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 64895

(Q) "Sludge" means any solid, semisolid, or liquid waste, 64896
other than a recyclable by-product, generated from a municipal, 64897
commercial, or industrial waste water treatment plant, water 64898
supply plant, or air pollution control facility or any other such 64899
wastes having similar characteristics and effects. 64900

(R) "Ethanol or other biofuel facility" means a plant at 64901
which ethanol or other biofuel is produced. 64902

(S) "Ethanol" means fermentation ethyl alcohol derived from 64903
agricultural products, including potatoes, cereal, grains, cheese 64904
whey, and sugar beets; forest products; or other renewable or 64905
biomass resources, including residue and waste generated from the 64906
production, processing, and marketing of agricultural products, 64907
forest products, and other renewable or biomass resources, that 64908
meets all of the specifications in the American society for 64909
testing and materials (ASTM) specification D 4806-88 and is 64910
denatured as specified in Parts 20 and 21 of Title 27 of the Code 64911
of Federal Regulations. 64912

(T) "Biofuel" means any fuel that is made from cellulosic 64913
biomass resources, including renewable organic matter, crop waste 64914
residue, wood, aquatic plants and other crops, animal waste, solid 64915
waste, or sludge, and that is used for the production of energy 64916
for transportation or other purposes. 64917

(U) "FutureGen project" means the buildings, equipment, and 64918

real property and functionally related buildings, equipment, and 64919
real property, including related research projects that support 64920
the development and operation of the buildings, equipment, and 64921
real property, designated by the United States department of 64922
energy and the FutureGen industrial alliance, inc., as the 64923
coal-fueled, zero-emissions power plant designed to prove the 64924
technical and economic feasibility of producing electricity and 64925
hydrogen from coal and nearly eliminating carbon dioxide emissions 64926
through capture and permanent storage. 64927

(V) "Commodity contract" means a contract or series of 64928
contracts entered into in connection with the acquisition or 64929
construction of air quality facilities for the purchase or sale of 64930
a commodity that is eligible for prepayment with the proceeds of 64931
federally tax exempt bonds under sections 103, 141, and 148 of the 64932
Internal Revenue Code of 1986, as amended, and regulations adopted 64933
under it. 64934

Sec. 3706.051. (A) The Ohio air quality development authority 64935
may enter into an agreement with the legislative authority of a 64936
municipal corporation or a board of township trustees that 64937
provides for all of the following: 64938

(1) The authority may issue revenue bonds or notes under 64939
section 3706.05 of the Revised Code for the purpose of paying any 64940
part of the cost of an air quality facility described under 64941
division (G)(12) of section 3706.01 of the Revised Code. 64942

(2) The municipal corporation or township may levy a special 64943
assessment under section 503.59 or 727.01 of the Revised Code upon 64944
property specially benefited by that air quality facility. 64945

(3) The municipal corporation or township shall pledge 64946
special assessments levied under division (B) of this section for 64947
the payment of bonds or notes issued under division (A) of this 64948
section. 64949

(B) If the municipal corporation or township is a participating political subdivision of a special improvement district organized under Chapter 1710. of the Revised Code for the purpose of developing and implementing plans for special energy improvement projects, the municipal corporation or township shall provide notice to the special improvement district of the following:

(1) The agreement entered into under division (A) of this section;

(2) The air quality facility for which property is to be assessed pursuant to that division.

Sec. 3706.12. The Ohio air quality development authority may charge, alter, and collect rentals or other charges for the use or services of any air quality project and contract in the manner provided by this section with one or more persons, one or more governmental agencies, or any combination thereof, desiring the use or services of such project, and fix the terms, conditions, rentals, or other charges for such use or services. Such rentals or other charges shall not be subject to supervision or regulation by any other authority, commission, board, bureau, or agency of the state and such contract may provide for acquisition by such person or governmental agency of all or any part of such air quality project for such consideration payable over the period of the contract or otherwise as the authority in its sole discretion determines to be appropriate, but subject to the provisions of any resolution authorizing the issuance of air quality revenue bonds or notes or air quality revenue refunding bonds of the authority or any trust agreement securing the same. Any governmental agency that has power to construct, operate, and maintain air quality facilities may enter into a contract or lease with the authority whereby the use or services of any air quality project of the

authority will be made available to such governmental agency and 64981
may pay for such use or services such rentals or other charges as 64982
may be agreed to by the authority and such governmental agency. 64983

Any governmental agency or combination of governmental 64984
agencies may cooperate with the authority in the acquisition or 64985
construction of an air quality project and shall enter into such 64986
agreements with the authority as may be necessary, with a view to 64987
effective cooperative action and safeguarding of the respective 64988
interests of the parties thereto, which agreements shall provide 64989
for such contributions by the parties thereto in such proportion 64990
as may be agreed upon and such other terms as may be mutually 64991
satisfactory to the parties including without limitation the 64992
authorization of the construction of the project by one of the 64993
parties acting as agent for all of the parties and the ownership 64994
and control of the project by the authority to the extent 64995
necessary or appropriate for purposes of the issuance of air 64996
quality revenue bonds by the authority. Any governmental agency 64997
may provide the funds for the payment of such contribution as is 64998
required under such agreements by the levy of taxes, assessments 64999
or rentals and other charges for the use of the utility system of 65000
which the air quality project is a part or to which it is 65001
connected, if otherwise authorized by the laws governing such 65002
governmental agency in the construction of the type of air quality 65003
project provided for in the agreements, and may pay the proceeds 65004
from the collection of such taxes, assessments, utility rentals, 65005
or other charges to the authority pursuant to such agreements; or 65006
the governmental agency may issue bonds or notes, if authorized by 65007
such laws, in anticipation of the collection of such taxes, 65008
assessments, utility rentals, or other charges and may pay the 65009
proceeds of such bonds or notes to the authority pursuant to such 65010
agreements. In addition any governmental agency may provide the 65011
funds for the payment of such contribution by the appropriation of 65012
money or, if otherwise authorized by law, by the issuance of bonds 65013

or notes and may pay such appropriated money or the proceeds of 65014
such bonds or notes to the authority pursuant to such agreements. 65015
The agreement by the governmental agency to provide such 65016
contribution, whether from appropriated money or from the proceeds 65017
of such taxes, assessments, utility rentals, or other charges, or 65018
such bonds or notes, or any combination thereof, shall not be 65019
subject to Chapter 133. of the Revised Code or any regulations or 65020
limitations contained therein. The proceeds from the collection of 65021
such taxes or assessments, and any interest earned thereon, shall 65022
be paid into a special fund immediately upon the collection 65023
thereof by the governmental agency for the purpose of providing 65024
such contribution at the times required under such agreements. 65025

When the contribution of any governmental agency is to be 65026
made over a period of time from the proceeds of the collection of 65027
special assessments, the interest accrued and to accrue before the 65028
first installment of such assessments shall be collected which is 65029
payable by such governmental agency on such contribution under the 65030
terms and provisions of such agreements shall be treated as part 65031
of the cost of the improvement for which such assessments are 65032
levied, and that portion of such assessments as are collected in 65033
installments shall bear interest at the same rate as such 65034
governmental agency is obligated to pay on such contribution under 65035
the terms and provisions of such agreements and for the same 65036
period of time as the contribution is to be made under such 65037
agreements. If the assessment or any installment thereof is not 65038
paid when due, it shall bear interest until the payment thereof at 65039
the same rate as such contribution and the county auditor shall 65040
annually place on the tax list and duplicate the interest 65041
applicable to such assessment and the penalty and additional 65042
interest thereon as otherwise authorized by law. 65043

Any governmental agency, pursuant to a favorable vote of the 65044
electors in an election held before or after June 1, 1970, for the 65045

purpose of issuing bonds to provide funds to acquire, construct, 65046
or equip, or provide real estate and interests in real estate for, 65047
an air quality facility, whether or not such governmental agency, 65048
at the time of such election, had the authority to pay the 65049
proceeds from such bonds or notes issued in anticipation thereof 65050
to the authority as provided in this section, may issue such bonds 65051
or notes in anticipation of the issuance thereof and pay the 65052
proceeds thereof to the authority in accordance with its agreement 65053
with the authority; provided, that the legislative authority of 65054
the governmental agency find and determine that the air quality 65055
project to be acquired or constructed by the authority in 65056
cooperation with such governmental agency will serve the same 65057
public purpose and meet substantially the same public need as the 65058
facility otherwise proposed to be acquired or constructed by the 65059
governmental agency with the proceeds of such bonds or notes. 65060

The authority may enter into an agreement under this section 65061
with a municipal corporation, a township, or a special improvement 65062
district created under Chapter 1710. of the Revised Code pursuant 65063
to which the authority issues air quality revenue bonds or notes 65064
under section 3706.05 of the Revised Code and remits the proceeds 65065
to the municipal corporation, township, district, or other party 65066
to the transaction to pay any part of the cost of an air quality 65067
facility described in division (G)(12) of section 3706.01 of the 65068
Revised Code. Under the agreement, the municipal corporation, 65069
township, or district shall assign and remit the proceeds of a 65070
special assessment levied under Chapter 727. or section 1710.06 of 65071
the Revised Code for paying the costs of that air quality facility 65072
to the authority, or its agents or assignees, for the purpose of 65073
servicing those bonds and notes. 65074

Sec. 3711.14. (A) In accordance with Chapter 119. of the 65075
Revised Code, the director of health may do any of the following: 65076

(1) Impose a civil penalty of not less than one thousand 65077
dollars and not more than two hundred fifty thousand dollars on a 65078
person who violates a provision of this chapter or the rules 65079
adopted under it; 65080

(2) Summarily suspend, in accordance with division (B) of 65081
this section, a license issued under this chapter if the director 65082
believes there is clear and convincing evidence that the continued 65083
operation of a maternity unit, newborn care nursery, or maternity 65084
home presents a danger of immediate and serious harm to the 65085
public; 65086

(3) Revoke a license issued under this chapter if the 65087
director determines that a violation of a provision of this 65088
chapter or the rules adopted under it has occurred in such a 65089
manner as to pose an imminent threat of serious physical or 65090
life-threatening danger. 65091

(B) If the director suspends a license under division (A)(2) 65092
of this section, the director shall ~~issue~~ serve a written order of 65093
suspension ~~and cause it to be delivered by certified mail or in~~ 65094
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 65095
the Revised Code. The order shall not be subject to suspension by 65096
the court while an appeal filed under section 119.12 of the 65097
Revised Code is pending. If the individual subject to the 65098
suspension requests an adjudication, the date set for the 65099
adjudication shall be within fifteen days but not earlier than 65100
seven days after the individual makes the request, unless another 65101
date is agreed to by both the individual and the director. The 65102
summary suspension shall remain in effect, unless reversed by the 65103
director, until a final adjudication order issued by the director 65104
pursuant to this section and Chapter 119. of the Revised Code 65105
becomes effective. 65106

The director shall issue a final adjudication order not later 65107
than ninety days after completion of the adjudication. If the 65108

director does not issue a final order within the ninety-day 65109
period, the summary suspension shall be void, but any final 65110
adjudication order issued subsequent to the ninety-day period 65111
shall not be affected. 65112

(C) If the director issues an order revoking or suspending a 65113
license issued under this chapter and the license holder continues 65114
to operate a maternity unit, newborn care nursery, or maternity 65115
home, the director may ask the attorney general to apply to the 65116
court of common pleas of the county in which the person is located 65117
for an order enjoining the person from operating the unit, 65118
nursery, or home. The court shall grant the order on a showing 65119
that the person is operating the unit, nursery, or home. 65120

Sec. 3714.073. (A) In addition to the fee levied under 65121
division (A)(1) of section 3714.07 of the Revised Code, beginning 65122
July 1, 2005, there is hereby levied on the disposal of 65123
construction and demolition debris at a construction and 65124
demolition debris facility that is licensed under this chapter or 65125
at a solid waste facility that is licensed under Chapter 3734. of 65126
the Revised Code and on the disposal of asbestos or 65127
asbestos-containing materials or products at a construction and 65128
demolition debris facility that is licensed under this chapter or 65129
at a solid waste facility that is licensed under Chapter 3734. of 65130
the Revised Code the following fees: 65131

(1) A fee of twelve and one-half cents per cubic yard or 65132
twenty-five cents per ton, as applicable, the proceeds of which 65133
shall be deposited in the state treasury to the credit of the soil 65134
and water conservation district assistance fund created in section 65135
940.15 of the Revised Code; 65136

(2) A fee of ~~thirty-seven and one-half~~ thirty-five cents per 65137
cubic yard or ~~seventy-five~~ seventy cents per ton, as applicable, 65138
the proceeds of which shall be deposited in the state treasury to 65139

the credit of the recycling and litter prevention fund created in 65140
section 3736.03 of the Revised Code; 65141

(3) A fee of two and one-half cents per cubic yard or five 65142
cents per ton, as applicable, the proceeds of which shall be 65143
deposited in the state treasury to the credit of the waste 65144
management fund created in section 3734.061 of the Revised Code. 65145

(B) The owner or operator of a construction and demolition 65146
debris facility or a solid waste facility, as a trustee of the 65147
state, shall calculate the amount of money generated from the fees 65148
levied under this section and remit the money from the fees in the 65149
manner that is established in divisions (A)(2) and (3) of section 65150
3714.07 of the Revised Code for the fee that is levied under 65151
division (A)(1) of that section and may enter into an agreement 65152
for the quarterly payment of money generated from the fees in the 65153
manner established in division (B) of that section for the 65154
quarterly payment of money generated from the fee that is levied 65155
under division (A)(1) of that section. 65156

(C) The amount of money that is calculated by the owner or 65157
operator of a construction and demolition debris facility or a 65158
solid waste facility and remitted to a board of health or the 65159
director of environmental protection, as applicable, pursuant to 65160
this section shall be transmitted by the board or director to the 65161
treasurer of state not later than forty-five days after the 65162
receipt of the money to be credited to the soil and water 65163
conservation district assistance fund or the recycling and litter 65164
prevention fund, as applicable. 65165

(D) This section does not apply to the disposal of 65166
construction and demolition debris at a solid waste facility that 65167
is licensed under Chapter 3734. of the Revised Code if the owner 65168
or operator of the facility chooses to collect fees on the 65169
disposal of the construction and demolition debris and asbestos or 65170
asbestos-containing materials or products that are identical to 65171

the fees that are collected under Chapters 343. and 3734. of the Revised Code on the disposal of solid wastes at that facility.

(E) This section does not apply to the disposal of source separated materials that are exclusively composed of reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone at a construction and demolition debris facility that is licensed under this chapter when either of the following applies:

(1) The materials are placed within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, are not placed within the unloading zone of the facility, and are used as a fire prevention measure in accordance with rules adopted by the director under section 3714.02 of the Revised Code.

(2) The materials are not placed within the unloading zone of the facility or within the limits of construction and demolition debris placement at the facility as specified in the license issued to the facility under section 3714.06 of the Revised Code, but are used as fill material, either alone or in conjunction with clean soil, sand, gravel, or other clean aggregates, in legitimate fill operations for construction purposes at the facility or to bring the facility up to a consistent grade.

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 3721.99 of the Revised Code:

(1)(a) "Home" means an institution, residence, or facility that provides, for a period of more than twenty-four hours, whether for a consideration or not, accommodations to three or more unrelated individuals who are dependent upon the services of others, including a nursing home, residential care facility, home for the aging, and a veterans' home operated under Chapter 5907.

of the Revised Code. 65203

(b) "Home" also means both of the following: 65204

(i) Any facility that a person, as defined in section 3702.51 65205
of the Revised Code, proposes for certification as a skilled 65206
nursing facility or nursing facility under Title XVIII or XIX of 65207
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 65208
as amended, and for which a certificate of need, other than a 65209
certificate to recategorize hospital beds as described in section 65210
3702.521 of the Revised Code or division (R)(7)(d) of the version 65211
of section 3702.51 of the Revised Code in effect immediately prior 65212
to April 20, 1995, has been granted to the person under sections 65213
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 65214

(ii) A county home or district home that is or has been 65215
licensed as a residential care facility. 65216

(c) "Home" does not mean any of the following: 65217

(i) Except as provided in division (A)(1)(b) of this section, 65218
a public hospital or hospital as defined in section 3701.01 or 65219
5122.01 of the Revised Code; 65220

(ii) A residential facility as defined in section 5119.34 of 65221
the Revised Code; 65222

(iii) A residential facility as defined in section 5123.19 of 65223
the Revised Code; 65224

(iv) A community addiction services provider as defined in 65225
section 5119.01 of the Revised Code; 65226

(v) A facility licensed under section 5119.37 of the Revised 65227
Code to operate an opioid treatment program; 65228

(vi) A facility providing services under contract with the 65229
department of developmental disabilities under section 5123.18 of 65230
the Revised Code; 65231

(vii) A facility operated by a hospice care program licensed 65232

under section 3712.04 of the Revised Code that is used exclusively 65233
for care of hospice patients; 65234

(viii) A facility operated by a pediatric respite care 65235
program licensed under section 3712.041 of the Revised Code that 65236
is used exclusively for the care of pediatric respite care 65237
patients or a location operated by a pediatric transition care 65238
program registered under section 3712.042 of the Revised Code that 65239
is used exclusively for the care of pediatric transition care 65240
patients; 65241

(ix) A facility, infirmary, or other entity that is operated 65242
by a religious order, provides care exclusively to members of 65243
religious orders who take vows of celibacy and live by virtue of 65244
their vows within the orders as if related, and does not 65245
participate in the medicare program or the medicaid program if on 65246
January 1, 1994, the facility, infirmary, or entity was providing 65247
care exclusively to members of the religious order; 65248

(x) A county home or district home that has never been 65249
licensed as a residential care facility. 65250

(2) "Unrelated individual" means one who is not related to 65251
the owner or operator of a home or to the spouse of the owner or 65252
operator as a parent, grandparent, child, grandchild, brother, 65253
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 65254
uncle. 65255

(3) "Mental impairment" does not mean mental illness, as 65256
defined in section 5122.01 of the Revised Code, or developmental 65257
disability, as defined in section 5123.01 of the Revised Code. 65258

(4) "Skilled nursing care" means procedures that require 65259
technical skills and knowledge beyond those the untrained person 65260
possesses and that are commonly employed in providing for the 65261
physical, mental, and emotional needs of the ill or otherwise 65262
incapacitated. "Skilled nursing care" includes, but is not limited 65263

to, the following:	65264
(a) Irrigations, catheterizations, application of dressings, and supervision of special diets;	65265 65266
(b) Objective observation of changes in the patient's condition as a means of analyzing and determining the nursing care required and the need for further medical diagnosis and treatment;	65267 65268 65269
(c) Special procedures contributing to rehabilitation;	65270
(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;	65271 65272 65273
(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.	65274 65275 65276
(5)(a) "Personal care services" means services including, but not limited to, the following:	65277 65278
(i) Assisting residents with activities of daily living;	65279
(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;	65280 65281 65282
(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.	65283 65284 65285 65286
(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.	65287 65288 65289 65290 65291
(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental	65292 65293

impairment require skilled nursing care and of individuals who 65294
require personal care services but not skilled nursing care. A 65295
nursing home is licensed to provide personal care services and 65296
skilled nursing care. 65297

(7) "Residential care facility" means a home that provides 65298
either of the following: 65299

(a) Accommodations for seventeen or more unrelated 65300
individuals and supervision and personal care services for three 65301
or more of those individuals who are dependent on the services of 65302
others by reason of age or physical or mental impairment; 65303

(b) Accommodations for three or more unrelated individuals, 65304
supervision and personal care services for at least three of those 65305
individuals who are dependent on the services of others by reason 65306
of age or physical or mental impairment, and, to at least one of 65307
those individuals, any of the skilled nursing care authorized by 65308
section 3721.011 of the Revised Code. 65309

(8) "Home for the aging" means a home that provides services 65310
as a residential care facility and a nursing home, except that the 65311
home provides its services only to individuals who are dependent 65312
on the services of others by reason of both age and physical or 65313
mental impairment. 65314

The part or unit of a home for the aging that provides 65315
services only as a residential care facility is licensed as a 65316
residential care facility. The part or unit that may provide 65317
skilled nursing care beyond the extent authorized by section 65318
3721.011 of the Revised Code is licensed as a nursing home. 65319

(9) "County home" and "district home" mean a county home or 65320
district home operated under Chapter 5155. of the Revised Code. 65321

(10) "Change of operator" has the same meaning as in section 65322
5165.01 of the Revised Code. 65323

(11) "Related party" has the same meaning as in section 5165.01 of the Revised Code. 65324
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(12) "SFF list" means the list of nursing facilities created by the United States department of health and human services under the special focus facility program. 65326
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(13) "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10). 65329
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(B) The director of health may further classify homes. For the purposes of this chapter, any residence, institution, hotel, congregate housing project, or similar facility that meets the definition of a home under this section is such a home regardless of how the facility holds itself out to the public. 65333
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(C) For purposes of this chapter, personal care services or skilled nursing care shall be considered to be provided by a facility if they are provided by a person employed by or associated with the facility or by another person pursuant to an agreement to which neither the resident who receives the services nor the resident's sponsor is a party. 65338
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(D) Nothing in division (A)(4) of this section shall be construed to permit skilled nursing care to be imposed on an individual who does not require skilled nursing care. 65344
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Nothing in division (A)(5) of this section shall be construed to permit personal care services to be imposed on an individual who is capable of performing the activity in question without assistance. 65347
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(E) Division (A)(1)(c)(ix) of this section does not prohibit a facility, infirmary, or other entity described in that division from seeking licensure under sections 3721.01 to 3721.09 of the Revised Code or certification under Title XVIII or XIX of the 65351
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"Social Security Act." However, such a facility, infirmary, or 65355
entity that applies for licensure or certification must meet the 65356
requirements of those sections or titles and the rules adopted 65357
under them and obtain a certificate of need from the director of 65358
health under section 3702.52 of the Revised Code. 65359

(F) Nothing in this chapter, or rules adopted pursuant to it, 65360
shall be construed as authorizing the supervision, regulation, or 65361
control of the spiritual care or treatment of residents or 65362
patients in any home who rely upon treatment by prayer or 65363
spiritual means in accordance with the creed or tenets of any 65364
recognized church or religious denomination. 65365

Sec. 3721.026. (A) ~~If the operation of a nursing home is~~ 65366
~~assigned or transferred to a different person, the person to whom~~ 65367
~~the operation is assigned or transferred must~~ undergoes a change 65368
of operator, all of the following requirements must be satisfied 65369
before the director of health may issue a license authorizing the 65370
person to operate the nursing home, ~~submit to the director~~ 65371
~~documentation showing that the person meets all of the following~~ 65372
~~requirements:~~ 65373

(1) ~~Unless the assignment or transfer is in the form of a~~ 65374
~~lease of the nursing home, the person has financial resources that~~ 65375
~~the director determines are sufficient to cover any reasonably~~ 65376
~~anticipated revenue shortfall for at least twelve months after the~~ 65377
~~assignment or transfer. The person completes a change of operator~~ 65378
license application on a form prescribed by the director and pays 65379
the applicable fee as determined by the director. The director 65380
shall make the application available on the department of health's 65381
publicly available web site. 65382

The change of operator license application established under 65383
this section shall include all of the following: 65384

(a) Full and complete disclosure of all direct and indirect 65385

<u>owners owning at least five per cent of each of the following:</u>	65386
<u>(i) The applicant, if the applicant is an entity;</u>	65387
<u>(ii) The owner of the nursing home, if the owner is a different person from the applicant;</u>	65388 65389
<u>(iii) The manager of the nursing home, if the manager is a different person from the applicant;</u>	65390 65391
<u>(iv) Each related party that provides or will provide services to the nursing home, whether through contracts with the applicant, owner, or manager of the nursing home.</u>	65392 65393 65394
<u>(b) Full and complete disclosure of the direct or indirect ownership interest of each individual identified in division (A)(1)(a) of this section in a current or previously licensed nursing home in this state or another state, including disclosure of whether any of the following occurred with respect to an identified nursing home within the five years immediately preceding the date of application:</u>	65395 65396 65397 65398 65399 65400 65401
<u>(i) Voluntary or involuntary closure of the nursing home;</u>	65402
<u>(ii) Voluntary or involuntary bankruptcy proceedings;</u>	65403
<u>(iii) Voluntary or involuntary receivership proceedings;</u>	65404
<u>(iv) License suspension, denial, or revocation;</u>	65405
<u>(v) Injunction proceedings initiated by a regulatory agency;</u>	65406
<u>(vi) The nursing home is listed in table A, table B, or table D on the SFF list under the special focus facility program;</u>	65407 65408
<u>(vii) A civil or criminal action was filed against it by a state or federal entity.</u>	65409 65410
<u>(c) Submission of all fully executed contracts with related parties, lease agreements, and management agreements pertaining to the nursing home;</u>	65411 65412 65413
<u>(d) Any additional information that the director considers</u>	65414

necessary to determine the ownership, operation, management, and control of the nursing home. 65415
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~~(2) If the assignment or transfer is in the form of a lease of the nursing home, either of the following applies to the person:~~ 65417
The application fee required under division (A)(1) of this section is credited to the general operations fund established under section 3701.83 of the Revised Code. 65418
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~~(a) The person has obtained~~ (3) Except for applications that demonstrate that the applicant owns at least fifty per cent of the nursing home and its assets or at least fifty per cent of the entity that owns the nursing home and its assets the applicant submits evidence of a bond that has a term of at least twelve months, has an annual renewal, and is or other financial security reasonably acceptable to the director for an amount not less than one million the product of the number of licensed beds in the nursing home, as reflected in the application, multiplied by ten thousand dollars. 65422
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(a) The bond or other financial security shall be renewed or maintained for five years after the effective date of the change of operator. If the bond or other financial security is not renewed or maintained in accordance with this division, the director shall revoke the nursing home operator's license. The bond or other financial security shall be released five years after the effective date of the change of operator if none of the events described in division (A)(3)(b) of this section have occurred. 65432
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~~(b) If the person is unable to obtain a bond that meets the requirements of division (A)(2)(a) of this section at a cost the director determines to be reasonable or operates other nursing homes in this state, the person has financial resources that the director determines are sufficient to cover any reasonably anticipated revenue shortfall for at least twelve months after the~~ 65441
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assignment or transfer. The director may utilize the bond or other financial security required under division (A)(3) of this section if any of the following occur during the five-year period for which the bond or other financial security is required: 65447
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(1) The nursing home is voluntarily or involuntarily closed. 65451

(2) The nursing home or its owner or operator is the subject of voluntary or involuntary bankruptcy proceedings. 65452
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(3) The nursing home or its owner or operator is the subject of voluntary or involuntary receivership proceedings. 65454
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(4) The license to operate the nursing home is suspended, denied, or revoked. 65456
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(5) The nursing home undergoes a change of operator, unless the new applicant submits a bond or other financial security in accordance with this section. 65458
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(6) The nursing home appears in table A, table B, or table D on the SFF list under the special focus facility program. 65461
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~~(3) The person~~ (4) A person who is a direct or indirect owner of fifty per cent or more of the applicant is an individual who has at least five years of experience as an operator, manager, or either of the following: 65463
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(a) An administrator of a nursing home located in this state or another state; 65467
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(b) A direct or indirect owner of at least fifty per cent in either of the following: 65469
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(i) An operator of a nursing home located in this state or another state; 65471
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(ii) A manager of a nursing home located in this state or another state. 65473
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~~(4)(5) The person has~~ applicant submits copies of the nursing 65475

home's policies and procedures, including plans for quality assurance and risk management that are required for the operation of the nursing home. 65476
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~~(5)(6)~~ The person has applicant submits general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 65479
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(7) The applicant demonstrates that sufficient numbers of qualified staff, by training or experience, will be employed to properly care for the type and number of nursing home residents. 65483
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~~(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for director shall conduct a survey of the nursing home for the twelve month period not more than sixty days after the assignment or transfer effective date of the operation of the nursing home change of operator.~~ 65486
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~~The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home.~~ 65492
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~~(C)(1)~~ The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. The director shall deny a change of operator license application if any of the requirements established by this section are not satisfied license application or if the applicant has or had fifty per cent or more direct or indirect ownership in the operator or manager of a current or previously licensed nursing home in this state or another state with respect to which any of 65498
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the following occurred within the five years immediately preceding 65507
the date of application: 65508

(a) Involuntary closure of the nursing home by a regulatory 65509
agency or voluntary closure in response to licensure or 65510
certification action; 65511

(b) Voluntary or involuntary bankruptcy proceedings that are 65512
not dismissed within sixty days; 65513

(c) Voluntary or involuntary receivership proceedings that 65514
are not dismissed within sixty days; 65515

(d) License suspension, denial, or revocation for failure to 65516
comply with operating standards. 65517

(2) An applicant may appeal the denial of a change of 65518
operator license application in accordance with Chapter 119. of 65519
the Revised Code. 65520

(C) An applicant shall notify the director within ten days of 65521
any change in the information or documentation required by this 65522
section, whether the change occurs before or after the effective 65523
date of the change of operator. If an applicant fails to notify 65524
the director in accordance with this division, the director shall 65525
impose a civil penalty of two thousand dollars for each day of 65526
noncompliance. 65527

(D) If the director becomes aware that a change of operator 65528
has occurred and the entering operator failed to submit an 65529
application in accordance with this section, or an application was 65530
filed but the information provided was fraudulent, the director 65531
shall impose a civil penalty of two thousand dollars for each day 65532
of noncompliance after the date the director becomes aware that 65533
the change of operator has occurred. If the entering operator 65534
fails to submit an application or new application in accordance 65535
with this section within sixty days of the director becoming aware 65536
of the change of operator, the director shall begin the process of 65537

revoking a nursing home license as specified in section 3721.03 of 65538
the Revised Code. 65539

(E) It is the intent of the general assembly in amending this 65540
section to require full and complete disclosure and transparency 65541
with respect to the ownership, operation, and management of each 65542
licensed nursing home located in this state. The director may 65543
adopt rules as necessary to implement this section. Any rules 65544
shall be adopted in accordance with Chapter 119. of the Revised 65545
Code. 65546

Sec. 3722.04. If a hospital licensed under this chapter is 65547
assigned, sold, or transferred to a new owner, within thirty days 65548
of the assignment, sale, or transfer, the new owner shall apply to 65549
the director of health for a license transfer. The application 65550
shall be submitted to the director in the form and manner 65551
prescribed in rules adopted under section 3722.06 of the Revised 65552
Code. 65553

The new owner is responsible for compliance with any action 65554
taken or proposed by the director under section 3722.07 or 3722.08 65555
of the Revised Code. If a notice has been ~~issued~~ served under 65556
~~section~~ sections 119.05 and 119.07 of the Revised Code, the new 65557
owner becomes party to the notice. 65558

Sec. 3722.07. (A) Each hospital licensed under this chapter 65559
shall comply with the requirements of this chapter and the rules 65560
adopted under it. 65561

(B) In accordance with Chapter 119. of the Revised Code, if 65562
the director of health finds that a license holder has violated 65563
any requirement of this chapter or the rules adopted under it, the 65564
director may do any of the following: 65565

(1) Impose a civil penalty of not less than one thousand 65566
dollars and not more than two hundred fifty thousand dollars; 65567

(2) Require the license holder to submit a plan to correct or mitigate the violation; 65568
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(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it. 65570
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(C)(1) If the director takes action under division (B)(3) of this section, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the following: 65574
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(a) The nature of the conditions giving rise to the director's judgment; 65578
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(b) The measures that the director determines the hospital must take to respond to the conditions; 65580
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(c) The date, which shall be not later than thirty days after the notice is delivered, on which the director intends to suspend the health care service or revoke the license if the conditions are not corrected and the director determines that the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 65582
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(2) If the licensed hospital notifies the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director shall conduct an inspection. The director may suspend the health care service or revoke the license if the director determines on the basis of the inspection that the conditions have not been corrected and the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 65588
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(3) If the licensed hospital fails to notify the director, 65599
within the period of time specified in division (C)(1)(c) of this 65600
section, that the conditions giving rise to the director's 65601
determination have been corrected and that the hospital is in 65602
substantial compliance with this chapter and the rules adopted 65603
under it, the director may suspend the health care service or 65604
revoke the license. 65605

(D) If the director suspends a health care service or revokes 65606
a license under division (C) of this section, the director shall 65607
~~issue~~ serve a written order of suspension or revocation ~~and cause~~ 65608
~~it to be delivered by certified mail or in person~~ in accordance 65609
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 65610
the license holder subject to the suspension or revocation 65611
requests an adjudication, the date set for the adjudication shall 65612
be within seven days after the license holder makes the request, 65613
unless another date is agreed to by both the individual and the 65614
director. The suspension or revocation shall remain in effect, 65615
unless reversed by the director, until a final adjudication order 65616
issued by the director pursuant to this section and Chapter 119. 65617
of the Revised Code becomes effective. 65618

The director shall issue a final adjudication order not later 65619
than fourteen days after completion of the adjudication. If the 65620
director does not issue a final order within the fourteen-day 65621
period, the suspension or revocation is void, but any final 65622
adjudication order issued subsequent to the fourteen-day period 65623
shall not be affected. 65624

(E) If the director issues a final adjudication order 65625
suspending a health care service or suspending or revoking a 65626
license issued under this chapter and the license holder continues 65627
to operate a hospital, the director may ask the attorney general 65628
to apply to the court of common pleas of the county in which the 65629
hospital is located for an order enjoining the license holder from 65630

operating the hospital. 65631

Sec. 3725.05. No plasmapheresis center shall be certified by 65632
the director of health unless all federal requirements for the 65633
collection of plasma by plasmapheresis under the "Public Health 65634
Service Act," 58 Stat. 682 (1944) 42 U.S.C. 201, as amended, are 65635
met and: 65636

(A) A test approved by the director of health for hepatitis B 65637
antigen is made on a sample of blood taken from the donor at the 65638
time of blood collection; 65639

(B) No person who has ever shown a positive test for 65640
hepatitis B antigen or who has a history of hepatitis serves as a 65641
donor for plasma, with the exception of plasma intended for 65642
special purposes approved by the director of health; 65643

(C) A qualified licensed physician, known as the medical 65644
director, is responsible for compliance with this chapter and 65645
rules adopted thereunder, and for maintaining the health and 65646
safety of participants in the plasmapheresis procedure; 65647

(D) ~~A licensed physician, a registered nurse, or a medical~~ 65648
~~technologist approved by the director of health~~ One of the 65649
following individuals is in attendance at all times when a donor 65650
is undergoing plasmapheresis, and is responsible for supervising 65651
the procedure and the maintenance of sterile technique; 65652

(1) A physician authorized under Chapter 4731. of the Revised 65653
Code to practice medicine and surgery or osteopathic medicine and 65654
surgery; 65655

(2) A licensed practical nurse or registered nurse as defined 65656
in section 4723.01 of the Revised Code; 65657

(3) An individual who is certified as an emergency medical 65658
technician-intermediate or emergency medical technician-paramedic 65659
under Chapter 4765. of the Revised Code, but is not attending or 65660

supervising the procedure or maintaining sterile technique in the 65661
individual's capacity as an emergency medical technician; 65662

(4) Another qualified medical staff person, including a 65663
medical technologist, approved by the director of health. 65664

(E) Handwashing facilities are present in the room where the 65665
blood is drawn and in the room where the formed elements are 65666
separated from the plasma. 65667

Sec. 3727.17. Each hospital shall provide a staff person to 65668
do all of the following: 65669

(A) Meet with each unmarried mother who gave birth in or en 65670
route to the hospital within twenty-four hours after the birth or 65671
before the mother is released from the hospital; 65672

(B) Attempt to meet with the father of the unmarried mother's 65673
child if possible; 65674

(C) Explain to the unmarried mother and the father, if the 65675
father is present, the benefit to the child of establishing a 65676
parent and child relationship between the father and the child and 65677
the various proper procedures for establishing a parent and child 65678
relationship; 65679

(D) Present to the unmarried mother and, if possible, the 65680
father, the pamphlet or statement regarding the rights and 65681
responsibilities of a natural parent prepared by the department of 65682
job and family services pursuant to section 3111.32 of the Revised 65683
Code; 65684

(E) Provide the unmarried mother, and if possible the father, 65685
all forms and statements necessary to voluntarily establish a 65686
parent and child relationship, including the acknowledgment of 65687
paternity form prepared by the department of job and family 65688
services pursuant to section 3111.31 of the Revised Code; 65689

(F) Upon both the mother's and father's request, help the 65690

mother and father complete any specific form or statement 65691
necessary to establish a parent and child relationship; 65692

(G) Present to an unmarried mother who is not a recipient of 65693
medicaid or a participant in Ohio works first an application for 65694
Title IV-D services; 65695

(H) Mail the voluntary acknowledgment of paternity, no later 65696
than ten days after it is completed, to the office of child 65697
support in the department of job and family services. 65698

Each hospital shall provide a notary public to notarize, or 65699
witnesses to witness, an acknowledgment of paternity signed by the 65700
mother and father. If a hospital knows or determines that a man is 65701
presumed under section 3111.03 of the Revised Code to be the 65702
father of the child described in this section and that the 65703
presumed father is not the man who signed or is attempting to sign 65704
an acknowledgment with respect to the child, the hospital shall 65705
take no further action with regard to the acknowledgment and shall 65706
not mail the acknowledgment pursuant to this section. 65707

A hospital may contract with a person or government entity to 65708
fulfill its responsibilities under this section and sections 65709
3111.71 to 3111.74 of the Revised Code. Services provided by a 65710
hospital under this section or pursuant to a contract under 65711
sections 3111.71 and 3111.77 of the Revised Code do not constitute 65712
the practice of law. A hospital shall not be subject to criminal 65713
or civil liability for any damage or injury alleged to result from 65714
services provided pursuant to this section or sections 3111.71 to 65715
3111.74 of the Revised Code unless the hospital acted with 65716
malicious purpose, in bad faith, or in a wanton or reckless 65717
manner. 65718

Sec. 3727.25. (A) As used in this section: 65719

(1) "Surgical smoke" means the airborne byproduct of an 65720

energy-generating device used in a surgical procedure, including smoke plume, bioaerosols, gases, laser-generated contaminants, and dust. 65721
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(2) "Surgical smoke evacuation system" means equipment designed to capture, filter, and eliminate surgical smoke at the point of origin, before the smoke makes contact with the eyes or respiratory tract of individuals. 65724
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(B) Not later than one year after the effective date of this section, each hospital that offers surgical services shall adopt and implement a policy designed to prevent human exposure to surgical smoke during any planned surgical procedure that is likely to generate surgical smoke. The policy shall include the use of a surgical smoke evacuation system. 65728
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(C) The director of health may adopt any rules the director considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 65734
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Sec. 3727.31. As used in sections 3727.31 to 3727.34 of the Revised Code: 65737
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(A) "Hospital" has the same meaning as in section 3722.01 of the Revised Code, notwithstanding the meaning of that term in 3727.01 of the Revised Code. 65739
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(B) "Federal price transparency law" means section 2718(e) of the "Public Health Service Act," 42 U.S.C. 300gg-18, and hospital price transparency rules adopted by the United States department of health and human services and the United States centers for medicare and medicaid services implementing that section, including the rules and requirements under 45 C.F.R. 180. 65742
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Sec. 3727.32. (A) Each hospital located in the state shall comply with the federal price transparency law. 65748
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(B) If a patient or patient guarantor believes that a violation of division (A) of this section has occurred, the patient or patient guarantor may submit a complaint to the director of health and the director shall refer the violation to the United States centers for medicare and medicaid services. 65750
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(C) The director shall create a list of noncompliant hospitals. The list of noncompliant hospitals shall include any hospital that is subject to an order imposing a civil monetary penalty under 45 C.F.R. 180.90. 65755
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(D) Not later than ninety days after the effective date of this section, the director shall create the initial list of noncompliant hospitals and include the list on the internet web site maintained by the department of health. The director shall update the list and web site at least every thirty days thereafter. 65759
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Sec. 3727.33. (A) The director of health shall include in the list of noncompliant hospitals created and updated in accordance with section 3727.32 of the Revised Code any notice of the imposition of a civil monetary penalty issued by the United States centers for medicare and medicaid services, or a successor agency, for violation of the federal price transparency law. 65765
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(B) If a hospital elects to request a hearing and appeal such a civil monetary penalty, the director of health, upon receiving notification from the hospital, with appropriate documentation, or from the United States centers for medicare and medicaid services, shall do all of the following: 65771
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(1) Indicate in the posting that the civil monetary penalty is under review; 65776
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(2) If the civil monetary penalty is upheld, in whole, by a final and binding decision, maintain the posting of the imposition 65778
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of a civil monetary penalty; 65780

(3) If the civil monetary penalty is upheld, in part, by a 65781
final and binding decision, modify the posting to conform to the 65782
adjudicated finding; 65783

(4) If the civil monetary penalty is overturned in full by a 65784
final and binding decision, remove the notice of the imposition of 65785
a civil monetary penalty from the public posting. 65786

Sec. ~~3727.44~~ 3727.34. The director of health may adopt rules 65787
to carry out the purposes of sections ~~3727.42 and 3727.43~~ 3727.32 65788
and 3727.33 of the Revised Code. All rules adopted pursuant to 65789
this section shall be adopted in accordance with Chapter 119. of 65790
the Revised Code. 65791

Sec. 3733.41. As used in ~~sections 3733.41 to 3733.49~~ of the 65792
~~Revised Code~~ this chapter: 65793

(A) "Agricultural labor camp" means one or more buildings or 65794
structures, trailers, tents, or vehicles, together with any land 65795
appertaining thereto, established, operated, or used as temporary 65796
living quarters for two or more families or five or more persons 65797
intending to engage in or engaged in agriculture or related food 65798
processing, whether occupancy is by rent, lease, or mutual 65799
agreement. "Agricultural labor camp" does not include a hotel or 65800
motel, or a manufactured home park regulated pursuant to sections 65801
4781.26 to 4781.52 of the Revised Code, and rules adopted 65802
thereunder. 65803

(B) "Board of health" means the board of health of a city or 65804
general health district or the authority having the duties of a 65805
board of health in any city as authorized by section 3709.05 of 65806
the Revised Code or an authorized representative of the board of 65807
health. 65808

(C) "Director" means the director of health or the authorized 65809

representative of the director of health. 65810

(D) "Licensor" means the director of health. 65811

(E) "Person" means the state, any political subdivision, 65812
public or private corporation, partnership, association, trust, 65813
individual, or other entity. 65814

(F) "State monitor advocate" means an individual appointed 65815
under 20 C.F.R. 653.108. 65816

Sec. 3733.43. (A) Except as otherwise provided in this 65817
division, prior to the fifteenth day of April in each year, every 65818
person who intends to operate an agricultural labor camp shall 65819
make application to the licensor for a license to operate such 65820
camp, effective for the calendar year in which it is issued. The 65821
licensor may accept an application on or after the fifteenth day 65822
of April. The license fees specified in this division shall be 65823
submitted to the licensor with the application for a license. No 65824
agricultural labor camp shall be operated in this state without a 65825
license. Any person operating an agricultural labor camp without a 65826
current and valid agricultural labor camp license is not excepted 65827
from compliance with ~~sections 3733.41 to 3733.49 of the Revised~~ 65828
~~Code~~ this chapter by holding a valid and current hotel license. 65829
Each person proposing to open an agricultural labor camp shall 65830
submit with the application for a license any plans required by 65831
any rule adopted under section 3733.42 of the Revised Code. For 65832
any license issued on or after July 1, 2009, the annual license 65833
fee is one hundred fifty dollars, unless the application for a 65834
license is made on or after the fifteenth day of April in any 65835
given year, in which case the annual license fee is one hundred 65836
sixty-six dollars. For any license issued on or after July 1, 65837
2009, an additional fee of twenty dollars per housing unit per 65838
year shall be assessed to defray the costs of enforcing ~~sections~~ 65839
~~3733.41 to 3733.49 of the Revised Code~~ this chapter, unless the 65840

application for a license is made on or after the fifteenth day of 65841
April in any given year, in which case an additional fee of 65842
forty-two dollars and fifty cents per housing unit shall be 65843
assessed. All fees collected under this division shall be 65844
deposited in the state treasury to the credit of the general 65845
operations fund created in section 3701.83 of the Revised Code and 65846
shall be used for the administration and enforcement of ~~sections~~ 65847
~~3733.41 to 3733.49 of the Revised Code~~ this chapter and rules 65848
adopted thereunder. 65849

(B) Any license under this section may be denied, suspended, 65850
or revoked by the licensor for violation of ~~sections 3733.41 to~~ 65851
~~3733.49 of the Revised Code~~ this chapter or the rules adopted 65852
thereunder. Unless there is an immediate serious public health 65853
hazard, no denial, suspension, or revocation of a license shall be 65854
made effective until the person operating the agricultural labor 65855
camp has been given notice in writing of the specific violations 65856
and a reasonable time to make corrections. When the licensor 65857
determines that an immediate serious public health hazard exists, 65858
the licensor shall issue an order denying or suspending the 65859
license without a prior hearing. 65860

(C) All proceedings under this section are subject to Chapter 65861
119. of the Revised Code except as provided in section 3733.431 of 65862
the Revised Code. 65863

(D) Every occupant of an agricultural labor camp shall keep 65864
that part of the dwelling unit, and premises thereof, that the 65865
occupant occupies and controls in a clean and sanitary condition. 65866

Sec. 3733.431. Chapter 119. of the Revised Code applies to 65867
all adjudications under ~~sections 3733.41 to 3733.49 of the Revised~~ 65868
~~Code~~ this chapter except that: 65869

(A) The director of health shall notify a licensee that ~~he~~ 65870
the licensee is entitled to a hearing if ~~he~~ the licensee requests 65871

it within ten days of the time the notice informing ~~him~~ the
licensee of ~~his~~ the licensee's right to a hearing was mailed; 65872
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(B) If the licensee requests a hearing, the date set for the 65874
hearing shall be within ten days after the licensee has requested 65875
a hearing; 65876

(C) The director shall not apply for a postponement or 65877
continuation of an adjudication hearing. If the licensee requests 65878
a postponement or continuation of an adjudication hearing, it 65879
shall not be granted unless the licensee demonstrates that an 65880
unusual hardship will be incurred in meeting the hearing date. If 65881
the director grants a postponement or continuation on the grounds 65882
of an unusual hardship to the licensee, the record shall document 65883
the nature and cause of the unusual hardship. 65884

(D) If the director of health appoints a referee or examiner 65885
to conduct the hearing: 65886

(1) A copy of the written adjudication report and 65887
recommendation of the referee or examiner shall be served by 65888
certified mail upon the director and the licensee or ~~his~~ the
licensee's attorney or other representative of record within three 65889
working days of the conclusion of the hearing; 65890
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(2) The licensee is not entitled to file written objections 65892
to the report; 65893

(3) The director shall approve, modify, or disapprove of the 65894
report and recommendations within three working days of receiving 65895
the report. 65896

(E) A notice of appeal of an adverse adjudication decision 65897
shall be filed within fifteen days of the mailing of the 65898
director's order; 65899

(F) The court shall not suspend an adjudication order pending 65900
disposition of the appeal. Any adjudication order issued by the 65901

director shall remain in force pending final disposition of the 65902
appeal. 65903

Sec. 3733.45. (A) The licensor shall inspect all agricultural 65904
labor camps and shall require compliance with ~~sections 3733.41 to~~ 65905
~~3733.49 of the Revised Code~~ this chapter and the rules adopted 65906
thereunder prior to the issuance of a license. Upon receipt of a 65907
complaint from the ~~migrant agricultural ombudsperson~~ state monitor 65908
advocate or upon the basis of a licensor's own information that an 65909
agricultural labor camp is operating without a license, the 65910
licensor shall inspect the camp. If the camp is operating without 65911
a license, the licensor shall require the camp to comply with 65912
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 65913
the rules adopted under ~~those sections~~ it. No license shall be 65914
issued unless results of water supply tests indicate that the 65915
water supply meets required standards or if any violations exist 65916
concerning sanitation, drainage, or habitability of housing units. 65917
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(B) The licensor shall, upon issuance of each license, 65919
distribute posters containing the toll-free telephone number of 65920
the ~~migrant agricultural ombudsperson established in section~~ 65921
~~3733.49 of the Revised Code~~ state monitor advocate and information 65922
in English and Spanish describing the purpose of the 65923
~~ombudsperson's~~ state monitor advocate's office, ~~as provided in~~ 65924
~~that section~~ under 20 C.F.R. Parts 651, 653, 654, and 658. The 65925
licensor shall provide at least two posters to the licensee, one 65926
for the licensee's personal use and at least one that shall be 65927
posted in a conspicuous place within the camp. 65928

(C) The licensor may, upon proper identification to the 65929
operator or the operator's agent, enter on any property or into 65930
any structure at any reasonable time for the purpose of making 65931
inspections required by this section. 65932

The licensor shall make at least one inspection prior to 65933
licensing. The licensor shall make such other inspections as the 65934
licensor considers necessary to enforce ~~sections 3733.41 to~~ 65935
~~3733.49 of the Revised Code~~ this chapter adequately. 65936

(D) Any plans submitted to the licensor shall be in 65937
compliance with rules adopted pursuant to section 3733.42 of the 65938
Revised Code and shall be approved or disapproved within thirty 65939
days after they are filed. 65940

(E) The licensor shall issue an annual report that shall 65941
accurately reflect the results of that year's inspections, 65942
including, but not limited to, numbers of inspections, number of 65943
violations found, and action taken in regard to violations. The 65944
report shall also include an assessment of any problems found in 65945
that year and proposed solutions for them. 65946

Sec. 3733.46. (A) The director of health is the licensor and 65947
shall administer and enforce ~~sections 3733.41 to 3733.49 of the~~ 65948
~~Revised Code~~ this chapter and the rules adopted thereunder. 65949

(B) If the director determines that a board of health can 65950
satisfactorily enforce ~~sections 3733.41 to 3733.49 of the Revised~~ 65951
~~Code~~ this chapter and the rules adopted thereunder, ~~he~~ the 65952
director shall delegate ~~his~~ the director's authority to enforce 65953
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 65954
the rules adopted thereunder to the board. The director may enter 65955
an agreement with a board of health to which ~~he~~ the director has 65956
delegated ~~his~~ the director's authority to enforce ~~sections 3733.41~~ 65957
~~to 3733.49 of the Revised Code~~ this chapter, to provide funds to 65958
the board of health to carry out this duty. The director shall 65959
retain authority to issue, deny, renew, suspend, or revoke 65960
licenses authorizing the operation of agricultural labor camps. 65961

Sec. 3733.47. The attorney general, or the prosecuting 65962

attorney of the county, or the city director of law shall upon 65963
complaint of the licensor prosecute to termination or bring an 65964
action for a temporary restraining order or preliminary or 65965
permanent injunction against any person violating ~~sections 3733.41~~ 65966
~~to 3733.49 of the Revised Code~~ this chapter or the rules adopted 65967
thereunder. The common pleas court in which an action for a 65968
temporary restraining order or preliminary or permanent injunction 65969
is filed has the jurisdiction to grant such relief upon a showing 65970
that the respondent named in the complaint is in violation of 65971
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter or 65972
the rules adopted thereunder. 65973

Sec. 3733.471. (A) Any person who believes that violations of 65974
~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or 65975
Chapter 4111. of the Revised Code are taking place may report or 65976
cause reports to be made of the information directly to the 65977
~~migrant agricultural ombudsman's office as provided in section~~ 65978
~~3733.49 of the Revised Code~~ state monitor advocate. No person who 65979
files a report is liable for civil damages resulting from the 65980
report if the report was made on the basis of personal knowledge 65981
and belief, and not on the basis of hearsay, and was made in good 65982
faith and without recklessness as to the truth of the information 65983
contained in the report. 65984

(B) The ~~migrant agricultural ombudsman's office~~ state monitor 65985
advocate shall immediately forward to the attorney general all 65986
reports that ~~it~~ the state monitor advocate receives under division 65987
(A) of this section. Within forty-eight hours of receiving a 65988
report alleging that conditions in violation of ~~sections 3733.41~~ 65989
~~to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 65990
Revised Code exist that cause a direct or serious threat to the 65991
health or safety of migrant agricultural laborers, the attorney 65992
general, or the attorney general in conjunction with the director 65993
of health, shall investigate the complaint. If after an 65994

investigation period, which shall not exceed forty-eight hours, 65995
the attorney general finds probable cause to believe that existing 65996
conditions cause a direct or serious threat to the health or 65997
safety of the laborers, the attorney general, or the attorney 65998
general in conjunction with the appropriate prosecuting attorney, 65999
shall bring an action for a temporary restraining order or a 66000
preliminary or permanent injunction. 66001

(C) The attorney general, or the attorney general in 66002
conjunction with the director of health, shall, within seven days 66003
of receiving a complaint that does not allege a serious health or 66004
safety violation of ~~sections 3733.41 to 3733.49~~ this chapter, 66005
Chapter 4109., or Chapter 4111. of the Revised Code, begin an 66006
investigation of the complaint. If after an investigation period, 66007
which shall not exceed fourteen days, the attorney general finds 66008
probable cause to believe that a violation of ~~sections 3733.41 to~~ 66009
~~3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 66010
Revised Code exists, ~~he~~ the attorney general shall refer the 66011
matter to the appropriate prosecuting attorney, who shall 66012
prosecute the complaint. 66013

(D) The ~~migrant agricultural ombudsman's office~~ state monitor 66014
advocate shall treat as confidential all information that ~~it~~ the 66015
state monitor advocate receives as a result of reports filed with 66016
~~it~~ the state monitor advocate under division (A) of this section 66017
and shall not reveal that information to any person except under 66018
division (B) of this section or as required in the course of an 66019
investigation or prosecution. 66020

Sec. 3734.01. As used in this chapter: 66021

(A) "Board of health" means the board of health of a city or 66022
general health district or the authority having the duties of a 66023
board of health in any city as authorized by section 3709.05 of 66024
the Revised Code. 66025

(B) "Director" means the director of environmental protection. 66026
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(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code. 66028
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(D) "Agency" means the environmental protection agency. 66031

(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products, materials converted into a feedstock that replaces a raw material in a manufacturing process at an advanced recycling facility, materials used as a legitimate fuel at an advanced recycling facility, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste. 66032
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(F) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, ~~except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a~~ 66052
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~~beneficial use or occurs at a scrap tire recovery facility~~ 66058
~~licensed under section 3734.81 of the Revised Code. "Disposal"~~ 66059
When used in connection with solid waste, "disposal" does not 66060
~~include the process of converting post-use polymers and~~ 66061
~~recoverable feedstocks using gasification or pyrolysis~~ any of the 66062
following: 66063

(1) A disposition or placement that constitutes legitimate 66064
recycling; 66065

(2) A disposition or placement that constitutes storage; 66066

(3) A disposition or placement of scrap tires that 66067
constitutes a beneficial use or that occurs at a scrap tire 66068
recovery facility licensed under section 3734.81 of the Revised 66069
Code; 66070

(4) A disposition or placement of materials constituting a 66071
beneficial use authorized by a beneficial use permit issued under 66072
this chapter; 66073

(5) Advanced recycling or the storage of post-use polymers 66074
and recovered feedstocks prior to conversion through advanced 66075
recycling. 66076

(G) "Person" includes the state, any political subdivision 66077
and other state or local body, the United States and any agency or 66078
instrumentality thereof, and any legal entity defined as a person 66079
under section 1.59 of the Revised Code. 66080

(H) "Open burning" means the burning of solid wastes in an 66081
open area or burning of solid wastes in a type of chamber or 66082
vessel that is not approved or authorized in rules adopted by the 66083
director under section 3734.02 of the Revised Code or, if the 66084
solid wastes consist of scrap tires, in rules adopted under 66085
division (V) of this section or section 3734.73 of the Revised 66086
Code, or the burning of treated or untreated infectious wastes in 66087
an open area or in a type of chamber or vessel that is not 66088

approved in rules adopted by the director under section 3734.021 66089
of the Revised Code. 66090

(I) "Open dumping" means ~~the~~ any of the following: 66091

(1) The depositing of solid wastes into a body or stream of 66092
water or onto the surface of the ground at a site that is not 66093
~~licensed~~ any of the following: 66094

(a) Licensed as a solid waste facility under section 3734.05 66095
of the Revised Code ~~or, if;~~ 66096

(b) A legitimate recycling facility; 66097

(c) An advanced recycling facility; 66098

(d) If the solid wastes consist of scrap tires, licensed as a 66099
scrap tire collection, storage, monocell, monofill, or recovery 66100
facility under section 3734.81 of the Revised Code; ~~the~~ 66101

(2) The depositing of solid wastes that consist of scrap 66102
tires onto the surface of the ground at a site or in a manner not 66103
specifically identified in divisions (C)(2) to (5), (7), or (10) 66104
of section 3734.85 of the Revised Code; ~~the~~ 66105

(3) The depositing of untreated infectious wastes into a body 66106
or stream of water or onto the surface of the ground; or the 66107
depositing of treated infectious wastes into a body or stream of 66108
water or onto the surface of the ground at a site that is not 66109
licensed as a solid waste facility under section 3734.05 of the 66110
Revised Code; 66111

(4) The disposal of scrap tires in a trailer, vehicle, or 66112
building that is not licensed as a scrap tire collection, storage, 66113
monocell, monofill, or recovery facility. 66114

(J) "Hazardous waste" means any waste or combination of 66115
wastes in solid, liquid, semisolid, or contained gaseous form that 66116
in the determination of the director, because of its quantity, 66117
concentration, or physical or chemical characteristics, may do 66118

either of the following: 66119

(1) Cause or significantly contribute to an increase in 66120
mortality or an increase in serious irreversible or incapacitating 66121
reversible illness; 66122

(2) Pose a substantial present or potential hazard to human 66123
health or safety or to the environment when improperly stored, 66124
treated, transported, disposed of, or otherwise managed. 66125

"Hazardous waste" includes any substance identified by 66126
regulation as hazardous waste under the "Resource Conservation and 66127
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 66128
amended, and does not include any substance that is subject to the 66129
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 66130
amended. 66131

(K) "Treat" or "treatment," when used in connection with 66132
hazardous waste, means any method, technique, or process, 66133
including neutralization, designed to change the physical, 66134
chemical, or biological character or composition of any hazardous 66135
waste so as to neutralize the waste; recover energy or material 66136
resources from the waste; render the waste nonhazardous or less 66137
hazardous, safer to transport, store, or dispose of, or amenable 66138
for recovery or storage; or reduce the volume of the waste. When 66139
used in connection with infectious wastes, "treat" or "treatment" 66140
means any method, technique, or process that renders the wastes 66141
noninfectious so that it is no longer an infectious waste and is 66142
no longer an infectious substance as defined in applicable federal 66143
law, including, without limitation, steam sterilization and 66144
incineration, and, in the instance of wastes identified in 66145
division (R)(7) of this section, to substantially reduce or 66146
eliminate the potential for the wastes to cause lacerations or 66147
puncture wounds. 66148

(L) "Manifest" means the form used for identifying the 66149

quantity, composition, origin, routing, and destination of 66150
hazardous waste during its transportation from the point of 66151
generation to the point of disposal, treatment, or storage. 66152

(M)(1) When used in connection with hazardous waste, 66153
"storage" means the holding of hazardous waste for a temporary 66154
period in such a manner that it remains retrievable and 66155
substantially unchanged physically and chemically and, at the end 66156
of the period, is treated; disposed of; stored elsewhere; or 66157
reused, recycled, or reclaimed in a beneficial manner; 66158

(2) When used in connection with legitimate recycling of 66159
solid waste other than scrap tires, "storage" means the placement 66160
of solid waste on the ground prior to legitimate recycling for a 66161
period of less than ninety days provided all the following apply: 66162

(a) The solid waste remains retrievable and substantially 66163
unchanged. 66164

(b) The solid waste does not cause a nuisance. 66165

(c) The storage of solid waste occurs at a legitimate 66166
recycling facility. 66167

(d) The storage of solid waste does not pose a threat from 66168
vectors. 66169

(e) The storage of solid waste does not adversely impact 66170
public health, safety, or the environment. 66171

(f) Prior to the end of the storage period of less than 66172
ninety days, the solid waste is lawfully disposed, beneficially 66173
used, or recycled in accordance with this chapter and rules 66174
adopted under it. 66175

(3) When used in connection with scrap tires, "storage" means 66176
the holding of scrap tires for a temporary period in such a manner 66177
that they remain retrievable and, at the end of that period, are 66178
beneficially used; stored elsewhere; placed in a scrap tire 66179

monocell or monofill facility licensed under section 3734.81 of 66180
the Revised Code; processed at a scrap tire recovery facility 66181
licensed under that section or a solid waste incineration or 66182
energy recovery facility subject to regulation under this chapter; 66183
or transported to a scrap tire monocell, monofill, or recovery 66184
facility, any other solid waste facility authorized to dispose of 66185
scrap tires, or a facility that will beneficially use the scrap 66186
tires, that is located in another state and is operating in 66187
compliance with the laws of the state in which the facility is 66188
located; 66189

~~(3) When used in connection with recoverable feedstocks or 66190
post-use polymers, "storage" means holding recoverable feedstocks 66191
or post-use polymers for a period of less than ninety days, 66192
provided all of the following apply: 66193~~

~~(a) The recoverable feedstocks or post-use polymers remain 66194
retrievable and substantially unchanged physically and chemically; 66195~~

~~(b) The storage of recoverable feedstocks or post-use 66196
polymers does not cause a nuisance; 66197~~

~~(c) The storage of recoverable feedstocks or post-use 66198
polymers does not pose a threat from vectors; 66199~~

~~(d) The storage of recoverable feedstocks or post-use 66200
polymers does not adversely impact public health, safety, or the 66201
environment; 66202~~

~~(e) Prior to the end of the storage period of less than 66203
ninety days, the recoverable feedstocks or post-use polymers are 66204
converted using gasification or pyrolysis. 66205~~

(N) "Facility" means any site, location, tract of land, 66206
installation, or building used for incineration, composting, 66207
sanitary landfilling, or other methods of disposal of solid wastes 66208
or, if the solid wastes consist of scrap tires, for the 66209
collection, storage, or processing of the solid wastes; for the 66210

transfer of solid wastes; for the treatment of infectious wastes; 66211
or for the storage, treatment, or disposal of hazardous waste. 66212

(O) "Closure" means the time at which a hazardous waste 66213
facility will no longer accept hazardous waste for treatment, 66214
storage, or disposal, the time at which a solid waste facility 66215
will no longer accept solid wastes for transfer or disposal or, if 66216
the solid wastes consist of scrap tires, for storage or 66217
processing, or the effective date of an order revoking the permit 66218
for a hazardous waste facility or the registration certificate, 66219
permit, or license for a solid waste facility, as applicable. 66220
"Closure" includes measures performed to protect public health or 66221
safety, to prevent air or water pollution, or to make the facility 66222
suitable for other uses, if any, including, but not limited to, 66223
the removal of processing residues resulting from solid wastes 66224
that consist of scrap tires; the establishment and maintenance of 66225
a suitable cover of soil and vegetation over cells in which 66226
hazardous waste or solid wastes are buried; minimization of 66227
erosion, the infiltration of surface water into such cells, the 66228
production of leachate, and the accumulation and runoff of 66229
contaminated surface water; the final construction of facilities 66230
for the collection and treatment of leachate and contaminated 66231
surface water runoff, except as otherwise provided in this 66232
division; the final construction of air and water quality 66233
monitoring facilities, except as otherwise provided in this 66234
division; the final construction of methane gas extraction and 66235
treatment systems; or the removal and proper disposal of hazardous 66236
waste or solid wastes from a facility when necessary to protect 66237
public health or safety or to abate or prevent air or water 66238
pollution. With regard to a solid waste facility that is a scrap 66239
tire facility, "closure" includes the final construction of 66240
facilities for the collection and treatment of leachate and 66241
contaminated surface water runoff and the final construction of 66242
air and water quality monitoring facilities only if those actions 66243

are determined to be necessary.	66244
(P) "Premises" means either of the following:	66245
(1) Geographically contiguous property owned by a generator;	66246
(2) Noncontiguous property that is owned by a generator and	66247
connected by a right-of-way that the generator controls and to	66248
which the public does not have access. Two or more pieces of	66249
property that are geographically contiguous and divided by public	66250
or private right-of-way or rights-of-way are a single premises.	66251
(Q) "Post-closure" means that period of time following	66252
closure during which a hazardous waste facility is required to be	66253
monitored and maintained under this chapter and rules adopted	66254
under it, including, without limitation, operation and maintenance	66255
of methane gas extraction and treatment systems, or the period of	66256
time after closure during which a scrap tire monocell or monofill	66257
facility licensed under section 3734.81 of the Revised Code is	66258
required to be monitored and maintained under this chapter and	66259
rules adopted under it.	66260
(R) "Infectious wastes" means any wastes or combination of	66261
wastes that include cultures and stocks of infectious agents and	66262
associated biologicals, human blood and blood products, and	66263
substances that were or are likely to have been exposed to or	66264
contaminated with or are likely to transmit an infectious agent or	66265
zoonotic agent, including all of the following:	66266
(1) Laboratory wastes;	66267
(2) Pathological wastes;	66268
(3) Animal blood and blood products;	66269
(4) Animal carcasses and parts;	66270
(5) Waste materials from the rooms of humans, or the	66271
enclosures of animals, that have been isolated because of	66272
diagnosed communicable disease that are likely to transmit	66273

infectious agents. Such waste materials from the rooms of humans 66274
do not include any wastes of patients who have been placed on 66275
blood and body fluid precautions under the universal precaution 66276
system established by the centers for disease control in the 66277
public health service of the United States department of health 66278
and human services, except to the extent specific wastes generated 66279
under the universal precautions system have been identified as 66280
infectious wastes by rules adopted under division (R)(7) of this 66281
section. 66282

(6) Sharp wastes used in the treatment, diagnosis, or 66283
inoculation of human beings or animals; 66284

(7) Any other waste materials generated in the diagnosis, 66285
treatment, or immunization of human beings or animals, in research 66286
pertaining thereto, or in the production or testing of 66287
biologicals, that the director of health, by rules adopted in 66288
accordance with Chapter 119. of the Revised Code, identifies as 66289
infectious wastes after determining that the wastes present a 66290
substantial threat to human health when improperly managed because 66291
they are contaminated with, or are likely to be contaminated with, 66292
infectious agents. 66293

As used in this division, "blood products" does not include 66294
patient care waste such as bandages or disposable gowns that are 66295
lightly soiled with blood or other body fluids unless those wastes 66296
are soiled to the extent that the generator of the wastes 66297
determines that they should be managed as infectious wastes. 66298

(S) "Infectious agent" means a type of microorganism, 66299
pathogen, virus, or proteinaceous infectious particle that can 66300
cause or significantly contribute to disease in or death of human 66301
beings. 66302

(T) "Zoonotic agent" means a type of microorganism, pathogen, 66303
or virus that causes disease in vertebrate animals, is 66304

transmissible to human beings, and can cause or significantly
contribute to disease in or death of human beings.

(U) "Solid waste transfer facility" means any site, location,
tract of land, installation, or building that is used or intended
to be used primarily for the purpose of transferring solid wastes
that were generated off the premises of the facility from vehicles
or containers into other vehicles for transportation to a solid
waste disposal facility. "Solid waste transfer facility" does not
include an advanced recycling facility, a legitimate recycling
facility, or any facility that consists solely of portable
containers that have an aggregate volume of fifty cubic yards or
less ~~nor any facility where legitimate recycling activities are
conducted.~~

(V) "Beneficially use" includes:

(1) With regard to scrap tires, to use a scrap tire in a
manner that results in a commodity for sale or exchange or in any
other manner authorized as a beneficial use in rules adopted by
the director in accordance with Chapter 119. of the Revised Code;

(2) With regard to material from a horizontal well that has
come in contact with a refined oil-based substance and that is not
technologically enhanced naturally occurring radioactive material,
to use the material in any manner authorized as a beneficial use
in rules adopted by the director under section 3734.125 of the
Revised Code.

(W) "Commercial car," "commercial tractor," "farm machinery,"
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have
the same meanings as in section 4501.01 of the Revised Code.

(X) "Construction equipment" means road rollers, traction
engines, power shovels, power cranes, and other equipment used in
construction work, or in mining or producing or processing
aggregates, and not designed for or used in general highway

transportation. 66336

(Y) "Motor vehicle salvage dealer" has the same meaning as in 66337
section 4738.01 of the Revised Code. 66338

(Z) "Scrap tire" means an unwanted or discarded tire. 66339

(AA) "Scrap tire collection facility" means any facility that 66340
meets all of the following qualifications: 66341

(1) The facility is used for the receipt and storage of whole 66342
scrap tires from the public prior to their transportation to a 66343
scrap tire storage, monocell, monofill, or recovery facility 66344
licensed under section 3734.81 of the Revised Code; a solid waste 66345
incineration or energy recovery facility subject to regulation 66346
under this chapter; a premises within the state where the scrap 66347
tires will be beneficially used; or a scrap tire storage, 66348
monocell, monofill, or recovery facility, any other solid waste 66349
disposal facility authorized to dispose of scrap tires, or a 66350
facility that will beneficially use the scrap tires, that is 66351
located in another state, and that is operating in compliance with 66352
the laws of the state in which the facility is located. 66353

(2) The facility exclusively stores scrap tires in portable 66354
containers. 66355

(3) The aggregate storage of the portable containers in which 66356
the scrap tires are stored does not exceed five thousand cubic 66357
feet. 66358

(BB) "Scrap tire monocell facility" means an individual site 66359
within a solid waste landfill that is used exclusively for the 66360
environmentally sound storage or disposal of whole scrap tires or 66361
scrap tires that have been shredded, chipped, or otherwise 66362
mechanically processed. 66363

(CC) "Scrap tire monofill facility" means an engineered 66364
facility used or intended to be used exclusively for the storage 66365

or disposal of scrap tires, including at least facilities for the 66366
submergence of whole scrap tires in a body of water. 66367

(DD) "Scrap tire recovery facility" means any facility, or 66368
portion thereof, for the processing of scrap tires for the purpose 66369
of extracting or producing usable products, materials, or energy 66370
from the scrap tires through a controlled combustion process, 66371
mechanical process, or chemical process. "Scrap tire recovery 66372
facility" includes any facility that uses the controlled 66373
combustion of scrap tires in a manufacturing process to produce 66374
process heat or steam or any facility that produces usable heat or 66375
electric power through the controlled combustion of scrap tires in 66376
combination with another fuel, but does not include any solid 66377
waste incineration or energy recovery facility that is designed, 66378
constructed, and used for the primary purpose of incinerating 66379
mixed municipal solid wastes and that burns scrap tires in 66380
conjunction with mixed municipal solid wastes, or any tire 66381
retreading business, tire manufacturing finishing center, or tire 66382
adjustment center having on the premises of the business a single, 66383
covered scrap tire storage area at which not more than four 66384
thousand scrap tires are stored. 66385

(EE) "Scrap tire storage facility" means any facility where 66386
whole scrap tires are stored prior to their transportation to a 66387
scrap tire monocell, monofill, or recovery facility licensed under 66388
section 3734.81 of the Revised Code; a solid waste incineration or 66389
energy recovery facility subject to regulation under this chapter; 66390
a premises within the state where the scrap tires will be 66391
beneficially used; or a scrap tire storage, monocell, monofill, or 66392
recovery facility, any other solid waste disposal facility 66393
authorized to dispose of scrap tires, or a facility that will 66394
beneficially use the scrap tires, that is located in another 66395
state, and that is operating in compliance with the laws of the 66396
state in which the facility is located. 66397

(FF) "Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and, as a result of that use, is contaminated by physical or chemical impurities. "Used oil" includes only those substances identified as used oil by the United States environmental protection agency under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 U.S.C.A. 6901a, as amended.

(GG) "Accumulated speculatively" has the same meaning as in rules adopted by the director under section 3734.12 of the Revised Code.

(HH) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code.

(II) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code.

(JJ) "Post-use polymer" means a plastic ~~polymer~~ to which ~~both~~ all of the following apply:

(1) It is derived from any ~~source and is not being used for its original intended purpose~~ industrial, commercial, agricultural, or domestic activities, and includes pre-consumer recovered materials and post-consumer materials.

(2) Its use or intended use is ~~to manufacture crude oil, fuels, other~~ as feedstock for the manufacturing of feedstocks, raw materials, other intermediate products, or final products using ~~pyrolysis or gasification~~ advanced recycling.

~~"Post-use polymer"~~ (3) It has been sorted from solid waste and other regulated waste, but may contain incidental contaminants or impurities, such as paper labels or metal rings.

(4) It is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility.

(5) It is processed at an advanced recycling facility or held at such facility prior to processing; 66428
66429

(6) It is not accumulated speculatively. 66430

(KK) "Pyrolysis" means a manufacturing process through which 66431
post-use polymers or recovered feedstocks are heated in the 66432
absence of oxygen until melted and thermally decomposed, either 66433
noncatalytically or catalytically, and are then cooled, condensed, 66434
and converted ~~to one of the following:~~ 66435

~~(1) Crude oil, diesel, gasoline, home heating oil, or another fuel;~~ 66436
66437

~~(2) Feedstocks;~~ 66438

~~(3) Diesel and gasoline blendstocks;~~ 66439

~~(4) Chemicals, waxes, or lubricants;~~ 66440

~~(5) Other~~ into valuable raw materials, intermediate products, 66441
~~or~~ final products, including plastic monomers, chemicals, naphtha, 66442
waxes, or plastic and chemical feedstocks that are returned to 66443
economic utility in the form of raw materials and products. 66444

(LL) "Gasification" means a manufacturing process through 66445
which ~~recoverable~~ post-use polymers or recovered feedstocks are 66446
heated ~~and converted into a fuel gas mixture in an~~ 66447
~~oxygen-deficient~~ oxygen-controlled atmosphere, ~~and the mixture is~~ 66448
converted into fuel, including ethanol and transportation fuel, 66449
syngas, followed by conversion into valuable raw, intermediate, 66450
and final products, including plastic monomers, chemicals, or 66451
~~other~~ waxes, lubricants, coatings, and plastic and chemical 66452
feedstocks that are returned to economic utility in the form of 66453
raw materials or products. 66454

(MM) "~~Recoverable~~ Recovered feedstock" means one or more of 66455
the following materials, ~~derived from nonrecycled waste,~~ that have 66456
not been mixed with solid waste or hazardous waste on-site or 66457

during processing at an advanced recycling facility and have been 66458
processed for use as a feedstock in a ~~gasification~~ an advanced 66459
recycling facility: 66460

(1) Post-use polymers; 66461

(2) Materials for which the United States environmental 66462
protection agency has made a non-waste determination ~~under 40~~ 66463
~~C.F.R. 241.3(e)~~ or has otherwise determined are feedstocks and are 66464
not solid waste. 66465

"Recovered feedstock" does not include unprocessed municipal 66466
solid waste and is not accumulated speculatively. 66467

(NN) "Advanced recycling" means a manufacturing process for 66468
the conversion of post-use polymers and recovered feedstocks into 66469
basic raw materials, feedstocks, chemicals, and other recycled 66470
products through processes that include pyrolysis, gasification, 66471
depolymerization, catalytic cracking, reforming, hydrogenation, 66472
solvolysis, chemolysis, and other similar technologies. "Advanced 66473
recycling" does not include incineration of plastics or 66474
waste-to-energy processes. "Advanced recycling" is "recycling" as 66475
defined in section 3736.01 of the Revised Code. 66476

(OO) "Recycled products" include products produced at 66477
advanced recycling facilities including, monomers, oligomers, 66478
recycled plastics, plastic and chemical feedstocks, basic and 66479
unfinished chemicals, waxes, lubricants, coatings, and adhesives. 66480
"Recycled products" does not include products sold as fuel. 66481

(PP) "Advanced recycling facility" means a manufacturing 66482
facility that stores and converts post-use polymers and recovered 66483
feedstocks it receives using advanced recycling and that is 66484
subject to applicable agency regulations for air, water, waste, 66485
and land use. An "advanced recycling facility" is not a solid 66486
waste facility, a solid waste disposal facility, a solid waste 66487
management facility, a solid waste processing facility, a 66488

legitimate recycling facility, a solid waste recovery facility, an incinerator, or a waste-to-energy facility. 66489
66490

(OO) "Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, and coatings. 66491
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(RR) "Mass balance attribution" means a chain of custody accounting methodology with rules defined by a third-party certification system that enables the attribution of the mass of advanced recycling feedstocks to one or more advanced recycling products. 66496
66497
66498
66499
66500

(SS) "Recycled plastic" means products that are produced from either of the following: 66501
66502

(1) Mechanical recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics; 66503
66504

(2) The advanced recycling of pre-consumer recovered feedstocks or plastics, and post-consumer plastics via mass balance attribution under a third party certification system. 66505
66506
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(TT) "Solvolysis" means a manufacturing process to make useful products through which post-use polymers are purified by removing additives and contaminants with the aid of solvents and are heated at low temperatures or pressurized. "Solvolysis" includes hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis. 66508
66509
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(UU) "Useful products" means products produced through solvolysis, including monomers, intermediates, valuable chemicals, plastics and chemical feedstocks, and raw materials. 66514
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66516

(VV) "Third-party certification system" means an international and multi-national third-party certification system 66517
66518

that consists of a set of rules for the implementation of mass 66519
balance attribution approaches for advanced recycling of 66520
materials. "Third-party certification system" includes 66521
international sustainability and carbon certification, underwriter 66522
laboratories, SCS recycled content, roundtable on sustainable 66523
biomaterials, ecoloop, and REDcert2. 66524

(WW) "Legitimate recycling facility" means any site, 66525
location, tract of land, installation, or building to which all of 66526
the following apply: 66527

(1) It is used or intended to be used for the purpose of 66528
processing, storing, or recycling solid waste that was generated 66529
off the premises of the facility. 66530

(2) Not less than sixty per cent of the weight of solid waste 66531
received in any nine months during a rolling twelve-month period 66532
is recycled monthly as shown by records, including invoices and 66533
contracts, maintained by the owner or operator of the facility. 66534

(3) Receipt, storage, and processing activities do not cause 66535
a nuisance, do not pose a threat from vectors, or do not adversely 66536
impact public health, safety, or the environment, or cause or 66537
contribute to air or water pollution. 66538

(XX) "Legitimate recycling" means processing, storing, or 66539
recycling of solid waste and returning the material to commerce as 66540
a commodity for use in a beneficial manner, including as a raw 66541
ingredient in a manufacturing process or as a legitimate fuel that 66542
does not constitute disposal. 66543

Sec. 3734.48. (A) As used in this section: 66544

(1) "Coal combustion residuals" means fly ash, bottom ash, 66545
boiler slag, and flue gas desulfurization materials generated from 66546
burning coal for the purpose of generating electricity by electric 66547
utilities and independent power producers, as defined in 40 C.F.R. 66548

Part 257. 66549

(2) "Coal combustion residuals landfill" means an area of 66550
land or an excavation that receives coal combustion residuals that 66551
is not a coal combustion residuals surface impoundment, an 66552
underground injection well, a salt dome formation, a salt bed 66553
formation, an underground or surface mine, or a cave. "Coal 66554
combustion residuals landfill" includes sand and gravel pits and 66555
quarries that receive coal combustion residuals, coal combustion 66556
residuals piles, and any practice that does not meet the 66557
definition of a beneficial use of coal combustion residuals under 66558
40 C.F.R. Part 257. 66559

(3) "Coal combustion residuals pile" means any 66560
noncontainerized accumulation of solid, nonflowing coal combustion 66561
residuals that is placed on the land. "Coal combustion residuals 66562
pile" does not mean coal combustion residuals that are 66563
beneficially used off-site. 66564

(4) "Coal combustion residuals surface impoundment" means a 66565
natural topographic depression, manmade excavation, or diked area 66566
that is designed to hold an accumulation of coal combustion 66567
residuals and liquids and a coal combustion residual unit at which 66568
coal combustion residuals are treated, stored, or disposed in 66569
accordance with 40 C.F.R. Part 257. 66570

(5) "Coal combustion residuals unit" means any coal 66571
combustion residuals landfill, coal combustion residuals surface 66572
impoundment, including any lateral expansion of a coal combustion 66573
residuals unit, or a combination thereof. "Coal combustion 66574
residuals unit" includes both new units and units existing prior 66575
to the effective date of this section unless otherwise specified 66576
in 40 C.F.R. Part 257. 66577

(B) The director of environmental protection, in accordance 66578
with Chapter 119. of the Revised Code, shall adopt rules having 66579

uniform application throughout the state governing coal combustion residuals units. The director shall ensure that the rules are equivalent to, but not more stringent than, 40 C.F.R. Part 257. The rules shall address all of the following: 66580
66581
66582
66583

(1) Additional definitions relating to coal combustion residuals; 66584
66585

(2) Siting criteria; 66586

(3) Groundwater monitoring requirements; 66587

(4) Design and construction requirements; 66588

(5) Financial assurance requirements; 66589

(6) Closure and post-closure requirements; 66590

(7) Any other requirement that the director determines is necessary for the administration of this section. 66591
66592

(C) Except as provided in division (D) of this section, a coal combustion residuals unit that is subject to rules adopted under this section or 40 C.F.R. Part 257 is not subject to any of the following: 66593
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66595
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(1) Any other section of this chapter; 66597

(2) Rules adopted under any other section of this chapter; 66598

(3) Section 6111.04 of the Revised Code. 66599

(D) The director may adopt rules under this section that require a coal combustion residuals unit to obtain a permit-to-install or national pollutant discharge elimination system permit under section 6111.03 of the Revised Code. 66600
66601
66602
66603

(E) The director shall prescribe and furnish any forms necessary to administer and enforce this section. The director may cooperate with and enter into agreements with other state, local, or federal agencies to carry out the purposes of this section. 66604
66605
66606
66607

Sec. 3734.57. (A) The following fees are hereby levied on the 66608
transfer or disposal of solid wastes in this state: 66609

(1) ~~Ninety~~ Seventy-one cents per ton through June 30, ~~2024~~ 66610
2026, ~~twenty eleven~~ cents of the proceeds of which shall be 66611
deposited in the state treasury to the credit of the hazardous 66612
waste facility management fund created in section 3734.18 of the 66613
Revised Code and ~~seventy~~ sixty cents of the proceeds of which 66614
shall be deposited in the state treasury to the credit of the 66615
hazardous waste clean-up fund created in section 3734.28 of the 66616
Revised Code; 66617

(2) An additional ~~seventy-five~~ ninety cents per ton through 66618
June 30, ~~2024~~ 2026, the proceeds of which shall be deposited in 66619
the state treasury to the credit of the waste management fund 66620
created in section 3734.061 of the Revised Code; 66621

(3) An additional two dollars and ~~eighty-five~~ eighty-one 66622
cents per ton through June 30, ~~2024~~ 2026, the proceeds of which 66623
shall be deposited in the state treasury to the credit of the 66624
environmental protection fund created in section 3745.015 of the 66625
Revised Code; 66626

(4) An additional twenty-five cents per ton through June 30, 66627
~~2024~~ 2026, the proceeds of which shall be deposited in the state 66628
treasury to the credit of the soil and water conservation district 66629
assistance fund created in section 940.15 of the Revised Code; 66630

(5) An additional eight cents per ton through June 30, 2026, 66631
the proceeds of which shall be deposited in the state treasury to 66632
the credit of the national priority list remedial support fund 66633
created in section 3734.579 of the Revised Code. 66634

In the case of solid wastes that are taken to a solid waste 66635
transfer facility located in this state prior to being transported 66636
for disposal at a solid waste disposal facility located in this 66637

state or outside of this state, the fees levied under this 66638
division shall be collected by the owner or operator of the 66639
transfer facility as a trustee for the state. The amount of fees 66640
required to be collected under this division at such a transfer 66641
facility shall equal the total tonnage of solid wastes received at 66642
the facility multiplied by the fees levied under this division. In 66643
the case of solid wastes that are not taken to a solid waste 66644
transfer facility located in this state prior to being transported 66645
to a solid waste disposal facility, the fees shall be collected by 66646
the owner or operator of the solid waste disposal facility as a 66647
trustee for the state. The amount of fees required to be collected 66648
under this division at such a disposal facility shall equal the 66649
total tonnage of solid wastes received at the facility that was 66650
not previously taken to a solid waste transfer facility located in 66651
this state multiplied by the fees levied under this division. Fees 66652
levied under this division do not apply to materials separated 66653
from a mixed waste stream for recycling by a generator or 66654
materials removed from the solid waste stream through recycling, 66655
as "recycling" is defined in rules adopted under section 3734.02 66656
of the Revised Code. 66657

The owner or operator of a solid waste transfer facility or 66658
disposal facility, as applicable, shall prepare and file with the 66659
director of environmental protection each month a return 66660
indicating the total tonnage of solid wastes received at the 66661
facility during that month and the total amount of the fees 66662
required to be collected under this division during that month. In 66663
addition, the owner or operator of a solid waste disposal facility 66664
shall indicate on the return the total tonnage of solid wastes 66665
received from transfer facilities located in this state during 66666
that month for which the fees were required to be collected by the 66667
transfer facilities. The monthly returns shall be filed on a form 66668
prescribed by the director. Not later than thirty days after the 66669
last day of the month to which a return applies, the owner or 66670

operator shall mail to the director the return for that month 66671
together with the fees required to be collected under this 66672
division during that month as indicated on the return or may 66673
submit the return and fees electronically in a manner approved by 66674
the director. If the return is filed and the amount of the fees 66675
due is paid in a timely manner as required in this division, the 66676
owner or operator may retain a discount of three-fourths of one 66677
per cent of the total amount of the fees that are required to be 66678
paid as indicated on the return. 66679

The owner or operator may request an extension of not more 66680
than thirty days for filing the return and remitting the fees, 66681
provided that the owner or operator has submitted such a request 66682
in writing to the director together with a detailed description of 66683
why the extension is requested, the director has received the 66684
request not later than the day on which the return is required to 66685
be filed, and the director has approved the request. If the fees 66686
are not remitted within thirty days after the last day of the 66687
month to which the return applies or are not remitted by the last 66688
day of an extension approved by the director, the owner or 66689
operator shall not retain the three-fourths of one per cent 66690
discount and shall pay an additional ten per cent of the amount of 66691
the fees for each month that they are late. For purposes of 66692
calculating the late fee, the first month in which fees are late 66693
begins on the first day after the deadline has passed for timely 66694
submitting the return and fees, and one additional month shall be 66695
counted every thirty days thereafter. 66696

The owner or operator of a solid waste facility may request a 66697
refund or credit of fees levied under this division and remitted 66698
to the director that have not been paid to the owner or operator. 66699
Such a request shall be made only if the fees have not been 66700
collected by the owner or operator, have become a debt that has 66701
become worthless or uncollectable for a period of six months or 66702

more, and may be claimed as a deduction, including a deduction 66703
claimed if the owner or operator keeps accounts on an accrual 66704
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 66705
U.S.C. 166, as amended, and regulations adopted under it. Prior to 66706
making a request for a refund or credit, an owner or operator 66707
shall make reasonable efforts to collect the applicable fees. A 66708
request for a refund or credit shall not include any costs 66709
resulting from those efforts to collect unpaid fees. 66710

A request for a refund or credit of fees shall be made in 66711
writing, on a form prescribed by the director, and shall be 66712
supported by evidence that may be required in rules adopted by the 66713
director under this chapter. After reviewing the request, and if 66714
the request and evidence submitted with the request indicate that 66715
a refund or credit is warranted, the director shall grant a refund 66716
to the owner or operator or shall permit a credit to be taken by 66717
the owner or operator on a subsequent monthly return submitted by 66718
the owner or operator. The amount of a refund or credit shall not 66719
exceed an amount that is equal to ninety days' worth of fees owed 66720
to an owner or operator by a particular debtor of the owner or 66721
operator. A refund or credit shall not be granted by the director 66722
to an owner or operator more than once in any twelve-month period 66723
for fees owed to the owner or operator by a particular debtor. 66724

If, after receiving a refund or credit from the director, an 66725
owner or operator receives payment of all or part of the fees, the 66726
owner or operator shall remit the fees with the next monthly 66727
return submitted to the director together with a written 66728
explanation of the reason for the submittal. 66729

For purposes of computing the fees levied under this division 66730
or division (B) of this section, any solid waste transfer or 66731
disposal facility that does not use scales as a means of 66732
determining gate receipts shall use a conversion factor of three 66733
cubic yards per ton of solid waste or one cubic yard per ton for 66734

baled waste, as applicable. 66735

The fees levied under this division and divisions (B) and (C) 66736
of this section are in addition to all other applicable fees and 66737
taxes and shall be paid by the customer or a political subdivision 66738
to the owner or operator of a solid waste transfer or disposal 66739
facility. In the alternative, the fees shall be paid by a customer 66740
or political subdivision to a transporter of waste who 66741
subsequently transfers the fees to the owner or operator of such a 66742
facility. The fees shall be paid notwithstanding the existence of 66743
any provision in a contract that the customer or a political 66744
subdivision may have with the owner or operator or with a 66745
transporter of waste to the facility that would not require or 66746
allow such payment regardless of whether the contract was entered 66747
prior to or after October 16, 2009. For those purposes, "customer" 66748
means a person who contracts with, or utilizes the solid waste 66749
services of, the owner or operator of a solid waste transfer or 66750
disposal facility or a transporter of solid waste to such a 66751
facility. 66752

(B) For the purposes specified in division (G) of this 66753
section, the solid waste management policy committee of a county 66754
or joint solid waste management district may levy fees upon the 66755
following activities: 66756

(1) The disposal at a solid waste disposal facility located 66757
in the district of solid wastes generated within the district; 66758

(2) The disposal at a solid waste disposal facility within 66759
the district of solid wastes generated outside the boundaries of 66760
the district, but inside this state; 66761

(3) The disposal at a solid waste disposal facility within 66762
the district of solid wastes generated outside the boundaries of 66763
this state. 66764

The solid waste management plan of the county or joint 66765

district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. A solid waste management district that levies fees under this division on the basis of cubic yards shall do so in accordance with division (A) of this section.

The fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division (B)(2) of this section shall be not less than two dollars per ton nor more than four dollars per ton, and the fee levied under division (B)(3) of this section shall be not more than the fee levied under division (B)(1) of this section.

Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the solid waste management policy committee of a district may levy fees under this division by adopting a resolution establishing the proposed amount of the fees. Upon adopting the resolution, the committee shall deliver a copy of the resolution to the board of county commissioners of each county forming the district and to the legislative authority of each municipal corporation and township under the jurisdiction of the district and shall prepare and publish the resolution and a notice of the time and location where a public hearing on the fees will be held. Upon adopting the resolution, the committee shall deliver written notice of the adoption of the resolution; of the amount of the proposed fees; and of the date, time, and location of the public hearing to the director and to the fifty industrial, commercial, or institutional generators of solid wastes within the district that generate the

largest quantities of solid wastes, as determined by the 66798
committee, and to their local trade associations. The committee 66799
shall make good faith efforts to identify those generators within 66800
the district and their local trade associations, but the 66801
nonprovision of notice under this division to a particular 66802
generator or local trade association does not invalidate the 66803
proceedings under this division. The publication shall occur at 66804
least thirty days before the hearing. After the hearing, the 66805
committee may make such revisions to the proposed fees as it 66806
considers appropriate and thereafter, by resolution, shall adopt 66807
the revised fee schedule. Upon adopting the revised fee schedule, 66808
the committee shall deliver a copy of the resolution doing so to 66809
the board of county commissioners of each county forming the 66810
district and to the legislative authority of each municipal 66811
corporation and township under the jurisdiction of the district. 66812
Within sixty days after the delivery of a copy of the resolution 66813
adopting the proposed revised fees by the policy committee, each 66814
such board and legislative authority, by ordinance or resolution, 66815
shall approve or disapprove the revised fees and deliver a copy of 66816
the ordinance or resolution to the committee. If any such board or 66817
legislative authority fails to adopt and deliver to the policy 66818
committee an ordinance or resolution approving or disapproving the 66819
revised fees within sixty days after the policy committee 66820
delivered its resolution adopting the proposed revised fees, it 66821
shall be conclusively presumed that the board or legislative 66822
authority has approved the proposed revised fees. The committee 66823
shall determine if the resolution has been ratified in the same 66824
manner in which it determines if a draft solid waste management 66825
plan has been ratified under division (B) of section 3734.55 of 66826
the Revised Code. 66827

The committee may amend the schedule of fees levied pursuant 66828
to a resolution adopted and ratified under this division by 66829
adopting a resolution establishing the proposed amount of the 66830

amended fees. The committee may repeal the fees levied pursuant to 66831
such a resolution by adopting a resolution proposing to repeal 66832
them. Upon adopting such a resolution, the committee shall proceed 66833
to obtain ratification of the resolution in accordance with this 66834
division. 66835

Not later than fourteen days after declaring the new fees to 66836
be ratified or the fees to be repealed under this division, the 66837
committee shall notify by certified mail the owner or operator of 66838
each solid waste disposal facility that is required to collect the 66839
fees of the ratification and the amount of the fees or of the 66840
repeal of the fees. Collection of any fees shall commence or 66841
collection of repealed fees shall cease on the first day of the 66842
second month following the month in which notification is sent to 66843
the owner or operator. 66844

Fees levied under this division also may be established, 66845
amended, or repealed by a solid waste management policy committee 66846
through the adoption of a new district solid waste management 66847
plan, the adoption of an amended plan, or the amendment of the 66848
plan or amended plan in accordance with sections 3734.55 and 66849
3734.56 of the Revised Code or the adoption or amendment of a 66850
district plan in connection with a change in district composition 66851
under section 3734.521 of the Revised Code. 66852

Not later than fourteen days after the director issues an 66853
order approving a district's solid waste management plan, amended 66854
plan, or amendment to a plan or amended plan that establishes, 66855
amends, or repeals a schedule of fees levied by the district, the 66856
committee shall notify by certified mail the owner or operator of 66857
each solid waste disposal facility that is required to collect the 66858
fees of the approval of the plan or amended plan, or the amendment 66859
to the plan, as appropriate, and the amount of the fees, if any. 66860
In the case of an initial or amended plan approved under section 66861
3734.521 of the Revised Code in connection with a change in 66862

district composition, other than one involving the withdrawal of a 66863
county from a joint district, the committee, within fourteen days 66864
after the change takes effect pursuant to division (G) of that 66865
section, shall notify by certified mail the owner or operator of 66866
each solid waste disposal facility that is required to collect the 66867
fees that the change has taken effect and of the amount of the 66868
fees, if any. Collection of any fees shall commence or collection 66869
of repealed fees shall cease on the first day of the second month 66870
following the month in which notification is sent to the owner or 66871
operator. 66872

If, in the case of a change in district composition involving 66873
the withdrawal of a county from a joint district, the director 66874
completes the actions required under division (G)(1) or (3) of 66875
section 3734.521 of the Revised Code, as appropriate, forty-five 66876
days or more before the beginning of a calendar year, the policy 66877
committee of each of the districts resulting from the change that 66878
obtained the director's approval of an initial or amended plan in 66879
connection with the change, within fourteen days after the 66880
director's completion of the required actions, shall notify by 66881
certified mail the owner or operator of each solid waste disposal 66882
facility that is required to collect the district's fees that the 66883
change is to take effect on the first day of January immediately 66884
following the issuance of the notice and of the amount of the fees 66885
or amended fees levied under divisions (B)(1) to (3) of this 66886
section pursuant to the district's initial or amended plan as so 66887
approved or, if appropriate, the repeal of the district's fees by 66888
that initial or amended plan. Collection of any fees set forth in 66889
such a plan or amended plan shall commence on the first day of 66890
January immediately following the issuance of the notice. If such 66891
an initial or amended plan repeals a schedule of fees, collection 66892
of the fees shall cease on that first day of January. 66893

If, in the case of a change in district composition involving 66894

the withdrawal of a county from a joint district, the director 66895
completes the actions required under division (G)(1) or (3) of 66896
section 3734.521 of the Revised Code, as appropriate, less than 66897
forty-five days before the beginning of a calendar year, the 66898
director, on behalf of each of the districts resulting from the 66899
change that obtained the director's approval of an initial or 66900
amended plan in connection with the change proceedings, shall 66901
notify by certified mail the owner or operator of each solid waste 66902
disposal facility that is required to collect the district's fees 66903
that the change is to take effect on the first day of January 66904
immediately following the mailing of the notice and of the amount 66905
of the fees or amended fees levied under divisions (B)(1) to (3) 66906
of this section pursuant to the district's initial or amended plan 66907
as so approved or, if appropriate, the repeal of the district's 66908
fees by that initial or amended plan. Collection of any fees set 66909
forth in such a plan or amended plan shall commence on the first 66910
day of the second month following the month in which notification 66911
is sent to the owner or operator. If such an initial or amended 66912
plan repeals a schedule of fees, collection of the fees shall 66913
cease on the first day of the second month following the month in 66914
which notification is sent to the owner or operator. 66915

If the schedule of fees that a solid waste management 66916
district is levying under divisions (B)(1) to (3) of this section 66917
is amended or repealed, the fees in effect immediately prior to 66918
the amendment or repeal shall continue to be collected until 66919
collection of the amended fees commences or collection of the 66920
repealed fees ceases, as applicable, as specified in this 66921
division. In the case of a change in district composition, money 66922
so received from the collection of the fees of the former 66923
districts shall be divided among the resulting districts in 66924
accordance with division (B) of section 343.012 of the Revised 66925
Code and the agreements entered into under division (B) of section 66926
343.01 of the Revised Code to establish the former and resulting 66927

districts and any amendments to those agreements. 66928

For the purposes of the provisions of division (B) of this 66929
section establishing the times when newly established or amended 66930
fees levied by a district are required to commence and the 66931
collection of fees that have been amended or repealed is required 66932
to cease, "fees" or "schedule of fees" includes, in addition to 66933
fees levied under divisions (B)(1) to (3) of this section, those 66934
levied under section 3734.573 or 3734.574 of the Revised Code. 66935

(C) For the purposes of defraying the added costs to a 66936
municipal corporation or township of maintaining roads and other 66937
public facilities and of providing emergency and other public 66938
services, and compensating a municipal corporation or township for 66939
reductions in real property tax revenues due to reductions in real 66940
property valuations resulting from the location and operation of a 66941
solid waste disposal facility within the municipal corporation or 66942
township, a municipal corporation or township in which such a 66943
solid waste disposal facility is located may levy a fee of not 66944
more than twenty-five cents per ton on the disposal of solid 66945
wastes at a solid waste disposal facility located within the 66946
boundaries of the municipal corporation or township regardless of 66947
where the wastes were generated. 66948

The legislative authority of a municipal corporation or 66949
township may levy fees under this division by enacting an 66950
ordinance or adopting a resolution establishing the amount of the 66951
fees. Upon so doing the legislative authority shall mail a 66952
certified copy of the ordinance or resolution to the board of 66953
county commissioners or directors of the county or joint solid 66954
waste management district in which the municipal corporation or 66955
township is located or, if a regional solid waste management 66956
authority has been formed under section 343.011 of the Revised 66957
Code, to the board of trustees of that regional authority, the 66958
owner or operator of each solid waste disposal facility in the 66959

municipal corporation or township that is required to collect the fee by the ordinance or resolution, and the director of environmental protection. Although the fees levied under this division are levied on the basis of tons as the unit of measurement, the legislative authority, in its ordinance or resolution levying the fees under this division, may direct that the fees be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes.

Not later than five days after enacting an ordinance or adopting a resolution under this division, the legislative authority shall so notify by certified mail the owner or operator of each solid waste disposal facility that is required to collect the fee. Collection of any fee levied on or after March 24, 1992, shall commence on the first day of the second month following the month in which notification is sent to the owner or operator.

(D)(1) The fees levied under divisions (A), (B), and (C) of this section do not apply to the disposal of solid wastes that:

(a) Are disposed of at a facility owned by the generator of the wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or products disposed of at a construction and demolition debris facility that is licensed under Chapter 3714. of the Revised Code or at a solid waste facility that is licensed under this chapter.

(2) Except as provided in section 3734.571 of the Revised Code, any fees levied under division (B)(1) of this section apply to solid wastes originating outside the boundaries of a county or joint district that are covered by an agreement for the joint use of solid waste facilities entered into under section 343.02 of the Revised Code by the board of county commissioners or board of directors of the county or joint district where the wastes are generated and disposed of.

(3) When solid wastes, other than solid wastes that consist of scrap tires, are burned in a disposal facility that is an incinerator or energy recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash remaining after burning of the solid wastes and shall be collected by the owner or operator of the sanitary landfill where the ash is disposed of.

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (B) and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied

under divisions (A), (B), and (C) of this section shall be 67023
collected by the owner or operator of the landfill where the 67024
unprocessed waste or compost product is disposed of. 67025

(7) When solid wastes that consist of scrap tires are 67026
processed at a scrap tire recovery facility, the fees levied under 67027
divisions (A), (B), and (C) of this section shall be levied upon 67028
the disposal of the fly ash and bottom ash or other solid wastes 67029
remaining after the processing of the scrap tires and shall be 67030
collected by the owner or operator of the solid waste disposal 67031
facility where the ash or other solid wastes are disposed of. 67032

(8) The director of environmental protection may issue an 67033
order exempting from the fees levied under this section solid 67034
wastes, including, but not limited to, scrap tires, that are 67035
generated, transferred, or disposed of as a result of a contract 67036
providing for the expenditure of public funds entered into by the 67037
administrator or regional administrator of the United States 67038
environmental protection agency, the director of environmental 67039
protection, or the director of administrative services on behalf 67040
of the director of environmental protection for the purpose of 67041
remediating conditions at a hazardous waste facility, solid waste 67042
facility, or other location at which the administrator or regional 67043
administrator or the director of environmental protection has 67044
reason to believe that there is a substantial threat to public 67045
health or safety or the environment or that the conditions are 67046
causing or contributing to air or water pollution or soil 67047
contamination. An order issued by the director of environmental 67048
protection under division (D)(8) of this section shall include a 67049
determination that the amount of the fees not received by a solid 67050
waste management district as a result of the order will not 67051
adversely impact the implementation and financing of the 67052
district's approved solid waste management plan and any approved 67053
amendments to the plan. Such an order is a final action of the 67054

director of environmental protection. 67055

(E) The fees levied under divisions (B) and (C) of this 67056
section shall be collected by the owner or operator of the solid 67057
waste disposal facility where the wastes are disposed of as a 67058
trustee for the county or joint district and municipal corporation 67059
or township where the wastes are disposed of. Moneys from the fees 67060
levied under division (B) of this section shall be forwarded to 67061
the board of county commissioners or board of directors of the 67062
district in accordance with rules adopted under division (H) of 67063
this section. Moneys from the fees levied under division (C) of 67064
this section shall be forwarded to the treasurer or such other 67065
officer of the municipal corporation as, by virtue of the charter, 67066
has the duties of the treasurer or to the fiscal officer of the 67067
township, as appropriate, in accordance with those rules. 67068

(F) Moneys received by the treasurer or other officer of the 67069
municipal corporation under division (E) of this section shall be 67070
paid into the general fund of the municipal corporation. Moneys 67071
received by the fiscal officer of the township under that division 67072
shall be paid into the general fund of the township. The treasurer 67073
or other officer of the municipal corporation or the township 67074
fiscal officer, as appropriate, shall maintain separate records of 67075
the moneys received from the fees levied under division (C) of 67076
this section. 67077

(G) Moneys received by the board of county commissioners or 67078
board of directors under division (E) of this section or section 67079
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 67080
shall be paid to the county treasurer, or other official acting in 67081
a similar capacity under a county charter, in a county district or 67082
to the county treasurer or other official designated by the board 67083
of directors in a joint district and kept in a separate and 67084
distinct fund to the credit of the district. If a regional solid 67085
waste management authority has been formed under section 343.011 67086

of the Revised Code, moneys received by the board of trustees of 67087
that regional authority under division (E) of this section shall 67088
be kept by the board in a separate and distinct fund to the credit 67089
of the district. Moneys in the special fund of the county or joint 67090
district arising from the fees levied under division (B) of this 67091
section and the fee levied under division (A) of section 3734.573 67092
of the Revised Code shall be expended by the board of county 67093
commissioners or directors of the district in accordance with the 67094
district's solid waste management plan or amended plan approved 67095
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 67096
exclusively for the following purposes: 67097

(1) Preparation of the solid waste management plan of the 67098
district under section 3734.54 of the Revised Code, monitoring 67099
implementation of the plan, and conducting the periodic review and 67100
amendment of the plan required by section 3734.56 of the Revised 67101
Code by the solid waste management policy committee; 67102

(2) Implementation of the approved solid waste management 67103
plan or amended plan of the district, including, without 67104
limitation, the development and implementation of solid waste 67105
recycling or reduction programs; 67106

(3) Providing financial assistance to boards of health within 67107
the district, if solid waste facilities are located within the 67108
district, for enforcement of this chapter and rules, orders, and 67109
terms and conditions of permits, licenses, and variances adopted 67110
or issued under it, other than the hazardous waste provisions of 67111
this chapter and rules adopted and orders and terms and conditions 67112
of permits issued under those provisions; 67113

(4) Providing financial assistance to each county within the 67114
district to defray the added costs of maintaining roads and other 67115
public facilities and of providing emergency and other public 67116
services resulting from the location and operation of a solid 67117
waste facility within the county under the district's approved 67118

solid waste management plan or amended plan; 67119

(5) Pursuant to contracts entered into with boards of health 67120
within the district, if solid waste facilities contained in the 67121
district's approved plan or amended plan are located within the 67122
district, for paying the costs incurred by those boards of health 67123
for collecting and analyzing samples from public or private water 67124
wells on lands adjacent to those facilities; 67125

(6) Developing and implementing a program for the inspection 67126
of solid wastes generated outside the boundaries of this state 67127
that are disposed of at solid waste facilities included in the 67128
district's approved solid waste management plan or amended plan; 67129

(7) Providing financial assistance to boards of health within 67130
the district for the enforcement of section 3734.03 of the Revised 67131
Code or to local law enforcement agencies having jurisdiction 67132
within the district for enforcing anti-littering laws and 67133
ordinances; 67134

(8) Providing financial assistance to boards of health of 67135
health districts within the district that are on the approved list 67136
under section 3734.08 of the Revised Code to defray the costs to 67137
the health districts for the participation of their employees 67138
responsible for enforcement of the solid waste provisions of this 67139
chapter and rules adopted and orders and terms and conditions of 67140
permits, licenses, and variances issued under those provisions in 67141
the training and certification program as required by rules 67142
adopted under division (L) of section 3734.02 of the Revised Code; 67143

(9) Providing financial assistance to individual municipal 67144
corporations and townships within the district to defray their 67145
added costs of maintaining roads and other public facilities and 67146
of providing emergency and other public services resulting from 67147
the location and operation within their boundaries of a 67148
composting, energy or resource recovery, incineration, or 67149

recycling facility that either is owned by the district or is 67150
furnishing solid waste management facility or recycling services 67151
to the district pursuant to a contract or agreement with the board 67152
of county commissioners or directors of the district; 67153

(10) Payment of any expenses that are agreed to, awarded, or 67154
ordered to be paid under section 3734.35 of the Revised Code and 67155
of any administrative costs incurred pursuant to that section. In 67156
the case of a joint solid waste management district, if the board 67157
of county commissioners of one of the counties in the district is 67158
negotiating on behalf of affected communities, as defined in that 67159
section, in that county, the board shall obtain the approval of 67160
the board of directors of the district in order to expend moneys 67161
for administrative costs incurred. 67162

Prior to the approval of the district's solid waste 67163
management plan under section 3734.55 of the Revised Code, moneys 67164
in the special fund of the district arising from the fees shall be 67165
expended for those purposes in the manner prescribed by the solid 67166
waste management policy committee by resolution. 67167

Notwithstanding division (G)(6) of this section as it existed 67168
prior to October 29, 1993, or any provision in a district's solid 67169
waste management plan prepared in accordance with division 67170
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 67171
prior to that date, any moneys arising from the fees levied under 67172
division (B)(3) of this section prior to January 1, 1994, may be 67173
expended for any of the purposes authorized in divisions (G)(1) to 67174
(10) of this section. 67175

(H) The director shall adopt rules in accordance with Chapter 67176
119. of the Revised Code prescribing procedures for collecting and 67177
forwarding the fees levied under divisions (B) and (C) of this 67178
section to the boards of county commissioners or directors of 67179
county or joint solid waste management districts and to the 67180
treasurers or other officers of municipal corporations and the 67181

fiscal officers of townships. The rules also shall prescribe the 67182
dates for forwarding the fees to the boards and officials and may 67183
prescribe any other requirements the director considers necessary 67184
or appropriate to implement and administer divisions (A), (B), and 67185
(C) of this section. 67186

Sec. 3734.579. (A) There is hereby created in the state 67187
treasury the national priority list remedial support fund. The 67188
fund shall consist of transfer and disposal fees paid into the 67189
fund under division (A)(5) of section 3734.57 of the Revised Code. 67190

(B) The director of environmental protection shall use the 67191
fund to pay for the state's removal and remedial actions and long 67192
term operation and maintenance costs or applicable cost shares for 67193
actions taken under the federal "Comprehensive Environmental 67194
Response, Compensation, and Liability Act of 1980," 42 U.S.C. 67195
9601, et seq. The director may use money in the fund to enter into 67196
contracts and grant agreements with federal, state, or local 67197
government agencies, nonprofit organizations, colleges, and 67198
universities to carry out the responsibilities of the 67199
environmental protection agency for which money may be expended 67200
from the fund. 67201

Sec. 3734.74. The director of environmental protection, in 67202
accordance with Chapter 119. of the Revised Code, shall adopt and 67203
may amend or rescind rules governing the transportation of scrap 67204
tires and the registration of persons engaged in the 67205
transportation of scrap tires. The rules shall do all of the 67206
following: 67207

(A) Require that, before being issued a registration 67208
certificate under section 3734.83 of the Revised Code, a 67209
transporter submit a surety bond, a letter of credit, or other 67210
financial assurance acceptable to the director, as specified by 67211

the director in the rules, in an amount of not ~~less~~ more than 67212
~~twenty ten~~ thousand dollars as the director considers necessary to 67213
cover the costs of cleanup of tires improperly accumulated or 67214
discarded by the transporter and to cover liability for sudden 67215
accidental occurrences that result in damage or injury to persons 67216
or property or to the environment; 67217

(B) Establish a system of shipping papers to accompany 67218
shipments of scrap tires. The shipping paper for each shipment 67219
shall include at least all of the following information: 67220

(1) The name and address of each transporter who transported 67221
the shipment of scrap tires; 67222

(2) The number of the registration certificate issued under 67223
section 3734.83 of the Revised Code for each transporter who 67224
transported the shipment of scrap tires, the signature of the 67225
individual transporting the scrap tires for each transporter, and 67226
the date or dates on which they were transported; 67227

(3) The quantity in weight or volume of the scrap tires being 67228
transported; 67229

(4) The address of the scrap tire collection, storage, 67230
monocell, monofill, or recovery facility, or other premises, where 67231
the scrap tires were deposited, or of any other registered 67232
transporter with whom the scrap tires were deposited, and the 67233
signature of the individual accepting receipt of the scrap tires 67234
for the facility or other transporter. 67235

The rules adopted under division (B) of this section shall 67236
require that the shipping papers be prepared on a form prescribed 67237
by the director and that all shipping papers be retained by a 67238
registered transporter for not less than three years. 67239

(C) Require that each registered transporter submit a report 67240
to the director not later than the thirty-first day of January of 67241
each year concerning all shipments of scrap tires transported by 67242

the transporter during the preceding calendar year. The report shall include at least the following information:

(1) The total quantity in weight or volume of scrap tires transported by the registered transporter;

(2) The total quantity in weight or volume of scrap tires transported to each collection, storage, monocell, monofill, or recovery facility, or other premises, or deposited with another registered transporter.

Sec. 3734.822. (A) As used in this section, "political subdivision" means any body corporate and politic that is responsible for governmental activities in a geographic area smaller than the state, including a county, municipal corporation, and township.

(B) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The director of environmental protection may make grants from the fund for the following purposes:

(1) Supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes;

(2) Supporting scrap tire amnesty and cleanup events sponsored or hosted by the state, including any state agency, or by any solid waste management districts district or other political subdivision.

Grants awarded under division ~~(A)(1)~~(B)(1) of this section may be awarded to individuals, businesses, and entities certified under division (F)(6) of section 3734.49 of the Revised Code.

~~(B)~~(C) Projects and activities that are eligible for grants under division ~~(A)(1)~~(B)(1) of this section shall be evaluated for

funding using, at a minimum, the following criteria: 67273

(1) The degree to which a proposed project contributes to the 67274
increased use of scrap tires generated in this state; 67275

(2) The degree of local financial support for a proposed 67276
project; 67277

(3) The technical merit and quality of a proposed project. 67278

Sec. 3734.83. (A) Except as provided in division (D) of this 67279
section, no person shall transport scrap tires anywhere in this 67280
state unless the business or governmental entity that employs the 67281
person first registers with and obtains a registration certificate 67282
from the director of environmental protection. No more than one 67283
registration certificate shall be required of any single business 67284
or governmental entity. An applicant shall file an application 67285
with the director in such form as the director prescribes. The 67286
application shall contain such information as the director 67287
prescribes, including at least the name and address of the 67288
principal office of the applicant in this state, provided that the 67289
information shall not include the license plate number or vehicle 67290
identification number of any motor vehicle used by the applicant 67291
to transport scrap tires. ~~Each application for a registration 67292
certificate shall be accompanied by a registration fee of not more 67293
than three hundred dollars as established by rules adopted by the 67294
director in accordance with Chapter 119. of the Revised Code, 67295
except that a motor vehicle salvage dealer licensed under Chapter 67296
4738. of the Revised Code shall be issued a registration 67297
certificate or renewal of a registration certificate under this 67298
section without the payment of any registration fee if the salvage 67299
dealer transports only scrap tires obtained as a direct 67300
consequence of receiving motor vehicles for salvage and transports 67301
the tires only on motor vehicles owned or leased by him. 67302~~

A registration certificate issued under this section is valid 67303

for one year from its effective date and may be renewed annually 67304
for a term of one year by submission to the director of a renewal 67305
application on a form prescribed by the director ~~and payment of~~ 67306
~~the registration fee established in rules adopted under this~~ 67307
~~section. The registration and renewal fees shall be credited to~~ 67308
~~the scrap tire management fund created in section 3734.82 of the~~ 67309
~~Revised Code.~~ 67310

A transporter registered under this division shall maintain a 67311
copy of the registration certificate in each motor vehicle used by 67312
the registrant to transport scrap tires. 67313

(B) The director may issue an order in accordance with 67314
Chapter 119. of the Revised Code denying, suspending, or revoking 67315
the registration certificate of a person who is registered under 67316
this section and who has violated, or whose employee has violated, 67317
any of the scrap tire provisions of this chapter or a rule adopted 67318
under them while transporting scrap tires. A transporter whose 67319
registration certificate has been denied, suspended, or revoked 67320
shall immediately notify each of ~~his~~ the transporter's customers 67321
of that fact by certified mail. 67322

(C) Except as provided in division (D) of this section, no 67323
person who possesses scrap tires shall cause them to be 67324
transported by any person who is not registered as a transporter 67325
under this section. 67326

(D) Divisions (A) and (C) of this section do not apply to any 67327
of the following: 67328

(1) A person who transports ten or fewer scrap tires in a 67329
single load; ~~any~~ 67330

(2) Any person who transports scrap tires for ~~his~~ the 67331
person's own use in agriculture or in producing or processing 67332
aggregates; ~~any~~ 67333

(3) Any political subdivision engaging in the collection of 67334

solid wastes other than scrap tires, or any person engaging in the 67335
collection of such solid wastes under a license or franchise from 67336
a political subdivision, when ten or fewer scrap tires are 67337
transported with any single load of other types of solid wastes; 67338
~~or any~~ 67339

(4) Any person who is engaged primarily in the retail sale of 67340
tires for farm machinery, construction equipment, commercial cars, 67341
commercial tractors, motor buses, or semitrailers and who 67342
transports twenty-five or fewer whole scrap tires in a single load 67343
and not more than two hundred fifty scrap tires in a calendar 67344
year, all of which tires either are or were used primarily as 67345
tires for farm machinery, construction equipment, commercial cars, 67346
commercial tractors, motor buses, or semitrailers; 67347

(5) Any of the following entities conducting a scrap tire 67348
clean up event or community tire amnesty collection event that has 67349
received written concurrence from the environmental protection 67350
agency: 67351

(a) A nonprofit organization; 67352

(b) Federal, state, or local government; 67353

(c) A university; 67354

(d) Other civic organization. 67355

(E) A transporter of scrap tires is liable for the safe 67356
delivery of any scrap tires from the time ~~he~~ the transporter 67357
obtains them until ~~he~~ the transporter delivers them to a scrap 67358
tire collection, storage, monocell, monofill, or recovery facility 67359
licensed under section 3734.81 of the Revised Code; delivers them 67360
to a solid waste incineration or energy recovery facility subject 67361
to regulation under this chapter; delivers them to a premises 67362
where they will be beneficially used; delivers them to another 67363
transporter registered under this section; or transports them out 67364
of the state. A generator of scrap tires who has complied with 67365

division (C) of this section is not liable under statute or common 67366
law in ~~his~~ the capacity as the generator of the scrap tires for 67367
the actions or omissions of any transporter registered under this 67368
section or any scrap tire collection, storage, monocell, monofill, 67369
or recovery facility licensed under section 3734.81 of the Revised 67370
Code, or any solid waste incineration or energy recovery facility 67371
subject to regulation under this chapter, with respect to the 67372
scrap tires transported by the registered transporter and is not 67373
liable in ~~his~~ the capacity as the generator of the scrap tires for 67374
violations of any scrap tire provision of this chapter or rules 67375
adopted under those provisions governing scrap tire collection, 67376
storage, monocell, monofill, or recovery facilities and the 67377
transportation of scrap tires, or any other provision of this 67378
chapter and rules adopted under it governing solid waste 67379
incineration and energy recovery facilities, with respect to the 67380
scrap tires handled by any such licensed facility or transported 67381
by the registered transporter. 67382

This division does not apply to a person who transports ten 67383
or fewer scrap tires in a single load or who transports any number 67384
of scrap tires for ~~his~~ the person's own use in agriculture or in 67385
producing or processing aggregates. 67386

(F) A generator of scrap tires who, in good faith and prior 67387
to the time when transporters of scrap tires are required to be 67388
registered pursuant to rules adopted under section 3734.74 of the 67389
Revised Code, caused scrap tires generated by ~~him~~ the generator to 67390
be transported by another is not liable under statute or common 67391
law in ~~his~~ the capacity as the generator of the scrap tires for 67392
the actions or omissions of the transporter, or of any other 67393
person to whom the transporter delivered the scrap tires, with 67394
respect to the scrap tires transported by the transporter. 67395

Sec. 3734.85. (A) On and after the effective date of the 67396

rules adopted under sections 3734.70, 3734.71, 3734.72, and 67397
3734.73 of the Revised Code, the director of environmental 67398
protection may take action under this section to abate 67399
accumulations of scrap tires. If the director determines that an 67400
accumulation of scrap tires constitutes a danger to the public 67401
health or safety or to the environment, the director shall issue 67402
an order under section 3734.13 of the Revised Code to the person 67403
responsible for the accumulation of scrap tires directing that 67404
person, ~~within one hundred twenty days after the issuance of the~~ 67405
~~order,~~ to remove the accumulation of scrap tires from the premises 67406
on which it is located and transport the tires to a scrap tire 67407
storage, monocell, monofill, or recovery facility licensed under 67408
section 3734.81 of the Revised Code, to such a facility in another 67409
state operating in compliance with the laws of the state in which 67410
it is located, or to any other solid waste disposal facility in 67411
another state that is operating in compliance with the laws of 67412
that state. If the person responsible for causing the accumulation 67413
of scrap tires is a person different from the owner of the land on 67414
which the accumulation is located, the director may issue such an 67415
order to the landowner. 67416

If the director is unable to ascertain immediately the 67417
identity of the person responsible for causing the accumulation of 67418
scrap tires, the director shall examine the records of the 67419
applicable board of health and law enforcement agencies to 67420
ascertain that person's identity. Before initiating any 67421
enforcement or removal actions under this division against the 67422
owner of the land on which the accumulation is located, the 67423
director shall initiate any such actions against the person that 67424
the director has identified as responsible for causing the 67425
accumulation of scrap tires. Failure of the director to make 67426
diligent efforts to ascertain the identity of the person 67427
responsible for causing the accumulation of scrap tires or to 67428
initiate an action against the person responsible for causing the 67429

accumulation shall not constitute an affirmative defense by a 67430
landowner to an enforcement action initiated by the director under 67431
this division requiring immediate removal of any accumulation of 67432
scrap tires. 67433

Upon the written request of the recipient of an order issued 67434
under this division, the director may extend the time for 67435
compliance with the order if the request demonstrates that the 67436
recipient has acted in good faith to comply with the order. If the 67437
recipient of an order issued under this division fails to comply 67438
with each milestone established in the order within ~~one hundred~~ 67439
~~twenty days after the issuance of~~ the period of time specified in 67440
the order or, if the time for compliance with the order was so 67441
extended, within that time, the director shall take such actions 67442
as the director considers reasonable and necessary to remove and 67443
properly manage the scrap tires located on the land named in the 67444
order. The director, through employees of the environmental 67445
protection agency or a contractor, may enter upon the land on 67446
which the accumulation of scrap tires is located and remove and 67447
transport them to a scrap tire recovery facility for processing, 67448
to a scrap tire storage facility for storage, or to a scrap tire 67449
monocell or monofill facility for storage or disposal. 67450

When performing a removal action under this section, the 67451
director also may remove, transport, and dispose of any of the 67452
following if the removal is required by the order issued under 67453
this division: 67454

(1) Any additional solid wastes that were open dumped on the 67455
land named in the order; 67456

(2) Any construction and demolition debris that was illegally 67457
disposed of on the land named in the order. 67458

The director shall enter into contracts for the storage, 67459
disposal, or processing of scrap tires removed through removal 67460

operations conducted under this section. 67461

If a person to whom a removal order is issued under this 67462
division fails to comply with the order and if the director 67463
performs a removal action under this section, the person to whom 67464
the removal order is issued is liable to the director for the 67465
costs incurred by the director for conducting the scrap tire 67466
removal operation, storage at a scrap tire storage facility, 67467
storage or disposal at a scrap tire monocell or monofill facility, 67468
or processing of the scrap tires so removed, the transportation of 67469
the scrap tires from the site of the accumulation to the scrap 67470
tire storage, monocell, monofill, or recovery facility where the 67471
scrap tires were stored, disposed of, or processed, and the 67472
administrative and legal expenses incurred by the director in 67473
connection with the removal operation. The director shall keep an 67474
itemized record of those costs. Upon completion of the actions for 67475
which the costs were incurred, the director shall record the costs 67476
at the office of the county recorder of the county in which the 67477
accumulation of scrap tires was located. The costs so recorded 67478
constitute a lien on the property on which the accumulation of 67479
scrap tires was located until discharged. Upon the written request 67480
of the director, the attorney general shall bring a civil action 67481
against the person responsible for the accumulation of the scrap 67482
tires that were the subject of the removal operation to recover 67483
the costs for which the person is liable under this division. Any 67484
money so received or recovered shall be credited to the scrap tire 67485
management fund created in section 3734.82 of the Revised Code. 67486

If, in a civil action brought under this division, an owner 67487
of real property is ordered to pay to the director the costs of a 67488
removal action that removed an accumulation of scrap tires from 67489
the person's land or if a lien is placed on the person's land for 67490
the costs of such a removal action, and, in either case, if the 67491
landowner was not the person responsible for causing the 67492

accumulation of scrap tires so removed, the landowner may bring a 67493
civil action against the person who was responsible for causing 67494
the accumulation to recover the amount of the removal costs that 67495
the court ordered the landowner to pay to the director or the 67496
amount of the removal costs certified to the county recorder as a 67497
lien on the landowner's property, whichever is applicable. If the 67498
landowner prevails in the civil action against the person who was 67499
responsible for causing the accumulation of scrap tires, the 67500
court, as it considers appropriate, may award to the landowner the 67501
reasonable attorney's fees incurred by the landowner for bringing 67502
the action, court costs, and other reasonable expenses incurred by 67503
the landowner in connection with the civil action. A landowner 67504
shall bring such a civil action within two years after making the 67505
final payment of the removal costs to the director pursuant to the 67506
judgment rendered against the landowner in the civil action 67507
brought under this division upon the director's request or within 67508
two years after the director certified the costs of the removal 67509
action to the county recorder, as appropriate. A person who, at 67510
the time that a removal action was conducted under this division, 67511
owned the land on which the removal action was performed may bring 67512
an action under this division to recover the costs of the removal 67513
action from the person responsible for causing the accumulation of 67514
scrap tires so removed regardless of whether the person owns the 67515
land at the time of bringing the action. 67516

Subject to the limitations set forth in division (G) of 67517
section 3734.82 of the Revised Code, the director may use moneys 67518
in the scrap tire management fund for conducting removal actions 67519
under this division. Any moneys recovered under this division 67520
shall be credited to the scrap tire management fund. 67521

(B) The director shall initiate enforcement and removal 67522
actions under division (A) of this section in accordance with the 67523
following descending listing of priorities: 67524

(1) Accumulations of scrap tires that the director finds constitute a fire hazard or threat to public health;	67525 67526
(2) Accumulations of scrap tires determined by the director to contain more than one million scrap tires;	67527 67528
(3) Accumulations of scrap tires in densely populated areas;	67529
(4) Other accumulations of scrap tires that the director or board of health of the health district in which the accumulation is located determines constitute a public nuisance;	67530 67531 67532
(5) Any other accumulations of scrap tires present on premises operating without a valid license issued under section 3734.05 or 3734.81 of the Revised Code.	67533 67534 67535
(C) The director shall not take enforcement and removal actions under division (A) of this section against the owner or operator of, or the owner of the land on which is located, any of the following:	67536 67537 67538 67539
(1) A premises where not more than one hundred scrap tires are present at any time;	67540 67541
(2) The premises of a business engaging in the sale of tires at retail that meets either of the following criteria:	67542 67543
(a) Not more than one thousand scrap tires are present on the premises at any time in an unsecured, uncovered outdoor location.	67544 67545
(b) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation.	67546 67547
(3) The premises of a tire retreading business, a tire manufacturing finishing center, or a tire adjustment center on which is located a single, covered scrap tire storage area where not more than four thousand scrap tires are stored;	67548 67549 67550 67551
(4) The premises of a business that removes tires from motor vehicles in the ordinary course of business and on which is located a single scrap tire storage area that occupies not more	67552 67553 67554

than twenty-five hundred square feet; 67555

(5) A solid waste facility licensed under section 3734.05 of 67556
the Revised Code that stores scrap tires on the surface of the 67557
ground if the total land area on which scrap tires are actually 67558
stored does not exceed ten thousand square feet; 67559

(6) A premises where not more than two hundred fifty scrap 67560
tires are stored or kept for agricultural use; 67561

(7) A construction site where scrap tires are stored for use 67562
or used in road resurfacing or the construction of embankments; 67563

(8) A scrap tire collection, storage, monocell, monofill, or 67564
recovery facility licensed under section 3734.81 of the Revised 67565
Code; 67566

(9) A solid waste incineration or energy recovery facility 67567
that is subject to regulation under this chapter and that burns 67568
scrap tires; 67569

(10) A premises where scrap tires are beneficially used and 67570
for which the notice required by rules adopted under section 67571
3734.84 of the Revised Code has been given; 67572

(11) A transporter registered under section 3734.83 of the 67573
Revised Code that collects and holds scrap tires in a covered 67574
trailer or vehicle for not longer than thirty days prior to 67575
transporting them to their final destination. 67576

(D) Nothing in this section restricts any right any person 67577
may have under statute or common law to enforce or seek 67578
enforcement of any law applicable to the management of scrap 67579
tires, abate a nuisance, or seek any other appropriate relief. 67580

(E) An owner of real property is not liable under division 67581
(A) of this section for the cost of the removal of up to ten 67582
thousand scrap tires on the owner's property, or more at the 67583
director's discretion, and no lien shall attach to the property 67584

under this section, if all of the following conditions are met: 67585

(1) The tires were placed on the property after the owner 67586
acquired title to the property, or the tires were placed on the 67587
property before the owner acquired title to the property and the 67588
owner acquired title to the property by bequest or devise. 67589

(2) The owner of the property did not have knowledge that the 67590
tires were being placed on the property, or the owner posted on 67591
the property signs prohibiting dumping or took other action to 67592
prevent the placing of tires on the property. 67593

(3) The owner of the property did not participate in or 67594
consent to the placing of the tires on the property. 67595

(4) The owner of the property received no financial benefit 67596
from the placing of the tires on the property or otherwise having 67597
the tires on the property. 67598

(5) Title to the property was not transferred to the owner 67599
for the purpose of evading liability under division (A) of this 67600
section. 67601

(6) The person responsible for placing the tires on the 67602
property, in doing so, was not acting as an agent for the owner of 67603
the property. 67604

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 67605
defray the cost of administering and enforcing the scrap tire 67606
provisions of this chapter, rules adopted under those provisions, 67607
and terms and conditions of orders, variances, and licenses issued 67608
under those provisions; to abate accumulations of scrap tires; to 67609
make grants supporting market development activities for scrap 67610
tires and synthetic rubber from tire manufacturing processes and 67611
tire recycling processes and to support scrap tire amnesty and 67612
cleanup events; to make loans to promote the recycling or recovery 67613
of energy from scrap tires; and to defray the costs of 67614

administering and enforcing sections 3734.90 to 3734.9014 of the Revised Code, a fee of fifty cents per tire is hereby levied on the sale of tires. The proceeds of the fee shall be deposited in the state treasury to the credit of the scrap tire management fund created in section 3734.82 of the Revised Code. The fee is levied from the first day of the calendar month that begins next after thirty days from October 29, 1993, through June 30, ~~2024~~ 2026.

(2) Beginning on July 1, 2011, and ending on June 30, ~~2024~~ 2026, there is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the state treasury to the credit of the soil and water conservation district assistance fund created in section 940.15 of the Revised Code.

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

Sec. 3737.02. (A) The fire marshal may collect fees to cover the costs of performing inspections and other duties that the fire marshal is authorized or required by law to perform. Except as provided in division (B) of this section, all fees collected by the fire marshal shall be deposited to the credit of the fire marshal's fund.

(B)(1) All of the following shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury:

(a) Fees collected under sections 3737.88 and 3737.881 of the Revised Code for operation of the underground storage tank and underground storage tank installer certification programs;

(b) Moneys recovered under section 3737.89 of the Revised Code for the state's costs of undertaking corrective or enforcement actions under that section or section 3737.882 of the

Revised Code; 67645

(c) Fines and penalties collected under section 3737.882 of 67646
the Revised Code and other moneys, including corrective action 67647
enforcement case settlements or bankruptcy case awards or 67648
settlements, received by the fire marshal under sections 3737.88 67649
to 3737.89 of the Revised Code. 67650

(2) All interest earned on moneys credited to the underground 67651
storage tank administration fund shall be credited to the fund. 67652
Moneys credited to the underground storage tank administration 67653
fund shall be used by the fire marshal for implementation and 67654
enforcement of underground storage tank, corrective action, and 67655
installer certification programs under sections 3737.88 to 3737.89 67656
of the Revised Code. 67657

~~(C) There is hereby created in the state treasury the 67658
underground storage tank revolving loan fund. The fund shall 67659
consist of amounts repaid for underground storage tank revolving 67660
loans under section 3737.883 of the Revised Code and moneys 67661
described in division (B)(1)(c) of this section that are allocated 67662
to the fund in accordance with division (D)(1) of this section. 67663
Moneys in the fund shall be used by the fire marshal to make 67664
underground storage tank revolving loans under section 3737.883 of 67665
the Revised Code. 67666~~

~~(D)(1) If the director of commerce determines that the cash 67667
balance in the underground storage tank administration fund is in 67668
excess of the amount needed for implementation and enforcement of 67669
the underground storage tank, corrective action, and installer 67670
certification programs under sections 3737.88 to 3737.89 of the 67671
Revised Code, the director may certify the excess amount to the 67672
director of budget and management. Upon certification, the 67673
director of budget and management may transfer from the 67674
underground storage tank administration fund to the underground 67675
storage tank revolving loan fund any amount up to, but not 67676~~

~~exceeding, the amount certified by the director of commerce, 67677
provided the amount transferred consists only of moneys described 67678
in division (B)(1)(c) of this section. 67679~~

~~(2) If the director of commerce determines that the cash 67680
balance in the underground storage tank administration fund is 67681
insufficient to implement and enforce the underground storage 67682
tank, corrective action, and installer certification programs 67683
under sections 3737.88 to 3737.89 of the Revised Code, the 67684
director may certify the amount needed to the director of budget 67685
and management. Upon certification, the director of budget and 67686
management may transfer from the underground storage tank 67687
revolving loan fund to the underground storage tank administration 67688
fund any amount up to, but not exceeding, the amount certified by 67689
the director of commerce. 67690~~

~~(E) The fire marshal shall take all actions necessary to 67691
obtain any federal funding available to carry out the fire 67692
marshal's responsibilities under sections 3737.88 to 3737.89 of 67693
the Revised Code and federal laws regarding the cleaning up of 67694
releases of petroleum, as "release" is defined in section 3737.87 67695
of the Revised Code, including, without limitation, any federal 67696
funds that are available to reimburse the state for the costs of 67697
undertaking corrective actions for such releases of petroleum. The 67698
state may, when appropriate, return to the United States any 67699
federal funds recovered under sections 3737.882 and 3737.89 of the 67700
Revised Code. 67701~~

Sec. 3737.83. The fire marshal shall, as part of the state 67702
fire code, adopt rules to: 67703

(A) Establish minimum standards of performance for fire 67704
protection equipment and fire fighting equipment; 67705

(B) Establish minimum standards of training, fix minimum 67706
qualifications, and require certificates for all persons who 67707

engage in the business for profit of installing, testing, 67708
repairing, or maintaining fire protection equipment; 67709

(C) Provide for the issuance of certificates required under 67710
division (B) of this section and establish the fees to be charged 67711
for such certificates. A certificate shall be granted, renewed, or 67712
revoked according to rules the fire marshal shall adopt. 67713

(D) Establish minimum standards of flammability for consumer 67714
goods in any case where the federal government or any department 67715
or agency thereof has established, or may from time to time 67716
establish standards of flammability for consumer goods. The 67717
standards established by the fire marshal shall be identical to 67718
the minimum federal standards. 67719

In any case where the federal government or any department or 67720
agency thereof, establishes standards of flammability for consumer 67721
goods subsequent to the adoption of a flammability standard by the 67722
fire marshal, standards previously adopted by the fire marshal 67723
shall not continue in effect to the extent such standards are not 67724
identical to the minimum federal standards. 67725

With respect to the adoption of minimum standards of 67726
flammability, this division shall supersede any authority granted 67727
a political subdivision by any other section of the Revised Code. 67728

(E) Establish minimum standards pursuant to section 5104.05 67729
of the Revised Code for fire prevention and fire safety in child 67730
day-care centers and in type A family day-care homes, as defined 67731
in section 5104.01 of the Revised Code. 67732

(F) Establish minimum standards for fire prevention and 67733
safety in a residential facility licensed under section 5119.34 of 67734
the Revised Code that provides accommodations, supervision, and 67735
personal care services for three to sixteen unrelated adults. The 67736
fire marshal shall adopt the rules under this division in 67737
consultation with the director of mental health and addiction 67738

services and interested parties designated by the director of 67739
mental health and addiction services. 67740

(G) Establish that occupant load shall not include an 67741
exterior patio that has a means of egress on at least three sides 67742
or within fifty feet of an open side and in which each means of 67743
egress is compliant with the "Americans with Disabilities Act of 67744
1990," 42 U.S.C. 12102, et seq. 67745

Sec. 3737.833. (A) As used in this section, "retail 67746
establishment" means a place of business open to the general 67747
public for the sale of goods or services. 67748

(B) If the fire code official having jurisdiction over a 67749
retail establishment, including a retail establishment that is 67750
under construction and not yet open to the public, is unable to 67751
conduct an inspection or issue a permit required by the state fire 67752
code adopted pursuant to sections 3737.82 and 3737.83 of the 67753
Revised Code, for more than five business days, the owner, 67754
operator, or developer of the retail establishment may seek a 67755
temporary permit from any fire code official authorized to conduct 67756
such an inspection or issue such a permit elsewhere in this state. 67757
If that fire code official grants a temporary permit, the permit 67758
is valid for fourteen calendar days. 67759

Sec. 3737.88. (A)(1) The fire marshal shall have 67760
responsibility for implementation of the underground storage tank 67761
program and corrective action program for releases of petroleum 67762
from underground storage tanks established by the "Resource 67763
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 67764
6901, as amended. To implement the programs, the fire marshal may 67765
adopt, amend, and rescind such rules, conduct such inspections, 67766
require annual registration of underground storage tanks, issue 67767
such citations and orders to enforce those rules, enter into 67768

environmental covenants in accordance with sections 5301.80 to 67769
5301.92 of the Revised Code, and perform such other duties, as are 67770
consistent with those programs. The fire marshal, by rule, may 67771
delegate the authority to conduct inspections of underground 67772
storage tanks to certified fire safety inspectors. 67773

(2) In the place of any rules regarding release containment 67774
and release detection for underground storage tanks adopted under 67775
division (A)(1) of this section, the fire marshal, by rule, shall 67776
designate areas as being sensitive for the protection of human 67777
health and the environment and adopt alternative rules regarding 67778
release containment and release detection methods for new and 67779
upgraded underground storage tank systems located in those areas. 67780
In designating such areas, the fire marshal shall take into 67781
consideration such factors as soil conditions, hydrogeology, water 67782
use, and the location of public and private water supplies. Not 67783
later than July 11, 1990, the fire marshal shall file the rules 67784
required under this division with the secretary of state, director 67785
of the legislative service commission, and joint committee on 67786
agency rule review in accordance with divisions (B) and (C) of 67787
section 119.03 of the Revised Code. 67788

(3) Notwithstanding sections 3737.87 to 3737.89 of the 67789
Revised Code, a person who is not a responsible person, as 67790
determined by the fire marshal pursuant to this chapter, may 67791
conduct a voluntary action in accordance with Chapter 3746. of the 67792
Revised Code and rules adopted under it for either of the 67793
following: 67794

(a) A class C release; 67795

(b) A release, other than a class C release, that is subject 67796
to the rules adopted by the fire marshal under division (B) of 67797
section 3737.882 of the Revised Code pertaining to a corrective 67798
action, provided that both of the following apply: 67799

(i) The voluntary action also addresses hazardous substances 67800
or petroleum that is not subject to the rules adopted under 67801
division (B) of section 3737.882 of the Revised Code pertaining to 67802
a corrective action. 67803

(ii) The fire marshal has not issued an administrative order 67804
concerning the release or referred the release to the attorney 67805
general for enforcement. 67806

The director of environmental protection, pursuant to section 67807
3746.12 of the Revised Code, may issue a covenant not to sue to 67808
any person who properly completes a voluntary action with respect 67809
to any such release in accordance with Chapter 3746. of the 67810
Revised Code and rules adopted under it. 67811

(B) Before adopting any rule under this section or section 67812
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 67813
file written notice of the proposed rule with the chairperson of 67814
the state fire council, and, within sixty days after notice is 67815
filed, the council may file responses to or comments on and may 67816
recommend alternative or supplementary rules to the fire marshal. 67817
At the end of the sixty-day period or upon the filing of 67818
responses, comments, or recommendations by the council, the fire 67819
marshal may adopt the rule filed with the council or any 67820
alternative or supplementary rule recommended by the council. 67821

(C) The state fire council may recommend courses of action to 67822
be taken by the fire marshal in carrying out the fire marshal's 67823
duties under this section. The council shall file its 67824
recommendations in the office of the fire marshal, and, within 67825
sixty days after the recommendations are filed, the fire marshal 67826
shall file with the chairperson of the council comments on, and 67827
proposed action in response to, the recommendations. 67828

(D) For the purpose of sections 3737.87 to 3737.89 of the 67829
Revised Code, the fire marshal shall adopt, and may amend and 67830

rescind, rules identifying or listing hazardous substances. The 67831
rules shall be consistent with and equivalent in scope, coverage, 67832
and content to regulations identifying or listing hazardous 67833
substances adopted under the "Comprehensive Environmental 67834
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 67835
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 67836
not identify or list as a hazardous substance any hazardous waste 67837
identified or listed in rules adopted under division (A) of 67838
section 3734.12 of the Revised Code. 67839

(E) Except as provided in division (A)(3) of this section, 67840
the fire marshal shall have exclusive jurisdiction to regulate the 67841
storage, treatment, and disposal of petroleum contaminated soil 67842
generated from corrective actions undertaken in response to 67843
releases of petroleum from underground storage tank systems. The 67844
fire marshal may adopt, amend, or rescind such rules as the fire 67845
marshal considers to be necessary or appropriate to regulate the 67846
storage, treatment, or disposal of petroleum contaminated soil so 67847
generated. 67848

(F) The fire marshal shall adopt, amend, and rescind rules 67849
under sections 3737.88 to ~~3737.883~~ 3737.882 of the Revised Code in 67850
accordance with Chapter 119. of the Revised Code. 67851

Sec. 3737.882. (A) If, after an examination or inspection, 67852
the fire marshal or an assistant fire marshal finds that a release 67853
of petroleum is suspected, the fire marshal shall take such action 67854
as the fire marshal considers necessary to ensure that a suspected 67855
release is confirmed or disproved and, if the occurrence of a 67856
release is confirmed, to correct the release. These actions may 67857
include one or more of the following: 67858

(1) Issuance of a citation and order requiring the 67859
responsible person to undertake, in a manner consistent with the 67860
requirements of section 9003 of the "Resource Conservation and 67861

Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 67862
amended, applicable regulations adopted thereunder, and rules 67863
adopted under division (B) of this section, such actions as are 67864
necessary to protect human health and the environment, including, 67865
without limitation, the investigation of a suspected release; 67866

(2) Requesting the attorney general to bring a civil action 67867
for appropriate relief, including a temporary restraining order or 67868
preliminary or permanent injunction, in the court of common pleas 67869
of the county in which a suspected release is located or in which 67870
the release occurred, to obtain the corrective action necessary to 67871
protect human health and the environment. In granting any such 67872
relief, the court shall ensure that the terms of the temporary 67873
restraining order or injunction are sufficient to provide 67874
comprehensive corrective action to protect human health and the 67875
environment. 67876

(3) Entry onto premises and undertaking corrective action 67877
with respect to a release of petroleum if, in the fire marshal's 67878
judgment, such action is necessary to protect human health and the 67879
environment. Any corrective action undertaken by the fire marshal 67880
or assistant fire marshal under division (A)(3) of this section 67881
shall be consistent with the requirements of sections 9003 and 67882
9005 of the "Resource Conservation and Recovery Act of 1976," 98 67883
Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 67884
6991e, respectively, as amended, applicable regulations adopted 67885
thereunder, and rules adopted under division (B) of this section. 67886

(B) The fire marshal shall adopt, and may amend and rescind, 67887
such rules as the fire marshal considers necessary to establish 67888
standards for corrective actions for suspected and confirmed 67889
releases of petroleum and standards for the recovery of costs 67890
incurred for undertaking corrective or enforcement actions with 67891
respect to such releases. The rules also shall include 67892
requirements for financial responsibility for the cost of 67893

corrective actions for and compensation of bodily injury and 67894
property damage incurred by third parties that are caused by 67895
releases of petroleum. Rules regarding financial responsibility 67896
shall, without limitation, require responsible persons to provide 67897
evidence that the parties guaranteeing payment of the deductible 67898
amount established under division (E) or (F) of section 3737.91 of 67899
the Revised Code are, at a minimum, secondarily liable for all 67900
corrective action and third-party liability costs incurred within 67901
the scope of the deductible amount. The rules shall be consistent 67902
with sections 9003 and 9005 of the "Resource Conservation and 67903
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 67904
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 67905
applicable regulations adopted thereunder. 67906

(C)(1) No person shall violate or fail to comply with a rule 67907
adopted under division (A) of section 3737.88 of the Revised Code 67908
or division (B) of this section, and no person shall violate or 67909
fail to comply with the terms of any order issued under division 67910
(A) of section 3737.88 of the Revised Code or division (A)(1) of 67911
this section. 67912

(2) Whoever violates division (C)(1) of this section or 67913
division (F) of section 3737.881 of the Revised Code shall pay a 67914
civil penalty of not more than ten thousand dollars for each day 67915
that the violation continues. The fire marshal may, by order, 67916
assess a civil penalty under this division, or the fire marshal 67917
may request the attorney general to bring a civil action for 67918
imposition of the civil penalty in the court of common pleas of 67919
the county in which the violation occurred. If the fire marshal 67920
determines that a responsible person is in violation of division 67921
(C)(1) of this section or division (F) of section 3737.881 of the 67922
Revised Code, the fire marshal may request the attorney general to 67923
bring a civil action for appropriate relief, including a temporary 67924
restraining order or preliminary or permanent injunction, in the 67925

court of common pleas of the county in which the underground 67926
storage tank or, in the case of a violation of division (F)(3) of 67927
section 3737.881 of the Revised Code, the training program that is 67928
the subject of the violation is located. The court shall issue a 67929
temporary restraining order or an injunction upon a demonstration 67930
that a violation of division (C)(1) of this section or division 67931
(F) of section 3737.881 of the Revised Code has occurred or is 67932
occurring. 67933

Any action brought by the attorney general under this 67934
division is a civil action, governed by the Rules of Civil 67935
Procedure and other rules of practice and procedure applicable to 67936
civil actions. 67937

~~Nothing in section 3737.883 of the Revised Code limits the 67938
powers of the fire marshal or the attorney general under this 67939
division. 67940~~

(D) Orders issued under division (A) of section 3737.88 of 67941
the Revised Code and divisions (A)(1) and (C) of this section, and 67942
appeals thereof, are subject to and governed by Chapter 3745. of 67943
the Revised Code. Such orders shall be issued without the 67944
necessity for issuance of a proposed action under that chapter. 67945
For purposes of appeals of any such orders, the term "director" as 67946
used in Chapter 3745. of the Revised Code includes the fire 67947
marshal and an assistant fire marshal. 67948

(E) Any restrictions on the use of real property for the 67949
purpose of the achievement by an owner or operator of applicable 67950
standards pursuant to rules adopted under division (B) of this 67951
section shall be contained in a deed or in another instrument that 67952
is signed and acknowledged by the property owner in the same 67953
manner as a deed or an environmental covenant that is entered into 67954
in accordance with sections 5301.80 to 5301.92 of the Revised 67955
Code. The deed, other instrument containing the restrictions, or 67956
environmental covenant shall be filed and recorded in the office 67957

of the county recorder of the county in which the property is 67958
located. Pursuant to Chapter 5309. of the Revised Code, if the use 67959
restrictions or environmental covenant are connected with 67960
registered land, as defined in section 5309.01 of the Revised 67961
Code, the restrictions or environmental covenant shall be entered 67962
as a memorial on the page of the register where the title of the 67963
owner is registered. 67964

(F) Any restrictions on the use of real property for the 67965
purpose of the achievement by a person that is not a responsible 67966
person, or by a person undertaking a voluntary action of 67967
applicable standards pursuant to rules adopted under division (B) 67968
of this section shall be contained in an environmental covenant 67969
that is entered into in accordance with sections 5301.80 to 67970
5301.92 of the Revised Code. The environmental covenant shall be 67971
filed and recorded in the office of the county recorder of the 67972
county in which the property is located. Pursuant to Chapter 5309. 67973
of the Revised Code, if the environmental covenant is connected 67974
with registered land, as defined in section 5309.01 of the Revised 67975
Code, the environmental covenant shall be entered as a memorial on 67976
the page of the register where the title of the owner is 67977
registered. 67978

Sec. 3740.01. As used in this chapter: 67979

(A) "Community-based long-term care provider" means a 67980
provider, as defined in section 173.39 of the Revised Code. 67981

(B) "Community-based long-term care subcontractor" means a 67982
subcontractor, as defined in section 173.38 of the Revised Code. 67983

(C) "Criminal records check" has the same meaning as in 67984
section 109.572 of the Revised Code. 67985

(D) "Direct care" means any of the following: 67986

(1) Any service identified in divisions (G)(1) to (6) of this 67987

section that is provided in a patient's place of residence used as 67988
the patient's home; 67989

(2) Any activity that requires the person performing the 67990
activity to be routinely alone with a patient or to routinely have 67991
access to a patient's personal property or financial documents 67992
regarding a patient; 67993

(3) For each home health agency individually, any other 67994
routine service or activity that the chief administrator of the 67995
home health agency designates as direct care. 67996

(E) "Disqualifying offense" means any of the offenses listed 67997
or described in divisions (A)(3)(a) to (e) of section 109.572 of 67998
the Revised Code. 67999

(F) "Employee" means a person employed by a home health 68000
agency in a full-time, part-time, or temporary position that 68001
involves providing direct care to an individual and a person who 68002
works in such a position due to being referred to a home health 68003
agency by an employment service. 68004

(G) "Home health agency" means a person or government entity, 68005
other than a nursing home, residential care facility, hospice care 68006
program, pediatric respite care program, pediatric transition care 68007
program, informal respite care provider, provider certified by the 68008
department of developmental disabilities under Chapter 5123. of 68009
the Revised Code, residential facility licensed under section 68010
5119.34 or 5123.19 of the Revised Code, shared living provider, or 68011
immediate family member, that has the primary function of 68012
providing any of the following services to a patient at a place of 68013
residence used as the patient's home: 68014

(1) Skilled nursing care; 68015

(2) Physical therapy; 68016

(3) Occupational therapy; 68017

(4) Speech-language pathology;	68018
(5) Medical social services;	68019
(6) Home health aide services.	68020
(H) "Home health aide services" means any of the following	68021
services provided by an employee of a home health agency:	68022
(1) Hands-on bathing or assistance with a tub bath or shower;	68023
(2) Assistance with dressing, ambulation, and toileting;	68024
(3) Catheter care but not insertion;	68025
(4) Meal preparation and feeding.	68026
(I) "Hospice care program," "pediatric respite care program,"	68027
and "pediatric transition care program" have the same meanings as	68028
in section 3712.01 of the Revised Code.	68029
(J) "Immediate family member" means a parent, stepparent,	68030
grandparent, legal guardian, grandchild, brother, sister,	68031
stepsibling, spouse, son, daughter, stepchild, aunt, uncle,	68032
mother-in-law, father-in-law, brother-in-law, sister-in-law,	68033
son-in-law, and daughter-in-law.	68034
(K) "Medical social services" means services provided by a	68035
social worker under the direction of a patient's attending	68036
physician.	68037
(L) "Minor drug possession offense" has the same meaning as	68038
in section 2925.01 of the Revised Code.	68039
(M) "Nonagency provider" means a person who provides direct	68040
care to an individual on a self-employed basis and does not	68041
employ, directly or through contract, another person to provide	68042
the services. "Nonagency provider" does not include any of the	68043
following:	68044
(1) A caregiver who is an immediate family member of the	68045
individual receiving direct care;	68046

(2) A person who provides direct care to not more than two individuals who are not immediate family members of the care provider;	68047 68048 68049
(3) A volunteer;	68050
(4) A person who is certified under section 5104.12 of the Revised Code to provide publicly funded child care as an in-home aide;	68051 68052 68053
(5) A person who provides privately funded child care;	68054
(6) A caregiver who is certified by the department of developmental disabilities under Chapter 5123. of the Revised Code;	68055 68056 68057
<u>(7) A person who operates a residential facility licensed under section 5119.34 of the Revised Code;</u>	68058 68059
<u>(8) A person who provides self-directed services, as that term is defined in 42 U.S.C. 1396n(i)(1)(G)(iii)(II), including a person who is certified by the department of aging or registered as a self-directed individual provider through an area agency on aging.</u>	68060 68061 68062 68063 68064
(N) "Nonmedical home health services" means any of the following:	68065 68066
(1) Any service identified in divisions (H)(1) to (4) of this section;	68067 68068
(2) Personal care services;	68069
(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code.	68070 68071 68072
(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	68073 68074 68075

(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code. 68076
68077

(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community: 68078
68079

(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living; 68080
68081
68082

(2) Assistance managing the individual's home and handling personal affairs; 68083
68084

(3) Assistance with self-administration of medications; 68085

(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family; 68086
68087
68088
68089

(5) Respite services for the individual's caregiver; 68090

(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries. 68091
68092
68093

(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code. 68094
68095

~~(S) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.~~ 68096
68097

~~(T)~~ "Skilled home health services" means any of the following: 68098
68099

(1) Any service identified in divisions (G)(1) to (5) of this section; 68100
68101

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code. 68102
68103
68104

~~(U)~~(T) "Social worker" means a person licensed under Chapter 68105
4757. of the Revised Code to practice as a social worker or 68106
independent social worker. 68107

~~(V)~~(U) "Speech-language pathology" has the same meaning as in 68108
section 4753.01 of the Revised Code. 68109

~~(W)~~(V) "Waiver agency" has the same meaning as in section 68110
5164.342 of the Revised Code. 68111

Sec. 3742.32. (A) The director of health shall appoint an 68112
advisory council to assist in the ongoing development and 68113
implementation of the child lead poisoning prevention program 68114
created under section 3742.31 of the Revised Code. The advisory 68115
council shall consist of the following members: 68116

(1) A representative of the department of medicaid; 68117

(2) A representative of the bureau of child care in the 68118
department of job and family services; 68119

(3) A representative of the department of environmental 68120
protection; 68121

(4) A representative of the department of education; 68122

(5) A representative of the department of development 68123
~~services agency~~; 68124

(6) A representative of the Ohio apartment owner's 68125
association; 68126

(7) A representative of the Ohio healthy homes network; 68127

(8) A representative of the Ohio environmental health 68128
association; 68129

(9) An Ohio representative of the American coatings 68130
association; 68131

(10) A representative from Ohio realtors; 68132

(11) A representative of the Ohio governor's office of housing finance agency transformation ;	68133 68134
(12) A physician knowledgeable in the field of lead poisoning prevention;	68135 68136
(13) A representative of the public.	68137
(B) The advisory council shall do both of the following:	68138
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	68139 68140 68141 68142
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	68143 68144 68145
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	68146 68147
Sec. 3745.015. There is hereby created in the state treasury the environmental protection fund consisting of money credited to the fund under division (A)(3) of section 3734.57 of the Revised Code. The environmental protection agency shall use money in the fund to pay the agency's costs associated with administering and enforcing, or otherwise conducting activities under, this chapter and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 6113., 6115., 6117., and 6119. and section 122.65 of the Revised Code, including providing compliance assistance to small businesses.	68148 68149 68150 68151 68152 68153 68154 68155 68156 68157 68158
Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters	68159 68160 68161

3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 68162
to the environmental protection agency for each such issuance and 68163
each application for an issuance as provided by this section. No 68164
fee shall be charged for any issuance for which no application has 68165
been submitted to the director. 68166

(B) Except as otherwise provided in division (C)(2) of this 68167
section, beginning July 1, 1994, each person who owns or operates 68168
an air contaminant source and who is required to apply for and 68169
obtain a Title V permit under section 3704.036 of the Revised Code 68170
shall pay the fees set forth in this division. For the purposes of 68171
this division, total emissions of air contaminants may be 68172
calculated using engineering calculations, emissions factors, 68173
material balance calculations, or performance testing procedures, 68174
as authorized by the director. 68175

The following fees shall be assessed on the total actual 68176
emissions from a source in tons per year of the regulated 68177
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 68178
organic compounds, and lead: 68179

(1) Fifteen dollars per ton on the total actual emissions of 68180
each such regulated pollutant during the period July through 68181
December 1993, to be collected no sooner than July 1, 1994; 68182

(2) Twenty dollars per ton on the total actual emissions of 68183
each such regulated pollutant during calendar year 1994, to be 68184
collected no sooner than April 15, 1995; 68185

(3) Twenty-five dollars per ton on the total actual emissions 68186
of each such regulated pollutant in calendar year 1995, and each 68187
subsequent calendar year, to be collected no sooner than the 68188
fifteenth day of April of the year next succeeding the calendar 68189
year in which the emissions occurred. 68190

The fees levied under this division do not apply to that 68191
portion of the emissions of a regulated pollutant at a facility 68192

that exceed four thousand tons during a calendar year. 68193

(C)(1) The fees assessed under division (B) of this section 68194
are for the purpose of providing funding for the Title V permit 68195
program. 68196

(2) The fees assessed under division (B) of this section do 68197
not apply to emissions from any electric generating unit 68198
designated as a Phase I unit under Title IV of the federal Clean 68199
Air Act prior to calendar year 2000. Those fees shall be assessed 68200
on the emissions from such a generating unit commencing in 68201
calendar year 2001 based upon the total actual emissions from the 68202
generating unit during calendar year 2000 and shall continue to be 68203
assessed each subsequent calendar year based on the total actual 68204
emissions from the generating unit during the preceding calendar 68205
year. 68206

(3) The director shall issue invoices to owners or operators 68207
of air contaminant sources who are required to pay a fee assessed 68208
under division (B) or (D) of this section. Any such invoice shall 68209
be issued no sooner than the applicable date when the fee first 68210
may be collected in a year under the applicable division, shall 68211
identify the nature and amount of the fee assessed, and shall 68212
indicate that the fee is required to be paid within thirty days 68213
after the issuance of the invoice. 68214

(D)(1) Except as provided in division (D)(2) of this section, 68215
beginning January 1, 2004, each person who owns or operates an air 68216
contaminant source; who is required to apply for a permit to 68217
operate pursuant to rules adopted under division (G), or a 68218
variance pursuant to division (H), of section 3704.03 of the 68219
Revised Code; and who is not required to apply for and obtain a 68220
Title V permit under section 3704.03 of the Revised Code shall pay 68221
a single fee based upon the sum of the actual annual emissions 68222
from the facility of the regulated pollutants particulate matter, 68223
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 68224

accordance with the following schedule:		68225
Total tons per year		68226
of regulated pollutants	Annual fee	68227
emitted	per facility	68228
More than 0, but less than 10	\$ 100	68229
10 or more, but less than 50	200	68230
50 or more, but less than 100	300	68231
100 or more	700	68232
(2)(a) As used in division (D) of this section, "synthetic		68233
minor facility" means a facility for which one or more permits to		68234
install or permits to operate have been issued for the air		68235
contaminant sources at the facility that include terms and		68236
conditions that lower the facility's potential to emit air		68237
contaminants below the major source thresholds established in		68238
rules adopted under section 3704.036 of the Revised Code.		68239
(b) Beginning January 1, 2000, through June 30, 2024 <u>2026</u> ,		68240
each person who owns or operates a synthetic minor facility shall		68241
pay an annual fee based on the sum of the actual annual emissions		68242
from the facility of particulate matter, sulfur dioxide, nitrogen		68243
dioxide, organic compounds, and lead in accordance with the		68244
following schedule:		68245
Combined total tons		68246
per year of all regulated	Annual fee	68247
pollutants emitted	per facility	68248
Less than 10	\$ 170	68249
10 or more, but less than 20	340	68250
20 or more, but less than 30	670	68251
30 or more, but less than 40	1,010	68252
40 or more, but less than 50	1,340	68253
50 or more, but less than 60	1,680	68254
60 or more, but less than 70	2,010	68255
70 or more, but less than 80	2,350	68256

80 or more, but less than 90	2,680	68257
90 or more, but less than 100	3,020	68258
100 or more	3,350	68259

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the

twelve-month period ending on the thirty-first day of August of 68289
that year. 68290

(b) If the 1989 consumer price index is revised, the director 68291
shall use the revision of the consumer price index that is most 68292
consistent with that for calendar year 1989. 68293

(F) Each person who is issued a permit to install pursuant to 68294
rules adopted under division (F) of section 3704.03 of the Revised 68295
Code on or after July 1, 2003, shall pay the fees specified in the 68296
following schedules: 68297

(1) Fuel-burning equipment (boilers, furnaces, or process 68298
heaters used in the process of burning fuel for the primary 68299
purpose of producing heat or power by indirect heat transfer) 68300
Input capacity (maximum) 68301
(million British thermal units per hour) Permit to install 68302
Greater than 0, but less than 10 \$ 200 68303
10 or more, but less than 100 400 68304
100 or more, but less than 300 1000 68305
300 or more, but less than 500 2250 68306
500 or more, but less than 1000 3750 68307
1000 or more, but less than 5000 6000 68308
5000 or more 9000 68309

Units burning exclusively natural gas, number two fuel oil, 68310
or both shall be assessed a fee that is one-half the applicable 68311
amount shown in division (F)(1) of this section. 68312

(2) Combustion turbines and stationary internal combustion 68313
engines designed to generate electricity 68314
Generating capacity (mega watts) Permit to install 68315
0 or more, but less than 10 \$ 25 68316
10 or more, but less than 25 150 68317
25 or more, but less than 50 300 68318
50 or more, but less than 100 500 68319

100 or more, but less than 250	1000	68320
250 or more	2000	68321
(3) Incinerators		68322
Input capacity (pounds per hour)	Permit to install	68323
0 to 100	\$ 100	68324
101 to 500	500	68325
501 to 2000	1000	68326
2001 to 20,000	1500	68327
more than 20,000	3750	68328
(4)(a) Process		68329
Process weight rate (pounds per hour)	Permit to install	68330
0 to 1000	\$ 200	68331
1001 to 5000	500	68332
5001 to 10,000	750	68333
10,001 to 50,000	1000	68334
more than 50,000	1250	68335
In any process where process weight rate cannot be		68336
ascertained, the minimum fee shall be assessed. A boiler, furnace,		68337
combustion turbine, stationary internal combustion engine, or		68338
process heater designed to provide direct heat or power to a		68339
process not designed to generate electricity shall be assessed a		68340
fee established in division (F)(4)(a) of this section. A		68341
combustion turbine or stationary internal combustion engine		68342
designed to generate electricity shall be assessed a fee		68343
established in division (F)(2) of this section.		68344
(b) Notwithstanding division (F)(4)(a) of this section, any		68345
person issued a permit to install pursuant to rules adopted under		68346
division (F) of section 3704.03 of the Revised Code shall pay the		68347
fees set forth in division (F)(4)(c) of this section for a process		68348
used in any of the following industries, as identified by the		68349
applicable two-digit, three-digit, or four-digit standard		68350
industrial classification code according to the Standard		68351

Industrial Classification Manual published by the United States	68352	
office of management and budget in the executive office of the	68353	
president, 1987, as revised:	68354	
Major group 10, metal mining;	68355	
Major group 12, coal mining;	68356	
Major group 14, mining and quarrying of nonmetallic minerals;	68357	
Industry group 204, grain mill products;	68358	
2873 Nitrogen fertilizers;	68359	
2874 Phosphatic fertilizers;	68360	
3281 Cut stone and stone products;	68361	
3295 Minerals and earth, ground or otherwise treated;	68362	
4221 Grain elevators (storage only);	68363	
5159 Farm related raw materials;	68364	
5261 Retail nurseries and lawn and garden supply stores.	68365	
(c) The fees set forth in the following schedule apply to the	68366	
issuance of a permit to install pursuant to rules adopted under	68367	
division (F) of section 3704.03 of the Revised Code for a process	68368	
identified in division (F)(4)(b) of this section:	68369	
Process weight rate (pounds per	Permit to install	68370
hour)		
0 to 10,000	\$ 200	68371
10,001 to 50,000	400	68372
50,001 to 100,000	500	68373
100,001 to 200,000	600	68374
200,001 to 400,000	750	68375
400,001 or more	900	68376
(5) Storage tanks		68377
Gallons (maximum useful capacity)	Permit to install	68378
0 to 20,000	\$ 100	68379

20,001 to 40,000	150	68380
40,001 to 100,000	250	68381
100,001 to 500,000	400	68382
500,001 or greater	750	68383
(6) Gasoline/fuel dispensing facilities		68384
For each gasoline/fuel		68385
dispensing facility (includes all	Permit to install	68386
units at the facility)	\$ 100	68387
(7) Dry cleaning facilities		68388
For each dry cleaning		68389
facility (includes all units	Permit to install	68390
at the facility)	\$ 100	68391
(8) Registration status		68392
For each source covered	Permit to install	68393
by registration status	\$ 75	68394
(G) An owner or operator who is responsible for an asbestos		68395
demolition or renovation project pursuant to rules adopted under		68396
section 3704.03 of the Revised Code shall pay, upon submitting a		68397
notification pursuant to rules adopted under that section, the		68398
fees set forth in the following schedule:		68399
Action	Fee	68400
Each notification	\$75	68401
Asbestos removal	\$3/unit	68402
Asbestos cleanup	\$4/cubic yard	68403
For purposes of this division, "unit" means any combination of		68404
linear feet or square feet equal to fifty.		68405
(H) A person who is issued an extension of time for a permit		68406
to install an air contaminant source pursuant to rules adopted		68407
under division (F) of section 3704.03 of the Revised Code shall		68408
pay a fee equal to one-half the fee originally assessed for the		68409
permit to install under this section, except that the fee for such		68410

an extension shall not exceed two hundred dollars. 68411

(I) A person who is issued a modification to a permit to 68412
install an air contaminant source pursuant to rules adopted under 68413
section 3704.03 of the Revised Code shall pay a fee equal to 68414
one-half of the fee that would be assessed under this section to 68415
obtain a permit to install the source. The fee assessed by this 68416
division only applies to modifications that are initiated by the 68417
owner or operator of the source and shall not exceed two thousand 68418
dollars. 68419

(J) Notwithstanding division (F) of this section, a person 68420
who applies for or obtains a permit to install pursuant to rules 68421
adopted under division (F) of section 3704.03 of the Revised Code 68422
after the date actual construction of the source began shall pay a 68423
fee for the permit to install that is equal to twice the fee that 68424
otherwise would be assessed under the applicable division unless 68425
the applicant received authorization to begin construction under 68426
division (W) of section 3704.03 of the Revised Code. This division 68427
only applies to sources for which actual construction of the 68428
source begins on or after July 1, 1993. The imposition or payment 68429
of the fee established in this division does not preclude the 68430
director from taking any administrative or judicial enforcement 68431
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 68432
of the Revised Code, or a rule adopted under any of them, in 68433
connection with a violation of rules adopted under division (F) of 68434
section 3704.03 of the Revised Code. 68435

As used in this division, "actual construction of the source" 68436
means the initiation of physical on-site construction activities 68437
in connection with improvements to the source that are permanent 68438
in nature, including, without limitation, the installation of 68439
building supports and foundations and the laying of underground 68440
pipework. 68441

(K)(1) Money received under division (B) of this section 68442

shall be deposited in the state treasury to the credit of the 68443
Title V clean air fund created in section 3704.035 of the Revised 68444
Code. Annually, not more than fifty cents per ton of each fee 68445
assessed under division (B) of this section on actual emissions 68446
from a source and received by the environmental protection agency 68447
pursuant to that division may be transferred by the director using 68448
an interstate transfer voucher to the state treasury to the credit 68449
of the small business assistance fund created in section 3706.19 68450
of the Revised Code. In addition, annually, the amount of money 68451
necessary for the operation of the office of ombudsperson as 68452
determined under division (B) of that section shall be transferred 68453
to the state treasury to the credit of the small business 68454
ombudsperson fund created by that section. 68455

(2) Money received by the agency pursuant to divisions (D), 68456
(F), (G), (H), (I), and (J) of this section shall be deposited in 68457
the state treasury to the credit of the non-Title V clean air fund 68458
created in section 3704.035 of the Revised Code. 68459

(L)(1) A person applying for a plan approval for a wastewater 68460
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 68461
of the Revised Code shall pay a nonrefundable fee of one hundred 68462
dollars plus sixty-five one-hundredths of one per cent of the 68463
estimated project cost through June 30, ~~2024~~ 2026, and a 68464
nonrefundable application fee of one hundred dollars plus 68465
two-tenths of one per cent of the estimated project cost on and 68466
after July 1, ~~2024~~ 2026, except that the total fee shall not 68467
exceed fifteen thousand dollars through June 30, ~~2024~~ 2026, and 68468
five thousand dollars on and after July 1, ~~2024~~ 2026. The fee 68469
shall be paid at the time the application is submitted. 68470

(2) A person who has entered into an agreement with the 68471
director under section 6111.14 of the Revised Code shall pay an 68472
administrative service fee for each plan submitted under that 68473
section for approval that shall not exceed the minimum amount 68474

necessary to pay administrative costs directly attributable to 68475
processing plan approvals. The director annually shall calculate 68476
the fee and shall notify all persons who have entered into 68477
agreements under that section, or who have applied for agreements, 68478
of the amount of the fee. 68479

(3)(a)(i) Not later than January 30, ~~2022~~ 2024, and January 68480
30, ~~2023~~ 2025, a person holding an NPDES discharge permit issued 68481
pursuant to Chapter 6111. of the Revised Code with an average 68482
daily discharge flow of five thousand gallons or more shall pay a 68483
nonrefundable annual discharge fee. Any person who fails to pay 68484
the fee at that time shall pay an additional amount that equals 68485
ten per cent of the required annual discharge fee. 68486

(ii) The billing year for the annual discharge fee 68487
established in division (L)(3)(a)(i) of this section shall consist 68488
of a twelve-month period beginning on the first day of January of 68489
the year preceding the date when the annual discharge fee is due. 68490
In the case of an existing source that permanently ceases to 68491
discharge during a billing year, the director shall reduce the 68492
annual discharge fee, including the surcharge applicable to 68493
certain industrial facilities pursuant to division (L)(3)(c) of 68494
this section, by one-twelfth for each full month during the 68495
billing year that the source was not discharging, but only if the 68496
person holding the NPDES discharge permit for the source notifies 68497
the director in writing, not later than the first day of October 68498
of the billing year, of the circumstances causing the cessation of 68499
discharge. 68500

(iii) The annual discharge fee established in division 68501
(L)(3)(a)(i) of this section, except for the surcharge applicable 68502
to certain industrial facilities pursuant to division (L)(3)(c) of 68503
this section, shall be based upon the average daily discharge flow 68504
in gallons per day calculated using first day of May through 68505
thirty-first day of October flow data for the period two years 68506

prior to the date on which the fee is due. In the case of NPDES 68507
discharge permits for new sources, the fee shall be calculated 68508
using the average daily design flow of the facility until actual 68509
average daily discharge flow values are available for the time 68510
period specified in division (L)(3)(a)(iii) of this section. The 68511
annual discharge fee may be prorated for a new source as described 68512
in division (L)(3)(a)(ii) of this section. 68513

(b)(i) An NPDES permit holder that is a public discharger 68514
shall pay the fee specified in the following schedule: 68515

Average daily	Fee due by	
discharge flow	January 30,	
	2022 <u>2024</u> , and	
	January 30, 2023	
	<u>2025</u>	
5,000 to 49,999	\$ 200	68520
50,000 to 100,000	500	68521
100,001 to 250,000	1,050	68522
250,001 to 1,000,000	2,600	68523
1,000,001 to 5,000,000	5,200	68524
5,000,001 to 10,000,000	10,350	68525
10,000,001 to 20,000,000	15,550	68526
20,000,001 to 50,000,000	25,900	68527
50,000,001 to 100,000,000	41,400	68528
100,000,001 or more	62,100	68529

(ii) Public dischargers owning or operating two or more 68530
publicly owned treatment works serving the same political 68531
subdivision, as "treatment works" is defined in section 6111.01 of 68532
the Revised Code, and that serve exclusively political 68533
subdivisions having a population of fewer than one hundred 68534
thousand persons shall pay an annual discharge fee under division 68535
(L)(3)(b)(i) of this section that is based on the combined average 68536
daily discharge flow of the treatment works. 68537

(c)(i) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2022 <u>2024</u> , and January 30, 2023 <u>2025</u>	
5,000 to 49,999	\$ 250	68546
50,000 to 250,000	1,200	68547
250,001 to 1,000,000	2,950	68548
1,000,001 to 5,000,000	5,850	68549
5,000,001 to 10,000,000	8,800	68550
10,000,001 to 20,000,000	11,700	68551
20,000,001 to 100,000,000	14,050	68552
100,000,001 to 250,000,000	16,400	68553
250,000,001 or more	18,700	68554

(ii) In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(3)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2022~~ 2024, and not later than January 30, ~~2023~~ 2025. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(3)(b) and (c) of this section, a public discharger, that is not a separate municipal storm sewer system, identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of

the permittee's NPDES permit number shall pay a nonrefundable 68569
annual discharge fee of one hundred eighty dollars not later than 68570
January 30, ~~2022~~ 2024, and not later than January 30, ~~2023~~ 2025. 68571
Any person who fails to pay the fee at that time shall pay an 68572
additional amount that equals ten per cent of the required fee. 68573

(4) Each person obtaining an NPDES permit for municipal storm 68574
water discharge shall pay a nonrefundable storm water annual 68575
discharge fee of ten dollars per one-tenth of a square mile of 68576
area permitted. The fee shall not exceed ten thousand dollars and 68577
shall be payable on or before January 30, 2004, and the thirtieth 68578
day of January of each year thereafter. Any person who fails to 68579
pay the fee on the date specified in division (L)(4) of this 68580
section shall pay an additional amount per year equal to ten per 68581
cent of the annual fee that is unpaid. 68582

(5) The director shall transmit all moneys collected under 68583
division (L) of this section to the treasurer of state for deposit 68584
into the state treasury to the credit of the surface water 68585
protection fund created in section 6111.038 of the Revised Code. 68586

(6) As used in this section: 68587

(a) "NPDES" means the federally approved national pollutant 68588
discharge elimination system individual and general program for 68589
issuing, modifying, revoking, reissuing, terminating, monitoring, 68590
and enforcing permits and imposing and enforcing pretreatment 68591
requirements under Chapter 6111. of the Revised Code and rules 68592
adopted under it. 68593

(b) "Public discharger" means any holder of an NPDES permit 68594
identified by P in the second character of the NPDES permit number 68595
assigned by the director. 68596

(c) "Industrial discharger" means any holder of an NPDES 68597
permit identified by I in the second character of the NPDES permit 68598
number assigned by the director. 68599

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 68600
68601
68602
68603

(M) Through June 30, ~~2024~~ 2026, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 68604
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Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 68614
68615
68616

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2024~~ 2026, the fee is: 68617
68618
68619
68620
68621

Number of service connections	Fee amount	
Not more than 49	\$ 112	68622 68623
50 to 99	176	68624
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	68625 68626
2,500 to 4,999	1.48	68627
5,000 to 7,499	1.42	68628
7,500 to 9,999	1.34	68629
10,000 to 14,999	1.16	68630
15,000 to 24,999	1.10	68631

25,000 to 49,999	1.04	68632
50,000 to 99,999	.92	68633
100,000 to 149,999	.86	68634
150,000 to 199,999	.80	68635
200,000 or more	.76	68636

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2024~~ 2026, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	68651
150 to 299	176	68652
300 to 749	384	68653
750 to 1,499	628	68654
1,500 to 2,999	1,268	68655
3,000 to 7,499	2,816	68656
7,500 to 14,999	5,510	68657
15,000 to 22,499	9,048	68658
22,500 to 29,999	12,430	68659
30,000 or more	16,820	68660

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty

days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2024~~ 2026, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	68673
2	112	68674
3	176	68675
4	278	68676
5	568	68677
System designated as using a surface water source	792	68678 68679

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code

shall pay a fee of one hundred fifty dollars plus thirty-five 68694
hundredths of one per cent of the estimated project cost, except 68695
that the total fee shall not exceed twenty thousand dollars 68696
through June 30, ~~2024~~ 2026, and fifteen thousand dollars on and 68697
after July 1, ~~2024~~ 2026. The fee shall be paid at the time the 68698
application is submitted. 68699

(2) A person who has entered into an agreement with the 68700
director under division (A)(2) of section 6109.07 of the Revised 68701
Code shall pay an administrative service fee for each plan 68702
submitted under that section for approval that shall not exceed 68703
the minimum amount necessary to pay administrative costs directly 68704
attributable to processing plan approvals. The director annually 68705
shall calculate the fee and shall notify all persons that have 68706
entered into agreements under that division, or who have applied 68707
for agreements, of the amount of the fee. 68708

(3) Through June 30, ~~2024~~ 2026, the following fee, on a per 68709
survey basis, shall be charged any person for services rendered by 68710
the state in the evaluation of laboratories and laboratory 68711
personnel for compliance with accepted analytical techniques and 68712
procedures established pursuant to Chapter 6109. of the Revised 68713
Code for determining the qualitative characteristics of water: 68714

microbiological		68715
MMO-MUG	\$2,000	68716
MF	2,100	68717
MMO-MUG and MF	2,550	68718
organic chemical	5,400	68719
trace metals	5,400	68720
standard chemistry	2,800	68721
limited chemistry	1,550	68722

On and after July 1, ~~2024~~ 2026, the following fee, on a per 68723
survey basis, shall be charged any such person: 68724

microbiological	\$ 1,650	68725
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organic chemicals	3,500	68726
trace metals	3,500	68727
standard chemistry	1,800	68728
limited chemistry	1,000	68729

The fee for those services shall be paid at the time the request 68730
for the survey is made. Through June 30, ~~2024~~ 2026, an individual 68731
laboratory shall not be assessed a fee under this division more 68732
than once in any three-year period unless the person requests the 68733
addition of analytical methods or analysts, in which case the 68734
person shall pay five hundred dollars for each additional survey 68735
requested. 68736

As used in division (N)(3) of this section: 68737

(a) "MF" means membrane filtration. 68738

(b) "MMO" means minimal medium ONPG. 68739

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 68740

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 68741

The director shall transmit all moneys collected under this 68742
division to the treasurer of state for deposit into the drinking 68743
water protection fund created in section 6109.30 of the Revised 68744
Code. 68745

(O) Any person applying to the director to take an 68746
examination for certification as an operator of a water supply 68747
system or wastewater system under Chapter 6109. or 6111. of the 68748
Revised Code that is administered by the director, at the time the 68749
application is submitted, shall pay a fee in accordance with the 68750
following schedule through November 30, ~~2024~~ 2026: 68751

Class A operator	\$ 80	68752
Class I operator	105	68753
Class II operator	120	68754
Class III operator	130	68755

Class IV operator 145 68756

On and after December 1, ~~2024~~ 2026, the applicant shall pay a 68757
fee in accordance with the following schedule: 68758

Class A operator \$ 50 68759

Class I operator 70 68760

Class II operator 80 68761

Class III operator 90 68762

Class IV operator 100 68763

Any person applying to the director for certification as an 68764
operator of a water supply system or wastewater system who has 68765
passed an examination administered by an examination provider 68766
approved by the director shall pay a certification fee of 68767
forty-five dollars. 68768

A person shall pay a biennial certification renewal fee for 68769
each applicable class of certification in accordance with the 68770
following schedule: 68771

Class A operator \$25 68772

Class I operator 35 68773

Class II operator 45 68774

Class III operator 55 68775

Class IV operator 65 68776

If a certification renewal fee is received by the director 68777
more than thirty days, but not more than one year, after the 68778
expiration date of the certification, the person shall pay a 68779
certification renewal fee in accordance with the following 68780
schedule: 68781

Class A operator \$45 68782

Class I operator 55 68783

Class II operator 65 68784

Class III operator 75 68785

Class IV operator 85 68786

A person who requests a replacement certificate shall pay a 68787

fee of twenty-five dollars at the time the request is made. 68788

Any person applying to be a water supply system or wastewater 68789
treatment system examination provider shall pay an application fee 68790
of five hundred dollars. Any person approved by the director as a 68791
water supply system or wastewater treatment system examination 68792
provider shall pay an annual fee that is equal to ten per cent of 68793
the fees that the provider assesses and collects for administering 68794
water supply system or wastewater treatment system certification 68795
examinations in this state for the calendar year. The fee shall be 68796
paid not later than forty-five days after the end of a calendar 68797
year. 68798

The director shall transmit all moneys collected under this 68799
division to the treasurer of state for deposit into the drinking 68800
water protection fund created in section 6109.30 of the Revised 68801
Code. 68802

(P) Any person submitting an application for an industrial 68803
water pollution control certificate under section 6111.31 of the 68804
Revised Code, as that section existed before its repeal by H.B. 95 68805
of the 125th general assembly, shall pay a nonrefundable fee of 68806
five hundred dollars at the time the application is submitted. The 68807
director shall transmit all moneys collected under this division 68808
to the treasurer of state for deposit into the surface water 68809
protection fund created in section 6111.038 of the Revised Code. A 68810
person paying a certificate fee under this division shall not pay 68811
an application fee under division (S)(1) of this section. On and 68812
after June 26, 2003, persons shall file such applications and pay 68813
the fee as required under sections 5709.20 to 5709.27 of the 68814
Revised Code, and proceeds from the fee shall be credited as 68815
provided in section 5709.212 of the Revised Code. 68816

(Q) Except as otherwise provided in division (R) of this 68817
section, a person issued a permit by the director for a new solid 68818
waste disposal facility other than an incineration or composting 68819

facility, a new infectious waste treatment facility other than an 68820
incineration facility, or a modification of such an existing 68821
facility that includes an increase in the total disposal or 68822
treatment capacity of the facility pursuant to Chapter 3734. of 68823
the Revised Code shall pay a fee of ten dollars per thousand cubic 68824
yards of disposal or treatment capacity, or one thousand dollars, 68825
whichever is greater, except that the total fee for any such 68826
permit shall not exceed eighty thousand dollars. A person issued a 68827
modification of a permit for a solid waste disposal facility or an 68828
infectious waste treatment facility that does not involve an 68829
increase in the total disposal or treatment capacity of the 68830
facility shall pay a fee of one thousand dollars. A person issued 68831
a permit to install a new, or modify an existing, solid waste 68832
transfer facility under that chapter shall pay a fee of two 68833
thousand five hundred dollars. A person issued a permit to install 68834
a new or to modify an existing solid waste incineration or 68835
composting facility, or an existing infectious waste treatment 68836
facility using incineration as its principal method of treatment, 68837
under that chapter shall pay a fee of one thousand dollars. The 68838
increases in the permit fees under this division resulting from 68839
the amendments made by Amended Substitute House Bill 592 of the 68840
117th general assembly do not apply to any person who submitted an 68841
application for a permit to install a new, or modify an existing, 68842
solid waste disposal facility under that chapter prior to 68843
September 1, 1987; any such person shall pay the permit fee 68844
established in this division as it existed prior to June 24, 1988. 68845
In addition to the applicable permit fee under this division, a 68846
person issued a permit to install or modify a solid waste facility 68847
or an infectious waste treatment facility under that chapter who 68848
fails to pay the permit fee to the director in compliance with 68849
division (V) of this section shall pay an additional ten per cent 68850
of the amount of the fee for each week that the permit fee is 68851
late. 68852

Permit and late payment fees paid to the director under this 68853
division shall be credited to the general revenue fund. 68854

(R)(1) A person issued a registration certificate for a scrap 68855
tire collection facility under section 3734.75 of the Revised Code 68856
shall pay a fee of two hundred dollars, except that if the 68857
facility is owned or operated by a motor vehicle salvage dealer 68858
licensed under Chapter 4738. of the Revised Code, the person shall 68859
pay a fee of twenty-five dollars. 68860

(2) A person issued a registration certificate for a new 68861
scrap tire storage facility under section 3734.76 of the Revised 68862
Code shall pay a fee of three hundred dollars, except that if the 68863
facility is owned or operated by a motor vehicle salvage dealer 68864
licensed under Chapter 4738. of the Revised Code, the person shall 68865
pay a fee of twenty-five dollars. 68866

(3) A person issued a permit for a scrap tire storage 68867
facility under section 3734.76 of the Revised Code shall pay a fee 68868
of one thousand dollars, except that if the facility is owned or 68869
operated by a motor vehicle salvage dealer licensed under Chapter 68870
4738. of the Revised Code, the person shall pay a fee of fifty 68871
dollars. 68872

(4) A person issued a permit for a scrap tire monocell or 68873
monofill facility under section 3734.77 of the Revised Code shall 68874
pay a fee of ten dollars per thousand cubic yards of disposal 68875
capacity or one thousand dollars, whichever is greater, except 68876
that the total fee for any such permit shall not exceed eighty 68877
thousand dollars. 68878

(5) A person issued a registration certificate for a scrap 68879
tire recovery facility under section 3734.78 of the Revised Code 68880
shall pay a fee of one hundred dollars. 68881

(6) A person issued a permit for a scrap tire recovery 68882
facility under section 3734.78 of the Revised Code shall pay a fee 68883

of one thousand dollars. 68884

(7) In addition to the applicable registration certificate or 68885
permit fee under divisions (R)(1) to (6) of this section, a person 68886
issued a registration certificate or permit for any such scrap 68887
tire facility who fails to pay the registration certificate or 68888
permit fee to the director in compliance with division (V) of this 68889
section shall pay an additional ten per cent of the amount of the 68890
fee for each week that the fee is late. 68891

(8) The registration certificate, permit, and late payment 68892
fees paid to the director under divisions (R)(1) to (7) of this 68893
section shall be credited to the scrap tire management fund 68894
created in section 3734.82 of the Revised Code. 68895

(S)(1)(a) Except as otherwise provided, any person applying 68896
for a permit, variance, or plan approval under Chapter 6109. or 68897
6111. of the Revised Code shall pay a nonrefundable application 68898
fee of one hundred dollars at the time the application is 68899
submitted through June 30, ~~2024~~ 2026, and a nonrefundable 68900
application fee of fifteen dollars at the time the application is 68901
submitted on and after July 1, ~~2024~~ 2026. 68902

(b)(i) Except as otherwise provided in divisions 68903
(S)(1)(b)(iii) and (iv) of this section, through June 30, ~~2024~~ 68904
2026, any person applying for an NPDES permit under Chapter 6111. 68905
of the Revised Code shall pay a nonrefundable application fee of 68906
two hundred dollars at the time of application for the permit. On 68907
and after July 1, ~~2024~~ 2026, such a person shall pay a 68908
nonrefundable application fee of fifteen dollars at the time of 68909
application. 68910

(ii) In addition to the nonrefundable application fee, any 68911
person applying for an NPDES permit under Chapter 6111. of the 68912
Revised Code shall pay a design flow discharge fee based on each 68913
point source to which the issuance is applicable in accordance 68914

with the following schedule:		68915
Design flow discharge (gallons per day)	Fee	68916
0 to 1,000	\$ 0	68917
1,001 to 5,000	100	68918
5,001 to 50,000	200	68919
50,001 to 100,000	300	68920
100,001 to 300,000	525	68921
over 300,000	750	68922
(iii) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this		68923
section, the application and design flow discharge fee for an		68924
NPDES permit for a public discharger identified by the letter I in		68925
the third character of the NPDES permit number shall not exceed		68926
nine hundred fifty dollars.		68927
(iv) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this		68928
section, the application and design flow discharge fee for an		68929
NPDES permit for a coal mining operation regulated under Chapter		68930
1513. of the Revised Code shall not exceed four hundred fifty		68931
dollars per mine.		68932
(v) A person issued a modification of an NPDES permit shall		68933
pay a nonrefundable modification fee equal to the application fee		68934
and one-half the design flow discharge fee based on each point		68935
source, if applicable, that would be charged for an NPDES permit,		68936
except that the modification fee shall not exceed six hundred		68937
dollars.		68938
(c) In addition to the application fee established under		68939
division (S)(1)(b)(i) of this section, any person applying for an		68940
NPDES general storm water construction permit shall pay a		68941
nonrefundable fee of twenty dollars per acre for each acre that is		68942
permitted above five acres at the time the application is		68943
submitted. However, the per acreage fee shall not exceed three		68944
hundred dollars. In addition to the application fee established		68945
under division (S)(1)(b)(i) of this section, any person applying		68946

for an NPDES general storm water industrial permit shall pay a 68947
nonrefundable fee of one hundred fifty dollars at the time the 68948
application is submitted. 68949

(d) The director shall transmit all moneys collected under 68950
division (S)(1) of this section pursuant to Chapter 6109. of the 68951
Revised Code to the treasurer of state for deposit into the 68952
drinking water protection fund created in section 6109.30 of the 68953
Revised Code. 68954

(e) The director shall transmit all moneys collected under 68955
division (S)(1) of this section pursuant to Chapter 6111. of the 68956
Revised Code and under division (S)(2) of this section to the 68957
treasurer of state for deposit into the surface water protection 68958
fund created in section 6111.038 of the Revised Code. 68959

(f) If a person submits an electronic application for a 68960
registration certificate, permit, variance, or plan approval for 68961
which an application fee is established under division (S)(1) of 68962
this section, the person shall pay all applicable fees as 68963
expeditiously as possible after the submission of the electronic 68964
application. An application for a registration certificate, 68965
permit, variance, or plan approval for which an application fee is 68966
established under division (S)(1) of this section shall not be 68967
reviewed or processed until the applicable application fee, and 68968
any other fees established under this division, are paid. 68969

(2) A person applying for coverage under an NPDES general 68970
discharge permit for household sewage treatment systems shall pay 68971
a nonrefundable fee of two hundred dollars at the time of 68972
application for initial permit coverage. No fee is required for an 68973
application for permit coverage renewal. 68974

(T) The director may adopt, amend, and rescind rules in 68975
accordance with Chapter 119. of the Revised Code that do all of 68976
the following: 68977

(1) Prescribe fees to be paid by applicants for and holders 68978
of any license, permit, variance, plan approval, or certification 68979
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 68980
the Revised Code that are not specifically established in this 68981
section. The fees shall be designed to defray the cost of 68982
processing, issuing, revoking, modifying, denying, and enforcing 68983
the licenses, permits, variances, plan approvals, and 68984
certifications. 68985

The director shall transmit all moneys collected under rules 68986
adopted under division (T)(1) of this section pursuant to Chapter 68987
6109. of the Revised Code to the treasurer of state for deposit 68988
into the drinking water protection fund created in section 6109.30 68989
of the Revised Code. 68990

The director shall transmit all moneys collected under rules 68991
adopted under division (T)(1) of this section pursuant to Chapter 68992
6111. of the Revised Code to the treasurer of state for deposit 68993
into the surface water protection fund created in section 6111.038 68994
of the Revised Code. 68995

(2) Exempt the state and political subdivisions thereof, 68996
including education facilities or medical facilities owned by the 68997
state or a political subdivision, or any person exempted from 68998
taxation by section 5709.07 or 5709.12 of the Revised Code, from 68999
any fee required by this section; 69000

(3) Provide for the waiver of any fee, or any part thereof, 69001
otherwise required by this section whenever the director 69002
determines that the imposition of the fee would constitute an 69003
unreasonable cost of doing business for any applicant, class of 69004
applicants, or other person subject to the fee; 69005

(4) Prescribe measures that the director considers necessary 69006
to carry out this section. 69007

(U) When the director reasonably demonstrates that the direct 69008

cost to the state associated with the issuance of a permit, 69009
license, variance, plan approval, or certification exceeds the fee 69010
for the issuance or review specified by this section, the director 69011
may condition the issuance or review on the payment by the person 69012
receiving the issuance or review of, in addition to the fee 69013
specified by this section, the amount, or any portion thereof, in 69014
excess of the fee specified under this section. The director shall 69015
not so condition issuances for which a fee is prescribed in 69016
division (S)(1)(b)(iii) of this section. 69017

(V) Except as provided in divisions (L), (M), (P), and (S) of 69018
this section or unless otherwise prescribed by a rule of the 69019
director adopted pursuant to Chapter 119. of the Revised Code, all 69020
fees required by this section are payable within thirty days after 69021
the issuance of an invoice for the fee by the director or the 69022
effective date of the issuance of the license, permit, variance, 69023
plan approval, or certification. If payment is late, the person 69024
responsible for payment of the fee shall pay an additional ten per 69025
cent of the amount due for each month that it is late. 69026

(W) As used in this section, "fuel-burning equipment," 69027
"fuel-burning equipment input capacity," "incinerator," 69028
"incinerator input capacity," "process," "process weight rate," 69029
"storage tank," "gasoline dispensing facility," "dry cleaning 69030
facility," "design flow discharge," and "new source treatment 69031
works" have the meanings ascribed to those terms by applicable 69032
rules or standards adopted by the director under Chapter 3704. or 69033
6111. of the Revised Code. 69034

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 69035
(J) of this section, and in any other provision of this section 69036
pertaining to fees paid pursuant to Chapter 3704. of the Revised 69037
Code: 69038

(1) "Facility," "federal Clean Air Act," "person," and "Title 69039
V permit" have the same meanings as in section 3704.01 of the 69040

Revised Code. 69041

(2) "Title V permit program" means the following activities 69042
as necessary to meet the requirements of Title V of the federal 69043
Clean Air Act and 40 C.F.R. part 70, including at least: 69044

(a) Preparing and adopting, if applicable, generally 69045
applicable rules or guidance regarding the permit program or its 69046
implementation or enforcement; 69047

(b) Reviewing and acting on any application for a Title V 69048
permit, permit revision, or permit renewal, including the 69049
development of an applicable requirement as part of the processing 69050
of a permit, permit revision, or permit renewal; 69051

(c) Administering the permit program, including the 69052
supporting and tracking of permit applications, compliance 69053
certification, and related data entry; 69054

(d) Determining which sources are subject to the program and 69055
implementing and enforcing the terms of any Title V permit, not 69056
including any court actions or other formal enforcement actions; 69057

(e) Emission and ambient monitoring; 69058

(f) Modeling, analyses, or demonstrations; 69059

(g) Preparing inventories and tracking emissions; 69060

(h) Providing direct and indirect support to small business 69061
stationary sources to determine and meet their obligations under 69062
the federal Clean Air Act pursuant to the small business 69063
stationary source technical and environmental compliance 69064
assistance program required by section 507 of that act and 69065
established in sections 3704.18, 3704.19, and 3706.19 of the 69066
Revised Code. 69067

(3) "Organic compound" means any chemical compound of carbon, 69068
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic 69069
carbides or carbonates, and ammonium carbonate. 69070

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 69071
of this section, each sewage sludge facility shall pay a 69072
nonrefundable annual sludge fee equal to three dollars and fifty 69073
cents per dry ton of sewage sludge, including the dry tons of 69074
sewage sludge in materials derived from sewage sludge, that the 69075
sewage sludge facility treats or disposes of in this state. The 69076
annual volume of sewage sludge treated or disposed of by a sewage 69077
sludge facility shall be calculated using the first day of January 69078
through the thirty-first day of December of the calendar year 69079
preceding the date on which payment of the fee is due. 69080

(2)(a) Except as provided in division (Y)(2)(d) of this 69081
section, each sewage sludge facility shall pay a minimum annual 69082
sewage sludge fee of one hundred dollars. 69083

(b) The annual sludge fee required to be paid by a sewage 69084
sludge facility that treats or disposes of exceptional quality 69085
sludge in this state shall be thirty-five per cent less per dry 69086
ton of exceptional quality sludge than the fee assessed under 69087
division (Y)(1) of this section, subject to the following 69088
exceptions: 69089

(i) Except as provided in division (Y)(2)(d) of this section, 69090
a sewage sludge facility that treats or disposes of exceptional 69091
quality sludge shall pay a minimum annual sewage sludge fee of one 69092
hundred dollars. 69093

(ii) A sewage sludge facility that treats or disposes of 69094
exceptional quality sludge shall not be required to pay the annual 69095
sludge fee for treatment or disposal in this state of exceptional 69096
quality sludge generated outside of this state and contained in 69097
bags or other containers not greater than one hundred pounds in 69098
capacity. 69099

A thirty-five per cent reduction for exceptional quality 69100
sludge applies to the maximum annual fees established under 69101

division (Y)(3) of this section. 69102

(c) A sewage sludge facility that transfers sewage sludge to 69103
another sewage sludge facility in this state for further treatment 69104
prior to disposal in this state shall not be required to pay the 69105
annual sludge fee for the tons of sewage sludge that have been 69106
transferred. In such a case, the sewage sludge facility that 69107
disposes of the sewage sludge shall pay the annual sludge fee. 69108
However, the facility transferring the sewage sludge shall pay the 69109
one-hundred-dollar minimum fee required under division (Y)(2)(a) 69110
of this section. 69111

In the case of a sewage sludge facility that treats sewage 69112
sludge in this state and transfers it out of this state to another 69113
entity for disposal, the sewage sludge facility in this state 69114
shall be required to pay the annual sludge fee for the tons of 69115
sewage sludge that have been transferred. 69116

(d) A sewage sludge facility that generates sewage sludge 69117
resulting from an average daily discharge flow of less than five 69118
thousand gallons per day is not subject to the fees assessed under 69119
division (Y) of this section. 69120

(3) No sewage sludge facility required to pay the annual 69121
sludge fee shall be required to pay more than the maximum annual 69122
fee for each disposal method that the sewage sludge facility uses. 69123
The maximum annual fee does not include the additional amount that 69124
may be charged under division (Y)(5) of this section for late 69125
payment of the annual sludge fee. The maximum annual fee for the 69126
following methods of disposal of sewage sludge is as follows: 69127

(a) Incineration: five thousand dollars; 69128

(b) Preexisting land reclamation project or disposal in a 69129
landfill: five thousand dollars; 69130

(c) Land application, land reclamation, surface disposal, or 69131
any other disposal method not specified in division (Y)(3)(a) or 69132

(b) of this section: twenty thousand dollars. 69133

(4)(a) In the case of an entity that generates sewage sludge 69134
or a sewage sludge facility that treats sewage sludge and 69135
transfers the sewage sludge to an incineration facility for 69136
disposal, the incineration facility, and not the entity generating 69137
the sewage sludge or the sewage sludge facility treating the 69138
sewage sludge, shall pay the annual sludge fee for the tons of 69139
sewage sludge that are transferred. However, the entity or 69140
facility generating or treating the sewage sludge shall pay the 69141
one-hundred-dollar minimum fee required under division (Y)(2)(a) 69142
of this section. 69143

(b) In the case of an entity that generates sewage sludge and 69144
transfers the sewage sludge to a landfill for disposal or to a 69145
sewage sludge facility for land reclamation or surface disposal, 69146
the entity generating the sewage sludge, and not the landfill or 69147
sewage sludge facility, shall pay the annual sludge fee for the 69148
tons of sewage sludge that are transferred. 69149

(5) Not later than the first day of April of the calendar 69150
year following March 17, 2000, and each first day of April 69151
thereafter, the director shall issue invoices to persons who are 69152
required to pay the annual sludge fee. The invoice shall identify 69153
the nature and amount of the annual sludge fee assessed and state 69154
the first day of May as the deadline for receipt by the director 69155
of objections regarding the amount of the fee and the first day of 69156
July as the deadline for payment of the fee. 69157

Not later than the first day of May following receipt of an 69158
invoice, a person required to pay the annual sludge fee may submit 69159
objections to the director concerning the accuracy of information 69160
regarding the number of dry tons of sewage sludge used to 69161
calculate the amount of the annual sludge fee or regarding whether 69162
the sewage sludge qualifies for the exceptional quality sludge 69163
discount established in division (Y)(2)(b) of this section. The 69164

director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund

exceeded six hundred thousand dollars in either fiscal year, the 69196
director, after review of the fee structure and consultation with 69197
affected persons, shall issue an order reducing the amount of the 69198
fees levied under division (Y) of this section so that the 69199
estimated amount of moneys resulting from the fees will not exceed 69200
six hundred thousand dollars in any fiscal year. 69201

If, upon review of the fees under division (Y)(7) of this 69202
section and after the fees have been reduced, the director 69203
determines that the total amount of moneys collected and 69204
accumulated is less than six hundred thousand dollars, the 69205
director, after review of the fee structure and consultation with 69206
affected persons, may issue an order increasing the amount of the 69207
fees levied under division (Y) of this section so that the 69208
estimated amount of moneys resulting from the fees will be 69209
approximately six hundred thousand dollars. Fees shall never be 69210
increased to an amount exceeding the amount specified in division 69211
(Y)(7) of this section. 69212

Notwithstanding section 119.06 of the Revised Code, the 69213
director may issue an order under division (Y)(7) of this section 69214
without the necessity to hold an adjudicatory hearing in 69215
connection with the order. The issuance of an order under this 69216
division is not an act or action for purposes of section 3745.04 69217
of the Revised Code. 69218

(8) As used in division (Y) of this section: 69219

(a) "Sewage sludge facility" means an entity that performs 69220
treatment on or is responsible for the disposal of sewage sludge. 69221

(b) "Sewage sludge" means a solid, semi-solid, or liquid 69222
residue generated during the treatment of domestic sewage in a 69223
treatment works as defined in section 6111.01 of the Revised Code. 69224
"Sewage sludge" includes, but is not limited to, scum or solids 69225
removed in primary, secondary, or advanced wastewater treatment 69226

processes. "Sewage sludge" does not include ash generated during 69227
the firing of sewage sludge in a sewage sludge incinerator, grit 69228
and screenings generated during preliminary treatment of domestic 69229
sewage in a treatment works, animal manure, residue generated 69230
during treatment of animal manure, or domestic septage. 69231

(c) "Exceptional quality sludge" means sewage sludge that 69232
meets all of the following qualifications: 69233

(i) Satisfies the class A pathogen standards in 40 C.F.R. 69234
503.32(a); 69235

(ii) Satisfies one of the vector attraction reduction 69236
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 69237

(iii) Does not exceed the ceiling concentration limitations 69238
for metals listed in table one of 40 C.F.R. 503.13; 69239

(iv) Does not exceed the concentration limitations for metals 69240
listed in table three of 40 C.F.R. 503.13. 69241

(d) "Treatment" means the preparation of sewage sludge for 69242
final use or disposal and includes, but is not limited to, 69243
thickening, stabilization, and dewatering of sewage sludge. 69244

(e) "Disposal" means the final use of sewage sludge, 69245
including, but not limited to, land application, land reclamation, 69246
surface disposal, or disposal in a landfill or an incinerator. 69247

(f) "Land application" means the spraying or spreading of 69248
sewage sludge onto the land surface, the injection of sewage 69249
sludge below the land surface, or the incorporation of sewage 69250
sludge into the soil for the purposes of conditioning the soil or 69251
fertilizing crops or vegetation grown in the soil. 69252

(g) "Land reclamation" means the returning of disturbed land 69253
to productive use. 69254

(h) "Surface disposal" means the placement of sludge on an 69255
area of land for disposal, including, but not limited to, 69256

monofills, surface impoundments, lagoons, waste piles, or 69257
dedicated disposal sites. 69258

(i) "Incinerator" means an entity that disposes of sewage 69259
sludge through the combustion of organic matter and inorganic 69260
matter in sewage sludge by high temperatures in an enclosed 69261
device. 69262

(j) "Incineration facility" includes all incinerators owned 69263
or operated by the same entity and located on a contiguous tract 69264
of land. Areas of land are considered to be contiguous even if 69265
they are separated by a public road or highway. 69266

(k) "Annual sludge fee" means the fee assessed under division 69267
(Y)(1) of this section. 69268

(l) "Landfill" means a sanitary landfill facility, as defined 69269
in rules adopted under section 3734.02 of the Revised Code, that 69270
is licensed under section 3734.05 of the Revised Code. 69271

(m) "Preexisting land reclamation project" means a 69272
property-specific land reclamation project that has been in 69273
continuous operation for not less than five years pursuant to 69274
approval of the activity by the director and includes the 69275
implementation of a community outreach program concerning the 69276
activity. 69277

Sec. 3745.30. (A)(1) As used in this section, "policy" means 69278
a ~~written~~ clarification ~~or~~, explanation, or interpretation of a 69279
statute or rule, or elaboration based on environmental protection 69280
agency authority or expectations, that is initiated or used by the 69281
environmental protection agency for regulatory purposes and not 69282
adopted in accordance with rules adoption procedures consistent 69283
with this chapter and Chapter 119. of the Revised Code. "Policy" 69284
includes documents, manuals, advisories, protocols, forms, and 69285
other written or electronic materials provided to the public, a 69286

regulated party, or agency personnel regarding the substance, 69287
requirements, procedures, or interpretation of a statute or rule. 69288
"Policy" does not include any ~~educational guideline, suggestion,~~ 69289
~~or case study regarding how to comply with a statute or rule or~~ 69290
~~any document or guideline regarding the internal organization or~~ 69291
~~operation of the agency, including matters regarding~~ 69292
~~administration, personnel, or accounting~~ of the following: 69293

(a) Matters relating only to the agency's internal management 69294
functions; 69295

(b) Any final adjudicatory order or action issued in 69296
accordance with this chapter and Chapter 119. of the Revised Code 69297
applicable only to specific parties to an adjudication proceeding; 69298

(c) An emergency order issued in accordance with section 69299
3710.13, division (B) of section 3714.12, division (B) of section 69300
3734.13, division (B) of section 6109.05, or division (C) of 69301
section 6111.06 of the Revised Code. 69302

(2) A policy does not have the force or effect of law. 69303

(3) The environmental protection agency may exercise 69304
quasi-legislative, quasi-judicial, permitting, enforcement, or 69305
other regulatory functions based only on an applicable statute or 69306
valid rule. The application of a policy by the environmental 69307
protection agency in a manner that makes the policy the functional 69308
equivalent of, or a substitute for, a statute or rule, or that 69309
effectively alters or amends a statute or rule, or that assumes 69310
powers not plainly delegated to the agency by statute, is 69311
prohibited. 69312

(B) Policies established by the agency shall be subject to 69313
all of the following requirements: 69314

(1) A policy shall comply with the statutes and rules that 69315
are in existence at the time the policy is established; 69316

(2) A policy shall not establish any new requirement, 69317
substantive duty, obligation, prohibition, or regulatory burden 69318
not imposed by a statute or rule, or impair any right or permitted 69319
conduct; 69320

(3) A policy shall be established only at the ~~central office~~ 69321
headquarters of the agency; 69322

(4) The first page of each policy shall have printed on it 69323
the following statement in uppercase letters: "this policy ~~does~~ is 69324
not ~~have the force of law.~~" 69325

(5) Each policy shall be displayed on, and searchable 69326
through, the agency's web site. 69327

(C) Every five years the agency shall review each policy that 69328
it established prior to the effective date of this section or that 69329
it establishes after the effective date of this section and shall 69330
prepare written documentation certifying that the policy has been 69331
reviewed. The documentation is a public record under section 69332
149.43 of the Revised Code. A policy that has not been so reviewed 69333
is void. 69334

(D) ~~A~~ In addition to any other remedy provided by law, 69335
including rights to appeal any final agency action and defenses to 69336
an enforcement action, a person may file a written complaint at 69337
any time with the director of environmental protection alleging 69338
that a policy established by the agency does not comply with the 69339
requirements established under divisions (A)(3), (B)(1) to ~~(3)(5),~~ 69340
or (C) of this section. Not later than ninety days after receiving 69341
the complaint, the director shall review the policy and issue a 69342
determination as to whether the policy complies with those 69343
requirements. A determination issued by the director under this 69344
division is not a final action that is appealable under this 69345
chapter. 69346

(E) The agency's proposed policies shall be advertised ~~in~~ on 69347

its ~~weekly review~~ web site. 69348

(F) Notwithstanding section 149.43 of the Revised Code, not 69349
later than ninety days after the effective date of this section, 69350
the agency shall compile at its ~~central office~~ headquarters a copy 69351
of all its policies. The copy of policies shall be kept current 69352
and made available for public inspection and copying. 69353

Sec. 3746.13. (A) For property that does not involve the 69354
issuance of a consolidated standards permit under section 3746.15 69355
of the Revised Code and where no remedial activities for which 69356
there is a required operation and maintenance agreement or an 69357
environmental covenant under this chapter or sections 5301.80 to 69358
5301.92 of the Revised Code, as applicable, are used to comply 69359
with applicable standards, the director of environmental 69360
protection shall issue a covenant not to sue pursuant to section 69361
3746.12 of the Revised Code by issuance of an order and as a final 69362
action under Chapter 3745. of the Revised Code within thirty days 69363
after the director receives the no further action letter for the 69364
property from the certified professional who prepared the letter 69365
under section 3746.11 of the Revised Code. 69366

(B) For property that involves the issuance of a consolidated 69367
standards permit under section 3746.15 of the Revised Code or 69368
where remedial activities for which there is a required operation 69369
and maintenance agreement or an environmental covenant under this 69370
chapter or sections 5301.80 to 5301.92 of the Revised Code, as 69371
applicable, are used to comply with applicable standards, the 69372
director shall issue a covenant not to sue pursuant to section 69373
3746.12 of the Revised Code by issuance of an order and as a final 69374
action under Chapter 3745. of the Revised Code within ninety days 69375
after the director receives the no further action letter for the 69376
property from the certified professional who prepared the letter 69377
and enters into an environmental covenant regarding the property, 69378

if applicable. 69379

(C) Except as provided in division (D) of this section, each 69380
person who is issued a covenant not to sue under this section 69381
shall pay the fee established pursuant to rules adopted under 69382
division (B)(7) of section 3746.04 of the Revised Code. Until 69383
those rules become effective, each person who is issued a covenant 69384
not to sue shall pay a fee of two thousand dollars. The fee shall 69385
be paid to the director at the time that the no further action 69386
letter and accompanying verification are submitted to the 69387
director. 69388

~~(D) An applicant, as defined in section 122.65 of the Revised 69389
Code, who has entered into an agreement under section 122.653 of 69390
the Revised Code and who is issued a covenant not to sue under 69391
this section shall not be required to pay the fee for the issuance 69392
of a covenant not to sue established in rules adopted under 69393
division (B)(7) of section 3746.04 of the Revised Code. 69394~~

Sec. 3770.03. ~~(A)(A)(1)~~ The state lottery commission shall 69395
promulgate rules pursuant to Chapter 119. of the Revised Code, and 69396
shall adopt operating procedures, under which a statewide lottery 69397
and statewide joint lottery may be conducted, which includes, and 69398
since the original enactment of this section has included, the 69399
authority for the commission to operate video lottery terminal 69400
games and all other lottery games. Any reference in this chapter 69401
to tickets shall not be construed to in any way limit the 69402
authority of the commission to operate video lottery terminal 69403
games or lottery sports gaming. ~~Nothing in this chapter shall~~ 69404
~~restrict the authority of the commission to promulgate rules~~ 69405
~~related to the operation of games utilizing video lottery~~ 69406
~~terminals as described in section 3770.21 of the Revised Code. The~~ 69407
~~rules shall be promulgated pursuant to Chapter 119. of the Revised~~ 69408
~~Code, except that instant game rules shall be promulgated pursuant~~ 69409

~~to section 111.15 of the Revised Code but are not subject to~~ 69410
~~division (D) of that section. Subjects covered in these rules~~ 69411
~~shall~~ 69412

(2) Except regarding matters about which this chapter 69413
explicitly requires the commission to promulgate rules under 69414
Chapter 119. of the Revised Code, the commission instead may adopt 69415
operating procedures for the conduct of lottery games. Those 69416
operating procedures shall include, but need not be limited to, 69417
the following: 69418

~~(1)~~(a) The type of lottery to be conducted; 69419

~~(2)~~(b) The prices of tickets in the lottery; 69420

~~(3)~~(c) The number, nature, and value of prize awards, the 69421
manner and frequency of prize drawings, and the manner in which 69422
prizes shall be awarded to holders of winning tickets. 69423

(3) The commission shall publish all of its operating 69424
procedures on its official web site and shall make copies of its 69425
operating procedures available to the public upon request. 69426

(4) An operating procedure adopted under this section is not 69427
considered a rule under section 111.15 of the Revised Code. 69428

(5) All rules of the commission that are in effect on the 69429
effective date of this amendment remain effective unless the 69430
commission rescinds them. 69431

(B) The commission shall promulgate rules, ~~in addition to~~ 69432
~~those described in division (A) of this section,~~ pursuant to 69433
Chapter 119. of the Revised Code ~~under which a statewide lottery~~ 69434
~~and statewide joint lottery games may be conducted. Subjects~~ 69435
~~covered in these rules shall include, but not be limited to,~~ 69436
concerning all of the following: 69437

(1) The locations at which lottery tickets may be sold and 69438
the manner in which they are to be sold. These rules may authorize 69439

the sale of lottery tickets by commission personnel or other 69440
licensed individuals from traveling show wagons at the state fair, 69441
and at any other expositions the director of the commission 69442
considers acceptable. These rules shall prohibit commission 69443
personnel or other licensed individuals from soliciting from an 69444
exposition the right to sell lottery tickets at that exposition, 69445
but shall allow commission personnel or other licensed individuals 69446
to sell lottery tickets at an exposition if the exposition 69447
requests commission personnel or licensed individuals to do so. 69448
These rules may also address the accessibility of sales agent 69449
locations to commission products in accordance with the "Americans 69450
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 et 69451
seq. 69452

(2) The manner in which lottery sales revenues are to be 69453
collected, including authorization for the director to impose 69454
penalties for failure by lottery sales agents to transfer revenues 69455
to the commission in a timely manner; 69456

(3) The amount of compensation to be paid to licensed lottery 69457
sales agents; 69458

(4) The substantive criteria for the licensing of lottery 69459
sales agents consistent with section 3770.05 of the Revised Code, 69460
and procedures for revoking or suspending their licenses 69461
consistent with Chapter 119. of the Revised Code. If 69462
circumstances, such as the nonpayment of funds owed by a lottery 69463
sales agent, or other circumstances related to the public safety, 69464
convenience, or trust, require immediate action, the director may 69465
suspend a license without affording an opportunity for a prior 69466
hearing under section 119.07 of the Revised Code. 69467

(5) Special game rules to implement any agreements signed by 69468
the governor that the director enters into with other lottery 69469
jurisdictions under division (J) of section 3770.02 of the Revised 69470
Code to conduct statewide joint lottery games. The rules shall 69471

require that the entire net proceeds of those games that remain, 69472
after associated operating expenses, prize disbursements, lottery 69473
sales agent bonuses, commissions, and reimbursements, and any 69474
other expenses necessary to comply with the agreements or the 69475
rules are deducted from the gross proceeds of those games, be 69476
transferred to the lottery profits education fund under division 69477
(B) of section 3770.06 of the Revised Code. 69478

~~(6) Any other subjects the commission determines are necessary 69479
for Rules establishing any of the following with respect to the 69480
operation of video lottery terminal games, including the 69481
establishment of any: 69482~~

~~(a) Any fees, fines, or payment schedules, or the 69483
establishment of a; 69484~~

~~(b) Any voluntary exclusion program. 69485~~

(C) Chapter 2915. of the Revised Code does not apply to, 69486
affect, or prohibit lotteries conducted pursuant to this chapter. 69487

~~(D) The commission may promulgate rules, in addition to those 69488
described in divisions (A) and (B) of this section, pursuant to 69489
Chapter 119. of the Revised Code that establish any standards 69490
governing the display of advertising and celebrity images on 69491
lottery tickets and on other items that are used in the conduct 69492
of, or to promote, the statewide lottery and statewide joint 69493
lottery games. Any revenue derived from the sale of advertising 69494
displayed on lottery tickets and on those other items shall be 69495
considered, for purposes of section 3770.06 of the Revised Code, 69496
to be related proceeds in connection with the statewide lottery or 69497
gross proceeds from statewide joint lottery games, as applicable. 69498~~

(E)(1) The commission shall meet with the director at least 69499
once each month and shall convene other meetings at the request of 69500
the chairperson or any five of the members. No action taken by the 69501
commission shall be binding unless at least five of the members 69502

present vote in favor of the action. A written record shall be 69503
made of the proceedings of each meeting and shall be transmitted 69504
forthwith to the governor, the president of the senate, the senate 69505
minority leader, the speaker of the house of representatives, and 69506
the house minority leader. 69507

(2) The director shall present to the commission a report 69508
each month, showing the total revenues, prize disbursements, and 69509
operating expenses of the state lottery for the preceding month. 69510
As soon as practicable after the end of each fiscal year, the 69511
commission shall prepare and transmit to the governor and the 69512
general assembly a report of lottery revenues, prize 69513
disbursements, and operating expenses for the preceding fiscal 69514
year and any recommendations for legislation considered necessary 69515
by the commission. 69516

Sec. 3770.071. ~~(A)(1)~~ If the amount of the prize money or the 69517
cost of goods or services awarded as a lottery prize award meets 69518
or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, 69519
or a subsequent analogous section of the Internal Revenue Code, 69520
the director of the state lottery commission or the director's 69521
designee shall ~~require the person entitled to the prize award to~~ 69522
~~affirm in writing, under oath, or by electronic means, consult the~~ 69523
data match program established under section 3123.89 of the 69524
Revised Code to determine whether ~~or not~~ the person is in subject 69525
to a final and enforceable determination of default made under a 69526
~~support order~~ sections 3123.01 to 3123.07 of the Revised Code. ~~The~~ 69527
~~director or the director's designee also may take any additional~~ 69528
~~appropriate steps to determine if the person entitled to the prize~~ 69529
~~award is in default under a support order. If the person entitled~~ 69530
~~to the prize award affirms that the person is in default under a~~ 69531
~~support order, or if the director or the director's designee~~ 69532
~~determines that the person is in default under a support order,~~ 69533
~~the director or the director's designee shall temporarily withhold~~ 69534

~~payment of the prize award and notify the child support 69535
enforcement agency that administers the support order that the 69536
person is entitled to a prize award, of the amount of the prize 69537
award, and, if the prize award is to be paid in annual 69538
installments, of the number of installments. 69539~~

~~(2) Upon receipt of the notice from the director or the 69540
director's designee, the child support enforcement agency shall 69541
conduct an investigation to determine whether the person entitled 69542
to the lottery prize award is subject to a final and enforceable 69543
determination of default made under sections 3123.01 to 3123.07 of 69544
the Revised Code. If the agency determines that the person is so 69545
subject, it shall issue an intercept directive as described in 69546
section 3123.89 of the Revised Code to the director at lottery 69547
commission headquarters requiring the director or the director's 69548
designee to deduct shall withhold an amount from any unpaid the 69549
prize award or any annual installment payment of an unpaid prize 69550
award, a specified amount for support in satisfaction of the 69551
support order under which the person is in default in accordance 69552
with section 3123.89 of the Revised Code. To the extent possible, 69553
the amount specified to be deducted under the intercept directive 69554
shall satisfy the amount ordered for support in the support order 69555
under which the person is in default. 69556~~

~~A child support enforcement agency shall issue an intercept 69557
directive within thirty days from the date the director or the 69558
director's designee notifies the agency under division (A)(1) of 69559
this section. Within thirty days after the date on which the 69560
agency issues the intercept directive, the director or the 69561
director's designee shall pay the amount specified in the 69562
intercept directive to the office of child support in the 69563
department of job and family services. But, if the prize award is 69564
to be paid in annual installments, the director or the director's 69565
designee, on the date the next installment payment is due, shall 69566~~

~~deduct the amount specified in the intercept directive from that 69567
installment and, if necessary, any subsequent annual installments, 69568
at the time those installments become due and owing to the prize 69569
winner, and pay the amount to the office of child support. 69570~~

~~(B) As used in this section: 69571~~

~~(1) "Support order" has the same meaning as in section 69572
3119.01 of the Revised Code. 69573~~

~~(2) "Default" has the same meaning as in section 3121.01 of 69574
the Revised Code. 69575~~

~~(C) No person shall knowingly make a false affirmation or 69576
oath required by division (A) of this section. 69577~~

Sec. 3770.99. (A) Whoever is prohibited from claiming a 69578
lottery prize award under division (E) of section 3770.07 of the 69579
Revised Code and attempts to claim or is paid a lottery prize 69580
award is guilty of a minor misdemeanor, and shall provide 69581
restitution to the state lottery commission of any moneys 69582
erroneously paid as a lottery prize award to that person. 69583

~~(B) Whoever violates division (C) of section 3770.071 or 69584
section 3770.08 of the Revised Code is guilty of a misdemeanor of 69585
the third degree. 69586~~

Sec. 3772.01. As used in this chapter: 69587

(A) "Applicant" means any person who applies to the 69588
commission for a license under this chapter. 69589

(B) "Casino control commission fund" means the casino control 69590
commission fund described in Section 6(C)(3)(d) of Article XV, 69591
Ohio Constitution, the money in which shall be used to fund the 69592
commission and its related affairs. 69593

(C) "Casino facility" means a casino facility as defined in 69594
Section 6(C)(9) of Article XV, Ohio Constitution. 69595

(D) "Casino game" means any slot machine or table game as defined in this chapter. 69596
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(E) "Casino gaming" means any type of slot machine or table game wagering, using money, casino credit, or any representative of value, authorized in any of the states of Indiana, Michigan, Pennsylvania, and West Virginia as of January 1, 2009, and includes slot machine and table game wagering subsequently authorized by, but shall not be limited by, subsequent restrictions placed on such wagering in such states. "Casino gaming" does not include bingo, as authorized in Section 6 of Article XV, Ohio Constitution and conducted as of January 1, 2009; horse racing where the pari-mutuel system of wagering is conducted, as authorized under the laws of this state as of January 1, 2009; or sports gaming. 69598
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(F) "Casino gaming employee" means any employee of a casino operator or management company, but not a key employee, and as further defined in section 3772.131 of the Revised Code. 69610
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(G) "Casino operator" means any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that directly or indirectly holds an ownership or leasehold interest in a casino facility. "Casino operator" does not include an agency of the state, any political subdivision of the state, any person, trust, corporation, partnership, limited partnership, association, limited liability company, or other business enterprise that may have an interest in a casino facility, but who is legally or contractually restricted from conducting casino gaming. 69613
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(H) "Central system" means a computer system that provides the following functions related to casino gaming equipment used in connection with casino gaming authorized under this chapter: security, auditing, data and information retrieval, and other purposes deemed necessary and authorized by the commission. 69623
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(I) "Cheat" means to alter the result of a casino game, the
element of chance, the operation of a machine used in a casino
game, or the method of selection of criteria that determines (a)
the result of the casino game, (b) the amount or frequency of
payment in a casino game, (c) the value of a wagering instrument,
or (d) the value of a wagering credit. "Cheat" does not include an
individual who, without the assistance of another individual or
without the use of a physical aid or device of any kind, uses the
individual's own ability to keep track of the value of cards
played and uses predictions formed as a result of the tracking
information in the individual's playing and betting strategy.

(J) "Commission" means the Ohio casino control commission.

(K) "Gaming agent" means a peace officer employed by the
commission that is vested with duties to enforce this chapter and
conduct other investigations into the conduct of the casino gaming
and the maintenance of the equipment that the commission considers
necessary and proper and is in compliance with section 109.77 of
the Revised Code.

(L) "Gaming-related vendor" means any individual,
partnership, corporation, association, trust, or any other group
of individuals, however organized, who supplies gaming-related
equipment, goods, or services to a casino operator or management
company, that are directly related to or affect casino gaming
authorized under this chapter, including, but not limited to, the
manufacture, sale, distribution, or repair of slot machines and
table game equipment.

(M) "Holding company" means any corporation, firm,
partnership, limited partnership, limited liability company,
trust, or other form of business organization not a natural person
which directly or indirectly does any of the following:

(1) Has the power or right to control a casino operator,

management company, or gaming-related vendor license applicant or licensee; 69659
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(2) Holds an ownership interest of five per cent or more, as determined by the commission, in a casino operator, management company, or gaming-related vendor license applicant or licensee; 69661
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(3) Holds voting rights with the power to vote five per cent or more of the outstanding voting rights of a casino operator, management company, or gaming-related vendor applicant or licensee. 69664
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(N) "Initial investment" includes costs related to demolition, engineering, architecture, design, site preparation, construction, infrastructure improvements, land acquisition, fixtures and equipment, insurance related to construction, and leasehold improvements. 69668
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(O) "Institutional investor" means any of the following entities owning five per cent or more, but less than twenty-five per cent, of an ownership interest in a casino facility, casino operator, management company, or holding company: a corporation, bank, insurance company, pension fund or pension fund trust, retirement fund, including funds administered by a public agency, employees' profit-sharing fund or employees' profit-sharing trust, any association engaged, as a substantial part of its business or operations, in purchasing or holding securities, including a hedge fund, mutual fund, or private equity fund, or any trust in respect of which a bank is trustee or cotrustee, investment company registered under the "Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, investment advisor registered under the "Investment Advisors Act of 1940," 15 U.S.C. 80 b-1 et seq., and such other persons as the commission 69673
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may reasonably determine to qualify as an institutional investor 69691
for reasons consistent with this chapter, and that does not 69692
exercise control over the affairs of a licensee and its ownership 69693
interest in a licensee is for investment purposes only, as set 69694
forth in division (F) of section 3772.10 of the Revised Code. 69695

(P) "Key employee" means any executive, employee, agent, or 69696
other individual who has the power to exercise significant 69697
influence over decisions concerning any part of the operation of a 69698
person that has applied for or holds a casino operator, management 69699
company, or gaming-related vendor license or the operation of a 69700
holding company of a person that has applied for or holds a casino 69701
operator, management company, or gaming-related vendor license, 69702
including: 69703

(1) An officer, director, trustee, partner, or an equivalent 69704
fiduciary; 69705

(2) An individual who holds a direct or indirect ownership 69706
interest of five per cent or more; 69707

(3) An individual who performs the function of a principal 69708
executive officer, principal operating officer, principal 69709
accounting officer, or an equivalent officer; 69710

(4) Any other individual the commission determines to have 69711
the power to exercise significant influence over decisions 69712
concerning any part of the operation. 69713

(Q) "Licensed casino operator" means a casino operator that 69714
has been issued a license by the commission and that has been 69715
certified annually by the commission to have paid all applicable 69716
fees, taxes, and debts to the state. 69717

(R) "Majority ownership interest" in a license or in a casino 69718
facility, as the case may be, means ownership of more than fifty 69719
per cent of such license or casino facility, as the case may be. 69720
For purposes of the foregoing, whether a majority ownership 69721

interest is held in a license or in a casino facility, as the case 69722
may be, shall be determined under the rules for constructive 69723
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 69724
in effect on January 1, 2009. 69725

(S) "Management company" means an organization retained by a 69726
casino operator to manage a casino facility and provide services 69727
such as accounting, general administration, maintenance, 69728
recruitment, and other operational services. 69729

(T) "Ohio law enforcement training fund" means the state law 69730
enforcement training fund described in Section 6(C)(3)(f) of 69731
Article XV, Ohio Constitution, the money in which shall be used to 69732
enhance public safety by providing training opportunities to the 69733
law enforcement community. 69734

(U) "Person" includes, but is not limited to, an individual 69735
or a combination of individuals; a sole proprietorship, a firm, a 69736
company, a joint venture, a partnership of any type, a joint-stock 69737
company, a corporation of any type, a corporate subsidiary of any 69738
type, a limited liability company, a business trust, or any other 69739
business entity or organization; an assignee; a receiver; a 69740
trustee in bankruptcy; an unincorporated association, club, 69741
society, or other unincorporated entity or organization; entities 69742
that are disregarded for federal income tax purposes; and any 69743
other nongovernmental, artificial, legal entity that is capable of 69744
engaging in business. 69745

(V) "Problem casino gambling and addictions fund" means the 69746
state problem gambling and addictions fund described in Section 69747
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 69748
shall be used for treatment of problem gambling and substance 69749
abuse, and for related research. 69750

(W) "Promotional gaming credit" means a slot machine or table 69751
game credit, discount, or other similar item issued to a patron to 69752

enable the placement of, or increase in, a wager at a slot machine 69753
or table game. 69754

(X) "Slot machine" means any mechanical, electrical, or other 69755
device or machine which, upon insertion of a coin, token, ticket, 69756
or similar object, or upon payment of any consideration, is 69757
available to play or operate, the play or operation of which, 69758
whether by reason of the skill of the operator or application of 69759
the element of chance, or both, makes individual prize 69760
determinations for individual participants in cash, premiums, 69761
merchandise, tokens, or any thing of value, whether the payoff is 69762
made automatically from the machine or in any other manner, but 69763
does not include any device that is a skill-based amusement 69764
machine, or an electronic instant bingo system, as defined in 69765
section 2915.01 of the Revised Code. 69766

(Y) "Table game" means any game played with cards, dice, or 69767
any mechanical, electromechanical, or electronic device or machine 69768
for money, casino credit, or any representative of value. "Table 69769
game" does not include slot machines. 69770

(Z) "Upfront license" means the first plenary license issued 69771
to a casino operator. 69772

(AA) "Voluntary exclusion program" means a program provided 69773
by the commission that allows persons to voluntarily exclude 69774
themselves from the gaming areas of facilities under the 69775
jurisdiction of the commission by placing their name on a 69776
voluntary exclusion list and following the procedures set forth by 69777
the commission. 69778

(BB) "Sports gaming," "sports gaming proprietor," "sports 69779
gaming facility," "sporting event," "mobile management services 69780
provider," and "management services provider" have the same 69781
meanings as in section 3775.01 of the Revised Code. A person is 69782
considered to be involved in a sporting event if division (F)(3) 69783

of section 3775.13 of the Revised Code applies to the person with 69784
respect to that sporting event. 69785

Sec. 3772.031. (A)(1) The general assembly finds that the 69786
exclusion or ejection of certain persons from casino facilities 69787
and from sports gaming is necessary to effectuate the intents and 69788
purposes of this chapter and Chapter 3775. of the Revised Code and 69789
to maintain strict and effective regulation of casino gaming and 69790
sports gaming. The general assembly specifically finds that the 69791
exclusion from sports gaming of persons who threaten violence or 69792
harm against persons who are involved in sporting events, where 69793
the threat is related to sports gaming, is necessary to effectuate 69794
the intent of Chapter 3775. of the Revised Code and to protect the 69795
interests of this state. 69796

(2) The commission, by rule, shall provide for a list of 69797
persons who are to be excluded or ejected from a casino facility 69798
and a list of persons who are to be excluded or ejected from a 69799
sports gaming facility and from participating in the play or 69800
operation of sports gaming in this state. Persons included on an 69801
exclusion list shall be identified by name and physical 69802
description. The commission shall publish the exclusion lists on 69803
its web site, and shall transmit a copy of the exclusion lists 69804
periodically to casino operators and sports gaming proprietors, as 69805
applicable, as they are initially issued and thereafter as they 69806
are revised from time to time. 69807

(3) A casino operator shall take steps necessary to ensure 69808
that all its key employees and casino gaming employees are aware 69809
of and understand the casino exclusion list and its function, and 69810
that all its key employees and casino gaming employees are kept 69811
aware of the content of the casino exclusion list as it is issued 69812
and thereafter revised from time to time. 69813

(4) A sports gaming proprietor shall take steps necessary to 69814

ensure that its appropriate agents and employees are aware of and 69815
understand the sports gaming exclusion list and its function, and 69816
that all its appropriate agents and employees are kept aware of 69817
the content of the sports gaming exclusion list as it is issued 69818
and thereafter revised from time to time. 69819

(B) The casino exclusion list may include any person whose 69820
presence in a casino facility is determined by the commission to 69821
pose a threat to the interests of the state, to achieving the 69822
intents and purposes of this chapter, or to the strict and 69823
effective regulation of casino gaming. The sports gaming exclusion 69824
list may include any person who, before, during, or after a 69825
sporting event, threatens violence or harm against any person who 69826
is involved in the sporting event, where the threat is related to 69827
sports gaming, or whose presence in a sports gaming facility or 69828
whose participation in the play or operation of sports gaming in 69829
this state is determined by the commission to pose a threat to the 69830
interests of the state, to achieving the intents and purposes of 69831
Chapter 3775. of the Revised Code, or to the strict and effective 69832
regulation of sports gaming. In determining whether to include a 69833
person on an exclusion list, the commission may consider: 69834

(1) Any prior conviction of a crime that is a felony under 69835
the laws of this state, another state, or the United States, a 69836
crime involving moral turpitude, or a violation of the gaming laws 69837
of this state, another state, or the United States; and 69838

(2) A violation, or a conspiracy to violate, any provision of 69839
this chapter or Chapter 3775. of the Revised Code, as applicable, 69840
that consists of: 69841

(a) A failure to disclose an interest in a gaming facility or 69842
a sports gaming-related person or entity for which the person must 69843
obtain a license; 69844

(b) Purposeful evasion of taxes or fees; 69845

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(7) If the commission has suspended the person's gaming privileges;

(8) If the commission has revoked the person's licenses related to this chapter or Chapter 3775. of the Revised Code;

(9) If the commission determines that the person poses a

threat to the safety of patrons or employees of a casino facility 69876
or a sports gaming facility; 69877

(10) If the person has threatened violence or harm against a 69878
person who is involved in the sporting event, where the threat was 69879
related to sports gaming with respect to that sporting event; 69880

(11) If the person has a history of conduct involving the 69881
disruption of gaming operations within a casino facility or in the 69882
sports gaming industry in this state. 69883

Race, color, creed, national origin or ancestry, or sex are 69884
not grounds for placing a person on an exclusion list. 69885

(C) The commission shall notify a person of the commission's 69886
intent to include such person on one or both exclusion lists. The 69887
notice shall be provided by personal service, by certified mail to 69888
the person's last known address, or, if service cannot be 69889
accomplished by personal service or certified mail, by publication 69890
daily for two weeks in a newspaper of general circulation within 69891
the county in which the person resides and in a newspaper of 69892
general circulation within each county in which a casino facility 69893
or sports gaming facility, as applicable, is located. 69894

(D)(1) Except as otherwise provided in this section, a person 69895
who receives notice of intent to include the person on an 69896
exclusion list is entitled, upon the person's request, to an 69897
adjudication hearing under Chapter 119. of the Revised Code, in 69898
which the person may demonstrate why the person should not be 69899
included on the exclusion list or lists. The person shall request 69900
such an adjudication hearing not later than thirty days after the 69901
person receives the notice by personal service or certified mail, 69902
or not later than thirty days after the last newspaper publication 69903
of the notice. 69904

(2) If the person does not request a hearing in accordance 69905
with division (D)(1) of this section, the commission may, but is 69906

not required to, conduct an adjudication hearing under Chapter 69907
119. of the Revised Code. The commission may reopen an 69908
adjudication under this section at any time. 69909

(3) If the adjudication hearing, order, or any appeal thereof 69910
under Chapter 119. of the Revised Code results in an order that 69911
the person should not be included on the exclusion list or lists, 69912
the commission shall publish a revised exclusion list that does 69913
not include the person. The commission also shall notify casino 69914
operators or sports gaming proprietors, as applicable, that the 69915
person has been removed from the exclusion list or lists. A casino 69916
operator shall take all steps necessary to ensure its key 69917
employees and casino gaming employees are made aware that the 69918
person has been removed from the casino exclusion list. A sports 69919
gaming proprietor shall take all steps necessary to ensure its 69920
appropriate agents and employees are made aware that the person 69921
has been removed from the sports gaming exclusion list. 69922

(E) This section does not apply to any voluntary exclusion 69923
list created as part of a voluntary exclusion program under this 69924
chapter or Chapter 3775. of the Revised Code. 69925

Sec. 3773.33. (A) There is hereby created the Ohio athletic 69926
commission. The commission shall consist of five voting members 69927
appointed by the governor with the advice and consent of the 69928
senate, not more than three of whom shall be of the same political 69929
party, ~~and two nonvoting members, one of whom shall be a member of~~ 69930
~~the senate appointed by and to serve at the pleasure of the~~ 69931
~~president of the senate and one of whom shall be a member of the~~ 69932
~~house of representatives appointed by and to serve at the pleasure~~ 69933
~~of the speaker of the house of representatives.~~ To be eligible for 69934
appointment as a ~~voting~~ member, a person shall be a qualified 69935
elector and a resident of the state for not less than five years 69936
immediately preceding the person's appointment. Two ~~voting~~ members 69937

shall be knowledgeable in boxing and mixed martial arts. One 69938
commission member shall hold the degree of doctor of medicine or 69939
doctor of osteopathy. 69940

(B) No person shall be appointed to the commission or be an 69941
employee of the commission who is licensed, registered, or 69942
regulated by the commission. No member shall have any legal or 69943
beneficial interest, direct or indirect, pecuniary or otherwise, 69944
in any person who is licensed, registered, or regulated by the 69945
commission or who participates in prize fights or public boxing or 69946
wrestling matches or exhibitions. No member shall participate in 69947
any fight, match, or exhibition other than in the member's 69948
official capacity as a member of the commission, or as an 69949
inspector as authorized in section 3773.52 of the Revised Code. 69950

(C) The governor shall appoint the ~~voting~~ members to the 69951
commission. Of the initial appointments, two shall be for terms 69952
ending one year after September 3, 1996, two shall be for terms 69953
ending two years after September 3, 1996, and one shall be for a 69954
term ending three years after September 3, 1996. Thereafter, terms 69955
of office shall be for three years, each term ending the same day 69956
of the same month of the year as did the term which it succeeds. 69957
Each member shall hold office from the date of the member's 69958
appointment until the end of the term for which the member was 69959
appointed. Any member appointed to fill a vacancy occurring prior 69960
to the expiration of the term for which the member's predecessor 69961
was appointed shall hold office for the remainder of the term. Any 69962
member shall continue in office subsequent to the expiration date 69963
of the member's term until the member's successor takes office. 69964

The governor shall name one ~~voting~~ member as chairperson of 69965
the commission at the time of making the appointment of any member 69966
for a full term. Three ~~voting~~ members shall constitute a quorum, 69967
and the affirmative vote of the majority of voting members shall 69968

be necessary for any action taken by the commission. No vacancy on 69969
the commission impairs the authority of the remaining members to 69970
exercise all powers of the commission. 69971

~~Voting members~~ Members, when engaged in commission duties, 69972
shall receive a per diem compensation determined in accordance 69973
with division (J) of section 124.15 of the Revised Code, and ~~all~~ 69974
~~members~~ shall receive their actual and necessary expenses incurred 69975
in the performance of their official duties. 69976

Each ~~voting~~ member, before entering upon the discharge of the 69977
member's duties, shall file a surety bond payable to the treasurer 69978
of state in the sum of ten thousand dollars. Each surety bond 69979
shall be conditioned upon the faithful performance of the duties 69980
of the office, executed by a surety company authorized to transact 69981
business in this state, and filed in the office of the secretary 69982
of state. 69983

The governor may remove any ~~voting~~ member for malfeasance, 69984
misfeasance, or nonfeasance in office after giving the member a 69985
copy of the charges against the member and affording the member an 69986
opportunity for a public hearing, at which the member may be 69987
represented by counsel, upon not less than ten days' notice. If 69988
the member is removed, the governor shall file a complete 69989
statement of all charges made against the member and the 69990
governor's finding on the charges in the office of the secretary 69991
of state, together with a complete report of the proceedings. The 69992
governor's decision shall be final. 69993

Sec. 3775.01. As used in this chapter: 69994

(A) "Applicant" means a person that applies to the Ohio 69995
casino control commission for a license under this chapter. 69996

(B) "Casino operator" has the same meaning as in section 69997
3772.01 of the Revised Code. 69998

(C) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by, or played in connection with, a public or private institution that offers educational services beyond the secondary level.

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(D) "Commission" means the Ohio casino control commission.

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(E) "Esports event" means an organized video game competition that is regulated by a sports governing body and that is held between professional players who play individually or as teams.

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(F) "Lottery sports gaming" has the same meaning as in section 3770.23 of the Revised Code.

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(G)(1) "Mobile management services provider" means a person that contracts with a type A sports gaming proprietor under section 3775.05 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a mobile management services provider under that section.

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(2) "Management services provider" means a person that contracts with a type B sports gaming proprietor under section 3775.051 of the Revised Code to operate sports gaming on behalf of the sports gaming proprietor and that is licensed by the Ohio casino control commission as a management services provider under that section.

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(H) "Official league data" means statistics, results, outcomes, and other data related to a sporting event provided by the appropriate sports governing body or its designee.

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(I) "Online sports pool" means sports gaming in which a wager on a sporting event is made through a computer or mobile device and accepted through an online gaming web site that is operated by a type A sports gaming proprietor or mobile management services provider.

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(J) "Professional sport or athletic event" means an event at 70029
which two or more persons participate in sports or athletic events 70030
and receive compensation, or the potential for compensation based 70031
on their performance, in excess of actual expenses for their 70032
participation in the event. 70033

(K) "Professional sports organization" means any of the 70034
following: 70035

(1) The owner of a professional sports team in this state 70036
that is a member of the national football league, the national 70037
hockey league, major league baseball, major league soccer, or the 70038
national basketball association; 70039

(2) The owner of a sports facility in this state that hosts 70040
an annual tournament on the professional golf association tour or 70041
a wholly owned for-profit subsidiary of the owner, if the owner is 70042
a nonprofit corporation or organization; 70043

(3) A promoter of a national association for stock car auto 70044
racing national touring race conducted in this state. 70045

(L) "Promotional gaming credit" means a credit, discount, or 70046
other similar item issued to a patron to enable the placement of, 70047
or increase in, a wager on a sporting event. 70048

(M) "Proposition bet" means a wager on a sporting event that 70049
is based on whether an identified instance or statistical 70050
achievement will occur, will be achieved, or will be surpassed, 70051
other than the score or outcome of the sporting event or parts of 70052
the sporting event, such as quarters, halves, periods, or innings. 70053

(N)(1) Except as otherwise provided in divisions (N)(2) and 70054
(3) of this section, "sporting event" means any professional sport 70055
or athletic event, any collegiate sport or athletic event, any 70056
Olympic or international sports competition event, any motor race 70057
event, any esports event, or any other special event the Ohio 70058
casino control commission authorizes for sports gaming, the 70059

individual performance statistics of athletes or participants in 70060
such an event, or a combination of those. 70061

(2) "Sporting event" does not include an event for primary or 70062
secondary school students, whether conducted or sponsored by a 70063
primary or secondary school or by another person, or the 70064
individual performance statistics of athletes or participants in 70065
such an event. 70066

(3) "Sporting event" includes an event that involves athletes 70067
or participants who are under eighteen years of age, or the 70068
individual performance statistics of athletes or participants in 70069
the event, only if the Ohio casino control commission authorizes 70070
the event for sports gaming. 70071

(O)(1) "Sports gaming" means the business of accepting wagers 70072
on sporting events. 70073

(2) Except as otherwise provided in division (O)(3) of this 70074
section and in section 3770.25 of the Revised Code, "sports 70075
gaming" includes any system or method of wagering on sporting 70076
events that the Ohio casino control commission approves, including 70077
exchange wagering, parlays, spreads, over-under, moneyline, 70078
in-game wagering, single game bets, teaser bets, in-play bets, 70079
proposition bets, pools, pari-mutuel sports wagering pools, or 70080
straight bets. 70081

(3) "Sports gaming" does not include any of the following: 70082

(a) Wagering on horse racing; 70083

(b) Lottery games authorized under Chapter 3770. of the 70084
Revised Code, including video lottery terminals, other than 70085
lottery sports gaming authorized under sections 3770.23 to 3770.25 70086
of the Revised Code; 70087

(c) Casino gaming authorized under division (C) of Section 6 70088
of Article XV, Ohio Constitution and Chapter 3772. of the Revised 70089

Code;	70090
(d) Fantasy contests authorized under Chapter 3774. of the Revised Code.	70091 70092
(P) "Sports gaming equipment" means any of the following that directly relate to or affect, or are used or consumed in, the operation of sports gaming:	70093 70094 70095
(1) Any mechanical, electronic, or other device, mechanism, or equipment, including a self-service sports gaming terminal;	70096 70097
(2) Any software, application, components, or other goods;	70098
(3) Anything to be installed or used on a patron's personal device.	70099 70100
(Q) "Sports gaming facility" means a designated area of a building or structure in which patrons may place wagers on sporting events with a type B sports gaming proprietor either in person or using self-service sports gaming terminals.	70101 70102 70103 70104
(R) "Sports gaming license" means a sports gaming proprietor license, a mobile management services provider license, a management services provider license, a sports gaming occupational license, a type C sports gaming host license, or a sports gaming supplier license issued by the Ohio casino control commission under this chapter.	70105 70106 70107 70108 70109 70110
(S) "Sports gaming licensee" means a person who holds a valid sports gaming license.	70111 70112
(T) "Sports gaming proprietor" means a person licensed by the Ohio casino control commission to offer sports gaming in this state as a type A, type B, or type C sports gaming proprietor.	70113 70114 70115
(U) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.	70116 70117
(V)(1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports	70118 70119

gaming proprietor, mobile management services provider, or 70120
management services provider, including providing services, 70121
directly or indirectly, that are necessary to create a betting 70122
market or to determine bet outcomes. 70123

(2) A sports gaming supplier that provides sports gaming 70124
equipment or services to be used through a sports gaming 70125
proprietor, mobile management services provider, or management 70126
services provider is not considered a sports gaming proprietor, 70127
mobile management services provider, or management services 70128
provider solely on that basis. 70129

(3) A sports governing body that provides official league 70130
data concerning its own sporting event to a sports gaming 70131
proprietor, mobile management services provider, management 70132
services provider, or sports gaming supplier is not considered a 70133
sports gaming supplier solely on that basis. 70134

(W) "Sports gaming voluntary exclusion program" means the 70135
program described in division (B)(11) of section 3775.02 of the 70136
Revised Code. 70137

(X) "Sports governing body" means a regional, national, or 70138
international organization having ultimate authority over the 70139
rules and codes of conduct with respect to a sporting event and 70140
the participants in the sporting event. 70141

(Y) "Type A sports gaming proprietor" means a sports gaming 70142
proprietor licensed by the Ohio casino control commission to offer 70143
sports gaming through an online sports pool. 70144

(Z) "Type B sports gaming proprietor" means a sports gaming 70145
proprietor licensed by the Ohio casino control commission to offer 70146
sports gaming at a sports gaming facility. 70147

(AA) "Type C sports gaming proprietor" means a sports gaming 70148
proprietor licensed by the Ohio casino control commission to offer 70149
sports gaming through self-service or clerk-operated sports gaming 70150

terminals located at type C sports gaming hosts' facilities. 70151

(BB) "Type C sports gaming host" means the owner of a 70152
facility with a an A-1-A, A-1c, D-1, D-2, or D-5 liquor permit 70153
issued under Chapter 4303. of the Revised Code who is licensed by 70154
the Ohio casino control commission to offer sports gaming at the 70155
facility through a type C sports gaming proprietor. 70156

(CC) "Video lottery sales agent" means an agent of the state 70157
lottery authorized to operate video lottery terminals under 70158
section 3770.21 of the Revised Code. 70159

(DD) "Wager" or "bet" means to risk a sum of money or thing 70160
of value on an uncertain occurrence. 70161

Sec. 3775.02. (A) The Ohio casino control commission shall 70162
have jurisdiction over all persons conducting or participating in 70163
the conduct of sports gaming authorized by this chapter or by 70164
sections 3770.23 to 3770.25 of the Revised Code, including the 70165
authority to license, regulate, investigate, and penalize those 70166
persons in a manner that is consistent with the commission's 70167
authority with respect to casino gaming. In all cases in which 70168
this chapter requires or allows the commission to adopt rules 70169
concerning sports gaming, the commission shall adopt those rules 70170
under Chapter 119. of the Revised Code. 70171

(B) The commission shall adopt rules that include all of the 70172
following: 70173

(1) Procedures for a sports gaming proprietor to accept 70174
wagers on a sporting event or series of sporting events; 70175

(2) The types of wagering tickets sports gaming proprietors 70176
are to use; 70177

(3) The manner in which sports gaming proprietors are to 70178
issue tickets; 70179

(4) The type of records sports gaming licensees are to keep; 70180

(5) The system to be used to place a wager with a sports gaming proprietor;	70181 70182
(6) The manner in which sports gaming proprietors must verify that their patrons are at least twenty-one years of age;	70183 70184
(7) Protections for a player placing a wager with a sports gaming proprietor;	70185 70186
(8) Measures to promote responsible sports gaming;	70187
(9) Penalties and fines for violating this section or rules adopted under this section;	70188 70189
(10) Restrictions to ensure that sports gaming proprietors' advertisements for sports gaming meet all of the following requirements:	70190 70191 70192
(a) They clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning;	70193 70194 70195 70196
(b) They disclose the identity of the sports gaming proprietor and, if applicable, the mobile management services provider or management services provider;	70197 70198 70199
(c) They do not target individuals under twenty-one years of age, other individuals who are ineligible to participate in sports gaming, problem gamblers, or other vulnerable individuals;	70200 70201 70202
(d) They include messages designed to prevent problem gambling and provide information about how to access resources related to problem gambling;	70203 70204 70205
(e) They are not false, misleading, or deceptive to a reasonable consumer.	70206 70207
(11) A sports gaming voluntary exclusion program, which shall allow a person to voluntarily exclude the person's self from participating in sports gaming conducted under this chapter by	70208 70209 70210

placing the person's name on a voluntary exclusion list and 70211
following procedures set forth by the commission. 70212

(a) All of the following apply to the sports gaming voluntary 70213
exclusion program: 70214

(i) Except as provided by the commission by rule, a person 70215
who participates in the program shall agree to refrain from 70216
participating in sports gaming conducted under this chapter. 70217

(ii) The name of a person participating in the program shall 70218
be included on a list of persons excluded from participating in 70219
sports gaming conducted under this chapter. 70220

(iii) Except as provided by the commission by rule, no person 70221
who participates in the program shall petition the commission for 70222
admittance into a sports gaming facility or for permission to 70223
participate in sports gaming conducted under this chapter. 70224

(iv) The list of persons participating in the program and the 70225
personal information of those persons shall be confidential and 70226
shall only be disseminated by the commission to the state lottery 70227
commission, to a sports gaming proprietor and its agents and 70228
employees for purposes of enforcement, and to other entities, upon 70229
request of the participant and agreement by the commission. 70230

(v) A sports gaming proprietor shall make all reasonable 70231
attempts as determined by the commission to cease all direct 70232
marketing efforts to a person participating in the program. 70233

(vi) A sports gaming proprietor shall not cash the check of a 70234
person participating in the program or extend credit to the person 70235
in any manner. However, the program shall not exclude a sports 70236
gaming proprietor from seeking the payment of a debt accrued by a 70237
person before participating in the program. 70238

(vii) Any and all locations at which a person may register as 70239
a participant in the program shall be published. 70240

(b) The commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in the voluntary exclusion program established under Chapter 3772. of the Revised Code. The state lottery commission shall determine, by rule, whether a participant in the sports gaming voluntary exclusion program also automatically becomes a participant in any voluntary exclusion program established under Chapter 3770. of the Revised Code.

(12) A procedure by which a sports governing body may request anonymized sports gaming data from a sports gaming proprietor if the sports governing body believes that the integrity of one of its sporting events is in question.

(13) A procedure by which a state university may request anonymized sports gaming data from a sports gaming proprietor for the purpose of conducting research to assist the commission in ensuring the integrity of sports gaming or to improve state-funded services related to responsible gambling and problem gambling, including the preparation of a report under division (L) of this section. The data are not a public record, and the state university shall not disclose the data to any person, except for the purpose of conducting the research described in this division, as part of a peer-reviewed research report, for the purpose of preparing a report under division (L) of this section, or pursuant to an agreement between the state university and the sports gaming proprietor. As used in this division, "state university" has the same meaning as in section 3345.011 of the Revised Code.

(14) Any other procedure or thing the commission determines necessary to ensure the integrity of sports gaming regulated by the commission.

(C)(1) The commission may, independently or at the request of any person, including a sports governing body, adopt rules to prohibit or restrict sports gaming proprietors from accepting

wagers on a particular sporting event or to prohibit or restrict 70273
sports gaming proprietors from accepting a particular type of 70274
wager. 70275

(2) The commission shall adopt rules prescribing a process by 70276
which the commission may prohibit or restrict sports gaming 70277
proprietors from accepting wagers on a particular sporting event 70278
or prohibit or restrict sports gaming proprietors from accepting a 70279
particular type of wager on a temporary emergency basis instead of 70280
by rule. 70281

(3)(a) A sports governing body may formally request the 70282
commission to prohibit or restrict sports gaming proprietors from 70283
accepting wagers on a particular sporting event or to prohibit or 70284
restrict sports gaming proprietors from accepting a particular 70285
type of wager. The sports governing body shall submit the formal 70286
request in the form and manner prescribed by the commission. Upon 70287
receiving the request, the commission promptly shall send written 70288
notice of the request to every sports gaming proprietor and shall 70289
consider any timely response submitted by a sports gaming 70290
proprietor. 70291

(b) If the commission determines that the sports governing 70292
body has shown good cause through its formal request to grant the 70293
requested prohibition or restriction, the commission promptly 70294
shall adopt the prohibition or restriction. 70295

(c) If the commission determines that the sports governing 70296
body has not shown good cause through its formal request to grant 70297
the requested prohibition or restriction, the commission promptly 70298
shall provide the sports governing body with notice and an 70299
opportunity for a hearing to offer further evidence in support of 70300
granting the requested prohibition or restriction. 70301

(D) The commission shall adopt rules establishing minimum 70302
internal control standards for the administration of sports gaming 70303

proprietors' operations, sports gaming equipment, systems, or 70304
other items used by sports gaming proprietors to conduct sports 70305
gaming, and the maintenance of sports gaming proprietors' 70306
financial records and other required records. The commission may 70307
approve minimum internal control standards proposed by sports 70308
gaming proprietors. 70309

(E)(1) The commission shall approve all sports gaming 70310
equipment and each form, variation, or composite of sports gaming 70311
to be used by sports gaming proprietors. 70312

(2)(a) Before approving a piece of sports gaming equipment or 70313
a form, variation, or composite of sports gaming, the commission 70314
shall require it to undergo scientific testing or technical 70315
evaluation, as the commission determines appropriate. The 70316
commission may require the testing or evaluation to be conducted 70317
at the expense of the sports gaming supplier or sports gaming 70318
proprietor, as applicable, by an independent testing laboratory 70319
certified by the commission. 70320

(b) The commission may certify an independent testing 70321
laboratory to test and evaluate sports gaming equipment and forms, 70322
variations, or composites of sports gaming if both of the 70323
following apply: 70324

(i) The laboratory is competent and qualified to 70325
scientifically test and technically evaluate sports gaming 70326
equipment and forms, variations, or composites of sports gaming 70327
for compliance with this chapter and with the rules of the 70328
commission and otherwise to perform the functions assigned to the 70329
laboratory by the commission; 70330

(ii) The laboratory is not owned or controlled by, is not 70331
affiliated with, and does not have any interest in a sports gaming 70332
proprietor, mobile management services provider, management 70333
services provider, sports gaming supplier, or sports governing 70334

body. 70335

(c) The commission shall adopt rules prescribing the 70336
certification standards, fees, and duties that apply to a 70337
certified independent testing laboratory under division (E) of 70338
this section. 70339

(3) The commission shall adopt rules requiring sports gaming 70340
licensees and sports gaming facilities to use only approved sports 70341
gaming equipment acquired from a licensed sports gaming supplier 70342
and to use only approved forms, variations, or composites of 70343
sports gaming. 70344

(F)(1) The commission shall determine a person's eligibility 70345
to hold or renew a sports gaming license under this chapter, shall 70346
issue all sports gaming licenses, and shall maintain a record of 70347
all sports gaming licenses issued under this chapter. 70348

(2) The commission shall conduct a complete investigation of 70349
each applicant for a sports gaming license to determine whether 70350
the applicant meets the requirements of this chapter and of the 70351
commission's rules each time the applicant applies for an initial 70352
or renewed sports gaming license. The commission may initiate an 70353
additional licensing investigation or adjudication or reopen an 70354
existing licensing investigation or adjudication at any time. 70355

(G)(1) Except as otherwise provided in divisions (G)(2) and 70356
(3) of this section, the commission shall levy and collect all 70357
fees and surcharges imposed under this chapter and rules adopted 70358
under this chapter and shall deposit all moneys collected in the 70359
casino control commission fund created under section 5753.03 of 70360
the Revised Code. 70361

(2) Of the license fees described in division (E) of section 70362
3775.04, division (B)(3) of section 3775.05, and division (B)(3) 70363
of section 3775.051 of the Revised Code, the commission shall 70364
deposit ~~one-half~~ one-half of one per cent in the sports gaming 70365

profits veterans fund created under section 5902.22 of the Revised Code and shall deposit the remainder in the sports gaming revenue fund created under section 5753.031 of the Revised Code.

(3) The commission shall levy and collect fines for noncriminal violations of the provisions of this chapter and of rules adopted under this chapter and shall deposit all such fines in the sports gaming revenue fund created under section 5753.031 of the Revised Code.

(H)(1) The commission, in an adjudication conducted under Chapter 119. of the Revised Code and in accordance with section 3772.04 of the Revised Code, may do any of the following:

(a) Penalize or fine any sports gaming licensee, applicant for a sports gaming license, or other person who is subject to the commission's jurisdiction under this chapter;

(b) Limit, condition, restrict, suspend, revoke, deny, or refuse to renew any sports gaming license.

(2) The executive director of the commission may issue an emergency order with respect to sports gaming under division (G) of section 3772.04 of the Revised Code.

(I)(1) The commission shall monitor all sports gaming conducted in this state by sports gaming proprietors, or shall contract with an independent integrity monitoring provider for that purpose, in order to identify any unusual betting activities or patterns that may indicate a need for further investigation. The commission shall require each sports gaming proprietor to participate in the monitoring system as part of the minimum internal control standards described in division (D) of this section.

(2) The information in the monitoring system described in division (I)(1) of this section is not a public record. The commission may disclose the information in the monitoring system

only as necessary for investigative or law enforcement purposes or 70397
pursuant to a court order. 70398

(J)(1) The executive director of the commission promptly 70399
shall report to the commission any facts or circumstances related 70400
to the operation of a sports gaming licensee that constitute a 70401
violation of state or federal law and immediately report any 70402
suspicious wagering to the appropriate state or federal 70403
authorities. 70404

(2) The commission shall cooperate with any investigation 70405
conducted by a law enforcement agency or sports governing body, 70406
including by providing, or facilitating the provision of, wagering 70407
information and audio or video files related to persons placing 70408
wagers, provided that the commission shall not be required to 70409
provide any information to a sports governing body that would 70410
jeopardize an ongoing criminal investigation. 70411

(3) A sheriff, chief of police, or prosecuting attorney shall 70412
furnish to the commission, on forms prescribed by the commission, 70413
any information obtained concerning any apparent violation of this 70414
chapter or rules adopted under this chapter. If the information is 70415
considered a confidential law enforcement investigatory record 70416
under section 149.43 of the Revised Code, the commission shall not 70417
disclose the information to the public. 70418

(K)(1) The attorney general has a civil cause of action to 70419
restrain any violation of this chapter or of rules adopted under 70420
this chapter. Upon the request of the commission or its executive 70421
director, the attorney general shall commence and prosecute such 70422
an action to completion. The court shall give priority to such an 70423
action over all other civil actions. 70424

(2) An action brought under division (K)(1) of this section 70425
does not preclude an administrative or criminal proceeding on the 70426
same facts. 70427

(3) The attorney general may enter into an agreement with a state or local law enforcement agency to carry out the duties described in division (K)(1) of this section.

(L)(1) Each year, the commission shall contract with a state university, as defined in section 3345.011 of the Revised Code, to prepare a report concerning all of the following:

(a) The prevalence of problem sports gaming in this state;

(b) Recommendations on how to address problem sports gaming;

(c) If requested by the executive director of the commission, an additional analysis of wagering trends, including an analysis of historical wagers placed in this state and identification of unusual or suspicious wagering activity;

(d) Any other gaming-related matters, as directed by the commission.

(2) Before awarding a contract under division (L)(1) of this section, the commission shall issue a request for proposals to all state universities. The commission shall consider all factors in awarding the contract and shall award the contract to a state university that demonstrates its experience and expertise in evaluating the integrity of sports gaming and reducing problem sports gaming in this state.

(3) The commission shall supervise and coordinate the preparation of the report and shall submit it to the governor and the general assembly.

(4) In order to cover the expenses incurred in preparing the report, the commission shall levy fees on sports gaming proprietors, mobile management services providers, and management services providers in amounts corresponding to the proportion of the total sports gaming receipts in this state they received in the previous calendar year, as reported to the department of

taxation. 70458

Sec. 3775.07. (A)(1) The owner of a facility with a an A-1-A, 70459
A-1c, D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of 70460
the Revised Code who offers sports gaming through a type C sports 70461
gaming proprietor using self-service or clerk-operated sports 70462
gaming terminals located at the facility shall hold an appropriate 70463
and valid type C sports gaming host license issued by the Ohio 70464
casino control commission at all times. 70465

(2) The commission shall issue a type C sports gaming host 70466
license to any eligible applicant that the state lottery 70467
commission recommends. Notwithstanding any contrary provision of 70468
this chapter, an applicant for an initial or renewed type C sports 70469
gaming host license is not required to undergo a criminal 70470
background check or licensure suitability investigation in order 70471
to receive the license. The commission shall investigate the 70472
applicant to determine whether the applicant is eligible for the 70473
license and to ensure that the applicant complies with all 70474
applicable provisions of this chapter and of the rules of the 70475
commission. 70476

(B) An applicant for an initial or renewed type C sports 70477
gaming host license shall apply for the license on a form 70478
prescribed by the commission and shall pay a nonrefundable 70479
application fee in an amount prescribed by the commission by rule. 70480

(C) Upon receiving an initial or renewed type C sports gaming 70481
host license, the applicant shall pay a nonrefundable license fee 70482
of one thousand dollars. 70483

(D)(1) Subject to division (D)(2) of this section, a type C 70484
sports gaming proprietor and a type C sports gaming host may enter 70485
into an agreement specifying the terms under which the type C 70486
sports gaming host offers sports gaming through the type C sports 70487
gaming proprietor, such as terms requiring the type C sports 70488

gaming proprietor and the type C sports gaming host to share the
proceeds of sports gaming conducted at the type C sports gaming
host's facility. A type C sports gaming proprietor shall notify
the Ohio casino control commission of each type C sports gaming
host that offers sports gaming through the type C sports gaming
proprietor.

(2) A type C sports gaming proprietor shall not require a
type C sports gaming host to pay any portion of the cost of
acquiring, installing, operating, adapting, or maintaining any
self-service sports gaming terminal in a type C sports gaming
host's facility.

(3) Subject to the terms of the type C sports gaming hosts's
agreement with a type C sports gaming proprietor, a type C sports
gaming host may offer sports gaming through a different type C
sports gaming proprietor than the one identified in the type C
sports gaming host's license application during the period of the
license. The type C sports gaming proprietor shall notify the
commission of the change before the change takes effect, in
accordance with the rules of the commission.

(E) A type C sports gaming host license shall be valid for a
term of three years. In order to renew a type C sports gaming host
license, the licensee shall apply to the commission for a renewed
license in the same manner as for an initial license.

Sec. 3781.032. (A) As used in this section:

(1) "Retail establishment" means a place of business open to
the general public for the sale of goods or services.

(2) "State and local building code" means Chapters 3781. and
3791. of the Revised Code, rules adopted pursuant to those
chapters, and municipal corporation regulations adopted in
accordance with section 3781.01 of the Revised Code.

(B) If the department or agency of the state or any political subdivision having jurisdiction to enforce state and local building code on a retail establishment, including a retail establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by state and local building code for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any building code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that building code official grants a temporary permit, the permit is valid for fourteen calendar days. 70519
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Sec. 3781.062. The director of commerce, in collaboration with the state fire marshal, the board of building standards, and representatives of local building departments, shall develop guidelines for the enforcement of the Ohio building code and state fire code in a coordinated manner, including the interaction of exemptions from one code with the requirements of the other code. 70531
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Sec. 3792.05. (A) As used in this section: 70537

(1) "On-campus housing" means a dormitory or other student residence that is owned or operated by, or located on the campus of, a private college or state institution of higher education. 70538
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(2) "Private college" has the same meaning as in section 3365.01 of the Revised Code. 70541
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(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 70543
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(B) If a private college or state institution of higher education requires a student to receive any vaccine in order to attend a class or reside in on-campus housing, the student may decline the vaccine on either of the following grounds: 70545
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<u>(1) Reasons of conscience, including religious convictions;</u>	70549
<u>(2) Medical contraindications.</u>	70550
<u>(C)(1) To decline a vaccine for reasons of conscience,</u>	70551
<u>including religious convictions, a student shall present to the</u>	70552
<u>college or institution the student's written statement to that</u>	70553
<u>effect.</u>	70554
<u>For purposes of this section, reasons of conscience,</u>	70555
<u>including religious convictions, shall be determined solely by the</u>	70556
<u>student.</u>	70557
<u>(2) To decline a vaccine for medical contraindications, a</u>	70558
<u>student shall present to the college or institution a physician's</u>	70559
<u>certification in writing that vaccination is medically</u>	70560
<u>contraindicated for the student.</u>	70561
<u>(D) A student who presents a statement or certification as</u>	70562
<u>described in division (C) of this section is not required to</u>	70563
<u>receive the vaccine.</u>	70564
Sec. 3794.03. Areas where smoking is not regulated by this	70565
chapter.	70566
The following shall be exempt from the provisions of this	70567
chapter:	70568
(A) Private residences, except during the hours of operation	70569
as a child care or adult care facility for compensation, during	70570
the hours of operation as a business by a person other than a	70571
person residing in the private residence, or during the hours of	70572
operation as a business, when employees of the business, who are	70573
not residents of the private residence or are not related to the	70574
owner, are present.	70575
(B) Rooms for sleeping in hotels, motels and other lodging	70576
facilities designated as smoking rooms; provided, however, that	70577
not more than twenty per cent of sleeping rooms may be so	70578

designated. 70579

(C) Family-owned and operated places of employment in which 70580
all employees are related to the owner, but only if the enclosed 70581
areas of the place of employment are not open to the public, are 70582
in a freestanding structure occupied solely by the place of 70583
employment, and smoke from the place of employment does not 70584
migrate into an enclosed area where smoking is prohibited under 70585
the provisions of this chapter. 70586

(D) Any nursing home, as defined in division (A) of section 70587
3721.10 of the Revised Code, but only to the extent necessary to 70588
comply with division (A)(18) of section 3721.13 of the Revised 70589
Code. If indoor smoking area is provided by a nursing home for 70590
residents of the nursing home, the designated indoor smoking area 70591
shall be separately enclosed and separately ventilated so that 70592
tobacco smoke does not enter, through entrances, windows, 70593
ventilation systems, or other means, any areas where smoking is 70594
otherwise prohibited under this chapter. Only residents of the 70595
nursing home may utilize the designated indoor smoking area for 70596
smoking. A nursing home may designate specific times when the 70597
indoor smoking area may be used for such purpose. No employee of a 70598
nursing home shall be required to accompany a resident into a 70599
designated indoor smoking area or perform services in such area 70600
when being used for smoking. 70601

~~(E)~~(E)(1) Retail tobacco stores in operation prior to 70602
December 7, 2006. The retail tobacco store shall annually file 70603
with the department of health by the thirty-first day of January 70604
an affidavit stating the percentage of its gross income during the 70605
prior calendar year that was derived from the sale of cigars, 70606
cigarettes, pipes, or other smoking devices for smoking tobacco 70607
and related smoking accessories. ~~Any~~ 70608

(2) ~~Any~~ retail tobacco store that begins operation after 70609
December 7, 2006, or any existing retail tobacco store that 70610

relocates to another location after December 7, 2006, may only 70611
qualify for ~~this~~ the exemption authorized by division (E) of this 70612
section if located in a freestanding structure occupied solely by 70613
the business and smoke from the business does not migrate into an 70614
enclosed area where smoking is prohibited under the provisions of 70615
this chapter. 70616

(3) A change of ownership of a retail tobacco store in 70617
operation prior to December 7, 2006, does not, in itself, 70618
constitute the beginning of a new operation or the relocation of 70619
an existing operation for the purposes of division (E)(2) of this 70620
section and does not, in itself, necessitate that the retail 70621
tobacco store relocate to a freestanding structure, as described 70622
in that division, in order to retain an exemption from the 70623
provisions of this chapter. 70624

(F) Outdoor patios. All outdoor patios shall be physically 70625
separated from an enclosed area. If windows or doors form any part 70626
of the partition between an enclosed area and the outdoor patio, 70627
the openings shall be closed to prevent the migration of smoke 70628
into the enclosed area. If windows or doors do not prevent the 70629
migration of smoke into the enclosed area, the outdoor patio shall 70630
be considered an extension of the enclosed area and subject to the 70631
prohibitions of this chapter. 70632

(G) Private clubs as defined in division (B)(13) of section 70633
4301.01 of the Revised Code, provided all of the following apply: 70634
the club has no employees; the club is organized as a 70635
not-for-profit entity; only members of the club are present in the 70636
club's building; no persons under the age of eighteen are present 70637
in the club's building; the club is located in a freestanding 70638
structure occupied solely by the club; smoke from the club does 70639
not migrate into an enclosed area where smoking is prohibited 70640
under the provisions of this chapter; and, if the club serves 70641
alcohol, it holds a valid D4 liquor permit. 70642

(H) An enclosed space in a laboratory facility at an 70643
accredited college or university, when used solely and exclusively 70644
for clinical research activities by a person, organization, or 70645
other entity conducting institutional review board-approved 70646
scientific or medical research related to the health effects of 70647
smoking or the use of tobacco products. The enclosed space shall 70648
not be open to the public and shall be designed to minimize 70649
exposure of nonsmokers to smoke. The program administrator shall 70650
annually file a notice of new research with the department of 70651
health on a form prescribed by the department. 70652

(I) A retail vapor store, insofar as the provisions of this 70653
chapter apply to smoking via vapor products and electronic smoking 70654
devices. The provisions of this chapter apply to retail vapor 70655
stores with regard to all other forms of smoking. The retail vapor 70656
store shall annually file with the department of health by the 70657
thirty-first day of January an affidavit stating the percentage of 70658
its gross income during the prior calendar year that was derived 70659
from the sale of vapor products, electronic smoking devices, or 70660
other electronic smoking product accessories. 70661

Sec. 3794.09. Enforcement; Penalties. 70662

(A) Upon the receipt of a first report that a proprietor of a 70663
public place or place of employment or an individual has violated 70664
any provision of this chapter, the department of health or its 70665
designee shall investigate the report and, if it concludes that 70666
there was a violation, issue a warning letter to the proprietor or 70667
individual. 70668

(B) Upon a report of a second or subsequent violation of any 70669
provision of this chapter by a proprietor of a public place or 70670
place of employment or an individual, the department of health or 70671
its designee shall investigate the report. If the director of 70672
health or director's designee concludes, based on all of the 70673

information before ~~him or her~~ the director or the director's 70674
designee, that there was a violation, ~~he or she~~ the director or 70675
the director's designee shall impose a civil fine upon the 70676
proprietor or individual in accordance with the schedule of fines 70677
required to be promulgated under section 3794.07 of ~~this chapter~~ 70678
the Revised Code. 70679

(C) Any proprietor or individual against whom a finding of a 70680
violation is made under this chapter may appeal the finding ~~to the~~ 70681
~~Franklin County Court of Common Pleas~~. Such appeal shall be 70682
~~governed by the provisions of~~ in accordance with section 119.12 of 70683
the Revised Code. 70684

(D) The director of health may institute an action in the 70685
court of common pleas seeking an order in equity against a 70686
proprietor or individual that has repeatedly violated the 70687
provisions of this chapter or fails to comply with its provisions. 70688

Sec. 3796.02. There is hereby established a division of 70689
marijuana control in the department of commerce. The medical 70690
marijuana control program ~~in the department of commerce and the~~ 70691
~~state board of pharmacy~~ is hereby established in the division of 70692
marijuana control. The ~~department~~ division shall provide for the 70693
licensure of medical marijuana cultivators ~~and~~, processors, retail 70694
dispensaries, and ~~the licensure of~~ laboratories that test medical 70695
marijuana. The ~~board~~ division shall also provide for ~~the licensure~~ 70696
~~of retail dispensaries and~~ the registration of patients and their 70697
caregivers. The ~~department and board~~ division shall administer the 70698
medical marijuana control program. 70699

Sec. 3796.03. ~~(A)(1) Except as provided in division (A)(2) of~~ 70700
~~this section, not later than one year after September 8, 2016, the~~ 70701
~~department of commerce~~ (A) The division of marijuana control shall 70702
adopt rules establishing standards and procedures for the medical 70703

marijuana control program. 70704

~~(2) The department shall adopt rules establishing standards and procedures for the licensure of cultivators not later than two hundred forty days after September 8, 2016.~~ 70705
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~~(3)~~ All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 70708
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(B) The rules shall do all of the following: 70710

(1) Establish application procedures and fees for licenses it issues under this chapter; 70711
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(2) Specify both of the following: 70713

(a) The conditions that must be met to be eligible for licensure; 70714
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(b) In accordance with section 9.79 of the Revised Code, the criminal offenses for which an applicant will be disqualified from licensure pursuant to that section. 70716
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(3) Establish, in accordance with section 3796.05 of the Revised Code, the number of cultivator licenses and retail dispensary licenses that will be permitted at any one time; 70719
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(4) Establish a license renewal schedule, renewal procedures, and renewal fees; 70722
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(5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder; 70724
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(6) Establish standards under which a license suspension may be lifted; 70728
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(7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration; 70730
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<u>(8) Establish training requirements for employees of retail dispensaries;</u>	70733 70734
<u>(9) Specify if a cultivator, processor, retail dispensary, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the board division;</u>	70735 70736 70737 70738 70739 70740 70741
(8) <u>(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed;</u>	70742 70743 70744
<u>(11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana;</u>	70745 70746 70747
<u>(12) Establish procedures for the issuance of patient or caregiver identification cards;</u>	70748 70749
<u>(13) Specify the forms of or methods of using medical marijuana that are attractive to children;</u>	70750 70751
<u>(14) Specify both of the following:</u>	70752
(a) Subject to division (B)(8)(b) <u>(B)(14)(b)</u> of this section, the criminal offenses for which a person will be disqualified from employment with a license holder;	70753 70754 70755
(b) Which of the criminal offenses specified pursuant to division (B)(8)(a) <u>(B)(14)(a)</u> of this section will not disqualify a person from employment with a license holder if the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.	70756 70757 70758 70759 70760
(9) <u>(15) Establish a program to assist patients who are veterans or indigent in obtaining medical marijuana in accordance</u>	70761 70762

with this chapter; 70763

(16) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of medical marijuana by a laboratory licensed under this chapter. 70764
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(C) In addition to the rules described in division (B) of this section, the ~~department~~ division may adopt any other rules it considers necessary for the program's administration and the implementation and enforcement of this chapter. 70767
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(D) When adopting rules under this section, the ~~department~~ division shall consider standards and procedures that have been found to be best practices relative to the use and regulation of medical marijuana. 70771
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Sec. 3796.032. This chapter does not authorize the ~~department of commerce or the state board of pharmacy~~ division of marijuana control to oversee or limit research conducted at a state university, academic medical center, or private research and development organization that is related to marijuana and is approved by an agency, board, center, department, or institute of the United States government, including any of the following: 70775
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(A) The agency for health care research and quality; 70782

(B) The national institutes of health; 70783

(C) The national academy of sciences; 70784

(D) The centers for medicare and medicaid services; 70785

(E) The United States department of defense; 70786

(F) The centers for disease control and prevention; 70787

(G) The United States department of veterans affairs; 70788

(H) The drug enforcement administration; 70789

(I) The food and drug administration; 70790

(J) Any board recognized by the national institutes of health 70791
for the purpose of evaluating the medical value of health care 70792
services. 70793

Sec. 3796.05. (A) When establishing the number of cultivator 70794
licenses that will be permitted at any one time, the ~~department of~~ 70795
~~commerce~~ division of marijuana control shall consider both of the 70796
following: 70797

(1) The population of this state; 70798

(2) The number of patients seeking to use medical marijuana. 70799

(B) When establishing the number of retail dispensary 70800
licenses that will be permitted at any one time, the ~~state board~~ 70801
~~of pharmacy~~ division shall consider all of the following: 70802

(1) The population of this state; 70803

(2) The number of patients seeking to use medical marijuana; 70804

(3) The geographic distribution of dispensary sites in an 70805
effort to ensure patient access to medical marijuana. 70806

(C) When establishing standards and procedures for the 70807
testing of medical marijuana, the ~~department~~ division shall do all 70808
of the following: 70809

(1) Specify when testing must be conducted; 70810

(2) Determine the minimum amount of medical marijuana that 70811
must be tested; 70812

(3) Specify the manner in which testing is to be conducted in 70813
an effort to ensure uniformity of medical marijuana products 70814
processed for and dispensed to patients; 70815

(4) Specify the manner in which test results are provided. 70816

Sec. 3796.06. (A) Only the following forms of medical 70817
marijuana may be dispensed under this chapter: 70818

(1) Oils;	70819
(2) Tinctures;	70820
(3) Plant material;	70821
(4) Edibles;	70822
(5) Patches;	70823
(6) Any other form approved by the state board of pharmacy	70824
<u>division of marijuana control</u> under section 3796.061 of the	70825
Revised Code.	70826
(B) With respect to the methods of using medical marijuana,	70827
all of the following apply:	70828
(1) The smoking or combustion of medical marijuana is	70829
prohibited.	70830
(2) The vaporization of medical marijuana is permitted + .	70831
(3) The state board of pharmacy <u>division</u> may approve	70832
additional methods of using medical marijuana, other than smoking	70833
or combustion, under section 3796.061 of the Revised Code.	70834
(C) Any form or method that is considered attractive to	70835
children, as specified in rules adopted by the board <u>division</u> , is	70836
prohibited.	70837
(D) With respect to tetrahydrocannabinol content, all of the	70838
following apply:	70839
(1) Plant material shall have a tetrahydrocannabinol content	70840
of not more than thirty-five per cent.	70841
(2) Extracts shall have a tetrahydrocannabinol content of not	70842
more than seventy per cent.	70843
Sec. 3796.061. (A) Any person may submit a petition to the	70844
state board of pharmacy <u>division of marijuana control</u> requesting	70845
that a form of or method of using medical marijuana be approved	70846

for the purposes of section 3796.06 of the Revised Code. A 70847
petition shall be submitted to the ~~board~~ division in a manner 70848
prescribed by the ~~board~~ division. A petition shall not seek to 70849
approve a method of using medical marijuana that involves smoking 70850
or combustion. 70851

(B) On receipt of a petition, the ~~board~~ division shall review 70852
it to determine whether to approve the form of or method of using 70853
medical marijuana described in the petition. The ~~board~~ division 70854
may consolidate the review of petitions for the same or similar 70855
forms or methods. In making its determination, the ~~board~~ division 70856
shall consult with one or more experts and review any relevant 70857
scientific evidence. 70858

(C) The ~~board~~ division shall approve or deny the petition in 70859
accordance with any rules adopted by the ~~board~~ division under this 70860
section. The ~~board's~~ division's decision is final. 70861

(D) The ~~board~~ division may adopt rules as necessary to 70862
implement this section. The rules shall be adopted in accordance 70863
with Chapter 119. of the Revised Code. 70864

Sec. 3796.08. (A)(1) A Until one hundred eighty days 70865
following the effective date of this amendment, a patient seeking 70866
to use medical marijuana or a caregiver seeking to assist a 70867
patient in the use or administration of medical marijuana shall 70868
apply to the state board of pharmacy for registration. On and 70869
after one hundred eighty days following the effective date of this 70870
amendment, a patient seeking to use medical marijuana or a 70871
caregiver seeking to assist a patient in the use or administration 70872
of medical marijuana shall apply to the division of marijuana 70873
control for registration. The physician who holds a certificate to 70874
recommend issued by the state medical board and is treating the 70875
patient or the physician's delegate shall submit the application 70876
on the patient's or caregiver's behalf in the manner established 70877

in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 70878
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(2) The application shall include all of the following: 70880

(a) A statement from the physician certifying all of the following: 70881
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(i) That a bona fide physician-patient relationship exists between the physician and patient; 70883
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(ii) That the patient has been diagnosed with a qualifying medical condition; 70885
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(iii) That the physician or physician delegate has requested from the drug database a report of information related to the patient that covers at least the twelve months immediately preceding the date of the report; 70887
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(iv) That the physician has informed the patient of the risks and benefits of medical marijuana as it pertains to the patient's qualifying medical condition and medical history. 70891
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(b) In the case of an application submitted on behalf of a patient, the name or names of the one or more caregivers that will assist the patient in the use or administration of medical marijuana; 70894
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(c) In the case of an application submitted on behalf of a caregiver, the name of the patient or patients that the caregiver seeks to assist in the use or administration of medical marijuana. 70898
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(3) If the application is complete and meets the requirements established in rules, the board or division, as applicable, shall register the patient or caregiver and issue to the patient or caregiver an identification card. 70901
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(B) The board or division, as applicable, shall not make public any information reported to or collected by the board or 70905
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division, as applicable, under this section that identifies or 70907
would tend to identify any specific patient. 70908

Information collected by the board or division, as 70909
applicable, pursuant to this section is confidential and not a 70910
public record. The board or division, as applicable, may share 70911
identifying information with a licensed retail dispensary for the 70912
purpose of confirming that a person has a valid registration. 70913
Information that does not identify a person may be released in 70914
summary, statistical, or aggregate form. 70915

(C) A registration expires according to the renewal schedule 70916
established in rules adopted under section ~~3796.04~~ 3796.03 of the 70917
Revised Code and may be renewed in accordance with procedures 70918
established in those rules. 70919

Sec. 3796.10. (A) An entity that seeks to dispense at retail 70920
medical marijuana shall file an application for licensure with the 70921
~~state board of pharmacy~~ division of marijuana control. The entity 70922
shall file an application for each location from which it seeks to 70923
operate. Each application shall be submitted in accordance with 70924
rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 70925

(B) The ~~board~~ division shall issue a license to an applicant 70926
if all of the following conditions are met: 70927

(1) The report of the criminal records check conducted 70928
pursuant to section 3796.12 of the Revised Code with respect to 70929
the application demonstrates that the person subject to the 70930
criminal records check requirement has not been convicted of or 70931
pleaded guilty to any of the disqualifying offenses specified in 70932
rules adopted under section 9.79 and division (B)(2)(b) of section 70933
~~3796.04~~ 3796.03 of the Revised Code. 70934

(2) The applicant demonstrates that it does not have an 70935
ownership or investment interest in or compensation arrangement 70936

with any of the following:	70937
(a) A laboratory licensed under this chapter;	70938
(b) An applicant for a license to conduct laboratory testing.	70939
(3) The applicant demonstrates that it does not share any	70940
corporate officers or employees with any of the following:	70941
(a) A laboratory licensed under this chapter;	70942
(b) An applicant for a license to conduct laboratory testing.	70943
(4) The applicant demonstrates that it will not be located	70944
within five hundred feet of a school, church, public library,	70945
public playground, or public park.	70946
(5) The information provided to the board <u>division</u> pursuant	70947
to section 3796.11 of the Revised Code demonstrates that the	70948
applicant is in compliance with the applicable tax laws of this	70949
state.	70950
(6) The applicant meets all other licensure eligibility	70951
conditions established in rules adopted under section 3796.04	70952
<u>3796.03</u> of the Revised Code.	70953
(C) The board <u>division</u> shall issue not less than fifteen per	70954
cent of retail dispensary licenses to entities that are owned and	70955
controlled by United States citizens who are residents of this	70956
state and are members of one of the following economically	70957
disadvantaged groups: Blacks or African Americans, American	70958
Indians, Hispanics or Latinos, and Asians. If no applications or	70959
an insufficient number of applications are submitted by such	70960
entities that meet the conditions set forth in division (B) of	70961
this section, the licenses shall be issued according to usual	70962
procedures.	70963
As used in this division, "owned and controlled" means that	70964
at least fifty-one per cent of the business, including corporate	70965
stock if a corporation, is owned by persons who belong to one or	70966

more of the groups set forth in this division, and that those 70967
owners have control over the management and day-to-day operations 70968
of the business and an interest in the capital, assets, and 70969
profits and losses of the business proportionate to their 70970
percentage of ownership. 70971

(D) A license expires according to the renewal schedule 70972
established in rules adopted under section ~~3796.04~~ 3796.03 of the 70973
Revised Code and may be renewed in accordance with the procedures 70974
established in those rules. 70975

Sec. 3796.11. (A)(1) Notwithstanding section 149.43 of the 70976
Revised Code or any other public records law to the contrary or 70977
any law relating to the confidentiality of tax return information, 70978
upon the request of the ~~department of commerce or state board of~~ 70979
~~pharmacy~~ division of marijuana control, the department of taxation 70980
shall provide to the ~~department of commerce or board~~ division all 70981
of the following information: 70982

(a) Whether an applicant for licensure under this chapter is 70983
in compliance with the applicable tax laws of this state; 70984

(b) Any past or pending violation by the applicant of those 70985
tax laws, and any penalty imposed on the applicant for such a 70986
violation. 70987

(2) The ~~department of commerce or board~~ division shall 70988
request the information only as it pertains to an application for 70989
licensure that the ~~department of commerce or board~~ division, as 70990
applicable, is reviewing. 70991

(3) The department of taxation may charge the ~~department of~~ 70992
~~commerce or board~~ division a reasonable fee to cover the 70993
administrative cost of providing the information. 70994

(B) Information received under this section is confidential. 70995
Except as otherwise permitted by other state law or federal law, 70996

the ~~department of commerce or board~~ division shall not make the 70997
information available to any person other than the applicant for 70998
licensure to whom the information applies. 70999

Sec. 3796.12. (A) As used in this section, "criminal records 71000
check" has the same meaning as in section 109.572 of the Revised 71001
Code. 71002

(B)(1) As part of the application process for a license 71003
issued under this chapter, the ~~department of commerce or state~~ 71004
~~board of pharmacy, whichever is issuing the license,~~ division of 71005
marijuana control shall require each of the following to complete 71006
a criminal records check: 71007

(a) An administrator or other person responsible for the 71008
daily operation of the entity seeking the license; 71009

(b) An owner or prospective owner, officer or prospective 71010
officer, or board member or prospective board member of the entity 71011
seeking the license. 71012

(2) If a person subject to the criminal records check 71013
requirement does not present proof of having been a resident of 71014
this state for the five-year period immediately prior to the date 71015
the criminal records check is requested or provide evidence that 71016
within that five-year period the superintendent of the bureau of 71017
criminal identification and investigation has requested 71018
information about the person from the federal bureau of 71019
investigation in a criminal records check, the ~~department or board~~ 71020
division shall request that the person obtain through the 71021
superintendent a criminal records request from the federal bureau 71022
of investigation as part of the criminal records check of the 71023
person. Even if a person presents proof of having been a resident 71024
of this state for the five-year period, the ~~department or board~~ 71025
division may request that the person obtain information through 71026
the superintendent from the federal bureau of investigation in the 71027

criminal records check. 71028

(C) The ~~department or board~~ division shall provide the 71029
following to each person who is subject to the criminal records 71030
check requirement: 71031

(1) Information about accessing, completing, and forwarding 71032
to the superintendent of the bureau of criminal identification and 71033
investigation the form prescribed pursuant to division (C)(1) of 71034
section 109.572 of the Revised Code and the standard impression 71035
sheet to obtain fingerprint impressions prescribed pursuant to 71036
division (C)(2) of that section; 71037

(2) Written notification that the person is to instruct the 71038
superintendent to submit the completed report of the criminal 71039
records check directly to the ~~department or board~~ division. 71040

(D) Each person who is subject to the criminal records check 71041
requirement shall pay to the bureau of criminal identification and 71042
investigation the fee prescribed pursuant to division (C)(3) of 71043
section 109.572 of the Revised Code for the criminal records check 71044
conducted of the person. 71045

(E) The report of any criminal records check conducted by the 71046
bureau of criminal identification and investigation in accordance 71047
with section 109.572 of the Revised Code and pursuant to a request 71048
made under this section is not a public record for the purposes of 71049
section 149.43 of the Revised Code and shall not be made available 71050
to any person other than the following: 71051

(1) The person who is the subject of the criminal records 71052
check or the person's representative; 71053

(2) The members and staff of the ~~department or board~~ 71054
division; 71055

(3) A court, hearing officer, or other necessary individual 71056
involved in a case dealing with either of the following: 71057

(a) A license denial resulting from the criminal records check; 71058
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(b) A civil or criminal action regarding the medical marijuana control program or any violation of this chapter. 71060
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(F) The ~~department or board~~ division shall deny a license if, after receiving the information and notification required by this section, a person subject to the criminal records check requirement fails to do either of the following: 71062
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(1) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section; 71066
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(2) Instruct the superintendent to submit the completed report of the criminal records check directly to the ~~department or board~~ division. 71071
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Sec. 3796.13. (A) Each person seeking employment with an entity licensed under this chapter shall comply with sections 4776.01 to 4776.04 of the Revised Code. Except as provided in division (B) of this section, such an entity shall not employ the person unless the person ~~complies with those sections and the~~ has submitted a criminal records check under those sections. The report of the resulting criminal records check demonstrates shall demonstrate that the person has not been convicted of or pleaded guilty to ~~the following:~~ 71074
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~~(1) Any~~ any of the disqualifying offenses specified in rules adopted under division ~~(B)(8)(a)~~ (B)(14)(a) of section 3796.03 of the Revised Code if the person is seeking employment with an entity licensed by the ~~department of commerce~~ division of marijuana control under this chapter; 71083
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~~(2) Any of the disqualifying offenses specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person is seeking employment with an entity licensed by the state board of pharmacy under this chapter.~~

(B) An entity is not prohibited by division (A) of this section from employing a person if ~~the following applies:~~

~~(1) In the case of a person seeking employment with an entity licensed by the department of commerce under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(8)(b)(B)(14)(b) of section 3796.03 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.~~

~~(2) In the case of a person seeking employment with an entity licensed by the state board of pharmacy under this chapter, the disqualifying offense the person was convicted of or pleaded guilty to is one of the offenses specified in rules adopted under division (B)(14)(b) of section 3796.04 of the Revised Code and the person was convicted of or pleaded guilty to the offense more than five years before the date the employment begins.~~

Sec. 3796.14. ~~(A)(1)(A)~~ The department of commerce division of marijuana control may do any of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code:

~~(a)(1)~~ Suspend, suspend without prior hearing, revoke, or refuse to renew a license it issued under this chapter or a license or a registration the state board of pharmacy issued prior to the transfer of regulatory authority over the medical marijuana control program to the division;

~~(b)(2)~~ Refuse to issue a license; 71118

~~(e)(3)~~ Impose on a license holder a civil penalty in an amount to be determined by the ~~department~~ division. 71119
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(4) With respect to a suspension of a retail dispensary license without prior hearing, the division may utilize a telephone conference call to review the allegations and take a vote. The division shall suspend a license without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana by the license holder presents a danger of immediate and serious harm to others. The suspension shall remain in effect, unless lifted by the division, until the division issues its final adjudication order. If the division does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety-first day following the hearing. 71121
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The ~~department's~~ division's actions under ~~this~~ division (A) of this section shall be taken in accordance with Chapter 119. of the Revised Code. 71133
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~~(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, or laboratory license issued under this chapter without prior notice to the applicant or license holder.~~ 71136
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~~(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code:~~ 71140
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~~(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter;~~ 71143
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~~(b) Refuse to issue a license;~~ 71145

~~(c) Impose on a license holder a civil penalty in an amount to be determined by the board.~~ 71146
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~~The board's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.~~ 71148
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~~(2)(B) The board division may inspect all of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code without prior notice to the applicant or license holder:~~ 71150
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~~(a)(1) The premises of an applicant for licensure or holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this chapter;~~ 71154
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~~(b) The premises of and all (2) All records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license.~~ 71157
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~~(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board shall suspend without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana presents a danger of immediate and serious harm to others. The board shall comply with section 119.07 of the Revised Code.~~ 71160
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~~The suspension shall remain in effect, unless lifted by the board, until the board issues its final adjudication order. If the board does not issue the order within ninety days after the adjudication hearing, the suspension shall be lifted on the ninety first day following the hearing.~~ 71167
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~~(C) Whenever it appears to the division, from its files, upon complaint, or otherwise, that any person or entity has engaged in, is engaged in, or is about to engage in any practice declared to be illegal or prohibited by this chapter or the rules adopted under this chapter, or when the division believes it to be in the best interest of the public or patients, the division may do any of the following:~~ 71172
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<u>(1) Investigate the person or entity as authorized pursuant</u>	71179
<u>to this chapter or the rules adopted under this chapter;</u>	71180
<u>(2) Issue subpoenas to any person or entity for the purpose</u>	71181
<u>of compelling either of the following:</u>	71182
<u>(a) The attendance and testimony of witnesses;</u>	71183
<u>(b) The production of books, accounts, papers, records, or</u>	71184
<u>documents.</u>	71185
<u>(D) If a person or entity fails to comply with any order of</u>	71186
<u>the division or a subpoena issued by the division pursuant to this</u>	71187
<u>section, a judge of the court of common pleas of the county in</u>	71188
<u>which the person resides or the entity may be served, on</u>	71189
<u>application of the division, shall compel obedience by attachment</u>	71190
<u>proceedings as for contempt, as in the case of disobedience with</u>	71191
<u>respect to the requirements of a subpoena issued from such court</u>	71192
<u>or a refusal to testify in such court.</u>	71193
Sec. 3796.15. (A) The state board of pharmacy <u>division of</u>	71194
<u>marijuana control</u> shall enforce <u>this chapter</u> , or cause <u>it</u> to be	71195
enforced, sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23	71196
of the Revised Code. If it the division has information that any	71197
provision of those sections <u>this chapter</u> or any rule adopted under	71198
this chapter has been violated, it shall investigate the matter	71199
and take any action as it considers appropriate.	71200
(B) Nothing in this chapter shall be construed to require the	71201
state board of pharmacy <u>division</u> to enforce minor violations if	71202
the board <u>division</u> determines that the public interest is	71203
adequately served by a notice or warning to the alleged offender.	71204
(C) If the board <u>division</u> suspends, revokes, or refuses to	71205
renew any license or registration issued under this chapter and	71206
determines that there is clear and convincing evidence of a danger	71207
of immediate and serious harm to any person, the board <u>division</u>	71208

may place under seal all medical marijuana owned by or in the 71209
possession, custody, or control of the affected license holder or 71210
registrant. Except as provided in this division, the ~~board~~ 71211
division of marijuana control shall not dispose of the medical 71212
marijuana sealed under this division until the license holder or 71213
registrant exhausts all of the holder's or registrant's appeal 71214
rights under Chapter 119. of the Revised Code. The court involved 71215
in such an appeal may order the ~~board~~ division, during the 71216
pendency of the appeal, to sell medical marijuana that is 71217
perishable. The ~~board~~ division shall deposit the proceeds of the 71218
sale with the court. 71219

Sec. 3796.16. (A)(1) The ~~state board of pharmacy~~ division of 71220
marijuana control shall attempt in good faith to negotiate and 71221
enter into a reciprocity agreement with any other state under 71222
which a medical marijuana registry identification card or 71223
equivalent authorization that is issued by the other state is 71224
recognized in this state, if the ~~board~~ division determines that 71225
both of the following apply: 71226

(a) The eligibility requirements imposed by the other state 71227
for that authorization are substantially comparable to the 71228
eligibility requirements for a patient or caregiver registration 71229
and identification card issued under this chapter. 71230

(b) The other state recognizes a patient or caregiver 71231
registration and identification card issued under this chapter. 71232

(2) The ~~board~~ division shall not negotiate any agreement with 71233
any other state under which an authorization issued by the other 71234
state is recognized in this state other than as provided in 71235
division (A)(1) of this section. 71236

(B) If a reciprocity agreement is entered into in accordance 71237
with division (A) of this section, the authorization issued by the 71238
other state shall be recognized in this state, shall be accepted 71239

and valid in this state, and grants the patient or caregiver the 71240
same right to use, possess, obtain, or administer medical 71241
marijuana in this state as a patient or caregiver who was 71242
registered and issued an identification card under this chapter. 71243

(C) The ~~board~~ division may adopt any rules as necessary to 71244
implement this section. 71245

Sec. 3796.17. The ~~state board of pharmacy~~ division of 71246
marijuana control shall establish a toll-free telephone line to 71247
respond to inquiries from patients, caregivers, and health 71248
professionals regarding adverse reactions to medical marijuana and 71249
to provide information about available services and assistance. 71250
The ~~board~~ division may contract with a separate entity to 71251
establish and maintain the telephone line on behalf of the ~~board~~ 71252
division. 71253

Sec. 3796.19. (A) Notwithstanding any conflicting provision 71254
of the Revised Code, the holder of a current, valid processor 71255
license issued under this chapter may do any of the following: 71256

(1) Obtain medical marijuana from one or more licensed 71257
cultivators; 71258

(2) Subject to division (B) of this section, process medical 71259
marijuana obtained from one or more licensed cultivators into a 71260
form described in section 3796.06 of the Revised Code; 71261

(3) Deliver or sell processed medical marijuana to one or 71262
more licensed retail dispensaries. 71263

(B) When processing medical marijuana, a licensed processor 71264
shall do both of the following: 71265

(1) Package the medical marijuana in accordance with 71266
child-resistant effectiveness standards described in 16 C.F.R. 71267
1700.15(b) on ~~the effective date of this section~~ September 8, 71268

<u>2016</u> ;	71269
(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;	71270 71271
(3) Comply with any packaging or labeling requirements established in rules adopted by the department of commerce <u>division of marijuana control</u> under section 3796.03 of the Revised Code.	71272 71273 71274 71275
Sec. 3796.20. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid retail dispensary license issued under this chapter, <u>or previously issued by the state board of pharmacy</u> , may do both of the following:	71276 71277 71278 71279
(1) Obtain medical marijuana from one or more processors;	71280
(2) Dispense or sell medical marijuana in accordance with division (B) of this section.	71281 71282
(B) When dispensing or selling medical marijuana, a licensed retail dispensary shall do all of the following:	71283 71284
(1) Dispense or sell only upon a showing of a current, valid identification card and in accordance with a written recommendation issued by a physician in accordance with an holding a certificate to recommend issued by the state medical board under section 4731.30 of the Revised Code;	71285 71286 71287 71288 71289
(2) Report to the drug database the information required by section 4729.771 of the Revised Code;	71290 71291
(3) Label the package containing medical marijuana with the following information:	71292 71293
(a) The name and address of the licensed processor and retail dispensary;	71294 71295
(b) The name of the patient and caregiver, if any;	71296
(c) The name of the physician who recommended treatment with	71297

medical marijuana;	71298
(d) The directions for use, if any, as recommended by the physician;	71299 71300
(e) The date on which the medical marijuana was dispensed;	71301
(f) The quantity, strength, kind, or form of medical marijuana contained in the package.	71302 71303
(C) When operating a licensed retail dispensary, both of the following apply:	71304 71305
(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	71306 71307 71308
(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient.	71309 71310 71311
Sec. 3796.22. (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:	71312 71313 71314 71315
(1) Use medical marijuana;	71316
(2) Possess medical marijuana, subject to division (B) of this section;	71317 71318
(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	71319 71320
(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	71321 71322 71323
(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:	71324 71325 71326

(1) Obtaining, using, or possessing medical marijuana;	71327
(2) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revise <u>Revised</u> Code.	71328 71329 71330
(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.	71331 71332 71333
Sec. 3796.23. (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:	71334 71335 71336 71337
(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section;	71338 71339 71340
(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana;	71341 71342
(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	71343 71344
(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient.	71345 71346 71347 71348 71349 71350
(C) A registered caregiver shall not be subject to arrest or criminal prosecution for doing any of following in accordance with this chapter:	71351 71352 71353
(1) Obtaining or possessing medical marijuana on behalf of a registered patient;	71354 71355

(2) Assisting a registered patient in the use or administration of medical marijuana; 71356
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(3) Possessing any paraphernalia or accessories specified in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 71358
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(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient. 71360
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Sec. 3796.27. (A) As used in this section: 71363

(1) "Financial institution" means any of the following: 71364

(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union; 71365
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(b) Any money transmitter licensed under sections 1315.01 to 1315.18 of the Revised Code or any affiliate, agent, or employee of such a licensee. 71369
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(2) "Financial services" means services that a financial institution is authorized to provide under Title XI, sections 1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as applicable. 71372
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(B) A financial institution that provides financial services to any cultivator, processor, retail dispensary, or laboratory licensed under this chapter shall be exempt from any criminal law of this state an element of which may be proven by substantiating that a person provides financial services to a person who possesses, delivers, or manufactures marijuana or marijuana derived products, including section 2925.05 of the Revised Code and sections 2923.01 and 2923.03 of the Revised Code as those sections apply to violations of Chapter 2925. of the Revised Code, if the cultivator, processor, retail dispensary, or laboratory is 71376
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in compliance with this chapter and the applicable tax laws of 71386
this state. 71387

(C)(1) Notwithstanding section 149.43 of the Revised Code or 71388
any other public records law to the contrary, upon the request of 71389
a financial institution, the ~~department of commerce or state board~~ 71390
~~of pharmacy~~ division of marijuana control shall provide to the 71391
financial institution all of the following information: 71392

(a) Whether a person with whom the financial institution is 71393
seeking to do business is a cultivator, processor, retail 71394
dispensary, or laboratory licensed under this chapter; 71395

(b) The name of any other business or individual affiliated 71396
with the person; 71397

(c) An unredacted copy of the application for a license under 71398
this chapter, and any supporting documentation, that was submitted 71399
by the person; 71400

(d) If applicable, information relating to sales and volume 71401
of product sold by the person; 71402

(e) Whether the person is in compliance with this chapter; 71403

(f) Any past or pending violation by the person of this 71404
chapter, and any penalty imposed on the person for such a 71405
violation. 71406

(2) The ~~department or board~~ division may charge a financial 71407
institution a reasonable fee to cover the administrative cost of 71408
providing the information. 71409

(D) Information received by a financial institution under 71410
division (C) of this section is confidential. Except as otherwise 71411
permitted by other state law or federal law, a financial 71412
institution shall not make the information available to any person 71413
other than the customer to whom the information applies and any 71414
trustee, conservator, guardian, personal representative, or agent 71415

of that customer. 71416

Sec. 3796.30. (A) Except as provided in division (B) of this 71417
section, no medical marijuana cultivator, processor, retail 71418
dispensary, or laboratory that tests medical marijuana shall be 71419
located within five hundred feet of the boundaries of a parcel of 71420
real estate having situated on it a school, church, public 71421
library, public playground, or public park. 71422

If the relocation of a cultivator, processor, retail 71423
dispensary, or laboratory licensed under this chapter results in 71424
the cultivator, processor, retail dispensary, or laboratory being 71425
located within five hundred feet of the boundaries of a parcel of 71426
real estate having situated on it a school, church, public 71427
library, public playground, or public park, the ~~department of~~ 71428
~~commerce or state board of pharmacy~~ division of marijuana control 71429
shall revoke the license it previously issued to the cultivator, 71430
processor, retail dispensary, or laboratory. 71431

(B) This section does not apply to research related to 71432
marijuana conducted at a state university, academic medical 71433
center, or private research and development organization as part 71434
of a research protocol approved by an institutional review board 71435
or equivalent entity. 71436

(C) As used in this section and sections ~~3796.04~~ 3796.03 and 71437
3796.12 of the Revised Code: 71438

"Church" has the meaning defined in section 1710.01 of the 71439
Revised Code. 71440

"Public library" means a library provided for under Chapter 71441
3375. of the Revised Code. 71442

"Public park" means a park established by the state or a 71443
political subdivision of the state including a county, township, 71444
municipal corporation, or park district. 71445

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child day-care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

Sec. 3901.021. (A) Three-fourths of all appointment and other fees collected under division (B) of section 3905.20 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund, which is hereby created. The remaining one-fourth shall be credited to the general revenue fund. Other revenues collected by the superintendent of insurance, such as registration fees for sponsored seminars or conferences and grants from private entities, shall be paid into the state treasury to the credit of the department of insurance operating fund.

(B) Seven-tenths of all fees collected under divisions (A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code shall be paid into the state treasury to the credit of the department of insurance operating fund. The remaining three-tenths shall be credited to the general revenue fund.

(C) All operating expenses of the department of insurance ~~except~~, including those expenses defined under section 3901.07 of the Revised Code, shall be paid from the department of insurance operating fund.

Sec. 3901.07. (A) As used in this section, "insurer" means any person doing or authorized to do any insurance business in this state.

(B)(1) Before issuing any license to do the business of

insurance in this state, the superintendent of insurance, or a 71476
person appointed by ~~him~~ the superintendent, may examine the 71477
financial affairs of any insurer. 71478

(2) The superintendent, or any person appointed by ~~him~~ the 71479
superintendent, may examine, as often as ~~he~~ the superintendent or 71480
appointee considers it desirable, the affairs of any insurer and 71481
of any person as to any matter relevant to the financial affairs 71482
of the insurer or to the examination. 71483

(3) The superintendent, or any person appointed by ~~him~~ the 71484
superintendent, shall examine each domestic insurer at least once 71485
every three years as to its condition, fulfillment of its 71486
contractual obligations, and compliance with applicable laws, 71487
provided that ~~he~~ the superintendent or appointee may defer making 71488
the examination for a longer period not to exceed five years. 71489

(C) In scheduling and determining the nature, scope, and 71490
frequency of any examination authorized or required by division 71491
(B) of this section, the superintendent shall consider such 71492
matters as the results of financial statement analyses and ratios, 71493
changes in management or ownership, actuarial opinions, reports of 71494
independent certified public accountants, and any other criteria 71495
~~he~~ the superintendent considers appropriate. 71496

(D) The superintendent, in lieu of making any examination 71497
authorized or required by division (B) of this section, may accept 71498
the report of an examination of a foreign or alien insurer made 71499
and certified by the superintendent of insurance or other 71500
insurance supervisory official of the state or government of 71501
domicile or state of entry. The examination of an alien insurer 71502
shall be limited to its United States business except as otherwise 71503
required by the superintendent. 71504

(E) Whenever the superintendent determines to examine the 71505
affairs of any insurer pursuant to any examination authorized or 71506

required by division (B) of this section, ~~he~~ the superintendent 71507
shall appoint as examiners one or more competent persons not 71508
employed by or interested in any insurer except as a policyholder. 71509
The superintendent shall instruct the examiners as to the scope of 71510
the examination. 71511

Each examiner appointed under this division shall have 71512
convenient access at all reasonable hours to the books, records, 71513
files, securities, and other documents of the insurer, its 71514
managers, agents, or other persons that are relevant to the 71515
examination. The examiner may administer oaths and examine any 71516
person under oath as to any matter relevant to the affairs of the 71517
insurer or the examination. 71518

(F) If the superintendent finds the accounts of an insurer 71519
being examined pursuant to any examination authorized or required 71520
by division (B) of this section to be inadequate or improperly 71521
kept or posted and if the insurer has been afforded a reasonable 71522
opportunity to correct the accounts, the superintendent may employ 71523
or require the insurer to employ experts to rewrite, post, or 71524
balance the accounts. The employment of experts under this 71525
division shall be at the expense of the insurer. 71526

(G) In connection with any examination authorized or required 71527
by division (B) of this section, the superintendent may appoint 71528
one or more competent persons to appraise the real property of the 71529
insurer or any real property on which the insurer holds security. 71530

(H) The examiner in charge of any examination authorized or 71531
required by division (B) of this section shall make a true report 71532
of the examination, verified under oath, that shall comprise only 71533
facts appearing upon the books, records, or other documents of the 71534
insurer or its agents or other persons examined, or as ascertained 71535
from the sworn testimony of its officers or agents or other 71536
persons examined concerning its affairs, and such conclusions and 71537
recommendations as may be reasonably warranted from those facts. 71538

The reports so verified shall be prima-facie evidence in any 71539
action or proceeding for the rehabilitation or liquidation of the 71540
insurer brought in the name of the state against the insurer or 71541
its officers or agents. 71542

(I) The examined insurer, within thirty days after the 71543
postmark on the envelope in which the report was mailed, may file 71544
with the superintendent written objections to the report. The 71545
objections shall be attached to and made a part of the report, 71546
which then shall be placed in the files of the department of 71547
insurance as a public record. 71548

(J)(1) The officers, directors, managers, employees, and 71549
agents of an insurer shall facilitate in every way any examination 71550
authorized or required by division (B) of this section and, to the 71551
extent of their authority, aid the examiners and persons appointed 71552
or employed pursuant to divisions (E), (F), and (G) of this 71553
section in conducting the examination. 71554

(2) No officer, director, manager, employee, or agent of an 71555
insurer shall do any of the following: 71556

(a) Fail to comply with division (J)(1) of this section; 71557

(b) Refuse, without just cause, to be examined under oath; 71558

(c) Knowingly obstruct or interfere with an examiner or any 71559
person appointed or employed pursuant to division (E), (F), or (G) 71560
of this section in the exercise of his the examiner's, 71561
appointee's, or employee's authority under this section. 71562

(3) No insurer shall refuse to submit to an examination 71563
authorized or required by division (B) of this section. The 71564
superintendent, in accordance with Chapter 119. of the Revised 71565
Code, may suspend or revoke or refuse to issue or renew the 71566
license of any insurer that violates division (J)(3) of this 71567
section. 71568

(K) Personnel conducting an examination shall be compensated 71569
for each day or portion thereof worked at the rates provided in 71570
the examiners' handbook published by the national association of 71571
insurance commissioners or the rates applicable to such personnel 71572
under section 124.15 or 124.152 of the Revised Code, whichever are 71573
higher. Such personnel shall also be reimbursed for their travel 71574
and living expenses at rates not to exceed the rates provided in 71575
the examiners' handbook published by the association. Personnel 71576
who are appointed by the superintendent, but are not employees of 71577
the department of insurance, shall be compensated for their work 71578
and travel and living expenses at reasonable and customary rates. 71579

(L) If an examination is made of any insurer, the expenses 71580
thereof shall be paid by the insurer. 71581

The superintendent shall provide each insurer with an 71582
itemized statement of the expenses incurred in the performance of 71583
the examination functions authorized or required by this section. 71584
Upon receipt of the superintendent's statement, the insurer shall 71585
remit the amount thereof to the superintendent who shall remit to 71586
the treasurer of state pursuant to section ~~3901.071~~ 3901.021 of 71587
the Revised Code for deposit in the ~~superintendent's examination~~
department of insurance operating fund. 71588
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(M) As used in this section, "expenses" means: 71590

(1) The entire compensation for each day or portion thereof 71591
worked by all personnel, including those who are not employees of 71592
the department of insurance, in: 71593

(a) The conduct of such examination calculated at the rates 71594
provided in the examiners' handbook published by the national 71595
association of insurance commissioners; 71596

(b) The review and analysis of the annual and any interim 71597
financial statements of insurers licensed in this state; 71598

(c) The ongoing evaluation and monitoring of the financial 71599

affairs of licensed insurers;	71600
(d) The preparation of the premium or franchise tax liability of licensed insurers;	71601 71602
(e) The review and evaluation of foreign and alien insurers seeking a license in this state;	71603 71604
(f) A portion of the training and continuing education costs of examiners.	71605 71606
(2) Travel and living expenses of all personnel, including those who are not employees of the department, directly engaged in the conduct of such examination calculated at rates not to exceed the rates provided in the examiners' handbook published by the association;	71607 71608 71609 71610 71611
(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;	71612 71613
(4) An allocated share of all expenses not paid as described in division (M)(1), (2), or (3) of this section that are necessarily incurred in carrying out the duties of the superintendent under this section, including the expenses of direct overhead and support staff for the examiners and persons appointed or employed pursuant to divisions (E), (F), and (G) of this section.	71614 71615 71616 71617 71618 71619 71620
Sec. 3901.071. All moneys collected by the superintendent of insurance for expenses incurred by the superintendent in conducting examinations pursuant to the Revised Code of the financial affairs of any insurance company doing business in this state, for which the insurance company examined is required to pay the costs, shall be paid to the superintendent. The superintendent shall deposit the money in the state treasury to the credit of the superintendent's examination fund, which is hereby established. Any funds expended or obligated therefrom by the superintendent	71621 71622 71623 71624 71625 71626 71627 71628 71629

~~shall be expended or obligated solely for defrayment of the costs~~ 71630
~~of examinations of the financial affairs of insurance companies~~ 71631
~~made by the superintendent pursuant to the Revised Code department~~ 71632
~~of insurance operating fund.~~ For purposes of this section, 71633
"insurance company" means any domestic or foreign stock company, 71634
risk retention group, mutual company, mutual protective 71635
association, fraternal benefit society, reciprocal or 71636
inter-insurance exchange, and health insuring corporation, 71637
regardless of the type of coverage written, benefits provided, or 71638
guarantees made by each. 71639

Sec. 3901.321. (A) For the purposes of this section: 71640

(1) "Acquiring party" means any person by whom or on whose 71641
behalf a merger or other acquisition of control is to be effected. 71642

(2) "Domestic insurer" includes any person controlling a 71643
domestic insurer unless the person, as determined by the 71644
superintendent of insurance, is either directly or through its 71645
affiliates primarily engaged in business other than the business 71646
of insurance. 71647

(3) "Person" does not include any securities broker holding, 71648
in the usual and customary broker's function, less than twenty per 71649
cent of the voting securities of an insurance company or of any 71650
person that controls an insurance company. 71651

(B)(1) Subject to compliance with division (B)(2) of this 71652
section, no person other than the issuer shall do any of the 71653
following if, as a result, the person would, directly or 71654
indirectly, including by means of conversion or the exercise of 71655
any right to acquire, be in control of a domestic insurer: 71656

(a) Make a tender offer for any voting security of a domestic 71657
insurer; 71658

(b) Make a request or invitation for tenders of any voting 71659

security of a domestic insurer; 71660

(c) Enter into any agreement to exchange securities of a 71661
domestic insurer; 71662

(d) Seek to acquire or acquire, in the open market or 71663
otherwise, any voting security of a domestic insurer; 71664

(e) Enter into an agreement to merge with, or otherwise to 71665
acquire control of, a domestic insurer. 71666

(2)(a) No person shall engage in any transaction described in 71667
division (B)(1) of this section, unless all of the following 71668
conditions are met: 71669

(i) The person has filed with the superintendent of insurance 71670
a statement containing the information required by division (C) of 71671
this section; 71672

(ii) The person has sent the statement to the domestic 71673
insurer; 71674

(iii) The offer, request, invitation, agreement, or 71675
acquisition has been approved by the superintendent in the manner 71676
provided in division (F) of this section. 71677

(b) The requirements of division (B)(2)(a) of this section 71678
shall be met at the time any offer, request, or invitation is 71679
made, or any agreement is entered into, or prior to the 71680
acquisition of the securities if no offer or agreement is 71681
involved. 71682

(3) Any controlling person of a domestic insurer seeking to 71683
divest its controlling interest in the domestic insurer shall file 71684
a confidential notice of its proposed divestiture with the 71685
superintendent at least thirty days prior to the cessation of 71686
control, and provide a copy of the confidential notice to the 71687
insurer. The superintendent may require the person seeking to 71688
divest the controlling interest to file for and obtain approval of 71689

the transaction. The information shall remain confidential until 71690
the conclusion of the transaction unless the superintendent, in 71691
the superintendent's discretion, determines that the confidential 71692
treatment will interfere with enforcement of this section. If the 71693
statement required by division (B)(2) of this section is otherwise 71694
filed with the superintendent in relation to all parties that 71695
acquire a controlling interest as a result of the divestiture, 71696
this division shall not apply. 71697

(C) The statement required by division (B)(2) of this section 71698
shall be made under oath or affirmation, and shall contain all of 71699
the following information: 71700

(1) The name and address of each acquiring party; 71701

(2) If the acquiring party is an individual, the individual's 71702
principal occupation and all offices and positions held during the 71703
past five years, and any conviction of crimes other than minor 71704
traffic violations during the past ten years; 71705

(3) If the acquiring party is not an individual, a report of 71706
the nature of its business operations during the past five years 71707
or for such lesser period as the acquiring party and any of its 71708
predecessors shall have been in existence; an informative 71709
description of the business intended to be done by the acquiring 71710
party and the acquiring party's subsidiaries; and a list of all 71711
individuals who are or who have been selected to become directors 71712
or executive officers of the acquiring party, who perform or will 71713
perform functions appropriate to such positions. The list shall 71714
include for each individual the information required by division 71715
(C)(2) of this section. 71716

(4) The source, nature, and amount of the consideration used 71717
or to be used in effecting the merger or other acquisition of 71718
control, a description of any transaction in which funds were or 71719
are to be obtained for any such purpose, including any pledge of 71720

the domestic insurer's stock, or the stock of any of its 71721
subsidiaries or controlling affiliates, and the identity of 71722
persons furnishing such consideration; 71723

(5) Fully audited financial information as to the earnings 71724
and financial condition of each acquiring party for its preceding 71725
five fiscal years, or for such lesser period as the acquiring 71726
party and any of its predecessors shall have been in existence, 71727
and similar unaudited information as of a date not earlier than 71728
ninety days prior to the filing of the statement; 71729

(6) Any plans or proposals which each acquiring party may 71730
have to liquidate such domestic insurer, to sell its assets or 71731
merge or consolidate it with any person, or to make any other 71732
material change in its business or corporate structure or 71733
management; 71734

(7) The number of shares of any security of such issuer or 71735
such controlling person that each acquiring party proposes to 71736
acquire, and the terms of the offer, request, invitation, 71737
agreement, or acquisition, and a statement as to the method by 71738
which the fairness of the proposal was determined; 71739

(8) The amount of each class of any security of such issuer 71740
or such controlling person which is beneficially owned or 71741
concerning which there is a right to acquire beneficial ownership 71742
by each acquiring party; 71743

(9) A full description of any contracts, arrangements, or 71744
understandings with respect to any security of such issuer or such 71745
controlling person in which any acquiring party is involved, 71746
including but not limited to transfer of any of the securities, 71747
joint ventures, loan or option arrangements, puts or calls, 71748
guarantees of loans, guarantees against loss or guarantees of 71749
profits, division of losses or profits, or the giving or 71750
withholding of proxies. The description shall identify the persons 71751

with whom such contracts, arrangements, or understandings have
been made.

(10) A description of the purchase of any security of such
issuer or such controlling person during the year preceding the
filing of the statement, by any acquiring party, including the
dates of purchase, names of the purchasers, and consideration paid
or agreed to be paid therefor;

(11) A description of any recommendations to purchase any
security of such issuer or such controlling person made during the
year preceding the filing of the statement, by any acquiring
party, or by anyone based upon interviews or at the suggestion of
the acquiring party;

(12) Copies of all tender offers for, requests, or
invitations for tenders of, exchange offers for, and agreements to
acquire or exchange any securities of such issuer or such
controlling person, and, if distributed, of additional
solicitation material relating thereto;

(13) The terms of any agreement, contract, or understanding
made with or proposed to be made with any broker or dealer as to
solicitation of securities of such issuer or such controlling
person for tender, and the amount of any fees, commissions, or
other compensation to be paid to brokers or dealers with regard
thereto;

(14) With respect to proposed affiliations between depository
institutions or any affiliate thereof, within the meaning of Title
I, section 104(c) of the "Gramm-Leach-Bliley Act," Pub. L. No.
106-102, 113 Stat. 1338 (1999), and a domestic insurer, the
proposed effective date of the acquisition or change of control;

(15) An agreement by the person required to file the
statement required by division (B) of this section that the person
will provide the annual registration required by division (K) of

section 3901.33 of the Revised Code for so long as the person has 71783
control of the domestic insurer; 71784

(16) An acknowledgment by the person required to file the 71785
statement required by division (B) of this section that the person 71786
and all subsidiaries within the person's control in the insurance 71787
holding company system will provide information to the 71788
superintendent upon request as necessary to evaluate enterprise 71789
risk to the insurer; 71790

(17) Such additional information as the superintendent may by 71791
rule prescribe as necessary or appropriate for the protection of 71792
policyholders of the domestic insurer or in the public interest. 71793

(D)(1) If the person required to file the statement required 71794
by division (B)(2) of this section is a partnership, limited 71795
partnership, syndicate, or other group, the superintendent may 71796
require that the information required by division (C) of this 71797
section be furnished with respect to each partner of such 71798
partnership or limited partnership, each member of such syndicate 71799
or group, and each person that controls such partner or member. If 71800
any such partner, member, or person is a corporation, or the 71801
person required to file the statement is a corporation, the 71802
superintendent may require that the information required by 71803
division (C) of this section be furnished with respect to the 71804
corporation, each officer and director of the corporation, and 71805
each person that is directly or indirectly the beneficial owner of 71806
more than ten per cent of the outstanding voting securities of the 71807
corporation. 71808

(2) If any material change occurs in the facts set forth in 71809
the statement required by division (B)(2) of this section, an 71810
amendment setting forth such change, together with copies of all 71811
documents and other material relevant to the change, shall be 71812
filed with the superintendent by the person subject to division 71813
(B)(2) of this section and sent to the domestic insurer within two 71814

business days after such person learns of the occurrence of the 71815
material change. 71816

(E) If any offer, request, invitation, agreement, or 71817
acquisition described in division (B)(1) of this section is 71818
proposed to be made by means of a registration statement under the 71819
"Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. 78a, or in 71820
circumstances requiring the disclosure of similar information 71821
under the "Securities Exchange Act of 1934," 48 Stat. 881, 15 71822
U.S.C.A. 78a, or under a state law requiring similar registration 71823
or disclosure, the person required to file the statement required 71824
by division (B)(2) of this section may use such documents in 71825
furnishing the information required by that statement. 71826

(F)(1) The superintendent shall approve any merger or other 71827
acquisition of control described in division (B)(1) of this 71828
section unless, after a public hearing, the superintendent finds 71829
that any of the following apply: 71830

(a) After the change of control, the domestic insurer would 71831
not be able to satisfy the requirements for the issuance of a 71832
license to write the line or lines of insurance for which it is 71833
presently licensed; 71834

(b) The effect of the merger or other acquisition of control 71835
would be substantially to lessen competition in insurance in this 71836
state or tend to create a monopoly; 71837

(c) The financial condition of any acquiring party is such as 71838
might jeopardize the financial stability of the domestic insurer, 71839
or prejudice the interests of its policyholders; 71840

(d) The plans or proposals that the acquiring party has to 71841
liquidate the domestic insurer, sell its assets, or consolidate or 71842
merge it with any person, or to make any other material change in 71843
its business or corporate structure or management, are unfair and 71844
unreasonable to policyholders of the domestic insurer and not in 71845

the public interest; 71846

(e) The competence, experience, and integrity of those 71847
persons that would control the operation of the domestic insurer 71848
are such that it would not be in the interest of policyholders of 71849
the domestic insurer and of the public to permit the merger or 71850
other acquisition of control; 71851

(f) The acquisition is likely to be hazardous or prejudicial 71852
to the insurance-buying public. 71853

(2)(a) Chapter 119. of the Revised Code, except for section 71854
119.09 of the Revised Code, applies to any hearing held under 71855
division (F)(1) of this section, including the notice of the 71856
hearing, the conduct of the hearing, the orders issued pursuant to 71857
it, the review of the orders, and all other matters relating to 71858
the holding of the hearing, but only to the extent that Chapter 71859
119. of the Revised Code is not inconsistent or in conflict with 71860
this section. 71861

(b) The notice of a hearing required under this division 71862
shall be transmitted by personal service, certified mail, e-mail, 71863
or any other method designed to ensure and confirm receipt of the 71864
notice, to the persons and addresses designated to receive notices 71865
and correspondence in the information statement filed under 71866
division (B)(2) of this section. Confirmation of receipt of the 71867
notice, including electronic "Read Receipt" confirmation, shall 71868
constitute evidence of compliance with the requirement of this 71869
section. The notice of hearing shall include the reasons for the 71870
proposed action and a statement informing the acquiring party that 71871
the party is entitled to a hearing. The notice also shall inform 71872
the acquiring party that at the hearing the acquiring party may 71873
appear in person, by attorney, or by such other representative as 71874
is permitted to practice before the superintendent, or that the 71875
acquiring party may present its position, arguments, or 71876
contentions in writing, and that at the hearing the acquiring 71877

party may present evidence and examine witnesses appearing for and 71878
against the acquiring party. A copy of the notice also shall be 71879
transmitted to attorneys or other representatives of record 71880
representing the acquiring party. 71881

(c) The hearing shall be held at the offices of the 71882
superintendent within ten calendar days, but not earlier than 71883
seven calendar days, of the date of transmission of the notice of 71884
hearing by any means, unless it is postponed or continued; but in 71885
no event shall the hearing be held unless notice is received at 71886
least three days prior to the hearing. The superintendent may 71887
postpone or continue the hearing upon receipt of a written request 71888
by an acquiring party, or upon the superintendent's motion, 71889
provided, however, a hearing in connection with a proposed change 71890
of control involving a depository institution or any affiliate 71891
thereof, within the meaning of Title I, section 104(c) of the 71892
"Gramm-Leach-Bliley Act," Pub. L. No. 106-102, 113 Stat. 1338 71893
(1999), and a domestic insurer, may be postponed or continued only 71894
upon the request of an acquiring party, or upon the 71895
superintendent's motion when the acquiring party agrees in writing 71896
to extend the sixty-day period provided for in section 104(c) of 71897
the "Gramm-Leach-Bliley Act," by a number of days equal to the 71898
number of days of such postponement or continuance. 71899

(d) For the purpose of conducting any hearing held under this 71900
section, the superintendent may require the attendance of such 71901
witnesses and the production of such books, records, and papers as 71902
the superintendent desires, and may take the depositions of 71903
witnesses residing within or without the state in the same manner 71904
as is prescribed by law for the taking of depositions in civil 71905
actions in the court of common pleas, and for that purpose the 71906
superintendent may, and upon the request of an acquiring party 71907
shall, issue a subpoena for any witnesses or a subpoena duces 71908
tecum to compel the production of any books, records, or papers, 71909

directed to the sheriff of the county where such witness resides 71910
or is found, which shall be served and returned in the same manner 71911
as a subpoena in a criminal case is served and returned. The fees 71912
of the sheriff shall be the same as that allowed in the court of 71913
common pleas in criminal cases. Witnesses shall be paid the fees 71914
and mileage provided for under section 119.094 of the Revised 71915
Code. Fees and mileage shall be paid from the fund in the state 71916
treasury for the use of the superintendent in the same manner as 71917
other expenses of the superintendent are paid. In any case of 71918
disobedience or neglect of any subpoena served on any person or 71919
the refusal of any witness to testify in any matter regarding 71920
which the witness may lawfully be interrogated, the court of 71921
common pleas of any county where such disobedience, neglect, or 71922
refusal occurs or any judge thereof, on application by the 71923
superintendent, shall compel obedience by attachment proceedings 71924
for contempt, as in the case of disobedience of the requirements 71925
of a subpoena issued from the court or a refusal to testify 71926
therein. 71927

In any hearing held under this section, a record of the 71928
testimony, as provided by stenographic means or by use of audio 71929
electronic recording devices, as determined by the superintendent, 71930
and other evidence submitted shall be taken at the expense of the 71931
superintendent. The record shall include all of the testimony and 71932
other evidence, and rulings on the admissibility thereof, 71933
presented at the hearing. 71934

The superintendent shall pass upon the admissibility of 71935
evidence, but a party to the proceedings may at that time object 71936
to the rulings of the superintendent, and if the superintendent 71937
refuses to admit evidence, the party offering the evidence shall 71938
proffer the evidence. The proffer shall be made a part of the 71939
record of the hearing. 71940

In any hearing held under this section, the superintendent 71941

may call any person to testify under oath as upon 71942
cross-examination. The superintendent, or any one delegated by the 71943
superintendent to conduct a hearing, may administer oaths or 71944
affirmations. 71945

In any hearing under this section, the superintendent may 71946
appoint a hearing officer to conduct the hearing; the hearing 71947
officer has the same powers and authority in conducting the 71948
hearing as is granted to the superintendent. The hearing officer 71949
shall have been admitted to the practice of law in the state and 71950
be possessed of any additional qualifications as the 71951
superintendent requires. The hearing officer shall submit to the 71952
superintendent a written report setting forth the hearing 71953
officer's finding of fact and conclusions of law and a 71954
recommendation of the action to be taken by the superintendent. A 71955
copy of the written report and recommendation shall, within seven 71956
days of the date of filing thereof, be served upon the acquiring 71957
party or the acquiring party's attorney or other representative of 71958
record, by personal service, certified mail, electronic mail, or 71959
any other method designed to ensure and confirm receipt of the 71960
report. The acquiring party may, within three days of receipt of 71961
the copy of the written report and recommendation, file with the 71962
superintendent written objections to the report and 71963
recommendation, which objections the superintendent shall consider 71964
before approving, modifying, or disapproving the recommendation. 71965
The superintendent may grant extensions of time to the acquiring 71966
party within which to file such objections. No recommendation of 71967
the hearing officer shall be approved, modified, or disapproved by 71968
the superintendent until after three days following the service of 71969
the report and recommendation as provided in this section. The 71970
superintendent may order additional testimony to be taken or 71971
permit the introduction of further documentary evidence. The 71972
superintendent may approve, modify, or disapprove the 71973
recommendation of the hearing officer, and the order of the 71974

superintendent based on the report, recommendation, transcript of 71975
testimony, and evidence, or the objections of the acquiring party, 71976
and additional testimony and evidence shall have the same effect 71977
as if the hearing had been conducted by the superintendent. No 71978
such recommendation is final until confirmed and approved by the 71979
superintendent as indicated by the order entered in the record of 71980
proceedings, and if the superintendent modifies or disapproves the 71981
recommendations of the hearing officer, the reasons for the 71982
modification or disapproval shall be included in the record of 71983
proceedings. 71984

After the order is entered, the superintendent shall transmit 71985
in the manner and by any of the methods set forth in division 71986
(F)(2)(b) of this section a certified copy of the order and a 71987
statement of the time and method by which an appeal may be 71988
perfected. A copy of the order shall be mailed to the attorneys or 71989
other representatives of record representing the acquiring party. 71990

(e) An order of disapproval issued by the superintendent may 71991
be appealed to the court of common pleas ~~of Franklin county~~ in 71992
accordance with section 119.12 of the Revised Code by filing a 71993
notice of appeal with the superintendent and a copy of the notice 71994
of appeal with the court, within fifteen calendar days after the 71995
transmittal of the copy of the order of disapproval. The notice of 71996
appeal shall set forth the order appealed from and the grounds for 71997
appeal, in accordance with section 119.12 of the Revised Code. 71998

(3) The superintendent may retain at the acquiring party's 71999
expense any attorneys, actuaries, accountants, and other experts 72000
not otherwise a part of the superintendent's staff as may be 72001
reasonably necessary to assist the superintendent in reviewing the 72002
proposed acquisition of control. 72003

(G) This section does not apply to either of the following: 72004

(1) Any transaction that is subject to section 3921.14, or 72005

sections 3925.27 to 3925.31, 3941.35 to 3941.46, or section 72006
3953.19 of the Revised Code; 72007

(2) Any offer, request, invitation, agreement, or acquisition 72008
that the superintendent by order exempts from this section on 72009
either of the following bases: 72010

(a) It has not been made or entered into for the purpose and 72011
does not have the effect of changing or influencing the control of 72012
a domestic insurer; 72013

(b) It is not otherwise comprehended within the purposes of 72014
this section. 72015

(H) Nothing in this section or in any other section of Title 72016
XXXIX of the Revised Code shall be construed to impair the 72017
authority of the attorney general to investigate or prosecute 72018
actions under any state or federal antitrust law with respect to 72019
any merger or other acquisition involving domestic insurers. 72020

(I) In connection with a proposed change of control involving 72021
a depository institution or any affiliate thereof, within the 72022
meaning of Title I, section 104(c) of the "Gramm-Leach-Bliley 72023
Act," Pub. L. No. 106-102, 113 Stat. 1338 (1999), and a domestic 72024
insurer, not later than sixty days after the date of the 72025
notification of the proposed change in control submitted pursuant 72026
to division (B)(2) of this section, the superintendent shall make 72027
any determination that the person acquiring control of the insurer 72028
shall maintain or restore the capital of the insurer to the level 72029
required by the laws and regulations of this state. 72030

Sec. 3905.471. (A) No individual or entity shall act as or 72031
hold itself out to be an insurance navigator unless that 72032
individual or entity is certified as an insurance navigator under 72033
this section and is receiving funding under division (i) of 72034
section 1311 of the Affordable Care Act. 72035

(B) An insurance navigator who complies with the requirements of this section may do any of the following:	72036 72037
(1) Conduct public education activities to raise awareness of the availability of qualified health plans;	72038 72039
(2) Distribute fair and impartial general information concerning enrollment in all qualified health plans offered within the exchange and the availability of the premium tax credits under section 36B of the Internal Revenue Code of 1986, 26 U.S.C. 36B, and cost-sharing reductions under section 1402 of the Affordable Care Act;	72040 72041 72042 72043 72044 72045
(3) Facilitate enrollment in qualified health plans, without suggesting that an individual select a particular plan;	72046 72047
(4) Provide referrals to appropriate state agencies for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan coverage;	72048 72049 72050 72051
(5) Provide information in a manner that is culturally and linguistically appropriate to the needs of the population being served by the exchange.	72052 72053 72054
(C) An insurance navigator shall not do any of the following:	72055
(1) Sell, solicit, or negotiate health insurance;	72056
(2) Provide advice concerning the substantive benefits, terms, and conditions of a particular health benefit plan or offer advice about which health benefit plan is better or worse or suitable for a particular individual or entity;	72057 72058 72059 72060
(3) Recommend a particular health plan or advise consumers about which health benefit plan to choose;	72061 72062
(4) Provide any information or services related to health benefit plans or other products not offered in the exchange.	72063 72064
Division (C)(4) of this section shall not be interpreted as	72065

prohibiting an insurance navigator from providing information on 72066
eligibility for medicaid; 72067

(5) Engage in any unfair method of competition or any 72068
fraudulent, deceptive, or dishonest act or practice. 72069

(D) An individual shall not act in the capacity of an 72070
insurance navigator, or perform insurance navigator duties on 72071
behalf of an organization serving as an insurance navigator, 72072
unless the individual has applied for certification and the 72073
superintendent finds that the applicant meets all of the following 72074
requirements: 72075

(1) Is at least eighteen years of age; 72076

(2) Has completed and submitted the application and 72077
disclosure form required under division (F)(2) of this section and 72078
has declared, under penalty of refusal, suspension, or revocation 72079
of the insurance navigator's certification, that the statements 72080
made in the form are true, correct, and complete to the best of 72081
the applicant's knowledge and belief; 72082

(3) Has successfully completed a criminal records check under 72083
section 3905.051 of the Revised Code, as required by the 72084
superintendent; 72085

(4) Has successfully completed the certification and training 72086
requirements adopted by the superintendent in accordance with 72087
division (F) of this section; 72088

~~(5)(a)(5) Has paid an initial licensure fee of two hundred 72089
dollars or a renewal fee of one hundred dollars, and all other 72090
fees required by the superintendent. 72091~~

~~(b) Regarding the fees in this section that are reduced by 72092
H.B. 509 of the 134th general assembly, the superintendent may 72093
gradually reduce the fees currently specified in the 72094
administrative code, provided that the superintendent shall 72095~~

~~require the full fee amount specified in division (D)(5)(a) of
this section not later than July 1, 2023.~~ 72096
72097

(E)(1) A business entity that acts as an insurance navigator,
supervises the activities of individual insurance navigators, or
receives funding to provide insurance navigator services shall
obtain an insurance navigator business entity certification. 72098
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(2) Any entity applying for a business entity certification
shall apply: 72102
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(a) Apply in a form specified, and provide any information
required by, the superintendent; and 72104
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(b) Pay an initial licensure fee of two hundred dollars or
renewal fee of one hundred dollars. 72106
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(3) A business entity certified as an insurance navigator
shall, in a manner prescribed by the superintendent, make
available a list of all individual insurance navigators that the
business entity employs, supervises, or with which the business
entity is affiliated. 72108
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(F) The superintendent of insurance shall, prior to any
exchange becoming operational in this state, do all of the
following: 72113
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(1)(a) Adopt rules to establish a certification and training
program for a prospective insurance navigator and the insurance
navigator's employees that includes screening via a criminal
records check performed in accordance with section 3905.051 of the
Revised Code, initial and continuing education requirements, and
an examination; 72116
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(b) The certification and training program shall include
training on compliance with the "Health Insurance Portability and
Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et
seq., as amended, training on ethics, and training on provisions
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of the Affordable Care Act relating to insurance navigators and exchanges. 72126
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(2) Develop an application and disclosure form by which an insurance navigator may disclose any potential conflicts of interest, as well as any other information the superintendent considers pertinent. 72128
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(G)(1) The superintendent may suspend, revoke, or refuse to issue or renew the insurance navigator certification of any person, or levy a civil penalty against any person, that violates the requirements of this section or commits any act that would be a ground for denial, suspension, or revocation of an insurance agent license, as prescribed in section 3905.14 of the Revised Code. 72132
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(2) The superintendent shall have the power to examine and investigate the business affairs and records of any insurance navigator. 72139
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(3)(a) The superintendent shall not certify as an insurance navigator, and shall revoke any existing insurance navigator certification of, any individual, organization, or business entity that is receiving financial compensation, including monetary and in-kind compensation, gifts, or grants, on or after October 1, 2013, from an insurer offering a qualified health benefit plan through an exchange operating in this state. 72142
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(b) Notwithstanding division (G)(3)(a) of this section, the superintendent may certify as a navigator a qualified health center and a federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code. 72149
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(4)(a) If the superintendent finds that a violation of this section made by an individual insurance navigator was made with the knowledge of the employing or supervising entity, or that the employing or supervising entity should reasonably have been aware 72153
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of the individual insurance navigator's violation, and the 72157
violation was not reported to the superintendent and no corrective 72158
action was undertaken on a timely basis, then the superintendent 72159
may suspend, revoke, or refuse to renew the insurance navigator 72160
certification of the supervising or employing entity. 72161

(b) In addition to, or in lieu of, any disciplinary action 72162
taken under division (G)(4)(a) of this section, the superintendent 72163
may levy a civil penalty against such an entity. 72164

(H) A business entity that terminates the employment, 72165
engagement, affiliation, or other relationship with an individual 72166
insurance navigator shall notify the superintendent within thirty 72167
days following the effective date of the termination, using a 72168
format prescribed by the superintendent, if the reason for 72169
termination is one of the reasons set forth in section 3905.14 of 72170
the Revised Code, or the entity has knowledge that the insurance 72171
navigator was found by a court or government body to have engaged 72172
in any of the activities in section 3905.14 of the Revised Code. 72173

(I) Insurance navigators are subject to the laws of this 72174
chapter, and any rules adopted pursuant to the chapter, in so far 72175
as such laws are applicable. 72176

(J) The superintendent may deny, suspend, approve, renew, or 72177
revoke the certification of an insurance navigator if the 72178
superintendent determines that doing so would be in the interest 72179
of Ohio insureds or the general public. Such an action is not 72180
subject to Chapter 119. of the Revised Code. 72181

(K) The superintendent may adopt rules in accordance with 72182
Chapter 119. of the Revised Code to implement sections 3905.47 to 72183
3905.473 of the Revised Code. 72184

(L) The superintendent may, by rule, apply the requirements 72185
of this chapter to any entity or person designated by an exchange, 72186
the state, or the federal government to assist consumers or 72187

participate in exchange activities. 72188

(M) Any fees collected under this section shall be paid into 72189
the state treasury to the credit of the department of insurance 72190
operating fund created under section 3901.021 of the Revised Code. 72191

Sec. 3913.13. Any policyholder adversely affected by an order 72192
of the superintendent of insurance pursuant to division (F) of 72193
section 3913.11 of the Revised Code, may appeal to the court of 72194
common pleas ~~of Franklin county~~ pursuant to section 119.12 of the 72195
Revised Code. 72196

Sec. 3913.23. Any policyholder adversely affected by an order 72197
of the superintendent of insurance pursuant to division (F) of 72198
section 3913.21 of the Revised Code, may appeal to the court of 72199
common pleas ~~of Franklin county~~ pursuant to section 119.12 of the 72200
Revised Code. 72201

Sec. 3919.19. Each corporation, company, or association 72202
organized under section 3919.01 of the Revised Code and each 72203
applicant for a certificate of authority under this chapter shall 72204
be subject to examination by the superintendent of insurance in 72205
accordance with section 3901.07 of the Revised Code. Section 72206
3901.07 of the Revised Code shall govern every aspect of the 72207
examination, including the circumstances under and frequency with 72208
which it is conducted, the authority of the superintendent and any 72209
examiner or other person appointed by the superintendent, the 72210
liability for the assessment of expenses incurred in conducting 72211
the examination, and the remittance of the assessment to the 72212
~~superintendent's examination~~ department of insurance operating 72213
fund. 72214

Sec. 3921.28. (A)(1) Each domestic fraternal benefit society 72215
and each applicant for a certificate of incorporation as a 72216

domestic fraternal benefit society shall be subject to examination 72217
by the superintendent of insurance in accordance with section 72218
3901.07 of the Revised Code. Section 3901.07 of the Revised Code 72219
shall govern every aspect of the examination, including the 72220
circumstances under and frequency with which it is conducted, and 72221
the authority of the superintendent and any examiner or other 72222
person appointed by the superintendent. 72223

(2)(a) A domestic fraternal benefit society shall be liable 72224
for the payment of any additional expense of an examination 72225
resulting from unreasonable delays by the society in fulfilling a 72226
request for documents or information by the examiner conducting 72227
the examination. A delay is deemed unreasonable if the examiner 72228
has made two separate unfulfilled requests for the same documents 72229
or information. A request for records or information from an 72230
examiner shall allow the fraternal benefit society a minimum of 72231
ten business days to fulfill the request. 72232

(b) In the event of an unreasonable delay, the examiner shall 72233
notify the superintendent, who shall set a hearing, under Chapter 72234
119. of the Revised Code, to determine if there has been an 72235
unreasonable delay because of the fraternal benefit society's 72236
response to a request for documents or information and to 72237
calculate the additional expense incurred by the superintendent as 72238
a result of the unreasonable delay. 72239

(3) A summary of the examination of the superintendent and 72240
any recommendations or statements of the superintendent that 72241
accompany the report, shall be read at the first meeting of the 72242
board of directors or corresponding body of the society following 72243
the receipt thereof, and if directed so to do by the 72244
superintendent, shall also be read at the first meeting of the 72245
supreme legislative or governing body of the society following the 72246
receipt thereof. A copy of the report, recommendations, and 72247
statements of the superintendent shall be furnished by the society 72248

to each member of the board of directors or other governing body. 72249

(B) Each foreign or alien fraternal benefit society 72250
transacting or applying for admission to transact business in this 72251
state shall be subject to examination by the superintendent in 72252
accordance with section 3901.07 of the Revised Code. Section 72253
3901.07 of the Revised Code shall govern every aspect of the 72254
examination, including the circumstances under and frequency with 72255
which it is conducted, the authority of the superintendent and any 72256
examiner or other person appointed by the superintendent, the 72257
liability for the assessment of expenses incurred in conducting 72258
the examination, and the remittance of the assessment to the 72259
~~superintendent's examination~~ department of insurance operating 72260
fund. 72261

Sec. 3923.24. (A) Notwithstanding section 3901.71 of the 72262
Revised Code, every certificate furnished by an insurer in 72263
connection with, or pursuant to any provision of, any group 72264
sickness and accident insurance policy delivered, issued for 72265
delivery, renewed, or used in this state on or after January 1, 72266
1972, every policy of sickness and accident insurance delivered, 72267
issued for delivery, renewed, or used in this state on or after 72268
January 1, 1972, and every multiple employer welfare arrangement 72269
offering an insurance program, which provides that coverage of an 72270
unmarried dependent child of a parent or legal guardian will 72271
terminate upon attainment of the limiting age for dependent 72272
children specified in the contract shall also provide in substance 72273
both of the following: 72274

(1) Once an unmarried child has attained the limiting age for 72275
dependent children, as provided in the policy, upon the request of 72276
the insured, the insurer shall offer to cover the unmarried child 72277
until the child attains twenty-six years of age if all of the 72278
following are true: 72279

(a) The child is the natural child, stepchild, or adopted child of the insured. 72280
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(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education. 72282
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(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage. 72285
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(d) The child is not eligible for the medicaid program or the medicare program. 72288
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(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following: 72290
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(a) Incapable of self-sustaining employment by reason of an intellectual disability or physical disability; 72294
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(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance. 72296
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(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. 72298
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Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency. 72302
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(C) Nothing in this section shall require an insurer to cover a dependent child who has an intellectual disability or physical disability if the contract is underwritten on evidence of insurability based on health factors set forth in the application, 72306
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or if such dependent child does not satisfy the conditions of the 72310
contract as to any requirement for evidence of insurability or 72311
other provision of the contract, satisfaction of which is required 72312
for coverage thereunder to take effect. In any such case, the 72313
terms of the contract shall apply with regard to the coverage or 72314
exclusion of the dependent from such coverage. Nothing in this 72315
section shall apply to accidental death or dismemberment benefits 72316
provided by any such policy of sickness and accident insurance. 72317

(D) Nothing in this section shall do any of the following: 72318

(1) Require that any policy offer coverage for dependent 72319
children or provide coverage for an unmarried dependent child's 72320
children as dependents on the policy; 72321

(2) Require an employer to pay for any part of the premium 72322
for an unmarried dependent child that has attained the limiting 72323
age for dependents, as provided in the policy; 72324

(3) Require an employer to offer health insurance coverage to 72325
the dependents of any employee. 72326

~~(E)~~(E)(1) This section does not apply to any policies or 72327
certificates covering only accident, credit, ~~dental~~, disability 72328
income, long-term care, hospital indemnity, medicare supplement, 72329
or specified disease, ~~or vision care~~; coverage under a 72330
one-time-limited-duration policy that is less than twelve months; 72331
coverage issued as a supplement to liability insurance; insurance 72332
arising out of a workers' compensation or similar law; automobile 72333
medical-payment insurance; or insurance under which benefits are 72334
payable with or without regard to fault and that is statutorily 72335
required to be contained in any liability insurance policy or 72336
equivalent self-insurance. 72337

(2) This section applies to policies or certificates 72338
providing coverage for dental care or vision care services that 72339
are issued, renewed, or amended on or after January 1, 2024. 72340

(F) As used in this section, "health benefit plan" has the same meaning as in section 3924.01 of the Revised Code and also includes both of the following:

(1) A public employee benefit plan;

(2) A health benefit plan as regulated under the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq.

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the Revised Code, any public employee benefit plan that provides that coverage of an unmarried dependent child will terminate upon attainment of the limiting age for dependent children specified in the plan shall also provide in substance both of the following:

(1) Once an unmarried child has attained the limiting age for dependent children, as provided in the plan, upon the request of the employee, the public employee benefit plan shall offer to cover the unmarried child until the child attains twenty-six years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the employee.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) The child is not eligible for the medicaid program or the medicare program.

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:

(a) Incapable of self-sustaining employment by reason of an intellectual disability or physical disability; 72371
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(b) Primarily dependent upon the plan member for support and maintenance. 72373
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(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency. 72375
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(C) Nothing in this section shall do any of the following: 72382

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan; 72383
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(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan; 72387
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72389

(3) Require an employer to offer health insurance coverage to the dependents of any employee. 72390
72391

~~(D)~~(D)(1) This section does not apply to any public employee benefit plan covering only accident, credit, ~~dental~~, disability income, long-term care, hospital indemnity, medicare supplement, or specified disease, ~~or vision care~~; coverage under a one-time-limited-duration policy that is less than twelve months; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or 72392
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equivalent self-insurance. 72402

(2) This section applies to public employee benefit plans 72403
providing coverage for dental care or vision care services that 72404
are issued, renewed, or amended on or after January 1, 2024. 72405

(E) As used in this section, "health benefit plan" has the 72406
same meaning as in section 3924.01 of the Revised Code and also 72407
includes both of the following: 72408

(1) A public employee benefit plan; 72409

(2) A health benefit plan as regulated under the "Employee 72410
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 72411

Sec. 3929.56. (A)(1) Every insurer that offers basic property 72412
and homeowners insurance insuring on a direct basis a structure 72413
located in the counties of Athens, Belmont, Carroll, Columbiana, 72414
Coshocton, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, 72415
Jefferson, Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, 72416
Noble, Perry, Scioto, Stark, Trumbull, Tuscarawas, Vinton, and 72417
Washington shall include mine subsidence coverage provided by the 72418
Ohio mine subsidence insurance underwriting association in each 72419
policy of basic property and homeowners insurance that is 72420
delivered, issued for delivery, or renewed in any of such 72421
counties. 72422

~~(2)~~(2)(a) Every insurer that offers basic property and 72423
homeowners insurance insuring on a direct basis a structure 72424
located in the counties of Delaware, Erie, Geauga, Lake, Licking, 72425
Medina, Ottawa, Portage, Preble, Summit, and Wayne shall offer to 72426
include, on an optional basis, mine subsidence coverage provided 72427
by the association in each policy of basic property and homeowners 72428
insurance that is delivered, issued for delivery, or renewed in 72429
any such designated county. 72430

(b)(i) The board of county commissioners of a county listed 72431

in division (A)(2)(a) of this section may adopt a resolution 72432
requiring insurers to provide mine subsidence insurance in that 72433
county, as specified in division (A)(1) of this section. Such a 72434
resolution shall remain in effect until the board of county 72435
commissioners adopts a resolution to rescind the requirement. 72436

(ii) Every insurer that offers basic property and 72437
homeownership insurance insuring on a direct basis a structure 72438
located in a county that adopts a resolution under division 72439
(A)(2)(b)(i) of this section requiring mine subsidence insurance, 72440
shall include mine subsidence coverage provided by the Ohio mine 72441
subsidence insurance underwriting association, as specified in 72442
division (A)(1) of this section, on or before the date specified 72443
in the resolution, or the first day of July of the first year that 72444
begins after the resolution was adopted, whichever is later. 72445

(iii) Every insurer that offers basic property and 72446
homeownership insurance insuring on a direct basis a structure 72447
located in a county that adopts a resolution under division 72448
(A)(2)(b)(i) of this section to rescind a mine subsidence 72449
insurance requirement, shall remove mine subsidence coverage 72450
provided by the Ohio mine subsidence insurance underwriting 72451
association and instead offer to include such coverage, as 72452
specified in division (A)(2)(a) of this section, on or before the 72453
date specified in the resolution, or the first day of July of the 72454
first year that begins after the resolution was adopted, whichever 72455
is later. 72456

(iv) A board of county commissioners that adopts a resolution 72457
under division (A)(2)(b)(i) of this section, whether that 72458
resolution imposes a mine subsidence insurance requirement or 72459
rescinds such a requirement, shall promptly provide a copy of the 72460
resolution to the director of natural resources and the 72461
superintendent of insurance. The director shall post a copy of 72462
that resolution to the web site of the department of natural 72463

resources, and the superintendent shall post a copy of that 72464
resolution on the web site of the department of insurance. 72465

(B) The premium charged for mine subsidence coverage shall be 72466
the same as the premium level set by the plan of operation 72467
formulated pursuant to section 3929.53 of the Revised Code. Any 72468
deductible shall be expressed in the mine subsidence coverage form 72469
as approved by the mine subsidence insurance governing board and 72470
approved by the superintendent of insurance, but at no time shall 72471
the deductible be less than two hundred fifty dollars or more than 72472
five hundred dollars, and the total insured value reinsured by the 72473
association shall not exceed three hundred thousand dollars. This 72474
section does not preclude any insurance company from selling 72475
insurance coverage under this section in excess of three hundred 72476
thousand dollars. 72477

Sec. 3930.13. The Ohio commercial insurance joint 72478
underwriting association shall be subject to examination by the 72479
superintendent of insurance in accordance with section 3901.07 of 72480
the Revised Code. Section 3901.07 of the Revised Code shall govern 72481
every aspect of the examination, including the circumstances under 72482
and frequency with which it is conducted, the authority of the 72483
superintendent and any examiner or other person appointed by the 72484
superintendent, the liability for the assessment of expenses 72485
incurred in conducting the examination, and the remittance of the 72486
assessment to the ~~superintendent's examination~~ department of 72487
insurance operating fund. 72488

Sec. 3931.08. Each attorney designated under section 3931.01 72489
of the Revised Code and each applicant for a license under section 72490
3931.10 of the Revised Code shall be subject to examination by the 72491
superintendent of insurance in accordance with section 3901.07 of 72492
the Revised Code. Section 3901.07 of the Revised Code shall govern 72493
every aspect of the examination, including the circumstances under 72494

and frequency with which it is conducted, the authority of the 72495
superintendent and any examiner or other person appointed by the 72496
superintendent, the liability for the assessment of expenses 72497
incurred in conducting the examination, and the remittance of the 72498
assessment to the ~~superintendent's examination~~ department of 72499
insurance operating fund. 72500

As used in this section, "expenses" means those items 72501
included under division (M) of section 3901.07 of the Revised 72502
Code. 72503

Sec. 3951.01. As used in sections 3951.01 to 3951.09, 72504
inclusive, of the Revised Code: 72505

(A) "Lending institution" means a lending institution, as 72506
defined in ~~division (L)~~ of section 175.01 of the Revised Code, 72507
that is not organized for the purpose of qualifying to do business 72508
as a public insurance adjuster in this state, as determined by the 72509
superintendent, and that has been engaged in business as a bona 72510
fide lending institution for at least five years, and any member 72511
of an affiliated group, as defined by division (B)(3)(e) of 72512
section 5739.01 of the Revised Code, associated with a lending 72513
institution, which member has been a member of the affiliated 72514
group for at least five years and which member is not organized or 72515
affiliated with the lending institution for the purpose of 72516
qualifying to do business as a public insurance adjuster in this 72517
state, as determined by the superintendent. 72518

(B) "Public insurance adjuster" means any person, firm, 72519
association, partnership, or corporation who, for compensation, 72520
acts on behalf of or aids in any manner, an insurer or insured or 72521
another in negotiating for, or effecting the settlement of a claim 72522
or claims for loss or damage under any policy of insurance 72523
covering real or personal property, and any person, firm, 72524
association, partnership, or corporation who advertises, solicits 72525

business, or holds itself out to the public as an adjuster of such 72526
insurance claims, and any person who for compensation 72527
investigates, settles, adjusts, advises, or assists an insurer or 72528
insured with reference to claims for such losses, on behalf of any 72529
such public insurance adjuster. 72530

(C) "Public insurance adjuster agent" means any person who is 72531
a bona fide employee of a public insurance adjuster and who aids 72532
in the adjustment, investigation, and in securing of any contract 72533
for the adjustment of a loss. 72534

(D) "Superintendent" means the superintendent of insurance 72535
acting as director of the department of insurance. 72536

(E) Nothing contained in Chapter 3951. of the Revised Code 72537
shall apply to the following: 72538

(1) An attorney at law admitted to practice in this state who 72539
adjusts insurance losses in the course of the practice of the 72540
attorney's profession and who does not hold the attorney out by 72541
sign, advertisement, or otherwise as offering such services to the 72542
general public; 72543

(2) An officer, agent, or regular salaried employee of an 72544
insurer, or underwriter, or any attorney in fact of any reciprocal 72545
insurer or Lloyd's underwriter licensed to do business in this 72546
state who adjusts losses arising under the employer's or 72547
principal's own policies; or an underwriter by whom a policy of 72548
insurance against loss or damage or other causes has been written 72549
upon property within this state, in adjusting loss or damage under 72550
such policy, nor to an agent or broker acting as adjuster for the 72551
agent's or broker's own company; 72552

(3) An adjustment bureau or association owned and maintained 72553
by insurers to adjust or investigate losses of such insurers, or 72554
any regularly salaried employee thereof who devotes substantially 72555
all of the employee's time to the business of such bureau or 72556

association;	72557
(4) Any licensed agent or employee or officer of such agent	72558
or agency of an authorized insurer who adjusts losses for such	72559
insurer solely under policies issued through such agency;	72560
(5) Any independent adjuster representing an insurer.	72561
Sec. 3959.12. (A) Any license issued under sections 3959.01	72562
to 3959.16 of the Revised Code may be suspended for a period not	72563
to exceed two years, revoked, or not renewed by the superintendent	72564
of insurance after notice to the licensee and hearing in	72565
accordance with Chapter 119. of the Revised Code. The	72566
superintendent may suspend, revoke, or refuse to renew a license	72567
if upon investigation and proof the superintendent finds that the	72568
licensee has done any of the following:	72569
(1) Knowingly violated any provision of sections 3959.01 to	72570
3959.16 or 3959.20 of the Revised Code or any rule promulgated by	72571
the superintendent;	72572
(2) Knowingly made a material misstatement in the application	72573
for the license;	72574
(3) Obtained or attempted to obtain a license through	72575
misrepresentation or fraud;	72576
(4) Misappropriated or converted to the licensee's own use or	72577
improperly withheld insurance company premiums or contributions	72578
held in a fiduciary capacity, excluding, however, any interest	72579
earnings received by the administrator as disclosed in writing by	72580
the administrator to the plan sponsor;	72581
(5) In the transaction of business under the license, used	72582
fraudulent, coercive, or dishonest practices;	72583
(6) Failed to appear without reasonable cause or excuse in	72584
response to a subpoena, examination, warrant, or other order	72585
lawfully issued by the superintendent;	72586

(7) Is affiliated with or under the same general management 72587
or interlocking directorate or ownership of another administrator 72588
that transacts business in this state and is not licensed under 72589
sections 3959.01 to 3959.16 of the Revised Code; 72590

(8) Had a license suspended, revoked, or not renewed in any 72591
other state, district, territory, or province on grounds identical 72592
to those stated in sections 3959.01 to 3959.16 of the Revised 72593
Code; 72594

(9) Been convicted of a financially related felony; 72595

(10) Failed to report a felony conviction as required under 72596
section 3959.13 of the Revised Code. 72597

(B) Upon receipt of notice of the order of suspension in 72598
accordance with ~~section~~ sections 119.05 and 119.07 of the Revised 72599
Code, the licensee shall promptly deliver the license to the 72600
superintendent, unless the order of suspension is appealed under 72601
section 119.12 of the Revised Code. 72602

(C) Any person whose license is revoked or whose application 72603
is denied pursuant to sections 3959.01 to 3959.16 of the Revised 72604
Code is ineligible to apply for an administrators license for two 72605
years. 72606

(D) The superintendent may impose a monetary fine against a 72607
licensee if, upon investigation and after notice and opportunity 72608
for hearing in accordance with Chapter 119. of the Revised Code, 72609
the superintendent finds that the licensee has done either of the 72610
following: 72611

(1) Committed fraud or engaged in any illegal or dishonest 72612
activity in connection with the administration of pharmacy benefit 72613
management services; 72614

(2) Violated any provision of section 3959.111 of the Revised 72615
Code or any rule adopted by the superintendent pursuant to or to 72616

implement that section. 72617

Sec. 3964.03. (A) A captive insurance company shall be 72618
organized under Chapter 1701., 1702., 1705., or 1706. of the 72619
Revised Code. 72620

(B) A captive insurance company shall not operate in this 72621
state unless all of the following are met: 72622

(1) The captive insurance company obtains from the 72623
superintendent a license to do the business of captive insurance 72624
in this state. 72625

(2) The captive insurance company's board of directors holds 72626
at least one meeting each year in this state. 72627

(3) The captive insurance company maintains its principal 72628
place of business in this state. 72629

(4) The person managing the captive insurance company is a 72630
resident of this state. 72631

(5) The captive insurance company appoints a registered agent 72632
to accept service of process and act on its behalf in this state. 72633

(C) Whenever an agent required under division (B)(5) of this 72634
section cannot, with reasonable diligence, be found at the 72635
registered office of the captive insurance company, the 72636
superintendent shall be an agent of such a captive insurance 72637
company upon whom any process, notice, or demand may be served. 72638

(D) A captive insurance company seeking a license to be a 72639
captive insurance company in this state shall file an application 72640
with the superintendent and shall submit all of the following 72641
along with the application: 72642

(1) A certified copy of its articles of incorporation, 72643
bylaws, or other organizational document and code of regulations; 72644

(2) A statement, made under oath by the president and 72645

secretary, in a form prescribed by the superintendent, showing the
captive insurance company's financial condition; 72646
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(3) A statement of the captive insurance company's assets
relative to its risks, detailing the amount of assets and their
liquidity; 72648
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(4) An account of the adequacy of the expertise, experience,
and character of the person or persons who will manage the captive
insurance company; 72651
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(5) An account of the loss prevention programs of the persons
that the captive insurance company insures; 72654
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(6) Actuarial assumptions and methodologies that will be
utilized in calculating reserves; 72656
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(7) Any other information considered necessary by the
superintendent to determine whether the proposed captive insurance
company will be able to meet its obligations. 72658
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72660

(E)(1) A special purpose financial captive insurance company
shall follow the national association of insurance commissioner's
accounting practices and procedures manual. 72661
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(2)(a) Upon request, the superintendent may allow a special
purpose financial captive insurance company to use a reserve basis
other than that found in the national association of insurance
commissioner's accounting practices and procedures manual. 72664
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(b) The superintendent, in accordance with Chapter 119. of
the Revised Code, shall adopt rules that define acceptable
alternative reserve bases. 72668
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72670

(c) Such rules shall be adopted prior to availability for use
of any such alternative reserve basis and shall ensure that the
resulting reserves meet all of the following conditions: 72671
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72673

(i) Quantify the benefits and guarantees, and the funding,
associated with the contracts and their risks at a level of 72674
72675

conservatism that reflects conditions that include unfavorable 72676
events that have a reasonable probability of occurring during the 72677
lifetime of the contracts. For policies or contracts with 72678
significant tail risk, reflects conditions appropriately adverse 72679
to quantify the tail risk. 72680

(ii) Incorporate assumptions, risk analysis methods, and 72681
financial models and management techniques that are consistent 72682
with, but not necessarily identical to, those utilized within the 72683
company's overall risk assessment process, while recognizing 72684
potential differences in financial reporting structures and any 72685
prescribed assumptions or methods; 72686

(iii) Provide margins for uncertainty including adverse 72687
deviation and estimation error, such that the greater the 72688
uncertainty the larger the margin and resulting reserve. 72689

(d) An alternative basis for calculating a reserve approved 72690
by the superintendent shall be treated as a public document after 72691
the date the alternative basis for calculating the reserve has 72692
been approved, regardless of the application of the uniform trade 72693
secrets act set forth in sections 1333.61 to 1333.69 of the 72694
Revised Code. 72695

(3) The special purpose financial captive insurance company 72696
shall submit a request for an alternative reserve basis in 72697
writing, and affirmed by the company's appointed actuary, that 72698
includes, at a minimum, the following information for the 72699
superintendent to consider in evaluating the request: 72700

(a) The reserves based on the national association of 72701
insurance commissioner's accounting practices and procedures 72702
manual and the reserves based on the proposed alternative method 72703
for calculation and the difference between these two calculations; 72704

(b) A detailed analysis of the proposed alternative method 72705
explaining why the use of an alternative basis for calculating the 72706

reserve is appropriate; 72707

(c) All assumptions utilized within the proposed alternative 72708
method, together with the source of the assumptions, as well as 72709
information, satisfactory to the superintendent, supporting the 72710
appropriateness of the assumptions and analysis and identifying 72711
the assumptions that result in the greatest variability in the 72712
reserve and how that analysis was used in setting those 72713
assumptions; 72714

(d) A detailed overview of the corporate governance and 72715
oversight of the actuarial valuation function; 72716

(e) Any other information the superintendent may require to 72717
assess the proposed alternative method for approval or 72718
disapproval. 72719

(4) At the expense of the special purpose financial captive 72720
insurance company, the superintendent may require the company to 72721
secure the affirmation of an independent qualified actuary in 72722
support of any alternative basis for calculating the reserve that 72723
is requested pursuant to this section or to assist the 72724
superintendent in the review of said request. 72725

(5) If the superintendent approves the use of an alternative 72726
basis for calculating a reserve, the special purpose financial 72727
captive insurance company, and the ceding insurer shall each 72728
include a note in its financial statements disclosing the use of a 72729
basis other than the national association of insurance 72730
commissioner's accounting practices and procedures manual and the 72731
difference between the reserve amount determined under the 72732
alternative basis and the reserve amount that would have been 72733
determined had the company utilized the national association of 72734
insurance commissioner's accounting practices and procedures 72735
manual. 72736

(6)(a) The superintendent shall establish an acceptable total 72737

capital and surplus requirement for each insurance company that 72738
will cede risks and obligations to a special purpose financial 72739
captive insurance company. The total capital and surplus 72740
requirement must be met at the time the special purpose financial 72741
captive insurance company applies for a license to do the business 72742
of captive insurance. The total capital and surplus requirement 72743
shall be determined in accordance with a minimum required total 72744
capital and surplus methodology that meets both of the following 72745
requirements: 72746

(i) Is consistent with current risk-based capital principles; 72747

(ii) Takes into account all material risks and obligations, 72748
as well as the assets, of the insurance company. 72749

(b) An insurance company ceding risks and obligations to a 72750
special purpose financial captive insurance company shall fully 72751
disclose all material risks and obligations, as well as its assets 72752
and all affiliated captive insurance company risks. The ceding 72753
insurance company shall advise the superintendent whenever there 72754
is a material change to such risks, obligations, or assets. 72755

(F) In determining whether to approve an application for a 72756
license, the superintendent shall consider all of the following: 72757

(1) The character, reputation, financial standing, and 72758
purposes of the incorporators, or other founders, of the captive 72759
insurance company; 72760

(2) The character, reputation, financial responsibility, 72761
experience relating to insurance, and business qualifications of 72762
the officers and directors of the captive insurance company; 72763

(3) The amount of liquidity and assets of the captive 72764
insurance company relative to the risks to be assumed; 72765

(4) The adequacy of the expertise, experience, and character 72766
of the person or persons who will manage the captive insurance 72767

company; 72768

(5) The overall soundness of the plan of operation; 72769

(6) The adequacy of the loss prevention programs of the persons that the captive insurance company insures. 72770
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(G)(1) Each captive insurance company that offers direct insurance to its parent shall submit to the superintendent for approval a detailed description of the coverages, deductibles, coverage limits, proposed rates or rating plans, documentation from a qualified actuary that demonstrates the actuarial soundness of the proposed rates or rating plans, and other such additional information as the superintendent may require. 72772
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(2)(a) Any captive insurance company licensed under the provisions of this chapter that seeks to make any material change to any item described in division (G)(1) of this section shall submit to the superintendent for approval a detailed description of the revision, documentation from a qualified actuary that demonstrates the actuarial soundness of the revised rates or rating plans, and other such additional information as the superintendent may require. 72779
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(b) Each filing under division (G)(2)(a) of this section is deemed approved thirty days after the filing is received by the superintendent of insurance, unless the filing is disapproved by the superintendent during that thirty-day period. 72787
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(c) If at any time subsequent to the thirty-day review period the superintendent finds that a filing does not demonstrate actuarial soundness, the superintendent shall hold a hearing requiring the captive insurance company to show cause why an order should not be made by the superintendent to disapprove the revised rates or rating plans. 72791
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(d) If, upon such a hearing, the superintendent finds that the captive insurance company failed to demonstrate the actuarial 72797
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soundness of the rates or rating plans, the superintendent shall 72799
issue an order directing the captive insurance company to cease 72800
and desist from using the revised rates or rating plans and to use 72801
rates or rating plans as determined appropriate by the 72802
superintendent. 72803

(H) Except as otherwise provided in this division, documents 72804
and information submitted by a captive insurance company pursuant 72805
to this section are not subject to section 149.43 of the Revised 72806
Code, and are confidential, and may not be disclosed by the 72807
superintendent or any employee of the department of insurance 72808
without the written consent of the company. 72809

(1) Such documents and information may be discoverable in a 72810
civil action in which the captive insurance company filing the 72811
material is a party upon a finding by a court of competent 72812
jurisdiction that the information sought is relevant and necessary 72813
to the case and the information sought is unavailable from other, 72814
nonconfidential sources. 72815

(2) The superintendent may, at the superintendent's sole 72816
discretion, share documents required under this section with the 72817
chief deputy rehabilitator, the chief deputy liquidator, other 72818
deputy rehabilitators and liquidators, and any other person 72819
employed by, or acting on behalf of the superintendent pursuant to 72820
Chapter 3901. or 3903. of the Revised Code, with other local, 72821
state, federal, and international regulatory and law enforcement 72822
agencies, with local, state, and federal prosecutors, and with the 72823
national association of insurance commissioners and its affiliates 72824
and subsidiaries provided that the recipient agrees to maintain 72825
the confidential or privileged status of the documents and has 72826
authority to do so. 72827

(I)(1) Each applicant for a license to do the business of a 72828
captive insurance company in this state shall pay to the 72829
superintendent a nonrefundable fee of five hundred dollars for 72830

processing its application for a license. The superintendent is 72831
authorized to retain legal, financial, and examination services 72832
from outside the department, at the expense of the applicant. Each 72833
captive insurance company shall annually pay a license renewal fee 72834
of five hundred dollars. 72835

(2) The fees collected pursuant to division (I)(1) of this 72836
section shall be deposited into the state treasury to the credit 72837
of the ~~captive department of insurance regulation and supervision~~ 72838
~~operating fund created under section 3964.15 of the Revised Code.~~ 72839

Sec. 3964.13. (A)(1) Not later than the second day of March 72840
of each year, a captive insurance company shall pay to the 72841
superintendent of insurance a fee computed in accordance with both 72842
of the following: 72843

(a) 0.35 per cent on its net direct premiums; 72844

(b) 0.15 per cent on revenue from assumed reinsurance 72845
premiums. 72846

(2) The annual minimum aggregate fee to be paid by a captive 72847
insurance company calculated under this division shall be seven 72848
thousand five hundred dollars. The annual maximum aggregate fee to 72849
be paid by a captive insurance company calculated under this 72850
division shall be two hundred fifty thousand dollars. 72851

(B) The fee on reinsurance premiums set forth under division 72852
(A)(1)(b) of this section shall not be levied on premiums for 72853
risks or portions of risks that are subject to the fee under 72854
division (A)(1)(a) of this section. 72855

(C) A captive insurance company shall not pay any reinsurance 72856
fee pursuant to division (A)(1)(b) of this section on revenue 72857
related to the receipt of assets by the captive insurance company 72858
in exchange for the assumption of loss reserves and other 72859
liabilities of another insurance company that is under common 72860

ownership and control with the captive insurance company, if the 72861
transaction is part of a plan to discontinue the operation of the 72862
other insurance company and the intent of the exchange is to renew 72863
or maintain such business with the captive insurance company. 72864

(D)(1) The fee imposed in division (A) of this section shall 72865
be calculated on an annual basis, notwithstanding policies, 72866
contracts, insurance, or contracts of reinsurance issued on a 72867
multi-year basis. 72868

(2) In the case of multi-year policies or contracts, the 72869
premium shall be prorated for purposes of determining the fee 72870
required under division (A) of this section. 72871

(E) All fees collected under this section shall be deposited 72872
into the state treasury to the credit of the ~~captive~~ department of 72873
insurance ~~regulation and supervision~~ operating fund. 72874

Sec. 3964.15. (A) ~~There is hereby created in the state~~ 72875
~~treasury the captive insurance regulation and supervision fund,~~ 72876
~~which shall consist of all fees, fines, penalties, and assessments~~ 72877
~~received by the superintendent under this chapter.~~ 72878

~~(B)~~ The superintendent may charge captive insurance companies 72879
for any of the following expenses incurred in carrying out this 72880
chapter: 72881

(1) The entire compensation for each day, or portion thereof, 72882
worked by all personnel, including those who are not employees of 72883
the department of insurance, in any of the following capacities: 72884

(a) The conduct of an examination, calculated at the rates 72885
provided in the financial condition examiners' handbook published 72886
by the national association of insurance commissioners; 72887

(b) The review and analysis of a company's annual report 72888
submitted pursuant to section 3964.07 of the Revised Code, and any 72889
interim financial statements and examination reports or related 72890

documents of captive insurance companies in this state;	72891
(c) The ongoing evaluation and monitoring of the financial affairs of captive insurance companies;	72892 72893
(d) The determination and review of the premium franchise fee liability of a captive insurance company;	72894 72895
(e) The training and continuing education costs of examiners and analysts.	72896 72897
(2) Travel and living expenses of all personnel, including those who are not employees of the department of insurance, directly engaged in the conduct of an examination calculated at rates not to exceed the rates provided in the financial condition examiners' handbook published by the national association of insurance commissioners;	72898 72899 72900 72901 72902 72903
(3) All other incidental expenses incurred by or on behalf of such personnel in the conduct of such examination;	72904 72905
(4) An allocated share of all expenses not described in division (B)(1) (A)(1), (2), or (3) of this section, but that are necessarily incurred in carrying out the duties of the superintendent under this chapter, including the expenses of direct overhead and support staff for the examiners and persons appointed or employed pursuant to section 3964.08 of the Revised Code.	72906 72907 72908 72909 72910 72911 72912
(C) (B) All amounts collected by the superintendent under division (B) (A) of this section shall be deposited into the state treasury to the credit of the <u>captive department of insurance regulation and supervision operating</u> fund.	72913 72914 72915 72916
(D) At the discretion of the superintendent, the expenses of the captive insurance regulation and supervision fund may be covered by the department of insurance operating fund created under section 3901.021 of the Revised Code.	72917 72918 72919 72920

~~(E)(C)~~ As used in this section, "examination" means the 72921
examination required under section 3964.08 of the Revised Code. 72922

Sec. 4104.33. There is hereby created the historical boilers 72923
licensing board consisting of seven members, ~~three of whom shall~~ 72924
~~be appointed by the governor with the advice and consent of the~~ 72925
~~senate. The governor shall make initial appointments to the board~~ 72926
~~within ninety days after the effective date of this section. Of~~ 72927
~~the initial members appointed by the governor, one shall be for a~~ 72928
~~term ending three years after the effective date of this section,~~ 72929
~~one shall be for a term ending four years after the effective date~~ 72930
~~of this section, and one shall be for a term ending five years~~ 72931
~~after the effective date of this section. Thereafter, terms Terms~~ 72932
of office shall be for five years, each term ending on the same 72933
day of the same month of the year as did the term that it 72934
succeeds. ~~Of the three members the governor appoints, one One~~ 72935
member shall be an employee of the division of boiler inspection 72936
in the department of commerce; one member shall be an independent 72937
mechanical engineer who is not involved in selling or inspecting 72938
historical boilers; and one shall be an active member of an 72939
association that represents managers of fairs or festivals. 72940

~~Two members of the board shall be appointed by the president~~ 72941
~~of the senate and two members of the board shall be appointed by~~ 72942
~~the speaker of the house of representatives. The president and~~ 72943
~~speaker shall make initial appointments to the board within ninety~~ 72944
~~days after the effective date of this section. Of the initial~~ 72945
~~members appointed by the president, one shall be for a term ending~~ 72946
~~four years after the effective date of this section and one shall~~ 72947
~~be for a term ending five years after the effective date of this~~ 72948
~~section. Of the initial members appointed by the speaker, one~~ 72949
~~shall be for a term ending three years after the effective date of~~ 72950
~~this section and one shall be for a term ending five years after~~ 72951
~~the effective date of this section. Thereafter, terms of office~~ 72952

~~shall be for five years, each term ending on the same day of the~~ 72953
~~same month of the year as did the term that it succeeds. Of the~~ 72954
~~four~~ The remaining four ~~members appointed by the president and~~ 72955
~~speaker, each~~ shall each own a historical boiler and also have at 72956
least ten years of experience in the operation of historical 72957
boilers, and each of these four members shall reside in a 72958
different region of the state. 72959

Each member shall hold office from the date of the member's 72960
appointment until the end of the term for which the member was 72961
appointed. Members may be reappointed. Vacancies shall be filled 72962
by the director of commerce, and shall not require the advice and 72963
consent of the senate. Any member appointed to fill a vacancy 72964
occurring prior to the expiration date of the term for which the 72965
member's predecessor was appointed shall hold office as a member 72966
for the remainder of that term. A member shall continue in office 72967
subsequent to the expiration date of the member's term until the 72968
successor takes office or until a period of sixty days has 72969
elapsed, whichever occurs first. 72970

The members of the board, annually, shall elect, by majority 72971
vote, a chairperson from among their members. The board shall meet 72972
at least once annually and at other times at the call of the 72973
chairperson. Board members shall receive their actual and 72974
necessary expenses incurred in the discharge of their duties as 72975
board members. The superintendent of industrial compliance shall 72976
call the first meeting of the board, and the superintendent, or 72977
the superintendent's designee, shall act as an ex officio 72978
chairperson at the first meeting for the sole purpose of electing 72979
a chairperson. 72980

The superintendent of industrial compliance shall furnish 72981
office space, staff, and supplies to the board as the 72982
superintendent determines are necessary for the board to carry out 72983
its official duties under sections 4104.33 to 4104.37 of the 72984

Revised Code. 72985

Sec. 4105.17. (A) The fee for each attempted inspection that, 72986
due to no fault of a general inspector or the division of 72987
industrial compliance, is not successfully completed, by a general 72988
inspector before the operation of a permanent new elevator prior 72989
to the issuance of a certificate of operation, before operation of 72990
an elevator being put back into service after a repair or after an 72991
adjudication under section 4105.11 of the Revised Code, or as a 72992
result of the operation of section 4105.08 of the Revised Code and 72993
is an elevator required to be inspected under this chapter is one 72994
hundred twenty dollars plus ten dollars for each floor where the 72995
elevator stops. 72996

(B) The fee for each attempted inspection, that due to no 72997
fault of the general inspector or the division, is not 72998
successfully completed by a general inspector before operation of 72999
a permanent new escalator or moving walk prior to the issuance of 73000
a certificate of operation, before operation of an escalator or 73001
moving walk being put back in service after a repair, or as a 73002
result of the operation of section 4105.08 of the Revised Code is 73003
three hundred dollars. 73004

(C) The fee for issuing or renewing a certificate of 73005
operation under section 4105.15 of the Revised Code for an 73006
elevator that is inspected twice every ~~six~~ twelve months in 73007
accordance with division (A) of section 4105.10 of the Revised 73008
Code is two hundred twenty dollars plus twelve dollars for each 73009
floor where the elevator stops, except where the elevator has been 73010
inspected by a special inspector in accordance with section 73011
4105.07 of the Revised Code. 73012

(D) The fee for issuing or renewing a certificate of 73013
operation under section 4105.05 of the Revised Code for an 73014
elevator that is inspected every twelve months in accordance with 73015

division (A) of section 4105.10 of the Revised Code is fifty-five 73016
dollars plus ten dollars for each floor where the elevator stops, 73017
except where the elevator has been inspected by a special 73018
inspector in accordance with section 4105.07 of the Revised Code. 73019

(E) The fee for issuing or renewing a certificate of 73020
operation under section 4105.15 of the Revised Code for an 73021
escalator or moving walk is three hundred dollars, except where 73022
the escalator or moving walk has been inspected by a special 73023
inspector in accordance with section 4105.07 of the Revised Code. 73024

(F) All other fees to be charged for any examination given or 73025
other service performed by the division pursuant to this chapter 73026
shall be prescribed by the director of commerce. The fees shall be 73027
reasonably related to the costs of such examination or other 73028
service. 73029

(G) The director of commerce, subject to the approval of the 73030
controlling board, may establish fees in excess of the fees 73031
provided in divisions (A), (B), (C), (D), and (E) of this section. 73032
Any moneys collected under this section shall be paid into the 73033
state treasury to the credit of the industrial compliance 73034
operating fund created in section 121.084 of the Revised Code. 73035

(H) Any person who fails to pay an inspection fee required 73036
for any inspection attempted by the division pursuant to this 73037
chapter within forty-five days after the inspection is attempted, 73038
or who fails to pay a certificate of operation fee pursuant to 73039
this chapter within forty-five days after the certificate's 73040
expiration, shall pay a late payment fee equal to twenty-five per 73041
cent of the inspection fee. 73042

(I) In addition to the fees assessed in divisions (A), (B), 73043
(C), (D), and (E) of this section, the board of building standards 73044
shall assess a fee of three dollars and twenty-five cents for each 73045
certificate of operation or renewal thereof issued under divisions 73046

(A), (B), (C), (D), or (E) of this section and for each permit 73047
issued under section 4105.16 of the Revised Code. The board shall 73048
adopt rules, in accordance with Chapter 119. of the Revised Code, 73049
specifying the manner by which the superintendent shall collect 73050
and remit to the board the fees assessed under this division and 73051
requiring that remittance of the fees be made at least quarterly. 73052

(J) The superintendent, by rule adopted in accordance with 73053
Chapter 119. of the Revised Code, may increase the fees required 73054
by this section and may establish fees to pay the costs of the 73055
division to fulfill its duties established by this chapter. The 73056
fees shall bear some reasonable relationship to the cost of 73057
administering and enforcing this chapter. 73058

(K) For purposes of this section: 73059

(1) "Escalator" means a power driven, inclined, continuous 73060
stairway used for raising or lowering passengers. 73061

(2) "Moving walk" means a passenger carrying device on which 73062
passengers stand or walk, with a passenger carrying surface that 73063
is uninterrupted and remains parallel to its direction of motion. 73064

Sec. 4109.05. (A) The director of commerce, after 73065
consultation with the director of health, shall adopt rules, in 73066
accordance with Chapter 119. of the Revised Code, prohibiting the 73067
employment of minors in occupations which are hazardous or 73068
detrimental to the health and well-being of minors. 73069

In adopting the rules, the director of commerce shall 73070
consider the orders issued pursuant to the "Fair Labor Standards 73071
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 73072

The director of commerce shall not adopt any rule that 73073
prohibits a minor who is sixteen or seventeen years of age and who 73074
is employed by an employer under the manufacturing and 73075
construction mentorship program created in section 4109.22 of the 73076

Revised Code from being employed in a construction occupation or 73077
manufacturing occupation if the orders issued pursuant to the 73078
"Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., permit 73079
the employment of the minor in the construction occupation or 73080
manufacturing occupation. As used in this division, "construction 73081
occupation" and "manufacturing occupation" ~~has~~ have the same 73082
~~meaning~~ meanings as in section 4109.22 of the Revised Code. 73083

(B) No minor may be employed in any occupation found 73084
hazardous or detrimental to the health and well-being of minors 73085
under the rules adopted pursuant to division (A) of this section. 73086

Sec. 4109.22. (A) As used in this section: 73087

(1) "Construction occupation" means employment that consists 73088
of the construction, reconstruction, enlargement, alteration, 73089
repair, remodeling, renovation, demolition, or painting of a 73090
building or other structure, road, bridge, or other work, 73091
including preparation of a site for new construction. 73092

(2) "Manufacturing occupation" means employment that consists 73093
of the mechanical, physical, or chemical transformation of 73094
materials, substances, or components into new products for sale, 73095
including the assembling of component parts into a finished 73096
product. 73097

~~(2)~~(3) Notwithstanding the definition of "employer" in 73098
section 4109.01 of the Revised Code, "employer" means every person 73099
who employs any individual in a construction occupation or 73100
manufacturing occupation. 73101

(B) There is hereby created the manufacturing and 73102
construction mentorship program to expose minors who are sixteen 73103
or seventeen years of age to construction occupations and 73104
manufacturing occupations in this state through temporary 73105
employment with an employer. An employer employing a minor under 73106

the mentorship program shall do all of the following: 73107

(1) Determine the duration of the minor's employment; 73108

(2) Assign the minor a mentor to provide direct and close 73109
supervision while the minor is engaged in any workplace activity; 73110

(3) Provide the minor with the training described in division 73111
(C) of this section; 73112

(4) Encourage the minor to participate in a career-technical 73113
education program approved by the department of education if the 73114
minor is not participating in a career-technical education program 73115
when the minor begins employment; 73116

(5) Comply with all applicable state and federal laws and 73117
regulations relating to the employment of minors. 73118

(C)(1) An employer employing a minor who is sixteen or 73119
seventeen years of age in a construction occupation or 73120
manufacturing occupation under the mentorship program shall 73121
provide the minor with training that includes all of the 73122
following: 73123

(a) A ten-hour course in construction or general industry 73124
safety and health hazard recognition and prevention approved by 73125
the occupational safety and health administration of the United 73126
States department of labor; 73127

(b) Instructions on how to operate the specific tools the 73128
minor will use during the minor's employment; 73129

(c) The general safety and health hazards to which the minor 73130
may be exposed at the minor's workplace; 73131

(d) The value of safety and management commitment; 73132

(e) Information on the employer's drug testing policy. 73133

(2) For purposes of division (C)(1)(a) of this section, a 73134
minor may participate in a thirty-hour course in construction or 73135

general industry safety and health hazard recognition and 73136
prevention approved by the occupational safety and health 73137
administration if the minor has already successfully completed a 73138
ten-hour course. 73139

(3) The employer shall pay any costs associated with 73140
providing the training required by division (C)(1) or permitted 73141
under division (C)(2) of this section. 73142

(4) An employer is not required to provide the training 73143
described in division (C)(1) or (2) of this section if the minor 73144
presents proof of completing the training during the six-month 73145
period immediately before beginning employment with the employer. 73146

(D) The director of commerce, in consultation with employers, 73147
shall adopt rules in accordance with Chapter 119. of the Revised 73148
Code specifying a list of the tools that a minor who is sixteen or 73149
seventeen years of age who is employed under the mentorship 73150
program may operate during the minor's employment in a 73151
construction occupation or manufacturing occupation. The director 73152
shall use the manual issued by the wage and hour division of the 73153
United States department of labor titled "field operations 73154
handbook" or its successor for guidance in developing the list. 73155
Nothing in this division requires the director to include a tool 73156
on the list if the orders issued pursuant to the "Fair Labor 73157
Standards Act of 1938," 29 U.S.C. 201, et seq., and section 73158
4109.05 of the Revised Code or rules adopted under that section 73159
specifically permit minors of that age to operate the tool. 73160

(E) A minor who is sixteen or seventeen years of age who is 73161
employed by an employer under the mentorship program may work in 73162
any construction occupation or manufacturing occupation not denied 73163
by law to minors of that age under section 4109.05 of the Revised 73164
Code or rules adopted under that section. 73165

(F) No employer shall do either of the following: 73166

(1) Permit a minor who is sixteen or seventeen years of age 73167
to operate a tool minors of that age are permitted to operate 73168
pursuant to the rules adopted under division (D) of this section 73169
unless the minor is employed by the employer under the mentorship 73170
program; 73171

(2) Permit a minor who is sixteen or seventeen years of age 73172
who is employed by the employer under the mentorship program to 73173
operate a tool prohibited for use by minors of that age pursuant 73174
to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., 73175
and section 4109.05 of the Revised Code or rules adopted under 73176
that section. 73177

Sec. 4112.32. There is hereby created the new African 73178
immigrants commission consisting of eleven voting members 73179
appointed by the governor with the advice and consent of the 73180
senate and four nonvoting members, two of whom are members of the 73181
general assembly. ~~The speaker of the house of representatives~~ 73182
~~shall recommend to the governor two persons for appointment to the~~ 73183
~~commission, the president of the senate shall recommend to the~~ 73184
~~governor two such persons, and the minority leaders of the house~~ 73185
~~and senate shall each recommend to the governor one such person.~~ 73186
The governor shall make initial appointments to the commission. Of 73187
the initial appointments made to the commission, three shall be 73188
for a term ending October 7, 2009, four shall be for a term ending 73189
October 7, 2010, and four shall be for a term ending October 7, 73190
2011. Thereafter, terms of office shall be for three years, each 73191
term ending on the same day of the same month of the year as did 73192
the term which it succeeds. Each member shall hold office from the 73193
date of appointment until the end of the term for which the member 73194
was appointed. Vacancies shall be filled in the same manner as the 73195
original appointment. Any member appointed to fill a vacancy 73196
occurring prior to the expiration of the term for which the 73197
member's predecessor was appointed shall hold office for the 73198

remainder of such term. Any member shall continue in office 73199
subsequent to the expiration date of the member's term until the 73200
member's successor takes office, or until a period of sixty days 73201
has elapsed, whichever occurs first. At the first organizational 73202
meeting of the commission, the original eleven voting members 73203
shall draw lots to determine the length of the term each member 73204
shall serve. 73205

Of the four nonvoting members of the commission, two shall be 73206
appointed by the speaker of the house of representatives and two 73207
shall be appointed by the president of the senate. Of the two 73208
nonvoting members appointed by the speaker of the house of 73209
representatives, one shall be a member of the house of 73210
representatives and one shall be a private citizen. Of the two 73211
nonvoting members appointed by the president of the senate, one 73212
shall be a member of the senate and one shall be a private 73213
citizen. Each nonvoting member appointed to the commission shall 73214
serve a term of four years. The term of a nonvoting member of the 73215
commission who is a member of the general assembly shall end 73216
either after four years or when the nonvoting member leaves the 73217
elected office the nonvoting member held at the time of the 73218
nonvoting member's appointment, whichever occurs first. 73219

All voting members of the commission shall be of sub-Saharan 73220
African origin, and shall be American citizens or lawful, 73221
permanent, resident aliens. ~~Members~~ Voting members shall be from 73222
urban, suburban, and rural geographical areas representative of 73223
sub-Saharan African people with a numerical and geographical 73224
balance of the sub-Saharan African population throughout the 73225
state. 73226

The commission shall elect a chairperson, vice-chairperson, 73227
and other officers from among its voting members as it considers 73228
advisable. Six voting members constitute a quorum. The commission 73229
shall adopt rules governing its procedures. No action of the 73230

commission is valid without the concurrence of six members. 73231

Members shall not be compensated for work as members of the 73232
commission. 73233

Sec. 4112.33. The office of new African immigrant affairs is 73234
created. The office shall be accountable to the new African 73235
immigrants commission. The director of the office shall be 73236
appointed by and serve at the pleasure of the commission. 73237

The director, with the approval of the commission, shall 73238
appoint such employees as are necessary to carry out the duties of 73239
the office. The employees shall serve at the pleasure of the 73240
director. 73241

The office shall execute the tasks assigned to it by the 73242
commission, which shall include the duties listed in section 73243
4112.31 of the Revised Code. 73244

Sec. 4112.34. There is hereby created in the state treasury 73245
the new African immigrants grant and gift fund. The fund shall 73246
consist of money received as grants or gifts under section 4112.31 73247
of the Revised Code and any money transferred or appropriated to 73248
the fund by the general assembly. The new African immigrants 73249
commission shall use the money to support the commission's duties, 73250
including the operation of the office of new African immigrant 73251
affairs established under section 4112.33 of the Revised Code. 73252
Investment earnings of the fund shall be credited to the fund. 73253

Sec. 4113.52. (A)(1)(a) A person is required to make a report 73254
under division (A)(1)(b) of this section if the person meets any 73255
of the following: 73256

(i) The person is elected to public office. 73257

(ii) The person is appointed to or within a public office. 73258

<u>(iii) The person has a fiduciary duty to a public office.</u>	73259
<u>(iv) The person holds a supervisory position within a public office.</u>	73260 73261
<u>(v) The person is employed in the department or office responsible for processing any expenses of the public office.</u>	73262 73263
<u>(b) If a person identified in division (A)(1)(a) of this section, during the person's term of office or in the course of the person's employment, becomes aware of fraud, theft in office, or the misuse or misappropriation of public money, the person shall timely notify the auditor of state via the auditor of state's fraud-reporting system under section 117.03 of the Revised Code or via other means.</u>	73264 73265 73266 73267 73268 73269 73270
<u>(c) The duty to report under division (A)(1)(b) of this section is an express statutory duty of the officers and employees of a public office included in division (A)(1)(a) of this section.</u>	73271 73272 73273
<u>(d) A person who serves as legal counsel, or who is employed as legal counsel, for a public office is not required to make a report under division (A)(1)(b) of this section concerning any communication received from a client in an attorney-client relationship.</u>	73274 73275 73276 73277 73278
<u>(e) Divisions (A)(1)(a) to (c) of this section do not apply to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, or to any employee of the prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation.</u>	73279 73280 73281 73282 73283 73284
<u>(f) If an employee <u>person</u> becomes aware in the course of the employee's <u>person's</u> employment of a violation of any state or federal statute or any ordinance or regulation of a political subdivision that the employee's <u>person's</u> employer has authority to correct, and the employee <u>person</u> reasonably believes that the</u>	73285 73286 73287 73288 73289

violation is a criminal offense that is likely to cause an 73290
imminent risk of physical harm to persons or a hazard to public 73291
health or safety, a felony, or an improper solicitation for a 73292
contribution, the ~~employee~~ person orally shall notify the 73293
~~employee's~~ person's supervisor or other responsible officer of the 73294
~~employee's~~ person's employer of the violation and subsequently 73295
shall file with that supervisor or officer a written report that 73296
provides sufficient detail to identify and describe the violation. 73297
If the employer does not correct the violation or make a 73298
reasonable and good faith effort to correct the violation within 73299
twenty-four hours after the oral notification or the receipt of 73300
the report, whichever is earlier, the ~~employee~~ person may file a 73301
written report that provides sufficient detail to identify and 73302
describe the violation with the prosecuting authority of the 73303
county or municipal corporation where the violation occurred, with 73304
a peace officer, with the inspector general if the violation is 73305
within the inspector general's jurisdiction, with the auditor of 73306
state's fraud-reporting system under section 117.103 of the 73307
Revised Code if applicable, or with any other appropriate public 73308
official or agency that has regulatory authority over the employer 73309
and the industry, trade, or business in which the employer is 73310
engaged. 73311

~~(b)(g)~~ If ~~an employee~~ a person makes a report under division 73312
~~(A)(1)(a)(A)(1)(f)~~ of this section, the employer, within 73313
twenty-four hours after the oral notification was made or the 73314
report was received or by the close of business on the next 73315
regular business day following the day on which the oral 73316
notification was made or the report was received, whichever is 73317
later, shall notify the ~~employee~~ person, in writing, of any effort 73318
of the employer to correct the alleged violation or hazard or of 73319
the absence of the alleged violation or hazard. 73320

(2) If ~~an employee~~ a person becomes aware in the course of 73321

the ~~employee's~~ person's employment of a violation of chapter 73322
3704., 3734., 6109., or 6111. of the Revised Code that is a 73323
criminal offense, the employee directly may notify, either orally 73324
or in writing, any appropriate public official or agency that has 73325
regulatory authority over the employer and the industry, trade, or 73326
business in which the employer is engaged. 73327

(3) If ~~an employee~~ a person becomes aware in the course of 73328
the ~~employee's~~ person's employment of a violation by a fellow 73329
employee of any state or federal statute, any ordinance or 73330
regulation of a political subdivision, or any work rule or company 73331
policy of the ~~employee's~~ person's employer and the ~~employee~~ person 73332
reasonably believes that the violation is a criminal offense that 73333
is likely to cause an imminent risk of physical harm to persons or 73334
a hazard to public health or safety, a felony, or an improper 73335
solicitation for a contribution, the employee orally shall notify 73336
the ~~employee's~~ person's supervisor or other responsible officer of 73337
the ~~employee's~~ person's employer of the violation and subsequently 73338
shall file with that supervisor or officer a written report that 73339
provides sufficient detail to identify and describe the violation. 73340
73341

(B) Except as otherwise provided in division (C) of this 73342
section, no ~~employer~~ person shall take any disciplinary or 73343
retaliatory action against ~~an employee~~ a person for making any 73344
report authorized by division (A)(1) or (2) of this section, or as 73345
a result of the ~~employee's~~ person's having made any inquiry or 73346
taken any other action to ensure the accuracy of any information 73347
reported under either such division. No employer shall take any 73348
disciplinary or retaliatory action against ~~an employee~~ a person 73349
for making any report authorized by division (A)(3) of this 73350
section if the ~~employee~~ person made a reasonable and good faith 73351
effort to determine the accuracy of any information so reported, 73352
or as a result of the ~~employee's~~ person's having made any inquiry 73353

or taken any other action to ensure the accuracy of any 73354
information reported under that division. For purposes of this 73355
division, disciplinary or retaliatory action by the employer 73356
includes, without limitation, doing any of the following: 73357

(1) Removing or suspending the ~~employee~~ person from 73358
employment; 73359

(2) Withholding from the ~~employee~~ person salary increases or 73360
employee benefits to which the ~~employee~~ person is otherwise 73361
entitled; 73362

(3) Transferring or reassigning the ~~employee~~ person; 73363

(4) Denying the ~~employee~~ person a promotion that otherwise 73364
would have been received; 73365

(5) Reducing the ~~employee~~ person in pay or position. 73366

(C) ~~An employee~~ A person shall make a reasonable and good 73367
faith effort to determine the accuracy of any information reported 73368
under division (A)(1) or (2) of this section. If the ~~employee~~ 73369
person who makes a report under either division fails to make such 73370
an effort, the ~~employee~~ person may be subject to disciplinary 73371
action by the ~~employee's~~ person's employer, including suspension 73372
or removal, for reporting information without a reasonable basis 73373
to do so under division (A)(1) or (2) of this section. 73374

(D) If an employer takes any disciplinary or retaliatory 73375
action against ~~an employee~~ a person as a result of the ~~employee's~~ 73376
person's having filed a report under division (A) of this section, 73377
the ~~employee~~ person may bring a civil action for appropriate 73378
injunctive relief or for the remedies set forth in division (E) of 73379
this section, or both, within one hundred eighty days after the 73380
date the disciplinary or retaliatory action was taken, in a court 73381
of common pleas in accordance with the Rules of Civil Procedure. A 73382
civil action under this division is not available to ~~an employee~~ a 73383
person as a remedy for any disciplinary or retaliatory action 73384

taken by an appointing authority against the ~~employee~~ person as a 73385
result of the ~~employee's~~ person's having filed a report under 73386
division (A) of section 124.341 of the Revised Code. 73387

(E) The court, in rendering a judgment for the ~~employee~~ 73388
person in an action brought pursuant to division (D) of this 73389
section, may order, as it determines appropriate, reinstatement of 73390
the ~~employee~~ person to the same position that the ~~employee~~ person 73391
held at the time of the disciplinary or retaliatory action and at 73392
the same site of employment or to a comparable position at that 73393
site, the payment of back wages, full reinstatement of fringe 73394
benefits and seniority rights, or any combination of these 73395
remedies. The court also may award the prevailing party all or a 73396
portion of the costs of litigation and, if the ~~employee~~ person who 73397
brought the action prevails in the action, may award the 73398
prevailing ~~employee~~ person reasonable attorney's fees, witness 73399
fees, and fees for experts who testify at trial, in an amount the 73400
court determines appropriate. If the court determines that an 73401
employer deliberately has violated division (B) of this section, 73402
the court, in making an award of back pay, may include interest at 73403
the rate specified in section 1343.03 of the Revised Code. 73404

(F) Any report filed with the inspector general under this 73405
section shall be filed as a complaint in accordance with section 73406
121.46 of the Revised Code. 73407

(G) As used in this section: 73408

(1) "Contribution" has the same meaning as in section 3517.01 73409
of the Revised Code. 73410

(2) "Improper solicitation for a contribution" means a 73411
solicitation for a contribution that satisfies all of the 73412
following: 73413

(a) The solicitation violates division (B), (C), or (D) of 73414
section 3517.092 of the Revised Code; 73415

(b) The solicitation is made in person by a public official 73416
or by an employee who has a supervisory role within the public 73417
office; 73418

(c) The public official or employee knowingly made the 73419
solicitation, and the solicitation violates division (B), (C), or 73420
(D) of section 3517.092 of the Revised Code; 73421

(d) The employee reporting the solicitation is an employee of 73422
the same public office as the public official or the employee with 73423
the supervisory role who is making the solicitation. 73424

(3) "Public office" has the same meaning as in section 117.01 73425
of the Revised Code. 73426

(H) Nothing in this section shall be construed to limit the 73427
authority of an auditor to make inquiries or interview state or 73428
local government employees or officials or otherwise perform audit 73429
procedures related to fraud during the course of an audit or 73430
attestation engagement. 73431

Sec. 4117.14. (A) The procedures contained in this section 73432
govern the settlement of disputes between an exclusive 73433
representative and a public employer concerning the termination or 73434
modification of an existing collective bargaining agreement or 73435
negotiation of a successor agreement, or the negotiation of an 73436
initial collective bargaining agreement. 73437

(B)(1) In those cases where there exists a collective 73438
bargaining agreement, any public employer or exclusive 73439
representative desiring to terminate, modify, or negotiate a 73440
successor collective bargaining agreement shall: 73441

(a) Serve written notice upon the other party of the proposed 73442
termination, modification, or successor agreement. The party must 73443
serve the notice not less than sixty days prior to the expiration 73444
date of the existing agreement or, in the event the existing 73445

collective bargaining agreement does not contain an expiration 73446
date, not less than sixty days prior to the time it is proposed to 73447
make the termination or modifications or to make effective a 73448
successor agreement. 73449

(b) Offer to bargain collectively with the other party for 73450
the purpose of modifying or terminating any existing agreement or 73451
negotiating a successor agreement; 73452

(c) Notify the state employment relations board of the offer 73453
by serving upon the board a copy of the written notice to the 73454
other party and a copy of the existing collective bargaining 73455
agreement. 73456

(2) In the case of initial negotiations between a public 73457
employer and an exclusive representative, where a collective 73458
bargaining agreement has not been in effect between the parties, 73459
any party may serve notice upon the board and the other party 73460
setting forth the names and addresses of the parties and offering 73461
to meet, for a period of ninety days, with the other party for the 73462
purpose of negotiating a collective bargaining agreement. 73463

If the settlement procedures specified in divisions (B), (C), 73464
and (D) of this section govern the parties, where those procedures 73465
refer to the expiration of a collective bargaining agreement, it 73466
means the expiration of the sixty-day period to negotiate a 73467
collective bargaining agreement referred to in this subdivision, 73468
or in the case of initial negotiations, it means the ninety-day 73469
period referred to in this subdivision. 73470

(3) The parties shall continue in full force and effect all 73471
the terms and conditions of any existing collective bargaining 73472
agreement, without resort to strike or lock-out, for a period of 73473
sixty days after the party gives notice or until the expiration 73474
date of the collective bargaining agreement, whichever occurs 73475
later, or for a period of ninety days where applicable. 73476

(4) Upon receipt of the notice, the parties shall enter into collective bargaining. 73477
73478

(C) In the event the parties are unable to reach an agreement, they may submit, at any time prior to forty-five days before the expiration date of the collective bargaining agreement, the issues in dispute to any mutually agreed upon dispute settlement procedure which supersedes the procedures contained in this section. 73479
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(1) The procedures may include: 73485

(a) Conventional arbitration of all unsettled issues; 73486

(b) Arbitration confined to a choice between the last offer of each party to the agreement as a single package; 73487
73488

(c) Arbitration confined to a choice of the last offer of each party to the agreement on each issue submitted; 73489
73490

(d) The procedures described in division (C)(1)(a), (b), or (c) of this section and including among the choices for the arbitrator, the recommendations of the fact finder, if there are recommendations, either as a single package or on each issue submitted; 73491
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(e) Settlement by a citizens' conciliation council composed of three residents within the jurisdiction of the public employer. The public employer shall select one member and the exclusive representative shall select one member. The two members selected shall select the third member who shall chair the council. If the two members cannot agree upon a third member within five days after their appointments, the board shall appoint the third member. Once appointed, the council shall make a final settlement of the issues submitted to it pursuant to division (G) of this section. 73496
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(f) Any other dispute settlement procedure mutually agreed to 73506

by the parties. 73507

(2) If, fifty days before the expiration date of the 73508
collective bargaining agreement, the parties are unable to reach 73509
an agreement, any party may request the state employment relations 73510
board to intervene. The request shall set forth the names and 73511
addresses of the parties, the issues involved, and, if applicable, 73512
the expiration date of any agreement. 73513

The board shall intervene and investigate the dispute to 73514
determine whether the parties have engaged in collective 73515
bargaining. 73516

If an impasse exists or forty-five days before the expiration 73517
date of the collective bargaining agreement if one exists, the 73518
board shall appoint a mediator to assist the parties in the 73519
collective bargaining process. 73520

(3) Any time after the appointment of a mediator, either 73521
party may request the appointment of a fact-finding panel. Within 73522
fifteen days after receipt of a request for a fact-finding panel, 73523
the board shall appoint a fact-finding panel of not more than 73524
three members who have been selected by the parties in accordance 73525
with rules established by the board, from a list of qualified 73526
persons maintained by the board. 73527

(a) The fact-finding panel shall, in accordance with rules 73528
and procedures established by the board that include the 73529
regulation of costs and expenses of fact-finding, gather facts and 73530
make recommendations for the resolution of the matter. The board 73531
shall by its rules require each party to specify in writing the 73532
unresolved issues and its position on each issue to the 73533
fact-finding panel. The fact-finding panel shall make final 73534
recommendations as to all the unresolved issues. 73535

(b) The board may continue mediation, order the parties to 73536
engage in collective bargaining until the expiration date of the 73537

agreement, or both. 73538

(4) The following guidelines apply to fact-finding: 73539

(a) The fact-finding panel may establish times and place of 73540
hearings which shall be, where feasible, in the jurisdiction of 73541
the state. 73542

(b) The fact-finding panel shall conduct the hearing pursuant 73543
to rules established by the board. 73544

(c) Upon request of the fact-finding panel, the board shall 73545
issue subpoenas for hearings conducted by the panel. 73546

(d) The fact-finding panel may administer oaths. 73547

(e) The board shall prescribe guidelines for the fact-finding 73548
panel to follow in making findings. In making its recommendations, 73549
the fact-finding panel shall take into consideration the factors 73550
listed in divisions (G)(7)(a) to (f) of this section. 73551

(f) The fact-finding panel may attempt mediation at any time 73552
during the fact-finding process. From the time of appointment 73553
until the fact-finding panel makes a final recommendation, it 73554
shall not discuss the recommendations for settlement of the 73555
dispute with parties other than the direct parties to the dispute. 73556

(5) The fact-finding panel, acting by a majority of its 73557
members, shall transmit its findings of fact and recommendations 73558
on the unresolved issues to the public employer and employee 73559
organization involved and to the board no later than fourteen days 73560
after the appointment of the fact-finding panel, unless the 73561
parties mutually agree to an extension. The parties shall share 73562
the cost of the fact-finding panel in a manner agreed to by the 73563
parties. 73564

(6)(a) Not later than seven days after the findings and 73565
recommendations are sent, the legislative body, by a three-fifths 73566
vote of its total membership, and in the case of the public 73567

employee organization, the membership, by a three-fifths vote of 73568
the total membership, may reject the recommendations; if neither 73569
rejects the recommendations, the recommendations shall be deemed 73570
agreed upon as the final resolution of the issues submitted and a 73571
collective bargaining agreement shall be executed between the 73572
parties, including the fact-finding panel's recommendations, 73573
except as otherwise modified by the parties by mutual agreement. 73574
If either the legislative body or the public employee organization 73575
rejects the recommendations, the board shall publicize the 73576
findings of fact and recommendations of the fact-finding panel. 73577
The board shall adopt rules governing the procedures and methods 73578
for public employees to vote on the recommendations of the 73579
fact-finding panel. 73580

(b) As used in division (C)(6)(a) of this section, 73581
"legislative body" means the controlling board when the state or 73582
any of its agencies, authorities, commissions, boards, or other 73583
branch of public employment is party to the fact-finding process. 73584

(D) If the parties are unable to reach agreement within seven 73585
days after the publication of findings and recommendations from 73586
the fact-finding panel or the collective bargaining agreement, if 73587
one exists, has expired, then the: 73588

(1) ~~Public employees, who are members of a police or fire 73589
department, members of the state highway patrol, deputy sheriffs, 73590
dispatchers employed by a police, fire, or sheriff's department or 73591
the state highway patrol or civilian dispatchers employed by a 73592
public employer other than a police, fire, or sheriff's department 73593
to dispatch police, fire, sheriff's department, or emergency 73594
medical or rescue personnel and units, an exclusive nurse's unit, 73595
employees of the state school for the deaf or the state school for 73596
the blind, employees of any public employee retirement system, 73597
corrections officers, guards at penal or mental institutions, 73598
special police officers appointed in accordance with sections 73599~~

~~5119.08 and 5123.13 of the Revised Code, psychiatric attendants~~ 73600
~~employed at mental health forensic facilities, youth leaders~~ 73601
~~employed at juvenile correctional facilities, or members of a law~~ 73602
~~enforcement security force that is established and maintained~~ 73603
~~exclusively by a board of county commissioners and whose members~~ 73604
~~are employed by that board, prohibited from striking under this~~ 73605
division shall submit the matter to a final offer settlement 73606
procedure pursuant to a board order issued forthwith to the 73607
parties to settle by a conciliator selected by the parties. The 73608
parties shall request from the board a list of five qualified 73609
conciliators and the parties shall select a single conciliator 73610
from the list by alternate striking of names. If the parties 73611
cannot agree upon a conciliator within five days after the board 73612
order, the board shall on the sixth day after its order appoint a 73613
conciliator from a list of qualified persons maintained by the 73614
board or shall request a list of qualified conciliators from the 73615
American arbitration association and appoint therefrom. 73616

The following public employees shall not strike: 73617

(a) Members of a police or fire department; 73618

(b) Members of the state highway patrol; 73619

(c) Deputy sheriffs; 73620

(d) Dispatchers employed by a police, fire, or sheriff's 73621
department or the state highway patrol or civilian dispatchers 73622
employed by a public employer other than a police, fire, or 73623
sheriff's department to dispatch police, fire, sheriff's 73624
department, or emergency medical or rescue personnel and units; 73625

(e) Members of an exclusive nurse's unit; 73626

(f) Employees of the state school for the deaf or the state 73627
school for the blind; 73628

(g) Employees of any public employee retirement system; 73629

<u>(h) Corrections officers;</u>	73630
<u>(i) Guards at penal or mental institutions;</u>	73631
<u>(j) Special police officers appointed in accordance with sections 5119.08 and 5123.13 of the Revised Code;</u>	73632 73633
<u>(k) Psychiatric attendants employed at mental health forensic facilities;</u>	73634 73635
<u>(l) Youth leaders employed at juvenile correctional facilities;</u>	73636 73637
<u>(m) Members of a law enforcement security force that is established and maintained exclusively by a board of county commissioners and whose members are employed by that board;</u>	73638 73639 73640
<u>(n) Employees of any state institution of higher education.</u>	73641
(2) Public employees other than those listed in division (D)(1) of this section have the right to strike under Chapter 4117. of the Revised Code provided that the employee organization representing the employees has given a ten-day prior written notice of an intent to strike to the public employer and to the board, and further provided that the strike is for full, consecutive work days and the beginning date of the strike is at least ten work days after the ending date of the most recent prior strike involving the same bargaining unit; however, the board, at its discretion, may attempt mediation at any time.	73642 73643 73644 73645 73646 73647 73648 73649 73650 73651
(E) Nothing in this section shall be construed to prohibit the parties, at any time, from voluntarily agreeing to submit any or all of the issues in dispute to any other alternative dispute settlement procedure. An agreement or statutory requirement to arbitrate or to settle a dispute pursuant to a final offer settlement procedure and the award issued in accordance with the agreement or statutory requirement is enforceable in the same manner as specified in division (B) of section 4117.09 of the	73652 73653 73654 73655 73656 73657 73658 73659

Revised Code. 73660

(F) Nothing in this section shall be construed to prohibit a 73661
party from seeking enforcement of a collective bargaining 73662
agreement or a conciliator's award as specified in division (B) of 73663
section 4117.09 of the Revised Code. 73664

(G) The following guidelines apply to final offer settlement 73665
proceedings under division (D)(1) of this section: 73666

(1) The parties shall submit to final offer settlement those 73667
issues that are subject to collective bargaining as provided by 73668
section 4117.08 of the Revised Code and upon which the parties 73669
have not reached agreement and other matters mutually agreed to by 73670
the public employer and the exclusive representative; except that 73671
the conciliator may attempt mediation at any time. 73672

(2) The conciliator shall hold a hearing within thirty days 73673
of the board's order to submit to a final offer settlement 73674
procedure, or as soon thereafter as is practicable. 73675

(3) The conciliator shall conduct the hearing pursuant to 73676
rules developed by the board. The conciliator shall establish the 73677
hearing time and place, but it shall be, where feasible, within 73678
the jurisdiction of the state. Not later than five calendar days 73679
before the hearing, each of the parties shall submit to the 73680
conciliator, to the opposing party, and to the board, a written 73681
report summarizing the unresolved issues, the party's final offer 73682
as to the issues, and the rationale for that position. 73683

(4) Upon the request by the conciliator, the board shall 73684
issue subpoenas for the hearing. 73685

(5) The conciliator may administer oaths. 73686

(6) The conciliator shall hear testimony from the parties and 73687
provide for a written record to be made of all statements at the 73688
hearing. The board shall submit for inclusion in the record and 73689

for consideration by the conciliator the written report and 73690
recommendation of the fact-finders. 73691

(7) After hearing, the conciliator shall resolve the dispute 73692
between the parties by selecting, on an issue-by-issue basis, from 73693
between each of the party's final settlement offers, taking into 73694
consideration the following: 73695

(a) Past collectively bargained agreements, if any, between 73696
the parties; 73697

(b) Comparison of the issues submitted to final offer 73698
settlement relative to the employees in the bargaining unit 73699
involved with those issues related to other public and private 73700
employees doing comparable work, giving consideration to factors 73701
peculiar to the area and classification involved; 73702

(c) The interests and welfare of the public, the ability of 73703
the public employer to finance and administer the issues proposed, 73704
and the effect of the adjustments on the normal standard of public 73705
service; 73706

(d) The lawful authority of the public employer; 73707

(e) The stipulations of the parties; 73708

(f) Such other factors, not confined to those listed in this 73709
section, which are normally or traditionally taken into 73710
consideration in the determination of the issues submitted to 73711
final offer settlement through voluntary collective bargaining, 73712
mediation, fact-finding, or other impasse resolution procedures in 73713
the public service or in private employment. 73714

(8) Final offer settlement awards made under Chapter 4117. of 73715
the Revised Code are subject to Chapter 2711. of the Revised Code. 73716

(9) If more than one conciliator is used, the determination 73717
must be by majority vote. 73718

(10) The conciliator shall make written findings of fact and 73719

promulgate a written opinion and order upon the issues presented 73720
to the conciliator, and upon the record made before the 73721
conciliator and shall mail or otherwise deliver a true copy 73722
thereof to the parties and the board. 73723

(11) Increases in rates of compensation and other matters 73724
with cost implications awarded by the conciliator may be effective 73725
only at the start of the fiscal year next commencing after the 73726
date of the final offer settlement award; provided that if a new 73727
fiscal year has commenced since the issuance of the board order to 73728
submit to a final offer settlement procedure, the awarded 73729
increases may be retroactive to the commencement of the new fiscal 73730
year. The parties may, at any time, amend or modify a 73731
conciliator's award or order by mutual agreement. 73732

(12) The parties shall bear equally the cost of the final 73733
offer settlement procedure. 73734

(13) Conciliators appointed pursuant to this section shall be 73735
residents of the state. 73736

(H) All final offer settlement awards and orders of the 73737
conciliator made pursuant to Chapter 4117. of the Revised Code are 73738
subject to review by the court of common pleas having jurisdiction 73739
over the public employer as provided in Chapter 2711. of the 73740
Revised Code. If the public employer is located in more than one 73741
court of common pleas district, the court of common pleas in which 73742
the principal office of the chief executive is located has 73743
jurisdiction. 73744

(I) The issuance of a final offer settlement award 73745
constitutes a binding mandate to the public employer and the 73746
exclusive representative to take whatever actions are necessary to 73747
implement the award. 73748

Sec. 4117.15. (A) Whenever a strike by ~~members of a police or~~ 73749

~~fire department, members of the state highway patrol, deputy 73750
sheriffs, dispatchers employed by a police, fire, or sheriff's 73751
department or the state highway patrol or civilian dispatchers 73752
employed by a public employer other than a police, fire, or 73753
sheriff's department to dispatch police, fire, sheriff's 73754
department, or emergency medical or rescue personnel and units, an 73755
exclusive nurse's unit, employees of the state school for the deaf 73756
or the state school for the blind, employees of any public 73757
employee retirement system, correction officers, guards at penal 73758
or mental institutions, or special police officers appointed in 73759
accordance with sections 5119.08 and 5123.13 of the Revised Code, 73760
psychiatric attendants employed at mental health forensic 73761
facilities, youth leaders employed at juvenile correctional 73762
facilities, or members of a law enforcement security force that is 73763
established and maintained exclusively by a board of county 73764
commissioners and whose members are employed by that board public 73765
employees who are prohibited from striking under division (D)(1) 73766
of section 4117.14 of the Revised Code, a strike by other public 73767
employees during the pendency of the settlement procedures set 73768
forth in section 4117.14 of the Revised Code, or a strike during 73769
the term or extended term of a collective bargaining agreement 73770
occurs, the public employer may seek an injunction against the 73771
strike in the court of commonpleas of the county in which the 73772
strike is located. 73773~~

(B) An unfair labor practice by a public employer is not a 73774
defense to the injunction proceeding noted in division (A) of this 73775
section. Allegations of unfair labor practices during the 73776
settlement procedures set forth in section 4117.14 of the Revised 73777
Code shall receive priority by the state employment relations 73778
board. 73779

(C) No public employee is entitled to pay or compensation 73780
from the public employer for the period engaged in any strike. 73781

Sec. 4121.443. (A) The bureau of workers' compensation may 73782
summarily suspend the certification of a provider to participate 73783
in the health partnership program created under sections 4121.44 73784
and 4121.441 of the Revised Code without a prior hearing if the 73785
bureau determines any of the following apply to the provider: 73786

(1) The professional license, certification, or registration 73787
held by the provider to practice the provider's profession has 73788
been revoked or suspended for an indefinite period of time or for 73789
a period of more than thirty days, subsequent to the provider's 73790
certification to participate in the health partnership program. 73791

(2) The provider has been convicted of or has pleaded guilty 73792
to a violation of section 2913.48 or sections 2923.31 to 2923.36 73793
of the Revised Code or has been convicted of or pleaded guilty to 73794
any other criminal offense related to the delivery of or billing 73795
for health care services. 73796

(3) The bureau determines, by clear and convincing evidence, 73797
that the continued participation by the provider in the health 73798
partnership program presents a danger of immediate and serious 73799
harm to claimants. 73800

(B) The bureau shall ~~issue~~ serve a written order of summary 73801
suspension ~~by certified mail or in person~~ in accordance with 73802
~~section~~ sections 119.05 and 119.07 of the Revised Code. If the 73803
provider subject to the summary suspension requests an 73804
adjudicatory hearing by the bureau, the date set for the hearing 73805
shall be not later than fifteen days, but not earlier than seven 73806
days, after the provider requests the hearing, unless otherwise 73807
agreed to by both the bureau and the provider. 73808

(C) If an order issued pursuant to this section is appealed, 73809
the court may stay execution of the order and fix the terms of the 73810
stay, if the court finds both of the following: 73811

(1) That an unusual hardship to the appellant will result 73812
from execution of the order pending appeal; 73813

(2) That the health, safety, and welfare of the public will 73814
not be threatened by staying execution of the order pending 73815
appeal. 73816

(D) A court or agency order staying the suspension of a 73817
professional license, certification, or registration shall not 73818
affect the ability of the bureau to suspend the certification of a 73819
provider to participate in the health partnership program under 73820
this section. 73821

(E) The summary suspension of a certification of a provider 73822
under this section shall not affect the ability of that provider 73823
to receive payment for services rendered prior to the effective 73824
date of the suspension. 73825

(F) Any summary suspension imposed under this section shall 73826
remain in effect, unless reversed on appeal, until a final 73827
adjudication order issued by the bureau pursuant to this section 73828
and Chapter 119. of the Revised Code takes effect. The bureau 73829
shall issue its final adjudication order within seventy-five days 73830
after completion of its hearing. A failure to issue the order 73831
within the seventy-five-day time period shall result in 73832
dissolution of the summary suspension order but shall not 73833
invalidate any subsequent, final adjudication order. 73834

(G) As used in this section, "provider" does not include a 73835
hospital. 73836

Sec. 4141.21. (A) Except as provided in this section and 73837
sections 4141.162 and 4141.211 of the Revised Code, and subject to 73838
section 4141.43 of the Revised Code, the information maintained by 73839
the director of job and family services or the unemployment 73840
compensation review commission or furnished to the director or 73841

commission by employers or employees pursuant to this chapter is 73842
for the exclusive use and information of the department of job and 73843
family services and the commission in the discharge of their 73844
duties and shall not be ~~open to the public or be used in any court~~ 73845
~~in any action or proceeding pending therein, or be admissible in~~ 73846
~~evidence in any action, other than one arising under this chapter~~ 73847
~~or section 5733.42 of the Revised Code. All of the information and~~ 73848
~~records necessary or useful in the determination of any particular~~ 73849
~~claim for benefits or necessary in verifying any charge to an~~ 73850
~~employer's account under sections 4141.23 to 4141.26 of the~~ 73851
~~Revised Code shall be available for examination and use by the~~ 73852
~~employer and the employee involved or their authorized~~ 73853
~~representatives in the hearing of such cases, and that information~~ 73854
disclosed. Such information is not a public record under section 73855
149.43 of the Revised Code. 73856

(B) Information protected from disclosure under division (A) 73857
of this section may be tabulated and published in statistical form 73858
for the use and information of the state departments and the 73859
public. 73860

Sec. 4141.211. (A)(1) As used in this section, and except as 73861
provided in divisions (A)(2) and (3) of this section, 73862
"unemployment compensation information" means information 73863
maintained by the director of job and family services or the 73864
unemployment compensation review commission, or furnished to the 73865
director or commission by employers or employees pursuant to this 73866
chapter, that pertains to the administration of this chapter. 73867

(2) "Unemployment compensation information" includes a wage 73868
report collected under the income and eligibility verification 73869
system established in section 4141.162 of the Revised Code only if 73870
it is obtained by the department for determining unemployment 73871
compensation monetary eligibility or is downloaded to the 73872

department's files as a result of a crossmatch. 73873

(3) "Unemployment compensation information" does not include 73874
any of the following: 73875

(a) Information in the new hires directory maintained by the 73876
department of job and family services under section 3121.894 of 73877
the Revised Code or in the national directory of new hires, if the 73878
information has not been used in the administration of the 73879
unemployment compensation program; 73880

(b) Personnel or fiscal information of the department or 73881
commission; 73882

(c) Information that is in the public domain. 73883

(B) Unemployment compensation information may be disclosed 73884
under the following circumstances if the disclosure is permitted 73885
by federal law: 73886

(1) The information is, or regards, appeal records and 73887
decisions or precedential determinations on coverage of employers, 73888
employment, and wages, provided that any social security numbers 73889
and personal health information have been removed. 73890

(2) The information is about an individual or employer and is 73891
disclosed to that individual or employer. 73892

(3) The information is about an individual or employer and is 73893
disclosed to an agent of the individual or employer, if the agent 73894
presents a written release from the individual or employer or 73895
another form of permissible consent if the agent demonstrates that 73896
a written release is impossible or impracticable to obtain. 73897

(4) The information is disclosed to an elected official 73898
performing constituent services who presents reasonable evidence 73899
that an individual or employer has authorized a disclosure about 73900
that individual or employer. 73901

(5) The information is about an individual or employer and is 73902

disclosed to an attorney who is retained for purposes related to 73903
unemployment compensation law and asserts that the attorney 73904
represents the individual or employer. 73905

(6) The information is about an individual or employer and is 73906
disclosed to a third party who is not an agent, but is providing a 73907
service or benefit to the individual or employer or is carrying 73908
out administration or evaluation of a public program, if the third 73909
party obtains a written release from the individual or employer 73910
that is signed and does all of the following: 73911

(a) Specifically identifies the information to be disclosed; 73912

(b) States which files will be accessed to obtain the 73913
information; 73914

(c) Specifies the purpose for which the information is sought 73915
and that the information will only be used for that purpose; 73916

(d) Indicates all of the parties who may receive the 73917
information. 73918

(7) The information is disclosed to a public official, or an 73919
agent or contractor of such an official, for use in the 73920
performance of official duties, including research related to the 73921
administration of those duties. 73922

(8) The information is disclosed to the federal bureau of 73923
labor statistics pursuant to a cooperative agreement with the 73924
bureau. 73925

(9) The information is disclosed in response to a subpoena or 73926
court order, provided the subpoena or order is properly served on 73927
the director or the commission, and a court has previously issued 73928
a binding precedential decision that requires disclosures of this 73929
type or an established pattern of prior court decisions requiring 73930
the type of disclosure exists. 73931

(10) The information is disclosed in response to a subpoena 73932

by a local, state, or federal government official, other than a 73933
clerk of court on behalf of a litigant, with authority to obtain 73934
such information by subpoena under law. 73935

(11) The information is disclosed to a federal or state 73936
official for purposes of unemployment compensation program 73937
oversight and audits or to a federal agency that the United States 73938
department of labor has determined to have adequate safeguards to 73939
satisfy the confidentiality and safeguard requirements of section 73940
303 of the "Social Security Act," 42 U.S.C. 503. 73941

(12) The disclosure of information is required by law. 73942

(C)(1) For purposes of division (B)(7) of this section, 73943
"performance of official duties" does not include solicitation of 73944
contributions or expenditures to or on behalf of a candidate for 73945
public or political office or a political party. 73946

(2) For purposes of division (B)(10) of this section, the 73947
director may also disclose unemployment compensation information 73948
to those officials without the issuance or service of a subpoena. 73949

(D) The following information may be disclosed to accredited 73950
colleges and universities, accredited educational institutions, 73951
nonprofit research organizations, and other organizations 73952
conducting research, if the disclosure is for the purpose of 73953
assisting in research or for use in providing or improving the 73954
provision of government services: 73955

(1) Wage information as that term is defined in division (J) 73956
of section 4141.43 of the Revised Code; 73957

(2) Whether an individual is receiving, has received, or has 73958
applied for unemployment compensation; 73959

(3) The amount of unemployment compensation an individual is 73960
receiving or entitled to receive; 73961

(4) An individual's current or most recent home address; 73962

(5) Whether an individual has refused an offer of work and, if so, a description of the job offered including the terms, conditions, and rate of pay; 73963
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73965

(6) Any other information contained in the records of the director which is needed by the requesting agency to verify eligibility for, and the amount of, benefits; 73966
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(7) Employment and training information; 73969

(8) Employer information. 73970

(E) The director may require recipients of unemployment compensation information to enter into a written agreement to receive the information. 73971
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(F) A recipient of unemployment compensation information, other than an individual or employer receiving information about that individual or employer, shall not redisclose the information without approval to do so from the director and shall safeguard the information against unauthorized access or redisclosure. 73974
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(G) Failure to comply with this section may result in civil or criminal penalties, including the penalties set forward in sections 4141.22 and 4141.99 of the Revised Code, as applicable. 73979
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Sec. 4141.22. (A) No person shall disclose any information that was maintained by the director of job and family services or the unemployment compensation review commission or that was furnished to the director or the commission by employers or employees pursuant to this chapter, unless such disclosure is permitted under section 4141.21 or 4141.211 of the Revised Code. 73982
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(B) No person in the employ of the director, a county family services agency, a workforce development agency, or the commission, or who has been in the employ of the director, those agencies, or the commission, at any time, shall divulge any information maintained by or furnished to the director or the 73988
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commission under this chapter and secured by the person while so 73993
employed, in respect to the transactions, property, business, or 73994
mechanical, chemical, or other industrial process of any person, 73995
firm, corporation, association, or partnership to any person other 73996
than the director or other employees of the department of job and 73997
family services or, a county family services agency, workforce 73998
development agency, or the commission, as required by the person's 73999
duties, or to other persons as authorized by the director under 74000
section 4141.43 of the Revised Code. 74001

Whoever violates this section shall be disqualified from 74002
holding any appointment or employment by the director, a county 74003
family services agency, a workforce development agency, or the 74004
commission. 74005

Sec. 4141.241. (A)(1) Any nonprofit organization described in 74006
division (X) of section 4141.01 of the Revised Code, which becomes 74007
subject to this chapter on or after January 1, 1972, shall pay 74008
contributions under section 4141.25 of the Revised Code, unless it 74009
elects, in accordance with this division, to pay to the director 74010
of job and family services for deposit in the unemployment 74011
compensation fund an amount in lieu of contributions equal to the 74012
amount of regular benefits plus one half of extended benefits paid 74013
from that fund that is attributable to service in the employ of 74014
the nonprofit organization to individuals whose service, during 74015
the base period of the claims, was within the effective period of 74016
such election. 74017

(2) Any nonprofit organization which becomes subject to this 74018
chapter after January 1, 1972, may elect to become liable for 74019
payments in lieu of contributions for a period of not less than 74020
the remainder of that calendar year and the next calendar year, 74021
beginning with the date on which such subjectivity begins, by 74022
filing a written notice of its election with the director not 74023

later than thirty days immediately following the date of the 74024
determination of such subjectivity. 74025

(3) Any nonprofit organization which makes an election in 74026
accordance with this division will continue to be liable for 74027
payments in lieu of contributions for the period described in this 74028
division and until it files with the director a written notice 74029
terminating its election. The notice shall be filed not later than 74030
thirty days prior to the beginning of the calendar year for which 74031
the termination is to become effective. 74032

(4) Any nonprofit organization which has been paying 74033
contributions for a period subsequent to January 1, 1972, may 74034
change to a reimbursable basis by filing with the director, not 74035
later than thirty days prior to the beginning of any calendar 74036
year, a written notice of election to become liable for payments 74037
in lieu of contributions. The election shall not be terminable by 74038
the organization during that calendar year and the next calendar 74039
year. 74040

(5) The director, in accordance with any rules the director 74041
prescribes, shall notify each nonprofit organization of any 74042
determination which the director may make of its status as an 74043
employer and of the effective date of any election which it makes 74044
and of any termination of the election. Any determinations shall 74045
be subject to reconsideration, appeal, and review in accordance 74046
with section 4141.26 of the Revised Code. 74047

(B) Except as provided in division (I) of section 4141.29 of 74048
the Revised Code, benefits based on service with a nonprofit 74049
organization granted a reimbursing status under this section shall 74050
be payable in the same amount, on the same terms, and subject to 74051
the same conditions, as benefits payable on the basis of other 74052
service subject to this chapter. Payments in lieu of contributions 74053
shall be made in accordance with this division and division (D) of 74054
section 4141.24 of the Revised Code. 74055

(1)(a) At the end of each calendar quarter, or at the end of 74056
any other period as determined by the director under division 74057
(D)(4) of section 4141.24 of the Revised Code, the director shall 74058
bill each nonprofit organization or group of such organizations 74059
which has elected to make payments in lieu of contributions for an 74060
amount equal to the full amount of regular benefits plus one half 74061
of the amount of extended benefits paid during such quarter or 74062
other prescribed period which is attributable to service in the 74063
employ of such organization. 74064

(b) In the computation of the amount of benefits to be 74065
charged to employers liable for payments in lieu of contributions, 74066
all benefits attributable to service described in division 74067
(B)(1)(a) of this section shall be computed and charged to such 74068
organization as described in division (D) of section 4141.24 of 74069
the Revised Code, and, except as provided in division (D)(2) of 74070
section 4141.24 of the Revised Code, no portion of the amount may 74071
be charged to the mutualized account established by division (B) 74072
of section 4141.25 of the Revised Code. 74073

(c) The director may prescribe regulations under which 74074
organizations, which have elected to make payments in lieu of 74075
contributions, may request permission to make such payments in 74076
equal installments throughout the year with an adjustment at the 74077
end of the year for any excess or shortage of the amount of such 74078
installment payments compared with the total amount of benefits 74079
actually charged the organization's account during the year. In 74080
making any adjustment, where the total installment payments are 74081
less than the actual benefits charged, the organization shall be 74082
liable for payment of the unpaid balance in accordance with 74083
division (B)(2) of this section. If the total installment payments 74084
exceed the actual benefits charged, all or part of the excess may, 74085
at the discretion of the director, be refunded or retained in the 74086
fund as part of the payments which may be required in the next 74087

year. 74088

(2) Payment of any bill rendered under division (B)(1) of 74089
this section shall be made not later than thirty days after the 74090
bill was mailed to the last known address of the organization or 74091
was otherwise delivered to it, unless there has been an 74092
application for review and redetermination in accordance with 74093
division (B)(4) of this section. 74094

(3) Payments made by an organization under this section shall 74095
not be deducted or deductible, in whole or in part, from the 74096
remuneration of individuals in the employ of the organization. 74097

(4) An organization may file an application for review and 74098
redetermination of the amounts appearing on any bill rendered to 74099
such organization under division (B)(1) of this section. The 74100
application shall be filed and determined under division (D)(4) of 74101
section 4141.24 of the Revised Code. 74102

(5) Past-due payments of amounts in lieu of contributions 74103
shall be subject to the same interest rates and collection 74104
procedures that apply to past-due contributions under sections 74105
4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 74106
to file a required quarterly report within the time prescribed by 74107
the director, the nonprofit organization shall be subject to a 74108
forfeiture pursuant to section 4141.20 of the Revised Code for 74109
each quarterly report that is not timely filed. 74110

All interest and forfeitures collected under this division 74111
shall be paid into the unemployment compensation special 74112
administrative fund as provided in section 4141.11 of the Revised 74113
Code. 74114

(6) All payments in lieu of contributions collected under 74115
this section shall be paid into the unemployment compensation fund 74116
as provided in section 4141.09 of the Revised Code. Any refunds of 74117
such payments shall be paid from the unemployment compensation 74118

fund, as provided in section 4141.09 of the Revised Code. 74119

(C)(1) Any nonprofit organization, or group of such 74120
organizations approved under division (D) of this section, that 74121
elects to become liable for payments in lieu of contributions 74122
shall be required within thirty days after the effective date of 74123
its election, to execute and file with the director a surety bond 74124
approved by the director ~~or it may elect instead to deposit with~~ 74125
~~the director approved municipal or other bonds, or approved~~ 74126
~~securities, or a combination thereof, or other forms of collateral~~ 74127
~~security approved by the director.~~ 74128

(2)(a) The amount of the bond ~~or deposit~~ required shall be 74129
equal to three per cent of the organization's wages paid for 74130
employment as defined in section 4141.01 of the Revised Code that 74131
would have been taxable had the organization been a subject 74132
employer during the four calendar quarters immediately preceding 74133
the effective date of the election, or the amount established by 74134
the director within the limitation provided in division 74135
~~(C)(2)(d)~~(C)(2)(c) of this section, whichever is the less. The 74136
effective date of the amount of the bond ~~or other collateral~~ 74137
~~security~~ required after the employer initially is determined by 74138
the director to be liable for payments in lieu of contributions 74139
shall be the renewal date ~~in the case of a~~ the bond ~~or the~~ 74140
~~biennial anniversary of the effective date of election in the case~~ 74141
~~of deposit of securities or other forms of collateral security~~ 74142
~~approved by the director, whichever date shall be most recent and~~ 74143
~~applicable.~~ If the nonprofit organization did not pay wages in 74144
each of such four calendar quarters, the amount of the bond ~~or~~ 74145
~~deposit~~ shall be as determined by the director under regulations 74146
prescribed for this purpose. 74147

(b) Any bond ~~or other form of collateral security approved by~~ 74148
~~the director~~ deposited under this division shall be in force for a 74149
period of not less than two calendar years and shall be renewed 74150

with the approval of the director, at such times as the director 74151
may prescribe, but not less frequently than at two-year intervals 74152
as long as the organization continues to be liable for payments in 74153
lieu of contributions. The director shall require adjustments to 74154
be made in a previously filed bond ~~or other form of collateral~~ 74155
~~security~~ as the director considers appropriate. If the bond ~~or~~ 74156
~~other form of collateral security~~ is to be increased, the adjusted 74157
bond ~~or collateral security~~ shall be filed by the organization 74158
within thirty days of the date that notice of the required 74159
adjustment was mailed or otherwise delivered to it. Failure by any 74160
organization covered by such bond ~~or collateral security~~ to pay 74161
the full amount of payments in lieu of contributions when due, 74162
together with any applicable interest provided for in division 74163
(B)(5) of this section, shall render the surety liable on the bond 74164
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 74165
~~security~~, as though the surety was the organization. 74166

(c) ~~Any securities accepted in lieu of surety bond by the~~ 74167
~~director shall be deposited with the treasurer of state who shall~~ 74168
~~have custody thereof and retain the same in the treasurer of~~ 74169
~~state's possession, or release them, according to conditions~~ 74170
~~prescribed by regulations of the director. Income from the~~ 74171
~~securities, held in custody by the treasurer of state, shall~~ 74172
~~accrue to the benefit of the depositor and shall be distributed to~~ 74173
~~the depositor in the absence of any notification from the director~~ 74174
~~that the depositor is in default on any payment owed to the~~ 74175
~~director. The director may require the sale of any such bonds to~~ 74176
~~the extent necessary to satisfy any unpaid payments in lieu of~~ 74177
~~contributions, together with any applicable interest or~~ 74178
~~forfeitures provided for in division (B)(5) of this section. The~~ 74179
~~director shall require the employer within thirty days following~~ 74180
~~any sale of deposited securities, under this subdivision, to~~ 74181
~~deposit additional securities, surety bond, or combination of~~ 74182
~~both, to make whole the employer's security deposit at the~~ 74183

~~approved level. Any cash remaining from the sale of such securities may, at the discretion of the director, be refunded in whole or in part, or be paid into the unemployment compensation fund to cover future payments required of the organization.~~

~~(d) The required bond or deposit for any nonprofit organization, or group of such organizations approved by the director under division (D) of this section, that is determined by the director to be liable for payments in lieu of contributions effective beginning on and after January 1, 1996, but prior to January 1, 1998, and the required bond or deposit for any renewed elections under division (C)(2)(b) of this section effective during that period shall not exceed one million two hundred fifty thousand dollars. The required bond or deposit for any nonprofit organization, or group of such organizations approved by the director under division (D) of this section, that is determined to be liable for payments in lieu of contributions effective on and after January 1, 1998, and the required bond or deposit for any renewed elections effective on and after January 1, 1998, shall not exceed two million dollars.~~

~~(3) If any nonprofit organization fails to file a bond or make a deposit, or to file a bond in an increased amount or to make whole the amount of a previously made deposit, as provided under this division, the director may terminate the organization's election to make payments in lieu of contributions effective for the quarter following such failure and the termination shall continue for not less than the remainder of that calendar year and the next calendar year, beginning with the quarter in which the termination becomes effective; except that the director may extend for good cause the applicable filing, deposit, or adjustment period by not more than thirty days.~~

~~(D)(1) Two or more nonprofit organizations that have become liable for payments in lieu of contributions, in accordance with~~

division (A) of this section, may file a joint application to the 74216
director for the establishment of the group account for the 74217
purpose of sharing the cost of benefits paid that are attributable 74218
to service in the employ of those employers. Notwithstanding 74219
division (E) of section 4141.242 of the Revised Code, hospitals 74220
operated by this state or a political subdivision may participate 74221
in a group account with nonprofit organizations under the 74222
procedures set forth in this section. Each application shall 74223
identify and authorize a group representative to act as the 74224
group's agent for the purposes of this division. 74225

(2) Upon the director's approval of the application, the 74226
director shall establish a group account for the employers 74227
effective as of the beginning of the calendar quarter in which the 74228
director receives the application and shall notify the group's 74229
representative of the effective date of the account. The account 74230
shall remain in effect for not less than two years and thereafter 74231
until terminated by the director or upon application by the group. 74232

(3) Upon establishment of the account, each member of the 74233
group shall be liable, in the event that the group representative 74234
fails to pay any bill issued to it pursuant to division (B) of 74235
this section, for payments in lieu of contributions with respect 74236
to each calendar quarter in the amount that bears the same ratio 74237
to the total benefits paid in the quarter that are attributable to 74238
service performed in the employ of all members of the group as the 74239
total wages paid for service in employment by the member in the 74240
quarter bear to the total wages paid during the quarter for 74241
service performed in the employ of all members of the group. 74242

(4) The director shall adopt regulations as considered 74243
necessary with respect to the following: applications for 74244
establishment, bonding, maintenance, and termination of group 74245
accounts that are authorized by this section; addition of new 74246
members to and withdrawal of active members from such accounts; 74247

and the determination of the amounts that are payable under this 74248
division by the group representative and in the event of default 74249
in payment by the group representative, members of the group, and 74250
the time and manner of payments. 74251

Sec. 4141.28. BENEFITS 74252

(A) FILINGS 74253

Applications for determination of benefit rights and claims 74254
for benefits shall be filed with the director of job and family 74255
services. Such applications and claims also may be filed with an 74256
employee of another state or federal agency charged with the duty 74257
of accepting applications and claims for unemployment benefits or 74258
with an employee of the unemployment insurance commission of 74259
Canada. 74260

When an unemployed individual files an application for 74261
determination of benefit rights, the director shall furnish the 74262
individual with an explanation of the individual's appeal rights. 74263
The explanation shall describe clearly the different levels of 74264
appeal and explain where and when each appeal must be filed. 74265

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 74266

In filing an application, an individual shall furnish the 74267
director with the name and address of the individual's most recent 74268
separating employer and the individual's statement of the reason 74269
for separation from the employer. The director shall promptly 74270
notify the individual's most recent separating employer of the 74271
filing and request the reason for the individual's unemployment, 74272
unless that notice is not necessary under conditions the director 74273
establishes by rule. The director may request from the individual 74274
or any employer information necessary for the determination of the 74275
individual's right to benefits. The employer shall provide the 74276
information requested within ten working days after the request is 74277

sent. If an employer fails to provide requested information within 74278
ten working days, the director shall provide to the tax 74279
commissioner the individual's and employer's names, addresses, 74280
taxpayer identification numbers if available, and any additional 74281
information required by the tax commissioner. The tax commissioner 74282
shall confirm to the director whether the individual was included 74283
on the most recent annual return filed by the employer pursuant to 74284
division (F) of section 5747.07 of the Revised Code. The tax 74285
commissioner shall inform the director if the tax commissioner is 74286
unable to provide the requested confirmation. If necessary to 74287
ensure prompt determination and payment of benefits, the director 74288
shall base the determination on the information that is available. 74289

An individual filing an application for determination of 74290
benefit rights shall disclose, at the time of filing, whether or 74291
not the individual owes child support obligations. 74292

An individual filing an application for determination of 74293
benefit rights shall furnish proof of identity at the time of 74294
filing in the manner prescribed by the director. 74295

(C) MASS LAYOFFS 74296

An employer who lays off or separates within any seven-day 74297
period fifty or more individuals because of lack of work shall 74298
furnish notice to the director of the dates of layoff or 74299
separation and the approximate number of individuals being laid 74300
off or separated. The notice shall be furnished at least three 74301
working days prior to the date of the first day of such layoff or 74302
separation. In addition, at the time of the layoff or separation 74303
the employer shall furnish to the individual and to the director 74304
information necessary to determine the individual's eligibility 74305
for unemployment compensation. 74306

(D) DETERMINATION OF BENEFIT RIGHTS 74307

The director shall promptly examine any application for 74308

determination of benefit rights. On the basis of the information 74309
available to the director under this chapter, the director shall 74310
determine whether or not the application is valid, and if valid, 74311
the date on which the benefit year shall commence and the weekly 74312
benefit amount. The director shall promptly notify the applicant, 74313
employers in the applicant's base period, and any other interested 74314
parties of the determination and the reasons for it. In addition, 74315
the determination issued to the claimant shall include the total 74316
amount of benefits payable. The determination issued to each 74317
chargeable base period employer shall include the total amount of 74318
benefits that may be charged to the employer's account. 74319

(E) CLAIM FOR BENEFITS 74320

The director shall examine the first claim and any additional 74321
claim for benefits. On the basis of the information available, the 74322
director shall determine whether the claimant's most recent 74323
separation and, to the extent necessary, prior separations from 74324
work, allow the claimant to qualify for benefits. Written notice 74325
of the determination granting or denying benefits shall be sent to 74326
the claimant, the most recent separating employer, and any other 74327
employer involved in the determination, except that written notice 74328
is not required to be sent to the claimant if the reason for 74329
separation is lack of work and the claim is allowed. 74330

If the director identifies an eligibility issue, the director 74331
shall immediately send notice to the claimant of the issue 74332
identified, specify the week or weeks involved, and identify what 74333
the claimant must do to address the issue or who the claimant may 74334
contact for more information. The claimant has a minimum of five 74335
business days after the notice is sent to respond to the 74336
information included in the notice, and after the time allowed as 74337
determined by the director, the director shall make a 74338
determination. The claimant's response may include a request for a 74339
fact-finding interview when the eligibility issue is raised by an 74340

informant or source other than the claimant, or when the 74341
eligibility issue, if determined adversely, disqualifies the 74342
claimant for the duration of the claimant's period of 74343
unemployment. 74344

When the determination of a continued claim for benefits 74345
results in a disallowed claim, the director shall notify the 74346
claimant of the disallowance and the reasons for it. 74347

(F) ELIGIBILITY NOTICE 74348

Any base period or subsequent employer of a claimant who has 74349
knowledge of specific facts affecting the claimant's right to 74350
receive benefits for any week may notify the director in writing 74351
of those facts. The director shall prescribe a form for such 74352
eligibility notice, but failure to use the form shall not preclude 74353
the director's examination of any notice. 74354

To be considered valid, an eligibility notice must: contain 74355
in writing, a statement that identifies either a source who has 74356
firsthand knowledge of the information or an informant who can 74357
identify the source; provide specific and detailed information 74358
that may potentially disqualify the claimant; provide the name and 74359
address of the source or the informant; and appear to the director 74360
to be reliable and credible. 74361

An eligibility notice is timely filed if received or 74362
postmarked prior to or within forty-five calendar days after the 74363
end of the week with respect to which a claim for benefits is 74364
filed by the claimant. An employer who timely files a valid 74365
eligibility notice shall be an interested party to the claim for 74366
benefits which is the subject of the notice. 74367

The director shall consider the information contained in the 74368
eligibility notice, together with other available information. 74369
After giving the claimant notice and an opportunity to respond, 74370
the director shall make a determination and inform the notifying 74371

employer, the claimant, and other interested parties of the 74372
determination. 74373

(G) CORRECTED DETERMINATION 74374

If the director finds within the two hundred eight calendar 74375
weeks beginning with the Sunday of the week during which an 74376
application for benefit rights was filed that a determination made 74377
by the director was erroneous due to an error in an employer's 74378
report or any typographical or clerical error in the director's 74379
determination, or as shown by correct remuneration information 74380
received by the director, the director shall issue a corrected 74381
determination to all interested parties. The corrected 74382
determination shall take precedence over and void the prior 74383
determination of the director. The director shall not issue a 74384
corrected determination when the commission or a court has 74385
jurisdiction with respect to that determination. 74386

(H) EFFECT OF COMMISSION DECISIONS 74387

In making determinations, the director shall follow decisions 74388
of the unemployment compensation review commission which have 74389
become final with respect to claimants similarly situated. 74390

(I) PROMPT PAYMENTS 74391

If benefits are allowed by the director, a hearing officer, 74392
the commission, or a court, the director shall pay benefits 74393
promptly, notwithstanding any further appeal, provided that if 74394
benefits are denied on appeal, of which the parties have notice 74395
and an opportunity to be heard, the director shall withhold 74396
payment of benefits pending a decision on any further appeal. 74397

Sec. 4141.31. (A) Benefits otherwise payable for any week 74398
shall be reduced by the amount of remuneration or other payments a 74399
claimant receives with respect to such week as follows: 74400

(1) Remuneration in lieu of notice; 74401

(2) Compensation for wage loss under division (B) of section 74402
4123.56 of the Revised Code or a similar provision under the 74403
workers' compensation law of any state or the United States; 74404

(3) Payments in the form of retirement, or pension allowances 74405
as provided under section 4141.312 of the Revised Code; 74406

(4) Except as otherwise provided in division (D) of this 74407
section, remuneration in the form of separation or termination pay 74408
paid to an employee at the time of the employee's separation from 74409
employment; 74410

(5) ~~Vacation pay or allowance~~ Amounts payable under the law, 74411
terms of a labor-management contract or agreement, or other 74412
contract of hire, which payments are allocated to designated 74413
weeks, for either of the following: 74414

(a) Vacation pay or allowance; 74415

(b) Holiday pay or allowance. 74416

(6) Bonuses payable under the law, terms of a 74417
labor-management contract or agreement, or other contract of hire; 74418

(7) The determinable value of cost savings days. 74419

If payments under this division are paid with respect to a 74420
month then the amount of remuneration deemed to be received with 74421
respect to any week during such month shall be computed by 74422
multiplying such monthly amount by twelve and dividing the product 74423
by fifty-two. If there is no designation of the period with 74424
respect to which payments to an individual are made under this 74425
section then an amount equal to such individual's normal weekly 74426
wage shall be attributed to and deemed paid with respect to the 74427
first and each succeeding week following the individual's 74428
separation or termination from the employment of the employer 74429
making the payment until such amount so paid is exhausted. 74430

If benefits for any week, when reduced as provided in this 74431

division, result in an amount not a multiple of one dollar, such 74432
benefits shall be rounded to the next lower multiple of one 74433
dollar. 74434

Any payment allocated by the employer or the director of job 74435
and family services to weeks under division (A)(1), (4), or (5) of 74436
this section shall be deemed to be remuneration for the purposes 74437
of establishing a qualifying week and a benefit year under 74438
divisions (O)(1) and (R) of section 4141.01 of the Revised Code. 74439

(B) Benefits payable for any week shall not be reduced by the 74440
amount of remuneration a claimant receives with respect to such 74441
week in the form of drill or reserve pay received by a member of 74442
the Ohio national guard or the armed forces reserve for attendance 74443
at a regularly scheduled drill or meeting. 74444

(C) No benefits shall be paid for any week with respect to 74445
which or a part of which an individual has received or is seeking 74446
unemployment benefits under an unemployment compensation law of 74447
any other state or of the United States, provided the 74448
disqualifications shall not apply if the appropriate agency of 74449
such other state or of the United States finally determines that 74450
an individual is not entitled to such unemployment benefits. A law 74451
of the United States providing any payment of any type and in any 74452
amounts for periods of unemployment due to lack of work shall be 74453
considered an unemployment compensation law of the United States. 74454

(D) Benefits payable for any week shall not be reduced by the 74455
amount of military severance, disability, or separation pay paid 74456
to an individual who is a former member of the armed forces of the 74457
United States. 74458

(E) Remuneration for personal services includes cost savings 74459
days, as defined in division (DD) of section 4141.01 of the 74460
Revised Code, for which employees continue to accrue employee 74461
benefits that have a determinable value. Any unemployment 74462

compensation benefits that may be payable as a result of cost 74463
savings days shall be reduced as provided in division (A)(6) of 74464
this section. 74465

Sec. 4141.43. (A) The director of job and family services may 74466
~~cooperate with the industrial commission, the bureau of workers'~~ 74467
~~compensation, the United States internal revenue service, the~~ 74468
~~United States employment service, and other similar departments~~ 74469
~~and agencies, as determined by the director, in the exchange or~~ 74470
~~disclosure of information as to wages, employment, payrolls,~~ 74471
~~unemployment, and other information. The director may employ,~~ 74472
~~jointly with one or more of such agencies or departments,~~ 74473
~~auditors, examiners, inspectors, and other employees necessary for~~ 74474
~~the administration of this chapter and employment and training~~ 74475
~~services for workers in the state disclose information as provided~~ 74476
~~in this section in accordance with federal law governing such~~ 74477
~~disclosure and sections 4141.162, 4141.21, and 4141.211 of the~~ 74478
~~Revised Code.~~ 74479

(B) The director may make the state's record relating to the 74480
administration of this chapter available to the railroad 74481
retirement board and may furnish the board at the board's expense 74482
such copies thereof as the board deems necessary for its purposes. 74483

(C) The director may afford reasonable cooperation with every 74484
agency of the United States charged with the administration of any 74485
unemployment compensation law. 74486

(D) The director may enter into arrangements with the 74487
appropriate agencies of other states or of the United States or 74488
Canada whereby individuals performing services in this and other 74489
states for a single employer under circumstances not specifically 74490
provided for in division (B) of section 4141.01 of the Revised 74491
Code or in similar provisions in the unemployment compensation 74492
laws of such other states shall be deemed to be engaged in 74493

employment performed entirely within this state or within one of 74494
such other states or within Canada, and whereby potential rights 74495
to benefits accumulated under the unemployment compensation laws 74496
of several states or under such a law of the United States, or 74497
both, or of Canada may constitute the basis for the payment of 74498
benefits through a single appropriate agency under terms that the 74499
director finds will be fair and reasonable as to all affected 74500
interests and will not result in any substantial loss to the 74501
unemployment compensation fund. 74502

(E) The director may enter into agreements with the 74503
appropriate agencies of other states or of the United States or 74504
Canada: 74505

(1) Whereby services or wages upon the basis of which an 74506
individual may become entitled to benefits under the unemployment 74507
compensation law of another state or of the United States or 74508
Canada shall be deemed to be employment or wages for employment by 74509
employers for the purposes of qualifying claimants for benefits 74510
under this chapter, and the director may estimate the number of 74511
weeks of employment represented by the wages reported to the 74512
director for such claimants by such other agency, provided such 74513
other state agency or agency of the United States or Canada has 74514
agreed to reimburse the unemployment compensation fund for such 74515
portion of benefits paid under this chapter upon the basis of such 74516
services or wages as the director finds will be fair and 74517
reasonable as to all affected interests; 74518

(2) Whereby the director will reimburse other state or 74519
federal or Canadian agencies charged with the administration of 74520
unemployment compensation laws with such reasonable portion of 74521
benefits, paid under the law of such other states or of the United 74522
States or of Canada upon the basis of employment or wages for 74523
employment by employers, as the director finds will be fair and 74524
reasonable as to all affected interests. Reimbursements so payable 74525

shall be deemed to be benefits for the purpose of section 4141.09 74526
and division (A) of section 4141.30 of the Revised Code. However, 74527
no reimbursement so payable shall be charged against any 74528
employer's account for the purposes of section 4141.24 of the 74529
Revised Code if the employer's account, under the same or similar 74530
circumstances, with respect to benefits charged under the 74531
provisions of this chapter, other than this section, would not be 74532
charged or, if the claimant at the time the claimant files the 74533
combined wage claim cannot establish benefit rights under this 74534
chapter. This noncharging shall not be applicable to a nonprofit 74535
organization that has elected to make payments in lieu of 74536
contributions under section 4141.241 of the Revised Code, except 74537
as provided in division (D)(2) of section 4141.24 of the Revised 74538
Code. The director may make to other state or federal or Canadian 74539
agencies and receive from such other state or federal or Canadian 74540
agencies reimbursements from or to the unemployment compensation 74541
fund, in accordance with arrangements pursuant to this section. 74542

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 74543
the Revised Code, the director may enter into agreements with 74544
other states whereby services performed for a crew leader, as 74545
defined in division (BB) of section 4141.01 of the Revised Code, 74546
may be covered in the state in which the crew leader either: 74547

(a) Has the crew leader's place of business or from which the 74548
crew leader's business is operated or controlled; 74549

(b) Resides if the crew leader has no place of business in 74550
any state. 74551

(F) The director may apply for an advance to the unemployment 74552
compensation fund and do all things necessary or required to 74553
obtain such advance and arrange for the repayment of such advance 74554
in accordance with Title XII of the "Social Security Act" as 74555
amended. 74556

(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states.

(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for:

(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and

(2) Avoiding the duplicate use of wages and employment by reason of such combining.

~~(I)~~(I)(1) The director shall cooperate with the United States department of labor to the fullest extent consistent with this chapter, and shall take such action, through the adoption of appropriate rules, regulations, and administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the "Social Security Act" that relate to unemployment compensation, the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the

"Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et seq. 74589
74590

(2) Nothing in division (I)(1) of this section requires the director to participate in, nor precludes the director from ceasing to participate in, any voluntary, optional, special, or emergency program offered by the federal government, including programs offered under any of the federal acts listed in division (I)(1) of this section, the "Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 9023, or any other federal program enacted to address exceptional unemployment conditions. 74591
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(J) The director may disclose wage information furnished to or maintained by the director under Chapter 4141. of the Revised Code to a consumer reporting agency as defined by the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for the purpose of verifying an individual's income under a written agreement that requires all of the following: 74599
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74601
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(1) A written statement of informed consent from the individual whose information is to be disclosed; 74605
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(2) A written statement confirming that the consumer reporting agency and any other entity to which the information is disclosed or released will safeguard the information from illegal or unauthorized disclosure; 74607
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74609
74610

(3) A written statement confirming that the consumer reporting agency will pay to the ~~bureau~~ department all costs associated with the disclosure. 74611
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The director shall prescribe a manner and format in which this information may be provided. 74614
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For purposes of this division, "wage information" means the name, social security number, quarterly wages paid to, and weeks worked by an employee, and the name, address, and state and federal tax identification number of an employer reporting wages 74616
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74619

under section 4141.20 of the Revised Code. 74620

~~(K) The director shall adopt rules defining the requirements 74621
of the release of individual income verification information 74622
specified in division (J) of this section, which shall include all 74623
terms and conditions necessary to meet the requirements of federal 74624
law as interpreted by the United States department of labor or 74625
considered necessary by the director for the proper administration 74626
of this division. 74627~~

~~(L) The director shall disclose information furnished to or 74628
maintained by the director under this chapter upon request and on 74629
a reimbursable basis as required by section 303 of the "Social 74630
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 74631
Revenue Code," 26 U.S.C.A. 3304. 74632~~

Sec. 4301.19. The division of liquor control shall sell 74633
spirituous liquor only, whether from a warehouse or from a state 74634
liquor store or agency store. All sales shall be in sealed 74635
containers and for resale as authorized by this chapter and 74636
Chapter 4303. of the Revised Code or for consumption off the 74637
premises only. Except as otherwise provided in this section, sale 74638
of containers holding one-half pint or less of spirituous liquor 74639
by the division shall be made at retail only, and not for the 74640
purpose of resale by any purchaser, by special order placed with a 74641
state liquor store or agency store and subject to rules 74642
established by the superintendent of liquor control. The division 74643
may sell at wholesale spirituous liquor in fifty milliliter sealed 74644
containers to any holder of a permit issued under Chapter 4303. of 74645
the Revised Code that authorizes the sale of spirituous liquor for 74646
consumption on the premises where sold. A person appointed by the 74647
division to act as an agent for the sale of spirituous liquor 74648
pursuant to section 4301.17 of the Revised Code may provide and 74649
accept gift certificates and may accept credit cards and debit 74650

cards for the retail purchase of spirituous liquor. Deliveries 74651
shall be made in the manner the superintendent determines by rule. 74652

~~If~~ Subject to division (A)(3) of section 4301.10 and division 74653
(A) of section 4301.14 of the Revised Code, if any person desires 74654
to purchase any variety or brand of spirituous liquor which is not 74655
in stock at the state liquor store or agency store where the 74656
variety or brand is ordered, the division shall immediately 74657
procure the variety or brand. The purchaser shall be immediately 74658
notified upon the arrival of the spirituous liquor at the store at 74659
which it was ordered. Unless the purchaser pays for the variety or 74660
brand and accepts delivery within five days after the giving of 74661
the notice, the division may place the spirituous liquor in stock 74662
for general sale. 74663

Sec. 4301.441. Any information provided to a state agency by 74664
the department of taxation in accordance with ~~division (C)(11) of~~ 74665
section 5703.21 of the Revised Code for the purpose of verifying a 74666
permit holder's gallonage or noncompliance with taxes levied under 74667
this chapter or Chapter 4305. of the Revised Code shall not be 74668
disclosed publicly by that agency, except for purposes of 74669
enforcement, to deny the renewal of a liquor permit, or to report 74670
such information to the alcohol and tobacco tax and trade bureau 74671
in the United States department of the treasury. 74672

Sec. 4301.26. The liquor control commission ~~shall~~ may cancel 74673
permits issued pursuant to Chapters 4301. and 4303. of the Revised 74674
Code in the event of death or bankruptcy of the holder, the making 74675
of an assignment for the benefit of the creditors of the holder, 74676
or the appointment of a receiver of the property of the holder, 74677
except as otherwise provided in the rules of the division of 74678
liquor control relative to the transfer of permits. 74679

Sec. 4301.62. (A) As used in this section: 74680

(1) "Chauffeured limousine" means a vehicle registered under section 4503.24 of the Revised Code. 74681
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(2) "Street," "highway," and "motor vehicle" have the same meanings as in section 4511.01 of the Revised Code. 74683
74684

(B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances: 74685
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74687

(1) Except as provided in division (C)(1)(e) of this section, in an agency store; 74688
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(2) Except as provided in division (C) or (J) of this section, on the premises of the holder of any permit issued by the division of liquor control; 74690
74691
74692

(3) In any other public place; 74693

(4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking; 74694
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(5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. 74699
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(C)(1) A person may have in the person's possession an opened container of any of the following: 74703
74704

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, F-7, or F-8 permit; 74705
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(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission;

(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code;

(f) Beer or intoxicating liquor to be consumed in an outdoor area described in division (B)(1) of section 4303.188 of the Revised Code.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the

premises for which the D-2 permit is issued is an outdoor 74742
performing arts center, the person is attending an orchestral 74743
performance, and the holder of the D-2 permit grants permission 74744
for the possession and consumption of wine in certain 74745
predesignated areas of the premises during the period for which 74746
the D-2 permit is issued. 74747

(b) As used in division (C)(3)(a) of this section: 74748

(i) "Orchestral performance" means a concert comprised of a 74749
group of not fewer than forty musicians playing various musical 74750
instruments. 74751

(ii) "Outdoor performing arts center" means an outdoor 74752
performing arts center that is located on not less than one 74753
hundred fifty acres of land and that is open for performances from 74754
the first day of April to the last day of October of each year. 74755

(4) A person may have in the person's possession an opened or 74756
unopened container of beer or intoxicating liquor at an outdoor 74757
location at which the person is attending an orchestral 74758
performance as defined in division (C)(3)(b)(i) of this section if 74759
the person with supervision and control over the performance 74760
grants permission for the possession and consumption of beer or 74761
intoxicating liquor in certain predesignated areas of that outdoor 74762
location. 74763

(5) A person may have in the person's possession on an F-9 74764
liquor permit premises an opened or unopened container of beer or 74765
intoxicating liquor that was not purchased from the holder of the 74766
F-9 permit if the person is attending either of the following: 74767

(a) An orchestral performance and the F-9 permit holder 74768
grants permission for the possession and consumption of beer or 74769
intoxicating liquor in certain predesignated areas of the premises 74770
during the period for which the F-9 permit is issued; 74771

(b) An outdoor performing arts event or orchestral 74772

performance that is free of charge and the F-9 permit holder 74773
annually hosts not less than twenty-five other events or 74774
performances that are free of charge on the permit premises. 74775

As used in division (C)(5) of this section, "orchestral 74776
performance" has the same meaning as in division (C)(3)(b) of this 74777
section. 74778

(6)(a) A person may have in the person's possession on the 74779
property of an outdoor motorsports facility an opened or unopened 74780
container of beer or intoxicating liquor that was not purchased 74781
from the owner of the facility if both of the following apply: 74782

(i) The person is attending a racing event at the facility; 74783
and 74784

(ii) The owner of the facility grants permission for the 74785
possession and consumption of beer or intoxicating liquor on the 74786
property of the facility. 74787

(b) As used in division (C)(6)(a) of this section: 74788

(i) "Racing event" means a motor vehicle racing event 74789
sanctioned by one or more motor racing sanctioning organizations. 74790

(ii) "Outdoor motorsports facility" means an outdoor 74791
racetrack to which all of the following apply: 74792

(I) It is two and four-tenths miles or more in length. 74793

(II) It is located on two hundred acres or more of land. 74794

(III) The primary business of the owner of the facility is 74795
the hosting and promoting of racing events. 74796

(IV) The holder of a D-1, D-2, or D-3 permit is located on 74797
the property of the facility. 74798

(7)(a) A person may have in the person's possession an opened 74799
container of beer or intoxicating liquor at an outdoor location 74800
within an outdoor refreshment area created under section 4301.82 74801

of the Revised Code if the opened container of beer or 74802
intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, 74803
A-2f, D class, or F class permit holder to which both of the 74804
following apply: 74805

(i) The permit holder's premises is located within the 74806
outdoor refreshment area. 74807

(ii) The permit held by the permit holder has an outdoor 74808
refreshment area designation. 74809

(b) Division (C)(7) of this section does not authorize a 74810
person to do either of the following: 74811

(i) Enter the premises of an establishment within an outdoor 74812
refreshment area while possessing an opened container of beer or 74813
intoxicating liquor acquired elsewhere; 74814

(ii) Possess an opened container of beer or intoxicating 74815
liquor while being in or on a motor vehicle within an outdoor 74816
refreshment area, unless the possession is otherwise authorized 74817
under division (D) or (E) of this section. 74818

(c) As used in division (C)(7) of this section, "D class 74819
permit holder" does not include a D-6 or D-8 permit holder. 74820

(8)(a) A person may have in the person's possession on the 74821
property of a market, within a defined F-8 permit premises, an 74822
opened container of beer or intoxicating liquor that was purchased 74823
from a D permit premises that is located immediately adjacent to 74824
the market if both of the following apply: 74825

(i) The market grants permission for the possession and 74826
consumption of beer and intoxicating liquor within the defined F-8 74827
permit premises; 74828

(ii) The market is hosting an event pursuant to an F-8 permit 74829
and the market has notified the division of liquor control about 74830
the event in accordance with division (A)(3) of section 4303.208 74831

of the Revised Code. 74832

(b) As used in division (C)(8) of this section, "market" 74833
means a market, for which an F-8 permit is held, that has been in 74834
operation since 1860. 74835

(D) This section does not apply to a person who pays all or a 74836
portion of the fee imposed for the use of a chauffeured limousine 74837
pursuant to a prearranged contract, or the guest of the person, 74838
when all of the following apply: 74839

(1) The person or guest is a passenger in the limousine. 74840

(2) The person or guest is located in the limousine, but is 74841
not occupying a seat in the front compartment of the limousine 74842
where the operator of the limousine is located. 74843

(3) The limousine is located on any street, highway, or other 74844
public or private property open to the public for purposes of 74845
vehicular travel or parking. 74846

(E) An opened bottle of wine that was purchased from the 74847
holder of a permit that authorizes the sale of wine for 74848
consumption on the premises where sold is not an opened container 74849
for the purposes of this section if both of the following apply: 74850

(1) The opened bottle of wine is securely resealed by the 74851
permit holder or an employee of the permit holder before the 74852
bottle is removed from the premises. The bottle shall be secured 74853
in such a manner that it is visibly apparent if the bottle has 74854
been subsequently opened or tampered with. 74855

(2) The opened bottle of wine that is resealed in accordance 74856
with division (E)(1) of this section is stored in the trunk of a 74857
motor vehicle or, if the motor vehicle does not have a trunk, 74858
behind the last upright seat or in an area not normally occupied 74859
by the driver or passengers and not easily accessible by the 74860
driver. 74861

(F)(1) Except if an ordinance or resolution is enacted or 74862
adopted under division (F)(2) of this section, this section does 74863
not apply to a person who, pursuant to a prearranged contract, is 74864
a passenger riding on a commercial quadricycle when all of the 74865
following apply: 74866

(a) The person is not occupying a seat in the front of the 74867
commercial quadricycle where the operator is steering or braking. 74868

(b) The commercial quadricycle is being operated on a street, 74869
highway, or other public or private property open to the public 74870
for purposes of vehicular travel or parking. 74871

(c) The person has in their possession on the commercial 74872
quadricycle an opened container of beer or wine. 74873

(d) The person has in their possession on the commercial 74874
quadricycle not more than either thirty-six ounces of beer or 74875
eighteen ounces of wine. 74876

(2) The legislative authority of a municipal corporation or 74877
township may enact an ordinance or adopt a resolution, as 74878
applicable, that prohibits a passenger riding on a commercial 74879
quadricycle from possessing an opened container of beer or wine. 74880

(3) As used in this section, "commercial quadricycle" means a 74881
vehicle that has fully-operative pedals for propulsion entirely by 74882
human power and that meets all of the following requirements: 74883

(a) It has four wheels and is operated in a manner similar to 74884
a bicycle. 74885

(b) It has at least five seats for passengers. 74886

(c) It is designed to be powered by the pedaling of the 74887
operator and the passengers. 74888

(d) It is used for commercial purposes. 74889

(e) It is operated by the vehicle owner or an employee of the 74890
owner. 74891

(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market.

As used in division (G) of this section, "market" means an establishment that:

(1) Leases space in the market to individual vendors, not less than fifty per cent of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code;

(2) Has an indoor sales floor area of not less than twenty-two thousand square feet;

(3) Hosts a farmer's market on each Saturday from April through December.

(H)(1) As used in this section, "alcoholic beverage" has the same meaning as in section 4303.185 of the Revised Code.

(2) An alcoholic beverage in a closed container being transported under section 4303.185 of the Revised Code to its final destination is not an opened container for the purposes of this section if the closed container is securely sealed in such a manner that it is visibly apparent if the closed container has been subsequently opened or tampered with after sealing.

(I) This section does not apply to a person who has in the person's possession an opened container of beer or intoxicating liquor in a public-use airport, as described in division (D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both of the following apply:

(1) Consumption of the opened container of beer or intoxicating liquor occurs in the area of the airport terminal

that is restricted to persons taking flights to and from the 74922
airport; and 74923

(2) The consumption is authorized under division (D)(2)(a) of 74924
section 4303.181 of the Revised Code. 74925

(J) This section does not apply to a person that has in the 74926
person's possession an opened container of homemade beer or wine 74927
that is served in accordance with division (E) of section 4301.201 74928
of the Revised Code. 74929

Sec. 4303.184. (A) Subject to division (B) of this section, a 74930
D-8 permit may be issued to any of the following: 74931

(1) An agency store; 74932

(2) The holder of a C-1, C-2, or C-2x permit issued to a 74933
retail store that has any of the following characteristics: 74934

(a) The store has at least five thousand five hundred square 74935
feet of floor area, and it generates more than sixty per cent of 74936
its sales in general merchandise items and food for consumption 74937
off the premises where sold. 74938

(b) The store is located in a municipal corporation or 74939
township with a population of five thousand or less, has at least 74940
four thousand five hundred square feet of floor area, and 74941
generates more than sixty per cent of its sales in general 74942
merchandise items and food for consumption off the premises where 74943
sold. 74944

(c) Wine constitutes at least sixty per cent of the value of 74945
the store's inventory. 74946

(3) The holder of both a C-1 and C-2 permit, or the holder of 74947
a C-2x permit, issued to a retail store that is located within a 74948
municipal corporation or township with a population of fifteen 74949
thousand or less. 74950

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 74951
or C-2x permit only if the premises of the permit holder are 74952
located in a precinct, or at a particular location in a precinct, 74953
in which the sale of beer, wine, or mixed beverages is permitted 74954
for consumption off the premises where sold. Sales under a D-8 74955
permit are not affected by whether sales for consumption on the 74956
premises where sold are permitted in the precinct or at the 74957
particular location where the D-8 premises are located. 74958

(C)(1) The holder of a D-8 permit described in division 74959
(A)(2) or (3) of this section may sell tasting samples of beer, 74960
wine, and mixed beverages, but not spirituous liquor, at retail, 74961
for consumption on the premises where sold in an amount not to 74962
exceed two ounces or another amount designated by rule of the 74963
liquor control commission. A tasting sample shall not be sold for 74964
general consumption. 74965

(2) ~~The~~ An agency store that is the holder of a D-8 permit 74966
~~described in division (A)(1) of this section~~ may allow the sale of 74967
tasting samples of spirituous liquor in accordance with section 74968
4301.171 of the Revised Code. 74969

(3) No D-8 permit holder described in division (A)(2) or (3) 74970
of this section shall allow any authorized purchaser to consume 74971
more than four tasting samples of beer, wine, or mixed beverages, 74972
or any combination of beer, wine, or mixed beverages, per day. 74973

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 74974
Revised Code, the holder of a D-8 permit described in division 74975
(A)(2) or (3) of this section may sell beer that is dispensed from 74976
containers that have a capacity equal to or greater than five and 74977
one-sixth gallons if all of the following conditions are met: 74978

(a) A product registration fee for the beer has been paid as 74979
required in division (A)(8)(b) of section 4301.10 of the Revised 74980
Code. 74981

(b) The beer is dispensed only in glass containers whose capacity does not exceed one gallon and not for consumption on the premises where sold.

(c) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code.

(d) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code.

(2) Beer that is sold and dispensed under division (D)(1) of this section is subject to both of the following:

(a) All applicable rules adopted by the liquor control commission, including, but not limited to, rule 4301:1-1-27 and rule 4301:1-1-72 of the Administrative Code;

(b) All applicable federal laws and regulations.

(E) The privileges authorized for the holder of a D-8 permit described in division (A)(2) or (3) of this section may only be exercised in conjunction with and during the hours of operation authorized by a C-1, C-2, C-2x, or D-6 permit.

(F) A D-8 permit shall not be transferred to another location.

(G) The fee for the D-8 permit is five hundred dollars if a permit applicant exercises two or more of the privileges in division (C)(1), (C)(2), or (D) of this section. However, if a permit applicant exercises only one of the privileges in those divisions, the permit fee is two hundred fifty dollars.

Sec. 4303.188. (A) As used in this section:

(1) "Alcoholic beverage" means beer, wine, mixed beverages, or spirituous liquor.

(2) "Personal consumer" means an individual who is at least 75011
twenty-one years of age and who intends to use a purchased 75012
alcoholic beverage only for personal consumption and not for 75013
resale or other commercial purposes. 75014

(3) "Qualified permit holder" has the same meaning as in 75015
section 4301.82 of the Revised Code. 75016

(B)(1) Notwithstanding any other provision of law to the 75017
contrary and in addition to areas in which a qualified permit 75018
holder is authorized to sell alcoholic beverages under the 75019
qualified permit holder's permit, a qualified permit holder may 75020
sell alcoholic beverages by the individual drink for consumption 75021
as follows: 75022

(a) In any area of the qualified permit holder's property in 75023
which sales are not currently authorized and that is outdoors, 75024
including the qualified permit holder's parking area; 75025

(b) In any outdoor area of public property that is 75026
immediately adjacent to the qualified permit holder's premises and 75027
that is owned by a municipal corporation or township, provided 75028
that the permit holder obtains written consent in accordance with 75029
division (C) of this section; 75030

(c) In any outdoor area of private property that is 75031
immediately adjacent to the qualified permit holder's premises, 75032
provided that the permit holder obtains the written consent of the 75033
owner of the private property. 75034

(2) If a qualified permit holder sells alcoholic beverages in 75035
the outdoor area, the qualified permit holder shall clearly 75036
delineate the area where personal consumers may consume alcoholic 75037
beverages. 75038

(C) For purposes of division (B)(1)(b) of this section, a 75039
qualified permit holder shall obtain the written consent of either 75040
of the following: 75041

(1) If the public property is located in a municipal corporation, the executive officer of the municipal corporation or the executive officer's designee. If the executive officer or the executive officer's designee denies consent, the qualified permit holder may appeal the denial to the legislative authority of the municipal corporation. The legislative authority may adopt a resolution requesting the executive officer to reconsider the executive officer's denial. 75042
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(2) If the public property is located in the unincorporated area of a township, the legislative authority of the township by the adoption of a resolution consenting to the sale of alcoholic beverages in the outdoor area. 75050
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(D) A qualified permit holder that intends to sell alcoholic beverages by the individual drink in an outdoor area under division (B)(1) of this section shall notify the division of liquor control and the investigative unit of the department of public safety of the area in which the qualified permit holder intends to sell the alcoholic beverages. The qualified permit holder shall provide the notice not later than ten days prior to the commencement of such sales. 75054
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(E) A qualified permit holder or the holder's employee shall deliver each alcoholic beverage sold to a personal consumer in an outdoor area authorized under this section. 75062
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Sec. 4303.2011. (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that: 75065
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(1) Is exempt from federal income taxation; 75068

(2) Has a membership of two hundred fifty or more persons. 75069

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has 75070
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all of the following characteristics: 75072

(1) The event is coordinated by the nonprofit organization 75073
and the nonprofit organization is responsible for the activities 75074
at the event. 75075

(2) One of the event's purposes is the introduction, 75076
showcasing, or promotion of craft beers manufactured in this 75077
state. 75078

(3) The event includes the sale of food for consumption on 75079
the premises where sold. 75080

(4) The event features at least twenty A-1c permit holders, 75081
who are members of the nonprofit organization that has organized 75082
the event, as participants. The nonprofit organization may allow 75083
any number of A-1 permit holders to participate in the event. 75084

(C) An F-11 permit holder may sell, at the event, beer that 75085
it has purchased from the A-1 or A-1c permit holders that are 75086
participating in the event or from the participating A-1 or A-1c 75087
permit holder's assigned B-1 permit holder. The F-11 permit holder 75088
may sell the beer in four-ounce samples or in containers not 75089
exceeding sixteen ounces for consumption on the premises where 75090
sold. 75091

The F-11 permit holder may sell beer on the F-11 permit 75092
premises only where and when the sale of beer is otherwise 75093
permitted by law. 75094

(D) The F-11 permit holder shall clearly define and 75095
sufficiently restrict the premises of the event to allow proper 75096
enforcement of the permit by state and local law enforcement 75097
officers. If an F-11 permit is issued for all or a portion of the 75098
same premises for which another class of permit is issued, that 75099
permit holder's privileges are suspended in that portion of the 75100
premises in which the F-11 permit is in effect. 75101

(E)(1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition.

(2) No sales of beer shall take place under an F-11 permit after one a.m.

(F) The division shall not issue more than six F-11 permits to the same nonprofit organization in any one calendar year.

(G) An applicant for an F-11 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. In the application, the applicant shall list all of the A-1 and A-1c permit holders that will participate in the event. The fee for the F-11 permit is sixty dollars for each day of the event.

The division shall prepare and make available an F-11 permit application form and may require applicants for and holders of the F-11 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(H)(1) An F-11 permit holder is responsible, and is subject to penalties, for any violations of this chapter or Chapter 4301. of the Revised Code that occur during the event.

(2) An F-11 permit holder shall not allow an A-1 or A-1c permit holder to participate in the event if the A-1 or A-1c permit or, if applicable, the A-1-A permit of that A-1 or A-1c permit holder is under suspension.

(3) The division may refuse to issue an F-11 permit to an applicant if both of the following apply:

(a) The applicant has pleaded guilty to or has been convicted of violating this chapter or Chapter 4301. of the Revised Code

while operating under a previously issued F-11 permit. 75132

(b) The violation occurred within the two years preceding the 75133
filing of the new F-11 permit application. 75134

(I) Notwithstanding any provision of section 4301.24 of the 75135
Revised Code or any rule adopted by the liquor control commission 75136
to the contrary, employees of an A-1 or A-1c permit holder or B-1 75137
permit holder, or employees or agents of a B-1 permit holder may 75138
assist an F-11 permit holder in serving beer at an event for which 75139
an F-11 permit is issued. 75140

Sec. 4303.271. (A) Except as provided in divisions (B) and 75141
(D) of this section, the holder of a permit issued under sections 75142
4303.02 to 4303.232 of the Revised Code, who files an application 75143
for the renewal of the same class of permit for the same premises, 75144
shall be entitled to the renewal of the permit. The division of 75145
liquor control shall renew the permit unless the division rejects 75146
for good cause any renewal application, subject to the right of 75147
the applicant to appeal the rejection to the liquor control 75148
commission. 75149

(B) The legislative authority of the municipal corporation, 75150
the board of township trustees, or the board of county 75151
commissioners of the county in which a permit premises is located 75152
may object to the renewal of a permit issued under sections 75153
4303.11 to 4303.183 of the Revised Code for any of the reasons 75154
contained in division (A) of section 4303.292 of the Revised Code. 75155
Any objection shall be made no later than thirty days prior to the 75156
expiration of the permit, and the division shall accept the 75157
objection if it is postmarked no later than thirty days prior to 75158
the expiration of the permit. The objection shall be made by a 75159
resolution specifying the reasons for objecting to the renewal and 75160
requesting a hearing, but no objection shall be based upon 75161
noncompliance of the permit premises with local zoning regulations 75162

that prohibit the sale of beer or intoxicating liquor in an area 75163
zoned for commercial or industrial uses, for a permit premises 75164
that would otherwise qualify for a proper permit issued by the 75165
division. The resolution shall be accompanied by a statement by 75166
the chief legal officer of the political subdivision that, in the 75167
chief legal officer's opinion, the objection is based upon 75168
substantial legal grounds within the meaning and intent of 75169
division (A) of section 4303.292 of the Revised Code. 75170

Upon receipt of a resolution of a legislative authority or 75171
board objecting to the renewal of a permit and a statement from 75172
the chief legal officer, the division shall set a time for the 75173
hearing and send by certified mail to the permit holder, at the 75174
permit holder's usual place of business, a copy of the resolution 75175
and notice of the hearing. The division shall then hold a hearing 75176
in the central office of the division, except that, upon written 75177
request of the legislative authority or board, the hearing shall 75178
be held in the county seat of the county in which the permit 75179
premises is located, to determine whether the renewal shall be 75180
denied for any of the reasons contained in division (A) of section 75181
4303.292 of the Revised Code. Only the reasons for refusal 75182
contained in division (A) of section 4303.292 of the Revised Code 75183
and specified in the resolution of objection shall be considered 75184
at the hearing. 75185

The permit holder and the objecting legislative authority or 75186
board shall be parties to the proceedings under this section and 75187
shall have the right to be present, to be represented by counsel, 75188
to offer evidence, to require the attendance of witnesses, and to 75189
cross-examine witnesses at the hearing. 75190

(C) An application for renewal of a permit shall be filed 75191
with the division at least fifteen days prior to the expiration of 75192
an existing permit, and the existing permit shall continue in 75193
effect as provided in section 119.06 of the Revised Code until the 75194

application is approved or rejected by the division. Any holder of 75195
a permit, which has expired through failure to be renewed as 75196
provided in this section, shall obtain a renewal of the permit, 75197
upon filing an application for renewal with the division, at any 75198
time within thirty days from the date of the expired permit. A 75199
penalty of ten per cent of the permit fee shall be paid by the 75200
permit holder if the application for renewal is not filed at least 75201
fifteen days prior to the expiration of the permit. 75202

(D)(1) Annually, the tax commissioner shall examine the 75203
department of taxation's records for the horse-racing, alcoholic 75204
beverage, motor fuel, petroleum activity, sales or use, cigarette, 75205
other tobacco products, employer withholding, commercial activity, 75206
and gross casino revenue tax and gross receipts taxes levied 75207
pursuant to section 5739.101 of the Revised Code for each holder 75208
of a permit issued under sections 4303.02 to 4303.232 of the 75209
Revised Code to determine if the permit holder is delinquent in 75210
filing any returns, submitting any information required by the 75211
commissioner, or remitting any payments with respect to those 75212
taxes or any fees, charges, penalties, or interest related to 75213
those taxes. 75214

If any delinquency or liability exists, the commissioner 75215
shall send a notice of that fact ~~by certified mail, return receipt~~ 75216
~~requested,~~ to the permit holder in the manner provided in section 75217
5703.37 of the Revised Code. The notice shall specify, in as much 75218
detail as is possible, the periods for which returns have not been 75219
filed and the nature and amount of unpaid assessments and other 75220
liabilities and shall be sent on or before the first day of the 75221
third month preceding the month in which the permit expires. The 75222
commissioner also shall notify the division of liquor control of 75223
the delinquency or liability, identifying the permit holder by 75224
name and permit number. 75225

(2)(a) Except as provided in division (D)(4) of this section, 75226

the division of liquor control shall not renew the permit of any 75227
permit holder the tax commissioner has identified as being 75228
delinquent in filing any returns, providing any information, or 75229
remitting any payments with respect to the taxes listed in 75230
division (D)(1) of this section as of the first day of the sixth 75231
month preceding the month in which the permit expires, or of any 75232
permit holder the commissioner has identified as having been 75233
assessed by the department on or before the first day of the third 75234
month preceding the month in which the permit expires, until the 75235
division is notified by the commissioner that the delinquency, 75236
liability, or assessment has been resolved. 75237

(b)(i) Within ninety days after the date on which the permit 75238
expires, any permit holder whose permit is not renewed under this 75239
division may file an appeal with the liquor control commission. 75240
The commission shall notify the tax commissioner regarding the 75241
filing of any such appeal. During the period in which the appeal 75242
is pending, the permit shall not be renewed by the division. The 75243
permit shall be reinstated if the permit holder and the 75244
commissioner or the attorney general demonstrate to the liquor 75245
control commission that the commissioner's notification of a 75246
delinquency or assessment was in error or that the issue of the 75247
delinquency or assessment has been resolved. 75248

(ii) A permit holder who has filed an appeal under division 75249
(D)(2)(b)(i) of this section may file a motion to withdraw the 75250
appeal. The division of liquor control may renew a permit holder's 75251
permit if the permit holder has withdrawn such an appeal and the 75252
division receives written certification from the tax commissioner 75253
that the permit holder's delinquency or assessment has been 75254
resolved. 75255

(3) A permit holder notified of delinquency or liability 75256
under this section may protest the notification to the tax 75257
commissioner on the basis that no return or information is 75258

delinquent and no tax, fee, charge, penalty, or interest is 75259
outstanding. The commissioner shall expeditiously consider any 75260
evidence submitted by the permit holder and, if it is determined 75261
that the notification was in error, immediately shall inform the 75262
division of liquor control that the renewal application may be 75263
granted. The renewal shall not be denied if the delinquency or 75264
unreported liability is the subject of a bona fide dispute as to 75265
the validity of the delinquency or unreported liability and is the 75266
subject of an assessment and of an appeal properly filed by the 75267
permit holder. 75268

(4) If the commissioner concludes that under the 75269
circumstances the permit holder's delinquency or liability has 75270
been conditionally resolved, the commissioner shall allow the 75271
permit to be renewed, conditioned upon the permit holder's 75272
continuing performance in satisfying the delinquency and 75273
liability. The conditional nature of the renewal shall be 75274
specified in the notification given to the division of liquor 75275
control under division (D)(1) of this section. Upon receipt of 75276
notice of the resolution, the division shall issue a conditional 75277
renewal. If the taxpayer defaults on any agreement to pay the 75278
delinquency or liability or fails to keep subsequent tax or fee 75279
payments current, the liquor control commission, upon request and 75280
proof of the default or failure to keep subsequent tax or fee 75281
payments current, shall indefinitely suspend the permit holder's 75282
permit until all taxes or fees and interest due are paid. 75283

(5) The commissioner may adopt rules to assist in 75284
administering the duties imposed by this section. 75285

Sec. 4303.30. The rights granted by any ~~D-2, D-3, D-3a, D-4,~~ 75286
~~D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k,~~ 75287
~~D-5l, D-5m, D-5n, D-5o, or D-6~~ permit that authorizes on-premises 75288
consumption of beer, mixed beverages, wine, or spirituous liquor 75289

shall be exercised at not more than two fixed counters, commonly 75290
known as bars, in rooms or places on the permit premises, where 75291
beer, mixed beverages, wine, or spirituous liquor is sold to the 75292
public for consumption on the premises. For each additional fixed 75293
counter on the permit premises where those beverages are sold for 75294
consumption on the premises, the permit holder shall obtain a 75295
duplicate ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5e, D-5f,~~ 75296
~~D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6~~ 75297
permit for the class of permit already issued. 75298

The holder of any ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b,~~ 75299
~~D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o,~~ 75300
~~or D-6~~ such permit shall be granted, upon application to the 75301
division of liquor control, a duplicate ~~D-2, D-3, D-3a, D-4, D-4a,~~ 75302
~~D-5, D-5a, D-5b, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l,~~ 75303
~~D-5m, D-5n, D-5o, or D-6~~ permit for each additional fixed counter 75304
on the permit premises at which beer, mixed beverages, wine, or 75305
spirituous liquor is sold for consumption on the premises, 75306
provided the application is made in the same manner as an 75307
application for an original permit. The application shall be 75308
identified with DUPLICATE printed on the permit application form 75309
furnished by the department, in boldface type. The application 75310
shall identify by name, or otherwise amply describe, the room or 75311
place on the premises where the duplicate permit is to be 75312
operative. Each duplicate permit shall be issued only to the same 75313
individual, firm, or corporation as that of the original permit 75314
and shall be an exact duplicate in size and word content as the 75315
original permit, except that it shall show on it the name or other 75316
ample identification of the room, or place, for which it is issued 75317
and shall have DUPLICATE printed on it in boldface type. A 75318
duplicate permit shall bear the same number as the original 75319
permit. The fee for a duplicate permit is: ~~D-1, one hundred~~ 75320
~~dollars; D-2, one hundred dollars; D-3, four hundred dollars;~~ 75321
~~D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one~~ 75322

~~thousand dollars; D 5a, one thousand dollars; D 5b, one thousand~~ 75323
~~dollars; D 5c, four hundred dollars; D 5c, six hundred fifty~~ 75324
~~dollars; D 5f, one thousand dollars; D 5o, one thousand dollars;~~ 75325
~~D 6, one hundred dollars when issued to the holder of a D 4a~~ 75326
~~permit; and in all other cases one hundred dollars or an amount~~ 75327
which is twenty per cent of the fees fee payable for the A 1 A, 75328
~~D 2, D 3, D 3a, D 4, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 75329
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, and D 6 permits the~~ 75330
original permit issued to the same premises, whichever is higher. 75331
Application for a duplicate permit may be filed any time during 75332
the life of an original permit. The fee for each duplicate ~~D 2,~~ 75333
~~D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 75334
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, or D 6~~ permit shall be 75335
paid in accordance with section 4303.24 of the Revised Code. 75336

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 75337
JobsOhio may accept the transfer of, all or a portion of the 75338
enterprise acquisition project for a transfer price payable by 75339
JobsOhio to the state. Any such transfer shall be treated as an 75340
absolute conveyance and true sale of the interest in the 75341
enterprise acquisition project purported to be conveyed for all 75342
purposes, and not as a pledge or other security interest. The 75343
characterization of any such transfer as a true sale and absolute 75344
conveyance shall not be negated or adversely affected by the 75345
acquisition or retention by the state of a residual or 75346
reversionary interest in the enterprise acquisition project, the 75347
participation of any state officer or employee as a member or 75348
officer of, or contracting for staff support to, JobsOhio or any 75349
subsidiary of JobsOhio, any regulatory responsibility of an 75350
officer or employee of the state, including the authority to 75351
collect amounts to be received in connection therewith, the 75352
retention of the state of any legal title to or interest in any 75353
portion of the enterprise acquisition project for the purpose of 75354

regulatory activities, or any characterization of JobsOhio or 75355
obligations of JobsOhio under accounting, taxation, or securities 75356
regulations, or any other reason whatsoever. An absolute 75357
conveyance and true sale or lease shall exist under this section 75358
regardless of whether JobsOhio has any recourse against the state 75359
or the treatment or characterization of the transfer as a 75360
financing for any purpose. Upon and following the transfer, the 75361
state shall not have any right, title, or interest in the 75362
enterprise acquisition project so transferred other than any 75363
residual interest that may be described in the transfer agreement 75364
pursuant to the following paragraph and division (D) of this 75365
section. Any determination of the fair market value of the 75366
enterprise acquisition project reflected in the transfer agreement 75367
shall be conclusive and binding on the state and JobsOhio. 75368

Any transfer of the enterprise acquisition project that is a 75369
lease or grant of a franchise shall be for a term not to exceed 75370
twenty-five years. Any transfer of the enterprise acquisition 75371
project that is an assignment and sale, conveyance, or other 75372
transfer shall contain a provision that the state shall have the 75373
option to have conveyed or transferred back to it, at no cost, the 75374
enterprise acquisition project, as it then exists, no later than 75375
twenty-five years after the original transfer authorized in the 75376
transfer agreement on such other terms as shall be provided in the 75377
transfer agreement. The state, at any time and upon agreement with 75378
JobsOhio, may extend the original transfer agreement of the 75379
enterprise acquisition project for an additional fifteen years 75380
from the end of the original term by entering into a new agreement 75381
in accordance with this chapter. For this extension to take 75382
effect, the extension shall be approved by a concurrent resolution 75383
of the general assembly. 75384

The exercise of the powers granted by this section will be 75385
for the benefit of the people of the state. All or any portion of 75386

the enterprise acquisition project transferred pursuant to the 75387
transfer agreement that would be exempt from real property taxes 75388
or assessments or real property taxes or assessments in the 75389
absence of such transfer shall, as it may from time to time exist 75390
thereafter, remain exempt from real property taxes or assessments 75391
levied by the state and its subdivisions to the same extent as if 75392
not transferred. The gross receipts and income of JobsOhio derived 75393
from the enterprise acquisition project shall be exempt from 75394
taxation levied by the state and its subdivisions, including, but 75395
not limited to, the taxes levied pursuant to Chapters 718., 5739., 75396
5741., 5747., and 5751. of the Revised Code. Any transfer from the 75397
state to JobsOhio of the enterprise acquisition project, or item 75398
included or to be included in the project, shall be exempt from 75399
the taxes levied pursuant to Chapters 5739. and 5741. of the 75400
Revised Code. 75401

(B) The proceeds of any transfer under division (A) of this 75402
section may be expended as provided in the transfer agreement for 75403
any one or more of the following purposes: 75404

(1) Funding, payment, or defeasance of outstanding bonds 75405
issued pursuant to Chapters 151. and 166. of the Revised Code and 75406
secured by pledged liquor profits as defined in section 151.40 of 75407
the Revised Code; 75408

(2) Deposit into the general revenue fund; 75409

(3) Deposit into the ~~clean Ohio revitalization fund created~~ 75410
~~pursuant to section 122.658 of the Revised Code,~~ the innovation 75411
Ohio loan fund created pursuant to section 166.16 of the Revised 75412
Code, the research and development loan fund created pursuant to 75413
section 166.20 of the Revised Code, and the logistics and 75414
distribution infrastructure fund created pursuant to section 75415
166.26 of the Revised Code; 75416

(4) Conveyance to JobsOhio for the purposes for which it was 75417

created. 75418

(C)(1) The state may covenant, pledge, and agree in the 75419
transfer agreement, with and for the benefit of JobsOhio, that it 75420
shall maintain statutory authority for the enterprise acquisition 75421
project and the revenues of the enterprise acquisition project and 75422
not otherwise materially impair any obligations supported by a 75423
pledge of revenues of the enterprise acquisition project. The 75424
transfer agreement may provide or authorize the manner for 75425
determining material impairment of the security for any such 75426
outstanding obligations, including by assessing and evaluating the 75427
revenues of the enterprise acquisition project. 75428

(2) The director of budget and management, in consultation 75429
with the director of commerce, may, without need for any other 75430
approval, negotiate terms of any documents, including the transfer 75431
agreement, necessary to effect the transfer and the acceptance of 75432
the transfer of the enterprise acquisition project. The director 75433
of budget and management and the director of commerce shall 75434
execute the transfer agreement on behalf of the state. The 75435
director of budget and management may also, without need for any 75436
other approval, retain or contract for the services of commercial 75437
appraisers, underwriters, investment bankers, and financial 75438
advisers, as are necessary in the judgment of the director of 75439
budget and management to effect the transfer agreement. Any 75440
transfer agreement may contain terms and conditions established by 75441
the state to carry out and effectuate the purposes of this 75442
section, including, without limitation, covenants binding the 75443
state in favor of JobsOhio. Any such transfer agreement shall be 75444
sufficient to effectuate the transfer without regard to any other 75445
laws governing other property sales or financial transactions by 75446
the state. The director of budget and management may create any 75447
funds or accounts, within or without the state treasury, as are 75448
needed for the transactions and activities authorized by this 75449

section. 75450

(3) The transfer agreement may authorize JobsOhio, in the 75451
ordinary course of doing business, to convey, lease, release, or 75452
otherwise dispose of any regular inventory or tangible personal 75453
property. Ownership of the interest in the enterprise acquisition 75454
project that is transferred to JobsOhio under this section and the 75455
transfer agreement shall be maintained in JobsOhio or a nonprofit 75456
entity the sole member of which is JobsOhio until the enterprise 75457
acquisition project is transferred back to the state pursuant to 75458
the second paragraph of division (A) and division (D) of this 75459
section. 75460

(D) The transfer agreement may authorize JobsOhio to fix, 75461
alter, and collect rentals and other charges for the use and 75462
occupancy of all or any portion of the enterprise acquisition 75463
project and to lease any portion of the enterprise acquisition 75464
project to the state, and shall include a contract with, or the 75465
granting of an option to, the state to have the enterprise 75466
acquisition project, as it then exists, transferred back to it 75467
without charge in accordance with the terms of the transfer 75468
agreement after retirement or redemption, or provision therefor, 75469
of all obligations supported by a pledge of spirituous liquor 75470
profits. 75471

(E) JobsOhio, the director of budget and management, and the 75472
director of commerce shall, subject to approval by the controlling 75473
board, enter into a contract, which may be part of the transfer 75474
agreement, for the continuing operation by the division of liquor 75475
control of spirituous liquor distribution and merchandising 75476
subject to standards for performance provided in that contract 75477
that may relate to or support division (C)(1) of this section. The 75478
contract shall establish other terms and conditions for the 75479
assignment of duties to, and the provision of advice, services, 75480
and other assistance by, the division of liquor control, including 75481

providing for the necessary staffing and payment by JobsOhio of 75482
appropriate compensation to the division for the performance of 75483
such duties and the provision of such advice, services, and other 75484
assistance. The division of liquor control shall manage and 75485
actively supervise the activities required or authorized under 75486
sections 4301.10 and 4301.17 of the Revised Code as those sections 75487
exist on September 29, 2011, including, but not limited to, 75488
controlling the traffic in intoxicating liquor in this state and 75489
fixing the wholesale and retail prices at which the various 75490
classes, varieties, and brands of spirituous liquor are sold. 75491

(F) The transfer agreement shall require JobsOhio to pay for 75492
the operations of the division of liquor control with regard to 75493
the spirituous liquor merchandising operations of the division. 75494
The payments from JobsOhio shall be deposited into the state 75495
treasury to the credit of the liquor operating services fund, 75496
which is hereby created in the state treasury. The fund shall be 75497
used to pay for the operations of the division specified in this 75498
division. 75499

(G) The transaction and transfer provided for under this 75500
section shall comply with all applicable provisions of the Ohio 75501
Constitution. 75502

Sec. 4501.21. (A) There is hereby created in the state 75503
treasury the license plate contribution fund. The fund shall 75504
consist of all contributions for specialty license plates paid by 75505
motor vehicle registrants and collected by the registrar of motor 75506
vehicles pursuant to the Revised Code sections referenced in 75507
division (B) of this section. 75508

(B) The registrar shall pay the contributions the registrar 75509
collects in the fund as follows: 75510

The registrar shall pay the contributions received pursuant 75511
to section 4503.491 of the Revised Code to the breast cancer fund 75512

of Ohio, which shall use that money only to pay for programs that 75513
provide assistance and education to Ohio breast cancer patients 75514
and that improve access for such patients to quality health care 75515
and clinical trials and shall not use any of the money for 75516
abortion information, counseling, services, or other 75517
abortion-related activities. 75518

The registrar shall pay the contributions the registrar 75519
receives pursuant to section 4503.492 of the Revised Code to the 75520
organization cancer support community central Ohio, which shall 75521
deposit the money into the Sheryl L. Kraner Fund of that 75522
organization. Cancer support community central Ohio shall expend 75523
the money it receives pursuant to this division only in the same 75524
manner and for the same purposes as that organization expends 75525
other money in that fund. 75526

The registrar shall pay the contributions received pursuant 75527
to section 4503.493 of the Revised Code to the autism society of 75528
Ohio, which shall use the contributions for programs and autism 75529
awareness efforts throughout the state. 75530

The registrar shall pay the contributions the registrar 75531
receives pursuant to section 4503.494 of the Revised Code to the 75532
national multiple sclerosis society for distribution in equal 75533
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 75534
chapters of the national multiple sclerosis society. These 75535
chapters shall use the money they receive under this section to 75536
assist in paying the expenses they incur in providing services 75537
directly to their clients. 75538

The registrar shall pay the contributions the registrar 75539
receives pursuant to section 4503.495 of the Revised Code to the 75540
national pancreatic cancer foundation, which shall use the money 75541
it receives under this section to assist those who have pancreatic 75542
cancer and their families. 75543

The registrar shall pay the contributions the registrar receives pursuant to section 4503.496 of the Revised Code to the Ohio sickle cell and health association, which shall use the contributions to help support educational, clinical, and social support services for adults who have sickle cell disease.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.497 of the Revised Code to the St. Baldrick's foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.498 of the Revised Code to special olympics Ohio, inc., which shall use the contributions for its programs, charitable efforts, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.499 of the Revised Code to the children's glioma cancer foundation, which shall use the contributions for its research and other programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4910 of the Revised Code to the KylerStrong foundation, which shall use the contributions to raise awareness of brain cancer caused by diffuse intrinsic pontine glioma and to fund research for the cure of such cancer.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.4911 of the Revised Code to the research institution for childhood cancer at nationwide children's hospital, which shall use the contributions to fund research for the cure of childhood cancers.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.50 of the Revised Code to the future farmers of America foundation, which shall deposit the contributions into its general account to be used for educational

and scholarship purposes of the future farmers of America 75575
foundation. 75576

The registrar shall pay the contributions the registrar 75577
receives pursuant to section 4503.501 of the Revised Code to the 75578
4-H youth development program of the Ohio state university 75579
extension program, which shall use those contributions to pay the 75580
expenses it incurs in conducting its educational activities. 75581

The registrar shall pay the contributions received pursuant 75582
to section 4503.502 of the Revised Code to the Ohio cattlemen's 75583
foundation, which shall use those contributions for scholarships 75584
and other educational activities. 75585

The registrar shall pay the contributions received pursuant 75586
to section 4503.505 of the Revised Code to the organization Ohio 75587
region phi theta kappa, which shall use those contributions for 75588
scholarships for students who are members of that organization. 75589

The registrar shall pay the contributions the registrar 75590
receives pursuant to section 4503.506 of the Revised Code to Ohio 75591
demolay, which shall use the contributions for scholarships, 75592
educational programs, and any other programs or events the 75593
organization holds or sponsors in this state. 75594

The registrar shall pay the contributions received pursuant 75595
to section 4503.507 of the Revised Code to the Ohio aerospace 75596
institute, which shall use those contributions to facilitate 75597
student internships in aerospace and educational programming. 75598

The registrar shall pay the contributions received pursuant 75599
to section 4503.508 of the Revised Code to the organization 75600
bottoms up diaper drive to provide funding for that organization 75601
for collecting and delivering diapers to parents in need. 75602

The registrar shall pay the contributions the registrar 75603
receives pursuant to section 4503.509 of the Revised Code to a kid 75604
again, incorporated for distribution in equal amounts to the Ohio 75605

chapters of a kid again. 75606

The registrar shall pay each contribution the registrar 75607
receives pursuant to section 4503.51 of the Revised Code to the 75608
university or college whose name or marking or design appears on 75609
collegiate license plates that are issued to a person under that 75610
section. A university or college that receives contributions from 75611
the fund shall deposit the contributions into its general 75612
scholarship fund. 75613

The registrar shall pay the contributions the registrar 75614
receives pursuant to section 4503.514 of the Revised Code to the 75615
university of Notre Dame in South Bend, Indiana, for purposes of 75616
awarding grants or scholarships to residents of Ohio who attend 75617
the university. The university shall not use any of the funds it 75618
receives for purposes of administering the scholarship program. 75619
The registrar shall enter into appropriate agreements with the 75620
university of Notre Dame to effectuate the distribution of such 75621
funds as provided in this section. 75622

The registrar shall pay the contributions the registrar 75623
receives pursuant to section 4503.516 of the Revised Code to 75624
Marshall university in Huntington, West Virginia, for purposes of 75625
awarding grants or scholarships to residents of Ohio who attend 75626
the university. The university shall not use any of the funds it 75627
receives for purposes of administering the scholarship program. 75628
The registrar shall enter into appropriate agreements with 75629
Marshall university to effectuate the distribution of such funds 75630
as provided in this section. 75631

The registrar shall pay the contributions the registrar 75632
receives pursuant to section 4503.517 of the Revised Code to the 75633
university of Alabama in Tuscaloosa, Alabama, for purposes of 75634
awarding grants or scholarships to residents of Ohio who attend 75635
the university. The university shall not use any of the funds it 75636
receives for purposes of administering the scholarship program. 75637

The registrar shall enter into appropriate agreements with the university of Alabama to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.518 of the Revised Code to the Nationwide children's hospital, which shall use the contributions for the "On Our Sleeves" campaign.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.519 of the Revised Code equally to NAMI Ohio (national alliance on mental illness of Ohio), Ohio peer recovery organizations, and OCAAR (Ohio citizen advocates for addiction recovery).

The registrar shall pay the contributions the registrar receives pursuant to section 4503.521 of the Revised Code to the Ohio bicycle federation to assist that organization in paying for the educational programs it sponsors in support of Ohio cyclists of all ages.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.522 of the Revised Code to the "friends of Perry's victory and international peace memorial, incorporated," a nonprofit corporation organized under the laws of this state, to assist that organization in paying the expenses it incurs in sponsoring or holding charitable, educational, and cultural events at the monument.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.523 of the Revised Code to the fairport lights foundation, which shall use the money to pay for the restoration, maintenance, and preservation of the lighthouses of fairport harbor.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.524 of the Revised Code to the

Massillon tiger football booster club, which shall use the 75669
contributions only to promote and support the football team of 75670
Washington high school of the Massillon city school district. 75671

The registrar shall pay the contributions the registrar 75672
receives pursuant to section 4503.525 of the Revised Code to the 75673
United States power squadron district seven which shall annually 75674
distribute the contributions in equal amounts to all United States 75675
power squadrons located in the state. Each power squadron district 75676
shall use the money it receives under this section to pay for the 75677
educational boating programs each district holds or sponsors 75678
within this state. 75679

The registrar shall pay the contributions the registrar 75680
receives pursuant to section 4503.526 of the Revised Code to the 75681
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 75682
international, which shall use the money it receives under this 75683
section to pay the costs of its educational and humanitarian 75684
activities. 75685

The registrar shall pay the contributions the registrar 75686
receives pursuant to section 4503.528 of the Revised Code to the 75687
Ohio children's alliance, which shall use the money it receives 75688
under this section to pay the expenses it incurs in advancing its 75689
mission of sustainably improving the provision of services to 75690
children, young adults, and families in this state. 75691

The registrar shall pay the contributions the registrar 75692
receives pursuant to section 4503.529 of the Revised Code to the 75693
Ohio nurses foundation. The foundation shall use the money it 75694
receives under this section to provide educational scholarships to 75695
assist individuals who aspire to join the nursing profession, to 75696
assist nurses in the nursing profession who seek to advance their 75697
education, and to support persons conducting nursing research 75698
concerning the evidence-based practice of nursing and the 75699
improvement of patient outcomes. 75700

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.532 of the Revised Code to the Ohio history connection, which shall use the contributions for the benefit of the Paul Laurence Dunbar house.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.533 of the Revised Code to the nonprofit organization Ohio conference of teamsters and industry health and welfare fund, which shall use the contributions to further the nonprofit's mission.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs

the foundation holds or sponsors in this state. 75732

The registrar shall pay to the Ohio pet fund the 75733
contributions the registrar receives pursuant to section 4503.551 75734
of the Revised Code and any other money from any other source, 75735
including donations, gifts, and grants, that is designated by the 75736
source to be paid to the Ohio pet fund. The Ohio pet fund shall 75737
use the moneys it receives under this section to support programs 75738
for the sterilization of dogs and cats and for educational 75739
programs concerning the proper veterinary care of those animals, 75740
and for expenses of the Ohio pet fund that are reasonably 75741
necessary for it to obtain and maintain its tax-exempt status and 75742
to perform its duties. 75743

The registrar shall pay the contributions the registrar 75744
receives pursuant to section 4503.552 of the Revised Code to the 75745
rock and roll hall of fame and museum, incorporated. 75746

The registrar shall pay the contributions the registrar 75747
receives pursuant to section 4503.553 of the Revised Code to the 75748
Ohio coalition for animals, incorporated, a nonprofit corporation. 75749
Except as provided in division (B) of this section, the coalition 75750
shall distribute the money to its members, and the members shall 75751
use the money only to pay for educational, charitable, and other 75752
programs of each coalition member that provide care for unwanted, 75753
abused, and neglected horses. The Ohio coalition for animals may 75754
use a portion of the money to pay for reasonable marketing costs 75755
incurred in the design and promotion of the license plate and for 75756
administrative costs incurred in the disbursement and management 75757
of funds received under this section. 75758

The registrar shall pay the contributions the registrar 75759
receives pursuant to section 4503.554 of the Revised Code to the 75760
Ohio state council of the knights of Columbus, which shall use the 75761
contributions to pay for its charitable activities and programs. 75762

The registrar shall pay the contributions the registrar receives pursuant to section 4503.555 of the Revised Code to the western reserve historical society, which shall use the contributions to fund the Crawford auto aviation museum.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.556 of the Revised Code to the Erica J. Holloman foundation, inc., for the awareness of triple negative breast cancer. The foundation shall use the contributions for charitable and educational purposes.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.557 of the Revised Code to the central Ohio chapter of the Ronald McDonald house charities, which shall distribute the contribution to the chapter of the Ronald McDonald house charities in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.559 of the Revised Code to playhouse square, located in Cleveland, Ohio, which shall use the contributions to further its mission of presenting and producing a wide variety of quality performing arts, advancing arts education, and creating a superior destination for entertainment, business, and residential living.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in

writing of the name, address, and account to which such payments
are to be made. 75795
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.562 of the Revised Code to the
Mahoning river consortium, which shall use the money to pay the
expenses it incurs in restoring and maintaining the Mahoning river
watershed. 75797
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.564 of the Revised Code to the
Glen Helen association to pay expenses related to the Glen Helen
nature preserve. 75802
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.565 of the Revised Code to the
conservancy for Cuyahoga valley national park, which shall use the
money in support of the park. 75806
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.566 of the Revised Code to the
Ottawa national wildlife refuge, which shall use the contributions
for wildlife preservation purposes. 75810
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.567 of the Revised Code to the
girls on the run of Franklin county, inc., which shall use the
contributions to support the activities of the organization. 75814
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.569 of the Revised Code to the
Ohio bird sanctuary, located in Mansfield, Ohio, which shall use
the contributions for purposes of its operations, bird care and
rehabilitation, and educational programs. 75818
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.576 of the Revised Code to the
Ohio state beekeepers association, which shall use those 75823
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contributions to promote beekeeping, provide educational 75826
information about beekeeping, and to support other state and local 75827
beekeeping programs. 75828

The registrar shall pay the contributions the registrar 75829
receives pursuant to section 4503.577 of the Revised Code to the 75830
national aviation hall of fame, which shall use the contributions 75831
to fulfill its mission of honoring aerospace legends to inspire 75832
future leaders. 75833

The registrar shall pay the contributions the registrar 75834
receives pursuant to section 4503.578 of the Revised Code to keep 75835
Ohio beautiful, incorporated, which shall use the contributions 75836
towards its mission of empowering Ohio communities to take greater 75837
responsibility for improving the local environment through litter 75838
prevention, beautification, community greening, waste reduction, 75839
and recycling. 75840

The registrar shall pay the contributions the registrar 75841
receives pursuant to section 4503.579 of the Revised Code to the 75842
national council of negro women, incorporated, which shall use the 75843
contributions for educational purposes. 75844

The registrar shall pay the contributions the registrar 75845
receives pursuant to section 4503.581 of the Revised Code to the 75846
Ohio past detachment commander's club, inc., which shall use the 75847
contributions to support the activities of the organization. 75848

The registrar shall pay the contributions the registrar 75849
receives pursuant to section 4503.582 of the Revised Code to the 75850
progressive animal welfare society adoption center, inc., which 75851
shall use the contributions to support the activities of the 75852
center. 75853

The registrar shall pay the contributions the registrar 75854
receives pursuant to section 4503.583 of the Revised Code to the 75855
American legion, department of Ohio, inc., which shall use the 75856

contributions to support the activities of the organization. 75857

The registrar shall pay the contributions the registrar 75858
receives pursuant to section 4503.584 of the Revised Code to the 75859
Ohio ~~oil and gas~~ natural energy education foundation institute to 75860
fund scholarships for students pursuing careers in the oil and 75861
natural gas industry. 75862

The registrar shall pay to a sports commission created 75863
pursuant to section 4503.591 of the Revised Code each contribution 75864
the registrar receives under that section that an applicant pays 75865
to obtain license plates that bear the logo of a professional 75866
sports team located in the county of that sports commission and 75867
that is participating in the license plate program pursuant to 75868
division (E) of that section, irrespective of the county of 75869
residence of an applicant. 75870

The registrar shall pay to a community charity each 75871
contribution the registrar receives under section 4503.591 of the 75872
Revised Code that an applicant pays to obtain license plates that 75873
bear the logo of a professional sports team that is participating 75874
in the license plate program pursuant to division (G) of that 75875
section. 75876

The registrar shall pay the contributions the registrar 75877
receives pursuant to section 4503.592 of the Revised Code to 75878
pollinator partnership's monarch wings across Ohio program, which 75879
shall use the contributions for the protection and preservation of 75880
the monarch butterfly and pollinator corridor in Ohio and for 75881
educational programs. 75882

The registrar shall pay the contributions the registrar 75883
receives pursuant to section 4503.594 of the Revised Code to 75884
pelotonia, which shall use the contributions for the purpose of 75885
supporting cancer research. 75886

The registrar shall pay the contributions the registrar 75887

receives pursuant to section 4503.595 of the Revised Code to the 75888
Stan Hywet hall and gardens. 75889

The registrar shall pay the contributions the registrar 75890
receives pursuant to section 4503.596 of the Revised Code to the 75891
Cuyahoga valley scenic railroad. 75892

The registrar shall pay the contributions the registrar 75893
receives pursuant to section 4503.597 of the Revised Code to the 75894
Circleville pumpkin show, incorporated, which shall use the 75895
contributions to promote good will surrounding the Circleville 75896
pumpkin show as a nonprofit annual event. 75897

The registrar shall pay the contributions the registrar 75898
receives pursuant to section 4503.67 of the Revised Code to the 75899
Dan Beard council of the boy scouts of America. The council shall 75900
distribute all contributions in an equitable manner throughout the 75901
state to regional councils of the boy scouts. 75902

The registrar shall pay the contributions the registrar 75903
receives pursuant to section 4503.68 of the Revised Code to the 75904
girl scouts of Ohio's heartland. The girl scouts of Ohio's 75905
heartland shall distribute all contributions in an equitable 75906
manner throughout the state to regional councils of the girl 75907
scouts. 75908

The registrar shall pay the contributions the registrar 75909
receives pursuant to section 4503.69 of the Revised Code to the 75910
Dan Beard council of the boy scouts of America. The council shall 75911
distribute all contributions in an equitable manner throughout the 75912
state to regional councils of the boy scouts. 75913

The registrar shall pay the contributions the registrar 75914
receives pursuant to section 4503.70 of the Revised Code to the 75915
charitable foundation of the grand lodge of Ohio, f. & a. m., 75916
which shall use the contributions for scholarship purposes. 75917

The registrar shall pay the contributions the registrar 75918

receives pursuant to section 4503.701 of the Revised Code to the 75919
Prince Hall grand lodge of free and accepted masons of Ohio, which 75920
shall use the contributions for scholarship purposes. 75921

The registrar shall pay the contributions the registrar 75922
receives pursuant to section 4503.702 of the Revised Code to the 75923
Ohio Association of the Improved Benevolent and Protective Order 75924
of the Elks of the World, which shall use the funds for charitable 75925
purposes. 75926

The registrar shall pay the contributions the registrar 75927
receives pursuant to section 4503.703 of the Revised Code to the 75928
Ohio ~~chapter of the loyal order of the moose~~ state moose 75929
association. 75930

The registrar shall pay the contributions the registrar 75931
receives pursuant to section 4503.704 of the Revised Code to the 75932
Antioch shrine foundation located in the municipal corporation of 75933
Dayton. 75934

The registrar shall pay the contributions the registrar 75935
receives pursuant to section 4503.71 of the Revised Code to the 75936
fraternal order of police of Ohio, incorporated, which shall 75937
deposit the fees into its general account to be used for purposes 75938
of the fraternal order of police of Ohio, incorporated. 75939

The registrar shall pay the contributions the registrar 75940
receives pursuant to section 4503.711 of the Revised Code to the 75941
fraternal order of police of Ohio, incorporated, which shall 75942
deposit the contributions into an account that it creates to be 75943
used for the purpose of advancing and protecting the law 75944
enforcement profession, promoting improved law enforcement 75945
methods, and teaching respect for law and order. 75946

The registrar shall pay the contributions received pursuant 75947
to section 4503.712 of the Revised Code to Ohio concerns of police 75948
survivors, which shall use those contributions to provide whatever 75949

assistance may be appropriate to the families of Ohio law enforcement officers who are killed in the line of duty. 75950
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The registrar shall pay the contributions received pursuant to section 4503.713 of the Revised Code to the greater Cleveland peace officers memorial society, which shall use those contributions to honor law enforcement officers who have died in the line of duty and support its charitable purposes. 75952
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The registrar shall pay the contributions received pursuant to section 4503.714 of the Revised Code to the Ohio association of chiefs of police. 75957
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The registrar shall pay the contributions the registrar receives, or has received, pursuant to section 4503.715 of the Revised Code to the community foundation of Ohio's electric cooperatives, which shall use the contributions to recognize and memorialize fallen or injured lineworkers and support their families. 75960
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.716 of the Revised Code to the fallen timbers battlefield preservation commission, which shall use the contributions to further the mission of the commission. 75966
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.72 of the Revised Code to the organization known on March 31, 2003, as the Ohio CASA/GAL association, a private, nonprofit corporation organized under Chapter 1702. of the Revised Code. The Ohio CASA/GAL association shall use these contributions to pay the expenses it incurs in administering a program to secure the proper representation in the courts of this state of abused, neglected, and dependent children, and for the training and supervision of persons participating in that program. 75970
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The registrar shall pay the contributions the registrar 75980

receives pursuant to section 4503.722 of the Revised Code to the 75981
Down Syndrome Association of Central Ohio, which shall use the 75982
contributions for advocacy purposes throughout the state. 75983

The registrar shall pay the contributions the registrar 75984
receives pursuant to section 4503.724 of the Revised Code to the 75985
Ohio Chapter of the American Foundation for Suicide Prevention, 75986
which shall use the contributions for programs, education, and 75987
advocacy purposes throughout the state. 75988

The registrar shall pay the contributions the registrar 75989
receives pursuant to section 4503.725 of the Revised Code to the 75990
ALS association central & southern Ohio chapter, which shall split 75991
the contributions between that chapter and the ALS association 75992
northern Ohio chapter in accordance with any agreement between the 75993
two associations. The contributions shall be used to discover 75994
treatments and a cure for ALS, and to serve, advocate for, and 75995
empower people affected by ALS to live their lives to the fullest. 75996

The registrar shall pay the contributions the registrar 75997
receives pursuant to section 4503.73 of the Revised Code to Wright 75998
B. Flyer, incorporated, which shall deposit the contributions into 75999
its general account to be used for purposes of Wright B. Flyer, 76000
incorporated. 76001

The registrar shall pay the contributions the registrar 76002
receives pursuant to section 4503.732 of the Revised Code to the 76003
Siegel Shuster society, a nonprofit organization dedicated to 76004
commemorating and celebrating the creation of Superman in 76005
Cleveland, Ohio. 76006

The registrar shall pay the contributions the registrar 76007
receives pursuant to section 4503.733 of the Revised Code to the 76008
central Ohio chapter of the juvenile diabetes research foundation, 76009
which shall distribute the contributions to the chapters of the 76010
juvenile diabetes research foundation in whose geographic 76011

territory the person who paid the contribution resides. 76012

The registrar shall pay the contributions the registrar 76013
receives pursuant to section 4503.734 of the Revised Code to the 76014
Ohio highway patrol auxiliary foundation, which shall use the 76015
contributions to fulfill the foundation's mission of supporting 76016
law enforcement education and assistance. 76017

The registrar shall pay the contributions the registrar 76018
receives pursuant to section 4503.74 of the Revised Code to the 76019
Columbus zoological park association, which shall disburse the 76020
moneys to Ohio's major metropolitan zoos, as defined in section 76021
4503.74 of the Revised Code, in accordance with a written 76022
agreement entered into by the major metropolitan zoos. 76023

The registrar shall pay the contributions the registrar 76024
receives pursuant to section 4503.741 of the Revised Code to the 76025
Ohio house rabbit rescue, which shall use the contributions for 76026
its rescue, adoption, and educational programs. 76027

The registrar shall pay the contributions the registrar 76028
receives pursuant to section 4503.75 of the Revised Code to the 76029
rotary foundation, located on March 31, 2003, in Evanston, 76030
Illinois, to be placed in a fund known as the permanent fund and 76031
used to endow educational and humanitarian programs of the rotary 76032
foundation. 76033

The registrar shall pay the contributions the registrar 76034
receives pursuant to section 4503.751 of the Revised Code to the 76035
Ohio association of realtors, which shall deposit the 76036
contributions into a property disaster relief fund maintained 76037
under the Ohio realtors charitable and education foundation. 76038

The registrar shall pay the contributions the registrar 76039
receives pursuant to section 4503.752 of the Revised Code to 76040
buckeye corvettes, incorporated, which shall use the contributions 76041
to pay for its charitable activities and programs. 76042

The registrar shall pay the contributions the registrar receives pursuant to section 4503.754 of the Revised Code to the municipal corporation of Twinsburg.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.755 of the Revised Code to the little brown jug society to assist the society in maintaining, promulgating, and operating the little brown jug as part of Ohio's rich harness racing history.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.763 of the Revised Code to the Ohio history connection to be used solely to build, support, and maintain the Ohio battleflag collection within the Ohio history connection.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.764 of the Revised Code to the Medina county historical society, which shall use those contributions to distribute between the various historical societies and museums in Medina county.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to folds of honor of central Ohio, which shall use the contributions to provide scholarships to spouses and children either of disabled veterans or of members of any branch of the armed forces who died during their service.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the

Ohio sea grant college program to be used for Lake Erie area 76074
research projects. 76075

The registrar shall pay the contributions the registrar 76076
receives pursuant to section 4503.86 of the Revised Code to the 76077
Ohio Lincoln highway historic byway, which shall use those 76078
contributions solely to promote and support the historical 76079
preservation and advertisement of the Lincoln highway in this 76080
state. 76081

The registrar shall pay the contributions the registrar 76082
receives pursuant to section 4503.87 of the Revised Code to the 76083
Grove City little league dream field fund, which shall use those 76084
contributions solely to build, maintain, and improve youth 76085
baseball fields within the municipal corporation of Grove City. 76086

The registrar shall pay the contributions the registrar 76087
receives pursuant to section 4503.871 of the Revised Code to the 76088
Solon city school district. The school district shall use the 76089
contributions it receives to pay the expenses it incurs in 76090
providing services to the school district's students that assist 76091
in developing or maintaining the mental and emotional well-being 76092
of the students. The services provided may include bereavement 76093
counseling, instruction in defensive driving techniques, 76094
sensitivity training, and the counseling and education of students 76095
regarding bullying, dating violence, drug abuse, suicide 76096
prevention, and human trafficking. The school district 76097
superintendent or, in the school district superintendent's 76098
discretion, the appropriate school principal or appropriate school 76099
counselors shall determine any charitable organizations that the 76100
school district hires to provide those services. The school 76101
district also may use the contributions it receives to pay for 76102
members of the faculty of the school district to receive training 76103
in providing such services to the students of the school district. 76104
The school district shall ensure that any charitable organization 76105

that is hired by the district is exempt from federal income 76106
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76107
The school district shall not use the contributions it receives 76108
for any other purpose. 76109

The registrar shall pay the contributions the registrar 76110
receives pursuant to section 4503.872 of the Revised Code to the 76111
Canton city school district. The district may use the 76112
contributions for student welfare, but shall not use the 76113
contributions for any political purpose or to pay salaries of 76114
district employees. 76115

The registrar shall pay the contributions the registrar 76116
receives pursuant to section 4503.873 of the Revised Code to Padua 76117
Franciscan high school located in the municipal corporation of 76118
Parma. The school shall use fifty per cent of the contributions it 76119
receives to provide tuition assistance to its students. The school 76120
shall use the remaining fifty per cent to pay the expenses it 76121
incurs in providing services to the school's students that assist 76122
in developing or maintaining the mental and emotional well-being 76123
of the students. The services provided may include bereavement 76124
counseling, instruction in defensive driving techniques, 76125
sensitivity training, and the counseling and education of students 76126
regarding bullying, dating violence, drug abuse, suicide 76127
prevention, and human trafficking. As a part of providing such 76128
services, the school may pay for members of the faculty of the 76129
school to receive training in providing those services. The school 76130
principal or, in the school principal's discretion, appropriate 76131
school counselors shall determine any charitable organizations 76132
that the school hires to provide those services. The school shall 76133
ensure that any such charitable organization is exempt from 76134
federal income taxation under subsection 501(c)(3) of the Internal 76135
Revenue Code. The school shall not use the contributions it 76136
receives for any other purpose. 76137

The registrar shall pay the contributions the registrar receives pursuant to section 4503.874 of the Revised Code to St. Edward high school located in the municipal corporation of Lakewood. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.875 of the Revised Code to Walsh Jesuit high school located in the municipal corporation of Cuyahoga Falls. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education

of students regarding bullying, dating violence, drug abuse, 76171
suicide prevention, and human trafficking. As a part of providing 76172
such services, the school may pay for members of the faculty of 76173
the school to receive training in providing those services. The 76174
school principal or, in the school principal's discretion, 76175
appropriate school counselors shall determine any charitable 76176
organizations that the school hires to provide those services. The 76177
school shall ensure that any such charitable organization is 76178
exempt from federal income taxation under subsection 501(c)(3) of 76179
the Internal Revenue Code. The school shall not use the 76180
contributions it receives for any other purpose. 76181

The registrar shall pay the contributions the registrar 76182
receives pursuant to section 4503.876 of the Revised Code to the 76183
North Royalton city school district. The school district shall use 76184
the contributions it receives to pay the expenses it incurs in 76185
providing services to the school district's students that assist 76186
in developing or maintaining the mental and emotional well-being 76187
of the students. The services provided may include bereavement 76188
counseling, instruction in defensive driving techniques, 76189
sensitivity training, and the counseling and education of students 76190
regarding bullying, dating violence, drug abuse, suicide 76191
prevention, and human trafficking. The school district 76192
superintendent or, in the school district superintendent's 76193
discretion, the appropriate school principal or appropriate school 76194
counselors shall determine any charitable organizations that the 76195
school district hires to provide those services. The school 76196
district also may use the contributions it receives to pay for 76197
members of the faculty of the school district to receive training 76198
in providing such services to the students of the school district. 76199
The school district shall ensure that any charitable organization 76200
that is hired by the district is exempt from federal income 76201
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76202
The school district shall not use the contributions it receives 76203

for any other purpose. 76204

The registrar shall pay the contributions the registrar 76205
receives pursuant to section 4503.877 of the Revised Code to the 76206
Independence local school district. The school district shall use 76207
the contributions it receives to pay the expenses it incurs in 76208
providing services to the school district's students that assist 76209
in developing or maintaining the mental and emotional well-being 76210
of the students. The services provided may include bereavement 76211
counseling, instruction in defensive driving techniques, 76212
sensitivity training, and the counseling and education of students 76213
regarding bullying, dating violence, drug abuse, suicide 76214
prevention, and human trafficking. The school district 76215
superintendent or, in the school district superintendent's 76216
discretion, the appropriate school principal or appropriate school 76217
counselors shall determine any charitable organizations that the 76218
school district hires to provide those services. The school 76219
district also may use the contributions it receives to pay for 76220
members of the faculty of the school district to receive training 76221
in providing such services to the students of the school district. 76222
The school district shall ensure that any charitable organization 76223
that is hired by the district is exempt from federal income 76224
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76225
The school district shall not use the contributions it receives 76226
for any other purpose. 76227

The registrar shall pay the contributions the registrar 76228
receives pursuant to section 4503.878 of the Revised Code to the 76229
Cuyahoga Heights local school district. The school district shall 76230
use the contributions it receives to pay the expenses it incurs in 76231
providing services to the school district's students that assist 76232
in developing or maintaining the mental and emotional well-being 76233
of the students. The services provided may include bereavement 76234
counseling, instruction in defensive driving techniques, 76235

sensitivity training, and the counseling and education of students 76236
regarding bullying, dating violence, drug abuse, suicide 76237
prevention, and human trafficking. The school district 76238
superintendent or, in the school district superintendent's 76239
discretion, the appropriate school principal or appropriate school 76240
counselors, shall determine any charitable organizations that the 76241
school district hires to provide those services. The school 76242
district also may use the contributions it receives to pay for 76243
members of the faculty of the school district to receive training 76244
in providing such services to the students of the school district. 76245
The school district shall ensure that any charitable organization 76246
that is hired by the district is exempt from federal income 76247
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76248
The school district shall not use the contributions it receives 76249
for any other purpose. 76250

The registrar shall pay the contributions the registrar 76251
receives pursuant to section 4503.879 of the Revised Code to the 76252
west technical high school alumni association, which shall use the 76253
contributions for activities sponsored by the association. 76254

The registrar shall pay the contributions the registrar 76255
receives pursuant to section 4503.88 of the Revised Code to the 76256
Kenston local school district. The school district shall use the 76257
contributions it receives to pay the expenses it incurs in 76258
providing services that assist in developing or maintaining a 76259
culture of environmental responsibility and an innovative science, 76260
technology, engineering, art, and math (S.T.E.A.M.) curriculum to 76261
the school district's students. The school district shall not use 76262
the contributions it receives for any other purpose. 76263

The registrar shall pay the contributions the registrar 76264
receives pursuant to section 4503.881 of the Revised Code to La 76265
Salle high school in the municipal corporation of Cincinnati. The 76266
high school shall not use the contributions it receives for any 76267

political purpose. 76268

The registrar shall pay the contributions the registrar 76269
receives pursuant to section 4503.882 of the Revised Code to St. 76270
John's Jesuit high school and academy located in the municipal 76271
corporation of Toledo. The school shall use the contributions it 76272
receives to provide tuition assistance for students attending the 76273
school. 76274

The registrar shall pay the contributions the registrar 76275
receives pursuant to section 4503.883 of the Revised Code to St. 76276
Charles preparatory school located in the municipal corporation of 76277
Columbus, which shall use the contributions for the school's 76278
alumni association and the alumni association's purposes. 76279

The registrar shall pay the contributions the registrar 76280
receives pursuant to section 4503.884 of the Revised Code to 76281
Archbishop Moeller high school located in the municipal 76282
corporation of Cincinnati. The high school shall not use the 76283
contributions it receives for any political purpose. 76284

The registrar shall pay the contributions the registrar 76285
receives pursuant to section 4503.885 of the Revised Code to the 76286
Revere schools foundation. The foundation shall use the 76287
contributions to promote its mission, including awarding 76288
scholarships to honor young people who are meaningfully engaged in 76289
their school or community. The foundation shall not use the 76290
contributions for any political purpose. 76291

The registrar shall pay the contributions the registrar 76292
receives pursuant to section 4503.886 of the Revised Code to 76293
Stephen T. Badin high school in the municipal corporation of 76294
Hamilton. 76295

The registrar shall pay the contributions the registrar 76296
receives pursuant to section 4503.887 of the Revised Code to 76297
Bishop Hartley high school located in the municipal corporation of 76298

Columbus, which shall use the contributions for the school's 76299
alumni association and the alumni association's purposes. 76300

The registrar shall pay the contributions the registrar 76301
receives pursuant to section 4503.89 of the Revised Code to the 76302
American red cross of greater Columbus on behalf of the Ohio 76303
chapters of the American red cross, which shall use the 76304
contributions for disaster readiness, preparedness, and response 76305
programs on a statewide basis. 76306

The registrar shall pay the contributions the registrar 76307
receives pursuant to section 4503.891 of the Revised Code to the 76308
Ohio lions foundation. The foundation shall use the contributions 76309
for charitable and educational purposes. 76310

The registrar shall pay the contributions the registrar 76311
receives pursuant to section 4503.892 of the Revised Code to the 76312
Hudson city school district. The school district shall not use the 76313
contributions it receives for any political purpose. 76314

The registrar shall pay the contributions the registrar 76315
receives pursuant to section 4503.893 of the Revised Code to the 76316
Harrison Central jr./sr. high school located in the municipal 76317
corporation of Cadiz. 76318

The registrar shall pay the contributions the registrar 76319
receives pursuant to section 4503.899 of the Revised Code to the 76320
Cleveland clinic foundation, which shall use the contributions to 76321
support Cleveland clinic children's education, research, and 76322
patient services. 76323

The registrar shall pay the contributions the registrar 76324
receives pursuant to section 4503.90 of the Revised Code to the 76325
nationwide children's hospital foundation. 76326

The registrar shall pay the contributions the registrar 76327
receives pursuant to section 4503.901 of the Revised Code to the 76328
Ohio association for pupil transportation, which shall use the 76329

money to support transportation programs, provide training to 76330
school transportation professionals, and support other initiatives 76331
for school transportation safety. 76332

The registrar shall pay the contributions the registrar 76333
receives pursuant to section 4503.902 of the Revised Code to St. 76334
Ignatius high school located in the municipal corporation of 76335
Cleveland. The school shall use fifty per cent of the 76336
contributions it receives to provide tuition assistance to its 76337
students. The school shall use the remaining fifty per cent to pay 76338
the expenses it incurs in providing services to the school's 76339
students that assist in developing or maintaining the mental and 76340
emotional well-being of the students. The services provided may 76341
include bereavement counseling, instruction in defensive driving 76342
techniques, sensitivity training, and the counseling and education 76343
of students regarding bullying, dating violence, drug abuse, 76344
suicide prevention, and human trafficking. As a part of providing 76345
such services, the school may pay for members of the faculty of 76346
the school to receive training in providing those services. The 76347
school principal or, in the school principal's discretion, 76348
appropriate school counselors shall determine any charitable 76349
organizations that the school hires to provide those services. The 76350
school shall ensure that any such charitable organization is 76351
exempt from federal income taxation under subsection 501(c)(3) of 76352
the Internal Revenue Code. The school shall not use the 76353
contributions it receives for any other purpose. 76354

The registrar shall pay the contributions the registrar 76355
receives pursuant to section 4503.903 of the Revised Code to the 76356
Brecksville-Broadview Heights city school district. The school 76357
district shall use the contributions it receives to pay the 76358
expenses it incurs in providing services to the school district's 76359
students that assist in developing or maintaining the mental and 76360
emotional well-being of the students. The services provided may 76361

include bereavement counseling, instruction in defensive driving 76362
techniques, sensitivity training, and the counseling and education 76363
of students regarding bullying, dating violence, drug abuse, 76364
suicide prevention, and human trafficking. The school district 76365
superintendent or, in the school district superintendent's 76366
discretion, the appropriate school principal or appropriate school 76367
counselors shall determine any charitable organizations that the 76368
school district hires to provide those services. The school 76369
district also may use the contributions it receives to pay for 76370
members of the faculty of the school district to receive training 76371
in providing such services to the students of the school district. 76372
The school district shall ensure that any charitable organization 76373
that is hired by the district is exempt from federal income 76374
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76375
The school district shall not use the contributions it receives 76376
for any other purpose. 76377

The registrar shall pay the contributions the registrar 76378
receives pursuant to section 4503.904 of the Revised Code to the 76379
Chagrin Falls exempted village school district. The school 76380
district shall use the contributions it receives to pay the 76381
expenses it incurs in providing services to the school district's 76382
students that assist in developing or maintaining the mental and 76383
emotional well-being of the students. The services provided may 76384
include bereavement counseling, instruction in defensive driving 76385
techniques, sensitivity training, and the counseling and education 76386
of students regarding bullying, dating violence, drug abuse, 76387
suicide prevention, and human trafficking. The school district 76388
superintendent or, in the school district superintendent's 76389
discretion, the appropriate school principal or appropriate school 76390
counselors shall determine any charitable organizations that the 76391
school district hires to provide those services. The school 76392
district also may use the contributions it receives to pay for 76393
members of the faculty of the school district to receive training 76394

in providing such services to the students of the school district. 76395
The school district shall ensure that any charitable organization 76396
that is hired by the district is exempt from federal income 76397
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76398
The school district shall not use the contributions it receives 76399
for any other purpose. 76400

The registrar shall pay the contributions the registrar 76401
receives pursuant to section 4503.905 of the Revised Code to the 76402
Cuyahoga valley career center. The career center shall use the 76403
contributions it receives to pay the expenses it incurs in 76404
providing services to the career center's students that assist in 76405
developing or maintaining the mental and emotional well-being of 76406
the students. The services provided may include bereavement 76407
counseling, instruction in defensive driving techniques, 76408
sensitivity training, and the counseling and education of students 76409
regarding bullying, dating violence, drug abuse, suicide 76410
prevention, and human trafficking. The career center's 76411
superintendent or in the career center's superintendent's 76412
discretion, the school board or appropriate school counselors 76413
shall determine any charitable organizations that the career 76414
center hires to provide those services. The career center also may 76415
use the contributions it receives to pay for members of the 76416
faculty of the career center to receive training in providing such 76417
services to the students of the career center. The career center 76418
shall ensure that any charitable organization that is hired by the 76419
career center is exempt from federal income taxation under 76420
subsection 501(c)(3) of the Internal Revenue Code. The career 76421
center shall not use the contributions it receives for any other 76422
purpose. 76423

The registrar shall pay the contributions the registrar 76424
receives pursuant to section 4503.906 of the Revised Code to the 76425
Stow-Munroe Falls city school district. The school district shall 76426

not use the contributions it receives for any political purpose. 76427

The registrar shall pay the contributions the registrar 76428
receives pursuant to section 4503.907 of the Revised Code to the 76429
Twinsburg city school district. The school district shall not use 76430
the contributions it receives for any political purpose. 76431

The registrar shall pay the contributions the registrar 76432
receives pursuant to section 4503.908 of the Revised Code to St. 76433
Xavier high school located in Springfield township in Hamilton 76434
county. The school shall use fifty per cent of the contributions 76435
it receives to provide tuition assistance to its students. The 76436
school shall use the remaining fifty per cent to pay the expenses 76437
it incurs in providing services to the school's students that 76438
assist in developing or maintaining the mental and emotional 76439
well-being of the students. The services provided may include 76440
bereavement counseling, instruction in defensive driving 76441
techniques, sensitivity training, and the counseling and education 76442
of students regarding bullying, dating violence, drug abuse, 76443
suicide prevention, and human trafficking. As a part of providing 76444
such services, the school may pay for members of the faculty of 76445
the school to receive training in providing those services. The 76446
school principal or, in the school principal's discretion, 76447
appropriate school counselors shall determine any charitable 76448
organizations that the school hires to provide those services. The 76449
school shall ensure that any such charitable organization is 76450
exempt from federal income taxation under subsection 501(c)(3) of 76451
the Internal Revenue Code. The school shall not use the 76452
contributions it receives for any other purpose. 76453

The registrar shall pay the contributions the registrar 76454
receives pursuant to section 4503.909 of the Revised Code to the 76455
Grandview Heights city school district, which shall use the 76456
contributions for its gifted programs and special education and 76457
related services. 76458

The registrar shall pay the contributions received pursuant to section 4503.92 of the Revised Code to support our troops, incorporated, a national nonprofit corporation, which shall use those contributions in accordance with its articles of incorporation and for the benefit of servicemembers of the armed forces of the United States and their families when they are in financial need.

The registrar shall pay the contributions received pursuant to section 4503.931 of the Revised Code to healthy New Albany, which shall use the contributions for its community programs, events, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.932 of the Revised Code to habitat for humanity of Ohio, inc., which shall use the contributions for its projects related to building affordable houses.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.933 of the Revised Code to Ohio citizens for the arts foundation, which shall use the contributions for advocacy, education, and professional development programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.94 of the Revised Code to the Michelle's leading star foundation, which shall use the money solely to fund the rental, lease, or purchase of the simulated driving curriculum of the Michelle's leading star foundation by boards of education of city, exempted village, local, and joint vocational school districts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.941 of the Revised Code to the Ohio chapter international society of arboriculture, which shall

use the money to increase consumer awareness on the importance of 76490
proper tree care and to raise funds for the chapter's educational 76491
efforts. 76492

The registrar shall pay the contributions received pursuant 76493
to section 4503.942 of the Revised Code to zero, the end of 76494
prostate cancer, incorporated, a nonprofit organization, which 76495
shall use those contributions to raise awareness of prostate 76496
cancer, to support research to end prostate cancer, and to support 76497
prostate cancer patients and their families. 76498

The registrar shall pay the contributions the registrar 76499
receives pursuant to section 4503.944 of the Revised Code to the 76500
eastern European congress of Ohio, which shall use the 76501
contributions for charitable and educational purposes. 76502

The registrar shall pay the contributions the registrar 76503
receives pursuant to section 4503.945 of the Revised Code to the 76504
Summit metro parks foundation, which shall use the money in 76505
support of the Summit county metro parks. 76506

The registrar shall pay the contributions the registrar 76507
receives pursuant to section 4503.951 of the Revised Code to the 76508
Cincinnati city school district. 76509

The registrar shall pay the contributions the registrar 76510
receives pursuant to section 4503.952 of the Revised Code to 76511
Hawken school located in northeast Ohio. The school shall use 76512
fifty per cent of the contributions it receives to provide tuition 76513
assistance to its students. The school shall use the remaining 76514
fifty per cent to pay the expenses it incurs in providing services 76515
to the school's students that assist in developing or maintaining 76516
the mental and emotional well-being of the students. The services 76517
provided may include bereavement counseling, instruction in 76518
defensive driving techniques, sensitivity training, and the 76519
counseling and education of students regarding bullying, dating 76520

violence, drug abuse, suicide prevention, and human trafficking. 76521
As a part of providing such services, the school may pay for 76522
members of the faculty of the school to receive training in 76523
providing those services. The school principal or, in the school 76524
principal's discretion, appropriate school counselors shall 76525
determine any charitable organizations that the school hires to 76526
provide those services. The school shall ensure that any such 76527
charitable organization is exempt from federal income taxation 76528
under subsection 501(c)(3) of the Internal Revenue Code. The 76529
school shall not use the contributions it receives for any other 76530
purpose. 76531

The registrar shall pay the contributions the registrar 76532
receives pursuant to section 4503.953 of the Revised Code to 76533
Gilmour academy located in the municipal corporation of Gates 76534
Mills. The school shall use fifty per cent of the contributions it 76535
receives to provide tuition assistance to its students. The school 76536
shall use the remaining fifty per cent to pay the expenses it 76537
incurs in providing services to the school's students that assist 76538
in developing or maintaining the mental and emotional well-being 76539
of the students. The services provided may include bereavement 76540
counseling, instruction in defensive driving techniques, 76541
sensitivity training, and the counseling and education of students 76542
regarding bullying, dating violence, drug abuse, suicide 76543
prevention, and human trafficking. As a part of providing such 76544
services, the school may pay for members of the faculty of the 76545
school to receive training in providing those services. The school 76546
principal or, in the school principal's discretion, appropriate 76547
school counselors shall determine any charitable organizations 76548
that the school hires to provide those services. The school shall 76549
ensure that any such charitable organization is exempt from 76550
federal income taxation under subsection 501(c)(3) of the Internal 76551
Revenue Code. The school shall not use the contributions it 76552
receives for any other purpose. 76553

The registrar shall pay the contributions the registrar receives pursuant to section 4503.954 of the Revised Code to University school located in the suburban area near the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.955 of the Revised Code to Saint Albert the Great school located in North Royalton. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students

regarding bullying, dating violence, drug abuse, suicide 76587
prevention, and human trafficking. As a part of providing such 76588
services, the school may pay for members of the faculty of the 76589
school to receive training in providing those services. The school 76590
principal or, in the school principal's discretion, appropriate 76591
school counselors shall determine any charitable organizations 76592
that the school hires to provide those services. The school shall 76593
ensure that any such charitable organization is exempt from 76594
federal income taxation under subsection 501(c)(3) of the Internal 76595
Revenue Code. The school shall not use the contributions it 76596
receives for any other purpose. 76597

The registrar shall pay the contributions the registrar 76598
receives pursuant to section 4503.956 of the Revised Code to the 76599
Liberty Center local school district, which shall use the 76600
contributions for its gifted programs and special education and 76601
related services. 76602

The registrar shall pay the contributions the registrar 76603
receives pursuant to section 4503.957 of the Revised Code to John 76604
F. Kennedy Catholic school located in Warren. The school shall not 76605
use the contributions it receives for any political purpose. 76606

The registrar shall pay the contributions the registrar 76607
receives pursuant to section 4503.958 of the Revised Code to Elder 76608
high school located in the municipal corporation of Cincinnati. 76609
The school shall use fifty per cent of the contributions it 76610
receives to provide tuition assistance to its students, 76611
twenty-five per cent of the contributions to benefit arts and 76612
enrichment at the school, and twenty-five per cent of the 76613
contributions to benefit athletics at the school. 76614

The registrar shall pay the contributions the registrar 76615
receives pursuant to section 4503.961 of the Revised Code to 76616
Fairfield senior high school located in the municipal corporation 76617
of Fairfield. The high school shall not use the contributions for 76618

any political purpose. 76619

The registrar shall pay the contributions the registrar 76620
receives pursuant to section 4503.962 of the Revised Code to 76621
Hamilton high school located in the municipal corporation of 76622
Hamilton. The high school shall not use the contributions for any 76623
political purpose. 76624

The registrar shall pay the contributions the registrar 76625
receives pursuant to section 4503.963 of the Revised Code to Ross 76626
high school located in Ross township in Butler county. The high 76627
school shall not use the contributions for any political purpose. 76628

The registrar shall pay the contributions the registrar 76629
receives pursuant to section 4503.964 of the Revised Code to 76630
Chardon hilltopper gridiron club. The club shall use contributions 76631
to fund college and career technical training scholarships for 76632
students. 76633

The registrar shall pay the contributions the registrar 76634
receives pursuant to section 4503.97 of the Revised Code to the 76635
friends of united Hatzalah of Israel, which shall use the money to 76636
support united Hatzalah of Israel, which provides free emergency 76637
medical first response throughout Israel. 76638

The registrar shall pay the contributions the registrar 76639
receives pursuant to section 4503.98 of the Revised Code to the 76640
Westerville parks foundation to support the programs and 76641
activities of the foundation and its mission of pursuing the city 76642
of Westerville's vision of becoming "A City Within A Park." 76643

(C) All investment earnings of the license plate contribution 76644
fund shall be credited to the fund. Not later than the first day 76645
of May of every year, the registrar shall distribute to each 76646
entity described in division (B) of this section the investment 76647
income the fund earned the previous calendar year. The amount of 76648
such a distribution paid to an entity shall be proportionate to 76649

the amount of money the entity received from the fund during the 76650
previous calendar year. 76651

Sec. 4501.27. (A) Except as provided in division (B) of this 76652
section, on and after September 13, 1997, the registrar of motor 76653
vehicles, and any employee or contractor of the bureau of motor 76654
vehicles, shall not knowingly disclose or otherwise make available 76655
to any person or entity any personal information about an 76656
individual that the bureau obtained in connection with a motor 76657
vehicle record. 76658

(B)(1) On and after September 13, 1997, the registrar, or an 76659
employee or contractor of the bureau of motor vehicles, shall 76660
disclose personal information, other than sensitive personal 76661
information, about an individual that the bureau obtained in 76662
connection with a motor vehicle record, for use in connection with 76663
any of the following matters to carry out the purposes of any 76664
specified federal automobile-related act: 76665

(a) Motor vehicle or driver safety and theft; 76666

(b) Motor vehicle emissions; 76667

(c) Motor vehicle product alterations, recalls, or 76668
advisories; 76669

(d) Performance monitoring of motor vehicles and dealers by 76670
motor vehicle manufacturers; 76671

(e) Removal of non-owner records from the original owner 76672
records of motor vehicle manufacturers. 76673

(2) In addition to the disclosure required under division 76674
(B)(1) of this section, on and after September 13, 1997, the 76675
registrar, or an employee or contractor of the bureau of motor 76676
vehicles, may disclose personal information, other than sensitive 76677
personal information, about an individual that the bureau obtained 76678
in connection with a motor vehicle record, as follows: 76679

(a) For the use of a government agency, including, but not 76680
limited to, a court or law enforcement agency, in carrying out its 76681
functions, or for the use of a private person or entity acting on 76682
behalf of an agency of this state, another state, the United 76683
States, or a political subdivision of this state or another state 76684
in carrying out its functions; 76685

(b) For use in connection with matters regarding motor 76686
vehicle or driver safety and theft; motor vehicle emissions; motor 76687
vehicle product alterations, recalls, or advisories; performance 76688
monitoring of motor vehicles, motor vehicle parts, and dealers; 76689
motor vehicle market research activities, including, but not 76690
limited to, survey research; and removal of non-owner records from 76691
the original owner records of motor vehicle manufacturers; 76692

(c) For use in the normal course of business by a legitimate 76693
business or an agent, employee, or contractor of a legitimate 76694
business, but only for one of the following purposes: 76695

(i) To verify the accuracy of personal information submitted 76696
to the business, agent, employee, or contractor by an individual; 76697

(ii) If personal information submitted to the business, 76698
agent, employee, or contractor by an individual is incorrect or no 76699
longer is correct, to obtain the correct information, but only for 76700
the purpose of preventing fraud, by pursuing legal remedies 76701
against, or recovering on a debt or security interest against, the 76702
individual. 76703

(d) For use in connection with a civil, criminal, 76704
administrative, or arbitral proceeding in a court or agency of 76705
this state, another state, the United States, or a political 76706
subdivision of this state or another state or before a 76707
self-regulatory body, including, but not limited to, use in 76708
connection with the service of process, investigation in 76709
anticipation of litigation, or the execution or enforcement of a 76710

judgment or order; 76711

(e) Pursuant to an order of a court of this state, another 76712
state, the United States, or a political subdivision of this state 76713
or another state; 76714

(f) For use in research activities or in producing 76715
statistical reports, provided the personal information is not 76716
published, redisclosed, or used to contact an individual; 76717

(g) For use by an insurer, insurance support organization, or 76718
self-insured entity, or by an agent, employee, or contractor of 76719
that type of entity, in connection with any claims investigation 76720
activity, anti-fraud activity, rating, or underwriting; 76721

(h) For use in providing notice to the owner of a towed, 76722
impounded, immobilized, or forfeited vehicle; 76723

(i) For use by any licensed private investigative agency or 76724
licensed security service for any purpose permitted under division 76725
(B)(2) of this section; 76726

(j) For use by an employer or by the agent or insurer of an 76727
employer to obtain or verify information relating to the holder of 76728
a commercial driver's license or permit that is required under the 76729
"Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-170, 76730
49 U.S.C. 2701, et seq., as now or hereafter amended; 76731

(k) For use in connection with the operation of a private 76732
toll transportation facility; 76733

(l) For any use not otherwise identified in division (B)(2) 76734
of this section that is in response to a request for individual 76735
motor vehicle records, if the individual whose personal 76736
information is requested completes and submits to the registrar or 76737
deputy registrar a form prescribed by the registrar by rule giving 76738
express consent to such disclosures. 76739

(m) For bulk distribution for surveys, marketing, or 76740

solicitations, if the individual whose personal information is requested completes and submits to the registrar or a deputy registrar a form prescribed by the registrar by rule giving express consent to such disclosures.

(n) For use by a person, state, or state agency that requests the information, if the person, state, or state agency demonstrates that it has obtained the written consent of the individual to whom the information pertains;

(o) For any other use specifically authorized by law that is related to the operation of a motor vehicle or to public safety.

(3)(a) Except as provided in division (B)(3)(b) of this section, the registrar, or an employee or contractor of the bureau of motor vehicles, may disclose sensitive personal information about an individual that the bureau obtained in connection with a motor vehicle record, only if either of the following conditions are satisfied:

(i) The individual whose personal information is requested completes and submits to the registrar or deputy registrar a form prescribed by the registrar by rule giving express consent to such disclosure;

(ii) The disclosure is for one or more of the purposes described in division (B)(2)(a), (d), (g), or (j) of this section.

(b) Division (B)(3)(a) of this section does not apply to the disclosure of sensitive personal information that is subject to section 4501.15 or 4507.53 of the Revised Code.

(4) Notwithstanding section 4507.53 of the Revised Code or any provision of this section, the registrar, or an employee or contractor of the bureau of motor vehicles, may disclose an individual's photograph or digital image to the department of job and family services for purposes of including the photograph or digital image on an electronic benefits transfer card used in the

supplemental nutrition assistance program. 76772

(C) On and after September 13, 1997, an authorized recipient 76773
of personal information about an individual that the bureau of 76774
motor vehicles obtained in connection with a motor vehicle record, 76775
other than a recipient under division (B)(2)(l) or (m) of this 76776
section, may resell or redisclose the personal information only 76777
for a use permitted under division (B)(1), (B)(2)(a) to (k), 76778
(B)(2)(n), or (B)(2)(o) of this section. On and after September 76779
13, 1997, an authorized recipient of personal information about an 76780
individual under division (B)(2)(l) of this section may resell or 76781
redisclose the information for any purpose. On and after September 76782
13, 1997, an authorized recipient of personal information under 76783
division (B)(2)(m) of this section may resell or redisclose the 76784
information as specified pursuant to that division. On and after 76785
September 13, 1997, an authorized recipient of personal 76786
information about an individual under division (B) of this 76787
section, other than a recipient under division (B)(2)(l) of this 76788
section, that resells or rediscloses any personal information 76789
covered by this section must keep for a period of five years a 76790
record that identifies each person or entity that receives any of 76791
the personal information and the permitted purpose for which the 76792
information is to be used, and must make all such records 76793
available to the registrar of motor vehicles upon the registrar's 76794
request. 76795

(D) The registrar may establish and carry out procedures 76796
under which the registrar or the registrar's agents, upon receipt 76797
of a request for personal information on or after September 13, 76798
1997, that does not satisfy any of the criteria for disclosure of 76799
the information that are set forth in division (B)(1) or (2) of 76800
this section, may notify the individual about whom the information 76801
was requested, by regular mail, that the request was made. Any 76802
procedures so adopted shall provide that, if the registrar or an 76803

agent of the registrar mails the notice to the individual, the 76804
registrar or agent shall include with the notice a copy of the 76805
request and conspicuously shall include in the notice a statement 76806
that the information will not be released unless the individual 76807
waives the individual's right to privacy regarding the information 76808
that is granted under this section. 76809

(E) The registrar of motor vehicles may adopt any forms and 76810
rules, consistent with but no more restrictive than the 76811
requirements of Public Law No. 130-322, Title XXX, 18 U.S.C. 76812
2721-2725, that are necessary to carry out the registrar's duties 76813
under this section on and after September 13, 1997. 76814

(F) As used in this section: 76815

(1) "Motor vehicle record" means a record that pertains to a 76816
motor vehicle driver's or commercial driver's license or permit, a 76817
motor vehicle certificate of title, a motor vehicle registration 76818
or motor vehicle identification license plates, or an 76819
identification card issued by the bureau of motor vehicles. 76820

(2) "Person" has the same meaning as in section 1.59 of the 76821
Revised Code and does not include this state, another state, or an 76822
agency of this state or another state. 76823

(3) "Personal information" means information that identifies 76824
an individual, including, but not limited to, an individual's 76825
photograph or digital image, social security number, driver or 76826
driver's license identification number, name, telephone number, or 76827
medical or disability information, or an individual's address 76828
other than the five-digit zip code number. "Personal information" 76829
does not include information pertaining to a vehicular accident, 76830
driving or traffic violation, or driver's status. 76831

(4) "Specified federal automobile-related act" means the 76832
~~"automobile information disclosure act~~ Automobile Information
Disclosure Act," 72 Stat. 325, 15 U.S.C. 1231-1233, the "Motor 76833
76834

Vehicle Information and Cost Saving Act," 86 Stat. 947, 15 U.S.C. 76835
1901, et seq., the "National Traffic and Motor Vehicle Safety Act 76836
of 1966," 80 Stat. 718, 15 U.S.C. 1381, et seq., the "Anti-car 76837
Theft Act of 1992," 106 Stat. 3384, 15 U.S.C. 2021, et seq., and 76838
the "Clean Air Act," 69 Stat. 322, 42 U.S.C. 7401, et seq., all as 76839
now or hereafter amended. 76840

(5) "Sensitive personal information" means an individual's 76841
photograph or digital image, social security number, or medical or 76842
disability information. 76843

Sec. 4503.03. (A)(1)(a) Except as provided in division (B) of 76844
this section, the registrar of motor vehicles may designate one or 76845
more of the following persons to act as a deputy registrar in each 76846
county: 76847

(i) The county auditor in any county, ~~subject to division~~ 76848
~~(A)(1)(b)(i) of this section;~~ 76849

(ii) The clerk of a court of common pleas in any county, 76850
~~subject to division (A)(1)(b)(ii) of this section;~~ 76851

(iii) An individual; 76852

(iv) A nonprofit corporation as defined in division (C) of 76853
section 1702.01 of the Revised Code. 76854

~~(b)(i) If the population of a county is forty thousand or 76855
less according to the most recent federal decennial census and if 76856
the county auditor is designated by the registrar as a deputy 76857
registrar, no other person need be designated in the county to act 76858
as a deputy registrar. 76859~~

~~(ii) The registrar may designate a clerk of a court of common 76860
pleas as a deputy registrar if the population of the county is 76861
forty thousand or less according to the last federal census. In a 76862
county with a population greater than forty thousand but not more 76863
than fifty thousand according to the last federal census, the 76864~~

~~clerk of a court of common pleas is eligible to act as a deputy registrar and may participate in the competitive selection process for the award of a deputy registrar contract by applying in the same manner as any other person.~~ All fees collected and retained by a clerk for conducting deputy registrar services shall be paid into the county treasury to the credit of the certificate of title administration fund created under section 325.33 of the Revised Code.

~~Notwithstanding the county population restrictions in division (A)(1)(b) of this section, if no person applies to act under contract as a deputy registrar in a county and the county auditor is not designated as a deputy registrar, the registrar may ask the clerk of a court of common pleas to serve as the deputy registrar for that county.~~

~~(e)(b)~~ As part of the selection process in awarding a deputy registrar contract, the registrar shall consider the customer service performance record of any person previously awarded a deputy registrar contract pursuant to division (A)(1) of this section.

(2) Deputy registrars shall accept applications for the annual license tax for any vehicle not taxed under section 4503.63 of the Revised Code and shall assign distinctive numbers in the same manner as the registrar. Such deputies shall be located in such locations ~~in the county~~ as the registrar sees fit. ~~There~~ Except as provided in division (A)(3) of this section, there shall be at least one deputy registrar in each county.

(3) The registrar need not appoint a deputy registrar in a county to which all of the following apply:

(a) No individual, nonprofit corporation, or, where applicable, clerk of court of common pleas participates in the competitive selection process to be designated as a deputy

<u>registrar;</u>	76896
<u>(b) Neither the county auditor nor the clerk of court of common pleas agrees to be designated as a deputy registrar;</u>	76897 76898
<u>(c) No individual or nonprofit corporation agrees to be designated as a deputy registrar;</u>	76899 76900
<u>(d) No deputy registrar operating an existing deputy registrar agency in another county agrees to be designated as the deputy registrar for that county.</u>	76901 76902 76903
<u>(4) The registrar may reestablish a deputy registrar in any county without a deputy registrar if any of the following apply:</u>	76904 76905
<u>(a) The county auditor requests to be designated as a deputy registrar;</u>	76906 76907
<u>(b) The clerk of court of common pleas requests to be designated as a deputy registrar;</u>	76908 76909
<u>(c) A deputy registrar operating an existing deputy registrar agency in another county requests to be designated as a deputy registrar for that county;</u>	76910 76911 76912
<u>(d) A qualified individual or nonprofit corporation requests to be designated as a deputy registrar. In the event that two or more qualified individuals, nonprofit corporations, or a combination thereof, request to be designated as a deputy registrar, the registrar may make the designation through the competitive selection process.</u>	76913 76914 76915 76916 76917 76918
Deputy registrar contracts are subject to the provisions of division (B) of section 125.081 of the Revised Code.	76919 76920
(B)(1) The registrar shall not designate any person to act as a deputy registrar under division (A)(1) of this section if the person or, where applicable, the person's spouse or a member of the person's immediate family has made, within the current calendar year or any one of the previous three calendar years, one	76921 76922 76923 76924 76925

or more contributions totaling in excess of one hundred dollars to 76926
any person or entity included in division (A)(2) of section 76927
4503.033 of the Revised Code. As used in this division, "immediate 76928
family" has the same meaning as in division (D) of section 102.01 76929
of the Revised Code, and "entity" includes any political party and 76930
any "continuing association" as defined in division (C)(4) of 76931
section 3517.01 of the Revised Code or "political action 76932
committee" as defined in division (C)(8) of that section that is 76933
primarily associated with that political party. For purposes of 76934
this division, contributions to any continuing association or any 76935
political action committee that is primarily associated with a 76936
political party shall be aggregated with contributions to that 76937
political party. 76938

The contribution limitations contained in this division do 76939
not apply to any county auditor or clerk of a court of common 76940
pleas. A county auditor or clerk of a court of common pleas is not 76941
required to file the disclosure statement or pay the filing fee 76942
required under section 4503.033 of the Revised Code. The 76943
limitations of this division also do not apply to a deputy 76944
registrar who, subsequent to being awarded a deputy registrar 76945
contract, is elected to an office of a political subdivision. 76946

(2) The registrar shall not designate either of the following 76947
to act as a deputy registrar: 76948

(a) Any elected public official other than a county auditor 76949
or, as authorized by division ~~(A)(1)~~(b)(A)(1) of this section, a 76950
clerk of a court of common pleas, acting in an official capacity, 76951
except that, the registrar shall continue and may renew a contract 76952
with any deputy registrar who, subsequent to being awarded a 76953
deputy registrar contract, is elected to an office of a political 76954
subdivision; 76955

(b) Any person holding a current, valid contract to conduct 76956
motor vehicle inspections under section 3704.14 of the Revised 76957

Code. 76958

(3) As used in division (B) of this section, "political 76959
subdivision" has the same meaning as in section 3501.01 of the 76960
Revised Code. 76961

(C)(1) Except as provided in division (C)(2) of this section, 76962
deputy registrars are independent contractors and neither they nor 76963
their employees are employees of this state, except that nothing 76964
in this section shall affect the status of county auditors or 76965
clerks of courts of common pleas as public officials, nor the 76966
status of their employees as employees of any of the counties of 76967
this state, which are political subdivisions of this state. Each 76968
deputy registrar shall be responsible for the payment of all 76969
unemployment compensation premiums, all workers' compensation 76970
premiums, social security contributions, and any and all taxes for 76971
which the deputy registrar is legally responsible. Each deputy 76972
registrar shall comply with all applicable federal, state, and 76973
local laws requiring the withholding of income taxes or other 76974
taxes from the compensation of the deputy registrar's employees. 76975
Each deputy registrar shall maintain during the entire term of the 76976
deputy registrar's contract a policy of business liability 76977
insurance satisfactory to the registrar and shall hold the 76978
department of public safety, the director of public safety, the 76979
bureau of motor vehicles, and the registrar harmless upon any and 76980
all claims for damages arising out of the operation of the deputy 76981
registrar agency. 76982

(2) For purposes of Chapter 4141. of the Revised Code, 76983
determinations concerning the employment of deputy registrars and 76984
their employees shall be made under Chapter 4141. of the Revised 76985
Code. 76986

(D)(1) With the approval of the director, the registrar shall 76987
adopt rules governing deputy registrars. The rules shall do all of 76988
the following: 76989

- (a) Establish requirements governing the terms of the contract between the registrar and each deputy registrar and the services to be performed; 76990
76991
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- (b) Establish requirements governing the amount of bond to be given as provided in this section; 76993
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- (c) Establish requirements governing the size and location of the deputy's office; 76995
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- (d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment; 76997
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77000
- (e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements; 77001
77002
77003
- (f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office, including allowing nonprofit corporations operating as a deputy registrar to advertise that a specified amount of proceeds collected by the nonprofit corporation are directed to a specified charitable organization or philanthropic cause; 77004
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- (g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each weekend, provided that if only one deputy's office is located within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend; 77010
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77015
- (h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county; 77016
77017
77018
- (i) Allow a deputy registrar contract to be awarded to a 77019

nonprofit corporation formed under the laws of this state; 77020

~~(j) Except as provided in division (D)(2) of this section, 77021
prohibit any deputy registrar from operating more than one deputy 77022
registrar's office at any time; 77023~~

~~(k) For the duration of any deputy registrar contract, 77024
require that the deputy registrar occupy a primary residence in a 77025
location that is within a one hour commute time from the deputy 77026
registrar's office or offices. The rules shall require the 77027
registrar to determine commute time by using multiple established 77028
internet based mapping services. 77029~~

~~(l) Establish procedures for a deputy registrar to request 77030
the authority to collect reinstatement fees under sections 77031
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, 77032
and 4511.191 of the Revised Code and to transmit the reinstatement 77033
fees and two dollars of the service fee collected under those 77034
sections. The registrar shall ensure that at least one deputy 77035
registrar in each county has the necessary equipment and is able 77036
to accept reinstatement fees. The registrar shall deposit the 77037
service fees received from a deputy registrar under those sections 77038
into the public safety - highway purposes fund created in section 77039
4501.06 of the Revised Code and shall use the money for deputy 77040
registrar equipment necessary in connection with accepting 77041
reinstatement fees. 77042~~

~~(m)(k) Establish standards for a deputy registrar, when the 77043
deputy registrar is not a county auditor or a clerk of a court of 77044
common pleas, to sell advertising rights to third party businesses 77045
to be placed in the deputy registrar's office; 77046~~

~~(n)(l) Allow any deputy registrar that is not a county 77047
auditor or a clerk of a court of common pleas to operate a vending 77048
machine; 77049~~

~~(o)(m) Establish such other requirements as the registrar and 77050~~

director consider necessary to provide a high level of service. 77051

(2) ~~Notwithstanding division (D)(1)(j) of this section, the~~ 77052
The rules may allow both of the following: 77053

(a) The registrar to award a contract to a deputy registrar 77054
to operate more than one deputy registrar's office if determined 77055
by the registrar to be practical; 77056

(b) A nonprofit corporation formed for the purposes of 77057
providing automobile-related services to its members or the public 77058
and that provides such services from more than one location in 77059
this state to operate a deputy registrar office at any location. 77060

(3) As a daily adjustment, the bureau of motor vehicles shall 77061
credit to a deputy registrar the amount established under section 77062
4503.038 of the Revised Code for each damaged license plate or 77063
validation sticker the deputy registrar replaces as a service to a 77064
member of the public. 77065

(4)(a) With the prior approval of the registrar, each deputy 77066
registrar may conduct at the location of the deputy registrar's 77067
office any business that is consistent with the functions of a 77068
deputy registrar and that is not specifically mandated or 77069
authorized by this or another chapter of the Revised Code or by 77070
implementing rules of the registrar. 77071

(b) In accordance with guidelines the director of public 77072
safety shall establish, a deputy registrar may operate or contract 77073
for the operation of a vending machine at a deputy registrar 77074
location if products of the vending machine are consistent with 77075
the functions of a deputy registrar. 77076

(c) A deputy registrar may enter into an agreement with the 77077
Ohio turnpike and infrastructure commission pursuant to division 77078
(A)(11) of section 5537.04 of the Revised Code for the purpose of 77079
allowing the general public to acquire from the deputy registrar 77080
the electronic toll collection devices that are used under the 77081

multi-jurisdiction electronic toll collection agreement between 77082
the Ohio turnpike and infrastructure commission and any other 77083
entities or agencies that participate in such an agreement. The 77084
approval of the registrar is not necessary if a deputy registrar 77085
engages in this activity. 77086

(5) As used in this section and in section 4507.01 of the 77087
Revised Code, "nonprofit corporation" has the same meaning as in 77088
section 1702.01 of the Revised Code. 77089

(E)(1) Unless otherwise terminated and except for interim 77090
contracts lasting not longer than one year, contracts with deputy 77091
registrars shall be entered into through a competitive selection 77092
process and shall be limited in duration as follows: 77093

(a) For contracts entered into between July 1, 1996 and June 77094
29, 2014, for a period of not less than two years, but not more 77095
than three years; 77096

(b) For contracts entered into on or after June 29, 2014, for 77097
a period of five years, unless the registrar determines that a 77098
shorter contract term is appropriate for a particular deputy 77099
registrar. 77100

(2) All contracts with deputy registrars shall expire on the 77101
last Saturday of June in the year of their expiration. Prior to 77102
the expiration of any deputy registrar contract, the registrar, 77103
with the approval of the director, may award a one-year contract 77104
extension to any deputy registrar who has provided exemplary 77105
service based upon objective performance evaluations. 77106

(3)(a) The auditor of state may examine the accounts, 77107
reports, systems, and other data of each deputy registrar at least 77108
every two years. The registrar, with the approval of the director, 77109
shall immediately remove a deputy who violates any provision of 77110
the Revised Code related to the duties as a deputy, any rule 77111
adopted by the registrar, or a term of the deputy's contract with 77112

the registrar. The registrar also may remove a deputy who, in the 77113
opinion of the registrar, has engaged in any conduct that is 77114
either unbecoming to one representing this state or is 77115
inconsistent with the efficient operation of the deputy's office. 77116

(b) If the registrar, with the approval of the director, 77117
determines that there is good cause to believe that a deputy 77118
registrar or a person proposing for a deputy registrar contract 77119
has engaged in any conduct that would require the denial or 77120
termination of the deputy registrar contract, the registrar may 77121
require the production of books, records, and papers as the 77122
registrar determines are necessary, and may take the depositions 77123
of witnesses residing within or outside the state in the same 77124
manner as is prescribed by law for the taking of depositions in 77125
civil actions in the court of common pleas, and for that purpose 77126
the registrar may issue a subpoena for any witness or a subpoena 77127
duces tecum to compel the production of any books, records, or 77128
papers, directed to the sheriff of the county where the witness 77129
resides or is found. Such a subpoena shall be served and returned 77130
in the same manner as a subpoena in a criminal case is served and 77131
returned. The fees of the sheriff shall be the same as that 77132
allowed in the court of common pleas in criminal cases. Witnesses 77133
shall be paid the fees and mileage provided for under section 77134
119.094 of the Revised Code. The fees and mileage shall be paid 77135
from the fund in the state treasury for the use of the agency in 77136
the same manner as other expenses of the agency are paid. 77137

In any case of disobedience or neglect of any subpoena served 77138
on any person or the refusal of any witness to testify to any 77139
matter regarding which the witness lawfully may be interrogated, 77140
the court of common pleas of any county where the disobedience, 77141
neglect, or refusal occurs or any judge of that court, on 77142
application by the registrar, shall compel obedience by attachment 77143
proceedings for contempt, as in the case of disobedience of the 77144

requirements of a subpoena issued from that court, or a refusal to 77145
testify in that court. 77146

(4) Nothing in division (E) of this section shall be 77147
construed to require a hearing of any nature prior to the 77148
termination of any deputy registrar contract by the registrar, 77149
with the approval of the director, for cause. 77150

(F) Except as provided in section 2743.03 of the Revised 77151
Code, no court, other than the court of common pleas of Franklin 77152
county, has jurisdiction of any action against the department of 77153
public safety, the director, the bureau, or the registrar to 77154
restrain the exercise of any power or authority, or to entertain 77155
any action for declaratory judgment, in the selection and 77156
appointment of, or contracting with, deputy registrars. Neither 77157
the department, the director, the bureau, nor the registrar is 77158
liable in any action at law for damages sustained by any person 77159
because of any acts of the department, the director, the bureau, 77160
or the registrar, or of any employee of the department or bureau, 77161
in the performance of official duties in the selection and 77162
appointment of, and contracting with, deputy registrars. 77163

(G) The registrar shall assign to each deputy registrar a 77164
series of numbers sufficient to supply the demand at all times in 77165
the area the deputy registrar serves, and the registrar shall keep 77166
a record in the registrar's office of the numbers within the 77167
series assigned. Except as otherwise provided in section 3.061 of 77168
the Revised Code, each deputy shall be required to give bond in 77169
the amount of at least twenty-five thousand dollars, or in such 77170
higher amount as the registrar determines necessary, based on a 77171
uniform schedule of bond amounts established by the registrar and 77172
determined by the volume of registrations handled by the deputy. 77173
The form of the bond shall be prescribed by the registrar. The 77174
bonds required of deputy registrars, in the discretion of the 77175
registrar, may be individual or schedule bonds or may be included 77176

in any blanket bond coverage carried by the department. 77177

(H) Each deputy registrar shall keep a file of each 77178
application received by the deputy and shall register that motor 77179
vehicle with the name and address of its owner. 77180

(I) Upon request, a deputy registrar shall make the physical 77181
inspection of a motor vehicle and issue the physical inspection 77182
certificate required in section 4505.061 of the Revised Code. 77183

(J) Each deputy registrar shall file a report semiannually 77184
with the registrar of motor vehicles listing the number of 77185
applicants for licenses the deputy has served, the number of voter 77186
registration applications the deputy has completed and transmitted 77187
to the board of elections, and the number of voter registration 77188
applications declined. 77189

Sec. 4503.038. (A) Not later than ninety days after ~~the~~ 77190
~~effective date of this amendment~~ July 3, 2019, the registrar of 77191
motor vehicles shall adopt rules in accordance with Chapter 119. 77192
of the Revised Code establishing a service fee that applies for 77193
purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 77194
4503.102, 4503.12, 4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 77195
4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 77196
4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee 77197
shall be five dollars. 77198

(B) Not later than ninety days after ~~the effective date of~~ 77199
~~this amendment~~ July 3, 2019, the registrar shall adopt rules in 77200
accordance with Chapter 119. of the Revised Code establishing 77201
prorated service fees that apply for purposes of multi-year 77202
registrations authorized under section 4503.103 of the Revised 77203
Code. 77204

Sec. 4503.27. A manufacturer, dealer, or distributor shall 77205
~~make application~~ apply for registration, for each place in this 77206

state at which the business of manufacturing, dealing, or 77207
distributing of motor vehicles is carried on. The application 77208
shall show the make of motor vehicles manufactured, dealt in, or 77209
distributed at such place and shall show the taxing district in 77210
which the place of business is located. Upon the filing of such 77211
application and the payment of the annual tax ~~and postage therefor~~ 77212
imposed by section 4503.09 of the Revised Code, the registrar of 77213
motor vehicles shall assign to the applicant a distinctive number 77214
~~which that~~ must be carried and displayed by each such motor 77215
vehicle in like manner as provided by law for other motor vehicles 77216
while it is operated on the public highway until it is sold or 77217
transferred. At the time the registrar assigns the distinctive 77218
number the registrar shall furnish one ~~placard~~ license plate with 77219
the number thereon. Such manufacturer, dealer, or distributor may 77220
procure a reasonable number of ~~certified copies of the additional~~ 77221
~~registration certificate~~ certificates upon the payment for each of 77222
an annual fee of five dollars and the appropriate postage as 77223
required by the registrar. With each of the ~~certified copies~~ 77224
additional registration certificate the registrar shall furnish 77225
one ~~placard~~ license plate with the same numbering provided in the 77226
original registration certificate, and shall add thereto such 77227
special designation as necessary to distinguish one ~~set of~~ 77228
~~placards~~ license plate from another. 77229

The registrar shall not assign any distinctive number and 77230
shall not furnish any ~~placards~~ license plates to any dealer or 77231
distributor unless the dealer or distributor, at the time of 77232
~~making~~ application for the ~~placards~~ license plates, produces 77233
evidence to show that the dealer or distributor is the holder 77234
either of a motor vehicle dealer's license required by section 77235
4517.04 or 4517.05 of the Revised Code or a distributor's license 77236
required by section 4517.08 of the Revised Code. Such evidence 77237
shall be presented in the manner prescribed by the registrar. 77238

Sec. 4503.271. A new motor vehicle may be operated on the 77239
public roads or highways of this state without displaying a 77240
license plate ~~or placard~~ issued to a manufacturer, dealer, or 77241
distributor under section 4503.27 of the Revised Code or any other 77242
license plate specified in the Revised Code if all of the 77243
following apply to the new motor vehicle: 77244

(A) The new motor vehicle was being transported on a railroad 77245
car; 77246

(B) The railroad car or the train of which the railroad car 77247
was a part was involved in an accident that required the unloading 77248
of the new motor vehicle from the railroad car in order to 77249
preserve its condition or to facilitate the process of returning 77250
the accident site to its normal state; 77251

(C) The operator of the new motor vehicle was instructed by a 77252
law enforcement officer at the accident site to drive the new 77253
motor vehicle from the accident site directly to another location 77254
for the purpose of removing the new motor vehicle from the 77255
accident site and storing the new motor vehicle; 77256

(D) The operator of the new motor vehicle proceeds from the 77257
accident site to the storage location utilizing the most direct 77258
route. 77259

Sec. 4503.28. (A) No person who is a manufacturer of, dealer 77260
in, or distributor of motor vehicles shall fail to file an 77261
application for registration ~~and~~ to pay the tax for the 77262
registration, and to apply for and pay the legal fees for as many 77263
~~certified copies of the~~ additional registration certificates as 77264
the law requires. 77265

(B) Whoever violates this section is guilty of a misdemeanor 77266
of the fourth degree. 77267

~~Sec. 4503.30.~~ (A) Any ~~placards~~ license plates issued by the 77268
registrar of motor vehicles and bearing the distinctive number 77269
assigned to a manufacturer, dealer, or distributor pursuant to 77270
section 4503.27 of the Revised Code may be displayed on any motor 77271
vehicle, other than commercial cars, or on any motorized bicycle 77272
owned by the manufacturer, dealer, or distributor, or lawfully in 77273
the possession or control of the manufacturer, or the agent or 77274
employee of the manufacturer, the dealer, or the agent or employee 77275
of the dealer, the distributor, or the agent or employee of the 77276
distributor, ~~and~~. Such license plates shall be displayed on no 77277
other motor vehicle or motorized bicycle. ~~A placard~~ 77278

(B)(1) A license plate issued to a dealer under section 77279
4503.27 of the Revised Code may be displayed on a motor vehicle, 77280
other than a commercial car, owned by a dealer when the vehicle is 77281
in transit from a dealer to a purchaser, when the vehicle is being 77282
demonstrated for sale or lease, or when the vehicle otherwise is 77283
being utilized by the dealer. ~~A~~ 77284

(2) A vehicle bearing a placard license plate issued to a 77285
dealer under section 4503.27 of the Revised Code may be operated 77286
by the dealer, an agent or employee of the dealer, a prospective 77287
purchaser, or a third party operating the vehicle with the 77288
permission of the dealer. 77289

~~Such placards~~ (C) A license plate issued to a manufacturer, 77290
dealer, or distributor pursuant to section 4503.27 of the Revised 77291
Code may be displayed on commercial cars only when the cars are in 77292
transit from a manufacturer to a dealer, from a distributor to a 77293
dealer or distributor, or from a dealer to a purchaser, or when 77294
the cars are being demonstrated for sale or lease, ~~and~~. Such a 77295
license plate shall not be displayed when the cars are being used 77296
for delivery, hauling, transporting, or other commercial purpose. 77297

~~(B)~~(D) Whoever violates this section is guilty of a 77298

misdemeanor of the third degree. 77299

Sec. 4503.301. (A) A manufacturer, dealer, or distributor of 77300
motor vehicles may apply for a reasonable number of commercial car 77301
demonstration ~~placards~~ license plates. The application shall show 77302
the make of commercial cars, commercial tractors, trailers, and 77303
semitrailers manufactured, dealt, or distributed in and shall show 77304
the taxing district in which the applicant's place of business is 77305
located. 77306

Upon the filing of such application and the payment of an 77307
annual fee of five hundred dollars and appropriate postage as 77308
required by the registrar of motor vehicles, the registrar shall 77309
assign to the applicant a distinctive ~~placard~~ and number and the 77310
requested license plates with the number thereon. Such ~~placards~~ 77311
license plates shall be known as "commercial car demonstration 77312
~~placards~~ license plates," and shall expire on a date prescribed by 77313
the registrar. Upon the first application by any person for such 77314
~~placards~~ license plates, the registrar shall prorate the annual 77315
fee in accordance with section 4503.11 of the Revised Code; for 77316
all renewals or replacements of such ~~placards~~ license plates, the 77317
registrar shall collect the full amount of the annual fee. 77318

Commercial car demonstration ~~placards~~ license plates may be 77319
displayed on commercial cars, commercial tractors, trailers and 77320
semitrailers owned by the manufacturer, dealer, or distributor, 77321
when those vehicles are operated by or being demonstrated to a 77322
prospective purchaser. In addition to the purposes permitted by 77323
section 4503.30 of the Revised Code, the ~~placards~~ license plates 77324
provided for in this section may be displayed on vehicles operated 77325
or used for delivery, hauling, transporting, or any other lawful 77326
purpose. When such ~~placards~~ license plates are used, the ~~placards~~ 77327
license plates provided for in section 4503.30 of the Revised Code 77328
need not be displayed. 77329

The operator of any commercial car, commercial tractor, trailer, or semitrailer displaying the ~~placards~~ license plates provided for in this section, at all times, shall carry with the operator a letter from the manufacturer, dealer, or distributor authorizing the use of such manufacturer's, dealer's, or distributor's commercial car demonstration ~~placards~~ license plates.

When such ~~placards~~ license plates are used on any commercial car or commercial tractor, such power unit shall be considered duly registered and licensed for the purposes of section 4503.38 of the Revised Code.

(B) No manufacturer, dealer, or distributor of motor vehicles shall use the commercial car demonstration ~~placard~~ license plates for purposes other than those authorized by this section.

(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the third degree.

Sec. 4503.31. (A) As used in this section, "person" includes, but is not limited to, any person engaged in the business of manufacturing or distributing, or selling at retail, displaying, offering for sale, or dealing in, motorized bicycles who is not subject to section 4503.09 of the Revised Code, or an Ohio nonprofit corporation engaged in the business of testing of motor vehicles.

(B) Persons other than manufacturers, dealers, or distributors may register annually with the registrar of motor vehicles and obtain ~~placards~~ license plates to be displayed on motor vehicles as provided by this section. Applications for annual registration shall be made at the time provided for payment of the tax ~~and postage~~ otherwise imposed on manufacturers, dealers, or distributors by section 4503.09 of the Revised Code and shall be in the manner to be prescribed by the registrar. The

fee for such registration shall be twenty-five dollars and shall 77361
not be reduced when the registration is for a part of a year. 77362
Applicants may procure a reasonable number of ~~certified copies of~~ 77363
~~such~~ additional registration certificates upon the payment of a 77364
fee of five dollars and appropriate postage as required by the 77365
registrar for each copy. 77366

(C) Upon the filing of the application and the payment of the 77367
fee and postage prescribed by this section, the registrar shall 77368
issue to each applicant a certificate of registration and assign a 77369
distinctive number and furnish one ~~placard~~ license plate with the 77370
number thereon. With each ~~of the certified copies of the~~ 77371
additional registration certificate provided for in this section 77372
the registrar shall furnish one ~~placard~~ license plate with the 77373
same numbering assigned in the original registration certificate 77374
and shall add thereto such special designation as necessary to 77375
distinguish one ~~set of placards~~ license plate from another. All 77376
~~placards~~ license plates furnished by the registrar pursuant to 77377
this section shall be so marked as to be distinguishable from 77378
~~placards~~ license plates issued to dealers, manufacturers, or 77379
distributors. ~~Placards~~ 77380

(D) Except as provided by divisions (E) and (F) of this 77381
section, license plates issued pursuant to this section may be 77382
used only on ~~motor~~ the following: 77383

(1) Motor vehicles or motorized bicycles owned and being used 77384
in testing or being demonstrated for purposes of sale or lease; ~~or~~ 77385
~~on motor~~ 77386

(2) Motor vehicles subject to the rights and remedies of a 77387
secured party being exercised under Chapter 1309. of the Revised 77388
Code; ~~or on motor~~ 77389

(3) Motor vehicles being held or transported by any insurance 77390
company for purposes of salvage disposition; ~~or on motor~~ 77391

(4) Motor vehicles being transported by any persons regularly engaged in salvage operations or scrap metal processing from the point of acquisition to their established place of business; ~~or on motor~~

(5) Motor vehicles owned by or in the lawful possession of an Ohio nonprofit corporation while being used in the testing of those motor vehicles.

~~Placards~~ (E) License plates issued pursuant to this section also may be used by ~~persons~~ all of the following:

(1) Persons regularly engaged in the business of rustproofing, reconditioning, or installing equipment or trim on motor vehicles for motor vehicle dealers and shall be used exclusively when such motor vehicles are being transported to or from the motor vehicle dealer's place of business; ~~and by persons~~

(2) Persons engaged in manufacturing articles for attachment to motor vehicles when such motor vehicles are being transported to or from places where mechanical equipment is attached to the chassis of such new motor vehicles; ~~or on motor vehicles being towed by any persons~~

(3) Persons regularly and primarily engaged in the business of towing motor vehicles while such ~~vehicle is~~ motor vehicles are being towed to a point of storage.

~~Placards~~ (F) License plates issued pursuant to this section also may be used on trailers being transported by persons engaged in the business of selling tangible personal property other than motor vehicles.

(G) No person required to register an apportionable vehicle under the international registration plan shall apply for or receive a ~~placard~~ license plate for that vehicle under this section.

(H) The fees collected by the registrar pursuant to this 77422
section shall be paid into the public safety - highway purposes 77423
fund established in section 4501.06 of the Revised Code and used 77424
for the purposes described in that section. 77425

Sec. 4503.311. A manufacturer of or dealer in trailers for 77426
transporting watercraft may apply for registration with the 77427
registrar of motor vehicles for each place in this state where the 77428
manufacturer or dealer carries on the business of manufacturing or 77429
dealing in such trailers. Applications for annual registration 77430
shall be made at the time provided for payment of the tax imposed 77431
on manufacturers and dealers by section 4503.09 of the Revised 77432
Code and shall be in the manner to be prescribed by the registrar. 77433
The fee for such registration shall be twenty-five dollars and 77434
shall not be reduced when the registration is for a part of a 77435
year. 77436

Upon the filing of such application and the payment of the 77437
fee and appropriate postage as required by the registrar ~~of motor~~ 77438
~~vehicles~~, the registrar shall assign to the applicant a 77439
distinctive number which shall be displayed on the rear of each 77440
trailer while it is operated on the public highway. Such trailer 77441
may be operated on the public highway while loaded, until it is 77442
sold or transferred. At the time the registrar assigns the 77443
distinctive number, the registrar shall furnish one ~~placard~~ 77444
license plate with the number thereon. Such manufacturer or dealer 77445
may procure a reasonable number of ~~certified copies of the~~ 77446
additional registration certificate certificates upon the payment 77447
of a fee of five dollars and postage. With each ~~of such certified~~ 77448
~~copies~~ additional registration certificate, the registrar shall 77449
furnish one ~~placard~~ license plate with the same number provided in 77450
the original registration certificate, and shall add thereto such 77451
special designation as necessary to distinguish one ~~set of~~ 77452
~~placards~~ license plate from another. All ~~placards~~ license plates 77453

furnished by the registrar pursuant to this section shall be so 77454
marked as to be distinguishable from ~~placards~~ license plates 77455
issued to dealers in or manufacturers of motor vehicles. 77456

The fees collected by the registrar pursuant to this section 77457
shall be paid into the public safety - highway purposes fund 77458
established in section 4501.06 of the Revised Code and used for 77459
the purposes described in that section. 77460

Sec. 4503.312. As used in this section: 77461

(A) "Utility trailer" means any trailer, except a travel 77462
trailer or trailer for transporting watercraft, having a gross 77463
weight of less than four thousand pounds. 77464

(B) "Snowmobile" and "all-purpose vehicle" have the same 77465
meanings as in section 4519.01 of the Revised Code. 77466

(C) "Distributor" means any person authorized by a 77467
manufacturer of utility trailers or trailers for transporting 77468
motorcycles, snowmobiles, or all-purpose vehicles to distribute 77469
new trailers to persons for purposes of resale. 77470

A manufacturer, distributor, or retail seller of utility 77471
trailers or trailers for transporting motorcycles, snowmobiles, or 77472
all-purpose vehicles may apply for registration with the registrar 77473
of motor vehicles for each place in this state where the 77474
manufacturer, distributor, or retail seller carries on the 77475
business of manufacturing, distributing, or selling at retail such 77476
trailers. Applications for annual registration shall be made at 77477
the time provided for payment of the tax imposed by section 77478
4503.09 of the Revised Code; shall be in the manner to be 77479
prescribed by the registrar; and shall be accompanied by an 77480
affidavit certifying that the applicant is a manufacturer, 77481
distributor, or retail seller of utility trailers or trailers for 77482
transporting motorcycles, snowmobiles, or all-purpose vehicles. 77483

The fee for such registration shall be twenty-five dollars and 77484
shall not be reduced when the registration is for a part of a 77485
year. 77486

Upon the filing of the application and affidavit, and payment 77487
of the fee and appropriate postage as required by the registrar, 77488
the registrar shall assign to the applicant a distinctive number 77489
which shall be displayed on the rear of each trailer when it is 77490
operated on the public highway. Any trailer for transporting 77491
motorcycles, snowmobiles, or all-purpose vehicles that is not 77492
loaded may be operated on the public highway until it is sold or 77493
transferred; and any utility trailer that is not loaded, or that 77494
is being used to transport another utility trailer for purposes of 77495
demonstration or delivery, may be operated on the public highway 77496
until it is sold or transferred. 77497

At the time the registrar assigns the distinctive number, the 77498
registrar shall furnish one ~~placard~~ license plate with the number 77499
thereon. The manufacturer, distributor, or retail seller may 77500
procure a reasonable number of ~~certified copies of the~~ additional 77501
registration ~~certificate~~ certificates upon the payment of a fee of 77502
five dollars and postage. With each ~~of such certified copies~~ 77503
additional registration certificate, the registrar shall furnish 77504
one ~~placard~~ license plate with the same number provided in the 77505
original registration certificate, and shall add thereto such 77506
special designation as necessary to distinguish one ~~set of~~ 77507
~~placards~~ license plate from another. All ~~placards~~ license plates 77508
furnished by the registrar pursuant to this section shall be so 77509
marked as to be distinguishable from ~~placards~~ license plates 77510
issued to dealers in or manufacturers of motor vehicles or 77511
trailers for transporting watercraft. 77512

The fees collected by the registrar pursuant to this section 77513
shall be paid into the public safety - highway purposes fund 77514
established by section 4501.06 of the Revised Code and used for 77515

the purposes described in that section. 77516

Sec. 4503.32. (A) No person shall use the license ~~placards~~ 77517
plates provided for in section 4503.31 of the Revised Code 77518
contrary to said section. 77519

(B) Whoever violates this section is guilty of a misdemeanor 77520
of the third degree. 77521

Sec. 4503.33. A person, firm, or corporation engaged in this 77522
state as a drive-away operator or trailer transporter or both in 77523
the business of transporting and delivering, by means of the full 77524
mount method, the saddle mount method, the tow bar method, 77525
tow-away method, or any combination thereof, or under their own 77526
power, new motor vehicles from the manufacturer or any other point 77527
of origin to any point of destination, or used motor vehicles from 77528
any individual, firm, or corporation to any point of destination, 77529
or both, shall ~~make application~~ apply to the registrar of motor 77530
vehicles for an "in transit" permit. This application shall be 77531
accompanied by a registration fee of fifty dollars, and shall show 77532
such information as is considered necessary by the registrar. Upon 77533
the filing of the application and the payment of the annual fee 77534
and appropriate postage as required by the registrar, the 77535
registrar shall issue to each permittee a certificate of 77536
registration bearing a distinctive number or designation of the 77537
registration and one ~~placard~~ license plate bearing a corresponding 77538
number or designation, ~~which placard must.~~ The license plate shall 77539
be carried and displayed by each such motor vehicle in like manner 77540
as provided by law for other motor vehicles while operated upon a 77541
public highway in transit from the manufacturer or any other point 77542
of origin to any point of destination. 77543

A permittee may procure a reasonable number of ~~certified~~ 77544
~~copies of such~~ additional registration ~~certificate~~ certificates 77545

upon the payment of a fee of three dollars and postage. With each 77546
such ~~certified copy~~ additional registration certificate the 77547
registrar shall furnish one ~~placard~~ license plate with the same 77548
numbering or designation provided in the original registration 77549
certificate, and the registrar may add thereto such special 77550
designation as may be necessary to distinguish one ~~placard~~ license
plate from another. 77551
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No person required to register an apportionable vehicle under 77553
the international registration plan shall apply for or receive a 77554
~~placard~~ license plate for that vehicle under this section. 77555

Sec. 4503.34. (A) No person who is a drive-away operator or 77556
trailer transporter, or both, engaged in the business of 77557
transporting and delivering new motor vehicles or used motor 77558
vehicles, or both, by means of the full mount method, the saddle 77559
mount method, the tow bar method, the tow-away method, or any 77560
combination thereof, or under their own power, shall fail to file 77561
an application as required by section 4503.33 of the Revised Code, 77562
~~and~~ to pay the fees therefor, and to apply for and pay the legal 77563
fees for as many ~~certified copies~~ additional registration
certificates thereof as said section requires. 77564
77565

(B) Whoever violates this section is guilty of a minor 77566
misdemeanor. 77567

Sec. 4503.44. (A) As used in this section and in section 77568
4511.69 of the Revised Code: 77569

(1) "Person with a disability that limits or impairs the 77570
ability to walk" means any person who, as determined by a health 77571
care provider, meets any of the following criteria: 77572

(a) Cannot walk two hundred feet without stopping to rest; 77573

(b) Cannot walk without the use of, or assistance from, a 77574
brace, cane, crutch, another person, prosthetic device, 77575

wheelchair, or other assistive device; 77576

(c) Is restricted by a lung disease to such an extent that 77577
the person's forced (respiratory) expiratory volume for one 77578
second, when measured by spirometry, is less than one liter, or 77579
the arterial oxygen tension is less than sixty millimeters of 77580
mercury on room air at rest; 77581

(d) Uses portable oxygen; 77582

(e) Has a cardiac condition to the extent that the person's 77583
functional limitations are classified in severity as class III or 77584
class IV according to standards set by the American heart 77585
association; 77586

(f) Is severely limited in the ability to walk due to an 77587
arthritic, neurological, or orthopedic condition; 77588

(g) Is blind, legally blind, or severely visually impaired. 77589

(2) "Organization" means any private organization or 77590
corporation, or any governmental board, agency, department, 77591
division, or office, that, as part of its business or program, 77592
transports persons with disabilities that limit or impair the 77593
ability to walk on a regular basis in a motor vehicle that has not 77594
been altered for the purpose of providing it with accessible 77595
equipment for use by persons with disabilities. This definition 77596
does not apply to division (I) of this section. 77597

(3) "Health care provider" means a physician, physician 77598
assistant, advanced practice registered nurse, optometrist, or 77599
chiropractor as defined in this section except that an optometrist 77600
shall only make determinations as to division (A)(1)(g) of this 77601
section. 77602

(4) "Physician" means a person licensed to practice medicine 77603
or surgery or osteopathic medicine and surgery under Chapter 4731. 77604
of the Revised Code. 77605

(5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code. 77606
77607

(6) "Advanced practice registered nurse" means a certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code. 77608
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(7) "Physician assistant" means a person who is licensed as a physician assistant under Chapter 4730. of the Revised Code. 77613
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(8) "Optometrist" means a person licensed to engage in the practice of optometry under Chapter 4725. of the Revised Code. 77615
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(9) "Removable windshield placard" includes a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, unless otherwise specified. 77617
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(B)(1) An organization, or a person with a disability that limits or impairs the ability to walk, may apply for the registration of any motor vehicle the organization or person owns or leases. When a motor vehicle has been altered for the purpose of providing it with accessible equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar of motor vehicles or a deputy registrar for registration under this section. The application for registration of a motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk shall be accompanied by a signed statement from the applicant's health care provider certifying that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for more than six consecutive months. The application for registration of a motor vehicle that 77621
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has been altered for the purpose of providing it with accessible 77637
equipment for a person with a disability that limits or impairs 77638
the ability to walk but is owned by someone other than such a 77639
person shall be accompanied by such documentary evidence of 77640
vehicle alterations as the registrar may require by rule. 77641

(2) When an organization, a person with a disability that 77642
limits or impairs the ability to walk, or a person who does not 77643
have a disability that limits or impairs the ability to walk but 77644
owns a motor vehicle that has been altered for the purpose of 77645
providing it with accessible equipment for a person with a 77646
disability that limits or impairs the ability to walk first 77647
submits an application for registration of a motor vehicle under 77648
this section and every fifth year thereafter, the organization or 77649
person shall submit a signed statement from the applicant's health 77650
care provider, a completed application, and any required 77651
documentary evidence of vehicle alterations as provided in 77652
division (B)(1) of this section, and also a power of attorney from 77653
the owner of the motor vehicle if the applicant leases the 77654
vehicle. Upon submission of these items, the registrar or deputy 77655
registrar shall issue to the applicant appropriate vehicle 77656
registration and a set of license plates and validation stickers, 77657
or validation stickers alone when required by section 4503.191 of 77658
the Revised Code. In addition to the letters and numbers 77659
ordinarily inscribed thereon, the license plates shall be 77660
imprinted with the international symbol of access. The license 77661
plates and validation stickers shall be issued upon payment of the 77662
regular license fee as prescribed under section 4503.04 of the 77663
Revised Code and any motor vehicle tax levied under Chapter 4504. 77664
of the Revised Code, and the payment of a service fee equal to the 77665
amount ~~specified in division (D) or (G) of~~ established under 77666
section ~~4503.10~~ 4503.038 of the Revised Code. 77667

(C)(1) A person with a disability that limits or impairs the 77668

ability to walk may apply to the registrar ~~of motor vehicles~~ for a 77669
removable windshield placard by completing and signing an 77670
application provided by the registrar. ~~The~~ 77671

(2) The person shall include with the application a 77672
prescription from the person's health care provider prescribing 77673
such a placard for the person based upon a determination that the 77674
person meets at least one of the criteria contained in division 77675
(A)(1) of this section. The health care provider shall state on 77676
the prescription the length of time the health care provider 77677
expects the applicant to have the disability that limits or 77678
impairs the person's ability to walk. If the length of time the 77679
applicant is expected to have the disability is six consecutive 77680
months or less, the applicant shall submit an application for a 77681
temporary removable windshield placard. If the length of time the 77682
applicant is expected to have the disability is permanent, the 77683
applicant shall submit an application for a permanent removable 77684
windshield placard. All other applicants shall submit an 77685
application for a standard removable windshield placard. 77686

(3) In addition to one placard or one or more sets of license 77687
plates, a person with a disability that limits or impairs the 77688
ability to walk is entitled to one additional placard, but only if 77689
the person applies separately for the additional placard, states 77690
the reasons why the additional placard is needed, and the 77691
registrar, in the registrar's discretion determines that good and 77692
justifiable cause exists to approve the request for the additional 77693
placard. 77694

~~(2)~~(4) An organization may apply to the registrar of motor 77695
vehicles for a standard removable windshield placard by completing 77696
and signing an application provided by the registrar. The 77697
organization shall comply with any procedures the registrar 77698
establishes by rule. The organization shall include with the 77699
application documentary evidence that the registrar requires by 77700

rule showing that the organization regularly transports persons 77701
with disabilities that limit or impair the ability to walk. 77702

~~(3) Upon~~ (5) The registrar or deputy registrar shall issue to 77703
an applicant a standard removable windshield placard, a temporary 77704
removable windshield placard, or a permanent removable windshield 77705
placard, as applicable, upon receipt of a all of the following: 77706

(a) A completed and signed application for a removable 77707
windshield placard,~~the~~i 77708

(b) The accompanying documents required under division ~~(C)(1)~~ 77709
~~or (2)~~ (C)(2) or (4) of this section,~~and payment;~~ 77710

(c) Payment of a service fee equal to the amount ~~specified in~~ 77711
~~division (D) or (G) of~~ established under section 4503.10 4503.038 77712
of the Revised Code,~~the registrar or deputy registrar shall issue~~ 77713
~~to the applicant a removable windshield placard, which for a~~ 77714
standard removable windshield placard or a temporary removable 77715
windshield placard, or payment of fifteen dollars for a permanent 77716
removable windshield placard. 77717

(6) The removable windshield placard shall bear display the 77718
date of expiration on both sides of the placard, or the word 77719
"permanent" if the placard is a permanent removable windshield 77720
placard, and shall be valid until expired, revoked, or 77721
surrendered. ~~Every~~ Except for a permanent removable windshield 77722
placard, which has no expiration, a removable windshield placard 77723
~~expires as described in division (C)(4) of this section, but in on~~ 77724
the earliest of the following two dates: 77725

(a) The date that the person issued the placard is expected 77726
to no longer have the disability that limits or impairs the 77727
ability to walk, as indicated on the prescription submitted with 77728
the application for the placard; 77729

(b) Ten years after the date of issuance on the placard. 77730

In no case shall a removable windshield placard be valid for 77731
a period of less than sixty days. ~~Removable~~ 77732

(7) Standard removable windshield placards shall be renewable 77733
upon application ~~as provided in division (C)(1) or (2) of this~~ 77734
~~section~~ and upon payment of a service fee equal to the amount 77735
~~specified in division (D) or (G) of~~ established under section 77736
~~4503.10 4503.038~~ of the Revised Code ~~for the renewal of a~~ 77737
~~removable windshield placard~~. The registrar shall provide the 77738
application form and shall determine the information to be 77739
included thereon. ~~The~~ 77740

(8) The registrar ~~also~~ shall determine the form and size of 77741
each type of the removable windshield placard, the material of 77742
which it is to be made, any differences in color between each type 77743
of placard to make them readily identifiable, and any other 77744
information to be included thereon, and shall adopt rules relating 77745
to the issuance, expiration, revocation, surrender, and proper 77746
display of such placards. A temporary removable windshield placard 77747
shall display the word "temporary" in letters of such size as the 77748
registrar shall prescribe. Any placard issued after October 14, 77749
1999, shall be manufactured in a manner that allows the expiration 77750
date of the placard to be indicated on it through the punching, 77751
drilling, boring, or creation by any other means of holes in the 77752
placard. 77753

~~(4)~~(9) At the time a removable windshield placard is issued 77754
to a person with a disability that limits or impairs the ability 77755
to walk, the registrar or deputy registrar shall enter into the 77756
records of the bureau of motor vehicles the last date on which the 77757
person will have that disability, as indicated on the accompanying 77758
prescription. ~~Not~~ For a standard removable windshield placard, not 77759
less than thirty days prior to that date and ~~all removable~~ 77760
~~windshield placard~~ any renewal dates, the bureau shall send a 77761
renewal notice to that person at the person's last known address 77762

as shown in the records of the bureau, informing the person that 77763
the person's removable windshield placard will expire on the 77764
indicated date ~~not to exceed ten years from the date of issuance,~~ 77765
and that the person is required to renew the placard by submitting 77766
to the registrar or a deputy registrar another prescription, ~~as~~ 77767
~~described in division (C)(1) or (2) of this section,~~ and by 77768
complying with the renewal provisions ~~prescribed in division~~ 77769
~~(C)(3) of this section.~~ If such a prescription is not received by 77770
the registrar or a deputy registrar by that date, the placard 77771
issued to that person expires and no longer is valid, and this 77772
fact shall be recorded in the records of the bureau. 77773

~~(5)(10)~~ At least once every year, on a date determined by the 77774
registrar, the bureau shall examine the records of the office of 77775
vital statistics, located within the department of health, that 77776
pertain to deceased persons, and also the bureau's records of all 77777
persons who have been issued removable windshield placards ~~and~~ 77778
~~temporary removable windshield placards.~~ If the records of the 77779
office of vital statistics indicate that a person to whom a 77780
removable windshield placard ~~or temporary removable windshield~~ 77781
~~placard~~ has been issued is deceased, the bureau shall cancel that 77782
placard, and note the cancellation in its records. 77783

The office of vital statistics shall make available to the 77784
bureau all information necessary to enable the bureau to comply 77785
with division ~~(C)(5)~~ (C)(10) of this section. 77786

~~(6)(11)~~ Nothing in this section shall be construed to require 77787
a person or organization to apply for a removable windshield 77788
placard or accessible license plates if the accessible license 77789
plates issued to the person or organization under prior law have 77790
not expired or been surrendered or revoked. 77791

~~(D)(1)(a)~~ A person with a disability that limits or impairs 77792
the ability to walk may apply to the registrar or a deputy 77793
registrar for a temporary removable windshield placard. The 77794

~~application for a temporary removable windshield placard shall be 77795
accompanied by a prescription from the applicant's health care 77796
provider prescribing such a placard for the applicant, provided 77797
that the applicant meets at least one of the criteria contained in 77798
division (A)(1) of this section and that the disability is 77799
expected to continue for six consecutive months or less. The 77800
health care provider shall state on the prescription the length of 77801
time the health care provider expects the applicant to have the 77802
disability that limits or impairs the applicant's ability to walk, 77803
which cannot exceed six months from the date of the prescription. 77804
Upon receipt of an application for a temporary removable 77805
windshield placard, presentation of the prescription from the 77806
applicant's health care provider, and payment of a service fee 77807
equal to the amount specified in division (D) or (C) of section 77808
4503.10 of the Revised Code, the registrar or deputy registrar 77809
shall issue to the applicant a temporary removable windshield 77810
placard. 77811~~

~~(b)(D) Any active-duty member of the armed forces of the 77812
United States, including the reserve components of the armed 77813
forces and the national guard, who has an illness or injury that 77814
limits or impairs the ability to walk may apply to the registrar 77815
or a deputy registrar for a temporary removable windshield 77816
placard. With the application, the person shall present evidence 77817
of the person's active-duty status and the illness or injury. 77818
Evidence of the illness or injury may include a current department 77819
of defense convalescent leave statement, any department of defense 77820
document indicating that the person currently has an ill or 77821
injured casualty status or has limited duties, or a prescription 77822
from any health care provider prescribing the placard for the 77823
applicant. Upon receipt of the application and the necessary 77824
evidence, the registrar or deputy registrar shall issue the 77825
applicant the temporary removable windshield placard without the 77826
payment of any service fee. 77827~~

~~(2) The temporary removable windshield placard shall be of 77828
the same size and form as the removable windshield placard, shall 77829
be printed in white on a red colored background, and shall bear 77830
the word "temporary" in letters of such size as the registrar 77831
shall prescribe. A temporary removable windshield placard also 77832
shall bear the date of expiration on the front and back of the 77833
placard, and shall be valid until expired, surrendered, or 77834
revoked, but in no case shall such a placard be valid for a period 77835
of less than sixty days. The registrar shall provide the 77836
application form and shall determine the information to be 77837
included on it, provided that the registrar shall not require a 77838
health care provider's prescription or certification for a person 77839
applying under division (D)(1)(b) of this section. The registrar 77840
also shall determine the material of which the temporary removable 77841
windshield placard is to be made and any other information to be 77842
included on the placard and shall adopt rules relating to the 77843
issuance, expiration, surrender, revocation, and proper display of 77844
those placards. Any temporary removable windshield placard issued 77845
after October 14, 1999, shall be manufactured in a manner that 77846
allows for the expiration date of the placard to be indicated on 77847
it through the punching, drilling, boring, or creation by any 77848
other means of holes in the placard. 77849~~

(E) If an applicant for a removable windshield placard is a 77850
veteran of the armed forces of the United States whose disability, 77851
as defined in division (A)(1) of this section, is 77852
service-connected, the registrar or deputy registrar, upon receipt 77853
of the application, presentation of a signed statement from the 77854
applicant's health care provider certifying the applicant's 77855
disability, and presentation of such documentary evidence from the 77856
department of veterans affairs that the disability of the 77857
applicant meets at least one of the criteria identified in 77858
division (A)(1) of this section and is service-connected as the 77859
registrar may require by rule, but without the payment of any 77860

service fee, shall issue the applicant a removable windshield placard that is valid until expired, surrendered, or revoked. 77861
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~~(F)~~(F)(1) Upon a conviction of a violation of division (H) or (I) of this section, the court shall report the conviction, and send the placard, if available, to the registrar, who thereupon shall revoke the privilege of using the placard and send notice in writing to the placardholder at that holder's last known address as shown in the records of the bureau, and the placardholder shall return the placard if not previously surrendered to the court, to the registrar within ten days following mailing of the notice. 77863
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(2) Whenever a person to whom a removable windshield placard has been issued moves to another state, the person shall surrender the placard to the registrar; and whenever an organization to which a placard has been issued changes its place of operation to another state, the organization shall surrender the placard to the registrar. 77871
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(3) If a person no longer requires a permanent removable windshield placard, the person shall notify and surrender the placard to the registrar or deputy registrar within ten days of no longer requiring the placard. The person may still apply for a standard removable windshield placard or temporary removable windshield placard, if applicable. 77877
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(G) Subject to division (F) of section 4511.69 of the Revised Code, the operator of a motor vehicle displaying a removable windshield placard, ~~temporary removable windshield placard,~~ or the accessible license plates authorized by this section is entitled to park the motor vehicle in any accessible parking location reserved for persons with disabilities that limit or impair the ability to walk. 77883
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(H) No person or organization that is not eligible for the issuance of license plates or any placard under this section shall 77890
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willfully and falsely represent that the person or organization is 77892
so eligible. 77893

No person or organization shall display license plates issued 77894
under this section unless the license plates have been issued for 77895
the vehicle on which they are displayed and are valid. 77896

(I) No person or organization to which a removable windshield 77897
~~placard or temporary removable windshield placard~~ is issued shall 77898
do either of the following: 77899

(1) Display or permit the display of the placard on any motor 77900
vehicle when having reasonable cause to believe the motor vehicle 77901
is being used in connection with an activity that does not include 77902
providing transportation for persons with disabilities that limit 77903
or impair the ability to walk; 77904

(2) Refuse to return or surrender the placard, when required. 77905

(J) If a removable windshield placard, ~~temporary removable~~ 77906
~~windshield placard~~, or parking card is lost, destroyed, or 77907
mutilated, the placardholder or cardholder may obtain a duplicate 77908
by doing both of the following: 77909

(1) Furnishing suitable proof of the loss, destruction, or 77910
mutilation to the registrar; 77911

(2) Paying a service fee equal to the amount ~~specified in~~ 77912
~~division (D) or (C) of section 4503.10 of the Revised Code paid~~ 77913
when the placardholder obtained the original placard. 77914

Any placardholder ~~or cardholder~~ who loses a placard ~~or card~~ 77915
and, after obtaining a duplicate, finds the original, immediately 77916
shall surrender the original placard ~~or card~~ to the registrar. 77917

(K)(1) The registrar shall pay all fees received under this 77918
section for the issuance of removable windshield placards ~~or~~ 77919
~~temporary removable windshield placards~~ or duplicate removable 77920
windshield placards ~~or cards~~ into the state treasury to the credit 77921

of the public safety - highway purposes fund created in section 77922
4501.06 of the Revised Code. 77923

(2) In addition to the fees collected under this section, the 77924
registrar or deputy registrar shall ask each person applying for a 77925
removable windshield placard ~~or temporary removable windshield~~ 77926
~~placard~~ or duplicate removable windshield placard or license plate 77927
issued under this section, whether the person wishes to make a 77928
two-dollar voluntary contribution to support rehabilitation 77929
employment services. The registrar shall transmit the 77930
contributions received under this division to the treasurer of 77931
state for deposit into the rehabilitation employment fund, which 77932
is hereby created in the state treasury. A deputy registrar shall 77933
transmit the contributions received under this division to the 77934
registrar in the time and manner prescribed by the registrar. The 77935
contributions in the fund shall be used by the opportunities for 77936
Ohioans with disabilities agency to purchase services related to 77937
vocational evaluation, work adjustment, personal adjustment, job 77938
placement, job coaching, and community-based assessment from 77939
accredited community rehabilitation program facilities. 77940

(L) For purposes of enforcing this section, every peace 77941
officer is deemed to be an agent of the registrar. Any peace 77942
officer or any authorized employee of the bureau of motor vehicles 77943
who, in the performance of duties authorized by law, becomes aware 77944
of a person whose removable windshield placard or parking card has 77945
been revoked pursuant to this section, may confiscate that placard 77946
or parking card and return it to the registrar. The registrar 77947
shall prescribe any forms used by law enforcement agencies in 77948
administering this section. 77949

No peace officer, law enforcement agency employing a peace 77950
officer, or political subdivision or governmental agency employing 77951
a peace officer, and no employee of the bureau is liable in a 77952
civil action for damages or loss to persons arising out of the 77953

performance of any duty required or authorized by this section. As 77954
used in this division, "peace officer" has the same meaning as in 77955
division (B) of section 2935.01 of the Revised Code. 77956

(M) All applications for registration of motor vehicles, and 77957
removable windshield placards, ~~and temporary removable windshield~~ 77958
~~placards~~ issued under this section, all renewal notices for such 77959
items, and all other publications issued by the bureau that relate 77960
to this section shall set forth the criminal penalties that may be 77961
imposed upon a person who violates any provision relating to 77962
accessible license plates issued under this section, the parking 77963
of vehicles displaying such license plates, and the issuance, 77964
procurement, use, and display of removable windshield placards and 77965
~~temporary removable windshield placards~~ issued under this section. 77966

(N) Whoever violates this section is guilty of a misdemeanor 77967
of the fourth degree. 77968

Sec. 4503.519. (A)(1) The owner or lessee of any passenger 77969
car, noncommercial motor vehicle, recreational vehicle, or other 77970
vehicle of a class approved by the registrar of motor vehicles may 77971
apply to the registrar for the registration of the vehicle and 77972
issuance of "Recovery is Beautiful" license plates. The 77973
application may be combined with a request for a special reserved 77974
license plate under section 4503.40 or 4503.42 of the Revised 77975
Code. Upon receipt of the completed application and compliance by 77976
the applicant with divisions (B) and (C) of this section, the 77977
registrar shall issue to the applicant the appropriate vehicle 77978
registration and a set of "Recovery is Beautiful" license plates 77979
and a validation sticker, or a validation sticker alone when 77980
required by section 4503.191 of the Revised Code. 77981

(2) In addition to the letters and numbers ordinarily 77982
inscribed on the license plates, "Recovery is Beautiful" license 77983
plates shall display an appropriate logo and words that are 77984

approved by the registrar after being jointly selected by all of 77985
the following: 77986

(a) NAMI Ohio (national alliance on mental illness of Ohio); 77987

(b) OCAAR (Ohio citizen advocates for addiction recovery); 77988

(c) Ohio PRO (Ohio peer recovery organizations); 77989

(d) The Ohio council; 77990

(e) OACBHA (Ohio association of county behavioral health 77991
authorities). 77992

(3) "Recovery is Beautiful" license plates shall display 77993
county identification stickers that identify the county of 77994
registration as required under section 4503.19 of the Revised 77995
Code. 77996

(B) "Recovery is Beautiful" license plates and a validation 77997
sticker, or validation sticker alone, shall be issued upon receipt 77998
of an application for registration of a motor vehicle under this 77999
section; payment of the regular license tax as prescribed under 78000
section 4503.04 of the Revised Code, any applicable motor vehicle 78001
license tax levied under Chapter 4504. of the Revised Code, any 78002
applicable additional fee prescribed by section 4503.40 or 4503.42 78003
of the Revised Code, an additional administrative fee of ten 78004
dollars, and a contribution as provided in division (C)(1) of this 78005
section; and compliance with all other applicable laws relating to 78006
the registration of motor vehicles. 78007

(C)(1) For each application for registration and registration 78008
renewal notice the registrar receives under this section, the 78009
registrar shall collect a contribution of ~~twenty~~ twenty-one 78010
dollars. The registrar shall deposit this contribution into the 78011
state treasury to the credit of the license plate contribution 78012
fund created in section 4501.21 of the Revised Code. 78013

(2) The registrar shall deposit the administrative fee of ten 78014

dollars, the purpose of which is to compensate the bureau of motor vehicles for additional services required in the issuing of "Recovery is Beautiful" license plates, into the state treasury to the credit of the public safety - highway purposes fund created in section 4501.06 of the Revised Code.

Sec. 4503.584. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and issuance of "~~Ohio Oil and Gas~~ Natural Energy Education Program Institute" license plates. The application may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "~~Ohio Oil and Gas~~ Natural Energy Education Program Institute" license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed on the license plates, "~~Ohio Oil and Gas~~ Natural Energy Education Program Institute" license plates shall display an appropriate logo and words that are selected by representatives of the Ohio oil and gas association and approved by the registrar. "~~Ohio Oil and Gas~~ Natural Energy Education Program Institute" license plates shall display county identification stickers that identify the county of registration as required under section 4503.19 of the Revised Code.

(B) "~~Ohio Oil and Gas~~ Natural Energy Education Program Institute" license plates and a validation sticker, or validation sticker alone, shall be issued upon receipt of an application for

registration of a motor vehicle under this section; payment of the 78046
regular license tax as prescribed under section 4503.04 of the 78047
Revised Code, any applicable motor vehicle license tax levied 78048
under Chapter 4504. of the Revised Code, any applicable additional 78049
fee prescribed by section 4503.40 or 4503.42 of the Revised Code, 78050
an additional administrative fee of ten dollars, and a 78051
contribution as provided in division (C)(1) of this section; and 78052
compliance with all other applicable laws relating to the 78053
registration of motor vehicles. 78054

(C)(1) For each application for registration and registration 78055
renewal notice the registrar receives under this section, the 78056
registrar shall collect a contribution of twenty dollars. The 78057
registrar shall deposit this contribution into the state treasury 78058
to the credit of the license plate contribution fund created in 78059
section 4501.21 of the Revised Code. 78060

(2) The registrar shall deposit the administrative fee of ten 78061
dollars, the purpose of which is to compensate the bureau of motor 78062
vehicles for additional services required in the issuing of "Ohio 78063
~~Oil and Gas~~ Natural Energy Education Program Institute" license 78064
plates, into the state treasury to the credit of the public safety 78065
- highway purposes fund created in section 4501.06 of the Revised 78066
Code. 78067

Sec. 4503.703. (A) The owner or lessee of any passenger car, 78068
noncommercial motor vehicle, recreational vehicle, or other 78069
vehicle of a class approved by the registrar of motor vehicles may 78070
apply to the registrar for the registration of the vehicle and 78071
issuance of "Loyal Order of the Moose" license plates. The 78072
application may be combined with a request for a special reserved 78073
license plate under section 4503.40 or 4503.42 of the Revised 78074
Code. Upon receipt of the completed application and compliance by 78075
the applicant with divisions (B) and (C) of this section, the 78076

registrar shall issue to the applicant the appropriate vehicle 78077
registration and a set of "Loyal Order of the Moose" license 78078
plates and a validation sticker, or a validation sticker alone 78079
when required by section 4503.191 of the Revised Code. 78080

In addition to the letters and numbers ordinarily inscribed 78081
on the license plates, "Loyal Order of the Moose" license plates 78082
shall display an appropriate logo and words that are selected by 78083
representatives of the Ohio ~~chapter of the loyal order of the~~ 78084
~~moose~~ state moose association and approved by the registrar. 78085
"Loyal Order of the Moose" license plates shall display county 78086
identification stickers that identify the county of registration 78087
as required under section 4503.19 of the Revised Code. 78088

(B) "Loyal Order of the Moose" license plates and a 78089
validation sticker, or validation sticker alone, shall be issued 78090
upon receipt of an application for registration of a motor vehicle 78091
under this section; payment of the regular license tax as 78092
prescribed under section 4503.04 of the Revised Code, any 78093
applicable motor vehicle license tax levied under Chapter 4504. of 78094
the Revised Code, any applicable additional fee prescribed by 78095
section 4503.40 or 4503.42 of the Revised Code, an additional 78096
administrative fee of ten dollars, and a contribution as provided 78097
in division (C)(1) of this section; and compliance with all other 78098
applicable laws relating to the registration of motor vehicles. 78099

(C)(1) For each application for registration and registration 78100
renewal notice the registrar receives under this section, the 78101
registrar shall collect a contribution of twenty dollars. The 78102
registrar shall deposit this contribution into the state treasury 78103
to the credit of the license plate contribution fund created in 78104
section 4501.21 of the Revised Code. 78105

(2) The registrar shall deposit the administrative fee of ten 78106
dollars, the purpose of which is to compensate the bureau of motor 78107
vehicles for additional services required in the issuing of "Loyal 78108

Order of the Moose" license plates, into the state treasury to the 78109
credit of the public safety - highway purposes fund created in 78110
section 4501.06 of the Revised Code. 78111

Sec. 4504.22. (A) As used in this section: 78112

(1) "Business" means a sole proprietorship, a corporation for 78113
profit, or a pass-through entity as defined in section 5733.04 of 78114
the Revised Code. 78115

(2) "Owner" means a partner of a partnership, a member of a 78116
limited liability company, a majority shareholder of an S 78117
corporation, a person with a majority ownership interest in a 78118
pass-through entity, or any officer, employee, or agent with 78119
authority to make decisions legally binding upon a business. 78120

(3) "Truck," "trailer," and "semitrailer" have the same 78121
meanings as in section 4501.01 of the Revised Code. 78122

(4) "Commercial trailer" means any trailer that is not a 78123
noncommercial trailer as defined in section 4501.01 of the Revised 78124
Code. 78125

(B) The governing board of a regional transportation 78126
improvement project created under Chapter 5595. of the Revised 78127
Code may request that the board of county commissioners of each 78128
county participating in the project propose an annual license tax 78129
upon the operation of motor vehicles on public roads in the 78130
respective counties. If a governing board makes such a request, 78131
the governing board shall make the request to the boards of 78132
commissioners of all counties participating in the project. The 78133
request shall be in writing and, if the governing board adopted a 78134
resolution to allocate revenue from such taxes to fund 78135
supplemental transportation improvements as provided in division 78136
(B) of section 5595.06 of the Revised Code, shall be accompanied 78137
by a copy of the resolution adopted under that division. If the 78138

governing board intends for the taxes to apply to trucks, the 78139
request shall so state. The purposes of each of the taxes shall be 78140
to pay the costs of transportation improvements and opportunity 78141
corridor improvements, as those terms are defined by section 78142
5595.01 of the Revised Code, to pay the costs of supplemental 78143
improvements necessary to develop or complete the project, to pay 78144
debt service charges on obligations issued for those purposes, to 78145
supplement other revenue already available for such purposes, and 78146
to pay the cost of enforcing and administering the tax. No such 78147
tax may be levied unless the board of commissioners of each 78148
participating county consents to propose levying the tax and a 78149
majority of electors voting on the tax in each county as provided 78150
in this section approve the resolution levying the tax in that 78151
county. 78152

Each county's tax shall be levied in an increment of five 78153
dollars, not exceeding twenty-five dollars, per motor vehicle as 78154
determined by the governing board of the regional transportation 78155
improvement project. Commercial trailers and semitrailers shall 78156
not be subject to the tax. Trucks shall not be subject to the tax 78157
unless the governing board's request states that trucks shall be 78158
subject to the tax. If trucks are to be subject to the tax, the 78159
governing board shall proceed as required by division (D) of this 78160
section before the governing board submits its request to the 78161
boards of county commissioners under this division. The owner of 78162
each motor vehicle subject to the tax who resides in the county 78163
where the tax applies shall pay the tax levied by the board of 78164
county commissioners. The tax is in addition to all other taxes 78165
levied under this chapter and subject to reduction in the manner 78166
provided in division (B)(2) of section 4503.11 of the Revised 78167
Code. Each tax shall apply at a uniform rate throughout the 78168
county. Taxes levied under this section shall not apply to 78169
registrations for any registration year beginning before January 78170
1, 2017. The taxes shall continue in effect until expiration or 78171

repeal or until the dissolution of the regional transportation improvement project for which the taxes are levied. 78172
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(C) If the board of commissioners of each county participating in the regional transportation improvement project consents, by resolution, to the governing board's request to levy a tax under this section, the board of commissioners of each such county shall adopt a resolution levying the tax and proposing to submit the question of the tax to the electors of the county. The resolution shall specify the rate of the tax, the date on which the tax will terminate, and, if the request of the governing board of the regional transportation improvement project indicates that a portion of the revenue will be used for supplemental transportation improvements, the portion of the tax revenue that will be used for such supplemental improvements. The rate of the tax levied in each county, the election at which the question is to be submitted, the first registration year the tax will be levied, the date on which the tax will terminate, and whether the tax applies to trucks shall be identical for all the counties. 78174
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The board of elections of each county shall submit the question of the tax to the electors at the primary or general election to be held not less than ninety days after the board of county commissioners certifies to the county board of elections its resolution proposing the tax. The secretary of state shall prescribe the form of the ballot for the election. If the question of the tax is approved by a majority of the electors voting on the question of the tax in each county, the board of county commissioners of each county shall levy the tax as provided in the resolution. 78190
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A tax shall not be levied in any of the counties participating in the regional transportation improvement project unless the majority of electors voting on the question in each of those counties approve the question. If the question of the tax is 78200
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approved in each county, the board of commissioners of the most 78204
populous of such counties as determined by the most recent federal 78205
decennial census shall certify the copies of all counties' 78206
resolutions to the registrar of motor vehicles as provided in 78207
section 4504.08 of the Revised Code. 78208

(D) If the taxes to be levied under this section would apply 78209
to the operation of trucks on public highways in the counties 78210
levying the tax, the governing board of the regional 78211
transportation improvement project that requested the levy of the 78212
taxes shall appoint a transportation advisory council. The council 78213
shall review the proposed license taxes in conjunction with the 78214
cooperative agreement for the project and determine if the 78215
agreement and taxes are in the best interests of businesses 78216
operating in the counties in which the taxes would be imposed. The 78217
governing board shall not submit a proposed tax to boards of 78218
county commissioners under division (B) of this section unless the 78219
tax is approved by the transportation advisory council or the tax 78220
does not apply to trucks. 78221

The transportation advisory council is a public body for the 78222
purposes of section 121.22 of the Revised Code and is a public 78223
office for the purposes of section 149.43 of the Revised Code. 78224
Members of the council shall not be considered to be holding a 78225
direct or indirect interest in a contract or expenditure of money 78226
by a county or a regional transportation improvement project 78227
because of their affiliation with the council. 78228

The transportation advisory council shall consist of one 78229
member for each county participating in the regional 78230
transportation improvement project. For each county, the governing 78231
board of the project shall first appoint an owner of the business 78232
that owns the most trucks that would be subject to the license tax 78233
if it was imposed in that county, or an individual designated by 78234
the owner to serve in the owner's place. If the owner of the 78235

business is unable or unwilling to serve on the council or to 78236
designate an individual to serve in the owner's place, the 78237
governing board shall appoint an owner of the business that owns 78238
the next most trucks that would be subject to the license tax if 78239
it was imposed in that county, or an individual designated by the 78240
owner to serve in the owner's place. The governing board shall 78241
repeat this appointment procedure until each position on the 78242
council has been filled. No business may have more than one 78243
representative on the council. If the appointment procedure 78244
results in an owner of the same business being appointed to the 78245
council more than once, the governing board shall skip that 78246
business in the appointment order in one of the participating 78247
counties and instead appoint an owner of the business that owns 78248
the next most trucks that would be subject to the license tax if 78249
it was imposed in that county, or an individual designated by the 78250
owner to serve in the owner's place. Two businesses are the same 78251
business for the purposes of this division if more than fifty per 78252
cent of the controlling interest in each of the businesses is 78253
owned by the same person or persons. 78254

The transportation advisory council shall hold at least one 78255
public meeting before voting on whether to approve the proposed 78256
license tax or taxes. Meetings shall be held in the most populous 78257
county in which a proposed license tax would be levied. Population 78258
shall be determined by reference to the most recent federal 78259
decennial census. Attendance by a majority of the members of the 78260
council constitutes a quorum to conduct the business of the 78261
council. At the meeting, the council shall consider the question 78262
of whether the license taxes and the cooperative agreement are in 78263
the best interests of the businesses operating in the counties in 78264
which the taxes would be imposed. In considering this question, 78265
the council shall allow the governing board, or a representative 78266
thereof, the opportunity to present testimony on the license taxes 78267
and the cooperative agreement. The council also shall allow time, 78268

during the meeting or meetings, for public comment on the license tax or taxes and the cooperative agreement. The council may hold an executive session in the manner provided in and subject to the limitations of section 122.22 of the Revised Code.

If the council, by majority vote of the membership of the council, determines that the license taxes and the cooperative agreement are in the best interests of the businesses operating within counties in which the tax would be levied, the governing board may submit requests to the appropriate boards of county commissioners that the license tax be placed on the ballot in accordance with division (C) of this section. If the council does not approve the license taxes and the cooperative agreement, the council shall provide recommendations to the governing board for ways in which the proposed license taxes and the cooperative agreement may be modified to meet the approval of the council. Such recommendations shall be in writing and shall be sent to the governing board within fourteen days after the vote of the council on the license taxes and the cooperative agreement.

The transportation advisory council shall dissolve by operation of law upon approving a license tax proposal under this division.

The governing board shall make appropriations as are necessary to pay the costs incurred by the council in the exercise of its functions under this division.

(E) The registrar of motor vehicles shall deposit revenue from each of the taxes levied under this section that is received by the registrar under section 4504.09 of the Revised Code in the local motor vehicle license tax fund created by section 4501.031 of the Revised Code. The registrar shall distribute the revenue from each tax to the appropriate board of county commissioners. The registrar may assign to each board of county commissioners a unique code to facilitate the distribution of the revenue, which

may be the same unique code assigned to that county under section 78301
4501.03 of the Revised Code. The board of county commissioners 78302
then shall pay the money to the governing board of the regional 78303
transportation improvement project that requested that the 78304
question of the levying of the tax be placed on the ballot. 78305

Sec. 4505.061. (A) If the application for a certificate of 78306
title refers to a motor vehicle last previously registered in 78307
another state, the application shall be accompanied by a physical 78308
inspection certificate issued by the ~~department of public safety~~ 78309
registrar of motor vehicles. A physical inspection of a motor 78310
vehicle shall consist of verifying the make, body type, model, and 78311
mileage of, and manufacturer's vehicle identification number ~~of~~ 78312
from, the motor vehicle for which the certificate of title is 78313
desired. 78314

(B) The physical inspection certificate shall be in such form 78315
as is designated by the registrar ~~of motor vehicles. The~~ Except as 78316
provided for in division (C) of this section, the physical 78317
inspection of the motor vehicle shall ~~be made~~ occur at a either of 78318
the following: 78319

(1) A deputy registrar's office, ~~or at an;~~ 78320

(2) An established place of business ~~operated by~~ of a 78321
licensed motor vehicle dealer located in this state. ~~Additionally,~~ 78322
the 78323

(C) The physical inspection of a salvage vehicle owned by an 78324
insurance company may be made at an established place of business 78325
~~operated by a~~ of any of the following that is licensed and located 78326
in this state: 78327

(1) A motor vehicle salvage dealer, ~~;~~ 78328

(2) A salvage motor vehicle auction, ~~or;~~ 78329

(3) A salvage motor vehicle pool ~~licensed under Chapter 4738.~~ 78330

~~of the Revised Code. The~~ 78331

(D) The deputy registrar, motor vehicle dealer, motor vehicle 78332
salvage dealer, salvage motor vehicle auction, or salvage motor 78333
vehicle pool may charge a maximum fee equal to the amount 78334
established under section 4503.038 of the Revised Code for 78335
conducting the physical inspection. 78336

(E) The clerk of the court of common pleas shall charge a fee 78337
of one dollar and fifty cents for the processing of each physical 78338
inspection certificate. The clerk shall retain fifty cents of the 78339
one dollar and fifty cents so charged and shall pay the remaining 78340
one dollar to the registrar by monthly returns, which shall be 78341
forwarded to the registrar not later than the fifth day of the 78342
month next succeeding that in which the certificate is received by 78343
the clerk. The registrar shall pay such remaining sums into the 78344
public safety - highway purposes fund established by section 78345
4501.06 of the Revised Code. 78346

Sec. 4506.04. (A) No person shall do any of the following: 78347

(1) Drive a commercial motor vehicle while having in the 78348
person's possession or otherwise under the person's control more 78349
than one valid driver's license issued by this state, any other 78350
state, or by a foreign jurisdiction; 78351

(2) Drive a commercial motor vehicle on a highway in this 78352
state in violation of an out-of-service order, while the person's 78353
driving privilege is suspended, revoked, or canceled, or while the 78354
person is subject to disqualification; 78355

(3) Drive a motor vehicle on a highway in this state under 78356
authority of a commercial driver's license issued by another state 78357
or a foreign jurisdiction, after having been a resident of this 78358
state for thirty days or longer; 78359

(4) Knowingly give false information in any application or 78360

certification required by section 4506.07 of the Revised Code; 78361

(5) Knowingly provide false statements or engage in any 78362
fraudulent act related to testing for a commercial driver's 78363
license as required in section 4506.09 of the Revised Code. 78364

(B) The department of public safety shall give every 78365
conviction occurring out of this state and notice of which is 78366
received after December 31, 1989, full faith and credit and treat 78367
it for sanctioning purposes under this chapter as though the 78368
conviction had occurred in this state. 78369

(C)(1) Whoever violates division (A)(1), (2), or (3) of this 78370
section is guilty of a misdemeanor of the first degree. 78371

(2) Whoever violates division (A)(4) of this section is 78372
guilty of falsification, a misdemeanor of the first degree. In 78373
addition, the provisions of section 4507.19 of the Revised Code 78374
apply. 78375

(3) Whoever violates division (A)(5) of this section is 78376
guilty of falsification, a misdemeanor of the third degree. In 78377
addition, the provisions of section 4507.19 of the Revised Code 78378
apply. 78379

Sec. 4506.06. (A) The registrar of motor vehicles, upon 78380
receiving an application for a commercial driver's license 78381
temporary instruction permit, may issue the permit to any person 78382
who is at least eighteen years of age and holds a valid driver's 78383
license, other than a restricted license, issued under Chapter 78384
4507. of the Revised Code. The registrar shall not issue a 78385
commercial driver's license temporary instruction permit for a 78386
period exceeding ~~six~~ twelve months. ~~The registrar shall grant only 78387~~
~~one renewal of such a permit in a two year period.~~ A commercial 78388
driver's license temporary instruction permit is a prerequisite ~~to 78389~~
the for the following: 78390

(1) An initial issuance of a commercial driver's license and 78391
the when a skills test is required; 78392

(2) An upgrade of a commercial driver's license if the 78393
upgrade requires when a skills test is required. 78394

(B) The holder of a commercial driver's license temporary 78395
instruction permit, unless otherwise disqualified, may drive a 78396
commercial motor vehicle only when the holder has the permit in 78397
the holder's actual possession and is accompanied by a person who: 78398

(1) Holds a valid commercial driver's license and all 78399
necessary endorsements for the type of vehicle being driven; 78400

(2) Occupies a seat beside the permit holder for the purpose 78401
of giving instruction in driving the motor vehicle; and 78402

(3) Has the permit holder under observation and direct 78403
supervision. 78404

(C)(1) The director of public safety shall adopt rules, in 78405
accordance with Chapter 119. of the Revised Code, authorizing the 78406
waiver of the knowledge test that is generally required in order 78407
to obtain a commercial driver's license temporary instruction 78408
permit. In order to obtain the waiver, an applicant for a 78409
commercial driver's license temporary instruction permit shall 78410
certify and provide evidence that, during the one-year period 78411
immediately preceding the application for the permit, all of the 78412
following apply: 78413

(a) As authorized under 49 C.F.R. 383.77, the applicant is or 78414
was regularly employed and designated as one of the following: 78415

(i) A motor transport operator - 88M, army; 78416

(ii) A PATRIOT launching station operator - 14T, army; 78417

(iii) A fueler - 92F, army; 78418

(iv) A vehicle operator - 2T1, air force; 78419

(v) A fueler - 2F0, air force;	78420
(vi) A pavement and construction equipment operator - 3E2, air force;	78421 78422
(vii) A motor vehicle operator - 3531, marine corps;	78423
(viii) An equipment operator - E.O., navy.	78424
(b) The applicant has been operating a vehicle representative of the type of commercial motor vehicle that the applicant expects to operate upon separation from the military or operated such a vehicle immediately preceding such separation.	78425 78426 78427 78428
(c) The applicant has not held more than one license simultaneously, excluding any military license.	78429 78430
(d) The applicant has not had any license suspended, revoked, or canceled.	78431 78432
(e) The applicant has not had any convictions, for any type of motor vehicle, for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.	78433 78434 78435
(f) The applicant has not had more than one conviction, for any type of motor vehicle, for a serious traffic violation.	78436 78437
(g) The applicant has not had any violation of a military, state, or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.	78438 78439 78440 78441 78442
(2) The waiver established under division (C) of this section does not apply to a United States reserve technician.	78443 78444
(D) Whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the first degree.	78445 78446
Sec. 4506.09. (A) The registrar of motor vehicles, subject to approval by the director of public safety, shall adopt rules	78447 78448

conforming with applicable standards adopted by the federal motor 78449
carrier safety administration as regulations under Pub. L. No. 78450
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 78451
31317. The rules shall establish requirements for the 78452
qualification and testing of persons applying for a commercial 78453
driver's license, which are in addition to other requirements 78454
established by this chapter. Except as provided in division (B) of 78455
this section, the highway patrol or any other employee of the 78456
department of public safety the registrar authorizes shall 78457
supervise and conduct the testing of persons applying for a 78458
commercial driver's license. 78459

(B) The director may adopt rules, in accordance with Chapter 78460
119. of the Revised Code and applicable requirements of the 78461
federal motor carrier safety administration, authorizing the 78462
skills test specified in this section to be administered by any 78463
person, by an agency of this or another state, or by an agency, 78464
department, or instrumentality of local government. Each party 78465
authorized under this division to administer the skills test may 78466
charge a maximum divisible fee of one hundred fifteen dollars for 78467
each skills test given as part of a commercial driver's license 78468
examination. The fee shall consist of not more than twenty-seven 78469
dollars for the pre-trip inspection portion of the test, not more 78470
than twenty-seven dollars for the off-road maneuvering portion of 78471
the test, and not more than sixty-one dollars for the on-road 78472
portion of the test. Each such party may require an appointment 78473
fee in the same manner provided in division (E)(2) of this 78474
section, except that the maximum amount such a party may require 78475
as an appointment fee is one hundred fifteen dollars. The skills 78476
test administered by another party under this division shall be 78477
the same as otherwise would be administered by this state. The 78478
other party shall enter into an agreement with the director that, 78479
without limitation, does all of the following: 78480

(1) Allows the director or the director's representative and the federal motor carrier safety administration or its representative to conduct random examinations, inspections, and audits of the other party, whether covert or overt, without prior notice;

(2) Requires the director or the director's representative to conduct on-site inspections of the other party at least annually;

(3) Requires that all examiners of the other party meet the same qualification and training standards as examiners of the department of public safety, including criminal background checks and the standards applicable to the class of vehicle and endorsements for which an applicant taking the skills test is applying, to the extent necessary to conduct skills tests in the manner required by 49 C.F.R. 383.110 through 383.135. In accordance with federal guidelines, any examiner employed on July 1, 2017, shall have a criminal background check conducted at least once, and any examiner hired after July 1, 2015, shall have a criminal background check conducted after the examiner is initially hired.

(4) Requires either that state employees take, at least annually and as though the employees were test applicants, the tests actually administered by the other party, that the director test a sample of drivers who were examined by the other party to compare the test results, or that state employees accompany a test applicant during an actual test;

(5) Unless the other party is a governmental entity, requires the other party to initiate and maintain a bond in an amount determined by the director to sufficiently pay for the retesting of drivers in the event that the other party or its skills test examiners are involved in fraudulent activities related to skills testing;

(6) Requires the other party to use only skills test examiners who have successfully completed a commercial driver's license examiner training course as prescribed by the director, and have been certified by the state as a commercial driver's license skills test examiner qualified to administer the applicable skills tests;

(7) Requires the other party to use designated road test routes that have been approved by the director;

(8) Requires the other party to schedule all skills test appointments through a system or method provided by the director. If a system or method is not provided by the director, the other party ~~to~~ shall submit a schedule of skills test appointments to the director weekly. The director may request that any additions to the schedule of skills test appointments, made after the weekly submission, be submitted to the director not later than two business days prior to each the additional skills test ~~+~~ appointment.

(9) Requires the other party to maintain copies of the following records at its principal place of business:

(a) The other party's commercial driver's license skills testing program certificate;

(b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate;

(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;

(d) A complete list of the test routes that have been approved by the director;

(e) A complete and accurate copy of each examiner's training record;

(f) A copy of the agreement that the other party made with 78542
the director. 78543

(10) If the other party also is a driver training school, 78544
prohibits its skills test examiners from administering skills 78545
tests to applicants that the examiner personally trained; 78546

(11) Requires each skills test examiner to administer a 78547
complete skills test to a minimum of ~~thirty-two~~ ten different 78548
individuals per calendar year; 78549

(12) Reserves to this state the right to take prompt and 78550
appropriate remedial action against the other party and its skills 78551
test examiners if the other party or its skills test examiners 78552
fail to comply with standards of this state or federal standards 78553
for the testing program or with any other terms of the contract. 78554

(C) The director shall enter into an agreement with the 78555
department of education authorizing the skills test specified in 78556
this section to be administered by the department at any location 78557
operated by the department for purposes of training and testing 78558
school bus drivers, provided that the agreement between the 78559
director and the department complies with the requirements of 78560
division (B) of this section. Skills tests administered by the 78561
department shall be limited to persons applying for a commercial 78562
driver's license with a school bus endorsement. 78563

(D)(1) The director shall adopt rules, in accordance with 78564
Chapter 119. of the Revised Code, authorizing waiver of the skills 78565
test specified in this section for any applicant for a commercial 78566
driver's license who meets all of the following requirements: 78567

(a) As authorized under 49 C.F.R. 383.77, the applicant 78568
operates a commercial motor vehicle for military purposes and is 78569
one of the following: 78570

(i) Active duty military personnel; 78571

(ii) A member of the military reserves;	78572
(iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians;	78573 78574 78575
(iv) Active duty U.S. coast guard personnel.	78576
(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:	78577 78578 78579
(i) The applicant has not had more than one license, excluding any military license.	78580 78581
(ii) The applicant has not had any license suspended, revoked, or canceled.	78582 78583
(iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.	78584 78585 78586
(iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation.	78587 78588
(v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.	78589 78590 78591 78592 78593
(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following:	78594 78595 78596
(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle;	78597 78598 78599
(ii) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the	78600 78601

Revised Code; 78602

(iii) That, for at least two years immediately preceding the 78603
date of application or at least two years immediately preceding 78604
the date the applicant separated from military service or 78605
employment, the applicant regularly operated a vehicle 78606
representative of the commercial motor vehicle type that the 78607
applicant operates or expects to operate. 78608

(2) The waiver established under division (D)(1) of this 78609
section does not apply to United States reserve technicians. 78610

(E)(1) The department of public safety may charge and collect 78611
a divisible fee of fifty dollars for each skills test given as 78612
part of a commercial driver's license examination. The fee shall 78613
consist of ten dollars for the pre-trip inspection portion of the 78614
test, ten dollars for the off-road maneuvering portion of the 78615
test, and thirty dollars for the on-road portion of the test. 78616

(2) No applicant is eligible to take the skills test until a 78617
minimum of fourteen days have elapsed since the initial issuance 78618
of a commercial driver's license temporary instruction permit to 78619
the applicant. The director may require an applicant for a 78620
commercial driver's license who schedules an appointment with the 78621
highway patrol or other authorized employee of the department of 78622
public safety to take all portions of the skills test and to pay 78623
an appointment fee of fifty dollars at the time of scheduling the 78624
appointment. If the applicant appears at the time and location 78625
specified for the appointment and takes all portions of the skills 78626
test during that appointment, the appointment fee serves as the 78627
skills test fee. If the applicant schedules an appointment to take 78628
all portions of the skills test and fails to appear at the time 78629
and location specified for the appointment, the director shall not 78630
refund any portion of the appointment fee. If the applicant 78631
schedules an appointment to take all portions of the skills test 78632
and appears at the time and location specified for the 78633

appointment, but declines or is unable to take all portions of the 78634
skills test, the director shall not refund any portion of the 78635
appointment fee. If the applicant cancels a scheduled appointment 78636
forty-eight hours or more prior to the time of the appointment 78637
time, the applicant shall not forfeit the appointment fee. 78638

An applicant for a commercial driver's license who schedules 78639
an appointment to take one or more, but not all, portions of the 78640
skills test is required to pay an appointment fee equal to the 78641
costs of each test scheduled, as prescribed in division (E)(1) of 78642
this section, when scheduling such an appointment. If the 78643
applicant appears at the time and location specified for the 78644
appointment and takes all the portions of the skills test during 78645
that appointment that the applicant was scheduled to take, the 78646
appointment fee serves as the skills test fee. If the applicant 78647
schedules an appointment to take one or more, but not all, 78648
portions of the skills test and fails to appear at the time and 78649
location specified for the appointment, the director shall not 78650
refund any portion of the appointment fee. If the applicant 78651
schedules an appointment to take one or more, but not all, 78652
portions of the skills test and appears at the time and location 78653
specified for the appointment, but declines or is unable to take 78654
all portions of the skills test that the applicant was scheduled 78655
to take, the director shall not refund any portion of the 78656
appointment fee. If the applicant cancels a scheduled appointment 78657
forty-eight hours or more prior to the time of the appointment 78658
time, the applicant shall not forfeit the appointment fee. 78659

(3) The department of public safety shall deposit all fees it 78660
collects under division (E) of this section in the public safety - 78661
highway purposes fund established in section 4501.06 of the 78662
Revised Code. 78663

(F)(1) Unless an applicant for a commercial driver's license 78664
has successfully completed the training required under 49 C.F.R. 78665

380, subpart F, the applicant is not eligible to do any of the following: 78666
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(a) Take the skills test required for initial issuance of a class A or a class B commercial driver's license; 78668
78669

(b) Take the skills test required for initial issuance of a passenger (P) or school bus (S) endorsement on the applicant's commercial driver's license; 78670
78671
78672

(c) Take the knowledge test required for initial issuance of a hazardous materials (H) endorsement on the applicant's commercial driver's license. 78673
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Before an applicant takes the applicable skills or knowledge test, the registrar shall electronically verify, through the federal motor carrier safety administration's training provider registry, that an applicant has completed the required training under 49 C.F.R. 380, subpart F. 78676
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(2) The training required under 49 C.F.R. 380, subpart F, and under division (F)(1) of this section may be provided by either of the following: 78681
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78683

(a) A driver training school pursuant to section 4508.031 of the Revised Code; 78684
78685

(b) An authorized driver training provider listed on the federal motor carrier safety administration's training provider registry. 78686
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(G) A person who has successfully completed commercial driver's license training in this state but seeks a commercial driver's license in another state where the person is domiciled may schedule an appointment to take the skills test in this state and shall pay the appropriate appointment fee. Upon the person's completion of the skills test, this state shall electronically transmit the applicant's results to the state where the person is 78689
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domiciled. If a person who is domiciled in this state takes a 78696
skills test in another state, this state shall accept the results 78697
of the skills test from the other state. If the person passed the 78698
other state's skills test and meets all of the other licensing 78699
requirements set forth in this chapter and rules adopted under 78700
this chapter, the registrar of motor vehicles or a deputy 78701
registrar shall issue a commercial driver's license to that 78702
person. 78703

(H) Unless otherwise specified, the director or the 78704
director's representative shall conduct the examinations, 78705
inspections, audits, and test monitoring set forth in divisions 78706
(B)(2),(3), and (4) of this section at least annually. If the 78707
other party or any of its skills test examiners fail to comply 78708
with state or federal standards for the skills testing program, 78709
the director or the director's representative shall take prompt 78710
and appropriate remedial action against the party and its skills 78711
test examiners. Remedial action may include termination of the 78712
agreement or revocation of a skills test examiner's certification. 78713

(I) As used in this section, "skills test" means a test of an 78714
applicant's ability to drive the type of commercial motor vehicle 78715
for which the applicant seeks a commercial driver's license by 78716
having the applicant drive such a motor vehicle while under the 78717
supervision of an authorized state driver's license examiner or 78718
tester. 78719

Sec. 4506.10. (A) No person who holds a valid commercial 78720
driver's license shall drive a commercial motor vehicle unless the 78721
person is physically qualified to do so. 78722

(1) Any person applying for a commercial driver's license or 78723
commercial driver's license temporary instruction permit, the 78724
renewal or upgrade of a commercial driver's license or commercial 78725
driver's license temporary instruction permit, or the transfer of 78726

a commercial driver's license from out of state shall self-certify 78727
to the registrar for purposes of 49 C.F.R. 383.71, one of the 78728
following in regard to the applicant's operation of a commercial 78729
motor vehicle, as applicable: 78730

(a)(i) If the applicant operates or expects to operate a 78731
commercial motor vehicle in interstate or foreign commerce and is 78732
subject to and meets the requirements under 49 C.F.R. part 391, 78733
the applicant shall self-certify that the applicant is 78734
non-excepted interstate and shall provide the registrar with the 78735
original or a copy of a medical examiner's certificate and each 78736
subsequently issued medical examiner's certificate prepared by a 78737
qualified medical examiner to maintain a medically certified 78738
status on the applicant's commercial driver licensing system 78739
driver record; 78740

(ii) If the applicant operates or expects to operate a 78741
commercial motor vehicle in interstate commerce, but engages in 78742
transportation or operations excepted under 49 C.F.R. 390.3(f), 78743
391.2, 391.68, or 398.3 from all or parts of the qualification 78744
requirements of 49 C.F.R. part 391, the applicant shall 78745
self-certify that the applicant is excepted interstate and is not 78746
required to obtain a medical examiner's certificate. 78747

(b)(i) If the applicant operates only in intrastate commerce 78748
and is subject to state driver qualification requirements, the 78749
applicant shall self-certify that the applicant is non-excepted 78750
intrastate; 78751

(ii) If the applicant operates only in intrastate commerce 78752
and is excepted from all or parts of the state driver 78753
qualification requirements, the applicant shall self-certify that 78754
the applicant is excepted intrastate. 78755

(2) Notwithstanding the expiration date on a person's 78756
commercial driver's license or commercial driver's license 78757

temporary instruction permit, every commercial driver's license or 78758
commercial driver's license temporary instruction permit holder 78759
shall provide the registrar with the certification required by 78760
this section, on or after January 30, 2012, but prior to January 78761
30, 2014. 78762

(B) A person is qualified to drive a school bus if the person 78763
holds a valid commercial driver's license along with the proper 78764
endorsements, and if the person has been certified as medically 78765
qualified in accordance with rules adopted by the department of 78766
education. 78767

(C)(1) Except as provided in division (C)(2) of this section, 78768
only a medical examiner who is listed on the national registry of 78769
certified medical examiners established by the federal motor 78770
carrier safety administration shall perform a medical examination 78771
required by this section. 78772

(2) A person licensed under Chapter 4725. of the Revised Code 78773
to practice optometry in this state, or licensed under any similar 78774
law of another state, may perform any part of an examination 78775
required by this section that pertains to visual acuity, field of 78776
vision, and the ability to recognize colors. 78777

(3) The individual who performed an examination conducted 78778
pursuant to this section shall complete any written documentation 78779
of a physical examination on a form that substantially complies 78780
with the requirements of 49 C.F.R. 391.43(h). 78781

(D) Whenever good cause appears, the registrar, upon issuing 78782
a commercial driver's license or commercial driver's license 78783
temporary instruction permit under this chapter, may impose 78784
restrictions suitable to the licensee's driving ability with 78785
respect to the type of motor vehicle or special mechanical control 78786
devices required on a motor vehicle that the licensee may operate, 78787
or such other restrictions applicable to the licensee as the 78788

registrar determines to be necessary. 78789

The registrar may either issue a special restricted license 78790
or may set forth upon the usual license form the restrictions 78791
imposed. 78792

The registrar, upon receiving satisfactory evidence of any 78793
violation of the restrictions of the license, may impose a class D 78794
license suspension of the license for the period of time specified 78795
in division (B)(4) of section 4510.02 of the Revised Code. 78796

The registrar, upon receiving satisfactory evidence that an 78797
applicant or holder of a commercial driver's license or commercial 78798
driver's license temporary instruction permit has violated 78799
division (A)(4) or (A)(5) of section 4506.04 of the Revised Code 78800
~~and knowingly given false information in any application or~~ 78801
~~certification required by section 4506.07 of the Revised Code,~~ 78802
shall cancel the person's commercial driver's license or 78803
commercial driver's license temporary instruction permit or any 78804
pending application from the person for a commercial driver's 78805
license, commercial driver's license temporary instruction permit, 78806
or class D driver's license for a period of at least sixty days, 78807
during which time no application for a commercial driver's 78808
license, commercial driver's license temporary instruction permit, 78809
or class D driver's license shall be received from the person. 78810

(E) Whoever violates this section is guilty of a misdemeanor 78811
of the first degree. 78812

Sec. 4506.11. (A) Every commercial driver's license shall be 78813
marked "commercial driver's license" or "CDL" and shall be of such 78814
material and so designed as to prevent its reproduction or 78815
alteration without ready detection. The commercial driver's 78816
license for licensees under twenty-one years of age shall have 78817
characteristics prescribed by the registrar of motor vehicles 78818
distinguishing it from that issued to a licensee who is twenty-one 78819

years of age or older. Every commercial driver's license shall 78820
display all of the following information: 78821

- (1) The name and residence address of the licensee; 78822
- (2) A ~~color~~ photograph of the licensee showing the licensee's 78823
uncovered face; 78824
- (3) A physical description of the licensee, including sex, 78825
height, weight, and color of eyes and hair; 78826
- (4) The licensee's date of birth; 78827
- (5) The licensee's social security number if the person has 78828
requested that the number be displayed in accordance with section 78829
4501.31 of the Revised Code or if federal law requires the social 78830
security number to be displayed and any number or other identifier 78831
the director of public safety considers appropriate and 78832
establishes by rules adopted under Chapter 119. of the Revised 78833
Code and in compliance with federal law; 78834
- (6) The licensee's signature; 78835
- (7) The classes of commercial motor vehicles the licensee is 78836
authorized to drive and any endorsements or restrictions relating 78837
to the licensee's driving of those vehicles; 78838
- (8) The name of this state; 78839
- (9) The dates of issuance and of expiration of the license; 78840
- (10) If the licensee has certified willingness to make an 78841
anatomical gift under section 2108.05 of the Revised Code, any 78842
symbol chosen by the registrar of motor vehicles to indicate that 78843
the licensee has certified that willingness; 78844
- (11) If the licensee has executed a durable power of attorney 78845
for health care or a declaration governing the use or 78846
continuation, or the withholding or withdrawal, of life-sustaining 78847
treatment and has specified that the licensee wishes the license 78848

to indicate that the licensee has executed either type of 78849
instrument, any symbol chosen by the registrar to indicate that 78850
the licensee has executed either type of instrument; 78851

(12) ~~On and after October 7, 2009, if~~ If the licensee has 78852
specified that the licensee wishes the license to indicate that 78853
the licensee is a veteran, active duty, or reservist of the armed 78854
forces of the United States and has presented a copy of the 78855
licensee's DD-214 form or an equivalent document, any symbol 78856
chosen by the registrar to indicate that the licensee is a 78857
veteran, active duty, or reservist of the armed forces of the 78858
United States; 78859

(13) If the licensee is a noncitizen of the United States, a 78860
notation designating that the licensee is a noncitizen; 78861

(14) Any other information the registrar considers advisable 78862
and requires by rule. 78863

(B) Every enhanced commercial driver's license shall have any 78864
additional characteristics established by the rules adopted under 78865
section 4507.021 of the Revised Code. 78866

(C) The registrar may establish and maintain a file of 78867
negatives of photographs taken for the purposes of this section. 78868

(D) Neither the registrar nor any deputy registrar shall 78869
issue a commercial driver's license to anyone under twenty-one 78870
years of age that does not have the characteristics prescribed by 78871
the registrar distinguishing it from the commercial driver's 78872
license issued to persons who are twenty-one years of age or 78873
older. 78874

(E) Whoever violates division (D) of this section is guilty 78875
of a minor misdemeanor. 78876

Sec. 4506.15. (A) No person who holds a commercial driver's 78877
license or commercial driver's license temporary instruction 78878

permit or who operates a motor vehicle for which a commercial 78879
driver's license or permit is required shall do any of the 78880
following: 78881

(1) Drive a commercial motor vehicle while having a 78882
measurable or detectable amount of alcohol or of a controlled 78883
substance in the person's blood, breath, or urine; 78884

(2) Drive a commercial motor vehicle while having an alcohol 78885
concentration of four-hundredths of one per cent or more by whole 78886
blood or breath; 78887

(3) Drive a commercial motor vehicle while having an alcohol 78888
concentration of forty-eight-thousandths of one per cent or more 78889
by blood serum or blood plasma; 78890

(4) Drive a commercial motor vehicle while having an alcohol 78891
concentration of fifty-six-thousandths of one per cent or more by 78892
urine; 78893

(5) Drive a motor vehicle while under the influence of a 78894
controlled substance; 78895

(6) Drive a motor vehicle in violation of section 4511.19 of 78896
the Revised Code or a municipal OVI ordinance as defined in 78897
section 4511.181 of the Revised Code; 78898

(7) Use a motor vehicle in the commission of a felony; 78899

(8) Refuse to submit to a test under section 4506.17 or 78900
4511.191 of the Revised Code; 78901

(9) Operate a commercial motor vehicle while the person's 78902
commercial driver's license or permit or other commercial driving 78903
privileges are revoked, suspended, canceled, or disqualified; 78904

(10) Cause a fatality through the negligent operation of a 78905
commercial motor vehicle, including, but not limited to, the 78906
offenses of aggravated vehicular homicide, vehicular homicide, and 78907

vehicular manslaughter; 78908

(11) Fail to stop after an accident in violation of sections 78909
4549.02 to 4549.03 of the Revised Code; 78910

(12) Drive a commercial motor vehicle in violation of any 78911
provision of sections 4511.61 to 4511.63 of the Revised Code or 78912
any federal or local law or ordinance pertaining to 78913
railroad-highway grade crossings; 78914

(13) Use a motor vehicle in the commission of a felony 78915
involving the manufacture, distribution, or dispensing of a 78916
controlled substance as defined in section 3719.01 of the Revised 78917
Code or the possession with intent to manufacture, distribute, or 78918
dispense a controlled substance; 78919

(14) Use a commercial motor vehicle in the commission of a 78920
violation of section 2905.32 of the Revised Code or any other 78921
substantially equivalent offense established under federal law or 78922
the laws of another state. 78923

(B) Whoever violates this section is guilty of a misdemeanor 78924
of the first degree. 78925

(C) The offenses established under this section are strict 78926
liability offenses and section 2901.20 of the Revised Code does 78927
not apply. The designation of these offenses as strict liability 78928
offenses shall not be construed to imply that any other offense, 78929
for which there is no specified degree of culpability, is not a 78930
strict liability offense. 78931

Sec. 4506.16. (A) Any person who is found to have been 78932
convicted of a violation of an out-of-service order shall be 78933
disqualified by the registrar of motor vehicles as follows: 78934

(1) If the person has not been convicted previously of a 78935
violation of an out-of-service order, the period of 78936
disqualification is one hundred eighty days. 78937

(2) If, during any ten-year period, the driver is convicted of a second violation of an out-of-service order in an incident separate from the incident that resulted in the first violation, the period of disqualification is two years.

(3) If, during any ten-year period, the driver is convicted of a third or subsequent violation of an out-of-service order in an incident separate from the incidents that resulted in the previous violations during that ten-year period, the period of disqualification is three years.

(B)(1) A driver is disqualified for one hundred eighty days if the driver is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver.

(2) A driver is disqualified for a period of three years if, during any ten-year period, the driver is convicted of a second or subsequent violation, in an incident separate from the incident that resulted in a previous violation during that ten-year period, of an out-of-service order while transporting hazardous materials required to be placarded under that act, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver.

(C) Whoever violates division (A)(1) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, immediately shall be placed out-of-service for twenty-four hours, in addition to any disqualification required by this section and any other penalty imposed by the Revised Code.

(D) The registrar of motor vehicles shall disqualify any holder of a commercial driver's license or commercial driver's

license temporary instruction permit, or any operator of a 78969
commercial motor vehicle for which a commercial driver's license 78970
or permit is required, from operating a commercial motor vehicle 78971
as follows: 78972

(1) Upon a first conviction for a violation of any provision 78973
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 78974
or a similar law of another state or a foreign jurisdiction, or 78975
upon a first suspension imposed under section 4511.191 of the 78976
Revised Code or a similar law of another state or foreign 78977
jurisdiction, one year; 78978

(2) Upon a second conviction for a violation of any provision 78979
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 78980
or a similar law of another state or a foreign jurisdiction, or 78981
upon a second suspension imposed under section 4511.191 of the 78982
Revised Code or a similar law of another state or foreign 78983
jurisdiction, or any combination of such violations arising from 78984
two or more separate incidents, the person shall be disqualified 78985
for life or for any other period of time as determined by the 78986
United States secretary of transportation and designated by the 78987
director of public safety by rule; 78988

(3) Upon a first conviction for any of the following 78989
violations while transporting hazardous materials, three years: 78990

(a) Divisions (A)(2) to (12) of section 4506.15 of the 78991
Revised Code; 78992

(b) A similar law of another state or a foreign jurisdiction. 78993

(4) Upon conviction of a violation of division (A)(13) or 78994
(A)(14) of section 4506.15 of the Revised Code or a similar law of 78995
another state or a foreign jurisdiction, the person shall be 78996
disqualified for life; 78997

(5)(a) Upon conviction of two serious traffic violations 78998
involving the operation of a commercial motor vehicle by the 78999

person and arising from separate incidents occurring in a 79000
three-year period, the person shall be disqualified for sixty 79001
days, which disqualification shall be imposed consecutively to any 79002
other separate disqualification imposed under division (D)(5) or 79003
(6) of this section; 79004

(b) Upon conviction of three or more serious traffic 79005
violations involving the operation of a commercial motor vehicle 79006
by the person and arising from separate incidents occurring in a 79007
three-year period, the person shall be disqualified for one 79008
hundred twenty days, which disqualification shall be imposed 79009
consecutively to any other separate disqualification imposed under 79010
division (D)(5) or (6) of this section; 79011

(6)(a) Upon conviction of two serious traffic violations 79012
involving the operation of a vehicle other than a commercial motor 79013
vehicle by the person and arising from separate incidents 79014
occurring in a three-year period, the person shall be disqualified 79015
for sixty days if the conviction results in the suspension, 79016
cancellation, or revocation of the holder's commercial driver's 79017
license or commercial driver's license temporary instruction 79018
permit, or noncommercial motor vehicle driving privileges, which 79019
disqualification shall be imposed consecutively to any other 79020
separate disqualification imposed under division (D)(5) or (6) of 79021
this section; 79022

(b) Upon conviction of three or more serious traffic 79023
violations involving the operation of a vehicle other than a 79024
commercial motor vehicle by the person and arising from separate 79025
incidents occurring in a three-year period, the person shall be 79026
disqualified for one hundred twenty days if the conviction results 79027
in the suspension, cancellation, or revocation of the holder's 79028
commercial driver's license or permit, or noncommercial motor 79029
vehicle driving privileges, which disqualification shall be 79030
imposed consecutively to any other separate disqualification 79031

imposed under division (D)(5) or (6) of this section. 79032

(7) Upon a first conviction involving the operation of a 79033
commercial motor vehicle in violation of any provisions of 79034
sections 4511.61 to 4511.63 of the Revised Code or a similar law 79035
of another state or foreign jurisdiction, not less than sixty 79036
days; 79037

(8) Upon a second conviction involving the operation of a 79038
commercial motor vehicle in violation of any provisions of 79039
sections 4511.61 to 4511.63 of the Revised Code or a similar law 79040
of another state or foreign jurisdiction within three years of the 79041
first such conviction, not less than one hundred twenty days; 79042

(9) Upon a third or subsequent conviction involving the 79043
operation of a commercial motor vehicle in violation of any 79044
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 79045
similar law of another state or foreign jurisdiction within three 79046
years of the first such conviction, not less than one year; 79047

(10) Upon receiving notification from the federal motor 79048
carrier safety administration, the registrar immediately, prior to 79049
any hearing, shall disqualify any commercial motor vehicle driver 79050
whose driving is determined to constitute an imminent hazard as 79051
defined under federal motor carrier safety regulation 49 C.F.R. 79052
383.52. 79053

(E) For the purposes of this section, conviction of a 79054
violation for which disqualification is required includes 79055
conviction under any municipal ordinance that is substantially 79056
similar to any section of the Revised Code that is set forth in 79057
division (D) of this section and may be evidenced by any of the 79058
following: 79059

(1) A judgment entry of a court of competent jurisdiction in 79060
this or any other state; 79061

(2) An administrative order of a state agency of this or any 79062

other state having statutory jurisdiction over commercial drivers; 79063

(3) A computer record obtained from or through the commercial 79064
driver's license information system; 79065

(4) A computer record obtained from or through a state agency 79066
of this or any other state having statutory jurisdiction over 79067
commercial drivers or the records of commercial drivers. 79068

(F) For purposes of this section, conviction of disqualifying 79069
offenses committed in a noncommercial motor vehicle are included 79070
if either of the following applies: 79071

(1) The offense occurred after the person obtained the 79072
person's commercial driver's license or commercial driver's 79073
license temporary instruction permit. 79074

(2) The offense occurs on or after September 30, 2005. 79075

(G) If a person commits a serious traffic violation by 79076
operating a commercial motor vehicle without having a commercial 79077
driver's license or commercial driver's license temporary 79078
instruction permit in the person's possession as described in 79079
division (II)(3)(e) of section 4506.01 of the Revised Code and the 79080
person then submits proof to either the enforcement agency that 79081
issued the citation for the violation or to the court with 79082
jurisdiction over the case before the date of the person's initial 79083
appearance that shows that the person held a valid commercial 79084
driver's license or permit at the time of the violation, the 79085
violation shall not be deemed to be a serious traffic violation. 79086

(H) Any record described in division (C) of this section 79087
shall be deemed to be self-authenticating when it is received by 79088
the bureau of motor vehicles. 79089

(I) When disqualifying a driver, the registrar shall cause 79090
the records of the bureau to be updated to reflect that action 79091
within ten days after it occurs. 79092

(J) The registrar immediately shall notify a driver who is 79093
finally convicted of any offense described in section 4506.15 of 79094
the Revised Code or division (D)(4), (5), or (6) of this section 79095
and thereby is subject to disqualification, of the offense or 79096
offenses involved, of the length of time for which 79097
disqualification is to be imposed, and that the driver may request 79098
a hearing within thirty days of the mailing of the notice to show 79099
cause why the driver should not be disqualified from operating a 79100
commercial motor vehicle. If a request for such a hearing is not 79101
made within thirty days of the mailing of the notice, the order of 79102
disqualification is final. The registrar may designate hearing 79103
examiners who, after affording all parties reasonable notice, 79104
shall conduct a hearing to determine whether the disqualification 79105
order is supported by reliable evidence. The registrar shall adopt 79106
rules to implement this division. 79107

(K) Any person who is disqualified from operating a 79108
commercial motor vehicle under this section may apply to the 79109
registrar for a driver's license to operate a motor vehicle other 79110
than a commercial motor vehicle, provided the person's commercial 79111
driver's license is not otherwise suspended. A person whose 79112
commercial driver's license is suspended shall not apply to the 79113
registrar for or receive a driver's license under Chapter 4507. of 79114
the Revised Code during the period of suspension. 79115

(L) The disqualifications imposed under this section are in 79116
addition to any other penalty imposed by the Revised Code. 79117

(M) Any conviction for an offense that would lead to 79118
disqualification as specified in this section, whether committed 79119
in a commercial motor vehicle or a vehicle other than a commercial 79120
motor vehicle, shall be counted for the purposes of determining 79121
the number of violations and the appropriate disqualification 79122
period under this section. 79123

Sec. 4506.17. (A) Both of the following are deemed to have 79124
given consent to a test or tests of the person's whole blood, 79125
blood serum or plasma, breath, or urine for the purpose of 79126
determining the person's alcohol concentration or the presence of 79127
any controlled substance or a metabolite of a controlled 79128
substance: 79129

(1) A person while operating a commercial motor vehicle that 79130
requires a commercial driver's license or commercial driver's 79131
license temporary instruction permit; 79132

(2) A person who holds a commercial driver's license or 79133
commercial driver's license temporary instruction permit while 79134
operating a motor vehicle, including a commercial motor vehicle. 79135

(B) A test or tests as provided in division (A) of this 79136
section may be administered at the direction of a peace officer 79137
having reasonable ground to stop or detain the person and, after 79138
investigating the circumstances surrounding the operation of the 79139
motor vehicle, also having reasonable ground to believe the person 79140
was driving the motor vehicle while having a measurable or 79141
detectable amount of alcohol or of a controlled substance or a 79142
metabolite of a controlled substance in the person's whole blood, 79143
blood serum or plasma, breath, or urine. Any such test shall be 79144
given within two hours of the time of the alleged violation. 79145

(C) A person requested by a peace officer to submit to a test 79146
under division (A) of this section shall be advised by the peace 79147
officer that a refusal to submit to the test will result in the 79148
person immediately being placed out-of-service for a period of 79149
twenty-four hours and being disqualified from operating a 79150
commercial motor vehicle for a period of not less than one year, 79151
and that the person is required to surrender the person's 79152
commercial driver's license or permit to the peace officer. 79153

(D) If a person refuses to submit to a test after being 79154

warned as provided in division (C) of this section or submits to a test that discloses the presence of an amount of alcohol or a controlled substance prohibited by divisions (A)(1) to ~~(5)~~(6) of section 4506.15 of the Revised Code or a metabolite of a controlled substance, the person immediately shall surrender the person's commercial driver's license or permit to the peace officer. The peace officer shall forward the license or permit, together with a sworn report, to the registrar of motor vehicles certifying that the test was requested pursuant to division (A) of this section and that the person either refused to submit to testing or submitted to a test that disclosed the presence of one of the prohibited concentrations of a substance listed in divisions (A)(1) to ~~(5)~~(6) of section 4506.15 of the Revised Code or a metabolite of a controlled substance. The form and contents of the report required by this section shall be established by the registrar by rule, but shall contain the advice to be read to the driver and a statement to be signed by the driver acknowledging that the driver has been read the advice and that the form was shown to the driver.

(E) Upon receipt of a sworn report from a peace officer as provided in division (D) of this section, or upon receipt of notification that a person has been disqualified under a similar law of another state or foreign jurisdiction, the registrar shall disqualify the person named in the report from driving a commercial motor vehicle for the period described below:

(1) Upon a first incident, one year;

(2) Upon an incident of refusal or of a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance after one or more previous incidents of either refusal or of a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance, the person shall be disqualified for life or such lesser period as

prescribed by rule by the registrar. 79187

(F) A test of a person's whole blood or a person's blood 79188
serum or plasma given under this section shall comply with the 79189
applicable provisions of division (D) of section 4511.19 of the 79190
Revised Code and any physician, registered nurse, emergency 79191
medical technician-intermediate, emergency medical 79192
technician-paramedic, or qualified technician, chemist, or 79193
phlebotomist who withdraws whole blood or blood serum or plasma 79194
from a person under this section, and any hospital, first-aid 79195
station, clinic, or other facility at which whole blood or blood 79196
serum or plasma is withdrawn from a person pursuant to this 79197
section, is immune from criminal liability, and from civil 79198
liability that is based upon a claim of assault and battery or 79199
based upon any other claim of malpractice, for any act performed 79200
in withdrawing whole blood or blood serum or plasma from the 79201
person. The immunity provided in this division also extends to an 79202
emergency medical service organization that employs an emergency 79203
medical technician-intermediate or emergency medical 79204
technician-paramedic who withdraws blood under this section. 79205

(G) When a person submits to a test under this section, the 79206
results of the test, at the person's request, shall be made 79207
available to the person, the person's attorney, or the person's 79208
agent, immediately upon completion of the chemical test analysis. 79209
The person also may have an additional test administered by a 79210
physician, a registered nurse, or a qualified technician, chemist, 79211
or phlebotomist of the person's own choosing as provided in 79212
division (D) of section 4511.19 of the Revised Code for tests 79213
administered under that section, and the failure to obtain such a 79214
test has the same effect as in that division. 79215

(H) No person shall refuse to immediately surrender the 79216
person's commercial driver's license or permit to a peace officer 79217
when required to do so by this section. 79218

(I) A peace officer issuing an out-of-service order or 79219
receiving a commercial driver's license or permit surrendered 79220
under this section may remove or arrange for the removal of any 79221
commercial motor vehicle affected by the issuance of that order or 79222
the surrender of that license. 79223

(J)(1) Except for civil actions arising out of the operation 79224
of a motor vehicle and civil actions in which the state is a 79225
plaintiff, no peace officer of any law enforcement agency within 79226
this state is liable in compensatory damages in any civil action 79227
that arises under the Revised Code or common law of this state for 79228
an injury, death, or loss to person or property caused in the 79229
performance of official duties under this section and rules 79230
adopted under this section, unless the officer's actions were 79231
manifestly outside the scope of the officer's employment or 79232
official responsibilities, or unless the officer acted with 79233
malicious purpose, in bad faith, or in a wanton or reckless 79234
manner. 79235

(2) Except for civil actions that arise out of the operation 79236
of a motor vehicle and civil actions in which the state is a 79237
plaintiff, no peace officer of any law enforcement agency within 79238
this state is liable in punitive or exemplary damages in any civil 79239
action that arises under the Revised Code or common law of this 79240
state for any injury, death, or loss to person or property caused 79241
in the performance of official duties under this section of the 79242
Revised Code and rules adopted under this section, unless the 79243
officer's actions were manifestly outside the scope of the 79244
officer's employment or official responsibilities, or unless the 79245
officer acted with malicious purpose, in bad faith, or in a wanton 79246
or reckless manner. 79247

(K) When disqualifying a driver, the registrar shall cause 79248
the records of the bureau of motor vehicles to be updated to 79249
reflect the disqualification within ten days after it occurs. 79250

(L) The registrar immediately shall notify a driver who is 79251
subject to disqualification of the disqualification, of the length 79252
of the disqualification, and that the driver may request a hearing 79253
within thirty days of the mailing of the notice to show cause why 79254
the driver should not be disqualified from operating a commercial 79255
motor vehicle. If a request for such a hearing is not made within 79256
thirty days of the mailing of the notice, the order of 79257
disqualification is final. The registrar may designate hearing 79258
examiners who, after affording all parties reasonable notice, 79259
shall conduct a hearing to determine whether the disqualification 79260
order is supported by reliable evidence. The registrar shall adopt 79261
rules to implement this division. 79262

(M) Any person who is disqualified from operating a 79263
commercial motor vehicle under this section may apply to the 79264
registrar for a driver's license to operate a motor vehicle other 79265
than a commercial motor vehicle, provided the person's commercial 79266
driver's license or permit is not otherwise suspended. A person 79267
whose commercial driver's license or permit is suspended shall not 79268
apply to the registrar for or receive a driver's license under 79269
Chapter 4507. of the Revised Code during the period of suspension. 79270

(N) Whoever violates division (H) of this section is guilty 79271
of a misdemeanor of the first degree. 79272

(O) As used in this section, "emergency medical 79273
technician-intermediate" and "emergency medical 79274
technician-paramedic" have the same meanings as in section 4765.01 79275
of the Revised Code. 79276

Sec. 4506.24. (A) A restricted commercial driver's license 79277
and waiver for farm-related service industries may be issued by 79278
the registrar of motor vehicles to allow a person to operate a 79279
commercial motor vehicle during seasonal periods determined by the 79280
registrar and subject to the restrictions set forth in this 79281

section.	79282
(B) Upon receiving an application for a restricted commercial driver's license under section 4506.07 of the Revised Code and payment of a fee as provided in section 4506.08 of the Revised Code, the registrar may issue such license to any person who meets all of the following requirements:	79283 79284 79285 79286 79287
(1) Has at least one year of driving experience in any type of vehicle;	79288 79289
(2) Holds a valid driver's license, other than a restricted license, issued under Chapter 4507. of the Revised Code;	79290 79291
(3) Certifies that during the two-year period immediately preceding application, all of the following apply:	79292 79293
(a) The person has not had more than one license;	79294
(b) The person has not had any license suspended, revoked, or canceled;	79295 79296
(c) The person has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code;	79297 79298 79299
(d) The person has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the person was at fault.	79300 79301 79302 79303
(4) Certifies and also provides evidence that the person is employed in one or more of the following farm-related service industries requiring the person to operate a commercial motor vehicle:	79304 79305 79306 79307
(a) Custom harvesters;	79308
(b) Farm retail outlets and suppliers;	79309
(c) Agri-chemical business;	79310

(d) Livestock feeders. 79311

(C) An annual waiver for farm-related service industries may 79312
be issued to authorize the holder of a restricted commercial 79313
driver's license to operate a commercial motor vehicle during 79314
seasonal periods designated by the registrar. The registrar shall 79315
determine the format of the waiver. The total number of days that 79316
a person may operate a commercial motor vehicle pursuant to a 79317
waiver for farm-related service industries shall not exceed ~~one~~ 79318
two hundred ~~eighty~~ ten days in any twelve-month period. Each time 79319
the holder of a restricted commercial driver's license applies for 79320
a waiver for farm-related service industries, the registrar shall 79321
verify that the person meets all of the requirements set forth in 79322
division (B) of this section. The restricted commercial driver's 79323
license and waiver shall be carried at all times when a commercial 79324
motor vehicle is being operated by the holder of the license and 79325
waiver. 79326

(D) The holder of a restricted commercial driver's license 79327
and valid waiver for farm-related service industries may operate a 79328
class B or C commercial motor vehicle subject to all of the 79329
following restrictions: 79330

(1) The commercial motor vehicle is operated within a 79331
distance of no more than one hundred fifty miles of the employer's 79332
place of business or the farm currently being served; 79333

(2) The operation of the commercial motor vehicle does not 79334
involve transporting hazardous materials for which placarding is 79335
required, except as follows: 79336

(a) Diesel fuel in quantities of one thousand gallons or 79337
less; 79338

(b) Liquid fertilizers in vehicles or implements of husbandry 79339
with total capacities of three thousand gallons or less; 79340

(c) Solid fertilizers that are not transported with any 79341

organic substance. 79342

(E) Except as otherwise provided in this section an applicant 79343
for or holder of a restricted commercial driver's license and 79344
waiver for farm-related service industries is subject to the 79345
provisions of this chapter. Divisions (A)(4) and (B)(1) of section 79346
4506.07 and sections 4506.09 and 4506.10 of the Revised Code do 79347
not apply to an applicant for a restricted commercial driver's 79348
license and waiver. 79349

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 79350
"motorized bicycle," "state," "owner," "operator," "chauffeur," 79351
and "highways" have the same meanings as in section 4501.01 of the 79352
Revised Code. 79353

"Driver's license" means a class D license issued to any 79354
person to operate a motor vehicle or motor-driven cycle, other 79355
than a commercial motor vehicle, and includes "probationary 79356
license," "restricted license," "limited term license," and any 79357
operator's or chauffeur's license issued before January 1, 1990. 79358
Except as otherwise specifically provided, "driver's license" 79359
includes an "enhanced driver's license." 79360

"Enhanced driver's license" means a driver's license issued 79361
in accordance with sections 4507.021 and 4507.063 of the Revised 79362
Code that denotes citizenship and identity and is approved by the 79363
United States secretary of homeland security or other designated 79364
federal agency for purposes of entering the United States. 79365

"Probationary license" means the license issued to any person 79366
between sixteen and eighteen years of age to operate a motor 79367
vehicle. 79368

"Restricted license" means the license issued to any person 79369
to operate a motor vehicle subject to conditions or restrictions 79370
imposed by the registrar of motor vehicles. 79371

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

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"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

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"Motorcycle operator's temporary instruction permit, license, or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified.

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"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a motorized bicycle including a "probationary motorized bicycle license."

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"Probationary motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person between fourteen and sixteen years of age to operate a motorized bicycle.

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"Identification card" means a card issued under sections 4507.50 to 4507.52 of the Revised Code. Except as otherwise specifically provided, "identification card" includes an "enhanced identification card."

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"Enhanced identification card" means an identification card issued in accordance with sections 4507.021 and 4507.511 of the Revised Code that denotes citizenship and identity and is approved by the United States secretary of homeland security or other designated federal agency for purposes of entering the United States.

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"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis.

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"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis.

(B) In the administration of this chapter and Chapter 4506. of the Revised Code, the registrar has the same authority as is conferred on the registrar by section 4501.02 of the Revised Code. Any act of an authorized deputy registrar of motor vehicles under direction of the registrar is deemed the act of the registrar.

To carry out this chapter, the registrar shall appoint such deputy registrars in each county as are necessary.

The registrar also shall provide at each place where an application for a driver's or commercial driver's license or identification card may be made the necessary equipment to take a color photograph of the applicant for such license or card as required under section 4506.11 or 4507.06 of the Revised Code, and to conduct the vision screenings required by section 4507.12 of the Revised Code.

The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, unless they are specifically authorized to exercise such powers by such sections.

(C) No agent for any insurance company, writing automobile insurance, shall be appointed deputy registrar, and any such appointment is void. No deputy registrar shall in any manner solicit any form of automobile insurance, nor in any manner advise, suggest, or influence any licensee or applicant for

license for or against any kind or type of automobile insurance, 79433
insurance company, or agent, nor have the deputy registrar's 79434
office directly connected with the office of any automobile 79435
insurance agent, nor impart any information furnished by any 79436
applicant for a license or identification card to any person, 79437
except the registrar. This division shall not apply to any 79438
nonprofit corporation appointed deputy registrar. 79439

(D) The registrar shall immediately remove a deputy registrar 79440
who violates the requirements of this chapter. 79441

Sec. 4507.061. (A) ~~Beginning on and after July 1, 2022, the~~ 79442
The registrar of motor vehicles may authorize the online renewal 79443
of a driver's license, commercial driver's license, or 79444
identification card issued by the bureau of motor vehicles for 79445
eligible applicants. An applicant is eligible for online renewal 79446
if all of the following apply: 79447

(1) The applicant's current driver's license, commercial 79448
driver's license, or identification card was processed in person 79449
at a deputy registrar office. 79450

(2) The applicant has a photo on file with the bureau of 79451
motor vehicles from the applicant's current driver's license, 79452
commercial driver's license, or identification card. 79453

(3) The applicant's current driver's license, commercial 79454
driver's license, or identification card expires on the birthday 79455
of the applicant in the fourth year after the date it was issued. 79456

(4) The applicant is applying for a driver's license, 79457
commercial driver's license, or identification card that expires 79458
on the birthday of the applicant in the fourth year after the date 79459
it is issued. 79460

(5) The applicant's current driver's license, commercial 79461
driver's license, or identification card is unexpired or expired 79462

not more than six months prior to the date of the application. 79463

(6) The applicant is a citizen or a permanent resident of the 79464
United States and a permanent resident of this state. 79465

(7) ~~The applicant is~~ applicant's current driver's license, 79466
commercial driver's license, or identification card was issue when 79467
the applicant was twenty-one years of age or older, ~~but,~~ 79468

(8) The applicant is less than sixty-five years of age. 79469

~~(8)~~(9) The applicant's current driver's license, commercial 79470
driver's license, or driving privileges are not suspended, 79471
canceled, revoked, or restricted, and the applicant is not 79472
otherwise prohibited by law from obtaining a driver's license, 79473
commercial driver's license, or identification card. 79474

~~(9)~~(10) The applicant has no changes to the applicant's name 79475
or personal information, other than a change of address. 79476

~~(10)~~(11) The applicant has no medical restrictions that would 79477
require the applicant to apply for a driver's license, commercial 79478
driver's license, or identification card in person at a deputy 79479
registrar office. The registrar shall determine the medical 79480
restrictions that require in person applications. 79481

(12) For a commercial driver's license, the applicant 79482
complies with all the requirements of Chapter 4506. of the Revised 79483
Code, including self-certification and medical certificate 79484
requirements. 79485

(13) For a commercial driver's license, the applicant is not 79486
under any restriction specified by any federal regulation. 79487

(B) An applicant may not submit an application online for any 79488
of the following: 79489

(1) A temporary instruction permit; 79490

(2) A ~~commercial driver's license or a~~ commercial driver's 79491
license temporary instruction permit; 79492

(3) An initial issuance of an Ohio driver's license, <u>commercial driver's license</u> , or identification card;	79493 79494
(4) An initial issuance of a federally compliant driver's license or identification card;	79495 79496
(5) An initial issuance of an enhanced driver's license, <u>commercial driver's license</u> , or enhanced identification card;	79497 79498
(6) An ignition interlock license;	79499
(7) A nonrenewable <u>limited term driver's license or nonrenewable commercial driver's license</u> .	79500 79501
(C) The registrar may require an applicant to provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements.	79502 79503 79504 79505
(D) Except as otherwise provided, an applicant shall comply with all other applicable laws related to the issuance of a driver's license, <u>commercial driver's license</u> , or identification card in order to renew a driver's license, <u>commercial driver's license</u> , or identification card under this section.	79506 79507 79508 79509 79510
(E) The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this section.	79511 79512
Sec. 4507.09. (A)(A)(1) Except as provided in division (B) of this section, every driver's license issued to a resident of this state expires on the birthday of the applicant in the fourth or eighth year after the date it is issued, based on the period of renewal requested by the applicant. A person <u>resident</u> who is sixty-five years of age or older may only apply for a driver's license that expires on the birthday of the applicant in the fourth year after the date it is issued. Every driver's license issued to a temporary resident expires in accordance with rules adopted by the registrar of motor vehicles. In no event shall any	79513 79514 79515 79516 79517 79518 79519 79520 79521 79522

license be issued for a period longer than eight years and ninety days. 79523
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Subject to the requirements of section 4507.12 of the Revised Code, every driver's license issued to a resident is renewable at any time prior to its expiration ~~and any license of a temporary resident is nonrenewable. A nonrenewable~~ 79525
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(2) A driver's license issued to a temporary resident shall expire in accordance with rules adopted by the registrar of motor vehicles. A driver's license issued to a temporary resident is a limited term license, but may be replaced with a new license renewed within ninety days prior to its expiration in accordance with division (E) of this section. ~~No~~ 79529
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(3) No refund shall be made or credit given for the unexpired portion of the driver's license that is renewed. The registrar ~~of motor vehicles~~ shall notify each person whose driver's license has expired within forty-five days after the date of expiration. Notification shall be made by regular mail sent to the person's last known address as shown in the records of the bureau of motor vehicles. Failure to provide such notification shall not be construed as a renewal or extension of any license. ~~For~~ 79535
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(4) For the purposes of this section, the date of birth of any applicant born on the twenty-ninth day of February shall be deemed to be the first day of March in any year in which there is no twenty-ninth day of February. 79543
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(B) Every driver's license or renewal of a driver's license issued to ~~an~~ a resident applicant who is sixteen years of age or older, but less than twenty-one years of age, expires on the twenty-first birthday of the applicant, except that an applicant who applies no more than thirty days before the applicant's twenty-first birthday shall be issued a license in accordance with division (A) of this section. 79547
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(C) Each person licensed as a driver under this chapter shall notify the registrar of any change in the person's address within ten days following that change. The notification shall be in writing on a form provided by the registrar and shall include the full name, date of birth, license number, county of residence, social security number, and new address of the person.

(D) No driver's license shall be renewed when renewal is prohibited by division (A) of section 4507.091 of the Revised Code.

~~(E) A nonrenewable (E)(1) Except as provided in division (E)(2) of this section, a limited term license shall not be issued to a temporary resident for a period longer than the expiration date of the temporary resident's authorized stay in the United States, or for four years from the date of issuance, whichever date is earliest.~~

(2) If there is no expiration date for a temporary resident's authorized stay in the United States, a limited term license shall not be issued to the temporary resident for a period longer than one year from the date of issuance.

(3) A limited term license may be replaced with a new license renewed within ninety days prior to its expiration upon the applicant's presentation of documentation verifying the applicant's legal presence or continued temporary lawful status in the United States. ~~A nonrenewable license expires on the same date listed on the legal presence documentation, or on the same date in the fourth year after the date the nonrenewable license is issued, whichever comes first.~~

(3) A nonrenewable limited term license is not transferable, and the applicant may not rely on it to obtain a driver's license in another state.

(4) In accordance with Chapter 119. of the Revised Code, the

~~registrar of motor vehicles shall adopt rules governing 79585
nonrenewable limited term licenses for temporary residents. At a 79586
minimum, the rules shall include provisions specifying all of the 79587
following: 79588~~

~~(1) That no nonrenewable license may extend beyond the 79589
duration of the applicant's temporary residence in this state; 79590~~

~~(2) That no nonrenewable license may be replaced by a new 79591
license unless the applicant provides acceptable documentation of 79592
the person's identity and of the applicant's continued temporary 79593
residence in this state; 79594~~

~~(3) That no nonrenewable license is valid to apply for a 79595
driver's license in any other state; 79596~~

~~(4) That every nonrenewable license may contain any security 79597
features that the registrar prescribes. 79598~~

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall 79599
issue a driver's license to every person licensed as an operator 79600
of motor vehicles other than commercial motor vehicles. No person 79601
licensed as a commercial motor vehicle driver under Chapter 4506. 79602
of the Revised Code need procure a driver's license, but no person 79603
shall drive any commercial motor vehicle unless licensed as a 79604
commercial motor vehicle driver. 79605

(2) Every driver's license shall display all of the following 79606
information: 79607

(a) The distinguishing number assigned to the licensee; 79608

(b) The licensee's name and date of birth; 79609

(c) The licensee's residence address and county of residence; 79610

(d) A color photograph of the licensee; 79611

(e) A brief description of the licensee for the purpose of 79612
identification; 79613

- (f) A facsimile of the signature of the licensee as it appears on the application for the license; 79614
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- (g) A notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject; 79616
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- (h) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument; 79619
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- (i) If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States; 79626
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- (j) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen; 79633
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- (k) Any additional information that the registrar requires by rule. 79635
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- (3) No license shall display the licensee's social security number unless the licensee specifically requests that the licensee's social security number be displayed on the license. If federal law requires the licensee's social security number to be displayed on the license, the social security number shall be displayed on the license notwithstanding this section. 79637
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- (4) The driver's license for licensees under twenty-one years of age shall have characteristics prescribed by the registrar 79643
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distinguishing it from that issued to a licensee who is twenty-one 79645
years of age or older, except that a driver's license issued to a 79646
person who applies no more than thirty days before the applicant's 79647
twenty-first birthday shall have the characteristics of a license 79648
issued to a person who is twenty-one years of age or older. 79649

(5) The ~~driver's~~ limited term license issued to a temporary 79650
resident shall contain the word "~~nonrenewable~~" "limited term" and 79651
shall have any additional characteristics prescribed by the 79652
registrar distinguishing it from a license issued to a resident. 79653

(6) Every enhanced driver's license shall have any additional 79654
characteristics established by the rules adopted under section 79655
4507.021 of the Revised Code. 79656

(7) Every driver's or commercial driver's license displaying 79657
a motorcycle operator's endorsement and every restricted license 79658
to operate a motor vehicle also shall display the designation 79659
"novice," if the endorsement or license is issued to a person who 79660
is eighteen years of age or older and previously has not been 79661
licensed to operate a motorcycle by this state or another 79662
jurisdiction recognized by this state. The "novice" designation 79663
shall be effective for one year after the date of issuance of the 79664
motorcycle operator's endorsement or license. 79665

(8) Each license issued under this section shall be of such 79666
material and so designed as to prevent its reproduction or 79667
alteration without ready detection. 79668

(B) Except in regard to a driver's license issued to a person 79669
who applies no more than thirty days before the applicant's 79670
twenty-first birthday, neither the registrar nor any deputy 79671
registrar shall issue a driver's license to anyone under 79672
twenty-one years of age that does not have the characteristics 79673
prescribed by the registrar distinguishing it from the driver's 79674
license issued to persons who are twenty-one years of age or 79675

older. 79676

(C) The registrar shall ensure that driver's licenses issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37. 79677
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(D) Whoever violates division (B) of this section is guilty of a minor misdemeanor. 79680
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Sec. 4507.49. (A)(1) On the last business day of every month or on a more frequent schedule as determined by the registrar of motor vehicles, each deputy registrar shall submit a verification form to the registrar ~~of motor vehicles~~ that contains the following information: 79682
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(a) The number of identification cards and temporary identification cards issued or renewed under section 4507.50 of the Revised Code during the ~~course of that month~~ established schedule without payment of any fees; 79687
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(b) The number of replacement identification cards issued under section 4507.52 of the Revised Code during the ~~course of that month~~ established schedule without payment of any fees. 79691
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(2) The registrar shall establish the necessary verification form and the manner and frequency in which the form shall be submitted. 79694
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(B) The registrar shall reimburse each deputy registrar for the deputy registrar's services in issuing identification cards, based on the information submitted in accordance with division (A) of this section, in the following amounts: 79697
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(1) The amount established under section 4503.038 of the Revised Code for each card issued under section 4507.50 of the Revised Code that will expire on the applicant's birthday four years after the date of issuance; 79701
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(2) Two times the amount established under section 4503.038 79705

of the Revised Code for each card issued under section 4507.50 of 79706
the Revised Code that will expire on the applicant's birthday 79707
eight years after the date of issuance; 79708

(3) One dollar and fifty cents for the authentication of 79709
documents for each card issued under section 4507.50 of the 79710
Revised Code that will expire on the applicant's birthday four 79711
years after the date of issuance; 79712

(4) Three dollars for the authentication of documents for 79713
each card issued under section 4507.50 of the Revised Code that 79714
will expire on the applicant's birthday eight years after the date 79715
of issuance; 79716

(5) The amount established under section 4503.038 of the 79717
Revised Code for each replacement card issued under section 79718
4507.52 of the Revised Code. 79719

(C) The registrar may adopt any rules necessary to implement 79720
and administer this section. Notwithstanding any provision of 79721
section 121.95 of the Revised Code to the contrary, a regulatory 79722
restriction contained in a rule adopted under this section is not 79723
subject to sections 121.95 to 121.953 of the Revised Code. 79724

Sec. 4507.50. (A)(1) The registrar of motor vehicles or a 79725
deputy registrar shall issue an identification card to a person 79726
when all of the following apply: 79727

(a) The registrar or deputy registrar receives an application 79728
completed in accordance with section 4507.51 of the Revised Code 79729
and, if the person is under seventeen years of age, payment of the 79730
applicable fees. 79731

(b) The person is a resident or a temporary resident of this 79732
state. 79733

(c) The person is not licensed as an operator of a motor 79734
vehicle in this state or another licensing jurisdiction. 79735

(d) The person does not hold an identification card from another jurisdiction. 79736
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(2)(a) The registrar of motor vehicles or a deputy registrar may issue a temporary identification card when all of the following apply: 79738
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(i) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and payment of the applicable fees. 79741
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(ii) The person is a resident or temporary resident of this state. 79744
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(iii) The person's Ohio driver's or commercial driver's license has been suspended or canceled. 79746
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(iv) The person does not hold an identification card from another jurisdiction. 79748
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(b) The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid ~~during the effective dates of the suspension or cancellation of the cardholder's license, or until the birthday of the cardholder in the fourth year after the date on which it is issued, whichever is shorter~~ for a temporary period. The temporary period shall be in accordance with the expiration dates specified in section 4507.501 of the Revised Code. 79750
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(c) The cardholder shall surrender the temporary identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued. 79759
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(B)(1) Except as provided in division (D) of this section, an applicant who is under seventeen years of age shall pay the following fees prior to issuance of an identification card or a 79763
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temporary identification card: 79766

(a) A fee of three dollars and fifty cents if the card will 79767
expire on the applicant's birthday four years after the date of 79768
issuance or a fee of six dollars if the card will expire on the 79769
applicant's birthday eight years after the date of issuance; 79770

(b) A fee equal to the amount established under section 79771
4503.038 of the Revised Code if the card will expire on the 79772
applicant's birthday four years after the date of issuance or 79773
twice that amount if the card will expire on the applicant's 79774
birthday eight years after the date of issuance; 79775

(c) A fee of one dollar and fifty cents if the card will 79776
expire on the applicant's birthday four years after the date of 79777
issuance or three dollars if the card will expire on the 79778
applicant's birthday eight years after the date of issuance, for 79779
the authentication of the documents required for processing an 79780
identification card or temporary identification card. A deputy 79781
registrar that authenticates the required documents shall retain 79782
the entire amount of the fee. 79783

(2) The fees collected for issuing an identification card 79784
under this section, except for any fees allowed to the deputy 79785
registrar, shall be paid into the state treasury to the credit of 79786
the public safety - highway purposes fund created in section 79787
4501.06 of the Revised Code. 79788

(C) A person seventeen years of age or older may apply to the 79789
registrar or a deputy registrar for the issuance to that person of 79790
an identification card or a temporary identification card under 79791
this section without payment of any fee prescribed in division (B) 79792
of this section. 79793

(D) A resident who is ~~eligible for an identification card~~ 79794
~~with an expiration date that is in accordance with division~~ 79795
~~(A)(8)(b) of section 4507.52 of the Revised Code~~ permanently or 79796

irreversibly disabled and who is under seventeen years of age may 79797
apply to the registrar or a deputy registrar for the issuance of 79798
an identification card under this section without payment of any 79799
fee as prescribed in division (B) of this section. As used in this 79800
section, "permanently or irreversibly disabled" means a condition 79801
of disability from which there is no present indication of 79802
recovery. 79803

An application made under division (D) of this section shall 79804
be accompanied by such documentary evidence of disability as the 79805
registrar may require by rule. 79806

Sec. 4507.501. (A) An identification card issued to a 79807
resident shall expire, unless canceled or surrendered earlier, on 79808
the birthday of the cardholder in the fourth or the eighth year 79809
after the date on which it is issued, based on the period of 79810
renewal requested by the applicant. 79811

(B) A temporary identification card issued to a resident 79812
shall expire on the earliest of the following dates: 79813

(1) After the effective dates of the suspension or 79814
cancellation of the cardholder's driver's or commercial driver's 79815
license; 79816

(2) The birthday of the cardholder in the fourth year after 79817
the date on which it is issued. 79818

(C)(1) Subject to rules adopted under division (D) of this 79819
section, a limited term identification card issued to a temporary 79820
resident who has a definite expiration date for the resident's 79821
authorized stay in the United States shall expire on the earliest 79822
of the following dates: 79823

(a) The expiration date of the applicant's authorized stay in 79824
the United States; 79825

(b) Four years from the date of issuance. 79826

(2) Subject to rules adopted under division (D) of this section, a limited term identification card issued to a temporary resident who has no expiration date for the applicant's authorized stay in the United States shall expire one year from the date of issuance. 79827
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(D) The registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code governing limited term identification cards for temporary residents and limited term temporary identification cards for temporary residents. 79832
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(E) A cardholder may renew the cardholder's identification card within ninety days prior to the day on which it expires by filing an application and paying the prescribed fee, if required, in accordance with section 4507.50 of the Revised Code. A limited term identification card or limited term temporary identification card may only be renewed upon verification of the applicant's continued temporary lawful status in the United States and the applicant's compliance with any other applicable requirements. 79836
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Sec. 4507.52. (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription: 79844
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"STATE OF OHIO IDENTIFICATION CARD 79848

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card, ~~who currently is not licensed to operate a motor vehicle in the state of Ohio.~~ 79849
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(2) The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, including, if the cardholder is a noncitizen of the United States, a notation designating that the cardholder is a noncitizen. The 79853
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identification card shall not display the cardholder's social 79858
security number unless the cardholder specifically requests that 79859
the cardholder's social security number be displayed on the card. 79860
If federal law requires the cardholder's social security number to 79861
be displayed on the identification card, the social security 79862
number shall be displayed on the card notwithstanding this 79863
section. 79864

(3) The identification card also shall display the color 79865
photograph of the cardholder. 79866

(4) If the cardholder has executed a durable power of 79867
attorney for health care or a declaration governing the use or 79868
continuation, or the withholding or withdrawal, of life-sustaining 79869
treatment and has specified that the cardholder wishes the 79870
identification card to indicate that the cardholder has executed 79871
either type of instrument, the card also shall display any symbol 79872
chosen by the registrar to indicate that the cardholder has 79873
executed either type of instrument. 79874

(5) If the cardholder has specified that the cardholder 79875
wishes the identification card to indicate that the cardholder is 79876
a veteran, active duty, or reservist of the armed forces of the 79877
United States and has presented a copy of the cardholder's DD-214 79878
form or an equivalent document, the card also shall display any 79879
symbol chosen by the registrar to indicate that the cardholder is 79880
a veteran, active duty, or reservist of the armed forces of the 79881
United States. 79882

(6) The card shall be designed as to prevent its reproduction 79883
or alteration without ready detection. 79884

(7) The identification card for persons under twenty-one 79885
years of age shall have characteristics prescribed by the 79886
registrar distinguishing it from that issued to a person who is 79887
twenty-one years of age or older, except that an identification 79888

card issued to a person who applies no more than thirty days 79889
before the applicant's twenty-first birthday shall have the 79890
characteristics of an identification card issued to a person who 79891
is twenty-one years of age or older. 79892

~~(8)(a) Except as provided in division (A)(8)(b) of this 79893
section, every (8) Every identification card issued to a resident 79894
of this state shall expire, unless canceled or surrendered 79895
earlier, on the birthday of the cardholder in the fourth or the 79896
eighth year after the date on which it is issued, based on the 79897
period of renewal requested by the applicant display the 79898
expiration date of the card, in accordance with section 4507.501 79899
of the Revised Code. 79900~~

~~(b) Upon request, the registrar or a deputy registrar shall 79901
issue an identification card to a resident of this state who is 79902
permanently or irreversibly disabled that shall expire, unless 79903
canceled or surrendered earlier, on the birthday of the cardholder 79904
in the eighth year after the date on which it is issued. The 79905
registrar shall issue a reminder notice to a cardholder, at the 79906
last known address of the cardholder, six months before the 79907
identification card is scheduled to expire. The registrar shall 79908
adopt rules governing the documentation a cardholder shall submit 79909
to certify that the cardholder is permanently or irreversibly 79910
disabled. 79911~~

~~As used in this section, "permanently or irreversibly 79912
disabled" means a condition of disability from which there is no 79913
present indication of recovery. 79914~~

~~(e)(9) Every identification card issued to a temporary 79915
resident shall expire in accordance with section 4507.501 of the 79916
Revised Code and rules adopted by the registrar and is 79917
nonrenewable, but may be replaced with a new identification card 79918
upon the applicant's compliance with all applicable requirements 79919
limited term. Every limited term identification card and limited 79920~~

term temporary identification card shall contain the words 79921
"limited term" and shall have any additional characteristics 79922
prescribed by the registrar distinguishing it from an 79923
identification card issued to a resident. 79924

~~(9) A cardholder may renew the cardholder's identification~~ 79925
~~card within ninety days prior to the day on which it expires by~~ 79926
~~filing an application and paying the prescribed fee, if required,~~ 79927
~~in accordance with section 4507.50 of the Revised Code.~~ 79928

~~(10) If a cardholder applies for a driver's or commercial~~ 79929
~~driver's license in this state or another licensing jurisdiction,~~ 79930
~~the cardholder shall surrender the cardholder's identification~~ 79931
~~card to the registrar or any deputy registrar before the license~~ 79932
~~is issued.~~ 79933

~~(11)~~ Every enhanced identification card shall have any 79934
additional characteristics established by the rules adopted under 79935
section 4507.021 of the Revised Code. 79936

(B)(1) If a card is lost, destroyed, or mutilated, the person 79937
to whom the card was issued may obtain a duplicate by doing both 79938
of the following: 79939

(a) Furnishing suitable proof of the loss, destruction, or 79940
mutilation to the registrar or a deputy registrar; 79941

(b) Filing an application and presenting documentary evidence 79942
under section 4507.51 of the Revised Code. 79943

(2) A cardholder may apply to obtain a reprint of the 79944
cardholder's identification card through electronic means in 79945
accordance with section 4507.40 of the Revised Code. 79946

~~(3) Any person who loses a card and, after obtaining a~~ 79947
~~duplicate or reprint, finds the original, immediately shall~~ 79948
~~surrender the original to the registrar or a deputy registrar.~~ 79949

~~(4)~~ A cardholder may obtain a replacement identification card 79950

that reflects any change of the cardholder's name by furnishing 79951
suitable proof of the change to the registrar or a deputy 79952
registrar ~~and surrendering the cardholder's existing card.~~ 79953

~~(5)(4)~~ Except as provided in division ~~(A)(6)(B)(5)~~ or ~~(7)(6)~~ 79954
of this section, when a cardholder applies for a duplicate, 79955
reprint, or replacement identification card, the cardholder shall 79956
pay the following fees: 79957

(a) Two dollars and fifty cents; 79958

(b) A deputy registrar or service fee equal to the amount 79959
established under section 4503.038 of the Revised Code. 79960

~~(6)(5)~~ The following cardholders may apply for a duplicate, 79961
reprint, or replacement identification card without payment of any 79962
fee prescribed in division ~~(B)(5)(B)(4)~~ of this section: 79963

(a) A disabled veteran who has a service-connected disability 79964
rated at one hundred per cent by the veterans' administration; 79965

(b) A resident who is permanently or irreversibly disabled 79966
~~and who is unemployed.~~ 79967

~~(7)(6)~~ A cardholder who is seventeen years of age or older 79968
may apply for a replacement identification card without payment of 79969
any fee prescribed in division ~~(B)(5)(B)(4)~~ of this section. 79970

~~(8)(7)~~ A duplicate, reprint, or replacement identification 79971
card expires on the same date as the card it replaces. 79972

(C) The registrar shall cancel any card upon determining that 79973
the card was obtained unlawfully, issued in error, or was altered. 79974
~~The registrar also shall cancel any card that is surrendered to~~ 79975
~~the registrar or to a deputy registrar after the holder has~~ 79976
~~obtained a duplicate, reprint, replacement, or driver's or~~ 79977
~~commercial driver's license.~~ 79978

(D)(1) No agent of the state or its political subdivisions 79979
shall condition the granting of any benefit, service, right, or 79980

privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

Sec. 4508.06. (A) The director of public safety may refuse to issue, or may suspend or revoke, a license or may impose a fine of not more than ten thousand dollars per occurrence in any case in which the director finds the applicant or licensee has violated any of the provisions of this chapter, or any of the rules adopted by the director, or has failed to pay a fine imposed under this division. No person whose license has been suspended or revoked under this section shall fail to return the license to the director.

(B) In addition to the reasons for a suspension under

division (A) of this section, the director may suspend a driver 80011
training instructor license without a prior hearing if the 80012
director believes there exists clear and convincing evidence of 80013
any of the following: 80014

(1) The license holder has engaged in conduct that presents a 80015
clear and present danger to a student or students. 80016

(2) The license holder has engaged in inappropriate contact 80017
with a student. "Inappropriate contact" means any of the 80018
following: 80019

(a) Causing or attempting to cause "physical harm," as 80020
defined in division (A)(3) of section 2901.01 of the Revised Code; 80021

(b) "Sexual activity," as defined in division (C) of section 80022
2907.01 of the Revised Code; 80023

(c) Engaging in any communication, either directly or through 80024
"telecommunication," as defined in division (X) of section 2913.01 80025
of the Revised Code, that is of a sexual nature or intended to 80026
abuse, threaten, or harass the student. 80027

(3) The license holder has been convicted of a felony, or a 80028
misdemeanor that directly relates to the fitness of that person to 80029
provide driving instruction. 80030

(C) In addition to the reasons for a suspension under 80031
division (A) of this section, the director may suspend a driver 80032
training school license without a prior hearing if the director 80033
believes there exists clear and convincing evidence of any of the 80034
following: 80035

(1) There exists a clear and present danger to the health, 80036
safety, or welfare of students should the school be permitted to 80037
continue operation. 80038

(2) At the time the contract for training was signed, there 80039
was no intention to provide training, or no ability to provide 80040

training to students. 80041

(3) Any school official knowingly allowed inappropriate 80042
contact, as defined in division (B)(2) of this section, between 80043
instructors and students. 80044

(D) Immediately following a decision to impose a suspension 80045
without a prior hearing under division (B) or (C) of this section, 80046
the director, in accordance with ~~section~~ sections 119.05 and 80047
119.07 of the Revised Code, shall issue a written order of 80048
suspension, cause it to be ~~delivered to~~ served on the license 80049
holder, and notify the license holder of the opportunity for a 80050
hearing. If timely requested by the license holder, a hearing 80051
shall be conducted in accordance with Chapter 119. of the Revised 80052
Code. 80053

(E) The director shall deposit all fines collected under 80054
division (A) of this section into the state treasury to the credit 80055
of the public safety - highway purposes fund created by section 80056
4501.06 of the Revised Code. 80057

(F) Whoever fails to return a license that has been suspended 80058
or revoked under division (A), (B), or (C) of this section is 80059
guilty of failing to return a suspended or revoked license, a 80060
minor misdemeanor or, on a second or subsequent offense within two 80061
years after the first offense, a misdemeanor of the fourth degree. 80062

Sec. 4509.101. (A)(1) No person shall operate, or permit the 80063
operation of, a motor vehicle in this state, unless proof of 80064
financial responsibility is maintained continuously throughout the 80065
registration period with respect to that vehicle, or, in the case 80066
of a driver who is not the owner, with respect to that driver's 80067
operation of that vehicle. 80068

(2) Whoever violates division (A)(1) of this section shall be 80069
subject to the following civil penalties: 80070

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class (F) suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(6) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person, but only if the person presents proof of financial responsibility and is enrolled in a reinstatement fee payment plan pursuant to section 4510.10 of the Revised Code.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of

this section, except that no court may grant limited driving 80103
privileges for the first thirty days of the suspension. 80104

(d) In addition to the suspension of an owner's license under 80105
division (A)(2)(a), (b), or (c) of this section, the suspension of 80106
the rights of the owner to register the motor vehicle and the 80107
impoundment of the owner's certificate of registration and license 80108
plates until the owner complies with division (A)(5) of this 80109
section. 80110

The clerk of court shall waive the cost of filing a petition 80111
for limited driving privileges if, pursuant to section 2323.311 of 80112
the Revised Code, the petitioner applies to be qualified as an 80113
indigent litigant and the court approves the application. 80114

(3) A person to whom this state has issued a certificate of 80115
registration for a motor vehicle or a license to operate a motor 80116
vehicle or who is determined to have operated any motor vehicle or 80117
permitted the operation in this state of a motor vehicle owned by 80118
the person shall be required to verify the existence of proof of 80119
financial responsibility covering the operation of the motor 80120
vehicle or the person's operation of the motor vehicle under 80121
either of the following circumstances: 80122

(a) The person or a motor vehicle owned by the person is 80123
involved in a traffic accident that requires the filing of an 80124
accident report under section 4509.06 of the Revised Code. 80125

(b) The person receives a traffic ticket indicating that 80126
proof of the maintenance of financial responsibility was not 80127
produced upon the request of a peace officer or state highway 80128
patrol trooper made in accordance with division (D)(2) of this 80129
section. 80130

(4) An order of the registrar that suspends and impounds a 80131
license or registration, or both, shall state the date on or 80132
before which the person is required to surrender the person's 80133

license or certificate of registration and license plates. The 80134
person is deemed to have surrendered the license or certificate of 80135
registration and license plates, in compliance with the order, if 80136
the person does either of the following: 80137

(a) On or before the date specified in the order, personally 80138
delivers the license or certificate of registration and license 80139
plates, or causes the delivery of the items, to the registrar; 80140

(b) Mails the license or certificate of registration and 80141
license plates to the registrar in an envelope or container 80142
bearing a postmark showing a date no later than the date specified 80143
in the order. 80144

(5) Except as provided in division (L) of this section, the 80145
registrar shall not restore any operating privileges or 80146
registration rights suspended under this section, return any 80147
license, certificate of registration, or license plates impounded 80148
under this section, or reissue license plates under section 80149
4503.232 of the Revised Code, if the registrar destroyed the 80150
impounded license plates under that section, or reissue a license 80151
under section 4510.52 of the Revised Code, if the registrar 80152
destroyed the suspended license under that section, unless the 80153
rights are not subject to suspension or revocation under any other 80154
law and unless the person, in addition to complying with all other 80155
conditions required by law for reinstatement of the operating 80156
privileges or registration rights, complies with all of the 80157
following: 80158

(a) Pays to the registrar or an eligible deputy registrar a 80159
financial responsibility reinstatement fee of one hundred forty 80160
~~dollars for the first violation of division (A)(1) of this~~ 80161
~~section, three hundred dollars for a second violation of that~~ 80162
~~division, and six hundred dollars for a third or subsequent~~ 80163
~~violation of that division;~~ 80164

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose 80196
certificate of registration and license plates have been impounded 80197
or are under an order of impoundment, or whose license has been 80198
suspended or is under an order of suspension; the serial number of 80199
the person's license; the serial numbers of the person's 80200
certificate of registration and license plates; and the person's 80201
social security account number, if assigned, or, where the motor 80202
vehicle is used for hire or principally in connection with any 80203
established business, the person's federal taxpayer identification 80204
number. The information shall be recorded in such a manner that it 80205
becomes a part of the person's permanent record, and assists the 80206
registrar in monitoring compliance with the orders of suspension 80207
or impoundment. 80208

(d) Send written notification to every person to whom the 80209
order pertains, at the person's last known address as shown on the 80210
records of the bureau. The person, within ten days after the date 80211
of the mailing of the notification, shall surrender to the 80212
registrar, in a manner set forth in division (A)(4) of this 80213
section, any certificate of registration and registration plates 80214
under an order of impoundment, or any license under an order of 80215
suspension. 80216

(2) The registrar shall issue any order under division (B)(1) 80217
of this section without a hearing. Any person adversely affected 80218
by the order, within ten days after the issuance of the order, may 80219
request an administrative hearing before the registrar, who shall 80220
provide the person with an opportunity for a hearing in accordance 80221
with this paragraph. A request for a hearing does not operate as a 80222
suspension of the order. The scope of the hearing shall be limited 80223
to whether the person in fact demonstrated to the registrar proof 80224
of financial responsibility in accordance with this section. The 80225
registrar shall determine the date, time, and place of any 80226
hearing, provided that the hearing shall be held, and an order 80227

issued or findings made, within thirty days after the registrar 80228
receives a request for a hearing. If requested by the person in 80229
writing, the registrar may designate as the place of hearing the 80230
county seat of the county in which the person resides or a place 80231
within fifty miles of the person's residence. The person shall pay 80232
the cost of the hearing before the registrar, if the registrar's 80233
order of suspension or impoundment is upheld. 80234

(C) Any order of suspension or impoundment issued under this 80235
section or division (B) of section 4509.37 of the Revised Code may 80236
be terminated at any time if the registrar determines upon a 80237
showing of proof of financial responsibility that the operator or 80238
owner of the motor vehicle was in compliance with division (A)(1) 80239
of this section at the time of the traffic offense, motor vehicle 80240
inspection, or accident that resulted in the order against the 80241
person. A determination may be made without a hearing. This 80242
division does not apply unless the person shows good cause for the 80243
person's failure to present satisfactory proof of financial 80244
responsibility to the registrar prior to the issuance of the 80245
order. 80246

(D)(1)(a) For the purpose of enforcing this section, every 80247
peace officer is deemed an agent of the registrar. 80248

(b) Any peace officer who, in the performance of the peace 80249
officer's duties as authorized by law, becomes aware of a person 80250
whose license is under an order of suspension, or whose 80251
certificate of registration and license plates are under an order 80252
of impoundment, pursuant to this section, may confiscate the 80253
license, certificate of registration, and license plates, and 80254
return them to the registrar. 80255

(2) A peace officer shall request the owner or operator of a 80256
motor vehicle to produce proof of financial responsibility in a 80257
manner described in division (G) of this section at the time the 80258
peace officer acts to enforce the traffic laws of this state and 80259

during motor vehicle inspections conducted pursuant to section 80260
4513.02 of the Revised Code. 80261

(3) A peace officer shall indicate on every traffic ticket 80262
whether the person receiving the traffic ticket produced proof of 80263
the maintenance of financial responsibility in response to the 80264
officer's request under division (D)(2) of this section. The peace 80265
officer shall inform every person who receives a traffic ticket 80266
and who has failed to produce proof of the maintenance of 80267
financial responsibility that the person must submit proof to the 80268
traffic violations bureau with any payment of a fine and costs for 80269
the ticketed violation or, if the person is to appear in court for 80270
the violation, the person must submit proof to the court. 80271

(4)(a) If a person who has failed to produce proof of the 80272
maintenance of financial responsibility appears in court for a 80273
ticketed violation, the court may permit the defendant to present 80274
evidence of proof of financial responsibility to the court at such 80275
time and in such manner as the court determines to be necessary or 80276
appropriate. In a manner prescribed by the registrar, the clerk of 80277
courts shall provide the registrar with the identity of any person 80278
who fails to submit proof of the maintenance of financial 80279
responsibility pursuant to division (D)(3) of this section. 80280

(b) If a person who has failed to produce proof of the 80281
maintenance of financial responsibility also fails to submit that 80282
proof to the traffic violations bureau with payment of a fine and 80283
costs for the ticketed violation, the traffic violations bureau, 80284
in a manner prescribed by the registrar, shall notify the 80285
registrar of the identity of that person. 80286

(5)(a) Upon receiving notice from a clerk of courts or 80287
traffic violations bureau pursuant to division (D)(4) of this 80288
section, the registrar shall order the suspension of the license 80289
of the person required under division (A)(2)(a), (b), or (c) of 80290
this section and the impoundment of the person's certificate of 80291

registration and license plates required under division (A)(2)(d) 80292
of this section, effective thirty days after the date of the 80293
mailing of notification. The registrar also shall notify the 80294
person that the person must present the registrar with proof of 80295
financial responsibility in accordance with this section, 80296
surrender to the registrar the person's certificate of 80297
registration, license plates, and license, or submit a statement 80298
subject to section 2921.13 of the Revised Code that the person did 80299
not operate or permit the operation of the motor vehicle at the 80300
time of the offense. Notification shall be in writing and shall be 80301
sent to the person at the person's last known address as shown on 80302
the records of the bureau of motor vehicles. The person, within 80303
fifteen days after the date of the mailing of notification, shall 80304
present proof of financial responsibility, surrender the 80305
certificate of registration, license plates, and license to the 80306
registrar in a manner set forth in division (A)(4) of this 80307
section, or submit the statement required under this section 80308
together with other information the person considers appropriate. 80309

If the registrar does not receive proof or the person does 80310
not surrender the certificate of registration, license plates, and 80311
license, in accordance with this division, the registrar shall 80312
permit the order for the suspension of the license of the person 80313
and the impoundment of the person's certificate of registration 80314
and license plates to take effect. 80315

(b) In the case of a person who presents, within the 80316
fifteen-day period, proof of financial responsibility, the 80317
registrar shall terminate the order of suspension and the 80318
impoundment of the registration and license plates required under 80319
division (A)(2)(d) of this section and shall send written 80320
notification to the person, at the person's last known address as 80321
shown on the records of the bureau. 80322

(c) Any person adversely affected by the order of the 80323

registrar under division (D)(5)(a) or (b) of this section, within 80324
ten days after the issuance of the order, may request an 80325
administrative hearing before the registrar, who shall provide the 80326
person with an opportunity for a hearing in accordance with this 80327
paragraph. A request for a hearing does not operate as a 80328
suspension of the order. The scope of the hearing shall be limited 80329
to whether, at the time of the hearing, the person presents proof 80330
of financial responsibility covering the vehicle and whether the 80331
person is eligible for an exemption in accordance with this 80332
section or any rule adopted under it. The registrar shall 80333
determine the date, time, and place of any hearing; provided, that 80334
the hearing shall be held, and an order issued or findings made, 80335
within thirty days after the registrar receives a request for a 80336
hearing. If requested by the person in writing, the registrar may 80337
designate as the place of hearing the county seat of the county in 80338
which the person resides or a place within fifty miles of the 80339
person's residence. Such person shall pay the cost of the hearing 80340
before the registrar, if the registrar's order of suspension or 80341
impoundment under division (D)(5)(a) or (b) of this section is 80342
upheld. 80343

(6) A peace officer may charge an owner or operator of a 80344
motor vehicle with a violation of section 4510.16 of the Revised 80345
Code when the owner or operator fails to show proof of the 80346
maintenance of financial responsibility pursuant to a peace 80347
officer's request under division (D)(2) of this section, if a 80348
check of the owner or operator's driving record indicates that the 80349
owner or operator, at the time of the operation of the motor 80350
vehicle, is required to file and maintain proof of financial 80351
responsibility under section 4509.45 of the Revised Code for a 80352
previous violation of this chapter. 80353

(7) Any forms used by law enforcement agencies in 80354
administering this section shall be prescribed, supplied, and paid 80355

for by the registrar. 80356

(8) No peace officer, law enforcement agency employing a 80357
peace officer, or political subdivision or governmental agency 80358
that employs a peace officer shall be liable in a civil action for 80359
damages or loss to persons arising out of the performance of any 80360
duty required or authorized by this section. 80361

(9) As used in this section, "peace officer" has the meaning 80362
set forth in section 2935.01 of the Revised Code. 80363

(E) All fees, except court costs, fees paid to a deputy 80364
registrar, and those portions of the financial responsibility 80365
reinstatement fees as otherwise specified in this division, 80366
collected under this section shall be paid into the state treasury 80367
to the credit of the public safety - highway purposes fund 80368
established in section 4501.06 of the Revised Code and used to 80369
cover costs incurred by the bureau in the administration of this 80370
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 80371
Code, and by any law enforcement agency employing any peace 80372
officer who returns any license, certificate of registration, and 80373
license plates to the registrar pursuant to division (C) of this 80374
section. 80375

Of each financial responsibility reinstatement fee the 80376
registrar collects pursuant to division (A)(5)(a) of this section 80377
or receives from a deputy registrar under division (A)(5)(d) of 80378
this section, the registrar shall deposit ~~twenty-five~~ ten dollars 80379
~~of each one hundred dollar reinstatement fee, fifty dollars of~~ 80380
~~each three hundred dollar reinstatement fee, and one hundred~~ 80381
~~dollars of each six hundred dollar reinstatement fee~~ into the 80382
state treasury to the credit of the indigent defense support fund 80383
created by section 120.08 of the Revised Code. 80384

(F) Chapter 119. of the Revised Code applies to this section 80385
only to the extent that any provision in that chapter is not 80386

clearly inconsistent with this section. 80387

(G)(1)(a) The registrar, court, traffic violations bureau, or 80388
peace officer may require proof of financial responsibility to be 80389
demonstrated by use of a standard form prescribed by the 80390
registrar. If the use of a standard form is not required, a person 80391
may demonstrate proof of financial responsibility under this 80392
section by presenting to the traffic violations bureau, court, 80393
registrar, or peace officer any of the following documents or a 80394
copy of the documents: 80395

(i) A financial responsibility identification card as 80396
provided in section 4509.103 of the Revised Code; 80397

(ii) A certificate of proof of financial responsibility on a 80398
form provided and approved by the registrar for the filing of an 80399
accident report required to be filed under section 4509.06 of the 80400
Revised Code; 80401

(iii) A policy of liability insurance, a declaration page of 80402
a policy of liability insurance, or liability bond, if the policy 80403
or bond complies with section 4509.20 or sections 4509.49 to 80404
4509.61 of the Revised Code; 80405

(iv) A bond or certification of the issuance of a bond as 80406
provided in section 4509.59 of the Revised Code; 80407

(v) A certificate of deposit of money or securities as 80408
provided in section 4509.62 of the Revised Code; 80409

(vi) A certificate of self-insurance as provided in section 80410
4509.72 of the Revised Code. 80411

(b) A person also may present proof of financial 80412
responsibility under this section to the traffic violations 80413
bureau, court, registrar, or peace officer through use of an 80414
electronic wireless communications device as specified under 80415
section 4509.103 of the Revised Code. 80416

(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certifying authority is in full force and effect.

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.

(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility and the generation and delivery of proof of financial responsibility to an electronic wireless communications device that is displayed on the device as text or images does not do any of the following:

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action

commenced by an insured or third-party claimant upon a cause of 80448
action alleged to have arisen under an insurance policy or surety 80449
bond or by reason of the preparation and delivery of a document 80450
for use as proof of financial responsibility or the generation and 80451
delivery of proof of financial responsibility to an electronic 80452
wireless communications device. 80453

(c) Whenever it is determined by a final judgment in a 80454
judicial proceeding that an insurer or surety, which has been 80455
named on a document or displayed on an electronic wireless 80456
communications device accepted by a court or the registrar as 80457
proof of financial responsibility covering the operation of a 80458
motor vehicle at the time of an accident or offense, is not liable 80459
to pay a judgment for injuries or damages resulting from such 80460
operation, the registrar, notwithstanding any previous contrary 80461
finding, shall forthwith suspend the operating privileges and 80462
registration rights of the person against whom the judgment was 80463
rendered as provided in division (A)(2) of this section. 80464

(H) In order for any document or display of text or images on 80465
an electronic wireless communications device described in division 80466
(G)(1) of this section to be used for the demonstration of proof 80467
of financial responsibility under this section, the document or 80468
words or images shall state the name of the insured or obligor, 80469
the name of the insurer or surety company, and the effective and 80470
expiration dates of the financial responsibility, and designate by 80471
explicit description or by appropriate reference all motor 80472
vehicles covered which may include a reference to fleet insurance 80473
coverage. 80474

(I) For purposes of this section, "owner" does not include a 80475
licensed motor vehicle leasing dealer as defined in section 80476
4517.01 of the Revised Code, but does include a motor vehicle 80477
renting dealer as defined in section 4549.65 of the Revised Code. 80478
Nothing in this section or in section 4509.51 of the Revised Code 80479

shall be construed to prohibit a motor vehicle renting dealer from 80480
entering into a contractual agreement with a person whereby the 80481
person renting the motor vehicle agrees to be solely responsible 80482
for maintaining proof of financial responsibility, in accordance 80483
with this section, with respect to the operation, maintenance, or 80484
use of the motor vehicle during the period of the motor vehicle's 80485
rental. 80486

(J) The purpose of this section is to require the maintenance 80487
of proof of financial responsibility with respect to the operation 80488
of motor vehicles on the highways of this state, so as to minimize 80489
those situations in which persons are not compensated for injuries 80490
and damages sustained in motor vehicle accidents. The general 80491
assembly finds that this section contains reasonable civil 80492
penalties and procedures for achieving this purpose. 80493

(K) Nothing in this section shall be construed to be subject 80494
to section 4509.78 of the Revised Code. 80495

(L)(1) The registrar may terminate any suspension imposed 80496
under this section and not require the owner to comply with 80497
divisions (A)(5)(a), (b), and (c) of this section if the registrar 80498
with or without a hearing determines that the owner of the vehicle 80499
has established by clear and convincing evidence that all of the 80500
following apply: 80501

(a) The owner customarily maintains proof of financial 80502
responsibility. 80503

(b) Proof of financial responsibility was not in effect for 80504
the vehicle on the date in question for one of the following 80505
reasons: 80506

(i) The vehicle was inoperable. 80507

(ii) The vehicle is operated only seasonally, and the date in 80508
question was outside the season of operation. 80509

(iii) A person other than the vehicle owner or driver was at 80510
fault for the lapse of proof of financial responsibility through 80511
no fault of the owner or driver. 80512

(iv) The lapse of proof of financial responsibility was 80513
caused by excusable neglect under circumstances that are not 80514
likely to recur and do not suggest a purpose to evade the 80515
requirements of this chapter. 80516

(2) The registrar may grant an owner or driver relief for a 80517
reason specified in division (L)(1)(b)(iii) or (iv) of this 80518
section only if the owner or driver has not previously been 80519
granted relief under division (L)(1)(b)(iii) or (iv) of this 80520
section. 80521

(M) The registrar shall adopt rules in accordance with 80522
Chapter 119. of the Revised Code that are necessary to administer 80523
and enforce this section. The rules shall include procedures for 80524
the surrender of license plates upon failure to maintain proof of 80525
financial responsibility and provisions relating to reinstatement 80526
of registration rights, acceptable forms of proof of financial 80527
responsibility, the use of an electronic wireless communications 80528
device to present proof of financial responsibility, and 80529
verification of the existence of financial responsibility during 80530
the period of registration. 80531

(N)(1) When a person utilizes an electronic wireless 80532
communications device to present proof of financial 80533
responsibility, only the evidence of financial responsibility 80534
displayed on the device shall be viewed by the registrar, peace 80535
officer, employee or official of the traffic violations bureau, or 80536
the court. No other content of the device shall be viewed for 80537
purposes of obtaining proof of financial responsibility. 80538

(2) When a person provides an electronic wireless 80539
communications device to the registrar, a peace officer, an 80540

employee or official of a traffic violations bureau, or the court, 80541
the person assumes the risk of any resulting damage to the device 80542
unless the registrar, peace officer, employee, or official, or 80543
court personnel purposely, knowingly, or recklessly commits an 80544
action that results in damage to the device. 80545

Sec. 4511.191. (A)(1) As used in this section: 80546

(a) "Physical control" has the same meaning as in section 80547
4511.194 of the Revised Code. 80548

(b) "Alcohol monitoring device" means any device that 80549
provides for continuous alcohol monitoring, any ignition interlock 80550
device, any immobilizing or disabling device other than an 80551
ignition interlock device that is constantly available to monitor 80552
the concentration of alcohol in a person's system, or any other 80553
device that provides for the automatic testing and periodic 80554
reporting of alcohol consumption by a person and that a court 80555
orders a person to use as a sanction imposed as a result of the 80556
person's conviction of or plea of guilty to an offense. 80557

(c) "Community addiction services provider" has the same 80558
meaning as in section 5119.01 of the Revised Code. 80559

(2) Any person who operates a vehicle, streetcar, or 80560
trackless trolley upon a highway or any public or private property 80561
used by the public for vehicular travel or parking within this 80562
state or who is in physical control of a vehicle, streetcar, or 80563
trackless trolley shall be deemed to have given consent to a 80564
chemical test or tests of the person's whole blood, blood serum or 80565
plasma, breath, or urine to determine the alcohol, drug of abuse, 80566
controlled substance, metabolite of a controlled substance, or 80567
combination content of the person's whole blood, blood serum or 80568
plasma, breath, or urine if arrested for a violation of division 80569
(A) or (B) of section 4511.19 of the Revised Code, section 80570
4511.194 of the Revised Code or a substantially equivalent 80571

municipal ordinance, or a municipal OVI ordinance. 80572

(3) The chemical test or tests under division (A)(2) of this 80573
section shall be administered at the request of a law enforcement 80574
officer having reasonable grounds to believe the person was 80575
operating or in physical control of a vehicle, streetcar, or 80576
trackless trolley in violation of a division, section, or 80577
ordinance identified in division (A)(2) of this section. The law 80578
enforcement agency by which the officer is employed shall 80579
designate which of the tests shall be administered. 80580

(4) Any person who is dead or unconscious, or who otherwise 80581
is in a condition rendering the person incapable of refusal, shall 80582
be deemed to have consented as provided in division (A)(2) of this 80583
section, and the test or tests may be administered, subject to 80584
sections 313.12 to 313.16 of the Revised Code. 80585

(5)(a) If a law enforcement officer arrests a person for a 80586
violation of division (A) or (B) of section 4511.19 of the Revised 80587
Code, section 4511.194 of the Revised Code or a substantially 80588
equivalent municipal ordinance, or a municipal OVI ordinance and 80589
if the person if convicted would be required to be sentenced under 80590
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 80591
Code, the law enforcement officer shall request the person to 80592
submit, and the person shall submit, to a chemical test or tests 80593
of the person's whole blood, blood serum or plasma, breath, or 80594
urine for the purpose of determining the alcohol, drug of abuse, 80595
controlled substance, metabolite of a controlled substance, or 80596
combination content of the person's whole blood, blood serum or 80597
plasma, breath, or urine. A law enforcement officer who makes a 80598
request pursuant to this division that a person submit to a 80599
chemical test or tests is not required to advise the person of the 80600
consequences of submitting to, or refusing to submit to, the test 80601
or tests and is not required to give the person the form described 80602
in division (B) of section 4511.192 of the Revised Code, but the 80603

officer shall advise the person at the time of the arrest that if 80604
the person refuses to take a chemical test the officer may employ 80605
whatever reasonable means are necessary to ensure that the person 80606
submits to a chemical test of the person's whole blood or blood 80607
serum or plasma. The officer shall also advise the person at the 80608
time of the arrest that the person may have an independent 80609
chemical test taken at the person's own expense. Divisions (A)(3) 80610
and (4) of this section apply to the administration of a chemical 80611
test or tests pursuant to this division. 80612

(b) If a person refuses to submit to a chemical test upon a 80613
request made pursuant to division (A)(5)(a) of this section, the 80614
law enforcement officer who made the request may employ whatever 80615
reasonable means are necessary to ensure that the person submits 80616
to a chemical test of the person's whole blood or blood serum or 80617
plasma. A law enforcement officer who acts pursuant to this 80618
division to ensure that a person submits to a chemical test of the 80619
person's whole blood or blood serum or plasma is immune from 80620
criminal and civil liability based upon a claim for assault and 80621
battery or any other claim for the acts, unless the officer so 80622
acted with malicious purpose, in bad faith, or in a wanton or 80623
reckless manner. 80624

(B)(1) Upon receipt of the sworn report of a law enforcement 80625
officer who arrested a person for a violation of division (A) or 80626
(B) of section 4511.19 of the Revised Code, section 4511.194 of 80627
the Revised Code or a substantially equivalent municipal 80628
ordinance, or a municipal OVI ordinance that was completed and 80629
sent to the registrar of motor vehicles and a court pursuant to 80630
section 4511.192 of the Revised Code in regard to a person who 80631
refused to take the designated chemical test, the registrar shall 80632
enter into the registrar's records the fact that the person's 80633
driver's or commercial driver's license or permit or nonresident 80634
operating privilege was suspended by the arresting officer under 80635

this division and that section and the period of the suspension, 80636
as determined under this section. The suspension shall be subject 80637
to appeal as provided in section 4511.197 of the Revised Code. The 80638
suspension shall be for whichever of the following periods 80639
applies: 80640

(a) Except when division (B)(1)(b), (c), or (d) of this 80641
section applies and specifies a different class or length of 80642
suspension, the suspension shall be a class C suspension for the 80643
period of time specified in division (B)(3) of section 4510.02 of 80644
the Revised Code. 80645

(b) If the arrested person, within ten years of the date on 80646
which the person refused the request to consent to the chemical 80647
test, had refused one previous request to consent to a chemical 80648
test or had been convicted of or pleaded guilty to one violation 80649
of division (A) of section 4511.19 of the Revised Code or one 80650
other equivalent offense, the suspension shall be a class B 80651
suspension imposed for the period of time specified in division 80652
(B)(2) of section 4510.02 of the Revised Code. 80653

(c) If the arrested person, within ten years of the date on 80654
which the person refused the request to consent to the chemical 80655
test, had refused two previous requests to consent to a chemical 80656
test, had been convicted of or pleaded guilty to two violations of 80657
division (A) of section 4511.19 of the Revised Code or other 80658
equivalent offenses, or had refused one previous request to 80659
consent to a chemical test and also had been convicted of or 80660
pleaded guilty to one violation of division (A) of section 4511.19 80661
of the Revised Code or other equivalent offenses, which violation 80662
or offense arose from an incident other than the incident that led 80663
to the refusal, the suspension shall be a class A suspension 80664
imposed for the period of time specified in division (B)(1) of 80665
section 4510.02 of the Revised Code. 80666

(d) If the arrested person, within ten years of the date on 80667

which the person refused the request to consent to the chemical 80668
test, had refused three or more previous requests to consent to a 80669
chemical test, had been convicted of or pleaded guilty to three or 80670
more violations of division (A) of section 4511.19 of the Revised 80671
Code or other equivalent offenses, or had refused a number of 80672
previous requests to consent to a chemical test and also had been 80673
convicted of or pleaded guilty to a number of violations of 80674
division (A) of section 4511.19 of the Revised Code or other 80675
equivalent offenses that cumulatively total three or more such 80676
refusals, convictions, and guilty pleas, the suspension shall be 80677
for five years. 80678

(2) The registrar shall terminate a suspension of the 80679
driver's or commercial driver's license or permit of a resident or 80680
of the operating privilege of a nonresident, or a denial of a 80681
driver's or commercial driver's license or permit, imposed 80682
pursuant to division (B)(1) of this section upon receipt of notice 80683
that the person has entered a plea of guilty to, or that the 80684
person has been convicted after entering a plea of no contest to, 80685
operating a vehicle in violation of section 4511.19 of the Revised 80686
Code or in violation of a municipal OVI ordinance, if the offense 80687
for which the conviction is had or the plea is entered arose from 80688
the same incident that led to the suspension or denial. 80689

The registrar shall credit against any judicial suspension of 80690
a person's driver's or commercial driver's license or permit or 80691
nonresident operating privilege imposed pursuant to section 80692
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 80693
Revised Code for a violation of a municipal OVI ordinance, any 80694
time during which the person serves a related suspension imposed 80695
pursuant to division (B)(1) of this section. 80696

(C)(1) Upon receipt of the sworn report of the law 80697
enforcement officer who arrested a person for a violation of 80698
division (A) or (B) of section 4511.19 of the Revised Code or a 80699

municipal OVI ordinance that was completed and sent to the 80700
registrar and a court pursuant to section 4511.192 of the Revised 80701
Code in regard to a person whose test results indicate that the 80702
person's whole blood, blood serum or plasma, breath, or urine 80703
contained at least the concentration of alcohol specified in 80704
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 80705
Revised Code or at least the concentration of a listed controlled 80706
substance or a listed metabolite of a controlled substance 80707
specified in division (A)(1)(j) of section 4511.19 of the Revised 80708
Code, the registrar shall enter into the registrar's records the 80709
fact that the person's driver's or commercial driver's license or 80710
permit or nonresident operating privilege was suspended by the 80711
arresting officer under this division and section 4511.192 of the 80712
Revised Code and the period of the suspension, as determined under 80713
divisions (C)(1)(a) to (d) of this section. The suspension shall 80714
be subject to appeal as provided in section 4511.197 of the 80715
Revised Code. The suspension described in this division does not 80716
apply to, and shall not be imposed upon, a person arrested for a 80717
violation of section 4511.194 of the Revised Code or a 80718
substantially equivalent municipal ordinance who submits to a 80719
designated chemical test. The suspension shall be for whichever of 80720
the following periods applies: 80721

(a) Except when division (C)(1)(b), (c), or (d) of this 80722
section applies and specifies a different period, the suspension 80723
shall be a class E suspension imposed for the period of time 80724
specified in division (B)(5) of section 4510.02 of the Revised 80725
Code. 80726

(b) The suspension shall be a class C suspension for the 80727
period of time specified in division (B)(3) of section 4510.02 of 80728
the Revised Code if the person has been convicted of or pleaded 80729
guilty to, within ten years of the date the test was conducted, 80730
one violation of division (A) of section 4511.19 of the Revised 80731

Code or one other equivalent offense. 80732

(c) If, within ten years of the date the test was conducted, 80733
the person has been convicted of or pleaded guilty to two 80734
violations of a statute or ordinance described in division 80735
(C)(1)(b) of this section, the suspension shall be a class B 80736
suspension imposed for the period of time specified in division 80737
(B)(2) of section 4510.02 of the Revised Code. 80738

(d) If, within ten years of the date the test was conducted, 80739
the person has been convicted of or pleaded guilty to more than 80740
two violations of a statute or ordinance described in division 80741
(C)(1)(b) of this section, the suspension shall be a class A 80742
suspension imposed for the period of time specified in division 80743
(B)(1) of section 4510.02 of the Revised Code. 80744

(2) The registrar shall terminate a suspension of the 80745
driver's or commercial driver's license or permit of a resident or 80746
of the operating privilege of a nonresident, or a denial of a 80747
driver's or commercial driver's license or permit, imposed 80748
pursuant to division (C)(1) of this section upon receipt of notice 80749
that the person has entered a plea of guilty to, or that the 80750
person has been convicted after entering a plea of no contest to, 80751
operating a vehicle in violation of section 4511.19 of the Revised 80752
Code or in violation of a municipal OVI ordinance, if the offense 80753
for which the conviction is had or the plea is entered arose from 80754
the same incident that led to the suspension or denial. 80755

The registrar shall credit against any judicial suspension of 80756
a person's driver's or commercial driver's license or permit or 80757
nonresident operating privilege imposed pursuant to section 80758
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 80759
Revised Code for a violation of a municipal OVI ordinance, any 80760
time during which the person serves a related suspension imposed 80761
pursuant to division (C)(1) of this section. 80762

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section,

under section 4511.194, section 4511.196, or division (G) of 80795
section 4511.19 of the Revised Code, or under section 4510.07 of 80796
the Revised Code for a violation of a municipal OVI ordinance and 80797
upon the request of the person whose driver's or commercial 80798
driver's license or permit was suspended and who is not otherwise 80799
subject to suspension, cancellation, or disqualification, the 80800
registrar shall return the driver's or commercial driver's license 80801
or permit to the person upon the occurrence of all of the 80802
conditions specified in divisions (F)(1) and (2) of this section: 80803

(1) A showing that the person has proof of financial 80804
responsibility, a policy of liability insurance in effect that 80805
meets the minimum standards set forth in section 4509.51 of the 80806
Revised Code, or proof, to the satisfaction of the registrar, that 80807
the person is able to respond in damages in an amount at least 80808
equal to the minimum amounts specified in section 4509.51 of the 80809
Revised Code. 80810

(2) Subject to the limitation contained in division (F)(3) of 80811
this section, payment by the person to the registrar or an 80812
eligible deputy registrar of a license reinstatement fee of four 80813
hundred seventy-five dollars, which fee shall be deposited in the 80814
state treasury and credited as follows: 80815

(a) One hundred twelve dollars and fifty cents shall be 80816
credited to the statewide treatment and prevention fund created by 80817
section 4301.30 of the Revised Code. Money credited to the fund 80818
under this section shall be used for purposes identified under 80819
section 5119.22 of the Revised Code. 80820

(b) Seventy-five dollars shall be credited to the reparations 80821
fund created by section 2743.191 of the Revised Code. 80822

(c) Thirty-seven dollars and fifty cents shall be credited to 80823
the indigent drivers alcohol treatment fund, which is hereby 80824
established in the state treasury. The department of mental health 80825

and addiction services shall distribute the moneys in that fund to 80826
the county indigent drivers alcohol treatment funds, the county 80827
juvenile indigent drivers alcohol treatment funds, and the 80828
municipal indigent drivers alcohol treatment funds that are 80829
required to be established by counties and municipal corporations 80830
pursuant to division (H) of this section to be used only as 80831
provided in division (H)(3) of this section. Moneys in the fund 80832
that are not distributed to a county indigent drivers alcohol 80833
treatment fund, a county juvenile indigent drivers alcohol 80834
treatment fund, or a municipal indigent drivers alcohol treatment 80835
fund under division (H) of this section because the director of 80836
mental health and addiction services does not have the information 80837
necessary to identify the county or municipal corporation where 80838
the offender or juvenile offender was arrested may be transferred 80839
by the director of budget and management to the statewide 80840
treatment and prevention fund created by section 4301.30 of the 80841
Revised Code, upon certification of the amount by the director of 80842
mental health and addiction services. 80843

(d) Seventy-five dollars shall be credited to the 80844
opportunities for Ohioans with disabilities agency established by 80845
section 3304.15 of the Revised Code, to the services for 80846
rehabilitation fund, which is hereby established. The fund shall 80847
be used to match available federal matching funds where 80848
appropriate, ~~and or~~ or for any other purpose or program of the agency 80849
~~to rehabilitate persons with disabilities to help them become~~ 80850
~~employed and independent.~~ 80851

(e) Seventy-five dollars shall be deposited into the state 80852
treasury and credited to the drug abuse resistance education 80853
programs fund, which is hereby established, to be used by the 80854
attorney general for the purposes specified in division (F)(4) of 80855
this section. 80856

(f) Thirty dollars shall be credited to the public safety - 80857

highway purposes fund created by section 4501.06 of the Revised Code. 80858
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(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code. 80860
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(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device. 80863
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(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The reinstatement fee shall be distributed by the bureau in accordance 80879
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with division (F)(2) of this section. 80890

(4) The attorney general shall use amounts in the drug abuse 80891
resistance education programs fund to award grants to law 80892
enforcement agencies to establish and implement drug abuse 80893
resistance education programs in public schools. Grants awarded to 80894
a law enforcement agency under this section shall be used by the 80895
agency to pay for not more than fifty per cent of the amount of 80896
the salaries of law enforcement officers who conduct drug abuse 80897
resistance education programs in public schools. The attorney 80898
general shall not use more than six per cent of the amounts the 80899
attorney general's office receives under division (F)(2)(e) of 80900
this section to pay the costs it incurs in administering the grant 80901
program established by division (F)(2)(e) of this section and in 80902
providing training and materials relating to drug abuse resistance 80903
education programs. 80904

The attorney general shall report to the governor and the 80905
general assembly each fiscal year on the progress made in 80906
establishing and implementing drug abuse resistance education 80907
programs. These reports shall include an evaluation of the 80908
effectiveness of these programs. 80909

(5) In addition to the reinstatement fee under this section, 80910
if the person pays the reinstatement fee to a deputy registrar, 80911
the deputy registrar shall collect a service fee of ten dollars to 80912
compensate the deputy registrar for services performed under this 80913
section. The deputy registrar shall retain eight dollars of the 80914
service fee and shall transmit the reinstatement fee, plus two 80915
dollars of the service fee, to the registrar in the manner the 80916
registrar shall determine. 80917

(G) Suspension of a commercial driver's license under 80918
division (B) or (C) of this section shall be concurrent with any 80919
period of disqualification under section 3123.611 or 4506.16 of 80920
the Revised Code or any period of suspension under section 3123.58 80921

of the Revised Code. No person who is disqualified for life from 80922
holding a commercial driver's license under section 4506.16 of the 80923
Revised Code shall be issued a driver's license under Chapter 80924
4507. of the Revised Code during the period for which the 80925
commercial driver's license was suspended under division (B) or 80926
(C) of this section. No person whose commercial driver's license 80927
is suspended under division (B) or (C) of this section shall be 80928
issued a driver's license under Chapter 4507. of the Revised Code 80929
during the period of the suspension. 80930

(H)(1) Each county shall establish an indigent drivers 80931
alcohol treatment fund and a juvenile indigent drivers alcohol 80932
treatment fund. Each municipal corporation in which there is a 80933
municipal court shall establish an indigent drivers alcohol 80934
treatment fund. All revenue that the general assembly appropriates 80935
to the indigent drivers alcohol treatment fund for transfer to a 80936
county indigent drivers alcohol treatment fund, a county juvenile 80937
indigent drivers alcohol treatment fund, or a municipal indigent 80938
drivers alcohol treatment fund, all portions of fees that are paid 80939
under division (F) of this section and that are credited under 80940
that division to the indigent drivers alcohol treatment fund in 80941
the state treasury for a county indigent drivers alcohol treatment 80942
fund, a county juvenile indigent drivers alcohol treatment fund, 80943
or a municipal indigent drivers alcohol treatment fund, all 80944
portions of additional costs imposed under section 2949.094 of the 80945
Revised Code that are specified for deposit into a county, county 80946
juvenile, or municipal indigent drivers alcohol treatment fund by 80947
that section, and all portions of fines that are specified for 80948
deposit into a county or municipal indigent drivers alcohol 80949
treatment fund by section 4511.193 of the Revised Code shall be 80950
deposited into that county indigent drivers alcohol treatment 80951
fund, county juvenile indigent drivers alcohol treatment fund, or 80952
municipal indigent drivers alcohol treatment fund. The portions of 80953
the fees paid under division (F) of this section that are to be so 80954

deposited shall be determined in accordance with division (H)(2) 80955
of this section. Additionally, all portions of fines that are paid 80956
for a violation of section 4511.19 of the Revised Code or of any 80957
prohibition contained in Chapter 4510. of the Revised Code, and 80958
that are required under section 4511.19 or any provision of 80959
Chapter 4510. of the Revised Code to be deposited into a county 80960
indigent drivers alcohol treatment fund or municipal indigent 80961
drivers alcohol treatment fund shall be deposited into the 80962
appropriate fund in accordance with the applicable division of the 80963
section or provision. 80964

(2) That portion of the license reinstatement fee that is 80965
paid under division (F) of this section and that is credited under 80966
that division to the indigent drivers alcohol treatment fund shall 80967
be deposited into a county indigent drivers alcohol treatment 80968
fund, a county juvenile indigent drivers alcohol treatment fund, 80969
or a municipal indigent drivers alcohol treatment fund as follows: 80970

(a) Regarding a suspension imposed under this section, that 80971
portion of the fee shall be deposited as follows: 80972

(i) If the fee is paid by a person who was charged in a 80973
county court with the violation that resulted in the suspension or 80974
in the imposition of the court costs, the portion shall be 80975
deposited into the county indigent drivers alcohol treatment fund 80976
under the control of that court; 80977

(ii) If the fee is paid by a person who was charged in a 80978
juvenile court with the violation that resulted in the suspension 80979
or in the imposition of the court costs, the portion shall be 80980
deposited into the county juvenile indigent drivers alcohol 80981
treatment fund established in the county served by the court; 80982

(iii) If the fee is paid by a person who was charged in a 80983
municipal court with the violation that resulted in the suspension 80984
or in the imposition of the court costs, the portion shall be 80985

deposited into the municipal indigent drivers alcohol treatment 80986
fund under the control of that court. 80987

(b) Regarding a suspension imposed under section 4511.19 of 80988
the Revised Code or under section 4510.07 of the Revised Code for 80989
a violation of a municipal OVI ordinance, that portion of the fee 80990
shall be deposited as follows: 80991

(i) If the fee is paid by a person whose license or permit 80992
was suspended by a county court, the portion shall be deposited 80993
into the county indigent drivers alcohol treatment fund under the 80994
control of that court; 80995

(ii) If the fee is paid by a person whose license or permit 80996
was suspended by a municipal court, the portion shall be deposited 80997
into the municipal indigent drivers alcohol treatment fund under 80998
the control of that court. 80999

(3)(a) As used in division (H)(3) of this section, "indigent 81000
person" means a person who is convicted of a violation of division 81001
(A) or (B) of section 4511.19 of the Revised Code or a 81002
substantially similar municipal ordinance or found to be a 81003
juvenile traffic offender by reason of a violation of division (A) 81004
or (B) of section 4511.19 of the Revised Code or a substantially 81005
similar municipal ordinance, who is ordered by the court to attend 81006
an alcohol and drug addiction treatment program, and who is 81007
determined by the court under division (H)(5) of this section to 81008
be unable to pay the cost of the assessment or the cost of 81009
attendance at the treatment program . 81010

(b) A county, juvenile, or municipal court judge, by order, 81011
may make expenditures from a county indigent drivers alcohol 81012
treatment fund, a county juvenile indigent drivers alcohol 81013
treatment fund, or a municipal indigent drivers alcohol treatment 81014
fund with respect to an indigent person for any of the following: 81015

(i) To pay the cost of an assessment that is conducted by an 81016

appropriately licensed clinician at either a driver intervention 81017
program that is certified under section 5119.38 of the Revised 81018
Code or at a community addiction services provider whose alcohol 81019
and drug addiction services are certified under section 5119.36 of 81020
the Revised Code; 81021

(ii) To pay the cost of alcohol addiction services, drug 81022
addiction services, or integrated alcohol and drug addiction 81023
services at a community addiction services provider whose alcohol 81024
and drug addiction services are certified under section 5119.36 of 81025
the Revised Code; 81026

(iii) To pay the cost of transportation to attend an 81027
assessment as provided under division (H)(3)(b)(i) of this section 81028
or addiction services as provided under division (H)(3)(b)(ii) of 81029
this section. 81030

The alcohol and drug addiction services board or the board of 81031
alcohol, drug addiction, and mental health services established 81032
pursuant to section 340.02 or 340.021 of the Revised Code and 81033
serving the alcohol, drug addiction, and mental health service 81034
district in which the court is located shall administer the 81035
indigent drivers alcohol treatment program of the court. When a 81036
court orders an offender or juvenile traffic offender to obtain an 81037
assessment or attend an alcohol and drug addiction treatment 81038
program, the board shall determine which program is suitable to 81039
meet the needs of the offender or juvenile traffic offender, and 81040
when a suitable program is located and space is available at the 81041
program, the offender or juvenile traffic offender shall attend 81042
the program designated by the board. A reasonable amount not to 81043
exceed five per cent of the amounts credited to and deposited into 81044
the county indigent drivers alcohol treatment fund, the county 81045
juvenile indigent drivers alcohol treatment fund, or the municipal 81046
indigent drivers alcohol treatment fund serving every court whose 81047
program is administered by that board shall be paid to the board 81048

to cover the costs it incurs in administering those indigent 81049
drivers alcohol treatment programs. 81050

(c) Upon exhaustion of moneys in the indigent drivers 81051
interlock and alcohol monitoring fund for the use of an alcohol 81052
monitoring device, a county, juvenile, or municipal court judge 81053
may use moneys in the county indigent drivers alcohol treatment 81054
fund, county juvenile indigent drivers alcohol treatment fund, or 81055
municipal indigent drivers alcohol treatment fund in either of the 81056
following manners: 81057

(i) If the source of the moneys was an appropriation of the 81058
general assembly, a portion of a fee that was paid under division 81059
(F) of this section, a portion of a fine that was specified for 81060
deposit into the fund by section 4511.193 of the Revised Code, or 81061
a portion of a fine that was paid for a violation of section 81062
4511.19 of the Revised Code or of a provision contained in Chapter 81063
4510. of the Revised Code that was required to be deposited into 81064
the fund, to pay for the continued use of an alcohol monitoring 81065
device by an offender or juvenile traffic offender, in conjunction 81066
with a treatment program approved by the department of mental 81067
health and addiction services, when such use is determined 81068
clinically necessary by the treatment program and when the court 81069
determines that the offender or juvenile traffic offender is 81070
unable to pay all or part of the daily monitoring or cost of the 81071
device; 81072

(ii) If the source of the moneys was a portion of an 81073
additional court cost imposed under section 2949.094 of the 81074
Revised Code, to pay for the continued use of an alcohol 81075
monitoring device by an offender or juvenile traffic offender when 81076
the court determines that the offender or juvenile traffic 81077
offender is unable to pay all or part of the daily monitoring or 81078
cost of the device. The moneys may be used for a device as 81079
described in this division if the use of the device is in 81080

conjunction with a treatment program approved by the department of 81081
mental health and addiction services, when the use of the device 81082
is determined clinically necessary by the treatment program, but 81083
the use of a device is not required to be in conjunction with a 81084
treatment program approved by the department in order for the 81085
moneys to be used for the device as described in this division. 81086

(4) If a county, juvenile, or municipal court determines, in 81087
consultation with the alcohol and drug addiction services board or 81088
the board of alcohol, drug addiction, and mental health services 81089
established pursuant to section 340.02 or 340.021 of the Revised 81090
Code and serving the alcohol, drug addiction, and mental health 81091
district in which the court is located, that the funds in the 81092
county indigent drivers alcohol treatment fund, the county 81093
juvenile indigent drivers alcohol treatment fund, or the municipal 81094
indigent drivers alcohol treatment fund under the control of the 81095
court are more than sufficient to satisfy the purpose for which 81096
the fund was established, as specified in divisions (H)(1) to (3) 81097
of this section, the court may declare a surplus in the fund. If 81098
the court declares a surplus in the fund, the court may take one 81099
or more of the following actions with regard to the amount of the 81100
surplus in the fund: 81101

(a) Expend any of the surplus amount for alcohol and drug 81102
abuse assessment and treatment, and for the cost of transportation 81103
related to assessment and treatment, of persons who are charged in 81104
the court with committing a criminal offense or with being a 81105
delinquent child or juvenile traffic offender and in relation to 81106
whom both of the following apply: 81107

(i) The court determines that substance abuse was a 81108
contributing factor leading to the criminal or delinquent activity 81109
or the juvenile traffic offense with which the person is charged. 81110

(ii) The court determines that the person is unable to pay 81111
the cost of the alcohol and drug abuse assessment and treatment 81112

for which the surplus money will be used. 81113

(b) Expend any of the surplus amount to pay all or part of 81114
the cost of purchasing alcohol monitoring devices to be used in 81115
conjunction with division (H)(3)(c) of this section, upon 81116
exhaustion of moneys in the indigent drivers interlock and alcohol 81117
monitoring fund for the use of an alcohol monitoring device. 81118

(c) Transfer to another court in the same county any of the 81119
surplus amount to be utilized in a manner consistent with division 81120
(H)(3) of this section. If surplus funds are transferred to 81121
another court, the court that transfers the funds shall notify the 81122
alcohol and drug addiction services board or the board of alcohol, 81123
drug addiction, and mental health services that serves the 81124
alcohol, drug addiction, and mental health service district in 81125
which that court is located. 81126

(d) Transfer to the alcohol and drug addiction services board 81127
or the board of alcohol, drug addiction, and mental health 81128
services that serves the alcohol, drug addiction, and mental 81129
health service district in which the court is located any of the 81130
surplus amount to be utilized in a manner consistent with division 81131
(H)(3) of this section or for board contracted recovery support 81132
services. 81133

(e) Expend any of the surplus amount for the cost of 81134
staffing, equipment, training, drug testing, supplies, and other 81135
expenses of any specialized docket program established within the 81136
court and certified by the supreme court. 81137

(5) In order to determine if an offender does not have the 81138
means to pay for the offender's attendance at an alcohol and drug 81139
addiction treatment program for purposes of division (H)(3) of 81140
this section or if an alleged offender or delinquent child is 81141
unable to pay the costs specified in division (H)(4) of this 81142
section, the court shall use the indigent client eligibility 81143

guidelines and the standards of indigency established by the state 81144
public defender to make the determination. 81145

(6) The court shall identify and refer any community 81146
addiction services provider that intends to provide alcohol and 81147
drug addiction services and has not had its alcohol and drug 81148
addiction services certified under section 5119.36 of the Revised 81149
Code and that is interested in receiving amounts from the surplus 81150
in the fund declared under division (H)(4) of this section to the 81151
department of mental health and addiction services in order for 81152
the community addiction services provider to have its alcohol and 81153
drug addiction services certified by the department. The 81154
department shall keep a record of applicant referrals received 81155
pursuant to this division and shall submit a report on the 81156
referrals each year to the general assembly. If a community 81157
addiction services provider interested in having its alcohol and 81158
drug addiction services certified makes an application pursuant to 81159
section 5119.36 of the Revised Code, the community addiction 81160
services provider is eligible to receive surplus funds as long as 81161
the application is pending with the department. The department of 81162
mental health and addiction services must offer technical 81163
assistance to the applicant. If the interested community addiction 81164
services provider withdraws the certification application, the 81165
department must notify the court, and the court shall not provide 81166
the interested community addiction services provider with any 81167
further surplus funds. 81168

(7)(a) Each alcohol and drug addiction services board and 81169
board of alcohol, drug addiction, and mental health services 81170
established pursuant to section 340.02 or 340.021 of the Revised 81171
Code shall submit to the department of mental health and addiction 81172
services an annual report for each indigent drivers alcohol 81173
treatment fund in that board's area. 81174

(b) The report, which shall be submitted not later than sixty 81175

days after the end of the state fiscal year, shall provide the 81176
total payment that was made from the fund, including the number of 81177
indigent consumers that received treatment services and the number 81178
of indigent consumers that received an alcohol monitoring device. 81179
The report shall identify the treatment program and expenditure 81180
for an alcohol monitoring device for which that payment was made. 81181
The report shall include the fiscal year balance of each indigent 81182
drivers alcohol treatment fund located in that board's area. In 81183
the event that a surplus is declared in the fund pursuant to 81184
division (H)(4) of this section, the report also shall provide the 81185
total payment that was made from the surplus moneys and identify 81186
the authorized purpose for which that payment was made. 81187

(c) If a board is unable to obtain adequate information to 81188
develop the report to submit to the department for a particular 81189
indigent drivers alcohol treatment fund, the board shall submit a 81190
report detailing the effort made in obtaining the information. 81191

(I)(1) Each county shall establish an indigent drivers 81192
interlock and alcohol monitoring fund and a juvenile indigent 81193
drivers interlock and alcohol treatment fund. Each municipal 81194
corporation in which there is a municipal court shall establish an 81195
indigent drivers interlock and alcohol monitoring fund. All 81196
revenue that the general assembly appropriates to the indigent 81197
drivers interlock and alcohol monitoring fund for transfer to a 81198
county indigent drivers interlock and alcohol monitoring fund, a 81199
county juvenile indigent drivers interlock and alcohol monitoring 81200
fund, or a municipal indigent drivers interlock and alcohol 81201
monitoring fund, all portions of license reinstatement fees that 81202
are paid under division (F)(2) of this section and that are 81203
credited under that division to the indigent drivers interlock and 81204
alcohol monitoring fund in the state treasury, and all portions of 81205
fines that are paid under division (G) of section 4511.19 of the 81206
Revised Code and that are credited by division (G)(5)(e) of that 81207

section to the indigent drivers interlock and alcohol monitoring 81208
fund in the state treasury shall be deposited in the appropriate 81209
fund in accordance with division (I)(2) of this section. 81210

(2) That portion of the license reinstatement fee that is 81211
paid under division (F) of this section and that portion of the 81212
fine paid under division (G) of section 4511.19 of the Revised 81213
Code and that is credited under either division to the indigent 81214
drivers interlock and alcohol monitoring fund shall be deposited 81215
into a county indigent drivers interlock and alcohol monitoring 81216
fund, a county juvenile indigent drivers interlock and alcohol 81217
monitoring fund, or a municipal indigent drivers interlock and 81218
alcohol monitoring fund as follows: 81219

(a) If the fee or fine is paid by a person who was charged in 81220
a county court with the violation that resulted in the suspension 81221
or fine, the portion shall be deposited into the county indigent 81222
drivers interlock and alcohol monitoring fund under the control of 81223
that court. 81224

(b) If the fee or fine is paid by a person who was charged in 81225
a juvenile court with the violation that resulted in the 81226
suspension or fine, the portion shall be deposited into the county 81227
juvenile indigent drivers interlock and alcohol monitoring fund 81228
established in the county served by the court. 81229

(c) If the fee or fine is paid by a person who was charged in 81230
a municipal court with the violation that resulted in the 81231
suspension, the portion shall be deposited into the municipal 81232
indigent drivers interlock and alcohol monitoring fund under the 81233
control of that court. 81234

(3) If a county, juvenile, or municipal court determines that 81235
the funds in the county indigent drivers interlock and alcohol 81236
monitoring fund, the county juvenile indigent drivers interlock 81237
and alcohol monitoring fund, or the municipal indigent drivers 81238

interlock and alcohol monitoring fund under the control of that 81239
court are more than sufficient to satisfy the purpose for which 81240
the fund was established as specified in division (F)(2)(h) of 81241
this section, the court may declare a surplus in the fund. The 81242
court then may order the transfer of a specified amount into the 81243
county indigent drivers alcohol treatment fund, the county 81244
juvenile indigent drivers alcohol treatment fund, or the municipal 81245
indigent drivers alcohol treatment fund under the control of that 81246
court to be utilized in accordance with division (H) of this 81247
section. 81248

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 81249
roadway where there is an adjacent curb shall be stopped or parked 81250
with the right-hand wheels of the vehicle parallel with and not 81251
more than twelve inches from the right-hand curb, unless it is 81252
impossible to approach so close to the curb; in such case the stop 81253
shall be made as close to the curb as possible and only for the 81254
time necessary to discharge and receive passengers or to load or 81255
unload merchandise. Local authorities by ordinance may permit 81256
angle parking on any roadway under their jurisdiction, except that 81257
angle parking shall not be permitted on a state route within a 81258
municipal corporation unless an unoccupied roadway width of not 81259
less than twenty-five feet is available for free-moving traffic. 81260

(B) Local authorities by ordinance may permit parking of 81261
vehicles with the left-hand wheels adjacent to and within twelve 81262
inches of the left-hand curb of a one-way roadway. 81263

(C)(1)(a) Except as provided in division (C)(1)(b) of this 81264
section, no vehicle or trackless trolley shall be stopped or 81265
parked on a road or highway with the vehicle or trackless trolley 81266
facing in a direction other than the direction of travel on that 81267
side of the road or highway. 81268

(b) The operator of a motorcycle may back the motorcycle into 81269

an angled parking space so that when the motorcycle is parked it 81270
is facing in a direction other than the direction of travel on the 81271
side of the road or highway. 81272

(2) The operator of a motorcycle may back the motorcycle into 81273
a parking space that is located on the side of, and parallel to, a 81274
road or highway. The motorcycle may face any direction when so 81275
parked. Not more than two motorcycles at a time shall be parked in 81276
a parking space as described in division (C)(2) of this section 81277
irrespective of whether or not the space is metered. 81278

(D) Notwithstanding any statute or any rule, resolution, or 81279
ordinance adopted by any local authority, air compressors, 81280
tractors, trucks, and other equipment, while being used in the 81281
construction, reconstruction, installation, repair, or removal of 81282
facilities near, on, over, or under a street or highway, may stop, 81283
stand, or park where necessary in order to perform such work, 81284
provided a flagperson is on duty or warning signs or lights are 81285
displayed as may be prescribed by the director of transportation. 81286

(E) Accessible parking locations and privileges for persons 81287
with disabilities that limit or impair the ability to walk shall 81288
be provided and designated by all political subdivisions and by 81289
the state and all agencies and instrumentalities thereof at all 81290
offices and facilities, where parking is provided, whether owned, 81291
rented, or leased, and at all publicly owned parking garages. The 81292
locations shall be designated through the posting of an elevated 81293
sign, whether permanently affixed or movable, imprinted with the 81294
international symbol of access and shall be reasonably close to 81295
exits, entrances, elevators, and ramps. All elevated signs posted 81296
in accordance with this division and division (C) of section 81297
3781.111 of the Revised Code shall be mounted on a fixed or 81298
movable post, and the distance from the ground to the bottom edge 81299
of the sign shall measure not less than five feet. If a new sign 81300
or a replacement sign designating an accessible parking location 81301

is posted on or after October 14, 1999, there also shall be 81302
affixed upon the surface of that sign or affixed next to the 81303
designating sign a notice that states the fine applicable for the 81304
offense of parking a motor vehicle in the designated accessible 81305
parking location if the motor vehicle is not legally entitled to 81306
be parked in that location. 81307

(F)(1)(a) No person shall stop, stand, or park any motor 81308
vehicle at accessible parking locations provided under division 81309
(E) of this section or at accessible clearly marked parking 81310
locations provided in or on privately owned parking lots, parking 81311
garages, or other parking areas and designated in accordance with 81312
that division, unless one of the following applies: 81313

(i) The motor vehicle is being operated by or for the 81314
transport of a person with a disability that limits or impairs the 81315
ability to walk and is displaying a valid removable windshield 81316
placard or accessible license plates; 81317

(ii) The motor vehicle is being operated by or for the 81318
transport of a person with a disability and is displaying a 81319
parking card or accessible license plates. 81320

(b) Any motor vehicle that is parked in an accessible marked 81321
parking location in violation of division (F)(1)(a)(i) or (ii) of 81322
this section may be towed or otherwise removed from the parking 81323
location by the law enforcement agency of the political 81324
subdivision in which the parking location is located. A motor 81325
vehicle that is so towed or removed shall not be released to its 81326
owner until the owner presents proof of ownership of the motor 81327
vehicle and pays all towing and storage fees normally imposed by 81328
that political subdivision for towing and storing motor vehicles. 81329
If the motor vehicle is a leased vehicle, it shall not be released 81330
to the lessee until the lessee presents proof that that person is 81331
the lessee of the motor vehicle and pays all towing and storage 81332
fees normally imposed by that political subdivision for towing and 81333

storing motor vehicles. 81334

(c) If a person is charged with a violation of division 81335
(F)(1)(a)(i) or (ii) of this section, it is an affirmative defense 81336
to the charge that the person suffered an injury not more than 81337
seventy-two hours prior to the time the person was issued the 81338
ticket or citation and that, because of the injury, the person 81339
meets at least one of the criteria contained in division (A)(1) of 81340
section 4503.44 of the Revised Code. 81341

(2) No person shall stop, stand, or park any motor vehicle in 81342
an area that is commonly known as an access aisle, which area is 81343
marked by diagonal stripes and is located immediately adjacent to 81344
an accessible parking location provided under division (E) of this 81345
section or at an accessible clearly marked parking location 81346
provided in or on a privately owned parking lot, parking garage, 81347
or other parking area and designated in accordance with that 81348
division. 81349

(G) When a motor vehicle is being operated by or for the 81350
transport of a person with a disability that limits or impairs the 81351
ability to walk and is displaying a removable windshield placard 81352
~~or a temporary removable windshield placard~~ or accessible license 81353
plates, or when a motor vehicle is being operated by or for the 81354
transport of a person with a disability and is displaying a 81355
parking card or accessible license plates, the motor vehicle is 81356
permitted to park for a period of two hours in excess of the legal 81357
parking period permitted by local authorities, except where local 81358
ordinances or police rules provide otherwise or where the vehicle 81359
is parked in such a manner as to be clearly a traffic hazard. 81360

(H) No owner of an office, facility, or parking garage where 81361
accessible parking locations are required to be designated in 81362
accordance with division (E) of this section shall fail to 81363
properly mark the accessible parking locations in accordance with 81364
that division or fail to maintain the markings of the accessible 81365

locations, including the erection and maintenance of the fixed or 81366
movable signs. 81367

(I) Nothing in this section shall be construed to require a 81368
person or organization to apply for a removable windshield placard 81369
or accessible license plates if the parking card or accessible 81370
license plates issued to the person or organization under prior 81371
law have not expired or been surrendered or revoked. 81372

(J)(1) Whoever violates division (A) or (C) of this section 81373
is guilty of a minor misdemeanor. 81374

(2)(a) Whoever violates division (F)(1)(a)(i) or (ii) of this 81375
section is guilty of a misdemeanor and shall be punished as 81376
provided in division (J)(2)(a) and (b) of this section. Except as 81377
otherwise provided in division (J)(2)(a) of this section, an 81378
offender who violates division (F)(1)(a)(i) or (ii) of this 81379
section shall be fined not less than two hundred fifty nor more 81380
than five hundred dollars. An offender who violates division 81381
(F)(1)(a)(i) or (ii) of this section shall be fined not more than 81382
one hundred dollars if the offender, prior to sentencing, proves 81383
either of the following to the satisfaction of the court: 81384

(i) At the time of the violation of division (F)(1)(a)(i) of 81385
this section, the offender or the person for whose transport the 81386
motor vehicle was being operated had been issued a removable 81387
windshield placard that then was valid or accessible license 81388
plates that then were valid but the offender or the person 81389
neglected to display the placard or license plates as described in 81390
division (F)(1)(a)(i) of this section. 81391

(ii) At the time of the violation of division (F)(1)(a)(ii) 81392
of this section, the offender or the person for whose transport 81393
the motor vehicle was being operated had been issued a parking 81394
card that then was valid or accessible license plates that then 81395
were valid but the offender or the person neglected to display the 81396

card or license plates as described in division (F)(1)(a)(ii) of 81397
this section. 81398

(b) In no case shall an offender who violates division 81399
(F)(1)(a)(i) or (ii) of this section be sentenced to any term of 81400
imprisonment. 81401

An arrest or conviction for a violation of division 81402
(F)(1)(a)(i) or (ii) of this section does not constitute a 81403
criminal record and need not be reported by the person so arrested 81404
or convicted in response to any inquiries contained in any 81405
application for employment, license, or other right or privilege, 81406
or made in connection with the person's appearance as a witness. 81407

The clerk of the court shall pay every fine collected under 81408
divisions (J)(2) and (3) of this section to the political 81409
subdivision in which the violation occurred. Except as provided in 81410
division (J)(2) of this section, the political subdivision shall 81411
use the fine moneys it receives under divisions (J)(2) and (3) of 81412
this section to pay the expenses it incurs in complying with the 81413
signage and notice requirements contained in division (E) of this 81414
section. The political subdivision may use up to fifty per cent of 81415
each fine it receives under divisions (J)(2) and (3) of this 81416
section to pay the costs of educational, advocacy, support, and 81417
assistive technology programs for persons with disabilities, and 81418
for public improvements within the political subdivision that 81419
benefit or assist persons with disabilities, if governmental 81420
agencies or nonprofit organizations offer the programs. 81421

(3) Whoever violates division (F)(2) of this section shall be 81422
fined not less than two hundred fifty nor more than five hundred 81423
dollars. 81424

In no case shall an offender who violates division (F)(2) of 81425
this section be sentenced to any term of imprisonment. An arrest 81426
or conviction for a violation of division (F)(2) of this section 81427

does not constitute a criminal record and need not be reported by 81428
the person so arrested or convicted in response to any inquiries 81429
contained in any application for employment, license, or other 81430
right or privilege, or made in connection with the person's 81431
appearance as a witness. 81432

(4) Whoever violates division (H) of this section shall be 81433
punished as follows: 81434

(a) Except as otherwise provided in division (J)(4) of this 81435
section, the offender shall be issued a warning. 81436

(b) If the offender previously has been convicted of or 81437
pleaded guilty to a violation of division (H) of this section or 81438
of a municipal ordinance that is substantially similar to that 81439
division, the offender shall not be issued a warning but shall be 81440
fined not more than twenty-five dollars for each parking location 81441
that is not properly marked or whose markings are not properly 81442
maintained. 81443

(K) As used in this section: 81444

(1) "Person with a disability" means any person who has lost 81445
the use of one or both legs or one or both arms, who is blind, 81446
deaf, or unable to move without the aid of crutches or a 81447
wheelchair, or whose mobility is restricted by a permanent 81448
cardiovascular, pulmonary, or other disabling condition. 81449

(2) "Person with a disability that limits or impairs the 81450
ability to walk" has the same meaning as in section 4503.44 of the 81451
Revised Code. 81452

(3) "Accessible license plates" and "removable windshield 81453
placard" mean any license plates ~~or~~, standard removable windshield 81454
placard, permanent removable windshield placard, or temporary 81455
removable windshield placard issued under section 4503.41 or 81456
4503.44 of the Revised Code, and also mean any substantially 81457
similar license plates or removable windshield placard ~~or~~ 81458

~~temporary removable windshield placard~~ issued by a state, 81459
district, country, or sovereignty. 81460

Sec. 4511.76. (A) The department of public safety, by and 81461
with the advice of the superintendent of public instruction, shall 81462
adopt and enforce rules relating to the construction, design, and 81463
equipment, including lighting equipment required by section 81464
4511.771 of the Revised Code, of all school buses both publicly 81465
and privately owned and operated in this state. 81466

(B) The department of education, by and with the advice of 81467
the director of public safety, shall adopt and enforce rules 81468
relating to the operation of all vehicles used for pupil 81469
transportation. 81470

(C) No person shall operate a vehicle used for pupil 81471
transportation within this state in violation of the rules of the 81472
department of education or the department of public safety. No 81473
person, being the owner thereof or having the supervisory 81474
responsibility therefor, shall permit the operation of a vehicle 81475
used for pupil transportation within this state in violation of 81476
the rules of the department of education or the department of 81477
public safety. 81478

(D) The department of public safety shall adopt and enforce 81479
rules relating to the issuance of a license under section 4511.763 81480
of the Revised Code. The rules may relate to the condition of the 81481
equipment to be operated; the liability and property damage 81482
insurance carried by the applicant; the posting of satisfactory 81483
and sufficient bond; and such other rules as the director of 81484
public safety determines reasonably necessary for the safety of 81485
the pupils to be transported. 81486

(E) A chartered nonpublic school or a community school may 81487
own and operate, or contract with a vendor that supplies, a 81488
vehicle originally designed for not more than nine passengers, not 81489

including the driver, to transport students to and from regularly
scheduled school sessions when one of the following applies:

(1) A student's school district of residence has declared the
transportation of the student impractical pursuant to section
3327.02 of the Revised Code; ~~or~~

(2) A student does not live within thirty minutes of the
chartered nonpublic school or the community school, as applicable,
and the student's school district is not required to transport the
student under section 3327.01 of the Revised Code;

(3) The governing authority of the chartered nonpublic school
or the community school has offered to provide the transportation
for its students in lieu of the students being transported by
their school district of residence.

(F) A school district may own and operate, or contract with a
vendor that supplies, a vehicle originally designed for not more
than nine passengers, not including the driver, to transport
students to and from regularly scheduled school sessions, if both
of the following apply to the operation of that vehicle:

(1) The number of students to be transported is not more than
nine;

(2) The students attend a chartered nonpublic school or a
community school, and the school district regularly transports
students to that chartered nonpublic school or that community
school.

(G) A school district or the governing authority of a
chartered nonpublic school or community school that uses a vehicle
originally designed for not more than nine passengers, not
including the driver, in accordance with division (E) or (F) of
this section, shall ensure that all of the following apply to the
operation of that vehicle:

(1) A qualified mechanic inspects the vehicle not fewer than 81520
two times each year and determines that it is safe for pupil 81521
transportation; 81522

(2) The driver of the vehicle does not stop on the roadway to 81523
load or unload passengers; 81524

(3) The driver of the vehicle meets the requirements 81525
specified for a driver of a school bus or motor van under section 81526
3327.10 of the Revised Code and any corresponding rules adopted by 81527
the department of education and workforce. Notwithstanding that 81528
section or any department rules to the contrary, the driver is not 81529
required to have a commercial driver's license but shall have a 81530
current, valid driver's license, and shall be accustomed to 81531
operating the vehicle used to transport the students; 81532

(4) The driver and all passengers in the vehicle comply with 81533
the requirements of sections 4511.81 and 4513.263 of the Revised 81534
Code, as applicable. 81535

(H) As used in this section, "vehicle used for pupil 81536
transportation" means any vehicle that is identified as such by 81537
the department of education by rule and that is subject to Chapter 81538
3301-83 of the Administrative Code. 81539

~~(G)~~(I) Except as otherwise provided in this division, whoever 81540
violates this section is guilty of a minor misdemeanor. If the 81541
offender previously has been convicted of or pleaded guilty to one 81542
or more violations of this section or section 4511.63, 4511.761, 81543
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 81544
municipal ordinance that is substantially similar to any of those 81545
sections, whoever violates this section is guilty of a misdemeanor 81546
of the fourth degree. 81547

Sec. 4511.765. (A) The superintendent of public instruction, 81548
by and with the advice of the director of public safety, shall 81549

amend any rules adopted under section 4511.76 of the Revised Code 81550
pertaining to pre-trip inspections of a school bus. The amendment 81551
shall remove any requirement that the following equipment be 81552
included in the pre-trip inspection: 81553

(1) The turbo charger; 81554

(2) The alternator; 81555

(3) The belts; 81556

(4) The water pump; 81557

(5) The power steering pump; 81558

(6) The air pump; 81559

(7) Any part of the steering system; 81560

(8) Any part of the suspension; 81561

(9) Any part of the air brakes; 81562

(10) Any part of the brake equipment, including drums or 81563
rotors; 81564

(11) The springs and spring mounts; 81565

(12) The air bags. 81566

(B) The state highway patrol shall still examine all of the 81567
equipment listed in division (A) of this section during its school 81568
bus inspections conducted in accordance with section 4511.761 of 81569
the Revised Code. 81570

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 81571
headlights also is equipped with any auxiliary lights or spotlight 81572
or any other light on the front thereof projecting a beam of an 81573
intensity greater than three hundred candle power, not more than a 81574
total of five of any such lights on the front of a vehicle shall 81575
be lighted at any one time when the vehicle is upon a highway. 81576

(B) Any lighted light or illuminating device upon a motor 81577

vehicle, other than headlights, spotlights, signal lights, or 81578
auxiliary driving lights, that projects a beam of light of an 81579
intensity greater than three hundred candle power, shall be so 81580
directed that no part of the beam will strike the level of the 81581
roadway on which the vehicle stands at a distance of more than 81582
seventy-five feet from the vehicle. 81583

(C)(1) Flashing lights are prohibited on motor vehicles, 81584
except as a means for indicating a right or a left turn, or in the 81585
presence of a vehicular traffic hazard requiring unusual care in 81586
approaching, or overtaking or passing. 81587

(2) The prohibition in division (C)(1) of this section does 81588
not apply to any of the following: 81589

(a) Emergency vehicles, road service vehicles servicing or 81590
towing a disabled vehicle, stationary waste collection vehicles 81591
actively collecting garbage, refuse, trash, or recyclable 81592
materials on the roadside, rural mail delivery vehicles, vehicles 81593
as provided in section 4513.182 of the Revised Code, highway 81594
maintenance vehicles, and similar equipment operated by the 81595
department or local authorities, provided such vehicles are 81596
equipped with and display, when used on a street or highway for 81597
the special purpose necessitating such lights, a flashing, 81598
oscillating, or rotating amber light; 81599

(b) Vehicles or machinery permitted by section 4513.111 of 81600
the Revised Code to have a flashing red light; 81601

(c) Farm machinery and vehicles escorting farm machinery, 81602
provided such machinery and vehicles are equipped with and 81603
display, when used on a street or highway, a flashing, 81604
oscillating, or rotating amber light. Farm machinery also may 81605
display the lights described in section 4513.111 of the Revised 81606
Code. 81607

(d) A funeral hearse or funeral escort vehicle, provided that 81608

the funeral hearse or funeral escort vehicle is equipped with and 81609
displays, when used on a street or highway for the special purpose 81610
necessitating such lights, a flashing, oscillating, or rotating 81611
purple or amber light; 81612

(e) A vehicle being used for emergency preparedness, 81613
response, and recovery activities, as those terms are defined in 81614
section 5502.21 of the Revised Code, that is equipped with and 81615
displays, when used on a street or highway for the special purpose 81616
necessitating such lights, a flashing, oscillating, or rotating 81617
amber or red and white light, provided that the vehicle is being 81618
operated by a person from one of the following and the vehicle is 81619
clearly marked with the applicable agency's or authority's 81620
insignia: 81621

(i) The Ohio emergency management agency; 81622

(ii) A countywide emergency management agency established 81623
under section 5502.26 of the Revised Code; 81624

(iii) A regional authority for emergency management 81625
established under section 5502.27 of the Revised Code; 81626

(iv) A program for emergency management established under 81627
section 5502.271 of the Revised Code. 81628

(3) Division (C)(1) of this section does not apply to 81629
animal-drawn vehicles subject to section 4513.114 of the Revised 81630
Code. 81631

(D)(1) Except a person operating a public safety vehicle, as 81632
defined in division (E) of section 4511.01 of the Revised Code, an 81633
emergency management agency vehicle, as described in division 81634
(C)(2)(e) of this section, or a school bus, no person shall 81635
operate, move, or park upon, or permit to stand within the 81636
right-of-way of any public street or highway any vehicle or 81637
equipment that is equipped with and displaying a flashing red or a 81638
flashing combination red and white light, or an oscillating or 81639

rotating red light, or a combination red and white oscillating or 81640
rotating light. 81641

(2) Except a public law enforcement officer, or other person 81642
sworn to enforce the criminal and traffic laws of the state, 81643
operating a public safety vehicle when on duty, no person shall 81644
operate, move, or park upon, or permit to stand within the 81645
right-of-way of any street or highway any vehicle or equipment 81646
that is equipped with, or upon which is mounted, and displaying a 81647
flashing blue or a flashing combination blue and white light, or 81648
an oscillating or rotating blue light, or a combination blue and 81649
white oscillating or rotating light. 81650

(E) This section does not prohibit the use of warning lights 81651
required by law or the simultaneous flashing of turn signals on 81652
disabled vehicles or on vehicles being operated in unfavorable 81653
atmospheric conditions in order to enhance their visibility. This 81654
section also does not prohibit the simultaneous flashing of turn 81655
signals or warning lights either on farm machinery or vehicles 81656
escorting farm machinery, when used on a street or highway. 81657

(F) Whoever violates this section is guilty of a minor 81658
misdemeanor. 81659

Sec. 4516.01. As used in this chapter: 81660

(A) "Car sharing period" means the period of time that 81661
commences with the car sharing delivery period or, if there is no 81662
car sharing delivery period, with the car sharing start time, in 81663
accordance with the peer-to-peer car sharing program agreement, 81664
and ends with the car sharing termination time. 81665

(B) "Car sharing delivery period" means the period of time in 81666
which a shared vehicle is being delivered to the location for the 81667
shared vehicle driver to take possession of the shared vehicle, in 81668
accordance with the peer-to-peer car sharing program agreement. 81669

(C) "Car sharing start time" means either the point in time 81670
when the shared vehicle driver takes possession of the shared 81671
vehicle or the point in time when the shared vehicle driver was 81672
scheduled to take possession of the shared vehicle, whichever 81673
occurs first. 81674

(D) "Car sharing termination time" means the point in time 81675
when the earliest of the following events occurs: 81676

(1) The expiration time established in the peer-to-peer car 81677
sharing program agreement for use of the shared vehicle, provided 81678
that the shared vehicle is returned to the location designated in 81679
the agreement by the expiration time; 81680

(2) The shared vehicle is returned to an alternate location, 81681
if the shared vehicle owner and the shared vehicle driver agree on 81682
the alternate location, as communicated through the peer-to-peer 81683
car sharing program, and the alternate location is incorporated 81684
into the peer-to-peer car sharing program agreement. 81685

(3) The shared vehicle owner or the owner's designee takes 81686
possession of the shared vehicle. 81687

(E) "Motor vehicle" has the same meaning as in section 81688
4509.01 of the Revised Code. 81689

(F) "Motor-vehicle liability policy" has the same meaning as 81690
in section 4509.01 of the Revised Code. 81691

(G) "Peer-to-peer car sharing" means the authorized use of a 81692
motor vehicle by an individual other than the motor vehicle's 81693
owner through a peer-to-peer car sharing program. 81694

(H) "Peer-to-peer car sharing program" or "program" means a 81695
person who operates a business platform that connects a shared 81696
vehicle owner to a shared vehicle driver to enable the sharing of 81697
vehicles for financial consideration. "Peer-to-peer car sharing 81698
program" does not include a motor vehicle leasing dealer as 81699

defined in section 4517.01 of the Revised Code or a motor vehicle 81700
renting dealer as defined in section 4549.65 of the Revised Code. 81701

(I) "Peer-to-peer car sharing program agreement" or 81702
"agreement" means an agreement established through the 81703
peer-to-peer car sharing program that serves as a contract between 81704
the peer-to-peer car sharing program, the shared vehicle owner, 81705
and the shared vehicle driver and describes the specific terms and 81706
conditions of the agreement, including the car sharing period and 81707
the location or locations for transfer of possession. 81708

(J) "Proof of financial responsibility" has the same meaning 81709
as in section 4509.01 of the Revised Code. 81710

(K) "Safety recall" means a recall issued pursuant to 49 81711
U.S.C. 30118 pertaining to a defect related to motor vehicle 81712
safety or noncompliance with an applicable federal motor vehicle 81713
safety standard. 81714

(L) "Shared vehicle" means a personal motor vehicle that is 81715
registered as a passenger car under Chapter 4503. of the Revised 81716
Code or a substantially similar law in another state and that is 81717
enrolled in a peer-to-peer car sharing program. 81718

(M) "Shared vehicle driver" means a person authorized by a 81719
shared vehicle owner, in accordance with the terms and conditions 81720
of a peer-to-peer car sharing program agreement, to operate a 81721
shared vehicle during a car sharing period. 81722

(N) "Shared vehicle owner" means a registered owner of a 81723
shared vehicle or a person designated by the registered owner. 81724

Sec. 4516.02. (A) A peer-to-peer car sharing program shall 81725
collect ~~all of~~ the following information before entering into a 81726
peer-to-peer car sharing program agreement including, but not 81727
limited to: 81728

(1) The name and address of the shared vehicle owner and the 81729

shared vehicle driver; 81730

(2) The driver's license number and state of issuance of the 81731
shared vehicle driver; 81732

~~(3) The name, address, driver's license number, and state of 81733
issuance of and any other person who will operate the shared 81734
vehicle during the car sharing period; 81735~~

~~(4) Information regarding whether the shared vehicle owner 81736
and the shared vehicle driver have motor vehicle liability policy 81737
or other proof of financial responsibility and information related 81738
to that policy or proof and any policy limits; 81739~~

~~(5) Whether the shared vehicle owner knows of any safety 81740
recalls regarding the shared vehicle; 81741~~

~~(6) Verification that the shared vehicle is registered in 81742
accordance with the requirements established under Chapter 4503- 81743
of the Revised Code or a substantially similar law in another 81744
state. 81745~~

~~(B) A peer-to-peer car sharing program shall not allow a 81746
peer to peer car sharing program agreement through its platform if 81747
the program knows that the person who will operate the shared 81748
vehicle is not a party to the agreement or knows that such a 81749
person does not have a valid driver's license. 81750~~

~~(C) A peer to peer car sharing program shall not allow a 81751
peer to peer car sharing agreement through its platform if the 81752
shared vehicle that is the subject of the agreement is not 81753
registered. 81754~~

~~(D) A peer-to-peer car sharing program shall collect, verify, 81755
and maintain records pertaining to the use of each shared vehicle 81756
enrolled in the program, including records pertaining to all of 81757
the following: 81758~~

(1) The dates, times, and duration of time that the shared 81759

vehicle is in use through the program; 81760

~~(2) The dates, times, and duration of time that the shared vehicle driver possesses the shared vehicle through the program;~~ 81761
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~~(3)~~ Any fees or other financial consideration paid by the shared vehicle driver; 81763
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~~(4)~~(3) Any revenues or other financial consideration received by the shared vehicle owner; 81765
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~~(5)~~(4) Any other information or data that is necessary to establish the car sharing period, including the car sharing delivery period, the car sharing start time, and the car sharing termination time, for the shared vehicle. 81767
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~~(E)~~(1)(C)(1) The program shall provide the records required by division ~~(D)~~(B) of this section, upon request, to any shared vehicle owner, shared vehicle driver, the shared vehicle owner's insurer, or the shared vehicle driver's insurer for purposes of facilitating the investigation of a claim, incident, or accident. 81771
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(2) Upon receipt of a valid warrant, the program shall provide the records required by division ~~(D)~~(B) of this section to law enforcement. 81776
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~~(F)~~(D) The program shall retain records required by division ~~(D)~~(B) of this section regarding each car sharing period for not less than three years after the car sharing period. 81779
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Sec. 4516.05. (A) When a motor vehicle owner registers as a shared vehicle owner with a peer-to-peer car sharing program and before the shared vehicle owner makes the shared vehicle available for peer-to-peer car sharing, the program shall do all of the following: 81782
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(1) Verify that the shared vehicle does not have any outstanding safety recalls on the vehicle; 81787
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(2) Provide notice to the shared vehicle owner of the owner's 81789
responsibilities under division (B) of this section. 81790

(B)(1) If a shared vehicle owner receives actual notice of a 81791
safety recall on the shared vehicle, the shared vehicle owner 81792
shall not make the shared vehicle available through a peer-to-peer 81793
car sharing program until the safety recall repair is made. 81794

(2) If the shared vehicle owner receives actual notice of a 81795
safety recall on the shared vehicle after the shared vehicle is 81796
available through a peer-to-peer car sharing program but while the 81797
shared vehicle is not currently possessed by a shared vehicle 81798
driver, the shared vehicle owner shall remove the shared vehicle 81799
from availability until the safety recall repair is made. 81800

(3) If the shared vehicle owner receives actual notice of a 81801
safety recall on the shared vehicle while the vehicle is possessed 81802
by a shared vehicle driver, the shared vehicle owner shall notify 81803
the peer-to-peer car sharing program about the safety recall, so 81804
that the car sharing period can be terminated to allow the shared 81805
vehicle owner to address the safety recall repair. 81806

~~(C) The peer to peer car sharing program shall establish 81807
commercially reasonable procedures to determine any safety recalls 81808
that apply to a shared vehicle registered with the program after 81809
the initial registration of the shared vehicle with the program. 81810~~

Sec. 4516.06. ~~(A) Peer to peer~~ Nothing in this chapter shall 81811
be construed to exempt any person involved in peer-to-peer car 81812
sharing and a peer to peer car sharing program agreement are a 81813
consumer transaction for purposes from the provisions of sections 81814
1345.01 to 1345.13 of the Revised Code. ~~The peer to peer car~~ 81815
~~sharing program and the shared vehicle owner are the suppliers and~~ 81816
~~the shared vehicle driver is the consumer for purposes of those~~ 81817
~~sections.~~ 81818

~~(B) A peer to peer car sharing program is not liable for a violation under sections 1345.01 to 1345.13 of the Revised Code when the alleged violation is the result of false, misleading, or inaccurate information provided to the program by a shared vehicle owner or a shared vehicle driver and the program relied on that information in good faith.~~

Sec. 4516.08. (A) It is not the intent of the general assembly that any provision in Chapter 4516. of the Revised Code be interpreted as either limiting or restricting an insurer's ability to exclude insurance coverage from any insurance policy or an insurer's ability to underwrite any insurance policy.

(B) An insurer's ability to exclude or limit coverage and to otherwise underwrite a policy of insurance includes, but is not limited to, all of the following:

- (1) Liability coverage for bodily injury and property damage;
- (2) Uninsured or underinsured motorist coverage;
- (3) Medical payments coverage;
- (4) Comprehensive physical damage coverage;
- (5) Collision physical damage coverage;
- (6) Loss of earnings coverage.

(C) Nothing in this chapter is intended to invalidate or limit an exclusion contained in a policy of motor vehicle liability insurance, including any insurance policy that is in use or that is approved for use that excludes coverage while a motor vehicle is made available for rent, share, hire, or during any business use.

Sec. 4516.09. (A) Except as provided in division (B) of this section, a peer-to-peer car sharing program shall assume liability of a shared vehicle owner for any death, bodily injury, or

property damage to a third party or an uninsured or underinsured 81848
motorist that is proximately caused by the operation of the shared 81849
vehicle during the car sharing period in an amount stated in the 81850
peer-to-peer car sharing program agreement. The amount shall be 81851
not less than that specified in division (A)(1) of section 4516.10 81852
of the Revised Code. 81853

(B) The assumption of liability under division (A) of this 81854
section does not apply if either of the following occurs: 81855

(1) The shared vehicle owner makes an intentional or 81856
fraudulent material misrepresentation or omission to the program 81857
regarding the shared vehicle owner's motor-vehicle liability 81858
policy, other proof of financial responsibility, or the type or 81859
condition of the shared vehicle before the car sharing period in 81860
which the loss occurs; 81861

(2) The shared vehicle owner and the shared vehicle driver 81862
conspire to have the shared vehicle driver fail to return the 81863
shared vehicle, in violation of the terms of the peer-to-peer car 81864
sharing agreement. 81865

(C) A peer-to-peer car sharing program shall have either a 81866
policy of insurance or a self-insurance mechanism in order to 81867
cover its liabilities and obligations under this section and 81868
sections 4516.10 and 4516.11 of the Revised Code. 81869

Sec. 4516.10. (A)(1) A peer-to-peer car sharing program shall 81870
ensure that, during each car sharing period, the shared vehicle 81871
owner and the shared vehicle driver are each covered by a 81872
motor-vehicle liability policy or other proof of financial 81873
responsibility ~~that recognizes their status as a shared vehicle 81874
owner or shared vehicle driver and provides coverage for the 81875
operation of the shared vehicle during the car sharing period. 81876~~
Each policy or proof shall be maintained in the following amounts 81877
provide coverage in an amount that is not less than the amounts 81878

specified in section 4509.51 of the Revised Code. The policy or 81879
proof shall do either of the following: 81880

(a) ~~At least twenty five thousand dollars because of bodily~~ 81881
~~injury to or death of one person in any one accident~~ Recognize 81882
that the motor vehicle insured under the policy or proof is a 81883
shared vehicle; 81884

(b) ~~At least fifty thousand dollars because of bodily injury~~ 81885
~~or death of two or more persons in any one accident;~~ 81886

(c) ~~At least twenty five thousand dollars because of injury~~ 81887
~~to property of others in any one accident~~ Not expressly exclude 81888
the use of the motor vehicle insured under the policy or proof as 81889
a shared vehicle by a shared vehicle driver. 81890

(2) The insurance required by division (A)(1) of this section 81891
may be satisfied by any of the following or a combination of any 81892
of the following: 81893

(a) A motor-vehicle liability policy or other proof of 81894
financial responsibility that is maintained by the shared vehicle 81895
owner; 81896

(b) A motor-vehicle liability policy or other proof of 81897
financial responsibility that is maintained by the shared vehicle 81898
driver; 81899

(c) A motor-vehicle liability policy or other proof of 81900
financial responsibility that is maintained by the peer-to-peer 81901
car sharing program. 81902

(3)(a) Whichever motor-vehicle liability policy or other 81903
proof of financial responsibility under division (A)(2) of this 81904
section that is satisfying the insurance required under division 81905
(A)(1) of this section as specified in the peer-to-peer car 81906
sharing program agreement is the primary insurance during each car 81907
sharing period. 81908

(b) If a claim occurs in a state with minimum proof of financial responsibility limits higher than those specified in section 4509.51 of the Revised Code, the motor-vehicle liability policy or other proof of financial responsibility that is maintained by the peer-to-peer car sharing program under division (A)(2)(c) of this section shall satisfy any difference in minimum coverage amounts, up to the applicable policy limits.

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(c) Except as provided by division (A) of section 4516.11 of the Revised Code, the person or entity providing the primary insurance under division (A)(3)(a) of this section shall assume primary liability for a claim when either of the following occurs:

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(i) A dispute exists as to who was operating the shared vehicle at the time of the loss, and the peer-to-peer car sharing program does not have available, did not retain, or fails to provide the records required by section 4516.02 of the Revised Code.

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(ii) A dispute exists as to whether the shared vehicle was returned to the originally agreed upon location or an alternatively agreed upon location for transfer of possession in accordance with the peer-to-peer car sharing program agreement.

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(4)(a) If the motor-vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or shared vehicle driver does not provide liability coverage for peer-to-peer car sharing in the amounts required by division (A)(1) of this section, the insurance maintained by the peer-to-peer car sharing program shall provide the required coverage, beginning with the first dollar of the claim and shall have the duty to defend the claim.

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(b) A motor-vehicle liability policy or other proof of financial responsibility maintained by a peer-to-peer car sharing program in accordance with this section shall not require the

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shared vehicle owner's or shared vehicle driver's insurer to first 81940
deny a claim before providing coverage. 81941

(B) A motor-vehicle liability policy that meets the 81942
requirements of this section satisfies the requirement for proof 81943
of financial responsibility for motor vehicles under Chapter 4509. 81944
of the Revised Code. 81945

~~(C)(1) The peer to peer car sharing program shall examine the 81946
motor vehicle liability policy or other proof of financial 81947
responsibility maintained by a shared vehicle owner or a shared 81948
vehicle driver to determine whether that policy or proof provides 81949
or excludes coverage for peer to peer car sharing prior to 81950
entering into a peer to peer car sharing agreement with that 81951
shared vehicle owner or shared vehicle driver if either of the 81952
following occur: 81953~~

~~(a) The shared vehicle owner or the shared vehicle driver 81954
refuses insurance coverage provided by the program. 81955~~

~~(b) The shared vehicle owner or the shared vehicle driver 81956
claims the policy or proof maintained by that shared vehicle owner 81957
or shared vehicle driver provides coverage for peer to peer car 81958
sharing. 81959~~

~~(2) The peer to peer car sharing program may require 81960
increased limits of insurance beyond what is required by division 81961
(A)(1) of this section as a condition of participation in the 81962
agreement. 81963~~

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 81964
Revised Code: 81965

(A) "Persons" includes individuals, ~~firms~~, partnerships, 81966
associations, joint stock companies, corporations, sole 81967
proprietorships, limited liability companies, limited liability 81968
partnerships, business trusts, and any other legally recognized 81969

business entities or any combinations of individuals. 81970

(B) "Motor vehicle" means motor vehicle as defined in section 81971
4501.01 of the Revised Code and also includes "all-purpose 81972
vehicle" and "off-highway motorcycle" as those terms are defined 81973
in section 4519.01 of the Revised Code. "Motor vehicle" does not 81974
include a snowmobile as defined in section 4519.01 of the Revised 81975
Code or manufactured and mobile homes. 81976

(C) "New motor vehicle" means a motor vehicle, the legal 81977
title to which has never been transferred by a manufacturer, 81978
remanufacturer, distributor, or dealer to an ultimate purchaser. 81979

(D) "Ultimate purchaser" means, with respect to any new motor 81980
vehicle, the first person, other than a dealer purchasing in the 81981
capacity of a dealer, who in good faith purchases such new motor 81982
vehicle for purposes other than resale. 81983

(E) "Business" includes any activities engaged in by any 81984
person for the object of gain, benefit, or advantage either direct 81985
or indirect, including activities conducted through the internet 81986
or another computer network. 81987

(F) "Engaging in business" means commencing, conducting, or 81988
continuing in business, or liquidating a business when the 81989
liquidator thereof holds self out to be conducting such business; 81990
making a casual sale or otherwise making transfers in the ordinary 81991
course of business when the transfers are made in connection with 81992
the disposition of all or substantially all of the transferor's 81993
assets is not engaging in business. 81994

(G) "Retail sale" or "~~sale~~ selling at retail" means the act 81995
or attempted act of selling, bartering, exchanging, or otherwise 81996
disposing of a motor vehicle, including through use of the 81997
internet or another computer network, to an ultimate purchaser for 81998
use as a consumer. 81999

(H) "Retail installment contract" includes any contract in 82000

the form of a note, chattel mortgage, conditional sales contract, 82001
lease, agreement, or other instrument payable in one or more 82002
installments over a period of time and arising out of the retail 82003
sale of a motor vehicle. 82004

(I) "Farm machinery" means all machines and tools used in the 82005
production, harvesting, and care of farm products. 82006

(J) "Dealer" or "motor vehicle dealer" means any new motor 82007
vehicle dealer, any motor vehicle leasing dealer, and any used 82008
motor vehicle dealer. 82009

(K) "New motor vehicle dealer" means any person engaged in 82010
the business of selling at retail, displaying, offering for sale, 82011
or dealing in new motor vehicles pursuant to a contract or 82012
agreement entered into with the manufacturer, remanufacturer, or 82013
distributor of the motor vehicles. 82014

(L) "Used motor vehicle dealer" means any person engaged in 82015
the business of selling, displaying, offering for sale, or dealing 82016
in used motor vehicles, at retail or wholesale, but does not mean 82017
any new motor vehicle dealer selling, displaying, offering for 82018
sale, or dealing in used motor vehicles incidentally to engaging 82019
in the business of selling, displaying, offering for sale, or 82020
dealing in new motor vehicles, any person engaged in the business 82021
of dismantling, salvaging, or rebuilding motor vehicles by means 82022
of using used parts, or any public officer performing official 82023
duties. 82024

(M) "Motor vehicle leasing dealer" means any person engaged 82025
in the business of regularly making available, offering to make 82026
available, or arranging for another person to use a motor vehicle 82027
pursuant to a bailment, lease, sublease, or other contractual 82028
arrangement under which a charge is made for its use at a periodic 82029
rate for a term of thirty days or more, and title to the motor 82030
vehicle is in and remains in the motor vehicle leasing dealer who 82031

originally leases it, irrespective of whether or not the motor 82032
vehicle is the subject of a later sublease, and not in the user, 82033
~~but~~ including any financial institution acting as a lessor for a 82034
lease or sublease. "Motor vehicle leasing dealer" does not mean 82035
include a new motor vehicle dealer that is not the lessor and that 82036
only assists in arranging a lease on the lessor's behalf or a 82037
manufacturer or its affiliate leasing to its employees or to 82038
dealers. 82039

(N) "Salesperson" means any person employed by a dealer to 82040
sell, display, and offer for sale, or deal in motor vehicles for a 82041
commission, compensation, or other valuable consideration, but 82042
does not mean any public officer performing official duties. 82043

(O) "Casual sale" means any transfer of a motor vehicle by a 82044
person other than a new motor vehicle dealer, used motor vehicle 82045
dealer, motor vehicle salvage dealer, as defined in division (A) 82046
of section 4738.01 of the Revised Code, salesperson, motor vehicle 82047
auction owner, manufacturer, or distributor acting in the capacity 82048
of a dealer, salesperson, auction owner, manufacturer, or 82049
distributor, to a person who purchases the motor vehicle for use 82050
as a consumer. 82051

(P) "Motor vehicle auction owner" means any person who is 82052
engaged wholly or in part in the business of auctioning motor 82053
vehicles, but does not mean a construction equipment auctioneer or 82054
a construction equipment auction licensee. 82055

(Q) "Manufacturer" means a person who manufactures, 82056
assembles, or imports motor vehicles, including motor homes, but 82057
does not mean a person who only assembles or installs a body, 82058
special equipment unit, finishing trim, or accessories on a motor 82059
vehicle chassis supplied by a manufacturer or distributor. 82060

(R) "Tent-type fold-out camping trailer" means any vehicle 82061
intended to be used, when stationary, as a temporary shelter with 82062

living and sleeping facilities, and that is subject to the 82063
following properties and limitations: 82064

(1) A minimum of twenty-five per cent of the fold-out portion 82065
of the top and sidewalls combined must be constructed of canvas, 82066
vinyl, or other fabric, and form an integral part of the shelter. 82067

(2) When folded, the unit must not exceed: 82068

(a) Fifteen feet in length, exclusive of bumper and tongue; 82069

(b) Sixty inches in height from the point of contact with the 82070
ground; 82071

(c) Eight feet in width; 82072

(d) One ton gross weight at time of sale. 82073

(S) "Distributor" means any person authorized by a motor 82074
vehicle manufacturer to distribute new motor vehicles to licensed 82075
new motor vehicle dealers, but does not mean a person who only 82076
assembles or installs a body, special equipment unit, finishing 82077
trim, or accessories on a motor vehicle chassis supplied by a 82078
manufacturer or distributor. 82079

(T) "Flea market" means a market place, other than a dealer's 82080
location licensed under this chapter, where a space or location is 82081
provided for a fee or compensation to a seller to exhibit and 82082
offer for sale or trade, motor vehicles to the general public. 82083

(U) "Franchise" means any written agreement, contract, or 82084
understanding between any motor vehicle manufacturer or 82085
remanufacturer engaged in commerce and any motor vehicle dealer 82086
that purports to fix the legal rights and liabilities of the 82087
parties to such agreement, contract, or understanding. 82088

(V) "Franchisee" means a person who receives new motor 82089
vehicles from the franchisor under a franchise agreement and who 82090
offers, sells, and provides service for such new motor vehicles to 82091
the general public. 82092

(W) "Franchisor" means a new motor vehicle manufacturer, 82093
remanufacturer, or distributor who supplies new motor vehicles 82094
under a franchise agreement to a franchisee. 82095

(X) "Dealer organization" means a state or local trade 82096
association the membership of which is comprised predominantly of 82097
new motor vehicle dealers. 82098

(Y) "Factory representative" means a representative employed 82099
by a manufacturer, remanufacturer, or by a factory branch 82100
primarily for the purpose of promoting the sale of its motor 82101
vehicles, parts, or accessories to dealers or for supervising or 82102
contacting its dealers or prospective dealers. 82103

(Z) "Administrative or executive management" means those 82104
individuals who are not subject to federal wage and hour laws. 82105

(AA) "Good faith" means honesty in the conduct or transaction 82106
concerned and the observance of reasonable commercial standards of 82107
fair dealing in the trade as is defined in section 1301.201 of the 82108
Revised Code, including, but not limited to, the duty to act in a 82109
fair and equitable manner so as to guarantee freedom from 82110
coercion, intimidation, or threats of coercion or intimidation; 82111
provided however, that recommendation, endorsement, exposition, 82112
persuasion, urging, or argument shall not be considered to 82113
constitute a lack of good faith. 82114

(BB) "Coerce" means to compel or attempt to compel by failing 82115
to act in good faith or by threat of economic harm, breach of 82116
contract, or other adverse consequences. Coerce does not mean to 82117
argue, urge, recommend, or persuade. 82118

(CC) "Relevant market area" means any area within a radius of 82119
ten miles from the site of a potential new dealership, except that 82120
for manufactured home or recreational vehicle dealerships the 82121
radius shall be twenty-five miles. The ten-mile radius shall be 82122
measured from the dealer's established place of business that is 82123

used exclusively for the purpose of selling, displaying, offering 82124
for sale, or dealing in motor vehicles. 82125

(DD) "Wholesale" or "at wholesale" means the act or attempted 82126
act of selling, bartering, exchanging, or otherwise disposing of a 82127
motor vehicle to a transferee for the purpose of resale and not 82128
for ultimate consumption by that transferee. 82129

(EE) "Motor vehicle wholesaler" means any person licensed as 82130
a dealer under the laws of another state and engaged in the 82131
business of selling, displaying, or offering for sale used motor 82132
vehicles, at wholesale, but does not mean any motor vehicle dealer 82133
as defined in this section. 82134

(FF)(1) "Remanufacturer" means a person who assembles or 82135
installs passenger seating, walls, a roof elevation, or a body 82136
extension on a conversion van with the motor vehicle chassis 82137
supplied by a manufacturer or distributor, a person who modifies a 82138
truck chassis supplied by a manufacturer or distributor for use as 82139
a public safety or public service vehicle, a person who modifies a 82140
motor vehicle chassis supplied by a manufacturer or distributor 82141
for use as a limousine or hearse, or a person who modifies an 82142
incomplete motor vehicle cab and chassis supplied by a new motor 82143
vehicle dealer or distributor for use as a tow truck, but does not 82144
mean either of the following: 82145

(a) A person who assembles or installs passenger seating, a 82146
roof elevation, or a body extension on a recreational vehicle as 82147
defined in division (Q) and referred to in division (B) of section 82148
4501.01 of the Revised Code; 82149

(b) A person who assembles or installs equipment or 82150
accessories for ~~persons~~ a person with disabilities a disability 82151
that limits or impairs the ability to walk, as defined in section 82152
4503.44 of the Revised Code, upon a motor vehicle chassis supplied 82153
by a manufacturer or distributor. 82154

(2) For the purposes of division (FF)(1) of this section, 82155
"public safety vehicle or public service vehicle" means a fire 82156
truck, ambulance, school bus, street sweeper, garbage packing 82157
truck, or cement mixer, or a mobile self-contained facility 82158
vehicle. 82159

(3) For the purposes of division (FF)(1) of this section, 82160
"limousine" means a motor vehicle, designed only for the purpose 82161
of carrying nine or fewer passengers, that a person modifies by 82162
cutting the original chassis, lengthening the wheelbase by forty 82163
inches or more, and reinforcing the chassis in such a way that all 82164
modifications comply with all applicable federal motor vehicle 82165
safety standards. No person shall qualify as or be deemed to be a 82166
remanufacturer who produces limousines unless the person has a 82167
written agreement with the manufacturer of the chassis the person 82168
utilizes to produce the limousines to complete properly the 82169
remanufacture of the chassis into limousines. 82170

(4) For the purposes of division (FF)(1) of this section, 82171
"hearse" means a motor vehicle, designed only for the purpose of 82172
transporting a single casket, that is equipped with a compartment 82173
designed specifically to carry a single casket that a person 82174
modifies by cutting the original chassis, lengthening the 82175
wheelbase by ten inches or more, and reinforcing the chassis in 82176
such a way that all modifications comply with all applicable 82177
federal motor vehicle safety standards. No person shall qualify as 82178
or be deemed to be a remanufacturer who produces hearses unless 82179
the person has a written agreement with the manufacturer of the 82180
chassis the person utilizes to produce the hearses to complete 82181
properly the remanufacture of the chassis into hearses. 82182

(5) For the purposes of division (FF)(1) of this section, 82183
"mobile self-contained facility vehicle" means a mobile classroom 82184
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 82185
testing laboratory, and mobile display vehicle, each of which is 82186

designed for purposes other than for passenger transportation and 82187
other than the transportation or displacement of cargo, freight, 82188
materials, or merchandise. A vehicle is remanufactured into a 82189
mobile self-contained facility vehicle in part by the addition of 82190
insulation to the body shell, and installation of all of the 82191
following: a generator, electrical wiring, plumbing, holding 82192
tanks, doors, windows, cabinets, shelving, and heating, 82193
ventilating, and air conditioning systems. 82194

(6) For the purposes of division (FF)(1) of this section, 82195
"tow truck" means both of the following: 82196

(a) An incomplete cab and chassis that are purchased by a 82197
remanufacturer from a new motor vehicle dealer or distributor of 82198
the cab and chassis and on which the remanufacturer then installs 82199
in a permanent manner a wrecker body it purchases from a 82200
manufacturer or distributor of wrecker bodies, installs an 82201
emergency flashing light pylon and emergency lights upon the mast 82202
of the wrecker body or rooftop, and installs such other related 82203
accessories and equipment, including push bumpers, front grille 82204
guards with pads and other custom-ordered items such as painting, 82205
special lettering, and safety striping so as to create a complete 82206
motor vehicle capable of lifting and towing another motor vehicle. 82207

(b) An incomplete cab and chassis that are purchased by a 82208
remanufacturer from a new motor vehicle dealer or distributor of 82209
the cab and chassis and on which the remanufacturer then installs 82210
in a permanent manner a car carrier body it purchases from a 82211
manufacturer or distributor of car carrier bodies, installs an 82212
emergency flashing light pylon and emergency lights upon the 82213
rooftop, and installs such other related accessories and 82214
equipment, including push bumpers, front grille guards with pads 82215
and other custom-ordered items such as painting, special 82216
lettering, and safety striping. 82217

As used in division (FF)(6)(b) of this section, "car carrier 82218

body" means a mechanical or hydraulic apparatus capable of lifting 82219
and holding a motor vehicle on a flat level surface so that one or 82220
more motor vehicles can be transported, once the car carrier is 82221
permanently installed upon an incomplete cab and chassis. 82222

(GG) "~~Operating~~ Operate as a new motor vehicle dealership" 82223
means engaging in activities such as displaying, offering for 82224
sale, and selling new motor vehicles at retail, operating a 82225
service facility to perform repairs and maintenance on motor 82226
vehicles, offering for sale and selling motor vehicle parts at 82227
retail, and conducting all other acts that are usual and customary 82228
to the operation of a new motor vehicle dealership. For the 82229
purposes of this chapter only, possession of either a valid new 82230
motor vehicle dealer franchise agreement or a new motor vehicle 82231
dealers license, or both of these items, is not evidence that a 82232
person is operating as a new motor vehicle dealership. 82233

(HH) "Outdoor power equipment" means garden and small utility 82234
tractors, walk-behind and riding mowers, chainsaws, and tillers. 82235

(II) "Remote service facility" means premises that are 82236
separate from a licensed new motor vehicle dealer's sales facility 82237
by not more than one mile and that are used by the dealer to 82238
perform repairs, warranty work, recall work, and maintenance on 82239
motor vehicles pursuant to a franchise agreement entered into with 82240
a manufacturer of motor vehicles. A remote service facility shall 82241
be deemed to be part of the franchise agreement and is subject to 82242
all the rights, duties, obligations, and requirements of Chapter 82243
4517. of the Revised Code that relate to the performance of motor 82244
vehicle repairs, warranty work, recall work, and maintenance work 82245
by new motor vehicle dealers. 82246

(JJ) "Recreational vehicle" has the same meaning as in 82247
section 4501.01 of the Revised Code. 82248

(KK) "Construction equipment auctioneer" means a person who 82249

holds both a valid auction firm license issued under Chapter 4707. 82250
of the Revised Code and a valid construction equipment auction 82251
license issued under this chapter. 82252

(LL) "Large construction or transportation equipment" means 82253
vehicles having a gross vehicle weight rating of more than ten 82254
thousand pounds and includes road rollers, traction engines, power 82255
shovels, power cranes, commercial cars and trucks, or farm trucks, 82256
and other similar vehicles obtained primarily from the 82257
construction, mining, transportation or farming industries. 82258

(MM) "Local market conditions" includes, but is not limited 82259
to: 82260

(1) Demographics in the franchisee's area; 82261

(2) Geographical and market characteristics in the 82262
franchisee's area; 82263

(3) Local economic circumstances; 82264

(4) The proximity of other motor vehicle dealers of the same 82265
line-make; 82266

(5) The proximity of motor vehicle manufacturing facilities; 82267

(6) The buying patterns of motor vehicle purchasers; 82268

(7) Customer drive time and drive distance. 82269

(NN) "Established place of business" means a permanent, 82270
enclosed building or structure that meets all of the following 82271
requirements: 82272

(1) It is either owned, leased, or rented by the motor 82273
vehicle dealer. 82274

(2) It meets local zoning or municipal requirements. 82275

(3) It is regularly occupied by at least one person. 82276

(4) It is easily accessible to the public. 82277

(5) The records and files necessary to conduct the business 82278
are generally kept and maintained at the location or are readily 82279
accessible and available for reasonable inspection from the 82280
location. 82281

"Established place of business" does not mean a residence, 82282
tent, temporary stand, storage shed, lot, or any temporary 82283
quarters, unless authorized by the registrar of motor vehicles. 82284

Sec. 4517.05. (A) Each person applying for a used motor 82285
vehicle dealer's license shall ~~annually~~ biennially, before the 82286
first day of April, make out and deliver to the registrar of motor 82287
vehicles, upon a blank to be furnished by the registrar for that 82288
purpose, a separate application for license for each county in 82289
which such business is to be conducted. The application shall be 82290
in the form prescribed by the registrar, shall be signed and sworn 82291
to by the applicant, and, in addition to such other information as 82292
is required by the registrar, shall include the information 82293
specified in divisions (A) to (H) of section 4517.04 of the 82294
Revised Code. The application shall be accompanied by a 82295
photograph, as prescribed by the registrar, of each place of 82296
business operated, or to be operated, by the applicant. An 82297
application for a used motor vehicle dealer's license by any 82298
person who is subject to division (B)(1) of this section shall be 82299
accompanied by documentation, as prescribed by the motor vehicle 82300
dealers board, showing that within the immediately preceding six 82301
months, an owner, officer, partner, or director of the business 82302
entity applying for the used motor vehicle dealer's license has 82303
successfully completed a used motor vehicle dealer training 82304
course. 82305

(B)(1) Except as provided in divisions (B)(2) and (3) of this 82306
section, an owner, officer, partner, or director of a business 82307
entity applying for a used motor vehicle dealer license ninety 82308

days or more after ~~the effective date of this amendment~~ September 82309
4, 2012, shall, within six months immediately preceding the date 82310
of applying for the license, successfully complete a used motor 82311
vehicle dealer training course that complies with the rules of the 82312
motor vehicle dealers board adopted under division (C) of this 82313
section. 82314

(2) No person applying for a used motor vehicle dealer's 82315
license shall be required to have an owner, officer, partner, or 82316
director of the business entity complete a used motor vehicle 82317
dealer training course if any owner, officer, partner, or director 82318
of the business entity held a used or new motor vehicle dealer's 82319
license within the two-year period immediately preceding the date 82320
of application and the previously held license was not revoked or 82321
suspended. 82322

(3) No person applying for a used motor vehicle dealer's 82323
license shall be required to have an owner, officer, partner, or 82324
director of the related business entity complete a used motor 82325
vehicle dealer training course if the person holds a salvage motor 82326
vehicle auction license pursuant to Chapter 4738. of the Revised 82327
Code or a motor vehicle auction owner license pursuant to Chapter 82328
4517. of the Revised Code. 82329

(C)(1) In accordance with Chapter 119. of the Revised Code, 82330
the motor vehicle dealers board shall adopt rules governing used 82331
motor vehicle dealer training courses. The rules shall do all of 82332
the following: 82333

(a) Require a course provider to be an institution of higher 82334
education, as defined in section 3345.12 of the Revised Code, or a 82335
relevant professional or trade association that has been in 82336
existence for more than five years and has a majority of members 82337
who are motor vehicle dealers licensed in this state; 82338

(b) Establish any additional qualifications for course 82339

providers; 82340

(c) Establish the course curriculum, which shall include 82341
information on applicable federal and state law, including 82342
consumer protection laws, and shall require at least six hours but 82343
not more than twenty-four hours of instruction; 82344

(d) Prescribe the form for the certificate of completion, 82345
which shall require the course provider to attest that the person 82346
named on the certificate successfully completed at least six hours 82347
of used motor vehicle dealer training; 82348

(e) Establish any other reasonable requirements the board 82349
considers necessary. 82350

(2) The board shall maintain information received from any 82351
course provider concerning course location, content, length, and 82352
cost and shall provide the information to any person upon request. 82353

(3) The registrar shall not issue a used motor vehicle dealer 82354
license to any person subject to division (B)(1) of this section 82355
unless an owner, officer, partner, or director of a business 82356
entity applying for the used motor vehicle dealer license has 82357
successfully completed a used motor vehicle dealer training course 82358
that complies with the requirements of this division. 82359

(D)(1) Any person offering used motor vehicle dealer training 82360
courses shall do all of the following: 82361

(a) Conform the course to rules of the motor vehicle dealers 82362
board; 82363

(b) Establish reasonable fees for courses offered; 82364

(c) Issue, on a form prescribed by the board, a certificate 82365
of completion to each person who successfully completes a course 82366
of instruction; 82367

(d) Notify the board of the course location, content, length, 82368
and cost. 82369

(2) A course provider may use information and material from the bureau of motor vehicles and the attorney general.

(E) Nothing in this section shall affect or apply to new motor vehicle dealer licensing.

Sec. 4517.06. Each person applying for a motor vehicle leasing dealer's license shall ~~annually~~ biennially, before the first day of April, make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each county in which the business of leasing motor vehicles, as described in division (M) of section 4517.01 of the Revised Code, is to be conducted. The application shall be in the form prescribed by the registrar, shall be signed and sworn to ~~be~~ by the applicant, and, in addition to such other information as is required by the registrar, shall include the information specified in divisions (A) to (H) of section 4517.04 of the Revised Code. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of business operated, or to be operated, by the applicant.

Sec. 4517.07. Each person applying for a motor vehicle auction owner's license shall ~~annually~~ biennially, before the first day of April, make out and deliver to the registrar of motor vehicles, upon a blank to be furnished by the registrar for that purpose, a separate application for license for each county in which such business is to be conducted. The application shall be in the form prescribed by the registrar, shall be signed and sworn to by the applicant, and, in addition to such other information as is required by the registrar, shall include the information specified in divisions (A) to (H) of section 4517.04 of the Revised Code. The application shall be accompanied by a photograph, as prescribed by the registrar, of each place of

business operated, or to be operated, by the applicant. 82401

The business records, relating to the auctioning of motor 82402
vehicles, of a licensed motor vehicle auction owner shall be open 82403
for reasonable inspection by the registrar or ~~his~~ the registrar's 82404
authorized agent. 82405

Sec. 4517.08. Each person applying for a distributor's 82406
license shall ~~annually~~ biennially, before the first day of April, 82407
make out and deliver to the registrar of motor vehicles, upon a 82408
blank to be furnished by the registrar for that purpose, a 82409
separate application for license for each place of business 82410
maintained. The application shall be in the form prescribed by the 82411
registrar, shall be signed and sworn to by the applicant, and, in 82412
addition to such other information as is required by the 82413
registrar, shall include: 82414

(A) Name of applicant and location of principal place of 82415
distribution; 82416

(B) The county or counties in which business is to be 82417
conducted; 82418

(C) A statement showing the makes of motor vehicles to be 82419
distributed; 82420

(D) The information specified in divisions (B), (C), (E), 82421
(F), (G), and (H) of section 4517.04 of the Revised Code. 82422

At the time of application, the applicant shall furnish to 82423
the registrar a true copy of ~~his~~ the applicant's appointment as a 82424
distributor by a motor vehicle manufacturer. The appointment shall 82425
be signed and sworn to by the applicant. The application shall 82426
also be accompanied by a photograph, as prescribed by the 82427
registrar, of each place of business operated, or to be operated, 82428
by the applicant. 82429

Sec. 4517.32. Subject to sections 119.01 to 119.12 and 82430
section 4517.35 of the Revised Code, the motor vehicle dealers 82431
board may make such reasonable rules as are necessary to carry out 82432
and effect its duties under this chapter, including such rules as 82433
are necessary relating to the time, place, and manner of 82434
conducting hearings on the issuance, suspension, or revocation of 82435
licenses, and on protests filed under sections 4517.50, 4517.52, 82436
4517.53, 4517.54, and 4517.56 of the Revised Code. The board may 82437
hear testimony in matters relating to the duties imposed upon it 82438
and the president and the secretary of the board may administer 82439
oaths. The board may require any proof it considers advisable and 82440
may require the attendance of such witnesses and the production of 82441
such books, records, and papers as it desires at any hearing 82442
before it or relating to any matter that it has authority to 82443
investigate. The board may, through its secretary, issue a 82444
subpoena for any witness, or a subpoena duces tecum for the 82445
production of any books, records, and papers, directed to the 82446
sheriff of the county where such witness resides or is found, 82447
which subpoena shall be served and returned in the same manner as 82448
a subpoena in a criminal case. 82449

The fees of the sheriff shall be the same as that allowed in 82450
the court of common pleas in criminal cases. Witnesses shall be 82451
paid the fees and mileage provided for under section 119.094 of 82452
the Revised Code. The fees and mileage shall be paid in the same 82453
manner as other expenses of the board. 82454

Depositions of witnesses residing within or without the state 82455
may be taken by the board in the manner prescribed for like 82456
depositions in civil actions in the court of common pleas. In any 82457
case of disobedience to or neglect of any subpoena served on any 82458
person, or the refusal of any witness to testify to any matter 82459
regarding which the witness may lawfully be interrogated, the 82460
court of common pleas of any county where such disobedience, 82461

neglect, or refusal occurs, or any judge thereof on application of 82462
the secretary of the board, shall compel obedience by attachment 82463
proceedings for contempt as in the case of disobedience of a 82464
subpoena issued from such court or a refusal to testify therein. 82465

Sec. 4517.35. (A) Members of the motor vehicle dealers board 82466
may hold and attend meetings and may conduct and attend hearings 82467
by means of teleconference, video conference, or any other similar 82468
electronic technology, and all of the following apply: 82469

(1) Any decision, resolution, rule, or formal action of any 82470
kind has the same effect as if it occurred during an open meeting 82471
or hearing of the board in which members are present in person. 82472

(2) Notwithstanding division (C) of section 121.22 of the 82473
Revised Code, members of the board who attend meetings or hearings 82474
by means of teleconference, video conference, or any other similar 82475
electronic technology, shall be considered present as if in person 82476
at the meeting or hearing, shall be permitted to vote, and shall 82477
be counted for purposes of determining whether a quorum is present 82478
at the meeting or hearing. 82479

(3) The board shall provide notification of meetings and 82480
hearings held under this section to the public, to the media that 82481
have requested notification of a meeting, and to the parties 82482
required to be notified of a hearing, at least twenty-four hours 82483
in advance of the meeting or hearing by reasonable methods by 82484
which any person may determine the time, location, and the manner 82485
by which the meeting or hearing will be conducted, except in the 82486
event of an emergency requiring immediate official action. In the 82487
event of an emergency, the board shall immediately notify the news 82488
media that have requested notification or the parties required to 82489
be notified of a hearing of the time, place, and purpose of the 82490
meeting or hearing. 82491

(4) The board shall provide the public access to a meeting 82492

held under this section, and to any hearing held under this 82493
section that the public would otherwise be entitled to attend, 82494
commensurate with the method in which the meeting or hearing is 82495
being conducted, including examples such as livestreaming by means 82496
of the internet, local radio, television, cable, or public access 82497
channels, call in information for a teleconference, or by means of 82498
any other similar electronic technology. The board shall ensure 82499
that the public can observe, when applicable, and hear the 82500
discussions and deliberations of all the members of the board, 82501
whether the member is participating in person or electronically. 82502

(5) Individuals subject to board business, including 82503
licensees, representatives, witnesses, or subject matter experts 82504
must attend the meeting in person. 82505

(B) When members of the motor vehicle dealers board conduct a 82506
hearing by means of teleconference, video conference, or any other 82507
similar electronic technology, the board shall establish a means, 82508
through the use of electronic equipment that is widely available 82509
to the general public, to converse with witnesses and to receive 82510
documentary testimony and physical evidence. 82511

(C) The authority granted in this section applies 82512
notwithstanding any conflicting provision of the Revised Code. 82513
Nothing in this section shall be construed to negate any provision 82514
of section 121.22 of the Revised Code, Chapter 119. of the Revised 82515
Code, or other section of the Revised Code, that is not in 82516
conflict with this section. 82517

Sec. 4701.06. (A) The accountancy board shall grant the 82518
certificate of "certified public accountant" to any person who 82519
satisfies the following requirements: 82520

~~(1) The person is a resident of this state or has a place of~~ 82521
~~business in this state or, as an employee, is regularly employed~~ 82522
~~in this state. The board may determine by rule circumstances under~~ 82523

which the residency requirement may be waived.	82524
(2) The person has attained the age of eighteen years.	82525
(3) <u>(2)</u> The person meets the following requirements of education and experience:	82526
	82527
(a) Graduation with a baccalaureate or higher degree that includes successful completion of one hundred fifty semester hours of undergraduate or graduate education. The board by rule shall specify graduate degrees that satisfy this requirement and also by rule shall require any subjects that it considers appropriate. The total educational program shall include an accounting concentration with related courses in other areas of business administration, as defined by board rule.	82528
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(b) Acquisition of one year of experience satisfactory to the board in any of the following:	82536
	82537
(i) A public accounting firm;	82538
(ii) Government;	82539
(iii) Business;	82540
(iv) Academia.	82541
(4) <u>(3)</u> The person has passed an examination that is administered in the manner and that covers the subjects that the board prescribes by rule. In adopting the relevant rules, the board shall ensure to the extent possible that the examination, the examination process, and the examination's passing standard are uniform with the examinations, examination processes, and examination passing standards of all other states and may provide for the use of all or parts of the uniform certified public accountant examination and advisory grading service of the American institute of certified public accountants. The board may contract with third parties to perform administrative services that relate to the examination and that the board determines are	82542
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appropriate in order to assist the board in performing its duties 82554
in relation to the examination. 82555

(B)(1) The experience requirement for a candidate who does 82556
not meet the educational requirements under division 82557
~~(A)(3)(a)~~(A)(2)(a) of this section because the board has waived 82558
them under division (B)(2) of this section is four years of the 82559
experience described in division ~~(A)(3)(b)~~(A)(2)(b) of this 82560
section. 82561

(2) The board shall waive the educational requirement set 82562
forth in division ~~(A)(3)(a)~~(A)(2)(a) of this section for any 82563
candidate if the board finds that the candidate has obtained from 82564
an accredited college or university approved by the board, either 82565
an associate degree or a baccalaureate degree, other than a 82566
baccalaureate degree described in division ~~(A)(3)(a)~~(A)(2)(a) of 82567
this section, with a concentration in accounting that includes 82568
related courses in other areas of business administration, and if 82569
the board is satisfied from the results of special examinations 82570
that the board gives the candidate to test the candidate's 82571
educational qualification that the candidate is as well equipped, 82572
educationally, as if the candidate met the applicable educational 82573
requirement specified in division ~~(A)(3)(a)~~(A)(2)(a) of this 82574
section. 82575

The board shall provide by rule for the general scope of any 82576
special examinations for a waiver of the educational requirements 82577
under division ~~(A)(3)(a)~~(A)(2)(a) of this section and may obtain 82578
any advice and assistance that it considers appropriate to assist 82579
it in preparing and grading those special examinations. The board 82580
may use any existing examinations or may prepare any number of new 82581
examinations to assist in determining the equivalent training of a 82582
candidate. The board by rule shall prescribe any special 82583
examinations for a waiver of the educational requirements under 82584
division ~~(A)(3)(a)~~(A)(2)(a) of this section and the passing score 82585

required for each examination. 82586

(C) A candidate who has graduated with a baccalaureate degree 82587
or its equivalent or a higher degree that includes successful 82588
completion of at least one hundred twenty semester hours of 82589
undergraduate or graduate education is eligible to take the 82590
examination referred to in division ~~(A)(4)~~(A)(3) of this section 82591
without waiting until the candidate meets the education or 82592
experience requirements, ~~provided the candidate also meets the~~ 82593
~~requirement of division (A)(1) of this section.~~ The board by rule 82594
shall specify degrees that make a candidate eligible under this 82595
division and by rule shall require any subjects that it considers 82596
appropriate. 82597

(D) A candidate for the certificate of certified public 82598
accountant who has successfully completed the examination under 82599
division ~~(A)(4)~~(A)(3) of this section has no status as a certified 82600
public accountant, unless and until the candidate has the 82601
requisite education and experience and has received a certificate 82602
as a certified public accountant. The board shall determine and 82603
charge a fee for issuing the certificate that is adequate to cover 82604
the expense. 82605

(E) The board by rule may prescribe the terms and conditions 82606
under which a candidate who passes part but not all of the 82607
examination may retake the examination. It also may provide by 82608
rule for a reasonable waiting period for a candidate's 82609
reexamination. 82610

The applicable educational and experience requirements under 82611
divisions ~~(A)(3)~~(A)(2), (B), and (C) of this section shall be 82612
those in effect on the date on which the candidate first sits for 82613
the examination. 82614

(F) The board shall charge a candidate a reasonable fee, to 82615
be determined by the board, that is adequate to cover all rentals, 82616

compensation for proctors, and other administrative expenses of 82617
the board related to examination or reexamination, including the 82618
expenses of procuring and grading the examination provided for in 82619
division ~~(A)(4)~~(A)(3) of this section and for any special 82620
examinations for a waiver of the educational requirements under 82621
division ~~(A)(3)(a)~~(A)(2)(a) of this section. Fees for 82622
reexamination under division (E) of this section shall be charged 82623
by the board in amounts determined by it. The applicable fees 82624
shall be paid by the candidate at the time the candidate applies 82625
for examination or reexamination. 82626

(G) Any person who has received from the board a certificate 82627
as a certified public accountant and who holds an Ohio permit 82628
shall be styled and known as a "certified public accountant" and 82629
also may use the abbreviation "CPA." The board shall maintain a 82630
list of certified public accountants. Any certified public 82631
accountant also may be known as a "public accountant." 82632

(H) Persons who, on the effective date of an amendment of 82633
this section, held certified public accountant certificates 82634
previously issued under the laws of this state shall not be 82635
required to obtain additional certificates under this section but 82636
shall otherwise be subject to all provisions of this section, and 82637
those previously issued certificates, for all purposes, shall be 82638
considered certificates issued under this section and subject to 82639
its provisions. 82640

(I) The board may waive the examination under division 82641
~~(A)(4)~~(A)(3) of this section and, upon payment of a fee determined 82642
by it, may issue a certificate as a "certified public accountant" 82643
to any person who possesses the ~~qualifications~~ qualification 82644
specified in ~~divisions~~ division (A)(1) ~~and (2)~~ of this section and 82645
what the board determines to be substantially the equivalent of 82646
the applicable qualifications under division ~~(A)(3)~~(A)(2) of this 82647
section and who is the holder of a certificate as a certified 82648

public accountant, then in full force and effect, issued under the 82649
laws of any state, or is the holder of a certificate, license, or 82650
degree in a foreign country that constitutes a recognized 82651
qualification for the practice of public accounting in that 82652
country, that is comparable to that of a certified public 82653
accountant of this state, and that is then in full force and 82654
effect. 82655

Sec. 4701.10. (A) The accountancy board, upon application, 82656
shall issue Ohio permits to practice public accounting to holders 82657
of the CPA certificate or the PA registration. Subject to division 82658
(H)(1) of this section, there shall be a triennial Ohio permit fee 82659
in an amount to be determined by the board not to exceed one 82660
hundred fifty dollars. All Ohio permits shall expire on the last 82661
day of December of the year assigned by the board and, subject to 82662
division (H)(1) of this section, shall be renewed triennially for 82663
a period of three years by certificate holders and registrants in 82664
good standing upon payment of a triennial renewal fee not to 82665
exceed one hundred fifty dollars. 82666

(B) The accountancy board may issue Ohio registrations to 82667
holders of the CPA certificate and the PA registration who are not 82668
engaged in the practice of public accounting. Such persons shall 82669
not convey to the general public that they are actively engaged in 82670
the practice of public accounting in this state. Subject to 82671
division (H)(1) of this section, there shall be a triennial Ohio 82672
registration fee in an amount to be determined by the board but 82673
not exceeding fifty-five dollars. All Ohio registrations shall 82674
expire on the last day of December of the year assigned by the 82675
board and, subject to division (H)(1) of this section, shall be 82676
renewed triennially for a period of three years upon payment by 82677
certificate holders and registrants in good standing of a renewal 82678
fee not to exceed fifty-five dollars. 82679

(C) Any person who receives a CPA certificate and who applies 82680
for an initial Ohio permit or Ohio registration more than sixty 82681
days after issuance of the CPA certificate may, at the board's 82682
discretion, be subject to a late filing fee not exceeding one 82683
hundred dollars. 82684

(D) Any person to whom the board has issued an Ohio permit 82685
who is engaged in the practice of public accounting and who fails 82686
to renew the permit by the expiration date shall be subject to a 82687
late filing fee not exceeding one hundred dollars for each full 82688
month or part of a month after the expiration date in which such 82689
person did not possess a permit, up to a maximum of one thousand 82690
two hundred dollars. The board may waive or reduce the late filing 82691
fee for just cause upon receipt of a written request from such 82692
person. 82693

(E) Any person to whom the board has issued an Ohio permit or 82694
Ohio registration who is not engaged in the practice of public 82695
accounting and who fails to renew the permit or registration by 82696
the expiration date shall be subject to a late filing fee not 82697
exceeding fifty dollars for each full month or part of a month 82698
after the expiration date in which such person did not possess a 82699
permit or registration, up to a maximum of three hundred dollars. 82700
The board may waive or reduce the late filing fee for just cause 82701
upon receipt of a written request from such person. 82702

(F) Failure of a CPA certificate holder or PA registration 82703
holder to apply for either an Ohio permit or an Ohio registration 82704
within one year from the expiration date of the Ohio permit or 82705
Ohio registration last obtained or renewed, or one year from the 82706
date upon which the CPA certificate holder was granted a CPA 82707
certificate, shall result in suspension of the CPA certificate or 82708
PA registration until all fees required under divisions (D) and 82709
(E) of this section have been paid, unless the board determines 82710
the failure to have been due to excusable neglect. In that case, 82711

the fee for the issuance or renewal of the Ohio permit or Ohio registration, as the case may be, shall be the amount that the board shall determine, but not in excess of fifty dollars plus the fee for each triennial period or part of a period the certificate holder or registrant did not have either an Ohio permit or an Ohio registration.

(G) The board by rule may exempt persons from the requirement of holding an Ohio permit or Ohio registration for specified reasons, including, but not limited to, retirement, health reasons, military service, foreign residency, or other just cause.

(H)(1) The board by rule:

(a) May provide for the issuance of Ohio permits and Ohio registrations for less than three years' duration at prorated fees;

(b) Shall add a surcharge to the Ohio permit and Ohio registration fee imposed pursuant to this section of ~~at least fifteen dollars but no more than thirty dollars for a three year Ohio permit or Ohio registration, at least ten dollars but no more than twenty dollars for a two year Ohio permit or Ohio registration, and at least five dollars but no more than ten dollars for a one year Ohio permit or Ohio registration, provided that the board may prorate the surcharge if the board issues an Ohio permit or Ohio registration for less than three years.~~

(2) Each quarter, the board, for the purpose provided in section 4743.05 of the Revised Code, shall certify to the director of budget and management the number of Ohio permits and Ohio registrations issued or renewed under this chapter during the preceding quarter and the amount equal to that number times the amount of the surcharge added to each Ohio permit and Ohio registration fee by the board under division (H)(1) of this section.

Sec. 4701.13. The accountancy board shall publish ~~annually~~ 82743
~~and maintain a printed~~ publicly available and searchable 82744
electronic register. The ~~printed~~ register shall contain ~~in~~ 82745
~~separate lists~~ the names and business addresses, license numbers, 82746
license types, license status, and disciplinary history for any 82747
actions taken under section 4701.16 of the Revised Code of all 82748
certified public accountants and public accountants holding ~~Ohio~~ 82749
~~permits~~ licenses issued under this chapter as of the date ~~of~~ 82750
~~preparation of~~ the register is accessed. 82751

Sec. 4701.17. Upon application in writing and after hearing 82752
pursuant to notice, the accountancy board may reissue or reinstate 82753
a certificate to a certified public accountant whose certificate 82754
has been revoked or suspended or reregister anyone whose 82755
registration has been revoked or suspended. 82756

The board may require a reasonable waiting period, 82757
commensurate with the offense, before a certificate holder or 82758
registrant whose certificate or registration has been revoked or 82759
suspended may apply to have the certificate or registration 82760
reissued or reinstated. The board may require compliance with any 82761
or all requirements of section 4701.06 of the Revised Code, 82762
including the taking of any examination described in division 82763
~~(A)(5)~~(A)(3) of that section as a prerequisite for 82764
recertification. The board may require compliance with any or all 82765
of the requirements of section 4701.07 of the Revised Code, 82766
including the taking of any examination described in division (D) 82767
of that section as a prerequisite for reregistration. 82768

Sec. 4701.26. ~~(A) As used in this section:~~ 82769

~~(1) "Accounting education program" means a course of study~~ 82770
~~that satisfies the requirements set forth in rules adopted by the~~ 82771
~~accountancy board.~~ 82772

~~(2) "Enrolls" or "enrolled" means that the scholarship applicant has registered for classes and has paid at least a portion of the tuition or fees.~~ 82773
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~~(3) "Fifth year" means any time after an applicant's completion of a minimum number of semester or quarter hours as prescribed by the board by rule.~~ 82776
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~~(4) "Other students" means students who demonstrate a financial need as determined by the certified public accountant education assistance advisory committee.~~ 82779
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~~(B) The accountancy board shall establish the certified public accountant education assistance program, the purpose of which is to provide, on and after January 1, 1998, scholarships to minority and other students enrolled in their fifth year of an accounting education program at institutions approved by the board by rule adopted in accordance with Chapter 119. of the Revised Code.~~ 82782
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~~(C)~~(A) There is hereby created in the state treasury the certified public accountant education assistance fund, which shall consist of all money transferred to it pursuant to section 4743.05 of the Revised Code and all investment earnings of the fund. 82789
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(B) The fund shall be used by the accountancy board to shall enter into a contract with an Ohio-based statewide membership organization representing certified public accountants in this state to use the fund, subject to approval as described in division (C) of this section, for all of the following purposes: 82793
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(1) For efforts to increase the number of certified public accountants in this state, including efforts to engage with high school and college students, nontraditional students, and members of minority groups; 82798
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(2) To create and implement workforce development and attraction programs; 82802
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~~(3) To provide scholarships and to pay costs related to the administration of the program in accordance with division (B) of this section. to students attending a college or university in this state who are citizens of the United States or who are lawfully admitted for permanent residence, as defined in section 101(a)(20) of the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(20);~~ 82804
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~~(4) To provide financial assistance to individuals who meet the educational requirements to obtain a CPA certificate for the costs associated with obtaining a CPA certificate, including study materials for the certified public accountant examination and the fees the board charges for an individual to take an examination or reexamination;~~ 82811
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~~(5) To defray the administrative costs incurred in carrying out the purposes described in divisions (B)(1) to (4) of this section.~~ 82817
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~~(D)(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to establish all of the following:~~ 82820
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~~(1) Eligibility criteria for receipt of a scholarship;~~ 82822

~~(2) Scholarship application procedures;~~ 82823

~~(3) The amounts in which scholarships may be provided and the total amount that may be provided to an individual;~~ 82824
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~~(4) The total amount of scholarships that can be made each year;~~ 82826
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~~(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;~~ 82828
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~~(6) The means by which the program may be used to recruit individuals, including high school students, who are members of minority groups to enter an accounting education program or the accounting profession;~~ 82830
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~~(7) The means by which other matters incidental to the operation of the program may be approved, including the authorization of necessary expenses incurred in the operation of the program.~~ 82834
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~~(E) The receipt of a scholarship under this section shall not affect a student's eligibility for any other assistance, or the amount of that assistance, but the rules of the board may provide for taking other assistance received into consideration when determining a student's eligibility for a scholarship under this section.~~ 82838
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create the education assistance committee. The committee shall meet at least once each calendar quarter. Before expending funds for any of the purposes listed in division (B) of this section, an organization with which the board entered into a contract under that division shall apply to the committee. The organization shall identify in the application for which purpose the funds are to be used and the amount allocated for each purpose. The committee shall approve or deny the application. Subject to division (D) of this section, if the committee approves an application, the board may disburse money from the fund to the organization to be expended only for the purposes described in division (B) of this section. The committee, as a condition of approving an application, shall not require the organization to expend money for the purposes for which the organization is applying before the organization applies for or receives money from the fund. 82843
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(D) Of the amount of money disbursed from the fund in each fiscal year for expenditures approved under division (C) of this section, the board shall ensure that at least one-half of that amount is expended for the creation and implementation of workforce development and attraction programs. 82859
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(E) The board, to the extent practicable, shall ensure that all money appropriated in each fiscal year to the fund is expended 82864
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for the purposes described in this section. 82866

Sec. 4703.01. The governor shall appoint an architects board, 82867
which shall be composed of five individuals, four of whom shall be 82868
architects who have been in active practice in the state for not 82869
less than ~~ten~~ five years previous to their appointment, and one of 82870
whom shall be a member of the general public and who is not an 82871
architect. 82872

At the expiration of the term of office of each of the 82873
members the governor shall, with the advice and consent of the 82874
senate appoint a successor. Terms of office shall be for five 82875
years, commencing on the third day of October and ending on the 82876
second day of October. Each member shall hold office from the date 82877
of appointment until the end of the term for which appointed. The 82878
governor may, upon bona fide complaint and for good cause shown, 82879
after ten days' notice to the member against whom charges may be 82880
filed, and after opportunity for hearing, remove any member of 82881
said board for inefficiency, neglect of duty, or malfeasance in 82882
office. Any member appointed to fill a vacancy occurring prior to 82883
the expiration of the term for which the member's predecessor was 82884
appointed shall hold office for the remainder of such term. Any 82885
member shall continue in office subsequent to the expiration date 82886
of the member's term until the member's successor takes office, or 82887
until a period of sixty days has elapsed, whichever occurs first. 82888

The members of said board shall, before entering upon the 82889
discharge of their duties, subscribe to and file with the 82890
secretary of state the constitutional oath of office. 82891

Sec. 4703.15. (A) The architects board may by three 82892
concurring votes deny renewal of, revoke, or suspend any 82893
certificate of qualification to practice architecture, issued or 82894
renewed under sections 4703.10, 4703.13, and 4703.14 of the 82895

Revised Code, or any certificate of authorization, issued or 82896
renewed under sections 4703.13 and 4703.18 of the Revised Code, if 82897
proof satisfactory to the board is presented in any of the 82898
following cases: 82899

(1) In case it is shown that the certificate was obtained by 82900
fraud; 82901

(2) In case the holder of the certificate has been found 82902
guilty by the board or by a court of justice of any fraud or 82903
deceit in the holder's professional practice, or has been 82904
convicted of a felony by a court of justice; 82905

(3) In case the holder has been found guilty by the board of 82906
gross negligence, incompetency, or misconduct in the performance 82907
of the holder's services as an architect or in the practice of 82908
architecture; 82909

(4) In case the holder of the certificate has been found 82910
guilty by the board of signing plans for the construction of a 82911
building as a "registered architect" where the holder is not the 82912
actual architect of such building and where the holder is without 82913
prior written consent of the architect originating the design or 82914
other documents used in the plans; 82915

(5) In case the holder of the certificate has been found 82916
guilty by the board of aiding and abetting another person or 82917
persons not properly registered as required by sections 4703.01 to 82918
4703.19 of the Revised Code, in the performance of activities that 82919
in any manner or extent constitute the practice of architecture. 82920

(B) In addition to disciplinary action the board may take 82921
against a certificate holder under division (A) of this section or 82922
section 4703.151 of the Revised Code, the board may impose a fine 82923
against a certificate holder who obtained a certificate by fraud 82924
or who is found guilty of any act specified in divisions (A)(2) to 82925
(A)(5) of this section or who violates any rule governing the 82926

standards of service, conduct, and practice adopted pursuant to 82927
section 4703.02 of the Revised Code. The fine imposed shall be not 82928
more than one thousand dollars for each offense but shall not 82929
exceed five thousand dollars regardless of the number of offenses 82930
the certificate holder has committed between the time the fine is 82931
imposed and the time any previous fine was imposed. 82932

(C) If a person fails to request a hearing within thirty days 82933
after the date the board, in accordance with ~~section~~ sections 82934
119.05 and 119.07 of the Revised Code, notifies the person of the 82935
board's intent to act against the person under division (A) of 82936
this section, the board by a majority vote of a quorum of the 82937
board members may take the action against a person without holding 82938
an adjudication hearing. 82939

Sec. 4703.44. The administrative procedures of the Ohio 82940
landscape architects board shall be governed by Chapter 119. of 82941
the Revised Code, and the board's authorized representatives may 82942
administer oaths, take depositions, and issue subpoenas to compel 82943
the attendance of witnesses and the production of books, papers, 82944
records, memoranda, or other information necessary to the carrying 82945
out of sections 4703.30 to 4703.52 of the Revised Code. 82946

If a person fails to request a hearing within thirty days 82947
after the date the board, in accordance with ~~section~~ sections 82948
119.05 and 119.07 of the Revised Code, notifies the person of the 82949
board's intent to act against the person under section 4703.41 of 82950
the Revised Code, the board, by a majority vote of a quorum of the 82951
board members, may take the action against a person without 82952
holding an adjudication hearing. 82953

Sec. 4707.02. (A) No person shall act as an auction firm or 82954
auctioneer within this state without a license issued by the 82955
department of agriculture. No auction shall be conducted in this 82956

state except by an auctioneer licensed by the department. 82957

Except as provided in division (D) of this section, the 82958
department shall not issue or renew a license if the applicant or 82959
licensee has been convicted of a felony or crime involving fraud 82960
or theft in this or another state at any time during the ten years 82961
immediately preceding application or renewal. 82962

(B) Division (A) of this section does not apply to any of the 82963
following: 82964

(1) Sales at auction that either are required by law to be at 82965
auction, other than sales pursuant to a judicial order or decree, 82966
or are conducted by or under the direction of a public authority; 82967

(2) The owner of any real or personal property desiring to 82968
sell the property at auction, provided that the property was not 82969
acquired for the purpose of resale; 82970

(3) An auction mediation company; 82971

(4) An auction that is conducted in a course of study for 82972
auctioneers that is approved by the state auctioneers commission 82973
created under section 4707.03 of the Revised Code for purposes of 82974
student training and is supervised by a licensed auctioneer; 82975

(5)(a) An auction that is sponsored by a nonprofit or 82976
charitable organization that is registered in this state under 82977
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 82978
if the auction only involves the property of the members of the 82979
organization and the auction is part of a fair that is organized 82980
by an agricultural society under Chapter 1711. of the Revised Code 82981
or by the Ohio expositions commission under Chapter 991. of the 82982
Revised Code at which an auctioneer who is licensed under this 82983
chapter physically conducts the auction; 82984

(b) Sales at an auction sponsored by a charitable, religious, 82985
or civic organization that is tax exempt under subsection 82986

501(c)(3) of the Internal Revenue Code, or by a public school, 82987
chartered nonpublic school, or community school, if no person in 82988
the business of organizing, arranging, or conducting an auction 82989
for compensation and no consignor of consigned items sold at the 82990
auction, except such organization or school, receives compensation 82991
from the proceeds of the auction. As used in division (B)(5)(b) of 82992
this section, "compensation" means money, a thing of value other 82993
than participation in a charitable event, or a financial benefit. 82994

(c) Sales at an auction sponsored by an organization that is 82995
tax exempt under subsection 501(c)(6) of the Internal Revenue Code 82996
and that is a part of a national, regional, or state convention or 82997
conference that advances or promotes the auction profession in 82998
this state when the property to be sold is donated to or is the 82999
property of the organization and the proceeds remain within the 83000
organization or are donated to a charitable organization that is 83001
tax exempt under subsection 501(c)(3) of the Internal Revenue 83002
Code. 83003

(6) A person licensed as a livestock dealer under Chapter 83004
943. of the Revised Code who exclusively sells livestock and uses 83005
an auctioneer who is licensed under this chapter to conduct the 83006
auction; 83007

(7) A person licensed as a motor vehicle auction owner under 83008
Chapter 4517. of the Revised Code who exclusively sells motor 83009
vehicles to a person licensed under Chapter 4517. of the Revised 83010
Code and who uses an auctioneer who is licensed under this chapter 83011
to conduct the auction; 83012

(8) A bid calling contest that is approved by the commission 83013
and that is conducted for the purposes of the advancement or 83014
promotion of the auction profession in this state; 83015

(9) An auction at which the champion of a national or 83016
international bid calling contest appears, provided that both of 83017

the following apply: 83018

(a) The champion is not paid a commission. 83019

(b) The auction is conducted under the direct supervision of 83020
an auctioneer licensed under this chapter in order to ensure that 83021
the champion complies with this chapter and rules adopted under 83022
it. 83023

(10) A person who, ~~in any calendar year,~~ sells ~~not more than~~ 83024
~~ten thousand dollars of~~ real or personal property via an auction 83025
mediation company if ~~both of the following apply:~~ 83026

~~(a) The~~ the auction mediation company specifically provides a 83027
fraud protection or money-back guarantee to the buyer of the 83028
property being sold. 83029

~~(b) The person is either selling the property of another and~~ 83030
~~does not receive any compensation for such sale, or the person is~~ 83031
~~selling the person's own personal property.~~ 83032

(C)(1) No person shall advertise or hold oneself out as an 83033
auction firm or auctioneer without a license issued by the 83034
department of agriculture. 83035

(2) Division (C)(1) of this section does not apply to an 83036
individual who is the subject of an advertisement regarding an 83037
auction conducted under division (B)(5)(b) of this section. 83038

(D) The department shall not refuse to issue a license to an 83039
applicant because of a criminal conviction unless the refusal is 83040
in accordance with section 9.79 of the Revised Code. 83041

Sec. 4709.07. (A) Each person who desires to obtain an 83042
initial license to practice barbering shall apply to the state 83043
cosmetology and barber board, on forms provided by the board. The 83044
application form shall include the name of the person applying for 83045
the license and evidence that the applicant meets all of the 83046
requirements of division (B) of this section. The application 83047

shall be accompanied by the examination application fee. 83048

(B) In order to take the required barber examination and to 83049
qualify for licensure as a barber, an applicant must demonstrate 83050
that the applicant meets all of the following: 83051

(1) Is at least eighteen years of age; 83052

(2) Has an eighth grade education or an equivalent education 83053
as determined by the state board of education in the state where 83054
the applicant resides; 83055

(3) Has graduated with at least one thousand ~~eight hundred~~ 83056
hours of training from a board-approved barber school or has 83057
graduated with at least one thousand hours of training from a 83058
board-approved barber school in this state and has a current 83059
cosmetology or hair designer license issued pursuant to Chapter 83060
4713. of the Revised Code. No hours of instruction earned by an 83061
applicant five or more years prior to the examination apply to the 83062
hours of study required by this division. 83063

(C) Any applicant who meets all of the requirements of 83064
divisions (A) and (B) of this section may take the barber 83065
examination at the time and place specified by the board. If the 83066
applicant fails to attain at least a seventy-five per cent pass 83067
rate on each part of the examination, the applicant is ineligible 83068
for licensure; however, the applicant may reapply for examination 83069
within ninety days after the date of the release of the 83070
examination scores by paying the required reexamination fee. An 83071
applicant is only required to take that part or parts of the 83072
examination on which the applicant did not receive a score of 83073
seventy-five per cent or higher. If the applicant fails to reapply 83074
for examination within ninety days or fails the second 83075
examination, in order to reapply for examination for licensure the 83076
applicant shall complete an additional course of study of not less 83077
than two hundred hours, in a board-approved barber school. The 83078

board shall provide to an applicant, upon request, a report which 83079
explains the reasons for the applicant's failure to pass the 83080
examination. 83081

(D) The board shall issue a license to practice barbering to 83082
any applicant who, to the satisfaction of the board, meets the 83083
requirements of divisions (A) and (B) of this section, who passes 83084
the required examination, and pays the initial licensure fee. 83085
Every licensed barber shall display the certificate of licensure 83086
in a conspicuous place adjacent to or near the licensed barber's 83087
work chair. 83088

Sec. 4709.10. (A) Each person who desires to obtain a license 83089
to operate a barber school shall apply to the state cosmetology 83090
and barber board, on forms provided by the board. The board shall 83091
issue a barber school license to a person if the board determines 83092
that the person meets and will comply with all of the requirements 83093
of division (B) of this section and pays the required licensure 83094
and inspection fees. 83095

(B) In order for a person to qualify for a license to operate 83096
a barber school, the barber school to be operated by the person 83097
must meet all of the following requirements: 83098

(1) Have a training facility sufficient to meet the required 83099
educational curriculum established by the board, including enough 83100
space to accommodate all the facilities and equipment required by 83101
rule by the board; 83102

(2) Provide sufficient licensed teaching personnel to meet 83103
the minimum pupil-teacher ratio established by rule of the board; 83104

(3) Have established and provide to the board proof that it 83105
has met all of the board requirements to operate a barber school, 83106
as adopted by rule of the board; 83107

(4) File with the board a program of its curriculum, 83108

accounting for not less than one thousand ~~eight hundred~~ hours of 83109
instruction in the courses of theory and practical demonstration 83110
required by rule of the board; 83111

(5) File with the board a surety bond in the amount of ten 83112
thousand dollars issued by a bonding company licensed to do 83113
business in this state. The bond shall be in the form prescribed 83114
by the board and conditioned upon the barber school's continued 83115
instruction in the theory and practice of barbering. The bond 83116
shall continue in effect until notice of its termination is 83117
provided to the board. In no event, however, shall the bond be 83118
terminated while the barber school is in operation. Any student 83119
who is injured or damaged by reason of a barber school's failure 83120
to continue instruction in the theory and practice of barbering 83121
may maintain an action on the bond against the barber school or 83122
the surety, or both, for the recovery of any money or tuition paid 83123
in advance for instruction in the theory and practice of barbering 83124
which was not received. The aggregate liability of the surety to 83125
all students shall not exceed the sum of the bond. 83126

(6) Maintain adequate record keeping to ensure that it has 83127
met the requirements for records of student progress as required 83128
by board rule; 83129

(7) Establish minimum standards for acceptance of student 83130
applicants for admission to the barber school. The barber school 83131
may establish entrance requirements which are more stringent than 83132
those prescribed by the board, but the requirements must at a 83133
minimum require the applicant to meet both of the following: 83134

(a) Be at least seventeen years of age; 83135

(b) Have an eighth grade education, or an equivalent 83136
education as determined by the state board of education. 83137

(8) Have a procedure to submit every student applicant's 83138
admission application to the board for the board's review and 83139

approval prior to the applicant's admission to the barber school;	83140
(9) Operate in a manner which reflects credit upon the barbering profession;	83141 83142
(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;	83143 83144 83145
(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.	83146 83147 83148 83149
(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:	83150 83151 83152 83153 83154
(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;	83155 83156 83157 83158 83159 83160
(2) Meets such other requirements as adopted by rule by the board;	83161 83162
(3) Passes the required examination; and	83163
(4) Pays the required fees.	83164
The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.	83165 83166 83167
(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed	83168 83169

as an assistant teacher, provided that within five days after the 83170
commencement of the employment the barber school submits to the 83171
board, on forms provided by the board, the applicant's 83172
qualifications. 83173

Sec. 4713.28. (A) The state cosmetology and barber board 83174
shall issue a practicing license to an applicant who satisfies all 83175
of the following applicable conditions: 83176

(1) Is at least sixteen years of age; 83177

(2) Has the equivalent of an Ohio public school tenth grade 83178
education; 83179

(3) Has submitted a written application on a form furnished 83180
by the board that contains all of the following: 83181

(a) The name of the individual and any other identifying 83182
information required by the board; 83183

(b) A photocopy of the individual's current driver's license 83184
or other proof of legal residence; 83185

(c) Proof that the individual is qualified to take the 83186
applicable examination as required by section 4713.20 of the 83187
Revised Code; 83188

(d) An oath verifying that the information in the application 83189
is true; 83190

(e) The applicable application fee. 83191

(4) Passes an examination conducted under division (A) of 83192
section 4713.24 of the Revised Code for the branch of cosmetology 83193
the applicant seeks to practice; 83194

(5) Pays to the board the applicable license fee; 83195

(6) In the case of an applicant for an initial cosmetologist 83196
license, has successfully completed at least one thousand ~~five~~ 83197
~~hundred~~ hours of board-approved cosmetology training in a school 83198

of cosmetology licensed in this state, except that only one 83199
thousand hours of board-approved cosmetology training in a school 83200
of cosmetology licensed in this state is required of an individual 83201
licensed as a barber under Chapter 4709. of the Revised Code; 83202

(7) In the case of an applicant for an initial esthetician 83203
license, has successfully completed at least six hundred hours of 83204
board-approved esthetics training in a school of cosmetology 83205
licensed in this state; 83206

(8) In the case of an applicant for an initial hair designer 83207
license, has successfully completed at least one thousand ~~two~~ 83208
~~hundred~~ hours of board-approved hair designer training in a school 83209
of cosmetology licensed in this state, except that only one 83210
thousand hours of board-approved hair designer training in a 83211
school of cosmetology licensed in this state is required of an 83212
individual licensed as a barber under Chapter 4709. of the Revised 83213
Code; 83214

(9) In the case of an applicant for an initial manicurist 83215
license, has successfully completed at least two hundred hours of 83216
board-approved manicurist training in a school of cosmetology 83217
licensed in this state; 83218

(10) In the case of an applicant for an initial natural hair 83219
stylist license, has successfully completed at least four hundred 83220
fifty hours of instruction in subjects relating to sanitation, 83221
scalp care, anatomy, hair styling, communication skills, and laws 83222
and rules governing the practice of cosmetology. 83223

(B) The board shall not deny a license to any applicant based 83224
on prior incarceration or conviction for any crime. If the board 83225
denies an individual a license or license renewal, the reasons for 83226
such denial shall be put in writing. 83227

Sec. 4713.64. (A) The state cosmetology and barber board may 83228

take disciplinary action under this chapter for any of the	83229
following:	83230
(1) Failure to comply with the safety, sanitation, and	83231
licensing requirements of this chapter or rules adopted under it;	83232
(2) Continued practice by an individual knowingly having an	83233
infectious or contagious disease;	83234
(3) Habitual drunkenness or addiction to any habit-forming	83235
drug;	83236
(4) Willful false and fraudulent or deceptive advertising;	83237
(5) Falsification of any record or application required to be	83238
filed with the board;	83239
(6) Failure to pay a fine or abide by a suspension order	83240
issued by the board;	83241
(7) Failure to cooperate with an investigation or inspection;	83242
(8) Failure to respond to a subpoena;	83243
(9) Conviction of or plea of guilty to a violation of section	83244
2905.32 of the Revised Code;	83245
(10) In the case of a salon, any individual's conviction of	83246
or plea of guilty to a violation of section 2905.32 of the Revised	83247
Code for an activity that took place on the premises of the salon.	83248
(B) On determining that there is cause for disciplinary	83249
action, the board may do one or more of the following:	83250
(1) Deny, revoke, or suspend a license, permit, or	83251
registration issued by the board under this chapter;	83252
(2) Impose a fine;	83253
(3) Require the holder of a license, permit, or registration	83254
issued under this chapter to take corrective action courses.	83255
(C)(1) Except as provided in divisions (C)(2) and (3) of this	83256

section, the board shall take disciplinary action pursuant to an 83257
adjudication under Chapter 119. of the Revised Code. 83258

(2) The board may take disciplinary action without conducting 83259
an adjudication under Chapter 119. of the Revised Code against an 83260
individual or salon who violates division (A)(9) or (10) of this 83261
section. After the board takes such disciplinary action, the board 83262
shall give written notice to the subject of the disciplinary 83263
action of the right to request a hearing under Chapter 119. of the 83264
Revised Code. 83265

(3) In lieu of an adjudication, the board may enter into a 83266
consent agreement with the holder of a license, permit, or 83267
registration issued under this chapter. A consent agreement that 83268
is ratified by a majority vote of a quorum of the board members is 83269
considered to constitute the findings and orders of the board with 83270
respect to the matter addressed in the agreement. If the board 83271
does not ratify a consent agreement, the admissions and findings 83272
contained in the agreement are of no effect, and the case shall be 83273
scheduled for adjudication under Chapter 119. of the Revised Code. 83274

(D) The amount and content of corrective action courses and 83275
other relevant criteria shall be established by the board in rules 83276
adopted under section 4713.08 of the Revised Code. 83277

(E)(1) The board may impose a separate fine for each offense 83278
listed in division (A) of this section. The amount of the first 83279
fine issued for a violation as the result of an inspection shall 83280
be not more than two hundred fifty dollars if the violator has not 83281
previously been fined for that offense. Any fines issued for 83282
additional violations during such an inspection shall not be more 83283
than one hundred dollars for each additional violation. The fine 83284
shall be not more than five hundred dollars if the violator has 83285
been fined for the same offense once before. Any fines issued for 83286
additional violations during a second inspection shall not be more 83287
than two hundred dollars for each additional violation. The fine 83288

shall be not more than one thousand dollars if the violator has 83289
been fined for the same offense two or more times before. Any 83290
fines issued for additional violations during a third inspection 83291
shall not be more than three hundred dollars for each additional 83292
violation. 83293

(2) The board shall issue an order notifying a violator of a 83294
fine imposed under division (E)(1) of this section. The notice 83295
shall specify the date by which the fine is to be paid. The date 83296
shall be less than forty-five days after the board issues the 83297
order. 83298

(3) At the request of a violator who is temporarily unable to 83299
pay a fine, or upon its own motion, the board may extend the time 83300
period within which the violator shall pay the fine up to ninety 83301
days after the date the board issues the order. 83302

(4) If a violator fails to pay a fine by the date specified 83303
in the board's order and does not request an extension within ten 83304
days after the date the board issues the order, or if the violator 83305
fails to pay the fine within the extended time period as described 83306
in division (E)(3) of this section, the board shall add to the 83307
fine an additional penalty equal to ten per cent of the fine. 83308

(5) If a violator fails to pay a fine within ninety days 83309
after the board issues the order, the board shall add to the fine 83310
interest at a rate specified by the board in rules adopted under 83311
section 4713.08 of the Revised Code. 83312

(6) If the fine, including any interest or additional 83313
penalty, remains unpaid on the ninety-first day after the board 83314
issues an order under division (E)(2) of this section, the amount 83315
of the fine and any interest or additional penalty shall be 83316
certified to the attorney general for collection in the form and 83317
manner prescribed by the attorney general. The attorney general 83318
may assess the collection cost to the amount certified in such a 83319

manner and amount as prescribed by the attorney general. 83320

(F) In the case of an offense of failure to comply with 83321
division (A) or (B)(2) or (3) of section 4713.50 of the Revised 83322
Code, the board shall impose a fine of five hundred dollars if the 83323
violation has not previously been fined for that offense. If the 83324
violation has previously been fined for the offense, the board may 83325
impose a fine in accordance with this division or take another 83326
action in accordance with division (B) of this section. 83327

(G) The board shall notify a licensee or registrant who is in 83328
violation of division (A) of this section and the owner of the 83329
salon in which the conditions constituting the violation were 83330
found. The individual receiving the notice of violation and the 83331
owner of the salon may request a hearing pursuant to section 83332
119.07 of the Revised Code. If the individual or owner fails to 83333
request a hearing or enter into a consent agreement thirty days 83334
after the date the board, in accordance with ~~section~~ sections 83335
119.05 and 119.07 of the Revised Code and division (J) of this 83336
section, notifies the individual or owner of the board's intent to 83337
act against the individual or owner under division (A) of this 83338
section, the board by a majority vote of a quorum of the board 83339
members may take the action against the individual or owner 83340
without holding an adjudication hearing. 83341

(H) The board, after a hearing in accordance with Chapter 83342
119. of the Revised Code or pursuant to a consent agreement, may 83343
suspend a license, permit, or registration if the licensee, permit 83344
holder, or registrant fails to correct an unsafe condition that 83345
exists in violation of the board's rules or fails to cooperate in 83346
an inspection. If a violation of this chapter or rules adopted 83347
under it has resulted in a condition reasonably believed by an 83348
inspector to create an immediate danger to the health and safety 83349
of any individual using the facility, the inspector may suspend 83350
the license or permit of the facility or the individual 83351

responsible for the violation without a prior hearing until the 83352
condition is corrected or until a hearing in accordance with 83353
Chapter 119. of the Revised Code is held or a consent agreement is 83354
entered into and the board either upholds the suspension or 83355
reinstates the license, permit, or registration. 83356

(I) The board shall not take disciplinary action against an 83357
individual licensed to operate a salon or school of cosmetology 83358
for a violation of this chapter that was committed by an 83359
individual licensed to practice a branch of cosmetology, while 83360
practicing within the salon or school, when the individual's 83361
actions were beyond the control of the salon owner or school. 83362

~~(J) In addition to the methods of notification required under 83363
section 119.07 of the Revised Code, the board may send the notices 83364
required under divisions (C)(2), (E)(2), and (G) of this section 83365
by any delivery method that is traceable and requires that the 83366
delivery person obtain a signature to verify that the notice has 83367
been delivered. The board also may send the notices by electronic 83368
mail, provided that the electronic mail delivery system certifies 83369
that a notice has been received. 83370~~

Sec. 4715.036. (A) As used in this section: 83371

(1) "Personal identifying information" has the same meaning 83372
as in section 2913.49 of the Revised Code. 83373

(2) "Confidential law enforcement investigatory record" has 83374
the same meaning as in section 149.43 of the Revised Code, except 83375
that it excludes information provided by an information source or 83376
witness to whom confidentiality has been reasonably promised, 83377
which information would reasonably tend to disclose the source's 83378
or witness's identity. 83379

(B) If the state dental board notifies an applicant, license 83380
holder, or other individual of an opportunity for a hearing 83381

pursuant to ~~section~~ sections 119.05 and 119.07 of the Revised 83382
Code, the board shall state in the notice that the individual is 83383
entitled to receive at least sixty days before the hearing, on the 83384
individual's request and as described in division (C) of this 83385
section, one copy of each item the board procures or creates in 83386
the course of its investigation on the individual. Such items may 83387
include, but are not limited to, the one or more complaints filed 83388
with the board; correspondence, reports, and statements; 83389
deposition transcripts; and patient dental records. 83390

(C) On receipt of a request for copies of investigative items 83391
from an individual who is notified under division (B) of this 83392
section of an opportunity for a hearing, the board shall provide 83393
the copies to the individual in accordance with, and subject to, 83394
all of the following: 83395

(1) The board shall provide the copies in a timely manner. 83396

(2) The board may charge a fee for providing the copies, but 83397
the amount of the fee shall be set at a reasonable cost to the 83398
individual. 83399

(3) Before providing the copies, the board shall determine 83400
whether the investigative items contain any personal identifying 83401
information regarding a complainant. If the board determines that 83402
the investigative items contain such personal identifying 83403
information, or any other information that would reveal the 83404
complainant's identity, the board shall redact the information 83405
from the copies it provides to the individual. 83406

(4) The board shall not provide either of the following: 83407

(a) Any information that is subject to the attorney-client 83408
privilege or work product doctrine, or that would reveal the 83409
investigatory processes or methods of investigation used by the 83410
board; 83411

(b) Any information that would constitute a confidential law 83412

enforcement investigatory record. 83413

(D) If a request for copies of investigative items is made 83414
pursuant to this section, the board in its scheduling of a hearing 83415
for the individual shall, notwithstanding section 119.07 of the 83416
Revised Code, schedule the hearing for a date that is at least 83417
sixty-one days after the board provides the individual with the 83418
copies of the items. 83419

(E)(1) After the board notifies an individual of an 83420
opportunity for a hearing, the individual may ask the board to 83421
issue either or both of the following: 83422

(a) A subpoena to compel the attendance and testimony of any 83423
witness at the hearing; 83424

(b) A subpoena for the production of books, records, papers, 83425
or other tangible items. 83426

(2) On receipt of an individual's request under division 83427
(E)(1) of this section, the board shall issue the subpoena. 83428

In the case of a subpoena for the production of books, 83429
records, papers, or other tangible items, the person or government 83430
entity subject to the subpoena shall comply with the subpoena at 83431
least thirty days prior to the date the individual's hearing is 83432
scheduled to be held. 83433

Sec. 4715.30. (A) Except as provided in division (K) of this 83434
section, an applicant for or holder of a certificate or license 83435
issued under this chapter is subject to disciplinary action by the 83436
state dental board for any of the following reasons: 83437

(1) Employing or cooperating in fraud or material deception 83438
in applying for or obtaining a license or certificate; 83439

(2) Obtaining or attempting to obtain money or anything of 83440
value by intentional misrepresentation or material deception in 83441
the course of practice; 83442

(3) Advertising services in a false or misleading manner or violating the board's rules governing time, place, and manner of advertising;	83443 83444 83445
(4) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	83446 83447 83448
(5) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	83449 83450 83451
(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice;	83452 83453 83454 83455 83456
(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;	83457 83458
(8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;	83459 83460 83461 83462 83463 83464 83465
(9) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession,	83466 83467 83468 83469 83470 83471 83472 83473

whether or not injury to a patient results;	83474
(10) Inability to practice under accepted standards of the profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs;	83475 83476 83477 83478
(11) Violation of any provision of this chapter or any rule adopted thereunder;	83479 83480
(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code;	83481 83482 83483
(13) Except as provided in division (H) of this section, either of the following:	83484 83485
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder;	83486 83487 83488 83489 83490 83491
(b) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay.	83492 83493 83494 83495 83496
(14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	83497 83498 83499 83500
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health	83501 83502 83503

care services in this state or another jurisdiction, for any 83504
reason other than the nonpayment of fees: the limitation, 83505
revocation, or suspension of an individual's license to practice; 83506
acceptance of an individual's license surrender; denial of a 83507
license; refusal to renew or reinstate a license; imposition of 83508
probation; or issuance of an order of censure or other reprimand; 83509

(16) Failure to cooperate in an investigation conducted by 83510
the board under division (D) of section 4715.03 of the Revised 83511
Code, including failure to comply with a subpoena or order issued 83512
by the board or failure to answer truthfully a question presented 83513
by the board at a deposition or in written interrogatories, except 83514
that failure to cooperate with an investigation shall not 83515
constitute grounds for discipline under this section if a court of 83516
competent jurisdiction has issued an order that either quashes a 83517
subpoena or permits the individual to withhold the testimony or 83518
evidence in issue; 83519

(17) Failure to comply with the requirements in section 83520
3719.061 of the Revised Code before issuing for a minor a 83521
prescription for an opioid analgesic, as defined in section 83522
3719.01 of the Revised Code; 83523

(18) Failure to comply with the requirements of sections 83524
4715.71 and 4715.72 of the Revised Code regarding the operation of 83525
a mobile dental facility. 83526

(B) A manager, proprietor, operator, or conductor of a dental 83527
facility shall be subject to disciplinary action if any dentist, 83528
dental hygienist, expanded function dental auxiliary, or qualified 83529
personnel providing services in the facility is found to have 83530
committed a violation listed in division (A) of this section and 83531
the manager, proprietor, operator, or conductor knew of the 83532
violation and permitted it to occur on a recurring basis. 83533

(C) Subject to Chapter 119. of the Revised Code, the board 83534

may take one or more of the following disciplinary actions if one 83535
or more of the grounds for discipline listed in divisions (A) and 83536
(B) of this section exist: 83537

(1) Censure the license or certificate holder; 83538

(2) Place the license or certificate on probationary status 83539
for such period of time the board determines necessary and require 83540
the holder to: 83541

(a) Report regularly to the board upon the matters which are 83542
the basis of probation; 83543

(b) Limit practice to those areas specified by the board; 83544

(c) Continue or renew professional education until a 83545
satisfactory degree of knowledge or clinical competency has been 83546
attained in specified areas. 83547

(3) Suspend the certificate or license; 83548

(4) Revoke the certificate or license. 83549

Where the board places a holder of a license or certificate 83550
on probationary status pursuant to division (C)(2) of this 83551
section, the board may subsequently suspend or revoke the license 83552
or certificate if it determines that the holder has not met the 83553
requirements of the probation or continues to engage in activities 83554
that constitute grounds for discipline pursuant to division (A) or 83555
(B) of this section. 83556

Any order suspending a license or certificate shall state the 83557
conditions under which the license or certificate will be 83558
restored, which may include a conditional restoration during which 83559
time the holder is in a probationary status pursuant to division 83560
(C)(2) of this section. The board shall restore the license or 83561
certificate unconditionally when such conditions are met. 83562

(D) If the physical or mental condition of an applicant or a 83563
license or certificate holder is at issue in a disciplinary 83564

proceeding, the board may order the license or certificate holder 83565
to submit to reasonable examinations by an individual designated 83566
or approved by the board and at the board's expense. The physical 83567
examination may be conducted by any individual authorized by the 83568
Revised Code to do so, including a physician assistant, a clinical 83569
nurse specialist, a certified nurse practitioner, or a certified 83570
nurse-midwife. Any written documentation of the physical 83571
examination shall be completed by the individual who conducted the 83572
examination. 83573

Failure to comply with an order for an examination shall be 83574
grounds for refusal of a license or certificate or summary 83575
suspension of a license or certificate under division (E) of this 83576
section. 83577

(E) If a license or certificate holder has failed to comply 83578
with an order under division (D) of this section, the board may 83579
apply to the court of common pleas of the county in which the 83580
holder resides for an order temporarily suspending the holder's 83581
license or certificate, without a prior hearing being afforded by 83582
the board, until the board conducts an adjudication hearing 83583
pursuant to Chapter 119. of the Revised Code. If the court 83584
temporarily suspends a holder's license or certificate, the board 83585
shall give written notice of the suspension personally or by 83586
certified mail to the license or certificate holder. Such notice 83587
shall inform the license or certificate holder of the right to a 83588
hearing pursuant to Chapter 119. of the Revised Code. 83589

(F) Any holder of a certificate or license issued under this 83590
chapter who has pleaded guilty to, has been convicted of, or has 83591
had a judicial finding of eligibility for intervention in lieu of 83592
conviction entered against the holder in this state for aggravated 83593
murder, murder, voluntary manslaughter, felonious assault, 83594
kidnapping, rape, sexual battery, gross sexual imposition, 83595
aggravated arson, aggravated robbery, or aggravated burglary, or 83596

who has pleaded guilty to, has been convicted of, or has had a 83597
judicial finding of eligibility for treatment or intervention in 83598
lieu of conviction entered against the holder in another 83599
jurisdiction for any substantially equivalent criminal offense, is 83600
automatically suspended from practice under this chapter in this 83601
state and any certificate or license issued to the holder under 83602
this chapter is automatically suspended, as of the date of the 83603
guilty plea, conviction, or judicial finding, whether the 83604
proceedings are brought in this state or another jurisdiction. 83605
Continued practice by an individual after the suspension of the 83606
individual's certificate or license under this division shall be 83607
considered practicing without a certificate or license. The board 83608
shall notify the suspended individual of the suspension of the 83609
individual's certificate or license under this division ~~by~~ 83610
~~certified mail or in person~~ in accordance with ~~section~~ sections 83611
119.05 and 119.07 of the Revised Code. If an individual whose 83612
certificate or license is suspended under this division fails to 83613
make a timely request for an adjudicatory hearing, the board shall 83614
enter a final order revoking the individual's certificate or 83615
license. 83616

(G) If the supervisory investigative panel determines both of 83617
the following, the panel may recommend that the board suspend an 83618
individual's certificate or license without a prior hearing: 83619

(1) That there is clear and convincing evidence that an 83620
individual has violated division (A) of this section; 83621

(2) That the individual's continued practice presents a 83622
danger of immediate and serious harm to the public. 83623

Written allegations shall be prepared for consideration by 83624
the board. The board, upon review of those allegations and by an 83625
affirmative vote of not fewer than four dentist members of the 83626
board and seven of its members in total, excluding any member on 83627
the supervisory investigative panel, may suspend a certificate or 83628

license without a prior hearing. A telephone conference call may 83629
be utilized for reviewing the allegations and taking the vote on 83630
the summary suspension. 83631

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 83632
~~certified mail or in person~~ in accordance with ~~section~~ sections 83633
119.05 and 119.07 of the Revised Code. The order shall not be 83634
subject to suspension by the court during pendency or any appeal 83635
filed under section 119.12 of the Revised Code. If the individual 83636
subject to the summary suspension requests an adjudicatory hearing 83637
by the board, the date set for the hearing shall be within fifteen 83638
days, but not earlier than seven days, after the individual 83639
requests the hearing, unless otherwise agreed to by both the board 83640
and the individual. 83641

Any summary suspension imposed under this division shall 83642
remain in effect, unless reversed on appeal, until a final 83643
adjudicative order issued by the board pursuant to this section 83644
and Chapter 119. of the Revised Code becomes effective. The board 83645
shall issue its final adjudicative order within seventy-five days 83646
after completion of its hearing. A failure to issue the order 83647
within seventy-five days shall result in dissolution of the 83648
summary suspension order but shall not invalidate any subsequent, 83649
final adjudicative order. 83650

(H) Sanctions shall not be imposed under division (A)(13) of 83651
this section against any certificate or license holder who waives 83652
deductibles and copayments as follows: 83653

(1) In compliance with the health benefit plan that expressly 83654
allows such a practice. Waiver of the deductibles or copayments 83655
shall be made only with the full knowledge and consent of the plan 83656
purchaser, payer, and third-party administrator. Documentation of 83657
the consent shall be made available to the board upon request. 83658

(2) For professional services rendered to any other person 83659

who holds a certificate or license issued pursuant to this chapter 83660
to the extent allowed by this chapter and the rules of the board. 83661

(I) In no event shall the board consider or raise during a 83662
hearing required by Chapter 119. of the Revised Code the 83663
circumstances of, or the fact that the board has received, one or 83664
more complaints about a person unless the one or more complaints 83665
are the subject of the hearing or resulted in the board taking an 83666
action authorized by this section against the person on a prior 83667
occasion. 83668

(J) The board may share any information it receives pursuant 83669
to an investigation under division (D) of section 4715.03 of the 83670
Revised Code, including patient records and patient record 83671
information, with law enforcement agencies, other licensing 83672
boards, and other governmental agencies that are prosecuting, 83673
adjudicating, or investigating alleged violations of statutes or 83674
administrative rules. An agency or board that receives the 83675
information shall comply with the same requirements regarding 83676
confidentiality as those with which the state dental board must 83677
comply, notwithstanding any conflicting provision of the Revised 83678
Code or procedure of the agency or board that applies when it is 83679
dealing with other information in its possession. In a judicial 83680
proceeding, the information may be admitted into evidence only in 83681
accordance with the Rules of Evidence, but the court shall require 83682
that appropriate measures are taken to ensure that confidentiality 83683
is maintained with respect to any part of the information that 83684
contains names or other identifying information about patients or 83685
complainants whose confidentiality was protected by the state 83686
dental board when the information was in the board's possession. 83687
Measures to ensure confidentiality that may be taken by the court 83688
include sealing its records or deleting specific information from 83689
its records. 83690

(K) The board shall not refuse to issue a license or 83691

certificate to an applicant for either of the following reasons 83692
unless the refusal is in accordance with section 9.79 of the 83693
Revised Code: 83694

(1) A conviction or plea of guilty to an offense; 83695

(2) A judicial finding of eligibility for treatment or 83696
intervention in lieu of a conviction. 83697

Sec. 4717.14. (A) The board of embalmers and funeral 83698
directors may, except as provided in division (G) of this section, 83699
refuse to grant or renew, or may suspend or revoke, any license or 83700
permit issued under this chapter or may require the holder of a 83701
license or permit to take corrective action courses for any of the 83702
following reasons: 83703

(1) The holder of a license or permit obtained the license or 83704
permit by fraud or misrepresentation either in the application or 83705
in passing the examination. 83706

(2) The licensee or permit holder has been convicted of or 83707
has pleaded guilty to a felony or of any crime involving moral 83708
turpitude. 83709

(3) The applicant, licensee, or permit holder has recklessly 83710
violated any provision of sections 4717.01 to 4717.15 or a rule 83711
adopted under any of those sections; division (A) or (B) of 83712
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 83713
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 83714
division (D)(1) of section 4717.27; or divisions (A) to (C) of 83715
section 4717.28 of the Revised Code; or any provisions of sections 83716
4717.31 to 4717.38 of the Revised Code; any rule or order of the 83717
department of health or a board of health of a health district 83718
governing the disposition of dead human bodies; or any other rule 83719
or order applicable to the applicant or licensee. 83720

(4) The licensee or permit holder has committed immoral or 83721

unprofessional conduct. 83722

(5) The applicant or licensee knowingly permitted an 83723
unlicensed person, other than a person serving an apprenticeship, 83724
to engage in the profession or business of embalming or funeral 83725
directing under the applicant's or licensee's supervision. 83726

(6) The applicant, licensee, or permit holder has been 83727
habitually intoxicated, or is addicted to the use of morphine, 83728
cocaine, or other habit-forming or illegal drugs. 83729

(7) The applicant, licensee, or permit holder has refused to 83730
promptly submit the custody of a dead human body or cremated 83731
remains upon the express order of the person legally entitled to 83732
the body or cremated remains. 83733

(8) The licensee or permit holder loaned the licensee's own 83734
license or the permit holder's own permit, or the applicant, 83735
licensee, or permit holder borrowed or used the license or permit 83736
of another person, or knowingly aided or abetted the granting of 83737
an improper license or permit. 83738

(9) The applicant, licensee, or permit holder misled the 83739
public by using false or deceptive advertising. As used in this 83740
division, "false and deceptive advertising" includes, but is not 83741
limited to, any of the following: 83742

(a) Using the names of persons who are not licensed to 83743
practice funeral directing in a way that leads the public to 83744
believe that such persons are engaging in funeral directing; 83745

(b) Using any name for the funeral home other than the name 83746
under which the funeral home is licensed; 83747

(c) Using in the funeral home's name the surname of an 83748
individual who is not directly, actively, or presently associated 83749
with the funeral home, unless such surname has been previously and 83750
continuously used by the funeral home. 83751

(10) The licensee or permit holder provided services to a person knowing that those services were sold to that person by another person who lacked a license or permit under this chapter to perform the services.

(B)(1) The board of embalmers and funeral directors shall refuse to grant or renew, or shall suspend or revoke a license or permit only in accordance with Chapter 119. of the Revised Code.

(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility.

(C) If the board of embalmers and funeral directors determines that there is clear and convincing evidence that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the holder of a license or permit issued under this chapter and that the licensee's or permit holder's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the licensee's license or permit holder's permit without a prior adjudicatory hearing. The executive director of the board shall prepare written allegations for consideration by the board.

The board, after reviewing the written allegations, may suspend a license or permit without a prior hearing.

Notwithstanding section 121.22 of the Revised Code, the board
may suspend a license or permit under this division by utilizing a
telephone conference call to review the allegations and to take a
vote.

The board shall ~~issue~~ serve a written order of suspension ~~by~~
~~a delivery system or in person~~ in accordance with ~~section~~ sections
119.05 and 119.07 of the Revised Code. Such an order is not
subject to suspension by the court during the pendency of any
appeal filed under section 119.12 of the Revised Code. If the
licensee or permit holder requests an adjudicatory hearing by the
board, the date set for the hearing shall be within fifteen days,
but not earlier than seven days, after the licensee or permit
holder has requested a hearing, unless the board and the licensee
or permit holder agree to a different time for holding the
hearing.

Upon issuing a written order of suspension to the holder of a
license to operate a crematory facility, the board of embalmers
and funeral directors shall send written notice of the issuance of
the order to the crematory review board. The crematory review
board shall hold an adjudicatory hearing on the order under
division (F) of section 4717.03 of the Revised Code within fifteen
days, but not earlier than seven days, after the issuance of the
order, unless the crematory review board and the licensee agree to
a different time for holding the adjudicatory hearing.

Any summary suspension imposed under this division shall
remain in effect, unless reversed on appeal, until a final
adjudicatory order issued by the board of embalmers and funeral
directors pursuant to this division and Chapter 119. of the
Revised Code, or division (F) of section 4717.03 of the Revised
Code, as applicable, becomes effective. The board of embalmers and
funeral directors shall issue its final adjudicatory order within
sixty days after the completion of its hearing or, in the case of

the summary suspension of a license to operate a crematory 83815
facility, within sixty days after completion of the adjudicatory 83816
hearing by the crematory review board. A failure to issue the 83817
order within that time results in the dissolution of the summary 83818
suspension order, but does not invalidate any subsequent final 83819
adjudicatory order. 83820

(D) If the board of embalmers and funeral directors suspends 83821
or revokes a funeral director's license or a license to operate a 83822
funeral home for any reason identified in division (A) of this 83823
section, the board may file a complaint with the court of common 83824
pleas in the county where the violation occurred requesting 83825
appointment of a receiver and the sequestration of the assets of 83826
the funeral home that held the suspended or revoked license or the 83827
licensed funeral home that employs the funeral director that held 83828
the suspended or revoked license. If the court of common pleas is 83829
satisfied with the application for a receivership, the court may 83830
appoint a receiver. 83831

The board or a receiver may employ and procure whatever 83832
assistance or advice is necessary in the receivership or 83833
liquidation and distribution of the assets of the funeral home, 83834
and, for that purpose, may retain officers or employees of the 83835
funeral home as needed. All expenses of the receivership or 83836
liquidation shall be paid from the assets of the funeral home and 83837
shall be a lien on those assets, and that lien shall be a priority 83838
to any other lien. 83839

(E) Any holder of a license or permit issued under this 83840
chapter who has pleaded guilty to, has been found by a judge or 83841
jury to be guilty of, or has had a judicial finding of eligibility 83842
for treatment in lieu of conviction entered against the individual 83843
in this state for aggravated murder, murder, voluntary 83844
manslaughter, felonious assault, kidnapping, rape, sexual battery, 83845
gross sexual imposition, aggravated arson, aggravated robbery, or 83846

aggravated burglary, or who has pleaded guilty to, has been found 83847
by a judge or jury to be guilty of, or has had a judicial finding 83848
of eligibility for treatment in lieu of conviction entered against 83849
the individual in another jurisdiction for any substantially 83850
equivalent criminal offense, is hereby suspended from practice 83851
under this chapter by operation of law, and any license or permit 83852
issued to the individual under this chapter is hereby suspended by 83853
operation of law as of the date of the guilty plea, verdict or 83854
finding of guilt, or judicial finding of eligibility for treatment 83855
in lieu of conviction, regardless of whether the proceedings are 83856
brought in this state or another jurisdiction. The board shall 83857
notify the suspended individual of the suspension of the 83858
individual's license or permit by the operation of ~~this division~~ 83859
~~by a delivery system or in person law~~ in accordance with ~~section~~ 83860
sections 119.05 and 119.07 of the Revised Code. If an individual 83861
whose license or permit is suspended under this division fails to 83862
make a timely request for an adjudicatory hearing, the board shall 83863
enter a final order revoking the license. 83864

(F) No person whose license or permit has been suspended or 83865
revoked under or by the operation of this section shall knowingly 83866
practice embalming, funeral directing, or cremation, or operate a 83867
funeral home, embalming facility, or crematory facility until the 83868
board has reinstated the person's license or permit. 83869

(G) The board shall not refuse to issue a license or permit 83870
to an applicant because of a conviction of or plea of guilty to a 83871
criminal offense unless the refusal is in accordance with section 83872
9.79 of the Revised Code. 83873

Sec. 4717.26. (A) The crematory facility may schedule the 83874
time for the cremation of a dead human body to occur at the 83875
crematory facility's own convenience at any time after the 83876
conditions set forth in division (A) or (B) of section 4717.23 of 83877

the Revised Code, as applicable, have been met and the decedent or 83878
body parts have been delivered to the facility, unless, in the 83879
case of a dead human body, the crematory facility has received 83880
specific instructions to the contrary on the cremation 83881
authorization form authorizing the cremation of the decedent 83882
executed under section 4717.21, 4717.24, or 4717.25 of the Revised 83883
Code. The crematory facility becomes responsible for a dead human 83884
body or body parts when the body or body parts have been delivered 83885
to or accepted by the facility or an employee or agent of the 83886
facility. 83887

(B) No crematory operator or crematory facility shall fail to 83888
do either of the following: 83889

(1) Upon receipt at the crematory facility of any dead human 83890
body that has not been embalmed, and subject to the prohibition 83891
set forth in division (C)(1) of this section, place the body in a 83892
holding or refrigerated facility at the crematory facility and 83893
keep the body in the holding or refrigerated facility until near 83894
the time the cremation process commences or until the body is held 83895
at the facility for eight hours or longer. If the body is held for 83896
eight hours or longer, place the body in a refrigerated facility 83897
at the crematory facility and keep the body in the refrigerated 83898
facility until near the time the cremation process commences; 83899

(2) Upon receipt of any dead human body that has been 83900
embalmed, place the body in a holding facility at the crematory 83901
facility and keep the body in the holding facility until the 83902
cremation process commences. 83903

(C) No crematory operator or crematory facility shall do 83904
either of the following, unless the instructions contained in the 83905
cremation authorization form authorizing the cremation of the 83906
decedent executed under section 4717.21, 4717.24, or 4717.25 of 83907
the Revised Code specifically provide otherwise: 83908

(1) Remove any dead human body from the casket or alternative 83909
container in which the body was delivered to or accepted by the 83910
crematory facility; 83911

(2) Fail to cremate the casket or alternative container in 83912
which the body was delivered or accepted, in its entirety with the 83913
body. 83914

(D) No crematory facility shall simultaneously cremate more 83915
than one decedent or body parts removed from more than one 83916
decedent or living person in the same cremation chamber unless the 83917
cremation authorization forms executed under section 4717.21, 83918
4717.24, or 4717.25 of the Revised Code authorizing the cremation 83919
of each of the decedents or body parts removed from each decedent 83920
or living person specifically authorize such a simultaneous 83921
cremation. This division does not prohibit the use of cremation 83922
equipment that contains more than one cremation chamber. 83923

(E) No crematory facility shall permit any persons other than 83924
employees of the crematory facility, the authorizing agent for the 83925
cremation of the decedent who is to be, is being, or was cremated, 83926
persons designated to be present at the cremation of the decedent 83927
on the cremation authorization form executed under section 4717.21 83928
or 4717.24 of the Revised Code, and persons authorized by the 83929
individual who is actually in charge of the crematory facility, to 83930
be present in the holding facility or cremation room while any 83931
dead human bodies or body parts are being held there prior to 83932
cremation or are being cremated or while any cremated remains are 83933
being removed from the cremation chamber. 83934

(F)(1) No crematory facility shall remove any dental gold, 83935
body parts, organs, or other items of value from a dead human body 83936
prior to the cremation or from the cremated remains after 83937
cremation unless the cremation authorization form authorizing the 83938
cremation of the decedent executed under section 4717.21 or 83939
4717.24 of the Revised Code specifically authorizes the removal 83940

thereof. 83941

(2) No crematory facility that removes any dental gold, body 83942
parts, organs, or other items from a dead human body or assists in 83943
such removal shall charge a fee for doing so that exceeds the 83944
actual cost to the crematory facility for performing or assisting 83945
in the removal. 83946

(G) Upon the completion of each cremation, the crematory 83947
facility shall remove from the cremation chamber all of the 83948
cremation residue that is practicably recoverable. If the 83949
cremation authorization form executed under section 4717.21, 83950
4717.24, or 4717.25 of the Revised Code specifies that the 83951
cremated remains are to be placed in an urn, the crematory 83952
facility shall place them in the type of urn specified on the 83953
authorization form. If the authorization form does not specify 83954
that the cremated remains are to be placed in an urn, the 83955
crematory facility shall place them in a temporary container. If 83956
not all of the recovered cremated remains will fit in the urn 83957
selected or the temporary container, the crematory facility shall 83958
place the remainder in a separate temporary container, and the 83959
cremated remains placed in the separate temporary container shall 83960
be delivered, released, or disposed of along with those in the urn 83961
or other temporary container. Nothing in this section requires a 83962
crematory facility to recover any specified quantity or quality of 83963
cremated remains upon the completion of a cremation, but only 83964
requires a crematory facility to recover from the cremation 83965
chamber all of the cremation residue that is practicably 83966
recoverable. 83967

(H) No crematory facility shall knowingly represent to an 83968
authorizing agent or a designee of an authorizing agent that an 83969
urn or temporary container contains the recovered cremated remains 83970
of a specific decedent or of body parts removed from a specific 83971
decedent or living person when it does not. This division does not 83972

prohibit the making of such a representation because of the 83973
presence in the recovered cremated remains of de minimus amounts 83974
of the cremated remains of another decedent or of body parts 83975
removed from another decedent or living person that were not 83976
practicably recoverable and that remained in the cremation chamber 83977
after the cremated remains from previous cremations were removed. 83978

(I) No crematory facility or funeral director shall ship or 83979
cause to be shipped any cremated remains by a class or method of 83980
mail, common carrier service, or delivery service that does not 83981
have an internal system for tracing the location of the cremated 83982
remains during shipment and that does not require a signed receipt 83983
from the person accepting delivery of the cremated remains. 83984

(J) No crematory facility shall fail to establish and 83985
maintain a system for accurately identifying each dead human body 83986
in the facility's possession, and for identifying each decedent or 83987
living person from which body parts in the facility's possession 83988
were removed, throughout all phases of the holding and cremation 83989
process. 83990

(K) No crematory facility shall knowingly use or allow the 83991
use of the same cremation chamber for the cremation of dead human 83992
bodies, or human body parts, and animals. 83993

Sec. 4723.063. (A) As used in this section: 83994

(1) "Health care facility" means: 83995

(a) A hospital ~~registered under~~ as defined in section ~~3701.07~~ 83996
3722.01 of the Revised Code; 83997

(b) A nursing home licensed under section 3721.02 of the 83998
Revised Code, or by a political subdivision certified under 83999
section 3721.09 of the Revised Code; 84000

(c) A county home or a county nursing home as defined in 84001
section 5155.31 of the Revised Code that is certified under Title 84002

XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended;	84003 84004
(d) A freestanding dialysis center;	84005
(e) A freestanding inpatient rehabilitation facility;	84006
(f) An ambulatory surgical facility;	84007
(g) A freestanding cardiac catheterization facility;	84008
(h) A freestanding birthing center;	84009
(i) A freestanding or mobile diagnostic imaging center;	84010
(j) A freestanding radiation therapy center.	84011
(2) "Nurse education program" means a prelicensure nurse education program approved by the board of nursing under section 4723.06 of the Revised Code or a postlicensure nurse education program approved by the board <u>chancellor</u> of regents <u>higher education</u> under section 3333.04 of the Revised Code.	84012 84013 84014 84015 84016
(B) The state board of nursing shall establish and administer the nurse education grant program. Under the program, the board shall award grants to nurse education programs that have partnerships with other education programs, community health agencies, health care facilities, or patient centered medical homes. Grant recipients shall use the money to fund partnerships to increase the nurse education program's enrollment capacity. Methods of increasing a program's enrollment capacity may include hiring faculty and preceptors, purchasing educational equipment and materials, and other actions acceptable to the board. Grant money shall not be used to construct or renovate buildings. Partnerships may be developed between one or more nurse education programs and one or more health care facilities.	84017 84018 84019 84020 84021 84022 84023 84024 84025 84026 84027 84028 84029
In awarding grants, the board shall give preference to partnerships between nurse education programs and hospitals, nursing homes, and county homes or county nursing homes, but may	84030 84031 84032

also award grants to fund partnerships between nurse education 84033
programs and other health care facilities and between nurse 84034
education programs and patient centered medical homes. 84035

(C) The board shall adopt rules in accordance with Chapter 84036
119. of the Revised Code establishing the following: 84037

(1) Eligibility requirements for receipt of a grant; 84038

(2) Grant application forms and procedures; 84039

(3) The amounts in which grants may be made and the total 84040
amount that may be awarded to a nurse education program that has a 84041
partnership with other education programs, a community health 84042
agency, a health care facility, or a patient centered medical 84043
home; 84044

(4) A method whereby the board may evaluate the effectiveness 84045
of a partnership between joint recipients in increasing the nurse 84046
education program's enrollment capacity; 84047

(5) The percentage of the money in the fund that must remain 84048
in the fund at all times to maintain a fiscally responsible fund 84049
balance; 84050

(6) The percentage of available grants to be awarded to 84051
licensed practical nurse education programs, registered nurse 84052
education programs, and graduate programs; 84053

(7) Any other matters incidental to the operation of the 84054
program. 84055

(D) Until December 31, ~~2023~~ 2033, ten dollars of each nursing 84056
license renewal fee collected under section 4723.08 of the Revised 84057
Code shall be dedicated to the nurse education grant program fund, 84058
which is hereby created in the state treasury. The board shall use 84059
money in the fund for grants awarded under division (A) of this 84060
section and for expenses of administering the grant program. The 84061
amount used for administrative expenses in any year shall not 84062

exceed ten per cent of the amount transferred to the fund in that 84063
year. 84064

(E) Each quarter, for the purposes of transferring funds to 84065
the nurse education grant program, the board of nursing shall 84066
certify to the director of budget and management the number of 84067
licenses renewed under this chapter during the preceding quarter 84068
and the amount equal to that number times ten dollars. 84069

(F) Notwithstanding the requirements of section 4743.05 of 84070
the Revised Code, from January 1, 2004, until December 31, ~~2023~~ 84071
2033, at the end of each quarter, the director of budget and 84072
management shall transfer from the occupational licensing and 84073
regulatory fund to the nurse education grant program fund the 84074
amount certified under division (E) of this section. 84075

Sec. 4723.281. (A) As used in this section, with regard to 84076
offenses committed in Ohio, "aggravated murder," "murder," 84077
"voluntary manslaughter," "felonious assault," "kidnapping," 84078
"rape," "sexual battery," "gross sexual imposition," "aggravated 84079
arson," "aggravated robbery," and "aggravated burglary" mean such 84080
offenses as defined in Title XXIX of the Revised Code; with regard 84081
to offenses committed in other jurisdictions, the terms mean 84082
offenses comparable to offenses defined in Title XXIX of the 84083
Revised Code. 84084

(B) When there is clear and convincing evidence that 84085
continued practice by an individual licensed under this chapter 84086
presents a danger of immediate and serious harm to the public, as 84087
determined on consideration of the evidence by the president and 84088
the executive director of the board of nursing, the president and 84089
director shall impose on the individual a summary suspension 84090
without a hearing. An individual serving as president or executive 84091
director in the absence of the president or executive director may 84092
take any action that this section requires or authorizes the 84093

president or executive director to take. 84094

Immediately following the decision to impose a summary 84095
suspension, the board shall ~~issue~~ serve a written order of 84096
suspension ~~and cause it to be delivered by certified mail or in~~ 84097
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 84098
the Revised Code. The order shall not be subject to suspension by 84099
the court during the pendency of any appeal filed under section 84100
119.12 of the Revised Code. If the individual subject to the 84101
suspension requests an adjudication, the date set for the 84102
adjudication shall be within fifteen days but not earlier than 84103
seven days after the individual makes the request, unless another 84104
date is agreed to by both the individual and the board. The 84105
summary suspension shall remain in effect, unless reversed by the 84106
board, until a final adjudication order issued by the board 84107
pursuant to this section and Chapter 119. of the Revised Code 84108
becomes effective. 84109

The board shall issue its final adjudication order within 84110
ninety days after completion of the adjudication. If the board 84111
does not issue a final order within the ninety-day period, the 84112
summary suspension shall be void, but any final adjudication order 84113
issued subsequent to the ninety-day period shall not be affected. 84114

(C) The license or certificate issued to an individual under 84115
this chapter is automatically suspended on that individual's 84116
conviction of, plea of guilty to, or judicial finding with regard 84117
to any of the following: aggravated murder, murder, voluntary 84118
manslaughter, felonious assault, kidnapping, rape, sexual battery, 84119
gross sexual imposition, aggravated arson, aggravated robbery, or 84120
aggravated burglary. The suspension shall remain in effect from 84121
the date of the conviction, plea, or finding until an adjudication 84122
is held under Chapter 119. of the Revised Code. If the board has 84123
knowledge that an automatic suspension has occurred, it shall 84124
notify the individual subject to the suspension. If the individual 84125

is notified and either fails to request an adjudication within the 84126
time periods established by Chapter 119. of the Revised Code or 84127
fails to participate in the adjudication, the board shall enter a 84128
final order permanently revoking the person's license or 84129
certificate. 84130

Sec. 4723.481. This section establishes standards and 84131
conditions regarding the authority of an advanced practice 84132
registered nurse who is designated as a clinical nurse specialist, 84133
certified nurse-midwife, or certified nurse practitioner to 84134
prescribe and personally furnish drugs and therapeutic devices 84135
under a license issued under section 4723.42 of the Revised Code. 84136

(A) A clinical nurse specialist, certified nurse-midwife, or 84137
certified nurse practitioner shall not prescribe or furnish any 84138
drug or therapeutic device that is listed on the exclusionary 84139
formulary established in rules adopted under section 4723.50 of 84140
the Revised Code. 84141

(B) The prescriptive authority of a clinical nurse 84142
specialist, certified nurse-midwife, or certified nurse 84143
practitioner shall not exceed the prescriptive authority of the 84144
collaborating physician or podiatrist, including the collaborating 84145
physician's authority to treat chronic pain with controlled 84146
substances and products containing tramadol as described in 84147
section 4731.052 of the Revised Code. 84148

(C)(1) Except as provided in division (C)(2) or (3) of this 84149
section, a clinical nurse specialist, certified nurse-midwife, or 84150
certified nurse practitioner may prescribe to a patient a schedule 84151
II controlled substance only if all of the following are the case: 84152

(a) The patient has a terminal condition, as defined in 84153
section 2133.01 of the Revised Code. 84154

(b) A physician initially prescribed the substance for the 84155

patient. 84156

(c) The prescription is for an amount that does not exceed 84157
the amount necessary for the patient's use in a single, 84158
seventy-two-hour period. 84159

(2) The restrictions on prescriptive authority in division 84160
(C)(1) of this section do not apply if a clinical nurse 84161
specialist, certified nurse-midwife, or certified nurse 84162
practitioner issues the prescription to the patient from any of 84163
the following entities: 84164

(a) A hospital registered under section 3701.07 of the 84165
Revised Code; 84166

(b) An entity owned or controlled, in whole or in part, by a 84167
hospital or by an entity that owns or controls, in whole or in 84168
part, one or more hospitals; 84169

(c) A health care facility operated by the department of 84170
mental health and addiction services or the department of 84171
developmental disabilities; 84172

(d) A nursing home licensed under section 3721.02 of the 84173
Revised Code or by a political subdivision certified under section 84174
3721.09 of the Revised Code; 84175

(e) A county home or district home operated under Chapter 84176
5155. of the Revised Code that is certified under the medicare or 84177
medicaid program; 84178

(f) A hospice care program, as defined in section 3712.01 of 84179
the Revised Code; 84180

(g) A community mental health services provider, as defined 84181
in section 5122.01 of the Revised Code; 84182

(h) An ambulatory surgical facility, as defined in section 84183
3702.30 of the Revised Code; 84184

(i) A freestanding birthing center, as defined in section 84185

3702.141 of the Revised Code;	84186
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	84187 84188
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	84189 84190
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	84191 84192 84193 84194
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site;	84195 84196 84197 84198 84199 84200 84201 84202
(n) <u>A site where a behavioral health practice is operated that does not qualify as a location otherwise described in division (C)(2) of this section, but only if the practice is organized to provide outpatient services for the treatment of mental health conditions, substance use disorders, or both, and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site of the practice has a standard care arrangement and collaborates with at least one physician who is employed by that practice;</u>	84203 84204 84205 84206 84207 84208 84209 84210 84211
(o) A residential care facility, as defined in section 3721.01 of the Revised Code.	84212 84213
(3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not issue to a patient a prescription for a schedule II controlled substance from a	84214 84215 84216

convenience care clinic even if the clinic is owned or operated by an entity specified in division (C)(2) of this section. 84217
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(D) A pharmacist who acts in good faith reliance on a prescription issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under division (C)(2) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code. 84219
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(E) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall comply with section 3719.061 of the Revised Code if the nurse prescribes for a minor, as defined in that section, an opioid analgesic, as defined in section 3719.01 of the Revised Code. 84227
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Sec. 4723.52. (A) As used in this section: 84232

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 84233
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(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code. 84235
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(B) An advanced practice registered nurse shall comply with section 3719.064 of the Revised Code and rules adopted under section 4723.51 of the Revised Code when treating a patient for addiction with medication-assisted treatment or proposing to initiate such treatment. 84237
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~~(C) An advanced practice registered nurse who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following:~~ 84242
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~~(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office based opioid treatment classification;~~

~~(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.~~

Sec. 4725.24. If the secretary of the state vision professionals board and the board's supervising member of investigations determine that there is clear and convincing evidence that an optometrist has violated division (B) of section 4725.19 of the Revised Code and that the optometrist's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend without a prior hearing the optometrist's certificate of licensure. Written allegations shall be prepared for consideration by the full board.

The board, upon review of those allegations and by an affirmative vote of three members other than the secretary and supervising member may order the suspension without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the individual requests the hearing, unless otherwise agreed to by both the board

and the individual. 84278

Any summary suspension imposed under this division shall 84279
remain in effect, unless reversed on appeal, until a final 84280
adjudicative order issued by the board pursuant to section 4725.19 84281
of the Revised Code and Chapter 119. of the Revised Code becomes 84282
effective. The board shall issue its final adjudicative order 84283
within sixty days after completion of its hearing. A failure to 84284
issue the order within sixty days shall result in dissolution of 84285
the summary suspension order but shall not invalidate any 84286
subsequent, final adjudicative order. 84287

Sec. 4729.41. (A)(1) A pharmacist licensed under this chapter 84288
who meets the requirements of division (B) of this section, ~~and a~~ 84289
pharmacy intern licensed under this chapter who meets the 84290
requirements of division (B) of this section and is working under 84291
the direct supervision of a pharmacist who meets the requirements 84292
of that division, and a certified pharmacy technician or a 84293
registered pharmacy technician who meets the requirements of 84294
division (B) of this section and is working under the direct 84295
supervision of a pharmacist who meets the requirements of that 84296
division may ~~do any of the following:~~ 84297

~~(a) In the case of administer to an individual who is ~~seven~~ 84298
five years of age or older ~~but not more than thirteen years of~~ 84299
~~age, administer to the individual an immunization for any of the~~ 84300
~~following:~~ 84301~~

~~(i) Influenza;~~ 84302

~~(ii) COVID-19;~~ 84303

~~(iii) Any other disease, but only pursuant to a prescription.~~ 84304

~~(b) In the case of an individual who is thirteen years of age~~ 84305
~~or older, administer to the individual an immunization for any~~ 84306
disease, including an immunization for influenza or COVID-19. 84307

(2) As part of engaging in the administration of immunizations or supervising a pharmacy intern's, certified pharmacy technician's, or registered pharmacy technician's administration of immunizations, a pharmacist may administer epinephrine or diphenhydramine, or both, to individuals in emergency situations resulting from adverse reactions to the immunizations administered by the pharmacist ~~or~~, pharmacy intern, certified pharmacy technician, or registered pharmacy technician.

(B) For a pharmacist ~~or~~, pharmacy intern, certified pharmacy technician, or registered pharmacy technician to be authorized to engage in the administration of immunizations, the pharmacist ~~or~~, pharmacy intern, certified pharmacy technician, or registered pharmacy technician shall do all of the following:

(1) Successfully complete a course in the administration of immunizations that meets the requirements established in rules adopted under this section for such courses;

(2) Receive and maintain certification to perform basic life-support procedures by successfully completing a basic life-support training course that is certified by the American red cross or American heart association or approved by the state board of pharmacy;

(3) Practice in accordance with a protocol that meets the requirements of division (C) of this section.

(C) All of the following apply with respect to the protocol required by division (B)(3) of this section:

(1) The protocol shall be established by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(2) The protocol shall specify a definitive set of treatment guidelines and the locations at which a pharmacist ~~or~~, pharmacy intern, certified pharmacy technician, or registered pharmacy

technician may engage in the administration of immunizations. 84339

(3) The protocol shall satisfy the requirements established 84340
in rules adopted under this section for protocols. 84341

(4) The protocol shall include provisions for implementation 84342
of the following requirements: 84343

(a) The pharmacist ~~or~~, pharmacy intern, certified pharmacy 84344
technician, or registered pharmacy technician who administers an 84345
immunization shall observe the individual who receives the 84346
immunization to determine whether the individual has an adverse 84347
reaction to the immunization. The length of time and location of 84348
the observation shall comply with the rules adopted under this 84349
section establishing requirements for protocols. The protocol 84350
shall specify procedures to be followed by a pharmacist when 84351
administering epinephrine, or diphenhydramine, or both, to an 84352
individual who has an adverse reaction to an immunization 84353
administered by the pharmacist ~~or~~, a pharmacy intern, a certified 84354
pharmacy technician, or a registered pharmacy technician. 84355

(b) For each immunization administered to an individual by a 84356
pharmacist ~~or~~, pharmacy intern, certified pharmacy technician, or 84357
registered pharmacy technician, other than an immunization for 84358
influenza administered to an individual eighteen years of age or 84359
older, the pharmacist ~~or~~, pharmacy intern, certified pharmacy 84360
technician, or registered pharmacy technician shall notify the 84361
individual's primary care provider or, if the individual has no 84362
primary care provider, the board of health of the health district 84363
in which the individual resides or the authority having the duties 84364
of a board of health for that district under section 3709.05 of 84365
the Revised Code. The notice shall be given not later than thirty 84366
days after the immunization is administered. 84367

(c) For each immunization administered by a pharmacist ~~or~~, 84368
pharmacy intern, certified pharmacy technician, or registered 84369

pharmacy technician to an individual younger than eighteen years of age, the pharmacist ~~or~~, a pharmacy intern, certified pharmacy technician, or registered pharmacy technician shall obtain permission from the individual's parent or legal guardian in accordance with the procedures specified in rules adopted under this section.

(d) For each immunization administered by a pharmacist, pharmacy intern, certified pharmacy technician, or registered pharmacy technician to an individual who is younger than eighteen years of age, the pharmacist, pharmacy intern, certified pharmacy technician, or registered pharmacy technician shall inform the individual's parent or legal guardian of the importance of well child visits with a pediatrician or other primary care provider, and shall refer patients when appropriate.

(D)(1) No pharmacist shall do either of the following:

(a) Engage in the administration of immunizations unless the requirements of division (B) of this section have been met;

(b) Delegate to any person the pharmacist's authority to engage in or supervise the administration of immunizations.

(2) No pharmacy intern shall engage in the administration of immunizations unless the requirements of division (B) of this section have been met.

(3) No certified pharmacy technician or registered pharmacy technician shall engage in the administration of immunizations unless the requirements of division (B) of this section have been met.

(E)(1) The state board of pharmacy shall adopt rules to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall include the following:

(a) Requirements for courses in administration of immunizations, including requirements that are consistent with any standards established for such courses by the centers for disease control and prevention;

(b) Requirements for protocols to be followed by pharmacists and, pharmacy interns, certified pharmacy technicians, and registered pharmacy technicians in engaging in the administration of immunizations;

(c) Procedures to be followed by pharmacists and, pharmacy interns, certified pharmacy technicians, and registered pharmacy technicians in obtaining from the individual's parent or legal guardian permission to administer immunizations to an individual younger than eighteen years of age.

(2) Prior to adopting rules regarding requirements for protocols to be followed by pharmacists and, pharmacy interns, certified pharmacy technicians, and registered pharmacy technicians in engaging in the administration of immunizations, the state board of pharmacy shall consult with the state medical board and the board of nursing.

Sec. 4729.51. (A) No person other than a licensed manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs shall possess for sale, sell, distribute, or deliver, at wholesale, dangerous drugs or investigational drugs or products, except as follows:

(1) A licensed terminal distributor of dangerous drugs that is a pharmacy may make occasional sales of dangerous drugs or investigational drugs or products at wholesale.

(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous

drugs from one licensed location to another licensed location	84430
owned by the terminal distributor if the license issued for each	84431
location is in effect at the time of the transfer or delivery.	84432
(3) A licensed terminal distributor of dangerous drugs that	84433
is not a pharmacy may make occasional sales of the following at	84434
wholesale:	84435
(a) Overdose reversal drugs;	84436
(b) Dangerous drugs if the drugs being sold are in shortage,	84437
as defined in rules adopted under section 4729.26 of the Revised	84438
Code;	84439
(c) Dangerous drugs other than those described in divisions	84440
(A)(3)(a) and (b) of this section or investigational drugs or	84441
products if authorized by rules adopted under section 4729.26 of	84442
the Revised Code.	84443
(B) No licensed manufacturer, outsourcing facility,	84444
third-party logistics provider, repackager, or wholesale	84445
distributor shall possess for sale, sell, or distribute, at	84446
wholesale, dangerous drugs or investigational drugs or products to	84447
any person other than the following:	84448
(1) Subject to division (D) of this section, a licensed	84449
terminal distributor of dangerous drugs;	84450
(2) Subject to division (C) of this section, any person	84451
exempt from licensure as a terminal distributor of dangerous drugs	84452
under section 4729.541 of the Revised Code;	84453
(3) A licensed manufacturer, outsourcing facility,	84454
third-party logistics provider, repackager, or wholesale	84455
distributor;	84456
(4) A terminal distributor, manufacturer, outsourcing	84457
facility, third-party logistics provider, repackager, or wholesale	84458
distributor that is located in another state, is not engaged in	84459

the sale of dangerous drugs within this state, and is actively 84460
licensed to engage in the sale of dangerous drugs by the state in 84461
which the distributor conducts business. 84462

(C) No licensed manufacturer, outsourcing facility, 84463
third-party logistics provider, repackager, or wholesale 84464
distributor shall possess for sale, sell, or distribute, at 84465
wholesale, dangerous drugs or investigational drugs or products to 84466
either of the following: 84467

(1) A prescriber who is employed by ~~either of the following:~~ 84468

~~(a) A a pain management clinic that is not licensed as a 84469
terminal distributor of dangerous drugs with a pain management 84470
clinic classification issued under section 4729.552 of the Revised 84471
Code; 84472~~

~~(b) A facility, clinic, or other location that provides 84473
office based opioid treatment but is not licensed as a terminal 84474
distributor of dangerous drugs with an office based opioid 84475
treatment classification issued under section 4729.553 of the 84476
Revised Code if such a license is required by that section. 84477~~

(2) A business entity described in division (A)(2) or (3) of 84478
section 4729.541 of the Revised Code that is, or is operating, 84479
~~either of the following:~~ 84480

~~(a) A a pain management clinic without a license as a 84481
terminal distributor of dangerous drugs with a pain management 84482
clinic classification issued under section 4729.552 of the Revised 84483
Code; 84484~~

~~(b) A facility, clinic, or other location that provides 84485
office based opioid treatment without a license as a terminal 84486
distributor of dangerous drugs with an office based opioid 84487
treatment classification issued under section 4729.553 of the 84488
Revised Code if such a license is required by that section. 84489~~

(D) No licensed manufacturer, outsourcing facility, 84490
third-party logistics provider, repackager, or wholesale 84491
distributor shall possess dangerous drugs or investigational drugs 84492
or products for sale at wholesale, or sell or distribute such 84493
drugs at wholesale, to a licensed terminal distributor of 84494
dangerous drugs, except as follows: 84495

(1) In the case of a terminal distributor with a category II 84496
license, only dangerous drugs in category II, as defined in 84497
division (A)(1) of section 4729.54 of the Revised Code; 84498

(2) In the case of a terminal distributor with a category III 84499
license, dangerous drugs in category II and category III, as 84500
defined in divisions (A)(1) and (2) of section 4729.54 of the 84501
Revised Code; 84502

(3) In the case of a terminal distributor with a limited 84503
category II or III license, only the dangerous drugs specified in 84504
the license. 84505

(E)(1) Except as provided in division (E)(2) of this section, 84506
no person shall do any of the following: 84507

(a) Sell or distribute, at retail, dangerous drugs; 84508

(b) Possess for sale, at retail, dangerous drugs; 84509

(c) Possess dangerous drugs. 84510

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do 84511
not apply to any of the following: 84512

(i) A licensed terminal distributor of dangerous drugs; 84513

(ii) A person who possesses, or possesses for sale or sells, 84514
at retail, a dangerous drug in accordance with Chapters 3719., 84515
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 84516
Code; 84517

(iii) Any of the persons identified in divisions (A)(1) to 84518
(5), (17), and ~~(15)~~ (18) of section 4729.541 of the Revised Code, 84519

but only to the extent specified in that section. 84520

(b) Division (E)(1)(c) of this section does not apply to any 84521
of the following: 84522

(i) A licensed manufacturer, outsourcing facility, 84523
third-party logistics provider, repackager, or wholesale 84524
distributor; 84525

(ii) Any of the persons identified in divisions (A)(6) to 84526
~~(14)~~(16) of section 4729.541 of the Revised Code, but only to the 84527
extent specified in that section. 84528

(F) No licensed terminal distributor of dangerous drugs or 84529
person that is exempt from licensure under section 4729.541 of the 84530
Revised Code shall purchase dangerous drugs or investigational 84531
drugs or products from any person other than a licensed 84532
manufacturer, outsourcing facility, third-party logistics 84533
provider, repackager, or wholesale distributor, except as follows: 84534

(1) A licensed terminal distributor of dangerous drugs or 84535
person that is exempt from licensure under section 4729.541 of the 84536
Revised Code may make occasional purchases of dangerous drugs or 84537
investigational drugs or products that are sold in accordance with 84538
division (A)(1) or (3) of this section. 84539

(2) A licensed terminal distributor of dangerous drugs having 84540
more than one licensed location may transfer or deliver dangerous 84541
drugs or investigational drugs or products from one licensed 84542
location to another licensed location if the license issued for 84543
each location is in effect at the time of the transfer or 84544
delivery. 84545

(G) No licensed terminal distributor of dangerous drugs shall 84546
engage in the retail sale or other distribution of dangerous drugs 84547
or investigational drugs or products or maintain possession, 84548
custody, or control of dangerous drugs or investigational drugs or 84549
products for any purpose other than the distributor's personal use 84550

or consumption, at any establishment or place other than that or 84551
those described in the license issued by the state board of 84552
pharmacy to such terminal distributor. 84553

(H) Nothing in this section shall be construed to interfere 84554
with the performance of official duties by any law enforcement 84555
official authorized by municipal, county, state, or federal law to 84556
collect samples of any drug, regardless of its nature or in whose 84557
possession it may be. 84558

(I) Notwithstanding anything to the contrary in this section, 84559
the board of education of a city, local, exempted village, or 84560
joint vocational school district may distribute epinephrine 84561
autoinjectors for use in accordance with section 3313.7110 of the 84562
Revised Code, may distribute inhalers for use in accordance with 84563
section 3313.7113 of the Revised Code, and may distribute 84564
injectable or nasally administered glucagon for use in accordance 84565
with section 3313.7115 of the Revised Code. 84566

Sec. 4729.54. (A) As used in this section: 84567

(1) "Category II" means any dangerous drug that is not 84568
included in category III. 84569

(2) "Category III" means any controlled substance that is 84570
contained in schedule I, II, III, IV, or V. 84571

(3) "Emergency medical service organization" has the same 84572
meaning as in section 4765.01 of the Revised Code. 84573

(4) "Emergency medical service organization satellite" means 84574
a location where dangerous drugs are stored that is separate from, 84575
but associated with, the headquarters of an emergency medical 84576
service organization. "Emergency medical service organization 84577
satellite" does not include the units under the control of the 84578
emergency medical service organization. 84579

(5) "Person" includes an emergency medical service 84580

organization or an emergency medical service organization 84581
satellite. 84582

(6) "Schedule I," "schedule II," "schedule III," "schedule 84583
IV," and "schedule V" have the same meanings as in section 3719.01 84584
of the Revised Code. 84585

(B)(1) A person seeking to be licensed as a terminal 84586
distributor of dangerous drugs shall file with the executive 84587
director of the state board of pharmacy a verified application. 84588
After it is filed, the application may not be withdrawn without 84589
approval of the board. 84590

(2) An application shall contain all the following that apply 84591
in the applicant's case: 84592

(a) Information that the board requires relative to the 84593
qualifications of a terminal distributor of dangerous drugs set 84594
forth in section 4729.55 of the Revised Code; 84595

(b) A statement as to whether the person is seeking to be 84596
licensed as a category II, category III, limited category II, or 84597
limited category III terminal distributor of dangerous drugs; 84598

(c) If the person is seeking to be licensed as a limited 84599
category II or limited category III terminal distributor of 84600
dangerous drugs, a list of the dangerous drugs that the person is 84601
seeking to possess, have custody or control of, and distribute, 84602
which list shall also specify the purpose for which those drugs 84603
will be used and their source; 84604

(d) If the person is an emergency medical service 84605
organization, the information that is specified in divisions 84606
(C)(1) and (2) of this section, and if the person is an emergency 84607
medical service organization satellite, the information required 84608
under division (D) of this section; 84609

(e) Except with respect to the units under the control of an 84610

emergency medical service organization, the identity of the one 84611
establishment or place at which the person intends to engage in 84612
the sale or other distribution of dangerous drugs at retail, and 84613
maintain possession, custody, or control of dangerous drugs for 84614
purposes other than the person's own use or consumption; 84615

(f) If the application pertains to a pain management clinic, 84616
information that demonstrates, to the satisfaction of the board, 84617
compliance with division (A) of section 4729.552 of the Revised 84618
Code; 84619

~~(g) If the application pertains to a facility, clinic, or 84620
other location described in division (B) of section 4729.553 of 84621
the Revised Code that must hold a category III terminal 84622
distributor of dangerous drugs license with an office-based opioid 84623
treatment classification, information that demonstrates, to the 84624
satisfaction of the board, compliance with division (C) of that 84625
section. 84626~~

(C)(1) Each emergency medical service organization that 84627
applies for a terminal distributor of dangerous drugs license 84628
shall submit with its application all of the following: 84629

(a) A copy of its standing orders or protocol, which orders 84630
or protocol shall be signed by a physician; 84631

(b) A list of the dangerous drugs that the units under its 84632
control may carry, expressed in standard dose units, which shall 84633
be signed by a physician; 84634

(c) A list of the personnel employed or used by the 84635
organization to provide emergency medical services in accordance 84636
with Chapter 4765. of the Revised Code. 84637

In accordance with Chapter 119. of the Revised Code, the 84638
board shall adopt rules specifying when an emergency medical 84639
service organization that is licensed as a terminal distributor 84640
must notify the board of any changes in its documentation 84641

submitted pursuant to division (C)(1) of this section. 84642

(2) An emergency medical service organization seeking to be 84643
licensed as a terminal distributor of dangerous drugs shall list 84644
in its application for licensure the following additional 84645
information: 84646

(a) The units under its control that the organization 84647
determines will possess dangerous drugs for the purpose of 84648
administering emergency medical services in accordance with 84649
Chapter 4765. of the Revised Code; 84650

(b) With respect to each such unit, whether the dangerous 84651
drugs that the organization determines the unit will possess are 84652
in category II or III. 84653

(3) An emergency medical service organization that is 84654
licensed as a terminal distributor of dangerous drugs shall file a 84655
new application for such licensure if there is any change in the 84656
number or location of any of its units or if there is any change 84657
in the category of the dangerous drugs that any unit will possess. 84658

(4) A unit listed in an application for licensure pursuant to 84659
division (C)(2) of this section may obtain the dangerous drugs it 84660
is authorized to possess from its emergency medical service 84661
organization or, on a replacement basis, from a hospital pharmacy. 84662
If units will obtain dangerous drugs from a hospital pharmacy, the 84663
organization shall file, and maintain in current form, the 84664
following items with the pharmacist who is responsible for the 84665
hospital's terminal distributor of dangerous drugs license: 84666

(a) A copy of its standing orders or protocol; 84667

(b) A list of the personnel employed or used by the 84668
organization to provide emergency medical services in accordance 84669
with Chapter 4765. of the Revised Code, who are authorized to 84670
possess the drugs, which list also shall indicate the personnel 84671
who are authorized to administer the drugs. 84672

(D) Each emergency medical service organization satellite 84673
that applies for a terminal distributor of dangerous drugs license 84674
shall submit with its application all of the information that the 84675
board requires to be submitted with the application, as specified 84676
in rules the board shall adopt in accordance with Chapter 119. of 84677
the Revised Code. 84678

(E) There shall be four categories of terminal distributor of 84679
dangerous drugs licenses. The categories are as follows: 84680

(1) Category II license. A person who obtains this license 84681
may possess, have custody or control of, and distribute only the 84682
dangerous drugs described in category II. 84683

(2) Limited category II license. A person who obtains this 84684
license may possess, have custody or control of, and distribute 84685
only the dangerous drugs described in category II that were listed 84686
in the application for licensure. 84687

(3) Category III license, which may include a pain management 84688
clinic classification issued under section 4729.552 of the Revised 84689
Code. A person who obtains this license may possess, have custody 84690
or control of, and distribute the dangerous drugs described in 84691
category II and category III. If the license includes a pain 84692
management clinic classification, the person may operate a pain 84693
management clinic. 84694

(4) Limited category III license. A person who obtains this 84695
license may possess, have custody or control of, and distribute 84696
only the dangerous drugs described in category II or category III 84697
that were listed in the application for licensure. 84698

(F) Except for an application made by a county dog warden or 84699
on behalf of an animal shelter, if an applicant for a limited 84700
category II license or limited category III license intends to 84701
administer dangerous drugs to a person or animal, the applicant 84702
shall submit, with the application, a copy of its protocol or 84703

standing orders. The protocol or orders shall be signed by a 84704
licensed health professional authorized to prescribe drugs, 84705
specify the dangerous drugs to be administered, and list personnel 84706
who are authorized to administer the dangerous drugs in accordance 84707
with federal law or the law of this state. 84708

An application made by a county dog warden or on behalf of an 84709
animal shelter shall include a list of the dangerous drugs to be 84710
administered to animals and the personnel who are authorized to 84711
administer the drugs to animals in accordance with section 84712
4729.532 of the Revised Code. 84713

In accordance with Chapter 119. of the Revised Code, the 84714
board shall adopt rules specifying when a licensee must notify the 84715
board of any changes in its documentation submitted pursuant to 84716
this division. 84717

(G)(1) Except as provided in division (G)(3) of this section, 84718
each applicant for licensure as a terminal distributor of 84719
dangerous drugs shall submit, with the application, a license fee. 84720
The amount assessed shall not be returned to the applicant if the 84721
applicant fails to qualify for the license. 84722

(2) The following fees apply under division (G)(1) of this 84723
section: 84724

(a) Except as provided in division (G)(2)(b) of this section: 84725

(i) Three hundred twenty dollars for a category II or limited 84726
category II license; 84727

(ii) Four hundred forty dollars for a category III license, 84728
including a license with a pain management clinic classification 84729
issued under section 4729.552 of the Revised Code, or a limited 84730
category III license. 84731

(b) One hundred twenty dollars for all of the following: 84732

(i) A person who is required to hold a license as a terminal 84733

distributor of dangerous drugs pursuant to division ~~(D)~~(C) of 84734
section 4729.541 of the Revised Code; 84735

(ii) A professional association, corporation, partnership, or 84736
limited liability company organized for the purpose of practicing 84737
veterinary medicine that is not included in division (G)(2)(b)(i) 84738
of this section; 84739

(iii) An emergency medical service organization satellite. 84740

(3) No fee applies for a license issued to a charitable 84741
pharmacy, as defined in section 3719.811 of the Revised Code, if 84742
the charitable pharmacy is participating in the drug repository 84743
program established under section 3715.87 of the Revised Code. 84744

(H)(1) The board shall issue a terminal distributor of 84745
dangerous drugs license to each person who submits an application 84746
for such licensure in accordance with this section, pays the 84747
required license fee, is determined by the board to meet the 84748
requirements set forth in section 4729.55 of the Revised Code, and 84749
satisfies any other applicable requirements of this section. 84750

(2) Except for the license of a county dog warden, the 84751
license shall describe the one establishment or place at which the 84752
licensee may engage in the sale or other distribution of dangerous 84753
drugs at retail and maintain possession, custody, or control of 84754
dangerous drugs for purposes other than the licensee's own use or 84755
consumption. The one establishment or place shall be that which is 84756
identified in the application for licensure. 84757

No such license shall authorize or permit the terminal 84758
distributor of dangerous drugs named in it to engage in the sale 84759
or other distribution of dangerous drugs at retail or to maintain 84760
possession, custody, or control of dangerous drugs for any purpose 84761
other than the distributor's own use or consumption, at any 84762
establishment or place other than that described in the license, 84763
except that an agent or employee of an animal shelter or county 84764

dog warden may possess and use dangerous drugs in the course of 84765
business as provided in section 4729.532 of the Revised Code. 84766

(3) The license of an emergency medical service organization 84767
shall cover the organization's headquarters and, in addition, 84768
shall cover and describe all the units of the organization listed 84769
in its application for licensure. 84770

(I)(1) All licenses issued or renewed pursuant to this 84771
section shall be effective for a period specified by the board in 84772
rules adopted under section 4729.26 of the Revised Code. The 84773
effective period for an initial or renewed license shall not 84774
exceed twenty-four months unless the board extends the period in 84775
rules to adjust license renewal schedules. A license shall be 84776
renewed by the board according to the provisions of this section, 84777
the standard renewal procedure of Chapter 4745. of the Revised 84778
Code, and rules adopted by the board under section 4729.26 of the 84779
Revised Code. A person seeking to renew a license shall submit an 84780
application for renewal and pay the required fee on or before the 84781
date specified in the rules adopted by the board. The fee required 84782
for the renewal of a license shall be the same as the license fee 84783
that applies under division (G)(2) of this section. 84784

(2)(a) Subject to division (I)(2)(b) of this section, a 84785
license that has not been renewed by the date specified in rules 84786
adopted by the board may be reinstated only upon payment of the 84787
required renewal fee and a penalty fee of one hundred ten dollars. 84788

(b) If an application for renewal has not been submitted by 84789
the sixty-first day after the renewal date specified in rules 84790
adopted by the board, the license is considered void and cannot be 84791
renewed, but the license holder may reapply for licensure. 84792

(3) A terminal distributor of dangerous drugs that fails to 84793
renew licensure in accordance with this section and rules adopted 84794
by the board is prohibited from engaging in the retail sale, 84795

possession, or distribution of dangerous drugs until a valid license is issued by the board.

(J)(1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C)(1), (3), or (4) of this section.

(2) No licensed terminal distributor of dangerous drugs shall possess, have custody or control of, or distribute dangerous drugs that the terminal distributor is not entitled to possess, have custody or control of, or distribute by virtue of its category of licensure.

(3) No licensee that is required by division (F) of this section to notify the board of changes in its protocol or standing orders, or in personnel, shall fail to comply with that division.

(K) The board may enter into agreements with other states, federal agencies, and other entities to exchange information concerning licensing and inspection of terminal distributors of dangerous drugs located within or outside this state and to investigate alleged violations of the laws and rules governing distribution of drugs by terminal distributors. Any information received pursuant to such an agreement is subject to the same confidentiality requirements applicable to the agency or entity from which it was received and shall not be released without prior authorization from that agency or entity.

Sec. 4729.541. (A) Except as provided in divisions (B) ~~to (D)~~ and (C) of this section, all of the following are exempt from licensure as a terminal distributor of dangerous drugs:

(1) A licensed health professional authorized to prescribe drugs;

(2) A business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited

liability company formed under former Chapter 1705. of the Revised 84826
Code as that chapter existed prior to February 11, 2022, or 84827
Chapter 1706. of the Revised Code, or a professional association 84828
formed under Chapter 1785. of the Revised Code if the entity has a 84829
sole shareholder who is a prescriber and is authorized to provide 84830
the professional services being offered by the entity; 84831

(3) A business entity that is a corporation formed under 84832
division (B) of section 1701.03 of the Revised Code, a limited 84833
liability company formed under former Chapter 1705. of the Revised 84834
Code as that chapter existed prior to February 11, 2022, or 84835
Chapter 1706. of the Revised Code, a partnership or a limited 84836
liability partnership formed under Chapter 1775. of the Revised 84837
Code, or a professional association formed under Chapter 1785. of 84838
the Revised Code, if, to be a shareholder, member, or partner, an 84839
individual is required to be licensed, certified, or otherwise 84840
legally authorized under Title XLVII of the Revised Code to 84841
perform the professional service provided by the entity and each 84842
such individual is a prescriber; 84843

(4) An individual who holds a current license, certificate, 84844
or registration issued under Title XLVII of the Revised Code and 84845
has been certified to conduct diabetes education by a national 84846
certifying body specified in rules adopted by the state board of 84847
pharmacy under section 4729.68 of the Revised Code, but only with 84848
respect to insulin that will be used for the purpose of diabetes 84849
education and only if diabetes education is within the 84850
individual's scope of practice under statutes and rules regulating 84851
the individual's profession; 84852

(5) An individual who holds a valid certificate issued by a 84853
nationally recognized S.C.U.B.A. diving certifying organization 84854
approved by the state board of pharmacy under rules adopted by the 84855
board, but only with respect to medical oxygen that will be used 84856
for the purpose of emergency care or treatment at the scene of a 84857

diving emergency; 84858

(6) With respect to epinephrine autoinjectors that may be 84859
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 84860
or 3328.29 of the Revised Code, any of the following: the board of 84861
education of a city, local, exempted village, or joint vocational 84862
school district; a chartered or nonchartered nonpublic school; a 84863
community school established under Chapter 3314. of the Revised 84864
Code; a STEM school established under Chapter 3326. of the Revised 84865
Code; or a college-preparatory boarding school established under 84866
Chapter 3328. of the Revised Code; 84867

(7) With respect to epinephrine autoinjectors that may be 84868
possessed under section 5101.76 of the Revised Code, any of the 84869
following: a residential camp, as defined in section 2151.011 of 84870
the Revised Code; a child day camp, as defined in section 5104.01 84871
of the Revised Code; or a child day camp operated by any county, 84872
township, municipal corporation, township park district created 84873
under section 511.18 of the Revised Code, park district created 84874
under section 1545.04 of the Revised Code, or joint recreation 84875
district established under section 755.14 of the Revised Code; 84876

(8) With respect to epinephrine autoinjectors that may be 84877
possessed under Chapter 3728. of the Revised Code, a qualified 84878
entity, as defined in section 3728.01 of the Revised Code; 84879

(9) With respect to inhalers that may be possessed under 84880
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the 84881
Revised Code, any of the following: the board of education of a 84882
city, local, exempted village, or joint vocational school 84883
district; a chartered or nonchartered nonpublic school; a 84884
community school established under Chapter 3314. of the Revised 84885
Code; a STEM school established under Chapter 3326. of the Revised 84886
Code; or a college-preparatory boarding school established under 84887
Chapter 3328. of the Revised Code; 84888

(10) With respect to inhalers that may be possessed under section 5101.77 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

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(11) With respect to overdose reversal drugs that may be possessed for the purposes described in section 3715.50 of the Revised Code, any person or government entity exercising the authority conferred by that section;

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(12) With respect to overdose reversal drugs that may be possessed for use in personally furnishing supplies of the drug pursuant to a protocol established under section 3715.503 of the Revised Code, any individual exercising the authority conferred by that section;

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(13) With respect to injectable or nasally administered glucagon that may be possessed under sections 3313.7115, 3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, any of the following: the board of education of a city, local, exempted village, or joint vocational school district; a chartered or nonchartered nonpublic school; a community school established under Chapter 3314. of the Revised Code; a STEM school established under Chapter 3326. of the Revised Code; or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

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(14) With respect to injectable or nasally administered glucagon that may be possessed under section 5101.78 of the Revised Code, any of the following: a residential camp, as defined in section 2151.011 of the Revised Code; a child day camp, as

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defined in section 5104.01 of the Revised Code; or a child day 84921
camp operated by any county, township, municipal corporation, 84922
township park district created under section 511.18 of the Revised 84923
Code, park district created under section 1545.04 of the Revised 84924
Code, or joint recreation district established under section 84925
755.14 of the Revised Code; 84926

(15) A person who possesses nitrous oxide for use as a direct 84927
ingredient in food pursuant to 21 C.F.R. 184.1545 or for testing 84928
or maintaining a plumbing or heating, ventilation, and air 84929
conditioning system; 84930

(16) A person who possesses medical oxygen, sterile water, or 84931
sterile saline for direct administration to patients or for the 84932
purpose of installation or maintenance of home medical equipment, 84933
as defined in section 4752.01 of the Revised Code; 84934

(17) A person who possesses controlled substances and other 84935
dangerous drugs for the purpose of dog training on behalf of a law 84936
enforcement agency, if the training is pursuant to an executed 84937
contract or other written agreement with the law enforcement 84938
agency; 84939

(18) A facility that is owned and operated by the United 84940
States department of defense, the United States department of 84941
veterans affairs, or any other federal agency. 84942

(B) If a person described in division (A) of this section is 84943
a pain management clinic or is operating a pain management clinic, 84944
the person shall hold a license as a terminal distributor of 84945
dangerous drugs with a pain management clinic classification 84946
issued under section 4729.552 of the Revised Code. 84947

~~(C) If a person described in division (A) of this section is 84948
operating a facility, clinic, or other location described in 84949
division (B) of section 4729.553 of the Revised Code that must 84950
hold a category III terminal distributor of dangerous drugs 84951~~

~~license with an office based opioid treatment classification, the person shall hold a license with that classification.~~

~~(D)~~ Any of the persons described in divisions (A)(1) to ~~(14)~~(16) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute any of the following:

(1) Dangerous drugs that are compounded or used for the purpose of compounding;

(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code.

Sec. 4729.55. No license shall be issued to an applicant for licensure as a terminal distributor of dangerous drugs unless the applicant has furnished satisfactory proof to the state board of pharmacy that:

(A) The applicant is equipped as to land, buildings, and equipment to properly carry on the business of a terminal distributor of dangerous drugs within the category of licensure approved by the board.

(B) A pharmacist, licensed health professional authorized to prescribe drugs, other person authorized by the board, animal shelter or county dog warden licensed under section 4729.531 of the Revised Code, or laboratory will maintain supervision and control over the possession and custody of dangerous drugs and controlled substances that may be acquired by or on behalf of the applicant.

(C) Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional authorized to prescribe drugs.

(D) Adequate safeguards are assured that the applicant will

carry on the business of a terminal distributor of dangerous drugs 84982
in a manner that allows pharmacists and pharmacy interns employed 84983
by the terminal distributor to practice pharmacy in a safe and 84984
effective manner. 84985

(E) If the applicant, or any agent or employee of the 84986
applicant, has been found guilty of violating section 4729.51 of 84987
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 84988
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse control 84989
laws, Chapter 2925., 3715., 3719., or 4729. of the Revised Code, 84990
or any rule of the board, adequate safeguards are assured to 84991
prevent the recurrence of the violation. 84992

~~(F) In the case of an applicant who is a food processor or 84993
retail seller of food, the applicant will maintain supervision and 84994
control over the possession and custody of nitrous oxide. 84995~~

~~(G) In the case of an applicant who is a retail seller of 84996
oxygen in original packages labeled as required by the "Federal 84997
Food, Drug, and Cosmetic Act," the applicant will maintain 84998
supervision and control over the possession, custody, and retail 84999
sale of the oxygen. 85000~~

~~(H) If the application is made on behalf of an animal shelter 85001
or county dog warden, at least one of the agents or employees of 85002
the animal shelter or county dog warden is certified in compliance 85003
with section 4729.532 of the Revised Code. 85004~~

~~(I)~~(G) In the case of an applicant who is a retail seller of 85005
peritoneal dialysis solutions in original packages labeled as 85006
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 85007
1040 (1938), 21 U.S.C.A. 301, the applicant will maintain 85008
supervision and control over the possession, custody, and retail 85009
sale of the peritoneal dialysis solutions. 85010

~~(J)~~(H) In the case of an applicant who is a pain management 85011
clinic, the applicant meets the requirements to receive a license 85012

with a pain management clinic classification issued under section 85013
4729.552 of the Revised Code. 85014

~~(K) In the case of an applicant who is operating a facility, 85015
clinic, or other location described in division (B) of section 85016
4729.553 of the Revised Code that must hold a category III 85017
terminal distributor of dangerous drugs license with an 85018
office based opioid treatment classification, the applicant meets 85019
the requirements to receive that license with that classification. 85020~~

Sec. 4729.571. (A) The state board of pharmacy may suspend 85021
without a hearing the license of a terminal distributor of 85022
dangerous drugs if the board determines that there is clear and 85023
convincing evidence of a danger of immediate and serious harm to 85024
others due to either of the following: 85025

(1) The method used by the terminal distributor to possess or 85026
distribute dangerous drugs; 85027

(2) The method of prescribing dangerous drugs used by a 85028
licensed health professional authorized to prescribe drugs who 85029
holds a terminal distributor license or practices in the employ of 85030
or under contract with a terminal distributor. 85031

(B) The board shall follow the procedure for suspension 85032
without a prior hearing in section 119.07 of the Revised Code. The 85033
suspension shall remain in effect, unless removed by the board, 85034
until the board's final adjudication order becomes effective, 85035
except that if the board does not issue its final adjudication 85036
order within one hundred twenty days after the suspension, the 85037
suspension shall be void on the one hundred twenty-first day after 85038
the suspension. 85039

If the terminal distributor holds a license with a pain 85040
management clinic classification issued under section 4729.552 of 85041
the Revised Code ~~or a license with an office based opioid~~ 85042

~~treatment classification issued under section 4729.553 of the~~ 85043
Revised Code and the person holding the license also holds a 85044
license issued under Chapter 4731. of the Revised Code to practice 85045
medicine and surgery or osteopathic medicine and surgery, prior to 85046
suspending the license without a hearing, the board shall consult 85047
with the secretary of the state medical board or, if the secretary 85048
is unavailable, another physician member of the board. 85049

Sec. 4729.60. (A)(1) Before a licensee identified in division 85050
(B)(1)(a) of section 4729.52 of the Revised Code may sell or 85051
distribute dangerous drugs at wholesale to any person, except as 85052
provided in division (A)(2) of this section, the licensee shall 85053
query the roster established pursuant to section 4729.59 of the 85054
Revised Code to determine whether the purchaser is a licensed 85055
terminal distributor of dangerous drugs. 85056

If no documented query is conducted before a sale is made, it 85057
shall be presumed that the sale of dangerous drugs by the licensee 85058
is in violation of division (B) of section 4729.51 of the Revised 85059
Code and the purchase of dangerous drugs by the purchaser is in 85060
violation of division (E) of section 4729.51 of the Revised Code. 85061
If a licensee conducts a documented query and relies on the 85062
results of the query in selling or distributing dangerous drugs at 85063
wholesale to the terminal distributor of dangerous drugs, the 85064
licensee shall be deemed not to have violated division (B) of 85065
section 4729.51 of the Revised Code in making the sale. 85066

(2) Division (A)(1) of this section does not apply when a 85067
licensee identified in division (B)(1)(a) of section 4729.52 of 85068
the Revised Code sells or distributes dangerous drugs at wholesale 85069
to any of the following: 85070

(a) A person specified in division (B)(4) of section 4729.51 85071
of the Revised Code; 85072

~~(b) Any of the persons described in division (A) of A person~~ 85073

~~exempt from licensure as a terminal distributor of dangerous drugs 85074~~
~~under section 4729.541 of the Revised Code, but only if the 85075~~
~~purchaser is not required to obtain licensure as provided in 85076~~
~~divisions (B) to (D) of that section. 85077~~

(B) Before a licensed terminal distributor of dangerous drugs 85078
may purchase dangerous drugs at wholesale, the terminal 85079
distributor shall query the roster established pursuant to section 85080
4729.59 of the Revised Code to confirm the seller is licensed to 85081
engage in the sale or distribution of dangerous drugs at 85082
wholesale. 85083

If no documented query is conducted before a purchase is 85084
made, it shall be presumed that the purchase of dangerous drugs by 85085
the terminal distributor is in violation of division (F) of 85086
section 4729.51 of the Revised Code and the sale of dangerous 85087
drugs by the seller is in violation of division (A) of section 85088
4729.51 of the Revised Code. If a licensed terminal distributor of 85089
dangerous drugs conducts a documented query at least annually and 85090
relies on the results of the query in purchasing dangerous drugs 85091
at wholesale, the terminal distributor shall be deemed not to have 85092
violated division (F) of section 4729.51 of the Revised Code in 85093
making the purchase. 85094

Sec. 4729.80. (A) If the state board of pharmacy establishes 85095
and maintains a drug database pursuant to section 4729.75 of the 85096
Revised Code, the board is authorized or required to provide 85097
information from the database only as follows: 85098

(1) On receipt of a request from a designated representative 85099
of a government entity responsible for the licensure, regulation, 85100
or discipline of health care professionals with authority to 85101
prescribe, administer, or dispense drugs, the board may provide to 85102
the representative information from the database relating to the 85103
professional who is the subject of an active investigation being 85104

conducted by the government entity or relating to a professional 85105
who is acting as an expert witness for the government entity in 85106
such an investigation. 85107

(2) On receipt of a request from a federal officer, or a 85108
state or local officer of this or any other state, whose duties 85109
include enforcing laws relating to drugs, the board shall provide 85110
to the officer information from the database relating to the 85111
person who is the subject of an active investigation of a drug 85112
abuse offense, as defined in section 2925.01 of the Revised Code, 85113
being conducted by the officer's employing government entity. 85114

(3) Pursuant to a subpoena issued by a grand jury, the board 85115
shall provide to the grand jury information from the database 85116
relating to the person who is the subject of an investigation 85117
being conducted by the grand jury. 85118

(4) Pursuant to a subpoena, search warrant, or court order in 85119
connection with the investigation or prosecution of a possible or 85120
alleged criminal offense, the board shall provide information from 85121
the database as necessary to comply with the subpoena, search 85122
warrant, or court order. 85123

(5) On receipt of a request from a prescriber or the 85124
prescriber's delegate approved by the board, the board shall 85125
provide to the prescriber a report of information from the 85126
database relating to a patient who is either a current patient of 85127
the prescriber or a potential patient of the prescriber based on a 85128
referral of the patient to the prescriber, if all of the following 85129
conditions are met: 85130

(a) The prescriber certifies in a form specified by the board 85131
that it is for the purpose of providing medical treatment to the 85132
patient who is the subject of the request; 85133

(b) The prescriber has not been denied access to the database 85134
by the board. 85135

(6) On receipt of a request from a pharmacist or the pharmacist's delegate approved by the board, the board shall provide to the pharmacist information from the database relating to a current patient of the pharmacist, if the pharmacist certifies in a form specified by the board that it is for the purpose of the pharmacist's practice of pharmacy involving the patient who is the subject of the request and the pharmacist has not been denied access to the database by the board.

(7) On receipt of a request from an individual seeking the individual's own database information in accordance with the procedure established in rules adopted under section 4729.84 of the Revised Code, the board may provide to the individual the individual's own prescription history.

(8) On receipt of a request from a medical director or a pharmacy director of a managed care organization that has entered into a contract with the department of medicaid under section 5167.10 of the Revised Code and a data security agreement with the board required by section 5167.14 of the Revised Code, the board shall provide to the medical director or the pharmacy director information from the database relating to a medicaid recipient enrolled in the managed care organization, including information in the database related to prescriptions for the recipient that were not covered or reimbursed under a program administered by the department of medicaid.

(9) On receipt of a request from the medicaid director, the board shall provide to the director information from the database relating to a recipient of a program administered by the department of medicaid, including information in the database related to prescriptions for the recipient that were not covered or paid by a program administered by the department.

(10) On receipt of a request from a medical director of a managed care organization that has entered into a contract with

the administrator of workers' compensation under division (B)(4) 85168
of section 4121.44 of the Revised Code and a data security 85169
agreement with the board required by section 4121.447 of the 85170
Revised Code, the board shall provide to the medical director 85171
information from the database relating to a claimant under Chapter 85172
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 85173
managed care organization, including information in the database 85174
related to prescriptions for the claimant that were not covered or 85175
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 85176
Revised Code, if the administrator of workers' compensation 85177
confirms, upon request from the board, that the claimant is 85178
assigned to the managed care organization. 85179

(11) On receipt of a request from the administrator of 85180
workers' compensation, the board shall provide to the 85181
administrator information from the database relating to a claimant 85182
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 85183
including information in the database related to prescriptions for 85184
the claimant that were not covered or reimbursed under Chapter 85185
4121., 4123., 4127., or 4131. of the Revised Code. 85186

(12) On receipt of a request from a prescriber or the 85187
prescriber's delegate approved by the board, the board shall 85188
provide to the prescriber information from the database relating 85189
to a patient's mother, if the prescriber certifies in a form 85190
specified by the board that it is for the purpose of providing 85191
medical treatment to a newborn or infant patient diagnosed as 85192
opioid dependent and the prescriber has not been denied access to 85193
the database by the board. 85194

(13) On receipt of a request from the director of health, the 85195
board shall provide to the director information from the database 85196
relating to the duties of the director or the department of health 85197
in implementing the Ohio violent death reporting system 85198
established under section 3701.93 of the Revised Code. 85199

(14) On receipt of a request from a requestor described in 85200
division (A)(1), (2), (5), or (6) of this section who is from or 85201
participating with another state's prescription monitoring 85202
program, the board may provide to the requestor information from 85203
the database, but only if there is a written agreement under which 85204
the information is to be used and disseminated according to the 85205
laws of this state. 85206

(15) On receipt of a request from a delegate of a retail 85207
dispensary licensed under Chapter 3796. of the Revised Code who is 85208
approved by the board to serve as the dispensary's delegate, the 85209
board shall provide to the delegate a report of information from 85210
the database pertaining only to a patient's use of medical 85211
marijuana, if both of the following conditions are met: 85212

(a) The delegate certifies in a form specified by the board 85213
that it is for the purpose of dispensing medical marijuana for use 85214
in accordance with Chapter 3796. of the Revised Code. 85215

(b) The retail dispensary or delegate has not been denied 85216
access to the database by the board. 85217

(16) On receipt of a request from a judge of a program 85218
certified by the Ohio supreme court as a specialized docket 85219
program for drugs, the board shall provide to the judge, or an 85220
employee of the program who is designated by the judge to receive 85221
the information, information from the database that relates 85222
specifically to a current or prospective program participant. 85223

(17) On receipt of a request from a coroner, deputy coroner, 85224
or coroner's delegate approved by the board, the board shall 85225
provide to the requestor information from the database relating to 85226
a deceased person about whom the coroner is conducting or has 85227
conducted an autopsy or investigation. 85228

(18) On receipt of a request from a prescriber, the board may 85229
provide to the prescriber a summary of the prescriber's 85230

prescribing record if such a record is created by the board. 85231
Information in the summary is subject to the confidentiality 85232
requirements of this chapter. 85233

(19)(a) On receipt of a request from a pharmacy's responsible 85234
person, the board may provide to the responsible person a summary 85235
of the pharmacy's dispensing record if such a record is created by 85236
the board. Information in the summary is subject to the 85237
confidentiality requirements of this chapter. 85238

(b) As used in division (A)(19)(a) of this section, 85239
"responsible person" has the same meaning as in rules adopted by 85240
the board under section 4729.26 of the Revised Code. 85241

(20) The board may provide information from the database 85242
without request to a prescriber or pharmacist who is authorized to 85243
use the database pursuant to this chapter. 85244

(21)(a) On receipt of a request from a prescriber or 85245
pharmacist, or the prescriber's or pharmacist's delegate, who is a 85246
designated representative of a peer review committee, the board 85247
shall provide to the committee information from the database 85248
relating to a prescriber who is subject to the committee's 85249
evaluation, supervision, or discipline if the information is to be 85250
used for one of those purposes. The board shall provide only 85251
information that it determines, in accordance with rules adopted 85252
under section 4729.84 of the Revised Code, is appropriate to be 85253
provided to the committee. 85254

(b) As used in division (A)(21)(a) of this section, "peer 85255
review committee" has the same meaning as in section 2305.25 of 85256
the Revised Code, except that it includes only a peer review 85257
committee of a hospital or a peer review committee of a nonprofit 85258
health care corporation that is a member of the hospital or of 85259
which the hospital is a member. 85260

(22) On receipt of a request from a requestor described in 85261

division (A)(5) or (6) of this section who is from or 85262
participating with a prescription monitoring program that is 85263
operated by a federal agency and approved by the board, the board 85264
may provide to the requestor information from the database, but 85265
only if there is a written agreement under which the information 85266
is to be used and disseminated according to the laws of this 85267
state. 85268

(23) Any personal health information submitted to the board 85269
pursuant to section 4729.772 of the Revised Code may be provided 85270
by the board only as authorized by the submitter of the 85271
information and in accordance with rules adopted under section 85272
4729.84 of the Revised Code. 85273

(24) On receipt of a request from a person described in 85274
division (A)(5), (6), or (17) of this section who is participating 85275
in a drug overdose fatality review committee described in section 85276
307.631 of the Revised Code, the board may provide to the 85277
requestor information from the database, but only if there is a 85278
written agreement under which the information is to be used and 85279
disseminated according to the laws of this state. 85280

(25) On receipt of a request from a person described in 85281
division (A)(5), (6), or (17) of this section who is participating 85282
in a suicide fatality review committee described in section 85283
307.641 of the Revised Code, the board may provide to the 85284
requestor information from the database, but only if there is a 85285
written agreement under which the information is to be used and 85286
disseminated according to the laws of this state. 85287

(26) On receipt of a request from a designated representative 85288
of the division of marijuana control in the department of 85289
commerce, the board shall provide to the representative 85290
information from the database relating to an individual who, or 85291
entity that, is the subject of an active investigation being 85292
conducted by the division. 85293

(B) The state board of pharmacy shall maintain a record of 85294
each individual or entity that requests information from the 85295
database pursuant to this section. In accordance with rules 85296
adopted under section 4729.84 of the Revised Code, the board may 85297
use the records to document and report statistics and law 85298
enforcement outcomes. 85299

The board may provide records of an individual's requests for 85300
database information only to the following: 85301

(1) A designated representative of a government entity that 85302
is responsible for the licensure, regulation, or discipline of 85303
health care professionals with authority to prescribe, administer, 85304
or dispense drugs who is involved in an active criminal or 85305
disciplinary investigation being conducted by the government 85306
entity of the individual who submitted the requests for database 85307
information; 85308

(2) A federal officer, or a state or local officer of this or 85309
any other state, whose duties include enforcing laws relating to 85310
drugs and who is involved in an active investigation being 85311
conducted by the officer's employing government entity of the 85312
individual who submitted the requests for database information; 85313

(3) A designated representative of the department of medicaid 85314
regarding a prescriber who is treating or has treated a recipient 85315
of a program administered by the department and who submitted the 85316
requests for database information. 85317

(C) Information contained in the database and any information 85318
obtained from it is confidential and is not a public record. 85319
Information contained in the records of requests for information 85320
from the database is confidential and is not a public record. 85321
Information contained in the database that does not identify a 85322
person, including any licensee or registrant of the board or other 85323
entity, may be released in summary, statistical, or aggregate 85324

form. 85325

(D) A pharmacist or prescriber shall not be held liable in 85326
damages to any person in any civil action for injury, death, or 85327
loss to person or property on the basis that the pharmacist or 85328
prescriber did or did not seek or obtain information from the 85329
database. 85330

Sec. 4729.86. If the state board of pharmacy establishes and 85331
maintains a drug database pursuant to section 4729.75 of the 85332
Revised Code, all of the following apply: 85333

(A)(1) No person identified in divisions (A)(1) to (13), (15) 85334
to ~~(25)~~(26), or (B) of section 4729.80 of the Revised Code shall 85335
disseminate any written or electronic information the person 85336
receives from the drug database or otherwise provide another 85337
person access to the information that the person receives from the 85338
database, except as follows: 85339

(a) When necessary in the investigation or prosecution of a 85340
possible or alleged criminal offense; 85341

(b) When a person provides the information to the prescriber, 85342
pharmacist, or retail dispensary licensed under Chapter 3796. of 85343
the Revised Code for whom the person is approved by the board to 85344
serve as a delegate of the prescriber, pharmacist, or retail 85345
dispensary for purposes of requesting and receiving information 85346
from the drug database under division (A)(5), (6), or (15) of 85347
section 4729.80 of the Revised Code; 85348

(c) When a prescriber, pharmacist, or retail dispensary 85349
licensed under Chapter 3796. of the Revised Code provides the 85350
information to a person who is approved by the board to serve as 85351
such a delegate of the prescriber, pharmacist, or retail 85352
dispensary; 85353

(d) When a prescriber or pharmacist includes the information 85354

in a medical record, as defined in section 3701.74 of the Revised Code. 85355
85356

(2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database. 85357
85358
85359

(3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code. 85360
85361
85362

(B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding. 85363
85364
85365

(C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case: 85366
85367
85368
85369
85370

(a) The person violates division (A)(1), (2), or (3) of this section; 85371
85372

(b) The person is a requestor identified in division (A)(14) or (22) of section 4729.80 of the Revised Code and the board determines that the person's actions in another state would have constituted a violation of division (A)(1), (2), or (3) of this section; 85373
85374
85375
85376
85377

(c) The person fails to comply with division (B) of this section, regardless of the jurisdiction in which the failure to comply occurred; 85378
85379
85380

(d) The person creates, by clear and convincing evidence, a threat to the security of information contained in the database. 85381
85382

(2) If the board determines that allegations regarding a person's actions warrant restricting the person from obtaining 85383
85384

further information from the drug database without a prior 85385
hearing, the board may summarily impose the restriction. A 85386
telephone conference call may be used for reviewing the 85387
allegations and taking a vote on the summary restriction. The 85388
summary restriction shall remain in effect, unless removed by the 85389
board, until the board's final adjudication order becomes 85390
effective. 85391

(3) The board shall determine the extent to which the person 85392
is restricted from obtaining further information from the 85393
database. 85394

Sec. 4729.99. (A) Whoever violates division (H) of section 85395
4729.16, division (G) of section 4729.38, division (I) of section 85396
4729.382, section 4729.57, or division (F) of section 4729.96 of 85397
the Revised Code is guilty of a minor misdemeanor, unless a 85398
different penalty is otherwise specified in the Revised Code. Each 85399
day's violation constitutes a separate offense. 85400

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 85401
the Revised Code is guilty of a misdemeanor of the third degree. 85402
Each day's violation constitutes a separate offense. If the 85403
offender previously has been convicted of or pleaded guilty to a 85404
violation of this chapter, that person is guilty of a misdemeanor 85405
of the second degree. 85406

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of 85407
the Revised Code is guilty of a misdemeanor. 85408

(D) Whoever violates division (A), (B), (C), (D), (F), or (G) 85409
of section 4729.51 of the Revised Code is guilty of a misdemeanor 85410
of the first degree. 85411

(E)(1) Whoever violates section 4729.37, division (E)(1)(b) 85412
of section 4729.51, division (J) of section 4729.54, ~~division (B)~~ 85413
~~er (D) of section 4729.553,~~ or section 4729.61 of the Revised Code 85414

is guilty of a felony of the fifth degree. If the offender 85415
previously has been convicted of or pleaded guilty to a violation 85416
of this chapter or a violation of Chapter 2925. or 3719. of the 85417
Revised Code, that person is guilty of a felony of the fourth 85418
degree. 85419

(2) If an offender is convicted of or pleads guilty to a 85420
violation of section 4729.37, division (E) of section 4729.51, 85421
division (J) of section 4729.54, or section 4729.61 of the Revised 85422
Code, if the violation involves the sale, offer to sell, or 85423
possession of a schedule I or II controlled substance, with the 85424
exception of marihuana, and if the court imposing sentence upon 85425
the offender finds that the offender as a result of the violation 85426
is a major drug offender, as defined in section 2929.01 of the 85427
Revised Code, and is guilty of a specification of the type 85428
described in division (A) of section 2941.1410 of the Revised 85429
Code, the court, in lieu of the prison term authorized or required 85430
by division (E)(1) of this section and sections 2929.13 and 85431
2929.14 of the Revised Code and in addition to any other sanction 85432
imposed for the offense under sections 2929.11 to 2929.18 of the 85433
Revised Code, shall impose upon the offender, in accordance with 85434
division (B)(3) of section 2929.14 of the Revised Code, the 85435
mandatory prison term specified in that division. 85436

(3) Notwithstanding any contrary provision of section 3719.21 85437
of the Revised Code, the clerk of court shall pay any fine imposed 85438
for a violation of section 4729.37, division (E) of section 85439
4729.51, division (J) of section 4729.54, or section 4729.61 of 85440
the Revised Code pursuant to division (A) of section 2929.18 of 85441
the Revised Code in accordance with and subject to the 85442
requirements of division (F) of section 2925.03 of the Revised 85443
Code. The agency that receives the fine shall use the fine as 85444
specified in division (F) of section 2925.03 of the Revised Code. 85445

(F) Whoever violates section 4729.531 of the Revised Code or 85446

any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree. 85447
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(G) Whoever violates division (E)(1)(a) of section 4729.51 of the Revised Code is guilty of a felony of the fourth degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the third degree. 85449
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(H) Whoever violates division (E)(1)(c) of section 4729.51 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of or pleaded guilty to a violation of this chapter, or of a violation of Chapter 2925. or 3719. of the Revised Code, that person is guilty of a felony of the fifth degree. 85455
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(I)(1) Whoever violates division (A) of section 4729.95 of the Revised Code is guilty of unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree on a third or subsequent offense. 85461
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(2) Whoever violates division (B) or (C) of section 4729.95 of the Revised Code is guilty of permitting unauthorized pharmacy-related drug conduct. Except as otherwise provided in this section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of that section, permitting unauthorized pharmacy-related drug conduct is a misdemeanor of the first degree on a second offense and a felony of the fifth degree 85470
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on a third or subsequent offense. 85479

(3) Notwithstanding any contrary provision of section 3719.21 85480
of the Revised Code or any other provision of law that governs the 85481
distribution of fines, the clerk of the court shall pay any fine 85482
imposed pursuant to division (I)(1) or (2) of this section to the 85483
state board of pharmacy if the board has adopted a written 85484
internal control policy under division (F)(2) of section 2925.03 85485
of the Revised Code that addresses fine moneys that it receives 85486
under Chapter 2925. of the Revised Code and if the policy also 85487
addresses fine moneys paid under this division. The state board of 85488
pharmacy shall use the fines so paid in accordance with the 85489
written internal control policy to subsidize the board's law 85490
enforcement efforts that pertain to drug offenses. 85491

(J)(1) Whoever violates division (A)(1) of section 4729.86 of 85492
the Revised Code is guilty of a misdemeanor of the third degree. 85493
If the offender has previously been convicted of or pleaded guilty 85494
to a violation of division (A)(1), (2), or (3) of section 4729.86 85495
of the Revised Code, that person is guilty of a misdemeanor of the 85496
first degree. 85497

(2) Whoever violates division (A)(2) of section 4729.86 of 85498
the Revised Code is guilty of a misdemeanor of the first degree. 85499
If the offender has previously been convicted of or pleaded guilty 85500
to a violation of division (A)(1), (2), or (3) of section 4729.86 85501
of the Revised Code, that person is guilty of a felony of the 85502
fifth degree. 85503

(3) Whoever violates division (A)(3) of section 4729.86 of 85504
the Revised Code is guilty of a felony of the fifth degree. If the 85505
offender has previously been convicted of or pleaded guilty to a 85506
violation of division (A)(1), (2), or (3) of section 4729.86 of 85507
the Revised Code, that person is guilty of a felony of the fourth 85508
degree. 85509

(K) A person who violates division (C) of section 4729.552 of the Revised Code is guilty of a misdemeanor of the first degree. If the person previously has been convicted of or pleaded guilty to a violation of division (C) of section 4729.552 of the Revised Code, that person is guilty of a felony of the fifth degree.

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a physician assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) Except as provided in division (N) of this section, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility in which the supervising physician and physician assistant are practicing;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice according to acceptable and 85540
prevailing standards of care by reason of mental illness or 85541
physical illness, including physical deterioration that adversely 85542
affects cognitive, motor, or perceptive skills; 85543

(5) Impairment of ability to practice according to acceptable 85544
and prevailing standards of care because of habitual or excessive 85545
use or abuse of drugs, alcohol, or other substances that impair 85546
ability to practice; 85547

(6) Administering drugs for purposes other than those 85548
authorized under this chapter; 85549

(7) Willfully betraying a professional confidence; 85550

(8) Making a false, fraudulent, deceptive, or misleading 85551
statement in soliciting or advertising for employment as a 85552
physician assistant; in connection with any solicitation or 85553
advertisement for patients; in relation to the practice of 85554
medicine as it pertains to physician assistants; or in securing or 85555
attempting to secure a license to practice as a physician 85556
assistant. 85557

As used in this division, "false, fraudulent, deceptive, or 85558
misleading statement" means a statement that includes a 85559
misrepresentation of fact, is likely to mislead or deceive because 85560
of a failure to disclose material facts, is intended or is likely 85561
to create false or unjustified expectations of favorable results, 85562
or includes representations or implications that in reasonable 85563
probability will cause an ordinarily prudent person to 85564
misunderstand or be deceived. 85565

(9) Representing, with the purpose of obtaining compensation 85566
or other advantage personally or for any other person, that an 85567
incurable disease or injury, or other incurable condition, can be 85568
permanently cured; 85569

(10) The obtaining of, or attempting to obtain, money or 85570

anything of value by fraudulent misrepresentations in the course	85571
of practice;	85572
(11) A plea of guilty to, a judicial finding of guilt of, or	85573
a judicial finding of eligibility for intervention in lieu of	85574
conviction for, a felony;	85575
(12) Commission of an act that constitutes a felony in this	85576
state, regardless of the jurisdiction in which the act was	85577
committed;	85578
(13) A plea of guilty to, a judicial finding of guilt of, or	85579
a judicial finding of eligibility for intervention in lieu of	85580
conviction for, a misdemeanor committed in the course of practice;	85581
(14) A plea of guilty to, a judicial finding of guilt of, or	85582
a judicial finding of eligibility for intervention in lieu of	85583
conviction for, a misdemeanor involving moral turpitude;	85584
(15) Commission of an act in the course of practice that	85585
constitutes a misdemeanor in this state, regardless of the	85586
jurisdiction in which the act was committed;	85587
(16) Commission of an act involving moral turpitude that	85588
constitutes a misdemeanor in this state, regardless of the	85589
jurisdiction in which the act was committed;	85590
(17) A plea of guilty to, a judicial finding of guilt of, or	85591
a judicial finding of eligibility for intervention in lieu of	85592
conviction for violating any state or federal law regulating the	85593
possession, distribution, or use of any drug, including	85594
trafficking in drugs;	85595
(18) Any of the following actions taken by the state agency	85596
responsible for regulating the practice of physician assistants in	85597
another state, for any reason other than the nonpayment of fees:	85598
the limitation, revocation, or suspension of an individual's	85599
license to practice; acceptance of an individual's license	85600

surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;

(20) Violation of the conditions placed by the board on a license to practice as a physician assistant;

(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;

(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;

(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a

prescription for an opioid analgesic, as defined in section 85631
3719.01 of the Revised Code; 85632

(27) Having certification by the national commission on 85633
certification of physician assistants or a successor organization 85634
expire, lapse, or be suspended or revoked; 85635

(28) The revocation, suspension, restriction, reduction, or 85636
termination of clinical privileges by the United States department 85637
of defense or department of veterans affairs or the termination or 85638
suspension of a certificate of registration to prescribe drugs by 85639
the drug enforcement administration of the United States 85640
department of justice; 85641

(29) Failure to comply with terms of a consult agreement 85642
entered into with a pharmacist pursuant to section 4729.39 of the 85643
Revised Code. 85644

(C) Disciplinary actions taken by the board under divisions 85645
(A) and (B) of this section shall be taken pursuant to an 85646
adjudication under Chapter 119. of the Revised Code, except that 85647
in lieu of an adjudication, the board may enter into a consent 85648
agreement with a physician assistant or applicant to resolve an 85649
allegation of a violation of this chapter or any rule adopted 85650
under it. A consent agreement, when ratified by an affirmative 85651
vote of not fewer than six members of the board, shall constitute 85652
the findings and order of the board with respect to the matter 85653
addressed in the agreement. If the board refuses to ratify a 85654
consent agreement, the admissions and findings contained in the 85655
consent agreement shall be of no force or effect. 85656

(D) For purposes of divisions (B)(12), (15), and (16) of this 85657
section, the commission of the act may be established by a finding 85658
by the board, pursuant to an adjudication under Chapter 119. of 85659
the Revised Code, that the applicant or license holder committed 85660
the act in question. The board shall have no jurisdiction under 85661

these divisions in cases where the trial court renders a final 85662
judgment in the license holder's favor and that judgment is based 85663
upon an adjudication on the merits. The board shall have 85664
jurisdiction under these divisions in cases where the trial court 85665
issues an order of dismissal upon technical or procedural grounds. 85666

(E) The sealing or expungement of conviction records by any 85667
court shall have no effect upon a prior board order entered under 85668
the provisions of this section or upon the board's jurisdiction to 85669
take action under the provisions of this section if, based upon a 85670
plea of guilty, a judicial finding of guilt, or a judicial finding 85671
of eligibility for intervention in lieu of conviction, the board 85672
issued a notice of opportunity for a hearing prior to the court's 85673
order to seal or expunge the records. The board shall not be 85674
required to seal, destroy, redact, or otherwise modify its records 85675
to reflect the court's sealing or expungement of conviction 85676
records. 85677

(F) For purposes of this division, any individual who holds a 85678
license issued under this chapter, or applies for a license issued 85679
under this chapter, shall be deemed to have given consent to 85680
submit to a mental or physical examination when directed to do so 85681
in writing by the board and to have waived all objections to the 85682
admissibility of testimony or examination reports that constitute 85683
a privileged communication. 85684

(1) In enforcing division (B)(4) of this section, the board, 85685
upon a showing of a possible violation, may compel any individual 85686
who holds a license issued under this chapter or who has applied 85687
for a license pursuant to this chapter to submit to a mental 85688
examination, physical examination, including an HIV test, or both 85689
a mental and physical examination. The expense of the examination 85690
is the responsibility of the individual compelled to be examined. 85691
Failure to submit to a mental or physical examination or consent 85692
to an HIV test ordered by the board constitutes an admission of 85693

the allegations against the individual unless the failure is due 85694
to circumstances beyond the individual's control, and a default 85695
and final order may be entered without the taking of testimony or 85696
presentation of evidence. If the board finds a physician assistant 85697
unable to practice because of the reasons set forth in division 85698
(B)(4) of this section, the board shall require the physician 85699
assistant to submit to care, counseling, or treatment by 85700
physicians approved or designated by the board, as a condition for 85701
an initial, continued, reinstated, or renewed license. An 85702
individual affected under this division shall be afforded an 85703
opportunity to demonstrate to the board the ability to resume 85704
practicing in compliance with acceptable and prevailing standards 85705
of care. 85706

(2) For purposes of division (B)(5) of this section, if the 85707
board has reason to believe that any individual who holds a 85708
license issued under this chapter or any applicant for a license 85709
suffers such impairment, the board may compel the individual to 85710
submit to a mental or physical examination, or both. The expense 85711
of the examination is the responsibility of the individual 85712
compelled to be examined. Any mental or physical examination 85713
required under this division shall be undertaken by a treatment 85714
provider or physician qualified to conduct such examination and 85715
chosen by the board. 85716

Failure to submit to a mental or physical examination ordered 85717
by the board constitutes an admission of the allegations against 85718
the individual unless the failure is due to circumstances beyond 85719
the individual's control, and a default and final order may be 85720
entered without the taking of testimony or presentation of 85721
evidence. If the board determines that the individual's ability to 85722
practice is impaired, the board shall suspend the individual's 85723
license or deny the individual's application and shall require the 85724
individual, as a condition for initial, continued, reinstated, or 85725

renewed licensure, to submit to treatment. 85726

Before being eligible to apply for reinstatement of a license 85727
suspended under this division, the physician assistant shall 85728
demonstrate to the board the ability to resume practice or 85729
prescribing in compliance with acceptable and prevailing standards 85730
of care. The demonstration shall include the following: 85731

(a) Certification from a treatment provider approved under 85732
section 4731.25 of the Revised Code that the individual has 85733
successfully completed any required inpatient treatment; 85734

(b) Evidence of continuing full compliance with an aftercare 85735
contract or consent agreement; 85736

(c) Two written reports indicating that the individual's 85737
ability to practice has been assessed and that the individual has 85738
been found capable of practicing according to acceptable and 85739
prevailing standards of care. The reports shall be made by 85740
individuals or providers approved by the board for making such 85741
assessments and shall describe the basis for their determination. 85742

The board may reinstate a license suspended under this 85743
division after such demonstration and after the individual has 85744
entered into a written consent agreement. 85745

When the impaired physician assistant resumes practice or 85746
prescribing, the board shall require continued monitoring of the 85747
physician assistant. The monitoring shall include compliance with 85748
the written consent agreement entered into before reinstatement or 85749
with conditions imposed by board order after a hearing, and, upon 85750
termination of the consent agreement, submission to the board for 85751
at least two years of annual written progress reports made under 85752
penalty of falsification stating whether the physician assistant 85753
has maintained sobriety. 85754

(G) If the secretary and supervising member determine that 85755
there is clear and convincing evidence that a physician assistant 85756

has violated division (B) of this section and that the 85757
individual's continued practice or prescribing presents a danger 85758
of immediate and serious harm to the public, they may recommend 85759
that the board suspend the individual's license without a prior 85760
hearing. Written allegations shall be prepared for consideration 85761
by the board. 85762

The board, upon review of those allegations and by an 85763
affirmative vote of not fewer than six of its members, excluding 85764
the secretary and supervising member, may suspend a license 85765
without a prior hearing. A telephone conference call may be 85766
utilized for reviewing the allegations and taking the vote on the 85767
summary suspension. 85768

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 85769
~~certified mail or in person~~ in accordance with ~~section~~ sections 85770
119.05 and 119.07 of the Revised Code. The order shall not be 85771
subject to suspension by the court during pendency of any appeal 85772
filed under section 119.12 of the Revised Code. If the physician 85773
assistant requests an adjudicatory hearing by the board, the date 85774
set for the hearing shall be within fifteen days, but not earlier 85775
than seven days, after the physician assistant requests the 85776
hearing, unless otherwise agreed to by both the board and the 85777
license holder. 85778

A summary suspension imposed under this division shall remain 85779
in effect, unless reversed on appeal, until a final adjudicative 85780
order issued by the board pursuant to this section and Chapter 85781
119. of the Revised Code becomes effective. The board shall issue 85782
its final adjudicative order within ~~sixty~~ seventy-five days after 85783
completion of its hearing. Failure to issue the order within ~~sixty~~ 85784
seventy-five days shall result in dissolution of the summary 85785
suspension order, but shall not invalidate any subsequent, final 85786
adjudicative order. 85787

(H) If the board takes action under division (B)(11), (13), 85788

or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition and supporting court documents, the board shall reinstate the individual's license. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The license to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify the individual subject to the suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If an

individual whose license is suspended under this division fails to 85821
make a timely request for an adjudication under Chapter 119. of 85822
the Revised Code, the board shall enter a final order permanently 85823
revoking the individual's license to practice. 85824

(J) In any instance in which the board is required by Chapter 85825
119. of the Revised Code to give notice of opportunity for hearing 85826
and the individual subject to the notice does not timely request a 85827
hearing in accordance with section 119.07 of the Revised Code, the 85828
board is not required to hold a hearing, but may adopt, by an 85829
affirmative vote of not fewer than six of its members, a final 85830
order that contains the board's findings. In that final order, the 85831
board may order any of the sanctions identified under division (A) 85832
or (B) of this section. 85833

(K) Any action taken by the board under division (B) of this 85834
section resulting in a suspension shall be accompanied by a 85835
written statement of the conditions under which the physician 85836
assistant's license may be reinstated. The board shall adopt rules 85837
in accordance with Chapter 119. of the Revised Code governing 85838
conditions to be imposed for reinstatement. Reinstatement of a 85839
license suspended pursuant to division (B) of this section 85840
requires an affirmative vote of not fewer than six members of the 85841
board. 85842

(L) When the board refuses to grant or issue to an applicant 85843
a license to practice as a physician assistant, revokes an 85844
individual's license, refuses to renew an individual's license, or 85845
refuses to reinstate an individual's license, the board may 85846
specify that its action is permanent. An individual subject to a 85847
permanent action taken by the board is forever thereafter 85848
ineligible to hold the license and the board shall not accept an 85849
application for reinstatement of the license or for issuance of a 85850
new license. 85851

(M) Notwithstanding any other provision of the Revised Code, 85852

all of the following apply: 85853

(1) The surrender of a license issued under this chapter is 85854
not effective unless or until accepted by the board. Reinstatement 85855
of a license surrendered to the board requires an affirmative vote 85856
of not fewer than six members of the board. 85857

(2) An application made under this chapter for a license may 85858
not be withdrawn without approval of the board. 85859

(3) Failure by an individual to renew a license in accordance 85860
with section 4730.14 of the Revised Code shall not remove or limit 85861
the board's jurisdiction to take disciplinary action under this 85862
section against the individual. 85863

(N) The board shall not refuse to issue a license to an 85864
applicant because of a conviction, plea of guilty, judicial 85865
finding of guilt, judicial finding of eligibility for intervention 85866
in lieu of conviction, or the commission of an act that 85867
constitutes a criminal offense, unless the refusal is in 85868
accordance with section 9.79 of the Revised Code. 85869

Sec. 4730.26. (A) The state medical board shall investigate 85870
evidence that appears to show that any person has violated this 85871
chapter or a rule adopted under it. In an investigation involving 85872
the practice or supervision of a physician assistant pursuant to 85873
the policies of a health care facility, the board may require that 85874
the health care facility provide any information the board 85875
considers necessary to identify either or both of the following: 85876

(1) The facility's policies for the practice of physician 85877
assistants within the facility; 85878

(2) The services that the facility has authorized a 85879
particular physician assistant to provide for the facility. 85880

(B) Any person may report to the board in a signed writing 85881
any information the person has that appears to show a violation of 85882

any provision of this chapter or rule adopted under it. In the 85883
absence of bad faith, a person who reports such information or 85884
testifies before the board in an adjudication conducted under 85885
Chapter 119. of the Revised Code shall not be liable for civil 85886
damages as a result of reporting the information or providing 85887
testimony. Each complaint or allegation of a violation received by 85888
the board shall be assigned a case number and be recorded by the 85889
board. 85890

(C) Investigations of alleged violations of this chapter or 85891
rules adopted under it shall be supervised by the supervising 85892
member elected by the board in accordance with section 4731.02 of 85893
the Revised Code and by the secretary as provided in section 85894
4730.33 of the Revised Code. The president may designate another 85895
member of the board to supervise the investigation in place of the 85896
supervising member. A member of the board who supervises the 85897
investigation of a case shall not participate in further 85898
adjudication of the case. 85899

(D) In investigating a possible violation of this chapter or 85900
a rule adopted under it, the board may administer oaths, order the 85901
taking of depositions, issue subpoenas, and compel the attendance 85902
of witnesses and production of books, accounts, papers, records, 85903
documents, and testimony, except that a subpoena for patient 85904
record information shall not be issued without consultation with 85905
the attorney general's office and approval of the secretary ~~and~~ 85906
~~supervising member~~ of the board. Before issuance of a subpoena for 85907
patient record information, the secretary ~~and supervising member~~ 85908
shall determine whether there is probable cause to believe that 85909
the complaint filed alleges a violation of this chapter or a rule 85910
adopted under it and that the records sought are relevant to the 85911
alleged violation and material to the investigation. The subpoena 85912
may apply only to records that cover a reasonable period of time 85913
surrounding the alleged violation. 85914

On failure to comply with any subpoena issued by the board 85915
and after reasonable notice to the person being subpoenaed, the 85916
board may move for an order compelling the production of persons 85917
or records pursuant to the Rules of Civil Procedure. 85918

A subpoena issued by the board may be served by a sheriff, 85919
the sheriff's deputy, or a board employee designated by the board. 85920
Service of a subpoena issued by the board may be made by 85921
delivering a copy of the subpoena to the person named therein, 85922
reading it to the person, or leaving it at the person's usual 85923
place of residence. When the person being served is a physician 85924
assistant, service of the subpoena may be made by certified mail, 85925
restricted delivery, return receipt requested, and the subpoena 85926
shall be deemed served on the date delivery is made or the date 85927
the person refuses to accept delivery. 85928

A sheriff's deputy who serves a subpoena shall receive the 85929
same fees as a sheriff. Each witness who appears before the board 85930
in obedience to a subpoena shall receive the fees and mileage 85931
provided for under section 119.094 of the Revised Code. 85932

(E) All hearings and investigations of the board shall be 85933
considered civil actions for the purposes of section 2305.252 of 85934
the Revised Code. 85935

(F) Information received by the board pursuant to an 85936
investigation is confidential and not subject to discovery in any 85937
civil action. 85938

The board shall conduct all investigations and proceedings in 85939
a manner that protects the confidentiality of patients and persons 85940
who file complaints with the board. The board shall not make 85941
public the names or any other identifying information about 85942
patients or complainants unless proper consent is given or, in the 85943
case of a patient, a waiver of the patient privilege exists under 85944
division (B) of section 2317.02 of the Revised Code, except that 85945

consent or a waiver is not required if the board possesses 85946
reliable and substantial evidence that no bona fide 85947
physician-patient relationship exists. 85948

The board may share any information it receives pursuant to 85949
an investigation, including patient records and patient record 85950
information, with law enforcement agencies, other licensing 85951
boards, and other governmental agencies that are prosecuting, 85952
adjudicating, or investigating alleged violations of statutes or 85953
administrative rules. An agency or board that receives the 85954
information shall comply with the same requirements regarding 85955
confidentiality as those with which the state medical board must 85956
comply, notwithstanding any conflicting provision of the Revised 85957
Code or procedure of the agency or board that applies when it is 85958
dealing with other information in its possession. In a judicial 85959
proceeding, the information may be admitted into evidence only in 85960
accordance with the Rules of Evidence, but the court shall require 85961
that appropriate measures are taken to ensure that confidentiality 85962
is maintained with respect to any part of the information that 85963
contains names or other identifying information about patients or 85964
complainants whose confidentiality was protected by the state 85965
medical board when the information was in the board's possession. 85966
Measures to ensure confidentiality that may be taken by the court 85967
include sealing its records or deleting specific information from 85968
its records. 85969

(G) The state medical board shall develop requirements for 85970
and provide appropriate initial and continuing training for 85971
investigators employed by the board to carry out its duties under 85972
this chapter. The training and continuing education may include 85973
enrollment in courses operated or approved by the Ohio peace 85974
officer training commission that the board considers appropriate 85975
under conditions set forth in section 109.79 of the Revised Code. 85976

(H) On a quarterly basis, the board shall prepare a report 85977

that documents the disposition of all cases during the preceding 85978
three months. The report shall contain the following information 85979
for each case with which the board has completed its activities: 85980

(1) The case number assigned to the complaint or alleged 85981
violation; 85982

(2) The type of license, if any, held by the individual 85983
against whom the complaint is directed; 85984

(3) A description of the allegations contained in the 85985
complaint; 85986

(4) The disposition of the case. 85987

The report shall state how many cases are still pending, and 85988
shall be prepared in a manner that protects the identity of each 85989
person involved in each case. The report shall be submitted to the 85990
physician assistant policy committee of the board and is a public 85991
record for purposes of section 149.43 of the Revised Code. 85992

Sec. 4730.411. (A) Except as provided in division (B) or (C) 85993
of this section, a physician assistant may prescribe to a patient 85994
a schedule II controlled substance only if all of the following 85995
are the case: 85996

(1) The patient is in a terminal condition, as defined in 85997
section 2133.01 of the Revised Code. 85998

(2) The physician assistant's supervising physician initially 85999
prescribed the substance for the patient. 86000

(3) The prescription is for an amount that does not exceed 86001
the amount necessary for the patient's use in a single, 86002
twenty-four-hour period. 86003

(B) The restrictions on prescriptive authority in division 86004
(A) of this section do not apply if a physician assistant issues 86005
the prescription to the patient from any of the following 86006

locations:	86007
(1) A hospital registered under section 3701.07 of the Revised Code;	86008 86009
(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	86010 86011 86012
(3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	86013 86014 86015
(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	86016 86017 86018
(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	86019 86020 86021
(6) A hospice care program, as defined in section 3712.01 of the Revised Code;	86022 86023
(7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	86024 86025
(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	86026 86027
(9) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;	86028 86029
(10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	86030 86031
(11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	86032 86033
(12) A health care office or facility operated by the board of health of a city or general health district or the authority	86034 86035

having the duties of a board of health under section 3709.05 of 86036
the Revised Code; 86037

(13) A site where a medical practice is operated, but only if 86038
the practice is comprised of one or more physicians who also are 86039
owners of the practice; the practice is organized to provide 86040
direct patient care; and the physician assistant has entered into 86041
a supervisory agreement with at least one of the physician owners 86042
who practices primarily at that site; 86043

(14) A site where a behavioral health practice is operated 86044
that does not qualify as a location otherwise described in 86045
division (B) of this section, but only if the practice is 86046
organized to provide outpatient services for the treatment of 86047
mental health conditions, substance use disorders, or both, and 86048
the physician assistant providing services at the site of the 86049
practice has entered into a supervisory agreement with at least 86050
one physician who is employed by that practice. 86051

(C) A physician assistant shall not issue to a patient a 86052
prescription for a schedule II controlled substance from a 86053
convenience care clinic even if the convenience care clinic is 86054
owned or operated by an entity specified in division (B) of this 86055
section. 86056

(D) A pharmacist who acts in good faith reliance on a 86057
prescription issued by a physician assistant under division (B) of 86058
this section is not liable for or subject to any of the following 86059
for relying on the prescription: damages in any civil action, 86060
prosecution in any criminal proceeding, or professional 86061
disciplinary action by the state board of pharmacy under Chapter 86062
4729. of the Revised Code. 86063

Sec. 4730.56. (A) As used in this section: 86064

(1) "Community addiction services provider" has the same 86065

meaning as in section 5119.01 of the Revised Code. 86066

(2) "Medication-assisted treatment" has the same meaning as 86067
in section 340.01 of the Revised Code. 86068

(B) A physician assistant shall comply with section 3719.064 86069
of the Revised Code and rules adopted under section 4730.55 of the 86070
Revised Code when treating a patient with medication-assisted 86071
treatment or proposing to initiate such treatment. 86072

~~(C) A physician assistant who fails to comply with this 86073
section shall treat not more than thirty patients at any one time 86074
with medication-assisted treatment even if the facility or 86075
location at which the treatment is provided is either of the 86076
following: 86077~~

~~(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 86078
4729.553 of the Revised Code from being required to possess a 86079
category III terminal distributor of dangerous drugs license with 86080
an office based opioid treatment classification; 86081~~

~~(2) A community addiction services provider that provides 86082
alcohol and drug addiction services that are certified by the 86083
department of mental health and addiction services under section 86084
5119.36 of the Revised Code. 86085~~

Sec. 4731.071. The state medical board shall develop and 86086
publish on its internet web site a directory containing the names 86087
of, and ~~contact information~~ business address for, all persons who 86088
hold current, valid certificates or licenses issued by the board 86089
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 86090
4774., or 4778. of the Revised Code. Except as provided in section 86091
4731.10 of the Revised Code, the directory shall be the sole 86092
source for verifying that a person holds a current, valid 86093
certificate or license issued by the board. 86094

Sec. 4731.08. In addition to any other eligibility 86095

requirement set forth in this chapter, each applicant for a 86096
license to practice medicine and surgery or osteopathic medicine 86097
and surgery, and each applicant as set forth in section 5(b)(2) of 86098
the "Interstate Medical Licensure Compact" entered into under 86099
section 4731.11 of the Revised Code, shall comply with sections 86100
4776.01 to 4776.04 of the Revised Code. 86101

Sec. 4731.22. (A) The state medical board, by an affirmative 86102
vote of not fewer than six of its members, may limit, revoke, or 86103
suspend a license or certificate to practice or certificate to 86104
recommend, refuse to grant a license or certificate, refuse to 86105
renew a license or certificate, refuse to reinstate a license or 86106
certificate, or reprimand or place on probation the holder of a 86107
license or certificate if the individual applying for or holding 86108
the license or certificate is found by the board to have committed 86109
fraud during the administration of the examination for a license 86110
or certificate to practice or to have committed fraud, 86111
misrepresentation, or deception in applying for, renewing, or 86112
securing any license or certificate to practice or certificate to 86113
recommend issued by the board. 86114

(B) Except as provided in division (P) of this section, the 86115
board, by an affirmative vote of not fewer than six members, 86116
shall, to the extent permitted by law, limit, revoke, or suspend a 86117
license or certificate to practice or certificate to recommend, 86118
refuse to issue a license or certificate, refuse to renew a 86119
license or certificate, refuse to reinstate a license or 86120
certificate, or reprimand or place on probation the holder of a 86121
license or certificate for one or more of the following reasons: 86122

(1) Permitting one's name or one's license or certificate to 86123
practice to be used by a person, group, or corporation when the 86124
individual concerned is not actually directing the treatment 86125
given; 86126

(2) Failure to maintain minimal standards applicable to the 86127
selection or administration of drugs, or failure to employ 86128
acceptable scientific methods in the selection of drugs or other 86129
modalities for treatment of disease; 86130

(3) Except as provided in section 4731.97 of the Revised 86131
Code, selling, giving away, personally furnishing, prescribing, or 86132
administering drugs for other than legal and legitimate 86133
therapeutic purposes or a plea of guilty to, a judicial finding of 86134
guilt of, or a judicial finding of eligibility for intervention in 86135
lieu of conviction of, a violation of any federal or state law 86136
regulating the possession, distribution, or use of any drug; 86137

(4) Willfully betraying a professional confidence. 86138

For purposes of this division, "willfully betraying a 86139
professional confidence" does not include providing any 86140
information, documents, or reports under sections 307.621 to 86141
307.629 of the Revised Code to a child fatality review board; does 86142
not include providing any information, documents, or reports under 86143
sections 307.631 to 307.6410 of the Revised Code to a drug 86144
overdose fatality review committee, a suicide fatality review 86145
committee, or hybrid drug overdose fatality and suicide fatality 86146
review committee; does not include providing any information, 86147
documents, or reports under sections 307.651 to 307.659 of the 86148
Revised Code to a domestic violence fatality review board; does 86149
not include providing any information, documents, or reports to 86150
the director of health pursuant to guidelines established under 86151
section 3701.70 of the Revised Code; does not include written 86152
notice to a mental health professional under section 4731.62 of 86153
the Revised Code; and does not include the making of a report of 86154
an employee's use of a drug of abuse, or a report of a condition 86155
of an employee other than one involving the use of a drug of 86156
abuse, to the employer of the employee as described in division 86157
(B) of section 2305.33 of the Revised Code. Nothing in this 86158

division affects the immunity from civil liability conferred by 86159
section 2305.33 or 4731.62 of the Revised Code upon a physician 86160
who makes a report in accordance with section 2305.33 or notifies 86161
a mental health professional in accordance with section 4731.62 of 86162
the Revised Code. As used in this division, "employee," 86163
"employer," and "physician" have the same meanings as in section 86164
2305.33 of the Revised Code. 86165

(5) Making a false, fraudulent, deceptive, or misleading 86166
statement in the solicitation of or advertising for patients; in 86167
relation to the practice of medicine and surgery, osteopathic 86168
medicine and surgery, podiatric medicine and surgery, or a limited 86169
branch of medicine; or in securing or attempting to secure any 86170
license or certificate to practice issued by the board. 86171

As used in this division, "false, fraudulent, deceptive, or 86172
misleading statement" means a statement that includes a 86173
misrepresentation of fact, is likely to mislead or deceive because 86174
of a failure to disclose material facts, is intended or is likely 86175
to create false or unjustified expectations of favorable results, 86176
or includes representations or implications that in reasonable 86177
probability will cause an ordinarily prudent person to 86178
misunderstand or be deceived. 86179

(6) A departure from, or the failure to conform to, minimal 86180
standards of care of similar practitioners under the same or 86181
similar circumstances, whether or not actual injury to a patient 86182
is established; 86183

(7) Representing, with the purpose of obtaining compensation 86184
or other advantage as personal gain or for any other person, that 86185
an incurable disease or injury, or other incurable condition, can 86186
be permanently cured; 86187

(8) The obtaining of, or attempting to obtain, money or 86188
anything of value by fraudulent misrepresentations in the course 86189

of practice;	86190
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	86191 86192 86193
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	86194 86195 86196
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	86197 86198 86199
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	86200 86201 86202
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	86203 86204 86205
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	86206 86207 86208
(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice;	86209 86210
(16) Failure to pay license renewal fees specified in this chapter;	86211 86212
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	86213 86214 86215 86216
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the	86217 86218 86219

American podiatric medical association, or any other national 86220
professional organizations that the board specifies by rule. The 86221
state medical board shall obtain and keep on file current copies 86222
of the codes of ethics of the various national professional 86223
organizations. The individual whose license or certificate is 86224
being suspended or revoked shall not be found to have violated any 86225
provision of a code of ethics of an organization not appropriate 86226
to the individual's profession. 86227

For purposes of this division, a "provision of a code of 86228
ethics of a national professional organization" does not include 86229
any provision that would preclude the making of a report by a 86230
physician of an employee's use of a drug of abuse, or of a 86231
condition of an employee other than one involving the use of a 86232
drug of abuse, to the employer of the employee as described in 86233
division (B) of section 2305.33 of the Revised Code. Nothing in 86234
this division affects the immunity from civil liability conferred 86235
by that section upon a physician who makes either type of report 86236
in accordance with division (B) of that section. As used in this 86237
division, "employee," "employer," and "physician" have the same 86238
meanings as in section 2305.33 of the Revised Code. 86239

(19) Inability to practice according to acceptable and 86240
prevailing standards of care by reason of mental illness or 86241
physical illness, including, but not limited to, physical 86242
deterioration that adversely affects cognitive, motor, or 86243
perceptive skills. 86244

In enforcing this division, the board, upon a showing of a 86245
possible violation, may compel any individual authorized to 86246
practice by this chapter or who has submitted an application 86247
pursuant to this chapter to submit to a mental examination, 86248
physical examination, including an HIV test, or both a mental and 86249
a physical examination. The expense of the examination is the 86250
responsibility of the individual compelled to be examined. Failure 86251

to submit to a mental or physical examination or consent to an HIV 86252
test ordered by the board constitutes an admission of the 86253
allegations against the individual unless the failure is due to 86254
circumstances beyond the individual's control, and a default and 86255
final order may be entered without the taking of testimony or 86256
presentation of evidence. If the board finds an individual unable 86257
to practice because of the reasons set forth in this division, the 86258
board shall require the individual to submit to care, counseling, 86259
or treatment by physicians approved or designated by the board, as 86260
a condition for initial, continued, reinstated, or renewed 86261
authority to practice. An individual affected under this division 86262
shall be afforded an opportunity to demonstrate to the board the 86263
ability to resume practice in compliance with acceptable and 86264
prevailing standards under the provisions of the individual's 86265
license or certificate. For the purpose of this division, any 86266
individual who applies for or receives a license or certificate to 86267
practice under this chapter accepts the privilege of practicing in 86268
this state and, by so doing, shall be deemed to have given consent 86269
to submit to a mental or physical examination when directed to do 86270
so in writing by the board, and to have waived all objections to 86271
the admissibility of testimony or examination reports that 86272
constitute a privileged communication. 86273

(20) Except as provided in division (F)(1)(b) of section 86274
4731.282 of the Revised Code or when civil penalties are imposed 86275
under section 4731.225 of the Revised Code, and subject to section 86276
4731.226 of the Revised Code, violating or attempting to violate, 86277
directly or indirectly, or assisting in or abetting the violation 86278
of, or conspiring to violate, any provisions of this chapter or 86279
any rule promulgated by the board. 86280

This division does not apply to a violation or attempted 86281
violation of, assisting in or abetting the violation of, or a 86282
conspiracy to violate, any provision of this chapter or any rule 86283

adopted by the board that would preclude the making of a report by 86284
a physician of an employee's use of a drug of abuse, or of a 86285
condition of an employee other than one involving the use of a 86286
drug of abuse, to the employer of the employee as described in 86287
division (B) of section 2305.33 of the Revised Code. Nothing in 86288
this division affects the immunity from civil liability conferred 86289
by that section upon a physician who makes either type of report 86290
in accordance with division (B) of that section. As used in this 86291
division, "employee," "employer," and "physician" have the same 86292
meanings as in section 2305.33 of the Revised Code. 86293

(21) The violation of section 3701.79 of the Revised Code or 86294
of any abortion rule adopted by the director of health pursuant to 86295
section 3701.341 of the Revised Code; 86296

(22) Any of the following actions taken by an agency 86297
responsible for authorizing, certifying, or regulating an 86298
individual to practice a health care occupation or provide health 86299
care services in this state or another jurisdiction, for any 86300
reason other than the nonpayment of fees: the limitation, 86301
revocation, or suspension of an individual's license to practice; 86302
acceptance of an individual's license surrender; denial of a 86303
license; refusal to renew or reinstate a license; imposition of 86304
probation; or issuance of an order of censure or other reprimand; 86305

(23) The violation of section 2919.12 of the Revised Code or 86306
the performance or inducement of an abortion upon a pregnant woman 86307
with actual knowledge that the conditions specified in division 86308
(B) of section 2317.56 of the Revised Code have not been satisfied 86309
or with a heedless indifference as to whether those conditions 86310
have been satisfied, unless an affirmative defense as specified in 86311
division (H)(2) of that section would apply in a civil action 86312
authorized by division (H)(1) of that section; 86313

(24) The revocation, suspension, restriction, reduction, or 86314
termination of clinical privileges by the United States department 86315

of defense or department of veterans affairs or the termination or 86316
suspension of a certificate of registration to prescribe drugs by 86317
the drug enforcement administration of the United States 86318
department of justice; 86319

(25) Termination or suspension from participation in the 86320
medicare or medicaid programs by the department of health and 86321
human services or other responsible agency; 86322

(26) Impairment of ability to practice according to 86323
acceptable and prevailing standards of care because of habitual or 86324
excessive use or abuse of drugs, alcohol, or other substances that 86325
impair ability to practice. 86326

For the purposes of this division, any individual authorized 86327
to practice by this chapter accepts the privilege of practicing in 86328
this state subject to supervision by the board. By filing an 86329
application for or holding a license or certificate to practice 86330
under this chapter, an individual shall be deemed to have given 86331
consent to submit to a mental or physical examination when ordered 86332
to do so by the board in writing, and to have waived all 86333
objections to the admissibility of testimony or examination 86334
reports that constitute privileged communications. 86335

If it has reason to believe that any individual authorized to 86336
practice by this chapter or any applicant for licensure or 86337
certification to practice suffers such impairment, the board may 86338
compel the individual to submit to a mental or physical 86339
examination, or both. The expense of the examination is the 86340
responsibility of the individual compelled to be examined. Any 86341
mental or physical examination required under this division shall 86342
be undertaken by a treatment provider or physician who is 86343
qualified to conduct the examination and who is chosen by the 86344
board. 86345

Failure to submit to a mental or physical examination ordered 86346

by the board constitutes an admission of the allegations against 86347
the individual unless the failure is due to circumstances beyond 86348
the individual's control, and a default and final order may be 86349
entered without the taking of testimony or presentation of 86350
evidence. If the board determines that the individual's ability to 86351
practice is impaired, the board shall suspend the individual's 86352
license or certificate or deny the individual's application and 86353
shall require the individual, as a condition for initial, 86354
continued, reinstated, or renewed licensure or certification to 86355
practice, to submit to treatment. 86356

Before being eligible to apply for reinstatement of a license 86357
or certificate suspended under this division, the impaired 86358
practitioner shall demonstrate to the board the ability to resume 86359
practice in compliance with acceptable and prevailing standards of 86360
care under the provisions of the practitioner's license or 86361
certificate. The demonstration shall include, but shall not be 86362
limited to, the following: 86363

(a) Certification from a treatment provider approved under 86364
section 4731.25 of the Revised Code that the individual has 86365
successfully completed any required inpatient treatment; 86366

(b) Evidence of continuing full compliance with an aftercare 86367
contract or consent agreement; 86368

(c) Two written reports indicating that the individual's 86369
ability to practice has been assessed and that the individual has 86370
been found capable of practicing according to acceptable and 86371
prevailing standards of care. The reports shall be made by 86372
individuals or providers approved by the board for making the 86373
assessments and shall describe the basis for their determination. 86374

The board may reinstate a license or certificate suspended 86375
under this division after that demonstration and after the 86376
individual has entered into a written consent agreement. 86377

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that individual;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the individual's services, otherwise would be required to pay.

(29) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;

(30) Failure to provide notice to, and receive acknowledgment of the notice from, a patient when required by section 4731.143 of the Revised Code prior to providing nonemergency professional services, or failure to maintain that notice in the patient's medical record;

(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter; 86409
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(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; 86413
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(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; 86420
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(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 86423
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~~(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;~~ 86433
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~~(36)~~ Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; 86436
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~~(37)~~(36) Assisting suicide, as defined in section 3795.01 of 86439

the Revised Code;	86440
(38) <u>(37)</u> Failure to comply with the requirements of section 2317.561 of the Revised Code;	86441 86442
(39) <u>(38)</u> Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	86443 86444 86445
(40) <u>(39)</u> Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	86446 86447 86448
(41) <u>(40)</u> Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	86449 86450 86451 86452
(42) <u>(41)</u> Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	86453 86454 86455 86456
(43) <u>(42)</u> Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	86457 86458 86459 86460
(44) <u>(43)</u> Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	86461 86462 86463 86464 86465
(45) <u>(44)</u> Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the	86466 86467 86468 86469

license with the classification; 86470

~~(46)~~(45) Owning a facility that is subject to licensure as a 86471
category III terminal distributor of dangerous drugs with a pain 86472
management clinic classification unless the facility is licensed 86473
with the classification; 86474

~~(47)~~(46) Failure to comply with any of the requirements 86475
regarding making or maintaining medical records or documents 86476
described in division (A) of section 2919.192, division (C) of 86477
section 2919.193, division (B) of section 2919.195, or division 86478
(A) of section 2919.196 of the Revised Code; 86479

~~(48)~~(47) Failure to comply with the requirements in section 86480
3719.061 of the Revised Code before issuing for a minor a 86481
prescription for an opioid analgesic, as defined in section 86482
3719.01 of the Revised Code; 86483

~~(49)~~(48) Failure to comply with the requirements of section 86484
4731.30 of the Revised Code or rules adopted under section 86485
4731.301 of the Revised Code when recommending treatment with 86486
medical marijuana; 86487

~~(50) Practicing at a facility, clinic, or other location that 86488
is subject to licensure as a category III terminal distributor of 86489
dangerous drugs with an office based opioid treatment 86490
classification unless the person operating that place has obtained 86491
and maintains the license with the classification; 86492~~

~~(51) Owning a facility, clinic, or other location that is 86493
subject to licensure as a category III terminal distributor of 86494
dangerous drugs with an office based opioid treatment 86495
classification unless that place is licensed with the 86496
classification; 86497~~

~~(52)~~(49) A pattern of continuous or repeated violations of 86498
division (E)(2) or (3) of section 3963.02 of the Revised Code; 86499

~~(53)~~(50) Failure to fulfill the responsibilities of a 86500
collaboration agreement entered into with an athletic trainer as 86501
described in section 4755.621 of the Revised Code; 86502

~~(54)~~(51) Failure to take the steps specified in section 86503
4731.911 of the Revised Code following an abortion or attempted 86504
abortion in an ambulatory surgical facility or other location that 86505
is not a hospital when a child is born alive. 86506

(C) Disciplinary actions taken by the board under divisions 86507
(A) and (B) of this section shall be taken pursuant to an 86508
adjudication under Chapter 119. of the Revised Code, except that 86509
in lieu of an adjudication, the board may enter into a consent 86510
agreement with an individual to resolve an allegation of a 86511
violation of this chapter or any rule adopted under it. A consent 86512
agreement, when ratified by an affirmative vote of not fewer than 86513
six members of the board, shall constitute the findings and order 86514
of the board with respect to the matter addressed in the 86515
agreement. If the board refuses to ratify a consent agreement, the 86516
admissions and findings contained in the consent agreement shall 86517
be of no force or effect. 86518

A telephone conference call may be utilized for ratification 86519
of a consent agreement that revokes or suspends an individual's 86520
license or certificate to practice or certificate to recommend. 86521
The telephone conference call shall be considered a special 86522
meeting under division (F) of section 121.22 of the Revised Code. 86523

If the board takes disciplinary action against an individual 86524
under division (B) of this section for a second or subsequent plea 86525
of guilty to, or judicial finding of guilt of, a violation of 86526
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 86527
action shall consist of a suspension of the individual's license 86528
or certificate to practice for a period of at least one year or, 86529
if determined appropriate by the board, a more serious sanction 86530
involving the individual's license or certificate to practice. Any 86531

consent agreement entered into under this division with an 86532
individual that pertains to a second or subsequent plea of guilty 86533
to, or judicial finding of guilt of, a violation of that section 86534
shall provide for a suspension of the individual's license or 86535
certificate to practice for a period of at least one year or, if 86536
determined appropriate by the board, a more serious sanction 86537
involving the individual's license or certificate to practice. 86538

(D) For purposes of divisions (B)(10), (12), and (14) of this 86539
section, the commission of the act may be established by a finding 86540
by the board, pursuant to an adjudication under Chapter 119. of 86541
the Revised Code, that the individual committed the act. The board 86542
does not have jurisdiction under those divisions if the trial 86543
court renders a final judgment in the individual's favor and that 86544
judgment is based upon an adjudication on the merits. The board 86545
has jurisdiction under those divisions if the trial court issues 86546
an order of dismissal upon technical or procedural grounds. 86547

(E) The sealing or expungement of conviction records by any 86548
court shall have no effect upon a prior board order entered under 86549
this section or upon the board's jurisdiction to take action under 86550
this section if, based upon a plea of guilty, a judicial finding 86551
of guilt, or a judicial finding of eligibility for intervention in 86552
lieu of conviction, the board issued a notice of opportunity for a 86553
hearing prior to the court's order to seal or expunge the records. 86554
The board shall not be required to seal, expunge, destroy, redact, 86555
or otherwise modify its records to reflect the court's sealing of 86556
conviction records. 86557

(F)(1) The board shall investigate evidence that appears to 86558
show that a person has violated any provision of this chapter or 86559
any rule adopted under it. Any person may report to the board in a 86560
signed writing any information that the person may have that 86561
appears to show a violation of any provision of this chapter or 86562
any rule adopted under it. In the absence of bad faith, any person 86563

who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary ~~and supervising member~~ of the board.

(a) Before issuance of a subpoena for patient record information, the secretary ~~and supervising member~~ shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may

apply only to records that cover a reasonable period of time 86596
surrounding the alleged violation. 86597

(b) On failure to comply with any subpoena issued by the 86598
board and after reasonable notice to the person being subpoenaed, 86599
the board may move for an order compelling the production of 86600
persons or records pursuant to the Rules of Civil Procedure. 86601

(c) A subpoena issued by the board may be served by a 86602
sheriff, the sheriff's deputy, or a board employee or agent 86603
designated by the board. Service of a subpoena issued by the board 86604
may be made by delivering a copy of the subpoena to the person 86605
named therein, reading it to the person, or leaving it at the 86606
person's usual place of residence, usual place of business, or 86607
address on file with the board. When serving a subpoena to an 86608
applicant for or the holder of a license or certificate issued 86609
under this chapter, service of the subpoena may be made by 86610
certified mail, return receipt requested, and the subpoena shall 86611
be deemed served on the date delivery is made or the date the 86612
person refuses to accept delivery. If the person being served 86613
refuses to accept the subpoena or is not located, service may be 86614
made to an attorney who notifies the board that the attorney is 86615
representing the person. 86616

(d) A sheriff's deputy who serves a subpoena shall receive 86617
the same fees as a sheriff. Each witness who appears before the 86618
board in obedience to a subpoena shall receive the fees and 86619
mileage provided for under section 119.094 of the Revised Code. 86620

(4) All hearings, investigations, and inspections of the 86621
board shall be considered civil actions for the purposes of 86622
section 2305.252 of the Revised Code. 86623

(5) A report required to be submitted to the board under this 86624
chapter, a complaint, or information received by the board 86625
pursuant to an investigation or pursuant to an inspection under 86626

division (E) of section 4731.054 of the Revised Code is 86627
confidential and not subject to discovery in any civil action. 86628

The board shall conduct all investigations or inspections and 86629
proceedings in a manner that protects the confidentiality of 86630
patients and persons who file complaints with the board. The board 86631
shall not make public the names or any other identifying 86632
information about patients or complainants unless proper consent 86633
is given or, in the case of a patient, a waiver of the patient 86634
privilege exists under division (B) of section 2317.02 of the 86635
Revised Code, except that consent or a waiver of that nature is 86636
not required if the board possesses reliable and substantial 86637
evidence that no bona fide physician-patient relationship exists. 86638

The board may share any information it receives pursuant to 86639
an investigation or inspection, including patient records and 86640
patient record information, with law enforcement agencies, other 86641
licensing boards, and other governmental agencies that are 86642
prosecuting, adjudicating, or investigating alleged violations of 86643
statutes or administrative rules. An agency or board that receives 86644
the information shall comply with the same requirements regarding 86645
confidentiality as those with which the state medical board must 86646
comply, notwithstanding any conflicting provision of the Revised 86647
Code or procedure of the agency or board that applies when it is 86648
dealing with other information in its possession. In a judicial 86649
proceeding, the information may be admitted into evidence only in 86650
accordance with the Rules of Evidence, but the court shall require 86651
that appropriate measures are taken to ensure that confidentiality 86652
is maintained with respect to any part of the information that 86653
contains names or other identifying information about patients or 86654
complainants whose confidentiality was protected by the state 86655
medical board when the information was in the board's possession. 86656
Measures to ensure confidentiality that may be taken by the court 86657
include sealing its records or deleting specific information from 86658

its records. 86659

(6) On a quarterly basis, the board shall prepare a report 86660
that documents the disposition of all cases during the preceding 86661
three months. The report shall contain the following information 86662
for each case with which the board has completed its activities: 86663

(a) The case number assigned to the complaint or alleged 86664
violation; 86665

(b) The type of license or certificate to practice, if any, 86666
held by the individual against whom the complaint is directed; 86667

(c) A description of the allegations contained in the 86668
complaint; 86669

(d) The disposition of the case. 86670

The report shall state how many cases are still pending and 86671
shall be prepared in a manner that protects the identity of each 86672
person involved in each case. The report shall be a public record 86673
under section 149.43 of the Revised Code. 86674

(G) If the secretary and supervising member determine both of 86675
the following, they may recommend that the board suspend an 86676
individual's license or certificate to practice or certificate to 86677
recommend without a prior hearing: 86678

(1) That there is clear and convincing evidence that an 86679
individual has violated division (B) of this section; 86680

(2) That the individual's continued practice presents a 86681
danger of immediate and serious harm to the public. 86682

Written allegations shall be prepared for consideration by 86683
the board. The board, upon review of those allegations and by an 86684
affirmative vote of not fewer than six of its members, excluding 86685
the secretary and supervising member, may suspend a license or 86686
certificate without a prior hearing. A telephone conference call 86687
may be utilized for reviewing the allegations and taking the vote 86688

on the summary suspension. 86689

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 86690
~~certified mail or in person~~ in accordance with ~~section~~ sections 86691
119.05 and 119.07 of the Revised Code. The order shall not be 86692
subject to suspension by the court during pendency of any appeal 86693
filed under section 119.12 of the Revised Code. If the individual 86694
subject to the summary suspension requests an adjudicatory hearing 86695
by the board, the date set for the hearing shall be within fifteen 86696
days, but not earlier than seven days, after the individual 86697
requests the hearing, unless otherwise agreed to by both the board 86698
and the individual. 86699

Any summary suspension imposed under this division shall 86700
remain in effect, unless reversed on appeal, until a final 86701
adjudicative order issued by the board pursuant to this section 86702
and Chapter 119. of the Revised Code becomes effective. The board 86703
shall issue its final adjudicative order within seventy-five days 86704
after completion of its hearing. A failure to issue the order 86705
within seventy-five days shall result in dissolution of the 86706
summary suspension order but shall not invalidate any subsequent, 86707
final adjudicative order. 86708

(H) If the board takes action under division (B)(9), (11), or 86709
(13) of this section and the judicial finding of guilt, guilty 86710
plea, or judicial finding of eligibility for intervention in lieu 86711
of conviction is overturned on appeal, upon exhaustion of the 86712
criminal appeal, a petition for reconsideration of the order may 86713
be filed with the board along with appropriate court documents. 86714
Upon receipt of a petition of that nature and supporting court 86715
documents, the board shall reinstate the individual's license or 86716
certificate to practice. The board may then hold an adjudication 86717
under Chapter 119. of the Revised Code to determine whether the 86718
individual committed the act in question. Notice of an opportunity 86719
for a hearing shall be given in accordance with Chapter 119. of 86720

the Revised Code. If the board finds, pursuant to an adjudication 86721
held under this division, that the individual committed the act or 86722
if no hearing is requested, the board may order any of the 86723
sanctions identified under division (B) of this section. 86724

(I) The license or certificate to practice issued to an 86725
individual under this chapter and the individual's practice in 86726
this state are automatically suspended as of the date of the 86727
individual's second or subsequent plea of guilty to, or judicial 86728
finding of guilt of, a violation of section 2919.123 or 2919.124 86729
of the Revised Code. In addition, the license or certificate to 86730
practice or certificate to recommend issued to an individual under 86731
this chapter and the individual's practice in this state are 86732
automatically suspended as of the date the individual pleads 86733
guilty to, is found by a judge or jury to be guilty of, or is 86734
subject to a judicial finding of eligibility for intervention in 86735
lieu of conviction in this state or treatment or intervention in 86736
lieu of conviction in another jurisdiction for any of the 86737
following criminal offenses in this state or a substantially 86738
equivalent criminal offense in another jurisdiction: aggravated 86739
murder, murder, voluntary manslaughter, felonious assault, 86740
kidnapping, rape, sexual battery, gross sexual imposition, 86741
aggravated arson, aggravated robbery, or aggravated burglary. 86742
Continued practice after suspension shall be considered practicing 86743
without a license or certificate. 86744

The board shall notify the individual subject to the 86745
suspension ~~by certified mail or in person~~ in accordance with 86746
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 86747
individual whose license or certificate is automatically suspended 86748
under this division fails to make a timely request for an 86749
adjudication under Chapter 119. of the Revised Code, the board 86750
shall do whichever of the following is applicable: 86751

(1) If the automatic suspension under this division is for a 86752

second or subsequent plea of guilty to, or judicial finding of 86753
guilt of, a violation of section 2919.123 or 2919.124 of the 86754
Revised Code, the board shall enter an order suspending the 86755
individual's license or certificate to practice for a period of at 86756
least one year or, if determined appropriate by the board, 86757
imposing a more serious sanction involving the individual's 86758
license or certificate to practice. 86759

(2) In all circumstances in which division (I)(1) of this 86760
section does not apply, enter a final order permanently revoking 86761
the individual's license or certificate to practice. 86762

(J) If the board is required by Chapter 119. of the Revised 86763
Code to give notice of an opportunity for a hearing and if the 86764
individual subject to the notice does not timely request a hearing 86765
in accordance with section 119.07 of the Revised Code, the board 86766
is not required to hold a hearing, but may adopt, by an 86767
affirmative vote of not fewer than six of its members, a final 86768
order that contains the board's findings. In that final order, the 86769
board may order any of the sanctions identified under division (A) 86770
or (B) of this section. 86771

(K) Any action taken by the board under division (B) of this 86772
section resulting in a suspension from practice shall be 86773
accompanied by a written statement of the conditions under which 86774
the individual's license or certificate to practice may be 86775
reinstated. The board shall adopt rules governing conditions to be 86776
imposed for reinstatement. Reinstatement of a license or 86777
certificate suspended pursuant to division (B) of this section 86778
requires an affirmative vote of not fewer than six members of the 86779
board. 86780

(L) When the board refuses to grant or issue a license or 86781
certificate to practice to an applicant, revokes an individual's 86782
license or certificate to practice, refuses to renew an 86783
individual's license or certificate to practice, or refuses to 86784

reinstate an individual's license or certificate to practice, the 86785
board may specify that its action is permanent. An individual 86786
subject to a permanent action taken by the board is forever 86787
thereafter ineligible to hold a license or certificate to practice 86788
and the board shall not accept an application for reinstatement of 86789
the license or certificate or for issuance of a new license or 86790
certificate. 86791

(M) Notwithstanding any other provision of the Revised Code, 86792
all of the following apply: 86793

(1) The surrender of a license or certificate issued under 86794
this chapter shall not be effective unless or until accepted by 86795
the board. A telephone conference call may be utilized for 86796
acceptance of the surrender of an individual's license or 86797
certificate to practice. The telephone conference call shall be 86798
considered a special meeting under division (F) of section 121.22 86799
of the Revised Code. Reinstatement of a license or certificate 86800
surrendered to the board requires an affirmative vote of not fewer 86801
than six members of the board. 86802

(2) An application for a license or certificate made under 86803
the provisions of this chapter may not be withdrawn without 86804
approval of the board. 86805

(3) Failure by an individual to renew a license or 86806
certificate to practice in accordance with this chapter or a 86807
certificate to recommend in accordance with rules adopted under 86808
section 4731.301 of the Revised Code shall not remove or limit the 86809
board's jurisdiction to take any disciplinary action under this 86810
section against the individual. 86811

(4) At the request of the board, a license or certificate 86812
holder shall immediately surrender to the board a license or 86813
certificate that the board has suspended, revoked, or permanently 86814
revoked. 86815

(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows:

(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an

individual educational program and require further monitoring of 86847
the individual who completed the program or other action that the 86848
board determines to be appropriate; 86849

(5) Adopt rules in accordance with Chapter 119. of the 86850
Revised Code to further implement the quality intervention 86851
program. 86852

An individual who participates in an individual educational 86853
program pursuant to this division shall pay the financial 86854
obligations arising from that educational program. 86855

(P) The board shall not refuse to issue a license to an 86856
applicant because of a conviction, plea of guilty, judicial 86857
finding of guilt, judicial finding of eligibility for intervention 86858
in lieu of conviction, or the commission of an act that 86859
constitutes a criminal offense, unless the refusal is in 86860
accordance with section 9.79 of the Revised Code. 86861

Sec. 4731.37. (A) As used in this section: 86862

(1) "Physician" means an individual authorized under this 86863
chapter to practice medicine and surgery or osteopathic medicine 86864
and surgery. 86865

(2) "Sonographer" means an individual who uses ultrasonic 86866
imaging devices to produce diagnostic images, scans, or videos or 86867
three-dimensional volumes of anatomical and diagnostic data. 86868

(B) A physician may delegate to a sonographer the authority 86869
to administer intravenously an ultrasound enhancing agent if all 86870
of the following conditions are met: 86871

(1) The physician's normal course of practice and expertise 86872
includes the intravenous administration of ultrasound enhancing 86873
agents. 86874

(2) The facility where the physician practices has developed, 86875
in accordance with clinical standards and industry guidelines, 86876

<u>standards for administering ultrasound enhancing agents</u>	86877
<u>intravenously and has included the facility's standards in a</u>	86878
<u>written practice protocol.</u>	86879
<u>(3) The sonographer, as determined by the facility where the</u>	86880
<u>physician practices, satisfies all of the following:</u>	86881
<u>(a) Has successfully completed an education and training</u>	86882
<u>program in sonography;</u>	86883
<u>(b) Is certified or registered as a sonographer by another</u>	86884
<u>jurisdiction or a nationally recognized accrediting organization;</u>	86885
<u>(c) Has successfully completed training in the intravenous</u>	86886
<u>administration of ultrasound enhancing agents that was provided in</u>	86887
<u>any of the following ways:</u>	86888
<u>(i) As part of an education and training program in</u>	86889
<u>sonography;</u>	86890
<u>(ii) As part of training provided to the sonographer by the</u>	86891
<u>physician who delegates to the sonographer the authority to</u>	86892
<u>administer intravenously an ultrasound enhancing agent;</u>	86893
<u>(iii) As part of a training program developed and offered by</u>	86894
<u>the facility in which the physician practices.</u>	86895
<u>(C) A sonographer may administer intravenously an ultrasound</u>	86896
<u>enhancing agent if all of the following conditions are met:</u>	86897
<u>(1) In accordance with division (B) of this section, a</u>	86898
<u>physician delegates to the sonographer the authority to administer</u>	86899
<u>the agent.</u>	86900
<u>(2) The sonographer administers the agent in accordance with</u>	86901
<u>the written practice protocol described in division (B) of this</u>	86902
<u>section.</u>	86903
<u>(3) The delegating physician is physically present at the</u>	86904
<u>facility where the sonographer administers the agent.</u>	86905

Division (C)(3) of this section does not require the 86906
delegating physician to be in the same room as the sonographer 86907
when the sonographer administers the agent. 86908

(D) This section does not prohibit any of the following from 86909
administering intravenously an ultrasound enhancing agent: 86910

(1) An individual who is otherwise authorized by the Revised 86911
Code to administer intravenously an ultrasound enhancing agent, 86912
including a physician assistant licensed under Chapter 4730. of 86913
the Revised Code or a registered nurse or licensed practical nurse 86914
licensed under Chapter 4723. of the Revised Code; 86915

(2) An individual who meets all of the following conditions: 86916

(a) Has successfully completed an education and training 86917
program in sonography; 86918

(b) Has applied for certification or registration as a 86919
sonographer with another jurisdiction or a nationally recognized 86920
accrediting organization; 86921

(c) Is awaiting that certification's or registration's 86922
issuance; 86923

(d) Administers intravenously an ultrasound enhancing agent 86924
under the general supervision of a physician and the direct 86925
supervision of either a sonographer described in divisions (B) and 86926
(C) of this section or an individual otherwise authorized to 86927
administer intravenously ultrasound enhancing agents. 86928

(3) An individual who is enrolled in an education and 86929
training program in sonography and, as part of the program, 86930
administers intravenously ultrasound enhancing agents. 86931

(E) For purposes of this section, the authority to administer 86932
an ultrasound enhancing agent intravenously also includes the 86933
authority to insert, maintain, and remove any mechanism necessary 86934
for the agent's administration. 86935

Sec. 4731.481. No physician shall do either of the following: 86936
86937

(A) Furnish a person with a prescription in order to enable 86938
the person to be issued a standard removable windshield placard, 86939
temporary removable windshield placard, permanent removable 86940
windshield placard, or license plates under section 4503.44 of the 86941
Revised Code, knowing that the person does not meet any of the 86942
criteria contained in division (A)(1) of that section; 86943

(B) Furnish a person with a prescription described in 86944
division (A) of this section and knowingly misstate on the 86945
prescription the length of time the physician expects the person 86946
to have the disability that limits or impairs the person's ability 86947
to walk in order to enable the person to retain a placard issued 86948
under section 4503.44 of the Revised Code for a period of time 86949
longer than that which would be estimated by a similar 86950
practitioner under the same or similar circumstances. 86951

Sec. 4731.83. (A) As used in this section: 86952

(1) "Medication-assisted treatment" has the same meaning as 86953
in section 340.01 of the Revised Code. 86954

(2) "Physician" means an individual authorized by this 86955
chapter to practice medicine and surgery or osteopathic medicine 86956
and surgery. 86957

(B) A physician shall comply with section 3719.064 of the 86958
Revised Code and rules adopted under section 4731.056 of the 86959
Revised Code when treating a patient with medication-assisted 86960
treatment or proposing to initiate such treatment. 86961

~~(C) A physician who fails to comply with this section shall 86962
treat not more than thirty patients at any one time with 86963
medication assisted treatment even if the facility or location at 86964
which the treatment is provided is either of the following: 86965~~

~~(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office based opioid treatment classification;~~ 86966
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~~(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.~~ 86970
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Sec. 4732.17. (A) Subject to division (F) of this section and except as provided in division (G) of this section, the state board of psychology may take any of the actions specified in division (C) of this section against an applicant for or a person who holds a license issued under this chapter on any of the following grounds as applicable: 86974
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(1) Conviction, including a plea of guilty or no contest, of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court; 86980
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(2) A judicial finding of eligibility for intervention in lieu of conviction for a felony or any offense involving moral turpitude in a court of this or any other state or in a federal court; 86983
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(3) Using fraud or deceit in the procurement of the license to practice psychology, independent school psychology, or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit; 86987
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86989
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(4) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals; 86991
86992

(5) Willful, unauthorized communication of information received in professional confidence; 86993
86994

(6) Being negligent in the practice of psychology, 86995

independent school psychology, or school psychology;	86996
(7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;	86997 86998 86999
(8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;	87000 87001
(9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;	87002 87003
(10) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.	87004 87005 87006 87007 87008 87009 87010 87011
(11) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	87012 87013 87014 87015 87016 87017
(12) Advertising that the person will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay;	87018 87019 87020 87021 87022
(13) Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person's practice of a health care occupation or provision of health care services in this state or another	87023 87024 87025 87026

jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:	87027 87028 87029
(a) Limitation, revocation, or suspension of the person's license to practice;	87030 87031
(b) Acceptance of the person's license surrender;	87032
(c) Denial of a license to the person;	87033
(d) Refuse to renew or reinstate the person's license;	87034
(e) Imposition of probation on the person;	87035
(f) Issuance of an order of censure or other reprimand against the person;	87036 87037
(g) Other negative action or finding against the person about which information is available to the public.	87038 87039
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	87040 87041 87042 87043
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	87044 87045 87046
(16) Unless the person is an independent school psychologist or school psychologist licensed under this chapter:	87047 87048
(a) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	87049 87050 87051 87052 87053
(b) Offering or rendering independent school psychological or school psychological services after a license issued under this	87054 87055

chapter has been placed in retired status pursuant to section 87056
4732.142 of the Revised Code. 87057

(17) Violating any adjudication order or consent agreement 87058
adopted by the board; 87059

(18) Failure to submit to mental, cognitive, substance abuse, 87060
or medical evaluations, or a combination of these evaluations, 87061
ordered by the board under division (E) of this section. 87062

(B) Notwithstanding divisions (A)(11) and (12) of this 87063
section, sanctions shall not be imposed against any license holder 87064
who waives deductibles and copayments: 87065

(1) In compliance with the health benefit plan that expressly 87066
allows such a practice. Waiver of the deductibles or copays shall 87067
be made only with the full knowledge and consent of the plan 87068
purchaser, payer, and third-party administrator. Such consent 87069
shall be made available to the board upon request. 87070

(2) For professional services rendered to any other person 87071
licensed pursuant to this chapter to the extent allowed by this 87072
chapter and the rules of the board. 87073

(C) For any of the reasons specified in division (A) of this 87074
section, the board may do one or more of the following: 87075

(1) Refuse to issue a license to an applicant; 87076

(2) Issue a reprimand to a license holder; 87077

(3) Suspend the license of a license holder; 87078

(4) Revoke the license of a license holder; 87079

(5) Limit or restrict the areas of practice of an applicant 87080
or a license holder; 87081

(6) Require mental, substance abuse, or physical evaluations, 87082
or any combination of these evaluations, of an applicant or a 87083
license holder; 87084

(7) Require remedial education and training of an applicant 87085
or a license holder. 87086

(D) When it revokes the license of a license holder under 87087
division (C)(4) of this section, the board may specify that the 87088
revocation is permanent. An individual subject to permanent 87089
revocation is forever thereafter ineligible to hold a license, and 87090
the board shall not accept an application for reinstatement of the 87091
license or issuance of a new license. 87092

(E) When the board issues a notice of opportunity for a 87093
hearing on the basis of division (A)(7) of this section, the 87094
supervising member of the board, with cause and upon consultation 87095
with the board's executive director and the board's legal counsel, 87096
may compel the applicant or license holder to submit to mental, 87097
cognitive, substance abuse, or medical evaluations, or a 87098
combination of these evaluations, by a person or persons selected 87099
by the board. Notice shall be given to the applicant or license 87100
holder in writing signed by the supervising member, the executive 87101
director, and the board's legal counsel. The applicant or license 87102
holder is deemed to have given consent to submit to these 87103
evaluations and to have waived all objections to the admissibility 87104
of testimony or evaluation reports that constitute a privileged 87105
communication. The expense of the evaluation or evaluations shall 87106
be the responsibility of the applicant or license holder who is 87107
evaluated. 87108

(F) Before the board may take action under this section, 87109
written charges shall be filed with the board by the secretary and 87110
a hearing shall be had thereon in accordance with Chapter 119. of 87111
the Revised Code, except as follows: 87112

(1) On receipt of a complaint that any of the grounds listed 87113
in division (A) of this section exist, the state board of 87114
psychology may suspend a license issued under this chapter prior 87115
to holding a hearing in accordance with Chapter 119. of the 87116

Revised Code if it determines, based on the complaint, that there is an immediate threat to the public. A telephone conference call may be used to conduct an emergency meeting for review of the matter by a quorum of the board, taking the vote, and memorializing the action in the minutes of the meeting.

After suspending a license pursuant to division (F)(1) of this section, the board shall notify the license holder of the suspension in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the license.

(2) The board shall adopt rules establishing a case management schedule for pre-hearing procedures by the hearing examiner or presiding board member. The schedule shall include applicable deadlines related to the hearing process, including all of the following:

(a) The date of the hearing;

(b) The date for the disclosure of witnesses and exhibits;

(c) The date for the disclosure of the identity of expert witnesses and the exchange of written reports;

(d) The deadline for submitting a request for the issuance of a subpoena for the hearing as provided under Chapter 119. of the Revised Code and division (F)(4) of this section.

(3) Either party to the hearing may submit a written request to the other party for a list of witnesses and copies of documents intended to be introduced at the hearing. The request shall be in writing and shall be served not less than thirty-seven days prior to the hearing, unless the hearing officer or presiding board member grants an extension of time to make the request. Not later than thirty days before the hearing, the responding party shall

provide the requested list of witnesses, summary of their 87148
testimony, and copies of documents to the requesting party, unless 87149
the hearing officer or presiding board member grants an extension. 87150
Failure to timely provide a list or copies requested in accordance 87151
with this section may, at the discretion of the hearing officer or 87152
presiding board member, result in exclusion from the hearing of 87153
the witnesses, testimony, or documents. 87154

(4) In addition to subpoenas for the production of books, 87155
records, and papers requested under Chapter 119. of the Revised 87156
Code, either party may ask the board to issue a subpoena for the 87157
production of other tangible items. 87158

The person subject to a subpoena for the production of books, 87159
records, papers, or other tangible items shall respond to the 87160
subpoena at least twenty days prior to the date of the hearing. If 87161
a person fails to respond to a subpoena issued by the board, after 87162
providing reasonable notice to the person, the board, the hearing 87163
officer, or both may proceed with enforcement of the subpoena 87164
pursuant to section 119.09 of the Revised Code. 87165

(G) The board shall not refuse to issue a license to an 87166
applicant because of a conviction or plea of guilty or no contest 87167
to an offense or a judicial finding of eligibility for 87168
intervention in lieu of conviction, unless the refusal is in 87169
accordance with section 9.79 of the Revised Code. 87170

Sec. 4734.161. No chiropractor shall do either of the 87171
following: 87172

(A) Furnish a person with a prescription in order to enable 87173
the person to be issued a standard removable windshield placard, 87174
temporary removable windshield placard, permanent removable 87175
windshield placard, or license plates under section 4503.44 of the 87176
Revised Code, knowing that the person does not meet any of the 87177
criteria contained in division (A)(1) of that section; 87178

(B) Furnish a person with a prescription described in 87179
division (A) of this section and knowingly misstate on the 87180
prescription the length of time the chiropractor expects the 87181
person to have the disability that limits or impairs the person's 87182
ability to walk in order to enable the person to retain a placard 87183
issued under section 4503.44 of the Revised Code for a period of 87184
time longer than that which would be estimated by a similar 87185
practitioner under the same or similar circumstances. 87186

Sec. 4734.31. (A) The state chiropractic board may take any 87187
of the actions specified in division (B) of this section against 87188
an individual who has applied for or holds a license to practice 87189
chiropractic in this state if any of the reasons specified in 87190
division (C) of this section for taking action against an 87191
individual are applicable. Except as provided in division (D) of 87192
this section, actions taken against an individual shall be taken 87193
in accordance with Chapter 119. of the Revised Code. The board may 87194
specify that any action it takes is a permanent action. The 87195
board's authority to take action against an individual is not 87196
removed or limited by the individual's failure to renew a license. 87197

(B) In its imposition of sanctions against an individual, the 87198
board may do any of the following: 87199

(1) Except as provided in division (I) of this section, 87200
refuse to issue, renew, restore, or reinstate a license to 87201
practice chiropractic or a certificate to practice acupuncture; 87202

(2) Reprimand or censure a license holder; 87203

(3) Place limits, restrictions, or probationary conditions on 87204
a license holder's practice; 87205

(4) Impose a civil fine of not more than five thousand 87206
dollars according to a schedule of fines specified in rules that 87207
the board shall adopt in accordance with Chapter 119. of the 87208

Revised Code.	87209
(5) Suspend a license to practice chiropractic or a certificate to practice acupuncture for a limited or indefinite period;	87210 87211 87212
(6) Revoke a license to practice chiropractic or a certificate to practice acupuncture.	87213 87214
(C) The board may take the actions specified in division (B) of this section for any of the following reasons:	87215 87216
(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony in any jurisdiction, in which case a certified copy of the court record shall be conclusive evidence of the conviction;	87217 87218 87219 87220 87221
(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	87222 87223 87224
(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter;	87225 87226 87227 87228 87229
(4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	87230 87231 87232
(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice, in which case a certified copy of the court record shall be conclusive evidence of the matter;	87233 87234 87235 87236 87237
(6) Commission of an act in the course of practice that	87238

constitutes a misdemeanor in this state, regardless of the 87239
jurisdiction in which the act was committed; 87240

(7) A violation or attempted violation of this chapter or the 87241
rules adopted under it governing the practice of chiropractic, 87242
animal chiropractic, or acupuncture by a chiropractor licensed 87243
under this chapter; 87244

(8) Failure to cooperate in an investigation conducted by the 87245
board, including failure to comply with a subpoena or order issued 87246
by the board or failure to answer truthfully a question presented 87247
by the board at a deposition or in written interrogatories, except 87248
that failure to cooperate with an investigation shall not 87249
constitute grounds for discipline under this section if the board 87250
or a court of competent jurisdiction has issued an order that 87251
either quashes a subpoena or permits the individual to withhold 87252
the testimony or evidence in issue; 87253

(9) Engaging in an ongoing professional relationship with a 87254
person or entity that violates any provision of this chapter or 87255
the rules adopted under it, unless the chiropractor makes a good 87256
faith effort to have the person or entity comply with the 87257
provisions; 87258

(10) Retaliating against a chiropractor for the 87259
chiropractor's reporting to the board or any other agency with 87260
jurisdiction any violation of the law or for cooperating with the 87261
board of another agency in the investigation of any violation of 87262
the law; 87263

(11) Aiding, abetting, assisting, counseling, or conspiring 87264
with any person in that person's violation of any provision of 87265
this chapter or the rules adopted under it, including the practice 87266
of chiropractic without a license, the practice of animal 87267
chiropractic in violation of section 4734.151 of the Revised Code, 87268
the practice of acupuncture without a certificate, or aiding, 87269

abetting, assisting, counseling, or conspiring with any person in 87270
that person's unlicensed practice of any other health care 87271
profession that has licensing requirements; 87272

(12) With respect to a report or record that is made, filed, 87273
or signed in connection with the practice of chiropractic, animal 87274
chiropractic, or acupuncture, knowingly making or filing a report 87275
or record that is false, intentionally or negligently failing to 87276
file a report or record required by federal, state, or local law 87277
or willfully impeding or obstructing the required filing, or 87278
inducing another person to engage in any such acts; 87279

(13) Making a false, fraudulent, or deceitful statement to 87280
the board or any agent of the board during any investigation or 87281
other official proceeding conducted by the board under this 87282
chapter or in any filing that must be submitted to the board; 87283

(14) Attempting to secure a license to practice chiropractic, 87284
authorization to practice animal chiropractic, or a certificate to 87285
practice acupuncture, or to corrupt the outcome of an official 87286
board proceeding, through bribery or any other improper means; 87287

(15) Willfully obstructing or hindering the board or any 87288
agent of the board in the discharge of the board's duties; 87289

(16) Habitually using drugs or intoxicants to the extent that 87290
the person is rendered unfit for the practice of chiropractic, 87291
animal chiropractic, or acupuncture; 87292

(17) Inability to practice chiropractic, animal chiropractic, 87293
or acupuncture according to acceptable and prevailing standards of 87294
care by reason of chemical dependency, mental illness, or physical 87295
illness, including conditions in which physical deterioration has 87296
adversely affected the person's cognitive, motor, or perceptive 87297
skills and conditions in which a chiropractor's continued practice 87298
may pose a danger to the chiropractor or the public; 87299

(18) Any act constituting gross immorality relative to the 87300

person's practice of chiropractic, animal chiropractic, or 87301
acupuncture, including acts involving sexual abuse, sexual 87302
misconduct, or sexual exploitation; 87303

(19) Exploiting a patient for personal or financial gain; 87304

(20) Failing to maintain proper, accurate, and legible 87305
records in the English language documenting each patient's care, 87306
including, as appropriate, records of the following: dates of 87307
treatment, services rendered, examinations, tests, x-ray reports, 87308
referrals, and the diagnosis or clinical impression and clinical 87309
treatment plan provided to the patient; 87310

(21) Except as otherwise required by the board or by law, 87311
disclosing patient information gained during the chiropractor's 87312
professional relationship with a patient without obtaining the 87313
patient's authorization for the disclosure; 87314

(22) Commission of willful or gross malpractice, or willful 87315
or gross neglect, in the practice of chiropractic, animal 87316
chiropractic, or acupuncture; 87317

(23) Failing to perform or negligently performing an act 87318
recognized by the board as a general duty or the exercise of due 87319
care in the practice of chiropractic, animal chiropractic, or 87320
acupuncture, regardless of whether injury results to a patient 87321
from the failure to perform or negligent performance of the act; 87322

(24) Engaging in any conduct or practice that impairs or may 87323
impair the ability to practice chiropractic, animal chiropractic, 87324
or acupuncture safely and skillfully; 87325

(25) Practicing, or claiming to be capable of practicing, 87326
beyond the scope of the practice of chiropractic, animal 87327
chiropractic, or acupuncture as established under this chapter and 87328
the rules adopted under this chapter; 87329

(26) Accepting and performing professional responsibilities 87330

as a chiropractor, animal chiropractic practitioner, or 87331
chiropractor with a certificate to practice acupuncture when not 87332
qualified to perform those responsibilities, if the person knew or 87333
had reason to know that the person was not qualified to perform 87334
them; 87335

(27) Delegating any of the professional responsibilities of a 87336
chiropractor, animal chiropractic practitioner, or chiropractor 87337
with a certificate to practice acupuncture to an employee or other 87338
individual when the delegating chiropractor knows or had reason to 87339
know that the employee or other individual is not qualified by 87340
training, experience, or professional licensure to perform the 87341
responsibilities; 87342

(28) Delegating any of the professional responsibilities of a 87343
chiropractor, animal chiropractic practitioner, or chiropractor 87344
with a certificate to practice acupuncture to an employee or other 87345
individual in a negligent manner or failing to provide proper 87346
supervision of the employee or other individual to whom the 87347
responsibilities are delegated; 87348

(29) Failing to refer a patient to another health care 87349
practitioner for consultation or treatment when the chiropractor 87350
knows or has reason to know that the referral is in the best 87351
interest of the patient; 87352

(30) Obtaining or attempting to obtain any fee or other 87353
advantage by fraud or misrepresentation; 87354

(31) Making misleading, deceptive, false, or fraudulent 87355
representations in the practice of chiropractic, animal 87356
chiropractic, or acupuncture; 87357

(32) Being guilty of false, fraudulent, deceptive, or 87358
misleading advertising or other solicitations for patients or 87359
knowingly having professional connection with any person that 87360
advertises or solicits for patients in such a manner; 87361

(33) Violation of a provision of any code of ethics established or adopted by the board under section 4734.16 of the Revised Code;	87362 87363 87364
(34) Failing to meet the examination requirements for receipt of a license specified under section 4734.20 of the Revised Code;	87365 87366
(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country;	87367 87368 87369
(36) Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services, animal chiropractic services, or acupuncture services are provided;	87370 87371 87372 87373
(37) Except as provided in division (G) of this section:	87374
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that chiropractor;	87375 87376 87377 87378 87379 87380
(b) Advertising that the chiropractor will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay.	87381 87382 87383 87384 87385
(38) Failure to supervise an acupuncturist in accordance with the provisions of section 4762.11 of the Revised Code that are applicable to a supervising chiropractor.	87386 87387 87388
(D) The adjudication requirements of Chapter 119. of the Revised Code apply to the board when taking actions against an individual under this section, except as follows:	87389 87390 87391

(1) An applicant is not entitled to an adjudication for 87392
failing to meet the conditions specified under section 4734.20 of 87393
the Revised Code for receipt of a license that involve the board's 87394
examination on jurisprudence or the examinations of the national 87395
board of chiropractic examiners. 87396

(2) A person is not entitled to an adjudication if the person 87397
fails to make a timely request for a hearing, in accordance with 87398
Chapter 119. of the Revised Code. 87399

(3) In lieu of an adjudication, the board may accept the 87400
surrender of a license to practice chiropractic or certificate to 87401
practice acupuncture from a chiropractor. 87402

(4) In lieu of an adjudication, the board may enter into a 87403
consent agreement with an individual to resolve an allegation of a 87404
violation of this chapter or any rule adopted under it. A consent 87405
agreement, when ratified by the board, shall constitute the 87406
findings and order of the board with respect to the matter 87407
addressed in the agreement. If the board refuses to ratify a 87408
consent agreement, the admissions and findings contained in the 87409
consent agreement shall be of no force or effect. 87410

(E)(1) This section does not require the board to hire, 87411
contract with, or retain the services of an expert witness when 87412
the board takes action against a chiropractor concerning 87413
compliance with acceptable and prevailing standards of care in the 87414
practice of chiropractic or acupuncture. As part of an action 87415
taken concerning compliance with acceptable and prevailing 87416
standards of care, the board may rely on the knowledge of its 87417
members for purposes of making a determination of compliance, 87418
notwithstanding any expert testimony presented by the chiropractor 87419
that contradicts the knowledge and opinions of the members of the 87420
board. 87421

(2) If the board conducts a review or investigation or takes 87422

action against a chiropractor concerning an allegation of harm to 87423
an animal from the practice of animal chiropractic, the board 87424
shall retain as an expert witness a licensed veterinarian who 87425
holds a current, valid certification from a credentialing 87426
organization specified in division (A)(3) of section 4734.151 of 87427
the Revised Code. 87428

(F) The sealing or expungement of conviction records by a 87429
court shall have no effect on a prior board order entered under 87430
this section or on the board's jurisdiction to take action under 87431
this section if, based on a plea of guilty, a judicial finding of 87432
guilt, or a judicial finding of eligibility for intervention in 87433
lieu of conviction, the board issued a notice of opportunity for a 87434
hearing prior to the court's order to seal or expunge the records. 87435
The board shall not be required to seal, destroy, redact, or 87436
otherwise modify its records to reflect the court's sealing or 87437
expungement of conviction records. 87438

(G) Actions shall not be taken pursuant to division (C)(37) 87439
of this section against any chiropractor who waives deductibles 87440
and copayments as follows: 87441

(1) In compliance with the health benefit plan that expressly 87442
allows a practice of that nature. Waiver of the deductibles or 87443
copayments shall be made only with the full knowledge and consent 87444
of the plan purchaser, payer, and third-party administrator. 87445
Documentation of the consent shall be made available to the board 87446
upon request. 87447

(2) For professional services rendered to any other person 87448
licensed pursuant to this chapter, to the extent allowed by this 87449
chapter and the rules of the board. 87450

(H) As used in this section, "animal chiropractic" and 87451
"animal chiropractic practitioner" have the same meanings as in 87452
section 4734.151 of the Revised Code. 87453

(I) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4734.36. A chiropractor who in this state pleads guilty to or is convicted of aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary, or who in another jurisdiction pleads guilty to or is convicted of any substantially equivalent criminal offense, is automatically suspended from practice in this state and the license issued under this chapter to practice chiropractic is automatically suspended as of the date of the guilty plea or conviction. If applicable, the chiropractor's certificate issued under this chapter to practice acupuncture is automatically suspended at the same time. Continued practice after suspension under this section shall be considered practicing chiropractic without a license and, if applicable, acupuncture without a certificate. On receiving notice or otherwise becoming aware of the conviction, the state chiropractic board shall notify the individual of the suspension under this section ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If an individual whose license and, if applicable, certificate to practice acupuncture is suspended under this section fails to make a timely request for an adjudication, the board shall enter a final order revoking the individual's license and, if applicable, certificate to practice acupuncture.

Sec. 4734.37. If the state chiropractic board determines that there is clear and convincing evidence that a person who has been

granted a license to practice chiropractic and, if applicable, 87485
certificate to practice acupuncture under this chapter has 87486
committed an act that subjects the person's license and, if 87487
applicable, certificate to board action under section 4734.31 of 87488
the Revised Code and that the person's continued practice presents 87489
a danger of immediate and serious harm to the public, the board 87490
may suspend the license and, if applicable, certificate without a 87491
prior hearing. A telephone conference call may be utilized for 87492
reviewing the matter and taking the vote. 87493

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 87494
~~certified mail or in person~~ in accordance with ~~section~~ sections 87495
119.05 and 119.07 of the Revised Code. The order is not subject to 87496
suspension by the court during pendency of any appeal filed under 87497
section 119.12 of the Revised Code. If the person subject to the 87498
suspension requests an adjudication by the board, the date set for 87499
the adjudication shall be within twenty days, but not earlier than 87500
seven days, after the request, unless otherwise agreed to by both 87501
the board and the person subject to the suspension. 87502

Any summary suspension imposed under this section shall 87503
remain in effect, unless reversed on appeal, until a final 87504
adjudicative order issued by the board pursuant to section 4734.31 87505
and Chapter 119. of the Revised Code becomes effective. The board 87506
shall issue its final adjudicative order within sixty days after 87507
completion of its adjudication. A failure to issue the order 87508
within sixty days shall result in dissolution of the summary 87509
suspension order but shall not invalidate any subsequent, final 87510
adjudicative order. 87511

Sec. 4735.01. As used in this chapter: 87512

(A) "Real estate broker" includes any person, partnership, 87513
association, limited liability company, limited liability 87514
partnership, or corporation, foreign or domestic, who for another, 87515

whether pursuant to a power of attorney or otherwise, and who for 87516
a fee, commission, or other valuable consideration, or with the 87517
intention, or in the expectation, or upon the promise of receiving 87518
or collecting a fee, commission, or other valuable consideration 87519
does any of the following: 87520

(1) Sells, exchanges, purchases, rents, or leases, or 87521
negotiates the sale, exchange, purchase, rental, or leasing of any 87522
real estate; 87523

(2) Offers, attempts, or agrees to negotiate the sale, 87524
exchange, purchase, rental, or leasing of any real estate; 87525

(3) Lists, or offers, attempts, or agrees to list, or 87526
auctions, or offers, attempts, or agrees to auction, any real 87527
estate; 87528

(4) Buys or offers to buy, sells or offers to sell, or 87529
otherwise deals in options on real estate; 87530

(5) Operates, manages, or rents, or offers or attempts to 87531
operate, manage, or rent, other than as custodian, caretaker, or 87532
janitor, any building or portions of buildings to the public as 87533
tenants; 87534

(6) Advertises or holds self out as engaged in the business 87535
of selling, exchanging, purchasing, renting, or leasing real 87536
estate; 87537

(7) Directs or assists in the procuring of prospects or the 87538
negotiation of any transaction, other than mortgage financing, 87539
which does or is calculated to result in the sale, exchange, 87540
leasing, or renting of any real estate; 87541

(8) Is engaged in the business of charging an advance fee or 87542
contracting for collection of a fee in connection with any 87543
contract whereby the broker undertakes primarily to promote the 87544
sale, exchange, purchase, rental, or leasing of real estate 87545

through its listing in a publication issued primarily for such 87546
purpose, or for referral of information concerning such real 87547
estate to brokers, or both, except that this division does not 87548
apply to a publisher of listings or compilations of sales of real 87549
estate by their owners; 87550

(9) Collects rental information for purposes of referring 87551
prospective tenants to rental units or locations of such units and 87552
charges the prospective tenants a fee. 87553

(B) "Real estate" includes leaseholds as well as any and 87554
every interest or estate in land situated in this state, whether 87555
corporeal or incorporeal, whether freehold or nonfreehold, and the 87556
improvements on the land, but does not include cemetery interment 87557
rights. 87558

(C) "Real estate salesperson" means any person associated 87559
with a licensed real estate broker to do or to deal in any acts or 87560
transactions set out or comprehended by the definition of a real 87561
estate broker, for compensation or otherwise. 87562

(D) "Institution of higher education" includes all of the 87563
following: 87564

(1) A state institution of higher education, as defined in 87565
section 3345.011 of the Revised Code; 87566

(2) A nonprofit institution issued a certificate of 87567
authorization under Chapter 1713. of the Revised Code; 87568

(3) A private institution exempt from regulation under 87569
Chapter 3332. of the Revised Code, as prescribed in section 87570
3333.046 of the Revised Code. 87571

(4) An institution with a certificate of registration from 87572
the state board of career colleges and schools under Chapter 3332. 87573
of the Revised Code that is approved to offer degree programs in 87574
accordance with section 3332.05 of the Revised Code. 87575

(E) "Foreign real estate" means real estate not situated in 87576
this state and any interest in real estate not situated in this 87577
state. 87578

(F) "Foreign real estate dealer" includes any person, 87579
partnership, association, limited liability company, limited 87580
liability partnership, or corporation, foreign or domestic, who 87581
for another, whether pursuant to a power of attorney or otherwise, 87582
and who for a fee, commission, or other valuable consideration, or 87583
with the intention, or in the expectation, or upon the promise of 87584
receiving or collecting a fee, commission, or other valuable 87585
consideration, does or deals in any act or transaction specified 87586
or comprehended in division (A) of this section with respect to 87587
foreign real estate. 87588

(G) "Foreign real estate salesperson" means any person 87589
associated with a licensed foreign real estate dealer to do or 87590
deal in any act or transaction specified or comprehended in 87591
division (A) of this section with respect to foreign real estate, 87592
for compensation or otherwise. 87593

(H) Any person, partnership, association, limited liability 87594
company, limited liability partnership, or corporation, who, for 87595
another, in consideration of compensation, by fee, commission, 87596
salary, or otherwise, or with the intention, in the expectation, 87597
or upon the promise of receiving or collecting a fee, does, or 87598
offers, attempts, or agrees to engage in, any single act or 87599
transaction contained in the definition of a real estate broker, 87600
whether an act is an incidental part of a transaction, or the 87601
entire transaction, shall be constituted a real estate broker or 87602
real estate salesperson under this chapter. 87603

(I)(1) The terms "real estate broker," "real estate 87604
salesperson," "foreign real estate dealer," and "foreign real 87605
estate salesperson" do not include a person, partnership, 87606
association, limited liability company, limited liability 87607

partnership, or corporation, or the regular employees thereof, who 87608
perform any of the acts or transactions specified or comprehended 87609
in division (A) of this section, whether or not for, or with the 87610
intention, in expectation, or upon the promise of receiving or 87611
collecting a fee, commission, or other valuable consideration: 87612

(a) With reference to real estate situated in this state 87613
owned by such person, partnership, association, limited liability 87614
company, limited liability partnership, or corporation, or 87615
acquired on its own account in the regular course of, or as an 87616
incident to the management of the property and the investment in 87617
it; 87618

(b) As receiver or trustee in bankruptcy, as guardian, 87619
executor, administrator, trustee, assignee, commissioner, or any 87620
person doing the things mentioned in this section, under authority 87621
or appointment of, or incident to a proceeding in, any court, or 87622
as a bona fide public officer, or as executor, trustee, or other 87623
bona fide fiduciary under any trust agreement, deed of trust, 87624
will, or other instrument that has been executed in good faith 87625
creating a like bona fide fiduciary obligation; 87626

(c) As a public officer while performing the officer's 87627
official duties; 87628

(d) As an attorney at law in the performance of the 87629
attorney's duties; 87630

(e) As a person who engages in the brokering of the sale of 87631
business assets, not including the sale, lease, exchange, or 87632
assignment of any interest in real estate; 87633

(f) As a person who engages in the sale of manufactured homes 87634
as defined in division (C)(4) of section 3781.06 of the Revised 87635
Code, or of mobile homes as defined in division (O) of section 87636
4501.01 of the Revised Code, provided the sale does not include 87637
the negotiation, sale, lease, exchange, or assignment of any 87638

interest in real estate; 87639

(g) As a person who engages in the sale of commercial real 87640
estate pursuant to the requirements of section 4735.022 of the 87641
Revised Code; 87642

(h) As an oil and gas land professional in the performance of 87643
the oil and gas land professional's duties, provided the oil and 87644
gas land professional is not engaged in the purchase or sale of a 87645
fee simple absolute interest in oil and gas or other real estate 87646
and the oil and gas land professional complies with division (A) 87647
of section 4735.023 of the Revised Code; 87648

(i) As an oil and gas land professional employed by the 87649
person, partnership, association, limited liability company, 87650
limited liability partnership, or corporation for which the oil 87651
and gas land professional is performing the oil and gas land 87652
professional's duties. 87653

(2) A person, partnership, association, limited liability 87654
company, limited liability partnership, or corporation exempt 87655
under division (I)(1)(a) of this section shall be limited by the 87656
legal interest in the real estate held by that person or entity to 87657
performing any of the acts or transactions specified in or 87658
comprehended by division (A) of this section. 87659

(J) "Disabled licensee" means a person licensed pursuant to 87660
this chapter who is under a severe disability which is of such a 87661
nature as to prevent the person from being able to attend any 87662
instruction lasting at least three hours in duration. 87663

(K) "Division of real estate" may be used interchangeably 87664
with, and for all purposes has the same meaning as, "division of 87665
real estate and professional licensing." 87666

(L) "Superintendent" or "superintendent of real estate" means 87667
the superintendent of the division of real estate and professional 87668
licensing of this state. Whenever the division or superintendent 87669

of real estate is referred to or designated in any statute, rule, 87670
contract, or other document, the reference or designation shall be 87671
deemed to refer to the division or superintendent of real estate 87672
and professional licensing, as the case may be. 87673

(M) "Inactive license" means the license status in which a 87674
salesperson's license is in the possession of the division, 87675
renewed as required under this chapter or rules adopted under this 87676
chapter, and not associated with a real estate broker. 87677

(N) "Broker's license on deposit" means the license status in 87678
which a broker's license is in the possession of the division of 87679
real estate and professional licensing and renewed as required 87680
under this chapter or rules adopted under this chapter. 87681

(O) "Suspended license" means the license status that 87682
prohibits a licensee from providing services that require a 87683
license under this chapter for a specified interval of time. 87684

(P) "Reactivate" means the process prescribed by the 87685
superintendent of real estate and professional licensing to remove 87686
a license from an inactive, suspended, or broker's license on 87687
deposit status to allow a licensee to provide services that 87688
require a license under this chapter. 87689

(Q) "Revoked" means the license status in which the license 87690
is void and not eligible for reactivation. 87691

(R) "Commercial real estate" means any parcel of real estate 87692
in this state other than real estate containing one to four 87693
residential units. "Commercial real estate" does not include 87694
single-family residential units such as condominiums, townhouses, 87695
manufactured homes, or homes in a subdivision when sold, leased, 87696
or otherwise conveyed on a unit-by-unit basis, even when those 87697
units are a part of a larger building or parcel of real estate 87698
containing more than four residential units. 87699

(S) "Out-of-state commercial broker" includes any person, 87700

partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.

(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not licensed as a real estate salesperson in Ohio.

(U) "Exclusive right to sell or lease listing agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker, the seller, or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement to anyone other than to specifically exempted persons or entities.

(V) "Exclusive agency agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities.

(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property;

(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement.

The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser.

(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another person.

(Y) "Resigned" means the license status in which a license has been voluntarily and permanently surrendered to or is otherwise in the possession of the division of real estate and professional licensing, may not be renewed or reactivated in accordance with the requirements specified in this chapter or the rules adopted pursuant to it, and is not associated with a real estate broker.

(Z) "Bona fide" means made in good faith or without purpose of circumventing license law.

(AA) "Associate broker" means an individual licensed as a

real estate broker under this chapter who does not function as the principal broker or a management level licensee.

(BB) "Brokerage" means a corporation, partnership, limited partnership, association, limited liability company, limited liability partnership, or sole proprietorship, foreign or domestic, that has been issued a broker's license. "Brokerage" includes the affiliated licensees who have been assigned management duties that include supervision of licensees whose duties may conflict with those of other affiliated licensees.

(CC) "Credit-eligible course" means a credit or noncredit-bearing course that is both of the following:

(1) The course is offered by an institution of higher education.

(2) The course is eligible for academic credit that may be applied toward the requirements for a degree at the institution of higher education.

(DD) "Distance education" means courses required by divisions (B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of section 4735.09, and division (A) of section 4735.141 of the Revised Code in which instruction is accomplished through use of interactive, electronic media and where the teacher and student are separated by distance or time, or both.

(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter.

(FF) "Management level licensee" means a licensee who is employed by or affiliated with a real estate broker and who has supervisory responsibility over other licensees employed by or affiliated with that real estate broker.

(GG) "Oil and gas land professional" means a person regularly

engaged in the preparation and negotiation of agreements for the 87793
purpose of exploring for, transporting, producing, or developing 87794
oil and gas mineral interests, including, but not limited to, oil 87795
and gas leases and pipeline easements. 87796

(HH) "Principal broker" means an individual licensed as a 87797
real estate broker under this chapter who oversees and directs the 87798
operations of the brokerage. 87799

(II) "Right-to-list home sale agreement" means an agreement 87800
whereby the owner of residential real estate agrees to provide 87801
another person with exclusive rights to list the real estate for 87802
sale at a future date in exchange for monetary consideration, or 87803
an equivalent to monetary consideration, and that meets one or 87804
both of the following: 87805

(1) The agreement states that it runs with the land or 87806
otherwise purports to bind future owners of the residential real 87807
estate; 87808

(2) The agreement purports to be a lien, encumbrance, or 87809
other real property security interest. 87810

Sec. 4735.03. There is hereby created the Ohio real estate 87811
commission, consisting of five members who shall be appointed by 87812
the governor, with the advice and consent of the senate. Four 87813
members shall have been engaged in the real estate business as 87814
licensed real estate brokers in the state for a period of ten 87815
years immediately preceding the appointment. One member shall 87816
represent the public. Terms of office shall be for five years, 87817
commencing on the first day of July and ending on the thirtieth 87818
day of June. Each member shall hold office from the date of 87819
appointment until the end of the term for which appointed. No more 87820
than three members shall be members of any one political party and 87821
no member of the commission concurrently may be a member of the 87822
commission and the real estate appraiser board created pursuant to 87823

section 4763.02 of the Revised Code. Each member, before entering 87824
upon the duties of office, shall subscribe to and file with the 87825
secretary of state the constitutional oath of office. All 87826
vacancies which occur shall be filled in the manner prescribed for 87827
the regular appointments to the commission. Any member appointed 87828
to fill a vacancy occurring prior to the expiration of the term 87829
for which the member's predecessor was appointed shall hold office 87830
for the remainder of such term. Any member shall continue in 87831
office subsequent to the expiration date of the member's term 87832
until the member's successor takes office, or until a period of 87833
sixty days has elapsed, whichever occurs first. No member shall 87834
hold office for more than two consecutive full terms. Annually, 87835
upon the qualification of the member appointed in such year, the 87836
commission shall organize by selecting from its members a 87837
president and vice-president, and shall do all things necessary 87838
and proper to carry out and enforce this chapter. A majority of 87839
the members of the commission shall constitute a quorum, but a 87840
lesser number may adjourn from time to time. Each member of the 87841
commission shall receive an amount fixed pursuant to section 87842
124.14 of the Revised Code for each day employed in the discharge 87843
of official duties, and the member's actual and necessary expenses 87844
incurred in the discharge of those duties. 87845

The commission or the superintendent of real estate may 87846
investigate complaints concerning the violation of section 4735.02 87847
or 4735.25 of the Revised Code and may subpoena witnesses in 87848
connection with such investigations as provided in section 4735.04 87849
of the Revised Code. The commission or the superintendent may make 87850
application to the appropriate court for an order enjoining the 87851
violation of section 4735.02 or 4735.25 of the Revised Code, and 87852
upon a showing by the commission or the superintendent that any 87853
person, firm, partnership, association, limited liability company, 87854
limited liability partnership, or corporation has violated or is 87855
about to violate section 4735.02 or 4735.25 of the Revised Code, 87856

an injunction, restraining order, or such other order as may be appropriate shall be granted by such court. 87857
87858

The commission shall: 87859

(A) Adopt canons of ethics for the real estate industry; 87860

(B) Upon appeal by any party affected, or may upon its own motion, review any order or application determination of the superintendent, and may reverse, vacate, or modify any order of the superintendent; 87861
87862
87863
87864

(C) Administer ~~the real estate education and research fund~~ and hear appeals from orders of the superintendent regarding claims ~~against that fund or~~ against the real estate recovery fund; 87865
87866
87867

(D) Direct the superintendent on the content, scheduling, instruction, and offerings of real estate courses for salesperson and broker educational requirements; 87868
87869
87870

(E) Disseminate to licensees and the public, information relative to commission activities and decisions; 87871
87872

(F) Notify licensees of changes in state and federal civil rights laws pertaining to discrimination in the purchase or sale of real estate and relevant case law, and inform licensees that they are subject to disciplinary action if they do not comply with the changes; 87873
87874
87875
87876
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(G) Publish and furnish to public libraries and to brokers booklets on housing and remedies available to dissatisfied clients under this chapter and Chapter 4112. of the Revised Code; 87878
87879
87880

(H) Provide training to commission members and employees of the division of real estate and professional licensing on issues relative to the real estate industry, which may include but not be limited to investigative techniques, real estate law, and real estate practices and procedures. 87881
87882
87883
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87885

Sec. 4735.05. (A) The Ohio real estate commission is a part 87886
of the department of commerce for administrative purposes. The 87887
director of commerce is ex officio the executive officer of the 87888
commission, or the director may designate any employee of the 87889
department as superintendent of real estate and professional 87890
licensing to act as executive officer of the commission. 87891

The commission and the real estate appraiser board created 87892
pursuant to section 4763.02 of the Revised Code shall each submit 87893
to the director a list of three persons whom the commission and 87894
the board consider qualified to be superintendent within sixty 87895
days after the office of superintendent becomes vacant. The 87896
director shall appoint a superintendent from the lists submitted 87897
by the commission and the board, and the superintendent shall 87898
serve at the pleasure of the director. 87899

(B) The superintendent, except as otherwise provided, shall 87900
do all of the following in regard to this chapter: 87901

(1) Administer this chapter; 87902

(2) Issue all orders necessary to implement this chapter; 87903

(3) Investigate complaints concerning the violation of this 87904
chapter or the conduct of any licensee; 87905

(4) Establish and maintain an investigation and audit section 87906
to investigate complaints and conduct inspections, audits, and 87907
other inquiries as in the judgment of the superintendent are 87908
appropriate to enforce this chapter. The investigators or auditors 87909
have the right to review and audit the business records of 87910
licensees and continuing education course providers during normal 87911
business hours. 87912

(5) Appoint a hearing examiner for any proceeding involving 87913
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 87914
the Revised Code; 87915

(6) Administer the real estate recovery fund.	87916
(C) The superintendent may do all of the following:	87917
(1) In connection with investigations and audits under	87918
division (B) of this section, subpoena witnesses as provided in	87919
section 4735.04 of the Revised Code;	87920
(2) Apply to the appropriate court to enjoin any violation of	87921
this chapter. Upon a showing by the superintendent that any person	87922
has violated or is about to violate any provision of this chapter,	87923
the court shall grant an injunction, restraining order, or other	87924
appropriate order.	87925
(3) Recommend the appointment of an ancillary trustee who is	87926
qualified as determined by the superintendent in any of the	87927
following instances:	87928
(a) Upon the death of a licensed broker, if there is no other	87929
licensed broker within the brokerage, upon application by any	87930
interested party, subject to the approval by the appropriate	87931
probate court, to conclude the business transactions of the	87932
deceased broker;	87933
(b) Upon the revocation of a licensed broker, if there is no	87934
other licensed broker within the brokerage, to conclude the	87935
business transactions of the revoked broker;	87936
(c) Upon the incapacitation, suspension, or incarceration of	87937
a licensed broker, if there is no other licensed broker within the	87938
brokerage, to continue the business transactions of the brokerage	87939
for a period of time not to exceed the period of incapacitation,	87940
suspension, or incarceration.	87941
(4) In conjunction with the enforcement of this chapter, when	87942
the superintendent of real estate has reasonable cause to believe	87943
that an applicant or licensee has committed a criminal offense,	87944
the superintendent of real estate may request the superintendent	87945

of the bureau of criminal identification and investigation to 87946
conduct a criminal records check of the applicant or licensee. The 87947
superintendent of the bureau of criminal identification and 87948
investigation shall obtain information from the federal bureau of 87949
investigation as part of the criminal records check of the 87950
applicant or licensee. The superintendent of real estate may 87951
assess the applicant or licensee a fee equal to the fee assessed 87952
for the criminal records check. 87953

(5) In conjunction with the enforcement of this chapter, 87954
issue advisory letters in lieu of initiating disciplinary action 87955
under section 4735.051 or 4735.052 of the Revised Code or issuing 87956
a citation under section 4735.16 or 4735.181 of the Revised Code. 87957

(D) All information that is obtained by investigators and 87958
auditors performing investigations or conducting inspections, 87959
audits, and other inquiries pursuant to division (B)(4) of this 87960
section, from licensees, complainants, or other persons, and all 87961
reports, documents, and other work products that arise from that 87962
information and that are prepared by the investigators, auditors, 87963
or other personnel of the department, shall be held in confidence 87964
by the superintendent, the investigators and auditors, and other 87965
personnel of the department. ~~Notwithstanding any provision of the~~ 87966
~~Revised Code to the contrary, all~~ All information obtained by 87967
investigators or auditors from an informal mediation meeting held 87968
pursuant to section 4735.051 of the Revised Code, including but 87969
not limited to the agreement to mediate and the accommodation 87970
agreement, shall be held in confidence by the superintendent, 87971
investigators, auditors, and other personnel of the department. 87972

(E) This section does not require or prevent the division of 87973
real estate and professional licensing from releasing information 87974
relating to licensees to the ~~superintendent of financial~~ 87975
~~institutions for purposes relating to the administration of~~ 87976
~~Chapter 1322. of the Revised Code, division of financial~~ 87977

institutions, division of securities, and the division of 87978
industrial compliance for purposes relating to the administration 87979
of the Revised Code chapters enforced by those divisions; to the 87980
superintendent of insurance for purposes relating to the 87981
administration of Chapter 3953. of the Revised Code; to the 87982
attorney general; or to local law enforcement agencies and local 87983
prosecutors. Information released by the division pursuant to this 87984
section remains confidential. 87985

Sec. 4735.052. (A) Upon receipt of a written complaint or 87986
upon the superintendent's own motion, the superintendent may 87987
investigate any person that has allegedly violated section 87988
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 87989
superintendent shall not initiate an investigation, pursuant to 87990
this section, of any person who held a suspended or inactive 87991
license under this chapter on the date of the alleged violation. 87992

(B) If, after investigation, the superintendent determines 87993
there exists reasonable evidence of a violation of section 87994
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 87995
business days after that determination, the superintendent shall 87996
send the party who is the subject of the investigation, a written 87997
notice, by regular mail, that includes all of the following 87998
information: 87999

(1) A description of the activity in which the party 88000
allegedly is engaging or has engaged that is a violation of 88001
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 88002

(2) The applicable law allegedly violated; 88003

(3) A statement informing the party that a hearing concerning 88004
the alleged violation will be held, upon the party's request, 88005
before a hearing examiner pursuant to Chapter 119. of the Revised 88006
Code. 88007

(C)(1) If a hearing is requested, the hearing examiner shall 88008
hear the testimony of all parties present at the hearing and 88009
consider any written testimony submitted pursuant to this section, 88010
and determine if there has been a violation of section 4735.02, 88011
4735.023, or 4735.25 of the Revised Code. 88012

(2) After the conclusion of formal hearings, the hearing 88013
examiner shall file a report of findings of fact and conclusions 88014
of law with the superintendent, the commission, the complainant, 88015
and the parties. Within twenty days of receipt of such copy of the 88016
written report of findings of fact and conclusions of law, the 88017
parties and the division may file with the commission written 88018
objections to the report, which shall be considered by the 88019
commission before approving, modifying, or disapproving the 88020
report. 88021

(3) The commission shall review the hearing examiner's report 88022
at the next regularly scheduled commission meeting held at least 88023
twenty business days after receipt of the hearing examiner's 88024
report. The commission shall hear the testimony of the complainant 88025
or the parties upon request. 88026

(4) The commission shall decide whether to impose 88027
disciplinary sanctions upon a party for a violation of section 88028
4735.02 or 4735.023 of the Revised Code. If the commission finds 88029
that a violation has occurred, the commission may assess a civil 88030
penalty, in an amount it determines, not to exceed one thousand 88031
dollars per violation. Each day a violation occurs or continues is 88032
a separate violation. The commission shall determine the terms of 88033
payment. The commission shall maintain a record of the proceedings 88034
of the hearing and issue a written opinion to all parties, citing 88035
its findings and grounds for any action taken. 88036

(D) Civil penalties collected under this section shall be 88037
deposited in the real estate operating fund, which is created in 88038
the state treasury under section 4735.211 of the Revised Code. 88039

(E) If a party fails to pay a civil penalty assessed pursuant to this section within the time prescribed by the commission, the superintendent shall forward to the attorney general the name of the party, any other identifying information, and the amount of the civil penalty, for the purpose of collecting that civil penalty. In addition to the civil penalty assessed pursuant to this section, the party also shall pay any fee assessed by the attorney general for collection of the civil penalty.

(F) The superintendent may reserve the right to bring a civil action against a party that fails to pay a civil penalty for breach of contract in a court of competent jurisdiction.

Sec. 4735.06. (A) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. Each application shall state the name of the person applying and the location of the place of business for which the license is desired, and give such other information as the superintendent requires in the form of application prescribed by the superintendent.

(B)(1) If the applicant is a partnership, limited liability company, limited liability partnership, or association, the names of all the members also shall be stated, and, if the applicant is a corporation, the names of its president and of each of its officers also shall be stated.

The superintendent has the right to reject the application of any partnership, association, limited liability company, limited liability partnership, or corporation if the name proposed to be used by such partnership, association, limited liability company, limited liability partnership, or corporation is likely to mislead the public or if the name is not such as to distinguish it from

the name of any existing partnership, association, limited liability company, limited liability partnership, or corporation licensed under this chapter, unless there is filed with the application the written consent of such existing partnership, association, limited liability company, limited liability partnership, or corporation, executed by a duly authorized representative of it, permitting the use of the name of such existing partnership, association, limited liability company, limited liability partnership, or corporation. 88071
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(2) The superintendent shall approve the use of a trade name by a brokerage, if the name meets both of the following criteria: 88080
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(a) The proposed name is not the same as or is clearly distinguishable from a name registered with the division of real estate and professional licensing by another existing brokerage. If the superintendent determines that the proposed name is not clearly distinguishable from any other existing brokerage, the superintendent may approve the use of the trade name if there is filed with the superintendent the written consent of the existing brokerage with the same or similar name. 88082
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(b) The name is not misleading or likely to mislead the public. 88090
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(3) The superintendent may approve the use of more than one trade name for a brokerage. 88092
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(4) When a brokerage has received the approval of the superintendent to conduct business under one or more trade names, those trade names shall be the only identifying names used by the brokerage in all advertising. 88094
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(C) A fee of one hundred thirty-five dollars shall accompany the application for a real estate broker's license. The initial licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. However, if the 88098
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applicant was an inactive or active salesperson immediately 88102
preceding application for a broker's license, then the initial 88103
licensing period shall commence at the time the broker's license 88104
is issued and ends on the date the licensee's continuing education 88105
is due as set when the applicant was a salesperson. The 88106
application fee shall be nonrefundable. A fee of one hundred 88107
thirty-five dollars shall be charged by the superintendent for 88108
each successive application made by an applicant. In the case of 88109
issuance of a three-year license, upon passing the examination, or 88110
upon waiver of the examination requirement, if the superintendent 88111
determines it is necessary, the applicant shall submit an 88112
additional fee determined by the superintendent based upon the 88113
number of years remaining in a real estate salesperson's licensing 88114
period. 88115

(D) ~~One dollar of each application fee for a real estate~~ 88116
~~broker's license shall be credited to the real estate education~~ 88117
~~and research fund, which is hereby created in the state treasury.~~ 88118
The Ohio real estate commission may use the division of real 88119
estate operating fund created under section 4735.211 of the 88120
Revised Code in discharging the duties prescribed in divisions 88121
(E), (F), (G), and (H) of section 4735.03 of the Revised Code and 88122
~~shall~~ may use it in the advancement of education and research in 88123
real estate at any institution of higher education in the state, 88124
or in contracting with any such institution or a trade 88125
organization for a particular research or educational project in 88126
the field of real estate, or in advancing loans, not exceeding two 88127
thousand dollars, to applicants for salesperson licenses, to 88128
defray the costs of satisfying the educational requirements of 88129
division (F) of section 4735.09 of the Revised Code. Such loans 88130
shall be made according to rules established by the commission 88131
under the procedures of Chapter 119. of the Revised Code, and they 88132
shall be repaid to the fund within three years of the time they 88133
are made. No more than twenty-five thousand dollars shall be lent 88134

from the fund in any one fiscal year. 88135

The governor may appoint a representative from the executive 88136
branch to be a member ex officio of the commission for the purpose 88137
of advising on research requests or educational projects. The 88138
commission shall report to the general assembly on the third 88139
Tuesday after the third Monday in January of each year setting 88140
forth the total amount contained in the fund and the amount of 88141
each research grant that it has authorized and the amount of each 88142
research grant requested. A copy of all research reports shall be 88143
submitted to the state library of Ohio and the library of the 88144
legislative service commission. 88145

(E) If the superintendent, with the consent of the 88146
commission, enters into an agreement with a national testing 88147
service to administer the real estate broker's examination, 88148
pursuant to division (A) of section 4735.07 of the Revised Code, 88149
the superintendent may require an applicant to pay the testing 88150
service's examination fee directly to the testing service. If the 88151
superintendent requires the payment of the examination fee 88152
directly to the testing service, each applicant shall submit to 88153
the superintendent a processing fee in an amount determined by the 88154
Ohio real estate commission pursuant to division (A)(2) of section 88155
4735.10 of the Revised Code. 88156

Sec. 4735.07. (A) The superintendent of real estate, with the 88157
consent of the Ohio real estate commission, may enter into 88158
agreements with recognized national testing services to administer 88159
the real estate broker's examination under the superintendent's 88160
supervision and control, consistent with the requirements of this 88161
chapter as to the contents of such examination. 88162

(B) No applicant for a real estate broker's license shall 88163
take the broker's examination who has not established to the 88164
satisfaction of the superintendent that the applicant: 88165

(1) Is honest and truthful;	88166
(2)(a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;	88167 88168
(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant's activities and employment record since the adjudication show that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant will again violate the laws involved.	88169 88170 88171 88172 88173 88174 88175 88176 88177 88178
(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to, this chapter, or, if the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;	88179 88180 88181 88182 88183 88184
(4) Is at least eighteen years of age;	88185
(5) Has been a licensed real estate broker or salesperson for at least two years; during at least two of the five years preceding the person's application, has worked as a licensed real estate broker or salesperson for an average of at least thirty hours per week; and has completed one of the following:	88186 88187 88188 88189 88190
(a) At least twenty real estate transactions, in which property was sold for another by the applicant while acting in the capacity of a real estate broker or salesperson;	88191 88192 88193
(b) Such equivalent experience as is defined by rules adopted by the commission.	88194 88195

(6)(a) If licensed as a real estate salesperson prior to August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	88196
(i) Thirty hours of instruction in real estate practice;	88197
(ii) Thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	88198
(iii) Thirty hours of instruction in real estate appraisal;	88199
(iv) Thirty hours of instruction in real estate finance;	88200
(v) Three quarter hours, or its equivalent in semester hours, in financial management;	88201
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	88202
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	88203
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	88204
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of	88205

higher education all of the following credit-eligible courses by 88226
either classroom instruction or distance education: 88227

(i) Forty hours of instruction in real estate practice; 88228

(ii) Forty hours of instruction that includes the subjects of 88229
Ohio real estate law, municipal, state, and federal civil rights 88230
law, new case law on housing discrimination, desegregation issues, 88231
and methods of eliminating the effects of prior discrimination. If 88232
feasible, the instruction in Ohio real estate law shall be taught 88233
by a member of the faculty of an accredited law school. If 88234
feasible, the instruction in municipal, state, and federal civil 88235
rights law, new case law on housing discrimination, desegregation 88236
issues, and methods of eliminating the effects of prior 88237
discrimination shall be taught by a staff member of the Ohio civil 88238
rights commission who is knowledgeable with respect to those 88239
subjects. The requirements of this division do not apply to an 88240
applicant who is admitted to practice before the supreme court. 88241

(iii) Twenty hours of instruction in real estate appraisal; 88242

(iv) Twenty hours of instruction in real estate finance; 88243

(v) The training in the amount of hours specified under 88244
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 88245

(c) Division (B)(6)(a) or (b) of this section does not apply 88246
to any applicant who holds a valid real estate salesperson's 88247
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 88248
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 88249
do not apply to any applicant who holds a valid real estate 88250
salesperson's license issued prior to January 3, 1984. 88251

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 88252
section do not apply to any new applicant who holds a valid Ohio 88253
real estate appraiser license or certificate issued prior to the 88254
date of application for a real estate broker's license. 88255

(e) Successful completion of the instruction required by 88256
division (B)(6)(a) or (b) of this section shall be determined by 88257
the law in effect on the date the instruction was completed. 88258

(7) If licensed as a real estate salesperson on or after 88259
January 3, 1984, satisfactorily has completed a minimum of two 88260
years of post-secondary education, or its equivalent in semester 88261
or quarter hours, at an institution of higher education, and has 88262
fulfilled the requirements of division (B)(6)(a) or (b) of this 88263
section. The requirements of division (B)(6)(a) or (b) of this 88264
section may be included in the two years of post-secondary 88265
education, or its equivalent in semester or quarter hours, that is 88266
required by this division. The post-secondary education 88267
requirement may be satisfied by completing the credit-eligible 88268
courses using either classroom instruction or distance education. 88269
Successful completion of any course required by this section shall 88270
be determined by the law in effect on the date the course was 88271
completed. 88272

(C) Each applicant for a broker's license shall be examined 88273
in the principles of real estate practice, Ohio real estate law, 88274
and financing and appraisal, and as to the duties of real estate 88275
brokers and real estate salespersons, the applicant's knowledge of 88276
real estate transactions and instruments relating to them, and the 88277
canons of business ethics pertaining to them. The commission from 88278
time to time shall promulgate such canons and cause them to be 88279
published in printed form. 88280

(D) Examinations shall be administered with reasonable 88281
accommodations in accordance with the requirements of the 88282
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 88283
U.S.C. 12101. The contents of an examination shall be consistent 88284
with the requirements of division (B)(6) of this section and with 88285
the other specific requirements of this section. An applicant who 88286
has completed the requirements of division (B)(6) of this section 88287

at the time of application shall be examined no later than twelve 88288
months after the applicant is notified of admission to the 88289
examination. 88290

(E) The superintendent may waive one or more of the 88291
requirements of this section in the case of an application from a 88292
nonresident real estate broker pursuant to a reciprocity agreement 88293
with the licensing authority of the state from which the 88294
nonresident applicant holds a valid real estate broker license. 88295

(F) There shall be no limit placed on the number of times an 88296
applicant may retake the examination. 88297

(G)(1) Not earlier than the date of issue of a real estate 88298
broker's license to a licensee, but not later than twelve months 88299
after the date of issue of a real estate broker's license to a 88300
licensee, the licensee shall submit proof satisfactory to the 88301
superintendent, on forms made available by the superintendent, of 88302
the completion of ten hours of instruction that shall be completed 88303
in schools, seminars, and educational institutions that are 88304
approved by the commission. Approval of the curriculum and 88305
providers shall be granted according to rules adopted pursuant to 88306
section 4735.10 of the Revised Code and may be taken through 88307
classroom instruction or distance education. 88308

If the required proof of completion is not submitted to the 88309
superintendent within twelve months of the date a license is 88310
issued under this section, the license of the real estate broker 88311
is suspended automatically without the taking of any action by the 88312
superintendent. The broker's license shall not be reactivated by 88313
the superintendent until it is established, to the satisfaction of 88314
the superintendent, that the requirements of this division have 88315
been met and that the licensee is in compliance with this chapter. 88316
A licensee's license is revoked automatically without the taking 88317
of any action by the superintendent if the licensee fails to 88318
submit proof of completion of the education requirements specified 88319

under division (G)(1) of this section within twelve months of the 88320
date the license is suspended. 88321

(2) If the license of a real estate broker is suspended 88322
pursuant to division (G)(1) of this section, the license of a real 88323
estate salesperson associated with that broker correspondingly is 88324
suspended pursuant to division (H) of section 4735.20 of the 88325
Revised Code. However, the suspended license of the associated 88326
real estate salesperson shall be reactivated and no fee shall be 88327
charged or collected for that reactivation if all of the following 88328
occur: 88329

(a) That broker subsequently submits satisfactory proof to 88330
the superintendent that the broker has complied with the 88331
requirements of division (G)(1) of this section and requests that 88332
the broker's license as a real estate broker be reactivated; 88333

(b) The superintendent then reactivates the broker's license 88334
as a real estate broker; 88335

(c) The associated real estate salesperson intends to 88336
continue to be associated with that broker and otherwise is in 88337
compliance with this chapter. 88338

Sec. 4735.09. (A) Application for a license as a real estate 88339
salesperson shall be made to the superintendent of real estate on 88340
forms furnished by the superintendent and signed by the applicant. 88341
The application shall be in the form prescribed by the 88342
superintendent and shall contain such information as is required 88343
by this chapter and the rules of the Ohio real estate commission. 88344
The application shall be accompanied by the recommendation of the 88345
real estate broker with whom the applicant is associated or with 88346
whom the applicant intends to be associated, certifying that the 88347
applicant is honest and truthful, and has not been finally 88348
adjudged by a court to have violated any municipal, state, or 88349
federal civil rights laws relevant to the protection of purchasers 88350

or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. ~~One dollar of each application fee shall be credited to the real estate education and research fund.~~

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to the superintendent a processing fee in an amount determined by the Ohio real estate commission pursuant to division (A)(1) of section

4735.10 of the Revised Code. 88382

(E) The superintendent shall issue a real estate 88383
salesperson's license when satisfied that the applicant has 88384
received a passing score on each portion of the salesperson's 88385
examination as determined by rule by the real estate commission, 88386
except that the superintendent may waive one or more of the 88387
requirements of this section in the case of an applicant who is a 88388
licensed real estate salesperson in another state pursuant to a 88389
reciprocity agreement with the licensing authority of the state 88390
from which the applicant holds a valid real estate salesperson's 88391
license. 88392

(F) No applicant for a salesperson's license shall take the 88393
salesperson's examination who has not established to the 88394
satisfaction of the superintendent that the applicant: 88395

(1) Is honest and truthful; 88396

(2)(a) Has not been convicted of a disqualifying offense as 88397
determined in accordance with section 9.79 of the Revised Code; 88398

(b) Has not been finally adjudged by a court to have violated 88399
any municipal, state, or federal civil rights laws relevant to the 88400
protection of purchasers or sellers of real estate or, if the 88401
applicant has been so adjudged, at least two years have passed 88402
since the court decision and the superintendent has disregarded 88403
the adjudication because the applicant has proven, by a 88404
preponderance of the evidence, that the applicant is honest and 88405
truthful, and there is no basis in fact for believing that the 88406
applicant again will violate the laws involved. 88407

(3) Has not, during any period in which the applicant was 88408
licensed under this chapter, violated any provision of, or any 88409
rule adopted pursuant to this chapter, or, if the applicant has 88410
violated such provision or rule, has established to the 88411
satisfaction of the superintendent that the applicant will not 88412

again violate such provision or rule; 88413

(4) Is at least eighteen years of age; 88414

(5) If born after the year 1950, has a high school diploma or 88415
a certificate of high school equivalence issued by the department 88416
of education; 88417

(6) Has successfully completed at an institution of higher 88418
education all of the following credit-eligible courses by either 88419
classroom instruction or distance education: 88420

(a) Forty hours of instruction in real estate practice; 88421

(b) Forty hours of instruction that includes the subjects of 88422
Ohio real estate law, municipal, state, and federal civil rights 88423
law, new case law on housing discrimination, desegregation issues, 88424
and methods of eliminating the effects of prior discrimination. If 88425
feasible, the instruction in Ohio real estate law shall be taught 88426
by a member of the faculty of an accredited law school. If 88427
feasible, the instruction in municipal, state, and federal civil 88428
rights law, new case law on housing discrimination, desegregation 88429
issues, and methods of eliminating the effects of prior 88430
discrimination shall be taught by a staff member of the Ohio civil 88431
rights commission who is knowledgeable with respect to those 88432
subjects. The requirements of this division do not apply to an 88433
applicant who is admitted to practice before the supreme court. 88434

(c) Twenty hours of instruction in real estate appraisal; 88435

(d) Twenty hours of instruction in real estate finance. 88436

(G)(1) Successful completion of the instruction required by 88437
division (F)(6) of this section shall be determined by the law in 88438
effect on the date the instruction was completed. 88439

(2) Division (F)(6)(c) of this section does not apply to any 88440
new applicant who holds a valid Ohio real estate appraiser license 88441
or certificate issued prior to the date of application for a real 88442

estate salesperson's license. 88443

(H) Only for noncredit course offerings, an institution of 88444
higher education shall obtain approval from the appropriate state 88445
authorizing entity prior to offering a real estate course that is 88446
designed and marketed as satisfying the salesperson license 88447
education requirements of division (F)(6) of this section. The 88448
state authorizing entity may consult with the superintendent in 88449
reviewing the course for compliance with this section. 88450

(I) Any person who has not been licensed as a real estate 88451
salesperson or broker within a four-year period immediately 88452
preceding the person's current application for the salesperson's 88453
examination shall have successfully completed the prelicensure 88454
instruction required by division (F)(6) of this section within a 88455
ten-year period immediately preceding the person's current 88456
application for the salesperson's examination. 88457

(J) Not earlier than the date of issue of a real estate 88458
salesperson's license to a licensee, but not later than twelve 88459
months after the date of issue of a real estate salesperson 88460
license to a licensee, the licensee shall submit proof 88461
satisfactory to the superintendent, on forms made available by the 88462
superintendent, of the completion of twenty hours of instruction 88463
that shall be completed in schools, seminars, and educational 88464
institutions approved by the commission. The instruction shall 88465
include, but is not limited to, current practices relating to 88466
commercial real estate, property management, short sales, and land 88467
contracts; contract law; federal and state programs; economic 88468
conditions; and fiduciary responsibility. Approval of the 88469
curriculum and providers shall be granted according to rules 88470
adopted pursuant to section 4735.10 of the Revised Code and may be 88471
taken through classroom instruction or distance education. 88472

If proof of completion of the required instruction is not 88473
submitted within twelve months of the date a license is issued 88474

under this section, the licensee's license is suspended 88475
automatically without the taking of any action by the 88476
superintendent. The superintendent immediately shall notify the 88477
broker with whom such salesperson is associated of the suspension 88478
of the salesperson's license. A salesperson whose license has been 88479
suspended under this division shall have twelve months after the 88480
date of the suspension of the salesperson's license to submit 88481
proof of successful completion of the instruction required under 88482
this division. No such license shall be reactivated by the 88483
superintendent until it is established, to the satisfaction of the 88484
superintendent, that the requirements of this division have been 88485
met and that the licensee is in compliance with this chapter. A 88486
licensee's license is revoked automatically without the taking of 88487
any action by the superintendent when the licensee fails to submit 88488
the required proof of completion of the education requirements 88489
under division (I) of this section within twelve months of the 88490
date the license is suspended. 88491

(K) Examinations shall be administered with reasonable 88492
accommodations in accordance with the requirements of the 88493
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 88494
U.S.C. 12189. The contents of an examination shall be consistent 88495
with the classroom instructional requirements of division (F)(6) 88496
of this section. An applicant who has completed the classroom 88497
instructional requirements of division (F)(6) of this section at 88498
the time of application shall be examined no later than twelve 88499
months after the applicant is notified of the applicant's 88500
admission to the examination. 88501

Sec. 4735.12. (A) The real estate recovery fund is hereby 88502
created in the state treasury, to be administered by the 88503
superintendent of real estate. Amounts collected by the 88504
superintendent as prescribed in this section and interest earned 88505
on the assets of the fund shall be credited by the treasurer of 88506

state to the fund. The amount of money in the fund shall be 88507
ascertained by the superintendent as of the first day of July of 88508
each year. 88509

The commission, in accordance with rules adopted under 88510
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 88511
impose a special assessment not to exceed ten dollars per year for 88512
each year of a licensing period on each licensee filing a notice 88513
of renewal under section 4735.14 of the Revised Code if the amount 88514
available in the fund is less than two hundred fifty thousand 88515
dollars on the first day of July preceding that filing. The 88516
commission shall not impose a special assessment if the amount 88517
available in the fund exceeds two hundred fifty thousand dollars 88518
on the first day of July preceding that filing. 88519

(B)(1) Any person who obtains a final judgment in any court 88520
of competent jurisdiction against any broker or salesperson 88521
licensed under this chapter, on the grounds of conduct that is in 88522
violation of this chapter or the rules adopted under it, and that 88523
is associated with an act or transaction that only a licensed real 88524
estate broker or licensed real estate salesperson is authorized to 88525
perform as specified in division (A) or (C) of section 4735.01 of 88526
the Revised Code, may file a verified application, as described in 88527
division (B)(3) of this section, in the court of common pleas of 88528
Franklin county for an order directing payment out of the real 88529
estate recovery fund of the portion of the judgment that remains 88530
unpaid and that represents the actual and direct loss sustained by 88531
the applicant. 88532

(2) Punitive damages, attorney's fees, and interest on a 88533
judgment are not recoverable from the fund. In the discretion of 88534
the superintendent of real estate, court costs may be recovered 88535
from the fund, and, if the superintendent authorizes the recovery 88536
of court costs, the order of the court of common pleas then may 88537
direct their payment from the fund. 88538

(3) The application shall specify the nature of the act or transaction upon which the underlying judgment was based, the activities of the applicant in pursuit of remedies available under law for the collection of judgments, and the actual and direct losses, attorney's fees, and the court costs sustained or incurred by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action.

(4) The court shall order the superintendent to make such payments out of the fund when the person seeking the order has shown all of the following:

(a) The person has obtained a judgment, as provided in this division;

(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section;

(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse;

(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund;

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment.

(5) Divisions (B)(1) to (4) of this section do not apply to any of the following:

(a) Actions arising from property management accounts maintained in the name of the property owner;

(b) A bonding company when it is not a principal in a real estate transaction;

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code;

(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment.

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that the superintendent shall give written notice to the applicant at least ten days before such motion. The superintendent may, subject to court approval, compromise a claim based upon the application of an aggrieved party. The superintendent shall not be bound by any prior compromise or stipulation of the judgment debtor.

(D) Notwithstanding any other provision of this section, the liability of the fund shall not exceed forty thousand dollars for any one licensee. If a licensee's license is reactivated as provided in division (E) of this section, the liability of the fund for the licensee under this section shall again be forty

thousand dollars, but only for transactions that occur subsequent 88601
to the time of reactivation. 88602

If the forty-thousand-dollar liability of the fund is 88603
insufficient to pay in full the valid claims of all aggrieved 88604
persons by whom claims have been filed against any one licensee, 88605
the forty thousand dollars shall be distributed among them in the 88606
ratio that their respective claims bear to the aggregate of valid 88607
claims or in such other manner as the court finds equitable. 88608
Distribution of moneys shall be among the persons entitled to 88609
share in it, without regard to the order of priority in which 88610
their respective judgments may have been obtained or their claims 88611
have been filed. Upon petition of the superintendent, the court 88612
may require all claimants and prospective claimants against one 88613
licensee to be joined in one action, to the end that the 88614
respective rights of all such claimants to the fund may be 88615
equitably adjudicated and settled. 88616

(E) If the superintendent pays from the fund any amount in 88617
settlement of a claim or toward satisfaction of a judgment against 88618
a licensed broker or salesperson, the license of the broker or 88619
salesperson shall be automatically suspended upon the date of 88620
payment from the fund. The superintendent shall not reactivate the 88621
suspended license of that broker or salesperson until the broker 88622
or salesperson has repaid in full, plus interest per annum at the 88623
rate specified in division (A) of section 1343.03 of the Revised 88624
Code, the amount paid from the fund on the broker's or 88625
salesperson's account. A discharge in bankruptcy does not relieve 88626
a person from the suspension and requirements for reactivation 88627
provided in this section unless the underlying judgment has been 88628
included in the discharge and has not been reaffirmed by the 88629
debtor. 88630

(F) If, at any time, the money deposited in the fund is 88631
insufficient to satisfy any duly authorized claim or portion of a 88632

claim, the superintendent shall, when sufficient money has been 88633
deposited in the fund, satisfy such unpaid claims or portions, in 88634
the order that such claims or portions were originally filed, plus 88635
accumulated interest per annum at the rate specified in division 88636
(A) of section 1343.03 of the Revised Code. 88637

(G) When, upon the order of the court, the superintendent has 88638
paid from the fund any sum to the judgment creditor, the 88639
superintendent shall be subrogated to all of the rights of the 88640
judgment creditor to the extent of the amount so paid, and the 88641
judgment creditor shall assign all the judgment creditor's right, 88642
title, and interest in the judgment to the superintendent to the 88643
extent of the amount so paid. Any amount and interest so recovered 88644
by the superintendent on the judgment shall be deposited in the 88645
fund. 88646

(H) Nothing contained in this section shall limit the 88647
authority of the superintendent to take disciplinary action 88648
against any licensee under other provisions of this chapter; nor 88649
shall the repayment in full of all obligations to the fund by any 88650
licensee nullify or modify the effect of any other disciplinary 88651
proceeding brought pursuant to this chapter. 88652

(I) The superintendent ~~shall~~ may collect from the fund a 88653
service fee in an amount equivalent to the interest rate specified 88654
in division (A) of section 1343.03 of the Revised Code multiplied 88655
by the annual interest earned on the assets of the fund, to defray 88656
the expenses incurred in the administration of the fund. 88657

Sec. 4735.13. (A) Every real estate broker licensed under 88658
this chapter shall have and maintain a definite place of business 88659
in this state. A post office box address is not a definite place 88660
of business for purposes of this section. The license of a real 88661
estate broker shall be prominently displayed in the office or 88662
place of business of the broker, and no license shall authorize 88663

the licensee to do business except from the location specified in 88664
it. If the broker maintains more than one place of business within 88665
the state, the broker shall apply for and procure a duplicate 88666
license for each branch office maintained by the broker. Each 88667
branch office shall be in the charge of a licensed broker or 88668
salesperson. The branch office license shall be prominently 88669
displayed at the branch office location. 88670

(B) The license of each real estate salesperson shall be 88671
mailed to and remain in the possession of the licensed broker with 88672
whom the salesperson is or is to be associated until the licensee 88673
places the license on inactive or resigned status or until the 88674
salesperson leaves the brokerage or is terminated. The broker 88675
shall keep each salesperson's license in a way that it can, and 88676
shall on request, be made immediately available for public 88677
inspection at the office or place of business of the broker. 88678
Except as provided in divisions (G) and (H) of this section, 88679
immediately upon the salesperson's leaving the association or 88680
termination of the association of a real estate salesperson with 88681
the broker, the broker shall return the salesperson's license to 88682
the superintendent of real estate. 88683

The failure of a broker to return the license of a real 88684
estate salesperson or broker who leaves or who is terminated, via 88685
certified mail return receipt requested, within three business 88686
days of the receipt of a written request from the superintendent 88687
for the return of the license, is prima-facie evidence of 88688
misconduct under division (A)(6) of section 4735.18 of the Revised 88689
Code. 88690

(C) A licensee shall notify the superintendent in writing 88691
within fifteen days of any of the following occurrences: 88692

(1) The licensee is convicted of a felony. 88693

(2) The licensee is convicted of a crime involving moral 88694

turpitude. 88695

(3) The licensee is found to have violated any federal, 88696
state, or municipal civil rights law pertaining to discrimination 88697
in housing. 88698

(4) The licensee is found to have engaged in a discriminatory 88699
practice pertaining to housing accommodations described in 88700
division (H) of section 4112.02 of the Revised Code. 88701

(5) The licensee is the subject of an order by the department 88702
of commerce, the department of insurance, or the department of 88703
agriculture revoking or permanently surrendering any professional 88704
license, certificate, or registration. 88705

(6) The licensee is the subject of an order by any government 88706
agency concerning real estate, financial matters, or the 88707
performance of fiduciary duties with respect to any license, 88708
certificate, or registration. 88709

If a licensee fails to notify the superintendent within the 88710
required time, the superintendent immediately may suspend the 88711
license of the licensee. 88712

Any court that convicts a licensee of a violation of any 88713
municipal civil rights law pertaining to housing discrimination 88714
also shall notify the Ohio civil rights commission within fifteen 88715
days of the conviction. 88716

(D) In case of any change of business location, a broker 88717
shall give notice to the superintendent, on a form prescribed by 88718
the superintendent, within thirty days after the change of 88719
location, whereupon the superintendent shall issue new licenses 88720
for the unexpired period without charge. If a broker changes a 88721
business location without giving the required notice and without 88722
receiving new licenses that action is prima-facie evidence of 88723
misconduct under division (A)(6) of section 4735.18 of the Revised 88724
Code. 88725

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. ~~One dollar of the fee shall be credited to the real estate education and research fund.~~ If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the superintendent to all salespersons associated with the broker when applying to place the broker's license on deposit.

(F) If a real estate broker desires to become a member or officer of a partnership, association, limited liability company, limited liability partnership, or corporation that is or intends to become a licensed real estate broker, the broker shall notify the superintendent of the broker's intentions. The notice of intention shall be on a form prescribed by the superintendent and shall be accompanied by a fee of thirty-four dollars. ~~One dollar~~

~~of the fee shall be credited to the real estate education and 88759
research fund. 88760~~

A licensed real estate broker who is a member or officer of a 88761
partnership, association, limited liability company, limited 88762
liability partnership, or corporation shall only act as a real 88763
estate broker for such partnership, association, limited liability 88764
company, limited liability partnership, or corporation. 88765

(G)(1) If a real estate broker or salesperson enters the 88766
armed forces, the broker or salesperson may place the broker's or 88767
salesperson's license on deposit with the Ohio real estate 88768
commission. The licensee shall not be required to renew the 88769
license until the renewal date that follows the date of discharge 88770
from the armed forces. Any license deposited with the commission 88771
shall be subject to this chapter. 88772

Any licensee whose license is on deposit under this division 88773
and who fails to meet the continuing education requirements of 88774
section 4735.141 of the Revised Code because the licensee is in 88775
the armed forces shall satisfy the commission that the licensee 88776
has complied with the continuing education requirements within 88777
twelve months of the licensee's first birthday after discharge or 88778
within the amount of time equal to the total number of months the 88779
licensee spent on active duty, whichever is greater. The licensee 88780
shall submit proper documentation of active duty service and the 88781
length of that active duty service to the superintendent. The 88782
extension shall not exceed the total number of months that the 88783
licensee served in active duty. The superintendent shall notify 88784
the licensee of the licensee's obligations under section 4735.141 88785
of the Revised Code at the time the licensee applies for 88786
reactivation of the licensee's license. 88787

(2) If a licensee is a spouse of a member of the armed forces 88788
and the spouse's service resulted in the licensee's absence from 88789
this state, both of the following apply: 88790

(a) The licensee shall not be required to renew the license 88791
until the renewal date that follows the date of the spouse's 88792
discharge from the armed forces. 88793

(b) If the licensee fails to meet the continuing education 88794
requirements of section 4735.141 of the Revised Code, the licensee 88795
shall satisfy the commission that the licensee has complied with 88796
the continuing education requirements within twelve months after 88797
the licensee's first birthday after the spouse's discharge or 88798
within the amount of time equal to the total number of months the 88799
licensee's spouse spent on active duty, whichever is greater. The 88800
licensee shall submit proper documentation of the spouse's active 88801
duty service and the length of that active duty service. This 88802
extension shall not exceed the total number of months that the 88803
licensee's spouse served in active duty. 88804

(3) In the case of a licensee as described in division (G)(2) 88805
of this section, who holds the license through a reciprocity 88806
agreement with another state, the spouse's service shall have 88807
resulted in the licensee's absence from the licensee's state of 88808
residence for the provisions of that division to apply. 88809

(4) As used in this division, "armed forces" means the armed 88810
forces of the United States or reserve component of the armed 88811
forces of the United States including the Ohio national guard or 88812
the national guard of any other state. 88813

(H) If a licensed real estate salesperson submits an 88814
application to the superintendent to leave the association of one 88815
broker to associate with a different broker, the broker possessing 88816
the licensee's license need not return the salesperson's license 88817
to the superintendent. The superintendent may process the 88818
application regardless of whether the licensee's license is 88819
returned to the superintendent. 88820

Sec. 4735.143. (A) Each person applying for a license 88821

pursuant to section 4735.07 or 4735.09 of the Revised Code shall 88822
submit one complete set of fingerprint impressions directly to the 88823
superintendent of the bureau of criminal identification and 88824
investigation for the purpose of conducting a criminal records 88825
check. The applicant shall provide the fingerprint impressions 88826
using a method the superintendent of the bureau of criminal 88827
identification and investigation prescribes and fill out the form 88828
the superintendent prescribes pursuant to division (C) of section 88829
109.572 of the Revised Code. Upon receiving an application under 88830
this section, the superintendent of real estate and professional 88831
licensing shall request the superintendent of the bureau of 88832
criminal identification and investigation, or a vendor approved by 88833
the bureau, to conduct a criminal records check based on the 88834
applicant's fingerprint impressions in accordance with division 88835
(A)(16) of section 109.572 of the Revised Code. Notwithstanding 88836
division ~~(K)~~(L) of section 121.08 of the Revised Code, the 88837
superintendent of real estate and professional licensing shall 88838
request that criminal record information based on the applicant's 88839
fingerprints be obtained from the federal bureau of investigation 88840
as part of the criminal records check. Any fee required under 88841
division (C)(3) of section 109.572 of the Revised Code shall be 88842
paid by the applicant. 88843

(B) An applicant who disclosed on the application that the 88844
applicant has been convicted of any criminal offense shall only be 88845
permitted to take the examination after the results of the 88846
criminal records check have been received by the superintendent 88847
and the superintendent has made a determination to disregard the 88848
conviction because the applicant has proven to the superintendent, 88849
by a preponderance of the evidence, that the applicant's 88850
activities and employment record since the conviction show that 88851
the applicant is honest, truthful, and of good reputation, and 88852
there is no basis in fact for believing that the applicant again 88853

will violate the laws involved. 88854

(C) Persons who have indicated on the application that they 88855
have not been convicted of any criminal offense, shall, if all 88856
other requirements for licensure have been satisfied, be permitted 88857
to take the real estate examination for which the applicant has 88858
applied prior to the superintendent's receipt of the results of 88859
the criminal records check. If the applicant receives a passing 88860
score on the examination and meets the other requirements for the 88861
license, the superintendent shall issue a provisional license 88862
pending the results of the criminal records check. During this 88863
provisional status, the licensee may perform acts that require a 88864
real estate license. If the results of the criminal records check 88865
subsequently confirm that the licensee has no convictions, the 88866
provisional status shall be removed. If it is determined that the 88867
licensee has been convicted of any criminal offense, the 88868
superintendent may immediately suspend the license of the 88869
licensee. 88870

(D) Any entity offering the prelicensure education required 88871
to obtain a real estate license in this state shall, prior to a 88872
student's enrollment in a class, notify the student of both of the 88873
following: 88874

(1) That a conviction of a criminal offense may disqualify an 88875
individual from obtaining a real estate license; 88876

(2) The student's rights under section 9.78 of the Revised 88877
Code to request a determination as to whether such a conviction 88878
will disqualify the student. 88879

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 88880
transfer of a license shall be as follows: 88881

(1) Reactivation or transfer of a broker's license into or 88882
out of a partnership, association, limited liability company, 88883

limited liability partnership, or corporation or from one 88884
partnership, association, limited liability company, limited 88885
liability partnership, or corporation to another partnership, 88886
association, limited liability company, limited liability 88887
partnership, or corporation, thirty-four dollars. An application 88888
for such transfer shall be made to the superintendent of real 88889
estate on forms provided by the superintendent. 88890

(2) Reactivation or transfer of a license by a real estate 88891
salesperson, thirty-four dollars. 88892

(B) Except as may otherwise be specified pursuant to division 88893
(F) of this section or any rules adopted by the Ohio real estate 88894
commission pursuant to division (A)(2)(b) of section 4735.10 of 88895
the Revised Code, the nonrefundable fees are as follows for each 88896
licensing period: 88897

(1) Branch office license, twenty dollars; 88898

(2) Renewal of a three-year real estate broker's license, two 88899
hundred forty-three dollars. If the licensee is a partnership, 88900
association, limited liability company, limited liability 88901
partnership, or corporation, the full broker's renewal fee shall 88902
be required for each member of such partnership, association, 88903
limited liability company, limited liability partnership, or 88904
corporation that is a real estate broker. If the real estate 88905
broker has not less than eleven nor more than twenty real estate 88906
salespersons associated with the broker, an additional fee of 88907
sixty-four dollars shall be assessed to the brokerage. For every 88908
additional ten real estate salespersons or fraction of that 88909
number, the brokerage assessment fee shall be increased in the 88910
amount of thirty-seven dollars. 88911

(3) Renewal of a three-year real estate salesperson's 88912
license, one hundred eighty-two dollars; 88913

(4) Renewal of a real estate broker's or salesperson's 88914

license filed within twelve months after the licensee's renewal 88915
date, an additional late filing penalty of fifty per cent of the 88916
required three-year fee; 88917

(5) Foreign real estate dealer's license and each renewal of 88918
the license, thirty dollars per salesperson employed by the 88919
dealer, but not less than two hundred three dollars; 88920

(6) Foreign real estate salesperson's license and each 88921
renewal of the license, sixty-eight dollars. 88922

(C) All fees collected under this section shall be paid to 88923
the treasurer of state. ~~One dollar of each such fee shall be~~ 88924
~~credited to the real estate education and research fund, except~~ 88925
~~that for fees that are assessed only once every three years, one~~ 88926
~~dollar and fifty cents of each triennial fee shall be credited to~~ 88927
~~the real estate education and research fund.~~ 88928

(D) In all cases, the fee and any penalty shall accompany the 88929
application for the license, license transfer, or license 88930
reactivation or shall accompany the filing of the renewal. 88931

(E) The commission may establish by rule reasonable fees for 88932
services not otherwise established by this chapter. 88933

(F) The commission may adopt rules that provide for a 88934
reduction in the fees established in divisions (B)(2) and (3) of 88935
this section. 88936

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised 88937
Code, the superintendent of real estate, upon the superintendent's 88938
own motion, may investigate the conduct of any licensee. Subject 88939
to division (E) of this section and section 4735.32 of the Revised 88940
Code, the Ohio real estate commission shall impose disciplinary 88941
sanctions upon any licensee who, whether or not acting in the 88942
licensee's capacity as a real estate broker or salesperson, or in 88943
handling the licensee's own property, is found to have been 88944

convicted of a felony or a crime of moral turpitude, and may 88945
impose disciplinary sanctions upon any licensee who, in the 88946
licensee's capacity as a real estate broker or salesperson, or in 88947
handling the licensee's own property, is found guilty of: 88948

(1) Knowingly making any misrepresentation; 88949

(2) Making any false promises with intent to influence, 88950
persuade, or induce; 88951

(3) A continued course of misrepresentation or the making of 88952
false promises through agents, salespersons, advertising, or 88953
otherwise; 88954

(4) Acting for more than one party in a transaction except as 88955
permitted by and in compliance with section 4735.71 of the Revised 88956
Code; 88957

(5) Failure within a reasonable time to account for or to 88958
remit any money coming into the licensee's possession which 88959
belongs to others; 88960

(6) Dishonest or illegal dealing, gross negligence, 88961
incompetency, or misconduct; 88962

(7)(a) By final adjudication by a court, a violation of any 88963
municipal or federal civil rights law relevant to the protection 88964
of purchasers or sellers of real estate or, by final adjudication 88965
by a court, any unlawful discriminatory practice pertaining to the 88966
purchase or sale of real estate prohibited by Chapter 4112. of the 88967
Revised Code, provided that such violation arose out of a 88968
situation wherein parties were engaged in bona fide efforts to 88969
purchase, sell, or lease real estate, in the licensee's practice 88970
as a licensed real estate broker or salesperson; 88971

(b) A second or subsequent violation of any unlawful 88972
discriminatory practice pertaining to the purchase or sale of real 88973
estate prohibited by Chapter 4112. of the Revised Code or any 88974

second or subsequent violation of municipal or federal civil 88975
rights laws relevant to purchasing or selling real estate whether 88976
or not there has been a final adjudication by a court, provided 88977
that such violation arose out of a situation wherein parties were 88978
engaged in bona fide efforts to purchase, sell, or lease real 88979
estate. For any second offense under this division, the commission 88980
shall suspend for a minimum of two months or revoke the license of 88981
the broker or salesperson. For any subsequent offense, the 88982
commission shall revoke the license of the broker or salesperson. 88983

(8) Procuring a license under this chapter, for the licensee 88984
or any salesperson by fraud, misrepresentation, or deceit; 88985

(9) Having violated or failed to comply with any provision of 88986
sections 4735.51 to 4735.74 of the Revised Code or having 88987
willfully disregarded or violated any other provisions of this 88988
chapter; 88989

(10) As a real estate broker, having demanded, without 88990
reasonable cause, other than from a broker licensed under this 88991
chapter, a commission to which the licensee is not entitled, or, 88992
as a real estate salesperson, having demanded, without reasonable 88993
cause, a commission to which the licensee is not entitled; 88994

(11) Except as permitted under section 4735.20 of the Revised 88995
Code, having paid commissions or fees to, or divided commissions 88996
or fees with, anyone not licensed as a real estate broker or 88997
salesperson under this chapter or anyone not operating as an 88998
out-of-state commercial real estate broker or salesperson under 88999
section 4735.022 of the Revised Code; 89000

(12) Having falsely represented membership in any real estate 89001
professional association of which the licensee is not a member; 89002

(13) Having accepted, given, or charged any undisclosed 89003
commission, rebate, or direct profit on expenditures made for a 89004
principal; 89005

(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;

(15) Having acted in the dual capacity of real estate broker and undisclosed principal, or real estate salesperson and undisclosed principal, in any transaction;

(16) Having guaranteed, authorized, or permitted any person to guarantee future profits which may result from the resale of real property;

(17) Having advertised or placed a sign on any property offering it for sale or for rent without the consent of the owner or the owner's authorized agent;

(18) Having induced any party to a contract of sale or lease to break such contract for the purpose of substituting in lieu of it a new contract with another principal;

(19) Having negotiated the sale, exchange, or lease of any real property directly with a seller, purchaser, lessor, or tenant knowing that such seller, purchaser, lessor, or tenant is represented by another broker under a written exclusive agency agreement, exclusive right to sell or lease listing agreement, or exclusive purchaser agency agreement with respect to such property except as provided for in section 4735.75 of the Revised Code;

(20) Having offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent;

(21) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having

misrepresented any properties, terms, values, policies, or services of the business conducted; 89037
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(22) Having knowingly withheld from or inserted in any statement of account or invoice any statement that made it inaccurate in any material particular; 89039
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(23) Having published or circulated unjustified or unwarranted threats of legal proceedings which tended to or had the effect of harassing competitors or intimidating their customers; 89042
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(24) Having failed to keep complete and accurate records of all transactions for a period of three years from the date of the transaction, such records to include copies of listing forms, earnest money receipts, offers to purchase and acceptances of them, records of receipts and disbursements of all funds received by the licensee as broker and incident to the licensee's transactions as such, and records required pursuant to divisions (C)(4) and (5) of section 4735.20 of the Revised Code, and any other instruments or papers related to the performance of any of the acts set forth in the definition of a real estate broker; 89046
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(25) Failure of a real estate broker or salesperson to furnish all parties involved in a real estate transaction true copies of all listings and other agreements to which they are a party, at the time each party signs them; 89056
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(26) Failure to maintain at all times a special or trust bank account in a depository of a state or federally chartered institution located in this state. The account shall be noninterest-bearing, separate and distinct from any personal or other account of the broker, and, except as provided in division (A)(27) of this section, shall be used for the deposit and maintenance of all escrow funds, security deposits, and other moneys received by the broker in a fiduciary capacity. The name, 89060
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account number, if any, and location of the depository wherein 89068
such special or trust account is maintained shall be submitted in 89069
writing to the superintendent. Checks drawn on such special or 89070
trust bank accounts are deemed to meet the conditions imposed by 89071
section 1349.21 of the Revised Code. Funds deposited in the trust 89072
or special account in connection with a purchase agreement shall 89073
be maintained in accordance with section 4735.24 of the Revised 89074
Code. 89075

(27) Failure to maintain at all times a special or trust bank 89076
account in a depository of a state or federally chartered 89077
institution in this state, to be used exclusively for the deposit 89078
and maintenance of all rents, security deposits, escrow funds, and 89079
other moneys received by the broker in a fiduciary capacity in the 89080
course of managing real property. This account shall be separate 89081
and distinct from any other account maintained by the broker. The 89082
name, account number, and location of the depository shall be 89083
submitted in writing to the superintendent. This account may earn 89084
interest, which shall be paid to the property owners on a pro rata 89085
basis. 89086

Division (A)(27) of this section does not apply to brokers 89087
who are not engaged in the management of real property on behalf 89088
of real property owners. 89089

(28) Having failed to put definite expiration dates in all 89090
written agency agreements to which the broker is a party; 89091

(29) Having an unsatisfied final judgment or lien in any 89092
court of record against the licensee arising out of the licensee's 89093
conduct as a licensed broker or salesperson; 89094

(30) Failing to render promptly upon demand a full and 89095
complete statement of the expenditures by the broker or 89096
salesperson of funds advanced by or on behalf of a party to a real 89097
estate transaction to the broker or salesperson for the purpose of 89098

performing duties as a licensee under this chapter in conjunction 89099
with the real estate transaction; 89100

(31) Failure within a reasonable time, after the receipt of 89101
the commission by the broker, to render an accounting to and pay a 89102
real estate salesperson the salesperson's earned share of it; 89103

(32) Performing any service for another constituting the 89104
practice of law, as determined by any court of law; 89105

(33) Having been adjudicated incompetent ~~for the purpose of~~ 89106
~~holding the license~~ by a court, as provided in section 5122.301 of 89107
the Revised Code. A license revoked or suspended under this 89108
division shall be reactivated upon proof to the commission of the 89109
removal of the disability. 89110

(34) Having authorized or permitted a person to act as an 89111
agent in the capacity of a real estate broker, or a real estate 89112
salesperson, who was not then licensed as a real estate broker or 89113
real estate salesperson under this chapter or who was not then 89114
operating as an out-of-state commercial real estate broker or 89115
salesperson under section 4735.022 of the Revised Code; 89116

(35) Having knowingly inserted or participated in inserting 89117
any materially inaccurate term in a document, including naming a 89118
false consideration; 89119

(36) Having failed to inform the licensee's client of the 89120
existence of an offer or counteroffer or having failed to present 89121
an offer or counteroffer in a timely manner, unless otherwise 89122
instructed by the client, provided the instruction of the client 89123
does not conflict with any state or federal law; 89124

(37) Having failed to comply with section 4735.24 of the 89125
Revised Code; 89126

(38) Having acted as a broker without authority, impeded the 89127
ability of a principal broker to perform any of the duties 89128

described in section 4735.081 of the Revised Code, or impeded the 89129
ability a management level licensee to perform the licensee's 89130
duties; 89131

(39) Entering into a right-to-list home sale agreement. 89132

(B) Whenever the commission, pursuant to section 4735.051 of 89133
the Revised Code, imposes disciplinary sanctions for any violation 89134
of this section, the commission also may impose such sanctions 89135
upon the broker with whom the salesperson is affiliated if the 89136
commission finds that the broker had knowledge of the 89137
salesperson's actions that violated this section. 89138

(C) The commission shall, pursuant to section 4735.051 of the 89139
Revised Code, impose disciplinary sanctions upon any foreign real 89140
estate dealer or salesperson who, in that capacity or in handling 89141
the dealer's or salesperson's own property, is found guilty of any 89142
of the acts or omissions specified or comprehended in division (A) 89143
of this section insofar as the acts or omissions pertain to 89144
foreign real estate. If the commission imposes such sanctions upon 89145
a foreign real estate salesperson for a violation of this section, 89146
the commission also may suspend or revoke the license of the 89147
foreign real estate dealer with whom the salesperson is affiliated 89148
if the commission finds that the dealer had knowledge of the 89149
salesperson's actions that violated this section. 89150

(D) The commission may suspend, in whole or in part, the 89151
imposition of the penalty of suspension of a license under this 89152
section. 89153

(E) A person licensed under this chapter who represents a 89154
party to a transaction or a proposed transaction involving the 89155
sale, purchase, exchange, lease, or management of real property 89156
that is or will be used in the cultivation, processing, 89157
dispensing, or testing of medical marijuana under Chapter 3796. of 89158
the Revised Code, or who receives, holds, or disburses funds from 89159

a real estate brokerage trust account in connection with such a 89160
transaction, shall not be subject to disciplinary sanctions under 89161
this chapter solely because the licensed person engaged in 89162
activities permitted under this chapter and related to activities 89163
under Chapter 3796. of the Revised Code. 89164

Sec. 4735.211. All fines imposed under section 4735.051 of 89165
the Revised Code, and all fees and charges collected under 89166
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 89167
4735.28, and 4735.29 of the Revised Code, except such fees as are 89168
paid to the ~~real estate education and research fund~~ and real 89169
estate recovery fund as provided in this chapter, shall be paid 89170
into the state treasury to the credit of the division of real 89171
estate operating fund, which is hereby created. ~~All operating~~ 89172
Operating expenses of the division of real estate shall be paid 89173
from the division of real estate operating fund. 89174

The division of real estate operating fund shall be assessed 89175
a proportionate share of the administrative costs of the 89176
department of commerce in accordance with procedures prescribed by 89177
the director of commerce. Such assessments shall be paid from the 89178
division of real estate operating fund to the division of 89179
administration fund. 89180

~~If funds in the division of real estate operating fund are 89181
determined by the director of commerce to be in excess of those 89182
necessary to fund all the expenses of the division in any 89183
biennium, the director may pay the excess funds to the real estate 89184
education and research fund. 89185~~

Sec. 4737.04. (A) As used in this section and sections 89186
4737.041, 4737.042, 4737.043, 4737.044, 4737.045, and 4737.99 of 89187
the Revised Code: 89188

(1) "Scrap metal dealer" means ~~the owner or operator of a~~ 89189

business that purchases or receives scrap metal for the purpose of 89190
sorting, grading, and shipping metals to third parties for direct 89191
or indirect melting into new products. 89192

(2) "Special purchase article" means all of the following: 89193

(a) Beer kegs; 89194

(b) Cable, wire, electrical components, and other equipment 89195
used in providing cable service or any utility service, including, 89196
but not limited to, copper or aluminum coverings, housings, or 89197
enclosures related thereto; 89198

(c) Grave markers, sculptures, plaques, and vases made out of 89199
metal, the appearance of which suggests that the articles have 89200
been obtained from a cemetery; 89201

(d) Guard rails for bridges, highways, and roads; highway and 89202
street signs; street light poles and fixtures; worker access hole 89203
covers, water meter covers, and other similar types of utility 89204
access covers; traffic directional and control signs and light 89205
signals, metal marked with the name of a political subdivision of 89206
the state, and other metal articles that are purchased and 89207
installed for use upon authorization of the state or any political 89208
subdivision of the state; 89209

(e) Historical, commemorative, and memorial markers and 89210
plaques made out of metal; 89211

(f) Four-wheel metal carts, commonly referred to as "grocery 89212
carts," that are generally used by individuals to collect and 89213
transport consumer goods while shopping; 89214

(g) Four-wheel metal carts, commonly referred to as "metal 89215
bossies," that are used to transport or merchandise food products 89216
that are stored in crates, shells, or trays; 89217

(h) Railroad material, including journal brasses, rail 89218
spikes, rails, tie plates, frogs, and communication wire; 89219

(i) Metal trays, merchandise containers, or similar transport 89220
containers used by a product producer, distributor, retailer, or 89221
an agent of a product producer, distributor, or retailer as a 89222
means for the bulk transportation, storage, or carrying of retail 89223
containers of milk, baked goods, eggs, or bottled beverage 89224
products; 89225

(j) "Burnt wire," which is any coated metal wire that has 89226
been smelted, burned, or melted thereby removing the 89227
manufacturer's or owner's identifying marks. 89228

(3) "Bulk merchandise container" has the same meaning as in 89229
section 4737.012 of the Revised Code. 89230

(4) "Bulk merchandise container dealer" means a dealer who is 89231
subject to section 4737.012 of the Revised Code. 89232

(5) "Common recycled matter" means bottles and other 89233
containers made out of steel, tin, or aluminum and other consumer 89234
goods that are metal that are recycled by individual consumers and 89235
not in the bulk or quantity that could be supplied or recycled by 89236
large business establishments. "Common recycled matter" does not 89237
include a metal tray used by a product producer, distributor, 89238
retailer, or agent of a product producer, distributor, or retailer 89239
as a means for the bulk transportation, storage, or carrying of 89240
retail containers of milk, baked goods, eggs, or bottled beverage 89241
products. 89242

(6) "Consumer goods" has the same meaning as in section 89243
1309.102 of the Revised Code. 89244

(7) "Recyclable materials" means the metal materials 89245
described in division (C)(5) of this section, on the condition 89246
that those metal materials are not special purchase articles. 89247

(8) "Motor vehicle" has the same meaning as in section 89248
4501.01 of the Revised Code. 89249

(B)(1) No person shall engage in the business of scrap metal 89250
dealing or act as a bulk merchandise container dealer without 89251
first registering with the director of public safety in accordance 89252
with section 4737.045 of the Revised Code. 89253

(2) No person shall receive, purchase, or sell a special 89254
purchase article or a bulk merchandise container except as in 89255
accordance with sections 4737.012 and 4737.04 to 4737.045 of the 89256
Revised Code. 89257

(C) Every scrap metal dealer shall maintain a record book or 89258
electronic file, in which the dealer shall keep an accurate and 89259
complete record of all articles purchased or received by the 89260
dealer in the course of the dealer's daily business. On and after 89261
September 11, 2008, every entry in the record book or electronic 89262
file shall be numbered consecutively and, on or after September 89263
28, 2012, shall be maintained for inspection in numerical order. 89264
Until the registry developed by the director pursuant to section 89265
4737.045 of the Revised Code is operational, a dealer shall 89266
maintain the record for each article purchased or received for a 89267
minimum period of one year after the date the dealer purchased or 89268
received the article, except that the dealer shall maintain the 89269
photograph required under division (I) of this section only for a 89270
period of sixty days after the dealer purchased or received the 89271
article. Beginning on the date the registry is operational, a 89272
dealer shall maintain the record for each article purchased or 89273
received only for a period of sixty days after the date the dealer 89274
purchased or received the article. The director shall adopt rules 89275
for the format and maintenance of the records required under this 89276
division. 89277

The records shall contain all of the following: 89278

(1) The name and residence of the person from whom the 89279
articles were purchased or received, a copy of that person's 89280
personal identification card, and a photograph of the person taken 89281

pursuant to division (I) of this section;	89282
(2) The date and time the scrap metal dealer purchased or received the articles and the weight of the articles as determined by a licensed commercial scale;	89283 89284 89285
(3) If the seller or provider of the articles arrives at the dealer's place of business in a motor vehicle, the license plate number of that motor vehicle along with the state that issued the license plate;	89286 89287 89288 89289
(4) For metal articles that are not recyclable materials, a full and accurate description of each article purchased or received by the dealer that includes identifying letters or marks written, inscribed, or otherwise included on the article and the name and maker of the article if known;	89290 89291 89292 89293 89294
(5) For recyclable materials that are not special purchase articles, the following category codes to identify the recyclable materials that the dealer receives:	89295 89296 89297
(a) "Number one copper," which includes clean copper pipe, clean copper wire, or other number one copper that does not have solder, paint, or coating;	89298 89299 89300
(b) "Number two copper," which includes unclean copper pipe, unclean copper wire, or other number two copper;	89301 89302
(c) "Sheet copper," which includes copper roofing, copper gutters, copper downspouts, and other sheet copper;	89303 89304
(d) "Insulated copper wire";	89305
(e) "Aluminum or copper radiators," which includes aluminum radiators, aluminum copper radiators, and copper radiators;	89306 89307
(f) "Red brass," which includes red brass valves and other red brass;	89308 89309
(g) "Yellow brass," which includes yellow brass fixtures, yellow brass valve and fitting, ornamental brass, and other yellow	89310 89311

brass;	89312
(h) "Aluminum sheet";	89313
(i) "Aluminum extrusions," which includes aluminum bleachers, aluminum benches, aluminum frames, aluminum pipe, and other aluminum extrusions;	89314 89315 89316
(j) "Cast aluminum," which includes aluminum grills, lawnmower decks made of aluminum, aluminum motor vehicle parts and rims, and other cast aluminum;	89317 89318 89319
(k) "Clean aluminum wire";	89320
(l) "Unclean aluminum wire";	89321
(m) "Aluminum exteriors," which includes aluminum siding, aluminum gutters and downspouts, aluminum shutters, aluminum trim, and other aluminum exterior items;	89322 89323 89324
(n) "Contaminated aluminum";	89325
(o) "Stainless steel," which includes, sinks, appliance housing, dishes, pots, pans, pipe, and other items made out of stainless steel;	89326 89327 89328
(p) "Large appliances," which includes consumer and other appliances;	89329 89330
(q) "Steel structural," which includes all structural steel such as I-beams, trusses, channel iron, and similar steel from buildings;	89331 89332 89333
(r) "Miscellaneous steel," which includes steel grates, steel farm machinery, steel industrial machinery, steel motor vehicle frames, and other items made out of steel;	89334 89335 89336
(s) "Sheet irons," which includes bicycles, motor vehicle body parts made of iron, and other items made using sheet iron;	89337 89338
(t) "Motor vehicle nonbody parts," which includes motor vehicle batteries, radiators, and other nonbody motor vehicle	89339 89340

parts;	89341
(u) "Catalytic converters";	89342
(v) "Lead";	89343
(w) "Electric motors";	89344
(x) "Electronic scrap," which includes any consumer or commercial electronic equipment such as computers, servers, routers, video displays, and similar products.	89345 89346 89347
(6) For recyclable materials that are special purchase articles, the relevant category provided in division (A)(2) of this section.	89348 89349 89350
(D) Railroad material, including journal brasses, rail spikes, rails, tie plates, frogs, and communication wire, other than purchases and sales under sections 4973.13 to 4973.16 of the Revised Code, shall be held by a scrap metal dealer for a period of thirty days after being purchased or acquired.	89351 89352 89353 89354 89355
(E)(1) The records required under division (C) of this section or under section 4737.012 of the Revised Code shall be open for inspection by the representative of any law enforcement agency, railroad police officers, and the director of public safety or the director's designated representative during all business hours. A scrap metal dealer or bulk merchandise container dealer shall do both of the following:	89356 89357 89358 89359 89360 89361 89362
(a) Provide a copy of those records to any law enforcement agency or railroad police officer that requests the records or to the director or director's representative, upon request;	89363 89364 89365
(b) Prepare a daily electronic report, the content and format of which shall be established in rules adopted by the director, listing all retail transactions that occurred during the preceding day and containing the information described in division (C) of this section or division (A) of section 4737.012 of the Revised	89366 89367 89368 89369 89370

Code, as applicable. The dealer shall electronically transfer, by 89371
twelve noon eastern standard time, the report for inclusion in the 89372
registry created pursuant to division (E) of section 4737.045 of 89373
the Revised Code. 89374

(2) A law enforcement agency may inspect any photographic 89375
records collected and maintained by a scrap metal dealer of either 89376
yard operations or individual transactions. Records submitted to 89377
any law enforcement agency pursuant to this section are not public 89378
records for purposes of section 149.43 of the Revised Code. 89379

(3) Records submitted to any law enforcement agency, railroad 89380
police officer, or the director or the director's designated 89381
representative as required by section 4737.012 of the Revised Code 89382
and sections 4737.04 to 4737.045 of the Revised Code shall not be 89383
public records for the purposes of section 149.43 of the Revised 89384
Code. 89385

(4) Notwithstanding division (E)(3) of this section, the 89386
names and addresses of scrap metal dealers and bulk merchandise 89387
container dealers shall be made available to the public by the 89388
director upon request. 89389

(5) A person who claims to own a stolen article that may be 89390
identified in those records, or an agent of that person, who 89391
provides proof of having filed a stolen property report with the 89392
appropriate law enforcement agency, may request those records. The 89393
law enforcement agency shall provide those records upon a request 89394
made by such a person or that person's agent, but the law 89395
enforcement agency shall redact information that reveals the name 89396
of the seller of any article and the price the dealer paid for any 89397
article the dealer purchased or the estimated value of any article 89398
the dealer received. The law enforcement agency shall determine 89399
which records to provide, based upon the time period that the 89400
alleged theft is reported to have taken place. A law enforcement 89401
agency may charge or collect a fee for providing records as 89402

required by this section. 89403

(F)(1) No scrap metal dealer shall purchase or receive any 89404
metal articles, and no bulk merchandise container dealer shall 89405
purchase or receive any bulk merchandise containers, from a person 89406
who refuses to show the dealer the person's personal 89407
identification card, or who refuses to allow the dealer to take a 89408
photograph of the person as required under division (I) of this 89409
section or of the person or container as required under division 89410
(B) of section 4737.012 of the Revised Code. 89411

(2) The law enforcement agency that serves the jurisdiction 89412
in which a scrap metal dealer or a bulk merchandise container 89413
dealer is located shall provide to the scrap metal dealer or bulk 89414
merchandise container dealer a searchable, electronic list 89415
prepared in accordance with rules adopted by the director, as that 89416
agency determines appropriate, of the names and descriptions of 89417
persons known to be thieves or receivers of stolen property. The 89418
law enforcement agency may request the appropriate clerk of courts 89419
to provide the list. No scrap metal dealer or bulk merchandise 89420
container dealer shall purchase or receive articles from any 89421
person who is either identified on the list the dealer receives 89422
from the law enforcement agency, or who appears on the lists made 89423
available by the director pursuant to division (E) of section 89424
4737.045 of the Revised Code. The law enforcement agency also 89425
shall provide the list to the department of public safety, in an 89426
electronic format in accordance with rules adopted by the 89427
director, for inclusion in the registry created in section 89428
4737.045 of the Revised Code. 89429

(3) No scrap metal dealer or bulk merchandise container 89430
dealer shall purchase or receive any special purchase articles or 89431
bulk merchandise containers from any person who is under eighteen 89432
years of age. 89433

(4) No scrap metal dealer shall purchase or receive any 89434

special purchase article without complying with division (C) and 89435
(I) of this section and division (B), (C), or (D) of section 89436
4737.041 of the Revised Code. 89437

(5) No scrap metal dealer shall purchase or receive more than 89438
one catalytic converter per day from the same person except from a 89439
motor vehicle dealer as defined in section 4517.01 of the Revised 89440
Code. 89441

(6) No scrap metal dealer shall purchase or receive a beer 89442
keg that is marked with a company name or logo except from a 89443
manufacturer of beer as described in section 4303.02 of the 89444
Revised Code or an agent authorized by the manufacturer to dispose 89445
of damaged kegs. 89446

(7) No scrap metal dealer shall treat a transaction as exempt 89447
from section 4737.04 or 4737.041 of the Revised Code unless the 89448
seller provides evidence of satisfying division (D)(3) of section 89449
4737.043 of the Revised Code. 89450

(G) Every scrap metal dealer and bulk merchandise container 89451
dealer shall post a notice in a conspicuous place on the dealer's 89452
premises notifying persons who may wish to transact business with 89453
the dealer of the penalties applicable to any person who does any 89454
of the following: 89455

(1) Provides a false personal identification card to the 89456
dealer; 89457

(2) With purpose to defraud, provides any other false 89458
information to the dealer in connection with the dealer's duty to 89459
maintain the records required under division (C) of this section 89460
or under section 4737.012 of the Revised Code; 89461

(3) Violates section 2913.02 of the Revised Code. 89462

(H)(1) Except as otherwise provided in division (F)(2) of 89463
this section, a clerk of courts or an employee of a clerk of 89464

courts; a chief of police, marshal, or other chief law enforcement officer; a sheriff, constable, or chief of police of a township police department or police district police force; a deputy, officer, or employee of the law enforcement agency served by the marshal or the municipal or township chief, the office of the sheriff, or the constable; and an employee of the department of public safety is immune from liability in a civil action, including an action for defamation, libel, or slander, to recover damages for injury, death, or loss to persons or property or reputation allegedly caused by an act or omission in connection with compiling and providing the list required by division (F)(2) of this section.

(2) The immunity described in division (H)(1) of this section does not apply to a person described in that division if, in relation to the act or omission in question, any of the following applies:

(a) The act or omission was manifestly outside the scope of the person's employment or official responsibilities.

(b) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(c) Liability for the act or omission is expressly imposed by a section of the Revised Code.

(I) Every scrap metal dealer shall take a photograph, in accordance with rules adopted by the director, of each person who sells or otherwise gives the dealer an article for which the dealer must make record under division (C) of this section.

The dealer shall take the required photograph at the time the dealer purchases or receives the article and shall keep the photograph as part of the record in accordance with division (C) of this section.

(J)(1) An individual listed as a known thief or receiver of

stolen property on a list prepared pursuant to division (F)(2) of 89496
this section may request that the individual's name be removed 89497
from the list by filing an application with the law enforcement 89498
agency responsible for preparing the list. 89499

(2) A law enforcement agency receiving an application in 89500
accordance with division (J)(1) of this section shall remove the 89501
applicant's name from the list of known thieves and receivers of 89502
stolen property if the individual has not been convicted of or 89503
pleaded guilty to either a misdemeanor that is a theft offense, as 89504
defined in section 2913.01 of the Revised Code, within three years 89505
immediately prior to the date of the application or a felony that 89506
is a theft offense within six years immediately prior to the date 89507
of the application. 89508

(K)(1) The department of public safety may investigate any 89509
alleged violation of sections 4737.01 to 4737.045 of the Revised 89510
Code or rules adopted by the director of public safety in 89511
accordance with those sections. During such an investigation, 89512
employees and designated representatives of the department may 89513
appear at the place of business of a registered scrap metal dealer 89514
or bulk merchandise container dealer during normal business hours 89515
and inspect articles, observe business transactions, and record 89516
the number and state of issuance of license plates affixed to any 89517
motor vehicle used to transport articles to the premises. 89518

(2) The department may investigate any allegation of an 89519
unregistered person acting as a scrap metal dealer or bulk 89520
merchandise container dealer. Employees and designated 89521
representatives of the department shall request the assistance of 89522
a law enforcement agency before appearing at the suspected place 89523
of business of an unregistered person. 89524

(L)(1) If the director of public safety determines that an 89525
unregistered person was, is, or will be acting as a scrap metal 89526
dealer or bulk merchandise container dealer, the director may 89527

issue a show cause order directing that person to demonstrate why 89528
the person's activities are not subject to the registration 89529
requirement prescribed by this section. The director shall issue 89530
notice and hold a hearing on the order in accordance with Chapter 89531
119. of the Revised Code. Following the hearing, if the director 89532
determines that the person's activities are subject to the 89533
registration requirement, the director may issue an order 89534
directing the person to cease and desist such activities. The 89535
cease-and-desist order shall identify the unregistered person and 89536
describe the activities that the unregistered person is required 89537
to discontinue. 89538

(2) A person adversely affected by a cease-and-desist order 89539
issued under division (L)(1) of this section may appeal the order 89540
to the court of common pleas in accordance with section 119.12 of 89541
the Revised Code. 89542

(3) If the director has reasonable cause to believe that a 89543
person violated any provision of sections 4737.01 to 4737.045 of 89544
the Revised Code or any rule adopted by the director in accordance 89545
with those sections, including by violating a cease-and-desist 89546
order issued under division (L)(1) of this section, the director 89547
may request the attorney general, the prosecuting attorney of the 89548
county in which the alleged violation occurred, or the director of 89549
law of the city in which the alleged violation occurred to 89550
commence and prosecute any appropriate action or proceeding. A 89551
court of competent jurisdiction may grant an injunction or such 89552
other relief as the facts warrant. 89553

(4) In any proceeding or action brought under division (L) of 89554
this section, the burden of proving an exemption from the 89555
registration requirement prescribed by division (B) of this 89556
section is on the person claiming the benefit of the exemption. 89557

Sec. 4740.16. (A) An investigator appointed by the director 89558

of commerce, on behalf of the appropriate specialty section of the 89559
Ohio construction industry licensing board may investigate any 89560
person who allegedly has violated section 4740.13 of the Revised 89561
Code. If, after an investigation pursuant to section 4740.05 of 89562
the Revised Code, the appropriate specialty section determines 89563
that reasonable evidence exists that a person has violated section 89564
4740.13 of the Revised Code, the appropriate specialty section 89565
shall ~~send~~ serve a written notice to that person in the same 89566
manner as prescribed in ~~section~~ sections 119.05 and 119.07 of the 89567
Revised Code for licensees. 89568

(B) The appropriate specialty section shall hold a hearing 89569
regarding the alleged violation in the same manner prescribed for 89570
an adjudication hearing under section 119.09 of the Revised Code. 89571
If the appropriate specialty section, after the hearing, 89572
determines a violation has occurred, the appropriate specialty 89573
section, upon an affirmative vote of a majority of its members, 89574
may impose a fine on the person, not exceeding one thousand 89575
dollars per violation per day and may file a complaint against the 89576
person with the appropriate local prosecutor for criminal 89577
prosecution. The appropriate specialty section's determination is 89578
an order that the person may appeal in accordance with section 89579
119.12 of the Revised Code. 89580

(C) If the appropriate specialty section assesses a person a 89581
civil penalty for a violation of section 4740.13 of the Revised 89582
Code and the person fails to pay that civil penalty within the 89583
time period prescribed by the appropriate specialty section, the 89584
appropriate specialty section shall forward to the attorney 89585
general the name of the person and the amount of the civil penalty 89586
for the purpose of collecting that civil penalty. In addition to 89587
the civil penalty assessed pursuant to this section, the person 89588
also shall pay any fee assessed by the attorney general for 89589
collection of the civil penalty. 89590

(D) If a person fails to request a hearing within thirty days after the date the appropriate specialty section, in accordance with section 119.07 of the Revised Code, notifies the person of the section's intent to act against the person under division (A) of this section, the section, by majority vote of a quorum of the section members, may take the action against a person without holding an adjudication hearing.

Sec. 4741.22. (A) The state veterinary medical licensing board may, except as provided in division (B) of this section, refuse to issue or renew a license, limited license, registration, or temporary permit to or of any applicant who, and may issue a reprimand to, suspend or revoke the license, limited license, registration, or the temporary permit of, or impose a civil penalty pursuant to this section upon any person holding a license, limited license, or temporary permit to practice veterinary medicine or any person registered as a registered veterinary technician who:

(1) In the conduct of the person's practice does not conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;

(2) Uses fraud, misrepresentation, or deception in any application or examination for licensure, or any other documentation created in the course of practicing veterinary medicine;

(3) Is found to be physically or psychologically addicted to alcohol or an illegal or controlled substance, as defined in section 3719.01 of the Revised Code, to such a degree as to render the person unfit to practice veterinary medicine;

(4) Directly or indirectly employs or lends the person's services to a solicitor for the purpose of obtaining patients;

(5) Obtains a fee on the assurance that an incurable disease can be cured;	89622 89623
(6) Advertises in a manner that violates section 4741.21 of the Revised Code;	89624 89625
(7) Divides fees or charges or has any arrangement to share fees or charges with any other person, except on the basis of services performed;	89626 89627 89628
(8) Sells any biologic containing living, dead, or sensitized organisms or products of those organisms, except in a manner that the board by rule has prescribed;	89629 89630 89631
(9) Is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs, or fails to report to the board within sixty days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs;	89632 89633 89634 89635 89636 89637
(10) Is convicted of any violation of section 959.13 of the Revised Code;	89638 89639
(11) Swears falsely in any affidavit required to be made by the person in the course of the practice of veterinary medicine;	89640 89641
(12) Fails to report promptly to the proper official any known reportable disease;	89642 89643
(13) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;	89644 89645
(14) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;	89646 89647 89648 89649
(15) Permits a person who is not a licensed veterinarian, a veterinary student, or a registered veterinary technician to	89650 89651

engage in work or perform duties in violation of this chapter; 89652

(16) Is guilty of gross incompetence or gross negligence; 89653

(17) Has had a license to practice veterinary medicine or a 89654
license, registration, or certificate to engage in activities as a 89655
registered veterinary technician revoked, suspended, or acted 89656
against by disciplinary action by an agency similar to this board 89657
of another state, territory, or country or the District of 89658
Columbia; 89659

(18) Is or has practiced with a revoked, suspended, inactive, 89660
expired, or terminated license or registration; 89661

(19) Represents self as a specialist unless certified as a 89662
specialist by the board; 89663

(20) In the person's capacity as a veterinarian or registered 89664
veterinary technician makes or files a report, health certificate, 89665
vaccination certificate, or other document that the person knows 89666
is false or negligently or intentionally fails to file a report or 89667
record required by any applicable state or federal law; 89668

(21) Fails to use reasonable care in the administration of 89669
drugs or acceptable scientific methods in the selection of those 89670
drugs or other modalities for treatment of a disease or in conduct 89671
of surgery; 89672

(22) Makes available a dangerous drug, as defined in section 89673
4729.01 of the Revised Code, to any person other than for the 89674
specific treatment of an animal patient; 89675

(23) Refuses to permit a board investigator or the board's 89676
designee to inspect the person's business premises during regular 89677
business hours, except as provided in division (A) of section 89678
4741.26 of the Revised Code; 89679

(24) Violates any order of the board or fails to comply with 89680
a subpoena of the board; 89681

(25) Fails to maintain medical records as required by rule of the board; 89682
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(26) Engages in cruelty to animals; 89684

(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship. 89685
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(B) The board shall not refuse to issue a license, limited license, registration, or temporary permit to an applicant because of a conviction of or plea of guilty to an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 89689
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(C) Except as provided in division ~~(D)~~(F) of this section, before the board may revoke, deny, refuse to renew, or suspend a license, registration, or temporary permit or otherwise discipline the holder of a license, registration, or temporary permit, the executive director shall file written charges with the board. The board shall conduct a hearing on the charges as provided in Chapter 119. of the Revised Code. 89693
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(D)(1) Except as otherwise provided in division (D)(2) of this section, if the board, after a hearing conducted pursuant to Chapter 119. of the Revised Code, revokes, refuses to renew, or suspends a license, registration, or temporary permit for a violation of this section, section 4741.23, division (C) or (D) of section 4741.19, or division (B), (C), or (D) of section 4741.21 of the Revised Code, the board may impose a civil penalty upon the holder of the license, permit, or registration of not less than one hundred dollars or more than one thousand dollars. 89700
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(2) Except as provided in division (D) of this section, the board shall impose a civil penalty for a violation of division (B)(1) of section 959.07 or division (C) of section 959.09 of the Revised Code by a licensed veterinarian as follows: 89709
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(a) One hundred dollars for a second violation of division 89713
(B)(1) of section 959.07 of the Revised Code or a first violation 89714
of division (C) of section 959.09 of the Revised Code; 89715

(b) Five hundred dollars for any subsequent violation of 89716
division (B)(1) of section 959.07 or division (C) of section 89717
959.09 of the Revised Code. 89718

(3) In addition to the civil penalty and any other penalties 89719
imposed pursuant to this chapter, the board may assess any holder 89720
of a license, permit, or registration the costs of the hearing 89721
conducted under this section if the board determines that the 89722
holder has violated any provision for which the board may impose a 89723
civil penalty under this section. 89724

(E) For a first violation of division (B)(1) of section 89725
959.07 of the Revised Code by a licensed veterinarian, the board 89726
shall issue a confidential written warning to the licensed 89727
veterinarian and shall not take any other disciplinary action 89728
under this section. The board shall include in the warning an 89729
explanation of the violation and the reporting requirement 89730
specified under section 959.07 of the Revised Code. 89731

(F) The executive director may recommend that the board 89732
suspend an individual's certificate of license without a prior 89733
hearing if the executive director determines both of the 89734
following: 89735

(1) There is clear and convincing evidence that division 89736
(A)(3), (9), (14), (22), or (26) of this section applies to the 89737
individual. 89738

(2) The individual's continued practice presents a danger of 89739
immediate and serious harm to the public. 89740

The executive director shall prepare written allegations for 89741
consideration by the board. The board, upon review of those 89742
allegations and by an affirmative vote of not fewer than four of 89743

its members, may suspend the certificate without a prior hearing. 89744
A telephone conference call may be utilized for reviewing the 89745
allegations and taking the vote on the suspension. 89746

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 89747
~~certified mail or in person~~ in accordance with ~~section~~ sections 89748
119.05 and 119.07 of the Revised Code. If the individual subject 89749
to the suspension requests an adjudicatory hearing by the board, 89750
the date set for the hearing shall be not later than fifteen days, 89751
but not earlier than seven days after the individual requests the 89752
hearing unless otherwise agreed to by both the board and the 89753
individual. 89754

A suspension imposed under this division shall remain in 89755
effect, unless reversed on appeal, until a final adjudicative 89756
order issued by the board under this section and Chapter 119. of 89757
the Revised Code becomes effective. The board shall issue its 89758
final adjudicative order not later than ninety days after 89759
completion of its hearing. Failure to issue the order within 89760
ninety days results in dissolution of the suspension order, but 89761
does not invalidate any subsequent, final adjudicative order. 89762

~~(F)~~(G) A license or registration issued to an individual 89763
under this chapter is automatically suspended upon that 89764
individual's conviction of or plea of guilty to or upon a judicial 89765
finding with regard to any of the following: aggravated murder, 89766
murder, voluntary manslaughter, felonious assault, kidnapping, 89767
rape, sexual battery, gross sexual imposition, aggravated arson, 89768
aggravated robbery, or aggravated burglary. The suspension shall 89769
remain in effect from the date of the conviction, plea, or finding 89770
until an adjudication is held under Chapter 119. of the Revised 89771
Code. If the board has knowledge that an automatic suspension has 89772
occurred, it shall notify the individual subject to the 89773
suspension. If the individual is notified and either fails to 89774
request an adjudication within the time periods established by 89775

Chapter 119. of the Revised Code or fails to participate in the 89776
adjudication, the board shall enter a final order permanently 89777
revoking the individual's license or registration. 89778

Sec. 4751.02. (A) There is hereby established in the 89779
department of aging a board of executives of long-term services 89780
and supports, which board shall be composed of the following 89781
eleven members: 89782

(1) Four members who are nursing home administrators, owners 89783
of nursing homes, or officers of corporations owning nursing 89784
homes, and who shall have an understanding of person-centered 89785
care, and experience with a range of long-term services and 89786
supports settings; 89787

(2)(a) Three members who work in long-term services and 89788
supports settings that are not nursing homes, and who shall have 89789
an understanding of person-centered care, and experience with a 89790
range of long-term services and supports settings; 89791

(b) At least one of the members described in division 89792
(A)(2)(a) of this section shall be a home health administrator, 89793
hospice administrator, an owner of a home health agency or hospice 89794
care program, or an officer of a home health agency or hospice 89795
care program. 89796

(3) One member who is a member of the academic community; 89797

(4) One member who is a consumer of services ~~offered, or who~~ 89798
represents a consumer of services, in a long-term services and 89799
supports setting; 89800

(5) One nonvoting member who is a representative of the 89801
department of health, designated by the director of health, who is 89802
involved in the nursing home survey and certification process, who 89803
shall serve in an advisory capacity only; 89804

(6) One nonvoting member who is a representative of the 89805

office of the state long-term care ombudsman, designated by the 89806
state long-term care ombudsman, who shall serve in an advisory 89807
capacity only. 89808

All members of the board shall be citizens of the United 89809
States and residents of this state. No member of the board who is 89810
appointed under divisions (A)(3) to (6) of this section may have 89811
or acquire any direct financial interest in a nursing home or 89812
long-term services and supports settings. 89813

(B) The term of office for each appointed member of the board 89814
shall be for three years, commencing on the twenty-eighth day of 89815
May and ending on the twenty-seventh day of May. Each member shall 89816
serve from the date of appointment until the end of the term for 89817
which appointed. No member shall serve more than two consecutive 89818
full terms. 89819

(C) Appointments to the board shall be made by the governor. 89820
Any member appointed to fill a vacancy occurring prior to the 89821
expiration of the term for which the member's predecessor was 89822
appointed shall hold office for the remainder of such term. Any 89823
appointed member shall continue in office subsequent to the 89824
expiration date of the member's term until the member's successor 89825
takes office, or until a period of sixty days has elapsed, 89826
whichever occurs first. 89827

(D) The governor may remove any member of the board for 89828
misconduct, incapacity, incompetence, or neglect of duty after the 89829
member so charged has been served with a written statement of 89830
charges and has been given an opportunity to be heard. 89831

(E) Each member of the board, except the member designated by 89832
the director of health and the member designated by the ombudsman, 89833
shall be paid in accordance with section 124.15 of the Revised 89834
Code and each member shall be reimbursed for the member's actual 89835
and necessary expenses incurred in the discharge of such duties. 89836

(F) The board shall elect annually from its membership a chairperson and a vice-chairperson. 89837
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(G) The board shall hold and conduct meetings quarterly and at such other times as its business requires. A majority of the voting members of the board shall constitute a quorum. The affirmative vote of a majority of the voting members of the board is necessary for the board to act. 89839
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(H) The board shall appoint a secretary who has no financial interest in a long-term services and supports setting, and may employ and prescribe the powers and duties of such employees and consultants as are necessary to carry out this chapter and the rules adopted under it. 89844
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Sec. 4751.30. (A) Any person may submit to the board of executives of long-term services and supports a complaint that the person reasonably believes that another person has violated, or failed to comply with a requirement of, this chapter or a rule adopted under section 4751.04 of the Revised Code. All of the following apply to complaints submitted to the board under this section: 89849
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(1) They are Complaints and all information and documentation related to an investigation conducted by the board pursuant to a complaint, are confidential and not subject to discovery in any civil action, except that the confidential information may be used by the board in any hearing it conducts pursuant to Chapter 119. of the Revised Code. 89856
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(2) They Complaints are not public records for purposes of section 149.43 of the Revised Code. 89862
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(3) They Complaints are not subject to inspection or copying under section 1347.08 of the Revised Code. 89864
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(B) Except as provided in division (D) of section 4751.31 of 89866

the Revised Code, the board shall protect the confidentiality of 89867
each person who submits a complaint to the board under this 89868
section. Any entity that receives confidential information shall 89869
maintain the confidentiality of the information in the same manner 89870
as the board, notwithstanding any conflicting provision of the 89871
Revised Code or procedure of the entity. 89872

(C) Information that is confidential under this section may 89873
be admitted in a judicial proceeding only in accordance with the 89874
Rules of Evidence of the court. The court shall require that 89875
appropriate measures are taken to ensure that confidentiality is 89876
maintained with respect to any part of the information that 89877
contains names or other identifying information about patients or 89878
a person who submitted a complaint to the board under this 89879
section. The court shall take measures to ensure confidentiality, 89880
which may include sealing records or redacting or deleting 89881
specific information from records. 89882

Sec. 4755.11. (A) In accordance with Chapter 119. of the 89883
Revised Code, the occupational therapy section of the Ohio 89884
occupational therapy, physical therapy, and athletic trainers 89885
board may suspend, revoke, or, except as provided in division (B) 89886
of this section, refuse to issue or renew an occupational 89887
therapist license or occupational therapy assistant license, or 89888
may reprimand, fine, place a license holder on probation, or 89889
require the license holder to take corrective action courses, for 89890
any of the following: 89891

(1) Conviction of an offense involving moral turpitude or a 89892
felony, regardless of the state or country in which the conviction 89893
occurred; 89894

(2) Violation of any provision of sections 4755.04 to 4755.13 89895
of the Revised Code; 89896

(3) Violation of any lawful order or rule of the occupational 89897

therapy section;	89898
(4) Obtaining or attempting to obtain a license issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement in relation to these activities;	89899 89900 89901 89902
(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;	89903 89904
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	89905 89906
(7) Communicating, without authorization, information received in professional confidence;	89907 89908
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist or occupational therapy assistant;	89909 89910 89911 89912
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	89913 89914
(10) Failing the licensing or Ohio jurisprudence examination;	89915
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	89916 89917
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	89918 89919 89920 89921
(13) Except as provided in division (C) of this section:	89922
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health	89923 89924 89925 89926 89927

care services from that provider; 89928

(b) Advertising that the individual will waive the payment of 89929
all or any part of a deductible or copayment that a patient, 89930
pursuant to a health insurance or health care policy, contract, or 89931
plan that covers occupational therapy, would otherwise be required 89932
to pay. 89933

(14) Working or representing oneself as an occupational 89934
therapist or occupational therapy assistant without a current and 89935
valid license issued by the occupational therapy section; 89936

(15) Engaging in a deceptive trade practice, as defined in 89937
section 4165.02 of the Revised Code; 89938

(16) Violation of the standards of ethical conduct in the 89939
practice of occupational therapy as identified by the occupational 89940
therapy section; 89941

(17) A departure from, or the failure to conform to, minimal 89942
standards of care required of licensees, whether or not actual 89943
injury to a patient is established; 89944

(18) An adjudication by a court that the applicant or 89945
licensee is incompetent for the purpose of holding a license and 89946
has not thereafter been restored to legal capacity for that 89947
purpose; 89948

(19)(a) Except as provided in division (A)(19)(b) of this 89949
section, failure to cooperate with an investigation conducted by 89950
the occupational therapy section, including failure to comply with 89951
a subpoena or orders issued by the section or failure to answer 89952
truthfully a question presented by the section at a deposition or 89953
in written interrogatories. 89954

(b) Failure to cooperate with an investigation does not 89955
constitute grounds for discipline under this section if a court of 89956
competent jurisdiction issues an order that either quashes a 89957

subpoena or permits the individual to withhold the testimony or evidence at issue.	89958 89959
(20) Conviction of a misdemeanor reasonably related to the practice of occupational therapy, regardless of the state or country in which the conviction occurred;	89960 89961 89962
(21) Inability to practice according to acceptable and prevailing standards of care because of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	89963 89964 89965 89966
(22) Violation of conditions, limitations, or agreements placed by the occupational therapy section on a license to practice;	89967 89968 89969
(23) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of occupational therapy;	89970 89971 89972
(24) Failure to complete continuing education requirements as prescribed in rules adopted by the occupational therapy section under section 4755.06 of the Revised Code;	89973 89974 89975
(25) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the occupational therapist or occupational therapy assistant:	89976 89977 89978
(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;	89979 89980
(b) Sexual contact, as defined in section 2907.01 of the Revised Code;	89981 89982
(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	89983 89984 89985
(B) The occupational therapy section shall not refuse to issue a license to an applicant because of a criminal conviction	89986 89987

unless the refusal is in accordance with section 9.79 of the Revised Code. 89988
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(C) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows: 89990
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request. 89993
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section. 89998
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(D) Except as provided in division (E) of this section, the suspension or revocation of a license under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed. 90002
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When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The occupational therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition of reinstatement. 90007
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When a license holder is placed on probation under this section, the occupational therapy section's probation order shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice. 90012
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(E) On receipt of a complaint that a person who holds a license issued by the occupational therapy section has committed 90017
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any of the prohibited actions listed in division (A) of this 90019
section, the section may immediately suspend the license prior to 90020
holding a hearing in accordance with Chapter 119. of the Revised 90021
Code if it determines, based on the complaint, that the licensee 90022
poses an immediate threat to the public. The section may review 90023
the allegations and vote on the suspension by telephone conference 90024
call. If the section votes to suspend a license under this 90025
division, the section shall ~~issue~~ serve a written order of summary 90026
suspension to the licensee in accordance with ~~section~~ sections 90027
119.05 and 119.07 of the Revised Code. If the individual whose 90028
license is suspended fails to make a timely request for an 90029
adjudication under Chapter 119. of the Revised Code, the section 90030
shall enter a final order permanently revoking the individual's 90031
license. Notwithstanding section 119.12 of the Revised Code, a 90032
court of common pleas shall not grant a suspension of the 90033
section's order of summary suspension pending the determination of 90034
an appeal filed under that section. Any order of summary 90035
suspension issued under this division shall remain in effect, 90036
unless reversed on appeal, until a final adjudication order issued 90037
by the section pursuant to division (A) of this section becomes 90038
effective. The section shall issue its final adjudication order 90039
regarding an order of summary suspension issued under this 90040
division not later than ninety days after completion of its 90041
hearing. Failure to issue the order within ninety days shall 90042
result in immediate dissolution of the suspension order, but shall 90043
not invalidate any subsequent, final adjudication order. 90044

(F) If any person other than a person who holds a license 90045
issued under section 4755.08 of the Revised Code has engaged in 90046
any practice that is prohibited under sections 4755.04 to 4755.13 90047
of the Revised Code or the rules of the occupational therapy 90048
section, the section may apply to the court of common pleas of the 90049
county in which the violation occurred, for an injunction or other 90050
appropriate order restraining this conduct, and the court shall 90051

issue this order. 90052

Sec. 4755.411. The physical therapy section of the Ohio 90053
occupational therapy, physical therapy, and athletic trainers 90054
board shall adopt rules in accordance with Chapter 119. of the 90055
Revised Code pertaining to the following: 90056

(A) Fees for the verification of a license and license 90057
reinstatement, and other fees established by the section; 90058

(B) Provisions for the section's government and control of 90059
its actions and business affairs; 90060

(C) Minimum curricula for physical therapy education programs 90061
that prepare graduates to be licensed in this state as physical 90062
therapists and physical therapist assistants; 90063

(D) Eligibility criteria to take the examinations required 90064
under sections 4755.43 and 4755.431 of the Revised Code; 90065

(E) The form and manner for filing applications for licensure 90066
with the section; 90067

(F) For purposes of section 4755.46 of the Revised Code, all 90068
of the following: 90069

(1) A schedule regarding when licenses to practice as a 90070
physical therapist and physical therapist assistant expire during 90071
a biennium; 90072

(2) An additional fee, not to exceed thirty-five dollars, 90073
that may be imposed if a licensee files a late application for 90074
renewal; 90075

(3) The conditions under which the license of a person who 90076
files a late application for renewal will be reinstated. 90077

(G) The issuance, renewal, suspension, and permanent 90078
revocation of a license and the conduct of hearings; 90079

(H) Appropriate ethical conduct in the practice of physical 90080

therapy; 90081

(I) Requirements, including continuing education 90082
requirements, for restoring licenses that are inactive or have 90083
lapsed through failure to renew; 90084

(J) Conditions that may be imposed for reinstatement of a 90085
license following suspension pursuant to section 4755.47 of the 90086
Revised Code; 90087

(K) For purposes of sections 4755.45 and 4755.451 of the 90088
Revised Code, both of the following: 90089

(1) Identification of the credentialing organizations from 90090
which the section will accept education equivalency evaluations 90091
for foreign physical therapist education and foreign physical 90092
therapist assistant education. The physical therapy section shall 90093
identify only those credentialing organizations that use a course 90094
evaluation tool or form approved by the physical therapy section. 90095

(2) Evidence, other than the evaluations described in 90096
division (K)(1) of this section, that the section will consider 90097
for purposes of evaluating whether an applicant's education is 90098
reasonably equivalent to the educational requirements that were in 90099
force for licensure in this state as a physical therapist or 90100
physical therapist assistant on the date of either of the 90101
following: 90102

(a) The applicant's initial licensure or registration in 90103
another state or country; 90104

(b) The applicant's completion of a physical therapist 90105
education program or physical therapist assistant education 90106
program if the country in which the education program was 90107
completed does not issue a physical therapist or physical 90108
therapist assistant license or registration. 90109

(L) Standards of conduct for physical therapists and physical 90110

therapist assistants, including requirements for supervision, 90111
delegation, and practicing with or without referral or 90112
prescription; 90113

(M) Appropriate display of a license; 90114

(N) Procedures for a licensee to follow in notifying the 90115
section within thirty days of a change in name or address, or 90116
both; 90117

(O) The amount and content of corrective action courses 90118
required by the board under section 4755.47 of the Revised Code. 90119

Sec. 4755.45. (A) The physical therapy section of the Ohio 90120
occupational therapy, physical therapy, and athletic trainers 90121
board shall issue to an applicant a license to practice as a 90122
physical therapist without requiring the applicant to have passed 90123
the national examination for physical therapists described in 90124
division (A) of section 4755.43 of the Revised Code within one 90125
year of filing an application described in section 4755.42 of the 90126
Revised Code if all of the following conditions are ~~true~~ met: 90127

(1) The applicant presents evidence satisfactory to the 90128
physical therapy section that the applicant received a score on 90129
the national physical therapy examination described in division 90130
(A) of section 4755.43 of the Revised Code that would have been a 90131
passing score according to the board in the year the applicant sat 90132
for the examination; 90133

(2) The applicant presents evidence satisfactory to the 90134
physical therapy section that the applicant passed the 90135
jurisprudence examination described in division (B) of section 90136
4755.43 of the Revised Code; 90137

(3) The applicant ~~holds~~ either: 90138

(a) Holds a current and valid license or registration to 90139
practice physical therapy in another state or country; 90140

(b) Completed a physical therapist education program in a country that does not issue a physical therapist license or registration. 90141
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(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following: 90144
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(a) The applicant's initial licensure or registration in the other state or country; 90148
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(b) The applicant's completion of a physical therapist education program if the country in which the education program was completed does not issue a physical therapist license or registration. 90150
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(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code; 90154
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(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 90156
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(B) ~~For purposes of division (A)(4) of this section, if~~ If, 90158
after receiving the results of an education equivalency evaluation 90159
from a credentialing organization identified by the section 90160
pursuant to rules adopted under section 4755.411 of the Revised 90161
Code, the section determines that, regardless of the results of 90162
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 90163
~~equivalent to the educational requirements that were in force for~~ 90164
~~licensure in this state on the date of the applicant's initial~~ 90165
~~licensure or registration in another state or foreign country~~ meet 90166
the conditions of division (A)(4) of this section, the section 90167
shall send a written notice to the applicant stating that the 90168
section is denying the applicant's application and stating the 90169
specific reason why the section is denying the applicant's 90170
application. The section shall send the notice to the applicant 90171

through certified mail within thirty days after the section makes 90172
that determination. 90173

Sec. 4755.451. (A) The physical therapy section of the Ohio 90174
occupational therapy, physical therapy, and athletic trainers 90175
board shall issue to an applicant a license as a physical 90176
therapist assistant without requiring the applicant to have passed 90177
the national examination for physical therapist assistants 90178
described in division (A) of section 4755.431 of the Revised Code 90179
within one year of filing an application described in section 90180
4755.421 of the Revised Code if all of the following conditions 90181
are ~~true~~ met: 90182

(1) The applicant presents evidence satisfactory to the 90183
physical therapy section that the applicant received a score on 90184
the national physical therapy examination described in division 90185
(A) of section 4755.431 of the Revised Code that would have been a 90186
passing score according to the board in the year the applicant sat 90187
for the examination; 90188

(2) The applicant presents evidence satisfactory to the 90189
physical therapy section that the applicant passed the 90190
jurisprudence examination described in division (B) of section 90191
4755.431 of the Revised Code; 90192

(3) The applicant ~~holds~~ either: 90193

(a) Holds a current and valid license or registration to 90194
practice as a physical therapist assistant in another state or 90195
country; 90196

(b) Completed a physical therapist assistant education 90197
program in a country that does not issue a physical therapist 90198
assistant license or registration. 90199

(4) Subject to division (B) of this section, the applicant 90200
can demonstrate that the applicant's education is reasonably 90201

equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following:

(a) The applicant's initial licensure or registration in the other state or country;

(b) The applicant's completion of a physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist assistant license or registration.

(5) The applicant pays the fee described in division (B) of section 4755.421 of the Revised Code;

(6) The applicant is not in violation of any section of this chapter or rule adopted under it.

~~(B) For purposes of division (A)(4) of this section, if~~ If, after receiving the results of an education equivalency evaluation from a credentialing organization identified by the section pursuant to rules adopted under section 4755.411 of the Revised Code, the section determines that, regardless of the results of the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ equivalent to the educational requirements that were in force for licensure in this state on the date of the applicant's initial licensure or registration in another state or foreign country meet the conditions of division (A)(4) of this section, the section shall send a written notice to the applicant stating that the section is denying the applicant's application and stating the specific reason why the section is denying the applicant's application. The section shall send the notice to the applicant through certified mail within thirty days after the section makes the determination.

Sec. 4755.47. (A) In accordance with Chapter 119. of the Revised Code, the physical therapy section of the Ohio

occupational therapy, physical therapy, and athletic trainers 90232
board may, except as provided in division (B) of this section, 90233
refuse to grant a license to an applicant for an initial or 90234
renewed license as a physical therapist or physical therapist 90235
assistant or, by an affirmative vote of not less than five 90236
members, may limit, suspend, or revoke the license of a physical 90237
therapist or physical therapist assistant or reprimand, fine, 90238
place a license holder on probation, or require the license holder 90239
to take corrective action courses, on any of the following 90240
grounds: 90241

(1) Habitual indulgence in the use of controlled substances, 90242
other habit-forming drugs, or alcohol to an extent that affects 90243
the individual's professional competency; 90244

(2) Conviction of a felony or a crime involving moral 90245
turpitude, regardless of the state or country in which the 90246
conviction occurred; 90247

(3) Obtaining or attempting to obtain a license issued by the 90248
physical therapy section by fraud or deception, including the 90249
making of a false, fraudulent, deceptive, or misleading statement; 90250

(4) An adjudication by a court, as provided in section 90251
5122.301 of the Revised Code, that the applicant or licensee is 90252
incompetent for the purpose of holding the license and has not 90253
thereafter been restored to legal capacity for that purpose; 90254

(5) Subject to section 4755.471 of the Revised Code, 90255
violation of the code of ethics adopted by the physical therapy 90256
section; 90257

(6) Violating or attempting to violate, directly or 90258
indirectly, or assisting in or abetting the violation of or 90259
conspiring to violate sections 4755.40 to 4755.56 of the Revised 90260
Code or any order issued or rule adopted under those sections; 90261

(7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;	90262 90263
(8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;	90264 90265 90266
(9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	90267 90268 90269 90270
(10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific methods in the selection of drugs, as defined in section 4729.01 of the Revised Code, or other modalities for treatment;	90271 90272 90273 90274 90275
(11) Willful betrayal of a professional confidence;	90276
(12) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of physical therapy;	90277 90278 90279
(13) A departure from, or the failure to conform to, minimal standards of care required of licensees when under the same or similar circumstances, whether or not actual injury to a patient is established;	90280 90281 90282 90283
(14) Obtaining, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	90284 90285
(15) Violation of the conditions of limitation or agreements placed by the physical therapy section on a license to practice;	90286 90287
(16) Failure to renew a license in accordance with section 4755.46 of the Revised Code;	90288 90289
(17) Except as provided in section 4755.471 of the Revised Code, engaging in the division of fees for referral of patients or	90290 90291

receiving anything of value in return for a specific referral of a patient to utilize a particular service or business;	90292 90293
(18) Inability to practice according to acceptable and prevailing standards of care because of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perception skills;	90294 90295 90296 90297
(19) The revocation, suspension, restriction, or termination of clinical privileges by the United States department of defense or department of veterans affairs;	90298 90299 90300
(20) Termination or suspension from participation in the medicare or medicaid program established under Title XVIII and Title XIX, respectively, of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, for an act or acts that constitute a violation of sections 4755.40 to 4755.56 of the Revised Code;	90301 90302 90303 90304 90305 90306
(21) Failure of a physical therapist to maintain supervision of a student, physical therapist assistant, unlicensed support personnel, other assistant personnel, or a license applicant in accordance with the requirements of sections 4755.40 to 4755.56 of the Revised Code and rules adopted under those sections;	90307 90308 90309 90310 90311
(22) Failure to complete continuing education requirements as prescribed in section 4755.51 or 4755.511 of the Revised Code or to satisfy any rules applicable to continuing education requirements that are adopted by the physical therapy section;	90312 90313 90314 90315
(23) Conviction of a misdemeanor when the act that constitutes the misdemeanor occurs during the practice of physical therapy;	90316 90317 90318
(24)(a) Except as provided in division (A)(24)(b) of this section, failure to cooperate with an investigation conducted by the physical therapy section, including failure to comply with a subpoena or orders issued by the section or failure to answer	90319 90320 90321 90322

truthfully a question presented by the section at a deposition or 90323
in written interrogatories. 90324

(b) Failure to cooperate with an investigation does not 90325
constitute grounds for discipline under this section if a court of 90326
competent jurisdiction issues an order that either quashes a 90327
subpoena or permits the individual to withhold the testimony or 90328
evidence at issue. 90329

(25) Regardless of whether it is consensual, engaging in any 90330
of the following with a patient other than the spouse of the 90331
physical therapist or physical therapist assistant: 90332

(a) Sexual conduct, as defined in section 2907.01 of the 90333
Revised Code; 90334

(b) Sexual contact, as defined in section 2907.01 of the 90335
Revised Code; 90336

(c) Verbal behavior that is sexually demeaning to the patient 90337
or may be reasonably interpreted by the patient as sexually 90338
demeaning. 90339

(26) Failure to notify the physical therapy section of a 90340
change in name, business address, or home address within thirty 90341
days after the date of change; 90342

(27) Except as provided in division (C) of this section: 90343

(a) Waiving the payment of all or any part of a deductible or 90344
copayment that a patient, pursuant to a health insurance or health 90345
care policy, contract, or plan that covers physical therapy, would 90346
otherwise be required to pay if the waiver is used as an 90347
enticement to a patient or group of patients to receive health 90348
care services from that provider; 90349

(b) Advertising that the individual will waive the payment of 90350
all or any part of a deductible or copayment that a patient, 90351
pursuant to a health insurance or health care policy, contract, or 90352

plan that covers physical therapy, would otherwise be required to pay. 90353
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(28) Violation of any section of this chapter or rule adopted under it. 90355
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(B) The physical therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code. 90357
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(C) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows: 90361
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the physical therapy section upon request. 90364
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(2) For professional services rendered to any other person licensed pursuant to sections 4755.40 to 4755.56 of the Revised Code to the extent allowed by those sections and the rules of the physical therapy section. 90370
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(D) When a license is revoked under this section, application for reinstatement may not be made sooner than one year after the date of revocation. The physical therapy section may accept or refuse an application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement. 90374
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When a license holder is placed on probation under this section, the physical therapy section's order for placement on probation shall be accompanied by a statement of the conditions under which the individual may be removed from probation and restored to unrestricted practice. 90379
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(E) When an application for an initial or renewed license is refused under this section, the physical therapy section shall notify the applicant in writing of the section's decision to refuse issuance of a license and the reason for its decision.

(F) On receipt of a complaint that a person licensed by the physical therapy section has committed any of the actions listed in division (A) of this section, the physical therapy section may immediately suspend the license of the physical therapist or physical therapist assistant prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the person poses an immediate threat to the public. The physical therapy section may review the allegations and vote on the suspension by telephone conference call. If the physical therapy section votes to suspend a license under this division, the physical therapy section shall ~~issue~~ serve a written order of summary suspension to the person in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If the person fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the physical therapy section shall enter a final order permanently revoking the person's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the physical therapy section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the physical therapy section pursuant to division (A) of this section becomes effective. The physical therapy section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent,

final adjudication order. 90417

Sec. 4755.482. (A) Except as otherwise provided in divisions 90418
(B) and (C) of this section, a person shall not teach a physical 90419
therapy theory and procedures course in physical therapy education 90420
without obtaining a license as a physical therapist from the 90421
physical therapy section of the Ohio occupational therapy, 90422
physical therapy, and athletic trainers board. 90423

(B) A person who is registered or licensed as a physical 90424
therapist under the laws of another state shall not teach a 90425
physical therapy theory and procedures course in physical therapy 90426
education for more than one year without obtaining a license as a 90427
physical therapist from the physical therapy section. 90428

(C) A person who is registered or licensed as a physical 90429
therapist under the laws of a foreign country and is not 90430
registered or licensed as a physical therapist in any state who 90431
wishes to teach a physical therapy theory and procedures course in 90432
physical therapy education in this state, or an institution that 90433
wishes the person to teach such a course at the institution, may 90434
apply to the physical therapy section to request authorization for 90435
the person to teach such a course for a period of not more than 90436
one year. Any member of the physical therapy section may approve 90437
the person's or institution's application. No person described in 90438
this division shall teach such a course for longer than one year 90439
without obtaining a license from the physical therapy section. 90440

(D) The physical therapy section may investigate any person 90441
who allegedly has violated this section. The physical therapy 90442
section has the same powers to investigate an alleged violation of 90443
this section as those powers specified in section 4755.02 of the 90444
Revised Code. If, after investigation, the physical therapy 90445
section determines that reasonable evidence exists that a person 90446
has violated this section, within seven days after that 90447

determination, the physical therapy section shall ~~send~~ serve a 90448
written notice to that person in the same manner as prescribed in 90449
~~section~~ sections 119.05 and 119.07 of the Revised Code for 90450
licensees, except that the notice shall specify that a hearing 90451
will be held and specify the date, time, and place of the hearing. 90452

The physical therapy section shall hold a hearing regarding 90453
the alleged violation in the same manner prescribed for an 90454
adjudication hearing under section 119.09 of the Revised Code. If 90455
the physical therapy section, after the hearing, determines a 90456
violation has occurred, the physical therapy section may 90457
discipline the person in the same manner as the physical therapy 90458
section disciplines licensees under section 4755.47 of the Revised 90459
Code. The physical therapy section's determination is an order 90460
that the person may appeal in accordance with section 119.12 of 90461
the Revised Code. 90462

If a person who allegedly committed a violation of this 90463
section fails to appear for a hearing, the physical therapy 90464
section may request the court of common pleas of the county where 90465
the alleged violation occurred to compel the person to appear 90466
before the physical therapy section for a hearing. If the physical 90467
therapy section assesses a person a civil penalty for a violation 90468
of this section and the person fails to pay that civil penalty 90469
within the time period prescribed by the physical therapy section, 90470
the physical therapy section shall forward to the attorney general 90471
the name of the person and the amount of the civil penalty for the 90472
purpose of collecting that civil penalty. In addition to the civil 90473
penalty assessed pursuant to this section, the person also shall 90474
pay any fee assessed by the attorney general for collection of the 90475
civil penalty. 90476

Sec. 4755.64. (A) In accordance with Chapter 119. of the 90477
Revised Code, the athletic trainers section of the Ohio 90478

occupational therapy, physical therapy, and athletic trainers 90479
board may suspend, revoke, or, except as provided in division (B) 90480
of this section, refuse to issue or renew an athletic trainers 90481
license, or reprimand, fine, or place a licensee on probation, for 90482
any of the following: 90483

(1) Conviction of a felony or offense involving moral 90484
turpitude, regardless of the state or country in which the 90485
conviction occurred; 90486

(2) Violation of sections 4755.61 to 4755.65 of the Revised 90487
Code or any order issued or rule adopted thereunder; 90488

(3) Obtaining a license through fraud, false or misleading 90489
representation, or concealment of material facts; 90490

(4) Negligence or gross misconduct in the practice of 90491
athletic training; 90492

(5) Violating the standards of ethical conduct in the 90493
practice of athletic training as adopted by the athletic trainers 90494
section under section 4755.61 of the Revised Code; 90495

(6) Using any controlled substance or alcohol to the extent 90496
that the ability to practice athletic training at a level of 90497
competency is impaired; 90498

(7) Practicing in an area of athletic training for which the 90499
individual is untrained or incompetent, or practicing without the 90500
referral of a practitioner described in division (A) of section 90501
4755.623 of the Revised Code; 90502

(8) Employing, directing, or supervising a person in the 90503
performance of athletic training procedures who is not authorized 90504
to practice as a licensed athletic trainer under this chapter; 90505

(9) Misrepresenting educational attainments or the functions 90506
the individual is authorized to perform for the purpose of 90507
obtaining some benefit related to the individual's athletic 90508

training practice;	90509
(10) Failing the licensing examination;	90510
(11) Aiding or abetting the unlicensed practice of athletic training;	90511 90512
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including athletic training, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	90513 90514 90515 90516
(13) Regardless of whether it is consensual, engaging in any of the following with a patient other than the spouse of the athletic trainer:	90517 90518 90519
(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;	90520 90521
(b) Sexual contact, as defined in section 2907.01 of the Revised Code;	90522 90523
(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning;	90524 90525 90526
(14) In the case of an athletic trainer who has entered into a collaboration agreement as described in section 4755.621 of the Revised Code, failing to practice in accordance with the agreement.	90527 90528 90529 90530
(B) The athletic trainers section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.	90531 90532 90533 90534
(C) If the athletic trainers section places a licensee on probation under division (A) of this section, the section's order for placement on probation shall be accompanied by a written statement of the conditions under which the person may be removed	90535 90536 90537 90538

from probation and restored to unrestricted practice. 90539

(D) A licensee whose license has been revoked under division 90540
(A) of this section may apply to the athletic trainers section for 90541
reinstatement of the license one year following the date of 90542
revocation. The athletic trainers section may accept or deny the 90543
application for reinstatement and may require that the applicant 90544
pass an examination as a condition for reinstatement. 90545

(E) On receipt of a complaint that a person licensed by the 90546
athletic trainers section has committed any of the prohibited 90547
actions listed in division (A) of this section, the section may 90548
immediately suspend the license of a licensed athletic trainer 90549
prior to holding a hearing in accordance with Chapter 119. of the 90550
Revised Code if it determines, based on the complaint, that the 90551
licensee poses an immediate threat to the public. The section may 90552
review the allegations and vote on the suspension by telephone 90553
conference call. If the section votes to suspend a license under 90554
this division, the section shall ~~issue~~ serve a written order of 90555
summary suspension to the licensed athletic trainer in accordance 90556
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 90557
the individual whose license is suspended fails to make a timely 90558
request for an adjudication under Chapter 119. of the Revised 90559
Code, the section shall enter a final order permanently revoking 90560
the individual's license. Notwithstanding section 119.12 of the 90561
Revised Code, a court of common pleas shall not grant a suspension 90562
of the section's order of summary suspension pending the 90563
determination of an appeal filed under that section. Any order of 90564
summary suspension issued under this division shall remain in 90565
effect, unless reversed on appeal, until a final adjudication 90566
order issued by the section pursuant to division (A) of this 90567
section becomes effective. The section shall issue its final 90568
adjudication order regarding an order of summary suspension issued 90569
under this division not later than ninety days after completion of 90570

its hearing. Failure to issue the order within ninety days shall 90571
result in immediate dissolution of the suspension order, but shall 90572
not invalidate any subsequent, final adjudication order. 90573

Sec. 4757.03. (A) There is hereby created the counselor, 90574
social worker, and marriage and family therapist board, consisting 90575
of fifteen members. The governor shall appoint the members with 90576
the advice and consent of the senate. 90577

(1) Four members shall be individuals licensed under this 90578
chapter as licensed professional clinical counselors or licensed 90579
professional counselors. At all times, the counselor membership 90580
shall include at least one individual who has received a doctoral 90581
degree in counseling from an accredited educational institution 90582
recognized by the board and holds a graduate level teaching 90583
position in a counselor education program. 90584

(2) Four members shall be individuals licensed under this 90585
chapter as independent marriage and family therapists or marriage 90586
and family therapists. At all times, the marriage and family 90587
therapist membership shall include one educator who holds a 90588
teaching position in a master's degree marriage and family therapy 90589
program at an accredited educational institution recognized by the 90590
board. 90591

(3) ~~Two~~ Four members shall be individuals licensed under this 90592
chapter as independent social workers. ~~Two members~~ or social 90593
workers, provided that at least one member, at the time the member 90594
is appointed to the board, shall be ~~individuals~~ licensed under 90595
this chapter as a social workers, ~~at least one of whom must hold a~~ 90596
~~bachelor's or master's degree in social work from an accredited~~ 90597
~~educational institution recognized by the board~~ worker. At all 90598
times, ~~the social worker membership~~ at least one of the members 90599
appointed under this division shall include ~~one~~ an educator who 90600
holds a teaching position in a baccalaureate or master's degree 90601

social work program at an accredited educational institution 90602
recognized by the board. 90603

(4) Three members shall be representatives of the general 90604
public who have not practiced professional counseling, marriage 90605
and family therapy, or social work and have not been involved in 90606
the delivery of professional counseling, marriage and family 90607
therapy, or social work services. At least one of the members 90608
representing the general public shall be at least sixty years of 90609
age. During their terms the public members shall not practice 90610
professional counseling, marriage and family therapy, or social 90611
work or be involved in the delivery of professional counseling, 90612
marriage and family therapy, or social work services. 90613

(B) Both of the following apply to each member specified in 90614
divisions (A)(1), (2), and (3) of this section: 90615

(1) During the five years preceding appointment to the board, 90616
the member shall have actively engaged in the practice of the 90617
member's profession. A member holding a teaching position shall 90618
have actively engaged in the practice of the member's profession 90619
by conducting research in the member's profession or by educating 90620
and training master's, doctoral, or postdoctoral students in the 90621
member's profession, as applicable. 90622

(2) During the two years immediately preceding appointment, 90623
the member shall have devoted the majority of their professional 90624
time to the activity described in division (B)(1) of this section 90625
while residing in this state. 90626

(C) At least three members, one from each of the board's 90627
professional standards committees, during the five years preceding 90628
appointment, shall have practiced at a public agency or at an 90629
organization that is certified or licensed by the department of 90630
developmental disabilities, the department of alcohol and drug 90631
addiction services, the department of job and family services, or 90632

the department of mental health. 90633

(D) Not more than eight members of the board may be members 90634
of the same political party ~~or sex~~. 90635

(E) At least one member of the board shall be of African, 90636
Native American, Hispanic, or Asian descent. 90637

(F) Terms of office shall be three years, each term ending on 90638
the same day of the same month of the year as did the term that it 90639
succeeds. As a result of the dates of initial appointment, the 90640
number of terms expiring each year are four, five, or six. 90641

(G) A member shall hold office from the date of appointment 90642
until the end of the term for which the member was appointed. A 90643
member appointed to fill a vacancy occurring prior to the 90644
expiration of the term for which the member's predecessor was 90645
appointed shall hold office for the remainder of that term. A 90646
member shall continue in office after the expiration date of the 90647
member's term until a successor takes office. Members may be 90648
reappointed, except that if a person has held office for two 90649
consecutive full terms, the person shall not be reappointed to the 90650
board sooner than one year after the expiration of the second full 90651
term as a member of the board. 90652

Sec. 4757.361. (A) As used in this section, with regard to 90653
offenses committed in Ohio, "aggravated murder," "murder," 90654
"voluntary manslaughter," "felonious assault," "kidnapping," 90655
"rape," "sexual battery," "gross sexual imposition," "aggravated 90656
arson," "aggravated robbery," and "aggravated burglary" mean such 90657
offenses as defined in Title XXIX of the Revised Code; with regard 90658
to offenses committed in other jurisdictions, the terms mean 90659
offenses comparable to offenses defined in Title XXIX of the 90660
Revised Code. 90661

(B) When there is clear and convincing evidence that 90662

continued practice by an individual licensed under this chapter 90663
presents a danger of immediate and serious harm to the public, as 90664
determined on consideration of the evidence by the professional 90665
standards committees of the counselor, social worker, and marriage 90666
and family therapist board, the appropriate committee shall impose 90667
on the individual a summary suspension without a hearing. 90668

Immediately following the decision to impose a summary 90669
suspension, the appropriate committee shall ~~issue~~ serve a written 90670
order of suspension ~~and cause it to be delivered by certified mail~~ 90671
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 90672
of the Revised Code. The order shall not be subject to suspension 90673
by the court during the pendency of any appeal filed under section 90674
119.12 of the Revised Code. If the individual subject to the 90675
suspension requests an adjudication, the date set for the 90676
adjudication shall be within fifteen days but not earlier than 90677
seven days after the individual makes the request, unless another 90678
date is agreed to by both the individual and the committee 90679
imposing the suspension. The summary suspension shall remain in 90680
effect, unless reversed by the committee, until a final 90681
adjudication order issued by the committee pursuant to this 90682
section and Chapter 119. of the Revised Code becomes effective. 90683

The committee shall issue its final adjudication order within 90684
ninety days after completion of the adjudication. If the committee 90685
does not issue a final order within the ninety-day period, the 90686
summary suspension shall be void, but any final adjudication order 90687
issued subsequent to the ninety-day period shall not be affected. 90688

(C) The license issued to an individual under this chapter is 90689
automatically suspended on that individual's conviction of, plea 90690
of guilty to, or judicial finding with regard to any of the 90691
following: aggravated murder, murder, voluntary manslaughter, 90692
felonious assault, kidnapping, rape, sexual battery, gross sexual 90693
imposition, aggravated arson, aggravated robbery, or aggravated 90694

burglary. The suspension shall remain in effect from the date of 90695
the conviction, plea, or finding until an adjudication is held 90696
under Chapter 119. of the Revised Code. If the appropriate 90697
committee has knowledge that an automatic suspension has occurred, 90698
it shall notify the individual subject to the suspension. If the 90699
individual is notified and either fails to request an adjudication 90700
within the time periods established by Chapter 119. of the Revised 90701
Code or fails to participate in the adjudication, the committee 90702
shall enter a final order permanently revoking the person's 90703
license or certificate. 90704

Sec. 4759.05. (A) The state medical board shall adopt, amend, 90705
or rescind rules pursuant to Chapter 119. of the Revised Code to 90706
carry out the provisions of this chapter, including rules 90707
governing the following: 90708

(1) Selection and approval of a dietitian licensure 90709
examination offered by the commission on dietetic registration or 90710
any other examination; 90711

(2) The examination of applicants for licensure as a 90712
dietitian, as required under division (A) of section 4759.06 of 90713
the Revised Code; 90714

(3) Requirements for pre-professional dietetic experience of 90715
applicants for licensure as a dietitian that are at least 90716
equivalent to the requirements adopted by the commission on 90717
dietetic registration; 90718

(4) Requirements for a person holding a limited permit under 90719
division (G) of section 4759.06 of the Revised Code, including the 90720
duration of validity of a limited permit and procedures for 90721
renewal; 90722

(5) Continuing education requirements for renewal of a 90723
license, including rules providing for pro rata reductions by 90724

month of the number of hours of continuing education that must be 90725
completed for license holders who have been disabled by illness or 90726
accident or have been absent from the country. Rules adopted under 90727
this division shall be consistent with the continuing education 90728
requirements adopted by the commission on dietetic registration. 90729

(6) Any additional education requirements the board considers 90730
necessary, for applicants who have not practiced dietetics within 90731
five years of the initial date of application for licensure; 90732

(7) Standards of professional responsibility and practice for 90733
persons licensed under this chapter that are consistent with those 90734
standards of professional responsibility and practice adopted by 90735
the academy of nutrition and dietetics; 90736

(8) Formulation of an application form for licensure or 90737
license renewal; 90738

(9) Procedures for license renewal; 90739

(10) Requirements for criminal records checks of applicants 90740
under section 4776.03 of the Revised Code. 90741

(B)(1) The board shall investigate evidence that appears to 90742
show that a person has violated any provision of this chapter or 90743
any rule adopted under it. Any person may report to the board in a 90744
signed writing any information that the person may have that 90745
appears to show a violation of any provision of this chapter or 90746
any rule adopted under it. In the absence of bad faith, any person 90747
who reports information of that nature or who testifies before the 90748
board in any adjudication conducted under Chapter 119. of the 90749
Revised Code shall not be liable in damages in a civil action as a 90750
result of the report or testimony. Each complaint or allegation of 90751
a violation received by the board shall be assigned a case number 90752
and shall be recorded by the board. 90753

(2) Investigations of alleged violations of this chapter or 90754
any rule adopted under it shall be supervised by the supervising 90755

member elected by the board in accordance with section 4731.02 of 90756
the Revised Code and by the secretary as provided in section 90757
4759.012 of the Revised Code. The president may designate another 90758
member of the board to supervise the investigation in place of the 90759
supervising member. No member of the board who supervises the 90760
investigation of a case shall participate in further adjudication 90761
of the case. 90762

(3) In investigating a possible violation of this chapter or 90763
any rule adopted under this chapter, the board may issue 90764
subpoenas, question witnesses, conduct interviews, administer 90765
oaths, order the taking of depositions, inspect and copy any 90766
books, accounts, papers, records, or documents, and compel the 90767
attendance of witnesses and the production of books, accounts, 90768
papers, records, documents, and testimony, except that a subpoena 90769
for patient record information shall not be issued without 90770
consultation with the attorney general's office and approval of 90771
the secretary ~~and supervising member~~ of the board. 90772

Before issuance of a subpoena for patient record information, 90773
the secretary ~~and supervising member~~ shall determine whether there 90774
is probable cause to believe that the complaint filed alleges a 90775
violation of this chapter or any rule adopted under it and that 90776
the records sought are relevant to the alleged violation and 90777
material to the investigation. The subpoena may apply only to 90778
records that cover a reasonable period of time surrounding the 90779
alleged violation. 90780

On failure to comply with any subpoena issued by the board 90781
and after reasonable notice to the person being subpoenaed, the 90782
board may move for an order compelling the production of persons 90783
or records pursuant to the Rules of Civil Procedure. 90784

A subpoena issued by the board may be served by a sheriff, 90785
the sheriff's deputy, or a board employee or agent designated by 90786
the board. Service of a subpoena issued by the board may be made 90787

by delivering a copy of the subpoena to the person named therein, 90788
reading it to the person, or leaving it at the person's usual 90789
place of residence, usual place of business, or address on file 90790
with the board. When serving a subpoena to an applicant for or the 90791
holder of a license or limited permit issued under this chapter, 90792
service of the subpoena may be made by certified mail, return 90793
receipt requested, and the subpoena shall be deemed served on the 90794
date delivery is made or the date the person refuses to accept 90795
delivery. If the person being served refuses to accept the 90796
subpoena or is not located, service may be made to an attorney who 90797
notifies the board that the attorney is representing the person. 90798

A sheriff's deputy who serves a subpoena shall receive the 90799
same fees as a sheriff. Each witness who appears before the board 90800
in obedience to a subpoena shall receive the fees and mileage 90801
provided for under section 119.094 of the Revised Code. 90802

(4) All hearings, investigations, and inspections of the 90803
board shall be considered civil actions for the purposes of 90804
section 2305.252 of the Revised Code. 90805

(5) A report required to be submitted to the board under this 90806
chapter, a complaint, or information received by the board 90807
pursuant to an investigation is confidential and not subject to 90808
discovery in any civil action. 90809

The board shall conduct all investigations or inspections and 90810
proceedings in a manner that protects the confidentiality of 90811
patients and persons who file complaints with the board. The board 90812
shall not make public the names or any other identifying 90813
information about patients or complainants unless proper consent 90814
is given. 90815

The board may share any information it receives pursuant to 90816
an investigation or inspection, including patient records and 90817
patient record information, with law enforcement agencies, other 90818

licensing boards, and other governmental agencies that are 90819
prosecuting, adjudicating, or investigating alleged violations of 90820
statutes or administrative rules. An agency or board that receives 90821
the information shall comply with the same requirements regarding 90822
confidentiality as those with which the state medical board must 90823
comply, notwithstanding any conflicting provision of the Revised 90824
Code or procedure of the agency or board that applies when it is 90825
dealing with other information in its possession. In a judicial 90826
proceeding, the information may be admitted into evidence only in 90827
accordance with the Rules of Evidence, but the court shall require 90828
that appropriate measures are taken to ensure that confidentiality 90829
is maintained with respect to any part of the information that 90830
contains names or other identifying information about patients or 90831
complainants whose confidentiality was protected by the state 90832
medical board when the information was in the board's possession. 90833
Measures to ensure confidentiality that may be taken by the court 90834
include sealing its records or deleting specific information from 90835
its records. 90836

(6) On a quarterly basis, the board shall prepare a report 90837
that documents the disposition of all cases during the preceding 90838
three months. The report shall contain the following information 90839
for each case with which the board has completed its activities: 90840

(a) The case number assigned to the complaint or alleged 90841
violation; 90842

(b) The type of license, if any, held by the individual 90843
against whom the complaint is directed; 90844

(c) A description of the allegations contained in the 90845
complaint; 90846

(d) The disposition of the case. 90847

The report shall state how many cases are still pending and 90848
shall be prepared in a manner that protects the identity of each 90849

person involved in each case. The report shall be a public record 90850
under section 149.43 of the Revised Code. 90851

(C) The board shall keep records as are necessary to carry 90852
out the provisions of this chapter. 90853

(D) The board shall maintain and publish on its internet web 90854
site the board's rules and requirements for licensure adopted 90855
under division (A) of this section. 90856

Sec. 4759.07. (A) The state medical board, by an affirmative 90857
vote of not fewer than six members, shall, except as provided in 90858
division (B) of this section, and to the extent permitted by law, 90859
limit, revoke, or suspend an individual's license or limited 90860
permit, refuse to issue a license or limited permit to an 90861
individual, refuse to renew a license or limited permit, refuse to 90862
reinstate a license or limited permit, or reprimand or place on 90863
probation the holder of a license or limited permit for one or 90864
more of the following reasons: 90865

(1) Except when civil penalties are imposed under section 90866
4759.071 of the Revised Code, violating or attempting to violate, 90867
directly or indirectly, or assisting in or abetting the violation 90868
of, or conspiring to violate, any provision of this chapter or the 90869
rules adopted by the board; 90870

(2) Making a false, fraudulent, deceptive, or misleading 90871
statement in the solicitation of or advertising for patients; in 90872
relation to the practice of dietetics; or in securing or 90873
attempting to secure any license or permit issued by the board 90874
under this chapter. 90875

As used in division (A)(2) of this section, "false, 90876
fraudulent, deceptive, or misleading statement" means a statement 90877
that includes a misrepresentation of fact, is likely to mislead or 90878
deceive because of a failure to disclose material facts, is 90879

intended or is likely to create false or unjustified expectations 90880
of favorable results, or includes representations or implications 90881
that in reasonable probability will cause an ordinarily prudent 90882
person to misunderstand or be deceived. 90883

(3) Committing fraud during the administration of the 90884
examination for a license to practice or committing fraud, 90885
misrepresentation, or deception in applying for, renewing, or 90886
securing any license or permit issued by the board; 90887

(4) A plea of guilty to, a judicial finding of guilt of, or a 90888
judicial finding of eligibility for intervention in lieu of 90889
conviction for, a felony; 90890

(5) Commission of an act that constitutes a felony in this 90891
state, regardless of the jurisdiction in which the act was 90892
committed; 90893

(6) A plea of guilty to, a judicial finding of guilt of, or a 90894
judicial finding of eligibility for intervention in lieu of 90895
conviction for, a misdemeanor committed in the course of practice; 90896

(7) Commission of an act in the course of practice that 90897
constitutes a misdemeanor in this state, regardless of the 90898
jurisdiction in which the act was committed; 90899

(8) A plea of guilty to, a judicial finding of guilt of, or a 90900
judicial finding of eligibility for intervention in lieu of 90901
conviction for, a misdemeanor involving moral turpitude; 90902

(9) Commission of an act involving moral turpitude that 90903
constitutes a misdemeanor in this state, regardless of the 90904
jurisdiction in which the act was committed; 90905

(10) A record of engaging in incompetent or negligent conduct 90906
in the practice of dietetics; 90907

(11) A departure from, or failure to conform to, minimal 90908
standards of care of similar practitioners under the same or 90909

similar circumstances, whether or not actual injury to a patient 90910
is established; 90911

(12) The obtaining of, or attempting to obtain, money or 90912
anything of value by fraudulent misrepresentations in the course 90913
of practice; 90914

(13) Violation of the conditions of limitation placed by the 90915
board on a license or permit; 90916

(14) Inability to practice according to acceptable and 90917
prevailing standards of care by reason of mental illness or 90918
physical illness, including, physical deterioration that adversely 90919
affects cognitive, motor, or perceptive skills; 90920

(15) Any of the following actions taken by an agency 90921
responsible for authorizing, certifying, or regulating an 90922
individual to practice a health care occupation or provide health 90923
care services in this state or another jurisdiction, for any 90924
reason other than the nonpayment of fees: the limitation, 90925
revocation, or suspension of an individual's license; acceptance 90926
of an individual's license surrender; denial of a license; refusal 90927
to renew or reinstate a license; imposition of probation; or 90928
issuance of an order of censure or other reprimand; 90929

(16) The revocation, suspension, restriction, reduction, or 90930
termination of practice privileges by the United States department 90931
of defense or department of veterans affairs; 90932

(17) Termination or suspension from participation in the 90933
medicare or medicaid programs by the department of health and 90934
human services or other responsible agency for any act or acts 90935
that also would constitute a violation of division (A)(11), (12), 90936
or (14) of this section; 90937

(18) Impairment of ability to practice according to 90938
acceptable and prevailing standards of care because of habitual or 90939
excessive use or abuse of drugs, alcohol, or other substances that 90940

impair ability to practice; 90941

(19) Failure to cooperate in an investigation conducted by 90942
the board under division (B) of section 4759.05 of the Revised 90943
Code, including failure to comply with a subpoena or order issued 90944
by the board or failure to answer truthfully a question presented 90945
by the board in an investigative interview, an investigative 90946
office conference, at a deposition, or in written interrogatories, 90947
except that failure to cooperate with an investigation shall not 90948
constitute grounds for discipline under this section if a court of 90949
competent jurisdiction has issued an order that either quashes a 90950
subpoena or permits the individual to withhold the testimony or 90951
evidence in issue; 90952

(20) Representing with the purpose of obtaining compensation 90953
or other advantage as personal gain or for any other person, that 90954
an incurable disease or injury, or other incurable condition, can 90955
be permanently cured. 90956

(B) The board shall not refuse to issue a license or limited 90957
permit to an applicant because of a plea of guilty to, a judicial 90958
finding of guilt of, or a judicial finding of eligibility for 90959
intervention in lieu of conviction for an offense unless the 90960
refusal is in accordance with section 9.79 of the Revised Code. 90961

(C) Any action taken by the board under division (A) of this 90962
section resulting in a suspension from practice shall be 90963
accompanied by a written statement of the conditions under which 90964
the individual's license or permit may be reinstated. The board 90965
shall adopt rules governing conditions to be imposed for 90966
reinstatement. Reinstatement of a license or permit suspended 90967
pursuant to division (A) of this section requires an affirmative 90968
vote of not fewer than six members of the board. 90969

(D) When the board refuses to grant or issue a license or 90970
permit to an applicant, revokes an individual's license or permit, 90971

refuses to renew an individual's license or permit, or refuses to 90972
reinstate an individual's license or permit, the board may specify 90973
that its action is permanent. An individual subject to a permanent 90974
action taken by the board is forever thereafter ineligible to hold 90975
a license or permit and the board shall not accept an application 90976
for reinstatement of the license or permit or for issuance of a 90977
new license or permit. 90978

(E) Disciplinary actions taken by the board under division 90979
(A) of this section shall be taken pursuant to an adjudication 90980
under Chapter 119. of the Revised Code, except that in lieu of an 90981
adjudication, the board may enter into a consent agreement with an 90982
individual to resolve an allegation of a violation of this chapter 90983
or any rule adopted under it. A consent agreement, when ratified 90984
by an affirmative vote of not fewer than six members of the board, 90985
shall constitute the findings and order of the board with respect 90986
to the matter addressed in the agreement. If the board refuses to 90987
ratify a consent agreement, the admissions and findings contained 90988
in the consent agreement shall be of no force or effect. 90989

A telephone conference call may be utilized for ratification 90990
of a consent agreement that revokes or suspends an individual's 90991
license or permit. The telephone conference call shall be 90992
considered a special meeting under division (F) of section 121.22 90993
of the Revised Code. 90994

(F) In enforcing division (A)(14) of this section, the board, 90995
upon a showing of a possible violation, may compel any individual 90996
authorized to practice by this chapter or who has submitted an 90997
application pursuant to this chapter to submit to a mental 90998
examination, physical examination, including an HIV test, or both 90999
a mental and a physical examination. The expense of the 91000
examination is the responsibility of the individual compelled to 91001
be examined. Failure to submit to a mental or physical examination 91002
or consent to an HIV test ordered by the board constitutes an 91003

admission of the allegations against the individual unless the 91004
failure is due to circumstances beyond the individual's control, 91005
and a default and final order may be entered without the taking of 91006
testimony or presentation of evidence. If the board finds an 91007
individual unable to practice because of the reasons set forth in 91008
division (A)(14) of this section, the board shall require the 91009
individual to submit to care, counseling, or treatment by 91010
physicians approved or designated by the board, as a condition for 91011
initial, continued, reinstated, or renewed authority to practice. 91012
An individual affected under this division shall be afforded an 91013
opportunity to demonstrate to the board the ability to resume 91014
practice in compliance with acceptable and prevailing standards 91015
under the provisions of the individual's license or permit. For 91016
the purpose of division (A)(14) of this section, any individual 91017
who applies for or receives a license or permit under this chapter 91018
accepts the privilege of practicing in this state and, by so 91019
doing, shall be deemed to have given consent to submit to a mental 91020
or physical examination when directed to do so in writing by the 91021
board, and to have waived all objections to the admissibility of 91022
testimony or examination reports that constitute a privileged 91023
communication. 91024

(G) For the purposes of division (A)(18) of this section, any 91025
individual authorized to practice by this chapter accepts the 91026
privilege of practicing in this state subject to supervision by 91027
the board. By filing an application for or holding a license or 91028
permit under this chapter, an individual shall be deemed to have 91029
given consent to submit to a mental or physical examination when 91030
ordered to do so by the board in writing, and to have waived all 91031
objections to the admissibility of testimony or examination 91032
reports that constitute privileged communications. 91033

If it has reason to believe that any individual authorized to 91034
practice by this chapter or any applicant for a license or permit 91035

suffers such impairment, the board may compel the individual to 91036
submit to a mental or physical examination, or both. The expense 91037
of the examination is the responsibility of the individual 91038
compelled to be examined. Any mental or physical examination 91039
required under this division shall be undertaken by a treatment 91040
provider or physician who is qualified to conduct the examination 91041
and who is chosen by the board. 91042

Failure to submit to a mental or physical examination ordered 91043
by the board constitutes an admission of the allegations against 91044
the individual unless the failure is due to circumstances beyond 91045
the individual's control, and a default and final order may be 91046
entered without the taking of testimony or presentation of 91047
evidence. If the board determines that the individual's ability to 91048
practice is impaired, the board shall suspend the individual's 91049
license or permit or deny the individual's application and shall 91050
require the individual, as a condition for an initial, continued, 91051
reinstated, or renewed license or permit, to submit to treatment. 91052

Before being eligible to apply for reinstatement of a license 91053
or permit suspended under this division, the impaired practitioner 91054
shall demonstrate to the board the ability to resume practice in 91055
compliance with acceptable and prevailing standards of care under 91056
the provisions of the practitioner's license or permit. The 91057
demonstration shall include, but shall not be limited to, the 91058
following: 91059

(1) Certification from a treatment provider approved under 91060
section 4731.25 of the Revised Code that the individual has 91061
successfully completed any required inpatient treatment; 91062

(2) Evidence of continuing full compliance with an aftercare 91063
contract or consent agreement; 91064

(3) Two written reports indicating that the individual's 91065
ability to practice has been assessed and that the individual has 91066

been found capable of practicing according to acceptable and 91067
prevailing standards of care. The reports shall be made by 91068
individuals or providers approved by the board for making the 91069
assessments and shall describe the basis for their determination. 91070

The board may reinstate a license or permit suspended under 91071
this division after that demonstration and after the individual 91072
has entered into a written consent agreement. 91073

When the impaired practitioner resumes practice, the board 91074
shall require continued monitoring of the individual. The 91075
monitoring shall include, but not be limited to, compliance with 91076
the written consent agreement entered into before reinstatement or 91077
with conditions imposed by board order after a hearing, and, upon 91078
termination of the consent agreement, submission to the board for 91079
at least two years of annual written progress reports made under 91080
penalty of perjury stating whether the individual has maintained 91081
sobriety. 91082

(H) If the secretary and supervising member determine both of 91083
the following, they may recommend that the board suspend an 91084
individual's license or permit without a prior hearing: 91085

(1) That there is clear and convincing evidence that an 91086
individual has violated division (A) of this section; 91087

(2) That the individual's continued practice presents a 91088
danger of immediate and serious harm to the public. 91089

Written allegations shall be prepared for consideration by 91090
the board. The board, upon review of those allegations and by an 91091
affirmative vote of not fewer than six of its members, excluding 91092
the secretary and supervising member, may suspend a license or 91093
permit without a prior hearing. A telephone conference call may be 91094
utilized for reviewing the allegations and taking the vote on the 91095
summary suspension. 91096

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 91097

~~certified mail or in person~~ in accordance with ~~section~~ sections 91098
119.05 and 119.07 of the Revised Code. The order shall not be 91099
subject to suspension by the court during pendency of any appeal 91100
filed under section 119.12 of the Revised Code. If the individual 91101
subject to the summary suspension requests an adjudicatory hearing 91102
by the board, the date set for the hearing shall be within fifteen 91103
days, but not earlier than seven days, after the individual 91104
requests the hearing, unless otherwise agreed to by both the board 91105
and the individual. 91106

Any summary suspension imposed under this division shall 91107
remain in effect, unless reversed on appeal, until a final 91108
adjudicative order issued by the board pursuant to this section 91109
and Chapter 119. of the Revised Code becomes effective. The board 91110
shall issue its final adjudicative order within seventy-five days 91111
after completion of its hearing. A failure to issue the order 91112
within seventy-five days shall result in dissolution of the 91113
summary suspension order but shall not invalidate any subsequent, 91114
final adjudicative order. 91115

(I) If the board is required by Chapter 119. of the Revised 91116
Code to give notice of an opportunity for a hearing and if the 91117
individual subject to the notice does not timely request a hearing 91118
in accordance with section 119.07 of the Revised Code, the board 91119
is not required to hold a hearing, but may adopt, by an 91120
affirmative vote of not fewer than six of its members, a final 91121
order that contains the board's findings. In the final order, the 91122
board may order any of the sanctions identified under division (A) 91123
of this section. 91124

(J) For purposes of divisions (A)(5), (7), and (9) of this 91125
section, the commission of the act may be established by a finding 91126
by the board, pursuant to an adjudication under Chapter 119. of 91127
the Revised Code, that the individual committed the act. The board 91128
does not have jurisdiction under those divisions if the trial 91129

court renders a final judgment in the individual's favor and that 91130
judgment is based upon an adjudication on the merits. The board 91131
has jurisdiction under those divisions if the trial court issues 91132
an order of dismissal upon technical or procedural grounds. 91133

(K) The sealing or expungement of conviction records by any 91134
court shall have no effect upon a prior board order entered under 91135
this section or upon the board's jurisdiction to take action under 91136
this section if, based upon a plea of guilty, a judicial finding 91137
of guilt, or a judicial finding of eligibility for intervention in 91138
lieu of conviction, the board issued a notice of opportunity for a 91139
hearing prior to the court's order to seal or expunge the records. 91140
The board shall not be required to seal, destroy, redact, or 91141
otherwise modify its records to reflect the court's sealing or 91142
expungement of conviction records. 91143

(L) If the board takes action under division (A)(4), (6), or 91144
(8) of this section, and the judicial finding of guilt, guilty 91145
plea, or judicial finding of eligibility for intervention in lieu 91146
of conviction is overturned on appeal, upon exhaustion of the 91147
criminal appeal, a petition for reconsideration of the order may 91148
be filed with the board along with appropriate court documents. 91149
Upon receipt of a petition for reconsideration and supporting 91150
court documents, the board shall reinstate the individual's 91151
license or permit. The board may then hold an adjudication under 91152
Chapter 119. of the Revised Code to determine whether the 91153
individual committed the act in question. Notice of an opportunity 91154
for a hearing shall be given in accordance with Chapter 119. of 91155
the Revised Code. If the board finds, pursuant to an adjudication 91156
held under this division, that the individual committed the act or 91157
if no hearing is requested, the board may order any of the 91158
sanctions identified under division (A) of this section. 91159

(M) The license or permit issued to an individual under this 91160
chapter and the individual's practice in this state are 91161

automatically suspended as of the date the individual pleads 91162
guilty to, is found by a judge or jury to be guilty of, or is 91163
subject to a judicial finding of eligibility for intervention in 91164
lieu of conviction in this state or treatment or intervention in 91165
lieu of conviction in another jurisdiction for any of the 91166
following criminal offenses in this state or a substantially 91167
equivalent criminal offense in another jurisdiction: aggravated 91168
murder, murder, voluntary manslaughter, felonious assault, 91169
kidnapping, rape, sexual battery, gross sexual imposition, 91170
aggravated arson, aggravated robbery, or aggravated burglary. 91171
Continued practice after suspension shall be considered practicing 91172
without a license or permit. 91173

The board shall ~~notify~~ serve the individual subject to the 91174
suspension ~~by certified mail or in person~~ in accordance with 91175
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 91176
individual whose license or permit is automatically suspended 91177
under this division fails to make a timely request for an 91178
adjudication under Chapter 119. of the Revised Code, the board 91179
shall enter a final order permanently revoking the individual's 91180
license or permit. 91181

(N) Notwithstanding any other provision of the Revised Code, 91182
all of the following apply: 91183

(1) The surrender of a license or permit issued under this 91184
chapter shall not be effective unless or until accepted by the 91185
board. A telephone conference call may be utilized for acceptance 91186
of the surrender of an individual's license or permit. The 91187
telephone conference call shall be considered a special meeting 91188
under division (F) of section 121.22 of the Revised Code. 91189
Reinstatement of a license or permit surrendered to the board 91190
requires an affirmative vote of not fewer than six members of the 91191
board. 91192

(2) An application for a license or permit made under the 91193

provisions of this chapter may not be withdrawn without approval 91194
of the board. 91195

(3) Failure by an individual to renew a license or permit in 91196
accordance with this chapter shall not remove or limit the board's 91197
jurisdiction to take any disciplinary action under this section 91198
against the individual. 91199

(4) At the request of the board, a license or permit holder 91200
shall immediately surrender to the board a license or permit that 91201
the board has suspended, revoked, or permanently revoked. 91202

Sec. 4760.13. (A) The state medical board, by an affirmative 91203
vote of not fewer than six members, may revoke or may refuse to 91204
grant a license to practice as an anesthesiologist assistant to a 91205
person found by the board to have committed fraud, 91206
misrepresentation, or deception in applying for or securing the 91207
license. 91208

(B) The board, by an affirmative vote of not fewer than six 91209
members, shall, except as provided in division (C) of this 91210
section, and to the extent permitted by law, limit, revoke, or 91211
suspend an individual's license to practice as an anesthesiologist 91212
assistant, refuse to issue a license to an applicant, refuse to 91213
renew a license, refuse to reinstate a license, or reprimand or 91214
place on probation the holder of a license for any of the 91215
following reasons: 91216

(1) Permitting the holder's name or license to be used by 91217
another person; 91218

(2) Failure to comply with the requirements of this chapter, 91219
Chapter 4731. of the Revised Code, or any rules adopted by the 91220
board; 91221

(3) Violating or attempting to violate, directly or 91222
indirectly, or assisting in or abetting the violation of, or 91223

conspiring to violate, any provision of this chapter, Chapter	91224
4731. of the Revised Code, or the rules adopted by the board;	91225
(4) A departure from, or failure to conform to, minimal	91226
standards of care of similar practitioners under the same or	91227
similar circumstances whether or not actual injury to the patient	91228
is established;	91229
(5) Inability to practice according to acceptable and	91230
prevailing standards of care by reason of mental illness or	91231
physical illness, including physical deterioration that adversely	91232
affects cognitive, motor, or perceptive skills;	91233
(6) Impairment of ability to practice according to acceptable	91234
and prevailing standards of care because of habitual or excessive	91235
use or abuse of drugs, alcohol, or other substances that impair	91236
ability to practice;	91237
(7) Willfully betraying a professional confidence;	91238
(8) Making a false, fraudulent, deceptive, or misleading	91239
statement in securing or attempting to secure a license to	91240
practice as an anesthesiologist assistant.	91241
As used in this division, "false, fraudulent, deceptive, or	91242
misleading statement" means a statement that includes a	91243
misrepresentation of fact, is likely to mislead or deceive because	91244
of a failure to disclose material facts, is intended or is likely	91245
to create false or unjustified expectations of favorable results,	91246
or includes representations or implications that in reasonable	91247
probability will cause an ordinarily prudent person to	91248
misunderstand or be deceived.	91249
(9) The obtaining of, or attempting to obtain, money or a	91250
thing of value by fraudulent misrepresentations in the course of	91251
practice;	91252
(10) A plea of guilty to, a judicial finding of guilt of, or	91253

a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	91254 91255
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	91256 91257 91258
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	91259 91260 91261
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	91262 91263 91264
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	91265 91266 91267
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	91268 91269 91270
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	91271 91272 91273 91274 91275
(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	91276 91277 91278 91279 91280 91281 91282 91283

(18) Violation of the conditions placed by the board on a license to practice;	91284 91285
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	91286 91287 91288
(20) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	91289 91290 91291 91292 91293 91294 91295 91296 91297
(21) Failure to comply with any code of ethics established by the national commission for the certification of anesthesiologist assistants;	91298 91299 91300
(22) Failure to notify the state medical board of the revocation or failure to maintain certification from the national commission for certification of anesthesiologist assistants.	91301 91302 91303
(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.	91304 91305 91306 91307 91308
(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an anesthesiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule	91309 91310 91311 91312 91313 91314

adopted under it. A consent agreement, when ratified by an 91315
affirmative vote of not fewer than six members of the board, shall 91316
constitute the findings and order of the board with respect to the 91317
matter addressed in the agreement. If the board refuses to ratify 91318
a consent agreement, the admissions and findings contained in the 91319
consent agreement shall be of no force or effect. 91320

(E) For purposes of divisions (B)(11), (14), and (15) of this 91321
section, the commission of the act may be established by a finding 91322
by the board, pursuant to an adjudication under Chapter 119. of 91323
the Revised Code, that the applicant or license holder committed 91324
the act in question. The board shall have no jurisdiction under 91325
these divisions in cases where the trial court renders a final 91326
judgment in the license holder's favor and that judgment is based 91327
upon an adjudication on the merits. The board shall have 91328
jurisdiction under these divisions in cases where the trial court 91329
issues an order of dismissal on technical or procedural grounds. 91330

(F) The sealing or expungement of conviction records by any 91331
court shall have no effect on a prior board order entered under 91332
the provisions of this section or on the board's jurisdiction to 91333
take action under the provisions of this section if, based upon a 91334
plea of guilty, a judicial finding of guilt, or a judicial finding 91335
of eligibility for intervention in lieu of conviction, the board 91336
issued a notice of opportunity for a hearing prior to the court's 91337
order to seal or expunge the records. The board shall not be 91338
required to seal, destroy, redact, or otherwise modify its records 91339
to reflect the court's sealing or expungement of conviction 91340
records. 91341

(G) For purposes of this division, any individual who holds a 91342
license to practice issued under this chapter, or applies for a 91343
license to practice, shall be deemed to have given consent to 91344
submit to a mental or physical examination when directed to do so 91345
in writing by the board and to have waived all objections to the 91346

admissibility of testimony or examination reports that constitute 91347
a privileged communication. 91348

(1) In enforcing division (B)(5) of this section, the board, 91349
on a showing of a possible violation, may compel any individual 91350
who holds a license to practice issued under this chapter or who 91351
has applied for a license to practice pursuant to this chapter to 91352
submit to a mental or physical examination, or both. A physical 91353
examination may include an HIV test. The expense of the 91354
examination is the responsibility of the individual compelled to 91355
be examined. Failure to submit to a mental or physical examination 91356
or consent to an HIV test ordered by the board constitutes an 91357
admission of the allegations against the individual unless the 91358
failure is due to circumstances beyond the individual's control, 91359
and a default and final order may be entered without the taking of 91360
testimony or presentation of evidence. If the board finds an 91361
anesthesiologist assistant unable to practice because of the 91362
reasons set forth in division (B)(5) of this section, the board 91363
shall require the anesthesiologist assistant to submit to care, 91364
counseling, or treatment by physicians approved or designated by 91365
the board, as a condition for an initial, continued, reinstated, 91366
or renewed license to practice. An individual affected by this 91367
division shall be afforded an opportunity to demonstrate to the 91368
board the ability to resume practicing in compliance with 91369
acceptable and prevailing standards of care. 91370

(2) For purposes of division (B)(6) of this section, if the 91371
board has reason to believe that any individual who holds a 91372
license to practice issued under this chapter or any applicant for 91373
a license to practice suffers such impairment, the board may 91374
compel the individual to submit to a mental or physical 91375
examination, or both. The expense of the examination is the 91376
responsibility of the individual compelled to be examined. Any 91377
mental or physical examination required under this division shall 91378

be undertaken by a treatment provider or physician qualified to 91379
conduct such examination and chosen by the board. 91380

Failure to submit to a mental or physical examination ordered 91381
by the board constitutes an admission of the allegations against 91382
the individual unless the failure is due to circumstances beyond 91383
the individual's control, and a default and final order may be 91384
entered without the taking of testimony or presentation of 91385
evidence. If the board determines that the individual's ability to 91386
practice is impaired, the board shall suspend the individual's 91387
license or deny the individual's application and shall require the 91388
individual, as a condition for an initial, continued, reinstated, 91389
or renewed license to practice, to submit to treatment. 91390

Before being eligible to apply for reinstatement of a license 91391
suspended under this division, the anesthesiologist assistant 91392
shall demonstrate to the board the ability to resume practice in 91393
compliance with acceptable and prevailing standards of care. The 91394
demonstration shall include the following: 91395

(a) Certification from a treatment provider approved under 91396
section 4731.25 of the Revised Code that the individual has 91397
successfully completed any required inpatient treatment; 91398

(b) Evidence of continuing full compliance with an aftercare 91399
contract or consent agreement; 91400

(c) Two written reports indicating that the individual's 91401
ability to practice has been assessed and that the individual has 91402
been found capable of practicing according to acceptable and 91403
prevailing standards of care. The reports shall be made by 91404
individuals or providers approved by the board for making such 91405
assessments and shall describe the basis for their determination. 91406

The board may reinstate a license suspended under this 91407
division after such demonstration and after the individual has 91408
entered into a written consent agreement. 91409

When the impaired anesthesiologist assistant resumes 91410
practice, the board shall require continued monitoring of the 91411
anesthesiologist assistant. The monitoring shall include 91412
monitoring of compliance with the written consent agreement 91413
entered into before reinstatement or with conditions imposed by 91414
board order after a hearing, and, on termination of the consent 91415
agreement, submission to the board for at least two years of 91416
annual written progress reports made under penalty of 91417
falsification stating whether the anesthesiologist assistant has 91418
maintained sobriety. 91419

(H) If the secretary and supervising member determine that 91420
there is clear and convincing evidence that an anesthesiologist 91421
assistant has violated division (B) of this section and that the 91422
individual's continued practice presents a danger of immediate and 91423
serious harm to the public, they may recommend that the board 91424
suspend the individual's license without a prior hearing. Written 91425
allegations shall be prepared for consideration by the board. 91426

The board, on review of the allegations and by an affirmative 91427
vote of not fewer than six of its members, excluding the secretary 91428
and supervising member, may suspend a license without a prior 91429
hearing. A telephone conference call may be utilized for reviewing 91430
the allegations and taking the vote on the summary suspension. 91431

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 91432
~~certified mail or in person~~ in accordance with ~~section~~ sections 91433
119.05 and 119.07 of the Revised Code. The order shall not be 91434
subject to suspension by the court during pendency of any appeal 91435
filed under section 119.12 of the Revised Code. If the 91436
anesthesiologist assistant requests an adjudicatory hearing by the 91437
board, the date set for the hearing shall be within fifteen days, 91438
but not earlier than seven days, after the anesthesiologist 91439
assistant requests the hearing, unless otherwise agreed to by both 91440
the board and the license holder. 91441

A summary suspension imposed under this division shall remain 91442
in effect, unless reversed on appeal, until a final adjudicative 91443
order issued by the board pursuant to this section and Chapter 91444
119. of the Revised Code becomes effective. The board shall issue 91445
its final adjudicative order within sixty days after completion of 91446
its hearing. Failure to issue the order within sixty days shall 91447
result in dissolution of the summary suspension order, but shall 91448
not invalidate any subsequent, final adjudicative order. 91449

(I) If the board takes action under division (B)(11), (13), 91450
or (14) of this section, and the judicial finding of guilt, guilty 91451
plea, or judicial finding of eligibility for intervention in lieu 91452
of conviction is overturned on appeal, on exhaustion of the 91453
criminal appeal, a petition for reconsideration of the order may 91454
be filed with the board along with appropriate court documents. On 91455
receipt of a petition and supporting court documents, the board 91456
shall reinstate the license to practice. The board may then hold 91457
an adjudication under Chapter 119. of the Revised Code to 91458
determine whether the individual committed the act in question. 91459
Notice of opportunity for hearing shall be given in accordance 91460
with Chapter 119. of the Revised Code. If the board finds, 91461
pursuant to an adjudication held under this division, that the 91462
individual committed the act, or if no hearing is requested, it 91463
may order any of the sanctions specified in division (B) of this 91464
section. 91465

(J) The license to practice of an anesthesiologist assistant 91466
and the assistant's practice in this state are automatically 91467
suspended as of the date the anesthesiologist assistant pleads 91468
guilty to, is found by a judge or jury to be guilty of, or is 91469
subject to a judicial finding of eligibility for intervention in 91470
lieu of conviction in this state or treatment of intervention in 91471
lieu of conviction in another jurisdiction for any of the 91472
following criminal offenses in this state or a substantially 91473

equivalent criminal offense in another jurisdiction: aggravated 91474
murder, murder, voluntary manslaughter, felonious assault, 91475
kidnapping, rape, sexual battery, gross sexual imposition, 91476
aggravated arson, aggravated robbery, or aggravated burglary. 91477
Continued practice after the suspension shall be considered 91478
practicing without a license. 91479

The board shall ~~notify~~ serve the individual subject to the 91480
suspension ~~by certified mail or in person~~ in accordance with 91481
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 91482
individual whose license is suspended under this division fails to 91483
make a timely request for an adjudication under Chapter 119. of 91484
the Revised Code, the board shall enter a final order permanently 91485
revoking the individual's license to practice. 91486

(K) In any instance in which the board is required by Chapter 91487
119. of the Revised Code to give notice of opportunity for hearing 91488
and the individual subject to the notice does not timely request a 91489
hearing in accordance with section 119.07 of the Revised Code, the 91490
board is not required to hold a hearing, but may adopt, by an 91491
affirmative vote of not fewer than six of its members, a final 91492
order that contains the board's findings. In the final order, the 91493
board may order any of the sanctions identified under division (A) 91494
or (B) of this section. 91495

(L) Any action taken by the board under division (B) of this 91496
section resulting in a suspension shall be accompanied by a 91497
written statement of the conditions under which the 91498
anesthesiologist assistant's license may be reinstated. The board 91499
shall adopt rules in accordance with Chapter 119. of the Revised 91500
Code governing conditions to be imposed for reinstatement. 91501
Reinstatement of a license suspended pursuant to division (B) of 91502
this section requires an affirmative vote of not fewer than six 91503
members of the board. 91504

(M) When the board refuses to grant or issue a license to 91505

practice as an anesthesiologist assistant to an applicant, revokes 91506
an individual's license, refuses to renew an individual's license, 91507
or refuses to reinstate an individual's license, the board may 91508
specify that its action is permanent. An individual subject to a 91509
permanent action taken by the board is forever thereafter 91510
ineligible to hold a license to practice as an anesthesiologist 91511
assistant and the board shall not accept an application for 91512
reinstatement of the license or for issuance of a new license. 91513

(N) Notwithstanding any other provision of the Revised Code, 91514
all of the following apply: 91515

(1) The surrender of a license to practice issued under this 91516
chapter is not effective unless or until accepted by the board. 91517
Reinstatement of a license surrendered to the board requires an 91518
affirmative vote of not fewer than six members of the board. 91519

(2) An application made under this chapter for a license to 91520
practice may not be withdrawn without approval of the board. 91521

(3) Failure by an individual to renew a license to practice 91522
in accordance with section 4760.06 of the Revised Code shall not 91523
remove or limit the board's jurisdiction to take disciplinary 91524
action under this section against the individual. 91525

Sec. 4760.14. (A) The state medical board shall investigate 91526
evidence that appears to show that any person has violated this 91527
chapter or the rules adopted under it. Any person may report to 91528
the board in a signed writing any information the person has that 91529
appears to show a violation of any provision of this chapter or 91530
the rules adopted under it. In the absence of bad faith, a person 91531
who reports such information or testifies before the board in an 91532
adjudication conducted under Chapter 119. of the Revised Code 91533
shall not be liable for civil damages as a result of reporting the 91534
information or providing testimony. Each complaint or allegation 91535
of a violation received by the board shall be assigned a case 91536

number and be recorded by the board. 91537

(B) Investigations of alleged violations of this chapter or 91538
rules adopted under it shall be supervised by the supervising 91539
member elected by the board in accordance with section 4731.02 of 91540
the Revised Code and by the secretary as provided in section 91541
4760.15 of the Revised Code. The board's president may designate 91542
another member of the board to supervise the investigation in 91543
place of the supervising member. A member of the board who 91544
supervises the investigation of a case shall not participate in 91545
further adjudication of the case. 91546

(C) In investigating a possible violation of this chapter or 91547
the rules adopted under it, the board may administer oaths, order 91548
the taking of depositions, issue subpoenas, and compel the 91549
attendance of witnesses and production of books, accounts, papers, 91550
records, documents, and testimony, except that a subpoena for 91551
patient record information shall not be issued without 91552
consultation with the attorney general's office and approval of 91553
the secretary ~~and supervising member~~ of the board. Before issuance 91554
of a subpoena for patient record information, the secretary ~~and~~ 91555
~~supervising member~~ shall determine whether there is probable cause 91556
to believe that the complaint filed alleges a violation of this 91557
chapter or the rules adopted under it and that the records sought 91558
are relevant to the alleged violation and material to the 91559
investigation. The subpoena may apply only to records that cover a 91560
reasonable period of time surrounding the alleged violation. 91561

On failure to comply with any subpoena issued by the board 91562
and after reasonable notice to the person being subpoenaed, the 91563
board may move for an order compelling the production of persons 91564
or records pursuant to the Rules of Civil Procedure. 91565

A subpoena issued by the board may be served by a sheriff, 91566
the sheriff's deputy, or a board employee designated by the board. 91567

Service of a subpoena issued by the board may be made by 91568
delivering a copy of the subpoena to the person named therein, 91569
reading it to the person, or leaving it at the person's usual 91570
place of residence. When the person being served is an 91571
anesthesiologist assistant, service of the subpoena may be made by 91572
certified mail, restricted delivery, return receipt requested, and 91573
the subpoena shall be deemed served on the date delivery is made 91574
or the date the person refuses to accept delivery. 91575

A sheriff's deputy who serves a subpoena shall receive the 91576
same fees as a sheriff. Each witness who appears before the board 91577
in obedience to a subpoena shall receive the fees and mileage 91578
provided for under section 119.094 of the Revised Code. 91579

(D) All hearings and investigations of the board shall be 91580
considered civil actions for the purposes of section 2305.252 of 91581
the Revised Code. 91582

(E) Information received by the board pursuant to an 91583
investigation is confidential and not subject to discovery in any 91584
civil action. 91585

The board shall conduct all investigations and proceedings in 91586
a manner that protects the confidentiality of patients and persons 91587
who file complaints with the board. The board shall not make 91588
public the names or any other identifying information about 91589
patients or complainants unless proper consent is given. 91590

The board may share any information it receives pursuant to 91591
an investigation, including patient records and patient record 91592
information, with law enforcement agencies, other licensing 91593
boards, and other governmental agencies that are prosecuting, 91594
adjudicating, or investigating alleged violations of statutes or 91595
administrative rules. An agency or board that receives the 91596
information shall comply with the same requirements regarding 91597
confidentiality as those with which the state medical board must 91598

comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(F) The state medical board shall develop requirements for and provide appropriate initial training and continuing education for investigators employed by the board to carry out its duties under this chapter. The training and continuing education may include enrollment in courses operated or approved by the Ohio peace officer training commission that the board considers appropriate under conditions set forth in section 109.79 of the Revised Code.

(G) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged violation;

(2) The type of license to practice, if any, held by the individual against whom the complaint is directed;

(3) A description of the allegations contained in the complaint;

(4) The disposition of the case. 91630

The report shall state how many cases are still pending, and 91631
shall be prepared in a manner that protects the identity of each 91632
person involved in each case. The report is a public record for 91633
purposes of section 149.43 of the Revised Code. 91634

Sec. 4761.03. (A) The state medical board shall regulate the 91635
practice of respiratory care in this state and the persons to whom 91636
the board issues licenses and limited permits under this chapter. 91637
Rules adopted under this chapter that deal with the provision of 91638
respiratory care in a hospital, other than rules regulating the 91639
issuance of licenses or limited permits, shall be consistent with 91640
the conditions for participation under medicare, Title XVIII of 91641
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, 91642
as amended, and with the respiratory care accreditation standards 91643
of the joint commission or the American osteopathic association. 91644

(B) The board shall adopt, and may rescind or amend, rules in 91645
accordance with Chapter 119. of the Revised Code to carry out the 91646
purposes of this chapter, including rules prescribing the 91647
following: 91648

(1) The form and manner for filing applications under 91649
sections 4761.05 and 4761.06 of the Revised Code; 91650

(2) Standards for the approval of examinations and 91651
reexaminations administered by national organizations for 91652
licensure, license renewal, and license reinstatement; 91653

(3) Standards for the approval of educational programs 91654
required to qualify for licensure and approval of continuing 91655
education programs required for license renewal; 91656

(4) Continuing education courses and the number of hour 91657
requirements necessary for license renewal under section 4761.06 91658
of the Revised Code, including rules providing for pro rata 91659

reductions by month of the number of hours of continuing education 91660
that must be completed for license holders who are in their first 91661
renewal period, have been disabled by illness or accident, or have 91662
been absent from the country; 91663

(5) Procedures for the issuance and renewal of licenses and 91664
limited permits, including the duties that may be fulfilled by the 91665
board's executive director and other board employees; 91666

(6) Procedures for the limitation, suspension, and revocation 91667
of licenses and limited permits, the refusal to issue, renew, or 91668
reinstate licenses and limited permits, and the imposition of a 91669
reprimand or probation under section 4761.09 of the Revised Code; 91670

(7) Standards of ethical conduct for the practice of 91671
respiratory care; 91672

(8) The respiratory care tasks that may be performed by an 91673
individual practicing as a polysomnographic technologist pursuant 91674
to division (B)(3) of section 4761.10 of the Revised Code; 91675

(9) Requirements for criminal records checks of applicants 91676
under section 4776.03 of the Revised Code. 91677

(C) The board shall determine the sufficiency of an 91678
applicant's qualifications for admission to the licensing 91679
examination or a reexamination, and for the issuance or renewal of 91680
a license or limited permit. 91681

(D) The board shall determine the respiratory care 91682
educational programs that are acceptable for fulfilling the 91683
requirements of division (A) of section 4761.04 of the Revised 91684
Code. 91685

(E)(1) The board shall investigate evidence that appears to 91686
show that a person has violated any provision of this chapter or 91687
any rule adopted under it. Any person may report to the board in a 91688
signed writing any information that the person may have that 91689

appears to show a violation of any provision of this chapter or 91690
any rule adopted under it. In the absence of bad faith, any person 91691
who reports information of that nature or who testifies before the 91692
board in any adjudication conducted under Chapter 119. of the 91693
Revised Code shall not be liable in damages in a civil action as a 91694
result of the report or testimony. Each complaint or allegation of 91695
a violation received by the board shall be assigned a case number 91696
and shall be recorded by the board. 91697

(2) Investigations of alleged violations of this chapter or 91698
any rule adopted under it shall be supervised by the supervising 91699
member elected by the board in accordance with section 4731.02 of 91700
the Revised Code and by the secretary as provided in section 91701
4761.012 of the Revised Code. The president may designate another 91702
member of the board to supervise the investigation in place of the 91703
supervising member. No member of the board who supervises the 91704
investigation of a case shall participate in further adjudication 91705
of the case. 91706

(3) In investigating a possible violation of this chapter or 91707
any rule adopted under it, the board may issue subpoenas, 91708
administer oaths, question witnesses, conduct interviews, order 91709
the taking of depositions, inspect and copy any books, accounts, 91710
papers, records, or documents, and compel the attendance of 91711
witnesses and production of books, accounts, papers, records, 91712
documents, and testimony, except that a subpoena for patient 91713
record information shall not be issued without consultation with 91714
the attorney general's office and approval of the secretary ~~and~~ 91715
~~supervising member~~ of the board. 91716

Before issuance of a subpoena for patient record information, 91717
the secretary ~~and supervising member~~ shall determine whether there 91718
is probable cause to believe that the complaint filed alleges a 91719
violation of this chapter or any rule adopted under it and that 91720
the records sought are relevant to the alleged violation and 91721

material to the investigation. The subpoena may apply only to 91722
records that cover a reasonable period of time surrounding the 91723
alleged violation. 91724

On failure to comply with any subpoena issued by the board 91725
and after reasonable notice to the person being subpoenaed, the 91726
board may move for an order compelling the production of persons 91727
or records pursuant to the Rules of Civil Procedure. 91728

A subpoena issued by the board may be served by a sheriff, 91729
the sheriff's deputy, or a board employee or agent designated by 91730
the board. Service of a subpoena issued by the board may be made 91731
by delivering a copy of the subpoena to the person named therein, 91732
reading it to the person, or leaving it at the person's usual 91733
place of residence, usual place of business, or address on file 91734
with the board. When serving a subpoena to an applicant for or the 91735
holder of a license or limited permit issued under this chapter, 91736
service of the subpoena may be made by certified mail, return 91737
receipt requested, and the subpoena shall be deemed served on the 91738
date delivery is made or the date the person refuses to accept 91739
delivery. If the person being served refuses to accept the 91740
subpoena or is not located, service may be made to an attorney who 91741
notifies the board that the attorney is representing the person. 91742

A sheriff's deputy who serves a subpoena shall receive the 91743
same fees as a sheriff. Each witness who appears before the board 91744
in obedience to a subpoena shall receive the fees and mileage 91745
provided for under section 119.094 of the Revised Code. 91746

(4) All hearings, investigations, and inspections of the 91747
board shall be considered civil actions for the purposes of 91748
section 2305.252 of the Revised Code. 91749

(5) A report required to be submitted to the board under this 91750
chapter, a complaint, or information received by the board 91751
pursuant to an investigation is confidential and not subject to 91752

discovery in any civil action. 91753

The board shall conduct all investigations or inspections and 91754
proceedings in a manner that protects the confidentiality of 91755
patients and persons who file complaints with the board. The board 91756
shall not make public the names or any other identifying 91757
information about patients or complainants unless proper consent 91758
is given. 91759

The board may share any information it receives pursuant to 91760
an investigation or inspection, including patient records and 91761
patient record information, with law enforcement agencies, other 91762
licensing boards, and other governmental agencies that are 91763
prosecuting, adjudicating, or investigating alleged violations of 91764
statutes or administrative rules. An agency or board that receives 91765
the information shall comply with the same requirements regarding 91766
confidentiality as those with which the state medical board must 91767
comply, notwithstanding any conflicting provision of the Revised 91768
Code or procedure of the agency or board that applies when it is 91769
dealing with other information in its possession. In a judicial 91770
proceeding, the information may be admitted into evidence only in 91771
accordance with the Rules of Evidence, but the court shall require 91772
that appropriate measures are taken to ensure that confidentiality 91773
is maintained with respect to any part of the information that 91774
contains names or other identifying information about patients or 91775
complainants whose confidentiality was protected by the state 91776
medical board when the information was in the board's possession. 91777
Measures to ensure confidentiality that may be taken by the court 91778
include sealing its records or deleting specific information from 91779
its records. 91780

(6) On a quarterly basis, the board shall prepare a report 91781
that documents the disposition of all cases during the preceding 91782
three months. The report shall contain the following information 91783
for each case with which the board has completed its activities: 91784

(a) The case number assigned to the complaint or alleged violation;	91785 91786
(b) The type of license or limited permit, if any, held by the individual against whom the complaint is directed;	91787 91788
(c) A description of the allegations contained in the complaint;	91789 91790
(d) The disposition of the case.	91791
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	91792 91793 91794 91795
(F) The board shall keep records of its proceedings and do other things as are necessary and proper to carry out and enforce the provisions of this chapter.	91796 91797 91798
(G) The board shall maintain and publish on its internet web site all of the following:	91799 91800
(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;	91801 91802
(2) A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care.	91803 91804 91805
Sec. 4761.09. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:	91806 91807 91808 91809 91810 91811 91812 91813 91814

(1) A plea of guilty to, a judicial finding of guilt of, or a	91815
judicial finding of eligibility for intervention in lieu of	91816
conviction for, a felony;	91817
(2) Commission of an act that constitutes a felony in this	91818
state, regardless of the jurisdiction in which the act was	91819
committed;	91820
(3) A plea of guilty to, a judicial finding of guilt of, or a	91821
judicial finding of eligibility for intervention in lieu of	91822
conviction for, a misdemeanor committed in the course of practice;	91823
(4) Commission of an act in the course of practice that	91824
constitutes a misdemeanor in this state, regardless of the	91825
jurisdiction in which the act was committed;	91826
(5) A plea of guilty to, a judicial finding of guilt of, or a	91827
judicial finding of eligibility for intervention in lieu of	91828
conviction for, a misdemeanor involving moral turpitude;	91829
(6) Commission of an act involving moral turpitude that	91830
constitutes a misdemeanor in this state, regardless of the	91831
jurisdiction in which the act was committed;	91832
(7) Except when civil penalties are imposed under section	91833
4761.091 of the Revised Code, violating or attempting to violate,	91834
directly or indirectly, or assisting in or abetting the violation	91835
of, or conspiring to violate, any provision of this chapter or the	91836
rules adopted by the board;	91837
(8) Making a false, fraudulent, deceptive, or misleading	91838
statement in the solicitation of or advertising for patients; in	91839
relation to the practice of respiratory care; or in securing or	91840
attempting to secure any license or permit issued by the board	91841
under this chapter.	91842
As used in division (A)(8) of this section, "false,	91843
fraudulent, deceptive, or misleading statement" means a statement	91844

that includes a misrepresentation of fact, is likely to mislead or 91845
deceive because of a failure to disclose material facts, is 91846
intended or is likely to create false or unjustified expectations 91847
of favorable results, or includes representations or implications 91848
that in reasonable probability will cause an ordinarily prudent 91849
person to misunderstand or be deceived. 91850

(9) Committing fraud during the administration of the 91851
examination for a license to practice or committing fraud, 91852
misrepresentation, or deception in applying for, renewing, or 91853
securing any license or permit issued by the board; 91854

(10) A departure from, or failure to conform to, minimal 91855
standards of care of similar practitioners under the same or 91856
similar circumstances, whether or not actual injury to a patient 91857
is established; 91858

(11) Violating the standards of ethical conduct adopted by 91859
the board, in the practice of respiratory care; 91860

(12) The obtaining of, or attempting to obtain, money or 91861
anything of value by fraudulent misrepresentations in the course 91862
of practice; 91863

(13) Violation of the conditions of limitation placed by the 91864
board upon a license or permit; 91865

(14) Inability to practice according to acceptable and 91866
prevailing standards of care by reason of mental illness or 91867
physical illness, including physical deterioration that adversely 91868
affects cognitive, motor, or perceptive skills; 91869

(15) Any of the following actions taken by an agency 91870
responsible for authorizing, certifying, or regulating an 91871
individual to practice a health care occupation or provide health 91872
care services in this state or another jurisdiction, for any 91873
reason other than the nonpayment of fees: the limitation, 91874
revocation, or suspension of an individual's license; acceptance 91875

of an individual's license surrender; denial of a license; refusal	91876
to renew or reinstate a license; imposition of probation; or	91877
issuance of an order of censure or other reprimand;	91878
(16) The revocation, suspension, restriction, reduction, or	91879
termination of practice privileges by the United States department	91880
of defense or department of veterans affairs;	91881
(17) Termination or suspension from participation in the	91882
medicare or medicaid programs by the department of health and	91883
human services or other responsible agency for any act or acts	91884
that also would constitute a violation of division (A)(10), (12),	91885
or (14) of this section;	91886
(18) Impairment of ability to practice according to	91887
acceptable and prevailing standards of care because of habitual or	91888
excessive use or abuse of drugs, alcohol, or other substances that	91889
impair ability to practice;	91890
(19) Failure to cooperate in an investigation conducted by	91891
the board under division (E) of section 4761.03 of the Revised	91892
Code, including failure to comply with a subpoena or order issued	91893
by the board or failure to answer truthfully a question presented	91894
by the board in an investigative interview, an investigative	91895
office conference, at a deposition, or in written interrogatories,	91896
except that failure to cooperate with an investigation shall not	91897
constitute grounds for discipline under this section if a court of	91898
competent jurisdiction has issued an order that either quashes a	91899
subpoena or permits the individual to withhold the testimony or	91900
evidence in issue;	91901
(20) Practicing in an area of respiratory care for which the	91902
person is clearly untrained or incompetent or practicing in a	91903
manner that conflicts with section 4761.17 of the Revised Code;	91904
(21) Employing, directing, or supervising a person who is not	91905
authorized to practice respiratory care under this chapter in the	91906

performance of respiratory care procedures; 91907

(22) Misrepresenting educational attainments or authorized 91908
functions for the purpose of obtaining some benefit related to the 91909
practice of respiratory care; 91910

(23) Assisting suicide as defined in section 3795.01 of the 91911
Revised Code; 91912

(24) Representing, with the purpose of obtaining compensation 91913
or other advantage as personal gain or for any other person, that 91914
an incurable disease or injury, or other incurable condition, can 91915
be permanently cured. 91916

Disciplinary actions taken by the board under division (A) of 91917
this section shall be taken pursuant to an adjudication under 91918
Chapter 119. of the Revised Code, except that in lieu of an 91919
adjudication, the board may enter into a consent agreement with an 91920
individual to resolve an allegation of a violation of this chapter 91921
or any rule adopted under it. A consent agreement, when ratified 91922
by an affirmative vote of not fewer than six members of the board, 91923
shall constitute the findings and order of the board with respect 91924
to the matter addressed in the agreement. If the board refuses to 91925
ratify a consent agreement, the admissions and findings contained 91926
in the consent agreement shall be of no effect. 91927

A telephone conference call may be utilized for ratification 91928
of a consent agreement that revokes or suspends an individual's 91929
license or permit. The telephone conference call shall be 91930
considered a special meeting under division (F) of section 121.22 91931
of the Revised Code. 91932

(B) The board shall not refuse to issue a license or limited 91933
permit to an applicant because of a plea of guilty to, a judicial 91934
finding of guilt of, or a judicial finding of eligibility for 91935
intervention in lieu of conviction for an offense unless the 91936
refusal is in accordance with section 9.79 of the Revised Code. 91937

(C) Any action taken by the board under division (A) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or permit may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or permit suspended pursuant to division (A) of this section requires an affirmative vote of not fewer than six members of the board.

(D) When the board refuses to grant or issue a license or permit to an applicant, revokes an individual's license or permit, refuses to renew an individual's license or permit, or refuses to reinstate an individual's license or permit, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or permit and the board shall not accept an application for reinstatement of the license or permit or for issuance of a new license or permit.

(E) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) of this section.

(F) In enforcing division (A)(14) of this section, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the

examination is the responsibility of the individual compelled to 91970
be examined. Failure to submit to a mental or physical examination 91971
or consent to an HIV test ordered by the board constitutes an 91972
admission of the allegations against the individual unless the 91973
failure is due to circumstances beyond the individual's control, 91974
and a default and final order may be entered without the taking of 91975
testimony or presentation of evidence. If the board finds an 91976
individual unable to practice because of the reasons set forth in 91977
division (A)(14) of this section, the board shall require the 91978
individual to submit to care, counseling, or treatment by 91979
physicians approved or designated by the board, as a condition for 91980
initial, continued, reinstated, or renewed authority to practice. 91981
An individual affected under this division shall be afforded an 91982
opportunity to demonstrate to the board the ability to resume 91983
practice in compliance with acceptable and prevailing standards 91984
under the provisions of the individual's license or permit. For 91985
the purpose of division (A)(14) of this section, any individual 91986
who applies for or receives a license or permit to practice under 91987
this chapter accepts the privilege of practicing in this state 91988
and, by so doing, shall be deemed to have given consent to submit 91989
to a mental or physical examination when directed to do so in 91990
writing by the board, and to have waived all objections to the 91991
admissibility of testimony or examination reports that constitute 91992
a privileged communication. 91993

(G) For the purposes of division (A)(18) of this section, any 91994
individual authorized to practice by this chapter accepts the 91995
privilege of practicing in this state subject to supervision by 91996
the board. By filing an application for or holding a license or 91997
permit under this chapter, an individual shall be deemed to have 91998
given consent to submit to a mental or physical examination when 91999
ordered to do so by the board in writing, and to have waived all 92000
objections to the admissibility of testimony or examination 92001
reports that constitute privileged communications. 92002

If it has reason to believe that any individual authorized to practice by this chapter or any applicant for a license or permit suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician who is qualified to conduct the examination and who is chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or permit or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license or permit, to submit to treatment.

Before being eligible to apply for reinstatement of a license or permit suspended under this division, the impaired practitioner shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care under the provisions of the practitioner's license or permit. The demonstration shall include, but shall not be limited to, the following:

(1) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(3) Two written reports indicating that the individual's 92034
ability to practice has been assessed and that the individual has 92035
been found capable of practicing according to acceptable and 92036
prevailing standards of care. The reports shall be made by 92037
individuals or providers approved by the board for making the 92038
assessments and shall describe the basis for their determination. 92039

The board may reinstate a license or permit suspended under 92040
this division after that demonstration and after the individual 92041
has entered into a written consent agreement. 92042

When the impaired practitioner resumes practice, the board 92043
shall require continued monitoring of the individual. The 92044
monitoring shall include, but not be limited to, compliance with 92045
the written consent agreement entered into before reinstatement or 92046
with conditions imposed by board order after a hearing, and, upon 92047
termination of the consent agreement, submission to the board for 92048
at least two years of annual written progress reports made under 92049
penalty of perjury stating whether the individual has maintained 92050
sobriety. 92051

(H) If the secretary and supervising member determine both of 92052
the following, they may recommend that the board suspend an 92053
individual's license or permit without a prior hearing: 92054

(1) That there is clear and convincing evidence that an 92055
individual has violated division (A) of this section; 92056

(2) That the individual's continued practice presents a 92057
danger of immediate and serious harm to the public. 92058

Written allegations shall be prepared for consideration by 92059
the board. The board, upon review of those allegations and by an 92060
affirmative vote of not fewer than six of its members, excluding 92061
the secretary and supervising member, may suspend a license or 92062
permit without a prior hearing. A telephone conference call may be 92063
utilized for reviewing the allegations and taking the vote on the 92064

summary suspension. 92065

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 92066
~~certified mail or in person~~ in accordance with ~~section~~ sections 92067
119.05 and 119.07 of the Revised Code. The order shall not be 92068
subject to suspension by the court during pendency of any appeal 92069
filed under section 119.12 of the Revised Code. If the individual 92070
subject to the summary suspension requests an adjudicatory hearing 92071
by the board, the date set for the hearing shall be within fifteen 92072
days, but not earlier than seven days, after the individual 92073
requests the hearing, unless otherwise agreed to by both the board 92074
and the individual. 92075

Any summary suspension imposed under this division shall 92076
remain in effect, unless reversed on appeal, until a final 92077
adjudicative order issued by the board pursuant to this section 92078
and Chapter 119. of the Revised Code becomes effective. The board 92079
shall issue its final adjudicative order within seventy-five days 92080
after completion of its hearing. A failure to issue the order 92081
within seventy-five days shall result in dissolution of the 92082
summary suspension order but shall not invalidate any subsequent, 92083
final adjudicative order. 92084

(I) For purposes of divisions (A)(2), (4), and (6) of this 92085
section, the commission of the act may be established by a finding 92086
by the board, pursuant to an adjudication under Chapter 119. of 92087
the Revised Code, that the individual committed the act. The board 92088
does not have jurisdiction under those divisions if the trial 92089
court renders a final judgment in the individual's favor and that 92090
judgment is based upon an adjudication on the merits. The board 92091
has jurisdiction under those divisions if the trial court issues 92092
an order of dismissal upon technical or procedural grounds. 92093

(J) The sealing or expungement of conviction records by any 92094
court shall have no effect upon a prior board order entered under 92095
this section or upon the board's jurisdiction to take action under 92096

this section if, based upon a plea of guilty, a judicial finding 92097
of guilt, or a judicial finding of eligibility for intervention in 92098
lieu of conviction, the board issued a notice of opportunity for a 92099
hearing prior to the court's order to seal or expunge the records. 92100
The board shall not be required to seal, destroy, redact, or 92101
otherwise modify its records to reflect the court's sealing or 92102
expungement of conviction records. 92103

(K) If the board takes action under division (A)(1), (3), or 92104
(5) of this section, and the judicial finding of guilt, guilty 92105
plea, or judicial finding of eligibility for intervention in lieu 92106
of conviction is overturned on appeal, upon exhaustion of the 92107
criminal appeal, a petition for reconsideration of the order may 92108
be filed with the board along with appropriate court documents. 92109
Upon receipt of a petition for reconsideration and supporting 92110
court documents, the board shall reinstate the individual's 92111
license or permit. The board may then hold an adjudication under 92112
Chapter 119. of the Revised Code to determine whether the 92113
individual committed the act in question. Notice of an opportunity 92114
for a hearing shall be given in accordance with Chapter 119. of 92115
the Revised Code. If the board finds, pursuant to an adjudication 92116
held under this division, that the individual committed the act or 92117
if no hearing is requested, the board may order any of the 92118
sanctions identified under division (A) of this section. 92119

(L) The license or permit issued to an individual under this 92120
chapter and the individual's practice in this state are 92121
automatically suspended as of the date the individual pleads 92122
guilty to, is found by a judge or jury to be guilty of, or is 92123
subject to a judicial finding of eligibility for intervention in 92124
lieu of conviction in this state or treatment or intervention in 92125
lieu of conviction in another jurisdiction for any of the 92126
following criminal offenses in this state or a substantially 92127
equivalent criminal offense in another jurisdiction: aggravated 92128

murder, murder, voluntary manslaughter, felonious assault, 92129
kidnapping, rape, sexual battery, gross sexual imposition, 92130
aggravated arson, aggravated robbery, or aggravated burglary. 92131
Continued practice after suspension shall be considered practicing 92132
without a license or permit. 92133

The board shall ~~notify~~ serve the individual subject to the 92134
suspension ~~by certified mail or in person~~ in accordance with 92135
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 92136
individual whose license or permit is automatically suspended 92137
under this division fails to make a timely request for an 92138
adjudication under Chapter 119. of the Revised Code, the board 92139
shall enter a final order permanently revoking the individual's 92140
license or permit. 92141

(M) Notwithstanding any other provision of the Revised Code, 92142
all of the following apply: 92143

(1) The surrender of a license or permit issued under this 92144
chapter shall not be effective unless or until accepted by the 92145
board. A telephone conference call may be utilized for acceptance 92146
of the surrender of an individual's license or permit. The 92147
telephone conference call shall be considered a special meeting 92148
under division (F) of section 121.22 of the Revised Code. 92149
Reinstatement of a license or permit surrendered to the board 92150
requires an affirmative vote of not fewer than six members of the 92151
board. 92152

(2) An application for a license or permit made under the 92153
provisions of this chapter may not be withdrawn without approval 92154
of the board. 92155

(3) Failure by an individual to renew a license or permit in 92156
accordance with this chapter shall not remove or limit the board's 92157
jurisdiction to take any disciplinary action under this section 92158
against the individual. 92159

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4762.02. (A) Except as provided in division (B) ~~or (C)~~ or (D) of this section, no person shall ~~do either of the following:~~

~~(1) Engage in the practice of oriental medicine unless the person holds a valid license to practice as an oriental medicine practitioner issued by the state medical board under this chapter;~~

~~(2) Engage engage in the practice of acupuncture unless the person holds a valid license to practice as an acupuncturist issued by the state medical board under this chapter.~~

(B) Division (A) of this section does not apply to a the following:

(1) A physician;

~~(C) Division (A)(1) of this section does not apply to the following:~~

~~(1) A person who engages in activities included in the practice of oriental medicine as part of a training program in oriental medicine, but only if both of the following conditions are met:~~

~~(a) The training program is operated by an educational institution that holds an effective certificate of authorization issued by the chancellor of higher education under section 1713.02 of the Revised Code or a school that holds an effective certificate of registration issued by the state board of career colleges and schools under section 3332.05 of the Revised Code.~~

~~(b) The person engages in the activities under the general supervision of an individual who holds a license to practice as an oriental medicine practitioner issued under this chapter and is~~

~~not practicing within the supervisory period required by section 4762.10 of the Revised Code.~~ 92190
92191

~~(2) To the extent that acupuncture is a component of oriental medicine, an individual who holds a license to practice as an acupuncturist issued under this chapter or a chiropractor who holds a certificate to practice acupuncture issued by the state chiropractic board under section 4734.283 of the Revised Code.~~ 92192
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~~(D) Division (A)(2) of this section does not apply to the following:~~ 92197
92198

~~(1)(2)~~ A person who performs acupuncture as part of a training program in acupuncture, but only if both of the following conditions are met: 92199
92200
92201

(a) The training program is operated by an educational institution that holds an effective certificate of authorization issued by the chancellor of higher education under section 1713.02 of the Revised Code or a school that holds an effective certificate of registration issued by the state board of career colleges and schools under section 3332.05 of the Revised Code. 92202
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(b) The person performs the acupuncture under the general supervision of an acupuncturist who holds a license to practice as an acupuncturist issued under this chapter ~~and is not practicing within the supervisory period required by section 4762.10 of the Revised Code.~~ 92208
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~~(2) An individual who holds a license to practice as an oriental medicine practitioner issued under this chapter.~~ 92213
92214

(3) A chiropractor who holds a certificate to practice acupuncture issued by the state chiropractic board under section 4734.283 of the Revised Code. 92215
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92217

(C)(1) A person who holds a valid license to practice as an acupuncturist issued by the state medical board under this chapter 92218
92219

is permitted to engage in the practice of herbal therapy if the person has obtained designation from the national certification commission for acupuncture and oriental medicine as either a diplomate of chinese herbology or a diplomate of oriental medicine, or if the person holds an equivalent certification or credential as determined by the state medical board.

(2) Nothing in this chapter shall be construed to prohibit a nonlicensed person from selling or utilizing herbal therapy, so long as that person does not represent the person as licensed to practice herbal therapy.

(3) Nothing in this chapter shall be construed to prevent or restrict any person who is licensed by this state from practicing herbal therapy in a manner that is included in the scope of practice established by the license held.

~~Sec. 4762.10. The following, as applicable, apply to an individual who holds a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist:~~

~~(A) On receipt of an initial license to practice, the practice of the oriental medicine practitioner or acupuncturist is subject to a supervisory period. The supervisory period shall begin on the date the initial license is granted and end one year thereafter, except that if the oriental medicine practitioner or acupuncturist is subject during that year to disciplinary action taken by the state medical board pursuant to section 4762.13 of the Revised Code, the supervision shall continue until the practitioner or acupuncturist has not been subject to any disciplinary action for one year.~~

~~(B) During the supervisory period, both of the following apply to an oriental medicine practitioner's or acupuncturist's practice in addition to the applicable requirements of divisions (D) and (E) of this section:~~

~~(1) An oriental medicine practitioner shall perform oriental medicine or acupuncture for a patient only if the patient has received a written referral or prescription for oriental medicine or acupuncture from a physician or for acupuncture from a chiropractor. An acupuncturist shall perform acupuncture for a patient only if the patient has received a written referral or prescription for acupuncture from a physician or chiropractor. As specified in the referral or prescription, the oriental medicine practitioner or acupuncturist shall provide reports to the physician or chiropractor on the patient's condition or progress in treatment and comply with the conditions or restrictions on the practitioner's or acupuncturist's course of treatment.~~

~~(2) The oriental medicine practitioner or acupuncturist shall perform oriental medicine or acupuncture under the general supervision of the patient's referring or prescribing physician or chiropractor, except that an oriental medicine practitioner using herbal therapy in the treatment of a patient shall not provide herbal therapy under the general supervision of a chiropractor. General supervision does not require that the oriental medicine practitioner or acupuncturist and supervising physician or chiropractor practice in the same office.~~

~~(C) After the supervisory period has ended, both Both of the following apply to an oriental medicine practitioner's or acupuncturist's practice in addition to the applicable requirements of divisions ~~(D)~~ and ~~(E)~~ (B) and (C) of this section:~~

~~(1) Before treating a patient for a particular condition, an oriental medicine practitioner or acupuncturist shall confirm whether the patient has undergone within the past six months a diagnostic examination that was related to the condition for which the patient is seeking oriental medicine or acupuncture and was performed by a physician or chiropractor acting within the physician's or chiropractor's scope of practice. Confirmation that~~

the diagnostic examination was performed may be made by obtaining 92283
from the patient a signed form stating that the patient has 92284
undergone the examination. 92285

(2) If the patient does not provide the signed form specified 92286
in division ~~(C)(1)~~(A)(1) of this section or an ~~oriental medicine~~ 92287
~~practitioner or~~ acupuncturist otherwise determines that the 92288
patient has not undergone the diagnostic examination specified in 92289
that division, the practitioner or acupuncturist shall provide to 92290
the patient a written recommendation to undergo a diagnostic 92291
examination by a physician or chiropractor. 92292

~~(D)(B)~~ In an individual's practice of ~~oriental medicine or~~ 92293
acupuncture pursuant to a license to practice issued under this 92294
chapter, all of the following apply: 92295

(1) Prior to treating a patient, the individual shall advise 92296
the patient that ~~oriental medicine or acupuncture, as applicable,~~ 92297
is not a substitute for conventional medical diagnosis and 92298
treatment. 92299

(2) On initially meeting a patient in person, the individual 92300
shall provide in writing the individual's name, business address, 92301
and business telephone number, and information on ~~oriental~~ 92302
~~medicine or acupuncture, as applicable,~~ including the techniques 92303
that are used. 92304

(3) While treating a patient, the individual shall not make a 92305
diagnosis. If a patient's condition is not improving or a patient 92306
requires emergency medical treatment, the individual shall consult 92307
promptly with a physician. 92308

(4) The individual shall maintain records for each patient 92309
treated. The records shall be confidential and shall be retained 92310
for not less than three years following termination of treatment. 92311
The individual shall include in a patient's records ~~the written~~ 92312
~~referral or prescription pursuant to which the patient is treated~~ 92313

during a supervisory period and any written referral or 92314
prescription for ~~oriental medicine~~ or acupuncture received for a 92315
patient being treated after the supervisory period. 92316

~~(E)(C)~~ In an individual's a licensed acupuncturist's practice 92317
of ~~oriental medicine~~ acupuncture by using herbal therapy in the 92318
treatment of a patient, all of the following apply: 92319

(1) The ~~oriental medicine practitioner~~ licensed acupuncturist 92320
practicing herbal therapy shall provide to the patient counseling 92321
and treatment instructions. The treatment instructions shall do 92322
all of the following: 92323

(a) Explain the need for herbal therapy; 92324

(b) Instruct the patient how to take the herbal therapy; 92325

(c) Explain possible contraindications to the herbal therapy 92326
and provide sources of care in case of an adverse reaction; 92327

(d) Instruct the patient to inform the patient's other health 92328
care providers, including the patient's pharmacist, of the herbal 92329
therapy that has been provided to the patient. 92330

(2) The ~~oriental medicine practitioner~~ licensed acupuncturist 92331
practicing herbal therapy shall document all of the following in 92332
the patient's record: 92333

(a) The type, amount, and strength of herbal therapy 92334
recommended for the patient's use; 92335

(b) The counseling and treatment instructions provided to the 92336
patient under division ~~(E)(1)(C)(1)~~ of this section; 92337

(c) Any adverse reaction reported by the patient in 92338
conjunction with the use of herbal therapy. 92339

(3) The ~~oriental medicine practitioner~~ licensed acupuncturist 92340
practicing herbal therapy shall report to the state medical board 92341
any adverse reactions reported by the patient under division 92342
~~(E)(2)(e)(C)(2)(c)~~ of this section. 92343

Sec. 4762.13. (A) The state medical board, by an affirmative 92344
vote of not fewer than six members, may revoke or may refuse to 92345
grant a license to practice as an oriental medicine practitioner 92346
or license to practice as an acupuncturist to a person found by 92347
the board to have committed fraud, misrepresentation, or deception 92348
in applying for or securing the license. 92349

(B) The board, by an affirmative vote of not fewer than six 92350
members, shall, except as provided in division (C) of this 92351
section, and to the extent permitted by law, limit, revoke, or 92352
suspend an individual's license to practice, refuse to issue a 92353
license to an applicant, refuse to renew a license, refuse to 92354
reinstate a license, or reprimand or place on probation the holder 92355
of a license for any of the following reasons: 92356

(1) Permitting the holder's name or license to be used by 92357
another person; 92358

(2) Failure to comply with the requirements of this chapter, 92359
Chapter 4731. of the Revised Code, or any rules adopted by the 92360
board; 92361

(3) Violating or attempting to violate, directly or 92362
indirectly, or assisting in or abetting the violation of, or 92363
conspiring to violate, any provision of this chapter, Chapter 92364
4731. of the Revised Code, or the rules adopted by the board; 92365

(4) A departure from, or failure to conform to, minimal 92366
standards of care of similar practitioners under the same or 92367
similar circumstances whether or not actual injury to the patient 92368
is established; 92369

(5) Inability to practice according to acceptable and 92370
prevailing standards of care by reason of mental illness or 92371
physical illness, including physical deterioration that adversely 92372
affects cognitive, motor, or perceptive skills; 92373

(6) Impairment of ability to practice according to acceptable 92374
and prevailing standards of care because of habitual or excessive 92375
use or abuse of drugs, alcohol, or other substances that impair 92376
ability to practice; 92377

(7) Willfully betraying a professional confidence; 92378

(8) Making a false, fraudulent, deceptive, or misleading 92379
statement in soliciting or advertising for patients or in securing 92380
or attempting to secure a license to practice as an oriental 92381
medicine practitioner or license to practice as an acupuncturist. 92382

As used in this division, "false, fraudulent, deceptive, or 92383
misleading statement" means a statement that includes a 92384
misrepresentation of fact, is likely to mislead or deceive because 92385
of a failure to disclose material facts, is intended or is likely 92386
to create false or unjustified expectations of favorable results, 92387
or includes representations or implications that in reasonable 92388
probability will cause an ordinarily prudent person to 92389
misunderstand or be deceived. 92390

(9) Representing, with the purpose of obtaining compensation 92391
or other advantage personally or for any other person, that an 92392
incurable disease or injury, or other incurable condition, can be 92393
permanently cured; 92394

(10) The obtaining of, or attempting to obtain, money or a 92395
thing of value by fraudulent misrepresentations in the course of 92396
practice; 92397

(11) A plea of guilty to, a judicial finding of guilt of, or 92398
a judicial finding of eligibility for intervention in lieu of 92399
conviction for, a felony; 92400

(12) Commission of an act that constitutes a felony in this 92401
state, regardless of the jurisdiction in which the act was 92402
committed; 92403

(13) A plea of guilty to, a judicial finding of guilt of, or	92404
a judicial finding of eligibility for intervention in lieu of	92405
conviction for, a misdemeanor committed in the course of practice;	92406
(14) A plea of guilty to, a judicial finding of guilt of, or	92407
a judicial finding of eligibility for intervention in lieu of	92408
conviction for, a misdemeanor involving moral turpitude;	92409
(15) Commission of an act in the course of practice that	92410
constitutes a misdemeanor in this state, regardless of the	92411
jurisdiction in which the act was committed;	92412
(16) Commission of an act involving moral turpitude that	92413
constitutes a misdemeanor in this state, regardless of the	92414
jurisdiction in which the act was committed;	92415
(17) A plea of guilty to, a judicial finding of guilt of, or	92416
a judicial finding of eligibility for intervention in lieu of	92417
conviction for violating any state or federal law regulating the	92418
possession, distribution, or use of any drug, including	92419
trafficking in drugs;	92420
(18) Any of the following actions taken by the state agency	92421
responsible for regulating the practice of oriental medicine or	92422
acupuncture in another jurisdiction, for any reason other than the	92423
nonpayment of fees: the limitation, revocation, or suspension of	92424
an individual's license to practice; acceptance of an individual's	92425
license surrender; denial of a license; refusal to renew or	92426
reinstate a license; imposition of probation; or issuance of an	92427
order of censure or other reprimand;	92428
(19) Violation of the conditions placed by the board on a	92429
license to practice as an oriental medicine practitioner or	92430
license to practice as an acupuncturist;	92431
(20) Failure to use universal blood and body fluid	92432
precautions established by rules adopted under section 4731.051 of	92433
the Revised Code;	92434

(21) Failure to cooperate in an investigation conducted by 92435
the board under section 4762.14 of the Revised Code, including 92436
failure to comply with a subpoena or order issued by the board or 92437
failure to answer truthfully a question presented by the board at 92438
a deposition or in written interrogatories, except that failure to 92439
cooperate with an investigation shall not constitute grounds for 92440
discipline under this section if a court of competent jurisdiction 92441
has issued an order that either quashes a subpoena or permits the 92442
individual to withhold the testimony or evidence in issue; 92443

(22) Failure to comply with the standards of the national 92444
certification commission for acupuncture and oriental medicine 92445
regarding professional ethics, commitment to patients, commitment 92446
to the profession, and commitment to the public; 92447

(23) Failure to have adequate professional liability 92448
insurance coverage in accordance with section 4762.22 of the 92449
Revised Code; 92450

(24) Failure to maintain a current and active designation as 92451
a diplomate in oriental medicine, diplomate of acupuncture and 92452
Chinese herbology, or diplomate in acupuncture, as applicable, 92453
from the national certification commission for acupuncture and 92454
oriental medicine, including revocation by the commission of the 92455
individual's designation, failure by the individual to meet the 92456
commission's requirements for redesignation, or failure to notify 92457
the board that the appropriate designation has not been 92458
maintained. 92459

(C) The board shall not refuse to issue a certificate to an 92460
applicant because of a plea of guilty to, a judicial finding of 92461
guilt of, or a judicial finding of eligibility for intervention in 92462
lieu of conviction for an offense unless the refusal is in 92463
accordance with section 9.79 of the Revised Code. 92464

(D) Disciplinary actions taken by the board under divisions 92465

(A) and (B) of this section shall be taken pursuant to an 92466
adjudication under Chapter 119. of the Revised Code, except that 92467
in lieu of an adjudication, the board may enter into a consent 92468
agreement with an oriental medicine practitioner or acupuncturist 92469
or applicant to resolve an allegation of a violation of this 92470
chapter or any rule adopted under it. A consent agreement, when 92471
ratified by an affirmative vote of not fewer than six members of 92472
the board, shall constitute the findings and order of the board 92473
with respect to the matter addressed in the agreement. If the 92474
board refuses to ratify a consent agreement, the admissions and 92475
findings contained in the consent agreement shall be of no force 92476
or effect. 92477

(E) For purposes of divisions (B)(12), (15), and (16) of this 92478
section, the commission of the act may be established by a finding 92479
by the board, pursuant to an adjudication under Chapter 119. of 92480
the Revised Code, that the applicant or license holder committed 92481
the act in question. The board shall have no jurisdiction under 92482
these divisions in cases where the trial court renders a final 92483
judgment in the license holder's favor and that judgment is based 92484
upon an adjudication on the merits. The board shall have 92485
jurisdiction under these divisions in cases where the trial court 92486
issues an order of dismissal upon technical or procedural grounds. 92487

(F) The sealing or expungement of conviction records by any 92488
court shall have no effect upon a prior board order entered under 92489
the provisions of this section or upon the board's jurisdiction to 92490
take action under the provisions of this section if, based upon a 92491
plea of guilty, a judicial finding of guilt, or a judicial finding 92492
of eligibility for intervention in lieu of conviction, the board 92493
issued a notice of opportunity for a hearing or entered into a 92494
consent agreement prior to the court's order to seal or expunge 92495
the records. The board shall not be required to seal, destroy, 92496
redact, or otherwise modify its records to reflect the court's 92497

sealing or expungement of conviction records. 92498

(G) For purposes of this division, any individual who holds a 92499
license to practice issued under this chapter, or applies for a 92500
license to practice, shall be deemed to have given consent to 92501
submit to a mental or physical examination when directed to do so 92502
in writing by the board and to have waived all objections to the 92503
admissibility of testimony or examination reports that constitute 92504
a privileged communication. 92505

(1) In enforcing division (B)(5) of this section, the board, 92506
upon a showing of a possible violation, may compel any individual 92507
who holds a license to practice issued under this chapter or who 92508
has applied for a license pursuant to this chapter to submit to a 92509
mental examination, physical examination, including an HIV test, 92510
or both a mental and physical examination. The expense of the 92511
examination is the responsibility of the individual compelled to 92512
be examined. Failure to submit to a mental or physical examination 92513
or consent to an HIV test ordered by the board constitutes an 92514
admission of the allegations against the individual unless the 92515
failure is due to circumstances beyond the individual's control, 92516
and a default and final order may be entered without the taking of 92517
testimony or presentation of evidence. If the board finds an 92518
oriental medicine practitioner or acupuncturist unable to practice 92519
because of the reasons set forth in division (B)(5) of this 92520
section, the board shall require the individual to submit to care, 92521
counseling, or treatment by physicians approved or designated by 92522
the board, as a condition for an initial, continued, reinstated, 92523
or renewed license to practice. An individual affected by this 92524
division shall be afforded an opportunity to demonstrate to the 92525
board the ability to resume practicing in compliance with 92526
acceptable and prevailing standards of care. 92527

(2) For purposes of division (B)(6) of this section, if the 92528
board has reason to believe that any individual who holds a 92529

license to practice issued under this chapter or any applicant for 92530
a license suffers such impairment, the board may compel the 92531
individual to submit to a mental or physical examination, or both. 92532
The expense of the examination is the responsibility of the 92533
individual compelled to be examined. Any mental or physical 92534
examination required under this division shall be undertaken by a 92535
treatment provider or physician qualified to conduct such 92536
examination and chosen by the board. 92537

Failure to submit to a mental or physical examination ordered 92538
by the board constitutes an admission of the allegations against 92539
the individual unless the failure is due to circumstances beyond 92540
the individual's control, and a default and final order may be 92541
entered without the taking of testimony or presentation of 92542
evidence. If the board determines that the individual's ability to 92543
practice is impaired, the board shall suspend the individual's 92544
license or deny the individual's application and shall require the 92545
individual, as a condition for an initial, continued, reinstated, 92546
or renewed license, to submit to treatment. 92547

Before being eligible to apply for reinstatement of a license 92548
suspended under this division, the oriental medicine practitioner 92549
or acupuncturist shall demonstrate to the board the ability to 92550
resume practice in compliance with acceptable and prevailing 92551
standards of care. The demonstration shall include the following: 92552

(a) Certification from a treatment provider approved under 92553
section 4731.25 of the Revised Code that the individual has 92554
successfully completed any required inpatient treatment; 92555

(b) Evidence of continuing full compliance with an aftercare 92556
contract or consent agreement; 92557

(c) Two written reports indicating that the individual's 92558
ability to practice has been assessed and that the individual has 92559
been found capable of practicing according to acceptable and 92560

prevailing standards of care. The reports shall be made by 92561
individuals or providers approved by the board for making such 92562
assessments and shall describe the basis for their determination. 92563

The board may reinstate a license suspended under this 92564
division after such demonstration and after the individual has 92565
entered into a written consent agreement. 92566

When the impaired individual resumes practice, the board 92567
shall require continued monitoring of the individual. The 92568
monitoring shall include monitoring of compliance with the written 92569
consent agreement entered into before reinstatement or with 92570
conditions imposed by board order after a hearing, and, upon 92571
termination of the consent agreement, submission to the board for 92572
at least two years of annual written progress reports made under 92573
penalty of falsification stating whether the individual has 92574
maintained sobriety. 92575

(H) If the secretary and supervising member determine both of 92576
the following, they may recommend that the board suspend an 92577
individual's license to practice without a prior hearing: 92578

(1) That there is clear and convincing evidence that an 92579
oriental medicine practitioner or acupuncturist has violated 92580
division (B) of this section; 92581

(2) That the individual's continued practice presents a 92582
danger of immediate and serious harm to the public. 92583

Written allegations shall be prepared for consideration by 92584
the board. The board, upon review of the allegations and by an 92585
affirmative vote of not fewer than six of its members, excluding 92586
the secretary and supervising member, may suspend a license 92587
without a prior hearing. A telephone conference call may be 92588
utilized for reviewing the allegations and taking the vote on the 92589
summary suspension. 92590

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 92591

~~certified mail or in person~~ in accordance with ~~section~~ sections 92592
119.05 and 119.07 of the Revised Code. The order shall not be 92593
subject to suspension by the court during pendency of any appeal 92594
filed under section 119.12 of the Revised Code. If the oriental 92595
medicine practitioner or acupuncturist requests an adjudicatory 92596
hearing by the board, the date set for the hearing shall be within 92597
fifteen days, but not earlier than seven days, after the hearing 92598
is requested, unless otherwise agreed to by both the board and the 92599
license holder. 92600

A summary suspension imposed under this division shall remain 92601
in effect, unless reversed on appeal, until a final adjudicative 92602
order issued by the board pursuant to this section and Chapter 92603
119. of the Revised Code becomes effective. The board shall issue 92604
its final adjudicative order within sixty days after completion of 92605
its hearing. Failure to issue the order within sixty days shall 92606
result in dissolution of the summary suspension order, but shall 92607
not invalidate any subsequent, final adjudicative order. 92608

(I) If the board takes action under division (B)(11), (13), 92609
or (14) of this section, and the judicial finding of guilt, guilty 92610
plea, or judicial finding of eligibility for intervention in lieu 92611
of conviction is overturned on appeal, upon exhaustion of the 92612
criminal appeal, a petition for reconsideration of the order may 92613
be filed with the board along with appropriate court documents. 92614
Upon receipt of a petition and supporting court documents, the 92615
board shall reinstate the license. The board may then hold an 92616
adjudication under Chapter 119. of the Revised Code to determine 92617
whether the individual committed the act in question. Notice of 92618
opportunity for hearing shall be given in accordance with Chapter 92619
119. of the Revised Code. If the board finds, pursuant to an 92620
adjudication held under this division, that the individual 92621
committed the act, or if no hearing is requested, it may order any 92622
of the sanctions specified in division (B) of this section. 92623

(J) The license to practice of an oriental medicine practitioner or acupuncturist and the practitioner's or acupuncturist's practice in this state are automatically suspended as of the date the practitioner or acupuncturist pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall ~~notify~~ serve the individual subject to the suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this

section resulting in a suspension shall be accompanied by a 92656
written statement of the conditions under which the license may be 92657
reinstated. The board shall adopt rules in accordance with Chapter 92658
119. of the Revised Code governing conditions to be imposed for 92659
reinstatement. Reinstatement of a license suspended pursuant to 92660
division (B) of this section requires an affirmative vote of not 92661
fewer than six members of the board. 92662

(M) When the board refuses to grant or issue a license to an 92663
applicant, revokes an individual's license, refuses to renew an 92664
individual's license, or refuses to reinstate an individual's 92665
license, the board may specify that its action is permanent. An 92666
individual subject to a permanent action taken by the board is 92667
forever thereafter ineligible to hold a license to practice as an 92668
oriental medicine practitioner or license to practice as an 92669
acupuncturist and the board shall not accept an application for 92670
reinstatement of the license or for issuance of a new license. 92671

(N) Notwithstanding any other provision of the Revised Code, 92672
all of the following apply: 92673

(1) The surrender of a license to practice as an oriental 92674
medicine practitioner or license to practice as an acupuncturist 92675
issued under this chapter is not effective unless or until 92676
accepted by the board. Reinstatement of a license surrendered to 92677
the board requires an affirmative vote of not fewer than six 92678
members of the board. 92679

(2) An application made under this chapter for a license may 92680
not be withdrawn without approval of the board. 92681

(3) Failure by an individual to renew a license in accordance 92682
with section 4762.06 of the Revised Code shall not remove or limit 92683
the board's jurisdiction to take disciplinary action under this 92684
section against the individual. 92685

Sec. 4762.14. (A) The state medical board shall investigate 92686
evidence that appears to show that any person has violated this 92687
chapter or the rules adopted under it. Any person may report to 92688
the board in a signed writing any information the person has that 92689
appears to show a violation of any provision of this chapter or 92690
the rules adopted under it. In the absence of bad faith, a person 92691
who reports such information or testifies before the board in an 92692
adjudication conducted under Chapter 119. of the Revised Code 92693
shall not be liable for civil damages as a result of reporting the 92694
information or providing testimony. Each complaint or allegation 92695
of a violation received by the board shall be assigned a case 92696
number and be recorded by the board. 92697

(B) Investigations of alleged violations of this chapter or 92698
rules adopted under it shall be supervised by the supervising 92699
member elected by the board in accordance with section 4731.02 of 92700
the Revised Code and by the secretary as provided in section 92701
4762.17 of the Revised Code. The board's president may designate 92702
another member of the board to supervise the investigation in 92703
place of the supervising member. A member of the board who 92704
supervises the investigation of a case shall not participate in 92705
further adjudication of the case. 92706

(C) In investigating a possible violation of this chapter or 92707
the rules adopted under it, the board may administer oaths, order 92708
the taking of depositions, issue subpoenas, and compel the 92709
attendance of witnesses and production of books, accounts, papers, 92710
records, documents, and testimony, except that a subpoena for 92711
patient record information shall not be issued without 92712
consultation with the attorney general's office and approval of 92713
the secretary ~~and supervising member~~ of the board. Before issuance 92714
of a subpoena for patient record information, the secretary ~~and~~ 92715
~~supervising member~~ shall determine whether there is probable cause 92716
to believe that the complaint filed alleges a violation of this 92717

chapter or the rules adopted under it and that the records sought 92718
are relevant to the alleged violation and material to the 92719
investigation. The subpoena may apply only to records that cover a 92720
reasonable period of time surrounding the alleged violation. 92721

On failure to comply with any subpoena issued by the board 92722
and after reasonable notice to the person being subpoenaed, the 92723
board may move for an order compelling the production of persons 92724
or records pursuant to the Rules of Civil Procedure. 92725

A subpoena issued by the board may be served by a sheriff, 92726
the sheriff's deputy, or a board employee designated by the board. 92727
Service of a subpoena issued by the board may be made by 92728
delivering a copy of the subpoena to the person named therein, 92729
reading it to the person, or leaving it at the person's usual 92730
place of residence. When the person being served is an oriental 92731
medicine practitioner or acupuncturist, service of the subpoena 92732
may be made by certified mail, restricted delivery, return receipt 92733
requested, and the subpoena shall be deemed served on the date 92734
delivery is made or the date the person refuses to accept 92735
delivery. 92736

A sheriff's deputy who serves a subpoena shall receive the 92737
same fees as a sheriff. Each witness who appears before the board 92738
in obedience to a subpoena shall receive the fees and mileage 92739
provided for under section 119.094 of the Revised Code. 92740

(D) All hearings and investigations of the board shall be 92741
considered civil actions for the purposes of section 2305.252 of 92742
the Revised Code. 92743

(E) Information received by the board pursuant to an 92744
investigation is confidential and not subject to discovery in any 92745
civil action. 92746

The board shall conduct all investigations and proceedings in 92747
a manner that protects the confidentiality of patients and persons 92748

who file complaints with the board. The board shall not make 92749
public the names or any other identifying information about 92750
patients or complainants unless proper consent is given. 92751

The board may share any information it receives pursuant to 92752
an investigation, including patient records and patient record 92753
information, with law enforcement agencies, other licensing 92754
boards, and other governmental agencies that are prosecuting, 92755
adjudicating, or investigating alleged violations of statutes or 92756
administrative rules. An agency or board that receives the 92757
information shall comply with the same requirements regarding 92758
confidentiality as those with which the state medical board must 92759
comply, notwithstanding any conflicting provision of the Revised 92760
Code or procedure of the agency or board that applies when it is 92761
dealing with other information in its possession. In a judicial 92762
proceeding, the information may be admitted into evidence only in 92763
accordance with the Rules of Evidence, but the court shall require 92764
that appropriate measures are taken to ensure that confidentiality 92765
is maintained with respect to any part of the information that 92766
contains names or other identifying information about patients or 92767
complainants whose confidentiality was protected by the state 92768
medical board when the information was in the board's possession. 92769
Measures to ensure confidentiality that may be taken by the court 92770
include sealing its records or deleting specific information from 92771
its records. 92772

(F) The state medical board shall develop requirements for 92773
and provide appropriate initial training and continuing education 92774
for investigators employed by the board to carry out its duties 92775
under this chapter. The training and continuing education may 92776
include enrollment in courses operated or approved by the Ohio 92777
peace officer training commission that the board considers 92778
appropriate under conditions set forth in section 109.79 of the 92779
Revised Code. 92780

(G) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged violation;

(2) The type of license, if any, held by the individual against whom the complaint is directed;

(3) A description of the allegations contained in the complaint;

(4) The disposition of the case.

The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.

Sec. 4762.19. The state medical board may adopt any rules necessary to govern the practice of ~~acupuncture, the practice of acupuncture, the supervisory relationship between oriental medicine practitioners or acupuncturists and supervising physicians,~~ the use of herbal therapy by ~~oriental medicine practitioners~~ licensed acupuncturists, and the administration and enforcement of this chapter. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4763.05. (A)(1)(a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered real estate appraiser assistant registration in writing to the

superintendent of real estate on a form the superintendent 92811
prescribes. The application shall include the address of the 92812
applicant's principal place of business and all other addresses at 92813
which the applicant currently engages in the business of 92814
performing real estate appraisals and the address of the 92815
applicant's current residence. The superintendent shall retain the 92816
applicant's current residence address in a separate record which 92817
does not constitute a public record for purposes of section 149.43 92818
of the Revised Code. The application shall indicate whether the 92819
applicant seeks certification as a general real estate appraiser 92820
or as a residential real estate appraiser, licensure as a 92821
residential real estate appraiser, or registration as a real 92822
estate appraiser assistant and be accompanied by the prescribed 92823
examination and certification, registration, or licensure fees set 92824
forth in section 4763.09 of the Revised Code. The application also 92825
shall include a pledge, signed by the applicant, that the 92826
applicant will comply with the standards set forth in this 92827
chapter; and a statement that the applicant understands the types 92828
of misconduct for which disciplinary proceedings may be initiated 92829
against the applicant pursuant to this chapter. 92830

(b) Upon the filing of an application and payment of any 92831
examination and certification, registration, or licensure fees, 92832
the superintendent of real estate shall request the superintendent 92833
of the bureau of criminal identification and investigation, or a 92834
vendor approved by the bureau, to conduct a criminal records check 92835
based on the applicant's fingerprints in accordance with section 92836
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 92837
section 121.08 of the Revised Code, the superintendent of real 92838
estate shall request that criminal record information from the 92839
federal bureau of investigation be obtained as part of the 92840
criminal records check. Any fee required under division (C)(3) of 92841
section 109.572 of the Revised Code shall be paid by the 92842

applicant. 92843

(2) For purposes of providing funding for the real estate 92844
appraiser recovery fund established by section 4763.16 of the 92845
Revised Code, the real estate appraiser board shall levy an 92846
assessment against each person issued an initial certificate, 92847
registration, or license and against current licensees, 92848
registrants, and certificate holders, as required by board rule. 92849
The assessment is in addition to the application and examination 92850
fees for initial applicants required by division (A)(1) of this 92851
section and the renewal fees required for current certificate 92852
holders, registrants, and licensees. The superintendent of real 92853
estate shall deposit the assessment into the state treasury to the 92854
credit of the real estate appraiser recovery fund. The assessment 92855
for initial certificate holders, registrants, and licensees shall 92856
be paid prior to the issuance of a certificate, registration, or 92857
license, and for current certificate holders, registrants, and 92858
licensees, at the time of renewal. 92859

(B) An applicant for an initial general real estate appraiser 92860
certificate, residential real estate appraiser certificate, or 92861
residential real estate appraiser license shall possess experience 92862
in real estate appraisal as the board prescribes by rule. In 92863
addition to any other information required by the board, the 92864
applicant shall furnish, under oath, a detailed listing of the 92865
appraisal reports or file memoranda for each year for which 92866
experience is claimed and, upon request of the superintendent or 92867
the board, shall make available for examination a sample of the 92868
appraisal reports prepared by the applicant in the course of the 92869
applicant's practice. 92870

(C) An applicant for an initial certificate, registration, or 92871
license shall be at least eighteen years of age, honest, and 92872
truthful and shall present satisfactory evidence to the 92873
superintendent that the applicant has successfully completed any 92874

education requirements the board prescribes by rule. 92875

(D) An applicant for an initial general real estate appraiser 92876
or residential real estate appraiser certificate or residential 92877
real estate appraiser license shall take and successfully complete 92878
a written examination in order to qualify for the certificate or 92879
license. 92880

The board shall prescribe the examination requirements by 92881
rule. 92882

(E)(1) A person who has obtained a residential real estate 92883
appraiser license, a residential real estate appraiser 92884
certificate, or a general real estate appraiser certificate from 92885
another state may apply to obtain a license or certificate issued 92886
under this chapter provided the state that issued the license or 92887
certificate has requirements that meet or exceed the requirements 92888
found in this chapter. The board shall adopt rules relating to 92889
this division. The application for obtaining a license or 92890
certificate under this division may include any of the following: 92891

(a) A pledge, signed by the applicant, that the applicant 92892
will comply with the standards set forth in this chapter; 92893

(b) A statement that the applicant understands the types of 92894
misconduct for which disciplinary proceedings may be initiated 92895
against the applicant pursuant to this chapter; 92896

(c) A consent to service of process. 92897

(2)(a) The board shall recognize on a temporary basis a 92898
certification or license issued in another state and shall 92899
register on a temporary basis an appraiser who is certified or 92900
licensed in another state if all of the following apply: 92901

(i) The temporary registration is to perform an appraisal 92902
assignment that is part of a federally related transaction. 92903

(ii) The appraiser's business in this state is of a temporary 92904

nature. 92905

(iii) The appraiser registers with the board pursuant to this 92906
division. 92907

(b) An appraiser who is certified or licensed in another 92908
state shall register with the board for temporary practice before 92909
performing an appraisal assignment in this state in connection 92910
with a federally related transaction. 92911

(c) The board shall adopt rules relating to registration for 92912
the temporary recognition of certification and licensure of 92913
appraisers from another state. The registration for temporary 92914
recognition of certified or licensed appraisers from another state 92915
shall not authorize completion of more than one appraisal 92916
assignment in this state. The board shall not issue more than two 92917
registrations for temporary practice to any one applicant in any 92918
calendar year. The application for obtaining a registration under 92919
this division may include any of the following: 92920

(i) A pledge, signed by the applicant, that the applicant 92921
will comply with the standards set forth in this chapter; 92922

(ii) A statement that the applicant understands the types of 92923
misconduct for which disciplinary proceedings may be initiated 92924
against the applicant pursuant to this chapter; 92925

(iii) A consent to service of process. 92926

(3) The board may enter into reciprocal agreements with other 92927
states. The board shall prescribe reciprocal agreement 92928
requirements by rule. 92929

(F) The superintendent shall not issue a certificate, 92930
registration, or license to, or recognize on a temporary basis an 92931
appraiser from another state that is a corporation, partnership, 92932
or association. This prohibition shall not be construed to prevent 92933
a certificate holder or licensee from signing an appraisal report 92934

on behalf of a corporation, partnership, or association. 92935

(G) Every person licensed, registered, or certified under 92936
this chapter shall notify the superintendent, on a form provided 92937
by the superintendent, of a change in the address of the 92938
licensee's, registrant's, or certificate holder's principal place 92939
of business or residence within thirty days of the change. If a 92940
licensee's, registrant's, or certificate holder's license, 92941
registration, or certificate is revoked or not renewed, the 92942
licensee, registrant, or certificate holder immediately shall 92943
return the annual and any renewal certificate, registration, or 92944
license to the superintendent. 92945

(H)(1) The superintendent shall not issue a certificate, 92946
registration, or license to any person, or recognize on a 92947
temporary basis an appraiser from another state, who does not meet 92948
applicable minimum criteria for state certification, registration, 92949
or licensure prescribed by federal law or rule. 92950

(2) The superintendent shall not refuse to issue a general 92951
real estate appraiser certificate, residential real estate 92952
appraiser certificate, residential real estate appraiser license, 92953
or real estate appraiser assistant registration to any person 92954
because of a conviction of or plea of guilty to any criminal 92955
offense unless the refusal is in accordance with section 9.79 of 92956
the Revised Code. 92957

Sec. 4763.11. (A) Within ten business days after a person 92958
files a written complaint against a person certified, registered, 92959
or licensed under this chapter with the division of real estate, 92960
the superintendent of real estate shall acknowledge receipt of the 92961
complaint by sending notice to the certificate holder, registrant, 92962
or licensee that includes a copy of the complaint. The 92963
acknowledgement to the complainant and the notice to the 92964
certificate holder, registrant, or licensee may state that an 92965

informal mediation meeting will be held with the complainant, the 92966
certificate holder, registrant, or licensee, and an investigator 92967
from the investigation and audit section of the division, if the 92968
complainant and certificate holder, registrant, or licensee both 92969
file a request for such a meeting within twenty calendar days 92970
after the acknowledgment and notice are mailed. 92971

(B) If the complainant and certificate holder, registrant, or 92972
licensee both file with the division requests for an informal 92973
mediation meeting, the superintendent shall notify the complainant 92974
and certificate holder, registrant, or licensee of the date of the 92975
meeting, by regular mail. If the complainant and certificate 92976
holder, registrant, or licensee reach an accommodation at an 92977
informal mediation meeting, the investigator shall report the 92978
accommodation to the superintendent, the complainant, and the 92979
certificate holder, registrant, or licensee and the complaint file 92980
shall be closed upon the superintendent receiving satisfactory 92981
notice that the accommodation has been fulfilled. 92982

(C) If the complainant and certificate holder, registrant, or 92983
licensee fail to agree to an informal mediation meeting or fail to 92984
reach an accommodation agreement, or fail to fulfill an 92985
accommodation agreement, the superintendent shall assign the 92986
complaint to an investigator for an investigation into the conduct 92987
of the certificate holder, registrant, or licensee against whom 92988
the complaint is filed. 92989

(D) Upon the conclusion of the investigation, the 92990
investigator shall file a written report of the results of the 92991
investigation with the superintendent. The superintendent shall 92992
review the report and determine whether there exists reasonable 92993
and substantial evidence of a violation of division (G) of this 92994
section by the certificate holder, registrant, or licensee. 92995

(1) If the superintendent finds evidence exists showing a 92996

violation of division (G) of this section by a certificate holder, 92997
registrant, or licensee, the superintendent shall notify the 92998
complainant and certificate holder, registrant, or licensee of the 92999
determination. The certificate holder, registrant, or licensee may 93000
enter into a settlement agreement with the superintendent. The 93001
settlement agreement is subject to board approval, and the board 93002
shall prescribe requirements by rule for such settlement 93003
agreements. The certificate holder, registrant, or licensee may 93004
request a hearing pursuant to Chapter 119. of the Revised Code. If 93005
a formal hearing is conducted, the hearing examiner shall file a 93006
report that contains findings of fact and conclusions of law with 93007
the division hearing administrator. The division hearing 93008
administrator shall serve the hearing examiner report on the 93009
superintendent, the assistant attorney general representing the 93010
superintendent in the matter, the board, the complainant and the 93011
certificate holder, licensee, or registrant, and if applicable, 93012
counsel representing the complainant, certificate holder, 93013
licensee, or registrant. Service of the hearing examiner report on 93014
the complainant and on the certificate holder, licensee, or 93015
registrant shall comply with division (K) of this section. Service 93016
of the hearing examiner's report on the superintendent, the 93017
assistant attorney general representing the superintendent in the 93018
matter, and the board shall be by either regular mail or 93019
electronic means. Service of the hearing examiner report on 93020
counsel representing the complainant, certificate holder, 93021
licensee, or registrant shall be by regular mail. 93022

Within ten calendar days of receipt by the assistant attorney 93023
general representing the superintendent of the copy of the hearing 93024
examiner's report served by the division hearing administrator, 93025
the assistant attorney general may file with the board written 93026
objections to the hearing examiner's report, which shall be 93027
considered by the board before approving, modifying, or rejecting 93028
the hearing examiner's report. Within ten calendar days of receipt 93029

by the certificate holder, licensee, or registrant of the copy of 93030
the hearing examiner's report served by the division hearing 93031
administrator, the certificate holder, licensee, or registrant may 93032
file with the board written objections to the hearing examiner's 93033
report, which shall be considered by the board before approving, 93034
modifying, or rejecting the hearing examiner's report. Within ten 93035
calendar days of receipt by the superintendent of the copy of the 93036
hearing examiner's report served by the division hearing 93037
administrator, the superintendent may grant an extension of time 93038
to file written objections to the hearing examiner's report for 93039
good cause shown. 93040

(2) If the superintendent finds, following the conclusion of 93041
the investigation, that evidence does not exist showing a 93042
violation of division (G) of this section by the certificate 93043
holder, registrant, or licensee, the superintendent shall notify 93044
the complainant and certificate holder, registrant, or licensee of 93045
that determination and the basis for the determination. Within 93046
fifteen business days after the superintendent notifies the 93047
complainant and certificate holder, registrant, or licensee that 93048
such evidence does not exist, the complainant may file with the 93049
division a request that the real estate appraiser board review the 93050
determination. If the complainant files such request, the board 93051
shall review the determination at the next regularly scheduled 93052
meeting held at least fifteen business days after the request is 93053
filed but no longer than six months after the request is filed. 93054
The board may hear the testimony of the complainant, certificate 93055
holder, registrant, or licensee at the meeting upon the request of 93056
that party. If the board affirms the determination of the 93057
superintendent, the superintendent shall notify the complainant 93058
and the certificate holder, registrant, or licensee within five 93059
business days thereafter. If the board reverses the determination 93060
of the superintendent, the matter shall be returned to the 93061
superintendent for additional investigation or review. 93062

(E) The board shall review the hearing examiner's report and the evidence at the next regularly scheduled board meeting held at least fifteen business days after receipt of the examiner's report. The board may hear the testimony of the complainant, certificate holder, registrant, or licensee upon request. If the complainant is the Ohio civil rights commission, the board shall review the complaint.

(F) If the board determines that a licensee, registrant, or certificate holder has violated this chapter for which disciplinary action may be taken under division (G) of this section, after review of the hearing examiner's report and the evidence as provided in division (E) of this section, or after review of a settlement agreement entered into pursuant to division (D)(1) of this section, the board shall order the disciplinary action the board considers appropriate, which may include, but is not limited to, any of the following:

(1) Reprimand of the certificate holder, registrant, or licensee;

(2) Imposition of a fine, not exceeding, two thousand five hundred dollars per violation;

(3) Requirement of the completion of additional education courses. Any course work imposed pursuant to this section shall not count toward continuing education requirements or prelicense or precertification requirements set forth in section 4763.05 of the Revised Code.

(4) Suspension of the certificate, registration, or license for a specific period of time;

(5) Revocation or surrender of the certificate, registration, or license.

The decision and order of the board is final, except that following the review of the hearing examiner report and the

evidence as provided in division (E) of this section, the decision 93094
and order of the board is subject to review in the manner provided 93095
for in Chapter 119. of the Revised Code and appeal to any court of 93096
common pleas. If the board orders a disciplinary action as 93097
provided in division (F)(2) or (3) of this section, the 93098
superintendent may grant an extension of time to satisfy the 93099
board-ordered disciplinary action for good cause shown. 93100

(G) The board shall take any disciplinary action authorized 93101
by this section against a certificate holder, registrant, or 93102
licensee or an applicant who obtains a certificate, registration, 93103
or license pursuant to this chapter who is found to have committed 93104
any of the following acts, omissions, or violations: 93105

(1) As an applicant, procuring or attempting to procure a 93106
certificate, registration, or license pursuant to section 4763.05, 93107
4763.06, or 4763.07 of the Revised Code by knowingly making a 93108
false statement, submitting false information, refusing to provide 93109
complete information in response to a question in an application 93110
for certification, registration, or licensure, or by any means of 93111
fraud or misrepresentation; 93112

(2) Paying, or attempting to pay, anything of value, other 93113
than the fees or assessments required by this chapter, to any 93114
member or employee of the board for the purpose of procuring a 93115
certificate, registration, or license; 93116

(3) In a criminal proceeding, being convicted of or pleading 93117
guilty or no contest to a felony; a crime involving moral 93118
turpitude; or a crime involving theft, receiving stolen property, 93119
embezzlement, forgery, fraud, passing bad checks, money 93120
laundering, drug trafficking, or any criminal offense involving 93121
money or securities, including a violation of an existing or 93122
former law of this state, any other state, or the United States 93123
that is substantially equivalent to such an offense; 93124

(4) Dishonesty, fraud, or misrepresentation, with the intent to either benefit the certificate holder, registrant, or licensee or another person or injure another person;	93125 93126 93127
(5) Violation of any of the standards for the development, preparation, communication, or reporting of an appraisal report set forth in this chapter and rules of the board;	93128 93129 93130
(6) Failure or refusal to exercise reasonable diligence in developing, preparing, or communicating an appraisal report;	93131 93132
(7) Negligence or incompetence in developing, preparing, communicating, or reporting an appraisal report;	93133 93134
(8) Violating this chapter or the rules adopted thereunder;	93135
(9) Accepting an appraisal assignment where the employment is contingent upon the appraiser preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal is contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment;	93136 93137 93138 93139 93140 93141
(10) Violating the confidential nature of governmental records to which the certificate holder, registrant, or licensee gained access through employment or engagement as an appraiser by a governmental agency;	93142 93143 93144 93145
(11) Entry of final judgment against the certificate holder, registrant, or licensee on the grounds of fraud, deceit, misrepresentation, or gross negligence in performing any appraisal of real estate;	93146 93147 93148 93149
(12) Violating any federal or state civil rights law;	93150
(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;	93151 93152 93153 93154

(14) Failing to provide copies of records to the 93155
superintendent or failing to maintain records as required by 93156
section 4763.14 of the Revised Code. Failure of a certificate 93157
holder, licensee, or registrant to comply with a subpoena issued 93158
under division (C)(1) of section 4763.03 of the Revised Code is 93159
prima-facie evidence of a violation of division (G)(14) of section 93160
4763.11 of the Revised Code. 93161

(15) Failing to provide notice to the board as required in 93162
division (I) of this section; 93163

(16) In the case of a certificate holder acting as a 93164
supervisory appraiser, refusing to sign an appraiser experience 93165
log required by rule for a person making application for an 93166
initial state-certified general real estate appraiser certificate, 93167
state-certified residential real estate appraiser certificate, or 93168
state-licensed residential real estate appraiser license, unless 93169
there is reasonable and substantial evidence that there is false 93170
information contained within the log; 93171

(17) Being sanctioned or disciplined in another jurisdiction 93172
as a real estate appraiser; 93173

(18) Failing to provide assistance, whenever possible, to the 93174
members and staff of the board or to the division of real estate 93175
in the enforcement of this chapter and the rules adopted under it. 93176

(H) The board immediately shall notify the superintendent of 93177
real estate of any disciplinary action taken under this section 93178
against a certificate holder, registrant, or licensee who also is 93179
licensed under Chapter 4735. of the Revised Code, and also shall 93180
notify any other federal, state, or local agency and any other 93181
public or private association that the board determines is 93182
responsible for licensing or otherwise regulating the professional 93183
or business activity of the appraiser. Additionally, the board 93184
shall notify the complainant and any other party who may have 93185

suffered financial loss because of the certificate holder's, 93186
registrant's, or licensee's violations, that the complainant or 93187
other party may sue for recovery under section 4763.16 of the 93188
Revised Code. The notice provided under this division shall 93189
specify the conduct for which the certificate holder, registrant, 93190
or licensee was disciplined and the disciplinary action taken by 93191
the board and the result of that conduct. 93192

(I) A certificate holder, registrant, or licensee shall 93193
notify the board within fifteen days of the agency's issuance of 93194
an order revoking or permanently surrendering any professional 93195
license, certificate, or registration by any public entity other 93196
than the division of real estate. A certificate holder, 93197
registrant, or licensee who is convicted of or pleads guilty or no 93198
contest to a crime as described in division (G)(3) of this section 93199
shall notify the board of the conviction or plea within fifteen 93200
days of the conviction or plea. 93201

(J) If the board determines that a certificate holder, 93202
registrant, or licensee has violated this chapter for which 93203
disciplinary action may be taken under division (G) of this 93204
section as a result of an investigation conducted by the 93205
superintendent upon the superintendent's own motion or upon the 93206
request of the board, the superintendent shall notify the 93207
certificate holder, registrant, or licensee of the certificate 93208
holder's, registrant's, or licensee's right to a hearing pursuant 93209
to Chapter 119. of the Revised Code and, if applicable, to an 93210
appeal of a final determination of such administrative proceedings 93211
to any court of common pleas. 93212

(K) Notwithstanding ~~section~~ sections 119.05 and 119.07 of the 93213
Revised Code, acknowledgment of complaint notices issued under 93214
division (A) of this section and continuance notices associated 93215
with hearings conducted under this section may be sent by regular 93216
mail and a certificate of mailing shall be obtained for the 93217

notices. All other notices issued to a complainant and to a 93218
certificate holder, registrant, licensee, or other party pursuant 93219
to this section shall be mailed via certified mail, return receipt 93220
requested. When any notice is sent by certified mail, return 93221
receipt requested, and is returned because the notice was 93222
unclaimed, then that notice is deemed served if the superintendent 93223
subsequently sends the notice by regular mail and a certificate of 93224
mailing is obtained for the notice. If a notice, whether sent by 93225
certified mail, return receipt requested, or by regular mail with 93226
a certificate of mailing, is returned for failure of delivery, 93227
then the superintendent shall make personal delivery of the notice 93228
by an employee or agent of the department of commerce or shall 93229
cause a summary of the substantive provisions of the notice to be 93230
published once a week for three consecutive weeks in a newspaper 93231
of general circulation in the county where the last known address 93232
of the party is located. When notice is given by publication, a 93233
proof of publication affidavit, with the first publication of the 93234
notice set forth in the affidavit, shall be mailed by regular mail 93235
to the party at the party's last known address. The notice shall 93236
be deemed received as of the date of the last publication of the 93237
summary. An employee or agent of the department of commerce may 93238
make personal delivery of the notice upon the party at any time. 93239
Refusal of delivery by personal service or by mail is not failure 93240
of delivery and service is deemed to be complete. Failure of 93241
delivery occurs only when a mailed notice is returned by the 93242
postal authorities marked undeliverable, address or addressee 93243
unknown, or forwarding address unknown or expired. 93244

Sec. 4763.15. Except for moneys required to be transferred 93245
into the real estate appraiser recovery fund pursuant to section 93246
4763.16 of the Revised Code ~~or as required pursuant to this~~ 93247
~~section~~, the superintendent of real estate may deposit all fees 93248
collected under this chapter into the state treasury to the credit 93249

of the real estate appraiser operating fund, which is hereby 93250
created under section 4735.211 of the Revised Code. All operating 93251
expenses of the real estate appraiser board and the superintendent 93252
of real estate relating to the administration and enforcement of 93253
this chapter and Chapter 4768. of the Revised Code shall be paid 93254
from ~~this~~ the real estate operating fund. ~~The fund shall be~~ 93255
~~assessed a proportionate share of the administrative cost of the~~ 93256
~~department of commerce in accordance with procedures prescribed by~~ 93257
~~the director of commerce, and the assessment shall be paid from~~ 93258
~~the operating fund to the division of administration fund.~~ 93259

~~If, in any biennium, the director of commerce determines that~~ 93260
~~moneys in the operating fund exceed those necessary to fund the~~ 93261
~~activities of the board and of the superintendent of real estate~~ 93262
~~that relate to this chapter and Chapter 4768. of the Revised Code,~~ 93263
~~the director may pay the excess funds to the real estate appraiser~~ 93264
~~recovery fund.~~ 93265

Sec. 4763.16. (A) The real estate appraiser recovery fund is 93266
hereby created in the state treasury, to be administered by the 93267
superintendent of real estate. The treasurer of state shall credit 93268
to the fund amounts collected by the superintendent as prescribed 93269
in this section and interest earned on the assets of the fund. The 93270
superintendent shall ascertain the balance of the fund as of the 93271
first day of October of each year. If that balance is less than 93272
two hundred thousand dollars at any time, the director of budget 93273
and management, upon the request of the superintendent and 93274
approval of the controlling board, may transfer from the real 93275
estate ~~appraiser~~ operating fund created under section 4735.211 of 93276
the Revised Code to the real estate appraiser recovery fund a sum 93277
as will bring the real estate appraiser recovery fund to that 93278
amount. 93279

(B) When any person obtains a final judgment in any court of 93280

competent jurisdiction against a certificate holder, registrant, 93281
or licensee, based upon conduct that is in violation of this 93282
chapter or the rules adopted under it, which conduct occurred on 93283
or after the date of their certification, registration, or 93284
licensure, and that is associated with an act or transaction of a 93285
certificate holder, registrant, or licensee specified in this 93286
chapter, that person may file a verified complaint, as described 93287
in this division, in the Franklin county court of common pleas for 93288
an order directing payment out of the real estate appraiser 93289
recovery fund of the portion of the judgment that remains unpaid 93290
and that represents the actual and direct loss of the person for 93291
the act or transaction upon which the underlying judgment was 93292
based, and court costs, if awarded in the underlying judgment, 93293
provided that no person shall receive more than ten thousand 93294
dollars from the fund for any one judgment. A bonding or insurance 93295
company or any partnership, corporation, or association that uses 93296
any tool to develop a valuation of real property for purposes of a 93297
loan or that employs, retains, or engages as an independent 93298
contractor a person licensed, registered, or certified as a real 93299
estate appraiser in its usual or occasional operations may not 93300
seek an order directing, and is not eligible for, payment out of 93301
the fund. Punitive or exemplary damages are not recoverable from 93302
the fund. 93303

The complaint shall specify the nature of the act or 93304
transaction upon which the underlying judgment was based, the 93305
activities of the applicant in pursuit of remedies available under 93306
law for the collection of judgments, and the amount of the fee 93307
paid by the applicant to the certificate holder, registrant, or 93308
licensee. The applicant shall attach to the complaint a copy of 93309
each pleading and order in the underlying court action. 93310

The Franklin county court of common pleas shall order the 93311
superintendent to make payments out of the fund when the person 93312

seeking the order has shown all of the following: 93313

(1) The person has obtained a judgment, as provided in this 93314
division; 93315

(2) All appeals from the judgment have been exhausted and the 93316
person has given notice to the superintendent, as required by 93317
division (C) of this section; 93318

(3) The person is not a spouse of the certificate holder, 93319
registrant, or licensee, or the personal representative of the 93320
spouse; 93321

(4) The person has diligently pursued the person's remedies 93322
against all the certificate holders, registrants, licensees, and 93323
all other persons liable to the person in the transaction for 93324
which the person seeks recovery from the fund; 93325

(5) The person is making a complaint not more than one year 93326
after termination of all proceedings, including appeals, in 93327
connection with the judgment. 93328

(C) A person who applies to the Franklin county court of 93329
common pleas for an order directing payment out of the fund shall 93330
file notice of the complaint with the superintendent. The 93331
superintendent shall send notice to the affected certificate 93332
holder, registrant, or licensee, where possible. The 93333
superintendent may defend the action on behalf of the fund and 93334
shall have recourse to all appropriate means of defense and 93335
review, including examination of witnesses. The superintendent may 93336
move the court at any time to dismiss the complaint when it 93337
appears there are no triable issues and the complaint is without 93338
merit. The motion may be supported by affidavit of any person 93339
having knowledge of the facts and may be made on the basis that 93340
the complaint, including the judgment referred to in the 93341
complaint, does not form the basis for a meritorious recovery 93342
claim. The superintendent may, subject to court approval, 93343

compromise a claim based upon the complaint of an aggrieved party. 93344
The superintendent is not bound by any prior compromise or 93345
stipulation of the certificate holder, registrant, or licensee. 93346
Upon petition of the superintendent, the court may require all 93347
claimants and prospective claimants against one certificate 93348
holder, registrant, or licensee to be joined in one action, to the 93349
end that the respective rights of all such claimants to the fund 93350
may be equitably adjudicated and settled. 93351

(D) If the superintendent pays from the fund any amount in 93352
settlement of a claim or toward satisfaction of a judgment against 93353
a certificate holder, registrant, or licensee, the certificate, 93354
registration, or license of the certificate holder, registrant, or 93355
licensee automatically is suspended upon the date of payment from 93356
the fund. No certificate, registration, or license that has been 93357
suspended pursuant to this division shall be reinstated until the 93358
certificate holder, registrant, or licensee has repaid in full, 93359
plus interest per annum at the rate specified in division (A) of 93360
section 1343.03 of the Revised Code, the amount paid from the fund 93361
on the certificate holder's, registrant's, or licensee's account. 93362
A discharge in bankruptcy does not relieve a person from the 93363
suspension and requirements for reinstatement provided in this 93364
section. 93365

(E) If, at any time, the money deposited in the fund is 93366
insufficient to satisfy any duly authorized claim or portion of a 93367
claim, the superintendent shall, when sufficient money has been 93368
deposited in the fund, satisfy the unpaid claims or portions, in 93369
the order that the claims or portions were originally filed, plus 93370
accumulated interest per annum at the rate specified in division 93371
(A) of section 1343.03 of the Revised Code. 93372

(F) When, upon the order of the court, the superintendent has 93373
paid from the fund any sum to the judgment creditor, the 93374
superintendent is subrogated to all of the rights of the judgment 93375

creditor to the extent of the amount so paid, and the judgment 93376
creditor shall assign all of the judgment creditor's right, title, 93377
and interest in the judgment to the superintendent to the extent 93378
of the amount so paid. The superintendent shall deposit in the 93379
fund any amount and interest so recovered by the superintendent on 93380
the judgment. 93381

(G) Nothing contained in this section shall limit the 93382
authority of the real estate appraiser board to take disciplinary 93383
action against a certificate holder, registrant, or licensee under 93384
other provisions of this chapter. The repayment in full of all 93385
obligations to the fund by a certificate holder, registrant, or 93386
licensee does not nullify or modify the effect of any other 93387
disciplinary proceeding brought pursuant to this chapter, unless 93388
repayment is imposed as a condition in that proceeding. 93389

(H) The superintendent shall collect from the fund a service 93390
fee in an amount equivalent to the interest rate specified in 93391
division (A) of section 1343.03 of the Revised Code multiplied by 93392
the annual interest earned on the assets of the fund, to defray 93393
the expenses incurred in the administration of the fund. 93394

Sec. 4764.06. (A) The superintendent of real estate and 93395
professional licensing shall do all of the following: 93396

(1) Administer this chapter; 93397

(2) Provide the Ohio home inspector board with meeting space, 93398
staff services, and other technical assistance required by the 93399
board to carry out the duties of the board under this chapter; 93400

(3) Provide each applicant for a home inspector license with 93401
a copy of the requirements for home inspections specified in rules 93402
adopted by the board pursuant to division (A)(10) of section 93403
4764.05 of the Revised Code, and make those requirements available 93404
to the public by posting them on the web site maintained by the 93405

department of commerce; 93406

(4) In accordance with division (B) of this section, issue a 93407
home inspector license to, or renew a home inspector license for, 93408
any person who satisfies the requirements specified in this 93409
chapter for such licensure or renewal, and make a list of those 93410
licensed home inspectors available to the public by posting the 93411
list on the web site maintained by the department of commerce; 93412

(5) Administer the home inspector recovery fund created under 93413
section 4764.21 of the Revised Code; 93414

(6) Establish procedures, in accordance with division ~~(K)~~(L) 93415
of section 121.08 of the Revised Code, to have fingerprint-based 93416
criminal records checks conducted by the bureau of criminal 93417
identification and investigation for all applicants for licensure; 93418

(7) In accordance with the procedures specified in rules 93419
adopted by the board in accordance with division (A)(7) of section 93420
4764.05 of the Revised Code, approve an institution or 93421
organization wishing to provide continuing education courses or 93422
programs if that institution or organization satisfies the 93423
requirements specified in rules adopted by the board in accordance 93424
with that division and pays the fee established in rules adopted 93425
by the board pursuant to division (A)(2)(c) of that section; 93426

(8) In accordance with the procedures specified in rules 93427
adopted by the board in accordance with division (A)(8) of section 93428
4764.05 of the Revised Code, approve a course or program that a 93429
licensed home inspector may complete to satisfy the continuing 93430
education requirements specified in section 4764.08 of the Revised 93431
Code if all of the following are satisfied: 93432

(a) The course or program is offered by an institution or 93433
organization approved by the superintendent pursuant to division 93434
(A)(7) of this section. 93435

(b) The course or program satisfies the standards established 93436

in rules adopted by the board pursuant to division (A)(8) of 93437
section 4764.05 of the Revised Code. 93438

(c) The institution or organization pays the fee established 93439
in rules adopted by the board pursuant to division (A)(2)(d) of 93440
section 4764.05 of the Revised Code. 93441

(9) Issue all orders necessary to implement this chapter; 93442

(10) In accordance with section 4764.12 of the Revised Code, 93443
investigate complaints concerning an alleged violation of this 93444
chapter or the conduct of any licensee and subpoena witnesses in 93445
connection with those investigations, as provided in that section. 93446
The subpoena may contain a direction that the witness produce and 93447
bring any documents, work files, inspection reports, records, or 93448
papers mentioned in the subpoena. 93449

(11) Establish and maintain an investigation and audit 93450
section to investigate complaints and conduct inspections, audits, 93451
and other inquiries as in the judgment of the superintendent are 93452
appropriate to enforce this chapter. The superintendent shall 93453
utilize the investigators and auditors employed pursuant to 93454
division (B)(4) of section 4735.05 of the Revised Code to assist 93455
in performing the duties specified in division (A)(10) of this 93456
section. 93457

(12) Specify the information that must be provided on an 93458
application for licensure under this chapter; 93459

(13) Establish procedures for processing, approving, and 93460
denying applications for licensure under this chapter; 93461

(14) Specify the format and content of all affidavits and 93462
other documents required for the administration of this chapter; 93463

(15) Appoint a hearing officer for any proceeding involving a 93464
determination under section 3123.47 of the Revised Code, 93465
disciplinary action arising under section 4764.02 or division 93466

(A)(6) of section 4764.14 of the Revised Code, or a proceeding 93467
under section 4764.16 of the Revised Code. 93468

(B) The superintendent shall not issue a license to a 93469
corporation, limited liability company, partnership, or 93470
association, although a licensed home inspector may sign a home 93471
inspection report in a representative capacity on behalf of any of 93472
those types of entities. 93473

Sec. 4764.07. (A) To obtain a license to perform home 93474
inspections, a person shall submit both of the following to the 93475
superintendent of real estate and professional licensing: 93476

(1) An application meeting the requirements of division (D) 93477
of this section on a form the superintendent provides; 93478

(2) The fee established in rules adopted by the Ohio home 93479
inspector board pursuant to division (A)(2)(a) of section 4764.05 93480
of the Revised Code. 93481

(B) Each person applying for a license shall submit one 93482
complete set of fingerprints directly to the superintendent of the 93483
bureau of criminal identification and investigation for the 93484
purpose of conducting a criminal records check. The person shall 93485
provide the fingerprints using a method the superintendent of the 93486
bureau of criminal identification and investigation prescribes 93487
pursuant to division (C)(2) of section 109.572 of the Revised Code 93488
and fill out the form the superintendent of the bureau of criminal 93489
identification and investigation prescribes pursuant to division 93490
(C)(1) of section 109.572 of the Revised Code. Upon receiving an 93491
application under this section, the superintendent of real estate 93492
and professional licensing shall request the superintendent of the 93493
bureau of criminal identification and investigation, or a vendor 93494
approved by the bureau, to conduct a criminal records check based 93495
on the applicant's fingerprint impressions in accordance with 93496
division (A)(15) of section 109.572 of the Revised Code. 93497

Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised Code, the superintendent of real estate and professional licensing shall request that criminal record information based on the applicant's fingerprints be obtained from the federal bureau of investigation as part of the criminal records check. Any fee required under division (C)(3) of section 109.572 of the Revised Code shall be paid by the applicant.

(C) The superintendent shall issue a license to perform home inspections to applicants who satisfy the requirements set forth in this section, subject to section 4768.14 of the Revised Code.

(D) Except as otherwise specified in division (E) of this section, the application shall include all of the following:

(1) A pledge the applicant signs, agreeing to comply with the rules adopted by the board pursuant to division (A)(10) of section 4764.05 of the Revised Code;

(2) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter;

(3) Proof of holding a comprehensive general liability insurance policy or a commercial general liability insurance policy in accordance with division (A) of section 4764.11 of the Revised Code;

(4) Proof of successfully passing, within two years before the date of the application, the national home inspector examination;

(5) Proof of successfully completing a curriculum of education approved by the board in accordance with rules the board adopts pursuant to division (A)(3) of section 4764.05 of the Revised Code;

(6) Proof that the applicant has experience in the field of

home inspections through either of the following: 93528

(a) Successful completion of a curriculum of experience 93529
approved by the board in accordance with rules the board adopts 93530
pursuant to divisions (A)(4) and (D) of section 4764.05 of the 93531
Revised Code; 93532

(b) Successful completion of ten parallel inspections or 93533
equivalent experience as determined by the board pursuant to 93534
division (A)(5) of section 4764.05 of the Revised Code; 93535

(7) Proof that the applicant is at least eighteen years of 93536
age; 93537

(8) Proof that the applicant has graduated from the twelfth 93538
grade, received a general educational development diploma, or 93539
satisfactorily completed a program that is the equivalent to 93540
graduating from the twelfth grade or receiving a general 93541
educational development diploma; 93542

(9) Any other information the board requires that the board 93543
determines is relevant to receiving a license to practice as a 93544
licensed home inspector. 93545

(E) The superintendent shall not require a person described 93546
in division (B) or (C) of section 4764.03 of the Revised Code who 93547
wishes to obtain a license to perform home inspections under this 93548
chapter to submit proof of education and experience as required 93549
under divisions (D)(5) and (6) of this section in the person's 93550
application in order for that person to receive a license. Such a 93551
person, however, shall satisfy all other requirements specified in 93552
divisions (A) and (D) of this section and provide proof of 93553
licensure in good standing described in division (B) or (C) of 93554
section 4764.03 of the Revised Code to receive a license. 93555

(F) The act of submitting an application to the 93556
superintendent does not create, shall not be construed as 93557
creating, and is not intended to indicate licensure as a home 93558

inspector. 93559

Sec. 4764.16. (A) Upon receipt of a written complaint or upon 93560
the motion of the superintendent of real estate and professional 93561
licensing, the superintendent may investigate any person who is 93562
not a licensed home inspector who has allegedly violated section 93563
4764.02 of the Revised Code. 93564

(B) The superintendent has the same powers to investigate an 93565
alleged violation of section 4764.02 of the Revised Code by a 93566
person who is not licensed as a home inspector as those powers are 93567
specified in section 4764.12 of the Revised Code. If, after an 93568
investigation pursuant to section 4764.12 of the Revised Code, the 93569
superintendent determines that reasonable evidence exists that an 93570
unlicensed person has violated section 4764.02 of the Revised 93571
Code, within seven days after that determination, the 93572
superintendent shall ~~send~~ serve a written notice ~~to that person by~~ 93573
regular mail in accordance with sections 119.05 and 119.07 of the 93574
Revised Code and shall include in the notice the information 93575
specified in section 119.07 of the Revised Code for notices given 93576
to licensees, except that the notice shall specify that a hearing 93577
will be held and specify the date, time, and place of the hearing. 93578

(C) The Ohio home inspector board shall hold a hearing 93579
regarding the alleged violation in the same manner prescribed for 93580
an adjudication hearing under section 119.09 of the Revised Code. 93581
If the board, after the hearing, determines a violation has 93582
occurred, the board may impose a civil penalty on the person, not 93583
exceeding five hundred dollars per violation which is distinct 93584
from any criminal fine imposed pursuant to section 4764.99 of the 93585
Revised Code. Each day a violation occurs or continues is a 93586
separate violation. The superintendent may approve a payment plan 93587
if the unlicensed person requests such. The board shall maintain a 93588
transcript of the proceedings of the hearing and issue a written 93589

order to all parties, citing its findings and grounds for any 93590
action taken. The board's determination regarding a violation of 93591
section 4764.02 of the Revised Code is an order that the person 93592
may appeal in accordance with section 119.12 of the Revised Code. 93593

(D) If the unlicensed person who allegedly committed a 93594
violation of section 4764.02 of the Revised Code fails to appear 93595
for a hearing, the board may request the court of common pleas of 93596
the county where the alleged violation occurred to compel the 93597
person to appear before the board for a hearing. 93598

(E) If the board assesses an unlicensed person a civil 93599
penalty for a violation of section 4764.02 of the Revised Code and 93600
the person fails to pay that civil penalty within the time period 93601
prescribed by the board, the superintendent shall forward to the 93602
attorney general the name of the person and the amount of the 93603
civil penalty for the purpose of collecting that civil penalty. In 93604
addition to the civil penalty assessed pursuant to this section, 93605
the person also shall pay any fee assessed by the attorney general 93606
for collection of the civil penalty. 93607

If the board finds, or an unlicensed person admits to the 93608
board, a violation of section 4764.02 of the Revised Code, the 93609
superintendent shall not issue to the person a home inspector 93610
license without prior board approval. 93611

Sec. 4764.18. Except as provided in section 4764.21 of the 93612
Revised Code, the superintendent of real estate and professional 93613
licensing shall deposit all money collected under this chapter in 93614
the state treasury to the credit of the home inspectors real 93615
estate operating fund, ~~which is hereby created. Money credited to~~ 93616
~~the fund shall be used solely by the superintendent to pay costs~~ 93617
~~associated with the administration and enforcement of this~~ 93618
~~chapter.~~ 93619

Sec. 4765.02. (A)(1) There is hereby created the state board 93620
of emergency medical, fire, and transportation services within the 93621
division of emergency medical services of the department of public 93622
safety. The board shall consist of the members specified in this 93623
section who are residents of this state. The governor, with the 93624
advice and consent of the senate, shall appoint all members of the 93625
board, except the employee of the department of public safety 93626
designated by the director of public safety under this section to 93627
be a member of the board. In making the appointments, the governor 93628
shall appoint only members with background or experience in 93629
emergency medical services or trauma care and shall attempt to 93630
include members representing urban and rural areas, various 93631
geographical regions of the state, and various schools of 93632
training. 93633

(2) One member of the board shall be a physician certified by 93634
the American board of emergency medicine or the American 93635
osteopathic board of emergency medicine who is active in the 93636
practice of emergency medicine and is actively involved with an 93637
emergency medical service organization. The governor shall appoint 93638
this member from among ~~three~~ persons nominated by the Ohio chapter 93639
of the American college of emergency physicians and ~~three~~ persons 93640
nominated by the Ohio osteopathic association. One member shall be 93641
a physician certified by the American board of surgery or the 93642
American osteopathic board of surgery who is active in the 93643
practice of trauma surgery and is actively involved with emergency 93644
medical services. The governor shall appoint this member from 93645
among ~~three~~ persons nominated by the Ohio chapter of the American 93646
college of surgeons and ~~three~~ persons nominated by the Ohio 93647
osteopathic association. One member shall be a physician certified 93648
by the American academy of pediatrics or American osteopathic 93649
board of pediatrics who is active in the practice of pediatric 93650
emergency medicine and actively involved with an emergency medical 93651

service organization. The governor shall appoint this member from 93652
among ~~three~~ persons nominated by the Ohio chapter of the American 93653
academy of pediatrics and ~~three~~ persons nominated by the Ohio 93654
osteopathic association. One member shall be the administrator of 93655
a hospital located in this state. The governor shall appoint this 93656
member from among ~~three~~ persons nominated by OHA: the association 93657
for hospitals and health systems, ~~three~~ persons nominated by the 93658
Ohio osteopathic association, and ~~three~~ persons nominated by the 93659
association of Ohio children's hospitals. One member shall be an 93660
adult or pediatric trauma program manager or trauma program 93661
director who is involved in the daily management of a verified 93662
trauma center. The governor shall appoint this member from among 93663
~~three~~ persons nominated by the Ohio nurses association, ~~three~~ 93664
persons nominated by the Ohio society of trauma nurse leaders, and 93665
~~three~~ persons nominated by the Ohio state council of the emergency 93666
nurses association. One member shall be the chief of a fire 93667
department that is also an emergency medical service organization 93668
in which more than fifty per cent of the persons who provide 93669
emergency medical services are full-time paid employees. The 93670
governor shall appoint this member from among ~~three~~ persons 93671
nominated by the Ohio fire chiefs' association. One member shall 93672
be the chief of a fire department that is also an emergency 93673
medical service organization in which more than fifty per cent of 93674
the persons who provide emergency medical services are volunteers. 93675
The governor shall appoint this member from among ~~three~~ persons 93676
nominated by the Ohio fire chiefs' association. One member shall 93677
be a person who is certified to teach under section 4765.23 of the 93678
Revised Code and holds a valid certificate to practice as an EMT, 93679
AEMT, or paramedic. ~~The governor shall appoint this member from~~ 93680
~~among three persons nominated by the Ohio emergency medical~~ 93681
~~technician instructors association and the Ohio~~ 93682
~~instructor/coordinators' society.~~ One member shall be an EMT, 93683
AEMT, or paramedic, and one member shall be a paramedic. The 93684

governor shall appoint these members from among ~~three~~ EMTs ~~or~~, 93685
AEMTs, and ~~three~~ paramedics nominated by the Ohio association of 93686
professional fire fighters and ~~three~~ EMTs, ~~three~~ AEMTs, and ~~three~~ 93687
paramedics nominated by the northern Ohio fire fighters. One 93688
member shall be an EMT, AEMT, or paramedic, and one member shall 93689
be a paramedic. The governor shall appoint these members from 93690
among ~~three~~ EMTs ~~or~~, AEMTs, and ~~three~~ paramedics nominated by the 93691
Ohio state firefighter's association. One member shall be a person 93692
whom the governor shall appoint from among an EMT, AEMT, or a 93693
paramedic nominated by the Ohio association of emergency medical 93694
services or the Ohio ambulance and medical transportation 93695
association. One member shall be an EMT, AEMT, or a paramedic, 93696
whom the governor shall appoint from among ~~three~~ persons nominated 93697
by the Ohio ambulance and medical transportation association. One 93698
member shall be a paramedic, whom the governor shall appoint from 93699
among ~~three~~ persons nominated by the Ohio ambulance and medical 93700
transportation association. One member shall be the owner or 93701
operator of a private emergency medical service organization whom 93702
the governor shall appoint from among ~~three~~ persons nominated by 93703
the Ohio ambulance and medical transportation association. One 93704
member shall be a member of a third-service emergency medical 93705
service agency or organization whom the governor shall appoint 93706
from among ~~three~~ persons nominated by the Ohio EMS chiefs 93707
association. One member shall be a provider of mobile intensive 93708
care unit transportation in this state whom the governor shall 93709
appoint from among ~~three~~ persons nominated by the Ohio association 93710
of critical care transport. One member shall be a provider of 93711
air-medical transportation in this state whom the governor shall 93712
appoint from among ~~three~~ persons nominated by the Ohio association 93713
of critical care transport. One member shall be the owner or 93714
operator of a nonemergency medical service organization in this 93715
state that provides ambulette services whom the governor shall 93716
appoint from among ~~three~~ persons nominated by the Ohio ambulance 93717

and medical transportation association. 93718

The governor may refuse to appoint any of the persons 93719
nominated by one or more organizations under division (A)(2) of 93720
this section, except the employee of the department of public 93721
safety designated by the director of public safety under this 93722
section to be a member of the board. In that event, the 93723
organization or organizations shall continue to nominate ~~the~~ 93724
~~required number of~~ persons until the governor appoints to the 93725
board one or more of the persons nominated by the organization or 93726
organizations. If any nominating organization ceases to exist or 93727
fails to make a nomination of a member within sixty days of a 93728
vacancy, the governor may appoint any person who meets the 93729
designated professional qualifications for that member. 93730

The director of public safety shall designate an employee of 93731
the department of public safety to serve as a member of the board 93732
at the director's pleasure. This member shall serve as a liaison 93733
between the department and the division of emergency medical 93734
services in cooperation with the executive director of the board. 93735

(B) Terms of office of all members appointed by the governor 93736
shall be for three years, each term ending on the same day of the 93737
same month as did the term it succeeds. Each member shall hold 93738
office from the date of appointment until the end of the term for 93739
which the member was appointed. A member shall continue in office 93740
subsequent to the expiration date of the member's term until the 93741
member's successor takes office, or until a period of ~~sixty days~~ 93742
three years has elapsed, whichever occurs first. 93743

Each vacancy shall be filled in the same manner as the 93744
original appointment. A member appointed to fill a vacancy 93745
occurring prior to the expiration of the term for which the 93746
member's predecessor was appointed shall hold office for the 93747
remainder of the unexpired term. 93748

The term of a member shall expire if the member ceases to meet any of the requirements to be appointed as that member. The governor may remove any member from office for neglect of duty, malfeasance, misfeasance, or nonfeasance, after an adjudication hearing held in accordance with Chapter 119. of the Revised Code.

(C) The members of the board shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in carrying out their duties as board members.

(D) The board shall organize by annually selecting a chair and vice-chair from among its members. The board may adopt bylaws to regulate its affairs. A majority of all members of the board shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the board. The board shall meet at least four times annually and at the call of the chair. The chair shall call a meeting on the request of the executive director or the medical director of the board or on the written request of five members. The board shall maintain written or electronic records of its meetings.

(E) Upon twenty-four hours' notice from a member of the board, the member's employer shall release the member from the member's employment duties to attend meetings of the full board. Nothing in this division requires the employer of a member of the board to compensate the member for time the member is released from employment duties under this paragraph, but any civil immunity, workers' compensation, disability, or similar coverage that applies to a member of the board as a result of the member's employment shall continue to apply while the member is released from employment duties under this paragraph.

Sec. 4765.04. (A) The firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services is hereby created and shall consist of

the members of the board who are chiefs of fire departments, and 93780
the members of the board who are emergency medical 93781
technicians-basic, emergency medical technicians-intermediate, and 93782
emergency medical technicians-paramedic appointed from among 93783
persons nominated by the Ohio association of professional fire 93784
fighters or the northern Ohio fire fighters and from among persons 93785
nominated by the Ohio state firefighter's association. Each member 93786
of the committee, except the chairperson, may designate a person 93787
with fire experience to serve in that member's place. The members 93788
of the committee or their designees shall select a chairperson 93789
from among the members or their designees. 93790

The committee may conduct investigations in the course of 93791
discharging its duties under this chapter. In the course of an 93792
investigation, the committee may issue subpoenas. If a person 93793
subpoenaed fails to comply with the subpoena, the committee may 93794
authorize its chairperson to apply to the court of common pleas in 93795
the county where the person to be subpoenaed resides for an order 93796
compelling compliance in the same manner as compliance with a 93797
subpoena issued by the court is compelled. 93798

(B) The trauma committee of the state board of emergency 93799
medical, fire, and transportation services is hereby created and 93800
shall consist of the following members appointed by the director 93801
of public safety: 93802

(1) A physician who is certified by the American board of 93803
surgery or American osteopathic board of surgery and actively 93804
practices general trauma surgery, appointed from among ~~three~~ 93805
persons nominated by the Ohio chapter of the American college of 93806
surgeons, ~~three~~ persons nominated by the Ohio state medical 93807
association, and ~~three~~ persons nominated by the Ohio osteopathic 93808
association; 93809

(2) A physician who is certified by the American board of 93810

surgery or the American osteopathic board of surgery and actively 93811
practices orthopedic trauma surgery, appointed from among ~~three~~ 93812
persons nominated by the Ohio orthopedic society and ~~three~~ persons 93813
nominated by the Ohio osteopathic association; 93814

(3) A physician who is certified by the American board of 93815
neurological surgeons or the American osteopathic board of surgery 93816
and actively practices neurosurgery on trauma victims, appointed 93817
from among ~~three~~ persons nominated by the Ohio state neurological 93818
society and ~~three~~ persons nominated by the Ohio osteopathic 93819
association; 93820

(4) A physician who is certified by the American board of 93821
surgeons or American osteopathic board of surgeons and actively 93822
specializes in treating burn victims, appointed from among ~~three~~ 93823
persons nominated by the Ohio chapter of the American college of 93824
surgeons and ~~three~~ persons nominated by the Ohio osteopathic 93825
association; 93826

(5) A dentist who is certified by the American board of oral 93827
and maxillofacial surgery and actively practices oral and 93828
maxillofacial surgery, appointed from among ~~three~~ persons 93829
nominated by the Ohio dental association; 93830

(6) A physician who is certified by the American board of 93831
physical medicine and rehabilitation or American osteopathic board 93832
of physical medicine and rehabilitation and actively provides 93833
rehabilitative care to trauma victims, appointed from among ~~three~~ 93834
persons nominated by the Ohio society of physical medicine and 93835
rehabilitation and ~~three~~ persons nominated by the Ohio osteopathic 93836
association; 93837

(7) A physician who is certified by the American board of 93838
surgery or American osteopathic board of surgery with special 93839
qualifications in pediatric surgery and actively practices 93840
pediatric trauma surgery, appointed from among ~~three~~ persons 93841

nominated by the Ohio chapter of the American academy of 93842
pediatrics and ~~three~~ persons nominated by the Ohio osteopathic 93843
association; 93844

(8) A physician who is certified by the American board of 93845
emergency medicine or American osteopathic board of emergency 93846
medicine, actively practices emergency medicine, and is actively 93847
involved in emergency medical services, appointed from among ~~three~~ 93848
persons nominated by the Ohio chapter of the American college of 93849
emergency physicians and ~~three~~ persons nominated by the Ohio 93850
osteopathic association; 93851

(9) A physician who is certified by the American board of 93852
pediatrics, American osteopathic board of pediatrics, American 93853
board of emergency medicine, or American osteopathic board of 93854
emergency medicine, is sub-boarded in pediatric emergency 93855
medicine, actively practices pediatric emergency medicine, and is 93856
actively involved in emergency medical services, appointed from 93857
among ~~three~~ persons nominated by the Ohio chapter of the American 93858
academy of pediatrics, ~~three~~ persons nominated by the Ohio chapter 93859
of the American college of emergency physicians, and ~~three~~ persons 93860
nominated by the Ohio osteopathic association; 93861

(10) A physician who is certified by the American board of 93862
surgery, American osteopathic board of surgery, American board of 93863
emergency medicine, or American osteopathic board of emergency 93864
medicine and is the chief medical officer of an air medical 93865
organization, appointed from among ~~three~~ persons nominated by the 93866
Ohio association of air medical services; 93867

(11) A coroner or medical examiner appointed from among ~~three~~ 93868
~~people~~ persons nominated by the Ohio state coroners' association; 93869

(12) A registered nurse who actively practices trauma nursing 93870
at an adult or pediatric trauma center, appointed from among ~~three~~ 93871
persons nominated by the Ohio association of trauma nurse 93872

coordinators; 93873

(13) A registered nurse who actively practices emergency 93874
nursing and is actively involved in emergency medical services, 93875
appointed from among ~~three~~ persons nominated by the Ohio chapter 93876
of the emergency nurses' association; 93877

(14) The chief trauma registrar of an adult or pediatric 93878
trauma center, appointed from among ~~three~~ persons nominated by the 93879
alliance of Ohio trauma registrars; 93880

(15) The administrator of an adult or pediatric trauma 93881
center, appointed from among ~~three~~ persons nominated by the Ohio 93882
hospital association, ~~three~~ persons nominated by the Ohio 93883
osteopathic association, ~~three~~ persons nominated by the 93884
association of Ohio children's hospitals, and ~~three~~ persons 93885
nominated by the health forum of Ohio; 93886

(16) The administrator of a hospital that is not a trauma 93887
center and actively provides emergency care to adult or pediatric 93888
trauma patients, appointed from among ~~three~~ persons nominated by 93889
the Ohio hospital association, ~~three~~ persons nominated by the Ohio 93890
osteopathic association, ~~three~~ persons nominated by the 93891
association of Ohio children's hospitals, and ~~three~~ persons 93892
nominated by the health forum of Ohio; 93893

(17) The operator of an ambulance company that actively 93894
provides trauma care to emergency patients, appointed from among 93895
~~three~~ persons nominated by the Ohio ambulance association; 93896

(18) The chief of a fire department that actively provides 93897
trauma care to emergency patients, appointed from among ~~three~~ 93898
persons nominated by the Ohio fire chiefs' association; 93899

(19) An EMT or paramedic who is certified under this chapter 93900
and actively provides trauma care to emergency patients, appointed 93901
from among ~~three~~ persons nominated by the Ohio association of 93902
professional firefighters, ~~three~~ persons nominated by the northern 93903

Ohio fire fighters, ~~three~~ persons nominated by the Ohio state 93904
firefighters' association, and ~~three~~ persons nominated by the Ohio 93905
association of emergency medical services; 93906

(20) A person who actively advocates for trauma victims, 93907
appointed from ~~three~~ persons nominated by the Ohio brain injury 93908
association; 93909

(21) A physician or nurse who has substantial administrative 93910
responsibility for trauma care provided in or by an adult or 93911
pediatric trauma center, appointed from among ~~three~~ persons 93912
nominated by the Ohio hospital association, ~~three~~ persons 93913
nominated by the Ohio osteopathic association, ~~three~~ persons 93914
nominated by the association of Ohio children's hospitals, and 93915
~~three~~ persons nominated by the health forum of Ohio; 93916

(22) Three representatives of hospitals that are not trauma 93917
centers and actively provide emergency care to trauma patients, 93918
appointed from among ~~three~~ persons nominated by the Ohio hospital 93919
association, ~~three~~ persons nominated by the Ohio osteopathic 93920
association, ~~three~~ persons nominated by the association of Ohio 93921
children's hospitals, and ~~three~~ persons nominated by the health 93922
forum of Ohio. The representatives may be hospital administrators, 93923
physicians, nurses, or other clinical professionals. 93924

Members of the committee shall have substantial experience in 93925
the categories they represent, shall be residents of this state, 93926
and may be members of the state board of emergency medical, fire, 93927
and transportation services. In appointing members of the 93928
committee, the director shall attempt to include members 93929
representing urban and rural areas, various geographical areas of 93930
the state, and various schools of training. The director shall not 93931
appoint to the committee more than one member who is employed by 93932
or who primarily practices at the same hospital, ~~health system~~, or 93933
emergency medical service organization. 93934

The director may refuse to appoint any of the persons 93935
nominated by an organization or organizations under this division. 93936
In that event, the organization or organizations shall continue to 93937
nominate ~~the required number of~~ persons until the director 93938
appoints to the committee one or more of the persons nominated by 93939
the organization or organizations. If any nominating organization 93940
ceases to exist or fails to make a nomination of a member to the 93941
committee within sixty days of a vacancy, the director may appoint 93942
any person who meets the designated professional qualifications 93943
for that member. 93944

Initial appointments to the committee shall be made by the 93945
director not later than ninety days after November 3, 2000. 93946
Members of the committee shall serve at the pleasure of the 93947
director, except that any member of the committee who ceases to be 93948
qualified for the position to which the member was appointed shall 93949
cease to be a member of the committee. Vacancies on the committee 93950
shall be filled in the same manner as original appointments. 93951

The members of the committee shall serve without compensation 93952
but shall be reimbursed for actual and necessary expenses incurred 93953
in carrying out duties as members of the committee. 93954

The committee shall select a chairperson and vice-chairperson 93955
from among its members. A majority of all members of the committee 93956
shall constitute a quorum. No action shall be taken without the 93957
concurrence of a majority of all members of the committee. The 93958
committee shall meet at the call of the chair, upon written 93959
request of five members of the committee, and at the direction of 93960
the state board of emergency medical, fire, and transportation 93961
services. The committee shall not meet at times or locations that 93962
conflict with meetings of the board. The executive director and 93963
medical director of the state board of emergency medical, fire, 93964
and transportation services may participate in any meeting of the 93965
committee and shall do so at the request of the committee. 93966

The committee shall advise and assist the state board of emergency medical, fire, and transportation services in matters related to adult and pediatric trauma care and the establishment and operation of the state trauma registry. In matters relating to the state trauma registry, the board and the committee shall consult with trauma registrars from adult and pediatric trauma centers in the state. The committee may appoint a subcommittee to advise and assist with the trauma registry. The subcommittee may include persons with expertise relevant to the trauma registry who are not members of the board or committee.

(C)(1) The medical transportation committee of the state board of emergency medical, fire, and transportation services is hereby created. The committee shall consist of members appointed by the board in accordance with rules adopted by the board. In appointing members of the committee, the board shall attempt to include members representing urban and rural areas and various geographical areas of the state, and shall ensure the members have substantial experience in the transportation of patients, including addressing the unique issues of mobile intensive care and air medical services. The members of the committee shall be residents of this state and may be members of the board. The members of the committee shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in carrying out duties as members of the committee. The committee shall select a chairperson and vice-chairperson from among its members. A majority of all members of the committee shall constitute a quorum. No action shall be taken without the concurrence of a majority of all members of the committee. The committee shall meet at the call of the chair and at the direction of the board. The committee shall not meet at times or locations that conflict with meetings of the board. The committee shall advise and assist the board in matters related to the licensing of nonemergency medical service, emergency medical service, and air

medical service organizations in this state. 94000

(2) There is hereby created the critical care subcommittee of 94001
the medical transportation committee. The membership of the 94002
subcommittee and the conduct of the subcommittee's business shall 94003
conform to rules adopted by the board. The subcommittee shall 94004
advise and assist the committee and board in matters relating to 94005
mobile intensive care and air medical service organizations in 94006
this state. 94007

(D) The state board of emergency medical, fire, and 94008
transportation services may appoint other committees and 94009
subcommittees as it considers necessary. 94010

(E) The state board of emergency medical, fire, and 94011
transportation services, and any of its committees or 94012
subcommittees, may request assistance from any state agency. The 94013
board and its committees and subcommittees may permit persons who 94014
are not members of those bodies to participate in deliberations of 94015
those bodies, but no person who is not a member of the board shall 94016
vote on the board and no person who is not a member of a committee 94017
created under division (A), (B), or (C) of this section shall vote 94018
on that committee. 94019

(F) Sections 101.82 to 101.87 of the Revised Code do not 94020
apply to the committees established under divisions (A), (B), and 94021
(C) of this section. 94022

Sec. 4765.112. (A) The state board of emergency medical, 94023
fire, and transportation services, by an affirmative vote of the 94024
majority of its members, may suspend without a prior hearing a 94025
certificate to practice issued under this chapter if the board 94026
determines that there is clear and convincing evidence that 94027
continued practice by the certificate holder presents a danger of 94028
immediate and serious harm to the public and that the certificate 94029
holder has done any of the following: 94030

(1) Furnished false, fraudulent, or misleading information to the board; 94031
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(2) Engaged in activities that exceed those permitted by the individual's certificate; 94033
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(3) In a court of this or any other state or federal court been convicted of, pleaded guilty to, or been the subject of a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony or for a misdemeanor committed in the course of practice or involving gross immorality or moral turpitude. 94035
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(B) Immediately following the decision to impose a summary suspension, the board, in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code, shall ~~issue~~ serve a written order of suspension, ~~cause it to be delivered to~~ on the certificate holder, and notify the certificate holder of the opportunity for a hearing. If timely requested by the certificate holder, a hearing shall be conducted in accordance with section 4765.115 of the Revised Code. 94042
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Sec. 4765.114. (A) A certificate to practice emergency medical services issued under this chapter is automatically suspended on the certificate holder's conviction of, plea of guilty to, or judicial finding of guilt of any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated burglary, aggravated robbery, or a substantially equivalent offense committed in this or another jurisdiction. Continued practice after the suspension is practicing without a certificate. 94050
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(B) If the state board of emergency medical, fire, and transportation services has knowledge that an automatic suspension 94060
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has occurred, it shall ~~notify~~ serve, in accordance with ~~section~~ 94062
sections 119.05 and 119.07 of the Revised Code, the certificate 94063
holder of the suspension and of the opportunity for a hearing. If 94064
timely requested by the certificate holder, a hearing shall be 94065
conducted in accordance with section 4765.115 of the Revised Code. 94066

Sec. 4766.07. (A) Except as otherwise provided by rule of the 94067
state board of emergency medical, fire, and transportation 94068
services, each emergency medical service organization, 94069
nonemergency medical service organization, and air medical service 94070
organization subject to licensure under this chapter shall possess 94071
a valid permit for each ambulance, ambulette, rotorcraft air 94072
ambulance, fixed wing air ambulance, and nontransport vehicle it 94073
owns or leases that is or will be used by the licensee to perform 94074
the services permitted by the license. Each licensee and license 94075
applicant shall submit the appropriate fee and an application for 94076
a permit for each ambulance, ambulette, rotorcraft air ambulance, 94077
fixed wing air ambulance, and nontransport vehicle to the state 94078
board of emergency medical, fire, and transportation services on 94079
forms provided by the board. The application shall include 94080
documentation that the vehicle or aircraft meets the appropriate 94081
standards set by the board, that the vehicle or aircraft has been 94082
inspected pursuant to division (C) of this section, that the 94083
permit applicant maintains insurance as provided in section 94084
4766.06 of the Revised Code, and that the vehicle or aircraft and 94085
permit applicant meet any other requirements established under 94086
rules adopted by the board. 94087

The state board of emergency medical, fire, and 94088
transportation services may adopt rules in accordance with Chapter 94089
119. of the Revised Code to authorize the temporary use of a 94090
vehicle or aircraft for which a permit is not possessed under this 94091
section in back-up or disaster situations. 94092

(B)(1) ~~Within sixty days after receiving a completed~~ 94093
~~application for a permit, the board shall issue or deny the~~ 94094
~~permit.~~ The board shall deny an application, in accordance with 94095
Chapter 119. of the Revised Code, if it determines that the permit 94096
applicant, vehicle, or aircraft does not meet the requirements of 94097
this chapter and the rules adopted under it that apply to permits 94098
for ambulances, ambulettes, rotorcraft air ambulances, fixed wing 94099
air ambulances, and nontransport vehicles. The board shall send 94100
notice of the denial of an application by certified mail to the 94101
permit applicant. The permit applicant may request a hearing 94102
within ten days after receipt of the notice. If the board receives 94103
a timely request, it shall hold a hearing in accordance with 94104
Chapter 119. of the Revised Code. 94105

(2) If the board issues the vehicle permit for an ambulance, 94106
ambulette, or nontransport vehicle, it also shall issue a decal, 94107
in a form prescribed by rule, to be displayed on the rear window 94108
of the vehicle. The board shall not issue a decal until all of the 94109
requirements for licensure and permit issuance have been met. 94110

(3) If the board issues the aircraft permit for a rotorcraft 94111
air ambulance or fixed wing air ambulance, it also shall issue a 94112
decal, in a form prescribed by rule, to be displayed on the left 94113
fuselage aircraft window in a manner that complies with all 94114
applicable federal aviation regulations. The board shall not issue 94115
a decal until all of the requirements for licensure and permit 94116
issuance have been met. 94117

(C) In addition to any other requirements that the board 94118
establishes by rule, a licensee or license applicant applying for 94119
an initial vehicle or aircraft permit under division (A) of this 94120
section shall submit to the board the vehicle or aircraft for 94121
which the permit is sought. Thereafter, a licensee shall annually 94122
submit to the board each vehicle or aircraft for which a permit 94123
has been issued. 94124

(1) The board shall conduct a physical inspection of an ambulance, ambulette, or nontransport vehicle to determine its roadworthiness and compliance with standard motor vehicle requirements. 94125
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(2) The board shall conduct a physical inspection of the medical equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the ambulance's interior and to determine whether the ambulance is in compliance with ~~the~~ one of the following: 94129
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(a) The federal requirements for ambulance construction that were in effect at the time the ambulance was manufactured, as specified by the general services administration in the various versions of its publication titled "federal specification for the star-of-life ambulance, KKK-A-1822-"; 94134
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(b) A national standard for ambulance construction approved by the American national standards institute, "ANSI", in effect at the time the ambulance was manufactured. 94139
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(c) A standard for ambulance construction approved by the commission on accreditation of ambulance services, "CAAS", in effect at the time the ambulance was manufactured. 94142
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(3) The board shall conduct a physical inspection of the equipment, communication system, and interior of an ambulette to determine the operational condition and safety of the equipment and the ambulette's interior and to determine whether the ambulette is in compliance with state requirements for ambulette construction. The board shall determine by rule requirements for the equipment, communication system, interior, and construction of an ambulette. 94145
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(4) The board shall conduct a physical inspection of the medical equipment, communication system, and interior of a rotorcraft air ambulance or fixed wing air ambulance to determine 94153
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the operational condition and safety of the equipment and the aircraft's interior.

(5) The board shall issue a certificate to the applicant for each vehicle or aircraft that passes the inspection and may assess a fee for each inspection, as established by the board.

(6) The board shall adopt rules regarding the implementation and coordination of inspections. The rules may permit the board to contract with a third party to conduct the inspections required of the board under this section.

Sec. 4766.11. (A) The state board of emergency medical, fire, and transportation services may investigate alleged violations of this chapter or the rules adopted under it and may investigate any complaints received regarding alleged violations.

In addition to any other remedies available and regardless of whether an adequate remedy at law exists, the board may apply to the court of common pleas in the county where a violation of any provision of this chapter or any rule adopted pursuant thereto is occurring for a temporary or permanent injunction restraining a person from continuing to commit that violation. On a showing that a person has committed a violation, the court shall grant the injunction.

In conducting an investigation under this section, the board may issue subpoenas compelling the attendance and testimony of witnesses and the production of books, records, and other documents pertaining to the investigation. If a person fails to obey a subpoena from the board, the board may apply to the court of common pleas in the county where the investigation is being conducted for an order compelling the person to comply with the subpoena. On application by the board, the court shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena from the court

or a refusal to testify therein. 94187

(B) The board may suspend a license issued under this chapter 94188
without a prior hearing if it determines that there is evidence 94189
that the license holder is subject to action under this section 94190
and that there is clear and convincing evidence that continued 94191
operation by the license holder presents a danger of immediate and 94192
serious harm to the public. The chairperson and executive director 94193
of the board shall make a preliminary determination and describe 94194
the evidence on which they made their determination to the board 94195
members. The board by resolution may designate another board 94196
member to act in place of the chairperson or another employee to 94197
act in place of the executive director in the event that the 94198
chairperson or executive director is unavailable or unable to act. 94199
Upon review of the allegations, the board, by the affirmative vote 94200
of a majority of its members, may suspend the license without a 94201
hearing. 94202

Immediately following the decision by the board to suspend a 94203
license under this division, the board shall ~~issue~~ serve a written 94204
order of suspension ~~and cause it to be delivered~~ in accordance 94205
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 94206
the license holder subject to the suspension requests an 94207
adjudication hearing by the board, the date set for the 94208
adjudication shall be within fifteen days but not earlier than 94209
seven days after the request unless another date is agreed to by 94210
the license holder and the board. 94211

Any summary suspension imposed under this division remains in 94212
effect, unless reversed by the board, until a final adjudicative 94213
order issued by the board pursuant to this section and Chapter 94214
119. of the Revised Code becomes effective. The board shall issue 94215
its final adjudicative order not less than ninety days after 94216
completion of its adjudication hearing. Failure to issue the order 94217
by that day shall cause the summary suspension order to end, but 94218

such failure shall not affect the validity of any subsequent final 94219
adjudication order. 94220

Sec. 4767.03. (A)(1) The owner or the person responsible for 94221
the operation and maintenance of a cemetery shall apply to the 94222
division of real estate in the department of commerce to register 94223
the cemetery on forms prescribed by the division. With the 94224
application, the applicant shall submit the documentation required 94225
in division (A) of section 4767.04 of the Revised Code and a 94226
registration fee of twenty-five dollars for one cemetery, forty 94227
dollars for two cemeteries, and fifty dollars for three or more 94228
cemeteries, except that no fee shall be required of any political 94229
subdivision. 94230

(2) The director of commerce, by rule adopted in accordance 94231
with Chapter 119. of the Revised Code, may reduce the amount of 94232
the registration fee required by this section in any year if the 94233
director determines that the total amount of funds the fee is 94234
generating at the amount specified by this section exceeds the 94235
amount of funds the division of real estate and the Ohio cemetery 94236
dispute resolution commission created by section 4767.05 of the 94237
Revised Code need to carry out their powers and duties under this 94238
chapter. If the director so reduces the amount of the registration 94239
fee, the director shall reduce it for all owners or other persons 94240
required to pay the fee under division (A)(1) of this section and 94241
shall require that the reduced fee be paid according to the number 94242
of cemeteries owned, operated, or maintained as required under 94243
that division. If the director has reduced the fee under division 94244
(A)(2) of this section, the director may later raise it up to the 94245
amounts specified in division (A)(1) of this section if, in any 94246
year, the director determines that the total amount of funds the 94247
fee is generating at the reduced amount is insufficient for the 94248
division of real estate and the Ohio cemetery dispute resolution 94249
commission to carry out their powers and duties under this 94250

chapter. 94251

(B) Upon receipt of the completed application form, 94252
documentation, and, if required, registration fee, the division of 94253
real estate shall issue a certificate of registration to the 94254
applicant. The applicant shall display the certificate in a 94255
conspicuous place on the premises of the cemetery for which the 94256
registration was obtained, except that, if the applicant is the 94257
governing body of a political subdivision or person acting on 94258
behalf of that governing body, the certificate shall be kept on 94259
file and be available for public inspection at the office of the 94260
governing body. 94261

(C) Except as otherwise provided in this division, each 94262
registration issued pursuant to this section shall expire annually 94263
on the thirtieth day of September and shall be renewed by the 94264
owner or the person responsible for the operation and maintenance 94265
of the cemetery for the continued operation of the cemetery. The 94266
renewal fee shall be the same as the initial registration fees 94267
prescribed in division (A) of this section. 94268

The registration of a cemetery operated and maintained by a 94269
political subdivision shall not expire unless the political 94270
subdivision ceases to operate and maintain the cemetery. A 94271
political subdivision operating and maintaining a cemetery is not 94272
required to renew or update the registration of that cemetery 94273
unless there is a change in the information required under 94274
division (A) of section 4767.04 of the Revised Code or unless 94275
additional land is acquired to increase the size of the cemetery. 94276

(D) All registration and renewal fees collected pursuant to 94277
this section shall be paid into the state treasury to the credit 94278
of the cemetery registration fund, which is hereby created in the 94279
state treasury. The division of real estate in the department of 94280
commerce ~~to be used by the division~~ shall use the fund to carry 94281
out its powers and duties under this chapter and by the Ohio 94282

cemetery dispute resolution commission created by section 4767.05 94283
of the Revised Code. 94284

Sec. 4767.10. (A) ~~The cemetery grant fund is created in the~~ 94285
~~state treasury.~~ The division of real estate in the department of 94286
commerce ~~shall deposit into the fund one dollar of each two~~ 94287
~~dollars and fifty cents portion of the burial permit fee received~~ 94288
~~under section 3705.17 of the Revised Code. The division shall use~~ 94289
~~moneys in the fund~~ one dollar of each burial permit fee collected 94290
pursuant to section 3705.17 of the Revised Code and paid into the 94291
state treasury to the credit of the cemetery registration fund 94292
created under section 4767.03 of the Revised Code to advance 94293
grants to cemeteries registered with the division to defray the 94294
costs of exceptional cemetery maintenance or training cemetery 94295
personnel in the maintenance and operation of cemeteries. The 94296
division may not provide a grant to a corporation or association 94297
that operates a cemetery for profit. ~~In each fiscal year, the~~ 94298
~~division may not advance grants totaling more than eighty per cent~~ 94299
~~of the appropriation to the cemetery grant fund for that fiscal~~ 94300
~~year.~~ The division shall advance grants from the cemetery 94301
registration fund in accordance with rules adopted by the Ohio 94302
cemetery dispute resolution commission under Chapter 119. of the 94303
Revised Code. 94304

(B) The director of commerce may increase, by rule adopted 94305
under Chapter 119. of the Revised Code, the amount of total grants 94306
the division may advance in a fiscal year if the director 94307
determines the total amount of funds generated exceeds the amount 94308
of funds the division needs to carry out its powers and duties 94309
under this section. If the director determines the increased 94310
amount depletes the amount of funds the division needs to carry 94311
out its powers and duties under this section, the director may 94312
decrease the amount not below the amount specified in division (A) 94313
of this section. 94314

Sec. 4768.03. The real estate appraiser board shall do all of 94315
the following: 94316

(A) Adopt rules, in accordance with Chapter 119. of the 94317
Revised Code in furtherance of this chapter, including, but not 94318
limited to, all of the following: 94319

(1) Procedures for criminal records checks that are required 94320
under section 4768.06 of the Revised Code, in accordance with 94321
division ~~(K)~~(L) of section 121.08 and division (C) of section 94322
4768.06 of the Revised Code; 94323

(2) The following nonrefundable fees: 94324

(a) The initial appraisal management company license fee, 94325
which shall not exceed two thousand dollars; 94326

(b) The annual renewal fee, which shall not exceed two 94327
thousand dollars; 94328

(c) The late filing fee, which shall not exceed one thousand 94329
dollars, for the renewal of a license under division (C) of 94330
section 4768.07 of the Revised Code. 94331

(3) Requirements for settlement agreements that the 94332
superintendent of real estate and professional licensing and an 94333
appraisal management company or other person may enter into under 94334
division (H) of section 4768.13 or division (C) of section 4768.14 94335
of the Revised Code; 94336

(4) Presumptions of compliance with regard to the customary 94337
and reasonable fees required under division (B) of section 4768.12 94338
of the Revised Code. In adopting rules under division (A)(4) of 94339
this section, the board shall consider presumptions of compliance 94340
promulgated for the same purpose under the federal "Truth in 94341
Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.; 94342

(5) Rules regarding consent to service of process for 94343
appraisal management companies in accordance with division (A)(6) 94344

of section 4768.06 of the Revised Code.	94345
(B) Determine the appropriate disciplinary actions to be taken against a person, including a licensee, under section 4768.13 of the Revised Code;	94346 94347 94348
(C) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders that the superintendent issues pursuant to this chapter;	94349 94350 94351
(D) Request that the superintendent initiate an investigation of a violation of this chapter or the rules adopted under it, as the board determines appropriate.	94352 94353 94354
Sec. 4768.06. (A) To obtain an appraisal management company license, each applicant shall submit all of the following to the superintendent of real estate and professional licensing:	94355 94356 94357
(1) A completed application on a form the superintendent provides;	94358 94359
(2) The name of a controlling person who will be the main contact between the appraisal management company and the division of real estate and professional licensing and the real estate appraiser board;	94360 94361 94362 94363
(3) Payment of the fee established for initial licensure under division (A)(2) of section 4768.03 of the Revised Code;	94364 94365
(4) A list of all owners and controlling persons of the appraisal management company;	94366 94367
(5) A statement that each owner and controlling person of the appraisal management company satisfies the requirements set forth in divisions (B)(1) to (4) of this section;	94368 94369 94370
(6) A completed consent to service of process in this state as prescribed by rule of the real estate appraiser board;	94371 94372
(7) A statement that the applicant understands the grounds	94373

for any disciplinary action that may be initiated under this chapter; 94374
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(8) The name of each state in which the appraisal management company holds an appraisal management company license, certificate, or registration and affirmation that the applicant is in good standing in each state where the applicant holds a license, certificate, or registration; 94376
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(9) A statement that the applicant acknowledges that a system or process must be in place to verify that any appraiser added to the appraisal management company's appraiser panel for the purpose of performing real estate appraisal services in this state holds a license or certificate under Chapter 4763. of the Revised Code and is in good standing with this state; 94381
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(10) A statement that the applicant acknowledges that a system or process must be in place to review the work of appraisers who are performing real estate appraisal services for compliance with the uniform standards of professional appraisal practice; 94387
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(11) A statement that the applicant acknowledges that a system or process must be in place to verify that any employee of, or independent contractor to, the appraisal management company that performs an appraisal review shall be an appraiser licensed or certified pursuant to Chapter 4763. of the Revised Code, provided the property that is the subject of the appraisal is located in this state; 94392
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(12) A statement that the applicant acknowledges that the controlling person who will be the main contact between the appraisal management company and the division of real estate and professional licensing and the real estate appraiser board described in division (A)(2) of this section has successfully completed fifteen hours of uniform standards of professional 94399
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appraisal practice and thereafter must complete seven hours of 94405
instruction in uniform standards of professional appraisal 94406
practice at least once every two years; 94407

(13) A statement that the applicant acknowledges that a 94408
system or process must be in place to disclose to its client the 94409
actual fees paid to an appraiser for appraisal services separately 94410
from any other fees or charges for appraisal management services; 94411

(14) A statement that the applicant acknowledges that a 94412
system or process must be in place to disclose the license, 94413
certificate, or registration number of the appraisal management 94414
company on each engagement letter used in assigning an appraisal 94415
request for real estate appraisal assignments within the state; 94416

(15) A statement that the applicant acknowledges that it is 94417
required to report suspected violations of Chapter 4763. of the 94418
Revised Code by a person licensed, registered, or certified under 94419
that chapter; 94420

(16) A statement that the applicant acknowledges that the 94421
real estate appraiser board or the superintendent may require the 94422
applicant to submit to an audit, conducted by staff of the 94423
division of real estate and professional licensing, of the 94424
applicant's operations or books; 94425

(17) A statement that the applicant acknowledges that it is 94426
required to comply with section 129e of the "Truth in Lending 94427
Act," 82 Stat. 146, 15 U.S.C. 1639e. 94428

(B) Each owner and controlling person of an appraisal 94429
management company shall satisfy all of the following criteria: 94430

(1) Be an individual who is at least eighteen years of age; 94431

(2) Have graduated the twelfth grade or received a 94432
certificate of high school equivalence as defined in section 94433
4109.06 of the Revised Code; 94434

(3) Be honest, truthful, and of good moral character; 94435

(4) Have not had a license, certificate, or registration to 94436
act as an appraiser that has been refused, denied, canceled, 94437
surrendered, or revoked in this state or in any other state for a 94438
substantive reason. A designated controlling person may have had a 94439
license or certificate to act as an appraiser refused, denied, 94440
canceled, revoked, or surrendered in lieu of revocation in a state 94441
for a nonsubstantive reason if the license or certificate was 94442
subsequently granted or reinstated; 94443

(5) Submit to a criminal records check in accordance with 94444
this section and any rule that the superintendent adopts under 94445
division (A)(1) of section 4768.03 of the Revised Code. 94446

(C) Upon receiving an application under this section, the 94447
superintendent shall request the superintendent of the bureau of 94448
criminal identification and investigation, or a vendor approved by 94449
the bureau, to conduct a criminal records check based on the 94450
fingerprint impressions of each owner and controlling person of 94451
the applicant in accordance with division (A)(15) of section 94452
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 94453
section 121.08 of the Revised Code, the superintendent of real 94454
estate and professional licensing shall request that the 94455
superintendent of the bureau of criminal identification and 94456
investigation obtain criminal record information from the federal 94457
bureau of investigation be obtained as part of the criminal 94458
records check. Any fee required under division (C)(3) of section 94459
109.572 of the Revised Code shall be paid by the applicant. 94460

(D)(1) Subject to section 4768.08 of the Revised Code and 94461
except as provided in division (D)(2) of this section, the 94462
superintendent shall issue a license to the applicant if the 94463
applicant and each owner and controlling person of the applicant 94464
satisfies the requirements of this section. 94465

(2) The superintendent shall not issue a license to an applicant if any owner or controlling person of the applicant has been convicted of or pleaded guilty or no contest to a felony. However, if an owner or controlling person of the applicant has pleaded guilty or no contest to or been convicted of a felony, the superintendent shall not consider the conviction or plea if the person has proven to the superintendent, by a preponderance of the evidence, that the person's activities and employment record since the conviction or plea show that the person is honest, truthful, and of good moral character, and there is no basis in fact for believing that the person will commit a felony again.

(E) A license issued under this section shall be valid for one year after the date of issue.

Sec. 4768.14. (A) Upon receipt of a written complaint or upon the superintendent of real estate and professional licensing's own motion, the superintendent may investigate any person that allegedly violated division (A)(1) of section 4768.02 of the Revised Code.

(B) If, after investigation, the superintendent determines there exists reasonable evidence of a violation of division (A)(1) of section 4768.02 of the Revised Code, within fourteen business days after that determination, the superintendent shall send the party who is the subject of the investigation a written notice, by regular mail, that includes all of the following information:

(1) A description of the activity in which the party allegedly is engaging or has engaged that is a violation of division (A)(1) of section 4768.02 of the Revised Code;

(2) The applicable law allegedly violated;

(3) A statement informing the party that a hearing concerning the alleged violation will be held before a hearing examiner, and

a statement giving the date and place of that hearing; 94496

(4) A statement informing the party that the party or the 94497
party's attorney may appear in person at the hearing and present 94498
evidence and examine witnesses appearing for and against the 94499
party, or the party may submit written testimony stating any 94500
positions, arguments, or contentions. 94501

(C) At any time after the superintendent notifies a person of 94502
the superintendent's determination in accordance with division (B) 94503
of this section but before a hearing is held on the matter, the 94504
person may apply to the superintendent to enter into a settlement 94505
agreement regarding the alleged violation. The superintendent and 94506
the person shall comply with the requirements for settlement 94507
agreements established by rules adopted by the board under 94508
division (A)(3) of section 4768.03 of the Revised Code. If the 94509
parties enter into the settlement agreement, the hearing before 94510
the hearing examiner shall be postponed and the board shall review 94511
the settlement agreement at its next regularly scheduled meeting. 94512
If the board disapproves the settlement agreement, the hearing 94513
before the hearing examiner shall be rescheduled. 94514

(D) The hearing examiner shall hear the testimony of all 94515
parties present at the hearing and consider any written testimony 94516
submitted pursuant to division (B)(4) of this section. At the 94517
conclusion of the hearing, the hearing examiner shall determine if 94518
there has been a violation of division (A)(1) of section 4768.02 94519
of the Revised Code. 94520

(E) After the conclusion of formal hearings, the hearing 94521
examiner shall file with the superintendent, the real estate 94522
appraiser board, the complainant, and the parties a written report 94523
setting forth the examiner's findings of fact and conclusions of 94524
law and a recommendation of the action to be taken by the 94525
superintendent. Within ten days of receiving a copy of that 94526
report, the parties and the division of real estate and 94527

professional licensing may file with the board written objections 94528
to the report. The board shall consider the objections before 94529
approving, modifying, or disapproving the report. 94530

The board shall review the hearing examiner's report at the 94531
next regularly scheduled board meeting held at least fifteen 94532
business days after receipt of the hearing examiner's report. The 94533
board shall hear the testimony of the complainant or the parties. 94534

(F) After reviewing the hearing examiner's report pursuant to 94535
division (E) of this section, or after reviewing the settlement 94536
agreement pursuant to division (C) of this section, the board 94537
shall decide whether to impose sanctions upon a party for a 94538
violation of division (A)(1) of section 4768.02 of the Revised 94539
Code. The board may assess a civil penalty in an amount it 94540
determines, not to exceed one thousand dollars per violation, not 94541
to exceed ten thousand dollars in aggregate. Each day a violation 94542
occurs or continues is a separate violation. The board shall 94543
determine the terms of payment. The board shall maintain a 94544
transcript of the proceedings of the hearing and issue a written 94545
opinion to all parties, citing its findings and grounds for any 94546
action taken. If the board approved a settlement agreement entered 94547
into pursuant to division (C) of this section in relation to the 94548
violation, the civil penalty shall not be inconsistent with that 94549
settlement agreement. 94550

(G) Civil penalties collected under this section shall be 94551
deposited in the real estate ~~appraiser~~ operating fund created 94552
under section ~~4763.15~~ 4735.211 of the Revised Code. 94553

(H) If a party fails to pay a civil penalty assessed pursuant 94554
to this section within the time prescribed by the board, the 94555
superintendent shall forward to the attorney general the name of 94556
the party and the amount of the civil penalty, for the purpose of 94557
collecting that civil penalty. The party shall pay the fee 94558
assessed by the attorney general for collection of the civil 94559

penalty in addition to the civil penalty assessed pursuant to this 94560
section in an amount not to exceed ten thousand dollars. 94561

Sec. 4768.15. The superintendent of real estate and 94562
professional licensing shall deposit all moneys collected under 94563
this chapter into the state treasury to the credit of the real 94564
estate ~~appraiser~~ operating fund created under section ~~4763.15~~ 94565
4735.211 of the Revised Code. 94566

Sec. 4773.06. (A) Except as provided in ~~division~~ divisions 94567
(C) and (D) of this section, a general x-ray machine operator may 94568
perform radiologic procedures only if a physician, podiatrist, 94569
mechanotherapist, or chiropractor is providing direct supervision. 94570
Direct supervision does not require the practitioner to observe 94571
each radiologic procedure performed by the operator, but does 94572
require that the practitioner be present at the location where the 94573
operator is performing radiologic procedures for purposes of 94574
consulting with and directing the operator while performing the 94575
procedures. A practitioner supervising a general x-ray machine 94576
operator may authorize the operator to perform only those 94577
radiologic procedures that are within the practitioner's scope of 94578
practice as determined by the laws under which the practitioner is 94579
authorized to practice. 94580

(B) A radiographer, radiation therapy technologist, or 94581
nuclear medicine technologist may perform radiologic procedures 94582
only if a physician is providing general supervision. General 94583
supervision does not require the physician to observe each 94584
radiologic procedure performed or to be present at the location 94585
where the procedure is being performed, but does require that the 94586
physician be readily available for purposes of consulting with and 94587
directing the individual while performing the procedures. 94588

(C) A general x-ray machine operator who is licensed under 94589

Chapter 4723. of the Revised Code to practice as a registered 94590
nurse and is providing occupational health nursing services in an 94591
industrial workplace may perform radiologic procedures under a 94592
physician's general supervision, as described in division (B) of 94593
this section. 94594

(D) A general x-ray operator is subject to general 94595
supervision, to be provided by a supervising practitioner who is a 94596
physician, podiatrist, mechanotherapist, or chiropractor, if both 94597
of the following are the case: 94598

(1) The operator is performing radiologic procedures with an 94599
x-ray machine only on a patient's chest, spine, abdomen, or 94600
extremities. 94601

(2) The operator is performing the procedures in a facility 94602
being operated as an urgent care facility, occupational health 94603
care facility, or outpatient health care facility. 94604

Sec. 4774.13. (A) The state medical board, by an affirmative 94605
vote of not fewer than six members, may revoke or may refuse to 94606
grant a license to practice as a radiologist assistant to an 94607
individual found by the board to have committed fraud, 94608
misrepresentation, or deception in applying for or securing the 94609
license. 94610

(B) The board, by an affirmative vote of not fewer than six 94611
members, shall, except as provided in division (C) of this 94612
section, and to the extent permitted by law, limit, revoke, or 94613
suspend an individual's license to practice as a radiologist 94614
assistant, refuse to issue a license to an applicant, refuse to 94615
renew a license, refuse to reinstate a license, or reprimand or 94616
place on probation the holder of a license for any of the 94617
following reasons: 94618

(1) Permitting the holder's name or license to be used by 94619

another person;	94620
(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	94621 94622 94623
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	94624 94625 94626 94627
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	94628 94629 94630 94631
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	94632 94633 94634 94635
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	94636 94637 94638 94639
(7) Willfully betraying a professional confidence;	94640
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.	94641 94642 94643
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable	94644 94645 94646 94647 94648 94649

probability will cause an ordinarily prudent person to 94650
misunderstand or be deceived. 94651

(9) The obtaining of, or attempting to obtain, money or a 94652
thing of value by fraudulent misrepresentations in the course of 94653
practice; 94654

(10) A plea of guilty to, a judicial finding of guilt of, or 94655
a judicial finding of eligibility for intervention in lieu of 94656
conviction for, a felony; 94657

(11) Commission of an act that constitutes a felony in this 94658
state, regardless of the jurisdiction in which the act was 94659
committed; 94660

(12) A plea of guilty to, a judicial finding of guilt of, or 94661
a judicial finding of eligibility for intervention in lieu of 94662
conviction for, a misdemeanor committed in the course of practice; 94663

(13) A plea of guilty to, a judicial finding of guilt of, or 94664
a judicial finding of eligibility for intervention in lieu of 94665
conviction for, a misdemeanor involving moral turpitude; 94666

(14) Commission of an act in the course of practice that 94667
constitutes a misdemeanor in this state, regardless of the 94668
jurisdiction in which the act was committed; 94669

(15) Commission of an act involving moral turpitude that 94670
constitutes a misdemeanor in this state, regardless of the 94671
jurisdiction in which the act was committed; 94672

(16) A plea of guilty to, a judicial finding of guilt of, or 94673
a judicial finding of eligibility for intervention in lieu of 94674
conviction for violating any state or federal law regulating the 94675
possession, distribution, or use of any drug, including 94676
trafficking in drugs; 94677

(17) Any of the following actions taken by the state agency 94678
responsible for regulating the practice of radiologist assistants 94679

in another jurisdiction, for any reason other than the nonpayment	94680
of fees: the limitation, revocation, or suspension of an	94681
individual's license to practice; acceptance of an individual's	94682
license surrender; denial of a license; refusal to renew or	94683
reinstate a license; imposition of probation; or issuance of an	94684
order of censure or other reprimand;	94685
(18) Violation of the conditions placed by the board on a	94686
license to practice as a radiologist assistant;	94687
(19) Failure to use universal blood and body fluid	94688
precautions established by rules adopted under section 4731.051 of	94689
the Revised Code;	94690
(20) Failure to cooperate in an investigation conducted by	94691
the board under section 4774.14 of the Revised Code, including	94692
failure to comply with a subpoena or order issued by the board or	94693
failure to answer truthfully a question presented by the board at	94694
a deposition or in written interrogatories, except that failure to	94695
cooperate with an investigation shall not constitute grounds for	94696
discipline under this section if a court of competent jurisdiction	94697
has issued an order that either quashes a subpoena or permits the	94698
individual to withhold the testimony or evidence in issue;	94699
(21) Failure to maintain a license as a radiographer under	94700
Chapter 4773. of the Revised Code;	94701
(22) Failure to maintain certification as a registered	94702
radiologist assistant from the American registry of radiologic	94703
technologists, including revocation by the registry of the	94704
assistant's certification or failure by the assistant to meet the	94705
registry's requirements for annual registration, or failure to	94706
notify the board that the certification as a registered	94707
radiologist assistant has not been maintained;	94708
(23) Failure to comply with any of the rules of ethics	94709
included in the standards of ethics established by the American	94710

registry of radiologic technologists, as those rules apply to an 94711
individual who holds the registry's certification as a registered 94712
radiologist assistant. 94713

(C) The board shall not refuse to issue a license to an 94714
applicant because of a plea of guilty to, a judicial finding of 94715
guilt of, or a judicial finding of eligibility for intervention in 94716
lieu of conviction for an offense unless the refusal is in 94717
accordance with section 9.79 of the Revised Code. 94718

(D) Disciplinary actions taken by the board under divisions 94719
(A) and (B) of this section shall be taken pursuant to an 94720
adjudication under Chapter 119. of the Revised Code, except that 94721
in lieu of an adjudication, the board may enter into a consent 94722
agreement with a radiologist assistant or applicant to resolve an 94723
allegation of a violation of this chapter or any rule adopted 94724
under it. A consent agreement, when ratified by an affirmative 94725
vote of not fewer than six members of the board, shall constitute 94726
the findings and order of the board with respect to the matter 94727
addressed in the agreement. If the board refuses to ratify a 94728
consent agreement, the admissions and findings contained in the 94729
consent agreement shall be of no force or effect. 94730

(E) For purposes of divisions (B)(11), (14), and (15) of this 94731
section, the commission of the act may be established by a finding 94732
by the board, pursuant to an adjudication under Chapter 119. of 94733
the Revised Code, that the applicant or license holder committed 94734
the act in question. The board shall have no jurisdiction under 94735
these divisions in cases where the trial court renders a final 94736
judgment in the license holder's favor and that judgment is based 94737
upon an adjudication on the merits. The board shall have 94738
jurisdiction under these divisions in cases where the trial court 94739
issues an order of dismissal on technical or procedural grounds. 94740

(F) The sealing or expungement of conviction records by any 94741
court shall have no effect on a prior board order entered under 94742

the provisions of this section or on the board's jurisdiction to 94743
take action under the provisions of this section if, based upon a 94744
plea of guilty, a judicial finding of guilt, or a judicial finding 94745
of eligibility for intervention in lieu of conviction, the board 94746
issued a notice of opportunity for a hearing prior to the court's 94747
order to seal or expunge the records. The board shall not be 94748
required to seal, destroy, redact, or otherwise modify its records 94749
to reflect the court's sealing or expungement of conviction 94750
records. 94751

(G) For purposes of this division, any individual who holds a 94752
license to practice as a radiologist assistant issued under this 94753
chapter, or applies for a license, shall be deemed to have given 94754
consent to submit to a mental or physical examination when 94755
directed to do so in writing by the board and to have waived all 94756
objections to the admissibility of testimony or examination 94757
reports that constitute a privileged communication. 94758

(1) In enforcing division (B)(5) of this section, the board, 94759
on a showing of a possible violation, may compel any individual 94760
who holds a license to practice as a radiologist assistant issued 94761
under this chapter or who has applied for a license to submit to a 94762
mental or physical examination, or both. A physical examination 94763
may include an HIV test. The expense of the examination is the 94764
responsibility of the individual compelled to be examined. Failure 94765
to submit to a mental or physical examination or consent to an HIV 94766
test ordered by the board constitutes an admission of the 94767
allegations against the individual unless the failure is due to 94768
circumstances beyond the individual's control, and a default and 94769
final order may be entered without the taking of testimony or 94770
presentation of evidence. If the board finds a radiologist 94771
assistant unable to practice because of the reasons set forth in 94772
division (B)(5) of this section, the board shall require the 94773
radiologist assistant to submit to care, counseling, or treatment 94774

by physicians approved or designated by the board, as a condition 94775
for an initial, continued, reinstated, or renewed license. An 94776
individual affected by this division shall be afforded an 94777
opportunity to demonstrate to the board the ability to resume 94778
practicing in compliance with acceptable and prevailing standards 94779
of care. 94780

(2) For purposes of division (B)(6) of this section, if the 94781
board has reason to believe that any individual who holds a 94782
license to practice as a radiologist assistant issued under this 94783
chapter or any applicant for a license suffers such impairment, 94784
the board may compel the individual to submit to a mental or 94785
physical examination, or both. The expense of the examination is 94786
the responsibility of the individual compelled to be examined. Any 94787
mental or physical examination required under this division shall 94788
be undertaken by a treatment provider or physician qualified to 94789
conduct such examination and chosen by the board. 94790

Failure to submit to a mental or physical examination ordered 94791
by the board constitutes an admission of the allegations against 94792
the individual unless the failure is due to circumstances beyond 94793
the individual's control, and a default and final order may be 94794
entered without the taking of testimony or presentation of 94795
evidence. If the board determines that the individual's ability to 94796
practice is impaired, the board shall suspend the individual's 94797
license or deny the individual's application and shall require the 94798
individual, as a condition for an initial, continued, reinstated, 94799
or renewed license to practice, to submit to treatment. 94800

Before being eligible to apply for reinstatement of a license 94801
suspended under this division, the radiologist assistant shall 94802
demonstrate to the board the ability to resume practice in 94803
compliance with acceptable and prevailing standards of care. The 94804
demonstration shall include the following: 94805

(a) Certification from a treatment provider approved under 94806

section 4731.25 of the Revised Code that the individual has 94807
successfully completed any required inpatient treatment; 94808

(b) Evidence of continuing full compliance with an aftercare 94809
contract or consent agreement; 94810

(c) Two written reports indicating that the individual's 94811
ability to practice has been assessed and that the individual has 94812
been found capable of practicing according to acceptable and 94813
prevailing standards of care. The reports shall be made by 94814
individuals or providers approved by the board for making such 94815
assessments and shall describe the basis for their determination. 94816

The board may reinstate a license suspended under this 94817
division after such demonstration and after the individual has 94818
entered into a written consent agreement. 94819

When the impaired radiologist assistant resumes practice, the 94820
board shall require continued monitoring of the radiologist 94821
assistant. The monitoring shall include monitoring of compliance 94822
with the written consent agreement entered into before 94823
reinstatement or with conditions imposed by board order after a 94824
hearing, and, on termination of the consent agreement, submission 94825
to the board for at least two years of annual written progress 94826
reports made under penalty of falsification stating whether the 94827
radiologist assistant has maintained sobriety. 94828

(H) If the secretary and supervising member determine that 94829
there is clear and convincing evidence that a radiologist 94830
assistant has violated division (B) of this section and that the 94831
individual's continued practice presents a danger of immediate and 94832
serious harm to the public, they may recommend that the board 94833
suspend the individual's license to practice without a prior 94834
hearing. Written allegations shall be prepared for consideration 94835
by the board. 94836

The board, on review of the allegations and by an affirmative 94837

vote of not fewer than six of its members, excluding the secretary 94838
and supervising member, may suspend a license without a prior 94839
hearing. A telephone conference call may be utilized for reviewing 94840
the allegations and taking the vote on the summary suspension. 94841

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 94842
~~certified mail or in person~~ in accordance with ~~section~~ sections 94843
119.05 and 119.07 of the Revised Code. The order shall not be 94844
subject to suspension by the court during pendency of any appeal 94845
filed under section 119.12 of the Revised Code. If the radiologist 94846
assistant requests an adjudicatory hearing by the board, the date 94847
set for the hearing shall be within fifteen days, but not earlier 94848
than seven days, after the radiologist assistant requests the 94849
hearing, unless otherwise agreed to by both the board and the 94850
license holder. 94851

A summary suspension imposed under this division shall remain 94852
in effect, unless reversed on appeal, until a final adjudicative 94853
order issued by the board pursuant to this section and Chapter 94854
119. of the Revised Code becomes effective. The board shall issue 94855
its final adjudicative order within sixty days after completion of 94856
its hearing. Failure to issue the order within sixty days shall 94857
result in dissolution of the summary suspension order, but shall 94858
not invalidate any subsequent, final adjudicative order. 94859

(I) If the board takes action under division (B)(10), (12), 94860
or (13) of this section, and the judicial finding of guilt, guilty 94861
plea, or judicial finding of eligibility for intervention in lieu 94862
of conviction is overturned on appeal, on exhaustion of the 94863
criminal appeal, a petition for reconsideration of the order may 94864
be filed with the board along with appropriate court documents. On 94865
receipt of a petition and supporting court documents, the board 94866
shall reinstate the license to practice as a radiologist 94867
assistant. The board may then hold an adjudication under Chapter 94868
119. of the Revised Code to determine whether the individual 94869

committed the act in question. Notice of opportunity for hearing 94870
shall be given in accordance with Chapter 119. of the Revised 94871
Code. If the board finds, pursuant to an adjudication held under 94872
this division, that the individual committed the act, or if no 94873
hearing is requested, it may order any of the sanctions specified 94874
in division (B) of this section. 94875

(J) The license to practice of a radiologist assistant and 94876
the assistant's practice in this state are automatically suspended 94877
as of the date the radiologist assistant pleads guilty to, is 94878
found by a judge or jury to be guilty of, or is subject to a 94879
judicial finding of eligibility for intervention in lieu of 94880
conviction in this state or treatment of intervention in lieu of 94881
conviction in another jurisdiction for any of the following 94882
criminal offenses in this state or a substantially equivalent 94883
criminal offense in another jurisdiction: aggravated murder, 94884
murder, voluntary manslaughter, felonious assault, kidnapping, 94885
rape, sexual battery, gross sexual imposition, aggravated arson, 94886
aggravated robbery, or aggravated burglary. Continued practice 94887
after the suspension shall be considered practicing without a 94888
license. 94889

The board shall ~~notify~~ serve the individual subject to the 94890
suspension ~~by certified mail or in person~~ in accordance with 94891
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 94892
individual whose license is suspended under this division fails to 94893
make a timely request for an adjudication under Chapter 119. of 94894
the Revised Code, the board shall enter a final order permanently 94895
revoking the individual's license. 94896

(K) In any instance in which the board is required by Chapter 94897
119. of the Revised Code to give notice of opportunity for hearing 94898
and the individual subject to the notice does not timely request a 94899
hearing in accordance with section 119.07 of the Revised Code, the 94900
board is not required to hold a hearing, but may adopt, by an 94901

affirmative vote of not fewer than six of its members, a final 94902
order that contains the board's findings. In the final order, the 94903
board may order any of the sanctions identified under division (A) 94904
or (B) of this section. 94905

(L) Any action taken by the board under division (B) of this 94906
section resulting in a suspension shall be accompanied by a 94907
written statement of the conditions under which the radiologist 94908
assistant's license may be reinstated. The board shall adopt rules 94909
in accordance with Chapter 119. of the Revised Code governing 94910
conditions to be imposed for reinstatement. Reinstatement of a 94911
license suspended pursuant to division (B) of this section 94912
requires an affirmative vote of not fewer than six members of the 94913
board. 94914

(M) When the board refuses to grant or issue a license to 94915
practice as a radiologist assistant to an applicant, revokes an 94916
individual's license, refuses to renew an individual's license, or 94917
refuses to reinstate an individual's license, the board may 94918
specify that its action is permanent. An individual subject to a 94919
permanent action taken by the board is forever thereafter 94920
ineligible to hold a license to practice as a radiologist 94921
assistant and the board shall not accept an application for 94922
reinstatement of the license or for issuance of a new license. 94923

(N) Notwithstanding any other provision of the Revised Code, 94924
all of the following apply: 94925

(1) The surrender of a license to practice as a radiologist 94926
assistant issued under this chapter is not effective unless or 94927
until accepted by the board. Reinstatement of a license 94928
surrendered to the board requires an affirmative vote of not fewer 94929
than six members of the board. 94930

(2) An application made under this chapter for a license to 94931
practice may not be withdrawn without approval of the board. 94932

(3) Failure by an individual to renew a license to practice 94933
in accordance with section 4774.06 of the Revised Code shall not 94934
remove or limit the board's jurisdiction to take disciplinary 94935
action under this section against the individual. 94936

Sec. 4774.14. (A) The state medical board shall investigate 94937
evidence that appears to show that any person has violated this 94938
chapter or the rules adopted under it. Any person may report to 94939
the board in a signed writing any information the person has that 94940
appears to show a violation of any provision of this chapter or 94941
the rules adopted under it. In the absence of bad faith, a person 94942
who reports such information or testifies before the board in an 94943
adjudication conducted under Chapter 119. of the Revised Code 94944
shall not be liable for civil damages as a result of reporting the 94945
information or providing testimony. Each complaint or allegation 94946
of a violation received by the board shall be assigned a case 94947
number and be recorded by the board. 94948

(B) Investigations of alleged violations of this chapter or 94949
rules adopted under it shall be supervised by the supervising 94950
member elected by the board in accordance with section 4731.02 of 94951
the Revised Code and by the secretary as provided in section 94952
4774.17 of the Revised Code. The board's president may designate 94953
another member of the board to supervise the investigation in 94954
place of the supervising member. A member of the board who 94955
supervises the investigation of a case shall not participate in 94956
further adjudication of the case. 94957

(C) In investigating a possible violation of this chapter or 94958
the rules adopted under it, the board may administer oaths, order 94959
the taking of depositions, issue subpoenas, and compel the 94960
attendance of witnesses and production of books, accounts, papers, 94961
records, documents, and testimony, except that a subpoena for 94962
patient record information shall not be issued without 94963

consultation with the attorney general's office and approval of 94964
the secretary ~~and supervising member~~ of the board. Before issuance 94965
of a subpoena for patient record information, the secretary ~~and~~ 94966
~~supervising member~~ shall determine whether there is probable cause 94967
to believe that the complaint filed alleges a violation of this 94968
chapter or the rules adopted under it and that the records sought 94969
are relevant to the alleged violation and material to the 94970
investigation. The subpoena may apply only to records that cover a 94971
reasonable period of time surrounding the alleged violation. 94972

On failure to comply with any subpoena issued by the board 94973
and after reasonable notice to the person being subpoenaed, the 94974
board may move for an order compelling the production of persons 94975
or records pursuant to the Rules of Civil Procedure. 94976

A subpoena issued by the board may be served by a sheriff, 94977
the sheriff's deputy, or a board employee designated by the board. 94978
Service of a subpoena issued by the board may be made by 94979
delivering a copy of the subpoena to the person named therein, 94980
reading it to the person, or leaving it at the person's usual 94981
place of residence. When the person being served is a radiologist 94982
assistant, service of the subpoena may be made by certified mail, 94983
restricted delivery, return receipt requested, and the subpoena 94984
shall be deemed served on the date delivery is made or the date 94985
the person refuses to accept delivery. 94986

A sheriff's deputy who serves a subpoena shall receive the 94987
same fees as a sheriff. Each witness who appears before the board 94988
in obedience to a subpoena shall receive the fees and mileage 94989
provided for witnesses in civil cases in the courts of common 94990
pleas. 94991

(D) All hearings and investigations of the board shall be 94992
considered civil actions for the purposes of section 2305.252 of 94993
the Revised Code. 94994

(E) Information received by the board pursuant to an 94995
investigation is confidential and not subject to discovery in any 94996
civil action. 94997

The board shall conduct all investigations and proceedings in 94998
a manner that protects the confidentiality of patients and persons 94999
who file complaints with the board. The board shall not make 95000
public the names or any other identifying information about 95001
patients or complainants unless proper consent is given. 95002

The board may share any information it receives pursuant to 95003
an investigation, including patient records and patient record 95004
information, with law enforcement agencies, other licensing 95005
boards, and other governmental agencies that are prosecuting, 95006
adjudicating, or investigating alleged violations of statutes or 95007
administrative rules. An agency or board that receives the 95008
information shall comply with the same requirements regarding 95009
confidentiality as those with which the state medical board must 95010
comply, notwithstanding any conflicting provision of the Revised 95011
Code or procedure of the agency or board that applies when it is 95012
dealing with other information in its possession. In a judicial 95013
proceeding, the information may be admitted into evidence only in 95014
accordance with the Rules of Evidence, but the court shall require 95015
that appropriate measures are taken to ensure that confidentiality 95016
is maintained with respect to any part of the information that 95017
contains names or other identifying information about patients or 95018
complainants whose confidentiality was protected by the state 95019
medical board when the information was in the board's possession. 95020
Measures to ensure confidentiality that may be taken by the court 95021
include sealing its records or deleting specific information from 95022
its records. 95023

(F) The state medical board shall develop requirements for 95024
and provide appropriate initial training and continuing education 95025
for investigators employed by the board to carry out its duties 95026

under this chapter. The training and continuing education may 95027
include enrollment in courses operated or approved by the Ohio 95028
peace officer training commission that the board considers 95029
appropriate under conditions set forth in section 109.79 of the 95030
Revised Code. 95031

(G) On a quarterly basis, the board shall prepare a report 95032
that documents the disposition of all cases during the preceding 95033
three months. The report shall contain the following information 95034
for each case with which the board has completed its activities: 95035

(1) The case number assigned to the complaint or alleged 95036
violation; 95037

(2) The type of license, if any, held by the individual 95038
against whom the complaint is directed; 95039

(3) A description of the allegations contained in the 95040
complaint; 95041

(4) The disposition of the case. 95042

The report shall state how many cases are still pending, and 95043
shall be prepared in a manner that protects the identity of each 95044
person involved in each case. The report is a public record for 95045
purposes of section 149.43 of the Revised Code. 95046

Sec. 4776.01. As used in this chapter: 95047

(A) "License" means an authorization evidenced by a license, 95048
certificate, registration, permit, card, or other authority that 95049
is issued or conferred by a licensing agency to a licensee or to 95050
an applicant for an initial license by which the licensee or 95051
initial license applicant has or claims the privilege to engage in 95052
a profession, occupation, or occupational activity, or, except in 95053
the case of the state dental board, to have control of and operate 95054
certain specific equipment, machinery, or premises, over which the 95055
licensing agency has jurisdiction. 95056

(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency. "Licensee" includes a person who, for purposes of section 3796.13 of the Revised Code, has complied with sections 4776.01 to 4776.04 of the Revised Code and has been determined by the ~~department of commerce or state board of pharmacy~~ division of marijuana control, as the applicable licensing agency, to meet the requirements for employment.

(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The ~~department of commerce or state board of pharmacy~~ division of marijuana control, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued

in another state. "Applicant for an initial license" also includes 95088
a person who, for purposes of section 3796.13 of the Revised Code, 95089
is required to comply with sections 4776.01 to 4776.04 of the 95090
Revised Code. 95091

(E) "Applicant for a restored license" includes persons 95092
seeking restoration of a license under section 4730.14, 4730.28, 95093
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 95094
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 95095
or 4778.071 of the Revised Code. "Applicant for a restored 95096
license" does not include a person seeking restoration of a 95097
license under section 4751.33 of the Revised Code. 95098

(F) "Criminal records check" has the same meaning as in 95099
section 109.572 of the Revised Code. 95100

Sec. 4776.02. (A) An applicant for an initial license or 95101
restored license from a licensing agency, or a person seeking to 95102
satisfy the requirements to be an employee of a pain management 95103
clinic as specified in section 4729.552 of the Revised Code, ~~or a~~ 95104
~~person seeking to satisfy the requirements to be an employee of a~~ 95105
~~facility, clinic, or other location that is subject to licensure~~ 95106
~~as a category III terminal distributor of dangerous drugs with an~~ 95107
~~office based opioid treatment classification under section~~ 95108
4729.553 of the Revised Code shall submit a request to the bureau 95109
of criminal identification and investigation for a criminal 95110
records check of the applicant or person. The request shall be 95111
accompanied by a completed copy of the form prescribed under 95112
division (C)(1) of section 109.572 of the Revised Code, a set of 95113
fingerprint impressions obtained as described in division (C)(2) 95114
of that section, and the fee prescribed under division (C)(3) of 95115
that section. The applicant or person shall ask the superintendent 95116
of the bureau of criminal identification and investigation in the 95117
request to obtain from the federal bureau of investigation any 95118

information it has pertaining to the applicant or person. 95119

An applicant or person requesting a criminal records check 95120
shall provide the bureau of criminal identification and 95121
investigation with the applicant's or person's name and address 95122
and, regarding an applicant, with the licensing agency's name and 95123
address. 95124

(B) Upon receipt of the completed form, the set of 95125
fingerprint impressions, and the fee provided for in division (A) 95126
of this section, the superintendent of the bureau of criminal 95127
identification and investigation shall conduct a criminal records 95128
check of the applicant or person under division (B) of section 95129
109.572 of the Revised Code. Upon completion of the criminal 95130
records check, the superintendent shall do whichever of the 95131
following is applicable: 95132

(1) If the request was submitted by an applicant for an 95133
initial license or restored license, report the results of the 95134
criminal records check and any information the federal bureau of 95135
investigation provides to the licensing agency identified in the 95136
request for a criminal records check; 95137

(2) If the request was submitted by a person seeking to 95138
satisfy the requirements to be an employee of a pain management 95139
clinic ~~or a person seeking to satisfy the requirements to be an~~ 95140
~~employee of a facility, clinic, or other location that is subject~~ 95141
~~to licensure as a category III terminal distributor of dangerous~~ 95142
~~drugs with an office-based opioid treatment classification, do~~ 95143
both of the following: 95144

(a) Report the results of the criminal records check and any 95145
information the federal bureau of investigation provides to the 95146
person who submitted the request; 95147

(b) Report the results of the portion of the criminal records 95148

check performed by the bureau of criminal identification and 95149
investigation under division (B)(1) of section 109.572 of the 95150
Revised Code to the employer or potential employer specified in 95151
the request of the person who submitted the request and send a 95152
letter to that employer or potential employer regarding the 95153
information provided by the federal bureau of investigation that 95154
states whichever of the following is applicable: 95155

(i) That based on that information there is no record of any 95156
conviction; 95157

(ii) That based on that information the person who submitted 95158
the request may not meet the criteria that are specified in 95159
section 4729.552 or ~~4729.553~~ of the Revised Code, ~~whichever is~~ 95160
~~applicable.~~ 95161

Sec. 4776.04. The results of any criminal records check 95162
conducted pursuant to a request made under this chapter and any 95163
report containing those results, including any information the 95164
federal bureau of investigation provides, are not public records 95165
for purposes of section 149.43 of the Revised Code and shall not 95166
be made available to any person or for any purpose other than as 95167
follows: 95168

(A) If the request for the criminal records check was 95169
submitted by an applicant for an initial license or restored 95170
license, as follows: 95171

(1) The superintendent of the bureau of criminal 95172
identification and investigation shall make the results available 95173
to the licensing agency for use in determining, under the agency's 95174
authorizing chapter of the Revised Code and section 9.79 of the 95175
Revised Code, whether the applicant who is the subject of the 95176
criminal records check should be granted a license under that 95177
chapter and that section. 95178

(2) The licensing agency shall make the results available to 95179
the applicant who is the subject of the criminal records check. 95180

(B) If the request for the criminal records check was 95181
submitted by a person seeking to satisfy the requirements to be an 95182
employee of a pain management clinic as specified in section 95183
4729.552 of the Revised Code ~~or a person seeking to satisfy the~~ 95184
~~requirements to be an employee of a facility, clinic, or other~~ 95185
~~location that is subject to licensure as a category III terminal~~ 95186
~~distributor of dangerous drugs with an office based opioid~~ 95187
~~treatment classification~~, the superintendent of the bureau of 95188
criminal identification and investigation shall make the results 95189
available in accordance with the following: 95190

(1) The superintendent shall make the results of the criminal 95191
records check, including any information the federal bureau of 95192
investigation provides, available to the person who submitted the 95193
request and is the subject of the criminal records check. 95194

(2) The superintendent shall make the results of the portion 95195
of the criminal records check performed by the bureau of criminal 95196
identification and investigation under division (B)(1) of section 95197
109.572 of the Revised Code available to the employer or potential 95198
employer specified in the request of the person who submitted the 95199
request and shall send a letter of the type described in division 95200
(B)(2) of section 4776.02 of the Revised Code to that employer or 95201
potential employer regarding the information provided by the 95202
federal bureau of investigation that contains one of the types of 95203
statements described in that division. 95204

(C) If the request for the criminal records check was 95205
submitted by an applicant for a trainee license under section 95206
4776.021 of the Revised Code, as follows: 95207

(1) The superintendent of the bureau of criminal 95208
identification and investigation shall make the results available 95209

to the licensing agency or other agency identified in division (B) 95210
of section 4776.021 of the Revised Code for use in determining, 95211
under the agency's authorizing chapter of the Revised Code, 95212
division (D) of section 4776.021 of the Revised Code, and section 95213
9.79 of the Revised Code, whether the applicant who is the subject 95214
of the criminal records check should be granted a trainee license 95215
under that chapter, that division, and that section. 95216

(2) The licensing agency or other agency identified in 95217
division (B) of section 4776.021 of the Revised Code shall make 95218
the results available to the applicant who is the subject of the 95219
criminal records check. 95220

Sec. 4776.20. (A) As used in this section: 95221

(1) "Licensing agency" means, in addition to each board 95222
identified in division (C) of section 4776.01 of the Revised Code, 95223
the board or other government entity authorized to issue a license 95224
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 95225
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 95226
4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 95227
4766., 4771., 4773., and 4781. of the Revised Code. "Licensing 95228
agency" includes an administrative officer that has authority to 95229
issue a license. 95230

(2) "Licensee" means, in addition to a licensee as described 95231
in division (B) of section 4776.01 of the Revised Code, the person 95232
to whom a license is issued by the board or other government 95233
entity authorized to issue a license under Chapters 4703., 4707., 95234
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 95235
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 95236
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 95237
4781. of the Revised Code. 95238

(3) "Prosecutor" has the same meaning as in section 2935.01 95239
of the Revised Code. 95240

(B) On a licensee's conviction of, plea of guilty to, 95241
judicial finding of guilt of, or judicial finding of guilt 95242
resulting from a plea of no contest to the offense of trafficking 95243
in persons in violation of section 2905.32 of the Revised Code, 95244
the prosecutor in the case shall promptly notify the licensing 95245
agency of the conviction, plea, or finding and provide the 95246
licensee's name and residential address. On receipt of this 95247
notification, the licensing agency shall immediately suspend the 95248
licensee's license. 95249

(C) If there is a conviction of, plea of guilty to, judicial 95250
finding of guilt of, or judicial finding of guilt resulting from a 95251
plea of no contest to the offense of trafficking in persons in 95252
violation of section 2905.32 of the Revised Code and all or part 95253
of the violation occurred on the premises of a facility that is 95254
licensed by a licensing agency, the prosecutor in the case shall 95255
promptly notify the licensing agency of the conviction, plea, or 95256
finding and provide the facility's name and address and the 95257
offender's name and residential address. On receipt of this 95258
notification, the licensing agency shall immediately suspend the 95259
facility's license. 95260

(D) Notwithstanding any provision of the Revised Code to the 95261
contrary, the suspension of a license under division (B) or (C) of 95262
this section shall be implemented by a licensing agency without a 95263
prior hearing. After the suspension, the licensing agency shall 95264
give written notice to the subject of the suspension of the right 95265
to request a hearing under Chapter 119. of the Revised Code. After 95266
a hearing is held, the licensing agency shall either revoke or 95267
permanently revoke the license of the subject of the suspension, 95268
unless it determines that the license holder has not been 95269
convicted of, pleaded guilty to, been found guilty of, or been 95270
found guilty based on a plea of no contest to the offense of 95271
trafficking in persons in violation of section 2905.32 of the 95272

Revised Code. 95273

Sec. 4778.14. (A) The state medical board, by an affirmative 95274
vote of not fewer than six members, may revoke or may refuse to 95275
grant a license to practice as a genetic counselor to an 95276
individual found by the board to have committed fraud, 95277
misrepresentation, or deception in applying for or securing the 95278
license. 95279

(B) The board, by an affirmative vote of not fewer than six 95280
members, shall, except as provided in division (C) of this 95281
section, and to the extent permitted by law, limit, revoke, or 95282
suspend an individual's license to practice as a genetic 95283
counselor, refuse to issue a license to an applicant, refuse to 95284
renew a license, refuse to reinstate a license, or reprimand or 95285
place on probation the holder of a license for any of the 95286
following reasons: 95287

(1) Permitting the holder's name or license to be used by 95288
another person; 95289

(2) Failure to comply with the requirements of this chapter, 95290
Chapter 4731. of the Revised Code, or any rules adopted by the 95291
board; 95292

(3) Violating or attempting to violate, directly or 95293
indirectly, or assisting in or abetting the violation of, or 95294
conspiring to violate, any provision of this chapter, Chapter 95295
4731. of the Revised Code, or the rules adopted by the board; 95296

(4) A departure from, or failure to conform to, minimal 95297
standards of care of similar practitioners under the same or 95298
similar circumstances whether or not actual injury to the patient 95299
is established; 95300

(5) Inability to practice according to acceptable and 95301
prevailing standards of care by reason of mental illness or 95302

physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 95303
95304

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 95305
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(7) Willfully betraying a professional confidence; 95309

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor. 95310
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 95313
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 95321
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 95324
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 95327
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95329

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 95330
95331
95332

- (13) A plea of guilty to, a judicial finding of guilt of, or 95333
a judicial finding of eligibility for intervention in lieu of 95334
conviction for, a misdemeanor involving moral turpitude; 95335
- (14) Commission of an act in the course of practice that 95336
constitutes a misdemeanor in this state, regardless of the 95337
jurisdiction in which the act was committed; 95338
- (15) Commission of an act involving moral turpitude that 95339
constitutes a misdemeanor in this state, regardless of the 95340
jurisdiction in which the act was committed; 95341
- (16) A plea of guilty to, a judicial finding of guilt of, or 95342
a judicial finding of eligibility for intervention in lieu of 95343
conviction for violating any state or federal law regulating the 95344
possession, distribution, or use of any drug, including 95345
trafficking in drugs; 95346
- (17) Any of the following actions taken by an agency 95347
responsible for authorizing, certifying, or regulating an 95348
individual to practice a health care occupation or provide health 95349
care services in this state or in another jurisdiction, for any 95350
reason other than the nonpayment of fees: the limitation, 95351
revocation, or suspension of an individual's license to practice; 95352
acceptance of an individual's license surrender; denial of a 95353
license; refusal to renew or reinstate a license; imposition of 95354
probation; or issuance of an order of censure or other reprimand; 95355
- (18) Violation of the conditions placed by the board on a 95356
license to practice as a genetic counselor; 95357
- (19) Failure to cooperate in an investigation conducted by 95358
the board under section 4778.18 of the Revised Code, including 95359
failure to comply with a subpoena or order issued by the board or 95360
failure to answer truthfully a question presented by the board at 95361
a deposition or in written interrogatories, except that failure to 95362
cooperate with an investigation shall not constitute grounds for 95363

discipline under this section if a court of competent jurisdiction 95364
has issued an order that either quashes a subpoena or permits the 95365
individual to withhold the testimony or evidence in issue; 95366

(20) Failure to maintain the individual's status as a 95367
certified genetic counselor; 95368

(21) Failure to comply with the code of ethics established by 95369
the national society of genetic counselors. 95370

(C) The board shall not refuse to issue a license to an 95371
applicant because of a plea of guilty to, a judicial finding of 95372
guilt of, or a judicial finding of eligibility for intervention in 95373
lieu of conviction for an offense unless the refusal is in 95374
accordance with section 9.79 of the Revised Code. 95375

(D) Disciplinary actions taken by the board under divisions 95376
(A) and (B) of this section shall be taken pursuant to an 95377
adjudication under Chapter 119. of the Revised Code, except that 95378
in lieu of an adjudication, the board may enter into a consent 95379
agreement with a genetic counselor or applicant to resolve an 95380
allegation of a violation of this chapter or any rule adopted 95381
under it. A consent agreement, when ratified by an affirmative 95382
vote of not fewer than six members of the board, shall constitute 95383
the findings and order of the board with respect to the matter 95384
addressed in the agreement. If the board refuses to ratify a 95385
consent agreement, the admissions and findings contained in the 95386
consent agreement shall be of no force or effect. 95387

A telephone conference call may be utilized for ratification 95388
of a consent agreement that revokes or suspends an individual's 95389
license. The telephone conference call shall be considered a 95390
special meeting under division (F) of section 121.22 of the 95391
Revised Code. 95392

(E) For purposes of divisions (B)(11), (14), and (15) of this 95393
section, the commission of the act may be established by a finding 95394

by the board, pursuant to an adjudication under Chapter 119. of 95395
the Revised Code, that the applicant or license holder committed 95396
the act in question. The board shall have no jurisdiction under 95397
these divisions in cases where the trial court renders a final 95398
judgment in the license holder's favor and that judgment is based 95399
upon an adjudication on the merits. The board shall have 95400
jurisdiction under these divisions in cases where the trial court 95401
issues an order of dismissal on technical or procedural grounds. 95402

(F) The sealing or expungement of conviction records by any 95403
court shall have no effect on a prior board order entered under 95404
the provisions of this section or on the board's jurisdiction to 95405
take action under the provisions of this section if, based upon a 95406
plea of guilty, a judicial finding of guilt, or a judicial finding 95407
of eligibility for intervention in lieu of conviction, the board 95408
issued a notice of opportunity for a hearing or took other formal 95409
action under Chapter 119. of the Revised Code prior to the court's 95410
order to seal or expunge the records. The board shall not be 95411
required to seal, destroy, redact, or otherwise modify its records 95412
to reflect the court's sealing or expungement of conviction 95413
records. 95414

(G) For purposes of this division, any individual who holds a 95415
license to practice as a genetic counselor, or applies for a 95416
license, shall be deemed to have given consent to submit to a 95417
mental or physical examination when directed to do so in writing 95418
by the board and to have waived all objections to the 95419
admissibility of testimony or examination reports that constitute 95420
a privileged communication. 95421

(1) In enforcing division (B)(5) of this section, the board, 95422
on a showing of a possible violation, may compel any individual 95423
who holds a license to practice as a genetic counselor or who has 95424
applied for a license to practice as a genetic counselor to submit 95425
to a mental or physical examination, or both. A physical 95426

examination may include an HIV test. The expense of the 95427
examination is the responsibility of the individual compelled to 95428
be examined. Failure to submit to a mental or physical examination 95429
or consent to an HIV test ordered by the board constitutes an 95430
admission of the allegations against the individual unless the 95431
failure is due to circumstances beyond the individual's control, 95432
and a default and final order may be entered without the taking of 95433
testimony or presentation of evidence. If the board finds a 95434
genetic counselor unable to practice because of the reasons set 95435
forth in division (B)(5) of this section, the board shall require 95436
the genetic counselor to submit to care, counseling, or treatment 95437
by physicians approved or designated by the board, as a condition 95438
for an initial, continued, reinstated, or renewed license to 95439
practice. An individual affected by this division shall be 95440
afforded an opportunity to demonstrate to the board the ability to 95441
resume practicing in compliance with acceptable and prevailing 95442
standards of care. 95443

(2) For purposes of division (B)(6) of this section, if the 95444
board has reason to believe that any individual who holds a 95445
license to practice as a genetic counselor or any applicant for a 95446
license suffers such impairment, the board may compel the 95447
individual to submit to a mental or physical examination, or both. 95448
The expense of the examination is the responsibility of the 95449
individual compelled to be examined. Any mental or physical 95450
examination required under this division shall be undertaken by a 95451
treatment provider or physician qualified to conduct such 95452
examination and chosen by the board. 95453

Failure to submit to a mental or physical examination ordered 95454
by the board constitutes an admission of the allegations against 95455
the individual unless the failure is due to circumstances beyond 95456
the individual's control, and a default and final order may be 95457
entered without the taking of testimony or presentation of 95458

evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the genetic counselor shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under

penalty of falsification stating whether the genetic counselor has maintained sobriety.

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the genetic counselor requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the genetic counselor requests the hearing, unless otherwise agreed to by both the board and the genetic counselor.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of

its hearing. Failure to issue the order within sixty days shall 95521
result in dissolution of the summary suspension order, but shall 95522
not invalidate any subsequent, final adjudicative order. 95523

(I) If the board takes action under division (B)(10), (12), 95524
or (13) of this section, and the judicial finding of guilt, guilty 95525
plea, or judicial finding of eligibility for intervention in lieu 95526
of conviction is overturned on appeal, on exhaustion of the 95527
criminal appeal, a petition for reconsideration of the order may 95528
be filed with the board along with appropriate court documents. On 95529
receipt of a petition and supporting court documents, the board 95530
shall reinstate the license to practice as a genetic counselor. 95531
The board may then hold an adjudication under Chapter 119. of the 95532
Revised Code to determine whether the individual committed the act 95533
in question. Notice of opportunity for hearing shall be given in 95534
accordance with Chapter 119. of the Revised Code. If the board 95535
finds, pursuant to an adjudication held under this division, that 95536
the individual committed the act, or if no hearing is requested, 95537
it may order any of the sanctions specified in division (B) of 95538
this section. 95539

(J) The license to practice as a genetic counselor and the 95540
counselor's practice in this state are automatically suspended as 95541
of the date the genetic counselor pleads guilty to, is found by a 95542
judge or jury to be guilty of, or is subject to a judicial finding 95543
of eligibility for intervention in lieu of conviction in this 95544
state or treatment of intervention in lieu of conviction in 95545
another jurisdiction for any of the following criminal offenses in 95546
this state or a substantially equivalent criminal offense in 95547
another jurisdiction: aggravated murder, murder, voluntary 95548
manslaughter, felonious assault, kidnapping, rape, sexual battery, 95549
gross sexual imposition, aggravated arson, aggravated robbery, or 95550
aggravated burglary. Continued practice after the suspension shall 95551
be considered practicing without a license. 95552

The board shall ~~notify~~ serve the individual subject to the 95553
suspension ~~by certified mail or in person~~ in accordance with 95554
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 95555
individual whose license is suspended under this division fails to 95556
make a timely request for an adjudication under Chapter 119. of 95557
the Revised Code, the board shall enter a final order permanently 95558
revoking the individual's license to practice. 95559

(K) In any instance in which the board is required by Chapter 95560
119. of the Revised Code to give notice of opportunity for hearing 95561
and the individual subject to the notice does not timely request a 95562
hearing in accordance with section 119.07 of the Revised Code, the 95563
board is not required to hold a hearing, but may adopt, by an 95564
affirmative vote of not fewer than six of its members, a final 95565
order that contains the board's findings. In the final order, the 95566
board may order any of the sanctions identified under division (A) 95567
or (B) of this section. 95568

(L) Any action taken by the board under division (B) of this 95569
section resulting in a suspension shall be accompanied by a 95570
written statement of the conditions under which the license of the 95571
genetic counselor may be reinstated. The board shall adopt rules 95572
in accordance with Chapter 119. of the Revised Code governing 95573
conditions to be imposed for reinstatement. Reinstatement of a 95574
license suspended pursuant to division (B) of this section 95575
requires an affirmative vote of not fewer than six members of the 95576
board. 95577

(M) When the board refuses to grant or issue a license to 95578
practice as a genetic counselor to an applicant, revokes an 95579
individual's license, refuses to renew an individual's license, or 95580
refuses to reinstate an individual's license, the board may 95581
specify that its action is permanent. An individual subject to a 95582
permanent action taken by the board is forever thereafter 95583
ineligible to hold a license to practice as a genetic counselor 95584

and the board shall not accept an application for reinstatement of 95585
the license or for issuance of a new license. 95586

(N) Notwithstanding any other provision of the Revised Code, 95587
all of the following apply: 95588

(1) The surrender of a license to practice as a genetic 95589
counselor is not effective unless or until accepted by the board. 95590
A telephone conference call may be utilized for acceptance of the 95591
surrender of an individual's license. The telephone conference 95592
call shall be considered a special meeting under division (F) of 95593
section 121.22 of the Revised Code. Reinstatement of a license 95594
surrendered to the board requires an affirmative vote of not fewer 95595
than six members of the board. 95596

(2) An application made under this chapter for a license to 95597
practice may not be withdrawn without approval of the board. 95598

(3) Failure by an individual to renew a license in accordance 95599
with section 4778.06 of the Revised Code shall not remove or limit 95600
the board's jurisdiction to take disciplinary action under this 95601
section against the individual. 95602

Sec. 4778.18. (A) The state medical board shall investigate 95603
evidence that appears to show that any individual has violated 95604
this chapter or the rules adopted under it. Any person may report 95605
to the board in a signed writing any information the person has 95606
that appears to show a violation of this chapter or rules adopted 95607
under it. In the absence of bad faith, a person who reports such 95608
information or testifies before the board in an adjudication 95609
conducted under Chapter 119. of the Revised Code shall not be 95610
liable for civil damages as a result of reporting the information 95611
or providing testimony. Each complaint or allegation of a 95612
violation received by the board shall be assigned a case number 95613
and be recorded by the board. 95614

(B) Investigations of alleged violations of this chapter or 95615
rules adopted under it shall be supervised by the supervising 95616
member elected by the board in accordance with section 4731.02 of 95617
the Revised Code and by the board's secretary, pursuant to section 95618
4778.20 of the Revised Code. The board's president may designate 95619
another member of the board to supervise the investigation in 95620
place of the supervising member. A member of the board who 95621
supervises the investigation of a case shall not participate in 95622
further adjudication of the case. 95623

(C) In investigating a possible violation of this chapter or 95624
the rules adopted under it, the board may administer oaths, order 95625
the taking of depositions, inspect and copy any books, accounts, 95626
papers, records, or documents, issue subpoenas, and compel the 95627
attendance of witnesses and production of books, accounts, papers, 95628
records, documents, and testimony, except that a subpoena for 95629
patient record information shall not be issued without 95630
consultation with the attorney general's office and approval of 95631
the secretary ~~and supervising member~~ of the board. Before issuance 95632
of a subpoena for patient record information, the secretary ~~and~~ 95633
~~supervising member~~ shall determine whether there is probable cause 95634
to believe that the complaint filed alleges a violation of this 95635
chapter or the rules adopted under it and that the records sought 95636
are relevant to the alleged violation and material to the 95637
investigation. The subpoena may apply only to records that cover a 95638
reasonable period of time surrounding the alleged violation. 95639

On failure to comply with any subpoena issued by the board 95640
and after reasonable notice to the person being subpoenaed, the 95641
board may move for an order compelling the production of persons 95642
or records pursuant to the Rules of Civil Procedure. 95643

A subpoena issued by the board may be served by a sheriff, 95644
the sheriff's deputy, or a board employee designated by the board. 95645
Service of a subpoena issued by the board may be made by 95646

delivering a copy of the subpoena to the person named therein, 95647
reading it to the person, or leaving it at the person's usual 95648
place of residence. When the person being served is a genetic 95649
counselor, service of the subpoena may be made by certified mail, 95650
restricted delivery, return receipt requested, and the subpoena 95651
shall be deemed served on the date delivery is made or the date 95652
the person refuses to accept delivery. 95653

A sheriff's deputy who serves a subpoena shall receive the 95654
same fees as a sheriff. Each witness who appears before the board 95655
in obedience to a subpoena shall receive the fees and mileage 95656
provided for witnesses in civil cases in the courts of common 95657
pleas. 95658

(D) All hearings and investigations of the board shall be 95659
considered civil actions for the purposes of section 2305.252 of 95660
the Revised Code. 95661

(E) Information received by the board pursuant to an 95662
investigation is confidential and not subject to discovery in any 95663
civil action. 95664

The board shall conduct all investigations and proceedings in 95665
a manner that protects the confidentiality of patients and persons 95666
who file complaints with the board. The board shall not make 95667
public the names or any other identifying information about 95668
patients or complainants unless proper consent is given. 95669

The board may share any information it receives pursuant to 95670
an investigation, including patient records and patient record 95671
information, with law enforcement agencies, other licensing 95672
boards, and other governmental agencies that are prosecuting, 95673
adjudicating, or investigating alleged violations of statutes or 95674
administrative rules. An agency or board that receives the 95675
information shall comply with the same requirements regarding 95676
confidentiality as those with which the state medical board must 95677

comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(F) The state medical board shall develop requirements for and provide appropriate initial training and continuing education for investigators employed by the board to carry out its duties under this chapter. The training and continuing education may include enrollment in courses operated or approved by the Ohio peace officer training commission that the board considers appropriate under conditions set forth in section 109.79 of the Revised Code.

(G) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged violation;

(2) The type of license, if any, held by the individual against whom the complaint is directed;

(3) A description of the allegations contained in the complaint;

(4) The disposition of the case. 95709

The report shall state how many cases are still pending, and 95710
shall be prepared in a manner that protects the identity of each 95711
individual involved in each case. The report is a public record 95712
for purposes of section 149.43 of the Revised Code. 95713

Sec. 4779.29. If the Ohio occupational therapy, physical 95714
therapy, and athletic trainers board determines that there is 95715
clear and convincing evidence that an individual licensed under 95716
this chapter is engaging or has engaged in conduct described in 95717
division (A) of section 4779.28 of the Revised Code and that the 95718
license holder's continued practice presents a danger of immediate 95719
and serious harm to the public, the board may suspend the 95720
individual's license without an adjudicatory hearing. A telephone 95721
conference call may be used for reviewing the matter and taking 95722
the vote. 95723

If the board votes to suspend an individual's license, the 95724
board shall ~~issue~~ serve a written order of suspension ~~by certified~~ 95725
~~mail or in person~~ in accordance with ~~section~~ sections 119.05 and 95726
119.07 of the Revised Code. The order is not subject to suspension 95727
by a court during pendency of any appeal filed under section 95728
119.12 of the Revised Code. If the license holder requests an 95729
adjudicatory hearing by the board, the date set for the hearing 95730
shall be not later than fifteen days, but not earlier than seven 95731
days, after the request, unless otherwise agreed to by the board 95732
and the license holder. 95733

Any suspension imposed under this section shall remain in 95734
effect, unless reversed on appeal, until a final adjudicative 95735
order issued by the board pursuant to section 119.12 of the 95736
Revised Code becomes effective. The board shall issue its final 95737
adjudicative order within sixty days after completion of its 95738
hearing. A failure to issue an order within sixty days shall 95739

result in the dissolution of the summary suspension order, but 95740
shall not invalidate any subsequent, final adjudicative order. 95741

Sec. 4779.35. (A) The Ohio occupational therapy, physical 95742
therapy, and athletic trainers board shall appoint an orthotics, 95743
prosthetics, and pedorthics advisory council for the purpose of 95744
advising the board on issues relating to the practice of 95745
orthotics, prosthetics, and pedorthics and the investigation of 95746
complaints regarding the practice of orthotics, prosthetics, and 95747
pedorthics. 95748

The advisory council shall consist of not more than five 95749
individuals knowledgeable in the area of orthotics, prosthetics, 95750
and pedorthics. A majority of the council members shall be 95751
individuals actively engaged in the practice of orthotics, 95752
prosthetics, and pedorthics who meet the requirements for 95753
licensure under Chapter 4779. of the Revised Code. 95754

The Ohio orthotics and prosthetics association, or its 95755
successor organization, may nominate the names of up to three 95756
qualified individuals for consideration by the board in making 95757
appointments for each vacancy on the council. 95758

(B) ~~Not later than ninety days after January 1, 2018, the~~ 95759
~~board shall make initial appointments to the council.~~ Members 95760
shall serve three-year ~~staggered~~ terms of office in accordance 95761
with rules adopted by the board. ~~Thereafter, terms of office shall~~ 95762
~~be for three years,~~ with each term ending on the same day of the 95763
same month as did the term that it succeeds. A council member 95764
shall continue in office subsequent to the expiration date of the 95765
member's term until a successor is appointed and takes office, or 95766
until a period of ~~sixty~~ ninety days has elapsed, whichever occurs 95767
first. Each council member shall hold office from the date of 95768
appointment until the end of the term for which the member was 95769
appointed. 95770

- (C) With approval from the director of administrative services, members may receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day the member is performing the member's official duties and be reimbursed for actual and necessary expenses incurred in performing those duties. 95771
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- (D) The council shall meet at least ~~four~~ three times per year and at such other times as may be necessary to carry out its responsibilities. 95776
95777
95778
- (E) The council shall submit to the board recommendations concerning all of the following: 95779
95780
- (1) Requirements for issuing a license to practice orthotics, prosthetics, and pedorthics, including the educational and experience requirements that must be met to receive a license; 95781
95782
95783
- (2) Existing and proposed rules pertaining to the practice of orthotics, prosthetics, and pedorthics and the administration and enforcement of this chapter; 95784
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- (3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal; 95787
95788
95789
- (4) Procedures for the issuance and renewal of licenses; 95790
- (5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics; 95791
95792
- (6) Standards of practice and ethical conduct in the practice of orthotics, prosthetics, and pedorthics; 95793
95794
- (7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses; 95795
95796
95797
- (8) The safe and effective practice of orthotics, prosthetics, and pedorthics; 95798
95799
- (9) Requirements for issuing a license to practice orthotics, 95800

prosthetics, or orthotics and prosthetics to an applicant with 95801
unique and exceptional qualifications, including standards for 95802
satisfactory evidence for the applicant to be eligible for the 95803
license. 95804

Sec. 4781.121. (A) The division of industrial compliance, 95805
pursuant to section 4781.04 of the Revised Code, may investigate 95806
any person who allegedly has committed a violation. If, after an 95807
investigation the division determines that reasonable evidence 95808
exists that a person has committed a violation, within seven days 95809
after that determination, the division shall ~~send~~ serve a written 95810
notice to that person in the same manner as prescribed in ~~section~~ 95811
sections 119.05 and 119.07 of the Revised Code for licensees, 95812
except that the notice shall specify that a hearing will be held 95813
and specify the date, time, and place of the hearing. 95814

(B) The division of industrial compliance shall hold a 95815
hearing regarding the alleged violation in the same manner 95816
prescribed for an adjudication hearing under section 119.09 of the 95817
Revised Code. If the division, after the hearing, determines that 95818
a violation has occurred, the division may impose a fine not 95819
exceeding one thousand dollars per violation per day. The 95820
division's determination is an order that the person may appeal in 95821
accordance with section 119.12 of the Revised Code. 95822

(C) If the person who allegedly committed a violation fails 95823
to appear for a hearing, the division of industrial compliance may 95824
request the court of common pleas of the county where the alleged 95825
violation occurred to compel the person to appear before the 95826
division for a hearing. 95827

(D) If the division assesses a person a civil penalty for a 95828
violation and the person fails to pay that civil penalty within 95829
the time period prescribed by the division pursuant to section 95830
131.02 of the Revised Code, the division shall forward to the 95831

attorney general the name of the person and the amount of the 95832
civil penalty for the purpose of collecting that civil penalty. In 95833
addition to the civil penalty assessed pursuant to this section, 95834
the person also shall pay any fee assessed by the attorney general 95835
for collection of the civil penalty. 95836

(E) The authority provided to the division of industrial 95837
compliance pursuant to this section, and any fine imposed under 95838
this section, shall be in addition to, and not in lieu of, all 95839
penalties and other remedies provided in this chapter. Any fines 95840
collected pursuant to this section shall be used solely to 95841
administer and enforce this chapter and rules adopted under it. 95842
Any fees collected pursuant to this section shall be transmitted 95843
to the treasurer of state and shall be credited to the industrial 95844
compliance operating fund created in section 121.084 of the 95845
Revised Code and the rules adopted thereunder. The fees shall be 95846
used only for the purpose of administering and enforcing sections 95847
4781.26 to 4781.35 of the Revised Code and the rules adopted 95848
thereunder. 95849

(F) As used in this section, "violation" means a violation of 95850
section 4781.11, 4781.16, 4781.27, or 4781.57 or any rule adopted 95851
pursuant to section 4781.04 of the Revised Code. 95852

Sec. 4781.17. (A) Each person applying for a manufactured 95853
housing dealer's license or manufactured housing broker's license 95854
shall complete and deliver to the department of commerce, division 95855
of real estate, before the first day of April, a separate 95856
application for license for each county in which the business of 95857
selling or brokering manufactured or mobile homes is to be 95858
conducted. The application shall be in the form prescribed by the 95859
division of real estate and accompanied by the fee established by 95860
the division of real estate. The applicant shall sign and swear to 95861
the application that shall include all of the following: 95862

(1) Name of applicant and location of principal place of business;	95863 95864
(2) Name or style under which business is to be conducted and, if a corporation, the state of incorporation;	95865 95866
(3) Name and address of each owner or partner and, if a corporation, the names of the officers and directors;	95867 95868
(4) The county in which the business is to be conducted and the address of each place of business therein;	95869 95870
(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the division of real estate the reputation in business of the applicant;	95871 95872 95873 95874 95875
(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended;	95876 95877 95878 95879 95880 95881 95882 95883
(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended;	95884 95885 95886 95887 95888 95889 95890 95891
(8) Any other information required by the division of real estate.	95892 95893

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the division of real estate and shall be accompanied by the fee established by the division. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name and post-office address of the applicant;

(2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;

(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business;

(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;

(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;

(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;

(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;

(8) Any other information required by the division of real estate. 95925
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(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant. 95927
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(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the ~~manufactured homes regulatory~~ real estate operating fund created under section 4735.211 of the Revised Code. 95932
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Sec. 4781.54. (A) The division of real estate and professional licensing shall deposit all the fees collected in the administration and enforcement sections 4781.16 to 4781.25 of the Revised Code into the ~~manufactured homes regulatory~~ real estate operating fund, which is hereby created under section 4735.211 of the Revised Code. ~~All~~ In addition to the purposes described in section 4735.211 of the Revised Code, money deposited into the fund shall be used ~~to pay the operating expenses of the division~~ or as otherwise described in those sections 4781.16 to 4781.25 of the Revised Code. 95936
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(B) The division of industrial compliance shall deposit all fees collected in the administration and enforcement sections of 4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised Code into the industrial compliance operating fund created in section 121.084 of the Revised Code. All money deposited into the fund shall be used to pay the operating expenses of the division or as otherwise described in those sections. 95946
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Sec. 4783.10. On receipt of a complaint that any of the grounds listed in division (A) of section 4783.09 of the Revised 95953
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Code exist, the state board of psychology may suspend the 95955
certificate of the certified Ohio behavior analyst prior to 95956
holding a hearing in accordance with Chapter 119. of the Revised 95957
Code if it determines, based on the complaint, that an immediate 95958
threat to the public exists. 95959

After suspending a certificate pursuant to this section, the 95960
board shall ~~notify~~ serve notice on the certified Ohio behavior 95961
analyst of the suspension in accordance with ~~section~~ sections 95962
119.05 and 119.07 of the Revised Code. If the individual whose 95963
certificate is suspended fails to make a timely request for an 95964
adjudication under Chapter 119. of the Revised Code, the board 95965
shall enter a final order permanently revoking the individual's 95966
certificate. 95967

Sec. 4785.09. (A) There is hereby created, within the 95968
division of industrial compliance within the department of 95969
commerce, the elevator safety review board. 95970

(B) The board is responsible for investigating violations of 95971
this chapter, holding disciplinary administrative hearings, and 95972
assessing penalties in accordance with sections 4785.091 and 95973
4785.092 of the Revised Code. 95974

(C) The board consists of the following members: 95975

(1) The director of commerce or the director's designee; 95976

(2) A representative of the board of building standards; 95977

(3) The following individuals, appointed by the governor: 95978

(a) One representative of a major elevator manufacturing 95979
company; 95980

(b) One representative of an elevator servicing company; 95981

(c) One representative of the architectural design or 95982
elevator consulting profession; 95983

(d) One representative of the general public;	95984
(e) One representative of municipal corporations in this state;	95985 95986
(f) One representative of building owners or managers;	95987
(g) One representative of the building trade, comprised of an individual providing conveyance services.	95988 95989
(D) The term of those members appointed to the board is three years. Vacancies shall be filled in the same manner as the original appointments.	95990 95991 95992
(E) All members of the board shall serve without salary, but shall be reimbursed for all expenses necessary in the performance of their duties.	95993 95994 95995
(F)(1) The governor shall appoint one of the members to serve as chair of the board.	95996 95997
(2) A majority of the board shall constitute a quorum.	95998
(3) The chair shall be the deciding vote in the event of a tie vote.	95999 96000
(G)(1) The board shall meet and organize within ten days after the appointment of its members and at such meeting shall elect from its members one secretary of the board to serve for a term as prescribed in rules adopted by the board.	96001 96002 96003 96004
(2)(a) The board shall meet not less than once a month <u>quarter</u> and as often as the board considers necessary for the consideration of code regulations, appeals, and variances, and for the transaction of such other business as properly may come before it.	96005 96006 96007 96008 96009
(b) Special meetings shall be called as prescribed in rules adopted by the board.	96010 96011
(H) The seat of any appointed board member absent from three	96012

consecutive meetings shall be deemed vacant. 96013

Sec. 4905.03. As used in this chapter, any person, firm, 96014
copartnership, voluntary association, joint-stock association, 96015
company, or corporation, wherever organized or incorporated, is: 96016

(A) A telephone company, when engaged in the business of 96017
transmitting telephonic messages to, from, through, or in this 96018
state; 96019

(B) A for-hire motor carrier, when engaged in the business of 96020
transporting persons or property by motor vehicle for 96021
compensation, except when engaged in any of the operations in 96022
intrastate commerce described in divisions (B)(1) to (9) of 96023
section 4921.01 of the Revised Code, but including the carrier's 96024
agents, officers, and representatives, as well as employees 96025
responsible for hiring, supervising, training, assigning, or 96026
dispatching drivers and employees concerned with the installation, 96027
inspection, and maintenance of motor-vehicle equipment and 96028
accessories; 96029

(C) An electric light company, when engaged in the business 96030
of supplying electricity for light, heat, or power purposes to 96031
consumers within this state, including supplying electric 96032
transmission service for electricity delivered to consumers in 96033
this state, but excluding a regional transmission organization 96034
approved by the federal energy regulatory commission; 96035

(D) A gas company, when engaged in the business of supplying 96036
artificial gas for lighting, power, or heating purposes to 96037
consumers within this state or when engaged in the business of 96038
supplying artificial gas to gas companies or to natural gas 96039
companies within this state, but a producer engaged in supplying 96040
to one or more gas or natural gas companies, only such artificial 96041
gas as is manufactured by that producer as a by-product of some 96042
other process in which the producer is primarily engaged within 96043

this state is not thereby a gas company. All rates, rentals, 96044
tolls, schedules, charges of any kind, or agreements between any 96045
gas company and any other gas company or any natural gas company 96046
providing for the supplying of artificial gas and for compensation 96047
for the same are subject to the jurisdiction of the public 96048
utilities commission. 96049

(E) A natural gas company, when engaged in the business of 96050
supplying natural gas for lighting, power, or heating purposes to 96051
consumers within this state. Notwithstanding the above, neither 96052
the delivery nor sale of Ohio-produced natural gas or 96053
Ohio-produced raw natural gas liquids by a producer or gatherer 96054
under a public utilities commission-ordered exemption, adopted 96055
before, as to producers, or after, as to producers or gatherers, 96056
January 1, 1996, or the delivery or sale of Ohio-produced natural 96057
gas or Ohio-produced raw natural gas liquids by a producer or 96058
gatherer of Ohio-produced natural gas or Ohio-produced raw natural 96059
gas liquids, either to a lessor under an oil and gas lease of the 96060
land on which the producer's drilling unit is located, or the 96061
grantor incident to a right-of-way or easement to the producer or 96062
gatherer, shall cause the producer or gatherer to be a natural gas 96063
company for the purposes of this section. 96064

All rates, rentals, tolls, schedules, charges of any kind, or 96065
agreements between a natural gas company and other natural gas 96066
companies or gas companies providing for the supply of natural gas 96067
and for compensation for the same are subject to the jurisdiction 96068
of the public utilities commission. The commission, upon 96069
application made to it, may relieve any producer or gatherer of 96070
natural gas, defined in this section as a gas company or a natural 96071
gas company, of compliance with the obligations imposed by this 96072
chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. 96073
of the Revised Code, so long as the producer or gatherer is not 96074
affiliated with or under the control of a gas company or a natural 96075

gas company engaged in the transportation or distribution of 96076
natural gas, or so long as the producer or gatherer does not 96077
engage in the distribution of natural gas to consumers. 96078

Nothing in division (E) of this section limits the authority 96079
of the commission to enforce sections 4905.90 to 4905.96 of the 96080
Revised Code. 96081

(F) A pipe-line company, when engaged in the business of 96082
transporting natural gas, oil, or coal or its derivatives through 96083
pipes or tubing, either wholly or partly within this state, but 96084
not when engaged in the business of the transport associated with 96085
gathering lines, raw natural gas liquids, or finished product 96086
natural gas liquids; 96087

(G) A water-works company, when engaged in the business of 96088
supplying water through pipes or tubing, or in a similar manner, 96089
to consumers within this state; 96090

(H) A heating or cooling company, when engaged in the 96091
business of supplying water, steam, or air through pipes or tubing 96092
to consumers within this state for heating or cooling purposes; 96093

(I) A messenger company, when engaged in the business of 96094
supplying messengers for any purpose; 96095

(J) A street railway company, when engaged in the business of 96096
operating as a common carrier, a railway, wholly or partly within 96097
this state, with one or more tracks upon, along, above, or below 96098
any public road, street, alleyway, or ground, within any municipal 96099
corporation, operated by any motive power other than steam and not 96100
a part of an interurban railroad, whether the railway is termed 96101
street, inclined-plane, elevated, or underground railway; 96102

(K) A suburban railroad company, when engaged in the business 96103
of operating as a common carrier, whether wholly or partially 96104
within this state, a part of a street railway constructed or 96105
extended beyond the limits of a municipal corporation, and not a 96106

part of an interurban railroad; 96107

(L) An interurban railroad company, when engaged in the 96108
business of operating a railroad, wholly or partially within this 96109
state, with one or more tracks from one municipal corporation or 96110
point in this state to another municipal corporation or point in 96111
this state, whether constructed upon the public highways or upon 96112
private rights-of-way, outside of municipal corporations, using 96113
electricity or other motive power than steam power for the 96114
transportation of passengers, packages, express matter, United 96115
States mail, baggage, and freight. Such an interurban railroad 96116
company is included in the term "railroad" as used in section 96117
4907.02 of the Revised Code. 96118

(M) A sewage disposal system company, when engaged in the 96119
business of sewage disposal services through pipes or tubing, and 96120
treatment works, or in a similar manner, within this state. 96121

As used in ~~this~~ division (E) of this section, "natural gas" 96122
includes natural gas that has been processed to enable consumption 96123
or to meet gas quality standards or that has been blended with 96124
propane, hydrogen, biologically derived methane gas, or any other 96125
artificially produced or processed gas. 96126

As used in this section, "gathering lines" has the same 96127
meaning as in section 4905.90 of the Revised Code, and "raw 96128
natural gas liquids" and "finished product natural gas liquids" 96129
have the same meanings as in section 4906.01 of the Revised Code. 96130

Sec. 4925.09. (A)(1) The regulation of transportation network 96131
companies, transportation network company drivers, and 96132
transportation network company services is a matter of general 96133
statewide interest that requires statewide regulation. Chapter 96134
4925. and sections 3942.01 to 3942.04 of the Revised Code 96135
constitute a comprehensive plan with respect to all aspects of the 96136
regulation of transportation network companies, transportation 96137

network company drivers, and transportation network company 96138
services. Accordingly, except as authorized in section 4925.11 of 96139
the Revised Code and division (A)(2) of this section, it is the 96140
intent of the general assembly to preempt any local ordinance, 96141
resolution, or other law adopted to license, register, tax, or 96142
otherwise regulate transportation network companies, 96143
transportation network company drivers, or transportation network 96144
company services. 96145

(2) The operator of a public-use airport, as defined in 96146
section 4563.30 of the Revised Code, may adopt reasonable 96147
standards, regulations, procedures, and fees that are applicable 96148
to transportation network company services that are provided to 96149
any transportation network company rider who requests service to, 96150
from, or on the property of the public-use airport. A 96151
transportation network company or transportation network company 96152
driver shall comply with any applicable standards, regulations, or 96153
procedures adopted by a public-use airport and shall pay any 96154
applicable fees in a timely manner. 96155

(B) With regard to the provision of transportation network 96156
company services, no transportation network company or 96157
transportation network company driver is subject to regulation as 96158
a chauffeured limousine under section 4511.85 of the Revised Code, 96159
as a taxicab or vehicle for hire, or as a for-hire motor carrier 96160
under Chapters 4921. and 4923. of the Revised Code. No vehicle 96161
used to provide transportation network company services shall be 96162
required to register as a chauffeured limousine, taxicab or 96163
vehicle for hire, commercial car, or for-hire motor carrier in 96164
order to provide transportation network company services. 96165

Sec. 4925.11. (A) As used in this section, "qualifying 96166
municipal corporation" means a municipal corporation with the 96167
greatest population of any other municipal corporation located in 96168

a county with a population greater than eight hundred thousand and less than one million. 96169
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(B) The legislative authority of a qualifying municipal corporation may, by ordinance, levy an excise tax on all or a portion of transportation network company services that are provided to transportation network company riders who begin or terminate service within the boundaries of the municipal corporation. The legislative authority shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations shall provide that, after deducting the actual costs of administering the tax, the remainder of the revenue arising from the tax shall be used for any economic development purpose of the qualifying municipal corporation, including, affordable housing, public infrastructure and facilities, residential development, mixed-use development, commercial development, land development, community facilities, and convention facilities, including hotels. The regulations shall also prescribe the time for payment of the tax and may provide for the imposition of penalties, interest, or both for late payments, provided that both of the following conditions are met: 96171
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(1) A penalty for late payment shall not exceed ten per cent of the amount of tax due. 96189
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(2) The rate at which interest accrues on a late payment shall not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. 96191
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(C) A transportation network company shall comply with any applicable standards, regulations, or procedures adopted under this section by the qualifying municipal corporation. 96194
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Sec. 4928.85. As used in sections 4928.85 to 4928.89 of the Revised Code: 96197
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<u>(A) "Infrastructure development" means the planning,</u>	96199
<u>development, and construction of electric distribution utility</u>	96200
<u>infrastructure, including the following:</u>	96201
<u>(1) Substation facilities and extensions of transmission and</u>	96202
<u>distribution facilities that an electric distribution utility owns</u>	96203
<u>and operates;</u>	96204
<u>(2) Performance of electric load studies.</u>	96205
<u>(B) "Economic development project" means a land development</u>	96206
<u>containing a minimum of ten contiguous acres that has the</u>	96207
<u>potential for commercial or industrial development and that does</u>	96208
<u>not currently have adequate electric distribution service from an</u>	96209
<u>electric distribution utility.</u>	96210
<u>(C) "JobsOhio" means the nonprofit corporation formed under</u>	96211
<u>section 187.01 of the Revised Code. "JobsOhio" includes the</u>	96212
<u>department of development at any time when a contract under</u>	96213
<u>section 187.04 of the Revised Code is not in effect.</u>	96214
<u>(D) "Infrastructure development costs" means any costs of</u>	96215
<u>infrastructure development incurred by an electric distribution</u>	96216
<u>utility, which costs include an allowance for funds used during</u>	96217
<u>construction, depreciation, return on equity, ongoing operation</u>	96218
<u>maintenance and operation, and tax expenses directly attributable</u>	96219
<u>to the economic development project. Infrastructure development</u>	96220
<u>costs include project planning costs and the costs associated with</u>	96221
<u>obtaining the right of way for such projects.</u>	96222
<u>Sec. 4928.86. After filing a request for disbursement from</u>	96223
<u>the all Ohio future fund under section 126.62 of the Revised Code,</u>	96224
<u>an electric distribution utility may file an application with the</u>	96225
<u>public utilities commission for approval of infrastructure</u>	96226
<u>development necessary to support or enable a state or local</u>	96227
<u>economic development project, including any project approved,</u>	96228

certified, or funded by JobsOhio. Prior to beginning the 96229
infrastructure development, the electric distribution utility 96230
shall file, and receive commission approval of, the application. 96231

Sec. 4928.88. An infrastructure development application filed 96232
under section 4928.86 of the Revised Code shall include each of 96233
the following: 96234

(A) Descriptions of the economic development project and the 96235
infrastructure development necessary to support or enable that 96236
project, including the general location and type of facilities 96237
that the applicant proposes to replace, construct, or improve; 96238

(B) A description of potential uses or new customers that may 96239
be served by the economic development project; 96240

(C) A summary of the infrastructure development costs to be 96241
expended on the economic development project; 96242

(D) The proposed start and completion dates for the 96243
infrastructure development; 96244

(E) A statement of support of the economic development 96245
project from any state or local entity involved with the project; 96246

(F) Other information the applicant considers relevant for 96247
consideration by the public utilities commission. 96248

Sec. 4928.89. (A)(1) The public utilities commission may 96249
approve an infrastructure development application, if the 96250
infrastructure development is necessary to support or enable a 96251
state or local economic development project. 96252

(2) JobsOhio may provide a recommendation to the commission 96253
regarding the approval or denial of the application. 96254

(B) The commission, for an application's economic development 96255
project, may approve the collection of the infrastructure 96256
development costs using funds from either, but not both, of the 96257

following: 96258

(1) A disbursement from the all Ohio future fund under section 126.62 of the Revised Code; 96259
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(2) A rider or rate mechanism under section 4909.18 or 4928.143 of the Revised Code. 96261
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(C) The commission shall approve or deny the application within forty-five days after the application filing date. If the commission does not approve or deny the application within that period, the application shall be deemed approved as filed unless the commission suspends the application for good cause shown. If the commission suspends the application, the commission shall approve, deny, or hold a hearing on the application not later than forty-five days after the date the suspension begins. If the commission holds a hearing, it shall issue an order approving or denying the application within thirty days of the final date of the hearing. 96263
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Sec. 4929.16. As used in sections 4929.16 to 4929.167 of the Revised Code: 96274
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(A) "Infrastructure development" means constructing extensions of, upgrading, or extending, or any other investment in, or associated with, transmission or distribution facilities that, except as provided for in division (B)(2)(b) of this section, a natural gas company owns and operates. 96276
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~~(B)~~(B)(1) "Infrastructure development costs" means the costs associated with an investment in infrastructure development to which ~~both~~ either of the following apply: 96281
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~~(1) The investment is in infrastructure development.~~ 96284

~~(2)~~(a) The investment is for any deposit required by the natural gas company, as defined in the line-extension provision of the company's tariff, less any contribution in aid of construction 96285
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received from the owner or developer of the project. 96288

(b) The investment is for any utility facility designed to provide natural gas service to one of the following: 96289
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(i) A site or project for which an application for certification has been filed or granted under section 122.6511 or 122.9511 of the Revised Code; 96291
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(ii) A project in the JobsOhio Ohio site inventory program; 96294

(iii) A site or economic development project that meets the criteria adopted in rules for site selection as described in division (B)(2) of section 126.62 of the Revised Code, regardless of whether the site or project has been approved to receive funding under that section. 96295
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(2) "Infrastructure development costs" includes ~~planning~~ all of the following: 96300
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(a) Planning, development, and construction costs ~~and, if applicable, any allowance for funds used during construction,~~ including costs incurred prior to the approval of an economic development project pursuant to section 4929.163 of the Revised Code; 96302
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(b) Costs associated with establishing any connections with any source of supply to serve an economic development project, including interstate or intrastate pipelines, regardless of ownership of the facilities; 96307
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(c) A return on all infrastructure development costs, with such return equal to the natural gas company's return on equity authorized in the natural gas company's most recently approved rate case under section 4909.18 of the Revised Code. 96311
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Sec. 4929.161. (A) A natural gas company may file an application with the public utilities commission for approval of an infrastructure development rider to recover prudently incurred 96315
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infrastructure development costs of one or more economic 96318
development projects approved under section 4929.163 of the 96319
Revised Code. 96320

(B) The commission shall approve a maximum of one 96321
infrastructure development rider per company. 96322

(C) The commission shall not approve an application for an 96323
infrastructure development rider that includes infrastructure 96324
development costs described under divisions (B)(1)(b) and (B)(2) 96325
of section 4929.16 of the Revised Code after October 1, 2029. 96326

Sec. 4929.162. (A) Under an infrastructure development rider, 96327
in each monthly billing period: 96328

~~(A) The natural gas company may not recover more than one 96329
dollar and fifty cents from any single customer in this state, for 96330
all projects that were approved under section 4929.163 of the 96331
Revised Code and for which recovery was authorized under that 96332
rider. 96333~~

~~(B) The company shall recover the same amount from every 96334
customer. (1) For infrastructure development costs that meet the 96335
criteria under division (B)(1)(a) of section 4929.16 of the 96336
Revised Code, except as provided under division (B) of this 96337
section, a natural gas company may recover not more than one 96338
dollar and fifty cents from any single customer in this state. 96339~~

(2) For infrastructure development costs that meet the 96340
criteria under division (B)(1)(b) of section 4929.16 of the 96341
Revised Code, except as provided under division (E)(1) of this 96342
section, a natural gas company may recover not more than one 96343
dollar and fifty cents from any single customer in this state. 96344

(B) If recovery of all infrastructure development costs that 96345
meet the criteria under division (B)(1)(a) of section 4929.16 of 96346
the Revised Code would cause a natural gas company to exceed the 96347

one dollar and fifty cents maximum under division (A)(1) of this section, the company may request, and the public utilities commission may authorize, recovery of up to an additional one dollar and fifty cents from each customer in each monthly billing period. Subject to division (C) of this section, the commission may approve the request if it determines that doing so may encourage or facilitate infrastructure development or economic development activities in this state. 96348
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(C) No natural gas company shall recover in any monthly billing period more than three dollars from any single customer in this state under an infrastructure development rider. 96356
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(D)(1) If requested by the natural gas company, the commission shall approve a regulatory deferral, including carrying costs at the company's cost of long-term debt as approved in its most recent rate case or as otherwise provided in division (D)(2) of this section, for the infrastructure development rider revenue requirement in any year in which the approved customer charge exceeds or is expected to exceed the limitations under divisions (A) to (C) of this section. 96359
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(2) If the natural gas company does not have a commission-approved cost of long-term debt, the company shall propose a rate for the carrying cost. The company may propose a rate or methodology for calculating carrying costs that differs from the company's cost of long-term debt approved in its most recent rate case. 96367
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(3) The commission shall permit the company to collect any deferred and unrecovered infrastructure development costs in the subsequent year and continuing thereafter, subject to division (D)(5) of this section, so long as the infrastructure development rider rate does not exceed the limits in divisions (A) to (C) of this section. 96373
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(4) The commission shall permit carrying costs to accrue until such time as the entirety of the regulatory deferral and all carrying costs have been recovered, or until the termination of the deferral. 96379
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(5) The commission may grant a deferral under this section not to exceed five years after its approval by the commission. The commission may grant a deferral under this section for less than five years. 96383
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(E)(1) No natural gas company shall recover infrastructure development costs for a particular site or project pursuant to an infrastructure development rider under division (A)(2) of this section if both of the following are satisfied: 96387
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(a) The site or project is approved for funding from the all Ohio future fund under section 126.62 of the Revised Code; 96391
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(b) The company chooses to accept funding for the site or project from the all Ohio future fund under section 126.62 of the Revised Code. 96393
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(2) A natural gas company that is prohibited under division (E)(1) of this section from recovering infrastructure development costs for a particular site or project in an infrastructure development rider may recover infrastructure development costs for other sites or economic development projects under division (A)(2) of this section that do not satisfy the requirements of division (E)(1) of this section. 96396
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Sec. 4929.163. (A) A natural gas company may file an application with the public utilities commission for approval of an economic development project, ~~including a project for which an application has been made under section 122.9511 of the Revised Code for certification under the SiteOhio certification program~~ for which the company will incur infrastructure development costs. 96403
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(B) The company shall file the application for project approval prior to beginning the project.	96409 96410
(C) The application for project approval shall, <u>to the extent applicable</u> , contain a description of each of the following:	96411 96412
(1) The economic development project;	96413
(2) The infrastructure development costs to be expended on the project;	96414 96415
(3) How the project meets the criteria set forth in rules adopted under division (D) of this section;	96416 96417
(4) The support for the project by an economic development entity or chamber of commerce. For purposes of this application requirement, "economic development entity" includes any of the following:	96418 96419 96420 96421
(a) JobsOhio or any JobsOhio network or regional partner;	96422
(b) Development services agency <u>The department of development</u> ;	96423 96424
(c) Port authority created under Chapter 4582. of the Revised Code;	96425 96426
(d) Special improvement district created under Chapter 1710. of the Revised Code;	96427 96428
(e) Community urban redevelopment corporation qualified to operate under Chapter 1728. of the Revised Code;	96429 96430
(f) Community improvement corporation organized under Chapter 1724. of the Revised Code;	96431 96432
(g) New community authority organized under Chapter 349. of the Revised Code;	96433 96434
(h) Joint economic development district created under section 715.70 or 715.71 of the Revised Code;	96435 96436
(i) Development corporation organized under Chapter 1726. of	96437

the Revised Code; 96438

(j) Municipal utility district designated under section 96439
715.84 of the Revised Code. 96440

~~(D)~~(D)(1) The commission shall adopt rules setting forth the 96441
criteria for project approval under this section. ~~The~~ 96442

(2) The commission may approve a project under this section 96443
that involves infrastructure development costs described in 96444
division (B)(1)(a) of section 4929.16 of the Revised Code if the 96445
infrastructure development costs, excluding the return set forth 96446
in division (B)(2)(c) of section 4929.16 of the Revised Code, are 96447
projected to generate a return on the company's investment that is 96448
less than the most recently authorized ~~rate of~~ return on equity. 96449

(E) The commission shall adopt rules to provide for an 96450
accelerated review of an application filed under division (A) of 96451
this section. The rules shall provide for the automatic approval 96452
of the application not later than thirty days after the date of 96453
the application filing unless the commission suspends the 96454
application for good cause shown. If the application is suspended, 96455
the commission shall approve, deny, modify, or hold a hearing on 96456
the application not later than forty-five days after the date that 96457
the suspension begins. 96458

Sec. 4929.165. (A) A natural gas company that has established 96459
an infrastructure development rider under section 4929.161 of the 96460
Revised Code shall file an annual report with the public utilities 96461
commission. The report shall do both of the following: 96462
96463

~~(A)~~(1) Detail the infrastructure development costs related to 96464
the applicable economic development project or projects; 96465

~~(B)~~(2) Set forth the rider rate for the twelve months 96466
following the annual report. 96467

(B) The commission shall issue an annual report that includes 96468
all of the following: 96469

(1) The number of infrastructure development rider 96470
applications received and indicate whether the applications were 96471
made for infrastructure development costs described under 96472
divisions (B)(1)(a) and (B)(2), or (B)(1)(b) and (B)(2) of section 96473
4929.16 of the Revised Code; 96474

(2) The number of infrastructure development rider 96475
applications approved and indicate whether the applications were 96476
approved for infrastructure development costs described under 96477
divisions (B)(1)(a) and (B)(2), or (B)(1)(b) and (B)(2) of section 96478
4929.16 of the Revised Code; 96479

(3) The monetary amount approved for recovery through each 96480
infrastructure development rider and the total amount for all 96481
infrastructure development riders; 96482

(4) The number of approved economic development projects on 96483
which all construction has been completed; 96484

(5) A list containing the construction status of all approved 96485
economic projects, including if construction has not commenced or, 96486
if construction has commenced, but not completed, a description of 96487
any structures on which construction has been completed. 96488

Sec. 4929.18. (A) As used in this section, "biologically 96489
derived methane gas" has the same meaning as in section 5713.30 of 96490
the Revised Code. 96491

~~(B)~~(B)(1) The following property, equipment, or facilities 96492
installed or constructed by a natural gas company may be treated 96493
as instrumentalities and facilities for distribution service if 96494
the public utilities commission determines that treatment is just 96495
and reasonable: 96496

(a) Any property, equipment, or facilities installed or 96497

~~constructed by a natural gas company to enable interconnection~~ 96498
~~with or receipt from any property, equipment, or facilities used~~ 96499
~~to generate, collect, gather, or transport biologically derived~~ 96500
~~methane gas, or to enable the blending or supply of biologically~~ 96501
~~derived methane gas to consumers within this state, may be treated~~ 96502
~~as instrumentalities and facilities for distribution service if~~ 96503
~~the public utilities commission determines that treatment is just~~ 96504
~~and reasonable.~~ 96505

(b) Any property, equipment, or facilities to enable 96506
interconnection with or receipt from any property, equipment, or 96507
facilities used to generate, collect, gather, or transport 96508
hydrogen, or to enable the blending of hydrogen with natural gas 96509
for supply to consumers within this state. 96510

(2) If the commission makes ~~that~~ the determination described 96511
in division (B)(1) of this section, the property, equipment, or 96512
facilities shall be considered used and useful in rendering public 96513
utility service for purposes of section 4909.15 of the Revised 96514
Code. 96515

Sec. 4934.01. As used in sections 4934.01 to 4934.11 of the 96516
Revised Code: 96517

(A) "Direct current fast charging station" means an electric 96518
vehicle charging system capable of distributing electricity at 96519
fifty kilowatts or more of direct current to an electric vehicle's 96520
rechargeable battery at a voltage of two hundred volts or more. 96521

(B) "Electric distribution utility" has the same meaning as 96522
in section 4928.01 of the Revised Code. 96523

(C) "Electric vehicle" means a vehicle that is powered wholly 96524
by a system that can be recharged via an external source of 96525
electricity, including a vehicle for public or private use that is 96526
a passenger car, commercial car or truck, a vehicle used for 96527

public transit, a vehicle used in a vehicle fleet, a vehicle used 96528
in construction work, and a vehicle used in industrial or 96529
warehouse work. 96530

(D) "Electric vehicle charging provider" means the owner or 96531
operator of an electric vehicle charging station. "Electric 96532
vehicle charging provider" excludes either of the following that 96533
owns or operates an electric vehicle charging station: 96534

(1) An electric distribution utility; 96535

(2) An affiliate or subsidiary of an electric distribution 96536
utility. 96537

(E) "Electric vehicle charging station" means any 96538
nonresidential electric vehicle charging system that is both of 96539
the following: 96540

(1) Capable of distributing electricity from a source outside 96541
an electric vehicle to the electric vehicle; 96542

(2) A direct current fast charging station or level two 96543
charging station. 96544

(F) "Level two charging station" means any electric vehicle 96545
charging system capable of distributing electricity at a minimum 96546
of three or a maximum of twenty kilowatts of alternating current 96547
to an electric vehicle's rechargeable battery at a voltage of two 96548
hundred volts or more. 96549

(G) "Make-ready infrastructure" means electrical 96550
infrastructure required to accommodate the electric load of an 96551
electric vehicle charging station. "Make-ready infrastructure" 96552
excludes an electric vehicle charging station. 96553

Sec. 4934.03. (A) No electric distribution utility may own or 96554
operate publicly available electric vehicle charging stations 96555
except through a separate affiliate or subsidiary that is not 96556
subject to public utilities commission jurisdiction. 96557

(B)(1) No electric distribution utility may charge its affiliate or subsidiary a subsidized rate, fee, or charge for electric service distributed to the affiliate's or subsidiary's publicly available electric vehicle charging stations. 96558
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(2) An electric distribution utility affiliate or subsidiary that owns or operates an electric vehicle charging station shall be subject to the same rates, terms, and conditions that apply to electric vehicle charging providers located in the electric distribution utility's certified territory. 96562
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Sec. 4934.05. Revenues received by an electric distribution utility for providing electric distribution service shall not, directly or indirectly, subsidize investments in the ownership or operation of electric vehicle charging stations. 96567
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Sec. 4934.08. Nothing in sections 4934.01 to 4934.11 of the Revised Code prohibits an electric distribution utility from recovering the costs of make-ready infrastructure through rates or charges authorized under the electric distribution utility's distribution rate case under section 4909.18 of the Revised Code, so long as such subsidies for make-ready infrastructure are offered to electric vehicle charging providers on a nondiscriminatory basis. 96571
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Sec. 4934.11. Nothing in sections 4934.01 to 4934.11 of the Revised Code shall be construed to prohibit an electric distribution utility from operating, leasing, installing, or otherwise procuring service from an electric vehicle charging station on its own premises for the sole purpose of serving its own electric vehicles. 96579
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Sec. 5101.04. Notwithstanding (A) Notwithstanding any provision of law or regulation to the contrary, in order to 96585
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improve the timeliness of public assistance benefit deliveries, to 96587
maximize operational efficiencies, increase cost savings, and 96588
minimize fraud, the department of job and family services may 96589
contract with a third-party commercial consumer reporting agency, 96590
in accordance with the "Fair Credit Reporting Act," 15 U.S.C. 1681 96591
et seq., for the purpose of assisting the department with 96592
eligibility determinations for supplemental nutrition assistance 96593
supplemental program benefits, benefits funded by the temporary 96594
assistance for needy families block grant, and unemployment 96595
compensation benefits. The department shall undertake efforts to 96596
incorporate real-time employment and income information into 96597
existing verification and eligibility determination procedures. 96598

(B) No third-party vendor shall conduct pre-screening 96599
activities regarding supplemental nutrition assistance program 96600
applicants unless the vendor has entered into a pre-screening 96601
agreement with the department. 96602

Sec. 5101.136. If a person requests the department of job and 96603
family services to conduct a search of whether that person's name 96604
has been placed or remains in the statewide automated child 96605
welfare information system as an alleged perpetrator of child 96606
abuse or neglect and a search reveals that a "substantiated" 96607
disposition exists, the department shall send a letter to the 96608
person who requested the search indicating a "match." 96609

Sec. 5101.137. The department of job and family services 96610
shall work with stakeholders to establish an expungement policy 96611
regarding dispositions of child abuse or neglect in Ohio's central 96612
registry on child abuse and neglect by March 1, 2024. 96613

Sec. 5101.26. As used in this section and in sections 5101.27 96614
to 5101.30 of the Revised Code: 96615

(A) "Community control sanction" has the same meaning as in 96616

section 2929.01 of the Revised Code. 96617

(B) "County agency" means a county department of job and 96618
family services or a public children services agency. 96619

~~(B)~~(C) "Fugitive felon" means an individual who is fleeing to 96620
avoid prosecution, or custody or confinement after conviction, 96621
under the laws of the place from which the individual is fleeing, 96622
for a crime or an attempt to commit a crime that is a felony under 96623
the laws of the place from which the individual is fleeing or, in 96624
the case of New Jersey, a high misdemeanor, regardless of whether 96625
the individual has departed from the individual's usual place of 96626
residence. 96627

~~(C)~~(D) "Information" means records as defined in section 96628
149.011 of the Revised Code, any other documents in any format, 96629
and data derived from records and documents that are generated, 96630
acquired, or maintained by the department of job and family 96631
services, a county agency, or an entity performing duties on 96632
behalf of the department or a county agency. 96633

~~(D)~~(E) "Law enforcement agency" ~~means~~ has the ~~state highway~~ 96634
~~patrol, an agency that employs peace officers as defined in~~ 96635
~~section 109.71 of the Revised Code, the adult parole authority, a~~ 96636
~~county department of probation, a prosecuting attorney, the~~ 96637
~~attorney general, similar agencies of other states, federal law~~ 96638
~~enforcement agencies, and postal inspectors. "Law enforcement~~ 96639
~~agency" includes the peace officers and other law enforcement~~ 96640
~~officers employed by the agency.~~ 96641

~~(E)~~ same meaning as in section 109.573 of the Revised Code. 96642

(F) "Post-release control sanction" has the same meaning as 96643
in section 2967.01 of the Revised Code. 96644

(G) "Public assistance" means financial assistance or social 96645
services that are provided under a program administered by the 96646
department of job and family services or a county agency pursuant 96647

to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code 96648
or an executive order issued under section 107.17 of the Revised 96649
Code. "Public assistance" does not mean medical assistance 96650
provided under a medical assistance program, as defined in section 96651
5160.01 of the Revised Code. 96652

~~(F)~~(H) "Public assistance recipient" means an applicant for 96653
or recipient or former recipient of public assistance. 96654

~~(G)~~(I) "Publicly funded child care" has the same meaning as 96655
in section 5104.01 of the Revised Code. 96656

~~(H)~~(J) "Tuberculosis control unit" means the county 96657
tuberculosis control unit designated by a board of county 96658
commissioners under section 339.72 of the Revised Code or the 96659
district tuberculosis control unit designated pursuant to an 96660
agreement entered into by two or more boards of community 96661
commissioners under that section. 96662

Sec. 5101.28. (A)(1) On request of the department of job and 96663
family services or a county agency, a law enforcement agency shall 96664
provide information regarding public assistance recipients to 96665
enable the department or county agency to determine, for 96666
eligibility purposes, whether a recipient or a member of a 96667
recipient's assistance group is a fugitive felon or violating a 96668
condition of probation, a community control sanction, parole, or a 96669
post-release control sanction imposed under state or federal law. 96670

(2) A county agency may enter into a written agreement with a 96671
local law enforcement agency establishing procedures concerning 96672
access to information and providing for compliance with ~~division~~ 96673
~~(F)~~ of this section. 96674

(B) To the extent permitted by federal law, the department 96675
and county agencies shall provide information regarding recipients 96676
of public assistance ~~under a program administered by the state~~ 96677

~~department or a county agency pursuant to Chapter 5107. or 5108.~~ 96678
~~of the Revised Code to a law enforcement agencies agency on~~ 96679
~~request for the purposes of investigations, prosecutions, and~~ 96680
~~criminal and civil proceedings that are within the scope of use in~~ 96681
~~the performance of the law enforcement agencies' agency's~~ 96682
~~duties.~~ 96683

(C) Information about a public assistance recipient shall be 96684
exchanged, obtained, or shared only if the department, county 96685
agency, or law enforcement agency requesting the information gives 96686
sufficient information to specifically identify the recipient. In 96687
addition to the recipient's name, identifying information may 96688
include the recipient's current or last known address, social 96689
security number, other identifying number, age, gender, physical 96690
characteristics, any information specified in an agreement entered 96691
into under division (A) of this section, or any information 96692
considered appropriate by the department or agency. 96693

(D)(1) The department and its officers and employees are not 96694
liable in damages in a civil action for any injury, death, or loss 96695
to person or property that allegedly arises from the release of 96696
information in accordance with divisions (A), (B), and (C) of this 96697
section. This section does not affect any immunity or defense that 96698
the department and its officers and employees may be entitled to 96699
under another section of the Revised Code or the common law of 96700
this state, including section 9.86 of the Revised Code. 96701

(2) The county agencies and their employees are not liable in 96702
damages in a civil action for any injury, death, or loss to person 96703
or property that allegedly arises from the release of information 96704
in accordance with divisions (A), (B), and (C) of this section. 96705
"Employee" has the same meaning as in division (B) of section 96706
2744.01 of the Revised Code. This section does not affect any 96707
immunity or defense that the county agencies and their employees 96708
may be entitled to under another section of the Revised Code or 96709

the common law of this state, including section 2744.02 and 96710
division (A)(6) of section 2744.03 of the Revised Code. 96711

(E) To the extent permitted by federal law, the department 96712
and county agencies shall provide access to information to the 96713
auditor of state acting pursuant to Chapter 117. or sections 96714
5101.181 and 5101.182 of the Revised Code and to any other 96715
government entity authorized by federal law to conduct an audit 96716
of, or similar activity involving, a public assistance program. 96717

~~(F) The auditor of state shall prepare an annual report on 96718
the outcome of the agreements required under division (A) of this 96719
section. The report shall include the number of fugitive felons, 96720
probation and parole violators, and violators of community control 96721
sanctions and post release control sanctions apprehended during 96722
the immediately preceding year as a result of the exchange of 96723
information pursuant to that division. The auditor of state shall 96724
file the report with the governor, the president and minority 96725
leader of the senate, and the speaker and minority leader of the 96726
house of representatives. The state department, county agencies, 96727
and law enforcement agencies shall cooperate with the auditor of 96728
state's office in gathering the information required under this 96729
division. 96730~~

~~(G) To the extent permitted by federal law, nothing in this 96731
section prohibits the department of job and family services, 96732
county departments of job and family services, and employees of 96733
the departments ~~may report~~ from reporting to a public children 96734
services agency or other appropriate agency information on known 96735
or suspected physical or mental injury, sexual abuse or 96736
exploitation, or negligent treatment or maltreatment, of a child 96737
~~receiving public assistance, if circumstances indicate that the~~ 96738
~~child's health or welfare is threatened.~~ 96739~~

~~(H) As used in this section:~~ 96740

~~(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.~~ 96741
96742

~~(2) "Post release control sanction" has the same meaning as in section 2967.01 of the Revised Code.~~ 96743
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Sec. 5101.33. (A) As used in this section, "benefits" means 96745
any of the following: 96746

(1) Cash assistance paid under Chapter 5107. of the Revised 96747
Code; 96748

(2) Supplemental nutrition assistance program benefits 96749
provided under section 5101.54 of the Revised Code; 96750

(3) Any other program administered by the department of job 96751
and family services under which assistance is provided or service 96752
rendered; 96753

(4) Any other program, service, or assistance administered by 96754
a person or government entity that the department determines may 96755
be delivered through the medium of electronic benefit transfer. 96756

(B) The Subject to section 5101.331 of the Revised Code, the 96757
department of job and family services may make any payment or 96758
delivery of benefits to eligible individuals through the medium of 96759
electronic benefit transfer by doing all of the following: 96760

(1) Contracting with an agent to supply debit cards to the 96761
department of job and family services for use by such individuals 96762
in accessing their benefits and to credit such cards 96763
electronically with the amounts specified by the director of job 96764
and family services pursuant to law; 96765

(2) Informing such individuals about the use of the 96766
electronic benefit transfer system and furnishing them with debit 96767
cards and information that will enable them to access their 96768
benefits through the system; 96769

(3) Arranging with specific financial institutions or vendors, county departments of job and family services, or persons or government entities for individuals to have their cards credited electronically with the proper amounts at their facilities;

(4) Periodically preparing vouchers for the payment of such benefits by electronic benefit transfer;

(5) Satisfying any applicable requirements of federal and state law.

(C) The department may enter into a written agreement with any person or government entity to provide benefits administered by that person or entity through the medium of electronic benefit transfer. A written agreement may require the person or government entity to pay to the department either or both of the following:

(1) A charge that reimburses the department for all costs the department incurs in having the benefits administered by the person or entity provided through the electronic benefit transfer system;

(2) A fee for having the benefits provided through the electronic benefit transfer system.

(D) The department may designate which counties will participate in the medium of electronic benefit transfer, specify the date a designated county will begin participation, and specify which benefits will be provided through the medium of electronic benefit transfer in a designated county.

(E) The department may adopt rules in accordance with Chapter 119. of the Revised Code for the efficient administration of this section.

Sec. 5101.331. (A) Except as otherwise provided in this section, each debit card used to access supplemental nutrition

assistance program benefits shall include both of the following: 96800

(1) On the front of the card, a color photograph of at least 96801
one adult member of the household for which the debit card is 96802
issued; 96803

(2) On the back of the card, a telephone number that can be 96804
called to report suspected fraud under the supplemental nutrition 96805
assistance program and the address of a web site where suspected 96806
fraud can be reported. 96807

(B) Not later than one year after the effective date of this 96808
section, the department of job and family services, in 96809
consultation with the bureau of motor vehicles and the food and 96810
nutrition services of the United States department of agriculture, 96811
shall develop a strategy for issuing debit cards that meet the 96812
requirements of division (A) of this section. 96813

(C) Subject to division (D) of this section, both of the 96814
following apply: 96815

(1) All new debit cards issued on or after the date that is 96816
six months after the date the department develops the strategy 96817
under division (B) of this section shall meet the requirements of 96818
division (A) of this section. 96819

(2) Not later than twelve months after the date the 96820
department develops the strategy under division (B) of this 96821
section, each debit card issued before the date that is six months 96822
after the date the department develops the strategy under division 96823
(B) of this section shall be replaced with a debit card that meets 96824
the requirements of division (A) of this section if the household 96825
for which the debit card was issued continues to participate in 96826
the supplemental nutrition assistance program. 96827

(D) The requirement of division (A)(1) of this section does 96828
not apply to a debit card issued for a household to which either 96829
of the following applies: 96830

<u>(1) The household does not include any adult members.</u>	96831
<u>(2) Each of the adult members of the household is sixty years of age or older; is blind, disabled, or a victim of domestic violence; or has religious objections to being photographed.</u>	96832 96833 96834
<u>(E) An adult who meets any of the exemption criteria specified in division (D)(2) of this section may volunteer to have a color photograph of the adult included on the front of the debit card of the adult's household.</u>	96835 96836 96837 96838
<u>(F) The department may adopt rules pursuant to section 5101.33 of the Revised Code to implement this section.</u>	96839 96840
Sec. 5101.342. The Ohio commission on fatherhood shall do both of the following:	96841 96842
(A) Organize a state summit on fatherhood every four years;	96843
(B) Prepare a report each year that does the following:	96844
(1) Identifies resources available to fund fatherhood-related programs and explores the creation of initiatives to do the following:	96845 96846 96847
(a) Build the parenting skills of fathers;	96848
(b) Provide employment-related services for low-income, noncustodial fathers;	96849 96850
(c) Prevent premature fatherhood;	96851
(d) Provide services to fathers who are inmates in or have just been released from imprisonment in a state correctional institution, as defined in section 2967.01 of the Revised Code, or in any other detention facility, as defined in section 2921.01 of the Revised Code, so that they are able to maintain or reestablish their relationships with their families;	96852 96853 96854 96855 96856 96857
(e) Reconcile fathers with their families;	96858

(f) Increase public awareness of the critical role fathers play. 96859
96860

(2) Describes the commission's expectations for the outcomes of fatherhood-related programs and initiatives and the methods the commission uses for conducting annual measures of those outcomes. 96861
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(C) Pursuant to section 5101.805 of the Revised Code, the commission may make recommendations to the director of job and family services regarding funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601. 96864
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(D) The portion of the report prepared pursuant to division (B)(2) of this section shall be prepared by the commission in collaboration with the director of job and family services. 96870
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~~(D)~~(E) The commission shall submit each report prepared pursuant to division (B) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section 5101.341 of the Revised Code. 96873
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Sec. 5101.35. (A) As used in this section: 96880

(1)(a) "Agency" means the following entities that administer a family services program: 96881
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(i) The department of job and family services; 96883

(ii) A county department of job and family services; 96884

(iii) A public children services agency; 96885

(iv) A private or government entity administering, in whole or in part, a family services program for or on behalf of the 96886
96887

department of job and family services or a county department of 96888
job and family services or public children services agency. 96889

(b) If the department of medicaid contracts with the 96890
department of job and family services to hear appeals authorized 96891
by section 5160.31 of the Revised Code regarding medical 96892
assistance programs, "agency" includes the department of medicaid. 96893

(2) "Appellant" means an applicant, participant, former 96894
participant, recipient, or former recipient of a family services 96895
program who is entitled by federal or state law to a hearing 96896
regarding a decision or order of the agency that administers the 96897
program. 96898

(3)(a) "Family services program" means all of the following: 96899

(i) A Title IV-A program as defined in section 5101.80 of the 96900
Revised Code; 96901

(ii) Programs that provide assistance under Chapter 5104. of 96902
the Revised Code; 96903

(iii) Programs that provide assistance under section 96904
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 96905
Revised Code; 96906

(iv) Title XX social services provided under section 5101.46 96907
of the Revised Code, other than such services provided by the 96908
department of mental health and addiction services, the department 96909
of developmental disabilities, a board of alcohol, drug addiction, 96910
and mental health services, or a county board of developmental 96911
disabilities. 96912

(b) If the department of medicaid contracts with the 96913
department of job and family services to hear appeals authorized 96914
by section 5160.31 of the Revised Code regarding medical 96915
assistance programs, "family services program" includes medical 96916
assistance programs. 96917

(4) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code. 96918
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(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services or a court of common pleas. 96920
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(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas. 96933
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(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county department of job and family services or a public children services agency fails to comply within these time limits, the 96945
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department may take action pursuant to section 5101.24 of the Revised Code. If another agency, other than the department of medicaid, fails to comply within the time limits, the department may force compliance by withholding funds due the agency or imposing another sanction established by rules adopted under this section.

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services or the director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

~~(1) The person may appeal to the court of common pleas of the county in which the person resides, or to the court of common pleas of Franklin county if the person does not reside in this state.~~

~~(2)~~ The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

~~(3)~~(2) The appellant shall mail the notice of appeal to the department of job and family services and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

~~(4)~~(3) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court

shall make such an order only if it finds that the department and 96981
the appellant are unable to stipulate to the facts of the case and 96982
that the transcript is essential to a determination of the appeal. 96983
The department shall file the transcript not later than thirty 96984
days after the day such an order is issued. 96985

(F) The department of job and family services shall adopt 96986
rules in accordance with Chapter 119. of the Revised Code to 96987
implement this section, including rules governing the following: 96988

(1) State hearings under division (B) of this section. The 96989
rules shall include provisions regarding notice of eligibility 96990
termination and the opportunity of an appellant appealing a 96991
decision or order of a county department of job and family 96992
services to request a county conference with the county department 96993
before the state hearing is held. 96994

(2) Administrative appeals under division (C) of this 96995
section; 96996

(3) Time limits for complying with a decision issued under 96997
division (B) or (C) of this section; 96998

(4) Sanctions that may be applied against an agency under 96999
division (D) of this section. 97000

(G) The department of job and family services may adopt rules 97001
in accordance with Chapter 119. of the Revised Code establishing 97002
an appeals process for an appellant who appeals a decision or 97003
order regarding a Title IV-A program identified under division 97004
(A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the 97005
Revised Code that is different from the appeals process 97006
established by this section. The different appeals process may 97007
include having a state agency that administers the Title IV-A 97008
program pursuant to an interagency agreement entered into under 97009
section 5101.801 of the Revised Code administer the appeals 97010
process. 97011

(H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.

A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary consideration by the person hearing the appeal.

(I) The requirements of Chapter 119. of the Revised Code apply to a state hearing or administrative appeal under this section only to the extent, if any, specifically provided by rules adopted under this section.

Sec. 5101.54. (A) The director of job and family services shall administer the supplemental nutrition assistance program in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.). The department of job and family services may:

(1) Prepare and submit to the secretary of the United States department of agriculture a plan for the administration of the supplemental nutrition assistance program;

(2) Prescribe forms for applications, certificates, reports, records, and accounts of county departments of job and family services, and other matters;

(3) Require such reports and information from each county department of job and family services as may be necessary and

advisable; 97042

(4) Administer and expend any sums appropriated by the 97043
general assembly for the purposes of the supplemental nutrition 97044
assistance program and all sums paid to the state by the United 97045
States as authorized by the Food and Nutrition Act of 2008; 97046

(5) Conduct such investigations as are necessary; 97047

(6) Enter into interagency agreements and cooperate with 97048
investigations conducted by the department of public safety, 97049
including providing information for investigative purposes, 97050
exchanging property and records, passing through federal financial 97051
participation, modifying any agreements with the United States 97052
department of agriculture, providing for the supply, security, and 97053
accounting of supplemental nutrition assistance program benefits 97054
for investigative purposes, and meeting any other requirements 97055
necessary for the detection and deterrence of illegal activities 97056
in the supplemental nutrition assistance program; 97057

(7) Adopt rules in accordance with Chapter 119. of the 97058
Revised Code governing employment and training requirements of 97059
recipients of supplemental nutrition assistance program benefits, 97060
including rules specifying which recipients are subject to the 97061
requirements and establishing sanctions for failure to satisfy the 97062
requirements. The rules shall be consistent with 7 U.S.C. 2015, 97063
including its work and employment and training requirements, and, 97064
to the extent practicable, shall provide for the recipients to 97065
participate in work activities, developmental activities, and 97066
alternative work activities described in sections 5107.40 to 97067
5107.69 of the Revised Code that are comparable to programs 97068
authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules 97069
adopted under section 5107.05 of the Revised Code governing work 97070
activities, developmental activities, and alternative work 97071
activities described in sections 5107.40 to 5107.69 of the Revised 97072
Code. 97073

(8) Adopt rules in accordance with section 111.15 of the	97074
Revised Code that are consistent with the Food and Nutrition Act	97075
of 2008, the regulations adopted thereunder, and this section	97076
governing the following:	97077
(a) Eligibility requirements for the supplemental nutrition	97078
assistance program;	97079
(b) Sanctions for failure to comply with eligibility	97080
requirements;	97081
(c) Allotment of supplemental nutrition assistance program	97082
benefits;	97083
(d) To the extent permitted under federal statutes and	97084
regulations, a system under which some or all recipients of	97085
supplemental nutrition assistance program benefits subject to	97086
employment and training requirements established by rules adopted	97087
under division (A)(7) of this section receive the benefits after	97088
satisfying the requirements;	97089
(e) Administration of the program by county departments of	97090
job and family services;	97091
(f) Other requirements necessary for the efficient	97092
administration of the program.	97093
(9) Submit a plan to the United States secretary of	97094
agriculture for the department of job and family services to	97095
operate a simplified supplemental nutrition assistance program	97096
pursuant to 7 U.S.C. 2035 under which requirements governing the	97097
Ohio works first program established under Chapter 5107. of the	97098
Revised Code also govern the supplemental nutrition assistance	97099
program in the case of households receiving supplemental nutrition	97100
assistance program benefits and participating in Ohio works first.	97101
(10) Collect information on suspicious electronic benefit	97102
transfer card transactions and provide the information to each	97103

impacted county department for analysis and investigation. Such 97104
information shall include transactions of even dollar amounts, 97105
full monthly benefit amounts, multiple same-day transactions, 97106
out-of-state transactions, and any other suspicious trends. 97107

(B) A household that is entitled to receive supplemental 97108
nutrition assistance program benefits and that is determined to be 97109
in immediate need of nutrition assistance shall receive 97110
certification of eligibility for program benefits, pending 97111
verification, within twenty-four hours, or, if mitigating 97112
circumstances occur, within seventy-two hours, after application, 97113
if: 97114

(1) The results of the application interview indicate that 97115
the household will be eligible upon full verification; 97116

(2) Information sufficient to confirm the statements in the 97117
application has been obtained from at least one additional source, 97118
not a member of the applicant's household. Such information shall 97119
be recorded in the case file and shall include: 97120

(a) The name of the person who provided the name of the 97121
information source; 97122

(b) The name and address of the information source; 97123

(c) A summary of the information obtained. 97124

The period of temporary eligibility shall not exceed one 97125
month from the date of certification of temporary eligibility. If 97126
eligibility is established by full verification, benefits shall 97127
continue without interruption as long as eligibility continues. 97128

There is no limit on the number of times a household may 97129
receive expedited certification of eligibility under this division 97130
as long as before each expedited certification all of the 97131
information identified in division (F)(1) of this section was 97132
verified for the household at the last expedited certification or 97133

the household's eligibility was certified under normal processing standards since the last expedited certification. 97134
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At the time of application, the county department of job and family services shall provide to a household described in this division a list of community assistance programs that provide emergency food. 97136
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(C) Before certifying supplemental nutrition assistance program benefits, the department shall verify the eligibility of each household in accordance with division (F) of this section. All applications shall be approved or denied through full verification within thirty days from receipt of the application by the county department of job and family services. 97140
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(D) Nothing in this section shall be construed to prohibit the certification of households that qualify under federal regulations to receive supplemental nutrition assistance program benefits without charge under the Food and Nutrition Act of 2008. 97146
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(E) Any person who applies for the supplemental nutrition assistance program shall receive a voter registration application under section 3503.10 of the Revised Code. 97150
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(F)(1) In order to verify household eligibility as required by federal regulations and this section, the department shall, except as provided in division (F)(2) of this section, verify at least the following information before certifying supplemental nutrition assistance program benefits: 97153
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(a) Household composition; 97158

(b) Identity; 97159

(c) Citizenship and alien eligibility status; 97160

(d) Social security numbers; 97161

(e) State residency status; 97162

(f) Disability status; 97163

(g) Gross nonexempt income;	97164
(h) Utility expenses;	97165
(i) Medical expenses;	97166
(j) Enrollment status in other state-administered public assistance programs within and outside this state;	97167 97168
(k) Any available information related to potential identity fraud or identity theft.	97169 97170
(2) A household's eligibility for supplemental nutrition assistance program benefits may be certified before all of the information identified in division (F)(1) of this section is verified if the household's certification is being expedited under division (B) of this section.	97171 97172 97173 97174 97175
(3) On at least a quarterly basis and consistent with federal regulations, as information is received by a county department of job and family services, the county department shall review and act on information identified in division (F)(1) of this section that indicates a change in circumstances that may affect eligibility, to the extent such information is available to the department.	97176 97177 97178 97179 97180 97181 97182
(4) Consistent with federal regulations, as part of the application for public assistance and before certifying benefits under the supplemental nutrition assistance program, the department shall require an applicant, or a person acting on the applicant's behalf, to verify the identity of the members of the applicant household.	97183 97184 97185 97186 97187 97188
(5)(a) The department shall sign a memorandum of understanding with any department, agency, or division as needed to obtain the information identified in division (F)(1) of this section.	97189 97190 97191 97192
(b) The department may contract with one or more independent	97193

vendors to provide the information identified in division (F)(1) 97194
of this section. 97195

(c) Nothing in this section prevents the department or a 97196
county department of job and family services from receiving or 97197
reviewing additional information related to eligibility not 97198
identified in this section or from contracting with one or more 97199
independent vendors to provide additional information not 97200
identified in this section. 97201

(6) The department shall explore joining a multistate 97202
cooperative, such as the national accuracy clearinghouse, to 97203
identify individuals enrolled in public assistance programs 97204
outside of this state. 97205

(G) The department shall use the same criteria to verify 97206
gross nonexempt income from self-employment pursuant to division 97207
(F)(1) of this section as were used during initial certification 97208
when: 97209

(1) Reviewing information pursuant to division (F)(3) of this 97210
section regarding households with income from self-employment; 97211

(2) Recertifying households with income from self- 97212
employment. 97213

(H) If the department receives information concerning a 97214
household certified to receive supplemental nutrition assistance 97215
program benefits that indicates a change in circumstances that may 97216
affect eligibility, the department shall take action in accordance 97217
with federal regulations, including verifying unclear information, 97218
providing prior written notice of a change or adverse action, and 97219
notifying the household of the right to a fair hearing. 97220

~~(H)~~(I) In the case of suspected fraud, the department shall 97221
refer the case for an administrative disqualification hearing or 97222
to the county prosecutor of the county in which the applicant or 97223
recipient resides for investigation, or both. 97224

~~(I)~~(J) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement divisions (F) to ~~(H)~~(I) of this section.

~~(J)~~(K) Except as prohibited by federal law, the department may assign any of the duties described in this section to any county department of job and family services.

Sec. 5101.542. (A) Immediately following a county department of job and family services' certification that a household determined under division (B) of section 5101.54 of the Revised Code to be in immediate need of nutrition assistance is eligible for the supplemental nutrition assistance program, the department of job and family services shall provide for the household to be sent by regular United States mail an electronic benefit transfer card containing the amount of benefits the household is eligible to receive under the program. The card shall be sent to the member of the household in whose name application for the supplemental nutrition assistance program was made or that member's authorized representative.

(B) Except as provided in division (C) of this section, the department shall replace any electronic benefit transfer card that is reported by a household to be lost, stolen, or damaged, within two business days of receiving notice of the card's condition, in accordance with 7 C.F.R. 274.6(b).

(C)(1) The department shall implement the option described in 7 C.F.R. 274.6(b)(5) and shall withhold a replacement electronic benefit transfer card from a household that requests four or more replacement cards during a twelve-month period until the requirements specified in 7 C.F.R. 274.6(b)(5) have been satisfied.

(2) The department shall not withhold a replacement card as described under division (C)(1) of this section if the individual

requesting the replacement has a disability directly related to 97256
the loss of the card. 97257

(D) To the maximum extent permitted under federal law, if an 97258
electronic benefits transfer card is unused for a period of six 97259
months, the department shall deactivate the electronic benefits 97260
transfer card, and the funds shall be returned to the supplemental 97261
nutrition assistance program. Before deactivating an electronic 97262
benefits transfer card under division (D) of this section, the 97263
department shall provide notice of the intent to deactivate the 97264
card to the household, including a specified cure period during 97265
which the household may use the card or notify the department that 97266
the card is still in use. 97267

Sec. 5101.546. The department of job and family services 97268
shall not request, apply for, or renew a waiver authorized by 97269
section 6(o)(4) of the "Food and Nutrition Act of 2008," 7 U.S.C. 97270
2015(o)(4). 97271

Sec. 5101.547. (A) The department of job and family services 97272
shall redesign the employment and training program established 97273
under rules adopted by the department pursuant to division (A)(7) 97274
of section 5101.54 of the Revised Code. In redesigning the 97275
employment and training program, the department shall ensure that 97276
the new program meets the needs of employers in this state. 97277

(B) Not later than July 1, 2024, the department shall appear 97278
before the finance committees of both the house of representatives 97279
and the senate to report on the redesigned employment and training 97280
program established under division (A) of this section. 97281

Sec. 5101.549. An individual receiving supplemental nutrition 97282
assistance program benefits who is the subject of a child support 97283
order shall provide to the department of job and family services a 97284
current telephone number, home address, and, if the individual is 97285

employed, a work address. 97286

An individual who fails to provide the department with the 97287
information required under this section shall be disqualified from 97288
participation in the supplemental nutrition assistance program. 97289

Sec. 5101.75. (A) No person shall knowingly falsify 97290
information when applying for any of the following: 97291

(1) Supplemental nutrition assistance program benefits; 97292

(2) Benefits funded in whole or in part by the temporary 97293
assistance for needy families block grant; 97294

(3) Cash assistance provided through the Ohio works first 97295
program; 97296

(4) Benefits provided by the medicaid program. 97297

(B) To the extent permitted by federal law, if a case worker 97298
responsible for conducting eligibility determinations for a 97299
program described in division (A) of this section determines that 97300
an applicant for benefits knowingly falsified information on an 97301
application, the applicant shall be ineligible to receive 97302
assistance under any of the programs described in this section for 97303
a period of six months. 97304

Sec. 5101.80. (A) As used in this section and in section 97305
5101.801 of the Revised Code: 97306

(1) "County family services agency" has the same meaning as 97307
in section 307.981 of the Revised Code. 97308

(2) "State agency" has the same meaning as in section 9.82 of 97309
the Revised Code. 97310

(3) "Title IV-A administrative agency" means both of the 97311
following: 97312

(a) A county family services agency or state agency administering a Title IV-A program under the supervision of the department of job and family services;	97313 97314 97315
(b) A government agency or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program created under section 5101.803 of the Revised Code.	97316 97317 97318 97319
(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:	97320 97321 97322 97323 97324
(a) The Ohio works first program established under Chapter 5107. of the Revised Code;	97325 97326
(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	97327 97328
(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;	97329 97330 97331 97332
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	97333 97334
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	97335 97336
(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code;	97337 97338
(g) <u>Fatherhood programs recommended by the Ohio commission on fatherhood under section 5101.805 of the Revised Code;</u>	97339 97340
<u>(h)</u> A component of a Title IV-A program identified under divisions (A)(4)(a) to (f) <u>(g)</u> of this section that the Title IV-A	97341 97342

state plan prepared under division (C)(1) of this section 97343
identifies as a component. 97344

(B) The department of job and family services shall act as 97345
the single state agency to administer and supervise the 97346
administration of Title IV-A programs. The Title IV-A state plan 97347
and amendments to the plan prepared under division (C) of this 97348
section are binding on Title IV-A administrative agencies. No 97349
Title IV-A administrative agency may establish, by rule or 97350
otherwise, a policy governing a Title IV-A program that is 97351
inconsistent with a Title IV-A program policy established, in rule 97352
or otherwise, by the director of job and family services. 97353

(C) The department of job and family services shall do all of 97354
the following: 97355

(1) Prepare and submit to the United States secretary of 97356
health and human services a Title IV-A state plan for Title IV-A 97357
programs; 97358

(2) Prepare and submit to the United States secretary of 97359
health and human services amendments to the Title IV-A state plan 97360
that the department determines necessary, including amendments 97361
necessary to implement Title IV-A programs identified in divisions 97362
(A)(4)(c) to ~~(g)~~(h) of this section; 97363

(3) Prescribe forms for applications, certificates, reports, 97364
records, and accounts of Title IV-A administrative agencies, and 97365
other matters related to Title IV-A programs; 97366

(4) Make such reports, in such form and containing such 97367
information as the department may find necessary to assure the 97368
correctness and verification of such reports, regarding Title IV-A 97369
programs; 97370

(5) Require reports and information from each Title IV-A 97371
administrative agency as may be necessary or advisable regarding a 97372
Title IV-A program; 97373

(6) Afford a fair hearing in accordance with section 5101.35 97374
of the Revised Code to any applicant for, or participant or former 97375
participant of, a Title IV-A program aggrieved by a decision 97376
regarding the program; 97377

(7) Administer and expend, pursuant to Chapters 5104., 5107., 97378
and 5108. of the Revised Code and sections 5101.801, 5101.802, 97379
5101.803, and 5101.804 of the Revised Code, any sums appropriated 97380
by the general assembly for the purpose of those chapters and 97381
sections and all sums paid to the state by the secretary of the 97382
treasury of the United States as authorized by Title IV-A of the 97383
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 97384
amended; 97385

(8) Conduct investigations and audits as are necessary 97386
regarding Title IV-A programs; 97387

(9) Enter into reciprocal agreements with other states 97388
relative to the provision of Ohio works first and prevention, 97389
retention, and contingency to residents and nonresidents; 97390

(10) Contract with a private entity to conduct an independent 97391
on-going evaluation of the Ohio works first program and the 97392
prevention, retention, and contingency program. The contract must 97393
require the private entity to do all of the following: 97394

(a) Examine issues of process, practice, impact, and 97395
outcomes; 97396

(b) Study former participants of Ohio works first who have 97397
not participated in Ohio works first for at least one year to 97398
determine whether they are employed, the type of employment in 97399
which they are engaged, the amount of compensation they are 97400
receiving, whether their employer provides health insurance, 97401
whether and how often they have received benefits or services 97402
under the prevention, retention, and contingency program, and 97403
whether they are successfully self sufficient; 97404

(c) Provide the department with reports at times the department specifies. 97405
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(11) Not later than the last day of each January and July, prepare a report containing information on the following: 97407
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(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code. 97409
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(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption. 97412
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(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request. 97415
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(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section. 97422
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Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program 97432
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identified under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) 97435
of section 5101.80 of the Revised Code shall provide benefits and 97436
services that are not "assistance" as defined in 45 C.F.R. 97437
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 97438
excludes from the definition of assistance. 97439

(B)(1) Except as otherwise provided by the law enacted by the 97440
general assembly or executive order issued by the governor 97441
establishing the Title IV-A program, the department of job and 97442
family services shall do either of the following regarding a Title 97443
IV-A program identified under division (A)(4)(c), (d), (e), (f), 97444
~~or (g)~~, or (h) of section 5101.80 of the Revised Code: 97445

(a) Administer the program or supervise a county family 97446
services agency's administration of the program; 97447

(b) Enter into an interagency agreement with a state agency 97448
for the state agency to administer the program under the 97449
department's supervision. 97450

(2) The department may enter into an agreement with a 97451
government entity and, to the extent permitted by federal law, a 97452
private, not-for-profit entity for the entity to receive funding 97453
for a project under the Title IV-A demonstration program created 97454
under section 5101.803 of the Revised Code. 97455

(3) To the extent permitted by federal law, the department 97456
may enter into an agreement with a private, not-for-profit entity 97457
for the entity to receive funds under the Ohio parenting and 97458
pregnancy program created under section 5101.804 of the Revised 97459
Code. 97460

(4) To the extent permitted by federal law, the department 97461
may enter into an agreement with a private, not-for-profit entity 97462
for the entity to receive funds as recommended by the Ohio 97463
commission on fatherhood under section 5101.805 of the Revised 97464
Code. 97465

(C) The department may adopt rules governing Title IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), ~~and~~ (g), and (h) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the department or between the department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the Revised Code pursuant to division (B)(1)(b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is to provide;

(b) The methods of program or project administration;

(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services; 97496
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(d) Other requirements that the department requires be included. 97499
97500

(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established; 97501
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(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following: 97505
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(a) Limitations on administrative costs; 97509

(b) The department, at its discretion, doing either of the following: 97510
97511

(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project; 97512
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(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project. 97515
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(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following: 97519
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97523

(a) Ensuring that the other entity complies with the agreement between the state agency or entity and department and 97524
97525

federal statutes and regulations and state statutes and rules	97526
governing the use of funds for the program or project;	97527
(b) Auditing the other entity in accordance with requirements	97528
established by the United States office of management and budget.	97529
(6) The state agency or entity's responsibilities regarding	97530
the prompt payment, including any interest assessed, of any	97531
adverse audit finding, final disallowance of federal funds, or	97532
other sanction or penalty imposed by the federal government,	97533
auditor of state, department, a court, or other entity regarding	97534
funds for the program or project;	97535
(7) Provisions for the department to terminate the agreement	97536
or withhold reimbursement from the state agency or entity if	97537
either of the following occur:	97538
(a) The federal government disapproves the program or project	97539
or reduces federal funds for the program or project;	97540
(b) The state agency or entity fails to comply with the terms	97541
of the agreement.	97542
(8) Provisions for both of the following:	97543
(a) The department and state agency or entity determining the	97544
performance outcomes expected for the program or project;	97545
(b) An evaluation of the program or project to determine its	97546
success in achieving the performance outcomes determined under	97547
division (D)(8)(a) of this section.	97548
(E) To the extent consistent with the law enacted by the	97549
general assembly or executive order issued by the governor	97550
establishing the Title IV-A program and subject to the approval of	97551
the director of budget and management, the director of job and	97552
family services may terminate a Title IV-A program identified	97553
under division (A)(4)(c), (d), (e), (f), or (g), <u>or</u> (h) of section	97554
5101.80 of the Revised Code or reduce funding for the program if	97555

the director of job and family services determines that federal or 97556
state funds are insufficient to fund the program. If the director 97557
of budget and management approves the termination or reduction in 97558
funding for such a program, the director of job and family 97559
services shall issue instructions for the termination or funding 97560
reduction. If a Title IV-A administrative agency is administering 97561
the program, the agency is bound by the termination or funding 97562
reduction and shall comply with the director's instructions. 97563

(F) The director of job and family services may adopt 97564
internal management rules in accordance with section 111.15 of the 97565
Revised Code as necessary to implement this section. The rules are 97566
binding on each Title IV-A administrative agency. 97567

Sec. 5101.805. (A) Subject to division (E) of section 97568
5101.801 of the Revised Code, the Ohio commission on fatherhood, 97569
created under section 5101.34 of the Revised Code, may make 97570
recommendations to the director of job and family services 97571
concerning the funding, approval, and implementation of fatherhood 97572
programs in this state that meet at least one of the four purposes 97573
of the temporary assistance for needy families block grant, as 97574
specified in 42 U.S.C. 601. 97575

(B) The department of job and family services may provide 97576
funding under this section to government entities and, to the 97577
extent permitted by federal law, private, not-for-profit entities 97578
with which the department enters into agreements under division 97579
(B)(4) of section 5101.801 of the Revised Code. 97580

Sec. 5101.806. (A) The department of job and family services 97581
shall prepare and submit to the governor not later than the first 97582
day of November in each even-numbered year a TANF spending plan 97583
describing the anticipated spending of temporary assistance for 97584
needy families block grant funds for the upcoming state fiscal 97585

biennium. The report shall be prepared in such a manner as to 97586
facilitate the inclusion of the information contained in the 97587
report in the governor's budget in accordance with division (D)(7) 97588
of section 107.03 of the Revised Code. 97589

(B)(1) Not later than ~~thirty~~ sixty days after the end of the 97590
first state fiscal year of a fiscal biennium, the department shall 97591
prepare and submit an updated TANF spending plan to the 97592
chairperson of a standing committee of the house of 97593
representatives designated by the speaker of the house of 97594
representatives, the chairperson of a standing committee of the 97595
senate designated by the president of the senate, and the minority 97596
leaders of both the house of representatives and the senate. The 97597
updated TANF spending plan shall, at a minimum, include both of 97598
the following: 97599

(a) The total amount of temporary assistance for needy 97600
families block grant funds distributed during the first fiscal 97601
year of the fiscal biennium. 97602

(b) An updated estimate of the total amount of temporary 97603
assistance for needy families block grant funds that will be 97604
distributed during the second fiscal year of the fiscal biennium. 97605

(2) A chairperson of a standing committee designated by the 97606
speaker of the house of representatives or president of the senate 97607
under division (B)(1) of this section may call the director of job 97608
and family services to testify before the committee regarding the 97609
TANF spending plan. 97610

Sec. 5101.87. There is hereby created in the treasury of 97611
state the victims of human trafficking fund consisting of money 97612
seized in connection with a violation of section 2905.32, 2907.21, 97613
or 2907.22 of the Revised Code or acquired from the sale of 97614
personal effects, tools, or other property seized because the 97615
personal effects, tools, or other property were used in the 97616

commission of a violation of section 2905.32, 2907.21, or 2907.22 97617
of the Revised Code or derived from the proceeds of the commission 97618
of a violation of section 2905.32, 2907.21, or 2907.22 of the 97619
Revised Code and deposited pursuant to section 2981.12 of the 97620
Revised Code and such other money as may be appropriated or 97621
contributed to the fund. Money in the fund shall be used for the 97622
sole purpose of treating, caring for, rehabilitating, educating, 97623
housing, and providing assistance for victims of trafficking in 97624
persons. The ~~director of job and family services~~ office of the 97625
attorney general shall administer the fund. 97626

Sec. 5101.98. (A) Quarterly, the department of job and family 97627
services shall compile a report on public assistance programs in 97628
this state, including the following information: 97629

(1) Regarding the supplemental nutrition assistance program, 97630
the number of: 97631

(a) Accounts with high balances, as determined by the 97632
department; 97633

(b) Out-of-state transactions; 97634

(c) Transactions when the final amount processed was a whole 97635
dollar amount without additional cents. 97636

(2) Regarding public assistance programs in this state, 97637
including medicaid, the supplemental nutrition assistance program, 97638
temporary assistance for needy families, or cash assistance, the 97639
number of: 97640

(a) Payments made in error, and the dollar amount of those 97641
payments; 97642

(b) Work requirement exemptions issued; 97643

(c) Confirmed cases of intentional program violation and 97644
fraud. 97645

(B) The department shall submit the report to the president of the senate and the speaker of the house of representatives, who shall distribute the report to the chairs of any legislative committee with jurisdiction over public assistance.

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the Revised Code:

(A)(1) "Association" or "institution" includes all of the following:

(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;

(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;

(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.

(2) "Association" or "institution" does not include any of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;	97676 97677 97678
(c) A private, nonprofit therapeutic wilderness camp;	97679
(d) A qualified organization as defined in section 2151.90 of the Revised Code.	97680 97681
(B) "Family foster home" means a foster home that is not a specialized foster home.	97682 97683
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	97684 97685
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	97686 97687 97688 97689 97690 97691 97692 97693 97694
(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.	97695 97696
(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	97697 97698 97699 97700
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	97701 97702 97703
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the	97704 97705

instability of their medical conditions.	97706
(3) The children require the services of a registered nurse on a daily basis.	97707 97708
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	97709 97710 97711
(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:	97712 97713 97714 97715 97716
(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.	97717 97718
(2) The children have been placed there by their parents or another relative having custody.	97719 97720
(3) The camp accepts no public funds for use in its operations.	97721 97722
(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:	97723 97724 97725 97726 97727
(1) Issue a certificate;	97728
(2) Deny a certificate;	97729
(3) Renew a certificate;	97730
(4) Deny renewal of a certificate;	97731
(5) Revoke a certificate.	97732
(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.	97733 97734

(J) "Resource family" means a foster home or the kinship caregiver family. 97735
97736

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 97737
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(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs. 97739
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Sec. 5103.021. (A) As used in this section, a "scholars residential center" is a center that meets all of the following: 97746
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(1) The center is a certified affiliate in good standing of a national organization with a mission to help underserved children in middle school and high school in a comprehensive manner that is academically focused and service-oriented and in a family-like setting. 97748
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(2) The center is private and not-for-profit. 97753

(3) The center does not receive Title IV-E funding or any associated Title IV funds related to child welfare. 97754
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(4) The center only accepts children placed by their parents or legal custodian. 97756
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(5) The center is voluntary and uses a competitive selection process. 97758
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(B) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards regarding a scholars residential center. The rules shall be substantially similar, as determined by the director, to other similarly situated providers of residential care for children, 97760
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including rules provided in Chapters 5101:2-5 and 5101:2-9 of the 97765
Administrative Code, except that the rules shall reflect all of 97766
the following: 97767

(1) A center is not subject to any policy that is not 97768
specific or relevant to the center. 97769

(2) A center is not required to provide discharge summaries. 97770

(3) A center is permitted to request agency waivers. 97771

(4) A center is not required to implement case plans or 97772
service plans. 97773

(5) Training requirements for center staff are limited to 97774
completion of all of the following: 97775

(a) Orientation training; 97776

(b) Current American red cross, American heart association, 97777
or equivalent first aid and cardiopulmonary resuscitation 97778
certification; 97779

(c) One hour of annual trauma training. 97780

(6) A center is not subject to existing rules regarding: 97781

(a) Recreation and leisure activity requirements, provided 97782
that the center has a recreation area available and permits 97783
children to swim if a person who has completed life-saving or 97784
water safety training is present; 97785

(b) Visiting and communications policies, provided that the 97786
center ensures that children have contact with their family; 97787

(c) Qualified residential treatment program requirements; 97788

(d) Treatment-focused requirements established for 97789
residential agencies. 97790

(7) A center shall provide notification and documentation of 97791
critical incidents to parents and legal custodians. 97792

(C) The director shall certify a scholars residential center that submits an application to the director, on a form prescribed by the director, that indicates to the director's satisfaction that the center meets the standards set forth in rules adopted under division (B) of this section.

Sec. 5103.03. (A) The director of job and family services shall adopt rules as necessary for the adequate and competent management and certification of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code.

(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of job and family services shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes, at a frequency established by rules adopted under division (A) of this section.

(2) When the department of job and family services is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate is valid for a length of time determined by rules adopted under division (A) of this section. When determining whether an institution or association meets a particular requirement for certification, the department may

consider the institution or association to have met the 97824
requirement if the institution or association shows to the 97825
department's satisfaction that it has met a comparable requirement 97826
to be accredited by a nationally recognized accreditation 97827
organization. 97828

(3) The department may issue a temporary certificate valid 97829
for less than one year authorizing an institution or association 97830
to operate until minimum requirements have been met. 97831

(4) An institution or association that knowingly makes a 97832
false statement that is included as a part of certification under 97833
this section is guilty of the offense of falsification under 97834
section 2921.13 of the Revised Code and the department shall not 97835
certify that institution or association. 97836

(5) The department shall not issue a certificate to a 97837
prospective foster home or prospective specialized foster home 97838
pursuant to this section if the prospective foster home or 97839
prospective specialized foster home operates as a type A family 97840
day-care home pursuant to Chapter 5104. of the Revised Code. The 97841
department shall not issue a certificate to a prospective 97842
specialized foster home if the prospective specialized foster home 97843
operates a type B family day-care home pursuant to Chapter 5104. 97844
of the Revised Code. 97845

(C) The department may revoke a certificate pursuant to an 97846
adjudication under Chapter 119. of the Revised Code if it finds 97847
that the institution or association is in violation of law or 97848
rule. No juvenile court shall commit a child to an association or 97849
institution that is required to be certified under this section if 97850
its certificate has been revoked or, if after revocation, the date 97851
of reissue is less than fifteen months prior to the proposed 97852
commitment. 97853

(D) On a frequency specified by the department by rules 97854

adopted under division (A) of this section, each institution or 97855
association desiring certification ~~or recertification~~ shall submit 97856
to the department a report showing its condition, management, 97857
competency to care adequately for the children who have been or 97858
may be committed to it or to whom it provides care or services, 97859
the system of visitation it employs for children placed in private 97860
homes, and other information the department requires. 97861

(E) The department shall, not less than once each year, send 97862
a list of certified institutions and associations to each juvenile 97863
court and certified association or institution. 97864

(F) No person shall receive children or receive or solicit 97865
money on behalf of such an institution or association not so 97866
certified or whose certificate has been revoked. 97867

(G)(1) The director may delegate by rule any duties imposed 97868
on it by this section to inspect and approve family foster homes 97869
and specialized foster homes to public children services agencies, 97870
private child placing agencies, or private noncustodial agencies. 97871

(2) The director shall adopt rules that require a foster 97872
caregiver or other individual certified to operate a foster home 97873
under this section to notify the recommending agency that the 97874
foster caregiver or other individual is licensed to operate a type 97875
B family day-care home under Chapter 5104. of the Revised Code. 97876

(H) If the director of job and family services determines 97877
that an institution or association that cares for children is 97878
operating without a certificate, the director may petition the 97879
court of common pleas in the county in which the institution or 97880
association is located for an order enjoining its operation. The 97881
court shall grant injunctive relief upon a showing that the 97882
institution or association is operating without a certificate. 97883

(I) If both of the following are the case, the director of 97884
job and family services may petition the court of common pleas of 97885

any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to ~~deny renewal of or~~ revoke the certificate of the institution or association.

Sec. 5103.032. (A) Except as provided in division (B) of this section and in section 5103.033 of the Revised Code, the department of job and family services may ~~not renew~~ revoke a foster home certificate under section 5103.03 of the Revised Code ~~unless if~~ the foster caregiver fails to successfully completes complete continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver shall be given an additional amount of time within which the foster caregiver must complete the continuing training required under division (A) of this section in accordance with rules adopted by the department of job and family services if either of the following applies:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section

5923.01 of the Revised Code, for more than thirty days in the 97916
preceding two-year period and that active duty relates to either 97917
an emergency in or outside of this state or to military duty in or 97918
outside of this state. 97919

Sec. 5103.033. (A) The department of job and family services 97920
may issue ~~or renew~~ a certificate under section 5103.03 of the 97921
Revised Code to a foster home for the care of a child who is in 97922
the custody of a public children services agency or private child 97923
placing agency pursuant to an agreement entered into under section 97924
5103.15 of the Revised Code regarding a child who was less than 97925
six months of age on the date the agreement was executed if the 97926
prospective foster caregiver or foster caregiver successfully 97927
completes the following: 97928

(1) A preplacement training program approved under section 97929
5103.038 of the Revised Code or a program provided under division 97930
(B) of section 5103.30 of the Revised Code; 97931

(2) Continuing training in accordance with the foster 97932
caregiver's needs assessment and continuing training plan 97933
developed and implemented under section 5103.035 of the Revised 97934
Code. 97935

(B) A foster caregiver to whom either division (B)(1) or (2) 97936
of this section applies shall be given an additional amount of 97937
time within which to complete the continuing training required 97938
under division (A)(2) of this section in accordance with rules 97939
adopted by the department of job and family services: 97940

(1) The foster caregiver has served in active duty outside 97941
this state with a branch of the armed forces of the United States 97942
for more than thirty days in the preceding two-year period. 97943

(2) The foster caregiver has served in active duty as a 97944
member of the Ohio organized militia, as defined in section 97945

5923.01 of the Revised Code, for more than thirty days in the 97946
preceding two-year period and that active duty relates to either 97947
an emergency in or outside of this state or to military duty in or 97948
outside of this state. 97949

Sec. 5103.036. (A) For the purpose of determining whether a 97950
prospective foster caregiver or foster caregiver has satisfied the 97951
requirement of section 5103.031 or 5103.032 of the Revised Code, a 97952
recommending agency shall accept training obtained from either of 97953
the following: 97954

(1) Any preplacement or continuing training program approved 97955
by the department of job and family services under section 97956
5103.038 of the Revised Code; 97957

(2) The Ohio child welfare training program pursuant to 97958
divisions (B) and (C) of section 5103.30 of the Revised Code. 97959

(B) A recommending agency may require that a prospective 97960
foster caregiver or foster caregiver successfully complete 97961
additional training as a condition of the agency recommending that 97962
the department of job and family services certify ~~or recertify~~ the 97963
prospective foster caregiver or foster caregiver's foster home 97964
under section 5103.03 of the Revised Code. 97965

Sec. 5103.0313. Except as provided in section 5103.303 of the 97966
Revised Code, the department of job and family services shall 97967
compensate a private child placing agency or private noncustodial 97968
agency for the cost of procuring or operating preplacement and 97969
continuing training programs approved by the department of job and 97970
family services under section 5103.038 of the Revised Code for 97971
prospective foster caregivers and foster caregivers who are 97972
recommended for ~~initial~~ certification ~~or recertification~~ by the 97973
agency. 97974

The compensation shall be paid to the agency in the form of 97975

an allowance to reimburse the agency for the cost of training 97976
pursuant to the rules adopted by the department of job and family 97977
services in accordance with section 5103.0316 of the Revised Code. 97978

Sec. 5103.0314. The department of job and family services 97979
shall adopt rules regarding the compensation of a recommending 97980
agency for any training the agency requires a foster caregiver to 97981
undergo as a condition of the agency recommending the department 97982
certify the foster caregiver's foster home under section 5103.03 97983
of the Revised Code if the training is in excess of the training 97984
required under section 5103.031 of the Revised Code. 97985

The department of job and family services shall adopt rules 97986
regarding the compensation of a recommending agency for any 97987
training the agency requires a foster caregiver to undergo as a 97988
condition of the agency recommending the department ~~recertify~~ 97989
continue certifying the foster caregiver's foster home under 97990
section 5103.03 of the Revised Code if the training is in addition 97991
to the minimum training required under section 5103.032 of the 97992
Revised Code. 97993

Sec. 5103.0322. On receipt of a recommendation from a public 97994
children services agency, private child placing agency, or private 97995
noncustodial agency regarding an application for, ~~or renewal of,~~ a 97996
family foster home or treatment foster home certification under 97997
section 5103.03 of the Revised Code, the department of job and 97998
family services shall decide whether to issue ~~or renew~~ the 97999
certificate. The department shall notify the agency and the 98000
applicant ~~or certificate holder~~ of its decision. If the 98001
department's decision is different from the recommendation of the 98002
agency, the department shall state in the notice the reason that 98003
the decision is different from the recommendation. 98004

Sec. 5103.0323. (A) As used in this section, "American 98005

institute of certified public accountants auditing standards" and 98006
"AICPA auditing standards" mean the auditing standards published 98007
by the American institute of certified public accountants. 98008

(B) ~~The first time that~~ Not later than two years after the 98009
date of certification, and at least every two years thereafter, a 98010
private child placing agency or private noncustodial agency ~~seeks~~ 98011
~~renewal of a certificate issued under section 5103.03 of the~~ 98012
~~Revised Code, it shall provide the department of job and family~~ 98013
~~services, as a condition of renewal,~~ evidence of an independent 98014
financial statement audit performed by a licensed public 98015
accounting firm following applicable AICPA auditing standards for 98016
the two most recent fiscal year years. Thereafter, ~~when an agency~~ 98017
~~seeks renewal of its certificate, it shall provide the department~~ 98018
~~evidence of an independent financial statement audit performed by~~ 98019
~~a licensed public accounting firm following applicable AICPA~~ 98020
~~auditing standards for the two most recent previous fiscal years~~ 98021
~~it is possible for an independent audit to have been conducted.~~ 98022

(C) ~~For an agency to be eligible for renewal, the~~ The 98023
independent audits must demonstrate that the agency operated in a 98024
fiscally accountable manner as determined by the department of job 98025
and family services. 98026

(D) The director of job and family services may adopt rules 98027
as necessary to implement this section. The director shall adopt 98028
the rules in accordance with section ~~111.15~~119.03 of the Revised 98029
Code. 98030

Sec. 5103.0326. (A) A recommending agency may recommend that 98031
the department of job and family services ~~not renew~~ revoke a 98032
foster home certificate under section 5103.03 of the Revised Code 98033
if the foster caregiver refused to accept the placement of any 98034
children into the foster home during the ~~current certification~~ 98035
~~period~~ preceding twelve months. Based on the agency's 98036

recommendation, the department may ~~refuse to renew~~ revoke a foster 98037
home certificate pursuant to an adjudication under Chapter 119. of 98038
the Revised Code. 98039

(B) The department of job and family services may revoke, 98040
pursuant to an adjudication under Chapter 119. of the Revised 98041
Code, the certification of any foster caregiver who has not cared 98042
for one or more foster children in the foster caregiver's home 98043
within the preceding twelve months. Prior to the revocation of any 98044
certification pursuant to this division, the recommending agency 98045
shall have the opportunity to provide good cause for the 98046
department to continue the certification and not revoke the 98047
certification. If the department decides to revoke the 98048
certification, the department shall notify the recommending agency 98049
that the certification will be revoked. 98050

Sec. 5103.05. (A) As used in this section and section 98051
5103.051 of the Revised Code: 98052

(1) "Children's residential center" means a facility that is 98053
operated by a private child placing agency, private noncustodial 98054
agency, or public children services agency, that has been 98055
certified by the department of job and family services to operate 98056
a children's residential center, and in which eleven or more 98057
children, including the children of any staff residing at the 98058
facility, are given nonsecure care and supervision twenty-four 98059
hours a day. 98060

(2) "Children's crisis care facility" has the same meaning as 98061
in section 5103.13 of the Revised Code. 98062

(3) "County children's home" means a facility established 98063
under section 5153.21 of the Revised Code. 98064

(4) "District children's home" means a facility established 98065
under section 5153.42 of the Revised Code. 98066

(5) "Group home for children" means any public or private facility that is operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a group home for children, and that meets all of the following criteria:

(a) Gives, for compensation, a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day by a person or persons who are unrelated to the children by blood or marriage, or who is not the appointed guardian of any of the children;

(b) Is not certified as a foster home;

(c) Receives or cares for children for two or more consecutive weeks.

"Group home for children" does not include any facility that provides care for children from only a single-family group, placed at the facility by the children's parents or other relative having custody.

(6) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility.

(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and

skills. 98098

(8) "Nonsecure care and supervision" means care and 98099
supervision of a child in a residential facility that does not 98100
confine or prevent movement of the child within the facility or 98101
from the facility. 98102

(B) Within ten days after the commencement of operations at a 98103
residential facility, the facility shall provide the following to 98104
all county, municipal, or township law enforcement agencies, 98105
emergency management agencies, and fire departments with 98106
jurisdiction over the facility: 98107

(1) Written notice that the facility is located and will be 98108
operating in the agency's or department's jurisdiction. The 98109
written notice shall provide the address of the facility, identify 98110
the facility as a group home for children, children's crisis care 98111
facility, children's residential center, residential parenting 98112
facility, county children's home, or district children's home, and 98113
provide contact information for the facility. 98114

(2) A copy of the facility's procedures for emergencies and 98115
disasters established pursuant to rules adopted under section 98116
5103.03 of the Revised Code; 98117

(3) A copy of the facility's medical emergency plan 98118
established pursuant to rules adopted under section 5103.03 of the 98119
Revised Code; 98120

(4) A copy of the facility's community engagement plan 98121
established pursuant to rules adopted under section 5103.051 of 98122
the Revised Code. 98123

(C) Within ten days of a ~~facility's recertification by the~~ 98124
~~department~~ any change to the facility's information described in 98125
divisions (B)(2), (3), and (4) of this section, the facility shall 98126
provide to all county, municipal, or township law enforcement 98127
agencies, emergency management agencies, and fire departments with 98128

jurisdiction over the facility updated copies of the information 98129
required to be provided under divisions (B)(2), (3), and (4) of 98130
this section. 98131

(D) The department may adopt rules in accordance with Chapter 98132
119. of the Revised Code necessary to implement this section. 98133

Sec. 5103.18. (A)(1) Prior to certification ~~or~~ 98134
~~recertification~~ as a foster home under section 5103.03 of the 98135
Revised Code, a recommending agency shall obtain a summary report 98136
of a search of the uniform statewide automated child welfare 98137
information system, established under section 5101.13 of the 98138
Revised Code, from an entity listed in section 5101.132 of the 98139
Revised Code. 98140

(2) Whenever a prospective foster parent or any other person 98141
eighteen years of age or older who resides with a prospective 98142
foster parent has resided in another state within the five-year 98143
period immediately prior to the date on which a criminal records 98144
check is requested for the person under division (A) of section 98145
2151.86 of the Revised Code, the recommending agency shall request 98146
a check of the central registry of abuse and neglect of this state 98147
from the department of job and family services regarding the 98148
prospective foster parent or the person eighteen years of age or 98149
older who resides with the prospective foster parent to enable the 98150
agency to check any child abuse and neglect registry maintained by 98151
that other state. The recommending agency shall make the request 98152
and shall review the results of the check before the prospective 98153
foster parent may be finally approved for placement of a child. 98154
Information received pursuant to such a request shall be 98155
considered for purposes of this chapter as if it were a summary 98156
report required under division (A) of this section. The department 98157
of job and family services shall comply with any request to check 98158
the central registry that is similar to the request described in 98159

this division and that is received from any other state. 98160

(B)(1) The summary report required under division (A) of this 98161
section shall contain, if applicable, a chronological list of 98162
abuse and neglect determinations or allegations of which a person 98163
seeking to become a foster caregiver of a child is subject and in 98164
regards to which a public children services agency has done one of 98165
the following: 98166

(a) Determined that abuse or neglect occurred; 98167

(b) Initiated an investigation, and the investigation is 98168
ongoing; 98169

(c) Initiated an investigation, and the agency was unable to 98170
determine whether abuse or neglect occurred. 98171

(2) The summary report required under division (A) of this 98172
section shall not contain any of the following: 98173

(a) An abuse and neglect determination of which a person 98174
seeking to become a foster caregiver of a child is subject and in 98175
regards to which a public children services agency determined that 98176
abuse or neglect did not occur; 98177

(b) Information or reports the dissemination of which is 98178
prohibited by, or interferes with eligibility under, the "Child 98179
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 98180
5101 et seq., as amended; 98181

(c) The name of the person who or entity that made, or 98182
participated in the making of, the report of abuse or neglect. 98183

(C)(1) A foster home certification ~~or recertification~~ may be 98184
denied based on a summary report containing the information 98185
described under division (B)(1)(a) of this section, when 98186
considered within the totality of the circumstances. 98187

(2) A foster home certification ~~or recertification~~ shall not 98188
be denied solely based on a summary report containing the 98189

information described under division (B)(1)(b) or (c) of this 98190
section. 98191

(D) Not later than January 1, 2008, the director of job and 98192
family services shall adopt rules in accordance with Chapter 119. 98193
of the Revised Code necessary for the implementation and execution 98194
of this section. 98195

Sec. 5103.181. (A) Prior to certification ~~or recertification~~ 98196
of a foster home under section 5103.03 of the Revised Code, a 98197
recommending agency shall conduct a search of the United States 98198
department of justice national sex offender public web site 98199
regarding the prospective or current foster caregiver and all 98200
persons eighteen years of age or older who reside with the 98201
prospective or current foster caregiver. Certification ~~or~~ 98202
~~recertification~~ may be denied based solely on the results of the 98203
search. 98204

(B) The director of job and family services shall adopt rules 98205
in accordance with Chapter 119. of the Revised Code necessary for 98206
the implementation and execution of this section. 98207

Sec. 5103.20. The interstate compact for the placement of 98208
children is hereby enacted into law and entered into with all 98209
other jurisdictions legally joining therein in form substantially 98210
as follows: 98211

ARTICLE I. 98212

PURPOSE 98213

The purpose of this compact is to: 98214

(A) Provide a process through which children subject to this 98215
compact are placed in safe and suitable homes in a timely manner. 98216

(B) Facilitate ongoing supervision of a placement, the 98217
delivery of services, and communication between the states. 98218

(C) Provide operating procedures that will ensure that children are placed in safe and suitable homes in a timely manner.	98219 98220
(D) Provide for the promulgation and enforcement of administrative rules implementing the provisions of this compact and regulating the covered activities of the member states.	98221 98222 98223
(E) Provide for uniform data collection and information sharing between member states under this compact.	98224 98225
(F) Promote coordination between this compact, the Interstate Compacts for Juveniles, the Interstate Compact on Adoption and Medical Assistance and other compacts affecting the placement of and which provide services to children otherwise subject to this compact.	98226 98227 98228 98229 98230
(G) Provide for a state's continuing legal jurisdiction and responsibility for placement and care of a child that it would have had if the placement were intrastate.	98231 98232 98233
(H) Provide for the promulgation of guidelines, in collaboration with Indian tribes, for interstate cases involving Indian children as is or may be permitted by federal law.	98234 98235 98236
ARTICLE II.	98237
DEFINITIONS	98238
As used in this compact:	98239
(A) "Approved placement" means the <u>public child placing agency in the</u> receiving state has determined after an assessment that the placement is both safe and suitable for the child and is in compliance with the applicable laws of the receiving state governing the placement of children therein.	98240 98241 98242 98243 98244
(B) "Assessment" means an evaluation of a prospective placement <u>by a public child placing agency in the receiving state</u> to determine whether <u>if</u> the placement meets the individualized needs of the child, including but not limited to the child's	98245 98246 98247 98248

safety and stability, health and well-being, and mental, 98249
emotional, and physical development. An assessment is only 98250
applicable to a placement by a public child placing agency. 98251

(C) "Child" means an individual who has not attained the age 98252
of eighteen (18). 98253

(D) "Certification" means to attest, declare, or swear to 98254
before a judge or notary public. 98255

(E) "Default" means the failure of a member state to perform 98256
the obligations or responsibilities imposed upon it by this 98257
compact, the bylaws or rules of the Interstate Commission. 98258

(F) "Home study" means an evaluation of a home environment 98259
conducted in accordance with the applicable requirements of the 98260
state in which the home is located, and documents the preparation 98261
and the suitability of the placement resource for placement of a 98262
child in accordance with the laws and requirements of the state in 98263
which the home is located. 98264

~~(E)~~(G) "Indian tribe" means any Indian tribe, band, nation, 98265
or other organized group or community of Indians recognized as 98266
eligible for services provided to Indians by the Secretary of the 98267
Interior because of their status as Indians, including any Alaskan 98268
native village as defined in section 3 (c) of the Alaska Native 98269
Claims Settlement Act at 43 USC section 1602(c). 98270

~~(F)~~(H) "Interstate Commission for the Placement of Children" 98271
means the commission that is created under Article VIII of this 98272
compact and which is generally referred to as the Interstate 98273
Commission. 98274

~~(G)~~(I) "Jurisdiction" means the power and authority of a 98275
court to hear and decide matters. 98276

(J) "Legal risk placement" ("legal risk adoption") means a 98277
placement made preliminary to an adoption where the prospective 98278

adoptive parents acknowledge in writing that a child can be 98279
ordered returned to the sending state or the birth mother's state 98280
of residence, if different from the sending state, and a final 98281
decree of adoption shall not be entered in any jurisdiction until 98282
all required consents are obtained or are dispensed with in 98283
accordance with applicable law. 98284

~~(H)~~(K) "Member state" means a state that has enacted this 98285
compact. 98286

~~(I)~~(L) "Non-custodial parent" means a person who, at the time 98287
of the commencement of court proceedings in the sending state, 98288
does not have sole legal custody of the child or has joint legal 98289
custody of a child, and who is not the subject of allegations or 98290
findings of child abuse or neglect. 98291

~~(J)~~(M) "Non-member state" means a state which has not enacted 98292
this compact. 98293

~~(K)~~(N) "Notice of residential placement" means information 98294
regarding a placement into a residential facility provided to the 98295
receiving state including, but not limited to the name, date, and 98296
place of birth of the child, the identity and address of the 98297
parent or legal guardian, evidence of authority to make the 98298
placement, and the name and address of the facility in which the 98299
child will be placed. Notice of residential placement shall also 98300
include information regarding a discharge and any unauthorized 98301
absence from the facility. 98302

~~(L)~~(O) "Placement" means the act by a public or private child 98303
placing agency intended to arrange for the care or custody of a 98304
child in another state. 98305

~~(M)~~(P) "Private child placing agency" means any private 98306
corporation, agency, foundation, institution, or charitable 98307
organization, or any private person or attorney that facilitates, 98308
causes, or is involved in the placement of a child from one state 98309

to another and that is not an instrumentality of the state or 98310
acting under color of state law. 98311

~~(N)~~(O) "Provisional placement" means ~~that a determination~~ 98312
made by the public child placing agency in the receiving state has 98313
~~determined~~ that the proposed placement is safe and suitable, and, 98314
to the extent allowable, the receiving state has temporarily 98315
waived its standards or requirements otherwise applicable to 98316
prospective foster or adoptive parents so as to not delay the 98317
placement. Completion of the receiving state requirements 98318
regarding training for prospective foster or adoptive parents 98319
shall not delay an otherwise safe and suitable placement. 98320

~~(O)~~(R) "Public child placing agency" means any government 98321
child welfare agency or child protection agency or a private 98322
entity under contract with such an agency, regardless of whether 98323
they act on behalf of a state, county, municipality, or other 98324
governmental unit and which facilitates, causes, or is involved in 98325
the placement of a child from one state to another. 98326

~~(P)~~(S) "Receiving state" means the state to which a child is 98327
sent, brought, or caused to be sent or brought. 98328

~~(Q)~~(T) "Relative" means someone who is related to the child 98329
as a parent, step-parent, sibling by half or whole blood or by 98330
adoption, grandparent, aunt, uncle, or first cousin or a 98331
non-relative with such significant ties to the child that they may 98332
be regarded as relatives as determined by the court in the sending 98333
state. 98334

~~(R)~~(U) "Residential Facility" means a facility providing a 98335
level of care that is sufficient to substitute for parental 98336
responsibility or foster care, and is beyond what is needed for 98337
assessment or treatment of an acute condition. For purposes of the 98338
compact, residential facilities do not include institutions 98339
primarily educational in character, hospitals, or other medical 98340

facilities. 98341

~~(S)~~(V) "Rule" means a written directive, mandate, standard, 98342
or principle issued by the Interstate Commission promulgated 98343
pursuant to Article XI of this compact that is of general 98344
applicability and that implements, interprets or prescribes a 98345
policy or provision of the compact. "Rule" has the force and 98346
effect of ~~statutory law~~ an administrative rule in a member state, 98347
and includes the amendment, repeal, or suspension of an existing 98348
rule. 98349

~~(T)~~(W) "Sending state" means the state from which the 98350
placement of a child is initiated. 98351

~~(U)~~(X) "Service member's permanent duty station" means the 98352
military installation where an active duty Armed Services member 98353
is currently assigned and is physically located under competent 98354
orders that do not specify the duty as temporary. 98355

~~(V)~~(Y) "Service member's state of ~~local~~ legal residence" 98356
means the state in which the active duty Armed Services member is 98357
considered a resident for tax and voting purposes. 98358

~~(W)~~(Z) "State" means a state of the United States, the 98359
District of Columbia, the Commonwealth of Puerto Rico, the U.S. 98360
Virgin Islands, Guam, American Samoa, the Northern Marianas 98361
Islands and any other territory of the United States. 98362

~~(X)~~(AA) "State court" means a judicial body of a state that 98363
is vested by law with responsibility for adjudicating cases 98364
involving abuse, neglect, deprivation, delinquency or status 98365
offenses of individuals who have not attained the age of eighteen 98366
(18). 98367

~~(Y)~~(BB) "Supervision" means monitoring provided by the 98368
receiving state once a child has been placed in a receiving state 98369
pursuant to this compact. 98370

ARTICLE III.	98371
APPLICABILITY	98372
(A) Except as otherwise provided in Article III, Section B, this compact shall apply to:	98373 98374
(1) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.	98375 98376 98377 98378 98379 98380 98381
(2) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:	98382 98383 98384
(a) The child is being placed in a residential facility in another member state and is not covered under another compact; or	98385 98386
(b) The child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.	98387 98388 98389
(3) The interstate placement of any child by a public child placing agency or private child placing agency as defined in this compact as a preliminary step to a possible adoption.	98390 98391 98392
(B) The provisions of this compact shall not apply to:	98393
(1) <u>The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, provided, the placement is not intended to effectuate an adoption.</u>	98394 98395 98396
(2) The interstate placement of a child with a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.	98397 98398 98399 98400

~~(2)~~(3) The interstate placement of a child by one relative 98401
with the lawful authority to make such a placement directly with a 98402
relative in a receiving state. 98403

~~(3)~~(4) The placement of a child, not subject to Article III, 98404
Section A, into a residential facility by his parent. 98405

~~(4)~~(5) The placement of a child with a non-custodial parent 98406
provided that: 98407

(a) The non-custodial parent proves to the satisfaction of a 98408
court in the sending state a substantial relationship with the 98409
child; and 98410

(b) The court in the sending state makes a written finding 98411
that placement with the non-custodial parent is in the best 98412
interests of the child; and 98413

(c) The court in the sending state dismisses its jurisdiction 98414
~~over the child's case in interstate placements in which the public~~ 98415
~~child placing agency is a party to the proceeding.~~ 98416

~~(5)~~(6) A child entering the United States from a foreign 98417
country for the purpose of adoption or leaving the United States 98418
to go to a foreign country for the purpose of adoption in that 98419
country. 98420

~~(6)~~(7) Cases in which a U.S. citizen child living overseas 98421
with his family, at least one of whom is in the U.S. Armed 98422
Services, and who is stationed overseas, is removed and placed in 98423
a state. 98424

~~(7)~~(8) The sending of a child by a public child placing 98425
agency or a private child placing agency for a visit as defined by 98426
the rules of the Interstate Commission. 98427

(C) For purposes of determining the applicability of this 98428
compact to the placement of a child with a family in the Armed 98429
Services, the public child placing agency or private child placing 98430

agency may choose the state of the service member's permanent duty station or the service member's declared legal residence. 98431
98432

(D) Nothing in this compact shall be construed to prohibit 98433
the concurrent application of the provisions of this compact with 98434
other applicable interstate compacts including the Interstate 98435
Compact for Juveniles and the Interstate Compact on Adoption and 98436
Medical Assistance. The Interstate Commission may in cooperation 98437
with other interstate compact commissions having responsibility 98438
for the interstate movement, placement or transfer of children, 98439
promulgate like rules to ensure the coordination of services, 98440
timely placement of children, and the reduction of unnecessary or 98441
duplicative administrative or procedural requirements. 98442

ARTICLE IV. 98443

JURISDICTION 98444

(A) The Except as provided in Article IV, Section H and 98445
Article V, Section B, paragraph two and three concerning private 98446
and independent adoptions, and in interstate placements in which 98447
the public child placing agency is not a party to a custody 98448
proceeding, the sending state shall retain jurisdiction over a 98449
child with respect to all matters of custody and disposition of 98450
the child which it would have had if the child had remained in the 98451
sending state. Such jurisdiction shall also include the power to 98452
order the return of the child to the sending state. 98453

(B) When an issue of child protection or custody is brought 98454
before a court in the receiving state, such court shall confer 98455
with the court of the sending state to determine the most 98456
appropriate forum for adjudication. 98457

(C) In cases that are before courts and subject to this 98458
compact, the taking of testimony for hearings before any judicial 98459
officer may occur in person or by telephone, audio-video 98460
conference, or such other means as approved by the rules of the 98461
Interstate Commission; and judicial officers may communicate with 98462

other judicial officers and persons involved in the interstate process as may be permitted by their Canons of Judicial Conduct and any rules promulgated by the Interstate Commission. 98463
98464
98465

(D) In accordance with its own laws, the court in the sending state shall have authority to terminate its jurisdiction if: 98466
98467

(1) The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect, only with the concurrence of the public child placing agency in the receiving state; or 98468
98469
98470
98471

(2) The child is adopted; or 98472

(3) The child reaches the age of majority under the laws of the sending state; or 98473
98474

(4) The child achieves legal independence pursuant to the laws of the sending state; or 98475
98476

(5) A guardianship is created by a court in the receiving state with the concurrence of the court in the sending state; or 98477
98478

(6) An Indian tribe has petitioned for and received jurisdiction from the court in the sending state; or 98479
98480

(7) The public child placing agency of the sending state requests termination and has obtained the concurrence of the public child placing agency in the receiving ~~the~~ state. 98481
98482
98483

~~(D)~~(E) When a sending state court terminates its jurisdiction, the receiving state child placing agency shall be notified. 98484
98485
98486

~~(E)~~(F) Nothing in this article shall defeat a claim of jurisdiction by a receiving state court sufficient to deal with an act of truancy, delinquency, crime or behavior involving a child as defined by the laws of the receiving state committed by the child in the receiving state which would be a violation of its laws. 98487
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~~(F)~~(G) Nothing in this article shall limit the receiving state's ability to take emergency jurisdiction for the protection of the child.

(H) The substantive laws of the state in which an adoption will be finalized shall solely govern all issues relating to the adoption of the child and the court in which the adoption proceeding is filed shall have subject matter jurisdiction regarding all substantive issues relating to the adoption except:

(1) When the child is a ward of another court that established jurisdiction over the child prior to the placement; or

(2) When the child is in the legal custody of a public agency in the sending state; or

(3) When a court in the sending state has otherwise appropriately assumed jurisdiction over the child, prior to the submission of the request for approval of placement.

(I) A final decree of adoption shall not be entered in any jurisdiction until the placement is authorized as an "approved placement" by the public child placing agency in the receiving state.

ARTICLE V.

ASSESSMENTS

(A) Prior to sending, bringing, or causing a child to be sent or brought into a receiving state, the public child placing agency shall provide a written request for assessment to the receiving state.

~~(B) Prior to the sending, bringing, or causing a child to be sent or brought into a receiving state, the~~ For placements by a private child placing agency, a child may be sent or brought, or caused to be sent or brought, into a receiving state, upon receipt and immediate review of the required content in a request for approval of a placement in both the sending and receiving state

public child placing agency. The required content to accompany a 98524
request for approval shall include all of the following: 98525

~~(1) Provide evidence that the applicable laws of the sending~~ 98526
~~state have been complied with~~ A request for approval identifying 98527
the child, birth parent(s), the prospective adoptive parent(s), 98528
and the supervising agency, signed by the person requesting 98529
approval; and 98530

~~(2) Certification that the consent or relinquishment is in~~ 98531
~~compliance with applicable law of the birth parent's state of~~ 98532
~~residence or, where permitted, the laws of the state of where the~~ 98533
~~finalization of the adoption will occur~~ The appropriate consents 98534
or relinquishments signed by the birth parents in accordance with 98535
the laws of the sending state, or, where permitted, the laws of 98536
the state where the adoption will be finalized; and 98537

~~(3) Request through the public child placing agency in the~~ 98538
~~sending state an assessment to be conducted in the receiving state~~ 98539
Certification by a licensed attorney or authorized agent of a 98540
private adoption agency that the consent or relinquishment is in 98541
compliance with the applicable laws of the sending state, or, 98542
where permitted, the laws of the state where finalization of the 98543
adoption will occur; and 98544

~~(4) Upon completion of the assessment, obtain the approval of~~ 98545
~~the public child placing agency in the receiving state~~ A home 98546
study; and 98547

(5) An acknowledgment of legal risk signed by the prospective 98548
adoptive parents. 98549

(C) The sending state and the receiving state may request 98550
additional information or documents prior to finalization of an 98551
approved placement, but they may not delay travel by the 98552
prospective adoptive parents with the child if the required 98553
content for approval has been submitted, received, and reviewed by 98554

the public child placing agency in both the sending state and the receiving state. 98555
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(D) Approval from the public child placing agency in the receiving state for a provisional or approved placement is required as provided for in the rules of the Interstate Commission. 98557
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(E) The procedures for making and the request for an assessment shall contain all information and be in such form as provided for in the rules of the Interstate Commission. 98561
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~~(D)~~(F) Upon receipt of a request from the public child welfare placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child placing agency of the sending state may request a determination of ~~whether the placement qualifies as~~ for a provisional placement. 98564
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~~(E)~~(G) The public child placing agency in the receiving state may request from the public child placing agency or the private child placing agency in the sending state, and shall be entitled to receive supporting or additional information necessary to complete the assessment. 98571
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~~(F)~~(H) The public child placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission. 98576
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(I) For a placement by a private child placing agency, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state, unless adoption is finalized in the sending state. 98580
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~~(G)~~(J) The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of 98584
98585

interstate placements. 98586

ARTICLE VI. 98587

PLACEMENT AUTHORITY 98588

(A) Except as otherwise provided in ~~Article VI, Section C~~ 98589
this compact, no child subject to this compact shall be placed 98590
into a receiving state until approval for such placement is 98591
obtained. 98592

(B) If the public child placing agency in the receiving state 98593
does not approve the proposed placement then the child shall not 98594
be placed. The receiving state shall provide written documentation 98595
of any such determination in accordance with the rules promulgated 98596
by the Interstate Commission. Such determination is not subject to 98597
judicial review in the sending state. 98598

(C) If the proposed placement is not approved, any interested 98599
party shall have standing to seek an administrative review of the 98600
receiving state's determination. 98601

(1) The administrative review and any further judicial review 98602
associated with the determination shall be conducted in the 98603
receiving state pursuant to its applicable ~~administrative~~ 98604
~~procedures~~ Administrative Procedures Act. 98605

(2) If a determination not to approve the placement of the 98606
child in the receiving state is overturned upon review, the 98607
placement shall be deemed approved, provided however that all 98608
administrative or judicial remedies have been exhausted or the 98609
time for such remedies has passed. 98610

ARTICLE VII. 98611

STATE RESPONSIBILITY 98612

(A) For the interstate placement of a child made by a public 98613
child placing agency or state court: 98614

(1) The public child placing agency in the sending state 98615
shall have financial responsibility for: 98616

(a) The ongoing support and maintenance for the child during the period of the placement, unless otherwise provided for in the receiving state; and

(b) As determined by the public child placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state.

(2) The receiving state shall only have financial responsibility for:

(a) Any assessment conducted by the receiving state; and

(b) Supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child placing agencies of the receiving and sending state.

(3) Nothing in this provision shall prohibit public child placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision.

(B) For the placement of a child by a private child placing agency preliminary to a possible adoption, the private child placing agency shall be:

(1) Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption.

(2) Financially responsible for the child absent a contractual agreement to the contrary.

~~(C) A private child placing agency shall be responsible for any assessment conducted in the receiving state and any supervision conducted by the receiving state at the level required by the laws of the receiving state or the rules of the Interstate Commission.~~

~~(D)~~ The public child placing agency in the receiving state

shall provide timely assessments, as provided for in the rules of 98647
the Interstate Commission. 98648

~~(E)~~(D) The public child placing agency in the receiving state 98649
shall provide, or arrange for the provision of, supervision and 98650
services for the child, including timely reports, during the 98651
period of the placement. 98652

~~(F)~~(E) Nothing in this compact shall be construed as to limit 98653
the authority of the public child placing agency in the receiving 98654
state from contracting with a licensed agency or person in the 98655
receiving state for an assessment or the provision of supervision 98656
or services for the child or otherwise authorizing the provision 98657
of supervision or services by a licensed agency during the period 98658
of placement. 98659

~~(G)~~(F) Each member state shall provide for coordination among 98660
its branches of government concerning the state's participation 98661
in, and compliance with, the compact and Interstate Commission 98662
activities, through the creation of an advisory council or use of 98663
an existing body or board. 98664

~~(H)~~(G) Each member state shall establish a central state 98665
compact office, which shall be responsible for state compliance 98666
with the compact and the rules of the Interstate Commission. 98667

~~(I)~~(H) The public child placing agency in the sending state 98668
shall oversee compliance with the provisions of the Indian Child 98669
Welfare Act (25 USC 1901 et seq.) for placements subject to the 98670
provisions of this compact, prior to placement. 98671

~~(J)~~(I) With the consent of the Interstate Commission, states 98672
may enter into limited agreements that facilitate the timely 98673
assessment and provision of services and supervisions of 98674
placements under this compact. 98675

ARTICLE VIII. 98676

INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN 98677

The member states hereby establish, by way of this compact, a commission known as the "Interstate Commission for the Placement of Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

(A) Be joint commission of the member states and shall have the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent concurrent action of the respective legislatures of the member states.

(B) Consist of one commissioner from each member state who shall be appointed by the executive head of the state human services administration with ultimate responsibility for the child welfare program. The appointed commissioner shall have the legal authority to vote on policy related matters governed by this compact binding the state.

(1) Each member state represented at a meeting of the Interstate Commission is entitled to one vote.

(2) A majority of the member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

(3) A representative shall not delegate a vote to another member state.

(4) A representative may delegate voting authority to another person from their state for a specified meeting.

(C) In addition to the commissioners of each member state, the Interstate Commission shall include persons who are members of interested organizations as defined in the bylaws or rules of the Interstate Commission. Such members shall be ex officio and shall not be entitled to vote on any matter before the Interstate Commission.

(D) Establish an executive committee which shall have the authority to administer the day-to-day operations and administration of the Interstate Commission. It shall not have the power to engage in rulemaking.

ARTICLE IX.

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

(A) To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact.

(B) To provide for dispute resolution among member states.

(C) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, or actions.

(D) To enforce compliance with this compact or the bylaws or rules of the Interstate Commission pursuant to Article XII.

(E) Collect standardized data concerning the interstate placement of children subject to this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements.

(F) To establish and maintain offices as may be necessary for the transacting of its business.

(G) To purchase and maintain insurance and bonds.

(H) To hire or contract for services of personnel or consultants as necessary to carry out its functions under the compact and establish personnel qualification policies, and rates of compensation.

(I) To establish and appoint committees and officers including, but not limited to, an executive committee as required by Article X.

(J) To accept any and all donations and grants of money,	98739
equipment, supplies, materials, and services, and to receive,	98740
utilize, and dispose thereof.	98741
(K) To lease, purchase, accept contributions or donations of,	98742
or otherwise to own, hold, improve or use any property, real,	98743
personal, or mixed.	98744
(L) To sell, convey, mortgage, pledge, lease, exchange,	98745
abandon, or otherwise dispose of any property, real, personal, or	98746
mixed.	98747
(M) To establish a budget and make expenditures.	98748
(N) To adopt a seal and bylaws governing the management and	98749
operation of the Interstate Commission.	98750
(O) To report annually to the legislatures, governors, the	98751
judiciary, and state advisory councils of the member states	98752
concerning the activities of the Interstate Commission during the	98753
preceding year. Such reports shall also include any	98754
recommendations that may have been adopted by the Interstate	98755
Commission.	98756
(P) To coordinate and provide education, training, and public	98757
awareness regarding the interstate movement of children for	98758
officials involved in such activity.	98759
(Q) To maintain books and records in accordance with the	98760
bylaws of the Interstate Commission.	98761
(R) To perform such functions as may be necessary or	98762
appropriate to achieve the purposes of this compact.	98763
ARTICLE X.	98764
ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION	98765
(A) Bylaws:	98766
(1) Within 12 months after the first Interstate Commission	98767
meeting, the Interstate Commission shall adopt bylaws to govern	98768

its conduct as may be necessary or appropriate to carry out the 98769
purposes of the compact. 98770

(2) The Interstate Commission's bylaws and rules shall 98771
establish conditions and procedures under which the Interstate 98772
Commission shall make its information and official records 98773
available to the public for inspection or copying. The Interstate 98774
Commission may exempt from disclosure information or official 98775
records to the extent they would adversely affect personal privacy 98776
rights or proprietary interests. 98777

(B) Meetings: 98778

(1) The Interstate Commission shall meet at least once each 98779
calendar year. The chairperson may call additional meetings and, 98780
upon the request of a simple majority of the member states shall 98781
call additional meetings. 98782

(2) Public notice shall be given by the Interstate Commission 98783
of all meetings and all meetings shall be open to the public, 98784
except as set forth in the rules or as otherwise provided in the 98785
compact. The Interstate Commission and its committees may close a 98786
meeting, or portion thereof, where it determines by two-thirds 98787
vote that an open meeting would be likely to: 98788

(a) Relate solely to the Interstate Commission's internal 98789
personnel practices and procedures; or 98790

(b) Disclose matters specifically exempted from disclosure by 98791
federal law; or 98792

(c) Disclose financial or commercial information which is 98793
privileged, proprietary, or confidential in nature; or 98794

(d) Involve accusing a person of a crime, or formally 98795
censuring a person; or 98796

(e) Disclose information of a personal nature where 98797
disclosure would constitute a clearly unwarranted invasion of 98798

personal privacy or physically endanger one or more persons; or 98799

(f) Disclose investigative records compiled for law 98800
enforcement purposes; or 98801

(g) Specifically relate to the Interstate Commission's 98802
participation in a civil action or other legal proceeding. 98803

(3) For a meeting, or portion of a meeting, closed pursuant 98804
to this provision, the Interstate Commission's legal counsel or 98805
designee shall certify that the meeting may be closed and shall 98806
reference each relevant exemption provision. The Interstate 98807
Commission shall keep minutes which shall fully and clearly 98808
describe all matters discussed in a meeting and shall provide a 98809
full and accurate summary of actions taken, and the reasons 98810
therefore, including a description of the views expressed and the 98811
record of a roll call vote. All documents considered in connection 98812
with an action shall be identified in such minutes. All minutes 98813
and documents of a closed meeting shall remain under seal, subject 98814
to release by a majority vote of the Interstate Commission or by 98815
court order. 98816

(4) The bylaws may provide for meetings of the Interstate 98817
Commission to be conducted by telecommunication or other 98818
electronic communication. 98819

(C) Officers and Staff: 98820

(1) The Interstate Commission may, through its executive 98821
committee, appoint or retain a staff director for such period, 98822
upon such terms and conditions and for such compensation as the 98823
Interstate Commission may deem appropriate. The staff director 98824
shall serve as secretary to the Interstate Commission, but shall 98825
not have a vote. The staff director may hire and supervise such 98826
other staff as may be authorized by the Interstate Commission. 98827

(2) The Interstate Commission shall elect, from among its 98828
members, a chairperson and a vice chairperson of the executive 98829

committee and other necessary officers, each of whom shall have 98830
such authority and duties as may be specified in the bylaws. 98831

(D) Qualified Immunity, Defense and Indemnification: 98832

(1) The Interstate Commission's staff director and its 98833
employees shall be immune from suit and liability, either 98834
personally or in their official capacity, for a claim for damage 98835
to or loss of property or personal injury or other civil liability 98836
caused or arising out of or relating to an actual or alleged act, 98837
error, or omission that occurred, or that such person had a 98838
reasonable basis for believing occurred within the scope of 98839
Commission employment, duties, or responsibilities; provided, that 98840
such person shall not be protected from suit or liability for 98841
damage, loss, injury, or liability caused by a criminal act or the 98842
intentional or willful and wanton misconduct of such person. 98843

(a) The liability of the Interstate Commission's staff 98844
director and employees or Interstate Commission representatives, 98845
acting within the scope of such person's employment or duties for 98846
acts, errors, or omissions occurring within such person's state 98847
may not exceed the limits of liability set forth under the 98848
Constitution and laws of that state for state officials, 98849
employees, and agents. The Interstate Commission is considered to 98850
be an instrumentality of the states for the purposes of any such 98851
action. Nothing in this subsection shall be construed to protect 98852
such person from suit or liability for damage, loss, injury, or 98853
liability caused by a criminal act or the intentional or willful 98854
and wanton misconduct of such person. 98855

(b) The Interstate Commission shall defend the staff director 98856
and its employees and, subject to the approval of the Attorney 98857
General or other appropriate legal counsel of the member state 98858
shall defend the commissioner of a member state in a civil action 98859
seeking to impose liability arising out of an actual or alleged 98860
act, error or omission that occurred within the scope of 98861

Interstate Commission employment, duties or responsibilities, or 98862
that the defendant had a reasonable basis for believing occurred 98863
within the scope of Interstate Commission employment, duties, or 98864
responsibilities, provided that the actual or alleged act, error, 98865
or omission did not result from intentional or willful and wanton 98866
misconduct on the part of such person. 98867

(c) To the extent not covered by the state involved, member 98868
state, or the Interstate Commission, the representatives or 98869
employees of the Interstate Commission shall be held harmless in 98870
the amount of a settlement or judgment, including attorney's fees 98871
and costs, obtained against such persons arising out of an actual 98872
or alleged act, error, or omission that occurred within the scope 98873
of Interstate Commission employment, duties, or responsibilities, 98874
or that such persons had a reasonable basis for believing occurred 98875
within the scope of the Interstate Commission employment, duties, 98876
or responsibilities, provided that the actual or alleged act, 98877
error, or omission did not result from intentional or willful and 98878
wanton misconduct on the part of such persons. 98879

ARTICLE XI. 98880

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 98881

(A) The Interstate Commission shall promulgate and publish 98882
rules in order to effectively and efficiently achieve the purposes 98883
of the compact. 98884

(B) Rulemaking shall occur pursuant to the criteria set forth 98885
in this article and the bylaws and rules adopted pursuant thereto. 98886
Such rulemaking shall substantially conform to the principles of 98887
the "Model State Administrative Procedures Act," 1981 Act, Uniform 98888
Laws Annotated, Vol. 15, p.1 (2000), or such other administrative 98889
procedure acts as the Interstate Commission deems appropriate 98890
consistent with due process requirements under the United States 98891
Constitution as now or hereafter interpreted by the U.S. Supreme 98892
Court. All rules and amendments shall become binding as of the 98893

date specified, as published with the final version of the rule as approved by the Interstate Commission. 98894
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(C) When promulgating a rule, the Interstate Commission shall, at a minimum: 98896
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(1) Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and 98898
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(2) Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available; and 98900
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(3) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties. 98903
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(D) Rules promulgated by the Interstate Commission shall have the force and effect of ~~statutory law~~ administrative rules and shall ~~supersede any state law, rule or regulation to the extent of any conflict~~ be binding in the compacting states to the extent and in the manner provided for in this compact. 98906
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(E) Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside. 98911
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(F) If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state. 98919
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(G) The existing rules governing the operation of the 98924
Interstate ~~Company~~ Compact on the Placement of Children superseded 98925
by this act shall be null and void no less than 12, but no more 98926
than 24 months after the first meeting of the Interstate 98927
Commission created hereunder, as determined by the members during 98928
the first meeting. 98929

(H) Within the first 12 months of operation, the Interstate 98930
Commission shall promulgate rules addressing the following: 98931

(1) Transition rules; 98932

(2) Forms and procedures; 98933

(3) Time lines; 98934

(4) Data collection and reporting; 98935

(5) Rulemaking; 98936

(6) Visitation; 98937

(7) Progress reports/supervision; 98938

(8) Sharing of information/confidentiality; 98939

(9) Financing of the Interstate Commission; 98940

(10) Mediation, arbitration and dispute resolution; 98941

(11) Education, training and technical assistance; 98942

(12) Enforcement; 98943

(13) Coordination with other interstate compacts. 98944

(I) Upon determination by a majority of the members of the 98945
Interstate Commission that an emergency exists: 98946

(1) The Interstate Commission may promulgate an emergency 98947
rule only if it is required to: 98948

(a) Protect the children covered by this compact from an 98949
imminent threat to their health, safety and well-being; or 98950

(b) Prevent loss of federal or state funds; or	98951
(c) Meet a deadline for the promulgation of an administrative rule required by federal law.	98952 98953
(2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.	98954 98955 98956 98957 98958
(3) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.	98959 98960
ARTICLE XII.	98961
OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT	98962
(A) Oversight:	98963
(1) The Interstate Commission shall oversee the administration and operations of the compact.	98964 98965
(2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall supercede state law, rules or regulations <u>be binding in the compacting states to the extent of any conflict therewith and in the manner provided for in this compact.</u>	98966 98967 98968 98969 98970 98971 98972 98973
(3) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.	98974 98975 98976
(4) The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene	98977 98978 98979 98980

in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order or other determination, however so captioned or classified, void as to the Interstate Commission, this compact, its bylaws or rules of the Interstate Commission.

(B) Dispute Resolution: 98986

(1) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states. 98987
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(2) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes among compacting states. The costs of such mediation or dispute resolution shall be the responsibility of the parties to the dispute. 98991
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(C) Enforcement: 98996

(1) If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, its bylaws or rules, the Interstate Commission may: 98997
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(a) Provide remedial training and specific technical assistance; or 99001
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(b) Provide written notice to the defaulting state and other member states, of the nature of the default and the means of curing the default. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default; or 99003
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(c) By majority vote of the members, initiate against a defaulting member state legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the 99007
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Interstate Commission has its principal offices, to enforce 99011
compliance with the provisions of the compact, its bylaws or 99012
rules. The relief sought may include both injunctive relief and 99013
damages. In the event judicial enforcement is necessary the 99014
prevailing party shall be awarded all costs of such litigation 99015
including reasonable attorney's fees; or 99016

(d) Avail itself of any other remedies available under state 99017
law or the regulation of official or professional conduct. 99018

ARTICLE XIII. 99019

FINANCING OF THE COMMISSION 99020

(A) The Interstate Commission shall pay, or provide for the 99021
payment of the reasonable expenses of its establishment, 99022
organization and ongoing activities. 99023

(B) The Interstate Commission may levy on and collect an 99024
annual assessment from each member state to cover the cost of the 99025
operations and activities of the Interstate Commission and its 99026
staff which must be in a total amount sufficient to cover the 99027
Interstate Commission's annual budget as approved by its members 99028
each year. The aggregate annual assessment amount shall be 99029
allocated based upon a formula to be determined by the Interstate 99030
Commission which shall promulgate a rule binding upon all member 99031
states. 99032

(C) The Interstate Commission shall not incur obligations of 99033
any kind prior to securing the funds adequate to meet the same; 99034
nor shall the Interstate Commission pledge the credit of any of 99035
the member states, except by and with the authority of the member 99036
state. 99037

(D) The Interstate Commission shall keep accurate accounts of 99038
all receipts and disbursements. The receipts and disbursements of 99039
the Interstate Commission shall be subject to the audit and 99040
accounting procedures established under its bylaws. However, all 99041

receipts and disbursements of funds handled by the Interstate 99042
Commission shall be audited yearly by a certified or licensed 99043
public accountant and the report of the audit shall be included in 99044
and become part of the annual report of the Interstate Commission. 99045

ARTICLE XIV. 99046

MEMBER STATES, EFFECTIVE DATE AND AMENDMENT 99047

(A) Any state is eligible to become a member state. 99048

(B) The compact shall become effective and binding upon 99049
legislative enactment of the compact into law by no less than 35 99050
states. The effective date shall be the later of July 1, 2007 or 99051
upon enactment of the compact into law by the 35th state. 99052
Thereafter it shall become effective and binding as to any other 99053
member state upon enactment of the compact into law by that state. 99054
The ~~governors~~ executive heads of the state human services 99055
administration with ultimate responsibility for the child welfare 99056
program of non-member states or their designees shall be invited 99057
to participate in the activities of the Interstate Commission on a 99058
non-voting basis prior to adoption of the compact by all states. 99059

(C) The Interstate Commission may propose amendments to the 99060
compact for enactment by the member states. No amendment shall 99061
become effective and binding on the member states unless and until 99062
it is enacted into law by unanimous consent of the member states. 99063

ARTICLE XV. 99064

WITHDRAWAL AND DISSOLUTION 99065

(A) Withdrawal: 99066

(1) Once effective, the compact shall continue in force and 99067
remain binding upon each and every member state; provided that a 99068
member state may withdraw from the compact specifically repealing 99069
the statute which enacted the compact into law. 99070

(2) Withdrawal from this compact shall be by the enactment of 99071
a statute repealing the same. The effective date of withdrawal 99072

shall be the effective date of the repeal of the statute. 99073

(3) The withdrawing state shall immediately notify the 99074
president of the Interstate Commission in writing upon the 99075
introduction of legislation repealing this compact in the 99076
withdrawing state. The Interstate Commission shall then notify the 99077
other member states of the withdrawing state's intent to withdraw. 99078

(4) The withdrawing state is responsible for all assessments, 99079
obligations and liabilities incurred through the effective date of 99080
withdrawal. 99081

(5) Reinstatement following withdrawal of a member state 99082
shall occur upon the withdrawing ~~state~~ state reenacting the 99083
compact or upon such later date as determined by the members of 99084
the Interstate Commission. 99085

(B) Dissolution of Compact: 99086

(1) This compact shall dissolve effective upon the date of 99087
the withdrawal or default of the member state which reduces the 99088
membership in the compact to one member state. 99089

(2) Upon the dissolution of this compact, the compact becomes 99090
null and void and shall be of no further force or effect, and the 99091
business and affairs of the Interstate Commission shall be 99092
concluded and surplus funds shall be distributed in accordance 99093
with the bylaws. 99094

ARTICLE XVI. 99095

SEVERABILITY AND CONSTRUCTION 99096

(A) The provisions of this compact shall be severable, and if 99097
any phrase, clause, sentence or provision is deemed unenforceable, 99098
the remaining provisions of the compact shall be enforceable. 99099

(B) The provisions of this compact shall be liberally 99100
construed to effectuate its purposes. 99101

(C) Nothing in this compact shall be construed to prohibit 99102

the concurrent applicability of other interstate compacts to which 99103
the states are members. 99104

ARTICLE XVII. 99105

BINDING EFFECT OF COMPACT AND OTHER LAWS 99106

(A) Other Laws: 99107

~~(1)~~(1) Nothing herein prevents the enforcement of any other 99108
law of a member state that is not inconsistent with this compact. 99109

~~(2) All member states' laws conflicting with this compact or 99110
its rules are superseded to the extent of the conflict. 99111~~

(B) Binding Effect of the Compact: 99112

(1) All lawful actions of the Interstate Commission, 99113
including all rules and bylaws promulgated by the Interstate 99114
Commission, are binding upon the member states. 99115

(2) All agreements between the Interstate Commission and the 99116
member states are binding in accordance with their terms. 99117

(3) In the event any provision of the compact exceeds the 99118
constitutional limits imposed on the legislature of any member 99119
state, such provision shall be ineffective to the extent of the 99120
conflict with the constitutional provision in question in that 99121
member state. 99122

ARTICLE XVIII. 99123

INDIAN TRIBES 99124

Notwithstanding any other provision in this compact, the 99125
Interstate Commission may promulgate guidelines to permit Indian 99126
tribes to utilize the compact to achieve any or all of the 99127
purposes of the compact as specified in Article I. The Interstate 99128
Commission shall make reasonable efforts to consult with Indian 99129
tribes in promulgating guidelines to reflect the diverse 99130
circumstances of the various Indian tribes. 99131

Sec. 5103.37. The Ohio child welfare training program 99132

coordinator shall do all the following ~~pursuant to the contract~~ 99133
~~entered into under section 5103.35 of the Revised Code:~~ 99134

(A) Manage, coordinate, and evaluate all of the program's 99135
training provided under section 5103.30 of the Revised Code; 99136

(B) Develop curriculum, resources, and products for the 99137
training; 99138

(C) Provide fiscal management and technical assistance to 99139
regional training ~~centers~~ staff established under section ~~5103.42~~ 99140
5103.41 of the Revised Code; 99141

(D) Cooperate with the regional training ~~centers~~ staff to 99142
schedule sessions for the training, provide notices of the 99143
training sessions, and provide training materials for the 99144
sessions; 99145

(E) Employ and compensate instructors for the training; 99146

(F) Create individual training needs assessments for use 99147
pursuant to sections 5153.125 and 5153.126 of the Revised Code; 99148

(G) Provide staff for the Ohio child welfare training program 99149
steering committee established under section 5103.39 of the 99150
Revised Code; 99151

(H) Conduct any other activities necessary for the 99152
development, implementation, and management of the program as 99153
specified in the contract; 99154

(I) Identify the competencies needed to do the jobs that the 99155
training is for so that the training helps the development of 99156
those competencies; 99157

(J) Ensure that the training provides the knowledge, skill, 99158
and ability needed to do the jobs that the training is for. 99159

Sec. 5103.391. The director of job and family services shall 99160
appoint all of the following to serve on the Ohio child welfare 99161

training program steering committee:	99162
(A) Employees of the department of job and family services;	99163
(B) One representative of each of the regional training centers established under section 5103.42 <u>5103.41</u> of the Revised Code;	99164 99165 99166
(C) One representative of a statewide organization that represents the interests of public children services agencies;	99167 99168
(D) One representative of the Ohio child welfare training program coordinator;	99169 99170
(E) Two current foster caregivers certified by the department of job and family services under section 5103.03 of the Revised Code;	99171 99172 99173
(F) Employees of public children services agencies.	99174
Sec. 5103.41. Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the <u>The</u> department of job and family services, in consultation with the Ohio child welfare training program steering committee, shall designate eight training regions in the state. The department, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department may change the composition of the training regions as the department considers necessary. Each training region shall contain only one regional training center established and maintained under section 5103.42 of the Revised Code.	99175 99176 99177 99178 99179 99180 99181 99182 99183 99184 99185 99186
<u>The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the</u>	99187 99188 99189 99190 99191

duties specified in section 5103.42 of the Revised Code. 99192

Sec. ~~5103.422~~ 5103.42. A regional training center's staff's 99193
responsibilities shall include all of the following: 99194

(A) Securing facilities suitable for conducting the training 99195
provided under section 5103.30 of the Revised Code; 99196

(B) Providing administrative services and paying all 99197
administrative costs related to the conduct of the training; 99198

(C) Maintaining a database of the data contained in the 99199
individual training needs assessments for each PCSA caseworker and 99200
PCSA caseworker supervisor employed by a public children services 99201
agency located in the training region ~~erved by the center~~; 99202

(D) Analyzing training needs of PCSA caseworkers and PCSA 99203
caseworker supervisors employed by a public children services 99204
agency and other training populations described in section 5103.30 99205
of the Revised Code and located in the training region ~~erved by~~ 99206
~~the center~~; 99207

(E) Coordinating the training ~~at the center~~ for the region 99208
with the Ohio child welfare training program coordinator. 99209

Sec. 5103.50. (A) As used in ~~this section and~~ sections 99210
~~5103.51~~ 5103.50 to 5103.55 of the Revised Code, "private, 99211
nonprofit therapeutic wilderness camp" has the same meaning as in 99212
section 5103.02 of the Revised Code. 99213

(B) The director of job and family services shall adopt rules 99214
in accordance with Chapter 119. of the Revised Code to implement 99215
standards set forth in division (D) of this section and section 99216
5103.54 of the Revised Code that are substantially similar, as 99217
determined by the director, to other similarly situated providers 99218
of residential care to children. 99219

(C) The director of job and family services shall issue a 99220

license to a private, nonprofit therapeutic wilderness camp that 99221
submits an application to the director, on a form prescribed by 99222
the director, that indicates to the director's satisfaction that 99223
the camp meets the standards set forth in rules adopted under 99224
division (B) of this section. 99225

(D) In accordance with rules adopted by the director under 99226
division (B) of this section, the camp shall develop and implement 99227
written policies that establish all of the following: 99228

(1) Standards for hiring, training, and supervising staff; 99229

(2) Standards for behavioral intervention, including 99230
standards prohibiting the use of prone restraint and governing the 99231
use of other restraints or isolation; 99232

(3) Standards for recordkeeping, including specifying 99233
information that must be included in each child's record, who may 99234
access records, confidentiality, maintenance, security, and 99235
disposal of records; 99236

(4) A procedure for handling complaints about the camp from 99237
the children attending the camp, their families, staff, and the 99238
public; 99239

(5) Standards for emergency and disaster preparedness, 99240
including procedures for emergency evacuation and standards 99241
requiring that a method of emergency communication be accessible 99242
at all times; 99243

(6) Standards that ensure the protection of children's civil 99244
rights; 99245

(7) Standards for the admission and discharge of children 99246
attending the camp, including standards for emergency discharge; 99247

(8) Standards for the supervision of children, including 99248
minimum staff to child ratios; 99249

(9) Standards for ensuring proper medical care, including 99250

administration of medications;	99251
(10) Standards for proper notification of critical incidents;	99252
(11) Standards regarding the health and safety of residents, including proper health department approvals, fire inspections, and food service licenses;	99253 99254 99255
(12) Standards for ensuring the reporting requirements under section 2151.421 of the Revised Code are met.	99256 99257
(E) The camp shall ensure that no child resides at the camp for more than twelve consecutive months, unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. Such evaluation shall include any outside professional determined to be necessary by the director of job and family services. This evaluation shall be conducted in accordance with rules adopted by the director.	99258 99259 99260 99261 99262 99263 99264 99265
(F) The camp shall cooperate with any request from the director for an inspection or for access to records or written policies of the camp.	99266 99267 99268
(G) The camps shall ensure that no child is left without supervision of camp staff at any time.	99269 99270
(H) The camp shall ensure that if there is a weather emergency or warning issued by the national weather service in the camp's geographic area, the children will be moved to a safe structure guarded from the weather event.	99271 99272 99273 99274
(I) The camp shall ensure that all sharp tools used in the camp, including axes and knives, are locked unless in use by camp staff or otherwise under camp staff supervision.	99275 99276 99277
Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation of child day-care centers, including	99278 99279 99280

parent cooperative centers, part-time centers, and drop-in 99281
centers. The rules shall reflect the various forms of child care 99282
and the needs of children receiving child care or publicly funded 99283
child care and shall include specific rules for school-age child 99284
care centers that are developed in consultation with the 99285
department of education. The rules shall include the following: 99286

(A) Submission of a site plan and descriptive plan of 99287
operation to demonstrate how the center proposes to meet the 99288
requirements of this chapter and rules adopted pursuant to this 99289
chapter for the initial license application; 99290

(B) Standards for ensuring that the physical surroundings of 99291
the center are safe and sanitary including the physical 99292
environment, the physical plant, and the equipment of the center; 99293

(C) Standards for the supervision, care, and discipline of 99294
children receiving child care or publicly funded child care in the 99295
center; 99296

(D) Standards for a program of activities, and for play 99297
equipment, materials, and supplies, to enhance the development of 99298
each child; however, any educational curricula, philosophies, and 99299
methodologies that are developmentally appropriate and that 99300
enhance the social, emotional, intellectual, and physical 99301
development of each child shall be permissible. As used in this 99302
division, "program" does not include instruction in religious or 99303
moral doctrines, beliefs, or values that is conducted at child 99304
day-care centers owned and operated by churches and does include 99305
methods of disciplining children at child day-care centers. 99306

(E) Admissions policies and procedures; 99307

(F) Health care policies and procedures, including procedures 99308
for the isolation of children with communicable diseases; 99309

(G) First aid and emergency procedures; 99310

(H) Procedures for discipline and supervision of children;	99311
(I) Standards for the provision of nutritious meals and snacks;	99312 99313
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	99314 99315 99316
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	99317 99318
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	99319 99320 99321 99322
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	99323 99324 99325
(N) Procedures for record keeping, organization, and administration;	99326 99327
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	99328 99329 99330
(P) Inspection procedures;	99331
(Q) Procedures and standards for setting initial license application fees;	99332 99333
(R) Procedures for receiving, recording, and responding to complaints about centers;	99334 99335
(S) Procedures for enforcing section 5104.04 of the Revised Code;	99336 99337
(T) Minimum qualifications for employment as an administrator or child-care staff member, <u>which shall not include requiring an</u>	99338 99339

<u>administrator or child-care staff member to hold or obtain a</u>	99340
<u>bachelor's, master's, or doctoral degree;</u>	99341
(U) Requirements for the training of administrators and	99342
child-care staff members, including training in first aid, in	99343
prevention, recognition, and management of communicable diseases,	99344
and in child abuse recognition and prevention;	99345
(V) Standards providing for the needs of children who have	99346
disabilities or who require treatment for health conditions while	99347
the child is receiving child care or publicly funded child care in	99348
the center;	99349
(W) A procedure for reporting of injuries of children that	99350
occur at the center;	99351
(X) Standards for licensing child day-care centers for	99352
children with short-term illnesses and other temporary medical	99353
conditions;	99354
(Y) Minimum requirements for instructional time for child	99355
day-care centers rated through the step up to quality program	99356
established pursuant to section 5104.29 of the Revised Code;	99357
(Z) Any other procedures and standards necessary to carry out	99358
the provisions of this chapter regarding child day-care centers.	99359
Sec. 5104.017. The director of job and family services shall	99360
adopt rules pursuant to Chapter 119. of the Revised Code governing	99361
the operation of type A family day-care homes, including parent	99362
cooperative type A homes, part-time type A homes, and drop-in type	99363
A homes. The rules shall reflect the various forms of child care	99364
and the needs of children receiving child care. The rules shall	99365
include the following:	99366
(A) Submission of a site plan and descriptive plan of	99367
operation to demonstrate how the type A home proposes to meet the	99368
requirements of this chapter and rules adopted pursuant to this	99369

chapter for the initial license application;	99370
(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;	99371 99372 99373 99374
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	99375 99376 99377
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	99378 99379 99380 99381 99382 99383
(E) Admissions policies and procedures;	99384
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	99385 99386
(G) First aid and emergency procedures;	99387
(H) Procedures for discipline and supervision of children;	99388
(I) Standards for the provision of nutritious meals and snacks;	99389 99390
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	99391 99392 99393
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	99394 99395
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	99396 99397 99398 99399

(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	99400 99401 99402
(N) Procedures for record keeping, organization, and administration;	99403 99404
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	99405 99406 99407
(P) Inspection procedures;	99408
(Q) Procedures and standards for setting initial license application fees;	99409 99410
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	99411 99412
(S) Procedures for enforcing section 5104.04 of the Revised Code;	99413 99414
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	99415 99416 99417 99418 99419
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	99420 99421 99422 99423
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	99424 99425 99426 99427
(W) Standards for the maximum number of children per child-care staff member;	99428 99429

(X) Requirements for the amount of usable indoor floor space for each child;	99430 99431
(Y) Requirements for safe outdoor play space;	99432
(Z) Qualifications and training requirements for administrators and for child-care staff members, <u>which shall not include requiring an administrator or child-care staff member to hold or obtain a bachelor's, master's, or doctoral degree;</u>	99433 99434 99435 99436
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	99437 99438 99439
(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	99440 99441 99442
(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	99443 99444
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	99445 99446 99447 99448 99449 99450 99451
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	99452 99453 99454
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	99455 99456 99457
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the	99458 99459

home;	99460
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	99461 99462 99463 99464 99465 99466
(E) Admission policies and procedures;	99467
(F) Health care, first aid and emergency procedures;	99468
(G) Procedures for the care of sick children;	99469
(H) Procedures for discipline and supervision of children;	99470
(I) Nutritional standards;	99471
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	99472 99473 99474
(K) Procedures for screening administrators and employees, including any necessary physical examinations and immunizations;	99475 99476
(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	99477 99478 99479 99480
(M) Standards for the safe transport of children when under the care of administrators;	99481 99482
(N) Procedures for issuing, denying, or revoking licenses;	99483
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	99484 99485 99486
(P) Procedures for record keeping and evaluation;	99487
(Q) Procedures for receiving, recording, and responding to	99488

complaints;	99489
(R) Standards providing for the needs of children who have disabilities or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	99490 99491 99492 99493
(S) Requirements for the amount of usable indoor floor space for each child;	99494 99495
(T) Requirements for safe outdoor play space;	99496
(U) Qualification and training requirements for administrators <u>and employees, which shall not include requiring an administrator or employee to hold or obtain a bachelor's, master's, or doctoral degree;</u>	99497 99498 99499 99500
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	99501 99502 99503
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	99504 99505 99506
(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	99507 99508 99509
(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	99510 99511 99512
Sec. 5104.02. (A) The director of job and family services is responsible for licensing child day-care centers, type A family day-care homes, and type B family day-care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child day-care center. The director is responsible for the enforcement of this chapter and of rules promulgated	99513 99514 99515 99516 99517 99518

pursuant to this chapter. 99519

No person, firm, organization, institution, or agency shall 99520
operate, establish, manage, conduct, or maintain a child day-care 99521
center or type A family day-care home without a license issued 99522
under section 5104.03 of the Revised Code. The current license 99523
shall be posted in the center or home in a conspicuous place that 99524
is accessible to parents, custodians, or guardians and employees 99525
of the center or home at all times when the center or home is in 99526
operation. 99527

(B) A person, firm, institution, organization, or agency 99528
operating any of the following programs is exempt from the 99529
requirements of this chapter: 99530

(1) A program caring for children that operates for two 99531
consecutive weeks or less and not more than six weeks total in 99532
each calendar year; 99533

(2) Caring for children in places of worship during religious 99534
activities while at least one parent, guardian, or custodian of 99535
each child is participating in such activities and is readily 99536
available; 99537

(3) Supervised training, instruction, or activities of 99538
children in specific areas, including, but not limited to: art; 99539
drama; dance; music; athletic skills or sports; computers; or an 99540
educational subject conducted on an organized or periodic basis 99541
that a child does not attend for more than eight total hours per 99542
week; 99543

(4) Programs in which the director determines that at least 99544
one parent, custodian, or guardian of each child ~~who is not an~~ 99545
~~employee of the facility engaged in employment duties~~ is on the 99546
premises of the facility that offers care and is readily 99547
accessible at all times and care is not provided for more than two 99548
and one-half hours a day per child; 99549

(5) Programs that provide care and are regulated by state departments other than the department of job and family services or the state board of education.

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(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.

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(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:

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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

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(c) The program is conducted in a school building;

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(d) The program is operated in accordance with rules promulgated by the state board under section 3301.53 of the Revised Code.

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(8) A youth development program operated outside of school hours to which all of the following apply:

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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

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(b) The program provides informal care, which is care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

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(c) The program provides any of the following supervised 99580
activities: educational, recreational, culturally enriching, 99581
social, and personal development activities. 99582

(d) The entity operating the program is exempt from federal 99583
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 99584

(9) A ~~preschool~~ program caring for children that is operated 99585
by a nonchartered, nontax-supported school if the ~~preschool~~ 99586
program meets all of the following conditions: 99587

(a) The program complies with state and local health, fire, 99588
and safety laws. 99589

(b) The program annually certifies in a report to the 99590
children's parents of its pupils that the ~~school~~ program is in 99591
compliance with division (B)(9)(a) of this section and files a 99592
copy of the report with the department of job and family services 99593
on or before the thirtieth day of September of each year. 99594

(c) The program complies with all applicable reporting 99595
requirements in the same manner as required by the state board of 99596
education for nonchartered, nonpublic primary and secondary 99597
schools. 99598

(d) The program is associated with a nonchartered, 99599
nontax-supported primary or secondary school. 99600

(10) A program that provides activities for children who are 99601
five years of age or older and is operated by a county, township, 99602
municipal corporation, township park district created under 99603
section 511.18 of the Revised Code, park district created under 99604
section 1545.04 of the Revised Code, or joint recreation district 99605
established under section 755.14 of the Revised Code. 99606

Sec. 5104.042. (A) The department of job and family services 99607
may suspend, without a prior hearing, the license of a child 99608
day-care center, type A family day-care home, or licensed type B 99609

family day-care home if any of the following occur: 99610

(1) A child dies or suffers a serious injury while receiving 99611
child care in the center, type A home, or licensed type B home. 99612

(2) A public children services agency receives a report 99613
pursuant to section 2151.421 of the Revised Code, and the person 99614
alleged to have inflicted abuse or neglect on the child who is the 99615
subject of the report is any of the following: 99616

(a) The owner, licensee, or administrator of the center, type 99617
A home, or licensed type B home; 99618

(b) An employee of the center, type A home, or licensed type 99619
B home who has not immediately been placed on administrative leave 99620
or released from employment; 99621

(c) Any person who resides in the type A home or licensed 99622
type B home. 99623

(3) An owner, licensee, administrator, or employee of the 99624
center, type A home, or licensed type B home, or a resident of the 99625
type A home or licensed type B home is charged by an indictment, 99626
information, or complaint with an offense relating to the abuse or 99627
neglect of a child. 99628

(4) The department or a county department of job and family 99629
services determines that the center, type A home, or licensed type 99630
B home created a serious risk to the health or safety of a child 99631
receiving child care in the center, type A home, or licensed type 99632
B home that resulted in or could have resulted in a child's death 99633
or injury. 99634

(5) The department determines that the owner or licensee of 99635
the center, type A home, or licensed type B home does not meet the 99636
requirements of section 5104.013 of the Revised Code. 99637

(B) The department shall ~~issue~~ serve a written order of 99638
suspension ~~and furnish a copy to~~ on the licensee ~~either by~~ 99639

~~certified mail or in person~~ as described in ~~section~~ sections 99640
119.05 and 119.07 of the Revised Code. The licensee may request an 99641
adjudicatory hearing before the department pursuant to sections 99642
119.06 to 119.12 of the Revised Code. 99643

(C) Any summary suspension imposed under this section shall 99644
remain in effect until any of the following occurs: 99645

(1) The public children services agency completes its 99646
investigation of the report pursuant to section 2151.421 of the 99647
Revised Code and determines that all of the allegations are 99648
unsubstantiated. 99649

(2) All criminal charges are disposed of through dismissal or 99650
a finding of not guilty. 99651

(3) The department issues pursuant to Chapter 119. of the 99652
Revised Code a final order terminating the suspension. 99653

(D) The center, type A home, or licensed type B home shall 99654
not provide child care while the summary suspension remains in 99655
effect. Upon issuance of the order of suspension, the licensee 99656
shall inform the caretaker parent of each child receiving child 99657
care in the center, type A home, or licensed type B home of the 99658
suspension. 99659

(E) The director of job and family services may adopt rules 99660
in accordance with Chapter 119. of the Revised Code establishing 99661
standards and procedures for the summary suspension of licenses. 99662

(F) This section does not limit the authority of the 99663
department to revoke a license pursuant to section 5104.04 of the 99664
Revised Code. 99665

Sec. 5104.29. (A) As used in this section, "early learning 99666
and development program" has the same meaning as "licensed child 99667
care program" as defined in section 5104.01 of the Revised Code. 99668

(B) There is hereby created in the department of job and 99669

family services the step up to quality program, under which the 99670
department of job and family services, in cooperation with the 99671
department of education, shall develop a tiered quality rating and 99672
improvement system for all early learning and development programs 99673
in this state. The step up to quality program shall include all of 99674
the following components: 99675

(1) Quality program standards for early learning and 99676
development programs; 99677

(2) Accountability measures that include tiered ratings 99678
representing each program's level of quality; 99679

(3) Program and provider outreach and support to help 99680
programs meet higher standards and promote participation in the 99681
step up to quality program; 99682

(4) Financial incentives for early learning and development 99683
programs that provide publicly funded child care and are linked to 99684
achieving and maintaining quality standards; 99685

(5) Parent and consumer education to help parents learn about 99686
program quality and ratings so they can make informed choices on 99687
behalf of their children. 99688

(C) The step up to quality program shall have the following 99689
goals: 99690

(1) Increasing the number of low-income children, special 99691
needs children, and children with limited English proficiency 99692
participating in quality early learning and development programs; 99693

(2) Providing families with an easy-to-use tool for 99694
evaluating the quality of early learning and development programs; 99695

(3) Recognizing and supporting early learning and development 99696
programs that achieve higher levels of quality; 99697

(4) Providing incentives and supports to help early learning 99698
and development programs implement continuous quality improvement 99699

systems. 99700

(D) Under the step up to quality program, participating early 99701
learning and development programs may be eligible for grants, 99702
technical assistance, training, and other assistance. Programs 99703
that maintain a quality rating may be eligible for unrestricted 99704
monetary awards. 99705

(E) The tiered ratings developed pursuant to this section 99706
shall be based on an early learning and development program's 99707
performance in meeting program standards in the following four 99708
domains: 99709

(1) Learning and development; 99710

(2) Administration and leadership practices; 99711

(3) Staff quality and professional development; 99712

(4) Family and community partnerships. 99713

The ratings developed under this section shall not take into 99714
consideration whether an administrator or employee of an early 99715
learning and development program holds or obtains a bachelor's, 99716
master's, or doctoral degree. 99717

(F) The director of job and family services, in collaboration 99718
with the superintendent of public instruction, shall adopt rules 99719
in accordance with Chapter 119. of the Revised Code to implement 99720
the step up to quality program described in this section.- 99721

Sec. 5104.31. (A) Publicly funded child care may be provided 99722
only by the following: 99723

(1) Any of the following licensed by the department of job 99724
and family services pursuant to section 5104.03 of the Revised 99725
Code or pursuant to rules adopted under section 5104.018 of the 99726
Revised Code: 99727

(a) A child day-care center, including a parent cooperative 99728

child day-care center;	99729
(b) A type A family day-care home, including a parent cooperative type A family day-care home;	99730 99731
(c) A licensed type B family day-care home.	99732
(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	99733 99734 99735
(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;	99736 99737
(4) A licensed preschool program;	99738
(5) A licensed school child program;	99739
(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	99740 99741 99742 99743
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	99744 99745
(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.	99746 99747 99748 99749 99750
(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:	99751 99752 99753
(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;	99754 99755
(b) A program that operates only during school breaks;	99756
(c) A program that operates only on weekday evenings,	99757

weekends, or both;	99758
(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;	99759 99760
(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;	99761 99762 99763
(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;	99764 99765 99766
(g) A program that provides publicly funded child care to less than twenty-five <u>fifty</u> per cent of the program's license capacity;	99767 99768 99769
(h) A program that is a type A family day-care home or licensed type B family day-care home.	99770 99771
Sec. 5107.36. An individual is ineligible for assistance under Ohio works first if either of the following apply:	99772 99773
(A) The individual is a fugitive felon as defined in section 5101.20 <u>5101.26</u> of the Revised Code;	99774 99775
(B) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law.	99776 99777 99778
Sec. 5107.54. (A) There is hereby established, as a work activity under Ohio works first, the work experience program. A participant of Ohio works first placed in the program shall receive work experience from private and government entities.	99779 99780 99781 99782
Participants of Ohio works first assigned to the work experience program are not employees of the department of job and family services or a county department of job and family services. The operation of the work experience program does not constitute	99783 99784 99785 99786

the operation of an employment agency by the department of job and family services or a county department of job and family services.

(B) County departments of job and family services shall develop work projects to which participants of Ohio works first are assigned under the work experience program. Work projects may include assignments with private and government entities. Examples of work projects a county department may develop include unpaid internships, refurbishing publicly assisted housing, and having a participant volunteer to work at the head start agency in which the participant's minor child is enrolled. Each county department shall make a list of the work projects available to the public.

(C) Unless a county department of job and family services pays the premiums for the entity, a private or government entity with which a participant of Ohio works first is placed in and participates in the work experience program shall pay premiums to the bureau of workers' compensation on account of the participant.

Sec. 5107.58. In accordance with a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 of the Revised Code, county departments of job and family services may establish and administer as a work activity for minor heads of households and adults participating in Ohio works first an education program under which the participant is enrolled full-time in post-secondary education leading to vocation at a state institution of higher education, as defined in section 3345.031 of the Revised Code; a private nonprofit college or university that possesses a certificate of authorization issued ~~by the Ohio board of regents~~ pursuant to Chapter 1713. of the Revised Code, or is exempted by division (E) of section 1713.02 of the Revised Code from the requirement of a certificate; a school that holds a certificate of registration and program authorization issued by

the state board of career colleges and schools under Chapter 3332. 99818
of the Revised Code; a private institution exempt from regulation 99819
under Chapter 3332. of the Revised Code as prescribed in section 99820
3333.046 of the Revised Code; or a school that has entered into a 99821
contract with the county department of job and family services. 99822
The participant shall make reasonable efforts, as determined by 99823
the county department, to obtain a loan, scholarship, grant, or 99824
other assistance to pay for the tuition, including a federal Pell 99825
grant under 20 U.S.C.A. 1070a, ~~an Ohio instructional grant under~~ 99826
~~section 3333.12 of the Revised Code,~~ and an Ohio college 99827
opportunity grant under section 3333.122 of the Revised Code. If 99828
the participant has made reasonable efforts but is unable to 99829
obtain sufficient assistance to pay the tuition the program may 99830
pay the tuition. On or after October 1, 1998, the county 99831
department may enter into a loan agreement with the participant to 99832
pay the tuition. The total period for which tuition is paid and 99833
loans made shall not exceed two years. If the participant, 99834
pursuant to division (B)(3) of section 5107.43 of the Revised 99835
Code, volunteers to participate in the education program for more 99836
hours each week than the participant is assigned to the program, 99837
the program may pay or the county department may loan the cost of 99838
the tuition for the additional voluntary hours as well as the cost 99839
of the tuition for the assigned number of hours. The participant 99840
may receive, for not more than three years, support services, 99841
including publicly funded child care under Chapter 5104. of the 99842
Revised Code and transportation, that the participant needs to 99843
participate in the program. To receive support services in the 99844
third year, the participant must be, as determined by the 99845
educational institution in which the participant is enrolled, in 99846
good standing with the institution. 99847

A county department that provides loans under this section 99848
shall establish procedures governing loan application for and 99849
approval and administration of loans granted pursuant to this 99850

section. 99851

Sec. 5119.01. (A) As used in this chapter: 99852

(1) "Addiction" means the chronic and habitual use of 99853
alcoholic beverages, the use of a drug of abuse as defined in 99854
section 3719.011 of the Revised Code, or the use of gambling by an 99855
individual to the extent that the individual no longer can control 99856
the individual's use of alcohol, the individual becomes physically 99857
or psychologically dependent on the drug, the individual's use of 99858
alcohol or drugs endangers the health, safety, or welfare of the 99859
individual or others, or the individual's gambling causes 99860
psychological, financial, emotional, marital, legal, or other 99861
difficulties endangering the health, safety, or welfare of the 99862
individual or others. 99863

(2) "Addiction services" means services, including 99864
intervention, for the treatment of persons with alcohol, drug, or 99865
gambling addictions, and for the prevention of such addictions. 99866

(3) "Alcohol and drug addiction services" means services, 99867
including intervention, for the treatment of persons with 99868
~~alcoholism~~ alcohol use disorder or persons who abuse drugs of 99869
abuse and for the prevention of ~~alcoholism~~ alcohol use disorder 99870
and drug addiction. 99871

(4) "~~Alcoholism~~" "Alcohol use disorder" means ~~the chronic and~~ 99872
~~habitual use of alcoholic beverages by an individual to the extent~~ 99873
~~that the individual no longer can~~ a medical condition 99874
characterized by an individual's impaired ability to stop or 99875
control the individual's use of alcohol or endangers the use 99876
despite adverse social, occupational, or health, safety, or 99877
welfare of the individual or others consequences. An alcohol use 99878
disorder may be classified as mild, moderate, or severe. 99879

(5) "Certifiable services and supports" means all of the 99880

following:	99881
(a) Alcohol and drug addiction services;	99882
(b) Mental health services;	99883
(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.	99884 99885 99886
(6) "Community addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following:	99887 99888 99889
(a) Alcohol and drug addiction services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;	99890 99891 99892
(b) Gambling addiction services;	99893
(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	99894 99895 99896 99897 99898
(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:	99899 99900 99901
(a) Mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;	99902 99903 99904
(b) Recovery supports that are related to mental health services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.	99905 99906 99907 99908 99909
(8) "Drug addiction" means the use of a drug of abuse, as	99910

defined in section 3719.011 of the Revised Code, by an individual 99911
to the extent that the individual becomes physically or 99912
psychologically dependent on the drug or endangers the health, 99913
safety, or welfare of the individual or others. 99914

(9) "Gambling addiction" means the use of gambling by an 99915
individual to the extent that it causes psychological, financial, 99916
emotional, marital, legal, or other difficulties endangering the 99917
health, safety, or welfare of the individual or others. 99918

(10) "Gambling addiction services" means services for the 99919
treatment of persons who have a gambling addiction and for the 99920
prevention of gambling addiction. 99921

(11) "Hospital" means a hospital or inpatient unit licensed 99922
by the department of mental health and addiction services under 99923
section 5119.33 of the Revised Code, and any institution, 99924
hospital, or other place established, controlled, or supervised by 99925
the department under ~~Chapter 5119. of the Revised Code~~ this 99926
chapter. 99927

(12) "Included opioid and co-occurring drug addiction 99928
services and recovery supports" means the addiction services and 99929
recovery supports that, pursuant to section 340.033 of the Revised 99930
Code, are included in the array of services and recovery supports 99931
for all levels of opioid and co-occurring drug addiction required 99932
to be included in the community-based continuum of care 99933
established under section 340.032 of the Revised Code. 99934

(13) "Medication-assisted treatment" has the same meaning as 99935
in section 340.01 of the Revised Code. 99936

(14) "Mental illness" means a substantial disorder of 99937
thought, mood, perception, orientation, or memory that grossly 99938
impairs judgment, behavior, capacity to recognize reality, or 99939
ability to meet the ordinary demands of life. 99940

(15) "Mental health services" means services for the 99941

assessment, care, or treatment of persons who have a mental 99942
illness and for the prevention of mental illness. 99943

(16) "Opioid treatment program" has the same meaning as in 42 99944
C.F.R. 8.2. 99945

(17) "Recovery housing residence" means a residence for 99946
individuals recovering from alcohol use disorder or drug addiction 99947
that provides an alcohol-free and drug-free living environment, 99948
peer support, assistance with obtaining alcohol and drug addiction 99949
services, and other recovery assistance for alcohol use disorder 99950
and drug addiction. 99951

(18) "Recovery supports" means assistance that is intended to 99952
help an individual with ~~alcoholism~~ alcohol use disorder, drug 99953
addiction, or mental illness, or a member of such an individual's 99954
family, initiate and sustain the individual's recovery from 99955
~~alcoholism~~ alcohol use disorder, drug addiction, or mental 99956
illness. "Recovery supports" does not mean alcohol and drug 99957
addiction services or mental health services. 99958

~~(18)(a) "Residence"~~ (19)(a) "Residence," except when 99959
referring to a recovery housing residence or the meaning of 99960
"residence" in section 5119.90 of the Revised Code, means a 99961
person's physical presence in a county with intent to remain 99962
there, except in either of the following circumstances: 99963

(i) If a person is receiving a mental health treatment 99964
service at a facility that includes nighttime sleeping 99965
accommodations, "residence" means that county in which the person 99966
maintained the person's primary place of residence at the time the 99967
person entered the facility; 99968

(ii) If a person is committed pursuant to section 2945.38, 99969
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 99970
"residence" means the county where the criminal charges were 99971
filed. 99972

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.19. ~~(A)(1)~~(A) As used in this section:

~~(a)(1)~~ "Community-based correctional facility" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Drug used in medication-assisted treatment" means a drug approved by the United States food and drug administration for use in medication-assisted treatment, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in medication-assisted treatment" includes all of the following:

(a) A full agonist;

(b) A partial agonist;

(c) An antagonist.

(3) "Drug used in withdrawal management or detoxification" means a drug approved by the United States food and drug

administration for use in, or a drug in standard use for, 100003
mitigating opioid or alcohol withdrawal symptoms or assisting with 100004
detoxification, regardless of the method the drug is administered 100005
or the form in which it is dispensed, including an oral drug, an 100006
injectable drug, or a long-acting or extended-release drug. "Drug 100007
used in withdrawal management or detoxification" includes all of 100008
the following: 100009

(a) A full agonist; 100010

(b) A partial agonist; 100011

(c) An antagonist; 100012

(d) An alpha-2 adrenergic agonist. 100013

(4) "Medication-assisted treatment" has the same meaning as 100014
in section 340.01 of the Revised Code. 100015

(5) "Prescribed drug" has the same meaning as in section 100016
5164.01 of the Revised Code. 100017

~~(b)~~(6)(a) "Psychotropic drug" means, except as provided in 100018
division ~~(A)~~(2)(A)(6)(b) of this section, a drug that has the 100019
capability of changing or controlling mental functioning or 100020
behavior through direct pharmacological action. "Psychotropic 100021
drug" includes all of the following: 100022

(i) Antipsychotic medications, including those administered 100023
or dispensed in a long-acting injectable form; 100024

(ii) Antidepressant medications; 100025

(iii) Anti-anxiety medications; 100026

(iv) Mood stabilizing medications. 100027

~~(2)~~(b) "Psychotropic drug" excludes a stimulant prescribed 100028
for the treatment of attention deficit hyperactivity disorder. 100029

(7) "Withdrawal management or detoxification" means a set of 100030
medical interventions aimed at managing the acute physical 100031

symptoms of intoxication and withdrawal. Withdrawal management 100032
seeks to minimize the physical harm caused by the intoxication and 100033
withdrawal from a substance of abuse. Detoxification denotes a 100034
clearing of toxins from the body of the patient who is acutely 100035
intoxicated, dependent on a substance of abuse, or both. 100036

(B) There is hereby created the ~~psychotropic~~ behavioral 100037
health drug reimbursement program. The program shall be 100038
administered by the department of mental health and addiction 100039
services. 100040

The purpose of the program is to provide state reimbursement 100041
to counties for the cost of ~~psychotropic~~ the following drugs that 100042
are administered or dispensed to inmates of county jails in this 100043
state and individuals confined in community-based correctional 100044
facilities in this state: psychotropic drugs, drugs used in 100045
medication-assisted treatment, and drugs used in withdrawal 100046
management or detoxification. Each 100047

Each county shall ensure that inmates of county jails and 100048
individuals confined in community-based correctional facilities 100049
have access to all ~~psychotropic~~ behavioral health drugs specified 100050
in this division that are prescribed drugs covered by the 100051
fee-for-service component of the medicaid program. 100052

(C) The department, based on factors it considers 100053
appropriate, shall allocate an amount to each county for 100054
reimbursement of ~~such psychotropic~~ drug costs incurred by the 100055
county pursuant to this section. 100056

~~(C)~~(D) The director of mental health and addiction services 100057
may adopt rules as necessary to implement this section. The rules, 100058
if adopted, shall be adopted in accordance with Chapter 119. of 100059
the Revised Code. 100060

Sec. ~~5902.09~~ 5119.20. (A) As used in this section: 100061

"Electroencephalogram (EEG) combined transcranial magnetic stimulation" means treatment in which transcranial magnetic stimulation (TMS) frequency pulses are tuned to the patient's physiology and biometric data, ~~at the time of each treatment, using a pre and post TMS EEG.~~

"First responder" has the meaning defined in section 2903.01 of the Revised Code.

"Law enforcement officer" has the meaning defined in section 9.69 of the Revised Code.

(B) The ~~directors of veterans services and~~ director of mental health and addiction services shall establish a ~~pilot~~ program to make electroencephalogram (EEG) combined transcranial magnetic stimulation available for veterans, first responders, ~~and~~ law enforcement officers with, civilian employees of the United States department of defense and of the central intelligence agency, and the spouse of any such individual. Eligible individuals must have substance use disorders, mental illness, sleep disorders, traumatic brain injuries, sexual trauma, post traumatic stress disorder and accompanying comorbidities, concussions or other brain trauma, or other issues identified by the individual's qualified medical practitioner as issues that would warrant treatment under the program. The program shall be operated in conjunction with a supplier selected under this section.

(C) The ~~directors by mutual agreement~~ director shall choose a location for the ~~pilot~~ program and for up to ten branch sites, and shall enter into a contract for the purchase of services related to the ~~pilot~~ program. A Each branch site may ~~be a~~ operate one or more mobile-unit portable units or ~~an~~ EEG combined neuromodulation portable ~~unit~~ units if the ~~directors determine~~ director determines that ~~mobile~~ portable units or EEG combined neuromodulation portable units are necessary to expand access to care. The contract shall include provisions requiring the supplier to create

and conduct a clinical trial, to establish and operate a clinical 100094
practice, to evaluate outcomes of the clinical trial and the 100095
clinical practice, to expend payments received from the state as 100096
needed for purposes of the program, and to report quarterly 100097
regarding the ~~pilot~~ program to the president of the senate and to 100098
the standing committee of the senate that generally considers 100099
legislation regarding veterans affairs. 100100

(D) There is the electroencephalogram (EEG) combined 100101
transcranial magnetic stimulation fund in the state treasury. It 100102
shall consist of moneys appropriated to it by the general 100103
assembly. The ~~directors~~ director, with the approval of the 100104
controlling board, may authorize a disbursement from the fund for 100105
services rendered under the contract. 100106

(E) ~~One or both of the directors~~ The director shall adopt 100107
rules under Chapter 119. of the Revised Code as necessary to 100108
administer this section. 100109

(F) The supplier, in conducting the clinical trial and in 100110
operating the clinical practice, shall adhere to all of the 100111
following: 100112

(1) The United States food and drug administration 100113
regulations governing the conduct of clinical practice and 100114
clinical trials; 100115

(2) A peer-to-peer support network shall be made available by 100116
the supplier to any individual receiving treatment under the 100117
program. 100118

(3) The program protocol shall use adapted stimulation 100119
frequency and intensity modulation based on EEG and motor 100120
threshold testing as well as clinical symptoms and signs, and 100121
biometrics. 100122

(4) Each individual who receives treatment under the program 100123
also shall receive ~~pre and post neurophysiological~~ 100124

~~neurophysiological~~ monitoring, with ~~EEG and autonomic nervous~~ 100125
~~systems assessments, daily checklists of~~ monitoring for symptoms 100126
of ~~alcohol, opioid, or other~~ substance use and mental health 100127
disorders, and weekly medical and access to counseling and 100128
wellness programming, ~~and~~. Each individual also shall participate 100129
in the peer-to-peer support network established by the supplier. 100130

(5) Clinical protocols and outcomes of the clinical trial, 100131
and of any treatment provided by the clinical practice, shall be 100132
collected and reported quarterly in a report provided by the 100133
supplier to the ~~directors of veterans services and~~ director of 100134
mental health and addiction services and to the United States food 100135
and drug administration. 100136

(6) Any individual who receives treatment at the clinical 100137
practice shall be eligible for a minimum of two 100138
electroencephalograms, plus an additional electroencephalogram for 100139
every ten treatments, during the course of the individual's 100140
treatment. 100141

(7) The report required by this section shall include a 100142
thorough accounting of the use and expenditure of all funds 100143
received from the state under this section. 100144

(G) Contracts entered into under this section are subject to 100145
section 9.231 and Chapter 125. of the Revised Code. 100146

(H) Operation of the program established under this section 100147
is contingent upon an appropriation by the general assembly 100148
designated for that purpose. 100149

Sec. 5119.33. (A)(1) The department of mental health and 100150
addiction services shall inspect and license all hospitals that 100151
receive persons with mental illnesses, except those hospitals 100152
managed by the department. No hospital may receive for care or 100153
treatment, either at public or private expense, any person who is 100154

or appears to have a mental illness, whether or not so 100155
adjudicated, unless the hospital has received a license from the 100156
department authorizing it to receive for care or treatment persons 100157
with mental illnesses or the hospital is managed by the 100158
department. 100159

(2) No such license shall be granted to a hospital for the 100160
treatment of persons with mental illnesses unless both of the 100161
following are the case: 100162

(a) The department is satisfied, after investigation, that 100163
the hospital is managed and operated by qualified persons, is 100164
adequately staffed and equipped to operate, and has on its staff 100165
one or more qualified physicians responsible for the medical care 100166
of the patients confined there. At least one such physician shall 100167
be a psychiatrist. 100168

(b) The department has not been notified under section 100169
5119.334 of the Revised Code or is not otherwise aware that the 100170
hospital, or any owner, sponsor, medical director, administrator, 100171
or principal of the hospital, has been the subject of an adverse 100172
action, as defined in that section, taken during the three-year 100173
period immediately preceding the date of application. 100174

(B) The department shall adopt rules under Chapter 119. of 100175
the Revised Code prescribing minimum standards for the operation 100176
of hospitals for the care and treatment of persons with mental 100177
illnesses and establishing standards and procedures for the 100178
issuance, renewal, or revocation of full, probationary, and 100179
interim licenses. No license shall be granted to any hospital 100180
established or used for the care of persons with mental illnesses 100181
unless such hospital is operating in accordance with this section 100182
and rules adopted pursuant to this section. A full license shall 100183
expire one year after the date of issuance, a probationary license 100184
shall expire at the time prescribed by rule adopted pursuant to 100185
Chapter 119. of the Revised Code by the director of mental health 100186

and addiction services, and an interim license shall expire ninety 100187
days after the date of issuance. A full, probationary, or interim 100188
license may be renewed, except that an interim license may be 100189
renewed only twice. The department may fix reasonable fees for 100190
licenses and for license renewals. Such hospitals are subject to 100191
inspection and on-site review by the department. 100192

(C) Except as otherwise provided in Chapter 5122. of the 100193
Revised Code, neither the director of mental health and addiction 100194
services; an employee of the department; a board of alcohol, drug 100195
addiction, and mental health services or employee of a community 100196
mental health services provider; nor any other public official 100197
shall hospitalize any person with a mental illness for care or 100198
treatment in any hospital that is not licensed in accordance with 100199
this section. 100200

(D)(1) The department may issue an order suspending the 100201
admission of patients with mental illnesses to a hospital for care 100202
or treatment if it finds either of the following: 100203

(a) The hospital is not in compliance with rules adopted by 100204
the director pursuant to this section. 100205

(b) The hospital has been cited for more than one violation 100206
of statutes or rules during any previous period of time during 100207
which the hospital is licensed pursuant to this section. 100208

(2)(a) Except as provided in division (D)(2)(b) of this 100209
section, proceedings initiated to suspend the admission of 100210
patients are governed by Chapter 119. of the Revised Code. 100211

(b) If a suspension of admissions is proposed because the 100212
director has determined that the licensee has demonstrated a 100213
pattern of serious noncompliance or that a violation creates a 100214
substantial risk to the health and safety of patients, the 100215
director may issue an order imposing the suspension of admissions 100216
before providing an opportunity for an adjudication under Chapter 100217

119. of the Revised Code. The director shall lift the order for 100218
the suspension of admissions if the director determines that the 100219
violation that formed the basis for the order has been corrected. 100220

(3) Appeals from proceedings initiated to order the 100221
suspension of admissions shall be conducted in accordance with 100222
Chapter 119. of the Revised Code, unless the order was issued 100223
before providing an opportunity for an adjudication, in which case 100224
all of the following apply: 100225

(a) The licensee may request a hearing not later than ten 100226
days after ~~receiving the notice specified~~ being served in ~~section~~ 100227
accordance with sections 119.05 and 119.07 of the Revised Code. 100228

(b) If a timely request for a hearing that includes the 100229
licensee's current address is made, the hearing shall commence not 100230
later than thirty days after the department receives the request. 100231

(c) After commencing, the hearing shall continue 100232
uninterrupted, except for Saturdays, Sundays, and legal holidays, 100233
unless other interruptions are agreed to by the licensee and the 100234
director. 100235

(d) If the hearing is conducted by a hearing examiner, the 100236
hearing examiner shall file a report and recommendations with the 100237
department not later than ten days after the last of the 100238
following: 100239

(i) The close of the hearing; 100240

(ii) If a transcript of the proceedings is ordered, the 100241
hearing examiner receives the transcript; 100242

(iii) If post-hearing briefs are timely filed, the hearing 100243
examiner receives the briefs. 100244

(e) The hearing examiner shall send a written copy of the 100245
report and recommendations, by certified mail, to the licensee, or 100246
the licensee's attorney, if applicable, not later than five days 100247

after the report is filed with the department. 100248

(f) Not later than five days after receiving the report and 100249
recommendations, the licensee may file objections with the 100250
department. 100251

(g) Not later than fifteen days after the hearing examiner 100252
files the report and recommendations, the department shall issue 100253
an order approving, modifying, or disapproving the report and 100254
recommendations. 100255

(h) Notwithstanding the pendency of the hearing, the 100256
department shall lift the order for the suspension of admissions 100257
if the department determines the violation that formed the basis 100258
for the order has been corrected. 100259

(E)(1) Any license issued by the department under this 100260
section may be revoked or not renewed by the department for any of 100261
the following reasons: 100262

(a) The hospital is no longer a suitable place for the care 100263
or treatment of persons with mental illnesses. 100264

(b) The hospital refuses to be subject to inspection or 100265
on-site review by the department. 100266

(c) The hospital has failed to furnish humane, kind, and 100267
adequate treatment and care. 100268

(d) The hospital fails to comply with the licensure rules of 100269
the department. 100270

(2) Proceedings initiated to deny applications for full or 100271
probationary licenses, to refuse to renew full or probationary 100272
licenses, or to revoke full or probationary licenses are governed 100273
by Chapter 119. of the Revised Code. If an order has been issued 100274
suspending the admission of patients, the order remains in effect 100275
during the pendency of those proceedings. 100276

(F)(1) In a proceeding initiated to suspend the admission of 100277

patients, to deny an application for a full or probationary 100278
license, to refuse to renew a full or probationary license, or to 100279
revoke a full or probationary license, the department may order 100280
the suspension, denial, refusal, or revocation regardless of 100281
whether some or all of the deficiencies that prompted the 100282
proceedings have been corrected at the time of the hearing. 100283

(2) When the department issues an order suspending the 100284
admission of patients, denies an application for a full or 100285
probationary license, refuses to renew a full or probationary 100286
license, or revokes a full or probationary license, the department 100287
shall not grant an opportunity for submitting a plan of 100288
correction. 100289

(G) The department may inspect, conduct an on-site review, 100290
and review the records of any hospital that the department has 100291
reason to believe is operating without a license. 100292

Sec. 5119.334. (A) As used in this section, "adverse action" 100293
means an action by a state, provincial, federal, or other 100294
licensing or regulatory authority to deny, revoke, suspend, place 100295
on probation, or otherwise restrict a license, certificate, or 100296
other approval to operate a hospital or practice a health care 100297
profession. 100298

(B)(1) When submitting an application for initial or renewed 100299
licensure of a hospital under section 5119.33 of the Revised Code, 100300
the applicant shall notify the department of mental health and 100301
addiction services of any adverse action taken against the 100302
hospital or the hospital's owner, sponsor, medical director, 100303
administrator, or any of its principals within the three-year 100304
period immediately preceding the date of application. 100305

(2) Not later than seven days after receiving a notice of 100306
adverse action from a licensing or regulatory authority that is 100307
other than the department of mental health and addiction services, 100308

the holder of a hospital license issued under section 5119.33 of 100309
the Revised Code shall notify the department of the action. 100310

(C) To notify the department as required by this section, a 100311
copy of the notice of adverse action shall be provided to the 100312
department. 100313

Sec. 5119.34. (A) As used in this section and sections 100314
5119.341 ~~and 5119.342~~ to 5119.343 of the Revised Code: 100315

(1) "Accommodations" means housing, daily meal preparation, 100316
laundry, housekeeping, arranging for transportation, social and 100317
recreational activities, maintenance, security, and other services 100318
that do not constitute personal care services or skilled nursing 100319
care. 100320

(2) "ADAMHS board" means a board of alcohol, drug addiction, 100321
and mental health services. 100322

(3) "Adult" means a person who is eighteen years of age or 100323
older, other than a person described in division (A)(4) of this 100324
section who is between eighteen and twenty-one years of age. 100325

(4) "Child" means a person who is under eighteen years of age 100326
or a person with a mental disability who is under twenty-one years 100327
of age. 100328

(5) "Community mental health services provider" means a 100329
community mental health services provider as defined in section 100330
5119.01 of the Revised Code. 100331

(6) "Community mental health services" means any mental 100332
health services certified by the department pursuant to section 100333
5119.36 of the Revised Code. 100334

(7) "Operator" means the person or persons, firm, 100335
partnership, agency, governing body, association, corporation, or 100336
other entity that is responsible for the administration and 100337
management of a residential facility and that is the applicant for 100338

a residential facility license. 100339

(8) "Personal care services" means services including, but 100340
not limited to, the following: 100341

(a) Assisting residents with activities of daily living; 100342

(b) Assisting residents with self-administration of 100343
medication in accordance with rules adopted under this section; 100344

(c) Preparing special diets, other than complex therapeutic 100345
diets, for residents pursuant to the instructions of a physician 100346
or a licensed dietitian, in accordance with rules adopted under 100347
this section. 100348

"Personal care services" does not include "skilled nursing 100349
care" as defined in section 3721.01 of the Revised Code. A 100350
facility need not provide more than one of the services listed in 100351
division (A)(8) of this section to be considered to be providing 100352
personal care services. 100353

(9) "Room and board" means the provision of sleeping and 100354
living space, meals or meal preparation, laundry services, 100355
housekeeping services, or any combination thereof. 100356

(10) "Residential state supplement program" means the program 100357
established under section 5119.41 of the Revised Code. 100358

(11) "Supervision" means any of the following: 100359

(a) Observing a resident to ensure the resident's health, 100360
safety, and welfare while the resident engages in activities of 100361
daily living or other activities; 100362

(b) Reminding a resident to perform or complete an activity, 100363
such as reminding a resident to engage in personal hygiene or 100364
other self-care activities; 100365

(c) Assisting a resident in making or keeping an appointment. 100366

(12) "Unrelated" means that a resident is not related to the 100367

owner or operator of a residential facility or to the owner's or 100368
operator's spouse as a parent, grandparent, child, stepchild, 100369
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 100370
the child of an aunt or uncle. 100371

(B)(1) A "residential facility" is a publicly or privately 100372
operated home or facility that falls into one of the following 100373
categories: 100374

(a) Class one facilities provide accommodations, supervision, 100375
personal care services, and mental health services for one or more 100376
unrelated adults with mental illness or one or more unrelated 100377
children or adolescents with severe emotional disturbances; 100378

(b) Class two facilities provide accommodations, supervision, 100379
and personal care services to any of the following: 100380

(i) One or two unrelated persons with mental illness; 100381

(ii) One or two unrelated adults who are receiving payments 100382
under the residential state supplement program; 100383

(iii) Three to sixteen unrelated adults. 100384

(c) Class three facilities provide room and board for five or 100385
more unrelated adults with mental illness. 100386

(2) "Residential facility" does not include any of the 100387
following: 100388

(a) A hospital subject to licensure under section 5119.33 of 100389
the Revised Code or an institution maintained, operated, managed, 100390
and governed by the department of mental health and addiction 100391
services for the hospitalization of persons with mental illnesses 100392
pursuant to section 5119.14 of the Revised Code; 100393

(b) A residential facility licensed under section 5123.19 of 100394
the Revised Code or otherwise regulated by the department of 100395
developmental disabilities; 100396

(c) An institution or association subject to certification 100397

under section 5103.03 of the Revised Code; 100398

(d) A facility operated by a hospice care program licensed 100399
under section 3712.04 of the Revised Code that is used exclusively 100400
for care of hospice patients; 100401

(e) A nursing home, residential care facility, or home for 100402
the aging as defined in section 3721.02 of the Revised Code; 100403

(f) A facility licensed under section 5119.37 of the Revised 100404
Code to operate an opioid treatment program; 100405

(g) Any facility that receives funding for operating costs 100406
from the department of development under any program established 100407
to provide emergency shelter housing or transitional housing for 100408
the homeless; 100409

(h) A terminal care facility for the homeless that has 100410
entered into an agreement with a hospice care program under 100411
section 3712.07 of the Revised Code; 100412

(i) A facility approved by the veterans administration under 100413
section 104(a) of the "Veterans Health Care Amendments of 1983," 100414
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 100415
the placement and care of veterans; 100416

(j) The residence of a relative or guardian of a person with 100417
mental illness. 100418

(C) Nothing in division (B) of this section shall be 100419
construed to permit personal care services to be imposed on a 100420
resident who is capable of performing the activity in question 100421
without assistance. 100422

(D) Except in the case of a residential facility described in 100423
division (B)(1)(a) of this section, members of the staff of a 100424
residential facility shall not administer medication to the 100425
facility's residents, but may do any of the following: 100426

(1) Remind a resident when to take medication and watch to 100427

ensure that the resident follows the directions on the container; 100428

(2) Assist a resident in the self-administration of 100429
medication by taking the medication from the locked area where it 100430
is stored, in accordance with rules adopted pursuant to this 100431
section, and handing it to the resident. If the resident is 100432
physically unable to open the container, a staff member may open 100433
the container for the resident. 100434

(3) Assist a resident who is physically impaired but mentally 100435
alert, such as a resident with arthritis, cerebral palsy, or 100436
Parkinson's disease, in removing oral or topical medication from 100437
containers and in consuming or applying the medication, upon 100438
request by or with the consent of the resident. If a resident is 100439
physically unable to place a dose of medicine to the resident's 100440
mouth without spilling it, a staff member may place the dose in a 100441
container and place the container to the mouth of the resident. 100442

~~(E)(1) Except as provided in division (E)(2) of this section,~~ 100443
a A person operating or seeking to operate a residential facility 100444
shall apply for licensure of the facility to the department of 100445
mental health and addiction services. The application shall be 100446
submitted by the operator. When applying for the license, the 100447
applicant shall pay to the department the application fee 100448
specified in rules adopted under division (N) of this section. The 100449
fee is nonrefundable. 100450

The department shall send a copy of an application to the 100451
ADAMHS board serving the county in which the person operates or 100452
seeks to operate the facility. The ADAMHS board shall review the 100453
application and provide to the department any information about 100454
the applicant or the facility that the board would like the 100455
department to consider in reviewing the application. 100456

~~(2) A person may not apply for a license to operate a 100457
residential facility if the person is or has been the owner,~~ 100458

~~operator, or manager of a residential facility for which a license 100459
to operate was revoked or for which renewal of a license was 100460
refused for any reason other than nonpayment of the license 100461
renewal fee, unless both of the following conditions are met: 100462~~

~~(a) A period of not less than two years has elapsed since the 100463
date the director of mental health and addiction services issued 100464
the order revoking or refusing to renew the facility's license. 100465~~

~~(b) The director's revocation or refusal to renew the license 100466
was not based on an act or omission at the facility that violated 100467
a resident's right to be free from abuse, neglect, or 100468
exploitation. 100469~~

(F) The department of mental health and addiction services 100470
shall inspect and license the operation of residential facilities. 100471
~~The department shall consider the past record of the facility and 100472
the applicant or licensee in arriving at its licensure decision 100473
may issue a license to operate a residential facility only if all 100474
of the following are the case: 100475~~

~~(1) The department is satisfied, after investigation, that 100476
the facility is managed and operated by qualified persons and is 100477
adequately staffed and equipped to operate. 100478~~

~~(2) The department has not been notified under section 100479
5119.343 of the Revised Code or is not otherwise aware that the 100480
residential facility or any owner, operator, or manager of the 100481
residential facility has been the subject of an adverse action, as 100482
defined in that section, taken during the three-year period 100483
immediately preceding the date of application. 100484~~

~~(3) The department has not been notified or is not otherwise 100485
aware that the residential facility or any owner, operator, or 100486
manager of the facility has been the subject of an adverse action, 100487
as defined in that section, taken at any time based on an act or 100488
omission that violated the right of a residential facility 100489~~

resident to be free from abuse, neglect, or exploitation. 100490

The department may issue full, probationary, and interim 100491
licenses. A full license shall expire up to three years after the 100492
date of issuance, a probationary license shall expire in a shorter 100493
period of time as specified in rules adopted by the director of 100494
mental health and addiction services under division (N) of this 100495
section, and an interim license shall expire ninety days after the 100496
date of issuance. A license may be renewed in accordance with 100497
rules adopted by the director under division (N) of this section. 100498
The renewal application shall be submitted by the operator. When 100499
applying for renewal of a license, the applicant shall pay to the 100500
department the renewal fee specified in rules adopted under 100501
division (N) of this section. The fee is nonrefundable. 100502

(G)(1) If the department finds any of the following with 100503
respect to a residential facility, the department may issue an 100504
order suspending the admission of residents to the facility, 100505
refuse to issue or renew a license for the facility, or revoke the 100506
facility's license: 100507

(a) The facility is not in compliance with rules adopted by 100508
the director pursuant to division (N) of this section; 100509

(b) Any facility operated by the applicant or licensee has 100510
been cited for a pattern of serious noncompliance or repeated 100511
violations of statutes or rules during the period of current or 100512
previous licenses; 100513

(c) The applicant or licensee submits false or misleading 100514
information as part of a license application, renewal, or 100515
investigation. 100516

(2) Proceedings initiated to deny applications for full or 100517
probationary licenses, to refuse to renew full or probationary 100518
licenses, or to revoke full or probationary licenses are governed 100519
by Chapter 119. of the Revised Code. If an order has been issued 100520

suspending the admission of residents to the facility, the order 100521
remains in effect during the pendency of those proceedings. 100522

Proceedings initiated to suspend the admission of residents 100523
to a facility are governed by Chapter 119. of the Revised Code, 100524
except as provided in division (H) of this section. 100525

(3) In a proceeding initiated to suspend the admission of 100526
residents to a facility, to deny an application for a full or 100527
probationary license, to refuse to renew a full or probationary 100528
license, or to revoke a full or probationary license, the 100529
department may order the suspension, denial, refusal, or 100530
revocation regardless of whether some or all of the deficiencies 100531
that prompted the proceedings have been corrected at the time of 100532
the hearing. 100533

(4) When the department issues an order suspending the 100534
admission of residents to a facility, denies an application for a 100535
full or probationary license, refuses to renew a full or 100536
probationary license, or revokes a full or probationary license, 100537
the department shall not grant an opportunity for submitting a 100538
plan of correction. 100539

(H)(1) If a suspension of admissions of residents to a 100540
facility is proposed because the director has determined that the 100541
licensee has demonstrated a pattern of serious noncompliance or 100542
that a violation creates a substantial risk to the health and 100543
safety of residents, the director may issue an order imposing the 100544
suspension of admissions before providing an opportunity for an 100545
adjudication under Chapter 119. of the Revised Code. The director 100546
shall lift the order for the suspension of admissions if the 100547
director determines that the violation that formed the basis for 100548
the order has been corrected. 100549

(2) Appeals from proceedings initiated to order the 100550
suspension of admissions to a facility shall be conducted in 100551

accordance with Chapter 119. of the Revised Code, unless the order 100552
was issued before providing an opportunity for an adjudication, in 100553
which case all of the following apply: 100554

(a) The licensee may request a hearing not later than ten 100555
days after ~~receiving the notice specified being served~~ in ~~section~~ 100556
accordance with sections 119.05 and 119.07 of the Revised Code. 100557

(b) If a timely request for a hearing that includes the 100558
licensee's current address is made, the hearing shall commence not 100559
later than thirty days after the department receives the request. 100560

(c) After commencing, the hearing shall continue 100561
uninterrupted, except for Saturdays, Sundays, and legal holidays, 100562
unless other interruptions are agreed to by the licensee and the 100563
director. 100564

(d) If the hearing is conducted by a hearing examiner, the 100565
hearing examiner shall file a report and recommendations with the 100566
department not later than ten days after the last of the 100567
following: 100568

(i) The close of the hearing; 100569

(ii) If a transcript of the proceedings is ordered, the 100570
hearing examiner receives the transcript; 100571

(iii) If post-hearing briefs are timely filed, the hearing 100572
examiner receives the briefs. 100573

(e) The hearing examiner shall send a written copy of the 100574
report and recommendations, by certified mail, to the licensee, or 100575
the licensee's attorney, if applicable, not later than five days 100576
after the report is filed with the department. 100577

(f) Not later than five days after receiving the report and 100578
recommendations, the licensee may file objections with the 100579
department. 100580

(g) Not later than fifteen days after the hearing examiner 100581

files the report and recommendations, the department shall issue 100582
an order approving, modifying, or disapproving the report and 100583
recommendations. 100584

(h) Notwithstanding the pendency of the hearing, the 100585
department shall lift the order for the suspension of admissions 100586
if the department determines the violation that formed the basis 100587
for the order has been corrected. 100588

(I) The department may issue an interim license to operate a 100589
residential facility if both of the following conditions are met: 100590

(1) The department determines that the closing of or the need 100591
to remove residents from another residential facility has created 100592
an emergency situation requiring immediate removal of residents 100593
and an insufficient number of licensed beds are available. 100594

(2) The residential facility applying for an interim license 100595
meets standards established for interim licenses in rules adopted 100596
by the director under division (N) of this section. 100597

An interim license shall be valid for ninety days and may be 100598
renewed by the director no more than twice. Proceedings initiated 100599
to deny applications for or to revoke interim licenses under this 100600
division are not subject to Chapter 119. of the Revised Code. 100601

(J)(1) The department of mental health and addiction services 100602
may conduct an inspection of a residential facility as follows: 100603

(a) Prior to issuance of a license for the facility; 100604

(b) Prior to renewal of the license; 100605

(c) To determine whether the facility has completed a plan of 100606
correction required pursuant to division (J)(2) of this section 100607
and corrected deficiencies to the satisfaction of the department 100608
and in compliance with this section and rules adopted pursuant to 100609
it; 100610

(d) Upon complaint by any individual or agency; 100611

(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.

(K) No person shall do any of the following:

(1) Operate a residential facility unless the facility holds a valid license;

(2) Violate any of the conditions of licensure after having been granted a license;

(3) Interfere with a state or local official's inspection or investigation of a residential facility;

(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.

(L) The following may enter a residential facility at any time:

(1) Employees designated by the director of mental health and addiction services;

(2) Employees of an ADAMHS board under either of the	100642
following circumstances:	100643
(a) When a resident of the facility is receiving services	100644
from a community mental health services provider under contract	100645
with that ADAMHS board or another ADAMHS board;	100646
(b) When authorized by section 340.05 of the Revised Code.	100647
(3) Employees of a community mental health services provider	100648
under either of the following circumstances:	100649
(a) When the provider has a person receiving services	100650
residing in the facility;	100651
(b) When the provider is acting as an agent of an ADAMHS	100652
board other than the board with which it is under contract.	100653
(4) Representatives of the state long-term care ombudsman	100654
program when the facility provides accommodations, supervision,	100655
and personal care services for three to sixteen unrelated adults	100656
or to one or two unrelated adults who are receiving payments under	100657
the residential state supplement program.	100658
The persons specified in division (L) of this section shall	100659
be afforded access to examine and copy all records, accounts, and	100660
any other documents relating to the operation of the residential	100661
facility, including records pertaining to residents.	100662
(M) Employees of the department of mental health and	100663
addiction services may enter, for the purpose of investigation,	100664
any institution, residence, facility, or other structure which has	100665
been reported to the department as, or that the department has	100666
reasonable cause to believe is, operating as a residential	100667
facility without a valid license.	100668
(N) The director shall adopt and may amend and rescind rules	100669
pursuant to Chapter 119. of the Revised Code governing the	100670
licensing and operation of residential facilities. The rules shall	100671

establish all of the following:	100672
(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities;	100673 100674 100675
(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities;	100676 100677
(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents;	100678 100679 100680 100681
(4) The fee to be paid when applying for a new residential facility license or renewing the license;	100682 100683
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	100684 100685 100686 100687 100688 100689
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	100690 100691
(7) Measures to be taken by residential facilities relative to residents' medication;	100692 100693
(8) Requirements relating to preparation of special diets;	100694
(9) The maximum number of residents who may be served in a residential facility;	100695 100696
(10) The rights of residents of residential facilities and procedures to protect such rights;	100697 100698
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	100699 100700

(O)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.

(2) Any person who makes a complaint under division (O)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.

(P)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility.

(2) When the court grants injunctive relief in the case of a facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents.

(3) If injunctive relief is granted against a facility for

operating without a license and the facility continues to operate 100733
without a license, the director shall refer the case to the 100734
attorney general for further action. 100735

(Q) The director may fine a person for violating division (K) 100736
of this section. The fine shall be five hundred dollars for a 100737
first offense; for each subsequent offense, the fine shall be one 100738
thousand dollars. The director's actions in imposing a fine shall 100739
be taken in accordance with Chapter 119. of the Revised Code. 100740

Sec. 5119.343. (A) As used in this section, "adverse action" 100741
means an action by a state, provincial, federal, or other 100742
licensing or regulatory authority to deny, revoke, suspend, place 100743
on probation, or otherwise restrict a license, certificate, or 100744
other approval to operate a residential facility or practice a 100745
health care profession. 100746

(B)(1) When submitting an application for initial or renewed 100747
licensure of a residential facility under section 5119.34 of the 100748
Revised Code, the applicant shall notify the department of mental 100749
health and addiction services of any adverse action taken against 100750
the residential facility or the facility's owner, operator, or 100751
manager within the three-year period immediately preceding the 100752
date of application. 100753

(2) Not later than seven days after receiving a notice of 100754
adverse action from a licensing or regulatory authority that is 100755
other than the department of mental health and addiction services, 100756
the holder of a residential facility license issued under section 100757
5119.34 of the Revised Code shall notify the department of the 100758
action. 100759

(3) To notify the department as required by this section, a 100760
copy of the notice of adverse action shall be provided to the 100761
department. 100762

Sec. 5119.35. (A) Except as provided in division (B) of this section, if a mental health service or alcohol and drug addiction service has been specified in rules adopted under this section as a service that is required to be certified, no person or government entity shall provide ~~any of the following alcohol and drug addiction services~~ that service unless ~~the services have it~~ has been certified under section 5119.36 of the Revised Code:

~~(1) Withdrawal management addiction services provided in a setting other than an acute care hospital;~~

~~(2) Addiction services provided in a residential treatment setting;~~

~~(3) Addiction services provided on an outpatient basis.~~

(B) Division (A) of this section does not apply to either of the following:

(1) An individual who holds a valid license, certificate, or registration issued by this state authorizing the practice of a health care profession that includes the performance of ~~the services~~ any service that is required to be certified as described in ~~divisions (A)(1) to (3) of~~ this section, regardless of whether the ~~services are~~ service is performed as part of a sole proprietorship, partnership, or group practice;

(2) An individual who provides ~~the services~~ any service that is required to be certified as described in ~~divisions (A)(1) to (3) of~~ this section as part of an employment or contractual relationship with a hospital outpatient clinic that is accredited by an accreditation agency or organization approved by the director of mental health and addiction services;

(3) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code.

(C)(1) If the director of mental health and addiction services determines that a person or government entity is violating division (A) of this section, the director may request, in writing, that the attorney general petition the court of common pleas in the county where the person or government entity is located or providing the services to enjoin the person or government entity from engaging in the conduct that violates division (A) of this section. 100793
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(2) No person or government entity that is subject to this section is eligible to receive, for a service that is subject to this section, any federal funds, state funds, or funds administered by a board of alcohol, drug addiction, and mental health services, unless that service has been certified under section 5119.36 of the Revised Code. This limitation is in addition to the injunction that may be sought under division (C)(1) of this section for a violation of division (A) of this section. 100801
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(D) The director may adopt rules in accordance with Chapter 119. of the Revised Code to specify mental health services and alcohol and drug addiction services that are required to be certified under section 5119.36 of the Revised Code. 100810
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Sec. 5119.36. ~~(A) A community mental health services provider applicant or community addiction services provider applicant~~ 100814
~~person or government entity~~ that seeks initial certification of 100815
~~its~~ one or more certifiable services and supports, ~~or that seeks~~ 100816
to renew certification of one or more certifiable services and 100817
supports, shall submit an application to the director of mental 100818
health and addiction services. On receipt of the application, the 100819
director ~~may conduct an on-site review and shall evaluate the~~ 100820
~~applicant to determine whether its certifiable services and~~ 100821
~~supports satisfy~~ the standards established by divisions (B) and 100822
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(C) of this section and any rules adopted under this section are 100824
satisfied or continue to be satisfied by the applicant. The 100825
director shall make the evaluation, and, if As part of the 100826
determination the director ~~conducts~~ may conduct an on-site review 100827
of the applicant⁷. In doing so, the director may ~~make~~ conduct the 100828
review⁷ in cooperation with a board of alcohol, drug addiction, 100829
and mental health services that seeks to contract or has a 100830
contract with the applicant under section 340.036 of the Revised 100831
Code. 100832

Not later than fourteen days after receipt of an initial or 100833
renewal application, the director shall inform the board of 100834
alcohol, drug addiction, and mental health services serving the 100835
alcohol, drug addiction, and mental health service district in 100836
which the applicant's certifiable services and supports will be 100837
provided of the receipt of the application. On the board's 100838
request, the director shall provide the board with a copy of the 100839
application. 100840

Not later than thirty days after a provider's certification 100841
ceases to be valid for any reason, including the provider's 100842
failure to renew the certification prior to expiration, the 100843
director's acceptance of the provider's surrender of the 100844
certification, or the issuance of a final order for disciplinary 100845
action under division (G) or (M) of this section, the director 100846
shall provide notice to the applicable board of alcohol, drug 100847
addiction, and mental health services of the reason the 100848
certification ceased to be valid and the date it became invalid. 100849

~~(B) Subject to section 5119.361 of the Revised Code, the~~ 100850
(B)(1) Except as provided in division (B)(4) of this section, 100851
beginning on the effective date of this amendment, an applicant 100852
seeking initial certification of certifiable services and supports 100853
shall be accredited by one or more national accrediting 100854

organizations specified in division (B)(3) of this section for 100855
certifiable services and supports for which national accreditation 100856
exists for such services and supports or equivalent services and 100857
supports. 100858

(2) Except as provided in division (B)(4) of this section, 100859
beginning October 1, 2025, an applicant seeking to renew 100860
certification of certifiable services and supports shall be 100861
accredited by one or more national accrediting organizations 100862
specified in division (B)(3) of this section for certifiable 100863
services and supports for which national accreditation exists for 100864
such services and supports or equivalent services and supports. 100865

(3) For purposes of divisions (B)(1) and (2) of this section, 100866
the director shall accept appropriate accreditation of an 100867
applicant's certifiable services and supports from any of the 100868
following national accrediting organizations: 100869

(a) The joint commission; 100870

(b) The commission on accreditation of rehabilitation 100871
facilities; 100872

(c) The council on accreditation; 100873

(d) Any other national accrediting organization the director 100874
considers appropriate. 100875

(4) The accreditation requirements of divisions (B)(1) and 100876
(2) of this section do not apply to an applicant seeking an 100877
initial or renewed certification to provide prevention services, 100878
as that term is defined in rules adopted under this section. For 100879
such applicants, accreditation is optional. 100880

(C) In addition to meeting the accreditation standard set 100881
forth in division (B) of this section, an applicant seeking 100882
initial or renewed certification of one or more certifiable 100883
services and supports is eligible to receive the certification 100884

only if both of the following are the case, as determined by the 100885
director: 100886

(1) The applicant shall have adequate staff and equipment to 100887
provide the certifiable services and supports; 100888

(2) The department has not been notified under section 100889
5119.367 of the Revised Code or is not otherwise aware that the 100890
applicant, or any owner or principal of the applicant, has been 100891
the subject of an adverse action, as defined in that section, 100892
taken during the three-year period immediately preceding the date 100893
of application. 100894

(D)(1) Except as provided in division (D)(2) of this section, 100895
if the director determines that an applicant has paid any required 100896
certification fee, that the applicant's accreditation of 100897
certifiable services and supports is current and appropriate for 100898
the services and supports for which the applicant is seeking 100899
initial or renewed certification, that the applicant meets the 100900
requirements of division (C) of this section, and that the 100901
applicant meets any other requirements established by this section 100902
or rules adopted under it, the director shall certify the services 100903
and supports or renew the certification of the services and 100904
supports, as applicable. Except as provided in division (J) of 100905
this section, the director shall issue or renew the certification 100906
without further evaluation of the services and supports. 100907

(2) Prior to October 1, 2025, if an applicant that seeks to 100908
renew certification of certifiable services and supports is not 100909
accredited to provide those services and supports by one or more 100910
national accrediting organizations specified in division (B)(3) of 100911
this section, the director shall conduct an evaluation of the 100912
applicant to determine whether the applicant's certifiable 100913
services and supports of a community mental health services 100914
provider applicant or community addiction services provider 100915
applicant satisfy the standards for certification. The evaluation 100916

is in addition to any on-site review conducted under division (A) 100917
of this section and shall be performed in cooperation with a board 100918
of alcohol, drug addiction, and mental health services that seeks 100919
to contract or has a contract with the applicant under section 100920
340.036 of the Revised Code. If the director determines that an 100921
applicant has paid any required certification fee, that the 100922
applicant's certifiable services and supports satisfy the 100923
standards for renewed certification and ~~the applicant has paid the~~ 100924
~~fee required by this section, that the applicant meets the~~ 100925
requirements of division (C) of this section, and that the 100926
applicant meets any other requirements established by this section 100927
or the rules adopted under it, the director shall certify the 100928
certifiable services and supports. 100929

~~No community mental health services provider shall be~~ 100930
~~eligible to receive for its certifiable services and supports any~~ 100931
~~state funds, federal funds, or funds administered by a board of~~ 100932
~~alcohol, drug addiction, and mental health services, unless those~~ 100933
~~certifiable services and supports have been certified by the~~ 100934
~~director.~~ 100935

~~No person or government entity subject to section 5119.35 of~~ 100936
~~the Revised Code or any other community addiction services~~ 100937
~~provider shall be eligible to receive for its services described~~ 100938
~~in that section or its other certifiable services and supports any~~ 100939
~~state funds, federal funds, or funds administered by a board of~~ 100940
~~alcohol, drug addiction, and mental health services, unless those~~ 100941
~~services or other certifiable services and supports have been~~ 100942
~~certified by the director.~~ 100943

(C)(E) For purposes of the accreditation requirements of this 100944
section, both of the following apply: 100945

(1) The director may review the accrediting organizations 100946
specified in division (B)(3) of this section to evaluate whether 100947
the accreditation standards and processes used by the 100948

organizations are consistent with service delivery models the 100949
director considers appropriate for mental health services, alcohol 100950
and drug addiction services, or physical health services. The 100951
director may communicate to an accrediting organization any 100952
identified concerns, trends, needs, and recommendations. 100953

(2) The director shall require a community mental health 100954
services provider and a community addiction services provider to 100955
notify the director not later than ten days after any change in 100956
the provider's accreditation status. The provider may notify the 100957
director by providing a copy of the relevant document the provider 100958
received from the accrediting organization. 100959

(F) The director may require a community mental health 100960
services provider or a community addiction services provider to 100961
submit to the director cost reports pertaining to the provider. 100962

(G) The director may refuse to certify certifiable services 100963
and supports, refuse to renew certification, or revoke 100964
certification if any of the following apply to an applicant for 100965
certification or the holder of the certification: 100966

(1) The applicant or holder is not in compliance with rules 100967
adopted under this section. 100968

(2) The applicant or holder has been cited for a pattern of 100969
serious noncompliance or repeated violations of statutes or rules 100970
during the current certification period or any previous 100971
certification period. 100972

(3) The applicant or holder has been found to be in violation 100973
of section 5119.396 of the Revised Code; 100974

(4) The applicant or holder submits false or misleading 100975
information as part of a certification application, renewal, or 100976
investigation. 100977

~~(D)~~(H) Proceedings initiated to deny applications to certify 100978

certifiable services and supports, to refuse to renew 100979
certification, or to revoke certification are governed by Chapter 100980
119. of the Revised Code. If an order has been issued suspending 100981
admissions to a community addiction services provider ~~that~~ 100982
~~provides overnight accommodations~~, as provided in division ~~(H)~~(M) 100983
of this section, the order remains in effect during the pendency 100984
of those proceedings. 100985

~~(E)~~(I) The director may conduct an on-site review or 100986
otherwise evaluate a community mental health services provider or 100987
a community addiction services provider at any time based on 100988
cause, including complaints made by or on behalf of persons 100989
receiving mental health services or alcohol and drug addiction 100990
services and confirmed or alleged deficiencies brought to the 100991
attention of the director. This authority does not affect the 100992
director's duty to conduct the inspections required by section 100993
5119.37 of the Revised Code. 100994

In conducting an on-site review under this division, the 100995
director may do so in cooperation with a board of alcohol, drug 100996
addiction, and mental health services that seeks to contract or 100997
has a contract with the applicant under section 340.036 of the 100998
Revised Code. In conducting any other evaluation under this 100999
division, the director shall do so in cooperation with such a 101000
board. 101001

(J) If the director ~~determines that a community mental health 101002
services provider applicant's or a community addiction services 101003
provider applicant's certifiable services and supports do not 101004
satisfy the standards for certification~~ proposes to take action 101005
under division (G) of this section, the director shall notify the 101006
board of alcohol, drug addiction, and mental health services 101007
serving the alcohol, drug addiction, and mental health service 101008
district in which the certifiable services and supports will be or 101009
were provided, and provide the board opportunity to respond as 101010

specified in division (A) of this section with respect to initial 101011
or renewal applications. 101012

When a final order is issued by the director under division 101013
(G) of this section, the director may request that the appropriate 101014
board of alcohol, drug addiction, and mental health services 101015
reallocate any funds for the certifiable services and supports the 101016
applicant was to provide to ~~another~~ a community mental health 101017
services provider or community addiction services provider whose 101018
certifiable services and supports satisfy the standards. If the 101019
board does not reallocate such funds in a reasonable period of 101020
time, the director may withhold state and federal funds for the 101021
certifiable services and supports and allocate those funds 101022
directly to a community mental health services provider or 101023
community addiction services provider whose certifiable services 101024
and supports satisfy the standards. 101025

~~(F)(K)~~ Each ~~community mental health services provider~~ 101026
~~applicant or community addiction services provider~~ applicant 101027
seeking initial or renewed certification of its certifiable 101028
services and supports ~~under this section~~ shall pay a fee for the 101029
certification required by this section, unless the applicant is 101030
exempt under rules adopted under this section. Fees shall be paid 101031
into the state treasury to the credit of the sale of goods and 101032
services fund created pursuant to section 5119.45 of the Revised 101033
Code. 101034

~~(G)(L)~~ The director shall adopt rules in accordance with 101035
Chapter 119. of the Revised Code to implement this section. The 101036
rules shall do all of the following: 101037

(1) Subject to section 340.034 of the Revised Code, specify 101038
the types of recovery supports that are required to be certified 101039
under this section; 101040

(2) Establish certification standards for certifiable 101041

services and supports that are consistent with nationally 101042
recognized applicable standards and facilitate participation in 101043
federal assistance programs. The rules shall include as 101044
certification standards only requirements that improve the quality 101045
of certifiable services and supports or the health and safety of 101046
persons receiving certifiable services and supports. The standards 101047
shall address at a minimum all of the following: 101048

(a) Reporting major unusual incidents to the director; 101049

(b) Procedures for applicants for and persons receiving 101050
certifiable services and supports to file grievances and 101051
complaints; 101052

(c) Seclusion; 101053

(d) Restraint; 101054

(e) Requirements regarding the physical facilities in which 101055
certifiable services and supports are provided; 101056

(f) Requirements with regard to health, safety, adequacy, and 101057
cultural specificity and sensitivity; 101058

(g) Standards for evaluating certifiable services and 101059
supports; 101060

(h) Standards and procedures for granting full, probationary, 101061
and interim certification of the certifiable services and supports 101062
of a ~~community mental health services provider applicant or~~ 101063
~~community addiction services provider~~ an applicant; 101064

(i) Standards and procedures for revoking the certification 101065
of a community mental health services provider's or community 101066
addiction services provider's certifiable services and supports 101067
that do not continue to meet the minimum standards established 101068
pursuant to this section; 101069

(j) The limitations to be placed on a provider whose 101070
certifiable services and supports are granted probationary or 101071

interim certification; 101072

(k) Development of written policies addressing the rights of 101073
persons receiving certifiable services and supports, including all 101074
of the following: 101075

(i) The right to a copy of the written policies addressing 101076
the rights of persons receiving certifiable services and supports; 101077

(ii) The right at all times to be treated with consideration 101078
and respect for the person's privacy and dignity; 101079

(iii) The right to have access to the person's own 101080
psychiatric, medical, or other treatment records unless access is 101081
specifically restricted in the person's treatment plan for clear 101082
treatment reasons; 101083

(iv) The right to have a client rights officer provided by 101084
the provider or board of alcohol, drug addiction, and mental 101085
health services advise the person of the person's rights, 101086
including the person's rights under Chapter 5122. of the Revised 101087
Code if the person is committed to the provider or board. 101088

(l) Documentation that must be submitted as evidence of 101089
holding appropriate accreditation; 101090

(m) A process by which the director may review the 101091
accreditation standards and process used by the national 101092
accrediting organizations specified in division (B)(3) of this 101093
section. 101094

(3) Establish the process for certification of certifiable 101095
services and supports; 101096

(4) Set the amount of initial and renewal certification 101097
review fees and any reasons for which applicants may be exempt 101098
from the fees; 101099

(5) Specify the type of notice and hearing to be provided 101100
prior to a decision on whether to reallocate funds; 101101

(6) Establish a process by which the director, based on 101102
deficiencies identified as a result of conducting an on-site 101103
review or otherwise evaluating a community mental health services 101104
provider or community addiction services provider under division 101105
(I) of this section, may take any range of correction actions, 101106
including revocation of the provider's certification. 101107

~~(H)(1)~~(M)(1) The director may issue an order suspending 101108
admissions to a community addiction services provider that 101109
provides overnight accommodations if the director finds either of 101110
the following: 101111

(a) The provider's certifiable services and supports are not 101112
in compliance with rules adopted under this section; 101113

(b) The provider has been cited for more than one violation 101114
of statutes or rules during any previous certification period of 101115
the provider. 101116

(2)(a) Except as provided in division ~~(H)(2)(b)~~(M)(2)(b) of 101117
this section, proceedings initiated to suspend admissions to a 101118
community addiction services provider that provides overnight 101119
accommodations are governed by Chapter 119. of the Revised Code. 101120

(b) If a suspension of admissions is proposed because the 101121
director has determined that the provider has demonstrated a 101122
pattern of serious noncompliance or that a violation creates a 101123
substantial risk to the health and safety of patients, the 101124
director may issue an order suspending admissions before providing 101125
an opportunity for an adjudication under Chapter 119. of the 101126
Revised Code. The director shall lift the order for the suspension 101127
of admissions if the director determines that the violation that 101128
formed the basis for the order has been corrected. 101129

(3) Appeals from proceedings initiated to order the 101130
suspension of admissions shall be conducted in accordance with 101131
Chapter 119. of the Revised Code, unless the order was issued 101132

before providing an opportunity for an adjudication, in which case 101133
all of the following apply: 101134

(a) The provider may request a hearing not later than ten 101135
days after ~~receiving the notice specified being served in section~~ 101136
accordance with sections 119.05 and 119.07 of the Revised Code. 101137

(b) If a timely request for a hearing that includes the 101138
provider's current address is made, the hearing shall commence not 101139
later than thirty days after the department receives the request. 101140

(c) After commencing, the hearing shall continue 101141
uninterrupted, except for Saturdays, Sundays, and legal holidays, 101142
unless other interruptions are agreed to by the provider and the 101143
director. 101144

(d) If the hearing is conducted by a hearing examiner, the 101145
hearing examiner shall file a report and recommendations with the 101146
department not later than ten days after the last of the 101147
following: 101148

(i) The close of the hearing; 101149

(ii) If a transcript of the proceedings is ordered, the 101150
hearing examiner receives the transcript; 101151

(iii) If post-hearing briefs are timely filed, the hearing 101152
examiner receives the briefs. 101153

(e) The hearing examiner shall send a written copy of the 101154
report and recommendations, by certified mail, to the provider, or 101155
the provider's attorney, if applicable, not later than five days 101156
after the report is filed with the department. 101157

(f) Not later than five days after receiving the report and 101158
recommendations, the provider may file objections with the 101159
department. 101160

(g) Not later than fifteen days after the hearing examiner 101161
files the report and recommendations, the department shall issue 101162

an order approving, modifying, or disapproving the report and 101163
recommendations. 101164

(h) Notwithstanding the pendency of the hearing, the 101165
department shall lift the order for the suspension of admissions 101166
if the department determines the violation that formed the basis 101167
for the order has been corrected. 101168

~~(I)(1)~~(N)(1) In a proceeding initiated to suspend admissions 101169
to a community addiction services provider that provides overnight 101170
accommodations, to deny an application for certification of 101171
certifiable services and supports, to refuse to renew 101172
certification, or to revoke certification, the department may 101173
order the suspension, denial, refusal, or revocation regardless of 101174
whether some or all of the deficiencies that prompted the 101175
proceedings have been corrected at the time of the hearing. 101176

(2) When the department issues an order suspending admissions 101177
to a community addiction services provider that provides overnight 101178
accommodations, denies an application for certification of 101179
certifiable services and supports, refuses to renew certification, 101180
or revokes a certification, the department shall not grant an 101181
opportunity for submitting a plan of correction. 101182

~~(J)(O)~~ The department of mental health and addiction services 101183
shall maintain a current list of community addiction services 101184
providers and shall provide a copy of the list to a judge of a 101185
court of common pleas who requests a copy for the use of the judge 101186
under division (H) of section 2925.03 of the Revised Code. The 101187
list shall identify each provider by its name, its address, and 101188
the county in which it is located. 101189

~~(K)(P)~~ No person shall represent in any manner that a 101190
community mental health services provider's or community addiction 101191
services provider's certifiable services and supports are 101192
certified by the director if the certifiable services and supports 101193

are not so certified at the time the representation is made. 101194

(O) If a board of alcohol, drug addiction, and mental health services requests the department of mental health and addiction services to investigate a community mental health services provider or community addiction services provider pursuant to this section, the department shall initiate the investigation not later than ten business days after receipt of the request. If the department initiates an investigation of a community mental health services provider or community addiction services provider under this section for any other reason, the department shall notify the board of alcohol, drug addiction, and mental health services serving the applicable alcohol, drug addiction, and mental health service district of the investigation and the reason for the investigation not later than three business days after the investigation begins. On the board's request, the department shall provide the board with information specifying the status of the investigation and the final disposition of the investigation. 101195
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(R) Nothing in this section shall be construed to require a federally qualified health center or federally qualified health center look-alike, as those terms are defined in section 3701.047 of the Revised Code, to seek or obtain certification under this section. 101211
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Sec. 5119.363. The director of mental health and addiction services shall adopt rules governing ~~the duties of boards of alcohol, drug addiction, and mental health services under section 340.20 of the Revised Code~~ and the duties of community addiction services providers under section 5119.362 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 101216
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The director shall adopt rules under this section that authorize the department of mental health and addiction services 101223
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to determine an advanced practice registered nurse's, physician 101225
assistant's, or physician's compliance with section 3719.064 of 101226
the Revised Code if such practitioner works for a community 101227
addiction services provider. 101228

Sec. 5119.367. (A) As used in this section, "adverse action" 101229
means an action by a state, provincial, federal, or other 101230
licensing or regulatory authority to deny, revoke, suspend, place 101231
on probation, or otherwise restrict a license, certification, or 101232
other approval to provide certifiable services and supports or an 101233
equivalent to certifiable services and supports. 101234

(B)(1) When submitting an application for initial or renewed 101235
certification of one or more certifiable services and supports, 101236
the applicant shall notify the department of mental health and 101237
addiction services of any adverse action taken against the 101238
applicant or any owner or principal of the applicant within the 101239
three-year period immediately preceding the date of application. 101240

(2) Not later than seven days after receiving a notice of 101241
adverse action from a licensing or regulatory authority that is 101242
other than the department of mental health and addiction services, 101243
an applicant for initial or renewed certification or the holder of 101244
a certification issued under section 5119.36 of the Revised Code 101245
shall notify the department of the action. 101246

(C) To notify the department as required by this section, a 101247
copy of the notice of adverse action shall be provided to the 101248
department. 101249

Sec. 5119.37. (A)(1)(a) Except as provided in division 101250
(A)(1)(b) of this section, no person or government entity shall 101251
operate an opioid treatment program requiring certification, as 101252
certification is defined in 42 C.F.R. 8.2, unless the person or 101253
government entity is a community addiction services provider and 101254

the program is licensed under this section. 101255

(b) Division (A)(1)(a) of this section does not apply to a 101256
program operated by the United States department of veterans 101257
affairs. 101258

(2) No community addiction services provider licensed under 101259
this section shall operate an opioid treatment program in a manner 101260
inconsistent with this section and the rules adopted under it. 101261

(B) A community addiction services provider seeking a license 101262
to operate an opioid treatment program shall apply to the 101263
department of mental health and addiction services. The department 101264
shall review all applications received. 101265

(C) The department may issue a license to operate an opioid 101266
treatment program to a community addiction services provider only 101267
if all of the following apply: 101268

(1) During the three-year period immediately preceding the 101269
date of application, the provider or any owner, sponsor, medical 101270
director, administrator, or principal of the provider has been in 101271
good standing to operate an opioid treatment program in all other 101272
locations where the provider or such other person has been 101273
operating a similar program, as evidenced by both of the 101274
following: 101275

(a) Not having been denied a license, certificate, or similar 101276
approval to operate an opioid treatment program by this state or 101277
another jurisdiction; 101278

(b) Not having been the subject of any of the following in 101279
this state or another jurisdiction: 101280

(i) An action that resulted in the suspension or revocation 101281
of the license, certificate, or similar approval of the provider 101282
or other person; 101283

(ii) A voluntary relinquishment, withdrawal, or other action 101284

taken by the provider or other person to avoid suspension or 101285
revocation of the license, certificate, or similar approval; 101286

(iii) A disciplinary action that was based, in whole or in 101287
part, on the provider or other person engaging in the 101288
inappropriate prescribing, dispensing, administering, personally 101289
furnishing, diverting, storing, supplying, compounding, or selling 101290
of a controlled substance or other dangerous drug. 101291

(2) It affirmatively appears to the department that the 101292
provider is adequately staffed and equipped to operate an opioid 101293
treatment program. 101294

(3) It affirmatively appears to the department that the 101295
provider will operate an opioid treatment program in strict 101296
compliance with all laws relating to drug abuse and the rules 101297
adopted by the department. 101298

(4) Except as provided in division (D) of this section and 101299
section 5119.371 of the Revised Code, if the provider is seeking 101300
an initial license for a particular location, the proposed opioid 101301
treatment program is not located on a parcel of real estate that 101302
is within a radius of five hundred linear feet of the boundaries 101303
of a parcel of real estate having situated on it a public or 101304
private school, child day-care center licensed under Chapter 5104. 101305
of the Revised Code, or child-serving agency regulated by the 101306
department under this chapter. 101307

(5) The provider meets any additional requirements 101308
established by the department in rules adopted under division (F) 101309
of this section. 101310

(D) The department may waive the requirement of division 101311
(C)(4) of this section if it receives, from each public or private 101312
school, child day-care center, or child-serving agency that is 101313
within the five hundred linear feet radius described in that 101314
division, a letter of support for the location. The department 101315

shall determine whether a letter of support is satisfactory for 101316
purposes of waiving the requirement. 101317

(E)(1) Except as provided in division (E)(2) of this section, 101318
a license to operate an opioid treatment program shall expire two 101319
years from the date of issuance. Licenses may be renewed. 101320

(2) In circumstances in which the director of mental health 101321
and addiction services has concerns regarding compliance of a 101322
community addiction services provider licensed as an opioid 101323
treatment program, the department shall notify the provider of 101324
those concerns and stipulate that the provider's license expires 101325
annually on a date determined by the department. 101326

(F) The department shall establish procedures and adopt rules 101327
for licensing, inspection, and supervision of community addiction 101328
services providers that operate an opioid treatment program. The 101329
rules shall establish standards for the control, storage, 101330
furnishing, use, dispensing, and administering of medications used 101331
in medication-assisted treatment; prescribe minimum standards for 101332
the operation of the opioid treatment program component of the 101333
provider's operations; and comply with federal laws and 101334
regulations. 101335

All rules adopted under this division shall be adopted in 101336
accordance with Chapter 119. of the Revised Code. All actions 101337
taken by the department regarding the licensing of providers to 101338
operate opioid treatment programs shall be conducted in accordance 101339
with Chapter 119. of the Revised Code, except as provided in 101340
division (L) of this section. 101341

(G)(1) The department shall inspect all community addiction 101342
services providers licensed to operate an opioid treatment 101343
program. Inspections shall be conducted at least biennially and 101344
may be conducted more frequently. 101345

In addition, the department may inspect any provider or other 101346

person that it reasonably believes to be operating an opioid 101347
treatment program without a license issued under this section. 101348

(2) When conducting an inspection, the department may do both 101349
of the following: 101350

(a) Examine and copy all records, accounts, and other 101351
documents relating to the provider's or other person's operations, 101352
including records pertaining to patients or clients; 101353

(b) Conduct interviews with any individual employed by or 101354
contracted or otherwise associated with the provider or person, 101355
including an administrator, staff person, patient, or client. 101356

(3) No person or government entity shall interfere with a 101357
state or local government official acting on behalf of the 101358
department while conducting an inspection. 101359

(H) A community addiction services provider shall not 101360
administer or dispense methadone in a tablet, powder, or 101361
intravenous form. Methadone shall be administered or dispensed 101362
only in a liquid form intended for ingestion. 101363

A community addiction services provider shall not administer 101364
or dispense a medication used in medication-assisted treatment for 101365
pain or other medical reasons. 101366

(I) As used in this division, "program sponsor" means a 101367
person who assumes responsibility for the operation and employees 101368
of the opioid treatment program component of a community addiction 101369
services provider's operations. 101370

A provider shall not permit an individual to act as a program 101371
sponsor, medical director, or director of the provider if the 101372
individual is receiving a medication used in medication-assisted 101373
treatment from any community addiction services provider. 101374

(J) The department may issue orders to ensure compliance with 101375
all laws relating to drug abuse and the rules adopted under this 101376

section. Subject to section 5119.27 of the Revised Code, the 101377
department may hold hearings, require the production of relevant 101378
matter, compel testimony, issue subpoenas, and make adjudications. 101379
Upon failure of a person without lawful excuse to obey a subpoena 101380
or to produce relevant matter, the department may apply to a court 101381
of common pleas for an order compelling compliance. 101382

(K) The department may refuse to issue, or may withdraw or 101383
revoke, a license to operate an opioid treatment program. A 101384
license may be refused if a community addiction services provider 101385
does not meet the requirements of division (C) of this section. A 101386
license may be withdrawn at any time the department determines 101387
that the provider no longer meets the requirements for receiving 101388
the license. A license may be revoked in accordance with division 101389
(L) of this section. 101390

Once a license is issued under this section, the department 101391
shall not consider the requirement of division (C)(4) of this 101392
section in determining whether to renew, withdraw, or revoke the 101393
license or whether to reissue the license as a result of a change 101394
in ownership. 101395

(L) If the department finds reasonable cause to believe that 101396
a community addiction services provider licensed under this 101397
section is in violation of any state or federal law or rule 101398
relating to drug abuse, the department may issue an order 101399
immediately revoking the license, subject to division (M) of this 101400
section. The department shall set a date not more than fifteen 101401
days later than the date of the order of revocation for a hearing 101402
on the continuation or cancellation of the revocation. For good 101403
cause, the department may continue the hearing on application of 101404
any interested party. In conducting hearings, the department has 101405
all the authority and power set forth in division (J) of this 101406
section. Following the hearing, the department shall either 101407
confirm or cancel the revocation. The hearing shall be conducted 101408

in accordance with Chapter 119. of the Revised Code, except that 101409
the provider shall not be permitted to operate an opioid treatment 101410
program pending the hearing or pending any appeal from an 101411
adjudication made as a result of the hearing. Notwithstanding any 101412
provision of Chapter 119. of the Revised Code to the contrary, a 101413
court shall not stay or suspend any order of revocation issued by 101414
the department under this division pending judicial appeal. 101415

(M) The department shall not revoke a license to operate an 101416
opioid treatment program unless all clients receiving medication 101417
used in medication-assisted treatment from the community addiction 101418
services provider are provided adequate substitute medication or 101419
treatment. For purposes of this division, the department may 101420
transfer the clients to other providers licensed to operate opioid 101421
treatment programs or replace any or all of the administrators and 101422
staff of the provider with representatives of the department who 101423
shall continue on a provisional basis the opioid treatment 101424
component of the provider's operations. 101425

(N) Each time the department receives an application from a 101426
community addiction services provider for a license to operate an 101427
opioid treatment program, issues or refuses to issue a license, or 101428
withdraws or revokes a license, the department shall notify the 101429
board of alcohol, drug addiction, and mental health services of 101430
each alcohol, drug addiction, and mental health service district 101431
in which the provider operates. 101432

(O) Whenever it appears to the department from files, upon 101433
complaint, or otherwise, that a community addiction services 101434
provider has engaged in any practice declared to be illegal or 101435
prohibited by section 3719.61 of the Revised Code, or any other 101436
state or federal laws or regulations relating to drug abuse, or 101437
when the department believes it to be in the best interest of the 101438
public and necessary for the protection of the citizens of the 101439
state, the department may request criminal proceedings by laying 101440

before the prosecuting attorney of the proper county any evidence 101441
of criminality which may come to its knowledge. 101442

(P) The department shall maintain a current list of community 101443
addiction services providers licensed by the department under this 101444
section and shall provide a copy of the current list to a judge of 101445
a court of common pleas who requests a copy for the use of the 101446
judge under division (H) of section 2925.03 of the Revised Code 101447
and to a board of alcohol, drug addiction, and mental health 101448
services that requests a copy for purposes of division (I)(3) of 101449
section 340.08 of the Revised Code. The list of licensed community 101450
addiction services providers shall identify each licensed provider 101451
by its name, its address, and the county in which it is located. 101452

Sec. 5119.39. (A) The department of mental health and 101453
addiction services shall monitor the operation of recovery housing 101454
in this state by doing either of the following: 101455

(1) Certifying recovery housing residences through a process 101456
established by the department; 101457

(2) Accepting accreditation, or its equivalent for recovery 101458
housing, from one or more of the following: 101459

(a) The Ohio affiliate of the national alliance for recovery 101460
residences; 101461

(b) Oxford house, inc.; 101462

(c) Any other organization that is designated by the 101463
department for purposes of this section. 101464

(B) If the department certifies recovery housing residences, 101465
the department shall, in rules adopted under section 5119.397 of 101466
the Revised Code, establish requirements for initial certification 101467
and renewal certification, as well as grounds and procedures for 101468
disciplinary action against operators of recovery housing 101469
residences. 101470

Sec. 5119.391. (A) The department of mental health and 101471
addiction services shall monitor the establishment of recovery 101472
housing residences in this state. 101473

(B) For purposes of division (A) of this section, and within 101474
the timeframe specified in division (C) of this section, each 101475
person or government entity that will operate a recovery housing 101476
residence on or after the effective date of this section, 101477
including any recovery housing that was established and in 101478
operation prior to the effective date of this section, shall file 101479
with the department, on a form prescribed by the department, all 101480
of the following information: 101481

(1) The name of the recovery housing residence and any other 101482
name under which the residence does business; 101483

(2) The address of the recovery housing residence; 101484

(3) The name of the person or government entity operating the 101485
residence; 101486

(4) The primary telephone number and electronic mail address 101487
for the recovery housing operator; 101488

(5) The date the recovery housing residence was first 101489
occupied, or will be occupied, by its first resident; 101490

(6) Information related to any existing accreditation or its 101491
equivalent that the recovery housing residence has obtained or is 101492
in the process of obtaining; 101493

(7) Any other information the department considers 101494
appropriate. 101495

(C) The form required by division (B) of this section shall 101496
be filed with the department as follows: 101497

(1) For a recovery housing residence that began operating 101498
before the effective date of this section, not later than thirty 101499

days after the effective date of this section; 101500

(2) For a recovery housing residence that will begin 101501
operating on or after the effective date of this section, not 101502
later than thirty days after the first resident begins occupying 101503
the residence. 101504

(D) If the department accepts accreditation or its equivalent 101505
from an organization specified in section 5119.39 of the Revised 101506
Code, the department may provide copies of forms filed in 101507
accordance with this section to any such organization. 101508

Sec. 5119.392. (A) Beginning January 1, 2025, no person or 101509
government entity shall operate a recovery housing residence 101510
unless either of the following applies: 101511

(1)(a) If the department of mental health and addiction 101512
services certifies recovery housing residences, the recovery 101513
housing residence is certified by the department. 101514

(b) If the department accepts accreditation or its equivalent 101515
from an organization specified in section 5119.39 of the Revised 101516
Code, the residence is accredited by such an organization. 101517

(2) The recovery housing residence has been operating for not 101518
more than eighteen months and is actively engaged in efforts to 101519
obtain certification or accreditation, as applicable. For purposes 101520
of identifying this eighteen-month timeframe, a recovery housing 101521
residence is considered to begin operating on the date that the 101522
first resident occupies the residence, as specified on the form 101523
filed in accordance with section 5119.391 of the Revised Code. 101524

(B) If the director of mental health and addiction services 101525
determines that a recovery housing residence is operating in 101526
violation of this section, the director may request, in writing, 101527
that the attorney general petition the court of common pleas of 101528
the county in which the recovery housing residence is located for 101529

an order enjoining operation of the recovery housing residence. 101530

Sec. 5119.393. (A) The department of mental health and 101531
addiction services shall establish a procedure to receive and 101532
investigate complaints from residents, staff, and the public 101533
regarding recovery housing residences. The department may contract 101534
with one or more of the organizations specified in section 5119.39 101535
of the Revised Code to fulfill some or all of the functions 101536
associated with receiving and investigating complaints. 101537

(B) Any organization under contract with the department to 101538
receive and investigate complaints shall make reports to the 101539
department as follows: 101540

(1) Not less than monthly, the contractor shall report the 101541
status of each pending investigation and shall report the outcome 101542
of each investigation that has been completed since the last 101543
report was made; 101544

(2) As soon as practicable, but not later than ten days after 101545
making an adverse decision, if a contractor's accreditation or its 101546
equivalent is accepted by the department for purposes of section 101547
5119.39 of the Revised Code, the contractor shall report that 101548
decision to the department in a manner prescribed by the 101549
department. 101550

Sec. 5119.394. (A) The department of mental health and 101551
addiction services shall establish and maintain a registry of 101552
recovery housing residences that meet the criteria described in 101553
division (A)(1) or (2) of section 5119.392 of the Revised Code. 101554
For each residence, the registry shall include all of the 101555
following: 101556

(1) Any information from the form required by division (B) of 101557
section 5119.391 of the Revised Code that the department chooses 101558
to include in the registry; 101559

(2) If a complaint received under section 5119.393 of the Revised Code has been investigated and substantiated, a description of the complaint, the date the complaint was submitted to the department or its contractor, and the outcome of the investigation;

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(3) Any other information the department considers appropriate.

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(B) The department shall immediately remove from the registry a recovery housing residence that ceases to meet the criteria described in division (A)(1) or (2) of section 5119.392 of the Revised Code, including if the criteria described in those divisions ceases to be met because the residence has had its certification or accreditation, as applicable, revoked or not renewed.

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(C) The department shall make the registry available to the public on the department's web site.

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Sec. 5119.395. (A) Beginning January 1, 2025, no person or government entity shall advertise or represent any residence or other building to be a recovery housing residence, sober living home, or any other alcohol and drug free housing for persons recovering from alcohol use disorder or drug addiction unless the residence or building meets either of the following conditions:

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(1) The residence or building is on the registry established and maintained under section 5119.394 of the Revised Code;

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(2) The residence or building is regulated by the department of rehabilitation and correction under section 2967.14 of the Revised Code.

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(B) If the director of mental health and addiction services determines that a person or government entity is violating division (A) of this section, the director may request, in

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writing, that the attorney general petition the court of common 101590
pleas of the county where the person or government entity is 101591
operating the residence or other building to enjoin that person or 101592
government entity from engaging in the conduct that violates 101593
division (A) of this section. 101594

Sec. 5119.396. Beginning January 1, 2025, community addiction 101595
services providers and community mental health services providers 101596
shall not refer clients to a recovery housing residence unless the 101597
residence is on the registry established and maintained under 101598
section 5119.394 of the Revised Code on the date that the referral 101599
is made. Community addiction services providers and community 101600
mental health services providers shall maintain records of all 101601
referrals made to recovery housing residences. 101602

Sec. 5119.397. The director of mental health and addiction 101603
services may adopt rules in accordance with Chapter 119. of the 101604
Revised Code to implement sections 5119.39 to 5119.396 of the 101605
Revised Code. 101606

Sec. 5119.48. (A) The department of mental health and 101607
addiction services shall create the all roads lead to home 101608
program. The program shall include all of the following 101609
initiatives: 101610

(1) A media campaign. As part of the campaign, the department 101611
shall develop public service announcements and shall make the 101612
announcements available to television and radio media outlets. The 101613
announcements shall be made available beginning on January 1, 101614
2018, and at least twice annually, once between January and March 101615
of each year, and once in September of each year as part of 101616
national recovery month. 101617

(2) A web site as described in division (C) of this section; 101618

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services.	101619 101620 101621
(B) The media campaign described in division (A)(1) of this section shall do all of the following:	101622 101623
(1) Include messages to reduce the stigma associated with seeking help for drug addiction;	101624 101625
(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following:	101626 101627 101628
(a) Information on where to find help for drug addiction;	101629
(b) Information on intervention and referral options;	101630
(c) Contact information for county board drug addiction assistance authorities.	101631 101632
(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state;	101633 101634
(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets.	101635 101636 101637
(C) Before January 1, 2018, the department shall create a web site as described in division (A)(2) of this section that offers all of the following components:	101638 101639 101640
(1) If reasonably available for use, an evidence-based self-reporting screening tool approved by the department's medical director;	101641 101642 101643
(2) Community detoxification and withdrawal management options and community treatment options;	101644 101645
(3) A searchable database of certified substance abuse providers organized by zip code;	101646 101647

(4) Information on recovery supports, including recovery housing residences; 101648
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(5) Clinical information regarding what a person may expect during detoxification, withdrawal, and treatment. 101650
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(D) The department may contract with private vendors for the creation and maintenance of the interactive web site described in division (C) of this section. 101652
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Sec. 5119.61. (A) The department of mental health and addiction services shall collect and compile statistics and other information on the care and treatment of persons with mental disabilities, and the care, treatment, and rehabilitation of persons with ~~alcoholism~~ alcohol use disorder, persons with drug dependencies, persons in danger of drug dependence, and persons with or in danger of developing a gambling addiction in this state. The information shall include, without limitation, information on the number of such persons, the type of drug involved, if any, the type of care, treatment, or rehabilitation prescribed or undertaken, and the success or failure of the care, treatment, or rehabilitation. The department shall collect information about addiction services, mental health services, and recovery supports delivered and persons served as required for reporting and evaluation relating to state and federal funds expended for such purposes. 101655
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(B) No community addiction services provider or community mental health services provider shall fail to supply statistics and other information within its knowledge and with respect to its addiction services, mental health services, and recovery supports upon request of the department. 101671
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(C) Communications by a person seeking aid in good faith for ~~alcoholism~~ alcohol use disorder or drug dependence are confidential, and this section does not require the collection or 101676
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permit the disclosure of information which reveals or comprises 101679
the identity of any person seeking aid. 101680

(D) Based on the information collected and compiled under 101681
division (A) of this section, the department shall develop a 101682
project to assess the outcomes of persons served by community 101683
addiction services providers and community mental health services 101684
providers that receive funds distributed by the department. 101685

(E) The director of mental health and addiction services may 101686
fine a community addiction services provider or community mental 101687
health services provider for violating division (B) of this 101688
section. In determining whether to impose a fine, the director 101689
shall consider whether the provider has engaged in a pattern of 101690
noncompliance. If a fine is imposed, it shall be one thousand 101691
dollars for a first failure to comply with division (B) of this 101692
section and two thousand dollars for each subsequent failure. The 101693
director's actions in imposing a fine shall be taken in accordance 101694
with Chapter 119. of the Revised Code. 101695

All fines collected under this division shall be deposited in 101696
the state treasury to the credit of the department's statewide 101697
treatment and prevention fund created by section 4301.30 of the 101698
Revised Code. 101699

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of the 101700
Revised Code: 101701

(A) "Alcohol and other drug abuse" means ~~alcoholism~~ alcohol 101702
use disorder or drug addiction. 101703

(B) "Another drug" means a controlled substance as defined in 101704
section 3719.01 of the Revised Code or a harmful intoxicant as 101705
defined in section 2925.01 of the Revised Code. 101706

(C) "Board of alcohol, drug addiction, and mental health 101707
services" means a board of alcohol, drug addiction, and mental 101708

health services established under section 340.02 or 340.021 of the Revised Code. 101709
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(D) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others. 101711
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(E) "Hospital" has the same meaning as in section 3701.01 or 3727.01 of the Revised Code but does not include either a hospital operated by the department of mental health and addiction services or an inpatient unit licensed by the department. 101714
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(F) "Intoxicated" means being under the influence of alcohol, another drug, or both alcohol and another drug and, as a result, having a significantly impaired ability to function. 101718
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(G) "Petitioner" means a person who institutes a proceeding under sections 5119.91 to 5119.98 of the Revised Code. 101721
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(H) "Probate court" means the probate division of the court of common pleas. 101723
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(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law. 101725
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(J) "Residence" means the legal residence of a person as determined by applicable principles governing conflicts of law. 101728
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(K) "Respondent" means a person alleged in a petition filed or hearing under sections 5119.91 to 5119.98 of the Revised Code to be a person who is experiencing alcohol and other drug abuse and who may be ordered under those sections to undergo treatment. 101730
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(L) "Treatment" means services and programs for the care and rehabilitation of intoxicated persons and persons experiencing alcohol and other drug abuse. "Treatment" includes residential treatment, a halfway house setting, and an intensive outpatient or outpatient level of care. 101734
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Sec. 5119.99. (A) Whoever violates section 5119.333 of the Revised Code is guilty of a misdemeanor of the first degree.

~~(B) Whoever violates division (B) of section 5119.61 of the Revised Code is guilty of a misdemeanor of the fourth degree.~~

~~(C) Whoever violates section 5119.27 or 5119.28, division (A) of section 5119.35, division (K)(P) of section 5119.36, or division (A)(1) or (2) of section 5119.37 of the Revised Code is guilty of a felony of the fifth degree.~~

Sec. 5123.0412. (A) The department of developmental disabilities ~~shall~~ may charge each county board of developmental disabilities an annual fee ~~equal~~ not to exceed one and one-quarter per cent of the total value of all medicaid paid claims for home and community-based services provided during the year to an individual eligible for services from the county board, ~~except that the department shall not charge the fee for home and community based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver.~~ A county board shall not pass on to a provider of home and community-based services the cost of a fee charged to the county board under this section.

(B) The amounts collected from the fees charged under this section shall be deposited into the department of developmental disabilities administration and oversight fund, which is hereby created in the state treasury. The department shall use the money in the fund for ~~both~~ any of the following purposes:

(1) Medicaid administrative costs, including administrative and oversight costs of medicaid case management services and home and community-based services. The administrative and oversight costs of medicaid case management services and home and community-based services shall include costs for staff, systems,

and other resources the department needs and dedicates solely to	101769
the following duties associated with the services:	101770
(a) Eligibility determinations;	101771
(b) Training;	101772
(c) Fiscal management;	101773
(d) Claims processing;	101774
(e) Quality assurance oversight;	101775
(f) Other duties the department identifies.	101776
(2) Providing technical <u>or financial</u> support to county boards	101777
with respect to their medicaid local administrative authority	101778
under section 5126.055 of the Revised Code for the services.	101779
<u>(3) Providing technical or financial support to county boards</u>	101780
<u>with respect to their responsibility to pay the nonfederal share</u>	101781
<u>of expenditures under sections 5126.059 and 5126.0510 of the</u>	101782
<u>Revised Code.</u>	101783
(C) The department shall submit an annual report to the	101784
director of budget and management certifying how the department	101785
spent the money in the fund for the purposes specified in division	101786
(B) of this section.	101787
Sec. 5123.0419. (A) The director of developmental	101788
disabilities shall establish an interagency workgroup on autism.	101789
The purpose of the workgroup shall be to improve the coordination	101790
of the state's efforts to address the service needs of individuals	101791
with autism spectrum disorders and the families of those	101792
individuals. In fulfilling this purpose, the director may enter	101793
into interagency agreements with the government entities	101794
represented by the members of the workgroup. The agreements may	101795
specify any or all of the following:	101796
(1) The roles and responsibilities of government entities	101797

that enter into the agreements; 101798

(2) Procedures regarding the receipt, transfer, and 101799
expenditure of funds necessary to achieve the goals of the 101800
workgroup; 101801

(3) The projects to be undertaken and activities to be 101802
performed by the government entities that enter into the 101803
agreements. 101804

~~(B)~~(B)(1) The entity contracted to administer programs and 101805
coordinate services for infants, preschool and school-age 101806
children, and adults with autism and low incidence disabilities 101807
under section 3323.32 of the Revised Code shall serve as the 101808
coordinating body of the workgroup. 101809

(2) The coordinating body of the workgroup shall ensure that 101810
the workgroup submits an annual report to the director of 101811
developmental disabilities by the thirty-first day of December of 101812
each year that includes recommendations for the workgroup's 101813
priorities and goals for the next year. 101814

(3) The department shall contract with the coordinating body 101815
on the implementation of the recommendations and other department 101816
initiatives for individuals with autism and other low incidence 101817
disabilities. 101818

(C) Money received from government entities represented by 101819
the members of the workgroup shall be deposited into the state 101820
treasury to the credit of the interagency workgroup on autism 101821
fund, which is hereby created in the state treasury. Money 101822
credited to the fund shall be used by the department of 101823
developmental disabilities solely to support the activities of the 101824
workgroup. 101825

(D) The workgroup shall hold at least two meetings per year 101826
that are open to the public for the purposes of reporting its work 101827
and hearing public feedback. 101828

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code:

(1) "Independent living arrangement" means an arrangement in which an individual with a developmental disability resides in an individualized setting chosen by the individual or the individual's guardian, which is not dedicated principally to the provision of residential services for individuals with developmental disabilities, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(3) "Political subdivision" means a municipal corporation, county, or township.

(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of

the Revised Code; 101859

(iii) A county home or district home operated pursuant to 101860
Chapter 5155. of the Revised Code; 101861

(iv) A dwelling in which the only residents with 101862
developmental disabilities are in independent living arrangements 101863
or are being provided supported living; 101864

(v) A location registered as a pediatric transition care 101865
program under section 3712.042 of the Revised Code. 101866

(B) Every person or government agency desiring to operate a 101867
residential facility shall apply for licensure of the facility to 101868
the director of developmental disabilities unless the residential 101869
facility is subject to section 3721.02, 5103.03, 5119.33, or 101870
division (B)(1)(b) of section 5119.34 of the Revised Code. 101871

(C)(1) Subject to section 5123.196 of the Revised Code, the 101872
director of developmental disabilities shall license the operation 101873
of residential facilities. An initial license shall be issued for 101874
a period that does not exceed one year, unless the director denies 101875
the license under division (D) of this section. A license shall be 101876
renewed for a period that does not exceed three years, unless the 101877
director refuses to renew the license under division (D) of this 101878
section. The director, when issuing or renewing a license, shall 101879
specify the period for which the license is being issued or 101880
renewed. A license remains valid for the length of the licensing 101881
period specified by the director, unless the license is 101882
terminated, revoked, or voluntarily surrendered. 101883

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 101884
of the Revised Code and rules adopted under section 5123.04 of the 101885
Revised Code, the director shall issue a new license for a 101886
residential facility if the facility meets the following 101887
conditions: 101888

(a) The residential facility will be certified as an ICF/IID; 101889

(b) The building in which the residential facility will be operated was operated as a residential facility under a lease for not fewer than twenty years before the date of application for a new license;

(c) The former operator of the residential facility relocated the beds previously in the facility to another site that will be licensed as a residential facility;

(d) The residential facility will be located in Preble, Clermont, or Warren county;

(e) The residential facility will contain eight beds;

(f) The licensee will make a good faith effort to serve multi-system youth or adults with severe behavioral challenges at the residential facility or at one or more other residential facilities for which licenses are issued under division (C) of this section.

(3) The director shall issue not more than five licenses under division (C)(2) of this section.

(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an order for the placement of a monitor at a facility, issue an order for the immediate removal of residents, or take any other action the director considers necessary consistent with the director's authority under this chapter regarding residential facilities. In the director's selection and administration of the sanction to be imposed, all of the following apply:

(1) The director may deny, refuse to renew, or revoke a license, if the director determines that the applicant or licensee

has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(2) The director may terminate a license if more than twelve consecutive months have elapsed since the residential facility was last occupied by a resident or a notice required by division (J) of this section is not given.

(3) The director may issue an order for the suspension of admissions to a facility for any violation that may result in sanctions under division (D)(1) of this section and for any other violation specified in rules adopted under division (G)(2) of this section. If the suspension of admissions is imposed for a violation that may result in sanctions under division (D)(1) of this section, the director may impose the suspension before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift an order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(4) The director may order the placement of a monitor at a residential facility for any violation specified in rules adopted under division (G)(2) of this section. The director shall lift the order when the director determines that the violation that formed the basis for the order has been corrected.

(5) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to

each of the following:	101953
(a) Each resident who receives services from the licensee;	101954
(b) The guardian of each resident who receives services from the licensee if the resident has a guardian;	101955 101956
(c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.	101957 101958
(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.	101959 101960 101961 101962 101963
(7) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.	101964 101965 101966 101967 101968 101969 101970 101971
(8) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.	101972 101973 101974 101975 101976
(E)(1) Except as provided in division (E)(2) of this section, appeals from proceedings initiated to impose a sanction under division (D) of this section shall be conducted in accordance with Chapter 119. of the Revised Code.	101977 101978 101979 101980
(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in	101981 101982

accordance with Chapter 119. of the Revised Code, unless the order 101983
was issued before providing an opportunity for an adjudication, in 101984
which case all of the following apply: 101985

(a) The licensee may request a hearing not later than ten 101986
days after ~~receiving the notice specified being served~~ in ~~section~~ 101987
accordance with sections 119.05 and 119.07 of the Revised Code. 101988

(b) If a timely request for a hearing that includes the 101989
licensee's current address is made, the hearing shall commence not 101990
later than thirty days after the department receives the request. 101991

(c) After commencing, the hearing shall continue 101992
uninterrupted, except for Saturdays, Sundays, and legal holidays, 101993
unless other interruptions are agreed to by the licensee and the 101994
director. 101995

(d) If the hearing is conducted by a hearing examiner, the 101996
hearing examiner shall file a report and recommendations not later 101997
than ten days after the last of the following: 101998

(i) The close of the hearing; 101999

(ii) If a transcript of the proceedings is ordered, the 102000
hearing examiner receives the transcript; 102001

(iii) If post-hearing briefs are timely filed, the hearing 102002
examiner receives the briefs. 102003

(e) A copy of the written report and recommendation of the 102004
hearing examiner shall be sent, by certified mail, to the licensee 102005
and the licensee's attorney, if applicable, not later than five 102006
days after the report is filed. 102007

(f) Not later than five days after the hearing examiner files 102008
the report and recommendations, the licensee may file objections 102009
to the report and recommendations. 102010

(g) Not later than fifteen days after the hearing examiner 102011
files the report and recommendations, the director shall issue an 102012

order approving, modifying, or disapproving the report and 102013
recommendations. 102014

(h) Notwithstanding the pendency of the hearing, the director 102015
shall lift the order for the suspension of admissions when the 102016
director determines that the violation that formed the basis for 102017
the order has been corrected. 102018

(F) Neither a person or government agency whose application 102019
for a license to operate a residential facility is denied nor a 102020
related party of the person or government agency may apply for a 102021
license to operate a residential facility before the date that is 102022
five years after the date of the denial. Neither a licensee whose 102023
residential facility license is revoked nor a related party of the 102024
licensee may apply for a residential facility license before the 102025
date that is five years after the date of the revocation. 102026

(G) In accordance with Chapter 119. of the Revised Code, the 102027
director shall adopt and may amend and rescind rules for licensing 102028
and regulating the operation of residential facilities. The rules 102029
for residential facilities that are ICFs/IID may differ from those 102030
for other residential facilities. The rules shall establish and 102031
specify the following: 102032

(1) Procedures and criteria for issuing and renewing 102033
licenses, including procedures and criteria for determining the 102034
length of the licensing period that the director must specify for 102035
each license when it is issued or renewed; 102036

(2) Procedures and criteria for denying, refusing to renew, 102037
terminating, and revoking licenses and for ordering the suspension 102038
of admissions to a facility, placement of a monitor at a facility, 102039
and the immediate removal of residents from a facility; 102040

(3) Fees for issuing and renewing licenses, which shall be 102041
deposited into the program fee fund created under section 5123.033 102042
of the Revised Code; 102043

(4) Procedures for surveying residential facilities;	102044
(5) Classifications for the various types of residential facilities;	102045 102046
(6) The maximum number of individuals who may be served in a particular type of residential facility;	102047 102048
(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities;	102049 102050 102051
(8) Other standards for the operation of residential facilities and the services provided at residential facilities;	102052 102053
(9) Procedures for waiving any provision of any rule adopted under this section.	102054 102055
(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities or the department of health the responsibility to conduct any survey or inspection under this section.	102056 102057 102058 102059 102060 102061 102062 102063 102064 102065
(2) In conducting surveys, the director shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director in conducting the survey.	102066 102067 102068 102069 102070 102071 102072 102073

(3) Following each survey, the director shall provide the licensee with a report listing the date of the survey, any citations issued as a result of the survey, and the statutes or rules that purportedly have been violated and are the bases of the citations. The director shall also do both of the following:

(a) Specify a date by which the licensee may appeal any of the citations;

(b) When appropriate, specify a timetable within which the licensee must submit a plan of correction describing how the problems specified in the citations will be corrected and, the date by which the licensee anticipates the problems will be corrected.

(4) If the director initiates a proceeding to revoke a license, the director shall include the report required by division (H)(3) of this section with the notice of the proposed revocation the director sends to the licensee. In this circumstance, the licensee may not submit a plan of correction.

(5) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity who requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the license, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(6) The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential

facility by an authorized representative of the department. 102105

(I) In addition to any other information which may be 102106
required of applicants for a license pursuant to this section, the 102107
director shall require each applicant to provide a copy of an 102108
approved plan for a proposed residential facility pursuant to 102109
section 5123.042 of the Revised Code. This division does not apply 102110
to renewal of a license or to an applicant for an initial or 102111
modified license who meets the requirements of section 5123.197 of 102112
the Revised Code. 102113

(J)(1) A licensee shall notify the owner of the building in 102114
which the licensee's residential facility is located of any 102115
significant change in the identity of the licensee or management 102116
contractor before the effective date of the change if the licensee 102117
is not the owner of the building. 102118

(2) Pursuant to rules, which shall be adopted in accordance 102119
with Chapter 119. of the Revised Code, the director may require 102120
notification to the department of any significant change in the 102121
ownership of a residential facility or in the identity of the 102122
licensee or management contractor. If the director determines that 102123
a significant change of ownership is proposed, the director shall 102124
consider the proposed change to be an application for development 102125
by a new operator pursuant to section 5123.042 of the Revised Code 102126
and shall advise the applicant within sixty days of the 102127
notification that the current license shall continue in effect or 102128
a new license will be required pursuant to this section. If the 102129
director requires a new license, the director shall permit the 102130
facility to continue to operate under the current license until 102131
the new license is issued, unless the current license is revoked, 102132
refused to be renewed, or terminated in accordance with Chapter 102133
119. of the Revised Code. 102134

(3) A licensee shall transfer to the new licensee or 102135
management contractor all records related to the residents of the 102136

facility following any significant change in the identity of the licensee or management contractor.

(K) A county board of developmental disabilities and any interested person may file complaints alleging violations of statute or department rule relating to residential facilities with the department. All complaints shall state the facts constituting the basis of the allegation. The department shall not reveal the source of any complaint unless the complainant agrees in writing to waive the right to confidentiality or until so ordered by a court of competent jurisdiction.

The department shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures for the receipt, referral, investigation, and disposition of complaints filed with the department under this division.

(L) Before issuing a license under this section to a residential facility that will accommodate at any time more than one individual with a developmental disability, the director shall, by first class mail, notify the following:

(1) If the facility will be located in a municipal corporation, the clerk of the legislative authority of the municipal corporation;

(2) If the facility will be located in unincorporated territory, the clerk of the appropriate board of county commissioners and the fiscal officer of the appropriate board of township trustees.

The director shall not issue the license for ten days after mailing the notice, excluding Saturdays, Sundays, and legal holidays, in order to give the notified local officials time in which to comment on the proposed issuance.

Any legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that

receives notice under this division of the proposed issuance of a license for a residential facility may comment on it in writing to the director within ten days after the director mailed the notice, excluding Saturdays, Sundays, and legal holidays. If the director receives written comments from any notified officials within the specified time, the director shall make written findings concerning the comments and the director's decision on the issuance of the license. If the director does not receive written comments from any notified local officials within the specified time, the director shall continue the process for issuance of the license.

(M) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight individuals with developmental disabilities as a permitted use in any residential district or zone, including any single-family residential district or zone, of any political subdivision. These residential facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

(N) Any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen individuals with developmental disabilities as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned unit development districts may exclude these residential facilities from those districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate these residential facilities in

multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the residential facility and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation;

(3) Limit excessive concentration of these residential facilities.

(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations.

(P) Divisions (M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification.

(Q)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case:

(a) The director determines that an emergency exists requiring immediate placement of individuals in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license.

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 102231
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 102234
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred eighty days. 102239
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(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses. 102242
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(R) Notwithstanding rules adopted pursuant to this section establishing the maximum number of individuals who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of individuals being served by the facility on the effective date of the rules or the number of individuals for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986. 102245
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This division does not preclude the department from suspending new admissions to a residential facility pursuant to a written order issued under section 5124.70 of the Revised Code. 102255
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(S) The director may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility 102258
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without a license issued under this section. 102262

The director may petition the court of common pleas of the 102263
county in which an unlicensed residential facility is located for 102264
an order enjoining the person or governmental agency operating the 102265
facility from continuing to operate without a license. The court 102266
may grant the injunction on a showing that the person or 102267
governmental agency named in the petition is operating a 102268
residential facility without a license. The court may grant the 102269
injunction, regardless of whether the residential facility meets 102270
the requirements for receiving a license under this section. 102271

Sec. 5123.35. (A) There is hereby created the Ohio 102272
developmental disabilities council, which shall serve as an 102273
advocate for all persons with developmental disabilities. The 102274
council shall act in accordance with the "Developmental 102275
Disabilities Assistance and Bill of Rights Act of 2000," 42 U.S.C. 102276
15001. The governor shall appoint the members of the council in 102277
accordance with 42 U.S.C. 15025. 102278

(B) The council shall develop the state plan required by 102279
federal law as a condition of receiving federal assistance under 102280
42 U.S.C. 15021 to 15029. The department of developmental 102281
disabilities, as the state agency selected by the governor for 102282
purposes of receiving the federal assistance, shall receive, 102283
account for, and disburse funds based on the state plan and shall 102284
provide assurances and other administrative support services 102285
required as a condition of receiving the federal assistance. 102286

(C) The federal funds may be disbursed through grants to or 102287
contracts with persons and government agencies for the provision 102288
of necessary or useful goods and services for persons with 102289
developmental disabilities. The council may award the grants or 102290
enter into the contracts. 102291

(D) The council may award grants to or enter into contracts 102292

with a member of the council or an entity that the member represents if all of the following apply:

(1) The member serves on the council as a representative of one of the principal state agencies concerned with services for persons with developmental disabilities as specified in 42 U.S.C. 15025(b)(4), a representative of a university affiliated program as defined in 42 U.S.C. 15002(5), or a representative of the Ohio protection and advocacy system, as defined in section 5123.60 of the Revised Code.

(2) The council determines that the member or the entity the member represents is capable of providing the goods or services specified under the terms of the grant or contract.

(3) The member has not taken part in any discussion or vote of the council related to awarding the grant or entering into the contract, including service as a member of a review panel established by the council to award grants or enter into contracts or to make recommendations with regard to awarding grants or entering into contracts.

(E) A member of the council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the requirements of division (D) of this section have been met.

(F)(1) Notwithstanding division (C) of section 121.22 of the Revised Code, the requirement for a member's presence in person at a meeting in order to be part of a quorum or to vote does not apply if the council holds a meeting by interactive video conference and all of the following apply:

(a) A primary meeting location that is open and accessible to the public is established for the meeting of the council;

(b) A clear video and audio connection is established that enables all meeting participants at the primary meeting location

to witness the participation of each member; 102324

(c) ~~A roll call vote is recorded for each vote taken;~~ 102325

~~(d)~~ The minutes of the council identify which members 102326
participated by interactive video conference. 102327

(2) Notwithstanding division (C) of section 121.22 of the 102328
Revised Code, the requirement for a member's presence in person at 102329
a meeting in order to be part of a quorum or to vote does not 102330
apply if the council holds a meeting by teleconference and all of 102331
the following apply: 102332

(a) The council has determined its membership does not have 102333
access to and the council cannot provide access to the equipment 102334
needed to conduct interactive video conferencing; 102335

(b) A primary meeting location that is open and accessible to 102336
the public is established for the meeting of the council; 102337

(c) A clear audio connection is established that enables all 102338
meeting participants at the primary meeting location to hear the 102339
participation of each member; 102340

(d) ~~A roll call vote is recorded for each vote taken;~~ 102341

~~(e)~~ The minutes of the council identify which members 102342
participated by teleconference. 102343

(3) The council shall adopt any rules the council considers 102344
necessary to implement this section. The rules shall be adopted in 102345
accordance with Chapter 119. of the Revised Code. At a minimum, 102346
the rules shall do all of the following: 102347

(a) Authorize council members to remotely attend a council 102348
meeting by interactive video conference or teleconference in lieu 102349
of attending the meeting in person; 102350

(b) Establish a minimum number of members required to be 102351
physically present in person at the primary meeting location if 102352
the council conducts a meeting by interactive video conference or 102353

teleconference; 102354

~~(c) Establish geographic restrictions for participation in meetings by interactive video conference or teleconference;~~ 102355
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~~(d)~~ Establish a policy for distributing and circulating 102357
necessary documents to council members, the public, and the media 102358
in advance of a meeting at which members are permitted to attend 102359
by interactive video conference or teleconference; 102360

~~(e)~~(d) Establish a method for verifying the identity of a 102361
member who remotely attends a meeting by teleconference. 102362

Sec. 5123.60. (A) As used in this section and section 102363
5123.601 of the Revised Code, "Ohio protection and advocacy 102364
system" means the nonprofit entity designated by the governor in 102365
accordance with Am. Sub. H.B. 153 of the 129th general assembly to 102366
serve as the state's protection and advocacy system and client 102367
assistance program. 102368

(B) The Ohio protection and advocacy system shall provide 102369
both of the following: 102370

(1) Advocacy services for people with disabilities, as 102371
provided under section 101 of the "Developmental Disabilities 102372
Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 102373
42 U.S.C. 15001; 102374

(2) A client assistance program, as provided under section 102375
112 of the "Rehabilitation Act of 1973," 29 U.S.C. 732. 102376

(C) The Ohio protection and advocacy system may establish any 102377
guidelines necessary for its operation. 102378

(D) The Ohio protection and advocacy system shall adopt a 102379
policy that acknowledges and supports the right of individuals who 102380
receive services from the Ohio protection and advocacy system to 102381
reside in and receive services from an ICF/IID. 102382

Sec. 5123.601. (A) The Ohio protection and advocacy system 102383
staff, and attorneys designated by the system to represent persons 102384
detained, hospitalized, or institutionalized under this chapter or 102385
Chapter 5122. of the Revised Code shall have ready access to all 102386
of the following: 102387

(1) During normal business hours and at other reasonable 102388
times, all records, except records of community residential 102389
facilities and records of contract agencies of county boards of 102390
developmental disabilities and boards of alcohol, drug addiction, 102391
and mental health services, relating to expenditures of state and 102392
federal funds or to the commitment, care, treatment, and 102393
habilitation of all persons represented by the Ohio protection and 102394
advocacy system, including those who may be represented pursuant 102395
to division (D) of this section, or persons detained, 102396
hospitalized, institutionalized, or receiving services under this 102397
chapter or Chapter 340., 5119., 5122., or 5126. of the Revised 102398
Code that are records maintained by the following entities 102399
providing services for those persons: departments; institutions; 102400
hospitals; boards of alcohol, drug addiction, and mental health 102401
services; county boards of developmental disabilities; and any 102402
other entity providing services to persons who may be represented 102403
by the Ohio protection and advocacy system pursuant to division 102404
(D) of this section; 102405

(2) Any records maintained in computerized data banks of the 102406
departments or boards or, in the case of persons who may be 102407
represented by the Ohio protection and advocacy system pursuant to 102408
division (D) of this section, any other entity that provides 102409
services to those persons; 102410

(3) During their normal working hours, personnel of the 102411
departments, facilities, boards, agencies, institutions, 102412
hospitals, and other service-providing entities; 102413

(4) At any time, all persons detained, hospitalized, or institutionalized; persons receiving services under this chapter or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and persons who may be represented by the Ohio protection and advocacy system pursuant to division (D) of this section.

(5) Records of a community residential facility, a contract agency of a board of alcohol, drug addiction, and mental health services, or a contract agency of a county board of developmental disabilities with one of the following consents:

(a) The consent of the person, including when the person is a minor or has been adjudicated incompetent;

(b) The consent of the person's guardian of the person, if any, or the parent if the person is a minor;

(c) No consent, if the person is unable to consent for any reason, and the guardian of the person, if any, or the parent of the minor, has refused to consent or has not responded to a request for consent and either of the following has occurred:

(i) A complaint regarding the person has been received by the Ohio protection and advocacy system;

(ii) The Ohio protection and advocacy system has determined that there is probable cause to believe that such person has been subjected to abuse or neglect.

(B) All records received or maintained by the Ohio protection and advocacy system in connection with any investigation, representation, or other activity under this section shall be confidential and shall not be disclosed except as authorized by the person represented by the Ohio protection and advocacy system or, subject to any privilege, a guardian of the person or parent of the minor. Relationships between personnel and the agents of the Ohio protection and advocacy system and its clients shall be fiduciary relationships, and all communications shall be

privileged as if between attorney and client. 102445

(C) The Ohio protection and advocacy system may compel by 102446
subpoena the appearance and sworn testimony of any person the Ohio 102447
protection and advocacy system reasonably believes may be able to 102448
provide information or to produce any documents, books, records, 102449
papers, or other information necessary to carry out its duties. On 102450
the refusal of any person to produce or authenticate any requested 102451
documents, the Ohio protection and advocacy system may apply to 102452
the Franklin county court of common pleas to compel the production 102453
or authentication of requested documents. If the court finds that 102454
failure to produce or authenticate any requested documents was 102455
improper, the court may hold the person in contempt as in the case 102456
of disobedience of the requirements of a subpoena issued from the 102457
court, or a refusal to testify in the court. 102458

(D) In addition to providing services to persons with mental 102459
illness or persons with developmental disabilities, when a grant 102460
authorizing the provision of services to other individuals is 102461
accepted by the Ohio protection and advocacy system, the Ohio 102462
protection and advocacy system may provide advocacy to those other 102463
individuals and exercise any other authority granted by this 102464
section on behalf of those individuals. Determinations of whether 102465
an individual is eligible for services under this division shall 102466
be made by the Ohio protection and advocacy system. 102467

(E) The authority of the Ohio protection and advocacy system 102468
and its staff under this section shall not exceed the authority of 102469
an entity designated as a state protection and advocacy system 102470
specified in section 143 of the "Developmental Disabilities 102471
Assistance and Bill of Rights Act of 2000," 42. U.S.C. 15043. 102472

Sec. 5123.603. (A) ~~Every two years, the president of the 102473~~
~~senate and speaker of the house of representative shall establish 102474~~
a A joint committee to examine the activities of the state's 102475

protection and advocacy system and client assistance program is 102476
hereby established. 102477

~~(B)(1)(B)~~ The joint committee shall consist of three members 102478
of the senate appointed by the senate president, two from the 102479
majority party and one from the minority party, and three members 102480
of the house of representatives, two from the majority party and 102481
one from the minority party, appointed by the speaker of the house 102482
of representatives. ~~The senate president and speaker of the house~~ 102483
~~of representatives also shall determine the dates on which~~ 102484
~~members' terms on the joint committee are to begin and end.~~ 102485
~~Vacancies shall be filled in the manner of the original~~ 102486
~~appointments.~~ In odd-numbered years, the senate president shall 102487
designate a member of the senate as the chairperson of the 102488
committee and in even-numbered years, the speaker of the house of 102489
representatives shall designate a member of the house of 102490
representatives as the chairperson of the joint committee. 102491

~~(2) In its sole discretion, the current entity serving as the~~ 102492
~~state's protection and advocacy system and client assistance~~ 102493
~~program may appear before, and offer testimony to, the joint~~ 102494
~~committee.~~ 102495

~~(C) Every two years, the senate president and speaker of the~~ 102496
~~house of representatives shall specify a deadline for the joint~~ 102497
~~committee to complete a new report containing the joint~~ 102498
~~committee's recommendations, if any. The joint committee shall~~ 102499
~~submit the report to the senate president, speaker of the house of~~ 102500
~~representatives, governor, and joint medicaid oversight committee~~ 102501
~~by the deadline.~~ 102502

Sec. 5124.01. As used in this chapter: 102503

(A) "Addition" means an increase in an ICF/IID's square 102504
footage. 102505

(B) "Affiliated operator" means an operator affiliated with 102506
either of the following: 102507

(1) The exiting operator for whom the affiliated operator is 102508
to assume liability for the entire amount of the exiting 102509
operator's debt under the medicaid program or the portion of the 102510
debt that represents the franchise permit fee the exiting operator 102511
owes; 102512

(2) The entering operator involved in the change of operator 102513
with the exiting operator specified in division (B)(1) of this 102514
section. 102515

(C) "Allowable costs" means an ICF/IID's costs that the 102516
department of developmental disabilities determines are 102517
reasonable. Fines paid under section 5124.99 of the Revised Code 102518
are not allowable costs. 102519

(D) "Capital costs" means an ICF/IID's costs of ownership and 102520
costs of nonextensive renovation. 102521

(E) "Case-mix score" means the measure determined under 102522
section 5124.192 or 5124.193 of the Revised Code of the relative 102523
direct-care resources needed to provide care and habilitation to 102524
an ICF/IID resident. 102525

(F) "Change of operator" means an entering operator becoming 102526
the operator of an ICF/IID in the place of the exiting operator. 102527

(1) Actions that constitute a change of operator include the 102528
following: 102529

(a) A change in an exiting operator's form of legal 102530
organization, including the formation of a partnership or 102531
corporation from a sole proprietorship; 102532

(b) A transfer of all the exiting operator's ownership 102533
interest in the operation of the ICF/IID to the entering operator, 102534
regardless of whether ownership of any or all of the real property 102535

or personal property associated with the ICF/IID is also	102536
transferred;	102537
(c) A lease of the ICF/IID to the entering operator or the	102538
exiting operator's termination of the exiting operator's lease;	102539
(d) If the exiting operator is a partnership, dissolution of	102540
the partnership;	102541
(e) If the exiting operator is a partnership, a change in	102542
composition of the partnership unless both of the following apply:	102543
(i) The change in composition does not cause the	102544
partnership's dissolution under state law.	102545
(ii) The partners agree that the change in composition does	102546
not constitute a change in operator.	102547
(f) If the operator is a corporation, dissolution of the	102548
corporation, a merger of the corporation into another corporation	102549
that is the survivor of the merger, or a consolidation of one or	102550
more other corporations to form a new corporation.	102551
(2) The following, alone, do not constitute a change of	102552
operator:	102553
(a) A contract for an entity to manage an ICF/IID as the	102554
operator's agent, subject to the operator's approval of daily	102555
operating and management decisions;	102556
(b) A change of ownership, lease, or termination of a lease	102557
of real property or personal property associated with an ICF/IID	102558
if an entering operator does not become the operator in place of	102559
an exiting operator;	102560
(c) If the operator is a corporation, a change of one or more	102561
members of the corporation's governing body or transfer of	102562
ownership of one or more shares of the corporation's stock, if the	102563
same corporation continues to be the operator.	102564
(G) "Cost center" means the following:	102565

(1) Capital costs;	102566
(2) Direct care costs;	102567
(3) Indirect care costs;	102568
(4) Other protected costs.	102569
(H)(1) Except as provided in division (H)(2) of this section,	102570
"cost report year" means the calendar year immediately preceding	102571
the calendar year in which a fiscal year for which a medicaid	102572
payment rate determination is made begins.	102573
(2) When a cost report the department of developmental	102574
disabilities accepts under division (A) or (C)(1)(b) of section	102575
5124.101 of the Revised Code is used in determining an ICF/IID's	102576
medicaid payment rate, "cost report year" means the period that	102577
the cost report covers.	102578
(I) "Costs of nonextensive renovations" means the actual	102579
expense incurred by an ICF/IID for depreciation or amortization	102580
and interest on renovations approved by the department of	102581
developmental disabilities as nonextensive renovations.	102582
(J)(1) "Costs of ownership" means the actual expenses	102583
incurred by an ICF/IID for all of the following:	102584
(a) Subject to division (J)(2) of this section, depreciation	102585
and interest on any capital assets that cost five hundred dollars	102586
or more per item, including the following:	102587
(i) Buildings;	102588
(ii) Building improvements that are not approved as	102589
nonextensive renovations for the purpose of section 5124.17 of the	102590
Revised Code;	102591
(iii) Equipment;	102592
(iv) Transportation equipment.	102593
(b) Amortization and interest on land improvements and	102594

leasehold improvements;	102595
(c) Amortization of financing costs;	102596
(d) Except as provided in division (AA) of this section, lease and rent of land, building, and equipment.	102597 102598
(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/IID provider's practice.	102599 102600 102601
(K)(1) "Date of licensure" means the following:	102602
(a) In the case of an ICF/IID that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;	102603 102604 102605 102606 102607
(b) In the case of an ICF/IID that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;	102608 102609 102610
(c) In the case of an ICF/IID that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.	102611 102612 102613 102614 102615 102616
(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:	102617 102618 102619 102620 102621 102622
(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds	102623 102624

already located in that part of the ICF/IID. 102625

(b) The part of the ICF/IID in which the additional beds are 102626
located was constructed as part of the ICF/IID at a time when the 102627
ICF/IID was not required by law to be licensed as a nursing home 102628
or residential facility. 102629

(3) The definition of "date of licensure" in this section 102630
applies in determinations of ICFs/IID's medicaid payment rates but 102631
does not apply in determinations of ICFs/IID's franchise permit 102632
fees under sections 5168.60 to 5168.71 of the Revised Code. 102633

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 102634
on a cost report filed under section 5124.10 or 5124.101 of the 102635
Revised Code have been subjected to a desk review under section 102636
5124.108 of the Revised Code and preliminarily determined to be 102637
allowable costs. 102638

(M) "Developmental center" means a residential facility that 102639
is maintained and operated by the department of developmental 102640
disabilities. 102641

(N) "Direct care costs" means all of the following costs 102642
incurred by an ICF/IID: 102643

(1) Costs for registered nurses, licensed practical nurses, 102644
and nurse aides employed by the ICF/IID; 102645

(2) Costs for direct care staff, administrative nursing 102646
staff, medical directors, respiratory therapists, physical 102647
therapists, physical therapy assistants, occupational therapists, 102648
occupational therapy assistants, speech therapists, audiologists, 102649
habilitation staff (including habilitation supervisors), qualified 102650
intellectual disability professionals, program directors, social 102651
services staff, activities staff, psychologists, psychology 102652
assistants, social workers, counselors, and other persons holding 102653
degrees qualifying them to provide therapy; 102654

(3) Costs of purchased nursing services;	102655
(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (N)(1), (2), and (3) of this section;	102656 102657 102658 102659 102660 102661
(5) Costs of quality assurance;	102662
(6) Costs of consulting and management fees related to direct care;	102663 102664
(7) Allocated direct care home office costs;	102665
(8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:	102666 102667 102668 102669
(a) Whether or not the area in which the day programming is provided is less than two hundred feet away from the ICF/IID;	102670 102671
(b) Whether or not the day programming is provided by an individual or organization that is a related party to the ICF/IID provider.	102672 102673 102674
(9) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.	102675 102676 102677
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	102678 102679 102680 102681
(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	102682 102683
(Q) "Effective date of a facility closure" means the last day	102684

that the last of the residents of the ICF/IID resides in the 102685
ICF/IID. 102686

(R) "Effective date of an involuntary termination" means the 102687
date the department of medicaid terminates the operator's provider 102688
agreement for the ICF/IID or the last day that such a provider 102689
agreement is in effect when the department cancels or refuses to 102690
revalidate it. 102691

(S) "Effective date of a voluntary termination" means the day 102692
the ICF/IID ceases to accept medicaid recipients. 102693

(T) "Entering operator" means the person or government entity 102694
that will become the operator of an ICF/IID when a change of 102695
operator occurs or following an involuntary termination. 102696

(U) "Exiting operator" means any of the following: 102697

(1) An operator that will cease to be the operator of an 102698
ICF/IID on the effective date of a change of operator; 102699

(2) An operator that will cease to be the operator of an 102700
ICF/IID on the effective date of a facility closure; 102701

(3) An operator of an ICF/IID that is undergoing or has 102702
undergone a voluntary termination; 102703

(4) An operator of an ICF/IID that is undergoing or has 102704
undergone an involuntary termination. 102705

(V)(1) Subject to divisions (V)(2) and (3) of this section, 102706
"facility closure" means either of the following: 102707

(a) Discontinuance of the use of the building, or part of the 102708
building, that houses the facility as an ICF/IID that results in 102709
the relocation of all of the facility's residents; 102710

(b) Conversion of the building, or part of the building, that 102711
houses an ICF/IID to a different use with any necessary license or 102712
other approval needed for that use being obtained and one or more 102713
of the facility's residents remaining in the facility to receive 102714

services under the new use.	102715
(2) A facility closure occurs regardless of any of the following:	102716
	102717
(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID;	102718
	102719
	102720
(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID;	102721
	102722
(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID;	102723
	102724
	102725
	102726
(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code.	102727
	102728
	102729
(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs.	102730
	102731
	102732
	102733
(W) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	102734
	102735
(X) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.	102736
	102737
(Y) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	102738
	102739
(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150.	102740
	102741
(AA)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes	102742
	102743
	102744

costs of habilitation supplies, pharmacy consultants, medical and 102745
habilitation records, program supplies, incontinence supplies, 102746
food, enterals, dietary supplies and personnel, laundry, 102747
housekeeping, security, administration, liability insurance, 102748
bookkeeping, purchasing department, human resources, 102749
communications, travel, dues, license fees, subscriptions, home 102750
office costs not otherwise allocated, legal services, accounting 102751
services, minor equipment, maintenance and repair expenses, 102752
help-wanted advertising, informational advertising, start-up 102753
costs, organizational expenses, other interest, property 102754
insurance, employee training and staff development, employee 102755
benefits, payroll taxes, and workers' compensation premiums or 102756
costs for self-insurance claims and related costs, as specified in 102757
rules adopted under section 5124.03 of the Revised Code, for 102758
personnel listed in this division. Notwithstanding division (J) of 102759
this section, "indirect care costs" also means the cost of 102760
equipment, including vehicles, acquired by operating lease 102761
executed before December 1, 1992, if the costs are reported as 102762
administrative and general costs on the ICF/IID's cost report for 102763
the cost reporting period ending December 31, 1992. 102764

(2) For the purpose of division (AA)(1) of this section, an 102765
operating lease shall be construed in accordance with generally 102766
accepted accounting principles. 102767

(BB) "Inpatient days" means both of the following: 102768

(1) All days during which a resident, regardless of payment 102769
source, occupies a bed in an ICF/IID that is included in the 102770
ICF/IID's medicaid-certified capacity; 102771

(2) All days for which payment is made under section 5124.34 102772
of the Revised Code. 102773

(CC) "Intermediate care facility for individuals with 102774
intellectual disabilities" and "ICF/IID" mean an intermediate care 102775

facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d). 102776
102777

(DD) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request. 102778
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(EE) "Maintenance and repair expenses" means expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering. 102782
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(FF) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds. 102788
102789
102790

(GG) "Medicaid days" means both of the following: 102791

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity; 102792
102793
102794
102795

(2) All days for which payment is made under section 5124.34 of the Revised Code. 102796
102797

(HH)(1) "New ICF/IID" means an ICF/IID for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/IID, including such an ICF/IID that replaces one or more ICFs/IID for which a provider previously held a provider agreement. 102798
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102801
102802

(2) "New ICF/IID" does not mean either of the following: 102803

(a) An ICF/IID for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or 102804
102805

(pursuant to section 5124.515) section 5124.07 of the Revised Code; 102806
102807

(b) A downsized ICF/IID or partially converted ICF/IID. 102808

(II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 102809
102810

(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/IID. 102811
102812
102813

(KK) "Other protected costs" means costs incurred by an ICF/IID for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code. 102814
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(LL)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/IID: 102821
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102823
102824

(a) The land on which the ICF/IID is located; 102825

(b) The structure in which the ICF/IID is located; 102826

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located; 102827
102828
102829

(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located. 102830
102831

(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a 102832
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subsidiary.	102836
(MM) "Partially converted ICF/IID" means an ICF/IID that	102837
converted some, but not all, of its beds to providing home and	102838
community-based services under the individual options waiver	102839
pursuant to section 5124.60 or 5124.61 of the Revised Code.	102840
(NN) For the purpose of the total per medicaid day payment	102841
rate determined for an ICF/IID under division (A) of section	102842
5124.15 of the Revised Code and the initial total per medicaid day	102843
payment rate determined for a new ICF/IID under section 5124.151	102844
of the Revised Code:	102845
(1) "Peer group 1" means each ICF/IID with a	102846
medicaid-certified capacity exceeding sixteen.	102847
(2) "Peer group 2" means each ICF/IID with a	102848
medicaid-certified capacity exceeding eight but not exceeding	102849
sixteen.	102850
(3) "Peer group 3" means each ICF/IID with a	102851
medicaid-certified capacity of seven or eight.	102852
(4) "Peer group 4" means each ICF/IID with a	102853
medicaid-certified capacity not exceeding six, other than an	102854
ICF/IID that is in peer group 5-A.	102855
(5) "Peer group 5" means each ICF/IID to which all of the	102856
following apply:	102857
(a) The ICF/IID is first certified as an ICF/IID after July	102858
1, 2014.	102859
(b) The ICF/IID has a medicaid-certified capacity not	102860
exceeding six.	102861
(c) The ICF/IID has a contract with the department of	102862
developmental disabilities that is for fifteen years and includes	102863
a provision for the department to approve all admissions to, and	102864
discharges from, the ICF/IID.	102865

(d) The ICF/IID's residents are admitted to the ICF/IID 102866
directly from a developmental center or have been determined by 102867
the department to be at risk of admission to a developmental 102868
center. 102869

(6) "Peer group 6" means each ICF/IID to which all of the 102870
following apply: 102871

(a) The ICF/IID has submitted a best practices protocol for 102872
providing services to youth up to twenty-one years of age in need 102873
of intensive behavior support services that has been approved by 102874
the department of developmental disabilities. 102875

(b) The ICF/IID, or a distinct unit of the ICF/IID, has a 102876
medicaid-certified capacity not exceeding six. 102877

(c) The ICF/IID has a contract with the department that 102878
includes a provision for the department to approve all admissions 102879
to the ICF/IID. 102880

(d) The ICF/IID has agreed to be reimbursed in accordance 102881
with the reimbursement methodology established under the rules 102882
authorized by section 5124.03 of the Revised Code. 102883

(00)(1) Except as provided in division (00)(2) of this 102884
section, "per diem" means an ICF/IID's desk-reviewed, actual, 102885
allowable costs in a given cost center in a cost reporting period, 102886
divided by the facility's inpatient days for that cost reporting 102887
period. 102888

(2) When determining indirect care costs for the purpose of 102889
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 102890
actual, allowable indirect care costs in a cost reporting period 102891
divided by the greater of the ICF/IID's inpatient days for that 102892
period or the number of inpatient days the ICF/IID would have had 102893
during that period if its occupancy rate had been eighty-five per 102894
cent. 102895

(PP) "Provider" means an operator with a valid provider agreement.	102896 102897
(QQ) "Provider agreement" means a provider agreement, as defined in section 5164.01 of the Revised Code, that is between the department of medicaid and the operator of an ICF/IID for the provision of ICF/IID services under the medicaid program.	102898 102899 102900 102901
(RR) "Purchased nursing services" means services that are provided in an ICF/IID by registered nurses, licensed practical nurses, or nurse aides who are not employees of the ICF/IID.	102902 102903 102904
(SS) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider.	102905 102906 102907 102908 102909 102910
(TT) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider.	102911 102912 102913 102914
(1) An individual who is a relative of an owner is a related party.	102915 102916
(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.	102917 102918 102919 102920 102921 102922 102923 102924 102925
(3) Control exists when an individual or organization has the	102926

power, directly or indirectly, to significantly influence or 102927
direct the actions or policies of an organization. 102928

(4) An individual or organization that supplies goods or 102929
services to a provider shall not be considered a related party if 102930
all of the following conditions are met: 102931

(a) The supplier is a separate bona fide organization. 102932

(b) A substantial part of the supplier's business activity of 102933
the type carried on with the provider is transacted with others 102934
than the provider and there is an open, competitive market for the 102935
types of goods or services the supplier furnishes. 102936

(c) The types of goods or services are commonly obtained by 102937
other ICFs/IID from outside organizations and are not a basic 102938
element of resident care ordinarily furnished directly to 102939
residents by the ICFs/IID. 102940

(d) The charge to the provider is in line with the charge for 102941
the goods or services in the open market and no more than the 102942
charge made under comparable circumstances to others by the 102943
supplier. 102944

(UU) "Relative of owner" means an individual who is related 102945
to an owner of an ICF/IID by one of the following relationships: 102946

(1) Spouse; 102947

(2) Natural parent, child, or sibling; 102948

(3) Adopted parent, child, or sibling; 102949

(4) Stepparent, stepchild, stepbrother, or stepsister; 102950

(5) Father-in-law, mother-in-law, son-in-law, 102951
daughter-in-law, brother-in-law, or sister-in-law; 102952

(6) Grandparent or grandchild; 102953

(7) Foster caregiver, foster child, foster brother, or foster 102954
sister. 102955

(VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.

(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.

(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.

(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.

(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.

(BBB) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.

Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following:

(1) The per medicaid day capital component rate determined for the ICF/IID under section 5124.17 of the Revised Code;	102986 102987
(2) The per medicaid day direct care costs component rate determined for the ICF/IID under section 5124.19 of the Revised Code;	102988 102989 102990
(3) The per medicaid day indirect care costs component rate determined for the ICF/IID under section 5124.21 of the Revised Code;	102991 102992 102993
(4) The per medicaid day other protected costs component rate determined for the ICF/IID under section 5124.23 of the Revised Code;	102994 102995 102996
(5) The sum of the following:	102997
(a) The per medicaid day quality incentive payment determined for the ICF/IID under section 5124.24 of the Revised Code;	102998 102999
(b) A direct support personnel payment equal to two and four-hundredths per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year;	103000 103001 103002 103003
<u>(c) A professional workforce development payment equal to thirteen and fifty-five hundredths for state fiscal year 2024 and twenty and eighty-one hundredths during fiscal year 2025 per cent of the ICF/IID's desk-reviewed, actual, allowable, per medicaid day direct care costs from the applicable cost report year.</u>	103004 103005 103006 103007 103008
(B) The total per medicaid day payment rate for an ICF/IID that is in peer group 5 shall not exceed the average total per medicaid day payment rate in effect on July 1, 2013, for developmental centers.	103009 103010 103011 103012
(C) The department shall adjust the total per medicaid day payment rate otherwise determined for an ICF/IID under this section as directed by the general assembly through the enactment	103013 103014 103015

of law governing medicaid payments to ICF/IID providers. 103016

(D)(1) In addition to paying an ICF/IID provider the total 103017
per medicaid day payment rate determined for the provider's 103018
ICF/IID under divisions (A), (B), and (C) of this section for a 103019
fiscal year, the department may do either or both of the 103020
following: 103021

(a) In accordance with section 5124.25 of the Revised Code, 103022
pay the provider a rate add-on for ventilator-dependent outlier 103023
ICF/IID services if the rate add-on is to be paid under that 103024
section and the department approves the provider's application for 103025
the rate add-on; 103026

(b) In accordance with section 5124.26 of the Revised Code, 103027
pay the provider for outlier ICF/IID services the ICF/IID provides 103028
to residents identified as needing intensive behavioral health 103029
support services if the rate add-on is to be paid under that 103030
section and the department approves the provider's application for 103031
the rate add-on. 103032

(2) The rate add-ons are not to be part of the ICF/IID's 103033
total per medicaid day payment rate. 103034

Sec. 5124.45. The department of developmental disabilities 103035
shall transmit to the treasurer of state for deposit in the 103036
general revenue fund amounts collected from the following: 103037

(A) ~~Recoupsments and voluntary repayments made under section~~ 103038
~~5124.39 of the Revised Code;~~ 103039

~~(B)~~ Refunds required by, and interest charged under, section 103040
5124.41 of the Revised Code; 103041

~~(C)~~(B) Penalties imposed under section 5124.42 of the Revised 103042
Code. 103043

Sec. 5124.70. (A) This section does not apply to ~~either~~ any 103044

of the following: 103045

(1) An ICF/IID to which both of the following apply: 103046

(a) On or before January 1, 2015, the ICF/IID became a 103047
downsized ICF/IID or partially converted ICF/IID. 103048

(b) On January 1, 2015, the ICF/IID's medicaid-certified 103049
capacity was at least twenty per cent less than the greatest 103050
medicaid-certified capacity it had before it became a downsized 103051
ICF/IID or partially converted ICF/IID. 103052

(2) An ICF/IID's sleeping room in which more than two 103053
residents reside if both of the following apply: 103054

(a) All of the residents of the sleeping room are under 103055
twenty-one years of age. 103056

(b) The parents or guardians of all of the residents of the 103057
sleeping room consent to the residents residing in a sleeping room 103058
with more than two residents. 103059

(3) An ICF/IID to which any of the following apply on the 103060
effective date of this amendment: 103061

(a) The ICF/IID has a medicaid-certified capacity between 103062
sixty and seventy beds and is located in a county with a 103063
population between forty thousand five hundred and forty-one 103064
thousand according to the 2020 federal decennial census. 103065

(b) The ICF/IID has a medicaid-certified capacity between 103066
ninety and one hundred beds and is located in a county with a 103067
population between two hundred forty-two thousand and two hundred 103068
forty-three thousand according to the 2020 federal decennial 103069
census. 103070

(c) The ICF/IID has a medicaid-certified capacity between 103071
fifty-five and sixty beds and is located in a county with a 103072
population between four hundred thousand and five hundred thousand 103073

according to the 2020 federal decennial census. 103074

(d) The ICF/IID has a medicaid-certified capacity between 103075
ninety and one hundred beds and is located in a county with a 103076
population between one million three hundred thousand and one 103077
million four hundred thousand according to the 2020 federal 103078
decennial census. 103079

(e) The ICF/IID has a medicaid-certified capacity between one 103080
hundred twenty and one hundred thirty beds and is located in a 103081
county with a population between one hundred sixty thousand and 103082
one hundred sixty-two thousand according to the 2020 federal 103083
decennial census. 103084

(B) Except as provided in divisions (G) and (H) of this 103085
section, an ICF/IID provider shall not permit more than two 103086
residents to reside in the same sleeping room. 103087

(C)(1) If, on ~~the effective date of this section~~ September 103088
29, 2015, more than two residents of an ICF/IID reside in the same 103089
sleeping room, the ICF/IID provider shall submit to the department 103090
of developmental disabilities for its review a plan to come into 103091
compliance with division (B) of this section. The provider shall 103092
submit the plan not later than December 31, 2015. 103093

(2) The plan shall include all of the following: 103094

(a) The date by which not more than two residents will reside 103095
in the same sleeping room, which shall be not later than June 30, 103096
2025; 103097

(b) Detailed descriptions of the actions the ICF/IID provider 103098
will take to come into compliance with division (B) of this 103099
section, which shall include becoming either a downsized ICF/IID 103100
or a partially converted ICF/IID. 103101

(c) The ICF/IID's projected medicaid-certified capacity for 103102
each year covered by the plan, which must demonstrate that the 103103

provider will make regular progress toward coming into compliance 103104
with division (B) of this section; 103105

(d) A discharge planning process that includes providing 103106
information to residents regarding home and community-based 103107
services; 103108

(e) Additional interim steps the provider will take to 103109
demonstrate that the provider is making regular progress toward 103110
coming into compliance with division (B) of this section. 103111

(3) The plan shall not include the creation of a new ICF/IID 103112
that has a medicaid-certified capacity that is greater than six 103113
unless the department determines that a new ICF/IID would need a 103114
larger medicaid-certified capacity to be financially viable. If 103115
the department determines that a new ICF/IID would need a larger 103116
medicaid-certified capacity to be financially viable, the plan may 103117
include the creation of a new ICF/IID that has a 103118
medicaid-certified capacity that is greater than six but not 103119
greater than eight. 103120

(D) The department shall review each plan submitted under 103121
division (C) of this section and decide whether to approve the 103122
plan. In making this decision, the department shall consider both 103123
of the following: 103124

(1) Whether the plan conforms to the requirements of division 103125
(C) of this section; 103126

(2) The feasibility of completing the implementation as 103127
described in the plan. 103128

(E) If the department approves an ICF/IID provider's plan 103129
under division (D) of this section, the provider shall submit to 103130
the department annual reports regarding the plan's implementation. 103131

(F) The department may issue a written order to an ICF/IID 103132
provider that suspends new admissions to the ICF/IID if both of 103133

the following apply: 103134

(1) The department has approved the provider's plan under 103135
division (D) of this section. 103136

(2) The provider fails to do either of the following: 103137

(a) Submit to the department an annual report required by 103138
division (E) of this section; 103139

(b) Meet, to the department's satisfaction, the projected 103140
medicaid-certified capacity for the ICF/IID for a year as 103141
specified in the plan and the failure is due to factors within the 103142
provider's control. 103143

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 103144
more than two residents to reside in the same sleeping room if 103145
more than two residents resided in the same sleeping room on ~~the~~ 103146
~~effective date of this section~~ September 29, 2015. 103147

(2) On and after January 1, 2016, an ICF/IID provider may 103148
permit more than two residents to reside in the same sleeping room 103149
only if all of the following apply: 103150

(a) More than two residents resided in the same sleeping room 103151
on ~~the effective date of this section~~ September 29, 2015. 103152

(b) The provider has submitted a plan in accordance with 103153
division (C) of this section. 103154

(c) Either of the following applies: 103155

(i) The department has approved and the provider complies 103156
with the plan. 103157

(ii) The department has not decided whether to approve the 103158
plan. 103159

(H) The department shall waive application of division (B) of 103160
this section for an ICF/IID's sleeping room in which more than two 103161
residents reside on June 30, 2025, if both of the following apply: 103162

(1) The same residents have continuously resided in the sleeping room since ~~the effective date of this section~~ September 29, 2015;

(2) The department determines that at least three of these residents want to continue to reside together in the sleeping room.

Sec. 5124.75. Notwithstanding any provision of the Revised Code to the contrary, an ICF/IID operator shall not reserve or convert any portion of the ICF/IID's beds from providing ICF/IID services to providing services to individuals receiving services through the Ohio resilience through integrated systems and excellence (OhioRISE) program for children and youth involved in multiple state systems or children and youth with other complex behavioral health needs, if reserving or converting a bed would require the operator to discharge or terminate services to a resident occupying that bed.

Sec. 5126.021. Each (A) Each county board of developmental disabilities shall consist of seven members. The board of county commissioners of the county shall appoint five members and the senior probate judge of the county shall appoint two members.

(B) Beginning July 1, 2025, when making initial appointments to a county board of developmental disabilities, and when making an appointment to fill a vacancy pursuant to section 5126.027 of the Revised Code, an appointing authority shall do all of the following:

(1) Appoint only individuals who are adult residents of the county the appointing authority serves, citizens of the United States, and interested and knowledgeable in the field of intellectual and developmental disabilities and other allied fields;

<u>(2) Place emphasis on appointing individuals with developmental disabilities and family members of individuals with developmental disabilities;</u>	103193
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<u>(3) Place emphasis on appointing individuals who have professional training and experience in business management, finance, law, health care practice, personnel administration, or government service;</u>	103196
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<u>(4) Place emphasis on appointing individuals who reflect, as nearly as possible, the composition of the county that the county board serves.</u>	103200
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<u>(C) If the appointing authority is a board of county commissioners, the board of county commissioners shall appoint the following:</u>	103203
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<u>(1) Except as otherwise provided in this section, at least one individual with developmental disabilities;</u>	103206
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<u>(2) At least one individual who is a family member of an individual with developmental disabilities.</u>	103208
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<u>(D)(1) If the appointing authority is a senior probate judge, the senior probate judge shall appoint at least one individual with developmental disabilities or an immediate family member of an individual eligible for residential services or supported living.</u>	103210
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<u>(2) If a senior probate judge appoints an individual with developmental disabilities under division (D)(1) of this section, that appointment satisfies the requirement under division (C)(1) of this section that a board of county commissioners appoint at least one such individual.</u>	103215
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<u>(E) An appointing authority's unfilled vacancy does not prohibit that appointing authority from filling other vacancies on the county board of developmental disabilities.</u>	103220
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Sec. 5126.0223. (A) As used in this section, "electronic communication" means live, audio-enabled communication that permits the board members attending a meeting, the board members present in person at the place where the meeting is conducted, and all members of the public present in person at the place where the meeting is conducted to simultaneously communicate with each other during the meeting. 103223
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(B) Notwithstanding division (C) of section 121.22 and section 5126.029 of the Revised Code, each county board of developmental disabilities may establish a policy that allows board members to attend a meeting of the county board via means of electronic communication. The policy shall specify at least all of the following: 103230
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(1) The number of regular meetings at which each board member shall be present in person, which may not be less than one-half of the regular meetings of the county board annually; 103236
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(2) All of the following minimum standards regarding a meeting conducted using means of electronic communication: 103239
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(a) That at least one-third of the board members attending the meeting shall be present in person at the place where the meeting is conducted; 103241
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(b) That all votes taken at the meeting are taken by roll call vote; 103244
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(c) That a board member who intends to attend a meeting via means of electronic communication notifies the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of a declared emergency. 103246
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(C) Notwithstanding division (C) of section 121.22 and section 5126.029 of the Revised Code, a board member who attends a meeting via means of electronic communication is considered to be 103250
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present at the meeting, is counted for purposes of establishing a quorum, and may vote at the meeting. 103253
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(D) Except as otherwise provided in this section, no person shall limit the number of board members who may attend a meeting via means of electronic communication, limit the total number of meetings that the board may conduct using means of electronic communication, limit the number of meetings in which any one board member may attend via means of electronic communication, or impose other limits or obligations on a board member by virtue of the board member's attending a meeting via means of electronic communication. 103255
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Sec. 5145.161. (A) The program for the employment of prisoners within the custody of the department of rehabilitation and correction that the department is required to establish by division (A) of section 5145.16 of the Revised Code shall be administered in accordance with any rules adopted pursuant to division (B) of section 5145.03 of the Revised Code and with the following requirements: 103264
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(1) The department shall consider the nature of the offense committed by a prisoner, the availability of employment, the security requirements for the prisoner, the prisoner's present state of mind, the prisoner's record in the institution to which the prisoner has been committed, and all other relevant factors when assigning a prisoner to the prisoner's initial job assignment. The department, when making a prisoner's initial job assignment, shall attempt to develop the prisoner's work skills, provide rehabilitation for the prisoner, consider the proximity to the prisoner's family, and permit the prisoner to provide support for the prisoner's dependents if the prisoner's earnings are sufficient for that to be feasible. 103271
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(2)(a) Except as provided in division (A)(2)(b) of this 103283

section, no prisoner shall be assigned to any job with the Ohio 103284
penal industries, or to any other job level or job grade of 103285
prisoner employment that the director of rehabilitation and 103286
correction may designate, unless the prisoner has obtained, or 103287
enrolled in an education program that leads to, a high school 103288
diploma or a certificate of high school equivalence. 103289

(b) Division (A)(2)(a) of this section does not apply to 103290
either of the following: 103291

(i) A prisoner who is determined, in accordance with a 103292
procedure approved by the director, to be incapable of obtaining a 103293
diploma or certificate of high school equivalence; 103294

(ii) A prisoner working in the Ohio penal industries as of 103295
February 1, 1999, who applied on or before May 1, 1999, for 103296
enrollment in a program leading to a diploma or a certificate of 103297
high school equivalence, and who has been enrolled in that program 103298
for less than one year. 103299

(3) Each prisoner shall be required to perform the prisoner's 103300
job satisfactorily, be permitted to be absent from the prisoner's 103301
job only for legitimate reasons, be required to comply with all 103302
security requirements, and be required to comply with any other 103303
reasonable job performance standards. 103304

(4) A prisoner who advances from one job grade to the next 103305
higher job grade within the job level, advances from one job level 103306
to the next higher job level, or advances from one job category to 103307
the next highest job category shall receive additional benefits in 103308
accordance with the rules adopted pursuant to division (B) of 103309
section 5145.03 of the Revised Code. 103310

(5) A prisoner shall not be eligible for a job in private 103311
industry or agriculture, unless the prisoner meets the 103312
requirements of the department for private employment that are set 103313
forth in rules adopted pursuant to division (B) of section 5145.03 103314

of the Revised Code. 103315

(6) A prisoner who violates the work requirements of any job 103316
grade, level, or category shall be disciplined pursuant to the 103317
disciplinary procedure adopted pursuant to division (B)(9) of 103318
section 5145.03 of the Revised Code. 103319

(B) The department of rehabilitation and correction may 103320
administer the program that it is required to establish by 103321
division (A) of section 5145.16 of the Revised Code in any manner 103322
that is consistent with division (A) of this section, division (B) 103323
of section 5145.03, and section 5145.16 of the Revised Code. 103324

Sec. 5145.163. (A) As used in this section: 103325

(1) "Customer model enterprise" means an enterprise conducted 103326
under a federal prison industries enhancement certification 103327
program in which a private party participates in the enterprise 103328
only as a purchaser of goods and services. 103329

(2) "Employer model enterprise" means an enterprise conducted 103330
under a federal prison industries enhancement certification 103331
program in which a private party participates in the enterprise as 103332
an operator of the enterprise. 103333

(3) "~~Injury~~" ~~means a diagnosable injury to an inmate~~ 103334
~~supported by medical findings that it was~~ and "occupational 103335
disease" have the same meanings as in section 4123.01 of the 103336
Revised Code if sustained or contracted in the course of, and 103337
~~arose arising~~ out of, participation in authorized work activity 103338
~~that was an integral part of the inmate's participation in the~~ 103339
~~Ohio penal industries~~ federal prison industries enhancement 103340
certification program. 103341

(4) "Inmate" means any person who is committed to the custody 103342
of the department of rehabilitation and correction and who is 103343
participating in an Ohio penal industries program that is under 103344

the federal prison industries enhancement certification program. 103345

(5) "Federal prison industries enhancement certification 103346
program" means the program authorized pursuant to 18 U.S.C. 1761. 103347

~~(6) "Loss of earning capacity" means an impairment of the 103348
body of an inmate to a degree that makes the inmate unable to 103349
return to work activity under the Ohio penal industries program 103350
and results in a reduction of compensation earned by the inmate at 103351
the time the injury occurred. 103352~~

~~(B) Every inmate shall be covered by a policy of disability 103353
insurance to provide benefits for loss of earning capacity due to 103354
an injury and for medical treatment of the injury following the 103355
inmate's release from prison. No private party shall participate 103356
in an employer model enterprise in this state unless the private 103357
party is approved by the director of rehabilitation and correction 103358
in accordance with division (C) of this section. 103359~~

~~(C) The director may approve a private party to participate 103360
in an employer model enterprise only if the private party meets 103361
the following requirements: 103362~~

~~(1) The private party provides proof of workers' compensation 103363
coverage furnished by the bureau of workers' compensation. 103364~~

~~(2) The private party carries liability insurance in an 103365
amount the director determines to be sufficient. 103366~~

~~(3) The private party does not have an unresolved finding for 103367
recovery by the auditor of state under section 9.24 of the Revised 103368
Code. 103369~~

~~(D)(1) If the enterprise for which ~~the~~ an inmate works is a 103370
customer model enterprise, ~~Ohio penal industries shall purchase~~ 103371
~~the policy~~ the department may treat the inmate as an employee of 103372
the department for the purpose of workers' compensation coverage 103373
in accordance with Chapters 4121., 4123., 4127., and 4131. of the 103374~~

Revised Code. 103375

~~(2) If the enterprise for which the an inmate works is an employer model enterprise, the private participant shall purchase the policy. The person required to purchase the policy shall submit proof of coverage to the prison labor advisory board before the enterprise begins operation.~~ 103376
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~~(C) Within ninety days after an inmate sustains an injury, the inmate may file a disability claim with the person required to purchase the policy of disability insurance. Upon the request of the insurer, the inmate shall be medically examined, and the insurer shall determine the inmate's entitlement to disability benefits based on the medical examination. The inmate shall accept or reject an award within thirty days after a determination of the inmate's entitlement to the award. If the inmate accepts the award, the benefits shall be paid upon the inmate's release from prison. The amount of disability benefits payable to the inmate shall be reduced by sick leave benefits or other compensation for lost pay made by Ohio penal industries to the inmate due to an injury that rendered the inmate unable to work. An inmate shall not receive disability benefits for injuries occurring as the result of a fight, assault, horseplay, purposely self-inflicted injury, use of alcohol or controlled substances, misuse of prescription drugs, or other activity that is prohibited by the department's or institution's inmate conduct rules or the work rules of the private participant in the enterprise.~~ 103381
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~~(D) Inmates may treat the inmate as an employee of the private participant for the purpose of workers' compensation coverage in accordance with Chapters 4121., 4123., 4127., and 4131. of the Revised Code.~~ 103400
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~~(E) Except as provided in division (D) of this section, inmates are not employees of the department of rehabilitation and correction or the private participant in an enterprise.~~ 103404
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~~(E) An inmate is ineligible to receive compensation or benefits under Chapter 4121., 4123., 4127., or 4131. of the Revised Code for any injury, death, or occupational disease received in the course of, and arising out of, participation in the Ohio penal industries program. Any claim for an injury arising from an inmate's participation in the program is specifically excluded from the jurisdiction of the Ohio bureau of workers' compensation and the industrial commission of Ohio.~~

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~~(F) Any disability benefit award accepted by an inmate under this section shall be the inmate's exclusive remedy against the insurer, the private participant in an enterprise, and the state. If an inmate rejects an award or a disability claim is denied, the inmate may bring an action in the court of claims within the appropriate period of limitations.~~

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~~(G) If any inmate who is paid disability benefits under this section is reincarcerated, the benefits shall immediately cease but shall resume upon the inmate's subsequent release from incarceration.~~

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(F)(1) An inmate who is injured or who contracts an occupational disease arising out of participation in authorized work activity in the federal prison industries enhancement certification program may file a claim for compensation or benefits under Chapters 4121., 4123., 4127., and 4131. of the Revised Code while the claimant is in the custody of the department.

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(2) The dependent of an inmate who is killed or dies as the result of an occupational disease contracted in the course of participation in authorized work activity in the federal prison industries enhancement certification program may file a claim for compensation and benefits under Chapters 4121., 4123., 4127., and 4131. of the Revised Code.

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(G) Notwithstanding any provision of Chapter 4121. or 4123. of the Revised Code to the contrary, an inmate who files a claim pursuant to this section while in the custody of the department shall receive medical treatment and have medical determinations for purposes of Chapter 4121. and 4123. of the Revised Code made by the department's medical providers. Medical determinations made by the department's providers shall be limited to initial claim allowances and requests for additional conditions. The claimant may request a review by the department's chief medical officer. In the event of an appeal, the claimant may receive a medical evaluation from a medical practitioner affiliated within the department's network of third-party medical contractors or a medical practitioner in a managed care organization certified by the bureau of workers' compensation under section 4121.44 of the Revised Code and located in Franklin county.

(H) In accordance with division (J) of section 4123.54 of the Revised Code, compensation or benefits are not payable to or on behalf of a claimant during the period of confinement of the claimant in any correctional institution or county jail. Any remaining amount of an award of compensation or benefits for an injury or occupational disease arising out of participation in authorized work activity in the federal prison industries enhancement certification program shall be paid to or on behalf of a claimant after the claimant is released from imprisonment. If a claimant is reimprisoned, compensation and benefits shall be suspended during the claimant's imprisonment but shall resume on the claimant's release from imprisonment.

(I) An inmate shall voluntarily consent to participate in a federal prison industries enhancement certification program prior to commencing participation in the program. Such consent disclaims the inmate's ability to choose a medical provider while the inmate is imprisoned and subjects the inmate to the requirements of this

section. 103470

~~Sec. 5149.101. (A)(1) A board hearing officer, a board member, or the office of victims' services may petition the board for a full board hearing that relates to the proposed parole or re-parole of a prisoner, including any prisoner described in section 2967.132 of the Revised Code. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held.~~ 103471
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~~(2)(A)(1)(a)~~ A victim of a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment, the victim's representative, or any person described in division (B)(5) of this section may request, through the office of victims' services, for the board to hold a full board hearing that relates to the proposed parole or re-parole of the person that committed the violation. If a victim, victim's representative, or ~~other~~ any person described in division (B)(5) of this section requests a full board hearing pursuant to this division, the board shall hold a full board hearing. 103479
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(b) A family member of a victim who is not described in division (B)(5) of this section may request, through the office of victims' services, for the board to hold a full board hearing that relates to the proposed parole or re-parole of a person who committed a violation of section 2903.01 or 2903.02 of the Revised Code, an offense of violence that is a felony of the first, second, or third degree, or an offense punished by a sentence of life imprisonment. At a meeting of the board at which a majority of board members are present, the majority of those present shall determine whether a full board hearing shall be held, if a family 103491
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member of the victim makes a request pursuant to this division. 103501

(c) If a person is convicted of a violation of section 103502
2903.01 or 2903.02 of the Revised Code, an offense of violence 103503
that is a felony of the first, second, or third degree, or an 103504
offense punished by a sentence of life imprisonment, the 103505
prosecuting attorney may submit a request directly to the board to 103506
hold a full board hearing that relates to the proposed parole or 103507
re-parole of the person who committed the violation. If the 103508
prosecutor requests a full board hearing pursuant to this 103509
division, the board shall hold a full board hearing. 103510

(2) At least thirty days before the full hearing, except as 103511
otherwise provided in this division, the board shall give notice 103512
of the date, time, and place of the hearing to the victim 103513
regardless of whether the victim has requested the notification. 103514
The notice of the date, time, and place of the hearing shall not 103515
be given under this division to a victim if the victim has 103516
requested pursuant to division (B)(2) of section 2930.03 of the 103517
Revised Code that the notice not be provided to the victim. At 103518
least thirty days before the full board hearing and regardless of 103519
whether the victim has requested that the notice be provided or 103520
not be provided under this division to the victim, the board shall 103521
give similar notice to the prosecuting attorney in the case, the 103522
law enforcement agency that arrested the prisoner if any officer 103523
of that agency was a victim of the offense, and, if different than 103524
the victim, the person who requested the full hearing. If the 103525
prosecuting attorney has not previously been sent an institutional 103526
summary report with respect to the prisoner, upon the request of 103527
the prosecuting attorney, the board shall include with the notice 103528
sent to the prosecuting attorney an institutional summary report 103529
that covers the offender's participation while confined in a state 103530
correctional institution in training, work, and other 103531
rehabilitative activities and any disciplinary action taken 103532

against the offender while so confined. Upon the request of a law 103533
enforcement agency that has not previously been sent an 103534
institutional summary report with respect to the prisoner, the 103535
board also shall send a copy of the institutional summary report 103536
to the law enforcement agency. If notice is to be provided as 103537
described in this division, the board may give the notice by any 103538
reasonable means, including regular mail, telephone, and 103539
electronic mail, in accordance with division (D)(1) of section 103540
2930.16 of the Revised Code. If the notice is based on an offense 103541
committed prior to March 22, 2013, the notice also shall include 103542
the opt-out information described in division (D)(1) of section 103543
2930.16 of the Revised Code. The board, in accordance with 103544
division (D)(2) of section 2930.16 of the Revised Code, shall keep 103545
a record of all attempts to provide the notice, and of all notices 103546
provided, under this division. 103547

The preceding paragraph, and the notice-related provisions of 103548
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 103549
section 2930.16, division (H) of section 2967.12, division 103550
(E)(1)(b) of section 2967.19 as it existed prior to ~~the effective~~ 103551
~~date of this amendment~~ April 4, 2023, division (A)(3)(b) of 103552
section 2967.26, and division (D)(1) of section 2967.28 of the 103553
Revised Code enacted in the act in which this paragraph was 103554
enacted, shall be known as "Roberta's Law." 103555

(B) At a full board hearing that relates to the proposed 103556
parole or re-parole of a prisoner and that has been petitioned for 103557
or requested in accordance with division (A) of this section, the 103558
parole board shall permit the following persons to appear and to 103559
give testimony or to submit written statements: 103560

(1) The prosecuting attorney of the county in which the 103561
original indictment against the prisoner was found and members of 103562
any law enforcement agency that assisted in the prosecution of the 103563
original offense; 103564

(2) The judge of the court of common pleas who imposed the original sentence of incarceration upon the prisoner, or the judge's successor;

(3) The victim of the original offense for which the prisoner is serving the sentence or the victim's representative designated pursuant to section 2930.02 of the Revised Code;

(4) The victim of any behavior that resulted in parole being revoked;

(5) With respect to a full board hearing held pursuant to division ~~(A)(2)~~(A)(1)(a) or (c) of this section, all of the following:

(a) The spouse of the victim of the original offense;

(b) The parent or parents of the victim of the original offense;

(c) The sibling of the victim of the original offense;

(d) The child or children of the victim of the original offense.

(6) ~~Counsel~~ A state public defender when designated by the director of the department of rehabilitation and correction pursuant to division (A)(5) of section 120.06 of the Revised Code, private counsel, or some other person designated by the prisoner as a representative, as described in division (C) of this section permitted by the board.

(C) Except as otherwise provided in this division, a full board hearing of the parole board is not subject to section 121.22 of the Revised Code. The persons who may attend a full board hearing are the persons described in divisions (B)(1) to (6) of this section, and representatives of the press, radio and television stations, and broadcasting networks who are members of a generally recognized professional media organization.

At the request of a person described in division (B)(3) of 103595
this section, representatives of the news media described in this 103596
division shall be excluded from the hearing while that person is 103597
giving testimony at the hearing. The prisoner being considered for 103598
parole has no right to be present at the hearing, but may be 103599
represented ~~by counsel or some other person designated by the~~ 103600
~~prisoner as described in division (B)(6) of this section.~~ 103601

If there is an objection at a full board hearing to a 103602
recommendation for the parole of a prisoner, the board may approve 103603
or disapprove the recommendation or defer its decision until a 103604
subsequent full board hearing. The board may permit interested 103605
persons other than those listed in this division and division (B) 103606
of this section to attend full board hearings pursuant to rules 103607
adopted by the adult parole authority. 103608

(D) If the victim of the original offense died as a result of 103609
the offense and the offense was aggravated murder, murder, an 103610
offense of violence that is a felony of the first, second, or 103611
third degree, or an offense punished by a sentence of life 103612
imprisonment, the family of the victim may show at a full board 103613
hearing a video recording not exceeding five minutes in length 103614
memorializing the victim. 103615

(E) The adult parole authority shall adopt rules for the 103616
implementation of this section. The rules shall specify reasonable 103617
restrictions on the number of media representatives that may 103618
attend a hearing, based on considerations of space, and other 103619
procedures designed to accomplish an effective, orderly process 103620
for full board hearings. 103621

Sec. 5149.38. (A) In each voluntary county, subject to 103622
division (B) of this section and not later than ~~September 1, 2022~~ 103623
the deadlines established by the department of rehabilitation and 103624
correction in division (B)(3)(b)(ii) of section 2929.34 of the 103625

Revised Code, a county commissioner representing the board of 103626
county commissioners of the county, the administrative judge of 103627
the general division of the court of common pleas of the county, 103628
the sheriff of the county, and an official from any municipality 103629
operating a local correctional facility in the county to which 103630
courts of the county sentence offenders shall agree to, sign, and 103631
submit to the department of rehabilitation and correction for its 103632
approval a memorandum of understanding that does all of the 103633
following: 103634

(1) Sets forth the plans by which the county will use grant 103635
money provided to the county in the state fiscal year 2023 and 103636
succeeding years within the specified state fiscal years biennium 103637
under the ~~targeting~~ targeted community alternatives to prison 103638
(T-CAP) program; 103639

(2) Specifies the manner in which the county will address a 103640
per diem reimbursement of local correctional facilities for 103641
prisoners who serve a prison term in the facility pursuant to 103642
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 103643
diem reimbursement rate shall be the rate determined in division 103644
(F)(1) of this section and shall be specified in the memorandum; 103645

(3) Specifies whether the memorandum of understanding will 103646
apply to prison terms for felonies of the fifth degree or prison 103647
terms for felonies of the fourth and fifth degree pursuant to 103648
division (B)(3)(c) of section 2929.34 of the Revised Code. 103649

(B) Two or more voluntary counties may join together to 103650
jointly establish a memorandum of understanding of the type 103651
described in division (A) of this section. Not later than 103652
~~September 1, 2022~~ the deadlines established by the department of 103653
rehabilitation and correction in division (B)(3)(b)(ii) of section 103654
2929.34 of the Revised Code, a county commissioner from each of 103655
the affiliating voluntary counties representing the county's board 103656

of county commissioners, the administrative judge of the general 103657
division of the court of common pleas of each affiliating 103658
voluntary county, the sheriff of each affiliating voluntary 103659
county, and an official from any municipality operating a local 103660
correctional facility in the affiliating voluntary counties to 103661
which courts of the counties sentence offenders shall agree to, 103662
sign, and submit to the department of rehabilitation and 103663
correction for its approval the memorandum of understanding. The 103664
memorandum of understanding shall set forth the plans by which, 103665
and specify the manner in which, the affiliating counties will 103666
complete the tasks identified in divisions (A)(1) to (3) of this 103667
section. 103668

(C) The department of rehabilitation and correction shall 103669
adopt rules establishing standards for approval of memorandums of 103670
understanding submitted to it under division (A) or (B) of this 103671
section. The department shall review the memorandums of 103672
understanding submitted to it and may require the county or 103673
counties that submit a memorandum to modify the memorandum. The 103674
director of rehabilitation and correction shall approve 103675
memorandums of understanding submitted to it under division (A) or 103676
(B) of this section that the director determines satisfy the 103677
standards adopted by the department within thirty days after 103678
receiving each memorandum submitted. 103679

(D) Any person responsible for agreeing to, signing, and 103680
submitting a memorandum of understanding under division (A) or (B) 103681
of this section may delegate the person's authority to do so to an 103682
employee of the agency, entity, or office served by the person. 103683

(E) The persons signing a memorandum of understanding under 103684
division (A) or (B) of this section, or their successors in 103685
office, may revise the memorandum as they determine necessary. Any 103686
revision of the memorandum shall be signed by the parties 103687
specified in division (A) or (B) of this section and submitted to 103688

the department of rehabilitation and correction for its approval 103689
under division (C) of this section within thirty days after the 103690
beginning of the state fiscal year. 103691

(F)(1) In each county, commencing in calendar year 2023, on 103692
or before the first day of February of each calendar year the 103693
sheriff shall determine the per diem costs for the preceding 103694
calendar year for each of the local correctional facilities for 103695
the housing in the facility of prisoners who serve a term in it 103696
pursuant to division (B)(3)(c) of section 2929.34 of the Revised 103697
Code. The per diem cost so determined shall apply in the calendar 103698
year in which the determination is made. 103699

(2) For each county, the per diem cost determined under 103700
division (F)(1) of this section that applies with respect to a 103701
facility in a specified calendar year shall be the per diem rate 103702
of reimbursement in that calendar year, under the ~~targeting~~ 103703
targeted community alternatives to prison (T-CAP) program, for 103704
prisoners who serve a term in the facility pursuant to division 103705
(B)(3)(c) of section 2929.34 of the Revised Code. 103706

(3) The per diem costs of housing determined under division 103707
(F)(1) of this section for a facility shall be the actual costs of 103708
housing the specified prisoners in the facility, on a per diem 103709
basis. 103710

(G) As used in this section: 103711

(1) "Local correctional facility" means a facility of a type 103712
described in division (C) or (D) of section 2929.34 of the Revised 103713
Code. 103714

(2) "Voluntary county" has the same meanings as in section 103715
2929.34 of the Revised Code. 103716

Sec. 5153.122. Each PCSA caseworker hired after January 1, 103717
2007, shall complete ~~at least one hundred two hours of~~ in-service 103718

training during the first year of the caseworker's continuous	103719
employment as a PCSA caseworker, except that the executive	103720
director of the public children services agency may waive the	103721
training requirement for a school of social work graduate who	103722
participated in the university partnership program described in	103723
division (E) of section 5101.141 of the Revised Code and as	103724
provided in section 5153.124 of the Revised Code. The training	103725
shall consist of courses in all of the following:	103726
(A) Recognizing, accepting reports of, and preventing child	103727
abuse, neglect, and dependency;	103728
(B) Assessing child safety;	103729
(C) Assessing risks;	103730
(D) Interviewing persons;	103731
(E) Investigating cases;	103732
(F) Intervening;	103733
(G) Providing services to children and their families;	103734
(H) The importance of and need for accurate data;	103735
(I) Preparation for court;	103736
(J) Maintenance of case record information;	103737
(K) The legal duties of PCSA caseworkers to protect the	103738
constitutional and statutory rights of children and families from	103739
the initial time of contact during investigation through	103740
treatment, including instruction regarding parents' rights and the	103741
limitations that the Fourth Amendment to the United States	103742
Constitution places upon caseworkers and their investigations;	103743
(L) Content on other topics relevant to child abuse, neglect,	103744
and dependency, including permanency strategies, concurrent	103745
planning, and adoption as an option for unintended pregnancies.	103746
After a PCSA caseworker's first year of continuous employment	103747

as a PCSA caseworker, the caseworker annually shall complete 103748
thirty-six hours of training in areas relevant to the caseworker's 103749
assigned duties. 103750

During the first two years of continuous employment as a PCSA 103751
caseworker, each PCSA caseworker shall complete ~~at least twelve~~ 103752
~~hours of~~ training in recognizing the signs of domestic violence 103753
and its relationship to child abuse as established in rules the 103754
director of job and family services shall adopt pursuant to 103755
Chapter 119. of the Revised Code. ~~The twelve hours may be in~~ 103756
~~addition to the training required during the caseworker's first~~ 103757
~~year of employment or part of the training required during the~~ 103758
~~second year of employment.~~ 103759

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 103760
~~at least sixty hours of~~ in-service training during the first year 103761
of the supervisor's continuous employment as a PCSA caseworker 103762
supervisor. The training shall include courses in screening 103763
reports of child abuse, neglect, or dependency. After a PCSA 103764
caseworker supervisor's first year of continuous employment as a 103765
PCSA caseworker supervisor, the supervisor annually shall complete 103766
thirty hours of training in areas relevant to the supervisor's 103767
assigned duties. During the first two years of continuous 103768
employment as a PCSA caseworker supervisor, each PCSA caseworker 103769
supervisor shall complete ~~at least twelve hours of~~ training in 103770
recognizing the signs of domestic violence and its relationship to 103771
child abuse as established in rules the director of job and family 103772
services shall adopt pursuant to Chapter 119. of the Revised Code. 103773
~~The twelve hours may be in addition to the training required~~ 103774
~~during the supervisor's first year of employment or part of the~~ 103775
~~training required during the second year of employment.~~ 103776
103777

Sec. 5153.124. (A)(1) The director of job and family services 103778

shall adopt rules as necessary to implement the training 103779
requirements of sections 5153.122 and 5153.123 of the Revised 103780
Code. 103781

(2) Not later than nine months after ~~the effective date of~~ 103782
~~the amendment to this section by H.B. 110 of the 134th general~~ 103783
~~assembly~~ September 30, 2021, the director shall adopt rules in 103784
accordance with Chapter 119. of the Revised Code to establish the 103785
circumstances under which an executive director of a public 103786
children services agency may waive portions of in-service training 103787
for PCSA caseworkers, in addition to the waiver described in 103788
section 5153.122 of the Revised Code. 103789

(B) Notwithstanding sections ~~5103.33~~ 5103.37 to ~~5103.422~~ 103790
5103.42 and sections 5153.122 to 5153.127 of the Revised Code, the 103791
department of job and family services may require additional 103792
training for PCSA caseworkers and PCSA caseworker supervisors as 103793
necessary to comply with federal requirements. 103794

Sec. 5153.127. The executive director of each public children 103795
services agency or a person designated by the executive director 103796
shall collect and maintain the data from individual training needs 103797
assessments completed under sections 5153.125 and 5153.126 of the 103798
Revised Code for each PCSA caseworker and PCSA caseworker 103799
supervisor employed by the agency. The executive director or 103800
designated person shall compile and forward the data collected 103801
from the completed assessments to the regional training center 103802
established under section ~~5103.42~~ 5103.41 of the Revised Code for 103803
the training region the agency is located in. 103804

Sec. 5153.16. (A) Except as provided in section 2151.422 of 103805
the Revised Code, in accordance with rules adopted under section 103806
5153.166 of the Revised Code, and on behalf of children in the 103807
county whom the public children services agency considers to be in 103808

need of public care or protective services, the public children 103809
services agency shall do all of the following: 103810

(1) Make an investigation concerning any child alleged to be 103811
an abused, neglected, or dependent child; 103812

(2) Enter into agreements with the parent, guardian, or other 103813
person having legal custody of any child, or with the department 103814
of job and family services, department of mental health and 103815
addiction services, department of developmental disabilities, 103816
other department, any certified organization within or outside the 103817
county, or any agency or institution outside the state, having 103818
legal custody of any child, with respect to the custody, care, or 103819
placement of any child, or with respect to any matter, in the 103820
interests of the child, provided the permanent custody of a child 103821
shall not be transferred by a parent to the public children 103822
services agency without the consent of the juvenile court; 103823

(3) Enter into a contract with an agency providing prevention 103824
services in an effort to prevent neglect or abuse, to enhance a 103825
child's welfare, and to preserve the family unit intact. 103826

(4) Accept custody of children committed to the public 103827
children services agency by a court exercising juvenile 103828
jurisdiction; 103829

~~(4)~~(5) Provide such care as the public children services 103830
agency considers to be in the best interests of any child 103831
adjudicated to be an abused, neglected, or dependent child the 103832
agency finds to be in need of public care or service; 103833

~~(5)~~(6) Provide social services to any unmarried girl 103834
adjudicated to be an abused, neglected, or dependent child who is 103835
pregnant with or has been delivered of a child; 103836

~~(6)~~(7) Make available to the children with medical handicaps 103837
program of the department of health at its request any information 103838
concerning a child with a disability found to be in need of 103839

treatment under sections 3701.021 to 3701.028 of the Revised Code 103840
who is receiving services from the public children services 103841
agency; 103842

~~(7)~~(8) Provide temporary emergency care for any child 103843
considered by the public children services agency to be in need of 103844
such care, without agreement or commitment; 103845

~~(8)~~(9) Find certified foster homes, within or outside the 103846
county, for the care of children, including children with 103847
disabilities from other counties attending special schools in the 103848
county; 103849

~~(9)~~(10) Subject to the approval of the board of county 103850
commissioners and the state department of job and family services, 103851
establish and operate a training school or enter into an agreement 103852
with any municipal corporation or other political subdivision of 103853
the county respecting the operation, acquisition, or maintenance 103854
of any children's home, training school, or other institution for 103855
the care of children maintained by such municipal corporation or 103856
political subdivision; 103857

~~(10)~~(11) Acquire and operate a county children's home, 103858
establish, maintain, and operate a receiving home for the 103859
temporary care of children, or procure certified foster homes for 103860
this purpose; 103861

~~(11)~~(12) Enter into an agreement with the trustees of any 103862
district children's home, respecting the operation of the district 103863
children's home in cooperation with the other county boards in the 103864
district; 103865

~~(12)~~(13) Cooperate with, make its services available to, and 103866
act as the agent of persons, courts, the department of job and 103867
family services, the department of health, and other organizations 103868
within and outside the state, in matters relating to the welfare 103869
of children, except that the public children services agency shall 103870

not be required to provide supervision of or other services 103871
related to the exercise of parenting time rights granted pursuant 103872
to section 3109.051 or 3109.12 of the Revised Code or 103873
companionship or visitation rights granted pursuant to section 103874
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 103875
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 103876
a common pleas court, pursuant to division (E)(6) of section 103877
3113.31 of the Revised Code, requires the provision of supervision 103878
or other services related to the exercise of the parenting time 103879
rights or companionship or visitation rights; 103880

~~(13)~~(14) Make investigations at the request of any 103881
superintendent of schools in the county or the principal of any 103882
school concerning the application of any child adjudicated to be 103883
an abused, neglected, or dependent child for release from school, 103884
where such service is not provided through a school attendance 103885
department; 103886

~~(14)~~(15) Administer funds provided under Title IV-E of the 103887
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 103888
amended, in accordance with rules adopted under section 5101.141 103889
of the Revised Code; 103890

~~(15)~~(16) In addition to administering Title IV-E adoption 103891
assistance funds, enter into agreements to make adoption 103892
assistance payments under section 5153.163 of the Revised Code; 103893

~~(16)~~(17) Implement a system of safety and risk assessment, in 103894
accordance with rules adopted by the director of job and family 103895
services, to assist the public children services agency in 103896
determining the risk of abuse or neglect to a child; 103897

~~(17)~~(18) Enter into a plan of cooperation with the board of 103898
county commissioners under section 307.983 of the Revised Code and 103899
comply with each fiscal agreement the board enters into under 103900
section 307.98 of the Revised Code that include family services 103901

duties of public children services agencies and contracts the 103902
board enters into under sections 307.981 and 307.982 of the 103903
Revised Code that affect the public children services agency; 103904

~~(18)~~(19) Make reasonable efforts to prevent the removal of an 103905
alleged or adjudicated abused, neglected, or dependent child from 103906
the child's home, eliminate the continued removal of the child 103907
from the child's home, or make it possible for the child to return 103908
home safely, except that reasonable efforts of that nature are not 103909
required when a court has made a determination under division 103910
(A)(2) of section 2151.419 of the Revised Code; 103911

~~(19)~~(20) Make reasonable efforts to place the child in a 103912
timely manner in accordance with the permanency plan approved 103913
under division (E) of section 2151.417 of the Revised Code and to 103914
complete whatever steps are necessary to finalize the permanent 103915
placement of the child; 103916

~~(20)~~(21) Administer a Title IV-A program identified under 103917
division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised 103918
Code that the department of job and family services provides for 103919
the public children services agency to administer under the 103920
department's supervision pursuant to section 5101.801 of the 103921
Revised Code; 103922

~~(21)~~(22) Administer the kinship permanency incentive program 103923
created under section 5101.802 of the Revised Code under the 103924
supervision of the director of job and family services; 103925

~~(22)~~(23) Provide independent living services pursuant to 103926
sections 2151.81 to 2151.84 of the Revised Code; 103927

~~(23)~~(24) File a missing child report with a local law 103928
enforcement agency upon becoming aware that a child in the custody 103929
of the public children services agency is or may be missing. 103930

(B) The public children services agency shall use the system 103931
implemented pursuant to division ~~(A)~~(16)~~(A)~~(17) of this section in 103932

connection with an investigation undertaken pursuant to division 103933
(G)(1) of section 2151.421 of the Revised Code to assess both of 103934
the following: 103935

(1) The ongoing safety of the child; 103936

(2) The appropriateness of the intensity and duration of the 103937
services provided to meet child and family needs throughout the 103938
duration of a case. 103939

(C) Except as provided in section 2151.422 of the Revised 103940
Code, in accordance with rules of the director of job and family 103941
services, and on behalf of children in the county whom the public 103942
children services agency considers to be in need of public care or 103943
protective services, the public children services agency may do 103944
the following: 103945

(1) Provide or find, with other child serving systems, 103946
specialized foster care for the care of children in a specialized 103947
foster home, as defined in section 5103.02 of the Revised Code, 103948
certified under section 5103.03 of the Revised Code; 103949

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 103950
this section, contract with the following for the purpose of 103951
assisting the agency with its duties: 103952

(i) County departments of job and family services; 103953

(ii) Boards of alcohol, drug addiction, and mental health 103954
services; 103955

(iii) County boards of developmental disabilities; 103956

(iv) Regional councils of political subdivisions established 103957
under Chapter 167. of the Revised Code; 103958

(v) Private and government providers of services; 103959

(vi) Managed care organizations and prepaid health plans. 103960

(b) A public children services agency contract under division 103961

(C)(2)(a) of this section regarding the agency's duties under 103962
section 2151.421 of the Revised Code may not provide for the 103963
entity under contract with the agency to perform any service not 103964
authorized by the department's rules. 103965

(c) Only a county children services board appointed under 103966
section 5153.03 of the Revised Code that is a public children 103967
services agency may contract under division (C)(2)(a) of this 103968
section. If an entity specified in division (B) or (C) of section 103969
5153.02 of the Revised Code is the public children services agency 103970
for a county, the board of county commissioners may enter into 103971
contracts pursuant to section 307.982 of the Revised Code 103972
regarding the agency's duties. 103973

Sec. 5153.161. (A) As used in this section, "qualified 103974
nonrelative" means a nonrelative adult whom a child or the current 103975
custodial caretaker of a child identifies as having a familiar and 103976
longstanding relationship or bond with the child or the child's 103977
family that will ensure the child's social and cultural ties. 103978

(B) Care provided by the public children services agency 103979
under division ~~(A)(4)~~(A)(5) of section 5153.16 of the Revised Code 103980
shall be provided by the agency, by its own means or through other 103981
available resources, in the child's own home, in the home of a 103982
relative or qualified nonrelative, or in a certified foster home, 103983
any other home approved by the court, receiving home, school, 103984
hospital, convalescent home, or other public or private 103985
institution within or outside the county or state. 103986

Sec. 5153.162. Pursuant to an agreement entered into under 103987
division ~~(A)(9)~~(A)(10) of section 5153.16 of the Revised Code 103988
respecting the operation, acquisition, or maintenance of a 103989
children's home, training school, or other institution for the 103990
care of children maintained by a municipal corporation or other 103991

political subdivision, the public children services agency may 103992
acquire, operate, and maintain such an institution. The agency may 103993
enter into an agreement with a municipal corporation, a board of 103994
education, and the board of county commissioners, or with any one 103995
of them, to provide for the maintenance and operation of 103996
children's training schools. The agreement may provide for the 103997
contribution of funds by the municipal corporation, board of 103998
education, or board of county commissioners, in such proportions 103999
and amounts as the agreement states. The agreement also may 104000
provide for the operation and supervision of the training school 104001
by any one of them, or by the joint action of two or more of them, 104002
provided that municipal corporations, boards of education, and 104003
boards of county commissioners may expend moneys from their 104004
general funds for maintaining and operating the joint children's 104005
training school. 104006

Sec. 5153.17. ~~The~~ (A) Each public children services agency 104007
shall prepare and keep written records of ~~investigations~~ all of 104008
the following: 104009

(1) Investigations of families, children, and foster homes, 104010
~~and of the;~~ 104011

(2) The care, training, and treatment afforded to children, 104012
~~and shall prepare and keep such;~~ 104013

(3) Such other records as are required by the department of 104014
job and family services. ~~Such records~~ 104015

(B) Records under division (A) of this section shall be 104016
confidential, but, except as provided by division (B) of section 104017
3107.17 of the Revised Code, shall be open to inspection by the 104018
following: 104019

(1) The agency, the director of job and family services, and 104020
the director of the county department of job and family services, 104021

and by other persons upon the written permission of the executive 104022
director; 104023

(2) Upon request to an agency and subject to division (C) of 104024
this section, an adult who was formerly placed in foster care. 104025

(C)(1) With regard to an adult under division (B)(2) of this 104026
section, records subject to inspection include those pertaining to 104027
the adult's time placed in foster care. Records may include 104028
medical, mental health, school, and legal records and a 104029
comprehensive summary of reasons why the adult was placed in 104030
foster care. 104031

(2) The executive director or the director's designee may 104032
redact information that is specific to other individuals if that 104033
information does not directly pertain to the requesting adult's 104034
records that are subject to inspection under division (C)(1) of 104035
this section or the comprehensive summary of reasons why the adult 104036
was placed in foster care. 104037

Sec. 5160.35. As used in sections 5160.35 to 5160.43 of the 104038
Revised Code: 104039

(A) "Information" means all of the following: 104040

(1) An individual's name, address, date of birth, and social 104041
security number; 104042

(2) The group or plan number, or other identifier, assigned 104043
by a third party to a policy held by an individual or a plan in 104044
which the individual participates and the nature of the coverage; 104045

(3) Any other data the medicaid director specifies in rules 104046
authorized by section 5160.43 of the Revised Code. 104047

(B) "Medical support" means support specified as support for 104048
the purpose of medical care by order of a court or administrative 104049
agency. 104050

(C)(1) Subject to division (C)(2) of this section, and except 104051
as provided in division (C)(3) of this section, "third party" 104052
means all of the following: 104053

(a) A person authorized to engage in the business of sickness 104054
and accident insurance under Title XXXIX of the Revised Code; 104055

(b) A person or governmental entity providing coverage for 104056
medical services or items to individuals on a self-insurance 104057
basis; 104058

(c) A health insuring corporation as defined in section 104059
1751.01 of the Revised Code; 104060

(d) A group health plan as defined in 29 U.S.C. 1167; 104061

(e) A service benefit plan as referenced in 42 U.S.C. 104062
1396a(a)(25); 104063

(f) A managed care organization; 104064

(g) A pharmacy benefit manager; 104065

(h) A third party administrator; 104066

(i) Any other person or governmental entity that is, by law, 104067
contract, or agreement, responsible for the payment or processing 104068
of a claim for a medical item or service for a medical assistance 104069
recipient. 104070

(2) Except when otherwise provided by the "Social Security 104071
Act," section 1862(b), 42 U.S.C. 1395y(b), a person or 104072
governmental entity listed in division (C)(1) of this section is a 104073
third party even if the person or governmental entity limits or 104074
excludes payments for a medical item or service in the case of a 104075
public assistance recipient. 104076

(3) "Third party" does not include the program for ~~medically~~ 104077
~~handicapped~~ children and youth with special health care needs 104078
established under section 3701.023 of the Revised Code. 104079

Sec. 5160.40. (A) As used in this section, "business day" 104080
means any day of the week excluding Saturday, Sunday, and a legal 104081
holiday, as defined in section 1.14 of the Revised Code. 104082

(B) Subject to divisions (C) and (D) of this section, a third 104083
party shall do all of the following: 104084

(1) Accept the department of medicaid's right of recovery 104085
under section 5160.37 of the Revised Code and the assignment of 104086
rights to the department that are described in section 5160.38 of 104087
the Revised Code; 104088

(2) Respond to an inquiry by the department regarding a claim 104089
for payment of a medical item or service that was submitted to the 104090
third party not later than six years after the date of the 104091
provision of such medical item or service; 104092

(3) Respond to the department's request for payment of a 104093
claim described in division (B)(2) of this section not later than 104094
~~ninety~~ sixty business days after receipt of written proof of the 104095
claim, either by paying the claim or issuing a written denial to 104096
the department; 104097

(4) Not charge a fee to do either of the following for a 104098
claim described in division (B)(2) of this section: 104099

(a) Determine whether the claim should be paid; 104100

(b) Process the claim. 104101

(5) Pay a claim described in division (B)(2) of this section; 104102

(6) Not deny a claim submitted by the department solely on 104103
the basis of the date of submission of the claim, type or format 104104
of the claim form, or a failure by the medical assistance 104105
recipient who is the subject of the claim to present proper 104106
documentation of coverage at the time of service, if both of the 104107
following have occurred: 104108

(a) The claim was submitted by the department not later than 104109
six years after the date of the provision of the medical item or 104110
service. 104111

(b) An action by the department to enforce its right of 104112
recovery under section 5160.37 of the Revised Code on the claim 104113
was commenced not later than six years after the department's 104114
submission of the claim. 104115

(7) Consider the department's payment of a claim for a 104116
medical item or service to be the equivalent of the medical 104117
assistance recipient having obtained prior authorization for the 104118
item or service from the third party; 104119

(8) Not deny a claim described in division (B)(7) of this 104120
section that is submitted by the department solely on the basis of 104121
the medical assistance recipient's failure to obtain prior 104122
authorization for the medical item or service. 104123

(C) For purposes of the requirements in division (B) of this 104124
section, a third party shall treat a medicaid managed care 104125
organization as the department for a claim if the individual who 104126
is the subject of the claim received a medical item or service 104127
through a medicaid managed care organization and the department 104128
has assigned its right of recovery for the claim to the medicaid 104129
managed care organization. Even if the department assigned its 104130
right of recovery to a medicaid managed care organization, the 104131
department may, beginning one year from the date the organization 104132
paid the claim, recoup from a third party an amount that was 104133
assigned to the organization but not collected. 104134

(D) If the department of medicaid, as permitted by division 104135
(K) of section 5160.37 of the Revised Code, assigns to a medical 104136
assistance provider the department's right of recovery for a claim 104137
for which it has notified the provider that it intends to recoup 104138
its prior payment for a claim, a third party shall treat the 104139

provider as the department and shall pay the provider the greater 104140
of the following: 104141

(1) The amount the department intends to recoup from the 104142
provider for the claim. 104143

(2) If the third party and the provider have an agreement 104144
that requires the third party to pay the provider at the time the 104145
provider presents the claim to the third party, the amount that is 104146
to be paid under that agreement. 104147

(E) The time limitations associated with the requirements in 104148
divisions (B)(2) and (6) of this section apply only to submissions 104149
of claims to, and payments of claims by, a health insurer to which 104150
the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 104151
1396a(a)(25)(I), applies. 104152

Sec. 5160.45. (A) As used in sections 5160.45 to 5160.481 of 104153
the Revised Code, "information" means all of the following: 104154

(1) Records, as defined in section 149.011 of the Revised 104155
Code; 104156

(2) Any other documents in any format; 104157

(3) Data derived from records and documents that are 104158
generated, acquired, or maintained by the department of medicaid, 104159
a county department of job and family services, or an entity 104160
performing duties on behalf of the department or a county 104161
department. 104162

(B) Except as permitted by this section, division (B) of 104163
section 340.035, section 5160.47, or rules authorized by section 104164
5160.48 or 5160.481 of the Revised Code, or when required by 104165
federal law, no person or government entity shall use or disclose 104166
information regarding a medical assistance recipient for any 104167
purpose not directly connected with the administration of a 104168
medical assistance program. 104169

(C) Both of the following shall be considered to be purposes directly connected with the administration of a medical assistance program: 104170
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104172

(1) Treatment, payment, or other operations or activities authorized by 42 C.F.R. Chapter IV; 104173
104174

(2) Any administrative function or duty the department of medicaid performs alone or jointly with a federal government entity, another state government entity, or a local government entity implementing a provision of federal law. 104175
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(D) The department or a county department of job and family services may disclose information regarding a medical assistance recipient to any of the following: 104179
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(1) The recipient or the recipient's authorized representative; 104182
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(2) The recipient's legal guardian in accordance with division (C) of section 2111.13 of the Revised Code; 104184
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(3) The attorney of the recipient, if the department or county department has obtained authorization from the recipient or the recipient's authorized representative or legal guardian that meets all requirements of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d et seq., regulations promulgated by the United States department of health and human services to implement the act, section 5160.46 of the Revised Code, and any rules authorized by section 5160.48 of the Revised Code; 104186
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(4) A health information or health records management entity that has executed with the department a business associate agreement required by 45 C.F.R 164.502(e)(2) and has been authorized by the recipient or the recipient's authorized representative or legal guardian to receive the recipient's electronic health records in accordance with rules authorized by 104195
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section 5160.48 of the Revised Code; 104201

(5) A court if pursuant to a written order of the court. 104202

(E) The department may receive from county departments of job 104203
and family services information regarding any medical assistance 104204
recipient for purposes of training and verifying the accuracy of 104205
eligibility determinations for a medical assistance program. The 104206
department may assemble information received under this division 104207
into a report if the report is in a form specified by the 104208
department. Information received and assembled into a report under 104209
this division shall remain confidential and not be subject to 104210
disclosure pursuant to section 149.43 or 1347.08 of the Revised 104211
Code. 104212

(F) The department shall notify courts in this state 104213
regarding its authority, under division (D)(5) of this section, to 104214
disclose information regarding a medical assistance recipient 104215
pursuant to a written court order. 104216

Sec. 5162.01. (A) As used in the Revised Code: 104217

(1) "Medicaid" and "medicaid program" mean the program of 104218
medical assistance established by Title XIX of the "Social 104219
Security Act," 42 U.S.C. 1396 et seq., including any medical 104220
assistance provided under the medicaid state plan or a federal 104221
medicaid waiver granted by the United States secretary of health 104222
and human services. 104223

(2) "Medicare" and "medicare program" mean the federal health 104224
insurance program established by Title XVIII of the "Social 104225
Security Act," 42 U.S.C. 1395 et seq. 104226

(B) As used in this chapter: 104227

(1) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 104228

(2) "Expansion eligibility group" has the same meaning as in 104229
section 5163.01 of the Revised Code. 104230

- (3) "Federal financial participation" has the same meaning as 104231
in section 5160.01 of the Revised Code. 104232
- (4) "Federal poverty line" means the official poverty line 104233
defined by the United States office of management and budget based 104234
on the most recent data available from the United States bureau of 104235
the census and revised by the United States secretary of health 104236
and human services pursuant to the "Omnibus Budget Reconciliation 104237
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 104238
- (5) "Healthcheck" has the same meaning as in section 5164.01 104239
of the Revised Code. 104240
- (6) "Healthy start component" means the component of the 104241
medicaid program that covers pregnant women and children and is 104242
identified in rules adopted under section 5162.02 of the Revised 104243
Code as the healthy start component. 104244
- (7) "Home and community-based services" means services 104245
provided under a home and community-based services medicaid waiver 104246
component. 104247
- (8) "Home and community-based services medicaid waiver 104248
component" has the same meaning as in section 5166.01 of the 104249
Revised Code. 104250
- (9) "ICF/IID" has the same meaning as in section 5124.01 of 104251
the Revised Code. 104252
- (10) "Individualized education program" has the same meaning 104253
as in section 3323.011 of the Revised Code. 104254
- (11) "Medicaid managed care organization" has the same 104255
meaning as in section 5167.01 of the Revised Code. 104256
- (12) "Medicaid MCO plan" has the same meaning as in section 104257
5167.01 of the Revised Code. 104258
- (13) "Medicaid provider" has the same meaning as in section 104259
5164.01 of the Revised Code. 104260

- (14) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 104261
104262
- (15) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code; 104263
104264
- (16) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 104265
104266
- (17) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services. 104267
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- (18) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state. 104271
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- (19) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 104275
104276
- (20) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 104277
104278
- (21) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, ~~the state school for the deaf,~~ and ~~the state school for the blind~~ Ohio deaf and blind education services to which both of the following apply: 104279
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- (a) It holds a valid provider agreement. 104286
- (b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code. 104287
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104289
- (22) "State agency" means every organized body, office, or 104290

agency, other than the department of medicaid, established by the 104291
laws of the state for the exercise of any function of state 104292
government. 104293

(23) "Vendor offset" means a reduction of a medicaid payment 104294
to a medicaid provider to correct a previous, incorrect medicaid 104295
payment to that provider. 104296

Sec. 5162.07. ~~The~~ (A) Except as otherwise provided in this 104297
section, the medicaid director shall seek federal approval for all 104298
components, and aspects of components, of the medicaid program for 104299
which federal approval is needed, except that the director is 104300
permitted rather than required to seek federal approval for 104301
components, and aspects of components, that state statutes permit 104302
rather than require be implemented. Federal approval shall be 104303
sought in the following forms as appropriate: 104304

~~(A)~~(1) The medicaid state plan; 104305

~~(B)~~(2) Amendments to the medicaid state plan; 104306

~~(C)~~(3) Federal medicaid waivers; 104307

~~(D)~~(4) Amendments to federal medicaid waivers; 104308

~~(E)~~(5) Other types of federal approval, including 104309
demonstration grants. 104310

(B) The medicaid director shall provide written notice to the 104311
joint medicaid oversight committee not later than sixty-five days 104312
before applying for a medicaid waiver or seeking federal approval 104313
for any change to the medicaid program. If, upon reviewing the 104314
proposed waiver or change to the medicaid program, the joint 104315
committee determines that the proposed waiver or change should not 104316
proceed, the joint committee may recommend to the senate and the 104317
house of representatives the adoption of a concurrent resolution 104318
to invalidate, in whole or in part, the proposed waiver or change. 104319

(C) If the general assembly adopts a concurrent resolution to 104320

invalidate a proposed waiver or change to the medicaid program, 104321
except as provided in division (D) of this section, the department 104322
of medicaid shall not seek any version of that waiver or change 104323
for the remainder of the term of the general assembly. If the 104324
sixty-five-day notice period described in division (B) of this 104325
section has lapsed but federal approval has yet to be obtained at 104326
the time the concurrent resolution is adopted, the department of 104327
medicaid shall immediately withdraw its request for a waiver or 104328
change to the medicaid program. 104329

(D) If the general assembly adopts a concurrent resolution to 104330
invalidate a proposed waiver or change to the medicaid program, 104331
the general assembly may adopt a concurrent resolution authorizing 104332
the department of medicaid to seek a new waiver or change to the 104333
medicaid program. A new waiver or change authorized under this 104334
section is subject to the requirements of this section. 104335

Sec. 5162.137. Annually, the department of medicaid shall 104336
conduct a cost savings study of the medicaid program and prepare a 104337
report based on that study recommending measures to reduce costs 104338
under that program. The department shall submit its report to the 104339
governor. 104340

Sec. 5162.138. (A) "Applied behavior analysis" and "autism 104341
spectrum disorder" have the same meanings as in section 3923.84 of 104342
the Revised Code. 104343

(B) Beginning in the calendar year following the effective 104344
date of this section, and not later than the last day of December 104345
of each year, the department of medicaid shall submit a report to 104346
the general assembly regarding access to applied behavior analysis 104347
for enrolled children diagnosed with autism spectrum disorder. The 104348
data in the report shall be organized by current procedural 104349
terminology (CPT) code, including all applied behavior analysis 104350

category I and III codes. The report shall be submitted in accordance with section 101.68 of the Revised Code and shall include the following information from the immediately preceding fiscal year regarding the medicaid program: 104351
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104354

(1) The number of certified behavior analysts practicing in this state who are medicaid providers, including both board certified behavior analysts and, as defined in section 4781.01 of the Revised Code, certified Ohio behavior analysts; 104355
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104357
104358

(2) The number of medicaid enrollees who are children with an autism spectrum disorder diagnosis who received applied behavior analysis during the immediately preceding fiscal year; 104359
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104361

(3) The number of medicaid enrollees who are children with an autism spectrum disorder diagnosis who did not receive applied behavior analysis, despite it being recommended by the child's health care provider; 104362
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104364
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(4) The number of prior authorization requests for applied behavior analysis that were denied and the number of appeals resulting from those denials and partial denials; 104366
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104368

(5) The median of recommended hours and the median of received hours of applied behavior analysis for medicaid enrollees who are children with an autism spectrum disorder diagnosis who were approved for and received applied behavior analysis but did not receive the number of hours of treatment recommended by the child's health care provider; 104369
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(6) The median of recommended hours and the median of covered hours of applied behavior analysis for medicaid enrollees who are children with an autism spectrum disorder diagnosis for whom the medicaid program covered fewer behavior analysis hours than were recommended by the child's health care provider; 104375
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(7) Recommendations to improve the adequacy of the network of applied behavior analysis providers who are medicaid providers; 104380
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(8) Other recommendations to improve access to applied behavior analysis. 104382
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(C) The department shall make every effort to collect, from applied behavior analysis providers and enrollees, any information necessary to compile the report required by this section. 104384
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104386

(D) The department shall develop education and outreach materials that do both of the following: 104387
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(1) Inform and educate parents and legal guardians of enrolled children with an autism spectrum disorder diagnosis about relevant services for which those children are eligible; 104389
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104391

(2) Explain how to access those services. 104392

Sec. 5162.364. The medicaid director shall adopt rules under 104393
section 5162.02 of the Revised Code as necessary to implement the 104394
medicaid school component of the medicaid program, including rules 104395
that establish or specify all of the following: 104396

(A) Conditions a board of education of a city, local, or 104397
exempted school district, a governing board of an educational 104398
service center, governing authority of a community school 104399
established under Chapter 3314. of the Revised Code, ~~the state~~ 104400
~~school for the deaf, and the state school for the blind~~ Ohio deaf 104401
and blind education services must meet to participate in the 104402
component; 104403

(B) Services the component covers; 104404

(C) Payment rates for the services the component covers. 104405

The rules shall be adopted in accordance with Chapter 119. of 104406
the Revised Code. 104407

Sec. 5162.70. (A) As used in this section: 104408

(1) "CPI" means the consumer price index for all urban 104409

consumers as published by the United States bureau of labor 104410
statistics. 104411

(2) "CPI medical inflation rate" means the inflation rate for 104412
medical care, or the successor term for medical care, for the 104413
midwest region as specified in the CPI. 104414

(3) "JMOC projected medical inflation rate" means the 104415
following: 104416

(a) The projected medical inflation rate for a fiscal 104417
biennium determined by the actuary with which the joint medicaid 104418
oversight committee contracts under section 103.414 of the Revised 104419
Code if the committee agrees with the actuary's projected medical 104420
inflation rate for that fiscal biennium; 104421

(b) The different projected medical inflation rate for a 104422
fiscal biennium determined by the joint medicaid oversight 104423
committee under section 103.414 of the Revised Code if the 104424
committee disagrees with the projected medical inflation rate 104425
determined for that fiscal biennium by the actuary with which the 104426
committee contracts under that section. 104427

(4) "Successor term" means a term that the United States 104428
bureau of labor statistics uses in place of another term in 104429
revisions to the CPI. 104430

(B) The medicaid director shall implement reforms to the 104431
medicaid program that do all of the following: 104432

(1) Limit the growth in the per ~~recipient~~ member per month 104433
cost of the medicaid program, as determined on an aggregate basis 104434
for all eligibility groups, for a fiscal biennium to not more than 104435
the lesser of the following: 104436

(a) The average annual increase in the CPI medical inflation 104437
rate for the most recent three-year period for which the necessary 104438
data is available as of the first day of the fiscal biennium, 104439

weighted by the most recent year of the three years; 104440

(b) The JMOC projected medical inflation rate for the fiscal 104441
biennium. 104442

(2) Achieve the limit in the growth of the per ~~recipient~~ 104443
member per month cost of the medicaid program under division 104444
(B)(1) of this section by doing all of the following: 104445

(a) Improving the physical and mental health of medicaid 104446
recipients; 104447

(b) Providing for medicaid recipients to receive medicaid 104448
services in the most cost-effective and sustainable manner; 104449

(c) Removing barriers that impede medicaid recipients' 104450
ability to transfer to lower cost, and more appropriate, medicaid 104451
services, including home and community-based services; 104452

(d) Establishing medicaid payment rates that encourage value 104453
over volume and result in medicaid services being provided in the 104454
most efficient and effective manner possible; 104455

(e) Implementing fraud and abuse prevention and cost 104456
avoidance mechanisms to the fullest extent possible. 104457

(3) Reduce the prevalence of comorbid health conditions 104458
among, and the mortality rates of, medicaid recipients; 104459

(4) Reduce infant mortality rates among medicaid recipients. 104460

(C) When determining the growth in the per member per month 104461
cost of the medicaid program for purposes of the reforms required 104462
by this section, the medicaid director shall not exclude any 104463
medicaid eligibility group, provider wages, or service. The 104464
director may exclude one-time expenses or expenses that are not 104465
directly related to enrollees. 104466

(D) The medicaid director shall implement the reforms under 104467
this section in accordance with evidence-based strategies that 104468
include measurable goals. 104469

~~(D)~~(E) By October first of every even-numbered calendar year, 104470
the medicaid director shall submit to the joint medicaid oversight 104471
committee a report detailing the reforms implemented under this 104472
section for the preceding two fiscal years. 104473

(F) The reforms implemented under this section shall, without 104474
making the medicaid program's eligibility requirements more 104475
restrictive, reduce the relative number of individuals enrolled in 104476
the medicaid program who have the greatest potential to obtain the 104477
income and resources that would enable them to cease enrollment in 104478
medicaid and instead obtain health care coverage through 104479
employer-sponsored health insurance or an exchange. 104480

Sec. 5163.06. The medicaid program shall cover all of the 104481
following optional eligibility groups: 104482

(A) The group consisting of children placed with adoptive 104483
parents who are specified in ~~the "Social Security Act,"~~ section 104484
1902(a)(10)(A)(ii)(VIII) of the "Social Security Act," 42 U.S.C. 104485
1396a(a)(10)(A)(ii)(VIII); 104486

(B) Subject to section 5163.061 of the Revised Code, the 104487
group consisting of women during pregnancy and the maximum 104488
postpartum period permitted under 42 U.S.C. 1396a(e) beginning on 104489
the last day of the pregnancy, infants, and children who are 104490
specified in ~~the "Social Security Act,"~~ section 104491
1902(a)(10)(A)(ii)(IX) of the "Social Security Act," 42 U.S.C. 104492
1396a(a)(10)(A)(ii)(IX); 104493

(C) The group consisting of employed individuals with 104494
disabilities who are specified in section 1902(a)(10)(A)(ii) 104495
(XIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A) 104496
(ii)(XIII); 104497

(D) Subject to sections 5163.09 to 5163.098 of the Revised 104498
Code, the group consisting of employed individuals with 104499

disabilities who are specified in ~~the "Social Security Act,"~~ 104500
section 1902(a)(10)(A)(ii)(XV) of the "Social Security Act," 42 104501
U.S.C. 1396a(a)(10)(A)(ii)(XV); 104502

~~(D)~~(E) Subject to sections 5163.09 to 5163.098 of the Revised 104503
Code, the group consisting of employed individuals with medically 104504
improved disabilities who are specified in ~~the "Social Security~~ 104505
~~Act,"~~ section 1902(a)(10)(A)(ii)(XVI) of the "Social Security 104506
Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI); 104507

~~(E)~~(F) The group consisting of independent foster care 104508
adolescents who are specified in ~~the "Social Security Act,"~~ 104509
section 1902(a)(10)(A)(ii)(XVII) of the "Social Security Act," 42 104510
U.S.C. 1396a(a)(10)(A)(ii)(XVII); 104511

~~(F)~~(G) The group consisting of women in need of treatment for 104512
breast or cervical cancer who are specified in ~~the "Social~~ 104513
~~Security Act,"~~ section 1902(a)(10)(A)(ii)(XVIII) of the "Social 104514
Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII). 104515

Sec. 5163.063. The medicaid director shall adopt rules under 104516
section 5163.02 of the Revised Code as necessary to provide 104517
medicaid coverage for the optional eligibility group described in 104518
section 1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 104519
U.S.C. 1396a(a)(10)(A)(ii)(XIII). 104520

By requiring the medicaid program to provide coverage to the 104521
optional eligibility group consisting of employed individuals with 104522
disabilities under division (C) of section 5163.06 of the Revised 104523
Code, it is the intent of the general assembly to establish 104524
medicaid coverage for employed individuals with disabilities who 104525
are sixty-five years of age or older in a manner that is 104526
consistent with the coverage provided to individuals participating 104527
in the medicaid buy-in for workers with disabilities program 104528
described in sections 5163.09 to 5163.098 of the Revised Code. 104529

Sec. 5163.103. (A) As used in this section: 104530

(1) "Presumptive eligibility error rate" means the rate at 104531
which a qualified entity or qualified provider deems an individual 104532
presumptively eligible for medicaid under sections 5163.10 to 104533
5163.102 of the Revised Code when the individual is ineligible for 104534
the medicaid program. 104535

(2) "Qualified entity" has the same meaning as in section 104536
5163.101 of the Revised Code. 104537

(3) "Qualified provider" has the same meaning as in section 104538
5163.10 of the Revised Code. 104539

(B) Notwithstanding sections 5163.10 to 5163.102 of the 104540
Revised Code, the department of medicaid shall require each 104541
qualified entity or qualified provider that has a presumptive 104542
eligibility error rate exceeding seven and one-half per cent in a 104543
calendar month to do both of the following: 104544

(1) Submit to the department for approval a corrective action 104545
plan specifying the steps the qualified entity or qualified 104546
provider will take to reduce its presumptive eligibility error 104547
rate, including details about the training required under division 104548
(B)(2) of this section; 104549

(2) Provide training for all of its staff who make 104550
presumptive eligibility determinations to ensure their thorough 104551
knowledge of presumptive eligibility prescreening procedures. The 104552
training shall occur for each month the qualified entity or 104553
qualified provider's presumptive eligibility error rate exceeds 104554
seven and one-half per cent. 104555

(C) If the qualified entity or qualified provider's 104556
presumptive eligibility error rate exceeds seven and one-half per 104557
cent in six or more months, aggregately, in a twenty-four month 104558
period, the department shall notify the qualified entity or 104559

provider that it is no longer qualified to make presumptive 104560
eligibility determinations. 104561

(D) A qualified entity or qualified provider that loses its 104562
presumptive eligibility qualification as a result of this section 104563
is ineligible to make presumptive eligibility determinations for 104564
sixty months following the disqualifying month. 104565

Sec. 5163.51. Unless required by federal law or regulations, 104566
the department of medicaid shall not do any of the following 104567
related to administration of the medicaid program and medicaid 104568
eligibility: 104569

(A) Conduct post-enrollment verification of income or 104570
nonincome-related eligibility instead of verifying income and 104571
nonincome-related eligibility before enrollment; 104572

(B) Designate itself as a qualified health entity for the 104573
purpose of making presumptive eligibility determinations or for 104574
any purpose not expressly authorized by the Revised Code; 104575

(C) Accept self-attestation of income or receipt of other 104576
health insurance coverage; 104577

(D) Request approval from the United States centers for 104578
medicare and medicaid services to not exercise both of the 104579
following requirements: 104580

(1) To periodically check any available income-related data 104581
sources to verify eligibility; 104582

(2) To comply with the public notice requirements related to 104583
proposed changes to the medicaid state plan, as required under 42 104584
C.F.R. 447.205, 42 C.F.R. 447.57, and 42 C.F.R. 440.386. 104585

Sec. 5164.02. (A) The medicaid director shall adopt rules as 104586
necessary to implement this chapter. The rules shall be adopted in 104587
accordance with Chapter 119. of the Revised Code. 104588

(B) The rules shall establish all of the following:	104589
(1) The amount, duration, and scope of the medicaid services covered by the medicaid program;	104590 104591
(2) The medicaid payment rate for each medicaid service or, in lieu of the rate, the method by which the rate is to be determined for each medicaid service;	104592 104593 104594
(3) Procedures for enforcing the rules adopted under this section that provide due process protections, including procedures for corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules.	104595 104596 104597 104598 104599
(C) The rules may be different for different medicaid services.	104600 104601
(D) The medicaid director is not required to adopt a rule establishing the medicaid payment rate for a medicaid service if the director adopts a rule establishing the method by which the rate is to be determined for the medicaid service and makes the rate available on the internet web site maintained by the department of medicaid.	104602 104603 104604 104605 104606 104607
<u>(E) The medicaid director shall not adopt a rule that permits a family member that resides with a minor child who is eligible to receive services covered by the medicaid program that are administered by a county board of developmental disabilities to receive medicaid payment for providing these services to the child.</u>	104608 104609 104610 104611 104612 104613
<u>Sec. 5164.092. (A) Except as provided in division (B) of this section, the medicaid program shall cover remote ultrasound procedures and remote fetal nonstress tests, utilizing established current procedural terminology codes (CPT codes) for those procedures for when the patient is in a residence or other</u>	104614 104615 104616 104617 104618

off-site location from the patient's medicaid provider. 104619

(B) The coverage under division (A) of this section applies only under the following circumstances: 104620

(1) The medicaid provider responsible for the procedure uses digital technology that meets both of the following criteria: 104622

(a) The technology is used only to collect medical and other data from a patient and electronically transmit that data securely to a health care provider in a different location for that provider's examination of the data; 104624

(b) The technology has been approved by the United States food and drug administration for remote data acquisition, if required under federal law. 104628

(2) For remote fetal nonstress tests, the CPT code includes a place of service modifier for at home monitoring using remote monitoring solutions that are cleared by the United States food and drug administration for monitoring fetal heart rate, maternal heart rate, and uterine activity. 104631

(C) The department shall adopt rules as necessary to implement this section. 104636

Sec. 5164.34. (A) As used in this section: 104638

(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 104639

(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 104641

(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section. 104644

(4) "Person subject to the criminal records check requirement" means the following:	104647 104648
(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;	104649 104650 104651
(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;	104652 104653 104654 104655 104656 104657 104658
(c) An employee or prospective employee of a medicaid provider if both of the following apply:	104659 104660
(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.	104661 104662 104663
(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.	104664 104665
(5) "Responsible entity" means the following:	104666
(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee;	104667 104668 104669
(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider.	104670 104671 104672 104673 104674
(B) This section does not apply to any of the following:	104675
(1) An individual who is subject to a criminal records check	104676

under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code; 104677
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(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3740.11, or 5164.342 of the Revised Code; 104679
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(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 104682
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(C) The department of medicaid may do any of the following: 104684

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 104685
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 104688
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(3) Require that any medicaid provider do the following: 104693

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database; 104694
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(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider. 104698
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(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies: 104703
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(a) The provider fails to obtain the criminal records check 104707
after being given the information specified in division (G)(1) of 104708
this section. 104709

(b) Except as provided in rules authorized by this section, 104710
the provider is found by the criminal records check to have been 104711
convicted of or have pleaded guilty to a disqualifying offense, 104712
regardless of the date of the conviction or the date of entry of 104713
the guilty plea. 104714

(2) No medicaid provider shall permit a person to be an 104715
owner, officer, or board member of the provider if the person is a 104716
person subject to the criminal records check requirement and 104717
either of the following applies: 104718

(a) The person fails to obtain the criminal records check 104719
after being given the information specified in division (G)(1) of 104720
this section. 104721

(b) Except as provided in rules authorized by this section, 104722
the person is found by the criminal records check to have been 104723
convicted of or have pleaded guilty to a disqualifying offense, 104724
regardless of the date of the conviction or the date of entry of 104725
the guilty plea. 104726

(3) Except as provided in division (I) of this section, no 104727
medicaid provider shall employ a person if any of the following 104728
apply: 104729

(a) The person has been excluded from being a medicaid 104730
provider, a medicare provider, or provider for any other federal 104731
health care program. 104732

(b) If the person is subject to a database review conducted 104733
under division (F)(1)(a) of this section, the person is found by 104734
the database review to be included in a database and the rules 104735
authorized by this section regarding the database review prohibit 104736
the provider from employing a person included in the database. 104737

(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 104738
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 104740
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(ii) Except as provided in rules authorized by this section, the person is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea. 104743
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(E)(1) The department or the department's designee shall inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following: 104748
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(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check; 104756
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(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section. 104759
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(2) At times designated in rules authorized by this section, a medicaid provider that is a person subject to the criminal records check requirement shall do the following: 104761
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(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider; 104764
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104767

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of this section, a medicaid provider shall do the following:

(a) If rules authorized by this section require the provider to conduct a database review to determine whether the employee or prospective employee is included in a database, conduct the database review in accordance with the rules;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the conduct of a criminal records check of the employee or prospective employee by the superintendent.

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of investigation in a criminal records check, the responsible entity shall require the person to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the person. Even if the person presents proof of having been a resident of this state for the

five-year period, the responsible entity may require that the 104800
person request that the superintendent obtain information from the 104801
federal bureau of investigation and include it in the criminal 104802
records check of the person. 104803

(G) Criminal records checks required by this section shall be 104804
obtained as follows: 104805

(1) The responsible entity shall provide each person subject 104806
to the criminal records check requirement information about 104807
accessing and completing the form prescribed pursuant to division 104808
(C)(1) of section 109.572 of the Revised Code and the standard 104809
impression sheet prescribed pursuant to division (C)(2) of that 104810
section. 104811

(2) The person subject to the criminal records check 104812
requirement shall submit the required form and one complete set of 104813
the person's fingerprint impressions directly to the 104814
superintendent for purposes of conducting the criminal records 104815
check using the applicable methods prescribed by division (C) of 104816
section 109.572 of the Revised Code. The person shall pay all fees 104817
associated with obtaining the criminal records check. 104818

(3) The superintendent shall conduct the criminal records 104819
check in accordance with section 109.572 of the Revised Code. The 104820
person subject to the criminal records check requirement shall 104821
instruct the superintendent to submit the report of the criminal 104822
records check directly to the responsible entity. If the 104823
department or the department's designee is not the responsible 104824
entity, the department or designee may require the responsible 104825
entity to submit the report to the department or designee. 104826

(H)(1) A medicaid provider may employ conditionally a person 104827
for whom a criminal records check is required by this section 104828
prior to obtaining the results of the criminal records check if 104829
both of the following apply: 104830

(a) The provider is not prohibited by division (D)(3)(b) of this section from employing the person. 104831
104832

(b) The person submits a request for the criminal records check not later than five business days after the person begins conditional employment. 104833
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(2) Except as provided in division (I) of this section, a medicaid provider that employs a person conditionally under division (H)(1) of this section shall terminate the person's employment if either of the following apply: 104836
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(a) The results of the criminal records check request are not obtained within the period ending sixty days after the date the request is made. 104840
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(b) Regardless of when the results of the criminal records check are obtained, the results indicate that the person has been convicted of or has pleaded guilty to a disqualifying offense, unless circumstances specified in rules authorized by this section exist that permit the provider to employ the person and the provider chooses to employ the person. 104843
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(I) As used in this division, "behavioral health services" means alcohol and drug addiction services, mental health services, or both. 104849
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A medicaid provider of behavioral health services may choose to employ a person who the provider would be prohibited by division (D)(3) of this section from employing or would be required by division (H)(2) of this section to terminate the person's employment if both of the following apply: 104852
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(1) The person holds a valid health professional license issued under the Revised Code granting the person authority to provide behavioral health services, holds a valid peer recovery supporter certificate issued pursuant to rules adopted by the department of mental health and addiction services, or is in the 104857
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process of obtaining such a license or certificate. 104862

(2) The provider does not submit any medicaid claims for any 104863
services the person provides. 104864

(J) The report of a criminal records check conducted pursuant 104865
to this section is not a public record for the purposes of section 104866
149.43 of the Revised Code and shall not be made available to any 104867
person other than the following: 104868

(1) The person who is the subject of the criminal records 104869
check or the person's representative; 104870

(2) The medicaid director and the staff of the department who 104871
are involved in the administration of the medicaid program; 104872

(3) The department's designee; 104873

(4) The medicaid provider who required the person who is the 104874
subject of the criminal records check to submit to the criminal 104875
records check; 104876

(5) An individual receiving or deciding whether to receive, 104877
from the subject of the criminal records check, home and 104878
community-based services available under the medicaid state plan; 104879

(6) A court, hearing officer, or other necessary individual 104880
involved in a case or administrative hearing dealing with any of 104881
the following: 104882

(a) The denial, suspension, or termination of a provider 104883
agreement; 104884

(b) A person's denial of employment, termination of 104885
employment, or employment or unemployment benefits; 104886

(c) A civil or criminal action regarding the medicaid 104887
program. 104888

With respect to an administrative hearing dealing with the 104889
denial, suspension, or termination of a provider agreement, the 104890

report of a criminal records check may be introduced as evidence 104891
at the hearing and if admitted, becomes part of the hearing 104892
record. Any such report shall be admitted only under seal and 104893
shall maintain its status as not a public record. 104894

(K) The medicaid director may adopt rules under section 104895
5164.02 of the Revised Code to implement this section. If the 104896
director adopts such rules, the rules shall designate the times at 104897
which a criminal records check must be conducted under this 104898
section. The rules may do any of the following: 104899

(1) Designate the categories of persons who are subject to a 104900
criminal records check under this section; 104901

(2) Specify circumstances under which the department or the 104902
department's designee may continue a provider agreement or issue a 104903
provider agreement when the medicaid provider is found by a 104904
criminal records check to have been convicted of or pleaded guilty 104905
to a disqualifying offense; 104906

(3) Specify circumstances under which a medicaid provider may 104907
permit a person to be an employee, owner, officer, or board member 104908
of the provider when the person is found by a criminal records 104909
check conducted pursuant to this section to have been convicted of 104910
or have pleaded guilty to a disqualifying offense; 104911

(4) Specify all of the following: 104912

(a) The circumstances under which a database review must be 104913
conducted under division (F)(1)(a) of this section to determine 104914
whether an employee or prospective employee of a medicaid provider 104915
is included in a database; 104916

(b) The procedures for conducting the database review; 104917

(c) The databases that are to be checked; 104918

(d) The circumstances under which, except as provided in 104919
division (I) of this section, a medicaid provider is prohibited 104920

from employing a person who is found by the database review to be 104921
included in a database. 104922

Sec. 5164.341. (A) As used in this section: 104923

"Anniversary date" means ~~the later of~~ the effective date of 104924
the provider agreement relating to the independent provider ~~or~~ 104925
~~sixty days after September 26, 2003.~~ 104926

"Applicant" means a person who has applied for a provider 104927
agreement to provide home and community-based services as an 104928
independent provider under a home and community-based medicaid 104929
waiver component administered by the department of medicaid. 104930

"Criminal records check" has the same meaning as in section 104931
109.572 of the Revised Code. 104932

"Disqualifying offense" means any of the offenses listed or 104933
described in divisions (A)(3)(a) to (e) of section 109.572 of the 104934
Revised Code. 104935

"Independent provider" means a person who has a provider 104936
agreement to provide home and community-based services as an 104937
independent provider in a home and community-based services 104938
medicaid waiver component administered by the department of 104939
medicaid. "Independent provider" does not include a person who is 104940
employed by an individual enrolled in a participant-directed 104941
waiver administered by the department of medicaid. 104942

(B) The department of medicaid or the department's designee 104943
shall deny an applicant's application for a provider agreement and 104944
shall terminate an independent provider's provider agreement if 104945
either of the following applies: 104946

(1) After the applicant or independent provider is given the 104947
information and notification required by divisions (D)(2)(a) and 104948
(b) of this section, the applicant or independent provider fails 104949
to do either of the following: 104950

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the department or the department's designee.

(2) Except as provided in rules authorized by this section, the applicant or independent provider is found by either of the following to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea:

(a) A criminal records check required by this section;

(b) In the case of an independent provider, a notice provided by the bureau of criminal identification and investigation under division (D) of section 109.5721 of the Revised Code.

(C)(1) The department or the department's designee shall inform each applicant, at the time of initial application for a provider agreement, that the applicant is required to provide a set of the applicant's fingerprint impressions and that a criminal records check is required to be conducted as a condition of the department's approving the application.

(2) Unless the department elects to receive notices about independent providers from the bureau of criminal identification and investigation pursuant to division (D) of section 109.5721 of the Revised Code, the department or the department's designee shall inform each independent provider on or before the time of the anniversary date of the provider agreement that the independent provider is required to provide a set of the independent provider's fingerprint impressions and that a criminal

records check is required to be conducted. 104982

(D)(1) The department or the department's designee shall 104983
require an applicant to complete a criminal records check prior to 104984
entering into a provider agreement with the applicant. The 104985
department or the department's designee shall require an 104986
independent provider to complete a criminal records check at least 104987
annually unless the department elects to receive notices about 104988
independent providers from the bureau of criminal identification 104989
and investigation pursuant to division (D) of section 109.5721 of 104990
the Revised Code. If an applicant or independent provider for whom 104991
a criminal records check is required by this section does not 104992
present proof of having been a resident of this state for the 104993
five-year period immediately prior to the date the criminal 104994
records check is requested or provide evidence that within that 104995
five-year period the superintendent of the bureau of criminal 104996
identification and investigation has requested information about 104997
the applicant or independent provider from the federal bureau of 104998
investigation in a criminal records check, the department or the 104999
department's designee shall request that the applicant or 105000
independent provider obtain through the superintendent a criminal 105001
records request from the federal bureau of investigation as part 105002
of the criminal records check of the applicant or independent 105003
provider. Even if an applicant or independent provider for whom a 105004
criminal records check request is required by this section 105005
presents proof of having been a resident of this state for the 105006
five-year period, the department or the department's designee may 105007
request that the applicant or independent provider obtain 105008
information through the superintendent from the federal bureau of 105009
investigation in the criminal records check. 105010

(2) The department or the department's designee shall provide 105011
the following to each applicant and independent provider for whom 105012
a criminal records check is required by this section: 105013

(a) Information about accessing, completing, and forwarding 105014
to the superintendent of the bureau of criminal identification and 105015
investigation the form prescribed pursuant to division (C)(1) of 105016
section 109.572 of the Revised Code and the standard impression 105017
sheet prescribed pursuant to division (C)(2) of that section; 105018

(b) Written notification that the applicant or independent 105019
provider is to instruct the superintendent to submit the completed 105020
report of the criminal records check directly to the department or 105021
the department's designee. 105022

(3) Each applicant and independent provider for whom a 105023
criminal records check is required by this section shall pay to 105024
the bureau of criminal identification and investigation the fee 105025
prescribed pursuant to division (C)(3) of section 109.572 of the 105026
Revised Code for the criminal records check conducted of the 105027
applicant or independent provider. 105028

(E) Neither the report of any criminal records check 105029
conducted by the bureau of criminal identification and 105030
investigation in accordance with section 109.572 of the Revised 105031
Code and pursuant to a request made under this section nor a 105032
notice provided by the bureau under division (D) of section 105033
109.5721 of the Revised Code is a public record for the purposes 105034
of section 149.43 of the Revised Code. Such a report or notice 105035
shall not be made available to any person other than the 105036
following: 105037

(1) The person who is the subject of the criminal records 105038
check or the person's representative; 105039

(2) The medicaid director and the staff of the department who 105040
are involved in the administration of the medicaid program; 105041

(3) The department's designee; 105042

(4) An individual receiving or deciding whether to receive 105043
home and community-based services from the person who is the 105044

subject of the criminal records check or notice from the bureau; 105045

(5) A court, hearing officer, or other necessary individual 105046
involved in a case or administrative hearing dealing with either 105047
of the following: 105048

(a) A denial, suspension, or termination of a provider 105049
agreement, including when related to the criminal records check or 105050
notice from the bureau; 105051

(b) A civil or criminal action regarding the medicaid 105052
program. 105053

With respect to an administrative hearing dealing with the 105054
denial, suspension, or termination of a provider agreement, the 105055
report of a criminal records check may be introduced as evidence 105056
at the hearing and if admitted, becomes part of the hearing 105057
record. Any such report shall be admitted only under seal and 105058
shall maintain its status as not a public record. 105059

(F) The medicaid director shall adopt rules under section 105060
5164.02 of the Revised Code to implement this section. The rules 105061
shall specify circumstances under which the department or the 105062
department's designee may either approve an applicant's 105063
application or allow an independent provider to maintain an 105064
existing provider agreement even though the applicant or 105065
independent provider is found by either of the following to have 105066
been convicted of or have pleaded guilty to a disqualifying 105067
offense: 105068

(1) A criminal records check required by this section; 105069

(2) In the case of an independent provider, a notice provided 105070
by the bureau of criminal identification and investigation under 105071
division (D) of section 109.5721 of the Revised Code. 105072

Sec. 5164.342. (A) As used in this section: 105073

"Applicant" means a person who is under final consideration 105074

for employment with a waiver agency in a full-time, part-time, or 105075
temporary position that involves providing home and 105076
community-based services. 105077

"Community-based long-term care provider" means a provider as 105078
defined in section 173.39 of the Revised Code. 105079

"Community-based long-term care subcontractor" means a 105080
subcontractor as defined in section 173.38 of the Revised Code. 105081

"Criminal records check" has the same meaning as in section 105082
109.572 of the Revised Code. 105083

"Disqualifying offense" means any of the offenses listed or 105084
described in divisions (A)(3)(a) to (e) of section 109.572 of the 105085
Revised Code. 105086

"Employee" means a person employed by a waiver agency in a 105087
full-time, part-time, or temporary position that involves 105088
providing home and community-based services. 105089

"Waiver agency" means a person or government entity that 105090
provides home and community-based services under a home and 105091
community-based services medicaid waiver component administered by 105092
the department of medicaid, other than such a person or government 105093
entity that is certified under the medicare program. "Waiver 105094
agency" does not mean an independent provider as defined in 105095
section 5164.341 of the Revised Code. 105096

(B) This section does not apply to any individual who is 105097
subject to a database review or criminal records check under 105098
section 3740.11 of the Revised Code. If a waiver agency also is a 105099
community-based long-term care provider or community-based 105100
long-term care subcontractor, the waiver agency may provide for 105101
any of its applicants and employees who are not subject to 105102
database reviews and criminal records checks under section 173.38 105103
of the Revised Code to undergo database reviews and criminal 105104
records checks in accordance with that section rather than this 105105

section. 105106

(C) No waiver agency shall employ an applicant or continue to 105107
employ an employee in a position that involves providing home and 105108
community-based services if any of the following apply: 105109

(1) A review of the databases listed in division (E) of this 105110
section reveals any of the following: 105111

(a) That the applicant or employee is included in one or more 105112
of the databases listed in divisions (E)(1) to (5) of this 105113
section; 105114

(b) That there is in the state nurse aide registry 105115
established under section 3721.32 of the Revised Code a statement 105116
detailing findings by the director of health that the applicant or 105117
employee abused, neglected, or exploited a long-term care facility 105118
or residential care facility resident or misappropriated property 105119
of such a resident; 105120

(c) That the applicant or employee is included in one or more 105121
of the databases, if any, specified in rules authorized by this 105122
section and the rules prohibit the waiver agency from employing an 105123
applicant or continuing to employ an employee included in such a 105124
database in a position that involves providing home and 105125
community-based services. 105126

(2) After the applicant or employee is given the information 105127
and notification required by divisions (F)(2)(a) and (b) of this 105128
section, the applicant or employee fails to do either of the 105129
following: 105130

(a) Access, complete, or forward to the superintendent of the 105131
bureau of criminal identification and investigation the form 105132
prescribed to division (C)(1) of section 109.572 of the Revised 105133
Code or the standard impression sheet prescribed pursuant to 105134
division (C)(2) of that section; 105135

(b) Instruct the superintendent to submit the completed 105136
report of the criminal records check required by this section 105137
directly to the chief administrator of the waiver agency. 105138

(3) Except as provided in rules authorized by this section, 105139
the applicant or employee is found by a criminal records check 105140
required by this section to have been convicted of or have pleaded 105141
guilty to a disqualifying offense, regardless of the date of the 105142
conviction or date of entry of the guilty plea. 105143

(D) At the time of each applicant's initial application for 105144
employment in a position that involves providing home and 105145
community-based services, the chief administrator of a waiver 105146
agency shall inform the applicant of both of the following: 105147

(1) That a review of the databases listed in division (E) of 105148
this section will be conducted to determine whether the waiver 105149
agency is prohibited by division (C)(1) of this section from 105150
employing the applicant in the position; 105151

(2) That, unless the database review reveals that the 105152
applicant may not be employed in the position, a criminal records 105153
check of the applicant will be conducted and the applicant is 105154
required to provide a set of the applicant's fingerprint 105155
impressions as part of the criminal records check. 105156

(E) As a condition of employing any applicant in a position 105157
that involves providing home and community-based services, the 105158
chief administrator of a waiver agency shall conduct a database 105159
review of the applicant in accordance with rules authorized by 105160
this section. If rules authorized by this section so require, the 105161
chief administrator of a waiver agency shall conduct a database 105162
review of an employee in accordance with the rules as a condition 105163
of continuing to employ the employee in a position that involves 105164
providing home and community-based services. A database review 105165
shall determine whether the applicant or employee is included in 105166

any of the following: 105167

(1) The excluded parties list system that is maintained by 105168
the United States general services administration pursuant to 105169
subpart 9.4 of the federal acquisition regulation and available at 105170
the federal web site known as the system for award management; 105171

(2) The list of excluded individuals and entities maintained 105172
by the office of inspector general in the United States department 105173
of health and human services pursuant to the "Social Security 105174
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 105175

(3) The registry of developmental disabilities employees 105176
established under section 5123.52 of the Revised Code; 105177

(4) The internet-based sex offender and child-victim offender 105178
database established under division (A)(11) of section 2950.13 of 105179
the Revised Code; 105180

(5) The internet-based database of inmates established under 105181
section 5120.66 of the Revised Code; 105182

(6) The state nurse aide registry established under section 105183
3721.32 of the Revised Code; 105184

(7) Any other database, if any, specified in rules authorized 105185
by this section. 105186

(F)(1) As a condition of employing any applicant in a 105187
position that involves providing home and community-based 105188
services, the chief administrator of a waiver agency shall require 105189
the applicant to request that the superintendent of the bureau of 105190
criminal identification and investigation conduct a criminal 105191
records check of the applicant. If rules authorized by this 105192
section so require, the chief administrator of a waiver agency 105193
shall require an employee to request that the superintendent 105194
conduct a criminal records check of the employee at times 105195
specified in the rules as a condition of continuing to employ the 105196

employee in a position that involves providing home and 105197
community-based services. However, a criminal records check is not 105198
required for an applicant or employee if the waiver agency is 105199
prohibited by division (C)(1) of this section from employing the 105200
applicant or continuing to employ the employee in a position that 105201
involves providing home and community-based services. If an 105202
applicant or employee for whom a criminal records check request is 105203
required by this section does not present proof of having been a 105204
resident of this state for the five-year period immediately prior 105205
to the date the criminal records check is requested or provide 105206
evidence that within that five-year period the superintendent has 105207
requested information about the applicant or employee from the 105208
federal bureau of investigation in a criminal records check, the 105209
chief administrator shall require the applicant or employee to 105210
request that the superintendent obtain information from the 105211
federal bureau of investigation as part of the criminal records 105212
check. Even if an applicant or employee for whom a criminal 105213
records check request is required by this section presents proof 105214
of having been a resident of this state for the five-year period, 105215
the chief administrator may require the applicant or employee to 105216
request that the superintendent include information from the 105217
federal bureau of investigation in the criminal records check. 105218

(2) The chief administrator shall provide the following to 105219
each applicant and employee for whom a criminal records check is 105220
required by this section: 105221

(a) Information about accessing, completing, and forwarding 105222
to the superintendent of the bureau of criminal identification and 105223
investigation the form prescribed pursuant to division (C)(1) of 105224
section 109.572 of the Revised Code and the standard impression 105225
sheet prescribed pursuant to division (C)(2) of that section; 105226

(b) Written notification that the applicant or employee is to 105227
instruct the superintendent to submit the completed report of the 105228

criminal records check directly to the chief administrator. 105229

(3) A waiver agency shall pay to the bureau of criminal 105230
identification and investigation the fee prescribed pursuant to 105231
division (C)(3) of section 109.572 of the Revised Code for any 105232
criminal records check required by this section. However, a waiver 105233
agency may require an applicant to pay to the bureau the fee for a 105234
criminal records check of the applicant. If the waiver agency pays 105235
the fee for an applicant, it may charge the applicant a fee not 105236
exceeding the amount the waiver agency pays to the bureau under 105237
this section if the waiver agency notifies the applicant at the 105238
time of initial application for employment of the amount of the 105239
fee and that, unless the fee is paid, the applicant will not be 105240
considered for employment. 105241

(G)(1) A waiver agency may employ conditionally an applicant 105242
for whom a criminal records check is required by this section 105243
prior to obtaining the results of the criminal records check if 105244
both of the following apply: 105245

(a) The waiver agency is not prohibited by division (C)(1) of 105246
this section from employing the applicant in a position that 105247
involves providing home and community-based services. 105248

(b) The chief administrator of the waiver agency requires the 105249
applicant to request a criminal records check regarding the 105250
applicant in accordance with division (F)(1) of this section not 105251
later than five business days after the applicant begins 105252
conditional employment. 105253

(2) A waiver agency that employs an applicant conditionally 105254
under division (G)(1) of this section shall terminate the 105255
applicant's employment if the results of the criminal records 105256
check, other than the results of any request for information from 105257
the federal bureau of investigation, are not obtained within the 105258
period ending sixty days after the date the request for the 105259

criminal records check is made. Regardless of when the results of 105260
the criminal records check are obtained, if the results indicate 105261
that the applicant has been convicted of or has pleaded guilty to 105262
a disqualifying offense, the waiver agency shall terminate the 105263
applicant's employment unless circumstances specified in rules 105264
authorized by this section exist that permit the waiver agency to 105265
employ the applicant and the waiver agency chooses to employ the 105266
applicant. 105267

(H) The report of any criminal records check conducted 105268
pursuant to a request made under this section is not a public 105269
record for the purposes of section 149.43 of the Revised Code and 105270
shall not be made available to any person other than the 105271
following: 105272

(1) The applicant or employee who is the subject of the 105273
criminal records check or the representative of the applicant or 105274
employee; 105275

(2) The chief administrator of the waiver agency that 105276
requires the applicant or employee to request the criminal records 105277
check or the administrator's representative; 105278

(3) The medicaid director and the staff of the department who 105279
are involved in the administration of the medicaid program; 105280

(4) The director of aging or the director's designee if the 105281
waiver agency also is a community-based long-term care provider or 105282
community-based long-term care subcontractor; 105283

(5) An individual receiving or deciding whether to receive 105284
home and community-based services from the subject of the criminal 105285
records check; 105286

(6) A court, hearing officer, or other necessary individual 105287
involved in a case or administrative hearing dealing with any of 105288
the following: 105289

(a) A denial of employment of the applicant or employee;	105290
(b) Employment or unemployment benefits of the applicant or employee;	105291 105292
(c) A civil or criminal action regarding the medicaid program;	105293 105294
<u>(d) A denial, suspension, or termination of a provider agreement.</u>	105295 105296
<u>With respect to an administrative hearing dealing with a denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record.</u>	105297 105298 105299 105300 105301 105302
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	105303 105304
(1) The rules may do the following:	105305
(a) Require employees to undergo database reviews and criminal records checks under this section;	105306 105307
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	105308 105309 105310
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	105311 105312 105313
(2) The rules shall specify all of the following:	105314
(a) The procedures for conducting a database review under this section;	105315 105316
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times	105317 105318

at which the database reviews and criminal records checks are to be conducted;

(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to employ an employee who is found by the database review to be included in one or more of those databases;

(d) The circumstances under which a waiver agency may employ an applicant or employee who is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense.

(J) The amendments made by H.B. 487 of the 129th general assembly to this section do not preclude the department of medicaid from taking action against a person for failure to comply with former division (H) of this section as that division existed on the day preceding January 1, 2013.

Sec. 5164.35. (A) As used in this section, "owner" means any person having at least five per cent ownership in a medicaid provider.

(B)(1) No medicaid provider shall do any of the following:

(a) By deception, obtain or attempt to obtain payments under the medicaid program to which the provider is not entitled pursuant to the provider's provider agreement, or the rules of the federal government or the medicaid director relating to the program;

(b) Willfully receive payments to which the provider is not entitled;

(c) Willfully receive payments in a greater amount than that to which the provider is entitled;

(d) Falsify any report or document required by state or

federal law, rule, or provider agreement relating to medicaid 105349
payments. 105350

(2) A medicaid provider engages in "deception" for the 105351
purpose of this section when the provider, acting with actual 105352
knowledge of the representation or information involved, acting in 105353
deliberate ignorance of the truth or falsity of the representation 105354
or information involved, or acting in reckless disregard of the 105355
truth or falsity of the representation or information involved, 105356
deceives another or causes another to be deceived by any false or 105357
misleading representation, by withholding information, by 105358
preventing another from acquiring information, or by any other 105359
conduct, act, or omission that creates, confirms, or perpetuates a 105360
false impression in another, including a false impression as to 105361
law, value, state of mind, or other objective or subjective fact. 105362
No proof of specific intent to defraud is required to show, for 105363
purposes of this section, that a medicaid provider has engaged in 105364
deception. 105365

(C) Any medicaid provider who violates division (B) of this 105366
section shall be liable, in addition to any other penalties 105367
provided by law, for all of the following civil penalties: 105368

(1) Payment of interest on the amount of the excess payments 105369
at the maximum interest rate allowable for real estate mortgages 105370
under section 1343.01 of the Revised Code on the date the payment 105371
was made to the provider for ~~the~~ a period from determined by the 105372
department, not to exceed the period from the date upon which 105373
payment was made, to the date upon which repayment is made to the 105374
state; 105375

(2) Payment of an amount equal to three times the amount of 105376
any excess payments; 105377

(3) Payment of a sum of not less than five thousand dollars 105378
and not more than ten thousand dollars for each deceptive claim or 105379

falsification; 105380

(4) All reasonable expenses which the court determines have 105381
been necessarily incurred by the state in the enforcement of this 105382
section. 105383

(D) In addition to the civil penalties provided in division 105384
(C) of this section, the medicaid director, upon the conviction 105385
of, or the entry of a judgment in either a criminal or civil 105386
action against, a medicaid provider or its owner, officer, 105387
authorized agent, associate, manager, or employee in an action 105388
brought pursuant to section 109.85 of the Revised Code, shall 105389
terminate the provider's provider agreement and stop payment to 105390
the provider for medicaid services rendered from the date of 105391
conviction or entry of judgment. No such medicaid provider, owner, 105392
officer, authorized agent, associate, manager, or employee shall 105393
own or provide medicaid services ~~to~~ on behalf of any other 105394
medicaid provider or risk contractor or arrange for, render, or 105395
order medicaid services for medicaid recipients, nor shall such 105396
provider, owner, officer, authorized agent, associate, manager, or 105397
employee receive direct payments under the medicaid program or 105398
indirect payments of medicaid funds in the form of salary, shared 105399
fees, contracts, kickbacks, or rebates from or through any other 105400
medicaid provider or risk contractor. The provider agreement shall 105401
not be terminated, and payment shall not be terminated, if the 105402
medicaid provider or owner can demonstrate that the provider or 105403
owner did not directly or indirectly sanction the action of its 105404
authorized agent, associate, manager, or employee that resulted in 105405
the conviction or entry of a judgment in a criminal or civil 105406
action brought pursuant to section 109.85 of the Revised Code. 105407
Nothing in this division prohibits any owner, officer, authorized 105408
agent, associate, manager, or employee of a medicaid provider from 105409
entering into a provider agreement if the person can demonstrate 105410
that the person had no knowledge of an action of the medicaid 105411

provider the person was formerly associated with that resulted in 105412
the conviction or entry of a judgment in a criminal or civil 105413
action brought pursuant to section 109.85 of the Revised Code. 105414

Nursing facility and ICF/IID providers whose provider 105415
agreements are terminated pursuant to this section may continue to 105416
receive medicaid payments for up to thirty days after the 105417
effective date of the termination if the provider makes reasonable 105418
efforts to transfer medicaid recipients to another facility or to 105419
alternate care and if federal financial participation is provided 105420
for the payments. 105421

(E) The attorney general on behalf of the state may commence 105422
proceedings to enforce this section in any court of competent 105423
jurisdiction; and the attorney general may settle or compromise 105424
any case brought under this section with the approval of the 105425
department of medicaid. Notwithstanding any other provision of law 105426
providing a shorter period of limitations, the attorney general 105427
may commence a proceeding to enforce this section at any time 105428
within six years after the conduct in violation of this section 105429
terminates. 105430

(F) All moneys collected by the state pursuant to this 105431
section shall be deposited in the state treasury to the credit of 105432
the general revenue fund. 105433

Sec. 5164.36. (A) As used in this section: 105434

(1) "Credible allegation of fraud" has the same meaning as in 105435
42 C.F.R. 455.2, except that for purposes of this section any 105436
reference in that regulation to the "state" or the "state medicaid 105437
agency" means the department of medicaid. 105438

(2) "Disqualifying indictment" means an indictment of a 105439
medicaid provider or its officer, authorized agent, associate, 105440
manager, employee, or, if the provider is a noninstitutional 105441

provider, its owner, if either of the following applies: 105442

(a) The indictment charges the person with committing an act 105443
to which both of the following apply: 105444

(i) The act would be a felony or misdemeanor under the laws 105445
of this state or the jurisdiction within which the act occurred. 105446

(ii) The act relates to or results from furnishing or billing 105447
for medicaid services under the medicaid program or relates to or 105448
results from performing management or administrative services 105449
relating to furnishing medicaid services under the medicaid 105450
program. 105451

(b) ~~If the medicaid provider is an independent provider, the~~ 105452
The indictment charges the person with committing an act that 105453
would constitute a disqualifying offense. 105454

(3) "Disqualifying offense" means any of the offenses listed 105455
or described in divisions (A)(3)(a) to (e) of section 109.572 of 105456
the Revised Code. 105457

(4) ~~"Independent provider" has the same meaning as in section~~ 105458
~~5164.341 of the Revised Code.~~ 105459

~~(5)~~ "Noninstitutional medicaid provider" means any person or 105460
entity with a provider agreement other than a hospital, nursing 105461
facility, or ICF/IID. 105462

~~(6)~~(5) "Owner" means any person having at least five per cent 105463
ownership in a noninstitutional medicaid provider. 105464

(B)(1) Except as provided in division (C) of this section and 105465
in rules authorized by this section, the department of medicaid 105466
shall suspend the provider agreement held by a medicaid provider 105467
on determining either of the following: 105468

(a) There is a credible allegation of fraud against any of 105469
the following for which an investigation is pending under the 105470
medicaid program: 105471

(i) The medicaid provider;	105472
(ii) The medicaid provider's owner, officer, authorized agent, associate, manager, or employee.	105473 105474
(b) A disqualifying indictment has been issued against any of the following:	105475 105476
(i) The medicaid provider;	105477
(ii) The medicaid provider's officer, authorized agent, associate, manager, or employee;	105478 105479
(iii) If the medicaid provider is a noninstitutional provider, its owner.	105480 105481
(2) Subject to division (C) of this section, the department shall also suspend all medicaid payments to a medicaid provider for services rendered, regardless of the date that the services are rendered, when the department suspends the provider's provider agreement under this section.	105482 105483 105484 105485 105486
(3) The suspension of a provider agreement shall continue in effect until either <u>the latest</u> of the following occurs:	105487 105488
(a) If the suspension is the result of a credible allegation of fraud, the department or a prosecuting authority determines that there is insufficient evidence of fraud by the medicaid provider;	105489 105490 105491 105492
(b) Regardless of whether the suspension is the result of a credible allegation of fraud or a disqualifying indictment, the proceedings in any related criminal case are completed through dismissal of the indictment or through <u>sentencing after</u> conviction, <u>or</u> entry of a guilty plea, <u>or through</u> finding of not guilty or, if the department commences a process to terminate the suspended provider agreement, the termination process is concluded;	105493 105494 105495 105496 105497 105498 105499 105500
<u>(c) The medicaid provider pays in full all fines and debts</u>	105501

due and owing to the department or makes arrangements satisfactory 105502
to the department to fulfill those obligations; 105503

(d) A civil action related to a credible allegation of fraud 105504
or disqualifying indictment is not pending against the medicaid 105505
provider. 105506

(4)(a) When a provider agreement is suspended under this 105507
section, none of the following shall take, during the period of 105508
the suspension, any of the actions specified in division (B)(4)(b) 105509
of this section: 105510

(i) The medicaid provider; 105511

(ii) If the suspension is the result of an action taken by an 105512
officer, authorized agent, associate, manager, or employee of the 105513
medicaid provider, that person; 105514

(iii) If the medicaid provider is a noninstitutional provider 105515
and the suspension is the result of an action taken by the owner 105516
of the provider, the owner. 105517

(b) The following are the actions that persons specified in 105518
division (B)(4)(a) of this section cannot take during the 105519
suspension of a provider agreement: 105520

(i) ~~Own services provided, or provide services, to~~ any other 105521
medicaid provider or risk contractor; 105522

(ii) Arrange ~~for~~, render ~~to~~, or order services to on behalf 105523
of any other medicaid provider or risk contractor; 105524

(iii) Arrange ~~for, render to,~~ or order services for medicaid 105525
recipients or render services to medicaid recipients; 105526

(iv) Receive direct payments under the medicaid program or 105527
indirect payments of medicaid funds in the form of salary, shared 105528
fees, contracts, kickbacks, or rebates from or through any other 105529
medicaid provider or risk contractor. 105530

(C) The department shall not suspend a provider agreement or 105531

medicaid payments under division (B) of this section if ~~the~~ either 105532
of the following is the case: 105533

(1) The medicaid provider or, if the provider is a 105534
noninstitutional provider, the owner can demonstrate through the 105535
submission of written evidence that the provider or owner did not 105536
directly or indirectly sanction the action of its authorized 105537
agent, associate, manager, or employee that resulted in the 105538
credible allegation of fraud or disqualifying indictment. 105539

(2) The medicaid provider or, if the provider is a 105540
noninstitutional provider, the owner can demonstrate that good 105541
cause exists not to suspend the provider agreement or payments. 105542

With respect to the evidence described in division (C)(1) of 105543
this section, the department shall grant, prior to suspension, the 105544
provider or owner an opportunity to submit the written evidence to 105545
the department. 105546

With respect to a demonstration of good cause described in 105547
division (C)(2) of this section, the department shall specify in 105548
rules adopted under section 5164.02 of the Revised Code what 105549
constitutes good cause and the information, documents, or other 105550
evidence that must be submitted to the department as part of the 105551
demonstration. 105552

(D) After suspending a provider agreement under division (B) 105553
of this section, the department shall send notice of the 105554
suspension to the affected medicaid provider or, if the provider 105555
is a noninstitutional provider, the owner in accordance with the 105556
following time frames: 105557

(1) Not later than five days after the suspension, unless a 105558
law enforcement agency makes a written request to temporarily 105559
delay the notice; 105560

(2) If a law enforcement agency makes a written request to 105561
temporarily delay the notice, not later than thirty days after the 105562

suspension occurs subject to the conditions specified in division 105563
(E) of this section. 105564

(E) A written request for a temporary delay described in 105565
division (D)(2) of this section may be renewed in writing by a law 105566
enforcement agency not more than two times except that under no 105567
circumstances shall the notice be issued more than ninety days 105568
after the suspension occurs. 105569

(F) The notice required by division (D) of this section shall 105570
do all of the following: 105571

(1) State that payments are being suspended in accordance 105572
with this section and 42 C.F.R. 455.23; 105573

(2) Set forth the general allegations related to the nature 105574
of the conduct leading to the suspension, except that it is not 105575
necessary to disclose any specific information concerning an 105576
ongoing investigation; 105577

(3) State that the suspension continues to be in effect until 105578
~~either~~ the latest of the circumstances specified in division 105579
(B)(3) of this section occur; 105580

(4) Specify, if applicable, the type or types of medicaid 105581
claims or business units of the medicaid provider that are 105582
affected by the suspension; 105583

(5) Inform the medicaid provider or owner of the opportunity 105584
to submit to the department, not later than thirty days after 105585
receiving the notice, a request for reconsideration of the 105586
suspension in accordance with division (G) of this section. 105587

(G)(1) Pursuant to the procedure specified in division (G)(2) 105588
of this section, a medicaid provider subject to a suspension under 105589
this section or, if the provider is a noninstitutional provider, 105590
the owner may request a reconsideration of the suspension. The 105591
request shall be made not later than thirty days after receipt of 105592

a notice required by division (D) of this section. The 105593
reconsideration is not subject to an adjudication hearing pursuant 105594
to Chapter 119. of the Revised Code. 105595

(2) In requesting a reconsideration, the medicaid provider or 105596
owner shall submit written information and documents to the 105597
department. The information and documents may pertain to ~~any~~ 105598
either of the following issues: 105599

(a) Whether the determination to suspend the provider 105600
agreement was based on a mistake of fact, other than the validity 105601
of an indictment in a related criminal case. 105602

(b) If there has been an indictment in a related criminal 105603
case, whether the indictment is a disqualifying indictment. 105604

~~(c) Whether the provider or owner can demonstrate that the 105605
provider or owner did not directly or indirectly sanction the 105606
action of its authorized agent, associate, manager, or employee 105607
that resulted in the suspension under this section or an 105608
indictment in a related criminal case. 105609~~

(H) The department shall review the information and documents 105610
submitted in a request made under division (G) of this section for 105611
reconsideration of a suspension. After the review, the suspension 105612
may be affirmed, reversed, or modified, in whole or in part. The 105613
department shall notify the affected provider or owner of the 105614
results of the review. ~~The review and notification of its results 105615
shall be completed not later than forty five days after receiving 105616
the information and documents submitted in a request for 105617
reconsideration. 105618~~

(I) Rules adopted under section 5164.02 of the Revised Code 105619
may specify circumstances under which the department would not 105620
suspend a provider agreement pursuant to this section. 105621

Sec. 5164.38. (A) As used in this section: 105622

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 105623
105624

(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 105625
105626
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(B) This section does not apply to either of the following: 105629

(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code; 105630
105631
105632
105633

(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code. 105634
105635
105636

(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 105637
105638
105639
105640

(1) Refuse to enter into a provider agreement with a medicaid provider; 105641
105642

(2) Refuse to revalidate a medicaid provider's provider agreement; 105643
105644

(3) Suspend or terminate a medicaid provider's provider agreement; 105645
105646

(4) Take any action based upon a final fiscal audit of a medicaid provider. 105647
105648

(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of ~~Franklin county~~ in accordance with section 119.12 of the Revised Code. 105649
105650
105651
105652

(E) The department is not required to comply with division 105653
(C)(1), (2), or (3) of this section whenever any of the following 105654
occur: 105655

(1) The terms of a provider agreement require the medicaid 105656
provider to hold a license, permit, or certificate or maintain a 105657
certification issued by an official, board, commission, 105658
department, division, bureau, or other agency of state or federal 105659
government other than the department of medicaid, and the license, 105660
permit, certificate, or certification has been denied, revoked, 105661
not renewed, suspended, or otherwise limited. 105662

(2) The terms of a provider agreement require the medicaid 105663
provider to hold a license, permit, or certificate or maintain 105664
certification issued by an official, board, commission, 105665
department, division, bureau, or other agency of state or federal 105666
government other than the department of medicaid, and the provider 105667
has not obtained the license, permit, certificate, or 105668
certification. 105669

(3) The medicaid provider's application for a provider 105670
agreement is denied, or the provider's provider agreement is 105671
terminated or not revalidated, because of or pursuant to any of 105672
the following: 105673

(a) The termination, refusal to renew, or denial of a 105674
license, permit, certificate, or certification by an official, 105675
board, commission, department, division, bureau, or other agency 105676
of this state other than the department of medicaid, 105677
notwithstanding the fact that the provider may hold a license, 105678
permit, certificate, or certification from an official, board, 105679
commission, department, division, bureau, or other agency of 105680
another state; 105681

(b) Division (D) or (E) of section 5164.35 of the Revised 105682
Code; 105683

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state;

(d) The provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;

(e) The provider or its owner, officer, authorized agent, associate, manager, or employee having been convicted of one of the offenses that caused the provider's provider agreement to be suspended pursuant to section 5164.36 of the Revised Code;

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.

(5) The medicaid provider's provider agreement and medicaid payments to the provider are suspended under section 5164.36 or 5164.37 of the Revised Code.

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by regular mail.

(G) The department may withhold payments for medicaid services rendered by a medicaid provider during the pendency of proceedings initiated under division (C)(1), (2), or (3) of this section. If the proceedings are initiated under division (C)(4) of this section, the department may withhold payments only to the extent that they equal amounts determined in a final fiscal audit as being due the state. This division does not apply if the department fails to comply with section 119.07 of the Revised Code, requests a continuance of the hearing, or does not issue a decision within thirty days after the hearing is completed. This division does not apply to nursing facilities and ICFs/IID.

Sec. 5164.60. Any medicaid provider who, without intent, obtains payments under the medicaid program in excess of the

amount to which the provider is entitled is liable for payment of 105744
interest on the amount of the excess payments for ~~the~~ a period 105745
determined by the department, but not to exceed the period from 105746
the date on which payment was made to the date on which repayment 105747
is made to the state. The interest shall be paid at the average 105748
bank prime rate in effect on the first day of the calendar quarter 105749
during which the provider receives notice of the excess payment. 105750
The department of medicaid shall determine the average bank prime 105751
rate using statistical release H.15, "selected interest rates," a 105752
weekly publication of the federal reserve board, or any successor 105753
publication. If statistical release H.15, or its successor, ceases 105754
to contain the bank prime rate information or ceases to be 105755
published, the department shall request a written statement of the 105756
average bank prime rate from the federal reserve bank of Cleveland 105757
or the federal reserve board. 105758

Sec. 5164.72. The number of days of inpatient hospital care 105759
for which a medicaid payment is made on behalf of a medicaid 105760
recipient to a hospital that is not paid under a 105761
diagnostic-related-group prospective payment system shall not 105762
exceed thirty days during a period beginning on the day of the 105763
recipient's admission to the hospital and ending sixty days after 105764
the termination of that hospital stay, except that the department 105765
of medicaid may make exceptions to this limitation. The limitation 105766
does not apply to children and youth participating in the program 105767
for ~~medically handicapped~~ children and youth with special health 105768
care needs established under section 3701.023 of the Revised Code. 105769

Sec. 5164.78. (A) The medicaid payment rates for the 105770
following neonatal and newborn services shall equal not less than 105771
seventy-five per cent of the medicare payment rates for the 105772
services in effect on the date the services are provided to 105773

medicaid recipients eligible for the services:	105774
(1) Initial care for normal newborns;	105775
(2) Subsequent day, hospital care for normal newborns;	105776
(3) Same day, initial history and physical examination and discharge for normal newborns;	105777 105778
(4) Initial neonatal critical care for children not more than twenty-eight days old;	105779 105780
(5) Subsequent day, neonatal critical care for children not more than twenty-eight days old;	105781 105782
(6) Subsequent day, pediatric critical care for children at least twenty-nine days but less than two years old;	105783 105784
(7) Initial neonatal intensive care;	105785
(8) Subsequent day, neonatal intensive noncritical care for children weighing less than one thousand five hundred grams;	105786 105787
(9) Subsequent day, neonatal intensive noncritical care for children weighing at least one thousand five hundred grams but not more than two thousand five hundred grams;	105788 105789 105790
(10) Subsequent day, neonatal noncritical care for children weighing more than two thousand five hundred grams but not more than five thousand grams.	105791 105792 105793
(B) The medicaid payment rates for other medicaid services selected by the medicaid director shall be less than the amount of the rates in effect on the effective date of this section <u>November</u> <u>22, 2017</u> , so that the cost of the rates set pursuant to division (A) of this section do not increase medicaid expenditures. The director may not select any medicaid service for which the medicaid payment rate is determined in accordance with state statutes."	105794 105795 105796 105797 105798 105799 105800 105801

Sec. 5164.913. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a personal care aide under the integrated care delivery system, an individual must successfully complete thirty hours of pre-service training acceptable to the department of medicaid. 105802
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To maintain eligibility, each personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months. 105807
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(2) In administering the integrated care delivery system, the department shall not require a personal care aide to do either of the following: 105811
105812
105813

(a) Complete more than thirty hours of pre-service training; 105814

(b) Complete more than six hours of in-service training in a twelve-month period. 105815
105816

(B) The department of medicaid shall not require an individual serving as a home health aide under the integrated care delivery system to complete more hours of pre-service training or annual in-service training than required by federal law. 105817
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(C) Only the following may supervise a home health aide or personal care aide under the integrated care delivery system: 105821
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(1) A registered nurse; 105823

(2) A licensed practical nurse under the direction of a registered nurse. 105824
105825

Sec. 5165.01. As used in this chapter: 105826

(A) "Affiliated operator" means an operator affiliated with either of the following: 105827
105828

(1) The exiting operator for whom the affiliated operator is 105829

to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (A)(1) of this section.

(B) "Allowable costs" are a nursing facility's costs that the department of medicaid determines are reasonable. Fines paid under sections 5165.60 to 5165.89 and section 5165.99 of the Revised Code are not allowable costs.

(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified intellectual disability professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5165.02 of the Revised Code, for personnel listed in this division. "Ancillary and support costs" also means the cost of equipment, including vehicles, acquired by

operating lease executed before December 1, 1992, if the costs are 105862
reported as administrative and general costs on the nursing 105863
facility's cost report for the cost reporting period ending 105864
December 31, 1992. 105865

(D) "Applicable calendar year" means the calendar year 105866
immediately preceding the ~~calendar year that precedes~~ the first of 105867
the state fiscal years for which a rebasing is conducted. 105868

(E) For purposes of calculating a critical access nursing 105869
facility's occupancy rate and utilization rate under this chapter, 105870
"as of the last day of the calendar year" refers to the occupancy 105871
and utilization rates during the calendar year identified in the 105872
cost report filed under section 5165.10 of the Revised Code. 105873

(F)(1) "Capital costs" means the actual expense incurred by a 105874
nursing facility for all of the following: 105875

(a) Depreciation and interest on any capital assets that cost 105876
five hundred dollars or more per item, including the following: 105877

(i) Buildings; 105878

(ii) Building improvements; 105879

(iii) Except as provided in division (D) of this section, 105880
equipment; 105881

(iv) Transportation equipment. 105882

(b) Amortization and interest on land improvements and 105883
leasehold improvements; 105884

(c) Amortization of financing costs; 105885

(d) Lease and rent of land, buildings, and equipment. 105886

(2) The costs of capital assets of less than five hundred 105887
dollars per item may be considered capital costs in accordance 105888
with a provider's practice. 105889

(G) "Capital lease" and "operating lease" shall be construed 105890

in accordance with generally accepted accounting principles. 105891

(H) "Case-mix score" means a measure determined under section 105892
5165.192 of the Revised Code of the relative direct-care resources 105893
needed to provide care and habilitation to a nursing facility 105894
resident. 105895

(I) "Change in control" means either of the following: 105896

(1) Any pledge, assignment, or hypothecation of or lien or 105897
other encumbrance on any of the legal or beneficial equity 105898
interests in the applicable person; 105899

(2) A change of fifty per cent or more in the legal or 105900
beneficial ownership or control of the outstanding voting equity 105901
interests of the applicable person necessary at all times to elect 105902
a majority of the board of directors or similar governing body and 105903
to direct the management policies and decisions. 105904

(J) "Change of operator" ~~means~~ includes circumstances in 105905
which an entering operator ~~becoming~~ becomes the operator of a 105906
nursing facility in the place of the exiting operator. 105907

(1) Actions that constitute a change of operator include the 105908
following: 105909

(a) A change in an exiting operator's form of legal 105910
organization, including the formation of a partnership or 105911
corporation from a sole proprietorship; 105912

(b) A ~~transfer of all~~ change of control in the exiting 105913
~~operator's ownership interest in the operation of the nursing 105914
facility to the entering~~ operator, regardless of whether ownership 105915
of any or all of the real property or personal property associated 105916
with the nursing facility is also transferred; 105917

(c) A lease of the nursing facility to the entering operator 105918
or the exiting operator's termination of the exiting operator's 105919
lease; 105920

(d) If the exiting operator is a partnership, dissolution of the partnership, a merger of the partnership into another person that is the survivor of the merger, or a consolidation of the partnership and at least one other person to form a new person; 105921
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(e) If the exiting operator is a ~~partnership, a change in composition of the partnership unless both of the following apply:~~ 105925
105926

~~(i) The change in composition does not cause the partnership's dissolution under state law.~~ 105927
105928

~~(ii) The partners agree that the change in composition does not constitute a change in operator limited liability company, dissolution of the limited liability company, a merger of the limited liability company into another person that is the survivor of the merger, or a consolidation of the limited liability company and at least one other person to form a new person.~~ 105929
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(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another ~~corporation person~~ person that is the survivor of the merger, or a consolidation of the corporation and at least one or more other corporations person to form a new ~~corporation person;~~ 105935
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(g) A contract for a person to manage a nursing facility as the operator's agent. 105940
105941

(2) The following, alone, do not constitute a change of operator: 105942
105943

~~(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions~~ an employer stock ownership plan created under section 401(a) of the "Internal Revenue Code," 105944
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105946
105947
26 U.S.C. 401(a); 105948

(b) A change of ownership, ~~lease, or termination of a lease~~ of real property or personal property associated with a nursing 105949
105950

facility if an entering operator does not become the operator in 105951
place of an exiting operator; 105952

(c) If the operator is a corporation that has securities 105953
publicly traded in a marketplace, a change of one or more members 105954
of the corporation's governing body or transfer of ownership of 105955
one or more shares of the corporation's stock, if the same 105956
corporation continues to be the operator; 105957

(d) An initial public offering for which the securities and 105958
exchange commission has declared the registration statement 105959
effective, and the newly created public company remains the 105960
operator. 105961

~~(J)~~(K) "Cost center" means the following: 105962

(1) Ancillary and support costs; 105963

(2) Capital costs; 105964

(3) Direct care costs; 105965

(4) Tax costs. 105966

~~(K)~~(L) "Custom wheelchair" means a wheelchair to which both 105967
of the following apply: 105968

(1) It has been measured, fitted, or adapted in consideration 105969
of either of the following: 105970

(a) The body size or disability of the individual who is to 105971
use the wheelchair; 105972

(b) The individual's period of need for, or intended use of, 105973
the wheelchair. 105974

(2) It has customized features, modifications, or components, 105975
such as adaptive seating and positioning systems, that the 105976
supplier who assembled the wheelchair, or the manufacturer from 105977
which the wheelchair was ordered, added or made in accordance with 105978
the instructions of the physician of the individual who is to use 105979

the wheelchair. 105980

~~(L)~~~~(1)~~~~(M)~~~~(1)~~ "Date of licensure" means the following: 105981

(a) In the case of a nursing facility that was required by 105982
law to be licensed as a nursing home under Chapter 3721. of the 105983
Revised Code when it originally began to be operated as a nursing 105984
home, the date the nursing facility was originally so licensed; 105985

(b) In the case of a nursing facility that was not required 105986
by law to be licensed as a nursing home when it originally began 105987
to be operated as a nursing home, the date it first began to be 105988
operated as a nursing home, regardless of the date the nursing 105989
facility was first licensed as a nursing home. 105990

(2) If, after a nursing facility's original date of 105991
licensure, more nursing home beds are added to the nursing 105992
facility, the nursing facility has a different date of licensure 105993
for the additional beds. This does not apply, however, to 105994
additional beds when both of the following apply: 105995

(a) The additional beds are located in a part of the nursing 105996
facility that was constructed at the same time as the continuing 105997
beds already located in that part of the nursing facility; 105998

(b) The part of the nursing facility in which the additional 105999
beds are located was constructed as part of the nursing facility 106000
at a time when the nursing facility was not required by law to be 106001
licensed as a nursing home. 106002

(3) The definition of "date of licensure" in this section 106003
applies in determinations of nursing facilities' medicaid payment 106004
rates but does not apply in determinations of nursing facilities' 106005
franchise permit fees. 106006

~~(M)~~~~(N)~~ "Desk-reviewed" means that a nursing facility's costs 106007
as reported on a cost report submitted under section 5165.10 of 106008
the Revised Code have been subjected to a desk review under 106009

section 5165.108 of the Revised Code and preliminarily determined 106010
to be allowable costs. 106011

~~(N)~~(O) "Direct care costs" means all of the following costs 106012
incurred by a nursing facility: 106013

(1) Costs for registered nurses, licensed practical nurses, 106014
and nurse aides employed by the nursing facility; 106015

(2) Costs for direct care staff, administrative nursing 106016
staff, medical directors, respiratory therapists, and except as 106017
provided in division ~~(N)~~(8)~~(O)~~(8) of this section, other persons 106018
holding degrees qualifying them to provide therapy; 106019

(3) Costs of purchased nursing services; 106020

(4) Costs of quality assurance; 106021

(5) Costs of training and staff development, employee 106022
benefits, payroll taxes, and workers' compensation premiums or 106023
costs for self-insurance claims and related costs as specified in 106024
rules adopted under section 5165.02 of the Revised Code, for 106025
personnel listed in divisions ~~(N)~~(1)~~(O)~~(1), (2), (4), and (8) of 106026
this section; 106027

(6) Costs of consulting and management fees related to direct 106028
care; 106029

(7) Allocated direct care home office costs; 106030

(8) Costs of habilitation staff (other than habilitation 106031
supervisors), medical supplies, emergency oxygen, over-the-counter 106032
pharmacy products, physical therapists, physical therapy 106033
assistants, occupational therapists, occupational therapy 106034
assistants, speech therapists, audiologists, habilitation 106035
supplies, and universal precautions supplies; 106036

(9) Costs of wheelchairs other than the following: 106037

(a) Custom wheelchairs; 106038

(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.

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(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.

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~~(O)~~(P) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.

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~~(P)~~(Q) "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.

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~~(Q)~~(R) "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.

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~~(R)~~(S) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.

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~~(S)~~(T) "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.

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~~(T)~~(U) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination.

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~~(U)~~(V) "Exiting operator" means any of the following:

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(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;

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(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;

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(3) An operator of a nursing facility that is undergoing or 106069
has undergone a voluntary withdrawal of participation; 106070

(4) An operator of a nursing facility that is undergoing or 106071
has undergone an involuntary termination. 106072

~~(V)(1)(W)(1)~~ Subject to divisions ~~(V)(2)(W)(2)~~ and (3) of 106073
this section, "facility closure" means either of the following: 106074

(a) Discontinuance of the use of the building, or part of the 106075
building, that houses the facility as a nursing facility that 106076
results in the relocation of all of the nursing facility's 106077
residents; 106078

(b) Conversion of the building, or part of the building, that 106079
houses a nursing facility to a different use with any necessary 106080
license or other approval needed for that use being obtained and 106081
one or more of the nursing facility's residents remaining in the 106082
building, or part of the building, to receive services under the 106083
new use. 106084

(2) A facility closure occurs regardless of any of the 106085
following: 106086

(a) The operator completely or partially replacing the 106087
nursing facility by constructing a new nursing facility or 106088
transferring the nursing facility's license to another nursing 106089
facility; 106090

(b) The nursing facility's residents relocating to another of 106091
the operator's nursing facilities; 106092

(c) Any action the department of health takes regarding the 106093
nursing facility's medicaid certification that may result in the 106094
transfer of part of the nursing facility's survey findings to 106095
another of the operator's nursing facilities; 106096

(d) Any action the department of health takes regarding the 106097
nursing facility's license under Chapter 3721. of the Revised 106098

Code. 106099

(3) A facility closure does not occur if all of the nursing 106100
facility's residents are relocated due to an emergency evacuation 106101
and one or more of the residents return to a medicaid-certified 106102
bed in the nursing facility not later than thirty days after the 106103
evacuation occurs. 106104

~~(W)~~(X) "Franchise permit fee" means the fee imposed by 106105
sections 5168.40 to 5168.56 of the Revised Code. 106106

~~(X)~~(Y) "Inpatient days" means both of the following: 106107

(1) All days during which a resident, regardless of payment 106108
source, occupies a licensed bed in a nursing facility; 106109

(2) Fifty per cent of the days for which payment is made 106110
under section 5165.34 of the Revised Code. 106111

~~(Y)~~(Z) "Involuntary termination" means the department of 106112
medicaid's termination of the operator's provider agreement for 106113
the nursing facility when the termination is not taken at the 106114
operator's request. 106115

~~(Z)~~(AA) "Low ~~resource utilization case-mix~~ resident" means a 106116
medicaid recipient residing in a nursing facility who, for 106117
purposes of calculating the nursing facility's medicaid payment 106118
rate for direct care costs, is placed in either of the two lowest 106119
~~resource utilization case-mix~~ groups, excluding any ~~resource~~ 106120
~~utilization case-mix~~ group that is a default group used for 106121
residents with incomplete assessment data. 106122

~~(AA)~~(BB) "Maintenance and repair expenses" means a nursing 106123
facility's expenditures that are necessary and proper to maintain 106124
an asset in a normally efficient working condition and that do not 106125
extend the useful life of the asset two years or more. 106126
"Maintenance and repair expenses" includes but is not limited to 106127
the costs of ordinary repairs such as painting and wallpapering. 106128

~~(BB)~~(CC) "Medicaid-certified capacity" means the number of a 106129
nursing facility's beds that are certified for participation in 106130
medicaid as nursing facility beds. 106131

~~(CC)~~(DD) "Medicaid days" means both of the following: 106132

(1) All days during which a resident who is a medicaid 106133
recipient eligible for nursing facility services occupies a bed in 106134
a nursing facility that is included in the nursing facility's 106135
medicaid-certified capacity; 106136

(2) Fifty per cent of the days for which payment is made 106137
under section 5165.34 of the Revised Code. 106138

~~(DD)~~~~(1)~~(EE)(1) "New nursing facility" means a nursing 106139
facility for which the provider obtains an initial provider 106140
agreement following medicaid certification of the nursing facility 106141
by the director of health, including such a nursing facility that 106142
replaces one or more nursing facilities for which a provider 106143
previously held a provider agreement. 106144

(2) "New nursing facility" does not mean a nursing facility 106145
for which the entering operator seeks a provider agreement 106146
pursuant to section 5165.511 or 5165.512 or (pursuant to section 106147
5165.515) section 5165.07 of the Revised Code. 106148

~~(EE)~~(FF) "Nursing facility" has the same meaning as in the 106149
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 106150

~~(FF)~~(GG) "Nursing facility services" has the same meaning as 106151
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 106152

~~(GG)~~(HH) "Nursing home" has the same meaning as in section 106153
3721.01 of the Revised Code. 106154

~~(HH)~~(II) "Occupancy rate" means the percentage of licensed 106155
beds that, regardless of payer source, are either of the 106156
following: 106157

(1) Reserved for use under section 5165.34 of the Revised 106158

Code; 106159

(2) Actually being used. 106160

~~(II)~~(JJ) "Operator" means the person or government entity 106161
responsible for the daily operating and management decisions for a 106162
nursing facility. 106163

~~(JJ)~~(1)(KK)(1) "Owner" means any person or government entity 106164
that has at least five per cent ownership or interest, either 106165
directly, indirectly, or in any combination, in any of the 106166
following regarding a nursing facility: 106167

(a) The land on which the nursing facility is located; 106168

(b) The structure in which the nursing facility is located; 106169

(c) Any mortgage, contract for deed, or other obligation 106170
secured in whole or in part by the land or structure on or in 106171
which the nursing facility is located; 106172

(d) Any lease or sublease of the land or structure on or in 106173
which the nursing facility is located. 106174

(2) "Owner" does not mean a holder of a debenture or bond 106175
related to the nursing facility and purchased at public issue or a 106176
regulated lender that has made a loan related to the nursing 106177
facility unless the holder or lender operates the nursing facility 106178
directly or through a subsidiary. 106179

~~(KK)~~(LL) "Per diem" means a nursing facility's actual, 106180
allowable costs in a given cost center in a cost reporting period, 106181
divided by the nursing facility's inpatient days for that cost 106182
reporting period. 106183

~~(LL)~~(MM) "Person" has the same meaning as in section 1.59 of 106184
the Revised Code. 106185

(NN) "Provider" means an operator with a provider agreement. 106186

~~(MM)~~(OO) "Provider agreement" means a provider agreement, as 106187

defined in section 5164.01 of the Revised Code, that is between 106188
the department of medicaid and the operator of a nursing facility 106189
for the provision of nursing facility services under the medicaid 106190
program. 106191

~~(NN)~~(PP) "Purchased nursing services" means services that are 106192
provided in a nursing facility by registered nurses, licensed 106193
practical nurses, or nurse aides who are not employees of the 106194
nursing facility. 106195

~~(OO)~~(OO) "Reasonable" means that a cost is an actual cost 106196
that is appropriate and helpful to develop and maintain the 106197
operation of patient care facilities and activities, including 106198
normal standby costs, and that does not exceed what a prudent 106199
buyer pays for a given item or services. Reasonable costs may vary 106200
from provider to provider and from time to time for the same 106201
provider. 106202

~~(PP)~~(RR) "Rebasing" means a redetermination of each of the 106203
following using information from cost reports for an applicable 106204
calendar year that is later than the applicable calendar year used 106205
for the previous rebasing: 106206

(1) Each peer group's rate for ancillary and support costs as 106207
determined pursuant to division (C) of section 5165.16 of the 106208
Revised Code; 106209

(2) Each peer group's rate for capital costs as determined 106210
pursuant to division (C) of section 5165.17 of the Revised Code; 106211

(3) Each peer group's cost per case-mix unit as determined 106212
pursuant to division (C) of section 5165.19 of the Revised Code; 106213

(4) Each nursing facility's rate for tax costs as determined 106214
pursuant to section 5165.21 of the Revised Code. 106215

~~(QQ)~~(SS) "Related party" means an individual or organization 106216
that, to a significant extent, has common ownership with, is 106217

associated or affiliated with, has control of, or is controlled 106218
by, the provider. 106219

(1) An individual who is a relative of an owner is a related 106220
party. 106221

(2) Common ownership exists when an individual or individuals 106222
possess significant ownership or equity in both the provider and 106223
the other organization. Significant ownership or equity exists 106224
when an individual or individuals possess five per cent ownership 106225
or equity in both the provider and a supplier. Significant 106226
ownership or equity is presumed to exist when an individual or 106227
individuals possess ten per cent ownership or equity in both the 106228
provider and another organization from which the provider 106229
purchases or leases real property. 106230

(3) Control exists when an individual or organization has the 106231
power, directly or indirectly, to significantly influence or 106232
direct the actions or policies of an organization. 106233

(4) An individual or organization that supplies goods or 106234
services to a provider shall not be considered a related party if 106235
all of the following conditions are met: 106236

(a) The supplier is a separate bona fide organization. 106237

(b) A substantial part of the supplier's business activity of 106238
the type carried on with the provider is transacted with others 106239
than the provider and there is an open, competitive market for the 106240
types of goods or services the supplier furnishes. 106241

(c) The types of goods or services are commonly obtained by 106242
other nursing facilities from outside organizations and are not a 106243
basic element of patient care ordinarily furnished directly to 106244
patients by nursing facilities. 106245

(d) The charge to the provider is in line with the charge for 106246
the goods or services in the open market and no more than the 106247

charge made under comparable circumstances to others by the	106248
supplier.	106249
(RR) <u>(TT)</u> "Relative of owner" means an individual who is	106250
related to an owner of a nursing facility by one of the following	106251
relationships:	106252
(1) Spouse;	106253
(2) Natural parent, child, or sibling;	106254
(3) Adopted parent, child, or sibling;	106255
(4) Stepparent, stepchild, stepbrother, or stepsister;	106256
(5) Father-in-law, mother-in-law, son-in-law,	106257
daughter-in-law, brother-in-law, or sister-in-law;	106258
(6) Grandparent or grandchild;	106259
(7) Foster caregiver, foster child, foster brother, or foster	106260
sister.	106261
(SS) <u>(UU)</u> "Residents' rights advocate" has the same meaning as	106262
in section 3721.10 of the Revised Code.	106263
(TT) <u>(VV)</u> "Skilled nursing facility" has the same meaning as	106264
in the "Social Security Act," section 1819(a), 42 U.S.C.	106265
1395i-3(a).	106266
(UU) <u>(WW)</u> "State fiscal year" means the fiscal year of this	106267
state, as specified in section 9.34 of the Revised Code.	106268
(VV) <u>(XX)</u> "Sponsor" has the same meaning as in section 3721.10	106269
of the Revised Code.	106270
(WW) <u>(YY)</u> "Tax costs" means the costs of taxes imposed under	106271
Chapter 5751. of the Revised Code, real estate taxes, personal	106272
property taxes, and corporate franchise taxes.	106273
(XX) <u>(ZZ)</u> "Title XIX" means Title XIX of the "Social Security	106274
Act," 42 U.S.C. 1396 et seq.	106275

~~(YY)~~(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. 106276
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~~(ZZ)~~(BBB) "Voluntary withdrawal of participation" means an operator's voluntary election to terminate the participation of a nursing facility in the medicaid program but to continue to provide service of the type provided by a nursing facility. 106278
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Sec. 5165.109. (A) The department of medicaid may conduct an audit, as defined in rules adopted under section 5165.02 of the Revised Code, of any cost report filed under section 5165.10 or 5165.522 of the Revised Code. The decision whether to conduct an audit and the scope of the audit, which may be a desk or field audit, may be determined based on prior performance of the provider, a risk analysis, or other evidence that gives the department reason to believe that the provider has reported costs improperly. A desk or field audit may be performed annually, but is required whenever a provider does not pass the risk analysis tolerance factors. 106282
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(B) Audits shall be conducted by auditors under contract with the department, auditors working for firms under contract with the department, or auditors employed by the department. 106293
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The department may establish a contract for the auditing of nursing facilities by outside firms. Each contract entered into by bidding shall be effective for one to two years. 106296
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(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The audit report shall include notice of any fine imposed under section 5165.1010 of the Revised Code. The department shall issue the audit report not later than three years after the earlier of the following: 106299
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(1) The date the cost report is filed; 106305

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed. 106306
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(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5165.41 of the Revised Code. 106308
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~~(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: If an audit is conducted by an auditor under contract with the department, the audit shall be conducted in accordance with procedures agreed upon between the department and the auditor.~~ 106316
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(2) If an audit is conducted by the department, the department shall develop an audit plan or approach before the audit begins. The scope of the audit may change during the course of the audit based on observations and findings during the audit. 106326
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~~(a) Require (3) All of the following apply to each field audit to be conducted by an auditor to whom all of the following apply under contract with the department:~~ 106330
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~~(i)(a) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or~~ 106333
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operation of nursing facilities in this state. 106337

~~(ii)(b) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm. 106338~~

~~(iii)(c) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office. 106340~~

~~(b) Require each auditor conducting a field audit to do all of the following: 106344~~

~~(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX; 106346~~

~~(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants; 106348~~

~~(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care; 106351~~

~~(iv) Complete the audit within the time period specified by the department; 106357~~

~~(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled. 106359~~

~~(2) For the purpose of division (E)(1)(a)(i) of this section, 106366~~

~~employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility.~~

Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility services the provider's nursing facility provides during a state fiscal year shall be determined as follows:

(A) Determine the sum of all of the following:

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code;

(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code;

(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code;

(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code;

(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code.

(B) To the sum determined under division (A) of this section, add sixteen dollars and forty-four cents.

~~(C) From the sum determined under division (B) of this section, subtract one dollar and seventy-nine cents.~~

~~(D)~~ To the sum determined under division ~~(C)~~(B) of this 106397
section, add, ~~for state fiscal year 2022 and for state fiscal year~~ 106398
~~2023~~, the per medicaid day quality incentive payment rate 106399
determined for the nursing facility under section 5165.26 of the 106400
Revised Code. 106401

Sec. 5165.151. (A) The total per medicaid day payment rate 106402
determined under section 5165.15 of the Revised Code shall not be 106403
the initial rate for nursing facility services provided by a new 106404
nursing facility. Instead, the initial total per medicaid day 106405
payment rate for nursing facility services provided by a new 106406
nursing facility shall be determined in the following manner: 106407

(1) The initial rate for ancillary and support costs shall be 106408
the rate for the new nursing facility's peer group determined 106409
under division (C) of section 5165.16 of the Revised Code. 106410

(2) The initial rate for capital costs shall be the rate for 106411
the new nursing facility's peer group determined under division 106412
(C) of section 5165.17 of the Revised Code; 106413

(3) The initial rate for direct care costs shall be the 106414
product of the cost per case-mix unit determined under division 106415
(C) of section 5165.19 of the Revised Code for the new nursing 106416
facility's peer group and the new nursing facility's case-mix 106417
score determined under division (B) of this section. 106418

(4) The initial rate for tax costs shall be the following: 106419

(a) If the provider of the new nursing facility submits to 106420
the department of medicaid the nursing facility's projected tax 106421
costs for the calendar year in which the provider obtains an 106422
initial provider agreement for the new nursing facility, an amount 106423
determined by dividing those projected tax costs by the number of 106424
inpatient days the nursing facility would have for that calendar 106425
year if its occupancy rate were one hundred per cent; 106426

(b) If division (A)(4)(a) of this section does not apply, the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (B) of section 5165.16 of the Revised Code.

(5) ~~Fourteen~~ The initial quality incentive payment rate for the new nursing facility shall be the amount determined under section 5165.26 of the Revised Code.

(6) Sixteen dollars and ~~sixty-five~~ forty-four cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to ~~(4)~~(5) of this section.

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following:

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group ~~+~~.

(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities.

(C) Subject to division (D) of this section, the department of medicaid shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter.

(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average

case-mix score for the new nursing facility's peer group, the rate 106458
shall be redetermined to reflect the new nursing facility's actual 106459
semiannual average case-mix score determined under section 106460
5165.192 of the Revised Code after the new nursing facility 106461
submits its first two quarterly assessment data that qualify for 106462
use in calculating a case-mix score in accordance with rules 106463
authorized by section 5165.192 of the Revised Code. If the new 106464
nursing facility's quarterly submissions do not qualify for use in 106465
calculating a case-mix score, the department shall continue to use 106466
the median annual average case-mix score for the new nursing 106467
facility's peer group in lieu of the new nursing facility's 106468
semiannual case-mix score until the new nursing facility submits 106469
two consecutive quarterly assessment data that qualify for use in 106470
calculating a case-mix score. 106471

Sec. 5165.152. The total per medicaid day payment rate 106472
determined under section 5165.15 of the Revised Code shall not be 106473
paid for nursing facility services provided to low ~~resource~~ 106474
~~utilization~~ case-mix residents. Instead, the total rate for such 106475
nursing facility services shall be one hundred fifteen dollars per 106476
medicaid day. 106477

Sec. 5165.16. (A) The department of medicaid shall determine 106478
each nursing facility's per medicaid day payment rate for 106479
ancillary and support costs. A nursing facility's rate shall be 106480
the rate determined under division (C) of this section for the 106481
nursing facility's peer group. 106482

(B) For the purpose of determining nursing facilities' rates 106483
for ancillary and support costs, the department shall establish 106484
six peer groups composed as follows: 106485

(1) Each nursing facility located in any of the following 106486
counties shall be placed in peer group one or two: Brown, Butler, 106487

Clermont, Clinton, Hamilton, and Warren. Each nursing facility 106488
located in any of those counties that has fewer than one hundred 106489
beds shall be placed in peer group one. Each nursing facility 106490
located in any of those counties that has one hundred or more beds 106491
shall be placed in peer group two. 106492

(2) Each nursing facility located in any of the following 106493
counties shall be placed in peer group three or four: Allen, 106494
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 106495
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 106496
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 106497
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 106498
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 106499
nursing facility located in any of those counties that has fewer 106500
than one hundred beds shall be placed in peer group three. Each 106501
nursing facility located in any of those counties that has one 106502
hundred or more beds shall be placed in peer group four. 106503

(3) Each nursing facility located in any of the following 106504
counties shall be placed in peer group five or six: Adams, 106505
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 106506
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 106507
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 106508
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 106509
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 106510
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 106511
and Wyandot. Each nursing facility located in any of those 106512
counties that has fewer than one hundred beds shall be placed in 106513
peer group five. Each nursing facility located in any of those 106514
counties that has one hundred or more beds shall be placed in peer 106515
group six. 106516

(C)(1) The department shall determine the rate for ancillary 106517
and support costs for each peer group established under division 106518
(B) of this section. The rate for ancillary and support costs 106519

determined under this division for a peer group shall be used for 106520
subsequent years until the department conducts a rebasing. To 106521
determine a peer group's rate for ancillary and support costs, the 106522
department shall do ~~all~~ both of the following: 106523

(a) Determine the rate for ancillary and support costs for 106524
each nursing facility in the peer group for the applicable 106525
calendar year by using the greater of the nursing facility's 106526
actual inpatient days for the applicable calendar year or the 106527
inpatient days the nursing facility would have had for the 106528
applicable calendar year if its occupancy rate had been ninety per 106529
cent; 106530

(b) Subject to division (C)(2) of this section, identify 106531
which nursing facility in the peer group is at the twenty-fifth 106532
percentile of the rate for ancillary and support costs for the 106533
applicable calendar year determined under division (C)(1)(a) of 106534
this section; 106535

~~(c) Multiply the rate for ancillary and support costs 106536
determined under division (C)(1)(a) of this section for the 106537
nursing facility identified under division (C)(1)(b) of this 106538
section by the rate of inflation for the eighteen month period 106539
beginning on the first day of July of the applicable calendar year 106540
and ending the last day of December of the calendar year 106541
immediately following the applicable calendar year using the 106542
following: 106543~~

~~(i) Except as provided in division (C)(1)(c)(ii) of this 106544
section, the consumer price index for all items for all urban 106545
consumers for the midwest region, published by the United States 106546
bureau of labor statistics; 106547~~

~~(ii) If the United States bureau of labor statistics ceases 106548
to publish the index specified in division (C)(1)(c)(i) of this 106549
section, the index the bureau subsequently publishes that covers 106550~~

~~urban consumers' prices for items for the region that includes
this state.~~ 106551
106552

(2) In making the identification under division (C)(1)(b) of 106553
this section, the department shall exclude both of the following: 106554

(a) Nursing facilities that participated in the medicaid 106555
program under the same provider for less than twelve months in the 106556
applicable calendar year; 106557

(b) Nursing facilities whose ancillary and support costs are 106558
more than one standard deviation from the mean desk-reviewed, 106559
actual, allowable, per diem ancillary and support cost for all 106560
nursing facilities in the nursing facility's peer group for the 106561
applicable calendar year. 106562

(3) The department shall not redetermine a peer group's rate 106563
for ancillary and support costs under this division based on 106564
additional information that it receives after the rate is 106565
determined. The department shall redetermine a peer group's rate 106566
for ancillary and support costs only if the department made an 106567
error in determining the rate based on information available to 106568
the department at the time of the original determination. 106569

Sec. 5165.19. ~~(A)(A)(1)~~ Semiannually, except as provided in 106570
division (A)(2) of this section, the department of medicaid shall 106571
determine each nursing facility's per medicaid day payment rate 106572
for direct care costs by multiplying the facility's semiannual 106573
case-mix score determined under section 5165.192 of the Revised 106574
Code by the cost per case-mix unit determined under division (C) 106575
of this section for the facility's peer group. 106576

(2) Beginning January 1, 2024, during state fiscal years 2024 106577
and 2025, the department shall determine each nursing facility's 106578
per medicaid day payment rate for direct care costs by multiplying 106579
the cost per case-mix unit determined under division (C) of this 106580

section for the facility's peer group by the case-mix score 106581
specified in division (A)(2)(a) or (b) of this section, as 106582
selected by the nursing facility not later than October 1, 2023. 106583
If the nursing facility does not make a selection by October 1, 106584
2023, the case-mix score specified in division (A)(2)(a) of this 106585
section shall apply. The case-mix score may be either of the 106586
following: 106587

(a) The semiannual case-mix score determined for the facility 106588
under division (A)(1) of this section; 106589

(b) The facility's quarterly case-mix score from March 31, 106590
2023, which shall apply to the facility's direct care rate from 106591
January 1, 2024, to June 30, 2025. 106592

(B) For the purpose of determining nursing facilities' rates 106593
for direct care costs, the department shall establish three peer 106594
groups. 106595

(1) Each nursing facility located in any of the following 106596
counties shall be placed in peer group one: Brown, Butler, 106597
Clermont, Clinton, Hamilton, and Warren. 106598

(2) Each nursing facility located in any of the following 106599
counties shall be placed in peer group two: Allen, Ashtabula, 106600
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 106601
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 106602
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 106603
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 106604
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 106605

(3) Each nursing facility located in any of the following 106606
counties shall be placed in peer group three: Adams, Ashland, 106607
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 106608
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 106609
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 106610
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, 106611

Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 106612
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 106613
Wyandot. 106614

(C)(1) The department shall determine a cost per case-mix 106615
unit for each peer group established under division (B) of this 106616
section. The cost per case-mix unit determined under this division 106617
for a peer group shall be used for subsequent years until the 106618
department conducts a rebasing. To determine a peer group's cost 106619
per case-mix unit, the department shall do ~~all~~ both of the 106620
following: 106621

(a) Determine the cost per case-mix unit for each nursing 106622
facility in the peer group for the applicable calendar year by 106623
dividing each facility's desk-reviewed, actual, allowable, per 106624
diem direct care costs for the applicable calendar year by the 106625
facility's annual average case-mix score determined under section 106626
5165.192 of the Revised Code for the applicable calendar year; 106627

(b) Subject to division (C)(2) of this section, identify 106628
which nursing facility in the peer group is at the twenty-fifth 106629
percentile of the cost per case-mix units determined under 106630
division (C)(1)(a) of this section; 106631

~~(c) Calculate the amount that is two per cent above the cost 106632
per case mix unit determined under division (C)(1)(a) of this 106633
section for the nursing facility identified under division 106634
(C)(1)(b) of this section; 106635~~

~~(d) Using the index specified in division (C)(3) of this 106636
section, multiply the rate of inflation for the eighteen month 106637
period beginning on the first day of July of the applicable 106638
calendar year and ending the last day of December of the calendar 106639
year immediately following the applicable calendar year by the 106640
amount calculated under division (C)(1)(c) of this section. 106641~~

(2) In making the identification under division (C)(1)(b) of 106642

this section, the department shall exclude both of the following: 106643

(a) Nursing facilities that participated in the medicaid 106644
program under the same provider for less than twelve months in the 106645
applicable calendar year; 106646

(b) Nursing facilities whose cost per case-mix unit is more 106647
than one standard deviation from the mean cost per case-mix unit 106648
for all nursing facilities in the nursing facility's peer group 106649
for the applicable calendar year. 106650

~~(3) The following index shall be used for the purpose of the 106651
calculation made under division (C)(1)(d) of this section:~~ 106652

~~(a) Except as provided in division (C)(3)(b) of this section, 106653
the employment cost index for total compensation, nursing and 106654
residential care facilities occupational group, published by the 106655
United States bureau of labor statistics;~~ 106656

~~(b) If the United States bureau of labor statistics ceases to 106657
publish the index specified in division (C)(3)(a) of this section, 106658
the index the bureau subsequently publishes that covers nursing 106659
facilities' staff costs.~~ 106660

~~(4) The department shall not redetermine a peer group's cost 106661
per case-mix unit under this division based on additional 106662
information that it receives after the peer group's per case-mix 106663
unit is determined. The department shall redetermine a peer 106664
group's cost per case-mix unit only if it made an error in 106665
determining the peer group's cost per case-mix unit based on 106666
information available to the department at the time of the 106667
original determination. 106668~~

Sec. 5165.192. (A)(1) Except as provided in division (B) of 106669
this section and in accordance with the process specified in rules 106670
authorized by this section, the department of medicaid shall do 106671
all of the following: 106672

(a) Every quarter, determine the following two case-mix scores for each nursing facility: 106673

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low ~~resource utilization~~ case-mix resident; 106674

(ii) A quarterly case-mix score that includes each resident regardless of payment source. 106675

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section; 106676

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section. 106677

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following: 106678

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code; 106679

(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services; 106680

(c) Except as modified in rules authorized by this section, the grouper methodology used on ~~June 30, 1999~~ October 1, 2019, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program. 106681

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per 106682

cent less than the nursing facility's case-mix score for the 106703
immediately preceding calendar quarter if any of the following 106704
apply: 106705

(a) The provider does not timely submit complete and accurate 106706
resident assessment data necessary to determine the nursing 106707
facility's case-mix score for the calendar quarter; 106708

(b) The nursing facility was subject to an exception review 106709
under section 5165.193 of the Revised Code for the immediately 106710
preceding calendar quarter; 106711

(c) The nursing facility was assigned a case-mix score for 106712
the immediately preceding calendar quarter. 106713

(2) Before assigning a case-mix score to a nursing facility 106714
due to the submission of incorrect resident assessment data, the 106715
department shall permit the provider to correct the data. The 106716
department may assign the case-mix score if the provider fails to 106717
submit the corrected resident assessment data not later than the 106718
earlier of the forty-fifth day after the end of the calendar 106719
quarter to which the data pertains or the deadline for submission 106720
of such corrections established by regulations adopted by the 106721
United States department of health and human services under Title 106722
XVIII and Title XIX. 106723

(3) If, for more than six months in a calendar year, a 106724
provider is paid a rate determined for a nursing facility using a 106725
case-mix score assigned to the nursing facility under division 106726
(B)(1) of this section, the department may assign the nursing 106727
facility a cost per case-mix unit that is five per cent less than 106728
the nursing facility's actual or assigned cost per case-mix unit 106729
for the immediately preceding calendar year. The department may 106730
use the assigned cost per case-mix unit, instead of determining 106731
the nursing facility's actual cost per case-mix unit in accordance 106732
with section 5165.19 of the Revised Code, to establish the nursing 106733

facility's rate for direct care costs for the fiscal year 106734
immediately following the calendar year for which the cost per 106735
case-mix unit is assigned. 106736

(4) The department shall take action under division (B)(1), 106737
(2), or (3) of this section only in accordance with rules 106738
authorized by this section. The department shall not take an 106739
action that affects rates for prior payment periods except in 106740
accordance with sections 5165.41 and 5165.42 of the Revised Code. 106741

(C) The medicaid director shall adopt rules under section 106742
5165.02 of the Revised Code as necessary to implement this 106743
section. 106744

(1) The rules shall do all of the following: 106745

(a) Specify the process for determining the semiannual and 106746
annual average case-mix scores for nursing facilities; 106747

~~(b) Adjust the case mix values specified in division 106748
(A)(2)(b) of this section to reflect changes in relative wage 106749
differentials that are specific to this state; 106750~~

~~(c) Express all of those case-mix values in numeric terms 106751
that are different from the terms specified by the United States 106752
department of health and human services but that do not alter the 106753
relationship of the case-mix values to one another; 106754~~

~~(d)(c) Modify the grouper methodology specified in division 106755
(A)(2)(c) of this section as follows: 106756~~

~~(i) Establish a different hierarchy for assigning residents 106757
to case mix categories under the methodology; 106758~~

~~(ii) Allow the use of the index maximizer element of the 106759
methodology; 106760~~

~~(iii) Incorporate changes to the methodology the United 106761
States department of health and human services makes after June 106762
30, 1999 October 1, 2019; 106763~~

~~(iv)~~(ii) Make other changes the department determines are necessary. 106764
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~~(e)~~(d) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 106766
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~~(f)~~(e) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX. 106769
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~~(g)~~(f) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. 106775
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(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group. 106781
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Sec. 5165.26. (A) As used in this section: 106787

(1) "Base rate" means the portion of a nursing facility's total per medicaid day payment rate determined under divisions (A), and (B), ~~and~~ (C) of section 5165.15 of the Revised Code. 106788
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(2) "CMS" means the United States centers for medicare and medicaid services. 106791
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(3) ~~"Force majeure event" means an uncontrollable force or~~ 106793

~~natural disaster not within the power of a nursing facility's operator.~~ 106794
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~~(4)~~ "Long-stay resident" means an individual who has resided in a nursing facility for at least one hundred one days. 106796
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~~(5)~~(4) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero. 106798
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~~(6)~~ "SFF list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program. 106801
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~~(7)~~ "Special focus facility program" means the program conducted by the United States secretary of health and human services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10). 106804
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(B) ~~For state fiscal year 2022 and state fiscal year 2023,~~ 106808
~~and subject~~ Subject to ~~divisions~~ division (D), ~~(E), and (F),~~ and 106809
except as provided in ~~division (G)~~(E) of this section, the 106810
department of medicaid shall determine each nursing facility's per 106811
medicaid day quality incentive payment rate as follows: 106812

(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities. 106813
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(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined. 106815
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(3) Determine the sum of the total number of medicaid days for all of the calendar year preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined. 106818
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(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under 106822
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division (B)(3) of this section.	106824
(5) Determine the value per quality point by determining the quotient of the following:	106825
(a) The sum determined under division (F)(2) <u>(D)(2)</u> of this section.	106826
(a) The sum determined under division (F)(2) <u>(D)(2)</u> of this section.	106827
(a) The sum determined under division (F)(2) <u>(D)(2)</u> of this section.	106828
(b) The product determined under division (B)(4) of this section.	106829
(b) The product determined under division (B)(4) of this section.	106830
(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.	106831
(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.	106832
(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section.	106833
(C)(1) Except as provided in division (C)(2) of this section, a nursing facility's quality score for <u>a state fiscal year 2022</u> and state fiscal year 2023 shall be the sum of the total <u>following</u> :	106834
(C)(1) Except as provided in division (C)(2) of this section, a nursing facility's quality score for <u>a state fiscal year 2022</u> and state fiscal year 2023 shall be the sum of the total <u>following</u> :	106835
(C)(1) Except as provided in division (C)(2) of this section, a nursing facility's quality score for <u>a state fiscal year 2022</u> and state fiscal year 2023 shall be the sum of the total <u>following</u> :	106836
(C)(1) Except as provided in division (C)(2) of this section, a nursing facility's quality score for <u>a state fiscal year 2022</u> and state fiscal year 2023 shall be the sum of the total <u>following</u> :	106837
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106838
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106839
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106840
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106841
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106842
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106843
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106844
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106845
(a) <u>The total</u> number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, <u>or CMS's successor metrics as described below</u> , based on the most recent four-quarter average data, <u>or the average data for fewer quarters in the case of successor metrics</u> , available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:	106846
(a) <u>(i)</u> The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;	106847
(a) <u>(i)</u> The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;	106848
(a) <u>(i)</u> The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;	106849
(b) <u>(ii)</u> The percentage of the nursing facility's long-stay residents who had a urinary tract infection;	106850
(b) <u>(ii)</u> The percentage of the nursing facility's long-stay residents who had a urinary tract infection;	106851
(e) <u>(iii)</u> The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;	106852
(e) <u>(iii)</u> The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;	106853

~~(d)(iv)~~ The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder. 106854
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If CMS ceases to publish any of the metrics specified in division (C)(1)(a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS subsequently publishes. 106856
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(b) Two and five-tenths points if the nursing facility's occupancy rate is greater than seventy-five but not more than eighty per cent, five points if the nursing facility's occupancy rate is greater than eighty but not more than eighty-five per cent, and seven and five-tenths points if the nursing facility's occupancy rate is greater than eighty-five per cent. For purposes of this division, the department shall utilize the facility's occupancy rate for licensed beds reported on its cost report for the calendar year preceding the fiscal year for which the rate is determined or, if the facility is not required to be licensed, the facility's occupancy rate for certified beds. If the facility surrenders licensed or certified beds before the first day of May of the calendar year in which the fiscal year begins, the department shall calculate a nursing facility's occupancy rate by dividing the inpatient days reported on the facility's cost report for the calendar year preceding the fiscal year for which the rate is determined by the product of the number of days in the calendar year and the facility's number of licensed, or if applicable, certified beds on the first day of May of the calendar year in which the fiscal year begins. 106860
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(c) Beginning with state fiscal year 2025, the total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or successor metrics designated by CMS, based on the most recent four-quarter average data available in the database maintained by CMS and known as nursing home compare in 106880
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the most recent month of the calendar year during which the fiscal year for which the rate is determined begins: 106886
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(i) The percentage of the nursing facility's long-stay residents whose need for help with daily activities has increased; 106888
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(ii) The percentage of the nursing facility's long-stay residents experiencing one or more falls with major injury; 106890
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(iii) The percentage of the nursing facility's long-stay residents who were administered an antipsychotic medication. 106892
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If CMS ceases to publish any of the metrics specified in division (C)(1)(c) of this section, the department shall use the nursing facility quality metrics on the same topics CMS subsequently publishes. 106894
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(2) In determining a nursing facility's quality score for a state fiscal year ~~2022 and state fiscal year 2023~~, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in ~~division (C)(1)~~ divisions (C)(1)(a) and (c) of this section: 106898
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(a) Unless division (C)(2)(b) ~~or (e)~~ of this section applies, divide the number of the nursing facility's points for the quality metric by twenty. 106904
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(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero. 106907
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~~(c) If the nursing facility's total number of points for state fiscal year 2022 or for state fiscal year 2023 for all of the quality metrics specified in division (C)(1) of this section is less than a number of points that is equal to the twenty fifth percentile of all nursing facilities, reduce the nursing facility's points to zero for that fiscal year.~~ 106910
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~~(3) A nursing facility's quality score shall be zero for state fiscal year 2021 if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section.~~

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~~(D)(1) Except as provided in division (D)(2) of this section, a nursing facility shall not receive a quality incentive payment for state fiscal year 2021 if the nursing facility's licensed occupancy percentage is less than eighty per cent.~~

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~~(2) Division (D)(1) of this section does not apply to a nursing facility if any of the following apply:~~

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~~(a) The nursing facility has a quality score under division (C) of this section for state fiscal year 2021 of at least fifteen points;~~

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~~(b) The nursing facility was initially certified for participation in the medicaid program on or after January 1, 2019;~~

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~~(c) Subject to division (D)(4) of this section, one or more of the beds that are part of the nursing facility's licensed capacity could not be used for resident care during calendar year 2019 due to causes beyond the reasonable control of the nursing facility's operator, including a force majeure event;~~

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~~(d) Subject to division (D)(5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:~~

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~~(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment, staffing, or operational costs.~~

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~~(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are located.~~

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(3) A nursing facility's licensed occupancy percentage for	106946
the purpose of division (D)(1) of this section shall be determined	106947
as follows:	106948
(a) Determine the product of the following:	106949
(i) The nursing facility's licensed capacity as of December	106950
31, 2019, as identified on the nursing facility's cost report	106951
filed with the department pursuant to section 5165.10 of the	106952
Revised Code;	106953
(ii) Three hundred sixty five.	106954
(b) Determine the quotient of the following:	106955
(i) The total number of the nursing facility's inpatient days	106956
for calendar year 2019, as identified on the nursing facility's	106957
cost report filed with the department pursuant to section 5165.10	106958
of the Revised Code;	106959
(ii) The product determined under division (D)(3)(a) of this	106960
section.	106961
(c) Multiply the quotient determined under division (D)(3)(b)	106962
of this section by one hundred.	106963
(4) For a nursing facility to be exempt from division (D)(1)	106964
of this section on account of division (D)(2)(c) of this section,	106965
the nursing facility's operator must provide to the department	106966
written documentation of the number of days during calendar year	106967
2019 that one or more of the beds that are part of the nursing	106968
facility's licensed capacity could not be used and the specific	106969
reason why they could not be used.	106970
(5) For a nursing facility to be exempt from division (D)(1)	106971
of this section on account of division (D)(2)(d) of this section,	106972
the nursing facility's operator must provide to the department	106973
written documentation that confirms the renovation and capital	106974
expenditures.	106975

~~(E) A nursing facility shall not receive a quality incentive payment for state fiscal year 2022 or state fiscal year 2023 if the Department of Health assigned the nursing facility to the SFF list under the special focus facility program and the nursing facility is listed in table A, table B, or table C on the first day of May of the calendar year for which the rate is being determined.~~

~~(F)(D)~~ The total amount to be spent on quality incentive payments under division (B) of this section for ~~each~~ a fiscal year ~~during state fiscal years 2022 and 2023~~ shall be determined as follows:

(1) Determine the following amount for each nursing facility, ~~including those that do not receive a quality incentive payment because of division (D) of this section:~~

(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year plus one dollar and seventy-nine cents; plus sixty per cent of the sum of the following:

(i) The per diem amount by which the nursing facility's rate for ancillary and support costs determined for the fiscal year under section 5165.16 of the Revised Code changed as a result of the rebasing conducted under section 5165.36 of the Revised Code for state fiscal year 2024;

(ii) The per diem amount by which the nursing facility's rate for direct care costs determined for the fiscal year under section 5165.19 of the Revised Code changed as a result of the rebasing conducted under section 5165.36 of the Revised Code for state fiscal year 2024.

(b) Multiply the amount determined under division ~~(F)(1)(a)(D)(1)(a)~~ of this section by the number of the nursing

facility's medicaid days for the calendar year preceding the 107007
fiscal year for which the rate is determined. 107008

(2) Determine the sum of the products determined under 107009
division ~~(F)(1)(b)~~(D)(1)(b) of this section for all nursing 107010
facilities for which the product was determined for the state 107011
fiscal year. 107012

(3) To the sum determined under division ~~(F)(2)~~(D)(2) of this 107013
section, add ~~twenty five million dollars for fiscal year 2022 and~~ 107014
one hundred ~~twenty five million dollars for fiscal year 2023.~~ 107015

~~(G) A~~ (E)(1) Beginning July 1, 2023, a new nursing facility 107016
or a nursing facility that undergoes a change of operator during 107017
fiscal year 2022 or fiscal year 2023 shall not receive a quality 107018
incentive payment for the fiscal year in which the new facility 107019
obtains an initial provider agreement ~~or~~ and the immediately 107020
following fiscal year equal to the median quality incentive 107021
payment determined for nursing facilities for the fiscal year. For 107022
the state fiscal year after the immediately following fiscal year 107023
and subsequent fiscal years, the quality incentive payment shall 107024
be determined under division (C) of this section. 107025

(2) Except as provided in division (E)(3) of this section, a 107026
nursing facility that undergoes a change of operator with an 107027
effective date of April 1, 2023, or later occurred, whichever is 107028
applicable shall not receive a quality incentive payment until the 107029
earlier of the first day of January or the first day of July that 107030
is at least six months after the effective date of the change of 107031
operator. For the immediately following state fiscal year, the 107032
Thereafter quality incentive payment shall be determined under 107033
division (C) of this section. 107034

~~(H) Divisions (C)(3) and (D) of this section are suspended~~ 107035
~~beginning July 1, 2021, and ending June 30, 2023.~~ 107036

(3) A nursing facility that undergoes a change of operator 107037

shall receive a quality incentive payment under this section if 107038
the entering operator owns the physical assets of the nursing 107039
facility or has at least a majority ownership of the entity that 107040
owns the physical assets of the nursing facility. 107041

The nursing facility that shall receive a quality incentive 107042
payment equal to the quality incentive payment the exiting 107043
operator received before the effective date of the change of 107044
operator. For subsequent fiscal years, the quality incentive 107045
payment shall be determined under division (C) of this section. 107046

Sec. 5165.36. The Beginning with state fiscal year 2024, the 107047
department of medicaid shall conduct a rebasing ~~at least~~ once 107048
every ~~five~~ two state fiscal years. When the department conducts a 107049
rebasings for a state fiscal year, it shall conduct the rebasing 107050
for only the direct care, ancillary and support, and tax cost 107051
centers. ~~A nursing facility provider shall spend money received~~ 107052
~~from the rebasing conducted in state fiscal year 2022 on the~~ 107053
~~direct care, ancillary and support, and tax cost centers only.~~ 107054

Sec. 5165.52. (A) On receipt of a written notice under 107055
section 5165.50 of the Revised Code of a facility closure or 107056
voluntary withdrawal of participation, on receipt of a written 107057
notice under section 5165.51 of the Revised Code of a change of 107058
operator, or on the effective date of an involuntary termination, 107059
the department of medicaid shall estimate the amount of any 107060
overpayments made under the medicaid program to the exiting 107061
operator, including overpayments the exiting operator disputes, 107062
and other actual and potential debts the exiting operator owes or 107063
may owe to the department ~~and United States centers for medicare~~ 107064
~~and medicaid services~~ under the medicaid program, including a 107065
franchise permit fee. 107066

(B) In estimating the exiting operator's other actual and 107067

potential debts to the department ~~and the United States centers~~ 107068
~~for medicare and medicaid services~~ under the medicaid program, the 107069
department shall use a debt estimation methodology the medicaid 107070
director shall establish in rules authorized by section 5165.53 of 107071
the Revised Code. The methodology shall provide for estimating all 107072
of the following that the department determines are applicable: 107073

(1) Refunds due the department under section 5165.41 of the 107074
Revised Code; 107075

(2) Interest owed to the department ~~and United States centers~~ 107076
~~for medicare and medicaid services~~; 107077

(3) ~~Final civil monetary and other penalties for which all~~ 107078
~~right of appeal has been exhausted~~; 107079

~~(4)~~ Money owed the department ~~and United States centers for~~ 107080
~~medicare and medicaid services~~ from any outstanding final fiscal 107081
audit, including a final fiscal audit for the last state fiscal 107082
year or portion thereof in which the exiting operator participated 107083
in the medicaid program; 107084

~~(5)~~(4) Other amounts the department determines are 107085
applicable. 107086

(C) The department shall provide the exiting operator written 107087
notice of the department's estimate under division (A) of this 107088
section not later than thirty days after whichever of the 107089
following applies: the department receives the notice under 107090
section 5165.50 of the Revised Code of the facility closure or 107091
voluntary withdrawal of participation~~+~~, the department receives 107092
the notice under section 5165.51 of the Revised Code of the change 107093
of operator~~+~~, or the effective date of the involuntary 107094
termination. The department's written notice shall include the 107095
basis for the estimate. 107096

Sec. 5165.521. (A) Except as provided in divisions (B), (C), 107097

and (D) of this section, the department of medicaid may withhold 107098
from payment due an exiting operator under the medicaid program 107099
the total amount specified in the notice provided under division 107100
(C) of section 5165.52 of the Revised Code that the exiting 107101
operator owes or may owe to the department ~~and United States~~ 107102
~~centers for medicare and medicaid services~~ under the medicaid 107103
program. 107104

(B) In the case of a change of operator and subject to 107105
division (E) of this section, the following shall apply regarding 107106
a withholding under division (A) of this section if the exiting 107107
operator or entering operator or an affiliated operator executes a 107108
successor liability agreement meeting the requirements of division 107109
(F) of this section: 107110

(1) If the exiting operator, entering operator, or affiliated 107111
operator assumes liability for the total, actual amount of debt 107112
the exiting operator owes the department ~~and the United States~~ 107113
~~centers for medicare and medicaid services~~ under the medicaid 107114
program as determined under section 5165.525 of the Revised Code, 107115
the department shall not make the withholding. 107116

(2) If the exiting operator, entering operator, or affiliated 107117
operator assumes liability for only the portion of the amount 107118
specified in division (B)(1) of this section that represents the 107119
franchise permit fee the exiting operator owes, the department 107120
shall withhold not more than the difference between the total 107121
amount specified in the notice provided under division (C) of 107122
section 5165.52 of the Revised Code and the amount for which the 107123
exiting operator, entering operator, or affiliated operator 107124
assumes liability. 107125

(C) In the case of a voluntary withdrawal of participation or 107126
facility closure and subject to division (E) of this section, the 107127
following shall apply regarding a withholding under division (A) 107128

of this section if the exiting operator or an affiliated operator 107129
executes a successor liability agreement meeting the requirements 107130
of division (F) of this section: 107131

(1) If the exiting operator or affiliated operator assumes 107132
liability for the total, actual amount of debt the exiting 107133
operator owes the department ~~and the United States centers for~~ 107134
~~medicare and medicaid services~~ under the medicaid program as 107135
determined under section 5165.525 of the Revised Code, the 107136
department shall not make the withholding. 107137

(2) If the exiting operator or affiliated operator assumes 107138
liability for only the portion of the amount specified in division 107139
(C)(1) of this section that represents the franchise permit fee 107140
the exiting operator owes, the department shall withhold not more 107141
than the difference between the total amount specified in the 107142
notice provided under division (C) of section 5165.52 of the 107143
Revised Code and the amount for which the exiting operator or 107144
affiliated operator assumes liability. 107145

(D) In the case of an involuntary termination and subject to 107146
division (E) of this section, the following shall apply regarding 107147
a withholding under division (A) of this section if the exiting 107148
operator, the entering operator, or an affiliated operator 107149
executes a successor liability agreement meeting the requirements 107150
of division (F) of this section and the department approves the 107151
successor liability agreement: 107152

(1) If the exiting operator, entering operator, or affiliated 107153
operator assumes liability for the total, actual amount of debt 107154
the exiting operator owes the department ~~and the United States~~ 107155
~~centers for medicare and medicaid services~~ under the medicaid 107156
program as determined under section 5165.525 of the Revised Code, 107157
the department shall not make the withholding. 107158

(2) If the exiting operator, entering operator, or affiliated 107159

operator assumes liability for only the portion of the amount 107160
specified in division (D)(1) of this section that represents the 107161
franchise permit fee the exiting operator owes, the department 107162
shall withhold not more than the difference between the total 107163
amount specified in the notice provided under division (C) of 107164
section 5165.52 of the Revised Code and the amount for which the 107165
exiting operator, entering operator, or affiliated operator 107166
assumes liability. 107167

(E) For an exiting operator or affiliated operator to be 107168
eligible to enter into a successor liability agreement under 107169
division (B), (C), or (D) of this section, both of the following 107170
must apply: 107171

(1) The exiting operator or affiliated operator must have one 107172
or more valid provider agreements, other than the provider 107173
agreement for the nursing facility that is the subject of the 107174
involuntary termination, voluntary withdrawal of participation, 107175
facility closure, or change of operator; 107176

(2) During the twelve-month period preceding either the 107177
effective date of the involuntary termination or the month in 107178
which the department receives the notice of the voluntary 107179
withdrawal of participation or facility closure under section 107180
5165.50 of the Revised Code or the notice of the change of 107181
operator under section 5165.51 of the Revised Code, the average 107182
monthly medicaid payment made to the exiting operator or 107183
affiliated operator pursuant to the exiting operator's or 107184
affiliated operator's one or more provider agreements, other than 107185
the provider agreement for the nursing facility that is the 107186
subject of the involuntary termination, voluntary withdrawal of 107187
participation, facility closure, or change of operator, must equal 107188
at least ninety per cent of the sum of the following: 107189

(a) The average monthly medicaid payment made to the exiting 107190
operator pursuant to the exiting operator's provider agreement for 107191

the nursing facility that is the subject of the involuntary 107192
termination, voluntary withdrawal of participation, facility 107193
closure, or change of operator; 107194

(b) Whichever of the following apply: 107195

(i) If the exiting operator or affiliated operator has 107196
assumed liability under one or more other successor liability 107197
agreements, the total amount for which the exiting operator or 107198
affiliated operator has assumed liability under the other 107199
successor liability agreements; 107200

(ii) If the exiting operator or affiliated operator has not 107201
assumed liability under any other successor liability agreements, 107202
zero. 107203

(F) A successor liability agreement executed under this 107204
section must comply with all of the following: 107205

(1) It must provide for the operator who executes the 107206
successor liability agreement to assume liability for either of 107207
the following as specified in the agreement: 107208

(a) The total, actual amount of debt the exiting operator 107209
owes the department ~~and the United States centers for medicare and~~ 107210
~~medicaid services~~ under the medicaid program as determined under 107211
section 5165.525 of the Revised Code; 107212

(b) The portion of the amount specified in division (F)(1)(a) 107213
of this section that represents the franchise permit fee the 107214
exiting operator owes. 107215

(2) It may not require the operator who executes the 107216
successor liability agreement to furnish a surety bond. 107217

(3) It must provide that the department, after determining 107218
under section 5165.525 of the Revised Code the actual amount of 107219
debt the exiting operator owes the department ~~and United States~~ 107220
~~centers for medicare and medicaid services~~ under the medicaid 107221

program, may deduct the lesser of the following from medicaid 107222
payments made to the operator who executes the successor liability 107223
agreement: 107224

(a) The total, actual amount of debt the exiting operator 107225
owes the department ~~and the United States centers for medicare and~~ 107226
~~medicaid services~~ under the medicaid program as determined under 107227
section 5165.525 of the Revised Code; 107228

(b) The amount for which the operator who executes the 107229
successor liability agreement assumes liability under the 107230
agreement. 107231

(4) It must provide that the deductions authorized by 107232
division (F)(3) of this section are to be made for a number of 107233
months, not to exceed six, agreed to by the operator who executes 107234
the successor liability agreement and the department or, if the 107235
operator who executes the successor liability agreement and 107236
department cannot agree on a number of months that is less than 107237
six, a greater number of months determined by the attorney general 107238
pursuant to a claims collection process authorized by statute of 107239
this state. 107240

(5) It must provide that, if the attorney general determines 107241
the number of months for which the deductions authorized by 107242
division (F)(3) of this section are to be made, the operator who 107243
executes the successor liability agreement shall pay, in addition 107244
to the amount collected pursuant to the attorney general's claims 107245
collection process, the part of the amount so collected that, if 107246
not for division (H) of this section, would be required by section 107247
109.081 of the Revised Code to be paid into the attorney general 107248
claims fund. 107249

(G) Execution of a successor liability agreement does not 107250
waive an exiting operator's right to contest the amount specified 107251
in the notice the department provides the exiting operator under 107252

division (C) of section 5165.52 of the Revised Code. 107253

(H) Notwithstanding section 109.081 of the Revised Code, the 107254
entire amount that the attorney general, whether by employees or 107255
agents of the attorney general or by special counsel appointed 107256
pursuant to section 109.08 of the Revised Code, collects under a 107257
successor liability agreement, other than the additional amount 107258
the operator who executes the agreement is required by division 107259
(F)(5) of this section to pay, shall be paid to the department of 107260
medicaid for deposit into the appropriate fund. The additional 107261
amount that the operator is required to pay shall be paid into the 107262
state treasury to the credit of the attorney general claims fund 107263
created under section 109.081 of the Revised Code. 107264

Sec. 5165.525. The department of medicaid shall determine the 107265
actual amount of debt an exiting operator owes the department ~~and~~ 107266
~~the United States centers for medicare and medicaid services~~ under 107267
the medicaid program by completing all final fiscal audits not 107268
already completed and performing all other appropriate actions the 107269
department determines to be necessary. The department shall issue 107270
an initial debt summary report on this matter not later than sixty 107271
days after the date the exiting operator files the properly 107272
completed cost report required by section 5165.522 of the Revised 107273
Code with the department or, if the department waives the cost 107274
report requirement for the exiting operator, sixty days after the 107275
date the department waives the cost report requirement. ~~The~~ 107276
~~initial debt summary report becomes the~~ A final debt summary 107277
report shall be issued thirty-one days after the department issues 107278
the initial debt summary report unless the exiting operator, or an 107279
affiliated operator who executes a successor liability agreement 107280
under section 5165.521 of the Revised Code, requests a review 107281
before that date. 107282

The exiting operator, and an affiliated operator who executes 107283

a successor liability agreement under section 5165.521 of the Revised Code, may request a review to contest any of the department's findings included in the initial debt summary report. The request for the review must be submitted to the department not later than thirty days after the date the department issues the initial debt summary report. The department shall conduct the review on receipt of a timely request and issue a revised debt summary report. If the department has withheld money from payment due the exiting operator under division (A) of section 5165.521 of the Revised Code, the department shall issue the revised debt summary report not later than ninety days after the date the department receives the timely request for the review unless the department and exiting operator or affiliated operator agree to a later date. The exiting operator or affiliated operator may submit information to the department explaining what the operator contests before and during the review, including documentation of the amount of any debt the department owes the operator. The exiting operator or affiliated operator may submit additional information to the department not later than thirty days after the department issues the revised debt summary report. ~~The revised debt summary report becomes the~~ A final debt summary report shall be issued thirty-one days after the department issues the revised debt summary report unless the exiting operator or affiliated operator timely submits additional information to the department. If the exiting operator or affiliated operator timely submits additional information to the department, the department shall consider the additional information and issue a final debt summary report not later than sixty days after the department issues the revised debt summary report unless the department and exiting operator or affiliated operator agree to a later date.

Each debt summary report the department issues under this section shall include the department's findings and the amount of debt the department determines the exiting operator owes the

department and United States centers for medicare and medicaid 107317
~~services~~ under the medicaid program. The department shall explain 107318
its findings and determination in each debt summary report. 107319

The exiting operator, and an affiliated operator who executes 107320
a successor liability agreement under section 5165.521 of the 107321
Revised Code, may request, in accordance with Chapter 119. of the 107322
Revised Code, an adjudication regarding a finding in a final debt 107323
summary report that pertains to an audit or alleged overpayment 107324
made under the medicaid program to the exiting operator. The 107325
adjudication shall be consolidated with any other uncompleted 107326
adjudication that concerns a matter addressed in the final debt 107327
summary report. 107328

Sec. 5165.526. The department of medicaid shall release the 107329
actual amount withheld under division (A) of section 5165.521 of 107330
the Revised Code, less any amount the exiting operator owes the 107331
department and United States centers for medicare and medicaid 107332
~~services~~ under the medicaid program, as follows: 107333

(A) Unless the department issues the initial debt summary 107334
report required by section 5165.525 of the Revised Code not later 107335
than sixty days after the date the exiting operator files the 107336
properly completed cost report required by section 5165.522 of the 107337
Revised Code, sixty-one days after the date the exiting operator 107338
files the properly completed cost report; 107339

(B) If the department issues the initial debt summary report 107340
required by section 5165.525 of the Revised Code not later than 107341
sixty days after the date the exiting operator files a properly 107342
completed cost report required by section 5165.522 of the Revised 107343
Code, not later than the following: 107344

(1) Thirty days after the deadline for requesting an 107345
adjudication under section 5165.525 of the Revised Code regarding 107346
the final debt summary report if the exiting operator, and an 107347

affiliated operator who executes a successor liability agreement 107348
under section 5165.521 of the Revised Code, fail to request the 107349
adjudication on or before the deadline; 107350

(2) Thirty days after the completion of an adjudication of 107351
the final debt summary report if the exiting operator, or an 107352
affiliated operator who executes a successor liability agreement 107353
under section 5165.521 of the Revised Code, requests the 107354
adjudication on or before the deadline for requesting the 107355
adjudication. 107356

(C) Unless the department issues the initial debt summary 107357
report required by section 5165.525 of the Revised Code not later 107358
than sixty days after the date the department waives the cost 107359
report requirement of section 5165.522 of the Revised Code, 107360
sixty-one days after the date the department waives the cost 107361
report requirement; 107362

(D) If the department issues the initial debt summary report 107363
required by section 5165.525 of the Revised Code not later than 107364
sixty days after the date the department waives the cost report 107365
requirement of section 5165.522 of the Revised Code, not later 107366
than the following: 107367

(1) Thirty days after the deadline for requesting an 107368
adjudication under section 5165.525 of the Revised Code regarding 107369
the final debt summary report if the exiting operator, and an 107370
affiliated operator who executes a successor liability agreement 107371
under section 5165.521 of the Revised Code, fail to request the 107372
adjudication on or before the deadline; 107373

(2) Thirty days after the completion of an adjudication of 107374
the final debt summary report if the exiting operator, or an 107375
affiliated operator who executes a successor liability agreement 107376
under section 5165.521 of the Revised Code, requests the 107377
adjudication on or before the deadline for requesting the 107378

adjudication. 107379

Sec. 5165.528. (A) All amounts withheld under section 107380
5165.521 of the Revised Code from payment due an exiting operator 107381
under the medicaid program shall be deposited into the medicaid 107382
payment withholding fund created by the controlling board pursuant 107383
to section 131.35 of the Revised Code. Money in the fund shall be 107384
used as follows: 107385

(1) To pay an exiting operator when a withholding is released 107386
to the exiting operator under section 5165.526 or 5165.527 of the 107387
Revised Code; 107388

(2) To pay the department of medicaid ~~and United States~~ 107389
~~centers for medicare and medicaid services~~ the amount an exiting 107390
operator owes the department ~~and United States centers~~ under the 107391
medicaid program. 107392

(B) Amounts paid from the medicaid payment withholding fund 107393
pursuant to division (A)(2) of this section shall be deposited 107394
into the appropriate department fund. 107395

Sec. 5165.771. (A) As used in this section: 107396

(1) ~~"SFF list" means the list of nursing facilities that the~~ 107397
~~United States department of health and human services creates~~ 107398
~~under the special focus facility program.~~ 107399

~~(2)~~ "Special focus facility program" means the program 107400
conducted by the United States secretary of health and human 107401
services pursuant to the "Social Security Act," section 107402
1919(f)(10), 42 U.S.C. 1396r(f)(10). 107403

~~(3)~~ "Table A" means the table included in the SFF list that 107404
identifies nursing facilities that are newly added to the SFF 107405
list. 107406

~~(4)~~ "Table B" means the table included in the SFF list that 107407

~~identifies nursing facilities that have not improved.~~ 107408

~~(5) "Table C" means the table included in the SFF list that identifies nursing facilities that have shown improvement.~~ 107409
107410

~~(6) "Table D" means the table included in the SFF list that identifies nursing facilities that have recently graduated from~~ 107411
107412

(2) "Standard health surveys" mean the comprehensive on-site inspections conducted by the department of health on behalf of the United States centers for medicare and medicaid services every six months to evaluate the safety and quality of care provided by a nursing facility as required under the special focus facility program. 107413
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(B) The department of medicaid shall issue an order 107419
terminating a nursing facility's participation in the medicaid 107420
program if ~~any~~ either of the following apply: 107421

~~(1) The nursing facility is placed in table A or table B and fails to be placed in table C not later than twelve months after the facility is placed in table A or table B.~~ 107422
107423
107424

~~(2) The nursing facility is placed in table A, table B, or table C and fails to be placed in table D not later than twenty four months after the facility is placed in table A, table B, or table C.~~ 107425
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~~(3) The nursing facility is placed in table A and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A graduate from the special focus facility program after two standard health surveys while in the program.~~ 107429
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~~(4)(2) The nursing facility is placed in table A and fails to be placed in table D not later than twenty four months after the nursing facility is placed in table A terminated from participation in the medicare or medicaid program by the United States centers for medicare and medicaid services or voluntarily~~ 107434
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chooses not to continue participation in either of those programs. 107439

(C) A Except as provided division (C)(1) or (2) of this 107440
section, a nursing facility may appeal, under Chapter 119. of the 107441
Revised Code, ~~the length of time the facility is listed in a table~~ 107442
~~as described~~ a termination order issued by the department under 107443
division (B) of this section. ~~The~~ 107444

(1) A nursing facility shall not appeal to the department of 107445
medicaid any standard health survey findings that form the basis, 107446
in whole or in part, for an order issued pursuant to division (B) 107447
of this section terminating a nursing facility's participation in 107448
the medicaid program. Any challenges to standard health survey 107449
findings shall be made to the department of health. 107450

(2) A nursing facility shall not appeal to the department of 107451
medicaid a determination by the United States centers for medicare 107452
and medicaid services to terminate a nursing facility's 107453
participation in the medicare or medicaid program. Any challenge 107454
to such a determination shall be made to the centers for medicare 107455
and medicaid services. 107456

(3) The medicaid director shall adopt rules under section 107457
5165.02 of the Revised Code as necessary to provide for an appeal 107458
under this division. Notwithstanding the timeframes listed in 107459
section 119.07 of the Revised Code, the rules may provide for an 107460
expedited appeal under this division. 107461

(D) A nursing facility shall take all steps necessary to 107462
improve its quality of care to avoid having its participation in 107463
the medicaid program terminated pursuant to division (B) of this 107464
section. Technical assistance and quality improvement initiatives 107465
to help a nursing facility avoid having its participation in the 107466
medicaid program terminated pursuant to division (B) of this 107467
section are available through the nursing home quality initiative 107468
established under section 173.60 of the Revised Code or 107469

initiatives offered through a quality improvement organization 107470
under contract with the United States secretary of health and 107471
human services to carry out in this state the functions described 107472
in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3. 107473

Sec. 5165.87. (A) Except as provided in division (B) of this 107474
section, the following remedies are subject to appeal under 107475
Chapter 119. of the Revised Code: 107476

(1) An order issued under section 5165.71, 5165.72, 5165.77, 107477
or 5165.85 of the Revised Code terminating a nursing facility's 107478
participation in the medicaid program; 107479

(2) Appointment of a temporary manager of a facility under 107480
division (A)(1)(b) or (2)(b) of section 5165.72, or division 107481
(A)(1)(d) of section 5165.77 of the Revised Code; 107482

(3) An order issued under section 5165.72, 5165.73, 5165.74, 107483
5165.77, or 5165.84 of the Revised Code denying medicaid payments 107484
to a facility for all medicaid eligible residents admitted after 107485
the effective date of the order; 107486

(4) An order issued under section 5165.72, 5165.73, or 107487
5165.74 of the Revised Code denying medicaid payments to a 107488
facility for medicaid eligible residents admitted after the 107489
effective date of the order who have certain diagnoses or special 107490
care needs specified by the department or agency; 107491

(5) A fine imposed under section 5165.72, 5165.73, or 5165.74 107492
of the Revised Code. 107493

(B) The department of medicaid or contracting agency may do 107494
any of the following prior to or during the pendency of any 107495
proceeding under Chapter 119. of the Revised Code: 107496

(1) Issue and execute an order under section 5165.72, 107497
5165.77, or 5165.85 of the Revised Code terminating a nursing 107498
facility's participation in the medicaid program; 107499

(2) Appoint a temporary manager under division (A)(1)(b) or 107500
(2)(b) of section 5165.72 or division (A)(1)(d) of section 5165.77 107501
of the Revised Code; 107502

(3) Issue and execute an order under section 5165.72, 107503
5165.73, 5165.77, or 5165.84 of the Revised Code denying medicaid 107504
payments to a facility for all medicaid eligible residents 107505
admitted after the effective date of the order; 107506

(4) Issue and execute an order under section 5165.72 or 107507
5165.73 or division (A), (B), or (C) of section 5165.74 of the 107508
Revised Code denying medicaid payments to a facility for medicaid 107509
eligible residents admitted after the effective date of the order 107510
who have specified diagnoses or special care needs. 107511

(C) Whenever the department or agency imposes a remedy listed 107512
in division (B) of this section prior to or during the pendency of 107513
a proceeding, all of the following apply: 107514

(1) The provider against whom the action is taken shall have 107515
ten days after the date the facility actually ~~receives the notice~~ 107516
~~specified~~ is served in ~~section~~ accordance with sections 119.05 and 107517
119.07 of the Revised Code to request a hearing. 107518

(2) The hearing shall commence within thirty days after the 107519
date the department or agency receives the provider's request for 107520
a hearing. 107521

(3) The hearing shall continue uninterrupted from day to day, 107522
except for Saturdays, Sundays, and legal holidays, unless other 107523
interruptions are agreed to by the provider and the department or 107524
agency. 107525

(4) If the hearing is conducted by a hearing examiner, the 107526
hearing examiner shall file a report and recommendations within 107527
ten days after the close of the hearing. 107528

(5) The provider shall have five days after the date the 107529

hearing officer files the report and recommendations within which 107530
to file objections to the report and recommendations. 107531

(6) Not later than fifteen days after the date the hearing 107532
officer files the report and recommendations, the medicaid 107533
director or the director of the contracting agency shall issue an 107534
order approving, modifying, or disapproving the report and 107535
recommendations of the hearing examiner. 107536

(D) If the department or agency imposes more than one remedy 107537
as the result of deficiencies cited in a single survey, the 107538
proceedings for all of the remedies shall be consolidated. If any 107539
of the remedies are imposed during the pendency of a hearing, as 107540
permitted by division (B) of this section, the consolidated 107541
hearing shall be conducted in accordance with division (C) of this 107542
section. The consolidation of the remedies for purposes of a 107543
hearing does not affect the effective dates prescribed in sections 107544
5165.60 to 2165.85 of the Revised Code. 107545

(E) If a contracting agency conducts administrative 107546
proceedings pertaining to remedies imposed under sections 5165.60 107547
to 5165.89 of the Revised Code, the department of medicaid shall 107548
not be considered a party to the proceedings. 107549

Sec. 5166.01. As used in this chapter: 107550

"209(b) option" means the option described in section 1902(f) 107551
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 107552
medicaid program's eligibility requirements for aged, blind, and 107553
disabled individuals are more restrictive than the eligibility 107554
requirements for the supplemental security income program. 107555

"Administrative agency" means, with respect to a home and 107556
community-based services medicaid waiver component, the department 107557
of medicaid or, if a state agency or political subdivision 107558
contracts with the department under section 5162.35 of the Revised 107559

Code to administer the component, that state agency or political subdivision.	107560 107561
"Care management system" has the same meaning as in section 5167.01 of the Revised Code.	107562 107563
"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	107564 107565
"Enrollee" has the same meaning as in section 5167.01 of the Revised Code.	107566 107567
"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.	107568 107569
"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	107570 107571
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	107572 107573 107574 107575
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	107576 107577
"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.	107578 107579
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	107580 107581
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	107582 107583
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	107584 107585
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual,	107586 107587 107588

if determined to need that level of care, would receive hospital 107589
services, nursing facility services, or ICF/IID services if not 107590
for a home and community-based services medicaid waiver component. 107591

"Medicaid buy-in for workers with disabilities program" has 107592
the same meaning as in section 5163.01 of the Revised Code. 107593

"Medicaid MCO plan" has the same meaning as in section 107594
5167.01 of the Revised Code. 107595

"Medicaid provider" has the same meaning as in section 107596
5164.01 of the Revised Code. 107597

"Medicaid services" has the same meaning as in section 107598
5164.01 of the Revised Code. 107599

"Medicaid waiver component" means a component of the medicaid 107600
program authorized by a waiver granted by the United States 107601
department of health and human services under section 1115 or 1915 107602
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 107603
waiver component" does not include the care management system or 107604
services delivered under a prepaid inpatient health plan, as 107605
defined in 42 C.F.R. 438.2. 107606

"Medically fragile child" means an individual who is under 107607
eighteen years of age, has intensive health care needs, and is 107608
considered blind or disabled under section 1614(a)(2) or (3) of 107609
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 107610

"Nursing facility" and "nursing facility services" have the 107611
same meanings as in section 5165.01 of the Revised Code. 107612

"Ohio home care waiver program" means the home and 107613
community-based services medicaid waiver component that is known 107614
as Ohio home care and was created pursuant to section 5166.11 of 107615
the Revised Code. 107616

"Provider agreement" has the same meaning as in section 107617
5164.01 of the Revised Code. 107618

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.~~

Sec. 5166.02. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code governing medicaid waiver components. The rules may establish all of the following:

(1) Eligibility requirements for the medicaid waiver components;

(2) The type, amount, duration, and scope of medicaid services the medicaid waiver components cover;

(3) The conditions under which the medicaid waiver components cover medicaid services;

(4) The amounts the medicaid waiver components pay for medicaid services or the methods by which the amounts are determined;

(5) The manners in which the medicaid waiver components pay for medicaid services;

(6) Safeguards for the health and welfare of medicaid recipients receiving medicaid services under a medicaid waiver

component ; 107649

(7) Procedures for prioritizing and approving for enrollment 107650
individuals who are eligible for a home and community-based 107651
services medicaid waiver component and choose to be enrolled in 107652
the component ; 107653

(8) Procedures for enforcing the rules, including 107654
establishing corrective action plans for, and imposing financial 107655
and administrative sanctions on, persons and government entities 107656
that violate the rules. Sanctions shall include terminating 107657
provider agreements. The procedures shall include due process 107658
protections. 107659

(9) Other policies necessary for the efficient administration 107660
of the medicaid waiver components. 107661

(B) The director may adopt different rules for the different 107662
medicaid waiver components. The rules shall be consistent with the 107663
terms of the waiver authorizing the medicaid waiver component. 107664

(C) The following apply to procedures established under 107665
division (A)(7) of this section: 107666

(1) Any such procedures established for the medicaid-funded 107667
component of the PASSPORT program shall be consistent with section 107668
173.521 of the Revised Code. 107669

(2) Any such procedures established for the medicaid-funded 107670
component of the assisted living program shall be consistent with 107671
section 173.542 of the Revised Code. 107672

(3) Any such procedures established for the Ohio home care 107673
waiver program shall be consistent with section 5166.121 of the 107674
Revised Code. 107675

~~(4) Any such procedures established for the unified long term 107676
services and support medicaid waiver program shall be consistent 107677
with section 5166.141 of the Revised Code. 107678~~

Sec. 5166.16. (A) As used in this section and section 107679
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 107680
component" means all of the following: 107681

(1) The medicaid-funded component of the PASSPORT program, 107682
~~unless it is terminated pursuant to division (C) of section 173.52~~ 107683
~~of the Revised Code;~~ 107684

(2) The medicaid-funded component of the assisted living 107685
program, ~~unless it is terminated pursuant to division (C) of~~ 107686
~~section 173.54 of the Revised Code;~~ 107687

(3) The Ohio home care waiver program, ~~unless it is~~ 107688
~~terminated pursuant to section 5166.12 of the Revised Code.~~ 107689

(B) The medicaid director may create a home and 107690
community-based services medicaid waiver component as part of the 107691
integrated care delivery system. If the ICDS medicaid waiver 107692
component is created, both of the following apply: 107693

(1) The department of medicaid shall administer it; 107694

(2) When it begins to accept enrollments, no ICDS participant 107695
who is eligible for the ICDS medicaid waiver component shall be 107696
enrolled in an ODA or MCD medicaid waiver component regardless of 107697
whether the participant prefers to remain or be enrolled in an ODA 107698
or MCD medicaid waiver component. 107699

(C) A dual eligible individual who is eligible for an ODA or 107700
MCD medicaid waiver component may enroll in the component before 107701
the individual becomes an ICDS participant. The dual eligible 107702
individual shall disenroll from the ODA or MCD medicaid waiver 107703
component and enroll in the ICDS medicaid waiver component once 107704
the individual becomes an ICDS participant and it is possible to 107705
enroll the individual in the ICDS medicaid waiver component. The 107706
disenrollment from the ODA or MCD medicaid waiver component and 107707
enrollment into the ICDS medicaid waiver component shall occur 107708

regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component. 107709
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(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this section shall be accomplished without a disruption in the participant's services under the components. 107711
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Sec. 5166.30. (A) As used in sections 5166.30 to 5166.3010 of the Revised Code: 107716
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(1) "Adult" means an individual at least eighteen years of age. 107718
107719

(2) "Appropriate director" means the following: 107720

(a) The medicaid director in the context of both of the following: 107721
107722

(i) The Ohio home care waiver program, ~~unless it is terminated pursuant to section 5166.12 of the Revised Code;~~ 107723
107724

(ii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 107725
107726

(b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, ~~unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.~~ 107727
107728
107729
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(3) "Authorized representative" means the following: 107731

(a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian; 107732
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(b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services. 107734
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(4) "Authorizing health care professional" means a health care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both.

(5) "Consumer" means an individual to whom all of the following apply:

(a) The individual is enrolled in a participating medicaid waiver component.

(b) The individual has a medically determinable physical impairment to which both of the following apply:

(i) It is expected to last for a continuous period of not less than twelve months.

(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both.

(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant.

(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "Custodian" has the same meaning as in section 2151.011 of the Revised Code.

(8) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach.

- (9) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 107768
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- (10) "Health care professional" means a physician or registered nurse. 107770
107771
- (11) "Home care attendant" means an individual holding a valid provider agreement in accordance with section 5166.301 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. 107772
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- (12) "Home care attendant services" means all of the following as provided by a home care attendant: 107776
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- (a) Personal care aide services; 107778
- (b) Assistance with the self-administration of medication; 107779
- (c) Assistance with nursing tasks. 107780
- (13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum. 107781
107782
- (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 107783
107784
- (15) "Minor" means an individual under eighteen years of age. 107785
- (16) "Participating medicaid waiver component" means all of the following: 107786
107787
- (a) The medicaid-funded component of the PASSPORT program, ~~unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;~~ 107788
107789
- (b) The Ohio home care waiver program, ~~unless it is terminated pursuant to section 5166.12 of the Revised Code;~~ 107791
107792
- (c) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 107793
107794
- (17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or 107795
107796

osteopathic medicine and surgery. 107797

(18) "Practice of nursing as a registered nurse," "practice 107798
of nursing as a licensed practical nurse," and "registered nurse" 107799
have the same meanings as in section 4723.01 of the Revised Code. 107800
"Registered nurse" includes an advanced practice registered nurse, 107801
as defined in section 4723.01 of the Revised Code. 107802

(19) "Schedule II," "schedule III," "schedule IV," and 107803
"schedule V" have the same meanings as in section 3719.01 of the 107804
Revised Code. 107805

(B) Participating medicaid waiver components may cover home 107806
care attendant services in accordance with sections 5166.30 to 107807
5166.3010 of the Revised Code and rules adopted under section 107808
5166.02 of the Revised Code. 107809

Sec. 5166.32. If the department of medicaid terminates the 107810
209(b) option, the department shall establish a medicaid waiver 107811
component under which an individual who has cystic fibrosis and is 107812
enrolled in the program for ~~medically handicapped~~ children and 107813
youth with special health care needs administered by the 107814
department of health under section 3701.023 of the Revised Code or 107815
the program the department of health administers pursuant to 107816
division (G) of that section may qualify for medicaid under the 107817
same type of spenddown process that is part of the 209(b) option. 107818

Sec. 5166.37. ~~The~~ (A) The medicaid director shall establish a 107819
medicaid waiver component under which an individual eligible for 107820
medicaid on the basis of being included in the expansion 107821
eligibility group must satisfy at least one of the following 107822
requirements to be able to enroll in medicaid as part of the 107823
expansion eligibility group: 107824

~~(A)~~(1) Be at least fifty-five years of age; 107825

~~(B)~~(2) Be employed; 107826

(C) (3) Be enrolled in school or an occupational training program;	107827 107828
(D) (4) Be participating in an alcohol and drug addiction treatment program;	107829 107830
(E) (5) Have intensive physical health care needs or serious mental illness.	107831 107832
<u>(B) Not earlier than November 1, 2024, and not later than December 1, 2024, the director shall seek approval from the United States centers for medicare and medicaid services to implement the medicaid waiver component described in this section.</u>	107833 107834 107835 107836
Sec. 5167.12. If prescribed drugs are included in the care management system:	107837 107838
(A) Medicaid MCO plans may include strategies for the management of drug utilization, but any such strategies are subject to the limitations and requirements of this section and the approval of the department of medicaid.	107839 107840 107841 107842
(B) A medicaid MCO plan shall not impose a prior authorization requirement in the case of a drug to which all of the following apply:	107843 107844 107845
(1) The drug is an antidepressant or antipsychotic.	107846
(2) The drug is administered or dispensed in a standard tablet or capsule form, except that in the case of an antipsychotic, the drug also may be administered or dispensed in a long-acting injectable form.	107847 107848 107849 107850
(3) The drug is prescribed by any of the following:	107851
(a) A physician whom the medicaid managed care organization that offers the plan allows to provide care as a psychiatrist through its credentialing process <u>who has registered the physician's psychiatric specialty with the department;</u>	107852 107853 107854 107855

(b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(c) A certified nurse practitioner, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;

(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code.

(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration.

(C) The department shall authorize a medicaid MCO plan to include a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.

(D) Each medicaid managed care organization and medicaid MCO plan shall comply with sections 5164.091, 5164.10, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code as if the organization were the department and the plan were the medicaid program.

Sec. 5167.35. (A) Consistent with the requirements of the care management system implemented on February 1, 2023, to address medicaid population health and social determinants of health and encourage optimal health and self-sufficiency of medicaid enrollees, the department of medicaid, in collaboration with the

department of job and family services, shall develop a program to 107886
assist medicaid enrollees with securing meaningful employment. 107887

(B) As part of that program, each medicaid managed care 107888
organization shall develop a specialized component of its medicaid 107889
MCO plan to provide referral and support to medicaid enrollees in 107890
obtaining and maintaining meaningful employment. Each medicaid 107891
managed care organization shall give priority to identified 107892
enrollees who are of working age and are able-bodied, or who would 107893
benefit from assistance to overcome unemployment or 107894
underemployment. In carrying out the requirements of this section, 107895
each medicaid managed care organization shall do all of the 107896
following: 107897

(1) Identify any barriers that an identified enrollee has to 107898
achieving greater financial independence, including the following: 107899

(a) Education; 107900

(b) Employment; 107901

(c) Physical and behavioral health care; 107902

(d) Transportation; 107903

(e) Childcare; 107904

(f) Housing; 107905

(g) Legal history, including prior conviction of a criminal 107906
offense. 107907

(2) Develop state and local relationships that link and refer 107908
identified enrollees to assessments, resources, and supports that 107909
assist with obtaining and maintaining meaningful employment. 107910

(3) Utilize a standard health risk assessment form 107911
established by the medicaid director to identify enrollees to 107912
receive assistance under the program established by this section. 107913

(C)(1) Not later than six months after the effective date of 107914

this section, the medicaid director and the director of job and family services shall convene a workgroup. The workgroup shall consist of the following members, selected by the directors: 107915
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107917

(a) Representatives of the director of opportunities for Ohioans with disabilities, the director of developmental disabilities, and director of mental health and addiction services; 107918
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(b) Representatives of the Ohio job and family services directors' association and workforce development agencies; 107922
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(c) Representatives of technical, career, and higher education; 107924
107925

(d) Representatives of each medicaid managed care organization; 107926
107927

(e) Representatives of other organizations with expertise and resources involved in career and job development, as determined by the medicaid director and director of job and family services. 107928
107929
107930

(2) The workgroup shall do all of the following: 107931

(a) Identify state and local resources that provide job skills and career development, including available resources to support identified enrollees to seek employment and develop needed skills; 107932
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(b) Develop models for local agreements or protocols for collaboration between medicaid managed care organizations and other community agencies; 107936
107937
107938

(c) Identify conflicts among program requirements that should be addressed by state agencies and the general assembly to facilitate identified enrollees' ability to secure and maintain employment. 107939
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(D) The medicaid director may do any of the following with respect to the program established under this section: 107943
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<u>(1) Establish additional requirements for medicaid managed care organizations;</u>	107945
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<u>(2) Create supplemental assessments to assist in identifying barriers to achieving financial independence, in addition to the barriers identified in division (B)(1) of this section;</u>	107947
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<u>(3) Adopt rules, in accordance with Chapter 119. of the Revised Code, as necessary to implement these provisions.</u>	107950
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<u>(E) The medicaid director and the director of job and family services shall report to the governor, the senate medicaid committee, and any other standing legislative committee having jurisdiction over medicaid regarding the implementation and operation of the program. The directors shall report on a periodic basis during the first year of the program. Thereafter, the directors shall report not less than annually.</u>	107952
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<u>Sec. 5167.50. (A) As used in this section:</u>	107959
<u>(1) "Medicaid managed care entity" means a managed care organization, the state pharmacy benefit manager, the integrated care delivery system authorized by section 5164.91 of the Revised Code, the Ohio resilience through integrated systems and excellence (OhioRISE) program, or other similar entity contracted with the department of medicaid to provide benefits under the medicaid program.</u>	107960
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<u>(2) "Prescription drug rebates received and accrued" includes anything of value paid, owed, or credited to any of the following, to the extent it is directly or indirectly related to the provision of a medicaid-covered outpatient drug or the payment for such a drug:</u>	107967
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<u>(a) A medicaid managed care entity;</u>	107972
<u>(b) A pharmacy benefit manager;</u>	107973
<u>(c) A pharmaceutical rebate aggregator;</u>	107974

<u>(d) A pharmacy services administrative organization;</u>	107975
<u>(e) A group purchasing organization;</u>	107976
<u>(f) A pharmacy network;</u>	107977
<u>(g) Any medicaid managed care entity contractor,</u>	107978
<u>subcontractor or agent, or other person directly or indirectly</u>	107979
<u>performing services for or on behalf of any of the following: the</u>	107980
<u>medicaid managed care entity, the department of medicaid, or the</u>	107981
<u>medicaid program.</u>	107982
<u>(B) The department of medicaid shall make the following</u>	107983
<u>information available on its public web site:</u>	107984
<u>(1) Information used to calculate a medicaid managed care</u>	107985
<u>entity's annual medical loss ratio, including the information</u>	107986
<u>listed in 42 C.F.R. 438.8(e) and (f) and prescription drug rebates</u>	107987
<u>received and accrued;</u>	107988
<u>(2) The annual report that each medicaid managed care entity</u>	107989
<u>submits to the department under division (C) of this section.</u>	107990
<u>(C) Each medicaid managed care entity shall prepare and</u>	107991
<u>submit to the department an annual report that contains the</u>	107992
<u>information listed in 42 C.F.R. 438.8(k), in the form and manner</u>	107993
<u>required by the department and by the date required by the</u>	107994
<u>department.</u>	107995
<u>(D) A subcontractor or other person directly or indirectly</u>	107996
<u>providing services to a medicaid managed care entity related to</u>	107997
<u>either the provision of services to medicaid recipients or payment</u>	107998
<u>for those services or a person providing pharmacy benefit</u>	107999
<u>management services to the department shall, upon the request of</u>	108000
<u>the department, the auditor of state, or the attorney general, do</u>	108001
<u>all of the following:</u>	108002
<u>(1) Provide all data, documentation, and other information</u>	108003
<u>requested in the manner and format requested within thirty days of</u>	108004

receipt of the request regardless of whether the information is in the possession of another person, unless the requestor grants a written extension of that timeframe; 108005
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(2) Cooperate fully in any administrative, civil, or criminal investigation or prosecution by the requestor; 108008
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(3) Make personnel available for interviews with the requestor; 108010
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(4) Permit consultants or other experts engaged by a requestor to receive copies of, review, and analyze information provided under this division. 108012
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(E) The information identified in divisions (B) and (D) of this section shall be provided, regardless of whether the information is considered to be proprietary, confidential, or a trade secret. 108015
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(F) The department shall adopt rules under section 5167.02 of the Revised Code as necessary to implement the requirements of this section. 108019
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Sec. 5168.02. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code for the purpose of administering sections 5168.01 to 5168.14 of the Revised Code, including rules that do all of the following: 108022
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(1) Define as a "disproportionate share hospital" any hospital included under the "Social Security Act," section 1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director determines appropriate; 108026
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(2) Prescribe the form for submission of cost reports under section 5168.05 of the Revised Code; 108030
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(3) Establish, in accordance with division (A) of section 5168.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section; 108032
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(4) Establish schedules for hospitals to pay installments on their assessments under section 5168.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5168.07 of the Revised Code; 108035 108036 108037 108038 108039

(5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment; 108040 108041 108042

(6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments; 108043 108044 108045 108046 108047

(7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section. 108048 108049 108050

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties. 108051 108052 108053

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following: 108054 108055 108056

(1) Medicaid recipients; 108057

(2) Recipients of the program for ~~medically handicapped~~ children and youth with special health care needs established under section 3701.023 of the Revised Code; 108058 108059 108060

(3) Medicare beneficiaries; 108061

(4) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.; 108062 108063

(5) Any other category of costs deemed appropriate by the 108064

director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title. 108065
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Sec. 5168.14. (A) Each hospital that receives funds 108068
distributed under sections 5168.01 to 5168.14 of the Revised Code 108069
shall provide, without charge to the individual, basic, medically 108070
necessary hospital-level services to individuals who are residents 108071
of this state, are not medicaid recipients, and whose income is at 108072
or below the federal poverty line. The medicaid director shall 108073
adopt rules under section 5168.02 of the Revised Code specifying 108074
the hospital services to be provided under this section. 108075

(B) Nothing in this section shall be construed to prevent a 108076
hospital from requiring an individual to apply for the medicaid 108077
program before the hospital processes an application under this 108078
section. Hospitals may bill any third-party payer for services 108079
rendered under this section. Hospitals may bill the medicaid 108080
program, in accordance with state statutes governing the medicaid 108081
program and rules adopted under those statutes, for medicaid 108082
services rendered under this section if the individual becomes a 108083
medicaid recipient. Hospitals may bill individuals for services 108084
under this section if all of the following apply: 108085

(1) The hospital has an established post-billing procedure 108086
for determining the individual's income and canceling the charges 108087
if the individual is found to qualify for services under this 108088
section. 108089

(2) The initial bill, and at least the first follow-up bill, 108090
is accompanied by a written statement that does all of the 108091
following: 108092

(a) Explains that individuals with income at or below the 108093
federal poverty line are eligible for services without charge; 108094

(b) Specifies the federal poverty line for individuals and families of various sizes at the time the bill is sent; 108095
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(c) Describes the procedure required by division (C)(1) of this section. 108097
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(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code. 108099
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Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered. 108101
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(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section. 108106
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(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for ~~medically handicapped~~ children and youth with special health care needs established under section 3701.023 of the Revised Code, to pay for hospital services in accordance with state or local law. 108110
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Sec. 5168.26. (A) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement sections 5168.20 to 5168.28 of the Revised Code, including rules that specify the percentage of hospitals' total facility costs to be used in calculating hospitals' assessments under section 5168.21 of the Revised Code. 108119
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(B) The rules adopted under this section may do the following:	108125 108126
(1) Provide that a hospital's total facility costs for the purpose of the assessment under section 5168.21 of the Revised Code exclude any of the following:	108127 108128 108129
(a) A hospital's costs associated with providing care to recipients of any of the following:	108130 108131
(i) The medicaid program;	108132
(ii) The medicare program;	108133
(iii) The program for medically handicapped children <u>and youth with special health care needs</u> established under section 3701.023 of the Revised Code;	108134 108135 108136
(iv) Services provided under the maternal and child health services block grant established under Title V of the "Social Security Act," 42 U.S.C. 701 et seq.	108137 108138 108139
(b) Any other category of hospital costs the director deems appropriate under federal law and regulations governing the medicaid program.	108140 108141 108142
(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals.	108143 108144 108145
(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under the "Social Security Act," section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause the assessments to not be imposed uniformly.	108146 108147 108148 108149 108150 108151 108152
<u>Sec. 5301.256. (A) As used in this section:</u>	108153

<u>(1) "Agriculture" has the same meaning as in section 1.61 of the Revised Code.</u>	108154
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<u>(2) "Agricultural land" means land suitable for use in agriculture and includes water on and upon and air space over and above the land and natural products and deposits that are unsevered from the land.</u>	108156
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<u>(3) "Real property" means land and improvements to land and includes water on and upon and air space over and above the land and natural products and deposits that are unsevered from the land.</u>	108160
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<u>(4) "Armed forces" has the same meaning as in section 5903.01 of the Revised Code.</u>	108164
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<u>(5) "Person" includes all of the following:</u>	108166
<u>(a) Individuals;</u>	108167
<u>(b) Firms, companies, business trusts, estates, trusts, sole proprietorships, partnerships, general partnerships, limited liability companies, associations, corporations, and any other business entities;</u>	108168
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<u>(c) Governments other than the government of the United States, its states, subdivisions, territories, or possessions;</u>	108172
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<u>(d) Legal or commercial entities, organizations, joint ventures, and nonprofits.</u>	108174
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<u>(B)(1) On or after the effective date of this section, no person listed in the registry published by the secretary of state under division (G) of this section, and no agent, trustee, or fiduciary of such a person, shall purchase or otherwise acquire either of the following:</u>	108176
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<u>(a) Agricultural land in this state.</u>	108181
<u>(b) Real property within a twenty-five-mile radius of any military base, camp, airport, or similar installation in this</u>	108182
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state under the jurisdiction of the armed forces. 108184

(2) A person, agent, trustee or fiduciary subject to division 108185
(B)(1) of this section that owns or holds agricultural land or 108186
real property in this state as described in division (B)(1)(a) or 108187
(b) of this section before the effective date of this section may 108188
continue to own or hold the agricultural land or real property, 108189
but shall not purchase or otherwise acquire additional 108190
agricultural land or real property in this state that is subject 108191
to the restriction in division (B)(1) of this section unless an 108192
exception described in division (C) of this section applies. 108193

(C) The restriction on acquiring agricultural land and real 108194
property set forth in division (B)(1) of this section does not 108195
apply to any of the following: 108196

(1) Agricultural land and real property acquired by devise or 108197
descent. However, a person listed in the registry published by the 108198
secretary of state under division (G) of this section, or an 108199
agent, trustee, or fiduciary thereof, that acquires the 108200
agricultural land or real property, or an interest in agricultural 108201
land or real property, by devise or descent on or after the 108202
effective date of this section shall divest itself of all right, 108203
title, and interest in the agricultural land or real property 108204
within two years from the date of acquisition. 108205

(2) Agricultural land or real property that is acquired by a 108206
process of law in the collection of debts, by a deed in lieu of 108207
foreclosure, pursuant to a forfeiture of a contract for deed, or 108208
by any procedure for the enforcement of a lien or claim on the 108209
agricultural land or real property, whether created by mortgage or 108210
otherwise. However, agricultural land or real property so acquired 108211
shall be sold or otherwise disposed of within two years after 108212
title is transferred. If agricultural land, pending the sale or 108213
disposition, the land shall not be used for any purpose other than 108214
agriculture, and the land shall not be used for agriculture under 108215

lease to an individual, trust, corporation, partnership, or other 108216
business entity not subject to the restrictions under division 108217
(B)(1) of this section. 108218

(3) An interest in agricultural land that is not restricted 108219
under division (B)(1)(b) of this section and that does not exceed 108220
one hundred fifty acres, acquired for an immediate or pending use 108221
other than agriculture. 108222

(D) A person listed in the registry published by the 108223
secretary of state under division (G) of this section, or an 108224
agent, trustee, or fiduciary of such a person, shall not transfer 108225
title to or interest in agricultural land or real property within 108226
a twenty-five-mile radius of any military base, camp, airport, or 108227
similar installation in this state under the jurisdiction of the 108228
armed forces to another person listed in that registry, or an 108229
agent, trustee, or fiduciary thereof, except by devise or descent. 108230

(E) A person that purchases or otherwise acquires 108231
agricultural land or real property in this state described in 108232
division (B)(1)(a) or (b) of this section, other than by devise or 108233
descent, after the effective date of this section, and that is 108234
subsequently added to the registry published by the secretary of 108235
state under division (G) of this section, shall divest itself of 108236
all right, title, and interest in the agricultural land or real 108237
property within two years from the date the person is added to the 108238
registry. 108239

(F)(1) If the secretary of state finds that a person listed 108240
on the registry published under division (G) of this section, or 108241
an agent, trustee, or fiduciary thereof, has acquired, or holds 108242
title to, or interest in, agricultural land or real property in 108243
this state in violation of this section, the secretary of state 108244
shall report the violation to the attorney general. 108245

(2) Upon receipt of the report from the secretary of state, 108246

the attorney general shall initiate an action in the court of common pleas of any county in which the agricultural land or real property is located seeking relief in accordance with this section. If the agricultural land or real property is located in more than one county, or adjoining tracts of agricultural land or real property are located in more than one county, the county in which the majority of the agricultural land or real property is located shall have territorial jurisdiction over agricultural land or real property that is the subject of the action. The attorney general may initiate an action in the court of common pleas of more than one county, if necessary, in which case, the court of common pleas in that county shall have jurisdiction over the action in matters as it relates to the portion of the agricultural land or real property that is located in that county.

(3) The attorney general shall file a notice of the pendency of the action with the county recorder of each county in which any of the agricultural land or real property is located.

(4) If the court finds that the agricultural land or real property in question has been acquired or held in violation of this section, it shall do all of the following:

(a) Enter an order so declaring;

(b) File a copy of the order with the county recorder of each county in which any portion of the agricultural land or real property is located;

(c) Declare the agricultural land or real property escheated to the state;

(d) Order that the escheated agricultural land or real property be sold pursuant to Chapter 2329. of the Revised Code in the same manner as a foreclosure on a mortgage, except that there shall be no opportunity for redemption under section 2329.33 of the Revised Code.

(5) Upon receiving an order under division (F)(4) of this section, the clerk of the court shall notify the governor that the title to the agricultural land or real property is vested in the state by decree of the court. After the sale, the proceeds of the sale shall be paid as follows: 108278
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(a) The proceeds shall first be used to pay court costs related to the action or actions initiated pursuant to division (F)(2) of this section; 108283
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(b) The remaining proceeds, if any, shall be paid to the person whose agricultural land or real property escheated, but only in an amount not exceeding the actual cost paid by the person for that agricultural land or real property; 108286
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(c) The proceeds remaining after payments have been made pursuant to divisions (F)(5)(a) and (b) of this section shall be paid to the general fund of each county in which the agricultural land or real property is located, proportionally, based on the percentage of the territory located in each county. 108290
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(G) The secretary of state shall compile and periodically update a registry of persons that, based on the best information available to the secretary of state, constitute a threat to the agricultural production or military defense of this state, or the United States, if permitted to acquire agricultural land or real property described in division (B)(1)(a) or (b) of this section. The registry shall be published on the secretary of state's web site. The secretary of state shall consult all of the following in compiling the registry: 108295
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(1) The list of persons determined to be foreign adversaries by the secretary of commerce of the United States under 15 C.F.R. 7.4; 108304
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(2) The terrorist exclusion list compiled by the secretary of state of the United States in consultation with the attorney 108307
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general of the United States under 8 U.S.C. 1182; 108309

(3) The list of countries determined by the secretary of 108310
state of the United States that have repeatedly provided support 108311
for acts of international terrorism under 50 U.S.C. 4813(c) and 22 108312
U.S.C. 2780(d); 108313

(4) The list of individual and entities designated by, or in 108314
accordance with Executive Order 13224, issued by the president of 108315
the United States on September 23, 2021, or Executive Order 13268, 108316
issued by the president of the United States on July 2, 2002. 108317

(H) The purpose of establishing the restrictions as set forth 108318
in this section is to recognize that the state has a substantial 108319
and compelling interest in protecting both its agricultural 108320
production and military defense. 108321

Sec. 5301.80. As used in sections 5301.80 to 5301.92 of the 108322
Revised Code: 108323

(A) "Activity and use limitations" means restrictions or 108324
obligations created under sections 5301.80 to 5301.92 of the 108325
Revised Code with respect to real property. 108326

(B) "Agency" means the environmental protection agency or any 108327
other state or federal agency that determines or approves the 108328
environmental response project pursuant to which an environmental 108329
covenant is created. 108330

(C) "Common interest community" means a condominium, a 108331
cooperative, or other real property with respect to which a 108332
person, by virtue of the person's ownership of a parcel of real 108333
property, is obligated to pay property taxes or insurance premiums 108334
or to pay for maintenance or improvement of other real property 108335
described in a recorded covenant that creates the common interest 108336
community. 108337

(D) "Environmental covenant" means a servitude arising under 108338

an environmental response project that imposes activity and use 108339
limitations and that meets the requirements established in section 108340
5301.82 of the Revised Code. 108341

(E) "Environmental response project" means a plan or work 108342
performed for environmental remediation of real property or for 108343
protection of ecological features associated with real property 108344
and conducted as follows: 108345

(1) Under a federal or state program governing environmental 108346
remediation of real property that is subject to agency review or 108347
approval, including property that is the subject of any of the 108348
following: 108349

(a) A corrective action, closure, or post-closure pursuant to 108350
the "Resource Conservation and Recovery Act of 1976," 90 Stat. 108351
2806, 42 U.S.C.A. 6921, et seq., as amended, or any regulation 108352
adopted under that act, or Chapter 3714. or 3734. of the Revised 108353
Code or any rule adopted under those chapters, including the use 108354
or reservation of soil to be used in the performance of the 108355
corrective action, closure, or post-closure care; 108356

(b) A removal or remedial action pursuant to the 108357
"Comprehensive Environmental Response, Compensation, and Liability 108358
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, et seq., as 108359
amended, or any regulation adopted under that act, or Chapter 108360
3734. or 6111. of the Revised Code or any rule adopted under those 108361
chapters; 108362

(c) A no further action letter submitted with a request for a 108363
covenant not to sue pursuant to section 3746.11 of the Revised 108364
Code; 108365

~~(d) A no further action letter prepared pursuant to section 108366
122.654 of the Revised Code; 108367~~

~~(e) A corrective action pursuant to section 3737.88, 108368
3737.882, or 3737.89 of the Revised Code or any rule adopted under 108369~~

those sections. 108370

(2) Pursuant to a mitigation requirement associated with the 108371
section 401 water quality certification program or the isolated 108372
wetland program as required by Chapter 6111. of the Revised Code; 108373

(3) Pursuant to a grant commitment or loan agreement entered 108374
into pursuant to section 6111.036 or 6111.037 of the Revised Code; 108375

(4) Pursuant to a supplemental environmental project embodied 108376
in orders issued by the director of environmental protection 108377
pursuant to Chapter 6111. of the Revised Code. 108378

(F) "Holder" means a grantee of an environmental covenant as 108379
specified in division (A) of section 5301.81 of the Revised Code. 108380

(G) "Person" includes the state, a political subdivision, 108381
another state or local entity, the United States and any agency or 108382
instrumentality of it, and any legal entity defined as a person 108383
under section 1.59 of the Revised Code. 108384

(H) "Record," when used as a noun, means information that is 108385
inscribed on a tangible medium or that is stored in an electronic 108386
or other medium and is retrievable in perceivable form. 108387

Sec. 5301.90. (A) An environmental covenant may be amended or 108388
terminated by consent only if the amendment or termination is 108389
signed by all of the following: 108390

(1) The applicable agency; 108391

(2) Unless waived by that agency, the current owner of the 108392
fee simple of the real property that is subject to the 108393
environmental covenant; 108394

(3) Each person that originally signed the environmental 108395
covenant unless ~~the~~ one or more of the following apply: 108396

(a) The person waived in a signed record the right to consent 108397
~~or a~~ 108398

(b) A court finds that the person no longer exists or cannot be located or identified with the exercise of reasonable diligence; 108399
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(c) The applicable agency finds that the signature of the person is not necessary. 108402
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(4) Except as otherwise provided in division (D)(2) of this section, each holder. 108404
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(B) If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the environmental covenant unless the current owner of the interest consents in writing to the amendment or has waived in a signed record the right to consent to amendments. 108406
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(C) Except for an assignment undertaken pursuant to a governmental reorganization, assignment of an environmental covenant to a new holder is an amendment of the environmental covenant. 108411
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(D) Except as otherwise provided in an environmental covenant, both of the following apply: 108415
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(1) A holder may not assign its interest without consent of the other parties to the environmental covenant specified in division (A) of this section. 108417
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(2) A holder may be removed and replaced by agreement of the other parties specified in division (A) of this section. 108420
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(E) A court of competent jurisdiction may fill a vacancy in the position of holder. 108422
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Sec. 5301.91. (A) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by any of the following: 108424
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(1) A party to the environmental covenant specified in 108427

division (A) of section 5301.90 of the Revised Code that is not 108428
otherwise specified in divisions (A)(2) to ~~(6)~~(7) of this section; 108429

(2) The environmental protection agency; 108430

(3) The applicable agency if it is other than the 108431
environmental protection agency; 108432

(4) Any person to whom the environmental covenant expressly 108433
grants the authority to maintain such an action; 108434

(5) A person whose interest in the real property or whose 108435
collateral or liability may be affected by the alleged violation 108436
of the environmental covenant; 108437

(6) A unit of local government in which the real property 108438
that is subject to the environmental covenant is located; 108439

(7) An original signatory of the environmental covenant who 108440
is no longer an owner of the real property that is subject to the 108441
environmental covenant in fee simple. 108442

(B) Sections 5301.80 to 5301.92 of the Revised Code do not 108443
limit the regulatory authority of the applicable agency or the 108444
environmental protection agency if it is not the applicable agency 108445
under any law other than sections 5301.80 to 5301.92 of the 108446
Revised Code with respect to an environmental response project. 108447

(C) A person is not responsible for or subject to liability 108448
for environmental remediation solely because it has the right to 108449
enforce an environmental covenant. 108450

Sec. 5301.94. (A) As used in this section, "right-to-list 108451
home sale agreement" has the same meaning as in section 4735.01 of 108452
the Revised Code. 108453

(B) A right-to-list home sale agreement executed, modified, 108454
or extended after the effective date of this section is void ab 108455
initio and unenforceable. 108456

(C) A right-to-list home sale agreement described in division (B) of this section is an unfair or deceptive act or practice in violation of section 1345.02 of the Revised Code. A residential real estate owner that enters into such a right-to-list home sale agreement has a cause of action against any other party to that agreement and is entitled to the same relief available to a consumer under section 1345.09 of the Revised Code. All powers and remedies available to the attorney general to enforce sections 1345.01 to 1345.13 of the Revised Code are available to the attorney general to enforce this section. 108457
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(D) No person shall present for recording, or cause to be presented for recording, by the county recorder in the official records under section 317.08 of the Revised Code a right-to-list home sale agreement described in division (B) of this section. 108467
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(E) An owner of residential real estate for which a right-to-list home sale agreement is recorded in violation of division (D) of this section may petition the court of common pleas of the county in which the right-to-list home sale agreement is recorded to declare the agreement void ab initio and unenforceable. If the court determines that the agreement is a right-to-list home sale agreement, a certified copy of the court order, with a complete legal description of the parcel, declaring the agreement void ab initio and unenforceable shall be recorded in the office of the county recorder. The county recorder shall record the order and charge and collect from the person filing the order the fees prescribed in section 317.32 of the Revised Code for the recorder's services. If the court grants the order, the owner may recover actual damages, costs, and attorney's fees from the person that recorded, or caused to be recorded, the right-to-list home sale agreement. 108471
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Sec. 5315.02. To assist in the establishment of the 108487

D.O.L.L.A.R. deed program, the ~~Ohio~~ governor's office of housing 108488
~~finance agency transformation~~ shall adopt in rule all of the 108489
following: 108490

(A) A model form by which a person may apply to participate 108491
in the program; 108492

(B) A model for the deed, which ~~act~~ shall act as the deed in 108493
lieu of foreclosure described in division (A)(1) of section 108494
5315.04 of the Revised Code; 108495

(C) A model for the lease with option to purchase agreement 108496
described in divisions (A)(2) and (3) of section 5315.04 of the 108497
Revised Code; 108498

(D) Any other rules necessary to implement this chapter. 108499

Sec. 5321.01. As used in this chapter: 108500

(A) "Tenant" means a person entitled under a rental agreement 108501
to the use and occupancy of residential premises to the exclusion 108502
of others. 108503

(B) "Landlord" means the owner, lessor, or sublessor of 108504
residential premises, the agent of the owner, lessor, or 108505
sublessor, or any person authorized by the owner, lessor, or 108506
sublessor to manage the premises or to receive rent from a tenant 108507
under a rental agreement. 108508

(C) "Residential premises" means a dwelling unit for 108509
residential use and occupancy and the structure of which it is a 108510
part, the facilities and appurtenances in it, and the grounds, 108511
areas, and facilities for the use of tenants generally or the use 108512
of which is promised the tenant. "Residential premises" includes a 108513
dwelling unit that is owned or operated by a college or 108514
university. "Residential premises" does not include any of the 108515
following: 108516

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;	108517 108518 108519 108520 108521
(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;	108522 108523 108524
(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;	108525 108526 108527 108528
(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;	108529 108530
(5) Orphanages and similar institutions;	108531
(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;	108532 108533 108534
(7) Dwelling units subject to sections 3733.41 to 3733.49 <u>Chapter 3733.</u> of the Revised Code;	108535 108536
(8) Occupancy by an owner of a condominium unit;	108537
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	108538 108539 108540 108541 108542 108543 108544
(a) The occupancy is for a period of less than sixty days.	108545
(b) The occupancy is for participation in a program operated	108546

by the facility, or by a public entity or private charitable 108547
organization pursuant to a contract with the facility, to provide 108548
either of the following: 108549

(i) Services licensed, certified, registered, or approved by 108550
a governmental agency or private accrediting organization for the 108551
rehabilitation of persons with mental illnesses, persons with 108552
developmental disabilities, adults or juveniles convicted of 108553
criminal offenses, or persons experiencing substance abuse; 108554

(ii) Shelter for juvenile runaways, victims of domestic 108555
violence, or homeless persons. 108556

(10) Emergency shelters operated by organizations exempt from 108557
federal income taxation under section 501(c)(3) of the "Internal 108558
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 108559
amended, for persons whose circumstances indicate a transient 108560
occupancy, including homeless people, victims of domestic 108561
violence, and juvenile runaways. 108562

(D) "Rental agreement" means any agreement or lease, written 108563
or oral, which establishes or modifies the terms, conditions, 108564
rules, amount of rent charged or paid, or any other provisions 108565
concerning the use and occupancy of residential premises by one of 108566
the parties. 108567

(E) "Security deposit" means any deposit of money or property 108568
to secure performance by the tenant under a rental agreement. 108569

(F) "Dwelling unit" means a structure or the part of a 108570
structure that is used as a home, residence, or sleeping place by 108571
one person who maintains a household or by two or more persons who 108572
maintain a common household. 108573

(G) "Controlled substance" has the same meaning as in section 108574
3719.01 of the Revised Code. 108575

(H) "Student tenant" means a person who occupies a dwelling 108576

unit owned or operated by the college or university at which the 108577
person is a student, and who has a rental agreement that is 108578
contingent upon the person's status as a student. 108579

(I) "Recreational vehicle park," "recreation camp," "combined 108580
park-camp," and "temporary park-camp" have the same meanings as in 108581
section 3729.01 of the Revised Code. 108582

(J) "Community control sanction" has the same meaning as in 108583
section 2929.01 of the Revised Code. 108584

(K) "Post-release control sanction" has the same meaning as 108585
in section 2967.01 of the Revised Code. 108586

(L) "School premises" has the same meaning as in section 108587
2925.01 of the Revised Code. 108588

(M) "Sexually oriented offense" and "child-victim oriented 108589
offense" have the same meanings as in section 2950.01 of the 108590
Revised Code. 108591

(N) "Preschool or child day-care center premises" has the 108592
same meaning as in section 2950.034 of the Revised Code. 108593

(O) "Rent control" means requiring below-market rents for 108594
residential premises or controlling rental rates for residential 108595
premises in any manner, including by prohibiting rent increases, 108596
regulating rental rate changes between tenancies, limiting rental 108597
rate increases, regulating the rental rates of residential 108598
premises based on income or wealth of tenants, and other forms of 108599
restraint or limitation of rental rates. 108600

(P) "Rent stabilization" means allowing rent increases for 108601
residential premises of a fixed amount or on a fixed schedule as 108602
set by a political subdivision. 108603

(Q) "Political subdivision" means a county, township, 108604
municipal corporation, or any other body corporate and politic 108605
that is responsible for government activities in a geographic area 108606

smaller than that of the state. 108607

Sec. 5323.10. As used in this section, "rental property" 108608
means real property on which is located one or more dwelling units 108609
leased or otherwise rented to tenants solely for residential 108610
purposes, or a mobile home park or other permanent or 108611
semipermanent site at which lots are leased or otherwise rented to 108612
tenants for the parking of a manufactured home, mobile home, or 108613
recreational vehicle that is used solely for residential purpose. 108614
"Rental property" does not include a hotel or a college or 108615
university dormitory. 108616

A municipal corporation that creates or maintains a registry 108617
of rental properties, rental property tenants, or rental property 108618
owners shall not use state funds for doing so and shall not impose 108619
a fee or other charge against a rental property tenant or owner to 108620
fund or support the registry. 108621

Sec. 5502.262. (A) As used in this section: 108622

(1) "Administrator" means the superintendent, principal, 108623
chief administrative officer, or other person having supervisory 108624
authority of any of the following: 108625

(a) A city, exempted village, local, or joint vocational 108626
school district; 108627

(b) A community school established under Chapter 3314. of the 108628
Revised Code, as required through reference in division (A)(11)(d) 108629
of section 3314.03 of the Revised Code; 108630

(c) A STEM school established under Chapter 3326. of the 108631
Revised Code, as required through reference in section 3326.11 of 108632
the Revised Code; 108633

(d) A college-preparatory boarding school established under 108634
Chapter 3328. of the Revised Code; 108635

(e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;	108636 108637 108638
(f) A chartered nonpublic school;	108639
(g) An educational service center;	108640
(h) A preschool program or school-age child care program licensed by the department of education;	108641 108642
(i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.	108643 108644 108645
(2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.	108646 108647 108648
(3) "Building" means any school, school building, facility, program, or center.	108649 108650
(4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.	108651 108652 108653 108654
(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and	108655 108656 108657 108658 108659 108660 108661 108662 108663 108664 108665

nonteaching employees who are assigned to the building. The 108666
administrator may involve the regional mobile training officer in 108667
the development of the plan. The administrator shall incorporate 108668
remediation strategies into the plan for any building where 108669
documented safety problems have occurred. 108670

(2) Each administrator shall also incorporate into the 108671
emergency management plan adopted under division (B)(1) of this 108672
section all of the following: 108673

(a) A protocol for addressing serious threats to the safety 108674
of property, students, employees, or administrators; 108675

(b) A protocol for responding to any emergency events that 108676
occur and compromise the safety of property, students, employees, 108677
or administrators. This protocol shall include, but not be limited 108678
to, all of the following: 108679

(i) A floor plan that is unique to each floor of the 108680
building; 108681

(ii) A site plan that includes all building property and 108682
surrounding property; 108683

(iii) An emergency contact information sheet. 108684

(c) A threat assessment plan developed as prescribed in 108685
section 5502.263 of the Revised Code. A building may use the model 108686
plan developed by the department of public safety under that 108687
section; 108688

(d) A protocol for school threat assessment teams established 108689
under section 3313.669 of the Revised Code. 108690

(3) Each protocol described in division (B) of this section 108691
shall include procedures determined to be appropriate by the 108692
administrator for responding to threats and emergency events, 108693
respectively, including such things as notification of appropriate 108694
law enforcement personnel, calling upon specified emergency 108695

response personnel for assistance, and informing parents of 108696
affected students. 108697

Prior to the opening day of each school year, the 108698
administrator shall inform each student or child enrolled in the 108699
school and the student's or child's parent of the parental 108700
notification procedures included in the protocol. 108701

(4) Each administrator shall keep a copy of the emergency 108702
management plan adopted pursuant to this section in a secure 108703
place. 108704

(C)(1) The administrator shall submit to the director of 108705
public safety, in accordance with rules adopted pursuant to 108706
division (F) of this section, an electronic copy of the emergency 108707
management plan prescribed by division (B) of this section not 108708
less than once every three years, whenever a major modification to 108709
the building requires changes in the procedures outlined in the 108710
plan, and whenever information on the emergency contact 108711
information sheet changes. 108712

(2) The administrator also shall file a copy of the plan with 108713
each law enforcement agency that has jurisdiction over the school 108714
building and, upon request, to any of the following: 108715

(a) The fire department that serves the political subdivision 108716
in which the building is located; 108717

(b) The emergency medical service organization that serves 108718
the political subdivision in which the building is located; 108719

(c) The county emergency management agency for the county in 108720
which the building is located; 108721

(d) The regional mobile training officer. 108722

(3) Upon receipt of an emergency management plan, the 108723
director shall post the information on the contact and information 108724
management system and submit the information in accordance with 108725

rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D)(1) Not later than the first day of ~~July~~ September of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C)(2) of this section.

(E) Each administrator shall do both of the following:

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A)(2) of this section, in accordance with rules adopted pursuant to division (F) of this section;

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C)(2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and the administrator, or the administrator's designee, is present in the building during the training sessions.

(F) The director of public safety, in consultation with

representatives from the education community and in accordance 108757
with Chapter 119. of the Revised Code, shall adopt rules regarding 108758
emergency management plans under this section, including the 108759
content of the plans and procedures for filing the plans. The 108760
rules shall specify that plans and information required under 108761
division (B) of this section be submitted on standardized forms 108762
developed by the director for such purpose. The rules shall also 108763
specify the requirements and procedures for emergency management 108764
tests conducted pursuant to division (E)(1) of this section. 108765
Failure to comply with the rules may result in discipline pursuant 108766
to section 3319.31 of the Revised Code or any other action against 108767
the administrator as prescribed by rule. 108768

(G) Division (B) of section 3319.31 of the Revised Code 108769
applies to any administrator who is subject to the requirements of 108770
this section and is not exempt under division (H) of this section 108771
and who is an applicant for a license or holds a license from the 108772
state board of education pursuant to section 3319.22 of the 108773
Revised Code. 108774

(H)(1) The director may exempt any administrator from the 108775
requirements of this section, if the director determines that the 108776
requirements do not otherwise apply to a building or buildings 108777
under the control of that administrator. 108778

(2) The director shall exempt from the requirements of this 108779
section the administrator of an online learning school, 108780
established under section 3302.42 of the Revised Code, unless 108781
students of that school participate in in-person instruction or 108782
assessments at a location that is not covered by an existing 108783
emergency management plan, developed under this section as of 108784
December 14, 2021. 108785

(I) Copies of the emergency management plan, including all 108786
records related to the plan, emergency management tests, and 108787
information required under division (B) of this section are 108788

security records and are not public records pursuant to section 108789
149.433 of the Revised Code. In addition, the information posted 108790
to the contact and information management system, pursuant to 108791
division (C)(3)(b) of this section, is exempt from public 108792
disclosure or release in accordance with sections 149.43, 149.433, 108793
and 5502.03 of the Revised Code. 108794

Notwithstanding section 149.433 of the Revised Code, a floor 108795
plan filed with the attorney general pursuant to this section is 108796
not a public record to the extent it is a record kept by the 108797
attorney general. 108798

Sec. 5502.69. (A) There is hereby created the Ohio narcotics 108799
intelligence center in the department of public safety. The center 108800
shall operate as a division within the department. 108801

(B) The director of public safety shall appoint an executive 108802
director of the center. The executive director shall serve at the 108803
discretion of the director of public safety. The executive 108804
director shall advise the governor and the director of public 108805
safety on matters pertaining to illegal drug activities. To carry 108806
out the duties assigned under this section, the executive 108807
director, subject to the direction and control of the director of 108808
public safety, may appoint and maintain necessary staff and may 108809
enter into any necessary agreements. 108810

(C) The center shall do all of the following: 108811

(1) Coordinate law enforcement response to illegal drug 108812
activities for state agencies and act as a liaison between state 108813
agencies and local entities for the purposes of communicating 108814
counter-drug policy initiatives; 108815

(2) Collect, analyze, maintain, and disseminate information 108816
to support local, state, and federal law enforcement agencies, 108817
other government agencies, and private organizations in detecting, 108818

detering, preventing, preparing for, prosecuting, and responding 108819
to illegal drug activities. The records received and created are 108820
confidential law enforcement investigatory records pursuant to 108821
section 149.43 of the Revised Code. 108822

(3) Develop and coordinate policies, protocols, and 108823
strategies that may be used by local, state, and private 108824
organizations to detect, deter, prevent, prepare for, prosecute, 108825
and respond to illegal drug activities; 108826

(4) Develop, update, and coordinate the implementation of an 108827
Ohio drug control strategy to guide state and local governments 108828
and public agencies. 108829

Sec. 5502.701. (A) As used in this section, "veteran" means 108830
any person who has completed service in the armed forces of the 108831
United States and who has been honorably discharged under 108832
honorable conditions from the armed forces, or who has been 108833
transferred to the reserve with evidence of satisfactory service. 108834

(B) No person is eligible for appointment to the position of 108835
chief mobile training officer or ~~the position of regional mobile~~ 108836
~~training officer~~ to be an instructor who trains mobile training 108837
team officers unless that person meets all of the following 108838
requirements: 108839

(1) The person is a licensed peace officer, as defined in 108840
division (A)(1) of section 109.71 of the Revised Code~~;~~ or 108841

~~(2) The person is a veteran, as defined in division (A) of~~ 108842
~~this section; and.~~ 108843

~~(3)~~(2) The person has at least five years of law enforcement 108844
experience or equivalent military experience. 108845

(3) The person has at least five years of experience on a 108846
tactical law enforcement response team, including a SWAT, hostage 108847
rescue, or special response team, or equivalent military 108848

experience. 108849

(4) The person has at least three years of experience as a leader or supervisor of a specialized law enforcement response team, or equivalent military experience, and, in that role, planned, coordinated, and conducted the special response team's operations. 108850
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(5) The person is qualified to serve as an instructor at the Ohio peace officer training academy and is authorized to use Ohio peace officer training academy facilities to conduct mobile training team training. 108855
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(6) The person has experience conducting on-site, physical security and threat assessments. 108859
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(7) The person has computer software and communication skills necessary to effectively present information to, build relationships with, and coordinate with trainers, first responders, and school staff. The person shall have working knowledge of the Ohio law enforcement gateway, or its successor. 108861
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(8) The person has the necessary knowledge and experience to develop training that fulfills all the requirements described in section 5502.703 of the Revised Code and to revise the training as needed by incorporating feedback from mobile training team course critiques, after action reports, and first responders. 108866
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(9) The person has met all additional qualifications prescribed by rule adopted under section 5502.70 of the Revised Code. 108871
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The deputy director, safety and crisis division, and other office holder with equivalent responsibilities are subject to the qualifications in divisions (B)(1) to (9) of this section. 108874
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(C)(1) No person is eligible for appointment to the position of mobile training officer unless that person has passed a 108877
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competency examination. The chief mobile training officer shall 108879
develop the competency examination. 108880

(2) A person who fails the examination may retake it on the 108881
same day. If the person fails the retake examination, the person 108882
shall take a three-day training course and may retake the 108883
examination upon completion of the course. 108884

(3) A person who is a mobile training officer on the 108885
effective date of this amendment shall take the examination under 108886
division (C)(1) of this section and is subject to division (C)(2) 108887
of this section. If the person fails the examination after 108888
completing the training, that person shall no longer be a mobile 108889
training officer. 108890

Sec. 5502.702. (A) As used in this section, "administrator" 108891
has the same meaning as in section 5502.262 of the Revised Code. 108892

(B) The duties of the chief mobile training officer include: 108893

(1) Administering the Ohio mobile training team; 108894

(2) Adopting additional qualifications and training 108895
requirements for regional mobile training officers appointed under 108896
section 5502.70 of the Revised Code; 108897

(3) Following a catastrophic incident in any school in the 108898
state, developing a report that details lessons learned and 108899
another report that suggests strategies and legislation to 108900
mitigate or prevent the incident's recurrence; 108901

(4) Enforcing rules and executing additional duties 108902
prescribed by the department of public safety. 108903

(C) The duties of a regional mobile training officer include: 108904

(1) Upon request, assisting an administrator within an 108905
officer's region in the development or review of an emergency 108906
management plan under section 5502.262 of the Revised Code; 108907

(2) Upon request, assisting an administrator of a public or nonpublic school within an officer's region with any other security protocols for activities or events outside of the building during or after school hours;

(3) Upon request, assisting in strategic communications between federal, state, and local law enforcement or agencies in the event of an emergency situation at a school within an officer's region;

(4) Offering tactical emergency medical services training to public and nonpublic schools within an officer's region;

(5) Promoting the use of the SaferOH tip line within an officer's region;

(6) Enforcing rules and executing additional duties prescribed by either the department of public safety or the chief mobile training officer;

(7) Providing instruction and training through the Ohio school safety and crisis center as prescribed in section 5502.703 of the Revised Code;

(8) Overseeing training operations and offering training opportunities for school employees, including observing emergency management tests as described in section 5502.262 of the Revised Code, providing weapons manipulation instruction, and other appropriate activities.

Sec. 5512.07. (A) There is hereby created the transportation review advisory council. No member of the general assembly shall be a member of the council. The council shall consist of ~~nine~~ ten members, one of whom is the director of transportation who is a nonvoting member. ~~Six members shall be appointed by the~~ The governor shall appoint five members with the advice and consent of the senate. ~~One member shall be appointed by the~~ The speaker of

the house of representatives shall appoint two members and ~~one~~ 108938
~~member shall be appointed by~~ the president of the senate shall 108939
appoint two members. In making their appointments, the governor, 108940
the speaker of the house of representatives, and the president of 108941
the senate shall consult with each other so that of the total 108942
number of ~~eight~~ nine appointed members, at least two are 108943
affiliated with the major political party not represented by the 108944
governor. In making the governor's appointments, the governor 108945
shall appoint persons who reside in different geographic areas of 108946
the state. ~~Within ninety days after June 30, 1997, the governor,~~ 108947
~~speaker, and president shall make the initial appointments to the~~ 108948
~~council.~~ 108949

Appointed members shall have no conflict of interest with the 108950
position. For purposes of this section, "conflict of interest" 108951
means taking any action that violates any provision of Chapter 108952
102. or 2921. of the Revised Code. 108953

Each of the members the governor appoints shall have 108954
experience either in the area of transportation or in that of 108955
business or economic development. 108956

One such member shall be selected from a list of five names 108957
provided by the Ohio public expenditure council. 108958

(B) ~~Of the governor's initial appointments made to the~~ 108959
~~council, one shall be for a term ending one year after June 30,~~ 108960
~~1997, one shall be for a term ending two years after June 30,~~ 108961
~~1997, one shall be for a term ending four years after June 30,~~ 108962
~~1997, and one shall be for a term ending five years after June 30,~~ 108963
~~1997. Within ninety days after September 16, 1998, the governor~~ 108964
~~shall make two appointments to the council. Of these appointments,~~ 108965
~~one shall be for a term ending June 30, 2001, and one shall be for~~ 108966
~~a term ending June 30, 2002. The speaker's and president's initial~~ 108967
~~appointments made to the council shall be for a term ending three~~ 108968
~~years after June 30, 1997. Thereafter, all All terms of office,~~ 108969

~~including the terms for those persons who are appointed to succeed~~ 108970
~~the persons whose appointments are made within ninety days after~~ 108971
~~September 16, 1998, shall be~~ are for five years, with each term 108972
ending on the same day of the same month as did the term that it 108973
succeeds. Each member shall hold office from the date of 108974
appointment until the end of the term for which the member was 108975
appointed. Members may be reappointed. Vacancies shall be filled 108976
in the manner provided for original appointments. Any member 108977
appointed to fill another member's unexpired term shall hold 108978
office for the remainder of that unexpired term. A member shall 108979
continue in office subsequent to the expiration of the member's 108980
term until the member's successor takes office. 108981

(C) The director of transportation is the chairperson of the 108982
council. 108983

Sec. 5537.17. (A) Each turnpike project open to traffic shall 108984
be maintained and kept in good condition and repair by the Ohio 108985
turnpike and infrastructure commission. The Ohio turnpike system 108986
shall be policed and operated by a force of police, toll 108987
collectors, and other employees and agents that the commission 108988
employs or contracts for. 108989

(B) All public or private property damaged or destroyed in 108990
carrying out the powers granted by this chapter shall be restored 108991
or repaired and placed in its original condition, as nearly as 108992
practicable, or adequate compensation or consideration made 108993
therefor out of moneys provided under this chapter. 108994

(C) All governmental agencies may lease, lend, grant, or 108995
convey to the commission at its request, upon terms that the 108996
proper authorities of the governmental agencies consider 108997
reasonable and fair and without the necessity for an 108998
advertisement, order of court, or other action or formality, other 108999
than the regular and formal action of the authorities concerned, 109000

any property that is necessary or convenient to the effectuation 109001
of the purposes of the commission, including public roads and 109002
other property already devoted to public use. 109003

(D) Each bridge constituting part of a turnpike project shall 109004
be inspected at least once each year by a professional engineer 109005
employed or retained by the commission. 109006

(E) The commission shall cause an audit of its books and 109007
accounts to be made at least once each year by certified public 109008
accountants approved by the auditor of state, and the cost thereof 109009
may be treated as a part of the cost of operations of the 109010
commission. Additionally, the auditor of state, at least once 109011
every other year, shall audit the accounts and transactions of the 109012
commission. On or before the first day of July in each year, the 109013
commission shall submit ~~a~~ an annual comprehensive ~~annual~~ financial 109014
report containing its audited financial statements for the 109015
preceding calendar year to the governor, the general assembly, and 109016
the director of budget and management. Each such report shall set 109017
forth a complete operating and financial statement covering the 109018
commission's operations and funding of any turnpike projects and 109019
infrastructure projects during the year. 109020

(F) The commission shall submit a copy of ~~its~~ its proposed 109021
annual budget for each calendar or fiscal year to the governor, 109022
the presiding officers of each house of the general assembly, the 109023
director of budget and management, and the legislative service 109024
commission no later than the first day of that calendar or fiscal 109025
year. 109026

(G) Upon request of the chairperson of the appropriate 109027
standing committee or subcommittee of the senate and house of 109028
representatives that is primarily responsible for considering 109029
transportation budget matters, the commission shall appear at 109030
least one time before each committee or subcommittee during the 109031
period when that committee or subcommittee is considering the 109032

biennial appropriations for the department of transportation and 109033
shall provide testimony outlining its budgetary results for the 109034
last two calendar years, including a comparison of budget and 109035
actual revenue and expenditure amounts. The commission also shall 109036
address its current budget and long-term capital plan. 109037

(H) Not more than sixty nor less than thirty days before 109038
adopting its annual budget, the commission shall submit a copy of 109039
its proposed annual budget to the governor, the presiding officers 109040
of each house of the general assembly, the director of budget and 109041
management, and the legislative service commission. The office of 109042
budget and management shall review the proposed budget and may 109043
provide recommendations to the commission for its consideration. 109044

Sec. 5549.21. The board of township trustees may purchase or 109045
lease such machinery and tools as are necessary for use in 109046
constructing, reconstructing, maintaining, and repairing roads and 109047
culverts within the township, and shall provide suitable places 109048
for housing and storing machinery and tools owned by the township. 109049
It may purchase such material and employ such labor as is 109050
necessary for carrying into effect this section, or it may 109051
authorize the purchase or employment of such material and labor by 109052
one of its number, or by the township highway superintendent, at a 109053
price to be fixed by the board. All payments on account of 109054
machinery, tools, material, and labor shall be made from the 109055
township road fund. Except as otherwise provided in sections 109056
505.08, 505.101, and 5513.01 of the Revised Code, all purchases of 109057
materials, machinery, and tools shall, if the amount involved 109058
exceeds ~~fifty thousand dollars~~ the amount specified in section 109059
9.17 of the Revised Code, be made from the lowest responsible 109060
bidder after advertisement, as provided in section 5575.01 of the 109061
Revised Code. 109062

If, in compliance with section 505.10 of the Revised Code, 109063

the board wishes to sell machinery, equipment, or tools owned by 109064
the township to the person from whom it is to purchase other 109065
machinery, equipment, or tools, the board may offer, if the amount 109066
of the purchase alone involved does not exceed ~~fifty thousand~~ 109067
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 109068
to sell such machinery, equipment, or tools and have the amount 109069
credited by the vendor against the purchase of the other 109070
machinery, equipment, or tools. If the purchase price of the other 109071
machinery, equipment, or tools alone exceeds ~~fifty thousand~~ 109072
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 109073
the board may give notice to the competitive bidders of its 109074
willingness to accept offers for the purchase of the old 109075
machinery, equipment, or tools, and those offers shall be 109076
subtracted from the selling price of the other machinery, 109077
equipment, or tools as bid, in determining the lowest responsible 109078
bidder. Notice of the willingness of the board to accept offers 109079
for the purchase of the old machinery, equipment, or tools shall 109080
be made as a part of the advertisement for bids. 109081

Sec. 5555.61. After the board of county commissioners decides 109082
to proceed with the improvement, it shall do so in accordance with 109083
sections 307.86 to 307.92 of the Revised Code. No contract for any 109084
improvement shall be awarded at a price more than ~~ten~~ twenty per 109085
cent in excess of the estimated cost. 109086

Sec. 5595.01. As used in this chapter: 109087

(A) "Regional transportation improvement project" or 109088
"project" means a regional transportation improvement project 109089
undertaken pursuant to section 5595.02 of the Revised Code. 109090

(B) "Transportation improvement" ~~or "improvement"~~ means the 109091
construction, repair, maintenance, or expansion of streets, 109092
highways, parking facilities, rail tracks and necessarily related 109093

rail facilities, bridges, tunnels, overpasses, underpasses, 109094
interchanges, approaches, culverts, and other means of 109095
transportation, and the erection and maintenance of traffic signs, 109096
markers, lights, and signals. 109097

(C) "Opportunity corridor improvement" means a public 109098
infrastructure improvement, as defined by section 5709.40 of the 109099
Revised Code, the primary purpose of which is to enhance or assist 109100
one or more transportation improvements or to create or facilitate 109101
economic development opportunities described in the memorandum of 109102
understanding or to otherwise benefit real property located, or 109103
businesses that are operating or will operate, within the 109104
development area, and that is funded at least in part with private 109105
funds. "Opportunity corridor improvement" includes the 109106
establishment, acquisition, ownership, control, management, sale, 109107
or transfer of a business under division (E) of section 5595.041 109108
of the Revised Code. 109109

(D) "Development area" means all parcels of real property 109110
located within two thousand five hundred feet of the outermost 109111
boundary of the right-of-way associated with any transportation 109112
improvement or economic development opportunity described in the 109113
memorandum of understanding. For the purpose of this division, a 109114
parcel is located within two thousand five hundred feet of the 109115
right-of-way if the distance between any portion of the parcel and 109116
any portion of the right-of-way is two thousand five hundred feet 109117
or less. 109118

(E) "Right-of-way" means land, property, or the interest 109119
therein, usually in the configuration of a strip, acquired for or 109120
devoted to transportation or economic development purposes. 109121
"Right-of-way" includes the roadway, shoulders or berm, ditch, and 109122
slopes extending to the right-of-way limits under the control of 109123
the state or local authority. 109124

(F) "Qualified RTIP" means a regional transportation 109125

improvement project undertaken before the effective date of this amendment. 109126
109127

(G) "Memorandum of understanding" means a memorandum of understanding between the governing board of a qualified RTIP and the department of transportation under section 5595.041 of the Revised Code. 109128
109129
109130
109131

Sec. 5595.03. (A) A resolution of a board of county commissioners undertaking a regional transportation improvement project must include a cooperative agreement containing all of the following: 109132
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109134
109135

(1) A description or analysis of the deficiencies of the existing transportation system in the counties participating in the project and of projected needs or deficiencies of the system in ensuing years under reasonable assumptions about development, population trends, and other factors affecting transportation infrastructure in the counties; 109136
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109138
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(2) A comprehensive list of the transportation improvements to be completed as part of the project, including a general description of each improvement, schedules of the projected beginning and end of each improvement, and the estimated cost of each improvement; 109142
109143
109144
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(3) Directives regarding the operations and reporting requirements of the governing board; 109147
109148

(4) Subject to division ~~(E)~~(F) of this section, the period for which the agreement is to be in effect; 109149
109150

(5) Any other terms the board of county commissioners considers necessary or conducive to communicate the intentions of the cooperative agreement and to ensure its effective implementation by the governing board. 109151
109152
109153
109154

(B) The governing board of a qualified RTIP may negotiate and 109155

enter into a memorandum of understanding concerning the completion 109156
of opportunity corridor improvements. 109157

(C) A board of county commissioners that intends to undertake 109158
a regional transportation improvement project shall hold at least 109159
one public hearing on the proposed cooperative agreement before 109160
adopting a resolution approving the agreement. The board of county 109161
commissioners shall provide at least thirty days' public notice of 109162
the time and place of the public hearing in a newspaper of general 109163
circulation in the county. During the thirty-day period before the 109164
public hearing, the proposed cooperative agreement shall be made 109165
available for public inspection at the offices of each county that 109166
will be a party to the agreement. 109167

~~(C)~~(D) If the cooperative agreement is approved by each 109168
county that will be a party to the agreement, one of the 109169
participating counties shall send a copy of the agreement to the 109170
director of transportation. The director shall evaluate the 109171
agreement and determine if the transportation improvements 109172
specified in the agreement are in the best interest of the 109173
transportation facilities of this state, as defined in section 109174
5501.01 of the Revised Code. If the director approves the 109175
agreement, the director shall send notice of approval to each 109176
county that is a party to the agreement. Unless otherwise provided 109177
in the cooperative agreement, the agreement is effective 109178
immediately upon approval by the director. If the director does 109179
not approve the agreement, the director shall send notice of 109180
denial to each county that is a party to the agreement. The notice 109181
of denial shall include the reason or reasons for the denial and 109182
recommendations for ways in which the agreement may be changed to 109183
meet the approval of the director. If the director does not make a 109184
determination within ninety days after receiving a cooperative 109185
agreement under this section, the director is deemed to have 109186
approved the agreement and, unless otherwise provided in the 109187

agreement, the agreement is effective immediately. No cooperative 109188
agreement is effective without actual or constructive approval by 109189
the director under this section. 109190

~~(D)~~(E) The cooperative agreement governing a regional 109191
transportation improvement project may be amended at any time by 109192
majority vote of the governing board and of the boards of county 109193
commissioners of each of the participating counties and with the 109194
approval of the director of transportation obtained in the same 109195
manner as approval of the original agreement. 109196

~~(E)~~(F) The period for which a cooperative agreement adopted 109197
or amended under this section is in effect shall not exceed 109198
fifteen years following the effective date of the original 109199
agreement or, if the agreement authorizes the governing board to 109200
issue securities, twenty years following the first issuance of 109201
securities by the governing board. 109202

Sec. 5595.04. The governing board of a regional 109203
transportation improvement project may do any of the following: 109204

(A) Make and enter into all contracts and agreements 109205
necessary or incidental to the performance of its functions and 109206
the execution of its powers under this chapter and in accordance 109207
with the cooperative agreement and, if applicable, the memorandum 109208
of understanding. The procuring of goods and awarding of contracts 109209
with a cost in excess of fifty thousand dollars shall be done in 109210
accordance with the competitive bidding procedures established for 109211
boards of county commissioners by sections 307.86 to 307.91 of the 109212
Revised Code. 109213

(B) Sue and be sued in its own name, plead and be impleaded, 109214
provided any actions against the governing board or the regional 109215
transportation improvement project shall be brought in the court 109216
of common pleas of a county that is a party to the cooperative 109217
agreement or in the court of common pleas of the county in which 109218

the cause of action arose, and all summonses, exceptions, and 109219
notices shall be served on the governing board by leaving a copy 109220
thereof at its principal office with a member of the governing 109221
board or an employee or agent thereof; 109222

(C) Employ or retain persons as are necessary in the judgment 109223
of the governing board to carry out the project, and fix their 109224
compensation; 109225

(D) Acquire by purchase, lease, lease-purchase, lease with 109226
option to purchase, or otherwise any property necessary, 109227
convenient, or proper for the construction, maintenance, repair, 109228
or operation of one or more transportation improvements and, if 109229
applicable, one or more opportunity corridor improvements. The 109230
governing board may pledge net revenues, to the extent permitted 109231
by this chapter with respect to bonds, to secure payments to be 109232
paid by the governing board under such a lease, lease-purchase 109233
agreement, or lease with option to purchase. Title to real and 109234
personal property shall be held in the name of the governing 109235
board. The Except as provided under section 5595.041 of the 109236
Revised Code, the governing board is not authorized to acquire 109237
property by appropriation. 109238

(E) Issue securities to pay for the costs of transportation 109239
improvements and opportunity corridor improvements pursuant to 109240
section 5595.05 of the Revised Code; 109241

(F) If the regional transportation project was undertaken 109242
pursuant to section 5595.02 of the Revised Code before March 23, 109243
2018, the effective date of the amendment of this section by S.B. 109244
8 of the 132nd general assembly: 109245

(1) Create a transportation financing district and declare 109246
improvements to parcels within the district to be a public purpose 109247
and exempt from taxation as provided under section 5709.48 of the 109248
Revised Code; 109249

(2) Negotiate and enter into voluntary agreements under 109250
section 5709.481 of the Revised Code that impose assessments on 109251
real property located in a transportation financing district. 109252

Sec. 5595.041. The governing board of a qualified RTIP may 109253
negotiate and enter into a memorandum of understanding with the 109254
department of transportation for the purpose of completing 109255
opportunity corridor improvements. The governing board, in 109256
carrying out the opportunity corridor improvements, may exercise 109257
all authority granted to it by this chapter and may additionally 109258
do all of the following: 109259

(A) Appropriate property, fully or partially located within 109260
the right-of-way associated with, or necessary as right-of-way 109261
for, any transportation improvement, provided both the improvement 109262
and appropriation authority are described in the memorandum of 109263
understanding and the appropriation is exclusively for that 109264
improvement. 109265

(B) Receive and reinvest any funds from development within 109266
the development area; 109267

(C) Contract for the use of digitalized procurement planning 109268
and permitting systems; 109269

(D) Request and receive grants and private contributions for 109270
any of the purposes described in division (A) of section 5595.06 109271
of the Revised Code; 109272

(E) Establish, acquire, own, control, manage, sell, or 109273
transfer a business, as defined in section 1354.01 of the Revised 109274
Code, as necessary, convenient, or proper for either of the 109275
following: 109276

(1) The construction, maintenance, repair, or operation of 109277
opportunity corridor improvements described in the memorandum of 109278
understanding; 109279

<u>(2) Otherwise advancing the objectives of the qualified RTIP.</u>	109280
<u>(F) Form, participate in the management of, and contract with</u>	109281
<u>a public-private enterprise to assist in managing the development</u>	109282
<u>of opportunity corridor improvements to be located within rights</u>	109283
<u>of way and development areas acquired and owned by the RTIP. The</u>	109284
<u>governing documents of a proposed enterprise shall be submitted to</u>	109285
<u>the director of transportation for review and approval in the same</u>	109286
<u>manner as is required for approval of a cooperative agreement.</u>	109287
<u>As used in division (F) of this section, "public-private</u>	109288
<u>enterprise" means a business entity that is owned in part by a</u>	109289
<u>qualified RTIP and in part by one or more private persons.</u>	109290
<u>(G) Purchase real property fully or partially located within</u>	109291
<u>the development area, through means other than appropriation, that</u>	109292
<u>is necessary, convenient, or proper to provide a benefit to the</u>	109293
<u>public or for the construction, maintenance, repair, or operation</u>	109294
<u>of transportation improvements or opportunity corridor</u>	109295
<u>improvements.</u>	109296
<u>(H) Negotiate and enter into an agreement with the Ohio</u>	109297
<u>academic resources network to set up a point of presence for the</u>	109298
<u>purpose of establishing, expanding, or improving broadband</u>	109299
<u>service, or other digital capabilities or services, within the</u>	109300
<u>development area.</u>	109301
<u>Sec. 5595.042. A township, municipal corporation, or county</u>	109302
<u>may declare improvements made within the development area of a</u>	109303
<u>qualified RTIP to be for a public purpose and exempt from taxation</u>	109304
<u>pursuant to section 5709.40, 5709.41, 5709.73, or 5709.78 of the</u>	109305
<u>Revised Code, as authorized under those sections.</u>	109306
Sec. 5595.05. The governing board of a regional	109307
transportation improvement project may provide for the issuance of	109308
securities for the purpose of paying costs of transportation	109309

improvements and opportunity corridor improvements. The securities 109310
are Chapter 133. securities, and the issuance of the securities, 109311
the maturities and other details thereof, the rights of the 109312
holders thereof, and the rights, duties, and obligations of the 109313
governing board in respect to the securities is governed by the 109314
applicable bond proceedings, section 133.22 or 133.23, and other 109315
applicable sections of Chapter 133. of the Revised Code, 109316
notwithstanding that the transportation improvements or 109317
opportunity corridor improvements may result in permanent 109318
improvements for more than one purpose under that chapter. 109319

Such securities do not constitute a debt or a pledge of the 109320
faith and credit of the state or of any political subdivision of 109321
the state. Debt charges on outstanding securities are payable 109322
solely from revenues pledged to the regional transportation 109323
improvement project pursuant to section 5595.06 of the Revised 109324
Code. All securities shall contain on their face a statement to 109325
that effect. Sections 9.98 to 9.983 of the Revised Code apply to 109326
the securities. 109327

Sec. 5595.06. (A) The governing board of a regional 109328
transportation improvement project, pursuant to the cooperative 109329
agreement, may request and receive pledges of revenue from the 109330
state, the counties that are parties to the agreement, and any 109331
political subdivision or taxing unit located within any of those 109332
counties. Except as provided in division (B) of this section, the 109333
pledged revenues shall be used ~~solely~~ for the purpose of funding 109334
the transportation improvements prescribed by the cooperative 109335
agreement and, if applicable, the opportunity corridor 109336
improvements prescribed by the memorandum of understanding, the 109337
debt charges on any securities issued by the governing board under 109338
section 5595.05 of the Revised Code, and the expenses of the 109339
governing board. The state, the counties, and any political 109340

subdivision or taxing unit located within such a county may pledge revenue to the governing board from any of the following sources:

- (1) The general revenue fund of the state;
- (2) License tax revenue derived from an annual motor vehicle license tax imposed pursuant to section 4504.22 of the Revised Code;
- (3) Payments in lieu of taxes derived under section 5709.42, 5709.45, 5709.48, 5709.74, or 5709.79 of the Revised Code if the real property for which such payments are made will benefit from the proposed transportation improvements or opportunity corridor improvements;
- (4) Income tax revenue derived from a joint economic development district or joint economic development zone established pursuant to section 715.69, as that section existed before its repeal by H.B. 289 of the 130th General Assembly, 715.691, 715.70, 715.71, or 715.72 of the Revised Code if the district or zone will benefit from the proposed transportation improvements or opportunity corridor improvements;
- (5) Revenue derived from special assessments levied in a special improvement district created under Chapter 1710. of the Revised Code if the district will benefit from the proposed transportation improvements or opportunity corridor improvements;
- (6) Revenue from an income source of a new community district established pursuant to section 349.03 of the Revised Code if the district will benefit from the proposed transportation improvements or opportunity corridor improvements;
- (7) Income tax revenue derived from a tax levied by a municipal corporation in accordance with Chapter 718. of the Revised Code if the municipal corporation will benefit from the proposed transportation improvements or opportunity corridor

improvements and revenue from the tax may lawfully be applied to 109371
~~that purpose~~ those purposes under the ordinance or resolution 109372
levying the tax; 109373

(8) Sales and use tax revenue derived from a tax levied under 109374
section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 109375
5741.023 of the Revised Code if the county or transit authority 109376
will benefit from the proposed transportation improvements or 109377
opportunity corridor improvements and revenue from the tax may 109378
lawfully be applied to ~~that purpose~~ those purposes under the 109379
resolution levying the tax. 109380

(B) The governing board shall use license tax revenue pledged 109381
to the project under division (A)(2) of this section for the 109382
purpose of funding transportation improvements described in the 109383
cooperative agreement, opportunity corridor improvements described 109384
by the memorandum of understanding, and any other supplemental 109385
transportation improvements necessary to complete the project. If 109386
the board intends to use any of the license tax revenue for 109387
supplemental improvements not described in the agreement, the 109388
board, before submitting a request for license tax revenue to a 109389
board of county commissioners under section 4504.22 of the Revised 109390
Code, shall adopt a resolution allocating the revenue among the 109391
transportation improvements described in the agreement, the 109392
opportunity corridor improvements described in the memorandum of 109393
understanding, and such supplemental improvements not described in 109394
the agreement or memorandum. The amount used for supplemental 109395
improvements may not exceed five dollars for each motor vehicle on 109396
which the motor vehicle license tax is collected. If the motor 109397
vehicle license tax is approved, the governing board shall 109398
allocate the revenue only in accordance with the resolution. The 109399
allocation may not be changed unless a proposition to change the 109400
allocation is approved by the majority of electors voting on the 109401
proposition in each county that is a party to the cooperative 109402

agreement. Such a proposition may be proposed by resolution of the governing board certified to the board of county commissioners of each county, and, upon receiving such a certified resolution, each board of county commissioners shall certify identical resolutions to the respective county board of elections for placement on the questions and issues ballot at the next succeeding election occurring at least ninety days after the resolution is certified to the board of elections.

(C) Pledges of revenue under division (A) of this section may take any form and may be made subject to any terms that are mutually agreeable between the revenue contributor and the governing board. Pledges may be effectuated through periodic or one-time fixed payments, in variable installments based on estimated increases in tax revenue attributable to the activities of the regional transportation improvement project, or through any other means negotiated by the revenue contributor and the government board.

As used in this division, "revenue contributor" means the state, the counties that are parties to the cooperative agreement, or any political subdivision or taxing unit located within any of those participating counties, that pledges revenue to a regional transportation improvement project under division (A) of this section.

Sec. 5703.03. The board of tax appeals shall be composed of three members, not more than two of whom shall be affiliated with the same political party. The governor, with the advice and consent of the senate, shall appoint three members of the board of tax appeals. At least two members of the board shall have been admitted to practice as attorneys at law in this state and have, for a total of six years preceding their appointments, engaged in the practice of Ohio tax law in this state.

Each of the members of the board shall give bond, conditioned 109434
according to law, payable to the state in the penal sum of five 109435
thousand dollars, with surety to be approved by the governor. The 109436
bond shall be filed in the office of the secretary of state. 109437

Terms of office shall be for six years, commencing on the 109438
ninth day of February and ending on the eighth day of February. 109439
Each member shall hold office from the date of ~~his~~ appointment 109440
until the end of the term for which ~~he~~ the member was appointed. 109441
Any member appointed to fill a vacancy occurring prior to the 109442
expiration of the term for which ~~his~~ the member's predecessor was 109443
appointed shall hold office for the remainder of the unexpired 109444
term. Any member shall continue in office subsequent to the 109445
expiration date of ~~his~~ the member's term until ~~his~~ a successor 109446
takes office, or until a period of sixty days has elapsed, 109447
whichever occurs first. 109448

The governor, with the advice and consent of the senate, 109449
shall appoint two alternate members of the board of tax appeals, 109450
who may serve as members of the board in the adjudication of a 109451
particular proceeding in which a duly appointed member is 109452
disqualified from participation. Each alternate member shall have 109453
been admitted to practice as an attorney at law in this state and 109454
shall have, for a total of three years preceding appointment as an 109455
alternate member, engaged in the practice of Ohio tax law in this 109456
state. Each alternate member shall be appointed and serve for a 109457
term of six years in the same manner that members of the board are 109458
appointed and serve, and each shall give bond in the manner 109459
prescribed for members of the board. The two alternate members 109460
shall not be affiliated with the same political party. 109461

When a member is disqualified from participating in the 109462
adjudication of a particular proceeding, the other members of the 109463
board shall appoint one of the alternate members to serve in place 109464
of the disqualified member in connection with that proceeding, and 109465

that alternate member shall have the power to exercise all powers 109466
of a duly appointed member of the board in connection with the 109467
adjudication of that proceeding. The appointment of an alternate 109468
to serve as a member of the board in a particular proceeding shall 109469
be entered on the journal of the board, and the parties to the 109470
proceeding shall be given notice of the appointment. No act of an 109471
alternate member is valid except in accordance with the terms of 109472
the entry appointing the alternate member. An alternate member who 109473
has been appointed to serve in place of a member in a particular 109474
proceeding shall be compensated for performing their duties in 109475
that proceeding in the manner prescribed for compensation of the 109476
members of the board in section 5703.09 of the Revised Code. 109477

Each employee of the board, except a member or alternate 109478
member of the board, shall devote ~~his~~ the employee's entire time 109479
to the duties of ~~his~~ the employee's office and shall not hold any 109480
position of trust or profit or engage in any occupation, 109481
employment, or business interfering with or inconsistent with ~~his~~ 109482
~~duty as an employee~~ the employee's official duties. No member, 109483
alternate member, or employee shall serve on or under any 109484
committee of any political party. 109485

Each member of the board, the secretary, and attorney 109486
examiners of the board may, for ~~his~~ purposes of the laws relating 109487
to taxation, administer oaths, certify to official acts, issue 109488
subpoenas, compel the attendance of witnesses, and the production 109489
of books, accounts, papers, records, documents, and testimony. In 109490
the case of disobedience or refusal on the part of any person to 109491
comply with a subpoena issued under this section, and upon the 109492
request of the board of tax appeals, the attorney general or the 109493
prosecuting attorney of any county shall take appropriate action 109494
on behalf of the board for the purpose of enforcing the subpoena 109495
or for imposition of sanctions for violation of the subpoena, or 109496
both, as requested by the board. 109497

Any member of the board who previously served as attorney general, first assistant attorney general, or an attorney employee of the attorney general shall, if that member provided legal representation to the tax commissioner and the department of taxation, be disqualified in any proceeding in which the tax commissioner or department of taxation is a party, if that proceeding was pending at the board during the member's employment as attorney general, first assistant attorney general, or attorney general employee. Such member shall also be disqualified in both of the following proceedings:

(A) A proceeding in which the valuation of a taxpayer's tangible personal property is at issue if the valuation of that tangible personal property was also at issue in a proceeding that was pending at the board during the member's employment as attorney general, first assistant attorney general, or attorney general employee;

(B) A proceeding in which the issue that is presented was also presented in an earlier proceeding and the member was substantially involved in that earlier proceeding during the member's employment as attorney general, first assistant attorney general, or attorney general employee.

Sec. 5703.052. (A) There is hereby created in the state treasury the tax refund fund, from which refunds shall be paid for ~~taxes~~ amounts illegally or erroneously assessed or collected, or for any other reason overpaid, ~~that are~~ with respect to taxes levied by Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for fees or wireless 9-1-1 charges levied by sections 128.42 or 3734.90 to 3734.9014 of the Revised Code, or

any penalties assessed with respect to such fees or charges, that 109529
are illegally or erroneously assessed or collected, or for any 109530
other reason overpaid, ~~that are levied by sections 128.42 or~~ 109531
~~3734.90 to 3734.9014 of the Revised Code~~ also shall be paid from 109532
the fund. Refunds for amounts illegally or erroneously assessed or 109533
collected by the tax commissioner, or for any other reason 109534
overpaid, that are due under section 1509.50 of the Revised Code 109535
shall be paid from the fund. Refunds for amounts illegally or 109536
erroneously assessed or collected by the commissioner, or for any 109537
other reason overpaid to the commissioner, under sections 718.80 109538
to 718.95 of the Revised Code shall be paid from the fund. 109539
However, refunds for amounts illegally or erroneously assessed or 109540
collected by the commissioner, or for any other reason overpaid to 109541
the commissioner, with respect to taxes levied under section 109542
5739.101 of the Revised Code shall not be paid from the tax refund 109543
fund, but shall be paid as provided in section 5739.104 of the 109544
Revised Code. 109545

(B)(1) Upon certification by the tax commissioner to the 109546
treasurer of state of a tax refund, a wireless 9-1-1 charge 109547
refund, or another amount refunded, or by the superintendent of 109548
insurance of a domestic or foreign insurance tax refund, the 109549
treasurer of state shall place the amount certified to the credit 109550
of the fund. The certified amount transferred shall be derived 109551
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 109552
other amount from which the refund arose. 109553

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 109554
or other amount that is not levied by the state or that was 109555
illegally or erroneously distributed to a taxing jurisdiction, the 109556
tax commissioner shall recover the amount of that refund from the 109557
next distribution of that tax, fee, wireless 9-1-1 charge, or 109558
other amount that otherwise would be made to the taxing 109559
jurisdiction. If the amount to be recovered would exceed 109560

twenty-five per cent of the next distribution of that tax, fee, 109561
wireless 9-1-1 charge, or other amount, the commissioner may 109562
spread the recovery over more than one future distribution, taking 109563
into account the amount to be recovered and the amount of the 109564
anticipated future distributions. In no event may the commissioner 109565
spread the recovery over a period to exceed thirty-six months. 109566

Sec. 5703.056. (A) As used in any section of the Revised Code 109567
that ~~requires~~ permits the tax commissioner to use certified mail 109568
or personal service or that requires or permits a payment to be 109569
made or a document to be submitted to the tax commissioner or the 109570
board of tax appeals by mail or personal service, and as used in 109571
any section of Chapter 718., 3734., 3769., 4303., or 4305. or 109572
Title LVII of the Revised Code that requires or permits a payment 109573
to be made or a document to be submitted to the treasurer of state 109574
by mail: 109575

(1) "Certified mail," "express mail," "United States mail," 109576
"United States postal service," and similar terms include any 109577
delivery service authorized pursuant to division (B) of this 109578
section. 109579

(2) "Postmark date," "date of postmark," and similar terms 109580
include the date recorded and marked in the manner described in 109581
division (B)(3) of this section. 109582

(B) The tax commissioner may authorize the use of a delivery 109583
service for the delivery of any payment or document described in 109584
division (A) of this section if the commissioner finds that all of 109585
the following apply to the delivery service: 109586

(1) ~~It is~~ It is available to the general public~~;~~. 109587

(2) ~~It is~~ It is at least as timely and reliable on a regular 109588
basis as the United States postal service~~;~~. 109589

(3) ~~Records electronically to a database kept in the regular~~ 109590

~~course of its business, and marks on the cover in which the 109591
payment or document is enclosed, the date on which the payment or 109592
document was given to the delivery service for delivery; 109593~~

~~(4) Records electronically to a database kept in the regular 109594
course of its business the date on which the payment or document 109595
was given by the delivery service to the person who signed the 109596
receipt of delivery and the name of the person who signed the 109597
receipt; and 109598~~

~~(5) Meets It meets any other criteria that the tax 109599
commissioner may by rule prescribe. 109600~~

(C) In any section of the Revised Code referring to the date 109601
any payment or document is received by the tax commissioner by 109602
mail, personal service, or electronically or by a person receiving 109603
a document or payment from the tax commissioner by mail, the 109604
payment or document shall be considered to be received on one of 109605
the following dates, as applicable, except as provided in section 109606
5703.053 or 5703.37 of the Revised Code: 109607

(1) For a document or payment sent by certified mail, express 109608
mail, United States mail, foreign mail, or a delivery service 109609
authorized for use under division (B) of this section, the date of 109610
the postmark placed by the postal or delivery service on the 109611
sender's receipt or, if the sender was not issued a postmarked 109612
sender's receipt, the date of the postmark placed by the postal or 109613
delivery service on the package containing the payment or 109614
document. 109615

(2) For personal service to the tax commissioner, the date 109616
the payment or document is received in any of the tax 109617
commissioner's offices during business hours. 109618

(3) For a document filed or sent electronically or a payment 109619
made electronically, the date on the timestamp assigned by the 109620
first electronic system receiving that payment or document. 109621

(D) As used in divisions (A) and (C) of this section 109622
"electronically" includes by facsimile, if applicable. 109623

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 109624
of this section, no agent of the department of taxation, except in 109625
the agent's report to the department or when called on to testify 109626
in any court or proceeding, shall divulge any information acquired 109627
by the agent as to the transactions, property, or business of any 109628
person while acting or claiming to act under orders of the 109629
department. Whoever violates this provision shall thereafter be 109630
disqualified from acting as an officer or employee or in any other 109631
capacity under appointment or employment of the department. 109632

(B)(1) For purposes of an audit pursuant to section 117.15 of 109633
the Revised Code, or an audit of the department pursuant to 109634
Chapter 117. of the Revised Code, or an audit, pursuant to that 109635
chapter, the objective of which is to express an opinion on a 109636
financial report or statement prepared or issued pursuant to 109637
division (A)(7) or (9) of section 126.21 of the Revised Code, the 109638
officers and employees of the auditor of state charged with 109639
conducting the audit shall have access to and the right to examine 109640
any state tax returns and state tax return information in the 109641
possession of the department to the extent that the access and 109642
examination are necessary for purposes of the audit. Any 109643
information acquired as the result of that access and examination 109644
shall not be divulged for any purpose other than as required for 109645
the audit or unless the officers and employees are required to 109646
testify in a court or proceeding under compulsion of legal 109647
process. Whoever violates this provision shall thereafter be 109648
disqualified from acting as an officer or employee or in any other 109649
capacity under appointment or employment of the auditor of state. 109650

(2) For purposes of an internal audit pursuant to section 109651
126.45 of the Revised Code, the officers and employees of the 109652

office of internal audit in the office of budget and management 109653
charged with directing the internal audit shall have access to and 109654
the right to examine any state tax returns and state tax return 109655
information in the possession of the department to the extent that 109656
the access and examination are necessary for purposes of the 109657
internal audit. Any information acquired as the result of that 109658
access and examination shall not be divulged for any purpose other 109659
than as required for the internal audit or unless the officers and 109660
employees are required to testify in a court or proceeding under 109661
compulsion of legal process. Whoever violates this provision shall 109662
thereafter be disqualified from acting as an officer or employee 109663
or in any other capacity under appointment or employment of the 109664
office of internal audit. 109665

(3) As provided by section 6103(d)(2) of the Internal Revenue 109666
Code, any federal tax returns or federal tax information that the 109667
department has acquired from the internal revenue service, through 109668
federal and state statutory authority, may be disclosed to the 109669
auditor of state or the office of internal audit solely for 109670
purposes of an audit of the department. 109671

(4) For purposes of Chapter 3739. of the Revised Code, an 109672
agent of the department of taxation may share information with the 109673
division of state fire marshal that the agent finds during the 109674
course of an investigation. 109675

(C) Division (A) of this section does not prohibit any of the 109676
following: 109677

(1) Divulging information contained in applications, 109678
complaints, and related documents filed with the department under 109679
section 5715.27 of the Revised Code or in applications filed with 109680
the department under section 5715.39 of the Revised Code; 109681

~~(2) Providing information to the office of child support 109682
within the department of job and family services pursuant to 109683~~

~~section 3125.43 of the Revised Code;~~ 109684

~~(3) Disclosing to the motor vehicle repair board any~~ 109685
~~information in the possession of the department that is necessary~~ 109686
~~for the board to verify the existence of an applicant's valid~~ 109687
~~vendor's license and current state tax identification number under~~ 109688
~~section 4775.07 of the Revised Code;~~ 109689

~~(4) Providing information to the administrator of workers'~~ 109690
~~compensation pursuant to sections 4123.271 and 4123.591 of the~~ 109691
~~Revised Code;~~ 109692

~~(5) Providing to the attorney general information the~~ 109693
~~department obtains under division (J) of section 1346.01 of the~~ 109694
~~Revised Code;~~ 109695

~~(6)~~(3) Permitting properly authorized officers, employees, or 109696
agents of a municipal corporation from inspecting reports or 109697
information pursuant to section 718.84 of the Revised Code or 109698
rules adopted under section 5745.16 of the Revised Code; 109699

~~(7)~~(4) Providing information regarding the name, account 109700
number, or business address of a holder of a vendor's license 109701
issued pursuant to section 5739.17 of the Revised Code, a holder 109702
of a direct payment permit issued pursuant to section 5739.031 of 109703
the Revised Code, or a seller having a use tax account maintained 109704
pursuant to section 5741.17 of the Revised Code, or information 109705
regarding the active or inactive status of a vendor's license, 109706
direct payment permit, or seller's use tax account; 109707

~~(8) Releasing invoices or invoice information furnished under~~ 109708
~~section 4301.433 of the Revised Code pursuant to that section;~~ 109709

~~(9)~~(5) Providing to a county auditor notices or documents 109710
concerning or affecting the taxable value of property in the 109711
county auditor's county. Unless authorized by law to disclose 109712
documents so provided, the county auditor shall not disclose such 109713
documents; 109714

(10)(6) Providing to a county auditor a sales or use tax	109715
return or audit information under section 333.06 of the Revised	109716
Code;	109717
(11) Subject to section 4301.441 of the Revised Code,	109718
disclosing to the appropriate state agency information in the	109719
possession of the department of taxation that is necessary to	109720
verify a permit holder's gallonage or noncompliance with taxes	109721
levied under Chapter 4301. or 4305. of the Revised Code;	109722
(12) Disclosing to the department of natural resources	109723
information in the possession of the department of taxation that	109724
is necessary for the department of taxation to verify the	109725
taxpayer's compliance with section 5749.02 of the Revised Code or	109726
to allow the department of natural resources to enforce Chapter	109727
1509. of the Revised Code;	109728
(13) Disclosing to the department of job and family services,	109729
industrial commission, and bureau of workers' compensation	109730
information in the possession of the department of taxation solely	109731
for the purpose of identifying employers that misclassify	109732
employees as independent contractors or that fail to properly	109733
report and pay employer tax liabilities. The department of	109734
taxation shall disclose only such information that is necessary to	109735
verify employer compliance with law administered by those	109736
agencies.	109737
(14) Disclosing to the Ohio casino control commission	109738
information in the possession of the department of taxation that	109739
is necessary to verify a casino operator's or sports gaming	109740
proprietor's compliance with section 5747.063, 5753.02, or	109741
5753.021 of the Revised Code and sections related thereto;	109742
(15) Disclosing to the state lottery commission information	109743
in the possession of the department of taxation that is necessary	109744
to verify a lottery sales agent's compliance with section 5747.064	109745

~~of the Revised Code.~~ 109746

~~(16) Disclosing to the department of development information 109747
in the possession of the department of taxation that is necessary 109748
to ensure compliance with the laws of this state governing 109749
taxation and to verify information reported to the department of 109750
development for the purpose of evaluating potential tax credits, 109751
tax deductions, grants, or loans. Such information shall not 109752
include information received from the internal revenue service the 109753
disclosure of which is prohibited by section 6103 of the Internal 109754
Revenue Code. No officer, employee, or agent of the department of 109755
development shall disclose any information provided to the 109756
department of development by the department of taxation under 109757
division (C)(16) of this section except when disclosure of the 109758
information is necessary for, and made solely for the purpose of 109759
facilitating, the evaluation of potential tax credits, tax 109760
deductions, grants, or loans.~~ 109761

~~(17) Disclosing to the department of insurance information in 109762
the possession of the department of taxation that is necessary to 109763
ensure a taxpayer's compliance with the requirements with any tax 109764
credit administered by the department of development and claimed 109765
by the taxpayer against any tax administered by the superintendent 109766
of insurance. No officer, employee, or agent of the department of 109767
insurance shall disclose any information provided to the 109768
department of insurance by the department of taxation under 109769
division (C)(17) of this section.~~ 109770

~~(18) Disclosing to the division of liquor control information 109771
in the possession of the department of taxation that is necessary 109772
for the division and department to comply with the requirements of 109773
sections 4303.26 and 4303.271 of the Revised Code.~~ 109774

~~(19) Disclosing to the department of education, upon that 109775
department's request, information in the possession of the 109776
department of taxation that is necessary only to verify whether 109777~~

~~the family income of a student applying for or receiving a 109778
scholarship under the educational choice scholarship pilot program 109779
is equal to, less than, or greater than the income thresholds 109780
prescribed by section 3310.032 of the Revised Code. The department 109781
of education shall provide sufficient information about the 109782
student and the student's family to enable the department of 109783
taxation to make the verification. 109784~~

~~(20) Disclosing to the Ohio rail development commission 109785
information in the possession of the department of taxation that 109786
is necessary to ensure compliance with the laws of this state 109787
governing taxation and to verify information reported to the 109788
commission for the purpose of evaluating potential grants or 109789
loans. Such information shall not include information received 109790
from the internal revenue service the disclosure of which is 109791
prohibited by section 6103 of the Internal Revenue Code. No 109792
member, officer, employee, or agent of the Ohio rail development 109793
commission shall disclose any information provided to the 109794
commission by the department of taxation under division (C)(20) of 109795
this section except when disclosure of the information is 109796
necessary for, and made solely for the purpose of facilitating, 109797
the evaluation of potential grants or loans. 109798~~

~~(21) Disclosing to the state racing commission information in 109799
the possession of the department of taxation that is necessary for 109800
verification of compliance with and for enforcement and 109801
administration of the taxes levied by Chapter 3769. of the Revised 109802
Code. Such information shall include information that is necessary 109803
for the state racing commission to verify compliance with Chapter 109804
3769. of the Revised Code for the purposes of issuance, denial, 109805
suspension, or revocation of a permit pursuant to section 3769.03 109806
or 3769.06 of the Revised Code and related sections. Unless 109807
disclosure is otherwise authorized by law, information provided to 109808
the state racing commission under this section remains 109809~~

~~confidential and is not subject to public disclosure pursuant to section 3769.041 of the Revised Code.~~ 109810
109811

~~(22) Disclosing to the state fire marshal information in the possession of the department of taxation that is necessary for the state fire marshal to verify the compliance of a licensed manufacturer of fireworks or a licensed wholesaler of fireworks with section 3743.22 of the Revised Code. No officer, employee, or agent of the state fire marshal shall disclose any information provided to the state fire marshal by the department of taxation under division (C)(22) of this section.~~ 109812
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~~(23) Disclosing to the department of job and family services information in the possession of the department of taxation for either of the following purposes:~~ 109820
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109822

~~(a) Making a determination under section 4141.28 of the Revised Code;~~ 109823
109824

~~(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code.~~ 109825
109826

~~Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code.~~ 109827
109828
109829

(7) Disclosing to a state or federal government agency, for use in the performance of that agency's official duties in this state, information in the possession of the tax commissioner necessary to verify compliance with any provision of the Revised Code or federal law relating to that agency. Unless disclosure is otherwise authorized by law, information provided to any state or federal government agency under this section remains confidential and is not subject to further disclosure. 109830
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Sec. 5703.37. (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in 109838
109839

the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service authorized under section 5703.056 of the Revised Code that notifies the tax commissioner of the date of delivery.

(2) In lieu of serving a copy of a notice or order through one of the means provided in division (A)(1) of this section, the commissioner may serve a notice or order upon the person affected thereby through alternative means as provided in this section, including, but not limited to, delivery by secure electronic mail as provided in division (F) of this section or by ordinary mail. Delivery by such means satisfies the requirements for delivery under this section.

(B)(1)(a) If certified mail is returned because of an undeliverable address, the commissioner shall first utilize reasonable means to ascertain a new last known address, including the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code. If, after using reasonable means, the commissioner is unable to ascertain a new last known address, the assessment is final for purposes of section 131.02 of the Revised Code sixty days after the notice or order sent by certified mail is first returned to the commissioner, and the commissioner shall certify the notice or order, if applicable, to the attorney general for collection under section 131.02 of the Revised Code.

(b) Notwithstanding certification to the attorney general under division (B)(1)(a) of this section, once the commissioner or attorney general, or the designee of either, makes an initial contact with the person to whom the notice or order is directed, the person may protest an assessment by filing a petition for reassessment within sixty days after the initial contact. The

certification of an assessment under division (B)(1)(a) of this section is prima-facie evidence that delivery is complete and that the notice or order is served.

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of

this section, a person is associated with an address at the time 109903
the commissioner originally mailed the notice or order if, at that 109904
time, the person was residing, receiving legal documents, or 109905
conducting business at the address; or if, before that time, the 109906
person had conducted business at the address and, when the notice 109907
or order was mailed, the person's agent or the person's affiliate 109908
was conducting business at the address. For the purposes of this 109909
section, a person's affiliate is any other person that, at the 109910
time the notice or order was mailed, owned or controlled at least 109911
twenty per cent, as determined by voting rights, of the 109912
addressee's business. 109913

(2) If the person elects to protest an assessment certified 109914
to the attorney general for collection, the person must do so 109915
within sixty days after the attorney general's initial contact 109916
with the person. The attorney general may enter into a compromise 109917
with the person under sections 131.02 and 5703.06 of the Revised 109918
Code if the person does not file a petition for reassessment with 109919
the commissioner. 109920

(D) Nothing in this section prohibits the commissioner or the 109921
commissioner's designee from delivering a notice or order by 109922
personal service. 109923

(E) Collection actions taken pursuant to section 131.02 of 109924
the Revised Code upon any assessment being challenged under 109925
division (B)(1)(b) of this section shall be stayed upon the 109926
pendency of an appeal under this section. If a petition for 109927
reassessment is filed pursuant to this section on a claim that has 109928
been certified to the attorney general for collection, the claim 109929
shall be uncertified. 109930

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 109931
the person affected by the notice or order or that person's 109932
authorized representative through secure electronic means ~~only~~ 109933
~~with the person's consent~~ associated with the person's or 109934

representative's last known address, but only with the person's 109935
consent. The commissioner must inform the recipient, 109936
electronically or by mail, that a notice or order is available for 109937
electronic review and provide instructions to access and print the 109938
notice or order. The types of electronic notification the 109939
commissioner may use include electronic mail, text message, or any 109940
other form of electronic communication. The recipient's electronic 109941
access of the notice or order satisfies the requirements for 109942
delivery under this section. If the recipient fails to access the 109943
notice or order electronically within ten business days, then the 109944
commissioner shall inform the recipient a second time, 109945
electronically or by mail, that a notice or order is available for 109946
electronic review and provide instructions to access and print the 109947
notice or order. If the recipient fails to access the notice or 109948
order electronically within ten business days of the second 109949
notification, the notice or order shall be served upon the person 109950
through the means provided in division (B)(2) of this section. 109951

(2) The tax commissioner shall establish a system to issue 109952
notification of assessments to taxpayers through secure electronic 109953
means. 109954

(G) As used in this section: 109955

(1) "Last known address" means the address the department has 109956
at the time the document is originally sent by certified mail, or 109957
any address the department can ascertain using reasonable means 109958
such as the use of a change of address service offered by the 109959
United States postal service or an authorized delivery service 109960
under section 5703.056 of the Revised Code. For documents sent by 109961
secure electronic means, "last known address" means an electronic 109962
mode of communication that is identified on a form prescribed by 109963
the commissioner for such purpose or that is associated with the 109964
person or the authorized representative of the person on the Ohio 109965
business gateway, as defined in section 718.01 of the Revised 109966

Code, as of the date the notification was sent. 109967

(2) "Undeliverable address" means an address to which the 109968
United States postal service or an authorized delivery service 109969
under section 5703.056 of the Revised Code is not able to deliver 109970
a notice or order, except when the reason for nondelivery is 109971
because the addressee fails to acknowledge or accept the notice or 109972
order. 109973

Sec. 5703.53. (A) An "opinion of the tax commissioner" means 109974
an opinion issued under this section with respect to prospective 109975
tax liability. It does not include ordinary correspondence of the 109976
commissioner or a final determination of the commissioner arising 109977
from a request for administrative review of an assessment, a claim 109978
for refund, or an application for a pollution control or other 109979
certificate. 109980

(B) If a taxpayer requests in writing an opinion from the tax 109981
commissioner as to whether or how certain property, income, source 109982
of income, or a certain activity or transaction will be taxed, the 109983
commissioner's written response shall be an "opinion of the tax 109984
commissioner" and shall bind the commissioner, in accordance with 109985
divisions (C), (G), and (H) of this section, provided all of the 109986
following conditions are satisfied: 109987

(1) The taxpayer's request fully describes the specific facts 109988
or circumstances relevant to a determination of the taxability of 109989
the property, income, source of income, activity, or transaction, 109990
and, if an activity or transaction, all parties involved in the 109991
activity or transaction are clearly identified by name, location, 109992
or other pertinent facts. 109993

(2) The request relates to a "tax" as defined in section 109994
5703.50 of the Revised Code. 109995

(3) The commissioner's response is signed by the commissioner 109996

and designated as an "opinion of the tax commissioner." 109997

(C) An opinion of the tax commissioner shall remain in effect 109998
and shall protect the taxpayer for whom the opinion was prepared 109999
and who reasonably relies on it from liability for any taxes, 110000
penalty, or interest otherwise chargeable on the activity or 110001
transaction specifically held by the commissioner's opinion to be 110002
taxable in a particular manner or not to be subject to taxation 110003
for any tax year that may be specified in the opinion, or until 110004
the earliest of the following dates: 110005

(1) The effective date of a written revocation by the 110006
commissioner sent to the taxpayer ~~by certified mail, return~~ 110007
~~receipt requested~~ in the manner provided in section 5703.37 of the 110008
Revised Code. The effective date of the revocation shall be the 110009
taxpayer's date of receipt or one year after the issuance of the 110010
opinion, whichever is later; 110011

(2) The effective date of any rule adopted by the 110012
commissioner under Chapter 119. of the Revised Code that is 110013
inconsistent with the opinion; 110014

(3) The effective date of any amendment or enactment of a 110015
relevant section of the Revised Code or uncodified law; 110016

(4) The date on which a court issues an opinion establishing 110017
or changing relevant case law with respect to the Revised Code, 110018
uncodified law, or rules of the tax commissioner; 110019

(5) If the opinion of the commissioner was based on the 110020
interpretation of federal law, the effective date of any change in 110021
the relevant federal statutes or regulations, or the date on which 110022
a court issues an opinion establishing or changing relevant case 110023
law with respect to federal statutes or regulations; 110024

(6) The effective date of any change in the taxpayer's 110025
material facts or circumstances; 110026

(7) The effective date of the expiration of the opinion, if specified, in the opinion. 110027
110028

(D) A taxpayer is not relieved of liability for any activity or transaction related to a request for an opinion that contained any misrepresentation or omission of one or more material facts. 110029
110030
110031

(E) If the commissioner provides written advice under this section, the opinion shall include a statement that: 110032
110033

(1) The tax consequences stated in the opinion may be subject to change for any of the reasons stated in division (C) of this section; 110034
110035
110036

(2) It is the duty of the taxpayer to be aware of such changes. 110037
110038

(F) The commissioner may refuse to offer an opinion on any request received under this section. 110039
110040

(G) This section binds the commissioner only with respect to opinions of the commissioner issued on or after January 1, 1990. 110041
110042

(H) An opinion of the commissioner binds the commissioner only with respect to the taxpayer for whom the opinion was prepared. 110043
110044
110045

(I) The commissioner shall make available the text of all opinions issued under this section, except those opinions prepared for a taxpayer who has requested that the text of the opinion remain confidential. In no event shall the text of an opinion be made available until the commissioner has removed all information that identifies the taxpayer and any other parties involved in the activity or transaction. 110046
110047
110048
110049
110050
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110052

(J) An opinion of the commissioner issued under this section is not a final determination of the commissioner and may not be appealed to the board of tax appeals. 110053
110054
110055

Sec. 5703.77. (A) As used in this section: 110056

(1) "Taxpayer" means a person subject to or previously 110057
subject to a tax or fee, a person that remits a tax or fee, or a 110058
person required to or previously required to withhold or collect 110059
and remit a tax or fee on behalf of another person. 110060

(2) "Tax or fee" means a tax or fee administered by the tax 110061
commissioner. 110062

(3) "Credit account balance" means the amount ~~of a tax or fee~~ 110063
that a taxpayer remits to the state in excess of the amount 110064
required to be remitted, after accounting for factors applicable 110065
to the taxpayer such as accelerated payments, estimated payments, 110066
tax credits, and tax credit balances that may be carried forward. 110067

(4) "Tax debt" means an unpaid tax or fee or any unpaid 110068
penalty, interest, or additional charge on such a tax or fee due 110069
the state. 110070

(B) As soon as practicable, but not later than sixty days 110071
before the expiration of the period of time during which a 110072
taxpayer may file a refund application for a tax or fee, the tax 110073
commissioner shall review the taxpayer's accounts for the tax or 110074
fee and notify the taxpayer of any credit account balance for 110075
which the commissioner is required to issue a refund if the 110076
taxpayer were to file a refund application for that balance, 110077
regardless of whether the taxpayer files a refund application or 110078
amended return with respect to that tax or fee. The notice shall 110079
be made using contact information for the taxpayer on file with 110080
the commissioner. 110081

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 110082
4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 5735.122, 110083
5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 110084
5749.08, 5751.08, 5753.06, and any other section of the Revised 110085

Code governing refunds ~~of taxes or fees~~, the commissioner may 110086
apply the amount of any credit account balance for which the 110087
commissioner is required to issue a refund if the taxpayer were to 110088
file a refund application for that balance as a credit against the 110089
taxpayer's liability for the tax or fee in the taxpayer's next 110090
reporting period for that tax or fee or issue a refund of that 110091
credit account balance to the taxpayer, subject to division (D) of 110092
this section. 110093

(D) Before issuing a refund to a taxpayer under division (C) 110094
of this section, the tax commissioner shall withhold from that 110095
refund the amount of any of the taxpayer's tax debt certified to 110096
the attorney general under section 131.02 of the Revised Code and 110097
the amount of the taxpayer's liability, if any, for a tax ~~or fee~~ 110098
debt. The commissioner shall apply any amount withheld first in 110099
satisfaction of the amount of the taxpayer's certified tax debt 110100
and then in satisfaction of the taxpayer's liability. If the 110101
credit account balance originates from the tax administered under 110102
sections 718.80 to 718.95 of the Revised Code, it may be applied 110103
only against the taxpayer's certified tax debt or tax liability 110104
due under those sections. 110105

(E) The tax commissioner may adopt rules to administer this 110106
section. 110107

Sec. 5705.01. As used in this chapter: 110108

(A) "Subdivision" means any county; municipal corporation; 110109
township; township police district; joint police district; 110110
township fire district; joint fire district; joint ambulance 110111
district; joint emergency medical services district; fire and 110112
ambulance district; joint recreation district; township waste 110113
disposal district; township road district; community college 110114
district; technical college district; detention facility district; 110115
a district organized under section 2151.65 of the Revised Code; a 110116

combined district organized under sections 2152.41 and 2151.65 of 110117
the Revised Code; a joint-county alcohol, drug addiction, and 110118
mental health service district; a drainage improvement district 110119
created under section 6131.52 of the Revised Code; a lake 110120
facilities authority created under Chapter 353. of the Revised 110121
Code; a union cemetery district; a county school financing 110122
district; a city, local, exempted village, cooperative education, 110123
joint vocational school district; ~~or~~ a regional student education 110124
district created under section 3313.83 of the Revised Code; or a 110125
career-technical cooperative education district created under 110126
section 3313.831 of the Revised Code. 110127

(B) "Municipal corporation" means all municipal corporations, 110128
including those that have adopted a charter under Article XVIII, 110129
Ohio Constitution. 110130

(C) "Taxing authority" or "bond issuing authority" means, in 110131
the case of any county, the board of county commissioners; in the 110132
case of a municipal corporation, the council or other legislative 110133
authority of the municipal corporation; in the case of a city, 110134
local, exempted village, cooperative education, or joint 110135
vocational school district, the board of education; in the case of 110136
a community college district, the board of trustees of the 110137
district; in the case of a technical college district, the board 110138
of trustees of the district; in the case of a detention facility 110139
district, a district organized under section 2151.65 of the 110140
Revised Code, or a combined district organized under sections 110141
2152.41 and 2151.65 of the Revised Code, the joint board of county 110142
commissioners of the district; in the case of a township, the 110143
board of township trustees; in the case of a joint police 110144
district, the joint police district board; in the case of a joint 110145
fire district, the board of fire district trustees; in the case of 110146
a joint recreation district, the joint recreation district board 110147
of trustees; in the case of a joint-county alcohol, drug 110148

addiction, and mental health service district, the district's board of alcohol, drug addiction, and mental health services; in the case of a joint ambulance district or a fire and ambulance district, the board of trustees of the district; in the case of a union cemetery district, the legislative authority of the municipal corporation and the board of township trustees, acting jointly as described in section 759.341 of the Revised Code; in the case of a drainage improvement district, the board of county commissioners of the county in which the drainage district is located; in the case of a lake facilities authority, the board of directors; in the case of a joint emergency medical services district, the joint board of county commissioners of all counties in which all or any part of the district lies; and in the case of a township police district, a township fire district, a township road district, or a township waste disposal district, the board of township trustees of the township in which the district is located. "Taxing authority" also means the educational service center governing board that serves as the taxing authority of a county school financing district as provided in section 3311.50 of the Revised Code, ~~and~~ the board of directors of a regional student education district created under section 3313.83 of the Revised Code, and the board of directors of a career-technical cooperative education district created under section 3313.831 of the Revised Code.

(D) "Fiscal officer" in the case of a county, means the county auditor; in the case of a municipal corporation, the city auditor or village clerk, or an officer who, by virtue of the charter, has the duties and functions of the city auditor or village clerk, except that in the case of a municipal university the board of directors of which have assumed, in the manner provided by law, the custody and control of the funds of the university, the chief accounting officer of the university shall perform, with respect to the funds, the duties vested in the

fiscal officer of the subdivision by sections 5705.41 and 5705.44 110182
of the Revised Code; in the case of a school district, the 110183
treasurer of the board of education; in the case of a county 110184
school financing district, the treasurer of the educational 110185
service center governing board that serves as the taxing 110186
authority; in the case of a township, the township fiscal officer; 110187
in the case of a joint police district, the treasurer of the 110188
district; in the case of a joint fire district, the clerk of the 110189
board of fire district trustees; in the case of a joint ambulance 110190
district, the clerk of the board of trustees of the district; in 110191
the case of a joint emergency medical services district, the 110192
person appointed as fiscal officer pursuant to division (D) of 110193
section 307.053 of the Revised Code; in the case of a fire and 110194
ambulance district, the person appointed as fiscal officer 110195
pursuant to division (B) of section 505.375 of the Revised Code; 110196
in the case of a joint recreation district, the person designated 110197
pursuant to section 755.15 of the Revised Code; in the case of a 110198
union cemetery district, the clerk of the municipal corporation 110199
designated in section 759.34 of the Revised Code; in the case of a 110200
children's home district, educational service center, general 110201
health district, joint-county alcohol, drug addiction, and mental 110202
health service district, county library district, detention 110203
facility district, district organized under section 2151.65 of the 110204
Revised Code, a combined district organized under sections 2152.41 110205
and 2151.65 of the Revised Code, or a metropolitan park district 110206
for which no treasurer has been appointed pursuant to section 110207
1545.07 of the Revised Code, the county auditor of the county 110208
designated by law to act as the auditor of the district; in the 110209
case of a metropolitan park district which has appointed a 110210
treasurer pursuant to section 1545.07 of the Revised Code, that 110211
treasurer; in the case of a drainage improvement district, the 110212
auditor of the county in which the drainage improvement district 110213
is located; in the case of a lake facilities authority, the fiscal 110214

officer designated under section 353.02 of the Revised Code; in 110215
the case of a regional student education district, the fiscal 110216
officer appointed pursuant to section 3313.83 of the Revised Code; 110217
in the case of a career-technical cooperative education district, 110218
the fiscal officer appointed pursuant to section 3313.831 of the 110219
Revised Code; and in all other cases, the officer responsible for 110220
keeping the appropriation accounts and drawing warrants for the 110221
expenditure of the moneys of the district or taxing unit. 110222

(E) "Permanent improvement" or "improvement" means any 110223
property, asset, or improvement with an estimated life or 110224
usefulness of five years or more, including land and interests 110225
therein, and reconstructions, enlargements, and extensions thereof 110226
having an estimated life or usefulness of five years or more. 110227

(F) "Current operating expenses" and "current expenses" mean 110228
the lawful expenditures of a subdivision, except those for 110229
permanent improvements, and except payments for interest, sinking 110230
fund, and retirement of bonds, notes, and certificates of 110231
indebtedness of the subdivision. 110232

(G) "Debt charges" means interest, sinking fund, and 110233
retirement charges on bonds, notes, or certificates of 110234
indebtedness. 110235

(H) "Taxing unit" means any subdivision or other governmental 110236
district having authority to levy taxes on the property in the 110237
district or issue bonds that constitute a charge against the 110238
property of the district, including conservancy districts, 110239
metropolitan park districts, sanitary districts, road districts, 110240
and other districts. 110241

(I) "District authority" means any board of directors, 110242
trustees, commissioners, or other officers controlling a district 110243
institution or activity that derives its income or funds from two 110244
or more subdivisions, such as the educational service center, the 110245

trustees of district children's homes, the district board of 110246
health, a joint-county alcohol, drug addiction, and mental health 110247
service district's board of alcohol, drug addiction, and mental 110248
health services, detention facility districts, a joint recreation 110249
district board of trustees, districts organized under section 110250
2151.65 of the Revised Code, combined districts organized under 110251
sections 2152.41 and 2151.65 of the Revised Code, and other such 110252
boards. 110253

(J) "Tax list" and "tax duplicate" mean the general tax lists 110254
and duplicates prescribed by sections 319.28 and 319.29 of the 110255
Revised Code. 110256

(K) "Property" as applied to a tax levy means taxable 110257
property listed on general tax lists and duplicates. 110258

(L) "Association library district" means a territory, the 110259
boundaries of which are defined by the state library board 110260
pursuant to division (I) of section 3375.01 of the Revised Code, 110261
in which a library association or private corporation maintains a 110262
free public library. 110263

(M) "Library district" means a territory, the boundaries of 110264
which are defined by the state library board pursuant to section 110265
3375.01 of the Revised Code, in which the board of trustees of a 110266
county, municipal corporation, school district, or township public 110267
library maintains a free public library. 110268

(N) "Qualifying library levy" means either of the following: 110269

(1) A levy for the support of a library association or 110270
private corporation that has an association library district with 110271
boundaries that are not identical to those of a subdivision; 110272

(2) A levy proposed under section 5705.23 of the Revised Code 110273
for the support of the board of trustees of a public library that 110274
has a library district with boundaries that are not identical to 110275
those of a subdivision. 110276

(O) "School library district" means a school district in 110277
which a free public library has been established that is under the 110278
control and management of a board of library trustees as provided 110279
in section 3375.15 of the Revised Code. 110280

(P) "The county auditor's appraised value" means the true 110281
value in money of real property. 110282

(Q) "Estimated effective rate" means the quotient obtained by 110283
dividing (1) an estimate of the taxes that will be charged and 110284
payable in a year against real property classified as residential 110285
or agricultural under section 5713.041 of the Revised Code from 110286
either (a) a levy that is a renewal, increase, or decrease of an 110287
existing levy or (b) an existing levy that is extended to 110288
additional territory, assuming that the additional territory has 110289
been added to the subdivision, by (2) an estimate of the total 110290
taxable value of that class of property for that year. 110291

Sec. 5705.2114. (A) If the board of directors of a 110292
career-technical cooperative education district created under 110293
section 3313.831 of the Revised Code desires to levy a tax in 110294
excess of the ten-mill limitation throughout the district for the 110295
purpose of funding the services to be provided by the district to 110296
students enrolled in the school districts of which the district is 110297
composed, the board shall propose the levy to each of the boards 110298
of education of those school districts. The proposal shall specify 110299
the rate or amount of the tax, the number of years the tax will be 110300
levied or that it will be levied for a continuing period of time, 110301
and that the aggregate rate of the tax shall not exceed three 110302
mills per dollar of taxable value in the career-technical 110303
cooperative education district. 110304

(B)(1) If a majority of the boards of education of the school 110305
districts of which the career-technical cooperative education 110306
district is composed approves the proposal for the tax levy, the 110307

board of directors of the career-technical cooperative education 110308
district may adopt a resolution approved by a majority of the 110309
board's full membership declaring the necessity of levying the 110310
proposed tax in excess of the ten-mill limitation throughout the 110311
district for the purpose of funding the services to be provided by 110312
the district to students enrolled in the school districts of which 110313
the district is composed. The resolution shall provide for the 110314
question of the tax to be submitted to the electors of the 110315
district at a general, primary, or special election on a day to be 110316
specified in the resolution that is consistent with the 110317
requirements of section 3501.01 of the Revised Code and that 110318
occurs at least ninety days after the resolution is certified to 110319
the board of elections. The resolution shall specify the rate or 110320
amount of the tax and the number of years the tax will be levied 110321
or that the tax will be levied for a continuing period of time. 110322
The aggregate rate of tax levied by a career-technical cooperative 110323
education district under this section at any time shall not exceed 110324
three mills per dollar of taxable value in the district. A tax 110325
levied under this section may be renewed, subject to section 110326
5705.25 of the Revised Code. 110327

(2) The resolution shall take effect immediately upon 110328
passage, and no publication of the resolution is necessary other 110329
than that provided in the notice of election. The resolution shall 110330
be certified and submitted in the manner provided under section 110331
5705.25 of the Revised Code, and that section governs the 110332
arrangements governing submission of the question and other 110333
matters concerning the election. 110334

Sec. 5705.391. (A) The department of education and the 110335
auditor of state shall jointly adopt rules requiring boards of 110336
education to submit five-year projections of operational revenues 110337
and expenditures. The rules shall provide for the auditor of state 110338
or the department to examine the five-year projections and to 110339

determine whether any further fiscal analysis is needed to 110340
ascertain whether a district has the potential to incur a deficit 110341
during the first three years of the five-year period. 110342

The auditor of state or the department may conduct any 110343
further audits or analyses necessary to assess any district's 110344
fiscal condition. If further audits or analyses are conducted by 110345
the auditor of state, the auditor of state shall notify the 110346
department of the district's fiscal condition, and the department 110347
shall immediately notify the district of any potential to incur a 110348
deficit in the current fiscal year or of any strong indications 110349
that a deficit will be incurred in either of the ensuing two 110350
years. If such audits or analyses are conducted by the department, 110351
the department shall immediately notify the district and the 110352
auditor of state of such potential deficit or strong indications 110353
thereof. 110354

A district notified under this section shall take immediate 110355
steps to eliminate any deficit in the current fiscal year and 110356
shall begin to plan to avoid the projected future deficits. 110357

(B) The state board of education, in accordance with sections 110358
3319.31 and 3319.311 of the Revised Code, may limit, suspend, or 110359
revoke a license as defined under section 3319.31 of the Revised 110360
Code that has been issued to any school employee found to have 110361
willfully contributed erroneous, inaccurate, or incomplete data 110362
required for the submission of the five-year projection required 110363
by this section. 110364

(C) The department and the auditor of state, in their joint 110365
adoption of rules under division (A) of this section, shall not 110366
require a board of education to submit its five-year projection of 110367
operational revenues and expenditures prior to the thirtieth day 110368
of November of any fiscal year. 110369

(D) Beginning with submissions required in fiscal year 2024 110370

and for each fiscal year in which a submission is required under 110371
this section thereafter, the department and the auditor shall 110372
label the projections regarding property tax allocation in the 110373
projection as "state share of local property taxes." 110374

Sec. 5709.40. (A) As used in this section: 110375

(1) "Blighted area" and "impacted city" have the same 110376
meanings as in section 1728.01 of the Revised Code. 110377

(2) "Business day" means a day of the week excluding 110378
Saturday, Sunday, and a legal holiday as defined under section 110379
1.14 of the Revised Code. 110380

(3) "Housing renovation" means a project carried out for 110381
residential purposes. 110382

(4) "Improvement" means the increase in the assessed value of 110383
any real property that would first appear on the tax list and 110384
duplicate of real and public utility property after the effective 110385
date of an ordinance adopted under this section were it not for 110386
the exemption granted by that ordinance. 110387

(5) "Incentive district" means an area not more than three 110388
hundred acres in size enclosed by a continuous boundary in which a 110389
project is being, or will be, undertaken and having one or more of 110390
the following distress characteristics: 110391

(a) At least fifty-one per cent of the residents of the 110392
district have incomes of less than eighty per cent of the median 110393
income of residents of the political subdivision in which the 110394
district is located, as determined in the same manner specified 110395
under section 119(b) of the "Housing and Community Development Act 110396
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 110397

(b) The average rate of unemployment in the district during 110398
the most recent twelve-month period for which data are available 110399
is equal to at least one hundred fifty per cent of the average 110400

rate of unemployment for this state for the same period. 110401

(c) At least twenty per cent of the people residing in the 110402
district live at or below the poverty level as defined in the 110403
federal Housing and Community Development Act of 1974, 42 U.S.C. 110404
5301, as amended, and regulations adopted pursuant to that act. 110405

(d) The district is a blighted area. 110406

(e) The district is in a situational distress area as 110407
designated by the director of development under division (F) of 110408
section 122.23 of the Revised Code. 110409

(f) As certified by the engineer for the political 110410
subdivision, the public infrastructure serving the district is 110411
inadequate to meet the development needs of the district as 110412
evidenced by a written economic development plan or urban renewal 110413
plan for the district that has been adopted by the legislative 110414
authority of the subdivision. 110415

(g) The district is comprised entirely of unimproved land 110416
that is located in a distressed area as defined in section 122.23 110417
of the Revised Code. 110418

(6) "Overlay" means an area of not more than three hundred 110419
acres that is a square, or that is a rectangle having two longer 110420
sides that are not more than twice the length of the two shorter 110421
sides, that the legislative authority of a municipal corporation 110422
delineates on a map of a proposed incentive district. 110423

(7) "Project" means development activities undertaken on one 110424
or more parcels, including, but not limited to, construction, 110425
expansion, and alteration of buildings or structures, demolition, 110426
remediation, and site development, and any building or structure 110427
that results from those activities. 110428

(8) "Public infrastructure improvement" includes, but is not 110429
limited to, public roads and highways; water and sewer lines; the 110430

continued maintenance of those public roads and highways and water 110431
and sewer lines; environmental remediation; land acquisition, 110432
including acquisition in aid of industry, commerce, distribution, 110433
or research; demolition, including demolition on private property 110434
when determined to be necessary for economic development purposes; 110435
stormwater and flood remediation projects, including such projects 110436
on private property when determined to be necessary for public 110437
health, safety, and welfare; the provision of gas, electric, and 110438
communications service facilities, including the provision of gas 110439
or electric service facilities owned by nongovernmental entities 110440
when such improvements are determined to be necessary for economic 110441
development purposes; the enhancement of public waterways through 110442
improvements that allow for greater public access; and off-street 110443
parking facilities, including those in which all or a portion of 110444
the parking spaces are reserved for specific uses when determined 110445
to be necessary for economic development purposes. 110446

(9) "Nonperforming parcel" means a parcel to which all of the 110447
following apply: 110448

(a) The parcel is exempted from taxation under division (B) 110449
of this section or has been included in a district created under 110450
division (C) of this section. 110451

(b) The parcel's owner is required to make payments in lieu 110452
of taxes in accordance with section 5709.42 of the Revised Code. 110453

(c) No such payments have been remitted to the county 110454
treasurer since the inception of the exemption or district. 110455

(B) The legislative authority of a municipal corporation, by 110456
ordinance, may declare improvements to certain parcels of real 110457
property located in the municipal corporation to be a public 110458
purpose. Improvements with respect to a parcel that is used or to 110459
be used for residential purposes may be declared a public purpose 110460
under this division only if the parcel is located in a blighted 110461

area of an impacted city. For this purpose, "parcel that is used 110462
or to be used for residential purposes" means a parcel that, as 110463
improved, is used or to be used for purposes that would cause the 110464
tax commissioner to classify the parcel as residential property in 110465
accordance with rules adopted by the commissioner under section 110466
5713.041 of the Revised Code. Except as otherwise provided under 110467
division (D) of this section or section 5709.51 of the Revised 110468
Code, not more than seventy-five per cent of an improvement thus 110469
declared to be a public purpose may be exempted from real property 110470
taxation for a period of not more than ten years. The ordinance 110471
shall specify the percentage of the improvement to be exempted 110472
from taxation and the life of the exemption. 110473

An ordinance adopted or amended under this division shall 110474
designate the specific public infrastructure improvements made, to 110475
be made, or in the process of being made by the municipal 110476
corporation that directly benefit, or that once made will directly 110477
benefit, the parcels for which improvements are declared to be a 110478
public purpose. The service payments provided for in section 110479
5709.42 of the Revised Code shall be used to finance the public 110480
infrastructure improvements designated in the ordinance, for the 110481
purpose described in division (D)(1) of this section or as 110482
provided in section 5709.43 of the Revised Code. 110483

(C)(1) The legislative authority of a municipal corporation 110484
may adopt an ordinance creating an incentive district and 110485
declaring improvements to parcels within the district to be a 110486
public purpose and, except as provided in division (C)(2) of this 110487
section, exempt from taxation as provided in this section, but no 110488
legislative authority of a municipal corporation that has a 110489
population that exceeds twenty-five thousand, as shown by the most 110490
recent federal decennial census, shall adopt an ordinance that 110491
creates an incentive district if the sum of the taxable value of 110492
real property in the proposed district for the preceding tax year 110493

and the taxable value of all real property in the municipal corporation that would have been taxable in the preceding year were it not for the fact that the property was in an existing incentive district and therefore exempt from taxation exceeds twenty-five per cent of the taxable value of real property in the municipal corporation for the preceding tax year. The ordinance shall delineate the boundary of the proposed district and specifically identify each parcel within the district. A proposed district may not include any parcel, other than a nonperforming parcel, that is or has been exempted from taxation under division (B) of this section or that is or has been within another district created under this division. On and after the effective date of the district, a nonperforming parcel within the district is no longer exempted from taxation under division (B) of this section or included within an incentive district under any previous ordinance, and the parcel's owner is no longer required to make payments in lieu of taxes under such a previous ordinance in accordance with section 5709.42 of the Revised Code. Any exemption application filed with the tax commissioner under section 5715.27 of the Revised Code under the second ordinance shall identify the nonperforming parcels included in the second district, the original ordinance under which the nonperforming parcels were originally exempted, and the value history of each nonperforming parcel since the enactment of the original ordinance. An ordinance may create more than one such district, and more than one ordinance may be adopted under division (C)(1) of this section.

(2)(a) Not later than thirty days prior to adopting an ordinance under division (C)(1) of this section, if the municipal corporation intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty

days prior to the public hearing, the legislative authority shall 110527
give notice of the public hearing and the proposed ordinance by 110528
first class mail to every real property owner whose property is 110529
located within the boundaries of the proposed incentive district 110530
that is the subject of the proposed ordinance. The notice shall 110531
include a map of the proposed incentive district on which the 110532
legislative authority of the municipal corporation shall have 110533
delineated an overlay. The notice shall inform the property owner 110534
of the owner's right to exclude the owner's property from the 110535
incentive district if the owner's entire parcel of property will 110536
not be located within the overlay, by submitting a written 110537
response in accordance with division (C)(2)(b) of this section. 110538
The notice also shall include information detailing the required 110539
contents of the response, the address to which the response may be 110540
mailed, and the deadline for submitting the response. 110541

(b) Any owner of real property located within the boundaries 110542
of an incentive district proposed under division (C)(1) of this 110543
section whose entire parcel of property is not located within the 110544
overlay may exclude the property from the proposed incentive 110545
district by submitting a written response to the legislative 110546
authority of the municipal corporation not later than forty-five 110547
days after the postmark date on the notice required under division 110548
(C)(2)(a) of this section. The response shall be sent by first 110549
class mail or delivered in person at a public hearing held by the 110550
legislative authority under division (C)(2)(a) of this section. 110551
The response shall conform to any content requirements that may be 110552
established by the municipal corporation and included in the 110553
notice provided under division (C)(2)(a) of this section. In the 110554
response, property owners may identify a parcel by street address, 110555
by the manner in which it is identified in the ordinance, or by 110556
other means allowing the identity of the parcel to be ascertained. 110557

(c) Before adopting an ordinance under division (C)(1) of 110558

this section, the legislative authority of a municipal corporation 110559
shall amend the ordinance to exclude any parcel located wholly or 110560
partly outside the overlay for which a written response has been 110561
submitted under division (C)(2)(b) of this section. A municipal 110562
corporation shall not apply for exemptions from taxation under 110563
section 5709.911 of the Revised Code for any such parcel, and 110564
service payments may not be required from the owner of the parcel. 110565
Improvements to a parcel excluded from an incentive district under 110566
this division may be exempted from taxation under division (B) of 110567
this section pursuant to an ordinance adopted under that division 110568
or under any other section of the Revised Code under which the 110569
parcel qualifies. 110570

(3)(a) An ordinance adopted under division (C)(1) of this 110571
section shall specify the life of the incentive district and the 110572
percentage of the improvements to be exempted, shall designate the 110573
public infrastructure improvements made, to be made, or in the 110574
process of being made, that benefit or serve, or, once made, will 110575
benefit or serve parcels in the district. The ordinance also shall 110576
identify one or more specific projects being, or to be, undertaken 110577
in the district that place additional demand on the public 110578
infrastructure improvements designated in the ordinance. The 110579
project identified may, but need not be, the project under 110580
division (C)(3)(b) of this section that places real property in 110581
use for commercial or industrial purposes. Except as otherwise 110582
permitted under that division, the service payments provided for 110583
in section 5709.42 of the Revised Code shall be used to finance 110584
the designated public infrastructure improvements, for the purpose 110585
described in division (D)(1), (E), or (F) of this section, or as 110586
provided in section 5709.43 of the Revised Code. 110587

An ordinance adopted under division (C)(1) of this section on 110588
or after March 30, 2006, shall not designate police or fire 110589
equipment as public infrastructure improvements, and no service 110590

payment provided for in section 5709.42 of the Revised Code and 110591
received by the municipal corporation under the ordinance shall be 110592
used for police or fire equipment. 110593

(b) An ordinance adopted under division (C)(1) of this 110594
section may authorize the use of service payments provided for in 110595
section 5709.42 of the Revised Code for the purpose of housing 110596
renovations within the incentive district, provided that the 110597
ordinance also designates public infrastructure improvements that 110598
benefit or serve the district, and that a project within the 110599
district places real property in use for commercial or industrial 110600
purposes. Service payments may be used to finance or support 110601
loans, deferred loans, and grants to persons for the purpose of 110602
housing renovations within the district. The ordinance shall 110603
designate the parcels within the district that are eligible for 110604
housing renovation. The ordinance shall state separately the 110605
amounts or the percentages of the expected aggregate service 110606
payments that are designated for each public infrastructure 110607
improvement and for the general purpose of housing renovations. 110608

(4) Except with the approval of the board of education of 110609
each city, local, or exempted village school district within the 110610
territory of which the incentive district is or will be located, 110611
and subject to division (E) of this section, the life of an 110612
incentive district shall not exceed ten years, and the percentage 110613
of improvements to be exempted shall not exceed seventy-five per 110614
cent. With approval of the board of education, the life of a 110615
district may be not more than thirty years, and the percentage of 110616
improvements to be exempted may be not more than one hundred per 110617
cent. The approval of a board of education shall be obtained in 110618
the manner provided in division (D) of this section. 110619

(D)(1) If the ordinance declaring improvements to a parcel to 110620
be a public purpose or creating an incentive district specifies 110621
that payments in lieu of taxes provided for in section 5709.42 of 110622

the Revised Code shall be paid to the city, local, or exempted 110623
village, and joint vocational school district in which the parcel 110624
or incentive district is located in the amount of the taxes that 110625
would have been payable to the school district if the improvements 110626
had not been exempted from taxation, the percentage of the 110627
improvement that may be exempted from taxation may exceed 110628
seventy-five per cent, and the exemption may be granted for up to 110629
thirty years, without the approval of the board of education as 110630
otherwise required under division (D)(2) of this section. 110631

(2) Improvements with respect to a parcel may be exempted 110632
from taxation under division (B) of this section, and improvements 110633
to parcels within an incentive district may be exempted from 110634
taxation under division (C) of this section, for up to ten years 110635
or, with the approval under this paragraph of the board of 110636
education of the city, local, or exempted village school district 110637
within which the parcel or district is located, for up to thirty 110638
years. The percentage of the improvement exempted from taxation 110639
may, with such approval, exceed seventy-five per cent, but shall 110640
not exceed one hundred per cent. Not later than forty-five 110641
business days prior to adopting an ordinance under this section 110642
declaring improvements to be a public purpose that is subject to 110643
approval by a board of education under this division, the 110644
legislative authority shall deliver to the board of education a 110645
notice stating its intent to adopt an ordinance making that 110646
declaration. The notice regarding improvements with respect to a 110647
parcel under division (B) of this section shall identify the 110648
parcels for which improvements are to be exempted from taxation, 110649
provide an estimate of the true value in money of the 110650
improvements, specify the period for which the improvements would 110651
be exempted from taxation and the percentage of the improvement 110652
that would be exempted, and indicate the date on which the 110653
legislative authority intends to adopt the ordinance. The notice 110654
regarding improvements to parcels within an incentive district 110655

under division (C) of this section shall delineate the boundaries 110656
of the district, specifically identify each parcel within the 110657
district, identify each anticipated improvement in the district, 110658
provide an estimate of the true value in money of each such 110659
improvement, specify the life of the district and the percentage 110660
of improvements that would be exempted, and indicate the date on 110661
which the legislative authority intends to adopt the ordinance. 110662
The board of education, by resolution adopted by a majority of the 110663
board, may approve the exemption for the period or for the 110664
exemption percentage specified in the notice; may disapprove the 110665
exemption for the number of years in excess of ten, may disapprove 110666
the exemption for the percentage of the improvement to be exempted 110667
in excess of seventy-five per cent, or both; or may approve the 110668
exemption on the condition that the legislative authority and the 110669
board negotiate an agreement providing for compensation to the 110670
school district equal in value to a percentage of the amount of 110671
taxes exempted in the eleventh and subsequent years of the 110672
exemption period or, in the case of exemption percentages in 110673
excess of seventy-five per cent, compensation equal in value to a 110674
percentage of the taxes that would be payable on the portion of 110675
the improvement in excess of seventy-five per cent were that 110676
portion to be subject to taxation, or other mutually agreeable 110677
compensation. If an agreement is negotiated between the 110678
legislative authority and the board to compensate the school 110679
district for all or part of the taxes exempted, including 110680
agreements for payments in lieu of taxes under section 5709.42 of 110681
the Revised Code, the legislative authority shall compensate the 110682
joint vocational school district within which the parcel or 110683
district is located at the same rate and under the same terms 110684
received by the city, local, or exempted village school district. 110685

(3) The board of education shall certify its resolution to 110686
the legislative authority not later than fourteen days prior to 110687
the date the legislative authority intends to adopt the ordinance 110688

as indicated in the notice. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, and shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed by this division, the legislative authority thereupon may adopt the ordinance and may declare the improvements a public purpose for up to thirty years, or, in the case of exemption percentages proposed in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. The legislative authority may adopt the ordinance at any time after the board of education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority.

(4) If a board of education has adopted a resolution waiving its right to approve exemptions from taxation under this section and the resolution remains in effect, approval of exemptions by the board is not required under division (D) of this section. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under division (D) of this section fewer than forty-five business days prior to the legislative authority's adoption of the ordinance, the legislative authority shall deliver the notice to the board not later than the number of days prior to such adoption as prescribed by the board

in its resolution. If a board of education adopts a resolution 110722
waiving its right to approve agreements or shortening the 110723
notification period, the board shall certify a copy of the 110724
resolution to the legislative authority. If the board of education 110725
rescinds such a resolution, it shall certify notice of the 110726
rescission to the legislative authority. 110727

(5) If the legislative authority is not required by division 110728
(D) of this section to notify the board of education of the 110729
legislative authority's intent to declare improvements to be a 110730
public purpose, the legislative authority shall comply with the 110731
notice requirements imposed under section 5709.83 of the Revised 110732
Code, unless the board has adopted a resolution under that section 110733
waiving its right to receive such a notice. 110734

(6) Nothing in division (D) of this section prohibits the 110735
legislative authority of a municipal corporation from amending the 110736
ordinance or resolution under section 5709.51 of the Revised Code 110737
to extend the term of the exemption. 110738

(E)(1) If a proposed ordinance under division (C)(1) of this 110739
section exempts improvements with respect to a parcel within an 110740
incentive district for more than ten years, or the percentage of 110741
the improvement exempted from taxation exceeds seventy-five per 110742
cent, not later than forty-five business days prior to adopting 110743
the ordinance the legislative authority of the municipal 110744
corporation shall deliver to the board of county commissioners of 110745
the county within which the incentive district will be located a 110746
notice that states its intent to adopt an ordinance creating an 110747
incentive district. The notice shall include a copy of the 110748
proposed ordinance, identify the parcels for which improvements 110749
are to be exempted from taxation, provide an estimate of the true 110750
value in money of the improvements, specify the period of time for 110751
which the improvements would be exempted from taxation, specify 110752
the percentage of the improvements that would be exempted from 110753

taxation, and indicate the date on which the legislative authority 110754
intends to adopt the ordinance. 110755

(2) The board of county commissioners, by resolution adopted 110756
by a majority of the board, may object to the exemption for the 110757
number of years in excess of ten, may object to the exemption for 110758
the percentage of the improvement to be exempted in excess of 110759
seventy-five per cent, or both. If the board of county 110760
commissioners objects, the board may negotiate a mutually 110761
acceptable compensation agreement with the legislative authority. 110762
In no case shall the compensation provided to the board exceed the 110763
property taxes forgone due to the exemption. If the board of 110764
county commissioners objects, and the board and legislative 110765
authority fail to negotiate a mutually acceptable compensation 110766
agreement, the ordinance adopted under division (C)(1) of this 110767
section shall provide to the board compensation in the eleventh 110768
and subsequent years of the exemption period equal in value to not 110769
more than fifty per cent of the taxes that would be payable to the 110770
county or, if the board's objection includes an objection to an 110771
exemption percentage in excess of seventy-five per cent, 110772
compensation equal in value to not more than fifty per cent of the 110773
taxes that would be payable to the county, on the portion of the 110774
improvement in excess of seventy-five per cent, were that portion 110775
to be subject to taxation. The board of county commissioners shall 110776
certify its resolution to the legislative authority not later than 110777
thirty days after receipt of the notice. 110778

(3) If the board of county commissioners does not object or 110779
fails to certify its resolution objecting to an exemption within 110780
thirty days after receipt of the notice, the legislative authority 110781
may adopt the ordinance, and no compensation shall be provided to 110782
the board of county commissioners. If the board timely certifies 110783
its resolution objecting to the ordinance, the legislative 110784
authority may adopt the ordinance at any time after a mutually 110785

acceptable compensation agreement is agreed to by the board and 110786
the legislative authority, or, if no compensation agreement is 110787
negotiated, at any time after the legislative authority agrees in 110788
the proposed ordinance to provide compensation to the board of 110789
fifty per cent of the taxes that would be payable to the county in 110790
the eleventh and subsequent years of the exemption period or on 110791
the portion of the improvement in excess of seventy-five per cent, 110792
were that portion to be subject to taxation. 110793

(F) Service payments in lieu of taxes that are attributable 110794
to any amount by which the effective tax rate of either a renewal 110795
levy with an increase or a replacement levy exceeds the effective 110796
tax rate of the levy renewed or replaced, or that are attributable 110797
to an additional levy, for a levy authorized by the voters for any 110798
of the following purposes on or after January 1, 2006, and which 110799
are provided pursuant to an ordinance creating an incentive 110800
district under division (C)(1) of this section that is adopted on 110801
or after January 1, 2006, or a later date as specified in this 110802
division, shall be distributed to the appropriate taxing authority 110803
as required under division (C) of section 5709.42 of the Revised 110804
Code in an amount equal to the amount of taxes from that 110805
additional levy or from the increase in the effective tax rate of 110806
such renewal or replacement levy that would have been payable to 110807
that taxing authority from the following levies were it not for 110808
the exemption authorized under division (C) of this section: 110809

(1) A tax levied under division (L) of section 5705.19 or 110810
section 5705.191 or 5705.222 of the Revised Code for community 110811
developmental disabilities programs and services pursuant to 110812
Chapter 5126. of the Revised Code; 110813

(2) A tax levied under division (Y) of section 5705.19 of the 110814
Revised Code for providing or maintaining senior citizens services 110815
or facilities; 110816

(3) A tax levied under section 5705.22 of the Revised Code 110817

for county hospitals;	110818
(4) A tax levied by a joint-county district or by a county	110819
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	110820
for alcohol, drug addiction, and mental health services or	110821
facilities;	110822
(5) A tax levied under section 5705.23 of the Revised Code	110823
for library purposes;	110824
(6) A tax levied under section 5705.24 of the Revised Code	110825
for the support of children services and the placement and care of	110826
children;	110827
(7) A tax levied under division (Z) of section 5705.19 of the	110828
Revised Code for the provision and maintenance of zoological park	110829
services and facilities under section 307.76 of the Revised Code;	110830
(8) A tax levied under section 511.27 or division (H) of	110831
section 5705.19 of the Revised Code for the support of township	110832
park districts;	110833
(9) A tax levied under division (A), (F), or (H) of section	110834
5705.19 of the Revised Code for parks and recreational purposes of	110835
a joint recreation district organized pursuant to division (B) of	110836
section 755.14 of the Revised Code;	110837
(10) A tax levied under section 1545.20 or 1545.21 of the	110838
Revised Code for park district purposes;	110839
(11) A tax levied under section 5705.191 of the Revised Code	110840
for the purpose of making appropriations for public assistance;	110841
human or social services; public relief; public welfare; public	110842
health and hospitalization; and support of general hospitals;	110843
(12) A tax levied under section 3709.29 of the Revised Code	110844
for a general health district program.	110845
(13) A tax levied by a township under section 505.39,	110846
division (I) of section 5705.19, or division (JJ) of section	110847

5705.19 of the Revised Code to the extent the proceeds are used 110848
for the purposes described in division (I) of that section, for 110849
the purpose of funding fire, emergency medical, and ambulance 110850
services as described in that section and those divisions. 110851
Division (F)(13) of this section applies only if the township 110852
levying the tax provides fire, emergency medical, or ambulance 110853
services in the incentive district, and only to incentive 110854
districts created by an ordinance adopted on or after the 110855
effective date of the amendment of this section by H.B. 69 of the 110856
132nd general assembly, March 23, 2018. The board of township 110857
trustees may, by resolution, waive the application of this 110858
division or negotiate with the municipal corporation that created 110859
the district for a lesser amount of payments in lieu of taxes. 110860

(G) An exemption from taxation granted under this section 110861
commences with the tax year specified in the ordinance so long as 110862
the year specified in the ordinance commences after the effective 110863
date of the ordinance. If the ordinance specifies a year 110864
commencing before the effective date of the resolution or 110865
specifies no year whatsoever, the exemption commences with the tax 110866
year in which an exempted improvement first appears on the tax 110867
list and duplicate of real and public utility property and that 110868
commences after the effective date of the ordinance. In lieu of 110869
stating a specific year, the ordinance may provide that the 110870
exemption commences in the tax year in which the value of an 110871
improvement exceeds a specified amount or in which the 110872
construction of one or more improvements is completed, provided 110873
that such tax year commences after the effective date of the 110874
ordinance. With respect to the exemption of improvements to 110875
parcels under division (B) of this section, the ordinance may 110876
allow for the exemption to commence in different tax years on a 110877
parcel-by-parcel basis, with a separate exemption term specified 110878
for each parcel. 110879

Except as otherwise provided in this division or section 110880
5709.51 of the Revised Code, the exemption ends on the date 110881
specified in the ordinance as the date the improvement ceases to 110882
be a public purpose or the incentive district expires, or ends on 110883
the date on which the public infrastructure improvements and 110884
housing renovations are paid in full from the municipal public 110885
improvement tax increment equivalent fund established under 110886
division (A) of section 5709.43 of the Revised Code, whichever 110887
occurs first. The exemption of an improvement with respect to a 110888
parcel or within an incentive district may end on a later date, as 110889
specified in the ordinance, if the legislative authority and the 110890
board of education of the city, local, or exempted village school 110891
district within which the parcel or district is located have 110892
entered into a compensation agreement under section 5709.82 of the 110893
Revised Code with respect to the improvement, and the board of 110894
education has approved the term of the exemption under division 110895
(D)(2) of this section, but in no case shall the improvement be 110896
exempted from taxation for more than thirty years. Exemptions 110897
shall be claimed and allowed in the same manner as in the case of 110898
other real property exemptions. If an exemption status changes 110899
during a year, the procedure for the apportionment of the taxes 110900
for that year is the same as in the case of other changes in tax 110901
exemption status during the year. 110902

(H) Additional municipal financing of public infrastructure 110903
improvements and housing renovations may be provided by any 110904
methods that the municipal corporation may otherwise use for 110905
financing such improvements or renovations. If the municipal 110906
corporation issues bonds or notes to finance the public 110907
infrastructure improvements and housing renovations and pledges 110908
money from the municipal public improvement tax increment 110909
equivalent fund to pay the interest on and principal of the bonds 110910
or notes, the bonds or notes are not subject to Chapter 133. of 110911
the Revised Code. 110912

(I) The municipal corporation, not later than fifteen days 110913
after the adoption of an ordinance under this section, shall 110914
submit to the director of development a copy of the ordinance. On 110915
or before the thirty-first day of March of each year, the 110916
municipal corporation shall submit a status report to the 110917
director. The report shall indicate, in the manner prescribed by 110918
the director, the progress of the project during each year that an 110919
exemption remains in effect, including a summary of the receipts 110920
from service payments in lieu of taxes; expenditures of money from 110921
the funds created under section 5709.43 of the Revised Code; a 110922
description of the public infrastructure improvements and housing 110923
renovations financed with such expenditures; and a quantitative 110924
summary of changes in employment and private investment resulting 110925
from each project. 110926

(J) Nothing in this section shall be construed to prohibit a 110927
legislative authority from declaring to be a public purpose 110928
improvements with respect to more than one parcel. 110929

(K) If a parcel is located in a new community district in 110930
which the new community authority imposes a community development 110931
charge on the basis of rentals received from leases of real 110932
property as described in division (L)(2) of section 349.01 of the 110933
Revised Code, the parcel may not be exempted from taxation under 110934
this section. 110935

(L)(1) Notwithstanding the limitations on the life of an 110936
incentive district and the number of years that improvements to a 110937
parcel or parcels within an incentive district may be exempted 110938
from taxation prescribed by divisions (C) and (D) of this section, 110939
the legislative authority of a municipal corporation may amend an 110940
ordinance originally adopted under division (C) of this section 110941
before January 1, 2006, to extend the life of an incentive 110942
district created by that ordinance. The extension shall be for a 110943
period not to exceed fifteen years and shall not increase the 110944

percentage of the value of improvements exempted from taxation. 110945

(2) Before adopting an amendment authorized by division 110946
(L)(1) of this section, the legislative authority of the municipal 110947
corporation shall provide notice of the amendment to each board of 110948
education of the city, local, or exempted village school district 110949
in which the incentive district is located, in the same manner as 110950
provided under division (D) of this section, and shall obtain the 110951
approval of each such board in the manner required under that 110952
division, except both of the following apply: 110953

(a) The board of education may approve the exemption on the 110954
condition that the legislative authority and the board negotiate 110955
an agreement providing for mutually agreeable compensation to the 110956
school district. 110957

(b) If the board of education fails to certify a resolution 110958
approving the amendment to the legislative authority within the 110959
time prescribed by division (D) of this section, the legislative 110960
authority shall not adopt the amendment authorized under division 110961
(L) of this section. 110962

(3) No approval otherwise required by division (L)(2) of this 110963
section shall be required from a board of education if either of 110964
the following apply: 110965

(a) The amendment provides for compensation to the city, 110966
local, or exempted village school district in which the incentive 110967
district is located equal in value to the amount of taxes that 110968
would be payable to the school district if the improvements 110969
exempted from taxation had not been exempted for the additional 110970
period. 110971

(b) The board of education has adopted a resolution waiving 110972
its right to approve exemptions from taxation pursuant to division 110973
(D)(4) of this section. If the board has adopted such a 110974
resolution, the municipal corporation shall comply with the notice 110975

requirements imposed by section 5709.83 of the Revised Code before 110976
taking formal action to adopt an amendment authorized under 110977
division (L)(1) of this section unless the board has adopted a 110978
resolution under that section waiving its right to receive that 110979
notice. 110980

(4) Not later than fourteen days before adopting an amendment 110981
authorized by division (L)(1) of this section, the legislative 110982
authority of the municipal corporation shall deliver a notice 110983
identical to a notice required under section 5709.83 of the 110984
Revised Code to the board of county commissioners of each county 110985
in which the incentive district is located. 110986

Sec. 5709.48. (A) As used in this section and sections 110987
5709.481, 5709.49, and 5709.50 of the Revised Code: 110988

(1) "Regional transportation improvement project" has the 110989
same meaning as in section 5595.01 of the Revised Code. 110990

(2) "Improvements" means the increase in the assessed value 110991
of any real property that would first appear on the tax list and 110992
duplicate of real and public utility property after the effective 110993
date of the resolution adopted under this section were it not for 110994
the exemption granted by that resolution. 110995

(B) For the purposes described in division (A) of section 110996
5595.06 of the Revised Code, the governing board of a regional 110997
transportation improvement project that was undertaken pursuant to 110998
section 5595.02 of the Revised Code before March 23, 2018, may, by 110999
resolution, create a transportation financing district and declare 111000
improvements to parcels within the district to be a public purpose 111001
and exempt from taxation. 111002

(C) A transportation financing district ~~may include~~ shall 111003
consist of all territory ~~in more than one county as long as each~~ 111004
~~such county is a participant~~ of all counties that are participants 111005

in the regional transportation improvement project funded by the 111006
district. ~~A, except that the~~ district shall not include parcels 111007
used primarily for residential purposes. ~~A district shall not~~ 111008
~~include any parcel that is,~~ parcels that are currently exempt from 111009
taxation under this section or section 5709.40, 5709.41, 5709.45, 111010
5709.73, or 5709.77 of the Revised Code, or parcels excluded from 111011
the district under division (G) of this section. ~~The governing~~ 111012
~~board may designate parcels within the boundaries of a district~~ 111013
~~that are not to be included in the district. The governing board~~ 111014
~~may designate noncontiguous parcels located outside the boundaries~~ 111015
~~of the district that are to be included in the district.~~ 111016

~~The governing board may adopt more than one resolution under~~ 111017
~~division (B) of this section. A single such resolution may create~~ 111018
~~more than one transportation financing district.~~ 111019

(D) A resolution creating a transportation financing district 111020
shall specify all of the following: 111021

~~(1) A description of the territory included in the district;~~ 111022

~~(2)~~ The county treasurer's permanent parcel number associated 111023
with each parcel included in the district; 111024

~~(3)~~ (2)(a) The percentage of improvements to be exempted from 111025
taxation and the duration of the exemption, ~~which.~~ 111026

(b) Except as provided in division (E) of this section, the 111027
percentage of improvements to be exempted shall not exceed 111028
seventy-five per cent, and the duration of the exemption shall not 111029
exceed ten years. 111030

(c) In no case may the life of the exemption exceed the 111031
remaining number of years the cooperative agreement for the 111032
regional transportation improvement district, described under 111033
section 5595.03 of the Revised Code, is in effect; ~~.~~ 111034

~~(4)~~ (3) A plan for the district that describes the principal 111035

purposes and goals to be served by the district and explains how 111036
the use of service payments provided for by section 5709.49 of the 111037
Revised Code will economically benefit owners of property within 111038
the district. 111039

~~(E)(1) Except as otherwise provided in divisions (E)(2) and~~ 111040
~~(3)(E) Subject to division (D)(2)(c) of this section, the~~ 111041
improvements to parcels located in a transportation financing 111042
district may be exempted from taxation for up to thirty years, and 111043
the percentage of improvements that may be exempted may equal up 111044
to one hundred per cent, if either of the following apply: 111045

(1) The governing board, before adopting a resolution under 111046
division (B) of this section, shall notify and obtain obtains the 111047
approval under division (F) of section of the board of education 111048
of each subdivision and taxing unit that levies a property tax 111049
city, local, and exempted village school district within the 111050
territory of the proposed transportation financing district. A 111051
subdivision or taxing unit's approval or disapproval of the 111052
proposed district shall be in the form of an ordinance or 111053
resolution. The governing board may negotiate an agreement with a 111054
subdivision or taxing unit 111055

(2) In the resolution creating the transportation financing 111056
district, the governing board agrees to compensate each city, 111057
local, or exempted village, and joint vocational school district 111058
or districts in which the transportation financing district is 111059
located for the full amount of taxes that would have been payable 111060
to the school district or districts if the improvements had not 111061
been exempted from taxation. 111062

(F)(1) A governing board seeking the approval of a school 111063
district for the purpose of division (E)(1) of this section shall 111064
send notice of the proposed resolution to the school district not 111065
later than forty-five business days before it intends to adopt the 111066
resolution. The notice shall include a copy of the proposed 111067

resolution and shall indicate the date on which the governing board intends to adopt the resolution. 111068
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The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice; may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both; or may approve the exemption on the condition that the governing board and the board of education negotiate an agreement providing for compensation equal in value to a percentage of the amount of taxes exempted or some other mutually agreeable compensation. If a mutually acceptable compensation agreement is negotiated between the governing board and the board of education, the governing board shall compensate the joint vocational school district within which the district is located at the same rate and under the same terms received by the city, local, or exempted village school district. 111070
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(2) The board of education shall certify a resolution adopted under division (F)(1) of this section to the governing board not later than fourteen days before the date the governing board intends to adopt the resolution as indicated in the notice. If the board of education approves the ordinance or negotiates a mutually acceptable compensation agreement, the governing board may enact the resolution in its current form. If the board of education disapproves of the ordinance and fails to negotiate a mutually acceptable compensation agreement, the resolution is subject to the limitations prescribed by divisions (D)(2)(b) and (c) of this section. If the board of education fails to certify a resolution within the time prescribed by this division, the governing board may adopt the resolution and declare the improvements a public purpose for the period of time specified in the resolution, or, in 111086
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the case of exemption percentages proposed in excess of 111100
seventy-five per cent, for the exemption percentage specified in 111101
the resolution. 111102

The governing board may adopt the resolution at any time 111103
after the board of education certifies its resolution approving 111104
the exemption, or, if the board of education approves the 111105
exemption on the condition that a mutually acceptable compensation 111106
agreement be negotiated, at any time after the compensation 111107
agreement is agreed to by the board of education and the governing 111108
board. 111109

~~(2)(3)~~ A subdivision or taxing unit board of education may 111110
adopt ~~an ordinance or~~ a resolution waiving its right to approve or 111111
receive notice of transportation financing districts proposed 111112
under this section. If a ~~subdivision or taxing unit~~ board of 111113
education has adopted such ~~an ordinance or~~ a resolution, the terms 111114
of that ~~ordinance or~~ resolution supersede the requirements of 111115
division ~~(E)(1)~~ (F)(1) of this section. The governing board may 111116
negotiate an agreement with a ~~subdivision or taxing unit~~ board of 111117
education providing for some mutually agreeable compensation in 111118
exchange for the ~~subdivision or taxing unit~~ board of education 111119
adopting such ~~an ordinance or~~ a resolution. If a ~~subdivision or~~ 111120
~~taxing unit~~ board of education has adopted such an ordinance or 111121
resolution, it shall certify a copy to the governing board. If the 111122
~~subdivision or taxing unit~~ board of education rescinds such an 111123
~~ordinance or~~ a resolution, it shall certify notice of the 111124
rescission to the governing board. 111125

~~(3)~~ The governing board need not obtain the approval of a 111126
~~subdivision or taxing unit if the governing board agrees to~~ 111127
~~compensate that subdivision or unit for the full amount of taxes~~ 111128
~~exempted under the resolution creating the district.~~ 111129

~~(F)~~ After complying with division (E) of this section, the 111130

(4) If the governing board is not required by division (F) of this section to notify the board of education of the governing board's intent to create a transportation financing district, the governing board shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice. 111131
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(G) The governing board shall notify and obtain the approval of every real property owner whose property is included in the proposed transportation financing district. The approval shall include a signed agreement between the property owner and the governing board that specifies the projects and purposes for which the service payments made by the owner under section 5709.49 of the Revised Code will be used. Such an agreement does not supersede any compensation agreement between the governing board and a school district under division (F) of this section. If the property owner and the governing board do not reach an agreement under this division, the parcel shall be excluded from the district. 111138
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~~(G)~~(H)(1) Upon adopting a resolution creating a transportation financing district, the governing board shall send a copy of the resolution and documentation sufficient to prove that the requirements of divisions ~~(E)~~(F) and ~~(F)~~(G) of this section have been met to the director of development services. The director shall evaluate the resolution and documentation to determine if the governing board has fully complied with the requirements of this section. If the director approves the resolution, the director shall send notice of approval to the governing board. If the director does not approve the resolution, the director shall send a notice of denial to the governing board that includes the reason or reasons for the denial. If the director does not make a determination within ninety days after 111150
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receiving a resolution under this section, the director is deemed 111163
to have approved the resolution. No resolution creating a 111164
transportation financing district is effective without actual or 111165
constructive approval by the director under this section. 111166

(2) An exemption from taxation granted under this section 111167
commences with the tax year specified in the resolution so long as 111168
the year specified in the resolution commences after the effective 111169
date of the resolution. If the resolution specifies a year 111170
commencing before the effective date of the resolution or 111171
specifies no year whatsoever, the exemption commences with the tax 111172
year in which an exempted improvement first appears on the tax 111173
list and that commences after the effective date of the 111174
resolution. 111175

(3) Except as otherwise provided in this division, the 111176
exemption ends on the date specified in the resolution as the date 111177
the improvement ceases to be a public purpose or the regional 111178
transportation improvement project funded by the service payments 111179
dissolves under section 5595.13 of the Revised Code, whichever 111180
occurs first. Exemptions shall be claimed and allowed in the same 111181
manner as in the case of other real property exemptions. If an 111182
exemption status changes during a year, the procedure for the 111183
apportionment of the taxes for that year is the same as in the 111184
case of other changes in tax exemption status during the year. 111185

~~(H)~~(I) The resolution creating a transportation financing 111186
district may be amended at any time by majority vote of the 111187
governing board and with the approval of the director of 111188
development ~~services~~ obtained in the same manner as approval of 111189
the original resolution. Such an amendment may include adding a 111190
parcel to the district that was previously excluded under division 111191
(G) of this section, so long as the governing board and the owner 111192
of the parcel reach an agreement on the use of service payments as 111193
provided under that division. 111194

Sec. 5709.481. (A) The governing board of a regional 111195
transportation improvement project may negotiate and enter into a 111196
voluntary agreement with the owner or owners of any parcel located 111197
in a transportation financing district created by the board 111198
whereby the owner or owners agree to subject the parcel to an 111199
assessment levied by the governing board and the governing board 111200
agrees to use the proceeds of that assessment for the purposes of 111201
~~the project as described in the resolution creating the district~~ 111202
described in division (A) of section 5595.06 of the Revised Code. 111203

(B) The agreement shall specify the amount and duration of 111204
the assessment. The assessment may not be collected after the 111205
dissolution of the associated regional transportation improvement 111206
project under section 5595.13 of the Revised Code. 111207

(C) The governing board shall annually compute the amount of 111208
each assessment imposed by an agreement under this section and 111209
certify the amount to the owner or owners of the parcel and to the 111210
county auditor of the county in which the parcel is located. The 111211
county auditor shall enter the assessment on the tax list of real 111212
property opposite against which it is charged, and certify the 111213
assessment to the county treasurer. The assessment shall be 111214
charged and collected in the same manner as real property taxes 111215
and shall be treated in the same manner as real property taxes for 111216
all purposes of the lien described in section 323.11 of the 111217
Revised Code, including the priority and enforcement of the lien. 111218
Money collected from the assessment shall be paid immediately to 111219
the governing board. The county treasurer shall maintain a record 111220
of all payments of assessments under this section. 111221

(D) The governing board may negotiate and enter into as many 111222
agreements under this section as are necessary or useful in 111223
serving the principal purposes and goals described in the 111224
resolution creating the district. One agreement may impose an 111225

assessment on more than one parcel only if the owner or owners of 111226
all such parcels have approved the agreement. 111227

(E) An agreement may be amended for the purposes of 111228
subjecting additional parcels to the assessment by resolution 111229
adopted by the governing board and approved by the owner or owners 111230
of the additional parcels. An agreement may be rescinded or may be 111231
amended for any purpose other than subjecting additional parcels 111232
to the assessment by resolution adopted by the governing board and 111233
approved by the owner or owners of every parcel that is subject to 111234
the assessment imposed under the agreement. 111235

(F) An agreement under this section is hereby deemed to be a 111236
covenant running with each parcel of land that is subject to the 111237
agreement. The covenant is fully binding on behalf of and 111238
enforceable by the governing board against any person who 111239
subsequently acquires an interest in the land and all of that 111240
person's successors and assigns. No purchase agreement for real 111241
estate or any interest in real estate that is subject to such an 111242
agreement shall be enforceable by the seller or binding upon the 111243
purchaser unless the purchase agreement specifically refers to the 111244
agreement. If a conveyance of such real estate or interest in such 111245
real estate is made pursuant to a purchase agreement that does not 111246
make such a reference, the agreement shall continue to be a 111247
covenant running with the land fully binding on behalf of and 111248
enforceable by the governing board against the person accepting 111249
the conveyance pursuant to the purchase agreement. 111250

Sec. 5709.49. (A) The governing board of a regional 111251
transportation improvement project that has declared an 111252
improvement to be a public purpose under section 5709.48 of the 111253
Revised Code shall require the owner of any parcel located in the 111254
transportation financing district to make annual service payments 111255
in lieu of taxes to the county treasurer on or before the final 111256

dates for payment of real property taxes. Each such payment shall 111257
be charged and collected in the same manner and in the same amount 111258
as the real property taxes that would have been charged and 111259
payable against the improvement if it were not exempt from 111260
taxation. If any reduction in the levies otherwise applicable to 111261
such exempt property is made by the county budget commission under 111262
section 5705.31 of the Revised Code, the amount of the service 111263
payment in lieu of taxes shall be calculated as if such reduction 111264
in levies had not been made. 111265

(B) Moneys collected as service payments in lieu of taxes 111266
from a parcel shall be distributed at the same time and in the 111267
same manner as real property tax payments. If a resolution adopted 111268
under section 5709.48 of the Revised Code specifies that service 111269
payments shall be paid to ~~another subdivision or taxing unit~~ any 111270
city, local, or exempted village, and joint vocational school 111271
district or districts in which the parcel is located, the county 111272
treasurer shall distribute the portion of the service payments to 111273
~~that subdivision or taxing unit~~ the district or districts in an 111274
amount equal to the property tax payments ~~the subdivision or~~ 111275
~~taxing unit~~ each such district would have received from the 111276
portion of the parcel's improvement exempted from taxation had the 111277
improvement not been exempted, or some other amount as directed in 111278
the resolution. The treasurer shall maintain a record of the 111279
service payments in lieu of taxes made from property in each 111280
transportation financing district. 111281

(C) Nothing in this section or section 5709.48 of the Revised 111282
Code affects the taxes levied against that portion of the value of 111283
any parcel of property that is not exempt from taxation. 111284

Sec. 5709.50. (A) The governing board of a regional 111285
transportation improvement project that grants a tax exemption 111286
under section 5709.48 of the Revised Code or enters into one or 111287

more voluntary agreements imposing assessments under section 111288
5709.481 of the Revised Code shall establish a regional 111289
transportation improvement project fund into which shall be 111290
deposited service payments in lieu of taxes distributed under 111291
section 5709.49 of the Revised Code and assessments collected 111292
pursuant to such agreements. Money in the regional transportation 111293
improvement project fund shall be used by the governing board for 111294
the purposes described in ~~the resolution creating the~~ 111295
transportation financing district division (A) of section 5595.06 111296
of the Revised Code and in accordance with the agreements between 111297
the governing board and property owners under division (G) of 111298
section 5709.48 of the Revised Code. Money in the regional 111299
transportation improvement project fund shall be administered by 111300
the governing board in accordance with the requirements of section 111301
5595.08 of the Revised Code and may be invested as provided in 111302
section 5595.09 of the Revised Code. 111303

(B) The regional transportation improvement project fund is 111304
dissolved by operation of law upon the dissolution of the 111305
associated regional transportation improvement project under 111306
section 5595.13 of the Revised Code. Any incidental surplus 111307
remaining in the fund, to the extent unencumbered, shall be 111308
divided and distributed by the county treasurer of the most 111309
populous county in which the district is located as follows: 111310

(1) To the general funds of the subdivisions and taxing units 111311
in which the district is located, an amount equal to the surplus 111312
revenue multiplied by a fraction, the numerator of which is the 111313
amount of service payment revenue deposited to the fund after the 111314
most recent collection of property taxes and payments in lieu of 111315
taxes, and the denominator of which is the total amount deposited 111316
to the fund after the most recent collection of property taxes and 111317
payments in lieu of taxes. This amount shall be divided 111318
proportionally based on the property tax levy revenue foregone by 111319

each such subdivision and taxing unit due to the exemption of 111320
improvements to property within the district at the most recent 111321
collection of service payments in lieu of taxes. The division of 111322
revenue shall account for amounts returned to ~~subdivisions~~ city, 111323
local, or exempted village, and ~~taxing units~~ joint vocational 111324
school districts through compensation ~~agreements~~ arrangements 111325
entered into under division (E) of section 5709.48 of the Revised 111326
Code. The amount distributed to each subdivision or taxing unit 111327
shall be apportioned among its funds as if that amount had been 111328
levied and collected as taxes and distributed in the most recent 111329
settlement of taxes. 111330

(2) To the owners of parcels subject to a special assessment 111331
under section 5709.481 of the Revised Code, all remaining surplus 111332
revenue. This amount shall be divided proportionally based on the 111333
amount of the assessment levied against each such parcel at the 111334
most recent collection of such assessments. Owners of parcels that 111335
are delinquent in paying an assessment imposed by an agreement 111336
under section 5709.481 of the Revised Code may not receive surplus 111337
revenue under this division. The share of surplus revenue that 111338
such owner or owners would have otherwise received shall be 111339
divided proportionally among the owners of nondelinquent parcels. 111340

Sec. 5709.51. (A) The legislative authority of a municipal 111341
corporation, a board of township trustees, or a board of county 111342
commissioners may amend or provide in an ordinance or resolution 111343
adopted in accordance with division (B) of section 5709.40, 111344
section 5709.41, division (B) of section 5709.73, or division (A) 111345
of section 5709.78 of the Revised Code, as applicable, to extend 111346
the exemption from taxation of improvements to the parcel or 111347
parcels designated in the ordinance or resolution for an 111348
additional period of not more than thirty years if all of the 111349
following conditions are met: 111350

(1) ~~The~~ Either (a) the service payments made pursuant to 111351
section 5709.42, 5709.74, or 5709.79 of the Revised Code by the 111352
owner or owners of the parcel or parcels designated in the 111353
ordinance or resolution exceeded one million five hundred thousand 111354
dollars in the calendar year preceding the adoption of the 111355
amendment or (b) the legislative authority of the municipal 111356
corporation, a board of township trustees, or a board of county 111357
commissioners determines that the service payments to be made 111358
pursuant to section 5709.42, 5709.74, or 5709.79 of the Revised 111359
Code by the owner or owners of the parcel or parcels designated in 111360
the ordinance or resolution will exceed one million five hundred 111361
thousand dollars in any future year. 111362

(2) The service payments described in division (A)(1) of this 111363
section did not exceed one million five hundred thousand dollars 111364
in any calendar year before the calendar year immediately 111365
preceding the adoption of the amendment. This condition applies 111366
only to amendments adopted under this section on or after January 1, ~~2021~~ 2024. 111367
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(3) The amendment extending or the ordinance or resolution 111369
approving the exemption provides for compensation to the city, 111370
local, or exempted village school district in which the parcel or 111371
parcels are located equal in value to the amount of taxes that 111372
would be payable to the school district if the improvements had 111373
not been exempted from taxation for the additional period. 111374

(B) Not later than fifteen days after adopting or amending an 111375
ordinance or resolution under this section, the legislative 111376
authority of the municipal corporation, board of township 111377
trustees, or board of county commissioners shall send a copy of 111378
the amendment to the director of development ~~services~~. 111379

(C) The amendment to this section by H.B. 33 of the 135th 111380
general assembly applies to any proceedings commenced after the 111381
effective date of that amendment, and, insofar as the amendment 111382

supports the actions taken, also applies to proceedings that, on 111383
that date, are pending, in progress, or completed, notwithstanding 111384
the applicable law previously in effect or any provision to the 111385
contrary in a prior resolution, ordinance, order, advertisement, 111386
notice, or other proceeding. Any proceedings pending or in 111387
progress on the effective date of that amendment, shall be deemed 111388
to have been taken in conformity with that amendment. 111389

Sec. 5709.56. (A) As used in this section: 111390

(1) "Pre-residential development property" means a subdivided 111391
parcel of unimproved real property on which construction of one or 111392
more residential buildings is planned but has not yet commenced. 111393
The construction of streets, sidewalks, curbs, or driveways or the 111394
installation of water, sewer, or other utility lines on a 111395
subdivided parcel does not cause construction of a residential 111396
building to commence for purposes of division (A)(1) or (B) of 111397
this section. "Pre-residential development property" does not 111398
include a parcel, any portion of the value of which is exempted 111399
from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 111400
of the Revised Code. 111401

(2) "Residential building" means a building or structure any 111402
part of which is to be used as a dwelling. 111403

(3) "Unexempted value" means, for any subdivided parcel, one 111404
of the following: 111405

(a) Except as provided in division (A)(3)(b) of this section, 111406
the nonagricultural taxable value of the original property for the 111407
tax year preceding the tax year the subdivided property first 111408
appears on the tax list as a subdivided parcel multiplied by a 111409
fraction, the numerator of which is the true value in money of the 111410
subdivided parcel for the tax year the subdivided parcel first 111411
appears on the tax list and the denominator of which is the true 111412
value in money of all subdivided parcels subdivided from that 111413

original parcel for that tax year. 111414

(b) If a subdivided parcel exempted under this section is 111415
itself subdivided, the "unexempted value" of the newly subdivided 111416
parcel equals the unexempted value, as defined in division 111417
(A)(3)(a) of this section, of the parcel from which the newly 111418
subdivided parcel was subdivided for the tax year preceding the 111419
tax year the newly subdivided parcel first appears on the tax list 111420
multiplied by a fraction, the numerator of which is the true value 111421
in money of the newly subdivided parcel for the tax year it first 111422
appears on the tax list and the denominator of which is the true 111423
value in money for that year of all newly subdivided parcels 111424
resulting from the most recent subdivision. 111425

(4) "Subdivided parcel" means a parcel resulting from the 111426
subdivision of original property pursuant to a plat subdividing 111427
that property presented to the county auditor under section 111428
5713.18 of the Revised Code. 111429

(5) "Original property" means the parcel from which a 111430
subdivided parcel is subdivided. 111431

(6) "Qualifying owner" means the owner of pre-residential 111432
development property for any portion of a tax year ending on or 111433
after the effective date of this section that includes the date a 111434
plat subdividing land including such property is presented to the 111435
county auditor under section 5713.18 of the Revised Code, or any 111436
other person to which title to the property is transferred, 111437
without consideration, by another qualifying owner. 111438

(7) "Nonagricultural taxable value" means the taxable value 111439
of land as if such land were valued and assessed for a tax year 111440
pursuant to Section 2 of Article XII, Ohio Constitution, and not 111441
in accordance with Section 36 of Article II, Ohio Constitution. 111442

(B) Any increase in taxable value above the unexempted value 111443
of pre-residential development property owned by a qualifying 111444

owner is exempted from taxation beginning with the first tax year 111445
the pre-residential development property appears on the tax list 111446
after a plat subdividing land including that property is presented 111447
to the county auditor under section 5713.18 of the Revised Code 111448
and for each of the seven ensuing tax years, except that the 111449
exemption shall not apply beginning with the tax year that begins 111450
after the tax year in which the earliest of the following occurs: 111451

(1) Construction of a residential building on that property 111452
commences; 111453

(2) Title to the property is transferred for consideration by 111454
a qualifying owner to another person; 111455

(3) Any portion of the value of that property is exempted 111456
from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 111457
of the Revised Code. 111458

(C) The tax commissioner shall not approve an application for 111459
an exemption authorized under this section unless the applicant 111460
for the exemption certifies that the parcel that is the subject of 111461
the exemption satisfies the requirements of division (A)(1) of 111462
this section for pre-residential development property. 111463

(D)(1) If a parcel subject to the partial exemption 111464
authorized by this section is valued at its current value for 111465
agricultural use under section 5713.31 of the Revised Code, the 111466
county auditor shall regularly inspect the parcel to determine 111467
whether a conversion of land devoted exclusively to agricultural 111468
use, as defined in section 5713.30 of the Revised Code, has 111469
occurred. Nothing in this section shall be construed to limit the 111470
authority of a county auditor to levy any recoupment charge 111471
pursuant to sections 5713.34 and 5713.35 of the Revised Code. 111472

(2) Nothing in this section shall be construed to allow a 111473
parcel that is not land devoted exclusively to agricultural use, 111474
as defined in section 5713.30 of the Revised Code, to be valued at 111475

its current value for agricultural use under section 5713.31 of 111476
the Revised Code. 111477

(3) Nothing in this section shall be construed to authorize a 111478
parcel subject to the partial exemption authorized by this section 111479
to be valued and assessed for taxation in any manner other than in 111480
accordance with Section 36 of Article II or Section 2 of Article 111481
XII, Ohio Constitution, as applicable to the parcel. 111482

Sec. 5709.73. (A) As used in this section and section 5709.74 111483
of the Revised Code: 111484

(1) "Business day" means a day of the week excluding 111485
Saturday, Sunday, and a legal holiday as defined in section 1.14 111486
of the Revised Code. 111487

(2) "Further improvements" or "improvements" means the 111488
increase in the assessed value of real property that would first 111489
appear on the tax list and duplicate of real and public utility 111490
property after the effective date of a resolution adopted under 111491
this section were it not for the exemption granted by that 111492
resolution. For purposes of division (B) of this section, 111493
"improvements" do not include any property used or to be used for 111494
residential purposes. For this purpose, "property that is used or 111495
to be used for residential purposes" means property that, as 111496
improved, is used or to be used for purposes that would cause the 111497
tax commissioner to classify the property as residential property 111498
in accordance with rules adopted by the commissioner under section 111499
5713.041 of the Revised Code. 111500

(3) "Housing renovation" means a project carried out for 111501
residential purposes. 111502

(4) "Incentive district" has the same meaning as in section 111503
5709.40 of the Revised Code, except that a blighted area is in the 111504
unincorporated area of a township. 111505

(5) "Overlay" has the same meaning as in section 5709.40 of the Revised Code, except that the overlay is delineated by the board of township trustees.

(6) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code.

(7) "Urban township" has the same meaning as in section 504.01 of the Revised Code.

(8) "Nonperforming parcel" means a parcel to which all of the following apply:

(a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created under division (C) of this section.

(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.74 of the Revised Code.

(c) No such payments have been remitted to the county treasurer since the inception of the exemption or district.

(B) A board of township trustees may adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. Except as otherwise provided under division (D) of this section or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption.

(C)(1) A board of township trustees may adopt a resolution 111536
creating an incentive district and declaring improvements to 111537
parcels within the district to be a public purpose and, except as 111538
provided in division (C)(2) of this section, exempt from taxation 111539
as provided in this section. Except for a resolution adopted by 111540
the board of an urban township, the resolution shall be adopted by 111541
a unanimous vote of the board. A board of township trustees of a 111542
township that has a population that exceeds twenty-five thousand, 111543
as shown by the most recent federal decennial census, may not 111544
adopt a resolution that creates an incentive district if the sum 111545
of the taxable value of real property in the proposed district for 111546
the preceding tax year and the taxable value of all real property 111547
in the township that would have been taxable in the preceding year 111548
were it not for the fact that the property was in an existing 111549
incentive district and therefore exempt from taxation exceeds 111550
twenty-five per cent of the taxable value of real property in the 111551
township for the preceding tax year. The district shall be located 111552
within the unincorporated area of the township and shall not 111553
include any territory that is included within a district created 111554
under division (B) of section 5709.78 of the Revised Code. The 111555
resolution shall delineate the boundary of the proposed district 111556
and specifically identify each parcel within the district. A 111557
proposed district may not include any parcel, other than a 111558
nonperforming parcel, that is or has been exempted from taxation 111559
under division (B) of this section or that is or has been within 111560
another district created under this division. On and after the 111561
effective date of the district, a nonperforming parcel within the 111562
district is no longer exempted from taxation under division (B) of 111563
this section or included within an incentive district under any 111564
previous resolution, and the parcel's owner is no longer required 111565
to make payments in lieu of taxes under such a previous resolution 111566
in accordance with section 5709.74 of the Revised Code. Any 111567
exemption application filed with the tax commissioner under 111568

section 5715.27 of the Revised Code under the second resolution 111569
shall identify the nonperforming parcels included in the second 111570
district, the original resolution under which the nonperforming 111571
parcels were originally exempted, and the value history of each 111572
nonperforming parcel since the enactment of the original 111573
resolution. A resolution may create more than one such district, 111574
and more than one resolution may be adopted under division (C)(1) 111575
of this section. 111576

(2)(a) Not later than thirty days prior to adopting a 111577
resolution under division (C)(1) of this section, if the township 111578
intends to apply for exemptions from taxation under section 111579
5709.911 of the Revised Code on behalf of owners of real property 111580
located within the proposed incentive district, the board shall 111581
conduct a public hearing on the proposed resolution. Not later 111582
than thirty days prior to the public hearing, the board shall give 111583
notice of the public hearing and the proposed resolution by first 111584
class mail to every real property owner whose property is located 111585
within the boundaries of the proposed incentive district that is 111586
the subject of the proposed resolution. The notice shall include a 111587
map of the proposed incentive district on which the board of 111588
township trustees shall have delineated an overlay. The notice 111589
shall inform the property owner of the owner's right to exclude 111590
the owner's property from the incentive district if both of the 111591
following conditions are met: 111592

(i) The owner's entire parcel of property will not be located 111593
within the overlay. 111594

(ii) The owner has submitted a statement to the board of 111595
county commissioners of the county in which the parcel is located 111596
indicating the owner's intent to seek a tax exemption for 111597
improvements to the owner's parcel under division (A) or (B) of 111598
section 5709.78 of the Revised Code within the next five years. 111599

When both of the preceding conditions are met, the owner may 111600

exclude the owner's property from the incentive district by 111601
submitting a written response in accordance with division 111602
(C)(2)(b) of this section. The notice also shall include 111603
information detailing the required contents of the response, the 111604
address to which the response may be mailed, and the deadline for 111605
submitting the response. 111606

(b) Any owner of real property located within the boundaries 111607
of an incentive district proposed under division (C)(1) of this 111608
section who meets the conditions specified in divisions 111609
(C)(2)(a)(i) and (ii) of this section may exclude the property 111610
from the proposed incentive district by submitting a written 111611
response to the board not later than forty-five days after the 111612
postmark date on the notice required under division (C)(2)(a) of 111613
this section. The response shall include a copy of the statement 111614
submitted under division (C)(2)(a)(ii) of this section. The 111615
response shall be sent by first class mail or delivered in person 111616
at a public hearing held by the board under division (C)(2)(a) of 111617
this section. The response shall conform to any content 111618
requirements that may be established by the board and included in 111619
the notice provided under division (C)(2)(a) of this section. In 111620
the response, property owners may identify a parcel by street 111621
address, by the manner in which it is identified in the 111622
resolution, or by other means allowing the identity of the parcel 111623
to be ascertained. 111624

(c) Before adopting a resolution under division (C)(1) of 111625
this section, the board shall amend the resolution to exclude any 111626
parcel for which a written response has been submitted under 111627
division (C)(2)(b) of this section. A township shall not apply for 111628
exemptions from taxation under section 5709.911 of the Revised 111629
Code for any such parcel, and service payments may not be required 111630
from the owner of the parcel. Improvements to a parcel excluded 111631
from an incentive district under this division may be exempted 111632

from taxation under division (B) of this section pursuant to a 111633
resolution adopted under that division or under any other section 111634
of the Revised Code under which the parcel qualifies. 111635

(3)(a) A resolution adopted under division (C)(1) of this 111636
section shall specify the life of the incentive district and the 111637
percentage of the improvements to be exempted, shall designate the 111638
public infrastructure improvements made, to be made, or in the 111639
process of being made, that benefit or serve, or, once made, will 111640
benefit or serve parcels in the district. The resolution also 111641
shall identify one or more specific projects being, or to be, 111642
undertaken in the district that place additional demand on the 111643
public infrastructure improvements designated in the resolution. 111644
The project identified may, but need not be, the project under 111645
division (C)(3)(b) of this section that places real property in 111646
use for commercial or industrial purposes. 111647

A resolution adopted under division (C)(1) of this section on 111648
or after March 30, 2006, shall not designate police or fire 111649
equipment as public infrastructure improvements, and, except as 111650
provided in division (F) of this section, no service payment 111651
provided for in section 5709.74 of the Revised Code and received 111652
by the township under the resolution shall be used for police or 111653
fire equipment. 111654

(b) A resolution adopted under division (C)(1) of this 111655
section may authorize the use of service payments provided for in 111656
section 5709.74 of the Revised Code for the purpose of housing 111657
renovations within the incentive district, provided that the 111658
resolution also designates public infrastructure improvements that 111659
benefit or serve the district, and that a project within the 111660
district places real property in use for commercial or industrial 111661
purposes. Service payments may be used to finance or support 111662
loans, deferred loans, and grants to persons for the purpose of 111663
housing renovations within the district. The resolution shall 111664

designate the parcels within the district that are eligible for 111665
housing renovations. The resolution shall state separately the 111666
amount or the percentages of the expected aggregate service 111667
payments that are designated for each public infrastructure 111668
improvement and for the purpose of housing renovations. 111669

(4) Except with the approval of the board of education of 111670
each city, local, or exempted village school district within the 111671
territory of which the incentive district is or will be located, 111672
and subject to division (E) of this section, the life of an 111673
incentive district shall not exceed ten years, and the percentage 111674
of improvements to be exempted shall not exceed seventy-five per 111675
cent. With approval of the board of education, the life of a 111676
district may be not more than thirty years, and the percentage of 111677
improvements to be exempted may be not more than one hundred per 111678
cent. The approval of a board of education shall be obtained in 111679
the manner provided in division (D) of this section. 111680

(D) Improvements with respect to a parcel may be exempted 111681
from taxation under division (B) of this section, and improvements 111682
to parcels within an incentive district may be exempted from 111683
taxation under division (C) of this section, for up to ten years 111684
or, with the approval of the board of education of the city, 111685
local, or exempted village school district within which the parcel 111686
or district is located, for up to thirty years. The percentage of 111687
the improvements exempted from taxation may, with such approval, 111688
exceed seventy-five per cent, but shall not exceed one hundred per 111689
cent. Not later than forty-five business days prior to adopting a 111690
resolution under this section declaring improvements to be a 111691
public purpose that is subject to approval by a board of education 111692
under this division, the board of township trustees shall deliver 111693
to the board of education a notice stating its intent to adopt a 111694
resolution making that declaration. The notice regarding 111695
improvements with respect to a parcel under division (B) of this 111696

section shall identify the parcels for which improvements are to 111697
be exempted from taxation, provide an estimate of the true value 111698
in money of the improvements, specify the period for which the 111699
improvements would be exempted from taxation and the percentage of 111700
the improvements that would be exempted, and indicate the date on 111701
which the board of township trustees intends to adopt the 111702
resolution. The notice regarding improvements made under division 111703
(C) of this section to parcels within an incentive district shall 111704
delineate the boundaries of the district, specifically identify 111705
each parcel within the district, identify each anticipated 111706
improvement in the district, provide an estimate of the true value 111707
in money of each such improvement, specify the life of the 111708
district and the percentage of improvements that would be 111709
exempted, and indicate the date on which the board of township 111710
trustees intends to adopt the resolution. The board of education, 111711
by resolution adopted by a majority of the board, may approve the 111712
exemption for the period or for the exemption percentage specified 111713
in the notice; may disapprove the exemption for the number of 111714
years in excess of ten, may disapprove the exemption for the 111715
percentage of the improvements to be exempted in excess of 111716
seventy-five per cent, or both; or may approve the exemption on 111717
the condition that the board of township trustees and the board of 111718
education negotiate an agreement providing for compensation to the 111719
school district equal in value to a percentage of the amount of 111720
taxes exempted in the eleventh and subsequent years of the 111721
exemption period or, in the case of exemption percentages in 111722
excess of seventy-five per cent, compensation equal in value to a 111723
percentage of the taxes that would be payable on the portion of 111724
the improvements in excess of seventy-five per cent were that 111725
portion to be subject to taxation, or other mutually agreeable 111726
compensation. 111727

The board of education shall certify its resolution to the 111728
board of township trustees not later than fourteen days prior to 111729

the date the board of township trustees intends to adopt the 111730
resolution as indicated in the notice. If the board of education 111731
and the board of township trustees negotiate a mutually acceptable 111732
compensation agreement, the resolution may declare the 111733
improvements a public purpose for the number of years specified in 111734
the resolution or, in the case of exemption percentages in excess 111735
of seventy-five per cent, for the exemption percentage specified 111736
in the resolution. In either case, if the board of education and 111737
the board of township trustees fail to negotiate a mutually 111738
acceptable compensation agreement, the resolution may declare the 111739
improvements a public purpose for not more than ten years, and 111740
shall not exempt more than seventy-five per cent of the 111741
improvements from taxation. If the board of education fails to 111742
certify a resolution to the board of township trustees within the 111743
time prescribed by this section, the board of township trustees 111744
thereupon may adopt the resolution and may declare the 111745
improvements a public purpose for up to thirty years or, in the 111746
case of exemption percentages proposed in excess of seventy-five 111747
per cent, for the exemption percentage specified in the 111748
resolution. The board of township trustees may adopt the 111749
resolution at any time after the board of education certifies its 111750
resolution approving the exemption to the board of township 111751
trustees, or, if the board of education approves the exemption on 111752
the condition that a mutually acceptable compensation agreement be 111753
negotiated, at any time after the compensation agreement is agreed 111754
to by the board of education and the board of township trustees. 111755
If a mutually acceptable compensation agreement is negotiated 111756
between the board of township trustees and the board of education, 111757
including agreements for payments in lieu of taxes under section 111758
5709.74 of the Revised Code, the board of township trustees shall 111759
compensate the joint vocational school district within which the 111760
parcel or district is located at the same rate and under the same 111761
terms received by the city, local, or exempted village school 111762

district. 111763

If a board of education has adopted a resolution waiving its 111764
right to approve exemptions from taxation under this section and 111765
the resolution remains in effect, approval of such exemptions by 111766
the board of education is not required under division (D) of this 111767
section. If a board of education has adopted a resolution allowing 111768
a board of township trustees to deliver the notice required under 111769
division (D) of this section fewer than forty-five business days 111770
prior to adoption of the resolution by the board of township 111771
trustees, the board of township trustees shall deliver the notice 111772
to the board of education not later than the number of days prior 111773
to the adoption as prescribed by the board of education in its 111774
resolution. If a board of education adopts a resolution waiving 111775
its right to approve exemptions or shortening the notification 111776
period, the board of education shall certify a copy of the 111777
resolution to the board of township trustees. If the board of 111778
education rescinds the resolution, it shall certify notice of the 111779
rescission to the board of township trustees. 111780

If the board of township trustees is not required by division 111781
(D) of this section to notify the board of education of the board 111782
of township trustees' intent to declare improvements to be a 111783
public purpose, the board of township trustees shall comply with 111784
the notice requirements imposed under section 5709.83 of the 111785
Revised Code before taking formal action to adopt the resolution 111786
making that declaration, unless the board of education has adopted 111787
a resolution under that section waiving its right to receive the 111788
notice. 111789

Nothing in this division prohibits the board of township 111790
trustees from amending the resolution under section 5709.51 of the 111791
Revised Code to extend the term of the exemption. 111792

(E)(1) If a proposed resolution under division (C)(1) of this 111793
section exempts improvements with respect to a parcel within an 111794

incentive district for more than ten years, or the percentage of 111795
the improvement exempted from taxation exceeds seventy-five per 111796
cent, not later than forty-five business days prior to adopting 111797
the resolution the board of township trustees shall deliver to the 111798
board of county commissioners of the county within which the 111799
incentive district is or will be located a notice that states its 111800
intent to adopt a resolution creating an incentive district. The 111801
notice shall include a copy of the proposed resolution, identify 111802
the parcels for which improvements are to be exempted from 111803
taxation, provide an estimate of the true value in money of the 111804
improvements, specify the period of time for which the 111805
improvements would be exempted from taxation, specify the 111806
percentage of the improvements that would be exempted from 111807
taxation, and indicate the date on which the board of township 111808
trustees intends to adopt the resolution. 111809

(2) The board of county commissioners, by resolution adopted 111810
by a majority of the board, may object to the exemption for the 111811
number of years in excess of ten, may object to the exemption for 111812
the percentage of the improvement to be exempted in excess of 111813
seventy-five per cent, or both. If the board of county 111814
commissioners objects, the board may negotiate a mutually 111815
acceptable compensation agreement with the board of township 111816
trustees. In no case shall the compensation provided to the board 111817
of county commissioners exceed the property taxes foregone due to 111818
the exemption. If the board of county commissioners objects, and 111819
the board of county commissioners and board of township trustees 111820
fail to negotiate a mutually acceptable compensation agreement, 111821
the resolution adopted under division (C)(1) of this section shall 111822
provide to the board of county commissioners compensation in the 111823
eleventh and subsequent years of the exemption period equal in 111824
value to not more than fifty per cent of the taxes that would be 111825
payable to the county or, if the board of county commissioner's 111826
objection includes an objection to an exemption percentage in 111827

excess of seventy-five per cent, compensation equal in value to 111828
not more than fifty per cent of the taxes that would be payable to 111829
the county, on the portion of the improvement in excess of 111830
seventy-five per cent, were that portion to be subject to 111831
taxation. The board of county commissioners shall certify its 111832
resolution to the board of township trustees not later than thirty 111833
days after receipt of the notice. 111834

(3) If the board of county commissioners does not object or 111835
fails to certify its resolution objecting to an exemption within 111836
thirty days after receipt of the notice, the board of township 111837
trustees may adopt its resolution, and no compensation shall be 111838
provided to the board of county commissioners. If the board of 111839
county commissioners timely certifies its resolution objecting to 111840
the trustees' resolution, the board of township trustees may adopt 111841
its resolution at any time after a mutually acceptable 111842
compensation agreement is agreed to by the board of county 111843
commissioners and the board of township trustees, or, if no 111844
compensation agreement is negotiated, at any time after the board 111845
of township trustees agrees in the proposed resolution to provide 111846
compensation to the board of county commissioners of fifty per 111847
cent of the taxes that would be payable to the county in the 111848
eleventh and subsequent years of the exemption period or on the 111849
portion of the improvement in excess of seventy-five per cent, 111850
were that portion to be subject to taxation. 111851

(F) Service payments in lieu of taxes that are attributable 111852
to any amount by which the effective tax rate of either a renewal 111853
levy with an increase or a replacement levy exceeds the effective 111854
tax rate of the levy renewed or replaced, or that are attributable 111855
to an additional levy, for a levy authorized by the voters for any 111856
of the following purposes on or after January 1, 2006, and which 111857
are provided pursuant to a resolution creating an incentive 111858
district under division (C)(1) of this section that is adopted on 111859

or after January 1, 2006, or a later date as specified in this 111860
division, shall be distributed to the appropriate taxing authority 111861
as required under division (C) of section 5709.74 of the Revised 111862
Code in an amount equal to the amount of taxes from that 111863
additional levy or from the increase in the effective tax rate of 111864
such renewal or replacement levy that would have been payable to 111865
that taxing authority from the following levies were it not for 111866
the exemption authorized under division (C) of this section: 111867

(1) A tax levied under division (L) of section 5705.19 or 111868
section 5705.191 or 5705.222 of the Revised Code for community 111869
developmental disabilities programs and services pursuant to 111870
Chapter 5126. of the Revised Code; 111871

(2) A tax levied under division (Y) of section 5705.19 of the 111872
Revised Code for providing or maintaining senior citizens services 111873
or facilities; 111874

(3) A tax levied under section 5705.22 of the Revised Code 111875
for county hospitals; 111876

(4) A tax levied by a joint-county district or by a county 111877
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 111878
for alcohol, drug addiction, and mental health services or 111879
families; 111880

(5) A tax levied under section 5705.23 of the Revised Code 111881
for library purposes; 111882

(6) A tax levied under section 5705.24 of the Revised Code 111883
for the support of children services and the placement and care of 111884
children; 111885

(7) A tax levied under division (Z) of section 5705.19 of the 111886
Revised Code for the provision and maintenance of zoological park 111887
services and facilities under section 307.76 of the Revised Code; 111888

(8) A tax levied under section 511.27 or division (H) of 111889

section 5705.19 of the Revised Code for the support of township 111890
park districts; 111891

(9) A tax levied under division (A), (F), or (H) of section 111892
5705.19 of the Revised Code for parks and recreational purposes of 111893
a joint recreation district organized pursuant to division (B) of 111894
section 755.14 of the Revised Code; 111895

(10) A tax levied under section 1545.20 or 1545.21 of the 111896
Revised Code for park district purposes; 111897

(11) A tax levied under section 5705.191 of the Revised Code 111898
for the purpose of making appropriations for public assistance; 111899
human or social services; public relief; public welfare; public 111900
health and hospitalization; and support of general hospitals; 111901

(12) A tax levied under section 3709.29 of the Revised Code 111902
for a general health district program; 111903

(13) A tax levied by a township under section 505.39, 505.51, 111904
or division (I), (J), (U), or (JJ) of section 5705.19 of the 111905
Revised Code for the purpose of funding fire, police, emergency 111906
medical, or ambulance services as described in those sections. 111907
Division (F)(13) of this section applies only to incentive 111908
districts created by a resolution adopted on or after March 22, 111909
2019, the effective date of the amendment of this section by H.B. 111910
500 of the 132nd general assembly, and only if that resolution 111911
specifies that division (F) of this section shall apply to such a 111912
tax. 111913

(G) An exemption from taxation granted under this section 111914
commences with the tax year specified in the resolution so long as 111915
the year specified in the resolution commences after the effective 111916
date of the resolution. If the resolution specifies a year 111917
commencing before the effective date of the resolution or 111918
specifies no year whatsoever, the exemption commences with the tax 111919
year in which an exempted improvement first appears on the tax 111920

list and duplicate of real and public utility property and that 111921
commences after the effective date of the resolution. In lieu of 111922
stating a specific year, the resolution may provide that the 111923
exemption commences in the tax year in which the value of an 111924
improvement exceeds a specified amount or in which the 111925
construction of one or more improvements is completed, provided 111926
that such tax year commences after the effective date of the 111927
resolution. With respect to the exemption of improvements to 111928
parcels under division (B) of this section, the resolution may 111929
allow for the exemption to commence in different tax years on a 111930
parcel-by-parcel basis, with a separate exemption term specified 111931
for each parcel. 111932

Except as otherwise provided in this division and section 111933
5709.51 of the Revised Code, the exemption ends on the date 111934
specified in the resolution as the date the improvement ceases to 111935
be a public purpose or the incentive district expires, or ends on 111936
the date on which the public infrastructure improvements and 111937
housing renovations are paid in full from the township public 111938
improvement tax increment equivalent fund established under 111939
section 5709.75 of the Revised Code, whichever occurs first. The 111940
exemption of an improvement with respect to a parcel or within an 111941
incentive district may end on a later date, as specified in the 111942
resolution, if the board of township trustees and the board of 111943
education of the city, local, or exempted village school district 111944
within which the parcel or district is located have entered into a 111945
compensation agreement under section 5709.82 of the Revised Code 111946
with respect to the improvement and the board of education has 111947
approved the term of the exemption under division (D) of this 111948
section, but in no case shall the improvement be exempted from 111949
taxation for more than thirty years. The board of township 111950
trustees may, by majority vote, adopt a resolution permitting the 111951
township to enter into such agreements as the board finds 111952
necessary or appropriate to provide for the construction or 111953

undertaking of public infrastructure improvements and housing 111954
renovations. Any exemption shall be claimed and allowed in the 111955
same or a similar manner as in the case of other real property 111956
exemptions. If an exemption status changes during a tax year, the 111957
procedure for the apportionment of the taxes for that year is the 111958
same as in the case of other changes in tax exemption status 111959
during the year. 111960

(H) The board of township trustees may issue the notes of the 111961
township to finance all costs pertaining to the construction or 111962
undertaking of public infrastructure improvements and housing 111963
renovations made pursuant to this section. The notes shall be 111964
signed by the board and attested by the signature of the township 111965
fiscal officer, shall bear interest not to exceed the rate 111966
provided in section 9.95 of the Revised Code, and are not subject 111967
to Chapter 133. of the Revised Code. The resolution authorizing 111968
the issuance of the notes shall pledge the funds of the township 111969
public improvement tax increment equivalent fund established 111970
pursuant to section 5709.75 of the Revised Code to pay the 111971
interest on and principal of the notes. The notes, which may 111972
contain a clause permitting prepayment at the option of the board, 111973
shall be offered for sale on the open market or given to the 111974
vendor or contractor if no sale is made. 111975

(I) The township, not later than fifteen days after the 111976
adoption of a resolution under this section, shall submit to the 111977
director of development ~~services~~ a copy of the resolution. On or 111978
before the thirty-first day of March of each year, the township 111979
shall submit a status report to the director ~~of development~~ 111980
~~services~~. The report shall indicate, in the manner prescribed by 111981
the director, the progress of the project during each year that 111982
the exemption remains in effect, including a summary of the 111983
receipts from service payments in lieu of taxes; expenditures of 111984
money from the fund created under section 5709.75 of the Revised 111985

Code; a description of the public infrastructure improvements and 111986
housing renovations financed with the expenditures; and a 111987
quantitative summary of changes in private investment resulting 111988
from each project. 111989

(J) Nothing in this section shall be construed to prohibit a 111990
board of township trustees from declaring to be a public purpose 111991
improvements with respect to more than one parcel. 111992

If a parcel is located in a new community district in which 111993
the new community authority imposes a community development charge 111994
on the basis of rentals received from leases of real property as 111995
described in division (L)(2) of section 349.01 of the Revised 111996
Code, the parcel may not be exempted from taxation under this 111997
section. 111998

(K) A board of township trustees that adopted a resolution 111999
under this section prior to July 21, 1994, may amend that 112000
resolution to include any additional public infrastructure 112001
improvement. A board of township trustees that seeks by the 112002
amendment to utilize money from its township public improvement 112003
tax increment equivalent fund for land acquisition in aid of 112004
industry, commerce, distribution, or research, demolition on 112005
private property, or stormwater and flood remediation projects may 112006
do so provided that the board currently is a party to a 112007
hold-harmless agreement with the board of education of the city, 112008
local, or exempted village school district within the territory of 112009
which are located the parcels that are subject to an exemption. 112010
For the purposes of this division, a "hold-harmless agreement" 112011
means an agreement under which the board of township trustees 112012
agrees to compensate the school district for one hundred per cent 112013
of the tax revenue that the school district would have received 112014
from further improvements to parcels designated in the resolution 112015
were it not for the exemption granted by the resolution. 112016

(L) Notwithstanding the limitation prescribed by division (D) 112017

of this section on the number of years that improvements to a 112018
parcel or parcels may be exempted from taxation, a board of 112019
trustees of a township with a population of fifteen thousand or 112020
more may amend a resolution originally adopted under this section 112021
before December 31, 1994, to extend the exemption of improvements 112022
to the parcel or parcels included in such resolution for an 112023
additional period not to exceed fifteen years. The amendment shall 112024
not increase the percentage of improvements to the parcel or 112025
parcels exempted from taxation. Before adopting an amendment 112026
authorized under this division, the board of township trustees 112027
shall obtain the approval of each board of education of the city, 112028
local, or exempted village school district within which the 112029
exempted parcels are located in the manner required under division 112030
(D) of this section, except that (1) the board of education may 112031
approve the exemption on the condition that the board of township 112032
trustees and the board of education negotiate an agreement 112033
providing for compensation to the school district equal in value 112034
to the amount of taxes the district forgoes in each year the 112035
exemption is extended pursuant to this division or any other 112036
mutually agreeable compensation and (2) if the board of education 112037
fails to certify a resolution approving the amendment to the board 112038
of township trustees within the time prescribed by division (D) of 112039
this section, the board of township trustees shall not adopt the 112040
amendment authorized under this division. 112041

No approval under this division shall be required from a 112042
board of education that has adopted a resolution waiving its right 112043
to approve exemptions from taxation pursuant to division (D) of 112044
this section. If the board of education has adopted such a 112045
resolution, the board of township trustees shall comply with the 112046
notice requirements imposed under section 5709.83 of the Revised 112047
Code before taking formal action to adopt an amendment authorized 112048
under this division unless the board of education has adopted a 112049
resolution under that section waiving its right to receive the 112050

notice. Not later than fourteen days before adopting an amendment 112051
authorized under this division, the board of township trustees 112052
shall deliver a notice identical to a notice required under 112053
section 5709.83 of the Revised Code to the board of county 112054
commissioners of each county in which the exempted parcels are 112055
located. 112056

Sec. 5709.78. (A) A board of county commissioners may, by 112057
resolution, declare improvements to certain parcels of real 112058
property located in the unincorporated territory of the county to 112059
be a public purpose. Except as otherwise provided under division 112060
(C) of this section or section 5709.51 of the Revised Code, not 112061
more than seventy-five per cent of an improvement thus declared to 112062
be a public purpose may be exempted from real property taxation, 112063
for a period of not more than ten years. The resolution shall 112064
specify the percentage of the improvement to be exempted and the 112065
life of the exemption. 112066

A resolution adopted under this division shall designate the 112067
specific public infrastructure improvements made, to be made, or 112068
in the process of being made by the county that directly benefit, 112069
or that once made will directly benefit, the parcels for which 112070
improvements are declared to be a public purpose. The service 112071
payments provided for in section 5709.79 of the Revised Code shall 112072
be used to finance the public infrastructure improvements 112073
designated in the resolution, or as provided in section 5709.80 of 112074
the Revised Code. 112075

(B)(1) A board of county commissioners may adopt a resolution 112076
creating an incentive district and declaring improvements to 112077
parcels within the district to be a public purpose and, except as 112078
provided in division (B)(2) of this section, exempt from taxation 112079
as provided in this section, but no board of county commissioners 112080
of a county that has a population that exceeds twenty-five 112081

thousand, as shown by the most recent federal decennial census, 112082
shall adopt a resolution that creates an incentive district if the 112083
sum of the taxable value of real property in the proposed district 112084
for the preceding tax year and the taxable value of all real 112085
property in the county that would have been taxable in the 112086
preceding year were it not for the fact that the property was in 112087
an existing incentive district and therefore exempt from taxation 112088
exceeds twenty-five per cent of the taxable value of real property 112089
in the county for the preceding tax year. The district shall be 112090
located within the unincorporated territory of the county and 112091
shall not include any territory that is included within a district 112092
created under division (C) of section 5709.73 of the Revised Code. 112093
The resolution shall delineate the boundary of the proposed 112094
district and specifically identify each parcel within the 112095
district. A proposed district may not include any parcel that is 112096
or has been exempted from taxation under division (A) of this 112097
section or that is or has been within another district created 112098
under this division. A resolution may create more than one such 112099
district, and more than one resolution may be adopted under 112100
division (B)(1) of this section. 112101

(2)(a) Not later than thirty days prior to adopting a 112102
resolution under division (B)(1) of this section, if the county 112103
intends to apply for exemptions from taxation under section 112104
5709.911 of the Revised Code on behalf of owners of real property 112105
located within the proposed incentive district, the board of 112106
county commissioners shall conduct a public hearing on the 112107
proposed resolution. Not later than thirty days prior to the 112108
public hearing, the board shall give notice of the public hearing 112109
and the proposed resolution by first class mail to every real 112110
property owner whose property is located within the boundaries of 112111
the proposed incentive district that is the subject of the 112112
proposed resolution. The board also shall provide the notice by 112113
first class mail to the clerk of each township in which the 112114

proposed incentive district will be located. The notice shall 112115
include a map of the proposed incentive district on which the 112116
board of county commissioners shall have delineated an overlay. 112117
The notice shall inform property owners of the owner's right to 112118
exclude the owner's property from the incentive district if both 112119
of the following conditions are met: 112120

(i) The owner's entire parcel of property will not be located 112121
within the overlay. 112122

(ii) The owner has submitted a statement to the board of 112123
township trustees of the township in which the parcel is located 112124
indicating the owner's intent to seek a tax exemption for 112125
improvements to the owner's parcel under section 5709.41 or 112126
division (B) or (C) of section 5709.73 of the Revised Code within 112127
the next five years. 112128

When both of the preceding conditions are met, the owner may 112129
exclude the owner's property from the incentive district by 112130
submitting a written response in accordance with division 112131
(B)(2)(b) of this section. The notice also shall include 112132
information detailing the required contents of the response, the 112133
address to which the response may be mailed, and the deadline for 112134
submitting the response. 112135

(b) Any owner of real property located within the boundaries 112136
of an incentive district proposed under division (B) (1) of this 112137
section who meets the conditions specified in divisions 112138
(B)(2)(a)(i) and (ii) of this section may exclude the property 112139
from the proposed incentive district by submitting a written 112140
response to the board not later than forty-five days after the 112141
postmark date on the notice required under division (B)(2)(a) of 112142
this section. The response shall include a copy of the statement 112143
submitted under division (B)(2)(a)(ii) of this section. The 112144
response shall be sent by first class mail or delivered in person 112145
at a public hearing held by the board under division (B)(2)(a) of 112146

this section. The response shall conform to any content 112147
requirements that may be established by the board and included in 112148
the notice provided under division (B)(2)(a) of this section. In 112149
the response, property owners may identify a parcel by street 112150
address, by the manner in which it is identified in the 112151
resolution, or by other means allowing the identity of the parcel 112152
to be ascertained. 112153

(c) Before adopting a resolution under division (B)(1) of 112154
this section, the board shall amend the resolution to exclude any 112155
parcel for which a written response has been submitted under 112156
division (B)(2)(b) of this section. A county shall not apply for 112157
exemptions from taxation under section 5709.911 of the Revised 112158
Code for any such parcel, and service payments may not be required 112159
from the owner of the parcel. Improvements to a parcel excluded 112160
from an incentive district under this division may be exempted 112161
from taxation under division (A) of this section pursuant to a 112162
resolution adopted under that division or under any other section 112163
of the Revised Code under which the parcel qualifies. 112164

(3)(a) A resolution adopted under division (B)(1) of this 112165
section shall specify the life of the incentive district and the 112166
percentage of the improvements to be exempted, shall designate the 112167
public infrastructure improvements made, to be made, or in the 112168
process of being made, that benefit or serve, or, once made, will 112169
benefit or serve parcels in the district. The resolution also 112170
shall identify one or more specific projects being, or to be, 112171
undertaken in the district that place additional demand on the 112172
public infrastructure improvements designated in the resolution. 112173
The project identified may, but need not be, the project under 112174
division (B)(3)(b) of this section that places real property in 112175
use for commercial or industrial purposes. 112176

A resolution adopted under division (B)(1) of this section on 112177
or after March 30, 2006, shall not designate police or fire 112178

equipment as public infrastructure improvements, and no service 112179
payment provided for in section 5709.79 of the Revised Code and 112180
received by the county under the resolution shall be used for 112181
police or fire equipment. 112182

(b) A resolution adopted under division (B)(1) of this 112183
section may authorize the use of service payments provided for in 112184
section 5709.79 of the Revised Code for the purpose of housing 112185
renovations within the incentive district, provided that the 112186
resolution also designates public infrastructure improvements that 112187
benefit or serve the district, and that a project within the 112188
district places real property in use for commercial or industrial 112189
purposes. Service payments may be used to finance or support 112190
loans, deferred loans, and grants to persons for the purpose of 112191
housing renovations within the district. The resolution shall 112192
designate the parcels within the district that are eligible for 112193
housing renovations. The resolution shall state separately the 112194
amount or the percentages of the expected aggregate service 112195
payments that are designated for each public infrastructure 112196
improvement and for the purpose of housing renovations. 112197

(4) Except with the approval of the board of education of 112198
each city, local, or exempted village school district within the 112199
territory of which the incentive district is or will be located, 112200
and subject to division (D) of this section, the life of an 112201
incentive district shall not exceed ten years, and the percentage 112202
of improvements to be exempted shall not exceed seventy-five per 112203
cent. With approval of the board of education, the life of a 112204
district may be not more than thirty years, and the percentage of 112205
improvements to be exempted may be not more than one hundred per 112206
cent. The approval of a board of education shall be obtained in 112207
the manner provided in division (C) of this section. 112208

(C)(1) Improvements with respect to a parcel may be exempted 112209
from taxation under division (A) of this section, and improvements 112210

to parcels within an incentive district may be exempted from 112211
taxation under division (B) of this section, for up to ten years 112212
or, with the approval of the board of education of each city, 112213
local, or exempted village school district within which the parcel 112214
or district is located, for up to thirty years. The percentage of 112215
the improvements exempted from taxation may, with such approval, 112216
exceed seventy-five per cent, but shall not exceed one hundred per 112217
cent. Not later than forty-five business days prior to adopting a 112218
resolution under this section declaring improvements to be a 112219
public purpose that is subject to the approval of a board of 112220
education under this division, the board of county commissioners 112221
shall deliver to the board of education a notice stating its 112222
intent to adopt a resolution making that declaration. The notice 112223
regarding improvements with respect to a parcel under division (A) 112224
of this section shall identify the parcels for which improvements 112225
are to be exempted from taxation, provide an estimate of the true 112226
value in money of the improvements, specify the period for which 112227
the improvements would be exempted from taxation and the 112228
percentage of the improvements that would be exempted, and 112229
indicate the date on which the board of county commissioners 112230
intends to adopt the resolution. The notice regarding improvements 112231
to parcels within an incentive district under division (B) of this 112232
section shall delineate the boundaries of the district, 112233
specifically identify each parcel within the district, identify 112234
each anticipated improvement in the district, provide an estimate 112235
of the true value in money of each such improvement, specify the 112236
life of the district and the percentage of improvements that would 112237
be exempted, and indicate the date on which the board of county 112238
commissioners intends to adopt the resolution. The board of 112239
education, by resolution adopted by a majority of the board, may 112240
approve the exemption for the period or for the exemption 112241
percentage specified in the notice; may disapprove the exemption 112242
for the number of years in excess of ten, may disapprove the 112243

exemption for the percentage of the improvements to be exempted in 112244
excess of seventy-five per cent, or both; or may approve the 112245
exemption on the condition that the board of county commissioners 112246
and the board of education negotiate an agreement providing for 112247
compensation to the school district equal in value to a percentage 112248
of the amount of taxes exempted in the eleventh and subsequent 112249
years of the exemption period or, in the case of exemption 112250
percentages in excess of seventy-five per cent, compensation equal 112251
in value to a percentage of the taxes that would be payable on the 112252
portion of the improvements in excess of seventy-five per cent 112253
were that portion to be subject to taxation, or other mutually 112254
agreeable compensation. 112255

(2) The board of education shall certify its resolution to 112256
the board of county commissioners not later than fourteen days 112257
prior to the date the board of county commissioners intends to 112258
adopt its resolution as indicated in the notice. If the board of 112259
education and the board of county commissioners negotiate a 112260
mutually acceptable compensation agreement, the resolution of the 112261
board of county commissioners may declare the improvements a 112262
public purpose for the number of years specified in that 112263
resolution or, in the case of exemption percentages in excess of 112264
seventy-five per cent, for the exemption percentage specified in 112265
the resolution. In either case, if the board of education and the 112266
board of county commissioners fail to negotiate a mutually 112267
acceptable compensation agreement, the resolution may declare the 112268
improvements a public purpose for not more than ten years, and 112269
shall not exempt more than seventy-five per cent of the 112270
improvements from taxation. If the board of education fails to 112271
certify a resolution to the board of county commissioners within 112272
the time prescribed by this section, the board of county 112273
commissioners thereupon may adopt the resolution and may declare 112274
the improvements a public purpose for up to thirty years or, in 112275
the case of exemption percentages proposed in excess of 112276

seventy-five per cent, for the exemption percentage specified in 112277
the resolution. The board of county commissioners may adopt the 112278
resolution at any time after the board of education certifies its 112279
resolution approving the exemption to the board of county 112280
commissioners, or, if the board of education approves the 112281
exemption on the condition that a mutually acceptable compensation 112282
agreement be negotiated, at any time after the compensation 112283
agreement is agreed to by the board of education and the board of 112284
county commissioners. If a mutually acceptable compensation 112285
agreement is negotiated between the board of county commissioners 112286
and the board of education, including agreements for payments in 112287
lieu of taxes under section 5709.79 of the Revised Code, the board 112288
of county commissioners shall compensate the joint vocational 112289
school district within which the parcel or district is located at 112290
the same rate and under the same terms received by the city, 112291
local, or exempted village school district. 112292

(3) If a board of education has adopted a resolution waiving 112293
its right to approve exemptions from taxation under this section 112294
and the resolution remains in effect, approval of such exemptions 112295
by the board of education is not required under division (C) of 112296
this section. If a board of education has adopted a resolution 112297
allowing a board of county commissioners to deliver the notice 112298
required under division (C) of this section fewer than forty-five 112299
business days prior to approval of the resolution by the board of 112300
county commissioners, the board of county commissioners shall 112301
deliver the notice to the board of education not later than the 112302
number of days prior to such approval as prescribed by the board 112303
of education in its resolution. If a board of education adopts a 112304
resolution waiving its right to approve exemptions or shortening 112305
the notification period, the board of education shall certify a 112306
copy of the resolution to the board of county commissioners. If 112307
the board of education rescinds such a resolution, it shall 112308
certify notice of the rescission to the board of county 112309

commissioners. 112310

(4) Nothing in division (C) of this section prohibits the 112311
board of county commissioners from amending the resolution under 112312
section 5709.51 of the Revised Code to extend the term of the 112313
exemption. 112314

(D)(1) If a proposed resolution under division (B)(1) of this 112315
section exempts improvements with respect to a parcel within an 112316
incentive district for more than ten years, or the percentage of 112317
the improvement exempted from taxation exceeds seventy-five per 112318
cent, not later than forty-five business days prior to adopting 112319
the resolution the board of county commissioners shall deliver to 112320
the board of township trustees of any township within which the 112321
incentive district is or will be located a notice that states its 112322
intent to adopt a resolution creating an incentive district. The 112323
notice shall include a copy of the proposed resolution, identify 112324
the parcels for which improvements are to be exempted from 112325
taxation, provide an estimate of the true value in money of the 112326
improvements, specify the period of time for which the 112327
improvements would be exempted from taxation, specify the 112328
percentage of the improvements that would be exempted from 112329
taxation, and indicate the date on which the board intends to 112330
adopt the resolution. 112331

(2) The board of township trustees, by resolution adopted by 112332
a majority of the board, may object to the exemption for the 112333
number of years in excess of ten, may object to the exemption for 112334
the percentage of the improvement to be exempted in excess of 112335
seventy-five per cent, or both. If the board of township trustees 112336
objects, the board of township trustees may negotiate a mutually 112337
acceptable compensation agreement with the board of county 112338
commissioners. In no case shall the compensation provided to the 112339
board of township trustees exceed the property taxes forgone due 112340
to the exemption. If the board of township trustees objects, and 112341

the board of township trustees and the board of county 112342
commissioners fail to negotiate a mutually acceptable compensation 112343
agreement, the resolution adopted under division (B)(1) of this 112344
section shall provide to the board of township trustees 112345
compensation in the eleventh and subsequent years of the exemption 112346
period equal in value to not more than fifty per cent of the taxes 112347
that would be payable to the township or, if the board of township 112348
trustee's objection includes an objection to an exemption 112349
percentage in excess of seventy-five per cent, compensation equal 112350
in value to not more than fifty per cent of the taxes that would 112351
be payable to the township on the portion of the improvement in 112352
excess of seventy-five per cent, were that portion to be subject 112353
to taxation. The board of township trustees shall certify its 112354
resolution to the board of county commissioners not later than 112355
thirty days after receipt of the notice. 112356

(3) If the board of township trustees does not object or 112357
fails to certify a resolution objecting to an exemption within 112358
thirty days after receipt of the notice, the board of county 112359
commissioners may adopt its resolution, and no compensation shall 112360
be provided to the board of township trustees. If the board of 112361
township trustees certifies its resolution objecting to the 112362
commissioners' resolution, the board of county commissioners may 112363
adopt its resolution at any time after a mutually acceptable 112364
compensation agreement is agreed to by the board of county 112365
commissioners and the board of township trustees. If the board of 112366
township trustees certifies a resolution objecting to the 112367
commissioners' resolution, the board of county commissioners may 112368
adopt its resolution at any time after a mutually acceptable 112369
compensation agreement is agreed to by the board of county 112370
commissioners and the board of township trustees, or, if no 112371
compensation agreement is negotiated, at any time after the board 112372
of county commissioners in the proposed resolution to provide 112373
compensation to the board of township trustees of fifty per cent 112374

of the taxes that would be payable to the township in the eleventh 112375
and subsequent years of the exemption period or on the portion of 112376
the improvement in excess of seventy-five per cent, were that 112377
portion to be subject to taxation. 112378

(E) Service payments in lieu of taxes that are attributable 112379
to any amount by which the effective tax rate of either a renewal 112380
levy with an increase or a replacement levy exceeds the effective 112381
tax rate of the levy renewed or replaced, or that are attributable 112382
to an additional levy, for a levy authorized by the voters for any 112383
of the following purposes on or after January 1, 2006, and which 112384
are provided pursuant to a resolution creating an incentive 112385
district under division (B)(1) of this section that is adopted on 112386
or after January 1, 2006, shall be distributed to the appropriate 112387
taxing authority as required under division (D) of section 5709.79 112388
of the Revised Code in an amount equal to the amount of taxes from 112389
that additional levy or from the increase in the effective tax 112390
rate of such renewal or replacement levy that would have been 112391
payable to that taxing authority from the following levies were it 112392
not for the exemption authorized under division (B) of this 112393
section: 112394

(1) A tax levied under division (L) of section 5705.19 or 112395
section 5705.191 or 5705.222 of the Revised Code for community 112396
developmental disabilities programs and services pursuant to 112397
Chapter 5126. of the Revised Code; 112398

(2) A tax levied under division (Y) of section 5705.19 of the 112399
Revised Code for providing or maintaining senior citizens services 112400
or facilities; 112401

(3) A tax levied under section 5705.22 of the Revised Code 112402
for county hospitals; 112403

(4) A tax levied by a joint-county district or by a county 112404
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 112405

for alcohol, drug addiction, and mental health services or facilities;	112406 112407
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	112408 112409
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	112410 112411 112412
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	112413 112414 112415
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	112416 112417 112418
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	112419 112420 112421 112422
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	112423 112424
(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals;	112425 112426 112427 112428
(12) A tax levied under section 3709.29 of the Revised Code for a general health district program.	112429 112430
(F) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or	112431 112432 112433 112434 112435

specifies no year whatsoever, the exemption commences with the tax 112436
year in which an exempted improvement first appears on the tax 112437
list and duplicate of real and public utility property and that 112438
commences after the effective date of the resolution. In lieu of 112439
stating a specific year, the resolution may provide that the 112440
exemption commences in the tax year in which the value of an 112441
improvement exceeds a specified amount or in which the 112442
construction of one or more improvements is completed, provided 112443
that such tax year commences after the effective date of the 112444
resolution. With respect to the exemption of improvements to 112445
parcels under division (A) of this section, the resolution may 112446
allow for the exemption to commence in different tax years on a 112447
parcel-by-parcel basis, with a separate exemption term specified 112448
for each parcel. 112449

Except as otherwise provided in this division, the exemption 112450
ends on the date specified in the resolution as the date the 112451
improvement ceases to be a public purpose or the incentive 112452
district expires, or ends on the date on which the county can no 112453
longer require annual service payments in lieu of taxes under 112454
section 5709.79 of the Revised Code, whichever occurs first. The 112455
exemption of an improvement with respect to a parcel or within an 112456
incentive district may end on a later date, as specified in the 112457
resolution, if the board of commissioners and the board of 112458
education of the city, local, or exempted village school district 112459
within which the parcel or district is located have entered into a 112460
compensation agreement under section 5709.82 of the Revised Code 112461
with respect to the improvement, and the board of education has 112462
approved the term of the exemption under division (C)(1) of this 112463
section, but in no case shall the improvement be exempted from 112464
taxation for more than thirty years. Exemptions shall be claimed 112465
and allowed in the same or a similar manner as in the case of 112466
other real property exemptions. If an exemption status changes 112467
during a tax year, the procedure for the apportionment of the 112468

taxes for that year is the same as in the case of other changes in 112469
tax exemption status during the year. 112470

(G) If the board of county commissioners is not required by 112471
this section to notify the board of education of the board of 112472
county commissioners' intent to declare improvements to be a 112473
public purpose, the board of county commissioners shall comply 112474
with the notice requirements imposed under section 5709.83 of the 112475
Revised Code before taking formal action to adopt the resolution 112476
making that declaration, unless the board of education has adopted 112477
a resolution under that section waiving its right to receive such 112478
a notice. 112479

(H) The county, not later than fifteen days after the 112480
adoption of a resolution under this section, shall submit to the 112481
director of development ~~services~~ a copy of the resolution. On or 112482
before the thirty-first day of March of each year, the county 112483
shall submit a status report to the director ~~of development~~ 112484
~~services~~. The report shall indicate, in the manner prescribed by 112485
the director, the progress of the project during each year that an 112486
exemption remains in effect, including a summary of the receipts 112487
from service payments in lieu of taxes; expenditures of money from 112488
the fund created under section 5709.80 of the Revised Code; a 112489
description of the public infrastructure improvements and housing 112490
renovations financed with such expenditures; and a quantitative 112491
summary of changes in employment and private investment resulting 112492
from each project. 112493

(I) Nothing in this section shall be construed to prohibit a 112494
board of county commissioners from declaring to be a public 112495
purpose improvements with respect to more than one parcel. 112496

(J) If a parcel is located in a new community district in 112497
which the new community authority imposes a community development 112498
charge on the basis of rentals received from leases of real 112499
property as described in division (L)(2) of section 349.01 of the 112500

Revised Code, the parcel may not be exempted from taxation under 112501
this section. 112502

Sec. 5709.83. (A) Except as otherwise provided in division 112503
(B) or (C) of this section, prior to taking formal action to adopt 112504
or enter into any instrument granting a tax exemption under 112505
section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.48, 112506
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 112507
of the Revised Code or formally approving an agreement under 112508
section 3735.671 of the Revised Code, or prior to forwarding an 112509
application for a tax exemption for residential property under 112510
section 3735.67 of the Revised Code to the county auditor, the 112511
legislative authority of the political subdivision, governing 112512
board of a regional transportation improvement project, or housing 112513
officer shall notify the board of education of each city, local, 112514
exempted village, or joint vocational school district in which the 112515
proposed tax-exempted property is located. The notice shall 112516
include a copy of the instrument or application. The notice shall 112517
be delivered not later than fourteen days prior to the day the 112518
legislative authority or governing board takes formal action to 112519
adopt or enter into the instrument, or not later than fourteen 112520
days prior to the day the housing officer forwards the application 112521
to the county auditor. If the board of education comments on the 112522
instrument or application to the legislative authority, governing 112523
board, or housing officer, the legislative authority, governing 112524
board, or housing officer shall consider the comments. If the 112525
board of education of the city, local, exempted village, or joint 112526
vocational school district so requests, the legislative authority, 112527
governing board, or the housing officer shall meet in person with 112528
a representative designated by the board of education to discuss 112529
the terms of the instrument or application. 112530

(B) The notice otherwise required to be provided to boards of 112531
education under division (A) of this section is not required if 112532

the board has adopted a resolution waiving its right to receive 112533
such notices, and that resolution remains in effect. If a board of 112534
education adopts such a resolution, the board shall cause a copy 112535
of the resolution to be certified to the legislative authority or 112536
governing board. If the board of education rescinds such a 112537
resolution, it shall certify notice of the rescission to the 112538
legislative authority or governing board. A board of education may 112539
adopt such a resolution with respect to any one or more counties, 112540
townships, or municipal corporations situated in whole or in part 112541
within the school district. 112542

(C) If a legislative authority or governing board is required 112543
to provide notice to a city, local, or exempted village school 112544
district of its intent to adopt or enter into any instrument 112545
granting a tax exemption as required by section 3735.671, 5709.40, 112546
5709.41, 5709.45, 5709.48, 5709.62, 5709.63, 5709.632, 5709.73, or 112547
5709.78 of the Revised Code, the legislative authority, before 112548
adopting a resolution or ordinance or entering into an agreement 112549
under that section, shall notify the board of education of each 112550
joint vocational school district in which the property to be 112551
exempted is located using the same time requirements for the 112552
notice that applies to notices to city, local, and exempted 112553
village school districts. The content of the notice and procedures 112554
for responding to the notice are the same as required in division 112555
(A) of this section. 112556

Sec. 5711.29. If any corporation uses the rights and powers 112557
granted by its charter to prevent the assessment of the shares of 112558
its resident shareholders on the basis of income yield, as 112559
provided in sections 5711.01 to 5711.36 of the Revised Code, by 112560
permitting its gains and profits to accumulate instead of being 112561
distributed, or by paying exorbitant salaries to its officers and 112562
employees, the tax commissioner, upon finding such to be the fact, 112563
shall assess the amount representing the aggregate assessments of 112564

the shares of such resident shareholders in the names of such 112565
resident shareholders and certify such assessments, together with 112566
the penalty provided in such sections, to the proper county 112567
auditor who shall place the same on the classified tax list and 112568
duplicate in the names of such shareholders, as investments 112569
assessed on the basis of income yield for the year for which such 112570
assessments are made; and taxes shall be collected thereon the 112571
same as on other like assessments. The commissioner shall give 112572
notice of such assessment to the corporation ~~by personal service~~ 112573
~~or certified mail,~~ in the manner provided in section 5703.37 of 112574
the Revised Code, and such assessment shall be subject to a 112575
petition for reassessment and an appeal as provided in sections 112576
5711.31 and 5717.02 of the Revised Code. 112577

If any such corporation is a holding or investment company, 112578
or if the gains or profits are permitted to accumulate beyond the 112579
reasonable needs of the business, such fact shall be prima-facie 112580
evidence of a purpose to prevent the assessment of the shares of 112581
its resident stockholders on such basis. 112582

If any trust, under the terms of which the trustee is 112583
required or authorized to withhold and accumulate all or any part 112584
of the income, is created or used for the purpose of preventing 112585
the assessment of the equitable interests of the resident 112586
beneficiaries on the basis of income yield, as provided in 112587
sections 5711.01 to 5711.36 of the Revised Code, the commissioner, 112588
upon finding such to be the fact, shall assess the amount 112589
representing the aggregate assessment of such equitable shares in 112590
the manner provided in this section. If the creator of such trust 112591
reserved a power of revocation, or if the trustee has discretion 112592
to pay and distribute the income of the trust property to or for 112593
the benefit of such resident beneficiary, such fact shall be 112594
prima-facie evidence of a purpose to prevent the assessment of the 112595
equitable shares of the resident beneficiaries upon such basis. 112596

The assessment imposed by this action shall not be made 112597
against any resident shareholder of such corporation or 112598
beneficiary of such trust who in filing ~~his~~ the shareholder's or 112599
beneficiary's return lists as the income yield of ~~his~~ the shares 112600
or beneficial interest the entire distributive share or beneficial 112601
interest, whether distributed or not, of the net income of such 112602
corporation or trust for such year, in which event any subsequent 112603
distribution made by such corporation or trust out of the earnings 112604
or profits of such year shall, if distributed to any shareholder 112605
or beneficiary who has so included in the income yield of ~~his~~ the 112606
shareholder's or beneficiary's shares the distributive share 112607
thereof, be deducted from the income yield of such shares for the 112608
year in which the same is made. 112609

Sec. 5713.03. (A) The county auditor, from the best sources 112610
of information available, shall determine, as nearly as 112611
practicable, the true value of the fee simple estate, as if 112612
unencumbered but subject to any effects from the exercise of 112613
police powers or from other governmental actions, of each separate 112614
tract, lot, or parcel of real property and of buildings, 112615
structures, and improvements located thereon and the current 112616
agricultural use value of land valued for tax purposes in 112617
accordance with section 5713.31 of the Revised Code, in every 112618
district, according to the rules prescribed by this chapter and 112619
section 5715.01 of the Revised Code, and in accordance with the 112620
uniform rules and methods of valuing and assessing real property 112621
as adopted, prescribed, and promulgated by the tax commissioner. 112622
The auditor shall determine the taxable value of all real property 112623
by reducing its true or current agricultural use value by the 112624
percentage ordered by the commissioner. In determining the true 112625
value of any tract, lot, or parcel of real estate under this 112626
section, if such tract, lot, or parcel has been the subject of an 112627
arm's length sale between a willing seller and a willing buyer 112628

within a reasonable length of time, either before or after the tax 112629
lien date, the auditor may consider the sale price of such tract, 112630
lot, or parcel to be the true value for taxation purposes. 112631
However, the sale price in an arm's length transaction between a 112632
willing seller and a willing buyer shall not be considered the 112633
true value of the property sold if subsequent to the sale: 112634

(1) The tract, lot, or parcel of real estate loses value due 112635
to some casualty; 112636

(2) An improvement is added to the property. 112637

Nothing in this section or section 5713.01 of the Revised 112638
Code and no rule adopted under section 5715.01 of the Revised Code 112639
shall require the county auditor to change the true value in money 112640
of any property in any year except a year in which the tax 112641
commissioner is required to determine under section 5715.24 of the 112642
Revised Code whether the property has been assessed as required by 112643
law. 112644

(B) Pursuant to division (A) of this section, the county 112645
auditor may determine the true value of ~~real property that is part~~ 112646
~~of a qualified low income housing tax credit project~~ federally 112647
subsidized residential rental property through use of one or more 112648
of the market-data approach, the income approach, or the cost 112649
approach. 112650

As used in division (B) of this section, "~~low income housing~~ 112651
~~tax credit project~~" means a ~~qualified low income housing project~~ 112652
~~during its compliance period, as those terms are defined by~~ 112653
~~section 42 of the Internal Revenue Code~~ "federally subsidized 112654
residential rental property" means property to which one or more 112655
of the following apply: 112656

(1) It is part of a qualified low-income housing project, 112657
through its compliance and extended use period, as those terms are 112658

defined in section 42 of the Internal Revenue Code, or any other 112659
period during which it is similarly restricted under section 42 of 112660
the Internal Revenue Code; 112661

(2) It receives assistance pursuant to section 202 of the 112662
"Housing Act of 1959," 12 U.S.C. 1701g, and remains restricted 112663
pursuant to that section; 112664

(3) Property that receives assistance pursuant to Section 811 112665
of the "Cranston-Gonzalez National Affordable Housing Act," 42 112666
U.S.C. 8013, and remains restricted pursuant to that section; 112667

(4) Property that receives project-based assistance pursuant 112668
to section 8 of the "United States Housing Act of 1937," 42 U.S.C. 112669
1437f, and remains restricted pursuant to that section; 112670

(5) Property that receives assistance pursuant to section 515 112671
of the "Housing Act of 1949," 42 U.S.C. 1485, and remains 112672
restricted pursuant to that section; 112673

(6) Property that receives assistance pursuant to section 538 112674
of the "Housing Act of 1949," 42 U.S.C. 1490p-2, and remains 112675
restricted pursuant to that section; 112676

(7) Property that receives assistance pursuant to section 521 112677
of the "Housing Act of 1949," 42 U.S.C. 1490a, and remains 112678
restricted pursuant to that section. 112679

(C) The county auditor shall adopt and use a real property 112680
record approved by the commissioner for each tract, lot, or parcel 112681
of real property, setting forth the true and taxable value of land 112682
and, in the case of land valued in accordance with section 5713.31 112683
of the Revised Code, its current agricultural use value, the 112684
number of acres of arable land, permanent pasture land, woodland, 112685
and wasteland in each tract, lot, or parcel. The auditor shall 112686
record pertinent information and the true and taxable value of 112687
each building, structure, or improvement to land, which value 112688
shall be included as a separate part of the total value of each 112689

tract, lot, or parcel of real property. 112690

Sec. 5715.01. (A) The tax commissioner shall direct and 112691
supervise the assessment for taxation of all real property. The 112692
commissioner shall adopt, prescribe, and promulgate rules for the 112693
determination of true value and taxable value of real property by 112694
uniform rule for such values and for the determination of the 112695
current agricultural use value of land devoted exclusively to 112696
agricultural use. 112697

(1) The uniform rules shall prescribe methods of determining 112698
the true value and taxable value of real property. The rules shall 112699
provide that in determining the true value of lands or 112700
improvements thereon for tax purposes, all facts and circumstances 112701
relating to the value of the property, its availability for the 112702
purposes for which it is constructed or being used, its obsolete 112703
character, if any, the income capacity of the property, if any, 112704
and any other factor that tends to prove its true value shall be 112705
used. In determining the true value of minerals or rights to 112706
minerals for the purpose of real property taxation, the tax 112707
commissioner shall not include in the value of the minerals or 112708
rights to minerals the value of any tangible personal property 112709
used in the recovery of those minerals. 112710

(2) The uniform rules shall prescribe the method for 112711
determining the current agricultural use value of land devoted 112712
exclusively to agricultural use, which method shall reflect 112713
standard and modern appraisal techniques that take into 112714
consideration the productivity of the soil under normal management 112715
practices, typical cropping and land use patterns, the average 112716
price patterns of the crops and products produced and the typical 112717
production costs to determine the net income potential to be 112718
capitalized, and other pertinent factors. 112719

In determining the agricultural land capitalization rate to 112720

be applied to the net income potential from agricultural use, the 112721
commissioner shall use standard and modern appraisal techniques. 112722
In calculating the capitalization rate for any year, the 112723
commissioner shall comply with both of the following requirements: 112724

(a) The commissioner shall use an equity yield rate equal to 112725
the greater of (i) the average of the total rates of return on 112726
farm equity for the twenty-five most recent years for which those 112727
rates have been calculated and published by the United States 112728
department of agriculture economic research service or another 112729
published source or (ii) the loan interest rate the commissioner 112730
uses for that year to calculate the capitalization rate; 112731

(b) The commissioner shall assume that the holding period for 112732
agricultural land is twenty-five years for the purpose of 112733
computing buildup of equity or appreciation with respect to that 112734
land. 112735

The commissioner shall add to the overall capitalization rate 112736
a tax additur. The sum of the overall capitalization rate and the 112737
tax additur shall represent as nearly as possible the rate of 112738
return a prudent investor would expect from an average or typical 112739
farm in this state considering only agricultural factors. 112740

The commissioner shall annually determine and announce the 112741
overall capitalization rate, tax additur, agricultural land 112742
capitalization rate, and the individual components used in 112743
computing such amounts in a determination, finding, computation, 112744
or order of the commissioner published simultaneously with the 112745
commissioner's annual publication of the per-acre agricultural use 112746
values for each soil type. 112747

(3) Notwithstanding any other provision of this chapter and 112748
Chapter 5713. of the Revised Code, the current agricultural use 112749
value of land devoted exclusively to agricultural use shall equal 112750
the following amounts for the years specified: 112751

(a) In counties that undergo a reappraisal or triennial update in ~~2017~~ 2023, the current agricultural use value of the land for each of the ~~2017, 2018, and 2019~~ 2023, 2024, and 2025 tax years shall equal the ~~sum~~ average of the following amounts determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant to those sections:

(i) The current agricultural use value of the land for that tax year, ~~as determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant those sections, without regard to the adjustment under division (A)(3)(a)(ii) of this section;~~

(ii) ~~One half of the amount, if any, by which the value of the land for the 2016 tax year, as determined under this section, section 5713.31 of the Revised Code, and the rules adopted pursuant those sections and issued by the tax commissioner for counties undergoing a reappraisal or triennial update in the 2016 tax year, exceeds the value determined under division (A)(3)(a)(i) of this section~~ The current agricultural use value of the land for the 2022 tax year, as determined for counties undergoing a reappraisal or triennial update in the 2022 tax year;

(iii) The current agricultural use value of the land for the 2021 tax year, as determined for counties undergoing a reappraisal or triennial update in the 2021 tax year.

(b) In counties that undergo a reappraisal or triennial update in ~~2018~~ 2024, the current agricultural use value of the land for each of the ~~2018, 2019, and 2020~~ 2024, 2025, and 2026 tax years shall equal the ~~sum~~ average of the following amounts determined under this section and section 5713.31 of the Revised Code, and rules adopted pursuant to those sections:

(i) The current agricultural use value of the land for that tax year, ~~as determined under this section and section 5713.31 of~~

~~the Revised Code, and rules adopted pursuant those sections, 112783
without regard to the adjustment under division (A)(3)(b)(ii) of 112784
this section; 112785~~

~~(ii) One half of the amount, if any, by which the value of 112786
the land for the 2017 tax year, as determined under this section, 112787
section 5713.31 of the Revised Code, and the rules adopted 112788
pursuant those sections and issued by the tax commissioner for 112789
counties undergoing a reappraisal or triennial update in the 2017 112790
tax year, exceeds the value determined under division (A)(3)(b)(i) 112791
of this section The current agricultural use value of the land for 112792
the 2023 tax year, as determined for counties undergoing a 112793
reappraisal or triennial update in the 2023 tax year; 112794~~

~~(iii) The current agricultural use value of the land for the 112795
2022 tax year, as determined for counties undergoing a reappraisal 112796
or triennial update in the 2022 tax year. 112797~~

~~(c) In counties that undergo a reappraisal or triennial 112798
update in ~~2019~~ 2025, the current agricultural use value of the 112799
land for each of the ~~2019, 2020, and 2021~~ 2025, 2026, and 2027 tax 112800
years shall equal the ~~sum~~ average of the following amounts 112801
determined under this section and section 5713.31 of the Revised 112802
Code, and rules adopted pursuant to those sections: 112803~~

~~(i) The current agricultural use value of the land for that 112804
tax year, as determined under this section and section 5713.31 of 112805
the Revised Code, and rules adopted pursuant those sections, 112806
without regard to the adjustment under division (A)(3)(c)(ii) of 112807
this section; 112808~~

~~(ii) One half of the amount, if any, by which the value of 112809
the land for the 2018 tax year, as determined under this section, 112810
section 5713.31 of the Revised Code, and the rules adopted 112811
pursuant those sections and issued by the tax commissioner for 112812
counties undergoing a reappraisal or triennial update in the 2018 112813~~

~~tax year, exceeds the value determined under division (A)(3)(c)(i)~~ 112814
~~of this section~~ The current agricultural use value of the land for 112815
the 2024 tax year, as determined for counties undergoing a 112816
reappraisal or triennial update in the 2024 tax year; 112817

(iii) The current agricultural use value of the land for the 112818
2023 tax year, as determined for counties undergoing a reappraisal 112819
or triennial update in the 2023 tax year. 112820

(B) The taxable value shall be that per cent of true value in 112821
money, or current agricultural use value in the case of land 112822
valued in accordance with section 5713.31 of the Revised Code, the 112823
commissioner by rule establishes, but it shall not exceed 112824
thirty-five per cent. The uniform rules shall also prescribe 112825
methods of making the appraisals set forth in section 5713.03 of 112826
the Revised Code. The taxable value of each tract, lot, or parcel 112827
of real property and improvements thereon, determined in 112828
accordance with the uniform rules and methods prescribed thereby, 112829
shall be the taxable value of the tract, lot, or parcel for all 112830
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 112831
5717.01 to 5717.06 of the Revised Code. County auditors shall, 112832
under the direction and supervision of the commissioner, be the 112833
chief assessing officers of their respective counties, and shall 112834
list and value the real property within their respective counties 112835
for taxation in accordance with this section and sections 5713.03 112836
and 5713.31 of the Revised Code and with such rules of the 112837
commissioner. There shall also be a board in each county, known as 112838
the county board of revision, which shall hear complaints and 112839
revise assessments of real property for taxation. 112840

(C) The commissioner shall neither adopt nor enforce any rule 112841
that requires true value for any tax year to be any value other 112842
than the true value in money on the tax lien date of such tax year 112843
or that requires taxable value to be obtained in any way other 112844
than by reducing the true value, or in the case of land valued in 112845

accordance with section 5713.31 of the Revised Code, its current 112846
agricultural use value, by a specified, uniform percentage. 112847

Sec. 5715.012. The tax commissioner shall make 112848
sales-assessment ratio studies of sales and assessments of real 112849
property for the purpose of determining the common level of 112850
assessment of real property within the counties pursuant to 112851
section 5715.19 of the Revised Code and for the purpose of 112852
equalization. Such studies shall be based on a ~~representative~~ 112853
~~sampling during the three years prior to the tax year to which the~~ 112854
~~sample is applied of~~ all open market arms' length sales ~~by~~ during 112855
the three calendar years prior to the tax year to which the study 112856
is applied between a willing seller ~~to~~ and a willing buyer for a 112857
current like use within the class or classes of real property 112858
~~sampled by the board~~ studied. ~~Where there are not sufficient~~ In 112859
conducting such studies, the commissioner shall not give more 112860
weight to sales occurring in any particular year during that 112861
three-year period. The commissioner shall confirm the sales data 112862
with data collected by county auditors. If the number of arms' 112863
length sales ~~to constitute a representative sampling for such~~ 112864
~~studies for a like use within a class of property in a county~~ 112865
during that three-year period does not equal at least five per 112866
cent of the total number of properties in the county within a that 112867
class, the commissioner may also require that the county auditor 112868
conduct appraisals of real property in that class, which shall be 112869
a part of such studies. ~~Such~~ The commissioner shall use such 112870
studies and other information ~~of the commissioner may be used by~~ 112871
~~the commissioner as guidelines, where applicable, including~~ 112872
current economic conditions, in the equalization of a class or 112873
classes of real property. Such studies or other information of the 112874
commissioner or a county auditor shall not be applied by the 112875
commissioner on a taxing district, countywide, or statewide basis 112876
for the purpose of equalization unless the commissioner first 112877

finds there are sufficient arms' length sales for a like use 112878
included in the sample in a class, or arms' length sales and 112879
appraisals conducted by ~~the commissioner~~ an auditor for a like use 112880
included in the sample in a class, to provide an indication that 112881
said sales or sales and appraisals in the class are representative 112882
of all parcels in the class. 112883

In addition, the commissioner shall collaborate with county 112884
auditors to collect data and make other studies of the value of 112885
real property within the counties, which may be used as 112886
guidelines, where applicable, in the equalization of a class or 112887
classes of real property. 112888

Sec. 5721.14. Subject to division (A)(2) of this section, on 112889
receipt of a delinquent vacant land tax certificate or a master 112890
list of delinquent vacant tracts, a county prosecuting attorney 112891
shall institute a foreclosure proceeding under section 323.25, 112892
sections 323.65 to 323.79, or section 5721.18 of the Revised Code, 112893
or a foreclosure and forfeiture proceeding under this section. If 112894
the delinquent vacant land tax certificate or a master list of 112895
delinquent vacant tracts lists minerals or rights to minerals 112896
listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the 112897
Revised Code, the county prosecuting attorney may institute a 112898
foreclosure proceeding under section 323.25, sections 323.65 to 112899
323.79, or section 5721.18 of the Revised Code or a foreclosure 112900
and forfeiture proceeding under this section against such minerals 112901
or rights to minerals. 112902

(A)(1) The prosecuting attorney shall institute a proceeding 112903
under this section by filing, in the name of the county treasurer 112904
and with the clerk of a court with jurisdiction, a complaint that 112905
requests that the lien of the state on the property identified in 112906
the certificate or master list be foreclosed and that the property 112907
be forfeited to the state. The prosecuting attorney shall 112908

prosecute the proceeding to final judgment and satisfaction. 112909

(2) If the delinquent taxes, assessments, charges, penalties, 112910
and interest are paid prior to the time a complaint is filed, the 112911
prosecuting attorney shall not institute a proceeding under this 112912
section. If there is a copy of a written delinquent tax contract 112913
attached to the certificate or an asterisk next to an entry on the 112914
master list, or if a copy of a delinquent tax contract is received 112915
from the county auditor prior to the commencement of the 112916
proceeding under this section, the prosecuting attorney shall not 112917
institute the proceeding under this section unless the prosecuting 112918
attorney receives a certification of the county treasurer that the 112919
delinquent tax contract has become void. 112920

(B) Foreclosure and forfeiture proceedings instituted under 112921
this section constitute an action in rem. Prior to filing such an 112922
action in rem, the county prosecuting attorney shall cause a title 112923
search to be conducted for the purpose of identifying any 112924
lienholders or other persons with interests in the property that 112925
is subject to foreclosure and forfeiture. Following the title 112926
search, the action in rem shall be instituted by filing in the 112927
office of the clerk of a court with jurisdiction a complaint 112928
bearing a caption substantially in the form set forth in division 112929
(A) of section 5721.15 of the Revised Code. 112930

Any number of parcels may be joined in one action. Each 112931
separate parcel included in a complaint shall be given a serial 112932
number and shall be separately indexed and docketed by the clerk 112933
of the court in a book kept by the clerk for such purpose. A 112934
complaint shall contain the permanent parcel number of each parcel 112935
included in it, the full street address of the parcel when 112936
available, a description of the parcel as set forth in the 112937
certificate or master list, the name and address of the last known 112938
owner of the parcel if they appear on the general tax list, the 112939
name and address of each lienholder and other person with an 112940

interest in the parcel identified in the title search relating to 112941
the parcel that is required by this division, and the amount of 112942
taxes, assessments, charges, penalties, and interest due and 112943
unpaid with respect to the parcel. It is sufficient for the county 112944
treasurer to allege in the complaint that the certificate or 112945
master list has been duly filed by the county auditor with respect 112946
to each parcel listed, that the amount of money with respect to 112947
each parcel appearing to be due and unpaid is due and unpaid, and 112948
that there is a lien against each parcel, without setting forth 112949
any other or special matters. The prayer of the complaint shall be 112950
that the court issue an order that the lien of the state on each 112951
of the parcels included in the complaint be foreclosed, that the 112952
property be forfeited to the state, and that the land be offered 112953
for sale in the manner provided in section 5723.06 of the Revised 112954
Code. 112955

(C) Within thirty days after the filing of a complaint, the 112956
clerk of the court in which the complaint was filed shall cause a 112957
notice of foreclosure and forfeiture substantially in the form of 112958
the notice set forth in division (B) of section 5721.15 of the 112959
Revised Code to be published either (1) once a week for three 112960
consecutive weeks in a newspaper of general circulation in the 112961
county or (2) once in a newspaper of general circulation in the 112962
county and, beginning one week thereafter, on a web site of the 112963
county or of the court, as selected by the clerk. Publication on 112964
the web site shall continue until one year after the date a 112965
judgment is rendered under section 5721.16 of the Revised Code 112966
with respect to such property. Any notice published on a web site 112967
shall identify the date the notice is first published on the web 112968
site. In lieu of the form prescribed in division (B) of section 112969
5721.15 of the Revised Code, the second and third publication of 112970
the notice, if proceeding under division (C)(1) of this section, 112971
may be abbreviated as authorized under section 7.16 of the Revised 112972
Code. In any county that has adopted a permanent parcel number 112973

system, the parcel may be described in the notice by parcel number 112974
only, instead of also with a complete legal description, if the 112975
county prosecuting attorney determines that the publication of the 112976
complete legal description is not necessary to provide reasonable 112977
notice of the foreclosure and forfeiture proceeding to the 112978
interested parties. If the complete legal description is not 112979
published, the notice shall indicate where the complete legal 112980
description may be obtained. 112981

After the ~~third~~ final newspaper publication, the publisher 112982
shall file with the clerk of the court an affidavit stating the 112983
fact of the publication and including a copy of the notice of 112984
foreclosure and forfeiture as published. Two weeks after the clerk 112985
causes the notice to be published on the selected web site, if 112986
proceeding under division (C)(2) of this section, the prosecuting 112987
attorney shall file with the clerk an affidavit stating the fact 112988
of the publication and including a copy of the notice of 112989
foreclosure and forfeiture as published. Service of process for 112990
purposes of the action in rem shall be considered as complete on 112991
the date of the ~~last~~ third newspaper publication or the date that 112992
is two weeks after the clerk causes the notice to be published on 112993
the selected web site, as applicable. 112994

Within thirty days after the filing of a complaint and before 112995
the date of the ~~final publication of the notice of foreclosure and~~ 112996
~~forfeiture~~ service of process is considered complete under this 112997
division, the clerk of the court also shall cause a copy of a 112998
notice substantially in the form of the notice set forth in 112999
division (C) of section 5721.15 of the Revised Code to be mailed 113000
by ordinary mail, with postage prepaid, to each person named in 113001
the complaint as being the last known owner of a parcel included 113002
in it, or as being a lienholder or other person with an interest 113003
in a parcel included in it. The notice shall be sent to the 113004
address of each such person, as set forth in the complaint, and 113005

the clerk shall enter the fact of such mailing upon the appearance docket. If the name and address of the last known owner of a parcel included in a complaint is not set forth in it, the county auditor shall file an affidavit with the clerk stating that the name and address of the last known owner does not appear on the general tax list.

(D)(1) An answer may be filed in a foreclosure and forfeiture proceeding by any person owning or claiming any right, title, or interest in, or lien upon, any parcel described in the complaint. The answer shall contain the caption and number of the action and the serial number of the parcel concerned. The answer shall set forth the nature and amount of interest claimed in the parcel and any defense or objection to the foreclosure of the lien of the state for delinquent taxes, assessments, charges, penalties, and interest, as shown in the complaint. The answer shall be filed in the office of the clerk of the court, and a copy of the answer shall be served on the county prosecuting attorney not later than twenty-eight days after the date of ~~final publication of the notice of foreclosure and forfeiture~~ service of process is considered complete under division (C) of this section. If an answer is not filed within such time, a default judgment may be taken as to any parcel included in a complaint as to which no answer has been filed. A default judgment is valid and effective with respect to all persons owning or claiming any right, title, or interest in, or lien upon, any such parcel, notwithstanding that one or more of such persons are minors, incompetents, absentees or nonresidents of the state, or convicts in confinement.

(2)(a) A receiver appointed pursuant to divisions (C)(2) and (3) of section 3767.41 of the Revised Code may file an answer pursuant to division (D)(1) of this section, but is not required to do so as a condition of receiving proceeds in a distribution

under division (B)(2) of section 5721.17 of the Revised Code. 113038

(b) When a receivership under section 3767.41 of the Revised 113039
Code is associated with a parcel, the notice of foreclosure and 113040
forfeiture set forth in division (B) of section 5721.15 of the 113041
Revised Code and the notice set forth in division (C) of that 113042
section shall be modified to reflect the provisions of division 113043
(D)(2)(a) of this section. 113044

(E) At the trial of a foreclosure and forfeiture proceeding, 113045
the delinquent vacant land tax certificate or master list of 113046
delinquent vacant tracts filed by the county auditor with the 113047
county prosecuting attorney shall be prima-facie evidence of the 113048
amount and validity of the taxes, assessments, charges, penalties, 113049
and interest appearing due and unpaid on the parcel to which the 113050
certificate or master list relates and their nonpayment. If an 113051
answer is properly filed, the court may, in its discretion, and 113052
shall, at the request of the person filing the answer, grant a 113053
severance of the proceedings as to any parcel described in such 113054
answer for purposes of trial or appeal. 113055

(F) The conveyance by the owner of any parcel against which a 113056
complaint has been filed pursuant to this section at any time 113057
after the date of publication of the parcel on the delinquent 113058
vacant land tax list but before the date of a judgment of 113059
foreclosure and forfeiture pursuant to section 5721.16 of the 113060
Revised Code shall not nullify the right of the county to proceed 113061
with the foreclosure and forfeiture. 113062

Sec. 5721.18. The county prosecuting attorney, upon the 113063
delivery to the prosecuting attorney by the county auditor of a 113064
delinquent land or delinquent vacant land tax certificate, or of a 113065
master list of delinquent or delinquent vacant tracts, shall 113066
institute a foreclosure proceeding under this section in the name 113067
of the county treasurer to foreclose the lien of the state, in any 113068

court with jurisdiction or in the county board of revision with 113069
jurisdiction pursuant to section 323.66 of the Revised Code, 113070
unless the taxes, assessments, charges, penalties, and interest 113071
are paid prior to the time a complaint is filed, or unless a 113072
foreclosure or foreclosure and forfeiture action has been or will 113073
be instituted under section 323.25, sections 323.65 to 323.79, or 113074
section 5721.14 of the Revised Code. If the delinquent land or 113075
delinquent vacant land tax certificate or the master list of 113076
delinquent or delinquent vacant tracts lists minerals or rights to 113077
minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 113078
of the Revised Code, the county prosecuting attorney may institute 113079
a foreclosure proceeding in the name of the county treasurer, in 113080
any court with jurisdiction, to foreclose the lien of the state 113081
against such minerals or rights to minerals, unless the taxes, 113082
assessments, charges, penalties, and interest are paid prior to 113083
the time the complaint is filed, or unless a foreclosure or 113084
foreclosure and forfeiture action has been or will be instituted 113085
under section 323.25, sections 323.65 to 323.79, or section 113086
5721.14 of the Revised Code. 113087

Nothing in this section or section 5721.03 of the Revised 113088
Code prohibits the prosecuting attorney from instituting a 113089
proceeding under this section before the delinquent tax list or 113090
delinquent vacant land tax list that includes the parcel is 113091
published pursuant to division (B) of section 5721.03 of the 113092
Revised Code if the list is not published within the time 113093
prescribed by that division. The prosecuting attorney shall 113094
prosecute the proceeding to final judgment and satisfaction. 113095
Within ten days after obtaining a judgment, the prosecuting 113096
attorney shall notify the treasurer in writing that judgment has 113097
been rendered. If there is a copy of a written delinquent tax 113098
contract attached to the certificate or an asterisk next to an 113099
entry on the master list, or if a copy of a delinquent tax 113100
contract is received from the auditor prior to the commencement of 113101

the proceeding under this section, the prosecuting attorney shall 113102
not institute the proceeding under this section, unless the 113103
prosecuting attorney receives a certification of the treasurer 113104
that the delinquent tax contract has become void. 113105

(A) This division applies to all foreclosure proceedings not 113106
instituted and prosecuted under section 323.25 of the Revised Code 113107
or division (B) or (C) of this section. The foreclosure 113108
proceedings shall be instituted and prosecuted in the same manner 113109
as is provided by law for the foreclosure of mortgages on land, 113110
except that, if service by publication is necessary, such 113111
publication, instead of as provided by the Rules of Civil 113112
Procedure, shall either be made (1) once a week for three 113113
consecutive weeks instead of as provided by the Rules of Civil 113114
Procedure, and the service in a newspaper of general circulation 113115
in the county or (2) once in a newspaper of general circulation in 113116
the county and, beginning one week thereafter, on a web site of 113117
the county or of the court, as selected by the clerk of the court. 113118
Publication on the web site shall continue until one year after 113119
the date a judgment is rendered under section 5721.19 of the 113120
Revised Code with respect to such property. Any notices published 113121
on a web site shall identify the date the notice is first 113122
published on the web site. If proceeding under division (A)(1) of 113123
this section, the second and third publication of the notice may 113124
be abbreviated as authorized under section 7.16 of the Revised 113125
Code. 113126

Service shall be complete, if proceeding under division 113127
(A)(1) of this section, at the expiration of three weeks after the 113128
date of the first publication or, if proceeding under division 113129
(A)(2) of this section, the date that is two weeks after the clerk 113130
causes the notice to be published on the selected web site. In any 113131
proceeding prosecuted under this section, if the prosecuting 113132
attorney determines that service upon a defendant may be obtained 113133

ultimately only by publication, the prosecuting attorney may cause 113134
service to be made simultaneously by certified mail, return 113135
receipt requested, ordinary mail, and publication. 113136

In any county that has adopted a permanent parcel number 113137
system, the parcel may be described in the notice by parcel number 113138
only, instead of also with a complete legal description, if the 113139
prosecuting attorney determines that the publication of the 113140
complete legal description is not necessary to provide reasonable 113141
notice of the foreclosure proceeding to the interested parties. If 113142
the complete legal description is not published, the notice shall 113143
indicate where the complete legal description may be obtained. 113144

It is sufficient, having been made a proper party to the 113145
foreclosure proceeding, for the treasurer to allege in the 113146
treasurer's complaint that the certificate or master list has been 113147
duly filed by the auditor, that the amount of money appearing to 113148
be due and unpaid is due and unpaid, and that there is a lien 113149
against the property described in the certificate or master list, 113150
without setting forth in the complaint any other or special matter 113151
relating to the foreclosure proceeding. The prayer of the 113152
complaint shall be that the court or the county board of revision 113153
with jurisdiction pursuant to section 323.66 of the Revised Code 113154
issue an order that the property be sold or conveyed by the 113155
sheriff or otherwise be disposed of, and the equity of redemption 113156
be extinguished, according to the alternative redemption 113157
procedures prescribed in sections 323.65 to 323.79 of the Revised 113158
Code, or if the action is in the municipal court by the bailiff, 113159
in the manner provided in section 5721.19 of the Revised Code. 113160

In the foreclosure proceeding, the treasurer may join in one 113161
action any number of lots or lands, but the decree shall be 113162
rendered separately, and any proceedings may be severed, in the 113163
discretion of the court or board of revision, for the purpose of 113164
trial or appeal, and the court or board of revision shall make 113165

such order for the payment of costs as is considered proper. The 113166
certificate or master list filed by the auditor with the 113167
prosecuting attorney is prima-facie evidence at the trial of the 113168
foreclosure action of the amount and validity of the taxes, 113169
assessments, charges, penalties, and interest appearing due and 113170
unpaid and of their nonpayment. 113171

(B) Foreclosure proceedings constituting an action in rem may 113172
be commenced by the filing of a complaint after the end of the 113173
second year from the date on which the delinquency was first 113174
certified by the auditor. Prior to filing such an action in rem, 113175
the prosecuting attorney shall cause a title search to be 113176
conducted for the purpose of identifying any lienholders or other 113177
persons with interests in the property subject to foreclosure. 113178
Following the title search, the action in rem shall be instituted 113179
by filing in the office of the clerk of a court with jurisdiction 113180
a complaint bearing a caption substantially in the form set forth 113181
in division (A) of section 5721.181 of the Revised Code. 113182

Any number of parcels may be joined in one action. Each 113183
separate parcel included in a complaint shall be given a serial 113184
number and shall be separately indexed and docketed by the clerk 113185
of the court in a book kept by the clerk for such purpose. A 113186
complaint shall contain the permanent parcel number of each parcel 113187
included in it, the full street address of the parcel when 113188
available, a description of the parcel as set forth in the 113189
certificate or master list, the name and address of the last known 113190
owner of the parcel if they appear on the general tax list, the 113191
name and address of each lienholder and other person with an 113192
interest in the parcel identified in the title search relating to 113193
the parcel that is required by this division, and the amount of 113194
taxes, assessments, charges, penalties, and interest due and 113195
unpaid with respect to the parcel. It is sufficient for the 113196
treasurer to allege in the complaint that the certificate or 113197

master list has been duly filed by the auditor with respect to 113198
each parcel listed, that the amount of money with respect to each 113199
parcel appearing to be due and unpaid is due and unpaid, and that 113200
there is a lien against each parcel, without setting forth any 113201
other or special matters. The prayer of the complaint shall be 113202
that the court issue an order that the land described in the 113203
complaint be sold in the manner provided in section 5721.19 of the 113204
Revised Code. 113205

(1) Within thirty days after the filing of a complaint, the 113206
clerk of the court in which the complaint was filed shall cause a 113207
notice of foreclosure substantially in the form of the notice set 113208
forth in division (B) of section 5721.181 of the Revised Code to 113209
be published either (a) once a week for three consecutive weeks in 113210
a newspaper of general circulation in the county or (b) once in a 113211
newspaper of general circulation in the county and, beginning one 113212
week thereafter, on a web site of the county or of the court, as 113213
selected by the clerk. Publication on the web site shall continue 113214
until one year after the date a judgment is rendered under section 113215
5721.19 of the Revised Code with respect to such property. The 113216
newspaper shall meet the requirements of section 7.12 of the 113217
Revised Code. Any notice published on a web site shall identify 113218
the date the notice is first published on that web site. In lieu 113219
of the form prescribed in division (B) of section 5721.181 of the 113220
Revised Code, the second and third publication of the notice, if 113221
proceeding under division (B)(1)(a) of this section, may be 113222
abbreviated as authorized under section 7.16 of the Revised Code. 113223
In any county that has adopted a permanent parcel number system, 113224
the parcel may be described in the notice by parcel number only, 113225
instead of also with a complete legal description, if the 113226
prosecuting attorney determines that the publication of the 113227
complete legal description is not necessary to provide reasonable 113228
notice of the foreclosure proceeding to the interested parties. If 113229
the complete legal description is not published, the notice shall 113230

indicate where the complete legal description may be obtained. 113231

After the ~~third~~ final newspaper publication, the publisher 113232
shall file with the clerk of the court an affidavit stating the 113233
fact of the publication and including a copy of the notice of 113234
foreclosure as published. Two weeks after the clerk causes the 113235
notice to be published on the selected web site, if proceeding 113236
under division (B)(1)(b) of this section, the prosecuting attorney 113237
shall file with the clerk an affidavit stating the fact of the 113238
publication and including a copy of the notice of foreclosure and 113239
forfeiture as published. Service of process for purposes of the 113240
action in rem shall be considered as complete on the date of the 113241
~~last~~ third newspaper publication or the date that is two weeks 113242
after the clerk causes the notice to be published on the selected 113243
web site, as applicable. 113244

Within thirty days after the filing of a complaint and before 113245
the ~~final date of publication of the notice of foreclosure service~~ 113246
~~of process is considered complete under this division,~~ the clerk 113247
of the court also shall cause a copy of a notice substantially in 113248
the form of the notice set forth in division (C) of section 113249
5721.181 of the Revised Code to be mailed by certified mail, with 113250
postage prepaid, to each person named in the complaint as being 113251
the last known owner of a parcel included in it, or as being a 113252
lienholder or other person with an interest in a parcel included 113253
in it. The notice shall be sent to the address of each such 113254
person, as set forth in the complaint, and the clerk shall enter 113255
the fact of such mailing upon the appearance docket. If the name 113256
and address of the last known owner of a parcel included in a 113257
complaint is not set forth in it, the auditor shall file an 113258
affidavit with the clerk stating that the name and address of the 113259
last known owner does not appear on the general tax list. 113260

(2)(a) An answer may be filed in an action in rem under this 113261
division by any person owning or claiming any right, title, or 113262

interest in, or lien upon, any parcel described in the complaint. 113263
The answer shall contain the caption and number of the action and 113264
the serial number of the parcel concerned. The answer shall set 113265
forth the nature and amount of interest claimed in the parcel and 113266
any defense or objection to the foreclosure of the lien of the 113267
state for delinquent taxes, assessments, charges, penalties, and 113268
interest as shown in the complaint. The answer shall be filed in 113269
the office of the clerk of the court, and a copy of the answer 113270
shall be served on the prosecuting attorney, not later than 113271
twenty-eight days after the date ~~of final publication of the~~ 113272
~~notice of foreclosure~~ service of process is considered complete 113273
under division (B)(1) of this section. If an answer is not filed 113274
within such time, a default judgment may be taken as to any parcel 113275
included in a complaint as to which no answer has been filed. A 113276
default judgment is valid and effective with respect to all 113277
persons owning or claiming any right, title, or interest in, or 113278
lien upon, any such parcel, notwithstanding that one or more of 113279
such persons are minors, incompetents, absentees or nonresidents 113280
of the state, or convicts in confinement. 113281

(b)(i) A receiver appointed pursuant to divisions (C)(2) and 113282
(3) of section 3767.41 of the Revised Code may file an answer 113283
pursuant to division (B)(2)(a) of this section, but is not 113284
required to do so as a condition of receiving proceeds in a 113285
distribution under division (B)(1) of section 5721.17 of the 113286
Revised Code. 113287

(ii) When a receivership under section 3767.41 of the Revised 113288
Code is associated with a parcel, the notice of foreclosure set 113289
forth in division (B) of section 5721.181 of the Revised Code and 113290
the notice set forth in division (C) of that section shall be 113291
modified to reflect the provisions of division (B)(2)(b)(i) of 113292
this section. 113293

(3) At the trial of an action in rem under this division, the 113294

certificate or master list filed by the auditor with the 113295
prosecuting attorney shall be prima-facie evidence of the amount 113296
and validity of the taxes, assessments, charges, penalties, and 113297
interest appearing due and unpaid on the parcel to which the 113298
certificate or master list relates and their nonpayment. If an 113299
answer is properly filed, the court may, in its discretion, and 113300
shall, at the request of the person filing the answer, grant a 113301
severance of the proceedings as to any parcel described in such 113302
answer for purposes of trial or appeal. 113303

(C) In addition to the actions in rem authorized under 113304
division (B) of this section and section 5721.14 of the Revised 113305
Code, an action in rem may be commenced under this division. An 113306
action commenced under this division shall conform to all of the 113307
requirements of division (B) of this section except as follows: 113308

(1) The prosecuting attorney shall not cause a title search 113309
to be conducted for the purpose of identifying any lienholders or 113310
other persons with interests in the property subject to 113311
foreclosure, except that the prosecuting attorney shall cause a 113312
title search to be conducted to identify any receiver's lien. 113313

(2) The names and addresses of lienholders and persons with 113314
an interest in the parcel shall not be contained in the complaint, 113315
and notice shall not be mailed to lienholders and persons with an 113316
interest as provided in division (B)(1) of this section, except 113317
that the name and address of a receiver under section 3767.41 of 113318
the Revised Code shall be contained in the complaint and notice 113319
shall be mailed to the receiver. 113320

(3) With respect to the forms applicable to actions commenced 113321
under division (B) of this section and contained in section 113322
5721.181 of the Revised Code: 113323

(a) The notice of foreclosure prescribed by division (B) of 113324
section 5721.181 of the Revised Code shall be revised to exclude 113325

any reference to the inclusion of the name and address of each 113326
lienholder and other person with an interest in the parcel 113327
identified in a statutorily required title search relating to the 113328
parcel, and to exclude any such names and addresses from the 113329
published notice, except that the revised notice shall refer to 113330
the inclusion of the name and address of a receiver under section 113331
3767.41 of the Revised Code and the published notice shall include 113332
the receiver's name and address. The notice of foreclosure also 113333
shall include the following in boldface type: 113334

"If pursuant to the action the parcel is sold, the sale shall 113335
not affect or extinguish any lien or encumbrance with respect to 113336
the parcel other than a receiver's lien and other than the lien 113337
for land taxes, assessments, charges, interest, and penalties for 113338
which the lien is foreclosed and in satisfaction of which the 113339
property is sold. All other liens and encumbrances with respect to 113340
the parcel shall survive the sale." 113341

(b) The notice to the owner, lienholders, and other persons 113342
with an interest in a parcel shall be a notice only to the owner 113343
and to any receiver under section 3767.41 of the Revised Code, and 113344
the last two sentences of the notice shall be omitted. 113345

(4) As used in this division, a "receiver's lien" means the 113346
lien of a receiver appointed pursuant to divisions (C)(2) and (3) 113347
of section 3767.41 of the Revised Code that is acquired pursuant 113348
to division (H)(2)(b) of that section for any unreimbursed 113349
expenses and other amounts paid in accordance with division (F) of 113350
that section by the receiver and for the fees of the receiver 113351
approved pursuant to division (H)(1) of that section. 113352

(D) The conveyance by the owner of any parcel against which a 113353
complaint has been filed pursuant to this section at any time 113354
after the date of publication of the parcel on the delinquent tax 113355
list but before the date of a judgment of foreclosure pursuant to 113356
section 5721.19 of the Revised Code shall not nullify the right of 113357

the county to proceed with the foreclosure. 113358

Sec. 5725.05. On or before the third day of December, 113359
annually, the tax commissioner shall fix the day as of which the 113360
taxable deposits in financial institutions shall be listed and 113361
assessed. The day fixed shall be between the first and the 113362
thirtieth day of November, and the action of the commissioner 113363
shall be taken not more than three days after the day fixed. 113364
Notice of such action by the commissioner shall be immediately 113365
given to each financial institution and to the county auditor of 113366
each county ~~by certified mail~~ in the manner provided in section 113367
5703.37 of the Revised Code, and the date fixed shall be printed 113368
or stamped on the forms of return to be made by all financial 113369
institutions. The commissioner shall also give immediate notice, 113370
by collect telegram, to those financial institutions or persons 113371
that have filed a request for this service with the commissioner. 113372
The dates fixed by this section for the action of the commissioner 113373
are directory, and if through inadvertence or mistake such action 113374
is not taken at the time prescribed, or the notice required to be 113375
given to a financial institution or a county auditor is not duly 113376
given, the remaining requirements of sections 5725.01 to 5725.26 113377
of the Revised Code, and the validity of any assessment made 113378
hereunder shall not be affected. 113379

Sec. 5725.36. (A) Terms used in this section have the same 113380
meanings as in section 175.16 of the Revised Code. 113381

(B) There is allowed a nonrefundable tax credit against the 113382
tax imposed by section 5725.18 of the Revised Code for a domestic 113383
insurance company that is allocated a credit issued by the 113384
director of the governor's office of housing transformation under 113385
section 175.16 of the Revised Code. The credit equals the amount 113386
allocated to such company for the calendar year and reported by 113387
the designated reporter on the form prescribed by division (I) of 113388

section 175.16 of the Revised Code. 113389

The credit authorized in this section shall be claimed in the 113390
order required under section 5725.98 of the Revised Code. If the 113391
amount of a credit exceeds the tax otherwise due under section 113392
5725.18 of the Revised Code after deducting all other credits 113393
preceding the credit in the order prescribed in section 5725.98 of 113394
the Revised Code, the excess may be carried forward for not more 113395
than five ensuing calendar years. The amount of the excess credit 113396
claimed in any such year shall be deducted from the balance 113397
carried forward to the next calendar year. 113398

No credit shall be claimed under this section to the extent 113399
the credit was claimed under section 5726.58, 5729.19, or 5747.83 113400
of the Revised Code. 113401

Sec. 5725.37. (A) Terms used in this section have the same 113402
meanings as in section 175.17 of the Revised Code. 113403

(B) There is allowed a nonrefundable tax credit against the 113404
tax imposed by section 5725.18 of the Revised Code for a domestic 113405
insurance company that is allocated a credit issued by the 113406
director of the governor's office of housing transformation under 113407
section 175.17 of the Revised Code. The credit shall equal the 113408
amount allocated to such company for the calendar year and 113409
reported by the designated reporter on the form prescribed by 113410
division (H) of section 175.17 of the Revised Code. 113411

The credit authorized in this section shall be claimed in the 113412
order required under section 5725.98 of the Revised Code. If the 113413
amount of a credit exceeds the tax otherwise due under section 113414
5725.18 of the Revised Code after deducting all other credits 113415
preceding the credit in the order prescribed in section 5725.98 of 113416
the Revised Code, the excess may be carried forward for not more 113417
than five ensuing calendar years. The amount of the excess credit 113418
claimed in any such year shall be deducted from the balance 113419

<u>carried forward to the next calendar year.</u>	113420
<u>No credit shall be claimed under this section to the extent</u>	113421
<u>the credit was claimed under section 5726.60, 5729.20, or 5747.84</u>	113422
<u>of the Revised Code.</u>	113423
Sec. 5725.98. (A) To provide a uniform procedure for	113424
calculating the amount of tax imposed by section 5725.18 of the	113425
Revised Code that is due under this chapter, a taxpayer shall	113426
claim any credits and offsets against tax liability to which it is	113427
entitled in the following order:	113428
The credit for an insurance company or insurance company	113429
group under section 5729.031 of the Revised Code;	113430
The credit for eligible employee training costs under section	113431
5725.31 of the Revised Code;	113432
The credit for purchasers of qualified low-income community	113433
investments under section 5725.33 of the Revised Code;	113434
The nonrefundable job retention credit under division (B) of	113435
section 122.171 of the Revised Code;	113436
The nonrefundable credit for investments in rural business	113437
growth funds under section 122.152 of the Revised Code;	113438
<u>The nonrefundable Ohio low-income housing tax credit under</u>	113439
<u>section 5725.36 of the Revised Code;</u>	113440
<u>The nonrefundable affordable single-family home credit under</u>	113441
<u>section 5725.37 of the Revised Code;</u>	113442
The nonrefundable credit for contributing capital to a	113443
transformational mixed use development project under section	113444
5725.35 of the Revised Code;	113445
The offset of assessments by the Ohio life and health	113446
insurance guaranty association permitted by section 3956.20 of the	113447
Revised Code;	113448

The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code; 113449
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The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly; 113451
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The refundable credit for Ohio job creation under section 5725.32 of the Revised Code; 113456
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The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 113458
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 113461
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Sec. 5726.01. As used in this chapter: 113469

(A) "Affiliated group" means a group of two or more persons with fifty per cent or greater of the value of each person's ownership interests owned or controlled directly, indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. "Affiliated group" includes, but is not limited to, any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code. 113470
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(B) "Bank organization" means any of the following:	113479
(1) A national bank organized and operating as a national bank association pursuant to the "National Bank Act," 13 Stat. 100 (1864), 12 U.S.C. 21, et seq.;	113480 113481 113482
(2) A federal savings association or federal savings bank chartered under 12 U.S.C. 1464;	113483 113484
(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is organized or incorporated under the laws of the United States, any state, or a foreign country;	113485 113486 113487 113488
(4) Any corporation organized and operating pursuant to 12 U.S.C. 611, et seq.;	113489 113490
(5) Any agency or branch of a foreign bank, as those terms are defined in 12 U.S.C. 3101.	113491 113492
"Bank organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, a company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a company, an association formed pursuant to 12 U.S.C. 2279c-1, an insurance company, or a credit union.	113493 113494 113495 113496 113497 113498
(C) "Call report" means the consolidated reports of condition and income prescribed by the federal financial institutions examination council that a person is required to file with a federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 324, or 12 U.S.C. 1817.	113499 113500 113501 113502 113503
(D) "Captive finance company" means a person that derived at least seventy-five per cent of its gross income for the current taxable year and the two taxable years preceding the current taxable year from one or more of the following transactions:	113504 113505 113506 113507
(1) Financing transactions with members of its affiliated	113508

group; 113509

(2) Financing transactions with or for customers of products 113510
manufactured or sold by a member of its affiliated group; 113511

(3) Financing transactions with or for a distributor or 113512
franchisee that sells, leases, or services a product manufactured 113513
or sold by a member of the person's affiliated group; 113514

(4) Financing transactions with or for a supplier to a member 113515
of the person's affiliated group in connection with the member's 113516
manufacturing business; 113517

(5) Issuing bonds or other publicly traded debt instruments 113518
for the benefit of the affiliated group; 113519

(6) Short-term or long-term investments whereby the person 113520
invests the cash reserves of the affiliated group and the 113521
affiliated group utilizes the proceeds from the investments. 113522

For the purposes of division (D) of this section, "financing 113523
transaction" means making or selling loans, extending credit, 113524
leasing, earning or receiving subvention, including interest 113525
supplements and other support costs related thereto, or acquiring, 113526
selling, or servicing accounts receivable, notes, loans, leases, 113527
debt, or installment obligations that arise from the sale or lease 113528
of tangible personal property or the performance of services, and 113529
"gross income" has the same meaning as in section 61 of the 113530
Internal Revenue Code and includes income from transactions 113531
between the captive finance company and other members of its 113532
affiliated group. 113533

A person that has not been in continuous existence for the 113534
two taxable years preceding the current taxable year qualifies as 113535
a "captive finance company" for purposes of division (D) of this 113536
section if the person derived at least seventy-five per cent of 113537
its gross income for the period of its existence from one or more 113538
of the transactions described in divisions (D)(1) to (6) of this 113539

section. 113540

"Captive finance company" does not include a small dollar lender. 113541
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(E) "Credit union" means a nonprofit cooperative financial institution organized or chartered under the laws of this state, any other state, or the United States. 113543
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(F) "Diversified savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a, as that section existed on January 1, 2012. 113546
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(G) "Document of creation" means the articles of incorporation of a corporation, articles of organization of a limited liability company, registration of a foreign limited liability company, certificate of limited partnership, registration of a foreign limited partnership, registration of a domestic or foreign limited liability partnership, or registration of a trade name. 113549
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(H) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies: 113556
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(1) If two or more such entities are consolidated for the purposes of filing an FR Y-9, "financial institution" means a group consisting of all entities that are ~~included~~ consolidated in the FR Y-9. 113559
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(2) If two or more such entities are consolidated for the purposes of filing a call report, "financial institution" means a group consisting of all entities that are ~~included~~ consolidated in the call report and that are not included in a group described in division (H)(1) of this section. 113563
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(3) If a bank organization is owned directly by a grandfathered unitary savings and loan holding company or directly 113568
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or indirectly by an entity that was a grandfathered unitary 113570
savings and loan holding company on January 1, 2012, "financial 113571
institution" means a group consisting only of that bank 113572
organization and the entities ~~included~~ consolidated in that bank 113573
organization's call report, notwithstanding division (H)(1) or (2) 113574
of this section. 113575

"Financial institution" does not include a diversified 113576
savings and loan holding company, a grandfathered unitary savings 113577
and loan holding company, any entity that was a grandfathered 113578
unitary savings and loan holding company on January 1, 2012, or 113579
any entity that is not a bank organization or owned by a bank 113580
organization and that is owned directly or indirectly by an entity 113581
that was a grandfathered unitary savings and loan holding company 113582
on January 1, 2012. 113583

(I) "FR Y-9" means the consolidated or parent-only financial 113584
statements that a holding company is required to file with the 113585
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 113586
holding company required to file both consolidated and parent-only 113587
financial statements, "FR Y-9" means the consolidated financial 113588
statements that the holding company is required to file. For 113589
purposes of division (H)(1) of this section, if a holding company 113590
is required to file a parent-only financial statement and not a 113591
consolidated financial statement, "FR Y-9" means the consolidated 113592
financial statement the company would file if it were required to 113593
do so by the federal reserve board. 113594

(J) "Grandfathered unitary savings and loan holding company" 113595
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 113596
section existed on December 31, 1999. 113597

(K) "Gross receipts" means all items of income, without 113598
deduction for expenses. If the reporting person for a taxpayer is 113599
a holding company, "gross receipts" includes all items of income 113600
reported on the FR Y-9 filed by the holding company. If the 113601

reporting person for a taxpayer is a bank organization, "gross 113602
receipts" includes all items of income reported on the call report 113603
filed by the bank organization. If the reporting person for a 113604
taxpayer is a nonbank financial organization, "gross receipts" 113605
includes all items of income reported in accordance with generally 113606
accepted accounting principles. 113607

(L) "Insurance company" means every corporation, association, 113608
and society engaged in the business of insurance of any character, 113609
or engaged in the business of entering into contracts 113610
substantially amounting to insurance of any character, or of 113611
indemnifying or guaranteeing against loss or damage, or acting as 113612
surety on bonds or undertakings. "Insurance company" also includes 113613
any health insuring corporation as defined in section 1751.01 of 113614
the Revised Code. 113615

(M)(1) "Nonbank financial organization" means every person 113616
that is not a bank organization or a holding company of a bank 113617
organization and that engages in business primarily as a small 113618
dollar lender. "Nonbank financial organization" does not include 113619
an institution organized under the "Federal Farm Loan Act," 39 113620
Stat. 360 (1916), or a successor of such an institution, an 113621
insurance company, a captive finance company, a credit union, an 113622
institution organized and operated exclusively for charitable 113623
purposes within the meaning of section 501(c)(3) of the Internal 113624
Revenue Code, or a person that facilitates or services one or more 113625
securitizations for a bank organization, a holding company of a 113626
bank organization, a captive finance company, or any member of the 113627
person's affiliated group. 113628

(2) A person is engaged in business primarily as a small 113629
dollar lender if the person has, for the taxable year, gross 113630
income from the activities described in division (O) of this 113631
section that exceeds the person's gross income from all other 113632
activities. As used in division (M) of this section, "gross 113633

income" has the same meaning as in section 61 of the Internal 113634
Revenue Code, and income from transactions between the person and 113635
the other members of the affiliated group shall be eliminated, and 113636
any sales, exchanges, and other dispositions of commercial paper 113637
to persons outside the affiliated group produces gross income only 113638
to the extent the proceeds from such transactions exceed the 113639
affiliated group's basis in such commercial paper. 113640

(N) "Reporting person" means one of the following: 113641

(1) In the case of a financial institution described in 113642
division (H)(1) of this section, the top-tier holding company 113643
required to file an FR Y-9. 113644

(2) In the case of a financial institution described in 113645
division (H)(2) or (3) of this section, the bank organization 113646
required to file the call report. 113647

(3) In the case of a bank organization or nonbank financial 113648
organization that is not included in a group described in division 113649
(H)(1) or (2) of this section, the bank organization or nonbank 113650
financial organization. 113651

(O) "Small dollar lender" means any person engaged primarily 113652
in the business of loaning money to individuals, provided that the 113653
loan amounts do not exceed five thousand dollars and the duration 113654
of the loans do not exceed twelve months. A "small dollar lender" 113655
does not include a bank organization, credit union, or captive 113656
finance company. 113657

(P) "Tax year" means the calendar year for which the tax 113658
levied under section 5726.02 of the Revised Code is required to be 113659
paid. 113660

(Q) "Taxable year" means the calendar year preceding the year 113661
in which an annual report is required to be filed under section 113662
5726.03 of the Revised Code. 113663

(R) "Taxpayer" means a financial institution subject to the 113664
tax levied under section 5726.02 of the Revised Code. 113665

(S) "Total equity capital" means the sum of the common stock 113666
at par value, perpetual preferred stock and related surplus, other 113667
surplus not related to perpetual preferred stock, retained 113668
earnings, accumulated other comprehensive income, treasury stock, 113669
unearned employee stock ownership plan shares, and other equity 113670
components of a financial institution. "Total equity capital" 113671
shall not include any noncontrolling (minority) interests as 113672
reported on an FR Y-9 or call report, unless such interests are in 113673
a bank organization or a bank holding company. 113674

(T) "Total Ohio equity capital" means the portion of the 113675
total equity capital of a financial institution apportioned to 113676
Ohio pursuant to section 5726.05 of the Revised Code. 113677

(U) "Holding company" does not include a diversified savings 113678
and loan holding company, a grandfathered unitary savings and loan 113679
holding company, any entity that was a grandfathered unitary 113680
savings and loan holding company on January 1, 2012, or any entity 113681
that is not a bank organization or owned by a bank organization 113682
and that is owned directly or indirectly by an entity that was a 113683
grandfathered unitary savings and loan holding company on January 113684
1, 2012. 113685

(V) "Securitization" means transferring one or more assets to 113686
one or more persons and subsequently issuing securities backed by 113687
the right to receive payment from the asset or assets so 113688
transferred. 113689

(W) "De novo bank organization" means a bank organization 113690
that first began operations in the taxable year preceding the 113691
current tax year or in either of the two immediately preceding 113692
taxable years. For the purposes of this division, a bank 113693
organization "first began operations" on the day the bank 113694

organization was issued a charter, a certificate of authority to 113695
commence business, or the equivalent document enabling the bank 113696
organization to begin conducting business as a bank organization. 113697
A "de novo bank organization" does not include a bank organization 113698
formed by, acquired by, merged with, or converted by a taxpayer 113699
that filed and paid the tax under this chapter in any preceding 113700
calendar year. 113701

Sec. 5726.04. (A)(1) The tax levied on a financial 113702
institution other than a de novo bank organization under this 113703
chapter shall be the greater of the following: 113704

(a) A minimum tax equal to one thousand dollars; 113705

(b) The product of the total Ohio equity capital of the 113706
financial institution, as determined under this section, 113707
multiplied by eight mills for each dollar of the first two hundred 113708
million dollars of total Ohio equity capital, by four mills for 113709
each dollar of total Ohio equity capital greater than two hundred 113710
million and less than one billion three hundred million dollars, 113711
and by two and one-half mills for each dollar of total Ohio equity 113712
capital equal to or greater than one billion three hundred million 113713
dollars. 113714

(2) The tax levied on a de novo bank organization under this 113715
chapter shall equal the difference obtained by subtracting one 113716
million dollars from the amount of tax that would be calculated 113717
for the de novo bank organization under division (A)(1)(b) of this 113718
section, provided that if that difference is equal to or less than 113719
zero, no tax shall be due for the taxable year. 113720

A de novo bank organization with no tax due for a taxable 113721
year pursuant to this division shall be considered a financial 113722
institution that "paid the tax imposed by section 5726.02 of the 113723
Revised Code based on" that taxable year for the purposes of 113724
division (E)(3) of section 5751.01 of the Revised Code. 113725

(B) If the reporting person for a financial institution files an FR Y-9 or call report, the total equity capital of the financial institution shall equal the total equity capital shown on the reporting person's FR Y-9 or call report as of the end of the taxable year. The total equity capital of all other financial institutions shall be reported as of the end of the taxable year in accordance with generally accepted accounting principles.

(C) For the purposes of this section:

(1) "Total Ohio equity capital" means the product of (a) the total equity capital of a financial institution as of the end of a taxable year to the extent that the total equity capital does not exceed fourteen per cent of the financial institution's total assets multiplied by (b) the Ohio apportionment ratio calculated for the financial institution under section 5726.05 of the Revised Code, ~~except as provided in section 5726.041 of the Revised Code.~~

(2) "Total assets" means:

(a) In the case of a financial institution described in division (H)(1) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's FR Y-9 as of the end of the taxable year;

(b) In the case of a financial institution described in division (H)(2) or (3) of section 5726.01 of the Revised Code, the total consolidated assets as shown on the reporting person's call report as of the end of the taxable year;

(c) In the case of all other financial institutions, the total consolidated assets of the financial institution as of the end of the taxable year in accordance with generally accepted accounting principles.

The tax commissioner may audit a reporting person's total assets to confirm the financial institution's actual total consolidated assets and may make any adjustments necessary.

(D) All payments received from the tax levied under this chapter shall be credited to the general revenue fund.

(E) The commissioner may adopt rules to provide additional guidance for the application of this section.

Sec. 5726.56. (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B) A taxpayer may claim a nonrefundable credit against the tax imposed under this chapter equal to seven per cent of the excess of (1) the qualified research expenses incurred by the taxpayer in this state in a taxable year over (2) the average annual qualified research expenses incurred by the taxpayer in this state in the three previous taxable years. For the purposes of this division, "qualified research expenses incurred by the taxpayer" includes the qualified research expenses incurred by all persons included in the annual report of the taxpayer and by any insurance company subject to the tax levied under section 5725.18 or Chapter 5729. of the Revised Code that has more than fifty per cent of its ownership interests directly or indirectly owned or controlled by a person included in the annual report of the taxpayer, even though such an insurance company is not subject to the tax imposed under this chapter.

(C) A taxpayer shall claim the credit allowed under this section in the order prescribed by section 5726.98 of the Revised Code. If the amount of the credit exceeds the amount of tax otherwise due after deducting all other credits preceding the credit in the order prescribed in section 5726.98 of the Revised Code, the excess may be carried forward for not more than seven ensuing tax years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next tax year.

(D) A taxpayer may claim against the tax imposed under this chapter any unused portion of a credit authorized under section 5733.351 of the Revised Code but only to the extent of the remaining portion of the seven-year carry-forward period authorized by that section.

(E) In the case of a taxpayer that includes more than one person, each person in the financial institution group shall separately calculate the credit claimed under this section using the qualified research expenses incurred by that person on a form prescribed by the tax commissioner, which shall be used by the taxpayer to claim the credit.

A taxpayer may only claim the credit with respect to persons included in the financial institution group as of the thirty-first day of December of the taxable year in which the qualified research expenses are incurred. A taxpayer may only claim any excess credit carried forward under division (C) of this section with respect to persons included in that group as of the last day of the taxable year for which the return claiming the credit is filed.

(F) A taxpayer that claims a credit under this section shall retain records to substantiate the claim. Required records include those relating to any expenses used in calculating the credit and incurred in the current taxable year and in the three preceding taxable years.

The taxpayer shall retain the required records until the date that is four years after the due date for the return on which the credit was claimed or four years after the date the return was actually filed, whichever is later.

(G) The tax commissioner may audit a sample of the taxpayer's qualified research expenses over a representative period to ascertain the amount of tax credit the taxpayer may claim under

this section and may issue an assessment under section 5726.20 of 113819
the Revised Code based on the audit. The commissioner shall make a 113820
good faith effort to reach an agreement with the taxpayer in 113821
selecting a representative sample. The commissioner is not, 113822
however, precluded from proceeding under this division if an 113823
agreement is not made. 113824

Sec. 5726.59. (A) Any term used in this section has the same 113825
meaning as in section 122.852 of the Revised Code. 113826

(B) A taxpayer may claim a refundable credit against the tax 113827
imposed under this chapter for each person included in the annual 113828
report of the taxpayer that is a certificate owner of a tax credit 113829
certificate issued under section 122.852 of the Revised Code. The 113830
credit shall be claimed for the taxable year in which the 113831
certificate is issued by the director of development. The credit 113832
amount equals the amount stated on the certificate or the portion 113833
of that amount owned by the certificate owner. The credit shall be 113834
claimed in the order required under section 5726.98 of the Revised 113835
Code. If the credit amount exceeds the tax otherwise due under 113836
section 5726.02 of the Revised Code after deducting all other 113837
credits preceding the credit in the order prescribed in section 113838
5726.98 of the Revised Code, the excess shall be refunded to the 113839
taxpayer. 113840

Sec. 5726.60. (A) Terms used in this section have the same 113841
meanings as in section 175.17 of the Revised Code. 113842

(B) A taxpayer may claim a nonrefundable tax credit against 113843
the tax imposed under this chapter for each person included in the 113844
annual report of the taxpayer that is allocated a credit issued by 113845
the director of the governor's office of housing transformation 113846
under section 175.17 of the Revised Code. The credit equals the 113847
amount allocated to such person for the taxable year as provided 113848

by the designated reporter on the form prescribed by division (H) 113849
of section 175.17 of the Revised Code. 113850

The credit authorized in this section shall be claimed in the 113851
order required under section 5726.98 of the Revised Code. If the 113852
amount of a credit exceeds the tax otherwise due under section 113853
5726.02 of the Revised Code after deducting all other credits 113854
preceding the credit in the order prescribed in section 5726.98 of 113855
the Revised Code, the excess may be carried forward for not more 113856
than five ensuing tax years. The amount of the excess credit 113857
claimed in any such year shall be deducted from the balance 113858
carried forward to the next tax year. 113859

No credit shall be claimed under this section to the extent 113860
the credit was claimed under section 5725.37, 5729.20, or 5747.84 113861
of the Revised Code. 113862

Sec. 5726.98. (A) To provide a uniform procedure for 113863
calculating the amount of tax due under section 5726.02 of the 113864
Revised Code, a taxpayer shall claim any credits to which the 113865
taxpayer is entitled under this chapter in the following order: 113866

The nonrefundable job retention credit under division (B) of 113867
section 5726.50 of the Revised Code; 113868

The nonrefundable credit for purchases of qualified 113869
low-income community investments under section 5726.54 of the 113870
Revised Code; 113871

The nonrefundable credit for qualified research expenses 113872
under section 5726.56 of the Revised Code; 113873

The nonrefundable credit for qualifying dealer in intangibles 113874
taxes under section 5726.57 of the Revised Code; 113875

The nonrefundable Ohio low-income housing tax credit under 113876
section 5726.58 of the Revised Code; 113877

The nonrefundable affordable single-family home credit under 113878

<u>section 5726.60 of the Revised Code;</u>	113879
<u>The nonrefundable welcome home Ohio (WHO) program credit</u>	113880
<u>under section 122.633 of the Revised Code;</u>	113881
The refundable credit for rehabilitating an historic building	113882
under section 5726.52 of the Revised Code;	113883
The refundable job retention or job creation credit under	113884
division (A) of section 5726.50 of the Revised Code;	113885
The refundable credit under section 5726.53 of the Revised	113886
Code for losses on loans made under the Ohio venture capital	113887
program under sections 150.01 to 150.10 of the Revised Code;	113888
The refundable motion picture and Broadway theatrical	113889
production credit under section 5726.55 of the Revised Code;	113890
<u>The refundable credit for film and theater capital</u>	113891
<u>improvement projects under section 5726.59 of the Revised Code.</u>	113892
(B) For any credit except the refundable credits enumerated	113893
in this section, the amount of the credit for a taxable year shall	113894
not exceed the tax due after allowing for any other credit that	113895
precedes it in the order required under this section. Any excess	113896
amount of a particular credit may be carried forward if authorized	113897
under the section creating that credit. Nothing in this chapter	113898
shall be construed to allow a taxpayer to claim, directly or	113899
indirectly, a credit more than once for a taxable year.	113900
Sec. 5727.28. (A) The tax commissioner shall refund to a	113901
natural gas company or combined company subject to the tax imposed	113902
by section 5727.24 of the Revised Code amounts paid illegally or	113903
erroneously, or paid on an illegal or erroneous assessment.	113904
Applications for a refund shall be filed with the tax	113905
commissioner, on a form prescribed by the commissioner, within	113906
four years of the illegal or erroneous payment.	113907
On the filing of the application, the commissioner shall	113908

determine the amount of refund to which the applicant is entitled. 113909
If the amount is not less than that claimed, the commissioner 113910
shall ~~notify the director of budget and management and~~ issue the 113911
refund from the tax refund fund under section 5703.052 of the 113912
Revised Code. If the amount is less than that claimed, the 113913
commissioner shall proceed in accordance with section 5703.70 of 113914
the Revised Code. 113915

If the application for refund is for payment of an illegal or 113916
erroneous assessment, the commissioner shall include in the 113917
certified amount interest calculated at the rate per annum 113918
prescribed by section 5703.47 of the Revised Code from the date of 113919
overpayment to the date of the commissioner's certification. 113920

(B) If a natural gas company or combined company entitled to 113921
a refund under this section, or section 5703.70 of the Revised 113922
Code, is indebted to the state for any tax or fee administered by 113923
the tax commissioner that is paid to the state, or any charge, 113924
penalty, or interest arising from such a tax or fee, the amount 113925
refundable may be applied in satisfaction of that debt. If the 113926
amount refundable is less than the amount of the debt, it may be 113927
applied in partial satisfaction of the debt. If the amount 113928
refundable is greater than the amount of the debt, the amount 113929
remaining after satisfaction of the debt shall be refunded. 113930

(C) In lieu of granting a refund under division (A) or (B) of 113931
this section, the tax commissioner may allow a natural gas company 113932
or combined company to claim a credit of the amount of the tax 113933
refund on the return for the period during which the tax became 113934
refundable. The commissioner may require the company to submit 113935
information to support a claim for a credit under this division, 113936
and the commissioner may disallow the credit if the information is 113937
not provided. 113938

Sec. 5727.30. (A) Except as provided in divisions (B), (C), 113939

and (D), and (E) of this section, each public utility, except 113940
railroad companies, shall be subject to an annual excise tax, as 113941
provided by sections 5727.31 to 5727.62 of the Revised Code, for 113942
the privilege of owning property in this state or doing business 113943
in this state during the twelve-month period next succeeding the 113944
period upon which the tax is based. The tax shall be imposed 113945
against each such public utility that, on the first day of such 113946
twelve-month period, owns property in this state or is doing 113947
business in this state, and the lien for the tax, including any 113948
penalties and interest accruing thereon, shall attach on such day 113949
to the property of the public utility in this state. 113950

(B) Gross receipts of an electric company, rural electric 113951
company, or energy company received after April 30, 2001, are not 113952
subject to the annual excise tax imposed by this section. 113953

(C) A natural gas company's gross receipts received after 113954
April 30, 2000, are not subject to the annual excise tax imposed 113955
by this section. 113956

(D) A telephone company's gross receipts derived from amounts 113957
billed to customers after June 30, 2004, are not subject to the 113958
annual excise tax imposed by this section. Notwithstanding any 113959
other provision of law, gross receipts derived from amounts billed 113960
by a telephone company to customers prior to July 1, 2004, shall 113961
be included in the telephone company's annual statement filed on 113962
or before August 1, 2004, which shall be the last statement or 113963
report filed under section 5727.31 of the Revised Code by a 113964
telephone company. A telephone company shall not deduct from its 113965
gross receipts included in that last statement any receipts it was 113966
unable to collect from its customers for the period of July 1, 113967
2003, to June 30, 2004. 113968

(E) A heating company's gross receipts, and the gross 113969
receipts of a combined company from operating as a heating 113970
company, are not subject to the annual excise tax imposed by this 113971

section. 113972

Sec. 5727.42. (A) The treasurer of state shall notify the tax 113973
commissioner of any payment of the excise tax imposed by section 113974
5727.30 of the Revised Code. The commissioner shall collect and 113975
the taxpayer shall pay all taxes and any penalties thereon. 113976
Payments of the tax may be made by mail, in person, by electronic 113977
funds transfer if required to do so by section 5727.311 of the 113978
Revised Code, or by any other means authorized by the 113979
commissioner. The commissioner may adopt rules concerning the 113980
methods and timeliness of payment. 113981

(B) Each tax assessment issued pursuant to this section shall 113982
separately reflect the taxes and any penalty due, and any other 113983
information considered necessary. The commissioner shall mail the 113984
assessment to the taxpayer, and the mailing of it shall be 113985
prima-facie evidence of receipt thereof by the taxpayer. 113986

(C) The commissioner shall refund taxes levied and payments 113987
made for the tax imposed by section 5727.30 of the Revised Code as 113988
provided in this section, but no refund shall be made to a 113989
taxpayer having a delinquent claim certified pursuant to this 113990
section that remains unpaid. The commissioner may consult the 113991
attorney general regarding such claims. 113992

(D) After receiving any excise tax annual statement for the 113993
tax imposed by section 5727.30 of the Revised Code, the 113994
commissioner shall: 113995

(1) Ascertain the difference between the total taxes owed and 113996
the sum of all payments made for that year. 113997

(2) If the difference is a deficiency, the commissioner shall 113998
issue an assessment. 113999

(3) If the difference is an excess, the commissioner shall 114000
~~notify the director of budget and management and~~ issue a refund of 114001

that amount to the taxpayer. If the amount of the refund is less 114002
than that claimed by the taxpayer, the taxpayer, within sixty days 114003
of the issuance of the refund, may provide to the commissioner 114004
additional information to support the claim or may request a 114005
hearing. Upon receiving such information or request within that 114006
time, the commissioner shall follow the same procedures set forth 114007
in divisions (C) and (D) of section 5703.70 of the Revised Code 114008
for the determination of refund applications. 114009

If the taxpayer has a deficiency for one tax year and an 114010
excess for another tax year, or any combination thereof for more 114011
than two years, the commissioner may determine the net result and, 114012
depending on such result, proceed to issue an assessment or 114013
certify a refund. 114014

(E) If a taxpayer fails to pay the amount of taxes required 114015
to be paid, or fails to make an estimated payment on or before the 114016
due date prescribed in division (B) of section 5727.31 of the 114017
Revised Code, the commissioner shall impose a penalty in the 114018
amount of fifteen per cent of the unpaid amount, and the 114019
commissioner shall issue an assessment for the unpaid amount and 114020
penalty. Unless a timely petition for reassessment is filed under 114021
section 5727.47 of the Revised Code, the attorney general shall 114022
proceed to collect the delinquent taxes and penalties thereon in 114023
the manner prescribed by law and notify the commissioner of all 114024
collections. 114025

Sec. 5727.47. (A) Notice of each assessment certified or 114026
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 114027
shall be mailed to the public utility, and its mailing shall be 114028
prima-facie evidence of its receipt by the public utility to which 114029
it is addressed. With the notice, the tax commissioner shall 114030
provide instructions on how to petition for reassessment and 114031
request a hearing on the petition. If a public utility objects to 114032

such an assessment, it may file with the commissioner, either 114033
personally or by certified mail, within sixty days after the 114034
mailing of the notice of assessment a written petition for 114035
reassessment signed by the utility's authorized agent having 114036
knowledge of the facts. The date the commissioner receives the 114037
petition shall be considered the date of filing. The petition 114038
shall indicate the utility's objections, but additional objections 114039
may be raised in writing if received by the commissioner prior to 114040
the date shown on the final determination. 114041

In the case of a petition seeking a reduction in taxable 114042
value filed with respect to an assessment certified under section 114043
5727.23 of the Revised Code, the petitioner shall state in the 114044
petition the total amount of reduction in taxable value sought by 114045
the petitioner. If the petitioner objects to the percentage of 114046
true value at which taxable property is assessed by the 114047
commissioner, the petitioner shall state in the petition the total 114048
amount of reduction in taxable value sought both with and without 114049
regard to the objection pertaining to the percentage of true value 114050
at which its taxable property is assessed. If a petitioner objects 114051
to the commissioner's apportionment of the taxable value of the 114052
petitioner's taxable property, the petitioner shall distinctly 114053
state in the petition that the petitioner objects to the 114054
commissioner's apportionment, and, within forty-five days after 114055
filing the petition for reassessment, shall submit the 114056
petitioner's proposed apportionment of the taxable value of its 114057
taxable property among taxing districts. If a petitioner that 114058
objects to the commissioner's apportionment fails to state its 114059
objections to that apportionment in its petition for reassessment 114060
or fails to submit its proposed apportionment within forty-five 114061
days after filing the petition for reassessment, the commissioner 114062
shall dismiss the petitioner's objection to the commissioner's 114063
apportionment, and the taxable value of the petitioner's taxable 114064
property, subject to any adjustment to taxable value pursuant to 114065

the petition or appeal, shall be apportioned in the manner used by 114066
the commissioner in the preliminary or amended preliminary 114067
assessment certified under section 5727.23 of the Revised Code. 114068

If an additional objection seeking a reduction in taxable 114069
value in excess of the reduction stated in the original petition 114070
is properly and timely raised with respect to an assessment issued 114071
under section 5727.23 of the Revised Code, the petitioner shall 114072
state the total amount of the reduction in taxable value sought in 114073
the additional objection both with and without regard to any 114074
reduction in taxable value pertaining to the percentage of true 114075
value at which taxable property is assessed. If a petitioner fails 114076
to state the reduction in taxable value sought in the original 114077
petition or in additional objections properly raised after the 114078
petition is filed, the commissioner shall notify the petitioner of 114079
the failure ~~by certified mail~~ in the manner provided in section 114080
5703.37 of the Revised Code. If the petitioner fails to notify the 114081
commissioner in writing of the reduction in taxable value sought 114082
in the petition or in an additional objection within thirty days 114083
after receiving the commissioner's notice, the commissioner shall 114084
dismiss the petition or the additional objection in which that 114085
reduction is sought. 114086

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 114087
public utility filing a petition for reassessment regarding an 114088
assessment certified or issued under section 5727.23 or 5727.38 of 114089
the Revised Code shall pay the tax with respect to the assessment 114090
objected to as required by law. The acceptance of any tax payment 114091
by the treasurer of state, tax commissioner, or any county 114092
treasurer shall not prejudice any claim for taxes on final 114093
determination by the commissioner or final decision by the board 114094
of tax appeals or any court. 114095

(2) If a public utility properly and timely files a petition 114096
for reassessment regarding an assessment certified under section 114097

5727.23 of the Revised Code, the petitioner shall pay the tax as 114098
prescribed by divisions (B)(2)(a), (b), and (c) of this section: 114099

(a) If the petitioner does not object to the commissioner's 114100
apportionment of the taxable value of the petitioner's taxable 114101
property, the petitioner is not required to pay the part of the 114102
tax otherwise due on the taxable value that the petitioner seeks 114103
to have reduced, subject to division (B)(2)(c) of this section. 114104

(b) If the petitioner objects to the commissioner's 114105
apportionment of the taxable value of the petitioner's taxable 114106
property, the petitioner is not required to pay the tax otherwise 114107
due on the part of the taxable value apportioned to any taxing 114108
district that the petitioner objects to, subject to division 114109
(B)(2)(c) of this section. If, pursuant to division (A) of this 114110
section, the petitioner has, in a proper and timely manner, 114111
apportioned taxable value to a taxing district to which the 114112
commissioner did not apportion the petitioner's taxable value, the 114113
petitioner shall pay the tax due on the taxable value that the 114114
petitioner has apportioned to the taxing district, subject to 114115
division (B)(2)(c) of this section. 114116

(c) If a petitioner objects to the percentage of true value 114117
at which taxable property is assessed by the commissioner, the 114118
petitioner shall pay the tax due on the basis of the percentage of 114119
true value at which the public utility's taxable property is 114120
assessed by the commissioner. In any case, the petitioner's 114121
payment of tax shall not be less than the amount of tax due based 114122
on the taxable value reflected on the last appeal notice issued by 114123
the commissioner under division (C) of this section. Until the 114124
county auditor receives notification under division (E) of this 114125
section and proceeds under section 5727.471 of the Revised Code to 114126
issue any refund that is found to be due, the county auditor shall 114127
not issue a refund for any increase in the reduction in taxable 114128
value that is sought by a petitioner later than forty-five days 114129

after the petitioner files the original petition as required under 114130
division (A) of this section. 114131

(3) Any part of the tax that, under division (B)(2)(a) or (b) 114132
of this section, is not paid shall be collected upon receipt of 114133
the notification as provided in section 5727.471 of the Revised 114134
Code with interest thereon computed in the same manner as interest 114135
is computed under division (E) of section 5715.19 of the Revised 114136
Code, subject to any correction of the assessment by the 114137
commissioner under division (E) of this section or the final 114138
judgment of the board of tax appeals or a court to which the 114139
board's final judgment is appealed. The penalty imposed under 114140
section 323.121 of the Revised Code shall apply only to the unpaid 114141
portion of the tax if the petitioner's tax payment is less than 114142
the amount of tax due based on the taxable value reflected on the 114143
last appeal notice issued by the commissioner under division (C) 114144
of this section. 114145

(C) Upon receipt of a properly filed petition for 114146
reassessment with respect to an assessment certified under section 114147
5727.23 of the Revised Code, the tax commissioner shall notify the 114148
treasurer of state or the auditor of each county to which the 114149
assessment objected to has been certified. In the case of a 114150
petition with respect to an assessment certified under section 114151
5727.23 of the Revised Code, the commissioner shall issue an 114152
appeal notice within thirty days after receiving the amount of the 114153
taxable value reduction and apportionment changes sought by the 114154
petitioner in the original petition or in any additional 114155
objections properly and timely raised by the petitioner. The 114156
appeal notice shall indicate the amount of the reduction in 114157
taxable value sought in the petition or in the additional 114158
objections and the extent to which the reduction in taxable value 114159
and any change in apportionment requested by the petitioner would 114160
affect the commissioner's apportionment of the taxable value among 114161

taxing districts in the county as shown in the assessment. If a 114162
petitioner is seeking a reduction in taxable value on the basis of 114163
a lower percentage of true value than the percentage at which the 114164
commissioner assessed the petitioner's taxable property, the 114165
appeal notice shall indicate the reduction in taxable value sought 114166
by the petitioner without regard to the reduction sought on the 114167
basis of the lower percentage and shall indicate that the 114168
petitioner is required to pay tax on the reduced taxable value 114169
determined without regard to the reduction sought on the basis of 114170
a lower percentage of true value, as provided under division 114171
(B)(2)(c) of this section. The appeal notice shall include a 114172
statement that the reduced taxable value and the apportionment 114173
indicated in the notice are not final and are subject to 114174
adjustment by the commissioner or by the board of tax appeals or a 114175
court on appeal. If the commissioner finds an error in the appeal 114176
notice, the commissioner may amend the notice, but the notice is 114177
only for informational and tax payment purposes; the notice is not 114178
subject to appeal by any person. The commissioner also shall mail 114179
a copy of the appeal notice to the petitioner. Upon the request of 114180
a taxing authority, the county auditor may disclose to the taxing 114181
authority the extent to which a reduction in taxable value sought 114182
by a petitioner would affect the apportionment of taxable value to 114183
the taxing district or districts under the taxing authority's 114184
jurisdiction, but such a disclosure does not constitute a notice 114185
required by law to be given for the purpose of section 5717.02 of 114186
the Revised Code. 114187

(D) If the petitioner requests a hearing on the petition, the 114188
tax commissioner shall assign a time and place for the hearing on 114189
the petition and notify the petitioner of such time and place, but 114190
the commissioner may continue the hearing from time to time as 114191
necessary. 114192

(E) The tax commissioner may make corrections to the 114193

assessment as the commissioner finds proper. The commissioner 114194
shall serve a copy of the commissioner's final determination on 114195
the petitioner in the manner provided in section 5703.37 of the 114196
Revised Code. The commissioner's decision in the matter shall be 114197
final, subject to appeal under section 5717.02 of the Revised 114198
Code. With respect to a final determination issued for an 114199
assessment certified under section 5727.23 of the Revised Code, 114200
the commissioner also shall transmit a copy of the final 114201
determination to the applicable county auditor. In the absence of 114202
any further appeal, or when a decision of the board of tax appeals 114203
or of any court to which the decision has been appealed becomes 114204
final, the commissioner shall notify the public utility and, as 114205
appropriate, shall proceed under section 5727.42 of the Revised 114206
Code, or notify the applicable county auditor, who shall proceed 114207
under section 5727.471 of the Revised Code. 114208

The notification made under this division is not subject to 114209
further appeal. 114210

(F) On appeal, no adjustment shall be made in the tax 114211
commissioner's assessment certified under section 5727.23 of the 114212
Revised Code that reduces the taxable value of a petitioner's 114213
taxable property by an amount that exceeds the reduction sought by 114214
the petitioner in its petition for reassessment or in any 114215
additional objections properly and timely raised after the 114216
petition is filed with the commissioner. 114217

Sec. 5727.75. (A) For purposes of this section: 114218

(1) "Qualified energy project" means an energy project 114219
certified by the director of development pursuant to this section. 114220

(2) "Energy project" means a project to provide electric 114221
power through the construction, installation, and use of an energy 114222
facility. 114223

(3) "Alternative energy zone" means a county declared as such 114224
by the board of county commissioners under division (E)(1)(b) or 114225
(c) of this section. 114226

(4) "Full-time equivalent employee" means the total number of 114227
employee-hours for which compensation was paid to individuals 114228
employed at a qualified energy project for services performed at 114229
the project during the calendar year divided by two thousand 114230
eighty hours. 114231

(5) "Solar energy project" means an energy project composed 114232
of an energy facility using solar panels to generate electricity. 114233

(6) "Internet identifier of record" has the same meaning as 114234
in section 9.312 of the Revised Code. 114235

(B)(1) Tangible personal property of a qualified energy 114236
project using renewable energy resources is exempt from taxation 114237
for tax years 2011 through ~~2025~~2029 if all of the following 114238
conditions are satisfied: 114239

(a) On or before December 31, ~~2024~~2028, the owner or a lessee 114240
pursuant to a sale and leaseback transaction of the project 114241
submits an application to the power siting board for a certificate 114242
under section 4906.20 of the Revised Code, or if that section does 114243
not apply, submits an application for any approval, consent, 114244
permit, or certificate or satisfies any condition required by a 114245
public agency or political subdivision of this state for the 114246
construction or initial operation of an energy project. 114247

(b) Construction or installation of the energy facility 114248
begins on or after January 1, 2009, and before January 1, 114249
~~2025~~2029. For the purposes of this division, construction begins 114250
on the earlier of the date of application for a certificate or 114251
other approval or permit described in division (B)(1)(a) of this 114252
section, or the date the contract for the construction or 114253
installation of the energy facility is entered into. 114254

(c) For a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting an application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(2) If tangible personal property of a qualified energy project using renewable energy resources was exempt from taxation under this section beginning in any of tax years 2011 through ~~2025~~2029, and the certification under division (E)(2) of this section has not been revoked, the tangible personal property of the qualified energy project is exempt from taxation for tax year ~~2026~~2030 and all ensuing tax years if the property was placed into service before January 1, ~~2026~~2030, as certified in the construction progress report required under division (F)(2) of this section. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation. An energy project for which certification has been revoked is ineligible for further exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1,

2021. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development for certification of an energy project as a qualified energy project on or before the following dates:

(i) December 31, ~~2024~~2028, for an energy project using renewable energy resources;

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration

technology. 114318

(b) The director shall forward a copy of each application for 114319
certification of an energy project with a nameplate capacity of 114320
twenty megawatts or greater to the board of county commissioners 114321
of each county in which the project is located and to each taxing 114322
unit with territory located in each of the affected counties. Any 114323
board that receives from the director a copy of an application 114324
submitted under this division shall adopt a resolution approving 114325
or rejecting the application unless it has adopted a resolution 114326
under division (E)(1)(c) of this section. A resolution adopted 114327
under division (E)(1)(b) or (c) of this section may require an 114328
annual service payment to be made in addition to the service 114329
payment required under division (G) of this section. The sum of 114330
the service payment required in the resolution and the service 114331
payment required under division (G) of this section shall not 114332
exceed nine thousand dollars per megawatt of nameplate capacity 114333
located in the county. The resolution shall specify the time and 114334
manner in which the payments required by the resolution shall be 114335
paid to the county treasurer. The county treasurer shall deposit 114336
the payment to the credit of the county's general fund to be used 114337
for any purpose for which money credited to that fund may be used. 114338

The board shall send copies of the resolution to the owner of 114339
the facility and the director by certified mail or, if the board 114340
has record of an internet identifier of record associated with the 114341
owner or director, by ordinary mail and by that internet 114342
identifier of record. The board shall send such notice within 114343
thirty days after receipt of the application, or a longer period 114344
of time if authorized by the director. 114345

(c) A board of county commissioners may adopt a resolution 114346
declaring the county to be an alternative energy zone and 114347
declaring all applications submitted to the director of 114348
development under this division after the adoption of the 114349

resolution, and prior to its repeal, to be approved by the board. 114350

All tangible personal property and real property of an energy 114351
project with a nameplate capacity of twenty megawatts or greater 114352
is taxable if it is located in a county in which the board of 114353
county commissioners adopted a resolution rejecting the 114354
application submitted under this division or failed to adopt a 114355
resolution approving the application under division (E)(1)(b) or 114356
(c) of this section. 114357

(2) The director shall certify an energy project if all of 114358
the following circumstances exist: 114359

(a) The application was timely submitted. 114360

(b) For an energy project with a nameplate capacity of twenty 114361
megawatts or greater, a board of county commissioners of at least 114362
one county in which the project is located has adopted a 114363
resolution approving the application under division (E)(1)(b) or 114364
(c) of this section. 114365

(c) No portion of the project's facility was used to supply 114366
electricity before December 31, 2009. 114367

(3) The director shall deny a certification application if 114368
the director determines the person has failed to comply with any 114369
requirement under this section. The director may revoke a 114370
certification if the director determines the person, or subsequent 114371
owner or lessee pursuant to a sale and leaseback transaction of 114372
the qualified energy project, has failed to comply with any 114373
requirement under this section. Upon certification or revocation, 114374
the director shall notify the person, owner, or lessee, the tax 114375
commissioner, and the county auditor of a county in which the 114376
project is located of the certification or revocation. Notice 114377
shall be provided in a manner convenient to the director. 114378

(F) The owner or a lessee pursuant to a sale and leaseback 114379
transaction of a qualified energy project shall do each of the 114380

following: 114381

(1) Comply with all applicable regulations; 114382

(2) File with the director of development a certified 114383
construction progress report before the first day of March of each 114384
year during the energy facility's construction or installation 114385
indicating the percentage of the project completed, and the 114386
project's nameplate capacity, as of the preceding thirty-first day 114387
of December. Unless otherwise instructed by the director of 114388
development, the owner or lessee of an energy project shall file a 114389
report with the director on or before the first day of March each 114390
year after completion of the energy facility's construction or 114391
installation indicating the project's nameplate capacity as of the 114392
preceding thirty-first day of December. Not later than sixty days 114393
after June 17, 2010, the owner or lessee of an energy project, the 114394
construction of which was completed before June 17, 2010, shall 114395
file a certificate indicating the project's nameplate capacity. 114396

(3) File with the director of development, in a manner 114397
prescribed by the director, a report of the total number of 114398
full-time equivalent employees, and the total number of full-time 114399
equivalent employees domiciled in Ohio, who are employed in the 114400
construction or installation of the energy facility; 114401

(4) For energy projects with a nameplate capacity of twenty 114402
megawatts or greater, repair all roads, bridges, and culverts 114403
affected by construction as reasonably required to restore them to 114404
their preconstruction condition, as determined by the county 114405
engineer in consultation with the local jurisdiction responsible 114406
for the roads, bridges, and culverts. In the event that the county 114407
engineer deems any road, bridge, or culvert to be inadequate to 114408
support the construction or decommissioning of the energy 114409
facility, the road, bridge, or culvert shall be rebuilt or 114410
reinforced to the specifications established by the county 114411
engineer prior to the construction or decommissioning of the 114412

facility. The owner or lessee of the facility shall post a bond in 114413
an amount established by the county engineer and to be held by the 114414
board of county commissioners to ensure funding for repairs of 114415
roads, bridges, and culverts affected during the construction. The 114416
bond shall be released by the board not later than one year after 114417
the date the repairs are completed. The energy facility owner or 114418
lessee pursuant to a sale and leaseback transaction shall post a 114419
bond, as may be required by the Ohio power siting board in the 114420
certificate authorizing commencement of construction issued 114421
pursuant to section 4906.10 of the Revised Code, to ensure funding 114422
for repairs to roads, bridges, and culverts resulting from 114423
decommissioning of the facility. The energy facility owner or 114424
lessee and the county engineer may enter into an agreement 114425
regarding specific transportation plans, reinforcements, 114426
modifications, use and repair of roads, financial security to be 114427
provided, and any other relevant issue. 114428

(5) Provide or facilitate training for fire and emergency 114429
responders for response to emergency situations related to the 114430
energy project and, for energy projects with a nameplate capacity 114431
of twenty megawatts or greater, at the person's expense, equip the 114432
fire and emergency responders with proper equipment as reasonably 114433
required to enable them to respond to such emergency situations; 114434

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 114435
employees employed in the construction or installation of the 114436
energy project to total full-time equivalent employees employed in 114437
the construction or installation of the energy project of not less 114438
than eighty per cent in the case of a solar energy project, and 114439
not less than fifty per cent in the case of any other energy 114440
project. In the case of an energy project for which certification 114441
from the power siting board is required under section 4906.20 of 114442
the Revised Code, the number of full-time equivalent employees 114443
employed in the construction or installation of the energy project 114444

equals the number actually employed or the number projected to be employed in the certificate application, if such projection is required under regulations adopted pursuant to section 4906.03 of the Revised Code, whichever is greater. For all other energy projects, the number of full-time equivalent employees employed in the construction or installation of the energy project equals the number actually employed or the number projected to be employed by the director of development, whichever is greater. To estimate the number of employees to be employed in the construction or installation of an energy project, the director shall use a generally accepted job-estimating model in use for renewable energy projects, including but not limited to the job and economic development impact model. The director may adjust an estimate produced by a model to account for variables not accounted for by the model.

(7) For energy projects with a nameplate capacity in excess of twenty megawatts, establish a relationship with any of the following to educate and train individuals for careers in the wind or solar energy industry:

(a) A member of the university system of Ohio as defined in section 3345.011 of the Revised Code;

(b) A person offering an apprenticeship program registered with the employment and training administration within the United States department of labor or with the apprenticeship council created by section 4139.02 of the Revised Code;

(c) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center;

(d) A training center operated by a labor organization, or with a training center operated by a for-profit or nonprofit organization.

The relationship may include endowments, cooperative programs, internships, apprenticeships, research and development projects, and curriculum development.

(8) Offer to sell power or renewable energy credits from the energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or

before the final dates for payments of taxes on public utility 114507
personal property on the real and public utility personal property 114508
tax list for each tax year for which property of the energy 114509
project is exempt from taxation under this section. The county 114510
treasurer shall allocate the payment on the basis of the project's 114511
physical location. Upon receipt of a payment, or if timely payment 114512
has not been received, the county treasurer shall certify such 114513
receipt or non-receipt to the director of development and tax 114514
commissioner in a form determined by the director and 114515
commissioner, respectively. Each payment shall be in the following 114516
amount: 114517

(1) In the case of a solar energy project, seven thousand 114518
dollars per megawatt of nameplate capacity located in the county 114519
as of the thirty-first-day of December of the preceding tax year; 114520

(2) In the case of any other energy project using renewable 114521
energy resources, the following: 114522

(a) If the project maintains during the construction or 114523
installation of the energy facility a ratio of Ohio-domiciled 114524
full-time equivalent employees to total full-time equivalent 114525
employees of not less than seventy-five per cent, six thousand 114526
dollars per megawatt of nameplate capacity located in the county 114527
as of the thirty-first day of December of the preceding tax year; 114528

(b) If the project maintains during the construction or 114529
installation of the energy facility a ratio of Ohio-domiciled 114530
full-time equivalent employees to total full-time equivalent 114531
employees of less than seventy-five per cent but not less than 114532
sixty per cent, seven thousand dollars per megawatt of nameplate 114533
capacity located in the county as of the thirty-first day of 114534
December of the preceding tax year; 114535

(c) If the project maintains during the construction or 114536
installation of the energy facility a ratio of Ohio-domiciled 114537

full-time equivalent employees to total full-time equivalent 114538
employees of less than sixty per cent but not less than fifty per 114539
cent, eight thousand dollars per megawatt of nameplate capacity 114540
located in the county as of the thirty-first day of December of 114541
the preceding tax year. 114542

(3) In the case of an energy project using clean coal 114543
technology, advanced nuclear technology, or cogeneration 114544
technology, the following: 114545

(a) If the project maintains during the construction or 114546
installation of the energy facility a ratio of Ohio-domiciled 114547
full-time equivalent employees to total full-time equivalent 114548
employees of not less than seventy-five per cent, six thousand 114549
dollars per megawatt of nameplate capacity located in the county 114550
as of the thirty-first day of December of the preceding tax year; 114551

(b) If the project maintains during the construction or 114552
installation of the energy facility a ratio of Ohio-domiciled 114553
full-time equivalent employees to total full-time equivalent 114554
employees of less than seventy-five per cent but not less than 114555
sixty per cent, seven thousand dollars per megawatt of nameplate 114556
capacity located in the county as of the thirty-first day of 114557
December of the preceding tax year; 114558

(c) If the project maintains during the construction or 114559
installation of the energy facility a ratio of Ohio-domiciled 114560
full-time equivalent employees to total full-time equivalent 114561
employees of less than sixty per cent but not less than fifty per 114562
cent, eight thousand dollars per megawatt of nameplate capacity 114563
located in the county as of the thirty-first day of December of 114564
the preceding tax year. 114565

(H) The director of development in consultation with the tax 114566
commissioner shall adopt rules pursuant to Chapter 119. of the 114567
Revised Code to implement and enforce this section. 114568

Sec. 5727.91. (A) The treasurer of state shall refund the 114569
amount of tax paid under section 5727.81 or 5727.811 of the 114570
Revised Code that was paid illegally or erroneously, or paid on an 114571
illegal or erroneous assessment, or any penalty assessed with 114572
respect to such taxes. A natural gas distribution company, an 114573
electric distribution company, or a self-assessing purchaser shall 114574
file an application for a refund with the tax commissioner on a 114575
form prescribed by the commissioner, within four years of the 114576
illegal or erroneous payment. 114577

On the filing of the application, the commissioner shall 114578
determine the amount of refund to which the applicant is entitled. 114579
If the amount is not less than that claimed, the commissioner 114580
shall certify that amount to ~~the director of budget and management~~ 114581
~~and~~ the treasurer of state for payment from the tax refund fund 114582
under section 5703.052 of the Revised Code. If the amount is less 114583
than that claimed, the commissioner shall proceed in accordance 114584
with section 5703.70 of the Revised Code. 114585

The commissioner shall include in the certified amount 114586
interest calculated at the rate per annum prescribed by section 114587
5703.47 of the Revised Code from the date of overpayment to the 114588
date of the commissioner's certification. 114589

(B) If a natural gas distribution company or an electric 114590
distribution company entitled to a refund under this section, or 114591
section 5703.70 of the Revised Code, is indebted to the state for 114592
any tax or fee administered by the tax commissioner that is paid 114593
to the state, or any charge, penalty, or interest arising from 114594
such a tax or fee, the amount refundable may be applied in 114595
satisfaction of the debt. If the amount refundable is less than 114596
the amount of the debt, it may be applied in partial satisfaction 114597
of the debt. If the amount refundable is greater than the amount 114598
of the debt, the amount remaining after satisfaction of the debt 114599

shall be refunded. If the natural gas distribution company or 114600
electric distribution company has more than one such debt, any 114601
debt subject to section 5739.33 or division (G) of section 5747.07 114602
of the Revised Code shall be satisfied first. This section applies 114603
only to debts that have become final. 114604

(C)(1) Any electric distribution company that can 114605
substantiate to the tax commissioner that the tax imposed by 114606
section 5727.81 of the Revised Code was paid on electricity 114607
distributed via wires and consumed at a location outside of this 114608
state may claim a refund in the manner and within the time period 114609
prescribed in division (A) of this section. 114610

(2) Any natural gas distribution company that can 114611
substantiate to the tax commissioner that the tax imposed by 114612
section 5727.811 of the Revised Code was paid on natural gas 114613
distributed via its facilities and consumed at a location outside 114614
of this state may claim a refund in the manner and within the time 114615
period prescribed in division (A) of this section. 114616

(3) If the commissioner certifies a refund based on an 114617
application filed under division (C)(1) or (2) of this section, 114618
the commissioner shall include in the certified amount interest 114619
calculated at the rate per annum prescribed by section 5703.47 of 114620
the Revised Code from the date of overpayment to the date of the 114621
commissioner's certification. 114622

(D) Before a refund is issued under this section or section 114623
5703.70 of the Revised Code, a natural gas company or an electric 114624
distribution company shall certify, as prescribed by the tax 114625
commissioner, that it either did not include the tax imposed by 114626
section 5727.81 of the Revised Code in the case of an electric 114627
distribution company, or the tax imposed by section 5727.811 of 114628
the Revised Code in the case of a natural gas distribution 114629
company, in its distribution charge to its customer upon which a 114630
refund of the tax is claimed, or it has refunded or credited to 114631

the customer the excess distribution charge related to the tax 114632
that was erroneously included in the customer's distribution 114633
charge. 114634

Sec. 5728.16. (A)(1) If any person, regardless of 114635
organizational form, required to file reports and remit taxes 114636
imposed under this chapter fails for any reason to file such 114637
reports or remit such taxes, any employees of the person having 114638
control or supervision of, or charged with the responsibility of, 114639
filing reports and making payments, or any officers or trustees of 114640
the person responsible for the execution of the person's fiscal 114641
responsibilities, shall be personally liable for the failure. 114642

(2) The dissolution, termination, or bankruptcy of a person 114643
shall not discharge a responsible officer's, shareholder's, 114644
member's, manager's, employee's, or trustee's liability for 114645
failure of the person to file reports or remit taxes. The sum due 114646
for the liability may be collected by assessment as provided in 114647
section 5728.10 of the Revised Code. 114648

(B) If more than one individual is personally liable under 114649
this section for the unpaid tax of a person, then the liability of 114650
all such individuals shall be joint and several. 114651

Sec. 5729.19. (A) Terms used in this section have the same 114652
meanings as in section 175.16 of the Revised Code. 114653

(B) There is allowed a nonrefundable tax credit against the 114654
tax imposed by section 5729.03 or 5729.06 of the Revised Code for 114655
a foreign insurance company that is allocated a credit issued by 114656
the director of the governor's office of housing transformation 114657
under section 175.16 of the Revised Code. The credit equals the 114658
amount allocated to such company for the calendar year and 114659
reported by the designated reporter on the form prescribed by 114660
division (I) of section 175.16 of the Revised Code. 114661

The credit authorized in this section shall be claimed in the order required under section 5729.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5729.03 or 5729.06 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5725.98 of the Revised Code, the excess may be carried forward for not more than five ensuing calendar years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next calendar year.

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.36, 5726.58, or 5747.83 of the Revised Code.

A foreign insurance company shall not be required to pay any additional tax levied under section 5729.06 of the Revised Code as a result of claiming the tax credit authorized by this section.

Sec. 5729.20. (A) Terms used in this section have the same meanings as in section 175.17 of the Revised Code.

(B) There is allowed a nonrefundable tax credit against the tax imposed by section 5729.03 or 5729.06 of the Revised Code for a foreign insurance company that is allocated a credit issued by the director of the governor's office of housing transformation under section 175.17 of the Revised Code. The credit equals the amount allocated to such company for the calendar year and reported by the designated reporter on the form prescribed by division (H) of section 175.17 of the Revised Code.

The credit authorized in this section shall be claimed in the order required under section 5729.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5729.03 or 5729.06 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5725.98 of the Revised Code, the excess may be carried forward for

not more than five ensuing calendar years. The amount of the 114693
excess credit claimed in any such year shall be deducted from the 114694
balance carried forward to the next calendar year. 114695

No credit shall be claimed under this section to the extent 114696
the credit was claimed under section 5725.37, 5726.60, or 5747.84 114697
of the Revised Code. 114698

A foreign insurance company shall not be required to pay any 114699
additional tax levied under section 5729.06 of the Revised Code as 114700
a result of claiming the tax credit authorized under this section. 114701

Sec. 5729.98. (A) To provide a uniform procedure for 114702
calculating the amount of tax due under this chapter, a taxpayer 114703
shall claim any credits and offsets against tax liability to which 114704
it is entitled in the following order: 114705

The credit for an insurance company or insurance company 114706
group under section 5729.031 of the Revised Code; 114707

The credit for eligible employee training costs under section 114708
5729.07 of the Revised Code; 114709

The credit for purchases of qualified low-income community 114710
investments under section 5729.16 of the Revised Code; 114711

The nonrefundable job retention credit under division (B) of 114712
section 122.171 of the Revised Code; 114713

The nonrefundable credit for investments in rural business 114714
growth funds under section 122.152 of the Revised Code; 114715

The nonrefundable Ohio low-income housing tax credit under 114716
section 5729.19 of the Revised Code; 114717

The nonrefundable affordable single-family home credit under 114718
section 5729.20 of the Revised Code; 114719

The nonrefundable credit for contributing capital to a 114720
transformational mixed use development project under section 114721

5729.18 of the Revised Code; 114722

The offset of assessments by the Ohio life and health 114723
insurance guaranty association against tax liability permitted by 114724
section 3956.20 of the Revised Code; 114725

The refundable credit for rehabilitating a historic building 114726
under section 5729.17 of the Revised Code; 114727

The refundable credit for Ohio job retention under former 114728
division (B)(2) or (3) of section 122.171 of the Revised Code as 114729
those divisions existed before September 29, 2015, the effective 114730
date of the amendment of this section by H.B. 64 of the 131st 114731
general assembly; 114732

The refundable credit for Ohio job creation under section 114733
5729.032 of the Revised Code; 114734

The refundable credit under section 5729.08 of the Revised 114735
Code for losses on loans made under the Ohio venture capital 114736
program under sections 150.01 to 150.10 of the Revised Code. 114737

(B) For any credit except the refundable credits enumerated 114738
in this section, the amount of the credit for a taxable year shall 114739
not exceed the tax due after allowing for any other credit that 114740
precedes it in the order required under this section. Any excess 114741
amount of a particular credit may be carried forward if authorized 114742
under the section creating that credit. Nothing in this chapter 114743
shall be construed to allow a taxpayer to claim, directly or 114744
indirectly, a credit more than once for a taxable year. 114745

Sec. 5731.27. (A) The tax commissioner shall, ~~if he~~ 114746
~~determines after determining~~ that a return indicating that a tax 114747
is due is correct as filed, issue a certificate of determination 114748
of final estate tax liability showing the amount of such 114749
liability, if any, in triplicate, one copy of which shall be sent 114750
by regular mail to the person filing the return, one copy of which 114751

shall be sent to the county auditor for the county in which the 114752
return was filed, and one copy of which shall be sent to the 114753
probate court of the county in which the return was filed if there 114754
is an administration of or other proceedings in the decedent's 114755
estate. 114756

(B) The tax commissioner, ~~if he determines~~ after determining 114757
that a deficiency or refund of tax or penalty addition to tax, 114758
shall issue ~~his~~ a certificate of determination stating the 114759
adjusted amount of the tax due and the amount of any refund, 114760
deficiency, or penalty. Such certificate also shall state whether 114761
or not any portion of the tax liability has been reserved for 114762
later determination in accordance with division (C) of section 114763
5731.26 of the Revised Code. Such certificate shall be issued in 114764
triplicate, one copy of which shall be sent ~~by certified mail,~~ 114765
~~return receipt requested,~~ in the manner provided in section 114766
5703.37 of the Revised Code to the person filing the return, or to 114767
the person required to file the return if no such return was 114768
filed, one copy of which shall be sent to the county auditor for 114769
the county in which the return was filed or was required to be 114770
filed, and one copy of which shall be sent to the probate court 114771
for the county in which the return was filed or required to be 114772
filed if there will be an administration of or other proceedings 114773
in the decedent's estate. The person required to file the return, 114774
or any interested party, shall have sixty days from the date of 114775
receipt of such certificate by the person required to file the 114776
return within which to file exceptions to such determination as 114777
provided in section 5731.30 of the Revised Code. 114778

(C) The county auditor, if no exceptions have been filed 114779
within the time specified in division (B) of this section, or if 114780
the right to file exceptions has been waived by all interested 114781
parties by written waivers filed with the county auditor, shall: 114782

(1) If the certificate of determination is for a refund, draw 114783

~~his~~ a warrant for the proper amount of the refund and interest on 114784
it, which warrant shall be paid by the county treasurer out of any 114785
money in ~~his~~ the treasurer's possession to the credit of estate 114786
taxes; 114787

(2) If the certificate of determination is for a deficiency 114788
or penalty, make a charge based upon such determination, and 114789
certify a duplicate of it to the county treasurer, who shall 114790
collect, subject to division (A) of section 5731.25 of the Revised 114791
Code or any other statute extending the time for payment of an 114792
estate tax, the deficiency or penalty so charged. 114793

Sec. 5733.031. (A) A corporation's taxable year is a period 114794
ending on the date immediately preceding the date of commencement 114795
of the corporation's annual accounting period that includes the 114796
first day of January of the tax year. Except as otherwise 114797
provided, a corporation's taxable year is the same as the 114798
corporation's taxable year for federal income tax purposes. If a 114799
corporation's taxable year is changed for federal income tax 114800
purposes, the taxable year for purposes of this chapter is changed 114801
accordingly but may consist of an aggregation of more than one 114802
taxable year for federal income tax purposes. The tax commissioner 114803
may prescribe by rule, an appropriate period as the taxable year 114804
for a corporation that has had a change of its taxable year for 114805
federal income tax purposes, for a corporation that has two or 114806
more short taxable years for federal income tax purposes as the 114807
result of a change of ownership, or for a new taxpayer that would 114808
otherwise have no taxable year. 114809

(B) A corporation's method of accounting for the base 114810
calculated under division (B) of section 5733.05 of the Revised 114811
Code shall be the same as its method of accounting for federal 114812
income tax purposes. In the absence of any method of accounting 114813
for federal income tax purposes, income shall be computed under 114814

such method as in the opinion of the tax commissioner clearly 114815
reflects income. 114816

If a corporation's method of accounting is changed for 114817
federal income tax purposes, its method of accounting for purposes 114818
of this chapter shall be changed accordingly. 114819

(C) ~~If~~ Except as provided in division (C)(3) of this section, 114820
any of the facts, figures, computations, or attachments required 114821
in a corporation's annual report to determine the tax imposed by 114822
section 5733.06 of the Revised Code must be altered as the result 114823
of an adjustment to the corporation's federal income tax return, 114824
whether the adjustment is initiated by the corporation or the 114825
internal revenue service, and such alteration affects the 114826
corporation's liability for the tax imposed by section 5733.06 of 114827
the Revised Code, the corporation shall file an amended report 114828
with the tax commissioner in such form as the commissioner 114829
requires. The amended report shall be filed not later than one 114830
year after the adjustment has been agreed to or finally determined 114831
for federal income tax purposes or any federal income tax 114832
deficiency or refund, or the abatement or credit resulting 114833
therefrom, has been assessed or paid, whichever occurs first. 114834

(1) In the case of an underpayment, the amended report shall 114835
be accompanied by payment of an additional tax and interest due 114836
and is a report subject to assessment under section 5733.11 of the 114837
Revised Code for the purpose of assessing any additional tax due 114838
under this division, together with any applicable penalty and 114839
interest. It shall not reopen those facts, figures, computations, 114840
or attachments from a previously filed report no longer subject to 114841
assessment that are not affected, either directly or indirectly, 114842
by the adjustment to the corporation's federal income tax return. 114843

(2) In the case of an overpayment, an application for refund 114844
may be filed under this division within the one-year period 114845
prescribed for filing the amended report even if it is filed 114846

beyond the period prescribed in division (B) of section 5733.12 of 114847
the Revised Code if it otherwise conforms to the requirements of 114848
such section. An application filed under this division shall claim 114849
refund of overpayments resulting from alterations to only those 114850
facts, figures, computations, or attachments required in the 114851
corporation's annual report that are affected, either directly or 114852
indirectly, by the adjustment to the corporation's federal income 114853
tax return unless it is also filed within the time prescribed in 114854
division (B) of section 5733.12 of the Revised Code. It shall not 114855
reopen those facts, figures, computations, or attachments that are 114856
not affected, either directly or indirectly, by the adjustment to 114857
the corporation's federal income tax return. 114858

(3) A taxpayer is not required to file an amended report, and 114859
is not permitted to file an application for refund, under this 114860
section on or after January 1, 2024. 114861

Sec. 5735.024. (A) No aviation fuel dealer shall purchase 114862
aviation fuel for resale in this state without first being 114863
licensed as an aviation fuel dealer by the tax commissioner to 114864
engage in such activities. 114865

(B) The failure to register with the commissioner as an 114866
aviation fuel dealer does not relieve a person from the 114867
requirement to file returns under this title. 114868

(C) No person shall make a false or fraudulent statement on 114869
the application required by this section. 114870

(D) Each aviation fuel dealer shall file a report with the 114871
commissioner on or before the last day of each month for the 114872
preceding month. The commissioner shall adopt rules pursuant to 114873
Chapter 119. of the Revised Code specifying the information that 114874
shall be required to be included in the report. 114875

(E) If an aviation fuel dealer files a false monthly report 114876

of the information required by the commissioner or fails to file a 114877
monthly report as required by this section, the commissioner may 114878
revoke the license of the aviation fuel dealer and notify the 114879
aviation fuel dealer in writing of such revocation ~~by certified~~ 114880
~~mail~~ in the manner provided in section 5703.37 of the Revised 114881
Code. 114882

Sec. 5735.04. If a motor fuel dealer files a false monthly 114883
report of the information required under section 5735.06 of the 114884
Revised Code, fails to file a monthly report as required by that 114885
section or section 5735.024 of the Revised Code, or fails to pay 114886
the full amount of the tax as required by the motor fuel laws of 114887
the state or as may be agreed upon by the tax commissioner and the 114888
motor fuel dealer, the commissioner may revoke the license of the 114889
motor fuel dealer, and notify the motor fuel dealer in writing of 114890
such revocation ~~by certified mail~~ in the manner provided in 114891
section 5703.37 of the Revised Code. 114892

The commissioner may cancel any license issued to any motor 114893
fuel dealer, and the cancellation shall become effective at the 114894
time that may be determined by the commissioner. The commissioner 114895
also may cancel the license of any motor fuel dealer upon sixty 114896
days' notice mailed to the last known address of the motor fuel 114897
dealer if the commissioner, upon investigation, finds that the 114898
person to whom the license has been issued is no longer engaged in 114899
the receipt, use, or sale of motor fuel as a motor fuel dealer, 114900
and has not been so engaged for the period of six months prior to 114901
the cancellation. No license shall be canceled upon the request of 114902
any motor fuel dealer unless the motor fuel dealer, prior to the 114903
date of cancellation, has paid to the state all motor fuel taxes 114904
payable or assumed by the motor fuel dealer under the laws of the 114905
state, together with all penalties and fines accruing by reason of 114906
any failure of the motor fuel dealer to make accurate reports of 114907
receipts of motor fuel or to pay the taxes and penalties. 114908

If the license of any motor fuel dealer is canceled by the commissioner as provided in this section, and if the motor fuel dealer has paid to the state all motor fuel taxes due and payable by the motor fuel dealer under the laws of the state, or assumed by the motor fuel dealer upon the receipt, sale, or use of motor fuel, together with all penalties accruing by reason of any failure on the part of the motor fuel dealer to make accurate reports or to pay the tax and penalties, then the commissioner shall cancel and surrender the bond theretofore filed by the motor fuel dealer.

Sec. 5735.041. (A) The tax commissioner may revoke the license of a retail dealer in the following circumstances:

(1) The retail dealer sells or attempts to sell any motor fuel upon which any motor fuel tax imposed by this chapter has not been paid;

(2) The retail dealer attempts to evade any motor fuel tax imposed by this chapter;

(3) The retail dealer violates any provision of this chapter.

(B) The commissioner shall notify the retail dealer in writing of the revocation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code.

Sec. 5735.042. (A) The tax commissioner may revoke an exporter's license in the following circumstances:

(1) An exporter licensed under section 5735.026 of the Revised Code purchases, for export, motor fuel in this state exclusive of the motor fuel tax, and subsequently diverts or causes the motor fuel to be diverted to a destination in this state or any state other than the originally designated state;

(2) The exporter is no longer the holder of a valid license

to purchase motor fuel tax free in the specified destination state 114938
or states for which the license is issued. 114939

(B) The commissioner shall notify the exporter in writing of 114940
such revocation ~~by certified mail~~ in the manner provided in 114941
section 5703.37 of the Revised Code. 114942

Sec. 5735.043. If a terminal operator files a false monthly 114943
report of the information required under section 5735.063 of the 114944
Revised Code, or fails to file the monthly report required by 114945
section 5735.063 of the Revised Code, the tax commissioner may 114946
revoke the license of the terminal operator. The commissioner 114947
shall notify the terminal operator in writing of such revocation 114948
~~by certified mail~~ in the manner provided in section 5703.37 of the 114949
Revised Code. 114950

The commissioner also may cancel the license of any terminal 114951
operator upon sixty days' notice mailed to the last known address 114952
of the terminal operator if the commissioner finds that the person 114953
to whom the license has been issued is no longer engaged as a 114954
terminal operator in this state, and has not been so engaged for 114955
at least six months prior to cancellation. 114956

Sec. 5735.044. If a permissive motor fuel dealer files a 114957
false monthly report of the information required under section 114958
5735.06 of the Revised Code, fails to file the monthly report as 114959
required by section 5735.06 of the Revised Code, or fails to pay 114960
the full amount of the tax as required by this chapter or as may 114961
be agreed upon by the tax commissioner and the permissive motor 114962
fuel dealer, the commissioner may revoke the license of the 114963
permissive motor fuel dealer. The commissioner shall notify the 114964
permissive motor fuel dealer in writing of the revocation ~~by~~ 114965
~~certified mail~~ in the manner provided in section 5703.37 of the 114966
Revised Code. 114967

The commissioner may cancel any license issued to any permissive motor fuel dealer and the cancellation shall become effective at the time that the commissioner determines. No license shall be canceled upon the request of any permissive motor fuel dealer unless the permissive motor fuel dealer, prior to the date of cancellation, has paid to the state all motor fuel taxes payable or assumed by the dealer under the laws of the state, together with all penalties, fines, and interest accruing by reason of any failure of the permissive motor fuel dealer to make accurate reports of sales of motor fuel or to pay the taxes, penalties, and interest.

If the license of any permissive motor fuel dealer is canceled by the commissioner under this section, and the permissive motor fuel dealer has paid to the state all motor fuel taxes due and payable by the permissive motor fuel dealer under the laws of this state or assumed by the permissive motor fuel dealer upon the sale of motor fuel, together with all penalties and interest accruing by reason of any failure on the part of the permissive motor fuel dealer to make accurate reports or to pay the tax, penalties, and interest, then the commissioner shall cancel and surrender the bond previously filed by the permissive motor fuel dealer.

Sec. 5736.07. (A) If a taxpayer files a false return, fails to file a return as required by section 5736.04 of the Revised Code, or fails to pay the full amount of tax due with a return, the tax commissioner may revoke the supplier's license issued to the taxpayer under section 5736.06 of the Revised Code by notifying the taxpayer in writing of such revocation ~~by certified mail~~ in the manner provided in section 5703.37 of the Revised Code.

(B) Upon the request of a person that is no longer subject to

the tax imposed by this chapter, the tax commissioner may cancel 114999
the supplier's license issued to the person under section 5736.06 115000
of the Revised Code. The cancellation shall become effective at 115001
the time determined by the commissioner. No license shall be 115002
canceled upon the request of any person unless, prior to the date 115003
of cancellation, the person has paid to the state all taxes 115004
payable by such person under the laws of the state, together with 115005
any interest and penalties. 115006

Sec. 5739.01. As used in this chapter: 115007

(A) "Person" includes individuals, receivers, assignees, 115008
trustees in bankruptcy, estates, firms, partnerships, 115009
associations, joint-stock companies, joint ventures, clubs, 115010
societies, corporations, the state and its political subdivisions, 115011
and combinations of individuals of any form. 115012

(B) "Sale" and "selling" include all of the following 115013
transactions for a consideration in any manner, whether absolutely 115014
or conditionally, whether for a price or rental, in money or by 115015
exchange, and by any means whatsoever: 115016

(1) All transactions by which title or possession, or both, 115017
of tangible personal property, is or is to be transferred, or a 115018
license to use or consume tangible personal property is or is to 115019
be granted; 115020

(2) All transactions by which lodging by a hotel is or is to 115021
be furnished to transient guests; 115022

(3) All transactions by which: 115023

(a) An item of tangible personal property is or is to be 115024
repaired, except property, the purchase of which would not be 115025
subject to the tax imposed by section 5739.02 of the Revised Code; 115026

(b) An item of tangible personal property is or is to be 115027
installed, except property, the purchase of which would not be 115028

subject to the tax imposed by section 5739.02 of the Revised Code 115029
or property that is or is to be incorporated into and will become 115030
a part of a production, transmission, transportation, or 115031
distribution system for the delivery of a public utility service; 115032

(c) The service of washing, cleaning, waxing, polishing, or 115033
painting a motor vehicle is or is to be furnished; 115034

(d) Laundry and dry cleaning services are or are to be 115035
provided; 115036

(e) Automatic data processing, computer services, or 115037
electronic information services are or are to be provided for use 115038
in business when the true object of the transaction is the receipt 115039
by the consumer of automatic data processing, computer services, 115040
or electronic information services rather than the receipt of 115041
personal or professional services to which automatic data 115042
processing, computer services, or electronic information services 115043
are incidental or supplemental. Notwithstanding any other 115044
provision of this chapter, such transactions that occur between 115045
members of an affiliated group are not sales. An "affiliated 115046
group" means two or more persons related in such a way that one 115047
person owns or controls the business operation of another member 115048
of the group. In the case of corporations with stock, one 115049
corporation owns or controls another if it owns more than fifty 115050
per cent of the other corporation's common stock with voting 115051
rights. 115052

(f) Telecommunications service, including prepaid calling 115053
service, prepaid wireless calling service, or ancillary service, 115054
is or is to be provided, but not including coin-operated telephone 115055
service; 115056

(g) Landscaping and lawn care service is or is to be 115057
provided; 115058

(h) Private investigation and security service is or is to be 115059

provided;	115060
(i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call;	115061 115062
(j) Building maintenance and janitorial service is or is to be provided;	115063 115064
(k) Exterminating service is or is to be provided;	115065
(l) Physical fitness facility service is or is to be provided;	115066 115067
(m) Recreation and sports club service is or is to be provided;	115068 115069
(n) Satellite broadcasting service is or is to be provided;	115070
(o) Personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.	115071 115072 115073 115074 115075 115076 115077 115078
(p) The transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;	115079 115080 115081 115082 115083 115084 115085
(q) Motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.	115086 115087 115088 115089

(r) Snow removal service is or is to be provided. As used in 115090
this division, "snow removal service" means the removal of snow by 115091
any mechanized means, but does not include the providing of such 115092
service by a person that has less than five thousand dollars in 115093
sales of such service during the calendar year. 115094

(s) Electronic publishing service is or is to be provided to 115095
a consumer for use in business, except that such transactions 115096
occurring between members of an affiliated group, as defined in 115097
division (B)(3)(e) of this section, are not sales. 115098

(4) All transactions by which printed, imprinted, 115099
overprinted, lithographic, multilithic, blueprinted, photostatic, 115100
or other productions or reproductions of written or graphic matter 115101
are or are to be furnished or transferred; 115102

(5) The production or fabrication of tangible personal 115103
property for a consideration for consumers who furnish either 115104
directly or indirectly the materials used in the production of 115105
fabrication work; and include the furnishing, preparing, or 115106
serving for a consideration of any tangible personal property 115107
consumed on the premises of the person furnishing, preparing, or 115108
serving such tangible personal property. Except as provided in 115109
section 5739.03 of the Revised Code, a construction contract 115110
pursuant to which tangible personal property is or is to be 115111
incorporated into a structure or improvement on and becoming a 115112
part of real property is not a sale of such tangible personal 115113
property. The construction contractor is the consumer of such 115114
tangible personal property, provided that the sale and 115115
installation of carpeting, the sale and installation of 115116
agricultural land tile, the sale and erection or installation of 115117
portable grain bins, or the provision of landscaping and lawn care 115118
service and the transfer of property as part of such service is 115119
never a construction contract. 115120

As used in division (B)(5) of this section: 115121

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) All transactions by which tangible personal property is or is to be stored, except such property that the consumer of the

storage holds for sale in the regular course of business; 115153

(10) All transactions in which "guaranteed auto protection" 115154
is provided whereby a person promises to pay to the consumer the 115155
difference between the amount the consumer receives from motor 115156
vehicle insurance and the amount the consumer owes to a person 115157
holding title to or a lien on the consumer's motor vehicle in the 115158
event the consumer's motor vehicle suffers a total loss under the 115159
terms of the motor vehicle insurance policy or is stolen and not 115160
recovered, if the protection and its price are included in the 115161
purchase or lease agreement; 115162

(11)(a) Except as provided in division (B)(11)(b) of this 115163
section, all transactions by which health care services are paid 115164
for, reimbursed, provided, delivered, arranged for, or otherwise 115165
made available by a medicaid health insuring corporation pursuant 115166
to the corporation's contract with the state. 115167

(b) If the centers for medicare and medicaid services of the 115168
United States department of health and human services determines 115169
that the taxation of transactions described in division (B)(11)(a) 115170
of this section constitutes an impermissible health care-related 115171
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 115172
1396b(w), and regulations adopted thereunder, the medicaid 115173
director shall notify the tax commissioner of that determination. 115174
Beginning with the first day of the month following that 115175
notification, the transactions described in division (B)(11)(a) of 115176
this section are not sales for the purposes of this chapter or 115177
Chapter 5741. of the Revised Code. The tax commissioner shall 115178
order that the collection of taxes under sections 5739.02, 115179
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 115180
5741.023 of the Revised Code shall cease for transactions 115181
occurring on or after that date. 115182

(12) All transactions by which a specified digital product is 115183
provided for permanent use or less than permanent use, regardless 115184

of whether continued payment is required. 115185

Except as provided in this section, "sale" and "selling" do 115186
not include transfers of interest in leased property where the 115187
original lessee and the terms of the original lease agreement 115188
remain unchanged, or professional, insurance, or personal service 115189
transactions that involve the transfer of tangible personal 115190
property as an inconsequential element, for which no separate 115191
charges are made. 115192

(C) "Vendor" means the person providing the service or by 115193
whom the transfer effected or license given by a sale is or is to 115194
be made or given and, for sales described in division (B)(3)(i) of 115195
this section, the telecommunications service vendor that provides 115196
the nine hundred telephone service; if two or more persons are 115197
engaged in business at the same place of business under a single 115198
trade name in which all collections on account of sales by each 115199
are made, such persons shall constitute a single vendor. 115200

Physicians, dentists, hospitals, and veterinarians who are 115201
engaged in selling tangible personal property as received from 115202
others, such as eyeglasses, mouthwashes, dentifrices, or similar 115203
articles, are vendors. Veterinarians who are engaged in 115204
transferring to others for a consideration drugs, the dispensing 115205
of which does not require an order of a licensed veterinarian or 115206
physician under federal law, are vendors. 115207

The operator of any peer-to-peer car sharing program shall be 115208
considered to be the vendor. 115209

(D)(1) "Consumer" means the person for whom the service is 115210
provided, to whom the transfer effected or license given by a sale 115211
is or is to be made or given, to whom the service described in 115212
division (B)(3)(f) or (i) of this section is charged, or to whom 115213
the admission is granted. 115214

(2) Physicians, dentists, hospitals, and blood banks operated 115215

by nonprofit institutions and persons licensed to practice 115216
veterinary medicine, surgery, and dentistry are consumers of all 115217
tangible personal property and services purchased by them in 115218
connection with the practice of medicine, dentistry, the rendition 115219
of hospital or blood bank service, or the practice of veterinary 115220
medicine, surgery, and dentistry. In addition to being consumers 115221
of drugs administered by them or by their assistants according to 115222
their direction, veterinarians also are consumers of drugs that 115223
under federal law may be dispensed only by or upon the order of a 115224
licensed veterinarian or physician, when transferred by them to 115225
others for a consideration to provide treatment to animals as 115226
directed by the veterinarian. 115227

(3) A person who performs a facility management, or similar 115228
service contract for a contractee is a consumer of all tangible 115229
personal property and services purchased for use in connection 115230
with the performance of such contract, regardless of whether title 115231
to any such property vests in the contractee. The purchase of such 115232
property and services is not subject to the exception for resale 115233
under division (E) of this section. 115234

(4)(a) In the case of a person who purchases printed matter 115235
for the purpose of distributing it or having it distributed to the 115236
public or to a designated segment of the public, free of charge, 115237
that person is the consumer of that printed matter, and the 115238
purchase of that printed matter for that purpose is a sale. 115239

(b) In the case of a person who produces, rather than 115240
purchases, printed matter for the purpose of distributing it or 115241
having it distributed to the public or to a designated segment of 115242
the public, free of charge, that person is the consumer of all 115243
tangible personal property and services purchased for use or 115244
consumption in the production of that printed matter. That person 115245
is not entitled to claim exemption under division (B)(42)(f) of 115246
section 5739.02 of the Revised Code for any material incorporated 115247

into the printed matter or any equipment, supplies, or services 115248
primarily used to produce the printed matter. 115249

(c) The distribution of printed matter to the public or to a 115250
designated segment of the public, free of charge, is not a sale to 115251
the members of the public to whom the printed matter is 115252
distributed or to any persons who purchase space in the printed 115253
matter for advertising or other purposes. 115254

(5) A person who makes sales of any of the services listed in 115255
division (B)(3) of this section is the consumer of any tangible 115256
personal property used in performing the service. The purchase of 115257
that property is not subject to the resale exception under 115258
division (E) of this section. 115259

(6) A person who engages in highway transportation for hire 115260
is the consumer of all packaging materials purchased by that 115261
person and used in performing the service, except for packaging 115262
materials sold by such person in a transaction separate from the 115263
service. 115264

(7) In the case of a transaction for health care services 115265
under division (B)(11) of this section, a medicaid health insuring 115266
corporation is the consumer of such services. The purchase of such 115267
services by a medicaid health insuring corporation is not subject 115268
to the exception for resale under division (E) of this section or 115269
to the exemptions provided under divisions (B)(12), (18), (19), 115270
and (22) of section 5739.02 of the Revised Code. 115271

(E) "Retail sale" and "sales at retail" include all sales, 115272
except those in which the purpose of the consumer is to resell the 115273
thing transferred or benefit of the service provided, by a person 115274
engaging in business, in the form in which the same is, or is to 115275
be, received by the person. 115276

(F) "Business" includes any activity engaged in by any person 115277
with the object of gain, benefit, or advantage, either direct or 115278

indirect. "Business" does not include the activity of a person in 115279
managing and investing the person's own funds. 115280

(G) "Engaging in business" means commencing, conducting, or 115281
continuing in business, and liquidating a business when the 115282
liquidator thereof holds itself out to the public as conducting 115283
such business. Making a casual sale is not engaging in business. 115284

(H)(1)(a) "Price," except as provided in divisions (H)(2), 115285
(3), and (4) of this section, means the total amount of 115286
consideration, including cash, credit, property, and services, for 115287
which tangible personal property or services are sold, leased, or 115288
rented, valued in money, whether received in money or otherwise, 115289
without any deduction for any of the following: 115290

(i) The vendor's cost of the property sold; 115291

(ii) The cost of materials used, labor or service costs, 115292
interest, losses, all costs of transportation to the vendor, all 115293
taxes imposed on the vendor, including the tax imposed under 115294
Chapter 5751. of the Revised Code, and any other expense of the 115295
vendor; 115296

(iii) Charges by the vendor for any services necessary to 115297
complete the sale; 115298

(iv) Delivery charges. As used in this division, "delivery 115299
charges" means charges by the vendor for preparation and delivery 115300
to a location designated by the consumer of tangible personal 115301
property or a service, including transportation, shipping, 115302
postage, handling, crating, and packing. 115303

(v) Installation charges; 115304

(vi) Credit for any trade-in. 115305

(b) "Price" includes consideration received by the vendor 115306
from a third party, if the vendor actually receives the 115307
consideration from a party other than the consumer, and the 115308

consideration is directly related to a price reduction or discount 115309
on the sale; the vendor has an obligation to pass the price 115310
reduction or discount through to the consumer; the amount of the 115311
consideration attributable to the sale is fixed and determinable 115312
by the vendor at the time of the sale of the item to the consumer; 115313
and one of the following criteria is met: 115314

(i) The consumer presents a coupon, certificate, or other 115315
document to the vendor to claim a price reduction or discount 115316
where the coupon, certificate, or document is authorized, 115317
distributed, or granted by a third party with the understanding 115318
that the third party will reimburse any vendor to whom the coupon, 115319
certificate, or document is presented; 115320

(ii) The consumer identifies the consumer's self to the 115321
seller as a member of a group or organization entitled to a price 115322
reduction or discount. A preferred customer card that is available 115323
to any patron does not constitute membership in such a group or 115324
organization. 115325

(iii) The price reduction or discount is identified as a 115326
third party price reduction or discount on the invoice received by 115327
the consumer, or on a coupon, certificate, or other document 115328
presented by the consumer. 115329

(c) "Price" does not include any of the following: 115330

(i) Discounts, including cash, term, or coupons that are not 115331
reimbursed by a third party that are allowed by a vendor and taken 115332
by a consumer on a sale; 115333

(ii) Interest, financing, and carrying charges from credit 115334
extended on the sale of tangible personal property or services, if 115335
the amount is separately stated on the invoice, bill of sale, or 115336
similar document given to the purchaser; 115337

(iii) Any taxes legally imposed directly on the consumer that 115338
are separately stated on the invoice, bill of sale, or similar 115339

document given to the consumer. For the purpose of this division, 115340
the tax imposed under Chapter 5751. of the Revised Code is not a 115341
tax directly on the consumer, even if the tax or a portion thereof 115342
is separately stated. 115343

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 115344
section, any discount allowed by an automobile manufacturer to its 115345
employee, or to the employee of a supplier, on the purchase of a 115346
new motor vehicle from a new motor vehicle dealer in this state. 115347

(v) The dollar value of a gift card that is not sold by a 115348
vendor or purchased by a consumer and that is redeemed by the 115349
consumer in purchasing tangible personal property or services if 115350
the vendor is not reimbursed and does not receive compensation 115351
from a third party to cover all or part of the gift card value. 115352
For the purposes of this division, a gift card is not sold by a 115353
vendor or purchased by a consumer if it is distributed pursuant to 115354
an awards, loyalty, or promotional program. Past and present 115355
purchases of tangible personal property or services by the 115356
consumer shall not be treated as consideration exchanged for a 115357
gift card. 115358

(2) In the case of a sale of any new motor vehicle by a new 115359
motor vehicle dealer, as defined in section 4517.01 of the Revised 115360
Code, in which another motor vehicle is accepted by the dealer as 115361
part of the consideration received, "price" has the same meaning 115362
as in division (H)(1) of this section, reduced by the credit 115363
afforded the consumer by the dealer for the motor vehicle received 115364
in trade. 115365

(3) In the case of a sale of any watercraft or outboard motor 115366
by a watercraft dealer licensed in accordance with section 115367
1547.543 of the Revised Code, in which another watercraft, 115368
watercraft and trailer, or outboard motor is accepted by the 115369
dealer as part of the consideration received, "price" has the same 115370
meaning as in division (H)(1) of this section, reduced by the 115371

credit afforded the consumer by the dealer for the watercraft, 115372
watercraft and trailer, or outboard motor received in trade. As 115373
used in this division, "watercraft" includes an outdrive unit 115374
attached to the watercraft. 115375

(4) In the case of transactions for health care services 115376
under division (B)(11) of this section, "price" means the amount 115377
of managed care premiums received each month by a medicaid health 115378
insuring corporation. 115379

(I) "Receipts" means the total amount of the prices of the 115380
sales of vendors, provided that the dollar value of gift cards 115381
distributed pursuant to an awards, loyalty, or promotional 115382
program, and cash discounts allowed and taken on sales at the time 115383
they are consummated are not included, minus any amount deducted 115384
as a bad debt pursuant to section 5739.121 of the Revised Code. 115385
"Receipts" does not include the sale price of property returned or 115386
services rejected by consumers when the full sale price and tax 115387
are refunded either in cash or by credit. 115388

(J) "Place of business" means any location at which a person 115389
engages in business. 115390

(K) "Premises" includes any real property or portion thereof 115391
upon which any person engages in selling tangible personal 115392
property at retail or making retail sales and also includes any 115393
real property or portion thereof designated for, or devoted to, 115394
use in conjunction with the business engaged in by such person. 115395

(L) "Casual sale" means a sale of an item of tangible 115396
personal property that was obtained by the person making the sale, 115397
through purchase or otherwise, for the person's own use and was 115398
previously subject to any state's taxing jurisdiction on its sale 115399
or use, and includes such items acquired for the seller's use that 115400
are sold by an auctioneer employed directly by the person for such 115401
purpose, provided the location of such sales is not the 115402

auctioneer's permanent place of business. As used in this 115403
division, "permanent place of business" includes any location 115404
where such auctioneer has conducted more than two auctions during 115405
the year. 115406

(M) "Hotel" means every establishment kept, used, maintained, 115407
advertised, or held out to the public to be a place where sleeping 115408
accommodations are offered to guests, in which five or more rooms 115409
are used for the accommodation of such guests, whether the rooms 115410
are in one or several structures, except as otherwise provided in 115411
section 5739.091 of the Revised Code. 115412

(N) "Transient guests" means persons occupying a room or 115413
rooms for sleeping accommodations for less than thirty consecutive 115414
days. 115415

(O) "Making retail sales" means the effecting of transactions 115416
wherein one party is obligated to pay the price and the other 115417
party is obligated to provide a service or to transfer title to or 115418
possession of the item sold. "Making retail sales" does not 115419
include the preliminary acts of promoting or soliciting the retail 115420
sales, other than the distribution of printed matter which 115421
displays or describes and prices the item offered for sale, nor 115422
does it include delivery of a predetermined quantity of tangible 115423
personal property or transportation of property or personnel to or 115424
from a place where a service is performed. 115425

(P) "Used directly in the rendition of a public utility 115426
service" means that property that is to be incorporated into and 115427
will become a part of the consumer's production, transmission, 115428
transportation, or distribution system and that retains its 115429
classification as tangible personal property after such 115430
incorporation; fuel or power used in the production, transmission, 115431
transportation, or distribution system; and tangible personal 115432
property used in the repair and maintenance of the production, 115433
transmission, transportation, or distribution system, including 115434

only such motor vehicles as are specially designed and equipped 115435
for such use. Tangible personal property and services used 115436
primarily in providing highway transportation for hire are not 115437
used directly in the rendition of a public utility service. In 115438
this definition, "public utility" includes a citizen of the United 115439
States holding, and required to hold, a certificate of public 115440
convenience and necessity issued under 49 U.S.C. 41102. 115441

(Q) "Refining" means removing or separating a desirable 115442
product from raw or contaminated materials by distillation or 115443
physical, mechanical, or chemical processes. 115444

(R) "Assembly" and "assembling" mean attaching or fitting 115445
together parts to form a product, but do not include packaging a 115446
product. 115447

(S) "Manufacturing operation" means a process in which 115448
materials are changed, converted, or transformed into a different 115449
state or form from which they previously existed and includes 115450
refining materials, assembling parts, and preparing raw materials 115451
and parts by mixing, measuring, blending, or otherwise committing 115452
such materials or parts to the manufacturing process. 115453
"Manufacturing operation" does not include packaging. 115454

(T) "Fiscal officer" means, with respect to a regional 115455
transit authority, the secretary-treasurer thereof, and with 115456
respect to a county that is a transit authority, the fiscal 115457
officer of the county transit board if one is appointed pursuant 115458
to section 306.03 of the Revised Code or the county auditor if the 115459
board of county commissioners operates the county transit system. 115460

(U) "Transit authority" means a regional transit authority 115461
created pursuant to section 306.31 of the Revised Code or a county 115462
in which a county transit system is created pursuant to section 115463
306.01 of the Revised Code. For the purposes of this chapter, a 115464
transit authority must extend to at least the entire area of a 115465

single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for

the purpose of either of the following: 115497

(i) Examining or acquiring data stored in or accessible to 115498
the computer equipment; 115499

(ii) Placing data into the computer equipment to be retrieved 115500
by designated recipients with access to the computer equipment. 115501

"Electronic information services" does not include electronic 115502
publishing. 115503

(d) "Automatic data processing, computer services, or 115504
electronic information services" shall not include personal or 115505
professional services. 115506

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 115507
section, "personal and professional services" means all services 115508
other than automatic data processing, computer services, or 115509
electronic information services, including but not limited to: 115510

(a) Accounting and legal services such as advice on tax 115511
matters, asset management, budgetary matters, quality control, 115512
information security, and auditing and any other situation where 115513
the service provider receives data or information and studies, 115514
alters, analyzes, interprets, or adjusts such material; 115515

(b) Analyzing business policies and procedures; 115516

(c) Identifying management information needs; 115517

(d) Feasibility studies, including economic and technical 115518
analysis of existing or potential computer hardware or software 115519
needs and alternatives; 115520

(e) Designing policies, procedures, and custom software for 115521
collecting business information, and determining how data should 115522
be summarized, sequenced, formatted, processed, controlled, and 115523
reported so that it will be meaningful to management; 115524

(f) Developing policies and procedures that document how 115525
business events and transactions are to be authorized, executed, 115526

and controlled;	115527
(g) Testing of business procedures;	115528
(h) Training personnel in business procedure applications;	115529
(i) Providing credit information to users of such information	115530
by a consumer reporting agency, as defined in the "Fair Credit	115531
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	115532
as hereafter amended, including but not limited to gathering,	115533
organizing, analyzing, recording, and furnishing such information	115534
by any oral, written, graphic, or electronic medium;	115535
(j) Providing debt collection services by any oral, written,	115536
graphic, or electronic means;	115537
(k) Providing digital advertising services;	115538
(l) Providing services to electronically file any federal,	115539
state, or local individual income tax return, report, or other	115540
related document or schedule with a federal, state, or local	115541
government entity or to electronically remit a payment of any such	115542
individual income tax to such an entity. For the purpose of this	115543
division, "individual income tax" does not include federal, state,	115544
or local taxes withheld by an employer from an employee's	115545
compensation.	115546
The services listed in divisions (Y)(2)(a) to (l) of this	115547
section are not automatic data processing or computer services.	115548
(Z) "Highway transportation for hire" means the	115549
transportation of personal property belonging to others for	115550
consideration by any of the following:	115551
(1) The holder of a permit or certificate issued by this	115552
state or the United States authorizing the holder to engage in	115553
transportation of personal property belonging to others for	115554
consideration over or on highways, roadways, streets, or any	115555
similar public thoroughfare;	115556

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third

parties;	115588
(f) Internet access service;	115589
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	115590 115591 115592 115593 115594 115595 115596 115597
(h) Ancillary service;	115598
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	115599 115600
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	115601 115602 115603 115604 115605
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	115606 115607 115608 115609 115610
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	115611 115612 115613
(c) "Directory assistance" means an ancillary service of providing telephone number or address information.	115614 115615
(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications	115616 115617

services, which offers advanced calling features that allow 115618
customers to identify callers and manage multiple calls and call 115619
connections, including conference bridging service. 115620

(e) "Voice mail service" means an ancillary service that 115621
enables the customer to store, send, or receive recorded messages. 115622
"Voice mail service" does not include any vertical services that 115623
the customer may be required to have in order to utilize the voice 115624
mail service. 115625

(3) "900 service" means an inbound toll telecommunications 115626
service purchased by a subscriber that allows the subscriber's 115627
customers to call in to the subscriber's prerecorded announcement 115628
or live service, and which is typically marketed under the name 115629
"900 service" and any subsequent numbers designated by the federal 115630
communications commission. "900 service" does not include the 115631
charge for collection services provided by the seller of the 115632
telecommunications service to the subscriber, or services or 115633
products sold by the subscriber to the subscriber's customer. 115634

(4) "Prepaid calling service" means the right to access 115635
exclusively telecommunications services, which must be paid for in 115636
advance and which enables the origination of calls using an access 115637
number or authorization code, whether manually or electronically 115638
dialed, and that is sold in predetermined units or dollars of 115639
which the number declines with use in a known amount. 115640

(5) "Prepaid wireless calling service" means a 115641
telecommunications service that provides the right to utilize 115642
mobile telecommunications service as well as other 115643
non-telecommunications services, including the download of digital 115644
products delivered electronically, and content and ancillary 115645
services, that must be paid for in advance and that is sold in 115646
predetermined units or dollars of which the number declines with 115647
use in a known amount. 115648

(6) "Value-added non-voice data service" means a 115649
telecommunications service in which computer processing 115650
applications are used to act on the form, content, code, or 115651
protocol of the information or data primarily for a purpose other 115652
than transmission, conveyance, or routing. 115653

(7) "Coin-operated telephone service" means a 115654
telecommunications service paid for by inserting money into a 115655
telephone accepting direct deposits of money to operate. 115656

(8) "Customer" has the same meaning as in section 5739.034 of 115657
the Revised Code. 115658

(BB) "Laundry and dry cleaning services" means removing soil 115659
or dirt from towels, linens, articles of clothing, or other fabric 115660
items that belong to others and supplying towels, linens, articles 115661
of clothing, or other fabric items. "Laundry and dry cleaning 115662
services" does not include the provision of self-service 115663
facilities for use by consumers to remove soil or dirt from 115664
towels, linens, articles of clothing, or other fabric items. 115665

(CC) "Magazines distributed as controlled circulation 115666
publications" means magazines containing at least twenty-four 115667
pages, at least twenty-five per cent editorial content, issued at 115668
regular intervals four or more times a year, and circulated 115669
without charge to the recipient, provided that such magazines are 115670
not owned or controlled by individuals or business concerns which 115671
conduct such publications as an auxiliary to, and essentially for 115672
the advancement of the main business or calling of, those who own 115673
or control them. 115674

(DD) "Landscaping and lawn care service" means the services 115675
of planting, seeding, sodding, removing, cutting, trimming, 115676
pruning, mulching, aerating, applying chemicals, watering, 115677
fertilizing, and providing similar services to establish, promote, 115678
or control the growth of trees, shrubs, flowers, grass, ground 115679

cover, and other flora, or otherwise maintaining a lawn or 115680
landscape grown or maintained by the owner for ornamentation or 115681
other nonagricultural purpose. However, "landscaping and lawn care 115682
service" does not include the providing of such services by a 115683
person who has less than five thousand dollars in sales of such 115684
services during the calendar year. 115685

(EE) "Private investigation and security service" means the 115686
performance of any activity for which the provider of such service 115687
is required to be licensed pursuant to Chapter 4749. of the 115688
Revised Code, or would be required to be so licensed in performing 115689
such services in this state, and also includes the services of 115690
conducting polygraph examinations and of monitoring or overseeing 115691
the activities on or in, or the condition of, the consumer's home, 115692
business, or other facility by means of electronic or similar 115693
monitoring devices. "Private investigation and security service" 115694
does not include special duty services provided by off-duty police 115695
officers, deputy sheriffs, and other peace officers regularly 115696
employed by the state or a political subdivision. 115697

(FF) "Information services" means providing conversation, 115698
giving consultation or advice, playing or making a voice or other 115699
recording, making or keeping a record of the number of callers, 115700
and any other service provided to a consumer by means of a nine 115701
hundred telephone call, except when the nine hundred telephone 115702
call is the means by which the consumer makes a contribution to a 115703
recognized charity. 115704

(GG) "Research and development" means designing, creating, or 115705
formulating new or enhanced products, equipment, or manufacturing 115706
processes, and also means conducting scientific or technological 115707
inquiry and experimentation in the physical sciences with the goal 115708
of increasing scientific knowledge which may reveal the bases for 115709
new or enhanced products, equipment, or manufacturing processes. 115710

(HH) "Qualified research and development equipment" means 115711

either of the following: 115712

(1) Capitalized tangible personal property, and leased 115713
personal property that would be capitalized if purchased, used by 115714
a person primarily to perform research and development; 115715

(2) Any tangible personal property used by a megaproject 115716
operator primarily to perform research and development at the site 115717
of a megaproject that satisfies the criteria described in division 115718
(A)(11)(a)(ii) of section 122.17 of the Revised Code during the 115719
period that the megaproject operator has an agreement for such 115720
megaproject with the tax credit authority under division (D) of 115721
that section that remains in effect and has not expired or been 115722
terminated. 115723

"Qualified research and development equipment" does not 115724
include tangible personal property primarily used in testing, as 115725
defined in division (A)(4) of section 5739.011 of the Revised 115726
Code, or used for recording or storing test results, unless such 115727
property is primarily used by the consumer in testing the product, 115728
equipment, or manufacturing process being created, designed, or 115729
formulated by the consumer in the research and development 115730
activity or in recording or storing such test results. 115731

(II) "Building maintenance and janitorial service" means 115732
cleaning the interior or exterior of a building and any tangible 115733
personal property located therein or thereon, including any 115734
services incidental to such cleaning for which no separate charge 115735
is made. However, "building maintenance and janitorial service" 115736
does not include the providing of such service by a person who has 115737
less than five thousand dollars in sales of such service during 115738
the calendar year. As used in this division, "cleaning" does not 115739
include sanitation services necessary for an establishment 115740
described in 21 U.S.C. 608 to comply with rules and regulations 115741
adopted pursuant to that section. 115742

(JJ) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(KK) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise.

(LL) "Recreation and sports club service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a recreation and sports club, which entitles the member to use the facilities of the organization. "Recreation and sports club" means an organization that has ownership of, or controls or leases on a continuing, long-term basis, the facilities used by its members and includes an aviation club, gun or shooting club, yacht club, card club, swimming club, tennis club, golf club, country club, riding club, amateur sports club, or similar organization.

(MM) "Livestock" means farm animals commonly raised for food, food production, or other agricultural purposes, including, but not limited to, cattle, sheep, goats, swine, poultry, and captive deer. "Livestock" does not include invertebrates, amphibians, reptiles, domestic pets, animals for use in laboratories or for exhibition, or other animals not commonly raised for food or food production.

(NN) "Livestock structure" means a building or structure used exclusively for the housing, raising, feeding, or sheltering of

livestock, and includes feed storage or handling structures and 115775
structures for livestock waste handling. 115776

(OO) "Horticulture" means the growing, cultivation, and 115777
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 115778
and nursery stock. As used in this division, "nursery stock" has 115779
the same meaning as in section 927.51 of the Revised Code. 115780

(PP) "Horticulture structure" means a building or structure 115781
used exclusively for the commercial growing, raising, or 115782
overwintering of horticultural products, and includes the area 115783
used for stocking, storing, and packing horticultural products 115784
when done in conjunction with the production of those products. 115785

(QQ) "Newspaper" means an unbound publication bearing a title 115786
or name that is regularly published, at least as frequently as 115787
biweekly, and distributed from a fixed place of business to the 115788
public in a specific geographic area, and that contains a 115789
substantial amount of news matter of international, national, or 115790
local events of interest to the general public. 115791

(RR)(1) "Feminine hygiene products" means tampons, panty 115792
liners, menstrual cups, sanitary napkins, and other similar 115793
tangible personal property designed for feminine hygiene in 115794
connection with the human menstrual cycle, but does not include 115795
grooming and hygiene products. 115796

(2) "Grooming and hygiene products" means soaps and cleaning 115797
solutions, shampoo, toothpaste, mouthwash, antiperspirants, and 115798
sun tan lotions and screens, regardless of whether any of these 115799
products are over-the-counter drugs. 115800

(3) "Over-the-counter drugs" means a drug that contains a 115801
label that identifies the product as a drug as required by 21 115802
C.F.R. 201.66, which label includes a drug facts panel or a 115803
statement of the active ingredients with a list of those 115804
ingredients contained in the compound, substance, or preparation. 115805

(SS)(1) "Lease" or "rental" means any transfer of the 115806
possession or control of tangible personal property for a fixed or 115807
indefinite term, for consideration. "Lease" or "rental" includes 115808
future options to purchase or extend, and agreements described in 115809
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 115810
the amount of consideration may be increased or decreased by 115811
reference to the amount realized upon the sale or disposition of 115812
the property. "Lease" or "rental" does not include: 115813

(a) A transfer of possession or control of tangible personal 115814
property under a security agreement or a deferred payment plan 115815
that requires the transfer of title upon completion of the 115816
required payments; 115817

(b) A transfer of possession or control of tangible personal 115818
property under an agreement that requires the transfer of title 115819
upon completion of required payments and payment of an option 115820
price that does not exceed the greater of one hundred dollars or 115821
one per cent of the total required payments; 115822

(c) Providing tangible personal property along with an 115823
operator for a fixed or indefinite period of time, if the operator 115824
is necessary for the property to perform as designed. For purposes 115825
of this division, the operator must do more than maintain, 115826
inspect, or set up the tangible personal property. 115827

(2) "Lease" and "rental," as defined in division (SS) of this 115828
section, shall not apply to leases or rentals that exist before 115829
June 26, 2003. 115830

(3) "Lease" and "rental" have the same meaning as in division 115831
(SS)(1) of this section regardless of whether a transaction is 115832
characterized as a lease or rental under generally accepted 115833
accounting principles, the Internal Revenue Code, Title XIII of 115834
the Revised Code, or other federal, state, or local laws. 115835

(TT) "Mobile telecommunications service" has the same meaning 115836

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 115837
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 115838
on and after August 1, 2003, includes related fees and ancillary 115839
services, including universal service fees, detailed billing 115840
service, directory assistance, service initiation, voice mail 115841
service, and vertical services, such as caller ID and three-way 115842
calling. 115843

(UU) "Certified service provider" has the same meaning as in 115844
section 5740.01 of the Revised Code. 115845

(VV) "Satellite broadcasting service" means the distribution 115846
or broadcasting of programming or services by satellite directly 115847
to the subscriber's receiving equipment without the use of ground 115848
receiving or distribution equipment, except the subscriber's 115849
receiving equipment or equipment used in the uplink process to the 115850
satellite, and includes all service and rental charges, premium 115851
channels or other special services, installation and repair 115852
service charges, and any other charges having any connection with 115853
the provision of the satellite broadcasting service. 115854

(WW) "Tangible personal property" means personal property 115855
that can be seen, weighed, measured, felt, or touched, or that is 115856
in any other manner perceptible to the senses. For purposes of 115857
this chapter and Chapter 5741. of the Revised Code, "tangible 115858
personal property" includes motor vehicles, electricity, water, 115859
gas, steam, and prewritten computer software. 115860

(XX) "Municipal gas utility" means a municipal corporation 115861
that owns or operates a system for the distribution of natural 115862
gas. 115863

(YY) "Computer" means an electronic device that accepts 115864
information in digital or similar form and manipulates it for a 115865
result based on a sequence of instructions. 115866

(ZZ) "Computer software" means a set of coded instructions 115867

designed to cause a computer or automatic data processing 115868
equipment to perform a task. 115869

(AAA) "Delivered electronically" means delivery of computer 115870
software from the seller to the purchaser by means other than 115871
tangible storage media. 115872

(BBB) "Prewritten computer software" means computer software, 115873
including prewritten upgrades, that is not designed and developed 115874
by the author or other creator to the specifications of a specific 115875
purchaser. The combining of two or more prewritten computer 115876
software programs or prewritten portions thereof does not cause 115877
the combination to be other than prewritten computer software. 115878
"Prewritten computer software" includes software designed and 115879
developed by the author or other creator to the specifications of 115880
a specific purchaser when it is sold to a person other than the 115881
purchaser. If a person modifies or enhances computer software of 115882
which the person is not the author or creator, the person shall be 115883
deemed to be the author or creator only of such person's 115884
modifications or enhancements. Prewritten computer software or a 115885
prewritten portion thereof that is modified or enhanced to any 115886
degree, where such modification or enhancement is designed and 115887
developed to the specifications of a specific purchaser, remains 115888
prewritten computer software; provided, however, that where there 115889
is a reasonable, separately stated charge or an invoice or other 115890
statement of the price given to the purchaser for the modification 115891
or enhancement, the modification or enhancement shall not 115892
constitute prewritten computer software. 115893

(CCC)(1) "Food" means substances, whether in liquid, 115894
concentrated, solid, frozen, dried, or dehydrated form, that are 115895
sold for ingestion or chewing by humans and are consumed for their 115896
taste or nutritional value. "Food" does not include alcoholic 115897
beverages, dietary supplements, soft drinks, or tobacco. 115898

(2) As used in division (CCC)(1) of this section: 115899

(a) ~~"Alcoholic beverages" means beverages that are suitable for human consumption and contain one half of one per cent or more of alcohol by volume.~~ 115900
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115902

~~(b)~~ "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients: 115903
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(i) A vitamin; 115912

(ii) A mineral; 115913

(iii) An herb or other botanical; 115914

(iv) An amino acid; 115915

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; 115916
115917

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions 115918
115919

~~(CCC)(2)(b)(i)~~ (CCC)(2)(a)(i) to (v) of this section. 115920

~~(e)~~ (b) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume. 115921
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~~(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.~~ 115926
115927

(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than 115928
115929

food, dietary supplements, or alcoholic beverages that is 115930
recognized in the official United States pharmacopoeia, official 115931
homeopathic pharmacopoeia of the United States, or official 115932
national formulary, and supplements to them; is intended for use 115933
in the diagnosis, cure, mitigation, treatment, or prevention of 115934
disease; or is intended to affect the structure or any function of 115935
the body. 115936

(EEE) "Prescription" means an order, formula, or recipe 115937
issued in any form of oral, written, electronic, or other means of 115938
transmission by a duly licensed practitioner authorized by the 115939
laws of this state to issue a prescription. 115940

(FFF) "Durable medical equipment" means equipment, including 115941
repair and replacement parts for such equipment, that can 115942
withstand repeated use, is primarily and customarily used to serve 115943
a medical purpose, generally is not useful to a person in the 115944
absence of illness or injury, and is not worn in or on the body. 115945
"Durable medical equipment" does not include mobility enhancing 115946
equipment. 115947

(GGG) "Mobility enhancing equipment" means equipment, 115948
including repair and replacement parts for such equipment, that is 115949
primarily and customarily used to provide or increase the ability 115950
to move from one place to another and is appropriate for use 115951
either in a home or a motor vehicle, that is not generally used by 115952
persons with normal mobility, and that does not include any motor 115953
vehicle or equipment on a motor vehicle normally provided by a 115954
motor vehicle manufacturer. "Mobility enhancing equipment" does 115955
not include durable medical equipment. 115956

(HHH) "Prosthetic device" means a replacement, corrective, or 115957
supportive device, including repair and replacement parts for the 115958
device, worn on or in the human body to artificially replace a 115959
missing portion of the body, prevent or correct physical deformity 115960
or malfunction, or support a weak or deformed portion of the body. 115961

As used in this division, before July 1, 2019, "prosthetic device" 115962
does not include corrective eyeglasses, contact lenses, or dental 115963
prosthesis. On or after July 1, 2019, "prosthetic device" does not 115964
include dental prosthesis but does include corrective eyeglasses 115965
or contact lenses. 115966

(III)(1) "Fractional aircraft ownership program" means a 115967
program in which persons within an affiliated group sell and 115968
manage fractional ownership program aircraft, provided that at 115969
least one hundred airworthy aircraft are operated in the program 115970
and the program meets all of the following criteria: 115971

(a) Management services are provided by at least one program 115972
manager within an affiliated group on behalf of the fractional 115973
owners. 115974

(b) Each program aircraft is owned or possessed by at least 115975
one fractional owner. 115976

(c) Each fractional owner owns or possesses at least a 115977
one-sixteenth interest in at least one fixed-wing program 115978
aircraft. 115979

(d) A dry-lease aircraft interchange arrangement is in effect 115980
among all of the fractional owners. 115981

(e) Multi-year program agreements are in effect regarding the 115982
fractional ownership, management services, and dry-lease aircraft 115983
interchange arrangement aspects of the program. 115984

(2) As used in division (III)(1) of this section: 115985

(a) "Affiliated group" has the same meaning as in division 115986
(B)(3)(e) of this section. 115987

(b) "Fractional owner" means a person that owns or possesses 115988
at least a one-sixteenth interest in a program aircraft and has 115989
entered into the agreements described in division (III)(1)(e) of 115990
this section. 115991

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (III)(1)(e) of this section.

(JJJ) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary

materials; or other similar information which has been gathered 116024
and made available by the provider to the consumer in an 116025
electronic format. Providing electronic publishing includes the 116026
functions necessary for the acquisition, formatting, editing, 116027
storage, and dissemination of data or information that is the 116028
subject of a sale. 116029

(KKK) "Medicaid health insuring corporation" means a health 116030
insuring corporation that holds a certificate of authority under 116031
Chapter 1751. of the Revised Code and is under contract with the 116032
department of medicaid pursuant to section 5167.10 of the Revised 116033
Code. 116034

(LLL) "Managed care premium" means any premium, capitation, 116035
or other payment a medicaid health insuring corporation receives 116036
for providing or arranging for the provision of health care 116037
services to its members or enrollees residing in this state. 116038

(MMM) "Captive deer" means deer and other cervidae that have 116039
been legally acquired, or their offspring, that are privately 116040
owned for agricultural or farming purposes. 116041

(NNN) "Gift card" means a document, card, certificate, or 116042
other record, whether tangible or intangible, that may be redeemed 116043
by a consumer for a dollar value when making a purchase of 116044
tangible personal property or services. 116045

(OOO) "Specified digital product" means an electronically 116046
transferred digital audiovisual work, digital audio work, or 116047
digital book. 116048

As used in division (OOO) of this section: 116049

(1) "Digital audiovisual work" means a series of related 116050
images that, when shown in succession, impart an impression of 116051
motion, together with accompanying sounds, if any. 116052

(2) "Digital audio work" means a work that results from the 116053

fixation of a series of musical, spoken, or other sounds, 116054
including digitized sound files that are downloaded onto a device 116055
and that may be used to alert the customer with respect to a 116056
communication. 116057

(3) "Digital book" means a work that is generally recognized 116058
in the ordinary and usual sense as a book. 116059

(4) "Electronically transferred" means obtained by the 116060
purchaser by means other than tangible storage media. 116061

(PPP) "Digital advertising services" means providing access, 116062
by means of telecommunications equipment, to computer equipment 116063
that is used to enter, upload, download, review, manipulate, 116064
store, add, or delete data for the purpose of electronically 116065
displaying, delivering, placing, or transferring promotional 116066
advertisements to potential customers about products or services 116067
or about industry or business brands. 116068

(QQQ) "Peer-to-peer car sharing program" has the same meaning 116069
as in section 4516.01 of the Revised Code. 116070

(RRR) "Megaproject" and "megaproject operator" have the same 116071
meanings as in section 122.17 of the Revised Code. 116072

(SSS)(1) "Diaper" means an absorbent garment worn by humans 116073
who are incapable of, or have difficulty, controlling their 116074
bladder or bowel movements. 116075

(2) "Children's diaper" means a diaper marketed to be worn by 116076
children. 116077

(3) "Adult diaper" means a diaper other than a children's 116078
diaper. 116079

(TTT) "Sales tax holiday" means three or more dates on which 116080
sales of all eligible tangible personal property are exempt from 116081
the taxes levied under sections 5739.02, 5739.021, 5739.023, 116082
5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised 116083

Code. 116084

(UUU) "Eligible tangible personal property" means any item of 116085
tangible personal property that meets both of the following 116086
requirements: 116087

(1) The price of the item does not exceed five hundred 116088
dollars; 116089

(2) The item is not a watercraft or outboard motor required 116090
to be titled pursuant to Chapter 1548. of the Revised Code, a 116091
motor vehicle, an alcoholic beverage, tobacco, a vapor product as 116092
defined in section 5743.01 of the Revised Code, or an item that 116093
contains marijuana as defined in section 3796.01 of the Revised 116094
Code. 116095

(VVV) "Alcoholic beverages" means beverages that are suitable 116096
for human consumption and contain one-half of one per cent or more 116097
of alcohol by volume. 116098

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 116099
tobacco, or any other item that contains tobacco. 116100

Sec. 5739.02. For the purpose of providing revenue with which 116101
to meet the needs of the state, for the use of the general revenue 116102
fund of the state, for the purpose of securing a thorough and 116103
efficient system of common schools throughout the state, for the 116104
purpose of affording revenues, in addition to those from general 116105
property taxes, permitted under constitutional limitations, and 116106
from other sources, for the support of local governmental 116107
functions, and for the purpose of reimbursing the state for the 116108
expense of administering this chapter, an excise tax is hereby 116109
levied on each retail sale made in this state. 116110

(A)(1) The tax shall be collected as provided in section 116111
5739.025 of the Revised Code. The rate of the tax shall be five 116112
and three-fourths per cent. The tax applies and is collectible 116113

when the sale is made, regardless of the time when the price is 116114
paid or delivered. 116115

(2) In the case of the lease or rental, with a fixed term of 116116
more than thirty days or an indefinite term with a minimum period 116117
of more than thirty days, of any motor vehicles designed by the 116118
manufacturer to carry a load of not more than one ton, watercraft, 116119
outboard motor, or aircraft, or of any tangible personal property, 116120
other than motor vehicles designed by the manufacturer to carry a 116121
load of more than one ton, to be used by the lessee or renter 116122
primarily for business purposes, the tax shall be collected by the 116123
vendor at the time the lease or rental is consummated and shall be 116124
calculated by the vendor on the basis of the total amount to be 116125
paid by the lessee or renter under the lease agreement. If the 116126
total amount of the consideration for the lease or rental includes 116127
amounts that are not calculated at the time the lease or rental is 116128
executed, the tax shall be calculated and collected by the vendor 116129
at the time such amounts are billed to the lessee or renter. In 116130
the case of an open-end lease or rental, the tax shall be 116131
calculated by the vendor on the basis of the total amount to be 116132
paid during the initial fixed term of the lease or rental, and for 116133
each subsequent renewal period as it comes due. As used in this 116134
division, "motor vehicle" has the same meaning as in section 116135
4501.01 of the Revised Code, and "watercraft" includes an outdrive 116136
unit attached to the watercraft. 116137

A lease with a renewal clause and a termination penalty or 116138
similar provision that applies if the renewal clause is not 116139
exercised is presumed to be a sham transaction. In such a case, 116140
the tax shall be calculated and paid on the basis of the entire 116141
length of the lease period, including any renewal periods, until 116142
the termination penalty or similar provision no longer applies. 116143
The taxpayer shall bear the burden, by a preponderance of the 116144
evidence, that the transaction or series of transactions is not a 116145

sham transaction. 116146

(3) Except as provided in division (A)(2) of this section, in 116147
the case of a sale, the price of which consists in whole or in 116148
part of the lease or rental of tangible personal property, the tax 116149
shall be measured by the installments of that lease or rental. 116150

(4) In the case of a sale of a physical fitness facility 116151
service or recreation and sports club service, the price of which 116152
consists in whole or in part of a membership for the receipt of 116153
the benefit of the service, the tax applicable to the sale shall 116154
be measured by the installments thereof. 116155

(B) The tax does not apply to the following: 116156

(1) Sales to the state or any of its political subdivisions, 116157
or to any other state or its political subdivisions if the laws of 116158
that state exempt from taxation sales made to this state and its 116159
political subdivisions; 116160

(2) Sales of food for human consumption off the premises 116161
where sold; 116162

(3) Sales of food sold to students only in a cafeteria, 116163
dormitory, fraternity, or sorority maintained in a private, 116164
public, or parochial school, college, or university; 116165

(4) Sales of newspapers and sales or transfers of magazines 116166
distributed as controlled circulation publications; 116167

(5) The furnishing, preparing, or serving of meals without 116168
charge by an employer to an employee provided the employer records 116169
the meals as part compensation for services performed or work 116170
done; 116171

(6)(a) Sales of motor fuel upon receipt, use, distribution, 116172
or sale of which in this state a tax is imposed by the law of this 116173
state, but this exemption shall not apply to the sale of motor 116174
fuel on which a refund of the tax is allowable under division (A) 116175

of section 5735.14 of the Revised Code; and the tax commissioner 116176
may deduct the amount of tax levied by this section applicable to 116177
the price of motor fuel when granting a refund of motor fuel tax 116178
pursuant to division (A) of section 5735.14 of the Revised Code 116179
and shall cause the amount deducted to be paid into the general 116180
revenue fund of this state; 116181

(b) Sales of motor fuel other than that described in division 116182
(B)(6)(a) of this section and used for powering a refrigeration 116183
unit on a vehicle other than one used primarily to provide comfort 116184
to the operator or occupants of the vehicle. 116185

(7) Sales of natural gas by a natural gas company or 116186
municipal gas utility, of water by a water-works company, or of 116187
steam by a heating company, if in each case the thing sold is 116188
delivered to consumers through pipes or conduits, and all sales of 116189
communications services by a telegraph company, all terms as 116190
defined in section 5727.01 of the Revised Code, and sales of 116191
electricity delivered through wires; 116192

(8) Casual sales by a person, or auctioneer employed directly 116193
by the person to conduct such sales, except as to such sales of 116194
motor vehicles, watercraft or outboard motors required to be 116195
titled under section 1548.06 of the Revised Code, watercraft 116196
documented with the United States coast guard, snowmobiles, and 116197
all-purpose vehicles as defined in section 4519.01 of the Revised 116198
Code; 116199

(9)(a) Sales of services or tangible personal property, other 116200
than motor vehicles, mobile homes, and manufactured homes, by 116201
churches, organizations exempt from taxation under section 116202
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 116203
organizations operated exclusively for charitable purposes as 116204
defined in division (B)(12) of this section, provided that the 116205
number of days on which such tangible personal property or 116206
services, other than items never subject to the tax, are sold does 116207

not exceed six in any calendar year, except as otherwise provided 116208
in division (B)(9)(b) of this section. If the number of days on 116209
which such sales are made exceeds six in any calendar year, the 116210
church or organization shall be considered to be engaged in 116211
business and all subsequent sales by it shall be subject to the 116212
tax. In counting the number of days, all sales by groups within a 116213
church or within an organization shall be considered to be sales 116214
of that church or organization. 116215

(b) The limitation on the number of days on which tax-exempt 116216
sales may be made by a church or organization under division 116217
(B)(9)(a) of this section does not apply to sales made by student 116218
clubs and other groups of students of a primary or secondary 116219
school, or a parent-teacher association, booster group, or similar 116220
organization that raises money to support or fund curricular or 116221
extracurricular activities of a primary or secondary school. 116222

(c) Divisions (B)(9)(a) and (b) of this section do not apply 116223
to sales by a noncommercial educational radio or television 116224
broadcasting station. 116225

(10) Sales not within the taxing power of this state under 116226
the Constitution or laws of the United States or the Constitution 116227
of this state; 116228

(11) Except for transactions that are sales under division 116229
(B)(3)(p) of section 5739.01 of the Revised Code, the 116230
transportation of persons or property, unless the transportation 116231
is by a private investigation and security service; 116232

(12) Sales of tangible personal property or services to 116233
churches, to organizations exempt from taxation under section 116234
501(c)(3) of the Internal Revenue Code of 1986, and to any other 116235
nonprofit organizations operated exclusively for charitable 116236
purposes in this state, no part of the net income of which inures 116237
to the benefit of any private shareholder or individual, and no 116238

substantial part of the activities of which consists of carrying 116239
on propaganda or otherwise attempting to influence legislation; 116240
sales to offices administering one or more homes for the aged or 116241
one or more hospital facilities exempt under section 140.08 of the 116242
Revised Code; and sales to organizations described in division (D) 116243
of section 5709.12 of the Revised Code. 116244

"Charitable purposes" means the relief of poverty; the 116245
improvement of health through the alleviation of illness, disease, 116246
or injury; the operation of an organization exclusively for the 116247
provision of professional, laundry, printing, and purchasing 116248
services to hospitals or charitable institutions; the operation of 116249
a home for the aged, as defined in section 5701.13 of the Revised 116250
Code; the operation of a radio or television broadcasting station 116251
that is licensed by the federal communications commission as a 116252
noncommercial educational radio or television station; the 116253
operation of a nonprofit animal adoption service or a county 116254
humane society; the promotion of education by an institution of 116255
learning that maintains a faculty of qualified instructors, 116256
teaches regular continuous courses of study, and confers a 116257
recognized diploma upon completion of a specific curriculum; the 116258
operation of a parent-teacher association, booster group, or 116259
similar organization primarily engaged in the promotion and 116260
support of the curricular or extracurricular activities of a 116261
primary or secondary school; the operation of a community or area 116262
center in which presentations in music, dramatics, the arts, and 116263
related fields are made in order to foster public interest and 116264
education therein; the production of performances in music, 116265
dramatics, and the arts; or the promotion of education by an 116266
organization engaged in carrying on research in, or the 116267
dissemination of, scientific and technological knowledge and 116268
information primarily for the public. 116269

Nothing in this division shall be deemed to exempt sales to 116270

any organization for use in the operation or carrying on of a 116271
trade or business, or sales to a home for the aged for use in the 116272
operation of independent living facilities as defined in division 116273
(A) of section 5709.12 of the Revised Code. 116274

(13) Building and construction materials and services sold to 116275
construction contractors for incorporation into a structure or 116276
improvement to real property under a construction contract with 116277
this state or a political subdivision of this state, or with the 116278
United States government or any of its agencies; building and 116279
construction materials and services sold to construction 116280
contractors for incorporation into a structure or improvement to 116281
real property that are accepted for ownership by this state or any 116282
of its political subdivisions, or by the United States government 116283
or any of its agencies at the time of completion of the structures 116284
or improvements; building and construction materials sold to 116285
construction contractors for incorporation into a horticulture 116286
structure or livestock structure for a person engaged in the 116287
business of horticulture or producing livestock; building 116288
materials and services sold to a construction contractor for 116289
incorporation into a house of public worship or religious 116290
education, or a building used exclusively for charitable purposes 116291
under a construction contract with an organization whose purpose 116292
is as described in division (B)(12) of this section; building 116293
materials and services sold to a construction contractor for 116294
incorporation into a building under a construction contract with 116295
an organization exempt from taxation under section 501(c)(3) of 116296
the Internal Revenue Code of 1986 when the building is to be used 116297
exclusively for the organization's exempt purposes; building and 116298
construction materials sold for incorporation into the original 116299
construction of a sports facility under section 307.696 of the 116300
Revised Code; building and construction materials and services 116301
sold to a construction contractor for incorporation into real 116302
property outside this state if such materials and services, when 116303

sold to a construction contractor in the state in which the real 116304
property is located for incorporation into real property in that 116305
state, would be exempt from a tax on sales levied by that state; 116306
building and construction materials for incorporation into a 116307
transportation facility pursuant to a public-private agreement 116308
entered into under sections 5501.70 to 5501.83 of the Revised 116309
Code; until one calendar year after the construction of a 116310
convention center that qualifies for property tax exemption under 116311
section 5709.084 of the Revised Code is completed, building and 116312
construction materials and services sold to a construction 116313
contractor for incorporation into the real property comprising 116314
that convention center; and building and construction materials 116315
sold for incorporation into a structure or improvement to real 116316
property that is used primarily as, or primarily in support of, a 116317
manufacturing facility or research and development facility and 116318
that is to be owned by a megaproject operator upon completion and 116319
located at the site of a megaproject that satisfies the criteria 116320
described in division (A)(11)(a)(ii) of section 122.17 of the 116321
Revised Code, provided that the sale occurs during the period that 116322
the megaproject operator has an agreement for such megaproject 116323
with the tax credit authority under division (D) of section 122.17 116324
of the Revised Code that remains in effect and has not expired or 116325
been terminated. 116326

(14) Sales of ships or vessels or rail rolling stock used or 116327
to be used principally in interstate or foreign commerce, and 116328
repairs, alterations, fuel, and lubricants for such ships or 116329
vessels or rail rolling stock; 116330

(15) Sales to persons primarily engaged in any of the 116331
activities mentioned in division (B)(42)(a), (g), or (h) of this 116332
section, to persons engaged in making retail sales, or to persons 116333
who purchase for sale from a manufacturer tangible personal 116334
property that was produced by the manufacturer in accordance with 116335

specific designs provided by the purchaser, of packages, including 116336
material, labels, and parts for packages, and of machinery, 116337
equipment, and material for use primarily in packaging tangible 116338
personal property produced for sale, including any machinery, 116339
equipment, and supplies used to make labels or packages, to 116340
prepare packages or products for labeling, or to label packages or 116341
products, by or on the order of the person doing the packaging, or 116342
sold at retail. "Packages" includes bags, baskets, cartons, 116343
crates, boxes, cans, bottles, bindings, wrappings, and other 116344
similar devices and containers, but does not include motor 116345
vehicles or bulk tanks, trailers, or similar devices attached to 116346
motor vehicles. "Packaging" means placing in a package. Division 116347
(B)(15) of this section does not apply to persons engaged in 116348
highway transportation for hire. 116349

(16) Sales of food to persons using supplemental nutrition 116350
assistance program benefits to purchase the food. As used in this 116351
division, "food" has the same meaning as in 7 U.S.C. 2012 and 116352
federal regulations adopted pursuant to the Food and Nutrition Act 116353
of 2008. 116354

(17) Sales to persons engaged in farming, agriculture, 116355
horticulture, or floriculture, of tangible personal property for 116356
use or consumption primarily in the production by farming, 116357
agriculture, horticulture, or floriculture of other tangible 116358
personal property for use or consumption primarily in the 116359
production of tangible personal property for sale by farming, 116360
agriculture, horticulture, or floriculture; or material and parts 116361
for incorporation into any such tangible personal property for use 116362
or consumption in production; and of tangible personal property 116363
for such use or consumption in the conditioning or holding of 116364
products produced by and for such use, consumption, or sale by 116365
persons engaged in farming, agriculture, horticulture, or 116366
floriculture, except where such property is incorporated into real 116367

property;	116368
(18) Sales of drugs for a human being that may be dispensed	116369
only pursuant to a prescription; insulin as recognized in the	116370
official United States pharmacopoeia; urine and blood testing	116371
materials when used by diabetics or persons with hypoglycemia to	116372
test for glucose or acetone; hypodermic syringes and needles when	116373
used by diabetics for insulin injections; epoetin alfa when	116374
purchased for use in the treatment of persons with medical	116375
disease; hospital beds when purchased by hospitals, nursing homes,	116376
or other medical facilities; and medical oxygen and medical	116377
oxygen-dispensing equipment when purchased by hospitals, nursing	116378
homes, or other medical facilities;	116379
(19) Sales of prosthetic devices, durable medical equipment	116380
for home use, or mobility enhancing equipment, when made pursuant	116381
to a prescription and when such devices or equipment are for use	116382
by a human being.	116383
(20) Sales of emergency and fire protection vehicles and	116384
equipment to nonprofit organizations for use solely in providing	116385
fire protection and emergency services, including trauma care and	116386
emergency medical services, for political subdivisions of the	116387
state;	116388
(21) Sales of tangible personal property manufactured in this	116389
state, if sold by the manufacturer in this state to a retailer for	116390
use in the retail business of the retailer outside of this state	116391
and if possession is taken from the manufacturer by the purchaser	116392
within this state for the sole purpose of immediately removing the	116393
same from this state in a vehicle owned by the purchaser;	116394
(22) Sales of services provided by the state or any of its	116395
political subdivisions, agencies, instrumentalities, institutions,	116396
or authorities, or by governmental entities of the state or any of	116397
its political subdivisions, agencies, instrumentalities,	116398

institutions, or authorities;	116399
(23) Sales of motor vehicles to nonresidents of this state	116400
under the circumstances described in division (B) of section	116401
5739.029 of the Revised Code;	116402
(24) Sales to persons engaged in the preparation of eggs for	116403
sale of tangible personal property used or consumed directly in	116404
such preparation, including such tangible personal property used	116405
for cleaning, sanitizing, preserving, grading, sorting, and	116406
classifying by size; packages, including material and parts for	116407
packages, and machinery, equipment, and material for use in	116408
packaging eggs for sale; and handling and transportation equipment	116409
and parts therefor, except motor vehicles licensed to operate on	116410
public highways, used in intraplant or interplant transfers or	116411
shipment of eggs in the process of preparation for sale, when the	116412
plant or plants within or between which such transfers or	116413
shipments occur are operated by the same person. "Packages"	116414
includes containers, cases, baskets, flats, fillers, filler flats,	116415
cartons, closure materials, labels, and labeling materials, and	116416
"packaging" means placing therein.	116417
(25)(a) Sales of water to a consumer for residential use;	116418
(b) Sales of water by a nonprofit corporation engaged	116419
exclusively in the treatment, distribution, and sale of water to	116420
consumers, if such water is delivered to consumers through pipes	116421
or tubing.	116422
(26) Fees charged for inspection or reinspection of motor	116423
vehicles under section 3704.14 of the Revised Code;	116424
(27) Sales to persons licensed to conduct a food service	116425
operation pursuant to section 3717.43 of the Revised Code, of	116426
tangible personal property primarily used directly for the	116427
following:	116428
(a) To prepare food for human consumption for sale;	116429

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	116430 116431 116432 116433
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	116434 116435
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	116436 116437
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	116438 116439 116440 116441
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	116442 116443 116444
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	116445 116446 116447
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	116448 116449 116450 116451 116452 116453
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	116454 116455 116456 116457 116458
(34) Sales to a telecommunications service vendor, mobile	116459

telecommunications service vendor, or satellite broadcasting 116460
service vendor of tangible personal property and services used 116461
directly and primarily in transmitting, receiving, switching, or 116462
recording any interactive, one- or two-way electromagnetic 116463
communications, including voice, image, data, and information, 116464
through the use of any medium, including, but not limited to, 116465
poles, wires, cables, switching equipment, computers, and record 116466
storage devices and media, and component parts for the tangible 116467
personal property. The exemption provided in this division shall 116468
be in lieu of all other exemptions under division (B)(42)(a) or 116469
(n) of this section to which the vendor may otherwise be entitled, 116470
based upon the use of the thing purchased in providing the 116471
telecommunications, mobile telecommunications, or satellite 116472
broadcasting service. 116473

(35)(a) Sales where the purpose of the consumer is to use or 116474
consume the things transferred in making retail sales and 116475
consisting of newspaper inserts, catalogues, coupons, flyers, gift 116476
certificates, or other advertising material that prices and 116477
describes tangible personal property offered for retail sale. 116478

(b) Sales to direct marketing vendors of preliminary 116479
materials such as photographs, artwork, and typesetting that will 116480
be used in printing advertising material; and of printed matter 116481
that offers free merchandise or chances to win sweepstake prizes 116482
and that is mailed to potential customers with advertising 116483
material described in division (B)(35)(a) of this section; 116484

(c) Sales of equipment such as telephones, computers, 116485
facsimile machines, and similar tangible personal property 116486
primarily used to accept orders for direct marketing retail sales. 116487

(d) Sales of automatic food vending machines that preserve 116488
food with a shelf life of forty-five days or less by refrigeration 116489
and dispense it to the consumer. 116490

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales of tangible personal property that is not required to be registered or licensed under the laws of this state to a citizen of a foreign nation that is not a citizen of the United States, provided the property is delivered to a person in this state that is not a related member of the purchaser, is physically present in this state for the sole purpose of temporary storage and package consolidation, and is subsequently delivered to the purchaser at a delivery address in a foreign nation. As used in division (B)(38) of this section, "related member" has the same meaning as in section 5733.042 of the Revised Code, and "temporary storage" means the storage of tangible personal property for a period of not more than sixty days.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(p) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, or directly in the rendition of a public utility service, except that the sales tax levied by

this section shall be collected upon all meals, drinks, and food 116554
for human consumption sold when transporting persons. This 116555
paragraph does not exempt from "retail sale" or "sales at retail" 116556
the sale of tangible personal property that is to be incorporated 116557
into a structure or improvement to real property. 116558

(b) To hold the thing transferred as security for the 116559
performance of an obligation of the vendor; 116560

(c) To resell, hold, use, or consume the thing transferred as 116561
evidence of a contract of insurance; 116562

(d) To use or consume the thing directly in commercial 116563
fishing; 116564

(e) To incorporate the thing transferred as a material or a 116565
part into, or to use or consume the thing transferred directly in 116566
the production of, magazines distributed as controlled circulation 116567
publications; 116568

(f) To use or consume the thing transferred in the production 116569
and preparation in suitable condition for market and sale of 116570
printed, imprinted, overprinted, lithographic, multilithic, 116571
blueprinted, photostatic, or other productions or reproductions of 116572
written or graphic matter; 116573

(g) To use the thing transferred, as described in section 116574
5739.011 of the Revised Code, primarily in a manufacturing 116575
operation to produce tangible personal property for sale; 116576

(h) To use the benefit of a warranty, maintenance or service 116577
contract, or similar agreement, as described in division (B)(7) of 116578
section 5739.01 of the Revised Code, to repair or maintain 116579
tangible personal property, if all of the property that is the 116580
subject of the warranty, contract, or agreement would not be 116581
subject to the tax imposed by this section; 116582

(i) To use the thing transferred as qualified research and 116583

development equipment; 116584

(j) To use or consume the thing transferred primarily in 116585
storing, transporting, mailing, or otherwise handling purchased 116586
sales inventory in a warehouse, distribution center, or similar 116587
facility when the inventory is primarily distributed outside this 116588
state to retail stores of the person who owns or controls the 116589
warehouse, distribution center, or similar facility, to retail 116590
stores of an affiliated group of which that person is a member, or 116591
by means of direct marketing. This division does not apply to 116592
motor vehicles registered for operation on the public highways. As 116593
used in this division, "affiliated group" has the same meaning as 116594
in division (B)(3)(e) of section 5739.01 of the Revised Code and 116595
"direct marketing" has the same meaning as in division (B)(35) of 116596
this section. 116597

(k) To use or consume the thing transferred to fulfill a 116598
contractual obligation incurred by a warrantor pursuant to a 116599
warranty provided as a part of the price of the tangible personal 116600
property sold or by a vendor of a warranty, maintenance or service 116601
contract, or similar agreement the provision of which is defined 116602
as a sale under division (B)(7) of section 5739.01 of the Revised 116603
Code; 116604

(l) To use or consume the thing transferred in the production 116605
of a newspaper for distribution to the public; 116606

(m) To use tangible personal property to perform a service 116607
listed in division (B)(3) of section 5739.01 of the Revised Code, 116608
if the property is or is to be permanently transferred to the 116609
consumer of the service as an integral part of the performance of 116610
the service; 116611

(n) To use or consume the thing transferred primarily in 116612
producing tangible personal property for sale by farming, 116613
agriculture, horticulture, or floriculture. Persons engaged in 116614

rendering farming, agriculture, horticulture, or floriculture 116615
services for others are deemed engaged primarily in farming, 116616
agriculture, horticulture, or floriculture. This paragraph does 116617
not exempt from "retail sale" or "sales at retail" the sale of 116618
tangible personal property that is to be incorporated into a 116619
structure or improvement to real property. 116620

(o) To use or consume the thing transferred in acquiring, 116621
formatting, editing, storing, and disseminating data or 116622
information by electronic publishing; 116623

(p) To provide the thing transferred to the owner or lessee 116624
of a motor vehicle that is being repaired or serviced, if the 116625
thing transferred is a rented motor vehicle and the purchaser is 116626
reimbursed for the cost of the rented motor vehicle by a 116627
manufacturer, warrantor, or provider of a maintenance, service, or 116628
other similar contract or agreement, with respect to the motor 116629
vehicle that is being repaired or serviced; 116630

(q) To use or consume the thing transferred directly in 116631
production of crude oil and natural gas for sale. Persons engaged 116632
in rendering production services for others are deemed engaged in 116633
production. 116634

As used in division (B)(42)(q) of this section, "production" 116635
means operations and tangible personal property directly used to 116636
expose and evaluate an underground reservoir that may contain 116637
hydrocarbon resources, prepare the wellbore for production, and 116638
lift and control all substances yielded by the reservoir to the 116639
surface of the earth. 116640

(i) For the purposes of division (B)(42)(q) of this section, 116641
the "thing transferred" includes, but is not limited to, any of 116642
the following: 116643

(I) Services provided in the construction of permanent access 116644
roads, services provided in the construction of the well site, and 116645

services provided in the construction of temporary impoundments;	116646
(II) Equipment and rigging used for the specific purpose of creating with integrity a wellbore pathway to underground reservoirs;	116647 116648 116649
(III) Drilling and workover services used to work within a subsurface wellbore, and tangible personal property directly used in providing such services;	116650 116651 116652
(IV) Casing, tubulars, and float and centralizing equipment;	116653
(V) Trailers to which production equipment is attached;	116654
(VI) Well completion services, including cementing of casing, and tangible personal property directly used in providing such services;	116655 116656 116657
(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	116658 116659 116660
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	116661 116662 116663 116664
(IX) Pressure pumping equipment;	116665
(X) Artificial lift systems equipment;	116666
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	116667 116668 116669
(XII) Tangible personal property directly used to control production equipment.	116670 116671
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	116672 116673
(I) Tangible personal property used primarily in the	116674

exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	116675 116676
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	116677 116678 116679
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	116680 116681 116682
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	116683 116684 116685 116686
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	116687 116688 116689 116690
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	116691 116692
(VII) Well site fencing, lighting, or security systems;	116693
(VIII) Communication devices or services;	116694
(IX) Office supplies;	116695
(X) Trailers used as offices or lodging;	116696
(XI) Motor vehicles of any kind;	116697
(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	116698 116699
(XIII) Tangible personal property used primarily as a safety device;	116700 116701
(XIV) Data collection or monitoring devices;	116702
(XV) Access ladders, stairs, or platforms attached to storage	116703

tanks. 116704

The enumeration of tangible personal property in division 116705
(B)(42)(q)(ii) of this section is not intended to be exhaustive, 116706
and any tangible personal property not so enumerated shall not 116707
necessarily be construed to be a "thing transferred" for the 116708
purposes of division (B)(42)(q) of this section. 116709

The commissioner shall adopt and promulgate rules under 116710
sections 119.01 to 119.13 of the Revised Code that the 116711
commissioner deems necessary to administer division (B)(42)(q) of 116712
this section. 116713

As used in division (B)(42) of this section, "thing" includes 116714
all transactions included in divisions (B)(3)(a), (b), and (e) of 116715
section 5739.01 of the Revised Code. 116716

(43) Sales conducted through a coin operated device that 116717
activates vacuum equipment or equipment that dispenses water, 116718
whether or not in combination with soap or other cleaning agents 116719
or wax, to the consumer for the consumer's use on the premises in 116720
washing, cleaning, or waxing a motor vehicle, provided no other 116721
personal property or personal service is provided as part of the 116722
transaction. 116723

(44) Sales of replacement and modification parts for engines, 116724
airframes, instruments, and interiors in, and paint for, aircraft 116725
used primarily in a fractional aircraft ownership program, and 116726
sales of services for the repair, modification, and maintenance of 116727
such aircraft, and machinery, equipment, and supplies primarily 116728
used to provide those services. 116729

(45) Sales of telecommunications service that is used 116730
directly and primarily to perform the functions of a call center. 116731
As used in this division, "call center" means any physical 116732
location where telephone calls are placed or received in high 116733
volume for the purpose of making sales, marketing, customer 116734

service, technical support, or other specialized business 116735
activity, and that employs at least fifty individuals that engage 116736
in call center activities on a full-time basis, or sufficient 116737
individuals to fill fifty full-time equivalent positions. 116738

(46) Sales by a telecommunications service vendor of 900 116739
service to a subscriber. This division does not apply to 116740
information services. 116741

(47) Sales of value-added non-voice data service. This 116742
division does not apply to any similar service that is not 116743
otherwise a telecommunications service. 116744

(48) Sales of feminine hygiene products. 116745

(49) Sales of materials, parts, equipment, or engines used in 116746
the repair or maintenance of aircraft or avionics systems of such 116747
aircraft, and sales of repair, remodeling, replacement, or 116748
maintenance services in this state performed on aircraft or on an 116749
aircraft's avionics, engine, or component materials or parts. As 116750
used in division (B)(49) of this section, "aircraft" means 116751
aircraft of more than six thousand pounds maximum certified 116752
takeoff weight or used exclusively in general aviation. 116753

(50) Sales of full flight simulators that are used for pilot 116754
or flight-crew training, sales of repair or replacement parts or 116755
components, and sales of repair or maintenance services for such 116756
full flight simulators. "Full flight simulator" means a replica of 116757
a specific type, or make, model, and series of aircraft cockpit. 116758
It includes the assemblage of equipment and computer programs 116759
necessary to represent aircraft operations in ground and flight 116760
conditions, a visual system providing an out-of-the-cockpit view, 116761
and a system that provides cues at least equivalent to those of a 116762
three-degree-of-freedom motion system, and has the full range of 116763
capabilities of the systems installed in the device as described 116764
in appendices A and B of part 60 of chapter 1 of title 14 of the 116765

Code of Federal Regulations.	116766
(51) Any transfer or lease of tangible personal property	116767
between the state and JobsOhio in accordance with section 4313.02	116768
of the Revised Code.	116769
(52)(a) Sales to a qualifying corporation.	116770
(b) As used in division (B)(52) of this section:	116771
(i) "Qualifying corporation" means a nonprofit corporation	116772
organized in this state that leases from an eligible county land,	116773
buildings, structures, fixtures, and improvements to the land that	116774
are part of or used in a public recreational facility used by a	116775
major league professional athletic team or a class A to class AAA	116776
minor league affiliate of a major league professional athletic	116777
team for a significant portion of the team's home schedule,	116778
provided the following apply:	116779
(I) The facility is leased from the eligible county pursuant	116780
to a lease that requires substantially all of the revenue from the	116781
operation of the business or activity conducted by the nonprofit	116782
corporation at the facility in excess of operating costs, capital	116783
expenditures, and reserves to be paid to the eligible county at	116784
least once per calendar year.	116785
(II) Upon dissolution and liquidation of the nonprofit	116786
corporation, all of its net assets are distributable to the board	116787
of commissioners of the eligible county from which the corporation	116788
leases the facility.	116789
(ii) "Eligible county" has the same meaning as in section	116790
307.695 of the Revised Code.	116791
(53) Sales to or by a cable service provider, video service	116792
provider, or radio or television broadcast station regulated by	116793
the federal government of cable service or programming, video	116794
service or programming, audio service or programming, or	116795

electronically transferred digital audiovisual or audio work. As 116796
used in division (B)(53) of this section, "cable service" and 116797
"cable service provider" have the same meanings as in section 116798
1332.01 of the Revised Code, and "video service," "video service 116799
provider," and "video programming" have the same meanings as in 116800
section 1332.21 of the Revised Code. 116801

(54) Sales of a digital audio work electronically transferred 116802
for delivery through use of a machine, such as a juke box, that 116803
does all of the following: 116804

(a) Accepts direct payments to operate; 116805

(b) Automatically plays a selected digital audio work for a 116806
single play upon receipt of a payment described in division 116807
(B)(54)(a) of this section; 116808

(c) Operates exclusively for the purpose of playing digital 116809
audio works in a commercial establishment. 116810

(55)(a) Sales of the following occurring on the first Friday 116811
of August and the following Saturday and Sunday of ~~each~~ any year, 116812
~~beginning in 2018~~ except in 2024 or any subsequent year in which a 116813
sales tax holiday is held pursuant to section 5739.41 of the 116814
Revised Code: 116815

(i) An item of clothing, the price of which is seventy-five 116816
dollars or less; 116817

(ii) An item of school supplies, the price of which is twenty 116818
dollars or less; 116819

(iii) An item of school instructional material, the price of 116820
which is twenty dollars or less. 116821

(b) As used in division (B)(55) of this section: 116822

(i) "Clothing" means all human wearing apparel suitable for 116823
general use. "Clothing" includes, but is not limited to, aprons, 116824
household and shop; athletic supporters; baby receiving blankets; 116825

bathing suits and caps; beach capes and coats; belts and 116826
suspenders; boots; coats and jackets; costumes; diapers, children 116827
and adult, including disposable diapers; earmuffs; footlets; 116828
formal wear; garters and garter belts; girdles; gloves and mittens 116829
for general use; hats and caps; hosiery; insoles for shoes; lab 116830
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 116831
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 116832
and stockings; steel-toed shoes; underwear; uniforms, athletic and 116833
nonathletic; and wedding apparel. "Clothing" does not include 116834
items purchased for use in a trade or business; clothing 116835
accessories or equipment; protective equipment; sports or 116836
recreational equipment; belt buckles sold separately; costume 116837
masks sold separately; patches and emblems sold separately; sewing 116838
equipment and supplies including, but not limited to, knitting 116839
needles, patterns, pins, scissors, sewing machines, sewing 116840
needles, tape measures, and thimbles; and sewing materials that 116841
become part of "clothing" including, but not limited to, buttons, 116842
fabric, lace, thread, yarn, and zippers. 116843

(ii) "School supplies" means items commonly used by a student 116844
in a course of study. "School supplies" includes only the 116845
following items: binders; book bags; calculators; cellophane tape; 116846
blackboard chalk; compasses; composition books; crayons; erasers; 116847
folders, expandable, pocket, plastic, and manila; glue, paste, and 116848
paste sticks; highlighters; index cards; index card boxes; legal 116849
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 116850
notebook paper, copy paper, graph paper, tracing paper, manila 116851
paper, colored paper, poster board, and construction paper; pencil 116852
boxes and other school supply boxes; pencil sharpeners; pencils; 116853
pens; protractors; rulers; scissors; and writing tablets. "School 116854
supplies" does not include any item purchased for use in a trade 116855
or business. 116856

(iii) "School instructional material" means written material 116857

commonly used by a student in a course of study as a reference and 116858
to learn the subject being taught. "School instructional material" 116859
includes only the following items: reference books, reference maps 116860
and globes, textbooks, and workbooks. "School instructional 116861
material" does not include any material purchased for use in a 116862
trade or business. 116863

(56)(a) Sales of adult diapers or incontinence underpads sold 116864
pursuant to a prescription, for the benefit of a medicaid 116865
recipient with a diagnosis of incontinence, and by a medicaid 116866
provider that maintains a valid provider agreement under section 116867
5164.30 of the Revised Code with the department of medicaid, 116868
provided that the medicaid program covers diapers or incontinence 116869
underpads as an incontinence garment. 116870

(b) As used in division (B)(56)(a) of this section: 116871

~~(i) "Diaper" means an absorbent garment worn by humans who 116872
are incapable of, or have difficulty, controlling their bladder or 116873
bowel movements. 116874~~

~~(ii) "Incontinence, "incontinence underpad" means an 116875
absorbent product, not worn on the body, designed to protect 116876
furniture or other tangible personal property from soiling or 116877
damage due to human incontinence. 116878~~

(57) Sales of investment metal bullion and investment coins. 116879
"Investment metal bullion" means any bullion described in section 116880
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 116881
that bullion is in the physical possession of a trustee. 116882
"Investment coin" means any coin composed primarily of gold, 116883
silver, platinum, or palladium. 116884

(58) Sales of tangible personal property used primarily for 116885
any of the following purposes by a megaproject operator at the 116886
site of a megaproject that satisfies the criteria described in 116887
division (A)(11)(a)(ii) of section 122.17 of the Revised Code, 116888

provided that the sale occurs during the period that the 116889
megaproject operator has an agreement for such megaproject with 116890
the tax credit authority under division (D) of section 122.17 of 116891
the Revised Code that remains in effect and has not expired or 116892
been terminated: 116893

(a) To store, transmit, convey, distribute, recycle, 116894
circulate, or clean water, steam, or other gases used in or 116895
produced as a result of manufacturing activity, including items 116896
that support or aid in the operation of such property; 116897

(b) To clean or prepare inventory, at any stage of storage or 116898
production, or equipment used in a manufacturing activity, 116899
including chemicals, solvents, catalysts, soaps, and other items 116900
that support or aid in the operation of property; 116901

(c) To regulate, treat, filter, condition, improve, clean, 116902
maintain, or monitor environmental conditions within areas where 116903
manufacturing activities take place; 116904

(d) To handle, transport, or convey inventory during 116905
production or manufacturing. 116906

(59) Documentary services charges imposed pursuant to section 116907
4517.261 or 4781.24 of the Revised Code. 116908

(60) Sales of children's diapers. 116909

(61) Sales of therapeutic or preventative creams and wipes 116910
marketed primarily for use on the skin of children. 116911

(62) Sales of a child restraint device or booster seat that 116912
meets the national highway traffic safety administration standard 116913
for child restraint systems under 49 C.F.R. 571.213. 116914

(63) Sales of cribs intended to provide sleeping 116915
accommodations for children that comply with the United States 116916
consumer product safety commission's safety standard for full-size 116917
baby cribs under 16 C.F.R. 1219 or the commission's safety 116918

standard for non-full-size baby cribs under 16 C.F.R. 1220. 116919

(64) Sales of strollers meant for transporting children from infancy to about thirty-six months of age that meet the United States consumer product safety commission safety standard for carriages and strollers under 16 C.F.R. 1227.2. 116920
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(65) The fee imposed by section 3743.22 of the Revised Code, if it is separately stated on the invoice, bill of sale, or similar document given by the vendor to the consumer for a retail sale made in this state. 116924
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(66) Sales of eligible tangible personal property occurring during the period of a sales tax holiday held pursuant to section 5739.41 of the Revised Code. 116928
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(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established. 116931
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(D) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code. 116935
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Sec. 5739.03. (A) Except as provided in section 5739.05 or section 5739.051 of the Revised Code, the tax imposed by or 116947
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pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall be paid by the consumer to the vendor, and each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows:

(1) If the price is, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent to the vendor or the vendor's agent, the vendor or the vendor's agent shall collect the tax with and at the same time as the price;

(2) If the price is otherwise paid or to be paid, the vendor or the vendor's agent shall, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, charge the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to the account of the consumer, which amount shall be collected by the vendor from the consumer in addition to the price. Such sale shall be reported on and the amount of the tax applicable thereto shall be remitted with the return for the period in which the sale is made, and the amount of the tax shall become a legal charge in favor of the vendor and against the consumer.

(B)(1)(a) If any sale is claimed to be exempt under division (E) of section 5739.01 of the Revised Code or under section 5739.02 of the Revised Code, with the exception of divisions (B)(1) to (11), (28), (48), (55), ~~or (59)~~, or (66) of section 5739.02 of the Revised Code, the consumer must provide to the vendor, and the vendor must obtain from the consumer, a certificate specifying the reason that the sale is not legally subject to the tax. The certificate shall be in such form, and

shall be provided either in a hard copy form or electronic form, 116980
as the tax commissioner prescribes. 116981

(b) A vendor that obtains a fully completed exemption 116982
certificate from a consumer is relieved of liability for 116983
collecting and remitting tax on any sale covered by that 116984
certificate. If it is determined the exemption was improperly 116985
claimed, the consumer shall be liable for any tax due on that sale 116986
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 116987
5741. of the Revised Code. Relief under this division from 116988
liability does not apply to any of the following: 116989

(i) A vendor that fraudulently fails to collect tax; 116990

(ii) A vendor that solicits consumers to participate in the 116991
unlawful claim of an exemption; 116992

(iii) A vendor that accepts an exemption certificate from a 116993
consumer that claims an exemption based on who purchases or who 116994
sells property or a service, when the subject of the transaction 116995
sought to be covered by the exemption certificate is actually 116996
received by the consumer at a location operated by the vendor in 116997
this state, and this state has posted to its web site an exemption 116998
certificate form that clearly and affirmatively indicates that the 116999
claimed exemption is not available in this state; 117000

(iv) A vendor that accepts an exemption certificate from a 117001
consumer who claims a multiple points of use exemption under 117002
division (D) of section 5739.033 of the Revised Code, if the item 117003
purchased is tangible personal property, other than prewritten 117004
computer software. 117005

(2) The vendor shall maintain records, including exemption 117006
certificates, of all sales on which a consumer has claimed an 117007
exemption, and provide them to the tax commissioner on request. 117008

(3) The tax commissioner may establish an identification 117009
system whereby the commissioner issues an identification number to 117010

a consumer that is exempt from payment of the tax. The consumer 117011
must present the number to the vendor, if any sale is claimed to 117012
be exempt as provided in this section. 117013

(4) If no certificate is provided or obtained within ninety 117014
days after the date on which such sale is consummated, it shall be 117015
presumed that the tax applies. Failure to have so provided or 117016
obtained a certificate shall not preclude a vendor, within one 117017
hundred twenty days after the tax commissioner gives written 117018
notice of intent to levy an assessment, from either establishing 117019
that the sale is not subject to the tax, or obtaining, in good 117020
faith, a fully completed exemption certificate. 117021

(5) Certificates need not be obtained nor provided where the 117022
identity of the consumer is such that the transaction is never 117023
subject to the tax imposed or where the item of tangible personal 117024
property sold or the service provided is never subject to the tax 117025
imposed, regardless of use, or when the sale is in interstate 117026
commerce. 117027

(6) If a transaction is claimed to be exempt under division 117028
(B)(13) of section 5739.02 of the Revised Code, the contractor 117029
shall obtain certification of the claimed exemption from the 117030
contractee. This certification shall be in addition to an 117031
exemption certificate provided by the contractor to the vendor. A 117032
contractee that provides a certification under this division shall 117033
be deemed to be the consumer of all items purchased by the 117034
contractor under the claim of exemption, if it is subsequently 117035
determined that the exemption is not properly claimed. The 117036
certification shall be in such form as the tax commissioner 117037
prescribes. 117038

(C) As used in this division, "contractee" means a person who 117039
seeks to enter or enters into a contract or agreement with a 117040
contractor or vendor for the construction of real property or for 117041
the sale and installation onto real property of tangible personal 117042

property. 117043

Any contractor or vendor may request from any contractee a 117044
certification of what portion of the property to be transferred 117045
under such contract or agreement is to be incorporated into the 117046
realty and what portion will retain its status as tangible 117047
personal property after installation is completed. The contractor 117048
or vendor shall request the certification by certified mail 117049
delivered to the contractee, return receipt requested. Upon 117050
receipt of such request and prior to entering into the contract or 117051
agreement, the contractee shall provide to the contractor or 117052
vendor a certification sufficiently detailed to enable the 117053
contractor or vendor to ascertain the resulting classification of 117054
all materials purchased or fabricated by the contractor or vendor 117055
and transferred to the contractee. This requirement applies to a 117056
contractee regardless of whether the contractee holds a direct 117057
payment permit under section 5739.031 of the Revised Code or 117058
provides to the contractor or vendor an exemption certificate as 117059
provided under this section. 117060

For the purposes of the taxes levied by this chapter and 117061
Chapter 5741. of the Revised Code, the contractor or vendor may in 117062
good faith rely on the contractee's certification. Notwithstanding 117063
division (B) of section 5739.01 of the Revised Code, if the tax 117064
commissioner determines that certain property certified by the 117065
contractee as tangible personal property pursuant to this division 117066
is, in fact, real property, the contractee shall be considered to 117067
be the consumer of all materials so incorporated into that real 117068
property and shall be liable for the applicable tax, and the 117069
contractor or vendor shall be excused from any liability on those 117070
materials. 117071

If a contractee fails to provide such certification upon the 117072
request of the contractor or vendor, the contractor or vendor 117073
shall comply with the provisions of this chapter and Chapter 5741. 117074

of the Revised Code without the certification. If the tax 117075
commissioner determines that such compliance has been performed in 117076
good faith and that certain property treated as tangible personal 117077
property by the contractor or vendor is, in fact, real property, 117078
the contractee shall be considered to be the consumer of all 117079
materials so incorporated into that real property and shall be 117080
liable for the applicable tax, and the construction contractor or 117081
vendor shall be excused from any liability on those materials. 117082

This division does not apply to any contract or agreement 117083
where the tax commissioner determines as a fact that a 117084
certification under this division was made solely on the decision 117085
or advice of the contractor or vendor. 117086

(D) Notwithstanding division (B) of section 5739.01 of the 117087
Revised Code, whenever the total rate of tax imposed under this 117088
chapter is increased after the date after a construction contract 117089
is entered into, the contractee shall reimburse the construction 117090
contractor for any additional tax paid on tangible property 117091
consumed or services received pursuant to the contract. 117092

(E) A vendor who files a petition for reassessment contesting 117093
the assessment of tax on sales for which the vendor obtained no 117094
valid exemption certificates and for which the vendor failed to 117095
establish that the sales were properly not subject to the tax 117096
during the one-hundred-twenty-day period allowed under division 117097
(B) of this section, may present to the tax commissioner 117098
additional evidence to prove that the sales were properly subject 117099
to a claim of exception or exemption. The vendor shall file such 117100
evidence within ninety days of the receipt by the vendor of the 117101
notice of assessment, except that, upon application and for 117102
reasonable cause, the period for submitting such evidence shall be 117103
extended thirty days. 117104

The commissioner shall consider such additional evidence in 117105
reaching the final determination on the assessment and petition 117106

for reassessment. 117107

(F) Whenever a vendor refunds the price, minus any separately 117108
stated delivery charge, of an item of tangible personal property 117109
on which the tax imposed under this chapter has been paid, the 117110
vendor shall also refund the amount of tax paid, minus the amount 117111
of tax attributable to the delivery charge. 117112

Sec. 5739.05. (A)(1) The tax commissioner shall enforce and 117113
administer sections 5739.01 to 5739.31 of the Revised Code, which 117114
are hereby declared to be sections which the commissioner is 117115
required to administer within the meaning of sections 5703.17 to 117116
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 117117
commissioner may adopt and promulgate, in accordance with sections 117118
119.01 to 119.13 of the Revised Code, such rules as the 117119
commissioner deems necessary to administer sections 5739.01 to 117120
5739.31 of the Revised Code. 117121

(2) On or before the first day of May of each year, the 117122
commissioner shall make available to vendors a notice explaining 117123
the three-day exemption period required under division (B)(55) of 117124
section 5739.02 of the Revised Code. 117125

(B) Upon application, the commissioner may authorize a vendor 117126
to pay on a predetermined basis the tax levied by or pursuant to 117127
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 117128
Code upon sales of things produced or distributed or services 117129
provided by such vendor, and the commissioner may waive the 117130
collection of the tax from the consumer. The commissioner shall 117131
not grant such authority unless the commissioner finds that the 117132
granting of the authority would improve compliance and increase 117133
the efficiency of the administration of the tax. The person to 117134
whom such authority is granted shall post a notice, if required by 117135
the commissioner, at the location where the product is offered for 117136
sale that the tax is included in the selling price. The 117137

commissioner may adopt rules to administer this division. 117138

(C) Upon application, the commissioner may authorize a vendor 117139
to remit, on the basis of a prearranged agreement under this 117140
division, the tax levied by section 5739.02 or pursuant to section 117141
5739.021, 5739.023, or 5739.026 of the Revised Code. The 117142
proportions and ratios in a prearranged agreement shall be 117143
determined either by a test check conducted by the commissioner 117144
under terms and conditions agreed to by the commissioner and the 117145
vendor or by any other method agreed upon by the vendor and the 117146
commissioner. If the parties are unable to agree to the terms and 117147
conditions of the test check or other method, the application 117148
shall be denied. 117149

If used, the test check shall determine the proportion that 117150
taxable retail sales bear to all of the vendor's retail sales and 117151
the ratio which the tax required to be collected under sections 117152
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 117153
bears to the receipts from the vendor's taxable retail sales. 117154

The vendor's liability for remitting the tax shall be based 117155
solely upon the proportions and ratios established in the 117156
agreement until such time that the vendor or the commissioner 117157
believes that the nature of the vendor's business has so changed 117158
as to make the agreement no longer representative. The 117159
commissioner may give notice to the vendor at any time that the 117160
authorization is revoked or the vendor may notify the commissioner 117161
that the vendor no longer elects to report under the 117162
authorization. Such notice shall be delivered to the other party 117163
~~or~~ in the manner provided in section 5703.37 of the Revised Code. 117164
The revocation or cancellation is effective the last day of the 117165
month in which the vendor or the commissioner receives the notice. 117166

Sec. 5739.08. (A) A municipal corporation or township may 117167
levy an excise tax for any lawful purpose not to exceed three per 117168

cent on transactions by which lodging by a hotel is or is to be 117169
furnished to transient guests in addition to the tax levied by 117170
section 5739.02 of the Revised Code. If a municipal corporation or 117171
township repeals a tax imposed under division (A) of this section, 117172
and a county in which the municipal corporation or township has 117173
territory has a tax imposed under division (M) of section 5739.09 117174
of the Revised Code in effect, the municipal corporation or 117175
township may not reimpose its tax as long as that county tax 117176
remains in effect. A municipal corporation or township in which a 117177
tax is levied under division (B)(2) of section 351.021 of the 117178
Revised Code may not increase the rate of its tax levied under 117179
division (A) of this section to any rate that would cause the 117180
total taxes levied under both of those divisions to exceed three 117181
per cent on any lodging transaction within the municipal 117182
corporation or township. 117183

(B) The legislative authority of a municipal corporation or 117184
the board of trustees of a township that is not wholly or partly 117185
located in a county that has in effect a resolution levying an 117186
excise tax pursuant to division (A) of section 5739.09 of the 117187
Revised Code may, by ordinance or resolution, levy an additional 117188
excise tax not to exceed three per cent on transactions by which 117189
lodging by a hotel is or is to be furnished to transient guests. 117190
The legislative authority of the municipal corporation or the 117191
board of trustees of the township shall deposit at least fifty per 117192
cent of the revenue from the tax levied pursuant to this division 117193
into a separate fund, which shall be spent solely to make 117194
contributions to convention and visitors' bureaus operating within 117195
the county in which the municipal corporation or township is 117196
wholly or partly located, and the balance of that revenue shall be 117197
deposited in the general fund. The municipal corporation or 117198
township shall establish all regulations necessary to provide for 117199
the administration and allocation of the tax. The regulations may 117200

prescribe the time for payment of the tax, and may provide for the 117201
imposition of a penalty or interest, or both, for late payments, 117202
provided that the penalty does not exceed ten per cent of the 117203
amount of tax due, and the rate at which interest accrues does not 117204
exceed the rate per annum prescribed pursuant to section 5703.47 117205
of the Revised Code. The levy of a tax under this division is in 117206
addition to any tax imposed on the same transaction by a municipal 117207
corporation or a township under division (A) of this section. 117208

(C)(1) As used in division (C) of this section, "cost" has 117209
the same meaning as in section 351.01 of the Revised Code, and 117210
"convention center" has the same meaning as in section 307.695 of 117211
the Revised Code. 117212

(2) The legislative authority of the most populous municipal 117213
corporation located wholly or partly in a county in which the 117214
board of county commissioners has levied a tax under division (D) 117215
of section 5739.09 of the Revised Code may amend, on or before 117216
September 30, 2002, that municipal corporation's ordinance or 117217
resolution that levies an excise tax on transactions by which 117218
lodging by a hotel is or is to be furnished to transient guests, 117219
to provide for all of the following: 117220

(a) That the rate of the tax shall be increased by not more 117221
than an additional one per cent on each transaction; 117222

(b) That all of the revenue from the increase in rate shall 117223
be pledged and contributed to a convention facilities authority 117224
established by the board of county commissioners under Chapter 117225
351. of the Revised Code on or before May 15, 2002, and be used to 117226
pay costs of constructing, expanding, maintaining, operating, or 117227
promoting a convention center in the county, including paying 117228
bonds, or notes issued in anticipation of bonds, as provided by 117229
that chapter; 117230

(c) That the increase in rate shall not be subject to 117231

diminution by initiative or referendum or by law while any bonds, 117232
or notes in anticipation of bonds, issued by the authority under 117233
Chapter 351. of the Revised Code to which the revenue is pledged, 117234
remain outstanding in accordance with their terms, unless 117235
provision is made by law, by the board of county commissioners, or 117236
by the legislative authority, for an adequate substitute therefor 117237
that is satisfactory to the trustee if a trust agreement secures 117238
the bonds. 117239

(3) The legislative authority of a municipal corporation 117240
that, pursuant to division (C)(2) of this section, has amended its 117241
ordinance or resolution to increase the rate of the tax authorized 117242
by division (B) of this section may further amend the ordinance or 117243
resolution to provide that the revenue referred to in division 117244
(C)(2)(b) of this section shall be pledged and contributed both to 117245
a convention facilities authority to pay the costs of 117246
constructing, expanding, maintaining, or operating one or more 117247
convention centers in the county, including paying bonds, or notes 117248
issued in anticipation of bonds, as provided in Chapter 351. of 117249
the Revised Code, and to a convention and visitors' bureau to pay 117250
the costs of promoting one or more convention centers in the 117251
county. 117252

(D) As used in division (D) of this section, "eligible 117253
municipal corporation" means a municipal corporation that, on 117254
September 29, 2017, levied a tax under division (B) of this 117255
section at a rate of three per cent and that is located in a 117256
county that, on that date, levied a tax under division (A) of 117257
section 5739.09 of the Revised Code at a rate of three per cent 117258
and that has, according to the most recent federal decennial 117259
census, a population exceeding three hundred thousand but not 117260
greater than three hundred fifty thousand. 117261

The legislative authority of an eligible municipal 117262
corporation may amend, on or before December 31, 2017, that 117263

municipal corporation's ordinance or resolution that levies an 117264
excise tax on transactions by which lodging by a hotel is or is to 117265
be furnished to transient guests, to provide for the following: 117266

(1) That the rate of the tax shall be increased by not more 117267
than an additional three per cent on each transaction; 117268

(2) That all of the revenue from the increase in rate shall 117269
be used by the municipal corporation for economic development and 117270
tourism-related purposes. 117271

(E)(1) As used in division (E) of this section, "cost" and 117272
"facility" have the same meanings as in section 351.01 of the 117273
Revised Code, except that "facility" does not include a "sports 117274
facility," as that term is defined in that section, other than a 117275
facility intended to house a major league soccer team. 117276

(2) The legislative authority of a municipal corporation that 117277
has a population exceeding three hundred thousand but less than 117278
three hundred fifty thousand and that has adopted a resolution or 117279
ordinance levying a tax authorized by division (A) of this section 117280
may amend the resolution or ordinance to provide that all or a 117281
portion of the revenue referred to in division (A) of this section 117282
may be pledged and contributed to a convention facilities 117283
authority or a port authority to pay the costs of acquiring, 117284
constructing, renovating, expanding, maintaining, or operating one 117285
or more facilities in the county, including paying bonds, or notes 117286
issued in anticipation of bonds, or paying the expenses of 117287
maintaining, operating, or promoting one or more facilities. 117288

(3) The legislative authority of any municipal corporation 117289
that, pursuant to division (C)(2) of this section, has amended a 117290
resolution or ordinance levying the tax authorized by division (D) 117291
of section 5739.09 of the Revised Code may further amend the 117292
resolution or ordinance to provide that all or a portion of the 117293
revenue referred to in division (C)(2)(b) of this section may be 117294

pledged and contributed to an issuing authority, as defined in 117295
section 5739.093 of the Revised Code, to pay the costs of 117296
acquiring, constructing, renovating, expanding, maintaining, or 117297
operating one or more facilities in the county, including paying 117298
bonds, or notes issued in anticipation of bonds, or paying the 117299
expenses of maintaining, operating, or promoting one or more 117300
facilities. 117301

Sec. 5739.09. (A)(1) A board of county commissioners may, by 117302
resolution adopted by a majority of the members of the board, levy 117303
an excise tax not to exceed three per cent on transactions by 117304
which lodging by a hotel is or is to be furnished to transient 117305
guests. The board shall establish all regulations necessary to 117306
provide for the administration and allocation of the tax. The 117307
regulations may prescribe the time for payment of the tax, and may 117308
provide for the imposition of a penalty or interest, or both, for 117309
late payments, provided that the penalty does not exceed ten per 117310
cent of the amount of tax due, and the rate at which interest 117311
accrues does not exceed the rate per annum prescribed pursuant to 117312
section 5703.47 of the Revised Code. Except as otherwise provided 117313
in this section, the regulations shall provide, after deducting 117314
the real and actual costs of administering the tax, for the return 117315
to each municipal corporation or township that does not levy an 117316
excise tax on the transactions, a uniform percentage of the tax 117317
collected in the municipal corporation or in the unincorporated 117318
portion of the township from each transaction, not to exceed 117319
thirty-three and one-third per cent. Except as provided in this 117320
section, the remainder of the revenue arising from the tax shall 117321
be deposited in a separate fund and shall be spent ~~solely~~ either 117322
(a) to make contributions to the convention and visitors' bureau 117323
operating within the county, including a pledge and contribution 117324
of any portion of the remainder pursuant to an agreement 117325
authorized by section 307.678 or 307.695 of the Revised Code or 117326

(b) to pay, if authorized in the regulations, for public safety 117327
services in a resort area designated under section 5739.101 of the 117328
Revised Code. 117329

(2) If the board of county commissioners of an eligible 117330
county as defined in section 307.678 or 307.695 of the Revised 117331
Code adopts a resolution amending a resolution levying a tax under 117332
division (A) of this section to provide that revenue from the tax 117333
shall be used by the board as described in either division (D) of 117334
section 307.678 or division (H) of section 307.695 of the Revised 117335
Code, the remainder of the revenue shall be used as described in 117336
the resolution making that amendment. 117337

(3) Except as provided in division (B), (C), (D), (E), (F), 117338
(G), (H), (I), (J), (K), or (Q) of this section, on and after May 117339
10, 1994, a board of county commissioners may not levy an excise 117340
tax pursuant to division (A) of this section in any municipal 117341
corporation or township located wholly or partly within the county 117342
that has in effect an ordinance or resolution levying an excise 117343
tax pursuant to division (B) of section 5739.08 of the Revised 117344
Code. 117345

(4) The board of a county that has levied a tax under 117346
division (M) of this section may, by resolution adopted within 117347
ninety days after July 15, 1985, by a majority of the members of 117348
the board, amend the resolution levying a tax under division (A) 117349
of this section to provide for a portion of that tax to be pledged 117350
and contributed in accordance with an agreement entered into under 117351
section 307.695 of the Revised Code. A tax, any revenue from which 117352
is pledged pursuant to such an agreement, shall remain in effect 117353
at the rate at which it is imposed for the duration of the period 117354
for which the revenue from the tax has been so pledged. 117355

(5) The board of county commissioners of an eligible county 117356
as defined in section 307.695 of the Revised Code may, by 117357

resolution adopted by a majority of the members of the board, 117358
amend a resolution levying a tax under division (A) of this 117359
section to provide that the revenue from the tax shall be used by 117360
the board as described in division (H) of section 307.695 of the 117361
Revised Code, in which case the tax shall remain in effect at the 117362
rate at which it was imposed for the duration of any agreement 117363
entered into by the board under section 307.695 of the Revised 117364
Code, the duration during which any securities issued by the board 117365
under that section are outstanding, or the duration of the period 117366
during which the board owns a project as defined in section 117367
307.695 of the Revised Code, whichever duration is longest. 117368

(6) The board of county commissioners of an eligible county 117369
as defined in section 307.678 of the Revised Code may, by 117370
resolution, amend a resolution levying a tax under division (A) of 117371
this section to provide that revenue from the tax, not to exceed 117372
five hundred thousand dollars each year, may be used as described 117373
in division (E) of section 307.678 of the Revised Code. 117374

(7) Notwithstanding division (A) of this section, the board 117375
of county commissioners of a county described in division (H)(1) 117376
of this section may, by resolution, amend a resolution levying a 117377
tax under division (A) of this section to provide that all or a 117378
portion of the revenue from the tax, including any revenue 117379
otherwise required to be returned to townships or municipal 117380
corporations under that division, may be used or pledged for the 117381
payment of debt service on securities issued to pay the costs of 117382
constructing, operating, and maintaining sports facilities 117383
described in division (H)(2) of this section. 117384

(8) The board of county commissioners of a county described 117385
in division (I) of this section may, by resolution, amend a 117386
resolution levying a tax under division (A) of this section to 117387
provide that all or a portion of the revenue from the tax may be 117388
used for the purposes described in section 307.679 of the Revised 117389

Code. 117390

(B) A board of county commissioners that levies an excise tax 117391
under division (A) of this section on June 30, 1997, at a rate of 117392
three per cent, and that has pledged revenue from the tax to an 117393
agreement entered into under section 307.695 of the Revised Code 117394
or, in the case of the board of county commissioners of an 117395
eligible county as defined in section 307.695 of the Revised Code, 117396
has amended a resolution levying a tax under division (M) of this 117397
section to provide that proceeds from the tax shall be used by the 117398
board as described in division (H) of section 307.695 of the 117399
Revised Code, may, at any time by a resolution adopted by a 117400
majority of the members of the board, amend the resolution levying 117401
a tax under division (A) of this section to provide for an 117402
increase in the rate of that tax up to seven per cent on each 117403
transaction; to provide that revenue from the increase in the rate 117404
shall be used as described in division (H) of section 307.695 of 117405
the Revised Code or be spent solely to make contributions to the 117406
convention and visitors' bureau operating within the county to be 117407
used specifically for promotion, advertising, and marketing of the 117408
region in which the county is located; and to provide that the 117409
rate in excess of the three per cent levied under division (A) of 117410
this section shall remain in effect at the rate at which it is 117411
imposed for the duration of the period during which any agreement 117412
is in effect that was entered into under section 307.695 of the 117413
Revised Code by the board of county commissioners levying a tax 117414
under division (A) of this section, the duration of the period 117415
during which any securities issued by the board under division (I) 117416
of section 307.695 of the Revised Code are outstanding, or the 117417
duration of the period during which the board owns a project as 117418
defined in section 307.695 of the Revised Code, whichever duration 117419
is longest. The amendment also shall provide that no portion of 117420
that revenue need be returned to townships or municipal 117421
corporations as would otherwise be required under division (A) of 117422

this section. 117423

(C)(1) As used in division (C) of this section, "cost" and 117424
"facility" have the same meanings as in section 351.01 of the 117425
Revised Code, and "convention center" has the same meaning as in 117426
section 307.695 of the Revised Code. 117427

(2) A board of county commissioners that levies a tax under 117428
division (A) of this section on March 18, 1999, at a rate of three 117429
per cent may, by resolution adopted not later than forty-five days 117430
after March 18, 1999, amend the resolution levying the tax to 117431
provide for all of the following: 117432

(a) That the rate of the tax shall be increased by not more 117433
than an additional four per cent on each transaction; 117434

(b) That all of the revenue from the increase in the rate 117435
shall be pledged and contributed to a convention facilities 117436
authority established by the board of county commissioners under 117437
Chapter 351. of the Revised Code on or before November 15, 1998, 117438
and used to pay costs of constructing, maintaining, operating, and 117439
promoting a facility in the county, including paying bonds, or 117440
notes issued in anticipation of bonds, as provided by that 117441
chapter; 117442

(c) That no portion of the revenue arising from the increase 117443
in rate need be returned to municipal corporations or townships as 117444
otherwise required under division (A) of this section; 117445

(d) That the increase in rate shall not be subject to 117446
diminution by initiative or referendum or by law while any bonds, 117447
or notes in anticipation of bonds, issued by the authority under 117448
Chapter 351. of the Revised Code to which the revenue is pledged, 117449
remain outstanding in accordance with their terms, unless 117450
provision is made by law or by the board of county commissioners 117451
for an adequate substitute therefor that is satisfactory to the 117452
trustee if a trust agreement secures the bonds. 117453

(3) Division (C) of this section does not apply to the board 117454
of county commissioners of any county in which a convention center 117455
or facility exists or is being constructed on November 15, 1998, 117456
or of any county in which a convention facilities authority levies 117457
a tax pursuant to section 351.021 of the Revised Code on that 117458
date. 117459

(D)(1) As used in division (D) of this section, "cost" has 117460
the same meaning as in section 351.01 of the Revised Code, and 117461
"convention center" has the same meaning as in section 307.695 of 117462
the Revised Code. 117463

(2) A board of county commissioners that levies a tax under 117464
division (A) of this section on June 30, 2002, at a rate of three 117465
per cent may, by resolution adopted not later than September 30, 117466
2002, amend the resolution levying the tax to provide for all of 117467
the following: 117468

(a) That the rate of the tax shall be increased by not more 117469
than an additional three and one-half per cent on each 117470
transaction; 117471

(b) That all of the revenue from the increase in rate shall 117472
be pledged and contributed to a convention facilities authority 117473
established by the board of county commissioners under Chapter 117474
351. of the Revised Code on or before May 15, 2002, and be used to 117475
pay costs of constructing, expanding, maintaining, operating, or 117476
promoting a convention center in the county, including paying 117477
bonds, or notes issued in anticipation of bonds, as provided by 117478
that chapter; 117479

(c) That no portion of the revenue arising from the increase 117480
in rate need be returned to municipal corporations or townships as 117481
otherwise required under division (A) of this section; 117482

(d) That the increase in rate shall not be subject to 117483
diminution by initiative or referendum or by law while any bonds, 117484

or notes in anticipation of bonds, issued by the authority under 117485
Chapter 351. of the Revised Code to which the revenue is pledged, 117486
remain outstanding in accordance with their terms, unless 117487
provision is made by law or by the board of county commissioners 117488
for an adequate substitute therefor that is satisfactory to the 117489
trustee if a trust agreement secures the bonds. 117490

(3) Any board of county commissioners that, pursuant to 117491
division (D)(2) of this section, has amended a resolution levying 117492
the tax authorized by division (A) of this section may further 117493
amend the resolution to provide that the revenue referred to in 117494
division (D)(2)(b) of this section shall be pledged and 117495
contributed both to a convention facilities authority to pay the 117496
costs of constructing, expanding, maintaining, or operating one or 117497
more convention centers in the county, including paying bonds, or 117498
notes issued in anticipation of bonds, as provided in Chapter 351. 117499
of the Revised Code, and to a convention and visitors' bureau to 117500
pay the costs of promoting one or more convention centers in the 117501
county. 117502

(E)(1) As used in division (E) of this section: 117503

(a) "Port authority" means a port authority created under 117504
Chapter 4582. of the Revised Code. 117505

(b) "Port authority military-use facility" means port 117506
authority facilities on which or adjacent to which is located an 117507
installation of the armed forces of the United States, a reserve 117508
component thereof, or the national guard and at least part of 117509
which is made available for use, for consideration, by the armed 117510
forces of the United States, a reserve component thereof, or the 117511
national guard. 117512

(2) For the purpose of contributing revenue to pay operating 117513
expenses of a port authority that operates a port authority 117514
military-use facility, the board of county commissioners of a 117515

county that created, participated in the creation of, or has 117516
joined such a port authority may do one or both of the following: 117517

(a) Amend a resolution previously adopted under division (A) 117518
of this section to designate some or all of the revenue from the 117519
tax levied under the resolution to be used for that purpose, 117520
notwithstanding that division; 117521

(b) Amend a resolution previously adopted under division (A) 117522
of this section to increase the rate of the tax by not more than 117523
an additional two per cent and use the revenue from the increase 117524
exclusively for that purpose. 117525

(3) If a board of county commissioners amends a resolution to 117526
increase the rate of a tax as authorized in division (E)(2)(b) of 117527
this section, the board also may amend the resolution to specify 117528
that the increase in rate of the tax does not apply to "hotels," 117529
as otherwise defined in section 5739.01 of the Revised Code, 117530
having fewer rooms used for the accommodation of guests than a 117531
number of rooms specified by the board. 117532

(F)(1) A board of county commissioners of a county organized 117533
under a county charter adopted pursuant to Article X, Section 3, 117534
Ohio Constitution, and that levies an excise tax under division 117535
(A) of this section at a rate of three per cent and levies an 117536
additional excise tax under division (O) of this section at a rate 117537
of one and one-half per cent may, by resolution adopted not later 117538
than January 1, 2008, by a majority of the members of the board, 117539
amend the resolution levying a tax under division (A) of this 117540
section to provide for an increase in the rate of that tax by not 117541
more than an additional one per cent on transactions by which 117542
lodging by a hotel is or is to be furnished to transient guests. 117543
Notwithstanding divisions (A) and (O) of this section, the 117544
resolution shall provide that all of the revenue from the increase 117545
in rate, after deducting the real and actual costs of 117546
administering the tax, shall be used to pay the costs of 117547

improving, expanding, equipping, financing, or operating a 117548
convention center by a convention and visitors' bureau in the 117549
county. 117550

(2) The increase in rate shall remain in effect for the 117551
period specified in the resolution, not to exceed ten years, and 117552
may be extended for an additional period of time not to exceed ten 117553
years thereafter by a resolution adopted by a majority of the 117554
members of the board. 117555

(3) The increase in rate shall be subject to the regulations 117556
adopted under division (A) of this section, except that the 117557
resolution may provide that no portion of the revenue from the 117558
increase in the rate shall be returned to townships or municipal 117559
corporations as would otherwise be required under that division. 117560

(G)(1) Division (G) of this section applies only to a county 117561
with a population greater than sixty-five thousand and less than 117562
seventy thousand according to the most recent federal decennial 117563
census and in which, on December 31, 2006, an excise tax is levied 117564
under division (A) of this section at a rate not less than and not 117565
greater than three per cent, and in which the most recent increase 117566
in the rate of that tax was enacted or took effect in November 117567
1984. 117568

(2) The board of county commissioners of a county to which 117569
division (G) of this section applies, by resolution adopted by a 117570
majority of the members of the board, may increase the rate of the 117571
tax by not more than one per cent on transactions by which lodging 117572
by a hotel is or is to be furnished to transient guests. The 117573
increase in rate shall be for the purpose of paying expenses 117574
deemed necessary by the convention and visitors' bureau operating 117575
in the county to promote travel and tourism. 117576

(3) The increase in rate shall remain in effect for the 117577
period specified in the resolution, not to exceed twenty years, 117578

provided that the increase in rate may not continue beyond the 117579
time when the purpose for which the increase is levied ceases to 117580
exist. If revenue from the increase in rate is pledged to the 117581
payment of debt charges on securities, the increase in rate is not 117582
subject to diminution by initiative or referendum or by law for so 117583
long as the securities are outstanding, unless provision is made 117584
by law or by the board of county commissioners for an adequate 117585
substitute for that revenue that is satisfactory to the trustee if 117586
a trust agreement secures payment of the debt charges. 117587

(4) The increase in rate shall be subject to the regulations 117588
adopted under division (A) of this section, except that the 117589
resolution may provide that no portion of the revenue from the 117590
increase in the rate shall be returned to townships or municipal 117591
corporations as would otherwise be required under division (A) of 117592
this section. 117593

(5) A resolution adopted under division (G) of this section 117594
is subject to referendum under sections 305.31 to 305.99 of the 117595
Revised Code. 117596

(H)(1) Division (H) of this section applies only to a county 117597
satisfying all of the following: 117598

(a) The population of the county is greater than one hundred 117599
seventy-five thousand and less than two hundred twenty-five 117600
thousand according to the most recent federal decennial census. 117601

(b) An amusement park with an average yearly attendance in 117602
excess of two million guests is located in the county. 117603

(c) On December 31, 2014, an excise tax was levied in the 117604
county under division (A) of this section at a rate of three per 117605
cent. 117606

(2) The board of county commissioners of a county to which 117607
division (H) of this section applies, by resolution adopted by a 117608
majority of the members of the board, may increase the rate of the 117609

tax by not more than one per cent on transactions by which lodging 117610
by a hotel is or is to be furnished to transient guests. The 117611
increase in rate shall be used to pay the costs of constructing 117612
and maintaining facilities owned by the county or by a port 117613
authority created under Chapter 4582. of the Revised Code, and 117614
designed to host sporting events and expenses deemed necessary by 117615
the convention and visitors' bureau operating in the county to 117616
promote travel and tourism with reference to the sports 117617
facilities, and to pay or pledge to the payment of debt service on 117618
securities issued to pay the costs of constructing, operating, and 117619
maintaining the sports facilities. 117620

(3) The increase in rate shall remain in effect for the 117621
period specified in the resolution. If revenue from the increase 117622
in rate is pledged to the payment of debt charges on securities, 117623
the increase in rate is not subject to diminution by initiative or 117624
referendum or by law for so long as the securities are 117625
outstanding, unless provision is made by law or by the board of 117626
county commissioners for an adequate substitute for that revenue 117627
that is satisfactory to the trustee if a trust agreement secures 117628
payment of the debt charges. 117629

(4) The increase in rate shall be subject to the regulations 117630
adopted under division (A) of this section, except that the 117631
resolution may provide that no portion of the revenue from the 117632
increase in the rate shall be returned to townships or municipal 117633
corporations as would otherwise be required under division (A) of 117634
this section. 117635

(I)(1) The board of county commissioners of a county with a 117636
population greater than seventy-five thousand and less than 117637
seventy-eight thousand, by resolution adopted by a majority of the 117638
members of the board not later than October 15, 2015, may increase 117639
the rate of the tax by not more than one per cent on transactions 117640
by which lodging by a hotel is or is to be furnished to transient 117641

guests. The increase in rate shall be for the purposes described 117642
in section 307.679 of the Revised Code or for the promotion of 117643
travel and tourism in the county, including travel and tourism to 117644
sports facilities. 117645

(2) The increase in rate shall remain in effect for the 117646
period specified in the resolution and as necessary to fulfill the 117647
county's obligations under a cooperative agreement entered into 117648
under section 307.679 of the Revised Code. If the resolution is 117649
adopted by the board before September 29, 2015, but after that 117650
enactment becomes law, the increase in rate shall become effective 117651
beginning on September 29, 2015. If revenue from the increase in 117652
rate is pledged to the payment of debt charges on securities, or 117653
to substitute for other revenues pledged to the payment of such 117654
debt, the increase in rate is not subject to diminution by 117655
initiative or referendum or by law for so long as the securities 117656
are outstanding, unless provision is made by law or by the board 117657
of county commissioners for an adequate substitute for that 117658
revenue that is satisfactory to the trustee if a trust agreement 117659
secures payment of the debt charges. 117660

(3) The increase in rate shall be subject to the regulations 117661
adopted under division (A) of this section, except that no portion 117662
of the revenue from the increase in the rate shall be returned to 117663
townships or municipal corporations as would otherwise be required 117664
under division (A) of this section. 117665

(J)(1) Division (J) of this section applies only to counties 117666
satisfying either of the following: 117667

(a) A county that, on July 1, 2015, does not levy an excise 117668
tax under division (A) of this section and that has a population 117669
of at least thirty-nine thousand but not more than forty thousand 117670
according to the 2010 federal decennial census; 117671

(b) A county that, on July 1, 2015, levies an excise tax 117672

under division (A) of this section at a rate of three per cent and 117673
that has a population of at least seventy-one thousand but not 117674
more than seventy-five thousand according to 2010 federal 117675
decennial census. 117676

(2) The board of county commissioners of a county to which 117677
division (J) of this section applies, by resolution adopted by a 117678
majority of the members of the board, may levy an excise tax at a 117679
rate not to exceed three per cent on transactions by which lodging 117680
by a hotel is or is to be furnished to transient guests for the 117681
purpose of acquiring, constructing, equipping, or repairing 117682
permanent improvements, as defined in section 133.01 of the 117683
Revised Code. 117684

(3) If the board does not levy a tax under division (A) of 117685
this section, the board shall establish regulations necessary to 117686
provide for the administration of the tax, which may prescribe the 117687
time for payment of the tax and the imposition of penalty or 117688
interest subject to the limitations on penalty and interest 117689
provided in division (A) of this section. No portion of the 117690
revenue shall be returned to townships or municipal corporations 117691
in the county unless otherwise provided by resolution of the 117692
board. 117693

(4) The tax shall apply throughout the territory of the 117694
county, including in any township or municipal corporation levying 117695
an excise tax under division (A) or (B) of section 5739.08 of the 117696
Revised Code. The levy of the tax is subject to referendum as 117697
provided under section 305.31 of the Revised Code. 117698

(5) The tax shall remain in effect for the period specified 117699
in the resolution. If revenue from the increase in rate is pledged 117700
to the payment of debt charges on securities, the increase in rate 117701
is not subject to diminution by initiative or referendum or by law 117702
for so long as the securities are outstanding unless provision is 117703
made by law or by the board for an adequate substitute for that 117704

revenue that is satisfactory to the trustee if a trust agreement 117705
secures payment of the debt charges. 117706

(K)(1) The board of county commissioners of an eligible 117707
county, as defined in section 307.678 of the Revised Code, that 117708
levies an excise tax under division (A) of this section on July 1, 117709
2017, at a rate of three per cent may, by resolution adopted by a 117710
majority of the members of the board, amend the resolution levying 117711
the tax to increase the rate of the tax by not more than an 117712
additional three per cent on each transaction. 117713

(2) No portion of the revenue shall be returned to townships 117714
or municipal corporations in the county unless otherwise provided 117715
by resolution of the board. Otherwise, the revenue from the 117716
increase in the rate shall be distributed and used in the same 117717
manner described under division (A) of this section or distributed 117718
or used to provide credit enhancement facilities as authorized 117719
under section 307.678 of the Revised Code. 117720

(3) The increase in rate shall remain in effect for the 117721
period specified in the resolution. If revenue from the increase 117722
in rate is pledged to the payment of debt charges on securities, 117723
the increase in rate is not subject to diminution by initiative or 117724
referendum or by law for so long as the securities are outstanding 117725
unless provision is made by law or by the board for an adequate 117726
substitute for that revenue that is satisfactory to the trustee if 117727
a trust agreement secures payment of the debt charges. 117728

(L)(1) As used in division (L) of this section: 117729

(a) "Eligible county" means a county that has a population 117730
greater than one hundred ninety thousand and less than two hundred 117731
thousand according to the 2010 federal decennial census and that 117732
levies an excise tax under division (A) of this section at a rate 117733
of three per cent. 117734

(b) "Professional sports facility" means a sports facility 117735

that is intended to house major or minor league professional 117736
athletic teams, including a stadium, together with all parking 117737
facilities, walkways, and other auxiliary facilities, real and 117738
personal property, property rights, easements, and interests that 117739
may be appropriate for, or used in connection with, the operation 117740
of the facility. 117741

(2) Subject to division (L)(3) of this section, the board of 117742
county commissioners of an eligible county, by resolution adopted 117743
by a majority of the members of the board, may increase the rate 117744
of the tax by not more than one per cent on transactions by which 117745
lodging by a hotel is or is to be furnished to transient guests. 117746
Revenue from the increase in rate shall be used for the purposes 117747
of paying the costs of constructing, improving, and maintaining a 117748
professional sports facility in the county and paying expenses 117749
considered necessary by the convention and visitors' bureau 117750
operating in the county to promote travel and tourism with respect 117751
to that professional sports facility. The tax shall take effect 117752
only after the convention and visitors' bureau enters into a 117753
contract for the construction, improvement, or maintenance of a 117754
professional sports facility that is or will be located on 117755
property acquired, in whole or in part, with revenue from the 117756
increased rate, and thereafter shall remain in effect for the 117757
period specified in the resolution. If revenue from the increase 117758
in rate is pledged to the payment of debt charges on securities, 117759
the increase in rate is not subject to diminution by initiative or 117760
referendum or by law for so long as the securities are 117761
outstanding, unless a provision is made by law or by the board of 117762
county commissioners for an adequate substitute for that revenue 117763
that is satisfactory to the trustee if a trust agreement secures 117764
payment of the debt charges. The increase in rate shall be subject 117765
to the regulations adopted under division (A) of this section, 117766
except that the resolution may provide that no portion of the 117767
revenue from the increase in the rate shall be returned to 117768

townships or municipal corporations as would otherwise be required 117769
under division (A) of this section. 117770

(3) If, on December 31, 2019, the convention and visitors' 117771
bureau has not entered into a contract for the construction, 117772
improvement, or maintenance of a professional sports facility that 117773
is or will be located on property acquired, in whole or in part, 117774
with revenue from the increased rate, the authority to levy the 117775
tax under division (L)(2) of this section is hereby repealed on 117776
that date. 117777

(M)(1) For the purposes described in section 307.695 of the 117778
Revised Code and to cover the costs of administering the tax, a 117779
board of county commissioners of a county where a tax imposed 117780
under division (A) of this section is in effect may, by resolution 117781
adopted within ninety days after July 15, 1985, by a majority of 117782
the members of the board, levy an additional excise tax not to 117783
exceed three per cent on transactions by which lodging by a hotel 117784
is or is to be furnished to transient guests. The tax authorized 117785
by division (M) of this section shall be in addition to any tax 117786
that is levied pursuant to divisions (A) to (L) of this section, 117787
but it shall not apply to transactions subject to a tax levied by 117788
a municipal corporation or township pursuant to section 5739.08 of 117789
the Revised Code. 117790

(2) The board shall establish all regulations necessary to 117791
provide for the administration and allocation of the tax. The 117792
regulations may prescribe the time for payment of the tax, and may 117793
provide for the imposition of a penalty or interest, or both, for 117794
late payments, provided that the penalty does not exceed ten per 117795
cent of the amount of tax due, and the rate at which interest 117796
accrues does not exceed the rate per annum prescribed pursuant to 117797
section 5703.47 of the Revised Code. 117798

(3) All revenues arising from the tax shall be expended in 117799
accordance with section 307.695 of the Revised Code. The board of 117800

county commissioners of an eligible county as defined in section 117801
307.695 of the Revised Code may, by resolution adopted by a 117802
majority of the members of the board, amend the resolution levying 117803
a tax under this division to provide that the revenue from the tax 117804
shall be used by the board as described in division (H) of section 117805
307.695 of the Revised Code. 117806

(4) A tax imposed under this division shall remain in effect 117807
at the rate at which it is imposed for the duration of the period 117808
during which any agreement entered into by the board under section 117809
307.695 of the Revised Code is in effect, the duration of the 117810
period during which any securities issued by the board under 117811
division (I) of section 307.695 of the Revised Code are 117812
outstanding, or the duration of the period during which the board 117813
owns a project as defined in section 307.695 of the Revised Code, 117814
whichever duration is longest. 117815

(N)(1) For the purpose of providing contributions under 117816
division (B)(1) of section 307.671 of the Revised Code to enable 117817
the acquisition, construction, and equipping of a port authority 117818
educational and cultural facility in the county and, to the extent 117819
provided for in the cooperative agreement authorized by that 117820
section, for the purpose of paying debt service charges on bonds, 117821
or notes in anticipation of bonds, described in division (B)(1)(b) 117822
of that section, a board of county commissioners, by resolution 117823
adopted within ninety days after December 22, 1992, by a majority 117824
of the members of the board, may levy an additional excise tax not 117825
to exceed one and one-half per cent on transactions by which 117826
lodging by a hotel is or is to be furnished to transient guests. 117827
The excise tax authorized by division (N) of this section shall be 117828
in addition to any tax that is levied pursuant to divisions (A) to 117829
(M) of this section, to any excise tax levied pursuant to section 117830
5739.08 of the Revised Code, and to any excise tax levied pursuant 117831
to section 351.021 of the Revised Code. 117832

(2) The board of county commissioners shall establish all 117833
regulations necessary to provide for the administration and 117834
allocation of the tax that are not inconsistent with this section 117835
or section 307.671 of the Revised Code. The regulations may 117836
prescribe the time for payment of the tax, and may provide for the 117837
imposition of a penalty or interest, or both, for late payments, 117838
provided that the penalty does not exceed ten per cent of the 117839
amount of tax due, and the rate at which interest accrues does not 117840
exceed the rate per annum prescribed pursuant to section 5703.47 117841
of the Revised Code. 117842

(3) All revenues arising from the tax shall be expended in 117843
accordance with section 307.671 of the Revised Code and division 117844
(N) of this section. The levy of a tax imposed under division (N) 117845
of this section may not commence prior to the first day of the 117846
month next following the execution of the cooperative agreement 117847
authorized by section 307.671 of the Revised Code by all parties 117848
to that agreement. 117849

(4) The tax shall remain in effect at the rate at which it is 117850
imposed for the period of time described in division (C) of 117851
section 307.671 of the Revised Code for which the revenue from the 117852
tax has been pledged by the county to the corporation pursuant to 117853
that section, but, to any extent provided for in the cooperative 117854
agreement, for no lesser period than the period of time required 117855
for payment of the debt service charges on bonds, or notes in 117856
anticipation of bonds, described in division (B)(1)(b) of that 117857
section. 117858

(O)(1) For the purpose of paying the costs of acquiring, 117859
constructing, equipping, and improving a municipal educational and 117860
cultural facility, including debt service charges on bonds 117861
provided for in division (B) of section 307.672 of the Revised 117862
Code, and for any additional purposes determined by the county in 117863
the resolution levying the tax or amendments to the resolution, 117864

including subsequent amendments providing for paying costs of 117865
acquiring, constructing, renovating, rehabilitating, equipping, 117866
and improving a port authority educational and cultural performing 117867
arts facility, as defined in section 307.674 of the Revised Code, 117868
and including debt service charges on bonds provided for in 117869
division (B) of section 307.674 of the Revised Code, the 117870
legislative authority of a county, by resolution adopted within 117871
ninety days after June 30, 1993, by a majority of the members of 117872
the legislative authority, may levy an additional excise tax not 117873
to exceed one and one-half per cent on transactions by which 117874
lodging by a hotel is or is to be furnished to transient guests. 117875
The excise tax authorized by division (O) of this section shall be 117876
in addition to any tax that is levied pursuant to divisions (A) to 117877
(N) of this section, to any excise tax levied pursuant to section 117878
5739.08 of the Revised Code, and to any excise tax levied pursuant 117879
to section 351.021 of the Revised Code. 117880

(2) The legislative authority of the county shall establish 117881
all regulations necessary to provide for the administration and 117882
allocation of the tax. The regulations may prescribe the time for 117883
payment of the tax, and may provide for the imposition of a 117884
penalty or interest, or both, for late payments, provided that the 117885
penalty does not exceed ten per cent of the amount of tax due, and 117886
the rate at which interest accrues does not exceed the rate per 117887
annum prescribed pursuant to section 5703.47 of the Revised Code. 117888

(3) All revenues arising from the tax shall be expended in 117889
accordance with section 307.672 of the Revised Code and this 117890
division. The levy of a tax imposed under this division shall not 117891
commence prior to the first day of the month next following the 117892
execution of the cooperative agreement authorized by section 117893
307.672 of the Revised Code by all parties to that agreement. The 117894
tax shall remain in effect at the rate at which it is imposed for 117895
the period of time determined by the legislative authority of the 117896

county. That period of time shall not exceed fifteen years, except 117897
that the legislative authority of a county with a population of 117898
less than two hundred fifty thousand according to the most recent 117899
federal decennial census, by resolution adopted by a majority of 117900
its members before the original tax expires, may extend the 117901
duration of the tax for an additional period of time. The 117902
additional period of time by which a legislative authority extends 117903
a tax levied under division (O) of this section shall not exceed 117904
fifteen years. 117905

(P)(1) The legislative authority of a county that has levied 117906
a tax under division (O) of this section may, by resolution 117907
adopted within one hundred eighty days after January 4, 2001, by a 117908
majority of the members of the legislative authority, amend the 117909
resolution levying a tax under that division to provide for the 117910
use of the proceeds of that tax, to the extent that it is no 117911
longer needed for its original purpose as determined by the 117912
parties to a cooperative agreement amendment pursuant to division 117913
(D) of section 307.672 of the Revised Code, to pay costs of 117914
acquiring, constructing, renovating, rehabilitating, equipping, 117915
and improving a port authority educational and cultural performing 117916
arts facility, including debt service charges on bonds provided 117917
for in division (B) of section 307.674 of the Revised Code, and to 117918
pay all obligations under any guaranty agreements, reimbursement 117919
agreements, or other credit enhancement agreements described in 117920
division (C) of section 307.674 of the Revised Code. 117921

(2) The resolution may also provide for the extension of the 117922
tax at the same rate for the longer of the period of time 117923
determined by the legislative authority of the county, but not to 117924
exceed an additional twenty-five years, or the period of time 117925
required to pay all debt service charges on bonds provided for in 117926
division (B) of section 307.672 of the Revised Code and on port 117927
authority revenue bonds provided for in division (B) of section 117928

307.674 of the Revised Code. 117929

(3) All revenues arising from the amendment and extension of 117930
the tax shall be expended in accordance with section 307.674 of 117931
the Revised Code and divisions (O) and (P) of this section. 117932

(Q)(1) As used in division (Q) of this section: 117933

(a) "Convention facilities authority" has the same meaning as 117934
in section 351.01 of the Revised Code. 117935

(b) "Convention center" has the same meaning as in section 117936
307.695 of the Revised Code. 117937

(2) Notwithstanding any contrary provision of division (N) of 117938
this section, the legislative authority of a county with a 117939
population of one million or more according to the most recent 117940
federal decennial census that has levied a tax under division (N) 117941
of this section may, by resolution adopted by a majority of the 117942
members of the legislative authority, provide for the extension of 117943
such levy and may provide that the proceeds of that tax, to the 117944
extent that they are no longer needed for their original purpose 117945
as defined by a cooperative agreement entered into under section 117946
307.671 of the Revised Code, shall be deposited into the county 117947
general revenue fund. The resolution shall provide for the 117948
extension of the tax at a rate not to exceed the rate specified in 117949
division (N) of this section for a period of time determined by 117950
the legislative authority of the county, but not to exceed an 117951
additional forty years. 117952

(3) The legislative authority of a county with a population 117953
of one million or more that has levied a tax under division (A) of 117954
this section may, by resolution adopted by a majority of the 117955
members of the legislative authority, increase the rate of the tax 117956
levied by such county under division (A) of this section to a rate 117957
not to exceed five per cent on transactions by which lodging by a 117958
hotel is or is to be furnished to transient guests. 117959

Notwithstanding any contrary provision of division (A) of this 117960
section, the resolution may provide that all collections resulting 117961
from the rate levied in excess of three per cent, after deducting 117962
the real and actual costs of administering the tax, shall be 117963
deposited in the county general fund. 117964

(4) The legislative authority of a county with a population 117965
of one million or more that has levied a tax under division (A) of 117966
this section may, by resolution adopted on or before August 30, 117967
2004, by a majority of the members of the legislative authority, 117968
provide that all or a portion of the proceeds of the tax levied 117969
under division (A) of this section, after deducting the real and 117970
actual costs of administering the tax and the amounts required to 117971
be returned to townships and municipal corporations with respect 117972
to the first three per cent levied under division (A) of this 117973
section, shall be deposited in the county general fund, provided 117974
that such proceeds shall be used to satisfy any pledges made in 117975
connection with an agreement entered into under section 307.695 of 117976
the Revised Code. 117977

(5) No amount collected from a tax levied, extended, or 117978
required to be deposited in the county general fund under division 117979
(Q) of this section shall be contributed to a convention 117980
facilities authority, corporation, or other entity created after 117981
July 1, 2003, for the principal purpose of constructing, 117982
improving, expanding, equipping, financing, or operating a 117983
convention center unless the mayor of the municipal corporation in 117984
which the convention center is to be operated by that convention 117985
facilities authority, corporation, or other entity has consented 117986
to the creation of that convention facilities authority, 117987
corporation, or entity. Notwithstanding any contrary provision of 117988
section 351.04 of the Revised Code, if a tax is levied by a county 117989
under division (Q) of this section, the board of county 117990
commissioners of that county may determine the manner of 117991

selection, the qualifications, the number, and terms of office of 117992
the members of the board of directors of any convention facilities 117993
authority, corporation, or other entity described in division 117994
(Q)(5) of this section. 117995

(6)(a) No amount collected from a tax levied, extended, or 117996
required to be deposited in the county general fund under division 117997
(Q) of this section may be used for any purpose other than paying 117998
the direct and indirect costs of constructing, improving, 117999
expanding, equipping, financing, or operating a convention center 118000
and for the real and actual costs of administering the tax, 118001
unless, prior to the adoption of the resolution of the legislative 118002
authority of the county authorizing the levy, extension, increase, 118003
or deposit, the county and the mayor of the most populous 118004
municipal corporation in that county have entered into an 118005
agreement as to the use of such amounts, provided that such 118006
agreement has been approved by a majority of the mayors of the 118007
other municipal corporations in that county. The agreement shall 118008
provide that the amounts to be used for purposes other than paying 118009
the convention center or administrative costs described in 118010
division (Q)(6)(a) of this section be used only for the direct and 118011
indirect costs of capital improvements, including the financing of 118012
capital improvements, except that the agreement may subsequently 118013
be amended by the parties that have entered into that agreement to 118014
authorize such amounts to instead be used for any costs related to 118015
the promotion or support of tourism or tourism-related programs. 118016

(b) If the county in which the tax is levied has an 118017
association of mayors and city managers, the approval of that 118018
association of an agreement described in division (Q)(6)(a) of 118019
this section shall be considered to be the approval of the 118020
majority of the mayors of the other municipal corporations for 118021
purposes of that division. 118022

(7) Each year, the auditor of state shall conduct an audit of 118023

the uses of any amounts collected from taxes levied, extended, or 118024
deposited under division (Q) of this section and shall prepare a 118025
report of the auditor of state's findings. The auditor of state 118026
shall submit the report to the legislative authority of the county 118027
that has levied, extended, or deposited the tax, the speaker of 118028
the house of representatives, the president of the senate, and the 118029
leaders of the minority parties of the house of representatives 118030
and the senate. 118031

(R)(1) As used in division (R) of this section: 118032

(a) "Convention facilities authority" has the same meaning as 118033
in section 351.01 of the Revised Code. 118034

(b) "Convention center" has the same meaning as in section 118035
307.695 of the Revised Code. 118036

(2) Notwithstanding any contrary provision of division (N) of 118037
this section, the legislative authority of a county with a 118038
population of one million two hundred thousand or more according 118039
to the most recent federal decennial census or the most recent 118040
annual population estimate published or released by the United 118041
States census bureau at the time the resolution is adopted placing 118042
the levy on the ballot, that has levied a tax under division (N) 118043
of this section may, by resolution adopted by a majority of the 118044
members of the legislative authority, provide for the extension of 118045
such levy and may provide that the proceeds of that tax, to the 118046
extent that the proceeds are no longer needed for their original 118047
purpose as defined by a cooperative agreement entered into under 118048
section 307.671 of the Revised Code and after deducting the real 118049
and actual costs of administering the tax, shall be used for 118050
paying the direct and indirect costs of constructing, improving, 118051
expanding, equipping, financing, or operating a convention center. 118052
The resolution shall provide for the extension of the tax at a 118053
rate not to exceed the rate specified in division (N) of this 118054
section for a period of time determined by the legislative 118055

authority of the county, but not to exceed an additional forty 118056
years. 118057

(3) The legislative authority of a county with a population 118058
of one million two hundred thousand or more that has levied a tax 118059
under division (A) of this section may, by resolution adopted by a 118060
majority of the members of the legislative authority, increase the 118061
rate of the tax levied by such county under division (A) of this 118062
section to a rate not to exceed five per cent on transactions by 118063
which lodging by a hotel is or is to be furnished to transient 118064
guests. Notwithstanding any contrary provision of division (A) of 118065
this section, the resolution shall provide that all collections 118066
resulting from the rate levied in excess of three per cent, after 118067
deducting the real and actual costs of administering the tax, 118068
shall be used for paying the direct and indirect costs of 118069
constructing, improving, expanding, equipping, financing, or 118070
operating a convention center. 118071

(4) The legislative authority of a county with a population 118072
of one million two hundred thousand or more that has levied a tax 118073
under division (A) of this section may, by resolution adopted on 118074
or before July 1, 2008, by a majority of the members of the 118075
legislative authority, provide that all or a portion of the 118076
proceeds of the tax levied under division (A) of this section, 118077
after deducting the real and actual costs of administering the tax 118078
and the amounts required to be returned to townships and municipal 118079
corporations with respect to the first three per cent levied under 118080
division (A) of this section, shall be used to satisfy any pledges 118081
made in connection with an agreement entered into under section 118082
307.695 of the Revised Code or shall otherwise be used for paying 118083
the direct and indirect costs of constructing, improving, 118084
expanding, equipping, financing, or operating a convention center. 118085

(5) Any amount collected from a tax levied or extended under 118086
division (R) of this section may be contributed to a convention 118087

facilities authority created before July 1, 2005, but no amount 118088
collected from a tax levied or extended under division (R) of this 118089
section may be contributed to a convention facilities authority, 118090
corporation, or other entity created after July 1, 2005, unless 118091
the mayor of the municipal corporation in which the convention 118092
center is to be operated by that convention facilities authority, 118093
corporation, or other entity has consented to the creation of that 118094
convention facilities authority, corporation, or entity. 118095

(S) As used in division (S) of this section, "soldiers' 118096
memorial" means a memorial constructed and funded under Chapter 118097
345. of the Revised Code. 118098

The board of county commissioners of a county with a 118099
population between one hundred three thousand and one hundred 118100
seven thousand according to the most recent federal decennial 118101
census, by resolution adopted by a majority of the members of the 118102
board within six months after September 15, 2014, may levy a tax 118103
not to exceed three per cent on transactions by which a hotel is 118104
or is to be furnished to transient guests. The purpose of the tax 118105
shall be to pay the costs of expanding, maintaining, or operating 118106
a soldiers' memorial and the costs of administering the tax. All 118107
revenue arising from the tax shall be credited to one or more 118108
special funds in the county treasury and shall be spent solely for 118109
the purposes of paying those costs. 118110

The board of county commissioners shall adopt all rules 118111
necessary to provide for the administration of the tax subject to 118112
the same limitations on imposing penalty or interest under 118113
division (A) of this section. 118114

(T) As used in division (T) of this section, ~~"eligible:~~ 118115

(1) "Eligible county" means a county in which a county 118116
agricultural society or independent agricultural society is 118117
organized under section 1711.01 or 1711.02 of the Revised Code, 118118

provided the agricultural society owns a facility or site in the 118119
county at which an annual harness horse race is conducted where 118120
one-day attendance equals at least forty thousand attendees. 118121

(2) "Permanent improvements," "debt charges," and "financing 118122
costs" have the same meanings as in section 133.01 of the Revised 118123
Code. 118124

(3) "Costs of permanent improvements" include all costs 118125
allowed in section 133.15 of the Revised Code. 118126

A board of county commissioners of an eligible county, by 118127
resolution adopted by a majority of the members of the board, may 118128
levy an excise tax at the rate of up to three per cent on 118129
transactions by which lodging by a hotel is or is to be furnished 118130
to transient guests for the purpose of paying the costs of 118131
permanent improvements at sites at which one or more agricultural 118132
societies conduct fairs or exhibits, including paying financing 118133
costs and debt charges on bonds, or notes in anticipation of 118134
bonds, paying the costs of maintaining or operating such permanent 118135
improvements, and paying the costs of administering the tax. 118136

A resolution adopted under division (T) of this section, 118137
other than a resolution that only extends the period of time for 118138
which the tax is levied, shall direct the board of elections to 118139
submit the question of the proposed lodging tax to the electors of 118140
the county at a special election held on the date specified by the 118141
board in the resolution, provided that the election occurs not 118142
less than ninety days after a certified copy of the resolution is 118143
transmitted to the board of elections. A resolution submitted to 118144
the electors under division (T) of this section shall not go into 118145
effect unless it is approved by a majority of those voting upon 118146
it. The resolution takes effect on the date the board of county 118147
commissioners receives notification from the board of elections of 118148
an affirmative vote. 118149

The tax shall remain in effect for the period specified in 118150
the resolution, not to exceed five years, and may be extended for 118151
an additional period of ~~time not to exceed~~ years that is at least 118152
the number of years required for payment of the debt charges on 118153
bonds or notes in anticipation of bonds authorized under this 118154
division but not in excess of fifteen years thereafter by a 118155
resolution adopted by a majority of the members of the board. A 118156
resolution extending the period of time for which the tax is in 118157
effect is not subject to approval of the electors of the county, 118158
but is subject to referendum under sections 305.31 to 305.99 of 118159
the Revised Code. All revenue arising from the tax shall be 118160
credited to one or more special funds in the county treasury and 118161
shall be spent solely for the purposes of paying the costs of such 118162
permanent improvements, including paying financing costs and debt 118163
charges on bonds, or notes in anticipation of bonds, and 118164
maintaining or operating the improvements. Revenue allocated for 118165
the use of a county agricultural society may be credited to the 118166
county agricultural society fund created in section 1711.16 of the 118167
Revised Code upon appropriation by the board. If revenue is 118168
credited to that fund, it shall be expended only as provided in 118169
that section. 118170

The board of county commissioners shall adopt all rules 118171
necessary to provide for the administration of the tax. The rules 118172
may prescribe the time for payment of the tax, and may provide for 118173
the imposition or penalty or interest, or both, for late payments, 118174
provided that the penalty does not exceed ten per cent of the 118175
amount of tax due, and the rate at which interest accrues does not 118176
exceed the rate per annum prescribed in section 5703.47 of the 118177
Revised Code. 118178

The board of county commissioners may issue bonds, or notes 118179
in anticipation thereof, pursuant to Chapter 133. of the Revised 118180
Code, for the purpose of paying the costs of permanent 118181

improvements as authorized in this division and pledge the revenue 118182
arising from the tax for that purpose. The board of county 118183
commissioners may pledge or contribute the revenue arising from 118184
the tax levied under this division to a port authority created 118185
under Chapter 4582. of the Revised Code, and the port authority 118186
may issue bonds, or notes in anticipation thereof, pursuant to 118187
that chapter, for the purpose of paying the costs of permanent 118188
improvements as authorized in this division. 118189

(U) As used in division (U) of this section, "eligible 118190
county" means a county in which a tax is levied under division (A) 118191
of this section at a rate of three per cent and whose territory 118192
includes a part of Lake Erie the shoreline of which represents at 118193
least fifty per cent of the linear length of the county's border 118194
with other counties of this state. 118195

The board of county commissioners of an eligible county that 118196
has entered into an agreement with a port authority in the county 118197
under section 4582.56 of the Revised Code may levy an additional 118198
lodging tax on transactions by which lodging by a hotel is or is 118199
to be furnished to transient guests for the purpose of financing 118200
lakeshore improvement projects constructed or financed by the port 118201
authority under that section. The resolution levying the tax shall 118202
specify the purpose of the tax, the rate of the tax, which shall 118203
not exceed two per cent, and the number of years the tax will be 118204
levied or that it will be levied for a continuing period of time. 118205
The tax shall be administered pursuant to the regulations adopted 118206
by the board under division (A) of this section, except that all 118207
the proceeds of the tax levied under this division shall be 118208
pledged to the payment of the costs, including debt charges, of 118209
lakeshore improvements undertaken by a port authority pursuant to 118210
the agreement under section 4582.56 of the Revised Code. No 118211
revenue from the tax may be used to pay the current expenses of 118212
the port authority. 118213

A resolution levying a tax under division (U) of this section 118214
is subject to referendum under sections 305.31 to 305.41 and 118215
305.99 of the Revised Code. 118216

(V)(1) As used in division (V) of this section: 118217

(a) "Tourism development district" means a district 118218
designated by a municipal corporation under section 715.014 of the 118219
Revised Code or by a township under section 503.56 of the Revised 118220
Code. 118221

(b) "Lodging tax" means a tax levied pursuant to this section 118222
or section 5739.08 of the Revised Code. 118223

(c) "Tourism development district lodging tax proceeds" means 118224
all proceeds of a lodging tax derived from transactions by which 118225
lodging by a hotel located in a tourism development district is or 118226
is to be provided to transient guests. 118227

(d) "Eligible county" has the same meaning as in section 118228
307.678 of the Revised Code. 118229

(2)(a) Notwithstanding division (A) of this section, the 118230
board of county commissioners, board of township trustees, or 118231
legislative authority of any county, township, or municipal 118232
corporation that levies a lodging tax on September 29, 2017, and 118233
in which any part of a tourism development district is located on 118234
or after that date shall amend the ordinance or resolution levying 118235
the tax to require either of the following: 118236

(i) In the case of a tax levied by a county, that all tourism 118237
development district lodging tax proceeds from that tax be used 118238
exclusively to foster and develop tourism in the tourism 118239
development district; 118240

(ii) In the case of a tax levied by a township or municipal 118241
corporation, that all tourism development district lodging tax 118242
proceeds from that tax be used exclusively to foster and develop 118243

tourism in the tourism development district. 118244

(b) Notwithstanding division (A) of this section, any 118245
ordinance or resolution levying a lodging tax adopted on or after 118246
September 29, 2017, by a county, township, or municipal 118247
corporation in which any part of a tourism development district is 118248
located on or after that date shall require that all tourism 118249
development district lodging tax proceeds from that tax be used 118250
exclusively to foster and develop tourism in the tourism 118251
development district. 118252

(c) A county shall not use any of the proceeds described in 118253
division (V)(2)(a)(i) or (V)(2)(b) of this section unless the 118254
convention and visitors' bureau operating within the county 118255
approves the manner in which such proceeds are used to foster and 118256
develop tourism in the tourism development district. Upon 118257
obtaining such approval, the county may pay such proceeds to the 118258
bureau to use for the agreed-upon purpose. 118259

A municipal corporation or township shall not use any of the 118260
proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this 118261
section unless the convention and visitors' bureau operating 118262
within the municipal corporation or township approves the manner 118263
in which such proceeds are used to foster and develop tourism in 118264
the tourism development district. Upon obtaining such approval, 118265
the municipal corporation or township may pay such proceeds to the 118266
bureau to use for the agreed-upon purpose. 118267

(3)(a) Notwithstanding division (A) of this section, the 118268
board of county commissioners of an eligible county that levies a 118269
lodging tax on March 23, 2018, may amend the resolution levying 118270
that tax to require that all or a portion of the proceeds of that 118271
tax otherwise required to be spent solely to make contributions to 118272
the convention and visitors' bureau operating within the county 118273
shall be used to foster and develop tourism in a tourism 118274
development district. 118275

(b) Notwithstanding division (A) of this section, the board of county commissioners of an eligible county that adopts a resolution levying a lodging tax on or after March 23, 2018, may require that all or a portion of the proceeds of that tax otherwise required to be spent solely to make contributions to the convention and visitors' bureau operating within the county pursuant to division (A) of this section shall be used to foster and develop tourism in a tourism development district.

(c) A county shall not use any of the proceeds in the manner described in division (V)(3)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(W)(1) As used in division (W) of this section:

(a) "Eligible county" means a county with a population greater than three hundred thousand and less than three hundred fifty thousand that levies a tax under division (A) of this section at a rate of three per cent;

(b) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code.

(2) A board of county commissioners of an eligible county, by resolution adopted by a majority of the members of the board, may levy an excise tax at the rate of up to three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. All of the revenue from the tax shall be used to pay the costs of administering the tax or pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and used by the authority to pay the cost of

constructing a facility in the county, including paying bonds, or 118307
notes issued in anticipation of bonds, as provided by that 118308
chapter, or paying the expenses of maintaining, operating, or 118309
promoting such a facility. No portion of the revenue arising from 118310
the tax need be returned to municipal corporations or townships as 118311
required for taxes levied under division (A) of this section. 118312

(3) A resolution adopted under division (W) of this section 118313
shall direct the board of elections to submit the question of the 118314
proposed lodging tax to the electors of the county at a special 118315
election held on the date specified by the board in the 118316
resolution, provided that the election occurs not less than ninety 118317
days after a certified copy of the resolution is transmitted to 118318
the board of elections. A resolution submitted to the electors 118319
under division (W) of this section shall not go into effect unless 118320
it is approved by a majority of those voting upon it. The 118321
resolution takes effect on the date the board of county 118322
commissioners receives notification from the board of elections of 118323
an affirmative vote. 118324

(4) Once the tax is approved by the electors of the county 118325
pursuant to division (W)(3) of this section, it shall not be 118326
subject to diminution by initiative or referendum or by law while 118327
any bonds, or notes in anticipation of bonds, issued by the 118328
authority under Chapter 351. of the Revised Code to which the 118329
revenue is pledged, remain outstanding in accordance with their 118330
terms, unless provision is made by law or by the board of county 118331
commissioners for an adequate substitute therefore that is 118332
satisfactory to the trustee if a trust agreement secures the 118333
bonds. 118334

(5) The tax authorized by division (W) of this section shall 118335
be in addition to any other tax that is levied pursuant to this 118336
section. 118337

(X)(1) As used in division (X) of this section: 118338

(a) "Convention facilities authority," "cost," and "facility" have the same meanings as in section 351.01 of the Revised Code, except that "facility" does not include a "sports facility," as that term is defined in that section, other than a facility intended to house a major league soccer team. 118339
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(b) "Eligible county" means a county with a population greater than eight hundred thousand but less than one million that levies a tax under division (A) of this section. 118344
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(c) "Port authority" means a port authority created under Chapter 4582. of the Revised Code. 118347
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(2) A board of county commissioners or the legislative authority of an eligible county may, by resolution adopted by a majority of the members of the board or legislative authority, levy an excise tax at a rate not to exceed one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. All revenue arising from the tax shall be used to pay the costs of administering the tax or pledged and contributed to the convention and visitors' bureau operating within the applicable eligible county, a convention facilities authority within the applicable eligible county, or a port authority and used by the convention and visitors' bureau, the convention facilities authority, or the port authority to pay the cost of acquiring, constructing, renovating, expanding, maintaining, or operating one or more facilities in the county, including paying bonds, or notes issued in anticipation of bonds, or paying the expenses of maintaining, operating, or promoting one or more facilities. No portion of the revenue arising from the tax need be returned to municipal corporations or townships as required for taxes levied under division (A) of this section. 118349
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(3) The tax authorized by division (X) of this section shall be in addition to any other tax that is levied pursuant to this section. 118368
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(4) Any board of county commissioners of an eligible county that, pursuant to division (D)(2) of this section, has amended a resolution levying the tax authorized by division (A) of this section may further amend the resolution to provide that all or a portion of the revenue referred to in division (D)(2)(b) of this section and division (A) of this section may be pledged and contributed to pay the costs of acquiring, constructing, renovating, expanding, maintaining, or operating one or more facilities in the county, including paying bonds, or notes issued in anticipation of bonds, or paying the expenses of maintaining, operating, or promoting one or more facilities. 118371
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Sec. 5739.093. (A) As used in this section: 118382

(1) "Convention center" has the same meaning as in section 307.695 of the Revised Code. 118383
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(2) "Convention center headquarters hotel" means a hotel designated as such in authorizing legislation. 118385
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(3) "Convention center headquarters hotel facilities" means a convention center headquarters hotel, the convention center associated with the convention center headquarters hotel, and any improvements, buildings, outdoor space, infrastructure, and parking lots or garages directly adjacent to or associated with the convention center headquarters hotel and convention center. 118387
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(4) "Eligible convention facilities authority" means a convention facilities authority created within an eligible county under Chapter 351. of the Revised Code. 118393
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(5) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code. 118396
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(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which 118398
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one or more convention centers are located. 118401

(7) "Eligible municipal corporation" means a municipal corporation that is located in an eligible county, that levies a tax under section 5739.08 of the Revised Code, and in which one or more convention centers are located. 118402
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(8) "Qualifying lodging tax" means, for authorizing legislation adopted by the legislative authority of an eligible municipal corporation, a tax levied by that municipal corporation under section 5739.08 of the Revised Code or, for authorizing legislation adopted by the legislative authority of an eligible county, a tax levied by that county under section 5739.09 of the Revised Code. 118406
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(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port authority located within an eligible county. 118413
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(10) "Issuing authority" means an eligible municipal corporation, an eligible county, an eligible convention facilities authority, or an eligible port authority. 118418
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(11) "Qualifying vendor" means the person responsible for collecting and remitting qualifying lodging taxes from a convention center headquarters hotel. 118421
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(12) "Authorizing legislation" means an ordinance or resolution adopted under division (B) of this section. 118424
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(13) "Eligible township" means a township that levies a tax under section 5739.08 of the Revised Code that applies to transactions for lodging at a convention center headquarters hotel. 118426
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(14) "Eligible convention and visitors' bureau" means a 118430

convention and visitors' bureau that receives revenue from a tax 118431
levied under section 5739.09 of the Revised Code that applies to 118432
transactions for lodging at a convention center headquarters 118433
hotel. 118434

(15) "Minimum payment obligation" is an obligation, including 118435
a contingent obligation, for a qualifying vendor to make a payment 118436
to an eligible municipal corporation, eligible county, or eligible 118437
port authority to ensure sufficient funds to finance the 118438
expenditures authorized under division (D)(2) of this section. 118439

(B) The legislative authority of an eligible county or 118440
eligible municipal corporation, by ordinance or resolution, may 118441
declare all of the following: 118442

(1) A hotel within that county or municipal corporation is 118443
designated as a convention center headquarters hotel; 118444

(2) The name of the convention center that the hotel is 118445
associated with; 118446

(3) That that hotel and any convention center headquarters 118447
hotel facilities associated with it are for a public purpose; 118448

(4) That transactions by which lodging by the hotel is to be 118449
furnished to transient guests shall be wholly or partially exempt 118450
from the applicable qualifying lodging tax for a period not to 118451
exceed thirty years from the date the exemption begins; 118452

(5) The date the exemption begins, which shall be the first 118453
day of a month; 118454

(6) If the exemption is a partial exemption, the percentage 118455
of the qualifying lodging tax that is subject to exemption; 118456

(7) Whether payments are to be required under division (D)(1) 118457
of this section and, if so, the issuing authority to which those 118458
payments are to be pledged. 118459

Not more than one convention center headquarters hotel may be 118460

designated by the legislative authority of an eligible county or 118461
eligible municipal corporation for each convention center located 118462
in the county or municipal corporation. 118463

(C) Not later than fourteen days before adopting authorizing 118464
legislation, the eligible municipal corporation shall give notice 118465
of the proposed authorizing legislation to the eligible county, 118466
eligible convention and visitors' bureau, and any eligible 118467
township. Not later than thirty days after adopting authorizing 118468
legislation, the municipal corporation shall deliver a copy of the 118469
authorizing legislation to the eligible county, eligible 118470
convention and visitors' bureau, and eligible township, as 118471
applicable. 118472

Not later than fourteen days before adopting authorizing 118473
legislation, the eligible county shall give notice of the proposed 118474
authorizing legislation to the eligible convention and visitors' 118475
bureau and any eligible municipal corporation or eligible 118476
township. Not later than thirty days after adopting authorizing 118477
legislation, the county shall deliver a copy of the authorizing 118478
legislation to the eligible convention and visitors' bureau and 118479
eligible municipal corporation or eligible township, as 118480
applicable. 118481

An exemption granted pursuant to authorizing legislation 118482
commences on the date specified in the authorizing legislation. 118483

(D)(1) An eligible municipal corporation or eligible county 118484
that has adopted authorizing legislation may require the 118485
convention center headquarters hotel's qualifying vendor to make 118486
monthly payments in lieu of qualifying lodging taxes on or before 118487
the final dates for payment of such taxes. Each such payment shall 118488
be charged and collected in the same amount as the exempted 118489
qualifying lodging tax. The vendor shall remit all payments to the 118490
eligible municipal corporation or eligible county that adopted the 118491
authorizing legislation or, if applicable, to the issuing 118492

authority or agent designated under division (F) of this section. 118493
Such payments shall be used for the purpose of paying the cost of 118494
acquiring, constructing, renovating, or maintaining convention 118495
center headquarters hotel facilities located in the eligible 118496
county. 118497

(2) An eligible municipal corporation or eligible county that 118498
adopts authorizing legislation shall establish a lodging tax 118499
equivalent fund into which shall be deposited all payments 118500
required under division (D)(1) of this section and all payments of 118501
minimum payment obligations made under agreements authorized 118502
pursuant to division (E) of this section. 118503

Money in the lodging tax equivalent fund shall be pledged and 118504
contributed to the issuing authority designated in the authorizing 118505
legislation, or agent thereof, to pay the costs described in 118506
division (D)(1) of this section, including paying bonds or notes 118507
issued in anticipation of the issuance of bonds, or paying the 118508
expenses of maintaining, operating, or promoting one or more 118509
convention center headquarters facilities. If approved by the 118510
applicable issuing authority, money in the lodging tax equivalent 118511
fund may also be used by the eligible municipal corporation or 118512
eligible county, as applicable, for any other purpose the 118513
municipal corporation's or county's tax levied under section 118514
5739.08 or 5739.09 of the Revised Code, respectively, may be used 118515
for. 118516

The eligible municipal corporation or eligible county also 118517
may deposit or permit to be deposited into the lodging tax 118518
equivalent fund other money or taxes levied under section 5739.08 118519
or 5739.09 of the Revised Code and lawfully available for those 118520
purposes as determined by the municipal corporation or county. 118521

(3) A lodging tax equivalent fund established under division 118522
(D)(2) of this section may be held by and pledged by the eligible 118523
municipal corporation or eligible county to a trustee for bonds or 118524

notes issued by an issuing authority. 118525

(4) Any incidental surplus remaining in the lodging tax 118526
equivalent fund, upon dissolution of the fund, shall be 118527
transferred to the general fund of the eligible municipal 118528
corporation or eligible county to be used for any purpose for 118529
which the municipal corporation's or county's tax levied under 118530
section 5739.08 or 5739.09 of the Revised Code, respectively, may 118531
be used. 118532

(E) An eligible municipal corporation, eligible county, or 118533
eligible port authority may enter into an agreement with a 118534
qualifying vendor to make payments of minimum payment obligations 118535
for deposit into the lodging tax equivalent fund established under 118536
division (D)(2) of this section. An agreement entered into under 118537
this division is binding and enforceable against all subsequent 118538
qualifying vendors for a convention center headquarters hotel 118539
without the necessity of a written assignment of the agreement. 118540

(F) Payments required under division (D)(1) of this section 118541
and minimum payment obligations shall be collected and enforced by 118542
the eligible municipal corporation or eligible county. The 118543
municipal corporation or county may delegate this authority to the 118544
issuing authority designated in the authorizing legislation, or to 118545
an agent thereof, by including this delegation in the authorizing 118546
legislation or adopting a separate ordinance or resolution. Such 118547
issuing authority or agent shall be subject to any regulations or 118548
restrictions imposed upon the municipal corporation or county in 118549
collecting and enforcing qualifying lodging tax. 118550

(G) A qualifying vendor may charge a consumer for any 118551
payments required under division (D)(1) of this section in the 118552
same amount as the consumer would have paid in qualifying lodging 118553
taxes had such taxes not been exempted, provided that the charges 118554
shall be separately stated on the invoice, bill of sale, or 118555
similar document given to the consumer. 118556

Any charges paid by the consumer shall be considered taxes described in division (H)(1)(c)(iii) of section 5739.01 of the Revised Code. 118557
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(H) The adoption of authorizing legislation under this section for a hotel in which lodging has not been furnished to transient guests prior to the adoption of the legislation shall not be considered to be a diminution of the rate of taxation or of the revenue generated by the taxes under section 5739.08 or 5739.09 of the Revised Code. 118560
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Sec. 5739.19. The tax commissioner may revoke any retail vendor's license upon ascertaining that the vendor has no need for the license because the vendor is not engaged in making taxable retail sales. Notice of the revocation shall be delivered to the vendor ~~personally or by certified mail or by an alternative delivery service as authorized under~~ in the manner provided in section 5703.37 of the Revised Code. The revocation shall be effective on the first day of the month following the expiration of fifteen days after the vendor received the notice of the revocation. 118566
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The revocation of the vendor's license shall be stayed if, within fifteen days after receiving notice of the revocation, the vendor objects, in writing, to the revocation. The commissioner shall consider the written objections of the vendor and issue a final determination on the revocation of the vendor's license. The commissioner's final determination may be appealed to the board of tax appeals pursuant to section 5717.02 of the Revised Code. The revocation shall be effective on the first day of the month following the expiration of all time limits for appeal. 118576
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Sec. 5739.30. (A) No person, including any officer, employee, or trustee of a corporation or business trust, shall fail to file 118585
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any return or report required to be filed by this chapter, or file 118587
or cause to be filed any incomplete, false or fraudulent return, 118588
report, or statement, or aid or abet another in the filing of any 118589
false or fraudulent return, report, or statement. 118590

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(B) If any vendor required to file monthly returns under 118592
section 5739.12 of the Revised Code fails, on two consecutive 118593
months or on three or more months within a twelve-month period, to 118594
file such returns when due or to pay the tax thereon, or if any 118595
vendor authorized by the tax commissioner to file semiannual 118596
returns fails on two or more occasions within a twenty-four month 118597
period, to file such returns when due or to pay the tax due 118598
thereon, the commissioner may do any of the following: 118599

(1) Require the vendor to furnish security in an amount equal 118600
to the average tax liability of the vendor for a period of one 118601
year, as determined by the commissioner from a review of returns 118602
or other information pertaining to the vendor, which amount shall 118603
in no event be less than one thousand dollars. The security may be 118604
in the form of a corporate surety bond, satisfactory to the 118605
commissioner, conditioned upon payment of the tax due with the 118606
returns from the vendor. The security shall be filed within ten 118607
days following the vendor's receipt of the notice from the 118608
commissioner of its requirements. 118609

(2) Suspend the license issued to the vendor pursuant to 118610
section 5739.17 of the Revised Code. The suspension shall be 118611
effective ten days after service of written notice to the vendor 118612
of the commissioner's intention to do so. The notice shall be 118613
served upon the vendor ~~personally, by certified mail, or by an~~ 118614
~~alternative delivery service as authorized under~~ in the manner 118615
provided in section 5703.37 of the Revised Code. On the first day 118616
of the suspension, the commissioner shall cause to be posted, at 118617
every public entrance of the vendor's premises, a notice 118618

identifying the vendor and the location and informing the public 118619
that the vendor's license is under suspension and that no retail 118620
sales may be transacted at that location. No person, other than 118621
the commissioner or the commissioner's agent or employee, shall 118622
remove, cover, or deface the posted notice. No license which has 118623
been suspended under this section shall be reinstated, and no 118624
posted notice shall be removed, until the vendor has filed 118625
complete and correct returns under this chapter and section 118626
5747.07 of the Revised Code for all periods in which no return had 118627
been filed and has paid the full amount of the tax, penalties, or 118628
other charges due. 118629

A corporate surety bond filed under this section shall be 118630
returned to the vendor if, for a period of twelve consecutive 118631
months following the date the bond was filed, the vendor has filed 118632
all returns and remitted payment with them within the time 118633
prescribed in section 5739.12 of the Revised Code. 118634

(C) The tax commissioner may suspend a license issued to a 118635
vendor pursuant to section 5739.17 of the Revised Code if the 118636
vendor is required, as an employer, to file returns or make 118637
payments under section 5747.07 of the Revised Code and the vendor 118638
fails to do either of the following: 118639

(1) File such returns when due on two consecutive occasions 118640
or on three or more occasions within a twelve-month period; 118641

(2) Pay the undeposited taxes when due on two consecutive 118642
occasions or on three or more occasions within a twelve-month 118643
period. 118644

Any such suspension shall comply with the provisions of 118645
division (B)(2) of this section. 118646

(D) If a vendor whose license has been suspended under 118647
division (B)(2) of this section fails to file returns or make 118648
payments under section 5747.07 of the Revised Code during such 118649

suspension, the license may not be reinstated, and the notice 118650
required by that division shall not be removed, until the vendor 118651
files complete and correct returns and pays the amounts due, plus 118652
any penalties and other related charges, under section 5747.07 of 118653
the Revised Code for all periods for which the vendor failed to 118654
file such returns and make such payments. 118655

Sec. 5739.41. If the director of budget and management makes 118656
a certification to the tax commissioner under division (B) of 118657
section 131.44 of the Revised Code in a fiscal year, the 118658
commissioner shall designate the dates on which a sales tax 118659
holiday will be held in the following fiscal year. If the sales 118660
tax holiday will be held for three days, the commissioner shall 118661
designate the period that includes the first Friday of August and 118662
the following Saturday and Sunday of that fiscal year. If the 118663
sales tax holiday will be held for more than three days, the 118664
commissioner shall designate the three dates during that period 118665
and, as necessary, additional consecutive dates that either 118666
precede or follow that period. The commissioner shall notify 118667
vendors of the dates on which a sales tax holiday will be held not 118668
later than the first day of June preceding the holiday. 118669

Sec. 5741.11. (A) Except as otherwise provided in divisions 118670
(B) and (C) of this section, if any seller who is required or 118671
authorized to collect the tax imposed by or pursuant to section 118672
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code fails 118673
to do so, the seller shall be liable personally for such amount as 118674
the seller failed to collect. If any seller collects the tax 118675
imposed by or pursuant to any such section and fails to remit the 118676
same to the state as prescribed, the seller shall be personally 118677
liable for any amount collected that the seller failed to remit. 118678
The tax commissioner may make an assessment against such seller, 118679
based upon any information within the commissioner's possession. 118680

The commissioner shall give to the seller written notice of such 118681
assessment. Such notice ~~may~~ shall be served upon the seller 118682
~~personally or by certified mail~~ in the manner provided in section 118683
5703.37 of the Revised Code. 118684

(B) A marketplace facilitator is relieved of all liability 118685
under division (A) of this section for failure to collect the tax 118686
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 118687
5741.023 of the Revised Code on a sale facilitated by the 118688
marketplace facilitator on behalf of an unaffiliated marketplace 118689
seller if it is demonstrated to the satisfaction of the 118690
commissioner that the marketplace facilitator made a reasonable 118691
effort to obtain sufficient and accurate information about the 118692
sale from the marketplace seller and that the marketplace 118693
facilitator failed to collect the correct amount of tax because of 118694
insufficient or incorrect information provided by the marketplace 118695
seller. 118696

If a marketplace facilitator is relieved of liability under 118697
this division, the marketplace seller for which the sale was 118698
facilitated and the purchaser are personally liable for any amount 118699
of tax that is not properly collected, paid, or remitted. 118700

(C) Division (B) of this section does not absolve a 118701
marketplace facilitator, marketplace seller, or any other person 118702
from personal liability for collecting but failing to remit the 118703
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 118704
or 5741.023 of the Revised Code. 118705

(D) No class action may be brought against a marketplace 118706
facilitator in any court of this state on behalf of consumers 118707
arising from or in any way related to an overpayment of the tax 118708
imposed by or pursuant to ~~sections~~ section 5741.02, 5741.021, 118709
5741.022, or 5741.023 of the Revised Code on sales facilitated by 118710
the marketplace facilitator, regardless of whether the claim is 118711
characterized as a tax refund claim. 118712

Sec. 5743.01. As used in this chapter:	118713
(A) "Person" includes individuals, firms, partnerships,	118714
associations, joint-stock companies, corporations, combinations of	118715
individuals of any form, and the state and any of its political	118716
subdivisions.	118717
(B) "Wholesale dealer" includes only those persons:	118718
(1) Who bring in or cause to be brought into this state	118719
unstamped cigarettes purchased directly from the manufacturer,	118720
producer, or importer of cigarettes for sale in this state but	118721
does not include persons who bring in or cause to be brought into	118722
this state cigarettes with respect to which no evidence of tax	118723
payment is required thereon as provided in section 5743.04 of the	118724
Revised Code; or	118725
(2) Who are engaged in the business of selling cigarettes,	118726
tobacco products, or vapor products to others for the purpose of	118727
resale.	118728
"Wholesale dealer" does not include any cigarette	118729
manufacturer, export warehouse proprietor, or importer with a	118730
valid permit under 26 U.S.C. 5713 if that person sells cigarettes	118731
in this state only to wholesale dealers holding valid and current	118732
licenses under section 5743.15 of the Revised Code or to an export	118733
warehouse proprietor or another manufacturer.	118734
(C) "Retail dealer" includes:	118735
(1) In reference to dealers in cigarettes, every person other	118736
than a wholesale dealer engaged in the business of selling	118737
cigarettes in this state, regardless of whether the person is	118738
located in this state or elsewhere, and regardless of quantity,	118739
amount, or number of sales;	118740
(2) In reference to dealers in tobacco products, any person	118741
in this state engaged in the business of selling tobacco products	118742

to ultimate consumers in this state, regardless of quantity, 118743
amount, or number of sales; 118744

(3) In reference to dealers in vapor products, any person in 118745
this state engaged in the business of selling vapor products to 118746
ultimate consumers in this state, regardless of quantity, amount, 118747
or number of sales. 118748

(D) "Sale" includes exchange, barter, gift, offer for sale, 118749
and distribution, and includes transactions in interstate or 118750
foreign commerce. 118751

(E) "Cigarettes" includes any roll for smoking made wholly or 118752
in part of tobacco, irrespective of size or shape, and whether or 118753
not such tobacco is flavored, adulterated, or mixed with any other 118754
ingredient, the wrapper or cover of which is made of paper, 118755
reconstituted cigarette tobacco, homogenized cigarette tobacco, 118756
cigarette tobacco sheet, or any similar materials other than cigar 118757
tobacco. 118758

(F) "Package" means the individual package, box, or other 118759
container in or from which retail sales of cigarettes are normally 118760
made or intended to be made. 118761

(G) "Storage" includes any keeping or retention of 118762
cigarettes, tobacco products, or vapor products for use or 118763
consumption in this state. 118764

(H) "Use" includes the exercise of any right or power 118765
incidental to the ownership of cigarettes, tobacco products, or 118766
vapor products. 118767

(I) "Tobacco product" or "other tobacco product" means any 118768
product made from tobacco, other than cigarettes, that is made for 118769
smoking or chewing, or both, and snuff. 118770

(J) "Wholesale price" means the invoice price, including all 118771
federal excise taxes, at which the manufacturer of the tobacco 118772

product sells the tobacco product to unaffiliated distributors, ~~at~~ 118773
~~which the manufacturer of the vapor product sells the vapor~~ 118774
~~product to vapor distributors, or at which the manufacturer or~~ 118775
~~importer of cigarettes sells the packages of cigarettes to~~ 118776
~~wholesale dealers,~~ excluding any discounts based on the method of 118777
payment of the invoice or on time of payment of the invoice. If 118778
the taxpayer buys ~~the tobacco products or vapor products~~ from a 118779
~~person~~ other than a manufacturer ~~or buys the packages of~~ 118780
~~cigarettes from a person other than a manufacturer or importer,~~ 118781
"wholesale price" means the invoice price, including all federal 118782
excise taxes and excluding any discounts based on the method of 118783
payment of the invoice or on time of payment of the invoice. 118784

(K) "Distributor" means: 118785

(1) Any manufacturer who sells, barter, exchanges, or 118786
distributes tobacco products to a retail dealer in the state, 118787
except when selling to a retail dealer that has filed with the 118788
manufacturer a signed statement agreeing to pay and be liable for 118789
the tax imposed by section 5743.51 of the Revised Code; 118790

(2) Any wholesale dealer located in the state who receives 118791
tobacco products from a manufacturer, or who receives tobacco 118792
products on which the tax imposed by this chapter has not been 118793
paid; 118794

(3) Any wholesale dealer located outside the state who sells, 118795
barter, exchanges, or distributes tobacco products to a wholesale 118796
or retail dealer in the state; or 118797

(4) Any retail dealer who receives tobacco products on which 118798
the tax has not or will not be paid by another distributor, 118799
including a retail dealer that has filed a signed statement with a 118800
manufacturer in which the retail dealer agrees to pay and be 118801
liable for the tax that would otherwise be imposed on the 118802
manufacturer by section 5743.51 of the Revised Code. 118803

(L) "Taxpayer" means any person liable for the tax imposed by section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ ~~5743.631~~ of the Revised Code.

(M) "Seller" means any person located outside this state engaged in the business of selling tobacco products or vapor products to consumers for storage, use, or other consumption in this state.

(N) "Manufacturer" means any person who manufactures and sells cigarettes, tobacco products, or vapor products.

(O) "Importer" means any person that is authorized, under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

(P) "Little cigar" means any roll for smoking, other than cigarettes, made wholly or in part of tobacco that uses an integrated cellulose acetate filter or other filter and is wrapped in any substance containing tobacco, other than natural leaf tobacco.

(Q) "Premium cigar" means any roll for smoking, other than cigarettes and little cigars, that is made wholly or in part of tobacco and that has all of the following characteristics:

(1) The binder and wrapper of the roll consist entirely of leaf tobacco.

(2) The roll contains no filter or tip, nor any mouthpiece consisting of a material other than tobacco.

(3) The weight of one thousand such rolls is at least six pounds.

(R) "Maximum tax amount" means fifty cents plus the tax adjustment factor computed under this division.

In April of each year beginning in 2018, the tax commissioner

shall compute a tax adjustment factor by multiplying fifty cents 118834
by the cumulative percentage increase in the consumer price index 118835
(all items, all urban consumers) prepared by the bureau of labor 118836
statistics of the United States department of labor from January 118837
1, 2017, to the last day of December of the preceding year and 118838
rounding the resulting product to the nearest one cent; provided, 118839
that the tax adjustment factor for any year shall not be less than 118840
that for the immediately preceding year. The maximum tax amount 118841
resulting from the computation of the tax adjustment factor 118842
applies on and after the ensuing first day of July through the 118843
thirtieth day of June thereafter. 118844

(S) "Secondary manufacturer" means any person in this state 118845
engaged in the business of repackaging, reconstituting, diluting, 118846
or reprocessing a vapor product for resale to consumers. 118847

(T) "Vapor product" means any liquid solution or other 118848
substance that (1) contains nicotine and (2) is depleted as it is 118849
used in an electronic smoking product. "Vapor product" does not 118850
include any solution or substance regulated as a drug, device, or 118851
combination product under Chapter V of the "Federal Food, Drug, 118852
and Cosmetic Act," 21 U.S.C. 301, et seq. 118853

(U) "Electronic smoking product" means any noncombustible 118854
product, other than a cigarette or tobacco product, that (1) 118855
contains or is designed to use vapor products and (2) employs a 118856
heating element, power source, electronic circuit, or other 118857
electronic, chemical, or mechanical means, regardless of shape or 118858
size, that can be used to produce vapor from the vapor product. 118859
"Electronic smoking product" includes, but is not limited to, an 118860
electronic cigarette, electronic cigar, electronic cigarillo, 118861
electronic pipe, electronic hookah, vape pen, vaporizer, or 118862
similar product or device, but does not include any product 118863
regulated as a drug, device, or combination product under Chapter 118864
V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et 118865

seq.	118866
(V) "Vapor distributor" means any person that:	118867
(1) Sells vapor products to a retail dealer;	118868
(2) Is a retail dealer that receives vapor products with respect to which the tax imposed by this chapter has not or will not be paid by another person that is a vapor distributor;	118869 118870 118871
(3) Is a secondary manufacturer;	118872
(4) Is a wholesale dealer located in this state that receives vapor products from a manufacturer, or receives vapor products on which the tax imposed by this chapter has not been paid;	118873 118874 118875
(5) Is a wholesale dealer located outside this state that sells vapor products to a wholesale dealer in this state.	118876 118877
<u>"Vapor distributor" does not include a qualifying vapor manufacturer or importer.</u>	118878 118879
(W) "Vapor volume" means one of the following, as applicable:	118880
(1) If a vapor product is sold in liquid form, one-tenth of one milliliter of vapor product;	118881 118882
(2) If the vapor product is sold in a nonliquid form, one-tenth of one gram of vapor product.	118883 118884
<u>(X) "Qualifying vapor manufacturer or importer" means a manufacturer or importer of vapor products that meets all of the following criteria:</u>	118885 118886 118887
<u>(1) The person is validly registered with the federal bureau of alcohol, tobacco, firearms, and explosives pursuant to 15 U.S.C. 376 and with the tax commissioner under section 5743.66 of the Revised Code.</u>	118888 118889 118890 118891
<u>(2) The person sells vapor products only to vapor distributors holding valid and current licenses under section 5743.61 of the Revised Code and to persons outside of this state.</u>	118892 118893 118894

Sec. 5743.021. (A) As used in this section, "qualifying regional arts and cultural district" means a regional arts and cultural district created under section 3381.04 of the Revised Code in a county having a population of one million two hundred thousand or more according to the 2000 federal decennial census.

(B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of county commissioners of a county that has within its territorial boundaries a qualifying regional arts and cultural district may levy a tax on the sale of cigarettes sold for resale at retail in the county composing the district ~~as follows:~~

~~(1) If the tax begins to apply before the first day of the first month after the effective date of this amendment, the tax shall be computed on each cigarette sold, and the~~ The rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall ~~not exceed~~ equal one of the following:

(1) If the tax begins to apply before May 1, 2023, up to fifteen mills per cigarette;

~~(2) If the tax begins to apply on or after the first day of the first month after the effective date of this amendment, the tax shall be computed on packages of and the rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall not exceed nine per cent of the wholesale price of the package of cigarettes~~ the rate, in mills per cigarette, specified in the resolution levying the tax.

Only one sale of the same article shall be used in computing the amount of tax due. The tax may be levied for any number of

years not exceeding ten years. 118926

The tax shall be levied pursuant to a resolution of the board 118927
of county commissioners approved by a majority of the electors in 118928
the county voting on the question of levying the tax. The 118929
resolution shall specify the rate of the tax, the number of years 118930
the tax will be levied, and the purposes for which the tax is 118931
levied. The election may be held on the date of a general, 118932
primary, or special election held not sooner than ninety days 118933
after the date the board certifies its resolution to the board of 118934
elections. If approved by the electors, the tax shall take effect 118935
on the first day of the month specified in the resolution but not 118936
sooner than the first day of the month that is at least sixty days 118937
after the certification of the election results by the board of 118938
elections. A copy of the resolution levying the tax shall be 118939
certified to the tax commissioner at least sixty days prior to the 118940
date on which the tax is to become effective. 118941

A board of county commissioners may adopt a resolution under 118942
this division proposing to replace a tax levied under division 118943
(B)(1) of this section with a tax levied under division (B)(2) of 118944
this section. Such a resolution shall state, in addition to other 118945
information required under this division, that the existing levy 118946
or levies terminate upon the passage of the replacement levy. The 118947
failure of the electors to approve a replacement levy does not 118948
terminate the existing levy or levies. 118949

~~A board of county commissioners that proposes to levy a tax 118950
under division (B)(2) of this section, including a tax that would 118951
replace a tax levied under division (B)(1) of this section, may 118952
combine that question with the question of a tax under section 118953
5743.511 of the Revised Code. 118954~~

(C)(1) The form of the ballot in an election held to propose 118955
a tax under division (B)(1) of this section shall be as follows, 118956
or in any other form acceptable to the secretary of state: 118957

"For the purpose of _____ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout _____ County for the benefit of the _____ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of ____ mills per cigarette for ____ years?

	For the tax
	Against the tax

"

(2) The form of the ballot in an election held to propose a tax under division (B)(2) of this section shall be as follows, or in any other form acceptable to the secretary of state:

"For the purpose of _____ (insert the purpose or purposes of the tax), shall an excise tax be levied throughout _____ County for the benefit of the _____ (name of the qualifying regional arts and cultural district) on the sale of cigarettes at wholesale at the rate of ____ ~~of the wholesale price of a package of cigarettes~~ mills per cigarette for ____ years?

	For the tax
	Against the tax

"

If the resolution of the board of county commissioners provides that an existing levy or levies will be terminated upon the passage of a replacement levy, the ballot must, for each levy that will be terminated, include a statement that: "An existing tax of ____ mills (stating the millage of the existing tax) per cigarette, having ____ years remaining, will be terminated and replaced upon the passage of this tax."

~~If the resolution combines the question of a tax under division (B)(2) of this section with the question of a tax under section 5743.511 of the Revised Code, the ballot shall contain~~

~~both the language prescribed in this division and the language
prescribed in division (C) of section 5743.511 of the Revised
Code, and electors may cast a vote either "For both taxes" or
"Against both taxes."~~

(D) All money arising from taxes levied on behalf of each
district under this section and section 5743.321 of the Revised
Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the
Revised Code, amounts equal to the refunds from each tax levied
under this section and section 5743.321 of the Revised Code and
certified by the tax commissioner pursuant to section 5743.05 of
the Revised Code;

(2) Following the crediting of amounts pursuant to division
(D)(1) of this section:

(a) To the permissive tax distribution fund created under
section 4301.423 of the Revised Code, an amount equal to
ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is
hereby created in the state treasury, an amount equal to two per
cent of such remainder, for use by the tax commissioner in
defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax
commissioner shall distribute the amount credited to the
permissive tax distribution fund during the preceding month by
providing for payment of the appropriate amount to the county
treasurer of the county in which the tax is levied.

(E) No tax shall be levied under divisions (B)(1) and (2) of
this section during the same month.

Sec. 5743.025. In addition to the return required by section
5743.03 of the Revised Code, each retail dealer of cigarettes in a

county in which a tax is levied under section 5743.021, 5743.024, 119019
or 5743.026 of the Revised Code shall, within thirty days after 119020
the date on which the tax takes effect, make and file a return, on 119021
forms prescribed by the tax commissioner, showing the total number 119022
of cigarettes ~~or, in the case of a tax described in division~~ 119023
~~(B)(2) of section 5743.021 of the Revised Code, the total number~~ 119024
~~of packages of cigarettes and the wholesale price of each package~~ 119025
which such retail dealer had on hand as of the beginning of 119026
business on the date on which the tax takes effect, and such other 119027
information as the commissioner deems necessary for the 119028
administration of section 5743.021, 5743.024, or 5743.026 of the 119029
Revised Code. Each such retail dealer shall deliver the return 119030
together with a remittance of the additional amount of tax due on 119031
the cigarettes shown on such return to the commissioner. Any 119032
retail dealer of cigarettes who fails to file a return under this 119033
section shall, for each day the retail dealer so fails, forfeit 119034
and pay into the state treasury the sum of one dollar as revenue 119035
arising from the tax imposed by section 5743.021, 5743.024, or 119036
5743.026 of the Revised Code, and such sum may be collected by 119037
assessment in the manner provided in section 5743.081 of the 119038
Revised Code. For thirty days after the effective date of a tax 119039
imposed by section 5743.021, 5743.024, or 5743.026 of the Revised 119040
Code, a retail dealer may possess for sale or sell in the county 119041
in which the tax is levied cigarettes not bearing the stamp 119042
required by section 5743.03 of the Revised Code to evidence 119043
payment of the county tax but on which the tax has or will be 119044
paid. 119045

Sec. 5743.03. (A) Except as provided in section 5743.04 of 119046
the Revised Code, the taxes imposed under sections 5743.02, 119047
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 119048
by the purchase of tax stamps. A tax stamp shall be affixed to 119049
each package of an aggregate denomination not less than the amount 119050

of the tax upon the contents thereof. The tax stamp, so affixed, 119051
shall be prima-facie evidence of payment of the tax. 119052

Except as is provided in the rules prescribed by the tax 119053
commissioner under authority of sections 5743.01 to 5743.20 of the 119054
Revised Code, and unless tax stamps have been previously affixed, 119055
they shall be so affixed by each wholesale dealer, and canceled by 119056
writing or stamping across the face thereof the number assigned to 119057
such wholesale dealer by the tax commissioner for that purpose, 119058
prior to the delivery of any cigarettes to any person in this 119059
state, or in the case of a tax levied pursuant to section 119060
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 119061
delivery of cigarettes to any person in the county in which the 119062
tax is levied. 119063

(B) Except as provided in the rules prescribed by the 119064
commissioner under authority of sections 5743.01 to 5743.20 of the 119065
Revised Code, each retail dealer, within twenty-four hours after 119066
the receipt of any cigarettes at the retail dealer's place of 119067
business, shall inspect the cigarettes to ensure that tax stamps 119068
are affixed. The inspection shall be completed before the 119069
cigarettes are delivered to any person in this state, or, in the 119070
case of a tax levied pursuant to section 5743.021, 5743.024, or 119071
5743.026 of the Revised Code, before the cigarettes are delivered 119072
to any person in the county in which the tax is levied. 119073

(C) Whenever any cigarettes are found in the place of 119074
business of any retail dealer without proper tax stamps affixed 119075
thereto and canceled, it is presumed that such cigarettes are kept 119076
therein in violation of sections 5743.01 to 5743.20 of the Revised 119077
Code. 119078

(D) Each wholesale dealer who purchases cigarettes without 119079
proper tax stamps affixed thereto shall, on or before the last day 119080
of each month, make and file a return for the preceding calendar 119081
month, on such form as is prescribed by the tax commissioner, 119082

showing the dealer's entire purchases and sales of cigarettes, 119083
~~packages of cigarettes, including the wholesale price of each~~ 119084
~~package,~~ and stamps for such month and accurate inventories as of 119085
the beginning and end of each month of cigarettes, stamped or 119086
unstamped; cigarette tax stamps affixed or unaffixed; and such 119087
other information as the commissioner finds necessary to the 119088
proper administration of sections 5743.01 to 5743.20 of the 119089
Revised Code. The commissioner may extend the time for making and 119090
filing returns and may remit all or any part of amounts of 119091
penalties that may become due under sections 5743.01 to 5743.20 of 119092
the Revised Code. The wholesale dealer shall deliver the return 119093
together with a remittance of the tax deficiency reported thereon 119094
to the commissioner. 119095

(E) Any wholesale dealer who fails to file a return under 119096
this section and the rules of the commissioner, other than a 119097
report required pursuant to division (F) of this section, may be 119098
required, for each day the dealer so fails, to forfeit and pay 119099
into the state treasury the sum of one dollar as revenue arising 119100
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 119101
Code and such sum may be collected by assessment in the manner 119102
provided in section 5743.081 of the Revised Code. If the 119103
commissioner finds it necessary in order to insure the payment of 119104
the tax imposed by sections 5743.01 to 5743.20 of the Revised 119105
Code, the commissioner may require returns and payments to be made 119106
other than monthly. The returns shall be signed by the wholesale 119107
dealer or an authorized agent thereof. 119108

(F) Except as otherwise provided in this division, each 119109
person required to file a tax return under section 5743.03, 119110
5743.52, or 5743.62 of the Revised Code shall report to the 119111
commissioner the quantity of all cigarettes, ~~packages of~~ 119112
~~cigarettes,~~ and roll-your-own cigarette tobacco sold in Ohio for 119113
each brand not covered by the tobacco master settlement agreement 119114

for which the person is liable for the taxes levied under section 119115
5743.02, 5743.51, or 5743.62 of the Revised Code. A vapor 119116
distributor licensed to engage solely in the distribution of vapor 119117
products under section 5743.61 of the Revised Code is not required 119118
to file the report. 119119

As used in this division, "tobacco master settlement 119120
agreement" has the same meaning as in section 183.01 of the 119121
Revised Code. 119122

(G) The report required by division (F) of this section shall 119123
be made on a form prescribed by the commissioner and shall be 119124
filed not later than the last day of each month for the previous 119125
month, except that if the commissioner determines that the 119126
quantity reported by a person does not warrant monthly reporting, 119127
the commissioner may authorize reporting at less frequent 119128
intervals. The commissioner may assess a penalty of not more than 119129
two hundred fifty dollars for each month or portion thereof that a 119130
person fails to timely file a required report, and such sum may be 119131
collected by assessment in the manner provided in section 5743.081 119132
of the Revised Code. All money collected under this division shall 119133
be considered as revenue arising from the taxes imposed by 119134
sections 5743.01 to 5743.20 of the Revised Code. 119135

(H) The commissioner may sell tax stamps only to a licensed 119136
wholesale dealer, except as otherwise authorized by the 119137
commissioner. The commissioner may charge the costs associated 119138
with the shipment of tax stamps to the licensed wholesale dealer. 119139
Amounts collected from such charges shall be credited to the 119140
cigarette tax enforcement fund created under section 5743.15 of 119141
the Revised Code. 119142

Sec. 5743.05. The tax commissioner shall sell all stamps 119143
provided for by section 5743.03 of the Revised Code. ~~Each stamp~~ 119144
~~that is to be affixed to a package of cigarettes~~ The stamps shall 119145

be sold ~~for the amount of tax due on that package~~ at their face 119146
value, except the commissioner shall, by rule, authorize the sale 119147
of stamps to wholesale dealers in this state, or to wholesale 119148
dealers outside this state, at a discount of not less than one and 119149
eight-tenths per cent or more than ten per cent of ~~such tax due,~~ 119150
their face value, as a commission for affixing and canceling the 119151
stamps. 119152

The commissioner, by rule, shall authorize the delivery of 119153
stamps to wholesale dealers in this state and to wholesale dealers 119154
outside this state on credit. If such a dealer has not been in 119155
good credit standing with this state for five consecutive years 119156
preceding the purchase, the commissioner shall require the dealer 119157
to file with the commissioner a bond to the state in the amount 119158
and in the form prescribed by the commissioner, with surety to the 119159
satisfaction of the commissioner, conditioned on payment to the 119160
treasurer of state or the commissioner within thirty days or the 119161
following twenty-third day of June, whichever comes first for 119162
stamps delivered within that time. If such a dealer has been in 119163
good credit standing with this state for five consecutive years 119164
preceding the purchase, the commissioner shall not require that 119165
the dealer file such a bond but shall require payment for the 119166
stamps within thirty days after purchase of the stamps or the 119167
following twenty-third day of June, whichever comes first. ~~Each~~ 119168
~~stamp that is~~ Stamps sold to a dealer not required to file a bond 119169
shall be sold ~~for the amount of tax due on that package of~~ 119170
~~cigarettes~~ at face value. The maximum amount that may be sold on 119171
credit to a dealer not required to file a bond shall equal one 119172
hundred ten per cent of the dealer's average monthly purchases 119173
over the preceding calendar year. The maximum amount shall be 119174
adjusted to reflect any changes in the tax rate and may be 119175
adjusted, upon application to the commissioner by the dealer, to 119176
reflect changes in the business operations of the dealer. The 119177
maximum amount shall be applicable to the period between the first 119178

day of July to the following twenty-third day of June. Payment by 119179
a dealer not required to file a bond shall be remitted by 119180
electronic funds transfer as prescribed by section 5743.051 of the 119181
Revised Code. If a dealer not required to file a bond fails to 119182
make the payment in full within the required payment period, the 119183
commissioner shall not thereafter sell stamps to that dealer until 119184
the dealer pays the outstanding amount, including penalty and 119185
interest on that amount as prescribed in this chapter, and the 119186
commissioner thereafter may require the dealer to file a bond 119187
until the dealer is restored to good standing. The commissioner 119188
shall limit delivery of stamps on credit to the period running 119189
from the first day of July of the fiscal year until the 119190
twenty-third day of the following June. Any discount allowed as a 119191
commission for affixing and canceling stamps shall be allowed with 119192
respect to sales of stamps on credit. 119193

The commissioner shall redeem and pay for any destroyed, 119194
unused, or spoiled tax stamps at their net value, and shall refund 119195
to wholesale dealers the net amount of state and county taxes paid 119196
erroneously or paid on cigarettes that have been sold in 119197
interstate or foreign commerce or that have become unsalable, and 119198
the net amount of county taxes that were paid on cigarettes that 119199
have been sold at retail or for retail sale outside a taxing 119200
county. 119201

An application for a refund of tax shall be filed with the 119202
commissioner, on the form prescribed by the commissioner for that 119203
purpose, within three years from the date the tax stamps are 119204
destroyed or spoiled, from the date of the erroneous payment, or 119205
from the date that cigarettes on which taxes have been paid have 119206
been sold in interstate or foreign commerce or have become 119207
unsalable. 119208

On the filing of the application, the commissioner shall 119209
determine the amount of refund to which the applicant is entitled, 119210

payable from receipts of the state tax, and, if applicable, 119211
payable from receipts of a county tax. If the amount is not less 119212
than that claimed, the commissioner shall certify the amount to 119213
the director of budget and management and treasurer of state for 119214
payment from the tax refund fund created by section 5703.052 of 119215
the Revised Code. If the amount is less than that claimed, the 119216
commissioner shall proceed in accordance with section 5703.70 of 119217
the Revised Code. 119218

If a refund is granted for payment of an illegal or erroneous 119219
assessment issued by the department, the refund shall include 119220
interest on the amount of the refund from the date of the 119221
overpayment. The interest shall be computed at the rate per annum 119222
prescribed by section 5703.47 of the Revised Code. 119223

Sec. 5743.06. (A) As used in this section, "bad debt" means 119224
any debt that arises from the sale by a wholesale dealer of 119225
cigarettes properly stamped under section 5743.03, 5743.031, or 119226
5743.04 of the Revised Code, that has become worthless or 119227
uncollectible, that has been uncollected for at least six months, 119228
and that may be claimed as a deduction pursuant to the "Internal 119229
Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted 119230
pursuant thereto, or that could be claimed as such a deduction if 119231
the wholesale dealer kept accounts on an accrual basis. "Bad debt" 119232
does not include any interest or financing charges on the debt, 119233
expenses incurred in attempting to collect the debt or for any 119234
portion of the debt recovered, any accounts receivable that have 119235
been sold or assigned to a third party, or repossessed property. 119236

(B) A wholesale dealer may apply to the tax commissioner for 119237
a refund of the value of cigarette tax stamps, less any discounts 119238
provided under section 5743.05 of the Revised Code, that are part 119239
of bad debt of the dealer. The commissioner shall not refund any 119240
amount for bad debt under this section unless the dealer has 119241

charged off the bad debt on its books as uncollectible. If a 119242
purchaser or other person pays all or part of a bad debt with 119243
respect to which a wholesale dealer received a refund under this 119244
section, the dealer is liable for the prorated amount of taxes 119245
refunded in connection with that portion of the debt for which 119246
such payment was received and shall remit such taxes to the 119247
commissioner in the manner the commissioner prescribes. Any 119248
request for refund under this section shall be supported by such 119249
evidence the commissioner requires, including, but not limited to, 119250
all of the following: 119251

(1) A copy of the original invoice; 119252

(2) Evidence that the cigarettes described in the invoice 119253
were delivered to the person that ordered them; 119254

(3) Evidence that the person who ordered and received such 119255
cigarettes did not pay the wholesale dealer for the cigarettes and 119256
that the dealer used reasonable collection practices in attempting 119257
to collect the debt. 119258

(C) A request for refund under this section shall be filed 119259
within three years after the date the bad debt became 119260
uncollectible. For each request, the commissioner shall determine 119261
the amount of refund to which the applicant is entitled. If the 119262
amount is not less than that claimed, the commissioner shall 119263
certify the amount to the director of budget and management and 119264
treasurer of state for payment from the tax refund fund created by 119265
section 5703.052 of the Revised Code. If the amount is less than 119266
that claimed, the commissioner shall proceed in accordance with 119267
section 5703.70 of the Revised Code. 119268

(D) The commissioner may adopt any rules necessary to 119269
administer this section. 119270

(E) No person other than the wholesaler that purchased the 119271
tax stamps and generated the bad debt may claim the refund 119272

authorized under this section. 119273

Sec. 5743.15. (A) Except as otherwise provided in this 119274
division, no person shall engage in this state in the wholesale or 119275
retail business of trafficking in cigarettes or in the business of 119276
a manufacturer or importer of cigarettes without having a license 119277
to conduct each such activity issued by a county auditor under 119278
division (B) of this section or the tax commissioner under 119279
divisions (C) and (F) of this section. On dissolution of a 119280
partnership by death, the surviving partner may operate under the 119281
license of the partnership until expiration of the license, and 119282
the heirs or legal representatives of deceased persons, and 119283
receivers and trustees in bankruptcy appointed by any competent 119284
authority, may operate under the license of the person succeeded 119285
in possession by such heir, representative, receiver, or trustee 119286
in bankruptcy if the partner or successor notifies the issuer of 119287
the license of the dissolution or succession within thirty days 119288
after the dissolution or succession. 119289

(B)(1) Each applicant for a license to engage in the retail 119290
business of trafficking in cigarettes under this section, 119291
annually, on or before the ~~fourth Monday of May~~ first day of June, 119292
shall make and deliver to the county auditor of the county in 119293
which the applicant desires to engage in the retail business of 119294
trafficking in cigarettes, upon a blank form furnished by such 119295
auditor for that purpose, a statement showing the name of the 119296
applicant, each physical place in the county where the applicant's 119297
business is conducted, the nature of the business, and any other 119298
information the tax commissioner requires in the form of statement 119299
prescribed by the commissioner. If the applicant is a firm, 119300
partnership, or association other than a corporation, the 119301
application shall state the name and address of each of its 119302
members. If the applicant is a corporation, the application shall 119303
state the name and address of each of its officers. At the time of 119304

making the application required by this section, every person 119305
desiring to engage in the retail business of trafficking in 119306
cigarettes shall pay an application fee in the sum of one hundred 119307
twenty-five dollars for each physical place where the person 119308
proposes to carry on such business. Each place of business shall 119309
be deemed such space, under lease or license to, or under the 119310
control of, or under the supervision of the applicant, as is 119311
contained in one or more contiguous, adjacent, or adjoining 119312
buildings constituting an industrial plant or a place of business 119313
operated by, or under the control of, one person, or under one 119314
roof and connected by doors, halls, stairways, or elevators, which 119315
space may contain any number of points at which cigarettes are 119316
offered for sale, provided that each additional point at which 119317
cigarettes are offered for sale shall be listed in the 119318
application. 119319

(2) Upon receipt of the application and exhibition of the 119320
county treasurer's receipt showing the payment of the application 119321
fee, the county auditor shall issue to the applicant a license for 119322
each place of business designated in the application, authorizing 119323
the applicant to engage in such business at such place for one 119324
year commencing on the ~~fourth Monday of May~~ first day of June. The 119325
form of the license shall be prescribed by the commissioner. A 119326
duplicate license may be obtained from the county auditor upon 119327
payment of a five-dollar fee if the original license is lost, 119328
destroyed, or defaced. When an application is filed after the 119329
~~fourth Monday of May~~ first day of June, the application fee 119330
required to be paid shall be proportioned in amount to the 119331
remainder of the license year, except that it shall not be less 119332
than twenty-five dollars in any one year. 119333

(3) The holder of a retail dealer's cigarette license may 119334
transfer the license to a place of business within the same county 119335
other than that designated on the license on condition that the 119336

licensee's ownership interest and business structure remain 119337
unchanged, and that the licensee applies to the county auditor 119338
therefor, upon forms approved by the commissioner and the payment 119339
of a fee of five dollars into the county treasury. 119340

(C)(1) Each applicant for a license to engage in the 119341
wholesale business of trafficking in cigarettes under this 119342
section, annually, on or before the ~~fourth Monday in May~~ first day 119343
of June, shall make and deliver to the tax commissioner, upon a 119344
blank form furnished by the commissioner for that purpose, a 119345
statement showing the name of the applicant, physical street 119346
address where the applicant's business is conducted, the nature of 119347
the business, and any other information required by the 119348
commissioner. If the applicant is a firm, partnership, or 119349
association other than a corporation, the applicant shall state 119350
the name and address of each of its members. If the applicant is a 119351
corporation, the applicant shall state the name and address of 119352
each of its officers. At the time of making the application 119353
required by this section, every person desiring to engage in the 119354
wholesale business of trafficking in cigarettes shall pay an 119355
application fee of one thousand dollars for each physical place 119356
where the person proposes to carry on such business. Each place of 119357
business shall be deemed such space, under lease or license to, or 119358
under the control of, or under the supervision of the applicant, 119359
as is contained in one or more contiguous, adjacent, or adjoining 119360
buildings constituting an industrial plant or a place of business 119361
operated by, or under the control of, one person, or under one 119362
roof and connected by doors, halls, stairways, or elevators. A 119363
duplicate license may be obtained from the commissioner upon 119364
payment of a twenty-five-dollar fee if the original license is 119365
lost, destroyed, or defaced. 119366

(2) Upon receipt of the application and payment of any 119367
application fee required by this section, the commissioner shall 119368

verify that the applicant is not in violation of any provision of Chapter 1346. or Title LVII of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent that the commissioner is aware of the returns, information, or payments at the time of the application. Upon approval, the commissioner shall issue to the applicant a license for each physical place of business designated in the application authorizing the applicant to engage in business at that location for one year commencing on the ~~fourth Monday in May~~ first day of June. For licenses issued after the ~~fourth Monday in May~~ first day of June, the application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that the application fee required to be paid under this section shall be not less than two hundred dollars in any one year.

(3) The holder of a wholesale dealer cigarette license may transfer the license to a place of business other than that designated on the license on condition that the licensee's ownership or business structure remains unchanged, and that the licensee applies to the commissioner for such a transfer upon a form promulgated by the commissioner and pays a fee of twenty-five dollars, which shall be deposited into the cigarette tax enforcement fund created in division (E) of this section.

(D)(1) The wholesale cigarette license application fees collected under this section shall be paid into the cigarette tax enforcement fund.

(2) The retail cigarette license application fees collected under this section shall be distributed as follows:

(a) Thirty per cent shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or

township in which the places of business for which the tax revenue was received are located; 119401
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(b) Ten per cent shall be credited to the general fund of the county; 119403
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(c) Sixty per cent shall be paid into the cigarette tax enforcement fund. 119405
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(3) The remainder of the revenues and fines collected under this section and the penal laws relating to cigarettes shall be distributed as follows: 119407
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(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located; 119410
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(b) One-fourth shall be credited to the general fund of the county. 119414
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(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code. 119416
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The portion of cigarette license application fees received by a county auditor during the annual application period that ends on the ~~fourth Monday in May~~ first day of June and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the thirtieth day of June each year accompanied by the form prescribed by the tax commissioner. The portion of cigarette license application fees received by each county auditor after the ~~fourth Monday in May~~ first day of June and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the last day of the month following the month in which such fees were collected. 119420
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(F)(1) Every person who desires to engage in the business of 119432
a manufacturer or importer of cigarettes shall, annually, on or 119433
before the ~~fourth Monday of May~~ first day of June, make and 119434
deliver to the tax commissioner, upon a blank form furnished by 119435
the commissioner for that purpose, a statement showing the name of 119436
the applicant, the nature of the applicant's business, and any 119437
other information required by the commissioner. If the applicant 119438
is a firm, partnership, or association other than a corporation, 119439
the applicant shall state the name and address of each of its 119440
members. If the applicant is a corporation, the applicant shall 119441
state the name and address of each of its officers. 119442

(2) Upon receipt of the application required under this 119443
section, the commissioner shall verify that the applicant is not 119444
in violation of any provision of Chapter 1346. of the Revised 119445
Code. The commissioner shall also verify that the applicant has 119446
filed any returns, submitted any information, and paid any 119447
outstanding taxes, charges, or fees as required for any tax, 119448
charge, or fee administered by the commissioner, to the extent 119449
that the commissioner is aware of the returns, information, taxes, 119450
charges, or fees at the time of the application. Upon approval, 119451
the commissioner shall issue to the applicant a license 119452
authorizing the applicant to engage in the business of 119453
manufacturer or importer, whichever the case may be, for one year 119454
commencing on the ~~fourth Monday of May~~ first day of June. 119455

(3) The issuing of a license under division (F)(1) of this 119456
section to a manufacturer does not excuse a manufacturer from the 119457
certification process required under section 1346.05 of the 119458
Revised Code. A manufacturer who is issued a license under 119459
division (F)(1) of this section and who is not listed on the 119460
directory required under section 1346.05 of the Revised Code shall 119461
not be permitted to sell cigarettes in this state other than to a 119462
licensed cigarette wholesaler for sale outside this state. Such a 119463

manufacturer shall provide documentation to the commissioner 119464
evidencing that the cigarettes are legal for sale in another 119465
state. 119466

(G) The tax commissioner may adopt rules necessary to 119467
administer this section. 119468

Sec. 5743.33. Every person who has acquired cigarettes for 119469
use, storage, or other consumption subject to the tax levied under 119470
section 5743.32, 5743.321, 5743.323, or 5743.324 of the Revised 119471
Code, shall, on or before the fifteenth day of the month following 119472
receipt of such cigarettes, file with the tax commissioner a 119473
return showing the amount of cigarettes acquired, together with 119474
remittance of the tax thereon. ~~The return shall include, in the~~ 119475
~~ease of a tax described in division (B)(2) of section 5743.021 of~~ 119476
~~the Revised Code, the number and wholesale price of packages of~~ 119477
~~cigarettes acquired or, in the case of any other tax, the number~~ 119478
~~of cigarettes acquired.~~ No such person shall transport within this 119479
state, cigarettes that have a wholesale value in excess of three 119480
hundred dollars, unless that person has obtained consent to 119481
transport the cigarettes from the department of taxation prior to 119482
such transportation. Such consent shall not be required if the 119483
applicable taxes levied under sections 5743.02, 5743.021, 119484
5743.024, and 5743.026 of the Revised Code have been paid. 119485
Application for the consent shall be in the form prescribed by the 119486
tax commissioner. 119487

Every person transporting such cigarettes shall possess the 119488
consent while transporting or possessing the cigarettes within 119489
this state and shall produce the consent upon request of any law 119490
enforcement officer or authorized agent of the tax commissioner. 119491

Any person transporting such cigarettes without the consent 119492
required by this section, shall be subject to the provisions of 119493
this chapter, including the applicable taxes imposed under 119494

sections 5743.02, 5743.021, 5743.024, and 5743.026 of the Revised Code. 119495
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Sec. 5743.51. (A) To provide revenue for the general revenue fund of the state, an excise tax on tobacco products and vapor products is hereby levied at one of the following rates: 119497
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(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco product received by a distributor or sold by a manufacturer to a retail dealer located in this state. 119500
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(2) Thirty-seven per cent of the wholesale price of little cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state. 119504
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(3) For premium cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of seventeen per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar. 119507
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(4) For vapor products, one cent multiplied by the vapor volume of vapor products the first time the products are received by a vapor distributor in this state. 119511
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Each distributor or vapor distributor who brings tobacco products or vapor products, or causes tobacco products or vapor products to be brought, into this state for distribution within this state, or any out-of-state distributor or vapor distributor who sells tobacco products or vapor products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. 119514
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article for purposes of computing the amount of tax due. 119525

(B) The treasurer of state shall place to the credit of the 119526
tax refund fund created by section 5703.052 of the Revised Code, 119527
out of the receipts from the tax levied by this section, amounts 119528
equal to the refunds certified by the tax commissioner pursuant to 119529
section 5743.53 of the Revised Code. The balance of the taxes 119530
collected under this section shall be paid into the general 119531
revenue fund. 119532

(C) The commissioner may adopt rules as are necessary to 119533
assist in the enforcement and administration of sections 5743.51 119534
to 5743.66 of the Revised Code, including rules providing for the 119535
remission of penalties imposed. 119536

(D) A manufacturer is not liable for payment of the tax 119537
imposed by this section for sales of tobacco products or vapor 119538
products to a retail dealer that has filed a signed statement with 119539
the manufacturer in which the retail dealer agrees to pay and be 119540
liable for the tax, as long as the manufacturer has provided a 119541
copy of the statement to the tax commissioner. 119542

(E) A qualifying vapor manufacturer or importer may agree to 119543
be liable for the tax imposed by this section with respect to 119544
sales of vapor products to a vapor distributor, provided that the 119545
manufacturer or importer has filed a signed statement with the 119546
vapor distributor in which the manufacturer or importer agrees to 119547
pay and be liable for the tax, and provided that the manufacturer 119548
or importer has provided a copy of the statement to the tax 119549
commissioner. 119550

Sec. 5743.52. (A) Each distributor of tobacco products or 119551
vapor distributor subject to the tax levied by section 5743.51 ~~or~~ 119552
~~5743.511~~ of the Revised Code, on or before the twenty-third day of 119553
each month, shall file with the tax commissioner a return for the 119554
preceding month showing any information the tax commissioner finds 119555

necessary for the proper administration of this chapter, together 119556
with remittance of the tax due. The return and payment of the tax 119557
required by this section shall be filed and made electronically on 119558
or before the twenty-third day of the month following the 119559
reporting period. If the return is filed and the amount of tax 119560
shown on the return to be due is paid on or before the date the 119561
return is required to be filed, the distributor or vapor 119562
distributor is entitled to a discount equal to two and five-tenths 119563
per cent of the amount shown on the return to be due. 119564

(B) Any person who fails to timely file the return and make 119565
payment of taxes as required under this section, section 5743.62, 119566
or section 5743.63 of the Revised Code may be required to pay an 119567
additional charge not exceeding the greater of fifty dollars or 119568
ten per cent of the tax due. Any additional charge imposed under 119569
this section may be collected by assessment as provided in section 119570
5743.56 of the Revised Code. 119571

(C) If any tax due is not paid timely in accordance with this 119572
section or section 5743.62 or 5743.63 of the Revised Code, the 119573
person liable for the tax shall pay interest, calculated at the 119574
rate per annum as prescribed by section 5703.47 of the Revised 119575
Code, from the date the tax payment was due to the date of payment 119576
or to the date an assessment is issued under section 5743.56 of 119577
the Revised Code, whichever occurs first. The commissioner may 119578
collect such interest by assessment pursuant to section 5743.56 of 119579
the Revised Code. 119580

(D) The commissioner may authorize the filing of returns and 119581
the payment of the tax required by this section, section 5743.62, 119582
or section 5743.63 of the Revised Code for periods longer than a 119583
calendar month. 119584

(E) The commissioner may order any taxpayer to file with the 119585
commissioner security to the satisfaction of the commissioner 119586
conditioned upon filing the return and paying the taxes required 119587

under this section, section 5743.62, or section 5743.63 of the Revised Code if the commissioner believes that the collection of the tax may be in jeopardy.

Sec. 5743.53. (A) The treasurer of state shall refund to a taxpayer any of the following:

(1) Amounts imposed under this chapter that were paid illegally or erroneously or paid on an illegal or erroneous assessment;

(2) Any tax paid on tobacco products or vapor products that have been sold or shipped to retail dealers, wholesale dealers, or vapor distributors outside this state, returned to the manufacturer, or destroyed by the taxpayer with the prior approval of the tax commissioner;

(3) In accordance with division (E) of this section, any tax paid by a distributor or vapor distributor on tobacco or vapor products, less any discounts provided under section 5743.52 of the Revised Code, that are part of bad debt of the distributor or vapor distributor.

Any application for refund shall be filed with the commissioner on a form prescribed by the commissioner for that purpose. The commissioner may not pay any refund on an application for refund filed with the commissioner more than three years from the date of the payment.

(B) On the filing of the application for refund, the commissioner shall determine the amount of the refund to which the applicant is entitled. If the amount is not less than that claimed, the commissioner shall certify the amount to the director of budget and management and to the treasurer of state for payment from the tax refund fund created by section 5703.052 of the Revised Code. If the amount is less than that claimed, the

commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

If a refund is granted for payment of an illegal or erroneous assessment issued by the department of taxation, the refund shall include interest on the amount of the refund from the date of the overpayment. The interest shall be computed at the rate per annum in the manner prescribed by section 5703.47 of the Revised Code.

(C) If any person entitled to a refund under this section or section 5703.70 of the Revised Code is indebted to the state for any tax administered by the tax commissioner, or any charge, penalties, or interest arising from such tax, the amount allowable on the application for refund first shall be applied in satisfaction of the debt.

(D) In lieu of granting a refund payable under division (A)(2) of this section, the tax commissioner may allow a taxpayer to claim a credit of the amount of refundable tax on the return for the period during which the tax became refundable. The commissioner may require taxpayers to submit any information necessary to support a claim for a credit under this section, and the commissioner shall allow no credit if that information is not provided.

(E)(1) As used in this section, "bad debt" means any debt that arises from the sale by a distributor or vapor distributor of tobacco or vapor products for which the distributor or vapor distributor remitted the tax due under section 5743.51 of the Revised Code, that has become worthless or uncollectible, that has been uncollected for at least six months, and that may be claimed as a deduction pursuant to the "Internal Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted pursuant thereto, or that could be claimed as such a deduction if the distributor or vapor distributor kept account on an accrual basis. "Bad debt" does not include any interest or financing charges on the debt, expenses

incurred in attempting to collect the debt or for any portion of 119650
the debt recovered, any accounts receivable that have been sold or 119651
assigned to a third party, or repossessed property. 119652

(2) The commissioner shall not refund any amount for bad debt 119653
under division (A)(3) of this section unless the distributor or 119654
vapor distributor has charged off the bad debt on its books as 119655
uncollectible. If a purchaser or other person pays all or part of 119656
a bad debt with respect to which a distributor or vapor 119657
distributor received a refund under this section, the distributor 119658
or vapor distributor is liable for the prorated amount of taxes 119659
refunded in connection with that portion of the debt for which 119660
such payment was received and shall remit such taxes to the 119661
commissioner in the manner the commissioner prescribes. Any 119662
request for refund under division (A)(3) of this section shall be 119663
supported by such evidence the commissioner requires, including, 119664
but not limited to, all of the following: 119665

(a) A copy of the original invoice; 119666

(b) Evidence that the tobacco or vapor products described in 119667
the invoice were delivered to the person that ordered them; 119668

(c) Evidence that the person who ordered and received such 119669
tobacco or vapor products did not pay the distributor or vapor 119670
distributor for the tobacco or vapor products and that the 119671
distributor or vapor distributor used reasonable collection 119672
practices in attempting to collect the debt; 119673

(d) Evidence of the wholesale price or vapor volume, as 119674
applicable to the product, at the time the product was subjected 119675
to the tax imposed under section 5743.51 of the Revised Code. 119676

(3) No person other than the distributor or vapor distributor 119677
that paid the tax imposed under section 5743.51 of the Revised 119678
Code to the state and generated the bad debt may claim the bad 119679
debt refund authorized under division (E) of this section. 119680

(F) The commissioner may adopt any rules necessary to 119681
administer this section. 119682

Sec. 5743.54. (A) Each distributor of tobacco products and 119683
each vapor distributor of vapor products shall maintain complete 119684
and accurate records of all purchases and sales of tobacco 119685
products or vapor products, and shall procure and retain all 119686
invoices, bills of lading, and other documents relating to the 119687
purchases and sales of those products. The distributor or vapor 119688
distributor shall keep open records and documents during business 119689
hours for the inspection of the tax commissioner, and shall 119690
preserve them for a period of three years from the date the return 119691
was due or was filed, whichever is later, unless the commissioner, 119692
in writing, consents to their destruction within that period, or 119693
orders that they be kept for a longer period of time. 119694

(B)(1) Each distributor of tobacco products and each vapor 119695
distributor of vapor products subject to the tax levied by section 119696
5743.51 ~~or 5743.511~~ of the Revised Code shall mark on the invoices 119697
of tobacco products or vapor products sold that the tax levied by 119698
that section has been paid and shall indicate the distributor's or 119699
vapor distributor's account number as assigned by the 119700
commissioner. 119701

(2) Each vapor distributor subject to the tax imposed by 119702
section 5743.51 of the Revised Code shall mark on all invoices the 119703
total weight of the vapor product, rounded to the nearest 119704
one-tenth of one gram, if the vapor product is not sold in liquid 119705
form. If the vapor product is sold in liquid form, the invoice 119706
shall instead indicate the total volume of the vapor product, 119707
rounded to the nearest one-tenth of one milliliter. 119708

(C) No person shall make a false entry upon any invoice or 119709
record upon which an entry is required by this section and no 119710
person shall present any false entry for the inspection of the 119711

commissioner with the intent to evade the tax levied under section 119712
5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or 5743.631~~ of 119713
the Revised Code. 119714

Sec. 5743.55. Whenever the tax commissioner discovers any 119715
tobacco products or vapor products, subject to the tax levied 119716
under section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 119717
~~5743.631~~ of the Revised Code upon which the tax has not been paid 119718
or the commissioner has reason to believe the tax is being 119719
avoided, the commissioner may seize and take possession of the 119720
tobacco products or vapor products, which, upon seizure, shall be 119721
forfeited to the state. Within a reasonable time after seizure, 119722
the commissioner may sell the forfeited products. From the 119723
proceeds of this sale, the commissioner shall pay the costs 119724
incurred in the seizure and sale, and any proceeds remaining after 119725
the sale shall be considered as revenue arising from the tax. The 119726
seizure and sale shall not relieve any person from the fine or 119727
imprisonment provided for violation of sections 5743.51 to 5743.66 119728
of the Revised Code. The commissioner shall make the sale where it 119729
is most convenient and economical, but may order the destruction 119730
of the forfeited products if the quantity or quality is not 119731
sufficient to warrant their sale. 119732

Sec. 5743.56. (A) Any person required to pay the tax imposed 119733
by section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 119734
~~5743.631~~ of the Revised Code is personally liable for the tax. The 119735
tax commissioner may make an assessment, based upon any 119736
information in the commissioner's possession, against any person 119737
who fails to file a return or pay any tax, interest, or additional 119738
charge as required by this chapter. The commissioner shall give 119739
the person assessed written notice of such assessment in the 119740
manner provided in section 5703.37 of the Revised Code. With the 119741
notice, the commissioner shall provide instructions on how to 119742

petition for reassessment and request a hearing on the petition. 119743

(B) When the information in the possession of the tax 119744
commissioner indicates that a person liable for the tax imposed by 119745
section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 119746
~~5743.631~~ of the Revised Code has not paid the full amount of tax 119747
due, the commissioner may audit a representative sample of the 119748
person's business and may issue an assessment based on such audit. 119749

(C) A penalty of up to fifteen per cent may be added to all 119750
amounts assessed under this section. The tax commissioner may 119751
adopt rules providing for the imposition and remission of such 119752
penalties. 119753

(D) Unless the person assessed files with the tax 119754
commissioner within sixty days after service of the notice of 119755
assessment, either personally or by certified mail, a written 119756
petition for reassessment signed by the person assessed or that 119757
person's authorized agent having knowledge of the facts, the 119758
assessment becomes final and the amount of the assessment is due 119759
and payable from the person assessed to the treasurer of state. A 119760
petition shall indicate the objections of the person assessed, but 119761
additional objections may be raised in writing if received by the 119762
commissioner prior to the date shown on the final determination. 119763
If the petition has been properly filed, the commissioner shall 119764
proceed under section 5703.60 of the Revised Code. 119765

(E) After an assessment becomes final, if any portion of the 119766
assessment, including accrued interest, remains unpaid, a 119767
certified copy of the tax commissioner's entry making the 119768
assessment final may be filed in the office of the clerk of the 119769
court of common pleas in the county in which the person assessed 119770
resides or in which the person assessed conducts business. If the 119771
person assessed maintains no place of business in this state and 119772
is not a resident of this state, the certified copy of the entry 119773
may be filed in the office of the clerk of the court of common 119774

pleas of Franklin county. 119775

Immediately upon the filing of the entry, the clerk shall 119776
enter a judgment for the state against the person assessed in the 119777
amount shown on the entry. The judgment may be filed by the clerk 119778
in a loose-leaf book entitled "special judgments for state tobacco 119779
products tax," and shall have the same effect as other judgments. 119780
Execution shall issue upon the judgment upon the request of the 119781
commissioner, and all laws applicable to sales on execution shall 119782
apply to sales made under the judgment. 119783

If the assessment is not paid in its entirety within sixty 119784
days after the day the assessment is issued, the portion of the 119785
assessment consisting of tax due shall bear interest at the rate 119786
per annum prescribed by section 5703.47 of the Revised Code from 119787
the day the commissioner issues the assessment until the 119788
assessment is paid or until it is certified to the attorney 119789
general for collection under section 131.02 of the Revised Code, 119790
whichever comes first. If the unpaid portion of the assessment is 119791
certified to the attorney general for collection, the entire 119792
unpaid portion of the assessment shall bear interest at the rate 119793
per annum prescribed by section 5703.47 of the Revised Code from 119794
the date of certification until the date it is paid in its 119795
entirety. Interest shall be paid in the same manner as the tax and 119796
may be collected by issuing an assessment under this section. 119797

(F) If the tax commissioner believes that collection of the 119798
tax will be jeopardized unless proceedings to collect or secure 119799
collection of the tax are instituted without delay, the 119800
commissioner may issue a jeopardy assessment against the person 119801
liable for the tax. Immediately upon the issuance of the jeopardy 119802
assessment, the commissioner shall file an entry with the clerk of 119803
the court of common pleas in the manner prescribed by division (E) 119804
of this section. Notice of the jeopardy assessment shall be served 119805
on the person assessed or the legal representative of the person 119806

assessed, as provided in section 5703.37 of the Revised Code, 119807
within five days of the filing of the entry with the clerk. The 119808
total amount assessed is immediately due and payable, unless the 119809
person assessed files a petition for reassessment in accordance 119810
with division (D) of this section and provides security in a form 119811
satisfactory to the commissioner and in an amount sufficient to 119812
satisfy the unpaid balance of the assessment. Full or partial 119813
payment of the assessment does not prejudice the commissioner's 119814
consideration of the petition for reassessment. 119815

(G) All money collected by the tax commissioner under this 119816
section shall be paid to the treasurer of state as revenue arising 119817
from the tax imposed by sections 5743.51, ~~5743.511~~, 5743.62, 119818
~~5743.621~~, and 5743.63, ~~and 5743.631~~ of the Revised Code. 119819

Sec. 5743.57. (A) If any corporation, limited liability 119820
company, or business trust required to file returns pursuant to 119821
section 5743.52, 5743.62, or 5743.63 of the Revised Code fails to 119822
remit to the state any tax due under section 5743.51, ~~5743.511~~, 119823
5743.62, ~~5743.621~~, or 5743.63, ~~or 5743.631~~ of the Revised Code, 119824
any of its employees having control or supervision of or charged 119825
with the responsibility of filing returns and making payments, and 119826
any of its officers, members, managers, trustees, or other persons 119827
who are responsible for the execution of the corporation's, 119828
limited liability company's, or business trust's fiscal 119829
responsibilities, is personally liable for the failure to remit 119830
the tax. The dissolution, termination, or bankruptcy of the 119831
corporation, limited liability company, or business trust does not 119832
discharge a responsible person's liability for the corporation's, 119833
limited liability company's, or business trust's failure to remit 119834
the tax due. The tax commissioner may assess a responsible person 119835
under section 5743.56 of the Revised Code. 119836

(B) Except for assessments against responsible persons under 119837

division (A) of this section, no assessment of the tax imposed by 119838
section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 119839
~~5743.631~~ of the Revised Code shall be made by the tax commissioner 119840
more than three years after the date on which the return for the 119841
period assessed was due or was filed, whichever date is later. 119842
This section does not bar an assessment when any of the following 119843
occurs: 119844

(1) The person assessed failed to file a return required by 119845
section 5743.52, 5743.62, or 5743.63 of the Revised Code; 119846

(2) The person assessed knowingly filed a false or fraudulent 119847
return; 119848

(3) The person assessed and the tax commissioner have waived 119849
in writing the time limitation. 119850

Sec. 5743.59. (A) No retail dealer of tobacco products or 119851
vapor products shall have in the retail dealer's possession 119852
tobacco products or vapor products on which the tax imposed by 119853
section 5743.51 ~~and, if applicable, section 5743.511~~ of the 119854
Revised Code has not been paid unless the retail dealer is 119855
licensed under section 5743.61 of the Revised Code. Payment may be 119856
evidenced by invoices from distributors or vapor distributors 119857
stating the tax has been paid. 119858

(B) The tax commissioner may inspect any place where tobacco 119859
products or vapor products subject to the tax levied under section 119860
5743.51 ~~or 5743.511~~ of the Revised Code are sold or stored. 119861

(C) No person shall prevent or hinder the commissioner from 119862
making a full inspection of any place where tobacco products or 119863
vapor products subject to the tax imposed by section 5743.51 or 119864
5743.511 of the Revised Code are sold or stored, or prevent or 119865
hinder the full inspection of invoices, books, or records required 119866
to be kept by section 5743.54 of the Revised Code. 119867

Sec. 5743.60. No person shall prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute tobacco products or vapor products, or otherwise engage or participate in the business of distributing tobacco products or vapor products, with the intent to avoid payment of the tax levied by section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or 5743.631~~ of the Revised Code, when the wholesale price of the tobacco products ~~or, in the case of a tax levied under section 5743.511, 5743.621, or 5743.631 of the Revised Code, the vapor products~~ exceeds three hundred dollars, or when the vapor volume of the vapor products exceeds five hundred milliliters or five hundred grams, as applicable, during any twelve-month period.

Sec. 5743.61. ~~(A)(1)(A)~~ No distributor ~~or vapor distributor~~ person shall engage in the business of distributing or selling tobacco products, vapor products, or both within this state without having a license issued by the department of taxation to engage in that business.

~~(2) On the dissolution of a partnership by death, the surviving partner may operate under the license of the partnership until the expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of taxation of the dissolution or succession within thirty days after the dissolution or succession.~~

(B)(1) Each applicant for a license ~~described by division (A)(1) of this section~~ to engage in the business of distributing tobacco products, vapor products, or both tobacco and vapor products, annually, on or before the first day of February, shall

make and deliver to the tax commissioner, upon a form furnished by 119899
the commissioner for that purpose, a statement showing the name of 119900
the applicant, each physical place from which the applicant 119901
distributes to distributors, vapor distributors, retail dealers, 119902
or wholesale dealers, and any other information the commissioner 119903
considers necessary for the administration of sections 5743.51 to 119904
5743.66 of the Revised Code. 119905

(2) At the time of making the application for a license to 119906
engage either in the business of distributing tobacco products or 119907
in the business of distributing both tobacco products and vapor 119908
products, the applicant shall pay an application fee of one 119909
thousand dollars for each place listed on the application where 119910
the applicant proposes to carry on that business. The application 119911
fee for a license to engage solely in the business of distributing 119912
vapor products shall be one hundred twenty-five dollars for each 119913
place listed on the application where the applicant proposes to 119914
carry on that business. The fee charged for the application shall 119915
accompany the application and shall be made payable to the 119916
treasurer of state for deposit into the cigarette tax enforcement 119917
fund. 119918

(3) Upon receipt of the application and payment of any 119919
licensing fee required by this section, the commissioner shall 119920
verify that the applicant has filed all returns, submitted all 119921
information, and paid all outstanding taxes, charges, or fees as 119922
required for any taxes, charges, or fees administered by the 119923
commissioner, to the extent the commissioner is aware of the 119924
returns, information, taxes, charges, or fees at the time of the 119925
application. Upon approval, the commissioner shall issue to the 119926
applicant a license for each place of distribution designated in 119927
the application authorizing the applicant to engage in business at 119928
that location for one year commencing on the first day of 119929
February. For licenses issued after the first day of February, the 119930

license application fee shall be reduced proportionately by the 119931
remainder of the twelve-month period for which the license is 119932
issued, except that the application fee required to be paid under 119933
this section shall be not less than two hundred dollars. If the 119934
original license is lost, destroyed, or defaced, a duplicate 119935
license may be obtained from the commissioner upon payment of a 119936
license replacement fee of twenty-five dollars. 119937

~~(C)~~(1) Each applicant for a license to engage in the 119938
retail sale of tobacco products, vapor products, or both, 119939
annually, on or before the first day of February, shall make and 119940
deliver to the tax commissioner, upon a form furnished by the 119941
commissioner for that purpose, a statement showing the name of the 119942
applicant, each place of business from which the applicant 119943
proposes to carry on that business, and any other information the 119944
commissioner considers necessary for the administration of 119945
sections 5743.51 to 5743.66 of the Revised Code. 119946

(2) At the time of making the application required by 119947
division (C)(1) of this section, every person desiring to engage 119948
in the retail sale of tobacco products, vapor products, or both, 119949
shall pay an application fee of one hundred twenty-five dollars 119950
for each place of business where the person proposes to engage 119951
such business. 119952

Except as otherwise provided under section 3794.03 of the 119953
Revised Code, each place of business shall be deemed such space, 119954
under lease or license to, or under the control of, or under the 119955
supervision of the applicant, as is contained in one or more 119956
contiguous, adjacent, or adjoining buildings constituting a place 119957
of business operated by, or under the control of, one person, or 119958
under one roof and connected by doors, halls, stairways, or 119959
elevators, which space may contain any number of points at which 119960
tobacco products, vapor products, or both are offered for retail 119961
sale to the public, provided that each additional point at which 119962

tobacco products, vapor products, or both are offered for sale 119963
shall be listed in the application. 119964

(3) Upon receipt and approval of the application and payment 119965
of any licensing fee required by division (C) of this section, the 119966
commissioner shall issue to the applicant a license for each place 119967
of retail sale designated in the application authorizing the 119968
applicant to engage in business at that location for one year 119969
commencing on the first day of February. For licenses issued after 119970
the first day of February, the license application fee shall be 119971
reduced proportionately by the remainder of the twelve-month 119972
period for which the license is issued, except that the 119973
application fee required to be paid under this section shall be 119974
not less than twenty-five dollars. If the original license is 119975
lost, destroyed, or defaced, a duplicate license may be obtained 119976
from the commissioner upon payment of a license replacement fee of 119977
twenty-five dollars. 119978

(4) The tax commissioner may adopt a rule under division (H) 119979
of this section that requires, as a condition of approving a 119980
license to engage in the retail sale of tobacco products, vapor 119981
products, or both, that the applicant demonstrate compliance with 119982
certain taxes, charges, and fees administered by the department of 119983
taxation. 119984

(5) License fees collected pursuant to division (C) of this 119985
section shall be paid into the cigarette tax enforcement fund. 119986

(D) The holder of a ~~tobacco or vapor products~~ license issued 119987
under division (B) or (C) of this section may transfer the license 119988
to a place of business on condition that the licensee's ownership 119989
and business structure remains unchanged and the licensee applies 119990
to the commissioner for the transfer on a form issued by the 119991
commissioner, and pays a transfer fee of twenty-five dollars. 119992

~~(D)~~(E) If a distributor or vapor distributor fails to file 119993

forms as required under Chapter 1346. or section 5743.52 of the 119994
Revised Code or pay the tax due for two consecutive periods or 119995
three periods during any twelve-month period, the commissioner may 119996
suspend the license issued to the distributor or vapor distributor 119997
under division (B) of this section. The suspension is effective 119998
ten days after the commissioner notifies the distributor or vapor 119999
distributor of the suspension in writing ~~personally or by~~ 120000
~~certified mail~~ in the manner provided in section 5703.37 of the 120001
Revised Code. The commissioner shall lift the suspension when the 120002
distributor or vapor distributor files the delinquent forms and 120003
pays the tax due, including any penalties, interest, and 120004
additional charges. The commissioner may refuse to issue the 120005
annual renewal of the license required by this section and may 120006
refuse to issue a new license for a location of the distributor 120007
until all delinquent forms are filed and outstanding taxes are 120008
paid. This division does not apply to any unpaid or underpaid tax 120009
liability that is the subject of a petition or appeal filed 120010
pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised 120011
Code. 120012

~~(E)(1)~~(F)(1) The tax commissioner may impose a penalty of up 120013
to one thousand dollars on any person found to be engaging in the 120014
business of distributing or selling at retail tobacco products or 120015
vapor products without a license as required by this section. Any 120016
penalty collected under this section shall be credited to the 120017
cigarette tax enforcement fund. 120018

(2) Any person engaging in the business of distributing or 120019
selling at retail tobacco products or vapor products without a 120020
license as required by this section shall comply with divisions 120021
(B)(1) and (2), or divisions (C)(1) and (2) of this section, as 120022
applicable, within ten days after being notified of the 120023
requirement to do so. Failure to comply with division ~~(E)(2)~~(F)(2) 120024
of this section subjects a person to penalties imposed under 120025

section 5743.99 of the Revised Code. 120026

(G) On the dissolution of a partnership by death, the surviving partner may operate under the license issued to the partnership under this section until the expiration of the license, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person succeeded in possession by the heir, representative, receiver, or trustee in bankruptcy if the partner or successor notifies the department of taxation of the dissolution or succession within thirty days after the dissolution or succession. 120027
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(H) The tax commissioner may adopt rules necessary to administer this section. 120037
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(I) As used in this section, "retail sale" means a sale by a retail dealer or seller. 120039
120040

Sec. 5743.62. (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the seller of tobacco products or vapor products in this state at one of the following rates: 120041
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(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco product whenever the tobacco product is delivered to a consumer in this state for the storage, use, or other consumption of such tobacco products. 120045
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(2) For little cigars, thirty-seven per cent of the wholesale price of the little cigars whenever the little cigars are delivered to a consumer in this state for the storage, use, or other consumption of the little cigars. 120050
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(3) For premium cigars, whenever the premium cigars are delivered to a consumer in this state for the storage, use, or 120054
120055

other consumption of the premium cigars, the lesser of seventeen 120056
per cent of the wholesale price of such premium cigars or the 120057
maximum tax amount per each such premium cigar. 120058

(4) For vapor products, one cent multiplied by the vapor 120059
volume of vapor products when the vapor products are delivered to 120060
a consumer in this state for the storage, use, or other 120061
consumption of the vapor products. 120062

The tax imposed by this section applies only to sellers 120063
having substantial nexus with this state, as defined in section 120064
5741.01 of the Revised Code. 120065

(B) A seller of tobacco products or vapor products who has 120066
substantial nexus with this state as defined in section 5741.01 of 120067
the Revised Code shall register with the tax commissioner and 120068
supply any information concerning the seller's contacts with this 120069
state as may be required by the tax commissioner. A seller who 120070
does not have substantial nexus with this state may voluntarily 120071
register with the tax commissioner. A seller who voluntarily 120072
registers with the tax commissioner is entitled to the same 120073
benefits and is subject to the same duties and requirements as a 120074
seller required to be registered with the tax commissioner under 120075
this division. 120076

(C) Each seller of tobacco products or vapor products subject 120077
to the tax levied by this section ~~or section 5743.621 of the~~ 120078
~~Revised Code~~, on or before the twenty-third day of each month, 120079
shall file with the tax commissioner a return for the preceding 120080
month showing any information the tax commissioner finds necessary 120081
for the proper administration of sections 5743.51 to 5743.66 of 120082
the Revised Code, together with remittance of the tax due, payable 120083
to the treasurer of state. The return and payment of the tax 120084
required by this section shall be filed in such a manner that it 120085
is received by the tax commissioner on or before the twenty-third 120086
day of the month following the reporting period. If the return is 120087

filed and the amount of the tax shown on the return to be due is 120088
paid on or before the date the return is required to be filed, the 120089
seller is entitled to a discount equal to two and five-tenths per 120090
cent of the amount shown on the return to be due. 120091

(D) The tax commissioner shall immediately forward to the 120092
treasurer of state all money received from the tax levied by this 120093
section, and the treasurer shall credit the amount to the general 120094
revenue fund. 120095

(E) Each seller of tobacco products or vapor products subject 120096
to the tax levied by this section ~~or section 5743.621 of the~~ 120097
~~Revised Code~~ shall mark on the invoices of tobacco products or 120098
vapor products sold that the tax levied by that section has been 120099
paid and shall indicate the seller's account number as assigned by 120100
the tax commissioner. 120101

Sec. 5743.63. (A) To provide revenue for the general revenue 120102
fund of the state, an excise tax is hereby levied on the storage, 120103
use, or other consumption of tobacco products or vapor products at 120104
one of the following rates: 120105

(1) For tobacco products other than little cigars or premium 120106
cigars, seventeen per cent of the wholesale price of the tobacco 120107
product. 120108

(2) For little cigars, thirty-seven per cent of the wholesale 120109
price of the little cigars. 120110

(3) For premium cigars, the lesser of seventeen per cent of 120111
the wholesale price of the premium cigars or the maximum tax 120112
amount per each premium cigar. 120113

(4) For vapor products, one cent multiplied by the vapor 120114
volume of the vapor products. 120115

The tax levied under division (A) of this section is imposed 120116
only if the tax has not been paid by the seller as provided in 120117

section 5743.62 of the Revised Code, or by the distributor ~~or~~, 120118
vapor distributor, or qualifying vapor manufacturer or importer as 120119
provided in section 5743.51 of the Revised Code. 120120

(B) Each person subject to the tax levied by this section ~~or~~ 120121
~~section 5743.631 of the Revised Code~~, on or before the 120122
twenty-third day of each month, shall file with the tax 120123
commissioner a return for the preceding month showing any 120124
information the commissioner finds necessary for the proper 120125
administration of sections 5743.51 to 5743.66 of the Revised Code, 120126
together with remittance of the tax due, payable to the treasurer 120127
of state. The return and payment of the tax required by this 120128
section shall be filed in such a manner that it is received by the 120129
commissioner on or before the twenty-third day of the month 120130
following the reporting period. 120131

(C) The tax commissioner shall immediately forward to the 120132
treasurer of state all money received from the tax levied by this 120133
section, and the treasurer shall credit the amount to the general 120134
revenue fund. 120135

(D) The tax imposed under this section shall not be imposed 120136
on vapor products held by a qualifying vapor manufacturer or 120137
importer for sale to persons outside of this state. 120138

Sec. 5743.64. No person shall transport within this state 120139
tobacco products that have a wholesale value in excess of three 120140
hundred dollars, or vapor products with a vapor volume in excess 120141
of five hundred milliliters or five hundred grams, as applicable, 120142
unless the person has obtained consent to transport the tobacco 120143
products or vapor products from the tax commissioner prior to 120144
transportation. The consent is not required if the applicable tax 120145
levied under section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 120146
5743.63, ~~or 5743.631~~ of the Revised Code has been paid or will be 120147
paid by the distributor, vapor distributor, or seller. The consent 120148

is also not required when a qualifying vapor manufacturer or importer transfers vapor products into this state. Application for the consent shall be in the form prescribed by the commissioner.

Every person transporting tobacco products or vapor products with the department's consent shall have the consent with the person while transporting or possessing the tobacco products or vapor products within this state and shall produce the consent upon request of any law enforcement officer or authorized agent of the tax commissioner.

Any person transporting tobacco products or vapor products without the consent required by this section shall be subject to the provisions of sections 5743.51 to 5743.66 of the Revised Code, including the tax imposed by section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or 5743.631~~ of the Revised Code.

Sec. 5747.01. Except as otherwise expressly provided or clearly appearing from the context, any term used in this chapter that is not otherwise defined in this section has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes or if not used in a comparable context in those laws, has the same meaning as in section 5733.40 of the Revised Code. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

As used in this chapter:

(A) "Adjusted gross income" or "Ohio adjusted gross income" means federal adjusted gross income, as defined and used in the Internal Revenue Code, adjusted as provided in this section:

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any	120179
authority, commission, instrumentality, territory, or possession	120180
of the United States to the extent that the interest or dividends	120181
are exempt from federal income taxes but not from state income	120182
taxes.	120183
(3) Deduct interest or dividends on obligations of the United	120184
States and its territories and possessions or of any authority,	120185
commission, or instrumentality of the United States to the extent	120186
that the interest or dividends are included in federal adjusted	120187
gross income but exempt from state income taxes under the laws of	120188
the United States.	120189
(4) Deduct disability and survivor's benefits to the extent	120190
included in federal adjusted gross income.	120191
(5) Deduct the following, to the extent not otherwise	120192
deducted or excluded in computing federal or Ohio adjusted gross	120193
income:	120194
(a) Benefits under Title II of the Social Security Act and	120195
tier 1 railroad retirement;	120196
(b) Railroad retirement benefits, other than tier 1 railroad	120197
retirement benefits, to the extent such amounts are exempt from	120198
state taxation under federal law.	120199
(6) Deduct the amount of wages and salaries, if any, not	120200
otherwise allowable as a deduction but that would have been	120201
allowable as a deduction in computing federal adjusted gross	120202
income for the taxable year, had the work opportunity tax credit	120203
allowed and determined under sections 38, 51, and 52 of the	120204
Internal Revenue Code not been in effect.	120205
(7) Deduct any interest or interest equivalent on public	120206
obligations and purchase obligations to the extent that the	120207
interest or interest equivalent is included in federal adjusted	120208
gross income.	120209

(8) Add any loss or deduct any gain resulting from the sale, 120210
exchange, or other disposition of public obligations to the extent 120211
that the loss has been deducted or the gain has been included in 120212
computing federal adjusted gross income. 120213

(9) Deduct or add amounts, as provided under section 5747.70 120214
of the Revised Code, related to contributions made to or tuition 120215
units purchased under a qualified tuition program established 120216
pursuant to section 529 of the Internal Revenue Code. 120217

(10)(a) Deduct, to the extent not otherwise allowable as a 120218
deduction or exclusion in computing federal or Ohio adjusted gross 120219
income for the taxable year, the amount the taxpayer paid during 120220
the taxable year for medical care insurance and qualified 120221
long-term care insurance for the taxpayer, the taxpayer's spouse, 120222
and dependents. No deduction for medical care insurance under 120223
division (A)(10)(a) of this section shall be allowed either to any 120224
taxpayer who is eligible to participate in any subsidized health 120225
plan maintained by any employer of the taxpayer or of the 120226
taxpayer's spouse, or to any taxpayer who is entitled to, or on 120227
application would be entitled to, benefits under part A of Title 120228
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 120229
301, as amended. For the purposes of division (A)(10)(a) of this 120230
section, "subsidized health plan" means a health plan for which 120231
the employer pays any portion of the plan's cost. The deduction 120232
allowed under division (A)(10)(a) of this section shall be the net 120233
of any related premium refunds, related premium reimbursements, or 120234
related insurance premium dividends received during the taxable 120235
year. 120236

(b) Deduct, to the extent not otherwise deducted or excluded 120237
in computing federal or Ohio adjusted gross income during the 120238
taxable year, the amount the taxpayer paid during the taxable 120239
year, not compensated for by any insurance or otherwise, for 120240
medical care of the taxpayer, the taxpayer's spouse, and 120241

dependents, to the extent the expenses exceed seven and one-half 120242
per cent of the taxpayer's federal adjusted gross income. 120243

(c) For purposes of division (A)(10) of this section, 120244
"medical care" has the meaning given in section 213 of the 120245
Internal Revenue Code, subject to the special rules, limitations, 120246
and exclusions set forth therein, and "qualified long-term care" 120247
has the same meaning given in section 7702B(c) of the Internal 120248
Revenue Code. Solely for purposes of division (A)(10)(a) of this 120249
section, "dependent" includes a person who otherwise would be a 120250
"qualifying relative" and thus a "dependent" under section 152 of 120251
the Internal Revenue Code but for the fact that the person fails 120252
to meet the income and support limitations under section 120253
152(d)(1)(B) and (C) of the Internal Revenue Code. 120254

(11)(a) Deduct any amount included in federal adjusted gross 120255
income solely because the amount represents a reimbursement or 120256
refund of expenses that in any year the taxpayer had deducted as 120257
an itemized deduction pursuant to section 63 of the Internal 120258
Revenue Code and applicable United States department of the 120259
treasury regulations. The deduction otherwise allowed under 120260
division (A)(11)(a) of this section shall be reduced to the extent 120261
the reimbursement is attributable to an amount the taxpayer 120262
deducted under this section in any taxable year. 120263

(b) Add any amount not otherwise included in Ohio adjusted 120264
gross income for any taxable year to the extent that the amount is 120265
attributable to the recovery during the taxable year of any amount 120266
deducted or excluded in computing federal or Ohio adjusted gross 120267
income in any taxable year. 120268

(12) Deduct any portion of the deduction described in section 120269
1341(a)(2) of the Internal Revenue Code, for repaying previously 120270
reported income received under a claim of right, that meets both 120271
of the following requirements: 120272

(a) It is allowable for repayment of an item that was 120273
included in the taxpayer's adjusted gross income for a prior 120274
taxable year and did not qualify for a credit under division (A) 120275
or (B) of section 5747.05 of the Revised Code for that year; 120276

(b) It does not otherwise reduce the taxpayer's adjusted 120277
gross income for the current or any other taxable year. 120278

(13) Deduct an amount equal to the deposits made to, and net 120279
investment earnings of, a medical savings account during the 120280
taxable year, in accordance with section 3924.66 of the Revised 120281
Code. The deduction allowed by division (A)(13) of this section 120282
does not apply to medical savings account deposits and earnings 120283
otherwise deducted or excluded for the current or any other 120284
taxable year from the taxpayer's federal adjusted gross income. 120285

(14)(a) Add an amount equal to the funds withdrawn from a 120286
medical savings account during the taxable year, and the net 120287
investment earnings on those funds, when the funds withdrawn were 120288
used for any purpose other than to reimburse an account holder 120289
for, or to pay, eligible medical expenses, in accordance with 120290
section 3924.66 of the Revised Code; 120291

(b) Add the amounts distributed from a medical savings 120292
account under division (A)(2) of section 3924.68 of the Revised 120293
Code during the taxable year. 120294

(15) Add any amount claimed as a credit under section 120295
5747.059 of the Revised Code to the extent that such amount 120296
satisfies either of the following: 120297

(a) The amount was deducted or excluded from the computation 120298
of the taxpayer's federal adjusted gross income as required to be 120299
reported for the taxpayer's taxable year under the Internal 120300
Revenue Code; 120301

(b) The amount resulted in a reduction of the taxpayer's 120302
federal adjusted gross income as required to be reported for any 120303

of the taxpayer's taxable years under the Internal Revenue Code. 120304

(16) Deduct the amount contributed by the taxpayer to an 120305
individual development account program established by a county 120306
department of job and family services pursuant to sections 329.11 120307
to 329.14 of the Revised Code for the purpose of matching funds 120308
deposited by program participants. On request of the tax 120309
commissioner, the taxpayer shall provide any information that, in 120310
the tax commissioner's opinion, is necessary to establish the 120311
amount deducted under division (A)(16) of this section. 120312

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 120313
(v) of this section, add five-sixths of the amount of depreciation 120314
expense allowed by subsection (k) of section 168 of the Internal 120315
Revenue Code, including the taxpayer's proportionate or 120316
distributive share of the amount of depreciation expense allowed 120317
by that subsection to a pass-through entity in which the taxpayer 120318
has a direct or indirect ownership interest. 120319

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of 120320
this section, add five-sixths of the amount of qualifying section 120321
179 depreciation expense, including the taxpayer's proportionate 120322
or distributive share of the amount of qualifying section 179 120323
depreciation expense allowed to any pass-through entity in which 120324
the taxpayer has a direct or indirect ownership interest. 120325

(iii) Subject to division (A)(17)(a)(v) of this section, for 120326
taxable years beginning in 2012 or thereafter, if the increase in 120327
income taxes withheld by the taxpayer is equal to or greater than 120328
ten per cent of income taxes withheld by the taxpayer during the 120329
taxpayer's immediately preceding taxable year, "two-thirds" shall 120330
be substituted for "five-sixths" for the purpose of divisions 120331
(A)(17)(a)(i) and (ii) of this section. 120332

(iv) Subject to division (A)(17)(a)(v) of this section, for 120333
taxable years beginning in 2012 or thereafter, a taxpayer is not 120334

required to add an amount under division (A)(17) of this section 120335
if the increase in income taxes withheld by the taxpayer and by 120336
any pass-through entity in which the taxpayer has a direct or 120337
indirect ownership interest is equal to or greater than the sum of 120338
(I) the amount of qualifying section 179 depreciation expense and 120339
(II) the amount of depreciation expense allowed to the taxpayer by 120340
subsection (k) of section 168 of the Internal Revenue Code, and 120341
including the taxpayer's proportionate or distributive shares of 120342
such amounts allowed to any such pass-through entities. 120343

(v) If a taxpayer directly or indirectly incurs a net 120344
operating loss for the taxable year for federal income tax 120345
purposes, to the extent such loss resulted from depreciation 120346
expense allowed by subsection (k) of section 168 of the Internal 120347
Revenue Code and by qualifying section 179 depreciation expense, 120348
"the entire" shall be substituted for "five-sixths of the" for the 120349
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 120350

The tax commissioner, under procedures established by the 120351
commissioner, may waive the add-backs related to a pass-through 120352
entity if the taxpayer owns, directly or indirectly, less than 120353
five per cent of the pass-through entity. 120354

(b) Nothing in division (A)(17) of this section shall be 120355
construed to adjust or modify the adjusted basis of any asset. 120356

(c) To the extent the add-back required under division 120357
(A)(17)(a) of this section is attributable to property generating 120358
nonbusiness income or loss allocated under section 5747.20 of the 120359
Revised Code, the add-back shall be situated to the same location 120360
as the nonbusiness income or loss generated by the property for 120361
the purpose of determining the credit under division (A) of 120362
section 5747.05 of the Revised Code. Otherwise, the add-back shall 120363
be apportioned, subject to one or more of the four alternative 120364
methods of apportionment enumerated in section 5747.21 of the 120365
Revised Code. 120366

(d) For the purposes of division (A)(17)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount.

(e) For the purposes of divisions (A)(17) and (18) of this section:

(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year.

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(18)(a) If the taxpayer was required to add an amount under division (A)(17)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal

Revenue Code; 120398

(ii) One-half of the amount so added for each of the two 120399
succeeding taxable years if the amount so added was two-thirds of 120400
such depreciation expense; 120401

(iii) One-sixth of the amount so added for each of the six 120402
succeeding taxable years if the entire amount of such depreciation 120403
expense was so added. 120404

(b) If the amount deducted under division (A)(18)(a) of this 120405
section is attributable to an add-back allocated under division 120406
(A)(17)(c) of this section, the amount deducted shall be sitused 120407
to the same location. Otherwise, the add-back shall be apportioned 120408
using the apportionment factors for the taxable year in which the 120409
deduction is taken, subject to one or more of the four alternative 120410
methods of apportionment enumerated in section 5747.21 of the 120411
Revised Code. 120412

(c) No deduction is available under division (A)(18)(a) of 120413
this section with regard to any depreciation allowed by section 120414
168(k) of the Internal Revenue Code and by the qualifying section 120415
179 depreciation expense amount to the extent that such 120416
depreciation results in or increases a federal net operating loss 120417
carryback or carryforward. If no such deduction is available for a 120418
taxable year, the taxpayer may carry forward the amount not 120419
deducted in such taxable year to the next taxable year and add 120420
that amount to any deduction otherwise available under division 120421
(A)(18)(a) of this section for that next taxable year. The 120422
carryforward of amounts not so deducted shall continue until the 120423
entire addition required by division (A)(17)(a) of this section 120424
has been deducted. 120425

(19) Deduct, to the extent not otherwise deducted or excluded 120426
in computing federal or Ohio adjusted gross income for the taxable 120427
year, the amount the taxpayer received during the taxable year as 120428

reimbursement for life insurance premiums under section 5919.31 of 120429
the Revised Code. 120430

(20) Deduct, to the extent not otherwise deducted or excluded 120431
in computing federal or Ohio adjusted gross income for the taxable 120432
year, the amount the taxpayer received during the taxable year as 120433
a death benefit paid by the adjutant general under section 5919.33 120434
of the Revised Code. 120435

(21) Deduct, to the extent included in federal adjusted gross 120436
income and not otherwise allowable as a deduction or exclusion in 120437
computing federal or Ohio adjusted gross income for the taxable 120438
year, military pay and allowances received by the taxpayer during 120439
the taxable year for active duty service in the United States 120440
army, air force, navy, marine corps, or coast guard or reserve 120441
components thereof or the national guard. The deduction may not be 120442
claimed for military pay and allowances received by the taxpayer 120443
while the taxpayer is stationed in this state. 120444

(22) Deduct, to the extent not otherwise allowable as a 120445
deduction or exclusion in computing federal or Ohio adjusted gross 120446
income for the taxable year and not otherwise compensated for by 120447
any other source, the amount of qualified organ donation expenses 120448
incurred by the taxpayer during the taxable year, not to exceed 120449
ten thousand dollars. A taxpayer may deduct qualified organ 120450
donation expenses only once for all taxable years beginning with 120451
taxable years beginning in 2007. 120452

For the purposes of division (A)(22) of this section: 120453

(a) "Human organ" means all or any portion of a human liver, 120454
pancreas, kidney, intestine, or lung, and any portion of human 120455
bone marrow. 120456

(b) "Qualified organ donation expenses" means travel 120457
expenses, lodging expenses, and wages and salary forgone by a 120458
taxpayer in connection with the taxpayer's donation, while living, 120459

of one or more of the taxpayer's human organs to another human being. 120460
being. 120461

(23) Deduct, to the extent not otherwise deducted or excluded 120462
in computing federal or Ohio adjusted gross income for the taxable 120463
year, amounts received by the taxpayer as retired personnel pay 120464
for service in the uniformed services or reserve components 120465
thereof, or the national guard, or received by the surviving 120466
spouse or former spouse of such a taxpayer under the survivor 120467
benefit plan on account of such a taxpayer's death. If the 120468
taxpayer receives income on account of retirement paid under the 120469
federal civil service retirement system or federal employees 120470
retirement system, or under any successor retirement program 120471
enacted by the congress of the United States that is established 120472
and maintained for retired employees of the United States 120473
government, and such retirement income is based, in whole or in 120474
part, on credit for the taxpayer's uniformed service, the 120475
deduction allowed under this division shall include only that 120476
portion of such retirement income that is attributable to the 120477
taxpayer's uniformed service, to the extent that portion of such 120478
retirement income is otherwise included in federal adjusted gross 120479
income and is not otherwise deducted under this section. Any 120480
amount deducted under division (A)(23) of this section is not 120481
included in a taxpayer's adjusted gross income for the purposes of 120482
section 5747.055 of the Revised Code. No amount may be deducted 120483
under division (A)(23) of this section on the basis of which a 120484
credit was claimed under section 5747.055 of the Revised Code. 120485

(24) Deduct, to the extent not otherwise deducted or excluded 120486
in computing federal or Ohio adjusted gross income for the taxable 120487
year, the amount the taxpayer received during the taxable year 120488
from the military injury relief fund created in section 5902.05 of 120489
the Revised Code. 120490

(25) Deduct, to the extent not otherwise deducted or excluded 120491

in computing federal or Ohio adjusted gross income for the taxable 120492
year, the amount the taxpayer received as a veterans bonus during 120493
the taxable year from the Ohio department of veterans services as 120494
authorized by Section 2r of Article VIII, Ohio Constitution. 120495

(26) Deduct, to the extent not otherwise deducted or excluded 120496
in computing federal or Ohio adjusted gross income for the taxable 120497
year, any income derived from a transfer agreement or from the 120498
enterprise transferred under that agreement under section 4313.02 120499
of the Revised Code. 120500

(27) Deduct, to the extent not otherwise deducted or excluded 120501
in computing federal or Ohio adjusted gross income for the taxable 120502
year, Ohio college opportunity or federal Pell grant amounts 120503
received by the taxpayer or the taxpayer's spouse or dependent 120504
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 120505
1070a, et seq., and used to pay room or board furnished by the 120506
educational institution for which the grant was awarded at the 120507
institution's facilities, including meal plans administered by the 120508
institution. For the purposes of this division, receipt of a grant 120509
includes the distribution of a grant directly to an educational 120510
institution and the crediting of the grant to the enrollee's 120511
account with the institution. 120512

(28) Deduct from the portion of an individual's federal 120513
adjusted gross income that is business income, to the extent not 120514
otherwise deducted or excluded in computing federal adjusted gross 120515
income for the taxable year, one hundred twenty-five thousand 120516
dollars for each spouse if spouses file separate returns under 120517
section 5747.08 of the Revised Code or two hundred fifty thousand 120518
dollars for all other individuals. 120519

(29) Deduct, as provided under section 5747.78 of the Revised 120520
Code, contributions to ABLE savings accounts made in accordance 120521
with sections 113.50 to 113.56 of the Revised Code. 120522

(30)(a) Deduct, to the extent not otherwise deducted or 120523
excluded in computing federal or Ohio adjusted gross income during 120524
the taxable year, all of the following: 120525

(i) Compensation paid to a qualifying employee described in 120526
division (A)(14)(a) of section 5703.94 of the Revised Code to the 120527
extent such compensation is for disaster work conducted in this 120528
state during a disaster response period pursuant to a qualifying 120529
solicitation received by the employee's employer; 120530

(ii) Compensation paid to a qualifying employee described in 120531
division (A)(14)(b) of section 5703.94 of the Revised Code to the 120532
extent such compensation is for disaster work conducted in this 120533
state by the employee during the disaster response period on 120534
critical infrastructure owned or used by the employee's employer; 120535

(iii) Income received by an out-of-state disaster business 120536
for disaster work conducted in this state during a disaster 120537
response period, or, if the out-of-state disaster business is a 120538
pass-through entity, a taxpayer's distributive share of the 120539
pass-through entity's income from the business conducting disaster 120540
work in this state during a disaster response period, if, in 120541
either case, the disaster work is conducted pursuant to a 120542
qualifying solicitation received by the business. 120543

(b) All terms used in division (A)(30) of this section have 120544
the same meanings as in section 5703.94 of the Revised Code. 120545

(31) For a taxpayer who is a qualifying Ohio educator, 120546
deduct, to the extent not otherwise deducted or excluded in 120547
computing federal or Ohio adjusted gross income for the taxable 120548
year, the lesser of two hundred fifty dollars or the amount of 120549
expenses described in subsections (a)(2)(D)(i) and (ii) of section 120550
62 of the Internal Revenue Code paid or incurred by the taxpayer 120551
during the taxpayer's taxable year in excess of the amount the 120552
taxpayer is authorized to deduct for that taxable year under 120553

subsection (a)(2)(D) of that section. 120554

(32) Deduct, to the extent not otherwise deducted or excluded 120555
in computing federal or Ohio adjusted gross income for the taxable 120556
year, amounts received by the taxpayer as a disability severance 120557
payment, computed under 10 U.S.C. 1212, following discharge or 120558
release under honorable conditions from the armed forces, as 120559
defined by 10 U.S.C. 101. 120560

(33) Deduct, to the extent not otherwise deducted or excluded 120561
in computing federal adjusted gross income or Ohio adjusted gross 120562
income, amounts not subject to tax due to an agreement entered 120563
into under division (A)(2) of section 5747.05 of the Revised Code. 120564

(34) Deduct amounts as provided under section 5747.79 of the 120565
Revised Code related to the taxpayer's qualifying capital gains 120566
and deductible payroll. 120567

To the extent a qualifying capital gain described under 120568
division (A)(34) of this section is business income, the taxpayer 120569
shall deduct those gains under this division before deducting any 120570
such gains under division (A)(28) of this section. 120571

(35)(a) For taxable years beginning in or after 2026, deduct, 120572
to the extent not otherwise deducted or excluded in computing 120573
federal or Ohio adjusted gross income for the taxable year: 120574

(i) One hundred per cent of the capital gain received by the 120575
taxpayer in the taxable year from a qualifying interest in an Ohio 120576
venture capital operating company attributable to the company's 120577
investments in Ohio businesses during the period for which the 120578
company was an Ohio venture operating company; and 120579

(ii) Fifty per cent of the capital gain received by the 120580
taxpayer in the taxable year from a qualifying interest in an Ohio 120581
venture capital operating company attributable to the company's 120582
investments in all other businesses during the period for which 120583
the company was an Ohio venture operating company. 120584

(b) Add amounts previously deducted by the taxpayer under 120585
division (A)(35)(a) of this section if the director of development 120586
certifies to the tax commissioner that the requirements for the 120587
deduction were not met. 120588

(c) All terms used in division (A)(35) of this section have 120589
the same meanings as in section 122.851 of the Revised Code. 120590

(d) To the extent a capital gain described in division 120591
(A)(35)(a) of this section is business income, the taxpayer shall 120592
apply that division before applying division (A)(28) of this 120593
section. 120594

(36) Add, to the extent not otherwise included in computing 120595
federal or Ohio adjusted gross income for any taxable year, the 120596
taxpayer's proportionate share of the amount of the tax levied 120597
under section 5747.38 of the Revised Code and paid by an electing 120598
pass-through entity for the taxable year. 120599

Notwithstanding any provision of the Revised Code to the 120600
contrary, the portion of the addition required by division (A)(36) 120601
of this section related to the apportioned business income of the 120602
pass-through entity shall be considered business income under 120603
division (B) of this section. Such addition is eligible for the 120604
deduction in division (A)(28) of this section, subject to the 120605
applicable dollar limitations, and the tax rate prescribed by 120606
division (A)(4)(a) of section 5747.02 of the Revised Code. The 120607
taxpayer shall provide, upon request of the tax commissioner, any 120608
documentation necessary to verify the portion of the addition that 120609
is business income under this division. 120610

(37) Deduct, to the extent not otherwise deducted or excluded 120611
in computing federal or Ohio adjusted gross income for the taxable 120612
year, amounts delivered to a qualifying institution pursuant to 120613
section 3333.128 of the Revised Code for the benefit of the 120614
taxpayer or the taxpayer's spouse or dependent. 120615

(38) Deduct, to the extent not otherwise deducted or excluded 120616
in computing federal or Ohio adjusted gross income for the taxable 120617
year, amounts received under the Ohio adoption grant program 120618
pursuant to section 5101.191 of the Revised Code. 120619

~~(39) Deduct, to the extent included in federal adjusted gross 120620
income, income attributable to loan repayments on behalf of the 120621
taxpayer under the rural practice incentive program under section 120622
3333.135 of the Revised Code~~ Deduct, to the extent included in 120623
federal adjusted gross income, income attributable to amounts 120624
provided to a taxpayer for any of the purposes for which a 120625
deduction is authorized under section 139 of the Internal Revenue 120626
Code, assuming that the train derailment near the city of East 120627
Palestine on February 3, 2023, is a qualified disaster pursuant to 120628
that section, or to compensate for lost business resulting from 120629
that derailment, if such amounts are provided by any of the 120630
following: 120631

(a) A federal, state, or local government agency; 120632

(b) A railroad company, as that term is defined in section 120633
5727.01 of the Revised Code; 120634

(c) Any subsidiary, insurer, or agent of a railroad company 120635
or any related person. 120636

(40) Deduct, to the extent included in federal adjusted gross 120637
income, income attributable to loan repayments on behalf of the 120638
taxpayer under the rural practice incentive program under section 120639
3333.135 of the Revised Code. 120640

(41) Add any income taxes deducted in computing federal or 120641
Ohio adjusted gross income to the extent the income taxes were 120642
derived from income subject to a tax levied in another state or 120643
the District of Columbia when such tax was enacted for purposes of 120644
complying with internal revenue service notice 2020-75. 120645

Notwithstanding any provision of the Revised Code to the 120646

contrary, the portion of the addition required by division (A)(41) 120647
of this section related to the apportioned business income of the 120648
pass-through entity shall be considered business income under 120649
division (B) of this section. Such addition is eligible for the 120650
deduction in division (A)(28) of this section, subject to the 120651
applicable dollar limitations, and the tax rate prescribed by 120652
division (A)(4)(a) of section 5747.02 of the Revised Code. The 120653
taxpayer shall provide, upon request of the tax commissioner, any 120654
documentation necessary to verify the portion of the addition that 120655
is business income under this division. 120656

(42) Deduct amounts contributed to a homeownership savings 120657
account and calculated pursuant to divisions (B) and (C) of 120658
section 5747.85 of the Revised Code. 120659

(43) If the taxpayer is the account owner, add the amount of 120660
funds withdrawn from a homeownership savings account not used for 120661
eligible expenses, regardless of who deposited those funds. As 120662
used in division (A)(43) of this section, "homeownership savings 120663
account," "account owner," and "eligible expenses" have the same 120664
meanings as in section 5747.85 of the Revised Code. 120665

(B) "Business income" means income, including gain or loss, 120666
arising from transactions, activities, and sources in the regular 120667
course of a trade or business and includes income, gain, or loss 120668
from real property, tangible property, and intangible property if 120669
the acquisition, rental, management, and disposition of the 120670
property constitute integral parts of the regular course of a 120671
trade or business operation. "Business income" includes income, 120672
including gain or loss, from a partial or complete liquidation of 120673
a business, including, but not limited to, gain or loss from the 120674
sale or other disposition of goodwill or the sale of an equity or 120675
ownership interest in a business. 120676

As used in this division, the "sale of an equity or ownership 120677
interest in a business" means sales to which either or both of the 120678

following apply:	120679
(1) The sale is treated for federal income tax purposes as the sale of assets.	120680 120681
(2) The seller materially participated, as described in 26 C.F.R. 1.469-5T, in the activities of the business during the taxable year in which the sale occurs or during any of the five preceding taxable years.	120682 120683 120684 120685
(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.	120686 120687 120688 120689 120690
(D) "Compensation" means any form of remuneration paid to an employee for personal services.	120691 120692
(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.	120693 120694 120695
(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.	120696 120697
(G) "Individual" means any natural person.	120698
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	120699 120700
(I) "Resident" means any of the following:	120701
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	120702 120703
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.	120704 120705 120706 120707

(3) A trust that, in whole or part, resides in this state. If 120708
only part of a trust resides in this state, the trust is a 120709
resident only with respect to that part. 120710

For the purposes of division (I)(3) of this section: 120711

(a) A trust resides in this state for the trust's current 120712
taxable year to the extent, as described in division (I)(3)(d) of 120713
this section, that the trust consists directly or indirectly, in 120714
whole or in part, of assets, net of any related liabilities, that 120715
were transferred, or caused to be transferred, directly or 120716
indirectly, to the trust by any of the following: 120717

(i) A person, a court, or a governmental entity or 120718
instrumentality on account of the death of a decedent, but only if 120719
the trust is described in division (I)(3)(e)(i) or (ii) of this 120720
section; 120721

(ii) A person who was domiciled in this state for the 120722
purposes of this chapter when the person directly or indirectly 120723
transferred assets to an irrevocable trust, but only if at least 120724
one of the trust's qualifying beneficiaries is domiciled in this 120725
state for the purposes of this chapter during all or some portion 120726
of the trust's current taxable year; 120727

(iii) A person who was domiciled in this state for the 120728
purposes of this chapter when the trust document or instrument or 120729
part of the trust document or instrument became irrevocable, but 120730
only if at least one of the trust's qualifying beneficiaries is a 120731
resident domiciled in this state for the purposes of this chapter 120732
during all or some portion of the trust's current taxable year. If 120733
a trust document or instrument became irrevocable upon the death 120734
of a person who at the time of death was domiciled in this state 120735
for purposes of this chapter, that person is a person described in 120736
division (I)(3)(a)(iii) of this section. 120737

(b) A trust is irrevocable to the extent that the transferor 120738

is not considered to be the owner of the net assets of the trust 120739
under sections 671 to 678 of the Internal Revenue Code. 120740

(c) With respect to a trust other than a charitable lead 120741
trust, "qualifying beneficiary" has the same meaning as "potential 120742
current beneficiary" as defined in section 1361(e)(2) of the 120743
Internal Revenue Code, and with respect to a charitable lead trust 120744
"qualifying beneficiary" is any current, future, or contingent 120745
beneficiary, but with respect to any trust "qualifying 120746
beneficiary" excludes a person or a governmental entity or 120747
instrumentality to any of which a contribution would qualify for 120748
the charitable deduction under section 170 of the Internal Revenue 120749
Code. 120750

(d) For the purposes of division (I)(3)(a) of this section, 120751
the extent to which a trust consists directly or indirectly, in 120752
whole or in part, of assets, net of any related liabilities, that 120753
were transferred directly or indirectly, in whole or part, to the 120754
trust by any of the sources enumerated in that division shall be 120755
ascertained by multiplying the fair market value of the trust's 120756
assets, net of related liabilities, by the qualifying ratio, which 120757
shall be computed as follows: 120758

(i) The first time the trust receives assets, the numerator 120759
of the qualifying ratio is the fair market value of those assets 120760
at that time, net of any related liabilities, from sources 120761
enumerated in division (I)(3)(a) of this section. The denominator 120762
of the qualifying ratio is the fair market value of all the 120763
trust's assets at that time, net of any related liabilities. 120764

(ii) Each subsequent time the trust receives assets, a 120765
revised qualifying ratio shall be computed. The numerator of the 120766
revised qualifying ratio is the sum of (1) the fair market value 120767
of the trust's assets immediately prior to the subsequent 120768
transfer, net of any related liabilities, multiplied by the 120769
qualifying ratio last computed without regard to the subsequent 120770

transfer, and (2) the fair market value of the subsequently transferred assets at the time transferred, net of any related liabilities, from sources enumerated in division (I)(3)(a) of this section. The denominator of the revised qualifying ratio is the fair market value of all the trust's assets immediately after the subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of the sources enumerated in division (I)(3)(a) of this section shall be ascertained without regard to the domicile of the trust's beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this section:

(i) A trust is described in division (I)(3)(e)(i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the

death of the decedent, the trust became irrevocable while the 120802
decedent was domiciled in this state for the purposes of this 120803
chapter. 120804

(ii) The transfer is made to a trust to which the decedent, 120805
prior to the decedent's death, had directly or indirectly 120806
transferred assets, net of any related liabilities, while the 120807
decedent was domiciled in this state for the purposes of this 120808
chapter, and prior to the death of the decedent the trust became 120809
irrevocable while the decedent was domiciled in this state for the 120810
purposes of this chapter. 120811

(iii) The transfer is made on account of a contractual 120812
relationship existing directly or indirectly between the 120813
transferor and either the decedent or the estate of the decedent 120814
at any time prior to the date of the decedent's death, and the 120815
decedent was domiciled in this state at the time of death for 120816
purposes of the taxes levied under Chapter 5731. of the Revised 120817
Code. 120818

(iv) The transfer is made to a trust on account of a 120819
contractual relationship existing directly or indirectly between 120820
the transferor and another person who at the time of the 120821
decedent's death was domiciled in this state for purposes of this 120822
chapter. 120823

(v) The transfer is made to a trust on account of the will of 120824
a testator who was domiciled in this state at the time of the 120825
testator's death for purposes of the taxes levied under Chapter 120826
5731. of the Revised Code. 120827

(vi) The transfer is made to a trust created by or caused to 120828
be created by a court, and the trust was directly or indirectly 120829
created in connection with or as a result of the death of an 120830
individual who, for purposes of the taxes levied under Chapter 120831
5731. of the Revised Code, was domiciled in this state at the time 120832

of the individual's death. 120833

(g) The tax commissioner may adopt rules to ascertain the 120834
part of a trust residing in this state. 120835

(J) "Nonresident" means an individual or estate that is not a 120836
resident. An individual who is a resident for only part of a 120837
taxable year is a nonresident for the remainder of that taxable 120838
year. 120839

(K) "Pass-through entity" has the same meaning as in section 120840
5733.04 of the Revised Code. 120841

(L) "Return" means the notifications and reports required to 120842
be filed pursuant to this chapter for the purpose of reporting the 120843
tax due and includes declarations of estimated tax when so 120844
required. 120845

(M) "Taxable year" means the calendar year or the taxpayer's 120846
fiscal year ending during the calendar year, or fractional part 120847
thereof, upon which the adjusted gross income is calculated 120848
pursuant to this chapter. 120849

(N) "Taxpayer" means any person subject to the tax imposed by 120850
section 5747.02 of the Revised Code or any pass-through entity 120851
that makes the election under division (D) of section 5747.08 of 120852
the Revised Code. 120853

(O) "Dependents" means one of the following: 120854

(1) For taxable years beginning on or after January 1, 2018, 120855
and before January 1, 2026, dependents as defined in the Internal 120856
Revenue Code; 120857

(2) For all other taxable years, dependents as defined in the 120858
Internal Revenue Code and as claimed in the taxpayer's federal 120859
income tax return for the taxable year or which the taxpayer would 120860
have been permitted to claim had the taxpayer filed a federal 120861
income tax return. 120862

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities, but only to the extent that such net amount is not otherwise includible in Ohio taxable income and is described in either division (S)(1)(a) or (b) of this section:

(a) The net amount is not attributable to the S portion of an electing small business trust and has not been distributed to beneficiaries for the taxable year;

(b) The net amount is attributable to the S portion of an

electing small business trust for the taxable year. 120893

(2) Add interest or dividends, net of ordinary, necessary, 120894
and reasonable expenses not deducted in computing federal taxable 120895
income, on obligations of any authority, commission, 120896
instrumentality, territory, or possession of the United States to 120897
the extent that the interest or dividends are exempt from federal 120898
income taxes but not from state income taxes, but only to the 120899
extent that such net amount is not otherwise includible in Ohio 120900
taxable income and is described in either division (S)(1)(a) or 120901
(b) of this section; 120902

(3) Add the amount of personal exemption allowed to the 120903
estate pursuant to section 642(b) of the Internal Revenue Code; 120904

(4) Deduct interest or dividends, net of related expenses 120905
deducted in computing federal taxable income, on obligations of 120906
the United States and its territories and possessions or of any 120907
authority, commission, or instrumentality of the United States to 120908
the extent that the interest or dividends are exempt from state 120909
taxes under the laws of the United States, but only to the extent 120910
that such amount is included in federal taxable income and is 120911
described in either division (S)(1)(a) or (b) of this section; 120912

(5) Deduct the amount of wages and salaries, if any, not 120913
otherwise allowable as a deduction but that would have been 120914
allowable as a deduction in computing federal taxable income for 120915
the taxable year, had the work opportunity tax credit allowed 120916
under sections 38, 51, and 52 of the Internal Revenue Code not 120917
been in effect, but only to the extent such amount relates either 120918
to income included in federal taxable income for the taxable year 120919
or to income of the S portion of an electing small business trust 120920
for the taxable year; 120921

(6) Deduct any interest or interest equivalent, net of 120922
related expenses deducted in computing federal taxable income, on 120923

public obligations and purchase obligations, but only to the 120924
extent that such net amount relates either to income included in 120925
federal taxable income for the taxable year or to income of the S 120926
portion of an electing small business trust for the taxable year; 120927

(7) Add any loss or deduct any gain resulting from sale, 120928
exchange, or other disposition of public obligations to the extent 120929
that such loss has been deducted or such gain has been included in 120930
computing either federal taxable income or income of the S portion 120931
of an electing small business trust for the taxable year; 120932

(8) Except in the case of the final return of an estate, add 120933
any amount deducted by the taxpayer on both its Ohio estate tax 120934
return pursuant to section 5731.14 of the Revised Code, and on its 120935
federal income tax return in determining federal taxable income; 120936

(9)(a) Deduct any amount included in federal taxable income 120937
solely because the amount represents a reimbursement or refund of 120938
expenses that in a previous year the decedent had deducted as an 120939
itemized deduction pursuant to section 63 of the Internal Revenue 120940
Code and applicable treasury regulations. The deduction otherwise 120941
allowed under division (S)(9)(a) of this section shall be reduced 120942
to the extent the reimbursement is attributable to an amount the 120943
taxpayer or decedent deducted under this section in any taxable 120944
year. 120945

(b) Add any amount not otherwise included in Ohio taxable 120946
income for any taxable year to the extent that the amount is 120947
attributable to the recovery during the taxable year of any amount 120948
deducted or excluded in computing federal or Ohio taxable income 120949
in any taxable year, but only to the extent such amount has not 120950
been distributed to beneficiaries for the taxable year. 120951

(10) Deduct any portion of the deduction described in section 120952
1341(a)(2) of the Internal Revenue Code, for repaying previously 120953
reported income received under a claim of right, that meets both 120954

of the following requirements: 120955

(a) It is allowable for repayment of an item that was 120956
included in the taxpayer's taxable income or the decedent's 120957
adjusted gross income for a prior taxable year and did not qualify 120958
for a credit under division (A) or (B) of section 5747.05 of the 120959
Revised Code for that year. 120960

(b) It does not otherwise reduce the taxpayer's taxable 120961
income or the decedent's adjusted gross income for the current or 120962
any other taxable year. 120963

(11) Add any amount claimed as a credit under section 120964
5747.059 of the Revised Code to the extent that the amount 120965
satisfies either of the following: 120966

(a) The amount was deducted or excluded from the computation 120967
of the taxpayer's federal taxable income as required to be 120968
reported for the taxpayer's taxable year under the Internal 120969
Revenue Code; 120970

(b) The amount resulted in a reduction in the taxpayer's 120971
federal taxable income as required to be reported for any of the 120972
taxpayer's taxable years under the Internal Revenue Code. 120973

(12) Deduct any amount, net of related expenses deducted in 120974
computing federal taxable income, that a trust is required to 120975
report as farm income on its federal income tax return, but only 120976
if the assets of the trust include at least ten acres of land 120977
satisfying the definition of "land devoted exclusively to 120978
agricultural use" under section 5713.30 of the Revised Code, 120979
regardless of whether the land is valued for tax purposes as such 120980
land under sections 5713.30 to 5713.38 of the Revised Code. If the 120981
trust is a pass-through entity investor, section 5747.231 of the 120982
Revised Code applies in ascertaining if the trust is eligible to 120983
claim the deduction provided by division (S)(12) of this section 120984
in connection with the pass-through entity's farm income. 120985

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) ~~Add or deduct~~ Deduct the amount the taxpayer would be required to ~~add or deduct~~ under division ~~(A)(17) or (18)~~ (A)(18) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section.

(15) Add, to the extent not otherwise included in computing taxable income or Ohio taxable income for any taxable year, the taxpayer's proportionate share of the amount of the tax levied under section 5747.38 of the Revised Code and paid by an electing pass-through entity for the taxable year.

(16) Add any income taxes deducted in computing federal taxable income or Ohio taxable income to the extent the income taxes were derived from income subject to a tax levied in another state or the District of Columbia when such tax was enacted for purposes of complying with internal revenue service notice 2020-75.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under former Chapter 1705. ~~or of the Revised Code~~

as that chapter existed prior to February 11, 2022, Chapter 1706. 121017
of the Revised Code, or ~~under~~ the laws of any other state. 121018

(W) "Pass-through entity investor" means any person who, 121019
during any portion of a taxable year of a pass-through entity, is 121020
a partner, member, shareholder, or equity investor in that 121021
pass-through entity. 121022

(X) "Banking day" has the same meaning as in section 1304.01 121023
of the Revised Code. 121024

(Y) "Month" means a calendar month. 121025

(Z) "Quarter" means the first three months, the second three 121026
months, the third three months, or the last three months of the 121027
taxpayer's taxable year. 121028

(AA)(1) "Modified business income" means the business income 121029
included in a trust's Ohio taxable income after such taxable 121030
income is first reduced by the qualifying trust amount, if any. 121031

(2) "Qualifying trust amount" of a trust means capital gains 121032
and losses from the sale, exchange, or other disposition of equity 121033
or ownership interests in, or debt obligations of, a qualifying 121034
investee to the extent included in the trust's Ohio taxable 121035
income, but only if the following requirements are satisfied: 121036

(a) The book value of the qualifying investee's physical 121037
assets in this state and everywhere, as of the last day of the 121038
qualifying investee's fiscal or calendar year ending immediately 121039
prior to the date on which the trust recognizes the gain or loss, 121040
is available to the trust. 121041

(b) The requirements of section 5747.011 of the Revised Code 121042
are satisfied for the trust's taxable year in which the trust 121043
recognizes the gain or loss. 121044

Any gain or loss that is not a qualifying trust amount is 121045
modified business income, qualifying investment income, or 121046

modified nonbusiness income, as the case may be. 121047

(3) "Modified nonbusiness income" means a trust's Ohio 121048
taxable income other than modified business income, other than the 121049
qualifying trust amount, and other than qualifying investment 121050
income, as defined in section 5747.012 of the Revised Code, to the 121051
extent such qualifying investment income is not otherwise part of 121052
modified business income. 121053

(4) "Modified Ohio taxable income" applies only to trusts, 121054
and means the sum of the amounts described in divisions (AA)(4)(a) 121055
to (c) of this section: 121056

(a) The fraction, calculated under section 5747.013, and 121057
applying section 5747.231 of the Revised Code, multiplied by the 121058
sum of the following amounts: 121059

(i) The trust's modified business income; 121060

(ii) The trust's qualifying investment income, as defined in 121061
section 5747.012 of the Revised Code, but only to the extent the 121062
qualifying investment income does not otherwise constitute 121063
modified business income and does not otherwise constitute a 121064
qualifying trust amount. 121065

(b) The qualifying trust amount multiplied by a fraction, the 121066
numerator of which is the sum of the book value of the qualifying 121067
investee's physical assets in this state on the last day of the 121068
qualifying investee's fiscal or calendar year ending immediately 121069
prior to the day on which the trust recognizes the qualifying 121070
trust amount, and the denominator of which is the sum of the book 121071
value of the qualifying investee's total physical assets 121072
everywhere on the last day of the qualifying investee's fiscal or 121073
calendar year ending immediately prior to the day on which the 121074
trust recognizes the qualifying trust amount. If, for a taxable 121075
year, the trust recognizes a qualifying trust amount with respect 121076
to more than one qualifying investee, the amount described in 121077

division (AA)(4)(b) of this section shall equal the sum of the 121078
products so computed for each such qualifying investee. 121079

(c)(i) With respect to a trust or portion of a trust that is 121080
a resident as ascertained in accordance with division (I)(3)(d) of 121081
this section, its modified nonbusiness income. 121082

(ii) With respect to a trust or portion of a trust that is 121083
not a resident as ascertained in accordance with division 121084
(I)(3)(d) of this section, the amount of its modified nonbusiness 121085
income satisfying the descriptions in divisions (B)(2) to (5) of 121086
section 5747.20 of the Revised Code, except as otherwise provided 121087
in division (AA)(4)(c)(ii) of this section. With respect to a 121088
trust or portion of a trust that is not a resident as ascertained 121089
in accordance with division (I)(3)(d) of this section, the trust's 121090
portion of modified nonbusiness income recognized from the sale, 121091
exchange, or other disposition of a debt interest in or equity 121092
interest in a section 5747.212 entity, as defined in section 121093
5747.212 of the Revised Code, without regard to division (A) of 121094
that section, shall not be allocated to this state in accordance 121095
with section 5747.20 of the Revised Code but shall be apportioned 121096
to this state in accordance with division (B) of section 5747.212 121097
of the Revised Code without regard to division (A) of that 121098
section. 121099

If the allocation and apportionment of a trust's income under 121100
divisions (AA)(4)(a) and (c) of this section do not fairly 121101
represent the modified Ohio taxable income of the trust in this 121102
state, the alternative methods described in division (C) of 121103
section 5747.21 of the Revised Code may be applied in the manner 121104
and to the same extent provided in that section. 121105

(5)(a) Except as set forth in division (AA)(5)(b) of this 121106
section, "qualifying investee" means a person in which a trust has 121107
an equity or ownership interest, or a person or unit of government 121108
the debt obligations of either of which are owned by a trust. For 121109

the purposes of division (AA)(2)(a) of this section and for the 121110
purpose of computing the fraction described in division (AA)(4)(b) 121111
of this section, all of the following apply: 121112

(i) If the qualifying investee is a member of a qualifying 121113
controlled group on the last day of the qualifying investee's 121114
fiscal or calendar year ending immediately prior to the date on 121115
which the trust recognizes the gain or loss, then "qualifying 121116
investee" includes all persons in the qualifying controlled group 121117
on such last day. 121118

(ii) If the qualifying investee, or if the qualifying 121119
investee and any members of the qualifying controlled group of 121120
which the qualifying investee is a member on the last day of the 121121
qualifying investee's fiscal or calendar year ending immediately 121122
prior to the date on which the trust recognizes the gain or loss, 121123
separately or cumulatively own, directly or indirectly, on the 121124
last day of the qualifying investee's fiscal or calendar year 121125
ending immediately prior to the date on which the trust recognizes 121126
the qualifying trust amount, more than fifty per cent of the 121127
equity of a pass-through entity, then the qualifying investee and 121128
the other members are deemed to own the proportionate share of the 121129
pass-through entity's physical assets which the pass-through 121130
entity directly or indirectly owns on the last day of the 121131
pass-through entity's calendar or fiscal year ending within or 121132
with the last day of the qualifying investee's fiscal or calendar 121133
year ending immediately prior to the date on which the trust 121134
recognizes the qualifying trust amount. 121135

(iii) For the purposes of division (AA)(5)(a)(iii) of this 121136
section, "upper level pass-through entity" means a pass-through 121137
entity directly or indirectly owning any equity of another 121138
pass-through entity, and "lower level pass-through entity" means 121139
that other pass-through entity. 121140

An upper level pass-through entity, whether or not it is also 121141

a qualifying investee, is deemed to own, on the last day of the 121142
upper level pass-through entity's calendar or fiscal year, the 121143
proportionate share of the lower level pass-through entity's 121144
physical assets that the lower level pass-through entity directly 121145
or indirectly owns on the last day of the lower level pass-through 121146
entity's calendar or fiscal year ending within or with the last 121147
day of the upper level pass-through entity's fiscal or calendar 121148
year. If the upper level pass-through entity directly and 121149
indirectly owns less than fifty per cent of the equity of the 121150
lower level pass-through entity on each day of the upper level 121151
pass-through entity's calendar or fiscal year in which or with 121152
which ends the calendar or fiscal year of the lower level 121153
pass-through entity and if, based upon clear and convincing 121154
evidence, complete information about the location and cost of the 121155
physical assets of the lower pass-through entity is not available 121156
to the upper level pass-through entity, then solely for purposes 121157
of ascertaining if a gain or loss constitutes a qualifying trust 121158
amount, the upper level pass-through entity shall be deemed as 121159
owning no equity of the lower level pass-through entity for each 121160
day during the upper level pass-through entity's calendar or 121161
fiscal year in which or with which ends the lower level 121162
pass-through entity's calendar or fiscal year. Nothing in division 121163
(AA)(5)(a)(iii) of this section shall be construed to provide for 121164
any deduction or exclusion in computing any trust's Ohio taxable 121165
income. 121166

(b) With respect to a trust that is not a resident for the 121167
taxable year and with respect to a part of a trust that is not a 121168
resident for the taxable year, "qualifying investee" for that 121169
taxable year does not include a C corporation if both of the 121170
following apply: 121171

(i) During the taxable year the trust or part of the trust 121172
recognizes a gain or loss from the sale, exchange, or other 121173

disposition of equity or ownership interests in, or debt obligations of, the C corporation.	121174 121175
(ii) Such gain or loss constitutes nonbusiness income.	121176
(6) "Available" means information is such that a person is able to learn of the information by the due date plus extensions, if any, for filing the return for the taxable year in which the trust recognizes the gain or loss.	121177 121178 121179 121180
(BB) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	121181 121182
(CC) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	121183 121184
(DD)(1) For the purposes of division (DD) of this section:	121185
(a) "Qualifying person" means any person other than a qualifying corporation.	121186 121187
(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:	121188 121189 121190
(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;	121191 121192 121193 121194
(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.	121195 121196 121197 121198
(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.	121199 121200 121201
(EE) For purposes of this chapter and Chapter 5751. of the Revised Code:	121202 121203

(1) "Trust" does not include a qualified pre-income tax trust. 121204
trust. 121205

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section. 121206
121207
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(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust. 121209
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(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 121220
121221

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 121222
121223

(b) The trust became irrevocable upon the creation of the trust; and 121224
121225

(c) The grantor was domiciled in this state at the time the trust was created. 121226
121227

(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 121228
121229

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(28) of this section for 121230
121231
121232
121233

the taxable year. 121234

(HH) "Employer" does not include a franchisor with respect to 121235
the franchisor's relationship with a franchisee or an employee of 121236
a franchisee, unless the franchisor agrees to assume that role in 121237
writing or a court of competent jurisdiction determines that the 121238
franchisor exercises a type or degree of control over the 121239
franchisee or the franchisee's employees that is not customarily 121240
exercised by a franchisor for the purpose of protecting the 121241
franchisor's trademark, brand, or both. For purposes of this 121242
division, "franchisor" and "franchisee" have the same meanings as 121243
in 16 C.F.R. 436.1. 121244

(II) "Modified adjusted gross income" means Ohio adjusted 121245
gross income plus any amount deducted under divisions (A)(28) and 121246
(34) of this section for the taxable year. 121247

(JJ) "Qualifying Ohio educator" means an individual who, for 121248
a taxable year, qualifies as an eligible educator, as that term is 121249
defined in section 62 of the Internal Revenue Code, and who holds 121250
a certificate, license, or permit described in Chapter 3319. or 121251
section 3301.071 of the Revised Code. 121252

Sec. 5747.02. (A) For the purpose of providing revenue for 121253
the support of schools and local government functions, to provide 121254
relief to property taxpayers, to provide revenue for the general 121255
revenue fund, and to meet the expenses of administering the tax 121256
levied by this chapter, there is hereby levied on every 121257
individual, trust, and estate residing in or earning or receiving 121258
income in this state, on every individual, trust, and estate 121259
earning or receiving lottery winnings, prizes, or awards pursuant 121260
to Chapter 3770. of the Revised Code, on every individual, trust, 121261
and estate earning or receiving winnings on casino or sports 121262
gaming, and on every individual, trust, and estate otherwise 121263
having nexus with or in this state under the Constitution of the 121264

United States, an annual tax measured as prescribed in divisions 121265
(A)(1) to (4) of this section. 121266

(1) In the case of trusts, the tax imposed by this section 121267
shall be measured by modified Ohio taxable income under division 121268
(D) of this section and levied in the same amount as the tax is 121269
imposed on estates as prescribed in division (A)(2) of this 121270
section. 121271

(2) In the case of estates, the tax imposed by this section 121272
shall be measured by Ohio taxable income. The tax shall be levied 121273
at the rate of 1.38462% for the first ~~twenty-five~~ twenty-six 121274
thousand fifty dollars of such income and, for income in excess of 121275
that amount, the tax shall be levied at the same rates prescribed 121276
in division (A)(3) of this section for individuals. 121277

(3) In the case of individuals, the tax imposed by this 121278
section on income other than taxable business income shall be 121279
measured by Ohio adjusted gross income, less taxable business 121280
income and less an exemption for the taxpayer, the taxpayer's 121281
spouse, and each dependent as provided in section 5747.025 of the 121282
Revised Code. If the balance thus obtained is equal to or less 121283
than ~~twenty-five~~ twenty-six thousand fifty dollars, no tax shall 121284
be imposed on that balance. If the balance thus obtained is 121285
greater than ~~twenty-five~~ twenty-six thousand fifty dollars, the 121286
tax is hereby levied as follows: 121287

(a) For taxable years beginning in 2023: 121288

OHIO ADJUSTED GROSS INCOME LESS TAX 121289

TAXABLE BUSINESS INCOME AND

EXEMPTIONS (INDIVIDUALS) OR

MODIFIED OHIO TAXABLE INCOME

(TRUSTS) OR OHIO TAXABLE INCOME

(ESTATES)

More than ~~\$25,000~~ \$26,050 but not ~~\$346.16~~ \$360.69 plus ~~2.765%~~ 2.75% 121290

more than \$44,250 <u>\$92,150</u>	of the amount in excess of \$25,000 <u>\$26,050</u>	
More than \$44,250 but not more than \$88,450	\$878.42 plus 3.226% of the amount in excess of \$44,250	121291
More than \$88,450 <u>\$92,150</u> but not more than \$110,650 <u>\$115,300</u>	\$2,304.31 <u>\$2,178.44</u> plus 3.688% of the amount in excess of \$88,450 <u>\$92,150</u>	121292
More than \$110,650 <u>\$115,300</u>	\$3,123.05 <u>\$3,032.21</u> plus 3.990% <u>3.75%</u> of the amount in excess of \$110,650 <u>\$115,300</u>	121293
<u>(b) For taxable years beginning in 2024 and thereafter:</u>		121294
<u>OHIO ADJUSTED GROSS INCOME LESS TAX</u>		121295
<u>TAXABLE BUSINESS INCOME AND EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS) OR OHIO TAXABLE INCOME (ESTATES)</u>		
<u>More than \$26,050 but not more than \$92,150</u>	<u>\$360.69 plus 2.75% of the amount in excess of \$26,050</u>	121296
<u>More than \$92,150</u>	<u>\$2,178.44 plus 3.5% of the amount in excess of \$92,150</u>	121297
(4)(a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.		121298 121299 121300 121301 121302
(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.		121303 121304 121305 121306 121307
(5) Except as otherwise provided in this division <u>and</u>		121308

division (A)(6) of this section, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.

(6) The tax commissioner shall not make the adjustments described in section 5747.025 of the Revised Code or division (A)(5) of this section if the tax rate prescribed in division (A)(2) of this section, as adjusted under this division, is greater than zero. If that tax rate is greater than zero, the tax commissioner, in August of 2025 and each year thereafter, shall

make adjustments to that rate and to the tax dollar amounts 121341
prescribed in division (A)(3) of this section as follows: 121342

(a) The commissioner, in consultation with the director of 121343
budget and management, shall estimate and calculate the difference 121344
between (i) the amount of revenue that would be collected from the 121345
tax levied under this section for taxable years beginning in the 121346
current calendar year, if no adjustments were made under this 121347
division, division (A)(5) of this section, or section 5747.025 of 121348
the Revised Code and (ii) the amount of such revenue that would be 121349
collected for those taxable years, if no adjustment were made 121350
under this division but adjustments were made under section 121351
5747.025 of the Revised Code and division (A)(5) of this section. 121352

(b) If the amount determined under division (A)(6)(a) of this 121353
section is greater than zero, the commissioner shall determine the 121354
amount by which reductions can be made to the tax rate prescribed 121355
in division (A)(2) of this section and the tax dollar amounts 121356
prescribed in division (A)(3) of this section, as described and 121357
previously adjusted under this division, so that the estimated 121358
loss in revenue from the tax levied under this section resulting 121359
from those reductions equals the amount calculated under division 121360
(A)(6)(a) of this section. 121361

Based upon the determination made in division (A)(6)(b) of 121362
this section, the tax commissioner shall compute a new tax rate 121363
under division (A)(2) of this section; recompute the tax dollar 121364
amount corresponding to the lowest tax rate in division (A)(3) of 121365
this section by multiplying that adjusted tax rate by the income 121366
amount specified in division (A)(2) of this section; and recompute 121367
the other tax dollar amounts under division (A)(3) of this section 121368
to the extent necessary to reflect the reduction in the tax dollar 121369
amount corresponding to the lowest tax rate in that division. 121370

The adjusted amounts apply to taxable years beginning in the 121371
calendar year in which the adjustments are made and to taxable 121372

years beginning in each ensuing calendar year until a calendar 121373
year in which a new adjustment is made pursuant to this division. 121374

(B) If the director of budget and management makes a 121375
certification to the tax commissioner under division (B) of 121376
section 131.44 of the Revised Code, the amount of tax as 121377
determined under divisions (A)(1) to (3) of this section shall be 121378
reduced by the percentage prescribed in that certification for 121379
taxable years beginning in the calendar year in which that 121380
certification is made. 121381

(C)(1) The tax imposed by this section on a trust shall be 121382
computed by multiplying the Ohio modified taxable income of the 121383
trust by the rates prescribed by division (A) of this section. 121384

(2) A resident trust may claim a credit against the tax 121385
computed under division (C) of this section equal to the lesser of 121386
(a) the tax paid to another state or the District of Columbia on 121387
the resident trust's modified nonbusiness income, other than the 121388
portion of the resident trust's nonbusiness income that is 121389
qualifying investment income as defined in section 5747.012 of the 121390
Revised Code, or (b) the effective tax rate, based on modified 121391
Ohio taxable income, multiplied by the resident trust's modified 121392
nonbusiness income other than the portion of the resident trust's 121393
nonbusiness income that is qualifying investment income. The 121394
credit applies before any other applicable credits. 121395

(3) Any credit authorized against the tax imposed by this 121396
section applies to a trust subject to division (C) of this section 121397
only if the trust otherwise qualifies for the credit. To the 121398
extent that the trust distributes income for the taxable year for 121399
which a credit is available to the trust, the credit shall be 121400
shared by the trust and its beneficiaries. The tax commissioner 121401
and the trust shall be guided by applicable regulations of the 121402
United States treasury regarding the sharing of credits. 121403

(D) For the purposes of this section, "trust" means any trust 121404
described in Subchapter J of Chapter 1 of the Internal Revenue 121405
Code, excluding trusts that are not irrevocable as defined in 121406
division (I)(3)(b) of section 5747.01 of the Revised Code and that 121407
have no modified Ohio taxable income for the taxable year, 121408
charitable remainder trusts, qualified funeral trusts and preneed 121409
funeral contract trusts established pursuant to sections 4717.31 121410
to 4717.38 of the Revised Code that are not qualified funeral 121411
trusts, endowment and perpetual care trusts, qualified settlement 121412
trusts and funds, designated settlement trusts and funds, and 121413
trusts exempted from taxation under section 501(a) of the Internal 121414
Revenue Code. 121415

(E) Nothing in division (A)(3) of this section shall prohibit 121416
an individual with an Ohio adjusted gross income, less taxable 121417
business income and exemptions, of ~~twenty-five~~ twenty-six thousand 121418
fifty dollars or less from filing a return under this chapter to 121419
receive a refund of taxes withheld or to claim any refundable 121420
credit allowed under this chapter. 121421

Sec. 5747.025. (A) The personal exemption for the taxpayer, 121422
the taxpayer's spouse, and each dependent shall be one of the 121423
following amounts: 121424

(1) Two thousand three hundred fifty dollars if the 121425
taxpayer's modified adjusted gross income for the taxable year as 121426
shown on an individual or joint annual return is less than or 121427
equal to forty thousand dollars; 121428

(2) Two thousand one hundred dollars if the taxpayer's 121429
modified adjusted gross income for the taxable year as shown on an 121430
individual or joint annual return is greater than forty thousand 121431
dollars but less than or equal to eighty thousand dollars; 121432

(3) One thousand eight hundred fifty dollars if the 121433
taxpayer's modified adjusted gross income for the taxable year as 121434

shown on an individual or joint annual return is greater than 121435
eighty thousand dollars. 121436

(B) ~~For taxable years beginning in 2020 and thereafter~~ Except 121437
as provided in division (A)(6) of section 5747.02 of the Revised 121438
Code, the personal exemption amounts prescribed in division (A) of 121439
this section shall be adjusted each year in the manner prescribed 121440
in division (C) of this section. In the case of an individual with 121441
respect to whom an exemption under section 5747.02 of the Revised 121442
Code is allowable to another taxpayer for a taxable year beginning 121443
in the calendar year in which the individual's taxable year 121444
begins, the exemption amount applicable to such individual for 121445
such individual's taxable year shall be zero. 121446

(C) Except as otherwise provided in this division, in August 121447
of each year, the tax commissioner shall determine the percentage 121448
increase in the gross domestic product deflator determined by the 121449
bureau of economic analysis of the United States department of 121450
commerce from the first day of January of the preceding calendar 121451
year to the last day of December of the preceding year, and make a 121452
new adjustment to the personal exemption amount for taxable years 121453
beginning in the current calendar year by multiplying that amount 121454
by the percentage increase in the gross domestic product deflator 121455
for that period; adding the resulting product to the personal 121456
exemption amount for taxable years beginning in the preceding 121457
calendar year; and rounding the resulting sum upward to the 121458
nearest multiple of fifty dollars. The adjusted amount applies to 121459
taxable years beginning in the calendar year in which the 121460
adjustment is made and to taxable years beginning in each ensuing 121461
calendar year until a calendar year in which a new adjustment is 121462
made pursuant to this division. The commissioner shall not make a 121463
new adjustment in any calendar year in which the amount resulting 121464
from the adjustment would be less than the amount resulting from 121465
the adjustment in the preceding calendar year. 121466

Sec. 5747.05. As used in this section, "income tax" includes 121467
both a tax on net income and a tax measured by net income. 121468

The following credits shall be allowed against the aggregate 121469
income tax liability imposed by section 5747.02 of the Revised 121470
Code on individuals and estates: 121471

(A)(1) The amount of tax otherwise due under section 5747.02 121472
of the Revised Code on such portion of the combined adjusted gross 121473
income and business income of any nonresident taxpayer that is not 121474
allocable or apportionable to this state pursuant to sections 121475
5747.20 to 5747.23 of the Revised Code. The credit provided under 121476
this division shall not exceed the total tax due under section 121477
5747.02 of the Revised Code. 121478

(2) The tax commissioner may enter into an agreement with the 121479
taxing authorities of any state or of the District of Columbia 121480
that imposes an income tax to provide that compensation paid in 121481
this state to a nonresident taxpayer shall not be subject to the 121482
tax levied in section 5747.02 of the Revised Code so long as 121483
compensation paid in such other state or in the District of 121484
Columbia to a resident taxpayer shall likewise not be subject to 121485
the income tax of such other state or of the District of Columbia. 121486

(B) The lesser of division (B)(1) or (2) of this section: 121487

(1) The aggregate amount of tax otherwise due under section 121488
5747.02 of the Revised Code on such portion of the combined 121489
adjusted gross income and business income of a resident taxpayer 121490
that in another state or in the District of Columbia is subjected 121491
to an income tax. The credit provided under division (B)(1) of 121492
this section shall not exceed the total tax due under section 121493
5747.02 of the Revised Code. 121494

(2) The amount of income tax liability to another state or 121495
the District of Columbia on the portion of the combined adjusted 121496

gross income and business income of a resident taxpayer that in 121497
another state or in the District of Columbia is subjected to an 121498
income tax. The credit provided under division (B)(2) of this 121499
section shall not exceed the total amount of tax otherwise due 121500
under section 5747.02 of the Revised Code. 121501

(3) For the purpose of divisions (B)(1) and (2) of this 121502
section, a resident taxpayer's combined adjusted gross income and 121503
business income that is subject to an income tax levied in another 121504
state or in the District of Columbia includes income that is 121505
subject to either (a) a tax similar to the tax imposed by division 121506
(D)(1)(a) of section 5747.08 of the Revised Code or (b) a tax 121507
enacted for purposes of complying with internal revenue service 121508
notice 2020-75. In computing a resident taxpayer's income tax paid 121509
or accrued to another state or the District of Columbia, the 121510
deduction authorized by division (A)(28) of section 5747.01 of the 121511
Revised Code shall first be deducted against business income 121512
apportioned to this state. 121513

(4) If the credit provided under division (B) of this section 121514
is affected by a change in either the portion of the combined 121515
adjusted gross income and business income of a resident taxpayer 121516
subjected to an income tax in another state or the District of 121517
Columbia or the amount of income tax liability that has been paid 121518
to another state or the District of Columbia, the taxpayer shall 121519
report the change to the tax commissioner within ninety days of 121520
the change in such form as the commissioner requires. 121521

(a) In the case of an underpayment, the report shall be 121522
accompanied by payment of any additional tax due as a result of 121523
the reduction in credit together with interest on the additional 121524
tax and is a return subject to assessment under section 5747.13 of 121525
the Revised Code solely for the purpose of assessing any 121526
additional tax due under this division, together with any 121527
applicable penalty and interest. It shall not reopen the 121528

computation of the taxpayer's tax liability under this chapter 121529
from a previously filed return no longer subject to assessment 121530
except to the extent that such liability is affected by an 121531
adjustment to the credit allowed by division (B) of this section. 121532

(b) In the case of an overpayment, an application for refund 121533
may be filed under this division within the ninety-day period 121534
prescribed for filing the report even if it is beyond the period 121535
prescribed in section 5747.11 of the Revised Code if it otherwise 121536
conforms to the requirements of such section. An application filed 121537
under this division shall only claim refund of overpayments 121538
resulting from an adjustment to the credit allowed by division (B) 121539
of this section unless it is also filed within the time prescribed 121540
in section 5747.11 of the Revised Code. It shall not reopen the 121541
computation of the taxpayer's tax liability except to the extent 121542
that such liability is affected by an adjustment to the credit 121543
allowed by division (B) of this section. 121544

~~(4)~~(5) No credit shall be allowed under division (B) of this 121545
section: 121546

(a) For income tax paid or accrued to another state or to the 121547
District of Columbia if the taxpayer, when computing federal 121548
adjusted gross income, has directly or indirectly deducted, or was 121549
required to directly or indirectly deduct, the amount of that 121550
income tax; 121551

Division (B)(5)(a) of this section does not apply to income 121552
taxes included in the computation of Ohio adjusted gross income 121553
under division (A)(41) of section 5747.01 of the Revised Code and 121554
not deducted from Ohio adjusted gross income under division 121555
(A)(28) of that section or to income taxes included in Ohio 121556
taxable income under division (S)(16) of section 5747.01 of the 121557
Revised Code. 121558

(b) For compensation that is not subject to the income tax of 121559

another state or the District of Columbia as the result of an 121560
agreement entered into by the tax commissioner under division 121561
(A)(3) of this section; or 121562

(c) For income tax paid or accrued to another state or the 121563
District of Columbia if the taxpayer fails to furnish such proof 121564
as the tax commissioner shall require that such income tax 121565
liability has been paid. 121566

(C) An individual who is a resident for part of a taxable 121567
year and a nonresident for the remainder of the taxable year is 121568
allowed the credits under divisions (A) and (B) of this section in 121569
accordance with rules prescribed by the tax commissioner. In no 121570
event shall the same income be subject to both credits. 121571

(D) The credit allowed under division (A) of this section 121572
shall be calculated based upon the amount of tax due under section 121573
5747.02 of the Revised Code after subtracting any other credits 121574
that precede the credit under that division in the order required 121575
under section 5747.98 of the Revised Code. The credit allowed 121576
under division (B) of this section shall be calculated based upon 121577
the amount of tax due under section 5747.02 of the Revised Code 121578
after subtracting any other credits that precede the credit under 121579
that division in the order required under section 5747.98 of the 121580
Revised Code. 121581

(E)(1) On a joint return filed by a husband and wife, each of 121582
whom had adjusted gross income of at least five hundred dollars, 121583
exclusive of interest, dividends and distributions, royalties, 121584
rent, and capital gains, a credit equal to the lesser of six 121585
hundred fifty dollars or the percentage shown in column B that 121586
corresponds with the taxpayer's modified adjusted gross income, 121587
less exemptions for the taxable year, of the total amount of tax 121588
due after allowing for any other credit that precedes this credit 121589
as required under section 5747.98 of the Revised Code: 121590

A.	B.	
		121591
IF THE MODIFIED ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	121592
INCOME, LESS EXEMPTIONS, FOR THE	YEAR IS:	
TAX YEAR IS:		
\$25,000 or less	20%	121593
More than \$25,000 but not more	15%	121594
than \$50,000		
More than \$50,000 but not more	10%	121595
than \$75,000		
More than \$75,000	5%	121596
(2) The credit shall be claimed in the order required under		121597
section 5747.98 of the Revised Code.		121598
(F) No claim for credit under this section shall be allowed		121599
unless the claimant furnishes such supporting information as the		121600
tax commissioner prescribes by rules.		121601
Sec. 5747.06. (A) Except as provided in division (E)(3) of		121602
this section, every employer, including the state and its		121603
political subdivisions, maintaining an office or transacting		121604
business within this state and making payment of any compensation		121605
to an employee who is a taxpayer shall deduct and withhold from		121606
such compensation for each payroll period a tax computed in such		121607
manner as to result, as far as practicable, in withholding from		121608
the employee's compensation during each calendar year an amount		121609
substantially equivalent to the tax reasonably estimated to be due		121610
from the employee under this chapter and Chapter 5748. of the		121611
Revised Code with respect to the amount of such compensation		121612
included in the employee's adjusted gross income during the		121613
calendar year. The employer shall deduct and withhold the tax on		121614
the date that the employer directly, indirectly, or constructively		121615
pays the compensation to, or credits the compensation to the		121616
benefit of, the employee.		121617

~~The method of determining the amount to be withheld shall be prescribed by rule of the tax commissioner. The rule shall require that taxes are withheld on a taxpayer's compensation at rates sufficient to ensure payment of the appropriate amount of tax reasonably estimated to be due.~~

In addition to any other exclusions from withholding permitted under this section, no tax shall be withheld by an employer from the compensation of an employee when such compensation is paid for:

(1) Agricultural labor as defined in division G of section 3121 of Title 26 of the United States Code;

(2) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority;

(3) Service performed in any calendar quarter by an employee unless the cash remuneration paid for such service is three hundred dollars or more and such service is performed by an individual who is regularly employed by such employer to perform such service;

(4) Services performed for a foreign government or an international organization;

(5) Services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or when performed by such individual under the age of eighteen under an arrangement where newspapers or magazines are to be sold by the individual at a fixed price, the individual's compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to the individual;

(6) Services not in the course of the employer's trade or business to the extent paid in any medium other than cash.

(B) Every employer required to deduct and withhold tax from 121649
the compensation of an employee under this chapter shall furnish 121650
to each employee, with respect to the compensation paid by such 121651
employer to such employee during the calendar year, on or before 121652
the thirty-first day of January of the succeeding year, or, if the 121653
employee's employment is terminated before the close of such 121654
calendar year, within thirty days from the date on which the last 121655
payment of compensation was made, a written statement as 121656
prescribed by the tax commissioner showing the amount of 121657
compensation paid by the employer to the employee, the amount 121658
deducted and withheld as state income tax, any amount deducted and 121659
withheld as school district income tax for each applicable school 121660
district, and any other information as the commissioner 121661
prescribes. 121662

(C) The failure of an employer to withhold tax as required by 121663
this section does not relieve an employee from the liability for 121664
the tax. The failure of an employer to remit the tax as required 121665
by law does not relieve an employee from liability for the tax if 121666
the tax commissioner ascertains that the employee colluded with 121667
the employer with respect to the failure to remit the tax. 121668

(D) If an employer fails to deduct and withhold any tax as 121669
required, and thereafter the tax is paid, the tax so required to 121670
be deducted and withheld shall not be collected from the employer, 121671
but the employer is not relieved from liability for penalties and 121672
interest otherwise applicable in respect to the failure to deduct 121673
and withhold the tax. 121674

(E) To ensure that taxes imposed pursuant to Chapter 5748. of 121675
the Revised Code are deducted and withheld as provided in this 121676
section: 121677

(1) An employer shall request that each employee furnish the 121678
name of the employee's school district of residence; 121679

(2) Each employee shall furnish the employer with sufficient and correct information to enable the employer to withhold the taxes imposed under Chapter 5748. of the Revised Code. The employee shall provide additional or corrected information whenever information previously provided to the employer becomes insufficient or incorrect.

(3) If the employer complies with the requirements of division (E)(1) of this section and if the employee fails to comply with the requirements of division (E)(2) of this section, the employer is not required to withhold and pay the taxes imposed under Chapter 5748. of the Revised Code and is not subject to any penalties and interest otherwise applicable for failing to deduct and withhold such taxes.

(F)(1) The method of determining the amount to be withheld under this section shall be prescribed by rule of the tax commissioner. Subject to division (F)(2) of this section, the rule shall require that taxes are withheld on a taxpayer's compensation at rates sufficient to ensure payment of the appropriate amount of tax reasonably estimated to be due.

(2) If the director of budget and management certifies an amount to the tax commissioner under section 131.43 of the Revised Code in any year, beginning in fiscal year 2025, the commissioner shall reduce the rates of withholding determined pursuant to division (F)(1) of this section. The commissioner shall estimate the amount that would be withheld during the period beginning on the first day of September of that year and ending on the thirty-first day of August of the following year, before any adjustment under this section, and shall reduce the withholding rates so that the difference between that amount and the estimated amount that would be withheld during that period after the adjustment equals the amount certified.

The adjusted withholding rates apply to amounts withheld on

or after the first day of September of the year in which the 121712
certification was made. 121713

Nothing in division (F)(2) of this section shall be construed 121714
to require the commissioner to reduce the withholding rates to an 121715
amount that would result in payment of less than the amount of tax 121716
reasonably estimated to be due. Division (F)(2) of this section 121717
does not apply to the rates of withholding for taxes imposed 121718
pursuant to Chapter 5748. of the Revised Code. 121719

Sec. 5747.07. (A) As used in this section: 121720

(1) "Partial weekly withholding period" means a period during 121721
which an employer directly, indirectly, or constructively pays 121722
compensation to, or credits compensation to the benefit of, an 121723
employee, and that consists of a consecutive Saturday, Sunday, 121724
Monday, and Tuesday or a consecutive Wednesday, Thursday, and 121725
Friday. There are two partial weekly withholding periods each 121726
week, except that a partial weekly withholding period cannot 121727
extend from one calendar year into the next calendar year; if the 121728
first day of January falls on a day other than Saturday or 121729
Wednesday, the partial weekly withholding period ends on the 121730
thirty-first day of December and there are three partial weekly 121731
withholding periods during that week. 121732

(2) "Undeposited taxes" means the taxes an employer is 121733
required to deduct and withhold from an employee's compensation 121734
pursuant to section 5747.06 of the Revised Code that have not been 121735
remitted to the tax commissioner pursuant to this section or to 121736
the treasurer of state pursuant to section 5747.072 of the Revised 121737
Code. 121738

(3) A "week" begins on Saturday and concludes at the end of 121739
the following Friday. 121740

(4) "Professional employer organization," "professional 121741

employer organization agreement," and "professional employer organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code.

(5) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code.

(6) "Client employer" has the same meaning as in section 4125.01 of the Revised Code in the context of a professional employer organization or a professional employer organization reporting entity, or the same meaning as in section 4133.01 of the Revised Code in the context of an alternate employer organization.

(B) Except as provided in divisions (C) and (D) of this section and in division (A) of section 5747.072 of the Revised Code, every employer required to deduct and withhold any amount under section 5747.06 of the Revised Code shall file a return and shall pay the amount required by law as follows:

(1) An employer who accumulates or is required to accumulate undeposited taxes of one hundred thousand dollars or more during a partial weekly withholding period shall make the payment of the undeposited taxes by the close of the first banking day after the day on which the accumulation reaches one hundred thousand dollars. If required under division (I) of this section, the payment shall be made by electronic funds transfer under section 5747.072 of the Revised Code.

(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make the payment of undeposited taxes within three banking days after the close of a partial weekly withholding period during which the employer was required to deduct and

withhold any amount under this chapter. If required under division 121773
(I) of this section, the payment shall be made by electronic funds 121774
transfer under section 5747.072 of the Revised Code. 121775

(3) Except as required by divisions (B)(1) and (2) of this 121776
section, if an employer's actual or required payments were more 121777
than two thousand dollars during the twelve-month period ending on 121778
the thirtieth day of June of the preceding calendar year, the 121779
employer shall make the payment of undeposited taxes for each 121780
month during which they were required to be withheld no later than 121781
fifteen days following the last day of that month. The employer 121782
shall file the return prescribed by the tax commissioner with the 121783
payment. 121784

(4) Except as required by divisions (B)(1), (2), and (3) of 121785
this section, an employer shall make the payment of undeposited 121786
taxes for each calendar quarter during which they were required to 121787
be withheld no later than the last day of the month following the 121788
last day of March, June, September, and December each year. The 121789
employer shall file the return prescribed by the tax commissioner 121790
with the payment. 121791

(C) The return and payment schedules prescribed by divisions 121792
(B)(1) and (2) of this section do not apply to the return and 121793
payment of undeposited school district income taxes arising from 121794
taxes levied pursuant to Chapter 5748. of the Revised Code. 121795
Undeposited school district income taxes shall be returned and 121796
paid pursuant to divisions (B)(3) and (4) of this section, as 121797
applicable. 121798

(D)(1) The requirements of division (B) of this section are 121799
met if the amount paid is not less than ninety-five per cent of 121800
the actual tax withheld or required to be withheld for the prior 121801
quarterly, monthly, or partial weekly withholding period, and the 121802
underpayment is not due to willful neglect. Any underpayment of 121803
withheld tax shall be paid within thirty days of the date on which 121804

the withheld tax was due without regard to division (D)(1) of this 121805
section. An employer described in division (B)(1) or (2) of this 121806
section shall make the payment by electronic funds transfer under 121807
section 5747.072 of the Revised Code. 121808

(2) If the tax commissioner believes that quarterly or 121809
monthly payments would result in a delay that might jeopardize the 121810
remittance of withholding payments, the commissioner may order 121811
that the payments be made weekly, or more frequently if necessary, 121812
and the payments shall be made no later than three banking days 121813
following the close of the period for which the jeopardy order is 121814
made. An order requiring weekly or more frequent payments shall be 121815
delivered to the employer ~~personally or by certified mail~~ in the 121816
manner provided in section 5703.37 of the Revised Code and remains 121817
in effect until the commissioner notifies the employer to the 121818
contrary. 121819

(3) If compelling circumstances exist concerning the 121820
remittance of undeposited taxes, the commissioner may order the 121821
employer to make payments under any of the payment schedules under 121822
division (B) of this section. The order shall be delivered to the 121823
employer ~~personally or by certified mail~~ in the manner provided in 121824
section 5703.37 of the Revised Code and shall remain in effect 121825
until the commissioner notifies the employer to the contrary. For 121826
purposes of division (D)(3) of this section, "compelling 121827
circumstances" exist if either or both of the following are true: 121828

(a) Based upon annualization of payments made or required to 121829
be made during the preceding calendar year and during the current 121830
calendar year, the employer would be required for the next 121831
calendar year to make payments under division (B)(2) of this 121832
section. 121833

(b) Based upon annualization of payments made or required to 121834
be made during the current calendar year, the employer would be 121835
required for the next calendar year to make payments under 121836

division (B)(2) of this section. 121837

~~(E)(1) An employer described in division (B)(1) or (2) of 121838
this section shall file, not later than the last day of the month 121839
following the end of each calendar quarter, a return covering, but 121840
not limited to, both the actual amount deducted and withheld and 121841
the amount required to be deducted and withheld for the tax 121842
imposed under section 5747.02 of the Revised Code during each 121843
partial weekly withholding period or portion of a partial weekly 121844
withholding period during that quarter. The employer shall file 121845
the quarterly return even if the aggregate amount required to be 121846
deducted and withheld for the quarter is zero dollars. At the time 121847
of filing the return, the employer shall pay any amounts of 121848
undeposited taxes for the quarter, whether actually deducted and 121849
withheld or required to be deducted and withheld, that have not 121850
been previously paid. If required under division (I) of this 121851
section, the payment shall be made by electronic funds transfer. 121852
The tax commissioner shall prescribe the form and other 121853
requirements of the quarterly return. 121854~~

~~(2) In addition to other returns required to be filed and 121855
payments required to be made under this section, every employer 121856
required to deduct and withhold taxes shall file, not later than 121857
the thirty-first day of January of each year, an annual return 121858
covering, but not limited to, both the aggregate amount deducted 121859
and withheld and the aggregate amount required to be deducted and 121860
withheld during the entire preceding year for the tax imposed 121861
under section 5747.02 of the Revised Code and for each tax imposed 121862
under Chapter 5748. of the Revised Code. At the time of filing 121863
that return, the employer shall pay over any amounts of 121864
undeposited taxes for the preceding year, whether actually 121865
deducted and withheld or required to be deducted and withheld, 121866
that have not been previously paid. The employer shall make the 121867
annual report, to each employee and to the tax commissioner, of 121868~~

the compensation paid and each tax withheld, as the commissioner 121869
by rule may prescribe. 121870

(2) Each employer required to deduct and withhold any tax is 121871
liable for the payment of that amount required to be deducted and 121872
withheld, whether or not the tax has in fact been withheld, unless 121873
the failure to withhold was based upon the employer's good faith 121874
in reliance upon the statement of the employee as to liability, 121875
and the amount shall be deemed to be a special fund in trust for 121876
the general revenue fund. 121877

(F) Each employer shall file with the employer's annual 121878
return the following items of information on employees for whom 121879
withholding is required under section 5747.06 of the Revised Code: 121880

(1) The full name of each employee, the employee's address, 121881
the employee's school district of residence, and in the case of a 121882
nonresident employee, the employee's principal county of 121883
employment; 121884

(2) The social security number of each employee; 121885

(3) The total amount of compensation paid before any 121886
deductions to each employee for the period for which the annual 121887
return is made; 121888

(4) The amount of the tax imposed by section 5747.02 of the 121889
Revised Code and the amount of each tax imposed under Chapter 121890
5748. of the Revised Code withheld from the compensation of the 121891
employee for the period for which the annual return is made. The 121892
commissioner may extend upon good cause the period for filing any 121893
notice or return required to be filed under this section and may 121894
adopt rules relating to extensions of time. If the extension 121895
results in an extension of time for the payment of the amounts 121896
withheld with respect to which the return is filed, the employer 121897
shall pay, at the time the amount withheld is paid, an amount of 121898
interest computed at the rate per annum prescribed by section 121899

5703.47 of the Revised Code on that amount withheld, from the day 121900
that amount was originally required to be paid to the day of 121901
actual payment or to the day an assessment is issued under section 121902
5747.13 of the Revised Code, whichever occurs first. 121903

(5) In addition to all other interest charges and penalties 121904
imposed, all amounts of taxes withheld or required to be withheld 121905
and remaining unpaid after the day the amounts are required to be 121906
paid shall bear interest from the date prescribed for payment at 121907
the rate per annum prescribed by section 5703.47 of the Revised 121908
Code on the amount unpaid, in addition to the amount withheld, 121909
until paid or until the day an assessment is issued under section 121910
5747.13 of the Revised Code, whichever occurs first. 121911

(G) An employee of a corporation, limited liability company, 121912
or business trust having control or supervision of or charged with 121913
the responsibility of filing the report and making payment, or an 121914
officer, member, manager, or trustee of a corporation, limited 121915
liability company, or business trust who is responsible for the 121916
execution of the corporation's, limited liability company's, or 121917
business trust's fiscal responsibilities, shall be personally 121918
liable for failure to file the report or pay the tax due as 121919
required by this section. The dissolution, termination, or 121920
bankruptcy of a corporation, limited liability company, or 121921
business trust does not discharge a responsible officer's, 121922
member's, manager's, employee's, or trustee's liability for a 121923
failure of the corporation, limited liability company, or business 121924
trust to file returns or pay tax due. 121925

(H) If an employer required to deduct and withhold income tax 121926
from compensation and to pay that tax to the state under sections 121927
5747.06 and 5747.07 of the Revised Code sells the employer's 121928
business or stock of merchandise or quits the employer's business, 121929
the taxes required to be deducted and withheld and paid to the 121930
state pursuant to those sections prior to that time, together with 121931

any interest and penalties imposed on those taxes, become due and payable immediately, and that person shall make a final return within fifteen days after the date of selling or quitting business. The employer's successor shall withhold a sufficient amount of the purchase money to cover the amount of the taxes, interest, and penalties due and unpaid, until the former owner produces a receipt from the tax commissioner showing that the taxes, interest, and penalties have been paid or a certificate indicating that no such taxes are due. If the purchaser of the business or stock of merchandise fails to withhold purchase money, the purchaser shall be personally liable for the payment of the taxes, interest, and penalties accrued and unpaid during the operation of the business by the former owner. If the amount of taxes, interest, and penalties outstanding at the time of the purchase exceeds the total purchase money, the tax commissioner in the commissioner's discretion may adjust the liability of the seller or the responsibility of the purchaser to pay that liability to maximize the collection of withholding tax revenue.

(I) An employer whose actual or required payments under this section exceeded eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make all payments required by this section for the year by electronic funds transfer under section 5747.072 of the Revised Code.

(J)(1) Every professional employer organization, professional employer organization reporting entity, and alternate employer organization shall file a report with the tax commissioner within thirty days after commencing business in this state that includes all of the following information:

(a) The name, address, number the employer receives from the secretary of state to do business in this state, if applicable, and federal employer identification number of each client employer

of the organization or entity; 121964

(b) The date that each client employer became a client of the organization or entity; 121965
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(c) The names and mailing addresses of the chief executive officer and the chief financial officer of each client employer for taxation of the client employer. 121967
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(2) Beginning with the calendar quarter ending after a professional employer organization, professional employer organization reporting entity, or alternate employer organization files the report required under division (J)(1) of this section, and every calendar quarter thereafter, the organization or entity shall file an updated report with the tax commissioner. The organization or entity shall file the updated report not later than the last day of the month following the end of the calendar quarter and shall include all of the following information in the report: 121970
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(a) If an entity became a client employer of the professional employer organization, professional employer organization reporting entity, or alternate employer organization at any time during the calendar quarter, all of the information required under division (J)(1) of this section for each new client employer; 121980
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(b) If an entity terminated the professional employer organization agreement or the alternate employer organization agreement between the entity and the professional employer organization, professional employer organization reporting entity, or alternate employer organization, as applicable, at any time during the calendar quarter, the information described in division (J)(1)(a) of this section for that entity, the date during the calendar quarter that the entity ceased being a client of the organization or reporting entity, if applicable, or the date the entity ceased business operations in this state, if applicable; 121985
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(c) If the name or mailing address of the chief executive officer or the chief financial officer of a client employer has changed since the professional employer organization, professional employer organization reporting entity, or alternate employer organization previously submitted a report under division (J)(1) or (2) of this section, the updated name or mailing address, or both, of the chief executive officer or the chief financial officer, as applicable;

(d) If none of the events described in divisions (J)(2)(a) to (c) of this section occurred during the calendar quarter, a statement of that fact.

Sec. 5747.072. (A) Any employer required by section 5747.07 of the Revised Code to remit undeposited taxes by electronic funds transfer shall do so in the manner prescribed by rules adopted by the treasurer of state under section 113.061 of the Revised Code and on or before the dates specified under that division. The tax commissioner shall notify each such employer of the employer's obligation to remit undeposited taxes by electronic funds transfer, shall maintain an updated list of those employers, and shall provide the list and any additions thereto or deletions therefrom to the treasurer of state. Failure by the tax commissioner to notify an employer subject to this section to remit taxes by electronic funds transfer does not relieve the employer of its obligation to remit taxes by electronic funds transfer.

Except as otherwise provided in this paragraph, the payment of taxes by electronic funds transfer does not affect an employer's obligation to file the ~~quarterly return as required under division (E)(1) of section 5747.07 of the Revised Code or the annual return as required under divisions (E)(2)(E) and (F) of that section 5747.07 of the Revised Code.~~ If the employer remits

estimated tax payments in a manner, designated by the treasurer of 122026
state, that permits the inclusion of all information necessary for 122027
the treasurer of state to process the tax payment, the employer 122028
need not file the return required under division (B) of section 122029
5747.07 of the Revised Code. The treasurer of state, in 122030
consultation with the tax commissioner, may adopt rules governing 122031
the format for filing the returns under section 5747.07 of the 122032
Revised Code by employers who remit undeposited taxes by 122033
electronic funds transfer. The rules may permit the filing of 122034
returns at less frequent intervals than required by that division 122035
if the treasurer of state and the tax commissioner determine that 122036
remittance by electronic funds transfer warrants less frequent 122037
filing of returns. 122038

An employer required by this section to remit taxes by 122039
electronic funds transfer may apply to the treasurer of state to 122040
be excused from that requirement. The treasurer of state may 122041
excuse the employer from remittance by electronic funds transfer 122042
for good cause shown for the period of time requested by the 122043
employer or a portion of that period. The treasurer shall notify 122044
the tax commissioner and the employer of the treasurer's decision 122045
as soon as is practicable. 122046

(B) If an employer required by this section to remit 122047
undeposited taxes by electronic funds transfer remits those taxes 122048
by some means other than electronic funds transfer as prescribed 122049
by the rules adopted by the treasurer of state, and the treasurer 122050
determines that such failure was not due to reasonable cause or 122051
was due to willful neglect, the treasurer shall notify the tax 122052
commissioner of the failure to remit by electronic funds transfer 122053
and shall provide the commissioner with any information used in 122054
making that determination. The tax commissioner may collect an 122055
additional charge by assessment in the manner prescribed by 122056
section 5747.13 of the Revised Code. The additional charge shall 122057

equal five per cent of the amount of the undeposited taxes, but 122058
shall not exceed five thousand dollars. Any additional charge 122059
assessed under this section is in addition to any other penalty or 122060
charge imposed by this chapter, and shall be considered as revenue 122061
arising from the taxes imposed by this chapter. The tax 122062
commissioner may remit all or a portion of such a charge and may 122063
adopt rules governing such remission. 122064

No additional charge shall be assessed under this division 122065
against an employer that has been notified of its obligation to 122066
remit taxes under this section and that remits its first two tax 122067
payments after such notification by some means other than 122068
electronic funds transfer. The additional charge may be assessed 122069
upon the remittance of any subsequent tax payment that the 122070
employer remits by some means other than electronic funds 122071
transfer. 122072

Sec. 5747.11. (A) The tax commissioner shall refund to 122073
employers, qualifying entities, electing pass-through entities, or 122074
taxpayers subject to a tax imposed under section 5733.41, 5747.02, 122075
5747.38, or 5747.41, or Chapter 5748. of the Revised Code amounts 122076
that were overpaid, paid illegally or erroneously, or paid on an 122077
illegal or erroneous assessment. 122078

(B)(1) Except as otherwise provided under divisions (D) and 122079
(E) of this section, applications for refund shall be filed with 122080
the tax commissioner, on the form prescribed by the commissioner, 122081
within four years from the date of the illegal, erroneous, or 122082
excessive payment, or within any additional period allowed by 122083
division ~~(B)(3)(b)~~(B)(4)(b) of section 5747.05, division (E) of 122084
section 5747.10, division (A) of section 5747.13, or division (C) 122085
of section 5747.45 of the Revised Code. 122086

On filing of the refund application, the commissioner shall 122087
determine the amount of refund due and, if that amount exceeds one 122088

dollar, certify such amount to the director of budget and 122089
management and treasurer of state for payment from the tax refund 122090
fund created by section 5703.052 of the Revised Code. Payment 122091
shall be made as provided in division (C) of section 126.35 of the 122092
Revised Code. 122093

(2) If an individual taxpayer is deceased, a refund may be 122094
issued in the name of the decedent and of the executor, 122095
administrator, or other person charged with the decedent's 122096
property, upon the request of that person. Such a request shall 122097
include any documentation, including a copy of the taxpayer's 122098
death certificate and any fiduciary or court documents, that the 122099
tax commissioner considers necessary to prove that the person 122100
making the request is qualified to receive the refund. If the 122101
request is for a refund that was previously issued in only the 122102
decedent's name, the person making the request must also provide 122103
the previously issued payment to the commissioner. 122104

(C)(1) Interest shall be allowed and paid at the rate per 122105
annum prescribed by section 5703.47 of the Revised Code on amounts 122106
refunded with respect to the tax imposed under section 5747.02 or 122107
Chapter 5748. of the Revised Code from the date of the overpayment 122108
until the date of the refund of the overpayment, except that if 122109
any overpayment is refunded within ninety days after the final 122110
filing date of the annual return or ninety days after the return 122111
is filed, whichever is later, no interest shall be allowed on such 122112
overpayment. If the overpayment results from the carryback of a 122113
net operating loss or net capital loss to a previous taxable year, 122114
the overpayment is deemed not to have been made prior to the 122115
filing date, including any extension thereof, for the taxable year 122116
in which the net operating loss or net capital loss arises. For 122117
purposes of the payment of interest on overpayments, no amount of 122118
tax, for any taxable year, shall be treated as having been paid 122119
before the date on which the tax return for that year was due 122120

without regard to any extension of time for filing such return. 122121

(2) Interest shall be allowed at the rate per annum 122122
prescribed by section 5703.47 of the Revised Code on amounts 122123
refunded with respect to the taxes imposed under sections 5733.41 122124
and 5747.41 or under section 5747.38 of the Revised Code. The 122125
interest shall run from whichever of the following days is the 122126
latest until the day the refund is paid: the day the illegal, 122127
erroneous, or excessive payment was made; the ninetieth day after 122128
the final day the annual report was required to be filed under 122129
section 5747.42 of the Revised Code; or the ninetieth day after 122130
the day that report was filed. 122131

(D) "Ninety days" shall be substituted for "four years" in 122132
division (B) of this section if the taxpayer satisfies both of the 122133
following conditions: 122134

(1) The taxpayer has applied for a refund based in whole or 122135
in part upon section 5747.059 of the Revised Code; 122136

(2) The taxpayer asserts that either the imposition or 122137
collection of the tax imposed or charged by this chapter or any 122138
portion of such tax violates the Constitution of the United States 122139
or the Constitution of Ohio. 122140

(E)(1) Division (E)(2) of this section applies only if all of 122141
the following conditions are satisfied: 122142

(a) A qualifying entity pays an amount of the tax imposed by 122143
section 5733.41 or 5747.41 of the Revised Code; 122144

(b) The taxpayer is a qualifying investor as to that 122145
qualifying entity; 122146

(c) The taxpayer did not claim the credit provided for in 122147
section 5747.059 of the Revised Code as to the tax described in 122148
division (E)(1)(a) of this section; 122149

(d) The four-year period described in division (B) of this 122150

section has ended as to the taxable year for which the taxpayer 122151
otherwise would have claimed that credit. 122152

(2) A taxpayer shall file an application for refund pursuant 122153
to division (E) of this section within one year after the date the 122154
payment described in division (E)(1)(a) of this section is made. 122155
An application filed under division (E)(2) of this section shall 122156
claim refund only of overpayments resulting from the taxpayer's 122157
failure to claim the credit described in division (E)(1)(c) of 122158
this section. Nothing in division (E) of this section shall be 122159
construed to relieve a taxpayer from complying with division 122160
(A)(15) of section 5747.01 of the Revised Code. 122161

Sec. 5747.13. (A) If any employer collects the tax imposed by 122162
section 5747.02 or under Chapter 5748. of the Revised Code and 122163
fails to remit the tax as required by law, or fails to collect the 122164
tax, the employer is personally liable for any amount collected 122165
that the employer fails to remit, or any amount that the employer 122166
fails to collect. If any taxpayer fails to file a return or fails 122167
to pay the tax imposed by section 5747.02 or under Chapter 5748. 122168
of the Revised Code, the taxpayer is personally liable for the 122169
amount of the tax. 122170

If any employer, taxpayer, qualifying entity, or electing 122171
pass-through entity required to file a return under this chapter 122172
fails to file the return within the time prescribed, files an 122173
incorrect return, fails to remit the full amount of the taxes due 122174
for the period covered by the return, or fails to remit any 122175
additional tax due as a result of a reduction in the amount of the 122176
credit allowed under division (B) of section 5747.05 of the 122177
Revised Code together with interest on the additional tax within 122178
the time prescribed by that division, the tax commissioner may 122179
make an assessment against any person liable for any deficiency 122180
for the period for which the return is or taxes are due, based 122181

upon any information in the commissioner's possession. 122182

An assessment issued against either the employer or the 122183
taxpayer pursuant to this section shall not be considered an 122184
election of remedies or a bar to an assessment against the other 122185
for failure to report or pay the same tax. No assessment shall be 122186
issued against any person if the tax actually has been paid by 122187
another. 122188

No assessment shall be made or issued against an employer, a 122189
taxpayer, a qualifying entity, or an electing pass-through entity 122190
more than four years after the final date the return subject to 122191
assessment was required to be filed or the date the return was 122192
filed, whichever is later. However, the commissioner may assess 122193
any balance due as the result of a reduction in the credit allowed 122194
under division (B) of section 5747.05 of the Revised Code, 122195
including applicable penalty and interest, within four years of 122196
the date on which the taxpayer reports a change in either the 122197
portion of the taxpayer's adjusted gross income subjected to an 122198
income tax or tax measured by income in another state or the 122199
District of Columbia, or the amount of liability for an income tax 122200
or tax measured by income to another state or the District of 122201
Columbia, as required by division ~~(B)(3)~~(B)(4) of section 5747.05 122202
of the Revised Code. Such time limits may be extended if both the 122203
employer, taxpayer, qualifying entity, or electing pass-through 122204
entity and the commissioner consent in writing to the extension or 122205
if an agreement waiving or extending the time limits has been 122206
entered into pursuant to section 122.171 of the Revised Code. Any 122207
such extension shall extend the four-year time limit in division 122208
(B) of section 5747.11 of the Revised Code for the same period of 122209
time. There shall be no bar or limit to an assessment against an 122210
employer for taxes withheld from employees and not remitted to the 122211
state, against an employer, a taxpayer, a qualifying entity, or an 122212
electing pass-through entity that fails to file a return subject 122213

to assessment as required by this chapter, or against an employer, 122214
a taxpayer, a qualifying entity, or an electing pass-through 122215
entity that files a fraudulent return. 122216

The commissioner shall give the party assessed written notice 122217
of the assessment in the manner provided in section 5703.37 of the 122218
Revised Code. With the notice, the commissioner shall provide 122219
instructions on how to petition for reassessment and request a 122220
hearing on the petition. 122221

(B) Unless the party assessed files with the tax commissioner 122222
within sixty days after service of the notice of assessment, 122223
either personally or by certified mail, a written petition for 122224
reassessment, signed by the party assessed or that party's 122225
authorized agent having knowledge of the facts, the assessment 122226
becomes final, and the amount of the assessment is due and payable 122227
from the party assessed to the commissioner with remittance made 122228
payable to the treasurer of state. The petition shall indicate the 122229
objections of the party assessed, but additional objections may be 122230
raised in writing if received by the commissioner prior to the 122231
date shown on the final determination. If the petition has been 122232
properly filed, the commissioner shall proceed under section 122233
5703.60 of the Revised Code. 122234

(C) After an assessment becomes final, if any portion of the 122235
assessment remains unpaid, including accrued interest, a certified 122236
copy of the tax commissioner's entry making the assessment final 122237
may be filed in the office of the clerk of the court of common 122238
pleas in the county in which the employer's, taxpayer's, 122239
qualifying entity's, or electing pass-through entity's place of 122240
business is located or the county in which the party assessed 122241
resides. If the party assessed is not a resident of this state, 122242
the certified copy of the entry may be filed in the office of the 122243
clerk of the court of common pleas of Franklin county. 122244

Immediately upon the filing of the entry, the clerk shall 122245

enter a judgment against the party assessed in the amount shown on 122246
the entry. The judgment shall be filed by the clerk in one of two 122247
loose-leaf books, one entitled "special judgments for state and 122248
school district income taxes," and the other entitled "special 122249
judgments for qualifying entity and electing pass-through entity 122250
taxes." The judgment shall have the same effect as other 122251
judgments. Execution shall issue upon the judgment upon the 122252
request of the tax commissioner, and all laws applicable to sales 122253
on execution shall apply to sales made under the judgment. 122254

If the assessment is not paid in its entirety within sixty 122255
days after the assessment was issued, the portion of the 122256
assessment consisting of tax due shall bear interest at the rate 122257
per annum prescribed by section 5703.47 of the Revised Code from 122258
the day the tax commissioner issues the assessment until it is 122259
paid or until it is certified to the attorney general for 122260
collection under section 131.02 of the Revised Code, whichever 122261
comes first. If the unpaid portion of the assessment is certified 122262
to the attorney general for collection, the entire unpaid portion 122263
of the assessment shall bear interest at the rate per annum 122264
prescribed by section 5703.47 of the Revised Code from the date of 122265
certification until the date it is paid in its entirety. Interest 122266
shall be paid in the same manner as the tax and may be collected 122267
by the issuance of an assessment under this section. 122268

(D) All money collected under this section shall be 122269
considered as revenue arising from the taxes imposed by this 122270
chapter or Chapter 5733. or 5748. of the Revised Code, as 122271
appropriate. 122272

(E) If the party assessed files a petition for reassessment 122273
under division (B) of this section, the person, on or before the 122274
last day the petition may be filed, shall pay the assessed amount, 122275
including assessed interest and assessed penalties, if any of the 122276
following conditions exists: 122277

(1) The person files a tax return reporting Ohio adjusted gross income, less the exemptions allowed by section 5747.025 of the Revised Code, in an amount less than one cent, and the reported amount is not based on the computations required under division (A) of section 5747.01 or section 5747.025 of the Revised Code. 122278
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(2) The person files a tax return that the tax commissioner determines to be incomplete, false, fraudulent, or frivolous. 122284
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(3) The person fails to file a tax return, and the basis for this failure is not either of the following: 122286
122287

(a) An assertion that the person has no nexus with this state; 122288
122289

(b) The computations required under division (A) of section 5747.01 of the Revised Code or the application of credits allowed under this chapter has the result that the person's tax liability is less than one dollar and one cent. 122290
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(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition. 122294
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If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 122299
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5747.12 of the Revised Code. 122309

Sec. 5747.501. (A) On or before the twenty-fifth day of July 122310
of each year, the tax commissioner shall estimate and certify to 122311
each county auditor the amount to be distributed from the local 122312
government fund to each undivided local government fund during the 122313
following calendar year under section 5747.50 of the Revised Code. 122314
The estimate shall equal the sum of the separate amounts computed 122315
under divisions (B)(1) and (2) of this section. 122316

(B)(1) The product obtained by multiplying the percentage 122317
described in division (B)(1)(a) of this section by the amount 122318
described in division (B)(1)(b) of this section. 122319

(a) Each county's proportionate share of the total amount 122320
distributed to the counties from the local government fund and the 122321
local government revenue assistance fund during calendar year 122322
2007. ~~In fiscal year 2014 and thereafter, the~~ The amount 122323
distributed to any county undivided local government fund shall be 122324
an amount not less than ~~seven~~ eight hundred fifty thousand dollars 122325
~~or the amount distributed to such fund in fiscal year 2013,~~ 122326
~~whichever amount is smaller.~~ To the extent necessary to implement 122327
this minimum distribution requirement, the proportionate shares 122328
computed under this division shall be adjusted accordingly. 122329

(b) The total amount distributed to counties from the local 122330
government fund and the local government revenue assistance fund 122331
during calendar year 2007 adjusted downward if, and to the extent 122332
that, total local government fund distributions to counties for 122333
the following year are projected to be less than what was 122334
distributed to counties from the local government fund and local 122335
government revenue assistance fund during calendar year 2007. 122336

(2) The product obtained by multiplying the percentage 122337
described in division (B)(2)(a) of this section by the amount 122338
described in division (B)(2)(b) of this section. 122339

(a) Each county's proportionate share of the state's population as reflected in the most recent federal decennial census or the federal government's most recent census estimates, whichever represents the most recent year.

(b) The amount by which total estimated distributions from the local government fund during the immediately succeeding calendar year, less the total estimated amount to be distributed from the fund to municipal corporations under division (C) of section 5747.50 of the Revised Code during the immediately succeeding calendar year, exceed the total amount distributed to counties from the local government fund and local government revenue assistance fund during calendar year 2007.

Sec. 5747.53. (A) As used in this section:

(1) "City, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population residing in the county; however, if the county budget commission on or before January 1, 1998, adopted an alternative method of apportionment that was approved by the legislative authority of the city, located partially in the county, with the greatest population but not the greatest population residing in the county, "city, located wholly or partially in the county, with the greatest population" means the city, located wholly or partially in the county, with the greatest population whether residing in the county or not, if this alternative meaning is adopted by action of the board of county commissioners and a majority of the boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county.

(2) "Participating political subdivision" means a municipal corporation or township that satisfies all of the following:

(a) It is located wholly or partially in the county.

(b) It is not the city, located wholly or partially in the county, with the greatest population.

(c) Undivided local government fund moneys are apportioned to it under the county's alternative method or formula of apportionment in the current calendar year.

(B) In lieu of the method of apportionment of the undivided local government fund of the county provided by section 5747.51 of the Revised Code, the county budget commission may provide for the apportionment of the fund under an alternative method or on a formula basis as authorized by this section. The commissioner shall reduce or increase the amount of funds from the undivided local government fund to a subdivision required to receive reduced or increased funds under section 5747.502 of the Revised Code.

Except as otherwise provided in division (C) of this section, the alternative method of apportionment shall have first been approved by all of the following governmental units: the board of county commissioners; the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially in the county, excluding the legislative authority of the city, located wholly or partially in the county, with the greatest population. In granting or denying approval for an alternative method of apportionment, the board of county commissioners, boards of township trustees, and legislative authorities of municipal corporations shall act by motion. A motion to approve shall be passed upon a majority vote of the members of a board of county commissioners, board of township trustees, or legislative authority of a municipal corporation, shall take effect immediately, and need not be published.

Any alternative method of apportionment adopted and approved under this division shall be reviewed by the county budget

commission at a public hearing held at least once in the year 122403
following the effective date of this amendment and in every fifth 122404
year thereafter. The county budget commission shall provide 122405
reasonable advance notice of the hearing to all political 122406
subdivisions eligible to participate in the fund and shall take 122407
public testimony from any such political subdivision that wishes 122408
to testify. 122409

Any alternative method of apportionment adopted and approved 122410
under this division may be revised, amended, or repealed in the 122411
same manner as it may be adopted and approved. If an alternative 122412
method of apportionment adopted and approved under this division 122413
is repealed, the undivided local government fund of the county 122414
shall be apportioned among the subdivisions eligible to 122415
participate in the fund, commencing in the ensuing calendar year, 122416
under the apportionment provided in section 5747.52 of the Revised 122417
Code, unless the repeal occurs by operation of division (C) of 122418
this section or a new method for apportionment of the fund is 122419
provided in the action of repeal. 122420

(C) This division applies only in counties in which the city, 122421
located wholly or partially in the county, with the greatest 122422
population has a population of twenty thousand or less and a 122423
population that is less than fifteen per cent of the total 122424
population of the county. In such a county, the legislative 122425
authorities or boards of township trustees of two or more 122426
participating political subdivisions, which together have a 122427
population residing in the county that is a majority of the total 122428
population of the county, each may adopt a resolution to exclude 122429
the approval otherwise required of the legislative authority of 122430
the city, located wholly or partially in the county, with the 122431
greatest population. All of the resolutions to exclude that 122432
approval shall be adopted not later than the first Monday of 122433
August of the year preceding the calendar year in which 122434

distributions are to be made under an alternative method of 122435
apportionment. 122436

A motion granting or denying approval of an alternative 122437
method of apportionment under this division shall be adopted by a 122438
majority vote of the members of the board of county commissioners 122439
and by a majority vote of a majority of the boards of township 122440
trustees and legislative authorities of the municipal corporations 122441
located wholly or partially in the county, other than the city, 122442
located wholly or partially in the county, with the greatest 122443
population, shall take effect immediately, and need not be 122444
published. The alternative method of apportionment under this 122445
division shall be adopted and approved annually, not later than 122446
the first Monday of August of the year preceding the calendar year 122447
in which distributions are to be made under it. A motion granting 122448
approval of an alternative method of apportionment under this 122449
division repeals any existing alternative method of apportionment, 122450
effective with distributions to be made from the fund in the 122451
ensuing calendar year. An alternative method of apportionment 122452
under this division shall not be revised or amended after the 122453
first Monday of August of the year preceding the calendar year in 122454
which distributions are to be made under it. 122455

(D) In determining an alternative method of apportionment 122456
authorized by this section, the county budget commission may 122457
include in the method any factor considered to be appropriate and 122458
reliable, in the sole discretion of the county budget commission. 122459

(E) The limitations set forth in section 5747.51 of the 122460
Revised Code, stating the maximum amount that the county may 122461
receive from the undivided local government fund and the minimum 122462
amount the townships in counties having a population of less than 122463
one hundred thousand may receive from the fund, are applicable to 122464
any alternative method of apportionment authorized under this 122465
section. 122466

(F) On the basis of any alternative method of apportionment 122467
adopted and approved as authorized by this section, as certified 122468
by the auditor to the county treasurer, the county treasurer shall 122469
make distribution of the money in the undivided local government 122470
fund to each subdivision eligible to participate in the fund, and 122471
the auditor, when the amount of those shares is in the custody of 122472
the treasurer in the amounts so computed to be due the respective 122473
subdivisions, shall at the same time certify to the tax 122474
commissioner the percentage share of the county as a subdivision. 122475
All money received into the treasury of a subdivision from the 122476
undivided local government fund in a county treasury shall be paid 122477
into the general fund and used for the current operating expenses 122478
of the subdivision. If a municipal corporation maintains a 122479
municipal university, the university, when the board of trustees 122480
so requests the legislative authority of the municipal 122481
corporation, shall participate in the money apportioned to the 122482
municipal corporation from the total local government fund, 122483
however created and constituted, in the amount requested by the 122484
board of trustees, provided that amount does not exceed nine per 122485
cent of the total amount paid to the municipal corporation. 122486

(G) The actions of the county budget commission taken 122487
pursuant to this section are final and may not be appealed to the 122488
board of tax appeals, except on the issues of abuse of discretion 122489
and failure to comply with the formula. 122490

Sec. 5747.67. (A) Any term used in this section has the same 122491
meaning as in section 122.852 of the Revised Code. 122492

(B) There is allowed a credit against a taxpayer's aggregate 122493
tax liability under section 5747.02 of the Revised Code for any 122494
individual who, on the last day of the individual's taxable year, 122495
is the certificate owner of a tax credit certificate issued under 122496
section 122.852 of the Revised Code. The credit shall be claimed 122497

for the taxpayer's taxable year that includes the date the 122498
certificate was issued by the director of development. The credit 122499
amount equals the amount stated in the certificate or the portion 122500
of that amount owned by the certificate owner. The credit shall be 122501
claimed in the order required under section 5747.98 of the Revised 122502
Code. If the credit amount exceeds the aggregate amount of tax 122503
otherwise due under section 5747.02 of the Revised Code after 122504
deducting all other credits in that order, the excess shall be 122505
refunded. 122506

(C) Nothing in this section limits or disallows pass-through 122507
treatment of the credit. 122508

Sec. 5747.73. (A) As used in this section, "scholarship 122509
granting organization" means an entity that is certified as such 122510
by the attorney general under division (C) of this section. 122511

(B) There is hereby allowed a nonrefundable credit against a 122512
taxpayer's aggregate tax liability under section 5747.02 of the 122513
Revised Code for a taxpayer that donates cash to scholarship 122514
granting organizations during the taxable year or before the date 122515
described in section 6072 of the Internal Revenue Code applicable 122516
to the taxpayer and occurring in the taxpayer's ensuing taxable 122517
year, but a credit may not be claimed for two taxable years on the 122518
basis of the same contribution. The credit shall equal the amount 122519
of cash donations made by the taxpayer and, if filing a joint 122520
return, the taxpayer's spouse, except that the credit shall not 122521
exceed, for any taxable year, one thousand five hundred dollars 122522
for spouses filing a joint return or seven hundred fifty dollars 122523
for all other taxpayers. If a taxpayer files a joint return, the 122524
credit amount attributable to donations made by each spouse shall 122525
not exceed seven hundred fifty dollars. The credit shall be 122526
claimed in the order required under section 5747.98 of the Revised 122527
Code. 122528

If the taxpayer is a direct or indirect investor in a pass-through entity that donates cash to scholarship granting organizations during the taxable year, the taxpayer may claim its proportionate or distributive share of the credit allowed under this section, except that the share that may be claimed by all such investors may not exceed seven hundred fifty dollars for any taxable year.

The credit authorized by this section is not allowed unless the taxpayer claiming the credit provides to the tax commissioner, in the form and manner required by the commissioner, a copy of a receipt or other document issued by the scholarship granting organization acknowledging the taxpayer's contribution to the organization and the amount of the contribution. The commissioner may require a taxpayer to furnish any other information necessary to support a claim for the credit. No credit shall be allowed unless a copy of such document or other required information is provided.

(C) An entity may apply to the attorney general, on forms and in the manner prescribed by the attorney general, to be certified so that contributions to the entity qualify for the tax credit authorized under this section. The attorney general shall certify an entity as a scholarship granting organization if the entity submits information and documentation, to the attorney general's satisfaction, establishing that the entity satisfies the following:

(1) It is a religious or nonreligious nonprofit organization exempt from federal taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) of the Internal Revenue Code.

(2) It primarily awards academic scholarships for primary and secondary school students.

(3) It prioritizes awarding its scholarships to low-income primary and secondary school students. 122560
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The attorney general shall notify the applicant of the attorney general's determination within thirty days after the attorney general receives the application. The attorney general shall maintain a list of all scholarship granting organizations. As soon as is practicable after compiling or updating this list, the attorney general shall furnish the list to the tax commissioner, who shall post the list or updated list to the department of taxation's web site. 122562
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The attorney general shall adopt rules necessary to determine eligibility for and administer the credit authorized under this section. 122570
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Sec. 5747.75. A nonrefundable credit is allowed against a taxpayer's aggregate liability under section 5747.02 of the Revised Code for taxpayers with one or more dependents who attend a nonchartered nonpublic school. ~~To qualify for the credit, the total federal adjusted gross income of the taxpayer and, if filing a joint return, the taxpayer's spouse for the taxable year must be less than one hundred thousand dollars.~~ The amount of the credit shall equal the lesser of the total tuition paid by the taxpayer and, if filing a joint return, the taxpayer's spouse during the taxable year for all of the taxpayer's dependents to attend such a school or the following amount, as applicable: 122573
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(A) If the taxpayer's or, if filing a joint return, the taxpayer's and the taxpayer's spouses' total federal adjusted gross income is less than fifty thousand dollars for the taxable year, ~~five hundred~~ one thousand dollars; 122584
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(B) If the taxpayer's or, if filing a joint return, the taxpayer's and the taxpayer's spouses' total federal adjusted gross income equals or exceeds fifty thousand dollars ~~but is less~~ 122588
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~~than one hundred thousand dollars for the taxable year, one~~ 122591
~~thousand five hundred dollars.~~ 122592

The credit shall be claimed in the order prescribed by 122593
section 5747.98 of the Revised Code. 122594

Sec. 5747.83. (A) Terms used in this section have the same 122595
meanings as in section 175.16 of the Revised Code. 122596

(B) There is hereby allowed a nonrefundable credit against a 122597
taxpayer's aggregate tax liability under section 5747.02 of the 122598
Revised Code for a taxpayer that is allocated a credit issued by 122599
the director of the governor's office of housing transformation 122600
under section 175.16 of the Revised Code. The credit equals the 122601
amount allocated to such taxpayer for the taxable year that begins 122602
in the calendar year for which the designated reporter files the 122603
form prescribed by division (I) of section 175.16 of the Revised 122604
Code. 122605

The credit shall be claimed in the order required under 122606
section 5747.98 of the Revised Code. If the credit exceeds the 122607
taxpayer's aggregate tax due under section 5747.02 of the Revised 122608
Code for that taxable year after allowing for credits that precede 122609
the credit under this section in that order, such excess shall be 122610
allowed as a credit in each of the ensuing five taxable years, but 122611
the amount of any excess credit allowed in any such taxable year 122612
shall be deducted from the balance carried forward to the ensuing 122613
taxable year. 122614

No credit shall be claimed under this section to the extent 122615
the credit was claimed under section 5725.36, 5726.58, or 5729.19 122616
of the Revised Code. 122617

Sec. 5747.84. (A) Terms used in this section have the same 122618
meanings as in section 175.17 of the Revised Code. 122619

(B) There is allowed a nonrefundable credit against a 122620

taxpayer's aggregate tax liability under section 5747.02 of the 122621
Revised Code for a taxpayer that is allocated a credit issued by 122622
the director of the governor's office of housing transformation 122623
under section 175.17 of the Revised Code. The credit equals the 122624
amount allocated to such taxpayer for the taxable year that begins 122625
in the calendar year for which the designated reporter files the 122626
form prescribed by division (H) of section 175.17 of the Revised 122627
Code that allocates the credit to the taxpayer. 122628

The credit shall be claimed in the order required under 122629
section 5747.98 of the Revised Code. If the credit exceeds the 122630
taxpayer's aggregate tax due under section 5747.02 of the Revised 122631
Code for that taxable year after allowing for credits that precede 122632
the credit under this section in that order, such excess shall be 122633
allowed as a credit in each of the ensuing five taxable years, but 122634
the amount of any excess credit allowed in any such taxable year 122635
shall be deducted from the balance carried forward to the ensuing 122636
taxable year. 122637

No credit shall be claimed under this section to the extent 122638
the credit was claimed under section 5725.37, 5726.60, or 5729.20 122639
of the Revised Code. 122640

Sec. 5747.85. (A) As used in this section: 122641

(1) "Homeownership savings account" has the same meaning as 122642
in section 135.70 of the Revised Code. 122643

(2) "Account owner" means "eligible participant" as defined 122644
by section 135.70 of the Revised Code. 122645

(3) "Contributor" means the account owner or a parent, 122646
spouse, sibling, stepparent, or grandparent of the account owner 122647
who deposits funds into the homeownership savings account. 122648

(4) "Lifetime contribution limit" means twenty-five thousand 122649
dollars of contributions per contributor per homeownership savings 122650

account. 122651

(5) "Eligible expenses" means unreimbursed expenses paid by the account owner for home purchase costs for the account owner's primary residence and account fees imposed on the account owner. 122652
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(6) "Primary residence" means a home located in this state that is or will be the account owner's principal place of residence at the time the eligible expenses are incurred and for which the account owner receives or will receive a reduction in real property taxes under division (B) of section 323.152 of the Revised Code. 122655
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(7) "Home purchase costs" means "closing costs" as defined in section 135.70 of the Revised Code. 122661
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(8) "Employer contribution" means the amount an employer contributes to a homeownership savings account. 122663
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(B) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed to a contributor for amounts contributed to a homeownership savings account to the extent that the amounts contributed have not already been deducted in computing the contributor's federal or Ohio adjusted gross income for the taxable year. The deduction shall equal the amount of contributions made by the taxpayer and, if filing a joint return, the taxpayer's spouse, except that the deduction shall not exceed, for any taxable year, ten thousand dollars for spouses filing a joint return or five thousand dollars for all other taxpayers for each homeownership savings account to which contributions are made. If a taxpayer files a joint return, the deduction amount attributable to contributions made by each spouse shall not exceed five thousand dollars for each homeownership savings account to which contributions are made. A contributor is not entitled to a deduction under this section to the extent the deduction causes the contributor to exceed the lifetime 122665
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contribution limit. 122682

(C) In computing Ohio adjusted gross income, a deduction from federal adjusted gross income is allowed to an account owner for the following items: 122683
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(1) Interest earned on a homeownership savings account to the extent the interest has not been otherwise deducted or excluded in computing an account owner's federal or Ohio adjusted gross income. 122686
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(2) Employer contributions made by an employer to an account owner's homeownership savings account to the extent the employer contributions have not been otherwise deducted or excluded in computing an account owner's federal or Ohio adjusted gross income. 122690
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(D) The tax commissioner may request that a taxpayer claiming a deduction calculated under division (B) or (C) of this section furnish information necessary to support the claim for the deduction under this section, and no deduction shall be allowed unless the requested information is provided. 122695
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(E) The commissioner may adopt rules necessary to administer this section. 122700
122701

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order: 122702
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Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section; 122706
122707
122708

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section; 122709
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The dependent care credit under section 5747.054 of the Revised Code;	122712 122713
The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	122714 122715
The campaign contribution credit under section 5747.29 of the Revised Code;	122716 122717
The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	122718 122719
The joint filing credit under division (G) of section 5747.05 of the Revised Code;	122720 122721
The earned income credit under section 5747.71 of the Revised Code;	122722 122723
The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	122724 122725
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	122726 122727
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	122728 122729
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	122730 122731
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	122732 122733
The enterprise zone credit under section 5709.66 of the Revised Code;	122734 122735
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	122736 122737 122738
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	122739 122740

<u>The nonrefundable welcome home Ohio (WHO) program credit</u>	122741
<u>under section 122.633 of the Revised Code;</u>	122742
The credit for selling or renting agricultural assets to	122743
beginning farmers under division (A) of section 5747.77 of the	122744
Revised Code;	122745
The credit for purchases of qualifying grape production	122746
property under section 5747.28 of the Revised Code;	122747
The small business investment credit under section 5747.81 of	122748
the Revised Code;	122749
The nonrefundable lead abatement credit under section 5747.26	122750
of the Revised Code;	122751
The opportunity zone investment credit under section 122.84	122752
of the Revised Code;	122753
The enterprise zone credits under section 5709.65 of the	122754
Revised Code;	122755
The research and development credit under section 5747.331 of	122756
the Revised Code;	122757
The credit for rehabilitating a historic building under	122758
section 5747.76 of the Revised Code;	122759
<u>The nonrefundable Ohio low-income housing tax credit under</u>	122760
<u>section 5747.83 of the Revised Code;</u>	122761
<u>The nonrefundable affordable single-family home credit under</u>	122762
<u>section 5747.84 of the Revised Code;</u>	122763
The nonresident credit under division (A) of section 5747.05	122764
of the Revised Code;	122765
The credit for a resident's out-of-state income under	122766
division (B) of section 5747.05 of the Revised Code;	122767
The refundable motion picture and Broadway theatrical	122768
production credit under section 5747.66 of the Revised Code;	122769

<u>The refundable credit for film and theater capital</u>	122770
<u>improvement projects under section 5747.67 of the Revised Code;</u>	122771
The refundable jobs creation credit or job retention credit	122772
under division (A) of section 5747.058 of the Revised Code;	122773
The refundable credit for taxes paid by a qualifying entity	122774
granted under section 5747.059 of the Revised Code;	122775
The refundable credits for taxes paid by a qualifying	122776
pass-through entity granted under division (I) of section 5747.08	122777
of the Revised Code;	122778
The refundable credit under section 5747.80 of the Revised	122779
Code for losses on loans made to the Ohio venture capital program	122780
under sections 150.01 to 150.10 of the Revised Code;	122781
The refundable credit for rehabilitating a historic building	122782
under section 5747.76 of the Revised Code;	122783
The refundable credit under section 5747.39 of the Revised	122784
Code for taxes levied under section 5747.38 of the Revised Code	122785
paid by an electing pass-through entity.	122786
(B) For any credit, except the refundable credits enumerated	122787
in this section and the credit granted under division (H) of	122788
section 5747.08 of the Revised Code, the amount of the credit for	122789
a taxable year shall not exceed the taxpayer's aggregate amount of	122790
tax due under section 5747.02 of the Revised Code, after allowing	122791
for any other credit that precedes it in the order required under	122792
this section. Any excess amount of a particular credit may be	122793
carried forward if authorized under the section creating that	122794
credit. Nothing in this chapter shall be construed to allow a	122795
taxpayer to claim, directly or indirectly, a credit more than once	122796
for a taxable year.	122797
Sec. 5749.06. (A)(1) Each severer liable for the tax imposed	122798
by section 5749.02 of the Revised Code and each severer or owner	122799

liable for the amounts due under section 1509.50 of the Revised Code, except for any amount due under division (B)(2) of that section, shall make and file returns with the tax commissioner in the prescribed form and at the prescribed times, computing and reflecting therein the tax as required by this chapter and amounts due under section 1509.50 of the Revised Code.

(2) The returns shall be filed for every calendar quarter, as required by this section, unless a different return period is prescribed for a taxpayer by the commissioner.

(B)(1) A separate return shall be filed for each calendar quarter, or other period, or any part thereof, during which the severer holds a permit or has registered as provided by section 5749.04 of the Revised Code, or is required to hold the permit or registration, or during which an owner is required to file a return. The return shall be filed on or before the fifteenth day of the second month following the end of each return period. The tax due is payable along with the return. All such returns shall contain such information as the commissioner may require to fairly administer the tax.

(2) All returns shall be signed by the severer or owner, as applicable, shall contain the full and complete information requested, and shall be made under penalty of perjury.

(C) If the commissioner believes that quarterly payments of tax would result in a delay that might jeopardize the collection of such tax payments, the commissioner may order that such payments be made weekly, or more frequently if necessary, such payments to be made not later than seven days following the close of the period for which the jeopardy payment is required. Such an order shall be delivered to the taxpayer ~~personally or by certified mail~~ in the manner provided in section 5703.37 of the Revised Code and shall remain in effect until the commissioner notifies the taxpayer to the contrary.

(D) Upon good cause the commissioner may extend for thirty 122832
days the period for filing any notice or return required to be 122833
filed under this section, and may remit all or a part of penalties 122834
that may become due under this chapter. 122835

(E) Any tax and any amount due under section 1509.50 of the 122836
Revised Code not paid by the day the tax or amount is due shall 122837
bear interest computed at the rate per annum prescribed by section 122838
5703.47 of the Revised Code on that amount due from the day that 122839
the amount was originally required to be paid to the day of actual 122840
payment or to the day an assessment was issued under section 122841
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 122842

(F) A severer or owner, as applicable, that fails to file a 122843
complete return or pay the full amount due under this chapter 122844
within the time prescribed, including any extensions of time 122845
granted by the commissioner, shall be subject to a penalty not to 122846
exceed the greater of fifty dollars or ten per cent of the amount 122847
due for the period. 122848

(G)(1) A severer or owner, as applicable, shall remit 122849
payments electronically and, if required by the commissioner, file 122850
each return electronically. The commissioner may require that the 122851
severer or owner use the Ohio business gateway, as defined in 122852
section 718.01 of the Revised Code, or another electronic means to 122853
file returns and remit payments electronically. 122854

(2) A severer or owner that is required to remit payments 122855
electronically under this section may apply to the commissioner, 122856
in the manner prescribed by the commissioner, to be excused from 122857
that requirement. The commissioner may excuse a severer or owner 122858
from the requirements of division (G) of this section for good 122859
cause. 122860

(3) If a severer or owner that is required to remit payments 122861
or file returns electronically under this section fails to do so, 122862

the commissioner may impose a penalty on the severer or owner not 122863
to exceed the following: 122864

(a) For the first or second payment or return the severer or 122865
owner fails to remit or file electronically, the greater of five 122866
per cent of the amount of the payment that was required to be 122867
remitted or twenty-five dollars; 122868

(b) For every payment or return after the second that the 122869
severer or owner fails to remit or file electronically, the 122870
greater of ten per cent of the amount of the payment that was 122871
required to be remitted or fifty dollars. 122872

(H)(1) All amounts that the commissioner receives under this 122873
section shall be deemed to be revenue from taxes imposed under 122874
this chapter or from the amount due under section 1509.50 of the 122875
Revised Code, as applicable, and shall be deposited in the 122876
severance tax receipts fund, which is hereby created in the state 122877
treasury. 122878

(2) The director of budget and management shall transfer from 122879
the severance tax receipts fund, as necessary, to the tax refund 122880
fund amounts equal to the refunds certified by the commissioner 122881
under section 5749.08 of the Revised Code. Any amount transferred 122882
under division (H)(2) of this section shall be derived from 122883
receipts of the same tax or other amount from which the refund 122884
arose. 122885

(3) After the director of budget and management makes any 122886
transfer required by division (H)(2) of this section, but not 122887
later than the twenty-fifth day of each month, the commissioner 122888
shall certify to the director the total amount remaining in the 122889
severance tax receipts fund organized according to the amount 122890
attributable to each natural resource and according to the amount 122891
attributable to a tax imposed by this chapter and the amounts due 122892
under section 1509.50 of the Revised Code, and shall provide for 122893

payment to the funds specified in division (B) of section 5749.02 122894
of the Revised Code. 122895

(I) Penalties imposed under this section are in addition to 122896
any other penalty imposed under this chapter and shall be 122897
considered as revenue arising from the tax levied under this 122898
chapter or the amount due under section 1509.50 of the Revised 122899
Code, as applicable. The commissioner may collect any penalty or 122900
interest imposed under this section in the same manner as provided 122901
for the making of an assessment in section 5749.07 of the Revised 122902
Code. The commissioner may abate all or a portion of such interest 122903
or penalties and may adopt rules governing such abatements. 122904

Sec. 5749.17. Any information provided to the department of 122905
natural resources by the department of taxation in accordance with 122906
~~division (C)(12)~~ of section 5703.21 of the Revised Code shall not 122907
be disclosed publicly by the department of natural resources. 122908
However the department of natural resources may provide such 122909
information to the attorney general for purposes of enforcement of 122910
Chapter 1509. of the Revised Code. 122911

Sec. 5751.01. As used in this chapter: 122912

(A) "Person" means, but is not limited to, individuals, 122913
combinations of individuals of any form, receivers, assignees, 122914
trustees in bankruptcy, firms, companies, joint-stock companies, 122915
business trusts, estates, partnerships, limited liability 122916
partnerships, limited liability companies, associations, joint 122917
ventures, clubs, societies, for-profit corporations, S 122918
corporations, qualified subchapter S subsidiaries, qualified 122919
subchapter S trusts, trusts, entities that are disregarded for 122920
federal income tax purposes, and any other entities. 122921

(B) "Consolidated elected taxpayer" means a group of two or 122922
more persons treated as a single taxpayer for purposes of this 122923

chapter as the result of an election made under section 5751.011 122924
of the Revised Code. 122925

(C) "Combined taxpayer" means a group of two or more persons 122926
treated as a single taxpayer for purposes of this chapter under 122927
section 5751.012 of the Revised Code. 122928

(D) "Taxpayer" means any person, or any group of persons in 122929
the case of a consolidated elected taxpayer or combined taxpayer 122930
treated as one taxpayer, required to register or pay tax under 122931
this chapter. "Taxpayer" does not include excluded persons. 122932

(E) "Excluded person" means any of the following: 122933

(1) Any person ~~with not more than one hundred fifty thousand~~ 122934
~~dollars of whose~~ taxable gross receipts during the calendar year 122935
~~do not exceed the exclusion amount.~~ Division (E)(1) of this 122936
section does not apply to a person that is a member of a 122937
consolidated elected taxpayer. 122938

(2) A public utility that paid the excise tax imposed by 122939
section 5727.24 or 5727.30 of the Revised Code based on one or 122940
more measurement periods that include the entire tax period under 122941
this chapter, except ~~that a~~ in the following circumstances: 122942

(a) A public utility that is a combined company is a taxpayer 122943
with regard to the following gross receipts: 122944

~~(a)~~(i) Taxable gross receipts directly attributed to a public 122945
utility activity, but not directly attributed to an activity that 122946
is subject to the excise tax imposed by section 5727.24 or 5727.30 122947
of the Revised Code; 122948

~~(b)~~(ii) Taxable gross receipts that cannot be directly 122949
attributed to any activity, multiplied by a fraction whose 122950
numerator is the taxable gross receipts described in division 122951
~~(E)(2)(a)~~(E)(2)(a)(i) of this section and whose denominator is the 122952
total taxable gross receipts that can be directly attributed to 122953

any activity; 122954

~~(e)(iii)~~ Except for any differences resulting from the use of 122955
an accrual basis method of accounting for purposes of determining 122956
gross receipts under this chapter and the use of the cash basis 122957
method of accounting for purposes of determining gross receipts 122958
under section 5727.24 of the Revised Code, the gross receipts 122959
directly attributed to the activity of a natural gas company shall 122960
be determined in a manner consistent with division (D) of section 122961
5727.03 of the Revised Code. 122962

(b) A heating company that became exempt from the excise tax 122963
imposed by section 5727.30 of the Revised Code on May 1, 2023, 122964
shall not be an excluded person for tax periods beginning on or 122965
after July 1, 2023. 122966

As used in division (E)(2) of this section, "combined 122967
company" and "public utility" have the same meanings as in section 122968
5727.01 of the Revised Code. 122969

(3) A financial institution, as defined in section 5726.01 of 122970
the Revised Code, that paid the tax imposed by section 5726.02 of 122971
the Revised Code based on one or more taxable years that include 122972
the entire tax period under this chapter; 122973

(4) A person directly or indirectly owned by one or more 122974
financial institutions, as defined in section 5726.01 of the 122975
Revised Code, that paid the tax imposed by section 5726.02 of the 122976
Revised Code based on one or more taxable years that include the 122977
entire tax period under this chapter. 122978

For the purposes of division (E)(4) of this section, a person 122979
owns another person under the following circumstances: 122980

(a) In the case of corporations issuing capital stock, one 122981
corporation owns another corporation if it owns fifty per cent or 122982
more of the other corporation's capital stock with current voting 122983
rights; 122984

(b) In the case of a limited liability company, one person 122985
owns the company if that person's membership interest, as defined 122986
in section 1706.01 of the Revised Code, is fifty per cent or more 122987
of the combined membership interests of all persons owning such 122988
interests in the company; 122989

(c) In the case of a partnership, trust, or other 122990
unincorporated business organization other than a limited 122991
liability company, one person owns the organization if, under the 122992
articles of organization or other instrument governing the affairs 122993
of the organization, that person has a beneficial interest in the 122994
organization's profits, surpluses, losses, or distributions of 122995
fifty per cent or more of the combined beneficial interests of all 122996
persons having such an interest in the organization. 122997

(5) A domestic insurance company or foreign insurance 122998
company, as defined in section 5725.01 of the Revised Code, that 122999
paid the insurance company premiums tax imposed by section 5725.18 123000
or Chapter 5729. of the Revised Code, or an unauthorized insurance 123001
company whose gross premiums are subject to tax under section 123002
3905.36 of the Revised Code based on one or more measurement 123003
periods that include the entire tax period under this chapter; 123004

(6) A person that solely facilitates or services one or more 123005
securitizations of phase-in-recovery property pursuant to a final 123006
financing order as those terms are defined in section 4928.23 of 123007
the Revised Code. For purposes of this division, "securitization" 123008
means transferring one or more assets to one or more persons and 123009
then issuing securities backed by the right to receive payment 123010
from the asset or assets so transferred. 123011

(7) Except as otherwise provided in this division, a 123012
pre-income tax trust as defined in section 5747.01 of the Revised 123013
Code and any pass-through entity of which such pre-income tax 123014
trust owns or controls, directly, indirectly, or constructively 123015
through related interests, more than five per cent of the 123016

ownership or equity interests. If the pre-income tax trust has 123017
made a qualifying pre-income tax trust election under division 123018
(EE) of section 5747.01 of the Revised Code, then the trust and 123019
the pass-through entities of which it owns or controls, directly, 123020
indirectly, or constructively through related interests, more than 123021
five per cent of the ownership or equity interests, shall not be 123022
excluded persons for purposes of the tax imposed under section 123023
5751.02 of the Revised Code. 123024

(8) Nonprofit organizations or the state and its agencies, 123025
instrumentalities, or political subdivisions. 123026

(F) Except as otherwise provided in divisions (F)(2), (3), 123027
and (4) of this section, "gross receipts" means the total amount 123028
realized by a person, without deduction for the cost of goods sold 123029
or other expenses incurred, that contributes to the production of 123030
gross income of the person, including the fair market value of any 123031
property and any services received, and any debt transferred or 123032
forgiven as consideration. 123033

(1) The following are examples of gross receipts: 123034

(a) Amounts realized from the sale, exchange, or other 123035
disposition of the taxpayer's property to or with another; 123036

(b) Amounts realized from the taxpayer's performance of 123037
services for another; 123038

(c) Amounts realized from another's use or possession of the 123039
taxpayer's property or capital; 123040

(d) Any combination of the foregoing amounts. 123041

(2) "Gross receipts" excludes the following amounts: 123042

(a) Interest income except interest on credit sales; 123043

(b) Dividends and distributions from corporations, and 123044
distributive or proportionate shares of receipts and income from a 123045
pass-through entity as defined under section 5733.04 of the 123046

Revised Code; 123047

(c) Receipts from the sale, exchange, or other disposition of 123048
an asset described in section 1221 or 1231 of the Internal Revenue 123049
Code, without regard to the length of time the person held the 123050
asset. Notwithstanding section 1221 of the Internal Revenue Code, 123051
receipts from hedging transactions also are excluded to the extent 123052
the transactions are entered into primarily to protect a financial 123053
position, such as managing the risk of exposure to (i) foreign 123054
currency fluctuations that affect assets, liabilities, profits, 123055
losses, equity, or investments in foreign operations; (ii) 123056
interest rate fluctuations; or (iii) commodity price fluctuations. 123057
As used in division (F)(2)(c) of this section, "hedging 123058
transaction" has the same meaning as used in section 1221 of the 123059
Internal Revenue Code and also includes transactions accorded 123060
hedge accounting treatment under statement of financial accounting 123061
standards number 133 of the financial accounting standards board. 123062
For the purposes of division (F)(2)(c) of this section, the actual 123063
transfer of title of real or tangible personal property to another 123064
entity is not a hedging transaction. 123065

(d) Proceeds received attributable to the repayment, 123066
maturity, or redemption of the principal of a loan, bond, mutual 123067
fund, certificate of deposit, or marketable instrument; 123068

(e) The principal amount received under a repurchase 123069
agreement or on account of any transaction properly characterized 123070
as a loan to the person; 123071

(f) Contributions received by a trust, plan, or other 123072
arrangement, any of which is described in section 501(a) of the 123073
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 123074
1, Subchapter (D) of the Internal Revenue Code applies; 123075

(g) Compensation, whether current or deferred, and whether in 123076
cash or in kind, received or to be received by an employee, former 123077

employee, or the employee's legal successor for services rendered 123078
to or for an employer, including reimbursements received by or for 123079
an individual for medical or education expenses, health insurance 123080
premiums, or employee expenses, or on account of a dependent care 123081
spending account, legal services plan, any cafeteria plan 123082
described in section 125 of the Internal Revenue Code, or any 123083
similar employee reimbursement; 123084

(h) Proceeds received from the issuance of the taxpayer's own 123085
stock, options, warrants, puts, or calls, or from the sale of the 123086
taxpayer's treasury stock; 123087

(i) Proceeds received on the account of payments from 123088
insurance policies, except those proceeds received for the loss of 123089
business revenue; 123090

(j) Gifts or charitable contributions received; membership 123091
dues received by trade, professional, homeowners', or condominium 123092
associations; and payments received for educational courses, 123093
meetings, meals, or similar payments to a trade, professional, or 123094
other similar association; and fundraising receipts received by 123095
any person when any excess receipts are donated or used 123096
exclusively for charitable purposes; 123097

(k) Damages received as the result of litigation in excess of 123098
amounts that, if received without litigation, would be gross 123099
receipts; 123100

(l) Property, money, and other amounts received or acquired 123101
by an agent on behalf of another in excess of the agent's 123102
commission, fee, or other remuneration; 123103

(m) Tax refunds, other tax benefit recoveries, and 123104
reimbursements for the tax imposed under this chapter made by 123105
entities that are part of the same combined taxpayer or 123106
consolidated elected taxpayer group, and reimbursements made by 123107
entities that are not members of a combined taxpayer or 123108

consolidated elected taxpayer group that are required to be made 123109
for economic parity among multiple owners of an entity whose tax 123110
obligation under this chapter is required to be reported and paid 123111
entirely by one owner, pursuant to the requirements of sections 123112
5751.011 and 5751.012 of the Revised Code; 123113

(n) Pension reversions; 123114

(o) Contributions to capital; 123115

(p) Sales or use taxes collected as a vendor or an 123116
out-of-state seller on behalf of the taxing jurisdiction from a 123117
consumer or other taxes the taxpayer is required by law to collect 123118
directly from a purchaser and remit to a local, state, or federal 123119
tax authority; 123120

(q) In the case of receipts from the sale of cigarettes, 123121
tobacco products, or vapor products by a wholesale dealer, retail 123122
dealer, distributor, manufacturer, vapor distributor, or seller, 123123
all as defined in section 5743.01 of the Revised Code, an amount 123124
equal to the federal and state excise taxes paid by any person on 123125
or for such cigarettes, tobacco products, or vapor products under 123126
subtitle E of the Internal Revenue Code or Chapter 5743. of the 123127
Revised Code; 123128

(r) In the case of receipts from the sale, transfer, 123129
exchange, or other disposition of motor fuel as "motor fuel" is 123130
defined in section 5736.01 of the Revised Code, an amount equal to 123131
the value of the motor fuel, including federal and state motor 123132
fuel excise taxes and receipts from billing or invoicing the tax 123133
imposed under section 5736.02 of the Revised Code to another 123134
person; 123135

(s) In the case of receipts from the sale of beer or 123136
intoxicating liquor, as defined in section 4301.01 of the Revised 123137
Code, by a person holding a permit issued under Chapter 4301. or 123138
4303. of the Revised Code, an amount equal to federal and state 123139

excise taxes paid by any person on or for such beer or 123140
intoxicating liquor under subtitle E of the Internal Revenue Code 123141
or Chapter 4301. or 4305. of the Revised Code; 123142

(t) Receipts realized by a new motor vehicle dealer or used 123143
motor vehicle dealer, as defined in section 4517.01 of the Revised 123144
Code, from the sale or other transfer of a motor vehicle, as 123145
defined in that section, to another motor vehicle dealer for the 123146
purpose of resale by the transferee motor vehicle dealer, but only 123147
if the sale or other transfer was based upon the transferee's need 123148
to meet a specific customer's preference for a motor vehicle; 123149

(u) Receipts from a financial institution described in 123150
division (E)(3) of this section for services provided to the 123151
financial institution in connection with the issuance, processing, 123152
servicing, and management of loans or credit accounts, if such 123153
financial institution and the recipient of such receipts have at 123154
least fifty per cent of their ownership interests owned or 123155
controlled, directly or constructively through related interests, 123156
by common owners; 123157

(v) Receipts realized from administering anti-neoplastic 123158
drugs and other cancer chemotherapy, biologicals, therapeutic 123159
agents, and supportive drugs in a physician's office to patients 123160
with cancer; 123161

(w) Funds received or used by a mortgage broker that is not a 123162
dealer in intangibles, other than fees or other consideration, 123163
pursuant to a table-funding mortgage loan or warehouse-lending 123164
mortgage loan. Terms used in division (F)(2)(w) of this section 123165
have the same meanings as in section 1322.01 of the Revised Code, 123166
except "mortgage broker" means a person assisting a buyer in 123167
obtaining a mortgage loan for a fee or other consideration paid by 123168
the buyer or a lender, or a person engaged in table-funding or 123169
warehouse-lending mortgage loans that are first lien mortgage 123170
loans. 123171

(x) Property, money, and other amounts received by a professional employer organization, as defined in section 4125.01 of the Revised Code, or an alternate employer organization, as defined in section 4133.01 of the Revised Code, from a client employer, as defined in either of those sections as applicable, in excess of the administrative fee charged by the professional employer organization or the alternate employer organization to the client employer;	123172 123173 123174 123175 123176 123177 123178 123179
(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money;	123180 123181 123182 123183 123184
(z) Qualifying distribution center receipts as determined under section 5751.40 of the Revised Code- <u>i</u>	123185 123186
(aa) Receipts of an employer from payroll deductions relating to the reimbursement of the employer for advancing moneys to an unrelated third party on an employee's behalf;	123187 123188 123189
(bb) Cash discounts allowed and taken;	123190
(cc) Returns and allowances;	123191
(dd) Bad debts from receipts on the basis of which the tax imposed by this chapter was paid in a prior quarterly tax payment period. For the purpose of this division, "bad debts" means any debts that have become worthless or uncollectible between the preceding and current quarterly tax payment periods, have been uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer	123192 123193 123194 123195 123196 123197 123198 123199 123200 123201 123202

until the full purchase price is paid, or expenses in attempting 123203
to collect any account receivable or for any portion of the debt 123204
recovered; 123205

(ee) Any amount realized from the sale of an account 123206
receivable to the extent the receipts from the underlying 123207
transaction giving rise to the account receivable were included in 123208
the gross receipts of the taxpayer; 123209

(ff) Any receipts directly attributed to a transfer agreement 123210
or to the enterprise transferred under that agreement under 123211
section 4313.02 of the Revised Code; 123212

(gg) Qualified uranium receipts as determined under section 123213
5751.41 of the Revised Code; 123214

(hh) In the case of amounts collected by a licensed casino 123215
operator from casino gaming, amounts in excess of the casino 123216
operator's gross casino revenue. In this division, "casino 123217
operator" and "casino gaming" have the meanings defined in section 123218
3772.01 of the Revised Code, and "gross casino revenue" has the 123219
meaning defined in section 5753.01 of the Revised Code. 123220

(ii) Receipts realized from the sale of agricultural 123221
commodities by an agricultural commodity handler, both as defined 123222
in section 926.01 of the Revised Code, that is licensed by the 123223
director of agriculture to handle agricultural commodities in this 123224
state; 123225

(jj) Qualifying integrated supply chain receipts as 123226
determined under section 5751.42 of the Revised Code; 123227

(kk) In the case of a railroad company described in division 123228
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 123229
diesel fuel directly from a supplier as defined by section 5736.01 123230
of the Revised Code, an amount equal to the product of the number 123231
of gallons of dyed diesel fuel purchased directly from such a 123232
supplier multiplied by the average wholesale price for a gallon of 123233

diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code-; 123234
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(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code. 123241
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(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the mortgage lender's consolidated elected taxpayer group, an amount equal to the principal balance of the mortgage loan-; 123246
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(nn) Amounts of excess surplus of the state insurance fund received by the taxpayer from the Ohio bureau of workers' compensation pursuant to rules adopted under section 4123.321 of the Revised Code-; 123252
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(oo) Except as otherwise provided in division (B) of section 5751.091 of the Revised Code, receipts of a megaproject supplier from sales of tangible personal property directly to a megaproject operator in this state for use at the site of the megaproject operator's megaproject, provided that the sale occurs during the period that the megaproject operator has an agreement with the tax credit authority for the megaproject under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated, and provided the megaproject supplier holds a certificate for such megaproject issued under section 123256
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5751.052 of the Revised Code for the calendar year in which the sales are made and, if the megaproject supplier meets the requirements described in division (A)(13)(b) of section 122.17 of the Revised Code, the megaproject supplier holds a certificate for such megaproject issued under division (D)(11) of section 122.17 of the Revised Code on the first day of that calendar year;

(pp) Receipts from the sale of each new piece of capital equipment that has a cost in excess of one hundred million dollars and that is used at the site of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of section 122.17 of the Revised Code, provided that the sale occurs during the period that a megaproject operator has an agreement for that megaproject with the tax credit authority under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated;

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Amounts received from any federal, state, or local grant, and amounts of indebtedness discharged or forgiven pursuant to federal, state, or local law, for providing or expanding access to broadband service in this state. As used in this division, "broadband service" has the same meaning as in section 188.01 of the Revised Code.

(ss) Receipts provided to a taxpayer to compensate for lost business resulting from the train derailment near the city of East Palestine on February 3, 2023, by any of the following:

(i) A federal, state, or local government agency;

<u>(ii) A railroad company, as that term is defined in section</u>	123297
<u>5727.01 of the Revised Code;</u>	123298
<u>(iii) Any subsidiary, insurer, or agent of a railroad company</u>	123299
<u>or any related person.</u>	123300
<u>(tt) An amount equal to the fee imposed by section 3743.22 of</u>	123301
<u>the Revised Code billed to the purchaser, collected by the</u>	123302
<u>taxpayer, and remitted to the fire marshal during the tax period,</u>	123303
<u>provided that the fee is separately stated on the invoice, bill of</u>	123304
<u>sale, or similar document given to the purchaser of 1.4G fireworks</u>	123305
<u>in this state.</u>	123306
<u>(uu) Any receipts for which the tax imposed by this chapter</u>	123307
<u>is prohibited by the constitution or laws of the United States or</u>	123308
<u>the constitution of this state.</u>	123309
(3) In the case of a taxpayer when acting as a real estate	123310
broker, "gross receipts" includes only the portion of any fee for	123311
the service of a real estate broker, or service of a real estate	123312
salesperson associated with that broker, that is retained by the	123313
broker and not paid to an associated real estate salesperson or	123314
another real estate broker. For the purposes of this division,	123315
"real estate broker" and "real estate salesperson" have the same	123316
meanings as in section 4735.01 of the Revised Code.	123317
(4) A taxpayer's method of accounting for gross receipts for	123318
a tax period shall be the same as the taxpayer's method of	123319
accounting for federal income tax purposes for the taxpayer's	123320
federal taxable year that includes the tax period. If a taxpayer's	123321
method of accounting for federal income tax purposes changes, its	123322
method of accounting for gross receipts under this chapter shall	123323
be changed accordingly.	123324
(G) "Taxable gross receipts" means gross receipts sitused to	123325
this state under section 5751.033 of the Revised Code.	123326
(H) A person has "substantial nexus with this state" if any	123327

of the following applies. The person: 123328

(1) Owns or uses a part or all of its capital in this state; 123329

(2) Holds a certificate of compliance with the laws of this 123330
state authorizing the person to do business in this state; 123331

(3) Has bright-line presence in this state; 123332

(4) Otherwise has nexus with this state to an extent that the 123333
person can be required to remit the tax imposed under this chapter 123334
under the Constitution of the United States. 123335

(I) A person has "bright-line presence" in this state for a 123336
reporting period and for the remaining portion of the calendar 123337
year if any of the following applies. The person: 123338

(1) Has at any time during the calendar year property in this 123339
state with an aggregate value of at least fifty thousand dollars. 123340
For the purpose of division (I)(1) of this section, owned property 123341
is valued at original cost and rented property is valued at eight 123342
times the net annual rental charge. 123343

(2) Has during the calendar year payroll in this state of at 123344
least fifty thousand dollars. Payroll in this state includes all 123345
of the following: 123346

(a) Any amount subject to withholding by the person under 123347
section 5747.06 of the Revised Code; 123348

(b) Any other amount the person pays as compensation to an 123349
individual under the supervision or control of the person for work 123350
done in this state; and 123351

(c) Any amount the person pays for services performed in this 123352
state on its behalf by another. 123353

(3) Has during the calendar year taxable gross receipts of at 123354
least five hundred thousand dollars; 123355

(4) Has at any time during the calendar year within this 123356

state at least twenty-five per cent of the person's total 123357
property, total payroll, or total gross receipts. 123358

(5) Is domiciled in this state as an individual or for 123359
corporate, commercial, or other business purposes. 123360

(J) "Tangible personal property" has the same meaning as in 123361
section 5739.01 of the Revised Code. 123362

(K) "Internal Revenue Code" means the Internal Revenue Code 123363
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 123364
this chapter that is not otherwise defined has the same meaning as 123365
when used in a comparable context in the laws of the United States 123366
relating to federal income taxes unless a different meaning is 123367
clearly required. Any reference in this chapter to the Internal 123368
Revenue Code includes other laws of the United States relating to 123369
federal income taxes. 123370

(L) "Calendar quarter" means a three-month period ending on 123371
the thirty-first day of March, the thirtieth day of June, the 123372
thirtieth day of September, or the thirty-first day of December. 123373

(M) "Tax period" means the calendar quarter ~~or calendar year~~ 123374
on the basis of which a taxpayer is required to pay the tax 123375
imposed under this chapter. 123376

(N) ~~"Calendar year taxpayer" means a taxpayer for which the~~ 123377
~~tax period is a calendar year.~~ 123378

~~(O) "Calendar quarter taxpayer" means a taxpayer for which~~ 123379
~~the tax period is a calendar quarter.~~ 123380

~~(P)~~ "Agent" means a person authorized by another person to 123381
act on its behalf to undertake a transaction for the other, 123382
including any of the following: 123383

(1) A person receiving a fee to sell financial instruments; 123384

(2) A person retaining only a commission from a transaction 123385
with the other proceeds from the transaction being remitted to 123386

another person; 123387

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code; 123388
123389

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 123390
123391

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code. 123392
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~~(Q)~~(O) "Received" includes amounts accrued under the accrual method of accounting. 123394
123395

~~(R)~~(P) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. 123396
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~~(S)~~(O) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code. 123403
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(R) "Exclusion amount" means three million dollars for tax periods beginning in 2024 and six million dollars for tax periods beginning in 2025. Thereafter, the tax commissioner shall adjust the exclusion amount as described in this division. 123406
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In August of each year, the commissioner shall multiply the exclusion amount applicable to the current tax period by the gross domestic deflator computed under section 5747.025 of the Revised Code, add the resulting product to the exclusion amount applicable to the current tax period, and round the resulting sum to the nearest fifty dollars. The adjusted amount applies to tax periods beginning in the following calendar year and to each ensuing 123410
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calendar year until a new adjustment is made pursuant to this 123417
division. The tax commissioner shall not make a new adjustment in 123418
any year in which the amount resulting from the adjustment would 123419
be less than the amount resulting from the adjustment in the 123420
preceding year. 123421

Sec. 5751.02. (A) For the purpose of funding the needs of 123422
this state and its local governments, there is hereby levied a 123423
commercial activity tax on each person with taxable gross receipts 123424
for the privilege of doing business in this state. For the 123425
purposes of this chapter, "doing business" means engaging in any 123426
activity, whether legal or illegal, that is conducted for, or 123427
results in, gain, profit, or income, at any time during a calendar 123428
year. Persons on which the commercial activity tax is levied 123429
include, but are not limited to, persons with substantial nexus 123430
with this state. The tax imposed under this section is not a 123431
transactional tax and is not subject to Public Law No. 86-272, 73 123432
Stat. 555. The tax imposed under this section is in addition to 123433
any other taxes or fees imposed under the Revised Code. The tax 123434
levied under this section is imposed on the person receiving the 123435
gross receipts and is not a tax imposed directly on a purchaser. 123436
The tax imposed by this section is an annual privilege tax for the 123437
calendar year that, ~~in the case of calendar year taxpayers, is the~~ 123438
~~annual tax period and, in the case of calendar quarter taxpayers,~~ 123439
contains all ~~quarterly~~ tax periods in the calendar year. A 123440
taxpayer is subject to the annual privilege tax for doing business 123441
during any portion of such calendar year. 123442

(B) The tax imposed by this section is a tax on the taxpayer 123443
and shall not be billed or invoiced to another person. Even if the 123444
tax or any portion thereof is billed or invoiced and separately 123445
stated, such amounts remain part of the price for purposes of the 123446
sales and use taxes levied under Chapters 5739. and 5741. of the 123447
Revised Code. Nothing in division (B) of this section prohibits: 123448

(1) A person from including in the price charged for a good 123449
or service an amount sufficient to recover the tax imposed by this 123450
section; or 123451

(2) A lessor from including an amount sufficient to recover 123452
the tax imposed by this section in a lease payment charged, or 123453
from including such an amount on a billing or invoice pursuant to 123454
the terms of a written lease agreement providing for the recovery 123455
of the lessor's tax costs. The recovery of such costs shall be 123456
based on an estimate of the total tax cost of the lessor during 123457
the tax period, as the tax liability of the lessor cannot be 123458
calculated until the end of that period. 123459

(C)(1) The commercial activities tax receipts fund is hereby 123460
created in the state treasury and shall consist of money arising 123461
from the tax imposed under this chapter. Sixty-five one-hundredths 123462
of one per cent of the money credited to that fund shall be 123463
credited to the revenue enhancement fund and shall be used to 123464
defray the costs incurred by the department of taxation in 123465
administering the tax imposed by this chapter and in implementing 123466
tax reform measures. The remainder of the money in the commercial 123467
activities tax receipts fund shall first be credited to the 123468
~~commercial activity tax motor fuel receipts fund, pursuant to~~ 123469
funds described in division (C)(2) of this section, as provided in 123470
that division, and the remainder shall be credited ~~in the~~ 123471
~~following percentages each fiscal year~~ to the general revenue 123472
fund, ~~to the school district tangible property tax replacement~~ 123473
~~fund, which is hereby created in the state treasury for the~~ 123474
~~purpose of making the payments described in section 5709.92 of the~~ 123475
~~Revised Code, and to the local government tangible property tax~~ 123476
~~replacement fund, which is hereby created in the state treasury~~ 123477
~~for the purpose of making the payments described in section~~ 123478
~~5709.93 of the Revised Code, in the following percentages:~~ 123479
Fiscal year General Revenue School District Local Government 123480

	Fund	Tangible Property Tax Replacement Fund	Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	123481
2016 and 2017	75.0%	20.0%	5.0%	123482
2018 and thereafter	85.0%	13.0%	2.0%	123483
(2) Not later than the twentieth day of February, May,				123484
August, and November of each year, the commissioner shall provide				123485
for payment <u>of the following amounts</u> from the commercial				123486
activities tax receipts fund to the:				123487
(a) <u>To the commercial activity tax motor fuel receipts fund,</u>				123488
an amount that bears the same ratio to the balance in the				123489
commercial activities tax receipts fund that (a) the taxable gross				123490
receipts attributed to motor fuel used for propelling vehicles on				123491
public highways as indicated by returns filed by the tenth day of				123492
that month for a liability that is due and payable on or after				123493
July 1, 2013, for a tax period ending before July 1, 2014, bears				123494
to (b) all taxable gross receipts as indicated by those returns				123495
for such liabilities;				123496
(b) <u>To the school district tangible property tax replacement</u>				123497
<u>fund, which is hereby created in the state treasury for the</u>				123498
<u>purpose of making the payments described in section 5709.92 of the</u>				123499
<u>Revised Code, an amount necessary to make those payments;</u>				123500
(c) <u>To the local government tangible property tax replacement</u>				123501
<u>fund, which is hereby created in the state treasury for the</u>				123502
<u>purpose of making the payments described in section 5709.93 of the</u>				123503
<u>Revised Code, an amount necessary to make those payments.</u>				123504
(D)(1) If the total amount in the school district tangible				123505
property tax replacement fund is insufficient to make all payments				123506
under section 5709.92 of the Revised Code at the times the				123507
payments are to be made, the director of budget and management				123508

~~shall transfer from the general revenue fund to the school 123509
district tangible property tax replacement fund the difference 123510
between the total amount to be paid and the amount in the school 123511
district tangible property tax replacement fund. 123512~~

~~(2) If the total amount in the local government tangible 123513
property tax replacement fund is insufficient to make all payments 123514
under section 5709.93 of the Revised Code at the times the 123515
payments are to be made, the director of budget and management 123516
shall transfer from the general revenue fund to the local 123517
government tangible property tax replacement fund the difference 123518
between the total amount to be paid and the amount in the local 123519
government tangible property tax replacement fund. 123520~~

~~(E)(1) On or after the first day of June of each year, the 123521
director of budget and management may transfer any balance in the 123522
school district tangible property tax replacement fund to the 123523
general revenue fund. 123524~~

(2) On or after the first day of June of each year, the 123525
director of budget and management may transfer any balance in the 123526
local government tangible property tax replacement fund to the 123527
general revenue fund. 123528

~~(F)(1)(E)(1) There is hereby created in the state treasury 123529
the commercial activity tax motor fuel receipts fund. 123530~~

(2) On or before the fifteenth day of June of each fiscal 123531
year beginning with fiscal year 2015, the director of the Ohio 123532
public works commission shall certify to the director of budget 123533
and management the amount of debt service paid from the general 123534
revenue fund in the current fiscal year on bonds issued to finance 123535
or assist in the financing of the cost of local subdivision public 123536
infrastructure capital improvement projects, as provided for in 123537
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 123538
that are attributable to costs for construction, reconstruction, 123539

maintenance, or repair of public highways and bridges and other 123540
statutory highway purposes. That certification shall allocate the 123541
total amount of debt service paid from the general revenue fund 123542
and attributable to those costs in the current fiscal year 123543
according to the applicable section of the Ohio Constitution under 123544
which the bonds were originally issued. 123545

(3) On or before the thirtieth day of June of each fiscal 123546
year beginning with fiscal year 2015, the director of budget and 123547
management shall determine an amount up to but not exceeding the 123548
amount certified under division ~~(F)(2)~~(E)(2) of this section and 123549
shall reserve that amount from the cash balance in the petroleum 123550
activity tax public highways fund or the commercial activity tax 123551
motor fuel receipts fund for transfer to the general revenue fund 123552
at times and in amounts to be determined by the director. The 123553
director shall transfer the cash balance in the petroleum activity 123554
tax public highways fund or the commercial activity tax motor fuel 123555
receipts fund in excess of the amount so reserved to the highway 123556
operating fund on or before the thirtieth day of June of the 123557
current fiscal year. 123558

Sec. 5751.03. ~~(A) Except as provided in division (B) of this~~ 123559
~~section, the~~ The rate of tax levied under ~~this~~ section 5751.02 of 123560
the Revised Code for each tax period shall be ~~the product of~~ two 123561
and six-tenths mills per dollar times ~~the remainder of the~~ 123562
taxpayer's taxable gross receipts for the tax period after 123563
subtracting the exclusion amount ~~provided for in division (C) of~~ 123564
~~this section~~ for the calendar year. 123565

~~(B) Notwithstanding division (C) of this section, the tax on~~ 123566
~~the first one million dollars in taxable gross receipts each~~ 123567
~~calendar year shall be calculated as follows:~~ 123568

~~(1) For taxpayers with annual taxable gross receipts of one~~ 123569
~~million dollars or less for the immediately preceding calendar~~ 123570

~~year, one hundred fifty dollars;~~ 123571

~~(2) For taxpayers with annual taxable gross receipts greater than one million dollars, but less than or equal to two million dollars for the immediately preceding calendar year, eight hundred dollars;~~ 123572
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~~(3) For taxpayers with annual taxable gross receipts greater than two million dollars, but less than or equal to four million dollars for the immediately preceding calendar year, two thousand one hundred dollars;~~ 123576
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~~(4) For taxpayers with annual taxable gross receipts greater than four million dollars for the immediately preceding calendar year, two thousand six hundred dollars.~~ 123580
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~~The tax imposed under division (B)(1) of this section shall be paid not later than the tenth day of May of each year along with the annual tax return. The tax imposed under divisions (B)(2), (3), and (4) of this section shall be paid not later than the tenth day of May of each year along with the first quarter tax return.~~ 123583
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~~(C)(1) Each taxpayer may exclude the first one million dollars of taxable gross receipts for a calendar year. Calendar quarter taxpayers shall apply the full exclusion amount to the first calendar quarter return the taxpayer files that calendar year and may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year.~~ 123589
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~~(2) A taxpayer switching from a calendar year tax period to a calendar quarter tax period may, for the first quarter of the change, apply the full one million dollar exclusion amount to the first calendar quarter return the taxpayer files that calendar year. Such taxpayers may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year. The tax rate shall be based on the rate imposed~~ 123595
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~~that calendar quarter when the taxpayer switches from a calendar year to a calendar quarter tax period.~~

~~(3) A taxpayer shall not exclude more than one million dollars pursuant to division (C) of this section in a calendar year.~~

Sec. 5751.04. (A) As used in this section, "person" includes a reporting person.

(B) Not later than thirty days after a ~~person first has more than one hundred fifty thousand dollars in~~ person's taxable gross receipts ~~in~~ for a calendar year first exceed the exclusion amount, each person subject to this chapter shall register with the tax commissioner on the form prescribed by the commissioner. The form shall include the following:

(1) The person's name;

(2) The person's primary address;

(3) The business or industry codes for the person;

(4) The person's federal employer identification number or social security number or equivalent, as applicable;

(5) The person's organizational type;

(6) The date the person is first subject to the tax imposed by this chapter;

(7) The names, addresses, federal identification numbers or social security numbers or equivalents, and organization types of each member that is commonly owned in a consolidated elected taxpayer or combined taxpayer group;

(8) All other information that the commissioner requires to administer and enforce this chapter.

(C)(1) To help defray the costs of administering the tax imposed by this chapter, the commissioner shall collect a

registration fee in the amount of twenty dollars per person up to 123631
a maximum of two hundred dollars per consolidated elected taxpayer 123632
or combined taxpayer group. The commissioner shall systematically 123633
deduct and collect the fee from the first tax payment each 123634
taxpayer makes after registering or adding members, as applicable. 123635
No separate registration fee may be collected in addition to the 123636
tax imposed by this chapter. 123637

(2) If a person does not register within the time prescribed 123638
by this section, an additional fee is imposed in the amount of one 123639
hundred dollars per month or part thereof that the fee is 123640
outstanding, not to exceed one thousand dollars. The tax 123641
commissioner may abate the additional fee. The fee imposed under 123642
this division may be assessed in the same manner as the tax 123643
imposed under this chapter. 123644

(D) Proceeds from the fee imposed under division (C) of this 123645
section shall be credited to the revenue enhancement fund, which 123646
is hereby created in the state treasury. 123647

(E) If a person that has registered under this section is no 123648
longer a taxpayer subject to this chapter, the person shall notify 123649
the commissioner that the person's registration should be 123650
cancelled. 123651

(F) With respect to registrations received by the 123652
commissioner before October 16, 2009, the taxpayer listed as the 123653
primary taxpayer on the registration shall be the reporting person 123654
until the taxpayer notifies the commissioner otherwise. 123655

Sec. 5751.05. (A) ~~If a Any person subject to this chapter 123656
anticipates that the person's taxable gross receipts will be more 123657
than one million dollars in a calendar year, the person shall 123658
notify the tax commissioner on the person's initial registration 123659
form and file on a quarterly basis as a calendar quarter taxpayer. 123660
Any taxpayer with taxable gross receipts of one million dollars or 123661~~

~~less shall register as a calendar year taxpayer and shall file annually.~~ 123662
123663

~~(B) Any person that is a calendar year taxpayer under division (A) of this section shall become a calendar quarter taxpayer in the subsequent calendar year if the person's taxable gross receipts for the prior calendar year are more than one million dollars, and shall remain a calendar quarter taxpayer until the person notifies the commissioner, and receives approval in writing from the commissioner, to switch back to being a calendar year taxpayer.~~ 123664
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~~(C) The tax commissioner may grant written approval for a calendar quarter taxpayer to use an alternative reporting schedule or estimate the amount of tax due for a calendar quarter if the taxpayer demonstrates to the commissioner the need for such a deviation. The commissioner may adopt a rule to apply this division (C) of this section to a group of taxpayers without the taxpayers having to receive written approval from the commissioner.~~ 123672
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Sec. 5751.051. ~~(A)(1)(A)~~ Not later than the tenth day of the second month after the end of each calendar quarter, every taxpayer ~~other than a calendar year taxpayer~~ shall file with the tax commissioner a tax return in such form as the commissioner prescribes. The return shall include, but is not limited to, the amount of the taxpayer's taxable gross receipts for the calendar quarter and shall indicate the amount of tax due under section 5751.03 of the Revised Code for the calendar quarter. 123680
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~~(2)(a)(B)(1)~~ Subject to division ~~(C)(B)~~ of section 5751.05 of the Revised Code, a ~~calendar quarter~~ taxpayer shall report the taxable gross receipts for that calendar quarter. 123688
123689
123690

~~(b)(2)~~ With respect to taxable gross receipts incorrectly 123691

reported in a calendar quarter that has a lower tax rate, the tax 123692
shall be computed at the tax rate in effect for the quarterly 123693
return in which such receipts should have been reported. Nothing 123694
in division ~~(A)(2)(b)~~(B)(2) of this section prohibits a taxpayer 123695
from filing an application for refund under section 5751.08 of the 123696
Revised Code with regard to the incorrect reporting of taxable 123697
gross receipts discovered after filing the annual return described 123698
in division ~~(A)(3)(C)~~ of this section. 123699

A tax return shall not be deemed to be an incorrect reporting 123700
of taxable gross receipts for the purposes of division 123701
~~(A)(2)(b)~~(B)(2) of this section if the return reflects between 123702
ninety-five and one hundred five per cent of the actual taxable 123703
gross receipts for the calendar quarter. 123704

~~(3)(C)~~ For the purposes of division ~~(A)(2)(b)~~(B)(2) of this 123705
section, the tax return filed for the fourth calendar quarter of a 123706
calendar year is the annual return for the privilege tax imposed 123707
by this chapter. Such return shall report any additional taxable 123708
gross receipts not previously reported in the calendar year and 123709
shall adjust for any over-reported taxable gross receipts in the 123710
calendar year. If the taxpayer ceases to be a taxpayer before the 123711
end of the calendar year, the last return the taxpayer is required 123712
to file shall be the annual return for the taxpayer and the 123713
taxpayer shall report any additional taxable gross receipts not 123714
previously reported in the calendar year and shall adjust for any 123715
over-reported taxable gross receipts in the calendar year. 123716

~~(4)(D)~~ Because the tax imposed by this chapter is a privilege 123717
tax, the tax rate with respect to taxable gross receipts for a 123718
calendar quarter is not fixed until the end of the measurement 123719
period for each calendar quarter. Subject to division 123720
~~(A)(2)(b)~~(B)(2) of this section, the total amount of taxable gross 123721
receipts reported for a given calendar quarter shall be subject to 123722
the tax rate in effect in that quarter. 123723

~~(5) Not later than the tenth day of May following the end of each calendar year, every calendar year taxpayer shall file with the tax commissioner a tax return in such form as the commissioner prescribes. The return shall include, but is not limited to, the amount of the taxpayer's taxable gross receipts for the calendar year and shall indicate the amount of tax due under section 5751.03 of the Revised Code for the calendar year.~~

~~(B)(1) A person that first becomes subject to the tax imposed under this chapter shall pay the minimum tax imposed under division (B) of section 5751.03 of the Revised Code on or before the day the return is required to be filed for that quarter under division (A)(1) of this section, regardless of whether the person registers as a calendar year taxpayer under section 5751.05 of the Revised Code.~~

~~(2) The amount of the minimum tax for a person subject to division (B)(1) of this section shall be reduced by one half if the registration is timely filed after the first day of May and before the first day of January of the following calendar year.~~

Sec. 5751.06. (A) Any taxpayer that fails to file a return or pay the full amount of the tax due within the period prescribed therefor under this chapter shall pay a penalty in an amount not exceeding the greater of fifty dollars or ten per cent of the tax required to be paid for the tax period.

(B)(1) If any additional tax is found to be due, the tax commissioner may impose an additional penalty of up to fifteen per cent on the additional tax found to be due.

(2) Any delinquent payments of the tax made after a taxpayer is notified of an audit or a tax discrepancy by the commissioner is subject to the penalty imposed by division (B) of this section. If an assessment is issued under section 5751.09 of the Revised Code in connection with such delinquent payments, the payments

shall be credited to the assessment. 123755

~~(C) After calendar year 2008, the tax commissioner may impose 123756
an additional penalty against a taxpayer that fails to switch to 123757
being a calendar quarter taxpayer at the time it had over two 123758
million in taxable gross receipts in the calendar year, as 123759
required under section 5751.04 of the Revised Code. The penalty 123760
may be imposed in an amount not to exceed ten per cent of the tax 123761
due above two million dollars in taxable gross receipts for the 123762
calendar year. Any penalty imposed under this division is in 123763
addition to any other penalties imposed under this section. 123764~~

~~(D)~~ If the tax commissioner notifies a person required to 123765
register under section 5751.05 of the Revised Code of such 123766
requirement and of the requirement to remit the tax due under this 123767
chapter, and the person fails to so register and remit the tax 123768
within sixty days after such notice, the tax commissioner may 123769
impose an additional penalty of up to thirty-five per cent of the 123770
tax due. The penalty imposed under this division is in addition to 123771
any other penalties imposed under this section. 123772

~~(E)~~(D) The tax commissioner may collect any penalty or 123773
interest imposed by this section in the same manner as the tax 123774
imposed under this chapter. Penalties and interest so collected 123775
shall be considered as revenue arising from the tax imposed under 123776
this chapter. 123777

~~(F)~~(E) The tax commissioner may abate all or a portion of any 123778
penalties imposed under this section and may adopt rules governing 123779
such abatements. 123780

~~(G)~~(F) If any tax due is not timely paid in accordance with 123781
this chapter, the taxpayer shall pay interest, calculated at the 123782
rate per annum prescribed by section 5703.47 of the Revised Code, 123783
from the date the tax payment was due to the date of payment or to 123784
the date an assessment was issued, whichever occurs first. 123785

~~(H)~~(G) The tax commissioner may impose a penalty of up to ten 123786
per cent for any additional tax that is due under division 123787
~~(A)(2)(b)~~(A)(2) of section 5751.051 of the Revised Code from a 123788
taxpayer incorrectly reporting its taxable gross receipts. 123789

~~(I)~~(H) If the tax commissioner discovers that a taxpayer has 123790
billed or invoiced another person for the tax imposed under this 123791
chapter in violation of division (B) of section 5751.02 of the 123792
Revised Code, the tax commissioner shall notify the taxpayer of 123793
the violation ~~by certified mail~~ in the manner provided in section 123794
5703.37 of the Revised Code and may impose a penalty of up to five 123795
hundred dollars. If the taxpayer subsequently bills or invoices a 123796
person for the tax imposed under this chapter, the tax 123797
commissioner shall impose a penalty of five hundred dollars. 123798

Sec. 5751.08. (A) An application for refund to the taxpayer 123799
of amounts imposed under this chapter that are overpaid, paid 123800
illegally or erroneously, or paid on any illegal or erroneous 123801
assessment shall be filed by the reporting person with the tax 123802
commissioner, on the form prescribed by the commissioner, within 123803
four years after the date of the illegal or erroneous payment, or 123804
within any additional period allowed under division (F) of section 123805
5751.09 of the Revised Code. The applicant shall provide the 123806
amount of the requested refund along with the claimed reasons for, 123807
and documentation to support, the issuance of a refund. 123808

(B) On the filing of the refund application, the tax 123809
commissioner shall determine the amount of refund to which the 123810
applicant is entitled. If the amount is not less than that 123811
claimed, the commissioner shall certify the amount to the director 123812
of budget and management and treasurer of state for payment from 123813
the tax refund fund created under section 5703.052 of the Revised 123814
Code. If the amount is less than that claimed, the commissioner 123815
shall proceed in accordance with section 5703.70 of the Revised 123816

Code. 123817

(C) Interest on a refund applied for under this section, 123818
computed at the rate provided for in section 5703.47 of the 123819
Revised Code, shall be allowed from the later of the date the 123820
amount was paid or when the amount was due. 123821

~~(D) A calendar quarter taxpayer with more than one million 123822
dollars in taxable gross receipts in a calendar year other than 123823
calendar year 2005 and that is not able to exclude one million 123824
dollars in taxable gross receipts because of the operation of the 123825
taxpayer's business in that calendar year may file for a refund 123826
under this section to obtain the full exclusion of one million 123827
dollars in taxable gross receipts for that calendar year. 123828~~

~~(E)~~ Except as provided in section 5751.081 of the Revised 123829
Code, the tax commissioner may, with the consent of the taxpayer, 123830
provide for the crediting against tax due for a tax period the 123831
amount of any refund due the taxpayer under this chapter for a 123832
preceding tax period. 123833

Sec. 5751.091. (A) If a taxpayer excludes from its taxable 123834
gross receipts amounts described under division (F)(2)(oo) or (pp) 123835
of section 5751.01 of the Revised Code for a tax period in which 123836
the taxpayer does not qualify for that exclusion for any portion 123837
of that tax period, the taxpayer shall remit to the tax 123838
commissioner a payment equal to the product of the following: (a) 123839
the cost of all property received in this state by a megaproject 123840
operator from the taxpayer during that tax period, multiplied by 123841
(b) the tax rate prescribed in ~~division (A)~~ of section 5751.03 of 123842
the Revised Code. The charge shall be levied and collected as a 123843
tax imposed under this chapter. 123844

(B) A taxpayer required to remit a payment under division (A) 123845
of this section for three consecutive calendar years may not 123846
exclude from the taxpayer's taxable gross receipts any amounts 123847

described in division (F)(2)(oo) or (pp) of section 5751.01 of the Revised Code for any tax period in any following calendar year.

Sec. 5751.51. (A) As used in this section, "qualified research expenses" has the same meaning as in section 41 of the Internal Revenue Code.

(B)(1) For calendar years beginning on or after January 1, 2008, a nonrefundable credit may be claimed under this chapter equal to seven per cent of the excess of (a) qualified research expenses incurred in this state by the taxpayer in the calendar year for which the credit is claimed over (b) the taxpayer's average annual qualified research expenses incurred in this state for the three preceding calendar years.

(2) The taxpayer shall claim the credit allowed under division (B)(1) of this section in the order required by section 5751.98 of the Revised Code. A credit claimed in calendar year 2008 may not be applied against the tax otherwise due under this chapter for a tax period beginning before July 1, 2008. Any credit amount in excess of the tax due under section 5751.03 of the Revised Code, after allowing for any other credits that precede the credit under this section in the order required under that section, may be carried forward for seven years, but the amount of the excess credit claimed against the tax for any tax period shall be deducted from the balance carried forward to the next tax period.

(3) No credit shall be allowed under this chapter if the credit was available against the tax imposed by section 5733.06 of the Revised Code, except to the extent the credit was not applied against such tax.

(C) In the case of a taxpayer that is a consolidated elected taxpayer or combined taxpayer, each person in the taxpayer's group shall separately calculate the credit claimed under this section

using the qualified research expenses incurred by that person on a 123879
form prescribed by the tax commissioner, which shall be used by 123880
the taxpayer to claim the credit. 123881

Such a taxpayer may only claim the credit with respect to 123882
persons included in the taxpayer's group as of the thirty-first 123883
day of December of the calendar year in which the qualified 123884
research expenses are incurred. Such a taxpayer may only claim any 123885
excess credit carried forward under division (B)(2) of this 123886
section with respect to persons included in that group as of the 123887
last day of the tax period for which the return claiming the 123888
credit is filed. 123889

(D) A taxpayer that claims a credit under this section shall 123890
retain records to substantiate the claim. Required records include 123891
those relating to any expenses used in calculating the credit and 123892
incurred in the current calendar year and in the three preceding 123893
calendar years. 123894

The taxpayer shall retain the required records until the date 123895
that is four years after the due date for the return on which the 123896
credit was claimed or four years after the date the return was 123897
actually filed, whichever is later. 123898

(E) The tax commissioner may audit a sample of the taxpayer's 123899
qualified research expenses over a representative period to 123900
ascertain the amount of tax credit the taxpayer may claim under 123901
this section and may issue an assessment under section 5751.09 of 123902
the Revised Code based on the audit. The commissioner shall make a 123903
good faith effort to reach an agreement with the taxpayer in 123904
selecting a representative sample. The commissioner is not, 123905
however, precluded from proceeding under this division if an 123906
agreement is not made. 123907

Sec. 5751.55. (A) Any term used in this section has the same 123908
meaning as in section 122.852 of the Revised Code. 123909

(B) There is allowed a refundable credit against the tax imposed by section 5751.02 of the Revised Code for any person that is the certificate owner of a tax credit certificate issued under section 122.852 of the Revised Code. The credit shall be claimed for the tax period in which the certificate is issued by the director of development. The credit amount equals the amount stated in the certificate or the portion of that amount owned by the certificate owner. The credit shall be claimed in the order required under section 5751.98 of the Revised Code. If the credit amount exceeds the tax otherwise due under section 5751.02 of the Revised Code after deducting all other credits in that order, the excess shall be refunded.

Sec. 5751.98. (A) To provide a uniform procedure for calculating the amount of tax due under this chapter, a taxpayer shall claim any credits to which it is entitled in the following order:

The nonrefundable jobs retention credit under division (B) of section 5751.50 of the Revised Code;

The nonrefundable credit for qualified research expenses under division (B) of section 5751.51 of the Revised Code;

The nonrefundable credit for a borrower's qualified research and development loan payments under division (B) of section 5751.52 of the Revised Code;

The nonrefundable credit for calendar years 2010 to 2029 for unused net operating losses under division (B) of section 5751.53 of the Revised Code;

The refundable motion picture and Broadway theatrical production credit under section 5751.54 of the Revised Code;

The refundable credit for film and theater capital improvement projects under section 5751.55 of the Revised Code;

The refundable jobs creation credit or job retention credit 123940
under division (A) of section 5751.50 of the Revised Code; 123941

The refundable credit for calendar year 2030 for unused net 123942
operating losses under division (C) of section 5751.53 of the 123943
Revised Code. 123944

(B) For any credit except the refundable credits enumerated 123945
in this section, the amount of the credit for a tax period shall 123946
not exceed the tax due after allowing for any other credit that 123947
precedes it in the order required under this section. Any excess 123948
amount of a particular credit may be carried forward if authorized 123949
under the section creating the credit. 123950

Sec. 5753.021. For the purposes of funding the education 123951
needs of this state, ~~funding interscholastic athletics and other~~ 123952
~~extracurricular activities for youth,~~ funding efforts to alleviate 123953
problem sports gaming, and defraying the costs of enforcing and 123954
administering the law governing sports gaming and the tax levied 123955
by this section, a tax is hereby levied on the sports gaming 123956
receipts of a sports gaming proprietor at the rate of ~~ten~~ twenty 123957
per cent of the sports gaming receipts received by the proprietor 123958
from the operation of sports gaming in this state. 123959

The tax imposed under this section is in addition to any 123960
other taxes or fees imposed under the Revised Code. 123961

Sec. 5753.031. (A) For the purpose of receiving and 123962
distributing, and accounting for, revenue received from the tax 123963
levied by section 5753.021 of the Revised Code and from fines 123964
imposed under Chapter 3775. of the Revised Code, the following 123965
funds are created in the state treasury: 123966

(1) The sports gaming revenue fund; 123967

(2) The sports gaming tax administration fund, which the tax 123968
commissioner shall use to defray the costs incurred in 123969

administering the tax levied by section 5753.021 of the Revised Code; 123970
123971

(3) ~~The sports gaming profits education fund. Fifty per cent of the funds in the sports gaming profits education fund shall be used to support interscholastic athletics and other extracurricular activities for students in grades kindergarten through twelve as determined in appropriations made by the general assembly. The other fifty per cent, which~~ shall be used for the support of public and nonpublic education for students in grades kindergarten through twelve as determined in appropriations made by the general assembly. 123972
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(4) The problem sports gaming fund. 123981

(B)(1) All of the following shall be deposited into the sports gaming revenue fund: 123982
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(a) All money collected from the tax levied under section 5753.021 of the Revised Code; 123984
123985

(b) The remainder of the fees described in division (G)(2) of section 3775.02 of the Revised Code, after the Ohio casino control commission deposits the required amount in the sports gaming profits veterans fund under that division; 123986
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(c) Unclaimed winnings collected under division (F) of section 3775.10 of the Revised Code; 123990
123991

(d) Any fines collected under Chapter 3775. of the Revised Code. 123992
123993

(2) All other fees collected under Chapter 3775. of the Revised Code shall be deposited into the casino control commission fund created under section 5753.03 of the Revised Code. 123994
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(C)(1) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax 123997
123998
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commissioner under section 5753.06 of the Revised Code and 124000
attributable to the tax levied under section 5753.021 of the 124001
Revised Code. 124002

(2) Not later than the fifteenth day of each month, the 124003
director of budget and management shall transfer from the sports 124004
gaming revenue fund to the sports gaming tax administration fund 124005
the amount necessary to reimburse the department of taxation's 124006
actual expenses incurred in administering the tax levied under 124007
section 5753.021 of the Revised Code. 124008

(3) Of the amount in the sports gaming revenue fund remaining 124009
after making the transfers required by divisions (C)(1) and (2) of 124010
this section, the director of budget and management shall 124011
transfer, on or before the fifteenth day of the month following 124012
the end of each calendar quarter, amounts to each fund as follows: 124013

(a) Ninety-eight per cent to the sports gaming profits 124014
education fund; 124015

(b) Two per cent to the problem sports gaming fund. 124016

(D) All interest generated by the funds created under this 124017
section shall be credited back to them. 124018

Sec. 5813.06. (A) Nothing in sections 5813.01 to 5813.05 of 124019
the Revised Code affects the construction or interpretation of 124020
sections 1715.51 to 1715.59 of the Revised Code relating to the 124021
uniform prudent management of institutional funds act. 124022
Specifically, neither the percentage set forth in division (B) of 124023
section 5813.02 of the Revised Code nor the amount actually 124024
requested by a governing board pursuant to that section shall be 124025
construed or interpreted to limit or expand what is a prudent 124026
amount that can be expended by a governing board of an institution 124027
under sections 1715.51 to 1715.59 of the Revised Code. 124028

(B) If an institutional trust fund is also an institutional 124029

fund as defined in division ~~(C)~~(D) of section 1715.51 of the 124030
Revised Code with the result that sections 1715.51 to 1715.59 of 124031
the Revised Code also are applicable to the institutional trust 124032
fund, then sections 1715.51 to 1715.59 of the Revised Code apply 124033
to the institutional trust fund, and sections 5813.01 to 5813.07 124034
of the Revised Code do not apply to the institutional trust fund. 124035

Sec. 5910.01. As used in this chapter and section 5919.34 of 124036
the Revised Code: 124037

(A) "Child" includes natural and adopted children and 124038
stepchildren who have not been legally adopted by the veteran 124039
parent provided that the relationship between the stepchild and 124040
the veteran parent meets the following criteria: 124041

(1) The veteran parent is married to the child's natural or 124042
adoptive parent at the time application for a scholarship granted 124043
under this chapter is made; or if the veteran parent is deceased, 124044
the child's natural or adoptive parent was married to the veteran 124045
parent at the time of the veteran parent's death; 124046

(2) The child resided with the veteran parent for a period of 124047
not less than ten consecutive years immediately prior to making 124048
application for the scholarship; or if the veteran parent is 124049
deceased, the child resided with the veteran parent for a period 124050
of not less than ten consecutive years immediately prior to the 124051
veteran parent's death; 124052

(3) The child received financial support from the veteran 124053
parent for a period of not less than ten consecutive years 124054
immediately prior to making application for the scholarship; or if 124055
the veteran parent is deceased, the child received financial 124056
support from the veteran parent for a period of not less than ten 124057
consecutive years immediately prior to the veteran parent's death. 124058

(B) "Veteran" includes any of the following: 124059

(1) Any person who was a member of the armed services of the United States for a period of ninety days or more, or who was discharged from the armed services due to a disability incurred while a member with less than ninety days' service, or who died while a member of the armed services; provided that such service, disability, or death occurred during one of the following periods: ~~April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975;~~ August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;

(2) Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States merchant marine and ~~to whom either of the following applies:~~

~~(a) The person has an honorable report of separation from the active duty military service, form DD214 or DD215.~~

~~(b) The person served in the United States merchant marine between December 7, 1941, and December 31, 1946, and died on active duty while serving in a war zone during that period of service.~~

(C) "Armed services of the United States" or "United States armed forces" includes the army, air force, navy, marine corps,

coast guard, and such other military service branch as may be 124091
designated by congress as a part of the armed forces of the United 124092
States. 124093

(D) "Board" means the Ohio ~~war orphans and~~ deceased or 124094
severely disabled veterans' ~~children~~ children's scholarship board 124095
created by section 5910.02 of the Revised Code. 124096

(E) "Disabled" means having a sixty per cent or greater 124097
service-connected disability or receiving benefits for permanent 124098
and total nonservice-connected disability, as determined by the 124099
United States department of veterans affairs. 124100

(F) "United States merchant marine" includes the United 124101
States army transport service and the United States naval 124102
transport service. 124103

Sec. 5910.02. There is hereby created an Ohio ~~war orphans and~~ 124104
deceased or severely disabled veterans' ~~children~~ children's 124105
scholarship board as part of the department of veterans services. 124106
The board consists of eight members as follows: the chancellor of 124107
higher education or the chancellor's designee; the director of 124108
veterans services or the director's designee; one member of the 124109
house of representatives, appointed by the speaker; one member of 124110
the senate, appointed by the president of the senate; and four 124111
members appointed by the governor, one of whom shall be a 124112
representative of the American Legion, one of whom shall be a 124113
representative of the Veterans of Foreign Wars, one of whom shall 124114
be a representative of the Disabled American Veterans, and one of 124115
whom shall be a representative of the AMVETS. At least ninety days 124116
prior to the expiration of the term of office of the 124117
representative of a veterans organization appointed by the 124118
governor, the governor shall notify the state headquarters of the 124119
affected organization of the need for an appointment and request 124120
the organization to make at least three nominations. Within sixty 124121

days after making the request for nominations, the governor may 124122
make the appointment from the nominations received, or may reject 124123
all the nominations and request at least three new nominations, 124124
from which the governor shall make an appointment within thirty 124125
days after making the request for the new nominations. If the 124126
governor receives no nominations during this thirty-day period, 124127
the governor may appoint any veteran. 124128

Terms of office for the four members appointed by the 124129
governor shall be for four years, commencing on the first day of 124130
January and ending on the thirty-first day of December, except 124131
that the term of the AMVETS representative shall expire December 124132
31, 1998, and the new term that succeeds it shall commence on 124133
January 1, 1999, and end on December 31, 2002. Each member shall 124134
hold office from the date of the member's appointment until the 124135
end of the term for which the member was appointed. The other 124136
members shall serve during their terms of office. Any vacancy 124137
shall be filled by appointment in the same manner as by original 124138
appointment. Any member appointed to fill a vacancy occurring 124139
prior to the expiration of the term for which the member's 124140
predecessor was appointed shall hold office for the remainder of 124141
such term. Any appointed member shall continue in office 124142
subsequent to the expiration date of the member's term until the 124143
member's successor takes office, or until a period of sixty days 124144
has elapsed, whichever occurs first. The members of the board 124145
shall serve without pay but shall be reimbursed for travel 124146
expenses and for other actual and necessary expenses incurred in 124147
the performance of their duties, not to exceed ten dollars per day 124148
for ten days in any one year to be appropriated out of any moneys 124149
in the state treasury to the credit of the general revenue fund. 124150

The chancellor shall act as secretary to the board and shall 124151
furnish such clerical and other assistance as may be necessary to 124152
the performance of the duties of the board. 124153

The board shall determine the number of scholarships to be made available, receive applications for scholarships, pass upon the eligibility of applicants, decide which applicants are to receive scholarships, and do all other things necessary for the proper administration of this chapter.

The board may apply for, and may receive and accept, grants, and may receive and accept gifts, bequests, and contributions, from public and private sources, including agencies and instrumentalities of the United States and this state, and shall deposit the grants, gifts, bequests, or contributions into the Ohio ~~war orphans and~~ deceased or severely disabled veterans' ~~children~~ children's scholarship donation fund.

Sec. 5910.021. The Ohio deceased or severely disabled veterans' children's scholarship board shall notify each deceased or severely disabled veterans' children's scholarship applicant whose parent was killed in action of the federal Marine Gunnery Sergeant John David Fry scholarship. The board shall establish a method by which to notify such applicants of the Fry scholarship.

The board shall not award a deceased or severely disabled veterans' children's scholarship to an applicant who is eligible for a Fry scholarship unless the board verifies that the applicant applied for and was denied a Fry scholarship. The board shall determine a method by which to verify that an applicant has been denied a Fry scholarship.

Sec. 5910.031. ~~War orphans and~~ Deceased or severely disabled veterans' ~~children~~ children's scholarships provided in sections 5910.01 to 5910.06 of the Revised Code, shall be granted to children of members of the Ohio national guard and the reserve components of any of the armed services of the United States who are killed or permanently and totally disabled while on active

duty pursuant to bona fide orders of the governor or the president 124184
of the United States, or who are killed or permanently and totally 124185
disabled while at a scheduled training assembly, a field training 124186
period of any duration or length, or active duty for training, 124187
pursuant to bona fide orders issued by a competent authority. Such 124188
scholarships shall be granted within the total number of 124189
scholarships provided under section 5910.05 of the Revised Code 124190
and are available only to children who further qualify pursuant to 124191
divisions (A), (B), and (C) of section 5910.03 of the Revised 124192
Code. 124193

As used in this section, "permanently and totally disabled" 124194
means having a disability which renders the person incapable of 124195
engaging in substantially gainful employment and which is presumed 124196
to be permanent, as determined by a special board of three 124197
officers of the Ohio national guard named by the governor, one of 124198
whom shall be a medical officer licensed to practice in this 124199
state. 124200

Sec. 5910.032. (A) A ~~war orphans and deceased or~~ severely 124201
disabled veterans' ~~children~~ children's scholarship, as provided 124202
under sections 5910.01 to 5910.06 of the Revised Code, shall be 124203
granted to the child of any person who, in the course of honorable 124204
service in the armed services of the United States, was declared 124205
by the United States department of defense to be a prisoner of war 124206
or missing in action as a result of the United States' 124207
participation in armed conflict on or after January 1, 1960, if 124208
either of the following apply: 124209

(1) The parent, at the time of entry into the armed services 124210
of the United States, or at the time the parent was declared to be 124211
a prisoner of war or missing in action, was a resident of Ohio; 124212

(2) If the parent did not enter the armed services as a 124213
resident of Ohio and was not a resident of Ohio when declared a 124214

prisoner of war or missing in action, the child has resided in 124215
Ohio for the year immediately preceding the year in which the 124216
application for the scholarship is made and any four of the last 124217
ten years. 124218

The scholarships shall be in addition to the total number of 124219
scholarships provided under section 5910.05 of the Revised Code. 124220
Notwithstanding section 5910.03 of the Revised Code, scholarships 124221
provided under this section shall be made to any such child who, 124222
at the time of application, has attained the sixteenth, but not 124223
the twenty-first, birthday. The termination of a child's parent or 124224
guardian's status as a prisoner of war or being missing in action 124225
does not affect such child's eligibility for the benefit provided 124226
by this section. 124227

(B) Scholarships provided under this section shall consist of 124228
either of the following: 124229

(1) A scholarship of the type described in division (A) of 124230
section 5910.04 of the Revised Code together with reasonable and 124231
necessary expenses for room, board, books, and laboratory fees. 124232
The additional amount for such expenses shall be paid from moneys 124233
appropriated by the general assembly for such purpose. 124234

(2) A scholarship of the type described in division (B) of 124235
section 5910.04 of the Revised Code together with an additional 124236
grant equal to the average value of the reasonable and necessary 124237
expenses granted under division (B)(1) of this section during the 124238
preceding year for room, board, books, and laboratory fees. The 124239
additional grant shall be paid from moneys appropriated by the 124240
general assembly for such purpose, and shall be paid to the child 124241
through the institution in which the child is enrolled. In no case 124242
shall the additional grant exceed the amount actually expended by 124243
the child for room, board, books, and laboratory fees. 124244

Sec. 5910.04. Scholarships granted under sections 5910.01 to 124245

5910.06 of the Revised Code shall consist of either of the 124246
following: 124247

(A) An exemption from the payment of one hundred per cent of 124248
the general and instructional fees at colleges and universities 124249
which receive support from the state of Ohio and are approved by 124250
the chancellor of higher education, except that the percentage may 124251
be reduced by the ~~war orphans and~~ deceased or severely disabled 124252
veterans' ~~children~~ children's scholarship board in any year that 124253
insufficient funds are appropriated to fully fund scholarships for 124254
all eligible students; 124255

(B) A grant to an eligible child who is enrolled in an 124256
institution that has received a certificate of authorization under 124257
Chapter 1713. of the Revised Code, or a private institution exempt 124258
from regulation under Chapter 3332. of the Revised Code as 124259
prescribed in section 3333.046 of the Revised Code, or an 124260
institution that has received a certificate of registration from 124261
the state board of career colleges and schools. Students who 124262
attend an institution that holds a certificate of registration 124263
shall be enrolled in either a program leading to an associate 124264
degree or a program leading to a bachelor's degree for which 124265
associate or bachelor's degree program the institution has 124266
received program authorization issued under section 3332.05 of the 124267
Revised Code to offer such degree program. The grant shall be paid 124268
to the child through the institution in which the child is 124269
enrolled, and shall equal one hundred per cent of the average 124270
value of all scholarships granted under division (A) of this 124271
section during the preceding year, except that the percentage may 124272
be reduced by the ~~war orphans and~~ deceased or severely disabled 124273
veterans' ~~children~~ children's scholarship board in any year that 124274
insufficient funds are appropriated to fully fund scholarships for 124275
all eligible students. In no case shall the grant exceed the total 124276
general and instructional charges of the institution. 124277

The board shall not reduce the percentage to be paid for 124278
scholarships awarded pursuant to section 5910.032 of the Revised 124279
Code below one hundred per cent. 124280

Sec. 5910.05. The Ohio ~~war orphans and~~ deceased or severely 124281
disabled veterans' ~~children~~ children's scholarship board shall 124282
determine how many scholarships are to be granted based upon 124283
available funds provided by the Ohio general assembly. If funds 124284
are available all eligible applicants shall be granted a 124285
scholarship. There shall be no limitation on the number of 124286
scholarships granted under section 5910.032 of the Revised Code, 124287
nor any limitation on the number of scholarships granted to any 124288
college or university under such section. No person shall be 124289
granted a scholarship for more than five academic years of 124290
education, which shall be at the undergraduate level. The board 124291
shall provide minimum scholastic requirements for recipients and 124292
shall withdraw the aid from any person who fails to maintain such 124293
requirements. 124294

Sec. 5910.06. The Ohio ~~war orphans and~~ deceased or severely 124295
disabled veterans' ~~children~~ children's scholarship board shall 124296
make a complete report of its administration of this chapter, to 124297
each first regular session of the general assembly. 124298

Sec. 5910.07. The Ohio ~~war orphans and~~ deceased or severely 124299
disabled veterans' ~~children~~ children's scholarship donation fund 124300
is created in the state treasury. The fund shall consist of gifts, 124301
bequests, grants, and contributions made to the fund under section 124302
5910.02 of the Revised Code. Investment earnings of the fund shall 124303
be deposited into the fund. The fund shall be used to operate the 124304
~~war orphans and~~ deceased or severely disabled veterans' ~~children~~ 124305
children's scholarship program and to provide grants under 124306
sections 5910.01 to 5910.06 of the Revised Code. 124307

Sec. 5910.08. There is hereby created in the state treasury 124308
the ~~war orphans and~~ deceased or severely disabled veterans' 124309
~~children~~ children's scholarship reserve fund. As soon as possible 124310
following the end of each fiscal year, the chancellor of higher 124311
education shall certify to the director of budget and management 124312
the unencumbered balance of the general revenue fund 124313
appropriations made in the immediately preceding fiscal year for 124314
purposes of the ~~war orphans and~~ deceased or severely disabled 124315
veterans' ~~children~~ children's scholarship program created in 124316
Chapter 5910. of the Revised Code. Upon receipt of the 124317
certification, the director of budget and management may transfer 124318
an amount not exceeding the certified amount from the general 124319
revenue fund to the ~~war orphans and~~ deceased or severely disabled 124320
veterans' ~~children~~ children's scholarship reserve fund. Moneys in 124321
the ~~war orphans and~~ deceased or severely disabled veterans' 124322
~~children~~ children's scholarship reserve fund shall be used to pay 124323
scholarship obligations in excess of the general revenue fund 124324
appropriations made for that purpose. 124325

The director of budget and management may transfer any 124326
unencumbered balance from the ~~war orphans and~~ deceased or severely 124327
disabled veterans' ~~children~~ children's scholarship reserve fund to 124328
the general revenue fund. 124329

If it is determined that general revenue fund appropriations 124330
are insufficient to meet the obligations of the ~~war orphans and~~ 124331
deceased or severely disabled veterans' ~~children~~ children's 124332
scholarship in a fiscal year, the director of budget and 124333
management may transfer funds from the ~~war orphans and~~ deceased or 124334
severely disabled veterans' ~~children~~ children's scholarship 124335
reserve fund to the general revenue fund in order to meet those 124336
obligations. The amount transferred is hereby appropriated. If the 124337
funds transferred from the ~~war orphans and~~ deceased or severely 124338
disabled veterans' ~~children~~ children's scholarship reserve fund 124339

are not needed, the director of budget and management may transfer 124340
the unexpended balance from the general revenue fund back to the 124341
~~war orphans and~~ deceased or severely disabled veterans' ~~children~~ 124342
children's scholarship reserve fund. 124343

Sec. 5913.01. (A) The adjutant general is the commander and 124344
administrative head of the Ohio organized militia, as described in 124345
section 5923.01 of the Revised Code. The adjutant general shall: 124346

(1) Be provided offices and shall keep them open during usual 124347
business hours; 124348

(2) Manage the recruitment of individuals for service in the 124349
Ohio organized militia; 124350

(3) Have and maintain custody of all military records, 124351
correspondence, and other documents of the Ohio organized militia; 124352

~~(3)~~(4) Superintend the preparation of all returns and reports 124353
required by the United States from the state on military matters; 124354

~~(4)~~(5) Keep a roster of all officers of the Ohio organized 124355
militia, including retired officers; 124356

~~(5)~~(6) Whenever necessary, cause the military provisions of 124357
the Revised Code and the orders, regulations, pamphlets, 124358
circulars, and memorandums of the adjutant general's department to 124359
be printed and distributed to the organizations of the Ohio 124360
organized militia; 124361

~~(6)~~(7) Prepare and issue all necessary Ohio organized militia 124362
forms and attest to all commissions issued to officers of the Ohio 124363
organized militia; 124364

~~(7)~~(8) Have a seal, and all copies of orders, records, and 124365
papers in the adjutant general's office certified and 124366
authenticated with that seal shall be competent evidence in like 124367
manner as if the originals were produced. All orders issued from 124368
the adjutant general's office shall bear a duplicate of the seal. 124369

~~(8)~~(9) Keep and preserve the arms, ordnance, equipment, and 124370
all other military property belonging to the state or issued to 124371
the state by the federal government and issue any regulations 124372
necessary to keep, preserve, and repair the property as conditions 124373
demand; 124374

~~(9)~~(10) Issue adjutant general's property to the units of the 124375
Ohio organized militia as the necessity of the service or 124376
organizational or allowance tables requires; 124377

~~(10)~~(11) Submit an annual report to the governor at such time 124378
as the governor requires of the transaction of the adjutant 124379
general's department, setting forth the strength and condition of 124380
the Ohio organized militia and other matters that the adjutant 124381
general chooses; 124382

~~(11)~~(12) Designate members of the Ohio national guard, who 124383
are participating in duties related to remotely piloted aircraft, 124384
including, but not limited to, pilots, sensor operators, and 124385
mission intelligence personnel, duties related to special forces 124386
operations, or duties related to cybersecurity, as designated 124387
public service workers under section 149.43 of the Revised Code; 124388

~~(12)~~(13) Command the joint force headquarters of the Ohio 124389
national guard. 124390

(B) The adjutant general shall issue and distribute all 124391
orders issued in the name of the governor as the commander in 124392
chief of the Ohio organized militia and perform the duties that 124393
the governor directs and other duties prescribed by law. 124394

(C) The adjutant general may enter into cooperative 124395
agreements, contractual arrangements, or agreements for the 124396
acceptance of grants with the United States or any agency or 124397
department of the United States, other states, any department or 124398
political subdivision of this state, or any person or body 124399
politic, to accomplish the purposes of the adjutant general's 124400

department. The adjutant general shall cooperate with, and not 124401
infringe upon, the rights of other state departments, divisions, 124402
boards, commissions, and agencies, political subdivisions, and 124403
other public officials and public and private agencies when the 124404
interests of the adjutant general's department and those other 124405
entities overlap. 124406

The funds made available by the United States for the 124407
exclusive use of the department shall be expended only by the 124408
department and only for the purposes for which the federal funds 124409
were appropriated. In accepting federal funds, the department 124410
agrees to abide by the terms and conditions of the grant or 124411
cooperative agreement and further agrees to expend the federal 124412
funds in accordance with the laws and regulations of the United 124413
States. 124414

Sec. 5922.01. The governor shall organize and maintain within 124415
this state, on a reserve basis, civilian cyber security reserve 124416
forces capable of being expanded and trained to educate and 124417
protect state, county, and local government entities, critical 124418
infrastructure, including election systems, businesses, and 124419
citizens of this state from cyber attacks. In the case of an 124420
emergency proclaimed by the governor, or caused by illicit actors 124421
or imminent danger, the governor, as commander-in-chief, shall 124422
expand the reserve as the exigency of the occasion requires. 124423

The reserve shall be a part of the Ohio organized militia 124424
under the adjutant general's department. The reserve shall be 124425
known as the Ohio cyber reserve. The adjutant general shall 124426
establish and may revise, in accordance with section 5923.12 of 124427
the Revised Code, the rates of pay for reserve members when called 124428
to state active duty. ~~While performing any drill or training,~~ 124429
~~reserve members shall serve in an unpaid volunteer status.~~ When 124430
called to state active duty by the governor, reserve members shall 124431

function as civilian members of the Ohio organized militia and 124432
shall be paid at the rates established by the adjutant general. 124433

The adjutant general may provide appropriate training to 124434
current and potential members of the Ohio cyber reserve. While 124435
performing any drill or training, current and potential reserve 124436
members shall serve in an unpaid volunteer status. 124437

The adjutant general may pay from funds appropriated by the 124438
general assembly the actual and necessary expenses incurred by the 124439
Ohio cyber reserve for administration, training, and deployment of 124440
the Ohio cyber reserve, at the discretion of the adjutant general 124441
or the adjutant general's designee. Expenses for administration, 124442
training, and deployment may include, but are not limited to, 124443
permanent or temporary state employees or contractual internal or 124444
external administrative staff, travel and subsistence expenses, 124445
the purchase or rental of equipment, hardware, and local 124446
operational support. 124447

Sec. 5923.12. When ordered to state active duty by the 124448
governor, for which duty federal basic pay and allowances are not 124449
authorized, members of the organized militia of Ohio shall receive 124450
the same pay and allowances for each day's service as is provided 124451
for commissioned officers, warrant officers, noncommissioned 124452
officers, and enlisted personnel of like grade and longevity in 124453
the armed forces of the United States, together with the necessary 124454
transportation, housing, and subsistence allowances as prescribed 124455
by the United States department of defense pay manual, or an 124456
amount not less than seventy-five dollars per day as base pay for 124457
each day's duty performed, whichever is greater. 124458

Notwithstanding any other provision of law, Ohio cyber 124459
reserve members shall receive a rate of pay determined and 124460
provided by rule by the adjutant general, in the name of the 124461
governor. The rule shall establish a rate of pay commensurate with 124462

those specified in pay schedules established by the director of 124463
administrative services for information technology employees of 124464
the state who have comparable training, experience, and 124465
professional qualifications. 124466

When ordered by the governor to perform training or duty 124467
under this section or section 5919.29 of the Revised Code, members 124468
of the Ohio national guard shall have the protections afforded to 124469
persons on federal active duty by "The Servicemembers Civil Relief 124470
Act," 117 Stat. 2835, 50 U.S.C.A. App. 501. 124471

The death benefit payable by the adjutant general under 124472
section 5919.33 of the Revised Code to any active duty member of 124473
the Ohio national guard shall also be payable to any member of the 124474
Ohio naval militia, Ohio cyber reserve, and the Ohio military 124475
reserve ordered to state active duty by proclamation of the 124476
governor and who subsequently dies while performing said duty, if 124477
a beneficiary or beneficiaries has been designated in writing on a 124478
form prescribed by the adjutant general. 124479

Sec. 6119.10. The board of trustees of a regional water and 124480
sewer district or any officer or employee designated by the board 124481
may make any contract for the purchase of supplies or material or 124482
for labor for any work, under the supervision of the board, the 124483
cost of which shall not exceed ~~fifty thousand dollars~~ the amount 124484
specified in section 9.17 of the Revised Code. When an 124485
expenditure, other than for the acquisition of real estate and 124486
interests in real estate, the discharge of noncontractual claims, 124487
personal services, the joint use of facilities or the exercise of 124488
powers with other political subdivisions, or the product or 124489
services of public utilities, exceeds ~~fifty thousand dollars~~ the 124490
amount specified in section 9.17 of the Revised Code, the 124491
expenditures shall be made only after a notice calling for bids 124492
has been published once per week for two consecutive weeks in one 124493

newspaper of general circulation within the district or as 124494
provided in section 7.16 of the Revised Code. If the bids are for 124495
a contract for the construction, demolition, alteration, repair, 124496
or reconstruction of an improvement, the board may let the 124497
contract to the lowest and best bidder who meets the requirements 124498
of section 153.54 of the Revised Code. If the bids are for a 124499
contract for any other work relating to the improvements for which 124500
a regional water and sewer district was established, the board of 124501
trustees of the regional water and sewer district may let the 124502
contract to the lowest or best bidder who gives a good and 124503
approved bond with ample security conditioned on the carrying out 124504
of the contract. The contract shall be in writing and shall be 124505
accompanied by or shall refer to plans and specifications for the 124506
work to be done, approved by the board. The plans and 124507
specifications shall at all times be made and considered part of 124508
the contract. The contract shall be approved by the board and 124509
signed by its president or other duly authorized officer and by 124510
the contractor. In case of a real and present emergency, the board 124511
of trustees of the district, by two-thirds vote of all members, 124512
may authorize the president or other duly authorized officer to 124513
enter into a contract for work to be done or for the purchase of 124514
supplies or materials without formal bidding or advertising. All 124515
contracts shall have attached the certificate required by section 124516
5705.41 of the Revised Code duly executed by the secretary of the 124517
board of trustees of the district. The district may make 124518
improvements by force account or direct labor, provided that, if 124519
the estimated cost of supplies or material for any such 124520
improvement exceeds ~~fifty thousand dollars~~ the amount specified in 124521
section 9.17 of the Revised Code, bids shall be received as 124522
provided in this section. For the purposes of the competitive 124523
bidding requirements of this section, the board shall not sever a 124524
contract for supplies or materials and labor into separate 124525
contracts for labor, supplies, or materials if the contracts are 124526

in fact a part of a single contract required to be bid 124527
competitively under this section. 124528

Sec. 6131.43. (A) Upon the completion of the work and the 124529
approval of it by the county engineer, the board of county 124530
commissioners shall order the county auditor to reduce pro rata 124531
the assessments confirmed by it by the difference between the 124532
estimated cost of the construction and the final cost as certified 124533
by the county engineer. The assessments so reduced, including the 124534
cost of location, engineering, compensation, damages, and 124535
contingency and the assessment for maintenance for one year, shall 124536
be levied upon each parcel of land, each public corporation, and 124537
each department, office, or institution of the state as stated in 124538
the schedules as of the date of the order of the board approving 124539
the contracts and ordering the levying of the assessments. 124540

(B) The auditor shall notify the owners of all assessed lands 124541
of the amount of the actual assessment, which shall be not less 124542
than ten dollars, and of the payment plan for the collection of 124543
the assessments. The auditor shall immediately place the 124544
assessments so levied upon the duplicates of the county, and the 124545
assessments shall be a lien upon the several parcels of land 124546
respectively from and after the date of the order of the board 124547
approving and levying the assessments. The auditor shall be liable 124548
on the auditor's bond for any damages sustained by any person by 124549
reason of the auditor's failure to place promptly the assessments 124550
upon the proper duplicates of the county. 124551

(C) The county auditor shall transmit to the governing body 124552
of any political subdivision affected by an improvement the 124553
assessments levied against it. The governing body shall authorize 124554
payment to be made to the county treasurer of the county in which 124555
the improvement is located from the general fund of the political 124556
subdivision, except as otherwise provided by law. 124557

(D) The county auditor shall also transmit to the director of 124558
any department, office, or institution of the state, affected by 124559
an improvement the assessments levied against any department, 124560
office, or institution of the state. Payment shall be made to the 124561
county treasurer of the county in which the improvement is located 124562
~~from the drainage assessment fund in the manner provided by~~ 124563
~~section 6133.15 of the Revised Code. In presenting their proposed~~ 124564
~~expenses to the director of budget and management pursuant to~~ 124565
~~section 126.02 of the Revised Code, the directors of all~~ 124566
~~departments, offices, or institutions of the state shall list all~~ 124567
~~unpaid assessments received before the first day of October of the~~ 124568
~~year preceding the first regular session of the general assembly~~ 124569
~~for the state's proportionate share of the cost of any improvement~~ 124570
~~authorized or constructed under this chapter and Chapters 6133.~~ 124571
~~and 6135. of the Revised Code and all unpaid assessments for~~ 124572
~~maintenance as provided by Chapter 6137. of the Revised Code. The~~ 124573
~~assessments so listed shall be included in the state budget~~ 124574
~~estimates of revenues and expenditures for each state fund and~~ 124575
~~budget estimates for each state agency prepared and submitted to~~ 124576
~~the governor under section 126.02 of the Revised Code.~~ 124577

Sec. 6301.13. The department of job and family services shall 124578
establish a dashboard of training options that are funded by the 124579
department, other state agencies, or partnerships entered into 124580
with private entities, and are available for students and young 124581
adults at no cost. The department shall make the dashboard 124582
available on the OhioMeansJobs web site. 124583

Section 101.02. That existing sections 101.34, 101.35, 124584
101.352, 101.353, 101.84, 103.0521, 103.414, 103.51, 103.60, 124585
103.65, 103.71, 106.02, 106.031, 106.032, 106.04, 106.041, 107.03, 124586
107.032, 107.033, 107.035, 107.51, 107.63, 109.02, 109.11, 124587
109.111, 109.112, 109.572, 109.71, 109.77, 109.803, 111.15, 124588

113.41, 113.60, 117.10, 117.103, 117.34, 117.46, 117.462, 117.463, 124589
117.47, 117.473, 119.01, 119.06, 119.062, 119.07, 119.09, 119.092, 124590
119.12, 120.04, 120.08, 121.04, 121.08, 121.31, 121.37, 121.381, 124591
121.483, 121.49, 121.81, 121.811, 121.93, 122.07, 122.071, 124592
122.072, 122.073, 122.16, 122.17, 122.171, 122.173, 122.1710, 124593
122.19, 122.21, 122.23, 122.25, 122.27, 122.40, 122.407, 122.4017, 124594
122.4019, 122.4020, 122.4023, 122.4030, 122.4031, 122.4034, 124595
122.4037, 122.4040, 122.4041, 122.4045, 122.4050, 122.4071, 124596
122.4076, 122.6511, 122.6512, 122.85, 122.941, 123.20, 123.211, 124597
124.136, 124.14, 124.15, 124.34, 124.387, 124.41, 125.01, 125.035, 124598
125.05, 125.071, 125.073, 125.09, 125.10, 125.11, 125.18, 125.182, 124599
125.22, 125.901, 126.021, 126.21, 126.25, 126.30, 126.46, 126.47, 124600
126.62, 127.16, 131.02, 131.43, 131.44, 131.51, 131.56, 131.57, 124601
131.58, 133.07, 135.143, 145.01, 145.016, 145.017, 145.195, 124602
145.201, 145.32, 145.33, 145.331, 145.332, 145.333, 145.35, 124603
145.361, 145.38, 145.39, 145.41, 145.45, 145.46, 149.309, 149.311, 124604
149.43, 151.01, 151.40, 153.12, 153.17, 153.54, 154.20, 164.02, 124605
164.23, 164.24, 169.05, 169.07, 173.03, 173.06, 173.21, 173.39, 124606
173.391, 173.51, 173.52, 173.521, 173.522, 173.54, 173.542, 124607
173.544, 173.60, 174.01, 174.03, 174.05, 174.06, 174.07, 175.01, 124608
175.02, 175.04, 175.05, 175.052, 175.053, 175.06, 175.07, 175.08, 124609
175.09, 175.10, 175.11, 175.12, 175.13, 175.14, 175.15, 175.31, 124610
175.32, 183.19, 184.02, 184.20, 301.27, 307.86, 307.861, 307.87, 124611
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323.69, 340.01, 340.02, 340.022, 340.03, 340.032, 340.033, 124613
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5910.07, 5910.08, 5913.01, 5922.01, 5923.12, 6119.10, and 6131.43 124746
of the Revised Code are hereby repealed. 124747

Section 105.01. That sections 101.38, 107.034, 117.464, 117.465, 117.471, 117.472, 121.371, 121.372, 121.374, 121.83, 122.65, 122.651, 122.652, 122.653, 122.654, 122.655, 122.656, 122.657, 122.658, 122.659, 122.99, 123.14, 126.231, 131.38, 175.03, 184.03, 340.20, 505.103, 717.21, 731.25, 907.30, 2151.3529, 2151.3535, 3107.018, 3111.40, 3121.46, 3302.039, 3313.482, 3317.0218, 3317.162, 3318.50, 3318.52, 3325.14, 3333.01, 3333.011, 3333.02, 3333.045, 3333.12, 3333.167, 3333.731, 3333.80, 3333.801, 3333.802, 3702.541, 3720.041, 3727.42, 3727.43, 3727.45, 3733.49, 3737.883, 3745.40, 3796.04, 4141.031, 4729.553, 4731.112, 4762.11, 4762.12, 4781.02, 5101.143, 5103.301, 5103.31, 5103.33, 5103.34, 5103.35, 5103.36, 5103.361, 5103.362, 5103.363, 5103.38, 5103.42, 5103.421, 5103.51, 5119.191, 5119.361, 5123.195, 5124.39, 5126.38, 5163.52, 5164.05, 5166.12, 5166.14, 5166.141, 5167.102, 5726.041, 5743.511, 5743.521, 5743.621, 5743.631, 6133.15, and 6301.12 of the Revised Code are hereby repealed.

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Section 105.20. That section 5126.022 of the Revised Code is hereby repealed, effective July 1, 2025.

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Section 105.30. That section 175.051 of the Revised Code is hereby repealed, effective January 1, 2024.

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Section 107.10. That Section 3 of S.B. 166 of the 134th General Assembly be amended and codified as section 4123.345 of the Revised Code to read as follows:

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Sec. 3 4123.345. (A) The ~~Employers Providing Work-Based Learning Pilot Program~~ employers providing work-based learning program is created. ~~The program expires two years after the effective date of this section.~~

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As soon as practicable after the effective date of this 124776
section, the ~~Administrator~~ administrator of ~~Workers' Compensation~~ 124777
workers' compensation, subject to the approval of the ~~Bureau~~ 124778
bureau of Workers' Compensation Board workers' compensation board 124779
of ~~Directors~~ directors, shall adopt a rule that prohibits, ~~for the~~ 124780
~~program's duration,~~ the ~~Administrator~~ administrator from charging 124781
any amount with respect to a claim for compensation or benefits 124782
under ~~Chapter~~ this chapter or Chapters 4121., ~~4123.,~~ 4127., or 124783
4131. of the Revised Code to an employer's experience if both of 124784
the following apply: 124785

(1) The employer provides work-based learning experiences for 124786
students enrolled in a ~~careertechnical~~ career-technical education 124787
program approved under section 3317.161 of the Revised Code. 124788

(2) The claim is based on a student's injury, occupational 124789
disease, or death sustained in the course of and arising out of 124790
the student's participation in the employer's work-based learning 124791
experience. 124792

(B) Pursuant to section 4109.06 of the Revised Code, the 124793
requirements of Chapter 4109. of the Revised Code do not apply to 124794
a student participating in a work-based learning experience 124795
described in division (A)(1) of this section. 124796

Section 107.11. That existing Section 3 of S.B. 166 of the 124797
134th General Assembly is hereby repealed. 124798

Section 107.20. That Section 5 of H.B. 123 of the 133rd 124799
General Assembly (as amended by H.B. 583 of the 134th General 124800
Assembly) be amended and codified as section 3317.22 of the 124801
Revised Code to read as follows: 124802

Sec. 53317.22. (A) As used in this section: 124803

(1) "Eligible internet- or computer-based community school" 124804

means ~~the following:~~ 124805

(a) ~~For fiscal year 2021, an internet or computer based~~ 124806
~~community school that was designated for the 2019-2020 school year~~ 124807
as an internet- or computer-based community school in which a 124808
majority of the students were enrolled in a dropout prevention and 124809
recovery program and ~~satisfies both of the following conditions:~~ 124810

(i) ~~The school does not have a for-profit operator;~~ 124811

(ii) ~~The school received a rating of "exceeds standards" on~~ 124812
~~the combined graduation component of the most recent report card~~ 124813
~~issued for the school under section 3314.017 of the Revised Code.~~ 124814

(b) ~~For fiscal years 2022 and 2023, an internet or~~ 124815
~~computer based community school that participated in the program~~ 124816
~~for fiscal year 2021.~~ 124817

(2) ~~"Formula amount" shall equal the amount specified in~~ 124818
~~division (F)(1) of the section of H.B. 166 of the 133rd General~~ 124819
~~Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and~~ 124820
~~2021." Statewide average base cost per-pupil has the same meaning~~ 124821
~~as in section 3317.02 of the Revised Code.~~ 124822

(3) "Internet- or computer-based community school" has the 124823
same meaning as in section 3314.02 of the Revised Code. 124824

(B) ~~The Department of Education~~ department of education shall 124825
establish a ~~pilet~~ program to provide additional funding for 124826
students enrolled in grades eight through twelve in eligible 124827
internet- or computer-based community schools ~~for fiscal years~~ 124828
~~2021, 2022, and 2023.~~ An eligible internet- or computer-based 124829
community school may choose to participate in the program by 124830
notifying the ~~Department of Education not later than ten days~~ 124831
~~after December 21, 2020~~ department not later than the first day of 124832
February of the school year in which the school will participate 124833
in the program in a form and manner determined by the department. 124834

(C) ~~For fiscal years 2021, 2022, and 2023, the Department of~~ 124835
~~Education~~ The department shall require each eligible internet- or 124836
computer-based community school that chooses to participate in the 124837
~~pilot~~ program to report all information that is necessary to make 124838
payments under division (D) of this section. 124839

(D) ~~For fiscal years 2021, 2022, and 2023, the Department~~ The 124840
department shall calculate an additional payment for each eligible 124841
internet- or computer-based community school that chooses to 124842
participate in the ~~pilot~~ program, as follows: 124843

(1) Compute the lesser of the following for each student 124844
enrolled in grades eight through twelve: 124845

(a) The ~~formula amount~~ statewide average base cost per-pupil 124846
X the maximum full-time equivalency for the portion of the school 124847
year for which the student is enrolled in the school; 124848

(b) The sum of the following: 124849

(i) A one-time payment of \$1,750. In the case of a student 124850
enrolled in the school for the first time for the ~~2020-2021,~~ 124851
~~2021-2022, or 2022-2023~~ school year for which the payment is being 124852
made, payment shall be made under division (D)(1)(b)(i) of this 124853
section at least thirty days after the student is considered to be 124854
enrolled in the school in accordance with division (H)(2) of 124855
section 3314.08 of the Revised Code, provided the student has been 124856
continuously enrolled in the school during that time, as 124857
determined by the ~~Department~~ department. In the case of a student 124858
that was enrolled in the school for the ~~2019-2020, 2020-2021, or~~ 124859
~~2021-2022~~ prior school year, payment shall be made under division 124860
(D)(1)(b)(i) of this section at least thirty days after the 124861
student has started to participate in learning opportunities for 124862
the ~~2020-2021, 2021-2022, or 2022-2023~~ school year for which the 124863
payment is being made, provided the student has been continuously 124864
enrolled in the school during that time, as determined by the 124865

~~Department~~ department. 124866

(ii) The ~~formula amount~~ statewide average base cost per-pupil 124867
X (1/920) X the lesser of the number of hours the student 124868
participates in learning opportunities in that fiscal year or 920; 124869

(iii) The lesser of (\$500 X either the number of courses 124870
completed by the student in that fiscal year, in the case of a 124871
student enrolled in grade eight, or the number of credits earned 124872
by the student in that fiscal year, in the case of a student 124873
enrolled in grades nine through twelve) or \$2,500. 124874

(2) Compute the sum of the amounts calculated under division 124875
(D)(1) of this section for all students enrolled in grades eight 124876
through twelve. 124877

(3) Compute the school's payment in accordance with the 124878
following formula: 124879

(The amount determined under division (D)(2) of this section) 124880
~~- (the total amount paid to the school for the fiscal year for~~ 124881
~~which the payment is calculated under this section under division~~ 124882
~~(C)(1)(a) of section 3314.08 of the Revised Code for the number of~~ 124883
full-time equivalent students enrolled in grades eight through 124884
twelve in the school X the statewide average base cost per-pupil) 124885

If the amount computed under division (D)(3) is a negative 124886
number, the school shall not receive a payment under this section. 124887

(E)(1) The ~~Department shall~~ department may complete a review 124888
of the enrollment of each eligible internet- or computer-based 124889
community school that chooses to participate in the ~~pilot~~ program 124890
in accordance with division (K) of section 3314.08 of the Revised 124891
Code. If the ~~Department~~ department determines a school has been 124892
overpaid based on a review completed under division (E)(1) of this 124893
section, the ~~Department~~ department shall require a repayment of 124894
the overpaid funds and may require the school to establish a plan 124895
to improve the reporting of enrollment. 124896

~~(2) The Department may require each eligible internet- or computer-based community school that chooses to participate in the pilot program to create a debt reduction plan approved by the school's sponsor, if determined appropriate by the Department.~~

~~(3) To the extent that an eligible internet- or computer-based community school that chooses to participate in the pilot program had, for the 2019-2020, 2020-2021, or 2021-2022 prior school year, a percentage of student engagement in learning opportunities that was less than sixty-five per cent, the school shall provide to the Department department a meaningful plan for increasing student engagement.~~

~~(4)(3) All eligible internet- or computer-based community schools that choose to participate in the ~~pilot~~ program shall implement programming or protocol which documents enrollment and participation in learning opportunities in order to participate in the program.~~

~~(F) Upon completion of the pilot program, and not later than December 31, 2022, the Department shall issue a report on the program. For purposes of this report, the Department may request each eligible internet- or computer-based community school that chooses to participate in the pilot program to submit information to the Department on any of the following:~~

~~(1) The time, resources, and cost associated with enrolling students in the school and preparing students to engage in learning opportunities;~~

~~(2) The time and cost associated with providing counseling and other supports to students;~~

~~(3) Student enrollment and participation data;~~

~~(4) Individualized student plans;~~

~~(5) An assessment of strategies used to improve student~~

engagement and the percentage of participation in learning opportunities	124927
opportunities	124928
(6) Any other data the Department considers relevant.	124929
The Department shall submit copies of the report in accordance with section 101.68 of the Revised Code to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking members of the standing committees on primary and secondary education of the Senate and the House of Representatives.	124930
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	124936
Section 107.21. That existing Section 5 of H.B. 123 of the 133rd General Assembly (as amended by H.B. 583 of the 134th General Assembly) is hereby repealed.	124937
	124938
	124939
Section 107.30. That Section 4 of S.B. 1 of the 134th General Assembly (as amended by H.B. 583 of the 134th General Assembly) be amended and codified as section 3319.102 of the Revised Code to read as follows:	124940
	124941
	124942
	124943
Sec. 4 <u>3319.102.</u> (A) As used in this section, "school governing body" means any of the following:	124944
	124945
(1) The board of education of a city, local, exempted village, or joint vocational school district;	124946
	124947
(2) The governing authority of a community school established under Chapter 3314. of the Revised Code;	124948
	124949
(3) The governing body of a STEM school established under Chapter 3326. of the Revised Code;	124950
	124951
(4) The governing authority of a chartered nonpublic school;	124952
(5) The governing board of an educational service center or a regional council of governments, established under Chapter 167. of	124953
	124954

the Revised Code, consisting of one or more educational service 124955
centers that provide substitute teaching services. 124956

(B) Notwithstanding anything to the contrary in sections 124957
3301.071, 3319.226, 3319.30, and 3319.36 and Chapters 3314. and 124958
3326. of the Revised Code, or the administrative rules of the 124959
~~State Board of Education~~ state board of education, a school 124960
governing body may employ an individual who does not hold a 124961
post-secondary degree as a substitute teacher, ~~for the 2021-2022,~~ 124962
~~2022-2023, and 2023-2024 school years only,~~ provided that the 124963
individual also meets the following requirements: 124964

(1) The individual meets the district's or school's own set 124965
of educational requirements. 124966

(2) The individual is deemed to be of good moral character. 124967

(3) The individual successfully completes a criminal records 124968
check as prescribed in section 3319.39 of the Revised Code. 124969

~~(C) The State Board~~ (C)(1) Notwithstanding anything to the 124970
contrary in section 3319.226 of the Revised Code, the state board 124971
shall issue a ~~nonrenewable~~ one-year temporary substitute teaching 124972
license to an individual who does not hold a post-secondary degree 124973
but meets the requirements prescribed in division (B) of this 124974
section ~~for the 2021-2022, 2022-2023, and 2023-2024 school years~~ 124975
~~only.~~ 124976

(2) The state board shall establish procedures and criteria 124977
under which the one-year temporary substitute teaching license may 124978
be renewed. 124979

Section 107.31. That existing Section 4 of S.B. 1 of the 124980
134th General Assembly (as amended by H.B. 583 of the 134th 124981
General Assembly) is hereby repealed. 124982

Section 110.10. That the versions of sections 111.15, 124983

3702.52, 3702.55, 3711.14, 4723.481, and 4730.411 of the Revised Code that are scheduled to take effect September 30, 2024, be amended to read as follows:

Sec. 111.15. (A) As used in this section:

(1) "Rule" includes any rule, regulation, bylaw, or standard having a general and uniform operation adopted by an agency under the authority of the laws governing the agency; any appendix to a rule; and any internal management rule. "Rule" does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code, any order respecting the duties of employees, any finding, any determination of a question of law or fact in a matter presented to an agency, or any rule promulgated pursuant to Chapter 119. or division (C)(1) or (2) of section 5117.02 of the Revised Code. "Rule" includes any amendment or rescission of a rule.

(2) "Agency" means any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

(3) "Internal management rule" means any rule, regulation, bylaw, or standard governing the day-to-day staff procedures and operations within an agency.

(B)(1) Any rule, other than a rule of an emergency nature, adopted by any agency pursuant to this section shall be effective on the tenth day after the day on which the rule in final form and in compliance with division (B)(3) of this section is filed as follows:

(a) The rule shall be filed in electronic form with both the secretary of state and the director of the legislative service commission;

(b) The rule shall be filed in electronic form with the joint committee on agency rule review. Division (B)(1)(b) of this section does not apply to any rule to which division (D) of this section does not apply.

An agency that adopts or amends a rule that is subject to division (D) of this section shall assign a review date to the rule that is not later than five years after its effective date. If a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its effective date. A rule with a review date is subject to review under section 106.03 of the Revised Code. This paragraph does not apply to a rule of a state college or university, community college district, technical college district, or state community college.

If an agency in adopting a rule designates an effective date that is later than the effective date provided for by division (B)(1) of this section, the rule if filed as required by such division shall become effective on the later date designated by the agency.

Any rule that is required to be filed under division (B)(1) of this section is also subject to division (D) of this section if not exempted by that division.

If a rule incorporates a text or other material by reference, the agency shall comply with sections 121.71 to 121.75 of the Revised Code.

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be

filed in electronic form with the secretary of state, the director 125045
of the legislative service commission, and the joint committee on 125046
agency rule review. The emergency rule is effective immediately 125047
upon completion of the latest filing, except that if the agency in 125048
adopting the emergency rule designates an effective date, or date 125049
and time of day, that is later than the effective date and time 125050
provided for by division (B)(2) of this section, the emergency 125051
rule if filed as required by such division shall become effective 125052
at the later date, or later date and time of day, designated by 125053
the agency. 125054

Except as provided in section 107.43 of the Revised Code, an 125055
emergency rule becomes invalid at the end of the one hundred 125056
twentieth day it is in effect. Prior to that date, the agency may 125057
file the emergency rule as a nonemergency rule in compliance with 125058
division (B)(1) of this section. The agency may not refile the 125059
emergency rule in compliance with division (B)(2) of this section 125060
so that, upon the emergency rule becoming invalid under such 125061
division, the emergency rule will continue in effect without 125062
interruption for another one hundred twenty-day period. 125063

The adoption of an emergency rule under division (B)(2) of 125064
this section in response to a state of emergency, as defined under 125065
section 107.42 of the Revised Code, may be invalidated by the 125066
general assembly, in whole or in part, by adopting a concurrent 125067
resolution in accordance with section 107.43 of the Revised Code. 125068

(3) An agency shall file a rule under division (B)(1) or (2) 125069
of this section in compliance with the following standards and 125070
procedures: 125071

(a) The rule shall be numbered in accordance with the 125072
numbering system devised by the director for the Ohio 125073
administrative code. 125074

(b) The rule shall be prepared and submitted in compliance 125075

with the rules of the legislative service commission. 125076

(c) The rule shall clearly state the date on which it is to 125077
be effective and the date on which it will expire, if known. 125078

(d) Each rule that amends or rescinds another rule shall 125079
clearly refer to the rule that is amended or rescinded. Each 125080
amendment shall fully restate the rule as amended. 125081

If the director of the legislative service commission or the 125082
director's designee gives an agency notice pursuant to section 125083
103.05 of the Revised Code that a rule filed by the agency is not 125084
in compliance with the rules of the legislative service 125085
commission, the agency shall within thirty days after receipt of 125086
the notice conform the rule to the rules of the commission as 125087
directed in the notice. 125088

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 125089
of this section shall be recorded by the secretary of state and 125090
the director under the title of the agency adopting the rule and 125091
shall be numbered according to the numbering system devised by the 125092
director. The secretary of state and the director shall preserve 125093
the rules in an accessible manner. Each such rule shall be a 125094
public record open to public inspection and may be transmitted to 125095
any law publishing company that wishes to reproduce it. 125096

(D) At least sixty-five days before a board, commission, 125097
department, division, or bureau of the government of the state 125098
files a rule under division (B)(1) of this section, it shall file 125099
the full text of the proposed rule in electronic form with the 125100
joint committee on agency rule review, and the proposed rule is 125101
subject to legislative review and invalidation under section 125102
106.021 of the Revised Code. If a state board, commission, 125103
department, division, or bureau makes a revision in a proposed 125104
rule after it is filed with the joint committee, the state board, 125105
commission, department, division, or bureau shall promptly file 125106

the full text of the proposed rule in its revised form in 125107
electronic form with the joint committee. A state board, 125108
commission, department, division, or bureau shall also file the 125109
rule summary and fiscal analysis prepared under section 106.024 of 125110
the Revised Code in electronic form along with a proposed rule, 125111
and along with a proposed rule in revised form, that is filed 125112
under this division. If a proposed rule has an adverse impact on 125113
businesses, the state board, commission, department, division, or 125114
bureau also shall file the business impact analysis, any 125115
recommendations received from the common sense initiative office, 125116
and the associated memorandum of response, if any, in electronic 125117
form along with the proposed rule, or the proposed rule in revised 125118
form, that is filed under this division. 125119

A proposed rule that is subject to legislative review under 125120
this division may not be adopted and filed in final form under 125121
division (B)(1) of this section unless the proposed rule has been 125122
filed with the joint committee on agency rule review under this 125123
division and the time for the joint committee to review the 125124
proposed rule has expired without recommendation of a concurrent 125125
resolution to invalidate the proposed rule. 125126

If a proposed rule that is subject to legislative review 125127
under this division implements a federal law or rule, the agency 125128
shall provide to the joint committee a citation to the federal law 125129
or rule the proposed rule implements and a statement as to whether 125130
the proposed rule implements the federal law or rule in a manner 125131
that is more or less stringent or burdensome than the federal law 125132
or rule requires. 125133

As used in this division, "commission" includes the public 125134
utilities commission when adopting rules under a federal or state 125135
statute. 125136

This division does not apply to any of the following: 125137

(1) A proposed rule of an emergency nature;	125138
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, <u>4123.345</u> , 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	125139 125140 125141 125142
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	125143 125144 125145
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	125146 125147 125148
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	125149 125150 125151 125152 125153
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	125154 125155
(b) A citation to the federal law or rule that requires verbatim compliance.	125156 125157
(6) An initial rule proposed by the director of health to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code;	125158 125159 125160
(7) A rule of the state lottery commission pertaining to instant game rules.	125161 125162
If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.	125163 125164 125165 125166 125167

Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. A state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission.

Sec. 3702.52. The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. Administration of the program shall include both a standard review process and an expedited review process.

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling, except that if an expedited review is requested, the ruling shall be issued not later than thirty days after receiving the request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in the required time, the project shall be considered to have been ruled not a reviewable activity.

(B)(1) Each application for a certificate of need shall be submitted to the director on forms and in the manner prescribed by the director. An application for which expedited review is requested must meet the same requirements as all other applications.

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division ~~(G)~~(F) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.30 and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application for which expedited review is requested, the director's notice or request shall be mailed not later than fourteen days after the director receives the application or a response to an earlier request for information. Except as provided in section 3702.522 of the Revised Code, the director shall not make more than two

requests for additional information. For either the standard or 125231
expedited review process, the director shall make a final 125232
determination regarding an application's completeness and issue a 125233
notice of the determination not later than one hundred eighty days 125234
after the date the director received the initial application. 125235

The director's determination that an application is not 125236
complete is final and not subject to appeal. 125237

(4) Except as necessary to comply with a subpoena issued 125238
under division (F) of this section, after a notice of completeness 125239
has been received, no person shall make revisions to information 125240
that was submitted to the director before the director mailed the 125241
notice of completeness or knowingly discuss in person or by 125242
telephone the merits of the application with the director. A 125243
person may supplement an application after a notice of 125244
completeness has been received by submitting clarifying 125245
information to the director. 125246

(C) All of the following apply to the process of granting or 125247
denying a certificate of need: 125248

(1) If the project proposed in a certificate of need 125249
application meets all of the applicable certificate of need 125250
criteria for approval under sections 3702.51 to 3702.62 of the 125251
Revised Code and the rules adopted under those sections, the 125252
director shall grant a certificate of need for all or part of the 125253
project that is the subject of the application by the applicable 125254
deadline specified in division (C)(4) of this section or any 125255
extension of it under division (C)(5) of this section. 125256

(2) The director's grant of a certificate of need does not 125257
affect, and sets no precedent for, the director's decision to 125258
grant or deny other applications for similar reviewable 125259
activities. 125260

(3) Any affected person may submit written comments regarding 125261

an application. The director shall consider all written comments 125262
received by the forty-fifth day after the application is submitted 125263
to the director, except that to be considered in an expedited 125264
review, written comments must be received by the twenty-first day 125265
after the application is submitted. 125266

(4) Except as provided in division (C)(5) of this section, 125267
the director shall grant or deny certificate of need applications 125268
not later than sixty days after mailing the notice of completeness 125269
unless the application is receiving expedited review. If the 125270
application is receiving expedited review, the director shall 125271
grant or deny the application not later than forty-five days after 125272
mailing the notice of completeness. 125273

(5) Except as provided in division (C)(6) of this section, 125274
the director or the applicant may extend the deadline prescribed 125275
in division (C)(4) of this section once, for no longer than thirty 125276
days, by written notice before the end of the deadline prescribed 125277
by division (C)(4) of this section. An extension by the director 125278
under division (C)(5) of this section shall apply to all 125279
applications that are in comparative review. 125280

(6) No applicant in a comparative review may extend the 125281
deadline specified in division (C)(4) of this section. 125282

(7) If the director does not grant or deny the certificate by 125283
the applicable deadline specified in division (C)(4) of this 125284
section or any extension of it under division (C)(5) of this 125285
section, the certificate shall be considered to have been granted. 125286

~~(8) In granting a certificate of need, the director shall 125287
specify as the maximum capital expenditure the certificate holder 125288
may obligate under the certificate a figure equal to one hundred 125289
ten per cent of the approved project cost. 125290~~

~~(9) In granting a certificate of need, the director may grant 125291
the certificate with conditions that must be met by the holder of 125292~~

the certificate. 125293

(D) When a certificate of need is granted for a project under 125294
which beds are to be relocated, upon completion of the project for 125295
which the certificate of need was granted a number of beds equal 125296
to the number of beds relocated shall cease to be operated in the 125297
long-term care facility from which they are relocated, except that 125298
the beds may continue to be operated for not more than fifteen 125299
days to allow relocation of residents to the facility to which the 125300
beds have been relocated. Notwithstanding section 3721.03 of the 125301
Revised Code, if the relocated beds are in a home licensed under 125302
Chapter 3721. of the Revised Code, the facility's license is 125303
automatically reduced by the number of beds relocated effective 125304
fifteen days after the beds are relocated. If the beds are in a 125305
facility that is certified as a skilled nursing facility or 125306
nursing facility under Title XVIII or XIX of the "Social Security 125307
Act," the certification for the beds shall be surrendered. If the 125308
beds are reported in an application submitted under section 125309
3722.03 of the Revised Code as skilled nursing beds or long-term 125310
care beds, the director shall remove the beds from registration 125311
not later than fifteen days after the beds are relocated. 125312

(E) During the period beginning with the granting of a 125313
certificate of need and ending five years after implementation of 125314
the reviewable activity for which the certificate was granted, the 125315
director shall monitor the activities of the person granted the 125316
certificate to determine whether the reviewable activity is 125317
conducted in substantial accordance with the certificate. A 125318
reviewable activity shall not be determined to be not in 125319
substantial accordance with the certificate of need solely because 125320
of either of the following: 125321

(1) A decrease in bed capacity; 125322

(2) A change in the owner or operator of the facility unless 125323
any of the circumstances specified in division (B) of section 125324

3702.59 of the Revised Code apply to the new owner or operator. 125325

(F) When reviewing applications for certificates of need, 125326
considering appeals under section 3702.60 of the Revised Code, or 125327
monitoring activities of persons granted certificates of need, the 125328
director may issue and enforce, in the manner provided in section 125329
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 125330
compel a person to testify and produce documents relevant to 125331
review of the application, consideration of the appeal, or 125332
monitoring of the activities. In addition, the director or the 125333
director's designee may visit the sites where the activities are 125334
or will be conducted. 125335

(G) The director may withdraw certificates of need. 125336

(H) All long-term care facilities shall submit to the 125337
director, upon request, any information prescribed by rules 125338
adopted under division ~~(H)~~(G) of section 3702.57 of the Revised 125339
Code that is necessary to conduct reviews of certificate of need 125340
applications and to develop criteria for reviews. 125341

(I) Any decision to grant or deny a certificate of need shall 125342
consider the special needs and circumstances resulting from moral 125343
and ethical values and the free exercise of religious rights of 125344
long-term care facilities administered by religious organizations, 125345
and the special needs and circumstances of inner city and rural 125346
communities. 125347

Sec. 3702.55. A person that the director of health determines 125348
has violated section 3702.53 of the Revised Code shall cease 125349
conducting the activity that constitutes the violation or 125350
utilizing the facility resulting from the violation not later than 125351
thirty days after the person receives the notice mailed under 125352
section 3702.532 of the Revised Code or, if the person appeals the 125353
director's determination under section 3702.60 of the Revised 125354
Code, thirty days after the person receives an order upholding the 125355

director's determination that is not subject to further appeal. 125356

If any person determined to have violated section 3702.53 of 125357
the Revised Code fails to cease conducting an activity or using a 125358
facility as required by this section or if the person continues to 125359
seek payment or reimbursement for services rendered or costs 125360
incurred in conducting the activity as prohibited by section 125361
3702.56 of the Revised Code, in addition to the penalties imposed 125362
under section 3702.54 ~~or 3702.541~~ of the Revised Code: 125363

(A) The director of health may refuse to license, or may 125364
revoke a license or reduce bed capacity previously granted to, a 125365
hospice care program under section 3712.04 of the Revised Code; a 125366
nursing home, residential care facility, or home for the aging 125367
under section 3721.02 of the Revised Code; or any beds within any 125368
of those facilities that are involved in the activity; 125369

(B) A political subdivision certified under section 3721.09 125370
of the Revised Code may refuse to license, or may revoke a license 125371
or reduce bed capacity previously granted to, a nursing home, 125372
residential care facility, or home for the aging, or any beds 125373
within any of those facilities that are involved in the activity; 125374

(C) The director of mental health and addiction services may 125375
refuse to license under section 5119.33 of the Revised Code, or 125376
may revoke a license or reduce bed capacity previously granted to, 125377
a hospital receiving persons with mental illnesses or beds within 125378
such a hospital that are involved in the activity; 125379

(D) The department of medicaid may refuse to enter into a 125380
provider agreement that includes a facility, beds, or services 125381
that result from the activity. 125382

Sec. 3711.14. (A) In accordance with Chapter 119. of the 125383
Revised Code, the director of health may do any of the following: 125384

(1) Impose a civil penalty of not less than one thousand 125385

dollars and not more than two hundred fifty thousand dollars on a 125386
person who violates a provision of this chapter or the rules 125387
adopted under it; 125388

(2) Summarily suspend, in accordance with division (B) of 125389
this section, a license issued under this chapter if the director 125390
believes there is clear and convincing evidence that the continued 125391
operation of a maternity home presents a danger of immediate and 125392
serious harm to the public; 125393

(3) Revoke a license issued under this chapter if the 125394
director determines that a violation of a provision of this 125395
chapter or the rules adopted under it has occurred in such a 125396
manner as to pose an imminent threat of serious physical or 125397
life-threatening danger. 125398

(B) If the director suspends a license under division (A)(2) 125399
of this section, the director shall ~~issue~~ serve a written order of 125400
suspension ~~and cause it to be delivered by certified mail or in~~ 125401
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 125402
the Revised Code. The order shall not be subject to suspension by 125403
the court while an appeal filed under section 119.12 of the 125404
Revised Code is pending. If the individual subject to the 125405
suspension requests an adjudication, the date set for the 125406
adjudication shall be within fifteen days but not earlier than 125407
seven days after the individual makes the request, unless another 125408
date is agreed to by both the individual and the director. The 125409
summary suspension shall remain in effect, unless reversed by the 125410
director, until a final adjudication order issued by the director 125411
pursuant to this section and Chapter 119. of the Revised Code 125412
becomes effective. 125413

The director shall issue a final adjudication order not later 125414
than ninety days after completion of the adjudication. If the 125415
director does not issue a final order within the ninety-day 125416
period, the summary suspension shall be void, but any final 125417

adjudication order issued subsequent to the ninety-day period 125418
shall not be affected. 125419

(C) If the director issues an order revoking or suspending a 125420
license issued under this chapter and the license holder continues 125421
to operate a maternity home, the director may ask the attorney 125422
general to apply to the court of common pleas of the county in 125423
which the person is located for an order enjoining the person from 125424
operating the home. The court shall grant the order on a showing 125425
that the person is operating the home. 125426

Sec. 4723.481. This section establishes standards and 125427
conditions regarding the authority of an advanced practice 125428
registered nurse who is designated as a clinical nurse specialist, 125429
certified nurse-midwife, or certified nurse practitioner to 125430
prescribe and personally furnish drugs and therapeutic devices 125431
under a license issued under section 4723.42 of the Revised Code. 125432

(A) A clinical nurse specialist, certified nurse-midwife, or 125433
certified nurse practitioner shall not prescribe or furnish any 125434
drug or therapeutic device that is listed on the exclusionary 125435
formulary established in rules adopted under section 4723.50 of 125436
the Revised Code. 125437

(B) The prescriptive authority of a clinical nurse 125438
specialist, certified nurse-midwife, or certified nurse 125439
practitioner shall not exceed the prescriptive authority of the 125440
collaborating physician or podiatrist, including the collaborating 125441
physician's authority to treat chronic pain with controlled 125442
substances and products containing tramadol as described in 125443
section 4731.052 of the Revised Code. 125444

(C)(1) Except as provided in division (C)(2) or (3) of this 125445
section, a clinical nurse specialist, certified nurse-midwife, or 125446
certified nurse practitioner may prescribe to a patient a schedule 125447
II controlled substance only if all of the following are the case: 125448

(a) The patient has a terminal condition, as defined in section 2133.01 of the Revised Code.	125449 125450
(b) A physician initially prescribed the substance for the patient.	125451 125452
(c) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, seventy-two-hour period.	125453 125454 125455
(2) The restrictions on prescriptive authority in division (C)(1) of this section do not apply if a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner issues the prescription to the patient from any of the following entities:	125456 125457 125458 125459 125460
(a) A hospital registered under section 3701.07 of the Revised Code;	125461 125462
(b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;	125463 125464 125465
(c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	125466 125467 125468
(d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	125469 125470 125471
(e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	125472 125473 125474
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	125475 125476
(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	125477 125478

(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	125479 125480
(i) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;	125481 125482
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	125483 125484
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	125485 125486
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	125487 125488 125489 125490
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site;	125491 125492 125493 125494 125495 125496 125497 125498
(n) <u>A site where a behavioral health practice is operated that does not qualify as a location otherwise described in division (C)(2) of this section, but only if the practice is organized to provide outpatient services for the treatment of mental health conditions, substance use disorders, or both, and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site of the practice has a standard care arrangement and collaborates with at least one physician who is employed by that practice;</u>	125499 125500 125501 125502 125503 125504 125505 125506 125507
(o) A residential care facility, as defined in section 3721.01 of the Revised Code.	125508 125509

(3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in division (C)(2) of this section.

(D) A pharmacist who acts in good faith reliance on a prescription issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under division (C)(2) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

(E) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall comply with section 3719.061 of the Revised Code if the nurse prescribes for a minor, as defined in that section, an opioid analgesic, as defined in section 3719.01 of the Revised Code.

Sec. 4730.411. (A) Except as provided in division (B) or (C) of this section, a physician assistant may prescribe to a patient a schedule II controlled substance only if all of the following are the case:

(1) The patient is in a terminal condition, as defined in section 2133.01 of the Revised Code.

(2) The physician assistant's supervising physician initially prescribed the substance for the patient.

(3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period.

(B) The restrictions on prescriptive authority in division

(A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations:

(1) A hospital as defined in section 3722.01 of the Revised Code;

(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;

(3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;

(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;

(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;

(6) A hospice care program, as defined in section 3712.01 of the Revised Code;

(7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;

(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;

(9) A freestanding birthing center, as defined in section 3701.503 of the Revised Code;

(10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;

(11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;

(12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;

(13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site;

(14) A site where a behavioral health practice is operated that does not qualify as a location otherwise described in division (B) of this section, but only if the practice is organized to provide outpatient services for the treatment of mental health conditions, substance use disorders, or both, and the physician assistant providing services at the site of the practice has entered into a supervisory agreement with at least one physician who is employed by that practice.

(C) A physician assistant shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the convenience care clinic is owned or operated by an entity specified in division (B) of this section.

(D) A pharmacist who acts in good faith reliance on a prescription issued by a physician assistant under division (B) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.

Section 110.11. That the existing versions of sections

111.15, 3702.52, 3702.55, 3711.14, 4723.481, and 4730.411 of the Revised Code that are scheduled to take effect September 30, 2024, are hereby repealed.

Section 110.12. Sections 110.10 and 110.11 of this act take effect September 30, 2024.

Section 110.20. That the versions of sections 109.77, 173.21, 173.391, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3327.10, 3704.14, 3737.83, 4701.06, 4701.10, 4709.07, 4709.10, 4713.28, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4759.05, 4763.05, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

Sec. 109.77. (A) As used in this section:

(1) "Felony" has the same meaning as in section 109.511 of the Revised Code.

(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.

(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer,	125628
forest-fire investigator, wildlife officer, or natural resources	125629
officer of the department of natural resources;	125630
(c) An employee of a park district under section 511.232 or	125631
1545.13 of the Revised Code;	125632
(d) An employee of a conservancy district who is designated	125633
pursuant to section 6101.75 of the Revised Code;	125634
(e) A state university law enforcement officer;	125635
(f) A special police officer employed by the department of	125636
mental health and addiction services pursuant to section 5119.08	125637
of the Revised Code or the department of developmental	125638
disabilities pursuant to section 5123.13 of the Revised Code;	125639
(g) An enforcement agent of the department of public safety	125640
whom the director of public safety designates under section	125641
5502.14 of the Revised Code;	125642
(h) A special police officer employed by a port authority	125643
under section 4582.04 or 4582.28 of the Revised Code;	125644
(i) A special police officer employed by a municipal	125645
corporation at a municipal airport, or other municipal air	125646
navigation facility, that has scheduled operations, as defined in	125647
section 119.3 of Title 14 of the Code of Federal Regulations, 14	125648
C.F.R. 119.3, as amended, and that is required to be under a	125649
security program and is governed by aviation security rules of the	125650
transportation security administration of the United States	125651
department of transportation as provided in Parts 1542. and 1544.	125652
of Title 49 of the Code of Federal Regulations, as amended;	125653
(j) A gaming agent employed under section 3772.03 of the	125654
Revised Code;	125655
<u>(k) The inspector general or a deputy inspector general</u>	125656
<u>appointed pursuant to section 121.48 of the Revised Code.</u>	125657

(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(e) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;

(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;

(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(h) A special police officer employed by a municipal

corporation at a municipal airport, or other municipal air 125688
navigation facility, that has scheduled operations, as defined in 125689
section 119.3 of Title 14 of the Code of Federal Regulations, 14 125690
C.F.R. 119.3, as amended, and that is required to be under a 125691
security program and is governed by aviation security rules of the 125692
transportation security administration of the United States 125693
department of transportation as provided in Parts 1542. and 1544. 125694
of Title 49 of the Code of Federal Regulations, as amended. 125695

(3) For purposes of division (B) of this section, a state, 125696
county, municipal, or department of natural resources peace 125697
officer basic training program, regardless of whether the program 125698
is to be completed by peace officers appointed on a permanent or 125699
temporary, probationary, or other nonpermanent basis, shall 125700
include training in the handling of the offense of domestic 125701
violence, other types of domestic violence-related offenses and 125702
incidents, protection orders and consent agreements issued or 125703
approved under section 2919.26 or 3113.31 of the Revised Code, 125704
crisis intervention training, and training on companion animal 125705
encounters and companion animal behavior. The requirement to 125706
complete training in the handling of the offense of domestic 125707
violence, other types of domestic violence-related offenses and 125708
incidents, and protection orders and consent agreements issued or 125709
approved under section 2919.26 or 3113.31 of the Revised Code does 125710
not apply to any person serving as a peace officer on March 27, 125711
1979, and the requirement to complete training in crisis 125712
intervention does not apply to any person serving as a peace 125713
officer on April 4, 1985. Any person who is serving as a peace 125714
officer on April 4, 1985, who terminates that employment after 125715
that date, and who subsequently is hired as a peace officer by the 125716
same or another law enforcement agency shall complete training in 125717
crisis intervention as prescribed by rules adopted by the attorney 125718
general pursuant to section 109.742 of the Revised Code. No peace 125719
officer shall have employment as a peace officer terminated and 125720

then be reinstated with intent to circumvent this section. 125721

(4) Division (B) of this section does not apply to any person 125722
serving on a permanent basis on March 28, 1985, as a park officer, 125723
forest officer, preserve officer, wildlife officer, or state 125724
watercraft officer of the department of natural resources or as an 125725
employee of a park district under section 511.232 or 1545.13 of 125726
the Revised Code, to any person serving on a permanent basis on 125727
March 6, 1986, as an employee of a conservancy district designated 125728
pursuant to section 6101.75 of the Revised Code, to any person 125729
serving on a permanent basis on January 10, 1991, as a preserve 125730
officer of the department of natural resources, to any person 125731
employed on a permanent basis on July 2, 1992, as a special police 125732
officer by the department of mental health and addiction services 125733
pursuant to section 5119.08 of the Revised Code or by the 125734
department of developmental disabilities pursuant to section 125735
5123.13 of the Revised Code, to any person serving on a permanent 125736
basis on May 17, 2000, as a special police officer employed by a 125737
port authority under section 4582.04 or 4582.28 of the Revised 125738
Code, to any person serving on a permanent basis on March 19, 125739
2003, as a special police officer employed by a municipal 125740
corporation at a municipal airport or other municipal air 125741
navigation facility described in division (A)(19) of section 125742
109.71 of the Revised Code, to any person serving on a permanent 125743
basis on June 19, 1978, as a state university law enforcement 125744
officer pursuant to section 3345.04 of the Revised Code and who, 125745
immediately prior to June 19, 1978, was serving as a special 125746
police officer designated under authority of that section, or to 125747
any person serving on a permanent basis on September 20, 1984, as 125748
a liquor control investigator, known after June 30, 1999, as an 125749
enforcement agent of the department of public safety, engaged in 125750
the enforcement of Chapters 4301. and 4303. of the Revised Code. 125751

(5) Division (B) of this section does not apply to any person 125752

who is appointed as a regional transit authority police officer 125753
pursuant to division (Y) of section 306.35 of the Revised Code if, 125754
on or before July 1, 1996, the person has completed satisfactorily 125755
an approved state, county, municipal, or department of natural 125756
resources peace officer basic training program and has been 125757
awarded a certificate by the executive director of the Ohio peace 125758
officer training commission attesting to the person's satisfactory 125759
completion of such an approved program and if, on July 1, 1996, 125760
the person is performing peace officer functions for a regional 125761
transit authority. 125762

(C) No person, after September 20, 1984, shall receive an 125763
original appointment on a permanent basis as a veterans' home 125764
police officer designated under section 5907.02 of the Revised 125765
Code unless the person previously has been awarded a certificate 125766
by the executive director of the Ohio peace officer training 125767
commission attesting to the person's satisfactory completion of an 125768
approved police officer basic training program. Every person who 125769
is appointed on a temporary basis or for a probationary term or on 125770
other than a permanent basis as a veterans' home police officer 125771
designated under section 5907.02 of the Revised Code shall forfeit 125772
that position unless the person previously has completed 125773
satisfactorily or, within one year from the time of appointment, 125774
satisfactorily completes an approved police officer basic training 125775
program. 125776

(D) No bailiff or deputy bailiff of a court of record of this 125777
state and no criminal investigator who is employed by the state 125778
public defender shall carry a firearm, as defined in section 125779
2923.11 of the Revised Code, while on duty unless the bailiff, 125780
deputy bailiff, or criminal investigator has done or received one 125781
of the following: 125782

(1) Has been awarded a certificate by the executive director 125783
of the Ohio peace officer training commission, which certificate 125784

attests to satisfactory completion of an approved state, county, 125785
or municipal basic training program for bailiffs and deputy 125786
bailiffs of courts of record and for criminal investigators 125787
employed by the state public defender that has been recommended by 125788
the Ohio peace officer training commission; 125789

(2) Has successfully completed a firearms training program 125790
approved by the Ohio peace officer training commission prior to 125791
employment as a bailiff, deputy bailiff, or criminal investigator; 125792

(3) Prior to June 6, 1986, was authorized to carry a firearm 125793
by the court that employed the bailiff or deputy bailiff or, in 125794
the case of a criminal investigator, by the state public defender 125795
and has received training in the use of firearms that the Ohio 125796
peace officer training commission determines is equivalent to the 125797
training that otherwise is required by division (D) of this 125798
section. 125799

(E)(1) Before a person seeking a certificate completes an 125800
approved peace officer basic training program, the executive 125801
director of the Ohio peace officer training commission shall 125802
request the person to disclose, and the person shall disclose, any 125803
previous criminal conviction of or plea of guilty of that person 125804
to a felony. 125805

(2) Before a person seeking a certificate completes an 125806
approved peace officer basic training program, the executive 125807
director shall request a criminal history records check on the 125808
person. The executive director shall submit the person's 125809
fingerprints to the bureau of criminal identification and 125810
investigation, which shall submit the fingerprints to the federal 125811
bureau of investigation for a national criminal history records 125812
check. 125813

Upon receipt of the executive director's request, the bureau 125814
of criminal identification and investigation and the federal 125815

bureau of investigation shall conduct a criminal history records 125816
check on the person and, upon completion of the check, shall 125817
provide a copy of the criminal history records check to the 125818
executive director. The executive director shall not award any 125819
certificate prescribed in this section unless the executive 125820
director has received a copy of the criminal history records check 125821
on the person to whom the certificate is to be awarded. 125822

(3) The executive director of the commission shall not award 125823
a certificate prescribed in this section to a person who has been 125824
convicted of or has pleaded guilty to a felony or who fails to 125825
disclose any previous criminal conviction of or plea of guilty to 125826
a felony as required under division (E)(1) of this section. 125827

(4) The executive director of the commission shall revoke the 125828
certificate awarded to a person as prescribed in this section, and 125829
that person shall forfeit all of the benefits derived from being 125830
certified as a peace officer under this section, if the person, 125831
before completion of an approved peace officer basic training 125832
program, failed to disclose any previous criminal conviction of or 125833
plea of guilty to a felony as required under division (E)(1) of 125834
this section. 125835

(F)(1) Regardless of whether the person has been awarded the 125836
certificate or has been classified as a peace officer prior to, 125837
on, or after October 16, 1996, the executive director of the Ohio 125838
peace officer training commission shall revoke any certificate 125839
that has been awarded to a person as prescribed in this section if 125840
the person does either of the following: 125841

(a) Pleads guilty to a felony committed on or after January 1, 1997; 125842
125843

(b) Pleads guilty to a misdemeanor committed on or after 125844
January 1, 1997, pursuant to a negotiated plea agreement as 125845
provided in division (D) of section 2929.43 of the Revised Code in 125846

which the person agrees to surrender the certificate awarded to 125847
the person under this section. 125848

(2) The executive director of the commission shall suspend 125849
any certificate that has been awarded to a person as prescribed in 125850
this section if the person is convicted, after trial, of a felony 125851
committed on or after January 1, 1997. The executive director 125852
shall suspend the certificate pursuant to division (F)(2) of this 125853
section pending the outcome of an appeal by the person from that 125854
conviction to the highest court to which the appeal is taken or 125855
until the expiration of the period in which an appeal is required 125856
to be filed. If the person files an appeal that results in that 125857
person's acquittal of the felony or conviction of a misdemeanor, 125858
or in the dismissal of the felony charge against that person, the 125859
executive director shall reinstate the certificate awarded to the 125860
person under this section. If the person files an appeal from that 125861
person's conviction of the felony and the conviction is upheld by 125862
the highest court to which the appeal is taken or if the person 125863
does not file a timely appeal, the executive director shall revoke 125864
the certificate awarded to the person under this section. 125865

(G)(1) If a person is awarded a certificate under this 125866
section and the certificate is revoked pursuant to division (E)(4) 125867
or (F) of this section, the person shall not be eligible to 125868
receive, at any time, a certificate attesting to the person's 125869
satisfactory completion of a peace officer basic training program. 125870

(2) The revocation or suspension of a certificate under 125871
division (E)(4) or (F) of this section shall be in accordance with 125872
Chapter 119. of the Revised Code. 125873

(H)(1) A person who was employed as a peace officer of a 125874
county, township, or municipal corporation of the state on January 125875
1, 1966, and who has completed at least sixteen years of full-time 125876
active service as such a peace officer, or equivalent service as 125877
determined by the executive director of the Ohio peace officer 125878

training commission, may receive an original appointment on a 125879
permanent basis and serve as a peace officer of a county, 125880
township, or municipal corporation, or as a state university law 125881
enforcement officer, without complying with the requirements of 125882
division (B) of this section. 125883

(2) Any person who held an appointment as a state highway 125884
trooper on January 1, 1966, may receive an original appointment on 125885
a permanent basis and serve as a peace officer of a county, 125886
township, or municipal corporation, or as a state university law 125887
enforcement officer, without complying with the requirements of 125888
division (B) of this section. 125889

(I) No person who is appointed as a peace officer of a 125890
county, township, or municipal corporation on or after April 9, 125891
1985, shall serve as a peace officer of that county, township, or 125892
municipal corporation unless the person has received training in 125893
the handling of missing children and child abuse and neglect cases 125894
from an approved state, county, township, or municipal police 125895
officer basic training program or receives the training within the 125896
time prescribed by rules adopted by the attorney general pursuant 125897
to section 109.741 of the Revised Code. 125898

(J) No part of any approved state, county, or municipal basic 125899
training program for bailiffs and deputy bailiffs of courts of 125900
record and no part of any approved state, county, or municipal 125901
basic training program for criminal investigators employed by the 125902
state public defender shall be used as credit toward the 125903
completion by a peace officer of any part of the approved state, 125904
county, or municipal peace officer basic training program that the 125905
peace officer is required by this section to complete 125906
satisfactorily. 125907

(K) This section does not apply to any member of the police 125908
department of a municipal corporation in an adjoining state 125909
serving in this state under a contract pursuant to section 737.04 125910

of the Revised Code. 125911

(L) The executive director of the commission shall issue a 125912
certificate of completion of a training program required under 125913
this section in accordance with Chapter 4796. of the Revised Code 125914
to an individual if either of the following applies: 125915

(1) The individual holds a certificate of completion of such 125916
a program in another state. 125917

(2) The individual has satisfactory work experience, a 125918
government certification, or a private certification as described 125919
in that chapter in the same profession, occupation, or 125920
occupational activity as the profession, occupation, or 125921
occupational activity for which the certificate is required in 125922
this state in a state that does not require completion of such a 125923
training program. 125924

Sec. 173.21. (A) The office of the state long-term care 125925
ombudsman program, through the state long-term care ombudsman and 125926
the regional long-term care ombudsman programs, shall require each 125927
representative of the office to complete a training and 125928
certification ~~program~~ in accordance with this section and to meet 125929
~~the~~ any continuing education requirements that may be established 125930
under in rules adopted under division (B) of this section. 125931

(B) The department of aging shall adopt rules in accordance 125932
with Chapter 119. of the Revised Code specifying the content of 125933
training ~~programs~~ for representatives of the office of the state 125934
long-term care ombudsman program. Training for representatives 125935
other than those who are volunteers providing services through 125936
regional long-term care ombudsman programs shall include 125937
instruction regarding federal, state, and local laws, rules, and 125938
policies on long-term care facilities and community-based 125939
long-term care services; investigative techniques; and other 125940
topics considered relevant by the department ~~and shall consist.~~ 125941

All of the following apply to training for representatives other than volunteers: 125942
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(1) ~~A~~ Representatives shall complete a minimum of ~~forty clock~~ thirty-six hours of basic instruction, which shall be completed before the trainee is permitted to handle complaints without the supervision of a representative of the office certified under this section; 125944
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(2) ~~An additional sixty clock~~ Additional hours of instruction, ~~which shall be completed within the first fifteen months of employment~~ may include an internship, in-service training, and continuing education requirements as may be required in rules adopted under division (B) of this section; 125949
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(3) ~~An internship of twenty clock hours, which shall be completed within the first twenty four months of employment, including instruction in, and observation of, basic nursing care and long term care provider operations and procedures. The internship shall be performed at a site that has been approved as an internship site by the state long term care ombudsman.~~ 125954
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(4) ~~One of the following, which shall be completed within the first twenty four months of employment:~~ 125960
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(a) ~~Observation of a survey conducted by the director of health to certify a nursing facility to participate in the medicaid program;~~ 125962
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(b) ~~Observation of an inspection conducted by the director of mental health and addiction services to license a residential facility under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.~~ 125965
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(5) Any Representatives may be required to complete any other training considered appropriate by the department. 125970
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(C) ~~Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long term care ombudsman program established by the department of aging under section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office.~~ 125972
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~~(D)~~ The state ombudsman and each regional program shall 125986
~~conduct training programs for~~ train volunteers on their respective 125987
staffs in accordance with the rules ~~of the department of aging~~ 125988
adopted under division (B) of this section. ~~Training programs~~ 125989
Volunteers may be ~~conducted that train volunteers~~ trained to 125990
complete some, but not all, of the duties of a representative of 125991
the office. Each regional office shall bear the cost of training 125992
its representatives who are volunteers. On completion of a 125993
training ~~program~~, the representative shall take an examination 125994
administered by the department of aging. On attainment of a 125995
passing score, a volunteer shall be certified by the department as 125996
a representative authorized to perform services specified in the 125997
certification. The department shall issue an identification card, 125998
which the representative shall show at the request of any person 125999
with whom the representative deals while performing the 126000
representative's duties and which shall be surrendered at the time 126001
the representative separates from the office. Except as a 126002
supervised part of a training ~~program~~, no volunteer shall perform 126003
any duty unless the volunteer is certified as a representative 126004

having received appropriate training for that duty. 126005

~~(E)(D)~~ The state ombudsman shall provide technical assistance 126006
to regional programs conducting training ~~programs~~ for volunteers 126007
and shall monitor the training ~~programs~~. 126008

~~(F)~~ ~~Prior to scheduling an observation of a certification~~ 126009
~~survey or licensing inspection for purposes of division (B)(4) of~~ 126010
~~this section, the state ombudsman shall obtain permission to have~~ 126011
~~the survey or inspection observed from both the long term care~~ 126012
~~facility at which the survey or inspection is to take place and,~~ 126013
~~as the case may be, the director of health or director of mental~~ 126014
~~health and addiction services.~~ 126015

~~(G)~~(E) Notwithstanding the requirements for a certification 126016
under this section, the department shall issue a certificate as a 126017
representative of the office of the state long-term care ombudsman 126018
program in accordance with Chapter 4796. of the Revised Code to a 126019
person if either of the following applies: 126020

(1) The person holds a license or certificate in another 126021
state. 126022

(2) The person has satisfactory work experience, a government 126023
certification, or a private certification as described in that 126024
chapter as a representative of a state long-term care ombudsman 126025
program in a state that does not issue that license or 126026
certificate. 126027

~~(H)~~ ~~The department of aging shall establish continuing~~ 126028
~~education requirements for representatives of the office.~~ 126029

Sec. 173.391. (A) Subject to section 173.381 of the Revised 126030
Code and except as provided in division (I) of this section, the 126031
department of aging or its designee shall do all of the following 126032
in accordance with Chapter 119. of the Revised Code: 126033

(1) Certify a provider to provide services, including 126034

community-based long-term care services, under a program the 126035
department administers if the provider satisfies the requirements 126036
for certification established by rules adopted under division (B) 126037
of this section and pays the fee, if any, established by rules 126038
adopted under division (G) of this section; 126039

(2) When required to do so by rules adopted under division 126040
(B) of this section, take one or more of the following 126041
disciplinary actions against a provider certified under division 126042
(A)(1) of this section: 126043

(a) Issue a written warning; 126044

(b) Require the submission of a plan of correction or 126045
evidence of compliance with requirements identified by the 126046
department; 126047

(c) Suspend referrals; 126048

(d) Remove clients; 126049

(e) Impose a fiscal sanction such as a civil monetary penalty 126050
or an order that unearned funds be repaid; 126051

(f) Suspend the certification; 126052

(g) Revoke the certification; 126053

(h) Impose another sanction. 126054

(3) Except as provided in division (E) of this section, hold 126055
hearings when there is a dispute between the department or its 126056
designee and a provider concerning actions the department or its 126057
designee takes regarding a decision not to certify the provider 126058
under division (A)(1) of this section or a disciplinary action 126059
under divisions (A)(2)(e) to (h) of this section. 126060

(B) The Subject to section 173.394 of the Revised Code, the 126061
director of aging shall adopt rules in accordance with Chapter 126062
119. of the Revised Code establishing certification requirements 126063
and standards for determining which type of disciplinary action to 126064

take under division (A)(2) of this section in individual 126065
situations. The rules shall establish procedures for all of the 126066
following: 126067

(1) Ensuring that providers comply with sections 173.38 and 126068
173.381 of the Revised Code; 126069

(2) Evaluating the services provided by the providers to 126070
ensure that the services are provided in a quality manner 126071
advantageous to the individual receiving the services; 126072

(3) In a manner consistent with section 173.381 of the 126073
Revised Code, determining when to take disciplinary action under 126074
division (A)(2) of this section and which disciplinary action to 126075
take; 126076

(4) Determining what constitutes another sanction for 126077
purposes of division (A)(2)(h) of this section. 126078

(C) The procedures established in rules adopted under 126079
division (B)(2) of this section shall require that all of the 126080
following be considered as part of an evaluation described in 126081
division (B)(2) of this section: 126082

(1) The provider's experience and financial responsibility; 126083

(2) The provider's ability to comply with standards for the 126084
services, including community-based long-term care services, that 126085
the provider provides under a program the department administers; 126086

(3) The provider's ability to meet the needs of the 126087
individuals served; 126088

(4) Any other factor the director considers relevant. 126089

(D) The rules adopted under division (B)(3) of this section 126090
shall specify that the reasons disciplinary action may be taken 126091
under division (A)(2) of this section include good cause, 126092
including misfeasance, malfeasance, nonfeasance, confirmed abuse 126093
or neglect, financial irresponsibility, or other conduct the 126094

director determines is injurious, or poses a threat, to the health 126095
or safety of individuals being served. 126096

(E) Subject to division (F) of this section, the department 126097
is not required to hold hearings under division (A)(3) of this 126098
section if any of the following conditions apply: 126099

(1) Rules adopted by the director of aging pursuant to this 126100
chapter require the provider to be a party to a provider 126101
agreement; hold a license, certificate, or permit; or maintain a 126102
certification, any of which is required or issued by a state or 126103
federal government entity other than the department of aging, and 126104
either of the following is the case: 126105

(a) The provider agreement has not been entered into or the 126106
license, certificate, permit, or certification has not been 126107
obtained or maintained. 126108

(b) The provider agreement, license, certificate, permit, or 126109
certification has been denied, revoked, not renewed, or suspended 126110
or has been otherwise restricted. 126111

(2) The provider's certification under this section has been 126112
denied, suspended, or revoked for any of the following reasons: 126113

(a) A government entity of this state, other than the 126114
department of aging, has terminated or refused to renew any of the 126115
following held by, or has denied any of the following sought by, a 126116
provider: a provider agreement, license, certificate, permit, or 126117
certification. Division (E)(2)(a) of this section applies 126118
regardless of whether the provider has entered into a provider 126119
agreement in, or holds a license, certificate, permit, or 126120
certification issued by, another state. 126121

(b) The provider or a principal owner or manager of the 126122
provider who provides direct care has entered a guilty plea for, 126123
or has been convicted of, an offense materially related to the 126124
medicaid program. 126125

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code. 126126
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(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification. 126134
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(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program. 126137
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(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services. 126140
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(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years. 126145
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(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review. 126148
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(i) The provider has ceased doing business. 126152

(j) The provider has voluntarily relinquished its certification for any reason. 126153
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(3) The provider's provider agreement with the department of 126155

medicaid has been suspended under section 5164.36 of the Revised Code. 126156
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(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code. 126158
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(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail. 126163
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(G) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code establishing a fee to be charged by the department of aging or its designee for certification issued under division (A) of this section. 126171
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(H) Any amounts collected by the department or its designee under this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used to pay for services, including community-based long-term care services, to pay for administrative costs associated with provider certification under this section, and to pay for administrative costs related to the publication of the Ohio long-term care consumer guide. 126175
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(I) The director shall certify a provider in accordance with Chapter 4796. of the Revised Code if either of the following applies: 126184
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(1) The provider is licensed or certified in another state. 126187

(2) The provider has satisfactory work experience, a 126188
government certification, or a private certification as described 126189
in that chapter as a provider of community-based long-term care 126190
services under a state program in a state that does not issue that 126191
license or certificate. 126192

Sec. 1321.64. (A) An application for a license shall contain 126193
an undertaking by the applicant to abide by those sections. The 126194
application shall be in writing, under oath, and in the form 126195
prescribed by the superintendent of financial institutions, and 126196
shall contain any information that the superintendent may require. 126197
Applicants that are foreign corporations shall obtain and maintain 126198
a license pursuant to Chapter 1703. of the Revised Code before a 126199
license is issued or renewed. 126200

(B) Upon the filing of the application and the payment by the 126201
applicant of a nonrefundable investigation fee of two hundred 126202
dollars, a nonrefundable annual registration fee of three hundred 126203
dollars, and any additional fee required by the NMLSR, the 126204
division of financial institutions shall investigate the relevant 126205
facts. If the application involves investigation outside this 126206
state, the applicant may be required by the division to advance 126207
sufficient funds to pay any of the actual expenses of the 126208
investigation when it appears that these expenses will exceed two 126209
hundred dollars. An itemized statement of any of these expenses 126210
which the applicant is required to pay shall be furnished to the 126211
applicant by the division. A license shall not be issued unless 126212
all the required fees have been submitted to the division. 126213

(C)(1) The investigation undertaken upon receipt of an 126214
application shall include both a civil and criminal records check 126215
of any control person. 126216

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 126217

the Revised Code, the superintendent shall obtain a criminal 126218
records check on each control person and, as part of that records 126219
check, request that criminal records information from the federal 126220
bureau of investigation be obtained. To fulfill this requirement, 126221
the superintendent shall do either of the following: 126222

(i) Request the superintendent of the bureau of criminal 126223
identification and investigation, or a vendor approved by the 126224
bureau, to conduct a criminal records check based on the control 126225
person's fingerprints or, if the fingerprints are unreadable, 126226
based on the control person's social security number, in 126227
accordance with section 109.572 of the Revised Code; 126228

(ii) Authorize the NMLSR to request a criminal records check 126229
of the control person. 126230

(b) Any fee required under division (C)(3) of section 109.572 126231
of the Revised Code or by the NMLSR shall be paid by the 126232
applicant. 126233

(D) If an application for a license does not contain all of 126234
the information required under division (A) of this section, and 126235
if such information is not submitted to the division or to the 126236
NMLSR within ninety days after the superintendent or the NMLSR 126237
requests the information in writing, including by electronic 126238
transmission or facsimile, the superintendent may consider the 126239
application withdrawn. 126240

(E) If the superintendent of financial institutions finds 126241
that the financial responsibility, experience, and general fitness 126242
of the applicant command the confidence of the public and warrant 126243
the belief that the business will be operated honestly and fairly 126244
in compliance with the purposes of sections 1321.62 to 1321.702 of 126245
the Revised Code and the rules adopted thereunder, and that the 126246
applicant has the requisite net worth and assets required under 126247
section 1321.65 of the Revised Code, the superintendent shall 126248

issue a license to the applicant. The license shall be valid until 126249
the thirty-first day of December of the year in which it is 126250
issued. A person may be licensed under both sections 1321.51 to 126251
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 126252

(F) If the superintendent finds that the applicant does not 126253
meet the conditions set forth in this section, the superintendent 126254
shall issue a notice of intent to deny the application, and 126255
promptly notify the applicant of the denial, the grounds for the 126256
denial, and the applicant's reasonable opportunity to be heard on 126257
the action in accordance with Chapter 119. of the Revised Code. 126258

(G) Notwithstanding any provision of this section to the 126259
contrary, the superintendent shall issue a license in accordance 126260
with Chapter 4796. of the Revised Code to an applicant if either 126261
of the following applies: 126262

(1) The applicant holds a license in another state. 126263

(2) The applicant has satisfactory work experience, a 126264
government certification, or a private certification as described 126265
in that chapter as a consumer installment loan lender in a state 126266
that does not issue that license. 126267

Sec. 3301.071. (A)(1) Except as provided in division (E) of 126268
this section, in the case of nontax-supported schools, standards 126269
for teacher certification prescribed under section 3301.07 of the 126270
Revised Code shall provide for certification, without further 126271
educational requirements, of any administrator, supervisor, or 126272
teacher who has attended and received a bachelor's degree or a 126273
master's degree from a college or university accredited by a 126274
national or regional association in the United States except that, 126275
at the discretion of the state board of education, this 126276
requirement may be met by having an equivalent degree from a 126277
foreign college or university of comparable standing. 126278

(2) Except as provided in division (E) of this section, in the case of nonchartered, nontax-supported schools, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a diploma from a "bible college" or "bible institute" described in division (E) of section 1713.02 of the Revised Code.

(3) A certificate issued under division (A)(3) of this section shall be valid only for teaching foreign language, music, religion, computer technology, or fine arts.

Notwithstanding division (A)(1) of this section and except as provided in division (E) of this section, the standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification of a person as a teacher upon receipt by the state board of an affidavit signed by the chief administrative officer of a chartered nonpublic school seeking to employ the person, stating that the person meets one of the following conditions:

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction.

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school.

(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit.

(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the state board under section 3301.16 of the Revised Code shall pay a fee in the amount established under division (A) of section

3319.51 of the Revised Code. Any fees received under this division 126310
shall be paid into the state treasury to the credit of the state 126311
board of education certification fund established under division 126312
(B) of section 3319.51 of the Revised Code. 126313

(C) A person applying for or holding any certificate pursuant 126314
to this section for purposes of serving in a nonpublic school 126315
chartered by the state board is subject to sections 3123.41 to 126316
3123.50 of the Revised Code and any applicable rules adopted under 126317
section 3123.63 of the Revised Code and sections 3319.31 and 126318
3319.311 of the Revised Code. 126319

(D) Divisions (B) and (C) of this section and sections 126320
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 126321
to any administrators, supervisors, or teachers in nonchartered, 126322
nontax-supported schools. 126323

(E) The state board shall issue a certificate to serve in a 126324
nonpublic school as an administrator, supervisor, or teacher in 126325
accordance with Chapter 4796. of the Revised Code to an applicant 126326
if either of the following applies: 126327

(1) The applicant holds a certificate in another state. 126328

(2) The applicant has satisfactory work experience, a 126329
government certification, or a private certification as described 126330
in that chapter as a nonpublic school administrator, supervisor, 126331
or teacher in a state that does not issue one or more of those 126332
certificates. 126333

Sec. 3319.088. As used in this section, "educational 126334
assistant" means any nonteaching employee in a school district who 126335
directly assists a teacher as defined in section 3319.09 of the 126336
Revised Code, by performing duties for which a license issued 126337
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 126338
required. 126339

(A) Except as provided in division (G) of this section, the state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education and health for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license.

(B)(1) Except as provided in division (G) of this section, any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code.

(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code.

(C) Educational assistants shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational assistants may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the

teacher to whom the assistant is assigned, may be performed by a 126372
person not licensed pursuant to sections 3319.22 to 3319.30 of the 126373
Revised Code and for which a teaching license, issued pursuant to 126374
sections 3319.22 to 3319.30 of the Revised Code is not required. 126375
The duties of an educational assistant shall not include the 126376
assignment of grades to pupils. The duties of an educational 126377
assistant need not be performed in the physical presence of the 126378
teacher to whom assigned, but the activity of an educational 126379
assistant shall at all times be under the direction of the teacher 126380
to whom assigned. The assignment of an educational assistant need 126381
not be limited to assisting a single teacher. In the event an 126382
educational assistant is assigned to assist more than one teacher 126383
the assignments shall be clearly delineated and so arranged that 126384
the educational assistant shall never be subject to simultaneous 126385
supervision or direction by more than one teacher. 126386

Educational assistants assigned to supervise children shall, 126387
when the teacher to whom assigned is not physically present, 126388
maintain the degree of control and discipline that would be 126389
maintained by the teacher. 126390

Educational assistants may not be used in place of classroom 126391
teachers or other employees and any payment of compensation by 126392
boards of education to educational assistants for such services is 126393
prohibited. The ratio between the number of licensed teachers and 126394
the pupils in a school district may not be decreased by 126395
utilization of educational assistants and no grouping, or other 126396
organization of pupils, for utilization of educational assistants 126397
shall be established which is inconsistent with sound educational 126398
practices and procedures. A school district may employ up to one 126399
full time equivalent educational assistant for each six full time 126400
equivalent licensed employees of the district. Educational 126401
assistants shall not be counted as licensed employees for purposes 126402
of state support in the school foundation program and no grouping 126403

or regrouping of pupils with educational assistants may be counted 126404
as a class or unit for school foundation program purposes. Neither 126405
special courses required by the regulations of the state board of 126406
education, prescribing minimum qualifications of education for an 126407
educational assistant, nor years of service as an educational 126408
assistant shall be counted in any way toward qualifying for a 126409
teacher license, for a teacher contract of any type, or for 126410
determining placement on a salary schedule in a school district as 126411
a teacher. 126412

(D) Educational assistants employed by a board of education 126413
shall have all rights, benefits, and legal protection available to 126414
other nonteaching employees in the school district, except that 126415
provisions of Chapter 124. of the Revised Code shall not apply to 126416
any person employed as an educational assistant, and shall be 126417
members of the school employees retirement system. Educational 126418
assistants shall be compensated according to a salary plan adopted 126419
annually by the board. 126420

Except as provided in this section nonteaching employees 126421
shall not serve as educational assistants without first obtaining 126422
an appropriate educational aide permit or educational 126423
paraprofessional license from the state board of education. A 126424
nonteaching employee who is the holder of a valid educational aide 126425
permit or educational paraprofessional license shall neither 126426
render nor be required to render services inconsistent with the 126427
type of services authorized by the permit or license held. No 126428
person shall receive compensation from a board of education for 126429
services rendered as an educational assistant in violation of this 126430
provision. 126431

Nonteaching employees whose functions are solely 126432
secretarial-clerical and who do not perform any other duties as 126433
educational assistants, even though they assist a teacher and work 126434
under the direction of a teacher shall not be required to hold a 126435

permit or license issued pursuant to this section. ~~Students~~ 126436
~~preparing to become licensed teachers or educational assistants~~ 126437
~~shall not be required to hold an educational aide permit or~~ 126438
~~paraprofessional license for such periods of time as such students~~ 126439
~~are assigned, as part of their training program, to work with a~~ 126440
~~teacher in a school district. Such students shall not be~~ 126441
~~compensated for such services.~~ 126442

Following the determination of the assignment and general job 126443
description of an educational assistant and subject to supervision 126444
by the teacher's immediate administrative officer, a teacher to 126445
whom an educational assistant is assigned shall make all final 126446
determinations of the duties to be assigned to such assistant. 126447
Teachers shall not be required to hold a license designated for 126448
being a supervisor or administrator in order to perform the 126449
necessary supervision of educational assistants. 126450

(E) No person who is, or who has been employed as an 126451
educational assistant shall divulge, except to the teacher to whom 126452
assigned, or the administrator of the school in the absence of the 126453
teacher to whom assigned, or when required to testify in a court 126454
or proceedings, any personal information concerning any pupil in 126455
the school district which was obtained or obtainable by the 126456
educational assistant while so employed. Violation of this 126457
provision is grounds for disciplinary action or dismissal, or 126458
both. 126459

(F) Notwithstanding anything to the contrary in this section, 126460
the superintendent of a school district may allow an employee who 126461
does not hold a permit or license issued under this section to 126462
work as a substitute for an educational assistant who is absent on 126463
account of illness or on a leave of absence, or to fill a 126464
temporary position created by an emergency, provided that the 126465
superintendent believes the employee's application materials 126466
indicate that the employee is qualified to obtain a permit or 126467

license under this section. 126468

An employee shall begin work as a substitute under this 126469
division not earlier than on the date on which the employee files 126470
an application with the state board for a permit or license under 126471
this section. An employee shall cease working as a substitute 126472
under this division on the earliest of the following: 126473

(1) The date on which the employee files a valid permit or 126474
license issued under this section with the superintendent; 126475

(2) The date on which the employee is denied a permit or 126476
license under this section; 126477

(3) Sixty days following the date on which the employee began 126478
work as a substitute under this division. 126479

The superintendent shall ensure that an employee assigned to 126480
work as a substitute under division (F) of this section has 126481
undergone a criminal records check in accordance with section 126482
3319.391 of the Revised Code. 126483

(G) The state board shall issue an educational aide permit or 126484
educational paraprofessional license in accordance with Chapter 126485
4796. of the Revised Code to an applicant if either of the 126486
following applies: 126487

(1) The applicant holds a permit or license in another state. 126488

(2) The applicant has satisfactory work experience, a 126489
government certification, or a private certification as described 126490
in that chapter as an educational aide or educational 126491
paraprofessional in a state that does not issue that permit or 126492
license or both. 126493

Sec. 3319.22. (A)(1) The state board of education shall issue 126494
the following educator licenses: 126495

(a) A resident educator license, which shall be valid for two 126496

years and shall be renewable for reasons specified by rules 126497
adopted by the state board pursuant to division (A)(3) of this 126498
section. The state board, on a case-by-case basis, may extend the 126499
license's duration as necessary to enable the license holder to 126500
complete the Ohio teacher residency program established under 126501
section 3319.223 of the Revised Code; 126502

(b) A professional educator license, which shall be valid for 126503
five years and shall be renewable; 126504

(c) A senior professional educator license, which shall be 126505
valid for five years and shall be renewable; 126506

(d) A lead professional educator license, which shall be 126507
valid for five years and shall be renewable. 126508

Licenses issued under division (A)(1) of this section on and 126509
after ~~November 2, 2018~~ the effective date of this amendment, shall 126510
specify whether the educator is licensed to teach grades 126511
pre-kindergarten through ~~five, grades four through nine, eight~~ or 126512
grades ~~seven~~ six through twelve. The changes to the grade band 126513
specifications under this ~~amendment~~ section shall not apply to a 126514
person who holds a license under division (A)(1) of this section 126515
prior to ~~November 2, 2018~~ the effective date of this amendment. 126516
Further, the changes to the grade band specifications under this 126517
~~amendment~~ section shall not apply to any license issued to teach 126518
in the area of computer information science, bilingual education, 126519
dance, drama or theater, world language, health, library or media, 126520
music, physical education, teaching English to speakers of other 126521
languages, career-technical education, or visual arts or to any 126522
license issued to an intervention specialist, including a gifted 126523
intervention specialist, or to any other license that does not 126524
align to the grade band specifications. 126525

(2)(a) Except as provided in division (A)(2)(b) of this 126526
section, the state board may issue any additional educator 126527

licenses of categories, types, and levels the board elects to provide. 126528
126529

(b) Not later than December 31, 2024, the state board shall cease licensing school psychologists. The state board shall coordinate with the state board of psychology to transition to licensure under Chapter 4732. of the Revised Code any school psychologists licensed under rules adopted in accordance with sections 3301.07 and 3319.22 of the Revised Code. 126530
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(3) Except as provided in division (I) of this section, the state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the reasons for which a resident educator license may be renewed under division (A)(1)(a) of this section. 126536
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(B) Except as provided in division (I) of this section, the rules adopted under this section shall require at least the following standards and qualifications for the educator licenses described in division (A)(1) of this section: 126542
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(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code. 126546
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(2) An applicant for a professional educator license shall: 126551

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization; 126552
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(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an 126555
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alternative resident educator license issued under section 3319.26 126559
of the Revised Code. 126560

(3) An applicant for a senior professional educator license 126561
shall: 126562

(a) Hold at least a master's degree from an institution of 126563
higher education accredited by a regional accrediting 126564
organization; 126565

(b) Have previously held a professional educator license 126566
issued under this section or section 3319.222 or under former 126567
section 3319.22 of the Revised Code; 126568

(c) Meet the criteria for the accomplished or distinguished 126569
level of performance, as described in the standards for teachers 126570
adopted by the state board under section 3319.61 of the Revised 126571
Code. 126572

(4) An applicant for a lead professional educator license 126573
shall: 126574

(a) Hold at least a master's degree from an institution of 126575
higher education accredited by a regional accrediting 126576
organization; 126577

(b) Have previously held a professional educator license or a 126578
senior professional educator license issued under this section or 126579
a professional educator license issued under section 3319.222 or 126580
former section 3319.22 of the Revised Code; 126581

(c) Meet the criteria for the distinguished level of 126582
performance, as described in the standards for teachers adopted by 126583
the state board under section 3319.61 of the Revised Code; 126584

(d) Either hold a valid certificate issued by the national 126585
board for professional teaching standards or meet the criteria for 126586
a master teacher or other criteria for a lead teacher adopted by 126587
the educator standards board under division (F)(4) or (5) of 126588

section 3319.61 of the Revised Code. 126589

(C) The state board shall align the standards and 126590
qualifications for obtaining a principal license with the 126591
standards for principals adopted by the state board under section 126592
3319.61 of the Revised Code. 126593

(D) If the state board requires any examinations for educator 126594
licensure, the department of education shall provide the results 126595
of such examinations received by the department to the chancellor 126596
of higher education, in the manner and to the extent permitted by 126597
state and federal law. 126598

(E) Any rules the state board of education adopts, amends, or 126599
rescinds for educator licenses under this section, division (D) of 126600
section 3301.07 of the Revised Code, or any other law shall be 126601
adopted, amended, or rescinded under Chapter 119. of the Revised 126602
Code except as follows: 126603

(1) Notwithstanding division (E) of section 119.03 and 126604
division (A)(1) of section 119.04 of the Revised Code, in the case 126605
of the adoption of any rule or the amendment or rescission of any 126606
rule that necessitates institutions' offering preparation programs 126607
for educators and other school personnel that are approved by the 126608
chancellor of higher education under section 3333.048 of the 126609
Revised Code to revise the curriculum of those programs, the 126610
effective date shall not be as prescribed in division (E) of 126611
section 119.03 and division (A)(1) of section 119.04 of the 126612
Revised Code. Instead, the effective date of such rules, or the 126613
amendment or rescission of such rules, shall be the date 126614
prescribed by section 3333.048 of the Revised Code. 126615

(2) Notwithstanding the authority to adopt, amend, or rescind 126616
emergency rules in division (G) of section 119.03 of the Revised 126617
Code, this authority shall not apply to the state board of 126618
education with regard to rules for educator licenses. 126619

(F)(1) The rules adopted under this section establishing 126620
standards requiring additional coursework for the renewal of any 126621
educator license shall require a school district and a chartered 126622
nonpublic school to establish local professional development 126623
committees. In a nonpublic school, the chief administrative 126624
officer shall establish the committees in any manner acceptable to 126625
such officer. The committees established under this division shall 126626
determine whether coursework that a district or chartered 126627
nonpublic school teacher proposes to complete meets the 126628
requirement of the rules. The department of education shall 126629
provide technical assistance and support to committees as the 126630
committees incorporate the professional development standards 126631
adopted by the state board of education pursuant to section 126632
3319.61 of the Revised Code into their review of coursework that 126633
is appropriate for license renewal. The rules shall establish a 126634
procedure by which a teacher may appeal the decision of a local 126635
professional development committee. 126636

(2) In any school district in which there is no exclusive 126637
representative established under Chapter 4117. of the Revised 126638
Code, the professional development committees shall be established 126639
as described in division (F)(2) of this section. 126640

Not later than the effective date of the rules adopted under 126641
this section, the board of education of each school district shall 126642
establish the structure for one or more local professional 126643
development committees to be operated by such school district. The 126644
committee structure so established by a district board shall 126645
remain in effect unless within thirty days prior to an anniversary 126646
of the date upon which the current committee structure was 126647
established, the board provides notice to all affected district 126648
employees that the committee structure is to be modified. 126649
Professional development committees may have a district-level or 126650
building-level scope of operations, and may be established with 126651

regard to particular grade or age levels for which an educator license is designated. 126652
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Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected. 126654
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Terms of office on professional development committees shall be prescribed by the district board establishing the committees. The conduct of elections for members of professional development committees shall be prescribed by the district board establishing the committees. A professional development committee may include additional members, except that the majority of members on each such committee shall be classroom teachers employed by the 126677
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district. Any member appointed to fill a vacancy occurring prior 126684
to the expiration date of the term for which a predecessor was 126685
appointed shall hold office as a member for the remainder of that 126686
term. 126687

The initial meeting of any professional development 126688
committee, upon election and appointment of all committee members, 126689
shall be called by a member designated by the district 126690
superintendent. At this initial meeting, the committee shall 126691
select a chairperson and such other officers the committee deems 126692
necessary, and shall adopt rules for the conduct of its meetings. 126693
Thereafter, the committee shall meet at the call of the 126694
chairperson or upon the filing of a petition with the district 126695
superintendent signed by a majority of the committee members 126696
calling for the committee to meet. 126697

(3) In the case of a school district in which an exclusive 126698
representative has been established pursuant to Chapter 4117. of 126699
the Revised Code, professional development committees shall be 126700
established in accordance with any collective bargaining agreement 126701
in effect in the district that includes provisions for such 126702
committees. 126703

If the collective bargaining agreement does not specify a 126704
different method for the selection of teacher members of the 126705
committees, the exclusive representative of the district's 126706
teachers shall select the teacher members. 126707

If the collective bargaining agreement does not specify a 126708
different structure for the committees, the board of education of 126709
the school district shall establish the structure, including the 126710
number of committees and the number of teacher and administrative 126711
members on each committee; the specific administrative members to 126712
be part of each committee; whether the scope of the committees 126713
will be district levels, building levels, or by type of grade or 126714
age levels for which educator licenses are designated; the lengths 126715

of terms for members; the manner of filling vacancies on the 126716
committees; and the frequency and time and place of meetings. 126717
However, in all cases, except as provided in division (F)(4) of 126718
this section, there shall be a majority of teacher members of any 126719
professional development committee, there shall be at least five 126720
total members of any professional development committee, and the 126721
exclusive representative shall designate replacement members in 126722
the case of vacancies among teacher members, unless the collective 126723
bargaining agreement specifies a different method of selecting 126724
such replacements. 126725

(4) Whenever an administrator's coursework plan is being 126726
discussed or voted upon, the local professional development 126727
committee shall, at the request of one of its administrative 126728
members, cause a majority of the committee to consist of 126729
administrative members by reducing the number of teacher members 126730
voting on the plan. 126731

(G)(1) The department of education, educational service 126732
centers, county boards of developmental disabilities, college and 126733
university departments of education, head start programs, and the 126734
Ohio education computer network may establish local professional 126735
development committees to determine whether the coursework 126736
proposed by their employees who are licensed or certificated under 126737
this section or section 3319.222 of the Revised Code, or under the 126738
former version of either section as it existed prior to October 126739
16, 2009, meet the requirements of the rules adopted under this 126740
section. They may establish local professional development 126741
committees on their own or in collaboration with a school district 126742
or other agency having authority to establish them. 126743

Local professional development committees established by 126744
county boards of developmental disabilities shall be structured in 126745
a manner comparable to the structures prescribed for school 126746
districts in divisions (F)(2) and (3) of this section, as shall 126747

the committees established by any other entity specified in 126748
division (G)(1) of this section that provides educational services 126749
by employing or contracting for services of classroom teachers 126750
licensed or certificated under this section or section 3319.222 of 126751
the Revised Code, or under the former version of either section as 126752
it existed prior to October 16, 2009. All other entities specified 126753
in division (G)(1) of this section shall structure their 126754
committees in accordance with guidelines which shall be issued by 126755
the state board. 126756

(2) Educational service centers may establish local 126757
professional development committees to serve educators who are not 126758
employed in schools in this state, including pupil services 126759
personnel who are licensed under this section. Local professional 126760
development committees shall be structured in a manner comparable 126761
to the structures prescribed for school districts in divisions 126762
(F)(2) and (3) of this section. 126763

These committees may agree to review the coursework, 126764
continuing education units, or other equivalent activities related 126765
to classroom teaching or the area of licensure that is proposed by 126766
an individual who satisfies both of the following conditions: 126767

(a) The individual is licensed or certificated under this 126768
section or under the former version of this section as it existed 126769
prior to October 16, 2009. 126770

(b) The individual is not currently employed as an educator 126771
or is not currently employed by an entity that operates a local 126772
professional development committee under this section. 126773

Any committee that agrees to work with such an individual 126774
shall work to determine whether the proposed coursework, 126775
continuing education units, or other equivalent activities meet 126776
the requirements of the rules adopted by the state board under 126777
this section. 126778

(3) Any public agency that is not specified in division 126779
(G)(1) or (2) of this section but provides educational services 126780
and employs or contracts for services of classroom teachers 126781
licensed or certificated under this section or section 3319.222 of 126782
the Revised Code, or under the former version of either section as 126783
it existed prior to October 16, 2009, may establish a local 126784
professional development committee, subject to the approval of the 126785
department of education. The committee shall be structured in 126786
accordance with guidelines issued by the state board. 126787

(H) Not later than July 1, 2016, the state board, in 126788
accordance with Chapter 119. of the Revised Code, shall adopt 126789
rules pursuant to division (A)(3) of this section that do both of 126790
the following: 126791

(1) Exempt consistently high-performing teachers from the 126792
requirement to complete any additional coursework for the renewal 126793
of an educator license issued under this section or section 126794
3319.26 of the Revised Code. The rules also shall specify that 126795
such teachers are exempt from any requirements prescribed by 126796
professional development committees established under divisions 126797
(F) and (G) of this section. 126798

(2) For purposes of division (H)(1) of this section, the 126799
state board shall define the term "consistently high-performing 126800
teacher." 126801

(I) The state board shall issue a resident educator license, 126802
professional educator license, senior professional educator 126803
license, lead professional educator license, or any other educator 126804
license in accordance with Chapter 4796. of the Revised Code to an 126805
applicant if either of the following applies: 126806

(1) The applicant holds a license in another state. 126807

(2) The applicant has satisfactory work experience, a 126808
government certification, or a private certification as described 126809

in that chapter as a resident educator, professional educator, 126810
senior professional educator, lead professional educator, or any 126811
other type of educator in a state that does not issue one or more 126812
of those licenses. 126813

Sec. 3319.26. (A) Except as provided in division (H) of this 126814
section, the state board of education shall adopt rules 126815
establishing the standards and requirements for obtaining an 126816
alternative resident educator license or an alternative educator 126817
license for teaching in grades kindergarten to twelve, or the 126818
equivalent, in a designated subject area or in the area of 126819
intervention specialist, as defined by rule of the state board. 126820
~~The rules shall also include the reasons for which an alternative~~ 126821
~~resident educator license may be renewed under division (D) of~~ 126822
~~this section.~~ 126823

(B) The superintendent of public instruction and the 126824
chancellor of higher education jointly shall develop an intensive 126825
pedagogical training institute to provide instruction in the 126826
principles and practices of teaching for individuals seeking an 126827
alternative resident educator license. The instruction shall cover 126828
such topics as student development and learning, pupil assessment 126829
procedures, curriculum development, classroom management, and 126830
teaching methodology. 126831

(C) Except as provided in division (H) of this section, the 126832
rules adopted under this section shall require applicants for the 126833
alternative resident educator license to satisfy the following 126834
conditions prior to issuance of the license, but they shall not 126835
require applicants to have completed a major or coursework in the 126836
subject area for which application is being made: 126837

(1) Hold a minimum of a baccalaureate degree; 126838

(2) Successfully complete the pedagogical training institute 126839
described in division (B) of this section or the preservice 126840

training provided to participants of a teacher preparation program 126841
that has been approved by the chancellor. The chancellor may 126842
approve any such program that requires participants to hold a 126843
bachelor's degree; have either a cumulative undergraduate grade 126844
point average of at least 2.5 out of 4.0, or its equivalent or a 126845
cumulative graduate school grade point average of at least 3.0 out 126846
of 4.0; and successfully complete the program's preservice 126847
training. 126848

(3) Pass an examination in the subject area for which 126849
application is being made. 126850

(D) An alternative resident educator license shall be valid 126851
for ~~four~~ two years and shall be renewable ~~for reasons specified by~~ 126852
~~rules adopted by the state board pursuant to division (A) of this~~ 126853
~~section. The state board, on a case by case basis, may extend the~~ 126854
~~license's duration as necessary to enable the license holder to~~ 126855
~~complete the Ohio teacher residency program established under~~ 126856
~~section 3319.223 of the Revised Code.~~ 126857

(E) The rules shall require the holder of an alternative 126858
resident educator license, as a condition of continuing to hold 126859
the license, to do all of the following: 126860

~~(1) Participate in the Ohio teacher residency program;~~ 126861

~~(2) Show satisfactory progress in taking and successfully 126862
completing one of the following:~~ 126863

~~(a) At least twelve additional semester hours, or the 126864
equivalent, of college coursework in the principles and practices 126865
of teaching in such topics as student development and learning, 126866
pupil assessment procedures, curriculum development, classroom 126867
management, and teaching methodology;~~ 126868

~~(b) Professional professional development provided by a 126869
teacher preparation program that has been approved by the 126870
chancellor under division (C)(2) of this section.;~~ 126871

~~(3)~~(2) Take an assessment of professional knowledge in the 126872
second year of teaching under the license. 126873

The holder of an alternative resident educator license may 126874
obtain a professional educator license upon completion of the 126875
requirements contained in division (F) of this section or may 126876
renew the alternative resident educator license issued under this 126877
section, at which point the renewed license shall become an 126878
alternative educator license. 126879

(F) The rules shall provide for the granting of ~~a~~ an optional 126880
professional educator license to a holder of an alternative 126881
resident educator license upon successfully completing all of the 126882
following: 126883

(1) ~~Four~~ Two years of teaching under the alternative license; 126884

(2) The additional ~~college coursework or~~ professional 126885
development described in division ~~(E)(2)~~(E)(1) of this section or 126886
at least twelve additional semester hours, or the equivalent, of 126887
college coursework in the principles and practices of teaching in 126888
such topics as student development and learning, pupil assessment 126889
procedures, curriculum development, classroom management, and 126890
teaching methodology; 126891

(3) The assessment of professional knowledge described in 126892
division ~~(E)(3)~~(E)(2) of this section. The standards for 126893
successfully completing this assessment and the manner of 126894
conducting the assessment shall be the same as for any other 126895
individual who is required to take the assessment pursuant to 126896
rules adopted by the state board under section 3319.22 of the 126897
Revised Code. 126898

(4) The Ohio teacher residency program; 126899

(5) All other requirements for a professional educator 126900
license adopted by the state board under section 3319.22 of the 126901
Revised Code. 126902

(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section.

(H) The board shall issue an alternative resident educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator for grades kindergarten through twelve in a state that does not issue that license.

(I) The holder of an alternative resident educator license may teach preschool students under that license.

Sec. 3327.10. (A) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the state board of education of each driver to ascertain the driver's physical fitness for such

employment. The examination shall be performed by one of the 126934
following: 126935

(1) A person licensed under Chapter 4731. or 4734. of the 126936
Revised Code or by another state to practice medicine and surgery, 126937
osteopathic medicine and surgery, or chiropractic; 126938

(2) A physician assistant; 126939

(3) A certified nurse practitioner; 126940

(4) A clinical nurse specialist; 126941

(5) A certified nurse-midwife; 126942

(6) A medical examiner who is listed on the national registry 126943
of certified medical examiners established by the federal motor 126944
carrier safety administration in accordance with 49 C.F.R. part 126945
390. 126946

Any certificate may be revoked by the authority granting the 126947
same on proof that the holder has been guilty of failing to comply 126948
with division (D)(1) of this section, or upon a conviction or a 126949
guilty plea for a violation, or any other action, that results in 126950
a loss or suspension of driving rights. Failure to comply with 126951
such division may be cause for disciplinary action or termination 126952
of employment under division (C) of section 3319.081, or section 126953
124.34 of the Revised Code. 126954

(B) Except as provided in division (L) of this section, no 126955
person shall be employed as driver of a school bus or motor van 126956
not subject to the rules of the department of education pursuant 126957
to division (A) of this section who has not received a certificate 126958
from the school administrator or contractor certifying that such 126959
person is at least eighteen years of age and is qualified 126960
physically and otherwise for such position. Each driver shall have 126961
an annual physical examination which conforms to the state highway 126962
patrol rules, ascertaining the driver's physical fitness for such 126963

employment. The examination shall be performed by one of the 126964
following: 126965

(1) A person licensed under Chapter 4731. or 4734. of the 126966
Revised Code or by another state to practice medicine and surgery, 126967
osteopathic medicine and surgery, or chiropractic; 126968

(2) A physician assistant; 126969

(3) A certified nurse practitioner; 126970

(4) A clinical nurse specialist; 126971

(5) A certified nurse-midwife; 126972

(6) A medical examiner who is listed on the national registry 126973
of certified medical examiners established by the federal motor 126974
carrier safety administration in accordance with 49 C.F.R. part 126975
390. 126976

Any written documentation of the physical examination shall 126977
be completed by the individual who performed the examination. 126978

Any certificate may be revoked by the authority granting the 126979
same on proof that the holder has been guilty of failing to comply 126980
with division (D)(2) of this section. 126981

(C) Any person who drives a school bus or motor van must give 126982
satisfactory and sufficient bond except a driver who is an 126983
employee of a school district and who drives a bus or motor van 126984
owned by the school district. 126985

(D) No person employed as driver of a school bus or motor van 126986
under this section who is convicted of a traffic violation or who 126987
has had the person's commercial driver's license suspended shall 126988
drive a school bus or motor van until the person has filed a 126989
written notice of the conviction or suspension, as follows: 126990

(1) If the person is employed under division (A) of this 126991
section, the person shall file the notice with the superintendent, 126992
or a person designated by the superintendent, of the school 126993

district for which the person drives a school bus or motor van as 126994
an employee or drives a privately owned and operated school bus or 126995
motor van under contract. 126996

(2) If employed under division (B) of this section, the 126997
person shall file the notice with the employing school 126998
administrator or contractor, or a person designated by the 126999
administrator or contractor. 127000

(E) In addition to resulting in possible revocation of a 127001
certificate as authorized by divisions (A) and (B) of this 127002
section, violation of division (D) of this section is a minor 127003
misdemeanor. 127004

(F)(1) Not later than thirty days after June 30, 2007, each 127005
owner of a school bus or motor van shall obtain the complete 127006
driving record for each person who is currently employed or 127007
otherwise authorized to drive the school bus or motor van. An 127008
owner of a school bus or motor van shall not permit a person to 127009
operate the school bus or motor van for the first time before the 127010
owner has obtained the person's complete driving record. 127011
Thereafter, the owner of a school bus or motor van shall obtain 127012
the person's driving record not less frequently than semiannually 127013
if the person remains employed or otherwise authorized to drive 127014
the school bus or motor van. An owner of a school bus or motor van 127015
shall not permit a person to resume operating a school bus or 127016
motor van, after an interruption of one year or longer, before the 127017
owner has obtained the person's complete driving record. 127018

(2) The owner of a school bus or motor van shall not permit a 127019
person to operate the school bus or motor van for ten years after 127020
the date on which the person pleads guilty to or is convicted of a 127021
violation of section 4511.19 of the Revised Code or a 127022
substantially equivalent municipal ordinance. 127023

(3) An owner of a school bus or motor van shall not permit 127024

any person to operate such a vehicle unless the person meets all 127025
other requirements contained in rules adopted by the state board 127026
of education prescribing qualifications of drivers of school buses 127027
and other student transportation. 127028

(G) No superintendent of a school district, educational 127029
service center, community school, or public or private employer 127030
shall permit the operation of a vehicle used for pupil 127031
transportation within this state by an individual unless both of 127032
the following apply: 127033

(1) Information pertaining to that driver has been submitted 127034
to the department of education, pursuant to procedures adopted by 127035
that department. Information to be reported shall include the name 127036
of the employer or school district, name of the driver, driver 127037
license number, date of birth, date of hire, status of physical 127038
evaluation, and status of training. 127039

(2) The most recent criminal records check required by 127040
division (J) of this section has been completed and received by 127041
the superintendent or public or private employer. 127042

(H) A person, school district, educational service center, 127043
community school, nonpublic school, or other public or nonpublic 127044
entity that owns a school bus or motor van, or that contracts with 127045
another entity to operate a school bus or motor van, may impose 127046
more stringent restrictions on drivers than those prescribed in 127047
this section, in any other section of the Revised Code, and in 127048
rules adopted by the state board. 127049

(I) For qualified drivers who, on July 1, 2007, are employed 127050
by the owner of a school bus or motor van to drive the school bus 127051
or motor van, any instance in which the driver was convicted of or 127052
pleaded guilty to a violation of section 4511.19 of the Revised 127053
Code or a substantially equivalent municipal ordinance prior to 127054
two years prior to July 1, 2007, shall not be considered a 127055

disqualifying event with respect to division (F) of this section. 127056

(J)(1) This division applies to persons hired by a school 127057
district, educational service center, community school, chartered 127058
nonpublic school, or science, technology, engineering, and 127059
mathematics school established under Chapter 3326. of the Revised 127060
Code to operate a vehicle used for pupil transportation. 127061

(a) For each person to whom this division applies who is 127062
hired on or after November 14, 2007, the employer shall request a 127063
criminal records check in accordance with section 3319.39 of the 127064
Revised Code and every six years thereafter. ~~For~~ 127065

(b) For each person to whom this division applies who is 127066
hired prior to ~~that date~~ November 14, 2007, the employer shall 127067
request a criminal records check by a date prescribed by the 127068
department of education and every six years thereafter. 127069

(c) If, on the effective date of this amendment, the most 127070
recent criminal records check requested for a person to whom 127071
division (J)(1) of this section applies was completed more than 127072
one year prior to that date or does not include information 127073
gathered pursuant to division (A) of section 109.57 of the Revised 127074
Code, the employer shall request a new criminal records check that 127075
includes information gathered pursuant to division (A) of section 127076
109.57 of the Revised Code by a date prescribed by the state board 127077
of education and every six years thereafter. 127078

(2) This division applies to persons hired by a public or 127079
private employer not described in division (J)(1) of this section 127080
to operate a vehicle used for pupil transportation. 127081

(a) For each person to whom this division applies who is 127082
hired on or after November 14, 2007, the employer shall request a 127083
criminal records check prior to the person's hiring and every six 127084
years thereafter. 127085

(b) For each person to whom this division applies who is 127086

hired prior to ~~that date~~ November 14, 2007, the employer shall 127087
request a criminal records check by a date prescribed by the 127088
department and every six years thereafter. 127089

(c) If, on the effective date of this amendment, the most 127090
recent criminal records check requested for a person to whom 127091
division (J)(2) of this section applies was completed more than 127092
one year prior to that date or does not include information 127093
gathered pursuant to division (A) of section 109.57 of the Revised 127094
Code, the employer shall request a new criminal records check that 127095
includes information gathered pursuant to division (A) of section 127096
109.57 of the Revised Code by a date prescribed by the state board 127097
and every six years thereafter. 127098

(3) Each request for a criminal records check under division 127099
(J) of this section shall be made to the superintendent of the 127100
bureau of criminal identification and investigation in the manner 127101
prescribed in section 3319.39 of the Revised Code, except that if 127102
both of the following conditions apply to the person subject to 127103
the records check, the employer shall request the superintendent 127104
only to obtain any criminal records that the federal bureau of 127105
investigation has on the person: 127106

(a) The employer previously requested the superintendent to 127107
determine whether the bureau of criminal identification and 127108
investigation has any information, gathered pursuant to division 127109
(A) of section 109.57 of the Revised Code, on the person in 127110
conjunction with a criminal records check requested under section 127111
3319.39 of the Revised Code or under division (J) of this section. 127112

(b) The person presents proof that the person has been a 127113
resident of this state for the five-year period immediately prior 127114
to the date upon which the person becomes subject to a criminal 127115
records check under this section. 127116

Upon receipt of a request, the superintendent shall conduct 127117

the criminal records check in accordance with section 109.572 of 127118
the Revised Code as if the request had been made under section 127119
3319.39 of the Revised Code. However, as specified in division 127120
(B)(2) of section 109.572 of the Revised Code, if the employer 127121
requests the superintendent only to obtain any criminal records 127122
that the federal bureau of investigation has on the person for 127123
whom the request is made, the superintendent shall not conduct the 127124
review prescribed by division (B)(1) of that section. 127125

(4) Notwithstanding anything in the Revised Code to the 127126
contrary, the bureau of criminal identification and investigation 127127
shall make the initial criminal records check requested of a 127128
person by an employer under division (J)(1) or (2) of this section 127129
on or after the effective date of this amendment available to the 127130
state board of education. The state board shall use the 127131
information received to enroll the person in the retained 127132
applicant fingerprint database, established under section 109.5721 127133
of the Revised Code, in the same manner as any teacher licensed 127134
under sections 3319.22 to 3319.31 of the Revised Code. If the 127135
state board is unable to enroll the person in the retained 127136
applicant fingerprint database because the person has not 127137
satisfied the requirements for enrollment, the state board shall 127138
notify the employer that the person has not satisfied the 127139
requirements for enrollment. However, the bureau shall not be 127140
required to make available to the state board the criminal records 127141
check of any person who is already enrolled in the retained 127142
applicant fingerprint database on the date the person's employer 127143
requests a records check of the person under division (J)(1) or 127144
(2) of this section. 127145

If the state board receives notification of the arrest, 127146
guilty plea, or conviction of a person who is subject to this 127147
section, the state board shall promptly notify the person's 127148
employer in accordance with division (B) of section 3319.316 of 127149

the Revised Code. 127150

(K)(1) Until the effective date of the amendments to rule 127151
3301-83-23 of the Ohio Administrative Code required by the second 127152
paragraph of division (E) of section 3319.39 of the Revised Code, 127153
any person who is the subject of a criminal records check under 127154
division (J) of this section and has been convicted of or pleaded 127155
guilty to any offense described in division (B)(1) of section 127156
3319.39 of the Revised Code shall not be hired or shall be 127157
released from employment, as applicable, unless the person meets 127158
the rehabilitation standards prescribed for nonlicensed school 127159
personnel by rule 3301-20-03 of the Ohio Administrative Code. 127160

(2) Beginning on the effective date of the amendments to rule 127161
3301-83-23 of the Ohio Administrative Code required by the second 127162
paragraph of division (E) of section 3319.39 of the Revised Code, 127163
any person who is the subject of a criminal records check under 127164
division (J) of this section and has been convicted of or pleaded 127165
guilty to any offense that, under the rule, disqualifies a person 127166
for employment to operate a vehicle used for pupil transportation 127167
shall not be hired or shall be released from employment, as 127168
applicable, unless the person meets the rehabilitation standards 127169
prescribed by the rule. 127170

(L) The superintendent of a school district or an educational 127171
service center governing board shall issue a certificate as a 127172
driver of a school bus or motor van or a certificate to operate a 127173
vehicle used for pupil transportation in accordance with Chapter 127174
4796. of the Revised Code to an applicant if either of the 127175
following applies: 127176

(1) The applicant holds a certificate in another state. 127177

(2) The applicant has satisfactory work experience, a 127178
government certification, or a private certification as described 127179
in that chapter as a school bus or motor van driver or a pupil 127180

transportation vehicle operator in a state that does not issue one 127181
or both of those certificates. 127182

Sec. 3704.14. (A)(1) If the director of environmental 127183
protection determines that implementation of a motor vehicle 127184
inspection and maintenance program is necessary for the state to 127185
effectively comply with the federal Clean Air Act after June 30, 127186
~~2019~~ 2023, the director may provide for the implementation of the 127187
program in those counties in this state in which such a program is 127188
federally mandated. Upon making such a determination, the director 127189
of environmental protection may request the director of 127190
administrative services to extend the terms of the contract that 127191
was entered into under the authority of Am. Sub. H.B. 64 of the 127192
131st general assembly. Upon receiving the request, the director 127193
of administrative services shall extend the contract, beginning on 127194
July 1, ~~2019~~ 2023, in accordance with this section. The contract 127195
shall be extended for a period of up to twenty-four months with 127196
the contractor who conducted the motor vehicle inspection and 127197
maintenance program under that contract. 127198

(2) Prior to the expiration of the contract extension that is 127199
authorized by division (A)(1) of this section, the director of 127200
environmental protection shall request the director of 127201
administrative services to enter into a contract with a vendor to 127202
operate a decentralized motor vehicle inspection and maintenance 127203
program in each county in this state in which such a program is 127204
federally mandated through June 30, ~~2023~~ 2027, with an option for 127205
the state to renew the contract for a period of up to twenty-four 127206
months through June 30, ~~2025~~ 2029. The contract shall ensure that 127207
the decentralized motor vehicle inspection and maintenance program 127208
achieves at least the same emission reductions as achieved by the 127209
program operated under the authority of the contract that was 127210
extended under division (A)(1) of this section. The director of 127211
administrative services shall select a vendor through a 127212

competitive selection process in compliance with Chapter 125. of 127213
the Revised Code. 127214

(3) Notwithstanding any law to the contrary, the director of 127215
administrative services shall ensure that a competitive selection 127216
process regarding a contract to operate a decentralized motor 127217
vehicle inspection and maintenance program in this state 127218
incorporates the following, which shall be included in the 127219
contract: 127220

(a) For purposes of expanding the number of testing locations 127221
for consumer convenience, a requirement that the vendor utilize 127222
established local businesses, auto repair facilities, or leased 127223
properties to operate state-approved inspection and maintenance 127224
testing facilities; 127225

(b) A requirement that the vendor selected to operate the 127226
program provide notification of the program's requirements to each 127227
owner of a motor vehicle that is required to be inspected under 127228
the program. The contract shall require the notification to be 127229
provided not later than sixty days prior to the date by which the 127230
owner of the motor vehicle is required to have the motor vehicle 127231
inspected. The director of environmental protection and the vendor 127232
shall jointly agree on the content of the notice. However, the 127233
notice shall include at a minimum the locations of all inspection 127234
facilities within a specified distance of the address that is 127235
listed on the owner's motor vehicle registration; 127236

(c) A requirement that the vendor comply with testing 127237
methodology and supply the required equipment approved by the 127238
director of environmental protection as specified in the 127239
competitive selection process in compliance with Chapter 125. of 127240
the Revised Code. 127241

(4) A decentralized motor vehicle inspection and maintenance 127242
program operated under this section shall comply with division (B) 127243

of this section. The director of environmental protection shall 127244
administer the decentralized motor vehicle inspection and 127245
maintenance program operated under this section. 127246

(B) The decentralized motor vehicle inspection and 127247
maintenance program authorized by this section, at a minimum, 127248
shall do all of the following: 127249

(1) Comply with the federal Clean Air Act; 127250

(2) Provide for the issuance of inspection certificates; 127251

(3) Provide for a new car exemption for motor vehicles four 127252
years old or newer and provide that a new motor vehicle is exempt 127253
for four years regardless of whether legal title to the motor 127254
vehicle is transferred during that period; 127255

(4) Provide for an exemption for battery electric motor 127256
vehicles. 127257

(C)(1) The director of environmental protection shall adopt 127258
rules in accordance with Chapter 119. of the Revised Code that the 127259
director determines are necessary to implement this section. The 127260
director may continue to implement and enforce rules pertaining to 127261
the motor vehicle inspection and maintenance program previously 127262
implemented under former section 3704.14 of the Revised Code as 127263
that section existed prior to its repeal and reenactment by Am. 127264
Sub. H.B. 66 of the 126th general assembly, provided that the 127265
rules do not conflict with this section. 127266

(2) The director of environmental protection shall issue an 127267
inspection certificate provided for under division (B)(2) of this 127268
section in accordance with Chapter 4796. of the Revised Code to an 127269
applicant if either of the following applies: 127270

(a) The individual holds a certificate or license in another 127271
state. 127272

(b) The individual has satisfactory work experience, a 127273

government certification, or a private certification as described 127274
in that chapter as a vehicle inspector in a state that does not 127275
issue that certificate. 127276

(D) There is hereby created in the state treasury the auto 127277
emissions test fund, which shall consist of money received by the 127278
director from any cash transfers, state and local grants, and 127279
other contributions that are received for the purpose of funding 127280
the program established under this section. The director of 127281
environmental protection shall use money in the fund solely for 127282
the implementation, supervision, administration, operation, and 127283
enforcement of the motor vehicle inspection and maintenance 127284
program established under this section. Money in the fund shall 127285
not be used for either of the following: 127286

(1) To pay for the inspection costs incurred by a motor 127287
vehicle dealer so that the dealer may provide inspection 127288
certificates to an individual purchasing a motor vehicle from the 127289
dealer when that individual resides in a county that is subject to 127290
the motor vehicle inspection and maintenance program; 127291

(2) To provide payment for more than one free passing 127292
emissions inspection or a total of three emissions inspections for 127293
a motor vehicle in any three-hundred-sixty-five-day period. The 127294
owner or lessee of a motor vehicle is responsible for inspection 127295
fees that are related to emissions inspections beyond one free 127296
passing emissions inspection or three total emissions inspections 127297
in any three-hundred-sixty-five-day period. Inspection fees that 127298
are charged by a contractor conducting emissions inspections under 127299
a motor vehicle inspection and maintenance program shall be 127300
approved by the director of environmental protection. 127301

(E) The motor vehicle inspection and maintenance program 127302
established under this section expires upon the termination of all 127303
contracts entered into under this section and shall not be 127304
implemented beyond the final date on which termination occurs. 127305

(F) As used in this section "battery electric motor vehicle" 127306
has the same meaning as in section 4501.01 of the Revised Code. 127307

Sec. 3737.83. The state fire marshal shall, as part of the 127308
state fire code, adopt rules to: 127309

(A) Establish minimum standards of performance for fire 127310
protection equipment and fire fighting equipment; 127311

(B) Establish minimum standards of training, fix minimum 127312
qualifications, and require certificates for all persons who 127313
engage in the business for profit of installing, testing, 127314
repairing, or maintaining fire protection equipment; 127315

(C) Provide for the issuance of certificates required under 127316
division (B) of this section and establish the fees to be charged 127317
for such certificates. A certificate shall be granted, renewed, or 127318
revoked according to rules the state fire marshal shall adopt, 127319
except that the state fire marshal shall grant a certificate in 127320
accordance with Chapter 4796. of the Revised Code to an applicant 127321
if either of the following applies: 127322

(1) The applicant holds a license or certificate in another 127323
state. 127324

(2) The applicant has satisfactory work experience, a 127325
government certification, or a private certification as described 127326
in that chapter as a person engaged in the business of installing, 127327
testing, repairing, or maintaining fire protection equipment in a 127328
state that does not issue that certificate. 127329

(D) Establish minimum standards of flammability for consumer 127330
goods in any case where the federal government or any department 127331
or agency thereof has established, or may from time to time 127332
establish standards of flammability for consumer goods. The 127333
standards established by the state fire marshal shall be identical 127334
to the minimum federal standards. 127335

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in child day-care centers and in type A family day-care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

Sec. 4701.06. (A) The accountancy board shall grant the certificate of "certified public accountant" to any person who satisfies the following requirements:

~~(1) The person is a resident of this state or has a place of~~

~~business in this state or, as an employee, is regularly employed~~ 127366
~~in this state. The board may determine by rule circumstances under~~ 127367
~~which the residency requirement may be waived.~~ 127368

~~(2)~~ The person has attained the age of eighteen years. 127369

~~(3)~~(2) The person meets the following requirements of 127370
education and experience: 127371

(a) Graduation with a baccalaureate or higher degree that 127372
includes successful completion of one hundred fifty semester hours 127373
of undergraduate or graduate education. The board by rule shall 127374
specify graduate degrees that satisfy this requirement and also by 127375
rule shall require any subjects that it considers appropriate. The 127376
total educational program shall include an accounting 127377
concentration with related courses in other areas of business 127378
administration, as defined by board rule. 127379

(b) Acquisition of one year of experience satisfactory to the 127380
board in any of the following: 127381

(i) A public accounting firm; 127382

(ii) Government; 127383

(iii) Business; 127384

(iv) Academia. 127385

~~(4)~~(3) The person has passed an examination that is 127386
administered in the manner and that covers the subjects that the 127387
board prescribes by rule. In adopting the relevant rules, the 127388
board shall ensure to the extent possible that the examination, 127389
the examination process, and the examination's passing standard 127390
are uniform with the examinations, examination processes, and 127391
examination passing standards of all other states and may provide 127392
for the use of all or parts of the uniform certified public 127393
accountant examination and advisory grading service of the 127394
American institute of certified public accountants. The board may 127395

contract with third parties to perform administrative services 127396
that relate to the examination and that the board determines are 127397
appropriate in order to assist the board in performing its duties 127398
in relation to the examination. 127399

(B)(1) The experience requirement for a candidate who does 127400
not meet the educational requirements under division 127401
~~(A)(3)(a)~~(A)(2)(a) of this section because the board has waived 127402
them under division (B)(2) of this section is four years of the 127403
experience described in division ~~(A)(3)(b)~~(A)(2)(b) of this 127404
section. 127405

(2) The board shall waive the educational requirement set 127406
forth in division ~~(A)(3)(a)~~(A)(2)(a) of this section for any 127407
candidate if the board finds that the candidate has obtained from 127408
an accredited college or university approved by the board, either 127409
an associate degree or a baccalaureate degree, other than a 127410
baccalaureate degree described in division ~~(A)(3)(a)~~(A)(2)(a) of 127411
this section, with a concentration in accounting that includes 127412
related courses in other areas of business administration, and if 127413
the board is satisfied from the results of special examinations 127414
that the board gives the candidate to test the candidate's 127415
educational qualification that the candidate is as well equipped, 127416
educationally, as if the candidate met the applicable educational 127417
requirement specified in division ~~(A)(3)(a)~~(A)(2)(a) of this 127418
section. 127419

The board shall provide by rule for the general scope of any 127420
special examinations for a waiver of the educational requirements 127421
under division ~~(A)(3)(a)~~(A)(2)(a) of this section and may obtain 127422
any advice and assistance that it considers appropriate to assist 127423
it in preparing and grading those special examinations. The board 127424
may use any existing examinations or may prepare any number of new 127425
examinations to assist in determining the equivalent training of a 127426
candidate. The board by rule shall prescribe any special 127427

examinations for a waiver of the educational requirements under 127428
division ~~(A)(3)(a)~~(A)(2)(a) of this section and the passing score 127429
required for each examination. 127430

(C) A candidate who has graduated with a baccalaureate degree 127431
or its equivalent or a higher degree that includes successful 127432
completion of at least one hundred twenty semester hours of 127433
undergraduate or graduate education is eligible to take the 127434
examination referred to in division ~~(A)(4)~~(A)(3) of this section 127435
without waiting until the candidate meets the education or 127436
experience requirements, ~~provided the candidate also meets the~~ 127437
~~requirement of division (A)(1) of this section.~~ The board by rule 127438
shall specify degrees that make a candidate eligible under this 127439
division and by rule shall require any subjects that it considers 127440
appropriate. 127441

(D) A candidate for the certificate of certified public 127442
accountant who has successfully completed the examination under 127443
division ~~(A)(4)~~(A)(3) of this section has no status as a certified 127444
public accountant, unless and until the candidate has the 127445
requisite education and experience and has received a certificate 127446
as a certified public accountant. The board shall determine and 127447
charge a fee for issuing the certificate that is adequate to cover 127448
the expense. 127449

(E) The board by rule may prescribe the terms and conditions 127450
under which a candidate who passes part but not all of the 127451
examination may retake the examination. It also may provide by 127452
rule for a reasonable waiting period for a candidate's 127453
reexamination. 127454

The applicable educational and experience requirements under 127455
divisions ~~(A)(3)~~(A)(2), (B), and (C) of this section shall be 127456
those in effect on the date on which the candidate first sits for 127457
the examination. 127458

(F) The board shall charge a candidate a reasonable fee, to 127459
be determined by the board, that is adequate to cover all rentals, 127460
compensation for proctors, and other administrative expenses of 127461
the board related to examination or reexamination, including the 127462
expenses of procuring and grading the examination provided for in 127463
division ~~(A)(4)~~(A)(3) of this section and for any special 127464
examinations for a waiver of the educational requirements under 127465
division ~~(A)(3)(a)~~(A)(2)(a) of this section. Fees for 127466
reexamination under division (E) of this section shall be charged 127467
by the board in amounts determined by it. The applicable fees 127468
shall be paid by the candidate at the time the candidate applies 127469
for examination or reexamination. 127470

(G) Any person who has received from the board a certificate 127471
as a certified public accountant and who holds an Ohio permit 127472
shall be styled and known as a "certified public accountant" and 127473
also may use the abbreviation "CPA." The board shall maintain a 127474
list of certified public accountants. Any certified public 127475
accountant also may be known as a "public accountant." 127476

(H) Persons who, on the effective date of an amendment of 127477
this section, held certified public accountant certificates 127478
previously issued under the laws of this state shall not be 127479
required to obtain additional certificates under this section but 127480
shall otherwise be subject to all provisions of this section, and 127481
those previously issued certificates, for all purposes, shall be 127482
considered certificates issued under this section and subject to 127483
its provisions. 127484

(I) The board may waive the examination under division 127485
~~(A)(4)~~(A)(3) of this section and, upon payment of a fee determined 127486
by it, may issue a certificate as a "certified public accountant" 127487
to any person who possesses the ~~qualifications~~ qualification 127488
specified in ~~divisions~~ division (A)(1) ~~and (2)~~ of this section and 127489
what the board determines to be substantially the equivalent of 127490

the applicable qualifications under division ~~(A)(3)~~(A)(2) of this 127491
section and who is the holder of a certificate, license, or degree 127492
in a foreign country that constitutes a recognized qualification 127493
for the practice of public accounting in that country, that is 127494
comparable to that of a certified public accountant of this state, 127495
and that is then in full force and effect. 127496

(J) The board shall issue a certificate as a "certified 127497
public accountant" in accordance with Chapter 4796. of the Revised 127498
Code to a person if either of the following applies: 127499

(1) The person holds a certificate as a certified public 127500
accountant in another state. 127501

(2) The person has satisfactory work experience, a government 127502
certification, or a private certification as described in that 127503
chapter as a certified public accountant in a state that does not 127504
issue that certificate. 127505

Sec. 4701.10. (A) The accountancy board, upon application, 127506
shall issue Ohio permits to practice public accounting to holders 127507
of the CPA certificate or the PA registration. Subject to division 127508
(H)(1) of this section, there shall be a triennial Ohio permit fee 127509
in an amount to be determined by the board not to exceed one 127510
hundred fifty dollars. All Ohio permits shall expire on the last 127511
day of December of the year assigned by the board and, subject to 127512
division (H)(1) of this section, shall be renewed triennially for 127513
a period of three years by certificate holders and registrants in 127514
good standing upon payment of a triennial renewal fee not to 127515
exceed one hundred fifty dollars. 127516

(B) The accountancy board may issue Ohio registrations to 127517
holders of the CPA certificate and the PA registration who are not 127518
engaged in the practice of public accounting. Such persons shall 127519
not convey to the general public that they are actively engaged in 127520
the practice of public accounting in this state. Subject to 127521

division (H)(1) of this section, there shall be a triennial Ohio 127522
registration fee in an amount to be determined by the board but 127523
not exceeding fifty-five dollars. All Ohio registrations shall 127524
expire on the last day of December of the year assigned by the 127525
board and, subject to division (H)(1) of this section, shall be 127526
renewed triennially for a period of three years upon payment by 127527
certificate holders and registrants in good standing of a renewal 127528
fee not to exceed fifty-five dollars. 127529

(C) Any person who receives a CPA certificate and who applies 127530
for an initial Ohio permit or Ohio registration more than sixty 127531
days after issuance of the CPA certificate may, at the board's 127532
discretion, be subject to a late filing fee not exceeding one 127533
hundred dollars. 127534

(D) Any person to whom the board has issued an Ohio permit 127535
who is engaged in the practice of public accounting and who fails 127536
to renew the permit by the expiration date shall be subject to a 127537
late filing fee not exceeding one hundred dollars for each full 127538
month or part of a month after the expiration date in which such 127539
person did not possess a permit, up to a maximum of one thousand 127540
two hundred dollars. The board may waive or reduce the late filing 127541
fee for just cause upon receipt of a written request from such 127542
person. 127543

(E) Any person to whom the board has issued an Ohio permit or 127544
Ohio registration who is not engaged in the practice of public 127545
accounting and who fails to renew the permit or registration by 127546
the expiration date shall be subject to a late filing fee not 127547
exceeding fifty dollars for each full month or part of a month 127548
after the expiration date in which such person did not possess a 127549
permit or registration, up to a maximum of three hundred dollars. 127550
The board may waive or reduce the late filing fee for just cause 127551
upon receipt of a written request from such person. 127552

(F) Failure of a CPA certificate holder or PA registration 127553

holder to apply for either an Ohio permit or an Ohio registration 127554
within one year from the expiration date of the Ohio permit or 127555
Ohio registration last obtained or renewed, or one year from the 127556
date upon which the CPA certificate holder was granted a CPA 127557
certificate, shall result in suspension of the CPA certificate or 127558
PA registration until all fees required under divisions (D) and 127559
(E) of this section have been paid, unless the board determines 127560
the failure to have been due to excusable neglect. In that case, 127561
the fee for the issuance or renewal of the Ohio permit or Ohio 127562
registration, as the case may be, shall be the amount that the 127563
board shall determine, but not in excess of fifty dollars plus the 127564
fee for each triennial period or part of a period the certificate 127565
holder or registrant did not have either an Ohio permit or an Ohio 127566
registration. 127567

(G) The board by rule may exempt persons from the requirement 127568
of holding an Ohio permit or Ohio registration for specified 127569
reasons, including, but not limited to, retirement, health 127570
reasons, military service, foreign residency, or other just cause. 127571

(H)(1) The board by rule: 127572

(a) May provide for the issuance of Ohio permits and Ohio 127573
registrations for less than three years' duration at prorated 127574
fees; 127575

(b) Shall add a surcharge to the Ohio permit and Ohio 127576
registration fee imposed pursuant to this section of ~~at least~~ 127577
~~fifteen dollars but no more than~~ thirty dollars for a ~~three-year~~ 127578
~~Ohio permit or Ohio registration, at least ten dollars but no more~~ 127579
~~than twenty dollars for a two-year Ohio permit or Ohio~~ 127580
~~registration, and at least five dollars but no more than ten~~ 127581
~~dollars for a one-year Ohio permit or Ohio registration, provided~~ 127582
that the board may prorate the surcharge if the board issues an 127583
Ohio permit or Ohio registration for less than three years. 127584

(2) Each quarter, the board, for the purpose provided in section 4743.05 of the Revised Code, shall certify to the director of budget and management the number of Ohio permits and Ohio registrations issued or renewed under this chapter during the preceding quarter and the amount equal to that number times the amount of the surcharge added to each Ohio permit and Ohio registration fee by the board under division (H)(1) of this section.

(I) Chapter 4796. of the Revised Code does not apply to Ohio permits or Ohio registrations issued under this section.

Sec. 4709.07. (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that the applicant meets all of the following:

(1) Is at least eighteen years of age;

(2) Has an eighth grade education or an equivalent education as determined by the state board of education in the state where the applicant resides;

(3) Has graduated with at least one thousand ~~eight hundred~~ hours of training from a board-approved barber school or has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an

applicant five or more years prior to the examination apply to the 127615
hours of study required by this division. 127616

(C) Any applicant who meets all of the requirements of 127617
divisions (A) and (B) of this section may take the barber 127618
examination at the time and place specified by the board. If the 127619
applicant fails to attain at least a seventy-five per cent pass 127620
rate on each part of the examination, the applicant is ineligible 127621
for licensure; however, the applicant may reapply for examination 127622
within ninety days after the date of the release of the 127623
examination scores by paying the required reexamination fee. An 127624
applicant is only required to take that part or parts of the 127625
examination on which the applicant did not receive a score of 127626
seventy-five per cent or higher. If the applicant fails to reapply 127627
for examination within ninety days or fails the second 127628
examination, in order to reapply for examination for licensure the 127629
applicant shall complete an additional course of study of not less 127630
than two hundred hours, in a board-approved barber school. The 127631
board shall provide to an applicant, upon request, a report which 127632
explains the reasons for the applicant's failure to pass the 127633
examination. 127634

(D) The board shall issue a license to practice barbering to 127635
any applicant who, to the satisfaction of the board, meets the 127636
requirements of divisions (A) and (B) of this section, who passes 127637
the required examination, and pays the initial licensure fee. 127638
Every licensed barber shall display the certificate of licensure 127639
in a conspicuous place adjacent to or near the licensed barber's 127640
work chair. 127641

(E) The board shall issue a license to practice barbering in 127642
accordance with Chapter 4796. of the Revised Code to an applicant 127643
if either of the following applies: 127644

(1) The applicant holds a license to practice barbering in 127645
another state. 127646

(2) The applicant has satisfactory work experience, a 127647
government certification, or a private certification as described 127648
in that chapter as a barber in a state that does not issue that 127649
license. 127650

Sec. 4709.10. (A) Each person who desires to obtain a license 127651
to operate a barber school shall apply to the state cosmetology 127652
and barber board, on forms provided by the board. The board shall 127653
issue a barber school license to a person if the board determines 127654
that the person meets and will comply with all of the requirements 127655
of division (B) of this section and pays the required licensure 127656
and inspection fees. 127657

(B) In order for a person to qualify for a license to operate 127658
a barber school, the barber school to be operated by the person 127659
must meet all of the following requirements: 127660

(1) Have a training facility sufficient to meet the required 127661
educational curriculum established by the board, including enough 127662
space to accommodate all the facilities and equipment required by 127663
rule by the board; 127664

(2) Provide sufficient licensed teaching personnel to meet 127665
the minimum pupil-teacher ratio established by rule of the board; 127666

(3) Have established and provide to the board proof that it 127667
has met all of the board requirements to operate a barber school, 127668
as adopted by rule of the board; 127669

(4) File with the board a program of its curriculum, 127670
accounting for not less than one thousand ~~eight hundred~~ hours of 127671
instruction in the courses of theory and practical demonstration 127672
required by rule of the board; 127673

(5) File with the board a surety bond in the amount of ten 127674
thousand dollars issued by a bonding company licensed to do 127675
business in this state. The bond shall be in the form prescribed 127676

by the board and conditioned upon the barber school's continued 127677
instruction in the theory and practice of barbering. The bond 127678
shall continue in effect until notice of its termination is 127679
provided to the board. In no event, however, shall the bond be 127680
terminated while the barber school is in operation. Any student 127681
who is injured or damaged by reason of a barber school's failure 127682
to continue instruction in the theory and practice of barbering 127683
may maintain an action on the bond against the barber school or 127684
the surety, or both, for the recovery of any money or tuition paid 127685
in advance for instruction in the theory and practice of barbering 127686
which was not received. The aggregate liability of the surety to 127687
all students shall not exceed the sum of the bond. 127688

(6) Maintain adequate record keeping to ensure that it has 127689
met the requirements for records of student progress as required 127690
by board rule; 127691

(7) Establish minimum standards for acceptance of student 127692
applicants for admission to the barber school. The barber school 127693
may establish entrance requirements which are more stringent than 127694
those prescribed by the board, but the requirements must at a 127695
minimum require the applicant to meet both of the following: 127696

(a) Be at least seventeen years of age; 127697

(b) Have an eighth grade education, or an equivalent 127698
education as determined by the state board of education. 127699

(8) Have a procedure to submit every student applicant's 127700
admission application to the board for the board's review and 127701
approval prior to the applicant's admission to the barber school; 127702

(9) Operate in a manner which reflects credit upon the 127703
barbering profession; 127704

(10) Offer a curriculum of study which covers all aspects of 127705
the scientific fundamentals of barbering as specified by rule of 127706
the board; 127707

(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.

(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. Except as provided in division (D) of this section, the board shall only issue a barber teacher license to a person who meets all of the following requirements:

(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

(2) Meets such other requirements as adopted by rule by the board;

(3) Passes the required examination; and

(4) Pays the required fees.

Except as provided in division (D) of this section, the board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) The board shall issue a barber teacher or assistant barber teacher license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a barber teacher or assistant barber teacher license, as applicable, in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described

in that chapter as a barber teacher or assistant barber teacher, 127738
as applicable, in a state that does not issue the applicable 127739
license. 127740

(E) Any person who meets the qualifications of an assistant 127741
teacher pursuant to division (C) or (D) of this section, may be 127742
employed as an assistant teacher, provided that within five days 127743
after the commencement of the employment the barber school submits 127744
to the board, on forms provided by the board, the applicant's 127745
qualifications. 127746

Sec. 4713.28. (A) The state cosmetology and barber board 127747
shall issue a practicing license to an applicant who satisfies all 127748
of the following applicable conditions: 127749

(1) Is at least sixteen years of age; 127750

(2) Has the equivalent of an Ohio public school tenth grade 127751
education; 127752

(3) Has submitted a written application on a form furnished 127753
by the board that contains all of the following: 127754

(a) The name of the individual and any other identifying 127755
information required by the board; 127756

(b) A photocopy of the individual's current driver's license 127757
or other proof of legal residence; 127758

(c) Proof that the individual is qualified to take the 127759
applicable examination as required by section 4713.20 of the 127760
Revised Code; 127761

(d) An oath verifying that the information in the application 127762
is true; 127763

(e) The applicable application fee. 127764

(4) Passes an examination conducted under division (A) of 127765
section 4713.24 of the Revised Code for the branch of cosmetology 127766

the applicant seeks to practice; 127767

(5) Pays to the board the applicable license fee; 127768

(6) In the case of an applicant for an initial cosmetologist 127769
license, has successfully completed at least one thousand ~~five~~ 127770
~~hundred~~ hours of board-approved cosmetology training in a school 127771
of cosmetology licensed in this state, except that only one 127772
thousand hours of board-approved cosmetology training in a school 127773
of cosmetology licensed in this state is required of an individual 127774
licensed as a barber under Chapter 4709. of the Revised Code; 127775

(7) In the case of an applicant for an initial esthetician 127776
license, has successfully completed at least six hundred hours of 127777
board-approved esthetics training in a school of cosmetology 127778
licensed in this state; 127779

(8) In the case of an applicant for an initial hair designer 127780
license, has successfully completed at least one thousand ~~two~~ 127781
~~hundred~~ hours of board-approved hair designer training in a school 127782
of cosmetology licensed in this state, except that only one 127783
thousand hours of board-approved hair designer training in a 127784
school of cosmetology licensed in this state is required of an 127785
individual licensed as a barber under Chapter 4709. of the Revised 127786
Code; 127787

(9) In the case of an applicant for an initial manicurist 127788
license, has successfully completed at least two hundred hours of 127789
board-approved manicurist training in a school of cosmetology 127790
licensed in this state; 127791

(10) In the case of an applicant for an initial natural hair 127792
stylist license, has successfully completed at least four hundred 127793
fifty hours of instruction in subjects relating to sanitation, 127794
scalp care, anatomy, hair styling, communication skills, and laws 127795
and rules governing the practice of cosmetology. 127796

(B) The board shall not deny a license to any applicant based 127797

on prior incarceration or conviction for any crime. If the board 127798
denies an individual a license or license renewal, the reasons for 127799
such denial shall be put in writing. 127800

(C) The board shall issue a practicing license in a branch of 127801
cosmetology in accordance with Chapter 4796. of the Revised Code 127802
to an applicant if either of the following applies: 127803

(1) The applicant holds a license in that branch of 127804
cosmetology in another state. 127805

(2) The applicant has satisfactory work experience, a 127806
government certification, or a private certification as described 127807
in that chapter in that branch of cosmetology in a state that does 127808
not issue that license. 127809

Sec. 4735.07. (A) The superintendent of real estate, with the 127810
consent of the Ohio real estate commission, may enter into 127811
agreements with recognized national testing services to administer 127812
the real estate broker's examination under the superintendent's 127813
supervision and control, consistent with the requirements of this 127814
chapter as to the contents of such examination. 127815

(B) No applicant for a real estate broker's license shall 127816
take the broker's examination who has not established to the 127817
satisfaction of the superintendent that the applicant: 127818

(1) Is honest and truthful; 127819

(2)(a) Has not been convicted of a disqualifying offense as 127820
determined in accordance with section 9.79 of the Revised Code; 127821

(b) Has not been finally adjudged by a court to have violated 127822
any municipal, state, or federal civil rights laws relevant to the 127823
protection of purchasers or sellers of real estate or, if the 127824
applicant has been so adjudged, at least two years have passed 127825
since the court decision and the superintendent has disregarded 127826
the adjudication because the applicant has proven, by a 127827

preponderance of the evidence, that the applicant's activities and 127828
employment record since the adjudication show that the applicant 127829
is honest and truthful, and there is no basis in fact for 127830
believing that the applicant will again violate the laws involved. 127831

(3) Has not, during any period in which the applicant was 127832
licensed under this chapter, violated any provision of, or any 127833
rule adopted pursuant to, this chapter, or, if the applicant has 127834
violated any such provision or rule, has established to the 127835
satisfaction of the superintendent that the applicant will not 127836
again violate such provision or rule; 127837

(4) Is at least eighteen years of age; 127838

(5) Has been a licensed real estate broker or salesperson for 127839
at least ~~two years; during at least~~ two of the five years 127840
preceding the person's application, ~~has worked as a licensed real~~ 127841
~~estate broker or salesperson for an average of at least thirty~~ 127842
~~hours per week;~~ and has completed one of the following: 127843

(a) At least twenty real estate transactions, in which 127844
property was sold for another by the applicant while acting in the 127845
capacity of a real estate broker or salesperson; 127846

(b) Such equivalent experience as is defined by rules adopted 127847
by the commission. 127848

(6)(a) If licensed as a real estate salesperson prior to 127849
August 1, 2001, successfully has completed at an institution of 127850
higher education all of the following credit-eligible courses by 127851
either classroom instruction or distance education: 127852

(i) Thirty hours of instruction in real estate practice; 127853

(ii) Thirty hours of instruction that includes the subjects 127854
of Ohio real estate law, municipal, state, and federal civil 127855
rights law, new case law on housing discrimination, desegregation 127856
issues, and methods of eliminating the effects of prior 127857

discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(iii) Thirty hours of instruction in real estate appraisal;

(iv) Thirty hours of instruction in real estate finance;

(v) Three quarter hours, or its equivalent in semester hours, in financial management;

(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;

(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;

(viii) Three quarter hours, or its equivalent in semester hours, in business law.

(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(i) Forty hours of instruction in real estate practice;

(ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If

feasible, the instruction in municipal, state, and federal civil 127888
rights law, new case law on housing discrimination, desegregation 127889
issues, and methods of eliminating the effects of prior 127890
discrimination shall be taught by a staff member of the Ohio civil 127891
rights commission who is knowledgeable with respect to those 127892
subjects. The requirements of this division do not apply to an 127893
applicant who is admitted to practice before the supreme court. 127894

(iii) Twenty hours of instruction in real estate appraisal; 127895

(iv) Twenty hours of instruction in real estate finance; 127896

(v) The training in the amount of hours specified under 127897
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 127898

(c) Division (B)(6)(a) or (b) of this section does not apply 127899
to any applicant who holds a valid real estate salesperson's 127900
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 127901
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 127902
do not apply to any applicant who holds a valid real estate 127903
salesperson's license issued prior to January 3, 1984. 127904

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 127905
section do not apply to any new applicant who holds a valid Ohio 127906
real estate appraiser license or certificate issued prior to the 127907
date of application for a real estate broker's license. 127908

(e) Successful completion of the instruction required by 127909
division (B)(6)(a) or (b) of this section shall be determined by 127910
the law in effect on the date the instruction was completed. 127911

(7) If licensed as a real estate salesperson on or after 127912
January 3, 1984, satisfactorily has completed a minimum of two 127913
years of post-secondary education, or its equivalent in semester 127914
or quarter hours, at an institution of higher education, and has 127915
fulfilled the requirements of division (B)(6)(a) or (b) of this 127916
section. The requirements of division (B)(6)(a) or (b) of this 127917
section may be included in the two years of post-secondary 127918

education, or its equivalent in semester or quarter hours, that is 127919
required by this division. The post-secondary education 127920
requirement may be satisfied by completing the credit-eligible 127921
courses using either classroom instruction or distance education. 127922
Successful completion of any course required by this section shall 127923
be determined by the law in effect on the date the course was 127924
completed. 127925

(C) Each applicant for a broker's license shall be examined 127926
in the principles of real estate practice, Ohio real estate law, 127927
and financing and appraisal, and as to the duties of real estate 127928
brokers and real estate salespersons, the applicant's knowledge of 127929
real estate transactions and instruments relating to them, and the 127930
canons of business ethics pertaining to them. The commission from 127931
time to time shall promulgate such canons and cause them to be 127932
published in printed form. 127933

(D) Examinations shall be administered with reasonable 127934
accommodations in accordance with the requirements of the 127935
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 127936
U.S.C. 12101. The contents of an examination shall be consistent 127937
with the requirements of division (B)(6) of this section and with 127938
the other specific requirements of this section. An applicant who 127939
has completed the requirements of division (B)(6) of this section 127940
at the time of application shall be examined no later than twelve 127941
months after the applicant is notified of admission to the 127942
examination. 127943

(E) Notwithstanding any provision of this chapter or Chapter 127944
4796. of the Revised Code to the contrary, the superintendent 127945
shall issue a real estate broker's license in accordance with 127946
Chapter 4796. of the Revised Code to an applicant if either of the 127947
following applies: 127948

(1) The applicant satisfies the requirements specified in 127949
section 4796.03 or 4796.04 of the Revised Code, as applicable, and 127950

all of the following apply: 127951

(a) The applicant has worked as a real estate broker for at 127952
least two of the five years immediately preceding the date of the 127953
application. 127954

(b) The applicant has completed not less than twenty real 127955
estate transactions in which the applicant acted in the capacity 127956
of a real estate broker. 127957

(c) The applicant passes an examination on Ohio real estate 127958
law. 127959

(2) The applicant satisfies the requirements specified in 127960
section 4796.05 of the Revised Code and divisions (E)(1)(b) and 127961
(c) of this section. 127962

(F) There shall be no limit placed on the number of times an 127963
applicant may retake the examination. 127964

(G)(1) Not earlier than the date of issue of a real estate 127965
broker's license to a licensee, but not later than twelve months 127966
after the date of issue of a real estate broker's license to a 127967
licensee, the licensee shall submit proof satisfactory to the 127968
superintendent, on forms made available by the superintendent, of 127969
the completion of ten hours of instruction that shall be completed 127970
in schools, seminars, and educational institutions that are 127971
approved by the commission. Approval of the curriculum and 127972
providers shall be granted according to rules adopted pursuant to 127973
section 4735.10 of the Revised Code and may be taken through 127974
classroom instruction or distance education. 127975

If the required proof of completion is not submitted to the 127976
superintendent within twelve months of the date a license is 127977
issued under this section, the license of the real estate broker 127978
is suspended automatically without the taking of any action by the 127979
superintendent. The broker's license shall not be reactivated by 127980
the superintendent until it is established, to the satisfaction of 127981

the superintendent, that the requirements of this division have 127982
been met and that the licensee is in compliance with this chapter. 127983
A licensee's license is revoked automatically without the taking 127984
of any action by the superintendent if the licensee fails to 127985
submit proof of completion of the education requirements specified 127986
under division (G)(1) of this section within twelve months of the 127987
date the license is suspended. 127988

(2) If the license of a real estate broker is suspended 127989
pursuant to division (G)(1) of this section, the license of a real 127990
estate salesperson associated with that broker correspondingly is 127991
suspended pursuant to division (H) of section 4735.20 of the 127992
Revised Code. However, the suspended license of the associated 127993
real estate salesperson shall be reactivated and no fee shall be 127994
charged or collected for that reactivation if all of the following 127995
occur: 127996

(a) That broker subsequently submits satisfactory proof to 127997
the superintendent that the broker has complied with the 127998
requirements of division (G)(1) of this section and requests that 127999
the broker's license as a real estate broker be reactivated; 128000

(b) The superintendent then reactivates the broker's license 128001
as a real estate broker; 128002

(c) The associated real estate salesperson intends to 128003
continue to be associated with that broker and otherwise is in 128004
compliance with this chapter. 128005

Sec. 4735.09. (A) Application for a license as a real estate 128006
salesperson shall be made to the superintendent of real estate on 128007
forms furnished by the superintendent and signed by the applicant. 128008
The application shall be in the form prescribed by the 128009
superintendent and shall contain such information as is required 128010
by this chapter and the rules of the Ohio real estate commission. 128011
The application shall be accompanied by the recommendation of the 128012

real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. ~~One dollar of each application fee shall be credited to the real estate education and research fund.~~

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing

service's examination fee directly to the testing service. If the 128044
superintendent requires the payment of the examination fee 128045
directly to the testing service, each applicant shall submit to 128046
the superintendent a processing fee in an amount determined by the 128047
Ohio real estate commission pursuant to division (A)(1) of section 128048
4735.10 of the Revised Code. 128049

(E) The superintendent shall issue a real estate 128050
salesperson's license when satisfied that the applicant has 128051
received a passing score on each portion of the salesperson's 128052
examination as determined by rule by the real estate commission. 128053

(F) No applicant for a salesperson's license shall take the 128054
salesperson's examination who has not established to the 128055
satisfaction of the superintendent that the applicant: 128056

(1) Is honest and truthful; 128057

(2)(a) Has not been convicted of a disqualifying offense as 128058
determined in accordance with section 9.79 of the Revised Code; 128059

(b) Has not been finally adjudged by a court to have violated 128060
any municipal, state, or federal civil rights laws relevant to the 128061
protection of purchasers or sellers of real estate or, if the 128062
applicant has been so adjudged, at least two years have passed 128063
since the court decision and the superintendent has disregarded 128064
the adjudication because the applicant has proven, by a 128065
preponderance of the evidence, that the applicant is honest and 128066
truthful, and there is no basis in fact for believing that the 128067
applicant again will violate the laws involved. 128068

(3) Has not, during any period in which the applicant was 128069
licensed under this chapter, violated any provision of, or any 128070
rule adopted pursuant to this chapter, or, if the applicant has 128071
violated such provision or rule, has established to the 128072
satisfaction of the superintendent that the applicant will not 128073
again violate such provision or rule; 128074

(4) Is at least eighteen years of age;	128075
(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;	128076 128077 128078
(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	128079 128080 128081
(a) Forty hours of instruction in real estate practice;	128082
(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	128083 128084 128085 128086 128087 128088 128089 128090 128091 128092 128093 128094 128095
(c) Twenty hours of instruction in real estate appraisal;	128096
(d) Twenty hours of instruction in real estate finance.	128097
(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.	128098 128099 128100
(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.	128101 128102 128103 128104

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be taken through classroom instruction or distance education.

If proof of completion of the required instruction is not submitted within twelve months of the date a license is issued under this section, the licensee's license is suspended

automatically without the taking of any action by the 128137
superintendent. The superintendent immediately shall notify the 128138
broker with whom such salesperson is associated of the suspension 128139
of the salesperson's license. A salesperson whose license has been 128140
suspended under this division shall have twelve months after the 128141
date of the suspension of the salesperson's license to submit 128142
proof of successful completion of the instruction required under 128143
this division. No such license shall be reactivated by the 128144
superintendent until it is established, to the satisfaction of the 128145
superintendent, that the requirements of this division have been 128146
met and that the licensee is in compliance with this chapter. A 128147
licensee's license is revoked automatically without the taking of 128148
any action by the superintendent when the licensee fails to submit 128149
the required proof of completion of the education requirements 128150
under division (I) of this section within twelve months of the 128151
date the license is suspended. 128152

(K) Examinations shall be administered with reasonable 128153
accommodations in accordance with the requirements of the 128154
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 128155
U.S.C. 12189. The contents of an examination shall be consistent 128156
with the classroom instructional requirements of division (F)(6) 128157
of this section. An applicant who has completed the classroom 128158
instructional requirements of division (F)(6) of this section at 128159
the time of application shall be examined no later than twelve 128160
months after the applicant is notified of the applicant's 128161
admission to the examination. 128162

(L) Notwithstanding any provision of this chapter or Chapter 128163
4796. of the Revised Code to the contrary, the superintendent 128164
shall issue a real estate salesperson's license in accordance with 128165
Chapter 4796. of the Revised Code to an applicant if both of the 128166
following apply: 128167

(1) The applicant satisfies the requirements specified in 128168

section 4796.03, 4796.04, or 4796.05 of the Revised Code, as applicable.	128169 128170
(2) The applicant passes an examination on Ohio real estate law.	128171 128172
Sec. 4755.411. The physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall adopt rules in accordance with Chapter 119. of the Revised Code pertaining to the following:	128173 128174 128175 128176
(A) Fees for the verification of a license and license reinstatement, and other fees established by the section;	128177 128178
(B) Provisions for the section's government and control of its actions and business affairs;	128179 128180
(C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants;	128181 128182 128183
(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	128184 128185
(E) The form and manner for filing applications for licensure with the section;	128186 128187
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	128188 128189
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	128190 128191 128192
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	128193 128194 128195
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	128196 128197

(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	128198 128199
(H) Appropriate ethical conduct in the practice of physical therapy;	128200 128201
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	128202 128203 128204
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	128205 128206 128207
(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:	128208 128209
(1) Identification of the credentialing organizations from which the section will accept <u>education</u> equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section.	128210 128211 128212 128213 128214 128215
(2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of <u>either of the following</u> :	128216 128217 128218 128219 128220 128221 128222
<u>(a) The applicant's initial licensure or registration in another country;</u>	128223 128224
<u>(b) The applicant's completion of a physical therapist education program or physical therapist assistant education program if the country in which the education program was</u>	128225 128226 128227

completed does not issue a physical therapist or physical 128228
therapist assistant license or registration. 128229

(L) Standards of conduct for physical therapists and physical 128230
therapist assistants, including requirements for supervision, 128231
delegation, and practicing with or without referral or 128232
prescription; 128233

(M) Appropriate display of a license; 128234

(N) Procedures for a licensee to follow in notifying the 128235
section within thirty days of a change in name or address, or 128236
both; 128237

(O) The amount and content of corrective action courses 128238
required by the board under section 4755.47 of the Revised Code. 128239

Sec. 4755.45. (A) The physical therapy section of the Ohio 128240
occupational therapy, physical therapy, and athletic trainers 128241
board shall issue to an applicant a license to practice as a 128242
physical therapist without requiring the applicant to have passed 128243
the national examination for physical therapists described in 128244
division (A) of section 4755.43 of the Revised Code within one 128245
year of filing an application described in section 4755.42 of the 128246
Revised Code if all of the following conditions are ~~true~~met: 128247

(1) The applicant presents evidence satisfactory to the 128248
physical therapy section that the applicant received a score on 128249
the national physical therapy examination described in division 128250
(A) of section 4755.43 of the Revised Code that would have been a 128251
passing score according to the board in the year the applicant sat 128252
for the examination; 128253

(2) The applicant presents evidence satisfactory to the 128254
physical therapy section that the applicant passed the 128255
jurisprudence examination described in division (B) of section 128256
4755.43 of the Revised Code; 128257

(3) The applicant ~~holds~~ either: 128258

(a) Holds a current and valid license or registration to 128259
practice physical therapy in another country; 128260

(b) Completed a physical therapist education program in a 128261
country that does not issue a physical therapist license or 128262
registration. 128263

(4) Subject to division (B) of this section, the applicant 128264
can demonstrate that the applicant's education is reasonably 128265
equivalent to the educational requirements that were in force for 128266
licensure in this state on the date of either of the following: 128267

(a) The applicant's initial licensure or registration in the 128268
other country; 128269

(b) The applicant's completion of a physical therapist 128270
education program if the country in which the education program 128271
was completed does not issue a physical therapist license or 128272
registration. 128273

(5) The applicant pays the fee described in division (B) of 128274
section 4755.42 of the Revised Code; 128275

(6) The applicant is not in violation of any section of this 128276
chapter or rule adopted under it. 128277

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 128278
after receiving the results of an education equivalency evaluation 128279
from a credentialing organization identified by the section 128280
pursuant to rules adopted under section 4755.411 of the Revised 128281
Code, the section determines that, regardless of the results of 128282
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 128283
~~equivalent to the educational requirements that were in force for~~ 128284
~~licensure in this state on the date of the applicant's initial~~ 128285
~~licensure or registration in a foreign country~~ meet the conditions 128286
of division (A)(4) of this section, the section shall send a 128287

written notice to the applicant stating that the section is 128288
denying the applicant's application and stating the specific 128289
reason why the section is denying the applicant's application. The 128290
section shall send the notice to the applicant through certified 128291
mail within thirty days after the section makes that 128292
determination. 128293

Sec. 4755.451. (A) The physical therapy section of the Ohio 128294
occupational therapy, physical therapy, and athletic trainers 128295
board shall issue to an applicant a license as a physical 128296
therapist assistant without requiring the applicant to have passed 128297
the national examination for physical therapist assistants 128298
described in division (A) of section 4755.431 of the Revised Code 128299
within one year of filing an application described in section 128300
4755.421 of the Revised Code if all of the following conditions 128301
are ~~true~~ met: 128302

(1) The applicant presents evidence satisfactory to the 128303
physical therapy section that the applicant received a score on 128304
the national physical therapy examination described in division 128305
(A) of section 4755.431 of the Revised Code that would have been a 128306
passing score according to the board in the year the applicant sat 128307
for the examination; 128308

(2) The applicant presents evidence satisfactory to the 128309
physical therapy section that the applicant passed the 128310
jurisprudence examination described in division (B) of section 128311
4755.431 of the Revised Code; 128312

(3) The applicant ~~holds~~ either: 128313

(a) Holds a current and valid license or registration to 128314
practice as a physical therapist assistant in another country; 128315

(b) Completed a physical therapist assistant education 128316
program in a country that does not issue a physical therapist 128317

assistant license or registration. 128318

(4) Subject to division (B) of this section, the applicant 128319
can demonstrate that the applicant's education is reasonably 128320
equivalent to the educational requirements that were in force for 128321
licensure in this state on the date of either of the following: 128322

(a) The applicant's initial licensure or registration in the 128323
other country; 128324

(b) The applicant's completion of a physical therapist 128325
assistant education program if the country in which the education 128326
program was completed does not issue a physical therapist 128327
assistant license or registration. 128328

(5) The applicant pays the fee described in division (B) of 128329
section 4755.421 of the Revised Code; 128330

(6) The applicant is not in violation of any section of this 128331
chapter or rule adopted under it. 128332

~~(B) For purposes of division (A)(4) of this section, if~~ If, 128333
~~after receiving the results of an education equivalency evaluation~~ 128334
~~from a credentialing organization identified by the section~~ 128335
~~pursuant to rules adopted under section 4755.411 of the Revised~~ 128336
~~Code, the section determines that, regardless of the results of~~ 128337
~~the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~~~ 128338
~~equivalent to the educational requirements that were in force for~~ 128339
~~licensure in this state on the date of the applicant's initial~~ 128340
~~licensure or registration in a foreign country~~ meet the conditions 128341
of division (A)(4) of this section, the section shall send a 128342
written notice to the applicant stating that the section is 128343
denying the applicant's application and stating the specific 128344
reason why the section is denying the applicant's application. The 128345
section shall send the notice to the applicant through certified 128346
mail within thirty days after the section makes the determination. 128347

Sec. 4755.482. (A) Except as otherwise provided in divisions 128348
(B) and (C) of this section, a person shall not teach a physical 128349
therapy theory and procedures course in physical therapy education 128350
without obtaining a license as a physical therapist from the 128351
physical therapy section of the Ohio occupational therapy, 128352
physical therapy, and athletic trainers board. 128353

(B) A nonresident person who is registered or licensed as a 128354
physical therapist under the laws of another state shall not teach 128355
a physical therapy theory and procedures course in physical 128356
therapy education for more than one year without obtaining a 128357
license as a physical therapist from the physical therapy section, 128358
and the section shall not require that person to obtain a license 128359
in accordance with Chapter 4796. of the Revised Code to teach as 128360
described in this division. 128361

(C) A person who is registered or licensed as a physical 128362
therapist under the laws of a foreign country and is not 128363
registered or licensed as a physical therapist in any state who 128364
wishes to teach a physical therapy theory and procedures course in 128365
physical therapy education in this state, or an institution that 128366
wishes the person to teach such a course at the institution, may 128367
apply to the physical therapy section to request authorization for 128368
the person to teach such a course for a period of not more than 128369
one year. Any member of the physical therapy section may approve 128370
the person's or institution's application. No person described in 128371
this division shall teach such a course for longer than one year 128372
without obtaining a license from the physical therapy section. 128373

(D) The physical therapy section may investigate any person 128374
who allegedly has violated this section. The physical therapy 128375
section has the same powers to investigate an alleged violation of 128376
this section as those powers specified in section 4755.02 of the 128377
Revised Code. If, after investigation, the physical therapy 128378

section determines that reasonable evidence exists that a person 128379
has violated this section, within seven days after that 128380
determination, the physical therapy section shall ~~send~~ serve a 128381
written notice to that person in the same manner as prescribed in 128382
~~section~~ sections 119.05 and 119.07 of the Revised Code for 128383
licensees, except that the notice shall specify that a hearing 128384
will be held and specify the date, time, and place of the hearing. 128385

The physical therapy section shall hold a hearing regarding 128386
the alleged violation in the same manner prescribed for an 128387
adjudication hearing under section 119.09 of the Revised Code. If 128388
the physical therapy section, after the hearing, determines a 128389
violation has occurred, the physical therapy section may 128390
discipline the person in the same manner as the physical therapy 128391
section disciplines licensees under section 4755.47 of the Revised 128392
Code. The physical therapy section's determination is an order 128393
that the person may appeal in accordance with section 119.12 of 128394
the Revised Code. 128395

If a person who allegedly committed a violation of this 128396
section fails to appear for a hearing, the physical therapy 128397
section may request the court of common pleas of the county where 128398
the alleged violation occurred to compel the person to appear 128399
before the physical therapy section for a hearing. If the physical 128400
therapy section assesses a person a civil penalty for a violation 128401
of this section and the person fails to pay that civil penalty 128402
within the time period prescribed by the physical therapy section, 128403
the physical therapy section shall forward to the attorney general 128404
the name of the person and the amount of the civil penalty for the 128405
purpose of collecting that civil penalty. In addition to the civil 128406
penalty assessed pursuant to this section, the person also shall 128407
pay any fee assessed by the attorney general for collection of the 128408
civil penalty. 128409

Sec. 4759.05. (A) Except as provided in division (E) of this 128410
section, the state medical board shall adopt, amend, or rescind 128411
rules pursuant to Chapter 119. of the Revised Code to carry out 128412
the provisions of this chapter, including rules governing the 128413
following: 128414

(1) Selection and approval of a dietitian licensure 128415
examination offered by the commission on dietetic registration or 128416
any other examination; 128417

(2) The examination of applicants for licensure as a 128418
dietitian, as required under division (A) of section 4759.06 of 128419
the Revised Code; 128420

(3) Requirements for pre-professional dietetic experience of 128421
applicants for licensure as a dietitian that are at least 128422
equivalent to the requirements adopted by the commission on 128423
dietetic registration; 128424

(4) Requirements for a person holding a limited permit under 128425
division (G) of section 4759.06 of the Revised Code, including the 128426
duration of validity of a limited permit and procedures for 128427
renewal; 128428

(5) Continuing education requirements for renewal of a 128429
license, including rules providing for pro rata reductions by 128430
month of the number of hours of continuing education that must be 128431
completed for license holders who have been disabled by illness or 128432
accident or have been absent from the country. Rules adopted under 128433
this division shall be consistent with the continuing education 128434
requirements adopted by the commission on dietetic registration. 128435

(6) Any additional education requirements the board considers 128436
necessary, for applicants who have not practiced dietetics within 128437
five years of the initial date of application for licensure; 128438

(7) Standards of professional responsibility and practice for 128439

persons licensed under this chapter that are consistent with those 128440
standards of professional responsibility and practice adopted by 128441
the academy of nutrition and dietetics; 128442

(8) Formulation of an application form for licensure or 128443
license renewal; 128444

(9) Procedures for license renewal; 128445

(10) Requirements for criminal records checks of applicants 128446
under section 4776.03 of the Revised Code. 128447

(B)(1) The board shall investigate evidence that appears to 128448
show that a person has violated any provision of this chapter or 128449
any rule adopted under it. Any person may report to the board in a 128450
signed writing any information that the person may have that 128451
appears to show a violation of any provision of this chapter or 128452
any rule adopted under it. In the absence of bad faith, any person 128453
who reports information of that nature or who testifies before the 128454
board in any adjudication conducted under Chapter 119. of the 128455
Revised Code shall not be liable in damages in a civil action as a 128456
result of the report or testimony. Each complaint or allegation of 128457
a violation received by the board shall be assigned a case number 128458
and shall be recorded by the board. 128459

(2) Investigations of alleged violations of this chapter or 128460
any rule adopted under it shall be supervised by the supervising 128461
member elected by the board in accordance with section 4731.02 of 128462
the Revised Code and by the secretary as provided in section 128463
4759.012 of the Revised Code. The president may designate another 128464
member of the board to supervise the investigation in place of the 128465
supervising member. No member of the board who supervises the 128466
investigation of a case shall participate in further adjudication 128467
of the case. 128468

(3) In investigating a possible violation of this chapter or 128469
any rule adopted under this chapter, the board may issue 128470

subpoenas, question witnesses, conduct interviews, administer 128471
oaths, order the taking of depositions, inspect and copy any 128472
books, accounts, papers, records, or documents, and compel the 128473
attendance of witnesses and the production of books, accounts, 128474
papers, records, documents, and testimony, except that a subpoena 128475
for patient record information shall not be issued without 128476
consultation with the attorney general's office and approval of 128477
the secretary ~~and supervising member~~ of the board. 128478

Before issuance of a subpoena for patient record information, 128479
the secretary ~~and supervising member~~ shall determine whether there 128480
is probable cause to believe that the complaint filed alleges a 128481
violation of this chapter or any rule adopted under it and that 128482
the records sought are relevant to the alleged violation and 128483
material to the investigation. The subpoena may apply only to 128484
records that cover a reasonable period of time surrounding the 128485
alleged violation. 128486

On failure to comply with any subpoena issued by the board 128487
and after reasonable notice to the person being subpoenaed, the 128488
board may move for an order compelling the production of persons 128489
or records pursuant to the Rules of Civil Procedure. 128490

A subpoena issued by the board may be served by a sheriff, 128491
the sheriff's deputy, or a board employee or agent designated by 128492
the board. Service of a subpoena issued by the board may be made 128493
by delivering a copy of the subpoena to the person named therein, 128494
reading it to the person, or leaving it at the person's usual 128495
place of residence, usual place of business, or address on file 128496
with the board. When serving a subpoena to an applicant for or the 128497
holder of a license or limited permit issued under this chapter, 128498
service of the subpoena may be made by certified mail, return 128499
receipt requested, and the subpoena shall be deemed served on the 128500
date delivery is made or the date the person refuses to accept 128501
delivery. If the person being served refuses to accept the 128502

subpoena or is not located, service may be made to an attorney who 128503
notifies the board that the attorney is representing the person. 128504

A sheriff's deputy who serves a subpoena shall receive the 128505
same fees as a sheriff. Each witness who appears before the board 128506
in obedience to a subpoena shall receive the fees and mileage 128507
provided for under section 119.094 of the Revised Code. 128508

(4) All hearings, investigations, and inspections of the 128509
board shall be considered civil actions for the purposes of 128510
section 2305.252 of the Revised Code. 128511

(5) A report required to be submitted to the board under this 128512
chapter, a complaint, or information received by the board 128513
pursuant to an investigation is confidential and not subject to 128514
discovery in any civil action. 128515

The board shall conduct all investigations or inspections and 128516
proceedings in a manner that protects the confidentiality of 128517
patients and persons who file complaints with the board. The board 128518
shall not make public the names or any other identifying 128519
information about patients or complainants unless proper consent 128520
is given. 128521

The board may share any information it receives pursuant to 128522
an investigation or inspection, including patient records and 128523
patient record information, with law enforcement agencies, other 128524
licensing boards, and other governmental agencies that are 128525
prosecuting, adjudicating, or investigating alleged violations of 128526
statutes or administrative rules. An agency or board that receives 128527
the information shall comply with the same requirements regarding 128528
confidentiality as those with which the state medical board must 128529
comply, notwithstanding any conflicting provision of the Revised 128530
Code or procedure of the agency or board that applies when it is 128531
dealing with other information in its possession. In a judicial 128532
proceeding, the information may be admitted into evidence only in 128533

accordance with the Rules of Evidence, but the court shall require 128534
that appropriate measures are taken to ensure that confidentiality 128535
is maintained with respect to any part of the information that 128536
contains names or other identifying information about patients or 128537
complainants whose confidentiality was protected by the state 128538
medical board when the information was in the board's possession. 128539
Measures to ensure confidentiality that may be taken by the court 128540
include sealing its records or deleting specific information from 128541
its records. 128542

(6) On a quarterly basis, the board shall prepare a report 128543
that documents the disposition of all cases during the preceding 128544
three months. The report shall contain the following information 128545
for each case with which the board has completed its activities: 128546

(a) The case number assigned to the complaint or alleged 128547
violation; 128548

(b) The type of license, if any, held by the individual 128549
against whom the complaint is directed; 128550

(c) A description of the allegations contained in the 128551
complaint; 128552

(d) The disposition of the case. 128553

The report shall state how many cases are still pending and 128554
shall be prepared in a manner that protects the identity of each 128555
person involved in each case. The report shall be a public record 128556
under section 149.43 of the Revised Code. 128557

(C) The board shall keep records as are necessary to carry 128558
out the provisions of this chapter. 128559

(D) The board shall maintain and publish on its internet web 128560
site the board's rules and requirements for licensure adopted 128561
under division (A) of this section. 128562

(E) The board shall issue a license or limited permit to 128563

practice dietetics in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following apply:

(1) The applicant holds a license or permit in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a dietitian in a state that does not issue that license.

Sec. 4763.05. (A)(1)(a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate appraiser certificate, an initial state-licensed residential real estate appraiser license, or an initial state-registered real estate appraiser assistant registration in writing to the superintendent of real estate on a form the superintendent prescribes. The application shall include the address of the applicant's principal place of business and all other addresses at which the applicant currently engages in the business of performing real estate appraisals and the address of the applicant's current residence. The superintendent shall retain the applicant's current residence address in a separate record which does not constitute a public record for purposes of section 149.43 of the Revised Code. The application shall indicate whether the applicant seeks certification as a general real estate appraiser or as a residential real estate appraiser, licensure as a residential real estate appraiser, or registration as a real estate appraiser assistant and be accompanied by the prescribed examination and certification, registration, or licensure fees set forth in section 4763.09 of the Revised Code. The application also shall include a pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter; and a statement that the applicant understands the types

of misconduct for which disciplinary proceedings may be initiated 128595
against the applicant pursuant to this chapter. 128596

(b) Upon the filing of an application and payment of any 128597
examination and certification, registration, or licensure fees, 128598
the superintendent of real estate shall request the superintendent 128599
of the bureau of criminal identification and investigation, or a 128600
vendor approved by the bureau, to conduct a criminal records check 128601
based on the applicant's fingerprints in accordance with section 128602
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 128603
section 121.08 of the Revised Code, the superintendent of real 128604
estate shall request that criminal record information from the 128605
federal bureau of investigation be obtained as part of the 128606
criminal records check. Any fee required under division (C)(3) of 128607
section 109.572 of the Revised Code shall be paid by the 128608
applicant. 128609

(2) For purposes of providing funding for the real estate 128610
appraiser recovery fund established by section 4763.16 of the 128611
Revised Code, the real estate appraiser board shall levy an 128612
assessment against each person issued an initial certificate, 128613
registration, or license and against current licensees, 128614
registrants, and certificate holders, as required by board rule. 128615
The assessment is in addition to the application and examination 128616
fees for initial applicants required by division (A)(1) of this 128617
section and the renewal fees required for current certificate 128618
holders, registrants, and licensees. The superintendent of real 128619
estate shall deposit the assessment into the state treasury to the 128620
credit of the real estate appraiser recovery fund. The assessment 128621
for initial certificate holders, registrants, and licensees shall 128622
be paid prior to the issuance of a certificate, registration, or 128623
license, and for current certificate holders, registrants, and 128624
licensees, at the time of renewal. 128625

(B) An applicant for an initial general real estate appraiser certificate, residential real estate appraiser certificate, or residential real estate appraiser license shall possess experience in real estate appraisal as the board prescribes by rule. In addition to any other information required by the board, the applicant shall furnish, under oath, a detailed listing of the appraisal reports or file memoranda for each year for which experience is claimed and, upon request of the superintendent or the board, shall make available for examination a sample of the appraisal reports prepared by the applicant in the course of the applicant's practice.

(C) An applicant for an initial certificate, registration, or license shall be at least eighteen years of age, honest, and truthful and shall present satisfactory evidence to the superintendent that the applicant has successfully completed any education requirements the board prescribes by rule.

(D) An applicant for an initial general real estate appraiser or residential real estate appraiser certificate or residential real estate appraiser license shall take and successfully complete a written examination in order to qualify for the certificate or license.

The board shall prescribe the examination requirements by rule.

(E)(1) The board shall issue a residential real estate appraiser license, a residential real estate appraiser certificate, real estate appraiser assistant registration, or a general real estate appraiser certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(a) The applicant holds a certificate, license, or registration in another state.

(b) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a residential real estate appraiser, real estate appraiser assistant, or general real estate appraiser in a state that does not issue that certificate, license, or registration.

(2)(a) The board shall recognize on a temporary basis a certification or license issued in another state and shall register on a temporary basis an appraiser who is certified or licensed in another state if all of the following apply:

(i) The temporary registration is to perform an appraisal assignment that is part of a federally related transaction.

(ii) The appraiser's business in this state is of a temporary nature.

(iii) The appraiser registers with the board pursuant to this division.

(b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.

(c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following:

(i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;

(ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;

(iii) A consent to service of process.

(d) A nonresident appraiser whose certification or license has been recognized by the board on a temporary basis and who is acting in accordance with this section and the board's rules is not required to obtain a license in accordance with Chapter 4796. of the Revised Code.

(F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an appraiser from another state that is a corporation, partnership, or association. This prohibition shall not be construed to prevent a certificate holder or licensee from signing an appraisal report on behalf of a corporation, partnership, or association.

(G) Every person licensed, registered, or certified under this chapter shall notify the superintendent, on a form provided by the superintendent, of a change in the address of the licensee's, registrant's, or certificate holder's principal place of business or residence within thirty days of the change. If a licensee's, registrant's, or certificate holder's license, registration, or certificate is revoked or not renewed, the licensee, registrant, or certificate holder immediately shall return the annual and any renewal certificate, registration, or license to the superintendent.

(H)(1) The superintendent shall not issue a certificate, registration, or license to any person, or recognize on a temporary basis an appraiser from another state, who does not meet applicable minimum criteria for state certification, registration, or licensure prescribed by federal law or rule.

(2) The superintendent shall not refuse to issue a general

real estate appraiser certificate, residential real estate 128719
appraiser certificate, residential real estate appraiser license, 128720
or real estate appraiser assistant registration to any person 128721
because of a conviction of or plea of guilty to any criminal 128722
offense unless the refusal is in accordance with section 9.79 of 128723
the Revised Code. 128724

Sec. 4781.17. (A) Each person applying for a manufactured 128725
housing dealer's license or manufactured housing broker's license 128726
shall complete and deliver to the department of commerce, division 128727
of real estate, before the first day of April, a separate 128728
application for license for each county in which the business of 128729
selling or brokering manufactured or mobile homes is to be 128730
conducted. The application shall be in the form prescribed by the 128731
division of real estate and accompanied by the fee established by 128732
the division of real estate. The applicant shall sign and swear to 128733
the application that shall include all of the following: 128734

(1) Name of applicant and location of principal place of 128735
business; 128736

(2) Name or style under which business is to be conducted 128737
and, if a corporation, the state of incorporation; 128738

(3) Name and address of each owner or partner and, if a 128739
corporation, the names of the officers and directors; 128740

(4) The county in which the business is to be conducted and 128741
the address of each place of business therein; 128742

(5) A statement of the previous history, record, and 128743
association of the applicant and of each owner, partner, officer, 128744
and director, that is sufficient to establish to the satisfaction 128745
of the division of real estate the reputation in business of the 128746
applicant; 128747

(6) A statement showing whether the applicant has previously 128748

applied for a manufactured housing dealer's license, manufactured 128749
housing broker's license, manufactured housing salesperson's 128750
license, or, prior to July 1, 2010, a motor vehicle dealer's 128751
license, manufactured home broker's license, or motor vehicle 128752
salesperson's license, and the result of the application, and 128753
whether the applicant has ever been the holder of any such license 128754
that was revoked or suspended; 128755

(7) If the applicant is a corporation or partnership, a 128756
statement showing whether any partner, employee, officer, or 128757
director has been refused a manufactured housing dealer's license, 128758
manufactured housing broker's license, manufactured housing 128759
salesperson's license, or, prior to July 1, 2010, a motor vehicle 128760
dealer's license, manufactured home broker's license, or motor 128761
vehicle salesperson's license, or has been the holder of any such 128762
license that was revoked or suspended; 128763

(8) Any other information required by the division of real 128764
estate. 128765

(B) Each person applying for a manufactured housing 128766
salesperson's license shall complete and deliver to the division 128767
of real estate before the first day of July an application for 128768
license. The application shall be in the form prescribed by the 128769
division of real estate and shall be accompanied by the fee 128770
established by the division. The applicant shall sign and swear to 128771
the application that shall include all of the following: 128772

(1) Name and post-office address of the applicant; 128773

(2) Name and post-office address of the manufactured housing 128774
dealer or manufactured housing broker for whom the applicant 128775
intends to act as salesperson; 128776

(3) A statement of the applicant's previous history, record, 128777
and association, that is sufficient to establish to the 128778
satisfaction of the division of real estate the applicant's 128779

reputation in business; 128780

(4) A statement as to whether the applicant intends to engage 128781
in any occupation or business other than that of a manufactured 128782
housing salesperson; 128783

(5) A statement as to whether the applicant has ever had any 128784
previous application for a manufactured housing salesperson 128785
license refused or, prior to July 1, 2010, any application for a 128786
motor vehicle salesperson license refused, and whether the 128787
applicant has previously had a manufactured housing salesperson or 128788
motor vehicle salesperson license revoked or suspended; 128789

(6) A statement as to whether the applicant was an employee 128790
of or salesperson for a manufactured housing dealer or 128791
manufactured housing broker whose license was suspended or 128792
revoked; 128793

(7) A statement of the manufactured housing dealer or 128794
manufactured housing broker named therein, designating the 128795
applicant as the dealer's or broker's salesperson; 128796

(8) Any other information required by the division of real 128797
estate. 128798

(C) Any application for a manufactured housing dealer or 128799
manufactured housing broker delivered to the division of real 128800
estate under this section also shall be accompanied by a 128801
photograph, as prescribed by the division, of each place of 128802
business operated, or to be operated, by the applicant. 128803

(D) The division of real estate shall deposit all license 128804
fees into the state treasury to the credit of the ~~manufactured~~ 128805
~~homes regulatory~~ real estate operating fund created under section 128806
4735.211 of the Revised Code. 128807

(E) Notwithstanding any provision of this chapter to the 128808
contrary, the division shall issue a manufactured housing dealer's 128809

license or manufactured housing broker's license in accordance 128810
with Chapter 4796. of the Revised Code to an applicant if either 128811
of the following applies: 128812

(1) The applicant holds a license in another state. 128813

(2) The applicant has satisfactory work experience, a 128814
government certification, or a private certification as described 128815
in that chapter as a manufactured housing dealer or manufactured 128816
housing broker in a state that does not issue that license. 128817

Section 110.21. That the existing versions of sections 128818
109.77, 173.21, 173.391, 1321.64, 3301.071, 3319.088, 3319.22, 128819
3319.26, 3327.10, 3704.14, 3737.83, 4701.06, 4701.10, 4709.07, 128820
4709.10, 4713.28, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 128821
4755.482, 4759.05, 4763.05, and 4781.17 of the Revised Code that 128822
are scheduled to take effect December 29, 2023, are hereby 128823
repealed. 128824

Section 110.22. Sections 110.20 and 110.21 of this act take 128825
effect December 29, 2023. 128826

Section 110.30. That the version of section 4717.09 of the 128827
Revised Code that is scheduled to take effect December 31, 2024, 128828
be amended to read as follows: 128829

Sec. 4717.09. (A) Every two years, licensed embalmers and 128830
funeral directors shall attend not less than twelve hours of 128831
educational programs as a condition for renewal of their licenses. 128832
The board of embalmers and funeral directors shall adopt rules 128833
governing the administration and enforcement of the continuing 128834
education requirements of this section. The board may contract 128835
with a professional organization or association or other third 128836
party to assist it in performing functions necessary to administer 128837
and enforce the continuing education requirements of this section. 128838

A professional organization or association or other third party 128839
with whom the board so contracts may charge a reasonable fee for 128840
performing these functions to licensees or to the persons who 128841
provide continuing education programs. 128842

(B) A person holding both an embalmer's license and a funeral 128843
director's license need meet only the continuing education 128844
requirements established by the board for one or the other of 128845
those licenses in order to satisfy the requirement of division (A) 128846
of this section. 128847

(C) A person holding a courtesy card permit issued under 128848
section 4717.10 of the Revised Code is not required to satisfy the 128849
continuing education requirements specified in division (A) of 128850
this section as a condition of renewal of the permit. 128851

(D) A crematory operator shall maintain an active 128852
certification from a ~~national~~ crematory operator certification 128853
program ~~and register the certificate with the board~~ as a condition 128854
for renewal of the permit. 128855

(E) The board shall not renew the license of a licensee who 128856
fails to meet the continuing education requirements of this 128857
section and who has not been granted an exemption under division 128858
(F) or (G) of this section. 128859

(F) Any licensee who fails to meet the continuing education 128860
requirements of this section because of undue hardship or 128861
disability, or who is not actively engaged in the practice of 128862
funeral directing or embalming in this state, may apply to the 128863
board for an exemption. 128864

(G) Any licensee who has been an embalmer or funeral director 128865
for not less than fifty years and who is not actively in charge 128866
and ultimately responsible for a funeral home or embalming 128867
facility in this state may apply to the board for an exemption 128868
from the continuing education requirements specified in division 128869

(A) of this section. 128870

(H) The board shall not ~~authorize an individual to act as a~~ 128871
~~renew the~~ crematory operator, ~~if the~~ permit of an individual who 128872
fails to satisfy the certification requirement of division (D) of 128873
this section. 128874

Section 110.31. That the existing version of section 4717.09 128875
of the Revised Code that is scheduled to take effect December 31, 128876
2024, is hereby repealed. 128877

Section 110.32. Sections 110.30 and 110.31 of this act take 128878
effect December 31, 2024. 128879

Section 110.40. The amendment by this act of section 4785.09 128880
of the Revised Code does not supersede the repeal of that section 128881
on April 3, 2033, as prescribed by Sections 4 and 5 of H.B. 107 of 128882
the 134th General Assembly. 128883

Section 125.10. That the versions of sections 4717.01, 128884
4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 128885
4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code that 128886
are scheduled to take effect December 31, 2024, are hereby 128887
repealed. 128888

Section 125.11. That Sections 2, 3, and 8 of H.B. 509 of the 128889
134th General Assembly be amended to read as follows: 128890

Sec. 2. That existing sections 109.572, 169.16, 1716.05, 128891
1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 128892
3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 128893
4715.13, 4715.141, 4715.21, 4715.25, ~~4717.01, 4717.02, 4717.03,~~ 128894
~~4717.04,~~ 4717.05, ~~4717.06, 4717.07, 4717.08,~~ 4717.09, ~~4717.11,~~ 128895
~~4717.13, 4717.15, 4717.36, 4717.41,~~ 4723.01, 4723.07, 4723.08, 128896

4723.091, 4723.092, 4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 128897
4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 4723.79, 4725.01, 128898
4725.011, 4725.02, 4725.07, 4725.09, 4725.091, 4725.092, 4725.12, 128899
4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.24, 128900
4725.27, 4725.34, 4725.35, 4725.40, 4725.41, 4725.44, 4725.48, 128901
4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.63, 4725.66, 128902
4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 4731.17, 4731.19, 128903
4732.01, 4732.02, 4732.05, 4732.09, 4732.10, 4732.11, 4732.12, 128904
4732.13, 4732.14, 4732.141, 4732.142, 4732.17, 4732.171, 4732.173, 128905
4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.221, 4732.24, 128906
4732.31, 4732.33, 4734.211, 4735.27, 4741.17, 4743.09, 4749.03, 128907
4751.01, 4751.10, 4751.101, 4751.102, 4751.20, 4751.23, 4751.24, 128908
4751.32, 4751.33, 4751.40, 4751.41, 4751.45, 4753.06, 4753.071, 128909
4753.12, 4755.01, 4755.062, 4757.02, 4757.22, 4757.27, 4757.301, 128910
4757.33, 4757.41, 4758.20, 4758.26, 4758.51, 4765.10, 4765.11, 128911
4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.24, 128912
4765.29, 4765.30, 4765.31, 4765.49, 4765.50, 4765.55, 4769.01, 128913
4779.03, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 5126.22, 128914
5126.25, and 5164.95 of the Revised Code are hereby repealed. 128915

Sec. 3. That sections 3319.2212, ~~4717.051~~, 4723.17, 4723.19, 128916
4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, and 128917
4779.18 of the Revised Code are hereby repealed. 128918

Sec. 8. ~~(A) The repeal by this act of section 4717.051 of the~~ 128919
~~Revised Code takes effect December 31, 2024.~~ 128920

~~(B) The amendment by this act~~ H.B. 509 of the 134th General 128921
Assembly of ~~sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.06,~~ 128922
~~4717.07, 4717.08,~~ section 4717.09, 4717.11, 4717.13, 4717.15, 128923
~~4717.36, and 4717.41~~ of the Revised Code takes effect December 31, 128924
2024. 128925

Section 125.12. That existing Sections 2, 3, and 8 of H.B. 128926
509 of the 134th General Assembly are hereby repealed. 128927

Section 125.13. Sections 125.11 and 125.12 of this act remove 128928
the limitations imposed on the continued existence of sections 128929
4717.01, 4717.02, 4717.03, 4717.04, 4717.051, 4717.06, 4717.07, 128930
4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the 128931
Revised Code. 128932

Section 125.20. That the version of section 4740.05 of the 128933
Revised Code that is scheduled to take effect December 29, 2023, 128934
is hereby repealed. 128935

Section 125.21. That Sections 3 and 4 of S.B. 131 of the 128936
134th General Assembly be amended to read as follows: 128937

Sec. 3. That existing sections 109.73, 109.77, 109.771, 128938
109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 128939
503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 921.11, 128940
921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05, 956.06, 128941
1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 128942
1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 128943
1533.51, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 128944
1561.20, 1561.21, 1561.22, 1565.06, 1565.15, 1707.15, 1707.151, 128945
1707.16, 1707.161, 1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 128946
3301.074, 3307.01, 3309.011, 3319.088, 3319.22, 3319.226, 128947
3319.229, 3319.26, 3319.261, 3319.262, 3319.27, 3319.28, 3319.301, 128948
3319.303, 3319.361, 3327.10, 3703.21, 3704.14, 3713.05, 3717.09, 128949
3723.03, 3723.06, 3737.83, 3737.881, 3742.05, 3743.03, 3743.16, 128950
3743.40, 3743.51, 3748.07, 3748.12, 3769.03, 3772.13, 3772.131, 128951
3773.36, 3773.421, 3781.10, 3781.102, 3781.105, 3916.03, 3951.03, 128952
3951.05, 3951.09, 4104.07, 4104.101, 4104.19, 4105.02, 4169.03, 128953
4301.10, 4508.03, 4508.04, 4508.08, 4511.763, 4701.06, 4701.07, 128954

4701.10, 4703.08, 4703.10, 4703.33, 4703.35, 4703.37, 4707.07, 128955
4707.072, 4709.07, 4709.08, 4709.10, 4712.02, 4713.10, 4713.28, 128956
4713.30, 4713.31, 4713.34, 4713.37, 4713.69, 4715.03, 4715.09, 128957
4715.10, 4715.16, 4715.27, 4715.362, 4715.363, 4715.39, 4715.42, 128958
4715.421, 4715.53, 4715.62, 4717.05, 4717.051, 4717.07, 4717.10, 128959
4723.08, 4723.09, 4723.26, 4723.32, 4723.41, 4723.651, 4723.75, 128960
4723.76, 4723.85, 4725.13, 4725.18, 4725.26, 4725.48, 4725.52, 128961
4725.57, 4725.591, 4727.03, 4728.03, 4729.09, 4729.11, 4729.15, 128962
4729.901, 4729.921, 4730.10, 4731.151, 4731.19, 4731.293, 128963
4731.294, 4731.295, 4731.297, 4731.299, 4731.52, 4731.572, 128964
4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23, 4734.27, 128965
4734.283, 4735.023, 4735.07, 4735.08, 4735.09, 4735.10, 4735.27, 128966
4735.28, 4736.10, 4736.14, ~~4740.05~~, 4740.06, 4741.12, 4741.13, 128967
4741.14, 4741.15, 4741.19, 4743.04, 4743.041, 4747.04, 4747.05, 128968
4747.10, 4749.12, 4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 128969
4751.21, 4751.32, 4752.05, 4752.12, 4753.07, 4753.071, 4753.072, 128970
4753.073, 4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 128971
4755.44, 4755.441, 4755.45, 4755.451, 4755.48, 4755.482, 4755.62, 128972
4755.65, 4757.18, 4758.25, 4759.05, 4759.06, 4760.03, 4760.031, 128973
4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 4765.11, 128974
4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 4775.07, 128975
4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 4781.08, 128976
4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 5903.04, 128977
6109.04, and 6111.46 of the Revised Code are hereby repealed. 128978

Sec. 4. That sections 921.08, 1322.24, 4707.12, ~~4740.08~~, and 128979
4757.25 of the Revised Code are hereby repealed. 128980

Section 125.22. That existing Sections 3 and 4 of S.B. 131 of 128981
the 134th General Assembly are hereby repealed. 128982

Section 125.23. Sections 125.21 and 125.22 of this act remove 128983
the limitations imposed on the continued existence of sections 128984

4740.05 and 4740.08 of the Revised Code. 128985

Section 125.24. That section 4740.08 of the Revised Code be 128986
amended to read as follows: 128987

Sec. 4740.08. When a written reciprocity agreement between 128988
the states exists, and an individual who is registered, licensed, 128989
or certified in another state applies to the appropriate specialty 128990
section of the Ohio construction industry licensing board submits 128991
a copy of the reciprocity agreement, and pays the licensure fee 128992
determined pursuant to section 4740.09 of the Revised Code, the 128993
appropriate specialty section of the board shall authorize the 128994
administrative section to issue, without examination, a license to 128995
that individual if the appropriate specialty section of the board 128996
determines, pursuant to rules it adopts, that the requirements for 128997
registration, licensure, or certification under the laws of the 128998
other state are substantially equal to the requirements for 128999
licensure in this state and that the other state extends similar 129000
reciprocity to persons licensed under this chapter. The 129001
appropriate specialty section of the board may withdraw its 129002
authorization to the administrative section for issuance of a 129003
license for good cause prior to the administrative section's 129004
issuance of the license. 129005

An individual who is issued a license under this section is 129006
not required to obtain a license under section 4740.06 of the 129007
Revised Code. 129008

Section 125.25. That existing section 4740.08 of the Revised 129009
Code is hereby repealed. 129010

Section 125.26. Sections 125.24 and 125.25 of this act take 129011
effect on December 29, 2023. 129012

Section 130.10. That sections 121.02, 121.03, 121.35, 121.37, 129013
121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, 129014
and 5101.342 be amended and sections 5180.01 and 5180.02 of the 129015
Revised Code be enacted to read as follows: 129016

Sec. 121.02. The following administrative departments and 129017
their respective directors are hereby created: 129018

(A) The office of budget and management, which shall be 129019
administered by the director of budget and management; 129020

(B) The department of commerce, which shall be administered 129021
by the director of commerce; 129022

(C) The department of administrative services, which shall be 129023
administered by the director of administrative services; 129024

(D) The department of transportation, which shall be 129025
administered by the director of transportation; 129026

(E) The department of agriculture, which shall be 129027
administered by the director of agriculture; 129028

(F) The department of natural resources, which shall be 129029
administered by the director of natural resources; 129030

(G) The department of health, which shall be administered by 129031
the director of health; 129032

(H) The department of job and family services, which shall be 129033
administered by the director of job and family services; 129034

(I) ~~Until July 1, 1997, the~~ The department of ~~liquor control~~ 129035
~~children and youth~~, which shall be administered by the director of 129036
~~liquor control~~ children and youth; 129037

(J) The department of public safety, which shall be 129038
administered by the director of public safety; 129039

(K) The department of mental health and addiction services, 129040

which shall be administered by the director of mental health and 129041
addiction services; 129042

(L) The department of developmental disabilities, which shall 129043
be administered by the director of developmental disabilities; 129044

(M) The department of insurance, which shall be administered 129045
by the superintendent of insurance as director thereof; 129046

(N) The department of development, which shall be 129047
administered by the director of development; 129048

(O) The department of youth services, which shall be 129049
administered by the director of youth services; 129050

(P) The department of rehabilitation and correction, which 129051
shall be administered by the director of rehabilitation and 129052
correction; 129053

(Q) The environmental protection agency, which shall be 129054
administered by the director of environmental protection; 129055

(R) The department of aging, which shall be administered by 129056
the director of aging; 129057

(S) The department of veterans services, which shall be 129058
administered by the director of veterans services; 129059

(T) The department of medicaid, which shall be administered 129060
by the medicaid director. 129061

The director of each department shall exercise the powers and 129062
perform the duties vested by law in such department. 129063

Sec. 121.03. The following administrative department heads 129064
shall be appointed by the governor, with the advice and consent of 129065
the senate, and shall hold their offices during the term of the 129066
appointing governor, and are subject to removal at the pleasure of 129067
the governor. 129068

(A) The director of budget and management; 129069

(B) The director of commerce;	129070
(C) The director of transportation;	129071
(D) The director of agriculture;	129072
(E) The director of job and family services;	129073
(F) Until July 1, 1997, the <u>The</u> director of liquor control	129074
<u>children and youth;</u>	129075
(G) The director of public safety;	129076
(H) The superintendent of insurance;	129077
(I) The director of development;	129078
(J) The tax commissioner;	129079
(K) The director of administrative services;	129080
(L) The director of natural resources;	129081
(M) The director of mental health and addiction services;	129082
(N) The director of developmental disabilities;	129083
(O) The director of health;	129084
(P) The director of youth services;	129085
(Q) The director of rehabilitation and correction;	129086
(R) The director of environmental protection;	129087
(S) The director of aging;	129088
(T) The administrator of workers' compensation who meets the	129089
qualifications required under division (A) of section 4121.121 of	129090
the Revised Code;	129091
(U) The director of veterans services who meets the	129092
qualifications required under section 5902.01 of the Revised Code;	129093
(V) The chancellor of higher education;	129094
(W) The medicaid director.	129095

Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:

- (1) The department of aging;
- (2) The department of development services agency;
- (3) The department of developmental disabilities;
- (4) The department of education;
- (5) The department of health;
- (6) The department of job and family services;
- (7) The department of medicaid;
- (8) The department of mental health and addiction services;
- (9) The opportunities for Ohioans with disabilities agency;
- (10) The department of children and youth.

(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.

Sec. 121.37. (A)(1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction, the executive director of the opportunities for Ohioans with disabilities agency, the medicaid director, and the directors of youth services, job and family services, mental health and addiction services, health, developmental disabilities, aging,

rehabilitation and correction, children and youth, and budget and 129124
management. The chairperson of the council shall be the governor 129125
or the governor's designee and shall establish procedures for the 129126
council's internal control and management. 129127

The purpose of the cabinet council is to help families 129128
seeking government services. This section shall not be interpreted 129129
or applied to usurp the role of parents, but solely to streamline 129130
and coordinate existing government services for families seeking 129131
assistance for their children. 129132

(2) In seeking to fulfill its purpose, the council may do any 129133
of the following: 129134

(a) Advise and make recommendations to the governor and 129135
general assembly regarding the provision of services to children; 129136

(b) Advise and assess local governments on the coordination 129137
of service delivery to children; 129138

(c) Hold meetings at such times and places as may be 129139
prescribed by the council's procedures and maintain records of the 129140
meetings, except that records identifying individual children are 129141
confidential and shall be disclosed only as provided by law; 129142

(d) Develop programs and projects, including pilot projects, 129143
to encourage coordinated efforts at the state and local level to 129144
improve the state's social service delivery system; 129145

(e) Enter into contracts with and administer grants to county 129146
family and children first councils, as well as other county or 129147
multicounty organizations to plan and coordinate service delivery 129148
between state agencies and local service providers for families 129149
and children; 129150

(f) Enter into contracts with and apply for grants from 129151
federal agencies or private organizations; 129152

(g) Enter into interagency agreements to encourage 129153

coordinated efforts at the state and local level to improve the 129154
state's social service delivery system. The agreements may include 129155
provisions regarding the receipt, transfer, and expenditure of 129156
funds; 129157

(h) Identify public and private funding sources for services 129158
provided to alleged or adjudicated unruly children and children 129159
who are at risk of being alleged or adjudicated unruly children, 129160
including regulations governing access to and use of the services; 129161

(i) Collect information provided by local communities 129162
regarding successful programs for prevention, intervention, and 129163
treatment of unruly behavior, including evaluations of the 129164
programs; 129165

(j) Identify and disseminate publications regarding alleged 129166
or adjudicated unruly children and children who are at risk of 129167
being alleged or adjudicated unruly children and regarding 129168
programs serving those types of children; 129169

(k) Maintain an inventory of strategic planning facilitators 129170
for use by government or nonprofit entities that serve alleged or 129171
adjudicated unruly children or children who are at risk of being 129172
alleged or adjudicated unruly children. 129173

(3) The cabinet council shall provide for the following: 129174

(a) Reviews of service and treatment plans for children for 129175
which such reviews are requested; 129176

(b) Assistance as the council determines to be necessary to 129177
meet the needs of children referred by county family and children 129178
first councils; 129179

(c) Monitoring and supervision of a statewide, comprehensive, 129180
coordinated, multi-disciplinary, interagency system for infants 129181
and toddlers with developmental disabilities or delays and their 129182
families, as established pursuant to federal grants received and 129183

administered by the department of health for early intervention 129184
services under the "Individuals with Disabilities Education Act of 129185
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 129186

(4) The cabinet council shall develop and implement the 129187
following: 129188

(a) An interagency process to select the indicators that will 129189
be used to measure progress toward increasing child well-being in 129190
the state and to update the indicators on an annual basis. The 129191
indicators shall focus on expectant parents and newborns thriving; 129192
infants and toddlers thriving; children being ready for school; 129193
children and youth succeeding in school; youth choosing healthy 129194
behaviors; and youth successfully transitioning into adulthood. 129195

(b) An interagency system to offer guidance and monitor 129196
progress toward increasing child well-being in the state and in 129197
each county; 129198

(c) An annual plan that identifies state-level agency efforts 129199
taken to ensure progress towards increasing child well-being in 129200
the state. 129201

On an annual basis, the cabinet council shall submit to the 129202
governor and the general assembly a report on the status of 129203
efforts to increase child well-being in the state. This report 129204
shall be made available to any other person on request. 129205

(B)(1) Each board of county commissioners shall establish a 129206
county family and children first council. The board may invite any 129207
local public or private agency or group that funds, advocates, or 129208
provides services to children and families to have a 129209
representative become a permanent or temporary member of its 129210
county council. Each county council must include the following 129211
individuals: 129212

(a) At least three individuals who are not employed by an 129213
agency represented on the council and whose families are or have 129214

received services from an agency represented on the council or 129215
another county's council. Where possible, the number of members 129216
representing families shall be equal to twenty per cent of the 129217
council's membership. 129218

(b) The director of the board of alcohol, drug addiction, and 129219
mental health services that serves the county, or, in the case of 129220
a county that has a board of alcohol and drug addiction services 129221
and a community mental health board, the directors of both boards. 129222
If a board of alcohol, drug addiction, and mental health services 129223
covers more than one county, the director may designate a person 129224
to participate on the county's council. 129225

(c) The health commissioner, or the commissioner's designee, 129226
of the board of health of each city and general health district in 129227
the county. If the county has two or more health districts, the 129228
health commissioner membership may be limited to the commissioners 129229
of the two districts with the largest populations. 129230

(d) The director of the county department of job and family 129231
services; 129232

(e) The executive director of the public children services 129233
agency; 129234

(f) The superintendent of the county board of developmental 129235
disabilities or, if the superintendent serves as superintendent of 129236
more than one county board of developmental disabilities, the 129237
superintendent's designee; 129238

(g) The superintendent of the city, exempted village, or 129239
local school district with the largest number of pupils residing 129240
in the county, as determined by the department of education, which 129241
shall notify each board of county commissioners of its 129242
determination at least biennially; 129243

(h) A school superintendent representing all other school 129244
districts with territory in the county, as designated at a 129245

biennial meeting of the superintendents of those districts;	129246
(i) A representative of the municipal corporation with the largest population in the county;	129247 129248
(j) The president of the board of county commissioners or an individual designated by the board;	129249 129250
(k) A representative of the department of youth services or an individual designated by the department;	129251 129252
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	129253 129254
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	129255 129256 129257 129258
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	129259 129260
Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.	129261 129262 129263 129264 129265 129266
The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners.	129267 129268 129269 129270 129271 129272 129273 129274
The county's juvenile court judge senior in service or	129275

another judge of the juvenile court designated by the 129276
administrative judge or, where there is no administrative judge, 129277
by the judge senior in service shall serve as the judicial advisor 129278
to the county family and children first council. The judge may 129279
advise the county council on the court's utilization of resources, 129280
services, or programs provided by the entities represented by the 129281
members of the county council and how those resources, services, 129282
or programs assist the court in its administration of justice. 129283
Service of a judge as a judicial advisor pursuant to this section 129284
is a judicial function. 129285

(2) The purpose of the county council is to streamline and 129286
coordinate existing government services for families seeking 129287
services for their children. In seeking to fulfill its purpose, a 129288
county council shall provide for the following: 129289

(a) Referrals to the cabinet council of those children for 129290
whom the county council cannot provide adequate services; 129291

(b) Development and implementation of a process that annually 129292
evaluates and prioritizes services, fills service gaps where 129293
possible, and invents new approaches to achieve better results for 129294
families and children; 129295

(c) Participation in the development of a countywide, 129296
comprehensive, coordinated, multi-disciplinary, interagency system 129297
for infants and toddlers with developmental disabilities or delays 129298
and their families, as established pursuant to federal grants 129299
received and administered by the department of health for early 129300
intervention services under the "Individuals with Disabilities 129301
Education Act of 2004"; 129302

(d) Maintenance of an accountability system to monitor the 129303
county council's progress in achieving results for families and 129304
children; 129305

(e) Establishment of a mechanism to ensure ongoing input from 129306

a broad representation of families who are receiving services 129307
within the county system. 129308

(3) A county council shall develop and implement the 129309
following: 129310

(a) An interagency process to establish local indicators and 129311
monitor the county's progress toward increasing child well-being 129312
in the county; 129313

(b) An interagency process to identify local priorities to 129314
increase child well-being. The local priorities shall focus on 129315
expectant parents and newborns thriving; infants and toddlers 129316
thriving; children being ready for school; children and youth 129317
succeeding in school; youth choosing healthy behaviors; and youth 129318
successfully transitioning into adulthood and take into account 129319
the indicators established by the cabinet council under division 129320
(A)(4)(a) of this section. 129321

(c) An annual plan that identifies the county's interagency 129322
efforts to increase child well-being in the county. 129323

On an annual basis, the county council shall submit a report 129324
on the status of efforts by the county to increase child 129325
well-being in the county to the county's board of county 129326
commissioners and the cabinet council. This report shall be made 129327
available to any other person on request. 129328

(4)(a) Except as provided in division (B)(4)(b) of this 129329
section, a county council shall comply with the policies, 129330
procedures, and activities prescribed by the rules or interagency 129331
agreements of a state department participating on the cabinet 129332
council whenever the county council performs a function subject to 129333
those rules or agreements. 129334

(b) On application of a county council, the cabinet council 129335
may grant an exemption from any rules or interagency agreements of 129336
a state department participating on the council if an exemption is 129337

necessary for the council to implement an alternative program or 129338
approach for service delivery to families and children. The 129339
application shall describe the proposed program or approach and 129340
specify the rules or interagency agreements from which an 129341
exemption is necessary. The cabinet council shall approve or 129342
disapprove the application in accordance with standards and 129343
procedures it shall adopt. If an application is approved, the 129344
exemption is effective only while the program or approach is being 129345
implemented, including a reasonable period during which the 129346
program or approach is being evaluated for effectiveness. 129347

(5)(a) Each county council shall designate an administrative 129348
agent for the council from among the following public entities: 129349
the board of alcohol, drug addiction, and mental health services, 129350
including a board of alcohol and drug addiction or a community 129351
mental health board if the county is served by separate boards; 129352
the board of county commissioners; any board of health of the 129353
county's city and general health districts; the county department 129354
of job and family services; the county agency responsible for the 129355
administration of children services pursuant to section 5153.15 of 129356
the Revised Code; the county board of developmental disabilities; 129357
any of the county's boards of education or governing boards of 129358
educational service centers; or the county's juvenile court. Any 129359
of the foregoing public entities, other than the board of county 129360
commissioners, may decline to serve as the council's 129361
administrative agent. 129362

A county council's administrative agent shall serve as the 129363
council's appointing authority for any employees of the council. 129364
The council shall file an annual budget with its administrative 129365
agent, with copies filed with the county auditor and with the 129366
board of county commissioners, unless the board is serving as the 129367
council's administrative agent. The council's administrative agent 129368
shall ensure that all expenditures are handled in accordance with 129369

policies, procedures, and activities prescribed by state 129370
departments in rules or interagency agreements that are applicable 129371
to the council's functions. 129372

The administrative agent of a county council shall send 129373
notice of a member's absence if a member listed in division (B)(1) 129374
of this section has been absent from either three consecutive 129375
meetings of the county council or a county council subcommittee, 129376
or from one-quarter of such meetings in a calendar year, whichever 129377
is less. The notice shall be sent to the board of county 129378
commissioners that establishes the county council and, for the 129379
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 129380
section, to the governing board overseeing the respective entity; 129381
for the member listed in division (B)(1)(f) of this section, to 129382
the county board of developmental disabilities that employs the 129383
superintendent; for a member listed in division (B)(1)(g) or (h) 129384
of this section, to the school board that employs the 129385
superintendent; for the member listed in division (B)(1)(i) of 129386
this section, to the mayor of the municipal corporation; for the 129387
member listed in division (B)(1)(k) of this section, to the 129388
director of youth services; and for the member listed in division 129389
(B)(1)(n) of this section, to that member's board of trustees. 129390

The administrative agent for a county council may do any of 129391
the following on behalf of the council: 129392

(i) Enter into agreements or administer contracts with public 129393
or private entities to fulfill specific council business. Such 129394
agreements and contracts are exempt from the competitive bidding 129395
requirements of section 307.86 of the Revised Code if they have 129396
been approved by the county council and they are for the purchase 129397
of family and child welfare or child protection services or other 129398
social or job and family services for families and children. The 129399
approval of the county council is not required to exempt 129400
agreements or contracts entered into under section 5139.34, 129401

5139.41, or 5139.43 of the Revised Code from the competitive 129402
bidding requirements of section 307.86 of the Revised Code. 129403

(ii) As determined by the council, provide financial 129404
stipends, reimbursements, or both, to family representatives for 129405
expenses related to council activity; 129406

(iii) Receive by gift, grant, devise, or bequest any moneys, 129407
lands, or other property for the purposes for which the council is 129408
established. The agent shall hold, apply, and dispose of the 129409
moneys, lands, or other property according to the terms of the 129410
gift, grant, devise, or bequest. Any interest or earnings shall be 129411
treated in the same manner and are subject to the same terms as 129412
the gift, grant, devise, or bequest from which it accrues. 129413

(b)(i) If the county council designates the board of county 129414
commissioners as its administrative agent, the board may, by 129415
resolution, delegate any of its powers and duties as 129416
administrative agent to an executive committee the board 129417
establishes from the membership of the county council. The board 129418
shall name to the executive committee at least the individuals 129419
described in divisions (B)(1)(b) to (h) of this section and may 129420
appoint the president of the board or another individual as the 129421
chair of the executive committee. The executive committee must 129422
include at least one family county council representative who does 129423
not have a family member employed by an agency represented on the 129424
council. 129425

(ii) The executive committee may, with the approval of the 129426
board, hire an executive director to assist the county council in 129427
administering its powers and duties. The executive director shall 129428
serve in the unclassified civil service at the pleasure of the 129429
executive committee. The executive director may, with the approval 129430
of the executive committee, hire other employees as necessary to 129431
properly conduct the county council's business. 129432

(iii) The board may require the executive committee to submit 129433
an annual budget to the board for approval and may amend or repeal 129434
the resolution that delegated to the executive committee its 129435
authority as the county council's administrative agent. 129436

(6) Two or more county councils may enter into an agreement 129437
to administer their county councils jointly by creating a regional 129438
family and children first council. A regional council possesses 129439
the same duties and authority possessed by a county council, 129440
except that the duties and authority apply regionally rather than 129441
to individual counties. Prior to entering into an agreement to 129442
create a regional council, the members of each county council to 129443
be part of the regional council shall meet to determine whether 129444
all or part of the members of each county council will serve as 129445
members of the regional council. 129446

(7) A board of county commissioners may approve a resolution 129447
by a majority vote of the board's members that requires the county 129448
council to submit a statement to the board each time the council 129449
proposes to enter into an agreement, adopt a plan, or make a 129450
decision, other than a decision pursuant to section 121.38 of the 129451
Revised Code, that requires the expenditure of funds for two or 129452
more families. The statement shall describe the proposed 129453
agreement, plan, or decision. 129454

Not later than fifteen days after the board receives the 129455
statement, it shall, by resolution approved by a majority of its 129456
members, approve or disapprove the agreement, plan, or decision. 129457
Failure of the board to pass a resolution during that time period 129458
shall be considered approval of the agreement, plan, or decision. 129459

An agreement, plan, or decision for which a statement is 129460
required to be submitted to the board shall be implemented only if 129461
it is approved by the board. 129462

(C) Each county shall develop a county service coordination 129463

mechanism. The county service coordination mechanism shall serve 129464
as the guiding document for coordination of services in the 129465
county. For children who also receive services under the help me 129466
grow program, the service coordination mechanism shall be 129467
consistent with rules adopted by the department of health under 129468
section 3701.61 of the Revised Code. All family service 129469
coordination plans shall be developed in accordance with the 129470
county service coordination mechanism. The mechanism shall be 129471
developed and approved with the participation of the county 129472
entities representing child welfare; developmental disabilities; 129473
alcohol, drug addiction, and mental health services; health; 129474
juvenile judges; education; the county family and children first 129475
council; and the county early intervention collaborative 129476
established pursuant to the federal early intervention program 129477
operated under the "Individuals with Disabilities Education Act of 129478
2004." The county shall establish an implementation schedule for 129479
the mechanism. The cabinet council may monitor the implementation 129480
and administration of each county's service coordination 129481
mechanism. 129482

Each mechanism shall include all of the following: 129483

(1) A procedure for an agency, including a juvenile court, or 129484
a family voluntarily seeking service coordination, to refer the 129485
child and family to the county council for service coordination in 129486
accordance with the mechanism; 129487

(2) A procedure ensuring that a family and all appropriate 129488
staff from involved agencies, including a representative from the 129489
appropriate school district, are notified of and invited to 129490
participate in all family service coordination plan meetings; 129491

(3) A procedure that permits a family to initiate a meeting 129492
to develop or review the family's service coordination plan and 129493
allows the family to invite a family advocate, mentor, or support 129494
person of the family's choice to participate in any such meeting; 129495

(4) A procedure for ensuring that a family service 129496
coordination plan meeting is conducted for each child who receives 129497
service coordination under the mechanism and for whom an emergency 129498
out-of-home placement has been made or for whom a nonemergency 129499
out-of-home placement is being considered. The meeting shall be 129500
conducted within ten days of an emergency out-of-home placement. 129501
The meeting shall be conducted before a nonemergency out-of-home 129502
placement. The family service coordination plan shall outline how 129503
the county council members will jointly pay for services, where 129504
applicable, and provide services in the least restrictive 129505
environment. 129506

(5) A procedure for monitoring the progress and tracking the 129507
outcomes of each service coordination plan requested in the county 129508
including monitoring and tracking children in out-of-home 129509
placements to assure continued progress, appropriateness of 129510
placement, and continuity of care after discharge from placement 129511
with appropriate arrangements for housing, treatment, and 129512
education; 129513

(6) A procedure for protecting the confidentiality of all 129514
personal family information disclosed during service coordination 129515
meetings or contained in the comprehensive family service 129516
coordination plan; 129517

(7) A procedure for assessing the needs and strengths of any 129518
child or family that has been referred to the council for service 129519
coordination, including a child whose parent or custodian is 129520
voluntarily seeking services, and for ensuring that parents and 129521
custodians are afforded the opportunity to participate; 129522

(8) A procedure for development of a family service 129523
coordination plan described in division (D) of this section; 129524

(9) A local dispute resolution process to serve as the 129525
process that must be used first to resolve disputes among the 129526

agencies represented on the county council concerning the 129527
provision of services to children, including children who are 129528
abused, neglected, dependent, unruly, alleged unruly, or 129529
delinquent children and under the jurisdiction of the juvenile 129530
court and children whose parents or custodians are voluntarily 129531
seeking services. The local dispute resolution process shall 129532
comply with sections 121.38, 121.381, and 121.382 of the Revised 129533
Code. The local dispute resolution process shall be used to 129534
resolve disputes between a child's parents or custodians and the 129535
county council regarding service coordination. The county council 129536
shall inform the parents or custodians of their right to use the 129537
dispute resolution process. Parents or custodians shall use 129538
existing local agency grievance procedures to address disputes not 129539
involving service coordination. The dispute resolution process is 129540
in addition to and does not replace other rights or procedures 129541
that parents or custodians may have under other sections of the 129542
Revised Code. 129543

The cabinet council shall adopt rules in accordance with 129544
Chapter 119. of the Revised Code establishing an administrative 129545
review process to address problems that arise concerning the 129546
operation of a local dispute resolution process. 129547

Nothing in division (C)(4) of this section shall be 129548
interpreted as overriding or affecting decisions of a juvenile 129549
court regarding an out-of-home placement, long-term placement, or 129550
emergency out-of-home placement. 129551

(D) Each county shall develop a family service coordination 129552
plan that does all of the following: 129553

(1) Designates service responsibilities among the various 129554
state and local agencies that provide services to children and 129555
their families, including children who are abused, neglected, 129556
dependent, unruly, or delinquent children and under the 129557
jurisdiction of the juvenile court and children whose parents or 129558

custodians are voluntarily seeking services; 129559

(2) Designates an individual, approved by the family, to 129560
track the progress of the family service coordination plan, 129561
schedule reviews as necessary, and facilitate the family service 129562
coordination plan meeting process; 129563

(3) Ensures that assistance and services to be provided are 129564
responsive to the strengths and needs of the family, as well as 129565
the family's culture, race, and ethnic group, by allowing the 129566
family to offer information and suggestions and participate in 129567
decisions. Identified assistance and services shall be provided in 129568
the least restrictive environment possible. 129569

(4) Includes a process for dealing with a child who is 129570
alleged to be an unruly child. The process shall include methods 129571
to divert the child from the juvenile court system; 129572

(5) Includes timelines for completion of goals specified in 129573
the plan with regular reviews scheduled to monitor progress toward 129574
those goals; 129575

(6) Includes a plan for dealing with short-term crisis 129576
situations and safety concerns. 129577

(E)(1) The process provided for under division (D)(4) of this 129578
section may include, but is not limited to, the following: 129579

(a) Designation of the person or agency to conduct the 129580
assessment of the child and the child's family as described in 129581
division (C)(7) of this section and designation of the instrument 129582
or instruments to be used to conduct the assessment; 129583

(b) An emphasis on the personal responsibilities of the child 129584
and the parental responsibilities of the parents, guardian, or 129585
custodian of the child; 129586

(c) Involvement of local law enforcement agencies and 129587
officials. 129588

(2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:	129589 129590 129591
(a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;	129592 129593 129594 129595 129596 129597
(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;	129598 129599 129600 129601
(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;	129602 129603 129604 129605
(d) A program to provide a mentor to the child or the parents, guardian, or custodian;	129606 129607
(e) A program to provide parenting education to the parents, guardian, or custodian;	129608 129609
(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;	129610 129611 129612
(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.	129613 129614 129615 129616
(F) Each county may review and revise the service coordination process described in division (D) of this section	129617 129618

based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.

Sec. 121.40. (A) There is hereby created the Ohio commission on service and volunteerism consisting of nineteen voting members including the superintendent of public instruction or the superintendent's designee, the chancellor of higher education or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. The director of the governor's office of faith-based and community initiatives shall serve as a nonvoting ex officio member of the commission. Members of the commission shall receive no compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

(B) The commission shall appoint an executive director for the commission, who shall be in the unclassified civil service. The governor shall be informed of the appointment of an executive director before such an appointment is made. The executive director shall supervise the commission's activities and report to the commission on the progress of those activities. The executive

director shall do all things necessary for the efficient and 129651
effective implementation of the duties of the commission. 129652

The responsibilities assigned to the executive director do 129653
not relieve the members of the commission from final 129654
responsibility for the proper performance of the requirements of 129655
this section. 129656

(C) The commission or its designee shall do all of the 129657
following: 129658

(1) Employ, promote, supervise, and remove all employees as 129659
needed in connection with the performance of its duties under this 129660
section and may assign duties to those employees as necessary to 129661
achieve the most efficient performance of its functions, and to 129662
that end may establish, change, or abolish positions, and assign 129663
and reassign duties and responsibilities of any employee of the 129664
commission. Personnel employed by the commission who are subject 129665
to Chapter 4117. of the Revised Code shall retain all of their 129666
rights and benefits conferred pursuant to that chapter. Nothing in 129667
this chapter shall be construed as eliminating or interfering with 129668
Chapter 4117. of the Revised Code or the rights and benefits 129669
conferred under that chapter to public employees or to any 129670
bargaining unit. 129671

(2) Maintain its office in Columbus, and may hold sessions at 129672
any place within the state; 129673

(3) Acquire facilities, equipment, and supplies necessary to 129674
house the commission, its employees, and files and records under 129675
its control, and to discharge any duty imposed upon it by law. The 129676
expense of these acquisitions shall be audited and paid for in the 129677
same manner as other state expenses. For that purpose, the 129678
commission shall prepare and submit to the office of budget and 129679
management a budget for each biennium according to sections 129680
101.532 and 107.03 of the Revised Code. The budget submitted shall 129681

cover the costs of the commission and its staff in the discharge 129682
of any duty imposed upon the commission by law. The commission 129683
shall not delegate any authority to obligate funds. 129684

(4) Pay its own payroll and other operating expenses from 129685
line items designated by the general assembly; 129686

(5) Retain its fiduciary responsibility as appointing 129687
authority. Any transaction instructions shall be certified by the 129688
appointing authority or its designee. 129689

(6) Establish the overall policy and management of the 129690
commission in accordance with this chapter; 129691

(7) Assist in coordinating and preparing the state 129692
application for funds under sections 101 to 184 of the "National 129693
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 129694
U.S.C.A. 12411 to 12544, as amended, assist in administering and 129695
overseeing the "National and Community Service Trust Act of 1993," 129696
P.L. 103-82, 107 Stat. 785, and the americorps program in this 129697
state, and assist in developing objectives for a comprehensive 129698
strategy to encourage and expand community service programs 129699
throughout the state; 129700

(8) Assist the state board of education, school districts, 129701
the chancellor of higher education, and institutions of higher 129702
education in coordinating community service education programs 129703
through cooperative efforts between institutions and organizations 129704
in the public and private sectors; 129705

(9) Assist the departments of natural resources, youth 129706
services, aging, ~~and~~ job and family services, and children and 129707
youth in coordinating community service programs through 129708
cooperative efforts between institutions and organizations in the 129709
public and private sectors; 129710

(10) Suggest individuals and organizations that are available 129711
to assist school districts, institutions of higher education, and 129712

the departments of natural resources, youth services, aging, ~~and~~ 129713
job and family services, and children and youth in the 129714
establishment of community service programs and assist in 129715
investigating sources of funding for implementing these programs; 129716

(11) Assist in evaluating the state's efforts in providing 129717
community service programs using standards and methods that are 129718
consistent with any statewide objectives for these programs and 129719
provide information to the state board of education, school 129720
districts, the chancellor of higher education, institutions of 129721
higher education, and the departments of natural resources, youth 129722
services, aging, ~~and~~ job and family services, and children and 129723
youth to guide them in making decisions about these programs; 129724

(12) Assist the state board of education in complying with 129725
section 3301.70 of the Revised Code and the chancellor of higher 129726
education in complying with division (B)(2) of section 3333.043 of 129727
the Revised Code. 129728

(D) The commission shall in writing enter into an agreement 129729
with another state agency to serve as the commission's fiscal 129730
agent. Before entering into such an agreement, the commission 129731
shall inform the governor of the terms of the agreement and of the 129732
state agency designated to serve as the commission's fiscal agent. 129733
The fiscal agent shall be responsible for all the commission's 129734
fiscal matters and financial transactions, as specified in the 129735
agreement. Services to be provided by the fiscal agent include, 129736
but are not limited to, the following: 129737

(1) Preparing and processing payroll and other personnel 129738
documents that the commission executes as the appointing 129739
authority; 129740

(2) Maintaining ledgers of accounts and reports of account 129741
balances, and monitoring budgets and allotment plans in 129742
consultation with the commission; and 129743

(3) Performing other routine support services that the fiscal agent considers appropriate to achieve efficiency. 129744
129745

(E)(1) The commission, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters: 129746
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129748

(a) Sole authority to draw funds for any and all federal programs in which the commission is authorized to participate; 129749
129750

(b) Sole authority to expend funds from their accounts for programs and any other necessary expenses the commission may incur and its subgrantees may incur; and 129751
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129753

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions. 129754
129755

(2) The commission shall follow all state procurement, fiscal, human resources, statutory, and administrative rule requirements. 129756
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(3) The fiscal agent shall determine fees to be charged to the commission, which shall be in proportion to the services performed for the commission. 129759
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(4) The commission shall pay fees owed to the fiscal agent from a general revenue fund of the commission or from any other fund from which the operating expenses of the commission are paid. Any amounts set aside for a fiscal year for the payment of these fees shall be used only for the services performed for the commission by the fiscal agent in that fiscal year. 129762
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(F) The commission may accept and administer grants from any source, public or private, to carry out any of the commission's functions this section establishes. 129768
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129770

Sec. 3109.15. There is hereby created within the department of ~~job and family services~~ children and youth the children's trust fund board consisting of fifteen members. The directors of mental 129771
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129773

health and addiction services, health, and ~~job and family services~~ 129774
children and youth shall be members of the board. Eight public 129775
members shall be appointed by the governor. These members shall be 129776
persons with demonstrated knowledge in programs for children, 129777
shall be representative of the demographic composition of this 129778
state, and, to the extent practicable, shall be representative of 129779
the following categories: the educational community; the legal 129780
community; the social work community; the medical community; the 129781
voluntary sector; and professional providers of child abuse and 129782
child neglect services. Two members of the board shall be members 129783
of the house of representatives appointed by the speaker of the 129784
house of representatives and shall be members of two different 129785
political parties. Two members of the board shall be members of 129786
the senate appointed by the president of the senate and shall be 129787
members of two different political parties. All members of the 129788
board appointed by the speaker of the house of representatives or 129789
the president of the senate shall serve until the expiration of 129790
the sessions of the general assembly during which they were 129791
appointed. They may be reappointed to an unlimited number of 129792
successive terms of two years at the pleasure of the speaker of 129793
the house of representatives or president of the senate. Public 129794
members shall serve terms of three years. Each member shall serve 129795
until the member's successor is appointed, or until a period of 129796
sixty days has elapsed, whichever occurs first. No public member 129797
may serve more than two consecutive full terms. All vacancies on 129798
the board shall be filled for the balance of the unexpired term in 129799
the same manner as the original appointment. 129800

Any member of the board may be removed by the member's 129801
appointing authority for misconduct, incompetency, or neglect of 129802
duty after first being given the opportunity to be heard in the 129803
member's own behalf. Pursuant to section 3.17 of the Revised Code, 129804
a member, except a member of the general assembly or a judge of 129805
any court in the state, who fails to attend at least three-fifths 129806

of the regular and special meetings held by the board during any 129807
two-year period forfeits the member's position on the board. 129808

Each member of the board shall serve without compensation but 129809
shall be reimbursed for all actual and necessary expenses incurred 129810
in the performance of official duties. 129811

At the beginning of the first year of each even-numbered 129812
general assembly, the chairperson of the board shall be appointed 129813
by the speaker of the house of representatives from among members 129814
of the board who are members of the house of representatives. At 129815
the beginning of the first year of each odd-numbered general 129816
assembly, the chairperson of the board shall be appointed by the 129817
president of the senate from among the members of the board who 129818
are senate members. 129819

The board shall biennially select a vice-chair from among its 129820
nonlegislative members. 129821

Sec. 3109.16. (A) The children's trust fund board, upon the 129822
recommendation of the director of ~~job and family services~~ children 129823
and youth, shall approve the employment of an executive director 129824
who will administer the programs of the board. 129825

(B) The department of ~~job and family services~~ children and 129826
youth shall provide budgetary, procurement, accounting, and other 129827
related management functions for the board and may adopt rules in 129828
accordance with Chapter 119. of the Revised Code for these 129829
purposes. An amount not to exceed three per cent of the total 129830
amount of fees deposited in the children's trust fund in each 129831
fiscal year may be used for costs directly related to these 129832
administrative functions of the department. Each fiscal year, the 129833
board shall approve a budget for administrative expenditures for 129834
the next fiscal year. 129835

(C) The board may request that the department adopt rules the 129836

board considers necessary for the purpose of carrying out the 129837
board's responsibilities under this section, and the department 129838
may adopt those rules. The department may, after consultation with 129839
the board and the executive director, adopt any other rules to 129840
assist the board in carrying out its responsibilities under this 129841
section. In either case, the rules shall be adopted under Chapter 129842
119. of the Revised Code. 129843

(D) The board shall meet at least quarterly at the call of 129844
the chairperson to conduct its official business. All business 129845
transactions of the board shall be conducted in public meetings. 129846
Eight members of the board constitute a quorum. A majority of the 129847
quorum is required to make all decisions of the board. 129848

(E) With respect to funding, all of the following apply: 129849

(1) The board may apply for and accept federal and other 129850
funds for the purpose of funding child abuse and child neglect 129851
prevention programs. 129852

(2) The board may solicit and accept gifts, money, and other 129853
donations from any public or private source, including 129854
individuals, philanthropic foundations or organizations, 129855
corporations, or corporation endowments. 129856

(3) The board may develop private-public partnerships to 129857
support the mission of the children's trust fund. 129858

(4) The acceptance and use of federal and other funds shall 129859
not entail any commitment or pledge of state funds, nor obligate 129860
the general assembly to continue the programs or activities for 129861
which the federal and other funds are made available. 129862

(5) All funds received in the manner described in this 129863
section shall be transmitted to the treasurer of state, who shall 129864
credit them to the children's trust fund created in section 129865
3109.14 of the Revised Code. 129866

Sec. 3109.17. (A) The children's trust fund board shall 129867
establish a strategic plan for child abuse and child neglect 129868
prevention. The plan shall be transmitted to the governor, the 129869
president and minority leader of the senate, and the speaker and 129870
minority leader of the house of representatives and shall be made 129871
available to the general public. 129872

(B) In developing and carrying out the strategic plan, the 129873
children's trust fund board shall, in accordance with rules 129874
adopted by the department pursuant to Chapter 119. of the Revised 129875
Code, do all of the following: 129876

(1) Ensure that an opportunity exists for assistance through 129877
child abuse and child neglect prevention programs to persons 129878
throughout the state of various social and economic backgrounds; 129879

(2) Allocate funds to entities for the purpose of funding 129880
child abuse and child neglect prevention programs that have 129881
statewide significance and that have been approved by the 129882
children's trust fund board; 129883

(3) Provide for the monitoring of expenditures from the 129884
children's trust fund and of programs that receive money from the 129885
children's trust fund; 129886

(4) Establish reporting requirements for both of the 129887
following: 129888

(a) Regional child abuse and child neglect prevention 129889
councils, including deadlines for the submission of the progress 129890
and annual reports required under section 3107.172 of the Revised 129891
Code; 129892

(b) Children's advocacy centers, including deadlines for the 129893
submission of reports required under section 3107.178 of the 129894
Revised Code. 129895

(5) Collaborate with appropriate persons and government 129896

entities and facilitate the exchange of information among those 129897
persons and entities for the purpose of child abuse and child 129898
neglect prevention; 129899

(6) Provide for the education of the public and professionals 129900
for the purpose of child abuse and child neglect prevention. 129901

(C) The children's trust fund board shall prepare a report 129902
for each fiscal biennium that delineates the expenditure of money 129903
from the children's trust fund. On or before January 1, 2002, and 129904
on or before the first day of January of a year that follows the 129905
end of a fiscal biennium of this state, the board shall file a 129906
copy of the report with the governor, the president and minority 129907
leader of the senate, and the speaker and minority leader of the 129908
house of representatives. 129909

(D) The children's trust fund board shall develop a list of 129910
all state and federal sources of funding that might be available 129911
for establishing, operating, or establishing and operating a 129912
children's advocacy center under sections 2151.425 to 2151.428 of 129913
the Revised Code. The board periodically shall update the list as 129914
necessary. The board shall maintain, or provide for the 129915
maintenance of, the list at an appropriate location. That location 129916
may be the offices of the department of ~~job and family services~~ 129917
children and youth. The board shall provide the list upon request 129918
to any children's advocacy center or to any person or entity 129919
identified in section 2151.426 of the Revised Code as a person or 129920
entity that may participate in the establishment of a children's 129921
advocacy center. 129922

Sec. 3109.179. (A) The department of ~~job and family services~~ 129923
children and youth shall adopt rules in accordance with Chapter 129924
119. of the Revised Code regarding all of the following: 129925

(1) Operation requirements for child abuse and child neglect 129926
regional prevention councils; 129927

(2) The manner in which boards of county commissioners are to appoint council members;	129928 129929
(3) The form and manner by which councils are to submit regional prevention plans.	129930 129931
(B) The department may adopt rules in accordance with Chapter 119. of the Revised Code regarding the following:	129932 129933
(1) Duties of council members;	129934
(2) Duties of regional prevention coordinators;	129935
(3) Any other rules necessary to implement sections 3109.13 to 3109.178 of the Revised Code.	129936 129937
(C) The department shall consult with the children's trust fund board and the board's executive director regarding all rules adopted under this section.	129938 129939 129940
Sec. 5101.34. (A) There is hereby created in the department of job and family services <u>children and youth</u> the Ohio commission on fatherhood. The commission shall consist of the following members:	129941 129942 129943 129944
(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.	129945 129946 129947 129948 129949 129950
(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.	129951 129952 129953 129954 129955 129956

(2) The governor, or the governor's designee; 129957

(3) One representative of the judicial branch of government 129958
appointed by the chief justice of the supreme court; 129959

(4) The directors of health, ~~job and family services~~ children 129960
and youth, rehabilitation and correction, mental health and 129961
addiction services, and youth services and the superintendent of 129962
public instruction, or their designees; 129963

(5) One representative of the Ohio family and children first 129964
cabinet council created under section 121.37 of the Revised Code 129965
appointed by the chairperson of the council; 129966

(6) Five representatives of the general public appointed by 129967
the governor. These members shall have extensive experience in 129968
issues related to fatherhood. 129969

(B) ~~The appointing authorities of the Ohio commission on~~ 129970
~~fatherhood shall make initial appointments to the commission~~ 129971
~~within thirty days after September 29, 1999. Of the initial~~ 129972
~~appointments to the commission made pursuant to divisions (A)(3),~~ 129973
~~(5), and (6) of this section, three of the members shall serve a~~ 129974
~~term of one year and four shall serve a term of two years. Members~~ 129975
~~so appointed subsequently to the Ohio commission on fatherhood~~ 129976
shall serve two-year terms. A member appointed pursuant to 129977
division (A)(1) of this section shall serve on the commission 129978
until the end of the general assembly from which the member was 129979
appointed or until the member ceases to serve in the chamber of 129980
the general assembly in which the member serves at the time of 129981
appointment, whichever occurs first. The governor or the 129982
governor's designee shall serve on the commission until the 129983
governor ceases to be governor. The directors and superintendent 129984
or their designees shall serve on the commission until they cease, 129985
or the director or superintendent a designee represents ceases, to 129986
be director or superintendent. Each member shall serve on the 129987

commission from the date of appointment until the end of the term 129988
for which the member was appointed. Members may be reappointed. 129989

Vacancies shall be filled in the manner provided for original 129990
appointments. Any member appointed to fill a vacancy occurring 129991
prior to the expiration date of the term for which the member's 129992
predecessor was appointed shall serve on the commission for the 129993
remainder of that term. A member shall continue to serve on the 129994
commission subsequent to the expiration date of the member's term 129995
until the member's successor is appointed or until a period of 129996
sixty days has elapsed, whichever occurs first. Members shall 129997
serve without compensation but shall be reimbursed for necessary 129998
expenses. 129999

Sec. 5101.341. (A) The Ohio commission on fatherhood shall 130000
elect a chairperson from among its members in every odd-numbered 130001
year. 130002

(B) The governor shall appoint an individual to serve as the 130003
commission's executive director. The executive director shall 130004
serve at the pleasure of the governor and shall report to the 130005
director of ~~job and family services~~ children and youth or the 130006
director's designee. 130007

The governor shall fix the executive director's salary on the 130008
basis of the executive director's experience and the executive 130009
director's responsibilities and duties. The executive director 130010
shall be in the unclassified civil service. 130011

The department of ~~job and family services~~ children and youth 130012
shall provide staff and other support services as necessary for 130013
the commission to fulfill its duties. 130014

(C) The commission may accept gifts, grants, donations, 130015
contributions, benefits, and other funds from any public agency or 130016
private source to carry out any or all of the commission's duties. 130017

The funds shall be deposited into the Ohio commission on 130018
fatherhood fund, which is hereby created in the state treasury. 130019
All gifts, grants, donations, contributions, benefits, and other 130020
funds received by the commission pursuant to this division shall 130021
be used solely to support the operations of the commission. 130022

Sec. 5101.342. The Ohio commission on fatherhood shall do 130023
both of the following: 130024

(A) Organize a state summit on fatherhood every four years; 130025

(B) Prepare a report each year that does the following: 130026

(1) Identifies resources available to fund fatherhood-related 130027
programs and explores the creation of initiatives to do the 130028
following: 130029

(a) Build the parenting skills of fathers; 130030

(b) Provide employment-related services for low-income, 130031
noncustodial fathers; 130032

(c) Prevent premature fatherhood; 130033

(d) Provide services to fathers who are inmates in or have 130034
just been released from imprisonment in a state correctional 130035
institution, as defined in section 2967.01 of the Revised Code, or 130036
in any other detention facility, as defined in section 2921.01 of 130037
the Revised Code, so that they are able to maintain or reestablish 130038
their relationships with their families; 130039

(e) Reconcile fathers with their families; 130040

(f) Increase public awareness of the critical role fathers 130041
play. 130042

(2) Describes the commission's expectations for the outcomes 130043
of fatherhood-related programs and initiatives and the methods the 130044
commission uses for conducting annual measures of those outcomes. 130045

(C) The portion of the report prepared pursuant to division 130046

(B)(2) of this section shall be prepared by the commission in 130047
collaboration with the director of ~~job and family services~~ 130048
children and youth. 130049

(D) The commission shall submit each report prepared pursuant 130050
to division (B) of this section to the president and minority 130051
leader of the senate, speaker and minority leader of the house of 130052
representatives, governor, and chief justice of the supreme court. 130053
The first report is due not later than one year after the last of 130054
the initial appointments to the commission is made under section 130055
5101.341 of the Revised Code. 130056

Sec. 5180.01. (A) The department of children and youth shall 130057
serve as the state's primary children's services agency and shall 130058
facilitate and coordinate the delivery of children's services in 130059
this state, including, but not limited to, those related to 130060
adoption, child care, child welfare, early childhood education, 130061
early intervention, foster care, home visiting, infant and early 130062
childhood mental consultation, and preschool special education. 130063

(B) For purposes of this chapter and in addition to the 130064
services described in division (A) of this section, children's 130065
services include, but are not limited to, one or more government 130066
programs focused on any of the following: 130067

(1) Adoption, child welfare, and foster care services; 130068

(2) Early identification and intervention regarding 130069
behavioral health, including, but not limited to, early 130070
intervention services, early childhood mental health initiatives, 130071
multi-system youth services, and family support services 130072
administered through the Ohio family and children first cabinet 130073
council, Ohio commission on fatherhood, and children's trust fund 130074
board; 130075

(3) Early learning and education, including, but not limited 130076

to, child care and preschool licensing, early learning 130077
assessments, head start, preschool special education, publicly 130078
funded child care, and the step up to quality program; 130079

(4) Maternal and child physical health, including, but not 130080
limited to, infant vitality, home visiting, maternal and child 130081
health, maternal and infant support, and Medicaid-funded child 130082
health services. 130083

Sec. 5180.02. (A) The director of children and youth is the 130084
chief executive of and appointing authority for the department of 130085
children and youth. In this role, the director shall administer 130086
the department and implement the delivery in this state of 130087
children's services, including by doing all of the following: 130088

(1) Adopting as necessary rules in accordance with Chapter 130089
119. of the Revised Code and section 111.15 of the Revised Code; 130090

(2) Approving and entering into contracts, agreements, and 130091
other business arrangements on behalf of the department; 130092

(3) Making as necessary appointments to the department and 130093
approving actions related to departmental employees and officers, 130094
including their hiring, promotion, termination, discipline, or 130095
investigation; 130096

(4) Administering the department and directing the 130097
performance of its employees and officers; 130098

(5) Applying for grants available under federal law or from 130099
other federal, state, or private sources and allocating, 130100
disbursing, or accounting for any funds awarded; 130101

(6) Any other action as necessary to carry out the purposes 130102
of this chapter. 130103

(B) Whenever by law a duty is imposed on or an action is 130104
required of the department, the director or director's designee 130105
shall fulfill the duty or perform the action. 130106

(C) The director may organize the department for its efficient operation, including by creating as necessary any divisions or offices within it. The director also may establish procedures for the governance of the department, the conduct of its employees and officers, the performance of its business, and the custody, use, and preservation of departmental books, documents, papers, property, and records.

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(D) If the director issues any directive governing the delivery in this state of children's services, each state and local agency involved in the delivery of those services shall comply with the directive and collaborate with the department.

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(E) For purposes of division (A)(1) of this section, if a law permits or requires the director to adopt a rule, the director shall do so in accordance with Chapter 119. of the Revised Code, unless the law requiring or permitting adoption of the rule specifies a different rule adoption procedure.

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Section 130.11. That existing sections 121.02, 121.03, 121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, and 5101.342 of the Revised Code are hereby repealed.

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Section 130.12. That sections 9.55, 103.60, 109.65, 109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 2151.3519, 2151.3534, 2151.36, 2151.39, 2151.412, 2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 2151.4230, 2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 2151.84, 2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 2950.08, 2950.11, 2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 3107.015, 3107.016, 3107.017, 3107.031, 3107.032, 3107.033, 3107.034, 3107.035, 3107.051, 3107.081, 3107.083, 3107.09, 3107.091,

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3301.55, 3301.56, 3301.57, 3301.58, 3301.59, 3301.94, 3313.64, 130140
3313.646, 3314.03, 3314.06, 3314.08, 3323.022, 3323.20, 3323.32, 130141
3325.06, 3325.07, 3701.507, 3701.61, 3701.611, 3701.612, 3701.613, 130142
3701.614, 3701.63, 3701.64, 3701.66, 3701.67, 3701.671, 3701.68, 130143
3701.78, 3701.80, 3701.95, 3701.951, 3701.952, 3701.953, 3701.97, 130144
3705.32, 3705.36, 3705.40, 3737.22, 3742.32, 3781.06, 3781.10, 130145
3798.01, 4112.12, 5101.09, 5101.11, 5101.111, 5101.12, 5101.13, 130146
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5101.801, 5101.802, 5101.803, 5101.804, 5101.83, 5101.851, 130154
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5104.01, 5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 130167
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5104.211, 5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 130172
5104.32, 5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 130173
5104.42, 5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 130174
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 130175
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 130176
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 130177
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 130178
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 130179
and 5167.16 be amended; sections 3301.90 (5104.50), 3701.61 130180
(5180.21), 3701.611 (5180.22), 3701.612 (5180.23), 3701.613 130181
(5180.24), 3701.614 (5180.25), 3701.63 (5180.14), 3701.64 130182
(5180.15), 3701.66 (5180.16), 3701.67 (5180.17), 3701.671 130183
(5180.18), 3701.68 (5180.10), 3701.95 (5180.20), 3701.951 130184
(5180.11), 3701.952 (5180.19), 3701.953 (5180.13), 3701.97 130185
(5180.12), 5123.024 (5180.31), 5123.0421 (5180.32), 5123.0422 130186
(5180.34), and 5123.0423 (5180.33) be amended for the purpose of 130187
adopting new section numbers as indicated in parentheses; and 130188
sections 5104.51, 5104.52, and 5180.30 of the Revised Code be 130189
enacted to read as follows: 130190

Sec. 9.55. (A) As used in this section, "state agency" means 130191
the house of representatives, the senate, the governor, the 130192
secretary of state, the auditor of state, the treasurer of state, 130193
the attorney general, the department of job and family services, 130194
the department of commerce, the department of developmental 130195
disabilities, the department of education, the department of 130196
health, the department of aging, the department of children and 130197
youth, the governor's office of advocacy for disabled persons, and 130198
the civil rights commission. 130199

(B) Each state agency shall install in its offices at least one teletypewriter designed to receive printed messages from and transmit printed messages to deaf or hearing-impaired persons.

Sec. 103.60. (A) As used in this section, "rare disease" means a disease or condition that affects fewer than 200,000 people living in the United States.

(B) There is hereby created the rare disease advisory council. The purpose of the council is to advise the general assembly regarding research, diagnosis, and treatment efforts related to rare diseases across the state.

(C) The council shall consist of the following ~~thirty-one~~ thirty-two members:

(1) The following members appointed by the governor:

(a) One individual who is a medical researcher with experience researching rare diseases;

(b) One individual who represents an academic research institution in this state that receives funding for rare disease research;

(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;

(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;

(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;

(f) Three members of the public who are living with a rare

disease or represent an individual living with a rare disease;	130229
(g) One representative of a national organization representing patients with a rare disease;	130230 130231
(h) One representative of a rare disease foundation operating in this state;	130232 130233
(i) Two representatives of the department of health, one of whom is a representative of the children with medical handicaps program;	130234 130235 130236
(j) One representative of the department of medicaid;	130237
(k) One representative of the department of insurance;	130238
(l) <u>One representative of the department of children and youth;</u>	130239 130240
<u>(m)</u> One representative of the commission on minority health;	130241
(m) <u>(n)</u> One representative of the Ohio hospital association;	130242
(n) <u>(o)</u> One representative of Ohio health insurers;	130243
(o) <u>(p)</u> One representative of bioOhio;	130244
(p) <u>(q)</u> One representative of the association of Ohio health commissioners;	130245 130246
(q) <u>(r)</u> One representative of the pharmaceutical research and manufacturers of America.	130247 130248
(2) The following members appointed by the president of the senate:	130249 130250
(a) Two members of the senate, one from the majority party and one from the minority party;	130251 130252
(b) Three members of the public, one of whom is recommended by the minority leader of the senate.	130253 130254
(3) The following members appointed by the speaker of the house of representatives:	130255 130256

(a) Two members of the house of representatives, one from the majority party and one from the minority party; 130257
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(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives. 130259
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(4) The governor or the governor's designee. 130261

(D)(1) ~~Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments~~ 130262
Appointments shall be made every two years, not later than thirty 130263
days after the commencement of the first regular session of each 130264
general assembly. 130265
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(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. 130267
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Members may be reappointed; however, no member shall serve more 130269
than four consecutive terms on the council. 130270

(E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the following: 130271
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(1) The coordination of statewide efforts for studying the incidence of rare diseases in this state; 130274
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(2) The council's findings and recommendations regarding rare disease research and care in this state; 130276
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(3) Efforts to promote collaboration among rare disease organizations, clinicians, academic research institutions, and the general assembly to better understand the incidence of rare diseases in this state. 130278
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(F) The council shall annually select from among its members a chairperson or co-chairpersons. 130282
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(G) The council shall meet at the call of the chairperson, but not less than quarterly. A majority of the members of the council shall constitute a quorum. The chairperson shall provide 130284
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members with at least five days written notice of all meetings. 130287

(H) Members shall serve without compensation except to the 130288
extent that serving on the council is considered part of the 130289
member's regular duties of employment. The council shall reimburse 130290
each member for actual and necessary expenses incurred in the 130291
performance of the member's official duties. 130292

Sec. 109.65. (A) As used in this section, "minor," "missing 130293
child," and "missing children" have the same meanings as in 130294
section 2901.30 of the Revised Code. 130295

(B) There is hereby created within the office of the attorney 130296
general the missing children clearinghouse. The attorney general 130297
shall administer the clearinghouse. The clearinghouse is 130298
established as a central repository of information to coordinate 130299
and improve the availability of information regarding missing 130300
children, which information shall be collected and disseminated by 130301
the clearinghouse to assist in the location of missing children. 130302
The clearinghouse shall act as an information repository separate 130303
from and in addition to law enforcement agencies within this 130304
state. 130305

(C) The missing children clearinghouse may perform any of the 130306
following functions: 130307

(1) The establishment of services to aid in the location of 130308
missing children that include, but are not limited to, any of the 130309
following services: 130310

(a) Assistance in the preparation and dissemination of flyers 130311
identifying and describing missing children and their abductors; 130312

(b) The development of informational forms for the reporting 130313
of missing children that may be used by parents, guardians, and 130314
law enforcement officials to facilitate the location of a missing 130315
child; 130316

(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children.	130317 130318 130319 130320
(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children;	130321 130322 130323
(3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E)(3) of this section;	130324 130325 130326 130327 130328 130329
(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports;	130330 130331 130332
(5) The participation as a member in any networks of other missing children centers or clearinghouses;	130333 130334
(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children.	130335 130336 130337
(D) If a board of education is notified by school personnel that a missing child is attending any school under the board's jurisdiction, or if the principal or chief administrative officer of a nonpublic school is notified by school personnel that a missing child is attending that school, the board or the principal or chief administrative officer immediately shall give notice of that fact to the missing children clearinghouse and to the law enforcement agency with jurisdiction over the area where the missing child resides.	130338 130339 130340 130341 130342 130343 130344 130345 130346
(E)(1) The attorney general, in cooperation with the	130347

department of ~~job~~ children and ~~family services~~ youth, shall 130348
establish a "missing child educational program" within the missing 130349
children clearinghouse that shall perform the functions specified 130350
in divisions (E)(1) to (3) of this section. The program shall 130351
operate under the supervision and control of the attorney general 130352
in accordance with procedures that the attorney general shall 130353
develop to implement divisions (E)(1) to (3) of this section. The 130354
attorney general shall cooperate with the department of education 130355
in developing and disseminating information acquired or prepared 130356
pursuant to division (E)(3) of this section. 130357

(2) Upon the request of any board of education in this state 130358
or any nonpublic school in this state, the missing child 130359
educational program shall provide to the board or school a 130360
reasonable number of copies of the information acquired or 130361
prepared pursuant to division (E)(3) of this section. 130362

Upon the request of any board of education in this state or 130363
any nonpublic school in this state that, pursuant to section 130364
3313.96 of the Revised Code, is developing an information program 130365
concerning missing children issues and matters, the missing child 130366
educational program shall provide to the board or nonpublic school 130367
assistance in developing the information program. The assistance 130368
may include, but is not limited to, the provision of any or all of 130369
the following: 130370

(a) If the requesting entity is a board of education of a 130371
school district, sample policies on missing and exploited children 130372
issues to assist the board in complying with section 3313.205 of 130373
the Revised Code; 130374

(b) Suggested safety curricula regarding missing children 130375
issues, including child safety and abduction prevention issues; 130376

(c) Assistance in developing, with local law enforcement 130377
agencies, prosecuting attorneys, boards of education, school 130378

districts, and nonpublic schools, cooperative programs for	130379
fingerprinting children;	130380
(d) Other assistance to further the goals of the program.	130381
(3) The missing child educational program shall acquire or	130382
prepare informational materials relating to missing children	130383
issues and matters. These issues and matters include, but are not	130384
limited to, the following:	130385
(a) The types of missing children;	130386
(b) The reasons why and how minors become missing children,	130387
the potential adverse consequences of a minor becoming a missing	130388
child, and, in the case of minors who are considering running away	130389
from home or from the care, custody, and control of their parents,	130390
parent who is the residential parent and legal custodian,	130391
guardian, legal custodian, or another person responsible for them,	130392
alternatives that may be available to address their concerns and	130393
problems;	130394
(c) Offenses under federal law that could relate to missing	130395
children and other provisions of federal law that focus on missing	130396
children;	130397
(d) Offenses under the Revised Code that could relate to	130398
missing children, including, but not limited to, kidnapping,	130399
abduction, unlawful restraint, child stealing, interference with	130400
custody, endangering children, domestic violence, abuse of a child	130401
and contributing to the dependency, neglect, unruliness, or	130402
delinquency of a child, sexual offenses, drug offenses,	130403
prostitution offenses, and obscenity offenses, and other	130404
provisions of the Revised Code that could relate to missing	130405
children;	130406
(e) Legislation being considered by the general assembly,	130407
legislatures of other states, the congress of the United States,	130408
and political subdivisions in this or any other state to address	130409

missing children issues;	130410
(f) Sources of information on missing children issues;	130411
(g) State, local, federal, and private systems for locating and identifying missing children;	130412 130413
(h) Law enforcement agency programs, responsibilities, and investigative techniques in missing children matters;	130414 130415
(i) Efforts on the community level in this and other states, concerning missing children issues and matters, by governmental entities and private organizations;	130416 130417 130418
(j) The identification of private organizations that, among their primary objectives, address missing children issues and matters;	130419 130420 130421
(k) How to avoid becoming a missing child and what to do if one becomes a missing child;	130422 130423
(l) Efforts that schools, parents, and members of a community can undertake to reduce the risk that a minor will become a missing child and to quickly locate or identify a minor if he becomes a missing child, including, but not limited to, fingerprinting programs.	130424 130425 130426 130427 130428
(F) Each year the missing children clearinghouse shall issue a report describing its performance of the functions specified in division (E) of this section and shall provide a copy of the report to the speaker of the house of representatives, the president of the senate, the governor, the superintendent of the bureau of criminal identification and investigation, and the director of job children and family services <u>youth</u> .	130429 130430 130431 130432 130433 130434 130435
(G) Any state agency or political subdivision of this state that operates a missing children program or a clearinghouse for information about missing children shall coordinate its activities with the missing children clearinghouse.	130436 130437 130438 130439

(H) The attorney general shall determine a reasonable fee to be charged for providing to any person or entity other than a state or local law enforcement agency of this or any other state, a law enforcement agency of the United States, a board of education of a school district in this state, a nonpublic school in this state, a governmental entity in this state, or a public library in this state, pursuant to division (A)(3) of this section, copies of any information acquired or prepared pursuant to division (E)(3) of this section. The attorney general shall collect the fee prior to sending or giving copies of any information to any person or entity for whom or which this division requires the fee to be charged and shall deposit the fee into the missing children fund created by division (I) of this section.

(I) There is hereby created in the state treasury the missing children fund that shall consist of all moneys awarded to the state by donation, gift, or bequest, all other moneys received for purposes of this section, and all fees collected pursuant to this section or section 109.64 of the Revised Code. The attorney general shall use the moneys in the missing children fund only for purposes of the office of the attorney general acquiring or preparing information pursuant to division (E)(3) of this section.

(J) The failure of the missing children clearinghouse to undertake any function or activity authorized in this section does not create a cause of action against the state.

Sec. 109.746. (A) The attorney general may prepare public awareness programs that are designed to educate potential victims of violations of section 2905.32 of the Revised Code and their families of the risks of becoming a victim of a violation of that section. The attorney general may prepare these programs with assistance from the department of health, the department of mental

health and addiction services, the department of job and family 130471
services, the department of children and youth, and the department 130472
of education. 130473

(B) Any organization, person, or other governmental agency 130474
with an interest and expertise in trafficking in persons may 130475
submit information or materials to the attorney general regarding 130476
the preparation of the programs and materials permitted under this 130477
section. The attorney general, in developing the programs and 130478
materials permitted by this section, shall consider any 130479
information submitted pursuant to this division. 130480

Sec. 121.37. (A)(1) There is hereby created the Ohio family 130481
and children first cabinet council. The council shall be composed 130482
of the superintendent of public instruction, the executive 130483
director of the opportunities for Ohioans with disabilities 130484
agency, the medicaid director, and the directors of youth 130485
services, job and family services, mental health and addiction 130486
services, health, developmental disabilities, aging, 130487
rehabilitation and correction, and budget and management. The 130488
chairperson of the council shall be the governor or the governor's 130489
designee and shall establish procedures for the council's internal 130490
control and management. 130491

The purpose of the cabinet council is to help families 130492
seeking government services. This section shall not be interpreted 130493
or applied to usurp the role of parents, but solely to streamline 130494
and coordinate existing government services for families seeking 130495
assistance for their children. 130496

(2) In seeking to fulfill its purpose, the council may do any 130497
of the following: 130498

(a) Advise and make recommendations to the governor and 130499
general assembly regarding the provision of services to children; 130500

(b) Advise and assess local governments on the coordination of service delivery to children; 130501
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(c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law; 130503
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(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system; 130507
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(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 130510
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(f) Enter into contracts with and apply for grants from federal agencies or private organizations; 130515
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(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 130517
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(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 130522
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(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 130526
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(j) Identify and disseminate publications regarding alleged 130530

or adjudicated unruly children and children who are at risk of 130531
being alleged or adjudicated unruly children and regarding 130532
programs serving those types of children; 130533

(k) Maintain an inventory of strategic planning facilitators 130534
for use by government or nonprofit entities that serve alleged or 130535
adjudicated unruly children or children who are at risk of being 130536
alleged or adjudicated unruly children. 130537

(3) The cabinet council shall provide for the following: 130538

(a) Reviews of service and treatment plans for children for 130539
which such reviews are requested; 130540

(b) Assistance as the council determines to be necessary to 130541
meet the needs of children referred by county family and children 130542
first councils; 130543

(c) Monitoring and supervision of a statewide, comprehensive, 130544
coordinated, multi-disciplinary, interagency system for infants 130545
and toddlers with developmental disabilities or delays and their 130546
families, as established pursuant to federal grants received and 130547
administered by the department of ~~health~~ children and youth for 130548
early intervention services under the "Individuals with 130549
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 130550
1400, as amended. 130551

(4) The cabinet council shall develop and implement the 130552
following: 130553

(a) An interagency process to select the indicators that will 130554
be used to measure progress toward increasing child well-being in 130555
the state and to update the indicators on an annual basis. The 130556
indicators shall focus on expectant parents and newborns thriving; 130557
infants and toddlers thriving; children being ready for school; 130558
children and youth succeeding in school; youth choosing healthy 130559
behaviors; and youth successfully transitioning into adulthood. 130560

(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county;

(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state.

On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request.

(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals:

(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.

(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.

(c) The health commissioner, or the commissioner's designee,

of the board of health of each city and general health district in 130592
the county. If the county has two or more health districts, the 130593
health commissioner membership may be limited to the commissioners 130594
of the two districts with the largest populations. 130595

(d) The director of the county department of job and family 130596
services; 130597

(e) The executive director of the public children services 130598
agency; 130599

(f) The superintendent of the county board of developmental 130600
disabilities or, if the superintendent serves as superintendent of 130601
more than one county board of developmental disabilities, the 130602
superintendent's designee; 130603

(g) The superintendent of the city, exempted village, or 130604
local school district with the largest number of pupils residing 130605
in the county, as determined by the department of education, which 130606
shall notify each board of county commissioners of its 130607
determination at least biennially; 130608

(h) A school superintendent representing all other school 130609
districts with territory in the county, as designated at a 130610
biennial meeting of the superintendents of those districts; 130611

(i) A representative of the municipal corporation with the 130612
largest population in the county; 130613

(j) The president of the board of county commissioners or an 130614
individual designated by the board; 130615

(k) A representative of the department of youth services or 130616
an individual designated by the department; 130617

(l) A representative of the county's head start agencies, as 130618
defined in section 3301.32 of the Revised Code; 130619

(m) A representative of the county's early intervention 130620
collaborative established pursuant to the federal early 130621

intervention program operated under the "Individuals with 130622
Disabilities Education Act of 2004"; 130623

(n) A representative of a local nonprofit entity that funds, 130624
advocates, or provides services to children and families. 130625

Notwithstanding any other provision of law, the public 130626
members of a county council are not prohibited from serving on the 130627
council and making decisions regarding the duties of the council, 130628
including those involving the funding of joint projects and those 130629
outlined in the county's service coordination mechanism 130630
implemented pursuant to division (C) of this section. 130631

The cabinet council shall establish a state appeals process 130632
to resolve disputes among the members of a county council 130633
concerning whether reasonable responsibilities as members are 130634
being shared. The appeals process may be accessed only by a 130635
majority vote of the council members who are required to serve on 130636
the council. Upon appeal, the cabinet council may order that state 130637
funds for services to children and families be redirected to a 130638
county's board of county commissioners. 130639

The county's juvenile court judge senior in service or 130640
another judge of the juvenile court designated by the 130641
administrative judge or, where there is no administrative judge, 130642
by the judge senior in service shall serve as the judicial advisor 130643
to the county family and children first council. The judge may 130644
advise the county council on the court's utilization of resources, 130645
services, or programs provided by the entities represented by the 130646
members of the county council and how those resources, services, 130647
or programs assist the court in its administration of justice. 130648
Service of a judge as a judicial advisor pursuant to this section 130649
is a judicial function. 130650

(2) The purpose of the county council is to streamline and 130651
coordinate existing government services for families seeking 130652

services for their children. In seeking to fulfill its purpose, a 130653
county council shall provide for the following: 130654

(a) Referrals to the cabinet council of those children for 130655
whom the county council cannot provide adequate services; 130656

(b) Development and implementation of a process that annually 130657
evaluates and prioritizes services, fills service gaps where 130658
possible, and invents new approaches to achieve better results for 130659
families and children; 130660

(c) Participation in the development of a countywide, 130661
comprehensive, coordinated, multi-disciplinary, interagency system 130662
for infants and toddlers with developmental disabilities or delays 130663
and their families, as established pursuant to federal grants 130664
received and administered by the department of ~~health~~ children and 130665
youth for early intervention services under the "Individuals with 130666
Disabilities Education Act of 2004"; 130667

(d) Maintenance of an accountability system to monitor the 130668
county council's progress in achieving results for families and 130669
children; 130670

(e) Establishment of a mechanism to ensure ongoing input from 130671
a broad representation of families who are receiving services 130672
within the county system. 130673

(3) A county council shall develop and implement the 130674
following: 130675

(a) An interagency process to establish local indicators and 130676
monitor the county's progress toward increasing child well-being 130677
in the county; 130678

(b) An interagency process to identify local priorities to 130679
increase child well-being. The local priorities shall focus on 130680
expectant parents and newborns thriving; infants and toddlers 130681
thriving; children being ready for school; children and youth 130682

succeeding in school; youth choosing healthy behaviors; and youth 130683
successfully transitioning into adulthood and take into account 130684
the indicators established by the cabinet council under division 130685
(A)(4)(a) of this section. 130686

(c) An annual plan that identifies the county's interagency 130687
efforts to increase child well-being in the county. 130688

On an annual basis, the county council shall submit a report 130689
on the status of efforts by the county to increase child 130690
well-being in the county to the county's board of county 130691
commissioners and the cabinet council. This report shall be made 130692
available to any other person on request. 130693

(4)(a) Except as provided in division (B)(4)(b) of this 130694
section, a county council shall comply with the policies, 130695
procedures, and activities prescribed by the rules or interagency 130696
agreements of a state department participating on the cabinet 130697
council whenever the county council performs a function subject to 130698
those rules or agreements. 130699

(b) On application of a county council, the cabinet council 130700
may grant an exemption from any rules or interagency agreements of 130701
a state department participating on the council if an exemption is 130702
necessary for the council to implement an alternative program or 130703
approach for service delivery to families and children. The 130704
application shall describe the proposed program or approach and 130705
specify the rules or interagency agreements from which an 130706
exemption is necessary. The cabinet council shall approve or 130707
disapprove the application in accordance with standards and 130708
procedures it shall adopt. If an application is approved, the 130709
exemption is effective only while the program or approach is being 130710
implemented, including a reasonable period during which the 130711
program or approach is being evaluated for effectiveness. 130712

(5)(a) Each county council shall designate an administrative 130713

agent for the council from among the following public entities: 130714
the board of alcohol, drug addiction, and mental health services, 130715
including a board of alcohol and drug addiction or a community 130716
mental health board if the county is served by separate boards; 130717
the board of county commissioners; any board of health of the 130718
county's city and general health districts; the county department 130719
of job and family services; the county agency responsible for the 130720
administration of children services pursuant to section 5153.15 of 130721
the Revised Code; the county board of developmental disabilities; 130722
any of the county's boards of education or governing boards of 130723
educational service centers; or the county's juvenile court. Any 130724
of the foregoing public entities, other than the board of county 130725
commissioners, may decline to serve as the council's 130726
administrative agent. 130727

A county council's administrative agent shall serve as the 130728
council's appointing authority for any employees of the council. 130729
The council shall file an annual budget with its administrative 130730
agent, with copies filed with the county auditor and with the 130731
board of county commissioners, unless the board is serving as the 130732
council's administrative agent. The council's administrative agent 130733
shall ensure that all expenditures are handled in accordance with 130734
policies, procedures, and activities prescribed by state 130735
departments in rules or interagency agreements that are applicable 130736
to the council's functions. 130737

The administrative agent of a county council shall send 130738
notice of a member's absence if a member listed in division (B)(1) 130739
of this section has been absent from either three consecutive 130740
meetings of the county council or a county council subcommittee, 130741
or from one-quarter of such meetings in a calendar year, whichever 130742
is less. The notice shall be sent to the board of county 130743
commissioners that establishes the county council and, for the 130744
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 130745

section, to the governing board overseeing the respective entity; 130746
for the member listed in division (B)(1)(f) of this section, to 130747
the county board of developmental disabilities that employs the 130748
superintendent; for a member listed in division (B)(1)(g) or (h) 130749
of this section, to the school board that employs the 130750
superintendent; for the member listed in division (B)(1)(i) of 130751
this section, to the mayor of the municipal corporation; for the 130752
member listed in division (B)(1)(k) of this section, to the 130753
director of youth services; and for the member listed in division 130754
(B)(1)(n) of this section, to that member's board of trustees. 130755

The administrative agent for a county council may do any of 130756
the following on behalf of the council: 130757

(i) Enter into agreements or administer contracts with public 130758
or private entities to fulfill specific council business. Such 130759
agreements and contracts are exempt from the competitive bidding 130760
requirements of section 307.86 of the Revised Code if they have 130761
been approved by the county council and they are for the purchase 130762
of family and child welfare or child protection services or other 130763
social or job and family services for families and children. The 130764
approval of the county council is not required to exempt 130765
agreements or contracts entered into under section 5139.34, 130766
5139.41, or 5139.43 of the Revised Code from the competitive 130767
bidding requirements of section 307.86 of the Revised Code. 130768

(ii) As determined by the council, provide financial 130769
stipends, reimbursements, or both, to family representatives for 130770
expenses related to council activity; 130771

(iii) Receive by gift, grant, devise, or bequest any moneys, 130772
lands, or other property for the purposes for which the council is 130773
established. The agent shall hold, apply, and dispose of the 130774
moneys, lands, or other property according to the terms of the 130775
gift, grant, devise, or bequest. Any interest or earnings shall be 130776
treated in the same manner and are subject to the same terms as 130777

the gift, grant, devise, or bequest from which it accrues. 130778

(b)(i) If the county council designates the board of county 130779
commissioners as its administrative agent, the board may, by 130780
resolution, delegate any of its powers and duties as 130781
administrative agent to an executive committee the board 130782
establishes from the membership of the county council. The board 130783
shall name to the executive committee at least the individuals 130784
described in divisions (B)(1)(b) to (h) of this section and may 130785
appoint the president of the board or another individual as the 130786
chair of the executive committee. The executive committee must 130787
include at least one family county council representative who does 130788
not have a family member employed by an agency represented on the 130789
council. 130790

(ii) The executive committee may, with the approval of the 130791
board, hire an executive director to assist the county council in 130792
administering its powers and duties. The executive director shall 130793
serve in the unclassified civil service at the pleasure of the 130794
executive committee. The executive director may, with the approval 130795
of the executive committee, hire other employees as necessary to 130796
properly conduct the county council's business. 130797

(iii) The board may require the executive committee to submit 130798
an annual budget to the board for approval and may amend or repeal 130799
the resolution that delegated to the executive committee its 130800
authority as the county council's administrative agent. 130801

(6) Two or more county councils may enter into an agreement 130802
to administer their county councils jointly by creating a regional 130803
family and children first council. A regional council possesses 130804
the same duties and authority possessed by a county council, 130805
except that the duties and authority apply regionally rather than 130806
to individual counties. Prior to entering into an agreement to 130807
create a regional council, the members of each county council to 130808
be part of the regional council shall meet to determine whether 130809

all or part of the members of each county council will serve as 130810
members of the regional council. 130811

(7) A board of county commissioners may approve a resolution 130812
by a majority vote of the board's members that requires the county 130813
council to submit a statement to the board each time the council 130814
proposes to enter into an agreement, adopt a plan, or make a 130815
decision, other than a decision pursuant to section 121.38 of the 130816
Revised Code, that requires the expenditure of funds for two or 130817
more families. The statement shall describe the proposed 130818
agreement, plan, or decision. 130819

Not later than fifteen days after the board receives the 130820
statement, it shall, by resolution approved by a majority of its 130821
members, approve or disapprove the agreement, plan, or decision. 130822
Failure of the board to pass a resolution during that time period 130823
shall be considered approval of the agreement, plan, or decision. 130824

An agreement, plan, or decision for which a statement is 130825
required to be submitted to the board shall be implemented only if 130826
it is approved by the board. 130827

(C) Each county shall develop a county service coordination 130828
mechanism. The county service coordination mechanism shall serve 130829
as the guiding document for coordination of services in the 130830
county. For children who also receive services under the help me 130831
grow program, the service coordination mechanism shall be 130832
consistent with rules adopted by the department of health under 130833
section ~~3701.61~~ 5180.21 of the Revised Code. All family service 130834
coordination plans shall be developed in accordance with the 130835
county service coordination mechanism. The mechanism shall be 130836
developed and approved with the participation of the county 130837
entities representing child welfare; developmental disabilities; 130838
alcohol, drug addiction, and mental health services; health; 130839
juvenile judges; education; the county family and children first 130840
council; and the county early intervention collaborative 130841

established pursuant to the federal early intervention program 130842
operated under the "Individuals with Disabilities Education Act of 130843
2004." The county shall establish an implementation schedule for 130844
the mechanism. The cabinet council may monitor the implementation 130845
and administration of each county's service coordination 130846
mechanism. 130847

Each mechanism shall include all of the following: 130848

(1) A procedure for an agency, including a juvenile court, or 130849
a family voluntarily seeking service coordination, to refer the 130850
child and family to the county council for service coordination in 130851
accordance with the mechanism; 130852

(2) A procedure ensuring that a family and all appropriate 130853
staff from involved agencies, including a representative from the 130854
appropriate school district, are notified of and invited to 130855
participate in all family service coordination plan meetings; 130856

(3) A procedure that permits a family to initiate a meeting 130857
to develop or review the family's service coordination plan and 130858
allows the family to invite a family advocate, mentor, or support 130859
person of the family's choice to participate in any such meeting; 130860

(4) A procedure for ensuring that a family service 130861
coordination plan meeting is conducted for each child who receives 130862
service coordination under the mechanism and for whom an emergency 130863
out-of-home placement has been made or for whom a nonemergency 130864
out-of-home placement is being considered. The meeting shall be 130865
conducted within ten days of an emergency out-of-home placement. 130866
The meeting shall be conducted before a nonemergency out-of-home 130867
placement. The family service coordination plan shall outline how 130868
the county council members will jointly pay for services, where 130869
applicable, and provide services in the least restrictive 130870
environment. 130871

(5) A procedure for monitoring the progress and tracking the 130872

outcomes of each service coordination plan requested in the county 130873
including monitoring and tracking children in out-of-home 130874
placements to assure continued progress, appropriateness of 130875
placement, and continuity of care after discharge from placement 130876
with appropriate arrangements for housing, treatment, and 130877
education; 130878

(6) A procedure for protecting the confidentiality of all 130879
personal family information disclosed during service coordination 130880
meetings or contained in the comprehensive family service 130881
coordination plan; 130882

(7) A procedure for assessing the needs and strengths of any 130883
child or family that has been referred to the council for service 130884
coordination, including a child whose parent or custodian is 130885
voluntarily seeking services, and for ensuring that parents and 130886
custodians are afforded the opportunity to participate; 130887

(8) A procedure for development of a family service 130888
coordination plan described in division (D) of this section; 130889

(9) A local dispute resolution process to serve as the 130890
process that must be used first to resolve disputes among the 130891
agencies represented on the county council concerning the 130892
provision of services to children, including children who are 130893
abused, neglected, dependent, unruly, alleged unruly, or 130894
delinquent children and under the jurisdiction of the juvenile 130895
court and children whose parents or custodians are voluntarily 130896
seeking services. The local dispute resolution process shall 130897
comply with sections 121.38, 121.381, and 121.382 of the Revised 130898
Code. The local dispute resolution process shall be used to 130899
resolve disputes between a child's parents or custodians and the 130900
county council regarding service coordination. The county council 130901
shall inform the parents or custodians of their right to use the 130902
dispute resolution process. Parents or custodians shall use 130903
existing local agency grievance procedures to address disputes not 130904

involving service coordination. The dispute resolution process is 130905
in addition to and does not replace other rights or procedures 130906
that parents or custodians may have under other sections of the 130907
Revised Code. 130908

The cabinet council shall adopt rules in accordance with 130909
Chapter 119. of the Revised Code establishing an administrative 130910
review process to address problems that arise concerning the 130911
operation of a local dispute resolution process. 130912

Nothing in division (C)(4) of this section shall be 130913
interpreted as overriding or affecting decisions of a juvenile 130914
court regarding an out-of-home placement, long-term placement, or 130915
emergency out-of-home placement. 130916

(D) Each county shall develop a family service coordination 130917
plan that does all of the following: 130918

(1) Designates service responsibilities among the various 130919
state and local agencies that provide services to children and 130920
their families, including children who are abused, neglected, 130921
dependent, unruly, or delinquent children and under the 130922
jurisdiction of the juvenile court and children whose parents or 130923
custodians are voluntarily seeking services; 130924

(2) Designates an individual, approved by the family, to 130925
track the progress of the family service coordination plan, 130926
schedule reviews as necessary, and facilitate the family service 130927
coordination plan meeting process; 130928

(3) Ensures that assistance and services to be provided are 130929
responsive to the strengths and needs of the family, as well as 130930
the family's culture, race, and ethnic group, by allowing the 130931
family to offer information and suggestions and participate in 130932
decisions. Identified assistance and services shall be provided in 130933
the least restrictive environment possible. 130934

(4) Includes a process for dealing with a child who is 130935

alleged to be an unruly child. The process shall include methods 130936
to divert the child from the juvenile court system; 130937

(5) Includes timelines for completion of goals specified in 130938
the plan with regular reviews scheduled to monitor progress toward 130939
those goals; 130940

(6) Includes a plan for dealing with short-term crisis 130941
situations and safety concerns. 130942

(E)(1) The process provided for under division (D)(4) of this 130943
section may include, but is not limited to, the following: 130944

(a) Designation of the person or agency to conduct the 130945
assessment of the child and the child's family as described in 130946
division (C)(7) of this section and designation of the instrument 130947
or instruments to be used to conduct the assessment; 130948

(b) An emphasis on the personal responsibilities of the child 130949
and the parental responsibilities of the parents, guardian, or 130950
custodian of the child; 130951

(c) Involvement of local law enforcement agencies and 130952
officials. 130953

(2) The method to divert a child from the juvenile court 130954
system that must be included in the service coordination process 130955
may include, but is not limited to, the following: 130956

(a) The preparation of a complaint under section 2151.27 of 130957
the Revised Code alleging that the child is an unruly child and 130958
notifying the child and the parents, guardian, or custodian that 130959
the complaint has been prepared to encourage the child and the 130960
parents, guardian, or custodian to comply with other methods to 130961
divert the child from the juvenile court system; 130962

(b) Conducting a meeting with the child, the parents, 130963
guardian, or custodian, and other interested parties to determine 130964
the appropriate methods to divert the child from the juvenile 130965

court system;	130966
(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;	130967 130968 130969 130970
(d) A program to provide a mentor to the child or the parents, guardian, or custodian;	130971 130972
(e) A program to provide parenting education to the parents, guardian, or custodian;	130973 130974
(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;	130975 130976 130977
(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.	130978 130979 130980 130981
(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.	130982 130983 130984 130985 130986 130987
Sec. 131.33. (A) No state agency shall incur an obligation which exceeds the agency's current appropriation authority. Except as provided in division (D) of this section, unexpended balances of appropriations shall, at the close of the period for which the appropriations are made, revert to the funds from which the appropriations were made, except that the director of budget and management shall transfer such unexpended balances from the first fiscal year to the second fiscal year of an agency's	130988 130989 130990 130991 130992 130993 130994 130995

appropriations to the extent necessary for voided warrants to be reissued pursuant to division (C) of section 126.37 of the Revised Code.

Except as provided in this section, appropriations made to a specific fiscal year shall be expended only to pay liabilities incurred within that fiscal year.

(B) All payrolls shall be charged to the allotments of the fiscal quarters in which the applicable payroll vouchers are certified by the director of budget and management in accordance with section 126.07 of the Revised Code. As used in this division, "payrolls" means any payment made in accordance with section 125.21 of the Revised Code.

(C) Legal liabilities from prior fiscal years for which there is no reappropriation authority shall be discharged from the unencumbered balances of current appropriations.

(D)(1) Federal grant funds obligated by the department of job and family services or the department of children and youth for financial allocations to county family services agencies and local boards may, at the discretion of the director of job and family services or the director of children and youth, be available for expenditure for the duration of the federal grant period of obligation and liquidation, as follows:

(a) At the end of the state fiscal year, all unexpended county family services agency and local board financial allocations obligated from federal grant funds may continue to be valid for expenditure during subsequent state fiscal years.

(b) The financial allocations described in division (D)(1)(a) of this section shall be reconciled at the end of the federal grant period of availability or as required by federal law, regardless of the state fiscal year of the appropriation.

(2) The director of job and family services and the director

of children and youth may adopt rules in accordance with section 131027
111.15 of the Revised Code, as if they were internal management 131028
rules, as necessary to implement division (D) of this section. 131029

(3) As used in division (D) of this section: 131030

(a) "County family services agency" has the same meaning as 131031
in section 307.981 of the Revised Code. 131032

(b) "Local board" has the same meaning as in section 6301.01 131033
of the Revised Code. 131034

Sec. 131.41. There is hereby created in the state treasury 131035
the family services stabilization fund. The fund shall consist of 131036
moneys deposited into it pursuant to acts of the general assembly. 131037
The director of budget and management, with advice from the 131038
director of job and family services or the director of children 131039
and youth, may transfer moneys in the family services 131040
stabilization fund to the general revenue fund for the department 131041
of job and family services or the department of children and 131042
youth. Moneys may be transferred due to identified shortfalls for 131043
family services activities, such as higher caseloads, federal 131044
funding changes, and unforeseen costs due to significant state 131045
policy changes. Before transfers are authorized, the director of 131046
budget and management shall exhaust the possibilities for 131047
transfers of moneys within the department of job and family 131048
services or the department of children and youth to meet the 131049
identified shortfall. Transfers shall not be used to fund policy 131050
changes not contemplated by acts of the general assembly. Any 131051
investment earnings of the family services stabilization fund 131052
shall be credited to that fund. 131053

Sec. 135.79. As used in sections 135.79 to 135.796 of the 131054
Revised Code: 131055

(A) "Eligible borrower" means an individual who is a resident 131056

of this state and to whom either of the following applies: 131057

(1) The individual completes a home study pursuant to section 131058
3107.031 of the Revised Code and is approved. 131059

(2) The individual is pursuing an adoption through the public 131060
foster care system and meets the requirements set by the 131061
department of ~~job~~ children and ~~family services~~ youth. 131062

(B) "Eligible lending institution" means a financial 131063
institution that may make secured or unsecured personal loans, 131064
agrees to participate in the adoption linked deposit program, and 131065
is either of the following: 131066

(1) A public depository of state funds under section 135.03 131067
of the Revised Code; 131068

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 131069
Code, a federal credit union, a foreign credit union licensed 131070
pursuant to section 1733.39 of the Revised Code, or a credit union 131071
as defined in section 1733.01 of the Revised Code, located in this 131072
state. 131073

(C) "Adoption linked deposit" means a certificate of deposit 131074
or other financial institution instrument placed by the treasurer 131075
of state with an eligible lending institution at a rate below 131076
current market rate, as determined and calculated by the treasurer 131077
of state, provided the institution agrees to lend the value of 131078
such deposit or instrument, according to the agreement provided in 131079
division (C) of section 135.793 of the Revised Code, to eligible 131080
borrowers at a rate that reflects an equal percentage rate 131081
reduction below the present borrowing rate applicable to each 131082
specific borrower at the time of the placement of state funds in 131083
the institution. 131084

(D) "Other financial institution instrument" means a fully 131085
collateralized product that otherwise would pay market rates of 131086
interest approved by the treasurer of state. 131087

(E) "Loan" means a contractual agreement under which an eligible lending institution agrees to lend money to an eligible borrower in the form of an upfront lump sum, a line of credit, or any other reasonable arrangement approved by the treasurer of state.

(F) "Qualifying adoption expense" means any expense incurred to legally adopt a child as described in division (C) of section 3107.055 of the Revised Code, including any costs incurred by the eligible borrower proximately relating to the completion and approval of the home study under section 3107.031 of the Revised Code, and any other expense as determined by the treasurer of state.

Sec. 153.39. If the plans, drawings, representations, bills of material, specifications of work, and estimates relate to the building of a children's home, they shall be submitted to the board of county commissioners and three citizens of the county, to be appointed by a resident judge of the court of common pleas, or a judge residing in the same subdivision of the judicial district. If approved by a majority of them, a copy thereof shall be deposited with the county auditor and kept by the auditor for the inspection of interested parties. Before such plans are adopted, they shall be submitted to the department of ~~job~~ children and ~~family services~~ youth for suggestions and criticism. The boards of counties composing a district for the purpose of establishing a district children's home, in letting contracts for the necessary buildings or the repair or alteration thereof, shall be governed by the law relating to letting contracts for erecting, repairing, or altering other public buildings.

Sec. 307.98. As used in this section, "county grantee" has the same meaning as in section 5101.21 of the Revised Code.

Each board of county commissioners and each other county grantee of the county shall jointly enter into one or more written grant agreements with the director of job and family services or the director of children and youth in accordance with section 5101.21 of the Revised Code. The board of county commissioners shall enter into the agreement on behalf of the county family services agencies, other than a county family services agency that is a county grantee.

Sec. 307.981. (A)(1) As used in the Revised Code: 131126

(a) "County family services agency" means all of the following: 131127
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(i) A child support enforcement agency; 131129

(ii) A county department of job and family services; 131130

(iii) A public children services agency. 131131

(b) "Family services duty" means a duty state law requires or allows a county family services agency to assume, including financial and general administrative duties. "Family services duty" does not include a duty funded by the United States department of labor.

(2) As used in sections 307.981 to 307.989 of the Revised Code, "private entity" means an entity other than a government entity.

(B) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations established by the Revised Code, including division (H) of this section, a board of county commissioners may designate any private or government entity within this state to serve as any of the following:

(1) A child support enforcement agency; 131146

(2) A county department of job and family services;	131147
(3) A public children services agency;	131148
(4) A county department of job and family services and one other of those county family services agencies;	131149 131150
(5) All three of those county family services agencies.	131151
(C) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations of the Revised Code, including division (H) of this section, a board of county commissioners may change the designation it makes under division (B) of this section by designating another private or government entity.	131152 131153 131154 131155 131156 131157
(D) If a designation under division (B) or (C) of this section constitutes a change from the designation in a grant agreement between the director of job and family services, <u>or the</u> <u>director of children and youth</u> , and the board under sections 307.98 and 5101.21 of the Revised Code, the director <u>directors</u> may require that the director <u>directors</u> and board amend the grant agreement and that the board provide the director <u>directors</u> written assurances that the newly designated private or government entity will meet or exceed all requirements of the family services duties the entity is to assume.	131158 131159 131160 131161 131162 131163 131164 131165 131166 131167
(E) Not less than sixty days before a board of county commissioners designates an entity under division (B) or (C) of this section, the board shall notify the director of job and family services <u>and department of children and youth</u> and publish notice in a newspaper of general circulation in the county of the board's intention to make the designation and reasons for the designation.	131168 131169 131170 131171 131172 131173 131174
(F) A board of county commissioners shall enter into a written contract with each entity it designates under division (B) or (C) of this section specifying the entity's responsibilities	131175 131176 131177

and standards the entity is required to meet. 131178

(G) This section does not require a board of county 131179
commissioners to abolish the child support enforcement agency, 131180
county department of job and family services, or public children 131181
services agency serving the county on October 1, 1997, and 131182
designate a different private or government entity to serve as the 131183
county's child support enforcement agency, county department of 131184
job and family services, or public children services agency. 131185

(H) If a county children services board appointed under 131186
section 5153.03 of the Revised Code serves as a public children 131187
services agency for a county, the board of county commissioners 131188
may not redesignate the public children services agency unless the 131189
board of county commissioners does all of the following: 131190

(1) Notifies the county children services board of its intent 131191
to redesignate the public children services agency. In its 131192
notification, the board of county commissioners shall provide the 131193
county children services board a written explanation of the 131194
administrative, fiscal, or performance considerations causing the 131195
board of county commissioners to seek to redesignate the public 131196
children services agency. 131197

(2) Provides the county children services board an 131198
opportunity to comment on the proposed redesignation before the 131199
redesignation occurs; 131200

(3) If the county children services board, not more than 131201
sixty days after receiving the notice under division (H)(1) of 131202
this section, notifies the board of county commissioners that the 131203
county children services board has voted to oppose the 131204
redesignation, votes unanimously to proceed with the 131205
redesignation. 131206

Sec. 329.04. (A) The county department of job and family 131207

services shall have, exercise, and perform the following powers and duties: 131208
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(1) Perform any duties assigned by the state department of job and family services, department of children and youth, or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life: 131210
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(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code; 131216
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(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code; 131218
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(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 131221
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(d) Duties assigned under section 5162.031 of the Revised Code. 131229
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(2) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 131231
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(3) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities; 131234
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(4) Submit an annual account of its work and expenses to the 131237

board of county commissioners and to the state department of job 131238
and family services, department of children and youth, and 131239
department of medicaid at the close of each fiscal year; 131240

(5) Exercise any powers and duties relating to family 131241
services duties or workforce development activities imposed upon 131242
the county department of job and family services by law, by 131243
resolution of the board of county commissioners, or by order of 131244
the governor, when authorized by law, to meet emergencies during 131245
war or peace; 131246

(6) Enter into a plan of cooperation with the board of county 131247
commissioners under section 307.983, consult with the board in the 131248
development of the transportation work plan developed under 131249
section 307.985, establish with the board procedures under section 131250
307.986 for providing services to children whose families relocate 131251
frequently, and comply with the contracts the board enters into 131252
under sections 307.981 and 307.982 of the Revised Code that affect 131253
the county department; 131254

(7) For the purpose of complying with a grant agreement the 131255
board of county commissioners enters into under sections 307.98 131256
and 5101.21 of the Revised Code, exercise the powers and perform 131257
the duties the grant agreement assigns to the county department. 131258

(B) The powers and duties of a county department of job and 131259
family services are, and shall be exercised and performed, under 131260
the control and direction of the board of county commissioners. 131261
The board may assign to the county department any power or duty of 131262
the board regarding family services duties and workforce 131263
development activities. If the new power or duty necessitates the 131264
state department of job and family services, department of 131265
children and youth, or department of medicaid changing its federal 131266
cost allocation plan, the county department may not implement the 131267
power or duty unless the United States department of health and 131268
human services approves the changes. 131269

Sec. 2151.011. (A) As used in the Revised Code:	131270
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	131271 131272 131273
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	131274 131275 131276 131277 131278
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	131279 131280 131281 131282
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	131283 131284
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	131285 131286
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	131287 131288 131289 131290 131291
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job children and family services <u>youth</u> that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	131292 131293 131294 131295 131296 131297
(a) Receives and cares for children for two or more consecutive weeks;	131298 131299

(b) Participates in the placement of children in certified foster homes;	131300 131301
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	131302 131303
(B) As used in this chapter:	131304
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	131305 131306 131307 131308 131309 131310
(2) "Adult" means an individual who is eighteen years of age or older.	131311 131312
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	131313 131314 131315 131316
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	131317 131318 131319 131320 131321 131322
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	131323 131324 131325
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of	131326 131327 131328 131329

age, and, for purposes of that jurisdiction related to that 131330
adjudication, a person who is so adjudicated an unruly child shall 131331
be deemed a "child" until the person attains twenty-one years of 131332
age. 131333

(7) "Child day camp," "child care," "child day-care center," 131334
"part-time child day-care center," "type A family day-care home," 131335
"licensed type B family day-care home," "type B family day-care 131336
home," "administrator of a child day-care center," "administrator 131337
of a type A family day-care home," and "in-home aide" have the 131338
same meanings as in section 5104.01 of the Revised Code. 131339

(8) "Child care provider" means an individual who is a 131340
child-care staff member or administrator of a child day-care 131341
center, a type A family day-care home, or a type B family day-care 131342
home, or an in-home aide or an individual who is licensed, is 131343
regulated, is approved, operates under the direction of, or 131344
otherwise is certified by the department of ~~job~~ children and 131345
~~family services~~ youth, department of developmental disabilities, 131346
or the early childhood programs of the department of education. 131347

(9) "Commit" means to vest custody as ordered by the court. 131348

(10) "Counseling" includes both of the following: 131349

(a) General counseling services performed by a public 131350
children services agency or shelter for victims of domestic 131351
violence to assist a child, a child's parents, and a child's 131352
siblings in alleviating identified problems that may cause or have 131353
caused the child to be an abused, neglected, or dependent child. 131354

(b) Psychiatric or psychological therapeutic counseling 131355
services provided to correct or alleviate any mental or emotional 131356
illness or disorder and performed by a licensed psychiatrist, 131357
licensed psychologist, or a person licensed under Chapter 4757. of 131358
the Revised Code to engage in social work or professional 131359
counseling. 131360

(11) "Custodian" means a person who has legal custody of a	131361
child or a public children services agency or private child	131362
placing agency that has permanent, temporary, or legal custody of	131363
a child.	131364
(12) "Delinquent child" has the same meaning as in section	131365
2152.02 of the Revised Code.	131366
(13) "Detention" means the temporary care of children pending	131367
court adjudication or disposition, or execution of a court order,	131368
in a public or private facility designed to physically restrict	131369
the movement and activities of children.	131370
(14) "Developmental disability" has the same meaning as in	131371
section 5123.01 of the Revised Code.	131372
(15) "Differential response approach" means an approach that	131373
a public children services agency may use to respond to accepted	131374
reports of child abuse or neglect with either an alternative	131375
response or a traditional response.	131376
(16) "Foster caregiver" has the same meaning as in section	131377
5103.02 of the Revised Code.	131378
(17) "Guardian" means a person, association, or corporation	131379
that is granted authority by a probate court pursuant to Chapter	131380
2111. of the Revised Code to exercise parental rights over a child	131381
to the extent provided in the court's order and subject to the	131382
residual parental rights of the child's parents.	131383
(18) "Habitual truant" means any child of compulsory school	131384
age who is absent without legitimate excuse for absence from the	131385
public school the child is supposed to attend for thirty or more	131386
consecutive hours, forty-two or more hours in one school month, or	131387
seventy-two or more hours in a school year.	131388
(19) "Intellectual disability" has the same meaning as in	131389
section 5123.01 of the Revised Code.	131390

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code. 131391
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(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court. 131393
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(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following: 131403
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(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state; 131406
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(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code; 131409
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(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code. 131412
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(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. 131415
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(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care. 131417
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(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

(29) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Engaging in sexual activity with a child in the person's care;

(b) Denial to a child, as a means of punishment, of proper or

necessary subsistence, education, medical care, or other care	131453
necessary for a child's health;	131454
(c) Use of restraint procedures on a child that cause injury	131455
or pain;	131456
(d) Administration of prescription drugs or psychotropic	131457
medication to the child without the written approval and ongoing	131458
supervision of a licensed physician;	131459
(e) Commission of any act, other than by accidental means,	131460
that results in any injury to or death of the child in out-of-home	131461
care or commission of any act by accidental means that results in	131462
an injury to or death of a child in out-of-home care and that is	131463
at variance with the history given of the injury or death.	131464
(30) "Out-of-home care child neglect" means any of the	131465
following when committed by a person responsible for the care of a	131466
child in out-of-home care:	131467
(a) Failure to provide reasonable supervision according to	131468
the standards of care appropriate to the age, mental and physical	131469
condition, or other special needs of the child;	131470
(b) Failure to provide reasonable supervision according to	131471
the standards of care appropriate to the age, mental and physical	131472
condition, or other special needs of the child, that results in	131473
sexual or physical abuse of the child by any person;	131474
(c) Failure to develop a process for all of the following:	131475
(i) Administration of prescription drugs or psychotropic	131476
drugs for the child;	131477
(ii) Assuring that the instructions of the licensed physician	131478
who prescribed a drug for the child are followed;	131479
(iii) Reporting to the licensed physician who prescribed the	131480
drug all unfavorable or dangerous side effects from the use of the	131481
drug.	131482

(d) Failure to provide proper or necessary subsistence,	131483
education, medical care, or other individualized care necessary	131484
for the health or well-being of the child;	131485
(e) Confinement of the child to a locked room without	131486
monitoring by staff;	131487
(f) Failure to provide ongoing security for all prescription	131488
and nonprescription medication;	131489
(g) Isolation of a child for a period of time when there is	131490
substantial risk that the isolation, if continued, will impair or	131491
retard the mental health or physical well-being of the child.	131492
(31) "Permanent custody" means a legal status that vests in a	131493
public children services agency or a private child placing agency,	131494
all parental rights, duties, and obligations, including the right	131495
to consent to adoption, and divests the natural parents or	131496
adoptive parents of all parental rights, privileges, and	131497
obligations, including all residual rights and obligations.	131498
(32) "Permanent surrender" means the act of the parents or,	131499
if a child has only one parent, of the parent of a child, by a	131500
voluntary agreement authorized by section 5103.15 of the Revised	131501
Code, to transfer the permanent custody of the child to a public	131502
children services agency or a private child placing agency.	131503
(33) "Person" means an individual, association, corporation,	131504
or partnership and the state or any of its political subdivisions,	131505
departments, or agencies.	131506
(34) "Person responsible for a child's care in out-of-home	131507
care" means any of the following:	131508
(a) Any foster caregiver, in-home aide, or provider;	131509
(b) Any administrator, employee, or agent of any of the	131510
following: a public or private detention facility; shelter	131511
facility; certified children's crisis care facility; organization;	131512

certified organization; child day-care center; type A family 131513
day-care home; licensed type B family day-care home; group home; 131514
institution; state institution; residential facility; residential 131515
care facility; residential camp; day camp; school district; 131516
community school; chartered nonpublic school; educational service 131517
center; hospital; or medical clinic; 131518

(c) Any person who supervises or coaches children as part of 131519
an extracurricular activity sponsored by a school district, public 131520
school, or chartered nonpublic school; 131521

(d) Any other person who performs a similar function with 131522
respect to, or has a similar relationship to, children. 131523

(35) "Physical impairment" means having one or more of the 131524
following conditions that substantially limit one or more of an 131525
individual's major life activities, including self-care, receptive 131526
and expressive language, learning, mobility, and self-direction: 131527

(a) A substantial impairment of vision, speech, or hearing; 131528

(b) A congenital orthopedic impairment; 131529

(c) An orthopedic impairment caused by disease, rheumatic 131530
fever or any other similar chronic or acute health problem, or 131531
amputation or another similar cause. 131532

(36) "Placement for adoption" means the arrangement by a 131533
public children services agency or a private child placing agency 131534
with a person for the care and adoption by that person of a child 131535
of whom the agency has permanent custody. 131536

(37) "Placement in foster care" means the arrangement by a 131537
public children services agency or a private child placing agency 131538
for the out-of-home care of a child of whom the agency has 131539
temporary custody or permanent custody. 131540

(38) "Planned permanent living arrangement" means an order of 131541
a juvenile court pursuant to which both of the following apply: 131542

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

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(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

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(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

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(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

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(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

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(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

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(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

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(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

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(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.

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(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code. 131573
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(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 131575
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(48) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child. 131578
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(49) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides. 131582
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(50) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support. 131586
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(51) "School day" means the school day established by the board of education of the applicable school district pursuant to section 3313.481 of the Revised Code. 131593
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(52) "School year" has the same meaning as in section 3313.62 of the Revised Code. 131596
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(53) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition. 131598
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(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code. 131603
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(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition. 131605
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(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 131608
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(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 131610
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(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. 131615
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(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days. 131621
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Sec. 2151.152. The juvenile judge may enter into an agreement with the department of ~~job children~~ and ~~family services~~ youth pursuant to section 5101.11 of the Revised Code for the purpose of reimbursing the court for foster care maintenance costs, associated administrative and training costs, and prevention services costs under the "Family First Prevention Services Act," Public Law 115-123, incurred on behalf of a child who is any of 131626
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the following: 131633

(A) Eligible for payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in the temporary or permanent custody of the court or subject to a disposition issued under division (A)(5) of section 2151.354 or division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised Code; 131634
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(B) Determined to be at serious risk of removal from the home and for whom the court has undertaken a plan of reasonable efforts to prevent such removal; 131640
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(C) At imminent risk of removal from the home and is a sibling of a child in the temporary or permanent custody of the court. 131643
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The agreement shall govern the responsibilities and duties the court shall perform in providing services to the child. 131646
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Sec. 2151.281. (A) The court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged or adjudicated delinquent child or unruly child when either of the following applies: 131648
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(1) The child has no parent, guardian, or legal custodian. 131653

(2) The court finds that there is a conflict of interest between the child and the child's parent, guardian, or legal custodian. 131654
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(B)(1) Except as provided in division (K) of this section, the court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged abused or neglected child and in any proceeding held pursuant to section 2151.414 of the Revised Code. The guardian ad litem so appointed shall not be the 131657
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attorney responsible for presenting the evidence alleging that the child is an abused or neglected child and shall not be an employee of any party in the proceeding.

(2) Except in any proceeding concerning a dependent child involving the permanent custody of an infant under the age of six months for the sole purpose of placement for adoption by a private child placing agency, the court shall appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of a child in any proceeding concerning an alleged dependent child if any of the following applies:

(a) The parent of the child appears to be mentally incompetent or is under eighteen years of age.

(b) There is a conflict of interest between the child and the child's parents, guardian, or custodian.

(c) The court believes that the parent of the child is not capable of representing the best interest of the child.

(3) Except in any proceeding concerning a dependent child involving the permanent custody of an infant under the age of six months for the sole purpose of placement for adoption by a private child placing agency, the court may appoint a guardian ad litem, subject to rules adopted by the supreme court, to protect the interest of the child in any other proceeding concerning an alleged dependent child.

(4) The guardian ad litem appointed for an alleged or adjudicated abused or neglected child may bring a civil action against any person who is required by division (A)(1) or (4) of section 2151.421 of the Revised Code to file a report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred if that person knows, or has reasonable cause to suspect or believe based on facts that would cause a reasonable person in a similar position to suspect or believe, as

applicable, that the child for whom the guardian ad litem is 131694
appointed is the subject of child abuse or child neglect and does 131695
not file the required report and if the child suffers any injury 131696
or harm as a result of the child abuse or child neglect that is 131697
known or reasonably suspected or believed to have occurred or 131698
suffers additional injury or harm after the failure to file the 131699
report. 131700

(C) In any proceeding concerning an alleged or adjudicated 131701
delinquent, unruly, abused, neglected, or dependent child in which 131702
the parent appears to be mentally incompetent or is under eighteen 131703
years of age, the court shall appoint a guardian ad litem to 131704
protect the interest of that parent. 131705

(D) The court shall require the guardian ad litem to 131706
faithfully discharge the guardian ad litem's duties and, upon the 131707
guardian ad litem's failure to faithfully discharge the guardian 131708
ad litem's duties, shall discharge the guardian ad litem and 131709
appoint another guardian ad litem. The court may fix the 131710
compensation for the service of the guardian ad litem, which 131711
compensation shall be paid from the treasury of the county, 131712
subject to rules adopted by the supreme court. 131713

(E) A parent who is eighteen years of age or older and not 131714
mentally incompetent shall be deemed sui juris for the purpose of 131715
any proceeding relative to a child of the parent who is alleged or 131716
adjudicated to be an abused, neglected, or dependent child. 131717

(F) In any case in which a parent of a child alleged or 131718
adjudicated to be an abused, neglected, or dependent child is 131719
under eighteen years of age, the parents of that parent shall be 131720
summoned to appear at any hearing respecting the child, who is 131721
alleged or adjudicated to be an abused, neglected, or dependent 131722
child. 131723

(G) Except as provided in division (K) of this section, in 131724

any case in which a guardian ad litem is to be appointed for an 131725
alleged or adjudicated abused, neglected, or dependent child or in 131726
any case involving an agreement for the voluntary surrender of 131727
temporary or permanent custody of a child that is made in 131728
accordance with section 5103.15 of the Revised Code, the court 131729
shall appoint the guardian ad litem in each case as soon as 131730
possible after the complaint is filed, the request for an 131731
extension of the temporary custody agreement is filed with the 131732
court, or the request for court approval of the permanent custody 131733
agreement is filed. The guardian ad litem or the guardian ad 131734
litem's replacement shall continue to serve until any of the 131735
following occur: 131736

(1) The complaint is dismissed or the request for an 131737
extension of a temporary custody agreement or for court approval 131738
of the permanent custody agreement is withdrawn or denied; 131739

(2) All dispositional orders relative to the child have 131740
terminated; 131741

(3) The legal custody of the child is granted to a relative 131742
of the child, or to another person; 131743

(4) The child is placed in an adoptive home or, at the 131744
court's discretion, a final decree of adoption is issued with 131745
respect to the child; 131746

(5) The child reaches the age of eighteen if the child does 131747
not have a developmental disability or physical impairment or the 131748
child reaches the age of twenty-one if the child has a 131749
developmental disability or physical impairment; 131750

(6) The guardian ad litem resigns or is removed by the court 131751
and a replacement is appointed by the court. 131752

If a guardian ad litem ceases to serve a child pursuant to 131753
division (G)(4) of this section and the petition for adoption with 131754
respect to the child is denied or withdrawn prior to the issuance 131755

of a final decree of adoption or prior to the date an 131756
interlocutory order of adoption becomes final, the juvenile court 131757
shall reappoint a guardian ad litem for that child. The public 131758
children services agency or private child placing agency with 131759
permanent custody of the child shall notify the juvenile court if 131760
the petition for adoption is denied or withdrawn. 131761

(H) If the guardian ad litem for an alleged or adjudicated 131762
abused, neglected, or dependent child is an attorney admitted to 131763
the practice of law in this state, the guardian ad litem also may 131764
serve as counsel to the ward. Until the supreme court adopts rules 131765
regarding service as a guardian ad litem that regulate conflicts 131766
between a person's role as guardian ad litem and as counsel, if a 131767
person is serving as guardian ad litem and counsel for a child and 131768
either that person or the court finds that a conflict may exist 131769
between the person's roles as guardian ad litem and as counsel, 131770
the court shall relieve the person of duties as guardian ad litem 131771
and appoint someone else as guardian ad litem for the child. If 131772
the court appoints a person who is not an attorney admitted to the 131773
practice of law in this state to be a guardian ad litem, the court 131774
also may appoint an attorney admitted to the practice of law in 131775
this state to serve as counsel for the guardian ad litem. 131776

(I) The guardian ad litem for an alleged or adjudicated 131777
abused, neglected, or dependent child shall perform whatever 131778
functions are necessary to protect the best interest of the child, 131779
including, but not limited to, investigation, mediation, 131780
monitoring court proceedings, and monitoring the services provided 131781
the child by the public children services agency or private child 131782
placing agency that has temporary or permanent custody of the 131783
child, and shall file any motions and other court papers that are 131784
in the best interest of the child in accordance with rules adopted 131785
by the supreme court. 131786

The guardian ad litem shall be given notice of all hearings, 131787

administrative reviews, and other proceedings in the same manner 131788
as notice is given to parties to the action. 131789

(J)(1) When the court appoints a guardian ad litem pursuant 131790
to this section, it shall appoint a qualified volunteer or court 131791
appointed special advocate whenever one is available and the 131792
appointment is appropriate. 131793

(2) Upon request, the department of ~~job~~ children and ~~family~~ 131794
~~services~~ youth shall provide for the training of volunteer 131795
guardians ad litem. 131796

(K) A guardian ad litem shall not be appointed for a child 131797
who is under six months of age in any proceeding in which a 131798
private child placing agency is seeking permanent custody of the 131799
child or seeking approval of a voluntary permanent custody 131800
surrender agreement for the sole purpose of the adoption of the 131801
child. 131802

Sec. 2151.316. (A) The department of ~~job~~ children and ~~family~~ 131803
~~services~~ youth shall adopt rules in accordance with Chapter 119. 131804
of the Revised Code to establish and enforce a foster youth bill 131805
of rights for individuals who are in the temporary or permanent 131806
custody of a public children services agency or a planned 131807
permanent living arrangement or in the Title IV-E eligible care 131808
and placement responsibility of a juvenile court or other 131809
governmental agency that provides Title IV-E reimbursable 131810
placement services and who are subject to out-of-home care or 131811
placed with a kinship caregiver as defined in section 5101.85 of 131812
the Revised Code. 131813

(B) If the rights of an individual, as established under 131814
division (A) of this section, conflict with the rights of a 131815
resource family or resource caregiver, as established in section 131816
5103.163 of the Revised Code, the rights of the individual shall 131817
preempt the rights of the resource family or resource caregiver. 131818

(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Sec. 2151.353. (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of any of the following:

(a) A public children services agency;

(b) A private child placing agency;

(c) Either parent;

(d) A relative residing within or outside the state;

(e) A probation officer for placement in a certified foster home;

(f) Any other person approved by the court.

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:

(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;

(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate. Responsibility beyond the age of majority shall terminate when the child ceases to continuously pursue such an education, completes such an education, or is excused from such an education under standards adopted by the state board of education, whichever occurs first.

(c) That the parents of the child have residual parental rights, privileges, and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support;

(d) That the person understands that the person must be present in court for the dispositional hearing in order to affirm the person's intention to become legal custodian, to affirm that the person understands the effect of the custodianship before the court, and to answer any questions that the court or any parties to the case may have.

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section 2151.414 of the Revised Code that the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent and determines in accordance with

division (D)(1) of section 2151.414 of the Revised Code that the 131880
permanent commitment is in the best interest of the child. If the 131881
court grants permanent custody under this division, the court, 131882
upon the request of any party, shall file a written opinion 131883
setting forth its findings of fact and conclusions of law in 131884
relation to the proceeding. 131885

(5) Place the child in a planned permanent living arrangement 131886
with a public children services agency or private child placing 131887
agency, if a public children services agency or private child 131888
placing agency requests the court to place the child in a planned 131889
permanent living arrangement and if the court finds, by clear and 131890
convincing evidence, that a planned permanent living arrangement 131891
is in the best interest of the child, that the child is sixteen 131892
years of age or older, and that one of the following exists: 131893

(a) The child, because of physical, mental, or psychological 131894
problems or needs, is unable to function in a family-like setting 131895
and must remain in residential or institutional care now and for 131896
the foreseeable future beyond the date of the dispositional 131897
hearing held pursuant to section 2151.35 of the Revised Code. 131898

(b) The parents of the child have significant physical, 131899
mental, or psychological problems and are unable to care for the 131900
child because of those problems, adoption is not in the best 131901
interest of the child, as determined in accordance with division 131902
(D)(1) of section 2151.414 of the Revised Code, and the child 131903
retains a significant and positive relationship with a parent or 131904
relative. 131905

(c) The child has been counseled on the permanent placement 131906
options available to the child, and is unwilling to accept or 131907
unable to adapt to a permanent placement. 131908

(6) Order the removal from the child's home until further 131909
order of the court of the person who committed abuse as described 131910

in section 2151.031 of the Revised Code against the child, who 131911
caused or allowed the child to suffer neglect as described in 131912
section 2151.03 of the Revised Code, or who is the parent, 131913
guardian, or custodian of a child who is adjudicated a dependent 131914
child and order any person not to have contact with the child or 131915
the child's siblings. 131916

(B)(1) When making a determination on whether to place a 131917
child in a planned permanent living arrangement pursuant to 131918
division (A)(5)(b) or (c) of this section, the court shall 131919
consider all relevant information that has been presented to the 131920
court, including information gathered from the child, the child's 131921
guardian ad litem, and the public children services agency or 131922
private child placing agency. 131923

(2) A child who is placed in a planned permanent living 131924
arrangement pursuant to division (A)(5)(b) or (c) of this section 131925
shall be placed in an independent living setting or in a family 131926
setting in which the caregiver has been provided by the agency 131927
that has custody of the child with a notice that addresses the 131928
following: 131929

(a) The caregiver understands that the planned permanent 131930
living arrangement is intended to be permanent in nature and that 131931
the caregiver will provide a stable placement for the child 131932
through the child's emancipation or until the court releases the 131933
child from the custody of the agency, whichever occurs first. 131934

(b) The caregiver is expected to actively participate in the 131935
youth's independent living case plan, attend agency team meetings 131936
and court hearings as appropriate, complete training, as developed 131937
and implemented under section 5103.035 of the Revised Code, 131938
related to providing the child independent living services, and 131939
assist in the child's transition into adulthood. 131940

(3) The department of ~~job children and family services~~ youth 131941

shall develop a model notice to be provided by an agency that has 131942
custody of a child to a caregiver under division (B)(2) of this 131943
section. The agency may modify the model notice to apply to the 131944
needs of the agency. 131945

(C) No order for permanent custody or temporary custody of a 131946
child or the placement of a child in a planned permanent living 131947
arrangement shall be made pursuant to this section unless the 131948
complaint alleging the abuse, neglect, or dependency contains a 131949
prayer requesting permanent custody, temporary custody, or the 131950
placement of the child in a planned permanent living arrangement 131951
as desired, the summons served on the parents of the child 131952
contains as is appropriate a full explanation that the granting of 131953
an order for permanent custody permanently divests them of their 131954
parental rights, a full explanation that an adjudication that the 131955
child is an abused, neglected, or dependent child may result in an 131956
order of temporary custody that will cause the removal of the 131957
child from their legal custody until the court terminates the 131958
order of temporary custody or permanently divests the parents of 131959
their parental rights, or a full explanation that the granting of 131960
an order for a planned permanent living arrangement will result in 131961
the removal of the child from their legal custody if any of the 131962
conditions listed in divisions (A)(5)(a) to (c) of this section 131963
are found to exist, and the summons served on the parents contains 131964
a full explanation of their right to be represented by counsel and 131965
to have counsel appointed pursuant to Chapter 120. of the Revised 131966
Code if they are indigent. 131967

If after making disposition as authorized by division (A)(2) 131968
of this section, a motion is filed that requests permanent custody 131969
of the child, the court may grant permanent custody of the child 131970
to the movant in accordance with section 2151.414 of the Revised 131971
Code. 131972

(D) If the court issues an order for protective supervision 131973

pursuant to division (A)(1) of this section, the court may place 131974
any reasonable restrictions upon the child, the child's parents, 131975
guardian, or custodian, or any other person, including, but not 131976
limited to, any of the following: 131977

(1) Order a party, within forty-eight hours after the 131978
issuance of the order, to vacate the child's home indefinitely or 131979
for a specified period of time; 131980

(2) Order a party, a parent of the child, or a physical 131981
custodian of the child to prevent any particular person from 131982
having contact with the child; 131983

(3) Issue an order restraining or otherwise controlling the 131984
conduct of any person which conduct would not be in the best 131985
interest of the child. 131986

(E) As part of its dispositional order, the court shall 131987
journalize a case plan for the child. The journalized case plan 131988
shall not be changed except as provided in section 2151.412 of the 131989
Revised Code. 131990

(F)(1) The court shall retain jurisdiction over any child for 131991
whom the court issues an order of disposition pursuant to division 131992
(A) of this section or pursuant to section 2151.414 or 2151.415 of 131993
the Revised Code until the child attains the age of eighteen years 131994
if the child does not have a developmental disability or physical 131995
impairment, the child attains the age of twenty-one years if the 131996
child has a developmental disability or physical impairment, or 131997
the child is adopted and a final decree of adoption is issued, 131998
except that the court may retain jurisdiction over the child and 131999
continue any order of disposition under division (A) of this 132000
section or under section 2151.414 or 2151.415 of the Revised Code 132001
for a specified period of time to enable the child to graduate 132002
from high school or vocational school. The court shall make an 132003
entry continuing its jurisdiction under this division in the 132004

journal. 132005

(2) Any public children services agency, any private child 132006
placing agency, the department of ~~job~~ children and ~~family services~~ 132007
youth, or any party, other than any parent whose parental rights 132008
with respect to the child have been terminated pursuant to an 132009
order issued under division (A)(4) of this section, by filing a 132010
motion with the court, may at any time request the court to modify 132011
or terminate any order of disposition issued pursuant to division 132012
(A) of this section or section 2151.414 or 2151.415 of the Revised 132013
Code. The court shall hold a hearing upon the motion as if the 132014
hearing were the original dispositional hearing and shall give all 132015
parties to the action and the guardian ad litem notice of the 132016
hearing pursuant to the Juvenile Rules. If applicable, the court 132017
shall comply with section 2151.42 of the Revised Code. 132018

(G) Any temporary custody order issued pursuant to division 132019
(A) of this section shall terminate one year after the earlier of 132020
the date on which the complaint in the case was filed or the child 132021
was first placed into shelter care, except that, upon the filing 132022
of a motion pursuant to section 2151.415 of the Revised Code, the 132023
temporary custody order shall continue and not terminate until the 132024
court issues a dispositional order under that section. In 132025
resolving the motion, the court shall not order an existing 132026
temporary custody order to continue beyond two years after the 132027
date on which the complaint was filed or the child was first 132028
placed into shelter care, whichever date is earlier, regardless of 132029
whether any extensions have been previously ordered pursuant to 132030
division (D) of section 2151.415 of the Revised Code. 132031

(H)(1) No later than one year after the earlier of the date 132032
the complaint in the case was filed or the child was first placed 132033
in shelter care, a party may ask the court to extend an order for 132034
protective supervision for six months or to terminate the order. A 132035
party requesting extension or termination of the order shall file 132036

a written request for the extension or termination with the court 132037
and give notice of the proposed extension or termination in 132038
writing before the end of the day after the day of filing it to 132039
all parties and the child's guardian ad litem. If a public 132040
children services agency or private child placing agency requests 132041
termination of the order, the agency shall file a written status 132042
report setting out the facts supporting termination of the order 132043
at the time it files the request with the court. If no party 132044
requests extension or termination of the order, the court shall 132045
notify the parties that the court will extend the order for six 132046
months or terminate it and that it may do so without a hearing 132047
unless one of the parties requests a hearing. All parties and the 132048
guardian ad litem shall have seven days from the date a notice is 132049
sent pursuant to this division to object to and request a hearing 132050
on the proposed extension or termination. 132051

(a) If it receives a timely request for a hearing, the court 132052
shall schedule a hearing to be held no later than thirty days 132053
after the request is received by the court. The court shall give 132054
notice of the date, time, and location of the hearing to all 132055
parties and the guardian ad litem. At the hearing, the court shall 132056
determine whether extension or termination of the order is in the 132057
child's best interest. If termination is in the child's best 132058
interest, the court shall terminate the order. If extension is in 132059
the child's best interest, the court shall extend the order for 132060
six months. 132061

(b) If it does not receive a timely request for a hearing, 132062
the court may extend the order for six months or terminate it 132063
without a hearing and shall journalize the order of extension or 132064
termination not later than fourteen days after receiving the 132065
request for extension or termination or after the date the court 132066
notifies the parties that it will extend or terminate the order. 132067
If the court does not extend or terminate the order, it shall 132068

schedule a hearing to be held no later than thirty days after the 132069
expiration of the applicable fourteen-day time period and give 132070
notice of the date, time, and location of the hearing to all 132071
parties and the child's guardian ad litem. At the hearing, the 132072
court shall determine whether extension or termination of the 132073
order is in the child's best interest. If termination is in the 132074
child's best interest, the court shall terminate the order. If 132075
extension is in the child's best interest, the court shall issue 132076
an order extending the order for protective supervision six 132077
months. 132078

(2) If the court grants an extension of the order for 132079
protective supervision pursuant to division (H)(1) of this 132080
section, a party may, prior to termination of the extension, file 132081
with the court a request for an additional extension of six months 132082
or for termination of the order. The court and the parties shall 132083
comply with division (H)(1) of this section with respect to 132084
extending or terminating the order. 132085

(3) If a court grants an extension pursuant to division 132086
(H)(2) of this section, the court shall terminate the order for 132087
protective supervision at the end of the extension. 132088

(I) The court shall not issue a dispositional order pursuant 132089
to division (A) of this section that removes a child from the 132090
child's home unless the court complies with section 2151.419 of 132091
the Revised Code and includes in the dispositional order the 132092
findings of fact required by that section. 132093

(J) If a motion or application for an order described in 132094
division (A)(6) of this section is made, the court shall not issue 132095
the order unless, prior to the issuance of the order, it provides 132096
to the person all of the following: 132097

(1) Notice and a copy of the motion or application; 132098

(2) The grounds for the motion or application; 132099

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the hearing.

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following:

(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located;

(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award.

The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.

Sec. 2151.3519. On receipt of a notice given pursuant to section 2151.3518 of the Revised Code that an emergency medical service organization, a law enforcement agency, or hospital has taken possession of a child and in accordance with rules of the department of ~~job~~ children and ~~family services~~ youth, a public children services agency shall do all of the following:

(A) Consider the child to be in need of public care and protective services;

(B) Accept and take emergency temporary custody of the child;

(C) Provide temporary emergency care for the child, without

agreement or commitment;	132130
(D) Make an investigation concerning the child;	132131
(E) File a motion with the juvenile court of the county in which the agency is located requesting that the court grant temporary custody of the child to the agency or to a private child placing agency;	132132 132133 132134 132135
(F) Provide any care for the child that the public children services agency considers to be in the best interest of the child, including placing the child in shelter care;	132136 132137 132138
(G) Provide any care and perform any duties that are required of public children services agencies under section 5153.16 of the Revised Code;	132139 132140 132141
(H) Prepare and keep written records of the investigation of the child, of the care and treatment afforded the child, and any other records required by the department of job <u>children</u> and family services <u>youth</u> .	132142 132143 132144 132145
Sec. 2151.3534. (A) The director of job <u>children</u> and family services <u>youth</u> shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms.	132146 132147 132148 132149 132150 132151 132152 132153 132154
(B) The director shall promulgate written materials to be made available to the parents of a child delivered pursuant to section 2151.3516 of the Revised Code. The materials shall describe services available to assist parents and newborns and shall include information directly relevant to situations that	132155 132156 132157 132158 132159

might cause parents to desert a child and information on the 132160
procedures for a person to follow in order to reunite with a child 132161
the person delivered under section 2151.3516 of the Revised Code, 132162
including notice that the person will be required to submit to a 132163
DNA test, at that person's expense, to prove that the person is 132164
the parent of the child. 132165

(C) If the department of job and family services determines 132166
that money in the putative father registry fund created under 132167
section 2101.16 of the Revised Code is more than is needed for its 132168
duties related to the putative father registry, the department may 132169
use surplus moneys in the fund for costs related to the 132170
development and publication of forms and materials promulgated 132171
pursuant to divisions (A) and (B) of this section. 132172

Sec. 2151.36. Except as provided in section 2151.361 of the 132173
Revised Code, when a child has been committed as provided by this 132174
chapter or Chapter 2152. of the Revised Code, the juvenile court 132175
shall issue an order pursuant to Chapters 3119., 3121., 3123., and 132176
3125. of the Revised Code requiring that the parent, guardian, or 132177
person charged with the child's support pay for the care, support, 132178
maintenance, and education of the child. The juvenile court shall 132179
order that the parents, guardian, or person pay for the expenses 132180
involved in providing orthopedic, medical, or surgical treatment 132181
for, or for special care of, the child, enter a judgment for the 132182
amount due, and enforce the judgment by execution as in the court 132183
of common pleas. 132184

Any expenses incurred for the care, support, maintenance, 132185
education, orthopedic, medical, or surgical treatment, and special 132186
care of a child who has a legal settlement in another county shall 132187
be at the expense of the county of legal settlement if the consent 132188
of the juvenile judge of the county of legal settlement is first 132189
obtained. When the consent is obtained, the board of county 132190

commissioners of the county in which the child has a legal 132191
settlement shall reimburse the committing court for the expenses 132192
out of its general fund. If the department of ~~job~~ children and 132193
~~family services~~ youth considers it to be in the best interest of 132194
any delinquent, dependent, unruly, abused, or neglected child who 132195
has a legal settlement in a foreign state or country that the 132196
child be returned to the state or country of legal settlement, the 132197
juvenile court may commit the child to the department for the 132198
child's return to that state or country. 132199

Any expenses ordered by the court for the care, support, 132200
maintenance, education, orthopedic, medical, or surgical 132201
treatment, or special care of a dependent, neglected, abused, 132202
unruly, or delinquent child or of a juvenile traffic offender 132203
under this chapter or Chapter 2152. of the Revised Code, except 132204
the part of the expense that may be paid by the state or federal 132205
government or paid by the parents, guardians, or person charged 132206
with the child's support pursuant to this section, shall be paid 132207
from the county treasury upon specifically itemized vouchers, 132208
certified to by the judge. The court shall not be responsible for 132209
any expenses resulting from the commitment of children to any 132210
home, public children services agency, private child placing 132211
agency, or other institution, association, or agency, unless the 132212
court authorized the expenses at the time of commitment. 132213

Sec. 2151.39. No person, association or agency, public or 132214
private, of another state, incorporated or otherwise, shall place 132215
a child in a family home or with an agency or institution within 132216
the boundaries of this state, either for temporary or permanent 132217
care or custody or for adoption, unless such person or association 132218
has furnished the department of ~~job~~ children and ~~family services~~ 132219
youth with a medical and social history of the child, pertinent 132220
information about the family, agency, association, or institution 132221
in this state with whom the sending party desires to place the 132222

child, and any other information or financial guaranty required by 132223
the department to determine whether the proposed placement will 132224
meet the needs of the child. The department may require the party 132225
desiring the placement to agree to promptly receive and remove 132226
from the state a child brought into the state whose placement has 132227
not proven satisfactorily responsive to the needs of the child at 132228
any time until the child is adopted, reaches majority, becomes 132229
self-supporting or is discharged with the concurrence of the 132230
department. All placements proposed to be made in this state by a 132231
party located in a state which is a party to the interstate 132232
compact for the placement of children shall be made according to 132233
the provisions of sections 5103.20 to 5103.22 of the Revised Code, 132234
or, if the interstate compact on the placement of children is in 132235
effect in this state, all placements proposed to be made in this 132236
state by a party located in a state that is a party to that 132237
compact shall be made according to the provisions of sections 132238
5103.23 to 5103.237 of the Revised Code. 132239

Sec. 2151.412. (A) Each public children services agency and 132240
private child placing agency shall prepare and maintain a case 132241
plan for any child to whom the agency is providing services and to 132242
whom any of the following applies: 132243

(1) The agency filed a complaint pursuant to section 2151.27 132244
of the Revised Code alleging that the child is an abused, 132245
neglected, or dependent child; 132246

(2) The agency has temporary or permanent custody of the 132247
child; 132248

(3) The child is living at home subject to an order for 132249
protective supervision; 132250

(4) The child is in a planned permanent living arrangement. 132251

Except as provided by division (A)(2) of section 5103.153 of 132252

the Revised Code, a private child placing agency providing 132253
services to a child who is the subject of a voluntary permanent 132254
custody surrender agreement entered into under division (B)(2) of 132255
section 5103.15 of the Revised Code is not required to prepare and 132256
maintain a case plan for that child. 132257

(B) Each public children services agency shall prepare and 132258
maintain a case plan for any child for whom the agency is 132259
providing in-home services pursuant to an alternative response. 132260

(C)(1) The director of ~~job~~ children and ~~family services~~ youth 132261
shall adopt rules pursuant to Chapter 119. of the Revised Code 132262
setting forth the content and format of case plans required by 132263
division (A) of this section and establishing procedures for 132264
developing, implementing, and changing the case plans. The rules 132265
shall at a minimum comply with the requirements of Title IV-E of 132266
the "Social Security Act," 42 U.S.C. 670, et seq. (1980). 132267

(2) The director of ~~job~~ children and ~~family services~~ youth 132268
shall adopt rules pursuant to Chapter 119. of the Revised Code 132269
requiring public children services agencies and private child 132270
placing agencies to maintain case plans for children and their 132271
families who are receiving services in their homes from the 132272
agencies and for whom case plans are not required by division (A) 132273
of this section. The rules for public children services agencies 132274
shall include the requirements for case plans maintained for 132275
children and their families who are receiving services in their 132276
homes from public children services agencies pursuant to an 132277
alternative response. The agencies shall maintain case plans as 132278
required by those rules; however, the case plans shall not be 132279
subject to any other provision of this section except as 132280
specifically required by the rules. 132281

(D) Each public children services agency and private child 132282
placing agency that is required by division (A) of this section to 132283
maintain a case plan shall file the case plan with the court prior 132284

to the child's adjudicatory hearing but no later than thirty days 132285
after the earlier of the date on which the complaint in the case 132286
was filed or the child was first placed into shelter care. If the 132287
agency does not have sufficient information prior to the 132288
adjudicatory hearing to complete any part of the case plan, the 132289
agency shall specify in the case plan the additional information 132290
necessary to complete each part of the case plan and the steps 132291
that will be taken to obtain that information. All parts of the 132292
case plan shall be completed by the earlier of thirty days after 132293
the adjudicatory hearing or the date of the dispositional hearing 132294
for the child. 132295

(E) Any agency that is required by division (A) of this 132296
section to prepare a case plan shall attempt to obtain an 132297
agreement among all parties, including, but not limited to, the 132298
parents, guardian, or custodian of the child and the guardian ad 132299
litem of the child regarding the content of the case plan. If all 132300
parties agree to the content of the case plan and the court 132301
approves it, the court shall journalize it as part of its 132302
dispositional order. If the agency cannot obtain an agreement upon 132303
the contents of the case plan or the court does not approve it, 132304
the parties shall present evidence on the contents of the case 132305
plan at the dispositional hearing. The court, based upon the 132306
evidence presented at the dispositional hearing and the best 132307
interest of the child, shall determine the contents of the case 132308
plan and journalize it as part of the dispositional order for the 132309
child. 132310

(F)(1) All parties, including the parents, guardian, or 132311
custodian of the child, are bound by the terms of the journalized 132312
case plan. A party that fails to comply with the terms of the 132313
journalized case plan may be held in contempt of court. 132314

(2) Any party may propose a change to a substantive part of 132315
the case plan, including, but not limited to, the child's 132316

placement and the visitation rights of any party. A party 132317
proposing a change to the case plan shall file the proposed change 132318
with the court and give notice of the proposed change in writing 132319
before the end of the day after the day of filing it to all 132320
parties and the child's guardian ad litem. All parties and the 132321
guardian ad litem shall have seven days from the date the notice 132322
is sent to object to and request a hearing on the proposed change. 132323

(a) If it receives a timely request for a hearing, the court 132324
shall schedule a hearing pursuant to section 2151.417 of the 132325
Revised Code to be held no later than thirty days after the 132326
request is received by the court. The court shall give notice of 132327
the date, time, and location of the hearing to all parties and the 132328
guardian ad litem. The agency may implement the proposed change 132329
after the hearing, if the court approves it. The agency shall not 132330
implement the proposed change unless it is approved by the court. 132331

(b) If it does not receive a timely request for a hearing, 132332
the court may approve the proposed change without a hearing. If 132333
the court approves the proposed change without a hearing, it shall 132334
journalize the case plan with the change not later than fourteen 132335
days after the change is filed with the court. If the court does 132336
not approve the proposed change to the case plan, it shall 132337
schedule a hearing to be held pursuant to section 2151.417 of the 132338
Revised Code no later than thirty days after the expiration of the 132339
fourteen-day time period and give notice of the date, time, and 132340
location of the hearing to all parties and the guardian ad litem 132341
of the child. If, despite the requirements of division (F)(2) of 132342
this section, the court neither approves and journalizes the 132343
proposed change nor conducts a hearing, the agency may implement 132344
the proposed change not earlier than fifteen days after it is 132345
submitted to the court. 132346

(3) If an agency has reasonable cause to believe that a child 132347
is suffering from illness or injury and is not receiving proper 132348

care and that an appropriate change in the child's case plan is 132349
necessary to prevent immediate or threatened physical or emotional 132350
harm, to believe that a child is in immediate danger from the 132351
child's surroundings and that an immediate change in the child's 132352
case plan is necessary to prevent immediate or threatened physical 132353
or emotional harm to the child, or to believe that a parent, 132354
guardian, custodian, or other member of the child's household has 132355
abused or neglected the child and that the child is in danger of 132356
immediate or threatened physical or emotional harm from that 132357
person unless the agency makes an appropriate change in the 132358
child's case plan, it may implement the change without prior 132359
agreement or a court hearing and, before the end of the next day 132360
after the change is made, give all parties, the guardian ad litem 132361
of the child, and the court notice of the change. Before the end 132362
of the third day after implementing the change in the case plan, 132363
the agency shall file a statement of the change with the court and 132364
give notice of the filing accompanied by a copy of the statement 132365
to all parties and the guardian ad litem. All parties and the 132366
guardian ad litem shall have ten days from the date the notice is 132367
sent to object to and request a hearing on the change. 132368

(a) If it receives a timely request for a hearing, the court 132369
shall schedule a hearing pursuant to section 2151.417 of the 132370
Revised Code to be held no later than thirty days after the 132371
request is received by the court. The court shall give notice of 132372
the date, time, and location of the hearing to all parties and the 132373
guardian ad litem. The agency shall continue to administer the 132374
case plan with the change after the hearing, if the court approves 132375
the change. If the court does not approve the change, the court 132376
shall make appropriate changes to the case plan and shall 132377
journalize the case plan. 132378

(b) If it does not receive a timely request for a hearing, 132379
the court may approve the change without a hearing. If the court 132380

approves the change without a hearing, it shall journalize the 132381
case plan with the change within fourteen days after receipt of 132382
the change. If the court does not approve the change to the case 132383
plan, it shall schedule a hearing under section 2151.417 of the 132384
Revised Code to be held no later than thirty days after the 132385
expiration of the fourteen-day time period and give notice of the 132386
date, time, and location of the hearing to all parties and the 132387
guardian ad litem of the child. 132388

(G)(1) All case plans for children in temporary custody shall 132389
have the following general goals: 132390

(a) Consistent with the best interest and special needs of 132391
the child, to achieve a safe out-of-home placement in the least 132392
restrictive, most family-like setting available and in close 132393
proximity to the home from which the child was removed or the home 132394
in which the child will be permanently placed; 132395

(b) To eliminate with all due speed the need for the 132396
out-of-home placement so that the child can safely return home. 132397

(2) The director of ~~job children~~ and ~~family services~~ youth 132398
shall adopt rules pursuant to Chapter 119. of the Revised Code 132399
setting forth the general goals of case plans for children subject 132400
to dispositional orders for protective supervision, a planned 132401
permanent living arrangement, or permanent custody. 132402

(H) In the agency's development of a case plan and the 132403
court's review of the case plan, the child's health and safety 132404
shall be the paramount concern. The agency and the court shall be 132405
guided by the following general priorities: 132406

(1) A child who is residing with or can be placed with the 132407
child's parents within a reasonable time should remain in their 132408
legal custody even if an order of protective supervision is 132409
required for a reasonable period of time; 132410

(2) If both parents of the child have abandoned the child, 132411

have relinquished custody of the child, have become incapable of supporting or caring for the child even with reasonable assistance, or have a detrimental effect on the health, safety, and best interest of the child, the child should be placed in the legal custody of a suitable member of the child's extended family;

(3) If a child described in division (H)(2) of this section has no suitable member of the child's extended family to accept legal custody, the child should be placed in the legal custody of a suitable nonrelative who shall be made a party to the proceedings after being given legal custody of the child;

(4) If the child has no suitable member of the child's extended family to accept legal custody of the child and no suitable nonrelative is available to accept legal custody of the child and, if the child temporarily cannot or should not be placed with the child's parents, guardian, or custodian, the child should be placed in the temporary custody of a public children services agency or a private child placing agency;

(5) If the child cannot be placed with either of the child's parents within a reasonable period of time or should not be placed with either, if no suitable member of the child's extended family or suitable nonrelative is available to accept legal custody of the child, and if the agency has a reasonable expectation of placing the child for adoption, the child should be committed to the permanent custody of the public children services agency or private child placing agency;

(6) If the child is to be placed for adoption or foster care, the placement shall not be delayed or denied on the basis of the child's or adoptive or foster family's race, color, or national origin.

(I) The case plan for a child in temporary custody shall include at a minimum the following requirements if the child is or

has been the victim of abuse or neglect or if the child witnessed 132443
the commission in the child's household of abuse or neglect 132444
against a sibling of the child, a parent of the child, or any 132445
other person in the child's household: 132446

(1) A requirement that the child's parents, guardian, or 132447
custodian participate in mandatory counseling; 132448

(2) A requirement that the child's parents, guardian, or 132449
custodian participate in any supportive services that are required 132450
by or provided pursuant to the child's case plan. 132451

(J) (1) Prior to January 1, 2023, a case plan for a child in 132452
temporary custody may include, as a supplement, a plan for 132453
locating a permanent family placement. The supplement shall not be 132454
considered part of the case plan for purposes of division (E) of 132455
this section. 132456

(2) On and after January 1, 2023, a case plan for a child in 132457
temporary custody shall include a permanency plan for the child 132458
unless it is documented that such a plan would not be in the best 132459
interest of the child. The permanency plan shall describe the 132460
services the agency shall provide to achieve permanency for the 132461
child if reasonable efforts to return the child to the child's 132462
home, or eliminate the continued removal from that home, are 132463
unsuccessful. Those services shall be provided concurrently with 132464
reasonable efforts to return the child home or eliminate the 132465
child's continued removal from home. 132466

(3) The director of ~~job children~~ and ~~family services youth~~, 132467
pursuant to Chapter 119. of the Revised Code, shall adopt rules 132468
necessary to carry out the purposes of division (J) of this 132469
section. 132470

(K)(1) A public children services agency may request that the 132471
superintendent of the bureau of criminal identification and 132472
investigation conduct a criminal records check with respect to a 132473

parent, guardian, custodian, prospective custodian, or prospective placement whose actions result in a finding after the filing of a complaint as described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. The public children services agency shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check.

(2) At any time on or after the date that is ninety days after September 10, 2012, a prosecuting attorney, or an assistant prosecuting attorney appointed under section 309.06 of the Revised Code, may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in a finding after the filing of a complaint described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. Each prosecuting attorney or assistant prosecuting attorney who makes such a request shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check for each parent, guardian, custodian, prospective custodian, or prospective placement who is a subject of the request.

(3) A public children services agency, prosecuting attorney, or assistant prosecuting attorney that requests a criminal records check under division (K)(1) or (2) of this section shall do both of the following:

(a) Provide to each parent, guardian, custodian, prospective custodian, or prospective placement for whom a criminal records check is requested a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard fingerprint impression sheet prescribed pursuant to division (C)(2) of that section and obtain the completed form and

impression sheet from the parent, guardian, custodian, prospective
custodian, or prospective placement;

(b) Forward the completed form and impression sheet to the
superintendent of the bureau of criminal identification and
investigation.

(4) A parent, guardian, custodian, prospective custodian, or
prospective placement who is given a form and fingerprint
impression sheet under division (K)(3)(a) of this section and who
fails to complete the form or provide fingerprint impressions may
be held in contempt of court.

Sec. 2151.413. (A) A public children services agency or
private child placing agency that, pursuant to an order of
disposition under division (A)(2) of section 2151.353 of the
Revised Code or under any version of section 2151.353 of the
Revised Code that existed prior to January 1, 1989, is granted
temporary custody of a child who is not abandoned or orphaned may
file a motion in the court that made the disposition of the child
requesting permanent custody of the child.

(B) A public children services agency or private child
placing agency that, pursuant to an order of disposition under
division (A)(2) of section 2151.353 of the Revised Code or under
any version of section 2151.353 of the Revised Code that existed
prior to January 1, 1989, is granted temporary custody of a child
who is orphaned may file a motion in the court that made the
disposition of the child requesting permanent custody of the child
whenever it can show that no relative of the child is able to take
legal custody of the child.

(C) A public children services agency or private child
placing agency that, pursuant to an order of disposition under
division (A)(5) of section 2151.353 of the Revised Code, places a
child in a planned permanent living arrangement may file a motion

in the court that made the disposition of the child requesting 132537
permanent custody of the child. 132538

(D)(1) Except as provided in division (D)(3) of this section, 132539
if a child has been in the temporary custody of one or more public 132540
children services agencies or private child placing agencies for 132541
twelve or more months of a consecutive twenty-two-month period, 132542
the agency with custody shall file a motion requesting permanent 132543
custody of the child. If the child has been in the temporary 132544
custody of one or more public children services agencies or 132545
private child placing agencies and the child was previously in the 132546
temporary custody of an equivalent agency in another state, the 132547
agency with custody of the child shall apply the time in temporary 132548
custody in the other state to the time in temporary custody in 132549
this state and, except as provided in division (D)(3) of this 132550
section, if the time spent in temporary custody equals twelve or 132551
more months of a consecutive twenty-two-month period, the agency 132552
with custody may file a motion requesting permanent custody of the 132553
child. The motion shall be filed in the court that issued the 132554
current order of temporary custody. For the purposes of this 132555
division, a child shall be considered to have entered the 132556
temporary custody of an agency on the earlier of the date the 132557
child is adjudicated pursuant to section 2151.28 of the Revised 132558
Code or the date that is sixty days after the removal of the child 132559
from home. 132560

(2) Except as provided in division (D)(3) of this section, if 132561
a court makes a determination pursuant to division (A)(2) of 132562
section 2151.419 of the Revised Code, the public children services 132563
agency or private child placing agency required to develop the 132564
permanency plan for the child under division (K) of section 132565
2151.417 of the Revised Code shall file a motion in the court that 132566
made the determination requesting permanent custody of the child. 132567

(3) An agency shall not file a motion for permanent custody 132568

under division (D)(1) or (2) of this section if any of the 132569
following apply: 132570

(a) The agency documents in the case plan or permanency plan 132571
a compelling reason that permanent custody is not in the best 132572
interest of the child. 132573

(b) If reasonable efforts to return the child to the child's 132574
home are required under section 2151.419 of the Revised Code, the 132575
agency has not provided the services required by the case plan to 132576
the parents of the child or the child to ensure the safe return of 132577
the child to the child's home. 132578

(c) The agency has been granted permanent custody of the 132579
child. 132580

(d) The child has been returned home pursuant to court order 132581
in accordance with division (A)(3) of section 2151.419 of the 132582
Revised Code. 132583

(E) Any agency that files a motion for permanent custody 132584
under this section shall include in the case plan of the child who 132585
is the subject of the motion, a specific plan of the agency's 132586
actions to seek an adoptive family for the child and to prepare 132587
the child for adoption. 132588

(F) The department of ~~job children~~ and ~~family services~~ youth 132589
may adopt rules pursuant to Chapter 119. of the Revised Code that 132590
set forth the time frames for case reviews and for filing a motion 132591
requesting permanent custody under division (D)(1) of this 132592
section. 132593

Sec. 2151.416. (A) Each agency that is required by section 132594
2151.412 of the Revised Code to prepare a case plan for a child 132595
shall complete a semiannual administrative review of the case plan 132596
no later than six months after the earlier of the date on which 132597
the complaint in the case was filed or the child was first placed 132598

in shelter care. After the first administrative review, the agency shall complete semiannual administrative reviews no later than every six months. If the court issues an order pursuant to section 2151.414 or 2151.415 of the Revised Code, the agency shall complete an administrative review no later than six months after the court's order and continue to complete administrative reviews no later than every six months after the first review, except that the court hearing held pursuant to section 2151.417 of the Revised Code may take the place of any administrative review that would otherwise be held at the time of the court hearing. When conducting a review, the child's health and safety shall be the paramount concern.

(B) Each administrative review required by division (A) of this section shall be conducted by a review panel of at least three persons, including, but not limited to, both of the following:

(1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan;

(2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child.

(C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting.

(D) The agency shall prepare a written summary of the 132631
semiannual administrative review that shall include, but not be 132632
limited to, all of the following: 132633

(1) A conclusion regarding the safety and appropriateness of 132634
the child's foster care placement; 132635

(2) The extent of the compliance with the case plan of all 132636
parties; 132637

(3) The extent of progress that has been made toward 132638
alleviating the circumstances that required the agency to assume 132639
temporary custody of the child; 132640

(4) An estimated date by which the child may be returned to 132641
and safely maintained in the child's home or placed for adoption 132642
or legal custody; 132643

(5) An updated case plan that includes any changes that the 132644
agency is proposing in the case plan; 132645

(6) The recommendation of the agency as to which agency or 132646
person should be given custodial rights over the child for the 132647
six-month period after the administrative review; 132648

(7) The names of all persons who participated in the 132649
administrative review; 132650

(8) A summary of the agency's intensive efforts to secure a 132651
placement with an appropriate and willing kinship caregiver as 132652
defined in section 5101.85 of the Revised Code, including any use 132653
of search technology to find biological family members of the 132654
child and all other efforts undertaken since the last review, 132655
unless a court has determined that intensive efforts are 132656
unnecessary pursuant to section 2151.4118 of the Revised Code. 132657

(E) The agency shall file the summary with the court no later 132658
than seven days after the completion of the administrative review. 132659
If the agency proposes a change to the case plan as a result of 132660

the administrative review, the agency shall file the proposed 132661
change with the court at the time it files the summary. The agency 132662
shall give notice of the summary and proposed change in writing 132663
before the end of the next day after filing them to all parties 132664
and the child's guardian ad litem. All parties and the guardian ad 132665
litem shall have seven days after the date the notice is sent to 132666
object to and request a hearing on the proposed change. 132667

(1) If the court receives a timely request for a hearing, the 132668
court shall schedule a hearing pursuant to section 2151.417 of the 132669
Revised Code to be held not later than thirty days after the court 132670
receives the request. The court shall give notice of the date, 132671
time, and location of the hearing to all parties and the guardian 132672
ad litem. The agency may implement the proposed change after the 132673
hearing, if the court approves it. The agency shall not implement 132674
the proposed change unless it is approved by the court. 132675

(2) If the court does not receive a timely request for a 132676
hearing, the court may approve the proposed change without a 132677
hearing. If the court approves the proposed change without a 132678
hearing, it shall journalize the case plan with the change not 132679
later than fourteen days after the change is filed with the court. 132680
If the court does not approve the proposed change to the case 132681
plan, it shall schedule a review hearing to be held pursuant to 132682
section 2151.417 of the Revised Code no later than thirty days 132683
after the expiration of the fourteen-day time period and give 132684
notice of the date, time, and location of the hearing to all 132685
parties and the guardian ad litem of the child. If, despite the 132686
requirements of this division and division (D) of section 2151.417 132687
of the Revised Code, the court neither approves and journalizes 132688
the proposed change nor conducts a hearing, the agency may 132689
implement the proposed change not earlier than fifteen days after 132690
it is submitted to the court. 132691

(F) The director of ~~job~~ children and ~~family services~~ youth 132692

may adopt rules pursuant to Chapter 119. of the Revised Code for 132693
procedures and standard forms for conducting administrative 132694
reviews pursuant to this section. 132695

(G) The juvenile court that receives the written summary of 132696
the administrative review, upon determining, either from the 132697
written summary, case plan, or otherwise, that the custody or care 132698
arrangement is not in the best interest of the child, may 132699
terminate the custody of an agency and place the child in the 132700
custody of another institution or association certified by the 132701
department of ~~job children~~ and ~~family services~~ youth under section 132702
5103.03 of the Revised Code. 132703

Sec. 2151.421. (A)(1)(a) No person described in division 132704
(A)(1)(b) of this section who is acting in an official or 132705
professional capacity and knows, or has reasonable cause to 132706
suspect based on facts that would cause a reasonable person in a 132707
similar position to suspect, that a child under eighteen years of 132708
age, or a person under twenty-one years of age with a 132709
developmental disability or physical impairment, has suffered or 132710
faces a threat of suffering any physical or mental wound, injury, 132711
disability, or condition of a nature that reasonably indicates 132712
abuse or neglect of the child shall fail to immediately report 132713
that knowledge or reasonable cause to suspect to the entity or 132714
persons specified in this division. Except as otherwise provided 132715
in this division or section 5120.173 of the Revised Code, the 132716
person making the report shall make it to the public children 132717
services agency or a peace officer in the county in which the 132718
child resides or in which the abuse or neglect is occurring or has 132719
occurred. If the person making the report is a peace officer, the 132720
officer shall make it to the public children services agency in 132721
the county in which the child resides or in which the abuse or 132722
neglect is occurring or has occurred. In the circumstances 132723
described in section 5120.173 of the Revised Code, the person 132724

making the report shall make it to the entity specified in that 132725
section. 132726

(b) Division (A)(1)(a) of this section applies to any person 132727
who is an attorney; health care professional; practitioner of a 132728
limited branch of medicine as specified in section 4731.15 of the 132729
Revised Code; licensed school psychologist; independent marriage 132730
and family therapist or marriage and family therapist; coroner; 132731
administrator or employee of a child day-care center; 132732
administrator or employee of a residential camp, child day camp, 132733
or private, nonprofit therapeutic wilderness camp; administrator 132734
or employee of a certified child care agency or other public or 132735
private children services agency; school teacher; school employee; 132736
school authority; peace officer; humane society agent; dog warden, 132737
deputy dog warden, or other person appointed to act as an animal 132738
control officer for a municipal corporation or township in 132739
accordance with state law, an ordinance, or a resolution; person, 132740
other than a cleric, rendering spiritual treatment through prayer 132741
in accordance with the tenets of a well-recognized religion; 132742
employee of a county department of job and family services who is 132743
a professional and who works with children and families; 132744
superintendent or regional administrator employed by the 132745
department of youth services; superintendent, board member, or 132746
employee of a county board of developmental disabilities; 132747
investigative agent contracted with by a county board of 132748
developmental disabilities; employee of the department of 132749
developmental disabilities; employee of a facility or home that 132750
provides respite care in accordance with section 5123.171 of the 132751
Revised Code; employee of an entity that provides homemaker 132752
services; employee of a qualified organization as defined in 132753
section 2151.90 of the Revised Code; a host family as defined in 132754
section 2151.90 of the Revised Code; foster caregiver; a person 132755
performing the duties of an assessor pursuant to Chapter 3107. or 132756

5103. of the Revised Code; third party employed by a public 132757
children services agency to assist in providing child or family 132758
related services; court appointed special advocate; or guardian ad 132759
litem. 132760

(c) If two or more health care professionals, after providing 132761
health care services to a child, determine or suspect that the 132762
child has been or is being abused or neglected, the health care 132763
professionals may designate one of the health care professionals 132764
to report the abuse or neglect. A single report made under this 132765
division shall meet the reporting requirements of division (A)(1) 132766
of this section. 132767

(2) Except as provided in division (A)(3) of this section, an 132768
attorney or a physician is not required to make a report pursuant 132769
to division (A)(1) of this section concerning any communication 132770
the attorney or physician receives from a client or patient in an 132771
attorney-client or physician-patient relationship, if, in 132772
accordance with division (A) or (B) of section 2317.02 of the 132773
Revised Code, the attorney or physician could not testify with 132774
respect to that communication in a civil or criminal proceeding. 132775

(3) The client or patient in an attorney-client or 132776
physician-patient relationship described in division (A)(2) of 132777
this section is deemed to have waived any testimonial privilege 132778
under division (A) or (B) of section 2317.02 of the Revised Code 132779
with respect to any communication the attorney or physician 132780
receives from the client or patient in that attorney-client or 132781
physician-patient relationship, and the attorney or physician 132782
shall make a report pursuant to division (A)(1) of this section 132783
with respect to that communication, if all of the following apply: 132784

(a) The client or patient, at the time of the communication, 132785
is a child under eighteen years of age or is a person under 132786
twenty-one years of age with a developmental disability or 132787
physical impairment. 132788

(b) The attorney or physician knows, or has reasonable cause 132789
to suspect based on facts that would cause a reasonable person in 132790
similar position to suspect that the client or patient has 132791
suffered or faces a threat of suffering any physical or mental 132792
wound, injury, disability, or condition of a nature that 132793
reasonably indicates abuse or neglect of the client or patient. 132794

(c) The abuse or neglect does not arise out of the client's 132795
or patient's attempt to have an abortion without the notification 132796
of her parents, guardian, or custodian in accordance with section 132797
2151.85 of the Revised Code. 132798

(4)(a) No cleric and no person, other than a volunteer, 132799
designated by any church, religious society, or faith acting as a 132800
leader, official, or delegate on behalf of the church, religious 132801
society, or faith who is acting in an official or professional 132802
capacity, who knows, or has reasonable cause to believe based on 132803
facts that would cause a reasonable person in a similar position 132804
to believe, that a child under eighteen years of age, or a person 132805
under twenty-one years of age with a developmental disability or 132806
physical impairment, has suffered or faces a threat of suffering 132807
any physical or mental wound, injury, disability, or condition of 132808
a nature that reasonably indicates abuse or neglect of the child, 132809
and who knows, or has reasonable cause to believe based on facts 132810
that would cause a reasonable person in a similar position to 132811
believe, that another cleric or another person, other than a 132812
volunteer, designated by a church, religious society, or faith 132813
acting as a leader, official, or delegate on behalf of the church, 132814
religious society, or faith caused, or poses the threat of 132815
causing, the wound, injury, disability, or condition that 132816
reasonably indicates abuse or neglect shall fail to immediately 132817
report that knowledge or reasonable cause to believe to the entity 132818
or persons specified in this division. Except as provided in 132819
section 5120.173 of the Revised Code, the person making the report 132820

shall make it to the public children services agency or a peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Except as provided in division (A)(4)(c) of this section, a cleric is not required to make a report pursuant to division (A)(4)(a) of this section concerning any communication the cleric receives from a penitent in a cleric-penitent relationship, if, in accordance with division (C) of section 2317.02 of the Revised Code, the cleric could not testify with respect to that communication in a civil or criminal proceeding.

(c) The penitent in a cleric-penitent relationship described in division (A)(4)(b) of this section is deemed to have waived any testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar circumstances to suspect, that a child under eighteen years of age, or a person under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or other condition of a nature that reasonably indicates abuse or neglect of the child may report or cause reports to be made of that knowledge or reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the public children services agency or to a peace officer. In the circumstances described in section 5120.173 of the Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this

section shall be made forthwith either by telephone or in person 132885
and shall be followed by a written report, if requested by the 132886
receiving agency or officer. The written report shall contain: 132887

(1) The names and addresses of the child and the child's 132888
parents or the person or persons having custody of the child, if 132889
known; 132890

(2) The child's age and the nature and extent of the child's 132891
injuries, abuse, or neglect that is known or reasonably suspected 132892
or believed, as applicable, to have occurred or of the threat of 132893
injury, abuse, or neglect that is known or reasonably suspected or 132894
believed, as applicable, to exist, including any evidence of 132895
previous injuries, abuse, or neglect; 132896

(3) Any other information, including, but not limited to, 132897
results and reports of any medical examinations, tests, or 132898
procedures performed under division (D) of this section, that 132899
might be helpful in establishing the cause of the injury, abuse, 132900
or neglect that is known or reasonably suspected or believed, as 132901
applicable, to have occurred or of the threat of injury, abuse, or 132902
neglect that is known or reasonably suspected or believed, as 132903
applicable, to exist. 132904

(D)(1) Any person, who is required by division (A) of this 132905
section to report child abuse or child neglect that is known or 132906
reasonably suspected or believed to have occurred, may take or 132907
cause to be taken color photographs of areas of trauma visible on 132908
a child and, if medically necessary for the purpose of diagnosing 132909
or treating injuries that are suspected to have occurred as a 132910
result of child abuse or child neglect, perform or cause to be 132911
performed radiological examinations and any other medical 132912
examinations of, and tests or procedures on, the child. 132913

(2) The results and any available reports of examinations, 132914
tests, or procedures made under division (D)(1) of this section 132915

shall be included in a report made pursuant to division (A) of 132916
this section. Any additional reports of examinations, tests, or 132917
procedures that become available shall be provided to the public 132918
children services agency, upon request. 132919

(3) If a health care professional provides health care 132920
services in a hospital, children's advocacy center, or emergency 132921
medical facility to a child about whom a report has been made 132922
under division (A) of this section, the health care professional 132923
may take any steps that are reasonably necessary for the release 132924
or discharge of the child to an appropriate environment. Before 132925
the child's release or discharge, the health care professional may 132926
obtain information, or consider information obtained, from other 132927
entities or individuals that have knowledge about the child. 132928
Nothing in division (D)(3) of this section shall be construed to 132929
alter the responsibilities of any person under sections 2151.27 132930
and 2151.31 of the Revised Code. 132931

(4) A health care professional may conduct medical 132932
examinations, tests, or procedures on the siblings of a child 132933
about whom a report has been made under division (A) of this 132934
section and on other children who reside in the same home as the 132935
child, if the professional determines that the examinations, 132936
tests, or procedures are medically necessary to diagnose or treat 132937
the siblings or other children in order to determine whether 132938
reports under division (A) of this section are warranted with 132939
respect to such siblings or other children. The results of the 132940
examinations, tests, or procedures on the siblings and other 132941
children may be included in a report made pursuant to division (A) 132942
of this section. 132943

(5) Medical examinations, tests, or procedures conducted 132944
under divisions (D)(1) and (4) of this section and decisions 132945
regarding the release or discharge of a child under division 132946
(D)(3) of this section do not constitute a law enforcement 132947

investigation or activity. 132948

(E)(1) When a peace officer receives a report made pursuant 132949
to division (A) or (B) of this section, upon receipt of the 132950
report, the peace officer who receives the report shall refer the 132951
report to the appropriate public children services agency, in 132952
accordance with requirements specified under division (B)(6) of 132953
section 2151.4221 of the Revised Code, unless an arrest is made at 132954
the time of the report that results in the appropriate public 132955
children services agency being contacted concerning the possible 132956
abuse or neglect of a child or the possible threat of abuse or 132957
neglect of a child. 132958

(2) When a public children services agency receives a report 132959
pursuant to this division or division (A) or (B) of this section, 132960
upon receipt of the report, the public children services agency 132961
shall do all of the following: 132962

(a) Comply with section 2151.422 of the Revised Code; 132963

(b) If the county served by the agency is also served by a 132964
children's advocacy center and the report alleges sexual abuse of 132965
a child or another type of abuse of a child that is specified in 132966
the memorandum of understanding that creates the center as being 132967
within the center's jurisdiction, comply regarding the report with 132968
the protocol and procedures for referrals and investigations, with 132969
the coordinating activities, and with the authority or 132970
responsibility for performing or providing functions, activities, 132971
and services stipulated in the interagency agreement entered into 132972
under section 2151.428 of the Revised Code relative to that 132973
center; 132974

(c) Unless an arrest is made at the time of the report that 132975
results in the appropriate law enforcement agency being contacted 132976
concerning the possible abuse or neglect of a child or the 132977
possible threat of abuse or neglect of a child, and in accordance 132978

with requirements specified under division (B)(6) of section 132979
2151.4221 of the Revised Code, notify the appropriate law 132980
enforcement agency of the report, if the public children services 132981
agency received either of the following: 132982

(i) A report of abuse of a child; 132983

(ii) A report of neglect of a child that alleges a type of 132984
neglect identified by the department of ~~job children~~ and ~~family~~ 132985
~~services~~ youth in rules adopted under division (L)(2) of this 132986
section. 132987

(F) No peace officer shall remove a child about whom a report 132988
is made pursuant to this section from the child's parents, 132989
stepparents, or guardian or any other persons having custody of 132990
the child without consultation with the public children services 132991
agency, unless, in the judgment of the officer, and, if the report 132992
was made by physician, the physician, immediate removal is 132993
considered essential to protect the child from further abuse or 132994
neglect. The agency that must be consulted shall be the agency 132995
conducting the investigation of the report as determined pursuant 132996
to section 2151.422 of the Revised Code. 132997

(G)(1) Except as provided in section 2151.422 of the Revised 132998
Code or in an interagency agreement entered into under section 132999
2151.428 of the Revised Code that applies to the particular 133000
report, the public children services agency shall investigate, 133001
within twenty-four hours, each report of child abuse or child 133002
neglect that is known or reasonably suspected or believed to have 133003
occurred and of a threat of child abuse or child neglect that is 133004
known or reasonably suspected or believed to exist that is 133005
referred to it under this section to determine the circumstances 133006
surrounding the injuries, abuse, or neglect or the threat of 133007
injury, abuse, or neglect, the cause of the injuries, abuse, 133008
neglect, or threat, and the person or persons responsible. The 133009
investigation shall be made in cooperation with the law 133010

enforcement agency and in accordance with the memorandum of 133011
understanding prepared under sections 2151.4220 to 2151.4234 of 133012
the Revised Code. A representative of the public children services 133013
agency shall, at the time of initial contact with the person 133014
subject to the investigation, inform the person of the specific 133015
complaints or allegations made against the person. The information 133016
shall be given in a manner that is consistent with division (I)(1) 133017
of this section and protects the rights of the person making the 133018
report under this section. 133019

A failure to make the investigation in accordance with the 133020
memorandum is not grounds for, and shall not result in, the 133021
dismissal of any charges or complaint arising from the report or 133022
the suppression of any evidence obtained as a result of the report 133023
and does not give, and shall not be construed as giving, any 133024
rights or any grounds for appeal or post-conviction relief to any 133025
person. The public children services agency shall report each case 133026
to the uniform statewide automated child welfare information 133027
system that the department of ~~job~~ children and ~~family services~~ 133028
youth shall maintain in accordance with section 5101.13 of the 133029
Revised Code. The public children services agency shall submit a 133030
report of its investigation, in writing, to the law enforcement 133031
agency. 133032

(2) The public children services agency shall make any 133033
recommendations to the county prosecuting attorney or city 133034
director of law that it considers necessary to protect any 133035
children that are brought to its attention. 133036

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 133037
(I)(3) of this section, any person, health care professional, 133038
hospital, institution, school, health department, or agency shall 133039
be immune from any civil or criminal liability for injury, death, 133040
or loss to person or property that otherwise might be incurred or 133041
imposed as a result of any of the following: 133042

(i) Participating in the making of reports pursuant to 133043
division (A) of this section or in the making of reports in good 133044
faith, pursuant to division (B) of this section; 133045

(ii) Participating in medical examinations, tests, or 133046
procedures under division (D) of this section; 133047

(iii) Providing information used in a report made pursuant to 133048
division (A) of this section or providing information in good 133049
faith used in a report made pursuant to division (B) of this 133050
section; 133051

(iv) Participating in a judicial proceeding resulting from a 133052
report made pursuant to division (A) of this section or 133053
participating in good faith in a proceeding resulting from a 133054
report made pursuant to division (B) of this section. 133055

(b) Immunity under division (H)(1)(a)(ii) of this section 133056
shall not apply when a health care provider has deviated from the 133057
standard of care applicable to the provider's profession. 133058

(c) Notwithstanding section 4731.22 of the Revised Code, the 133059
physician-patient privilege shall not be a ground for excluding 133060
evidence regarding a child's injuries, abuse, or neglect, or the 133061
cause of the injuries, abuse, or neglect in any judicial 133062
proceeding resulting from a report submitted pursuant to this 133063
section. 133064

(2) In any civil or criminal action or proceeding in which it 133065
is alleged and proved that participation in the making of a report 133066
under this section was not in good faith or participation in a 133067
judicial proceeding resulting from a report made under this 133068
section was not in good faith, the court shall award the 133069
prevailing party reasonable attorney's fees and costs and, if a 133070
civil action or proceeding is voluntarily dismissed, may award 133071
reasonable attorney's fees and costs to the party against whom the 133072
civil action or proceeding is brought. 133073

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject to discovery in accordance with the Rules of Criminal Procedure.

(2)(a) Except as provided in division (I)(2)(b) of this section, no person shall permit or encourage the unauthorized dissemination of the contents of any report made under this section.

(b) A health care professional that obtains the same information contained in a report made under this section from a source other than the report may disseminate the information, if its dissemination is otherwise permitted by law.

(3) A person who knowingly makes or causes another person to make a false report under division (B) of this section that alleges that any person has committed an act or omission that resulted in a child being an abused child or a neglected child is guilty of a violation of section 2921.14 of the Revised Code.

(4) If a report is made pursuant to division (A) or (B) of

this section and the child who is the subject of the report dies 133106
for any reason at any time after the report is made, but before 133107
the child attains eighteen years of age, the public children 133108
services agency or peace officer to which the report was made or 133109
referred, on the request of the child fatality review board, the 133110
suicide fatality review committee, or the director of health 133111
pursuant to guidelines established under section 3701.70 of the 133112
Revised Code, shall submit a summary sheet of information 133113
providing a summary of the report to the review board or review 133114
committee of the county in which the deceased child resided at the 133115
time of death or to the director. On the request of the review 133116
board, review committee, or director, the agency or peace officer 133117
may, at its discretion, make the report available to the review 133118
board, review committee, or director. If the county served by the 133119
public children services agency is also served by a children's 133120
advocacy center and the report of alleged sexual abuse of a child 133121
or another type of abuse of a child is specified in the memorandum 133122
of understanding that creates the center as being within the 133123
center's jurisdiction, the agency or center shall perform the 133124
duties and functions specified in this division in accordance with 133125
the interagency agreement entered into under section 2151.428 of 133126
the Revised Code relative to that advocacy center. 133127

(5) A public children services agency shall advise a person 133128
alleged to have inflicted abuse or neglect on a child who is the 133129
subject of a report made pursuant to this section, including a 133130
report alleging sexual abuse of a child or another type of abuse 133131
of a child referred to a children's advocacy center pursuant to an 133132
interagency agreement entered into under section 2151.428 of the 133133
Revised Code, in writing of the disposition of the investigation. 133134
The agency shall not provide to the person any information that 133135
identifies the person who made the report, statements of 133136
witnesses, or police or other investigative reports. 133137

(J) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further neglect or abuse, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(K)(1) Except as provided in division (K)(4) or (5) of this section, a person who is required to make a report under division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in 133169
division (K)(1) of this section only if, at the time the report is 133170
made, the person's name, address, and telephone number are 133171
provided to the person who receives the report. 133172

(b) When a peace officer or employee of a public children 133173
services agency receives a report pursuant to division (A) or (B) 133174
of this section the recipient of the report shall inform the 133175
person of the right to request the information described in 133176
division (K)(1) of this section. The recipient of the report shall 133177
include in the initial child abuse or child neglect report that 133178
the person making the report was so informed and, if provided at 133179
the time of the making of the report, shall include the person's 133180
name, address, and telephone number in the report. 133181

(c) If the person making the report provides the person's 133182
name and contact information on making the report, the public 133183
children services agency that received or was referred the report 133184
shall send a written notice via United States mail or electronic 133185
mail, in accordance with the person's preference, to the person 133186
not later than seven calendar days after receipt of the report. 133187
The notice shall provide the status of the agency's investigation 133188
into the report made, who the person may contact at the agency for 133189
further information, and a description of the person's rights 133190
under division (K)(1) of this section. 133191

(d) Each request is subject to verification of the identity 133192
of the person making the report. If that person's identity is 133193
verified, the agency shall provide the person with the information 133194
described in division (K)(1) of this section a reasonable number 133195
of times, except that the agency shall not disclose any 133196
confidential information regarding the child who is the subject of 133197
the report other than the information described in those 133198
divisions. 133199

(3) A request made pursuant to division (K)(1) of this 133200

section is not a substitute for any report required to be made 133201
pursuant to division (A) of this section. 133202

(4) If an agency other than the agency that received or was 133203
referred the report is conducting the investigation of the report 133204
pursuant to section 2151.422 of the Revised Code, the agency 133205
conducting the investigation shall comply with the requirements of 133206
division (K) of this section. 133207

(5) A health care professional who made a report under 133208
division (A) of this section, or on whose behalf such a report was 133209
made as provided in division (A)(1)(c) of this section, may 133210
authorize a person to obtain the information described in division 133211
(K)(1) of this section if the person requesting the information is 133212
associated with or acting on behalf of the health care 133213
professional who provided health care services to the child about 133214
whom the report was made. 133215

(6) If the person making the report provides the person's 133216
name and contact information on making the report, the public 133217
children services agency that received or was referred the report 133218
shall send a written notice via United States mail or electronic 133219
mail, in accordance with the person's preference, to the person 133220
not later than seven calendar days after the agency closes the 133221
investigation into the case reported by the person. The notice 133222
shall notify the person that the agency has closed the 133223
investigation. 133224

(L)(1) The director of ~~job~~ children and ~~family services~~ youth 133225
shall adopt rules in accordance with Chapter 119. of the Revised 133226
Code to implement this section. The department of ~~job~~ children and 133227
~~family services~~ youth may enter into a plan of cooperation with 133228
any other governmental entity to aid in ensuring that children are 133229
protected from abuse and neglect. The department shall make 133230
recommendations to the attorney general that the department 133231
determines are necessary to protect children from child abuse and 133232

child neglect. 133233

(2) ~~Not later than ninety days after the effective date of~~ 133234
~~this amendment, the~~ The director of ~~job~~ children and ~~family~~ 133235
~~services~~ youth shall adopt rules in accordance with Chapter 119. 133236
of the Revised Code to identify the types of neglect of a child 133237
that a public children services agency shall be required to notify 133238
law enforcement of pursuant to division (E)(2)(c)(ii) of this 133239
section. 133240

(M) Whoever violates division (A) of this section is liable 133241
for compensatory and exemplary damages to the child who would have 133242
been the subject of the report that was not made. A person who 133243
brings a civil action or proceeding pursuant to this division 133244
against a person who is alleged to have violated division (A)(1) 133245
of this section may use in the action or proceeding reports of 133246
other incidents of known or suspected abuse or neglect, provided 133247
that any information in a report that would identify the child who 133248
is the subject of the report or the maker of the report, if the 133249
maker is not the defendant or an agent or employee of the 133250
defendant, has been redacted. 133251

(N)(1) As used in this division: 133252

(a) "Out-of-home care" includes a nonchartered nonpublic 133253
school if the alleged child abuse or child neglect, or alleged 133254
threat of child abuse or child neglect, described in a report 133255
received by a public children services agency allegedly occurred 133256
in or involved the nonchartered nonpublic school and the alleged 133257
perpetrator named in the report holds a certificate, permit, or 133258
license issued by the state board of education under section 133259
3301.071 or Chapter 3319. of the Revised Code. 133260

(b) "Administrator, director, or other chief administrative 133261
officer" means the superintendent of the school district if the 133262
out-of-home care entity subject to a report made pursuant to this 133263

section is a school operated by the district. 133264

(2) No later than the end of the day following the day on 133265
which a public children services agency receives a report of 133266
alleged child abuse or child neglect, or a report of an alleged 133267
threat of child abuse or child neglect, that allegedly occurred in 133268
or involved an out-of-home care entity, the agency shall provide 133269
written notice of the allegations contained in and the person 133270
named as the alleged perpetrator in the report to the 133271
administrator, director, or other chief administrative officer of 133272
the out-of-home care entity that is the subject of the report 133273
unless the administrator, director, or other chief administrative 133274
officer is named as an alleged perpetrator in the report. If the 133275
administrator, director, or other chief administrative officer of 133276
an out-of-home care entity is named as an alleged perpetrator in a 133277
report of alleged child abuse or child neglect, or a report of an 133278
alleged threat of child abuse or child neglect, that allegedly 133279
occurred in or involved the out-of-home care entity, the agency 133280
shall provide the written notice to the owner or governing board 133281
of the out-of-home care entity that is the subject of the report. 133282
The agency shall not provide witness statements or police or other 133283
investigative reports. 133284

(3) No later than three days after the day on which a public 133285
children services agency that conducted the investigation as 133286
determined pursuant to section 2151.422 of the Revised Code makes 133287
a disposition of an investigation involving a report of alleged 133288
child abuse or child neglect, or a report of an alleged threat of 133289
child abuse or child neglect, that allegedly occurred in or 133290
involved an out-of-home care entity, the agency shall send written 133291
notice of the disposition of the investigation to the 133292
administrator, director, or other chief administrative officer and 133293
the owner or governing board of the out-of-home care entity. The 133294
agency shall not provide witness statements or police or other 133295

investigative reports. 133296

(0) As used in this section: 133297

(1) "Children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code. 133298
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133300

(2) "Health care professional" means an individual who provides health-related services including a physician, hospital intern or resident, dentist, podiatrist, registered nurse, licensed practical nurse, visiting nurse, licensed psychologist, speech pathologist, audiologist, person engaged in social work or the practice of professional counseling, and employee of a home health agency. "Health care professional" does not include a practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code, licensed school psychologist, independent marriage and family therapist or marriage and family therapist, or coroner. 133301
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(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response. 133312
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(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. 133315
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Sec. 2151.429. (A) The differential response approach, as defined in section 2151.011 of the Revised Code, pursued by a public children services agency shall include two response pathways, the traditional response pathway and the alternative response pathway. The director of ~~job children and family services~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the procedures and criteria for public children 133319
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services agencies to assign and reassign response pathways. 133326

(B) The agency shall use the traditional response for the 133327
following types of accepted reports: 133328

(1) Physical abuse resulting in serious injury or that 133329
creates a serious and immediate risk to a child's health and 133330
safety. 133331

(2) Sexual abuse. 133332

(3) Child fatality. 133333

(4) Reports requiring a specialized assessment as identified 133334
by rule adopted by the department. 133335

(5) Reports requiring a third party investigative procedure 133336
as identified by rule adopted by the department. 133337

(C) For all other child abuse and neglect reports, an 133338
alternative response shall be the preferred response, whenever 133339
appropriate and in accordance with rules adopted by the 133340
department. 133341

Sec. 2151.4228. (A) The department of ~~job~~ children and ~~family~~ 133342
~~services~~ youth shall create a model memorandum of understanding to 133343
provide guidance to public children services agencies and other 133344
concerned officials in creating a memorandum of understanding in 133345
compliance with sections 2151.4220 to 2151.4226 of the Revised 133346
Code. 133347

(B) The model memorandum of understanding shall be updated as 133348
the department determines is necessary. 133349

Sec. 2151.4229. The department of ~~job~~ children and ~~family~~ 133350
~~services~~ youth shall biennially audit the memorandum of 133351
understanding prepared by each public children services agency to 133352
ensure compliance in accordance with sections 2151.4220 to 133353

2151.4226 of the Revised Code. 133354

Sec. 2151.4230. The department of ~~job~~ children and ~~family~~ services youth shall determine that a public children services 133355
agency is compliant regarding the memorandum of understanding if 133356
the department finds all of the following: 133357
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(A) The memorandum meets the requirements under sections 133359
2151.4220 to 2151.4226 of the Revised Code. 133360

(B) The memorandum has been either reviewed and signed or 133361
reviewed, updated, and signed, as applicable, pursuant to division 133362
2151.4222 of the Revised Code and the department is in agreement 133363
with the concerned officials' review and, if applicable, update. 133364

(C) The memorandum has been approved by resolution by the 133365
board of county commissioners pursuant to section 2151.4225 of the 133366
Revised Code. 133367

Sec. 2151.4231. (A) If the department of ~~job~~ children and 133368
~~family services~~ youth determines that a public children services 133369
agency is not compliant under section 2151.4230 of the Revised 133370
Code, the agency shall develop and submit a compliance assurance 133371
plan to the department. 133372

(B) The compliance assurance plan shall describe the steps 133373
the agency and other concerned officials will take in order to 133374
become compliant. 133375

(C) The agency shall submit the compliance assurance plan not 133376
later than sixty days after the department determines the agency 133377
not compliant. 133378

Sec. 2151.4232. A county's reviewed and signed, or reviewed, 133379
updated, and signed, memorandum of understanding, as applicable, 133380
shall go into effect and supersede any previous memorandum upon 133381

the department of ~~job~~ children and ~~family services~~ youth 133382
determination that the memorandum is compliant under section 133383
2151.4230 of the Revised Code. 133384

Sec. 2151.4233. The department of ~~job~~ children and ~~family~~ 133385
~~services~~ youth shall maintain on the department's web site a 133386
current list of counties with memorandums of understanding that 133387
the department has determined to be compliant under section 133388
2151.4230 of the Revised Code and a list of counties with 133389
memorandums that the department has determined not to be 133390
compliant. 133391

Sec. 2151.452. A juvenile court shall do both of the 133392
following regarding an emancipated young adult described under 133393
division (A)(1) of section 5101.1411 of the Revised Code: 133394

(A) Not later than one hundred eighty days after the 133395
voluntary participation agreement becomes effective, make a 133396
determination as to whether the emancipated young adult's best 133397
interest is served by continuing the care and placement with the 133398
department of ~~job~~ children and ~~family services~~ youth or its 133399
representative. 133400

(B) Not later than twelve months after the effective date of 133401
the voluntary participation agreement, and at least once every 133402
twelve months thereafter, make a determination that the department 133403
or its representative has made reasonable efforts to finalize a 133404
permanency plan to prepare the emancipated young adult for 133405
independence. 133406

Sec. 2151.454. For purposes of a determination under section 133407
2151.452 of the Revised Code, the department of ~~job~~ children and 133408
~~family services~~ youth or its representative may file any documents 133409
and appear before the court in relation to such filings. Nothing 133410
in this section shall prohibit an emancipated young adult from 133411

obtaining legal representation pursuant to section 2151.455 of the Revised Code.

Sec. 2151.84. The department of ~~job~~ children and ~~family~~ services youth shall establish model agreements that may be used by public children services agencies and private child placing agencies required to provide services under an agreement with a young adult pursuant to section 2151.83 of the Revised Code. The model agreements shall include provisions describing the specific independent living services to be provided, the duration of the services and the agreement, the duties and responsibilities of each party under the agreement, and grievance procedures regarding disputes that arise regarding the agreement or services provided under it.

Sec. 2151.86. (A)(1) The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's care in out-of-home care shall request the superintendent of BCII to conduct a criminal records check with respect to any person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care. The request shall be made at the time of initial application for appointment or employment and every four years thereafter. If the out-of-home care entity is a public school, educational service center, or chartered nonpublic school, then section 3319.39 of the Revised Code shall apply instead. If the out-of-home care entity is a child day-care center, type A family day-care home, type B family day-care home, certified in-home aide, or child day camp, then section 5104.013 of the Revised Code shall apply instead.

(2) At the times specified in this division, the administrative director of an agency, or attorney, who arranges an adoption for a prospective adoptive parent shall request the

superintendent of BCII to conduct a criminal records check with 133443
respect to that prospective adoptive parent and a criminal records 133444
check with respect to all persons eighteen years of age or older 133445
who reside with the prospective adoptive parent. The 133446
administrative director or attorney shall request a criminal 133447
records check pursuant to this division at the time of the initial 133448
home study, every four years after the initial home study at the 133449
time of an update, and at the time that an adoptive home study is 133450
completed as a new home study. 133451

(3) Before a recommending agency submits a recommendation to 133452
the department of ~~job children~~ and ~~family services~~ youth on 133453
whether the department should issue a certificate to a foster home 133454
under section 5103.03 of the Revised Code, and every four years 133455
thereafter prior to a recertification under that section, the 133456
administrative director of the agency shall request that the 133457
superintendent of BCII conduct a criminal records check with 133458
respect to the prospective foster caregiver and a criminal records 133459
check with respect to all other persons eighteen years of age or 133460
older who reside with the foster caregiver. 133461

(B)(1) When the appointing or hiring officer requests, at the 133462
time of initial application for appointment or employment, a 133463
criminal records check for a person subject to division (A)(1) of 133464
this section, the officer shall request that the superintendent of 133465
BCII obtain information from the federal bureau of investigation 133466
as part of the criminal records check, including fingerprint-based 133467
checks of national crime information databases as described in 42 133468
U.S.C. 671, for the person subject to the criminal records check. 133469
In all other cases in which the appointing or hiring officer 133470
requests a criminal records check for a person pursuant to 133471
division (A)(1) of this section, the officer may request that the 133472
superintendent of BCII obtain information from the federal bureau 133473
of investigation as part of the criminal records check, including 133474

fingerprint-based checks of national crime information databases 133475
as described in 42 U.S.C. 671, for the person subject to the 133476
criminal records check. 133477

When the administrative director of an agency, or attorney, 133478
who arranges an adoption for a prospective parent requests, at the 133479
time of the initial home study, a criminal records check for a 133480
person pursuant to division (A)(2) of this section, the 133481
administrative director or attorney shall request that the 133482
superintendent of BCII obtain information from the federal bureau 133483
of investigation as part of the criminal records check, including 133484
fingerprint-based checks of national crime information databases 133485
as described in 42 U.S.C. 671, for the person subject to the 133486
criminal records check. In all other cases in which the 133487
administrative director of an agency, or attorney, who arranges an 133488
adoption for a prospective parent requests a criminal records 133489
check for a person pursuant to division (A)(2) of this section, 133490
the administrative director or attorney may request that the 133491
superintendent of BCII include information from the federal bureau 133492
of investigation in the criminal records check, including 133493
fingerprint-based checks of national crime information databases 133494
as described in 42 U.S.C. 671. 133495

When the administrative director of a recommending agency 133496
requests, before submitting a recommendation to the department of 133497
~~job~~ children and ~~family services~~ youth on whether the department 133498
should issue a certificate to a foster home under section 5103.03 133499
of the Revised Code, a criminal records check for a person 133500
pursuant to division (A)(3) of this section, the administrative 133501
director shall request that the superintendent of BCII obtain 133502
information from the federal bureau of investigation as part of a 133503
criminal records check, including fingerprint-based checks of 133504
national crime information databases as described in 42 U.S.C. 133505
671, for the person subject to the criminal records check. In all 133506

other cases in which the administrative director of a recommending 133507
agency requests a criminal records check for a person pursuant to 133508
division (A)(3) of this section, the administrative director may 133509
request that the superintendent of BCII include information from 133510
the federal bureau of investigation in the criminal records check, 133511
including fingerprint-based checks of national crime information 133512
databases as described in 42 U.S.C. 671. 133513

Prior to a hearing on a final decree of adoption or 133514
interlocutory order of adoption by a probate court, the 133515
administrative director of an agency, or an attorney, who arranges 133516
an adoption for a prospective parent shall provide to the clerk of 133517
the probate court either of the following: 133518

(a) Any information received pursuant to a request made under 133519
this division from the superintendent of BCII or the federal 133520
bureau of investigation as part of the criminal records check, 133521
including fingerprint-based checks of national crime information 133522
databases as described in 42 U.S.C. 671, for the person subject to 133523
the criminal records check; 133524

(b) Written notification that the person subject to a 133525
criminal records check pursuant to this division failed upon 133526
request to provide the information necessary to complete the form 133527
or failed to provide impressions of the person's fingerprints as 133528
required under division (B)(2) of this section. 133529

(2) An appointing or hiring officer, administrative director, 133530
or attorney required by division (A) of this section to request a 133531
criminal records check shall provide to each person subject to a 133532
criminal records check a copy of the form prescribed pursuant to 133533
division (C)(1) of section 109.572 of the Revised Code and a 133534
standard impression sheet to obtain fingerprint impressions 133535
prescribed pursuant to division (C)(2) of section 109.572 of the 133536
Revised Code, obtain the completed form and impression sheet from 133537
the person, and forward the completed form and impression sheet to 133538

the superintendent of BCII at the time the criminal records check 133539
is requested. 133540

Any person subject to a criminal records check who receives 133541
pursuant to this division a copy of the form prescribed pursuant 133542
to division (C)(1) of section 109.572 of the Revised Code and a 133543
copy of an impression sheet prescribed pursuant to division (C)(2) 133544
of that section and who is requested to complete the form and 133545
provide a set of fingerprint impressions shall complete the form 133546
or provide all the information necessary to complete the form and 133547
shall provide the impression sheet with the impressions of the 133548
person's fingerprints. If a person subject to a criminal records 133549
check, upon request, fails to provide the information necessary to 133550
complete the form or fails to provide impressions of the person's 133551
fingerprints, the appointing or hiring officer shall not appoint 133552
or employ the person as a person responsible for a child's care in 133553
out-of-home care, a probate court may not issue a final decree of 133554
adoption or an interlocutory order of adoption making the person 133555
an adoptive parent, and the department of ~~job~~ children and ~~family~~ 133556
~~services~~ youth shall not issue a certificate authorizing the 133557
prospective foster caregiver to operate a foster home. 133558

(C)(1) No appointing or hiring officer shall appoint or 133559
employ a person as a person responsible for a child's care in 133560
out-of-home care, the department of ~~job~~ children and ~~family~~ 133561
~~services~~ youth shall not issue a certificate under section 5103.03 133562
of the Revised Code authorizing a prospective foster caregiver to 133563
operate a foster home, and no probate court shall issue a final 133564
decree of adoption or an interlocutory order of adoption making a 133565
person an adoptive parent if the person or, in the case of a 133566
prospective foster caregiver or prospective adoptive parent, any 133567
person eighteen years of age or older who resides with the 133568
prospective foster caregiver or prospective adoptive parent 133569
previously has been convicted of or pleaded guilty to any of the 133570

violations described in division (A)(4) of section 109.572 of the Revised Code, unless the person meets rehabilitation standards established in rules adopted under division (F) of this section.

(2) Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this section shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years prior to the date of the application, the department of ~~job children~~ and ~~family services~~ youth shall not issue a foster home certificate to the prospective foster caregiver.

(D) The appointing or hiring officer, administrative director, or attorney shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to the criminal records check a fee for the costs the officer, director, or attorney incurs in obtaining the criminal records check. A fee charged under this division shall not exceed the amount of fees the officer, director, or attorney pays for the criminal records check. If a fee is charged under this division,

the officer, director, or attorney shall notify the person who is 133603
the applicant at the time of the person's initial application for 133604
appointment or employment, an adoption to be arranged, or a 133605
certificate to operate a foster home of the amount of the fee and 133606
that, unless the fee is paid, the person who is the applicant will 133607
not be considered for appointment or employment or as an adoptive 133608
parent or foster caregiver. 133609

(E) The report of any criminal records check conducted by the 133610
bureau of criminal identification and investigation in accordance 133611
with section 109.572 of the Revised Code and pursuant to a request 133612
made under division (A) of this section is not a public record for 133613
the purposes of section 149.43 of the Revised Code and shall not 133614
be made available to any person other than the following: 133615

(1) The person who is the subject of the criminal records 133616
check or the person's representative; 133617

(2) The appointing or hiring officer, administrative 133618
director, or attorney requesting the criminal records check or the 133619
officer's, director's, or attorney's representative; 133620

(3) The department of ~~job children and family services youth~~, 133621
a county department of job and family services, or a public 133622
children services agency; 133623

(4) Any court, hearing officer, or other necessary individual 133624
involved in a case dealing with the denial of employment, a final 133625
decree of adoption or interlocutory order of adoption, or a foster 133626
home certificate. 133627

(F) The director of ~~job children and family services youth~~ 133628
shall adopt rules in accordance with Chapter 119. of the Revised 133629
Code to implement this section. The rules shall include 133630
rehabilitation standards a person who has been convicted of or 133631
pleaded guilty to an offense listed in division (A)(4) of section 133632
109.572 of the Revised Code must meet for an appointing or hiring 133633

officer to appoint or employ the person as a person responsible 133634
for a child's care in out-of-home care, a probate court to issue a 133635
final decree of adoption or interlocutory order of adoption making 133636
the person an adoptive parent, or the department to issue a 133637
certificate authorizing the prospective foster caregiver to 133638
operate a foster home or not revoke a foster home certificate for 133639
a violation specified in section 5103.0328 of the Revised Code. 133640

(G) An appointing or hiring officer, administrative director, 133641
or attorney required by division (A) of this section to request a 133642
criminal records check shall inform each person who is the 133643
applicant, at the time of the person's initial application for 133644
appointment or employment, an adoption to be arranged, or a foster 133645
home certificate, that the person subject to the criminal records 133646
check is required to provide a set of impressions of the person's 133647
fingerprints and that a criminal records check is required to be 133648
conducted and satisfactorily completed in accordance with section 133649
109.572 of the Revised Code. 133650

(H) As used in this section: 133651

(1) "Children's hospital" means any of the following: 133652

(a) A hospital registered under section 3701.07 of the 133653
Revised Code that provides general pediatric medical and surgical 133654
care, and in which at least seventy-five per cent of annual 133655
inpatient discharges for the preceding two calendar years were 133656
individuals less than eighteen years of age; 133657

(b) A distinct portion of a hospital registered under section 133658
3701.07 of the Revised Code that provides general pediatric 133659
medical and surgical care, has a total of at least one hundred 133660
fifty registered pediatric special care and pediatric acute care 133661
beds, and in which at least seventy-five per cent of annual 133662
inpatient discharges for the preceding two calendar years were 133663
individuals less than eighteen years of age; 133664

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(4) "Person subject to a criminal records check" means the following:

(a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;

(b) A prospective or current adoptive parent;

(c) A prospective or current foster caregiver;

(d) A person eighteen years old or older who resides with a prospective or current foster caregiver or a prospective or current adoptive parent.

(5) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of ~~job~~ children and ~~family services~~ youth has delegated a duty to inspect and approve foster homes.

(6) "Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.

Sec. 2151.90. (A) As used in sections 2151.90 to 2151.9011 of

the Revised Code: 133694

(1) "Host family" means any individual who provides care in 133695
the individual's private residence for a child or single-family 133696
group, at the request of the child's custodial parent, guardian, 133697
or legal custodian, under a host family agreement. The individual 133698
also may provide care for the individual's own child or children. 133699
The term "host family" excludes a foster home. 133700

(2) "Qualified organization" means a private association, 133701
organization, corporation, nonprofit, or other entity that is not 133702
a Title IV-E reimbursable setting and that has established a 133703
program that does all of the following: 133704

(a) Provides resources and services to assist, support, and 133705
educate parents, host families, children, or any person hosting a 133706
child under a host family agreement on a temporary basis; 133707

(b) Requires a criminal records check on the intended host 133708
family and all adults residing in the host family's household; 133709

(c) Requires a background check in the central registry of 133710
abuse and neglect of this state from the department of ~~job~~ 133711
children and ~~family services~~ youth for the intended host family 133712
and all adults residing in the host family's household; 133713

(d) Ensures that the host family is trained on the rights, 133714
duties, responsibilities, and limitations as outlined in the host 133715
family agreement; 133716

(e) Conduct in-home supervision of a child who is the subject 133717
of the host family agreement while the agreement is in force as 133718
follows: 133719

(i) For hostings of fewer than thirty days, within two 133720
business days of placement and then at least once a week 133721
thereafter; 133722

(ii) For hostings of thirty days but less than ninety days, 133723

within two business days of placement and then twice a month;	133724
(iii) For hostings of ninety days or more, within two	133725
business days of placement and then an option for less frequent	133726
supervision, as determined in accordance with the best interests	133727
of the child.	133728
(f) Plans for the return of the child who is the subject of	133729
the host family agreement to the child's parents, guardian, or	133730
legal custodian.	133731
"Qualified organization" excludes any entity that accepts	133732
public money intended for foster care or kinship care funding or	133733
the placement of children by a public children services agency,	133734
private noncustodial agency, or private child placing agency.	133735
(3) "Temporary basis" means a period of time not to exceed	133736
one year, except as provided in section 2151.901 of the Revised	133737
Code.	133738
(B) A child may be hosted by a host family only when all of	133739
the following conditions are satisfied:	133740
(1) The hosting is done on a temporary basis.	133741
(2) The hosting is done under a host family agreement entered	133742
into with a qualified organization's assistance.	133743
(3) Either one or both of the child's parents, or the child's	133744
guardian or legal custodian, are incarcerated, incapacitated,	133745
receiving medical, psychiatric, or psychological treatment, on	133746
active military service, or subject to other circumstances under	133747
which the hosting is appropriate.	133748
(4) The host family provides care only to that child or only	133749
to a single-family group, in addition to the host family's own	133750
child or children if applicable.	133751
Sec. 2151.904. (A) Before a qualified organization provides	133752

for hosting of a child with a host family and every four years 133753
thereafter, a prospective host family and all other persons 133754
eighteen years of age or older who reside in the host family's 133755
home shall request, and shall provide to the qualified 133756
organization the results of, the following for the host family and 133757
all other persons eighteen years of age or older who reside in the 133758
home: 133759

(1) A criminal records check, as defined under division (G) 133760
of section 109.572 of the Revised Code, and information from the 133761
federal bureau of investigation, as part of the criminal records 133762
check, including fingerprint-based checks of national crime 133763
information databases as described in 42 U.S.C. 671; 133764

(2) A background check in the central registry of abuse and 133765
neglect of this state from the department of ~~job~~ children and 133766
~~family services~~ youth. 133767

(B) A person subject to division (A) of this section may 133768
request the criminal records check and information required under 133769
division (A)(1) of this section from either of the following: 133770

(1) The superintendent of the bureau of criminal 133771
identification and investigation; 133772

(2) Any entity authorized, on behalf of the person, to 133773
request the superintendent to conduct the criminal records check 133774
and provide the information. 133775

(C) If a person subject to division (A) of this section fails 133776
to provide the results of the criminal records and background 133777
checks and the information required under that division to the 133778
qualified organization, the organization shall not authorize 133779
hosting with the host family. 133780

Sec. 2151.9010. A host family shall not be subject to 133781
certification or supervision by the director of ~~job~~ children and 133782

~~family services~~ youth under section 5103.03 of the Revised Code. 133783

Sec. 2152.192. If a court or child welfare agency places a 133784
delinquent child in an institution or association, as defined in 133785
section 5103.02 of the Revised Code, that is certified by the 133786
department of ~~job~~ children and ~~family services~~ youth pursuant to 133787
section 5103.03 of the Revised Code and if that child has been 133788
adjudicated delinquent for committing an act that is a sexually 133789
oriented offense in either a prior delinquency adjudication or in 133790
the most recent delinquency adjudication, the court or child 133791
welfare agency shall notify the operator of the institution or 133792
association and the sheriff of the county in which the institution 133793
or association is located that the child has been adjudicated 133794
delinquent for committing an act that is a sexually oriented 133795
offense. 133796

Sec. 2705.02. A person guilty of any of the following acts 133797
may be punished as for a contempt: 133798

(A) Disobedience of, or resistance to, a lawful writ, 133799
process, order, rule, judgment, or command of a court or officer; 133800

(B) Misbehavior of an officer of the court in the performance 133801
of official duties, or in official transactions; 133802

(C) A failure to obey a subpoena duly served, or a refusal to 133803
be sworn or to answer as a witness, when lawfully required; 133804

(D) The rescue, or attempted rescue, of a person or of 133805
property in the custody of an officer by virtue of an order or 133806
process of court held by the officer; 133807

(E) A failure upon the part of a person recognized to appear 133808
as a witness in a court to appear in compliance with the terms of 133809
the person's recognizance; 133810

(F) A failure to comply with an order issued pursuant to 133811

section 3109.19 or 3111.81 of the Revised Code; 133812

(G) A failure to obey a subpoena issued by the department of 133813
job and family services, the department of children and youth, or 133814
a child support enforcement agency pursuant to section 5101.37 of 133815
the Revised Code; 133816

(H) A willful failure to submit to genetic testing, or a 133817
willful failure to submit a child to genetic testing, as required 133818
by an order for genetic testing issued under section 3111.41 of 133819
the Revised Code. 133820

Sec. 2950.08. (A) Subject to division (B) of this section, 133821
the statements, information, photographs, fingerprints, and 133822
material required by sections 2950.04, 2950.041, 2950.05, and 133823
2950.06 of the Revised Code and provided by a person who 133824
registers, who provides notice of a change of residence, school, 133825
institution of higher education, or place of employment address 133826
and registers the new residence, school, institution of higher 133827
education, or place of employment address, or who provides 133828
verification of a current residence, school, institution of higher 133829
education, or place of employment address pursuant to those 133830
sections and that are in the possession of the bureau of criminal 133831
identification and investigation and the information in the 133832
possession of the bureau that was received by the bureau pursuant 133833
to section 2950.14 of the Revised Code shall not be open to 133834
inspection by the public or by any person other than the following 133835
persons: 133836

(1) A regularly employed peace officer or other law 133837
enforcement officer; 133838

(2) An authorized employee of the bureau of criminal 133839
identification and investigation for the purpose of providing 133840
information to a board, administrator, or person pursuant to 133841
division (F) or (G) of section 109.57 of the Revised Code; 133842

(3) The registrar of motor vehicles, or an employee of the registrar of motor vehicles, for the purpose of verifying and updating any of the information so provided, upon the request of the bureau of criminal identification and investigation;

(4) The director of ~~job children and family services youth~~, or an employee of the director, for the purpose of complying with division (D) of section 5104.013 of the Revised Code.

(B) Division (A) of this section does not apply to any information that is contained in the internet sex offender and child-victim offender database established by the attorney general under division (A)(11) of section 2950.13 of the Revised Code regarding offenders and that is disseminated as described in that division.

Sec. 2950.11. (A) Regardless of when the sexually oriented offense or child-victim oriented offense was committed, if a person is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of

this section to all of the persons described in divisions (A)(1) 133874
to (10) of this section. If the sheriff has sent a notice to the 133875
persons described in those divisions as a result of receiving a 133876
notice of intent to reside and if the offender or delinquent child 133877
registers a residence address that is the same residence address 133878
described in the notice of intent to reside, the sheriff is not 133879
required to send an additional notice when the offender or 133880
delinquent child registers. The sheriff shall provide the notice 133881
to all of the following persons: 133882

(1)(a) Any occupant of each residential unit that is located 133883
within one thousand feet of the offender's or delinquent child's 133884
residential premises, that is located within the county served by 133885
the sheriff, and that is not located in a multi-unit building. 133886
Division (D)(3) of this section applies regarding notices required 133887
under this division. 133888

(b) If the offender or delinquent child resides in a 133889
multi-unit building, any occupant of each residential unit that is 133890
located in that multi-unit building and that shares a common 133891
hallway with the offender or delinquent child. For purposes of 133892
this division, an occupant's unit shares a common hallway with the 133893
offender or delinquent child if the entrance door into the 133894
occupant's unit is located on the same floor and opens into the 133895
same hallway as the entrance door to the unit the offender or 133896
delinquent child occupies. Division (D)(3) of this section applies 133897
regarding notices required under this division. 133898

(c) The building manager, or the person the building owner or 133899
condominium unit owners association authorizes to exercise 133900
management and control, of each multi-unit building that is 133901
located within one thousand feet of the offender's or delinquent 133902
child's residential premises, including a multi-unit building in 133903
which the offender or delinquent child resides, and that is 133904
located within the county served by the sheriff. In addition to 133905

notifying the building manager or the person authorized to 133906
exercise management and control in the multi-unit building under 133907
this division, the sheriff shall post a copy of the notice 133908
prominently in each common entryway in the building and any other 133909
location in the building the sheriff determines appropriate. The 133910
manager or person exercising management and control of the 133911
building shall permit the sheriff to post copies of the notice 133912
under this division as the sheriff determines appropriate. In lieu 133913
of posting copies of the notice as described in this division, a 133914
sheriff may provide notice to all occupants of the multi-unit 133915
building by mail or personal contact; if the sheriff so notifies 133916
all the occupants, the sheriff is not required to post copies of 133917
the notice in the common entryways to the building. Division 133918
(D)(3) of this section applies regarding notices required under 133919
this division. 133920

(d) All additional persons who are within any category of 133921
neighbors of the offender or delinquent child that the attorney 133922
general by rule adopted under section 2950.13 of the Revised Code 133923
requires to be provided the notice and who reside within the 133924
county served by the sheriff; 133925

(2) The executive director of the public children services 133926
agency that has jurisdiction within the specified geographical 133927
notification area and that is located within the county served by 133928
the sheriff; 133929

(3)(a) The superintendent of each board of education of a 133930
school district that has schools within the specified geographical 133931
notification area and that is located within the county served by 133932
the sheriff; 133933

(b) The principal of the school within the specified 133934
geographical notification area and within the county served by the 133935
sheriff that the delinquent child attends; 133936

(c) If the delinquent child attends a school outside of the specified geographical notification area or outside of the school district where the delinquent child resides, the superintendent of the board of education of a school district that governs the school that the delinquent child attends and the principal of the school that the delinquent child attends.

(4)(a) The appointing or hiring officer of each chartered nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section;

(b) Regardless of the location of the school, the appointing or hiring officer of a chartered nonpublic school that the delinquent child attends.

(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff;

(6) The administrator of each child day-care center or type A family day-care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family day-care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child day-care center," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(7) The president or other chief administrative officer of

each institution of higher education, as defined in section 133968
2907.03 of the Revised Code, that is located within the specified 133969
geographical notification area and within the county served by the 133970
sheriff, and the chief law enforcement officer of the state 133971
university law enforcement agency or campus police department 133972
established under section 3345.04 or 1713.50 of the Revised Code, 133973
if any, that serves that institution; 133974

(8) The sheriff of each county that includes any portion of 133975
the specified geographical notification area; 133976

(9) If the offender or delinquent child resides within the 133977
county served by the sheriff, the chief of police, marshal, or 133978
other chief law enforcement officer of the municipal corporation 133979
in which the offender or delinquent child resides or, if the 133980
offender or delinquent child resides in an unincorporated area, 133981
the constable or chief of the police department or police district 133982
police force of the township in which the offender or delinquent 133983
child resides; 133984

(10) Volunteer organizations in which contact with minors or 133985
other vulnerable individuals might occur or any organization, 133986
company, or individual who requests notification as provided in 133987
division (J) of this section. 133988

(B) The notice required under division (A) of this section 133989
shall include all of the following information regarding the 133990
subject offender or delinquent child: 133991

(1) The offender's or delinquent child's name; 133992

(2) The address or addresses of the offender's or public 133993
registry-qualified juvenile offender registrant's residence, 133994
school, institution of higher education, or place of employment, 133995
as applicable, or the residence address or addresses of a 133996
delinquent child who is not a public registry-qualified juvenile 133997
offender registrant; 133998

(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

(4) A statement that identifies the category specified in division (F)(1)(a), (b), or (c) of this section that includes the offender or delinquent child and that subjects the offender or delinquent child to this section;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided notice under division (A)(8) of this section shall provide the notices described in divisions (A)(1) to (7) and (A)(9) and (10) of this section to each person or entity identified within those divisions that is located within the specified geographical notification area and within the county served by the sheriff in question.

(D)(1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A)(1) of this section and the notices to law enforcement personnel that are described in divisions (A)(8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender

or delinquent child registers with the sheriff or, if the sheriff 134031
is required by division (C) of this section to provide the 134032
notices, no later than five days after the sheriff is provided the 134033
notice described in division (A)(8) of this section. 134034

A sheriff required by division (A) or (C) of this section to 134035
provide notices regarding an offender or delinquent child shall 134036
provide the notices to all other specified persons that are 134037
described in divisions (A)(2) to (7) and (A)(10) of this section 134038
as soon as practicable, but not later than seven days after the 134039
offender or delinquent child registers with the sheriff or, if the 134040
sheriff is required by division (C) of this section to provide the 134041
notices, no later than five days after the sheriff is provided the 134042
notice described in division (A)(8) of this section. 134043

(2) If an offender or delinquent child in relation to whom 134044
division (A) of this section applies verifies the offender's or 134045
delinquent child's current residence, school, institution of 134046
higher education, or place of employment address, as applicable, 134047
with a sheriff pursuant to section 2950.06 of the Revised Code, 134048
the sheriff may provide a written notice containing the 134049
information set forth in division (B) of this section to the 134050
persons identified in divisions (A)(1) to (10) of this section. If 134051
a sheriff provides a notice pursuant to this division to the 134052
sheriff of one or more other counties in accordance with division 134053
(A)(8) of this section, the sheriff of each of the other counties 134054
who is provided the notice under division (A)(8) of this section 134055
may provide, but is not required to provide, a written notice 134056
containing the information set forth in division (B) of this 134057
section to the persons identified in divisions (A)(1) to (7) and 134058
(A)(9) and (10) of this section. 134059

(3) A sheriff may provide notice under division (A)(1)(a) or 134060
(b) of this section, and may provide notice under division 134061
(A)(1)(c) of this section to a building manager or person 134062

authorized to exercise management and control of a building, by 134063
mail, by personal contact, or by leaving the notice at or under 134064
the entry door to a residential unit. For purposes of divisions 134065
(A)(1)(a) and (b) of this section, and the portion of division 134066
(A)(1)(c) of this section relating to the provision of notice to 134067
occupants of a multi-unit building by mail or personal contact, 134068
the provision of one written notice per unit is deemed as 134069
providing notice to all occupants of that unit. 134070

(E) All information that a sheriff possesses regarding an 134071
offender or delinquent child who is in a category specified in 134072
division (F)(1)(a), (b), or (c) of this section that is described 134073
in division (B) of this section and that must be provided in a 134074
notice required under division (A) or (C) of this section or that 134075
may be provided in a notice authorized under division (D)(2) of 134076
this section is a public record that is open to inspection under 134077
section 149.43 of the Revised Code. 134078

The sheriff shall not cause to be publicly disseminated by 134079
means of the internet any of the information described in this 134080
division that is provided by a delinquent child unless that child 134081
is in a category specified in division (F)(1)(a), (b), or (c) of 134082
this section. 134083

(F)(1) Except as provided in division (F)(2) of this section, 134084
the duties to provide the notices described in divisions (A) and 134085
(C) of this section apply regarding any offender or delinquent 134086
child who is in any of the following categories: 134087

(a) The offender is a tier III sex offender/child-victim 134088
offender, or the delinquent child is a public registry-qualified 134089
juvenile offender registrant, and a juvenile court has not removed 134090
pursuant to section 2950.15 of the Revised Code the delinquent 134091
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 134092
and 2950.06 of the Revised Code. 134093

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a sexual predator, habitual sex offender, child-victim predator, or habitual child-victim offender, as those terms were defined in section 2950.01 of the Revised Code as it existed prior to January 1, 2008, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(c) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was classified a juvenile offender registrant on or after January 1, 2008, the court has imposed a requirement under section 2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the delinquent child to this section, and a juvenile court has not removed pursuant to section 2152.84 or 2152.85 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(2) The notification provisions of this section do not apply to a person described in division (F)(1)(a), (b), or (c) of this section if a court finds at a hearing after considering the factors described in this division that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to January 1, 2008. In making the determination of whether a person would have been subject to the notification provisions under prior law as described in this division, the court shall consider the following factors:

(a) The offender's or delinquent child's age;

(b) The offender's or delinquent child's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexual offenses;	134126 134127 134128
(c) The age of the victim of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made;	134129 134130 134131
(d) Whether the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made involved multiple victims;	134132 134133 134134
(e) Whether the offender or delinquent child used drugs or alcohol to impair the victim of the sexually oriented offense or to prevent the victim from resisting;	134135 134136 134137
(f) If the offender or delinquent child previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be, a criminal offense, whether the offender or delinquent child completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;	134138 134139 134140 134141 134142 134143 134144 134145 134146
(g) Any mental illness or mental disability of the offender or delinquent child;	134147 134148
(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	134149 134150 134151 134152 134153
(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed	134154 134155 134156

cruelty or made one or more threats of cruelty; 134157

(j) Whether the offender or delinquent child would have been 134158
a habitual sex offender or a habitual child victim offender under 134159
the definitions of those terms set forth in section 2950.01 of the 134160
Revised Code as that section existed prior to January 1, 2008; 134161

(k) Any additional behavioral characteristics that contribute 134162
to the offender's or delinquent child's conduct. 134163

(G)(1) The department of ~~job children and family services~~ 134164
youth shall compile, maintain, and update in January and July of 134165
each year, a list of all agencies, centers, or homes of a type 134166
described in division (A)(2) or (6) of this section that contains 134167
the name of each agency, center, or home of that type, the county 134168
in which it is located, its address and telephone number, and the 134169
name of an administrative officer or employee of the agency, 134170
center, or home. 134171

(2) The department of education shall compile, maintain, and 134172
update in January and July of each year, a list of all boards of 134173
education, schools, or programs of a type described in division 134174
(A)(3), (4), or (5) of this section that contains the name of each 134175
board of education, school, or program of that type, the county in 134176
which it is located, its address and telephone number, the name of 134177
the superintendent of the board or of an administrative officer or 134178
employee of the school or program, and, in relation to a board of 134179
education, the county or counties in which each of its schools is 134180
located and the address of each such school. 134181

(3) The ~~Ohio board~~ department of regents higher education 134182
shall compile, maintain, and update in January and July of each 134183
year, a list of all institutions of a type described in division 134184
(A)(7) of this section that contains the name of each such 134185
institution, the county in which it is located, its address and 134186
telephone number, and the name of its president or other chief 134187

administrative officer. 134188

(4) A sheriff required by division (A) or (C) of this 134189
section, or authorized by division (D)(2) of this section, to 134190
provide notices regarding an offender or delinquent child, or a 134191
designee of a sheriff of that type, may request the department of 134192
~~job children~~ and ~~family services youth~~, department of education, 134193
or ~~Ohio board~~ department of ~~regents~~ higher education, by 134194
telephone, in person, or by mail, to provide the sheriff or 134195
designee with the names, addresses, and telephone numbers of the 134196
appropriate persons and entities to whom the notices described in 134197
divisions (A)(2) to (7) of this section are to be provided. Upon 134198
receipt of a request, the department ~~or board~~ shall provide the 134199
requesting sheriff or designee with the names, addresses, and 134200
telephone numbers of the appropriate persons and entities to whom 134201
those notices are to be provided. 134202

(H)(1) Upon the motion of the offender or the prosecuting 134203
attorney of the county in which the offender was convicted of or 134204
pleaded guilty to the sexually oriented offense or child-victim 134205
oriented offense for which the offender is subject to community 134206
notification under this section, or upon the motion of the 134207
sentencing judge or that judge's successor in office, the judge 134208
may schedule a hearing to determine whether the interests of 134209
justice would be served by suspending the community notification 134210
requirement under this section in relation to the offender. The 134211
judge may dismiss the motion without a hearing but may not issue 134212
an order suspending the community notification requirement without 134213
a hearing. At the hearing, all parties are entitled to be heard, 134214
and the judge shall consider all of the factors set forth in 134215
division (K) of this section. If, at the conclusion of the 134216
hearing, the judge finds that the offender has proven by clear and 134217
convincing evidence that the offender is unlikely to commit in the 134218
future a sexually oriented offense or a child-victim oriented 134219

offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to

any of the following types of offender: 134251

(a) A person who is convicted of or pleads guilty to a 134252
violent sex offense or designated homicide, assault, or kidnapping 134253
offense and who, in relation to that offense, is adjudicated a 134254
sexually violent predator; 134255

(b) A person who is convicted of or pleads guilty to a 134256
sexually oriented offense that is a violation of division 134257
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 134258
after January 2, 2007, and either who is sentenced under section 134259
2971.03 of the Revised Code or upon whom a sentence of life 134260
without parole is imposed under division (B) of section 2907.02 of 134261
the Revised Code; 134262

(c) A person who is convicted of or pleads guilty to a 134263
sexually oriented offense that is attempted rape committed on or 134264
after January 2, 2007, and who also is convicted of or pleads 134265
guilty to a specification of the type described in section 134266
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 134267

(d) A person who is convicted of or pleads guilty to an 134268
offense described in division (B)(3)(a), (b), (c), or (d) of 134269
section 2971.03 of the Revised Code and who is sentenced for that 134270
offense pursuant to that division; 134271

(e) An offender who is in a category specified in division 134272
(F)(1)(a), (b), or (c) of this section and who, subsequent to 134273
being subjected to community notification, has pleaded guilty to 134274
or been convicted of a sexually oriented offense or child-victim 134275
oriented offense. 134276

(I) If a person is convicted of, pleads guilty to, has been 134277
convicted of, or has pleaded guilty to a sexually oriented offense 134278
or a child-victim oriented offense or a person is or has been 134279
adjudicated a delinquent child for committing a sexually oriented 134280
offense or a child-victim oriented offense and is classified a 134281

juvenile offender registrant or is an out-of-state juvenile 134282
offender registrant based on that adjudication, and if the 134283
offender or delinquent child is not in any category specified in 134284
division (F)(1)(a), (b), or (c) of this section, the sheriff with 134285
whom the offender or delinquent child has most recently registered 134286
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 134287
and the sheriff to whom the offender or delinquent child most 134288
recently sent a notice of intent to reside under section 2950.04 134289
or 2950.041 of the Revised Code, within the period of time 134290
specified in division (D) of this section, shall provide a written 134291
notice containing the information set forth in division (B) of 134292
this section to the executive director of the public children 134293
services agency that has jurisdiction within the specified 134294
geographical notification area and that is located within the 134295
county served by the sheriff. 134296

(J) Each sheriff shall allow a volunteer organization or 134297
other organization, company, or individual who wishes to receive 134298
the notice described in division (A)(10) of this section regarding 134299
a specific offender or delinquent child or notice regarding all 134300
offenders and delinquent children who are located in the specified 134301
geographical notification area to notify the sheriff by electronic 134302
mail or through the sheriff's web site of this election. The 134303
sheriff shall promptly inform the bureau of criminal 134304
identification and investigation of these requests in accordance 134305
with the forwarding procedures adopted by the attorney general 134306
pursuant to section 2950.13 of the Revised Code. 134307

(K) In making a determination under division (H)(1) of this 134308
section as to whether to suspend the community notification 134309
requirement under this section for an offender, the judge shall 134310
consider all relevant factors, including, but not limited to, all 134311
of the following: 134312

(1) The offender's age; 134313

(2) The offender's prior criminal or delinquency record	134314
regarding all offenses, including, but not limited to, all	134315
sexually oriented offenses or child-victim oriented offenses;	134316
(3) The age of the victim of the sexually oriented offense or	134317
child-victim oriented offense the offender committed;	134318
(4) Whether the sexually oriented offense or child-victim	134319
oriented offense the offender committed involved multiple victims;	134320
(5) Whether the offender used drugs or alcohol to impair the	134321
victim of the sexually oriented offense or child-victim oriented	134322
offense the offender committed or to prevent the victim from	134323
resisting;	134324
(6) If the offender previously has been convicted of, pleaded	134325
guilty to, or been adjudicated a delinquent child for committing	134326
an act that if committed by an adult would be a criminal offense,	134327
whether the offender completed any sentence or dispositional order	134328
imposed for the prior offense or act and, if the prior offense or	134329
act was a sexually oriented offense or a child-victim oriented	134330
offense, whether the offender or delinquent child participated in	134331
available programs for sex offenders or child-victim offenders;	134332
(7) Any mental illness or mental disability of the offender;	134333
(8) The nature of the offender's sexual conduct, sexual	134334
contact, or interaction in a sexual context with the victim of the	134335
sexually oriented offense the offender committed or the nature of	134336
the offender's interaction in a sexual context with the victim of	134337
the child-victim oriented offense the offender committed,	134338
whichever is applicable, and whether the sexual conduct, sexual	134339
contact, or interaction in a sexual context was part of a	134340
demonstrated pattern of abuse;	134341
(9) Whether the offender, during the commission of the	134342
sexually oriented offense or child-victim oriented offense the	134343
offender committed, displayed cruelty or made one or more threats	134344

of cruelty; 134345

(10) Any additional behavioral characteristics that 134346
contribute to the offender's conduct. 134347

(L) As used in this section, "specified geographical 134348
notification area" means the geographic area or areas within which 134349
the attorney general, by rule adopted under section 2950.13 of the 134350
Revised Code, requires the notice described in division (B) of 134351
this section to be given to the persons identified in divisions 134352
(A)(2) to (8) of this section. 134353

Sec. 2950.13. (A) The attorney general shall do all of the 134354
following: 134355

(1) No later than July 1, 1997, establish and maintain a 134356
state registry of sex offenders and child-victim offenders that is 134357
housed at the bureau of criminal identification and investigation 134358
and that contains all of the registration, change of residence, 134359
school, institution of higher education, or place of employment 134360
address, and verification information the bureau receives pursuant 134361
to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 134362
Code regarding each person who is convicted of, pleads guilty to, 134363
has been convicted of, or has pleaded guilty to a sexually 134364
oriented offense or a child-victim oriented offense and each 134365
person who is or has been adjudicated a delinquent child for 134366
committing a sexually oriented offense or a child-victim oriented 134367
offense and is classified a juvenile offender registrant or is an 134368
out-of-state juvenile offender registrant based on that 134369
adjudication, all of the information the bureau receives pursuant 134370
to section 2950.14 of the Revised Code, and any notice of an order 134371
terminating or modifying an offender's or delinquent child's duty 134372
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 134373
the Revised Code the bureau receives pursuant to section 2152.84, 134374
2152.85, or 2950.15 of the Revised Code. For a person who was 134375

convicted of or pleaded guilty to the sexually oriented offense or 134376
child-victim related offense, the registry also shall indicate 134377
whether the person was convicted of or pleaded guilty to the 134378
offense in a criminal prosecution or in a serious youthful 134379
offender case. The registry shall not be open to inspection by the 134380
public or by any person other than a person identified in division 134381
(A) of section 2950.08 of the Revised Code. In addition to the 134382
information and material previously identified in this division, 134383
the registry shall include all of the following regarding each 134384
person who is listed in the registry: 134385

(a) A citation for, and the name of, all sexually oriented 134386
offenses or child-victim oriented offenses of which the person was 134387
convicted, to which the person pleaded guilty, or for which the 134388
person was adjudicated a delinquent child and that resulted in a 134389
registration duty, and the date on which those offenses were 134390
committed; 134391

(b) The text of the sexually oriented offenses or 134392
child-victim oriented offenses identified in division (A)(1)(a) of 134393
this section as those offenses existed at the time the person was 134394
convicted of, pleaded guilty to, or was adjudicated a delinquent 134395
child for committing those offenses, or a link to a database that 134396
sets forth the text of those offenses; 134397

(c) A statement as to whether the person is a tier I sex 134398
offender/child-victim offender, a tier II sex 134399
offender/child-victim offender, or a tier III sex 134400
offender/child-victim offender for the sexually oriented offenses 134401
or child-victim oriented offenses identified in division (A)(1)(a) 134402
of this section; 134403

(d) The community supervision status of the person, 134404
including, but not limited to, whether the person is serving a 134405
community control sanction and the nature of any such sanction, 134406
whether the person is under supervised release and the nature of 134407

the release, or regarding a juvenile, whether the juvenile is 134408
under any type of release authorized under Chapter 2152. or 5139. 134409
of the Revised Code and the nature of any such release; 134410

(e) The offense and delinquency history of the person, as 134411
determined from information gathered or provided under sections 134412
109.57 and 2950.14 of the Revised Code; 134413

(f) The bureau of criminal identification and investigation 134414
tracking number assigned to the person if one has been so 134415
assigned, the federal bureau of investigation number assigned to 134416
the person if one has been assigned and the bureau of criminal 134417
identification and investigation is aware of the number, and any 134418
other state identification number assigned to the person of which 134419
the bureau is aware; 134420

(g) Fingerprints and palmprints of the person; 134421

(h) A DNA specimen, as defined in section 109.573 of the 134422
Revised Code, from the person; 134423

(i) Whether the person has any outstanding arrest warrants; 134424

(j) Whether the person is in compliance with the person's 134425
duties under this chapter. 134426

(2) In consultation with local law enforcement 134427
representatives and no later than July 1, 1997, adopt rules that 134428
contain guidelines necessary for the implementation of this 134429
chapter; 134430

(3) In consultation with local law enforcement 134431
representatives, adopt rules for the implementation and 134432
administration of the provisions contained in section 2950.11 of 134433
the Revised Code that pertain to the notification of neighbors of 134434
an offender or a delinquent child who has committed a sexually 134435
oriented offense or a child-victim oriented offense and is in a 134436
category specified in division (F)(1) of that section and rules 134437

that prescribe a manner in which victims of a sexually oriented 134438
offense or a child-victim oriented offense committed by an 134439
offender or a delinquent child who is in a category specified in 134440
division (B)(1) of section 2950.10 of the Revised Code may make a 134441
request that specifies that the victim would like to be provided 134442
the notices described in divisions (A)(1) and (2) of section 134443
2950.10 of the Revised Code; 134444

(4) In consultation with local law enforcement 134445
representatives and through the bureau of criminal identification 134446
and investigation, prescribe the forms to be used by judges and 134447
officials pursuant to section 2950.03 or 2950.032 of the Revised 134448
Code to advise offenders and delinquent children of their duties 134449
of filing a notice of intent to reside, registration, notification 134450
of a change of residence, school, institution of higher education, 134451
or place of employment address and registration of the new school, 134452
institution of higher education, or place of employment address, 134453
as applicable, and address verification under sections 2950.04, 134454
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 134455
the forms to be used by sheriffs relative to those duties of 134456
filing a notice of intent to reside, registration, change of 134457
residence, school, institution of higher education, or place of 134458
employment address notification, and address verification; 134459

(5) Make copies of the forms prescribed under division (A)(4) 134460
of this section available to judges, officials, and sheriffs; 134461

(6) Through the bureau of criminal identification and 134462
investigation, provide the notifications, the information and 134463
materials, and the documents that the bureau is required to 134464
provide to appropriate law enforcement officials and to the 134465
federal bureau of investigation pursuant to sections 2950.04, 134466
2950.041, 2950.05, and 2950.06 of the Revised Code; 134467

(7) Through the bureau of criminal identification and 134468
investigation, maintain the verification forms returned under the 134469

address verification mechanism set forth in section 2950.06 of the Revised Code; 134470
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(8) In consultation with representatives of the officials, judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised Code; 134472
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(9) In consultation with the director of education, the director of ~~job children~~ and ~~family services youth~~, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care centers, type A family day-care homes, licensed type B family day-care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section; 134479
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(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section; 134492
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(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has 134498
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committed a sexually oriented offense or a child-victim oriented 134502
offense and registers in any county in this state pursuant to 134503
section 2950.04 or 2950.041 of the Revised Code and for every 134504
delinquent child who has committed a sexually oriented offense, is 134505
a public registry-qualified juvenile offender registrant, and 134506
registers in any county in this state pursuant to either such 134507
section. The bureau shall not include on the database the identity 134508
of any offender's or public registry-qualified juvenile offender 134509
registrant's victim, any offender's or public registry-qualified 134510
juvenile offender registrant's social security number, the name of 134511
any school or institution of higher education attended by any 134512
offender or public registry-qualified juvenile offender 134513
registrant, the name of the place of employment of any offender or 134514
public registry-qualified juvenile offender registrant, any 134515
tracking or identification number described in division (A)(1)(f) 134516
of this section, or any information described in division (C)(7) 134517
of section 2950.04 or 2950.041 of the Revised Code. The bureau 134518
shall provide on the database, for each offender and each public 134519
registry-qualified juvenile offender registrant, at least the 134520
information specified in divisions (A)(11)(a) to (h) of this 134521
section. Otherwise, the bureau shall determine the information to 134522
be provided on the database for each offender and public 134523
registry-qualified juvenile offender registrant and shall obtain 134524
that information from the information contained in the state 134525
registry of sex offenders and child-victim offenders described in 134526
division (A)(1) of this section, which information, while in the 134527
possession of the sheriff who provided it, is a public record open 134528
for inspection as described in section 2950.081 of the Revised 134529
Code. The database is a public record open for inspection under 134530
section 149.43 of the Revised Code, and it shall be searchable by 134531
offender or public registry-qualified juvenile offender registrant 134532
name, by county, by zip code, and by school district. The database 134533
shall provide a link to the web site of each sheriff who has 134534

established and operates on the internet a sex offender and 134535
child-victim offender database that contains information for 134536
offenders and public registry-qualified juvenile offender 134537
registrants who register in that county pursuant to section 134538
2950.04 or 2950.041 of the Revised Code, with the link being a 134539
direct link to the sex offender and child-victim offender database 134540
for the sheriff. The bureau shall provide on the database, for 134541
each offender and public registry-qualified juvenile offender 134542
registrant, at least the following information: 134543

(a) The information described in divisions (A)(1)(a), (b), 134544
(c), and (d) of this section relative to the offender or public 134545
registry-qualified juvenile offender registrant; 134546

(b) The address of the offender's or public 134547
registry-qualified juvenile offender registrant's school, 134548
institution of higher education, or place of employment provided 134549
in a registration form; 134550

(c) The information described in division (C)(6) of section 134551
2950.04 or 2950.041 of the Revised Code; 134552

(d) A chart describing which sexually oriented offenses and 134553
child-victim oriented offenses are included in the definitions of 134554
tier I sex offender/child-victim offender, tier II sex 134555
offender/child-victim offender, and tier III sex 134556
offender/child-victim offender; 134557

(e) Fingerprints and palmprints of the offender or public 134558
registry-qualified juvenile offender registrant and a DNA specimen 134559
from the offender or public registry-qualified juvenile offender 134560
registrant; 134561

(f) The information set forth in division (B) of section 134562
2950.11 of the Revised Code; 134563

(g) Any outstanding arrest warrants for the offender or 134564
public registry-qualified juvenile offender registrant; 134565

(h) The offender's or public registry-qualified juvenile offender registrant's compliance status with duties under this chapter. 134566
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(12) Develop software to be used by sheriffs in establishing on the internet a sex offender and child-victim offender database for the public dissemination of some or all of the information and materials described in division (A) of section 2950.081 of the Revised Code that are public records under that division, that are not prohibited from inclusion by division (B) of that section, and that pertain to offenders and public registry-qualified juvenile offender registrants who register in the sheriff's county pursuant to section 2950.04 or 2950.041 of the Revised Code and for the public dissemination of information the sheriff receives pursuant to section 2950.14 of the Revised Code and, upon the request of any sheriff, provide technical guidance to the requesting sheriff in establishing on the internet such a database; 134569
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(13) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a database that enables local law enforcement representatives to remotely search by electronic means the state registry of sex offenders and child-victim offenders described in division (A)(1) of this section and any information and materials the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The database shall enable local law enforcement representatives to obtain detailed information regarding each offender and delinquent child who is included in the registry, including, but not limited to the offender's or delinquent child's name, aliases, residence address, name and address of any place of employment, school, institution of higher education, if applicable, license plate number of each vehicle identified in division (C)(5) of section 2950.04 or 2950.041 of the Revised Code to the extent applicable, 134582
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victim preference if available, date of most recent release from 134598
confinement if applicable, fingerprints, and palmprints, all of 134599
the information and material described in divisions (A)(1)(a) to 134600
(h) of this section regarding the offender or delinquent child, 134601
and other identification parameters the bureau considers 134602
appropriate. The database is not a public record open for 134603
inspection under section 149.43 of the Revised Code and shall be 134604
available only to law enforcement representatives as described in 134605
this division. Information obtained by local law enforcement 134606
representatives through use of this database is not open to 134607
inspection by the public or by any person other than a person 134608
identified in division (A) of section 2950.08 of the Revised Code. 134609

(14) Through the bureau of criminal identification and 134610
investigation, maintain a list of requests for notice about a 134611
specified offender or delinquent child or specified geographical 134612
notification area made pursuant to division (J) of section 2950.11 134613
of the Revised Code and, when an offender or delinquent child 134614
changes residence to another county, forward any requests for 134615
information about that specific offender or delinquent child to 134616
the appropriate sheriff; 134617

(15) Through the bureau of criminal identification and 134618
investigation, establish and operate a system for the immediate 134619
notification by electronic means of the appropriate officials in 134620
other states specified in this division each time an offender or 134621
delinquent child registers a residence, school, institution of 134622
higher education, or place of employment address under section 134623
2950.04 or 2950.041 of the Revised Code or provides a notice of a 134624
change of address or registers a new address under division (A) or 134625
(B) of section 2950.05 of the Revised Code. The immediate 134626
notification by electronic means shall be provided to the 134627
appropriate officials in each state in which the offender or 134628
delinquent child is required to register a residence, school, 134629

institution of higher education, or place of employment address. 134630
The notification shall contain the offender's or delinquent 134631
child's name and all of the information the bureau receives from 134632
the sheriff with whom the offender or delinquent child registered 134633
the address or provided the notice of change of address or 134634
registered the new address. 134635

(B) The attorney general in consultation with local law 134636
enforcement representatives, may adopt rules that establish one or 134637
more categories of neighbors of an offender or delinquent child 134638
who, in addition to the occupants of residential premises and 134639
other persons specified in division (A)(1) of section 2950.11 of 134640
the Revised Code, must be given the notice described in division 134641
(B) of that section. 134642

(C) No person, other than a local law enforcement 134643
representative, shall knowingly do any of the following: 134644

(1) Gain or attempt to gain access to the database 134645
established and operated by the attorney general, through the 134646
bureau of criminal identification and investigation, pursuant to 134647
division (A)(13) of this section. 134648

(2) Permit any person to inspect any information obtained 134649
through use of the database described in division (C)(1) of this 134650
section, other than as permitted under that division. 134651

(D) As used in this section, "local law enforcement 134652
representatives" means representatives of the sheriffs of this 134653
state, representatives of the municipal chiefs of police and 134654
marshals of this state, and representatives of the township 134655
constables and chiefs of police of the township police departments 134656
or police district police forces of this state. 134657

Sec. 3101.041. In determining whether to file the consent 134658
under section 3101.04 of the Revised Code, the juvenile court 134659

shall do all of the following: 134660

(A) Consult with any of the following for each party to the 134661
intended marriage who is seventeen years of age: 134662

(1) A parent; 134663

(2) A surviving parent; 134664

(3) A parent who is designated the residential parent and 134665
legal custodian by a court of competent jurisdiction; 134666

(4) A guardian; 134667

(5) Either of the following who has been awarded permanent 134668
custody by a court exercising juvenile jurisdiction: 134669

(a) An adult person; 134670

(b) The department of ~~job~~ children and ~~family services~~ youth 134671
or any child welfare organization certified by the department. 134672

(B) Appoint an attorney as guardian ad litem for each party 134673
to the intended marriage who is seventeen years of age; 134674

(C) Determine all of the following: 134675

(1) Each party to the intended marriage who is seventeen 134676
years of age has entered the armed services of the United States, 134677
has become employed and self-subsisting, or has otherwise become 134678
independent from the care and control of the party's parent, 134679
guardian, or custodian. 134680

(2) For each party to the intended marriage who is seventeen 134681
years of age, the decision of that party to marry is free from 134682
force or coercion. 134683

(3) The intended marriage and the emancipation under section 134684
3101.042 of the Revised Code is in the best interests of each 134685
party to the intended marriage who is seventeen years of age. 134686

Sec. 3107.012. (A) A foster caregiver may use the application 134687
prescribed under division (B) of this section to obtain the 134688
services of an agency to arrange an adoption for the foster 134689
caregiver if the foster caregiver seeks to adopt the foster 134690
caregiver's foster child who has resided in the foster caregiver's 134691
home for at least six months prior to the date the foster 134692
caregiver submits the application to the agency. 134693

(B) The department of ~~job children and family services~~ youth 134694
shall prescribe an application for a foster caregiver to use under 134695
division (A) of this section. The application shall not require 134696
that the foster caregiver provide any information the foster 134697
caregiver already provided the department, or undergo an 134698
inspection the foster caregiver already underwent, to obtain a 134699
foster home certificate under section 5103.03 of the Revised Code. 134700

(C) An agency that receives an application prescribed under 134701
division (B) of this section from a foster caregiver authorized to 134702
use the application shall not require, as a condition of the 134703
agency accepting or approving the application, that the foster 134704
caregiver undergo a criminal records check under section 2151.86 134705
of the Revised Code as a prospective adoptive parent. The agency 134706
shall inform the foster caregiver, in accordance with division (G) 134707
of section 2151.86 of the Revised Code, that the foster caregiver 134708
must undergo the criminal records check before a court may issue a 134709
final decree of adoption or interlocutory order of adoption under 134710
section 3107.14 of the Revised Code. 134711

Sec. 3107.013. An agency arranging an adoption pursuant to an 134712
application submitted to the agency under section 3107.012 of the 134713
Revised Code for a foster caregiver seeking to adopt the foster 134714
caregiver's foster child shall provide the foster caregiver 134715
information about adoption, including information about state 134716
adoption law, adoption assistance available pursuant to section 134717

5153.163 of the Revised Code and Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, the types of behavior that the prospective adoptive parents may anticipate from children who have experienced abuse and neglect, suggested interventions and the assistance available if the child exhibits those types of behavior after adoption, and other adoption issues the department of ~~job children~~ and ~~family services youth~~ identifies. The agency shall provide the information to the foster caregiver in accordance with rules the department of ~~job children~~ and ~~family services youth~~ shall adopt in accordance with Chapter 119. of the Revised Code.

Sec. 3107.014. (A) Except as provided in division (B) of this section, only an individual who meets all of the following requirements may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code:

(1) The individual must be in the employ of, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency;

(2) The individual must be one of the following:

(a) A licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code;

(b) A psychologist licensed under Chapter 4732. of the Revised Code;

(c) A student working to earn a four-year, post-secondary degree, or higher, in a social or behavior science, or both, who conducts assessor's duties under the supervision of a licensed professional clinical counselor, licensed professional counselor,

independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code. Beginning July 1, 2009, a student is eligible under this division only if the supervising licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or psychologist has completed training in accordance with rules adopted under section 3107.015 of the Revised Code.

(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code;

(e) A former employee of a public children services agency who, while so employed, conducted the duties of an assessor or the duties of a PCSA caseworker or PCSA caseworker supervisor as defined in section 5153.01 of the Revised Code;

(f) An employee of a court or public children services agency who is employed to conduct the duties of an assessor;

(g) A PCSA caseworker or PCSA caseworker supervisor as defined in section 5153.01 of the Revised Code;

(h) An individual who holds at least a bachelor's degree in any of the following human services fields and has at least one year of experience working with families and children:

(i) Social work;

(ii) Sociology;

(iii) Psychology;

(iv) Guidance and counseling;

(v) Education;

(vi) Religious education;

(vii) Business administration;	134778
(viii) Criminal justice;	134779
(ix) Public administration;	134780
(x) Child care administration;	134781
(xi) Nursing;	134782
(xii) Family studies;	134783
(xiii) Any other human services field related to working with children and families.	134784 134785
(3) The individual must complete training in accordance with rules adopted under section 3107.015 of the Revised Code.	134786 134787
(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and 5103.152 of the Revised Code if the individual complies with division (A)(3) of this section regardless of whether the individual meets the requirement of division (A)(2) of this section.	134788 134789 134790 134791 134792 134793 134794 134795 134796
(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption.	134797 134798 134799 134800 134801 134802 134803
(D) Not later than January 1, 2008, the <u>The</u> department of job children and family services youth shall develop and maintain an assessor registry. The registry shall list all individuals who are employed, appointed by, or under contract with a court, public	134804 134805 134806 134807

children services agency, private child placing agency, or private 134808
noncustodial agency and meet the requirements of an assessor as 134809
described in this section. A public children services agency, 134810
private child placing agency, private noncustodial agency, court, 134811
or any other person may contact the department to determine if an 134812
individual is listed in the assessor registry. An individual 134813
listed in the assessor registry shall immediately inform the 134814
department when that individual is no longer employed, appointed 134815
by, or under contract with a court, public children services 134816
agency, private child placing agency, or private noncustodial 134817
agency to perform the duties of an assessor as described in this 134818
section. The director of ~~job~~ children and ~~family services~~ youth 134819
shall adopt rules in accordance with Chapter 119. of the Revised 134820
Code necessary for the implementation, contents, and maintenance 134821
of the registry, and any sanctions related to the provision of 134822
information, or the failure to provide information, that is needed 134823
for the proper operation of the assessor registry. 134824

Sec. 3107.015. The director of ~~job~~ children and ~~family~~ 134825
~~services~~ youth shall adopt rules in accordance with Chapter 119. 134826
of the Revised Code governing the training an individual must 134827
complete for the purpose of division (A)(3) of section 3107.014 of 134828
the Revised Code. The training shall include courses on adoption 134829
placement practice, federal and state adoption assistance 134830
programs, and post adoption support services. 134831

Sec. 3107.016. The department of ~~job~~ children and ~~family~~ 134832
~~services~~ youth shall develop a schedule of training that meets the 134833
requirements established in rules adopted pursuant to section 134834
3107.015 of the Revised Code. The schedule shall include enough 134835
training to provide all agencies equal access to the training. The 134836
department shall distribute the schedule to all agencies. 134837

Sec. 3107.017. The department of ~~job~~ children and ~~family~~ services youth shall develop a standardized form for the disclosure of information about a prospective adoptive child to prospective adoptive parents. The information disclosed shall include all background information available on the child. The department shall distribute the form to all agencies.

Sec. 3107.031. Except as otherwise provided in this section, an assessor shall conduct a home study for the purpose of ascertaining whether a person seeking to adopt a minor is suitable to adopt. A written report of the home study shall be filed with the court at least ten days before the petition for adoption is heard.

A person seeking to adopt a minor who knowingly makes a false statement that is included in the written report of a home study conducted pursuant to this section is guilty of the offense of falsification under section 2921.13 of the Revised Code, and such a home study shall not be filed with the court. If such a home study is filed with the court, the court may strike the home study from the court's records.

The report shall contain the opinion of the assessor as to whether the person who is the subject of the report is suitable to adopt a minor, any multiple children assessment required under section 3107.032 of the Revised Code, and other information and documents specified in rules adopted by the director of ~~job~~ children and ~~family services~~ youth under section 3107.033 of the Revised Code. The assessor shall not consider the person's age when determining whether the person is suitable to adopt if the person is old enough to adopt as provided by section 3107.03 of the Revised Code.

An assessor may request departments or agencies within or

outside this state to assist in the home study as may be 134868
appropriate and to make a written report to be included with and 134869
attached to the report to the court. The assessor shall make 134870
similar home studies and reports on behalf of other assessors 134871
designated by the courts of this state or another place. 134872

Upon order of the court, the costs of the home study and 134873
other proceedings shall be paid by the person seeking to adopt, 134874
and, if the home study is conducted by a public agency or public 134875
employee, the part of the cost representing any services and 134876
expenses shall be taxed as costs and paid into the state treasury 134877
or county treasury, as the court may direct. 134878

On request, the assessor shall provide the person seeking to 134879
adopt a copy of the report of the home study. The assessor shall 134880
delete from that copy any provisions concerning the opinion of 134881
other persons, excluding the assessor, of the person's suitability 134882
to adopt a minor. 134883

This section does not apply to a foster caregiver seeking to 134884
adopt the foster caregiver's foster child if the foster child has 134885
resided in the foster caregiver's home for at least six months 134886
prior to the date the foster caregiver submits an application 134887
prescribed under division (B) of section 3107.012 of the Revised 134888
Code to the agency arranging the adoption. 134889

Sec. 3107.032. (A) Except as provided in division (C) of this 134890
section, each time a person seeking to adopt a minor or foster 134891
child will have at least five children residing in the prospective 134892
adoptive home after the minor or foster child to be adopted is 134893
placed in the home, an assessor, on behalf of an agency or 134894
attorney arranging an adoption pursuant to sections 3107.011 or 134895
3107.012 of the Revised Code, shall complete a multiple children 134896
assessment during the home study. The multiple children assessment 134897
shall evaluate the ability of the person seeking to adopt in 134898

meeting the needs of the minor or foster child to be adopted and 134899
continuing to meet the needs of the children residing in the home. 134900
The assessor shall include the multiple children assessment in the 134901
written report of the home study filed pursuant to section 134902
3107.031 of the Revised Code. 134903

(B) The director of ~~job children~~ and ~~family services youth~~ 134904
shall adopt rules in accordance with Chapter 119. of the Revised 134905
Code necessary for an assessor to complete a multiple children 134906
assessment. 134907

(C) This section does not apply to an adoption by a 134908
stepparent whose spouse is a biological or adoptive parent of the 134909
minor to be adopted. 134910

Sec. 3107.033. ~~Not later than June 1, 2009, the~~ The director 134911
of ~~job children~~ and ~~family services youth~~ shall adopt rules in 134912
accordance with Chapter 119. of the Revised Code specifying both 134913
of the following: 134914

(A) The manner in which a home study is to be conducted and 134915
the information and documents to be included in a home study 134916
report, which shall include, pursuant to section 3107.034 of the 134917
Revised Code, a summary report of a search of the uniform 134918
statewide automated child welfare information system established 134919
in section 5101.13 of the Revised Code and a report of a check of 134920
a central registry of another state if a request for a check of a 134921
central registry of another state is required under division (A) 134922
of section 3107.034 of the Revised Code. The director shall ensure 134923
that rules adopted under this section align the home study 134924
content, time period, and process with any foster care home study 134925
content, time period, and process required by rules adopted under 134926
section 5103.03 of the Revised Code. 134927

(B) A procedure under which a person whose application for 134928

adoption has been denied as a result of a search of the uniform 134929
statewide automated child welfare information system established 134930
in section 5101.13 of the Revised Code as part of the home study 134931
may appeal the denial to the agency that employed the assessor who 134932
filed the report. 134933

Sec. 3107.034. (A) Whenever a prospective adoptive parent or 134934
a person eighteen years of age or older who resides with a 134935
prospective adoptive parent has resided in another state within 134936
the five-year period immediately prior to the date on which a 134937
criminal records check is requested for the person under division 134938
(A) of section 2151.86 of the Revised Code, the administrative 134939
director of an agency, or attorney, who arranges the adoption for 134940
the prospective adoptive parent shall request a check of the 134941
central registry of abuse and neglect of this state from the 134942
department of ~~job children~~ and ~~family services youth~~ regarding the 134943
prospective adoptive parent or the person eighteen years of age or 134944
older who resides with the prospective adoptive parent to enable 134945
the agency or attorney to check any child abuse and neglect 134946
registry maintained by that other state. The administrative 134947
director or attorney shall make the request and shall review the 134948
results of the check before a final decree of adoption or an 134949
interlocutory order of adoption making the person an adoptive 134950
parent may be made. Information received pursuant to the request 134951
shall be considered for purposes of this chapter as if it were a 134952
summary report required under section 3107.033 of the Revised 134953
Code. The department of ~~job children~~ and ~~family services youth~~ 134954
shall comply with any request to check the central registry that 134955
is similar to the request described in this division and that is 134956
received from any other state. 134957

(B) The summary report of a search of the uniform statewide 134958
automated child welfare information system established in section 134959
5101.13 of the Revised Code that is required under section 134960

3107.033 of the Revised Code shall contain, if applicable, a 134961
chronological list of abuse and neglect determinations or 134962
allegations of which the person seeking to adopt is subject and in 134963
regards to which a public children services agency has done one of 134964
the following: 134965

(1) Determined that abuse or neglect occurred; 134966

(2) Initiated an investigation, and the investigation is 134967
ongoing; 134968

(3) Initiated an investigation and the agency was unable to 134969
determine whether abuse or neglect occurred. 134970

(C) The summary report required under section 3107.033 of the 134971
Revised Code shall not contain any of the following: 134972

(1) An abuse and neglect determination of which the person 134973
seeking to adopt is subject and in regards to which a public 134974
children services agency determined that abuse or neglect did not 134975
occur; 134976

(2) Information or reports the dissemination of which is 134977
prohibited by, or interferes with eligibility under, the "Child 134978
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 134979
5101 et seq., as amended; 134980

(3) The name of the person who or entity that made, or 134981
participated in the making of, the report of abuse or neglect. 134982

(D)(1) An application for adoption may be denied based on a 134983
summary report containing the information described under division 134984
(B)(1) of this section, when considered within the totality of the 134985
circumstances. An application that is denied may be appealed using 134986
the procedure adopted pursuant to division (B) of section 3107.033 134987
of the Revised Code. 134988

(2) An application for adoption shall not be denied solely 134989
based on a summary report containing the information described 134990

under division (B)(2) or (3) of this section. 134991

Sec. 3107.035. (A) At the time of the initial home study, and 134992
every two years thereafter, if the home study is updated, and 134993
until it becomes part of a final decree of adoption or an 134994
interlocutory order of adoption, the agency or attorney that 134995
arranges an adoption for the prospective adoptive parent shall 134996
conduct a search of the United States department of justice 134997
national sex offender public web site regarding the prospective 134998
adoptive parent and all persons eighteen years of age or older who 134999
reside with the prospective adoptive parent. 135000

(B) A petition for adoption may be denied based solely on the 135001
results of the search of the national sex offender public web 135002
site. 135003

(C) The director of ~~job children and family services~~ youth 135004
shall adopt rules in accordance with Chapter 119. of the Revised 135005
Code necessary for the implementation and execution of this 135006
section. 135007

Sec. 3107.051. (A) Except as provided in division (B) of this 135008
section, a person seeking to adopt a minor, or the agency or 135009
attorney arranging the adoption, shall submit a petition for the 135010
minor's adoption no later than ninety days after the date the 135011
minor is placed in the person's home. Failure to file a petition 135012
within the time provided by this division does not affect a 135013
court's jurisdiction to hear the petition and is not grounds for 135014
denying the petition. 135015

(B) This section does not apply if any of the following 135016
apply: 135017

(1) The person seeking to adopt the minor is the minor's 135018
stepparent; 135019

(2) The minor was not originally placed in the person's home 135020

with the purpose of the person adopting the minor; 135021

(3) The minor is a "child with special needs," as defined by 135022
the director of ~~job~~ children and ~~family services~~ youth in 135023
accordance with section 5153.163 of the Revised Code. 135024

Sec. 3107.081. (A) Except as provided in divisions (B), (E), 135025
and (F) of this section, a parent of a minor, who will be, if 135026
adopted, an adopted person as defined in section 3107.45 of the 135027
Revised Code, shall do all of the following as a condition of a 135028
court accepting the parent's consent to the minor's adoption: 135029

(1) Appear personally before the court; 135030

(2) Sign the component of the form prescribed under division 135031
(A)(1)(a) of section 3107.083 of the Revised Code; 135032

(3) Check either the "yes" or "no" space provided on the 135033
component of the form prescribed under division (A)(1)(b) of 135034
section 3107.083 of the Revised Code and sign that component; 135035

(4) If the parent is the mother, complete and sign the 135036
component of the form prescribed under division (A)(1)(c) of 135037
section 3107.083 of the Revised Code. 135038

At the time the parent signs the components of the form 135039
prescribed under divisions (A)(1)(a), (b), and (c) of section 135040
3107.083 of the Revised Code, the parent may sign, if the parent 135041
chooses to do so, the components of the form prescribed under 135042
divisions (A)(1)(d), (e), and (f) of that section. After the 135043
parent signs the components required to be signed and any 135044
discretionary components the parent chooses to sign, the parent, 135045
or the attorney arranging the adoption, shall file the form and 135046
parent's consent with the court. The court or attorney shall give 135047
the parent a copy of the form and consent. The court and attorney 135048
shall keep a copy of the form and consent in the court and 135049
attorney's records of the adoption. 135050

The court shall question the parent to determine that the parent understands the adoption process, the ramifications of consenting to the adoption, each component of the form prescribed under division (A)(1) of section 3107.083 of the Revised Code, and that the minor and adoptive parent may receive identifying information about the parent in accordance with section 3107.47 of the Revised Code unless the parent checks the "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code or has a denial of release form filed with the department of health under section 3107.46 of the Revised Code. The court also shall question the parent to determine that the parent's consent to the adoption and any decisions the parent makes in filling out the form prescribed under division (A)(1) of section 3107.083 of the Revised Code are made voluntarily.

(B) The parents of a minor, who is less than six months of age and will be, if adopted, an adopted person as defined in section 3107.45 of the Revised Code, may consent to the minor's adoption without personally appearing before a court if both parents do all of the following:

(1) Execute a notarized statement of consent to the minor's adoption before the attorney arranging the adoption;

(2) Sign the component of the form prescribed under division (A)(1)(a) of section 3107.083 of the Revised Code;

(3) Check either the "yes" or "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code and sign that component.

At the time the parents sign the components of the form prescribed under divisions (A)(1)(a) and (b) of section 3107.083 of the Revised Code, the mother shall complete and sign the component of the form prescribed under division (A)(1)(c) of that

section and the attorney arranging the adoption shall provide the 135082
parents the opportunity to sign, if they choose to do so, the 135083
components of the form prescribed under divisions (A)(1)(d), (e), 135084
and (f) of that section. At the time the petition to adopt the 135085
minor is submitted to the court, the attorney shall file the 135086
parents' consents and forms with the court. The attorney shall 135087
give the parents a copy of the consents and forms. At the time the 135088
attorney files the consents and forms with the court, the attorney 135089
also shall file with the court all other documents the director of 135090
~~job~~ children and ~~family services~~ youth requires by rules adopted 135091
under division (D) of section 3107.083 of the Revised Code to be 135092
filed with the court. The court and attorney shall keep a copy of 135093
the consents, forms, and documents in the court and attorney's 135094
records of the adoption. 135095

(C) Except as provided in divisions (D), (E), and (F) of this 135096
section, a parent of a minor, who will be, if adopted, an adopted 135097
person as defined in section 3107.38 of the Revised Code, shall do 135098
all of the following as a condition of a court accepting the 135099
parent's consent to the minor's adoption: 135100

(1) Appear personally before the court; 135101

(2) Sign the component of the form prescribed under division 135102
(B)(1)(a) of section 3107.083 of the Revised Code; 135103

(3) If the parent is the mother, complete and sign the 135104
component of the form prescribed under division (B)(1)(b) of 135105
section 3107.083 of the Revised Code. 135106

At the time the parent signs the components prescribed under 135107
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 135108
Code, the parent may sign, if the parent chooses to do so, the 135109
components of the form prescribed under divisions (B)(1)(c), (d), 135110
and (e) of that section. After the parent signs the components 135111
required to be signed and any discretionary components the parent 135112

chooses to sign, the parent, or the attorney arranging the 135113
adoption, shall file the form and parent's consent with the court. 135114
The court or attorney shall give the parent a copy of the form and 135115
consent. The court and attorney shall keep a copy of the form and 135116
consent in the court and attorney's records of the adoption. 135117

The court shall question the parent to determine that the 135118
parent understands the adoption process, the ramifications of 135119
consenting to the adoption, and each component of the form 135120
prescribed under division (B)(1) of section 3107.083 of the 135121
Revised Code. The court also shall question the parent to 135122
determine that the parent's consent to the adoption and any 135123
decisions the parent makes in filling out the form are made 135124
voluntarily. 135125

(D) The parent of a minor who is less than six months of age 135126
and will be, if adopted, an adopted person as defined in section 135127
3107.38 of the Revised Code may consent to the minor's adoption 135128
without personally appearing before a court if the parent does all 135129
of the following: 135130

(1) Executes a notarized statement of consent to the minor's 135131
adoption before the attorney arranging the adoption; 135132

(2) Signs the component of the form prescribed under division 135133
(B)(1)(a) of section 3107.083 of the Revised Code; 135134

(3) If the parent is the mother, completes and signs the 135135
component of the form prescribed under division (B)(1)(b) of 135136
section 3107.083 of the Revised Code. 135137

At the time the parent signs the components of the form 135138
prescribed under divisions (B)(1)(a) and (b) of section 3107.083 135139
of the Revised Code, the attorney arranging the adoption shall 135140
provide the parent the opportunity to sign, if the parent chooses 135141
to do so, the components of the form prescribed under divisions 135142
(B)(1)(c), (d), and (e) of that section. At the time the petition 135143

to adopt the minor is submitted to the court, the attorney shall 135144
file the parent's consent and form with the court. The attorney 135145
shall give the parent a copy of the consent and form. At the time 135146
the attorney files the consent and form with the court, the 135147
attorney also shall file with the court all other documents the 135148
director of ~~job~~ children and ~~family services~~ youth requires by 135149
rules adopted under division (D) of section 3107.083 of the 135150
Revised Code to be filed with the court. The court and attorney 135151
shall keep a copy of the consent, form, and documents in the court 135152
and attorney's records of the adoption. 135153

(E) If a minor is to be adopted by a stepparent, the parent 135154
who is not married to the stepparent may consent to the minor's 135155
adoption without appearing personally before a court if the parent 135156
executes consent in the presence of a person authorized to take 135157
acknowledgments. The attorney arranging the adoption shall file 135158
the consent with the court and give the parent a copy of the 135159
consent. The court and attorney shall keep a copy of the consent 135160
in the court and attorney's records of the adoption. 135161

(F) If a parent of a minor to be adopted resides in another 135162
state, the parent may consent to the minor's adoption without 135163
appearing personally before a court if the parent executes consent 135164
in the presence of a person authorized to take acknowledgments. 135165
The attorney arranging the adoption shall file the consent with 135166
the court and give the parent a copy of the consent. The court and 135167
attorney shall keep a copy of the consent in the court and 135168
attorney's records of the adoption. 135169

Sec. 3107.083. The director of ~~job~~ children and ~~family~~ 135170
~~services~~ youth shall do all of the following: 135171

(A)(1) For a parent of a child who, if adopted, will be an 135172
adopted person as defined in section 3107.45 of the Revised Code, 135173
prescribe a form that has the following six components: 135174

(a) A component the parent signs under section 3107.071, 135175
3107.081, or 5103.151 of the Revised Code to indicate the 135176
requirements of section 3107.082 or 5103.152 of the Revised Code 135177
have been met. The component shall be as follows: 135178

"Statement Concerning Ohio Law and Adoption Materials 135179

By signing this component of this form, I acknowledge that it 135180
has been explained to me, and I understand, that, if I check the 135181
space on the next component of this form that indicates that I 135182
authorize the release, the adoption file maintained by the Ohio 135183
Department of Health, which contains identifying information about 135184
me at the time of my child's birth, will be released, on request, 135185
to the adoptive parent when the adoptee is at least age eighteen 135186
but younger than age twenty-one and to the adoptee when he or she 135187
is age twenty-one or older. It has also been explained to me, and 135188
I understand, that I may prohibit the release of identifying 135189
information about me contained in the adoption file by checking 135190
the space on the next component of this form that indicates that I 135191
do not authorize the release of the identifying information. It 135192
has additionally been explained to me, and I understand, that I 135193
may change my mind regarding the decision I make on the next 135194
component of this form at any time and as many times as I desire 135195
by signing, dating, and having filed with the Ohio Department of 135196
Health a denial of release form or authorization of release form 135197
prescribed and provided by the Department of Health and providing 135198
the Department two items of identification. 135199

By signing this component of this form, I also acknowledge 135200
that I have been provided a copy of written materials about 135201
adoption prepared by the Ohio Department of ~~Job~~ Children and 135202
~~Family Services~~ Youth, the adoption process and ramifications of 135203
consenting to adoption or entering into a voluntary permanent 135204
custody surrender agreement have been discussed with me, and I 135205
have been provided the opportunity to review the materials and ask 135206

questions about the materials and discussion.	135207
Signature of biological parent:	135208
Signature of witness:	135209
Date:	135210
(b) A component the parent signs under section 3107.071,	135211
3107.081, or 5103.151 of the Revised Code regarding the parent's	135212
decision whether to allow identifying information about the parent	135213
contained in an adoption file maintained by the department of	135214
health to be released to the parent's child and adoptive parent	135215
pursuant to section 3107.47 of the Revised Code. The component	135216
shall be as follows:	135217
"Statement Regarding Release of Identifying Information	135218
The purpose of this component of this form is to allow a	135219
biological parent to decide whether to allow the Ohio Department	135220
of Health to provide an adoptee and adoptive parent identifying	135221
information about the adoptee's biological parent contained in an	135222
adoption file maintained by the Department. Please check one of	135223
the following spaces:	135224
..... YES, I authorize the Ohio Department of Health to	135225
release identifying information about me, on	
request, to the adoptive parent when the adoptee is	
at least age eighteen but younger than age	
twenty-one and to the adoptee when he or she is age	
twenty-one or older.	
..... NO, I do not authorize the release of identifying	135226
information about me to the adoptive parent or	
adoptee.	
Signature of biological parent:	135227
Signature of witness:	135228
Date:	135229
(c) A component the parent, if the mother of the child,	135230
completes and signs under section 3107.071, 3107.081, or 5103.151	135231

of the Revised Code to indicate, to the extent of the mother's 135232
knowledge, all of the following: 135233

(i) Whether the mother, during her pregnancy, was a recipient 135234
of the medicaid program or other public health insurance program 135235
and, if so, the dates her eligibility began and ended; 135236

(ii) Whether the mother, during her pregnancy, was covered by 135237
private health insurance and, if so, the dates the coverage began 135238
and ended, the name of the insurance provider, the type of 135239
coverage, and the identification number of the coverage; 135240

(iii) The name and location of the hospital, freestanding 135241
birthing center, or other place where the mother gave birth and, 135242
if different, received medical care immediately after giving 135243
birth; 135244

(iv) The expenses of the obstetrical and neonatal care; 135245

(v) Whether the mother has been informed that the adoptive 135246
parent or the agency or attorney arranging the adoption are to pay 135247
expenses involved in the adoption, including expenses the mother 135248
has paid and expects to receive or has received reimbursement, 135249
and, if so, what expenses are to be or have been paid and an 135250
estimate of the expenses; 135251

(vi) Any other information related to expenses the department 135252
determines appropriate to be included in this component. 135253

(d) A component the parent may sign to authorize the agency 135254
or attorney arranging the adoption to provide to the child or 135255
adoptive parent materials, other than photographs of the parent, 135256
that the parent requests be given to the child or adoptive parent 135257
pursuant to section 3107.68 of the Revised Code. 135258

(e) A component the parent may sign to authorize the agency 135259
or attorney arranging the adoption to provide to the child or 135260
adoptive parent photographs of the parent pursuant to section 135261

3107.68 of the Revised Code. 135262

(f) A component the parent may sign to authorize the agency 135263
or attorney arranging the adoption to provide to the child or 135264
adoptive parent the first name of the parent pursuant to section 135265
3107.68 of the Revised Code. 135266

(2) State at the bottom of the form that the parent is to 135267
receive a copy of the form the parent signed. 135268

(3) Provide copies of the form prescribed under this division 135269
to probate and juvenile courts, public children services agencies, 135270
private child placing agencies, private noncustodial agencies, 135271
attorneys, and persons authorized to take acknowledgments. 135272

(B)(1) For a parent of a child who, if adopted, will become 135273
an adopted person as defined in section 3107.38 of the Revised 135274
Code, prescribe a form that has the following five components: 135275

(a) A component the parent signs under section 3107.071, 135276
3107.081, or 5103.151 of the Revised Code to attest that the 135277
requirement of division (A) of section 3107.082 or division (A) of 135278
section 5103.152 of the Revised Code has been met; 135279

(b) A component the parent, if the mother of the child, 135280
completes and signs under section 3107.071, 3107.081, or 5103.151 135281
of the Revised Code to indicate, to the extent of the mother's 135282
knowledge, all of the following: 135283

(i) Whether the mother, during her pregnancy, was a recipient 135284
of the medicaid program or other public health insurance program 135285
and, if so, the dates her eligibility began and ended; 135286

(ii) Whether the mother, during her pregnancy, was covered by 135287
private health insurance and, if so, the dates the coverage began 135288
and ended, the name of the insurance provider, the type of 135289
coverage, and the identification number of the coverage; 135290

(iii) The name and location of the hospital, freestanding 135291

birthing center, or other place where the mother gave birth and,	135292
if different, received medical care immediately after giving	135293
birth;	135294
(iv) The expenses of the obstetrical and neonatal care;	135295
(v) Whether the mother has been informed that the adoptive	135296
parent or the agency or attorney arranging the adoption are to pay	135297
expenses involved in the adoption, including expenses the mother	135298
has paid and expects to receive or has received reimbursement for,	135299
and, if so, what expenses are to be or have been paid and an	135300
estimate of the expenses;	135301
(vi) Any other information related to expenses the department	135302
determines appropriate to be included in the component.	135303
(c) A component the parent may sign to authorize the agency	135304
or attorney arranging the adoption to provide to the child or	135305
adoptive parent materials, other than photographs of the parent,	135306
that the parent requests be given to the child or adoptive parent	135307
pursuant to section 3107.68 of the Revised Code.	135308
(d) A component the parent may sign to authorize the agency	135309
or attorney arranging the adoption to provide to the child or	135310
adoptive parent photographs of the parent pursuant to section	135311
3107.68 of the Revised Code.	135312
(e) A component the parent may sign to authorize the agency	135313
or attorney arranging the adoption to provide to the child or	135314
adoptive parent the first name of the parent pursuant to section	135315
3107.68 of the Revised Code.	135316
(2) State at the bottom of the form that the parent is to	135317
receive a copy of the form the parent signed.	135318
(3) Provide copies of the form prescribed under this division	135319
to probate and juvenile courts, public children services agencies,	135320
private child placing agencies, private noncustodial agencies,	135321

attorneys, and persons authorized to take acknowledgments. 135322

(C) Prepare the written materials about adoption that are 135323
required to be given to parents under division (A) of section 135324
3107.082 and division (A) of section 5103.152 of the Revised Code. 135325
The materials shall provide information about the adoption 135326
process, including ramifications of a parent consenting to a 135327
child's adoption or entering into a voluntary permanent custody 135328
surrender agreement. The materials also shall include referral 135329
information for professional counseling and adoption support 135330
organizations. The director shall provide the materials to 135331
assessors. 135332

(D) Adopt rules in accordance with Chapter 119. of the 135333
Revised Code specifying the documents that must be filed with a 135334
probate court under divisions (B) and (D) of section 3107.081 of 135335
the Revised Code and a juvenile court under divisions (C) and (E) 135336
of section 5103.151 of the Revised Code. 135337

Sec. 3107.09. (A) The department of ~~job~~ children and ~~family~~ 135338
~~services~~ youth shall prescribe and supply forms for the taking of 135339
social and medical histories of the biological parents of a minor 135340
available for adoption. 135341

(B) An assessor shall record the social and medical histories 135342
of the biological parents of a minor available for adoption, 135343
unless the minor is to be adopted by the minor's stepparent or 135344
grandparent. The assessor shall use the forms prescribed pursuant 135345
to division (A) of this section. The assessor shall not include on 135346
the forms identifying information about the biological parents or 135347
other ancestors of the minor. 135348

(C) A social history shall describe and identify the age; 135349
ethnic, racial, religious, marital, and physical characteristics; 135350
and educational, cultural, talent and hobby, and work experience 135351
background of the biological parents of the minor. A medical 135352

history shall identify major diseases, malformations, allergies, 135353
ear or eye defects, major conditions, and major health problems of 135354
the biological parents that are or may be congenital or familial. 135355
These histories may include other social and medical information 135356
relative to the biological parents and shall include social and 135357
medical information relative to the minor's other ancestors. 135358

The social and medical histories may be obtained through 135359
interviews with the biological parents or other persons and from 135360
any available records if a biological parent or any legal guardian 135361
of a biological parent consents to the release of information 135362
contained in a record. An assessor who considers it necessary may 135363
request that a biological parent undergo a medical examination. In 135364
obtaining social and medical histories of a biological parent, an 135365
assessor shall inform the biological parent, or a person other 135366
than a biological parent who provides information pursuant to this 135367
section, of the purpose and use of the histories and of the 135368
biological parent's or other person's right to correct or expand 135369
the histories at any time. 135370

(D) A biological parent, or another person who provided 135371
information in the preparation of the social and medical histories 135372
of the biological parents of a minor, may cause the histories to 135373
be corrected or expanded to include different or additional types 135374
of information. The biological parent or other person may cause 135375
the histories to be corrected or expanded at any time prior or 135376
subsequent to the adoption of the minor, including any time after 135377
the minor becomes an adult. A biological parent may cause the 135378
histories to be corrected or expanded even if the biological 135379
parent did not provide any information to the assessor at the time 135380
the histories were prepared. 135381

To cause the histories to be corrected or expanded, a 135382
biological parent or other person who provided information shall 135383
provide the information to be included or specify the information 135384

to be corrected to whichever of the following is appropriate under 135385
the circumstances: 135386

(1) Subject to divisions (D)(2) and (3) of this section, to 135387
the assessor who prepared the histories if the biological parent 135388
or other person knows the assessor; 135389

(2) Subject to division (D)(3) of this section, to the court 135390
involved in the adoption or, if that court is not known, to the 135391
department of health, if the biological parent or person does not 135392
know the assessor or finds that the assessor has ceased to perform 135393
assessments; 135394

(3) To the department of health, if the histories were 135395
originally completed by the biological parent pursuant to section 135396
3107.393 of the Revised Code or, regardless of whether the 135397
histories were originally completed pursuant to this section or 135398
section 3107.091 or 3107.393 of the Revised Code, the biological 135399
parent seeks to correct or expand the histories at the same time 135400
the biological parent completes a contact preference form pursuant 135401
to section 3107.39 of the Revised Code or a biological parent's 135402
name redaction request form pursuant to section 3107.391 of the 135403
Revised Code. 135404

An assessor who receives information from a biological parent 135405
or other person pursuant to division (D)(1) of this section shall 135406
determine whether the information is of a type that divisions (B) 135407
and (C) of this section permit to be included in the histories. If 135408
the assessor determines the information is of a permissible type, 135409
the assessor shall cause the histories to be corrected or expanded 135410
to reflect the information. If, at the time the information is 135411
received, the histories have been filed with the court as required 135412
by division (E) of this section, the court shall cooperate with 135413
the assessor in correcting or expanding the histories. 135414

If the department of health or a court receives information 135415

from a biological parent or other person pursuant to division 135416
(D)(2) of this section or the department receives information from 135417
a biological parent pursuant to division (D)(3) of this section, 135418
it shall determine whether the information is of a type that 135419
divisions (B) and (C) of this section permit to be included in the 135420
histories. If a court determines the information is of a 135421
permissible type, the court shall cause the histories to be 135422
corrected or expanded to reflect the information. If the 135423
department of health so determines, the court involved shall 135424
cooperate with the department in the correcting or expanding of 135425
the histories. 135426

An assessor or the department of health shall notify a 135427
biological parent or other person in writing if the assessor or 135428
department determines that information the biological parent or 135429
other person provided or specified for inclusion in a history is 135430
not of a type that may be included in a history. On receipt of the 135431
notice, the biological parent or other person may petition the 135432
court involved in the adoption to make a finding as to whether the 135433
information is of a type that may be included in a history. On 135434
receipt of the petition, the court shall issue its finding without 135435
holding a hearing. If the court finds that the information is of a 135436
type that may be included in a history, it shall cause the history 135437
to be corrected or expanded to reflect the information. 135438

(E) An assessor shall file the social and medical histories 135439
of the biological parents prepared pursuant to divisions (B) and 135440
(C) of this section with the court with which a petition to adopt 135441
the biological parents' child is filed. The court promptly shall 135442
provide a copy of the social and medical histories filed with it 135443
to the petitioner. In a case involving the adoption of a minor by 135444
any person other than the minor's stepparent or grandparent, a 135445
court may refuse to issue an interlocutory order or final decree 135446
of adoption if the histories of the biological parents have not 135447

been so filed, unless the assessor certifies to the court that 135448
information needed to prepare the histories is unavailable for 135449
reasons beyond the assessor's control. 135450

Sec. 3107.091. (A) As used in this section, "biological 135451
parent" means a biological parent whose offspring, as a minor, was 135452
adopted and with respect to whom a medical and social history was 135453
not prepared prior or subsequent to the adoption. 135454

(B) A biological parent may request the department of ~~job~~ 135455
children and family services youth to provide the biological 135456
parent with a copy of the social and medical history forms 135457
prescribed by the department pursuant to section 3107.09 of the 135458
Revised Code. The department, upon receipt of such a request, 135459
shall provide the forms to the biological parent, if the 135460
biological parent indicates that the forms are being requested so 135461
that the adoption records of the biological parent's offspring 135462
will include a social and medical history of the biological 135463
parent. 135464

In completing the forms, the biological parent may include 135465
information described in division (C) of section 3107.09 of the 135466
Revised Code, but shall not include identifying information. When 135467
the biological parent has completed the forms to the extent the 135468
biological parent wishes to provide information, the biological 135469
parent shall return them to the department. The department shall 135470
review the completed forms, and shall determine whether the 135471
information included by the biological parent is of a type 135472
permissible under divisions (B) and (C) of section 3107.09 of the 135473
Revised Code and, to the best of its ability, whether the 135474
information is accurate. If it determines that the forms contain 135475
accurate, permissible information, the department, after excluding 135476
from the forms any information the department deems impermissible, 135477
shall file them with the court that entered the interlocutory 135478

order or final decree of adoption in the adoption case. If the 135479
department needs assistance in determining that court, the 135480
department of health, upon request, shall assist it. 135481

The department of ~~job~~ children and ~~family services~~ youth 135482
shall notify the biological parent in writing if it excludes from 135483
the biological parent's social and medical history forms 135484
information deemed impermissible. On receipt of the notice, the 135485
biological parent may petition the court with which the forms were 135486
filed to make a finding as to whether the information is 135487
permissible. On receipt of the petition, the court shall issue its 135488
finding without holding a hearing. If the court finds the 135489
information is permissible, it shall cause the information to be 135490
included on the forms. 135491

Upon receiving social and medical history forms pursuant to 135492
this section, a court shall cause them to be filed in the records 135493
pertaining to the adoption case. 135494

Social and medical history forms completed by a biological 135495
parent pursuant to this section may be corrected or expanded by 135496
the biological parent in accordance with division (D) of section 135497
3107.09 of the Revised Code. 135498

Access to the histories shall be granted in accordance with 135499
division (D) of section 3107.17 of the Revised Code. 135500

(C) This section does not preclude a biological parent from 135501
completing a social and medical history in accordance with section 135502
3107.393 of the Revised Code instead of this section. 135503

Sec. 3107.10. (A)(1) A public children services agency 135504
arranging an adoption in a county other than the county where that 135505
public children services agency is located, private child placing 135506
agency, or private noncustodial agency, or an attorney arranging 135507
an adoption, shall notify the public children services agency in 135508

the county in which the prospective adoptive parent resides within 135509
ten days after initiation of a home study required under section 135510
3107.031 of the Revised Code. 135511

(2) After a public children services agency has received 135512
notification pursuant to division (A)(1) of this section, both the 135513
public children services agency arranging an adoption in a county 135514
other than the county where that public children services agency 135515
is located, private child placing agency, private noncustodial 135516
agency, or attorney arranging an adoption, and the public children 135517
services agency shall share relevant information regarding the 135518
prospective adoptive parent as soon as possible after initiation 135519
of the home study. 135520

(B) A public children services agency arranging an adoption 135521
in a county other than the county where that public children 135522
services agency is located, private child placing agency, or 135523
private noncustodial agency, or an attorney arranging an adoption, 135524
shall notify the public children services agency in the county in 135525
which the prospective adoptive parent resides of an impending 135526
adoptive placement not later than ten days prior to that 135527
placement. Notification shall include a description of the special 135528
needs and the age of the prospective adoptive child and the name 135529
of the prospective adoptive parent and number of children that 135530
will be residing in the prospective adoptive home when the 135531
prospective adoptive child is placed in the prospective adoptive 135532
home. 135533

(C) An agency or attorney sharing relevant information 135534
pursuant to this section is immune from liability in a civil 135535
action to recover damages for injury, death, or loss to person or 135536
property allegedly caused by any act or omission in connection 135537
with sharing relevant information unless the acts or omissions are 135538
with malicious purpose, in bad faith, or in a wanton or reckless 135539

manner. 135540

(D) The director of ~~job~~ children and ~~family services~~ youth 135541
shall adopt rules in accordance with Chapter 119. of the Revised 135542
Code necessary for the implementation and execution of this 135543
section, including, but not limited to, a definition of "relevant 135544
information" for the purposes of division (A) of this section. 135545

(E) This section does not apply to an adoption by a 135546
stepparent whose spouse is a biological or adoptive parent of the 135547
minor to be adopted. 135548

Sec. 3107.101. (A) Not later than seven days after a minor to 135549
be adopted is placed in a prospective adoptive home pursuant to 135550
section 5103.16 of the Revised Code, the assessor providing 135551
placement or post placement services in the prospective adoptive 135552
home shall begin monthly prospective adoptive home visits in that 135553
home, until the court issues a final decree of adoption. During 135554
the prospective adoptive home visits, the assessor shall evaluate 135555
the progression of the placement in the prospective adoptive home. 135556
The assessor shall include the evaluation in the prefinalization 135557
assessment required under section 3107.12 of the Revised Code. 135558

(B) During the prospective home visit required under division 135559
(A) of this section, the assessor shall make face-to-face contact 135560
with the prospective adoptive parent and the minor to be adopted. 135561
The assessor shall make contact, as prescribed by rule under 135562
division (C) of this section, with all other children or adults 135563
residing in the prospective adoptive home. 135564

(C) The director of ~~job~~ children and ~~family services~~ youth 135565
shall adopt rules in accordance with Chapter 119. of the Revised 135566
Code necessary for the implementation and execution of this 135567
section. 135568

(D) This section does not apply to an adoption by a 135569

stepparent whose spouse is a biological or adoptive parent of the 135570
minor to be adopted. 135571

Sec. 3107.12. (A) Except as provided in division (B) of this 135572
section, an assessor shall conduct a prefinalization assessment of 135573
a minor and petitioner before a court issues a final decree of 135574
adoption or finalizes an interlocutory order of adoption for the 135575
minor. On completion of the assessment, the assessor shall prepare 135576
a written report of the assessment and provide a copy of the 135577
report to the court before which the adoption petition is pending. 135578

The report of a prefinalization assessment shall include all 135579
of the following: 135580

(1) The adjustment of the minor and the petitioner to the 135581
adoptive placement; 135582

(2) The present and anticipated needs of the minor and the 135583
petitioner, as determined by a review of the minor's medical and 135584
social history, for adoption-related services, including 135585
assistance under Title IV-E of the "Social Security Act," 94 Stat. 135586
501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of 135587
the Revised Code and counseling, case management services, crisis 135588
services, diagnostic services, and therapeutic counseling. 135589

(3) The physical, mental, and developmental condition of the 135590
minor; 135591

(4) If known, the minor's biological family background, 135592
including identifying information about the biological or other 135593
legal parents; 135594

(5) The reasons for the minor's placement with the 135595
petitioner, the petitioner's attitude toward the proposed 135596
adoption, and the circumstances under which the minor was placed 135597
in the home of the petitioner; 135598

(6) The attitude of the minor toward the proposed adoption, 135599

if the minor's age makes this feasible; 135600

(7) If the minor is an Indian child, as defined in 25 135601
U.S.C.A. 1903(4), how the placement complies with the "Indian 135602
Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as 135603
amended; 135604

(8) If known, the minor's psychological background, including 135605
prior abuse of the child and behavioral problems of the child; 135606

(9) If applicable, the documents or forms required under 135607
sections 3107.032, 3107.10, and 3107.101 of the Revised Code. 135608

The assessor shall file the prefinalization report with the 135609
court not later than twenty days prior to the date scheduled for 135610
the final hearing on the adoption unless the court determines 135611
there is good cause for filing the report at a later date. 135612

The assessor shall provide a copy of the written report of 135613
the assessment to the petitioner with the identifying information 135614
about the biological or other legal parents redacted. 135615

(B) This section does not apply if the petitioner is the 135616
minor's stepparent, unless a court, after determining a 135617
prefinalization assessment is in the best interest of the minor, 135618
orders that an assessor conduct a prefinalization assessment. 135619

(C) The director of ~~job~~ children and ~~family services~~ youth 135620
shall adopt rules in accordance with Chapter 119. of the Revised 135621
Code defining "counseling," "case management services," "crisis 135622
services," "diagnostic services," and "therapeutic counseling" for 135623
the purpose of this section. 135624

Sec. 3107.13. (A) A final decree of adoption shall not be 135625
issued and an interlocutory order of adoption does not become 135626
final, until the person to be adopted has lived in the adoptive 135627
home for at least six months after placement by an agency, or for 135628
at least six months after the department of ~~job~~ children and 135629

~~family services youth~~ or the court has been informed of the 135630
placement of the person with the petitioner, and the department or 135631
court has had an opportunity to observe or investigate the 135632
adoptive home, or in the case of adoption by a stepparent, until 135633
at least six months after the filing of the petition, or until the 135634
child has lived in the home for at least six months. 135635

(B) In the case of a foster caregiver adopting a foster child 135636
or person adopting a child to whom the person is related, the 135637
court shall apply the amount of time the child lived in the foster 135638
caregiver's or relative's home prior to the date the foster 135639
caregiver or relative files the petition to adopt the child toward 135640
the six-month waiting period established by division (A) of this 135641
section. 135642

Sec. 3107.141. After an assessor files a home study report 135643
under section 3107.031, a social and medical history under section 135644
3107.09, or a prefinalization assessment report under section 135645
3107.12 of the Revised Code, or the department of ~~job~~ children and 135646
~~family services youth~~ or department of health files a social and 135647
medical history under section 3107.091 or 3107.393 of the Revised 135648
Code, a court may do either or both of the following if the court 135649
determines the report or history does not comply with the 135650
requirements governing the report or history or, in the case of a 135651
home study or prefinalization assessment report, does not enable 135652
the court to determine whether an adoption is in the best interest 135653
of the minor to be adopted: 135654

(A) Order the assessor or department to redo or supplement 135655
the report or history in a manner the court directs; 135656

(B) Appoint a different assessor to redo or supplement the 135657
report or history in a manner the court directs. 135658

Sec. 3107.17. (A) All hearings held under sections 3107.01 to 135659

3107.19 of the Revised Code shall be held in closed court without 135660
the admittance of any person other than essential officers of the 135661
court, the parties, the witnesses of the parties, counsel, persons 135662
who have not previously consented to an adoption but who are 135663
required to consent, and representatives of the agencies present 135664
to perform their official duties. 135665

(B)(1) Except as provided in divisions (B)(2) and (D) of this 135666
section, sections 3107.38 and 3107.381, and sections 3107.60 to 135667
3107.68 of the Revised Code, no person or governmental entity 135668
shall knowingly reveal any information contained in a paper, book, 135669
or record pertaining to an adoption that is part of the permanent 135670
record of a court or maintained by the department of ~~job~~ children 135671
and ~~family services~~ youth, an agency, or attorney without the 135672
consent of a court. 135673

(2) An agency or attorney may examine the agency's or 135674
attorney's own papers, books, and records pertaining to an 135675
adoption without a court's consent for official administrative 135676
purposes. The department of ~~job~~ children and ~~family services~~ youth 135677
may examine its own papers, books, and records pertaining to an 135678
adoption, or such papers, books, and records of an agency, without 135679
a court's consent for official administrative, certification, and 135680
eligibility determination purposes. 135681

(C) The petition, the interlocutory order, the final decree 135682
of adoption, and other adoption proceedings shall be recorded in a 135683
book kept for such purposes and shall be separately indexed. The 135684
book shall be a part of the records of the court, and all 135685
consents, affidavits, and other papers shall be properly filed. 135686

(D) All forms that pertain to the social or medical histories 135687
of the biological parents of an adopted person and that were 135688
completed pursuant to section 3107.09, 3107.091, or 3107.393 of 135689
the Revised Code shall be filed only in the permanent record kept 135690
by the court. During the minority of the adopted person, only the 135691

adoptive parents of the person may inspect the forms. When an 135692
adopted person reaches majority, only the adopted person may 135693
inspect the forms. Under the circumstances described in this 135694
division, an adopted person or the adoptive parents are entitled 135695
to inspect the forms upon requesting the clerk of the court to 135696
produce them. 135697

(E)(1) The department of ~~job~~ children and ~~family services~~ 135698
youth shall prescribe a form that permits any person who is 135699
authorized by division (D) of this section to inspect forms that 135700
pertain to the social or medical histories of the biological 135701
parents and that were completed pursuant to section 3107.09, 135702
3107.091, or 3107.393 of the Revised Code to request notice if any 135703
correction or expansion of either such history, made pursuant to 135704
division (D) of section 3107.09 of the Revised Code, is made a 135705
part of the permanent record kept by the court. The form shall be 135706
designed to facilitate the provision of the information and 135707
statements described in division (E)(3) of this section. The 135708
department shall provide copies of the form to each court. A court 135709
shall provide a copy of the request form to each adoptive parent 135710
when a final decree of adoption is entered and shall explain to 135711
each adoptive parent at that time that an adoptive parent who 135712
completes and files the form will be notified of any correction or 135713
expansion of either the social or medical history of the 135714
biological parents of the adopted person made during the minority 135715
of the adopted person that is made a part of the permanent record 135716
kept by the court, and that, during the adopted person's minority, 135717
the adopted person may inspect the forms that pertain to those 135718
histories. Upon request, the court also shall provide a copy of 135719
the request form to any adoptive parent during the minority of the 135720
adopted person and to an adopted person who has reached the age of 135721
majority. 135722

(2) Any person who is authorized to inspect forms pursuant to 135723

division (D) of this section who wishes to be notified of 135724
corrections or expansions pursuant to division (D) of section 135725
3107.09 of the Revised Code that are made a part of the permanent 135726
record kept by the court shall file with the court, on a copy of 135727
the form prescribed by the department of ~~job~~ children and ~~family~~ 135728
~~services~~ youth pursuant to division (E)(1) of this section, a 135729
request for such notification that contains the information and 135730
statements required by division (E)(3) of this section. A request 135731
may be filed at any time if the person who files the request is 135732
authorized at that time to inspect forms that pertain to the 135733
social or medical histories. 135734

(3) A request for notification as described in division 135735
(E)(2) of this section shall contain all of the following 135736
information: 135737

(a) The adopted person's name and mailing address at that 135738
time; 135739

(b) The name of each adoptive parent, and if the adoptive 135740
person is a minor at the time of the filing of the request, the 135741
mailing address of each adoptive parent at that time; 135742

(c) The adopted person's date of birth; 135743

(d) The date of entry of the final decree of adoption; 135744

(e) A statement requesting the court to notify the person who 135745
files the request, at the address provided in the request, if any 135746
correction or expansion of either the social or medical history of 135747
the biological parents is made a part of the permanent record kept 135748
by the court; 135749

(f) A statement that the person who files the request is 135750
authorized, at the time of the filing, to inspect the forms that 135751
pertain to the social and medical histories of the biological 135752
parents; 135753

(g) The signature of the person who files the request. 135754

(4) Upon the filing of a request for notification in 135755
accordance with division (E)(2) of this section, the clerk of the 135756
court in which it is filed immediately shall insert the request in 135757
the permanent record of the case. A person who has filed the 135758
request and who wishes to update it with respect to a new mailing 135759
address may inform the court in writing of the new address. Upon 135760
its receipt, the court promptly shall insert the new address into 135761
the permanent record by attaching it to the request. Thereafter, 135762
any notification described in this division shall be sent to the 135763
new address. 135764

(5) Whenever a social or medical history of a biological 135765
parent is corrected or expanded and the correction or expansion is 135766
made a part of the permanent record kept by the court, the court 135767
shall ascertain whether a request for notification has been filed 135768
in accordance with division (E)(2) of this section. If such a 135769
request has been filed, the court shall determine whether, at that 135770
time, the person who filed the request is authorized, under 135771
division (D) of this section, to inspect the forms that pertain to 135772
the social or medical history of the biological parents. If the 135773
court determines that the person who filed the request is so 135774
authorized, it immediately shall notify the person that the social 135775
or medical history has been corrected or expanded, that it has 135776
been made a part of the permanent record kept by the court, and 135777
that the forms that pertain to the records may be inspected in 135778
accordance with division (D) of this section. 135779

Sec. 3107.39. (A) The department of ~~job children~~ and ~~family~~ 135780
~~services~~ youth shall prescribe a contact preference form for 135781
biological parents. The form shall include all of the following: 135782

(1) A component in which a biological parent is to indicate 135783
one of the following regarding a person who receives, under 135784

section 3107.38 of the Revised Code, a copy of the contents of the adoption file of the parent's offspring: 135785
135786

(a) That the biological parent welcomes the person to contact the parent directly; 135787
135788

(b) That the biological parent prefers that the person contact the parent through an intermediary who the parent specifies on the form; 135789
135790
135791

(c) That the biological parent prefers that the person not contact the parent directly or through an intermediary. 135792
135793

(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains; 135794
135795
135796

(3) The following notices: 135797

(a) If a social and medical history for the biological parent was not previously prepared or such a history was prepared but should be corrected or expanded, that the biological parent is encouraged to do the following as appropriate: 135798
135799
135800
135801

(i) Complete a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code; 135802
135803

(ii) Correct or expand the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code. 135804
135805
135806

(b) That a biological parent's preference regarding contact as indicated on a completed contact preference form is advisory only and therefore unenforceable; 135807
135808
135809

(c) That the biological parent may change the parent's indicated preference regarding contact by filing a new contact preference form with the department of health. 135810
135811
135812

(4) A space in which the biological parent indicates whether one or more of the following apply: 135813
135814

(a) The biological parent knows that a social and medical history was prepared for the biological parent pursuant to section 3107.09 of the Revised Code;

(b) The biological parent completed a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code;

(c) The biological parent corrected or expanded the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code.

(5) A notice of both of the following:

(a) That an adopted person may do either or both of the following:

(i) Inspect, pursuant to division (D) of section 3107.17 of the Revised Code, a social and medical history form of a biological parent of the adopted person maintained by the court that entered the interlocutory order or final decree of adoption regarding the adopted person;

(ii) Submit to that court, pursuant to division (E) of section 3107.17 of the Revised Code, a request for notification of a correction or expansion of a social and medical history of a biological parent of the adopted person.

(b) That an adopted person who does not know which court entered the interlocutory order or final decree of adoption regarding the adopted person may seek assistance from the department of health in accordance with section 3107.171 of the Revised Code.

(B) The department of ~~job children and family services~~ youth shall make the contact preference form prescribed under this section available to the department of health.

(C) The department of health shall make a contact preference

form available to a biological parent on request. The department 135845
of health may accept a completed contact preference form from a 135846
biological parent only if the parent provides it two items of 135847
identification of the parent. If the department of health 135848
determines that it may accept a completed contact preference form, 135849
it shall accept the form. As soon as the department identifies the 135850
adoption file of the adopted person to whom the form pertains, it 135851
shall place the form in that file. If there is a previously 135852
completed contact preference form from the biological parent in 135853
the adopted person's adoption file, the department of health shall 135854
replace the parent's older form with the parent's new form. 135855

(D) Subject to division (C) of this section, a biological 135856
parent may file a completed contact preference form with the 135857
department of health to change the parent's indicated preference 135858
regarding contact as many times as the parent wishes. 135859

Sec. 3109.172. (A) As used in this section, "county 135860
prevention specialist" includes the following: 135861

(1) Members of agencies responsible for the administration of 135862
children's services in the counties within a child abuse and child 135863
neglect prevention region established in section 3109.171 of the 135864
Revised Code; 135865

(2) Providers of alcohol or drug addiction services or 135866
members of boards of alcohol, drug addiction, and mental health 135867
services that serve counties within a region; 135868

(3) Providers of mental health services or members of boards 135869
of alcohol, drug addiction, and mental health services that serve 135870
counties within a region; 135871

(4) Members of county boards of developmental disabilities 135872
that serve counties within a region; 135873

(5) Members of the educational community appointed by the 135874

superintendent of the school district with the largest enrollment	135875
in the counties within a region;	135876
(6) Juvenile justice officials serving counties within a	135877
region;	135878
(7) Pediatricians, health department nurses, and other	135879
members of the medical community in the counties within a region;	135880
(8) Counselors and social workers serving counties within a	135881
region;	135882
(9) Head start agencies serving counties within a region;	135883
(10) Child care providers serving counties within a region;	135884
(11) Other persons with demonstrated knowledge in programs	135885
for children serving counties within a region.	135886
(B) Each child abuse and child neglect prevention region	135887
shall have a child abuse and child neglect regional prevention	135888
council as appointed under divisions (C), (D), and (E) of this	135889
section. Each council shall operate in accordance with rules	135890
adopted by the department of job children and family services	135891
<u>youth</u> pursuant to Chapter 119. of the Revised Code.	135892
(C)(1) Each board of county commissioners within a region may	135893
appoint up to two county prevention specialists to the council	135894
representing the county, in accordance with rules adopted by the	135895
department of job children and family services <u>youth</u> under Chapter	135896
119. of the Revised Code.	135897
(2) The children's trust fund board may appoint additional	135898
county prevention specialists to each region's council at the	135899
board's discretion.	135900
(3) A representative of the council's regional prevention	135901
coordinator shall serve as a nonvoting member of the council.	135902
(D) Each council member appointed under division (C)(1) of	135903
this section shall be appointed for a two-year term. Each council	135904

member appointed under division (C)(2) or (3) of this section 135905
shall be appointed for a three-year term. A member may be 135906
reappointed, but for two consecutive terms only. 135907

(E) A member may be removed from the council by the member's 135908
appointing authority for misconduct, incompetence, or neglect of 135909
duty. 135910

(F) Each appointed member of a council shall serve without 135911
compensation but shall be reimbursed for all actual and necessary 135912
expenses incurred in the performance of official duties. 135913

(G) The representative of the regional prevention coordinator 135914
shall serve as chairperson of the council. 135915

(H) Each council shall meet at least quarterly. 135916

(I) Council members shall do all of the following: 135917

(1) Attend meetings of the council on which they serve; 135918

(2) Assist the regional prevention coordinator in conducting 135919
a needs assessment to ascertain the child abuse and child neglect 135920
prevention programming and services that are needed in their 135921
region; 135922

(3) Collaborate on assembling the council's regional 135923
prevention plan based on children's trust fund board guidelines 135924
pursuant to section 3109.174 of the Revised Code; 135925

(4) Assist the council's regional prevention coordinator with 135926
all of the following: 135927

(a) Implementing the regional prevention plan, including 135928
monitoring fulfillment of child abuse and child neglect prevention 135929
deliverables and achievement of prevention outcomes; 135930

(b) Coordinating county data collection; 135931

(c) Ensuring timely and accurate reporting to the children's 135932
trust fund board. 135933

(5) Any additional duties specified in accordance with rules 135934
adopted by the department pursuant to Chapter 119. of the Revised 135935
Code. 135936

(J) No council member shall participate in matters of the 135937
council pertaining to their own interests, including applications 135938
for funding by a council member or any entity, public or private, 135939
of which a council member serves as either a board member or 135940
employee. 135941

(K) Each council shall file with the children's trust fund 135942
board, not later than the due dates specified by the board, a 135943
progress report and an annual report regarding the council's child 135944
abuse and child neglect prevention programs and activities 135945
undertaken in accordance with the council's regional prevention 135946
plan. The reports shall contain all information required by the 135947
board. 135948

Sec. 3109.174. Each child abuse and child neglect regional 135949
prevention council shall submit to the children's trust fund board 135950
a regional prevention plan for funding child abuse and child 135951
neglect prevention programs and activities based on criteria set 135952
forth by the children's trust fund. 135953

The plan shall be submitted on the form and in the manner 135954
specified in rules adopted by the department of ~~job~~ children and 135955
~~family services~~ youth pursuant to Chapter 119. of the Revised 135956
Code. 135957

Sec. 3109.401. (A) The general assembly finds the following: 135958

(1) That the parent and child relationship is of fundamental 135959
importance to the welfare of a child, and that the relationship 135960
between a child and each parent should be fostered unless 135961
inconsistent with the child's best interests; 135962

(2) That parents have the responsibility to make decisions 135963

and perform other parenting functions necessary for the care and 135964
growth of their children; 135965

(3) That the courts, when allocating parenting functions and 135966
responsibilities with respect to the child in a divorce, 135967
dissolution of marriage, legal separation, annulment, or any other 135968
proceeding addressing the allocation of parental rights and 135969
responsibilities, must determine the child's best interests; 135970

(4) That the courts and parents must take into consideration 135971
the following general principles when allocating parental rights 135972
and responsibilities and developing appropriate terms for 135973
parenting plans: 135974

(a) Children are served by a parenting arrangement that best 135975
provides for a child's safety, emotional growth, health, 135976
stability, and physical care. 135977

(b) Exposure of the child to harmful parental conflict should 135978
be minimized as much as possible. 135979

(c) Whenever appropriate, parents should be encouraged to 135980
meet their responsibilities to their children through agreements 135981
rather than by relying on judicial intervention. 135982

(d) When a parenting plan provides for mutual decision-making 135983
responsibility by the parents but they are unable to make 135984
decisions mutually, they should make a good faith effort to 135985
utilize the mediation process as required by the parenting plan. 135986

(e) In apportioning between the parents the daily physical 135987
living arrangements of the child and the child's location during 135988
legal and school holidays, vacations, and days of special 135989
importance, a court should not impose any type of standard 135990
schedule unless a standard schedule meets the needs of the child 135991
better than any proposed alternative parenting plan. 135992

(B) It is, therefore, the purpose of this chapter, when it is 135993

in the child's best interest, to foster the relationship between 135994
the child and each parent when a court allocates parental rights 135995
and responsibilities with respect to the child in a divorce, 135996
dissolution, legal separation, annulment, or any other proceeding 135997
addressing the allocation of parental rights and responsibilities. 135998

~~(C) There is hereby created the task force on family law and 135999
children consisting of twenty four members. The Ohio state bar 136000
association shall appoint three members who shall be attorneys 136001
with extensive experience in the practice of family law. The Ohio 136002
association of domestic relations judges shall appoint three 136003
members who shall be domestic relations judges. The Ohio 136004
association of juvenile and family court judges shall appoint 136005
three members who shall be juvenile or family court judges. The 136006
chief justice of the supreme court shall appoint eight members, 136007
three of whom shall be persons who practice in the field of family 136008
law mediation, two of whom shall be persons who practice in the 136009
field of child psychology, one of whom shall be a person who 136010
represents parent and child advocacy organizations, one of whom 136011
shall be a person who provides parenting education services, and 136012
one of whom shall be a magistrate employed by a domestic relations 136013
or juvenile court. The speaker of the house of representatives 136014
shall appoint two members who shall be members of the house of 136015
representatives and who shall be from different political parties. 136016
The president of the senate shall appoint two members who shall be 136017
members of the senate and who shall be from different political 136018
parties. The governor shall appoint two members who shall 136019
represent child caring agencies. One member shall be the director 136020
of job and family services or the director's designee. The chief 136021
justice shall designate one member of the task force to chair the 136022
task force. 136023~~

~~The appointing authorities and persons shall make 136024
appointments to the task force on family law and children within 136025~~

~~thirty days after September 1, 1998. Sections 101.82 to 101.87 of
the Revised Code do not apply to the task force.~~ 136026
136027

~~(D) The task force on family law and children shall do all of
the following:~~ 136028
136029

~~(1) Appoint and fix the compensation of any technical,
professional, and clerical employees and perform any services that
are necessary to carry out the powers and duties of the task force
on family law and children. All employees of the task force shall
serve at the pleasure of the task force.~~ 136030
136031
136032
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136034

~~(2) By July 1, 2001, submit to the speaker and minority
leader of the house of representatives and to the president and
the minority leader of the senate a report of its findings and
recommendations on how to create a more civilized and constructive
process for the parenting of children whose parents do not reside
together. The recommendations shall propose a system to do all of
the following:~~ 136035
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136041

~~(a) Put children first;~~ 136042

~~(b) Provide families with choices before they make a decision
to obtain or finalize a divorce, dissolution, legal separation, or
annulment;~~ 136043
136044
136045

~~(c) Redirect human services to intervention and prevention,
rather than supporting the casualties of the current process;~~ 136046
136047

~~(d) Avoid needless conflict between the participants;~~ 136048

~~(e) Encourage problem solving among the participants;~~ 136049

~~(f) Force the participants to act responsibly;~~ 136050

~~(g) Shield both the participants and their children from
lasting emotional damage.~~ 136051
136052

~~(3) Gather information on and study the current state of
family law in this state;~~ 136053
136054

~~(4) Collaborate and consult with entities engaged in family and children's issues including, but not limited to, the Ohio association of child caring agencies, the Ohio family court feasibility study, and the Ohio courts futures commission;~~

~~(5) Utilize findings and outcomes from pilot projects conducted by the Ohio family court feasibility study to explore alternatives in creating a more civilized and constructive process for the parenting of children whose parents do not reside together with an emphasis on the areas of mediation and obtaining visitation compliance.~~

~~(E) Courts of common pleas shall cooperate with the task force on family law and children in the performance of the task force's duties described in division (D) of this section.~~

Sec. 3301.079. (A)(1) The state board of education periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.

(a) The state board shall ensure that the standards do all of the following:

(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century;

(ii) Include the development of skill sets that promote information, media, and technological literacy;

(iii) Include interdisciplinary, project-based, real-world learning opportunities;

(iv) Instill life-long learning by providing essential 136085
knowledge and skills based in the liberal arts tradition, as well 136086
as science, technology, engineering, mathematics, and 136087
career-technical education; 136088

(v) Be clearly written, transparent, and understandable by 136089
parents, educators, and the general public. 136090

(b) Not later than July 1, 2012, the state board shall 136091
incorporate into the social studies standards for grades four to 136092
twelve academic content regarding the original texts of the 136093
Declaration of Independence, the Northwest Ordinance, the 136094
Constitution of the United States and its amendments, with 136095
emphasis on the Bill of Rights, and the Ohio Constitution, and 136096
their original context. The state board shall revise the model 136097
curricula and achievement assessments adopted under divisions (B) 136098
and (C) of this section as necessary to reflect the additional 136099
American history and American government content. The state board 136100
shall make available a list of suggested grade-appropriate 136101
supplemental readings that place the documents prescribed by this 136102
division in their historical context, which teachers may use as a 136103
resource to assist students in reading the documents within that 136104
context. 136105

(c) When the state board adopts or revises academic content 136106
standards in social studies, American history, American 136107
government, or science under division (A)(1) of this section, the 136108
state board shall develop such standards independently and not as 136109
part of a multistate consortium. 136110

(2) After completing the standards required by division 136111
(A)(1) of this section, the state board shall adopt standards and 136112
model curricula for instruction in technology, financial literacy 136113
and entrepreneurship, fine arts, and foreign language for grades 136114
kindergarten through twelve. The standards shall meet the same 136115
requirements prescribed in division (A)(1)(a) of this section. 136116

(3) The state board shall adopt the most recent standards 136117
developed by the national association for sport and physical 136118
education for physical education in grades kindergarten through 136119
twelve or shall adopt its own standards for physical education in 136120
those grades and revise and update them periodically. 136121

The department of education shall employ a full-time physical 136122
education coordinator to provide guidance and technical assistance 136123
to districts, community schools, and STEM schools in implementing 136124
the physical education standards adopted under this division. The 136125
superintendent of public instruction shall determine that the 136126
person employed as coordinator is qualified for the position, as 136127
demonstrated by possessing an adequate combination of education, 136128
license, and experience. 136129

(4) Not later than September 30, 2022, the state board shall 136130
update the standards and model curriculum for instruction in 136131
computer science in grades kindergarten through twelve, which 136132
shall include standards for introductory and advanced computer 136133
science courses in grades nine through twelve. When developing the 136134
standards and curriculum, the state board shall consider 136135
recommendations from computer science education stakeholder 136136
groups, including teachers and representatives from higher 136137
education, industry, computer science organizations in Ohio, and 136138
national computer science organizations. 136139

Any district or school may utilize the computer science 136140
standards or model curriculum or any part thereof adopted pursuant 136141
to division (A)(4) of this section. However, no district or school 136142
shall be required to utilize all or any part of the standards or 136143
curriculum. 136144

(5) When academic standards have been completed for any 136145
subject area required by this section, the state board shall 136146
inform all school districts, all community schools established 136147
under Chapter 3314. of the Revised Code, all STEM schools 136148

established under Chapter 3326. of the Revised Code, and all 136149
nonpublic schools required to administer the assessments 136150
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 136151
of the content of those standards. Additionally, upon completion 136152
of any academic standards under this section, the department shall 136153
post those standards on the department's web site. 136154

(B)(1) The state board shall adopt a model curriculum for 136155
instruction in each subject area for which updated academic 136156
standards are required by division (A)(1) of this section and for 136157
each of grades kindergarten through twelve that is sufficient to 136158
meet the needs of students in every community. The model 136159
curriculum shall be aligned with the standards, to ensure that the 136160
academic content and skills specified for each grade level are 136161
taught to students, and shall demonstrate vertical articulation 136162
and emphasize coherence, focus, and rigor. When any model 136163
curriculum has been completed, the state board shall inform all 136164
school districts, community schools, and STEM schools of the 136165
content of that model curriculum. 136166

(2) Not later than June 30, 2013, the state board, in 136167
consultation with any office housed in the governor's office that 136168
deals with workforce development, shall adopt model curricula for 136169
grades kindergarten through twelve that embed career connection 136170
learning strategies into regular classroom instruction. 136171

(3) All school districts, community schools, and STEM schools 136172
may utilize the state standards and the model curriculum 136173
established by the state board, together with other relevant 136174
resources, examples, or models to ensure that students have the 136175
opportunity to attain the academic standards. Upon request, the 136176
department shall provide technical assistance to any district, 136177
community school, or STEM school in implementing the model 136178
curriculum. 136179

Nothing in this section requires any school district to 136180

utilize all or any part of a model curriculum developed under this 136181
section. 136182

(C) The state board shall develop achievement assessments 136183
aligned with the academic standards and model curriculum for each 136184
of the subject areas and grade levels required by divisions (A)(1) 136185
and (B)(1) of section 3301.0710 of the Revised Code. 136186

When any achievement assessment has been completed, the state 136187
board shall inform all school districts, community schools, STEM 136188
schools, and nonpublic schools required to administer the 136189
assessment of its completion, and the department shall make the 136190
achievement assessment available to the districts and schools. 136191

(D)(1) The state board shall adopt a diagnostic assessment 136192
aligned with the academic standards and model curriculum for ~~each~~ 136193
~~of grades kindergarten through~~ one and two in reading, writing, 136194
and mathematics and for grade three in reading and writing. The 136195
diagnostic assessment shall be designed to measure student 136196
comprehension of academic content and mastery of related skills 136197
for the relevant subject area and grade level. Any diagnostic 136198
assessment shall not include components to identify gifted 136199
students. Blank copies of diagnostic assessments shall be public 136200
records. 136201

(2) When each diagnostic assessment has been completed, the 136202
state board shall inform all school districts of its completion 136203
and the department shall make the diagnostic assessment available 136204
to the districts at no cost to the district. 136205

(3) School districts shall administer the diagnostic 136206
assessment pursuant to section 3301.0715 of the Revised Code 136207
beginning the first school year following the development of the 136208
assessment. 136209

However, beginning with the 2017-2018 school year, both of 136210
the following shall apply: 136211

(a) In the case of the diagnostic assessments for grades one 136212
or two in writing or mathematics or for grade three in writing, a 136213
school district shall not be required to administer any such 136214
assessment, but may do so at the discretion of the district board; 136215

(b) In the case of any diagnostic assessment that is not for 136216
the grade levels and subject areas specified in division (D)(3)(a) 136217
of this section, each school district shall administer the 136218
assessment in the manner prescribed by section 3301.0715 of the 136219
Revised Code. 136220

(E) The state board shall not adopt a diagnostic or 136221
achievement assessment for any grade level or subject area other 136222
than those specified in this section. 136223

(F) Whenever the state board or the department consults with 136224
persons for the purpose of drafting or reviewing any standards, 136225
diagnostic assessments, achievement assessments, or model 136226
curriculum required under this section, the state board or the 136227
department shall first consult with parents of students in 136228
kindergarten through twelfth grade and with active Ohio classroom 136229
teachers, other school personnel, and administrators with 136230
expertise in the appropriate subject area. Whenever practicable, 136231
the state board and department shall consult with teachers 136232
recognized as outstanding in their fields. 136233

If the department contracts with more than one outside entity 136234
for the development of the achievement assessments required by 136235
this section, the department shall ensure the interchangeability 136236
of those assessments. 136237

(G) Whenever the state board adopts standards or model 136238
curricula under this section, the department also shall provide 136239
information on the use of blended, online, or digital learning in 136240
the delivery of the standards or curricula to students in 136241
accordance with division (A)(5) of this section. 136242

(H) The fairness sensitivity review committee, established by rule of the state board of education, shall not allow any question on any achievement or diagnostic assessment developed under this section or any proficiency test prescribed by former section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001, to include, be written to promote, or inquire as to individual moral or social values or beliefs. The decision of the committee shall be final. This section does not create a private cause of action.

(I) Not later than sixty days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction shall present the academic standards or model curricula, as applicable, in person at a public hearing of the respective committees of the house of representatives and senate that consider education legislation.

(J) As used in this section:

(1) "Blended learning" means the delivery of instruction in a combination of time primarily in a supervised physical location away from home and online delivery whereby the student has some element of control over time, place, path, or pace of learning and includes noncomputer-based learning opportunities.

(2) "Online learning" means students work primarily from their residences on assignments delivered via an internet- or other computer-based instructional method.

(3) "Coherence" means a reflection of the structure of the discipline being taught.

(4) "Digital learning" means learning facilitated by technology that gives students some element of control over time, place, path, or pace of learning.

(5) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 136274
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(6) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 136276
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Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish guidelines for the establishment and maintenance of the system in accordance with this section and the rules adopted under this section. The guidelines shall include: 136282
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136287

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section; 136288
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136290

(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section; 136291
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136293

(3) Procedures for annually compiling the data in accordance with division (G) of this section; 136294
136295

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section; 136296
136297

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data. 136298
136299

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 136300
136301
136302

(1) Student participation and performance data, for each 136303

grade in each school district as a whole and for each grade in 136304
each school building in each school district, that includes: 136305

(a) The numbers of students receiving each category of 136306
instructional service offered by the school district, such as 136307
regular education instruction, vocational education instruction, 136308
specialized instruction programs or enrichment instruction that is 136309
part of the educational curriculum, instruction for gifted 136310
students, instruction for students with disabilities, and remedial 136311
instruction. The guidelines shall require instructional services 136312
under this division to be divided into discrete categories if an 136313
instructional service is limited to a specific subject, a specific 136314
type of student, or both, such as regular instructional services 136315
in mathematics, remedial reading instructional services, 136316
instructional services specifically for students gifted in 136317
mathematics or some other subject area, or instructional services 136318
for students with a specific type of disability. The categories of 136319
instructional services required by the guidelines under this 136320
division shall be the same as the categories of instructional 136321
services used in determining cost units pursuant to division 136322
(C)(3) of this section. 136323

(b) The numbers of students receiving support or 136324
extracurricular services for each of the support services or 136325
extracurricular programs offered by the school district, such as 136326
counseling services, health services, and extracurricular sports 136327
and fine arts programs. The categories of services required by the 136328
guidelines under this division shall be the same as the categories 136329
of services used in determining cost units pursuant to division 136330
(C)(4)(a) of this section. 136331

(c) Average student grades in each subject in grades nine 136332
through twelve; 136333

(d) Academic achievement levels as assessed under sections 136334
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 136335

(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	136336 136337 136338
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	136339 136340 136341
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	136342 136343 136344 136345
(h) Expulsion rates;	136346
(i) Suspension rates;	136347
(j) Dropout rates;	136348
(k) Rates of retention in grade;	136349
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	136350 136351 136352
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	136353 136354 136355 136356 136357
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student	136358 136359 136360 136361 136362 136363 136364 136365

requests the district not to report those results. 136366

(o) Beginning on July 1, 2018, for each disciplinary action 136367
which is required to be reported under division (B)(4) of this 136368
section, districts and schools also shall include an 136369
identification of the person or persons, if any, at whom the 136370
student's violent behavior that resulted in discipline was 136371
directed. The person or persons shall be identified by the 136372
respective classification at the district or school, such as 136373
student, teacher, or nonteaching employee, but shall not be 136374
identified by name. 136375

Division (B)(1)(o) of this section does not apply after the 136376
date that is two years following the submission of the report 136377
required by Section 733.13 of H.B. 49 of the 132nd general 136378
assembly. 136379

(p) The number of students earning each state diploma seal 136380
included in the system prescribed under division (A) of section 136381
3313.6114 of the Revised Code; 136382

(q) The number of students demonstrating competency for 136383
graduation using each option described in divisions (B)(1)(a) to 136384
(d) of section 3313.618 of the Revised Code; 136385

(r) The number of students completing each foundational and 136386
supporting option as part of the demonstration of competency for 136387
graduation pursuant to division (B)(1)(b) of section 3313.618 of 136388
the Revised Code; 136389

(s) The number of students enrolled in all-day kindergarten, 136390
as defined in section 3321.05 of the Revised Code. 136391

(2) Personnel and classroom enrollment data for each school 136392
district, including: 136393

(a) The total numbers of licensed employees and nonlicensed 136394
employees and the numbers of full-time equivalent licensed 136395

employees and nonlicensed employees providing each category of 136396
instructional service, instructional support service, and 136397
administrative support service used pursuant to division (C)(3) of 136398
this section. The guidelines adopted under this section shall 136399
require these categories of data to be maintained for the school 136400
district as a whole and, wherever applicable, for each grade in 136401
the school district as a whole, for each school building as a 136402
whole, and for each grade in each school building. 136403

(b) The total number of employees and the number of full-time 136404
equivalent employees providing each category of service used 136405
pursuant to divisions (C)(4)(a) and (b) of this section, and the 136406
total numbers of licensed employees and nonlicensed employees and 136407
the numbers of full-time equivalent licensed employees and 136408
nonlicensed employees providing each category used pursuant to 136409
division (C)(4)(c) of this section. The guidelines adopted under 136410
this section shall require these categories of data to be 136411
maintained for the school district as a whole and, wherever 136412
applicable, for each grade in the school district as a whole, for 136413
each school building as a whole, and for each grade in each school 136414
building. 136415

(c) The total number of regular classroom teachers teaching 136416
classes of regular education and the average number of pupils 136417
enrolled in each such class, in each of grades kindergarten 136418
through five in the district as a whole and in each school 136419
building in the school district. 136420

(d) The number of lead teachers employed by each school 136421
district and each school building. 136422

(3)(a) Student demographic data for each school district, 136423
including information regarding the gender ratio of the school 136424
district's pupils, the racial make-up of the school district's 136425
pupils, the number of English learners in the district, and an 136426
appropriate measure of the number of the school district's pupils 136427

who reside in economically disadvantaged households. The 136428
demographic data shall be collected in a manner to allow 136429
correlation with data collected under division (B)(1) of this 136430
section. Categories for data collected pursuant to division (B)(3) 136431
of this section shall conform, where appropriate, to standard 136432
practices of agencies of the federal government. 136433

(b) With respect to each student entering kindergarten, 136434
whether the student previously participated in a public preschool 136435
program, a private preschool program, or a head start program, and 136436
the number of years the student participated in each of these 136437
programs. 136438

(4) Any data required to be collected pursuant to federal 136439
law. 136440

(C) The education management information system shall include 136441
cost accounting data for each district as a whole and for each 136442
school building in each school district. The guidelines adopted 136443
under this section shall require the cost data for each school 136444
district to be maintained in a system of mutually exclusive cost 136445
units and shall require all of the costs of each school district 136446
to be divided among the cost units. The guidelines shall require 136447
the system of mutually exclusive cost units to include at least 136448
the following: 136449

(1) Administrative costs for the school district as a whole. 136450
The guidelines shall require the cost units under this division 136451
(C)(1) to be designed so that each of them may be compiled and 136452
reported in terms of average expenditure per pupil in enrolled ADM 136453
in the school district, as determined pursuant to section 3317.03 136454
of the Revised Code. 136455

(2) Administrative costs for each school building in the 136456
school district. The guidelines shall require the cost units under 136457
this division (C)(2) to be designed so that each of them may be 136458

compiled and reported in terms of average expenditure per 136459
full-time equivalent pupil receiving instructional or support 136460
services in each building. 136461

(3) Instructional services costs for each category of 136462
instructional service provided directly to students and required 136463
by guidelines adopted pursuant to division (B)(1)(a) of this 136464
section. The guidelines shall require the cost units under 136465
division (C)(3) of this section to be designed so that each of 136466
them may be compiled and reported in terms of average expenditure 136467
per pupil receiving the service in the school district as a whole 136468
and average expenditure per pupil receiving the service in each 136469
building in the school district and in terms of a total cost for 136470
each category of service and, as a breakdown of the total cost, a 136471
cost for each of the following components: 136472

(a) The cost of each instructional services category required 136473
by guidelines adopted under division (B)(1)(a) of this section 136474
that is provided directly to students by a classroom teacher; 136475

(b) The cost of the instructional support services, such as 136476
services provided by a speech-language pathologist, classroom 136477
aide, multimedia aide, or librarian, provided directly to students 136478
in conjunction with each instructional services category; 136479

(c) The cost of the administrative support services related 136480
to each instructional services category, such as the cost of 136481
personnel that develop the curriculum for the instructional 136482
services category and the cost of personnel supervising or 136483
coordinating the delivery of the instructional services category. 136484

(4) Support or extracurricular services costs for each 136485
category of service directly provided to students and required by 136486
guidelines adopted pursuant to division (B)(1)(b) of this section. 136487
The guidelines shall require the cost units under division (C)(4) 136488
of this section to be designed so that each of them may be 136489

compiled and reported in terms of average expenditure per pupil 136490
receiving the service in the school district as a whole and 136491
average expenditure per pupil receiving the service in each 136492
building in the school district and in terms of a total cost for 136493
each category of service and, as a breakdown of the total cost, a 136494
cost for each of the following components: 136495

(a) The cost of each support or extracurricular services 136496
category required by guidelines adopted under division (B)(1)(b) 136497
of this section that is provided directly to students by a 136498
licensed employee, such as services provided by a guidance 136499
counselor or any services provided by a licensed employee under a 136500
supplemental contract; 136501

(b) The cost of each such services category provided directly 136502
to students by a nonlicensed employee, such as janitorial 136503
services, cafeteria services, or services of a sports trainer; 136504

(c) The cost of the administrative services related to each 136505
services category in division (C)(4)(a) or (b) of this section, 136506
such as the cost of any licensed or nonlicensed employees that 136507
develop, supervise, coordinate, or otherwise are involved in 136508
administering or aiding the delivery of each services category. 136509

(D)(1) The guidelines adopted under this section shall 136510
require school districts to collect information about individual 136511
students, staff members, or both in connection with any data 136512
required by division (B) or (C) of this section or other reporting 136513
requirements established in the Revised Code. The guidelines may 136514
also require school districts to report information about 136515
individual staff members in connection with any data required by 136516
division (B) or (C) of this section or other reporting 136517
requirements established in the Revised Code. The guidelines shall 136518
not authorize school districts to request social security numbers 136519
of individual students. The guidelines shall prohibit the 136520
reporting under this section of a student's name, address, and 136521

social security number to the state board of education or the 136522
department of education. The guidelines shall also prohibit the 136523
reporting under this section of any personally identifiable 136524
information about any student, except for the purpose of assigning 136525
the data verification code required by division (D)(2) of this 136526
section, to any other person unless such person is employed by the 136527
school district or the information technology center operated 136528
under section 3301.075 of the Revised Code and is authorized by 136529
the district or technology center to have access to such 136530
information or is employed by an entity with which the department 136531
contracts for the scoring or the development of state assessments. 136532
The guidelines may require school districts to provide the social 136533
security numbers of individual staff members and the county of 136534
residence for a student. Nothing in this section prohibits the 136535
state board of education or department of education from providing 136536
a student's county of residence to the department of taxation to 136537
facilitate the distribution of tax revenue. 136538

(2)(a) The guidelines shall provide for each school district 136539
or community school to assign a data verification code that is 136540
unique on a statewide basis over time to each student whose 136541
initial Ohio enrollment is in that district or school and to 136542
report all required individual student data for that student 136543
utilizing such code. The guidelines shall also provide for 136544
assigning data verification codes to all students enrolled in 136545
districts or community schools on the effective date of the 136546
guidelines established under this section. The assignment of data 136547
verification codes for other entities, as described in division 136548
(D)(2)(d) of this section, the use of those codes, and the 136549
reporting and use of associated individual student data shall be 136550
coordinated by the department in accordance with state and federal 136551
law. 136552

School districts shall report individual student data to the 136553

department through the information technology centers utilizing 136554
the code. The entities described in division (D)(2)(d) of this 136555
section shall report individual student data to the department in 136556
the manner prescribed by the department. 136557

(b)(i) Except as provided in sections 3301.941, 3310.11, 136558
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 136559
Code, and in division (D)(2)(b)(ii) of this section, at no time 136560
shall the state board or the department have access to information 136561
that would enable any data verification code to be matched to 136562
personally identifiable student data. 136563

(ii) For the purpose of making per-pupil payments to 136564
community schools under section 3317.022 of the Revised Code, the 136565
department shall have access to information that would enable any 136566
data verification code to be matched to personally identifiable 136567
student data. 136568

(c) Each school district and community school shall ensure 136569
that the data verification code is included in the student's 136570
records reported to any subsequent school district, community 136571
school, or state institution of higher education, as defined in 136572
section 3345.011 of the Revised Code, in which the student 136573
enrolls. Any such subsequent district or school shall utilize the 136574
same identifier in its reporting of data under this section. 136575

(d) The director of any state agency that administers a 136576
publicly funded program providing services to children who are 136577
younger than compulsory school age, as defined in section 3321.01 136578
of the Revised Code, including the directors of health, job and 136579
family services, mental health and addiction services, children 136580
and youth, and developmental disabilities, shall request and 136581
receive, pursuant to sections 3301.0723 and ~~5123.0423~~ 5180.33 of 136582
the Revised Code, a data verification code for a child who is 136583
receiving those services. 136584

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) Beginning with the school year that begins July 1, 1991, the board of education of each school district shall annually collect and report to the state board, in accordance with the guidelines established by the board, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

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

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

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The state board shall, in accordance with the procedures it adopts, annually prepare a statewide report for all

school districts and the general public that includes the profile 136616
of each of the school districts developed pursuant to division (G) 136617
of this section. Copies of the report shall be sent to each school 136618
district. 136619

(2) The state board shall, in accordance with the procedures 136620
it adopts, annually prepare an individual report for each school 136621
district and the general public that includes the profiles of each 136622
of the school buildings in that school district developed pursuant 136623
to division (G) of this section. Copies of the report shall be 136624
sent to the superintendent of the district and to each member of 136625
the district board of education. 136626

(3) Copies of the reports received from the state board under 136627
divisions (H)(1) and (2) of this section shall be made available 136628
to the general public at each school district's offices. Each 136629
district board of education shall make copies of each report 136630
available to any person upon request and payment of a reasonable 136631
fee for the cost of reproducing the report. The board shall 136632
annually publish in a newspaper of general circulation in the 136633
school district, at least twice during the two weeks prior to the 136634
week in which the reports will first be available, a notice 136635
containing the address where the reports are available and the 136636
date on which the reports will be available. 136637

(I) Any data that is collected or maintained pursuant to this 136638
section and that identifies an individual pupil is not a public 136639
record for the purposes of section 149.43 of the Revised Code. 136640

(J) As used in this section: 136641

(1) "School district" means any city, local, exempted 136642
village, or joint vocational school district and, in accordance 136643
with section 3314.17 of the Revised Code, any community school. As 136644
used in division (L) of this section, "school district" also 136645
includes any educational service center or other educational 136646

entity required to submit data using the system established under 136647
this section. 136648

(2) "Cost" means any expenditure for operating expenses made 136649
by a school district excluding any expenditures for debt 136650
retirement except for payments made to any commercial lending 136651
institution for any loan approved pursuant to section 3313.483 of 136652
the Revised Code. 136653

(K) Any person who removes data from the information system 136654
established under this section for the purpose of releasing it to 136655
any person not entitled under law to have access to such 136656
information is subject to section 2913.42 of the Revised Code 136657
prohibiting tampering with data. 136658

(L)(1) In accordance with division (L)(2) of this section and 136659
the rules adopted under division (L)(10) of this section, the 136660
department of education may sanction any school district that 136661
reports incomplete or inaccurate data, reports data that does not 136662
conform to data requirements and descriptions published by the 136663
department, fails to report data in a timely manner, or otherwise 136664
does not make a good faith effort to report data as required by 136665
this section. 136666

(2) If the department decides to sanction a school district 136667
under this division, the department shall take the following 136668
sequential actions: 136669

(a) Notify the district in writing that the department has 136670
determined that data has not been reported as required under this 136671
section and require the district to review its data submission and 136672
submit corrected data by a deadline established by the department. 136673
The department also may require the district to develop a 136674
corrective action plan, which shall include provisions for the 136675
district to provide mandatory staff training on data reporting 136676
procedures. 136677

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data

submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices any time the department has reason to believe the district has not made a good faith effort to report data as required by this section. If any audit conducted by an outside entity under division (L)(2)(d)(i) or (5) of this section confirms that a district has not made a good faith effort to report data as required by this section, the district shall reimburse the

department for the full cost of the audit. The department may 136740
withhold state funds due to the district for this purpose. 136741

(6) Prior to issuing a revised report card for a school 136742
district under division (L)(2)(d)(viii) of this section, the 136743
department may hold a hearing to provide the district with an 136744
opportunity to demonstrate that it made a good faith effort to 136745
report data as required by this section. The hearing shall be 136746
conducted by a referee appointed by the department. Based on the 136747
information provided in the hearing, the referee shall recommend 136748
whether the department should issue a revised report card for the 136749
district. If the referee affirms the department's contention that 136750
the district did not make a good faith effort to report data as 136751
required by this section, the district shall bear the full cost of 136752
conducting the hearing and of issuing any revised report card. 136753

(7) If the department determines that any inaccurate data 136754
reported under this section caused a school district to receive 136755
excess state funds in any fiscal year, the district shall 136756
reimburse the department an amount equal to the excess funds, in 136757
accordance with a payment schedule determined by the department. 136758
The department may withhold state funds due to the district for 136759
this purpose. 136760

(8) Any school district that has funds withheld under 136761
division (L)(2) of this section may appeal the withholding in 136762
accordance with Chapter 119. of the Revised Code. 136763

(9) In all cases of a disagreement between the department and 136764
a school district regarding the appropriateness of an action taken 136765
under division (L)(2) of this section, the burden of proof shall 136766
be on the district to demonstrate that it made a good faith effort 136767
to report data as required by this section. 136768

(10) The state board of education shall adopt rules under 136769
Chapter 119. of the Revised Code to implement division (L) of this 136770

section. 136771

(M) No information technology center or school district shall 136772
acquire, change, or update its student administration software 136773
package to manage and report data required to be reported to the 136774
department unless it converts to a student software package that 136775
is certified by the department. 136776

(N) The state board of education, in accordance with sections 136777
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 136778
license as defined under division (A) of section 3319.31 of the 136779
Revised Code that has been issued to any school district employee 136780
found to have willfully reported erroneous, inaccurate, or 136781
incomplete data to the education management information system. 136782

(O) No person shall release or maintain any information about 136783
any student in violation of this section. Whoever violates this 136784
division is guilty of a misdemeanor of the fourth degree. 136785

(P) The department shall disaggregate the data collected 136786
under division (B)(1)(n) of this section according to the race and 136787
socioeconomic status of the students assessed. 136788

(Q) If the department cannot compile any of the information 136789
required by division (I) of section 3302.03 of the Revised Code 136790
based upon the data collected under this section, the department 136791
shall develop a plan and a reasonable timeline for the collection 136792
of any data necessary to comply with that division. 136793

Sec. 3301.0715. (A) Except as required under division (B)(1) 136794
of section 3313.608 or as specified in division (D)(3) of section 136795
3301.079 of the Revised Code, the board of education of each city, 136796
local, and exempted village school district shall administer each 136797
applicable diagnostic assessment developed and provided to the 136798
district in accordance with section 3301.079 of the Revised Code 136799
to the following: 136800

(1) Any student who transfers into the district or to a different school within the district if each applicable diagnostic assessment was not administered by the district or school the student previously attended in the current school year, within thirty days after the date of transfer. If the district or school into which the student transfers cannot determine whether the student has taken any applicable diagnostic assessment in the current school year, the district or school may administer the diagnostic assessment to the student. However, if a student transfers into the district prior to the administration of the diagnostic assessments to all students under division (B) of this section, the district may administer the diagnostic assessments to that student on the date or dates determined under that division.

(2) Each kindergarten student, not earlier than the first day of July of the school year and not later than the twentieth day of instruction of that school year.

For the purpose of division (A)(2) of this section, the district shall administer the kindergarten readiness assessment provided by the department of ~~education~~ children and youth. In no case shall the results of the readiness assessment be used to prohibit a student from enrolling in kindergarten.

(3) Each student enrolled in first, second, or third grade.

Division (A) of this section does not apply to students with significant cognitive disabilities, as defined by the department of education.

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment

in the fall and spring of a school year to measure the amount of 136832
academic growth attributable to the instruction received by 136833
students during that school year. 136834

(C) A district may use different diagnostic assessments from 136835
those adopted under division (D) of section 3301.079 of the 136836
Revised Code in order to satisfy the requirements of division 136837
(A)(3) of this section if the district meets either of the 136838
following conditions for the immediately preceding school year: 136839

(1) The district received a grade of "A" or "B" for the 136840
performance index score under division (C)(1)(b) of section 136841
3302.03 of the Revised Code or for the value-added progress 136842
dimension under division (C)(1)(e) of that section. 136843

(2) The district received a performance rating of four stars 136844
or higher for achievement under division (D)(3)(b) of section 136845
3302.03 of the Revised Code or for progress under division 136846
(D)(3)(c) of that section. 136847

(D) Each district board shall utilize and score any 136848
diagnostic assessment administered under division (A) of this 136849
section in accordance with rules established by the department of 136850
education or the department of children and youth. After the 136851
administration of any diagnostic assessment, each district shall 136852
provide a student's completed diagnostic assessment, the results 136853
of such assessment, and any other accompanying documents used 136854
during the administration of the assessment to the parent of that 136855
student, and shall include all such documents and information in 136856
any plan developed for the student under division (C) of section 136857
3313.608 of the Revised Code. Each district shall submit ~~to the~~ 136858
~~department~~, in the manner ~~the~~ prescribed by each department 136859
~~prescribes~~, the results of the diagnostic assessments administered 136860
under this section, regardless of the type of assessment used 136861
under section 3313.608 of the Revised Code as follows: 136862

(1) The results of the kindergarten readiness assessment to 136863
the department of children and youth; 136864

(2) The results of all diagnostic assessments to the 136865
department of education. The 136866

The department of education and the department of children 136867
and youth may issue reports with respect to the data collected. 136868
~~The~~ Either department may report school and district level 136869
kindergarten diagnostic assessment data and use diagnostic 136870
assessment data to calculate the measures prescribed by divisions 136871
(B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the 136872
Revised Code and the data reported under division (D)(2)(e) of 136873
that section. 136874

(E) Each district board shall provide intervention services 136875
to students whose diagnostic assessments show that they are 136876
failing to make satisfactory progress toward attaining the 136877
academic standards for their grade level. 136878

(F) Beginning in the 2018-2019 school year, any chartered 136879
nonpublic school may elect to administer the kindergarten 136880
readiness assessment to all kindergarten students enrolled in the 136881
school. If the school so elects, the chief administrator of the 136882
school shall notify the ~~superintendent of public instruction~~ 136883
director of children and youth not later than the thirty-first day 136884
of March prior to any school year in which the school will 136885
administer the assessment. The department of children and youth 136886
shall furnish the assessment to the school at no cost to the 136887
school. In administering the assessment, the school shall do all 136888
of the following: 136889

(1) Enter into a written agreement with the department of 136890
children and youth specifying that the school will share each 136891
participating student's assessment data with the department of 136892
education and the department of children and youth and, that for 136893

the purpose of reporting the data to the department of education 136894
and department of children and youth, each participating student 136895
will be assigned a data verification code as described in division 136896
(D)(2) of section 3301.0714 of the Revised Code; 136897

(2) Require the assessment to be administered by a teacher 136898
certified under section 3301.071 of the Revised Code who either 136899
has completed training on administering the kindergarten readiness 136900
assessment provided by the department of children and youth or has 136901
been trained by another person who has completed such training; 136902
136903

(3) Administer the assessment in the same manner as school 136904
districts are required to do under this section and the rules 136905
established under division (D) of this section. 136906

(G) Beginning in the 2019-2020 school year, a school district 136907
in which less than eighty per cent of its students score at the 136908
proficient level or higher on the third-grade English language 136909
arts assessment prescribed under section 3301.0710 of the Revised 136910
Code shall establish a reading improvement plan supported by 136911
reading specialists. Prior to implementation, the plan shall be 136912
approved by the school district board of education. 136913

Sec. 3301.0723. (A) The independent contractor engaged by the 136914
department of education to create and maintain for school 136915
districts and community schools the student data verification 136916
codes required by division (D)(2) of section 3301.0714 of the 136917
Revised Code, upon request of the director of any state agency 136918
that administers a publicly funded program providing services to 136919
children who are younger than compulsory school age, as defined in 136920
section 3321.01 of the Revised Code, including the directors of 136921
health, ~~job~~ children and ~~family services~~ youth, mental health and 136922
addiction services, and developmental disabilities, shall assign a 136923
data verification code to a child who is receiving such services 136924

and shall provide that code to the director. The contractor also 136925
shall provide that code to the department of education. 136926

(B) The director of a state agency that receives a child's 136927
data verification code under division (A) of this section shall 136928
use that code to submit information for that child to the 136929
department of education in accordance with section 3301.0714 of 136930
the Revised Code. 136931

(C) A public school that receives from the independent 136932
contractor the data verification code for a child assigned under 136933
division (A) of this section shall not request or assign to that 136934
child another data verification code under division (D)(2) of 136935
section 3301.0714 of the Revised Code. That school and any other 136936
public school in which the child subsequently enrolls shall use 136937
the data verification code assigned under division (A) of this 136938
section to report data relative to that student required under 136939
section 3301.0714 of the Revised Code. 136940

Sec. 3301.15. The state board of education or its authorized 136941
representatives may inspect all institutions under the control of 136942
the department of ~~job children~~ and ~~family services~~ youth, the 136943
department of mental health and addiction services, the department 136944
of developmental disabilities, and the department of 136945
rehabilitation and correction which employ teachers, and may make 136946
a report on the teaching, discipline, and school equipment in 136947
these institutions to the director of ~~job children~~ and ~~family~~ 136948
~~services~~ youth, the director of mental health and addiction 136949
services, the director of developmental disabilities, the director 136950
of rehabilitation and correction, and the governor. 136951

Sec. 3301.30. The department of education and the department 136952
of children and youth shall: 136953

(A) Actively encourage, assist, and support boards of 136954

education in applying for moneys for programs for pre-school 136955
children of migrant agricultural laborers under Title I of the 136956
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 136957
U.S.C.A. 236, as amended; 136958

(B) Establish an official relationship with the Texas 136959
education agency and the Florida department of education to 136960
cooperate and exchange information with those states concerning 136961
education for children of migrant ~~agricultural~~ agricultural 136962
laborers, and coordinate ~~its~~ activities and services for such 136963
children with those states and any other states that provide 136964
education for such children; 136965

(C) Take all necessary steps to compensate for the lack of 136966
continuity in instructional curriculum experienced by children of 136967
migrant agricultural laborers as a result of their parents' 136968
occupation by assuring that: 136969

(1) Coordinated interstate and intrastate programs are 136970
provided at all levels, including coordinated programs leading to 136971
credit accrual; 136972

(2) Parents are given information about the availability of 136973
interstate and intrastate programs. 136974

(D) Take a more active role in encouraging boards of 136975
education to offer, in accordance with section 3313.641 of the 136976
Revised Code, alternative evening and tutorial programs for 136977
children of migrant agricultural laborers and their families 136978
during late spring, summer, and early fall. 136979

Sec. 3301.311. (A) As used in this section, "preschool 136980
program" has the same meaning as in section 3301.52 of the Revised 136981
Code. 136982

(B) ~~Subject to divisions (C) and (D) of this section,~~ 136983
~~beginning in fiscal year 2006, no preschool program, and no early~~ 136984

~~childhood education program or early learning program as defined 136985
by the department of education shall receive any funds from the 136986
state unless fifty per cent of the staff members employed by that 136987
program as teachers are working toward an associate degree of a 136988
type approved by the department. 136989~~

~~(C)(1) Subject to division (C)(2) of this section, beginning 136990
in fiscal year 2010, no preschool program, and no early childhood 136991
education program or early learning program as defined by the 136992
department, existing prior to fiscal year 2007, shall receive any 136993
funds from the state unless every staff member employed by that 136994
program as a teacher has attained an associate degree of a type 136995
approved by the department. 136996~~

~~(2) Beginning in fiscal year 2011, no preschool program, and 136997
no early childhood education program or early learning program as 136998
defined by the department, existing prior to fiscal year 2007, 136999
shall receive any funds from the state unless fifty per cent of 137000
the staff members employed by the program as teachers have 137001
attained a bachelor's degree of a type approved by the department. 137002~~

~~(D)(1) Subject to division (D)(2) of this section, beginning 137003
in fiscal year 2012, no preschool program, and no early childhood 137004
education program or early learning program as defined by the 137005
department, established during or after fiscal year 2007, shall 137006
receive any funds from the state unless every staff member 137007
employed by that program as a teacher has attained an associate 137008
degree of a type approved by the department. 137009~~

~~(2) Beginning in fiscal year 2013, no No preschool program, 137010
and no early childhood education program or early learning program 137011
as defined by the department in section 3301.52 of the Revised 137012
Code, established during or after fiscal year 2007, shall receive 137013
any funds from the state unless fifty per cent of the staff 137014
members employed by the program as teachers have attained a 137015
bachelor's degree of a type approved by the department in section 137016~~

3319.22 of the Revised Code. 137017

Sec. 3301.32. (A)(1) The chief administrator of any head 137018
start agency shall request the superintendent of the bureau of 137019
criminal identification and investigation to conduct a criminal 137020
records check with respect to any applicant who has applied to the 137021
head start agency for employment as a person responsible for the 137022
care, custody, or control of a child. If the applicant does not 137023
present proof that the applicant has been a resident of this state 137024
for the five-year period immediately prior to the date upon which 137025
the criminal records check is requested or does not provide 137026
evidence that within that five-year period the superintendent has 137027
requested information about the applicant from the federal bureau 137028
of investigation in a criminal records check, the chief 137029
administrator shall request that the superintendent obtain 137030
information from the federal bureau of investigation as a part of 137031
the criminal records check for the applicant. If the applicant 137032
presents proof that the applicant has been a resident of this 137033
state for that five-year period, the chief administrator may 137034
request that the superintendent include information from the 137035
federal bureau of investigation in the criminal records check. 137036

(2) Any person required by division (A)(1) of this section to 137037
request a criminal records check shall provide to each applicant a 137038
copy of the form prescribed pursuant to division (C)(1) of section 137039
109.572 of the Revised Code, provide to each applicant a standard 137040
impression sheet to obtain fingerprint impressions prescribed 137041
pursuant to division (C)(2) of section 109.572 of the Revised 137042
Code, obtain the completed form and impression sheet from each 137043
applicant, and forward the completed form and impression sheet to 137044
the superintendent of the bureau of criminal identification and 137045
investigation at the time the chief administrator requests a 137046
criminal records check pursuant to division (A)(1) of this 137047
section. 137048

(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheets with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the head start agency shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted by the director of ~~job children and family services~~ youth in accordance with division (E) of this section, no head start agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to

that date, a violation of section 2925.11 of the Revised Code that 137081
is not a minor drug possession offense, or felonious sexual 137082
penetration in violation of former section 2907.12 of the Revised 137083
Code; 137084

(b) A violation of an existing or former law of this state, 137085
any other state, or the United States that is substantially 137086
equivalent to any of the offenses or violations described in 137087
division (B)(1)(a) of this section. 137088

(2) A head start agency may employ an applicant conditionally 137089
until the criminal records check required by this section is 137090
completed and the agency receives the results of the criminal 137091
records check. If the results of the criminal records check 137092
indicate that, pursuant to division (B)(1) of this section, the 137093
applicant does not qualify for employment, the agency shall 137094
release the applicant from employment. 137095

(C)(1) Each head start agency shall pay to the bureau of 137096
criminal identification and investigation the fee prescribed 137097
pursuant to division (C)(3) of section 109.572 of the Revised Code 137098
for each criminal records check conducted in accordance with that 137099
section upon the request pursuant to division (A)(1) of this 137100
section of the chief administrator of the head start agency. 137101

(2) A head start agency may charge an applicant a fee for the 137102
costs it incurs in obtaining a criminal records check under this 137103
section. A fee charged under this division shall not exceed the 137104
amount of fees the agency pays under division (C)(1) of this 137105
section. If a fee is charged under this division, the agency shall 137106
notify the applicant at the time of the applicant's initial 137107
application for employment of the amount of the fee and that, 137108
unless the fee is paid, the head start agency will not consider 137109
the applicant for employment. 137110

(D) The report of any criminal records check conducted by the 137111

bureau of criminal identification and investigation in accordance 137112
with section 109.572 of the Revised Code and pursuant to a request 137113
made under division (A)(1) of this section is not a public record 137114
for the purposes of section 149.43 of the Revised Code and shall 137115
not be made available to any person other than the applicant who 137116
is the subject of the criminal records check or the applicant's 137117
representative, the head start agency requesting the criminal 137118
records check or its representative, and any court, hearing 137119
officer, or other necessary individual involved in a case dealing 137120
with the denial of employment to the applicant. 137121

(E) The director of ~~job children and family services youth~~ 137122
shall adopt rules pursuant to Chapter 119. of the Revised Code to 137123
implement this section, including rules specifying circumstances 137124
under which a head start agency may hire a person who has been 137125
convicted of an offense listed in division (B)(1) of this section 137126
but who meets standards in regard to rehabilitation set by the 137127
director. 137128

(F) Any person required by division (A)(1) of this section to 137129
request a criminal records check shall inform each person, at the 137130
time of the person's initial application for employment, that the 137131
person is required to provide a set of impressions of the person's 137132
fingerprints and that a criminal records check is required to be 137133
conducted and satisfactorily completed in accordance with section 137134
109.572 of the Revised Code if the person comes under final 137135
consideration for appointment or employment as a precondition to 137136
employment for that position. 137137

(G) As used in this section: 137138

(1) "Applicant" means a person who is under final 137139
consideration for appointment or employment in a position with a 137140
head start agency as a person responsible for the care, custody, 137141
or control of a child. 137142

(2) "Head start agency" means an entity in this state that 137143
has been approved to be an agency for purposes of the "Head Start 137144
Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 137145

(3) "Criminal records check" has the same meaning as in 137146
section 109.572 of the Revised Code. 137147

(4) "Minor drug possession offense" has the same meaning as 137148
in section 2925.01 of the Revised Code. 137149

Sec. 3301.50. Except as otherwise provided under division (B) 137150
of section 3301.54 of the Revised Code, the issuing of any 137151
educator license designated for teaching in a preschool setting 137152
pursuant to section 3319.22 of the Revised Code shall not be 137153
construed as requiring any person who does not hold such a license 137154
to obtain one in order to be employed as a teacher in a 137155
pre-kindergarten program. However, a person hired after July 1, 137156
1988, to direct a preschool program regulated by the ~~state board~~ 137157
department of education children and youth under sections 3301.52 137158
to 3301.57 of the Revised Code, other than a program operated by a 137159
nontax-supported eligible nonpublic school, shall hold a valid 137160
educator license designated as appropriate for teaching or being 137161
an administrator in a preschool setting issued pursuant to section 137162
3319.22 of the Revised Code plus the four courses required by 137163
division (A)(1) of section 3301.54 of the Revised Code, unless 137164
division (A)(4) of that section applies to the person. 137165

Sec. 3301.53. (A) The state board of education, ~~in~~ 137166
~~consultation with the director of job and the department of~~ 137167
children and family services, youth shall consult with each other 137168
to formulate and prescribe jointly by rule adopted under Chapter 137169
119. of the Revised Code minimum standards to be applied to 137170
preschool programs operated by school district boards of 137171
education, county boards of developmental disabilities, community 137172

schools, or eligible nonpublic schools. The rules shall include 137173
the following: 137174

(1) Standards ensuring that the preschool program is located 137175
in a safe and convenient facility that accommodates the enrollment 137176
of the program, is of the quality to support the growth and 137177
development of the children according to the program objectives, 137178
and meets the requirements of section 3301.55 of the Revised Code; 137179

(2) Standards ensuring that supervision, discipline, and 137180
programs will be administered according to established objectives 137181
and procedures; 137182

(3) Standards ensuring that preschool staff members and 137183
nonteaching employees are recruited, employed, assigned, 137184
evaluated, and provided inservice education without discrimination 137185
on the basis of age, color, national origin, race, or sex; and 137186
that preschool staff members and nonteaching employees are 137187
assigned responsibilities in accordance with written position 137188
descriptions commensurate with their training and experience; 137189

(4) A requirement that boards of education intending to 137190
establish a preschool program demonstrate a need for a preschool 137191
program prior to establishing the program; 137192

(5) Requirements that children participating in preschool 137193
programs have been immunized to the extent considered appropriate 137194
by the state board to prevent the spread of communicable disease; 137195

(6) Requirements that the parents of preschool children 137196
complete the emergency medical authorization form specified in 137197
section 3313.712 of the Revised Code. 137198

(B) ~~The state board of education in consultation with the~~ 137199
~~director of job and family services and the department~~ shall 137200
ensure that the rules adopted ~~by the state board~~ under sections 137201
3301.52 to 3301.58 of the Revised Code are consistent with and 137202

meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers that serve preschool children. The state board ~~and the director of job and family services~~ and the department shall review all such rules at least once every five years.

(C) The state board ~~of education, in consultation with the director of job and family services,~~ and the department shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child day-care centers that serve school-age children under Chapter 5104. of the Revised Code.

Sec. 3301.55. (A) A school district, county board of developmental disabilities, community school, or eligible nonpublic school operating a preschool program shall house the program in buildings that meet the following requirements:

(1) The building is operated by the district, county board of developmental disabilities, community school, or eligible nonpublic school and has been approved by the division of industrial compliance in the department of commerce or a certified municipal, township, or county building department for the purpose of operating a program for preschool children. Any such structure shall be constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. and with rules adopted by the board of building standards under Chapter 3781. of the Revised Code for the safety and sanitation of structures erected for this purpose.

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

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

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

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

(B) Each school district, county board of developmental disabilities, community school, or eligible nonpublic school that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the ~~state board of education to the board~~ department of children and youth not later than the first day of September of the school year in which the program is to be initiated. The ~~board~~ department of children and youth, shall determine whether the buildings meet the requirements of this section and section 3301.53 of the Revised Code, and notify the superintendent of its determination. If the board determines, on the basis of the building plan or any other information, that the buildings do not meet those requirements, it shall cause the buildings to be inspected by the department of ~~education~~ children and youth. The department shall make a report to the superintendent specifying any aspects of the building that are not in compliance with the requirements of this section and section 3301.53 of the Revised Code and the time period that will be allowed the district, county board of developmental disabilities, or school to meet the requirements.

Sec. 3301.56. (A) The director, head teacher, elementary principal, or site administrator who is on site and responsible for supervision of each preschool program shall be responsible for the following:

(1) Ensuring that the health and safety of the children are

safeguarded by an organized program of school health services 137265
designed to identify child health problems and to coordinate 137266
school and community health resources for children, as evidenced 137267
by but not limited to: 137268

(a) Requiring immunization and compliance with emergency 137269
medical authorization requirements in accordance with rules 137270
adopted ~~by the state board of education~~ under section 3301.53 of 137271
the Revised Code; 137272

(b) Providing procedures for emergency situations, including 137273
fire drills, rapid dismissals, tornado drills, and school safety 137274
drills in accordance with section 3737.73 of the Revised Code, and 137275
keeping records of such drills or dismissals; 137276

(c) Posting emergency procedures in preschool rooms and 137277
making them available to school personnel, children, and parents; 137278

(d) Posting emergency numbers by each telephone; 137279

(e) Supervising grounds, play areas, and other facilities 137280
when scheduled for use by children; 137281

(f) Providing first-aid facilities and materials. 137282

(2) Maintaining cumulative records for each child; 137283

(3) Supervising each child's admission, placement, and 137284
withdrawal according to established procedures; 137285

(4) Preparing at least once annually for each group of 137286
children in the program a roster of names and telephone numbers of 137287
parents, guardians, and custodians of children in the group and, 137288
on request, furnishing the roster for each group to the parents, 137289
guardians, and custodians of children in that group. The director 137290
may prepare a similar roster of all children in the program and, 137291
on request, make it available to the parents, guardians, and 137292
custodians, of children in the program. The director shall not 137293
include in either roster the name or telephone number of any 137294

parent, guardian, or custodian who requests that the parent's, 137295
guardian's, or custodian's name or number not be included, and 137296
shall not furnish any roster to any person other than a parent, 137297
guardian, or custodian of a child in the program. 137298

(5) Ensuring that clerical and custodial services are 137299
provided for the program; 137300

(6) Supervising the instructional program and the daily 137301
operation of the program; 137302

(7) Supervising and evaluating preschool staff members 137303
according to a planned sequence of observations and evaluation 137304
conferences, and supervising nonteaching employees. 137305

(B)(1) In each program the maximum number of children per 137306
preschool staff member and the maximum group size by age category 137307
of children shall be as follows: 137308

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	137309 137310 137311 137312 137313 137314 137315
12 months to less than 18 months	12	1:6	137316
18 months to less than 30 months	14	1:7	137317
30 months to less than 3 years	16	1:8	137318
3-year-olds	24	1:12	137319
4- and 5-year-olds not in school	28	1:14	137320

(2) When age groups are combined, the maximum number of 137321
children per preschool staff member shall be determined by the age 137322
of the youngest child in the group, except that when no more than 137323
one child thirty months of age or older receives child care in a 137324
group in which all the other children are in the next older age 137325

group, the maximum number of children per child-care staff member 137326
and maximum group size requirements of the older age group 137327
established under division (B)(1) of this section shall apply. 137328

(3) In a room where children are napping, if all the children 137329
are at least eighteen months of age, the maximum number of 137330
children per preschool staff member shall, for a period not to 137331
exceed one and one-half hours in any twenty-four hour day, be 137332
twice the maximum number of children per preschool staff member 137333
established under division (B)(1) of this section if all the 137334
following criteria are met: 137335

(a) At least one preschool staff member is present in the 137336
room; 137337

(b) Sufficient preschool staff members are present on the 137338
preschool program premises to comply with division (B)(1) of this 137339
section; 137340

(c) Naptime preparations have been completed and the children 137341
are resting or napping. 137342

(4) Any accredited program that uses the Montessori method 137343
endorsed by the American Montessori society or the association 137344
Montessori internationale as its primary method of instruction and 137345
is licensed as a preschool program under section 3301.58 of the 137346
Revised Code may combine preschool children of ages three to five 137347
years old with children enrolled in kindergarten. Notwithstanding 137348
anything to the contrary in division (B)(2) of this section, when 137349
such age groups are combined, the maximum number of children per 137350
preschool staff member shall be twelve and the maximum group size 137351
shall be twenty-four children. 137352

(C) In each building in which a preschool program is operated 137353
there shall be on the premises, and readily available at all 137354
times, at least one employee who has completed a course in first 137355
aid and in the prevention, recognition, and management of 137356

communicable diseases which is approved by the state department of 137357
health, and an employee who has completed a course in child abuse 137358
recognition and prevention. 137359

(D) Any parent, guardian, or custodian of a child enrolled in 137360
a preschool program shall be permitted unlimited access to the 137361
school during its hours of operation to contact the parent's, 137362
guardian's, or custodian's child, evaluate the care provided by 137363
the program, or evaluate the premises, or for other purposes 137364
approved by the director. Upon entering the premises, the parent, 137365
guardian, or custodian shall report to the school office. 137366

Sec. 3301.57. (A) For the purpose of improving programs, 137367
facilities, and implementation of the standards promulgated by the 137368
~~state board~~ department of education children and youth under 137369
section 3301.53 of the Revised Code, the ~~state~~ department of 137370
education and the department of children and youth shall provide 137371
consultation and technical assistance to school districts, county 137372
boards of developmental disabilities, community schools, and 137373
eligible nonpublic schools operating preschool programs or school 137374
child programs, and inservice training to preschool staff members, 137375
school child program staff members, and nonteaching employees. 137376

(B) The department of education, the department of children 137377
and youth, and the school district board of education, county 137378
board of developmental disabilities, community school, or eligible 137379
nonpublic school shall jointly monitor each preschool program and 137380
each school child program. 137381

If the program receives any grant or other funding from the 137382
state or federal government, the department of education and the 137383
department of children and youth annually shall monitor all 137384
reports on attendance, financial support, and expenditures 137385
according to provisions for use of the funds. 137386

(C) The department of education and the department of 137387

children and youth, at least once during every twelve-month period 137388
of operation of a preschool program or a licensed school child 137389
program, shall inspect the program and provide a written 137390
inspection report to the superintendent of the school district, 137391
county board of developmental disabilities, community school, or 137392
eligible nonpublic school. The ~~department~~ departments may inspect 137393
any program more than once, as considered necessary by the 137394
~~department~~ departments, during any twelve-month period of 137395
operation. All inspections may be unannounced. No person shall 137396
interfere with any inspection conducted pursuant to this division 137397
or to the rules adopted pursuant to sections 3301.52 to 3301.59 of 137398
the Revised Code. 137399

Upon receipt of any complaint that a preschool program or a 137400
licensed school child program is out of compliance with the 137401
requirements in sections 3301.52 to 3301.59 of the Revised Code or 137402
the rules adopted under those sections, the department of children 137403
and youth shall investigate and may inspect the program. If the 137404
complaint is related to a teacher, the department shall coordinate 137405
with the department of education to investigate and take action on 137406
a teacher's license. 137407

(D) If a preschool program or a licensed school child program 137408
is determined to be out of compliance with the requirements of 137409
sections 3301.52 to 3301.59 of the Revised Code or the rules 137410
adopted under those sections, the department of ~~education~~ children 137411
and youth shall notify the appropriate superintendent, county 137412
board of developmental disabilities, community school, or eligible 137413
nonpublic school in writing regarding the nature of the violation, 137414
what must be done to correct the violation, and by what date the 137415
correction must be made. If the correction is not made by the date 137416
established by the department, it may commence action under 137417
Chapter 119. of the Revised Code to close the program or to revoke 137418
the license of the program. If a program does not comply with an 137419

order to cease operation issued in accordance with Chapter 119. of 137420
the Revised Code, the department shall notify the attorney 137421
general, the prosecuting attorney of the county in which the 137422
program is located, or the city attorney, village solicitor, or 137423
other chief legal officer of the municipal corporation in which 137424
the program is located that the program is operating in violation 137425
of sections 3301.52 to 3301.59 of the Revised Code or the rules 137426
adopted under those sections and in violation of an order to cease 137427
operation issued in accordance with Chapter 119. of the Revised 137428
Code. Upon receipt of the notification, the attorney general, 137429
prosecuting attorney, city attorney, village solicitor, or other 137430
chief legal officer shall file a complaint in the court of common 137431
pleas of the county in which the program is located requesting the 137432
court to issue an order enjoining the program from operating. The 137433
court shall grant the requested injunctive relief upon a showing 137434
that the program named in the complaint is operating in violation 137435
of sections 3301.52 to 3301.59 of the Revised Code or the rules 137436
adopted under those sections and in violation of an order to cease 137437
operation issued in accordance with Chapter 119. of the Revised 137438
Code. 137439

(E) The department of education and department of children 137440
and youth shall prepare an annual report on inspections conducted 137441
under this section. The report shall include the number of 137442
inspections conducted, the number and types of violations found, 137443
and the steps taken to address the violations. The ~~department~~ 137444
departments shall file the report with the governor, the president 137445
and minority leader of the senate, and the speaker and minority 137446
leader of the house of representatives on or before the first day 137447
of January of each year, beginning in 1999. 137448

Sec. 3301.58. (A) The department of ~~education~~ children and 137449
youth is responsible for the licensing of preschool programs and 137450
school child programs and for the enforcement of sections 3301.52 137451

to 3301.59 of the Revised Code and of any rules adopted under 137452
those sections. No school district board of education, county 137453
board of developmental disabilities, community school, or eligible 137454
nonpublic school shall operate, establish, manage, conduct, or 137455
maintain a preschool program without a license issued under this 137456
section. A school district board of education, county board of 137457
developmental disabilities, community school, or eligible 137458
nonpublic school may obtain a license under this section for a 137459
school child program. The school district board of education, 137460
county board of developmental disabilities, community school, or 137461
eligible nonpublic school shall post the license for each 137462
preschool program and licensed school child program it operates, 137463
establishes, manages, conducts, or maintains in a conspicuous 137464
place in the preschool program or licensed school child program 137465
that is accessible to parents, custodians, or guardians and 137466
employees and staff members of the program at all times when the 137467
program is in operation. 137468

(B) Any school district board of education, county board of 137469
developmental disabilities, community school, or eligible 137470
nonpublic school that desires to operate, establish, manage, 137471
conduct, or maintain a preschool program shall apply to the 137472
department of ~~education~~ children and youth for a license on a form 137473
that the department shall prescribe by rule. Any school district 137474
board of education, county board of developmental disabilities, 137475
community school, or eligible nonpublic school that desires to 137476
obtain a license for a school child program shall apply to the 137477
department for a license on a form that the department shall 137478
prescribe by rule. The department shall provide at no charge to 137479
each applicant for a license under this section a copy of the 137480
requirements under sections 3301.52 to 3301.59 of the Revised Code 137481
and any rules adopted under those sections. The department may 137482
establish application fees by rule adopted under Chapter 119. of 137483

the Revised Code, and all applicants for a license shall pay any fee established by the department at the time of making an application for a license. All fees collected pursuant to this section shall be paid into the state treasury to the credit of the general revenue fund.

(C) Upon the filing of an application for a license, the department of ~~education~~ children and youth shall investigate and inspect the preschool program or school child program to determine the license capacity for each age category of children of the program and to determine whether the program complies with sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections. When, after investigation and inspection, the department ~~of education~~ is satisfied that sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are complied with by the applicant, the department ~~of education~~ shall issue the program a provisional license as soon as practicable in the form and manner prescribed by the rules of the department. The provisional license shall be valid for one year from the date of issuance unless revoked.

(D) The department of ~~education~~ children and youth shall investigate and inspect a preschool program or school child program that has been issued a provisional license at least once during operation under the provisional license. If, after the investigation and inspection, the department ~~of education~~ determines that the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the provisional licensee, the department ~~of education~~ shall issue the program a license. The license shall remain valid unless revoked or the program ceases operations.

(E) The department of ~~education~~ children and youth annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to

determine if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of ~~education~~ children and youth may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted jointly with the state board of education under those sections.

(H) If the department of ~~education~~ children and youth revokes a license, the department shall not issue a license to the program within two years from the date of the revocation. All actions of the department with respect to licensing preschool programs and school child programs shall be in accordance with Chapter 119. of the Revised Code.

Sec. 3301.59. ~~(A)~~ No school child program may receive any state or federal funds specifically allocated for school child programs unless the school child program is licensed by the department of ~~education~~ children and youth pursuant to sections 3301.52 to 3301.59 or Chapter 5104. of the Revised Code ~~or by the department of job and family services pursuant to Chapter 5104. of the Revised Code.~~

~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the~~

~~Revised Code, the eligible nonpublic school shall do one of the following:~~ 137547
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~~(1) On or before the expiration date of the license, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~ 137549
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~~(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 137552
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~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 137555
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 137557
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~~(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously has not obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~ 137561
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~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a license for the program;~~ 137568
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~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 137571
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~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 137574
137575

~~(4) If the program is a school child program, not accept any~~ 137576

~~state or federal funds specifically allocated for school child 137577
programs and not accept any state or federal funds for publicly 137578
funded child care pursuant to Chapter 5104. of the Revised Code. 137579~~

~~(D)(1) If an eligible nonpublic school that operates, 137580
manages, conducts, or maintains a preschool program or a school 137581
child program elects pursuant to division (B)(1) of this section 137582
to renew a license for the program that was issued by the 137583
department of job and family services or elects pursuant to 137584
division (C)(1) of this section to apply to the department of job 137585
and family services for a license for the program, that preschool 137586
program or school child program is subject to Chapter 5104. of the 137587
Revised Code and to licensure under that chapter until the 137588
eligible nonpublic school ceases to operate, manage, conduct, or 137589
maintain the program. 137590~~

~~(2) If an eligible nonpublic school that operates, manages, 137591
conducts, or maintains a preschool program or a school child 137592
program elects pursuant to division (B)(2) or (C)(2) of this 137593
section to apply to the department of education for a license for 137594
the program, that preschool program or school child program is 137595
subject to sections 3301.52 to 3301.59 of the Revised Code and to 137596
licensure under those sections until the eligible nonpublic school 137597
ceases to operate, manage, conduct, or maintain the program. 137598~~

~~(E) Not later than July 22, 1992, the departments of job and 137599
family services and education shall each prepare a list of the 137600
preschool programs and school child programs that are licensed by 137601
the respective departments. 137602~~

Sec. 3301.94. Upon approval of the state board of education, 137603
the superintendent of public instruction and the chancellor of ~~the~~ 137604
~~Ohio board of regents~~ higher education may enter into a memorandum 137605
of understanding under which the department of education, on 137606
behalf of the chancellor, will receive and maintain copies of data 137607

records containing student information reported to the chancellor 137608
for the purpose of combining those records with the data reported 137609
to the education management information system established under 137610
section 3301.0714 of the Revised Code to establish an education 137611
data repository that may be used to conduct longitudinal research 137612
and evaluation. The memorandum of understanding shall specify the 137613
following: 137614

(A) That, prior to establishing the repository, the 137615
superintendent and chancellor shall develop a strategic plan for 137616
the repository that outlines the goals to be achieved from its 137617
implementation and use. A copy of the strategic plan shall be 137618
provided to the governor, the president of the senate, and the 137619
speaker of the house of representatives. 137620

(B) That the chancellor shall submit all student data to be 137621
included in the repository to the independent contractor engaged 137622
by the department to create and maintain the student data 137623
verification codes required by division (D)(2) of section 137624
3301.0714 of the Revised Code. For each student included in the 137625
data submitted by the chancellor, the independent contractor shall 137626
determine whether a data verification code has been assigned to 137627
that student. In the case of a student to whom a data verification 137628
code has been assigned, the independent contractor shall add the 137629
code to the student's data record and remove from the data record 137630
any information that would enable the data verification code to be 137631
matched to personally identifiable student data. In the case of a 137632
student to whom a data verification code has not been assigned, 137633
the independent contractor shall assign a data verification code 137634
to the student, add the data verification code to the student's 137635
data record, and remove from the data record any information that 137636
would enable the data verification code to be matched to 137637
personally identifiable student data. After making the 137638
modifications described in this division, the independent 137639

contractor shall transmit the data to the department. 137640

(C) That the superintendent and the chancellor jointly shall 137641
develop procedures for the maintenance of the data in the 137642
repository and shall designate the types of research that may be 137643
conducted using that data. Permitted uses of the data shall 137644
include, but are not limited to, the following: 137645

(1) Assisting the department of education, superintendent, ~~or~~ 137646
state board, and the department of children and youth in 137647
performing audit and evaluation functions concerning preschool, 137648
elementary, and secondary education as required or authorized by 137649
any provision of law, including division (C) of section 3301.07 137650
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 137651
3302.03 of the Revised Code; 137652

(2) Assisting the chancellor in performing audit and 137653
evaluation functions concerning higher education as required or 137654
authorized by any provision of law, including sections 3333.04, 137655
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 137656
3333.374, 3333.72, and 3333.82 of the Revised Code. 137657

(D) That the superintendent and the chancellor, from time to 137658
time, jointly may enter into written agreements with entities for 137659
the use of data in the repository to conduct research and analysis 137660
designed to evaluate the effectiveness of programs or services, to 137661
measure progress against specific strategic planning goals, or for 137662
any other purpose permitted by law that the superintendent and 137663
chancellor consider necessary for the performance of their duties 137664
under the Revised Code. The agreements may permit the disclosure 137665
of personally identifiable student information to the entity named 137666
in the agreement, provided that disclosure complies with the 137667
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 137668
20 U.S.C. 1232g, as amended, and regulations promulgated under 137669
that act prescribing requirements for such agreements. The 137670
superintendent shall notify the state board of each agreement 137671

entered into under this division. 137672

(E) That the data in the repository submitted by the 137673
department of education shall remain under the direct control of 137674
the department and that the data in the repository submitted by 137675
the chancellor shall remain under the direct control of the 137676
chancellor; 137677

(F) That the data in the repository shall be managed in a 137678
manner that complies with the "Family Educational Rights and 137679
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 137680

(G) That all costs related to the initial establishment and 137681
ongoing maintenance of the repository shall be paid from funds 137682
received from state incentive grants awarded under division (A), 137683
Title XIV, section 14006 of the American Recovery and Reinvestment 137684
Act of 2009, other federal grant programs, or existing 137685
appropriations of the department or chancellor that are designated 137686
for a purpose consistent with this section; 137687

(H) That the department of education annually shall report to 137688
the state board ~~and~~, the chancellor, and the department of 137689
children and youth all requests for access to or use of the data 137690
in the repository and all costs related to the initial 137691
establishment and ongoing maintenance of the repository. 137692

Sec. 3313.64. (A) As used in this section and in section 137693
3313.65 of the Revised Code: 137694

(1)(a) Except as provided in division (A)(1)(b) of this 137695
section, "parent" means either parent, unless the parents are 137696
separated or divorced or their marriage has been dissolved or 137697
annulled, in which case "parent" means the parent who is the 137698
residential parent and legal custodian of the child. When a child 137699
is in the legal custody of a government agency or a person other 137700
than the child's natural or adoptive parent, "parent" means the 137701

parent with residual parental rights, privileges, and 137702
responsibilities. When a child is in the permanent custody of a 137703
government agency or a person other than the child's natural or 137704
adoptive parent, "parent" means the parent who was divested of 137705
parental rights and responsibilities for the care of the child and 137706
the right to have the child live with the parent and be the legal 137707
custodian of the child and all residual parental rights, 137708
privileges, and responsibilities. 137709

(b) When a child is the subject of a power of attorney 137710
executed under sections 3109.51 to 3109.62 of the Revised Code, 137711
"parent" means the grandparent designated as attorney in fact 137712
under the power of attorney. When a child is the subject of a 137713
caretaker authorization affidavit executed under sections 3109.64 137714
to 3109.73 of the Revised Code, "parent" means the grandparent 137715
that executed the affidavit. 137716

(2) "Legal custody," "permanent custody," and "residual 137717
parental rights, privileges, and responsibilities" have the same 137718
meanings as in section 2151.011 of the Revised Code. 137719

(3) "School district" or "district" means a city, local, or 137720
exempted village school district and excludes any school operated 137721
in an institution maintained by the department of youth services. 137722

(4) Except as used in division (C)(2) of this section, "home" 137723
means a home, institution, foster home, group home, or other 137724
residential facility in this state that receives and cares for 137725
children, to which any of the following applies: 137726

(a) The home is licensed, certified, or approved for such 137727
purpose by the state or is maintained by the department of youth 137728
services. 137729

(b) The home is operated by a person who is licensed, 137730
certified, or approved by the state to operate the home for such 137731
purpose. 137732

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state. 137733
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(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 137736
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(5) "Agency" means all of the following: 137738

(a) A public children services agency; 137739

(b) An organization that holds a certificate issued by the Ohio department of ~~job children~~ and ~~family services~~ youth in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption; 137740
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(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code. 137746
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(6) A child is placed for adoption if either of the following occurs: 137750
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(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 137752
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(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 137756
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(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 137759
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(8) "Child," unless otherwise indicated, includes preschool children with disabilities. 137761
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(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the

time the child was removed from home or placed in legal or 137824
permanent custody, whichever occurred first; 137825

(c) If a school district cannot be established under division 137826
(C)(2)(a) or (b) of this section, tuition shall be paid by the 137827
district determined as required by section 2151.362 of the Revised 137828
Code by the court at the time it vests custody of the child in the 137829
person or government agency; 137830

(d) If at the time the court removed the child from home or 137831
vested legal or permanent custody of the child in the person or 137832
government agency, whichever occurred first, one parent was in a 137833
residential or correctional facility or a juvenile residential 137834
placement and the other parent, if living and not in such a 137835
facility or placement, was not known to reside in this state, 137836
tuition shall be paid by the district determined under division 137837
(D) of section 3313.65 of the Revised Code as the district 137838
required to pay any tuition while the parent was in such facility 137839
or placement; 137840

(e) If the department of education has determined, pursuant 137841
to division (A)(2) of section 2151.362 of the Revised Code, that a 137842
school district other than the one named in the court's initial 137843
order, or in a prior determination of the department, is 137844
responsible to bear the cost of educating the child, the district 137845
so determined shall be responsible for that cost. 137846

(3) If the child is not in the permanent or legal custody of 137847
a government agency or person other than the child's parent and 137848
the child resides in a home, tuition shall be paid by one of the 137849
following: 137850

(a) The school district in which the child's parent resides; 137851

(b) If the child's parent is not a resident of this state, 137852
the home in which the child resides. 137853

(4) Division (C)(4) of this section applies to any child who 137854

is admitted to a school district under division (B)(2) of this 137855
section, resides in a home that is not a foster home, a home 137856
maintained by the department of youth services, a detention 137857
facility established under section 2152.41 of the Revised Code, or 137858
a juvenile facility established under section 2151.65 of the 137859
Revised Code, and receives educational services at the home or 137860
facility in which the child resides pursuant to a contract between 137861
the home or facility and the school district providing those 137862
services. 137863

If a child to whom division (C)(4) of this section applies is 137864
a special education student, a district may choose whether to 137865
receive a tuition payment for that child under division (C)(4) of 137866
this section or to receive a payment for that child under section 137867
3323.14 of the Revised Code. If a district chooses to receive a 137868
payment for that child under section 3323.14 of the Revised Code, 137869
it shall not receive a tuition payment for that child under 137870
division (C)(4) of this section. 137871

If a child to whom division (C)(4) of this section applies is 137872
not a special education student, a district shall receive a 137873
tuition payment for that child under division (C)(4) of this 137874
section. 137875

In the case of a child to which division (C)(4) of this 137876
section applies, the total educational cost to be paid for the 137877
child shall be determined by a formula approved by the department 137878
of education, which formula shall be designed to calculate a per 137879
diem cost for the educational services provided to the child for 137880
each day the child is served and shall reflect the total actual 137881
cost incurred in providing those services. The department shall 137882
certify the total educational cost to be paid for the child to 137883
both the school district providing the educational services and, 137884
if different, the school district that is responsible to pay 137885
tuition for the child. The department shall deduct the certified 137886

amount from the state basic aid funds payable under Chapter 3317. 137887
of the Revised Code to the district responsible to pay tuition and 137888
shall pay that amount to the district providing the educational 137889
services to the child. 137890

(D) Tuition required to be paid under divisions (C)(2) and 137891
(3)(a) of this section shall be computed in accordance with 137892
section 3317.08 of the Revised Code. Tuition required to be paid 137893
under division (C)(3)(b) of this section shall be computed in 137894
accordance with section 3317.081 of the Revised Code. If a home 137895
fails to pay the tuition required by division (C)(3)(b) of this 137896
section, the board of education providing the education may 137897
recover in a civil action the tuition and the expenses incurred in 137898
prosecuting the action, including court costs and reasonable 137899
attorney's fees. If the prosecuting attorney or city director of 137900
law represents the board in such action, costs and reasonable 137901
attorney's fees awarded by the court, based upon the prosecuting 137902
attorney's, director's, or one of their designee's time spent 137903
preparing and presenting the case, shall be deposited in the 137904
county or city general fund. 137905

(E) A board of education may enroll a child free of any 137906
tuition obligation for a period not to exceed sixty days, on the 137907
sworn statement of an adult resident of the district that the 137908
resident has initiated legal proceedings for custody of the child. 137909

(F) In the case of any individual entitled to attend school 137910
under this division, no tuition shall be charged by the school 137911
district of attendance and no other school district shall be 137912
required to pay tuition for the individual's attendance. 137913
Notwithstanding division (B), (C), or (E) of this section: 137914

(1) All persons at least eighteen but under twenty-two years 137915
of age who live apart from their parents, support themselves by 137916
their own labor, and have not successfully completed the high 137917
school curriculum or the individualized education program 137918

developed for the person by the high school pursuant to section 137919
3323.08 of the Revised Code, are entitled to attend school in the 137920
district in which they reside. 137921

(2) Any child under eighteen years of age who is married is 137922
entitled to attend school in the child's district of residence. 137923

(3) A child is entitled to attend school in the district in 137924
which either of the child's parents is employed if the child has a 137925
medical condition that may require emergency medical attention. 137926
The parent of a child entitled to attend school under division 137927
(F)(3) of this section shall submit to the board of education of 137928
the district in which the parent is employed a statement from the 137929
child's physician certifying that the child's medical condition 137930
may require emergency medical attention. The statement shall be 137931
supported by such other evidence as the board may require. 137932

(4) Any child residing with a person other than the child's 137933
parent is entitled, for a period not to exceed twelve months, to 137934
attend school in the district in which that person resides if the 137935
child's parent files an affidavit with the superintendent of the 137936
district in which the person with whom the child is living resides 137937
stating all of the following: 137938

(a) That the parent is serving outside of the state in the 137939
armed services of the United States; 137940

(b) That the parent intends to reside in the district upon 137941
returning to this state; 137942

(c) The name and address of the person with whom the child is 137943
living while the parent is outside the state. 137944

(5) Any child under the age of twenty-two years who, after 137945
the death of a parent, resides in a school district other than the 137946
district in which the child attended school at the time of the 137947
parent's death is entitled to continue to attend school in the 137948
district in which the child attended school at the time of the 137949

parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time 137981
not to exceed ninety days during which the child entitled to 137982
attend school under division (F)(6) or (7) of this section may 137983
attend without tuition obligation. A student attending a school 137984
under division (F)(6) or (7) of this section shall be eligible to 137985
participate in interscholastic athletics under the auspices of 137986
that school, provided the board of education of the school 137987
district where the student's parent resides, by a formal action, 137988
releases the student to participate in interscholastic athletics 137989
at the school where the student is attending, and provided the 137990
student receives any authorization required by a public agency or 137991
private organization of which the school district is a member 137992
exercising authority over interscholastic sports. 137993

(8) A child whose parent is a full-time employee of a city, 137994
local, or exempted village school district, or of an educational 137995
service center, may be admitted to the schools of the district 137996
where the child's parent is employed, or in the case of a child 137997
whose parent is employed by an educational service center, in the 137998
district that serves the location where the parent's job is 137999
primarily located, provided the district board of education 138000
establishes such an admission policy by resolution adopted by a 138001
majority of its members. Any such policy shall take effect on the 138002
first day of the school year and the effective date of any 138003
amendment or repeal may not be prior to the first day of the 138004
subsequent school year. The policy shall be uniformly applied to 138005
all such children and shall provide for the admission of any such 138006
child upon request of the parent. No child may be admitted under 138007
this policy after the first day of classes of any school year. 138008

(9) A child who is with the child's parent under the care of 138009
a shelter for victims of domestic violence, as defined in section 138010
3113.33 of the Revised Code, is entitled to attend school free in 138011
the district in which the child is with the child's parent, and no 138012

other school district shall be required to pay tuition for the 138013
child's attendance in that school district. 138014

The enrollment of a child in a school district under this 138015
division shall not be denied due to a delay in the school 138016
district's receipt of any records required under section 3313.672 138017
of the Revised Code or any other records required for enrollment. 138018
Any days of attendance and any credits earned by a child while 138019
enrolled in a school district under this division shall be 138020
transferred to and accepted by any school district in which the 138021
child subsequently enrolls. The state board of education shall 138022
adopt rules to ensure compliance with this division. 138023

(10) Any child under the age of twenty-two years whose parent 138024
has moved out of the school district after the commencement of 138025
classes in the child's senior year of high school is entitled, 138026
subject to the approval of that district board, to attend school 138027
in the district in which the child attended school at the time of 138028
the parental move for the remainder of the school year and for one 138029
additional semester or equivalent term. A district board may also 138030
adopt a policy specifying extenuating circumstances under which a 138031
student may continue to attend school under division (F)(10) of 138032
this section for an additional period of time in order to 138033
successfully complete the high school curriculum for the 138034
individualized education program developed for the student by the 138035
high school pursuant to section 3323.08 of the Revised Code. 138036

(11) As used in this division, "grandparent" means a parent 138037
of a parent of a child. A child under the age of twenty-two years 138038
who is in the custody of the child's parent, resides with a 138039
grandparent, and does not require special education is entitled to 138040
attend the schools of the district in which the child's 138041
grandparent resides, provided that, prior to such attendance in 138042
any school year, the board of education of the school district in 138043
which the child's grandparent resides and the board of education 138044

of the school district in which the child's parent resides enter 138045
into a written agreement specifying that good cause exists for 138046
such attendance, describing the nature of this good cause, and 138047
consenting to such attendance. 138048

In lieu of a consent form signed by a parent, a board of 138049
education may request the grandparent of a child attending school 138050
in the district in which the grandparent resides pursuant to 138051
division (F)(11) of this section to complete any consent form 138052
required by the district, including any authorization required by 138053
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 138054
Code. Upon request, the grandparent shall complete any consent 138055
form required by the district. A school district shall not incur 138056
any liability solely because of its receipt of a consent form from 138057
a grandparent in lieu of a parent. 138058

Division (F)(11) of this section does not create, and shall 138059
not be construed as creating, a new cause of action or substantive 138060
legal right against a school district, a member of a board of 138061
education, or an employee of a school district. This section does 138062
not affect, and shall not be construed as affecting, any 138063
immunities from defenses to tort liability created or recognized 138064
by Chapter 2744. of the Revised Code for a school district, 138065
member, or employee. 138066

(12) A child under the age of twenty-two years is entitled to 138067
attend school in a school district other than the district in 138068
which the child is entitled to attend school under division (B), 138069
(C), or (E) of this section provided that, prior to such 138070
attendance in any school year, both of the following occur: 138071

(a) The superintendent of the district in which the child is 138072
entitled to attend school under division (B), (C), or (E) of this 138073
section contacts the superintendent of another district for 138074
purposes of this division; 138075

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free, appropriate public education, including public preschool, to each homeless child.

When a child loses permanent housing and becomes a homeless person, as defined in 42 U.S.C.A. 11481(5), or when a child who is such a homeless person changes temporary living arrangements, the child's parent or guardian shall have the option of enrolling the child in either of the following:

(a) The child's school of origin, as defined in 42 U.S.C.A. 11432(g)(3)(C);

(b) The school that is operated by the school district in which the shelter where the child currently resides is located and that serves the geographic area in which the shelter is located.

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(14) A child under the age of twenty-two years who resides with a person other than the child's parent is entitled to attend school in the school district in which that person resides if both of the following apply:

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(a) That person has been appointed, through a military power of attorney executed under section 574(a) of the "National Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 U.S.C. 1044b, or through a comparable document necessary to complete a family care plan, as the parent's agent for the care, custody, and control of the child while the parent is on active duty as a member of the national guard or a reserve unit of the armed forces of the United States or because the parent is a member of the armed forces of the United States and is on a duty assignment away from the parent's residence.

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(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.

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The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

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(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

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(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

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(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

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(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 138138
3327.04, and 3327.06 of the Revised Code, a child may attend 138139
school or participate in a special education program in a school 138140
district other than in the district where the child is entitled to 138141
attend school under division (B) of this section. 138142

(I)(1) Notwithstanding anything to the contrary in this 138143
section or section 3313.65 of the Revised Code, a child under 138144
twenty-two years of age may attend school in the school district 138145
in which the child, at the end of the first full week of October 138146
of the school year, was entitled to attend school as otherwise 138147
provided under this section or section 3313.65 of the Revised 138148
Code, if at that time the child was enrolled in the schools of the 138149
district but since that time the child or the child's parent has 138150
relocated to a new address located outside of that school district 138151
and within the same county as the child's or parent's address 138152
immediately prior to the relocation. The child may continue to 138153
attend school in the district, and at the school to which the 138154
child was assigned at the end of the first full week of October of 138155
the current school year, for the balance of the school year. 138156
Division (I)(1) of this section applies only if both of the 138157
following conditions are satisfied: 138158

(a) The board of education of the school district in which 138159
the child was entitled to attend school at the end of the first 138160
full week in October and of the district to which the child or 138161
child's parent has relocated each has adopted a policy to enroll 138162
children described in division (I)(1) of this section. 138163

(b) The child's parent provides written notification of the 138164
relocation outside of the school district to the superintendent of 138165
each of the two school districts. 138166

(2) At the beginning of the school year following the school 138167
year in which the child or the child's parent relocated outside of 138168
the school district as described in division (I)(1) of this 138169

section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (C) of section 3317.023 of the Revised

Code equal to its own tuition rate for the same period of 138202
attendance. If the tuition rate credited to the district of 138203
attendance exceeds the rate deducted from the district required to 138204
pay tuition, the department of education shall pay the district of 138205
attendance the difference from amounts deducted from all 138206
districts' payments under division (C) of section 3317.023 of the 138207
Revised Code but not credited to other school districts under such 138208
division and from appropriations made for such purpose. The 138209
treasurer of each school district shall, by the fifteenth day of 138210
January and July, furnish the superintendent of public instruction 138211
a report of the names of each child who attended the district's 138212
schools under divisions (C)(2) and (3) of this section or section 138213
3313.65 of the Revised Code during the preceding six calendar 138214
months, the duration of the attendance of those children, the 138215
school district responsible for tuition on behalf of the child, 138216
and any other information that the superintendent requires. 138217

Upon receipt of the report the superintendent, pursuant to 138218
division (C) of section 3317.023 of the Revised Code, shall deduct 138219
each district's tuition obligations under divisions (C)(2) and (3) 138220
of this section or section 3313.65 of the Revised Code and pay to 138221
the district of attendance that amount plus any amount required to 138222
be paid by the state. 138223

(K) In the event of a disagreement, the superintendent of 138224
public instruction shall determine the school district in which 138225
the parent resides. 138226

(L) Nothing in this section requires or authorizes, or shall 138227
be construed to require or authorize, the admission to a public 138228
school in this state of a pupil who has been permanently excluded 138229
from public school attendance by the superintendent of public 138230
instruction pursuant to sections 3301.121 and 3313.662 of the 138231
Revised Code. 138232

(M) In accordance with division (B)(1) of this section, a 138233

child whose parent is a member of the national guard or a reserve 138234
unit of the armed forces of the United States and is called to 138235
active duty, or a child whose parent is a member of the armed 138236
forces of the United States and is ordered to a temporary duty 138237
assignment outside of the district, may continue to attend school 138238
in the district in which the child's parent lived before being 138239
called to active duty or ordered to a temporary duty assignment 138240
outside of the district, as long as the child's parent continues 138241
to be a resident of that district, and regardless of where the 138242
child lives as a result of the parent's active duty status or 138243
temporary duty assignment. However, the district is not 138244
responsible for providing transportation for the child if the 138245
child lives outside of the district as a result of the parent's 138246
active duty status or temporary duty assignment. 138247

Sec. 3313.646. (A) The board of education of a school 138248
district, except a cooperative education district established 138249
pursuant to section 3311.521 of the Revised Code, may establish 138250
and operate a program to provide services to preschool-age 138251
children, provided the board has demonstrated a need for the 138252
program. A board may use school funds in support of preschool 138253
programs. The board shall maintain, operate, and admit children to 138254
any such program pursuant to rules adopted by such board and the 138255
~~rules of the state board of education~~ adopted under sections 138256
3301.52 to 3301.57 of the Revised Code. 138257

A board of education may establish fees or tuition, which may 138258
be graduated in proportion to family income, for participation in 138259
a preschool program. In cases where payment of fees or tuition 138260
would create a hardship for the child's parent or guardian, the 138261
board may waive any such fees or tuition. 138262

(B) No board of education that is not receiving funds under 138263
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 138264

March 17, 1989, shall compete for funds under the "Head Start Act" 138265
with any grantee receiving funds under that act. 138266

(C) A board of education may contract with any of the 138267
following preschool providers to provide services to preschool-age 138268
children, other than those services for which the district is 138269
eligible to receive funding under section 3317.0213 of the Revised 138270
Code: 138271

(1) Any organization receiving funds under the "Head Start 138272
Act"; 138273

(2) Any nonsectarian eligible nonpublic school as defined in 138274
division (H) of section 3301.52 of the Revised Code; 138275

(3) Any child care provider licensed under Chapter 5104. of 138276
the Revised Code. 138277

Boards may contract to provide services to preschool-age 138278
children only with such organizations whose staff meet the 138279
requirements of rules adopted under section 3301.53 of the Revised 138280
Code or those of the child development associate credential 138281
established by the national association for the education of young 138282
children. 138283

(D) A contract entered into under division (C) of this 138284
section may provide for the board of education to lease school 138285
facilities to the preschool provider or to furnish transportation, 138286
utilities, or staff for the preschool program. 138287

(E) The treasurer of any board of education operating a 138288
preschool program pursuant to this section shall keep an account 138289
of all funds used to operate the program in the same manner as the 138290
treasurer would any other funds of the district pursuant to this 138291
chapter. 138292

Sec. 3314.03. A copy of every contract entered into under 138293
this section shall be filed with the superintendent of public 138294

instruction. The department of education shall make available on 138295
its web site a copy of every approved, executed contract filed 138296
with the superintendent under this section. 138297

(A) Each contract entered into between a sponsor and the 138298
governing authority of a community school shall specify the 138299
following: 138300

(1) That the school shall be established as either of the 138301
following: 138302

(a) A nonprofit corporation established under Chapter 1702. 138303
of the Revised Code, if established prior to April 8, 2003; 138304

(b) A public benefit corporation established under Chapter 138305
1702. of the Revised Code, if established after April 8, 2003. 138306

(2) The education program of the school, including the 138307
school's mission, the characteristics of the students the school 138308
is expected to attract, the ages and grades of students, and the 138309
focus of the curriculum; 138310

(3) The academic goals to be achieved and the method of 138311
measurement that will be used to determine progress toward those 138312
goals, which shall include the statewide achievement assessments; 138313

(4) Performance standards, including but not limited to all 138314
applicable report card measures set forth in section 3302.03 or 138315
3314.017 of the Revised Code, by which the success of the school 138316
will be evaluated by the sponsor; 138317

(5) The admission standards of section 3314.06 of the Revised 138318
Code and, if applicable, section 3314.061 of the Revised Code; 138319

(6)(a) Dismissal procedures; 138320

(b) A requirement that the governing authority adopt an 138321
attendance policy that includes a procedure for automatically 138322
withdrawing a student from the school if the student without a 138323

legitimate excuse fails to participate in seventy-two consecutive 138324
hours of the learning opportunities offered to the student. 138325

(7) The ways by which the school will achieve racial and 138326
ethnic balance reflective of the community it serves; 138327

(8) Requirements for financial audits by the auditor of 138328
state. The contract shall require financial records of the school 138329
to be maintained in the same manner as are financial records of 138330
school districts, pursuant to rules of the auditor of state. 138331
Audits shall be conducted in accordance with section 117.10 of the 138332
Revised Code. 138333

(9) An addendum to the contract outlining the facilities to 138334
be used that contains at least the following information: 138335

(a) A detailed description of each facility used for 138336
instructional purposes; 138337

(b) The annual costs associated with leasing each facility 138338
that are paid by or on behalf of the school; 138339

(c) The annual mortgage principal and interest payments that 138340
are paid by the school; 138341

(d) The name of the lender or landlord, identified as such, 138342
and the lender's or landlord's relationship to the operator, if 138343
any. 138344

(10) Qualifications of teachers, including a requirement that 138345
the school's classroom teachers be licensed in accordance with 138346
sections 3319.22 to 3319.31 of the Revised Code, except that a 138347
community school may engage noncertificated persons to teach up to 138348
twelve hours or forty hours per week pursuant to section 3319.301 138349
of the Revised Code. 138350

(11) That the school will comply with the following 138351
requirements: 138352

(a) The school will provide learning opportunities to a 138353

minimum of twenty-five students for a minimum of nine hundred 138354
twenty hours per school year. 138355

(b) The governing authority will purchase liability 138356
insurance, or otherwise provide for the potential liability of the 138357
school. 138358

(c) The school will be nonsectarian in its programs, 138359
admission policies, employment practices, and all other 138360
operations, and will not be operated by a sectarian school or 138361
religious institution. 138362

(d) The school will comply with sections 9.90, 9.91, 109.65, 138363
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 138364
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 138365
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 138366
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 138367
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 138368
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 138369
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 138370
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 138371
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 138372
3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 138373
3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 138374
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 138375
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, 138376
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 138377
4123., 4141., and 4167. of the Revised Code as if it were a school 138378
district and will comply with section 3301.0714 of the Revised 138379
Code in the manner specified in section 3314.17 of the Revised 138380
Code. 138381

(e) The school shall comply with Chapter 102. and section 138382
2921.42 of the Revised Code. 138383

(f) The school will comply with sections 3313.61, 3313.611, 138384

3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 138385
except that for students who enter ninth grade for the first time 138386
before July 1, 2010, the requirement in sections 3313.61 and 138387
3313.611 of the Revised Code that a person must successfully 138388
complete the curriculum in any high school prior to receiving a 138389
high school diploma may be met by completing the curriculum 138390
adopted by the governing authority of the community school rather 138391
than the curriculum specified in Title XXXIII of the Revised Code 138392
or any rules of the state board of education. Beginning with 138393
students who enter ninth grade for the first time on or after July 138394
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 138395
Revised Code that a person must successfully complete the 138396
curriculum of a high school prior to receiving a high school 138397
diploma shall be met by completing the requirements prescribed in 138398
section 3313.6027 and division (C) of section 3313.603 of the 138399
Revised Code, unless the person qualifies under division (D) or 138400
(F) of that section. Each school shall comply with the plan for 138401
awarding high school credit based on demonstration of subject area 138402
competency, and beginning with the 2017-2018 school year, with the 138403
updated plan that permits students enrolled in seventh and eighth 138404
grade to meet curriculum requirements based on subject area 138405
competency adopted by the state board of education under divisions 138406
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 138407
with the 2018-2019 school year, the school shall comply with the 138408
framework for granting units of high school credit to students who 138409
demonstrate subject area competency through work-based learning 138410
experiences, internships, or cooperative education developed by 138411
the department under division (J)(3) of section 3313.603 of the 138412
Revised Code. 138413

(g) The school governing authority will submit within four 138414
months after the end of each school year a report of its 138415
activities and progress in meeting the goals and standards of 138416
divisions (A)(3) and (4) of this section and its financial status 138417

to the sponsor and the parents of all students enrolled in the school. 138418
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(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 138420
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(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district. 138423
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(j) If the school operates a preschool program that is licensed ~~by the department of education~~ under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the ~~state board~~ department of children and youth under section 3301.53 of the Revised Code. 138430
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(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following: 138437
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(i) An internet- or computer-based community school; 138440

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code. 138441
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(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code. 138444
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(12) Arrangements for providing health and other benefits to employees;	138448 138449
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	138450 138451 138452 138453
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	138454 138455
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	138456 138457 138458
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	138459 138460 138461
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	138462 138463 138464 138465 138466 138467 138468 138469 138470 138471 138472
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	138473 138474 138475
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply	138476 138477 138478

with the admissions procedures specified in sections 3314.06 and 138479
3314.061 of the Revised Code and, at the sole discretion of the 138480
authority, shall do one of the following: 138481

(a) Prohibit the enrollment of students who reside outside 138482
the district in which the school is located; 138483

(b) Permit the enrollment of students who reside in districts 138484
adjacent to the district in which the school is located; 138485

(c) Permit the enrollment of students who reside in any other 138486
district in the state. 138487

(20) A provision recognizing the authority of the department 138488
of education to take over the sponsorship of the school in 138489
accordance with the provisions of division (C) of section 3314.015 138490
of the Revised Code; 138491

(21) A provision recognizing the sponsor's authority to 138492
assume the operation of a school under the conditions specified in 138493
division (B) of section 3314.073 of the Revised Code; 138494

(22) A provision recognizing both of the following: 138495

(a) The authority of public health and safety officials to 138496
inspect the facilities of the school and to order the facilities 138497
closed if those officials find that the facilities are not in 138498
compliance with health and safety laws and regulations; 138499

(b) The authority of the department of education as the 138500
community school oversight body to suspend the operation of the 138501
school under section 3314.072 of the Revised Code if the 138502
department has evidence of conditions or violations of law at the 138503
school that pose an imminent danger to the health and safety of 138504
the school's students and employees and the sponsor refuses to 138505
take such action. 138506

(23) A description of the learning opportunities that will be 138507
offered to students including both classroom-based and 138508

non-classroom-based learning opportunities that is in compliance 138509
with criteria for student participation established by the 138510
department under division (H)(2) of section 3314.08 of the Revised 138511
Code; 138512

(24) The school will comply with sections 3302.04 and 138513
3302.041 of the Revised Code, except that any action required to 138514
be taken by a school district pursuant to those sections shall be 138515
taken by the sponsor of the school. However, the sponsor shall not 138516
be required to take any action described in division (F) of 138517
section 3302.04 of the Revised Code. 138518

(25) Beginning in the 2006-2007 school year, the school will 138519
open for operation not later than the thirtieth day of September 138520
each school year, unless the mission of the school as specified 138521
under division (A)(2) of this section is solely to serve dropouts. 138522
In its initial year of operation, if the school fails to open by 138523
the thirtieth day of September, or within one year after the 138524
adoption of the contract pursuant to division (D) of section 138525
3314.02 of the Revised Code if the mission of the school is solely 138526
to serve dropouts, the contract shall be void. 138527

(26) Whether the school's governing authority is planning to 138528
seek designation for the school as a STEM school equivalent under 138529
section 3326.032 of the Revised Code; 138530

(27) That the school's attendance and participation policies 138531
will be available for public inspection; 138532

(28) That the school's attendance and participation records 138533
shall be made available to the department of education, auditor of 138534
state, and school's sponsor to the extent permitted under and in 138535
accordance with the "Family Educational Rights and Privacy Act of 138536
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 138537
regulations promulgated under that act, and section 3319.321 of 138538
the Revised Code; 138539

(29) If a school operates using the blended learning model,	138540
as defined in section 3301.079 of the Revised Code, all of the	138541
following information:	138542
(a) An indication of what blended learning model or models	138543
will be used;	138544
(b) A description of how student instructional needs will be	138545
determined and documented;	138546
(c) The method to be used for determining competency,	138547
granting credit, and promoting students to a higher grade level;	138548
(d) The school's attendance requirements, including how the	138549
school will document participation in learning opportunities;	138550
(e) A statement describing how student progress will be	138551
monitored;	138552
(f) A statement describing how private student data will be	138553
protected;	138554
(g) A description of the professional development activities	138555
that will be offered to teachers.	138556
(30) A provision requiring that all moneys the school's	138557
operator loans to the school, including facilities loans or cash	138558
flow assistance, must be accounted for, documented, and bear	138559
interest at a fair market rate;	138560
(31) A provision requiring that, if the governing authority	138561
contracts with an attorney, accountant, or entity specializing in	138562
audits, the attorney, accountant, or entity shall be independent	138563
from the operator with which the school has contracted.	138564
(32) A provision requiring the governing authority to adopt	138565
an enrollment and attendance policy that requires a student's	138566
parent to notify the community school in which the student is	138567
enrolled when there is a change in the location of the parent's or	138568
student's primary residence.	138569

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school

receives from the state. 138600

(D) The contract shall specify the duties of the sponsor 138601
which shall be in accordance with the written agreement entered 138602
into with the department of education under division (B) of 138603
section 3314.015 of the Revised Code and shall include the 138604
following: 138605

(1) Monitor the community school's compliance with all laws 138606
applicable to the school and with the terms of the contract; 138607

(2) Monitor and evaluate the academic and fiscal performance 138608
and the organization and operation of the community school on at 138609
least an annual basis; 138610

(3) Report on an annual basis the results of the evaluation 138611
conducted under division (D)(2) of this section to the department 138612
of education and to the parents of students enrolled in the 138613
community school; 138614

(4) Provide technical assistance to the community school in 138615
complying with laws applicable to the school and terms of the 138616
contract; 138617

(5) Take steps to intervene in the school's operation to 138618
correct problems in the school's overall performance, declare the 138619
school to be on probationary status pursuant to section 3314.073 138620
of the Revised Code, suspend the operation of the school pursuant 138621
to section 3314.072 of the Revised Code, or terminate the contract 138622
of the school pursuant to section 3314.07 of the Revised Code as 138623
determined necessary by the sponsor; 138624

(6) Have in place a plan of action to be undertaken in the 138625
event the community school experiences financial difficulties or 138626
closes prior to the end of a school year. 138627

(E) Upon the expiration of a contract entered into under this 138628
section, the sponsor of a community school may, with the approval 138629

of the governing authority of the school, renew that contract for 138630
a period of time determined by the sponsor, but not ending earlier 138631
than the end of any school year, if the sponsor finds that the 138632
school's compliance with applicable laws and terms of the contract 138633
and the school's progress in meeting the academic goals prescribed 138634
in the contract have been satisfactory. Any contract that is 138635
renewed under this division remains subject to the provisions of 138636
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 138637

(F) If a community school fails to open for operation within 138638
one year after the contract entered into under this section is 138639
adopted pursuant to division (D) of section 3314.02 of the Revised 138640
Code or permanently closes prior to the expiration of the 138641
contract, the contract shall be void and the school shall not 138642
enter into a contract with any other sponsor. A school shall not 138643
be considered permanently closed because the operations of the 138644
school have been suspended pursuant to section 3314.072 of the 138645
Revised Code. 138646

Sec. 3314.06. The governing authority of each community 138647
school established under this chapter shall adopt admission 138648
procedures that specify the following: 138649

(A) That, except as otherwise provided in this section, 138650
admission to the school shall be open to any individual age five 138651
to twenty-two entitled to attend school pursuant to section 138652
3313.64 or 3313.65 of the Revised Code in a school district in the 138653
state. 138654

Additionally, except as otherwise provided in this section, 138655
admission to the school may be open on a tuition basis to any 138656
individual age five to twenty-two who is not a resident of this 138657
state. The school shall not receive state funds under section 138658
3317.022 of the Revised Code for any student who is not a resident 138659
of this state. 138660

An individual younger than five years of age may be admitted 138661
to the school in accordance with division (A)(2) of section 138662
3321.01 of the Revised Code. The school shall receive funds for an 138663
individual admitted under that division in the manner provided 138664
under section 3317.022 of the Revised Code. 138665

If the school operates a program that uses the Montessori 138666
method endorsed by the American Montessori society, the Montessori 138667
accreditation council for teacher education, or the association 138668
Montessori internationale as its primary method of instruction, 138669
admission to the school may be open to individuals younger than 138670
five years of age but the school shall not receive funds under 138671
section 3317.022 of the Revised Code for those individuals. 138672
Notwithstanding anything to the contrary in this chapter, 138673
individuals younger than five years of age who are enrolled in a 138674
Montessori program shall be offered at least four hundred 138675
fifty-five hours of learning opportunities per school year. 138676

If the school operates a preschool program that is licensed 138677
~~by the department of education~~ under sections 3301.52 to 3301.59 138678
of the Revised Code, admission to the school may be open to 138679
individuals who are younger than five years of age, but the school 138680
shall not receive funds under this chapter for those individuals. 138681

(B)(1) That admission to the school may be limited to 138682
students who have attained a specific grade level or are within a 138683
specific age group; to students that meet a definition of 138684
"at-risk," as defined in the contract; to residents of a specific 138685
geographic area within the district, as defined in the contract; 138686
or to separate groups of autistic students and nondisabled 138687
students, as authorized in section 3314.061 of the Revised Code 138688
and as defined in the contract. 138689

(2) For purposes of division (B)(1) of this section, 138690
"at-risk" students may include those students identified as gifted 138691
students under section 3324.03 of the Revised Code. 138692

(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract.

(D)(1) That there will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex except that:

(a) The governing authority may do either of the following for the purpose described in division (G) of this section:

(i) Establish a single-gender school for either sex;

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations.

(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability.

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities.

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

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(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

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(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment.

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Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

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

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(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

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(2) "Resident district" means the school district in which a

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student is entitled to attend school under section 3313.64 or 138753
3313.65 of the Revised Code. 138754

(B) The state board of education shall adopt rules requiring 138755
the governing authority of each community school established under 138756
this chapter to annually report all of the following: 138757

(1) The number of students enrolled in grades one through 138758
twelve and the full-time equivalent number of students enrolled in 138759
kindergarten in the school who are not receiving special education 138760
and related services pursuant to an IEP; 138761

(2) The number of enrolled students in grades one through 138762
twelve and the full-time equivalent number of enrolled students in 138763
kindergarten, who are receiving special education and related 138764
services pursuant to an IEP; 138765

(3) The number of students reported under division (B)(2) of 138766
this section receiving special education and related services 138767
pursuant to an IEP for a disability described in each of divisions 138768
(A) to (F) of section 3317.013 of the Revised Code; 138769

(4) The full-time equivalent number of students reported 138770
under divisions (B)(1) and (2) of this section who are enrolled in 138771
career-technical education programs or classes described in each 138772
of divisions (A)(1) to (5) of section 3317.014 of the Revised Code 138773
that are provided by the community school; 138774

(5) The number of students reported under divisions (B)(1) 138775
and (2) of this section who are not reported under division (B)(4) 138776
of this section but who are enrolled in career-technical education 138777
programs or classes described in each of divisions (A)(1) to (5) 138778
of section 3317.014 of the Revised Code at a joint vocational 138779
school district or another district in the career-technical 138780
planning district to which the school is assigned; 138781

(6) The number of students reported under divisions (B)(1) 138782
and (2) of this section who are category one to three English 138783

learners described in each of divisions (A) to (C) of section 138784
3317.016 of the Revised Code; 138785

(7) The number of students reported under divisions (B)(1) 138786
and (2) of this section who are economically disadvantaged, as 138787
defined by the department. A student shall not be categorically 138788
excluded from the number reported under division (B)(7) of this 138789
section based on anything other than family income. 138790

(8) For each student, the city, exempted village, or local 138791
school district in which the student is entitled to attend school 138792
under section 3313.64 or 3313.65 of the Revised Code. 138793

(9) The number of students enrolled in a preschool program 138794
operated by the school that is licensed ~~by the department of~~ 138795
~~education~~ under sections 3301.52 to 3301.59 of the Revised Code 138796
who are not receiving special education and related services 138797
pursuant to an IEP. 138798

A school district board and a community school governing 138799
authority shall include in their respective reports under division 138800
(B) of this section any child admitted in accordance with division 138801
(A)(2) of section 3321.01 of the Revised Code. 138802

A governing authority of a community school shall not include 138803
in its report under divisions (B)(1) to (9) of this section any 138804
student for whom tuition is charged under division (F) of this 138805
section. 138806

(C)(1)(a) If a community school's costs for a fiscal year for 138807
a student receiving special education and related services 138808
pursuant to an IEP for a disability described in divisions (B) to 138809
(F) of section 3317.013 of the Revised Code exceed the threshold 138810
catastrophic cost for serving the student as specified in division 138811
(B) of section 3317.0214 of the Revised Code, the school may 138812
submit to the superintendent of public instruction documentation, 138813
as prescribed by the superintendent, of all its costs for that 138814

student. Upon submission of documentation for a student of the 138815
type and in the manner prescribed, the department shall pay to the 138816
community school an amount equal to the school's costs for the 138817
student in excess of the threshold catastrophic costs. 138818

(b) The community school shall report under division 138819
(C)(1)(a) of this section, and the department shall pay for, only 138820
the costs of educational expenses and the related services 138821
provided to the student in accordance with the student's 138822
individualized education program. Any legal fees, court costs, or 138823
other costs associated with any cause of action relating to the 138824
student may not be included in the amount. 138825

(2) In any fiscal year, a community school receiving funds 138826
under division (A)(7) of section 3317.022 of the Revised Code 138827
shall spend those funds only for the purposes that the department 138828
designates as approved for career-technical education expenses. 138829
Career-technical education expenses approved by the department 138830
shall include only expenses connected to the delivery of 138831
career-technical programming to career-technical students. The 138832
department shall require the school to report data annually so 138833
that the department may monitor the school's compliance with the 138834
requirements regarding the manner in which funding received under 138835
division (A)(7) of section 3317.022 of the Revised Code may be 138836
spent. 138837

(3) Notwithstanding anything to the contrary in section 138838
3313.90 of the Revised Code, except as provided in division (C)(5) 138839
of this section, all funds received under division (A)(7) of 138840
section 3317.022 of the Revised Code shall be spent in the 138841
following manner: 138842

(a) At least seventy-five per cent of the funds shall be 138843
spent on curriculum development, purchase, and implementation; 138844
instructional resources and supplies; industry-based program 138845
certification; student assessment, credentialing, and placement; 138846

curriculum specific equipment purchases and leases; 138847
career-technical student organization fees and expenses; home and 138848
agency linkages; work-based learning experiences; professional 138849
development; and other costs directly associated with 138850
career-technical education programs including development of new 138851
programs. 138852

(b) Not more than twenty-five per cent of the funds shall be 138853
used for personnel expenditures. 138854

(4) A community school shall spend the funds it receives 138855
under division (A)(4) of section 3317.022 of the Revised Code in 138856
accordance with section 3317.25 of the Revised Code. 138857

(5) The department may waive the requirement in division 138858
(C)(3) of this section for any community school that exclusively 138859
provides one or more career-technical workforce development 138860
programs in arts and communications that are not 138861
equipment-intensive, as determined by the department. 138862

(6) For fiscal years 2022 and 2023, a community school shall 138863
spend the funds it receives under division (A)(5) of section 138864
3317.022 of the Revised Code only for services for English 138865
learners. 138866

(D) A board of education sponsoring a community school may 138867
utilize local funds to make enhancement grants to the school or 138868
may agree, either as part of the contract or separately, to 138869
provide any specific services to the community school at no cost 138870
to the school. 138871

(E) A community school may not levy taxes or issue bonds 138872
secured by tax revenues. 138873

(F) No community school shall charge tuition for the 138874
enrollment of any student who is a resident of this state. A 138875
community school may charge tuition for the enrollment of any 138876
student who is not a resident of this state. 138877

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

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

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

(H) The department of education shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

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

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has

commenced participation in learning opportunities as defined in 138909
the contract with the sponsor, or thirty days prior to the date on 138910
which the student is entered into the education management 138911
information system established under section 3301.0714 of the 138912
Revised Code. For purposes of applying this division and divisions 138913
(H)(3) and (4) of this section to a community school student, 138914
"learning opportunities" shall be defined in the contract, which 138915
shall describe both classroom-based and non-classroom-based 138916
learning opportunities and shall be in compliance with criteria 138917
and documentation requirements for student participation which 138918
shall be established by the department. Any student's instruction 138919
time in non-classroom-based learning opportunities shall be 138920
certified by an employee of the community school. A student's 138921
enrollment shall be considered to cease on the date on which any 138922
of the following occur: 138923

(a) The community school receives documentation from a parent 138924
terminating enrollment of the student. 138925

(b) The community school is provided documentation of a 138926
student's enrollment in another public or private school. 138927

(c) The community school ceases to offer learning 138928
opportunities to the student pursuant to the terms of the contract 138929
with the sponsor or the operation of any provision of this 138930
chapter. 138931

Except as otherwise specified in this paragraph, beginning in 138932
the 2011-2012 school year, any student who completed the prior 138933
school year in an internet- or computer-based community school 138934
shall be considered to be enrolled in the same school in the 138935
subsequent school year until the student's enrollment has ceased 138936
as specified in division (H)(2) of this section. The department 138937
shall continue paying amounts for the student under section 138938
3317.022 of the Revised Code without interruption at the start of 138939
the subsequent school year. However, if the student without a 138940

legitimate excuse fails to participate in the first seventy-two 138941
consecutive hours of learning opportunities offered to the student 138942
in that subsequent school year, the student shall be considered 138943
not to have re-enrolled in the school for that school year and the 138944
department shall recalculate the payments to the school for that 138945
school year to account for the fact that the student is not 138946
enrolled. 138947

(3) The department shall determine each community school 138948
student's percentage of full-time equivalency based on the 138949
percentage of learning opportunities offered by the community 138950
school to that student, reported either as number of hours or 138951
number of days, is of the total learning opportunities offered by 138952
the community school to a student who attends for the school's 138953
entire school year. However, no internet- or computer-based 138954
community school shall be credited for any time a student spends 138955
participating in learning opportunities beyond ten hours within 138956
any period of twenty-four consecutive hours. Whether it reports 138957
hours or days of learning opportunities, each community school 138958
shall offer not less than nine hundred twenty hours of learning 138959
opportunities during the school year. 138960

(4) With respect to the calculation of full-time equivalency 138961
under division (H)(3) of this section, the department shall waive 138962
the number of hours or days of learning opportunities not offered 138963
to a student because the community school was closed during the 138964
school year due to disease epidemic, hazardous weather conditions, 138965
law enforcement emergencies, inoperability of school buses or 138966
other equipment necessary to the school's operation, damage to a 138967
school building, or other temporary circumstances due to utility 138968
failure rendering the school building unfit for school use, so 138969
long as the school was actually open for instruction with students 138970
in attendance during that school year for not less than the 138971
minimum number of hours required by this chapter. The department 138972

shall treat the school as if it were open for instruction with 138973
students in attendance during the hours or days waived under this 138974
division. 138975

(I) The department of education shall reduce the amounts paid 138976
under section 3317.022 of the Revised Code to reflect payments 138977
made to colleges under section 3365.07 of the Revised Code. 138978

(J)(1) No student shall be considered enrolled in any 138979
internet- or computer-based community school or, if applicable to 138980
the student, in any community school that is required to provide 138981
the student with a computer pursuant to division (C) of section 138982
3314.22 of the Revised Code, unless both of the following 138983
conditions are satisfied: 138984

(a) The student possesses or has been provided with all 138985
required hardware and software materials and all such materials 138986
are operational so that the student is capable of fully 138987
participating in the learning opportunities specified in the 138988
contract between the school and the school's sponsor as required 138989
by division (A)(23) of section 3314.03 of the Revised Code; 138990

(b) The school is in compliance with division (A) of section 138991
3314.22 of the Revised Code, relative to such student. 138992

(2) In accordance with policies adopted by the superintendent 138993
of public instruction, in consultation with the auditor of state, 138994
the department shall reduce the amounts otherwise payable under 138995
section 3317.022 of the Revised Code to any community school that 138996
includes in its program the provision of computer hardware and 138997
software materials to any student, if such hardware and software 138998
materials have not been delivered, installed, and activated for 138999
each such student in a timely manner or other educational 139000
materials or services have not been provided according to the 139001
contract between the individual community school and its sponsor. 139002

The superintendent of public instruction and the auditor of 139003

state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

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

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

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

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(d) Any decision made by the board under this division is final.

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(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

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(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

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(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

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

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(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

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(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the

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armed forces and who apply for enrollment in a community school 139065
not later than four years after termination of war or their 139066
honorable discharge. If, however, any such veteran elects to 139067
enroll in special courses organized for veterans for whom tuition 139068
is paid under federal law, or otherwise, the department shall not 139069
pay to a community school under section 3317.022 of the Revised 139070
Code any amount for that veteran. 139071

Sec. 3323.022. The rules of the state board of education 139072
adopted in consultation with the department of children and youth 139073
for staffing ratios for programs with preschool children with 139074
disabilities shall require the following: 139075

(A) A full-time staff member shall be provided when there are 139076
eight full-day or sixteen half-day preschool children eligible for 139077
special education enrolled in a center-based preschool special 139078
education program. 139079

(B) Staff ratios of one teacher for every eight children 139080
shall be maintained at all times for a program with a center-based 139081
teacher, and a second adult shall be present when there are nine 139082
or more children, including nondisabled children enrolled in a 139083
class session. 139084

(C) Unless otherwise specified in the individualized 139085
education program, a minimum of ten hours of services per week 139086
shall be provided for each child served by a center-based teacher. 139087

Sec. 3323.20. ~~On July 1, 2006, and~~ Annually on each the first 139088
day of July ~~thereafter~~, the department of education, in 139089
consultation with the department of children and youth, shall 139090
electronically report to the general assembly the number of 139091
preschool children with disabilities who received services for 139092
which the department of education made a payment to any provider 139093
during the previous fiscal year, disaggregated according to each 139094

area of developmental deficiency identified by the department of 139095
education for the evaluation of such children. 139096

Sec. 3323.32. (A) The department of education shall contract 139097
with an entity to administer programs and coordinate services for 139098
infants, preschool and school-age children, and adults with autism 139099
and low incidence disabilities. The entity shall be selected by 139100
the superintendent of public instruction in consultation with the 139101
director of children and youth and the advisory board established 139102
under section 3323.33 of the Revised Code. 139103

The contract with the entity selected shall include, but not 139104
be limited to, the following provisions: 139105

(1) A description of the programs to be administered and 139106
services to be provided or coordinated by the entity, which shall 139107
include at least the duties prescribed by sections 3323.34 and 139108
3323.35 of the Revised Code; 139109

(2) A description of the expected outcomes from the programs 139110
administered and services provided or coordinated by the entity; 139111

(3) A stipulation that the entity's performance is subject to 139112
evaluation by the department and renewal of the entity's contract 139113
is subject to the department's satisfaction with the entity's 139114
performance; 139115

(4) A description of the measures and milestones the 139116
department will use to determine whether the performance of the 139117
entity is satisfactory; 139118

(5) Any other provision the department determines is 139119
necessary to ensure the quality of services to individuals with 139120
autism and low incidence disabilities. 139121

(B) In selecting the entity under division (A) of this 139122
section, the superintendent, the director of children and youth, 139123
and the advisory board shall give primary consideration to the 139124

Ohio Center for Autism and Low Incidence, established under 139125
section 3323.31 of the Revised Code, as long as the principal 139126
goals and mission of the Center, as determined by the 139127
superintendent, the director, and the advisory board, are 139128
consistent with the requirements of divisions (A)(1) to (5) of 139129
this section. 139130

Sec. 3325.06. (A) The state board of education, in 139131
consultation with the department of children and youth, shall 139132
institute and establish a program of education by the department 139133
of education to train parents of deaf or hard of hearing children 139134
of preschool age. The object and purpose of the educational 139135
program shall be to aid and assist the parents of deaf or hard of 139136
hearing children of preschool age in affording to the children the 139137
means of optimum communicational facilities. 139138

(B) The state board of education, in consultation with the 139139
department of children and youth, shall institute and establish a 139140
program of education to train and assist parents of children of 139141
preschool age whose disabilities are visual impairments. The 139142
object and purpose of the educational program shall be to enable 139143
the parents of children of preschool age whose disabilities are 139144
visual impairments to provide their children with learning 139145
experiences that develop early literacy, communication, mobility, 139146
and daily living skills so the children can function independently 139147
in their living environments. 139148

Sec. 3325.07. The state board of education, in consultation 139149
with the department of children and youth, in carrying out this 139150
section and division (A) of section 3325.06 of the Revised Code 139151
shall, insofar as practicable, plan, present, and carry into 139152
effect an educational program by means of any of the following 139153
methods of instruction: 139154

(A) Classes for parents of deaf or hard of hearing children of preschool age;	139155 139156
(B) A nursery school where parent and child would enter the nursery school as a unit;	139157 139158
(C) Correspondence course;	139159
(D) Personal consultations and interviews;	139160
(E) Day-care or child development courses;	139161
(F) Summer enrichment courses;	139162
(G) By such other means or methods as the superintendent of the stateschool for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.	139163 139164 139165 139166
The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.	139167 139168 139169 139170 139171 139172 139173
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section.	139174 139175 139176 139177 139178 139179 139180 139181
Sec. 3701.507. (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section	139182 139183 139184

3701.025 of the Revised Code shall appoint a permanent infant	139185
hearing screening subcommittee. The subcommittee shall consist of	139186
the following members:	139187
(1) One otolaryngologist;	139188
(2) One neonatologist;	139189
(3) One pediatrician;	139190
(4) One neurologist;	139191
(5) One hospital administrator;	139192
(6) Two or more audiologists who are experienced in infant	139193
hearing screening and evaluation;	139194
(7) One speech-language pathologist licensed under section	139195
4753.07 of the Revised Code;	139196
(8) Two persons who are each a parent of a hearing-impaired	139197
child;	139198
(9) One geneticist;	139199
(10) One epidemiologist;	139200
(11) One adult who is deaf or hearing impaired;	139201
(12) One representative from an organization for persons who	139202
are deaf or hearing impaired;	139203
(13) One family advocate;	139204
(14) One nurse from a well-baby neonatal nursery;	139205
(15) One nurse from a special care neonatal nursery;	139206
(16) One teacher of persons who are deaf who works with	139207
infants and toddlers;	139208
(17) One representative of the health insurance industry;	139209
(18) One representative of the children with medical	139210
handicaps program;	139211

(19) One representative of the department of education;	139212
(20) One representative of the department of medicaid;	139213
(21) <u>One representative of the department of children and youth;</u>	139214 139215
<u>(22)</u> Any other person the advisory council appoints.	139216
(B) The infant hearing subcommittee shall:	139217
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	139218 139219 139220
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	139221 139222 139223
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	139224 139225 139226 139227
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	139228 139229 139230 139231
(b) Identification of locations where hearing evaluations may be conducted;	139232 139233
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	139234 139235
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	139236 139237
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	139238 139239
(f) Preparation of the information required by section	139240

3701.506 of the Revised Code. 139241

Sec. 3701.78. (A) There is hereby created the commission on 139242
minority health, consisting of ~~twenty-one~~ twenty-two members. The 139243
governor shall appoint to the commission nine members from among 139244
health researchers, health planners, and health professionals. The 139245
governor also shall appoint two members who are representatives of 139246
the lupus awareness and education program. The speaker of the 139247
house of representatives shall appoint to the commission two 139248
members of the house of representatives, not more than one of whom 139249
is a member of the same political party, and the president of the 139250
senate shall appoint to the commission two members of the senate, 139251
not more than one of whom is a member of the same political party. 139252
The following shall be members of the commission: the directors of 139253
health, mental health and addiction services, developmental 139254
disabilities, children and youth, and job and family services, or 139255
their designees; the medicaid director, or the director's 139256
designee; and the superintendent of public instruction, or the 139257
superintendent's designee. 139258

The commission shall elect a chairperson from among its 139259
members. 139260

Of the members appointed by the governor, five shall be 139261
appointed to initial terms of one year, and four shall be 139262
appointed to initial terms of two years. Thereafter, all members 139263
appointed by the governor shall be appointed to terms of two 139264
years. All members of the commission appointed by the speaker of 139265
the house of representatives or the president of the senate shall 139266
be nonvoting members of the commission and be appointed within 139267
thirty days after the commencement of the first regular session of 139268
each general assembly, and shall serve until the expiration of the 139269
session of the general assembly during which they were appointed. 139270

Members of the commission shall serve without compensation, 139271

but shall be reimbursed for the actual and necessary expenses they 139272
incur in the performance of their official duties. 139273

(B) The commission shall promote health and the prevention of 139274
disease among members of minority groups. Each year the commission 139275
shall distribute grants from available funds to community-based 139276
health groups to be used to promote health and the prevention of 139277
disease among members of minority groups. As used in this 139278
division, "minority group" means any of the following economically 139279
disadvantaged groups: Blacks, American Indians, Hispanics, and 139280
Orientals. The commission shall adopt and maintain rules pursuant 139281
to Chapter 119. of the Revised Code to provide for the 139282
distribution of these grants. No group shall qualify to receive a 139283
grant from the commission unless it receives at least twenty per 139284
cent of its funds from sources other than grants distributed under 139285
this section. 139286

(C) The commission may appoint such employees as it considers 139287
necessary to carry out its duties under this section. The 139288
department of health shall provide office space for the 139289
commission. 139290

(D) The commission shall meet at the call of its chairperson 139291
to conduct its official business. A majority of the voting members 139292
of the commission constitute a quorum. The votes of at least eight 139293
voting members of the commission are necessary for the commission 139294
to take any official action or to approve the distribution of 139295
grants under this section. 139296

Sec. 3701.80. The department of health shall cooperate with 139297
the director of ~~job~~ children and ~~family services~~ youth when the 139298
director promulgates rules pursuant to Chapter 5104. of the 139299
Revised Code governing the health and sanitary practices of meal 139300
preparation and service for type A family day-care homes, as 139301
defined in section 5104.01 of the Revised Code, recommend 139302

procedures for inspecting type A family day-care homes to 139303
determine whether they are in compliance with those rules, and 139304
provide training and technical assistance to the director on the 139305
procedures for determining compliance with those rules. 139306

Sec. 3705.32. (A) Except as provided in this section, records 139307
received and information assembled by the birth defects 139308
information system pursuant to section 3705.30 of the Revised Code 139309
are confidential medical records. 139310

(B)(1) The director of health may use information assembled 139311
by the system to notify parents, guardians, and custodians of 139312
children with congenital anomalies or abnormal conditions of 139313
medical care and other services available for the child and 139314
family. 139315

(2) The director may disclose information assembled by the 139316
system with the written consent of the parent or legal guardian of 139317
the child who is the subject of the information. 139318

(C)(1) Access to information assembled by the system shall be 139319
limited to the following persons and government entities: 139320

(a) The director of health; 139321

(b) Authorized employees of the department of health; 139322

(c) The director of children and youth; 139323

(d) Qualified persons or government entities that are engaged 139324
in demographic, epidemiological, or similar studies related to 139325
health and health care provision. 139326

(2) The director shall give a person or government entity 139327
described in division ~~(C)(1)(e)~~(C)(1)(d) of this section access to 139328
the system only if the person or a representative of the person or 139329
government entity signs an agreement to maintain the system's 139330
confidentiality. 139331

(3) The director shall maintain a record of all persons and government entities given access to the information in the system. The record shall include all of the following information:

(a) The name of the person who authorized access to the system;

(b) The name, title, and organizational affiliation of the person or government entity given access to the system;

(c) The dates the person or government entity was given access to the system;

(d) The specific purpose for which the person or government entity intends to use the information.

(4) The record maintained pursuant to division (C)(3) of this section is a public record, as defined in section 149.43 of the Revised Code.

(5) A person who violates an agreement described in division (C)(2) of this section may be denied further access to confidential information maintained by the director.

(D) The director may disclose information assembled by the system in summary, statistical, or other form that does not identify particular individuals or individual sources of information.

Sec. 3705.36. Three years after the date a birth defects information system is implemented pursuant to section 3705.30 of the Revised Code, and annually thereafter, the department of health shall prepare a report regarding the birth defects information system. The department shall file the report with the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the departments of developmental disabilities, education, children and youth, and job and family services, the commission on minority

health, and the news media. 139362

Sec. 3705.40. (A) As used in this section: 139363

(1) "Board of health" means a board of health of a city or 139364
general health district or the authority having the duties of a 139365
board of health under section 3709.05 of the Revised Code. 139366

(2) "Geocoding" means a geographic information system (GIS) 139367
operation for converting street addresses into spatial data that 139368
can be displayed as features on a map, usually by referencing 139369
address information from a street segment data layer. 139370

(B) The state registrar shall ensure that the department of 139371
children and youth and each board of health ~~has~~ have access to 139372
preliminary birth and death data maintained by the department of 139373
health, as well as access to any electronic system of vital 139374
records the state registrar or department of health maintains, 139375
including the Ohio public health information warehouse. To the 139376
extent possible, the preliminary data shall be provided in a 139377
format that permits geocoding. If the state registrar requires the 139378
department of children and youth or a board to enter into a data 139379
use agreement before accessing such data or systems, the state 139380
registrar shall provide the department and each board with an 139381
application for this purpose and, if requested, assist with the 139382
application's completion. 139383

(C) The state registrar shall provide the users of the 139384
preliminary data and electronic systems described in division (B) 139385
of this section with a data analysis tool kit that assists the 139386
users with using the data in a manner that promotes consistency 139387
and accuracy among users. The tool kit shall include a data 139388
dictionary and sample data analyses. 139389

Sec. 3737.22. (A) The fire marshal shall do all of the 139390

following:	139391
(1) Adopt the state fire code under sections 3737.82 to 3737.86 of the Revised Code;	139392 139393
(2) Enforce the state fire code;	139394
(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;	139395 139396
(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;	139397 139398 139399 139400
(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	139401 139402 139403 139404 139405
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	139406 139407
(7) Engage in public education and informational activities which will inform the public of fire safety information;	139408 139409
(8) Operate a fire training academy and forensic laboratory;	139410
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	139411 139412 139413
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	139414 139415
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	139416 139417 139418 139419 139420

(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	139421 139422
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	139423 139424 139425 139426 139427 139428
(14) Administer and enforce Chapter 3743. of the Revised Code;	139429 139430
(15) Develop a uniform standard for the reporting of information required to be filed under division (E)(4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed.	139431 139432 139433 139434
(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal when the fire marshal is absent or temporarily unable to carry out the duties of the office. When there is a vacancy in the office of fire marshal, the chief deputy, with the approval of the director of commerce, shall temporarily assume the duties of the fire marshal until a new fire marshal is appointed under section 3737.21 of the Revised Code.	139435 139436 139437 139438 139439 139440 139441 139442 139443 139444 139445 139446 139447 139448
All employees, other than the fire marshal; the chief deputy fire marshal; the superintendent of the Ohio fire academy; the grants administrator; the fiscal officer; the executive secretary	139449 139450 139451

to the fire marshal; legal counsel; the pyrotechnics 139452
administrator, the chief of the forensic laboratory; the person 139453
appointed by the fire marshal to serve as administrator over 139454
functions concerning testing, license examinations, and the 139455
issuance of permits and certificates; and the chiefs of the 139456
bureaus of fire prevention, of fire and explosion investigation, 139457
of code enforcement, and of underground storage tanks shall be in 139458
the classified civil service. The fire marshal shall authorize the 139459
chief deputy and other employees under the fire marshal's 139460
supervision to exercise powers granted to the fire marshal by law 139461
as may be necessary to carry out the duties of the fire marshal's 139462
office. 139463

(C) The fire marshal shall create, in and as a part of the 139464
office of fire marshal, a fire and explosion investigation bureau 139465
consisting of a chief of the bureau and additional assistant fire 139466
marshals as the fire marshal determines necessary for the 139467
efficient administration of the bureau. The chief shall be 139468
experienced in the investigation of the cause, origin, and 139469
circumstances of fires, and in administration, including the 139470
supervision of subordinates. The chief, among other duties 139471
delegated to the chief by the fire marshal, shall be responsible, 139472
under the direction of the fire marshal, for the investigation of 139473
the cause, origin, and circumstances of fires and explosions in 139474
the state, and for assistance in the prosecution of persons 139475
believed to be guilty of arson or a similar crime. 139476

(D)(1) The fire marshal shall create, as part of the office 139477
of fire marshal, a bureau of code enforcement consisting of a 139478
chief of the bureau and additional assistant fire marshals as the 139479
fire marshal determines necessary for the efficient administration 139480
of the bureau. The chief shall be qualified, by education or 139481
experience, in fire inspection, fire code development, fire code 139482
enforcement, or any other similar field determined by the fire 139483

marshal, and in administration, including the supervision of 139484
subordinates. The chief is responsible, under the direction of the 139485
fire marshal, for fire inspection, fire code development, fire 139486
code enforcement, and any other duties delegated to the chief by 139487
the fire marshal. 139488

(2) The fire marshal, the chief deputy fire marshal, the 139489
chief of the bureau of code enforcement, or any assistant fire 139490
marshal under the direction of the fire marshal, the chief deputy 139491
fire marshal, or the chief of the bureau of code enforcement may 139492
cause to be conducted the inspection of all buildings, structures, 139493
and other places, the condition of which may be dangerous from a 139494
fire safety standpoint to life or property, or to property 139495
adjacent to the buildings, structures, or other places. 139496

(E) The fire marshal shall create, as a part of the office of 139497
fire marshal, a bureau of fire prevention consisting of a chief of 139498
the bureau and additional assistant fire marshals as the fire 139499
marshal determines necessary for the efficient administration of 139500
the bureau. The chief shall be qualified, by education or 139501
experience, to promote programs for rural and urban fire 139502
prevention and protection. The chief, among other duties delegated 139503
to the chief by the fire marshal, is responsible, under the 139504
direction of the fire marshal, for the promotion of rural and 139505
urban fire prevention and protection through public information 139506
and education programs. 139507

(F) The fire marshal shall cooperate with the director of ~~job~~ 139508
children and family services youth when the director adopts rules 139509
under section 5104.052 of the Revised Code regarding fire 139510
prevention and fire safety in licensed type B family day-care 139511
homes, as defined in section 5104.01 of the Revised Code, 139512
recommend procedures for inspecting type B homes to determine 139513
whether they are in compliance with those rules, and provide 139514
training and technical assistance to the director of children and 139515

youth and county directors of job and family services on the 139516
procedures for determining compliance with those rules. 139517

(G) The fire marshal, upon request of a provider of child 139518
care in a type B home that is not licensed by the director of ~~job~~ 139519
children and ~~family services~~ youth, as a precondition of approval 139520
by the state board of education under section 3313.813 of the 139521
Revised Code for receipt of United States department of 139522
agriculture child and adult care food program funds established 139523
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 139524
U.S.C. 1751, as amended, shall inspect the type B home to 139525
determine compliance with rules adopted under section 5104.052 of 139526
the Revised Code regarding fire prevention and fire safety in 139527
licensed type B homes. In municipal corporations and in townships 139528
where there is a certified fire safety inspector, the inspections 139529
shall be made by that inspector under the supervision of the fire 139530
marshal, according to rules adopted under section 5104.052 of the 139531
Revised Code. In townships outside municipal corporations where 139532
there is no certified fire safety inspector, inspections shall be 139533
made by the fire marshal. 139534

Sec. 3742.32. (A) The director of health shall appoint an 139535
advisory council to assist in the ongoing development and 139536
implementation of the child lead poisoning prevention program 139537
created under section 3742.31 of the Revised Code. The advisory 139538
council shall consist of the following members: 139539

(1) A representative of the department of medicaid; 139540

(2) A representative of the bureau of child care in the 139541
department of job and family services; 139542

(3) A representative of the department of environmental 139543
protection; 139544

(4) A representative of the department of education; 139545

(5) A representative of the <u>department of development</u>	139546
services agency;	139547
(6) <u>A representative of the department of children and youth;</u>	139548
(7) A representative of the Ohio apartment owner's	139549
association;	139550
(7)(8) A representative of the Ohio healthy homes network;	139551
(8)(9) A representative of the Ohio environmental health	139552
association;	139553
(9)(10) An Ohio representative of the American coatings	139554
association;	139555
(10)(11) A representative from Ohio realtors;	139556
(11)(12) A representative of the Ohio housing finance agency;	139557
(12)(13) A physician knowledgeable in the field of lead	139558
poisoning prevention;	139559
(13)(14) A representative of the public.	139560
(B) The advisory council shall do both of the following:	139561
(1) Provide the director with advice regarding the policies	139562
the child lead poisoning prevention program should emphasize,	139563
preferred methods of financing the program, and any other matter	139564
relevant to the program's operation;	139565
(2) Submit a report of the state's activities to the	139566
governor, president of the senate, and speaker of the house of	139567
representatives on or before the first day of March each year.	139568
(C) The advisory council is not subject to sections 101.82 to	139569
101.87 of the Revised Code.	139570
Sec. 3781.06. (A)(1) Any building that may be used as a place	139571
of resort, assembly, education, entertainment, lodging, dwelling,	139572
trade, manufacture, repair, storage, traffic, or occupancy by the	139573

public, any residential building, and all other buildings or parts 139574
and appurtenances of those buildings erected within this state, 139575
shall be so constructed, erected, equipped, and maintained that 139576
they shall be safe and sanitary for their intended use and 139577
occupancy. 139578

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 139579
3791.04 of the Revised Code shall be construed to limit the power 139580
of the division of industrial compliance of the department of 139581
commerce to adopt rules of uniform application governing 139582
manufactured home parks pursuant to section 4781.26 of the Revised 139583
Code. 139584

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 139585
Revised Code do not apply to any of the following: 139586

(1) Buildings or structures that are incident to the use for 139587
agricultural purposes of the land on which the buildings or 139588
structures are located, provided those buildings or structures are 139589
not used in the business of retail trade. For purposes of this 139590
division, a building or structure is not considered used in the 139591
business of retail trade if fifty per cent or more of the gross 139592
income received from sales of products in the building or 139593
structure by the owner or operator is from sales of products 139594
produced or raised in a normal crop year on farms owned or 139595
operated by the seller. 139596

(2) Existing single-family, two-family, and three-family 139597
detached dwelling houses for which applications have been 139598
submitted to the director of ~~job children and family services~~ 139599
youth pursuant to section 5104.03 of the Revised Code for the 139600
purposes of operating type A family day-care homes as defined in 139601
section 5104.01 of the Revised Code; 139602

(3) A mobile computing unit. As used in this division, 139603
"mobile computing unit" means an assembly that meets all of the 139604

following criteria: 139605

(a) Its purpose is to house and operate computers as defined 139606
in section 2913.01 of the Revised Code. 139607

(b) Its exterior is integral to the protection or cooling, or 139608
both, of the computers housed within it. 139609

(c) It is not attached to a permanent foundation. 139610

(d) It is not accessible to the public. 139611

(e) It is not designed for regular occupancy, but rather 139612
limited access for service and maintenance. 139613

(f) It can be moved or transported as a single integrated 139614
unit. 139615

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 139616
Revised Code: 139617

(1) "Agricultural purposes" include agriculture, farming, 139618
dairying, pasturage, apiculture, algaculture meaning the farming 139619
of algae, horticulture, floriculture, viticulture, ornamental 139620
horticulture, olericulture, pomiculture, and animal and poultry 139621
husbandry. 139622

(2) "Building" means any structure consisting of foundations, 139623
walls, columns, girders, beams, floors, and roof, or a combination 139624
of any number of these parts, with or without other parts or 139625
appurtenances. 139626

(3) "Industrialized unit" means a building unit or assembly 139627
of closed construction fabricated in an off-site facility, that is 139628
substantially self-sufficient as a unit or as part of a greater 139629
structure, and that requires transportation to the site of 139630
intended use. "Industrialized unit" includes units installed on 139631
the site as independent units, as part of a group of units, or 139632
incorporated with standard construction methods to form a 139633
completed structural entity. "Industrialized unit" does not 139634

include a manufactured home as defined by division (C)(4) of this 139635
section or a mobile home as defined by division (O) of section 139636
4501.01 of the Revised Code. 139637

(4) "Manufactured home" means a building unit or assembly of 139638
closed construction that is fabricated in an off-site facility and 139639
constructed in conformance with the federal construction and 139640
safety standards established by the secretary of housing and urban 139641
development pursuant to the "Manufactured Housing Construction and 139642
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 139643
5403, and that has a permanent label or tag affixed to it, as 139644
specified in 42 U.S.C.A. 5415, certifying compliance with all 139645
applicable federal construction and safety standards. 139646

(5) "Permanent foundation" means permanent masonry, concrete, 139647
or a footing or foundation approved by the division of industrial 139648
compliance of the department of commerce pursuant to Chapter 4781. 139649
of the Revised Code, to which a manufactured or mobile home may be 139650
affixed. 139651

(6) "Permanently sited manufactured home" means a 139652
manufactured home that meets all of the following criteria: 139653

(a) The structure is affixed to a permanent foundation and is 139654
connected to appropriate facilities; 139655

(b) The structure, excluding any addition, has a width of at 139656
least twenty-two feet at one point, a length of at least 139657
twenty-two feet at one point, and a total living area, excluding 139658
garages, porches, or attachments, of at least nine hundred square 139659
feet; 139660

(c) The structure has a minimum 3:12 residential roof pitch, 139661
conventional residential siding, and a six-inch minimum eave 139662
overhang, including appropriate guttering; 139663

(d) The structure was manufactured after January 1, 1995; 139664

(e) The structure is not located in a manufactured home park 139665
as defined by section 4781.01 of the Revised Code. 139666

(7) "Safe," with respect to a building, means it is free from 139667
danger or hazard to the life, safety, health, or welfare of 139668
persons occupying or frequenting it, or of the public and from 139669
danger of settlement, movement, disintegration, or collapse, 139670
whether such danger arises from the methods or materials of its 139671
construction or from equipment installed therein, for the purpose 139672
of lighting, heating, the transmission or utilization of electric 139673
current, or from its location or otherwise. 139674

(8) "Sanitary," with respect to a building, means it is free 139675
from danger or hazard to the health of persons occupying or 139676
frequenting it or to that of the public, if such danger arises 139677
from the method or materials of its construction or from any 139678
equipment installed therein, for the purpose of lighting, heating, 139679
ventilating, or plumbing. 139680

(9) "Residential building" means a one-family, two-family, or 139681
three-family dwelling house, and any accessory structure 139682
incidental to that dwelling house. "Residential building" includes 139683
a one-family, two-family, or three-family dwelling house that is 139684
used as a model to promote the sale of a similar dwelling house. 139685
"Residential building" does not include an industrialized unit as 139686
defined by division (C)(3) of this section, a manufactured home as 139687
defined by division (C)(4) of this section, or a mobile home as 139688
defined by division (O) of section 4501.01 of the Revised Code. 139689

(10) "Nonresidential building" means any building that is not 139690
a residential building or a manufactured or mobile home. 139691

(11) "Accessory structure" means a structure that is attached 139692
to a residential building and serves the principal use of the 139693
residential building. "Accessory structure" includes, but is not 139694
limited to, a garage, porch, or screened-in patio. 139695

Sec. 3781.10. (A)(1) The board of building standards shall 139696
formulate and adopt rules governing the erection, construction, 139697
repair, alteration, and maintenance of all buildings or classes of 139698
buildings specified in section 3781.06 of the Revised Code, 139699
including land area incidental to those buildings, the 139700
construction of industrialized units, the installation of 139701
equipment, and the standards or requirements for materials used in 139702
connection with those buildings. The board shall incorporate those 139703
rules into separate residential and nonresidential building codes. 139704
The standards shall relate to the conservation of energy and the 139705
safety and sanitation of those buildings. 139706

(2) The rules governing nonresidential buildings are the 139707
lawful minimum requirements specified for those buildings and 139708
industrialized units, except that no rule other than as provided 139709
in division (C) of section 3781.108 of the Revised Code that 139710
specifies a higher requirement than is imposed by any section of 139711
the Revised Code is enforceable. The rules governing residential 139712
buildings are uniform requirements for residential buildings in 139713
any area with a building department certified to enforce the state 139714
residential building code. In no case shall any local code or 139715
regulation differ from the state residential building code unless 139716
that code or regulation addresses subject matter not addressed by 139717
the state residential building code or is adopted pursuant to 139718
section 3781.01 of the Revised Code. 139719

(3) The rules adopted pursuant to this section are complete, 139720
lawful alternatives to any requirements specified for buildings or 139721
industrialized units in any section of the Revised Code. Except as 139722
otherwise provided in division (I) of this section, the board 139723
shall, on its own motion or on application made under sections 139724
3781.12 and 3781.13 of the Revised Code, formulate, propose, 139725
adopt, modify, amend, or repeal the rules to the extent necessary 139726
or desirable to effectuate the purposes of sections 3781.06 to 139727

3781.18 of the Revised Code. 139728

(B) The board shall report to the general assembly proposals 139729
for amendments to existing statutes relating to the purposes 139730
declared in section 3781.06 of the Revised Code that public health 139731
and safety and the development of the arts require and shall 139732
recommend any additional legislation to assist in carrying out 139733
fully, in statutory form, the purposes declared in that section. 139734
The board shall prepare and submit to the general assembly a 139735
summary report of the number, nature, and disposition of the 139736
petitions filed under sections 3781.13 and 3781.14 of the Revised 139737
Code. 139738

(C) On its own motion or on application made under sections 139739
3781.12 and 3781.13 of the Revised Code, and after thorough 139740
testing and evaluation, the board shall determine by rule that any 139741
particular fixture, device, material, process of manufacture, 139742
manufactured unit or component, method of manufacture, system, or 139743
method of construction complies with performance standards adopted 139744
pursuant to section 3781.11 of the Revised Code. The board shall 139745
make its determination with regard to adaptability for safe and 139746
sanitary erection, use, or construction, to that described in any 139747
section of the Revised Code, wherever the use of a fixture, 139748
device, material, method of manufacture, system, or method of 139749
construction described in that section of the Revised Code is 139750
permitted by law. The board shall amend or annul any rule or issue 139751
an authorization for the use of a new material or manufactured 139752
unit on any like application. No department, officer, board, or 139753
commission of the state other than the board of building standards 139754
or the board of building appeals shall permit the use of any 139755
fixture, device, material, method of manufacture, newly designed 139756
product, system, or method of construction at variance with what 139757
is described in any rule the board of building standards adopts or 139758
issues or that is authorized by any section of the Revised Code. 139759

Nothing in this section shall be construed as requiring approval, 139760
by rule, of plans for an industrialized unit that conforms with 139761
the rules the board of building standards adopts pursuant to 139762
section 3781.11 of the Revised Code. 139763

(D) The board shall recommend rules, codes, and standards to 139764
help carry out the purposes of section 3781.06 of the Revised Code 139765
and to help secure uniformity of state administrative rulings and 139766
local legislation and administrative action to the bureau of 139767
workers' compensation, the director of commerce, any other 139768
department, officer, board, or commission of the state, and to 139769
legislative authorities and building departments of counties, 139770
townships, and municipal corporations, and shall recommend that 139771
they audit those recommended rules, codes, and standards by any 139772
appropriate action that they are allowed pursuant to law or the 139773
constitution. 139774

(E)(1) The board shall certify municipal, township, and 139775
county building departments, the personnel of those building 139776
departments, persons described in division (E)(7) of this section, 139777
and employees of individuals, firms, the state, or corporations 139778
described in division (E)(7) of this section to exercise 139779
enforcement authority, to accept and approve plans and 139780
specifications, and to make inspections, pursuant to sections 139781
3781.03, 3791.04, and 4104.43 of the Revised Code. 139782

(2) The board shall certify departments, personnel, and 139783
persons to enforce the state residential building code, to enforce 139784
the nonresidential building code, or to enforce both the 139785
residential and the nonresidential building codes. Any department, 139786
personnel, or person may enforce only the type of building code 139787
for which certified. 139788

(3) The board shall not require a building department, its 139789
personnel, or any persons that it employs to be certified for 139790
residential building code enforcement if that building department 139791

does not enforce the state residential building code. The board 139792
shall specify, in rules adopted pursuant to Chapter 119. of the 139793
Revised Code, the requirements for certification for residential 139794
and nonresidential building code enforcement, which shall be 139795
consistent with this division. The requirements for residential 139796
and nonresidential certification may differ. Except as otherwise 139797
provided in this division, the requirements shall include, but are 139798
not limited to, the satisfactory completion of an initial 139799
examination and, to remain certified, the completion of a 139800
specified number of hours of continuing building code education 139801
within each three-year period following the date of certification 139802
which shall be not less than thirty hours. The rules shall provide 139803
that continuing education credits and certification issued by the 139804
council of American building officials, national model code 139805
organizations, and agencies or entities the board recognizes are 139806
acceptable for purposes of this division. The rules shall specify 139807
requirements that are consistent with the provisions of section 139808
5903.12 of the Revised Code relating to active duty military 139809
service and are compatible, to the extent possible, with 139810
requirements the council of American building officials and 139811
national model code organizations establish. 139812

(4) The board shall establish and collect a certification and 139813
renewal fee for building department personnel, and persons and 139814
employees of persons, firms, or corporations as described in this 139815
section, who are certified pursuant to this division. 139816

(5) Any individual certified pursuant to this division shall 139817
complete the number of hours of continuing building code education 139818
that the board requires or, for failure to do so, forfeit 139819
certification. 139820

(6) This division does not require or authorize the board to 139821
certify personnel of municipal, township, and county building 139822
departments, and persons and employees of persons, firms, or 139823

corporations as described in this section, whose responsibilities 139824
do not include the exercise of enforcement authority, the approval 139825
of plans and specifications, or making inspections under the state 139826
residential and nonresidential building codes. 139827

(7) Enforcement authority for approval of plans and 139828
specifications and enforcement authority for inspections may be 139829
exercised, and plans and specifications may be approved and 139830
inspections may be made on behalf of a municipal corporation, 139831
township, or county, by any of the following who the board of 139832
building standards certifies: 139833

(a) Officers or employees of the municipal corporation, 139834
township, or county; 139835

(b) Persons, or employees of persons, firms, or corporations, 139836
pursuant to a contract to furnish architectural, engineering, or 139837
other services to the municipal corporation, township, or county; 139838

(c) Officers or employees of, and persons under contract 139839
with, a municipal corporation, township, county, health district, 139840
or other political subdivision, pursuant to a contract to furnish 139841
architectural, engineering, or other services; 139842

(d) Officers or employees of the division of industrial 139843
compliance in the department of commerce pursuant to a contract 139844
authorized by division (B) of section 121.083 of the Revised Code. 139845

(8) Municipal, township, and county building departments have 139846
jurisdiction within the meaning of sections 3781.03, 3791.04, and 139847
4104.43 of the Revised Code, only with respect to the types of 139848
buildings and subject matters for which they are certified under 139849
this section. 139850

(9) A certified municipal, township, or county building 139851
department may exercise enforcement authority, accept and approve 139852
plans and specifications, and make inspections pursuant to 139853
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 139854

park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or

person would have to pass upon, inspect, or otherwise exercise 139885
authority over any labor, material, or equipment the employee or 139886
person furnishes for the construction, alteration, or maintenance 139887
of a building or the preparation of working drawings or 139888
specifications for work within the jurisdictional area of the 139889
department. The department shall provide other similarly qualified 139890
personnel to enforce the residential and nonresidential building 139891
codes as they pertain to that work. 139892

(b) The minimum services to be provided by a certified 139893
building department. 139894

(12) The board of building standards may revoke or suspend 139895
certification to enforce the residential and nonresidential 139896
building codes, on petition to the board by any person affected by 139897
that enforcement or approval of plans, or by the board on its own 139898
motion. Hearings shall be held and appeals permitted on any 139899
proceedings for certification or revocation or suspension of 139900
certification in the same manner as provided in section 3781.101 139901
of the Revised Code for other proceedings of the board of building 139902
standards. 139903

(13) Upon certification, and until that authority is revoked, 139904
any county or township building department shall enforce the 139905
residential and nonresidential building codes for which it is 139906
certified without regard to limitation upon the authority of 139907
boards of county commissioners under Chapter 307. of the Revised 139908
Code or boards of township trustees under Chapter 505. of the 139909
Revised Code. 139910

(14) The board shall certify a person to exercise enforcement 139911
authority, to accept and approve plans and specifications, or to 139912
make inspections in this state in accordance with Chapter 4796. of 139913
the Revised Code if either of the following applies: 139914

(a) The person holds a license or certificate in another 139915

state. 139916

(b) The person has satisfactory work experience, a government 139917
certification, or a private certification as described in that 139918
chapter in the same profession, occupation, or occupational 139919
activity as the profession, occupation, or occupational activity 139920
for which the certificate is required in this state in a state 139921
that does not issue that license or certificate. 139922

(F) In addition to hearings sections 3781.06 to 3781.18 and 139923
3791.04 of the Revised Code require, the board of building 139924
standards shall make investigations and tests, and require from 139925
other state departments, officers, boards, and commissions 139926
information the board considers necessary or desirable to assist 139927
it in the discharge of any duty or the exercise of any power 139928
mentioned in this section or in sections 3781.06 to 3781.18, 139929
3791.04, and 4104.43 of the Revised Code. 139930

(G) The board shall adopt rules and establish reasonable fees 139931
for the review of all applications submitted where the applicant 139932
applies for authority to use a new material, assembly, or product 139933
of a manufacturing process. The fee shall bear some reasonable 139934
relationship to the cost of the review or testing of the 139935
materials, assembly, or products and for the notification of 139936
approval or disapproval as provided in section 3781.12 of the 139937
Revised Code. 139938

(H) The residential construction advisory committee shall 139939
provide the board with a proposal for a state residential building 139940
code that the committee recommends pursuant to division (D)(1) of 139941
section 4740.14 of the Revised Code. Upon receiving a 139942
recommendation from the committee that is acceptable to the board, 139943
the board shall adopt rules establishing that code as the state 139944
residential building code. 139945

(I)(1) The committee may provide the board with proposed 139946

rules to update or amend the state residential building code that 139947
the committee recommends pursuant to division (E) of section 139948
4740.14 of the Revised Code. 139949

(2) If the board receives a proposed rule to update or amend 139950
the state residential building code as provided in division (I)(1) 139951
of this section, the board either may accept or reject the 139952
proposed rule for incorporation into the residential building 139953
code. If the board does not act to either accept or reject the 139954
proposed rule within ninety days after receiving the proposed rule 139955
from the committee as described in division (I)(1) of this 139956
section, the proposed rule shall become part of the residential 139957
building code. 139958

(J) The board shall cooperate with the director of ~~job~~ 139959
children and ~~family services~~ youth when the director promulgates 139960
rules pursuant to section 5104.05 of the Revised Code regarding 139961
safety and sanitation in type A family day-care homes. 139962

(K) The board shall adopt rules to implement the requirements 139963
of section 3781.108 of the Revised Code. 139964

Sec. 3798.01. As used in this chapter: 139965

(A) "Administrative safeguards," "physical safeguards," and 139966
"technical safeguards" have the same meanings as in 45 C.F.R. 139967
164.304. 139968

(B) "Covered entity," "disclosure," "health care provider," 139969
"health information," "individually identifiable health 139970
information," "protected health information," and "use" have the 139971
same meanings as in 45 C.F.R. 160.103. 139972

(C) "Designated record set" has the same meaning as in 45 139973
C.F.R. 164.501. 139974

(D) "Direct exchange" means the activity of electronic 139975
transmission of health information through a direct connection 139976

between the electronic record systems of health care providers 139977
without the use of a health information exchange. 139978

(E) "Health care component" and "hybrid entity" have the same 139979
meanings as in 45 C.F.R. 164.103. 139980

(F) "Health information exchange" means any person or 139981
governmental entity that provides in this state a technical 139982
infrastructure to connect computer systems or other electronic 139983
devices used by covered entities to facilitate the secure 139984
transmission of health information. "Health information exchange" 139985
excludes health care providers engaged in direct exchange, 139986
including direct exchange through the use of a health information 139987
service provider. 139988

(G) "HIPAA privacy rule" means the standards for privacy of 139989
individually identifiable health information in 45 C.F.R. part 160 139990
and in 45 C.F.R. part 164, subparts A and E. 139991

(H) "Interoperability" means the capacity of two or more 139992
information systems to exchange information in an accurate, 139993
effective, secure, and consistent manner. 139994

(I) "Minor" means an unemancipated person under eighteen 139995
years of age or a mentally or physically disabled person under 139996
twenty-one years of age who meets criteria specified in rules 139997
adopted by the medicaid director under section 3798.13 of the 139998
Revised Code. 139999

(J) "More stringent" has the same meaning as in 45 C.F.R. 140000
160.202. 140001

(K) "Personal representative" means a person who has 140002
authority under applicable law to make decisions related to health 140003
care on behalf of an adult or emancipated minor, or the parent, 140004
legal guardian, or other person acting in loco parentis who is 140005
authorized under law to make health care decisions on behalf of an 140006
unemancipated minor. "Personal representative" does not include 140007

the parent or legal guardian of, or another person acting in loco 140008
parentis to, a minor who consents to the minor's own receipt of 140009
health care or a minor who makes medical decisions on the minor's 140010
own behalf pursuant to law, court approval, or because the minor's 140011
parent, legal guardian, or other person acting in loco parentis 140012
has assented to an agreement of confidentiality between the 140013
provider and the minor. 140014

(L) "Political subdivision" means a municipal corporation, 140015
township, county, school district, or other body corporate and 140016
politic responsible for governmental activities in a geographic 140017
area smaller than that of the state. 140018

(M) "State agency" means any one or more of the following: 140019

(1) The department of administrative services; 140020

(2) The department of aging; 140021

(3) The department of mental health and addiction services; 140022

(4) The department of developmental disabilities; 140023

(5) The department of education; 140024

(6) The department of health; 140025

(7) The department of insurance; 140026

(8) The department of job and family services; 140027

(9) The department of medicaid; 140028

(10) The department of rehabilitation and correction; 140029

(11) The department of youth services; 140030

(12) The department of children and youth; 140031

(13) The bureau of workers' compensation; 140032

~~(13)~~(14) The opportunities for Ohioans with disabilities 140033
agency; 140034

~~(14)~~(15) The office of the attorney general; 140035

~~(15)~~(16) A health care licensing board created under Title 140036
XLVII of the Revised Code that possesses individually identifiable 140037
health information. 140038

Sec. 4112.12. (A) There is hereby created the commission on 140039
African-Americans, which shall consist of not more than ~~thirteen~~ 140040
fourteen members as follows: the directors or their designees of 140041
the departments of health, development, mental health and 140042
addiction services, children and youth, and job and family 140043
services; the superintendent of public instruction; the chancellor 140044
of higher education or the chancellor's designee; two members of 140045
the house of representatives appointed by the speaker of the house 140046
of representatives each of whom shall be members of different 140047
political parties; and two members of the senate appointed by the 140048
president of the senate each of whom shall be members of different 140049
political parties. The members who are members of the general 140050
assembly shall be nonvoting members. The Ohio state university 140051
Bell national resource center, in consultation with the governor, 140052
shall appoint two members from the private corporate sector or the 140053
nonprofit sector, and one member with experience in the 140054
philanthropic community. 140055

(B) Terms of office shall be for three years, except that 140056
members of the general assembly appointed to the commission shall 140057
be members only so long as they are members of the general 140058
assembly. Each term ends on the same day of the same month as did 140059
the term that it succeeds. Each member shall hold office from the 140060
date of appointment until the end of the term for which the member 140061
was appointed. Members may be reappointed. Vacancies shall be 140062
filled in the manner provided for original appointments. Any 140063
member appointed to fill a vacancy occurring prior to the 140064
expiration date of the term for which the member's predecessor was 140065
appointed shall hold office as a member for the remainder of that 140066
term. A member shall continue in office subsequent to the 140067

expiration date of the member's term until the member's successor 140068
takes office or until a period of sixty days has elapsed, 140069
whichever occurs first. 140070

The commission annually shall elect a chairperson from among 140071
its members. 140072

(C) Members of the commission and members of subcommittees 140073
appointed under division (B) of section 4112.13 of the Revised 140074
Code shall not be compensated, but shall be reimbursed for their 140075
necessary and actual expenses incurred in the performance of their 140076
official duties. 140077

(D) The Ohio state university Bell national resource center, 140078
in consultation with the governor, shall appoint an executive 140079
director of the commission on African-Americans, who shall be in 140080
the unclassified civil service. The executive director shall 140081
supervise the commission's activities and report to the commission 140082
and to the Ohio state university Bell national resource center on 140083
the progress of those activities. The executive director shall do 140084
all things necessary for the efficient and effective 140085
implementation of the duties of the commission. 140086

The responsibilities assigned to the executive director do 140087
not relieve the members of the commission from final 140088
responsibility for the proper performance of the requirements of 140089
this division. 140090

(E) The commission on African-Americans shall do all of the 140091
following: 140092

(1) Employ, promote, supervise, and remove all employees, as 140093
needed, in connection with the performance of its duties under 140094
this section; 140095

(2) Maintain its office at the Ohio state university Bell 140096
national resource center; 140097

(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses. 140098
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(4) Establish the overall policy and management of the commission in accordance with this chapter; 140103
140104

(5) Follow all state procurement requirements; 140105

(6) Implement the policies and plans of the Ohio state university Bell national resource center as those policies and plans are formulated and adopted by the center; 140106
140107
140108

(7) Report to the Ohio state university Bell national resource center on the progress of the commission on African-Americans in implementing the policies and plans of the center. 140109
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(F) The commission on African-Americans may: 140113

(1) Hold sessions at any place within the state, except that the commission shall meet at least quarterly; 140114
140115

(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission as necessary to achieve the most efficient performance of its functions. 140116
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(G) The Ohio state university Bell national resource center shall establish the overall policy and management of the commission on African-Americans and shall direct, manage, and oversee the commission. The center shall develop overall policies and plans, and the commission shall implement those policies and plans. The commission, through its executive director, shall keep the center informed as to the activities of the commission in such manner and at such times as the center shall determine. 140120
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The Ohio state university Bell national resource center may 140128
prescribe duties and responsibilities of the commission in 140129
addition to those prescribed in section 4112.13 of the Revised 140130
Code. 140131

(H) The Ohio state university Bell national resource center 140132
annually shall contract for a report on the status of African 140133
Americans in this state. Issues to be evaluated in the report 140134
shall include the criminal justice system, education, employment, 140135
health care, and housing, and such other issues as the center may 140136
specify. The report shall include policy recommendations relating 140137
to the issues covered in the report. 140138

Sec. 5101.09. (A) When the director of job and family 140139
services or the director of children and youth is authorized by 140140
the Revised Code to adopt a rule, the director shall adopt the 140141
rule in accordance with the following: 140142

(1) Chapter 119. of the Revised Code if any of the following 140143
apply: 140144

(a) The rule concerns the administration or enforcement of 140145
Chapter 4141. of the Revised Code; 140146

(b) The rule concerns a program administered by the 140147
department of job and family services or the director of children 140148
and youth, unless the statute authorizing the rule requires that 140149
it be adopted in accordance with section 111.15 of the Revised 140150
Code; 140151

(c) The statute authorizing the rule requires that the rule 140152
be adopted in accordance with Chapter 119. of the Revised Code. 140153

(2) Section 111.15 of the Revised Code, excluding division 140154
(D) of that section, if either of the following apply: 140155

(a) The rule concerns the day-to-day staff procedures and 140156
operations of the department or financial and operational matters 140157

between the department and another government entity or a private 140158
entity receiving a grant from the department, unless the statute 140159
authorizing the rule requires that it be adopted in accordance 140160
with Chapter 119. of the Revised Code; 140161

(b) The statute authorizing the rule requires that the rule 140162
be adopted in accordance with section 111.15 of the Revised Code 140163
and, by the terms of division (D) of that section, division (D) of 140164
that section does not apply to the rule. 140165

(3) Section 111.15 of the Revised Code, including division 140166
(D) of that section, if the statute authorizing the rule requires 140167
that the rule be adopted in accordance with that section and the 140168
rule is not exempt from the application of division (D) of that 140169
section. 140170

(B) Except as otherwise required by the Revised Code, the 140171
adoption of a rule in accordance with Chapter 119. of the Revised 140172
Code does not make the department of job and family services, the 140173
department of children and youth, a county family services agency, 140174
or a local board subject to the notice, hearing, or other 140175
requirements of sections 119.06 to 119.13 of the Revised Code. As 140176
used in this division, "local board" has the same meaning as in 140177
section 6301.01 of the Revised Code. 140178

Sec. 5101.11. (A) As used in this section: 140179

(1) "Entity" includes an agency, board, commission, or 140180
department of the state or a political subdivision of the state; a 140181
private, nonprofit entity; a school district; a private school; or 140182
a public or private institution of higher education. 140183

(2) "Federal financial participation" means the federal 140184
government's share of expenditures made by an entity in 140185
implementing a program administered by the department of job and 140186
family services. 140187

(B) At the request of any public entity having authority to 140188
implement a program administered by the department of job and 140189
family services or the department of children and youth, or any 140190
private entity under contract with a public entity to implement a 140191
program administered by the applicable department, the applicable 140192
department may seek to obtain federal financial participation for 140193
costs incurred by the entity. Federal financial participation may 140194
be sought from programs operated pursuant to Title IV-A of the 140195
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E of the 140196
"Social Security Act," 42 U.S.C. 670 et seq.; the Food and 140197
Nutrition Act of 2008, 7 U.S.C. 2011 et seq.; and any other 140198
statute or regulation under which federal financial participation 140199
may be available, except that federal financial participation may 140200
be sought only for expenditures made with funds for which federal 140201
financial participation is available under federal law. 140202

(C) All funds collected by the department of job and family 140203
services or the department of children and youth pursuant to 140204
division (B) of this section shall be distributed to the entities 140205
that incurred the costs, except for any amounts retained by the 140206
applicable department pursuant to division (D)(3) of this section. 140207

(D) In distributing federal financial participation pursuant 140208
to this section, the department of job and family services or the 140209
department of children and youth may either enter into an 140210
agreement with the entity that is to receive the funds or 140211
distribute the funds in accordance with rules adopted under 140212
division (F) of this section. If ~~the department decides to enter~~ 140213
~~into~~ an agreement to distribute the funds is entered into, the 140214
agreement may include terms that do any of the following: 140215

(1) Provide for the whole or partial reimbursement of any 140216
cost incurred by the entity in implementing the program; 140217

(2) In the event that federal financial participation is 140218
disallowed or otherwise unavailable for any expenditure, require 140219

the applicable department or the entity, whichever party caused 140220
the disallowance or unavailability of federal financial 140221
participation, to assume responsibility for the expenditures; 140222

(3) Permit the applicable department to retain not more than 140223
five per cent of the amount of the federal financial participation 140224
to be distributed to the entity; 140225

(4) Require the public entity to certify the availability of 140226
sufficient unencumbered funds to match the federal financial 140227
participation it receives under this section; 140228

(5) Establish the length of the agreement, which may be for a 140229
fixed or a continuing period of time; 140230

(6) Establish any other requirements determined by the 140231
applicable department to be necessary for the efficient 140232
administration of the agreement. 140233

(E) An entity that receives federal financial participation 140234
pursuant to this section for a program aiding children and their 140235
families shall establish a process for collaborative planning with 140236
the department of job and family services or the department of 140237
children and youth for the use of the funds to improve and expand 140238
the program. 140239

(F) The director of job and family services and the director 140240
of children and youth each shall adopt rules as necessary to 140241
implement this section, including rules for the distribution of 140242
federal financial participation pursuant to this section. The 140243
rules shall be adopted in accordance with Chapter 119. of the 140244
Revised Code. ~~The~~ Each director may adopt or amend any statewide 140245
plan required by the federal government for a program administered 140246
by ~~the~~ that department, as necessary to implement this section. 140247

(G) Federal financial participation received pursuant to this 140248
section shall not be included in any calculation made under 140249
section 5101.16 or 5101.161 of the Revised Code. 140250

Sec. 5101.111. The foundation grant fund is hereby created in 140251
the state treasury. Money the department of job and family 140252
services or the department of children and youth receives from 140253
private foundations in support of pilot projects that promote 140254
exemplary programs for enhancing the health, safety, and 140255
well-being of children and families shall be credited to the fund. 140256
The applicable department may expend the money on such projects, 140257
may use the money, to the extent allowable, to match federal funds 140258
in support of such projects, and shall comply with requirements 140259
the foundations have stipulated in their agreements with the 140260
applicable department as to the purposes for which the money may 140261
be expended. 140262

Sec. 5101.12. The department of job and family services or 140263
department of children and youth may enter into contracts to 140264
maximize federal revenue without the expenditure of state money. 140265
In selecting private entities with which to contract, the 140266
applicable department shall engage in a request for proposals 140267
process. The applicable department, subject to the approval of the 140268
controlling board, may also directly enter into contracts with 140269
public entities providing revenue maximization services. 140270

Sec. 5101.13. (A) The department of ~~job and family services~~ 140271
children and youth shall establish and maintain a uniform 140272
statewide automated child welfare information system in accordance 140273
with the requirements of 42 U.S.C.A. 674(a)(3)(C) and related 140274
federal regulations and guidelines. The information system shall 140275
contain records regarding any of the following: 140276

(1) Investigations of children and families, and children's 140277
care in out-of-home care, in accordance with sections 2151.421 and 140278
5153.16 of the Revised Code; 140279

(2) Care and treatment provided to children and families; 140280

(3) Any other information related to children and families 140281
that state or federal law, regulation, or rule requires the 140282
department or a public children services agency to maintain. 140283

(B) The department shall plan implementation of the 140284
information system on a county-by-county basis and shall finalize 140285
statewide implementation by all public children services agencies 140286
as described in section 5153.02 of the Revised Code not later than 140287
January 1, 2008. 140288

(C) The department shall promptly notify all public children 140289
services agencies of the initiation and completion of statewide 140290
implementation of the statewide information system established 140291
under division (A) of this section. 140292

(D) "Out-of-home care" has the same meaning as in section 140293
2151.011 of the Revised Code. 140294

Sec. 5101.132. (A) Information contained in the information 140295
system established and maintained under section 5101.13 of the 140296
Revised Code may be accessed or entered only as follows: 140297

(1) The department of job and family services, the department 140298
of children and youth, a public children services agency, a title 140299
IV-E agency, a prosecuting attorney, a private child placing 140300
agency, and a private noncustodial agency may access or enter the 140301
information when either of the following is the case: 140302

(a) The access or entry is directly connected with 140303
assessment, investigation, or services regarding a child or 140304
family; 140305

(b) The access or entry is permitted by state or federal law, 140306
rule, or regulation. 140307

(2) A person may access or enter the information in a manner, 140308
to the extent, and for the purposes authorized by rules adopted by 140309
the department. 140310

(B) As used in this section, "title IV-E agency" means a public children services agency or a public entity with which the department of job and family services or department of children and youth has a title IV-E subgrant agreement in effect.

Sec. 5101.134. (A) Notwithstanding any provision of the Revised Code that requires confidentiality of information that is contained in the uniform statewide automated child welfare information system established in section 5101.13 of the Revised Code, the department of ~~job and family services~~ children and youth shall adopt rules in accordance with Chapter 119. of the Revised Code regarding a private child placing agency's or private noncustodial agency's access, data entry, and use of information in the uniform statewide automated child welfare information system.

(B)(1) The department of ~~job and family services~~ children and youth may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, as necessary to carry out the purposes of sections 5101.13 to 5101.133 of the Revised Code.

(2) The department may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to carry out the purposes of division (A)(2) of section 5101.132 of the Revised Code.

(C) Public children services agencies shall implement and use the information system established pursuant to section 5101.13 of the Revised Code in accordance with rules adopted by the department.

Sec. 5101.135. (A) A public children services employee who is entering a report of an investigation of child abuse in the statewide automated child welfare information system, as required by section 5101.13 of the Revised Code, shall make a notation on

each case of child abuse that indicates whether the child abuse 140341
arose from an act that caused the child to suffer from, or 140342
resulted in the child suffering from, shaken baby syndrome. 140343

(B) ~~Beginning March 1, 2009, and each~~ On the first day of 140344
March ~~thereafter of each year~~, the department of ~~job and family~~ 140345
~~services children and youth~~ shall report to the director of health 140346
the number of reports of child abuse that arose from an act that 140347
caused the child to suffer from, or resulted in the child 140348
suffering from, shaken baby syndrome and that arose during the 140349
calendar year immediately preceding the calendar year in which the 140350
report is made, as determined by an examination of the statewide 140351
automated child welfare information system established and 140352
maintained under section 5101.13 of the Revised Code. 140353

(C) As used in this section, "shaken baby syndrome" has the 140354
same meaning as in section ~~3701.63~~ 5180.14 of the Revised Code. 140355

Sec. 5101.14. (A) As used in this section and section 140356
5101.144 of the Revised Code, "children services" means services 140357
provided to children pursuant to Chapter 5153. of the Revised 140358
Code. 140359

(B) Within available funds, the department of ~~job~~ children 140360
and ~~family services~~ youth shall distribute funds to the counties 140361
within thirty days after the beginning of each calendar quarter 140362
for a part of the counties' costs for children services. 140363

Funds provided to the county under this section shall be 140364
deposited into the children services fund created pursuant to 140365
section 5101.144 of the Revised Code. 140366

(C) In each fiscal year, the amount of funds available for 140367
distribution under this section shall be allocated to counties as 140368
follows: 140369

(1) If the amount is less than the amount initially 140370

appropriated for the immediately preceding fiscal year, each 140371
county shall receive an amount equal to the percentage of the 140372
funding it received in the immediately preceding fiscal year, 140373
exclusive of any releases from or additions to the allocation or 140374
any sanctions imposed under this section; 140375

(2) If the amount is equal to the amount initially 140376
appropriated for the immediately preceding fiscal year, each 140377
county shall receive an amount equal to the amount it received in 140378
the preceding fiscal year, exclusive of any releases from or 140379
additions to the allocation or any sanctions imposed under this 140380
section; 140381

(3) If the amount is greater than the amount initially 140382
appropriated for the immediately preceding fiscal year, each 140383
county shall receive the amount determined under division (C)(2) 140384
of this section as a base allocation, plus a percentage of the 140385
amount that exceeds the amount initially appropriated for the 140386
immediately preceding fiscal year. The amount exceeding the amount 140387
initially appropriated in the immediately preceding fiscal year 140388
shall be allocated to the counties as follows: 140389

(a) Twelve per cent divided equally among all counties; 140390

(b) Forty-eight per cent in the ratio that the number of 140391
residents of the county under the age of eighteen bears to the 140392
total number of such persons residing in this state; 140393

(c) Forty per cent in the ratio that the number of residents 140394
of the county with incomes under the federal poverty guideline 140395
bears to the total number of such persons in this state. 140396

As used in division (C)(3)(c) of this section, "federal 140397
poverty guideline" means the poverty guideline as defined by the 140398
United States office of management and budget and revised by the 140399
United States secretary of health and human services in accordance 140400
with section 673 of the "Community Services Block Grant Act," 95 140401

Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.	140402
(D) Within ninety days after the end of each state fiscal biennium, each county shall return any unspent funds to the department.	140403 140404 140405
(E) The director of job children and family services youth may adopt the following rules in accordance with section 111.15 of the Revised Code:	140406 140407 140408
(1) Rules that are necessary for the allocation of funds under this section;	140409 140410
(2) Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.	140411 140412 140413
Sec. 5101.141. (A) As used in sections 5101.141 to 5101.1417 of the Revised Code:	140414 140415
(1) "Adopted young adult" means a person:	140416
(a) Who was in the temporary or permanent custody of a public children services agency;	140417 140418
(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective;	140419 140420 140421
(c) Who has attained the age of eighteen; and	140422
(d) Who has not yet attained the age of twenty-one.	140423
(2) "Child" means any of the following:	140424
(a) A person who meets the requirements of division (B)(3) of section 5153.01 of the Revised Code;	140425 140426
(b) An adopted young adult;	140427
(c) An emancipated young adult.	140428
(3) "Emancipated young adult" means a person:	140429

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;	140430 140431 140432 140433 140434
(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and	140435 140436
(c) Who has not yet attained the age of twenty-one.	140437
(4) "Kinship guardianship young adult" means an individual that meets the following criteria:	140438 140439
(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;	140440 140441 140442 140443
(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;	140444 140445 140446 140447
(c) Has attained the age of eighteen;	140448
(d) Has not yet attained the age of twenty-one.	140449
(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:	140450 140451
(a) The following individuals related by blood or adoption to the child:	140452 140453
(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	140454 140455
(ii) Siblings;	140456
(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or	140457 140458

"great-grand";	140459
(iv) First cousins and first cousins once removed.	140460
(b) Stepparents and stepsiblings of the child;	140461
(c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section;	140462 140463
(d) A legal guardian of the child;	140464
(e) A legal custodian of the child;	140465
(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.	140466 140467 140468
(6) "Representative" means a person with whom the department of job children and family services youth has entered into a contract, pursuant to division (B)(2)(b) of this section.	140469 140470 140471
(7) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.	140472 140473
(B)(1) Except as provided in divisions (B)(2), (3), and (4) of this section, the department of job children and family services youth shall act as the single state agency to administer federal payments for foster care, kinship guardianship assistance, and adoption assistance made pursuant to Title IV-E. The director of job children and family services youth shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall	140474 140475 140476 140477 140478 140479 140480 140481 140482 140483 140484 140485 140486 140487 140488

be adopted in accordance with Chapter 119. of the Revised Code. A 140489
public children services agency to which the department 140490
distributes Title IV-E funds shall administer the funds in 140491
accordance with those rules. 140492

(2) If the state plan is amended under divisions (A) and (B) 140493
of section 5101.1411 of the Revised Code, both of the following 140494
shall apply: 140495

(a) Implementation of the amendments to the plan shall begin 140496
fifteen months after September 13, 2016, the effective date of 140497
H.B. 50 of the 131st general assembly, if both of the following 140498
apply: 140499

(i) The plan as amended is approved by the secretary of 140500
health and human services; 140501

(ii) The general assembly has appropriated sufficient funds 140502
to operate the program required under the plan as amended. 140503

(b) The department shall have, exercise, and perform all new 140504
duties required under the plan as amended. In doing so, the 140505
department may contract with another person to carry out those new 140506
duties, to the extent permitted under Title IV-E. 140507

(3) If the state plan is amended under division (C) of 140508
section 5101.1411 of the Revised Code, both of the following 140509
apply: 140510

(a) Implementation of the amendments to the plan shall begin 140511
fifteen months after ~~the effective date of this section~~ September
30, 2021, if both of the following apply: 140512
140513

(i) The plan as amended is approved by the secretary of 140514
health and human services. 140515

(ii) The general assembly has appropriated sufficient funds 140516
to operate the program required under the plan as amended. 140517

(b) The department shall perform all new duties required 140518

under the amended plan. In doing so, the department may contract 140519
with another person to carry out those new duties, to the extent 140520
permitted under Title IV-E. 140521

(4) If the state plan is amended under section 5101.1416 of 140522
the Revised Code, and is approved by the secretary of health and 140523
human services, implementation of the amendments to the plan shall 140524
begin fifteen months after ~~the effective date of this section~~ 140525
September 30, 2021. 140526

(C)(1) Except with regard to the new duties imposed on the 140527
department or its contractor under divisions (B)(2)(b) and 140528
(B)(3)(b) of this section that are not imposed on the county, the 140529
county, on behalf of each child eligible for foster care 140530
maintenance payments under Title IV-E, shall make payments to 140531
cover the cost of providing all of the following: 140532

(a) The child's food, clothing, shelter, daily supervision, 140533
and school supplies; 140534

(b) The child's personal incidentals; 140535

(c) Reasonable travel to the child's home for visitation. 140536

(2) In addition to payments made under division (C)(1) of 140537
this section, the county may, on behalf of each child eligible for 140538
foster care maintenance payments under Title IV-E, make payments 140539
to cover the cost of providing the following: 140540

(a) Liability insurance with respect to the child; 140541

(b) If the county is participating in the demonstration 140542
project established under division (A) of section 5101.142 of the 140543
Revised Code, services provided under the project. 140544

(3) With respect to a child who is in a child-care 140545
institution, including any type of group home designed for the 140546
care of children or any privately operated program consisting of 140547
two or more certified foster homes operated by a common 140548

administrative unit, the foster care maintenance payments made by 140549
the county on behalf of the child shall include the reasonable 140550
cost of the administration and operation of the institution, group 140551
home, or program, as necessary to provide the items described in 140552
divisions (C)(1) and (2) of this section. 140553

(D) To the extent that either foster care maintenance 140554
payments under division (C) of this section, Title IV-E kinship 140555
guardianship assistance, or Title IV-E adoption assistance 140556
payments for maintenance costs require the expenditure of county 140557
funds, the board of county commissioners shall report the nature 140558
and amount of each expenditure of county funds to the department. 140559

(E) The department shall distribute to public children 140560
services agencies that incur and report expenditures of the type 140561
described in division (D) of this section federal financial 140562
participation received for administrative and training costs 140563
incurred in the operation of foster care maintenance, kinship 140564
guardianship assistance, and adoption assistance programs. The 140565
department may withhold not more than three per cent of the 140566
federal financial participation received. The funds withheld may 140567
be used only to fund the following: 140568

(1) The Ohio child welfare training program established under 140569
section 5103.30 of the Revised Code; 140570

(2) The university partnership program for college and 140571
university students majoring in social work who have committed to 140572
work for a public children services agency upon graduation; 140573

(3) Efforts supporting organizational excellence, including 140574
voluntary activities to be accredited by a nationally recognized 140575
accreditation organization. 140576

The funds withheld shall be in addition to any administration 140577
and training cost for which the department is reimbursed through 140578
its own cost allocation plan. 140579

(F) All federal financial participation funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.

(G) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public children services agencies for making payments on behalf of children eligible for foster care maintenance payments.

(H) The department, by and through its director, is hereby authorized to develop, participate in the development of, negotiate, and enter into one or more interstate compacts on behalf of this state with agencies of any other states, for the provision of social services to children in relation to whom all of the following apply:

(1) They have special needs.

(2) This state or another state that is a party to the interstate compact is providing kinship guardianship assistance or adoption assistance on their behalf.

(3) They move into this state from another state or move out of this state to another state.

Sec. 5101.142. (A) The department of ~~job children and family services~~ youth may apply to the United States secretary of health and human services for a waiver of requirements established under Title IV-E, or regulations adopted thereunder, to conduct a demonstration project expanding eligibility for and services provided under Title IV-E. The department may enter into agreements with the secretary necessary to implement the demonstration project, including agreements establishing the terms and conditions of the waiver authorizing the project. If a demonstration project is to be established, the department shall

do all of the following: 140610

(1) Have the director of ~~job children and family services~~ youth adopt rules in accordance with Chapter 119. of the Revised Code governing the project. The rules shall be consistent with the agreements the department enters into with the secretary. 140611
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(2) Enter into agreements with public children services agencies that the department selects for participation in the project. The department shall not select an agency that objects to participation or refuses to be bound by the terms and conditions of the project. 140615
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(3) Contract with persons or governmental agencies providing services under the project; 140620
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(4) Amend the state plan required by section 471 of the "Social Security Act," 42 U.S.C.A. 671, as amended, as needed to implement the project; 140622
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(5) Conduct ongoing evaluations of the project; 140625

(6) Perform other administrative and operational activities required by the agreement with the secretary. 140626
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(B) The department may apply to the United States secretary of health and human services for a waiver of the requirements established under Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder and established under any other federal law or regulations that affect the children services functions prescribed by Chapter 5153. of the Revised Code, to conduct demonstration projects or otherwise improve the effectiveness and efficiency of the children services function. 140628
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Sec. 5101.145. (A) In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, 140637
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private noncustodial agencies, and government entities that 140640
provide Title IV-E reimbursable placement services to children, 140641
the department of ~~job~~ children and ~~family services~~ youth shall 140642
establish both of the following: 140643

(1) A single form for the agencies or entities to report 140644
costs reimbursable under Title IV-E and costs reimbursable under 140645
medicaid; 140646

(2) Procedures to monitor cost reports submitted by the 140647
agencies or entities. 140648

(B) The procedures established under division (A)(2) of this 140649
section shall be implemented not later than October 1, 2003. The 140650
procedures shall be used to do both of the following: 140651

(1) Determine which of the costs are reimbursable under Title 140652
IV-E; 140653

(2) Ensure that costs reimbursable under medicaid are 140654
excluded from determinations made under division (B)(1) of this 140655
section. 140656

Sec. 5101.146. The department of ~~job~~ children and ~~family~~ 140657
~~services~~ youth shall establish the following penalties, which 140658
shall be enforced at the discretion of the department, for the 140659
failure of a public children services agency, private child 140660
placing agency, private noncustodial agency, or government entity 140661
that provides Title IV-E reimbursable placement services to 140662
children to comply with procedures the department establishes to 140663
ensure fiscal accountability: 140664

(A) For initial failure, the department and the agency or 140665
entity involved shall jointly develop and implement a corrective 140666
action plan according to a specific schedule. If requested by the 140667
agency or entity involved, the department shall provide technical 140668
assistance to the agency or entity to ensure the fiscal 140669

accountability procedures and goals of the plan are met. 140670

(B) For subsequent failures or failure to achieve the goals 140671
of the plan described in division (A) of this section, one of the 140672
following: 140673

(1) For public children services agencies, the department may 140674
take any action permitted under division (C)(2), (4), (5), or (6) 140675
of section 5101.24 of the Revised Code. 140676

(2) For private child placing agencies or private 140677
noncustodial agencies, cancellation of any Title IV-E allowability 140678
rates for the agency involved pursuant to section 5101.141 of the 140679
Revised Code or revocation pursuant to Chapter 119. of the Revised 140680
Code of that agency's certificate issued under section 5103.03 of 140681
the Revised Code; 140682

(3) For government entities, other than public children 140683
services agencies, that provide Title IV-E reimbursable placement 140684
services to children, cancellation of any Title IV-E allowability 140685
rates for the entity involved pursuant to section 5101.141 of the 140686
Revised Code. 140687

Sec. 5101.147. If a public children services agency fails to 140688
comply with the fiscal accountability procedures established by 140689
the department of ~~job children and family services~~ youth, the 140690
department shall notify the board of county commissioners of the 140691
county served by the agency. If a private child placing agency or 140692
private noncustodial agency fails to comply with the fiscal 140693
accountability procedures, the department shall notify the 140694
executive director of each public children services agency that 140695
has entered into a contract for services with the private child 140696
placing agency or private noncustodial agency. 140697

Sec. 5101.148. If the department of ~~job children and family~~ 140698
~~services~~ youth sanctions a public children services agency, 140699

private child placing agency, or private noncustodial agency, it 140700
shall take every possible precaution to ensure that any foster 140701
children that have been placed by the agency under sanction are 140702
not unnecessarily removed from the certified foster homes in which 140703
they reside. 140704

Sec. 5101.1410. In addition to the remedies available under 140705
sections 5101.146 and 5101.24 of the Revised Code, the department 140706
of ~~job children~~ and ~~family services~~ youth may certify a claim to 140707
the attorney general under section 131.02 of the Revised Code for 140708
the attorney general to take action under that section against a 140709
public children services agency, private child placing agency, 140710
private noncustodial agency, or government entity that provides 140711
Title IV-E reimbursable placement services to children if all of 140712
the following are the case: 140713

(A) The agency or entity files a cost report with the 140714
department pursuant to rules adopted under division (B) of section 140715
5101.141 of the Revised Code. 140716

(B) The department receives and distributes federal Title 140717
IV-E reimbursement funds based on the cost report. 140718

(C) The agency's or entity's misstatement, misclassification, 140719
overstatement, understatement, or other inclusion or omission of 140720
any cost included in the cost report causes the United States 140721
department of health and human services to disallow all or part of 140722
the federal Title IV-E reimbursement funds the department received 140723
and distributed. 140724

(D) The agency's or entity's misstatement, misclassification, 140725
overstatement, understatement, or other inclusion or omission of 140726
any cost included in the cost report is not the direct result of a 140727
written directive concerning the agency or entity's cost report 140728
that the department issued to the agency or entity. 140729

Sec. 5101.1411. (A)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for foster care under Title IV-E directly to, or on behalf of, any emancipated young adult who meets the following requirements:

(a) The emancipated young adult signs a voluntary participation agreement.

(b) The emancipated young adult satisfies division (D) of this section.

(2) Any emancipated young adult who meets the requirements of division (A)(1) of this section may apply for foster care payments and make the appropriate application at any time.

(B)(1) The director of job and family services shall, not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 675(8) to make federal payments for adoption assistance under Title IV-E available to any parent who meets all of the following requirements:

(a) The parent adopted a person who is an adopted young adult and the parent entered into an adoption assistance agreement under 42 U.S.C. 673 while the adopted person was age sixteen or seventeen.

(b) The parent maintains parental responsibility for the adopted young adult.

(c) The adopted young adult satisfies division (D) of this

section. 140760

(2) Any parent who meets the requirements of division (B)(1) 140761
of this section that are applicable to a parent may request an 140762
extension of adoption assistance payments at any time before the 140763
adopted young adult reaches age twenty-one. 140764

(3) An adopted young adult who is eligible to receive 140765
adoption assistance payments is not considered an emancipated 140766
young adult and is therefore not eligible to receive payment under 140767
division (A) of this section. 140768

(C)(1) The director of job and family services shall, not 140769
later than nine months after ~~the effective date of this amendment~~ 140770
September 30, 2021, submit an amendment to the state plan required 140771
by 42 U.S.C. 671 to the United States secretary of health and 140772
human services to implement 42 U.S.C. 673(d) to provide kinship 140773
guardianship assistance under Title IV-E available to any relative 140774
who meets all of the following requirements: 140775

(a) Both of the following apply: 140776

(i) A juvenile court issued an order granting legal custody 140777
of a person who is a kinship guardianship young adult to the 140778
relative, or a probate court issued an order granting guardianship 140779
of a person who is a kinship guardianship young adult to the 140780
relative, and the order is not a temporary court order. 140781

(ii) The relative entered into a kinship guardianship 140782
assistance agreement under 42 U.S.C. 673(d) while the kinship 140783
guardianship young adult was age sixteen or seventeen. 140784

(b) The relative maintains parental responsibility for the 140785
kinship guardianship young adult. 140786

(c) The kinship guardianship young adult satisfies division 140787
(D) of this section. 140788

(2) Any person who meets the requirements of division (C)(1) 140789

of this section may request an extension of kinship guardianship 140790
assistance at any time before the kinship guardianship young adult 140791
reaches age twenty-one. 140792

(3) A kinship guardianship young adult who is eligible to 140793
receive kinship guardianship assistance is not considered an 140794
emancipated young adult and is therefore not eligible to receive 140795
assistance under division (A) of this section. 140796

(D) In addition to other requirements, an adopted, kinship 140797
guardianship, or emancipated young adult must meet at least one of 140798
the following criteria: 140799

(1) Is completing secondary education or a program leading to 140800
an equivalent credential; 140801

(2) Is enrolled in an institution that provides 140802
post-secondary or vocational education; 140803

(3) Is participating in a program or activity designed to 140804
promote, or remove barriers to, employment; 140805

(4) Is employed for at least eighty hours per month; 140806

(5) Is incapable of doing any of the activities described in 140807
divisions (D)(1) to (4) of this section due to a physical or 140808
mental condition, which incapacity is supported by regularly 140809
updated information in the person's case record or plan. 140810

(E) Any emancipated young adult described in division (A)(1) 140811
of this section who is directly receiving foster care payments, or 140812
on whose behalf such foster care payments are received, or any 140813
relative described in division (C)(1) of this section who is 140814
receiving kinship guardianship assistance, or any parent receiving 140815
adoption assistance payments, may refuse the payments at any time. 140816

(F)(1) An emancipated young adult described in division 140817
(A)(1) of this section who is directly receiving foster care 140818
payments, or on whose behalf such foster care payments are 140819

received, or any relative described in division (C)(1) of this 140820
section who is receiving kinship guardianship assistance and the 140821
kinship guardianship young adult, or a parent receiving adoption 140822
assistance payments and the adopted young adult shall be eligible 140823
for services set forth in the federal, "Fostering Connections to 140824
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 140825
Stat. 3949. 140826

(2) An emancipated young adult described in division (A)(1) 140827
of this section who is directly receiving foster care payments, or 140828
on whose behalf such foster care payments are received, pursuant 140829
to this section, may be eligible to reside in a supervised 140830
independent living setting, including apartment living, room and 140831
board arrangements, college or university dormitories, host homes, 140832
and shared roommate settings. 140833

(G) Any determination by the department of job and family 140834
services or the department of children and youth that denies or 140835
terminates foster care assistance, kinship guardianship 140836
assistance, kinship support program payments, or adoption 140837
assistance payments shall be subject to a state hearing pursuant 140838
to section 5101.35 of the Revised Code. 140839

Sec. 5101.1412. (A) Without the approval of a court, an 140840
emancipated young adult who receives payments, or on whose behalf 140841
payments are received, under division (A) of section 5101.1411 of 140842
the Revised Code, may enter into a voluntary participation 140843
agreement with the department of job children and ~~family services~~ 140844
youth, or its representative, for the emancipated young adult's 140845
care and placement. The agreement shall stay in effect until one 140846
of the following occurs: 140847

(1) The emancipated young adult enrolled in the program 140848
notifies the department, or its representative, that they want to 140849
terminate the agreement. 140850

(2) The emancipated young adult becomes ineligible for the program. 140851
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(B) In order to maintain Title IV-E eligibility for the emancipated young adult, both of the following apply: 140853
140854

(1) Not later than one hundred eighty days after the effective date of the voluntary participation agreement, the department or its representative must petition the court for, and obtain, a judicial determination that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative. 140855
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(2) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative must petition the court for, and obtain, a judicial determination that the department or its representative has made reasonable efforts to finalize a permanency plan to prepare the emancipated young adult for independence. 140861
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Sec. 5101.1413. Notwithstanding section 5101.141 of the Revised Code and any rules adopted thereunder, the department of job children and family services youth shall pay the full nonfederal share of payments made pursuant to section 5101.1411 of the Revised Code. No public children services agency shall be responsible for the cost of any payments made pursuant to section 5101.1411 of the Revised Code. 140868
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Sec. 5101.1414. (A) ~~Not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, the~~ The department of job children and family services youth shall adopt rules necessary to carry out the purposes of sections 5101.1411 to 5101.1413 of the Revised Code, including rules that do all of the following: 140875
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(1) Allow an emancipated young adult described in division 140881
(A)(1) of section 5101.1411 of the Revised Code who is directly 140882
receiving foster care payments, or on whose behalf such foster 140883
care payments are received, or an adopted young adult whose 140884
adoptive parents are receiving adoption assistance payments, to 140885
maintain eligibility while transitioning into, or out of, 140886
qualified employment or educational activities; 140887

(2) Require that a thirty-day notice of termination be given 140888
by the department to an emancipated young adult described in 140889
division (A)(1) of section 5101.1411 of the Revised Code who is 140890
receiving foster care payments, or on whose behalf such foster 140891
care payments are received, or to a parent receiving adoption 140892
assistance payments for an adopted young adult described in 140893
division (B)(1) of section 5101.1411 of the Revised Code, who is 140894
determined to be ineligible for payments; 140895

(3) Establish the scope of practice and training necessary 140896
for case managers and supervisors who care for emancipated young 140897
adults described in division (A)(1) of section 5101.1411 of the 140898
Revised Code who are receiving foster care payments, or on whose 140899
behalf such foster care payments are received, under section 140900
5101.1411 of the Revised Code. 140901

(B) The department of ~~job children and family services youth~~ 140902
shall create an advisory council to evaluate and make 140903
recommendations for statewide implementation of sections 5101.1411 140904
and 5101.1412 of the Revised Code ~~not later than one month after~~ 140905
~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 140906
~~general assembly.~~ 140907

Sec. 5101.1417. ~~Not later than nine months after the~~ 140908
~~effective date of this section, the~~ The department of ~~job children~~ 140909
and ~~family services youth~~ shall adopt rules necessary to carry out 140910
the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the 140911

Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," 140912
including rules that do all of the following: 140913

(A) Allow a kinship guardianship young adult described in 140914
division (C) of section 5101.1411 of the Revised Code on whose 140915
behalf kinship guardianship assistance is received, to maintain 140916
eligibility while transitioning into, or out of, qualified 140917
employment or educational activities; 140918

(B) Require that a thirty-day notice of termination be given 140919
by the department to a person receiving kinship guardianship 140920
assistance for a kinship guardianship young adult described in 140921
division (C) of section 5101.1411 of the Revised Code, who is 140922
determined to be ineligible for assistance. 140923

Sec. 5101.1418. (A)(1) If, after a child's adoption is 140924
finalized, the department of ~~job children~~ and ~~family services~~ 140925
youth considers the child to be in need of public care or 140926
protective services, the department may, to the extent state funds 140927
are available for this purpose, enter into an agreement with the 140928
child's adoptive parent under which the department may make post 140929
adoption special services subsidy payments on behalf of the child 140930
as needed when both of the following apply: 140931

(a) The child has a physical or developmental disability or 140932
mental or emotional condition that either: 140933

(i) Existed before the adoption petition was filed; or 140934

(ii) Developed after the adoption petition was filed and can 140935
be directly attributed to factors in the child's preadoption 140936
background, medical history, or biological family's background or 140937
medical history. 140938

(b) The department determines the expenses necessitated by 140939
the child's disability or condition are beyond the adoptive 140940
parent's economic resources. 140941

(2) Services for which the department may make post adoption special services subsidy payments on behalf of a child under this section shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment.

(3) The department shall establish clinical standards to evaluate a child's physical or developmental disability or mental or emotional condition and assess the child's need for services.

(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that the department may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

(6) The department may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

(7) The department may contract with another person to carry out any of the duties described in this section.

(B) No payment shall be made on behalf of any person eighteen years of age or older beyond the end of the school year during which the person attains the age of eighteen or on behalf of a mentally or physically disabled person twenty-one years of age or

older. 140973

(C) The director of ~~job children and family services~~, not 140974
~~later than July 1, 2022~~, youth shall adopt rules in accordance 140975
with Chapter 119. of the Revised Code necessary to implement this 140976
section. The rules shall establish all of the following: 140977

(1) The application process for all forms of assistance 140978
provided under this section; 140979

(2) Standards for determining the children who qualify to 140980
receive assistance provided under this section; 140981

(3) The method of determining the amount, duration, and scope 140982
of services provided to a child; 140983

(4) The method of transitioning the post adoption special 140984
services subsidy program from public children services agencies to 140985
the department; 140986

(5) Any other rule, requirement, or procedure the department 140987
considers appropriate for the implementation of this section. 140988

(D) The department shall implement this section not later 140989
than July 1, 2022. 140990

Sec. 5101.15. Within available funds the department of ~~job~~ 140991
~~children and family services~~ youth may reimburse counties in 140992
accordance with this section for a portion of the salaries paid to 140993
child welfare workers employed under section 5153.12 of the 140994
Revised Code. No county with a population of eighty thousand or 140995
less, according to the latest census accepted by the department as 140996
official, shall be entitled to reimbursement on the salaries of 140997
more than two child welfare workers, and no county with a 140998
population of more than eighty thousand, according to such census, 140999
shall be entitled to reimbursement on the salaries of more than 141000
two child welfare workers plus one additional child welfare worker 141001
for each one hundred thousand of population in excess of eighty 141002

thousand. 141003

The maximum reimbursement to which a county may be entitled 141004
on any child welfare worker shall be as follows: 141005

(A) Twenty-seven hundred dollars a year for a child welfare 141006
worker who is a graduate of an accredited high school, college, or 141007
university; 141008

(B) Thirty-three hundred dollars a year for a child welfare 141009
worker who has one year or more of graduate training in social 141010
work or a field which the department finds to be related to social 141011
work; 141012

(C) Thirty-nine hundred dollars a year for a child welfare 141013
worker who has completed two years of social work training. 141014

The salary of the executive director, designated in 141015
accordance with section 5153.10 of the Revised Code, shall be 141016
subject to reimbursement under this section, provided that the 141017
executive director qualifies under division (A), (B), or (C) of 141018
this section. No funds shall be allocated under this section until 141019
the director of ~~job children and family services~~ youth has 141020
approved a plan of child welfare services for the county submitted 141021
by the public children services agency. 141022

Sec. 5101.183. (A) The director of job and family services 141023
and the director of children and youth, in accordance with section 141024
111.15 of the Revised Code, may adopt rules under which county 141025
family services agencies shall take action to recover the cost of 141026
the following benefits and services available under programs 141027
administered by the department of job and family services or the 141028
department of children and youth: 141029

(1) Benefits or services provided to any of the following: 141030

(a) Persons who were not eligible for the benefits or 141031
services but who secured the benefits or services through fraud or 141032

misrepresentation;	141033
(b) Persons who were eligible for the benefits or services	141034
but who intentionally diverted the benefits or services to other	141035
persons who were not eligible for the benefits or services.	141036
(2) Any benefits or services provided by a county family	141037
services agency for which recovery is required or permitted by	141038
federal law for the federal programs administered by the agency.	141039
(B) A county family services agency may bring a civil action	141040
against a recipient of benefits or services to recover any costs	141041
described in division (A) of this section.	141042
(C) A county family services agency shall retain any money it	141043
recovers under division (A) of this section and shall use the	141044
money to meet a family services duty, except that, if federal law	141045
requires the department of job and family services <u>or the</u>	141046
<u>department of children and youth</u> to return any portion of the	141047
money so recovered to the federal government, the county family	141048
services agency shall pay that portion to the department of job	141049
and family services <u>or the department of children and youth</u> .	141050
Sec. 5101.19. As used in sections 5101.19 to 5101.194 of the	141051
Revised Code:	141052
(A) "Adopted child" means a person who is less than eighteen	141053
years of age when the person becomes subject to a final order of	141054
adoption, an interlocutory order of adoption, or when the adoption	141055
is recognized by this state under section 3107.18 of the Revised	141056
Code.	141057
(B) "Adoption" includes an adoption arranged by an attorney,	141058
a public children services agency, private child placing agency,	141059
or a private noncustodial agency, an interstate adoption, or an	141060
international or foreign adoption.	141061
(C) "Adoptive parent" means the person or persons who obtain	141062

parental rights and responsibilities over an adopted child 141063
pursuant to a final order of adoption, an interlocutory order of 141064
adoption, or an adoption recognized by this state under section 141065
3107.18 of the Revised Code. 141066

(D) "Casework services" means services performed or arranged 141067
by a public children services agency, private child placing 141068
agency, private noncustodial agency, or public entity with whom 141069
the department of ~~job~~ children and ~~family services~~ youth has a 141070
Title IV-E subgrant agreement in effect, to manage the progress, 141071
provide supervision and protection of the child and the child's 141072
parent, guardian, or custodian. 141073

(E) "Foster caregiver" has the same meaning as in section 141074
5103.02 of the Revised Code. 141075

(F) "Qualified professional" means an individual that is, but 141076
not limited to, any one of the following: 141077

- (1) Audiologist; 141078
- (2) Orthopedist; 141079
- (3) Physician; 141080
- (4) Certified nurse practitioner; 141081
- (5) Physician assistant; 141082
- (6) Psychiatrist; 141083
- (7) Psychologist; 141084
- (8) School psychologist; 141085
- (9) Licensed marriage and family therapist; 141086
- (10) Speech and language pathologist; 141087
- (11) Licensed independent social worker; 141088
- (12) Licensed professional clinical counselor; 141089
- (13) Licensed social worker who is under the direct 141090

supervision of a licensed independent social worker;	141091
(14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.	141092 141093
(G) "Special needs" means any of the following:	141094
(1) A developmental disability as defined in section 5123.01 of the Revised Code;	141095 141096
(2) A physical or mental impairment that substantially limits one or more of the major life activities;	141097 141098
(3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;	141099 141100 141101
(4) Any mental or psychological disorder;	141102
(5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.	141103 141104 141105
Sec. 5101.191. (A) The director of job <u>children</u> and family services <u>youth</u> shall establish and administer the Ohio adoption grant program in accordance with sections 5101.19 to 5101.194 of the Revised Code.	141106 141107 141108 141109
(B) The director shall provide one, but not both, of the following one-time payments for an adopted child to the child's adoptive parent if the requirements of division (A) of section 5101.192 of the Revised Code, but not division (B) of that section, are satisfied regarding the child:	141110 141111 141112 141113 141114
(1) Ten thousand dollars;	141115
(2) Fifteen thousand dollars, if the parent was a foster caregiver who cared for the child prior to adoption.	141116 141117
(C) The director shall provide a one-time payment for an adopted child of twenty thousand dollars to the child's adoptive	141118 141119

parent if the requirements of divisions (A) and (B) of section 141120
5101.192 of the Revised Code are satisfied regarding the child. 141121

Sec. 5101.193. (A) The director of ~~job~~ children and ~~family~~ 141122
~~services~~ youth shall adopt rules to administer and implement the 141123
Ohio adoption grant program. The director, in consultation with 141124
the tax commissioner, shall also adopt rules authorizing the 141125
department to withhold and remit to the Internal Revenue Service 141126
federal income tax from grant payments under division (B) of 141127
section 5101.191 of the Revised Code, provided such withholding is 141128
authorized under federal law or approved by the Internal Revenue 141129
Service. 141130

(B) No application fee shall be charged for the grant 141131
program. 141132

(C) Notwithstanding any law to the contrary, the director may 141133
require, as necessary to administer the Ohio adoption grant 141134
program, either or both of the following: 141135

(1) The submission of any court or legal document necessary 141136
to prove a final order of adoption, an interlocutory order of 141137
adoption, or recognition of the adoption under section 3107.18 of 141138
the Revised Code; 141139

(2) Any department, agency, or division of the state, 141140
including the department of health, to provide any document 141141
related to the adoption. 141142

(D) Notwithstanding any provision of section 121.95 of the 141143
Revised Code to the contrary, a regulatory restriction contained 141144
in a rule adopted under section 5101.193 of the Revised Code is 141145
not subject to sections 121.95 to 121.953 of the Revised Code. 141146

Sec. 5101.194. Any document provided to the department of ~~job~~ 141147
children and ~~family services~~ youth under division (C) of section 141148
5101.193 of the Revised Code remains a public record under section 141149

149.43 of the Revised Code if it was a public record under that section before being provided to the department.

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Sec. 5101.21. (A) As used in sections 5101.21 to 5101.212 of the Revised Code:

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(1) "County grantee" means all of the following:

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(a) A board of county commissioners;

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(b) A county children services board appointed under section 5153.03 of the Revised Code;

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(c) A county elected official that is a child support enforcement agency.

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(2) "County subgrant" means a grant that a county grantee awards to another entity.

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(3) "County subgrant agreement" means an agreement between a county grantee and another entity under which the county grantee awards the other entity one or more county subgrants.

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(4) "Fiscal biennial period" means a two-year period beginning on the first day of July of an odd-numbered year and ending on the last day of June of the next odd-numbered year.

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(5) "Grant" means an award for one or more family services duties of federal financial assistance that a federal agency provides in the form of money, or property in lieu of money, to the department of job and family services or the department of children and youth and that ~~the~~ either department awards to a county grantee. "Grant" may include state funds the department awards to a county grantee to match the federal financial assistance. "Grant" does not mean either of the following:

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(a) Technical assistance that provides services instead of money;

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(b) Other assistance provided in the form of revenue sharing, 141178
loans, loan guarantees, interest subsidies, or insurance. 141179

(6) "Grant agreement" means an agreement between the 141180
department of job and family services or the department of 141181
children and youth and a county grantee under which ~~the~~ either 141182
department awards the county grantee one or more grants. 141183

(B) ~~Effective July 1, 2008, the~~ The director of job and 141184
family services and the director of children and youth may award 141185
grants to counties only through grant agreements entered into 141186
under this section. 141187

(C) The ~~director~~ directors shall enter into one or more 141188
written grant agreements with the county grantees of each county. 141189
If a county has multiple county grantees, the director shall 141190
jointly enter into the grant agreement with all of the county 141191
grantees. ~~The initial grant agreement shall be entered into not~~ 141192
~~later than January 31, 2008, and shall be in effect for fiscal~~ 141193
~~year 2009.~~ Except as provided in rules adopted under this section, 141194
subsequent grant agreements shall be entered into before the first 141195
day of each successive fiscal biennial period and shall be in 141196
effect for that fiscal biennial period or, in the case of a grant 141197
agreement entered into after the first day of a fiscal biennial 141198
period and except as provided by section 5101.211 of the Revised 141199
Code, for the remainder of the fiscal biennial period. A grant 141200
agreement shall do all of the following: 141201

(1) Comply with all of the conditions, requirements, and 141202
restrictions applicable to the family services duties for which 141203
the grants included in the agreement are awarded, including the 141204
conditions, requirements, and restrictions established by the 141205
department, federal or state law, state plans for receipt of 141206
federal financial participation, agreements between the ~~department~~ 141207
departments and a federal agency, and executive orders issued by 141208
the governor; 141209

(2) Establish terms and conditions governing the	141210
accountability for and use of the grants included in the grant	141211
agreement;	141212
(3) Specify both of the following:	141213
(a) The family services duties for which the grants included	141214
in the agreement are awarded;	141215
(b) The private and government entities designated under	141216
section 307.981 of the Revised Code to serve as the county family	141217
services agencies performing the family services duties;	141218
(4) Provide for the department of job and family services <u>and</u>	141219
<u>the department of children and youth</u> to award the grants included	141220
in the agreement in accordance with a methodology for determining	141221
the amount of the award established by rules adopted under this	141222
section;	141223
(5) Specify the form of the grants which may be a cash draw,	141224
reimbursement, property, advance, working capital advance, or	141225
other forms specified in rules adopted under this section;	141226
(6) Provide that the grants are subject to the availability	141227
of federal funds and appropriations made by the general assembly;	141228
(7) Specify annual financial, administrative, or other	141229
incentive awards, if any, to be provided in accordance with	141230
section 5101.23 of the Revised Code;	141231
(8) Include the assurance of each county grantee that the	141232
county grantee will do all of the following:	141233
(a) Ensure that the grants included in the agreement are	141234
used, and the family services duties for which the grants are	141235
awarded are performed, in accordance with conditions,	141236
requirements, and restrictions applicable to the duties	141237
established by the department <u>departments</u> , a federal or state law,	141238
state plans for receipt of federal financial participation,	141239

agreements between the ~~department~~ departments and a federal 141240
agency, and executive orders issued by the governor; 141241

(b) Utilize a financial management system and other 141242
accountability mechanisms for the grants awarded under the 141243
agreement that meet requirements the ~~department~~ establishes 141244
departments establish; 141245

(c) Do all of the following with regard to a county subgrant: 141246

(i) Award the subgrant through a written county subgrant 141247
agreement that requires the entity awarded the county subgrant to 141248
comply with all conditions, requirements, and restrictions 141249
applicable to the county grantee regarding the grant that the 141250
county grantee subgrants to the entity, including the conditions, 141251
requirements, and restrictions of this section; 141252

(ii) Monitor the entity that is awarded the subgrant to 141253
ensure that the entity uses the subgrant in accordance with 141254
conditions, requirements, and restrictions applicable to the 141255
family services duties for which the subgrant is awarded; 141256

(iii) Take action to recover subgrants that are not used in 141257
accordance with the conditions, requirements, or restrictions 141258
applicable to the family services duties for which the subgrant is 141259
awarded. 141260

(d) Promptly reimburse the ~~department~~ departments the amount 141261
that represents the amount the county grantee is responsible for, 141262
pursuant to action the ~~department~~ takes departments take under 141263
division (C) of section 5101.24 of the Revised Code, of funds the 141264
~~department~~ pays departments pay to any entity because of an 141265
adverse audit finding, adverse quality control finding, final 141266
disallowance of federal financial participation, or other sanction 141267
or penalty; 141268

(e) Take prompt corrective action, including paying amounts 141269
resulting from an adverse finding, sanction, or penalty, if the 141270

~~department~~ departments, auditor of state, federal agency, or other 141271
entity authorized by federal or state law to determine compliance 141272
with the conditions, requirements, and restrictions applicable to 141273
a family services duty for which a grant included in the agreement 141274
is awarded determines compliance has not been achieved; 141275

(f) Ensure that any matching funds, regardless of the source, 141276
that the county grantee manages are clearly identified and used in 141277
accordance with federal and state laws and the agreement. 141278

(9) Provide for the ~~department~~ departments taking action 141279
pursuant to division (C) of section 5101.24 of the Revised Code if 141280
authorized by division (B)(1), (2), (3), or (4) of that section; 141281

(10) Provide for timely audits required by federal and state 141282
law and require prompt release of audit findings and prompt action 141283
to correct problems identified in an audit; 141284

(11) Provide for administrative review procedures in 141285
accordance with section 5101.24 of the Revised Code; 141286

(12) Establish the method of amending or terminating the 141287
agreement and an expedited process for correcting terms or 141288
conditions of the agreement that the ~~director~~ directors and each 141289
county grantee agree are erroneous. 141290

(D) A grant agreement does not have to be amended for a 141291
county grantee to be required to comply with a new or amended 141292
condition, requirement, or restriction for a family services duty 141293
established by federal or state law, state plan for receipt of 141294
federal financial participation, agreement between the ~~department~~ 141295
departments and a federal agency, or executive order issued by the 141296
governor. 141297

(E) The ~~department~~ departments shall make payments authorized 141298
by a grant agreement on vouchers ~~it prepares~~ they prepare and may 141299
include any funds appropriated or allocated to ~~it~~ them for 141300
carrying out family services duties for which a grant included in 141301

the agreement is awarded, including funds for personal services 141302
and maintenance. 141303

(F)(1) The ~~director~~ directors shall adopt rules in accordance 141304
with section 111.15 of the Revised Code governing grant 141305
agreements. The ~~director~~ directors shall adopt the rules as if 141306
they were internal management rules. Before adopting the rules, 141307
the ~~director~~ directors shall give the public an opportunity to 141308
review and comment on the proposed rules. The rules shall 141309
establish methodologies to be used to determine the amount of the 141310
grants included in the agreements. The rules also shall establish 141311
terms and conditions under which an agreement may be entered into 141312
after the first day of a fiscal biennial period. The rules may do 141313
any or all of the following: 141314

(a) Govern the award of grants included in grant agreements, 141315
including the establishment of, and restrictions on, the form of 141316
the grants and the distribution of the grants; 141317

(b) Specify allowable uses of the grants included in the 141318
agreements; 141319

(c) Establish reporting, cash management, audit, and other 141320
requirements the ~~director determines~~ directors determine are 141321
necessary to provide accountability for the use of the grants 141322
included in the agreements and determine compliance with 141323
conditions, requirements, and restrictions established by the 141324
~~department~~ departments, a federal or state law, state plans for 141325
receipt of federal financial participation, agreements between the 141326
~~department~~ departments and a federal agency, and executive orders 141327
issued by the governor. 141328

(2) A requirement of a grant agreement established by a rule 141329
adopted under this division is applicable to a grant agreement 141330
without having to be restated in the grant agreement. A 141331
requirement established by a grant agreement is applicable to the 141332

grant agreement without having to be restated in a rule. 141333

Sec. 5101.214. The director of job and family services and 141334
the director of children and youth may enter into a written 141335
agreement with one or more state agencies, as defined in section 141336
117.01 of the Revised Code, and state universities and colleges to 141337
assist in the coordination, provision, or enhancement of the 141338
family services duties of a county family services agency or the 141339
workforce development activities of a local board, as defined in 141340
section 6301.01 of the Revised Code. The ~~director~~ directors also 141341
may enter into written agreements or contracts with, or issue 141342
grants to, private and government entities under which funds are 141343
provided for the enhancement or innovation of family services 141344
duties or workforce development activities on the state or local 141345
level. 141346

The ~~director~~ directors may adopt internal management rules in 141347
accordance with section 111.15 of the Revised Code to implement 141348
this section. 141349

Sec. 5101.216. The director of job and family services and 141350
the director of children and youth, as applicable, may enter into 141351
one or more written operational agreements with boards of county 141352
commissioners to do one or more of the following regarding family 141353
services duties: 141354

(A) Provide for the ~~director~~ directors to amend or rescind a 141355
rule the ~~director~~ directors previously adopted; 141356

(B) Provide for the ~~director~~ directors to modify procedures 141357
or establish alternative procedures to accommodate special 141358
circumstances in a county; 141359

(C) Provide for the ~~director~~ directors and board to jointly 141360
identify operational problems of mutual concern and develop a 141361
joint plan to address the problems; 141362

(D) Establish a framework for the ~~director~~ directors and 141363
board to modify the use of existing resources in a manner that is 141364
beneficial to the department of job and family services, the 141365
department of children and youth, and the county that the board 141366
serves and improves family services duties for the recipients of 141367
the services. 141368

Sec. 5101.22. The department of job and family services and 141369
the department of children and youth, as applicable, may establish 141370
performance and other administrative standards for the 141371
administration and outcomes of family services duties and 141372
determine at intervals the ~~department decides~~ departments decide 141373
the degree to which a county family services agency complies with 141374
a performance or other administrative standard. The ~~department~~ 141375
departments may use statistical sampling, performance audits, case 141376
reviews, or other methods ~~it determines~~ they determine necessary 141377
and appropriate to determine compliance with performance and 141378
administrative standards. 141379

Sec. 5101.221. (A) Except as provided by division (C) of this 141380
section, if the department of job and family services or the 141381
department of children and youth determines that a county family 141382
services agency has failed to comply with a performance or other 141383
administrative standard established under section 5101.22 of the 141384
Revised Code or by federal law for the administration or outcome 141385
of a family services duty, the department shall require the agency 141386
to develop, submit to the department for approval, and comply with 141387
a corrective action plan. 141388

(B) If a county family services agency fails to develop, 141389
submit to the department, or comply with a corrective action plan 141390
under division (A) of this section, or the department disapproves 141391
the agency's corrective action plan, the department may require 141392
the agency to develop, submit to the department for approval, and 141393

comply with a corrective action plan that requires the agency to 141394
commit existing resources to the plan. 141395

(C) The department may not require a county family services 141396
agency to take action under this section for failure to comply 141397
with a performance or other administrative standard established 141398
for an incentive awarded by the department. Instead, the 141399
department may require a county family services agency that fails 141400
to comply with that kind of performance or other administrative 141401
standard to take action in accordance with rules adopted by the 141402
department governing the standard. 141403

(D) At the request of a county family services agency, the 141404
department shall assist the agency with the development of a 141405
corrective action plan under this section and provide the agency 141406
technical assistance in the implementation of the plan. 141407

Sec. 5101.23. Subject to the availability of funds, the 141408
department of job and family services and the department of 141409
children and youth may provide annual financial, administrative, 141410
or other incentive awards to county family services agencies and 141411
local areas as defined in section 6301.01 of the Revised Code. A 141412
county family services agency or local area may spend an incentive 141413
awarded under this section only for the purpose for which the 141414
funds are appropriated. The ~~department~~ departments may adopt 141415
internal management rules in accordance with section 111.15 of the 141416
Revised Code to establish the amounts of awards, methodology for 141417
distributing the awards, types of awards, and standards for 141418
administration. 141419

There is hereby created in the state treasury the social 141420
services incentive fund. The director of job and family services 141421
and the director of children and youth may request that the 141422
director of budget and management transfer funds in the Title IV-A 141423
reserve fund created under section 5101.82 of the Revised Code and 141424

other funds appropriated for family services duties or workforce 141425
investment activities into the fund. If the director of budget and 141426
management determines that the funds identified by the director of 141427
job and family services or the director of children and youth are 141428
available and appropriate for transfer, the director of budget and 141429
management shall make the transfer. Money in the fund shall be 141430
used to provide incentive awards under this section. 141431

Sec. 5101.24. (A) As used in this section, "responsible 141432
county grantee" means whichever county grantee, as defined in 141433
section 5101.21 of the Revised Code, the director of job and 141434
family services ~~determines~~ and the director of children and youth 141435
determine is appropriate to take action against under division (C) 141436
of this section. 141437

(B) Regardless of whether a family services duty is performed 141438
by a county family services agency, private or government entity 141439
pursuant to a contract entered into under section 307.982 of the 141440
Revised Code or division (C)(2) of section 5153.16 of the Revised 141441
Code, or private or government provider of a family service duty, 141442
the department of job and family services or the department of 141443
children and youth may take action under division (C) of this 141444
section against the responsible county grantee if the department 141445
determines any of the following are the case: 141446

(1) A requirement of a grant agreement entered into under 141447
section 5101.21 of the Revised Code that includes a grant for the 141448
family services duty, including a requirement for grant agreements 141449
established by rules adopted under that section, is not complied 141450
with; 141451

(2) A county family services agency fails to develop, submit 141452
to the department, or comply with a corrective action plan under 141453
division (B) of section 5101.221 of the Revised Code, or the 141454
department disapproves the agency's corrective action plan 141455

developed under division (B) of section 5101.221 of the Revised Code; 141456
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(3) A requirement for the family services duty established by the department or any of the following is not complied with: a federal or state law, state plan for receipt of federal financial participation, grant agreement between the department and a federal agency, or executive order issued by the governor; 141458
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(4) The responsible county grantee is solely or partially responsible, as determined by the director of job and family services or the director of children and youth, for an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty regarding the family services duty. 141463
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(C) The department may take one or more of the following actions against the responsible county grantee when authorized by division (B)(1), (2), (3), or (4) of this section: 141469
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(1) Require the responsible county grantee to comply with a corrective action plan pursuant to a time schedule specified by the department. The corrective action plan shall be established or approved by the department and shall not require a county grantee to commit resources to the plan. 141472
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(2) Require the responsible county grantee to comply with a corrective action plan pursuant to a time schedule specified by the department. The corrective action plan shall be established or approved by the department and require a county grantee to commit to the plan existing resources identified by the agency. 141477
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(3) Require the responsible county grantee to do one of the following: 141482
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(a) Share with the department a final disallowance of federal financial participation or other sanction or penalty; 141484
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(b) Reimburse the department the final amount the department 141486
pays to the federal government or another entity that represents 141487
the amount the responsible county grantee is responsible for of an 141488
adverse audit finding, adverse quality control finding, final 141489
disallowance of federal financial participation, or other sanction 141490
or penalty issued by the federal government, auditor of state, or 141491
other entity; 141492

(c) Pay the federal government or another entity the final 141493
amount that represents the amount the responsible county grantee 141494
is responsible for of an adverse audit finding, adverse quality 141495
control finding, final disallowance of federal financial 141496
participation, or other sanction or penalty issued by the federal 141497
government, auditor of state, or other entity; 141498

(d) Pay the department the final amount that represents the 141499
amount the responsible county grantee is responsible for of an 141500
adverse audit finding or adverse quality control finding. 141501

(4) Impose an administrative sanction issued by the 141502
department against the responsible county grantee. A sanction may 141503
be increased if the department has previously taken action against 141504
the responsible entity under this division. 141505

(5) Perform, or contract with a government or private entity 141506
for the entity to perform, the family services duty until the 141507
department is satisfied that the responsible county grantee 141508
ensures that the duty will be performed satisfactorily. If the 141509
department performs or contracts with an entity to perform a 141510
family services duty under division (C)(5) of this section, the 141511
department may do either or both of the following: 141512

(a) Spend funds in the county treasury appropriated by the 141513
board of county commissioners for the duty; 141514

(b) Withhold funds allocated or reimbursements due to the 141515
responsible county grantee for the duty and spend the funds for 141516

the duty. 141517

(6) Request that the attorney general bring mandamus 141518
proceedings to compel the responsible county grantee to take or 141519
cease the action that causes division (B)(1), (2), (3), or (4) of 141520
this section to apply. The attorney general shall bring mandamus 141521
proceedings in the Franklin county court of appeals at the 141522
department's request. 141523

(7) If the department takes action under this division 141524
because of division (B)(3) of this section, temporarily withhold 141525
funds allocated or reimbursement due to the responsible county 141526
grantee until the department determines that the responsible 141527
county grantee is in compliance with the requirement. The 141528
department shall release the funds when the department determines 141529
that compliance has been achieved. 141530

(D) If the department proposes to take action against the 141531
responsible county grantee under division (C) of this section, the 141532
department shall notify the responsible county grantee, director 141533
of the appropriate county family services agency, and county 141534
auditor. The notice shall be in writing and specify the action the 141535
department proposes to take. The department shall send the notice 141536
by regular United States mail. 141537

Except as provided by division (E) of this section, the 141538
responsible county grantee may request an administrative review of 141539
a proposed action in accordance with administrative review 141540
procedures the department shall establish. The administrative 141541
review procedures shall comply with all of the following: 141542

(1) A request for an administrative review shall state 141543
specifically all of the following: 141544

(a) The proposed action specified in the notice from the 141545
department for which the review is requested; 141546

(b) The reason why the responsible county grantee believes 141547

the proposed action is inappropriate; 141548

(c) All facts and legal arguments that the responsible county grantee wants the department to consider; 141549
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(d) The name of the person who will serve as the responsible county grantee's representative in the review. 141551
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(2) If the department's notice specifies more than one proposed action and the responsible county grantee does not specify all of the proposed actions in its request pursuant to division (D)(1)(a) of this section, the proposed actions not specified in the request shall not be subject to administrative review and the parts of the notice regarding those proposed actions shall be final and binding on the responsible county grantee. 141553
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(3) In the case of a proposed action under division (C)(1) of this section, the responsible county grantee shall have fifteen calendar days after the department mails the notice to the responsible county grantee to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(1) of this section for fifteen calendar days following the day it receives the request or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible county grantee an informal opportunity to resolve any dispute during that fifteen-day or extended period. 141561
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(4) In the case of a proposed action under division (C)(2), (3), (4), (5), or (7) of this section, the responsible county grantee shall have thirty calendar days after the department mails the notice to the responsible county grantee to send a written request to the department for an administrative review. If it 141574
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receives such a request within the required time, the department 141579
shall postpone taking action under division (C)(2), (3), (4), (5), 141580
or (7) of this section for thirty calendar days following the day 141581
it receives the request or extended period of time provided for in 141582
division (D)(5) of this section to allow a representative of the 141583
department and a representative of the responsible county grantee 141584
an informal opportunity to resolve any dispute during that 141585
thirty-day or extended period. 141586

(5) If the informal opportunity provided in division (D)(3) 141587
or (4) of this section does not result in a written resolution to 141588
the dispute within the fifteen- or thirty-day period, the director 141589
of job and family services or the director of children and youth 141590
and representative of the responsible county grantee may enter 141591
into a written agreement extending the time period for attempting 141592
an informal resolution of the dispute under division (D)(3) or (4) 141593
of this section. 141594

(6) In the case of a proposed action under division (C)(3) of 141595
this section, the responsible county grantee may not include in 141596
its request disputes over a finding, final disallowance of federal 141597
financial participation, or other sanction or penalty issued by 141598
the federal government, auditor of state, or entity other than the 141599
department. 141600

(7) If the responsible county grantee fails to request an 141601
administrative review within the required time, the responsible 141602
county grantee loses the right to request an administrative review 141603
of the proposed actions specified in the notice and the notice 141604
becomes final and binding on the responsible county grantee. 141605

(8) If the informal opportunity provided in division (D)(3) 141606
or (4) of this section does not result in a written resolution to 141607
the dispute within the time provided by division (D)(3), (4), or 141608
(5) of this section, the director shall appoint an administrative 141609
review panel to conduct the administrative review. The review 141610

panel shall consist of department employees and one director or 141611
other representative of the type of county family services agency 141612
that is responsible for the kind of family services duty that is 141613
the subject of the dispute and serves a different county than the 141614
county served by the responsible county grantee. No individual 141615
involved in the department's proposal to take action against the 141616
responsible county grantee may serve on the review panel. The 141617
review panel shall review the responsible county grantee's 141618
request. The review panel may require that the department or 141619
responsible county grantee submit additional information and 141620
schedule and conduct an informal hearing to obtain testimony or 141621
additional evidence. A review of a proposal to take action under 141622
division (C)(3) of this section shall be limited solely to the 141623
issue of the amount the responsible county grantee shall share 141624
with the department, reimburse the department, or pay to the 141625
federal government, department, or other entity under division 141626
(C)(3) of this section. The review panel is not required to make a 141627
stenographic record of its hearing or other proceedings. 141628

(9) After finishing an administrative review, an 141629
administrative review panel appointed under division (D)(8) of 141630
this section shall submit a written report to the director setting 141631
forth its findings of fact, conclusions of law, and 141632
recommendations for action. The director may approve, modify, or 141633
disapprove the recommendations. If the director modifies or 141634
disapproves the recommendations, the director shall state the 141635
reasons for the modification or disapproval and the actions to be 141636
taken against the responsible county grantee. 141637

(10) The director's approval, modification, or disapproval 141638
under division (D)(9) of this section shall be final and binding 141639
on the responsible county grantee and shall not be subject to 141640
further departmental review. 141641

(E) The responsible county grantee is not entitled to an 141642

administrative review under division (D) of this section for any	141643
of the following:	141644
(1) An action taken under division (C)(6) of this section;	141645
(2) An action taken under section 5101.242 of the Revised Code;	141646 141647
(3) An action taken under division (C)(3) of this section if	141648
the federal government, auditor of state, or entity other than the	141649
department has identified the responsible county grantee as being	141650
solely or partially responsible for an adverse audit finding,	141651
adverse quality control finding, final disallowance of federal	141652
financial participation, or other sanction or penalty;	141653
(4) An adjustment to an allocation, cash draw, advance, or	141654
reimbursement to a responsible county grantee that the department	141655
determines necessary for budgetary reasons;	141656
(5) Withholding of a cash draw or reimbursement due to	141657
noncompliance with a reporting requirement established in rules	141658
adopted under section 5101.243 of the Revised Code;	141659
(6) An action taken under division (C)(5) of this section if	141660
the department determines that an emergency exists.	141661
(F) This section does not apply to other actions the	141662
department takes against the responsible county grantee pursuant	141663
to authority granted by another state law unless the other state	141664
law requires the department to take the action in accordance with	141665
this section.	141666
(G) The director of job and family services <u>and children and</u>	141667
<u>youth</u> may adopt rules in accordance with Chapter 119. of the	141668
Revised Code as necessary to implement this section.	141669
Sec. 5101.243. The director of job and family services <u>and</u>	141670
<u>the director of children and youth</u> may adopt rules in accordance	141671
with section 111.15 of the Revised Code establishing reporting	141672

requirements for family services duties and workforce development 141673
activities. If the ~~director adopts~~ directors adopt the rules, the 141674
~~director~~ directors shall adopt the rules as if they were internal 141675
management rules and, before adopting the rules, give the public 141676
an opportunity to review and comment on the proposed rules. 141677

Sec. 5101.244. (A) If the department of job and family 141678
services or the department of children and youth determines that a 141679
grant awarded to a county grantee in a grant agreement entered 141680
into under section 5101.21 of the Revised Code, an allocation, 141681
advance, or reimbursement the department makes to a county family 141682
services agency, or a cash draw a county family services agency 141683
makes exceeds the allowable amount for the grant, allocation, 141684
advance, reimbursement, or cash draw, the department may take one 141685
or more of the following actions to recover the excess amount: 141686

(1) The department may adjust, offset, withhold, or reduce an 141687
allocation, cash draw, advance, reimbursement, or other financial 141688
assistance to the county grantee or county family services agency 141689
as necessary to recover the excess amount. 141690

(2) The department may enter into an agreement with the 141691
county grantee or county family services agency for repayment of 141692
the excess amount by the grantee or agency. The department may 141693
require that the repayment include interest on the excess amount, 141694
calculated from the day that the excess occurred at a rate not 141695
exceeding the rate per annum prescribed by section 5703.47 of the 141696
Revised Code. 141697

(3) The department may certify a claim to the attorney 141698
general under section 131.02 of the Revised Code for the attorney 141699
general to take action under that section against the county 141700
grantee or county family services agency to recover the excess 141701
amount. 141702

(B) In taking an action authorized under this section, the department is not required to take the action in accordance with section 5101.24 of the Revised Code.

(C) The director of job and family services and the director of children and youth may adopt rules under section 111.15 of the Revised Code as necessary to implement this section. The ~~director~~ directors shall adopt the rules as if they were internal management rules.

Sec. 5101.25. The department of ~~human~~ job and family services, and the department of children and youth in consultation with county representatives, shall develop annual training goals and model training curriculum for employees of county family services agencies and identify a variety of state funded training opportunities to meet the proposed goals.

Sec. 5101.26. As used in this section and in sections 5101.27 to 5101.30 of the Revised Code:

(A) "County agency" means a county department of job and family services or a public children services agency.

(B) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence.

(C) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, the

department of children and youth, a county agency, or an entity 141733
performing duties on behalf of the department or a county agency. 141734

(D) "Law enforcement agency" means the state highway patrol, 141735
an agency that employs peace officers as defined in section 109.71 141736
of the Revised Code, the adult parole authority, a county 141737
department of probation, a prosecuting attorney, the attorney 141738
general, similar agencies of other states, federal law enforcement 141739
agencies, and postal inspectors. "Law enforcement agency" includes 141740
the peace officers and other law enforcement officers employed by 141741
the agency. 141742

(E) "Public assistance" means financial assistance or social 141743
services that are provided under a program administered by the 141744
department of job and family services or a county agency pursuant 141745
to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code 141746
or an executive order issued under section 107.17 of the Revised 141747
Code. "Public assistance" does not mean medical assistance 141748
provided under a medical assistance program, as defined in section 141749
5160.01 of the Revised Code. 141750

(F) "Public assistance recipient" means an applicant for or 141751
recipient or former recipient of public assistance. 141752

(G) "Publicly funded child care" has the same meaning as in 141753
section 5104.01 of the Revised Code. 141754

(H) "Tuberculosis control unit" means the county tuberculosis 141755
control unit designated by a board of county commissioners under 141756
section 339.72 of the Revised Code or the district tuberculosis 141757
control unit designated pursuant to an agreement entered into by 141758
two or more boards of community commissioners under that section. 141759

Sec. 5101.27. (A) Except as permitted by this section, 141760
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 141761
rules adopted under section 5101.30 of the Revised Code, or when 141762

required by federal law, no person or government entity shall 141763
knowingly solicit, disclose, receive, use, permit the use of, or 141764
participate in the use of any information regarding a public 141765
assistance recipient for any purpose not directly connected with 141766
the administration of a public assistance program. 141767

(B) To the extent permitted by federal law, the department of 141768
job and family services, the department of children and youth, and 141769
county agencies shall do all of the following: 141770

(1) Release information regarding a public assistance 141771
recipient for purposes directly connected to the administration of 141772
the program to a government entity responsible for administering 141773
that public assistance program; 141774

(2) Provide information regarding a public assistance 141775
recipient to a law enforcement agency for the purpose of any 141776
investigation, prosecution, or criminal or civil proceeding 141777
relating to the administration of that public assistance program; 141778

(3) Provide, for purposes directly connected to the 141779
administration of a program that assists needy individuals with 141780
the costs of public utility services, information regarding a 141781
recipient of financial assistance provided under a program 141782
administered by the department or a county agency pursuant to 141783
Chapter 5107. or 5108. of the Revised Code to an entity 141784
administering the public utility services program. 141785

(C)(1) To the extent permitted by federal law and subject to 141786
division (C)(2) of this section, the department of ~~job~~ children 141787
and ~~family services~~ youth shall release, for purposes directly 141788
connected to a public health investigation related to section 141789
3301.531 or 5104.037 of the Revised Code, information regarding a 141790
public assistance recipient who receives publicly funded child 141791
care, so long as all of the following conditions are met: 141792

(a) The department of health or the tuberculosis control unit 141793
has initiated a public health investigation related to section 141794
3301.531 or 5104.037 of the Revised Code and has assessed the 141795
investigation as an emergency. 141796

(b) The department of health or the tuberculosis control unit 141797
has notified the department of ~~job~~ children and ~~family services~~ 141798
youth about the investigation and has requested that the 141799
department of ~~job~~ children and ~~family services~~ youth release the 141800
information for purposes of the investigation. 141801

(c) The department of ~~job~~ children and ~~family services~~ youth 141802
is unable to timely obtain voluntary, written authorization that 141803
complies with section 5101.272 of the Revised Code. 141804

(2) If the conditions specified in division (C)(1) of this 141805
section are met, the department of ~~job~~ children and ~~family~~ 141806
~~services~~ youth shall release to the department of health or the 141807
tuberculosis control unit the minimum information necessary to 141808
fulfill the needs of the department of health or tuberculosis 141809
control unit related to the public health investigation. 141810

(3) If the department of ~~job~~ children and ~~family services~~ 141811
youth releases information pursuant to division (C) of this 141812
section, it shall immediately notify the public assistance 141813
recipient. 141814

(D) To the extent permitted by federal law and section 141815
1347.08 of the Revised Code, the ~~department~~ departments and county 141816
agencies shall provide access to information regarding a public 141817
assistance recipient to all of the following: 141818

- (1) The recipient; 141819
- (2) The authorized representative; 141820
- (3) The legal guardian of the recipient; 141821
- (4) The attorney of the recipient, if the attorney has 141822

written authorization that complies with section 5101.272 of the Revised Code from the recipient.

(E) To the extent permitted by federal law and subject to division (F) of this section, the ~~department~~ departments and county agencies may do both of the following:

(1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.272 of the Revised Code;

(2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.

(F) Except when the release is required by division (B), (C), or (D) of this section or is authorized by division (E)(2) of this section, the department or county agency shall release the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it.

(G) The department of job and family services and the department of children and youth may adopt rules defining "authorized representative" for purposes of division (D)(2) of this section.

Sec. 5101.29. When contained in a record held by the department of job and family services, the department of children and youth, or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:

(A) Names and other identifying information regarding children enrolled in or attending a child day-care center or home

subject to licensure or registration under Chapter 5104. of the Revised Code;

(B) Names and other identifying information regarding children placed with an institution or association certified under section 5103.03 of the Revised Code;

(C) Names and other identifying information regarding a person who makes an oral or written complaint regarding an institution, association, child day-care center, or home subject to licensure or registration to the department or other state or county entity responsible for enforcing Chapter 5103. or 5104. of the Revised Code;

(D)(1) Except as otherwise provided in division (D)(2) of this section, names, documentation, and other identifying information regarding a foster caregiver or a prospective foster caregiver, including the foster caregiver application for certification under section 5103.03 of the Revised Code and the home study conducted pursuant to section 5103.0324 of the Revised Code.

(2) Notwithstanding division (D)(1) of this section, the following are public records for the purposes of section 149.43 of the Revised Code, when contained in a record held by the department of job and family services, the department of children and youth, a county agency, or other governmental entity:

(a) All of the following information regarding a currently certified foster caregiver who has had a foster care certificate revoked pursuant to Chapter 5103. of the Revised Code or, after receiving a current or current renewed certificate has been convicted of, pleaded guilty to, or indicted or otherwise charged with any offense described in division (C)(1) of section 2151.86 of the Revised Code:

(i) The foster caregiver's name, date of birth, and county of

residence;	141884
(ii) The date of the foster caregiver's certification;	141885
(iii) The date of each placement of a foster child into the foster caregiver's home;	141886 141887
(iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;	141888 141889 141890 141891 141892
(v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.	141893 141894 141895 141896
(b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.	141897 141898 141899
Sec. 5101.32. (A) The department of job and family services <u>and the department of children and youth</u> shall work with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the <u>applicable</u> department. The <u>Each</u> department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, necessary for such collaboration.	141900 141901 141902 141903 141904 141905 141906 141907 141908
(B) The department of job and family services <u>and department of children and youth</u> may adopt rules in accordance with Chapter 119. of the Revised Code necessary for utilizing the information received pursuant to section 109.5721 of the Revised Code, with a final effective date that is not later than December 31, 2008.	141909 141910 141911 141912 141913

Sec. 5101.35. (A) As used in this section:	141914
(1)(a) "Agency" means the following entities that administer a family services program:	141915
(i) The department of job and family services;	141916
(ii) <u>The department of children and youth;</u>	141917
<u>(iii)</u> A county department of job and family services;	141918
(iii) <u>(iv)</u> A public children services agency;	141919
(iv) <u>(v)</u> A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services, <u>the department of children and youth</u> , or a county department of job and family services or public children services agency.	141920
(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid.	141921
(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.	141922
(3)(a) "Family services program" means all of the following:	141923
(i) A Title IV-A program as defined in section 5101.80 of the Revised Code;	141924
(ii) Programs that provide assistance under Chapter 5104. of the Revised Code;	141925
(iii) Programs that provide assistance under section 5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the Revised Code;	141926
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(iv) Title XX social services provided under section 5101.46 141943
of the Revised Code, other than such services provided by the 141944
department of mental health and addiction services, the department 141945
of developmental disabilities, a board of alcohol, drug addiction, 141946
and mental health services, or a county board of developmental 141947
disabilities. 141948

(b) If the department of medicaid contracts with the 141949
department of job and family services to hear appeals authorized 141950
by section 5160.31 of the Revised Code regarding medical 141951
assistance programs, "family services program" includes medical 141952
assistance programs. 141953

(4) "Medical assistance program" has the same meaning as in 141954
section 5160.01 of the Revised Code. 141955

(B) Except as provided by divisions (G) and (H) of this 141956
section, an appellant who appeals under federal or state law a 141957
decision or order of an agency administering a family services 141958
program shall, at the appellant's request, be granted a state 141959
hearing by the department of job and family services or the 141960
department of children and youth, as appropriate. This state 141961
hearing shall be conducted in accordance with rules adopted under 141962
this section. The state hearing shall be recorded, but neither the 141963
recording nor a transcript of the recording shall be part of the 141964
official record of the proceeding. Except as provided in section 141965
5160.31 of the Revised Code, a state hearing decision is binding 141966
upon the agency and department, unless it is reversed or modified 141967
on appeal to the director of job and family services, director of 141968
children and youth, or a court of common pleas. 141969

(C) Except as provided by division (G) of this section, an 141970
appellant who disagrees with a state hearing decision may make an 141971
administrative appeal to the director of job and family services 141972
or director of children and youth in accordance with rules adopted 141973
under this section. This administrative appeal does not require a 141974

hearing, but the director or the director's designee shall review 141975
the state hearing decision and previous administrative action and 141976
may affirm, modify, remand, or reverse the state hearing decision. 141977
An administrative appeal decision is the final decision of the 141978
department and, except as provided in section 5160.31 of the 141979
Revised Code, is binding upon the department and agency, unless it 141980
is reversed or modified on appeal to the court of common pleas. 141981

(D) An agency shall comply with a decision issued pursuant to 141982
division (B) or (C) of this section within the time limits 141983
established by rules adopted under this section. If a county 141984
department of job and family services or a public children 141985
services agency fails to comply within these time limits, the 141986
department may take action pursuant to section 5101.24 of the 141987
Revised Code. If another agency, other than the department of 141988
medicaid, fails to comply within the time limits, the department 141989
may force compliance by withholding funds due the agency or 141990
imposing another sanction established by rules adopted under this 141991
section. 141992

(E) An appellant who disagrees with an administrative appeal 141993
decision of the director of job and family services, the director 141994
of children and youth, or ~~the~~ either director's designee issued 141995
under division (C) of this section may appeal from the decision to 141996
the court of common pleas pursuant to section 119.12 of the 141997
Revised Code. The appeal shall be governed by section 119.12 of 141998
the Revised Code except that: 141999

(1) The person may appeal to the court of common pleas of the 142000
county in which the person resides, or to the court of common 142001
pleas of Franklin county if the person does not reside in this 142002
state. 142003

(2) The person may apply to the court for designation as an 142004
indigent and, if the court grants this application, the appellant 142005
shall not be required to furnish the costs of the appeal. 142006

(3) The appellant shall mail the notice of appeal to the department of job and family services or director of children and youth, as appropriate, and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family service and department of children and youth, as applicable, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following:

(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department before the state hearing is held.

(2) Administrative appeals under division (C) of this section;

(3) Time limits for complying with a decision issued under

division (B) or (C) of this section; 142038

(4) Sanctions that may be applied against an agency under 142039
division (D) of this section. 142040

(G) The department of job and family services and the 142041
department of children and youth, as applicable, may adopt rules 142042
in accordance with Chapter 119. of the Revised Code establishing 142043
an appeals process for an appellant who appeals a decision or 142044
order regarding a Title IV-A program identified under division 142045
(A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised 142046
Code that is different from the appeals process established by 142047
this section. The different appeals process may include having a 142048
state agency that administers the Title IV-A program pursuant to 142049
an interagency agreement entered into under section 5101.801 of 142050
the Revised Code administer the appeals process. 142051

(H) If an appellant receiving medicaid through a health 142052
insuring corporation that holds a certificate of authority under 142053
Chapter 1751. of the Revised Code is appealing a denial of 142054
medicaid services based on lack of medical necessity or other 142055
clinical issues regarding coverage by the health insuring 142056
corporation, the person hearing the appeal may order an 142057
independent medical review if that person determines that a review 142058
is necessary. The review shall be performed by a health care 142059
professional with appropriate clinical expertise in treating the 142060
recipient's condition or disease. The department shall pay the 142061
costs associated with the review. 142062

A review ordered under this division shall be part of the 142063
record of the hearing and shall be given appropriate evidentiary 142064
consideration by the person hearing the appeal. 142065

(I) The requirements of Chapter 119. of the Revised Code 142066
apply to a state hearing or administrative appeal under this 142067
section only to the extent, if any, specifically provided by rules 142068

adopted under this section. 142069

Sec. 5101.37. (A) The department of job and family services 142070
or the department of children and youth and each county department 142071
of job and family services and child support enforcement agency 142072
may conduct any audits or investigations that are necessary in the 142073
performance of their duties, and to that end they shall have the 142074
same power as a judge of a county court to administer oaths and to 142075
enforce the attendance and testimony of witnesses and the 142076
production of books or papers. 142077

The applicable department and each county department and 142078
agency shall keep a record of their audits and investigations 142079
stating the time, place, charges, or subject; witnesses summoned 142080
and examined; and their conclusions. 142081

Witnesses shall be paid the fees and mileage provided for 142082
under section 119.094 of the Revised Code. 142083

(B) In conducting hearings pursuant to Chapters 3119., 3121., 142084
and 3123. or pursuant to division (B) of section 5101.35 of the 142085
Revised Code, the applicable department and each child support 142086
enforcement agency have the same power as a judge of a county 142087
court to administer oaths and to enforce the attendance and 142088
testimony of witnesses and the production of books or papers. The 142089
applicable department and each agency shall keep a record of those 142090
hearings stating the time, place, charges, or subject; witnesses 142091
summoned and examined; and their conclusions. 142092

The issuance of a subpoena by the applicable department or a 142093
child support enforcement agency to enforce attendance and 142094
testimony of witnesses and the production of books or papers at a 142095
hearing is discretionary and the applicable department or agency 142096
is not required to pay the fees of witnesses for attendance and 142097
travel. 142098

(C) Any judge of any division of the court of common pleas, 142099
upon application of the applicable department or a county 142100
department or child support enforcement agency, may compel the 142101
attendance of witnesses, the production of books or papers, and 142102
the giving of testimony before the applicable department, county 142103
department, or agency, by a judgment for contempt or otherwise, in 142104
the same manner as in cases before those courts. 142105

(D) Until an audit report is formally released by the 142106
applicable department ~~of job and family services~~, the audit report 142107
or any working paper or other document or record prepared by the 142108
applicable department and related to the audit that is the subject 142109
of the audit report is not a public record under section 149.43 of 142110
the Revised Code. 142111

(E) The director of job and family services or director of 142112
children and youth may adopt rules as necessary to implement this 142113
section. The rules shall be adopted in accordance with section 142114
111.15 of the Revised Code as if they were internal management 142115
rules. 142116

Sec. 5101.46. (A) As used in this section: 142117

(1) "Title XX" means Title XX of the "Social Security Act," 142118
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 142119

(2) "Respective local agency" means, with respect to the 142120
department of job and family services and the department of 142121
children and youth, a county department of job and family 142122
services; with respect to the department of mental health and 142123
addiction services, a board of alcohol, drug addiction, and mental 142124
health services; and with respect to the department of 142125
developmental disabilities, a county board of developmental 142126
disabilities. 142127

(3) "Federal poverty guidelines" means the poverty guidelines 142128

as revised annually by the United States department of health and 142129
human services in accordance with section 673(2) of the "Omnibus 142130
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 142131
9902, as amended, for a family size equal to the size of the 142132
family of the person whose income is being determined. 142133

(B) The departments of job and family services, children and 142134
youth, mental health, and developmental disabilities, with their 142135
respective local agencies, shall administer the provision of 142136
social services funded through grants made under Title XX. The 142137
social services furnished with Title XX funds shall be directed at 142138
the following goals: 142139

(1) Achieving or maintaining economic self-support to 142140
prevent, reduce, or eliminate dependency; 142141

(2) Achieving or maintaining self-sufficiency, including 142142
reduction or prevention of dependency; 142143

(3) Preventing or remedying neglect, abuse, or exploitation 142144
of children and adults unable to protect their own interests, or 142145
preserving, rehabilitating, or reuniting families; 142146

(4) Preventing or reducing inappropriate institutional care 142147
by providing for community-based care, home-based care, or other 142148
forms of less intensive care; 142149

(5) Securing referral or admission for institutional care 142150
when other forms of care are not appropriate, or providing 142151
services to individuals in institutions. 142152

(C)(1) All federal funds received under Title XX shall be 142153
appropriated as follows: 142154

(a) Seventy-two and one-half per cent to the department of 142155
job and family services and the department of children and youth; 142156

(b) Twelve and ninety-three one-hundredths per cent to the 142157
department of mental health and addiction services; 142158

(c) Fourteen and fifty-seven one-hundredths per cent to the department of developmental disabilities.

(2) Each of the state departments shall, subject to the approval of the controlling board, develop a formula for the distribution of the Title XX funds appropriated to the department to its respective local agencies. The formula developed by each state department shall take into account all of the following for each of its respective local agencies:

(a) The total population of the area that is served by the respective local agency;

(b) The percentage of the population in the area served that falls below the federal poverty guidelines;

(c) The respective local agency's history of and ability to utilize Title XX funds.

(3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department.

Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules.

(4) The department of job and family services and the department of children and youth, as applicable, shall expend for the training of the following not more than two per cent of the Title XX funds appropriated to the department:

(a) Employees of county departments of job and family

services; 142189

(b) Providers of services under contract with the state 142190
departments' respective local agencies; 142191

(c) Employees of a public children services agency directly 142192
engaged in providing Title XX services. 142193

(5) Title XX funds distributed for the purpose of providing 142194
family planning services shall be distributed by the respective 142195
local agencies according to the same order of priority that 142196
applies to the department of job and family services under section 142197
5101.101 of the Revised Code. 142198

(D) The department of job and family services and the 142199
department of children and youth shall prepare an annual 142200
comprehensive Title XX social services plan on the intended use of 142201
Title XX funds. The ~~department~~ departments shall develop a method 142202
for obtaining public comment during the development of the plan 142203
and following its completion. 142204

For each federal fiscal year, the department of job and 142205
family services and the department of children and youth shall 142206
prepare a report on the actual use of Title XX funds. The 142207
department shall make the annual report available for public 142208
inspection. 142209

The departments of mental health and addiction services and 142210
developmental disabilities shall prepare and submit to the 142211
department of job and family services the portions of each annual 142212
plan and report that apply to services for mental health and 142213
developmental disabilities. Each respective local agency of the 142214
three state departments shall submit information as necessary for 142215
the preparation of annual plans and reports. 142216

(E) Each county department of job and family services shall 142217
adopt a county profile for the administration and provision of 142218
Title XX social services in the county. In developing its county 142219

profile, the county department shall take into consideration the 142220
comments and recommendations received from the public by the 142221
county family services planning committee pursuant to section 142222
329.06 of the Revised Code. As part of its preparation of the 142223
county profile, the county department may prepare a local needs 142224
report analyzing the need for Title XX social services. 142225

The county department shall submit the county profile to the 142226
board of county commissioners for its review. Once the county 142227
profile has been approved by the board, the county department 142228
shall file a copy of the county profile with the department of job 142229
and family services. The department shall approve the county 142230
profile if the department determines the profile provides for the 142231
Title XX social services to meet the goals specified in division 142232
(B) of this section. 142233

(F) Any of the three state departments and their respective 142234
local agencies may require that an entity under contract to 142235
provide social services with Title XX funds submit to an audit on 142236
the basis of alleged misuse or improper accounting of funds. If an 142237
audit is required, the social services provider shall reimburse 142238
the state department or respective local agency for the cost it 142239
incurred in conducting the audit or having the audit conducted. 142240

If an audit demonstrates that a social services provider is 142241
responsible for one or more adverse findings, the provider shall 142242
reimburse the appropriate state department or its respective local 142243
agency the amount of the adverse findings. The amount shall not be 142244
reimbursed with Title XX funds received under this section. The 142245
three state departments and their respective local agencies may 142246
terminate or refuse to enter into a Title XX contract with a 142247
social services provider if there are adverse findings in an audit 142248
that are the responsibility of the provider. 142249

(G) Except with respect to the matters for which each of the 142250
state departments must adopt rules under division (C)(3) of this 142251

section, the department of job and family services and the 142252
department of children and youth may adopt any rules ~~it considers~~ 142253
they consider necessary to implement and carry out the purposes of 142254
this section. Rules governing financial and operational matters of 142255
the ~~department~~ departments or matters between the ~~department~~ 142256
departments and county departments of job and family services 142257
shall be adopted as internal management rules in accordance with 142258
section 111.15 of the Revised Code. Rules governing eligibility 142259
for services, program participation, and other matters pertaining 142260
to applicants and participants shall be adopted in accordance with 142261
Chapter 119. of the Revised Code. 142262

Sec. 5101.47. (A) Except as provided in divisions (B) and (C) 142263
of this section, both of the following apply to the department of 142264
job and family services: 142265

(1) The department shall accept applications, determine 142266
eligibility, redetermine eligibility, and perform related 142267
administrative activities for the supplemental nutrition 142268
assistance program administered by the department pursuant to 142269
section 5101.54 of the Revised Code. 142270

The department may assign the duties described in division 142271
(A)(1) of this section to any county department of job and family 142272
services. 142273

(2) The department may accept applications, determine 142274
eligibility, redetermine eligibility, and perform related 142275
administrative activities for ~~one or more~~ either of the following: 142276

(a) ~~Publicly funded child care provided under Chapter 5104.~~ 142277
~~of the Revised Code;~~ 142278

~~(b) Other programs~~ Programs administered by the department 142279
that the director of job and family services determines are 142280
supportive of children, adults, or families; 142281

~~(e)~~(b) Other programs administered by the department 142282
regarding which the director determines administrative cost 142283
savings and efficiency may be achieved through the department 142284
accepting applications, determining eligibility, redetermining 142285
eligibility, or performing related administrative activities. 142286

(B) If federal law requires a face-to-face interview to 142287
complete an eligibility determination for a program specified in 142288
or pursuant to division (A) of this section, the face-to-face 142289
interview shall not be conducted by the department of job and 142290
family services. 142291

(C) Subject to division (B) of this section, if the 142292
department is required or elects to accept applications, determine 142293
eligibility, redetermine eligibility, and perform related 142294
administrative activities for a program specified in or pursuant 142295
to division (A) of this section, both of the following apply: 142296

(1) An individual seeking services under the program may 142297
apply for the program to the department or to the entity that 142298
state law governing the program authorizes to accept applications 142299
for the program. 142300

(2) The department is subject to federal statutes and 142301
regulations and state statutes and rules that require, permit, or 142302
prohibit an action regarding accepting applications, determining 142303
or redetermining eligibility, and performing related 142304
administrative activities for the program. 142305

~~(D)~~(D)(1) The department of children and youth may accept 142306
applications, determine eligibility, redetermine eligibility, and 142307
perform related administrative activities for publicly funded 142308
child care provided under Chapter 5104. of the Revised Code. 142309

(2) If the department elects to accept applications, 142310
determine eligibility, redetermine eligibility, and perform 142311
related administrative activities for publicly funded child care, 142312

both of the following apply: 142313

(a) An individual seeking publicly funded child care may 142314
apply to the department or to the entity that state law governing 142315
the program authorizes to accept applications for publicly funded 142316
child care. 142317

(b) The department is subject to federal statutes and 142318
regulations and state statutes and rules that require, permit, or 142319
prohibit an action regarding accepting applications, determining 142320
or redetermining eligibility, and performing related 142321
administrative activities for publicly funded childcare. 142322

(E) The director of job and family services and the director 142323
of children and youth may adopt rules as necessary to implement 142324
this section. 142325

Sec. 5101.76. (A) A residential camp, as defined in section 142326
2151.011 of the Revised Code, a child day camp, as defined in 142327
section 5104.01 of the Revised Code, or a child day camp operated 142328
by any county, township, municipal corporation, township park 142329
district created under section 511.18 of the Revised Code, park 142330
district created under section 1545.04 of the Revised Code, or 142331
joint recreation district established under section 755.14 of the 142332
Revised Code may procure epinephrine autoinjectors for use in 142333
emergency situations identified under division (C)(5) of this 142334
section by doing one of the following: 142335

(1) Having a licensed health professional authorized to 142336
prescribe drugs, acting in accordance with section 4723.483, 142337
4730.433, or 4731.96 of the Revised Code, personally furnish the 142338
epinephrine autoinjectors to the camp or issue a prescription for 142339
them in the name of the camp; 142340

(2) Obtaining a prescriber-issued protocol that includes 142341
definitive orders for epinephrine autoinjectors and the dosages of 142342

epinephrine to be administered through them. 142343

A camp that elects to procure epinephrine autoinjectors under 142344
this section is encouraged to maintain at least two epinephrine 142345
autoinjectors at all times. 142346

(B) A camp that elects to procure epinephrine autoinjectors 142347
under this section shall adopt a policy governing their 142348
maintenance and use. Before adopting the policy, the camp shall 142349
consult with a licensed health professional authorized to 142350
prescribe drugs. 142351

(C) The policy adopted under division (B) of this section 142352
shall do all of the following: 142353

(1) Identify the one or more locations in which an 142354
epinephrine autoinjector must be stored; 142355

(2) Specify the conditions under which an epinephrine 142356
autoinjector must be stored, replaced, and disposed; 142357

(3) Specify the individuals employed by or under contract 142358
with the camp who may access and use an epinephrine autoinjector 142359
to provide a dosage of epinephrine to an individual in an 142360
emergency situation identified under division (C)(5) of this 142361
section; 142362

(4) Specify any training that employees or contractors 142363
specified under division (C)(3) of this section must complete 142364
before being authorized to access and use an epinephrine 142365
autoinjector; 142366

(5) Identify the emergency situations, including when an 142367
individual exhibits signs and symptoms of anaphylaxis, in which 142368
employees or contractors specified under division (C)(3) of this 142369
section may access and use an epinephrine autoinjector; 142370

(6) Specify that assistance from an emergency medical service 142371
provider must be requested immediately after an epinephrine 142372

autoinjector is used; 142373

(7) Specify the individuals to whom a dosage of epinephrine 142374
may be administered through an epinephrine autoinjector in an 142375
emergency situation specified under division (C)(5) of this 142376
section. 142377

(D)(1) The following are not liable in damages in a civil 142378
action for injury, death, or loss to person or property that 142379
allegedly arises from an act or omission associated with 142380
procuring, maintaining, accessing, or using an epinephrine 142381
autoinjector under this section, unless the act or omission 142382
constitutes willful or wanton misconduct: 142383

(a) A camp; 142384

(b) A camp employee or contractor; 142385

(c) A licensed health professional authorized to prescribe 142386
drugs who personally furnishes or prescribes epinephrine 142387
autoinjectors, provides a consultation, or issues a protocol 142388
pursuant to this section. 142389

(2) This section does not eliminate, limit, or reduce any 142390
other immunity or defense that a camp or camp employee or 142391
contractor or licensed health professional may be entitled to 142392
under Chapter 2744. or any other provision of the Revised Code or 142393
under the common law of this state. 142394

(E) A camp may accept donations of epinephrine autoinjectors 142395
from a wholesale distributor of dangerous drugs, as defined in 142396
section 4729.01 of the Revised Code, and may accept donations of 142397
money from any person to purchase epinephrine autoinjectors. 142398

(F) A camp that elects to procure epinephrine autoinjectors 142399
under this section shall report to the department of ~~job~~ children 142400
and ~~family services~~ youth each procurement and occurrence in which 142401
an epinephrine autoinjector is used from a camp's supply of 142402

epinephrine autoinjectors. 142403

(G) As used in this section, "licensed health professional 142404
authorized to prescribe drugs" and "prescriber" have the same 142405
meanings as in section 4729.01 of the Revised Code. 142406

Sec. 5101.77. (A) As used in this section, "inhaler" means a 142407
device that delivers medication to alleviate asthmatic symptoms, 142408
is manufactured in the form of a metered dose inhaler or dry 142409
powdered inhaler, and may include a spacer, holding chamber, or 142410
other device that attaches to the inhaler and is used to improve 142411
the delivery of the medication. 142412

(B) A residential camp, as defined in section 2151.011 of the 142413
Revised Code, a child day camp, as defined in section 5104.01 of 142414
the Revised Code, or a child day camp operated by any county, 142415
township, municipal corporation, township park district created 142416
under section 511.18 of the Revised Code, park district created 142417
under section 1545.04 of the Revised Code, or joint recreation 142418
district established under section 755.14 of the Revised Code may 142419
procure inhalers for use in emergency situations identified under 142420
division (D)(5) of this section. A camp that elects to procure 142421
inhalers under this section is encouraged to maintain at least two 142422
inhalers at all times. 142423

(C) A camp that elects to procure inhalers under this section 142424
shall adopt a policy governing their maintenance and use. Before 142425
adopting the policy, the camp shall consult with a licensed health 142426
professional authorized to prescribe drugs, as defined in section 142427
4729.01 of the Revised Code. 142428

(D) A component of a policy adopted by a camp under division 142429
(C) of this section shall be a prescriber-issued protocol 142430
specifying definitive orders for inhalers, including the dosages 142431
of medication to be administered through them, the number of times 142432
that each inhaler may be used before disposal, and the methods of 142433

disposal. The policy also shall do all of the following: 142434

(1) Identify the one or more locations in which an inhaler 142435
must be stored; 142436

(2) Specify the conditions under which an inhaler must be 142437
stored, replaced, and disposed; 142438

(3) Specify the individuals employed by or under contract 142439
with the camp who may access and use an inhaler to provide a 142440
dosage of medication to an individual in an emergency situation 142441
identified under division (D)(5) of this section; 142442

(4) Specify any training that employees or contractors 142443
specified under division (D)(3) of this section must complete 142444
before being authorized to access and use an inhaler; 142445

(5) Identify the emergency situations, including when an 142446
individual exhibits signs and symptoms of asthma, in which 142447
employees or contractors specified under division (D)(3) of this 142448
section may access and use an inhaler; 142449

(6) Specify that assistance from an emergency medical service 142450
provider must be requested immediately after an employee or 142451
contractor, other than a licensed health professional, uses an 142452
inhaler; 142453

(7) Specify the individuals to whom a dosage of medication 142454
may be administered through an inhaler in an emergency situation 142455
specified under division (D)(5) of this section. 142456

(E) A camp or camp employee or contractor is not liable in 142457
damages in a civil action for injury, death, or loss to person or 142458
property that allegedly arises from an act or omission associated 142459
with procuring, maintaining, accessing, or using an inhaler under 142460
this section, unless the act or omission constitutes willful or 142461
wanton misconduct. 142462

This section does not eliminate, limit, or reduce any other 142463

immunity or defense that a camp or camp employee or contractor may 142464
be entitled to under Chapter 2744. or any other provision of the 142465
Revised Code or under the common law of this state. 142466

(F) A camp may accept donations of inhalers from a wholesale 142467
distributor of dangerous drugs, as defined in section 4729.01 of 142468
the Revised Code, and may accept donations of money from any 142469
person to purchase inhalers. 142470

(G) A camp that elects to procure inhalers under this section 142471
shall report to the department of ~~job~~ children and ~~family services~~ 142472
youth each procurement and occurrence in which an inhaler is used 142473
from a camp's supply of inhalers. 142474

Sec. 5101.78. (A) As used in this section, "licensed health 142475
professional authorized to prescribe drugs" and "prescriber" have 142476
the same meanings as in section 4729.01 of the Revised Code. 142477

(B) A residential camp, as defined in section 2151.011 of the 142478
Revised Code; a child day camp, as defined in section 5104.01 of 142479
the Revised Code; or a child day camp operated by any county, 142480
township, municipal corporation, township park district created 142481
under section 511.18 of the Revised Code, park district created 142482
under section 1545.04 of the Revised Code, or joint recreation 142483
district established under section 755.14 of the Revised Code may 142484
procure injectable or nasally administered glucagon for use in 142485
emergency situations identified under division (D)(5) of this 142486
section by doing one of the following: 142487

(1) Having a licensed health professional authorized to 142488
prescribe drugs, acting in accordance with section 4723.4811, 142489
4730.437, or 4731.92 of the Revised Code, personally furnish the 142490
injectable or nasally administered glucagon to the camp or issue a 142491
prescription for the drug in the name of the camp; 142492

(2) Obtaining a prescriber-issued protocol that includes 142493

definitive orders for injectable or nasally administered glucagon 142494
and the dosages to be administered; 142495

A camp that elects to procure injectable or nasally 142496
administered glucagon under this section is encouraged to maintain 142497
at least two doses of the drug at all times. 142498

(C) A camp that elects to procure injectable or nasally 142499
administered glucagon under this section shall adopt a policy 142500
governing maintenance and use of the drug. Before adopting the 142501
policy, the camp shall consult with a licensed health professional 142502
authorized to prescribe drugs. 142503

(D) The policy adopted under division (C) of this section 142504
shall do all of the following: 142505

(1) Identify the one or more locations at the camp in which 142506
injectable or nasally administered glucagon must be stored; 142507

(2) Specify the conditions under which injectable or nasally 142508
administered glucagon must be stored, replaced, or disposed; 142509

(3) Specify the individuals employed by or under contract 142510
with the camp, or who volunteer at the camp, who may access and 142511
use injectable or nasally administered glucagon in an emergency 142512
situation identified under division (D)(5) of this section; 142513

(4) Specify any training that employees, contractors, or 142514
volunteers specified under division (D)(3) of this section must 142515
complete before being authorized to access and use injectable or 142516
nasally administered glucagon; 142517

(5) Identify the emergency situations, including when an 142518
individual exhibits signs and symptoms of severe hypoglycemia, in 142519
which employees, contractors, or volunteers specified under 142520
division (D)(3) of this section may access and use injectable or 142521
nasally administered glucagon; 142522

(6) Specify that assistance from an emergency medical service 142523

provider must be requested immediately after a dose of glucagon is administered; 142524
142525

(7) Specify the individuals to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section. 142526
142527
142528

(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 142529
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(a) A camp; 142535

(b) A camp employee, contractor, or volunteer; 142536

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section; 142537
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(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp; camp employee, contractor, or volunteer; or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 142541
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(F) A camp may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug. 142546
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(G) A camp that elects to procure injectable or nasally administered glucagon under this section shall report to the department of ~~job children~~ and ~~family services~~ youth each 142551
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procurement and each occurrence in which a dose of the drug is 142554
used from the camp's supply. 142555

Sec. 5101.80. (A) As used in this section and in section 142556
5101.801 of the Revised Code: 142557

(1) "County family services agency" has the same meaning as 142558
in section 307.981 of the Revised Code. 142559

(2) "State agency" has the same meaning as in section 9.82 of 142560
the Revised Code. 142561

(3) "Title IV-A administrative agency" means both of the 142562
following: 142563

(a) A county family services agency or state agency 142564
administering a Title IV-A program under the supervision of the 142565
department of job and family services or the department of 142566
children and youth; 142567

(b) A government agency or private, not-for-profit entity 142568
administering a project funded in whole or in part with funds 142569
provided under the Title IV-A demonstration program created under 142570
section 5101.803 of the Revised Code. 142571

(4) "Title IV-A program" means all of the following that are 142572
funded in part with funds provided under the temporary assistance 142573
for needy families block grant established by Title IV-A of the 142574
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 142575
amended: 142576

(a) The Ohio works first program established under Chapter 142577
5107. of the Revised Code; 142578

(b) The prevention, retention, and contingency program 142579
established under Chapter 5108. of the Revised Code; 142580

(c) A program established by the general assembly or an 142581
executive order issued by the governor that is administered or 142582

supervised by the department of job and family services or 142583
department of children and youth pursuant to section 5101.801 of 142584
the Revised Code; 142585

(d) The kinship permanency incentive program created under 142586
section 5101.802 of the Revised Code; 142587

(e) The Title IV-A demonstration program created under 142588
section 5101.803 of the Revised Code; 142589

(f) The Ohio parenting and pregnancy program created under 142590
section 5101.804 of the Revised Code; 142591

(g) A component of a Title IV-A program identified under 142592
divisions (A)(4)(a) to (f) of this section that the Title IV-A 142593
state plan prepared under division (C)(1) of this section 142594
identifies as a component. 142595

(B) The department of job and family services shall act as 142596
the single state agency to administer and supervise the 142597
administration of Title IV-A programs. The Title IV-A state plan 142598
and amendments to the plan prepared under division (C) of this 142599
section are binding on Title IV-A administrative agencies. No 142600
Title IV-A administrative agency may establish, by rule or 142601
otherwise, a policy governing a Title IV-A program that is 142602
inconsistent with a Title IV-A program policy established, in rule 142603
or otherwise, by the director of job and family services. 142604

(C) The department of job and family services shall do all of 142605
the following: 142606

(1) Prepare and submit to the United States secretary of 142607
health and human services a Title IV-A state plan for Title IV-A 142608
programs; 142609

(2) Prepare and submit to the United States secretary of 142610
health and human services amendments to the Title IV-A state plan 142611
that the department determines necessary, including amendments 142612

necessary to implement Title IV-A programs identified in divisions 142613
(A)(4)(c) to (g) of this section; 142614

(3) Prescribe forms for applications, certificates, reports, 142615
records, and accounts of Title IV-A administrative agencies, and 142616
other matters related to Title IV-A programs; 142617

(4) Make such reports, in such form and containing such 142618
information as the department may find necessary to assure the 142619
correctness and verification of such reports, regarding Title IV-A 142620
programs; 142621

(5) Require reports and information from each Title IV-A 142622
administrative agency as may be necessary or advisable regarding a 142623
Title IV-A program; 142624

(6) Afford a fair hearing in accordance with section 5101.35 142625
of the Revised Code to any applicant for, or participant or former 142626
participant of, a Title IV-A program aggrieved by a decision 142627
regarding the program; 142628

(7) Administer and expend, pursuant to Chapters 5104., 5107., 142629
and 5108. of the Revised Code and sections 5101.801, 5101.802, 142630
5101.803, and 5101.804 of the Revised Code, any sums appropriated 142631
by the general assembly for the purpose of those chapters and 142632
sections and all sums paid to the state by the secretary of the 142633
treasury of the United States as authorized by Title IV-A of the 142634
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 142635
amended; 142636

(8) Conduct investigations and audits as are necessary 142637
regarding Title IV-A programs; 142638

(9) Enter into reciprocal agreements with other states 142639
relative to the provision of Ohio works first and prevention, 142640
retention, and contingency to residents and nonresidents; 142641

(10) Contract with a private entity to conduct an independent 142642

on-going evaluation of the Ohio works first program and the 142643
prevention, retention, and contingency program. The contract must 142644
require the private entity to do all of the following: 142645

(a) Examine issues of process, practice, impact, and 142646
outcomes; 142647

(b) Study former participants of Ohio works first who have 142648
not participated in Ohio works first for at least one year to 142649
determine whether they are employed, the type of employment in 142650
which they are engaged, the amount of compensation they are 142651
receiving, whether their employer provides health insurance, 142652
whether and how often they have received benefits or services 142653
under the prevention, retention, and contingency program, and 142654
whether they are successfully self sufficient; 142655

(c) Provide the department with reports at times the 142656
department specifies. 142657

(11) Not later than the last day of each January and July, 142658
prepare a report containing information on the following: 142659

(a) Individuals exhausting the time limits for participation 142660
in Ohio works first set forth in section 5107.18 of the Revised 142661
Code. 142662

(b) Individuals who have been exempted from the time limits 142663
set forth in section 5107.18 of the Revised Code and the reasons 142664
for the exemption. 142665

(D) The department shall provide copies of the reports it 142666
receives under division (C)(10) of this section and prepares under 142667
division (C)(11) of this section to the governor, the president 142668
and minority leader of the senate, and the speaker and minority 142669
leader of the house of representatives. The department shall 142670
provide copies of the reports to any private or government entity 142671
on request. 142672

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency for the state agency to administer the program under the department's supervision.

(2) The department of job and family services and the

department of children and youth may enter into an agreement with 142704
a government entity and, to the extent permitted by federal law, a 142705
private, not-for-profit entity for the entity to receive funding 142706
for a project under the Title IV-A demonstration program created 142707
under section 5101.803 of the Revised Code. 142708

(3) To the extent permitted by federal law, the department of 142709
children and youth may enter into an agreement with a private, 142710
not-for-profit entity for the entity to receive funds under the 142711
Ohio parenting and pregnancy program created under section 142712
5101.804 of the Revised Code. 142713

(C) The department of job and family services and the 142714
department of children and youth, may adopt rules governing Title 142715
IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), 142716
and (g) of section 5101.80 of the Revised Code. Rules governing 142717
financial and operational matters of ~~the~~ either department or 142718
between ~~the~~ either department and county family services agencies 142719
shall be adopted as internal management rules adopted in 142720
accordance with section 111.15 of the Revised Code. All other 142721
rules shall be adopted in accordance with Chapter 119. of the 142722
Revised Code. 142723

(D) If the department of job and family services or the 142724
department of children and youth, enters into an agreement 142725
regarding a Title IV-A program identified under division 142726
(A)(4)(c), (e), (f), or (g) of section 5101.80 of the Revised Code 142727
pursuant to division (B)(1)(b) or (2) of this section, the 142728
agreement shall include at least all of the following: 142729

(1) A requirement that the state agency or entity comply with 142730
the requirements for the program or project, including all of the 142731
following requirements established by federal statutes and 142732
regulations, state statutes and rules, the United States office of 142733
management and budget, and the Title IV-A state plan prepared 142734
under section 5101.80 of the Revised Code: 142735

(a) Eligibility;	142736
(b) Reports;	142737
(c) Benefits and services;	142738
(d) Use of funds;	142739
(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;	142740 142741
(f) Audits.	142742
(2) A complete description of all of the following:	142743
(a) The benefits and services that the program or project is to provide;	142744 142745
(b) The methods of program or project administration;	142746
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;	142747 142748 142749
(d) Other requirements that the department <u>of job and family services or the department of children and youth, as applicable,</u> requires be included.	142750 142751 142752
(3) Procedures for the department <u>of job and family services or the department of children and youth, as applicable,</u> to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;	142753 142754 142755 142756 142757
(4) Provisions regarding how the department <u>of job and family services or the department of children and youth, as applicable,</u> is to reimburse the state agency or entity for allowable expenditures under the program or project that the <u>applicable</u> department approves, including all of the following:	142758 142759 142760 142761 142762
(a) Limitations on administrative costs;	142763
(b) The department <u>of job and family services or the</u>	142764

department of children and youth, as applicable, at its discretion, doing either of the following: 142765
142766

(i) Withholding no more than five per cent of the funds that the department of job and family services or the department of children and youth, as applicable, would otherwise provide to the state agency or entity for the program or project; 142767
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(ii) Charging the state agency or entity for the costs to the department of job and family services or the department of children and youth, as applicable, of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project. 142771
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(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following: 142776
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(a) Ensuring that the other entity complies with the agreement between the state agency or entity and the department of job and family services or the department of children and youth, as applicable and federal statutes and regulations and state statutes and rules governing the use of funds for the program or project; 142781
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(b) Auditing the other entity in accordance with requirements established by the United States office of management and budget. 142787
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(6) The state agency or entity's responsibilities regarding the prompt payment, including any interest assessed, of any adverse audit finding, final disallowance of federal funds, or other sanction or penalty imposed by the federal government, auditor of state, department of job and family services or the department of children and youth, as applicable, a court, or other entity regarding funds for the program or project; 142789
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(7) Provisions for the department of job and family services 142796
or the department of children and youth, as applicable, to 142797
terminate the agreement or withhold reimbursement from the state 142798
agency or entity if either of the following occur: 142799

(a) The federal government disapproves the program or project 142800
or reduces federal funds for the program or project; 142801

(b) The state agency or entity fails to comply with the terms 142802
of the agreement. 142803

(8) Provisions for both of the following: 142804

(a) The department of job and family services or the 142805
department of children and youth, as applicable, and state agency 142806
or entity determining the performance outcomes expected for the 142807
program or project; 142808

(b) An evaluation of the program or project to determine its 142809
success in achieving the performance outcomes determined under 142810
division (D)(8)(a) of this section. 142811

(E) To the extent consistent with the law enacted by the 142812
general assembly or executive order issued by the governor 142813
establishing the Title IV-A program and subject to the approval of 142814
the director of budget and management, the director of job and 142815
family services or the director of children and youth, as 142816
applicable, may terminate a Title IV-A program identified under 142817
division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of 142818
the Revised Code or reduce funding for the program if the 142819
applicable director ~~of job and family services~~ determines that 142820
federal or state funds are insufficient to fund the program. If 142821
the director of budget and management approves the termination or 142822
reduction in funding for such a program, the director ~~of job and~~ 142823
~~family services~~ of job and family services or the department of 142824
children and youth, as applicable, shall issue instructions for 142825
the termination or funding reduction. If a Title IV-A 142826

administrative agency is administering the program, the agency is 142827
bound by the termination or funding reduction and shall comply 142828
with the applicable director's instructions. 142829

(F) The director of job and family services and the director 142830
of children and youth may adopt internal management rules in 142831
accordance with section 111.15 of the Revised Code as necessary to 142832
implement this section. The rules are binding on each Title IV-A 142833
administrative agency. 142834

Sec. 5101.802. (A) As used in this section: 142835

(1) "Custodian," "guardian," and "minor child" have the same 142836
meanings as in section 5107.02 of the Revised Code. 142837

(2) "Federal poverty guidelines" has the same meaning as in 142838
section 5101.46 of the Revised Code. 142839

(3) "Kinship caregiver" has the same meaning as in section 142840
5101.85 of the Revised Code. 142841

(B) Subject to division (E) of section 5101.801 of the 142842
Revised Code, there is hereby created the kinship permanency 142843
incentive program to promote permanency for a minor child in the 142844
legal and physical custody of a kinship caregiver. The program 142845
shall provide an initial one-time incentive payment to the kinship 142846
caregiver to defray the costs of initial placement of the minor 142847
child in the kinship caregiver's home. The program may provide 142848
additional permanency incentive payments for the minor child at 142849
six-month intervals, based on the availability of funds. An 142850
eligible caregiver may receive a maximum of eight incentive 142851
payments per minor child. 142852

(C) A kinship caregiver may participate in the program if all 142853
of the following requirements are met: 142854

(1) The kinship caregiver applies to a public children 142855
services agency in accordance with the application process 142856

established in rules authorized by division (E) of this section; 142857

(2) Not earlier than July 1, 2005, a juvenile court issues an 142858
order granting legal custody to the kinship caregiver, or a 142859
probate court grants guardianship to the kinship caregiver, except 142860
that a temporary court order is not sufficient to meet this 142861
requirement; 142862

(3) The kinship caregiver is either the minor child's 142863
custodian or guardian; 142864

(4) The minor child resides with the kinship caregiver 142865
pursuant to a placement approval process established in rules 142866
authorized by division (E) of this section; 142867

(5) Excluding any income excluded under rules adopted under 142868
division (E) of this section, the gross income of the kinship 142869
caregiver's family, including the minor child, does not exceed 142870
three hundred per cent of the federal poverty guidelines. 142871

(6) The kinship caregiver is not receiving kinship 142872
guardianship assistance under Title IV-E of the "Social Security 142873
Act," 42 U.S.C. 673(d), as amended, or the program described in 142874
section 5101.1411 of the Revised Code or the program described in 142875
section 5153.163 of the Revised Code. 142876

(D) Public children services agencies shall make initial and 142877
ongoing eligibility determinations for the kinship permanency 142878
incentive program in accordance with rules authorized by division 142879
(E) of this section. The director of ~~job~~ children and ~~family~~ 142880
~~services~~ youth shall supervise public children services agencies' 142881
duties under this section. 142882

(E) The director of ~~job~~ children and ~~family services~~ youth 142883
shall adopt rules under division (C) of section 5101.801 of the 142884
Revised Code as necessary to implement the kinship permanency 142885
incentive program. The rules shall establish all of the following: 142886

(1) The application process for the program;	142887
(2) The placement approval process through which a minor child is placed with a kinship caregiver for the kinship caregiver to be eligible for the program;	142888 142889 142890
(3) The initial and ongoing eligibility determination process for the program, including the computation of income eligibility;	142891 142892
(4) The amount of the incentive payments provided under the program;	142893 142894
(5) The method by which the incentive payments are provided to a kinship caregiver.	142895 142896
(F) The amendments made to this section by Am. Sub. H.B. 119 of the 127th general assembly shall not affect the eligibility of any kinship caregiver whose eligibility was established before June 30, 2007.	142897 142898 142899 142900
Sec. 5101.803. (A) Subject to division (E) of section 5101.801 of the Revised Code, there is hereby created the Title IV-A demonstration program to provide funding for innovative and promising prevention and intervention projects that meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601 and are for individuals with specific and multiple barriers to achieving or maintaining self-sufficiency and personal responsibility. The department of job and family services <u>and the department of children and youth, as applicable,</u> may provide funding for such projects to government entities and, to the extent permitted by federal law, private, not-for-profit entities with which the <u>either</u> department enters into agreements under division (B)(2) of section 5101.801 of the Revised Code.	142901 142902 142903 142904 142905 142906 142907 142908 142909 142910 142911 142912 142913 142914
In accordance with criteria the department develops, the department <u>of job and family services or the department of</u>	142915 142916

children and youth, as applicable, may solicit proposals from 142917
entities seeking to enter into an agreement with the applicable 142918
department under division (B)(2) of section 5101.801 of the 142919
Revised Code. The department of job and family services or the 142920
department of children and youth, as applicable, may enter into 142921
such agreements with entities that do both of the following: 142922

(1) Meet the proposals' criteria; 142923

(2) If the entity's proposed project does not potentially 142924
affect persons in each county of the state, provides the 142925
department evidence that the entity has notified, in writing, the 142926
county department of job and family services of each county where 142927
persons may be affected by the implementation of the project. 142928

(B) In developing the criteria, soliciting the proposals, and 142929
entering in the agreements, the department of job and family 142930
services and the department of children and youth shall comply 142931
with all applicable federal and state laws, the Title IV-A state 142932
plan submitted to the United States secretary of health and human 142933
services under section 5101.80 of the Revised Code, amendments to 142934
the Title IV-A state plan submitted to the United States secretary 142935
under that section, and federal waivers the United States 142936
secretary grants. 142937

~~(C) The department shall begin implementation of the Title 142938
IV A demonstration program no later than January 1, 2006. 142939~~

Sec. 5101.804. (A) Subject to division (E) of section 142940
5101.801 of the Revised Code, there is hereby created the Ohio 142941
parenting and pregnancy program to provide services for pregnant 142942
women and parents or other relatives caring for children twelve 142943
months of age or younger that do both of the following: 142944

(1) Promote childbirth, parenting, and alternatives to 142945
abortion; 142946

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601. 142947
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(B) To the extent permitted by federal law, the department of ~~job children~~ and ~~family services~~ youth may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department may solicit proposals from entities seeking to provide services under the program. The department may enter into an agreement with an entity only if it meets all of the following conditions: 142950
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(1) Is a private, not-for-profit entity; 142959

(2) Is an entity whose primary purpose is to promote childbirth, rather than abortion, through counseling and other services, including parenting and adoption support; 142960
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(3) Provides services to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach; 142963
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(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received; 142968
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(5) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising; 142971
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(6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender. 142975
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(C) An entity that has entered into an agreement with the department under division (B)(3) of section 5101.801 of the Revised Code may enter into a subcontract with another entity under which the other entity provides all or part of the services described in division (B)(3) of this section. A subcontract may be entered into with another entity only if that entity meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is physically and financially separate from any entity, or component of an entity, that engages in abortion activities;

(3) Is not involved in or associated with any abortion activities, including providing abortion counseling or referrals to abortion clinics, performing abortion-related medical procedures, or engaging in pro-abortion advertising.

(D) The director of ~~job children and family services~~ youth shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the Ohio parenting and pregnancy program.

Sec. 5101.83. (A) As used in this section:

(1) "Assistance group" has the same meaning as in section 5107.02 of the Revised Code, except that it also means a group provided benefits and services under the prevention, retention, and contingency program or the comprehensive case management and employment program.

(2) "Fraudulent assistance" means assistance and services, including cash assistance, provided under the Ohio works first program established under Chapter 5107., or benefits and services provided under the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code or under the comprehensive case management and employment program established

under Chapter 5116. of the Revised Code, to or on behalf of an 143008
assistance group that is provided as a result of fraud by a member 143009
of the assistance group, including an intentional violation of the 143010
program's requirements. "Fraudulent assistance" does not include 143011
assistance or services to or on behalf of an assistance group that 143012
is provided as a result of an error that is the fault of a county 143013
department of job and family services ~~or~~, the Ohio department of 143014
job and family services, or the department of children and youth. 143015

(B) If a county director of job and family services 143016
determines that an assistance group has received fraudulent 143017
assistance, the assistance group is ineligible to participate in 143018
the Ohio works first program, the prevention, retention, and 143019
contingency program, or the comprehensive case management and 143020
employment program until a member of the assistance group repays 143021
the cost of the fraudulent assistance. If a member repays the cost 143022
of the fraudulent assistance and the assistance group otherwise 143023
meets the eligibility requirements for the Ohio works first 143024
program, the prevention, retention, and contingency program, or 143025
the comprehensive case management and employment program, the 143026
assistance group shall not be denied the opportunity to 143027
participate in the program. 143028

This section does not limit the ability of a county 143029
department of job and family services to recover erroneous 143030
payments under section 5107.76 of the Revised Code. 143031

The Ohio department of job and family services and the 143032
department of children and youth shall adopt rules in accordance 143033
with Chapter 119. of the Revised Code to implement this section. 143034

Sec. 5101.851. The department of ~~job~~ children and ~~family~~ 143035
~~services~~ youth shall establish a statewide kinship care navigator 143036
program to assist kinship caregivers who are seeking information 143037
regarding, or assistance obtaining, services and benefits 143038

available at the state and local level that address the needs of 143039
those caregivers residing in each county. The program shall 143040
provide to kinship caregivers information and referral services 143041
and assistance obtaining support services including the following: 143042

(A) Publicly funded child care; 143043

(B) Respite care; 143044

(C) Training related to caring for special needs children; 143045

(D) A toll-free telephone number that may be called to obtain 143046
basic information about the rights of, and services available to, 143047
kinship caregivers; 143048

(E) Legal services. 143049

Sec. 5101.853. The director of ~~job~~ children and ~~family~~ 143050
~~services~~ youth shall divide the state into not less than five and 143051
not greater than twelve regions, for the kinship care navigator 143052
program under section 5101.851 of the Revised Code. The director 143053
shall take the following into consideration when establishing the 143054
regions: 143055

(A) The population size; 143056

(B) The estimated number of kinship caregivers; 143057

(C) The expertise of kinship navigators; 143058

(D) Any other factor the director considers relevant. 143059

Sec. 5101.855. ~~Not later than one year after the effective~~ 143060
~~date of this amendment, the~~ The department of ~~job~~ children and 143061
~~family services~~ youth shall adopt rules to implement the kinship 143062
care navigator program. The rules shall be adopted under Chapter 143063
119. of the Revised Code, except that rules governing fiscal and 143064
administrative matters related to implementation of the program 143065
are internal management rules and shall be adopted under section 143066

111.15 of the Revised Code. 143067

Sec. 5101.856. (A)(1) The kinship care navigator program 143068
shall be funded to the extent that general revenue funds have been 143069
appropriated by the general assembly for that purpose. 143070

(2) The director of ~~job~~ children and ~~family services~~ youth 143071
shall take any action necessary to obtain funds available for the 143072
kinship care navigator program under Title IV-E of the "Social 143073
Security Act," 94 Stat. 501 (1980), 42 U.S.C. 670, as amended. 143074

(B) The department shall pay the full nonfederal share for 143075
the kinship care navigator program. No county department of job 143076
and family services or public children services agency shall be 143077
responsible for the cost of the program. 143078

Sec. 5101.881. There is hereby established the kinship 143079
support program. The department of ~~job~~ children and ~~family~~ 143080
~~services~~ youth shall coordinate and administer the program to the 143081
extent funds are appropriated and allocated for this purpose. 143082

Sec. 5101.885. Kinship support program payments under section 143083
5101.884 of the Revised Code shall be ten dollars and twenty cents 143084
per child, per day, to the extent funds are available. The 143085
department of ~~job~~ children and ~~family services~~ youth shall 143086
increase the payment amount on January 1, 2022, and on the first 143087
day of each January thereafter by the cost-of-living adjustment 143088
made in the immediately preceding December. 143089

Sec. 5101.8811. The director of ~~job~~ children and ~~family~~ 143090
~~services~~ youth may adopt rules for the administration of the 143091
kinship support program in accordance with section 111.15 of the 143092
Revised Code. 143093

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the 143094

Revised Code:	143095
(A)(1) "Association" or "institution" includes all of the following:	143096
	143097
(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks;	143098
	143099
	143100
(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage;	143101
	143102
	143103
	143104
(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children.	143105
	143106
	143107
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	143109
	143110
(2) "Association" or "institution" does not include any of the following:	143111
	143112
(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;	143113
	143114
	143115
	143116
	143117
	143118
	143119
(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;	143120
	143121
	143122
(c) A private, nonprofit therapeutic wilderness camp;	143123
(d) A qualified organization as defined in section 2151.90 of	143124

the Revised Code. 143125

(B) "Family foster home" means a foster home that is not a 143126
specialized foster home. 143127

(C) "Foster caregiver" means a person holding a valid foster 143128
home certificate issued under section 5103.03 of the Revised Code. 143129

(D) "Foster home" means a private residence in which children 143130
are received apart from their parents, guardian, or legal 143131
custodian, by an individual reimbursed for providing the children 143132
nonsecure care, supervision, or training twenty-four hours a day. 143133
"Foster home" does not include care provided for a child in the 143134
home of a person other than the child's parent, guardian, or legal 143135
custodian while the parent, guardian, or legal custodian is 143136
temporarily away. Family foster homes and specialized foster homes 143137
are types of foster homes. 143138

(E) "Kinship caregiver" has the same meaning as in section 143139
5101.85 of the Revised Code. 143140

(F) "Medically fragile foster home" means a foster home that 143141
provides specialized medical services designed to meet the needs 143142
of children with intensive health care needs who meet all of the 143143
following criteria: 143144

(1) Under rules adopted by the medicaid director governing 143145
medicaid payments for long-term care services, the children 143146
require a skilled level of care. 143147

(2) The children require the services of a doctor of medicine 143148
or osteopathic medicine at least once a week due to the 143149
instability of their medical conditions. 143150

(3) The children require the services of a registered nurse 143151
on a daily basis. 143152

(4) The children are at risk of institutionalization in a 143153
hospital, skilled nursing facility, or intermediate care facility 143154

for individuals with intellectual disabilities. 143155

(G) "Private, nonprofit therapeutic wilderness camp" means a 143156
structured, alternative residential setting for children who are 143157
experiencing emotional, behavioral, moral, social, or learning 143158
difficulties at home or school in which all of the following are 143159
the case: 143160

(1) The children spend the majority of their time, including 143161
overnight, either outdoors or in a primitive structure. 143162

(2) The children have been placed there by their parents or 143163
another relative having custody. 143164

(3) The camp accepts no public funds for use in its 143165
operations. 143166

(H) "Recommending agency" means a public children services 143167
agency, private child placing agency, or private noncustodial 143168
agency that recommends that the department of ~~job~~ children and 143169
~~family services~~ youth take any of the following actions under 143170
section 5103.03 of the Revised Code regarding a foster home: 143171

(1) Issue a certificate; 143172

(2) Deny a certificate; 143173

(3) Renew a certificate; 143174

(4) Deny renewal of a certificate; 143175

(5) Revoke a certificate. 143176

(I) "Resource caregiver" means a foster caregiver or a 143177
kinship caregiver. 143178

(J) "Resource family" means a foster home or the kinship 143179
caregiver family. 143180

(K) "Specialized foster home" means a medically fragile 143181
foster home or a treatment foster home. 143182

(L) "Treatment foster home" means a foster home that 143183

incorporates special rehabilitative services designed to treat the 143184
specific needs of the children received in the foster home and 143185
that receives and cares for children who are emotionally or 143186
behaviorally disturbed, who are chemically dependent, who have 143187
developmental disabilities, or who otherwise have exceptional 143188
needs. 143189

Sec. 5103.03. (A) The director of ~~job~~ children and ~~family~~ 143190
~~services~~ youth shall adopt rules as necessary for the adequate and 143191
competent management and certification of institutions or 143192
associations. The director shall ensure that foster care home 143193
study rules adopted under this section align any home study 143194
content, time period, and process with any home study content, 143195
time period, and process required by rules adopted under section 143196
3107.033 of the Revised Code. 143197

(B)(1) Except for facilities under the control of the 143198
department of youth services, places of detention for children 143199
established and maintained pursuant to sections 2152.41 to 2152.44 143200
of the Revised Code, and child day-care centers subject to Chapter 143201
5104. of the Revised Code, the department of ~~job~~ children and 143202
~~family services~~ youth shall pass upon the fitness of every 143203
institution and association that receives, or desires to receive 143204
and care for children, or places children in private homes, at a 143205
frequency established by rules adopted under division (A) of this 143206
section. 143207

(2) When the department of ~~job~~ children and ~~family services~~ 143208
youth is satisfied as to the care given such children, and that 143209
the requirements of the statutes and rules covering the management 143210
of such institutions and associations are being complied with, it 143211
shall issue to the institution or association a certificate to 143212
that effect. A certificate is valid for a length of time 143213
determined by rules adopted under division (A) of this section. 143214

When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a false statement that is included as a part of certification under this section is guilty of the offense of falsification under section 2921.13 of the Revised Code and the department shall not certify that institution or association.

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that the institution or association is in violation of law or rule. No juvenile court shall commit a child to an association or institution that is required to be certified under this section if its certificate has been revoked or, if after revocation, the date of reissue is less than fifteen months prior to the proposed commitment.

(D) On a frequency specified by the department by rules 143246
adopted under division (A) of this section, each institution or 143247
association desiring certification or recertification shall submit 143248
to the department a report showing its condition, management, 143249
competency to care adequately for the children who have been or 143250
may be committed to it or to whom it provides care or services, 143251
the system of visitation it employs for children placed in private 143252
homes, and other information the department requires. 143253

(E) The department shall, not less than once each year, send 143254
a list of certified institutions and associations to each juvenile 143255
court and certified association or institution. 143256

(F) No person shall receive children or receive or solicit 143257
money on behalf of such an institution or association not so 143258
certified or whose certificate has been revoked. 143259

(G)(1) The director may delegate by rule any duties imposed 143260
on it by this section to inspect and approve family foster homes 143261
and specialized foster homes to public children services agencies, 143262
private child placing agencies, or private noncustodial agencies. 143263

(2) The director shall adopt rules that require a foster 143264
caregiver or other individual certified to operate a foster home 143265
under this section to notify the recommending agency that the 143266
foster caregiver or other individual is licensed to operate a type 143267
B family day-care home under Chapter 5104. of the Revised Code. 143268

(H) If the director of ~~job~~ children and ~~family services~~ youth 143269
determines that an institution or association that cares for 143270
children is operating without a certificate, the director may 143271
petition the court of common pleas in the county in which the 143272
institution or association is located for an order enjoining its 143273
operation. The court shall grant injunctive relief upon a showing 143274
that the institution or association is operating without a 143275
certificate. 143276

(I) If both of the following are the case, the director of job children and ~~family services~~ youth may petition the court of common pleas of any county in which an institution or association that holds a certificate under this section operates for an order, and the court may issue an order, preventing the institution or association from receiving additional children into its care or an order removing children from its care:

(1) The department has evidence that the life, health, or safety of one or more children in the care of the institution or association is at imminent risk.

(2) The department has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the certificate of the institution or association.

Sec. 5103.031. Except as provided in section 5103.033 of the Revised Code, the department of job children and ~~family services~~ youth may not issue a certificate under section 5103.03 of the Revised Code to a foster home unless the prospective foster caregiver successfully completes preplacement training through a preplacement training program approved by the department of job children and ~~family services~~ youth under section 5103.038 of the Revised Code or preplacement training provided under division (B) of section 5103.30 of the Revised Code.

Sec. 5103.032. (A) Except as provided in division (B) of this section and in section 5103.033 of the Revised Code, the department of job children and ~~family services~~ youth may not renew a foster home certificate under section 5103.03 of the Revised Code unless the foster caregiver successfully completes continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code.

(B) A foster caregiver shall be given an additional amount of 143307
time within which the foster caregiver must complete the 143308
continuing training required under division (A) of this section in 143309
accordance with rules adopted by the department of ~~job~~ children 143310
and ~~family services~~ youth if either of the following applies: 143311

(1) The foster caregiver has served in active duty outside 143312
this state with a branch of the armed forces of the United States 143313
for more than thirty days in the preceding two-year period. 143314

(2) The foster caregiver has served in active duty as a 143315
member of the Ohio organized militia, as defined in section 143316
5923.01 of the Revised Code, for more than thirty days in the 143317
preceding two-year period and that active duty relates to either 143318
an emergency in or outside of this state or to military duty in or 143319
outside of this state. 143320

Sec. 5103.033. (A) The department of ~~job~~ children and ~~family~~ 143321
~~services~~ youth may issue or renew a certificate under section 143322
5103.03 of the Revised Code to a foster home for the care of a 143323
child who is in the custody of a public children services agency 143324
or private child placing agency pursuant to an agreement entered 143325
into under section 5103.15 of the Revised Code regarding a child 143326
who was less than six months of age on the date the agreement was 143327
executed if the prospective foster caregiver or foster caregiver 143328
successfully completes the following: 143329

(1) A preplacement training program approved under section 143330
5103.038 of the Revised Code or a program provided under division 143331
(B) of section 5103.30 of the Revised Code; 143332

(2) Continuing training in accordance with the foster 143333
caregiver's needs assessment and continuing training plan 143334
developed and implemented under section 5103.035 of the Revised 143335
Code. 143336

(B) A foster caregiver to whom either division (B)(1) or (2) of this section applies shall be given an additional amount of time within which to complete the continuing training required under division (A)(2) of this section in accordance with rules adopted by the department of ~~job children and family services~~ youth:

(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state.

Sec. 5103.034. (A) Private child placing agencies and private noncustodial agencies operating a preplacement or continuing training program approved by the department of ~~job children and family services~~ youth under section 5103.038 of the Revised Code shall make the program available to a prospective foster caregiver or foster caregiver without regard to the type of recommending agency from which the prospective foster caregiver or foster caregiver seeks a recommendation.

(B) A private child placing agency or private noncustodial agency operating a preplacement or continuing training program approved by the department of ~~job children and family services~~ youth under section 5103.038 of the Revised Code may condition the enrollment of a prospective foster caregiver or foster caregiver in the program on either or both of the following:

(1) Availability of space in the training program;

(2) Payment of an instruction or registration fee, if any, by the prospective foster caregiver or foster caregiver's recommending agency.

(C) A private child placing agency or private noncustodial agency operating a preplacement or continuing training program approved by the department of ~~job~~ children and ~~family services~~ youth under section 5103.038 of the Revised Code may contract with a person or governmental entity to administer the program.

Sec. 5103.036. (A) For the purpose of determining whether a prospective foster caregiver or foster caregiver has satisfied the requirement of section 5103.031 or 5103.032 of the Revised Code, a recommending agency shall accept training obtained from either of the following:

(1) Any preplacement or continuing training program approved by the department of ~~job~~ children and ~~family services~~ youth under section 5103.038 of the Revised Code;

(2) The Ohio child welfare training program pursuant to divisions (B) and (C) of section 5103.30 of the Revised Code.

(B) A recommending agency may require that a prospective foster caregiver or foster caregiver successfully complete additional training as a condition of the agency recommending that the department of ~~job~~ children and ~~family services~~ youth certify or recertify the prospective foster caregiver or foster caregiver's foster home under section 5103.03 of the Revised Code.

Sec. 5103.037. (A) Prior to employing or appointing a person as board president, or as an administrator or officer, an institution or association shall do the following regarding the person:

(1) Request a summary report of a search of the uniform statewide automated child welfare information system in accordance

with divisions (A) and (B) of section 5103.18 of the Revised Code; 143397

(2) Request a certified search of the findings for recovery 143398
database; 143399

(3) Conduct a database review at the federal web site known 143400
as the system for award management; 143401

(4) Conduct a search of the United States department of 143402
justice national sex offender public web site. 143403

(B) The institution or association may refuse to hire or 143404
appoint a person as board president, or as an administrator or 143405
officer as follows: 143406

(1) Based solely on the findings of the summary report 143407
described in division (B)(1)(a) of section 5103.18 of the Revised 143408
Code or the results of the search described in division (A)(4) of 143409
this section; 143410

(2) Based on the results of a certified search or database 143411
review described in division (A)(2) or (3) of this section, when 143412
considered within the totality of circumstances. 143413

(C) The director of ~~job~~ children and ~~family services~~ youth 143414
shall adopt rules in accordance with Chapter 119. of the Revised 143415
Code necessary for the implementation and execution of this 143416
section. 143417

Sec. 5103.038. (A) Every other year by a date specified in 143418
rules adopted under section 5103.0316 of the Revised Code, each 143419
private child placing agency and private noncustodial agency that 143420
seeks to operate a preplacement training program or continuing 143421
training program under section 5103.034 of the Revised Code shall 143422
submit to the department of ~~job~~ children and ~~family services~~ youth 143423
a proposal outlining the program. The proposal may be the same as, 143424
a modification of, or different from, a model design developed by 143425
the department. 143426

(B) Not later than thirty days after receiving a proposal 143427
under division (A) of this section, the department shall either 143428
approve or disapprove the proposed program. The department shall 143429
approve a proposed preplacement training program if it complies 143430
with rules adopted under section 5103.0316 of the Revised Code, as 143431
appropriate, and, in the case of a proposal submitted by an agency 143432
operating a preplacement training program at the time the proposal 143433
is submitted, the department is satisfied with the agency's 143434
operation of the program. The department shall approve a proposed 143435
continuing training program if it complies with rules adopted 143436
under section 5103.0316 of the Revised Code and, in the case of a 143437
proposal submitted by an agency operating a continuing training 143438
program at the time the proposal is submitted, the department is 143439
satisfied with the agency's operation of the program. If the 143440
department disapproves a proposal, it shall provide the reason for 143441
disapproval to the agency that submitted the proposal and advise 143442
the agency of how to revise the proposal so that the department 143443
can approve it. 143444

(C) The department's approval under division (B) of this 143445
section of a proposed preplacement training program or continuing 143446
training program is valid only for two years following the year 143447
the proposal for the program is submitted to the department under 143448
division (A) of this section. 143449

Sec. 5103.0310. (A) Prior to employing a person or engaging a 143450
subcontractor, intern, or volunteer, an institution or 143451
association, as defined in division (A)(1)(a) of section 5103.02 143452
of the Revised Code, that is a residential facility, as defined in 143453
division (A)(6) of section 5103.05 of the Revised Code, shall do 143454
the following regarding the person, subcontractor, intern, or 143455
volunteer: 143456

(1) Obtain a search of the United States department of 143457

justice national sex offender public web site regarding the 143458
person; 143459

(2) Obtain a summary report of a search of the uniform 143460
statewide automated child welfare information system in accordance 143461
with divisions (A) and (B) of section 5103.18 of the Revised Code. 143462

(B) An institution or association, as defined in division 143463
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a 143464
residential facility, as defined in division (A)(6) of section 143465
5103.05 of the Revised Code, shall obtain the search and summary 143466
report described in division (A) of this section before hiring a 143467
person, or engaging a subcontractor, intern, or volunteer, who 143468
will have access to children. 143469

(C) If, at the time of ~~the effective date of this amendment~~ 143470
September 30, 2021, the institution or association has not 143471
obtained a report required under division (A) or (B) of this 143472
section for the person, subcontractor, intern, or volunteer, the 143473
institution or association shall obtain the report. 143474

(D) The institution or association may refuse to employ the 143475
person or engage the subcontractor, intern, or volunteer based 143476
solely on the results of the search described in division (A)(1) 143477
or (B) of this section or the findings of the summary report 143478
described in division (B)(1)(a) of section 5103.18 of the Revised 143479
Code. 143480

(E) The director of ~~job children and family services youth~~ 143481
shall adopt rules in accordance with Chapter 119. of the Revised 143482
Code necessary for the implementation and execution of this 143483
section. 143484

Sec. 5103.0312. A public children services agency, private 143485
child placing agency, or private noncustodial agency acting as a 143486
recommending agency for a foster caregiver shall reimburse the 143487

foster caregiver in a lump sum for attending a preplacement 143488
training program operated under section 5103.034 or 5103.30 of the 143489
Revised Code and shall reimburse the foster caregiver a stipend 143490
for attending a continuing training program operated under section 143491
5103.034 or 5103.30 of the Revised Code. The amount of the lump 143492
sum reimbursement and the stipend rate shall be established by the 143493
department of ~~job~~ children and ~~family services~~ youth and shall be 143494
the same regardless of the type of recommending agency from which 143495
the foster caregiver seeks a recommendation. The department shall, 143496
pursuant to rules adopted under section 5103.0316 of the Revised 143497
Code, reimburse the recommending agency for stipend reimbursements 143498
it makes in accordance with this section. The department shall 143499
adopt rules under Chapter 119. of the Revised Code regarding the 143500
release of lump sum stipends to an individual for attending a 143501
preplacement training program. 143502

Sec. 5103.0313. Except as provided in section 5103.303 of the 143503
Revised Code, the department of ~~job~~ children and ~~family services~~ 143504
youth shall compensate a private child placing agency or private 143505
noncustodial agency for the cost of procuring or operating 143506
preplacement and continuing training programs approved by the 143507
department of ~~job~~ children and ~~family services~~ youth under section 143508
5103.038 of the Revised Code for prospective foster caregivers and 143509
foster caregivers who are recommended for initial certification or 143510
recertification by the agency. 143511

The compensation shall be paid to the agency in the form of 143512
an allowance to reimburse the agency for the cost of training 143513
pursuant to the rules adopted by the department of ~~job~~ children 143514
and ~~family services~~ youth in accordance with section 5103.0316 of 143515
the Revised Code. 143516

Sec. 5103.0314. The department of ~~job~~ children and ~~family~~ 143517
~~services~~ youth shall adopt rules regarding the compensation of a 143518

recommending agency for any training the agency requires a foster 143519
caregiver to undergo as a condition of the agency recommending the 143520
department certify the foster caregiver's foster home under 143521
section 5103.03 of the Revised Code if the training is in excess 143522
of the training required under section 5103.031 of the Revised 143523
Code. 143524

The department of ~~job~~ children and ~~family services~~ youth 143525
shall adopt rules regarding the compensation of a recommending 143526
agency for any training the agency requires a foster caregiver to 143527
undergo as a condition of the agency recommending the department 143528
recertify the foster caregiver's foster home under section 5103.03 143529
of the Revised Code if the training is in addition to the minimum 143530
training required under section 5103.032 of the Revised Code. 143531

Sec. 5103.0315. The department of ~~job~~ children and ~~family~~ 143532
~~services~~ youth shall seek federal financial participation for the 143533
cost of making payments under section 5103.0312 of the Revised 143534
Code and allowances under sections 5103.0313 and 5103.303 of the 143535
Revised Code. The department shall notify the governor, president 143536
of the senate, minority leader of the senate, speaker of the house 143537
of representatives, and minority leader of the house of 143538
representatives of any proposed federal legislation that endangers 143539
the federal financial participation. 143540

Sec. 5103.0316. The department of ~~job~~ children and ~~family~~ 143541
~~services~~ youth shall adopt rules in accordance with Chapter 119. 143542
of the Revised Code as necessary for the efficient administration 143543
of sections 5103.031 to 5103.0316 of the Revised Code. The rules 143544
shall provide for all of the following: 143545

(A) For the purpose of section 5103.038 of the Revised Code, 143546
the date by which a private child placing agency or private 143547
noncustodial agency that seeks to operate a preplacement training 143548

program or continuing training program under section 5103.034 of 143549
the Revised Code must submit to the department a proposal 143550
outlining the program; 143551

(B) Requirements governing the department's compensation of 143552
private child placing agencies and private noncustodial agencies 143553
under sections 5103.0312 and 5103.0313 of the Revised Code, 143554
including the allowance to reimburse the agencies for the cost of 143555
providing the training under sections 5103.031, 5103.032, and 143556
5103.033 of the Revised Code; 143557

(C) Requirements governing the continuing training required 143558
by sections 5103.032 and 5103.033 of the Revised Code; 143559

(D) The amount of training hours necessary for preplacement 143560
training and continuing training for purposes of sections 143561
5103.031, 5103.032, and 5103.033 of the Revised Code; 143562

(E) Courses necessary to meet the preplacement and continuing 143563
training requirements for foster homes under sections 5103.031, 143564
5103.032, and 5103.033 of the Revised Code; 143565

(F) Criteria used to create a written needs assessment and 143566
continuing training plan for each foster caregiver as required by 143567
section 5103.035 of the Revised Code; 143568

(G) The amount of preplacement and continuing training hours 143569
that may be completed online; 143570

(H) Any other matter the department considers appropriate. 143571

Sec. 5103.0317. The ~~Director~~ director of ~~Job~~ children and 143572
~~Family Services~~ youth shall adopt rules concerning the maximum 143573
number of children a foster home may receive and any exceptions to 143574
the maximum number. 143575

Sec. 5103.0319. (A) No foster caregiver or prospective foster 143576
caregiver shall fail to notify the recommending agency that 143577

recommended or is recommending the foster caregiver or prospective 143578
foster caregiver for certification in writing if a person at least 143579
twelve years of age but less than eighteen years of age residing 143580
with the foster caregiver or prospective foster caregiver has been 143581
convicted of or pleaded guilty to any of the following or has been 143582
adjudicated to be a delinquent child for committing an act that if 143583
committed by an adult would have constituted such a violation: 143584

(1) A violation of section 2903.01, 2903.02, 2903.03, 143585
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 143586
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 143587
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 143588
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 143589
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 143590
2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 2925.02, 143591
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 143592
Code, a violation of section 2905.04 of the Revised Code as it 143593
existed prior to July 1, 1996, a violation of section 2919.23 of 143594
the Revised Code that would have been a violation of section 143595
2905.04 of the Revised Code as it existed prior to July 1, 1996, 143596
had the violation been committed prior to that date, a violation 143597
of section 2925.11 of the Revised Code that is not a minor drug 143598
possession offense, a violation of section 2923.01 of the Revised 143599
Code that involved an attempt to commit aggravated murder or 143600
murder, an OVI or OVUAC violation if the person previously was 143601
convicted of or pleaded guilty to one or more OVI or OVUAC 143602
violations within the three years immediately preceding the 143603
current violation, or felonious sexual penetration in violation of 143604
former section 2907.12 of the Revised Code; 143605

(2) An offense that would be a felony if committed by an 143606
adult and the court determined that the child, if an adult, would 143607
be guilty of a specification found in section 2941.141, 2941.144, 143608
or 2941.145 of the Revised Code or in another section of the 143609

Revised Code that relates to the possession or use of a firearm, 143610
as defined in section 2923.11 of the Revised Code, during the 143611
commission of the act for which the child was adjudicated a 143612
delinquent child; 143613

(3) A violation of an existing or former law of this state, 143614
any other state, or the United States that is substantially 143615
equivalent to any of the offenses described in division (A)(1) or 143616
(2) of this section. 143617

(B) If a recommending agency learns that a foster caregiver 143618
has failed to comply with division (A) of this section, it shall 143619
notify the department of ~~job~~ children and ~~family services~~ youth 143620
and the department shall revoke the foster caregiver's foster home 143621
certificate. 143622

(C) As used in this section, "OVI or OVUAC violation" means a 143623
violation of section 4511.19 of the Revised Code or a violation of 143624
an existing or former law of this state, any other state, or the 143625
United States that is substantially equivalent to section 4511.19 143626
of the Revised Code. 143627

Sec. 5103.0320. The department of ~~job~~ children and ~~family~~ 143628
~~services~~ youth may deny a foster home certificate on the grounds 143629
that a person at least twelve years of age but less than eighteen 143630
years of age residing with the foster caregiver or prospective 143631
foster caregiver has been convicted of or pleaded guilty to an 143632
offense described in division (A) of section 5103.0319 of the 143633
Revised Code or has been adjudicated to be a delinquent child for 143634
committing an act that if committed by an adult would have 143635
constituted such an offense. 143636

Sec. 5103.0321. On receipt of notice under section 5103.0319 143637
of the Revised Code, the recommending agency shall do all of the 143638
following: 143639

(A) Review the foster caregiver's foster home certificate. 143640
After review, the agency may recommend that the department of ~~job~~ 143641
children and ~~family services~~ youth revoke the certificate. 143642

(B) Review the placement in the foster home of any child of 143643
whom the agency has temporary, legal, or permanent custody. After 143644
review, the agency may, consistent with any juvenile court order, 143645
remove the child from the foster home in which the child is 143646
residing and place the child in another certified foster home. 143647

(C) If the agency does not have temporary, legal, or 143648
permanent custody of a foster child residing in the foster home, 143649
notify the entity that has custody that it has received a notice 143650
under section 5103.0319 of the Revised Code. 143651

(D) Assess the foster caregiver's need for training because 143652
of the conviction, plea of guilty, or adjudication described in 143653
section 5103.0319 of the Revised Code and provide any necessary 143654
training. 143655

Sec. 5103.0322. On receipt of a recommendation from a public 143656
children services agency, private child placing agency, or private 143657
noncustodial agency regarding an application for, or renewal of, a 143658
family foster home or treatment foster home certification under 143659
section 5103.03 of the Revised Code, the department of ~~job~~ 143660
children and ~~family services~~ youth shall decide whether to issue 143661
or renew the certificate. The department shall notify the agency 143662
and the applicant or certificate holder of its decision. If the 143663
department's decision is different from the recommendation of the 143664
agency, the department shall state in the notice the reason that 143665
the decision is different from the recommendation. 143666

Sec. 5103.0323. (A) As used in this section, "American 143667
institute of certified public accountants auditing standards" and 143668
"AICPA auditing standards" mean the auditing standards published 143669

by the American institute of certified public accountants. 143670

(B) The first time that a private child placing agency or 143671
private noncustodial agency seeks renewal of a certificate issued 143672
under section 5103.03 of the Revised Code, it shall provide the 143673
department of ~~job~~ children and ~~family services~~ youth, as a 143674
condition of renewal, evidence of an independent financial 143675
statement audit performed by a licensed public accounting firm 143676
following applicable AICPA auditing standards for the most recent 143677
fiscal year. Thereafter, when an agency seeks renewal of its 143678
certificate, it shall provide the department evidence of an 143679
independent financial statement audit performed by a licensed 143680
public accounting firm following applicable AICPA auditing 143681
standards for the two most recent previous fiscal years it is 143682
possible for an independent audit to have been conducted. 143683

(C) For an agency to be eligible for renewal, the independent 143684
audits must demonstrate that the agency operated in a fiscally 143685
accountable manner as determined by the department of ~~job~~ children 143686
and ~~family services~~ youth. 143687

(D) The director of ~~job~~ children and ~~family services~~ youth 143688
may adopt rules as necessary to implement this section. The 143689
director shall adopt the rules in accordance with section 111.15 143690
of the Revised Code. 143691

Sec. 5103.0325. Notwithstanding section 106.03 of the Revised 143692
Code, the department of ~~job~~ children and ~~family services~~ youth 143693
shall review once every two years the department's rules governing 143694
visits and contacts by a public children services agency or 143695
private child placing agency with a child in the agency's custody 143696
and placed in foster care in this state. The department shall 143697
adopt rules in accordance with Chapter 119. of the Revised Code to 143698
ensure compliance with the department's rules governing agency 143699
visits and contacts with a child in its custody. 143700

Sec. 5103.0326. (A) A recommending agency may recommend that 143701
the department of ~~job~~ children and ~~family services~~ youth not renew 143702
a foster home certificate under section 5103.03 of the Revised 143703
Code if the foster caregiver refused to accept the placement of 143704
any children into the foster home during the current certification 143705
period. Based on the agency's recommendation, the department may 143706
refuse to renew a foster home certificate. 143707

(B) The department of ~~job~~ children and ~~family services~~ youth 143708
may revoke the certification of any foster caregiver who has not 143709
cared for one or more foster children in the foster caregiver's 143710
home within the preceding twelve months. Prior to the revocation 143711
of any certification pursuant to this division, the recommending 143712
agency shall have the opportunity to provide good cause for the 143713
department to continue the certification and not revoke the 143714
certification. If the department decides to revoke the 143715
certification, the department shall notify the recommending agency 143716
that the certification will be revoked. 143717

Sec. 5103.0328. (A) Not later than ninety-six hours after 143718
receiving notice from the superintendent of the bureau of criminal 143719
identification and investigation pursuant to section 109.5721 of 143720
the Revised Code that a foster caregiver has been arrested for, 143721
convicted of, or pleaded guilty to any foster 143722
caregiver-disqualifying offense, and not later than ninety-six 143723
hours after learning in any other manner that a foster caregiver 143724
has been arrested for, convicted of, or pleaded guilty to any 143725
foster caregiver-disqualifying offense, the department of ~~job~~ 143726
children and ~~family services~~ youth shall provide notice of that 143727
arrest, conviction, or guilty plea to both the recommending agency 143728
relative to the foster caregiver and the custodial agency of any 143729
child currently placed with that caregiver. 143730

(B) If a recommending agency receives notice from the 143731

department of ~~job~~ children and ~~family services~~ youth pursuant to 143732
division (A) of this section that a foster caregiver has been 143733
convicted of or pleaded guilty to any foster 143734
caregiver-disqualifying offense, or if a recommending agency 143735
learns in any other manner that a foster caregiver has been 143736
convicted of or pleaded guilty to any foster 143737
caregiver-disqualifying offense, the recommending agency shall 143738
assess the foster caregiver's overall situation for safety 143739
concerns and forward any recommendations, if applicable, for 143740
revoking the foster caregiver's certificate to the department for 143741
the department's review for possible revocation. 143742

(C) As used in this section, "foster caregiver-disqualifying 143743
offense" means any offense or violation listed or described in 143744
division (C)(1) of section 2151.86 of the Revised Code. 143745

Sec. 5103.0329. (A) A recommending agency may submit a 143746
request to the department of ~~job~~ children and ~~family services~~ 143747
youth, on a case-by-case basis only, to waive any non-safety 143748
standards for a kinship caregiver seeking foster home 143749
certification. Non-safety standards include training hours and 143750
other requirements under sections 5103.031, 5103.032, and 5103.039 143751
of the Revised Code and standards established by rules adopted 143752
under sections 5103.03 and 5103.0316 of the Revised Code, in 143753
accordance with 42 U.S.C. 671 (a)(10). 143754

(B) "Kinship caregiver" has the same meaning as in section 143755
5101.85 of the Revised Code. 143756

Sec. 5103.04. No association whose object embraces the care 143757
of dependent, neglected, abused, or delinquent children, or the 143758
placing of such children in private homes, shall be incorporated 143759
unless the proposed articles of incorporation have been submitted 143760
first to the department of ~~job~~ children and ~~family services~~ youth. 143761

The secretary of state shall not issue a certificate of 143762
incorporation to such association until there is filed in the 143763
secretary of state's office the certificate of the department that 143764
it has examined the articles of incorporation, that in its 143765
judgment the incorporators are reputable and respectable persons, 143766
the proposed work is needed, and the incorporation of such 143767
association is desirable and for the public good. 143768

Amendments proposed to the articles of incorporation of any 143769
such association shall be submitted in like manner to the 143770
department, and the secretary of state shall not record such 143771
amendment or issue a certificate therefor until there is filed in 143772
the secretary of state's office the certificate of the department 143773
that it has examined such amendment, that the association in 143774
question is performing in good faith the work undertaken by it, 143775
and that such amendment is a proper one, and for the public good. 143776

Sec. 5103.05. (A) As used in this section and section 143777
5103.051 of the Revised Code: 143778

(1) "Children's residential center" means a facility that is 143779
operated by a private child placing agency, private noncustodial 143780
agency, or public children services agency, that has been 143781
certified by the department of ~~job children and family services~~ 143782
youth to operate a children's residential center, and in which 143783
eleven or more children, including the children of any staff 143784
residing at the facility, are given nonsecure care and supervision 143785
twenty-four hours a day. 143786

(2) "Children's crisis care facility" has the same meaning as 143787
in section 5103.13 of the Revised Code. 143788

(3) "County children's home" means a facility established 143789
under section 5153.21 of the Revised Code. 143790

(4) "District children's home" means a facility established 143791

under section 5153.42 of the Revised Code. 143792

(5) "Group home for children" means any public or private 143793
facility that is operated by a private child placing agency, 143794
private noncustodial agency, or public children services agency, 143795
that has been certified by the department to operate a group home 143796
for children, and that meets all of the following criteria: 143797

(a) Gives, for compensation, a maximum of ten children, 143798
including the children of the operator or any staff who reside in 143799
the facility, nonsecure care and supervision twenty-four hours a 143800
day by a person or persons who are unrelated to the children by 143801
blood or marriage, or who is not the appointed guardian of any of 143802
the children; 143803

(b) Is not certified as a foster home; 143804

(c) Receives or cares for children for two or more 143805
consecutive weeks. 143806

"Group home for children" does not include any facility that 143807
provides care for children from only a single-family group, placed 143808
at the facility by the children's parents or other relative having 143809
custody. 143810

(6) "Residential facility" means a group home for children, 143811
children's crisis care facility, children's residential center, 143812
residential parenting facility that provides twenty-four-hour 143813
child care, county children's home, or district children's home. A 143814
foster home is not a residential facility. 143815

(7) "Residential parenting facility" means a facility 143816
operated by a private child placing agency, private noncustodial 143817
agency, or public children services agency, that has been 143818
certified by the department to operate a residential parenting 143819
facility, in which teenage mothers and their children reside for 143820
the purpose of keeping mother and child together, teaching 143821
parenting and life skills to the mother, and assisting teenage 143822

mothers in obtaining educational or vocational training and 143823
skills. 143824

(8) "Nonsecure care and supervision" means care and 143825
supervision of a child in a residential facility that does not 143826
confine or prevent movement of the child within the facility or 143827
from the facility. 143828

(B) Within ten days after the commencement of operations at a 143829
residential facility, the facility shall provide the following to 143830
all county, municipal, or township law enforcement agencies, 143831
emergency management agencies, and fire departments with 143832
jurisdiction over the facility: 143833

(1) Written notice that the facility is located and will be 143834
operating in the agency's or department's jurisdiction. The 143835
written notice shall provide the address of the facility, identify 143836
the facility as a group home for children, children's crisis care 143837
facility, children's residential center, residential parenting 143838
facility, county children's home, or district children's home, and 143839
provide contact information for the facility. 143840

(2) A copy of the facility's procedures for emergencies and 143841
disasters established pursuant to rules adopted under section 143842
5103.03 of the Revised Code; 143843

(3) A copy of the facility's medical emergency plan 143844
established pursuant to rules adopted under section 5103.03 of the 143845
Revised Code; 143846

(4) A copy of the facility's community engagement plan 143847
established pursuant to rules adopted under section 5103.051 of 143848
the Revised Code. 143849

(C) Within ten days of a facility's recertification by the 143850
department, the facility shall provide to all county, municipal, 143851
or township law enforcement agencies, emergency management 143852
agencies, and fire departments with jurisdiction over the facility 143853

updated copies of the information required to be provided under 143854
divisions (B)(2), (3), and (4) of this section. 143855

(D) The department may adopt rules in accordance with Chapter 143856
119. of the Revised Code necessary to implement this section. 143857

Sec. 5103.051. (A) Each private child placing agency, private 143858
noncustodial agency, public children services agency, or 143859
superintendent of a county or district children's home shall 143860
establish a community engagement plan in accordance with rules 143861
adopted under division (B) of this section for each residential 143862
facility the agency, entity, or superintendent operates. 143863

~~(B)(1)(B)~~ The department of ~~job children~~ and ~~family services~~ 143864
~~youth~~ shall adopt rules in accordance with Chapter 119. of the 143865
Revised Code that establish the following: 143866

~~(a)(1)~~ The contents of a community engagement plan to be 143867
established under division (A) of this section that includes the 143868
following: 143869

~~(i)(a)~~ Protocols for the community in which a residential 143870
facility is located to communicate concerns or other pertinent 143871
information directly to the agency or entity; 143872

~~(ii)(b)~~ Protocols for the agency or entity in responding to a 143873
communication made under division ~~(B)(1)(a)(i)(B)(1)(a)~~ of this 143874
section. 143875

~~(b)(2)~~ Orientation procedures for training residential 143876
facility staff on the implementation of the community engagement 143877
plan established under division (A) of this section and procedures 143878
for responding to incidents involving a child at the facility and 143879
neighbors or the police. 143880

~~(2)~~ The department shall file initial rules adopted under 143881
division ~~(B)(1)~~ of this section within ninety days after the 143882
effective date of this section. 143883

Sec. 5103.07. The department of ~~job~~ children and ~~family~~ services youth shall administer funds received under Title IV-B of the "Social Security Act," 81 Stat. 821 (1967), 42 U.S.C.A. 620, as amended, and the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering these funds, the department may establish a child welfare services program and a child abuse and neglect prevention and adoption reform program. The department has all powers necessary for the adequate administration of these funds and programs. The director of ~~job~~ children and ~~family~~ services youth may adopt rules as necessary to carry out the purposes of this section.

Sec. 5103.08. The department of ~~job~~ children and ~~family~~ services youth may enter into contracts with the department of education authorizing the department of ~~job~~ children and ~~family~~ services youth to administer funds received by the department of education under the "State Dependent Care Development Grants Act," 100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling its duties under such a contract, the department of ~~job~~ children and ~~family~~ services youth may make grants to or enter into contracts with other public or private entities.

Sec. 5103.11. There is hereby created the foster care and adoption initiatives fund. The fund shall be in the custody of the treasurer of state, but shall not be part of the state treasury. The fund shall consist of moneys collected under section 2919.1912 of the Revised Code. All interest earned on the fund shall be credited to the fund. The purpose of the fund is to provide funding for foster care and adoption services and initiatives. The department of ~~job~~ children and ~~family~~ services youth shall allocate moneys from the fund according to the following distribution:

(A) Fifty per cent of the moneys in the fund shall be used 143914
for foster care services and initiatives. 143915

(B) Fifty per cent of the moneys in the fund shall be used 143916
for adoption services and initiatives. 143917

Sec. 5103.12. (A) As used in this section: 143918

(1) "Hearing" has the same meaning as in section 119.01 of 143919
the Revised Code. 143920

(2) "Permanent custody" has the same meaning as in section 143921
2151.011 of the Revised Code. 143922

(B) The department of ~~job~~ children and ~~family services~~ youth 143923
may enter into agreements with public children services agencies 143924
and private child placing agencies under which the department will 143925
make payments to encourage the adoptive placement of children in 143926
the permanent custody of a public children services agency. If the 143927
department terminates, or refuses to enter into or renew, an 143928
agreement with a public children services agency or private child 143929
placing agency under this section, the agency is entitled to a 143930
hearing. 143931

Notwithstanding section 127.16 of the Revised Code, the 143932
department is not required to follow competitive selection 143933
procedures or to receive the approval of the controlling board to 143934
enter into agreements under this section or to make payments 143935
pursuant to the agreements. 143936

(C) The director of ~~job~~ children and ~~family services~~ youth 143937
shall adopt rules in accordance with Chapter 119. of the Revised 143938
Code to implement this section, including rules that establish all 143939
of the following: 143940

(1) A single, uniform agreement that, at a minimum, 143941
prescribes a payment schedule and the terms and conditions with 143942
which a public children services agency or private child placing 143943

agency must comply to receive a payment;	143944
(2) Eligibility requirements a public children services agency or private child placing agency must meet to enter into an agreement with the department;	143945 143946 143947
(3) Eligibility requirements that a child who is the subject of an agreement must meet;	143948 143949
(4) Other administrative and operational requirements.	143950
Sec. 5103.13. (A) As used in this section and section 5103.131 of the Revised Code:	143951 143952
(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:	143953 143954 143955
(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;	143956 143957 143958 143959
(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.	143960 143961 143962 143963 143964 143965
(b) "Children's crisis care facility" does not include any of the following:	143966 143967
(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services,	143968 143969 143970 143971 143972 143973

or the department of developmental disabilities; 143974

(ii) Any individual who provides care for only a 143975
single-family group, placed there by their parents or other 143976
relative having custody; 143977

(iii) Any residential infant care center, as an entity deemed 143978
a residential infant care center under section 5103.602 of the 143979
Revised Code shall no longer be licensed as a children's crisis 143980
care center. 143981

(2) "Legal custody" and "permanent custody" have the same 143982
meanings as in section 2151.011 of the Revised Code. 143983

(3) "Pediatric medical service" means medical service 143984
required to be provided by, or with oversight from, a licensed 143985
medical professional, including prescribing medication, 143986
administering rectal or intravenous medication, and outpatient 143987
laboratory service, and providing for sick visits, on-site well 143988
child exams, and children assisted by medical technology. 143989

(4) "Preteen" means an individual under thirteen years of 143990
age. 143991

(B) No person shall operate a children's crisis care facility 143992
or hold a children's crisis care facility out as a certified 143993
children's crisis care facility unless there is a valid children's 143994
crisis care facility certificate issued under this section for the 143995
facility. 143996

(C)(1) A person seeking to operate a children's crisis care 143997
facility shall apply to the director of ~~job~~ children and ~~family~~ 143998
~~services~~ youth to obtain a certificate for the facility. 143999

(2)(a) The director shall certify the person's children's 144000
crisis care facility if the facility meets all of the 144001
certification standards established in rules adopted under 144002
division (H) of this section and the person complies with all of 144003

the rules governing the certification of children's crisis care facilities adopted under that division. The issuance of a children's crisis care facility certificate does not exempt the facility from a requirement to obtain another certificate or license mandated by law.

(b) The director shall not issue a waiver to a person for compliance with any of the requirements imposed under this section or any of the rules adopted under division (H) of this section.

(D) No certified children's crisis care facility shall do any of the following:

(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;

(2) Provide residential care to a preteen for more than ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E)(4) of this section;

(3) Provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;

(4) Fail to comply with section 2151.86 of the Revised Code.

(E) A certified children's crisis care facility shall do the following:

(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor;

(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service:

(a) Medical service to be provided by a qualified, licensed, and insured medical professional;

(b) All staff, volunteers, and interns to comply with the 144034
privacy requirements of the "Health Insurance Portability and 144035
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 144036
42 U.S.C. 1320d et seq., as amended; 144037

(c) If a preteen is admitted by the preteen's parent or 144038
caretaker and if the preteen requires ongoing medical care 144039
following discharge from the facility, a medical professional or 144040
licensed social worker to make the medical professional's or 144041
social worker's best effort to ensure the parent or caretaker is 144042
competent to provide the ongoing care; 144043

(d) The facility to have a dedicated and private enclosed 144044
space for the purpose of a medical professional to receive and 144045
treat patients and that contains a sink or tub, medical exam 144046
table, medical record system, and pediatric medical equipment. 144047

(3) Require, if a preteen is admitted by the preteen's parent 144048
or caretaker, the facility's licensed social worker, licensed 144049
independent social worker, licensed professional counselor, or 144050
licensed professional clinical counselor to make their best 144051
efforts to ensure the parent or caretaker is competent in the 144052
basic parenting skills needed to care for the preteen; 144053

(4) Require only a transfer summary for the transfer of a 144054
preteen from one certified children's crisis care facility 144055
location to another, if the facility has more than one location; 144056

(5) Require the facility to have a dedicated and private 144057
enclosed space for the purpose of completing required admission 144058
paperwork and medical forms; 144059

(6) Require the facility to develop a visitation plan for the 144060
preteen's parent or caretaker with the preteen while residential 144061
care is being provided, which shall occur during awake hours and 144062
not include overnight visits, for the parent or caretaker with the 144063
preteen. 144064

(F) A certified children's crisis care facility may do the following: 144065
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(1) Count administrative staff, interns, and volunteers toward child staff ratios required under paragraph (G) of rule 5101:2-9-36 of the Administrative Code for up to three hours if the administrative staff, interns, or volunteers meet the following requirements: 144067
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(a) Completed training in the mission of the children's crisis care facility; 144072
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(b) Completed training pursuant to rule 5101:2-9-03 of the Administrative Code; 144074
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(c) Are supervised by facility staff. 144076

(2) Use contracted transportation providers, on whom criminal records checks have been conducted in accordance with section 2151.86 of the Revised Code, to transport preteens, if such use is necessary for the facility to maintain required child staff ratios. 144077
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(G) The director of ~~job children and family services youth~~ job children and family services youth may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates or fails to comply with any of the requirements under this section or ceases to meet any of the certification standards established in rules adopted under division (H) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division. 144082
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(H) ~~Not later than ninety days after September 21, 2006, the~~ The director of ~~job children and family services youth~~ job children and family services youth shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an 144091
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applicant if the conditions at the children's crisis care facility 144096
would jeopardize the health or safety of the preteens placed in 144097
the facility. 144098

Sec. 5103.131. The department of ~~job~~ children and ~~family~~ 144099
~~services~~ youth may apply to the United States secretary of health 144100
and human services for a federal grant under the "Child Abuse 144101
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 144102
First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, 144103
to assist children's crisis care facilities certified under 144104
section 5103.13 of the Revised Code in providing temporary 144105
residential and other care to preteens. 144106

Sec. 5103.14. The department of ~~job~~ children and ~~family~~ 144107
~~services~~ youth shall enforce sections 2151.39, 5103.15, and 144108
5103.16 of the Revised Code. 144109

Sec. 5103.151. (A) As used in this section and in section 144110
5103.152 of the Revised Code, "identifying information" has the 144111
same meaning as in section 3107.01 of the Revised Code. 144112

(B) Except as provided in division (C) of this section, a 144113
parent of a minor who will be, if adopted, an adopted person as 144114
defined in section 3107.45 of the Revised Code shall do all of the 144115
following as a condition of a juvenile court approving the 144116
parent's agreement with a public children services agency or 144117
private child placing agency under division (B)(1) of section 144118
5103.15 of the Revised Code: 144119

(1) Appear personally before the court; 144120

(2) Sign the component of the form prescribed under division 144121
(A)(1)(a) of section 3107.083 of the Revised Code; 144122

(3) Check either the "yes" or "no" space provided on the 144123
component of the form prescribed under division (A)(1)(b) of 144124

section 3107.083 of the Revised Code and sign that component; 144125

(4) If the parent is the mother, complete and sign the 144126
component of the form prescribed under division (A)(1)(c) of 144127
section 3107.083 of the Revised Code. 144128

At the time the parent signs the components of the form 144129
prescribed under divisions (A)(1)(a), (b), and (c) of section 144130
3107.083 of the Revised Code, the parent may sign, if the parent 144131
chooses to do so, the components of the form prescribed under 144132
divisions (A)(1)(d), (e), and (f) of that section. After the 144133
parent signs the components required to be signed and any 144134
discretionary components the parent chooses to sign, the parent or 144135
agency shall file the form and agreement with the court. The court 144136
or agency shall give the parent a copy of the form and agreement. 144137
The court and agency shall keep a copy of the form and agreement 144138
in the court and agency's records. The agency shall file a copy of 144139
the form and agreement with the probate court with which a 144140
petition to adopt the child who is the subject of the agreement is 144141
filed. 144142

The juvenile court shall question the parent to determine 144143
that the parent understands the adoption process, the 144144
ramifications of entering into a voluntary permanent custody 144145
surrender agreement, each component of the form prescribed under 144146
division (A)(1) of section 3107.083 of the Revised Code, and that 144147
the child and adoptive parent may receive identifying information 144148
about the parent in accordance with section 3107.47 of the Revised 144149
Code unless the parent checks the "no" space provided on the 144150
component of the form prescribed under division (A)(1)(b) of 144151
section 3107.083 of the Revised Code or has a denial of release 144152
form filed with the department of health under section 3107.46 of 144153
the Revised Code. The court also shall question the parent to 144154
determine that the parent enters into the permanent custody 144155
surrender agreement voluntarily and any decisions the parent makes 144156

in filling out the form prescribed under division (A)(1) of 144157
section 3107.083 of the Revised Code are made voluntarily. 144158

(C) A juvenile court may approve an agreement entered into 144159
under division (B)(1) of section 5103.15 of the Revised Code 144160
between a public children services agency or private child placing 144161
agency and the parents of a child who is less than six months of 144162
age and will be, if adopted, an adopted person as defined in 144163
section 3107.45 of the Revised Code without the parents personally 144164
appearing before the court if both parents do all of the 144165
following: 144166

(1) Enter into the agreement with the agency; 144167

(2) Sign the component of the form prescribed under division 144168
(A)(1)(a) of section 3107.083 of the Revised Code; 144169

(3) Check either the "yes" or "no" space provided on the 144170
component of the form prescribed under division (A)(1)(b) of 144171
section 3107.083 of the Revised Code and sign that component. 144172

At the time the parents sign the components of the form 144173
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 144174
of the Revised Code, the mother shall complete and sign the 144175
component of the form prescribed under division (A)(1)(c) of that 144176
section and the agency shall provide the parents the opportunity 144177
to sign, if they choose to do so, the components of the form 144178
prescribed under divisions (A)(1)(d), (e), and (f) of that 144179
section. Not later than two business days after the parents enter 144180
into the agreements and sign the components of the form required 144181
to be signed and any discretionary components the parents choose 144182
to sign, the agency shall file the agreements and forms with the 144183
court. The agency shall give the parents a copy of the agreements 144184
and forms. At the time the agency files the agreements and forms 144185
with the court, the agency also shall file with the court all 144186
other documents the director of ~~job~~ children and ~~family services~~ 144187

youth requires by rules adopted under division (D) of section 144188
3107.083 of the Revised Code to be filed with the court. The court 144189
and agency shall keep a copy of the agreements, forms, and 144190
documents in the court and attorney's records. The agency shall 144191
file a copy of the agreements, forms, and documents with the 144192
probate court with which a petition to adopt the child who is the 144193
subject of the agreement is filed. 144194

(D) Except as provided in division (E) of this section, a 144195
parent of a minor, who will be, if adopted, an adopted person as 144196
defined in section 3107.38 of the Revised Code, shall do all of 144197
the following as a condition of a juvenile court approving the 144198
parent's agreement with a public children services agency or 144199
private child placing agency under division (B)(1) of section 144200
5103.15 of the Revised Code: 144201

(1) Appear personally before the court; 144202

(2) Sign the component of the form prescribed under division 144203
(B)(1)(a) of section 3107.083 of the Revised Code; 144204

(3) If the parent is the mother, complete and sign the 144205
component of the form prescribed under division (B)(1)(b) of 144206
section 3107.083 of the Revised Code. 144207

At the time the parent signs the components prescribed under 144208
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 144209
Code, the parent may sign, if the parent chooses to do so, the 144210
components of the form prescribed under divisions (B)(1)(c), (d), 144211
and (e) of that section. After the parent signs the components 144212
required to be signed and any discretionary components the parent 144213
chooses to sign, the parent or agency shall file the form and 144214
agreement with the court. The court or agency shall give the 144215
parent a copy of the form and agreement. The court and agency 144216
shall keep a copy of the form and agreement in the court and 144217
agency's records. The agency shall file a copy of the form and 144218

agreement with the probate court with which a petition to adopt the child who is the subject of the agreement is filed. 144219
144220

The juvenile court shall question the parent to determine that the parent understands the adoption process, the ramifications of entering into a voluntary permanent custody surrender agreement, and each component of the form prescribed under division (B)(1) of section 3107.083 of the Revised Code. The court also shall question the parent to determine that the parent enters into the permanent custody surrender agreement voluntarily and any decisions the parent makes in filling out the form are made voluntarily. 144221
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(E) A juvenile court may approve an agreement entered into under division (B)(1) of section 5103.15 of the Revised Code between a public children services agency or private child placing agency and the parent of a child who is less than six months of age and will be, if adopted, an adopted person as defined in section 3107.38 of the Revised Code without the parent personally appearing before the court if the parent does both of the following: 144230
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(1) Signs the component of the form prescribed under division (B)(1)(a) of section 3107.083 of the Revised Code; 144238
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(2) If the parent is the mother, completes and signs the component of the form prescribed under division (B)(1)(b) of section 3107.083 of the Revised Code. 144240
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At the time the parent signs that component, the agency shall provide the parent the opportunity to sign, if the parent chooses to do so, the components of the form prescribed under divisions (B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code. Not later than two business days after the parent enters into the agreement and signs the components of the form required to be signed and any discretionary components the parent chooses to 144243
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sign, the agency shall file the agreement and form with the court. 144250
The agency shall give the parent a copy of the agreement and form. 144251
At the time the agency files the agreement and form with the 144252
court, the agency also shall file with the court all other 144253
documents the director of ~~job~~ children and ~~family services~~ youth 144254
requires by rules adopted under division (D) of section 3107.083 144255
of the Revised Code to be filed with the court. The court and 144256
agency shall keep a copy of the agreement, form, and documents in 144257
the court and agency's records. The agency shall file a copy of 144258
the agreement, form, and documents with the probate court with 144259
which a petition to adopt the child who is the subject of the 144260
agreement is filed. 144261

Sec. 5103.152. Not less than seventy-two hours before a 144262
public children services agency or private child placing agency 144263
enters into an agreement with a parent under division (B) of 144264
section 5103.15 of the Revised Code, an assessor shall meet in 144265
person with the parent and do both of the following: 144266

(A) Provide the parent with a copy of the written materials 144267
about adoption prepared by the department of ~~job~~ children and 144268
~~family services~~ youth under division (C) of section 3107.083 of 144269
the Revised Code, discuss with the parent the adoption process and 144270
ramifications of a parent entering into a voluntary permanent 144271
custody surrender agreement, and provide the parent the 144272
opportunity to review the materials and ask questions about the 144273
materials, discussion, and related matters; 144274

(B) If the child who is the subject of the agreement, if 144275
adopted, will be an adopted person as defined in section 3107.45 144276
of the Revised Code, inform the parent that the parent's child and 144277
the adoptive parent may receive, in accordance with section 144278
3107.47 of the Revised Code, identifying information about the 144279
parent that is contained in the child's adoption file maintained 144280

by the department of health unless the parent checks the "no" 144281
space provided on the component of the form prescribed under 144282
division (A)(1)(b) of section 3107.083 of the Revised Code or 144283
signs and has filed with the department a denial of release form 144284
prescribed under section 3107.50 of the Revised Code. 144285

Sec. 5103.155. As used in this section, "children with 144286
special needs" has the same meaning as in rules adopted under 144287
section 5153.163 of the Revised Code. 144288

If the department of job and family services determines that 144289
money in the putative father registry fund created under section 144290
2101.16 of the Revised Code is more than is needed to perform its 144291
duties related to the putative father registry, the department may 144292
use transfer surplus moneys in the fund to the department of 144293
children and youth to promote adoption of children with special 144294
needs. 144295

Sec. 5103.16. (A) Except as otherwise provided in this 144296
section, no child shall be placed or accepted for placement under 144297
any written or oral agreement or understanding that transfers or 144298
surrenders the legal rights, powers, or duties of the legal 144299
parent, parents, or guardian of the child into the temporary or 144300
permanent custody of any association or institution that is not 144301
certified by the department of ~~job children and family services~~ 144302
youth under section 5103.03 of the Revised Code, without the 144303
written consent of the office in the department that oversees the 144304
interstate compact for placement of children established under 144305
section 5103.20 of the Revised Code or the interstate compact on 144306
the placement of children established under section 5103.23 of the 144307
Revised Code, as applicable, or by a commitment of a juvenile 144308
court, or by a commitment of a probate court as provided in this 144309
section. A child may be placed temporarily without written consent 144310
or court commitment with persons related by blood or marriage or 144311

in a legally licensed boarding home. 144312

(B)(1) Associations and institutions certified under section 144313
5103.03 of the Revised Code for the purpose of placing children in 144314
free foster homes or for legal adoption shall keep a record of the 144315
temporary and permanent surrenders of children. This record shall 144316
be available for separate statistics, which shall include a copy 144317
of an official birth record and all information concerning the 144318
social, mental, and medical history of the children that will aid 144319
in an intelligent disposition of the children in case that becomes 144320
necessary because the parents or guardians fail or are unable to 144321
reassume custody. 144322

(2) No child placed on a temporary surrender with an 144323
association or institution shall be placed permanently in a foster 144324
home or for legal adoption. All surrendered children who are 144325
placed permanently in foster homes or for adoption shall have been 144326
permanently surrendered, and a copy of the permanent surrender 144327
shall be a part of the separate record kept by the association or 144328
institution. 144329

(C) Any agreement or understanding to transfer or surrender 144330
the legal rights, powers, or duties of the legal parent or parents 144331
and place a child with a person seeking to adopt the child under 144332
this section shall be construed to contain a promise by the person 144333
seeking to adopt the child to pay the expenses listed in divisions 144334
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 144335
if the person seeking to adopt the child refuses to accept 144336
placement of the child, to pay the temporary costs of routine 144337
maintenance and medical care for the child in a hospital, foster 144338
home, or other appropriate place for up to thirty days or until 144339
other custody is established for the child, as provided by law, 144340
whichever is less. 144341

(D) No child shall be placed or received for adoption or with 144342
intent to adopt unless placement is made by a public children 144343

services agency, an institution or association that is certified 144344
by the department of ~~job~~ children and ~~family services~~ youth under 144345
section 5103.03 of the Revised Code to place children for 144346
adoption, or custodians in another state or foreign country, or 144347
unless all of the following criteria are met: 144348

(1) Prior to the placement and receiving of the child, the 144349
parent or parents of the child personally have applied to, and 144350
appeared before, the probate court of the county in which the 144351
parent or parents reside, or in which the person seeking to adopt 144352
the child resides, for approval of the proposed placement 144353
specified in the application and have signed and filed with the 144354
court a written statement showing that the parent or parents are 144355
aware of their right to contest the decree of adoption subject to 144356
the limitations of section 3107.16 of the Revised Code; 144357

(2) The court ordered an independent home study of the 144358
proposed placement to be conducted as provided in section 3107.031 144359
of the Revised Code, and after completion of the home study, the 144360
court determined that the proposed placement is in the best 144361
interest of the child; 144362

(3) The court has approved of record the proposed placement. 144363

In determining whether a custodian has authority to place 144364
children for adoption under the laws of a foreign country, the 144365
probate court shall determine whether the child has been released 144366
for adoption pursuant to the laws of the country in which the 144367
child resides, and if the release is in a form that satisfies the 144368
requirements of the immigration and naturalization service of the 144369
United States department of justice for purposes of immigration to 144370
this country pursuant to section 101(b)(1)(F) of the "Immigration 144371
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 144372
(b)(1)(F), as amended or reenacted. 144373

If the parent or parents of the child are deceased or have 144374

abandoned the child, as determined under division (A) of section 144375
3107.07 of the Revised Code, the application for approval of the 144376
proposed adoptive placement may be brought by the relative seeking 144377
to adopt the child, or by the department, board, or organization 144378
not otherwise having legal authority to place the orphaned or 144379
abandoned child for adoption, but having legal custody of the 144380
orphaned or abandoned child, in the probate court of the county in 144381
which the child is a resident, or in which the department, board, 144382
or organization is located, or where the person or persons with 144383
whom the child is to be placed reside. Unless the parent, parents, 144384
or guardian of the person of the child personally have appeared 144385
before the court and applied for approval of the placement, notice 144386
of the hearing on the application shall be served on the parent, 144387
parents, or guardian. 144388

The consent to placement, surrender, or adoption executed by 144389
a minor parent before a judge of the probate court or an 144390
authorized deputy or referee of the court, whether executed within 144391
or outside the confines of the court, is as valid as though 144392
executed by an adult. A consent given as above before an employee 144393
of a children services agency that is licensed as provided by law, 144394
is equally effective, if the consent also is accompanied by an 144395
affidavit executed by the witnessing employee or employees to the 144396
effect that the legal rights of the parents have been fully 144397
explained to the parents, prior to the execution of any consent, 144398
and that the action was done after the birth of the child. 144399

If the court approves a placement, the prospective adoptive 144400
parent with whom the child is placed has care, custody, and 144401
control of the child pending further order of the court. 144402

(E)(1) This section does not apply to an adoption by a 144403
stepparent, a grandparent, a grandparent's husband or wife, a 144404
legal custodian, or a guardian. 144405

(2) As used in division (E)(1) of this section: 144406

(a) "Legal custodian" means a person who has been granted the legal custody of a child by a court of competent jurisdiction. 144407
144408

(b) "Legal custody" has the same meaning as in section 2151.011 of the Revised Code or in any other substantially equivalent statute. 144409
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Sec. 5103.163. (A) The department of ~~job~~ children and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish and enforce a resource family bill of rights for resource families providing care for individuals who are in the custody or care and placement of an agency that provides Title IV-E reimbursable services pursuant to sections 5103.03 to 5103.181 of the Revised Code. 144412
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(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply. 144419
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(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency. 144423
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Sec. 5103.17. (A) As used in this section: 144426

(1) "Advertise" means a method of communication that is electronic, written, visual, or oral and made by means of personal representation, newspaper, magazine, circular, billboard, direct mailing, sign, radio, television, telephone, or otherwise. 144427
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(2) "Qualified adoptive parent" means a person who is eligible to adopt a child under section 3107.03 of the Revised Code and for whom an assessor has conducted a home study to determine whether the person is suitable to adopt a child, if required by section 3107.031 of the Revised Code. 144431
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(B) Subject to section 5103.16 of the Revised Code and to 144436
division (C), (D), or (E) of this section, no person or government 144437
entity, other than a private child placing agency or private 144438
noncustodial agency certified by the department of ~~job~~ children 144439
and ~~family services~~ youth under section 5103.03 of the Revised 144440
Code or a public children services agency, shall advertise that 144441
the person or government entity will adopt children or place them 144442
in foster homes, hold out inducements to parents to part with 144443
their offspring or in any manner knowingly become a party to the 144444
separation of a child from the child's parents or guardians, 144445
except through a juvenile court or probate court commitment. 144446

(C) The biological parent of a child may advertise the 144447
availability for placement of the parent's child for adoption to a 144448
qualified adoptive parent. 144449

(D) A qualified adoptive parent may advertise that the 144450
qualified adoptive parent is available for placement of a child 144451
into the qualified adoptive parent's care for the purpose of 144452
adopting the child. 144453

(E) A government entity may advertise about its role in the 144454
placement of children for adoption or any other information that 144455
would be relevant to qualified adoptive parents. 144456

(F) Except as provided in section 3107.055 of the Revised 144457
Code, the following apply: 144458

(1) No person shall offer money or anything of value in 144459
exchange for placement of a child for adoption. 144460

(2) No biological parent may request money or anything of 144461
value in exchange for placement for adoption of the parent's child 144462
with a qualified adoptive parent. 144463

(G) If the department of ~~job~~ children and ~~family services~~ 144464
youth has reasonable cause to believe a violation of this section 144465
has been committed, the department shall notify the attorney 144466

general or the county prosecutor, city attorney, village 144467
solicitor, or other chief legal officer of the political 144468
subdivision in which the violation has allegedly occurred. On 144469
receipt of the notification, the attorney general, county 144470
prosecutor, city attorney, village solicitor, or other chief legal 144471
officer shall take action to enforce this section through 144472
injunctive relief or criminal charge. 144473

Sec. 5103.18. (A)(1) Prior to certification or 144474
recertification as a foster home under section 5103.03 of the 144475
Revised Code, a recommending agency shall obtain a summary report 144476
of a search of the uniform statewide automated child welfare 144477
information system, established under section 5101.13 of the 144478
Revised Code, from an entity listed in section 5101.132 of the 144479
Revised Code. 144480

(2) Whenever a prospective foster parent or any other person 144481
eighteen years of age or older who resides with a prospective 144482
foster parent has resided in another state within the five-year 144483
period immediately prior to the date on which a criminal records 144484
check is requested for the person under division (A) of section 144485
2151.86 of the Revised Code, the recommending agency shall request 144486
a check of the central registry of abuse and neglect of this state 144487
from the department of ~~job~~ children and ~~family services~~ youth 144488
regarding the prospective foster parent or the person eighteen 144489
years of age or older who resides with the prospective foster 144490
parent to enable the agency to check any child abuse and neglect 144491
registry maintained by that other state. The recommending agency 144492
shall make the request and shall review the results of the check 144493
before the prospective foster parent may be finally approved for 144494
placement of a child. Information received pursuant to such a 144495
request shall be considered for purposes of this chapter as if it 144496
were a summary report required under division (A) of this section. 144497
The department of ~~job~~ children and ~~family services~~ youth shall 144498

comply with any request to check the central registry that is 144499
similar to the request described in this division and that is 144500
received from any other state. 144501

(B)(1) The summary report required under division (A) of this 144502
section shall contain, if applicable, a chronological list of 144503
abuse and neglect determinations or allegations of which a person 144504
seeking to become a foster caregiver of a child is subject and in 144505
regards to which a public children services agency has done one of 144506
the following: 144507

(a) Determined that abuse or neglect occurred; 144508

(b) Initiated an investigation, and the investigation is 144509
ongoing; 144510

(c) Initiated an investigation, and the agency was unable to 144511
determine whether abuse or neglect occurred. 144512

(2) The summary report required under division (A) of this 144513
section shall not contain any of the following: 144514

(a) An abuse and neglect determination of which a person 144515
seeking to become a foster caregiver of a child is subject and in 144516
regards to which a public children services agency determined that 144517
abuse or neglect did not occur; 144518

(b) Information or reports the dissemination of which is 144519
prohibited by, or interferes with eligibility under, the "Child 144520
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 144521
5101 et seq., as amended; 144522

(c) The name of the person who or entity that made, or 144523
participated in the making of, the report of abuse or neglect. 144524

(C)(1) A foster home certification or recertification may be 144525
denied based on a summary report containing the information 144526
described under division (B)(1)(a) of this section, when 144527
considered within the totality of the circumstances. 144528

(2) A foster home certification or recertification shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section.

(D) ~~Not later than January 1, 2008, the~~ The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.181. (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and all persons eighteen years of age or older who reside with the prospective or current foster caregiver. Certification or recertification may be denied based solely on the results of the search.

(B) The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5103.21. The department of ~~job children and family services youth~~ may adopt rules necessary for the implementation of section 5103.20 of the Revised Code.

Sec. 5103.22. As used in division (B) of Article VIII of section 5103.20 of the Revised Code, "state human services administration" means the department of ~~job children and family services youth~~.

Sec. 5103.232. The "appropriate public authorities" as used

in Article III of ~~the interstate compact on the placement of~~ 144558
~~section 5103.20 of the Revised Code means the~~ department of ~~job~~ 144559
~~children~~ and ~~family services~~ youth and that department shall 144560
receive and act with reference to notices required by said Article 144561
III. 144562

Sec. 5103.233. As used in paragraph (A) of Article V of the 144563
interstate compact on the placement of children, the phrase 144564
"appropriate authority in the receiving state" with reference to 144565
this state shall mean the department of ~~job~~ children and ~~family~~ 144566
~~services~~ youth. 144567

Sec. 5103.30. The Ohio child welfare training program is 144568
hereby established in the department of ~~job~~ children and ~~family~~ 144569
~~services~~ youth as a statewide program. The program shall provide 144570
all of the following: 144571

(A) The training that section 3107.014 of the Revised Code 144572
requires an assessor to complete; 144573

(B) The preplacement training that sections 5103.031 and 144574
5103.033 of the Revised Code require a prospective foster 144575
caregiver to complete; 144576

(C) The continuing training that sections 5103.032 and 144577
5103.033 of the Revised Code require a foster caregiver to 144578
complete; 144579

(D) The training that section 5153.122 of the Revised Code 144580
requires a PCSA caseworker to complete; 144581

(E) The training that section 5153.123 of the Revised Code 144582
requires a PCSA caseworker supervisor to complete; 144583

(F) The training required under section 5101.1414 of the 144584
Revised Code for a case manager and supervisor. 144585

Sec. 5103.303. When the Ohio child welfare training program 144586
provides preplacement or continuing training to a prospective 144587
foster caregiver or foster caregiver whose recommending agency is 144588
a private child placing agency or private noncustodial agency, the 144589
department of ~~job~~ children and ~~family services~~ youth shall not pay 144590
the Ohio child welfare training program the allowance the 144591
department would otherwise pay to the private child placing agency 144592
or private noncustodial agency under section 5103.0313 of the 144593
Revised Code for the training. 144594

Sec. 5103.32. (A) As used in this section: 144595

(1) "Title IV-B" means Title IV-B of the "Social Security Act 144596
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 144597

(2) "Title IV-E" means Title IV-E of the "Social Security 144598
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 144599

(3) "Title XX" has the same meaning as in section 5101.46 of 144600
the Revised Code. 144601

(B) For purposes of adequately funding the Ohio child welfare 144602
training program, the department of ~~job~~ children and ~~family~~ 144603
~~services~~ youth may use any of the following: 144604

(1) The federal financial participation funds withheld 144605
pursuant to division (E) of section 5101.141 of the Revised Code 144606
in an amount determined by the department; 144607

(2) Funds available under Title XX, Title IV-B, and Title 144608
IV-E to pay for training costs; 144609

(3) Other available state or federal funds; 144610

(4) Funds that a person, including a foundation, makes 144611
available for the program. 144612

Sec. 5103.39. The director of ~~job~~ children and ~~family~~ 144613

~~services youth~~ shall establish the Ohio child welfare training 144614
program steering committee. Sections 101.82 to 101.87 of the 144615
Revised Code do not apply to the committee. 144616

Sec. 5103.391. The director of ~~job children and family~~ 144617
~~services youth~~ shall appoint all of the following to serve on the 144618
Ohio child welfare training program steering committee: 144619

(A) Employees of the department of ~~job children and family~~ 144620
~~services youth~~; 144621

(B) One representative of each of the regional training 144622
centers established under section 5103.42 of the Revised Code; 144623

(C) One representative of a statewide organization that 144624
represents the interests of public children services agencies; 144625

(D) One representative of the Ohio child welfare training 144626
program coordinator; 144627

(E) Two current foster caregivers certified by the department 144628
of ~~job children and family services youth~~ under section 5103.03 of 144629
the Revised Code; 144630

(F) Employees of public children services agencies. 144631

Sec. 5103.40. The Ohio child welfare training program 144632
steering committee shall do all of the following: 144633

(A) Following procedures the committee shall establish, 144634
adopt, amend, and rescind by-laws as necessary regarding the 144635
committee's governance, frequency of meetings, and other matters 144636
concerning the committee's operation; 144637

(B) Conduct strategic planning activities regarding the Ohio 144638
child welfare training program; 144639

(C) Provide the department of ~~job children and family~~ 144640
~~services youth~~ and Ohio child welfare training program coordinator 144641

recommendations regarding the program's operation; 144642

(D) After reviewing individual training needs assessments 144643
completed under sections 5153.125 and 5153.126 of the Revised 144644
Code, consult with the Ohio child welfare training program 144645
coordinator on the design and content of the training that the 144646
program provides pursuant to divisions (D) and (E) of section 144647
5103.30 of the Revised Code; 144648

(E) Review curricula created for the training provided under 144649
section 5103.30 of the Revised Code; 144650

(F) Provide the department recommendations regarding the 144651
curricula reviewed under division (E) of this section as the 144652
committee determines necessary for the training to be relevant to 144653
the needs of the child welfare field; 144654

(G) Evaluate the training and provide the department 144655
recommendations as the committee determines necessary for the 144656
training to be able to enable all of the following: 144657

(1) Assessors to satisfy the training requirement of section 144658
3107.014 of the Revised Code; 144659

(2) Prospective foster caregivers and foster caregivers to 144660
satisfy the preplacement and continuing training requirements of 144661
sections 5103.031, 5103.032, and 5103.033 of the Revised Code; 144662

(3) PCSA caseworkers to satisfy the training requirements of 144663
section 5153.122 of the Revised Code; 144664

(4) PCSA caseworker supervisors to satisfy the training 144665
requirements of section 5153.123 of the Revised Code. 144666

Sec. 5103.41. Prior to the beginning of the fiscal biennium 144667
that first follows October 5, 2000, the department of job and 144668
family services, in consultation with the Ohio child welfare 144669
training program steering committee, shall designate eight 144670
training regions in the state. The department of children and 144671

youth, at times it selects, shall review the composition of the 144672
training regions. The committee, at times it selects, shall also 144673
review the training regions' composition and provide the 144674
department recommendations on changes. The department of children 144675
and youth may change the composition of the training regions as 144676
the department considers necessary. Each training region shall 144677
contain only one regional training center established and 144678
maintained under section 5103.42 of the Revised Code. 144679

Sec. 5103.50. (A) As used in this section and sections 144680
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 144681
therapeutic wilderness camp" has the same meaning as in section 144682
5103.02 of the Revised Code. 144683

(B) The director of ~~job~~ children and ~~family services~~ youth 144684
shall adopt rules in accordance with Chapter 119. of the Revised 144685
Code to implement standards set forth in division (D) of this 144686
section and section 5103.54 of the Revised Code that are 144687
substantially similar, as determined by the director, to other 144688
similarly situated providers of residential care to children. 144689

(C) The director of ~~job~~ children and ~~family services~~ youth 144690
shall issue a license to a private, nonprofit therapeutic 144691
wilderness camp that submits an application to the director, on a 144692
form prescribed by the director, that indicates to the director's 144693
satisfaction that the camp meets the standards set forth in rules 144694
adopted under division (B) of this section. 144695

(D) In accordance with rules adopted by the director under 144696
division (B) of this section, the camp shall develop and implement 144697
written policies that establish all of the following: 144698

(1) Standards for hiring, training, and supervising staff; 144699

(2) Standards for behavioral intervention, including 144700
standards prohibiting the use of prone restraint and governing the 144701

use of other restraints or isolation;	144702
(3) Standards for recordkeeping, including specifying	144703
information that must be included in each child's record, who may	144704
access records, confidentiality, maintenance, security, and	144705
disposal of records;	144706
(4) A procedure for handling complaints about the camp from	144707
the children attending the camp, their families, staff, and the	144708
public;	144709
(5) Standards for emergency and disaster preparedness,	144710
including procedures for emergency evacuation and standards	144711
requiring that a method of emergency communication be accessible	144712
at all times;	144713
(6) Standards that ensure the protection of children's civil	144714
rights;	144715
(7) Standards for the admission and discharge of children	144716
attending the camp, including standards for emergency discharge;	144717
(8) Standards for the supervision of children, including	144718
minimum staff to child ratios;	144719
(9) Standards for ensuring proper medical care, including	144720
administration of medications;	144721
(10) Standards for proper notification of critical incidents;	144722
(11) Standards regarding the health and safety of residents,	144723
including proper health department approvals, fire inspections,	144724
and food service licenses;	144725
(12) Standards for ensuring the reporting requirements under	144726
section 2151.421 of the Revised Code are met.	144727
(E) The camp shall ensure that no child resides at the camp	144728
for more than twelve consecutive months, unless the camp has	144729
completed a full evaluation that determines the child is not ready	144730
for reunification with the child's family or guardian. Such	144731

evaluation shall include any outside professional determined to be 144732
necessary by the director of ~~job~~ children and ~~family services~~ 144733
youth. This evaluation shall be conducted in accordance with rules 144734
adopted by the director. 144735

(F) The camp shall cooperate with any request from the 144736
director for an inspection or for access to records or written 144737
policies of the camp. 144738

(G) The camps shall ensure that no child is left without 144739
supervision of camp staff at any time. 144740

(H) The camp shall ensure that if there is a weather 144741
emergency or warning issued by the national weather service in the 144742
camp's geographic area, the children will be moved to a safe 144743
structure guarded from the weather event. 144744

(I) The camp shall ensure that all sharp tools used in the 144745
camp, including axes and knives, are locked unless in use by camp 144746
staff or otherwise under camp staff supervision. 144747

Sec. 5103.52. (A) The director of ~~job~~ children and ~~family~~ 144748
~~services~~ youth may inspect a private, nonprofit therapeutic 144749
wilderness camp at any time. 144750

(B) The director may request access to the camp's records or 144751
to the written policies adopted by the camp pursuant to section 144752
5103.50 of the Revised Code. 144753

Sec. 5103.53. A private, nonprofit therapeutic wilderness 144754
camp shall not operate without a license issued under section 144755
5103.50 of the Revised Code. If the director of ~~job~~ children and 144756
~~family services~~ youth determines that a camp is operating without 144757
a license, the director may petition the court of common pleas in 144758
the county in which the camp is located for an order enjoining its 144759
operation. The court shall grant injunctive relief upon a showing 144760
that the camp is operating without a license. 144761

Sec. 5103.54. (A) The director of ~~job~~ children and ~~family~~ services youth shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the following:

(1) Policies and procedures for enforcing the minimum standards of operation for private, nonprofit therapeutic wilderness camps;

(2) Procedures the director shall follow if the director determines that conditions at a camp pose imminent risk to the life, health, or safety of one or more children at a camp.

(B) Rules adopted under this section shall be substantially similar, as determined by the director, to rules applicable to other residential care providers to children.

(C) The director may issue, deny, or revoke a license according to procedures set forth in rules adopted under this section or section 5103.50 of the Revised Code.

Sec. 5103.58. (A) Professional treatment staff employed by a public children services agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

(B)(1) Professional treatment staff employed by a private child placing agency or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of:

(a) Section 5153.112 of the Revised Code; and

(b) Section 5153.122 of the Revised Code, except that, with respect to the training requirements during the first year of continuous employment, staff shall be required to have training only in the courses described in divisions (A), (B), (C), (G),

(H), (J), and (L) of that section and only for the number of hours needed to complete those courses. 144791
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(2) Subject to divisions (B)(3) and (4) of this section, the training required under division (B)(1) of this section may be offered by a private child placing agency, private noncustodial agency, or qualified nonprofit organization. 144793
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(3) Prior to the department of ~~job children and family services~~ youth establishing a training program under section 5103.59 of the Revised Code, training that meets the requirements described in division (B)(1) of this section may be offered only upon approval by the department. The department shall approve or disapprove a program not later than sixty days after the program is submitted for approval. 144797
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(4) A private child placing agency, private noncustodial agency, or qualified nonprofit organization shall cease to provide a training program approved under division (B)(3) of this section once the department establishes a training program described in section 5103.59 of the Revised Code, after which all training shall be provided by the department only. 144804
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Sec. 5103.59. The department of ~~job children and family services~~ youth shall work with private child placing agencies and private noncustodial agencies to establish a comprehensive, competency-based professional treatment staff training program for employees of private child placing agencies and private noncustodial agencies that meets the requirements of division (B)(1) of section 5103.58 of the Revised Code. 144810
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Sec. 5103.602. (A) A person seeking to operate a residential infant care center after ~~the effective date of this section~~ June 13, 2022, shall apply to the director of ~~job children and family services~~ youth to obtain a certificate for the facility. 144817
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(B) A person who, on ~~the effective date of this section~~ June 13, 2022, is operating a children's crisis care facility that has as its primary purpose the provision of residential services for infants affected by substance use and the preservation of families through infant diversion practices and programs shall be deemed a residential infant care center by the director if the center is in compliance with the requirements and rules described under division (B) of section 5103.603 of the Revised Code.

Sec. 5103.603. The director of ~~job children and family services~~ youth shall issue a certificate to a person to operate a residential infant care center as follows:

(A) Pursuant to division (A) of section 5103.602 of the Revised Code if the center complies with all of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and, if applicable, all of the rules adopted under section 5103.6018 of the Revised Code;

(B)(1) Pursuant to division (B) of section 5103.602 of the Revised Code if the center is in compliance with all of the requirements under sections 5103.608 to 5103.6012 of the Revised Code and rules adopted under division (H) of section 5103.13 of the Revised Code, except the rules described in division (B) of section 5103.6011 of the Revised Code, on ~~the effective date of this section~~ June 13, 2022.

(2) If the director of ~~job children and family services~~ youth adopts rules under section 5103.6018 of the Revised Code, a center issued a certificate under division (B)(1) of this section shall comply with those rules rather than the rules adopted under division (H) of section 5103.13 of the Revised Code.

Sec. 5103.6010. A residential infant care center shall do the following:

(A) If using medication to treat infants, hold a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code. 144851
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(B) Comply, except as otherwise provided in this section and section 5103.6011 of the Revised Code, with all requirements under rule 5101:2-9-02 of the Administrative Code; 144854
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(C) Develop a plan of safe care in accordance with the "Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 114-198, for an infant born substance exposed as follows: 144857
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(1) Assist with the health and substance use disorder treatment needs of the infant and affected family or caregiver; 144860
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(2) Develop and implement a program to monitor, support, and connect affected families or caregivers through the provision of and referral to appropriate services for the infant and affected family or caregiver. 144862
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(D) Develop and implement a program for parents and caregivers that, either individually or in a group setting, teaches parenting skills, bonding, and caring for the infant's special needs. 144866
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(E) Require both of the following: 144870

(1) Child-care staff, volunteers, and interns in positions responsible for the daily direct care or supervision of children to be at least eighteen years old and have a high school diploma or certificate of high school equivalence; 144871
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(2) Volunteers and interns who are under twenty-one years of age to be supervised. 144875
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(F) Request a criminal records check with respect to volunteers and interns in accordance with section 2151.86 of the Revised Code; 144877
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(G) Employ registered nurses, patient care assistants, or 144880

licensed professional nurses to meet required child-to-staff ratios; 144881
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(H) Require the center's peer supporter, family advocate, licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to do the following: 144883
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(1) Provide wraparound services to affected family and caregivers; 144887
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(2) Coordinate and cooperate with any transferring hospital, public children services agency, and private child placing agency; 144889
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(3) Refer affected families or caregivers to appropriate community agencies and services for support and aftercare; 144891
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(4) Follow up with affected families and caregivers following the infant's discharge. 144893
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(I)(1) Encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education; 144895
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(2) Provide the following for dyad care and rooming-in: 144898

(a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets; 144899
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(b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area; 144901
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(c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in. 144903
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(3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled. 144905
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(J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one 144908
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changing station, and a door with a full-length glass window for safety and observation;	144910 144911
(K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;	144912 144913
(L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;	144914 144915 144916
(M) Follow the department of health's <u>children and youth's</u> safe sleep education program recommendations established under section 3701.66 <u>5180.16</u> of the Revised Code.	144917 144918 144919
Sec. 5103.6011. (A) A residential infant care center shall not be required to do the following:	144920 144921
(1) Provide toilets or potty chairs for infants.	144922
(2) Comply with the following rules:	144923
(a) Paragraph (E) of rule 5101:2-5-09 of the Administrative Code.	144924 144925
(b) Paragraphs (N) and (P) to (R) of rule 5101:2-9-03 of the Administrative Code.	144926 144927
(c) Rule 5101:2-9-19 of the Administrative Code.	144928
(d) Paragraphs (A) to (H) of rule 5101:2-9-20 of the Administrative Code.	144929 144930
(e) Rules 5101:2-9-21 and 5101:2-9-22 of the Administrative Code.	144931 144932
(f) Paragraphs (D) to (F) of rule 5101:2-9-26 of the Administrative Code.	144933 144934
(g) Paragraphs (B), (D), (F), (G), (J), (K), (M) to (Q), and (S) of rule 5101:2-9-28 of the Administrative Code.	144935 144936
(h) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the	144937

Administrative Code. 144938

(3) Require registered nurses and licensed professional 144939
nurses employed by the center to comply with the requirements 144940
under paragraph (M)(3) of rule 5101:2-9-02 and paragraphs (J) to 144941
(L) of rule 5101:2-9-03 of the Administrative Code. 144942

(B) The provisions of this section do not apply on and after 144943
the date the department of ~~job~~ children and ~~family services~~ youth 144944
adopts rules regarding certification under section 5103.6018 of 144945
the Revised Code. 144946

Sec. 5103.6015. The department of ~~job~~ children and ~~family~~ 144947
~~services~~ youth may apply to the United States secretary of health 144948
and human services for a federal grant under the "Child Abuse 144949
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 144950
First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 144951
to assist residential infant care centers certified under section 144952
5103.603 of the Revised Code in providing temporary residential 144953
and other care to infants. 144954

Sec. 5103.6017. The director of ~~job~~ children and ~~family~~ 144955
~~services~~ youth may suspend or revoke a residential infant care 144956
center's certificate pursuant to Chapter 119. of the Revised Code 144957
if the center violates or fails to comply with any of the 144958
requirements under sections 5103.608 to 5103.6012 of the Revised 144959
Code and, as applicable, the rules adopted under section 5103.6018 144960
of the Revised Code or division (H) of section 5103.13 of the 144961
Revised Code. 144962

Sec. 5103.6018. The director of ~~job~~ children and ~~family~~ 144963
~~services~~ youth shall adopt rules pursuant to Chapter 119. of the 144964
Revised Code for the certification of residential infant care 144965
centers. 144966

Sec. 5103.611. A person who holds an active license to 144967
operate a children's crisis care facility under section 5103.13 of 144968
the Revised Code or a residential infant care center under section 144969
5103.602 of the Revised Code may apply to the director of ~~job~~ 144970
children and ~~family services~~ youth to obtain a certificate as a 144971
family preservation center under this section. 144972

Sec. 5103.612. (A) The director of ~~job~~ children and ~~family~~ 144973
~~services~~ youth shall certify the person's family preservation 144974
center if the center complies with all of the requirements imposed 144975
under section 5103.614 of the Revised Code and all of the rules 144976
adopted under section 5103.617 of the Revised Code. 144977

(B) The director shall not issue a waiver to a person of 144978
compliance with any of the requirements imposed under this section 144979
or any of the rules adopted under section 5103.617 of the Revised 144980
Code. 144981

Sec. 5103.615. The director of ~~job~~ children and ~~family~~ 144982
~~services~~ youth may suspend or revoke a family preservation 144983
center's certificate pursuant to Chapter 119. of the Revised Code 144984
if the center violates or fails to comply with section 5103.614 of 144985
the Revised Code or any of the rules adopted under section 144986
5103.617 of the Revised Code. 144987

Sec. 5103.617. Not later than ninety days ~~after the effective~~ 144988
~~date of this section~~ June 13, 2022, the director of ~~job~~ children 144989
and ~~family services~~ youth shall adopt rules pursuant to Chapter 144990
119. of the Revised Code for the certification of family 144991
preservation centers. 144992

Sec. 5104.01. As used in this chapter: 144993

(A) "Administrator" means the person responsible for the 144994

daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person. 144995
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 144997
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(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following: 144999
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(1) Communicate on the owner's behalf; 145003

(2) Submit on the owner's behalf applications for licensure or approval; 145004
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(3) Enter into on the owner's behalf provider agreements for publicly funded child care. 145006
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(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act. 145008
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(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following: 145012
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(1) Uses a framework approved by the director of ~~job children~~ and ~~family services~~ youth to document formal education, training, experience, and specialized credentials and certifications; 145015
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(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six. 145018
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(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a 145021
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guardian of a child whose presence in the home is needed as the 145025
caretaker of the child, and any other person who stands in loco 145026
parentis with respect to the child and whose presence in the home 145027
is needed as the caretaker of the child. 145028

(G) "Chartered nonpublic school" means a school that meets 145029
standards for nonpublic schools prescribed by the state board of 145030
education for nonpublic schools pursuant to section 3301.07 of the 145031
Revised Code. 145032

(H) "Child" includes an infant, toddler, preschool-age child, 145033
or school-age child. 145034

(I) "Child care block grant act" means the "Child Care and 145035
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 145036
U.S.C. 9858, as amended. 145037

(J) "Child day camp" means a program in which only school-age 145038
children attend or participate, that operates for no more than 145039
twelve hours per day and no more than fifteen weeks during the 145040
summer. For purposes of this division, the maximum twelve hours of 145041
operation time does not include transportation time from a child's 145042
home to a child day camp and from a child day camp to a child's 145043
home. 145044

(K) "Child care" means all of the following: 145045

(1) Administering to the needs of infants, toddlers, 145046
preschool-age children, and school-age children outside of school 145047
hours; 145048

(2) By persons other than their parents, guardians, or 145049
custodians; 145050

(3) For part of the twenty-four-hour day; 145051

(4) In a place other than a child's own home, except that an 145052
in-home aide provides child care in the child's own home; 145053

(5) By a provider required by this chapter to be licensed or 145054

approved by the department of ~~job~~ children and ~~family services~~ 145055
youth, certified by a county department of job and family services 145056
, or under contract with the department to provide publicly funded 145057
child care as described in section 5104.32 of the Revised Code. 145058

(L) "Child day-care center" and "center" mean any place that 145059
is not the permanent residence of the licensee or administrator in 145060
which child care or publicly funded child care is provided for 145061
seven or more children at one time. "Child day-care center" and 145062
"center" do not include any of the following: 145063

(1) A place located in and operated by a hospital, as defined 145064
in section 3727.01 of the Revised Code, in which the needs of 145065
children are administered to, if all the children whose needs are 145066
being administered to are monitored under the on-site supervision 145067
of a physician licensed under Chapter 4731. of the Revised Code or 145068
a registered nurse licensed under Chapter 4723. of the Revised 145069
Code, and the services are provided only for children who, in the 145070
opinion of the child's parent, guardian, or custodian, are 145071
exhibiting symptoms of a communicable disease or other illness or 145072
are injured; 145073

(2) A child day camp; 145074

(3) A place that provides care, if all of the following 145075
apply: 145076

(a) An organized religious body provides the care; 145077

(b) A parent, custodian, or guardian of at least one child 145078
receiving care is on the premises and readily accessible at all 145079
times; 145080

(c) The care is not provided for more than thirty days a 145081
year; 145082

(d) The care is provided only for preschool-age and 145083
school-age children. 145084

(M) "Child care resource and referral service organization"	145085
means a community-based nonprofit organization that provides child	145086
care resource and referral services but not child care.	145087
(N) "Child care resource and referral services" means all of	145088
the following services:	145089
(1) Maintenance of a uniform data base of all child care	145090
providers in the community that are in compliance with this	145091
chapter, including current occupancy and vacancy data;	145092
(2) Provision of individualized consumer education to	145093
families seeking child care;	145094
(3) Provision of timely referrals of available child care	145095
providers to families seeking child care;	145096
(4) Recruitment of child care providers;	145097
(5) Assistance in developing, conducting, and disseminating	145098
training for child care professionals and provision of technical	145099
assistance to current and potential child care providers,	145100
employers, and the community;	145101
(6) Collection and analysis of data on the supply of and	145102
demand for child care in the community;	145103
(7) Technical assistance concerning locally, state, and	145104
federally funded child care and early childhood education	145105
programs;	145106
(8) Stimulation of employer involvement in making child care	145107
more affordable, more available, safer, and of higher quality for	145108
their employees and for the community;	145109
(9) Provision of written educational materials to caretaker	145110
parents and informational resources to child care providers;	145111
(10) Coordination of services among child care resource and	145112
referral service organizations to assist in developing and	145113
maintaining a statewide system of child care resource and referral	145114

services if required by the department of ~~job~~ children and family 145115
~~services~~ youth; 145116

(11) Cooperation with the county department of job and family 145117
services in encouraging the establishment of parent cooperative 145118
child care centers and parent cooperative type A family day-care 145119
homes. 145120

(O) "Child-care staff member" means an employee of a child 145121
day-care center, type A family day-care home, licensed type B 145122
family day-care home, or approved child day camp who is primarily 145123
responsible for the care and supervision of children. The 145124
administrator, authorized representative, or owner may be a 145125
child-care staff member when not involved in other duties. 145126

(P) "Drop-in child day-care center," "drop-in center," 145127
"drop-in type A family day-care home," and "drop-in type A home" 145128
mean a center or type A home that provides child care or publicly 145129
funded child care for children on a temporary, irregular basis. 145130

(Q) "Employee" means a person who either: 145131

(1) Receives compensation for duties performed in a child 145132
day-care center, type A family day-care home, licensed type B 145133
family day-care home, or approved child day camp; 145134

(2) Is assigned specific working hours or duties in a child 145135
day-care center, type A family day-care home, licensed type B 145136
family day-care home, or approved child day camp. 145137

(R) "Employer" means a person, firm, institution, 145138
organization, or agency that operates a child day-care center, 145139
type A family day-care home, licensed type B family day-care home, 145140
or approved child day camp subject to licensure or approval under 145141
this chapter. 145142

(S) "Federal poverty line" means the official poverty 145143
guideline as revised annually in accordance with section 673(2) of 145144

the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

(X) "Infant" means a child who is less than eighteen months

of age. 145175

(Y) "In-home aide" means a person who does not reside with 145176
the child but provides care in the child's home and is certified 145177
by a county director of job and family services pursuant to 145178
section 5104.12 of the Revised Code to provide publicly funded 145179
child care to a child in a child's own home pursuant to this 145180
chapter and any rules adopted under it. 145181

(Z) "Instrument-based program monitoring information system" 145182
means a method to assess compliance with licensing requirements 145183
for child day-care centers, type A family day-care homes, and 145184
licensed type B family day-care homes in which each licensing 145185
requirement is assigned a weight indicative of the relative 145186
importance of the requirement to the health, growth, and safety of 145187
the children that is used to develop an indicator checklist. 145188

(AA) "License capacity" means the maximum number in each age 145189
category of children who may be cared for in a child day-care 145190
center, type A family day-care home, or licensed type B family 145191
day-care home at one time as determined by the director of ~~job~~ 145192
children and ~~family services~~ youth considering building occupancy 145193
limits established by the department of commerce, amount of 145194
available indoor floor space and outdoor play space, and amount of 145195
available play equipment, materials, and supplies. 145196

(BB) "Licensed child care program" means any of the 145197
following: 145198

(1) A child day-care center licensed by the department of ~~job~~ 145199
children and ~~family services~~ youth pursuant to this chapter; 145200

(2) A type A family day-care home or type B family day-care 145201
home licensed by the department of ~~job~~ children and ~~family~~ 145202
~~services~~ youth pursuant to this chapter; 145203

(3) A licensed preschool program or licensed school child 145204
program. 145205

(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of ~~education~~ children and youth pursuant to sections 3301.52 to 3301.59 of the Revised Code.

(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of ~~job~~ children and family services ~~youth~~ pursuant to section 5104.03 of the Revised Code.

(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.

(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.

(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child day-care center," "part-time center,"
"part-time type A family day-care home," and "part-time type A
home" mean a center or type A home that provides child care or
publicly funded child care for not more than four hours a day for
any child or not more than fifteen consecutive weeks per year,
regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities of
an organized religious group are conducted and includes the
grounds and any other buildings on the grounds used for such
activities.

(KK) "Preschool-age child" means a child who is three years
old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care
for the direct care and protection of a child to whom all of the
following apply:

(1) A case plan has been prepared and maintained for the
child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or
another person who stands in loco parentis as defined in rules
adopted under section 5104.38 of the Revised Code.

(MM) "Publicly funded child care" means administering to the
needs of infants, toddlers, preschool-age children, and school-age
children under age thirteen during any part of the
twenty-four-hour day by persons other than their caretaker parents
for remuneration wholly or in part with federal or state funds,
including funds available under the child care block grant act,
Title IV-A, and Title XX, distributed by the department of ~~job~~
children and family services youth.

(NN) "Religious activities" means any of the following:

worship or other religious services; religious instruction; Sunday 145267
school classes or other religious classes conducted during or 145268
prior to worship or other religious services; youth or adult 145269
fellowship activities; choir or other musical group practices or 145270
programs; meals; festivals; or meetings conducted by an organized 145271
religious group. 145272

(OO) "School-age child" means a child who is enrolled in or 145273
is eligible to be enrolled in a grade of kindergarten or above but 145274
is less than fifteen years old or, in the case of a child who is 145275
receiving special needs child care, is less than eighteen years 145276
old. 145277

(PP) "Serious risk noncompliance" means a licensure or 145278
certification rule violation that leads to a great risk of harm 145279
to, or death of, a child, and is observable, not inferable. 145280

(QQ) "Special needs child care" means child care provided to 145281
a child who is less than eighteen years of age and either has one 145282
or more chronic health conditions or does not meet age appropriate 145283
expectations in one or more areas of development, including 145284
social, emotional, cognitive, communicative, perceptual, motor, 145285
physical, and behavioral development and that may include on a 145286
regular basis such services, adaptations, modifications, or 145287
adjustments needed to assist in the child's function or 145288
development. 145289

(RR) "Title IV-A" means Title IV-A of the "Social Security 145290
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 145291

(SS) "Title XX" means Title XX of the "Social Security Act," 145292
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 145293

(TT) "Toddler" means a child who is at least eighteen months 145294
of age but less than three years of age. 145295

(UU) "Type A family day-care home" and "type A home" mean the 145296
permanent residence of the administrator in which child care or 145297

publicly funded child care is provided for seven to twelve 145298
children at one time or a permanent residence of the administrator 145299
in which child care is provided for four to twelve children at one 145300
time if four or more children at one time are under two years of 145301
age. In counting children for the purposes of this division, any 145302
children under six years of age who are related to a licensee, 145303
administrator, or employee and who are on the premises of the type 145304
A home shall be counted. "Type A family day-care home" and "type A 145305
home" do not include any child day camp. 145306

(VV) "Type B family day-care home" and "type B home" mean a 145307
permanent residence of the provider in which care is provided for 145308
one to six children at one time and in which no more than three 145309
children are under two years of age at one time. In counting 145310
children for the purposes of this division, any children under six 145311
years of age who are related to the provider and who are on the 145312
premises of the type B home shall be counted. "Type B family 145313
day-care home" and "type B home" do not include any child day 145314
camp. 145315

Sec. 5104.013. (A) As used in this section: 145316

(1) "Applicant" means either of the following: 145317

(a) A person who is under final consideration for appointment 145318
to or employment in a position with a licensed preschool program 145319
or licensed school child program that provides publicly funded 145320
child care, child day-care center, type A family day-care home, 145321
licensed type B family day-care home, or child day camp; 145322

(b) A person who would serve in any position with a licensed 145323
preschool program or licensed school child program that provides 145324
publicly funded child care, child day-care center, type A family 145325
day-care home, licensed type B family day-care home, or child day 145326
camp pursuant to a contract with another entity. 145327

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 145328
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(B)(1) At the times specified in division (B)(2)(a) of this section, the director of ~~job~~ children and ~~family services~~ youth shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for each of the following persons: 145330
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(a) Any owner or licensee of a child day-care center; 145335

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home; 145336
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(c) Any owner of an approved child day camp; 145339

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care; 145340
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(e) Any in-home aide; 145342

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. 145343
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(2)(a) The director shall request a criminal records check at the following times: 145348
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(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 145350
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(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 145355
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;

(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;

(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;

(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of

investigation as part of the criminal records check for the 145389
person, including fingerprint-based checks of national crime 145390
information databases as described in 42 U.S.C. 671 for the person 145391
subject to the criminal records check. 145392

(3) With respect to a criminal records check requested for a 145393
person described in division (B)(1) of this section, the director 145394
of ~~job~~ children and ~~family services~~ youth shall do all of the 145395
following: 145396

(a) Provide to the person a copy of the form prescribed 145397
pursuant to division (C)(1) of section 109.572 of the Revised Code 145398
and a standard impression sheet to obtain fingerprint impressions 145399
prescribed pursuant to division (C)(2) of that section; 145400

(b) Obtain the completed form and impression sheet from the 145401
person; 145402

(c) Forward the completed form and impression sheet to the 145403
superintendent of the bureau of criminal identification and 145404
investigation; 145405

(d) Review the results of the criminal records check. 145406

(4) A person who receives from the director a copy of the 145407
form and standard impression sheet and who is requested to 145408
complete the form and provide a set of fingerprint impressions 145409
shall complete the form or provide all of the information 145410
necessary to complete the form and shall provide the impression 145411
sheet with the impressions of the person's fingerprints. If the 145412
person, upon request, fails to provide the information necessary 145413
to complete the form or fails to provide impressions of the 145414
person's fingerprints, the director of children and youth or a 145415
county director of job and family services may consider the 145416
failure a reason to deny licensure, approval, or certification or 145417
to determine an employee ineligible for employment. 145418

(5) Except as provided in rules adopted under division (F) of 145419

this section: 145420

(a) The director of ~~job~~ children and ~~family services~~ youth 145421
shall refuse to issue a license to or approve a center, type A 145422
home, type B home, child day camp, preschool program, or school 145423
child program, and shall revoke a license or approval, and a 145424
county director of job and family services shall not certify an 145425
in-home aide and shall revoke a certification, if a person for 145426
whom a criminal records check was required under division 145427
(B)(1)(a) to (B)(1)(e) of this section has been convicted of or 145428
pleaded guilty to any of the violations described in division 145429
(A)(5) of section 109.572 of the Revised Code. 145430

(b) The director of ~~job~~ children and ~~family services~~ youth 145431
shall not issue a license to a type A home or type B home if a 145432
resident of the type A home or type B home is under eighteen years 145433
of age and has been adjudicated a delinquent child for committing 145434
either a violation of any section listed in division (A)(5) of 145435
section 109.572 of the Revised Code or an offense of another state 145436
or the United States that is substantially equivalent to an 145437
offense listed in division (A)(5) of section 109.572 of the 145438
Revised Code. 145439

(c) The director shall determine an applicant or employee 145440
ineligible for employment if the person has been convicted of or 145441
pleaded guilty to any of the violations described in division 145442
(A)(5) of section 109.572 of the Revised Code. 145443

(6) Each child day-care center, type A home, type B home, 145444
approved child day camp, licensed child care program, licensed 145445
school child program, and in-home aide shall pay to the bureau of 145446
criminal identification and investigation the fee prescribed 145447
pursuant to division (C)(3) of section 109.572 of the Revised Code 145448
for each criminal records check conducted in accordance with that 145449
section upon a request made pursuant to division (B) of this 145450
section. 145451

A center, home, camp, preschool program, or school child program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount the center, home, camp, or program pays under this section. If a fee is charged, the center, home, camp, or program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, home, camp, or program will not consider the applicant for employment.

(7) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (B) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The report shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of ~~job~~ children and ~~family services~~ youth, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the criminal records check.

(C)(1) At the times specified in division (C)(2) of this section, the director of ~~job~~ children and ~~family services~~ youth shall search the uniform statewide automated child welfare information system for information concerning any abuse or neglect report made pursuant to section 2151.421 of the Revised Code of which any of the following persons is a subject:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years

of age or older who resides in the home; 145484

(c) Any owner of an approved child day camp; 145485

(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care; 145486
145487

(e) Any in-home aide; 145488

(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care. 145489
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(2) The director shall search the information system at the following times: 145494
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~~(i)~~(a) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter; 145496
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~~(ii)~~(b) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 145501
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~~(iii)~~(c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter; 145504
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~~(iv)~~(d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 145508
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~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)~~(C)(2)(f)~~ of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years 145511
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thereafter; 145514

~~(vi)~~(f) In the case of an applicant who has been determined 145515
eligible for employment after a search of the uniform statewide 145516
automated child welfare information system within the past five 145517
years and who has been employed by a licensed preschool program or 145518
licensed school child program that provides publicly funded child 145519
care, child day-care center, type A family day-care home, licensed 145520
type B family day-care home, or approved child day camp within the 145521
past one hundred eighty consecutive days, every five years after 145522
the date of the initial determination. 145523

(3) The director shall consider any information discovered 145524
pursuant to division (C)(1) of this section or that is provided by 145525
a public children services agency pursuant to section 5153.175 of 145526
the Revised Code. If the director determines that the information, 145527
when viewed within the totality of the circumstances, reasonably 145528
leads to the conclusion that the person may directly or indirectly 145529
endanger the health, safety, or welfare of children, the director 145530
of children and youth or county director of job and family 145531
services shall do any of the following: 145532

(a) Refuse to issue a license to or approve a center, type A 145533
home, type B home, child day camp, preschool program, or school 145534
child program; 145535

(b) Revoke a license or approval; 145536

(c) Refuse to certify an in-home aide or revoke a 145537
certification; 145538

(d) Determine an applicant or employee ineligible for 145539
employment with the center, type A home, licensed type B home, 145540
child day camp, preschool program, or school child program. 145541

(4) Any information obtained under division (C) of this 145542
section is confidential and not a public record for the purposes 145543
of section 149.43 of the Revised Code. The information shall not 145544

be made available to any person other than the person who is the
subject of the search or the person's representative, the director
of ~~job~~ children and ~~family services~~ youth, the director of a
county department of job and family services, and any court,
hearing officer, or other necessary individual involved in a case
dealing with a denial or revocation of licensure, approval, or
certification related to the search.

(D)(1) At the times specified in division (D)(2) of this
section, the director of ~~job~~ children and ~~family services~~ youth
shall inspect the state registry of sex offenders and child-victim
offenders established under section 2950.13 of the Revised Code
and the national sex offender registry as described in 42 U.S.C.
16901 to determine if any of the following persons is registered
or required to be registered as an offender:

(a) Any owner or licensee of a child day-care center;

(b) Any owner or licensee of a type A family day-care home or
licensed type B family day-care home and any person eighteen years
of age or older who resides in the home;

(c) Any owner of an approved child day camp;

(d) Any director of a licensed preschool program or licensed
school child program that provides publicly funded child care;

(e) Any in-home aide;

(f) Any applicant or employee, including an administrator, of
a child day-care center, type A family day-care home, licensed
type B family day-care home, approved child day camp, or licensed
preschool program or licensed school child program that provides
publicly funded child care.

(2) The director shall inspect each registry at the following
times:

~~(i)~~(a) In the case of an owner or licensee of child day-care

center or an owner or licensee of a type A family day-care home or 145575
type B family day-care home or a resident of such a home, at the 145576
time of initial application for licensure and every five years 145577
thereafter; 145578

~~(ii)~~(b) In the case of an owner of an approved child day 145579
camp, at the time of initial application for approval and every 145580
five years thereafter; 145581

~~(iii)~~(c) In the case of a director of a licensed child care 145582
program or licensed school child program, at the time of initial 145583
application to provide publicly funded child care; 145584

~~(iv)~~(d) In the case of an in-home aide, at the time of 145585
initial application for certification and every five years 145586
thereafter; 145587

~~(v)~~(e) Except as provided in division (D)(2)(a)~~(vi)~~(f) of 145588
this section, in the case of an applicant or employee, at the time 145589
of initial application for employment and every five years 145590
thereafter; 145591

~~(vi)~~(f) In the case of an applicant who has been determined 145592
eligible for employment after an inspection of the state registry 145593
of sex offenders and child-victim offenders established under 145594
section 2950.13 of the Revised Code and the national sex offender 145595
registry as described in 42 U.S.C. 16901 within the past five 145596
years and who has been employed by a licensed preschool program or 145597
licensed school child program that provides publicly funded child 145598
care, child day-care center, type A family day-care home, licensed 145599
type B family day-care home, or approved child day camp within the 145600
past one hundred eighty consecutive days, every five years after 145601
the date of the initial determination. 145602

(3) If the director determines that the person is registered 145603
or required to be registered on either registry, the director of 145604
children and youth or county director of job and family services 145605

shall do any of the following: 145606

(a) Refuse to issue a license to or approve a center, type A 145607
home, type B home, child day camp, preschool program, or school 145608
child program; 145609

(b) Revoke a license or approval; 145610

(c) Refuse to certify an in-home aide or revoke a 145611
certification; 145612

(d) Determine an applicant or employee ineligible for 145613
employment with the center, type A home, licensed type B home, 145614
child day camp, preschool program, or school child program. 145615

(4) Any information obtained under division (D) of this 145616
section is confidential and not a public record for the purposes 145617
of section 149.43 of the Revised Code. The information shall not 145618
be made available to any person other than the person who is the 145619
subject of the inspection or the person's representative, the 145620
director of ~~job children and family services~~ youth, the director 145621
of a county department of job and family services, and any court, 145622
hearing officer, or other necessary individual involved in a case 145623
dealing with a denial or revocation of licensure, approval, or 145624
certification related to the search. 145625

(E) Whenever the director of ~~job children and family services~~ 145626
youth determines a person ineligible for employment under division 145627
(B), (C), or (D) of this section, the director shall as soon as 145628
practicable notify the following of that determination: the 145629
licensed preschool program or licensed school child program that 145630
provides publicly funded child care, child day-care center, type A 145631
family day-care home, licensed type B family day-care home, or 145632
approved child day camp that is considering the person for 145633
appointment or employment. A licensed preschool program or 145634
licensed school child program that provides publicly funded child 145635
care, child day-center, type A family day-care home, licensed type 145636

B family day-care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment.

(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at the time of initial application for employment and every five years thereafter.

(2) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(3) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(4) With respect to a criminal records check requested under division (F) of this section, the administrator shall do all of the following:

(a) Provide to the applicant or employee a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the

Revised Code and a standard impression sheet to obtain fingerprint 145668
impressions prescribed pursuant to division (C)(2) of that 145669
section; 145670

(b) Obtain the completed form and impression sheet from the 145671
applicant or employee; 145672

(c) Forward the completed form and impression sheet to the 145673
superintendent of the bureau of criminal identification and 145674
investigation; 145675

(d) Review the results of the criminal records check. 145676

(5) An applicant or employee who receives from the 145677
administrator a copy of the form and standard impression sheet and 145678
who is requested to complete the form and provide a set of 145679
fingerprint impressions shall complete the form or provide all of 145680
the information necessary to complete the form and shall provide 145681
the impression sheet with the impressions of the person's 145682
fingerprints. If the applicant or employee, upon request, fails to 145683
provide the information necessary to complete the form or fails to 145684
provide impressions of the person's fingerprints, the 145685
administrator may consider the failure a reason to determine an 145686
applicant or employee ineligible for employment. 145687

(6) A child day camp, other than an approved child day camp, 145688
may employ an applicant or continue to employ an employee until 145689
the criminal records check required by this section is completed 145690
and the camp receives the results of the check. Until the 145691
administrator has reviewed the results of the criminal records 145692
check and determines that the applicant or employee is eligible 145693
for employment, the camp shall not grant the applicant or employee 145694
sole responsibility for the care, custody, or control of a child. 145695
If the results indicate that the applicant or employee is 145696
ineligible for employment, the camp shall immediately release the 145697
applicant or employee from employment. 145698

(7) Except as provided in rules adopted under this section, 145699
the administrator shall determine an applicant or employee 145700
ineligible for employment if the person has been convicted of or 145701
pleaded guilty to any of the violations described in division 145702
(A)(5) of section 109.572 of the Revised Code. If the applicant or 145703
employee is determined ineligible, the child day camp shall not 145704
employ the applicant or employee or contract with another entity 145705
for the services of the applicant or employee. 145706

(8) Each child day camp shall pay to the bureau of criminal 145707
identification and investigation the fee prescribed pursuant to 145708
division (C)(3) of section 109.572 of the Revised Code for each 145709
criminal records check conducted in accordance with that section 145710
upon a request made pursuant to division (F) of this section. A 145711
camp may charge an applicant or employee a fee for the costs it 145712
incurs in obtaining a criminal records check under division (F) of 145713
this section. A fee charged under this division shall not exceed 145714
the fees the camp pays under this section. If a fee is charged, 145715
the camp shall notify the applicant at the time of the applicant's 145716
initial application for employment of the amount of the fee and 145717
that, unless the fee is paid, the camp will not consider the 145718
applicant for employment. 145719

(9) The report of any criminal records check conducted by the 145720
bureau of criminal identification and investigation in accordance 145721
with section 109.572 of the Revised Code and pursuant to a request 145722
made under division (F) of this section is confidential and not a 145723
public record for the purposes of section 149.43 of the Revised 145724
Code. The report shall not be made available to any person other 145725
than the person who is the subject of the criminal records check 145726
or the person's representative, the director of ~~job~~ children and 145727
~~family services~~ youth, the administrator, and any court, hearing 145728
officer, or other necessary individual involved in a case dealing 145729
with a denial or revocation of registration related to the 145730

criminal records check. 145731

(G) The director of ~~job~~ children and ~~family services~~ youth 145732
shall adopt rules as necessary to implement this section. The 145733
rules shall be adopted in accordance with Chapter 119. of the 145734
Revised Code. The rules shall specify exceptions to the 145735
prohibitions in ~~division~~ divisions (B), (E), and (F) of this 145736
section for a person who has been convicted of or pleaded guilty 145737
to a criminal offense listed in division (A)(5) of section 109.572 145738
of the Revised Code but who meets standards in regard to 145739
rehabilitation set by the director. 145740

(H)(1) Whenever the director of ~~job~~ children and ~~family~~ 145741
~~services~~ youth requests a criminal records check, searches the 145742
uniform statewide automated child welfare information system, or 145743
inspects the state registry of sex offenders and child-victim 145744
offenders and national sex offender registry as required by this 145745
section and finds that a person who is subject to the requirements 145746
of division (B), (C), or (D) of this section resided in another 145747
state during the previous five years, the director shall request 145748
the following from the other state: a criminal records check and 145749
information from the uniform statewide automated child welfare 145750
information system or state registry of sex offenders. 145751

(2) Whenever the director receives from an agency of another 145752
state a request for a criminal records check or for information 145753
from the uniform statewide automated child welfare information 145754
system or state registry of sex offenders that is related to a 145755
child care license or the provision of publicly funded child care, 145756
the director shall provide to that other state's agency the 145757
results of the records check and information from the system and 145758
registry. 145759

Sec. 5104.015. The director of ~~job~~ children and ~~family~~ 145760
~~services~~ youth shall adopt rules in accordance with Chapter 119. 145761

of the Revised Code governing the operation of child day-care 145762
centers, including parent cooperative centers, part-time centers, 145763
and drop-in centers. The rules shall reflect the various forms of 145764
child care and the needs of children receiving child care or 145765
publicly funded child care and shall include specific rules for 145766
school-age child care centers that are developed in consultation 145767
with the department of education. The rules shall include the 145768
following: 145769

(A) Submission of a site plan and descriptive plan of 145770
operation to demonstrate how the center proposes to meet the 145771
requirements of this chapter and rules adopted pursuant to this 145772
chapter for the initial license application; 145773

(B) Standards for ensuring that the physical surroundings of 145774
the center are safe and sanitary including the physical 145775
environment, the physical plant, and the equipment of the center; 145776

(C) Standards for the supervision, care, and discipline of 145777
children receiving child care or publicly funded child care in the 145778
center; 145779

(D) Standards for a program of activities, and for play 145780
equipment, materials, and supplies, to enhance the development of 145781
each child; however, any educational curricula, philosophies, and 145782
methodologies that are developmentally appropriate and that 145783
enhance the social, emotional, intellectual, and physical 145784
development of each child shall be permissible. As used in this 145785
division, "program" does not include instruction in religious or 145786
moral doctrines, beliefs, or values that is conducted at child 145787
day-care centers owned and operated by churches and does include 145788
methods of disciplining children at child day-care centers. 145789

(E) Admissions policies and procedures; 145790

(F) Health care policies and procedures, including procedures 145791
for the isolation of children with communicable diseases; 145792

(G) First aid and emergency procedures;	145793
(H) Procedures for discipline and supervision of children;	145794
(I) Standards for the provision of nutritious meals and snacks;	145795 145796
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	145797 145798 145799
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	145800 145801
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	145802 145803 145804 145805
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	145806 145807 145808
(N) Procedures for record keeping, organization, and administration;	145809 145810
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	145811 145812 145813
(P) Inspection procedures;	145814
(Q) Procedures and standards for setting initial license application fees;	145815 145816
(R) Procedures for receiving, recording, and responding to complaints about centers;	145817 145818
(S) Procedures for enforcing section 5104.04 of the Revised Code;	145819 145820
(T) Minimum qualifications for employment as an administrator	145821

or child-care staff member; 145822

(U) Requirements for the training of administrators and 145823
child-care staff members, including training in first aid, in 145824
prevention, recognition, and management of communicable diseases, 145825
and in child abuse recognition and prevention; 145826

(V) Standards providing for the needs of children who have 145827
disabilities or who require treatment for health conditions while 145828
the child is receiving child care or publicly funded child care in 145829
the center; 145830

(W) A procedure for reporting of injuries of children that 145831
occur at the center; 145832

(X) Standards for licensing child day-care centers for 145833
children with short-term illnesses and other temporary medical 145834
conditions; 145835

(Y) Minimum requirements for instructional time for child 145836
day-care centers rated through the step up to quality program 145837
established pursuant to section 5104.29 of the Revised Code; 145838

(Z) Any other procedures and standards necessary to carry out 145839
the provisions of this chapter regarding child day-care centers. 145840

Sec. 5104.016. The director of ~~job~~ children and ~~family~~ 145841
~~services~~ youth, in addition to the rules adopted under section 145842
5104.015 of the Revised Code, shall adopt rules establishing 145843
minimum requirements for child day-care centers. The rules shall 145844
include the requirements set forth in sections 5104.032 to 145845
5104.034 of the Revised Code. Except as provided in section 145846
5104.07 of the Revised Code, the rules shall not change the square 145847
footage requirements of section 5104.032 of the Revised Code or 145848
the maximum number of children per child-care staff member and 145849
maximum group size requirements of section 5104.033 of the Revised 145850
Code. However, the rules shall provide procedures for determining 145851

compliance with those requirements. 145852

Sec. 5104.017. The director of ~~job~~ children and ~~family~~ services youth shall adopt rules pursuant to Chapter 119. of the 145853
Revised Code governing the operation of type A family day-care 145854
homes, including parent cooperative type A homes, part-time type A 145855
homes, and drop-in type A homes. The rules shall reflect the 145856
various forms of child care and the needs of children receiving 145857
child care. The rules shall include the following: 145858
145859

(A) Submission of a site plan and descriptive plan of 145860
operation to demonstrate how the type A home proposes to meet the 145861
requirements of this chapter and rules adopted pursuant to this 145862
chapter for the initial license application; 145863

(B) Standards for ensuring that the physical surroundings of 145864
the type A home are safe and sanitary, including the physical 145865
environment, the physical plant, and the equipment of the type A 145866
home; 145867

(C) Standards for the supervision, care, and discipline of 145868
children receiving child care or publicly funded child care in the 145869
type A home; 145870

(D) Standards for a program of activities, and for play 145871
equipment, materials, and supplies, to enhance the development of 145872
each child; however, any educational curricula, philosophies, and 145873
methodologies that are developmentally appropriate and that 145874
enhance the social, emotional, intellectual, and physical 145875
development of each child shall be permissible; 145876

(E) Admissions policies and procedures; 145877

(F) Health care policies and procedures, including procedures 145878
for the isolation of children with communicable diseases; 145879

(G) First aid and emergency procedures; 145880

(H) Procedures for discipline and supervision of children;	145881
(I) Standards for the provision of nutritious meals and snacks;	145882 145883
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	145884 145885 145886
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	145887 145888
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	145889 145890 145891 145892
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	145893 145894 145895
(N) Procedures for record keeping, organization, and administration;	145896 145897
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	145898 145899 145900
(P) Inspection procedures;	145901
(Q) Procedures and standards for setting initial license application fees;	145902 145903
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	145904 145905
(S) Procedures for enforcing section 5104.04 of the Revised Code;	145906 145907
(T) A standard requiring the inclusion of a current department of job <u>children</u> and family services <u>youth</u> toll-free	145908 145909

telephone number on each type A home license that any person may	145910
use to report a suspected violation by the type A home of this	145911
chapter or rules adopted pursuant to this chapter;	145912
(U) Requirements for the training of administrators and	145913
child-care staff members in first aid, in prevention, recognition,	145914
and management of communicable diseases, and in child abuse	145915
recognition and prevention;	145916
(V) Standards providing for the needs of children who have	145917
disabilities or who require treatment for health conditions while	145918
the child is receiving child care or publicly funded child care in	145919
the type A home;	145920
(W) Standards for the maximum number of children per	145921
child-care staff member;	145922
(X) Requirements for the amount of usable indoor floor space	145923
for each child;	145924
(Y) Requirements for safe outdoor play space;	145925
(Z) Qualifications and training requirements for	145926
administrators and for child-care staff members;	145927
(AA) Procedures for granting a parent who is the residential	145928
parent and legal custodian, or a custodian or guardian access to	145929
the type A home during its hours of operation;	145930
(BB) Minimum requirements for instructional time for type A	145931
homes rated through the step up to quality program established	145932
pursuant to section 5104.29 of the Revised Code;	145933
(CC) Any other procedures and standards necessary to carry	145934
out the provisions of this chapter regarding type A homes.	145935
Sec. 5104.018. The director of job <u>children</u> and family	145936
services <u>youth</u> shall adopt rules in accordance with Chapter 119.	145937
of the Revised Code governing the licensure of type B family	145938

day-care homes. The rules shall provide for safeguarding the 145939
health, safety, and welfare of children receiving child care or 145940
publicly funded child care in a licensed type B family day-care 145941
home and shall include all of the following: 145942

(A) Requirements for the type B home to notify parents with 145943
children in the type B home that the type B home is certified as a 145944
foster home under section 5103.03 of the Revised Code; 145945

(B) Standards for ensuring that the type B home and the 145946
physical surroundings of the type B home are safe and sanitary, 145947
including physical environment, physical plant, and equipment; 145948

(C) Standards for the supervision, care, and discipline of 145949
children receiving child care or publicly funded child care in the 145950
home; 145951

(D) Standards for a program of activities, and for play 145952
equipment, materials, and supplies to enhance the development of 145953
each child; however, any educational curricula, philosophies, and 145954
methodologies that are developmentally appropriate and that 145955
enhance the social, emotional, intellectual, and physical 145956
development of each child shall be permissible; 145957

(E) Admission policies and procedures; 145958

(F) Health care, first aid and emergency procedures; 145959

(G) Procedures for the care of sick children; 145960

(H) Procedures for discipline and supervision of children; 145961

(I) Nutritional standards; 145962

(J) Procedures for screening children, including any 145963
necessary physical examinations and the immunizations required 145964
pursuant to section 5104.014 of the Revised Code; 145965

(K) Procedures for screening administrators and employees, 145966
including any necessary physical examinations and immunizations; 145967

(L) Methods of encouraging parental participation and ensuring that the rights of children, parents, and administrators are protected and the responsibilities of parents and administrators are met;	145968 145969 145970 145971
(M) Standards for the safe transport of children when under the care of administrators;	145972 145973
(N) Procedures for issuing, denying, or revoking licenses;	145974
(O) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to licensure to ensure that the home is safe and sanitary;	145975 145976 145977
(P) Procedures for record keeping and evaluation;	145978
(Q) Procedures for receiving, recording, and responding to complaints;	145979 145980
(R) Standards providing for the needs of children who have disabilities or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	145981 145982 145983 145984
(S) Requirements for the amount of usable indoor floor space for each child;	145985 145986
(T) Requirements for safe outdoor play space;	145987
(U) Qualification and training requirements for administrators;	145988 145989
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	145990 145991 145992
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	145993 145994 145995
(X) Minimum requirements for instructional time for type B	145996

homes rated through the step up to quality program established 145997
pursuant to section 5104.29 of the Revised Code; 145998

(Y) Any other procedures and standards necessary to carry out 145999
the provisions of this chapter regarding licensure of type B 146000
homes. 146001

Sec. 5104.019. The director of ~~job~~ children and ~~family~~ 146002
~~services~~ youth shall adopt rules in accordance with Chapter 119. 146003
of the Revised Code governing the certification of in-home aides. 146004
The rules shall provide for safeguarding the health, safety, and 146005
welfare of children receiving publicly funded child care in their 146006
own home and shall include the following: 146007

(A) Standards for ensuring that the child's home and the 146008
physical surroundings of the child's home are safe and sanitary, 146009
including physical environment, physical plant, and equipment; 146010

(B) Standards for the supervision, care, and discipline of 146011
children receiving publicly funded child care in their own home; 146012

(C) Standards for a program of activities, and for play 146013
equipment, materials, and supplies to enhance the development of 146014
each child; however, any educational curricula, philosophies, and 146015
methodologies that are developmentally appropriate and that 146016
enhance the social, emotional, intellectual, and physical 146017
development of each child shall be permissible; 146018

(D) Health care, first aid, and emergency procedures, 146019
procedures for the care of sick children, procedures for 146020
discipline and supervision of children, nutritional standards, and 146021
procedures for screening children and in-home aides, including any 146022
necessary physical examinations and immunizations; 146023

(E) Methods of encouraging parental participation and 146024
ensuring that the rights of children, parents, and in-home aides 146025
are protected and the responsibilities of parents and in-home 146026

aides are met;	146027
(F) Standards for the safe transport of children when under the care of in-home aides;	146028 146029
(G) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	146030 146031
(H) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	146032 146033
(I) Procedures for record keeping and evaluation;	146034
(J) Procedures for receiving, recording, and responding to complaints;	146035 146036
(K) Qualifications and training requirements for in-home aides;	146037 146038
(L) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;	146039 146040 146041 146042
(M) Any other procedures and standards necessary to carry out the provisions of this chapter regarding certification of in-home aides.	146043 146044 146045
Sec. 5104.0111. (A) The director of job <u>children</u> and family services <u>youth</u> shall do all of the following:	146046 146047
(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child day-care centers, type A homes, and type B homes;	146048 146049 146050 146051
(2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;	146052 146053 146054
(3) At least thirty days before the effective date of a rule,	146055

provide, in either paper or electronic form, a copy of the adopted rule to each licensee; 146056
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(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed; 146058
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(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date; 146062
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(6) Review all rules adopted pursuant to this chapter at least once every seven years. 146065
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(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public notice of hearings regarding the rules to each in-home aide at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code. At least thirty days before the effective date of a rule, the county director of job and family services shall provide, in either paper or electronic form, copies of the adopted rule to each in-home aide. 146067
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(C) Additional copies of proposed and adopted rules shall be made available by the director of ~~job children~~ and ~~family services youth~~ to the public on request at no charge. 146077
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(D) The director of ~~job children~~ and ~~family services youth~~ may adopt rules in accordance with Chapter 119. of the Revised Code for imposing sanctions on persons and entities that are licensed or certified under this chapter. Sanctions may be imposed only for an action or omission that constitutes a serious risk noncompliance. The sanctions imposed shall be based on the scope and severity of the violations. 146080
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The director shall make a dispute resolution process 146087
available for the implementation of sanctions. The process may 146088
include an opportunity for appeal pursuant to Chapter 119. of the 146089
Revised Code. 146090

(E) The director of ~~job~~ children and ~~family services~~ youth 146091
shall adopt rules in accordance with Chapter 119. of the Revised 146092
Code that establish standards for the training of individuals who 146093
inspect or investigate type B family day-care homes pursuant to 146094
section 5104.03 of the Revised Code. The department shall provide 146095
training in accordance with those standards for individuals in the 146096
categories described in this division. 146097

Sec. 5104.0112. Notwithstanding any provision of the Revised 146098
Code, the director of ~~job~~ children and ~~family services~~ youth shall 146099
not regulate in any way under this chapter or rules adopted 146100
pursuant to this chapter, instruction in religious or moral 146101
doctrines, beliefs, or values. 146102

Sec. 5104.02. (A) The director of ~~job~~ children and ~~family~~ 146103
~~services~~ youth is responsible for licensing child day-care 146104
centers, type A family day-care homes, and type B family day-care 146105
homes. Each entity operating a head start program shall meet the 146106
criteria for, and be licensed as, a child day-care center. The 146107
director is responsible for the enforcement of this chapter and of 146108
rules promulgated pursuant to this chapter. 146109

No person, firm, organization, institution, or agency shall 146110
operate, establish, manage, conduct, or maintain a child day-care 146111
center or type A family day-care home without a license issued 146112
under section 5104.03 of the Revised Code. The current license 146113
shall be posted in the center or home in a conspicuous place that 146114
is accessible to parents, custodians, or guardians and employees 146115
of the center or home at all times when the center or home is in 146116

operation.	146117
(B) A person, firm, institution, organization, or agency	146118
operating any of the following programs is exempt from the	146119
requirements of this chapter:	146120
(1) A program caring for children that operates for two	146121
consecutive weeks or less and not more than six weeks total in	146122
each calendar year;	146123
(2) Caring for children in places of worship during religious	146124
activities while at least one parent, guardian, or custodian of	146125
each child is participating in such activities and is readily	146126
available;	146127
(3) Supervised training, instruction, or activities of	146128
children in specific areas, including, but not limited to: art;	146129
drama; dance; music; athletic skills or sports; computers; or an	146130
educational subject conducted on an organized or periodic basis	146131
that a child does not attend for more than eight total hours per	146132
week;	146133
(4) Programs in which the director determines that at least	146134
one parent, custodian, or guardian of each child who is not an	146135
employee of the facility engaged in employment duties is on the	146136
premises of the facility that offers care and is readily	146137
accessible at all times;	146138
(5) Programs that provide care and are regulated by state	146139
departments other than the department of job <u>children</u> and family	146140
services <u>youth</u> or the state board of education.	146141
(6) Any preschool program or school child program, except a	146142
head start program, that is subject to licensure by the department	146143
of education <u>children and youth</u> under sections 3301.52 to 3301.59	146144
of the Revised Code.	146145
(7) Any program providing care that meets all of the	146146

following requirements and, on October 20, 1987, was being 146147
operated by a nonpublic school that holds a charter issued by the 146148
state board of education for kindergarten only: 146149

(a) The nonpublic school has given the notice to the state 146150
board and the director of ~~job~~ children and ~~family services~~ youth 146151
required by Section 4 of Substitute House Bill No. 253 of the 146152
117th general assembly; 146153

(b) The nonpublic school continues to be chartered by the 146154
state board for kindergarten, or receives and continues to hold a 146155
charter from the state board for kindergarten through grade five; 146156

(c) The program is conducted in a school building; 146157

(d) The program is operated in accordance with rules 146158
promulgated by the ~~state board~~ department of children and youth 146159
under section 3301.53 of the Revised Code. 146160

(8) A youth development program operated outside of school 146161
hours to which all of the following apply: 146162

(a) The children enrolled in the program are under nineteen 146163
years of age and enrolled in or eligible to be enrolled in a grade 146164
of kindergarten or above. 146165

(b) The program provides informal care, which is care that 146166
does not require parental signature, permission, or notice for the 146167
child receiving the care to enter or leave the program. 146168

(c) The program provides any of the following supervised 146169
activities: educational, recreational, culturally enriching, 146170
social, and personal development activities. 146171

(d) The entity operating the program is exempt from federal 146172
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 146173

(9) A preschool program operated by a nonchartered, 146174
nontax-supported school if the preschool program meets all of the 146175
following conditions: 146176

(a) The program complies with state and local health, fire, and safety laws. 146177
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(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of ~~job children~~ and ~~family services youth~~ on or before the thirtieth day of September of each year. 146179
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(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools. 146184
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(d) The program is associated with a nonchartered, nontax-supported primary or secondary school. 146188
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(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code. 146190
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Sec. 5104.021. The director of ~~job children~~ and ~~family services youth~~ may issue a child day-care center or type A family day-care home license to a youth development program that is exempted by division (B)(8) of section 5104.02 of the Revised Code from the requirements of this chapter if the youth development program applies for and meets all of the requirements for the license. 146196
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Sec. 5104.022. In no case shall the director of ~~job children~~ and ~~family services youth~~ issue a license to operate a type A family day-care home if the type A home is certified as a foster home or specialized foster home pursuant to Chapter 5103. of the 146203
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Revised Code. In no case shall the director issue a license to 146207
operate a type B family day-care home if the type B home is 146208
certified as a specialized foster home pursuant to Chapter 5103. 146209
of the Revised Code. 146210

Sec. 5104.03. (A) As used in this section, "owner" has the 146211
same meaning as in section 5104.01 of the Revised Code, except 146212
that "owner" also includes a firm, organization, institution, or 146213
agency, as well as any individual governing board members, 146214
partners, or authorized representatives of the owner. 146215

(B) Any person, firm, organization, institution, or agency 146216
seeking to establish a child day-care center, type A family 146217
day-care home, or licensed type B family day-care home shall apply 146218
for a license to the director of ~~job~~ children and ~~family services~~ 146219
youth on such form as the director prescribes. The director shall 146220
provide at no charge to each applicant for licensure a copy of the 146221
child care license requirements in this chapter and a copy of the 146222
rules adopted pursuant to this chapter. The copies may be provided 146223
in paper or electronic form. 146224

Fees shall be set by the director pursuant to sections 146225
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 146226
paid at the time of application for a license to operate a center, 146227
type A home, or type B home. Fees collected under this section 146228
shall be paid into the state treasury to the credit of the general 146229
revenue fund. 146230

(C)(1) Upon filing of the application for a license, the 146231
director shall investigate and inspect the center, type A home, or 146232
type B home to determine the license capacity for each age 146233
category of children of the center, type A home, or type B home 146234
and to determine whether the center, type A home, or type B home 146235
complies with this chapter and rules adopted pursuant to this 146236
chapter. When, after investigation and inspection, the director is 146237

satisfied that this chapter and rules adopted pursuant to it are 146238
complied with, subject to division (G) of this section, a license 146239
shall be issued as soon as practicable in such form and manner as 146240
prescribed by the director. The license shall be designated as 146241
provisional and shall be valid for at least twelve months from the 146242
date of issuance and until the continuous license is issued or 146243
until the provisional license is revoked or suspended pursuant to 146244
section 5104.042 of the Revised Code. 146245

(2) The director may contract with a government entity or a 146246
private nonprofit entity for the entity to inspect type A or type 146247
B family day-care homes pursuant to this section. If the director 146248
contracts with a government entity or private nonprofit entity for 146249
that purpose, the entity may contract with another government 146250
entity or private nonprofit entity for the other entity to inspect 146251
type A or type B homes pursuant to this section. The director, 146252
government entity, or private nonprofit entity shall conduct an 146253
inspection prior to the issuance of a license for a type A or type 146254
B home and, as part of that inspection, ensure that the home is 146255
safe and sanitary. 146256

(D) The director shall investigate and inspect the center, 146257
type A home, or type B home at least once during operation under a 146258
license designated as provisional. If after the investigation and 146259
inspection the director determines that the requirements of this 146260
chapter and rules adopted pursuant to this chapter are met, 146261
subject to division (G) of this section, the director shall issue 146262
a continuous license to the center or home. 146263

(E) Each license shall state the name of the licensee, the 146264
name of the administrator, the address of the center, type A home, 146265
or licensed type B home, and the license capacity for each age 146266
category of children. The license shall include thereon, in 146267
accordance with sections 5104.015, 5104.017, and 5104.018 of the 146268
Revised Code, the toll-free telephone number to be used by persons 146269

suspecting that the center, type A home, or licensed type B home 146270
has violated a provision of this chapter or rules adopted pursuant 146271
to this chapter. A license is valid only for the licensee, 146272
administrator, address, and license capacity for each age category 146273
of children designated on the license. The license capacity 146274
specified on the license is the maximum number of children in each 146275
age category that may be cared for in the center, type A home, or 146276
licensed type B home at one time. 146277

A center or home licensee shall notify the director in 146278
writing when the administrator, address, or license capacity of 146279
the center or home changes. The director shall amend the current 146280
license to reflect a change in any of the following: 146281

(1) An administrator, if the administrator meets the 146282
requirements of this chapter and rules adopted pursuant to this 146283
chapter; 146284

(2) Address, if the new address meets the requirements of 146285
this chapter and rules adopted pursuant to this chapter; 146286

(3) License capacity for any age category of children as 146287
determined by the director of ~~job children and family services~~ 146288
youth. 146289

(F) If the director revokes the license of a center, a type A 146290
home, or a type B home, the director shall not issue another 146291
license to the owner of the center, type A home, or type B home 146292
until five years have elapsed from the date the license is 146293
revoked. 146294

If the director denies an application for a license, the 146295
director shall not consider another application from the applicant 146296
until five years have elapsed from the date the application is 146297
denied. 146298

(G)(1) Except as provided in division (G)(2) of this section, 146299
all actions of the director with respect to licensing centers, 146300

type A homes, or type B homes, refusal to license, and revocation 146301
of a license shall be in accordance with Chapter 119. of the 146302
Revised Code. Except as provided in division (G)(2) of this 146303
section, any applicant who is denied a license or any owner whose 146304
license is revoked may appeal in accordance with section 119.12 of 146305
the Revised Code. 146306

(2) The following actions by the director are not subject to 146307
Chapter 119. of the Revised Code: 146308

(a) The director ceases its review of an application because 146309
the owner of a center, type A home, or type B home sought a 146310
license before five years had elapsed from the date the previous 146311
license was revoked and the director does not issue the license. 146312

(b) The director ceases its review of an application because 146313
the applicant applied for licensure before five years had elapsed 146314
from the date the previous application was denied and the director 146315
does not issue the license. 146316

(c) The director closes a license because the director has 146317
determined that the center, type A home, or type B home is no 146318
longer operating at the address stated on the license and did not 146319
notify the director of the address change as described in division 146320
(E) of this section. 146321

(H) In no case shall the director issue a license under this 146322
section for a center, type A home, or type B home if the director, 146323
based on documentation provided by the appropriate county 146324
department of job and family services, determines that the 146325
applicant had been certified as an in-home aide, that the county 146326
department revoked that certification within the immediately 146327
preceding five years, that the revocation was based on the 146328
applicant's refusal or inability to comply with the criteria for 146329
certification, and that the refusal or inability resulted in a 146330
risk to the health or safety of children. 146331

(I) An owner of a type B family day-care home that receives a license pursuant to this section is an independent contractor and is not an employee of the department of ~~job~~ children and ~~family services~~ youth.

Sec. 5104.034. Each child day-care center shall have on the center premises and readily available at all times at least one child-care staff member who has completed a course in first aid, one staff member who has completed a course in prevention, recognition, and management of communicable diseases which is approved by the state department of health, and a staff member who has completed a course in child abuse recognition and prevention training which is approved by the department of ~~job~~ children and ~~family services~~ youth.

Sec. 5104.038. The administrator of each child day-care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director of children and youth upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.04. (A) The department of ~~job~~ children and ~~family services~~ youth shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers,

type A family day-care homes, and licensed type B family day-care homes. 146362
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(B)(1)(a) The department shall, at least once during every 146364
twelve-month period of operation of a center, type A home, or 146365
licensed type B home, inspect the center, type A home, or licensed 146366
type B home. The department shall inspect a part-time center or 146367
part-time type A home at least once during every twelve-month 146368
period of operation. The department shall provide a written 146369
inspection report to the licensee within a reasonable time after 146370
each inspection. 146371

Inspections may be unannounced. No person, firm, 146372
organization, institution, or agency shall interfere with the 146373
inspection of a center, type A home, or licensed type B home by 146374
any state or local official engaged in performing duties required 146375
of the state or local official by this chapter or rules adopted 146376
pursuant to this chapter, including inspecting the center, type A 146377
home, or licensed type B home, reviewing records, or interviewing 146378
licensees, employees, children, or parents. 146379

(b) Upon receipt of any complaint that a center, type A home 146380
or licensed type B home is out of compliance with the requirements 146381
of this chapter or rules adopted pursuant to this chapter, the 146382
department shall investigate the center or home, and both of the 146383
following apply: 146384

(i) If the complaint alleges that a child suffered physical 146385
harm while receiving child care at the center or home or that the 146386
noncompliance alleged in the complaint involved, resulted in, or 146387
poses a substantial risk of physical harm to a child receiving 146388
child care at the center or home, the department shall inspect the 146389
center or home. 146390

(ii) If division (B)(1)(b)(i) of this section does not apply 146391
regarding the complaint, the department may inspect the center or 146392

home. 146393

(c) Division (B)(1)(b) of this section does not limit, 146394
restrict, or negate any duty of the department to inspect a 146395
center, type A home, or licensed type B home that otherwise is 146396
imposed under this section, or any authority of the department to 146397
inspect a center, type A home, or licensed type B home that 146398
otherwise is granted under this section. 146399

(2) If the department implements an instrument-based program 146400
monitoring information system, it may use an indicator checklist 146401
to comply with division (B)(1) of this section. 146402

(C) The department may deny an application or revoke a 146403
license of a center, type A home, or licensed type B home, if the 146404
applicant knowingly submits falsified information to the 146405
department or if the center or home does not comply with the 146406
requirements of this chapter or rules adopted pursuant to this 146407
chapter. 146408

(D) If the department finds, after notice and hearing 146409
pursuant to Chapter 119. of the Revised Code, that any applicant, 146410
person, firm, organization, institution, or agency applying for 146411
licensure or licensed under section 5104.03 of the Revised Code is 146412
in violation of any provision of this chapter or rules adopted 146413
pursuant to this chapter, the department may issue an order of 146414
denial to the applicant or an order of revocation to the center, 146415
type A home, or licensed type B home revoking the license 146416
previously issued by the department. Upon the issuance of such an 146417
order, the person whose application is denied or whose license is 146418
revoked may appeal in accordance with section 119.12 of the 146419
Revised Code. 146420

(E) The surrender of a center, type A home, or licensed type 146421
B home license to the department or the withdrawal of an 146422
application for licensure by the owner or administrator of the 146423

center, type A home, or licensed type B home shall not prohibit 146424
the department from instituting any of the actions set forth in 146425
this section. 146426

(F) Whenever the department receives a complaint, is advised, 146427
or otherwise has any reason to believe that a center or type A 146428
home is providing child care without a license issued pursuant to 146429
section 5104.03 and is not exempt from licensing pursuant to 146430
section 5104.02 of the Revised Code, the department shall 146431
investigate the center or type A home and may inspect the areas 146432
children have access to or areas necessary for the care of 146433
children in the center or type A home during suspected hours of 146434
operation to determine whether the center or type A home is 146435
subject to the requirements of this chapter or rules adopted 146436
pursuant to this chapter. 146437

(G) The department, upon determining that the center or type 146438
A home is operating without a license, shall notify the attorney 146439
general, the prosecuting attorney of the county in which the 146440
center or type A home is located, or the city attorney, village 146441
solicitor, or other chief legal officer of the municipal 146442
corporation in which the center or type A home is located, that 146443
the center or type A home is operating without a license. Upon 146444
receipt of the notification, the attorney general, prosecuting 146445
attorney, city attorney, village solicitor, or other chief legal 146446
officer of a municipal corporation shall file a complaint in the 146447
court of common pleas of the county in which the center or type A 146448
home is located requesting that the court grant an order enjoining 146449
the owner from operating the center or type A home in violation of 146450
section 5104.02 of the Revised Code. The court shall grant such 146451
injunctive relief upon a showing that the respondent named in the 146452
complaint is operating a center or type A home and is doing so 146453
without a license. 146454

(H) The department shall prepare an annual report on 146455

inspections conducted under this section. The report shall include 146456
the number of inspections conducted, the number and types of 146457
violations found, and the steps taken to address the violations. 146458
The department shall file the report with the governor, the 146459
president and minority leader of the senate, and the speaker and 146460
minority leader of the house of representatives on or before the 146461
first day of January of each year, beginning in 1999. 146462

Sec. 5104.041. (A) All type A family day-care homes and 146463
licensed type B family day-care homes shall procure and maintain 146464
one of the following: 146465

(1) Liability insurance issued by an insurer authorized to do 146466
business in this state under Chapter 3905. of the Revised Code 146467
insuring the type A or type B family day-care home against 146468
liability arising out of, or in connection with, the operation of 146469
the family day-care home. The insurance procured shall cover any 146470
cause for which the type A or type B family day-care home would be 146471
liable, in the amount of at least one hundred thousand dollars per 146472
occurrence and three hundred thousand dollars in the aggregate. 146473

(2) A written statement signed by the parent, guardian, or 146474
custodian of each child receiving child care from the type A or 146475
type B family day-care home that states all of the following: 146476

(a) The family day-care home does not carry liability 146477
insurance described in division (A)(1) of this section; 146478

(b) If the licensee of a type A family day-care home or a 146479
type B family day-care home is not the owner of the real property 146480
where the family day-care home is located, the liability 146481
insurance, if any, of the owner of the real property may not 146482
provide for coverage of any liability arising out of, or in 146483
connection with, the operation of the family day-care home. 146484

(B) If the licensee of a type A family day-care home or a 146485

type B family day-care home is not the owner of the real property 146486
where the family day-care home is located and the family day-care 146487
home procures liability insurance described in division (A)(1) of 146488
this section, that licensee shall name the owner of the real 146489
property as an additional insured party on the liability insurance 146490
policy if all of the following apply: 146491

(1) The owner of the real property requests the licensee or 146492
provider, in writing, to add the owner of the real property to the 146493
liability insurance policy as an additional insured party. 146494

(2) The addition of the owner of the real property does not 146495
result in cancellation or nonrenewal of the insurance policy 146496
procured by the type A or type B family day-care home. 146497

(3) The owner of the real property pays any additional 146498
premium assessed for coverage of the owner of the real property. 146499

(C) Proof of insurance or written statement required under 146500
division (A) of this section shall be maintained at the type A or 146501
type B family day-care home and made available for review during 146502
inspection or investigation as required under this chapter. 146503

(D) The director of ~~job children and family services~~ youth 146504
shall adopt rules for the enforcement of this section. 146505

Sec. 5104.042. (A) The department of ~~job children and family~~ 146506
~~services youth~~ may suspend, without a prior hearing, the license 146507
of a child day-care center, type A family day-care home, or 146508
licensed type B family day-care home if any of the following 146509
occur: 146510

(1) A child dies or suffers a serious injury while receiving 146511
child care in the center, type A home, or licensed type B home. 146512

(2) A public children services agency receives a report 146513
pursuant to section 2151.421 of the Revised Code, and the person 146514
alleged to have inflicted abuse or neglect on the child who is the 146515

subject of the report is any of the following: 146516

(a) The owner, licensee, or administrator of the center, type 146517
A home, or licensed type B home; 146518

(b) An employee of the center, type A home, or licensed type 146519
B home who has not immediately been placed on administrative leave 146520
or released from employment; 146521

(c) Any person who resides in the type A home or licensed 146522
type B home. 146523

(3) An owner, licensee, administrator, or employee of the 146524
center, type A home, or licensed type B home, or a resident of the 146525
type A home or licensed type B home is charged by an indictment, 146526
information, or complaint with an offense relating to the abuse or 146527
neglect of a child. 146528

(4) The department or a county department of job and family 146529
services determines that the center, type A home, or licensed type 146530
B home created a serious risk to the health or safety of a child 146531
receiving child care in the center, type A home, or licensed type 146532
B home that resulted in or could have resulted in a child's death 146533
or injury. 146534

(5) The department determines that the owner or licensee of 146535
the center, type A home, or licensed type B home does not meet the 146536
requirements of section 5104.013 of the Revised Code. 146537

(B) The department shall issue a written order of suspension 146538
and furnish a copy to the licensee either by certified mail or in 146539
person as described in section 119.07 of the Revised Code. The 146540
licensee may request an adjudicatory hearing before the department 146541
pursuant to sections 119.06 to 119.12 of the Revised Code. 146542

(C) Any summary suspension imposed under this section shall 146543
remain in effect until any of the following occurs: 146544

(1) The public children services agency completes its 146545

investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of ~~job children~~ and ~~family services youth~~ may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

Sec. 5104.043. (A) If the department of ~~job children~~ and ~~family services youth~~ determines that an act or omission of a child day-care center, type A family day-care home, or licensed type B family day-care home constitutes a serious risk noncompliance, the licensee shall notify the caretaker parent of each child receiving care in the center or home of the department's determination.

(B) With respect to the notice required by division (A) of this section, all of the following apply:

(1) The licensee shall notify caretaker parents not later

than fifteen business days after the department informs the licensee of the department's determination. If the licensee requests a review of the department's determination, the licensee shall notify caretaker parents not later than five business days after the department has completed its review.

(2) The notice shall include a statement informing each caretaker parent of the web site maintained by the department and the location of further information regarding the determination.

(3) The licensee may provide written or electronic notice to caretaker parents.

(4) The licensee shall provide a copy of the notice to the department.

(C) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules to enforce this section.

(D) The requirements of this section do not apply if the department suspends the license of a child day-care center, type A family day-care home, or licensed type B family day-care home pursuant to section 5104.042 of the Revised Code.

Sec. 5104.05. (A) The director of ~~job~~ children and ~~family services~~ youth shall issue a license or provisional license for the operation of a child day-care center, if the director finds, after investigation of the applicant and inspection of the center, that other requirements of this chapter, rules promulgated pursuant to this chapter, and the following requirements are met:

(1) The buildings in which the center is housed, subsequent to any major modification, have been approved by the department of commerce or a certified municipal, township, or county building department for the purpose of operating a child day-care center. Any structure used for the operation of a center shall be constructed, equipped, repaired, altered, and maintained in

accordance with applicable provisions of Chapters 3781. and 3791. 146606
of the Revised Code and with regulations adopted by the board of 146607
building standards under Chapter 3781. of the Revised Code and 146608
this division for the safety and sanitation of structures erected 146609
for this purpose. 146610

(2) The state fire marshal or the fire chief or fire 146611
prevention officer of the municipal corporation or township in 146612
which the center is located has inspected the center annually 146613
within the preceding license period and has found the center to be 146614
in compliance with rules promulgated by the fire marshal pursuant 146615
to section 3737.83 of the Revised Code regarding fire prevention 146616
and fire safety in a child day-care center. 146617

(3) The center has received a food service operation license 146618
under Chapter 3717. of the Revised Code if meals are to be served 146619
to children other than children of the licensee or administrator, 146620
whether or not a consideration is received for the meals. 146621

(B) The director of ~~job children~~ and ~~family services youth~~ 146622
shall issue a license or provisional license for the operation of 146623
a type A family day-care home, if the director finds, after 146624
investigation of the applicant and inspection of the type A home, 146625
that other requirements of this chapter, rules promulgated 146626
pursuant to this chapter, and the following requirements are met: 146627

(1) The state fire marshal or the fire chief or fire 146628
prevention officer of the municipal corporation or township in 146629
which the type A family day-care home is located has inspected the 146630
type A home annually within the preceding license period and has 146631
found the type A home to be in compliance with rules promulgated 146632
by the fire marshal pursuant to section 3737.83 of the Revised 146633
Code regarding fire prevention and fire safety in a type A home. 146634

(2) The type A home is in compliance with rules set by the 146635
director of ~~job children~~ and ~~family services youth~~ in cooperation 146636

with the director of health pursuant to section 3701.80 of the Revised Code regarding meal preparation and meal service in the home. The director of ~~job~~ children and ~~family services~~ youth, in accordance with procedures recommended by the director of health, shall inspect each type A home to determine compliance with those rules.

(3) The type A home is in compliance with rules promulgated by the director of ~~job~~ children and ~~family services~~ youth in cooperation with the board of building standards regarding safety and sanitation pursuant to section 3781.10 of the Revised Code.

Sec. 5104.052. The director of ~~job~~ children and ~~family services~~ youth, in cooperation with the fire marshal pursuant to section 3737.22 of the Revised Code, shall adopt rules regarding fire prevention and fire safety in licensed type B family day-care homes. In accordance with those rules, the director shall inspect each type B home that applies to be licensed that is providing or is to provide publicly funded child care.

Sec. 5104.053. As a precondition of approval by the state board of education pursuant to section 3313.813 of the Revised Code for receipt of United States department of agriculture child and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of child care in a type B family day-care home that is not licensed by the director of ~~job~~ children and ~~family services~~ youth shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.

Sec. 5104.054. Any type B family day-care home, whether

licensed or not licensed by the director of ~~job~~ children and ~~family services~~ youth, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family day-care home.

Sec. 5104.06. (A) The director of ~~job~~ children and ~~family services~~ youth shall provide consultation, technical assistance, and training to child day-care centers, type A family day-care homes, and type B family day-care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of ~~job~~ children and ~~family services~~ youth shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

Sec. 5104.07. (A) The director of ~~job~~ children and ~~family services~~ youth may prescribe additional requirements for licensing child day-care centers or type A family day-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted under it. The director shall develop standards as required by federal laws and regulations for child care programs supported by federal funds.

(B)(1) ~~On or before February 28, 1992, the~~ The department of ~~job~~ children and ~~family services~~ youth shall develop a statewide

plan for child care resource and referral services. The plan shall 146697
be based upon the experiences of other states with respect to 146698
child care resource and referral services, the experiences of 146699
communities in this state that have child care resource and 146700
referral service organizations, and the needs of communities in 146701
this state that do not have child care resource and referral 146702
service organizations. The plan shall be designed to ensure that 146703
child care resource and referral services are available in each 146704
county in the state to families who need child care. The 146705
department shall consider the special needs of migrant workers 146706
when it develops the plan and shall include in the plan procedures 146707
designed to accommodate the needs of migrant workers. 146708

(2) In addition to the requirements described in division 146709
(B)(1) of this section, the plan shall include all of the 146710
following: 146711

(a) A description of the services that a child care resource 146712
and referral service organization is required to provide to 146713
families who need child care; 146714

(b) The qualifications for a child care resource and referral 146715
service organization; 146716

(c) A description of the procedures for providing federal and 146717
state funding for county or multicounty child care resource and 146718
referral service organizations; 146719

(d) A timetable for providing child care resource and 146720
referral services to all communities in the state; 146721

(e) Uniform information gathering and reporting procedures 146722
that are designed to be used in compatible computer systems; 146723

(f) Procedures for establishing statewide nonprofit technical 146724
assistance services to coordinate uniform data collection and to 146725
publish reports on child care supply, demand, and cost and to 146726
provide technical assistance to communities that do not have child 146727

care resource and referral service organizations and to existing 146728
child care resource and referral service organizations; 146729

(g) Requirements governing contracts entered into under 146730
division (C) of this section, which may include limits on the 146731
percentage of funds distributed by the department that may be used 146732
for the contracts. 146733

(C) Child care resource and referral service organizations 146734
receiving funds distributed by the department may enter into 146735
contracts with local governmental entities, nonprofit 146736
organizations including nonprofit organizations that provide child 146737
care, and individuals under which the entities, organizations, or 146738
individuals may provide child care resource and referral services 146739
in the community with those funds, if the contracts are submitted 146740
to and approved by the department prior to execution. 146741

Sec. 5104.08. (A) There is hereby created in the department 146742
of ~~job children~~ and ~~family services youth~~ a child care advisory 146743
council to advise and assist the department in the administration 146744
of this chapter and in the development of child care. The council 146745
shall consist of twenty-two voting members appointed by the 146746
director of ~~job children~~ and ~~family services youth~~ with the 146747
approval of the governor. The director of job and family services, 146748
the director of children and youth, the director of developmental 146749
disabilities, the director of mental health and addiction 146750
services, the superintendent of public instruction, the director 146751
of health, the director of commerce, and the state fire marshal 146752
shall serve as nonvoting members of the council. 146753

Six members shall be representatives of child care centers 146754
subject to licensing, the members to represent a variety of 146755
centers, including nonprofit and proprietary, from different 146756
geographical areas of the state. At least three members shall be 146757
parents, guardians, or custodians of children receiving child care 146758

or publicly funded child care in the child's own home, a center, a type A home, a head start program, a licensed type B home, or a type B home at the time of appointment. Three members shall be representatives of in-home aides, type A homes, licensed type B homes, or type B homes or head start programs. At least six members shall represent county departments of job and family services. The remaining members shall be representatives of the teaching, child development, and health professions, and other individuals interested in the welfare of children. At least six members of the council shall not be employees or licensees of a child day-care center, head start program, or type A home, or providers operating a licensed type B home or type B home, or in-home aides.

Appointments shall be for three-year terms. Vacancies shall be filled for the unexpired terms. A member of the council is subject to removal by the director of ~~job~~ children and ~~family services~~ youth for a willful and flagrant exercise of authority or power that is not authorized by law, for a refusal or willful neglect to perform any official duty as a member of the council imposed by law, or for being guilty of misfeasance, malfeasance, nonfeasance, or gross neglect of duty as a member of the council.

There shall be two co-chairpersons of the council. One co-chairperson shall be the director of ~~job~~ children and ~~family services~~ youth or the director's designee, and one co-chairperson shall be elected by the members of the council. The council shall meet as often as is necessary to perform its duties, provided that it shall meet at least once in each quarter of each calendar year and at the call of the co-chairpersons. The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting.

Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses.

(B) The child care advisory council shall advise the director 146791
on matters affecting the licensing of centers, type A homes, and 146792
type B homes and the certification of in-home aides. The council 146793
shall make an annual report to the director of ~~job~~ children and 146794
~~family services~~ youth that addresses the availability, 146795
affordability, accessibility, and quality of child care and that 146796
summarizes the recommendations and plans of action that the 146797
council has proposed to the director during the preceding fiscal 146798
year. The director of ~~job~~ children and ~~family services~~ youth shall 146799
provide copies of the report to the governor, speaker and minority 146800
leader of the house of representatives, and the president and 146801
minority leader of the senate and, on request, shall make copies 146802
available to the public. 146803

(C) The director of ~~job~~ children and ~~family services~~ youth 146804
shall adopt rules in accordance with Chapter 119. of the Revised 146805
Code to implement this section. 146806

Sec. 5104.081. The department of ~~job~~ children and ~~family~~ 146807
~~services~~ youth shall employ at least one senior-level, full-time 146808
employee who shall manage and oversee all child care functions 146809
under the authority of the department. 146810

Sec. 5104.10. No employer shall discharge, demote, suspend, 146811
or threaten to discharge, demote, suspend, or in any manner 146812
discriminate against any employee based solely on the employee 146813
taking any of the following actions: 146814

(A) Making any good faith oral or written complaint to the 146815
director of ~~job~~ children and ~~family services~~ youth or other agency 146816
responsible for enforcing Chapter 5104. of the Revised Code 146817
regarding a violation of this chapter or the rules adopted 146818
pursuant to Chapter 5104. of the Revised Code; 146819

(B) Instituting or causing to be instituted any proceeding 146820

against the employer under section 5104.04 of the Revised Code; 146821

(C) Acting as a witness in any proceeding under section 146822
5104.04 of the Revised Code; 146823

(D) Refusing to perform work that constitutes a violation of 146824
Chapter 5104., or the rules adopted pursuant to Chapter 5104. of 146825
the Revised Code. 146826

Sec. 5104.12. (A)(1) A county director of job and family 146827
services may certify in-home aides to provide publicly funded 146828
child care pursuant to this chapter and any rules adopted under 146829
it. Any in-home aide who receives a certificate pursuant to this 146830
section to provide publicly funded child care is an independent 146831
contractor and is not an employee of the county department of job 146832
and family services that issues the certificate. 146833

(2) Every person desiring to receive certification as an 146834
in-home aide shall apply for certification to a county director of 146835
job and family services on such forms as the director of ~~job~~ 146836
children and ~~family services~~ youth prescribes. A county director 146837
shall provide at no charge to each applicant a copy of rules for 146838
certifying in-home aides adopted pursuant to this chapter. 146839

(B) To be eligible for certification as an in-home aide, a 146840
person shall not be either of the following: 146841

(1) The owner of a center or home whose license was revoked 146842
pursuant to section 5104.04 of the Revised Code within the 146843
previous five years; 146844

(2) An in-home aide whose certificate was revoked under 146845
division (C)(2) of this section within the previous five years. 146846

(C)(1) If the county director of job and family services 146847
determines that the applicant complies with this chapter and any 146848
rules adopted under it, the county director shall certify the 146849
person as an in-home aide and issue the person a certificate to 146850

provide publicly funded child care for twenty-four months. The 146851
county director shall furnish a copy of the certificate to the 146852
parent, custodian, or guardian. The certificate shall state the 146853
name and address of the in-home aide, the expiration date of the 146854
certification, and the name and telephone number of the county 146855
director who issued the certificate. 146856

(2) The county director may revoke the certificate in either 146857
of the following circumstances: 146858

(a) The county director determines, pursuant to rules adopted 146859
under Chapter 119. of the Revised Code, that revocation is 146860
necessary; 146861

(b) The in-home aide does not comply with division (C)(2) of 146862
section 5104.32 of the Revised Code. 146863

(D)(1) The county director of job and family services shall 146864
inspect every home of a child who is receiving publicly funded 146865
child care in the child's own home while the in-home aide is 146866
providing the services. Inspections may be unannounced. Upon 146867
receipt of a complaint, the county director shall investigate the 146868
in-home aide, shall investigate the home of a child who is 146869
receiving publicly funded child care in the child's own home, and 146870
division (D)(2) of this section applies regarding the complaint. 146871
The caretaker parent shall permit the county director to inspect 146872
any part of the child's home. The county director shall prepare a 146873
written inspection report and furnish one copy each to the in-home 146874
aide and the caretaker parent within a reasonable time after the 146875
inspection. 146876

(2) Upon receipt of a complaint as described in division 146877
(D)(1) of this section, in addition to the investigations that are 146878
required under that division, both of the following apply: 146879

(a) If the complaint alleges that a child suffered physical 146880
harm while receiving publicly funded child care in the child's own 146881

home from an in-home aide or that the noncompliance with law or 146882
act alleged in the complaint involved, resulted in, or poses a 146883
substantial risk of physical harm to a child receiving publicly 146884
funded child care in the child's own home from an in-home aide, 146885
the county director shall inspect the home of the child. 146886

(b) If division (D)(2)(a) of this section does not apply 146887
regarding the complaint, the county director may inspect the home 146888
of the child. 146889

(3) Division (D)(2) of this section does not limit, restrict, 146890
or negate any duty of the county director to inspect a home of a 146891
child who is receiving publicly funded child care from an in-home 146892
aide that otherwise is imposed under this section, or any 146893
authority of the county director to inspect such a home that 146894
otherwise is granted under this section when the county director 146895
believes the inspection is necessary and it is permitted under the 146896
grant. 146897

Sec. 5104.13. The department of ~~job~~ children and ~~family~~ 146898
~~services~~ youth shall prepare a guide describing the state statutes 146899
and rules governing the licensure of type B family day-care homes. 146900
The department may publish the guide electronically or otherwise 146901
and shall do so in a manner that the guide is accessible to the 146902
public, including type B home providers. 146903
146904

Sec. 5104.14. All materials that are supplied by the 146905
department of ~~job~~ children and ~~family services~~ youth to type A 146906
family day-care home providers, type B family day-care home 146907
providers, in-home aides, persons seeking to be type A family 146908
day-care home providers, type B family day-care home providers, or 146909
in-home aides, and caretaker parents shall be written at no higher 146910
than the sixth grade reading level. The department may employ a 146911

readability expert to verify its compliance with this section. 146912

Sec. 5104.21. (A) The department of ~~job~~ children and ~~family~~ services youth shall register child day camps and enforce this 146913
section and sections 5104.211 and 5104.22 of the Revised Code and 146914
the rules adopted pursuant to those sections. No person, firm, 146915
organization, institution, or agency shall operate a child day 146916
camp without annually registering with the department. 146917
146918

(B) A person, firm, institution, organization, or agency 146919
operating any of the following programs is exempt from the 146920
provisions of this section and sections 5104.211 and 5104.22 of 146921
the Revised Code: 146922

(1) A child day camp that operates for two consecutive weeks 146923
or less and for no more than a total of two weeks during each 146924
calendar year; 146925

(2) Supervised training, instruction, or activities of 146926
children that is conducted on an organized or periodic basis in 146927
specific areas or in a combination of areas for a maximum of eight 146928
hours each week, including art, drama, dance, music, athletic 146929
skill or sport, computers, or an educational subject; 146930

(3) Programs in which the department determines that at least 146931
one parent, custodian, or guardian of each child attending or 146932
participating in the child day camp is on the child day camp 146933
activity site and is readily accessible at all times, except that 146934
a child day camp on the premises of a parent's, custodian's, or 146935
guardian's place of employment shall be registered in accordance 146936
with division (A) of this section; 146937

(4) Child day camps regulated by any state department other 146938
than the department of ~~job~~ children and ~~family services~~ youth; 146939

(5) A program that provides activities for children who are 146940
five years of age or older and is operated by any county, 146941

township, municipal corporation, township park district created 146942
under section 511.18 of the Revised Code, park district created 146943
under section 1545.04 of the Revised Code, or joint recreation 146944
district established under section 755.04 of the Revised Code. 146945

(C) A person, firm, organization, institution, or agency 146946
operating a child day camp that is exempt under division (B) of 146947
this section from registering under division (A) of this section 146948
may elect to register itself under division (A) of this section. 146949
All requirements of this section and the rules adopted pursuant to 146950
this section shall apply to any exempt child day camp that so 146951
elects to register. 146952

(D) The director of ~~job~~ children and ~~family services~~ youth 146953
shall adopt pursuant to Chapter 119. of the Revised Code rules 146954
prescribing the registration form and establishing the procedure 146955
for the child day camps to register. The form shall state both of 146956
the following: 146957

(1) That the child day camp administrator or the 146958
administrator's representative agrees to provide the parents of 146959
each school-age child who attends or participates in that child 146960
day camp with the telephone number of the county department of 146961
health and the public children services agency of the county in 146962
which the child day camp is located; 146963

(2) That the child day camp administrator or the 146964
administrator's representative agrees to permit a public children 146965
services agency or the county department of health to review or 146966
inspect the child day camp if a complaint is made to that 146967
department or any other state department or public children 146968
services agency against that child day camp. 146969

(E) The department may charge a fee to register a child day 146970
camp. The fee for each child day camp shall be twenty-five 146971
dollars. No organization that operates, or owner of, child day 146972

camps shall pay a fee that exceeds two hundred fifty dollars for 146973
all of its child day camps. 146974

(F) If a child day camp that is required to register under 146975
this section fails to register with the department in accordance 146976
with this section or the rules adopted pursuant to it or if a 146977
child day camp that files a registration form under this section 146978
knowingly provides false or misleading information on the 146979
registration form, the department shall require the child day camp 146980
to register or register correctly and to pay a registration fee 146981
that equals three times the registration fee as set forth in 146982
division (E) of this section. 146983

(G) A child day camp administrator or the administrator's 146984
representative shall provide the parents of each school-age child 146985
who attends or participates in that child day camp with both of 146986
the following: 146987

(1) Telephone numbers of the county department of health and 146988
the county public children services agency of the county in which 146989
the child day camp is located; 146990

(2) A statement that the parents may contact the county 146991
department or agency to make a complaint regarding the child day 146992
camp. 146993

Sec. 5104.211. (A) The director of ~~job children~~ and ~~family~~ 146994
~~services~~ youth may periodically conduct a random sampling of child 146995
day camps to determine compliance with section 5104.013 of the 146996
Revised Code. 146997

(B)(1) No child day camp shall fail to comply with section 146998
5104.013 of the Revised Code in regards to a person it appoints or 146999
employs. 147000

(2) If the director determines that a camp has violated 147001
division (B)(1) of this section, the director shall do both of the 147002

following: 147003

(a) Consider imposing a civil penalty on the camp in an amount that shall not exceed ten per cent of the camp's gross revenues for the full month immediately preceding the month in which the violation occurred. If the camp was not operating for the entire calendar month preceding the month in which the violation occurred, the penalty shall be five hundred dollars. 147004
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(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 147010
147011
147012

(3) If, within the specified period of time, the camp fails to comply with an order to initiate a criminal records check of the person who is the subject of the violation or to release the person from the appointment or employment, the director shall do both of the following: 147013
147014
147015
147016
147017

(a) Impose a civil penalty in an amount that is not less than the amount previously imposed and that does not exceed twice the amount permitted by division (B)(2)(a) of this section; 147018
147019
147020

(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 147021
147022
147023

(C) If the director determines that a child day camp has violated division (B)(1) of this section, the director may post a notice at a prominent place at the camp that states that the camp has failed to conduct criminal records checks of its appointees or employees as required by section 5104.013 of the Revised Code. 147024
147025
147026
147027
147028
Once the camp demonstrates to the department that the camp is in compliance with that section, the director shall permit the camp to remove the notice. 147029
147030
147031

(D) The director may include on the web site of the department of ~~job children~~ and ~~family services~~ youth a list of 147032
147033

child day camps that the director has determined to not be in 147034
compliance with the criminal records check requirements of section 147035
5104.013 of the Revised Code. The director shall remove a camp's 147036
name from the list when the camp demonstrates to the director that 147037
the camp is in compliance with that section. 147038

(E) For the purposes of divisions (C) and (D) of this 147039
section, a child day camp will be considered to be in compliance 147040
with section 5104.013 of the Revised Code by doing any of the 147041
following: 147042

(1) Requesting that the bureau of criminal identification and 147043
investigation conduct a criminal records check regarding the 147044
person who is the subject of the violation of division (B)(1) of 147045
this section and, if the person does not qualify for the 147046
appointment or employment, releasing the person from the 147047
appointment or employment; 147048

(2) Releasing the person who is the subject of the violation 147049
from the appointment or employment. 147050

(F) The attorney general shall commence and prosecute to 147051
judgment a civil action in a court of competent jurisdiction to 147052
collect any civil penalty imposed under this section that remains 147053
unpaid. 147054

(G) This section does not apply to a child day camp that is 147055
an approved child day camp. 147056

Sec. 5104.22. (A) The director of children and ~~family~~ 147057
~~services youth~~, ~~no later than September 1, 1993,~~ and pursuant to 147058
Chapter 119. of the Revised Code, shall adopt rules establishing a 147059
procedure and standards for the approval of child day camps that 147060
will enable an approved child day camp to receive public moneys 147061
pursuant to sections 5104.30 to 5104.39 of the Revised Code. The 147062
department of ~~job~~ children and ~~family services youth~~ may charge a 147063

reasonable fee to inspect a child day camp to determine whether 147064
that child day camp meets the standards set forth in this section 147065
or in the rules adopted under this section. The department shall 147066
approve any child day camp that meets both of the following: 147067

(1) The department inspects the camp and determines that it 147068
meets the standards established in rules adopted under this 147069
section; 147070

(2) The camp is accredited by the American camp association 147071
or a nationally recognized organization that accredits child day 147072
camps by using standards that the department has determined are 147073
substantially similar and comparable to those of the American camp 147074
association. The department shall approve a child day camp for a 147075
period of one year and shall inspect an approved child day camp on 147076
an annual basis. 147077

(B) An approved child day camp shall comply with this section 147078
and section 5104.21 of the Revised Code and the rules adopted 147079
pursuant to those sections. If an approved child day camp is not 147080
in substantial compliance with those sections or rules at any 147081
time, the department shall terminate the child day camp's approval 147082
until the child day camp complies with those sections and rules or 147083
for a period of two years, whichever period is longer. 147084

Sec. 5104.25. (A) Except as otherwise provided in division 147085
(C) of this section, no child day-care center shall permit any 147086
person to smoke in any indoor or outdoor space that is part of the 147087
center. 147088

The administrator of a child day-care center shall post in a 147089
conspicuous place at the main entrance of the center a notice 147090
stating that smoking is prohibited in any indoor or outdoor space 147091
that is part of the center, except under the conditions described 147092
in division (C) of this section. 147093

(B) Except as otherwise provided in division (C) of this section, no type A family day-care home or licensed type B family day-care home shall permit any person to smoke in any indoor or outdoor space that is part of the home during the hours the home is in operation. Smoking may be permitted during hours other than the hours of operation if the administrator of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation.

The administrator of a type A family day-care home or a licensed type B family day-care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child day-care center, type A family day-care home, or licensed type B family home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of ~~job~~ children and ~~family services~~ youth, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child day-care center, type A family day-care home, or licensed type B family home if its design and structure do not allow

persons to smoke under the conditions described in division (C) of 147125
this section or if repeated violations of division (A) or (B) of 147126
this section have occurred there. 147127

Sec. 5104.29. (A) As used in this section, "early learning 147128
and development program" has the same meaning as "licensed child 147129
care program" as defined in section 5104.01 of the Revised Code. 147130

(B) There is hereby created in the department of ~~job children~~ 147131
and ~~family services youth~~ the step up to quality program, under 147132
which the department of ~~job children~~ and ~~family services youth~~, in 147133
cooperation with the department of education, shall develop a 147134
tiered quality rating and improvement system for all early 147135
learning and development programs in this state. The step up to 147136
quality program shall include all of the following components: 147137

(1) Quality program standards for early learning and 147138
development programs; 147139

(2) Accountability measures that include tiered ratings 147140
representing each program's level of quality; 147141

(3) Program and provider outreach and support to help 147142
programs meet higher standards and promote participation in the 147143
step up to quality program; 147144

(4) Financial incentives for early learning and development 147145
programs that provide publicly funded child care and are linked to 147146
achieving and maintaining quality standards; 147147

(5) Parent and consumer education to help parents learn about 147148
program quality and ratings so they can make informed choices on 147149
behalf of their children. 147150

(C) The step up to quality program shall have the following 147151
goals: 147152

(1) Increasing the number of low-income children, special 147153
needs children, and children with limited English proficiency 147154

participating in quality early learning and development programs; 147155

(2) Providing families with an easy-to-use tool for 147156
evaluating the quality of early learning and development programs; 147157

(3) Recognizing and supporting early learning and development 147158
programs that achieve higher levels of quality; 147159

(4) Providing incentives and supports to help early learning 147160
and development programs implement continuous quality improvement 147161
systems. 147162

(D) Under the step up to quality program, participating early 147163
learning and development programs may be eligible for grants, 147164
technical assistance, training, and other assistance. Programs 147165
that maintain a quality rating may be eligible for unrestricted 147166
monetary awards. 147167

(E) The tiered ratings developed pursuant to this section 147168
shall be based on an early learning and development program's 147169
performance in meeting program standards in the following four 147170
domains: 147171

(1) Learning and development; 147172

(2) Administration and leadership practices; 147173

(3) Staff quality and professional development; 147174

(4) Family and community partnerships. 147175

(F) The director of ~~job children and family services youth~~, 147176
in collaboration with the superintendent of public instruction, 147177
shall adopt rules in accordance with Chapter 119. of the Revised 147178
Code to implement the step up to quality program described in this 147179
section. 147180

Sec. 5104.30. (A) The department of ~~job children and family~~ 147181
~~services youth~~ is hereby designated as the state agency 147182
responsible for administration and coordination of federal and 147183

state funding for publicly funded child care in this state. 147184

Publicly funded child care shall be provided to the following: 147185

(1) Recipients of transitional child care as provided under 147186
section 5104.34 of the Revised Code; 147187

(2) Participants in the Ohio works first program established 147188
under Chapter 5107. of the Revised Code; 147189

(3) Individuals who would be participating in the Ohio works 147190
first program if not for a sanction under section 5107.16 of the 147191
Revised Code and who continue to participate in a work activity, 147192
developmental activity, or alternative work activity pursuant to 147193
an assignment under section 5107.42 of the Revised Code; 147194

(4) A family receiving publicly funded child care on October 147195
1, 1997, until the family's income reaches one hundred fifty per 147196
cent of the federal poverty line; 147197

(5) Subject to available funds, other individuals determined 147198
eligible in accordance with rules adopted under section 5104.38 of 147199
the Revised Code. 147200

The department shall apply to the United States department of 147201
health and human services for authority to operate a coordinated 147202
program for publicly funded child care, if the director of ~~job~~ 147203
children and ~~family services~~ youth determines that the application 147204
is necessary. For purposes of this section, the department of ~~job~~ 147205
children and ~~family services~~ youth may enter into agreements with 147206
other state agencies that are involved in regulation or funding of 147207
child care. The department shall consider the special needs of 147208
migrant workers when it administers and coordinates publicly 147209
funded child care and shall develop appropriate procedures for 147210
accommodating the needs of migrant workers for publicly funded 147211
child care. 147212

(B) The department of ~~job~~ children and ~~family services~~ youth 147213

shall distribute state and federal funds for publicly funded child care, including appropriations of state funds for publicly funded child care and appropriations of federal funds available under the child care block grant act, Title IV-A, and Title XX. The department may use any state funds appropriated for publicly funded child care as the state share required to match any federal funds appropriated for publicly funded child care.

(C) In the use of federal funds available under the child care block grant act, all of the following apply:

(1) The department may use the federal funds to hire staff to prepare any rules required under this chapter and to administer and coordinate federal and state funding for publicly funded child care.

(2) Not more than five per cent of the aggregate amount of the federal funds received for a fiscal year may be expended for administrative costs.

(3) The department shall allocate and use at least four per cent of the federal funds for the following:

(a) Activities designed to provide comprehensive consumer education to parents and the public;

(b) Activities that increase parental choice;

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care;

(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and

related programs. If authorized by rules adopted by the department 147244
pursuant to section 5104.42 of the Revised Code, county 147245
departments of job and family services may purchase child care 147246
from funds obtained through any other means. 147247

(D) The department shall encourage the development of 147248
suitable child care throughout the state, especially in areas with 147249
high concentrations of recipients of public assistance and 147250
families with low incomes. The department shall encourage the 147251
development of suitable child care designed to accommodate the 147252
special needs of migrant workers. On request, the department, 147253
through its employees or contracts with state or community child 147254
care resource and referral service organizations, shall provide 147255
consultation to groups and individuals interested in developing 147256
child care. The department of ~~job children~~ and ~~family services~~ 147257
youth may enter into interagency agreements with the department of 147258
education, the chancellor of higher education, the department of 147259
development, and other state agencies and entities whenever the 147260
cooperative efforts of the other state agencies and entities are 147261
necessary for the department of ~~job children~~ and ~~family services~~ 147262
youth to fulfill its duties and responsibilities under this 147263
chapter. 147264

The department shall develop and maintain a registry of 147265
persons providing child care. The director shall adopt rules in 147266
accordance with Chapter 119. of the Revised Code establishing 147267
procedures and requirements for the registry's administration. 147268

(E)(1) The director shall adopt rules in accordance with 147269
Chapter 119. of the Revised Code establishing both of the 147270
following: 147271

(a) Reimbursement rates for providers of publicly funded 147272
child care not later than the first day of July in each 147273
odd-numbered year; 147274

(b) A procedure for reimbursing and paying providers of publicly funded child care.	147275 147276
(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:	147277 147278 147279
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	147280 147281
(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;	147282 147283 147284
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program.	147285 147286 147287 147288
(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:	147289 147290 147291
(a) Geographic location of the provider;	147292
(b) Type of care provided;	147293
(c) Age of the child served;	147294
(d) Special needs of the child served;	147295
(e) Whether the expanded hours of service are provided;	147296
(f) Whether weekend service is provided;	147297
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	147298 147299
(h) Any other factors the director considers appropriate.	147300
Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent	147301 147302

cooperative child day-care centers and parent cooperative type A 147303
family day-care homes for recipients of publicly funded child 147304
care. A program established under this section may include any of 147305
the following: 147306

(A) Recruitment of parents interested in organizing a parent 147307
cooperative child day-care center or parent cooperative type A 147308
family day-care home; 147309

(B) Provision of technical assistance in organizing a parent 147310
cooperative child day-care center or parent cooperative type A 147311
family day-care home; 147312

(C) Assistance in the developing, conducting, and 147313
disseminating training for parents interested in organizing a 147314
parent cooperative child day-care center or parent cooperative 147315
type A family day-care home. 147316

A county department that implements a program under this 147317
section shall receive from funds available under the child care 147318
block grant act a five thousand dollar incentive payment for each 147319
parent cooperative child day-care center or parent cooperative 147320
type A family day-care home organized pursuant to this section. 147321

Parents of children enrolled in a parent cooperative child 147322
day-care center or parent cooperative type A family day-care home 147323
pursuant to this section shall be required to work in the center 147324
or home a minimum of four hours per week. 147325

The director of ~~job~~ children and ~~family services~~ youth shall 147326
adopt rules governing the establishment and operation of programs 147327
under this section. 147328

Sec. 5104.31. (A) Publicly funded child care may be provided 147329
only by the following: 147330

(1) Any of the following licensed by the department of ~~job~~ 147331
children and ~~family services~~ youth pursuant to section 5104.03 of 147332

the Revised Code or pursuant to rules adopted under section	147333
5104.018 of the Revised Code:	147334
(a) A child day-care center, including a parent cooperative	147335
child day-care center;	147336
(b) A type A family day-care home, including a parent	147337
cooperative type A family day-care home;	147338
(c) A licensed type B family day-care home.	147339
(2) An in-home aide who has been certified by the county	147340
department of job and family services pursuant to section 5104.12	147341
of the Revised Code;	147342
(3) A child day camp approved pursuant to section 5104.22 of	147343
the Revised Code;	147344
(4) A licensed preschool program;	147345
(5) A licensed school child program;	147346
(6) A border state child care provider, except that a border	147347
state child care provider may provide publicly funded child care	147348
only to an individual who resides in an Ohio county that borders	147349
the state in which the provider is located.	147350
(B) Publicly funded child day-care may be provided in a	147351
child's own home only by an in-home aide.	147352
(C)(1) Except as provided in division (C)(2) of this section,	147353
a licensed child care program may provide publicly funded child	147354
care only if the program is rated through the step up to quality	147355
program established pursuant to section 5104.29 of the Revised	147356
Code.	147357
(2) A licensed child care program that is any of the	147358
following may provide publicly funded child care without being	147359
rated through the step up to quality program:	147360
(a) A program that operates only during the summer and for	147361

not more than fifteen consecutive weeks;	147362
(b) A program that operates only during school breaks;	147363
(c) A program that operates only on weekday evenings, weekends, or both;	147364 147365
(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;	147366 147367
(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;	147368 147369 147370
(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;	147371 147372 147373
(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;	147374 147375
(h) A program that is a type A family day-care home or licensed type B family day-care home.	147376 147377
Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job children and family services <u>youth</u> . All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure	147378 147379 147380 147381 147382 147383 147384 147385 147386 147387 147388 147389 147390 147391

of state or federal funds, all contracts for publicly funded child care shall be entered into in accordance with the provisions of this chapter and are exempt from any other provision of the Revised Code that regulates state contracts or contracts involving the expenditure of state or federal funds.

(B) Each contract for publicly funded child care shall specify at least the following:

(1) That the provider of publicly funded child care agrees to be paid for rendering services at the lower of the rate customarily charged by the provider for children enrolled for child care or the reimbursement rate of payment established pursuant to section 5104.30 of the Revised Code;

(2) That, if a provider provides child care to an individual potentially eligible for publicly funded child care who is subsequently determined to be eligible, the department agrees to pay for all child care provided between the date the county department of job and family services receives the individual's completed application and the date the individual's eligibility is determined;

(3) Whether the county department of job and family services, the provider, or a child care resource and referral service organization will make eligibility determinations, whether the provider or a child care resource and referral service organization will be required to collect information to be used by the county department to make eligibility determinations, and the time period within which the provider or child care resource and referral service organization is required to complete required eligibility determinations or to transmit to the county department any information collected for the purpose of making eligibility determinations;

(4) That the provider, other than a border state child care

provider, shall continue to be licensed, approved, or certified 147423
pursuant to this chapter and shall comply with all standards and 147424
other requirements in this chapter and in rules adopted pursuant 147425
to this chapter for maintaining the provider's license, approval, 147426
or certification; 147427

(5) That, in the case of a border state child care provider, 147428
the provider shall continue to be licensed, certified, or 147429
otherwise approved by the state in which the provider is located 147430
and shall comply with all standards and other requirements 147431
established by that state for maintaining the provider's license, 147432
certificate, or other approval; 147433

(6) Whether the provider will be paid by the ~~state~~ department 147434
of ~~job~~ children and ~~family services~~ youth or in some other manner 147435
as prescribed by rules adopted under section 5104.42 of the 147436
Revised Code; 147437

(7) That the contract is subject to the availability of state 147438
and federal funds. 147439

(C)(1) The department shall establish an automated child care 147440
system to track attendance and calculate payments for publicly 147441
funded child care. 147442

(2) Each eligible provider that provides publicly funded 147443
child care shall participate in the automated child care system. A 147444
provider participating in the system shall not do any of the 147445
following: 147446

(a) Use or have possession of a personal identification 147447
number or password issued to a caretaker parent under the 147448
automated child care system; 147449

(b) Falsify attendance records; 147450

(c) Knowingly seek or accept payment for publicly funded 147451
child care that was not provided or for which the provider was not 147452

eligible; 147453

(d) Knowingly seek or accept payment for child care provided 147454
to a child who resides in the provider's own home. 147455

(D) The department may withhold any money due under this 147456
chapter and may recover through any appropriate method any money 147457
erroneously paid under this chapter if evidence demonstrates that 147458
a provider of publicly funded child care failed to comply with 147459
either of the following: 147460

(1) The terms of the contract entered into under this 147461
section; 147462

(2) This chapter or any rules adopted under it. 147463

(E) If the department has evidence that a provider has 147464
employed an individual who is ineligible for employment under 147465
section 5104.013 of the Revised Code and the provider has not 147466
released the individual from employment upon notice that the 147467
individual is ineligible, the department may terminate immediately 147468
the contract entered into under this section to provide publicly 147469
funded child care. 147470

(F) Any decision by the department concerning publicly funded 147471
child care, including the recovery of funds, overpayment 147472
determinations, and contract terminations is final and is not 147473
subject to appeal, hearing, or further review under Chapter 119. 147474
of the Revised Code. 147475

Sec. 5104.33. (A) The department of ~~job~~ children and family 147476
~~services~~ youth shall prescribe an application form for use in 147477
making eligibility determinations for publicly funded child care. 147478
The form shall be as brief and simple as practicable. 147479

(B) In administering the process of applying for publicly 147480
funded child care, the county department of job and family 147481
services shall implement policies designed to ensure that the 147482

application process is as accessible to the public as possible. 147483
These policies shall include making the application forms 147484
available at appropriate locations selected by the county 147485
department and making arrangements that enable applicants to 147486
complete the application process at times outside their normal 147487
working hours, and at locations, convenient for them. The 147488
arrangements may include stationing certain of their employees at 147489
various sites in the county for the purpose of assisting 147490
applicants in completing the application process and of making 147491
eligibility determinations at those locations. The arrangements 147492
may also include providing training and technical assistance to 147493
appropriate entities that qualify them to provide assistance in 147494
completing the application process and, to the extent permitted by 147495
federal law, to make eligibility determinations. 147496

Each county department of job and family services shall 147497
submit to the department of ~~job~~ children and ~~family services~~ youth 147498
for approval its plan for ensuring that the application process is 147499
as accessible to the public as possible and complies with this 147500
division. The county department shall make any changes to its plan 147501
that the department determines are necessary for compliance with 147502
this division and with any state standards adopted for the 147503
administration of this division. 147504

Sec. 5104.34. (A)(1) Each county department of job and family 147505
services shall implement procedures for making determinations of 147506
eligibility for publicly funded child care. Under those 147507
procedures, the eligibility determination for each applicant shall 147508
be made no later than thirty calendar days from the date the 147509
county department receives a completed application for publicly 147510
funded child care. Each applicant shall be notified promptly of 147511
the results of the eligibility determination. An applicant 147512
aggrieved by a decision or delay in making an eligibility 147513
determination may appeal the decision or delay to the department 147514

of ~~job~~ children and ~~family services~~ youth in accordance with 147515
section 5101.35 of the Revised Code. The due process rights of 147516
applicants shall be protected. 147517

To the extent permitted by federal law, the county department 147518
may make all determinations of eligibility for publicly funded 147519
child care, may contract with child care providers or child care 147520
resource and referral service organizations for the providers or 147521
resource and referral service organizations to make all or any 147522
part of the determinations, and may contract with child care 147523
providers or child care resource and referral service 147524
organizations for the providers or resource and referral service 147525
organizations to collect specified information for use by the 147526
county department in making determinations. If a county department 147527
contracts with a child care provider or a child care resource and 147528
referral service organization for eligibility determinations or 147529
for the collection of information, the contract shall require the 147530
provider or resource and referral service organization to make 147531
each eligibility determination no later than thirty calendar days 147532
from the date the provider or resource and referral organization 147533
receives a completed application that is the basis of the 147534
determination and to collect and transmit all necessary 147535
information to the county department within a period of time that 147536
enables the county department to make each eligibility 147537
determination no later than thirty days after the filing of the 147538
application that is the basis of the determination. 147539

The county department may station employees of the department 147540
in various locations throughout the county to collect information 147541
relevant to applications for publicly funded child care and to 147542
make eligibility determinations. The county department, child care 147543
provider, and child care resource and referral service 147544
organization shall make each determination of eligibility for 147545
publicly funded child care no later than thirty days after the 147546

filing of the application that is the basis of the determination, 147547
shall make each determination in accordance with any relevant 147548
rules adopted pursuant to section 5104.38 of the Revised Code, and 147549
shall notify promptly each applicant for publicly funded child 147550
care of the results of the determination of the applicant's 147551
eligibility. 147552

The director of ~~job~~ children and ~~family services~~ youth shall 147553
adopt rules in accordance with Chapter 119. of the Revised Code 147554
for monitoring the eligibility determination process. In 147555
accordance with those rules, the state department shall monitor 147556
eligibility determinations made by county departments of job and 147557
family services and shall direct any entity that is not in 147558
compliance with this division or any rule adopted under this 147559
division to implement corrective action specified by the 147560
department. 147561

(2)(a) All eligibility determinations for publicly funded 147562
child care shall be made in accordance with rules adopted pursuant 147563
to division (A) of section 5104.38 of the Revised Code. Except as 147564
otherwise provided in this section, all of the following apply: 147565

(i) Publicly funded child care may be provided only to 147566
eligible infants, toddlers, preschool-age children, school-age 147567
children under age thirteen, or children receiving special needs 147568
child care. 147569

(ii) For an applicant to be eligible for publicly funded 147570
child care, the caretaker parent must be employed or participating 147571
in a program of education or training for an amount of time 147572
reasonably related to the time that the parent's children are 147573
receiving publicly funded child care. This restriction does not 147574
apply to families whose children are eligible for protective child 147575
care. 147576

(iii) The eligibility period for publicly funded child care 147577

shall be at least twelve months. 147578

(b) In accordance with rules adopted under division (B) of 147579
section 5104.38 of the Revised Code, an applicant may receive 147580
publicly funded child care while the county department determines 147581
eligibility. An applicant may receive publicly funded child care 147582
while a county department determines eligibility only once during 147583
a twelve-month period. If the county department determines that an 147584
applicant is not eligible for publicly funded child care, the 147585
child care provider shall be paid for providing publicly funded 147586
child care for up to five days after that determination if the 147587
county department received a completed application with all 147588
required documentation. A program may appeal a denial of payment 147589
under this division. 147590

(c) If a caretaker parent who has been determined eligible to 147591
receive publicly funded child care no longer meets the 147592
requirements of division (A)(2)(a)(ii) of this section, the 147593
caretaker parent may continue to receive publicly funded child 147594
care for a period of at least three but not more than four months 147595
not to extend beyond the caretaker parent's eligibility period. 147596

(d) If a child turns thirteen, or if a child receiving 147597
special needs child care turns eighteen, during the eligibility 147598
period, the caretaker parent may continue to receive publicly 147599
funded child care until the end of that eligibility period. 147600

Subject to available funds, the department of ~~job~~ children 147601
and ~~family services~~ youth shall allow a family to receive publicly 147602
funded child care unless the family's income exceeds the maximum 147603
income eligibility limit. Initial and continued eligibility for 147604
publicly funded child care is subject to available funds unless 147605
the family is receiving child care pursuant to division (A)(1), 147606
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 147607
department must limit eligibility due to lack of available funds, 147608
it shall give first priority for publicly funded child care to an 147609

assistance group whose income is not more than the maximum income 147610
eligibility limit that received transitional child care in the 147611
previous month but is no longer eligible because the eligibility 147612
period has expired. Such an assistance group shall continue to 147613
receive priority for publicly funded child care until its income 147614
exceeds the maximum income eligibility limit. 147615

(3) An assistance group that ceases to participate in the 147616
Ohio works first program established under Chapter 5107. of the 147617
Revised Code is eligible for transitional child care at any time 147618
during the immediately following twelve-month period that both of 147619
the following apply: 147620

(a) The assistance group requires child care due to 147621
employment; 147622

(b) The assistance group's income is not more than one 147623
hundred fifty per cent of the federal poverty line. 147624

An assistance group ineligible to participate in the Ohio 147625
works first program pursuant to section 5101.83 or section 5107.16 147626
of the Revised Code is not eligible for transitional child care. 147627

(B) To the extent permitted by federal law, the department of 147628
~~job children~~ and ~~family services youth~~ may require a caretaker 147629
parent determined to be eligible for publicly funded child care to 147630
pay a fee according to the schedule of fees established in rules 147631
adopted under section 5104.38 of the Revised Code. The department 147632
shall make protective child care services and homeless child care 147633
services available to children without regard to the income or 147634
assets of the caretaker parent of the child. 147635

(C) A caretaker parent receiving publicly funded child care 147636
shall report to the entity that determined eligibility any changes 147637
in status with respect to employment or participation in a program 147638
of education or training not later than ten calendar days after 147639
the change occurs. 147640

(D) If the department of ~~job children and family services~~ youth determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

(1) The child needs additional care during non-traditional hours;

(2) The child needs to change providers in the middle of the week and the hours of care provided by the providers do not overlap;

(3) The child's provider is closed on scheduled school days off or on calamity days.

(F) As used in this section, "maximum income eligibility limit" means the amount of income specified in rules adopted under division (A) of section 5104.38 of the Revised Code.

Sec. 5104.36. The licensee or administrator of a child day-care center, type A family day-care home, or licensed type B family day-care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of ~~job children and family services~~ youth on request. The record shall include all of the following:

(A) The name and date of birth of the child;

(B) The name and address of the child's caretaker parent;	147671
(C) The name and address of the caretaker parent's place of employment or program of education or training;	147672 147673
(D) The hours for which child care services have been provided for the child;	147674 147675
(E) Any other information required by the county department of job and family services or the state department of job children and family services <u>youth</u> .	147676 147677 147678
Sec. 5104.38. In addition to any other rules adopted under this chapter, the director of job children and family youth services shall adopt rules in accordance with Chapter 119. of the Revised Code governing financial and administrative requirements for publicly funded child care and establishing all of the following:	147679 147680 147681 147682 147683 147684
(A) Procedures and criteria to be used in making determinations of eligibility for publicly funded child care that give priority to children of families with lower incomes and procedures and criteria for eligibility for publicly funded protective child care or homeless child care. The rules shall specify the maximum amount of income a family may have for initial and continued eligibility. The maximum amount shall not exceed three hundred per cent of the federal poverty line. The rules may specify exceptions to the eligibility requirements in the case of a family that previously received publicly funded child care and is seeking to have the child care reinstated after the family's eligibility was terminated.	147685 147686 147687 147688 147689 147690 147691 147692 147693 147694 147695 147696
(B) Procedures under which an applicant for publicly funded child care may receive publicly funded child care while the county department of job and family services determines eligibility and under which a child care provider may appeal a denial of payment	147697 147698 147699 147700

under division (A)(2)(b) of section 5104.34 of the Revised Code; 147701

(C) A schedule of fees requiring all eligible caretaker 147702
parents to pay a fee for publicly funded child care according to 147703
income and family size, which shall be uniform for all types of 147704
publicly funded child care, except as authorized by rule, and, to 147705
the extent permitted by federal law, shall permit the use of state 147706
and federal funds to pay the customary deposits and other advance 147707
payments that a provider charges all children who receive child 147708
care from that provider. 147709

(D) A formula for determining the amount of state and federal 147710
funds appropriated for publicly funded child care that may be 147711
allocated to a county department to use for administrative 147712
purposes; 147713

(E) Procedures to be followed by the department and county 147714
departments in recruiting individuals and groups to become 147715
providers of child care; 147716

(F) Procedures to be followed in establishing state or local 147717
programs designed to assist individuals who are eligible for 147718
publicly funded child care in identifying the resources available 147719
to them and to refer the individuals to appropriate sources to 147720
obtain child care; 147721

(G) Procedures to deal with fraud and abuse committed by 147722
either recipients or providers of publicly funded child care; 147723

(H) Procedures for establishing a child care grant or loan 147724
program in accordance with the child care block grant act; 147725

(I) Standards and procedures for applicants to apply for 147726
grants and loans, and for the department to make grants and loans; 147727

(J) A definition of "person who stands in loco parentis" for 147728
the purposes of division (LL)(3) of section 5104.01 of the Revised 147729
Code; 147730

(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;

(L) If the director establishes a different reimbursement rate under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

Sec. 5104.382. In adopting rules under division (A) of section 5104.38 of the Revised Code establishing criteria for eligibility for publicly funded child care, the director of ~~job children~~ and ~~family services youth~~ may prescribe the amount, duration, and scope of benefits available as publicly funded child care.

Sec. 5104.39. (A) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules in accordance with Chapter 119 of the Revised Code establishing a procedure for monitoring the expenditures for publicly funded child care to ensure that

expenditures do not exceed the available federal and state funds 147761
for publicly funded child care. The department of ~~job~~ children and 147762
~~family services~~ youth, with the assistance of the office of budget 147763
and management and the child care advisory council created 147764
pursuant to section 5104.08 of the Revised Code, shall monitor the 147765
anticipated future expenditures for publicly funded child care and 147766
shall compare those anticipated future expenditures to available 147767
federal and state funds for publicly funded child care. Whenever 147768
the department determines that the anticipated future expenditures 147769
for publicly funded child care will exceed the available federal 147770
and state funds, the department shall promptly notify the county 147771
departments of job and family services and, before the available 147772
state and federal funds are used, the director shall issue and 147773
implement an administrative order that shall specify both of the 147774
following: 147775

(1) Priorities for expending the remaining available federal 147776
and state funds for publicly funded child care; 147777

(2) Instructions and procedures to be used by the county 147778
departments regarding eligibility determinations. 147779

(B) The order may do any or all of the following: 147780

(1) Suspend enrollment of all new participants in any program 147781
of publicly funded child care; 147782

(2) Limit enrollment of new participants to those with 147783
incomes at or below a specified percentage of the federal poverty 147784
line; 147785

(3) Disenroll existing participants with income above a 147786
specified percentage of the federal poverty line; 147787

(4) Change the schedule of fees paid by eligible caretaker 147788
parents that has been established pursuant to section 5104.38 of 147789
the Revised Code; 147790

(5) Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code. 147791
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147793

(C) Each county department shall comply with the order no later than thirty days after it is issued. 147794
147795

(D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued. 147796
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(E) The department of ~~job~~ children and ~~family services~~ youth shall do all of the following: 147807
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(1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.43 of the Revised Code; 147809
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(2) Prepare reports based upon the evaluations that specify for each county the number of participants and amount of expenditures; 147812
147813
147814

(3) Provide copies of the reports to both houses of the general assembly and, on request, to interested parties. 147815
147816

Sec. 5104.42. (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules pursuant to section 111.15 of the Revised Code establishing a payment procedure for publicly funded child care. 147817
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(B) The director, by rule adopted in accordance with section 147821
111.15 of the Revised Code, may establish a methodology for 147822
allocating the state and federal funds appropriated for publicly 147823
funded child care. 147824

Sec. 5104.44. On receipt of a notice pursuant to section 147825
3123.43 of the Revised Code, the department of ~~job~~ children and 147826
~~family services~~ youth shall comply with sections 3123.41 to 147827
3123.50 of the Revised Code and any applicable rules adopted under 147828
section 3123.63 of the Revised Code with respect to a license or 147829
certificate issued pursuant to this chapter. 147830

Sec. ~~3301.90~~ 5104.50. The governor shall create the early 147831
childhood advisory council in accordance with 42 U.S.C. 147832
9837b(b)(1) and shall appoint one of its members to serve as 147833
chairperson of the council. The council shall serve as the state 147834
advisory council on early childhood education and care, as 147835
described in 42 U.S.C. 9837b(b)(1). In addition to the duties 147836
specified in 42 U.S.C. 9837b(b)(1), the council shall promote 147837
family-centered programs and services that acknowledge and support 147838
the social, emotional, cognitive, intellectual, and physical 147839
development of children and the vital role of families in ensuring 147840
the well-being and success of children. 147841

Sec. 5104.51. The department of children and youth shall 147842
license a preschool program pursuant to sections 3301.52 to 147843
3301.59 of the Revised Code. 147844

Sec. 5104.52. (A) The department of children and youth shall 147845
develop a diagnostic assessment designed to measure each student's 147846
readiness for kindergarten. The kindergarten readiness assessment 147847
shall not include components to identify gifted students. Blank 147848
copies of the kindergarten readiness assessment shall be public 147849

records. 147850

(B) When the kindergarten readiness assessment has been 147851
completed, the department shall inform all school districts of its 147852
completion and the department shall make the kindergarten 147853
readiness assessment available to districts at no cost to the 147854
district. 147855

(C) School districts shall administer the kindergarten 147856
readiness assessment pursuant to section 3301.0715 of the Revised 147857
Code beginning the first school year following the development of 147858
the kindergarten readiness assessment. Prior to that school year, 147859
school districts shall administer the kindergarten readiness 147860
assessment that was developed by the department of education under 147861
section 3301.0715 of the Revised as it existed prior to the 147862
effective date of this section. 147863

Sec. 5107.24. (A) As used in this section: 147864

(1) "Adult-supervised living arrangement" means a family 147865
setting approved, licensed, or certified by the department of job 147866
and family services, the department of mental health and addiction 147867
services, the department of developmental disabilities, the 147868
department of youth services, a public children services agency, a 147869
private child placing agency, or a private noncustodial agency 147870
that is maintained by a person age eighteen or older who assumes 147871
responsibility for the care and control of a minor parent, 147872
pregnant minor, or child of a minor parent or provides the minor 147873
parent, pregnant minor, or child of a minor parent supportive 147874
services, including counseling, guidance, and supervision. 147875
"Adult-supervised living arrangement" does not mean a public 147876
institution. 147877

(2) "Child of a minor parent" means a child born to a minor 147878
parent, except that the child ceases to be considered a child of 147879

minor parent when the minor parent attains age eighteen. 147880

(3) "Minor parent" means a parent who is under age eighteen 147881
and is not married. 147882

(4) "Pregnant minor" means a pregnant person who is under age 147883
eighteen and not married. 147884

(B)(1) Except as provided in division (B)(2) of this section 147885
and to the extent permitted by Title IV-A and federal regulations 147886
adopted under Title IV-A, a pregnant minor, minor parent, or child 147887
of a minor parent must reside in a place of residence maintained 147888
by a parent, guardian, custodian, or specified relative of the 147889
pregnant minor or minor parent as the parent's, guardian's, 147890
custodian's, or specified relative's own home to be eligible to 147891
participate in Ohio works first. 147892

(2) To the extent permitted by Title IV-A and federal 147893
regulations adopted under it, a pregnant minor, minor parent, or 147894
child of a minor parent is exempt from the requirement of division 147895
(B)(1) of this section if any of the following apply: 147896

(a) The minor parent or pregnant minor does not have a 147897
parent, guardian, custodian, or specified relative living or whose 147898
whereabouts are known. 147899

(b) No parent, guardian, custodian, or specified relative of 147900
the minor parent or pregnant minor will allow the pregnant minor, 147901
minor parent, or minor parent's child to live in the parent's, 147902
guardian's, custodian's, or specified relative's home. 147903

(c) The department of job and family services, the department 147904
of children and youth, a county department of job and family 147905
services, or a public children services agency determines that the 147906
physical or emotional health or safety of the pregnant minor, 147907
minor parent, or minor parent's child would be in jeopardy if the 147908
pregnant minor, minor parent, or minor parent's child lived in the 147909
same home as the parent, guardian, custodian, or specified 147910

relative. 147911

(d) The department of job and family services, the department 147912
of children and youth, a county department of job and family 147913
services, or a public children services agency otherwise 147914
determines that it is in the best interest of the pregnant minor, 147915
minor parent, or minor parent's child to waive the requirement of 147916
division (B)(1) of this section. 147917

(C) A pregnant minor, minor parent, or child of a minor 147918
parent exempt from the requirement of division (B)(1) of this 147919
section must reside in an adult-supervised living arrangement to 147920
be eligible to participate in Ohio works first. 147921

(D) The department of job and family services, whenever 147922
possible and to the extent permitted by Title IV-A and federal 147923
regulations adopted under it, shall provide cash assistance under 147924
Ohio works first to the parent, guardian, custodian, or specified 147925
relative of a pregnant minor or minor parent on behalf of the 147926
pregnant minor, minor parent, or minor parent's child. 147927

Sec. 5123.02. The department of developmental disabilities 147928
shall do the following: 147929

(A) Promote comprehensive statewide programs and services for 147930
persons with developmental disabilities and their families 147931
wherever they reside in the state. These programs shall include 147932
public awareness, prevention, assessment, treatment, training, and 147933
care. 147934

(B) Provide administrative leadership for statewide services; 147935

(C) Develop and maintain, to the extent feasible, data on all 147936
services and programs that governmental and private agencies 147937
provide for persons with developmental disabilities; 147938

(D) Provide leadership to local authorities in planning and 147939
developing community-wide services for persons with developmental 147940

disabilities and their families; 147941

(E) Promote programs of professional training and research in 147942
cooperation with other state departments, agencies, and 147943
institutions of higher learning; 147944

~~(F) Serve as the "lead agency," as described by 20 U.S.C. 147945
1435(a)(10), to implement the state's part C early intervention 147946
services program, through which early intervention services are 147947
provided to eligible infants and toddlers in accordance with part 147948
C of the "Individuals with Disabilities Education Act," 20 U.S.C. 147949
1431 et seq., and regulations implementing that part in 34 C.F.R. 147950
part 303. 147951~~

Sec. 5123.026. (A) The director of developmental disabilities 147952
shall establish a technology first task force consisting of 147953
representatives from the office of innovateohio; the departments 147954
of developmental disabilities, education, medicaid, aging, job and 147955
family services, mental health and addiction services, children 147956
and youth, and transportation; and the opportunities for Ohioans 147957
with disabilities agency. 147958

(B) The task force shall do all of the following: 147959

(1) Expand innovative technology solutions within the 147960
operation and delivery of services to individuals with 147961
developmental disabilities; 147962

(2) Use technology to reduce the barriers individuals with 147963
developmental disabilities experience; 147964

(3) Align policies for all state agencies on the task force. 147965

(C) The department of developmental disabilities may enter 147966
into interagency agreements with any of the government entities on 147967
the task force. The interagency agreements may specify either or 147968
both of the following: 147969

(1) The roles and responsibilities of the government entities 147970

that are members of the task force, including any money to be 147971
contributed by those entities; 147972

(2) The projects and activities of the task force. 147973

(D) The department and state agencies may adopt rules to 147974
implement the task force. 147975

Sec. 5139.39. The department of youth services, in the manner 147976
provided in this chapter and Chapter 2151. of the Revised Code, 147977
may transfer to a foster care facility certified by the department 147978
of ~~job children~~ and ~~family services youth~~ under section 5103.03 of 147979
the Revised Code, any child committed to it and, in the event of a 147980
transfer of that nature, unless otherwise mutually agreed, the 147981
department of youth services shall bear the cost of care and 147982
services provided for the child in the foster care facility. A 147983
juvenile court may transfer to any foster facility certified by 147984
the department of ~~job children~~ and ~~family services youth~~ any child 147985
between twelve and eighteen years of age, other than a psychotic 147986
child or a child with an intellectual disability, who has been 147987
designated a delinquent child and placed on probation by order of 147988
the juvenile court as a result of having violated any law of this 147989
state or the United States or any ordinance of a political 147990
subdivision of this state. 147991

Sec. 5153.01. (A) As used in the Revised Code, "public 147992
children services agency" means an entity specified in section 147993
5153.02 of the Revised Code that has assumed the powers and duties 147994
of the children services function prescribed by this chapter for a 147995
county. 147996

(B) As used in this chapter: 147997

(1) "Certified foster home" means a foster home, as defined 147998
in section 5103.02 of the Revised Code, certified under section 147999
5103.03 of the Revised Code. 148000

(2) "Certified organization" means any organization holding a certificate issued pursuant to section 5103.03 of the Revised Code that is in full force and effect.

(3) "Child" means any person under eighteen years of age or a person with a mental or physical disability, as defined by rule adopted by the director of ~~job~~ children and ~~family services~~ youth, under twenty-one years of age.

(4) "Executive director" means the person charged with the responsibility of administering the powers and duties of a public children services agency appointed pursuant to section 5153.10 of the Revised Code.

(5) "Organization" means any public, semipublic, or private institution, including maternity homes and day nurseries, and any private association, society, or agency, located or operating in this state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children or the placement of children in certified foster homes or elsewhere.

(6) "PCSA caseworker" means an individual employed by a public children services agency as a caseworker.

(7) "PCSA caseworker supervisor" means an individual employed by a public children services agency to supervise PCSA caseworkers.

Sec. 5153.111. (A)(1) The executive director of a public children services agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the agency for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this

state for the five-year period immediately prior to the date upon 148031
which the criminal records check is requested or does not provide 148032
evidence that within that five-year period the superintendent has 148033
requested information about the applicant from the federal bureau 148034
of investigation in a criminal records check, the executive 148035
director shall request that the superintendent obtain information 148036
from the federal bureau of investigation as a part of the criminal 148037
records check for the applicant. If the applicant presents proof 148038
that the applicant has been a resident of this state for that 148039
five-year period, the executive director may request that the 148040
superintendent include information from the federal bureau of 148041
investigation in the criminal records check. 148042

(2) Any person required by division (A)(1) of this section to 148043
request a criminal records check shall provide to each applicant a 148044
copy of the form prescribed pursuant to division (C)(1) of section 148045
109.572 of the Revised Code, provide to each applicant a standard 148046
impression sheet to obtain fingerprint impressions prescribed 148047
pursuant to division (C)(2) of section 109.572 of the Revised 148048
Code, obtain the completed form and impression sheet from each 148049
applicant, and forward the completed form and impression sheet to 148050
the superintendent of the bureau of criminal identification and 148051
investigation at the time the person requests a criminal records 148052
check pursuant to division (A)(1) of this section. 148053

(3) Any applicant who receives pursuant to division (A)(2) of 148054
this section a copy of the form prescribed pursuant to division 148055
(C)(1) of section 109.572 of the Revised Code and a copy of an 148056
impression sheet prescribed pursuant to division (C)(2) of that 148057
section and who is requested to complete the form and provide a 148058
set of fingerprint impressions shall complete the form or provide 148059
all the information necessary to complete the form and shall 148060
provide the impression sheet with the impressions of the 148061
applicant's fingerprints. If an applicant, upon request, fails to 148062

provide the information necessary to complete the form or fails to 148063
provide impressions of the applicant's fingerprints, that agency 148064
shall not employ that applicant for any position for which a 148065
criminal records check is required by division (A)(1) of this 148066
section. 148067

(B)(1) Except as provided in rules adopted by the director of 148068
~~job~~ children and ~~family services~~ youth in accordance with division 148069
(E) of this section, no public children services agency shall 148070
employ a person as a person responsible for the care, custody, or 148071
control of a child if the person previously has been convicted of 148072
or pleaded guilty to any of the following: 148073

(a) A violation of section 2903.01, 2903.02, 2903.03, 148074
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 148075
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 148076
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 148077
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 148078
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 148079
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 148080
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 148081
violation of section 2905.04 of the Revised Code as it existed 148082
prior to July 1, 1996, a violation of section 2919.23 of the 148083
Revised Code that would have been a violation of section 2905.04 148084
of the Revised Code as it existed prior to July 1, 1996, had the 148085
violation occurred prior to that date, a violation of section 148086
2925.11 of the Revised Code that is not a minor drug possession 148087
offense, or felonious sexual penetration in violation of former 148088
section 2907.12 of the Revised Code; 148089

(b) A violation of an existing or former law of this state, 148090
any other state, or the United States that is substantially 148091
equivalent to any of the offenses or violations described in 148092
division (B)(1)(a) of this section. 148093

(2) A public children services agency may employ an applicant 148094

conditionally until the criminal records check required by this 148095
section is completed and the agency receives the results of the 148096
criminal records check. If the results of the criminal records 148097
check indicate that, pursuant to division (B)(1) of this section, 148098
the applicant does not qualify for employment, the agency shall 148099
release the applicant from employment. 148100

(C)(1) Each public children services agency shall pay to the 148101
bureau of criminal identification and investigation the fee 148102
prescribed pursuant to division (C)(3) of section 109.572 of the 148103
Revised Code for each criminal records check conducted in 148104
accordance with that section upon the request pursuant to division 148105
(A)(1) of this section of the executive director of the agency. 148106

(2) A public children services agency may charge an applicant 148107
a fee for the costs it incurs in obtaining a criminal records 148108
check under this section. A fee charged under this division shall 148109
not exceed the amount of fees the agency pays under division 148110
(C)(1) of this section. If a fee is charged under this division, 148111
the agency shall notify the applicant at the time of the 148112
applicant's initial application for employment of the amount of 148113
the fee and that, unless the fee is paid, the agency will not 148114
consider the applicant for employment. 148115

(D) The report of any criminal records check conducted by the 148116
bureau of criminal identification and investigation in accordance 148117
with section 109.572 of the Revised Code and pursuant to a request 148118
under division (A)(1) of this section is not a public record for 148119
the purposes of section 149.43 of the Revised Code and shall not 148120
be made available to any person other than the applicant who is 148121
the subject of the criminal records check or the applicant's 148122
representative, the public children services agency requesting the 148123
criminal records check or its representative, and any court, 148124
hearing officer, or other necessary individual involved in a case 148125
dealing with the denial of employment to the applicant. 148126

(E) The director of ~~job~~ children and ~~family services~~ youth 148127
shall adopt rules pursuant to Chapter 119. of the Revised Code to 148128
implement this section, including rules specifying circumstances 148129
under which a public children services agency may hire a person 148130
who has been convicted of an offense listed in division (B)(1) of 148131
this section but who meets standards in regard to rehabilitation 148132
set by the department. 148133

(F) Any person required by division (A)(1) of this section to 148134
request a criminal records check shall inform each person, at the 148135
time of the person's initial application for employment, that the 148136
person is required to provide a set of impressions of the person's 148137
fingerprints and that a criminal records check is required to be 148138
conducted and satisfactorily completed in accordance with section 148139
109.572 of the Revised Code if the person comes under final 148140
consideration for appointment or employment as a precondition to 148141
employment for that position. 148142

(G) As used in this section: 148143

(1) "Applicant" means a person who is under final 148144
consideration for appointment or employment in a position with the 148145
agency as a person responsible for the care, custody, or control 148146
of a child. 148147

(2) "Criminal records check" has the same meaning as in 148148
section 109.572 of the Revised Code. 148149

(3) "Minor drug possession offense" has the same meaning as 148150
in section 2925.01 of the Revised Code. 148151

Sec. 5153.113. (A)(1) As used in this section, "applicant" 148152
has the same meaning as in section 5153.111 of the Revised Code, 148153
and includes an intern applicant or a volunteer applicant. 148154

(2) "Intern applicant" means a trainee seeking practical 148155
educational and career experience who is under consideration for a 148156

position with a public children services agency to work, with or 148157
without monetary gain or compensation, as a person responsible for 148158
the care, custody, or control of a child; 148159

(3) "Volunteer applicant" means a person who is under 148160
consideration for a position with a public children services 148161
agency to perform services within the agency voluntarily, without 148162
monetary gain or compensation, as a person responsible for the 148163
care, custody, or control of a child. 148164

(B) Notwithstanding division (I)(1) of section 2151.421, 148165
section 5153.17, and any other section of the Revised Code 148166
pertaining to confidentiality, before a public children services 148167
agency employs an applicant, the executive director of the agency, 148168
or the executive director's designee within the agency, shall 148169
review promptly any information the agency determines to be 148170
relevant for the purpose of evaluating the fitness of the 148171
applicant, including, but not limited to, the following: 148172

(1) Abuse and neglect reports made pursuant to section 148173
2151.421 of the Revised Code of which the applicant is the subject 148174
where it has been determined that abuse or neglect occurred; 148175

(2) The final disposition of investigations of the abuse and 148176
neglect reports, or if the investigations have not been completed, 148177
the status of the investigations; 148178

(3) Any underlying documentation concerning the reports. 148179

(C) The information reviewed under division (B) of this 148180
section shall not include the name of the person or entity that 148181
made the report or participated in the making of the report of 148182
child abuse or neglect. 148183

(D) The director of ~~job children~~ and ~~family services~~ youth 148184
shall adopt rules pursuant to Chapter 119. of the Revised Code to 148185
implement this section. 148186

Sec. 5153.121. (A) The board of county commissioners and the county children services board may agree to permit any employee of the department of ~~job~~ children and ~~family services~~ youth also to perform duties for the county children services board, or to permit any employee of the county children services board also to perform duties for the department of ~~job~~ children and ~~family services~~ youth.

(B) An agreement made under division (A) of this section may require the board of county commissioners to pay a portion of the wages of any employee of the county children services board who also performs duties for the department of ~~job~~ children and ~~family services~~ youth or require the county children services board to pay a portion of the wages of any employee of the department of ~~job~~ children and ~~family services~~ youth who also performs duties for the county children services board.

Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following:

(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;

(B) Assessing child safety;

(C) Assessing risks;

(D) Interviewing persons;

(E) Investigating cases;	148217
(F) Intervening;	148218
(G) Providing services to children and their families;	148219
(H) The importance of and need for accurate data;	148220
(I) Preparation for court;	148221
(J) Maintenance of case record information;	148222
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	148223 148224 148225 148226 148227 148228
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	148229 148230 148231
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	148232 148233 148234 148235
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job <u>children</u> and family services <u>youth</u> shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.	148236 148237 148238 148239 148240 148241 148242 148243 148244
Sec. 5153.123. Each PCSA caseworker supervisor shall complete	148245

at least sixty hours of in-service training during the first year 148246
of the supervisor's continuous employment as a PCSA caseworker 148247
supervisor. The training shall include courses in screening 148248
reports of child abuse, neglect, or dependency. After a PCSA 148249
caseworker supervisor's first year of continuous employment as a 148250
PCSA caseworker supervisor, the supervisor annually shall complete 148251
thirty hours of training in areas relevant to the supervisor's 148252
assigned duties. During the first two years of continuous 148253
employment as a PCSA caseworker supervisor, each PCSA caseworker 148254
supervisor shall complete at least twelve hours of training in 148255
recognizing the signs of domestic violence and its relationship to 148256
child abuse as established in rules the director of ~~job~~ children 148257
and ~~family services~~ youth shall adopt pursuant to Chapter 119. of 148258
the Revised Code. The twelve hours may be in addition to the 148259
training required during the supervisor's first year of employment 148260
or part of the training required during the second year of 148261
employment. 148262

Sec. 5153.124. (A)(1) The director of ~~job~~ children and ~~family~~ 148263
~~services~~ youth shall adopt rules as necessary to implement the 148264
training requirements of sections 5153.122 and 5153.123 of the 148265
Revised Code. 148266

(2) Not later than nine months after ~~the effective date of~~ 148267
~~the amendment to this section by H.B. 110 of the 134th general~~ 148268
~~assembly~~ September 30, 2021, the director shall adopt rules in 148269
accordance with Chapter 119. of the Revised Code to establish the 148270
circumstances under which an executive director of a public 148271
children services agency may waive portions of in-service training 148272
for PCSA caseworkers, in addition to the waiver described in 148273
section 5153.122 of the Revised Code. 148274

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 148275
5153.122 to 5153.127 of the Revised Code, the department of ~~job~~ 148276

children and ~~family services~~ youth may require additional training 148277
for PCSA caseworkers and PCSA caseworker supervisors as necessary 148278
to comply with federal requirements. 148279

Sec. 5153.14. The executive director shall prepare and submit 148280
an annual report to the public children services agency at the end 148281
of each calendar year and shall file copies of such report with 148282
the department of ~~job~~ children and ~~family services~~ youth, the 148283
board of county commissioners, and the juvenile court. The 148284
executive director shall submit the inspection reports required 148285
under section 5153.16 of the Revised Code and such other reports 148286
as are required by law, by the rules of the director of ~~job~~ 148287
children and ~~family services~~ youth, or by the board of county 148288
commissioners to specified governmental bodies and officers and 148289
shall provide reports to the public, when so authorized. 148290

Sec. 5153.16. (A) Except as provided in section 2151.422 of 148291
the Revised Code, in accordance with rules adopted under section 148292
5153.166 of the Revised Code, and on behalf of children in the 148293
county whom the public children services agency considers to be in 148294
need of public care or protective services, the public children 148295
services agency shall do all of the following: 148296

(1) Make an investigation concerning any child alleged to be 148297
an abused, neglected, or dependent child; 148298

(2) Enter into agreements with the parent, guardian, or other 148299
person having legal custody of any child, or with the department 148300
of ~~job~~ children and ~~family services~~ youth, department of mental 148301
health and addiction services, department of developmental 148302
disabilities, other department, any certified organization within 148303
or outside the county, or any agency or institution outside the 148304
state, having legal custody of any child, with respect to the 148305
custody, care, or placement of any child, or with respect to any 148306

matter, in the interests of the child, provided the permanent 148307
custody of a child shall not be transferred by a parent to the 148308
public children services agency without the consent of the 148309
juvenile court; 148310

(3) Accept custody of children committed to the public 148311
children services agency by a court exercising juvenile 148312
jurisdiction; 148313

(4) Provide such care as the public children services agency 148314
considers to be in the best interests of any child adjudicated to 148315
be an abused, neglected, or dependent child the agency finds to be 148316
in need of public care or service; 148317

(5) Provide social services to any unmarried girl adjudicated 148318
to be an abused, neglected, or dependent child who is pregnant 148319
with or has been delivered of a child; 148320

(6) Make available to the children with medical handicaps 148321
program of the department of health at its request any information 148322
concerning a child with a disability found to be in need of 148323
treatment under sections 3701.021 to 3701.028 of the Revised Code 148324
who is receiving services from the public children services 148325
agency; 148326

(7) Provide temporary emergency care for any child considered 148327
by the public children services agency to be in need of such care, 148328
without agreement or commitment; 148329

(8) Find certified foster homes, within or outside the 148330
county, for the care of children, including children with 148331
disabilities from other counties attending special schools in the 148332
county; 148333

(9) Subject to the approval of the board of county 148334
commissioners and the ~~state~~ department of ~~job~~ children and ~~family~~ 148335
~~services~~ youth, establish and operate a training school or enter 148336
into an agreement with any municipal corporation or other 148337

political subdivision of the county respecting the operation, 148338
acquisition, or maintenance of any children's home, training 148339
school, or other institution for the care of children maintained 148340
by such municipal corporation or political subdivision; 148341

(10) Acquire and operate a county children's home, establish, 148342
maintain, and operate a receiving home for the temporary care of 148343
children, or procure certified foster homes for this purpose; 148344

(11) Enter into an agreement with the trustees of any 148345
district children's home, respecting the operation of the district 148346
children's home in cooperation with the other county boards in the 148347
district; 148348

(12) Cooperate with, make its services available to, and act 148349
as the agent of persons, courts, the department of ~~job~~ children 148350
and ~~family services~~ youth, the department of health, and other 148351
organizations within and outside the state, in matters relating to 148352
the welfare of children, except that the public children services 148353
agency shall not be required to provide supervision of or other 148354
services related to the exercise of parenting time rights granted 148355
pursuant to section 3109.051 or 3109.12 of the Revised Code or 148356
companionship or visitation rights granted pursuant to section 148357
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 148358
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 148359
a common pleas court, pursuant to division (E)(6) of section 148360
3113.31 of the Revised Code, requires the provision of supervision 148361
or other services related to the exercise of the parenting time 148362
rights or companionship or visitation rights; 148363

(13) Make investigations at the request of any superintendent 148364
of schools in the county or the principal of any school concerning 148365
the application of any child adjudicated to be an abused, 148366
neglected, or dependent child for release from school, where such 148367
service is not provided through a school attendance department; 148368

- (14) Administer funds provided under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended, in accordance with rules adopted under section 5101.141 of the Revised Code;
- (15) In addition to administering Title IV-E adoption assistance funds, enter into agreements to make adoption assistance payments under section 5153.163 of the Revised Code;
- (16) Implement a system of safety and risk assessment, in accordance with rules adopted by the director of ~~job~~ children and ~~family services~~ youth, to assist the public children services agency in determining the risk of abuse or neglect to a child;
- (17) Enter into a plan of cooperation with the board of county commissioners under section 307.983 of the Revised Code and comply with each fiscal agreement the board enters into under section 307.98 of the Revised Code that include family services duties of public children services agencies and contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the public children services agency;
- (18) Make reasonable efforts to prevent the removal of an alleged or adjudicated abused, neglected, or dependent child from the child's home, eliminate the continued removal of the child from the child's home, or make it possible for the child to return home safely, except that reasonable efforts of that nature are not required when a court has made a determination under division (A)(2) of section 2151.419 of the Revised Code;
- (19) Make reasonable efforts to place the child in a timely manner in accordance with the permanency plan approved under division (E) of section 2151.417 of the Revised Code and to complete whatever steps are necessary to finalize the permanent placement of the child;
- (20) Administer a Title IV-A program identified under

division (A)(4)(c) or (g) of section 5101.80 of the Revised Code 148400
that the department of ~~job~~ children and ~~family services~~ youth 148401
provides for the public children services agency to administer 148402
under the department's supervision pursuant to section 5101.801 of 148403
the Revised Code; 148404

(21) Administer the kinship permanency incentive program 148405
created under section 5101.802 of the Revised Code under the 148406
supervision of the director of ~~job~~ children and ~~family services~~ 148407
youth; 148408

(22) Provide independent living services pursuant to sections 148409
2151.81 to 2151.84 of the Revised Code; 148410

(23) File a missing child report with a local law enforcement 148411
agency upon becoming aware that a child in the custody of the 148412
public children services agency is or may be missing. 148413

(B) The public children services agency shall use the system 148414
implemented pursuant to division (A)(16) of this section in 148415
connection with an investigation undertaken pursuant to division 148416
(G)(1) of section 2151.421 of the Revised Code to assess both of 148417
the following: 148418

(1) The ongoing safety of the child; 148419

(2) The appropriateness of the intensity and duration of the 148420
services provided to meet child and family needs throughout the 148421
duration of a case. 148422

(C) Except as provided in section 2151.422 of the Revised 148423
Code, in accordance with rules of the director of ~~job~~ children and 148424
~~family services~~ youth, and on behalf of children in the county 148425
whom the public children services agency considers to be in need 148426
of public care or protective services, the public children 148427
services agency may do the following: 148428

(1) Provide or find, with other child serving systems, 148429

specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code; 148430
148431
148432

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties: 148433
148434
148435

(i) County departments of job and family services; 148436

(ii) Boards of alcohol, drug addiction, and mental health services; 148437
148438

(iii) County boards of developmental disabilities; 148439

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code; 148440
148441

(v) Private and government providers of services; 148442

(vi) Managed care organizations and prepaid health plans. 148443

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules. 148444
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(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties. 148449
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Sec. 5153.163. (A) As used in this section: 148457

(1) "Adoptive parent" means, as the context requires, a 148458

prospective adoptive parent or an adoptive parent. 148459

(2) "Relative" has the same meaning as in section 5101.141 of 148460
the Revised Code. 148461

(B)(1) Before a child's adoption is finalized, a public 148462
children services agency may enter into an agreement with the 148463
child's adoptive parent under which the agency, to the extent 148464
state funds are available, may make state adoption maintenance 148465
subsidy payments as needed on behalf of the child when all of the 148466
following apply: 148467

(a) The child is a child with special needs. 148468

(b) The child was placed in the adoptive home by a public 148469
children services agency or a private child placing agency and may 148470
legally be adopted. 148471

(c) The adoptive parent has the capability of providing the 148472
permanent family relationships needed by the child. 148473

(d) The needs of the child are beyond the economic resources 148474
of the adoptive parent. 148475

(e) Acceptance of the child as a member of the adoptive 148476
parent's family would not be in the child's best interest without 148477
payments on the child's behalf under this section. 148478

(f) The gross income of the adoptive parent's family does not 148479
exceed one hundred twenty per cent of the median income of a 148480
family of the same size, including the child, as most recently 148481
determined for this state by the secretary of health and human 148482
services under Title XX of the "Social Security Act," 88 Stat. 148483
2337, 42 U.S.C.A. 1397, as amended. 148484

(g) The child is not eligible for adoption assistance 148485
payments under Title IV-E of the "Social Security Act," 94 Stat. 148486
501 (1980), 42 U.S.C.A. 671, as amended. 148487

(2) State adoption maintenance subsidy payment agreements 148488

must be made by either the public children services agency that 148489
has permanent custody of the child or the public children services 148490
agency of the county in which the private child placing agency 148491
that has permanent custody of the child is located. 148492

(3) State adoption maintenance subsidy payments shall be made 148493
in accordance with the agreement between the public children 148494
services agency and the adoptive parent and are subject to an 148495
annual redetermination of need. 148496

(4) Payments under this division may begin either before or 148497
after issuance of the final adoption decree, except that payments 148498
made before issuance of the final adoption decree may be made only 148499
while the child is living in the adoptive parent's home. 148500
Preadoption payments may be made for not more than twelve months, 148501
unless the final adoption decree is not issued within that time 148502
because of a delay in court proceedings. Payments that begin 148503
before issuance of the final adoption decree may continue after 148504
its issuance. 148505

(C)(1) A public children services agency may enter into an 148506
agreement with a child's relative under which the agency, to the 148507
extent state funds are available, may provide state kinship 148508
guardianship assistance as needed on behalf of the child when all 148509
of the following apply: 148510

(a) The relative has cared for the eligible child as a foster 148511
caregiver as defined by section 5103.02 of the Revised Code for at 148512
least six consecutive months. 148513

(b) Both of the following apply: 148514

(i) A juvenile court issued an order granting legal custody 148515
of the child to the relative, or a probate court issued an order 148516
granting guardianship of the child to the relative, and the order 148517
is not a temporary court order. 148518

(ii) The relative has committed to care for the child on a 148519

permanent basis. 148520

(c) The relative signed a state kinship guardianship 148521
assistance agreement prior to assuming legal guardianship or legal 148522
custody of the child. 148523

(d) The child had been removed from home pursuant to a 148524
voluntary placement agreement or as a result of a judicial 148525
determination to the effect that continuation in the home would be 148526
contrary to the welfare of the child. 148527

(e) Returning the child home or adoption are not appropriate 148528
permanency options for the child. 148529

(f) The child demonstrates a strong attachment to the 148530
relative and the relative has a strong commitment to caring 148531
permanently for the child. 148532

(g) With respect to a child who has attained fourteen years 148533
of age, the child has been consulted regarding the state kinship 148534
guardianship assistance arrangement. 148535

(h) The child is not eligible for kinship guardianship 148536
assistance payments under Title IV-E of the "Social Security Act," 148537
42 U.S.C. 673(d), as amended. 148538

(2) The public children services agency that had custody of a 148539
child immediately prior to a court granting legal custody or 148540
guardianship of the child to a relative of the child described in 148541
division (C)(1) of this section is authorized to enter into a 148542
state kinship guardianship assistance agreement with that 148543
relative. 148544

(3) State kinship guardianship assistance for a child shall 148545
be provided in accordance with a state kinship guardianship 148546
assistance agreement entered into between the public children 148547
services agency and relative of the child described in division 148548
(C)(1) of this section and is subject to an annual redetermination 148549

of need. 148550

(4) Not later than fifteen months after ~~the effective date of~~ 148551
~~this section~~ September 30, 2021, if the amended state plan 148552
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 148553
described in section 5101.1416 of the Revised Code is approved, 148554
division (C) of this section shall be implemented. 148555

(D) No payment shall be made under division (B) or (C) of 148556
this section on behalf of any person eighteen years of age or 148557
older beyond the end of the school year during which the person 148558
attains the age of eighteen or on behalf of a person with a mental 148559
or physical disability twenty-one years of age or older. 148560

(E) The director of ~~job~~ children and ~~family services~~ youth 148561
shall adopt rules in accordance with Chapter 119. of the Revised 148562
Code that are needed to implement this section. The rules shall 148563
establish all of the following: 148564

(1) The application process for all forms of assistance 148565
provided under this section; 148566

(2) The method to determine the amount of assistance payable 148567
under division (B) of this section; 148568

(3) The definition of "child with special needs" for this 148569
section; 148570

(4) The process whereby a child's continuing need for 148571
services provided under division (B) or (C) of this section is 148572
annually redetermined; 148573

(5) Any other rule, requirement, or procedure the department 148574
considers appropriate for the implementation of this section. 148575

(F) The state adoption special services subsidy program 148576
ceases to exist on July 1, 2004, except that, subject to the 148577
findings of the annual redetermination process established under 148578
division (E) of this section and the child's individual need for 148579

services, a public children services agency may continue to 148580
provide state adoption special services subsidy payments on behalf 148581
of a child for whom payments were being made prior to July 1, 148582
2004. 148583

(G) Benefits and services provided under this section are 148584
inalienable whether by way of assignment, charge, or otherwise and 148585
exempt from execution, attachment, garnishment, and other like 148586
processes. 148587

Sec. 5153.166. In addition to other rules specifically 148588
authorized by the Revised Code, the director of ~~job~~ children and 148589
~~family services~~ youth may adopt rules governing public children 148590
services agencies' performance of their family services duties, 148591
including the family services duties that public children services 148592
agencies have under sections 5153.16 to 5153.19 of the Revised 148593
Code. 148594

Sec. 5153.17. The public children services agency shall 148595
prepare and keep written records of investigations of families, 148596
children, and foster homes, and of the care, training, and 148597
treatment afforded children, and shall prepare and keep such other 148598
records as are required by the department of ~~job~~ children and 148599
~~family services~~ youth. Such records shall be confidential, but, 148600
except as provided by division (B) of section 3107.17 of the 148601
Revised Code, shall be open to inspection by the agency, the 148602
director of ~~job~~ children and ~~family services~~ youth, and the 148603
director of the county department of job and family services, and 148604
by other persons upon the written permission of the executive 148605
director. 148606

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 148607
2151.421, section 5153.17, and any other section of the Revised 148608
Code pertaining to confidentiality, when a public children 148609

services agency has determined that child abuse or neglect 148610
occurred and that abuse or neglect involves a person who has 148611
applied for licensure as a type A family day-care home or type B 148612
family day-care home, the agency shall promptly provide to the 148613
department of ~~job children~~ and ~~family services~~ youth any 148614
information the agency determines to be relevant for the purpose 148615
of evaluating the fitness of the person, including, but not 148616
limited to, both of the following: 148617

(1) A summary report of the chronology of abuse and neglect 148618
reports made pursuant to section 2151.421 of the Revised Code of 148619
which the person is the subject where the agency determined that 148620
abuse or neglect occurred and the final disposition of the 148621
investigation of the reports or, if the investigations have not 148622
been completed, the status of the investigations; 148623

(2) Any underlying documentation concerning those reports. 148624

(B) The agency shall not include in the information provided 148625
to the department under division (A) of this section the name of 148626
the person or entity that made the report or participated in the 148627
making of the report of child abuse or neglect. 148628

(C) Upon provision of information under division (A) of this 148629
section, the agency shall notify the department of both of the 148630
following: 148631

(1) That the information is confidential; 148632

(2) That unauthorized dissemination of the information is a 148633
violation of division (I)(2) of section 2151.421 of the Revised 148634
Code and any person who permits or encourages unauthorized 148635
dissemination of the information is guilty of a misdemeanor of the 148636
fourth degree pursuant to section 2151.99 of the Revised Code. 148637

Sec. 5153.20. (A)(1) Except as provided in division (B) of 148638
this section, the cost of care furnished by the public children 148639

services agency or the board of county commissioners to any child 148640
having a legal residence in another county shall be charged to the 148641
county of legal residence. No expense shall be incurred by the 148642
agency or the board of county commissioners, on account of such 148643
care, except for temporary or emergency care, without the consent 148644
of the agency or board of county commissioners, or as provided by 148645
this section. If such consent cannot be obtained the board of 148646
county commissioners may file a petition in the court of common 148647
pleas of the county in which the child is found for a 148648
determination of legal residence of such child. Summons in such a 148649
proceeding shall be served, as in other civil actions, upon the 148650
board of county commissioners and the executive director of the 148651
agency of the county alleged to be the county of legal residence, 148652
but the answer day shall be the tenth day after the issuance of 148653
such summons. The return day shall be the fifth day after issuance 148654
of the summons. The cause shall be set for hearing not less than 148655
ten nor more than thirty days after the issuance of the summons. 148656
The finding and determination by the court upon such application, 148657
subject to the right of appeal, shall be final and conclusive as 148658
to the county chargeable under this section with the costs of the 148659
care of such child. The board of county commissioners out of its 148660
general funds shall reimburse the agency furnishing such care, 148661
upon receipt of itemized statements. 148662

(2) Any moneys received by the agency furnishing such care 148663
from persons liable for the cost of any part of such care, by 148664
agreement or otherwise, shall be credited to the county of legal 148665
residence. 148666

(3) The agency may remove and deliver any child, having legal 148667
residence in another county in Ohio and deemed to be in need of 148668
public care, to the public children services agency of the county 148669
of legal residence. All cost incidental to the transportation of 148670
such child and of any escort required shall be paid by the public 148671

children services agency which delivers back the child. With the 148672
approval of the department of ~~job children~~ and ~~family services~~ 148673
youth, any child whose legal residence has been found to be in 148674
another state or country may be transferred to the department for 148675
return to the place of legal residence, or such child may be 148676
returned by the agency. All costs incidental to the transportation 148677
of such child and of any escort required shall be paid by the 148678
department of ~~job children~~ and ~~family services~~ youth if it returns 148679
the child, otherwise the cost shall be paid by the agency, subject 148680
in either case to such reimbursement as may be obtained from the 148681
responsible persons or authorities of the place of legal 148682
residence. The department of ~~job children~~ and ~~family services~~ 148683
youth may enter into agreements with the authorities of other 148684
states relative to the placement and return of children. 148685

(B)(1) If a court determines that reasonable efforts have 148686
been made to prevent removal of an adopted child from the child's 148687
home pursuant to section 2151.419 of the Revised Code and an 148688
adopted child is placed in the temporary or permanent custody of a 148689
public children services agency or a private child placing agency 148690
within thirty-six months of the date that the child's adoption was 148691
finalized, the agency that previously held permanent custody of 148692
the child when the child was placed with the adoptive parent shall 148693
be given opportunity to participate in planning for the child's 148694
care and treatment and shall assume fifty per cent of the 148695
financial responsibility for the care and treatment. Shared 148696
planning and financial responsibility shall cease on the first day 148697
of the thirty-seventh month after the date that the child's 148698
adoption was finalized and, on this date, the custodial agency 148699
shall then assume full planning and financial responsibility. The 148700
custodial agency and the agency that previously held permanent 148701
custody of the child may enter into a written agreement for shared 148702
financial responsibility that differs from the responsibilities 148703
allocated in this division. 148704

(2) Division (B)(1) of this section does not apply to any of 148705
the following: 148706

(a) An adoption by a stepparent whose spouse is a biological 148707
or adoptive parent of the child; 148708

(b) An international adoption; 148709

(c) An adoption where either the custodial agency or agency 148710
that previously held permanent custody of the child is not in this 148711
state. 148712

(3) Nothing in division (B) of this section shall prevent a 148713
court or a child support enforcement agency from issuing a child 148714
support order. 148715

Sec. 5153.21. The board of county commissioners may establish 148716
a children's home upon the recommendation of the public children 148717
services agency and subject to certification by the department of 148718
~~job children~~ and ~~family services youth~~ under section 5103.03 of 148719
the Revised Code and the requirements of sections 5103.05 and 148720
5103.051 of the Revised Code. 148721

Sec. 5153.22. If there is no children's home in the county or 148722
if the facilities for institutional care are inadequate, the 148723
public children services agency may, subject to the approval of 148724
the department of ~~job children~~ and ~~family services youth~~ and the 148725
board of county commissioners, enter into an agreement with the 148726
public children services agency of, or a certified organization 148727
located in, another county, or with the board of trustees of any 148728
district or semipublic children's home, or with any agency or 148729
institution outside the state for the furnishing of institutional 148730
care to children of the county. 148731

Sec. 5153.27. A public children services agency operating a 148732
children's home or other institution is subject to sections 148733

5103.03 and 5103.04 of the Revised Code respecting certification 148734
by the department of ~~job~~ children and ~~family services~~ youth. 148735

Sec. 5153.29. The board of county commissioners of any county 148736
having a county children's home, may, upon the recommendation of 148737
the public children services agency and with the approval of the 148738
department of ~~job~~ children and ~~family services~~ youth, abandon the 148739
use of such home and proceed to sell or lease the site, building, 148740
furniture, and equipment of such home in the manner most 148741
advantageous to the county, or it may use the home for other 148742
necessary and proper purposes. The net proceeds of any such sale 148743
or lease shall be paid into the county treasury. 148744

Sec. 5153.30. The public children services agency may accept 148745
and receive bequests, donations, and gifts of funds or property, 148746
real or personal, for child care and services. The facilities or 148747
services to be established or maintained through any such gift 148748
shall be subject to the approval of the department of ~~job~~ children 148749
and ~~family services~~ youth. 148750

Sec. 5153.32. Any corporation, organized under the laws of 148751
this state for the purpose of establishing, conducting, and 148752
maintaining a child welfare institution or agency, which is 148753
unable, for any reason, to conduct and maintain such institution 148754
or agency, and which has not, for a period of three consecutive 148755
years, conducted or maintained a place or establishment for the 148756
care of children, and which has in its hands funds or properties 148757
acquired by it for the purpose of establishing, conducting, and 148758
maintaining such institution or agency, may, subject to the 148759
approval of the department of ~~job~~ children and ~~family services~~ 148760
youth, and subject to the terms of any deed, will, or other 148761
instrument pursuant to which such funds or properties were 148762
acquired, transfer such funds or properties to the public children 148763

services agency, to be used for the purposes for which such funds 148764
or property were acquired. The transfer of such funds or 148765
properties to the agency shall be a full discharge of the 148766
obligation or liability of such corporation and its trustees with 148767
respect to the funds and properties so transferred. 148768

Sec. 5153.35. The boards of county commissioners shall levy 148769
taxes and make appropriations sufficient to enable the public 148770
children services agency to perform its functions and duties under 148771
this chapter. If the board of county commissioners levies a tax 148772
for children services and the children services functions are 148773
transferred from a county children services board to the 148774
department of ~~job~~ children and ~~family services~~ youth, or from the 148775
department of ~~job~~ children and ~~family services~~ youth to a county 148776
children services board, the levy shall continue in effect for the 148777
period for which it was approved by the electors for the use by 148778
the public children services agency that provides children 148779
services pursuant to the transfer. 148780

In addition to making the usual appropriations, there may be 148781
allowed annually to the executive director an amount not to exceed 148782
one-half the executive director's official salary to provide for 148783
necessary expenses which are incurred by the executive director or 148784
the executive director's staff in the performance of their 148785
official duties. Upon the order of the executive director, the 148786
county auditor shall draw a warrant on the county treasurer 148787
payable to the executive director or such other person as the 148788
order designates, for such amount as the order requires, not 148789
exceeding the amount provided for in this section, and to be paid 148790
out of the general fund of the county. The bond of the executive 148791
director provided for by section 5153.13 of the Revised Code shall 148792
at all times be in sufficient amount to cover the additional 148793
appropriations provided for by this section. 148794

The executive director, annually, before the first Monday of 148795
January, shall file with the auditor a detailed and itemized 148796
statement, verified by the executive director, as to the manner in 148797
which the fund has been expended during the current year, and if 148798
any part of such fund remains in the executive director's hands 148799
unexpended, forthwith shall pay that amount into the county 148800
treasury. 148801

Sec. 5153.36. The boards of county commissioners of two or 148802
more adjoining counties, not to exceed four, may, upon the 148803
recommendation of the public children services agencies of such 148804
counties, and subject to the approval of the department of ~~job~~ 148805
children and ~~family services~~ youth form themselves into a joint 148806
board, and proceed to organize a district for the establishment 148807
and support of a children's home, by using a site and buildings 148808
already established in one such county, or by providing for the 148809
purchase of a site and the erection of necessary buildings 148810
thereon. 148811

Sec. 5153.38. When any person donates or bequeaths the 148812
person's real or personal estate, or any part thereof, to the use 148813
and benefit of a district children's home, the board of trustees 148814
of the home may accept and use such donation or bequest as they 148815
deem for the best interests of the institution, and consistent 148816
with the conditions of such bequest. The facilities or services to 148817
be established or maintained through any such gift shall be 148818
subject to the approval of the department of ~~job~~ children and 148819
~~family services~~ youth. 148820

Sec. 5153.49. The board of county commissioners of any county 148821
within a children's home district may, upon the recommendation of 148822
the public children services agency, and subject to the approval 148823
of the department of ~~job~~ children and ~~family services~~ youth, 148824

withdraw from such district and dispose of its interest in such 148825
home by selling or leasing its right, title, and interest in the 148826
site, buildings, furniture, and equipment to any counties in the 148827
district, at such price and on such terms as are agreed upon among 148828
the boards of county commissioners of the counties concerned. 148829
Section 307.10 of the Revised Code does not apply to this section. 148830
The net proceeds of any such sale or lease shall be paid into the 148831
county treasury of the withdrawing county. 148832

Members of the board of trustees of a district children's 148833
home who are residents of a county withdrawing from such district 148834
are deemed to have resigned their positions upon completion of the 148835
withdrawal procedure provided by this section. Vacancies thus 148836
created shall be filled according to sections 5153.39 and 5153.45 148837
of the Revised Code. 148838

Sec. 5153.52. The board of county commissioners of any county 148839
which has no county children's home may aid an incorporated 148840
children's home or other unincorporated society, whose object is 148841
the care, aid, and education of neglected or destitute children, 148842
by contributing toward the purchase of land for such home or 148843
society, the erection of buildings by it, or of additions to 148844
existing buildings, or other improvements, to an amount not to 148845
exceed twenty-five hundred dollars in any one year. 148846

The board of any such county may submit to the people of such 148847
county, under section 133.18 of the Revised Code, the question of 148848
whether bonds of such county shall be issued for the purposes of 148849
this section. If the people of such county approve the issue of 148850
bonds, the board may issue the bonds under Chapter 133. of the 148851
Revised Code, as if they were being issued for the construction of 148852
a county children's home owned by the county, and may use the 148853
proceeds of such bond issue for the purposes of and without the 148854
restriction as to amount imposed by this section. 148855

The board may contribute an amount not to exceed five hundred 148856
dollars in any one year for the purpose of keeping such property 148857
in repair. If such children's home ceases to exist, so that the 148858
property so purchased ceases to be used for the purpose of a 148859
children's home by the corporation, such county shall have a lien 148860
upon the property for the amount of money contributed for its 148861
purchase, and if such corporation fails to maintain, manage, and 148862
control such home so as to subserve the purpose of a children's 148863
home for which it was incorporated, the board may enforce such 148864
lien or, if it prefers may, upon approval of the department of ~~job~~ 148865
children and family services, youth first being obtained, organize 148866
such home into a county children's home. The title to such 148867
property, where the county has contributed the whole amount of the 148868
purchase money, shall vest in and be the property of such county. 148869
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Sec. 5160.011. References to the department or director of 148871
public welfare, department or director of human services, 148872
department or director of job and family services, department or 148873
director of children and youth, office of medical assistance, or 148874
medical assistance director in any statute, rule, contract, grant, 148875
or other document is deemed to refer to the department of medicaid 148876
or medicaid director, as the case may be, to the extent the 148877
reference is about a duty or authority of the department of 148878
medicaid or medicaid director regarding a medical assistance 148879
program. 148880

Sec. 5162.11. (A) The department of medicaid shall enter into 148881
an agreement with the department of administrative services for 148882
the department of administrative services to contract through 148883
competitive selection pursuant to section 125.07 of the Revised 148884
Code with a vendor to perform an assessment of the data collection 148885
and data warehouse functions of the medicaid data warehouse 148886

system, including the ability to link the data sets of all 148887
agencies serving medicaid recipients. 148888

The assessment of the data system shall include functions 148889
related to fraud and abuse detection, program management and 148890
budgeting, and performance measurement capabilities of all 148891
agencies serving medicaid recipients, including the departments of 148892
aging, health, job and family services, medicaid, mental health 148893
and addiction services, children and youth, and developmental 148894
disabilities. 148895

A qualified vendor with whom the department of administrative 148896
services contracts to assess the data system shall also assist the 148897
medicaid agencies in the definition of the requirements for an 148898
enhanced data system or a new data system and assist the 148899
department of administrative services in the preparation of a 148900
request for proposals to enhance or develop a data system. 148901

(B) Based on the assessment performed pursuant to division 148902
(A) of this section, the department of administrative services 148903
shall seek a qualified vendor through competitive selection 148904
pursuant to Chapter 125. of the Revised Code to develop or enhance 148905
a data collection and data warehouse system for the department of 148906
medicaid and all agencies serving medicaid recipients. 148907

The department of medicaid shall seek enhanced federal 148908
financial participation for ninety per cent of the funds required 148909
to establish or enhance the data system. The department of 148910
administrative services shall not award a contract for 148911
establishing or enhancing the data system until the department of 148912
medicaid receives approval from the United States secretary of 148913
health and human services for the ninety per cent federal 148914
financial participation. 148915

Sec. 5162.135. (A) As used in this section, "stillbirth" has 148916

the same meaning as in section ~~3701.97~~ 5180.12 of the Revised Code. 148917
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(B) The department of medicaid shall create an infant mortality scorecard. The scorecard shall report all of the following: 148919
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(1) The performance of the fee-for-service component of medicaid and each medicaid managed care organization on population health measures, including the infant mortality rate, preterm birth rate, ~~and~~ low-birthweight rate, and stillbirth rate, delineated in accordance with division (C) of this section; 148922
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(2) The performance of the fee-for-service component of medicaid and each medicaid managed care organization on service utilization and outcome measures using claims data and data from vital records; 148927
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(3) The number and percentage of women who are at least fifteen but less than forty-four years of age who are medicaid recipients; 148931
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(4) The number of medicaid recipients who delivered a newborn and the percentage of those who reported tobacco use at the time of delivery; 148934
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(5) The number of prenatal, postpartum, and adolescent wellness visits made by medicaid recipients; 148937
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(6) The percentage of pregnant medicaid recipients who initiated progesterone therapy during pregnancy; 148939
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(7) The percentage of female medicaid recipients of childbearing age who participate in a tobacco cessation program or use a tobacco cessation product; 148941
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(8) The percentage of female medicaid recipients of childbearing age who use long-acting reversible contraception; 148944
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(9) A comparison of the low-birthweight rate of medicaid recipients with the low-birthweight rate of women who are not medicaid recipients; 148946
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(10) Any other information on maternal and child health that the department considers appropriate. 148949
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(C) To the extent possible, the performance measures described in division (B)(1) of this section shall be delineated in the scorecard as follows: 148951
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(1) For each region of the state and the state as a whole, by race and ethnic group; 148954
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(2) For the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code, as well as for any other communities that are the subject of targeted infant mortality reduction initiatives administered by one or more state agencies, by race, ethnic group, and census tract. 148956
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The scorecard shall be updated each calendar quarter and made available on the department's internet web site. 148961
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(D) The department shall make available the data sources and methodology used to complete the scorecard to any person or government entity on request. 148963
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Sec. 5164.15. (A) As used in this section: 148966

(1) "Community mental health services provider or facility" means a community mental health services provider or facility that has its community mental health services certified by the department of mental health and addiction services under section 5119.36 of the Revised Code or by the department of ~~job~~ children and ~~family services~~ youth under section 5103.03 of the Revised Code. 148967
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(2) "Mental health professional" means a person qualified to work with persons with mental illnesses under the standards 148974
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established by the director of mental health and addiction 148976
services pursuant to section 5119.36 of the Revised Code. 148977

(B) The medicaid program may cover the following mental 148978
health services when provided by community mental health services 148979
providers or facilities: 148980

(1) Outpatient mental health services, including, but not 148981
limited to, preventive, diagnostic, therapeutic, rehabilitative, 148982
and palliative interventions rendered to individuals in an 148983
individual or group setting by a mental health professional in 148984
accordance with a plan of treatment appropriately established, 148985
monitored, and reviewed; 148986

(2) Partial-hospitalization mental health services rendered 148987
by persons directly supervised by a mental health professional; 148988

(3) Unscheduled, emergency mental health services of a kind 148989
ordinarily provided to persons in crisis when rendered by persons 148990
supervised by a mental health professional; 148991

(4) Assertive community treatment and intensive home-based 148992
mental health services. 148993

(C) The department of medicaid shall enter into a separate 148994
contract with the department of mental health and addiction 148995
services under section 5162.35 of the Revised Code with regard to 148996
the mental health services the medicaid program covers pursuant to 148997
this section. 148998

Sec. 5166.01. As used in this chapter: 148999

"209(b) option" means the option described in section 1902(f) 149000
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 149001
medicaid program's eligibility requirements for aged, blind, and 149002
disabled individuals are more restrictive than the eligibility 149003
requirements for the supplemental security income program. 149004

"Administrative agency" means, with respect to a home and 149005

community-based services medicaid waiver component, the department 149006
of medicaid or, if a state agency or political subdivision 149007
contracts with the department under section 5162.35 of the Revised 149008
Code to administer the component, that state agency or political 149009
subdivision. 149010

"Care management system" has the same meaning as in section 149011
5167.01 of the Revised Code. 149012

"Dual eligible individual" has the same meaning as in section 149013
5160.01 of the Revised Code. 149014

"Enrollee" has the same meaning as in section 5167.01 of the 149015
Revised Code. 149016

"Expansion eligibility group" has the same meaning as in 149017
section 5163.01 of the Revised Code. 149018

"Federal poverty line" has the same meaning as in section 149019
5162.01 of the Revised Code. 149020

"Home and community-based services medicaid waiver component" 149021
means a medicaid waiver component under which home and 149022
community-based services are provided as an alternative to 149023
hospital services, nursing facility services, or ICF/IID services. 149024

"Hospital" has the same meaning as in section 3727.01 of the 149025
Revised Code. 149026

"Hospital long-term care unit" has the same meaning as in 149027
section 5168.40 of the Revised Code. 149028

"ICDS participant" has the same meaning as in section 5164.01 149029
of the Revised Code. 149030

"ICF/IID" and "ICF/IID services" have the same meanings as in 149031
section 5124.01 of the Revised Code. 149032

"Integrated care delivery system" and "ICDS" have the same 149033
meanings as in section 5164.01 of the Revised Code. 149034

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.

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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.

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"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.

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"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.

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"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.

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"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system or services delivered under a prepaid inpatient health plan, as defined in 42 C.F.R. 438.2.

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"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3).

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"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.

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"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of

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the Revised Code. 149065

"Provider agreement" has the same meaning as in section 149066
5164.01 of the Revised Code. 149067

"Residential treatment facility" means a residential facility 149068
licensed by the department of mental health and addiction services 149069
under section 5119.34 of the Revised Code, or an institution 149070
certified by the department of ~~job children~~ and ~~family services~~ 149071
youth under section 5103.03 of the Revised Code, that serves 149072
children and either has more than sixteen beds or is part of a 149073
campus of multiple facilities or institutions that, combined, have 149074
a total of more than sixteen beds. 149075

"Skilled nursing facility" has the same meaning as in section 149076
5165.01 of the Revised Code. 149077

"Unified long-term services and support medicaid waiver 149078
component" means the medicaid waiver component authorized by 149079
section 5166.14 of the Revised Code. 149080

Sec. 5167.16. (A) As used in this section: 149081

(1) "Help me grow program" means the program established by 149082
the department of health pursuant to section ~~3701.61~~ 5180.21 of 149083
the Revised Code. 149084

(2) "Targeted case management" has the same meaning as in 42 149085
C.F.R. 440.169(b). 149086

(B) A medicaid managed care organization shall provide to a 149087
medicaid recipient who meets the criteria in division (C) of this 149088
section, or arrange for such recipient to receive, both of the 149089
following types of services: 149090

(1) Home visits, which shall include depression screenings, 149091
for which federal financial participation is available under the 149092
targeted case management benefit; 149093

(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit.

(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of a child under five years of age.

(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it.

Sec. ~~3701.68~~ 5180.10. (A) As used in this section:

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals.

(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.

(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:

(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state;

(2) For each service identified under division (B)(1) of this section, determine both of the following:

(a) The sources of the funds that are used to pay for the service;

(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.

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(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.

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(C) The commission shall consist of the following members:

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(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;

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(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives;

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(3) The governor or the governor's designee;

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(4) The medicaid director or the director's designee;

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(5) The director of children and youth or the director's designee;

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(6) The director of health or the director's designee;

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~~(6)~~(7) The director of developmental disabilities or the director's designee;

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~~(7)~~(8) The executive director of the commission on minority health or the executive director's designee;

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~~(8)~~(9) The attorney general or the attorney general's designee;

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~~(9)~~(10) A health commissioner of a city or general health district, appointed by the governor;

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~~(10)~~(11) A coroner, deputy coroner, or other person who

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conducts death scene investigations, appointed by the governor; 149152

~~(11)~~(12) An individual who represents the Ohio hospital 149153
association, appointed by the association's president; 149154

~~(12)~~(13) An individual who represents the Ohio children's 149155
hospital association, appointed by the association's president; 149156

~~(13)~~(14) Two individuals who represent community-based 149157
programs that serve pregnant women or new mothers whose infants 149158
tend to be at a higher risk for infant mortality, appointed by the 149159
governor; 149160

~~(14)~~(15) Two individuals who represent children's interests, 149161
one to be appointed by the speaker of the house of representatives 149162
and one to be appointed by the senate president. 149163

(D) An appointed commission member shall hold office until a 149164
successor is appointed. A vacancy shall be filled in the same 149165
manner as the original appointment. 149166

From among the members, the president of the senate and 149167
speaker of the house of representatives shall appoint two to serve 149168
as co-chairpersons of the commission. 149169

A member shall serve without compensation except to the 149170
extent that serving on the commission is considered part of the 149171
member's regular duties of employment. 149172

(E) The commission may request assistance from the staff of 149173
the legislative service commission. 149174

(F) For purposes of division (B)(3) of this section, the 149175
state registrar shall ensure that the commission and academic 149176
medical centers located in this state have access to any 149177
electronic system of vital records the state registrar or 149178
department of health maintains, including the Ohio public health 149179
information warehouse. Not later than six months after March 19, 149180
2015, the commission on infant mortality shall prepare a written 149181

report of its findings and recommendations concerning the matters 149182
described in division (B) of this section. On completion, the 149183
commission shall submit the report to the governor and, in 149184
accordance with section 101.68 of the Revised Code, the general 149185
assembly. 149186

(G) The president of the senate and speaker of the house of 149187
representatives shall determine the responsibilities of the 149188
commission following submission of the report under division (F) 149189
of this section. 149190

(H) The commission is not subject to sections 101.82 to 149191
101.87 of the Revised Code. 149192

(I) The commission shall provide information to the Ohio 149193
housing finance agency for the purposes of division (A) of section 149194
175.14 of the Revised Code. 149195

Sec. ~~3701.951~~ 5180.11. (A) As used in this section: 149196

(1) "Preliminary infant mortality and preterm birth rates" 149197
means infant mortality and preterm birth rates that are derived 149198
from vital records as defined in section 3705.01 of the Revised 149199
Code, are not considered finalized by the department of health, 149200
and are subject to modification as additional birth and death data 149201
are received by the department and added to vital records. 149202

(2) "Stillbirth" has the same meaning as in section ~~3701.97~~ 149203
5180.12 of the Revised Code. 149204

(B) Each calendar quarter, the department of ~~health~~ children 149205
and youth shall determine the state's preliminary infant mortality 149206
and preterm birth rates, as well as the stillbirth rate, 149207
delineated by race and ethnic group. The rates shall be determined 149208
using a simple rolling average. The department shall publish the 149209
rates in a quarterly report, which shall also include a 149210
description of the data sources and methodology used to determine 149211

the rates. The department shall make each report available on its internet web site not later than five business days after the rates are determined.

Sec. ~~3701.97~~ 5180.12. (A) As used in this section, "stillbirth" means death prior to the complete expulsion or extraction from its mother of a product of human conception of at least twenty weeks of gestation, which after such expulsion or extraction does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(B) The director of ~~health~~ children and youth shall do all of the following:

(1) Publish stillbirth data compiled from the department of health's fetal death statistical file and make it available on the ~~department's~~ department of children and youth's internet web site;

(2) Review the stillbirth data described in division (B)(1) of this section and identify potential trends in the incidence of stillbirth and the possible causes of, and conditions that could lead to or indicate the possible occurrence of, stillbirth;

(3) Develop educational materials in conjunction with statewide medical associations that may be used to apprise health care providers of trends, if any, that were identified through a review described in division (B)(2) of this section;

(4) Electronically disseminate the educational materials developed under division (B)(3) of this section to the state medical board and statewide medical associations and make them available on the department of ~~health's~~ children and youth's web site in an easily accessible format.

Sec. ~~3701.953~~ 5180.13. (A) The department of ~~health~~ children and youth shall create an infant mortality scorecard. The

scorecard shall report all of the following: 149242

(1) The state's performance on population health measures, 149243
including the infant mortality rate, preterm birth rate, and low 149244
birth weight rate, delineated by race, ethnic group, region of the 149245
state, and the state as a whole; 149246

(2) Preliminary data the department possesses on the state's 149247
unexpected infant death rate; 149248

(3) To the extent such information is available, the state's 149249
performance on outcome measures identified by the department that 149250
are related to preconception health, reproductive health, prenatal 149251
care, labor and delivery, smoking, infant safe sleep practices, 149252
breastfeeding, and behavioral health, delineated by race, ethnic 149253
group, region of the state, and the state as a whole; 149254

(4) A comparison of the state's performance on the population 149255
health measures specified in division (A)(1) of this section and, 149256
to the extent such information is available, the state's 149257
performance on outcome measures specified in division (A)(3) of 149258
this section with the targets for the measures, or the targets for 149259
the objectives similar to the measures, established by the United 149260
States department of health and human services through the healthy 149261
people 2020 initiative or a subsequent initiative; 149262

(5) Any other information on maternal and child health that 149263
the department considers appropriate. 149264

(B) The scorecard shall be updated each calendar quarter and 149265
made available on the department's internet web site. 149266

(C) The scorecard shall include a description of the data 149267
sources and methodology used to complete the scorecard. 149268

Sec. ~~3701.63~~ 5180.14. (A) As used in this section and 149269
sections ~~3701.64~~ 5180.15, ~~3701.66~~ 5180.16, and ~~3701.67~~ 5180.17 of 149270

the Revised Code: 149271

(1) "Child day-care center," "type A family day-care home," 149272
and "licensed type B family day-care home" have the same meanings 149273
as in section 5104.01 of the Revised Code. 149274

(2) "Child care facility" means a child day-care center, a 149275
type A family day-care home, or a licensed type B family day-care 149276
home. 149277

(3) "Foster caregiver" has the same meaning as in section 149278
5103.02 of the Revised Code. 149279

(4) "Freestanding birthing center" has the same meaning as in 149280
section 3701.503 of the Revised Code. 149281

(5) "Hospital" has the same meaning as in section 3722.01 of 149282
the Revised Code to which either of the following applies: 149283

(a) The hospital has a maternity unit. 149284

(b) The hospital receives for care infants who have been 149285
transferred to it from other facilities and who have never been 149286
discharged to their residences following birth. 149287

(6) "Infant" means a child who is less than one year of age. 149288

(7) "Maternity unit" means the distinct portion of a hospital 149289
in which maternity services are provided. 149290

(8) "Other person responsible for the infant" includes a 149291
foster caregiver. 149292

(9) "Parent" means either parent, unless the parents are 149293
separated or divorced or their marriage has been dissolved or 149294
annulled, in which case "parent" means the parent who is the 149295
residential parent and legal custodian of the child. "Parent" also 149296
means a prospective adoptive parent with whom a child is placed. 149297

(10) "Shaken baby syndrome" means signs and symptoms, 149298
including, but not limited to, retinal hemorrhages in one or both 149299

eyes, subdural hematoma, or brain swelling, resulting from the 149300
violent shaking or the shaking and impacting of the head of an 149301
infant or small child. 149302

(B) The director of ~~health~~ children and youth shall establish 149303
the shaken baby syndrome education program by doing all of the 149304
following: 149305

(1) Developing educational materials that present readily 149306
comprehensible information on shaken baby syndrome; 149307

(2) Making available on the department of ~~health~~ children and 149308
youth web site in an easily accessible format the educational 149309
materials developed under division (B)(1) of this section; 149310

(3) Annually assessing the effectiveness of the shaken baby 149311
syndrome education program by doing all of the following: 149312

(a) Evaluating the reports received pursuant to section 149313
5101.135 of the Revised Code; 149314

(b) Reviewing the content of the educational materials to 149315
determine if updates or improvements should be made; 149316

(c) Reviewing the manner in which the educational materials 149317
are distributed, as described in section ~~3701.64~~ 5180.15 of the 149318
Revised Code, to determine if modifications to that manner should 149319
be made. 149320

(C) In meeting the requirements under division (B) of this 149321
section, the director shall develop educational materials that, to 149322
the extent possible, minimize administrative or financial burdens 149323
on any of the entities or persons listed in section ~~3701.64~~ 149324
5180.15 of the Revised Code. 149325

Sec. ~~3701.64~~ 5180.15. (A) A copy of the shaken baby syndrome 149326
educational materials developed under section ~~3701.63~~ 5180.14 of 149327
the Revised Code shall be distributed in the following manner: 149328

(1) By ~~child birth~~ childbirth educators and the staff of 149329
obstetricians' offices, to an expectant parent who uses their 149330
services; 149331

(2) By the staff of pediatric physicians' offices, to any of 149332
the following who use their services: an infant's parent, 149333
guardian, or other person responsible for the infant; 149334

(3) By the staff of a hospital or freestanding birthing 149335
center, to an infant's parent, guardian, or other person 149336
responsible for the infant, before the child is discharged from 149337
the facility to the infant's residence following birth; 149338

(4) By the staff of the help me grow program established 149339
pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, to an 149340
infant's parent, guardian, or other person responsible for the 149341
infant, during home-visiting services conducted in accordance with 149342
that section; 149343

(5) By each child care facility operating in this state, to 149344
each of its employees; 149345

(6) By a public children services agency, when the agency has 149346
initial contact with an infant's parent, guardian, or other person 149347
responsible for the infant. 149348

(B) An entity or person required to distribute educational 149349
materials pursuant to division (A) of this section is not liable 149350
for damages in a civil action for injury, death, or loss to person 149351
or property that allegedly arises from an act or omission 149352
associated with the dissemination of those educational materials 149353
unless the act or omission constitutes willful or wanton 149354
misconduct. 149355

An entity or person required to distribute educational 149356
materials in accordance with division (A) of this section is not 149357
subject to criminal prosecution or, to the extent that a person is 149358
regulated under Title XLVII of the Revised Code, professional 149359

disciplinary action under that title, for an act or omission 149360
associated with the dissemination of those educational materials. 149361

This division does not eliminate, limit, or reduce any other 149362
immunity or defense that an entity or person may be entitled to 149363
under Chapter 2744. of the Revised Code, or any other provision of 149364
the Revised Code, or the common law of this state. 149365

Sec. ~~3701.66~~ 5180.16. (A) As used in this section, "sudden 149366
unexpected infant death" means the death of an infant that occurs 149367
suddenly and unexpectedly, the cause of which is not immediately 149368
obvious prior to investigation. 149369

(B) The department of ~~health~~ children and youth shall 149370
establish the safe sleep education program by doing all of the 149371
following: 149372

(1) ~~By not later than sixty days after March 19, 2015,~~ 149373
~~developing~~ Developing educational materials that present readily 149374
comprehensible information on safe sleeping practices for infants 149375
and possible causes of sudden unexpected infant death; 149376

(2) Making available on the department's internet web site in 149377
an easily accessible format the educational materials developed 149378
under division (B)(1) of this section; 149379

(3) Providing annual training classes at no cost to 149380
individuals who provide safe sleep education to parents and infant 149381
caregivers who reside in the urban and rural communities specified 149382
under section 3701.142 of the Revised Code, including child care 149383
providers as defined in section 2151.011 of the Revised Code, 149384
hospital staff and volunteers, local health department staff, 149385
social workers, individuals who provide home visiting services, 149386
and community health workers; 149387

(4) ~~Beginning in 2015, annually~~ Annually assessing the 149388
effectiveness of the safe sleep education program by evaluating 149389

the reports submitted by child fatality review boards to the 149390
department pursuant to section 307.626 of the Revised Code. 149391

(C) In meeting the requirements under division (B) of this 149392
section, the department shall develop educational materials that, 149393
to the extent possible, minimize administrative or financial 149394
burdens on any of the entities or persons required by division (D) 149395
of this section to distribute the materials. 149396

(D) A copy of the safe sleep educational materials developed 149397
under this section shall be distributed by entities and persons 149398
with and in the same manner as the shaken baby syndrome 149399
educational materials are distributed pursuant to section ~~3701.64~~ 149400
5180.15 of the Revised Code. 149401

An entity or person required to distribute the educational 149402
materials is not liable for damages in a civil action for injury, 149403
death, or loss to person or property that allegedly arises from an 149404
act or omission associated with the dissemination of those 149405
educational materials unless the act or omission constitutes 149406
willful or wanton misconduct. 149407

An entity or person required to distribute the educational 149408
materials is not subject to criminal prosecution or, to the extent 149409
that a person is regulated under Title XLVII of the Revised Code, 149410
professional disciplinary action under that title, for an act or 149411
omission associated with the dissemination of those educational 149412
materials. 149413

This division does not eliminate, limit, or reduce any other 149414
immunity or defense that an entity or person may be entitled to 149415
under Chapter 2744. of the Revised Code, or any other provision of 149416
the Revised Code, or the common law of this state. 149417

(E) Each entity or person that is required to distribute the 149418
educational materials and has infants regularly sleeping at a 149419
facility or location under the entity's or person's control shall 149420

adopt an internal infant safe sleep policy. The policy shall 149421
specify when and to whom educational materials on infant safe 149422
sleep practices are to be delivered to individuals working or 149423
volunteering at the facility or location and be consistent with 149424
the model internal infant safe sleep policy adopted under division 149425
(F) of this section. 149426

(F) The director of ~~health~~ children and youth shall adopt a 149427
model internal infant safe sleep policy for use by entities and 149428
persons that must comply with division (E) of this section. The 149429
policy shall specify safe infant sleep practices, include images 149430
depicting safe infant sleep practices, and specify sample content 149431
for an infant safe sleep education program that entities and 149432
persons may use when conducting new staff orientation programs. 149433

Sec. ~~3701.67~~ 5180.17. (A) As used in this section: 149434

(1) "Contractor" means a person who provides personal 149435
services pursuant to a contract. 149436

(2) "Critical access hospital" means a facility designated as 149437
a critical access hospital by the director of health under section 149438
3701.073 of the Revised Code. 149439

(3) "Crib" includes a portable play yard or other suitable 149440
sleeping place. 149441

(B) Each hospital and freestanding birthing center shall 149442
implement an infant safe sleep screening procedure. The purpose of 149443
the procedure is to determine whether there will be a safe crib 149444
for an infant to sleep in once the infant is discharged from the 149445
facility to the infant's residence following birth. The procedure 149446
shall consist of questions that facility staff or volunteers must 149447
ask the infant's parent, guardian, or other person responsible for 149448
the infant regarding the infant's intended sleeping place and 149449
environment. 149450

The director of ~~health~~ children and youth shall develop questions that facilities may use when implementing the infant safe sleep screening procedure required by this division. The director may consult with persons and government entities that have expertise in infant safe sleep practices when developing the questions.

(C) If, prior to an infant's discharge from a facility to the infant's residence following birth, a facility other than a critical access hospital or a facility identified under division (D) of this section determines through the procedure implemented under division (B) of this section that the infant is unlikely to have a safe crib at the infant's residence, the facility shall make a good faith effort to arrange for the parent, guardian, or other person responsible for the infant to obtain a safe crib at no charge to that individual. In meeting this requirement, the facility may do any of the following:

(1) Obtain a safe crib with its own resources;

(2) Collaborate with or obtain assistance from persons or government entities that are able to procure a safe crib or provide money to purchase a safe crib;

(3) Refer the parent, guardian, or other person responsible for the infant to a person or government entity described in division (C)(2) of this section to obtain a safe crib free of charge from that source;

(4) If funds are available for the cribs for kids program or a successor program administered by the department of ~~health~~ children and youth, refer the parent, guardian, or other person responsible for the infant to a site, designated by the department for purposes of the program, at which a safe crib may be obtained at no charge.

If a safe crib is procured as described in division (C)(1),

(2), or (3) of this section, the facility shall ensure that the
crib recipient receives safe sleep education and crib assembly
instructions from the facility or another source. If a safe crib
is procured as described in division (C)(4) of this section, the
department of ~~health~~ children and youth shall ensure that the
cribs for kids program or a successor program administered by the
department provides safe sleep education and crib assembly
instructions to the recipient.

(D) The director of ~~health~~ children and youth shall identify
the facilities in this state that are not critical access
hospitals and are not served by a site described in division
(C)(4) of this section. The director shall identify not less than
annually the facilities that meet both criteria and notify those
that do so.

(E) When a facility that is a hospital registers with the
department of health under section 3701.07 of the Revised Code or
a facility that is a freestanding birthing center renews its
license in accordance with rules adopted under section 3702.30 of
the Revised Code, the facility shall report the following
information to the department of children and youth in a manner
the department prescribes:

(1) The number of safe cribs that the facility obtained and
distributed by using its own resources as described in division
(C)(1) of this section since the last time the facility reported
this information to the department;

(2) The number of safe cribs that the facility obtained and
distributed by collaborating with or obtaining assistance from
another person or government entity as described in division
(C)(2) of this section since the last time the facility reported
this information to the department;

(3) The number of referrals that the facility made to a

person or government entity as described in division (C)(3) of 149513
this section since the last time the facility reported this 149514
information to the department; 149515

(4) The number of referrals that the facility made to a site 149516
designated by the department as described in division (C)(4) of 149517
this section since the last time the facility reported this 149518
information to the department; 149519

(5) Demographic information specified by the director of 149520
~~health~~ children and youth regarding the individuals to whom safe 149521
cribs were distributed as described in division (E)(1) or (2) of 149522
this section or for whom a referral described in division (E)(3) 149523
or (4) of this section was made; 149524

(6) In the case of a critical access hospital or a facility 149525
identified under division (D) of this section, demographic 149526
information specified by the director of ~~health~~ children and youth 149527
regarding each parent, guardian, or other person responsible for 149528
the infant determined to be unlikely to have a safe crib at the 149529
infant's residence pursuant to the procedure implemented under 149530
division (B) of this section; 149531

(7) Any other information collected by the facility regarding 149532
infant sleep environments and intended infant sleep environments 149533
that the director determines to be appropriate. 149534

(F) The director of ~~health~~ children and youth shall prepare a 149535
written report that summarizes the information collected under 149536
division (E) of this section for the preceding twelve months, 149537
assesses whether at-risk families are sufficiently being served by 149538
the crib distribution and referral system established by this 149539
section, makes suggestions for system improvements, and provides 149540
any other information the director considers appropriate for 149541
inclusion in the report. On completion, the report shall be 149542
submitted to the general assembly with, and in the same manner as, 149543

the report that the department of medicaid submits to the general 149544
assembly and joint medicaid oversight committee pursuant to 149545
section 5162.13 of the Revised Code. A copy of the report also 149546
shall be submitted to the governor. 149547

(G) A facility, and any employee, contractor, or volunteer of 149548
a facility, that implements an infant safe sleep procedure in 149549
accordance with division (B) of this section is not liable for 149550
damages in a civil action for injury, death, or loss to person or 149551
property that allegedly arises from an act or omission associated 149552
with implementation of the procedure, unless the act or omission 149553
constitutes willful or wanton misconduct. 149554

A facility, and any employee, contractor, or volunteer of a 149555
facility, that implements an infant safe sleep screening procedure 149556
in accordance with division (B) of this section is not subject to 149557
criminal prosecution or, to the extent that a person is regulated 149558
under Title XLVII of the Revised Code, professional disciplinary 149559
action under that title, for an act or omission associated with 149560
implementation of the procedure. 149561

This division does not eliminate, limit, or reduce any other 149562
immunity or defense that a facility, or an employee, contractor, 149563
or volunteer of a facility, may be entitled to under Chapter 2744. 149564
of the Revised Code, or any other provision of the Revised Code, 149565
or the common law of this state. 149566

(H) A facility, and any employee, contractor, or volunteer of 149567
a facility, is neither liable for damages in a civil action, nor 149568
subject to criminal prosecution, for injury, death, or loss to 149569
person or property that allegedly arises from a crib obtained by a 149570
parent, guardian, or other person responsible for the infant as a 149571
result of any action the facility, employee, contractor, or 149572
volunteer takes to comply with division (C) of this section. 149573

The immunity provided by this division does not require 149574

compliance with division (D) of section 2305.37 of the Revised Code. 149575
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Sec. ~~3701.671~~ 5180.18. The director of ~~health~~ children and youth shall require each recipient of a grant the department of ~~health~~ children and youth administers that pertains to safe crib procurement to report annually to the department both of the following: 149577
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(A) Demographic information specified by the director of ~~health~~ children and youth regarding the individuals to whom safe cribs were distributed; 149582
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(B) If known, the extent to which distributed cribs are being used. 149585
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Sec. ~~3701.952~~ 5180.19. (A) The department of ~~health~~ children and youth shall create a population-based questionnaire designed to examine maternal behaviors and experiences before, during, and after a woman's pregnancy, as well as during the early infancy of the woman's child. The questionnaire shall collect information that is similar to the information collected by the pregnancy risk assessment monitoring system (PRAMS) questionnaire that the department of health most recently used prior to ~~the effective date of this section~~ April 6, 2017, as well as any additional information suggested by the United States centers for disease control and prevention (CDC) for PRAMS questionnaires. 149587
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(B) The department shall implement and use the questionnaires created under division (A) of this section in a manner that is consistent with the standardized data collection methodology for PRAMS questionnaires prescribed by the CDC model surveillance protocol. In addition, for the purpose of having statistically valid data for local analyses, the department shall oversample women in Cuyahoga, Franklin, and Hamilton counties on an annual 149598
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basis, and shall oversample women in the remaining counties that 149605
constitute the Ohio equity institute cohort (Butler, Stark, 149606
Mahoning, Montgomery, Summit, and Lucas counties) on a biennial 149607
basis. 149608

(C) The department shall report results from the 149609
questionnaires not less than annually in a manner consistent with 149610
guidelines established by the CDC for the reporting of PRAMS 149611
questionnaire results. 149612

Sec. ~~3701.95~~ 5180.20. (A) ~~As used in this section,~~ 149613
~~"government program providing public benefits" has the same~~ 149614
~~meaning as in section 191.01 of the Revised Code.~~ 149615

~~(B)~~ The director of ~~health~~ children and youth shall identify 149616
each government program providing benefits, other than the help me 149617
grow program established by the department of ~~health~~ children and 149618
youth pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, 149619
that has the goal of reducing infant mortality and negative birth 149620
outcomes or the goal of reducing disparities among women who are 149621
pregnant or capable of becoming pregnant and who belong to a 149622
racial or ethnic minority. A program shall be identified only if 149623
it provides education, training, and support services related to 149624
those goals to program participants in their homes. The director 149625
may consult with the Ohio partnership to build stronger families 149626
for assistance with identifying the programs. 149627

~~(C)~~(B) An administrator of a program identified under 149628
division ~~(B)~~(A) of this section shall report to the director data 149629
on program performance indicators that are used to assess progress 149630
toward achieving program goals. The administrator shall report the 149631
data in the format and within the time frames specified in rules 149632
adopted under division ~~(D)~~(C) of this section. Using the data 149633
reported under this division, the director shall prepare an annual 149634
report assessing the performance of each government program 149635

identified pursuant to division ~~(B)~~(A) of this section during the 149636
immediately preceding twelve-month period. In addition, the report 149637
shall summarize and provide an analysis of the information 149638
contained in the "information for medical and health use only" 149639
section of the birth records for individuals born during the prior 149640
twelve-month period. 149641

The director shall provide a copy of the report to the 149642
general assembly and the joint medicaid oversight committee. The 149643
copy to the general assembly shall be provided in accordance with 149644
section 101.68 of the Revised Code. 149645

~~(D)~~(C) The director shall adopt rules specifying program 149646
performance indicators on which data must be reported by the 149647
administrators described in division ~~(C)~~(B) of this section as 149648
well as the format and time frames in which the data must be 149649
reported. To the extent possible, the program performance 149650
indicators specified in the rules shall be consistent with federal 149651
reporting requirements for federally funded home visiting 149652
services. The rules shall be adopted in accordance with Chapter 149653
119. of the Revised Code. 149654

Sec. ~~3701.61~~ 5180.21. (A) The department of ~~health~~ children 149655
and youth shall establish the help me grow program as the state's 149656
evidence-based parent support program that encourages early 149657
prenatal and well-baby care, as well as provides parenting 149658
education to promote the comprehensive health and development of 149659
children. The program shall provide home visiting services to 149660
families with a pregnant woman or child under five years of age 149661
that meet the eligibility requirements established in rules 149662
adopted under this section. Home visiting services shall be 149663
provided through evidence-based home visiting models or 149664
innovative, promising home visiting models recommended by the Ohio 149665
home visiting consortium created under section ~~3701.612~~ 5180.23 of 149666

the Revised Code. 149667

(B) Families shall be referred to the appropriate home 149668
visiting services through the central intake and referral system 149669
created under section ~~3701.611~~ 5180.22 of the Revised Code. 149670

(C) To the extent possible, the goals of the help me grow 149671
program shall be consistent with the goals of the federal home 149672
visiting program, as specified by the maternal and child health 149673
bureau of the health resources and services administration in the 149674
United States department of health and human services or its 149675
successor. 149676

(D) The director of ~~health~~ children and youth may enter into 149677
an interagency agreement with one or more state agencies to 149678
implement the help me grow program and ensure coordination of 149679
early childhood programs. 149680

(E) The director may distribute help me grow program funds 149681
through contracts, grants, or subsidies to entities providing 149682
services under the program. 149683

(F) As a condition of receiving payments for home visiting 149684
services, providers shall report to the director data on the 149685
program performance indicators, specified in rules adopted under 149686
division (G) of this section, that are used to assess progress 149687
toward achieving all of the following: 149688

(1) The benchmark domains established for the federal home 149689
visiting program, including improvement in maternal and newborn 149690
health; reduction in child injuries, abuse, and neglect; improved 149691
school readiness and achievement; reduction in crime and domestic 149692
violence; and improved family economic self-sufficiency; 149693

(2) Improvement in birth outcomes and reduction in 149694
stillbirths, as that term is defined in section ~~3701.97~~ 5180.12 of 149695
the Revised Code; 149696

(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children. 149697
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The providers shall report the data in the format and within the time frames specified in the rules. 149699
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The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of health children and youth. 149701
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(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following: 149705
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(1) Subject to division (H) of this section, eligibility requirements for home visiting services; 149709
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(2) Eligibility requirements for providers of home visiting services; 149711
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(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation; 149713
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(4) Procedures for appealing the denial of an application for program services or the termination of services; 149716
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(5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider; 149718
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(6) Procedures for addressing complaints; 149721

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services; 149722
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(8) The format in which reports must be submitted under 149727
division (F) of this section and the time frames within which the 149728
reports must be submitted; 149729

(9) Criteria for payment of approved providers of program 149730
services; 149731

(10) Any other rules necessary to implement the program. 149732

(H) When adopting rules required by division (G)(1) of this 149733
section, the department shall specify that families residing in 149734
the urban and rural communities specified in rules adopted under 149735
section 3701.142 of the Revised Code are to receive priority over 149736
other families for home visiting services. 149737

Sec. ~~3701.611~~ 5180.22. (A) The department of ~~health children~~ 149738
and youth shall create a central intake and referral system for 149739
all home visiting programs operating in this state. Through a 149740
competitive bidding process, the department of ~~health children and~~ 149741
youth may select one or more persons or government entities to 149742
operate the system. 149743

(B) If the department of ~~health children and youth~~ chooses to 149744
select one or more system operators as described in division (A) 149745
of this section, a contract with any system operator shall require 149746
that the system do both of the following: 149747

(1) Serve as a single point of entry for access, assessment, 149748
and referral of families to appropriate home visiting services 149749
based on each family's location of residence; 149750

(2) Use a standardized form or other mechanism to assess for 149751
each family member's risk factors and social determinants of 149752
health, as well as ensure that the family is referred to the 149753
appropriate home visiting program, which may include a program 149754
that uses home visiting contractors who provide services within a 149755
community HUB that fully or substantially complies with the 149756

pathways community HUB certification standards developed by the 149757
pathways community HUB institute. 149758

(C) The standardized form or other mechanism described in 149759
division (B)(2) of this section shall be agreed to by the home 149760
visiting consortium created under section ~~3701.612~~ 5180.23 of the 149761
Revised Code. 149762

(D) A contract entered into under division (B) of this 149763
section shall require a system operator to issue an annual report 149764
to the department of ~~health~~ children and youth that includes data 149765
regarding referrals made by the central intake and referral 149766
system, costs associated with the referrals, and the quality of 149767
services received by families who were referred to services 149768
through the system. The report shall be distributed to the home 149769
visiting consortium created under section ~~3701.612~~ 5180.23 of the 149770
Revised Code. 149771

(E) Nothing in this section is intended to do any of the 149772
following: 149773

(1) Prohibit the department of ~~health~~ children and youth from 149774
using alternative promotional materials or names for the central 149775
intake and referral system; 149776

(2) Require the use of help me grow program promotional 149777
materials or names; 149778

(3) Prohibit providers, central coordinators, the department 149779
of ~~health~~ children and youth, or stakeholders from using the help 149780
me grow name for promotional materials for home visiting. 149781

Sec. ~~3701.612~~ 5180.23. (A) The Ohio home visiting consortium 149782
is hereby created. The purpose of the consortium is to ensure that 149783
home visiting services provided by home visiting programs 149784
operating in this state, as well as home visiting services 149785
provided or arranged for by medicaid managed care organizations, 149786

are high-quality and delivered through evidence-based or 149787
innovative, promising home visiting models, including models used 149788
by home visiting contractors who provide services within one or 149789
more community HUBs that fully or substantially comply with the 149790
pathways community HUB certification standards developed by the 149791
pathways community HUB institute. It is the intent of the general 149792
assembly that all home visiting services provided in this state do 149793
both of the following: 149794

(1) Improve health, educational, and social outcomes for 149795
expectant and new parents and young children; 149796

(2) Promote safe, connected families and communities in which 149797
children are able to grow up healthy and ready to learn. 149798

(B)(1) In furtherance of the consortium's purpose, the 149799
consortium shall do both of the following: 149800

(a) Make recommendations to the department of children and 149801
youth, department of health, department of medicaid, department of 149802
mental health and addiction services, and department of 149803
developmental disabilities regarding how to leverage all funding 149804
sources available for home visiting services, including medicaid, 149805
to accomplish both of the following in this state: 149806

(i) Expand the use of evidence-based home visiting program 149807
models, including models used by home visiting contractors who 149808
provide services within one or more community HUBs that fully or 149809
substantially comply with the pathways community HUB certification 149810
standards developed by the pathways community HUB institute; 149811

(ii) Initiate, as pilot projects, innovative, promising home 149812
visiting models. 149813

(b) Make recommendations to the department of medicaid on the 149814
terms to be included in contracts the department enters into with 149815
medicaid managed care organizations under section 5167.10 of the 149816

Revised Code to ensure that the organizations are providing or 149817
arranging for the medicaid recipients enrolled in their medicaid 149818
MCO plans, as defined in section 5167.01 of the Revised Code, to 149819
receive home visiting services that are delivered as part of the 149820
home visiting program models described in divisions (B)(1)(a)(i) 149821
and (ii) of this section. 149822

(2) The consortium may recommend a standardized form or other 149823
mechanism to assess family risk factors and social determinants of 149824
health for purposes of the central intake and referral system 149825
described in section ~~3701.611~~ 5180.22 of the Revised Code. 149826

(C) The consortium shall consist of the following members: 149827

(1) The director of children and youth or the director's 149828
designee; 149829

(2) The director of health or the director's designee; 149830

~~(2)~~(3) The medicaid director or the director's designee; 149831

~~(3)~~(4) The director of mental health and addiction services 149832
or the director's designee; 149833

~~(4)~~(5) The director of developmental disabilities or the 149834
director's designee; 149835

(5)(6) The executive director of the commission on minority 149836
health or the executive director's designee; 149837

~~(6)~~(7) A member of the commission on infant mortality who is 149838
not a legislator or an individual specified under this division; 149839

~~(7)~~(8) One individual who represents medicaid managed care 149840
organizations, recommended by the board of trustees of the Ohio 149841
association of health plans; 149842

~~(8)~~(9) One individual who represents county boards of 149843
developmental disabilities, recommended by the Ohio association of 149844
county boards of developmental disabilities; 149845

~~(9)~~(10) A home visiting contractor who provides services within the help me grow program through a contract, grant, or other agreement with the department of ~~health~~ children and youth; 149846
149847
149848

~~(10)~~(11) A home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute through a contract, grant, or other agreement with the commission on minority health; 149849
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~~(11)~~(12) An individual who receives home visiting services from the help me grow program; 149855
149856

~~(12)~~(13) An individual who receives home visiting services from a home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute; 149857
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~~(13)~~(14) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president; 149862
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149864

~~(14)~~(15) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives. 149865
149866
149867

(D) The consortium members described in divisions ~~(C)~~(10)~~(C)~~(11) and ~~(12)~~(13) of this section shall be appointed not later than thirty days after ~~the effective date of this amendment~~ October 17, 2019. An appointed member shall hold office until a successor is appointed. A vacancy shall be filled in the same manner as the original appointment. 149868
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The director of ~~health~~ children and youth shall serve as the chairperson of the consortium. 149874
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A member shall serve without compensation except to the extent that serving on the consortium is considered part of the member's regular duties of employment.

(E) The consortium shall meet at the call of the director of ~~health~~ children and youth but not less than once each calendar quarter. The consortium's first meeting shall occur not later than sixty days after April 6, 2017.

(F) The department of ~~health~~ children and youth shall provide meeting space and staff and other administrative support for the consortium.

(G) The consortium is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. ~~3701.613~~ 5180.24. Beginning in fiscal year ~~2018~~ 2026, the department of ~~health~~ children and youth shall facilitate and allocate funds for a biennial summit on home visiting programs. The purpose of each summit is to convene persons and government entities involved with the delivery of home visiting services in this state, as well as other interested persons, to do all of the following:

(A) Share the latest research on evidence-based and innovative, promising home visiting models;

(B) Discuss strategies to ensure that home visiting programs in this state use evidence-based or innovative, promising home visiting models;

(C) Discuss strategies to reduce tobacco use by families participating in home visiting programs;

(D) Present successes and challenges encountered by home visiting programs.

Sec. ~~3701.614~~ 5180.25. (A) The department of ~~health~~ children

and youth shall develop educational materials describing the 149905
health risks of lead-based paint and measures that may be taken to 149906
reduce those risks. 149907

(B) As part of the home visiting services described in 149908
section ~~3701.61~~ 5180.21 of the Revised Code, each eligible family 149909
residing in a house, apartment, or other residence built before 149910
January 1, 1979, shall receive a copy of the educational materials 149911
described in this section. If the date on which the residence was 149912
built is unknown to the family or home visiting services provider, 149913
the family shall receive a copy of the educational materials. 149914

(C) The educational materials developed and distributed under 149915
this section shall be culturally and linguistically appropriate 149916
for the families described in division (B) of this section. 149917

Sec. 5180.30. The department of children and youth shall 149918
serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10), 149919
to implement the state's part C early intervention services 149920
program, through which early intervention services are provided to 149921
eligible infants and toddlers in accordance with part C of the 149922
"Individuals with Disabilities Education Act," 20 U.S.C. 1431 et 149923
seq., and regulations implementing that part in 34 C.F.R. part 149924
303. 149925

Sec. ~~5123.024~~ 5180.31. The department of ~~developmental~~ 149926
~~disabilities~~ children and youth may do any of the following as the 149927
lead agency to implement the state's part C early intervention 149928
services program, as described in section ~~5123.02~~ 5180.30 of the 149929
Revised Code: 149930

(A) Enter into an interagency agreement with one or more 149931
other state agencies to implement the program and ensure 149932
coordination of early childhood programs; 149933

(B) Distribute program funds through contracts, grants, or subsidies to entities that are program service providers;	149934
	149935
(C) Establish a system of payment to program service providers.	149936
	149937
Sec. 5123.0421 5180.32. The director of developmental disabilities <u>children and youth</u> shall adopt rules in accordance	149938
with Chapter 119. of the Revised Code that are necessary to	149939
implement the state's part C early intervention services program,	149940
including rules that specify all of the following:	149941
	149942
(A) Eligibility requirements to receive program services;	149943
(B) Eligibility requirements to be a program service provider;	149944
	149945
(C) Operating standards and procedures for program service providers, including standards and procedures governing data collection, program monitoring, and program evaluation;	149946
	149947
	149948
(D) Procedures to appeal the denial of an application to receive program services or the termination of program services;	149949
	149950
(E) Procedures to appeal a decision by the department of developmental disabilities to deny an application to be a program service provider or to terminate a provider's status;	149951
	149952
	149953
(F) Procedures for addressing complaints by persons who receive program services;	149954
	149955
(G) Criteria for the payment of program service providers;	149956
(H) The metrics or indicators used to measure program service provider performance.	149957
	149958
Sec. 5123.0423 5180.33. As used in this section, "school district of residence" has the same meaning as in section 3323.01	149959
of the Revised Code.	149960
	149961

The director of ~~developmental disabilities~~ children and youth 149962
shall request a student data verification code from the 149963
independent contractor engaged by the department of education to 149964
create and maintain such codes for school districts and community 149965
schools under division (D)(2) of section 3301.0714 of the Revised 149966
Code for each child who is receiving services from the state's 149967
part C early intervention services program. The director shall 149968
request from the parent, guardian, or custodian of the child, or 149969
from any other person who is authorized by law to make decisions 149970
regarding the child's education, the name and address of the 149971
child's school district of residence. The director shall submit 149972
the data verification code for that child to the child's school 149973
district of residence at the time the child ceases to receive 149974
services from the part C early intervention services program. 149975

The director and each school district that receives a data 149976
verification code under this section shall not release that code 149977
to any person except as provided by law. Any document that the 149978
director holds in the director's files that contains both a 149979
child's name or other personally identifiable information and the 149980
child's data verification code is not a public record under 149981
section 149.43 of the Revised Code. 149982

Sec. ~~5123.0422~~ 5180.34. The governor shall establish the 149983
early intervention services advisory council, which shall serve as 149984
the state interagency coordinating council, as described in 20 149985
U.S.C. 1441. In establishing the council, the governor shall 149986
comply with the requirements of 20 U.S.C. 1441, including the 149987
requirement to ensure that the membership of the council 149988
reasonably represents the population of the state. 149989

The governor shall appoint one of the council members to 149990
serve as chairperson of the council, or the governor may delegate 149991
appointment of the chairperson to the council. No member of the 149992

council representing the department of health or the department of 149993
~~developmental disabilities~~ children and youth shall serve as 149994
chairperson. 149995

The council is not subject to sections 101.82 to 101.87 of 149996
the Revised Code. 149997

Section 130.13. That existing sections 9.55, 103.60, 109.65, 149998
109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 149999
329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 150000
2151.3519, 2151.3534, 2151.36, 2151.39, 2151.412, 2151.413, 150001
2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 2151.4230, 150002
2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 2151.84, 150003
2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 2950.08, 150004
2950.11, 2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 150005
3107.015, 3107.016, 3107.017, 3107.031, 3107.032, 3107.033, 150006
3107.034, 3107.035, 3107.051, 3107.081, 3107.083, 3107.09, 150007
3107.091, 3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 3107.17, 150008
3107.39, 3109.172, 3109.174, 3109.401, 3301.079, 3301.0714, 150009
3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 3301.32, 150010
3301.50, 3301.53, 3301.55, 3301.56, 3301.57, 3301.58, 3301.59, 150011
3301.94, 3313.64, 3313.646, 3314.03, 3314.06, 3314.08, 3323.022, 150012
3323.20, 3323.32, 3325.06, 3325.07, 3701.507, 3701.61, 3701.611, 150013
3701.612, 3701.613, 3701.614, 3701.63, 3701.64, 3701.66, 3701.67, 150014
3701.671, 3701.68, 3701.78, 3701.80, 3701.95, 3701.951, 3701.952, 150015
3701.953, 3701.97, 3705.32, 3705.36, 3705.40, 3737.22, 3742.32, 150016
3781.06, 3781.10, 3798.01, 4112.12, 5101.09, 5101.11, 5101.111, 150017
5101.12, 5101.13, 5101.132, 5101.134, 5101.135, 5101.14, 5101.141, 150018
5101.142, 5101.145, 5101.146, 5101.147, 5101.148, 5101.1410, 150019
5101.1411, 5101.1412, 5101.1413, 5101.1414, 5101.1417, 5101.1418, 150020
5101.15, 5101.183, 5101.19, 5101.191, 5101.193, 5101.194, 5101.21, 150021
5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 5101.243, 150022
5101.244, 5101.25, 5101.26, 5101.27, 5101.29, 5101.32, 5101.35, 150023
5101.37, 5101.46, 5101.47, 5101.76, 5101.77, 5101.78, 5101.80, 150024

5101.801, 5101.802, 5101.803, 5101.804, 5101.83, 5101.851, 150025
5101.853, 5101.855, 5101.856, 5101.881, 5101.885, 5101.8811, 150026
5103.02, 5103.03, 5103.031, 5103.032, 5103.033, 5103.034, 150027
5103.036, 5103.037, 5103.038, 5103.0310, 5103.0312, 5103.0313, 150028
5103.0314, 5103.0315, 5103.0316, 5103.0317, 5103.0319, 5103.0320, 150029
5103.0321, 5103.0322, 5103.0323, 5103.0325, 5103.0326, 5103.0328, 150030
5103.0329, 5103.04, 5103.05, 5103.051, 5103.07, 5103.08, 5103.11, 150031
5103.12, 5103.13, 5103.131, 5103.14, 5103.151, 5103.152, 5103.155, 150032
5103.16, 5103.163, 5103.17, 5103.18, 5103.181, 5103.21, 5103.22, 150033
5103.232, 5103.233, 5103.30, 5103.303, 5103.32, 5103.39, 5103.391, 150034
5103.40, 5103.41, 5103.50, 5103.52, 5103.53, 5103.54, 5103.58, 150035
5103.59, 5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 150036
5103.6017, 5103.6018, 5103.611, 5103.612, 5103.615, 5103.617, 150037
5104.01, 5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 150038
5104.019, 5104.0111, 5104.0112, 5104.02, 5104.021, 5104.022, 150039
5104.03, 5104.034, 5104.038, 5104.04, 5104.041, 5104.042, 150040
5104.043, 5104.05, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 150041
5104.08, 5104.081, 5104.10, 5104.12, 5104.13, 5104.14, 5104.21, 150042
5104.211, 5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 150043
5104.32, 5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 150044
5104.42, 5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 150045
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 150046
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 150047
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 150048
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 150049
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 150050
and 5167.16 of the Revised Code are hereby repealed. 150051

Section 130.14. That section 3301.521 of the Revised Code is 150052
hereby repealed. 150053

Section 130.15. Sections 130.12, 130.13, and 130.14 of this 150054

act take effect January 1, 2025. 150055

Section 130.16. The General Assembly, applying the principle 150056
stated in division (B) of section 1.52 of the Revised Code that 150057
amendments are to be harmonized if reasonably capable of 150058
simultaneous operation, finds that the following sections, 150059
presented in this act as composites of the sections as amended by 150060
the acts indicated, are the resulting versions of the sections in 150061
effect prior to the effective date of the sections as presented in 150062
this act: 150063

Section 2151.353 of the Revised Code as amended by H.B. 8 and 150064
H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd 150065
General Assembly, and H.B. 50 and H.B. 158, both of the 131st 150066
General Assembly. 150067

Section 3301.0715 of the Revised Code as amended by both H.B. 150068
82 and H.B. 110 of the 134th General Assembly. 150069

Section 5104.017 of the Revised Code as amended by both H.B. 150070
110 and H.B. 281 of the 134th General Assembly. 150071

Section 5123.02 of the Revised Code as amended by both H.B. 150072
158 and H.B. 483 of the 131st General Assembly. 150073

Section 5153.163 of the Revised Code as amended by both H.B. 150074
110 and H.B. 281 of the 134th General Assembly. 150075

Section 130.20. That sections 109.57, 349.01, 921.06, 150076
1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 2919.224, 150077
2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 2950.11, 150078
2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 3325.07, 150079
3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 3737.22, 150080
3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 3796.30, 150081
3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 4715.36, 150082
5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 5104.016, 150083

5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 5104.022, 150084
5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 5104.038, 150085
5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 5104.05, 150086
5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 150087
5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 5104.31, 150088
5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 5119.371, 150089
5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 5733.37, 150090
5733.38, and 6109.121 of the Revised Code be amended to read as 150091
follows: 150092

Sec. 109.57. (A)(1) The superintendent of the bureau of 150093
criminal identification and investigation shall procure from 150094
wherever procurable and file for record photographs, pictures, 150095
descriptions, fingerprints, measurements, and other information 150096
that may be pertinent of all persons who have been convicted of 150097
committing within this state a felony, any crime constituting a 150098
misdemeanor on the first offense and a felony on subsequent 150099
offenses, or any misdemeanor described in division (A)(1)(a), 150100
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 150101
all children under eighteen years of age who have been adjudicated 150102
delinquent children for committing within this state an act that 150103
would be a felony or an offense of violence if committed by an 150104
adult or who have been convicted of or pleaded guilty to 150105
committing within this state a felony or an offense of violence, 150106
and of all well-known and habitual criminals. The person in charge 150107
of any county, multicounty, municipal, municipal-county, or 150108
multicounty-municipal jail or workhouse, community-based 150109
correctional facility, halfway house, alternative residential 150110
facility, or state correctional institution and the person in 150111
charge of any state institution having custody of a person 150112
suspected of having committed a felony, any crime constituting a 150113
misdemeanor on the first offense and a felony on subsequent 150114

offenses, or any misdemeanor described in division (A)(1)(a), 150115
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 150116
having custody of a child under eighteen years of age with respect 150117
to whom there is probable cause to believe that the child may have 150118
committed an act that would be a felony or an offense of violence 150119
if committed by an adult shall furnish such material to the 150120
superintendent of the bureau. Fingerprints, photographs, or other 150121
descriptive information of a child who is under eighteen years of 150122
age, has not been arrested or otherwise taken into custody for 150123
committing an act that would be a felony or an offense of violence 150124
who is not in any other category of child specified in this 150125
division, if committed by an adult, has not been adjudicated a 150126
delinquent child for committing an act that would be a felony or 150127
an offense of violence if committed by an adult, has not been 150128
convicted of or pleaded guilty to committing a felony or an 150129
offense of violence, and is not a child with respect to whom there 150130
is probable cause to believe that the child may have committed an 150131
act that would be a felony or an offense of violence if committed 150132
by an adult shall not be procured by the superintendent or 150133
furnished by any person in charge of any county, multicounty, 150134
municipal, municipal-county, or multicounty-municipal jail or 150135
workhouse, community-based correctional facility, halfway house, 150136
alternative residential facility, or state correctional 150137
institution, except as authorized in section 2151.313 of the 150138
Revised Code. 150139

(2) Every clerk of a court of record in this state, other 150140
than the supreme court or a court of appeals, shall send to the 150141
superintendent of the bureau a weekly report containing a summary 150142
of each case involving a felony, involving any crime constituting 150143
a misdemeanor on the first offense and a felony on subsequent 150144
offenses, involving a misdemeanor described in division (A)(1)(a), 150145
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 150146

involving an adjudication in a case in which a child under 150147
eighteen years of age was alleged to be a delinquent child for 150148
committing an act that would be a felony or an offense of violence 150149
if committed by an adult. The clerk of the court of common pleas 150150
shall include in the report and summary the clerk sends under this 150151
division all information described in divisions (A)(2)(a) to (f) 150152
of this section regarding a case before the court of appeals that 150153
is served by that clerk. The summary shall be written on the 150154
standard forms furnished by the superintendent pursuant to 150155
division (B) of this section and shall include the following 150156
information: 150157

(a) The incident tracking number contained on the standard 150158
forms furnished by the superintendent pursuant to division (B) of 150159
this section; 150160

(b) The style and number of the case; 150161

(c) The date of arrest, offense, summons, or arraignment; 150162

(d) The date that the person was convicted of or pleaded 150163
guilty to the offense, adjudicated a delinquent child for 150164
committing the act that would be a felony or an offense of 150165
violence if committed by an adult, found not guilty of the 150166
offense, or found not to be a delinquent child for committing an 150167
act that would be a felony or an offense of violence if committed 150168
by an adult, the date of an entry dismissing the charge, an entry 150169
declaring a mistrial of the offense in which the person is 150170
discharged, an entry finding that the person or child is not 150171
competent to stand trial, or an entry of a nolle prosequi, or the 150172
date of any other determination that constitutes final resolution 150173
of the case; 150174

(e) A statement of the original charge with the section of 150175
the Revised Code that was alleged to be violated; 150176

(f) If the person or child was convicted, pleaded guilty, or 150177

was adjudicated a delinquent child, the sentence or terms of 150178
probation imposed or any other disposition of the offender or the 150179
delinquent child. 150180

If the offense involved the disarming of a law enforcement 150181
officer or an attempt to disarm a law enforcement officer, the 150182
clerk shall clearly state that fact in the summary, and the 150183
superintendent shall ensure that a clear statement of that fact is 150184
placed in the bureau's records. 150185

(3) The superintendent shall cooperate with and assist 150186
sheriffs, chiefs of police, and other law enforcement officers in 150187
the establishment of a complete system of criminal identification 150188
and in obtaining fingerprints and other means of identification of 150189
all persons arrested on a charge of a felony, any crime 150190
constituting a misdemeanor on the first offense and a felony on 150191
subsequent offenses, or a misdemeanor described in division 150192
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the 150193
Revised Code and of all children under eighteen years of age 150194
arrested or otherwise taken into custody for committing an act 150195
that would be a felony or an offense of violence if committed by 150196
an adult. The superintendent also shall file for record the 150197
fingerprint impressions of all persons confined in a county, 150198
multicounty, municipal, municipal-county, or multicounty-municipal 150199
jail or workhouse, community-based correctional facility, halfway 150200
house, alternative residential facility, or state correctional 150201
institution for the violation of state laws and of all children 150202
under eighteen years of age who are confined in a county, 150203
multicounty, municipal, municipal-county, or multicounty-municipal 150204
jail or workhouse, community-based correctional facility, halfway 150205
house, alternative residential facility, or state correctional 150206
institution or in any facility for delinquent children for 150207
committing an act that would be a felony or an offense of violence 150208
if committed by an adult, and any other information that the 150209

superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the Revised Code with respect to the registration of persons who are convicted of or plead guilty to a sexually oriented offense or a child-victim oriented offense and with respect to all other duties imposed on the bureau under that chapter.

(5) The bureau shall perform centralized recordkeeping functions for criminal history records and services in this state for purposes of the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code and is the criminal history record repository as defined in that section for purposes of that compact. The superintendent or the superintendent's designee is the compact officer for purposes of that compact and shall carry out the responsibilities of the compact officer specified in that compact.

(6) The superintendent shall, upon request, assist a county coroner in the identification of a deceased person through the use of fingerprint impressions obtained pursuant to division (A)(1) of this section or collected pursuant to section 109.572 or 311.41 of the Revised Code.

(B) The superintendent shall prepare and furnish to every county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution and to every clerk of a court in this state specified in division (A)(2) of this section standard forms for reporting the information required under division (A) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both tangible formats and electronic formats.

(C)(1) The superintendent may operate a center for 150242
electronic, automated, or other data processing for the storage 150243
and retrieval of information, data, and statistics pertaining to 150244
criminals and to children under eighteen years of age who are 150245
adjudicated delinquent children for committing an act that would 150246
be a felony or an offense of violence if committed by an adult, 150247
criminal activity, crime prevention, law enforcement, and criminal 150248
justice, and may establish and operate a statewide communications 150249
network to be known as the Ohio law enforcement gateway to gather 150250
and disseminate information, data, and statistics for the use of 150251
law enforcement agencies and for other uses specified in this 150252
division. The superintendent may gather, store, retrieve, and 150253
disseminate information, data, and statistics that pertain to 150254
children who are under eighteen years of age and that are gathered 150255
pursuant to sections 109.57 to 109.61 of the Revised Code together 150256
with information, data, and statistics that pertain to adults and 150257
that are gathered pursuant to those sections. 150258

(2) The superintendent or the superintendent's designee shall 150259
gather information of the nature described in division (C)(1) of 150260
this section that pertains to the offense and delinquency history 150261
of a person who has been convicted of, pleaded guilty to, or been 150262
adjudicated a delinquent child for committing a sexually oriented 150263
offense or a child-victim oriented offense for inclusion in the 150264
state registry of sex offenders and child-victim offenders 150265
maintained pursuant to division (A)(1) of section 2950.13 of the 150266
Revised Code and in the internet database operated pursuant to 150267
division (A)(13) of that section and for possible inclusion in the 150268
internet database operated pursuant to division (A)(11) of that 150269
section. 150270

(3) In addition to any other authorized use of information, 150271
data, and statistics of the nature described in division (C)(1) of 150272
this section, the superintendent or the superintendent's designee 150273

may provide and exchange the information, data, and statistics 150274
pursuant to the national crime prevention and privacy compact as 150275
described in division (A)(5) of this section. 150276

(4) The Ohio law enforcement gateway shall contain the name, 150277
confidential address, and telephone number of program participants 150278
in the address confidentiality program established under sections 150279
111.41 to 111.47 of the Revised Code. 150280

(5) The attorney general may adopt rules under Chapter 119. 150281
of the Revised Code establishing guidelines for the operation of 150282
and participation in the Ohio law enforcement gateway. The rules 150283
may include criteria for granting and restricting access to 150284
information gathered and disseminated through the Ohio law 150285
enforcement gateway. The attorney general shall adopt rules under 150286
Chapter 119. of the Revised Code that grant access to information 150287
in the gateway regarding an address confidentiality program 150288
participant under sections 111.41 to 111.47 of the Revised Code to 150289
only chiefs of police, village marshals, county sheriffs, county 150290
prosecuting attorneys, and a designee of each of these 150291
individuals. The attorney general shall permit an office of a 150292
county coroner, the state medical board, and board of nursing to 150293
access and view, but not alter, information gathered and 150294
disseminated through the Ohio law enforcement gateway. 150295

The attorney general may appoint a steering committee to 150296
advise the attorney general in the operation of the Ohio law 150297
enforcement gateway that is comprised of persons who are 150298
representatives of the criminal justice agencies in this state 150299
that use the Ohio law enforcement gateway and is chaired by the 150300
superintendent or the superintendent's designee. 150301

(D)(1) The following are not public records under section 150302
149.43 of the Revised Code: 150303

(a) Information and materials furnished to the superintendent 150304

pursuant to division (A) of this section; 150305

(b) Information, data, and statistics gathered or 150306
disseminated through the Ohio law enforcement gateway pursuant to 150307
division (C)(1) of this section; 150308

(c) Information and materials furnished to any board or 150309
person under division (F) or (G) of this section. 150310

(2) The superintendent or the superintendent's designee shall 150311
gather and retain information so furnished under division (A) of 150312
this section that pertains to the offense and delinquency history 150313
of a person who has been convicted of, pleaded guilty to, or been 150314
adjudicated a delinquent child for committing a sexually oriented 150315
offense or a child-victim oriented offense for the purposes 150316
described in division (C)(2) of this section. 150317

(E)(1) The attorney general shall adopt rules, in accordance 150318
with Chapter 119. of the Revised Code and subject to division 150319
(E)(2) of this section, setting forth the procedure by which a 150320
person may receive or release information gathered by the 150321
superintendent pursuant to division (A) of this section. A 150322
reasonable fee may be charged for this service. If a temporary 150323
employment service submits a request for a determination of 150324
whether a person the service plans to refer to an employment 150325
position has been convicted of or pleaded guilty to an offense 150326
listed or described in division (A)(1), (2), or (3) of section 150327
109.572 of the Revised Code, the request shall be treated as a 150328
single request and only one fee shall be charged. 150329

(2) Except as otherwise provided in this division or division 150330
(E)(3) or (4) of this section, a rule adopted under division 150331
(E)(1) of this section may provide only for the release of 150332
information gathered pursuant to division (A) of this section that 150333
relates to the conviction of a person, or a person's plea of 150334
guilty to, a criminal offense or to the arrest of a person as 150335

provided in division (E)(3) of this section. The superintendent shall not release, and the attorney general shall not adopt any rule under division (E)(1) of this section that permits the release of, any information gathered pursuant to division (A) of this section that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B)(2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, unless either of the following applies with respect to the adjudication or conviction:

(a) The adjudication or conviction was for a violation of section 2903.01 or 2903.02 of the Revised Code.

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed or expunged pursuant to section 2953.32 of the Revised Code.

(3) A rule adopted under division (E)(1) of this section may provide for the release of information gathered pursuant to division (A) of this section that relates to the arrest of a person who is eighteen years of age or older when the person has not been convicted as a result of that arrest if any of the following applies:

(a) The arrest was made outside of this state.

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not

been resolved at the time the criminal records check is performed. 150367

(c) The bureau cannot reasonably determine whether a criminal 150368
action resulting from the arrest is pending, and not more than one 150369
year has elapsed since the date of the arrest. 150370

(4) A rule adopted under division (E)(1) of this section may 150371
provide for the release of information gathered pursuant to 150372
division (A) of this section that relates to an adjudication of a 150373
child as a delinquent child if not more than five years have 150374
elapsed since the date of the adjudication, the adjudication was 150375
for an act that would have been a felony if committed by an adult, 150376
the records of the adjudication have not been sealed or expunged 150377
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 150378
the request for information is made under division (F) of this 150379
section or under section 109.572 of the Revised Code. In the case 150380
of an adjudication for a violation of the terms of community 150381
control or supervised release, the five-year period shall be 150382
calculated from the date of the adjudication to which the 150383
community control or supervised release pertains. 150384

(F)(1) As used in division (F)(2) of this section, "head 150385
start agency" means an entity in this state that has been approved 150386
to be an agency for purposes of subchapter II of the "Community 150387
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 150388
as amended. 150389

(2)(a) In addition to or in conjunction with any request that 150390
is required to be made under section 109.572, 2151.86, 3301.32, 150391
3301.541, division (C) of section 3310.58, or section 3319.39, 150392
3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the 150393
Revised Code or that is made under section 3314.41, 3319.392, 150394
3326.25, or 3328.20 of the Revised Code, the board of education of 150395
any school district; the director of developmental disabilities; 150396
any county board of developmental disabilities; any provider or 150397
subcontractor as defined in section 5123.081 of the Revised Code; 150398

the chief administrator of any chartered nonpublic school; the 150399
chief administrator of a registered private provider that is not 150400
also a chartered nonpublic school; the chief administrator of any 150401
home health agency; the chief administrator of or person operating 150402
any child ~~day-care~~ care center, type A family ~~day-care~~ child care 150403
home, or type B family ~~day-care~~ child care home licensed under 150404
Chapter 5104. of the Revised Code; the chief administrator of any 150405
head start agency; the executive director of a public children 150406
services agency; a private company described in section 3314.41, 150407
3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer 150408
described in division (J)(2) of section 3327.10 of the Revised 150409
Code may request that the superintendent of the bureau investigate 150410
and determine, with respect to any individual who has applied for 150411
employment in any position after October 2, 1989, or any 150412
individual wishing to apply for employment with a board of 150413
education may request, with regard to the individual, whether the 150414
bureau has any information gathered under division (A) of this 150415
section that pertains to that individual. On receipt of the 150416
request, subject to division (E)(2) of this section, the 150417
superintendent shall determine whether that information exists 150418
and, upon request of the person, board, or entity requesting 150419
information, also shall request from the federal bureau of 150420
investigation any criminal records it has pertaining to that 150421
individual. The superintendent or the superintendent's designee 150422
also may request criminal history records from other states or the 150423
federal government pursuant to the national crime prevention and 150424
privacy compact set forth in section 109.571 of the Revised Code. 150425
Within thirty days of the date that the superintendent receives a 150426
request, subject to division (E)(2) of this section, the 150427
superintendent shall send to the board, entity, or person a report 150428
of any information that the superintendent determines exists, 150429
including information contained in records that have been sealed 150430
under section 2953.32 of the Revised Code, and, within thirty days 150431

of its receipt, subject to division (E)(2) of this section, shall 150432
send the board, entity, or person a report of any information 150433
received from the federal bureau of investigation, other than 150434
information the dissemination of which is prohibited by federal 150435
law. 150436

(b) When a board of education or a registered private 150437
provider is required to receive information under this section as 150438
a prerequisite to employment of an individual pursuant to division 150439
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 150440
may accept a certified copy of records that were issued by the 150441
bureau of criminal identification and investigation and that are 150442
presented by an individual applying for employment with the 150443
district in lieu of requesting that information itself. In such a 150444
case, the board shall accept the certified copy issued by the 150445
bureau in order to make a photocopy of it for that individual's 150446
employment application documents and shall return the certified 150447
copy to the individual. In a case of that nature, a district or 150448
provider only shall accept a certified copy of records of that 150449
nature within one year after the date of their issuance by the 150450
bureau. 150451

(c) Notwithstanding division (F)(2)(a) of this section, in 150452
the case of a request under section 3319.39, 3319.391, or 3327.10 150453
of the Revised Code only for criminal records maintained by the 150454
federal bureau of investigation, the superintendent shall not 150455
determine whether any information gathered under division (A) of 150456
this section exists on the person for whom the request is made. 150457

(3) The state board of education may request, with respect to 150458
any individual who has applied for employment after October 2, 150459
1989, in any position with the state board or the department of 150460
education, any information that a school district board of 150461
education is authorized to request under division (F)(2) of this 150462
section, and the superintendent of the bureau shall proceed as if 150463

the request has been received from a school district board of 150464
education under division (F)(2) of this section. 150465

(4) When the superintendent of the bureau receives a request 150466
for information under section 3319.291 of the Revised Code, the 150467
superintendent shall proceed as if the request has been received 150468
from a school district board of education and shall comply with 150469
divisions (F)(2)(a) and (c) of this section. 150470

(G) In addition to or in conjunction with any request that is 150471
required to be made under section 3712.09, 3721.121, or 3740.11 of 150472
the Revised Code with respect to an individual who has applied for 150473
employment in a position that involves providing direct care to an 150474
older adult or adult resident, the chief administrator of a home 150475
health agency, hospice care program, home licensed under Chapter 150476
3721. of the Revised Code, or adult day-care program operated 150477
pursuant to rules adopted under section 3721.04 of the Revised 150478
Code may request that the superintendent of the bureau investigate 150479
and determine, with respect to any individual who has applied 150480
after January 27, 1997, for employment in a position that does not 150481
involve providing direct care to an older adult or adult resident, 150482
whether the bureau has any information gathered under division (A) 150483
of this section that pertains to that individual. 150484

In addition to or in conjunction with any request that is 150485
required to be made under section 173.27 of the Revised Code with 150486
respect to an individual who has applied for employment in a 150487
position that involves providing ombudsman services to residents 150488
of long-term care facilities or recipients of community-based 150489
long-term care services, the state long-term care ombudsman, the 150490
director of aging, a regional long-term care ombudsman program, or 150491
the designee of the ombudsman, director, or program may request 150492
that the superintendent investigate and determine, with respect to 150493
any individual who has applied for employment in a position that 150494
does not involve providing such ombudsman services, whether the 150495

bureau has any information gathered under division (A) of this 150496
section that pertains to that applicant. 150497

In addition to or in conjunction with any request that is 150498
required to be made under section 173.38 of the Revised Code with 150499
respect to an individual who has applied for employment in a 150500
direct-care position, the chief administrator of a provider, as 150501
defined in section 173.39 of the Revised Code, may request that 150502
the superintendent investigate and determine, with respect to any 150503
individual who has applied for employment in a position that is 150504
not a direct-care position, whether the bureau has any information 150505
gathered under division (A) of this section that pertains to that 150506
applicant. 150507

In addition to or in conjunction with any request that is 150508
required to be made under section 3712.09 of the Revised Code with 150509
respect to an individual who has applied for employment in a 150510
position that involves providing direct care to a pediatric 150511
respite care patient, the chief administrator of a pediatric 150512
respite care program may request that the superintendent of the 150513
bureau investigate and determine, with respect to any individual 150514
who has applied for employment in a position that does not involve 150515
providing direct care to a pediatric respite care patient, whether 150516
the bureau has any information gathered under division (A) of this 150517
section that pertains to that individual. 150518

On receipt of a request under this division, the 150519
superintendent shall determine whether that information exists 150520
and, on request of the individual requesting information, shall 150521
also request from the federal bureau of investigation any criminal 150522
records it has pertaining to the applicant. The superintendent or 150523
the superintendent's designee also may request criminal history 150524
records from other states or the federal government pursuant to 150525
the national crime prevention and privacy compact set forth in 150526
section 109.571 of the Revised Code. Within thirty days of the 150527

date a request is received, subject to division (E)(2) of this 150528
section, the superintendent shall send to the requester a report 150529
of any information determined to exist, including information 150530
contained in records that have been sealed under section 2953.32 150531
of the Revised Code, and, within thirty days of its receipt, shall 150532
send the requester a report of any information received from the 150533
federal bureau of investigation, other than information the 150534
dissemination of which is prohibited by federal law. 150535

(H) Information obtained by a government entity or person 150536
under this section is confidential and shall not be released or 150537
disseminated. 150538

(I) The superintendent may charge a reasonable fee for 150539
providing information or criminal records under division (F)(2) or 150540
(G) of this section. 150541

(J) As used in this section: 150542

(1) "Pediatric respite care program" and "pediatric care 150543
patient" have the same meanings as in section 3712.01 of the 150544
Revised Code. 150545

(2) "Sexually oriented offense" and "child-victim oriented 150546
offense" have the same meanings as in section 2950.01 of the 150547
Revised Code. 150548

(3) "Registered private provider" means a nonpublic school or 150549
entity registered with the superintendent of public instruction 150550
under section 3310.41 of the Revised Code to participate in the 150551
autism scholarship program or section 3310.58 of the Revised Code 150552
to participate in the Jon Peterson special needs scholarship 150553
program. 150554

Sec. 349.01. As used in this chapter: 150555

(A) "New community" means a community or development of 150556
property in relation to an existing community planned so that the 150557

resulting community includes facilities for the conduct of 150558
industrial, commercial, residential, cultural, educational, and 150559
recreational activities, and designed in accordance with planning 150560
concepts for the placement of utility, open space, and other 150561
supportive facilities. 150562

(B) "New community development program" means a program for 150563
the development of a new community characterized by well-balanced 150564
and diversified land use patterns and which includes land 150565
acquisition and land development, the acquisition, construction, 150566
operation, and maintenance of community facilities, and the 150567
provision of services authorized in this chapter. 150568

A new community development program may take into account any 150569
existing community in relation to which a new community is 150570
developed for purposes of being characterized by well-balanced and 150571
diversified land use patterns. 150572

(C) "New community district" means the area of land described 150573
by the developer in the petition as set forth in division (A) of 150574
section 349.03 of the Revised Code for development as a new 150575
community and any lands added to the district by amendment of the 150576
resolution establishing the community authority. 150577

(D) "New community authority" means a body corporate and 150578
politic in this state, established pursuant to section 349.03 of 150579
the Revised Code and governed by a board of trustees as provided 150580
in section 349.04 of the Revised Code. 150581

(E) "Developer" means any person, organized for carrying out 150582
a new community development program who owns or controls, through 150583
leases of at least seventy-five years' duration, options, or 150584
contracts to purchase, the land within a new community district, 150585
or any municipal corporation, county, or port authority that owns 150586
the land within a new community district, or has the ability to 150587
acquire such land, either by voluntary acquisition or condemnation 150588

in order to eliminate slum, blighted, and deteriorated or 150589
deteriorating areas and to prevent the recurrence thereof. 150590
"Developer" may also mean a person, municipal corporation, county, 150591
or port authority that controls land within a new community 150592
district through leases of at least seventy-five years' duration. 150593
"Developer" includes a lessor that continues to own and control 150594
land for purposes of this chapter pursuant to leases with a 150595
ninety-nine-year renewable term, so long as all of the following 150596
apply: 150597

(1) The developer's new community district consists of at 150598
least five leases described in this section. 150599

(2) The leases are subject to forfeiture for all of the 150600
following: 150601

(a) Failing to pay taxes and assessments; 150602

(b) Failing to pay an annual fee of up to one per cent of 150603
rent for sanitary purposes and improvements made to streets; 150604

(c) Failing to keep the premises as required by sanitary and 150605
police regulations of the developer. 150606

(3) The new community authority is established on or before 150607
December 31, 2024. 150608

(F) "Organizational board of commissioners" means the 150609
following: 150610

(1) For a new community district that is located in only one 150611
county, the board of county commissioners of that county; 150612

(2) For a new community district that is located in more than 150613
one county, a board consisting of the members of the board of 150614
county commissioners of each of the counties in which the district 150615
is located, provided that action of the board shall require a 150616
majority vote of the members of each separate board of county 150617
commissioners; or 150618

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated, financed, constructed, and maintained under this chapter or in furtherance of community activities, whether within or without the new community district, including public, community, village, neighborhood, or town buildings, centers and plazas, auditoriums, ~~day~~ child care centers, recreation halls, educational facilities, health care facilities including hospital facilities as defined in section 140.01 of the Revised Code, telecommunications facilities, including all facilities necessary to provide telecommunications service as defined in section 4927.01 of the Revised Code, recreational facilities, natural resource facilities, including parks and other open space land, lakes and streams, cultural facilities, community streets and off-street parking facilities, pathway and bikeway systems, pedestrian underpasses and

overpasses, lighting facilities, design amenities, or other 150651
community facilities, and buildings needed in connection with 150652
water supply or sewage disposal installations, or energy 150653
facilities including those for renewable or sustainable energy 150654
sources, and steam, gas, or electric lines or installation. 150655

(J) "Cost" as applied to a new community development program 150656
means all costs related to land acquisition and land development, 150657
the acquisition, construction, maintenance, and operation of 150658
community facilities and offices of the community authority, and 150659
of providing furnishings and equipment therefor, financing charges 150660
including interest prior to and during construction and for the 150661
duration of the new community development program, planning 150662
expenses, engineering expenses, administrative expenses including 150663
working capital, and all other expenses necessary and incident to 150664
the carrying forward of the new community development program. 150665

(K) "Income source" means any and all sources of income to 150666
the community authority, including community development charges 150667
of which the new community authority is the beneficiary as 150668
provided in section 349.07 of the Revised Code, rentals, user fees 150669
and other charges received by the new community authority, any 150670
gift or grant received, any moneys received from any funds 150671
invested by or on behalf of the new community authority, and 150672
proceeds from the sale or lease of land and community facilities. 150673

(L) "Community development charge" means: 150674

(1) A dollar amount which shall be determined on the basis of 150675
the assessed valuation of real property or interests in real 150676
property in a new community district, the income of the residents 150677
of such property subject to such charge under section 349.07 of 150678
the Revised Code, if such property is devoted to residential uses 150679
or to the profits, gross receipts, or other revenues of any 150680
business including, but not limited to, rentals received from 150681
leases of real property located in the district, a uniform or 150682

other fee on each parcel of such real property in a new community district, or any combination of the foregoing bases. 150683
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(2) If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code. 150685
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(M) "Proximate city" means the following: 150691

(1) For a new community district other than a new community district described in division (M)(2) or (3) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new community district is located, is the city with the greatest population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district. 150692
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(2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located. 150703
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(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district. 150706
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(N) "Community activities" means cultural, educational, 150714
governmental, recreational, residential, industrial, commercial, 150715
distribution and research activities, or any combination thereof 150716
that includes residential activities. 150717

Sec. 921.06. (A)(1) No individual shall do any of the 150718
following without having a commercial applicator license issued by 150719
the director of agriculture: 150720

(a) Apply pesticides for a pesticide business without direct 150721
supervision; 150722

(b) Apply pesticides as part of the individual's duties while 150723
acting as an employee of the United States government, a state, 150724
county, township, or municipal corporation, or a park district, 150725
port authority, or sanitary district created under Chapter 1545., 150726
4582., or 6115. of the Revised Code, respectively; 150727

(c) Apply restricted use pesticides. Division (A)(1)(c) of 150728
this section does not apply to a private applicator or an 150729
immediate family member or a subordinate employee of a private 150730
applicator who is acting under the direct supervision of that 150731
private applicator. 150732

(d) If the individual is the owner of a business other than a 150733
pesticide business or an employee of such an owner, apply 150734
pesticides at any of the following publicly accessible sites that 150735
are located on the property: 150736

(i) Food service operations that are licensed under Chapter 150737
3717. of the Revised Code; 150738

(ii) Retail food establishments that are licensed under 150739
Chapter 3717. of the Revised Code; 150740

(iii) Golf courses; 150741

(iv) Rental properties of more than four apartment units at 150742
one location; 150743

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	150744 150745
(vi) Child day-care <u>care</u> centers or <u>licensed</u> school child day-care centers <u>programs</u> as defined in section 5104.01 of the Revised Code;	150746 150747 150748
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;	150749 150750 150751 150752 150753 150754
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	150755 150756 150757 150758 150759 150760 150761 150762 150763 150764
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	150765 150766
(x) Any other site designated by rule.	150767
(e) Conduct authorized diagnostic inspections.	150768
(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	150769 150770 150771
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines	150772 150773

established by rule. The fee for each such license shall be 150774
established by rule. If a license is not issued or renewed, the 150775
application fee shall be retained by the state as payment for the 150776
reasonable expense of processing the application. The director 150777
shall by rule classify by pesticide-use category licenses to be 150778
issued under this section. A single license may include more than 150779
one pesticide-use category. No individual shall be required to pay 150780
an additional license fee if the individual is licensed for more 150781
than one category. 150782

The fee for each license or renewal does not apply to an 150783
applicant who is an employee of the department of agriculture 150784
whose job duties require licensure as a commercial applicator as a 150785
condition of employment. 150786

(B) Application for a commercial applicator license shall be 150787
made on a form prescribed by the director. Each application for a 150788
license shall state the pesticide-use category or categories of 150789
license for which the applicant is applying and other information 150790
that the director determines essential to the administration of 150791
this chapter. 150792

(C) If the director finds that the applicant is competent to 150793
apply pesticides and conduct diagnostic inspections and that the 150794
applicant has passed both the general examination and each 150795
applicable pesticide-use category examination as required under 150796
division (A) of section 921.12 of the Revised Code, the director 150797
shall issue a commercial applicator license limited to the 150798
pesticide-use category or categories for which the applicant is 150799
found to be competent. If the director rejects an application, the 150800
director may explain why the application was rejected, describe 150801
the additional requirements necessary for the applicant to obtain 150802
a license, and return the application. The applicant may resubmit 150803
the application without payment of any additional fee. 150804

(D)(1) A person who is a commercial applicator shall be 150805

deemed to hold a private applicator's license for purposes of 150806
applying pesticides on agricultural commodities that are produced 150807
by the commercial applicator. 150808

(2) A commercial applicator shall apply pesticides only in 150809
the pesticide-use category or categories in which the applicator 150810
is licensed under this chapter. 150811

(E) All money collected under this section shall be credited 150812
to the pesticide, fertilizer, and lime program fund created in 150813
section 921.22 of the Revised Code. 150814

Sec. 1923.01. (A) As provided in this chapter, any judge of a 150815
county or municipal court or a court of common pleas, within the 150816
judge's proper area of jurisdiction, may inquire about persons who 150817
make unlawful and forcible entry into lands or tenements and 150818
detain them, and about persons who make a lawful and peaceable 150819
entry into lands or tenements and hold them unlawfully and by 150820
force. If, upon the inquiry, it is found that an unlawful and 150821
forcible entry has been made and the lands or tenements are 150822
detained, or that, after a lawful entry, lands or tenements are 150823
held unlawfully and by force, a judge shall cause the plaintiff in 150824
an action under this chapter to have restitution of the lands or 150825
tenements. 150826

(B) An action shall be brought under this chapter within two 150827
years after the cause of action accrues. 150828

(C) As used in this chapter: 150829

(1) "Tenant" means a person who is entitled under a rental 150830
agreement to the use or occupancy of premises, other than premises 150831
located in a manufactured home park, to the exclusion of others, 150832
except that as used in division (A)(6) of section 1923.02 and 150833
section 1923.051 of the Revised Code, "tenant" includes a 150834
manufactured home park resident. 150835

(2) "Landlord" means the owner, lessor, or sublessor of 150836
premises, or the agent or person the landlord authorizes to manage 150837
premises or to receive rent from a tenant under a rental 150838
agreement, except, if required by the facts of the action to which 150839
the term is applied, "landlord" means a park operator. 150840

(3) "Resident" has the same meaning as in section 4781.01 of 150841
the Revised Code. 150842

(4) "Residential premises" has the same meaning as in section 150843
5321.01 of the Revised Code, except, if required by the facts of 150844
the action to which the term is applied, "residential premises" 150845
has the same meaning as in section 4781.01 of the Revised Code. 150846

(5) "Rental agreement" means any agreement or lease, written 150847
or oral, that establishes or modifies the terms, conditions, 150848
rules, or other provisions concerning the use or occupancy of 150849
premises by one of the parties to the agreement or lease, except 150850
that "rental agreement," as used in division (A)(13) of section 150851
1923.02 of the Revised Code and where the context requires as used 150852
in this chapter, means a rental agreement as defined in division 150853
(D) of section 5322.01 of the Revised Code. 150854

(6) "Controlled substance" has the same meaning as in section 150855
3719.01 of the Revised Code. 150856

(7) "School premises" has the same meaning as in section 150857
2925.01 of the Revised Code. 150858

(8) "Sexually oriented offense" and "child-victim oriented 150859
offense" have the same meanings as in section 2950.01 of the 150860
Revised Code. 150861

(9) "Recreational vehicle" and "mobile home" have the same 150862
meanings as in section 4501.01 of the Revised Code. 150863

(10) "Manufactured home" has the same meaning as in section 150864
3781.06 of the Revised Code. 150865

(11) "Manufactured home park" has the same meaning as in section 4781.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land.

(12) "Park operator" has the same meaning as in section 4781.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter 4781. of the Revised Code.

(13) "Personal property" means tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter.

(14) "Preschool or child ~~day-care~~ care center premises" has the same meaning as in section 2950.034 of the Revised Code.

Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:

(1) Against tenants or manufactured home park residents holding over their terms;

(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;

(3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which the sale was made;

(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;

(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:

(a) A tenant fails to vacate residential premises within three days after both of the following occur:

(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in this division. For purposes of this division, a landlord has "actual knowledge of or has reasonable cause to believe" that a tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described

in this division if a search warrant was issued pursuant to 150928
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 150929
affidavit presented to obtain the warrant named or described the 150930
tenant or person as the individual to be searched and particularly 150931
described the tenant's premises as the place to be searched, named 150932
or described one or more controlled substances to be searched for 150933
and seized, stated substantially the offense under Chapter 2925. 150934
or 3719. of the Revised Code or the substantially similar 150935
municipal ordinance that occurred in, is occurring in, or 150936
otherwise was or is connected with the tenant's premises, and 150937
states the factual basis for the affiant's belief that the 150938
controlled substances are located on the tenant's premises; the 150939
warrant was properly executed by a law enforcement officer and any 150940
controlled substance described in the affidavit was found by that 150941
officer during the search and seizure; and, subsequent to the 150942
search and seizure, the landlord was informed by that or another 150943
law enforcement officer of the fact that the tenant or person has 150944
or presently is engaged in a violation as described in this 150945
division and it occurred in, is occurring in, or otherwise was or 150946
is connected with the tenant's premises. 150947

(ii) The landlord gives the tenant the notice required by 150948
division (C) of section 5321.17 of the Revised Code. 150949

(b) The court determines, by a preponderance of the evidence, 150950
that the tenant, any person in the tenant's household, or any 150951
person on the premises with the consent of the tenant previously 150952
has or presently is engaged in a violation as described in 150953
division (A)(6)(a)(i) of this section. 150954

(7) In cases arising out of Chapter 5313. of the Revised 150955
Code. In those cases, the court has the authority to declare a 150956
forfeiture of the vendee's rights under a land installment 150957
contract and to grant any other claims arising out of the 150958
contract. 150959

(8) Against tenants who have breached an obligation that is imposed by section 5321.05 of the Revised Code, other than the obligation specified in division (A)(9) of that section, and that materially affects health and safety. Prior to the commencement of an action under this division, notice shall be given to the tenant and compliance secured with section 5321.11 of the Revised Code.

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(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;

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(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.

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(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the division of industrial compliance of the department of commerce, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 4781.45 of the Revised Code;

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(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator;

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(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code,

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who have breached the terms of a rental agreement or violated 150991
section 5322.04 of the Revised Code; 150992

(14) Against any resident or occupant who, pursuant to a 150993
rental agreement, resides in or occupies residential premises 150994
located within one thousand feet of any school premises, preschool 150995
or child ~~day-care~~ care center premises, children's crisis care 150996
facility premises, or residential infant care center premises and 150997
to whom both of the following apply: 150998

(a) The resident's or occupant's name appears on the state 150999
registry of sex offenders and child-victim offenders maintained 151000
under section 2950.13 of the Revised Code. 151001

(b) The state registry of sex offenders and child-victim 151002
offenders indicates that the resident or occupant was convicted of 151003
or pleaded guilty to a sexually oriented offense or a child-victim 151004
oriented offense in a criminal prosecution and was not sentenced 151005
to a serious youthful offender dispositional sentence for that 151006
offense. 151007

(15) Against any tenant who permits any person to occupy 151008
residential premises located within one thousand feet of any 151009
school premises, preschool or child ~~day-care~~ care center premises, 151010
children's crisis care facility premises, or residential infant 151011
care center premises if both of the following apply to the person: 151012

(a) The person's name appears on the state registry of sex 151013
offenders and child-victim offenders maintained under section 151014
2950.13 of the Revised Code. 151015

(b) The state registry of sex offenders and child-victim 151016
offenders indicates that the person was convicted of or pleaded 151017
guilty to a sexually oriented offense or a child-victim oriented 151018
offense in a criminal prosecution and was not sentenced to a 151019
serious youthful offender dispositional sentence for that offense. 151020

(B) If a tenant or manufactured home park resident holding 151021

under an oral tenancy is in default in the payment of rent, the 151022
tenant or resident forfeits the right of occupancy, and the 151023
landlord may, at the landlord's option, terminate the tenancy by 151024
notifying the tenant or resident, as provided in section 1923.04 151025
of the Revised Code, to leave the premises, for the restitution of 151026
which an action may then be brought under this chapter. 151027

(C)(1) If a tenant or any other person with the tenant's 151028
permission resides in or occupies residential premises that are 151029
located within one thousand feet of any school premises, 151030
children's crisis care facility premises, or residential infant 151031
care center premises and is a resident or occupant of the type 151032
described in division (A)(14) of this section or a person of the 151033
type described in division (A)(15) of this section, the landlord 151034
for those residential premises, upon discovery that the tenant or 151035
other person is a resident, occupant, or person of that nature, 151036
may terminate the rental agreement or tenancy for those 151037
residential premises by notifying the tenant and all other 151038
occupants, as provided in section 1923.04 of the Revised Code, to 151039
leave the premises. 151040

(2) If a landlord is authorized to terminate a rental 151041
agreement or tenancy pursuant to division (C)(1) of this section 151042
but does not so terminate the rental agreement or tenancy, the 151043
landlord is not liable in a tort or other civil action in damages 151044
for any injury, death, or loss to person or property that 151045
allegedly result from that decision. 151046

(D) This chapter does not apply to a student tenant as 151047
defined by division (H) of section 5321.01 of the Revised Code 151048
when the college or university proceeds to terminate a rental 151049
agreement pursuant to section 5321.031 of the Revised Code. 151050

(E) As used in this section, "children's crisis care facility 151051
premises" and "residential infant care center premises" have the 151052
same meanings as in section 2950.034 of the Revised Code. 151053

Sec. 2151.011. (A) As used in the Revised Code:	151054
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	151055 151056 151057
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;	151058 151059 151060 151061 151062
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	151063 151064 151065 151066
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	151067 151068
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	151069 151070
(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.	151071 151072 151073 151074 151075
(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:	151076 151077 151078 151079 151080
(a) Receives and cares for children for two or more consecutive weeks;	151081 151082
(b) Participates in the placement of children in certified	151083

foster homes;	151084
(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	151085 151086
(B) As used in this chapter:	151087
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	151088 151089 151090 151091 151092 151093
(2) "Adult" means an individual who is eighteen years of age or older.	151094 151095
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	151096 151097 151098 151099
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	151100 151101 151102 151103 151104 151105
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	151106 151107 151108
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that	151109 151110 151111 151112 151113

adjudication, a person who is so adjudicated an unruly child shall 151114
be deemed a "child" until the person attains twenty-one years of 151115
age. 151116

(7) "Child day camp," "child care," "child ~~day-care~~ care 151117
center," "part-time child ~~day-care~~ care center," "type A family 151118
~~day-care~~ child care home," "licensed type B family ~~day-care~~ child 151119
care home," "type B family ~~day-care~~ child care home," 151120
"administrator of a child ~~day-care~~ care center," "administrator of 151121
a type A family ~~day-care~~ child care home," and "in-home aide" have 151122
the same meanings as in section 5104.01 of the Revised Code. 151123

(8) "Child care provider" means an individual who is a 151124
child-care staff member or administrator of a child ~~day-care~~ care 151125
center, a type A family ~~day-care~~ child care home, or a type B 151126
family ~~day-care~~ child care home, or an in-home aide or an 151127
individual who is licensed, is regulated, is approved, operates 151128
under the direction of, or otherwise is certified by the 151129
department of job and family services, department of developmental 151130
disabilities, or the early childhood programs of the department of 151131
education. 151132

(9) "Commit" means to vest custody as ordered by the court. 151133

(10) "Counseling" includes both of the following: 151134

(a) General counseling services performed by a public 151135
children services agency or shelter for victims of domestic 151136
violence to assist a child, a child's parents, and a child's 151137
siblings in alleviating identified problems that may cause or have 151138
caused the child to be an abused, neglected, or dependent child. 151139

(b) Psychiatric or psychological therapeutic counseling 151140
services provided to correct or alleviate any mental or emotional 151141
illness or disorder and performed by a licensed psychiatrist, 151142
licensed psychologist, or a person licensed under Chapter 4757. of 151143
the Revised Code to engage in social work or professional 151144

counseling.	151145
(11) "Custodian" means a person who has legal custody of a	151146
child or a public children services agency or private child	151147
placing agency that has permanent, temporary, or legal custody of	151148
a child.	151149
(12) "Delinquent child" has the same meaning as in section	151150
2152.02 of the Revised Code.	151151
(13) "Detention" means the temporary care of children pending	151152
court adjudication or disposition, or execution of a court order,	151153
in a public or private facility designed to physically restrict	151154
the movement and activities of children.	151155
(14) "Developmental disability" has the same meaning as in	151156
section 5123.01 of the Revised Code.	151157
(15) "Differential response approach" means an approach that	151158
a public children services agency may use to respond to accepted	151159
reports of child abuse or neglect with either an alternative	151160
response or a traditional response.	151161
(16) "Foster caregiver" has the same meaning as in section	151162
5103.02 of the Revised Code.	151163
(17) "Guardian" means a person, association, or corporation	151164
that is granted authority by a probate court pursuant to Chapter	151165
2111. of the Revised Code to exercise parental rights over a child	151166
to the extent provided in the court's order and subject to the	151167
residual parental rights of the child's parents.	151168
(18) "Habitual truant" means any child of compulsory school	151169
age who is absent without legitimate excuse for absence from the	151170
public school the child is supposed to attend for thirty or more	151171
consecutive hours, forty-two or more hours in one school month, or	151172
seventy-two or more hours in a school year.	151173
(19) "Intellectual disability" has the same meaning as in	151174

section 5123.01 of the Revised Code.	151175
(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.	151176 151177
(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.	151178 151179 151180 151181 151182 151183 151184 151185 151186 151187
(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:	151188 151189 151190
(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;	151191 151192 151193
(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;	151194 151195 151196
(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.	151197 151198 151199
(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	151200 151201
(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code	151202 151203 151204

and is committed by the parent or other person responsible for the 151205
child's care. 151206

(25) "Nonsecure care, supervision, or training" means care, 151207
supervision, or training of a child in a facility that does not 151208
confine or prevent movement of the child within the facility or 151209
from the facility. 151210

(26) "Of compulsory school age" has the same meaning as in 151211
section 3321.01 of the Revised Code. 151212

(27) "Organization" means any institution, public, 151213
semipublic, or private, and any private association, society, or 151214
agency located or operating in the state, incorporated or 151215
unincorporated, having among its functions the furnishing of 151216
protective services or care for children, or the placement of 151217
children in certified foster homes or elsewhere. 151218

(28) "Out-of-home care" means detention facilities, shelter 151219
facilities, certified children's crisis care facilities, certified 151220
foster homes, placement in a prospective adoptive home prior to 151221
the issuance of a final decree of adoption, organizations, 151222
certified organizations, child ~~day-care~~ care centers, type A 151223
family ~~day-care~~ child care homes, type B family ~~day-care~~ child 151224
care homes, child care provided by in-home aides, group home 151225
providers, group homes, institutions, state institutions, 151226
residential facilities, residential care facilities, residential 151227
camps, day camps, private, nonprofit therapeutic wilderness camps, 151228
public schools, chartered nonpublic schools, educational service 151229
centers, hospitals, and medical clinics that are responsible for 151230
the care, physical custody, or control of children. 151231

(29) "Out-of-home care child abuse" means any of the 151232
following when committed by a person responsible for the care of a 151233
child in out-of-home care: 151234

(a) Engaging in sexual activity with a child in the person's 151235

care;	151236
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	151237 151238 151239
(c) Use of restraint procedures on a child that cause injury or pain;	151240 151241
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	151242 151243 151244
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	151245 151246 151247 151248 151249
(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	151250 151251 151252
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	151253 151254 151255
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	151256 151257 151258 151259
(c) Failure to develop a process for all of the following:	151260
(i) Administration of prescription drugs or psychotropic drugs for the child;	151261 151262
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	151263 151264
(iii) Reporting to the licensed physician who prescribed the	151265

drug all unfavorable or dangerous side effects from the use of the drug.	151266 151267
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	151268 151269 151270
(e) Confinement of the child to a locked room without monitoring by staff;	151271 151272
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	151273 151274
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	151275 151276 151277
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	151278 151279 151280 151281 151282 151283
(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	151284 151285 151286 151287 151288
(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.	151289 151290 151291
(34) "Person responsible for a child's care in out-of-home care" means any of the following:	151292 151293
(a) Any foster caregiver, in-home aide, or provider;	151294
(b) Any administrator, employee, or agent of any of the	151295

following: a public or private detention facility; shelter	151296
facility; certified children's crisis care facility; organization;	151297
certified organization; child day-care <u>care</u> center; type A family	151298
day-care <u>child care</u> home; licensed type B family day-care <u>child</u>	151299
<u>care</u> home; group home; institution; state institution; residential	151300
facility; residential care facility; residential camp; day camp;	151301
school district; community school; chartered nonpublic school;	151302
educational service center; hospital; or medical clinic;	151303
(c) Any person who supervises or coaches children as part of	151304
an extracurricular activity sponsored by a school district, public	151305
school, or chartered nonpublic school;	151306
(d) Any other person who performs a similar function with	151307
respect to, or has a similar relationship to, children.	151308
(35) "Physical impairment" means having one or more of the	151309
following conditions that substantially limit one or more of an	151310
individual's major life activities, including self-care, receptive	151311
and expressive language, learning, mobility, and self-direction:	151312
(a) A substantial impairment of vision, speech, or hearing;	151313
(b) A congenital orthopedic impairment;	151314
(c) An orthopedic impairment caused by disease, rheumatic	151315
fever or any other similar chronic or acute health problem, or	151316
amputation or another similar cause.	151317
(36) "Placement for adoption" means the arrangement by a	151318
public children services agency or a private child placing agency	151319
with a person for the care and adoption by that person of a child	151320
of whom the agency has permanent custody.	151321
(37) "Placement in foster care" means the arrangement by a	151322
public children services agency or a private child placing agency	151323
for the out-of-home care of a child of whom the agency has	151324
temporary custody or permanent custody.	151325

(38) "Planned permanent living arrangement" means an order of 151326
a juvenile court pursuant to which both of the following apply: 151327

(a) The court gives legal custody of a child to a public 151328
children services agency or a private child placing agency without 151329
the termination of parental rights. 151330

(b) The order permits the agency to make an appropriate 151331
placement of the child and to enter into a written agreement with 151332
a foster care provider or with another person or agency with whom 151333
the child is placed. 151334

(39) "Practice of social work" and "practice of professional 151335
counseling" have the same meanings as in section 4757.01 of the 151336
Revised Code. 151337

(40) "Private, nonprofit therapeutic wilderness camp" has the 151338
same meaning as in section 5103.02 of the Revised Code. 151339

(41) "Sanction, service, or condition" means a sanction, 151340
service, or condition created by court order following an 151341
adjudication that a child is an unruly child that is described in 151342
division (A)(4) of section 2152.19 of the Revised Code. 151343

(42) "Protective supervision" means an order of disposition 151344
pursuant to which the court permits an abused, neglected, 151345
dependent, or unruly child to remain in the custody of the child's 151346
parents, guardian, or custodian and stay in the child's home, 151347
subject to any conditions and limitations upon the child, the 151348
child's parents, guardian, or custodian, or any other person that 151349
the court prescribes, including supervision as directed by the 151350
court for the protection of the child. 151351

(43) "Psychiatrist" has the same meaning as in section 151352
5122.01 of the Revised Code. 151353

(44) "Psychologist" has the same meaning as in section 151354
4732.01 of the Revised Code. 151355

- (45) "Resource caregiver" has the same meaning as in section 151356
5103.02 of the Revised Code. 151357
- (46) "Resource family" has the same meaning as in section 151358
5103.02 of the Revised Code. 151359
- (47) "Residential camp" means a program in which the care, 151360
physical custody, or control of children is accepted overnight for 151361
recreational or recreational and educational purposes. 151362
- (48) "Residential care facility" means an institution, 151363
residence, or facility that is licensed by the department of 151364
mental health and addiction services under section 5119.34 of the 151365
Revised Code and that provides care for a child. 151366
- (49) "Residential facility" means a home or facility that is 151367
licensed by the department of developmental disabilities under 151368
section 5123.19 of the Revised Code and in which a child with a 151369
developmental disability resides. 151370
- (50) "Residual parental rights, privileges, and 151371
responsibilities" means those rights, privileges, and 151372
responsibilities remaining with the natural parent after the 151373
transfer of legal custody of the child, including, but not 151374
necessarily limited to, the privilege of reasonable visitation, 151375
consent to adoption, the privilege to determine the child's 151376
religious affiliation, and the responsibility for support. 151377
- (51) "School day" means the school day established by the 151378
board of education of the applicable school district pursuant to 151379
section 3313.481 of the Revised Code. 151380
- (52) "School year" has the same meaning as in section 3313.62 151381
of the Revised Code. 151382
- (53) "Secure correctional facility" means a facility under 151383
the direction of the department of youth services that is designed 151384
to physically restrict the movement and activities of children and 151385

used for the placement of children after adjudication and disposition. 151386
151387

(54) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code. 151388
151389

(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition. 151390
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(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 151393
151394

(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 151395
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(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. 151400
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(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days. 151406
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Sec. 2151.421. (A)(1)(a) No person described in division 151411
(A)(1)(b) of this section who is acting in an official or 151412
professional capacity and knows, or has reasonable cause to 151413
suspect based on facts that would cause a reasonable person in a 151414
similar position to suspect, that a child under eighteen years of 151415

age, or a person under twenty-one years of age with a 151416
developmental disability or physical impairment, has suffered or 151417
faces a threat of suffering any physical or mental wound, injury, 151418
disability, or condition of a nature that reasonably indicates 151419
abuse or neglect of the child shall fail to immediately report 151420
that knowledge or reasonable cause to suspect to the entity or 151421
persons specified in this division. Except as otherwise provided 151422
in this division or section 5120.173 of the Revised Code, the 151423
person making the report shall make it to the public children 151424
services agency or a peace officer in the county in which the 151425
child resides or in which the abuse or neglect is occurring or has 151426
occurred. If the person making the report is a peace officer, the 151427
officer shall make it to the public children services agency in 151428
the county in which the child resides or in which the abuse or 151429
neglect is occurring or has occurred. In the circumstances 151430
described in section 5120.173 of the Revised Code, the person 151431
making the report shall make it to the entity specified in that 151432
section. 151433

(b) Division (A)(1)(a) of this section applies to any person 151434
who is an attorney; health care professional; practitioner of a 151435
limited branch of medicine as specified in section 4731.15 of the 151436
Revised Code; licensed school psychologist; independent marriage 151437
and family therapist or marriage and family therapist; coroner; 151438
administrator or employee of a child ~~day-care~~ care center; 151439
administrator or employee of a residential camp, child day camp, 151440
or private, nonprofit therapeutic wilderness camp; administrator 151441
or employee of a certified child care agency or other public or 151442
private children services agency; school teacher; school employee; 151443
school authority; peace officer; humane society agent; dog warden, 151444
deputy dog warden, or other person appointed to act as an animal 151445
control officer for a municipal corporation or township in 151446
accordance with state law, an ordinance, or a resolution; person, 151447

other than a cleric, rendering spiritual treatment through prayer 151448
in accordance with the tenets of a well-recognized religion; 151449
employee of a county department of job and family services who is 151450
a professional and who works with children and families; 151451
superintendent or regional administrator employed by the 151452
department of youth services; superintendent, board member, or 151453
employee of a county board of developmental disabilities; 151454
investigative agent contracted with by a county board of 151455
developmental disabilities; employee of the department of 151456
developmental disabilities; employee of a facility or home that 151457
provides respite care in accordance with section 5123.171 of the 151458
Revised Code; employee of an entity that provides homemaker 151459
services; employee of a qualified organization as defined in 151460
section 2151.90 of the Revised Code; a host family as defined in 151461
section 2151.90 of the Revised Code; foster caregiver; a person 151462
performing the duties of an assessor pursuant to Chapter 3107. or 151463
5103. of the Revised Code; third party employed by a public 151464
children services agency to assist in providing child or family 151465
related services; court appointed special advocate; or guardian ad 151466
litem. 151467

(c) If two or more health care professionals, after providing 151468
health care services to a child, determine or suspect that the 151469
child has been or is being abused or neglected, the health care 151470
professionals may designate one of the health care professionals 151471
to report the abuse or neglect. A single report made under this 151472
division shall meet the reporting requirements of division (A)(1) 151473
of this section. 151474

(2) Except as provided in division (A)(3) of this section, an 151475
attorney or a physician is not required to make a report pursuant 151476
to division (A)(1) of this section concerning any communication 151477
the attorney or physician receives from a client or patient in an 151478
attorney-client or physician-patient relationship, if, in 151479

accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on

facts that would cause a reasonable person in a similar position 151511
to believe, that a child under eighteen years of age, or a person 151512
under twenty-one years of age with a developmental disability or 151513
physical impairment, has suffered or faces a threat of suffering 151514
any physical or mental wound, injury, disability, or condition of 151515
a nature that reasonably indicates abuse or neglect of the child, 151516
and who knows, or has reasonable cause to believe based on facts 151517
that would cause a reasonable person in a similar position to 151518
believe, that another cleric or another person, other than a 151519
volunteer, designated by a church, religious society, or faith 151520
acting as a leader, official, or delegate on behalf of the church, 151521
religious society, or faith caused, or poses the threat of 151522
causing, the wound, injury, disability, or condition that 151523
reasonably indicates abuse or neglect shall fail to immediately 151524
report that knowledge or reasonable cause to believe to the entity 151525
or persons specified in this division. Except as provided in 151526
section 5120.173 of the Revised Code, the person making the report 151527
shall make it to the public children services agency or a peace 151528
officer in the county in which the child resides or in which the 151529
abuse or neglect is occurring or has occurred. In the 151530
circumstances described in section 5120.173 of the Revised Code, 151531
the person making the report shall make it to the entity specified 151532
in that section. 151533

(b) Except as provided in division (A)(4)(c) of this section, 151534
a cleric is not required to make a report pursuant to division 151535
(A)(4)(a) of this section concerning any communication the cleric 151536
receives from a penitent in a cleric-penitent relationship, if, in 151537
accordance with division (C) of section 2317.02 of the Revised 151538
Code, the cleric could not testify with respect to that 151539
communication in a civil or criminal proceeding. 151540

(c) The penitent in a cleric-penitent relationship described 151541
in division (A)(4)(b) of this section is deemed to have waived any 151542

testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect

based on facts that would cause a reasonable person in similar 151574
circumstances to suspect, that a child under eighteen years of 151575
age, or a person under twenty-one years of age with a 151576
developmental disability or physical impairment, has suffered or 151577
faces a threat of suffering any physical or mental wound, injury, 151578
disability, or other condition of a nature that reasonably 151579
indicates abuse or neglect of the child may report or cause 151580
reports to be made of that knowledge or reasonable cause to 151581
suspect to the entity or persons specified in this division. 151582
Except as provided in section 5120.173 of the Revised Code, a 151583
person making a report or causing a report to be made under this 151584
division shall make it or cause it to be made to the public 151585
children services agency or to a peace officer. In the 151586
circumstances described in section 5120.173 of the Revised Code, a 151587
person making a report or causing a report to be made under this 151588
division shall make it or cause it to be made to the entity 151589
specified in that section. 151590

(C) Any report made pursuant to division (A) or (B) of this 151591
section shall be made forthwith either by telephone or in person 151592
and shall be followed by a written report, if requested by the 151593
receiving agency or officer. The written report shall contain: 151594

(1) The names and addresses of the child and the child's 151595
parents or the person or persons having custody of the child, if 151596
known; 151597

(2) The child's age and the nature and extent of the child's 151598
injuries, abuse, or neglect that is known or reasonably suspected 151599
or believed, as applicable, to have occurred or of the threat of 151600
injury, abuse, or neglect that is known or reasonably suspected or 151601
believed, as applicable, to exist, including any evidence of 151602
previous injuries, abuse, or neglect; 151603

(3) Any other information, including, but not limited to, 151604
results and reports of any medical examinations, tests, or 151605

procedures performed under division (D) of this section, that 151606
might be helpful in establishing the cause of the injury, abuse, 151607
or neglect that is known or reasonably suspected or believed, as 151608
applicable, to have occurred or of the threat of injury, abuse, or 151609
neglect that is known or reasonably suspected or believed, as 151610
applicable, to exist. 151611

(D)(1) Any person, who is required by division (A) of this 151612
section to report child abuse or child neglect that is known or 151613
reasonably suspected or believed to have occurred, may take or 151614
cause to be taken color photographs of areas of trauma visible on 151615
a child and, if medically necessary for the purpose of diagnosing 151616
or treating injuries that are suspected to have occurred as a 151617
result of child abuse or child neglect, perform or cause to be 151618
performed radiological examinations and any other medical 151619
examinations of, and tests or procedures on, the child. 151620

(2) The results and any available reports of examinations, 151621
tests, or procedures made under division (D)(1) of this section 151622
shall be included in a report made pursuant to division (A) of 151623
this section. Any additional reports of examinations, tests, or 151624
procedures that become available shall be provided to the public 151625
children services agency, upon request. 151626

(3) If a health care professional provides health care 151627
services in a hospital, children's advocacy center, or emergency 151628
medical facility to a child about whom a report has been made 151629
under division (A) of this section, the health care professional 151630
may take any steps that are reasonably necessary for the release 151631
or discharge of the child to an appropriate environment. Before 151632
the child's release or discharge, the health care professional may 151633
obtain information, or consider information obtained, from other 151634
entities or individuals that have knowledge about the child. 151635
Nothing in division (D)(3) of this section shall be construed to 151636
alter the responsibilities of any person under sections 2151.27 151637

and 2151.31 of the Revised Code. 151638

(4) A health care professional may conduct medical 151639
examinations, tests, or procedures on the siblings of a child 151640
about whom a report has been made under division (A) of this 151641
section and on other children who reside in the same home as the 151642
child, if the professional determines that the examinations, 151643
tests, or procedures are medically necessary to diagnose or treat 151644
the siblings or other children in order to determine whether 151645
reports under division (A) of this section are warranted with 151646
respect to such siblings or other children. The results of the 151647
examinations, tests, or procedures on the siblings and other 151648
children may be included in a report made pursuant to division (A) 151649
of this section. 151650

(5) Medical examinations, tests, or procedures conducted 151651
under divisions (D)(1) and (4) of this section and decisions 151652
regarding the release or discharge of a child under division 151653
(D)(3) of this section do not constitute a law enforcement 151654
investigation or activity. 151655

(E)(1) When a peace officer receives a report made pursuant 151656
to division (A) or (B) of this section, upon receipt of the 151657
report, the peace officer who receives the report shall refer the 151658
report to the appropriate public children services agency, in 151659
accordance with requirements specified under division (B)(6) of 151660
section 2151.4211 of the Revised Code, unless an arrest is made at 151661
the time of the report that results in the appropriate public 151662
children services agency being contacted concerning the possible 151663
abuse or neglect of a child or the possible threat of abuse or 151664
neglect of a child. 151665

(2) When a public children services agency receives a report 151666
pursuant to this division or division (A) or (B) of this section, 151667
upon receipt of the report, the public children services agency 151668
shall do all of the following: 151669

(a) Comply with section 2151.422 of the Revised Code; 151670

(b) If the county served by the agency is also served by a 151671
children's advocacy center and the report alleges sexual abuse of 151672
a child or another type of abuse of a child that is specified in 151673
the memorandum of understanding that creates the center as being 151674
within the center's jurisdiction, comply regarding the report with 151675
the protocol and procedures for referrals and investigations, with 151676
the coordinating activities, and with the authority or 151677
responsibility for performing or providing functions, activities, 151678
and services stipulated in the interagency agreement entered into 151679
under section 2151.428 of the Revised Code relative to that 151680
center; 151681

(c) Unless an arrest is made at the time of the report that 151682
results in the appropriate law enforcement agency being contacted 151683
concerning the possible abuse or neglect of a child or the 151684
possible threat of abuse or neglect of a child, and in accordance 151685
with requirements specified under division (B)(6) of section 151686
2151.4211 of the Revised Code, notify the appropriate law 151687
enforcement agency of the report, if the public children services 151688
agency received either of the following: 151689

(i) A report of abuse of a child; 151690

(ii) A report of neglect of a child that alleges a type of 151691
neglect identified by the department of job and family services in 151692
rules adopted under division (L)(2) of this section. 151693

(F) No peace officer shall remove a child about whom a report 151694
is made pursuant to this section from the child's parents, 151695
stepparents, or guardian or any other persons having custody of 151696
the child without consultation with the public children services 151697
agency, unless, in the judgment of the officer, and, if the report 151698
was made by physician, the physician, immediate removal is 151699
considered essential to protect the child from further abuse or 151700

neglect. The agency that must be consulted shall be the agency 151701
conducting the investigation of the report as determined pursuant 151702
to section 2151.422 of the Revised Code. 151703

(G)(1) Except as provided in section 2151.422 of the Revised 151704
Code or in an interagency agreement entered into under section 151705
2151.428 of the Revised Code that applies to the particular 151706
report, the public children services agency shall investigate, 151707
within twenty-four hours, each report of child abuse or child 151708
neglect that is known or reasonably suspected or believed to have 151709
occurred and of a threat of child abuse or child neglect that is 151710
known or reasonably suspected or believed to exist that is 151711
referred to it under this section to determine the circumstances 151712
surrounding the injuries, abuse, or neglect or the threat of 151713
injury, abuse, or neglect, the cause of the injuries, abuse, 151714
neglect, or threat, and the person or persons responsible. The 151715
investigation shall be made in cooperation with the law 151716
enforcement agency and in accordance with the memorandum of 151717
understanding prepared under sections 2151.4210 to 2151.4224 of 151718
the Revised Code. A representative of the public children services 151719
agency shall, at the time of initial contact with the person 151720
subject to the investigation, inform the person of the specific 151721
complaints or allegations made against the person. The information 151722
shall be given in a manner that is consistent with division (I)(1) 151723
of this section and protects the rights of the person making the 151724
report under this section. 151725

A failure to make the investigation in accordance with the 151726
memorandum is not grounds for, and shall not result in, the 151727
dismissal of any charges or complaint arising from the report or 151728
the suppression of any evidence obtained as a result of the report 151729
and does not give, and shall not be construed as giving, any 151730
rights or any grounds for appeal or post-conviction relief to any 151731
person. The public children services agency shall report each case 151732

to the uniform statewide automated child welfare information 151733
system that the department of job and family services shall 151734
maintain in accordance with section 5101.13 of the Revised Code. 151735
The public children services agency shall submit a report of its 151736
investigation, in writing, to the law enforcement agency. 151737

(2) The public children services agency shall make any 151738
recommendations to the county prosecuting attorney or city 151739
director of law that it considers necessary to protect any 151740
children that are brought to its attention. 151741

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 151742
(I)(3) of this section, any person, health care professional, 151743
hospital, institution, school, health department, or agency shall 151744
be immune from any civil or criminal liability for injury, death, 151745
or loss to person or property that otherwise might be incurred or 151746
imposed as a result of any of the following: 151747

(i) Participating in the making of reports pursuant to 151748
division (A) of this section or in the making of reports in good 151749
faith, pursuant to division (B) of this section; 151750

(ii) Participating in medical examinations, tests, or 151751
procedures under division (D) of this section; 151752

(iii) Providing information used in a report made pursuant to 151753
division (A) of this section or providing information in good 151754
faith used in a report made pursuant to division (B) of this 151755
section; 151756

(iv) Participating in a judicial proceeding resulting from a 151757
report made pursuant to division (A) of this section or 151758
participating in good faith in a proceeding resulting from a 151759
report made pursuant to division (B) of this section. 151760

(b) Immunity under division (H)(1)(a)(ii) of this section 151761
shall not apply when a health care provider has deviated from the 151762
standard of care applicable to the provider's profession. 151763

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject

to discovery in accordance with the Rules of Criminal Procedure. 151796

(2)(a) Except as provided in division (I)(2)(b) of this 151797
section, no person shall permit or encourage the unauthorized 151798
dissemination of the contents of any report made under this 151799
section. 151800

(b) A health care professional that obtains the same 151801
information contained in a report made under this section from a 151802
source other than the report may disseminate the information, if 151803
its dissemination is otherwise permitted by law. 151804

(3) A person who knowingly makes or causes another person to 151805
make a false report under division (B) of this section that 151806
alleges that any person has committed an act or omission that 151807
resulted in a child being an abused child or a neglected child is 151808
guilty of a violation of section 2921.14 of the Revised Code. 151809

(4) If a report is made pursuant to division (A) or (B) of 151810
this section and the child who is the subject of the report dies 151811
for any reason at any time after the report is made, but before 151812
the child attains eighteen years of age, the public children 151813
services agency or peace officer to which the report was made or 151814
referred, on the request of the child fatality review board, the 151815
suicide fatality review committee, or the director of health 151816
pursuant to guidelines established under section 3701.70 of the 151817
Revised Code, shall submit a summary sheet of information 151818
providing a summary of the report to the review board or review 151819
committee of the county in which the deceased child resided at the 151820
time of death or to the director. On the request of the review 151821
board, review committee, or director, the agency or peace officer 151822
may, at its discretion, make the report available to the review 151823
board, review committee, or director. If the county served by the 151824
public children services agency is also served by a children's 151825
advocacy center and the report of alleged sexual abuse of a child 151826
or another type of abuse of a child is specified in the memorandum 151827

of understanding that creates the center as being within the 151828
center's jurisdiction, the agency or center shall perform the 151829
duties and functions specified in this division in accordance with 151830
the interagency agreement entered into under section 2151.428 of 151831
the Revised Code relative to that advocacy center. 151832

(5) A public children services agency shall advise a person 151833
alleged to have inflicted abuse or neglect on a child who is the 151834
subject of a report made pursuant to this section, including a 151835
report alleging sexual abuse of a child or another type of abuse 151836
of a child referred to a children's advocacy center pursuant to an 151837
interagency agreement entered into under section 2151.428 of the 151838
Revised Code, in writing of the disposition of the investigation. 151839
The agency shall not provide to the person any information that 151840
identifies the person who made the report, statements of 151841
witnesses, or police or other investigative reports. 151842

(J) Any report that is required by this section, other than a 151843
report that is made to the state highway patrol as described in 151844
section 5120.173 of the Revised Code, shall result in protective 151845
services and emergency supportive services being made available by 151846
the public children services agency on behalf of the children 151847
about whom the report is made, in an effort to prevent further 151848
neglect or abuse, to enhance their welfare, and, whenever 151849
possible, to preserve the family unit intact. The agency required 151850
to provide the services shall be the agency conducting the 151851
investigation of the report pursuant to section 2151.422 of the 151852
Revised Code. 151853

(K)(1) Except as provided in division (K)(4) or (5) of this 151854
section, a person who is required to make a report under division 151855
(A) of this section may make a reasonable number of requests of 151856
the public children services agency that receives or is referred 151857
the report, or of the children's advocacy center that is referred 151858
the report if the report is referred to a children's advocacy 151859

center pursuant to an interagency agreement entered into under 151860
section 2151.428 of the Revised Code, to be provided with the 151861
following information: 151862

(a) Whether the agency or center has initiated an 151863
investigation of the report; 151864

(b) Whether the agency or center is continuing to investigate 151865
the report; 151866

(c) Whether the agency or center is otherwise involved with 151867
the child who is the subject of the report; 151868

(d) The general status of the health and safety of the child 151869
who is the subject of the report; 151870

(e) Whether the report has resulted in the filing of a 151871
complaint in juvenile court or of criminal charges in another 151872
court. 151873

(2)(a) A person may request the information specified in 151874
division (K)(1) of this section only if, at the time the report is 151875
made, the person's name, address, and telephone number are 151876
provided to the person who receives the report. 151877

(b) When a peace officer or employee of a public children 151878
services agency receives a report pursuant to division (A) or (B) 151879
of this section the recipient of the report shall inform the 151880
person of the right to request the information described in 151881
division (K)(1) of this section. The recipient of the report shall 151882
include in the initial child abuse or child neglect report that 151883
the person making the report was so informed and, if provided at 151884
the time of the making of the report, shall include the person's 151885
name, address, and telephone number in the report. 151886

(c) If the person making the report provides the person's 151887
name and contact information on making the report, the public 151888
children services agency that received or was referred the report 151889

shall send a written notice via United States mail or electronic 151890
mail, in accordance with the person's preference, to the person 151891
not later than seven calendar days after receipt of the report. 151892
The notice shall provide the status of the agency's investigation 151893
into the report made, who the person may contact at the agency for 151894
further information, and a description of the person's rights 151895
under division (K)(1) of this section. 151896

(d) Each request is subject to verification of the identity 151897
of the person making the report. If that person's identity is 151898
verified, the agency shall provide the person with the information 151899
described in division (K)(1) of this section a reasonable number 151900
of times, except that the agency shall not disclose any 151901
confidential information regarding the child who is the subject of 151902
the report other than the information described in those 151903
divisions. 151904

(3) A request made pursuant to division (K)(1) of this 151905
section is not a substitute for any report required to be made 151906
pursuant to division (A) of this section. 151907

(4) If an agency other than the agency that received or was 151908
referred the report is conducting the investigation of the report 151909
pursuant to section 2151.422 of the Revised Code, the agency 151910
conducting the investigation shall comply with the requirements of 151911
division (K) of this section. 151912

(5) A health care professional who made a report under 151913
division (A) of this section, or on whose behalf such a report was 151914
made as provided in division (A)(1)(c) of this section, may 151915
authorize a person to obtain the information described in division 151916
(K)(1) of this section if the person requesting the information is 151917
associated with or acting on behalf of the health care 151918
professional who provided health care services to the child about 151919
whom the report was made. 151920

(6) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

(L)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(2) Not later than ninety days after ~~the effective date of this amendment~~ May 30, 2022, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the

maker is not the defendant or an agent or employee of the 151953
defendant, has been redacted. 151954

(N)(1) As used in this division: 151955

(a) "Out-of-home care" includes a nonchartered nonpublic 151956
school if the alleged child abuse or child neglect, or alleged 151957
threat of child abuse or child neglect, described in a report 151958
received by a public children services agency allegedly occurred 151959
in or involved the nonchartered nonpublic school and the alleged 151960
perpetrator named in the report holds a certificate, permit, or 151961
license issued by the state board of education under section 151962
3301.071 or Chapter 3319. of the Revised Code. 151963

(b) "Administrator, director, or other chief administrative 151964
officer" means the superintendent of the school district if the 151965
out-of-home care entity subject to a report made pursuant to this 151966
section is a school operated by the district. 151967

(2) No later than the end of the day following the day on 151968
which a public children services agency receives a report of 151969
alleged child abuse or child neglect, or a report of an alleged 151970
threat of child abuse or child neglect, that allegedly occurred in 151971
or involved an out-of-home care entity, the agency shall provide 151972
written notice of the allegations contained in and the person 151973
named as the alleged perpetrator in the report to the 151974
administrator, director, or other chief administrative officer of 151975
the out-of-home care entity that is the subject of the report 151976
unless the administrator, director, or other chief administrative 151977
officer is named as an alleged perpetrator in the report. If the 151978
administrator, director, or other chief administrative officer of 151979
an out-of-home care entity is named as an alleged perpetrator in a 151980
report of alleged child abuse or child neglect, or a report of an 151981
alleged threat of child abuse or child neglect, that allegedly 151982
occurred in or involved the out-of-home care entity, the agency 151983
shall provide the written notice to the owner or governing board 151984

of the out-of-home care entity that is the subject of the report. 151985
The agency shall not provide witness statements or police or other 151986
investigative reports. 151987

(3) No later than three days after the day on which a public 151988
children services agency that conducted the investigation as 151989
determined pursuant to section 2151.422 of the Revised Code makes 151990
a disposition of an investigation involving a report of alleged 151991
child abuse or child neglect, or a report of an alleged threat of 151992
child abuse or child neglect, that allegedly occurred in or 151993
involved an out-of-home care entity, the agency shall send written 151994
notice of the disposition of the investigation to the 151995
administrator, director, or other chief administrative officer and 151996
the owner or governing board of the out-of-home care entity. The 151997
agency shall not provide witness statements or police or other 151998
investigative reports. 151999

(0) As used in this section: 152000

(1) "Children's advocacy center" and "sexual abuse of a 152001
child" have the same meanings as in section 2151.425 of the 152002
Revised Code. 152003

(2) "Health care professional" means an individual who 152004
provides health-related services including a physician, hospital 152005
intern or resident, dentist, podiatrist, registered nurse, 152006
licensed practical nurse, visiting nurse, licensed psychologist, 152007
speech pathologist, audiologist, person engaged in social work or 152008
the practice of professional counseling, and employee of a home 152009
health agency. "Health care professional" does not include a 152010
practitioner of a limited branch of medicine as specified in 152011
section 4731.15 of the Revised Code, licensed school psychologist, 152012
independent marriage and family therapist or marriage and family 152013
therapist, or coroner. 152014

(3) "Investigation" means the public children services 152015

agency's response to an accepted report of child abuse or neglect 152016
through either an alternative response or a traditional response. 152017

(4) "Peace officer" means a sheriff, deputy sheriff, 152018
constable, police officer of a township or joint police district, 152019
marshal, deputy marshal, municipal police officer, or a state 152020
highway patrol trooper. 152021

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 152022
entity that appoints or employs any person responsible for a 152023
child's care in out-of-home care shall request the superintendent 152024
of BCII to conduct a criminal records check with respect to any 152025
person who is under final consideration for appointment or 152026
employment as a person responsible for a child's care in 152027
out-of-home care. The request shall be made at the time of initial 152028
application for appointment or employment and every four years 152029
thereafter. If the out-of-home care entity is a public school, 152030
educational service center, or chartered nonpublic school, then 152031
section 3319.39 of the Revised Code shall apply instead. If the 152032
out-of-home care entity is a child ~~day-care~~ care center, type A 152033
family ~~day-care~~ child care home, type B family ~~day-care~~ child care 152034
home, certified in-home aide, or child day camp, then section 152035
5104.013 of the Revised Code shall apply instead. 152036

(2) At the times specified in this division, the 152037
administrative director of an agency, or attorney, who arranges an 152038
adoption for a prospective adoptive parent shall request the 152039
superintendent of BCII to conduct a criminal records check with 152040
respect to that prospective adoptive parent and a criminal records 152041
check with respect to all persons eighteen years of age or older 152042
who reside with the prospective adoptive parent. The 152043
administrative director or attorney shall request a criminal 152044
records check pursuant to this division at the time of the initial 152045
home study, every four years after the initial home study at the 152046

time of an update, and at the time that an adoptive home study is 152047
completed as a new home study. 152048

(3) Before a recommending agency submits a recommendation to 152049
the department of job and family services on whether the 152050
department should issue a certificate to a foster home under 152051
section 5103.03 of the Revised Code, and every four years 152052
thereafter prior to a recertification under that section, the 152053
administrative director of the agency shall request that the 152054
superintendent of BCII conduct a criminal records check with 152055
respect to the prospective foster caregiver and a criminal records 152056
check with respect to all other persons eighteen years of age or 152057
older who reside with the foster caregiver. 152058

(B)(1) When the appointing or hiring officer requests, at the 152059
time of initial application for appointment or employment, a 152060
criminal records check for a person subject to division (A)(1) of 152061
this section, the officer shall request that the superintendent of 152062
BCII obtain information from the federal bureau of investigation 152063
as part of the criminal records check, including fingerprint-based 152064
checks of national crime information databases as described in 42 152065
U.S.C. 671, for the person subject to the criminal records check. 152066
In all other cases in which the appointing or hiring officer 152067
requests a criminal records check for a person pursuant to 152068
division (A)(1) of this section, the officer may request that the 152069
superintendent of BCII obtain information from the federal bureau 152070
of investigation as part of the criminal records check, including 152071
fingerprint-based checks of national crime information databases 152072
as described in 42 U.S.C. 671, for the person subject to the 152073
criminal records check. 152074

When the administrative director of an agency, or attorney, 152075
who arranges an adoption for a prospective parent requests, at the 152076
time of the initial home study, a criminal records check for a 152077
person pursuant to division (A)(2) of this section, the 152078

administrative director or attorney shall request that the 152079
superintendent of BCII obtain information from the federal bureau 152080
of investigation as part of the criminal records check, including 152081
fingerprint-based checks of national crime information databases 152082
as described in 42 U.S.C. 671, for the person subject to the 152083
criminal records check. In all other cases in which the 152084
administrative director of an agency, or attorney, who arranges an 152085
adoption for a prospective parent requests a criminal records 152086
check for a person pursuant to division (A)(2) of this section, 152087
the administrative director or attorney may request that the 152088
superintendent of BCII include information from the federal bureau 152089
of investigation in the criminal records check, including 152090
fingerprint-based checks of national crime information databases 152091
as described in 42 U.S.C. 671. 152092

When the administrative director of a recommending agency 152093
requests, before submitting a recommendation to the department of 152094
job and family services on whether the department should issue a 152095
certificate to a foster home under section 5103.03 of the Revised 152096
Code, a criminal records check for a person pursuant to division 152097
(A)(3) of this section, the administrative director shall request 152098
that the superintendent of BCII obtain information from the 152099
federal bureau of investigation as part of a criminal records 152100
check, including fingerprint-based checks of national crime 152101
information databases as described in 42 U.S.C. 671, for the 152102
person subject to the criminal records check. In all other cases 152103
in which the administrative director of a recommending agency 152104
requests a criminal records check for a person pursuant to 152105
division (A)(3) of this section, the administrative director may 152106
request that the superintendent of BCII include information from 152107
the federal bureau of investigation in the criminal records check, 152108
including fingerprint-based checks of national crime information 152109
databases as described in 42 U.S.C. 671. 152110

Prior to a hearing on a final decree of adoption or
interlocutory order of adoption by a probate court, the
administrative director of an agency, or an attorney, who arranges
an adoption for a prospective parent shall provide to the clerk of
the probate court either of the following:

(a) Any information received pursuant to a request made under
this division from the superintendent of BCII or the federal
bureau of investigation as part of the criminal records check,
including fingerprint-based checks of national crime information
databases as described in 42 U.S.C. 671, for the person subject to
the criminal records check;

(b) Written notification that the person subject to a
criminal records check pursuant to this division failed upon
request to provide the information necessary to complete the form
or failed to provide impressions of the person's fingerprints as
required under division (B)(2) of this section.

(2) An appointing or hiring officer, administrative director,
or attorney required by division (A) of this section to request a
criminal records check shall provide to each person subject to a
criminal records check a copy of the form prescribed pursuant to
division (C)(1) of section 109.572 of the Revised Code and a
standard impression sheet to obtain fingerprint impressions
prescribed pursuant to division (C)(2) of section 109.572 of the
Revised Code, obtain the completed form and impression sheet from
the person, and forward the completed form and impression sheet to
the superintendent of BCII at the time the criminal records check
is requested.

Any person subject to a criminal records check who receives
pursuant to this division a copy of the form prescribed pursuant
to division (C)(1) of section 109.572 of the Revised Code and a
copy of an impression sheet prescribed pursuant to division (C)(2)
of that section and who is requested to complete the form and

provide a set of fingerprint impressions shall complete the form 152143
or provide all the information necessary to complete the form and 152144
shall provide the impression sheet with the impressions of the 152145
person's fingerprints. If a person subject to a criminal records 152146
check, upon request, fails to provide the information necessary to 152147
complete the form or fails to provide impressions of the person's 152148
fingerprints, the appointing or hiring officer shall not appoint 152149
or employ the person as a person responsible for a child's care in 152150
out-of-home care, a probate court may not issue a final decree of 152151
adoption or an interlocutory order of adoption making the person 152152
an adoptive parent, and the department of job and family services 152153
shall not issue a certificate authorizing the prospective foster 152154
caregiver to operate a foster home. 152155

(C)(1) No appointing or hiring officer shall appoint or 152156
employ a person as a person responsible for a child's care in 152157
out-of-home care, the department of job and family services shall 152158
not issue a certificate under section 5103.03 of the Revised Code 152159
authorizing a prospective foster caregiver to operate a foster 152160
home, and no probate court shall issue a final decree of adoption 152161
or an interlocutory order of adoption making a person an adoptive 152162
parent if the person or, in the case of a prospective foster 152163
caregiver or prospective adoptive parent, any person eighteen 152164
years of age or older who resides with the prospective foster 152165
caregiver or prospective adoptive parent previously has been 152166
convicted of or pleaded guilty to any of the violations described 152167
in division (A)(4) of section 109.572 of the Revised Code, unless 152168
the person meets rehabilitation standards established in rules 152169
adopted under division (F) of this section. 152170

(2) Prior to certification or recertification under section 152171
5103.03 of the Revised Code, the prospective foster caregiver 152172
subject to a criminal records check under division (A)(3) of this 152173
section shall notify the recommending agency of the revocation of 152174

any foster home license, certificate, or other similar 152175
authorization in another state occurring within the five years 152176
prior to the date of application to become a foster caregiver in 152177
this state. The failure of a prospective foster caregiver to 152178
notify the recommending agency of any revocation of that type in 152179
another state that occurred within that five-year period shall be 152180
grounds for denial of the person's foster home application or the 152181
revocation of the person's foster home certification, whichever is 152182
applicable. If a person has had a revocation in another state 152183
within the five years prior to the date of the application, the 152184
department of job and family services shall not issue a foster 152185
home certificate to the prospective foster caregiver. 152186

(D) The appointing or hiring officer, administrative 152187
director, or attorney shall pay to the bureau of criminal 152188
identification and investigation the fee prescribed pursuant to 152189
division (C)(3) of section 109.572 of the Revised Code for each 152190
criminal records check conducted in accordance with that section 152191
upon a request pursuant to division (A) of this section. The 152192
officer, director, or attorney may charge the person subject to 152193
the criminal records check a fee for the costs the officer, 152194
director, or attorney incurs in obtaining the criminal records 152195
check. A fee charged under this division shall not exceed the 152196
amount of fees the officer, director, or attorney pays for the 152197
criminal records check. If a fee is charged under this division, 152198
the officer, director, or attorney shall notify the person who is 152199
the applicant at the time of the person's initial application for 152200
appointment or employment, an adoption to be arranged, or a 152201
certificate to operate a foster home of the amount of the fee and 152202
that, unless the fee is paid, the person who is the applicant will 152203
not be considered for appointment or employment or as an adoptive 152204
parent or foster caregiver. 152205

(E) The report of any criminal records check conducted by the 152206

bureau of criminal identification and investigation in accordance 152207
with section 109.572 of the Revised Code and pursuant to a request 152208
made under division (A) of this section is not a public record for 152209
the purposes of section 149.43 of the Revised Code and shall not 152210
be made available to any person other than the following: 152211

(1) The person who is the subject of the criminal records 152212
check or the person's representative; 152213

(2) The appointing or hiring officer, administrative 152214
director, or attorney requesting the criminal records check or the 152215
officer's, director's, or attorney's representative; 152216

(3) The department of job and family services, a county 152217
department of job and family services, or a public children 152218
services agency; 152219

(4) Any court, hearing officer, or other necessary individual 152220
involved in a case dealing with the denial of employment, a final 152221
decree of adoption or interlocutory order of adoption, or a foster 152222
home certificate. 152223

(F) The director of job and family services shall adopt rules 152224
in accordance with Chapter 119. of the Revised Code to implement 152225
this section. The rules shall include rehabilitation standards a 152226
person who has been convicted of or pleaded guilty to an offense 152227
listed in division (A)(4) of section 109.572 of the Revised Code 152228
must meet for an appointing or hiring officer to appoint or employ 152229
the person as a person responsible for a child's care in 152230
out-of-home care, a probate court to issue a final decree of 152231
adoption or interlocutory order of adoption making the person an 152232
adoptive parent, or the department to issue a certificate 152233
authorizing the prospective foster caregiver to operate a foster 152234
home or not revoke a foster home certificate for a violation 152235
specified in section 5103.0328 of the Revised Code. 152236

(G) An appointing or hiring officer, administrative director, 152237

or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised

Code, except that it does not include a prospective employee of 152269
the department of youth services or a person responsible for a 152270
child's care in a hospital or medical clinic other than a 152271
children's hospital. 152272

(4) "Person subject to a criminal records check" means the 152273
following: 152274

(a) A person who is under final consideration for appointment 152275
or employment as a person responsible for a child's care in 152276
out-of-home care; 152277

(b) A prospective or current adoptive parent; 152278

(c) A prospective or current foster caregiver; 152279

(d) A person eighteen years old or older who resides with a 152280
prospective or current foster caregiver or a prospective or 152281
current adoptive parent. 152282

(5) "Recommending agency" means a public children services 152283
agency, private child placing agency, or private noncustodial 152284
agency to which the department of job and family services has 152285
delegated a duty to inspect and approve foster homes. 152286

(6) "Superintendent of BCII" means the superintendent of the 152287
bureau of criminal identification and investigation. 152288

Sec. 2919.223. As used in sections 2919.223 to 2919.227 of 152289
the Revised Code: 152290

(A) "Child care," "child ~~day-care~~ care center," "in-home 152291
aide," "type A family ~~day-care~~ child care home," and "type B 152292
family ~~day-care~~ child care home" have the same meanings as in 152293
section 5104.01 of the Revised Code. 152294

(B) "Child care center licensee" means the owner of a child 152295
~~day-care~~ care center licensed pursuant to Chapter 5104. of the 152296
Revised Code who is responsible for ensuring the center's 152297

compliance with Chapter 5104. of the Revised Code and rules 152298
adopted pursuant to that chapter. 152299

(C) "Child care facility" means a child ~~day-care~~ care center, 152300
a type A family ~~day-care~~ child care home, or a type B family 152301
~~day-care~~ child care home. 152302

(D) "Child care provider" means any of the following: 152303

(1) An owner, provider, administrator, or employee of, or 152304
volunteer at, a child care facility; 152305

(2) An in-home aide; 152306

(3) A person who represents that the person provides child 152307
care. 152308

(E) "Peace officer" has the same meaning as in section 152309
2935.01 of the Revised Code. 152310

Sec. 2919.224. (A) No child care provider shall knowingly 152311
misrepresent any factor or condition that relates to the provision 152312
of child care and that substantially affects the health or safety 152313
of any child or children in that provider's facility or receiving 152314
child care from that provider to any of the following: 152315

(1) A parent, guardian, custodian, or other person 152316
responsible for the care of a child in the provider's facility or 152317
receiving child care from the provider; 152318

(2) A parent, guardian, custodian, or other person 152319
responsible for the care of a child who is considering the 152320
provider as a child care provider for the child; 152321

(3) A public official responsible for issuing the provider a 152322
license or certificate to provide child care; 152323

(4) A public official investigating or inquiring about the 152324
provision of child care by the provider; 152325

(5) A peace officer. 152326

(B) For the purposes of this section, "any factor or condition that relates to the provision of child care" includes, but is not limited to, the following:

(1) The person or persons who will provide child care to the child of the parent, guardian, custodian, or other person responsible for the care of the child, or to the children in general;

(2) The qualifications to provide child care of the child care provider, of a person employed by the provider, or of a person who provides child care as a volunteer;

(3) The number of children to whom child care is provided at one time or the number of children receiving child care in the child care facility at one time;

(4) The conditions or safety features of the child care facility;

(5) The area of the child care facility in which child ~~day-care~~ care is provided.

(C) Whoever violates division (A) of this section is guilty of misrepresentation by a child care provider, a misdemeanor of the first degree.

Sec. 2919.225. (A) Subject to division (C) of this section, no owner, provider, or administrator of a type A family ~~day-care~~ child care home or type B family ~~day-care~~ child care home, knowing that the event described in division (A)(1) or (2) of this section has occurred, shall accept a child into that home without first disclosing to the parent, guardian, custodian, or other person responsible for the care of that child any of the following that has occurred:

(1) A child died while under the care of the home or while receiving child care from the owner, provider, or administrator or

died as a result of injuries suffered while under the care of the 152357
home or while receiving child care from the owner, provider, or 152358
administrator. 152359

(2) Within the preceding ten years, a child suffered injuries 152360
while under the care of the home or while receiving child care 152361
from the owner, provider, or administrator, and those injuries led 152362
to the child being hospitalized for more than twenty-four hours. 152363

(B)(1) Subject to division (C) of this section, no owner, 152364
provider, or administrator of a type A family ~~day-care~~ child care 152365
home or type B family ~~day-care~~ child care home shall fail to 152366
provide notice in accordance with division (B)(3) of this section 152367
to the persons and entities specified in division (B)(2) of this 152368
section, of any of the following that occurs: 152369

(a) A child who is under the care of the home or is receiving 152370
child care from the owner, provider, or administrator dies while 152371
under the care of the home or while receiving child care from the 152372
owner, provider, or administrator or dies as a result of injuries 152373
suffered while under the care of the home or while receiving child 152374
~~day-care~~ care from the owner, provider, or administrator. 152375

(b) A child who is under the care of the home or is receiving 152376
child care from the owner, provider, or administrator is 152377
hospitalized for more than twenty-four hours as a result of 152378
injuries suffered while under the care of the home or while 152379
receiving child care from the owner, provider, or administrator. 152380

(2) An owner, provider, or administrator of a home shall 152381
provide the notices required under division (B)(1) of this section 152382
to each of the following: 152383

(a) For each child who, at the time of the injury or death 152384
for which the notice is required, is receiving or is enrolled to 152385
receive child care at the home or from the owner, provider, or 152386
administrator, to the parent, guardian, custodian, or other person 152387

responsible for the care of the child; 152388

(b) If the notice is required as the result of the death of a 152389
child as described in division (B)(1)(a) of this section, to the 152390
public children services agency of the county in which the home is 152391
located or the child care was given, a municipal or county peace 152392
officer in the county in which the child resides or in which the 152393
home is located or the child care was given, and the child 152394
fatality review board appointed under section 307.621 of the 152395
Revised Code that serves the county in which the home is located 152396
or the child care was given. 152397

(3) An owner, provider, or administrator of a home shall 152398
provide the notices required by divisions (B)(1) and (2) of this 152399
section not later than forty-eight hours after the child dies or, 152400
regarding a child who is hospitalized for more than twenty-four 152401
hours as a result of injuries suffered while under the care of the 152402
home, not later than forty-eight hours after the child suffers the 152403
injuries. If a child is hospitalized for more than twenty-four 152404
hours as a result of injuries suffered while under the care of the 152405
home, and the child subsequently dies as a result of those 152406
injuries, the owner, provider, or administrator shall provide 152407
separate notices under divisions (B)(1) and (2) of this section 152408
regarding both the injuries and the death. All notices provided 152409
under divisions (B)(1) and (2) of this section shall state that 152410
the death or injury occurred. 152411

(C) Division (A) of this section does not require more than 152412
one person to make disclosures to the same parent, guardian, 152413
custodian, or other person responsible for the care of a child 152414
regarding any single injury or death for which disclosure is 152415
required under that division. Division (B) of this section does 152416
not require more than one person to give notices to the same 152417
parent, guardian, custodian, other person responsible for the care 152418
of the child, public children services agency, peace officer, or 152419

child fatality review board regarding any single injury or death 152420
for which disclosure is required under division (B)(1) of this 152421
section. 152422

(D) An owner, provider, or administrator of a type A family 152423
~~day-care~~ child care home or type B family ~~day-care~~ child care home 152424
is not subject to civil liability solely for making a disclosure 152425
required by this section. 152426

(E) Whoever violates division (A) or (B) of this section is 152427
guilty of failure of a type A or type B family ~~day-care~~ child care 152428
home to disclose the death or serious injury of a child, a 152429
misdemeanor of the fourth degree. 152430

Sec. 2919.226. (A) If a child care provider accurately 152431
answers the questions on a child care disclosure form that is in 152432
substantially the form set forth in division (B) of this section, 152433
presents the form to a person identified in division (A)(1) or (2) 152434
of section 2919.224 of the Revised Code, and obtains the person's 152435
signature on the acknowledgement in the form, to the extent that 152436
the information set forth on the form is accurate, the provider 152437
who presents the form is not subject to prosecution under division 152438
(A) of section 2919.224 of the Revised Code regarding presentation 152439
of that information to that person. 152440

An owner, provider, or administrator of a type A family 152441
~~day-care~~ child care home or a type B family ~~day-care~~ child care 152442
home may comply with division (A) of section 2919.225 of the 152443
Revised Code by accurately answering the questions on a child care 152444
disclosure form that is in substantially the form set forth in 152445
division (B) of this section, providing a copy of the form to the 152446
parent, guardian, custodian, or other person responsible for the 152447
care of a child and to whom disclosure is to be made under 152448
division (A) of section 2919.225 of the Revised Code, and 152449
obtaining the person's signature on the acknowledgement in the 152450

form. 152451

The use of the form set forth in division (B) of this section 152452
is discretionary and is not required to comply with any disclosure 152453
requirement contained in section 2919.225 of the Revised Code or 152454
for any purpose related to section 2919.224 of the Revised Code. 152455

(B) To be sufficient for the purposes described in division 152456
(A) of this section, a child care disclosure form shall be in 152457
substantially the following form: 152458

"CHILD CARE DISCLOSURE FORM 152459

Please Note: This form contains information that is accurate 152460
only at the time the form is given to you. The information 152461
provided in this form is likely to change over time. It is the 152462
duty of the person responsible for the care of the child to 152463
monitor the status of child care services to ensure that those 152464
services remain satisfactory. If a question on this form is left 152465
unanswered, the child care provider makes no assertion regarding 152466
the question. Choosing appropriate child care for a child is a 152467
serious responsibility, and the person responsible for the care of 152468
the child is encouraged to make all appropriate inquiries. Also, 152469
in acknowledging receipt of this form, the person responsible for 152470
the care of the child acknowledges that in selecting the child 152471
care provider the person is not relying on any representations 152472
other than those provided in this form unless the child care 152473
provider has acknowledged the other representations in writing. 152474

1. What are the names and qualifications to provide child 152475
care of: (a) the child care provider, (b) the employee who will 152476
provide child care to the applicant child, (c) the volunteer who 152477
will provide child care to the applicant child, and (d) any other 152478
employees or volunteers of the child care provider? (attach 152479
additional sheets if necessary): 152480

..... 152481

.....	152482
.....	152483
2. What is the maximum number of children to whom you provide	152484
child care at one time? (If children are divided into groups or	152485
classes, please describe the maximum number of children in each	152486
group or class and indicate the group or class in which the	152487
applicant child will be placed.):	152488
.....	152489
.....	152490
.....	152491
3. Where in the home will you provide child care to the	152492
applicant child?:	152493
.....	152494
.....	152495
.....	152496
4. Has a child died while in the care of, or receiving child	152497
care from, the child care provider? (Yes/No)	152498
Description/explanation (attach additional sheets if	152499
necessary)	152500
.....	152501
.....	152502
.....	152503
5. Has a child died as a result of injuries suffered while	152504
under the care of, or receiving child care from, the child	152505
day-care <u>care</u> provider? (Yes/No)	152506
Description/explanation (attach additional sheets if	152507
necessary)	152508
.....	152509
.....	152510
.....	152511
6. Within the preceding ten years, has a child suffered	152512

injuries while under the care of, or receiving child care from, 152513
the child care provider that led to the child being hospitalized 152514
for more than 24 hours? (Yes/No) 152515

Description/explanation (attach additional sheets if 152516
necessary) 152517
..... 152518
..... 152519
..... 152520
..... 152521

Signature of person completing form Date 152522
..... 152523

Name of person completing form 152524
(Typed or printed) 152525
..... 152526

Title of person completing form 152527
(Typed or printed) 152528

Acknowledgement: 152529

I hereby acknowledge that I have been given a copy of the 152530
preceding document and have read and understood its contents. I 152531
further acknowledge that I am not relying on any other 152532
representations in selecting the child care provider unless the 152533
child care provider has acknowledged the other representations in 152534
writing. 152535

..... 152536
Person receiving the form Date" 152537

(C) If a child care provider accurately answers the questions 152538
on a disclosure form that is substantially similar to the form 152539
described in division (B) of this section, presents the form to a 152540
person identified in division (A)(1) or (2) of section 2919.224 of 152541
the Revised Code, and obtains the person's signature on the 152542
acknowledgement in the form, to the extent that the information 152543
set forth on the form is accurate, the form is sufficient for the 152544

purposes described in division (A) of this section. 152545

An owner, provider, or administrator of a type A family 152546
~~day-care~~ child care home or a type B family ~~day-care~~ child care 152547
home who accurately answers the questions on a disclosure form 152548
that is substantially similar to the form described in division 152549
(B) of this section, provides a copy of the completed form to the 152550
parent, guardian, custodian, or other person who is responsible 152551
for the care of a child and to whom disclosure is to be made under 152552
division (A) of section 2919.225 of the Revised Code, and obtains 152553
the person's signature on the acknowledgement in the form complies 152554
with the requirements of that division. If the owner, provider, or 152555
administrator uses the disclosure form, leaving a portion of the 152556
disclosure form blank does not constitute a misrepresentation for 152557
the purposes of section 2919.224 of the Revised Code but may 152558
constitute a violation of section 2919.225 of the Revised Code. 152559
The owner, provider, or administrator of a type A family ~~day-care~~ 152560
child care home or type B family ~~day-care~~ child care home who 152561
completes the disclosure form and provides a copy of the form to 152562
any person described in section 2919.224 or 2919.225 of the 152563
Revised Code may retain a copy of the completed form. 152564

Sec. 2923.124. As used in sections 2923.124 to 2923.1213 of 152565
the Revised Code: 152566

(A) "Application form" means the application form prescribed 152567
pursuant to division (A)(1) of section 109.731 of the Revised Code 152568
and includes a copy of that form. 152569

(B) "Competency certification" and "competency certificate" 152570
mean a document of the type described in division (B)(3) of 152571
section 2923.125 of the Revised Code. 152572

(C) "Detention facility" has the same meaning as in section 152573
2921.01 of the Revised Code. 152574

(D) "Licensee" means a person to whom a concealed handgun license has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a concealed handgun license on a temporary emergency basis has been issued under section 2923.1213 of the Revised Code and a person to whom a concealed handgun license has been issued by another state.

(E) "License fee" or "license renewal fee" means the fee for a concealed handgun license or the fee to renew that license that is to be paid by an applicant for a license of that type.

(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(H) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code.

(I) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.

(J) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(K) "Child ~~day-care~~ care center," "type A family ~~day-care~~ child care home" and "type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code.

(L) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.

(M) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.

(N) "Motor carrier enforcement unit" has the same meaning as

in section 2923.16 of the Revised Code. 152605

Sec. 2923.126. (A) A concealed handgun license that is issued 152606
under section 2923.125 of the Revised Code shall expire five years 152607
after the date of issuance. A licensee who has been issued a 152608
license under that section shall be granted a grace period of 152609
thirty days after the licensee's license expires during which the 152610
licensee's license remains valid. Except as provided in divisions 152611
(B) and (C) of this section, a licensee who has been issued a 152612
concealed handgun license under section 2923.125 or 2923.1213 of 152613
the Revised Code may carry a concealed handgun anywhere in this 152614
state if the license is valid when the licensee is in actual 152615
possession of a concealed handgun. The licensee shall give notice 152616
of any change in the licensee's residence address to the sheriff 152617
who issued the license within forty-five days after that change. 152618
152619

(B) A valid concealed handgun license does not authorize the 152620
licensee to carry a concealed handgun in any manner prohibited 152621
under division (B) of section 2923.12 of the Revised Code or in 152622
any manner prohibited under section 2923.16 of the Revised Code. A 152623
valid license does not authorize the licensee to carry a concealed 152624
handgun into any of the following places: 152625

(1) A police station, sheriff's office, or state highway 152626
patrol station, premises controlled by the bureau of criminal 152627
identification and investigation; a state correctional 152628
institution, jail, workhouse, or other detention facility; any 152629
area of an airport passenger terminal that is beyond a passenger 152630
or property screening checkpoint or to which access is restricted 152631
through security measures by the airport authority or a public 152632
agency; or an institution that is maintained, operated, managed, 152633
and governed pursuant to division (A) of section 5119.14 of the 152634
Revised Code or division (A)(1) of section 5123.03 of the Revised 152635

Code; 152636

(2) A school safety zone if the licensee's carrying the 152637
concealed handgun is in violation of section 2923.122 of the 152638
Revised Code; 152639

(3) A courthouse or another building or structure in which a 152640
courtroom is located if the licensee's carrying the concealed 152641
handgun is in violation of section 2923.123 of the Revised Code; 152642

(4) Any premises or open air arena for which a D permit has 152643
been issued under Chapter 4303. of the Revised Code if the 152644
licensee's carrying the concealed handgun is in violation of 152645
section 2923.121 of the Revised Code; 152646

(5) Any premises owned or leased by any public or private 152647
college, university, or other institution of higher education, 152648
unless the handgun is in a locked motor vehicle or the licensee is 152649
in the immediate process of placing the handgun in a locked motor 152650
vehicle or unless the licensee is carrying the concealed handgun 152651
pursuant to a written policy, rule, or other authorization that is 152652
adopted by the institution's board of trustees or other governing 152653
body and that authorizes specific individuals or classes of 152654
individuals to carry a concealed handgun on the premises; 152655

(6) Any church, synagogue, mosque, or other place of worship, 152656
unless the church, synagogue, mosque, or other place of worship 152657
posts or permits otherwise; 152658

(7) Any building that is a government facility of this state 152659
or a political subdivision of this state and that is not a 152660
building that is used primarily as a shelter, restroom, parking 152661
facility for motor vehicles, or rest facility and is not a 152662
courthouse or other building or structure in which a courtroom is 152663
located that is subject to division (B)(3) of this section, unless 152664
the governing body with authority over the building has enacted a 152665
statute, ordinance, or policy that permits a licensee to carry a 152666

concealed handgun into the building; 152667

(8) A place in which federal law prohibits the carrying of 152668
handguns. 152669

(C)(1) Nothing in this section shall negate or restrict a 152670
rule, policy, or practice of a private employer that is not a 152671
private college, university, or other institution of higher 152672
education concerning or prohibiting the presence of firearms on 152673
the private employer's premises or property, including motor 152674
vehicles owned by the private employer. Nothing in this section 152675
shall require a private employer of that nature to adopt a rule, 152676
policy, or practice concerning or prohibiting the presence of 152677
firearms on the private employer's premises or property, including 152678
motor vehicles owned by the private employer. 152679

(2)(a) A private employer shall be immune from liability in a 152680
civil action for any injury, death, or loss to person or property 152681
that allegedly was caused by or related to a licensee bringing a 152682
handgun onto the premises or property of the private employer, 152683
including motor vehicles owned by the private employer, unless the 152684
private employer acted with malicious purpose. A private employer 152685
is immune from liability in a civil action for any injury, death, 152686
or loss to person or property that allegedly was caused by or 152687
related to the private employer's decision to permit a licensee to 152688
bring, or prohibit a licensee from bringing, a handgun onto the 152689
premises or property of the private employer. 152690

(b) A political subdivision shall be immune from liability in 152691
a civil action, to the extent and in the manner provided in 152692
Chapter 2744. of the Revised Code, for any injury, death, or loss 152693
to person or property that allegedly was caused by or related to a 152694
licensee bringing a handgun onto any premises or property owned, 152695
leased, or otherwise under the control of the political 152696
subdivision. As used in this division, "political subdivision" has 152697
the same meaning as in section 2744.01 of the Revised Code. 152698

(c) An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(d) A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation.

(3)(a) Except as provided in division (C)(3)(b) of this section and section 2923.1214 of the Revised Code, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those

premises. Except as otherwise provided in this division, a person 152731
who knowingly violates a posted prohibition of that nature is 152732
guilty of criminal trespass in violation of division (A)(4) of 152733
section 2911.21 of the Revised Code and is guilty of a misdemeanor 152734
of the fourth degree. If a person knowingly violates a posted 152735
prohibition of that nature and the posted land or premises 152736
primarily was a parking lot or other parking facility, the person 152737
is not guilty of criminal trespass under section 2911.21 of the 152738
Revised Code or under any other criminal law of this state or 152739
criminal law, ordinance, or resolution of a political subdivision 152740
of this state, and instead is subject only to a civil cause of 152741
action for trespass based on the violation. 152742

If a person knowingly violates a posted prohibition of the 152743
nature described in this division and the posted land or premises 152744
is a child ~~day-care~~ care center, type A family ~~day-care~~ child care 152745
home, or type B family ~~day-care~~ child care home, unless the person 152746
is a licensee who resides in a type A family ~~day-care~~ child care 152747
home or type B family ~~day-care~~ child care home, the person is 152748
guilty of aggravated trespass in violation of section 2911.211 of 152749
the Revised Code. Except as otherwise provided in this division, 152750
the offender is guilty of a misdemeanor of the first degree. If 152751
the person previously has been convicted of a violation of this 152752
division or of any offense of violence, if the weapon involved is 152753
a firearm that is either loaded or for which the offender has 152754
ammunition ready at hand, or if the weapon involved is dangerous 152755
ordnance, the offender is guilty of a felony of the fourth degree. 152756

(b) A landlord may not prohibit or restrict a tenant who is a 152757
licensee and who on or after September 9, 2008, enters into a 152758
rental agreement with the landlord for the use of residential 152759
premises, and the tenant's guest while the tenant is present, from 152760
lawfully carrying or possessing a handgun on those residential 152761
premises. 152762

(c) As used in division (C)(3) of this section: 152763

(i) "Residential premises" has the same meaning as in section 152764
5321.01 of the Revised Code, except "residential premises" does 152765
not include a dwelling unit that is owned or operated by a college 152766
or university. 152767

(ii) "Landlord," "tenant," and "rental agreement" have the 152768
same meanings as in section 5321.01 of the Revised Code. 152769

(D) A person who holds a valid concealed handgun license 152770
issued by another state that is recognized by the attorney general 152771
pursuant to a reciprocity agreement entered into pursuant to 152772
section 109.69 of the Revised Code or a person who holds a valid 152773
concealed handgun license under the circumstances described in 152774
division (B) of section 109.69 of the Revised Code has the same 152775
right to carry a concealed handgun in this state as a person who 152776
was issued a concealed handgun license under section 2923.125 of 152777
the Revised Code and is subject to the same restrictions that 152778
apply to a person who has been issued a license under that section 152779
that is valid at the time in question. 152780

(E)(1) A peace officer has the same right to carry a 152781
concealed handgun in this state as a person who was issued a 152782
concealed handgun license under section 2923.125 of the Revised 152783
Code, provided that the officer when carrying a concealed handgun 152784
under authority of this division is carrying validating 152785
identification. For purposes of reciprocity with other states, a 152786
peace officer shall be considered to be a licensee in this state. 152787

(2) An active duty member of the armed forces of the United 152788
States who is carrying a valid military identification card and 152789
documentation of successful completion of firearms training that 152790
meets or exceeds the training requirements described in division 152791
(G)(1) of section 2923.125 of the Revised Code has the same right 152792
to carry a concealed handgun in this state as a person who was 152793

issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

(3) A tactical medical professional who is qualified to carry firearms while on duty under section 109.771 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code.

(F)(1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section shall be considered to be a licensee in this state.

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not

for reasons of mental instability. 152826

(ii) Before retiring from service as a peace officer with 152827
that agency, the person was authorized to engage in or supervise 152828
the prevention, detection, investigation, or prosecution of, or 152829
the incarceration of any person for, any violation of law and the 152830
person had statutory powers of arrest. 152831

(iii) At the time of the person's retirement as a peace 152832
officer with that agency, the person was trained and qualified to 152833
carry firearms in the performance of the peace officer's duties. 152834

(iv) Before retiring from service as a peace officer with 152835
that agency, the person was regularly employed as a peace officer 152836
for an aggregate of fifteen years or more, or, in the alternative, 152837
the person retired from service as a peace officer with that 152838
agency, after completing any applicable probationary period of 152839
that service, due to a service-connected disability, as determined 152840
by the agency. 152841

(b) A retired peace officer identification card issued to a 152842
person under division (F)(2)(a) of this section shall identify the 152843
person by name, contain a photograph of the person, identify the 152844
public agency of this state or of the political subdivision of 152845
this state from which the person retired as a peace officer and 152846
that is issuing the identification card, and specify that the 152847
person retired in good standing from service as a peace officer 152848
with the issuing public agency and satisfies the criteria set 152849
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 152850
addition to the required content specified in this division, a 152851
retired peace officer identification card issued to a person under 152852
division (F)(2)(a) of this section may include the firearms 152853
requalification certification described in division (F)(3) of this 152854
section, and if the identification card includes that 152855
certification, the identification card shall serve as the firearms 152856
requalification certification for the retired peace officer. If 152857

the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set

forth in divisions (F)(2)(a)(i) to (iv) of this section 152890
satisfactorily completes such a firearms requalification program, 152891
the retired peace officer shall be issued a firearms 152892
requalification certification that identifies the retired peace 152893
officer by name, identifies the entity that taught the program, 152894
specifies that the retired peace officer successfully completed 152895
the program, specifies the date on which the course was 152896
successfully completed, and specifies that the requalification is 152897
valid for five years from that date of successful completion. The 152898
firearms requalification certification for a retired peace officer 152899
may be included in the retired peace officer identification card 152900
issued to the retired peace officer under division (F)(2) of this 152901
section. 152902

A retired peace officer who attends a firearms 152903
requalification program that is approved for purposes of firearms 152904
requalification required under section 109.801 of the Revised Code 152905
may be required to pay the cost of the program. 152906

(G) As used in this section: 152907

(1) "Qualified retired peace officer" means a person who 152908
satisfies all of the following: 152909

(a) The person satisfies the criteria set forth in divisions 152910
(F)(2)(a)(i) to (v) of this section. 152911

(b) The person is not under the influence of alcohol or 152912
another intoxicating or hallucinatory drug or substance. 152913

(c) The person is not prohibited by federal law from 152914
receiving firearms. 152915

(2) "Retired peace officer identification card" means an 152916
identification card that is issued pursuant to division (F)(2) of 152917
this section to a person who is a retired peace officer. 152918

(3) "Government facility of this state or a political 152919

subdivision of this state" means any of the following: 152920

(a) A building or part of a building that is owned or leased 152921
by the government of this state or a political subdivision of this 152922
state and where employees of the government of this state or the 152923
political subdivision regularly are present for the purpose of 152924
performing their official duties as employees of the state or 152925
political subdivision; 152926

(b) The office of a deputy registrar serving pursuant to 152927
Chapter 4503. of the Revised Code that is used to perform deputy 152928
registrar functions. 152929

(4) "Governing body" has the same meaning as in section 152930
154.01 of the Revised Code. 152931

(5) "Tactical medical professional" has the same meaning as 152932
in section 109.71 of the Revised Code. 152933

(6) "Validating identification" means photographic 152934
identification issued by the agency for which an individual serves 152935
as a peace officer that identifies the individual as a peace 152936
officer of the agency. 152937

(7) "Nonprofit corporation" means any private organization 152938
that is exempt from federal income taxation pursuant to subsection 152939
501(a) and described in subsection 501(c) of the Internal Revenue 152940
Code. 152941

Sec. 2950.034. (A) No person who has been convicted of, is 152942
convicted of, has pleaded guilty to, or pleads guilty to a 152943
sexually oriented offense or a child-victim oriented offense shall 152944
establish a residence or occupy residential premises within one 152945
thousand feet of any school premises, preschool or child ~~day-care~~ 152946
care center premises, children's crisis care facility premises, or 152947
residential infant care center premises. 152948

(B) If a person to whom division (A) of this section applies 152949

violates division (A) of this section by establishing a residence 152950
or occupying residential premises within one thousand feet of any 152951
school premises, preschool or child ~~day-care~~ care center premises, 152952
children's crisis care facility premises, or residential infant 152953
care center premises, an owner or lessee of real property that is 152954
located within one thousand feet of those school premises, 152955
preschool or child ~~day-care~~ care center premises, children's 152956
crisis care facility premises, or residential infant care center 152957
premises, or the prosecuting attorney, village solicitor, city or 152958
township director of law, similar chief legal officer of a 152959
municipal corporation or township, or official designated as a 152960
prosecutor in a municipal corporation that has jurisdiction over 152961
the place at which the person establishes the residence or 152962
occupies the residential premises in question, has a cause of 152963
action for injunctive relief against the person. The plaintiff 152964
shall not be required to prove irreparable harm in order to obtain 152965
the relief. 152966

(C) As used in this section: 152967

(1) "Child ~~day-care~~ care center" has the same meaning as in 152968
section 5104.01 of the Revised Code. 152969

(2) "Children's crisis care facility" has the same meaning as 152970
in section 5103.13 of the Revised Code. 152971

(3) "Children's crisis care facility premises" means both of 152972
the following: 152973

(a) The parcel of real property on which any children's 152974
crisis care facility is situated; 152975

(b) Any grounds, play areas, and other facilities of a 152976
children's crisis care facility that are regularly used by the 152977
children served by the facility. 152978

(4) "Preschool" means any public or private institution or 152979
center that provides early childhood instructional or educational 152980

services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child ~~day-care~~ care setting.

"Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.

(5) "Preschool or child ~~day-care~~ care center premises" means all of the following:

(a) Any building in which any preschool or child ~~day-care~~ care center activities are conducted if the building has signage that indicates that the building houses a preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(b) The parcel of real property on which a preschool or child ~~day-care~~ care center is situated if the parcel of real property has signage that indicates that a preschool or child ~~day-care~~ care center is situated on the parcel, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(c) Any grounds, play areas, and other facilities of a preschool or child ~~day-care~~ care center that are regularly used by the children served by the preschool or child ~~day-care~~ care center if the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.

(6) "Residential infant care center" has the same meaning as

in section 5103.60 of the Revised Code. 153012

(7) "Residential infant care center premises" means both of 153013
the following: 153014

(a) The parcel of real property on which any residential 153015
infant care center is situated; 153016

(b) Any grounds, play areas, and other facilities of a 153017
residential infant care center that are regularly used by the 153018
children served by the center. 153019

Sec. 2950.11. (A) Regardless of when the sexually oriented 153020
offense or child-victim oriented offense was committed, if a 153021
person is convicted of, pleads guilty to, has been convicted of, 153022
or has pleaded guilty to a sexually oriented offense or a 153023
child-victim oriented offense or a person is or has been 153024
adjudicated a delinquent child for committing a sexually oriented 153025
offense or a child-victim oriented offense and is classified a 153026
juvenile offender registrant or is an out-of-state juvenile 153027
offender registrant based on that adjudication, and if the 153028
offender or delinquent child is in any category specified in 153029
division (F)(1)(a), (b), or (c) of this section, the sheriff with 153030
whom the offender or delinquent child has most recently registered 153031
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 153032
and the sheriff to whom the offender or delinquent child most 153033
recently sent a notice of intent to reside under section 2950.04 153034
or 2950.041 of the Revised Code, within the period of time 153035
specified in division (C) of this section, shall provide a written 153036
notice containing the information set forth in division (B) of 153037
this section to all of the persons described in divisions (A)(1) 153038
to (10) of this section. If the sheriff has sent a notice to the 153039
persons described in those divisions as a result of receiving a 153040
notice of intent to reside and if the offender or delinquent child 153041
registers a residence address that is the same residence address 153042

described in the notice of intent to reside, the sheriff is not 153043
required to send an additional notice when the offender or 153044
delinquent child registers. The sheriff shall provide the notice 153045
to all of the following persons: 153046

(1)(a) Any occupant of each residential unit that is located 153047
within one thousand feet of the offender's or delinquent child's 153048
residential premises, that is located within the county served by 153049
the sheriff, and that is not located in a multi-unit building. 153050
Division (D)(3) of this section applies regarding notices required 153051
under this division. 153052

(b) If the offender or delinquent child resides in a 153053
multi-unit building, any occupant of each residential unit that is 153054
located in that multi-unit building and that shares a common 153055
hallway with the offender or delinquent child. For purposes of 153056
this division, an occupant's unit shares a common hallway with the 153057
offender or delinquent child if the entrance door into the 153058
occupant's unit is located on the same floor and opens into the 153059
same hallway as the entrance door to the unit the offender or 153060
delinquent child occupies. Division (D)(3) of this section applies 153061
regarding notices required under this division. 153062

(c) The building manager, or the person the building owner or 153063
condominium unit owners association authorizes to exercise 153064
management and control, of each multi-unit building that is 153065
located within one thousand feet of the offender's or delinquent 153066
child's residential premises, including a multi-unit building in 153067
which the offender or delinquent child resides, and that is 153068
located within the county served by the sheriff. In addition to 153069
notifying the building manager or the person authorized to 153070
exercise management and control in the multi-unit building under 153071
this division, the sheriff shall post a copy of the notice 153072
prominently in each common entryway in the building and any other 153073
location in the building the sheriff determines appropriate. The 153074

manager or person exercising management and control of the 153075
building shall permit the sheriff to post copies of the notice 153076
under this division as the sheriff determines appropriate. In lieu 153077
of posting copies of the notice as described in this division, a 153078
sheriff may provide notice to all occupants of the multi-unit 153079
building by mail or personal contact; if the sheriff so notifies 153080
all the occupants, the sheriff is not required to post copies of 153081
the notice in the common entryways to the building. Division 153082
(D)(3) of this section applies regarding notices required under 153083
this division. 153084

(d) All additional persons who are within any category of 153085
neighbors of the offender or delinquent child that the attorney 153086
general by rule adopted under section 2950.13 of the Revised Code 153087
requires to be provided the notice and who reside within the 153088
county served by the sheriff; 153089

(2) The executive director of the public children services 153090
agency that has jurisdiction within the specified geographical 153091
notification area and that is located within the county served by 153092
the sheriff; 153093

(3)(a) The superintendent of each board of education of a 153094
school district that has schools within the specified geographical 153095
notification area and that is located within the county served by 153096
the sheriff; 153097

(b) The principal of the school within the specified 153098
geographical notification area and within the county served by the 153099
sheriff that the delinquent child attends; 153100

(c) If the delinquent child attends a school outside of the 153101
specified geographical notification area or outside of the school 153102
district where the delinquent child resides, the superintendent of 153103
the board of education of a school district that governs the 153104
school that the delinquent child attends and the principal of the 153105

school that the delinquent child attends. 153106

(4)(a) The appointing or hiring officer of each chartered 153107
nonpublic school located within the specified geographical 153108
notification area and within the county served by the sheriff or 153109
of each other school located within the specified geographical 153110
notification area and within the county served by the sheriff and 153111
that is not operated by a board of education described in division 153112
(A)(3) of this section; 153113

(b) Regardless of the location of the school, the appointing 153114
or hiring officer of a chartered nonpublic school that the 153115
delinquent child attends. 153116

(5) The director, head teacher, elementary principal, or site 153117
administrator of each preschool program governed by Chapter 3301. 153118
of the Revised Code that is located within the specified 153119
geographical notification area and within the county served by the 153120
sheriff; 153121

(6) The administrator of each child ~~day-care~~ care center or 153122
type A family ~~day-care~~ child care home that is located within the 153123
specified geographical notification area and within the county 153124
served by the sheriff, and each holder of a license to operate a 153125
type B family ~~day-care~~ child care home that is located within the 153126
specified geographical notification area and within the county 153127
served by the sheriff. As used in this division, "child ~~day-care~~ 153128
care center," "type A family ~~day-care~~ child care home," and "type 153129
B family ~~day-care~~ child care home" have the same meanings as in 153130
section 5104.01 of the Revised Code. 153131

(7) The president or other chief administrative officer of 153132
each institution of higher education, as defined in section 153133
2907.03 of the Revised Code, that is located within the specified 153134
geographical notification area and within the county served by the 153135
sheriff, and the chief law enforcement officer of the state 153136

university law enforcement agency or campus police department 153137
established under section 3345.04 or 1713.50 of the Revised Code, 153138
if any, that serves that institution; 153139

(8) The sheriff of each county that includes any portion of 153140
the specified geographical notification area; 153141

(9) If the offender or delinquent child resides within the 153142
county served by the sheriff, the chief of police, marshal, or 153143
other chief law enforcement officer of the municipal corporation 153144
in which the offender or delinquent child resides or, if the 153145
offender or delinquent child resides in an unincorporated area, 153146
the constable or chief of the police department or police district 153147
police force of the township in which the offender or delinquent 153148
child resides; 153149

(10) Volunteer organizations in which contact with minors or 153150
other vulnerable individuals might occur or any organization, 153151
company, or individual who requests notification as provided in 153152
division (J) of this section. 153153

(B) The notice required under division (A) of this section 153154
shall include all of the following information regarding the 153155
subject offender or delinquent child: 153156

(1) The offender's or delinquent child's name; 153157

(2) The address or addresses of the offender's or public 153158
registry-qualified juvenile offender registrant's residence, 153159
school, institution of higher education, or place of employment, 153160
as applicable, or the residence address or addresses of a 153161
delinquent child who is not a public registry-qualified juvenile 153162
offender registrant; 153163

(3) The sexually oriented offense or child-victim oriented 153164
offense of which the offender was convicted, to which the offender 153165
pleaded guilty, or for which the child was adjudicated a 153166
delinquent child; 153167

(4) A statement that identifies the category specified in 153168
division (F)(1)(a), (b), or (c) of this section that includes the 153169
offender or delinquent child and that subjects the offender or 153170
delinquent child to this section; 153171

(5) The offender's or delinquent child's photograph. 153172

(C) If a sheriff with whom an offender or delinquent child 153173
registers under section 2950.04, 2950.041, or 2950.05 of the 153174
Revised Code or to whom the offender or delinquent child most 153175
recently sent a notice of intent to reside under section 2950.04 153176
or 2950.041 of the Revised Code is required by division (A) of 153177
this section to provide notices regarding an offender or 153178
delinquent child and if, pursuant to that requirement, the sheriff 153179
provides a notice to a sheriff of one or more other counties in 153180
accordance with division (A)(8) of this section, the sheriff of 153181
each of the other counties who is provided notice under division 153182
(A)(8) of this section shall provide the notices described in 153183
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 153184
each person or entity identified within those divisions that is 153185
located within the specified geographical notification area and 153186
within the county served by the sheriff in question. 153187

(D)(1) A sheriff required by division (A) or (C) of this 153188
section to provide notices regarding an offender or delinquent 153189
child shall provide the notice to the neighbors that are described 153190
in division (A)(1) of this section and the notices to law 153191
enforcement personnel that are described in divisions (A)(8) and 153192
(9) of this section as soon as practicable, but no later than five 153193
days after the offender sends the notice of intent to reside to 153194
the sheriff and again no later than five days after the offender 153195
or delinquent child registers with the sheriff or, if the sheriff 153196
is required by division (C) of this section to provide the 153197
notices, no later than five days after the sheriff is provided the 153198
notice described in division (A)(8) of this section. 153199

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to 153232
occupants of a multi-unit building by mail or personal contact, 153233
the provision of one written notice per unit is deemed as 153234
providing notice to all occupants of that unit. 153235

(E) All information that a sheriff possesses regarding an 153236
offender or delinquent child who is in a category specified in 153237
division (F)(1)(a), (b), or (c) of this section that is described 153238
in division (B) of this section and that must be provided in a 153239
notice required under division (A) or (C) of this section or that 153240
may be provided in a notice authorized under division (D)(2) of 153241
this section is a public record that is open to inspection under 153242
section 149.43 of the Revised Code. 153243

The sheriff shall not cause to be publicly disseminated by 153244
means of the internet any of the information described in this 153245
division that is provided by a delinquent child unless that child 153246
is in a category specified in division (F)(1)(a), (b), or (c) of 153247
this section. 153248

(F)(1) Except as provided in division (F)(2) of this section, 153249
the duties to provide the notices described in divisions (A) and 153250
(C) of this section apply regarding any offender or delinquent 153251
child who is in any of the following categories: 153252

(a) The offender is a tier III sex offender/child-victim 153253
offender, or the delinquent child is a public registry-qualified 153254
juvenile offender registrant, and a juvenile court has not removed 153255
pursuant to section 2950.15 of the Revised Code the delinquent 153256
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 153257
and 2950.06 of the Revised Code. 153258

(b) The delinquent child is a tier III sex 153259
offender/child-victim offender who is not a public 153260
registry-qualified juvenile offender registrant, the delinquent 153261
child was subjected to this section prior to January 1, 2008, as a 153262

sexual predator, habitual sex offender, child-victim predator, or 153263
habitual child-victim offender, as those terms were defined in 153264
section 2950.01 of the Revised Code as it existed prior to January 153265
1, 2008, and a juvenile court has not removed pursuant to section 153266
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 153267
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 153268
the Revised Code. 153269

(c) The delinquent child is a tier III sex 153270
offender/child-victim offender who is not a public 153271
registry-qualified juvenile offender registrant, the delinquent 153272
child was classified a juvenile offender registrant on or after 153273
January 1, 2008, the court has imposed a requirement under section 153274
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 153275
delinquent child to this section, and a juvenile court has not 153276
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 153277
the delinquent child's duty to comply with sections 2950.04, 153278
2950.041, 2950.05, and 2950.06 of the Revised Code. 153279

(2) The notification provisions of this section do not apply 153280
to a person described in division (F)(1)(a), (b), or (c) of this 153281
section if a court finds at a hearing after considering the 153282
factors described in this division that the person would not be 153283
subject to the notification provisions of this section that were 153284
in the version of this section that existed immediately prior to 153285
January 1, 2008. In making the determination of whether a person 153286
would have been subject to the notification provisions under prior 153287
law as described in this division, the court shall consider the 153288
following factors: 153289

(a) The offender's or delinquent child's age; 153290

(b) The offender's or delinquent child's prior criminal or 153291
delinquency record regarding all offenses, including, but not 153292
limited to, all sexual offenses; 153293

(c) The age of the victim of the sexually oriented offense	153294
for which sentence is to be imposed or the order of disposition is	153295
to be made;	153296
(d) Whether the sexually oriented offense for which sentence	153297
is to be imposed or the order of disposition is to be made	153298
involved multiple victims;	153299
(e) Whether the offender or delinquent child used drugs or	153300
alcohol to impair the victim of the sexually oriented offense or	153301
to prevent the victim from resisting;	153302
(f) If the offender or delinquent child previously has been	153303
convicted of or pleaded guilty to, or been adjudicated a	153304
delinquent child for committing an act that if committed by an	153305
adult would be, a criminal offense, whether the offender or	153306
delinquent child completed any sentence or dispositional order	153307
imposed for the prior offense or act and, if the prior offense or	153308
act was a sex offense or a sexually oriented offense, whether the	153309
offender or delinquent child participated in available programs	153310
for sexual offenders;	153311
(g) Any mental illness or mental disability of the offender	153312
or delinquent child;	153313
(h) The nature of the offender's or delinquent child's sexual	153314
conduct, sexual contact, or interaction in a sexual context with	153315
the victim of the sexually oriented offense and whether the sexual	153316
conduct, sexual contact, or interaction in a sexual context was	153317
part of a demonstrated pattern of abuse;	153318
(i) Whether the offender or delinquent child, during the	153319
commission of the sexually oriented offense for which sentence is	153320
to be imposed or the order of disposition is to be made, displayed	153321
cruelty or made one or more threats of cruelty;	153322
(j) Whether the offender or delinquent child would have been	153323
a habitual sex offender or a habitual child victim offender under	153324

the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The ~~Ohio board~~ department of ~~regents~~ higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a

designee of a sheriff of that type, may request the department of 153356
job and family services, department of education, or ~~Ohio board~~ 153357
department of regents higher education, by telephone, in person, 153358
or by mail, to provide the sheriff or designee with the names, 153359
addresses, and telephone numbers of the appropriate persons and 153360
entities to whom the notices described in divisions (A)(2) to (7) 153361
of this section are to be provided. Upon receipt of a request, the 153362
department ~~or board~~ shall provide the requesting sheriff or 153363
designee with the names, addresses, and telephone numbers of the 153364
appropriate persons and entities to whom those notices are to be 153365
provided. 153366

(H)(1) Upon the motion of the offender or the prosecuting 153367
attorney of the county in which the offender was convicted of or 153368
pleaded guilty to the sexually oriented offense or child-victim 153369
oriented offense for which the offender is subject to community 153370
notification under this section, or upon the motion of the 153371
sentencing judge or that judge's successor in office, the judge 153372
may schedule a hearing to determine whether the interests of 153373
justice would be served by suspending the community notification 153374
requirement under this section in relation to the offender. The 153375
judge may dismiss the motion without a hearing but may not issue 153376
an order suspending the community notification requirement without 153377
a hearing. At the hearing, all parties are entitled to be heard, 153378
and the judge shall consider all of the factors set forth in 153379
division (K) of this section. If, at the conclusion of the 153380
hearing, the judge finds that the offender has proven by clear and 153381
convincing evidence that the offender is unlikely to commit in the 153382
future a sexually oriented offense or a child-victim oriented 153383
offense and if the judge finds that suspending the community 153384
notification requirement is in the interests of justice, the judge 153385
may suspend the application of this section in relation to the 153386
offender. The order shall contain both of these findings. 153387

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a

sexually violent predator; 153419

(b) A person who is convicted of or pleads guilty to a 153420
sexually oriented offense that is a violation of division 153421
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 153422
after January 2, 2007, and either who is sentenced under section 153423
2971.03 of the Revised Code or upon whom a sentence of life 153424
without parole is imposed under division (B) of section 2907.02 of 153425
the Revised Code; 153426

(c) A person who is convicted of or pleads guilty to a 153427
sexually oriented offense that is attempted rape committed on or 153428
after January 2, 2007, and who also is convicted of or pleads 153429
guilty to a specification of the type described in section 153430
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 153431

(d) A person who is convicted of or pleads guilty to an 153432
offense described in division (B)(3)(a), (b), (c), or (d) of 153433
section 2971.03 of the Revised Code and who is sentenced for that 153434
offense pursuant to that division; 153435

(e) An offender who is in a category specified in division 153436
(F)(1)(a), (b), or (c) of this section and who, subsequent to 153437
being subjected to community notification, has pleaded guilty to 153438
or been convicted of a sexually oriented offense or child-victim 153439
oriented offense. 153440

(I) If a person is convicted of, pleads guilty to, has been 153441
convicted of, or has pleaded guilty to a sexually oriented offense 153442
or a child-victim oriented offense or a person is or has been 153443
adjudicated a delinquent child for committing a sexually oriented 153444
offense or a child-victim oriented offense and is classified a 153445
juvenile offender registrant or is an out-of-state juvenile 153446
offender registrant based on that adjudication, and if the 153447
offender or delinquent child is not in any category specified in 153448
division (F)(1)(a), (b), or (c) of this section, the sheriff with 153449

whom the offender or delinquent child has most recently registered 153450
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 153451
and the sheriff to whom the offender or delinquent child most 153452
recently sent a notice of intent to reside under section 2950.04 153453
or 2950.041 of the Revised Code, within the period of time 153454
specified in division (D) of this section, shall provide a written 153455
notice containing the information set forth in division (B) of 153456
this section to the executive director of the public children 153457
services agency that has jurisdiction within the specified 153458
geographical notification area and that is located within the 153459
county served by the sheriff. 153460

(J) Each sheriff shall allow a volunteer organization or 153461
other organization, company, or individual who wishes to receive 153462
the notice described in division (A)(10) of this section regarding 153463
a specific offender or delinquent child or notice regarding all 153464
offenders and delinquent children who are located in the specified 153465
geographical notification area to notify the sheriff by electronic 153466
mail or through the sheriff's web site of this election. The 153467
sheriff shall promptly inform the bureau of criminal 153468
identification and investigation of these requests in accordance 153469
with the forwarding procedures adopted by the attorney general 153470
pursuant to section 2950.13 of the Revised Code. 153471

(K) In making a determination under division (H)(1) of this 153472
section as to whether to suspend the community notification 153473
requirement under this section for an offender, the judge shall 153474
consider all relevant factors, including, but not limited to, all 153475
of the following: 153476

(1) The offender's age; 153477

(2) The offender's prior criminal or delinquency record 153478
regarding all offenses, including, but not limited to, all 153479
sexually oriented offenses or child-victim oriented offenses; 153480

(3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed;	153481 153482
(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;	153483 153484
(5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting;	153485 153486 153487 153488
(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders;	153489 153490 153491 153492 153493 153494 153495 153496
(7) Any mental illness or mental disability of the offender;	153497
(8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;	153498 153499 153500 153501 153502 153503 153504 153505
(9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty;	153506 153507 153508 153509
(10) Any additional behavioral characteristics that contribute to the offender's conduct.	153510 153511

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.

Sec. 2950.13. (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful

offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section as those offenses existed at the time the person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section;

(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release;

(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code;	153575 153576 153577
(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware;	153578 153579 153580 153581 153582 153583 153584
(g) Fingerprints and palmprints of the person;	153585
(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;	153586 153587
(i) Whether the person has any outstanding arrest warrants;	153588
(j) Whether the person is in compliance with the person's duties under this chapter.	153589 153590
(2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;	153591 153592 153593 153594
(3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a	153595 153596 153597 153598 153599 153600 153601 153602 153603 153604 153605

request that specifies that the victim would like to be provided 153606
the notices described in divisions (A)(1) and (2) of section 153607
2950.10 of the Revised Code; 153608

(4) In consultation with local law enforcement 153609
representatives and through the bureau of criminal identification 153610
and investigation, prescribe the forms to be used by judges and 153611
officials pursuant to section 2950.03 or 2950.032 of the Revised 153612
Code to advise offenders and delinquent children of their duties 153613
of filing a notice of intent to reside, registration, notification 153614
of a change of residence, school, institution of higher education, 153615
or place of employment address and registration of the new school, 153616
institution of higher education, or place of employment address, 153617
as applicable, and address verification under sections 2950.04, 153618
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 153619
the forms to be used by sheriffs relative to those duties of 153620
filing a notice of intent to reside, registration, change of 153621
residence, school, institution of higher education, or place of 153622
employment address notification, and address verification; 153623

(5) Make copies of the forms prescribed under division (A)(4) 153624
of this section available to judges, officials, and sheriffs; 153625

(6) Through the bureau of criminal identification and 153626
investigation, provide the notifications, the information and 153627
materials, and the documents that the bureau is required to 153628
provide to appropriate law enforcement officials and to the 153629
federal bureau of investigation pursuant to sections 2950.04, 153630
2950.041, 2950.05, and 2950.06 of the Revised Code; 153631

(7) Through the bureau of criminal identification and 153632
investigation, maintain the verification forms returned under the 153633
address verification mechanism set forth in section 2950.06 of the 153634
Revised Code; 153635

(8) In consultation with representatives of the officials, 153636

judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised Code;

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care care centers, type A family day-care child care homes, licensed type B family day-care child care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed a sexually oriented offense or a child-victim oriented offense and registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code and for every

delinquent child who has committed a sexually oriented offense, is 153669
a public registry-qualified juvenile offender registrant, and 153670
registers in any county in this state pursuant to either such 153671
section. The bureau shall not include on the database the identity 153672
of any offender's or public registry-qualified juvenile offender 153673
registrant's victim, any offender's or public registry-qualified 153674
juvenile offender registrant's social security number, the name of 153675
any school or institution of higher education attended by any 153676
offender or public registry-qualified juvenile offender 153677
registrant, the name of the place of employment of any offender or 153678
public registry-qualified juvenile offender registrant, any 153679
tracking or identification number described in division (A)(1)(f) 153680
of this section, or any information described in division (C)(7) 153681
of section 2950.04 or 2950.041 of the Revised Code. The bureau 153682
shall provide on the database, for each offender and each public 153683
registry-qualified juvenile offender registrant, at least the 153684
information specified in divisions (A)(11)(a) to (h) of this 153685
section. Otherwise, the bureau shall determine the information to 153686
be provided on the database for each offender and public 153687
registry-qualified juvenile offender registrant and shall obtain 153688
that information from the information contained in the state 153689
registry of sex offenders and child-victim offenders described in 153690
division (A)(1) of this section, which information, while in the 153691
possession of the sheriff who provided it, is a public record open 153692
for inspection as described in section 2950.081 of the Revised 153693
Code. The database is a public record open for inspection under 153694
section 149.43 of the Revised Code, and it shall be searchable by 153695
offender or public registry-qualified juvenile offender registrant 153696
name, by county, by zip code, and by school district. The database 153697
shall provide a link to the web site of each sheriff who has 153698
established and operates on the internet a sex offender and 153699
child-victim offender database that contains information for 153700
offenders and public registry-qualified juvenile offender 153701

registrants who register in that county pursuant to section 153702
2950.04 or 2950.041 of the Revised Code, with the link being a 153703
direct link to the sex offender and child-victim offender database 153704
for the sheriff. The bureau shall provide on the database, for 153705
each offender and public registry-qualified juvenile offender 153706
registrant, at least the following information: 153707

(a) The information described in divisions (A)(1)(a), (b), 153708
(c), and (d) of this section relative to the offender or public 153709
registry-qualified juvenile offender registrant; 153710

(b) The address of the offender's or public 153711
registry-qualified juvenile offender registrant's school, 153712
institution of higher education, or place of employment provided 153713
in a registration form; 153714

(c) The information described in division (C)(6) of section 153715
2950.04 or 2950.041 of the Revised Code; 153716

(d) A chart describing which sexually oriented offenses and 153717
child-victim oriented offenses are included in the definitions of 153718
tier I sex offender/child-victim offender, tier II sex 153719
offender/child-victim offender, and tier III sex 153720
offender/child-victim offender; 153721

(e) Fingerprints and palmprints of the offender or public 153722
registry-qualified juvenile offender registrant and a DNA specimen 153723
from the offender or public registry-qualified juvenile offender 153724
registrant; 153725

(f) The information set forth in division (B) of section 153726
2950.11 of the Revised Code; 153727

(g) Any outstanding arrest warrants for the offender or 153728
public registry-qualified juvenile offender registrant; 153729

(h) The offender's or public registry-qualified juvenile 153730
offender registrant's compliance status with duties under this 153731

chapter. 153732

(12) Develop software to be used by sheriffs in establishing 153733
on the internet a sex offender and child-victim offender database 153734
for the public dissemination of some or all of the information and 153735
materials described in division (A) of section 2950.081 of the 153736
Revised Code that are public records under that division, that are 153737
not prohibited from inclusion by division (B) of that section, and 153738
that pertain to offenders and public registry-qualified juvenile 153739
offender registrants who register in the sheriff's county pursuant 153740
to section 2950.04 or 2950.041 of the Revised Code and for the 153741
public dissemination of information the sheriff receives pursuant 153742
to section 2950.14 of the Revised Code and, upon the request of 153743
any sheriff, provide technical guidance to the requesting sheriff 153744
in establishing on the internet such a database; 153745

(13) Through the bureau of criminal identification and 153746
investigation, not later than January 1, 2004, establish and 153747
operate on the internet a database that enables local law 153748
enforcement representatives to remotely search by electronic means 153749
the state registry of sex offenders and child-victim offenders 153750
described in division (A)(1) of this section and any information 153751
and materials the bureau receives pursuant to sections 2950.04, 153752
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 153753
database shall enable local law enforcement representatives to 153754
obtain detailed information regarding each offender and delinquent 153755
child who is included in the registry, including, but not limited 153756
to the offender's or delinquent child's name, aliases, residence 153757
address, name and address of any place of employment, school, 153758
institution of higher education, if applicable, license plate 153759
number of each vehicle identified in division (C)(5) of section 153760
2950.04 or 2950.041 of the Revised Code to the extent applicable, 153761
victim preference if available, date of most recent release from 153762
confinement if applicable, fingerprints, and palmprints, all of 153763

the information and material described in divisions (A)(1)(a) to 153764
(h) of this section regarding the offender or delinquent child, 153765
and other identification parameters the bureau considers 153766
appropriate. The database is not a public record open for 153767
inspection under section 149.43 of the Revised Code and shall be 153768
available only to law enforcement representatives as described in 153769
this division. Information obtained by local law enforcement 153770
representatives through use of this database is not open to 153771
inspection by the public or by any person other than a person 153772
identified in division (A) of section 2950.08 of the Revised Code. 153773

(14) Through the bureau of criminal identification and 153774
investigation, maintain a list of requests for notice about a 153775
specified offender or delinquent child or specified geographical 153776
notification area made pursuant to division (J) of section 2950.11 153777
of the Revised Code and, when an offender or delinquent child 153778
changes residence to another county, forward any requests for 153779
information about that specific offender or delinquent child to 153780
the appropriate sheriff; 153781

(15) Through the bureau of criminal identification and 153782
investigation, establish and operate a system for the immediate 153783
notification by electronic means of the appropriate officials in 153784
other states specified in this division each time an offender or 153785
delinquent child registers a residence, school, institution of 153786
higher education, or place of employment address under section 153787
2950.04 or 2950.041 of the Revised Code or provides a notice of a 153788
change of address or registers a new address under division (A) or 153789
(B) of section 2950.05 of the Revised Code. The immediate 153790
notification by electronic means shall be provided to the 153791
appropriate officials in each state in which the offender or 153792
delinquent child is required to register a residence, school, 153793
institution of higher education, or place of employment address. 153794
The notification shall contain the offender's or delinquent 153795

child's name and all of the information the bureau receives from 153796
the sheriff with whom the offender or delinquent child registered 153797
the address or provided the notice of change of address or 153798
registered the new address. 153799

(B) The attorney general in consultation with local law 153800
enforcement representatives, may adopt rules that establish one or 153801
more categories of neighbors of an offender or delinquent child 153802
who, in addition to the occupants of residential premises and 153803
other persons specified in division (A)(1) of section 2950.11 of 153804
the Revised Code, must be given the notice described in division 153805
(B) of that section. 153806

(C) No person, other than a local law enforcement 153807
representative, shall knowingly do any of the following: 153808

(1) Gain or attempt to gain access to the database 153809
established and operated by the attorney general, through the 153810
bureau of criminal identification and investigation, pursuant to 153811
division (A)(13) of this section. 153812

(2) Permit any person to inspect any information obtained 153813
through use of the database described in division (C)(1) of this 153814
section, other than as permitted under that division. 153815

(D) As used in this section, "local law enforcement 153816
representatives" means representatives of the sheriffs of this 153817
state, representatives of the municipal chiefs of police and 153818
marshals of this state, and representatives of the township 153819
constables and chiefs of police of the township police departments 153820
or police district police forces of this state. 153821

Sec. 3109.051. (A) If a divorce, dissolution, legal 153822
separation, or annulment proceeding involves a child and if the 153823
court has not issued a shared parenting decree, the court shall 153824
consider any mediation report filed pursuant to section 3109.052 153825

of the Revised Code and, in accordance with division (C) of this 153826
section, shall make a just and reasonable order or decree 153827
permitting each parent who is not the residential parent to have 153828
parenting time with the child at the time and under the conditions 153829
that the court directs, unless the court determines that it would 153830
not be in the best interest of the child to permit that parent to 153831
have parenting time with the child and includes in the journal its 153832
findings of fact and conclusions of law. Whenever possible, the 153833
order or decree permitting the parenting time shall ensure the 153834
opportunity for both parents to have frequent and continuing 153835
contact with the child, unless frequent and continuing contact by 153836
either parent with the child would not be in the best interest of 153837
the child. The court shall include in its final decree a specific 153838
schedule of parenting time for that parent. Except as provided in 153839
division (E)(6) of section 3113.31 of the Revised Code, if the 153840
court, pursuant to this section, grants parenting time to a parent 153841
or companionship or visitation rights to any other person with 153842
respect to any child, it shall not require the public children 153843
services agency to provide supervision of or other services 153844
related to that parent's exercise of parenting time or that 153845
person's exercise of companionship or visitation rights with 153846
respect to the child. This section does not limit the power of a 153847
juvenile court pursuant to Chapter 2151. of the Revised Code to 153848
issue orders with respect to children who are alleged to be 153849
abused, neglected, or dependent children or to make dispositions 153850
of children who are adjudicated abused, neglected, or dependent 153851
children or of a common pleas court to issue orders pursuant to 153852
section 3113.31 of the Revised Code. 153853

(B)(1) In a divorce, dissolution of marriage, legal 153854
separation, annulment, or child support proceeding that involves a 153855
child, the court may grant reasonable companionship or visitation 153856
rights to any grandparent, any person related to the child by 153857

consanguinity or affinity, or any other person other than a parent, if all of the following apply:

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights.

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.

(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.

(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or

visitation schedule, determining other parenting time matters 153889
under this section or section 3109.12 of the Revised Code or 153890
visitation matters under this section or under section 3109.11 or 153891
3109.12 of the Revised Code, and resolving any issues related to 153892
the making of any determination with respect to parenting time or 153893
visitation rights or the establishment of any specific parenting 153894
time or visitation schedule, the court, in its discretion, may 153895
interview in chambers any or all involved children regarding their 153896
wishes and concerns. If the court interviews any child concerning 153897
the child's wishes and concerns regarding those parenting time or 153898
visitation matters, the interview shall be conducted in chambers, 153899
and no person other than the child, the child's attorney, the 153900
judge, any necessary court personnel, and, in the judge's 153901
discretion, the attorney of each parent shall be permitted to be 153902
present in the chambers during the interview. No person shall 153903
obtain or attempt to obtain from a child a written or recorded 153904
statement or affidavit setting forth the wishes and concerns of 153905
the child regarding those parenting time or visitation matters. A 153906
court, in considering the factors listed in division (D) of this 153907
section for purposes of determining whether to grant any parenting 153908
time or visitation rights, establishing a parenting time or 153909
visitation schedule, determining other parenting time matters 153910
under this section or section 3109.12 of the Revised Code or 153911
visitation matters under this section or under section 3109.11 or 153912
3109.12 of the Revised Code, or resolving any issues related to 153913
the making of any determination with respect to parenting time or 153914
visitation rights or the establishment of any specific parenting 153915
time or visitation schedule, shall not accept or consider a 153916
written or recorded statement or affidavit that purports to set 153917
forth the child's wishes or concerns regarding those parenting 153918
time or visitation matters. 153919

(D) In determining whether to grant parenting time to a 153920
parent pursuant to this section or section 3109.12 of the Revised 153921

Code or companionship or visitation rights to a grandparent, 153922
relative, or other person pursuant to this section or section 153923
3109.11 or 3109.12 of the Revised Code, in establishing a specific 153924
parenting time or visitation schedule, and in determining other 153925
parenting time matters under this section or section 3109.12 of 153926
the Revised Code or visitation matters under this section or 153927
section 3109.11 or 3109.12 of the Revised Code, the court shall 153928
consider all of the following factors: 153929

(1) The prior interaction and interrelationships of the child 153930
with the child's parents, siblings, and other persons related by 153931
consanguinity or affinity, and with the person who requested 153932
companionship or visitation if that person is not a parent, 153933
sibling, or relative of the child; 153934

(2) The geographical location of the residence of each parent 153935
and the distance between those residences, and if the person is 153936
not a parent, the geographical location of that person's residence 153937
and the distance between that person's residence and the child's 153938
residence; 153939

(3) The child's and parents' available time, including, but 153940
not limited to, each parent's employment schedule, the child's 153941
school schedule, and the child's and the parents' holiday and 153942
vacation schedule; 153943

(4) The age of the child; 153944

(5) The child's adjustment to home, school, and community; 153945

(6) If the court has interviewed the child in chambers, 153946
pursuant to division (C) of this section, regarding the wishes and 153947
concerns of the child as to parenting time by the parent who is 153948
not the residential parent or companionship or visitation by the 153949
grandparent, relative, or other person who requested companionship 153950
or visitation, as to a specific parenting time or visitation 153951
schedule, or as to other parenting time or visitation matters, the 153952

wishes and concerns of the child, as expressed to the court;	153953
(7) The health and safety of the child;	153954
(8) The amount of time that will be available for the child to spend with siblings;	153955 153956
(9) The mental and physical health of all parties;	153957
(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;	153958 153959 153960 153961 153962
(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;	153963 153964 153965 153966 153967 153968 153969 153970 153971 153972
(12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the	153973 153974 153975 153976 153977 153978 153979 153980 153981 153982 153983

offense was a member of the family or household that is the 153984
subject of the current proceeding; whether either parent 153985
previously has been convicted of an offense involving a victim who 153986
at the time of the commission of the offense was a member of the 153987
family or household that is the subject of the current proceeding 153988
and caused physical harm to the victim in the commission of the 153989
offense; and whether there is reason to believe that the person 153990
has acted in a manner resulting in a child being an abused child 153991
or a neglected child; 153992

(13) Whether the residential parent or one of the parents 153993
subject to a shared parenting decree has continuously and 153994
willfully denied the other parent's right to parenting time in 153995
accordance with an order of the court; 153996

(14) Whether either parent has established a residence or is 153997
planning to establish a residence outside this state; 153998

(15) In relation to requested companionship or visitation by 153999
a person other than a parent, the wishes and concerns of the 154000
child's parents, as expressed by them to the court; 154001

(16) Any other factor in the best interest of the child. 154002

(E) The remarriage of a residential parent of a child does 154003
not affect the authority of a court under this section to grant 154004
parenting time rights with respect to the child to the parent who 154005
is not the residential parent or to grant reasonable companionship 154006
or visitation rights with respect to the child to any grandparent, 154007
any person related by consanguinity or affinity, or any other 154008
person. 154009

(F)(1) If the court, pursuant to division (A) of this 154010
section, denies parenting time to a parent who is not the 154011
residential parent or denies a motion for reasonable companionship 154012
or visitation rights filed under division (B) of this section and 154013
the parent or movant files a written request for findings of fact 154014

and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.

(2) When a court grants parenting time rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court

determines that that parent has not been so convicted and has not
been determined to be the perpetrator of an abusive act that is
the basis of a child abuse adjudication, the court shall issue an
order stating that a copy of any notice of relocation that is
filed with the court pursuant to division (G)(1) of this section
will be sent to the parent who is given the parenting time rights
in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the
parenting time rights has been convicted of or pleaded guilty to a
violation of section 2919.25 of the Revised Code involving a
victim who at the time of the commission of the offense was a
member of the family or household that is the subject of the
proceeding, has been convicted of or pleaded guilty to any other
offense involving a victim who at the time of the commission of
the offense was a member of the family or household that is the
subject of the proceeding and caused physical harm to the victim
in the commission of the offense, or has been determined to be the
perpetrator of the abusive act that is the basis of an
adjudication that a child is an abused child, it shall issue an
order stating that that parent will not be given a copy of any
notice of relocation that is filed with the court pursuant to
division (G)(1) of this section unless the court determines that
it is in the best interest of the children to give that parent a
copy of the notice of relocation, issues an order stating that
that parent will be given a copy of any notice of relocation filed
pursuant to division (G)(1) of this section, and issues specific
written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order
granting parenting time rights to a parent who is not the
residential parent and did not require the residential parent in
that order to give the parent who is granted the parenting time
rights notice of any change of address and if the residential

parent files a notice of relocation pursuant to division (G)(1) of 154079
this section, the court shall determine if the parent who is 154080
granted the parenting time rights has been convicted of or pleaded 154081
guilty to a violation of section 2919.25 of the Revised Code 154082
involving a victim who at the time of the commission of the 154083
offense was a member of the family or household that is the 154084
subject of the proceeding, has been convicted of or pleaded guilty 154085
to any other offense involving a victim who at the time of the 154086
commission of the offense was a member of the family or household 154087
that is the subject of the proceeding and caused physical harm to 154088
the victim in the commission of the offense, or has been 154089
determined to be the perpetrator of the abusive act that is the 154090
basis of an adjudication that a child is an abused child. If the 154091
court determines that the parent who is granted the parenting time 154092
rights has not been so convicted and has not been determined to be 154093
the perpetrator of an abusive act that is the basis of a child 154094
abuse adjudication, the court shall issue an order stating that a 154095
copy of any notice of relocation that is filed with the court 154096
pursuant to division (G)(1) of this section will be sent to the 154097
parent who is granted parenting time rights in accordance with 154098
division (G)(1) of this section. 154099

If the court determines that the parent who is granted the 154100
parenting time rights has been convicted of or pleaded guilty to a 154101
violation of section 2919.25 of the Revised Code involving a 154102
victim who at the time of the commission of the offense was a 154103
member of the family or household that is the subject of the 154104
proceeding, has been convicted of or pleaded guilty to any other 154105
offense involving a victim who at the time of the commission of 154106
the offense was a member of the family or household that is the 154107
subject of the proceeding and caused physical harm to the victim 154108
in the commission of the offense, or has been determined to be the 154109
perpetrator of the abusive act that is the basis of an 154110
adjudication that a child is an abused child, it shall issue an 154111

order stating that that parent will not be given a copy of any 154112
notice of relocation that is filed with the court pursuant to 154113
division (G)(1) of this section unless the court determines that 154114
it is in the best interest of the children to give that parent a 154115
copy of the notice of relocation, issues an order stating that 154116
that parent will be given a copy of any notice of relocation filed 154117
pursuant to division (G)(1) of this section, and issues specific 154118
written findings of fact in support of its determination. 154119

(4) If a parent who is granted parenting time rights pursuant 154120
to this section or any other section of the Revised Code is 154121
authorized by an order issued pursuant to this section or any 154122
other court order to receive a copy of any notice of relocation 154123
that is filed pursuant to division (G)(1) of this section or 154124
pursuant to court order, if the residential parent intends to move 154125
to a residence other than the residence address specified in the 154126
parenting time order, and if the residential parent does not want 154127
the parent who is granted the parenting time rights to receive a 154128
copy of the relocation notice because the parent with parenting 154129
time rights has been convicted of or pleaded guilty to a violation 154130
of section 2919.25 of the Revised Code involving a victim who at 154131
the time of the commission of the offense was a member of the 154132
family or household that is the subject of the proceeding, has 154133
been convicted of or pleaded guilty to any other offense involving 154134
a victim who at the time of the commission of the offense was a 154135
member of the family or household that is the subject of the 154136
proceeding and caused physical harm to the victim in the 154137
commission of the offense, or has been determined to be the 154138
perpetrator of the abusive act that is the basis of an 154139
adjudication that a child is an abused child, the residential 154140
parent may file a motion with the court requesting that the parent 154141
who is granted the parenting time rights not receive a copy of any 154142
notice of relocation. Upon the filing of the motion, the court 154143
shall schedule a hearing on the motion and give both parents 154144

notice of the date, time, and location of the hearing. If the 154145
court determines that the parent who is granted the parenting time 154146
rights has been so convicted or has been determined to be the 154147
perpetrator of an abusive act that is the basis of a child abuse 154148
adjudication, the court shall issue an order stating that the 154149
parent who is granted the parenting time rights will not be given 154150
a copy of any notice of relocation that is filed with the court 154151
pursuant to division (G)(1) of this section or that the 154152
residential parent is no longer required to give that parent a 154153
copy of any notice of relocation unless the court determines that 154154
it is in the best interest of the children to give that parent a 154155
copy of the notice of relocation, issues an order stating that 154156
that parent will be given a copy of any notice of relocation filed 154157
pursuant to division (G)(1) of this section, and issues specific 154158
written findings of fact in support of its determination. If it 154159
does not so find, it shall dismiss the motion. 154160

(H)(1) Subject to section 3125.16 and division (F) of section 154161
3319.321 of the Revised Code, a parent of a child who is not the 154162
residential parent of the child is entitled to access, under the 154163
same terms and conditions under which access is provided to the 154164
residential parent, to any record that is related to the child and 154165
to which the residential parent of the child legally is provided 154166
access, unless the court determines that it would not be in the 154167
best interest of the child for the parent who is not the 154168
residential parent to have access to the records under those same 154169
terms and conditions. If the court determines that the parent of a 154170
child who is not the residential parent should not have access to 154171
records related to the child under the same terms and conditions 154172
as provided for the residential parent, the court shall specify 154173
the terms and conditions under which the parent who is not the 154174
residential parent is to have access to those records, shall enter 154175
its written findings of facts and opinion in the journal, and 154176
shall issue an order containing the terms and conditions to both 154177

the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any

confidential law enforcement investigatory record. The court shall 154210
schedule a hearing on the motion and give notice of the date, 154211
time, and location of the hearing to all parties. 154212

(I) A court that issues a parenting time order or decree 154213
pursuant to this section or section 3109.12 of the Revised Code 154214
shall determine whether the parent granted the right of parenting 154215
time is to be permitted access, in accordance with section 154216
5104.039 of the Revised Code, to any child ~~day-care~~ care center 154217
that is, or that in the future may be, attended by the children 154218
with whom the right of parenting time is granted. Unless the court 154219
determines that the parent who is not the residential parent 154220
should not have access to the center to the same extent that the 154221
residential parent is granted access to the center, the parent who 154222
is not the residential parent and who is granted parenting time 154223
rights is entitled to access to the center to the same extent that 154224
the residential parent is granted access to the center. If the 154225
court determines that the parent who is not the residential parent 154226
should not have access to the center to the same extent that the 154227
residential parent is granted such access under section 5104.039 154228
of the Revised Code, the court shall specify the terms and 154229
conditions under which the parent who is not the residential 154230
parent is to have access to the center, provided that the access 154231
shall not be greater than the access that is provided to the 154232
residential parent under section 5104.039 of the Revised Code, the 154233
court shall enter its written findings of fact and opinions in the 154234
journal, and the court shall include the terms and conditions of 154235
access in the parenting time order or decree. 154236

(J)(1) Subject to division (F) of section 3319.321 of the 154237
Revised Code, when a court issues an order or decree allocating 154238
parental rights and responsibilities for the care of a child, the 154239
parent of the child who is not the residential parent of the child 154240
is entitled to access, under the same terms and conditions under 154241

which access is provided to the residential parent, to any student 154242
activity that is related to the child and to which the residential 154243
parent of the child legally is provided access, unless the court 154244
determines that it would not be in the best interest of the child 154245
to grant the parent who is not the residential parent access to 154246
the student activities under those same terms and conditions. If 154247
the court determines that the parent of the child who is not the 154248
residential parent should not have access to any student activity 154249
that is related to the child under the same terms and conditions 154250
as provided for the residential parent, the court shall specify 154251
the terms and conditions under which the parent who is not the 154252
residential parent is to have access to those student activities, 154253
shall enter its written findings of facts and opinion in the 154254
journal, and shall issue an order containing the terms and 154255
conditions to both the residential parent and the parent of the 154256
child who is not the residential parent. The court shall include 154257
in every order issued pursuant to this division notice that any 154258
school official or employee who knowingly fails to comply with the 154259
order or division (J) of this section is in contempt of court. 154260

(2) Subject to division (F) of section 3319.321 of the 154261
Revised Code, subsequent to the issuance of an order under 154262
division (J)(1) of this section, all school officials and 154263
employees shall permit the parent of the child who is not the 154264
residential parent to have access to any student activity under 154265
the same terms and conditions under which access is provided to 154266
the residential parent of the child, unless the residential parent 154267
has presented the school official or employee, the board of 154268
education of the school, or the governing body of the chartered 154269
nonpublic school with a copy of an order issued under division 154270
(J)(1) of this section that limits the terms and conditions under 154271
which the parent who is not the residential parent is to have 154272
access to student activities related to the child and the order 154273
pertains to the student activity in question. If the residential 154274

parent presents the school official or employee, the board of 154275
education of the school, or the governing body of the chartered 154276
nonpublic school with a copy of that type of order, the school 154277
official or employee shall permit the parent who is not the 154278
residential parent to have access to the student activity only in 154279
accordance with the most recent order that has been issued 154280
pursuant to division (J)(1) of this section and presented to the 154281
school official or employee, the board of education of the school, 154282
or the governing body of the chartered nonpublic school by the 154283
residential parent or the parent who is not the residential 154284
parent. Any school official or employee who knowingly fails to 154285
comply with division (J) of this section or with any order issued 154286
pursuant to division (J)(1) of this section is in contempt of 154287
court. 154288

(K) If any person is found in contempt of court for failing 154289
to comply with or interfering with any order or decree granting 154290
parenting time rights issued pursuant to this section or section 154291
3109.12 of the Revised Code or companionship or visitation rights 154292
issued pursuant to this section, section 3109.11 or 3109.12 of the 154293
Revised Code, or any other provision of the Revised Code, the 154294
court that makes the finding, in addition to any other penalty or 154295
remedy imposed, shall assess all court costs arising out of the 154296
contempt proceeding against the person and require the person to 154297
pay any reasonable attorney's fees of any adverse party, as 154298
determined by the court, that arose in relation to the act of 154299
contempt, and may award reasonable compensatory parenting time or 154300
visitation to the person whose right of parenting time or 154301
visitation was affected by the failure or interference if such 154302
compensatory parenting time or visitation is in the best interest 154303
of the child. Any compensatory parenting time or visitation 154304
awarded under this division shall be included in an order issued 154305
by the court and, to the extent possible, shall be governed by the 154306
same terms and conditions as was the parenting time or visitation 154307

that was affected by the failure or interference. 154308

(L) Any parent who requests reasonable parenting time rights 154309
with respect to a child under this section or section 3109.12 of 154310
the Revised Code or any person who requests reasonable 154311
companionship or visitation rights with respect to a child under 154312
this section, section 3109.11 or 3109.12 of the Revised Code, or 154313
any other provision of the Revised Code may file a motion with the 154314
court requesting that it waive all or any part of the costs that 154315
may accrue in the proceedings. If the court determines that the 154316
movant is indigent and that the waiver is in the best interest of 154317
the child, the court, in its discretion, may waive payment of all 154318
or any part of the costs of those proceedings. 154319

(M)(1) A parent who receives an order for active military 154320
service in the uniformed services and who is subject to a 154321
parenting time order may apply to the court for any of the 154322
following temporary orders for the period extending from the date 154323
of the parent's departure to the date of return: 154324

(a) An order delegating all or part of the parent's parenting 154325
time with the child to a relative or to another person who has a 154326
close and substantial relationship with the child if the 154327
delegation is in the child's best interest; 154328

(b) An order that the other parent make the child reasonably 154329
available for parenting time with the parent when the parent is on 154330
leave from active military service; 154331

(c) An order that the other parent facilitate contact, 154332
including telephone and electronic contact, between the parent and 154333
child while the parent is on active military service. 154334

(2)(a) Upon receipt of an order for active military service, 154335
a parent who is subject to a parenting time order and seeks an 154336
order under division (M)(1) of this section shall notify the other 154337
parent who is subject to the parenting time order and apply to the 154338

court as soon as reasonably possible after receipt of the order 154339
for active military service. The application shall include the 154340
date on which the active military service begins. 154341

(b) The court shall schedule a hearing upon receipt of an 154342
application under division (M) of this section and hold the 154343
hearing not later than thirty days after its receipt, except that 154344
the court shall give the case calendar priority and handle the 154345
case expeditiously if exigent circumstances exist in the case. No 154346
hearing shall be required if both parents agree to the terms of 154347
the requested temporary order and the court determines that the 154348
order is in the child's best interest. 154349

(c) In determining whether a delegation under division 154350
(M)(1)(a) of this section is in the child's best interest, the 154351
court shall consider all relevant factors, including the factors 154352
set forth in division (D) of this section. 154353

(d) An order delegating all or part of the parent's parenting 154354
time pursuant to division (M)(1)(a) of this section does not 154355
create standing on behalf of the person to whom parenting time is 154356
delegated to assert visitation or companionship rights independent 154357
of the order. 154358

(3) At the request of a parent who is ordered for active 154359
military service in the uniformed services and who is a subject of 154360
a proceeding pertaining to a parenting time order or pertaining to 154361
a request for companionship rights or visitation with a child, the 154362
court shall permit the parent to participate in the proceeding and 154363
present evidence by electronic means, including communication by 154364
telephone, video, or internet to the extent permitted by rules of 154365
the supreme court of Ohio. 154366

(N) The juvenile court has exclusive jurisdiction to enter 154367
the orders in any case certified to it from another court. 154368

(O) As used in this section: 154369

(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.	154370 154371 154372
(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.	154373 154374
(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.	154375 154376
(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.	154377 154378 154379 154380
(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:	154381 154382 154383
(a) Records maintained by public and nonpublic schools;	154384
(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;	154385 154386 154387 154388 154389
(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;	154390 154391 154392
(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.	154393 154394 154395 154396 154397 154398
Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the	154399

Revised Code:	154400
(A) "Preschool program" means either of the following:	154401
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	154402 154403 154404
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	154405 154406 154407
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	154408 154409
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	154410 154411 154412
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	154413 154414 154415
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	154416 154417 154418
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	154419 154420 154421
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	154422 154423 154424 154425
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the state board of education for	154426 154427 154428

any combination of grades one through twelve, regardless of 154429
whether it also offers kindergarten. 154430

(I) "School child program" means a child care program for 154431
only school children that is operated by a school district board 154432
of education, county board of developmental disabilities, 154433
community school, or eligible nonpublic school. 154434

(J) "School child" means a child who is enrolled in or is 154435
eligible to be enrolled in a grade of kindergarten or above but is 154436
less than fifteen years old. 154437

(K) "School child program staff member" means an employee 154438
whose primary responsibility is the care, teaching, or supervision 154439
of children in a school child program. 154440

(L) "Child care" means administering to the needs of infants, 154441
toddlers, preschool children, and school children outside of 154442
school hours by persons other than their parents or guardians, 154443
custodians, or relatives by blood, marriage, or adoption for any 154444
part of the twenty-four-hour day in a place or residence other 154445
than a child's own home. 154446

(M) "Child ~~day-care~~ care center" and "publicly funded child 154447
care" have the same meanings as in section 5104.01 of the Revised 154448
Code. 154449

(N) "Community school" means either of the following: 154450

(1) A community school established under Chapter 3314. of the 154451
Revised Code that is sponsored by an entity that is rated 154452
"exemplary" under section 3314.016 of the Revised Code. 154453

(2) A community school established under Chapter 3314. of the 154454
Revised Code that has received, on its most recent report card, 154455
either of the following: 154456

(a) If the school offers any of grade levels four through 154457
twelve, either of the following: 154458

(i) A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of that section.

Sec. 3301.53. (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

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

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

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

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(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

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(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

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(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

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(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child ~~day-care~~ care centers that serve preschool children. The state board and the director of job and family services shall review all such rules at least once every five years.

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(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child ~~day-care~~ care centers that serve school-age children under Chapter 5104. of the Revised Code.

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Sec. 3321.01. (A)(1) As used in this chapter, "parent," 154519
"guardian," or "other person having charge or care of a child" 154520
means either parent unless the parents are separated or divorced 154521
or their marriage has been dissolved or annulled, in which case 154522
"parent" means the parent who is the residential parent and legal 154523
custodian of the child. If the child is in the legal or permanent 154524
custody of a person or government agency, "parent" means that 154525
person or government agency. When a child is a resident of a home, 154526
as defined in section 3313.64 of the Revised Code, and the child's 154527
parent is not a resident of this state, "parent," "guardian," or 154528
"other person having charge or care of a child" means the head of 154529
the home. 154530

A child between six and eighteen years of age is "of 154531
compulsory school age" for the purpose of sections 3321.01 to 154532
3321.13 of the Revised Code. A child under six years of age who 154533
has been enrolled in kindergarten also shall be considered "of 154534
compulsory school age" for the purpose of sections 3321.01 to 154535
3321.13 of the Revised Code unless at any time the child's parent 154536
or guardian, at the parent's or guardian's discretion and in 154537
consultation with the child's teacher and principal, formally 154538
withdraws the child from kindergarten. The compulsory school age 154539
of a child shall not commence until the beginning of the term of 154540
such schools, or other time in the school year fixed by the rules 154541
of the board of the district in which the child resides. 154542

(2) In a district in which all children are admitted to 154543
kindergarten and the first grade in August or September, a child 154544
shall be admitted if the child is five or six years of age, 154545
respectively, by the thirtieth day of September of the year of 154546
admittance, or by the first day of a term or semester other than 154547
one beginning in August or September in school districts granting 154548
admittance at the beginning of such term or semester. A child who 154549
does not meet the age requirements of this section for admittance 154550

to kindergarten or first grade, but who will be five or six years 154551
old, respective, prior to the first day of January of the school 154552
year in which admission is requested, shall be evaluated for early 154553
admittance in accordance with district policy upon referral by the 154554
child's parent or guardian, an educator employed by the district, 154555
a preschool educator who knows the child, or a pediatrician or 154556
psychologist who knows the child. Following an evaluation in 154557
accordance with a referral under this section, the district board 154558
shall decide whether to admit the child. If a child for whom 154559
admission to kindergarten or first grade is requested will not be 154560
five or six years of age, respectively, prior to the first day of 154561
January of the school year in which admission is requested, the 154562
child shall be admitted only in accordance with the district's 154563
acceleration policy adopted under section 3324.10 of the Revised 154564
Code. 154565

(3) Notwithstanding division (A)(2) of this section, 154566
beginning with the school year that starts in 2001 and continuing 154567
thereafter the board of education of any district may adopt a 154568
resolution establishing the first day of August in lieu of the 154569
thirtieth day of September as the required date by which students 154570
must have attained the age specified in that division. 154571

(4) After a student has been admitted to kindergarten in a 154572
school district or chartered nonpublic school, no board of 154573
education of a school district to which the student transfers 154574
shall deny that student admission based on the student's age. 154575

(B) As used in division (C) of this section, "successfully 154576
completed kindergarten" means that the child has completed the 154577
kindergarten requirements at one of the following: 154578

(1) A public or chartered nonpublic school; 154579

(2) A kindergarten class that is both of the following: 154580

(a) Offered by a ~~day-care~~ child care provider licensed under 154581

Chapter 5104. of the Revised Code;	154582
(b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:	154583 154584
(i) A valid educator license issued under section 3319.22 of the Revised Code;	154585 154586
(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	154587 154588 154589
(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	154590 154591 154592
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	154593 154594
(C)(1) Except as provided in division (A)(2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	154595 154596 154597
(2) Notwithstanding division (A)(2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.	154598 154599 154600
(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.	154601 154602 154603 154604
(E) Any kindergarten class offered by a day-care <u>child care</u> provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.	154605 154606 154607
(F) Upon written request of a day-care <u>child care</u> provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division	154608 154609 154610 154611

(B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.

(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes.

(2) The department of education shall conduct an annual survey of each school district described in division (G)(1) of this section to determine the following:

(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten;

(b) The amount of the fees or tuition charged;

(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner 154642
prescribed by the department, the information described in 154643
divisions (G)(2)(a) to (d) of this section. 154644

The department shall issue an annual report on the results of 154645
the survey and shall post the report on its web site. The 154646
department shall issue the first report not later than April 30, 154647
2008, and shall issue a report not later than the thirtieth day of 154648
April each year thereafter. 154649

Sec. 3321.05. (A) As used in this section, "all-day 154650
kindergarten" means a kindergarten class that is in session for 154651
not less than the same number of clock hours each week as for 154652
students in grades one through six. 154653

(B) Any school district may operate all-day kindergarten or 154654
extended kindergarten, but no district shall require any student 154655
to attend kindergarten for more than the number of clock hours 154656
required each day for traditional kindergarten by the minimum 154657
standards adopted under division (D) of section 3301.07 of the 154658
Revised Code. Each school district that operates all-day or 154659
extended kindergarten shall accommodate kindergarten students 154660
whose parents or guardians elect to enroll them for the minimum 154661
number of hours. 154662

(C) A school district may use space in child ~~day-care~~ care 154663
centers licensed under Chapter 5104. of the Revised Code to 154664
provide all-day kindergarten under this section. 154665

Sec. 3325.07. The state board of education in carrying out 154666
this section and division (A) of section 3325.06 of the Revised 154667
Code shall, insofar as practicable, plan, present, and carry into 154668
effect an educational program by means of any of the following 154669
methods of instruction: 154670

(A) Classes for parents of deaf or hard of hearing children 154671

of preschool age; 154672

(B) A nursery school where parent and child would enter the 154673
nursery school as a unit; 154674

(C) Correspondence course; 154675

(D) Personal consultations and interviews; 154676

(E) ~~Day-care~~ Child care or child development courses; 154677

(F) Summer enrichment courses; 154678

(G) By such other means or methods as the superintendent of 154679
the state school for the deaf deems advisable that would permit a 154680
deaf or hard of hearing child of preschool age to construct a 154681
pattern of communication at an early age. 154682

The superintendent may allow children who are not deaf or 154683
hard of hearing to participate in the methods of instruction 154684
described in divisions (A) to (G) of this section as a means to 154685
assist deaf or hard of hearing children to construct a pattern of 154686
communication. The superintendent shall establish policies and 154687
procedures regarding the participation of children who are not 154688
deaf or hard of hearing. 154689

The superintendent may establish reasonable fees for 154690
participation in the methods of instruction described in divisions 154691
(A) to (G) of this section to defray the costs of carrying them 154692
out. The superintendent shall determine the manner by which any 154693
such fees shall be collected. All fees shall be deposited in the 154694
even start fees and gifts fund, which is hereby created in the 154695
state treasury. The money in the fund shall be used to implement 154696
this section. 154697

Sec. 3325.071. The state board of education in carrying out 154698
this section and division (B) of section 3325.06 of the Revised 154699
Code shall, insofar as practicable, plan, present, and carry into 154700
effect an educational program by means of any of the following 154701

methods of instruction:	154702
(A) Classes for parents of children of preschool age whose disabilities are visual impairments, independently or in cooperation with community agencies;	154703 154704 154705
(B) Periodic interactive parent-child classes for infants and toddlers whose disabilities are visual impairments;	154706 154707
(C) Correspondence course;	154708
(D) Personal consultations and interviews;	154709
(E) Day-care <u>Child care</u> or child development courses for children and parents;	154710 154711
(F) Summer enrichment courses;	154712
(G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age.	154713 154714 154715 154716 154717
The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments.	154718 154719 154720 154721 154722 154723 154724 154725 154726
The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the	154727 154728 154729 154730 154731

state school for the blind even start fees and gifts fund, which 154732
is hereby created in the state treasury. The money in the fund 154733
shall be used to implement this section. 154734

Sec. 3701.63. (A) As used in this section and sections 154735
3701.64, 3701.66, and 3701.67 of the Revised Code: 154736

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 154737
child care home," and "licensed type B family ~~day-care~~ child care 154738
home" have the same meanings as in section 5104.01 of the Revised 154739
Code. 154740

(2) "Child care facility" means a child ~~day-care~~ care center, 154741
a type A family ~~day-care~~ child care home, or a licensed type B 154742
family ~~day-care~~ child care home. 154743

(3) "Foster caregiver" has the same meaning as in section 154744
5103.02 of the Revised Code. 154745

(4) "Freestanding birthing center" has the same meaning as in 154746
section 3702.141 of the Revised Code. 154747

(5) "Hospital" means a hospital classified pursuant to rules 154748
adopted under section 3701.07 of the Revised Code as a general 154749
hospital or children's hospital and to which either of the 154750
following applies: 154751

(a) The hospital has a maternity unit. 154752

(b) The hospital receives for care infants who have been 154753
transferred to it from other facilities and who have never been 154754
discharged to their residences following birth. 154755

(6) "Infant" means a child who is less than one year of age. 154756

(7) "Maternity unit" means the distinct portion of a hospital 154757
licensed as a maternity unit under Chapter 3711. of the Revised 154758
Code. 154759

(8) "Other person responsible for the infant" includes a 154760

foster caregiver. 154761

(9) "Parent" means either parent, unless the parents are 154762
separated or divorced or their marriage has been dissolved or 154763
annulled, in which case "parent" means the parent who is the 154764
residential parent and legal custodian of the child. "Parent" also 154765
means a prospective adoptive parent with whom a child is placed. 154766

(10) "Shaken baby syndrome" means signs and symptoms, 154767
including, but not limited to, retinal hemorrhages in one or both 154768
eyes, subdural hematoma, or brain swelling, resulting from the 154769
violent shaking or the shaking and impacting of the head of an 154770
infant or small child. 154771

(B) The director of health shall establish the shaken baby 154772
syndrome education program by doing all of the following: 154773

(1) Developing educational materials that present readily 154774
comprehensible information on shaken baby syndrome; 154775

(2) Making available on the department of health web site in 154776
an easily accessible format the educational materials developed 154777
under division (B)(1) of this section; 154778

(3) Annually assessing the effectiveness of the shaken baby 154779
syndrome education program by doing all of the following: 154780

(a) Evaluating the reports received pursuant to section 154781
5101.135 of the Revised Code; 154782

(b) Reviewing the content of the educational materials to 154783
determine if updates or improvements should be made; 154784

(c) Reviewing the manner in which the educational materials 154785
are distributed, as described in section 3701.64 of the Revised 154786
Code, to determine if modifications to that manner should be made. 154787

(C) In meeting the requirements under division (B) of this 154788
section, the director shall develop educational materials that, to 154789
the extent possible, minimize administrative or financial burdens 154790

on any of the entities or persons listed in section 3701.64 of the Revised Code. 154791
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Sec. 3701.80. The department of health shall cooperate with 154793
the director of job and family services when the director 154794
promulgates rules pursuant to Chapter 5104. of the Revised Code 154795
governing the health and sanitary practices of meal preparation 154796
and service for type A family ~~day-care~~ child care homes, as 154797
defined in section 5104.01 of the Revised Code, recommend 154798
procedures for inspecting type A family ~~day-care~~ child care homes 154799
to determine whether they are in compliance with those rules, and 154800
provide training and technical assistance to the director on the 154801
procedures for determining compliance with those rules. 154802

Sec. 3714.03. (A) As used in this section: 154803

(1) "Aquifer system" means one or more geologic units or 154804
formations that are wholly or partially saturated with water and 154805
are capable of storing, transmitting, and yielding significant 154806
amounts of water to wells or springs. 154807

(2) "Category 3 wetland" means a wetland that supports 154808
superior habitat or hydrological or recreational functions as 154809
determined by an appropriate wetland evaluation methodology 154810
acceptable to the director of environmental protection. "Category 154811
3 wetland" includes a wetland with high levels of diversity, a 154812
high proportion of native species, and high functional values and 154813
includes, but is not limited to, a wetland that contains or 154814
provides habitat for threatened or endangered species. "Category 3 154815
wetland" may include high quality forested wetlands, including old 154816
growth forested wetlands, mature forested riparian wetlands, 154817
vernal pools, bogs, fens, and wetlands that are scarce regionally. 154818

(3) "Natural area" means either of the following: 154819

(a) An area designated by the director of natural resources 154820

as a wild, scenic, or recreational river under section 1547.81 of 154821
the Revised Code; 154822

(b) An area designated by the United States department of the 154823
interior as a national wild, scenic, or recreational river. 154824

(4) "Occupied dwelling" means a residential dwelling and also 154825
includes a place of worship as defined in section 5104.01 of the 154826
Revised Code, a child ~~day-care~~ care center as defined in that 154827
section, a hospital as defined in section 3727.01 of the Revised 154828
Code, a nursing home as defined in that section, a school, and a 154829
restaurant or other eating establishment. "Occupied dwelling" does 154830
not include a dwelling owned or controlled by the owner or 154831
operator of a construction and demolition debris facility to which 154832
the siting criteria established under this section are being 154833
applied. 154834

(5) "Residential dwelling" means a building used or intended 154835
to be used in whole or in part as a personal residence by the 154836
owner, part-time owner, or lessee of the building or any person 154837
authorized by the owner, part-time owner, or lessee to use the 154838
building as a personal residence. 154839

(B) Neither the director of environmental protection nor any 154840
board of health shall issue a permit to install under section 154841
3714.051 of the Revised Code to establish a new construction and 154842
demolition debris facility when any portion of the facility is 154843
proposed to be located in either of the following locations: 154844

(1) Within the boundaries of a one-hundred-year flood plain, 154845
as those boundaries are shown on the applicable maps prepared 154846
under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 154847
U.S.C.A. 4001, as amended, unless the owner or operator has 154848
obtained an exemption from division (B)(1) of this section in 154849
accordance with section 3714.04 of the Revised Code. If no such 154850
maps have been prepared, the boundaries of a one-hundred-year 154851

flood plain shall be determined by the applicant for a permit 154852
based upon standard methodologies set forth in "urban hydrology 154853
for small watersheds" (soil conservation service technical release 154854
number 55) and section 4 of the "national engineering hydrology 154855
handbook" of the soil conservation service of the United States 154856
department of agriculture. 154857

(2) Within the boundaries of a sole source aquifer designated 154858
by the administrator of the United States environmental protection 154859
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 154860
42 U.S.C.A. 300f, as amended. 154861

(C) Neither the director nor any board shall issue a permit 154862
to install under section 3714.051 of the Revised Code to establish 154863
a new construction and demolition debris facility when the 154864
horizontal limits of construction and demolition debris placement 154865
at the new facility are proposed to be located in any of the 154866
following locations: 154867

(1) Within one hundred feet of a perennial stream as defined 154868
by the United States geological survey seven and one-half minute 154869
quadrangle map or a category 3 wetland; 154870

(2) Within one hundred feet of the facility's property line; 154871

(3)(a) Except as provided in division (C)(3)(b) of this 154872
section, within five hundred feet of a residential or public water 154873
supply well. 154874

(b) Division (C)(3)(a) of this section does not apply to a 154875
residential well under any of the circumstances specified in 154876
divisions (C)(3)(b)(i) to (iii) of this section as follows: 154877

(i) The well is controlled by the owner or operator of the 154878
construction and demolition debris facility. 154879

(ii) The well is hydrologically separated from the horizontal 154880
limits of construction and demolition debris placement. 154881

(iii) The well is at least three hundred feet upgradient from 154882
the horizontal limits of construction and demolition debris 154883
placement and division (D) of this section does not prohibit the 154884
issuance of the permit to install. 154885

(4) Within five hundred feet of a park created or operated 154886
pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 154887
of the Revised Code, a state park established or dedicated under 154888
Chapter 1546. of the Revised Code, a state park purchase area 154889
established under section 1546.06 of the Revised Code, a national 154890
recreation area, any unit of the national park system, or any 154891
property that lies within the boundaries of a national park or 154892
recreation area, but that has not been acquired or is not 154893
administered by the secretary of the United States department of 154894
the interior, located in this state, or any area located in this 154895
state that is recommended by the secretary for study for potential 154896
inclusion in the national park system in accordance with "The Act 154897
of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended; 154898

(5) Within five hundred feet of a natural area, any area 154899
established by the department of natural resources as a state 154900
wildlife area under Chapter 1531. of the Revised Code and rules 154901
adopted under it, any area that is formally dedicated as a nature 154902
preserve under section 1517.05 of the Revised Code, or any area 154903
designated by the United States department of the interior as a 154904
national wildlife refuge; 154905

(6) Within five hundred feet of a lake or reservoir of one 154906
acre or more that is hydrogeologically connected to ground water. 154907
For purposes of division (C)(6) of this section, a lake or 154908
reservoir does not include a body of water constructed and used 154909
for purposes of surface water drainage or sediment control. 154910

(7) Within five hundred feet of a state forest purchased or 154911
otherwise acquired under Chapter 1503. of the Revised Code; 154912

(8) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.

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(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of 1×10^{-5} cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than 1×10^{-6} cm/sec.

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(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling.

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(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following:

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(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust;

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(2) Surface water drainage and sediment controls that are required by the director;

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(3) If the facility is proposed to be located in an area in

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which an applicable zoning resolution allows residential 154944
construction, vegetated earthen berms or an equivalent barrier 154945
with a minimum height of six feet separating the facility from 154946
adjoining property. 154947

(G)(1) The siting criteria established in this section shall 154948
be applied to an application for a permit to install at the time 154949
that the application is submitted to the director or a board of 154950
health, as applicable. Circumstances related to the siting 154951
criteria that change after the application is submitted shall not 154952
be considered in approving or disapproving the application. 154953

(2) The siting criteria established in this section by this 154954
amendment do not apply to an expansion of a construction and 154955
demolition debris facility that was in operation prior to December 154956
22, 2005, onto property within the property boundaries identified 154957
in the application for the initial license for that facility or 154958
any subsequent license issued for that facility up to and 154959
including the license issued for that facility for calendar year 154960
2005. The siting criteria established in this section prior to 154961
December 22, 2005, apply to such an expansion. 154962

Sec. 3717.42. (A) The following are not food service 154963
operations: 154964

(1) A retail food establishment licensed under this chapter, 154965
including a retail food establishment that provides the services 154966
of a food service operation pursuant to an endorsement issued 154967
under section 3717.24 of the Revised Code; 154968

(2) An entity exempt from the requirement to be licensed as a 154969
retail food establishment under division (B) of section 3717.22 of 154970
the Revised Code; 154971

(3) A business or that portion of a business that is 154972
regulated by the federal government or the department of 154973

agriculture as a food manufacturing or food processing business, 154974
including a business or that portion of a business regulated by 154975
the department of agriculture under Chapter 911., 913., 915., 154976
917., 918., or 925. of the Revised Code. 154977

(B) All of the following are exempt from the requirement to 154978
be licensed as a food service operation: 154979

(1) A private home in which individuals related by blood, 154980
marriage, or law reside and in which the food that is prepared or 154981
served is intended only for those individuals and their nonpaying 154982
guests; 154983

(2) A private home operated as a bed-and-breakfast that 154984
prepares and offers food to guests, if the home is owner-occupied, 154985
the number of available guest bedrooms does not exceed six, 154986
breakfast is the only meal offered, and the number of guests 154987
served does not exceed sixteen; 154988

(3) A stand operated on the premises of a private home by one 154989
or more children under the age of twelve, if the food served is 154990
not potentially hazardous; 154991

(4) A residential facility that accommodates not more than 154992
sixteen residents; is licensed, certified, registered, or 154993
otherwise regulated by the federal government or by the state or a 154994
political subdivision of the state; and prepares food for or 154995
serves food to only the residents of the facility, the staff of 154996
the facility, and any nonpaying guests of residents or staff; 154997

(5) A church, school, fraternal or veterans' organization, 154998
volunteer fire organization, or volunteer emergency medical 154999
service organization preparing or serving food intended for 155000
individual portion service on its premises for not more than seven 155001
consecutive days or not more than fifty-two separate days during a 155002
licensing period. This exemption extends to any individual or 155003
group raising all of its funds during the time periods specified 155004

in division (B)(5) of this section for the benefit of the church,
school, or organization by preparing or serving food intended for
individual portion service under the same conditions.

(6) A common carrier that prepares or serves food, if the
carrier is regulated by the federal government;

(7) A food service operation serving thirteen or fewer
individuals daily;

(8) A type A or type B family ~~day-care~~ child care home, as
defined in section 5104.01 of the Revised Code, that prepares or
serves food for the children receiving ~~day-care~~ child care;

(9) A vending machine location where the only foods dispensed
are foods from one or both of the following categories:

(a) Prepackaged foods that are not potentially hazardous;

(b) Nuts, panned or wrapped bulk chewing gum, or panned or
wrapped bulk candies.

(10) A place servicing the vending machines at a vending
machine location described in division (B)(9) of this section;

(11) A commissary servicing vending machines that dispense
only milk, milk products, or frozen desserts that are under a
state or federal inspection and analysis program;

(12) A "controlled location vending machine location," which
means a vending machine location at which all of the following
apply:

(a) The vending machines dispense only foods that are not
potentially hazardous;

(b) The machines are designed to be filled and maintained in
a sanitary manner by untrained persons;

(c) Minimal protection is necessary to ensure against
contamination of food and equipment.

(13) A private home that prepares and offers food to guests, 155034
if the home is owner-occupied, meals are served on the premises of 155035
that home, the number of meals served does not exceed one hundred 155036
fifteen per week, and the home displays a notice in a place 155037
conspicuous to all of its guests informing them that the home is 155038
not required to be licensed as a food service operation; 155039

(14) An individual who prepares full meals or meal 155040
components, such as pies or baked goods, in the individual's home 155041
to be served off the premises of that home, if the number of meals 155042
or meal components prepared for that purpose does not exceed 155043
twenty in a seven-day period. 155044

(15) The holder of an A-1-A permit issued under section 155045
4303.021 of the Revised Code to which both of the following apply: 155046

(a) The A-1-A permit holder has also been issued an A-1c 155047
permit under section 4303.022 of the Revised Code; 155048

(b) The A-1-A permit holder serves only unopened commercially 155049
prepackaged meals and nonalcoholic beverages, as well as beer and 155050
intoxicating liquor. 155051

Sec. 3728.01. As used in this chapter: 155052

(A) "Administer epinephrine" means to inject an individual 155053
with epinephrine using an autoinjector in a manufactured dosage 155054
form. 155055

(B) "Prescriber" means an individual who is authorized by law 155056
to prescribe drugs or dangerous drugs or drug therapy related 155057
devices in the course of the individual's professional practice, 155058
including only the following: 155059

(1) A clinical nurse specialist, certified nurse-midwife, or 155060
certified nurse practitioner who holds a certificate to prescribe 155061
issued under section 4723.48 of the Revised Code; 155062

(2) A physician authorized under Chapter 4731. of the Revised 155063

Code to practice medicine and surgery, osteopathic medicine and 155064
surgery, or podiatric medicine and surgery; 155065

(3) A physician assistant who is licensed under Chapter 4730. 155066
of the Revised Code, holds a valid prescriber number issued by the 155067
state medical board, and has been granted physician-delegated 155068
prescriptive authority. 155069

(C) "Qualified entity" means any public or private entity 155070
that is associated with a location where allergens capable of 155071
causing anaphylaxis may be present, including child ~~day-care~~ care 155072
centers, colleges and universities, places of employment, 155073
restaurants, amusement parks, recreation camps, sports playing 155074
fields and arenas, and other similar locations, except that 155075
"qualified entity" does not include either of the following: 155076

(1) A chartered or nonchartered nonpublic school; community 155077
school; science, technology, engineering, and mathematics school; 155078
or a school operated by the board of education of a city, local, 155079
exempted village, or joint vocational school district; 155080

(2) A camp described in section 5101.76 of the Revised Code. 155081

Sec. 3737.22. (A) The fire marshal shall do all of the 155082
following: 155083

(1) Adopt the state fire code under sections 3737.82 to 155084
3737.86 of the Revised Code; 155085

(2) Enforce the state fire code; 155086

(3) Appoint assistant fire marshals who are authorized to 155087
enforce the state fire code; 155088

(4) Conduct investigations into the cause, origin, and 155089
circumstances of fires and explosions, and assist in the 155090
prosecution of persons believed to be guilty of arson or a similar 155091
crime; 155092

(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	155093 155094 155095 155096 155097
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	155098 155099
(7) Engage in public education and informational activities which will inform the public of fire safety information;	155100 155101
(8) Operate a fire training academy and forensic laboratory;	155102
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	155103 155104 155105
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	155106 155107
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	155108 155109 155110 155111 155112
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	155113 155114
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases;	155115 155116 155117 155118 155119 155120
(14) Administer and enforce Chapter 3743. of the Revised Code;	155121 155122

(15) Develop a uniform standard for the reporting of 155123
information required to be filed under division (E)(4) of section 155124
2921.22 of the Revised Code, and accept the reports of the 155125
information when they are filed. 155126

(B) The fire marshal shall appoint a chief deputy fire 155127
marshal, and shall employ professional and clerical assistants as 155128
the fire marshal considers necessary. The chief deputy shall be a 155129
competent former or current member of a fire agency and possess 155130
five years of recent, progressively more responsible experience in 155131
fire inspection, fire code enforcement, and fire code management. 155132
The chief deputy, with the approval of the director of commerce, 155133
shall temporarily assume the duties of the fire marshal when the 155134
fire marshal is absent or temporarily unable to carry out the 155135
duties of the office. When there is a vacancy in the office of 155136
fire marshal, the chief deputy, with the approval of the director 155137
of commerce, shall temporarily assume the duties of the fire 155138
marshal until a new fire marshal is appointed under section 155139
3737.21 of the Revised Code. 155140

All employees, other than the fire marshal; the chief deputy 155141
fire marshal; the superintendent of the Ohio fire academy; the 155142
grants administrator; the fiscal officer; the executive secretary 155143
to the fire marshal; legal counsel; the pyrotechnics 155144
administrator, the chief of the forensic laboratory; the person 155145
appointed by the fire marshal to serve as administrator over 155146
functions concerning testing, license examinations, and the 155147
issuance of permits and certificates; and the chiefs of the 155148
bureaus of fire prevention, of fire and explosion investigation, 155149
of code enforcement, and of underground storage tanks shall be in 155150
the classified civil service. The fire marshal shall authorize the 155151
chief deputy and other employees under the fire marshal's 155152
supervision to exercise powers granted to the fire marshal by law 155153
as may be necessary to carry out the duties of the fire marshal's 155154

office. 155155

(C) The fire marshal shall create, in and as a part of the 155156
office of fire marshal, a fire and explosion investigation bureau 155157
consisting of a chief of the bureau and additional assistant fire 155158
marshals as the fire marshal determines necessary for the 155159
efficient administration of the bureau. The chief shall be 155160
experienced in the investigation of the cause, origin, and 155161
circumstances of fires, and in administration, including the 155162
supervision of subordinates. The chief, among other duties 155163
delegated to the chief by the fire marshal, shall be responsible, 155164
under the direction of the fire marshal, for the investigation of 155165
the cause, origin, and circumstances of fires and explosions in 155166
the state, and for assistance in the prosecution of persons 155167
believed to be guilty of arson or a similar crime. 155168

(D)(1) The fire marshal shall create, as part of the office 155169
of fire marshal, a bureau of code enforcement consisting of a 155170
chief of the bureau and additional assistant fire marshals as the 155171
fire marshal determines necessary for the efficient administration 155172
of the bureau. The chief shall be qualified, by education or 155173
experience, in fire inspection, fire code development, fire code 155174
enforcement, or any other similar field determined by the fire 155175
marshal, and in administration, including the supervision of 155176
subordinates. The chief is responsible, under the direction of the 155177
fire marshal, for fire inspection, fire code development, fire 155178
code enforcement, and any other duties delegated to the chief by 155179
the fire marshal. 155180

(2) The fire marshal, the chief deputy fire marshal, the 155181
chief of the bureau of code enforcement, or any assistant fire 155182
marshal under the direction of the fire marshal, the chief deputy 155183
fire marshal, or the chief of the bureau of code enforcement may 155184
cause to be conducted the inspection of all buildings, structures, 155185
and other places, the condition of which may be dangerous from a 155186

fire safety standpoint to life or property, or to property 155187
adjacent to the buildings, structures, or other places. 155188

(E) The fire marshal shall create, as a part of the office of 155189
fire marshal, a bureau of fire prevention consisting of a chief of 155190
the bureau and additional assistant fire marshals as the fire 155191
marshal determines necessary for the efficient administration of 155192
the bureau. The chief shall be qualified, by education or 155193
experience, to promote programs for rural and urban fire 155194
prevention and protection. The chief, among other duties delegated 155195
to the chief by the fire marshal, is responsible, under the 155196
direction of the fire marshal, for the promotion of rural and 155197
urban fire prevention and protection through public information 155198
and education programs. 155199

(F) The fire marshal shall cooperate with the director of job 155200
and family services when the director adopts rules under section 155201
5104.052 of the Revised Code regarding fire prevention and fire 155202
safety in licensed type B family ~~day-care~~ child care homes, as 155203
defined in section 5104.01 of the Revised Code, recommend 155204
procedures for inspecting type B homes to determine whether they 155205
are in compliance with those rules, and provide training and 155206
technical assistance to the director and county directors of job 155207
and family services on the procedures for determining compliance 155208
with those rules. 155209

(G) The fire marshal, upon request of a provider of child 155210
care in a type B home that is not licensed by the director of job 155211
and family services, as a precondition of approval by the state 155212
board of education under section 3313.813 of the Revised Code for 155213
receipt of United States department of agriculture child and adult 155214
care food program funds established under the "National School 155215
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall 155216
inspect the type B home to determine compliance with rules adopted 155217
under section 5104.052 of the Revised Code regarding fire 155218

prevention and fire safety in licensed type B homes. In municipal 155219
corporations and in townships where there is a certified fire 155220
safety inspector, the inspections shall be made by that inspector 155221
under the supervision of the fire marshal, according to rules 155222
adopted under section 5104.052 of the Revised Code. In townships 155223
outside municipal corporations where there is no certified fire 155224
safety inspector, inspections shall be made by the fire marshal. 155225

Sec. 3737.83. The fire marshal shall, as part of the state 155226
fire code, adopt rules to: 155227

(A) Establish minimum standards of performance for fire 155228
protection equipment and fire fighting equipment; 155229

(B) Establish minimum standards of training, fix minimum 155230
qualifications, and require certificates for all persons who 155231
engage in the business for profit of installing, testing, 155232
repairing, or maintaining fire protection equipment; 155233

(C) Provide for the issuance of certificates required under 155234
division (B) of this section and establish the fees to be charged 155235
for such certificates. A certificate shall be granted, renewed, or 155236
revoked according to rules the fire marshal shall adopt. 155237

(D) Establish minimum standards of flammability for consumer 155238
goods in any case where the federal government or any department 155239
or agency thereof has established, or may from time to time 155240
establish standards of flammability for consumer goods. The 155241
standards established by the fire marshal shall be identical to 155242
the minimum federal standards. 155243

In any case where the federal government or any department or 155244
agency thereof, establishes standards of flammability for consumer 155245
goods subsequent to the adoption of a flammability standard by the 155246
fire marshal, standards previously adopted by the fire marshal 155247
shall not continue in effect to the extent such standards are not 155248

identical to the minimum federal standards. 155249

With respect to the adoption of minimum standards of 155250
flammability, this division shall supersede any authority granted 155251
a political subdivision by any other section of the Revised Code. 155252

(E) Establish minimum standards pursuant to section 5104.05 155253
of the Revised Code for fire prevention and fire safety in child 155254
~~day-care~~ care centers and in type A family ~~day-care~~ child care 155255
homes, as defined in section 5104.01 of the Revised Code. 155256

(F) Establish minimum standards for fire prevention and 155257
safety in a residential facility licensed under section 5119.34 of 155258
the Revised Code that provides accommodations, supervision, and 155259
personal care services for three to sixteen unrelated adults. The 155260
fire marshal shall adopt the rules under this division in 155261
consultation with the director of mental health and addiction 155262
services and interested parties designated by the director of 155263
mental health and addiction services. 155264

Sec. 3737.841. As used in this section and section 3737.842 155265
of the Revised Code: 155266

(A) "Public occupancy" means all of the following: 155267

(1) Any state correctional institution as defined in section 155268
2967.01 of the Revised Code and any county, multicounty, 155269
municipal, or municipal-county jail or workhouse; 155270

(2) Any hospital as defined in section 3727.01 of the Revised 155271
Code, any hospital licensed by the department of mental health and 155272
addiction services under section 5119.33 of the Revised Code, and 155273
any institution, hospital, or other place established, controlled, 155274
or supervised by the department of mental health and addiction 155275
services under Chapter 5119. of the Revised Code; 155276

(3) Any nursing home, residential care facility, or home for 155277
the aging as defined in section 3721.01 of the Revised Code and 155278

any residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	155279 155280 155281
(4) Any child day-care <u>care</u> center and any type A family day-care <u>child care</u> home as defined in section 5104.01 of the Revised Code;	155282 155283 155284
(5) Any public auditorium or stadium;	155285
(6) Public assembly areas of hotels and motels containing more than ten articles of seating furniture.	155286 155287
(B) "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner.	155288 155289 155290
(C) Except as provided in division (D) of this section, "seating furniture" means any article of furniture, including children's furniture, that can be used as a support for an individual, or an individual's limbs or feet, when sitting or resting in an upright or reclining position and that either:	155291 155292 155293 155294 155295
(1) Is made with loose or attached cushions or pillows;	155296
(2) Is stuffed or filled in whole or in part with any filling material;	155297 155298
(3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering.	155299 155300 155301
"Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering.	155302 155303 155304
(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following:	155305 155306 155307
(1) Cushions or pads intended solely for outdoor use;	155308

(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;

(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.

Sec. 3742.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Child care facility" means each area of any of the following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:

(1) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or type B family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code;

(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who

performs a clearance examination. 155339

(E) "Clinical laboratory" means a facility for the 155340
biological, microbiological, serological, chemical, 155341
immunohematological, hematological, biophysical, cytological, 155342
pathological, or other examination of substances derived from the 155343
human body for the purpose of providing information for the 155344
diagnosis, prevention, or treatment of any disease, or in the 155345
assessment or impairment of the health of human beings. "Clinical 155346
laboratory" does not include a facility that only collects or 155347
prepares specimens, or serves as a mailing service, and does not 155348
perform testing. 155349

(F) "Encapsulation" means the coating and sealing of surfaces 155350
with durable surface coating specifically formulated to be 155351
elastic, able to withstand sharp and blunt impacts, long-lasting, 155352
and resilient, while also resistant to cracking, peeling, algae, 155353
fungus, and ultraviolet light, so as to prevent any part of 155354
lead-containing paint from becoming part of house dust or 155355
otherwise accessible to children. 155356

(G) "Enclosure" means the resurfacing or covering of surfaces 155357
with durable materials such as wallboard or paneling, and the 155358
sealing or caulking of edges and joints, so as to prevent or 155359
control chalking, flaking, peeling, scaling, or loose 155360
lead-containing substances from becoming part of house dust or 155361
otherwise accessible to children. 155362

(H) "Environmental lead analytical laboratory" means a 155363
facility that analyzes air, dust, soil, water, paint, film, or 155364
other substances, other than substances derived from the human 155365
body, for the presence and concentration of lead. 155366

(I) "HEPA" means the designation given to a product, device, 155367
or system that has been equipped with a high-efficiency 155368
particulate air filter, which is a filter capable of removing 155369

particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency. 155370
155371

(J) "Interim controls" means a set of measures designed to 155372
reduce temporarily human exposure or likely human exposure to lead 155373
hazards. Interim controls include specialized cleaning, repairs, 155374
painting, temporary containment, ongoing lead hazard maintenance 155375
activities, and the establishment and operation of management and 155376
resident education programs. 155377

(K)(1) "Lead abatement" means a measure or set of measures 155378
designed for the single purpose of permanently eliminating lead 155379
hazards. "Lead abatement" includes all of the following: 155380

(a) Removal of lead-based paint and lead-contaminated dust; 155381

(b) Permanent enclosure or encapsulation of lead-based paint; 155382

(c) Replacement of surfaces or fixtures painted with 155383
lead-based paint; 155384

(d) Removal or permanent covering of lead-contaminated soil; 155385

(e) Preparation, cleanup, and disposal activities associated 155386
with lead abatement. 155387

(2) "Lead abatement" does not include any of the following: 155388

(a) Residential rental unit lead-safe maintenance practices 155389
performed pursuant to sections 3742.41 and 3742.42 of the Revised 155390
Code; 155391

(b) Implementation of interim controls; 155392

(c) Activities performed by a property owner on a residential 155393
unit to which both of the following apply: 155394

(i) It is a freestanding single-family home used as the 155395
property owner's private residence. 155396

(ii) No child under six years of age who has lead poisoning 155397
resides in the unit. 155398

(L) "Lead abatement contractor" means any individual who 155399
engages in or intends to engage in lead abatement and employs or 155400
supervises one or more lead abatement workers, including on-site 155401
supervision of lead abatement projects, or prepares 155402
specifications, plans, or documents for a lead abatement project. 155403

(M) "Lead abatement project" means one or more lead abatement 155404
activities that are conducted by a lead abatement contractor and 155405
are reasonably related to each other. 155406

(N) "Lead abatement project designer" means a person who is 155407
responsible for designing lead abatement projects and preparing a 155408
pre-abatement plan for all designed projects. 155409

(O) "Lead abatement worker" means an individual who is 155410
responsible in a nonsupervisory capacity for the performance of 155411
lead abatement. 155412

(P) "Lead-based paint" means any paint or other similar 155413
surface-coating substance containing lead at or in excess of the 155414
level that is hazardous to human health, as that level is 155415
established in rules adopted under section 3742.45 of the Revised 155416
Code. 155417

(Q) "Lead-contaminated dust" means dust that contains an area 155418
or mass concentration of lead at or in excess of the level that is 155419
hazardous to human health, as that level is established in rules 155420
adopted under section 3742.45 of the Revised Code. 155421

(R) "Lead-contaminated soil" means soil that contains lead at 155422
or in excess of the level that is hazardous to human health, as 155423
that level is established in rules adopted under section 3742.45 155424
of the Revised Code. 155425

(S) "Lead free" means no lead-based paint is present in any 155426
area referenced in division (B) of section 3742.42 of the Revised 155427
Code. 155428

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.45 of the Revised Code.

(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis

plan; conducting inspections for lead hazards in a residential 155460
unit, child care facility, or school; interpreting results of 155461
inspections and risk assessments; identifying hazard control 155462
strategies to reduce or eliminate lead exposures; and completing a 155463
risk assessment report. 155464

(Z) "Lead-safe residential rental unit" means a residential 155465
rental unit that has undergone the residential rental unit 155466
lead-safe maintenance practices described in section 3742.42 of 155467
the Revised Code, including post-maintenance dust sampling or are 155468
registered pursuant to division (D) of section 3742.41 of the 155469
Revised Code. 155470

(AA) "Manager" means a person, who may be the same person as 155471
the owner, responsible for the daily operation of a residential 155472
unit, child care facility, or school. 155473

(BB) "Permanent" means an expected design life of at least 155474
twenty years. 155475

(CC) "Replacement" means an activity that entails removing 155476
components such as windows, doors, and trim that have lead hazards 155477
on their surfaces and installing components free of lead hazards. 155478

(DD) "Residential unit" means a dwelling or any part of a 155479
building being used as an individual's private residence. 155480
"Residential unit" includes a residential rental unit. 155481

(EE) "Residential rental unit" means a rental property 155482
containing a dwelling or any part of a building being used as an 155483
individual's private residence. 155484

(FF) "School" means a public or nonpublic school in which 155485
children under six years of age receive education. 155486

Sec. 3767.41. (A) As used in this section: 155487

(1) "Building" means, except as otherwise provided in this 155488
division, any building or structure that is used or intended to be 155489

used for residential purposes. "Building" includes, but is not 155490
limited to, a building or structure in which any floor is used for 155491
retail stores, shops, salesrooms, markets, or similar commercial 155492
uses, or for offices, banks, civic administration activities, 155493
professional services, or similar business or civic uses, and in 155494
which the other floors are used, or designed and intended to be 155495
used, for residential purposes. "Building" does not include any 155496
building or structure that is occupied by its owner and that 155497
contains three or fewer residential units. 155498

(2)(a) "Public nuisance" means a building that is a menace to 155499
the public health, welfare, or safety; that is structurally 155500
unsafe, unsanitary, or not provided with adequate safe egress; 155501
that constitutes a fire hazard, is otherwise dangerous to human 155502
life, or is otherwise no longer fit and habitable; or that, in 155503
relation to its existing use, constitutes a hazard to the public 155504
health, welfare, or safety by reason of inadequate maintenance, 155505
dilapidation, obsolescence, or abandonment. 155506

(b) "Public nuisance" as it applies to subsidized housing 155507
means subsidized housing that fails to meet the following 155508
standards as specified in the federal rules governing each 155509
standard: 155510

(i) Each building on the site is structurally sound, secure, 155511
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 155512

(ii) Each building's domestic water, electrical system, 155513
elevators, emergency power, fire protection, HVAC, and sanitary 155514
system is free of health and safety hazards, functionally 155515
adequate, operable, and in good repair, as defined in 24 C.F.R. 155516
5.703(c); 155517

(iii) Each dwelling unit within the building is structurally 155518
sound, habitable, and in good repair, and all areas and aspects of 155519
the dwelling unit are free of health and safety hazards, 155520

functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);

(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as defined in 24 C.F.R. 5.703(d)(2);

(v) If the dwelling unit includes its own sanitary facility, it is in proper operating condition, usable in privacy, and adequate for personal hygiene, and the disposal of human waste, as defined in 24 C.F.R. 5.703(d)(3);

(vi) The common areas are structurally sound, secure, and functionally adequate for the purposes intended. The basement, garage, carport, restrooms, closets, utility, mechanical, community rooms, ~~daycare~~ child care rooms, halls, corridors, stairs, kitchens, laundry rooms, office, porch, patio, balcony, and trash collection areas are free of health and safety hazards, operable, and in good repair. All common area ceilings, doors, floors, HVAC, lighting, smoke detectors, stairs, walls, and windows, to the extent applicable, are free of health and safety hazards, operable, and in good repair, as defined in 24 C.F.R. 5.703(e);

(vii) All areas and components of the housing are free of health and safety hazards. These areas include, but are not limited to, air quality, electrical hazards, elevators, emergency/fire exits, flammable materials, garbage and debris, handrail hazards, infestation, and lead-based paint, as defined in 24 C.F.R. 5.703(f).

(3) "Abate" or "abatement" in connection with any building means the removal or correction of any conditions that constitute a public nuisance and the making of any other improvements that are needed to effect a rehabilitation of the building that is consistent with maintaining safe and habitable conditions over its

remaining useful life. "Abatement" does not include the closing or 155552
boarding up of any building that is found to be a public nuisance. 155553

(4) "Interested party" means any owner, mortgagee, 155554
lienholder, tenant, or person that possesses an interest of record 155555
in any property that becomes subject to the jurisdiction of a 155556
court pursuant to this section, and any applicant for the 155557
appointment of a receiver pursuant to this section. 155558

(5) "Neighbor" means any owner of property, including, but 155559
not limited to, any person who is purchasing property by land 155560
installment contract or under a duly executed purchase contract, 155561
that is located within five hundred feet of any property that 155562
becomes subject to the jurisdiction of a court pursuant to this 155563
section, and any occupant of a building that is so located. 155564

(6) "Tenant" has the same meaning as in section 5321.01 of 155565
the Revised Code. 155566

(7) "Subsidized housing" means a property consisting of more 155567
than four dwelling units that, in whole or in part, receives 155568
project-based assistance pursuant to a contract under any of the 155569
following federal housing programs: 155570

(a) The new construction or substantial rehabilitation 155571
program under section 8(b)(2) of the "United States Housing Act of 155572
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 155573
that program was in effect immediately before the first day of 155574
October, 1983; 155575

(b) The moderate rehabilitation program under section 8(e)(2) 155576
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 155577
Stat. 888, 42 U.S.C. 1437f(e)(2); 155578

(c) The loan management assistance program under section 8 of 155579
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 155580
Stat. 888, 42 U.S.C. 1437f; 155581

(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s; 155582
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(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s; 155585
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(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q; 155590
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(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 155593
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(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a. 155596
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(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on behalf of tenants who reside in that property. 155600
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(9) "Landlord" has the same meaning as in section 5321.01 of the Revised Code. 155603
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(B)(1)(a) In any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, resolution, or regulation applicable to buildings, that is commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, or in any civil action for abatement commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, by a municipal 155605
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corporation or township in which the building involved is located, 155613
by any neighbor, tenant, or by a nonprofit corporation that is 155614
duly organized and has as one of its goals the improvement of 155615
housing conditions in the county or municipal corporation in which 155616
the building involved is located, if a building is alleged to be a 155617
public nuisance, the municipal corporation, township, neighbor, 155618
tenant, or nonprofit corporation may apply in its complaint for an 155619
injunction or other order as described in division (C)(1) of this 155620
section, or for the relief described in division (C)(2) of this 155621
section, including, if necessary, the appointment of a receiver as 155622
described in divisions (C)(2) and (3) of this section, or for both 155623
such an injunction or other order and such relief. The municipal 155624
corporation, township, neighbor, tenant, or nonprofit corporation 155625
commencing the action is not liable for the costs, expenses, and 155626
fees of any receiver appointed pursuant to divisions (C)(2) and 155627
(3) of this section. 155628

(b) Prior to commencing a civil action for abatement when the 155629
property alleged to be a public nuisance is subsidized housing, 155630
the municipal corporation, township, neighbor, tenant, or 155631
nonprofit corporation commencing the action shall provide the 155632
landlord of that property with written notice that specifies one 155633
or more defective conditions that constitute a public nuisance as 155634
that term applies to subsidized housing and states that if the 155635
landlord fails to remedy the condition within sixty days of the 155636
service of the notice, a claim pursuant to this section may be 155637
brought on the basis that the property constitutes a public 155638
nuisance in subsidized housing. Any party authorized to bring an 155639
action against the landlord shall make reasonable attempts to 155640
serve the notice in the manner prescribed in the Rules of Civil 155641
Procedure to the landlord or the landlord's agent for the property 155642
at the property's management office, or at the place where the 155643
tenants normally pay or send rent. If the landlord is not the 155644
owner of record, the party bringing the action shall make a 155645

reasonable attempt to serve the owner. If the owner does not 155646
receive service the person bringing the action shall certify the 155647
attempts to serve the owner. 155648

(2)(a) In a civil action described in division (B)(1) of this 155649
section, a copy of the complaint and a notice of the date and time 155650
of a hearing on the complaint shall be served upon the owner of 155651
the building and all other interested parties in accordance with 155652
the Rules of Civil Procedure. If certified mail service, personal 155653
service, or residence service of the complaint and notice is 155654
refused or certified mail service of the complaint and notice is 155655
not claimed, and if the municipal corporation, township, neighbor, 155656
tenant, or nonprofit corporation commencing the action makes a 155657
written request for ordinary mail service of the complaint and 155658
notice, or uses publication service, in accordance with the Rules 155659
of Civil Procedure, then a copy of the complaint and notice shall 155660
be posted in a conspicuous place on the building. 155661

(b) The judge in a civil action described in division (B)(1) 155662
of this section shall conduct a hearing at least twenty-eight days 155663
after the owner of the building and the other interested parties 155664
have been served with a copy of the complaint and the notice of 155665
the date and time of the hearing in accordance with division 155666
(B)(2)(a) of this section. 155667

(c) In considering whether subsidized housing is a public 155668
nuisance, the judge shall construe the standards set forth in 155669
division (A)(2)(b) of this section in a manner consistent with 155670
department of housing and urban development and judicial 155671
interpretations of those standards. The judge shall deem that the 155672
property is not a public nuisance if during the twelve months 155673
prior to the service of the notice that division (B)(1)(b) of this 155674
section requires, the department of housing and urban 155675
development's real estate assessment center issued a score of 155676
seventy-five or higher out of a possible one hundred points 155677

pursuant to its regulations governing the physical condition of 155678
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 155679
and since the most recent inspection, there has been no 155680
significant change in the property's conditions that would create 155681
a serious threat to the health, safety, or welfare of the 155682
property's tenants. 155683

(C)(1) If the judge in a civil action described in division 155684
(B)(1) of this section finds at the hearing required by division 155685
(B)(2) of this section that the building involved is a public 155686
nuisance, if the judge additionally determines that the owner of 155687
the building previously has not been afforded a reasonable 155688
opportunity to abate the public nuisance or has been afforded such 155689
an opportunity and has not refused or failed to abate the public 155690
nuisance, and if the complaint of the municipal corporation, 155691
township, neighbor, tenant, or nonprofit corporation commencing 155692
the action requested the issuance of an injunction as described in 155693
this division, then the judge may issue an injunction requiring 155694
the owner of the building to abate the public nuisance or issue 155695
any other order that the judge considers necessary or appropriate 155696
to cause the abatement of the public nuisance. If an injunction is 155697
issued pursuant to this division, the owner of the building 155698
involved shall be given no more than thirty days from the date of 155699
the entry of the judge's order to comply with the injunction, 155700
unless the judge, for good cause shown, extends the time for 155701
compliance. 155702

(2) If the judge in a civil action described in division 155703
(B)(1) of this section finds at the hearing required by division 155704
(B)(2) of this section that the building involved is a public 155705
nuisance, if the judge additionally determines that the owner of 155706
the building previously has been afforded a reasonable opportunity 155707
to abate the public nuisance and has refused or failed to do so, 155708
and if the complaint of the municipal corporation, township, 155709

neighbor, tenant, or nonprofit corporation commencing the action 155710
requested relief as described in this division, then the judge 155711
shall offer any mortgagee, lienholder, or other interested party 155712
associated with the property on which the building is located, in 155713
the order of the priority of interest in title, the opportunity to 155714
undertake the work and to furnish the materials necessary to abate 155715
the public nuisance. Prior to selecting any interested party, the 155716
judge shall require the interested party to demonstrate the 155717
ability to promptly undertake the work and furnish the materials 155718
required, to provide the judge with a viable financial and 155719
construction plan for the rehabilitation of the building as 155720
described in division (D) of this section, and to post security 155721
for the performance of the work and the furnishing of the 155722
materials. 155723

If the judge determines, at the hearing, that no interested 155724
party is willing or able to undertake the work and to furnish the 155725
materials necessary to abate the public nuisance, or if the judge 155726
determines, at any time after the hearing, that any party who is 155727
undertaking corrective work pursuant to this division cannot or 155728
will not proceed, or has not proceeded with due diligence, the 155729
judge may appoint a receiver pursuant to division (C)(3) of this 155730
section to take possession and control of the building. 155731

(3)(a) The judge in a civil action described in division 155732
(B)(1) of this section shall not appoint any person as a receiver 155733
unless the person first has provided the judge with a viable 155734
financial and construction plan for the rehabilitation of the 155735
building involved as described in division (D) of this section and 155736
has demonstrated the capacity and expertise to perform the 155737
required work and to furnish the required materials in a 155738
satisfactory manner. An appointed receiver may be a financial 155739
institution that possesses an interest of record in the building 155740
or the property on which it is located, a nonprofit corporation as 155741

described in divisions (B)(1) and (C)(3)(b) of this section, 155742
including, but not limited to, a nonprofit corporation that 155743
commenced the action described in division (B)(1) of this section, 155744
or any other qualified property manager. 155745

(b) To be eligible for appointment as a receiver, no part of 155746
the net earnings of a nonprofit corporation shall inure to the 155747
benefit of any private shareholder or individual. Membership on 155748
the board of trustees of a nonprofit corporation appointed as a 155749
receiver does not constitute the holding of a public office or 155750
employment within the meaning of sections 731.02 and 731.12 or any 155751
other section of the Revised Code and does not constitute a direct 155752
or indirect interest in a contract or expenditure of money by any 155753
municipal corporation. A member of a board of trustees of a 155754
nonprofit corporation appointed as a receiver shall not be 155755
disqualified from holding any public office or employment, and 155756
shall not forfeit any public office or employment, by reason of 155757
membership on the board of trustees, notwithstanding any law to 155758
the contrary. 155759

(D) Prior to ordering any work to be undertaken, or the 155760
furnishing of any materials, to abate a public nuisance under this 155761
section, the judge in a civil action described in division (B)(1) 155762
of this section shall review the submitted financial and 155763
construction plan for the rehabilitation of the building involved 155764
and, if it specifies all of the following, shall approve that 155765
plan: 155766

(1) The estimated cost of the labor, materials, and any other 155767
development costs that are required to abate the public nuisance; 155768

(2) The estimated income and expenses of the building and the 155769
property on which it is located after the furnishing of the 155770
materials and the completion of the repairs and improvements; 155771

(3) The terms, conditions, and availability of any financing 155772

that is necessary to perform the work and to furnish the materials; 155773
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(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance. 155775
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(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership. 155778
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(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge. 155786
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The judge may empower the receiver to do any or all of the following: 155791
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(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 155793
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(2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent; 155797
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(3) Pay pre-receivership mortgages or installments of them 155803

and other liens; 155804

(4) Perform or enter into contracts for the performance of 155805
all work and the furnishing of materials necessary to abate, and 155806
obtain financing for the abatement of, the public nuisance; 155807

(5) Pursuant to court order, remove and dispose of any 155808
personal property abandoned, stored, or otherwise located in or on 155809
the building and the property that creates a dangerous or unsafe 155810
condition or that constitutes a violation of any local building, 155811
housing, air pollution, sanitation, health, fire, zoning, or 155812
safety code, ordinance, or regulation; 155813

(6) Obtain mortgage insurance for any receiver's mortgage 155814
from any agency of the federal government; 155815

(7) Enter into any agreement and do those things necessary to 155816
maintain and preserve the building and the property and comply 155817
with all local building, housing, air pollution, sanitation, 155818
health, fire, zoning, or safety codes, ordinances, resolutions, 155819
and regulations; 155820

(8) Give the custody of the building and the property, and 155821
the opportunity to abate the nuisance and operate the property, to 155822
its owner or any mortgagee or lienholder of record; 155823

(9) Issue notes and secure them by a mortgage bearing 155824
interest, and upon terms and conditions, that the judge approves. 155825
When sold or transferred by the receiver in return for valuable 155826
consideration in money, material, labor, or services, the notes or 155827
certificates shall be freely transferable. Any mortgages granted 155828
by the receiver shall be superior to any claims of the receiver. 155829
Priority among the receiver's mortgages shall be determined by the 155830
order in which they are recorded. 155831

(G) A receiver appointed pursuant to this section is not 155832
personally liable except for misfeasance, malfeasance, or 155833
nonfeasance in the performance of the functions of the office of 155834

receiver. 155835

(H)(1) The judge in a civil action described in division 155836
(B)(1) of this section may assess as court costs, the expenses 155837
described in division (F)(2) of this section, and may approve 155838
receiver's fees to the extent that they are not covered by the 155839
income from the property. Subject to that limitation, a receiver 155840
appointed pursuant to divisions (C)(2) and (3) of this section is 155841
entitled to receive fees in the same manner and to the same extent 155842
as receivers appointed in actions to foreclose mortgages. 155843

(2)(a) Pursuant to the police powers vested in the state, all 155844
expenditures of a mortgagee, lienholder, or other interested party 155845
that has been selected pursuant to division (C)(2) of this section 155846
to undertake the work and to furnish the materials necessary to 155847
abate a public nuisance, and any expenditures in connection with 155848
the foreclosure of the lien created by this division, is a first 155849
lien upon the building involved and the property on which it is 155850
located and is superior to all prior and subsequent liens or other 155851
encumbrances associated with the building or the property, 155852
including, but not limited to, those for taxes and assessments, 155853
upon the occurrence of both of the following: 155854

(i) The prior approval of the expenditures by, and the entry 155855
of a judgment to that effect by, the judge in the civil action 155856
described in division (B)(1) of this section; 155857

(ii) The recordation of a certified copy of the judgment 155858
entry and a sufficient description of the property on which the 155859
building is located with the county recorder in the county in 155860
which the property is located within sixty days after the date of 155861
the entry of the judgment. 155862

(b) Pursuant to the police powers vested in the state, all 155863
expenses and other amounts paid in accordance with division (F) of 155864
this section by a receiver appointed pursuant to divisions (C)(2) 155865

and (3) of this section, the amounts of any notes issued by the receiver in accordance with division (F) of this section, all mortgages granted by the receiver in accordance with that division, the fees of the receiver approved pursuant to division (H)(1) of this section, and any amounts expended in connection with the foreclosure of a mortgage granted by the receiver in accordance with division (F) of this section or with the foreclosure of the lien created by this division, are a first lien upon the building involved and the property on which it is located and are superior to all prior and subsequent liens or other encumbrances associated with the building or the property, including, but not limited to, those for taxes and assessments, upon the occurrence of both of the following:

(i) The approval of the expenses, amounts, or fees by, and the entry of a judgment to that effect by, the judge in the civil action described in division (B)(1) of this section; or the approval of the mortgages in accordance with division (F)(9) of this section by, and the entry of a judgment to that effect by, that judge;

(ii) The recordation of a certified copy of the judgment entry and a sufficient description of the property on which the building is located, or, in the case of a mortgage, the recordation of the mortgage, a certified copy of the judgment entry, and such a description, with the county recorder of the county in which the property is located within sixty days after the date of the entry of the judgment.

(c) Priority among the liens described in divisions (H)(2)(a) and (b) of this section shall be determined as described in division (I) of this section. Additionally, the creation pursuant to this section of a mortgage lien that is prior to or superior to any mortgage of record at the time the mortgage lien is so created, does not disqualify the mortgage of record as a legal

investment under Chapter 1107. or any other chapter of the Revised Code. 155898
155899

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 155900
and (3) of this section files with the judge in the civil action 155901
described in division (B)(1) of this section a report indicating 155902
that the public nuisance has been abated, if the judge confirms 155903
that the receiver has abated the public nuisance, and if the 155904
receiver or any interested party requests the judge to enter an 155905
order directing the receiver to sell the building and the property 155906
on which it is located, the judge may enter that order after 155907
holding a hearing as described in division (I)(2) of this section 155908
and otherwise complying with that division. 155909

(2)(a) The receiver or interested party requesting an order 155910
as described in division (I)(1) of this section shall cause a 155911
notice of the date and time of a hearing on the request to be 155912
served on the owner of the building involved and all other 155913
interested parties in accordance with division (B)(2)(a) of this 155914
section. The judge in the civil action described in division 155915
(B)(1) of this section shall conduct the scheduled hearing. At the 155916
hearing, if the owner or any interested party objects to the sale 155917
of the building and the property, the burden of proof shall be 155918
upon the objecting person to establish, by a preponderance of the 155919
evidence, that the benefits of not selling the building and the 155920
property outweigh the benefits of selling them. If the judge 155921
determines that there is no objecting person, or if the judge 155922
determines that there is one or more objecting persons but no 155923
objecting person has sustained the burden of proof specified in 155924
this division, the judge may enter an order directing the receiver 155925
to offer the building and the property for sale upon terms and 155926
conditions that the judge shall specify. 155927

(b) In any sale of subsidized housing that is ordered 155928
pursuant to this section, the judge shall specify that the 155929

subsidized housing not be conveyed unless that conveyance complies 155930
with applicable federal law and applicable program contracts for 155931
that housing. Any such conveyance shall be subject to the 155932
condition that the purchaser enter into a contract with the 155933
department of housing and urban development or the rural housing 155934
service of the federal department of agriculture under which the 155935
property continues to be subsidized housing and the owner 155936
continues to operate that property as subsidized housing unless 155937
the secretary of housing and urban development or the 155938
administrator of the rural housing service terminates that 155939
property's contract prior to or upon the conveyance of the 155940
property. 155941

(3) If a sale of a building and the property on which it is 155942
located is ordered pursuant to divisions (I)(1) and (2) of this 155943
section and if the sale occurs in accordance with the terms and 155944
conditions specified by the judge in the judge's order of sale, 155945
then the receiver shall distribute the proceeds of the sale and 155946
the balance of any funds that the receiver may possess, after the 155947
payment of the costs of the sale, in the following order of 155948
priority and in the described manner: 155949

(a) First, in satisfaction of any notes issued by the 155950
receiver pursuant to division (F) of this section, in their order 155951
of priority; 155952

(b) Second, any unreimbursed expenses and other amounts paid 155953
in accordance with division (F) of this section by the receiver, 155954
and the fees of the receiver approved pursuant to division (H)(1) 155955
of this section; 155956

(c) Third, all expenditures of a mortgagee, lienholder, or 155957
other interested party that has been selected pursuant to division 155958
(C)(2) of this section to undertake the work and to furnish the 155959
materials necessary to abate a public nuisance, provided that the 155960
expenditures were approved as described in division (H)(2)(a) of 155961

this section and provided that, if any such interested party 155962
subsequently became the receiver, its expenditures shall be paid 155963
prior to the expenditures of any of the other interested parties 155964
so selected; 155965

(d) Fourth, the amount due for delinquent taxes, assessments, 155966
charges, penalties, and interest owed to this state or a political 155967
subdivision of this state, provided that, if the amount available 155968
for distribution pursuant to division (I)(3)(d) of this section is 155969
insufficient to pay the entire amount of those taxes, assessments, 155970
charges, penalties, and interest, the proceeds and remaining funds 155971
shall be paid to each claimant in proportion to the amount of 155972
those taxes, assessments, charges, penalties, and interest that 155973
each is due. 155974

(e) The amount of any pre-receivership mortgages, liens, or 155975
other encumbrances, in their order of priority. 155976

(4) Following a distribution in accordance with division 155977
(I)(3) of this section, the receiver shall request the judge in 155978
the civil action described in division (B)(1) of this section to 155979
enter an order terminating the receivership. If the judge 155980
determines that the sale of the building and the property on which 155981
it is located occurred in accordance with the terms and conditions 155982
specified by the judge in the judge's order of sale under division 155983
(I)(2) of this section and that the receiver distributed the 155984
proceeds of the sale and the balance of any funds that the 155985
receiver possessed, after the payment of the costs of the sale, in 155986
accordance with division (I)(3) of this section, and if the judge 155987
approves any final accounting required of the receiver, the judge 155988
may terminate the receivership. 155989

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 155990
(3) of this section may be discharged at any time in the 155991
discretion of the judge in the civil action described in division 155992
(B)(1) of this section. The receiver shall be discharged by the 155993

judge as provided in division (I)(4) of this section, or when all 155994
of the following have occurred: 155995

(a) The public nuisance has been abated; 155996

(b) All costs, expenses, and approved fees of the 155997
receivership have been paid; 155998

(c) Either all receiver's notes issued and mortgages granted 155999
pursuant to this section have been paid, or all the holders of the 156000
notes and mortgages request that the receiver be discharged. 156001

(2) If a judge in a civil action described in division (B)(1) 156002
of this section determines that, and enters of record a 156003
declaration that, a public nuisance has been abated by a receiver, 156004
and if, within three days after the entry of the declaration, all 156005
costs, expenses, and approved fees of the receivership have not 156006
been paid in full, then, in addition to the circumstances 156007
specified in division (I) of this section for the entry of such an 156008
order, the judge may enter an order directing the receiver to sell 156009
the building involved and the property on which it is located. Any 156010
such order shall be entered, and the sale shall occur, only in 156011
compliance with division (I) of this section. 156012

(K) The title in any building, and in the property on which 156013
it is located, that is sold at a sale ordered under division (I) 156014
or (J)(2) of this section shall be incontestable in the purchaser 156015
and shall be free and clear of all liens for delinquent taxes, 156016
assessments, charges, penalties, and interest owed to this state 156017
or any political subdivision of this state, that could not be 156018
satisfied from the proceeds of the sale and the remaining funds in 156019
the receiver's possession pursuant to the distribution under 156020
division (I)(3) of this section. All other liens and encumbrances 156021
with respect to the building and the property shall survive the 156022
sale, including, but not limited to, a federal tax lien notice 156023
properly filed in accordance with section 317.09 of the Revised 156024

Code prior to the time of the sale, and the easements and 156025
covenants of record running with the property that were created 156026
prior to the time of the sale. 156027

(L)(1) Nothing in this section shall be construed as a 156028
limitation upon the powers granted to a court of common pleas, a 156029
municipal court or a housing or environmental division of a 156030
municipal court under Chapter 1901. of the Revised Code, or a 156031
county court under Chapter 1907. of the Revised Code. 156032

(2) The monetary and other limitations specified in Chapters 156033
1901. and 1907. of the Revised Code upon the jurisdiction of 156034
municipal and county courts, and of housing or environmental 156035
divisions of municipal courts, in civil actions do not operate as 156036
limitations upon any of the following: 156037

(a) Expenditures of a mortgagee, lienholder, or other 156038
interested party that has been selected pursuant to division 156039
(C)(2) of this section to undertake the work and to furnish the 156040
materials necessary to abate a public nuisance; 156041

(b) Any notes issued by a receiver pursuant to division (F) 156042
of this section; 156043

(c) Any mortgage granted by a receiver in accordance with 156044
division (F) of this section; 156045

(d) Expenditures in connection with the foreclosure of a 156046
mortgage granted by a receiver in accordance with division (F) of 156047
this section; 156048

(e) The enforcement of an order of a judge entered pursuant 156049
to this section; 156050

(f) The actions that may be taken pursuant to this section by 156051
a receiver or a mortgagee, lienholder, or other interested party 156052
that has been selected pursuant to division (C)(2) of this section 156053
to undertake the work and to furnish the materials necessary to 156054

abate a public nuisance. 156055

(3) A judge in a civil action described in division (B)(1) of 156056
this section, or the judge's successor in office, has continuing 156057
jurisdiction to review the condition of any building that was 156058
determined to be a public nuisance pursuant to this section. 156059

(4) Nothing in this section shall be construed to limit or 156060
prohibit a municipal corporation or township that has filed with 156061
the superintendent of insurance a certified copy of an adopted 156062
resolution, ordinance, or regulation authorizing the procedures 156063
described in divisions (C) and (D) of section 3929.86 of the 156064
Revised Code from receiving insurance proceeds under section 156065
3929.86 of the Revised Code. 156066

Sec. 3781.06. (A)(1) Any building that may be used as a place 156067
of resort, assembly, education, entertainment, lodging, dwelling, 156068
trade, manufacture, repair, storage, traffic, or occupancy by the 156069
public, any residential building, and all other buildings or parts 156070
and appurtenances of those buildings erected within this state, 156071
shall be so constructed, erected, equipped, and maintained that 156072
they shall be safe and sanitary for their intended use and 156073
occupancy. 156074

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 156075
3791.04 of the Revised Code shall be construed to limit the power 156076
of the division of industrial compliance of the department of 156077
commerce to adopt rules of uniform application governing 156078
manufactured home parks pursuant to section 4781.26 of the Revised 156079
Code. 156080

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 156081
Revised Code do not apply to any of the following: 156082

(1) Buildings or structures that are incident to the use for 156083
agricultural purposes of the land on which the buildings or 156084

structures are located, provided those buildings or structures are 156085
not used in the business of retail trade. For purposes of this 156086
division, a building or structure is not considered used in the 156087
business of retail trade if fifty per cent or more of the gross 156088
income received from sales of products in the building or 156089
structure by the owner or operator is from sales of products 156090
produced or raised in a normal crop year on farms owned or 156091
operated by the seller. 156092

(2) Existing single-family, two-family, and three-family 156093
detached dwelling houses for which applications have been 156094
submitted to the director of job and family services pursuant to 156095
section 5104.03 of the Revised Code for the purposes of operating 156096
type A family ~~day-care~~ child care homes as defined in section 156097
5104.01 of the Revised Code; 156098

(3) A mobile computing unit. As used in this division, 156099
"mobile computing unit" means an assembly that meets all of the 156100
following criteria: 156101

(a) Its purpose is to house and operate computers as defined 156102
in section 2913.01 of the Revised Code. 156103

(b) Its exterior is integral to the protection or cooling, or 156104
both, of the computers housed within it. 156105

(c) It is not attached to a permanent foundation. 156106

(d) It is not accessible to the public. 156107

(e) It is not designed for regular occupancy, but rather 156108
limited access for service and maintenance. 156109

(f) It can be moved or transported as a single integrated 156110
unit. 156111

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 156112
Revised Code: 156113

(1) "Agricultural purposes" include agriculture, farming, 156114

dairying, pasturage, apiculture, algaculture meaning the farming 156115
of algae, horticulture, floriculture, viticulture, ornamental 156116
horticulture, olericulture, pomiculture, and animal and poultry 156117
husbandry. 156118

(2) "Building" means any structure consisting of foundations, 156119
walls, columns, girders, beams, floors, and roof, or a combination 156120
of any number of these parts, with or without other parts or 156121
appurtenances. 156122

(3) "Industrialized unit" means a building unit or assembly 156123
of closed construction fabricated in an off-site facility, that is 156124
substantially self-sufficient as a unit or as part of a greater 156125
structure, and that requires transportation to the site of 156126
intended use. "Industrialized unit" includes units installed on 156127
the site as independent units, as part of a group of units, or 156128
incorporated with standard construction methods to form a 156129
completed structural entity. "Industrialized unit" does not 156130
include a manufactured home as defined by division (C)(4) of this 156131
section or a mobile home as defined by division (O) of section 156132
4501.01 of the Revised Code. 156133

(4) "Manufactured home" means a building unit or assembly of 156134
closed construction that is fabricated in an off-site facility and 156135
constructed in conformance with the federal construction and 156136
safety standards established by the secretary of housing and urban 156137
development pursuant to the "Manufactured Housing Construction and 156138
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 156139
5403, and that has a permanent label or tag affixed to it, as 156140
specified in 42 U.S.C.A. 5415, certifying compliance with all 156141
applicable federal construction and safety standards. 156142

(5) "Permanent foundation" means permanent masonry, concrete, 156143
or a footing or foundation approved by the division of industrial 156144
compliance of the department of commerce pursuant to Chapter 4781. 156145
of the Revised Code, to which a manufactured or mobile home may be 156146

affixed. 156147

(6) "Permanently sited manufactured home" means a 156148
manufactured home that meets all of the following criteria: 156149

(a) The structure is affixed to a permanent foundation and is 156150
connected to appropriate facilities; 156151

(b) The structure, excluding any addition, has a width of at 156152
least twenty-two feet at one point, a length of at least 156153
twenty-two feet at one point, and a total living area, excluding 156154
garages, porches, or attachments, of at least nine hundred square 156155
feet; 156156

(c) The structure has a minimum 3:12 residential roof pitch, 156157
conventional residential siding, and a six-inch minimum eave 156158
overhang, including appropriate guttering; 156159

(d) The structure was manufactured after January 1, 1995; 156160

(e) The structure is not located in a manufactured home park 156161
as defined by section 4781.01 of the Revised Code. 156162

(7) "Safe," with respect to a building, means it is free from 156163
danger or hazard to the life, safety, health, or welfare of 156164
persons occupying or frequenting it, or of the public and from 156165
danger of settlement, movement, disintegration, or collapse, 156166
whether such danger arises from the methods or materials of its 156167
construction or from equipment installed therein, for the purpose 156168
of lighting, heating, the transmission or utilization of electric 156169
current, or from its location or otherwise. 156170

(8) "Sanitary," with respect to a building, means it is free 156171
from danger or hazard to the health of persons occupying or 156172
frequenting it or to that of the public, if such danger arises 156173
from the method or materials of its construction or from any 156174
equipment installed therein, for the purpose of lighting, heating, 156175
ventilating, or plumbing. 156176

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

Sec. 3781.10. (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of

the Revised Code is enforceable. The rules governing residential 156208
buildings are uniform requirements for residential buildings in 156209
any area with a building department certified to enforce the state 156210
residential building code. In no case shall any local code or 156211
regulation differ from the state residential building code unless 156212
that code or regulation addresses subject matter not addressed by 156213
the state residential building code or is adopted pursuant to 156214
section 3781.01 of the Revised Code. 156215

(3) The rules adopted pursuant to this section are complete, 156216
lawful alternatives to any requirements specified for buildings or 156217
industrialized units in any section of the Revised Code. Except as 156218
otherwise provided in division (I) of this section, the board 156219
shall, on its own motion or on application made under sections 156220
3781.12 and 3781.13 of the Revised Code, formulate, propose, 156221
adopt, modify, amend, or repeal the rules to the extent necessary 156222
or desirable to effectuate the purposes of sections 3781.06 to 156223
3781.18 of the Revised Code. 156224

(B) The board shall report to the general assembly proposals 156225
for amendments to existing statutes relating to the purposes 156226
declared in section 3781.06 of the Revised Code that public health 156227
and safety and the development of the arts require and shall 156228
recommend any additional legislation to assist in carrying out 156229
fully, in statutory form, the purposes declared in that section. 156230
The board shall prepare and submit to the general assembly a 156231
summary report of the number, nature, and disposition of the 156232
petitions filed under sections 3781.13 and 3781.14 of the Revised 156233
Code. 156234

(C) On its own motion or on application made under sections 156235
3781.12 and 3781.13 of the Revised Code, and after thorough 156236
testing and evaluation, the board shall determine by rule that any 156237
particular fixture, device, material, process of manufacture, 156238
manufactured unit or component, method of manufacture, system, or 156239

method of construction complies with performance standards adopted 156240
pursuant to section 3781.11 of the Revised Code. The board shall 156241
make its determination with regard to adaptability for safe and 156242
sanitary erection, use, or construction, to that described in any 156243
section of the Revised Code, wherever the use of a fixture, 156244
device, material, method of manufacture, system, or method of 156245
construction described in that section of the Revised Code is 156246
permitted by law. The board shall amend or annul any rule or issue 156247
an authorization for the use of a new material or manufactured 156248
unit on any like application. No department, officer, board, or 156249
commission of the state other than the board of building standards 156250
or the board of building appeals shall permit the use of any 156251
fixture, device, material, method of manufacture, newly designed 156252
product, system, or method of construction at variance with what 156253
is described in any rule the board of building standards adopts or 156254
issues or that is authorized by any section of the Revised Code. 156255
Nothing in this section shall be construed as requiring approval, 156256
by rule, of plans for an industrialized unit that conforms with 156257
the rules the board of building standards adopts pursuant to 156258
section 3781.11 of the Revised Code. 156259

(D) The board shall recommend rules, codes, and standards to 156260
help carry out the purposes of section 3781.06 of the Revised Code 156261
and to help secure uniformity of state administrative rulings and 156262
local legislation and administrative action to the bureau of 156263
workers' compensation, the director of commerce, any other 156264
department, officer, board, or commission of the state, and to 156265
legislative authorities and building departments of counties, 156266
townships, and municipal corporations, and shall recommend that 156267
they audit those recommended rules, codes, and standards by any 156268
appropriate action that they are allowed pursuant to law or the 156269
constitution. 156270

(E)(1) The board shall certify municipal, township, and 156271

county building departments, the personnel of those building 156272
departments, persons described in division (E)(7) of this section, 156273
and employees of individuals, firms, the state, or corporations 156274
described in division (E)(7) of this section to exercise 156275
enforcement authority, to accept and approve plans and 156276
specifications, and to make inspections, pursuant to sections 156277
3781.03, 3791.04, and 4104.43 of the Revised Code. 156278

(2) The board shall certify departments, personnel, and 156279
persons to enforce the state residential building code, to enforce 156280
the nonresidential building code, or to enforce both the 156281
residential and the nonresidential building codes. Any department, 156282
personnel, or person may enforce only the type of building code 156283
for which certified. 156284

(3) The board shall not require a building department, its 156285
personnel, or any persons that it employs to be certified for 156286
residential building code enforcement if that building department 156287
does not enforce the state residential building code. The board 156288
shall specify, in rules adopted pursuant to Chapter 119. of the 156289
Revised Code, the requirements for certification for residential 156290
and nonresidential building code enforcement, which shall be 156291
consistent with this division. The requirements for residential 156292
and nonresidential certification may differ. Except as otherwise 156293
provided in this division, the requirements shall include, but are 156294
not limited to, the satisfactory completion of an initial 156295
examination and, to remain certified, the completion of a 156296
specified number of hours of continuing building code education 156297
within each three-year period following the date of certification 156298
which shall be not less than thirty hours. The rules shall provide 156299
that continuing education credits and certification issued by the 156300
council of American building officials, national model code 156301
organizations, and agencies or entities the board recognizes are 156302
acceptable for purposes of this division. The rules shall specify 156303

requirements that are consistent with the provisions of section 156304
5903.12 of the Revised Code relating to active duty military 156305
service and are compatible, to the extent possible, with 156306
requirements the council of American building officials and 156307
national model code organizations establish. 156308

(4) The board shall establish and collect a certification and 156309
renewal fee for building department personnel, and persons and 156310
employees of persons, firms, or corporations as described in this 156311
section, who are certified pursuant to this division. 156312

(5) Any individual certified pursuant to this division shall 156313
complete the number of hours of continuing building code education 156314
that the board requires or, for failure to do so, forfeit 156315
certification. 156316

(6) This division does not require or authorize the board to 156317
certify personnel of municipal, township, and county building 156318
departments, and persons and employees of persons, firms, or 156319
corporations as described in this section, whose responsibilities 156320
do not include the exercise of enforcement authority, the approval 156321
of plans and specifications, or making inspections under the state 156322
residential and nonresidential building codes. 156323

(7) Enforcement authority for approval of plans and 156324
specifications and enforcement authority for inspections may be 156325
exercised, and plans and specifications may be approved and 156326
inspections may be made on behalf of a municipal corporation, 156327
township, or county, by any of the following who the board of 156328
building standards certifies: 156329

(a) Officers or employees of the municipal corporation, 156330
township, or county; 156331

(b) Persons, or employees of persons, firms, or corporations, 156332
pursuant to a contract to furnish architectural, engineering, or 156333
other services to the municipal corporation, township, or county; 156334

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as applicable.

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services

pursuant to division (E)(7)(b) of this section; 156366

(d) The names of any other municipal corporation, township, 156367
county, health district, or political subdivision under contract 156368
to furnish work or services pursuant to division (E)(7) of this 156369
section; 156370

(e) The proposed budget for the operation of the building 156371
department. 156372

(11) The board of building standards shall adopt rules 156373
governing all of the following: 156374

(a) The certification of building department personnel and 156375
persons and employees of persons, firms, or corporations 156376
exercising authority pursuant to division (E)(7) of this section. 156377
The rules shall disqualify any employee of the department or 156378
person who contracts for services with the department from 156379
performing services for the department when that employee or 156380
person would have to pass upon, inspect, or otherwise exercise 156381
authority over any labor, material, or equipment the employee or 156382
person furnishes for the construction, alteration, or maintenance 156383
of a building or the preparation of working drawings or 156384
specifications for work within the jurisdictional area of the 156385
department. The department shall provide other similarly qualified 156386
personnel to enforce the residential and nonresidential building 156387
codes as they pertain to that work. 156388

(b) The minimum services to be provided by a certified 156389
building department. 156390

(12) The board of building standards may revoke or suspend 156391
certification to enforce the residential and nonresidential 156392
building codes, on petition to the board by any person affected by 156393
that enforcement or approval of plans, or by the board on its own 156394
motion. Hearings shall be held and appeals permitted on any 156395
proceedings for certification or revocation or suspension of 156396

certification in the same manner as provided in section 3781.101 156397
of the Revised Code for other proceedings of the board of building 156398
standards. 156399

(13) Upon certification, and until that authority is revoked, 156400
any county or township building department shall enforce the 156401
residential and nonresidential building codes for which it is 156402
certified without regard to limitation upon the authority of 156403
boards of county commissioners under Chapter 307. of the Revised 156404
Code or boards of township trustees under Chapter 505. of the 156405
Revised Code. 156406

(F) In addition to hearings sections 3781.06 to 3781.18 and 156407
3791.04 of the Revised Code require, the board of building 156408
standards shall make investigations and tests, and require from 156409
other state departments, officers, boards, and commissions 156410
information the board considers necessary or desirable to assist 156411
it in the discharge of any duty or the exercise of any power 156412
mentioned in this section or in sections 3781.06 to 3781.18, 156413
3791.04, and 4104.43 of the Revised Code. 156414

(G) The board shall adopt rules and establish reasonable fees 156415
for the review of all applications submitted where the applicant 156416
applies for authority to use a new material, assembly, or product 156417
of a manufacturing process. The fee shall bear some reasonable 156418
relationship to the cost of the review or testing of the 156419
materials, assembly, or products and for the notification of 156420
approval or disapproval as provided in section 3781.12 of the 156421
Revised Code. 156422

(H) The residential construction advisory committee shall 156423
provide the board with a proposal for a state residential building 156424
code that the committee recommends pursuant to division (D)(1) of 156425
section 4740.14 of the Revised Code. Upon receiving a 156426
recommendation from the committee that is acceptable to the board, 156427
the board shall adopt rules establishing that code as the state 156428

residential building code. 156429

(I)(1) The committee may provide the board with proposed 156430
rules to update or amend the state residential building code that 156431
the committee recommends pursuant to division (E) of section 156432
4740.14 of the Revised Code. 156433

(2) If the board receives a proposed rule to update or amend 156434
the state residential building code as provided in division (I)(1) 156435
of this section, the board either may accept or reject the 156436
proposed rule for incorporation into the residential building 156437
code. If the board does not act to either accept or reject the 156438
proposed rule within ninety days after receiving the proposed rule 156439
from the committee as described in division (I)(1) of this 156440
section, the proposed rule shall become part of the residential 156441
building code. 156442

(J) The board shall cooperate with the director of job and 156443
family services when the director promulgates rules pursuant to 156444
section 5104.05 of the Revised Code regarding safety and 156445
sanitation in type A family ~~day-care~~ child care homes. 156446

(K) The board shall adopt rules to implement the requirements 156447
of section 3781.108 of the Revised Code. 156448

Sec. 3796.30. (A) Except as provided in division (B) of this 156449
section, no medical marijuana cultivator, processor, retail 156450
dispensary, or laboratory that tests medical marijuana shall be 156451
located within five hundred feet of the boundaries of a parcel of 156452
real estate having situated on it a school, church, public 156453
library, public playground, or public park. 156454

If the relocation of a cultivator, processor, retail 156455
dispensary, or laboratory licensed under this chapter results in 156456
the cultivator, processor, retail dispensary, or laboratory being 156457
located within five hundred feet of the boundaries of a parcel of 156458

real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.

(B) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(C) As used in this section and sections 3796.04 and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child ~~day-care~~ care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

Sec. 3797.06. (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general requires by rule adopted under section 3797.08 of the Revised Code the notice described in

division (B) of this section to be given to the persons identified 156489
in divisions (A)(1) to (9) of this section. If a court enters a 156490
declaratory judgment against a registrant under section 2721.21 of 156491
the Revised Code, the sheriff with whom the registrant has most 156492
recently registered under section 3797.02 or 3797.03 of the 156493
Revised Code and the sheriff to whom the registrant most recently 156494
sent a notice of intent to reside under section 3797.03 of the 156495
Revised Code shall provide within the period of time specified in 156496
division (C) of this section a written notice containing the 156497
information set forth in division (B) of this section to all of 156498
the persons described in divisions (A)(1) to (9) of this section. 156499
If the sheriff has sent a notice to the persons described in those 156500
divisions as a result of receiving a notice of intent to reside 156501
and if the registrant registers a residence address that is the 156502
same residence address described in the notice of intent to 156503
reside, the sheriff is not required to send an additional notice 156504
when the registrant registers. The sheriff shall provide the 156505
notice to all of the following persons: 156506

(1)(a) Any occupant of each residential unit that is located 156507
within one thousand feet of the registrant's residential premises, 156508
that is located within the county served by the sheriff, and that 156509
is not located in a multi-unit building. Division (D)(3) of this 156510
section applies regarding notices required under this division. 156511

(b) If the registrant resides in a multi-unit building, any 156512
occupant of each residential unit that is located in that 156513
multi-unit building and that shares a common hallway with the 156514
registrant. For purposes of this division, an occupant's unit 156515
shares a common hallway with the registrant if the entrance door 156516
into the occupant's unit is located on the same floor and opens 156517
into the same hallway as the entrance door to the unit the 156518
registrant occupies. Division (D)(3) of this section applies 156519
regarding notices required under this division. 156520

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the registrant's residential premises, including a multi-unit building in which the registrant resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact. If the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff.

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) The superintendent of each board of education of a school district that has schools within the specified geographical

notification area and that is located within the county served by the sheriff; 156553
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(4) The appointing or hiring officer of each nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; 156555
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(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff; 156562
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(6) The administrator of each child ~~day-care~~ care center or type A family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child ~~day-care~~ care center," "type A family ~~day-care~~ child care home," and "type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code. 156567
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(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution; 156577
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(8) The sheriff of each county that includes any portion of 156585
the specified geographical notification area; 156586

(9) If the registrant resides within the county served by the 156587
sheriff, the chief of police, marshal, or other chief law 156588
enforcement officer of the municipal corporation in which the 156589
registrant resides or, if the registrant resides in an 156590
unincorporated area, the constable or chief of the police 156591
department or police district police force of the township in 156592
which the registrant resides. 156593

(B) The notice required under division (A) of this section 156594
shall include the registrant's name, residence or employment 156595
address, as applicable, and a statement that the registrant has 156596
been found liable for childhood sexual abuse in a civil action and 156597
is listed on the civil registry established by the attorney 156598
general pursuant to section 3797.08 of the Revised Code. 156599

(C) If a sheriff with whom a registrant registers under 156600
section 3797.02 or 3797.03 of the Revised Code or to whom the 156601
registrant most recently sent a notice of intent to reside under 156602
section 3797.03 of the Revised Code is required by division (A) of 156603
this section to provide notices regarding a registrant and if the 156604
sheriff provides a notice pursuant to that requirement the sheriff 156605
provides a notice to a sheriff of one or more other counties in 156606
accordance with division (A)(8) of this section, the sheriff of 156607
each of the other counties who is provided notice under division 156608
(A)(8) of this section shall provide the notices described in 156609
divisions (A)(1) to (7) and (A)(9) of this section to each person 156610
or entity identified within those divisions that is located within 156611
the specified geographical notification area and within the county 156612
served by the sheriff in question. 156613

(D)(1) A sheriff required by division (A) or (C) of this 156614
section to provide notices regarding a registrant shall provide 156615
the notice to the neighbors that are described in division (A)(1) 156616

of this section and the notices to law enforcement personnel that 156617
are described in divisions (A)(8) and (9) of this section as soon 156618
as practicable, but not later than five days after the registrant 156619
sends the notice of intent to reside to the sheriff, and again not 156620
later than five days after the registrant registers with the 156621
sheriff or, if the sheriff is required by division (C) to provide 156622
the notices, not later than five days after the sheriff is 156623
provided the notice described in division (A)(8) of this section. 156624

A sheriff required by division (A) or (C) of this section to 156625
provide notices regarding a registrant shall provide the notices 156626
to all other specified persons that are described in divisions 156627
(A)(2) to (7) of this section as soon as practicable, but not 156628
later than seven days after the registrant registers with the 156629
sheriff, or, if the sheriff is required by division (C) to provide 156630
the notices, not later than five days after the sheriff is 156631
provided the notice described in division (A)(8) of this section. 156632

(2) If a registrant in relation to whom division (A) of this 156633
section applies verifies the registrant's current residence 156634
address with a sheriff pursuant to section 3797.04 of the Revised 156635
Code, the sheriff may provide a written notice containing the 156636
information set forth in division (B) of this section to the 156637
persons identified in divisions (A)(1) to (9) of this section. If 156638
a sheriff provides a notice pursuant to this division to the 156639
sheriff of one or more other counties in accordance with division 156640
(A)(8) of this section, the sheriff of each of the other counties 156641
who is provided the notice under division (A)(8) of this section 156642
may provide, but is not required to provide, a written notice 156643
containing the information set forth in division (B) of this 156644
section to the persons identified in divisions (A)(1) to (7) and 156645
(A)(9) of this section. 156646

(3) A sheriff may provide notice under division (A)(1)(a) or 156647
(b) of this section, and may provide notice under division 156648

(A)(1)(c) of this section to a building manager or person 156649
authorized to exercise management and control of a building, by 156650
mail, by personal contact, or by leaving the notice at or under 156651
the entry door to a residential unit. For purposes of divisions 156652
(A)(1)(a) and (b) of this section and of the portion of division 156653
(A)(1)(c) of this section relating to the provision of notice to 156654
occupants of a multi-unit building by mail or personal contact, 156655
the provision of one written notice per unit is deemed providing 156656
notice to all occupants of that unit. 156657

(E) All information that a sheriff possesses regarding a 156658
registrant that is described in division (B) of this section and 156659
that must be provided in a notice required under division (A) or 156660
(C) of this section or that may be provided in a notice authorized 156661
under division (D)(2) of this section is a public record that is 156662
open to inspection under section 149.43 of the Revised Code. 156663

(F) A sheriff required by division (A) or (C) of this 156664
section, or authorized by division (D)(2) of this section, to 156665
provide notices regarding a registrant may request the department 156666
of job and family services, department of education, or ~~Ohio board~~ 156667
department of regents higher education, by telephone, in 156668
registrant, or by mail, to provide the sheriff with the names, 156669
addresses, and telephone numbers of the appropriate persons and 156670
entities to whom the notices described in divisions (A)(2) to (7) 156671
of this section are to be provided. Upon receipt of a request, the 156672
department ~~or board~~ shall provide the requesting sheriff with the 156673
names, addresses, and telephone numbers of the appropriate persons 156674
and entities to whom those notices are to be provided. 156675

(G)(1) Upon the motion of the registrant or the judge that 156676
entered a declaratory judgment pursuant to section 2721.21 of the 156677
Revised Code or that judge's successor in office, the judge may 156678
schedule a hearing to determine whether the interests of justice 156679
would be served by suspending the community notification 156680

requirement under this section in relation to the registrant. The 156681
judge may dismiss the motion without a hearing but may not issue 156682
an order suspending the community notification requirement without 156683
a hearing. At the hearing, all parties are entitled to be heard. 156684
If, at the conclusion of the hearing, the judge finds that the 156685
registrant has proven by clear and convincing evidence that the 156686
registrant is unlikely to commit childhood sexual abuse in the 156687
future and that suspending the community notification requirement 156688
is in the interests of justice, the judge may issue an order 156689
suspending the application of this section in relation to the 156690
registrant. The order shall contain both of these findings. 156691

The judge promptly shall serve a copy of the order upon the 156692
sheriff with whom the registrant most recently registered a 156693
residence address and the sheriff with whom the registrant most 156694
recently registered an employment address under section 3797.02 of 156695
the Revised Code. 156696

An order suspending the community notification requirement 156697
does not suspend or otherwise alter a registrant's duties to 156698
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 156699
Code. 156700

(2) A registrant has the right to appeal an order denying a 156701
motion made under division (G)(1) of this section. 156702

Sec. 3905.064. As used in sections 3905.064 to 3905.0611 of 156703
the Revised Code: 156704

(A) "Aggregator site" means a web site that provides access 156705
to information regarding insurance products from more than one 156706
insurer, including product and insurer information, for use in 156707
comparison shopping. 156708

(B) "Blanket travel insurance" means a policy of travel 156709
insurance issued to any eligible group providing coverage for 156710

specific classes of persons defined in the policy with coverage 156711
provided to all members of the eligible group without a separate 156712
charge to individual members of the eligible group. 156713

(C) "Cancellation fee waiver" means a contractual agreement 156714
between a supplier of travel services and its customer to waive 156715
some or all of the nonrefundable cancellation fee provisions of 156716
the supplier's underlying travel contract, with or without regard 156717
to the reason for the cancellation or form of reimbursement. 156718

(D) "Eligible group" means, solely for the purposes of travel 156719
insurance, two or more persons who are engaged in a common 156720
enterprise, or have an economic, educational, or social affinity 156721
or relationship. "Eligible group" includes any of the following: 156722

(1) Any entity engaged in the business of providing travel or 156723
travel services, including all of the following: 156724

(a) Tour operators; 156725

(b) Lodging providers; 156726

(c) Vacation property owners; 156727

(d) Hotels and resorts; 156728

(e) Travel clubs; 156729

(f) Travel agencies; 156730

(g) Property managers; 156731

(h) Cultural exchange programs; 156732

(i) Common carriers or the operator, owner, or lessor of a 156733
means of transportation of passengers, including airlines, cruise 156734
lines, railroads, steamship companies, and public bus carriers 156735
that, with regard to any particular travel or type of travel or 156736
travelers, subjects all members or customers of the group to a 156737
common exposure to risk attendant to such travel; 156738

(2) Any college, school, or other institution of learning, 156739

obtaining travel insurance covering students, teachers, employees, 156740
or volunteers; 156741

(3) Any employer obtaining travel insurance coverage for any 156742
group of employees, volunteers, contractors, board of directors, 156743
dependents, or guests; 156744

(4) Any sports team, camp, or sponsor thereof, obtaining 156745
travel insurance coverage for participants, members, campers, 156746
employees, officials, supervisors, or volunteers; 156747

(5) Any religious, charitable, recreational, educational, or 156748
civic organization, or branch thereof, obtaining travel insurance 156749
coverage for any group of members, participants, or volunteers; 156750

(6) Any financial institution or financial institution 156751
vendor, or parent holding company, trustee, or agent of, or 156752
designated by, one or more financial institutions or financial 156753
institution vendors, including account holders, credit card 156754
holders, debtors, guarantors, or purchasers; 156755

(7) Any incorporated or unincorporated association, including 156756
labor unions, that have a common interest, constitution, and 156757
bylaws, and that are organized and maintained in good faith for 156758
purposes other than obtaining insurance for members or 156759
participants of such association covering its members; 156760

(8) Any trust or the trustees of a fund established, created, 156761
or maintained for the benefit of and covering members, employees, 156762
or customers of one or more associations meeting the requirements 156763
of division (D)(7) of this section, subject to the 156764
superintendent's permitting the use of a trust and the state's 156765
premium tax provisions in section 3905.068 of the Revised Code; 156766

(9) Any entertainment production company obtaining travel 156767
insurance coverage for any group of participants, volunteers, 156768
audience members, contestants, or workers; 156769

(10) Any volunteer fire department, ambulance, rescue, 156770
police, or court, or any first aid, civil defense, or other such 156771
volunteer group; 156772

(11) Preschools, child care centers, adult day-care 156773
institutions ~~for children or adults~~, and senior citizen clubs; 156774

(12) Any automobile or truck rental or leasing company 156775
obtaining travel insurance coverage for a group of individuals who 156776
may become renters, lessees, or passengers, defined by their 156777
travel status, on the rented or leased vehicles; 156778

(13) Any other group whose members the superintendent has 156779
determined are engaged in a common enterprise, or that have an 156780
economic, educational, or social affinity or relationship, if the 156781
superintendent also determines that issuance of the travel 156782
insurance policy would not be contrary to the public interest. 156783

(E) "Fulfillment materials" means documentation sent to the 156784
purchaser of a travel protection plan confirming the purchase and 156785
providing the travel protection plan's coverage and assistance 156786
details. 156787

(F) "Group travel insurance" means travel insurance issued to 156788
any eligible group. 156789

(G) "Limited lines travel insurance agent" means an 156790
individual or business entity licensed to sell, solicit, or 156791
negotiate travel insurance under section 3905.065 of the Revised 156792
Code. "Limited lines travel insurance agent" includes a licensed 156793
insurance agent and a travel administrator. 156794

(H) "Offer and sell" means providing general information, 156795
including a description of the coverage and price, as well as 156796
processing the application and collecting premiums. 156797

(I) "Primary certificate holder" means an individual person 156798
who elects and purchases travel insurance under a group policy. 156799

(J) "Primary policyholder" means an individual person who
elects and purchases individual travel insurance.

(K) "Travel administrator" means a person who directly or
indirectly underwrites, collects charges, collateral, or premiums
from, or adjusts or settles claims on residents of this state, in
connection with travel insurance. The following persons shall not
be considered a travel administrator if they engage in no other
activities that would cause them to be considered a travel
administrator:

(1) A person working for a travel administrator to the extent
that the person's activities are subject to the supervision and
control of the travel administrator;

(2) An insurance agent selling insurance or engaged in
administrative and claims-related activities within the scope of
the agent's license;

(3) A travel retailer offering and selling travel insurance
and registered under the license of a limited-lines travel
insurance agent in accordance with sections 3905.065 and 3905.066
of the Revised Code;

(4) An individual adjusting or settling claims in the normal
course of that individual's practice or employment as an attorney
at law and who does not collect charges or premiums in connection
with insurance coverage;

(5) A business entity affiliated with a licensed insurer
while that insurer is acting as a travel administrator for the
direct and assumed insurance business of a separate affiliated
insurer.

(L) "Travel assistance services" means noninsurance services
for which the consumer is not indemnified based on a fortuitous
event, and where providing the service does not result in transfer
or shifting of risk that would constitute the business of

insurance. "Travel assistance services" include all of the	156831
following:	156832
(1) Security advisories;	156833
(2) Destination information;	156834
(3) Vaccination and immunization information services;	156835
(4) Travel reservation services;	156836
(5) Entertainment;	156837
(6) Activity and event planning;	156838
(7) Translation assistance;	156839
(8) Emergency messaging;	156840
(9) International legal and medical referrals;	156841
(10) Medical case monitoring;	156842
(11) Coordination of transportation arrangements;	156843
(12) Emergency cash transfer assistance;	156844
(13) Medical prescription replacement assistance;	156845
(14) Passport and travel document replacement assistance;	156846
(15) Lost luggage assistance;	156847
(16) Concierge services;	156848
(17) Any other service that is furnished in connection with planned travel.	156849 156850
(M)(1) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including all of the following:	156851 156852 156853
(a) Interruption or cancellation of a trip or event;	156854
(b) Loss of baggage or personal effects;	156855
(c) Damages to accommodations or rental vehicles;	156856

(d) Sickness, accident, disability, or death occurring during travel;	156857 156858
(e) Emergency evacuation;	156859
(f) Repatriation of remains;	156860
(g) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent of insurance.	156861 156862 156863
(2) "Travel insurance" does not include any of the following:	156864
(a) Major medical plans that provide comprehensive medical protection for a traveler with a trip lasting six months or longer, including a plan covering a person working overseas as an expatriate or in a deployed military unit;	156865 156866 156867 156868
(b) Any other product that requires a specific insurance agent license;	156869 156870
(c) Travel assistance services;	156871
(d) Cancellation fee waivers.	156872
(N) "Travel insurer" means an insurer, as defined in section 3901.32 of the Revised Code, that provides travel insurance.	156873 156874
(O) "Travel protection plan" means a plan that provides one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.	156875 156876 156877
(P) "Travel retailer" means a business entity that makes, arranges, or offers travel services, and that may offer or sell travel insurance as a service to its customers on behalf of, and under the direction of, a limited lines travel insurance agent in conjunction with the making, arranging, or offering of travel services.	156878 156879 156880 156881 156882 156883
Sec. 4510.021. (A) Unless expressly prohibited by section 2919.22, section 4510.13, or any other section of the Revised	156884 156885

Code, a court may grant limited driving privileges for any purpose 156886
described in division (A) of this section during any suspension 156887
imposed by the court. In granting the privileges, the court shall 156888
specify the purposes, times, and places of the privileges and may 156889
impose any other reasonable conditions on the person's driving of 156890
a motor vehicle. The privileges shall be for any of the following 156891
limited purposes: 156892

(1) Occupational, educational, vocational, or medical 156893
purposes; 156894

(2) Taking the driver's or commercial driver's license 156895
examination; 156896

(3) Attending court-ordered treatment; 156897

(4) Attending any court proceeding related to the offense for 156898
which the offender's suspension was imposed; 156899

(5) Transporting a minor to a child care provider, ~~day care~~ 156900
child care, preschool, school, or to any other location for 156901
purposes of receiving child care; 156902

(6) Any other purpose the court determines to be appropriate. 156903

(B) Unless expressly authorized by a section of the Revised 156904
Code, a court may not grant limited driving privileges during any 156905
suspension imposed by the bureau of motor vehicles. To obtain 156906
limited driving privileges during a suspension imposed by the 156907
bureau, the person under suspension may file a petition in a court 156908
of record in the county in which the person resides. A person who 156909
is not a resident of this state shall file any petition for 156910
privileges either in the Franklin county municipal court or in the 156911
municipal or county court located in the county where the offense 156912
occurred. If the person who is not a resident of this state is a 156913
minor, the person may file the petition either in the Franklin 156914
county juvenile court or in the juvenile court with jurisdiction 156915

over the offense. If a court grants limited driving privileges as 156916
described in this division, the privileges shall be for any of the 156917
limited purposes identified in division (A) of this section. 156918

(C) When the use of an immobilizing or disabling device is 156919
not otherwise required by law, the court, as a condition of 156920
granting limited driving privileges, may require that the person's 156921
vehicle be equipped with an immobilizing or disabling device, 156922
except as provided in division (C) of section 4510.43 of the 156923
Revised Code. When the use of restricted license plates issued 156924
under section 4503.231 of the Revised Code is not otherwise 156925
required by law, the court, as a condition of granting limited 156926
driving privileges, may require that the person's vehicle be 156927
equipped with restricted license plates of that nature, except as 156928
provided in division (B) of that section. 156929

(D) When the court grants limited driving privileges under 156930
section 4510.31 of the Revised Code or any other provision of law 156931
during the suspension of the temporary instruction permit or 156932
probationary driver's license of a person who is under eighteen 156933
years of age, the court may include as a purpose of the privilege 156934
the person's practicing of driving with the person's parent, 156935
guardian, or other custodian during the period of the suspension. 156936
If the court grants limited driving privileges for this purpose, 156937
the court, in addition to all other conditions it imposes, shall 156938
impose as a condition that the person exercise the privilege only 156939
when a parent, guardian, or custodian of the person who holds a 156940
current valid driver's or commercial driver's license issued by 156941
this state actually occupies the seat beside the person in the 156942
vehicle the person is operating. 156943

(E) Before granting limited driving privileges under this 156944
section, the court shall require the offender to provide proof of 156945
financial responsibility pursuant to section 4509.45 of the 156946
Revised Code. 156947

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 156948
the Revised Code: 156949

(A) "Vehicle" means every device, including a motorized 156950
bicycle and an electric bicycle, in, upon, or by which any person 156951
or property may be transported or drawn upon a highway, except 156952
that "vehicle" does not include any motorized wheelchair, any 156953
electric personal assistive mobility device, any low-speed 156954
micromobility device, any personal delivery device as defined in 156955
section 4511.513 of the Revised Code, any device that is moved by 156956
power collected from overhead electric trolley wires or that is 156957
used exclusively upon stationary rails or tracks, or any device, 156958
other than a bicycle, that is moved by human power. 156959

(B) "Motor vehicle" means every vehicle propelled or drawn by 156960
power other than muscular power or power collected from overhead 156961
electric trolley wires, except motorized bicycles, electric 156962
bicycles, road rollers, traction engines, power shovels, power 156963
cranes, and other equipment used in construction work and not 156964
designed for or employed in general highway transportation, 156965
hole-digging machinery, well-drilling machinery, ditch-digging 156966
machinery, farm machinery, and trailers designed and used 156967
exclusively to transport a boat between a place of storage and a 156968
marina, or in and around a marina, when drawn or towed on a street 156969
or highway for a distance of no more than ten miles and at a speed 156970
of twenty-five miles per hour or less. 156971

(C) "Motorcycle" means every motor vehicle, other than a 156972
tractor, having a seat or saddle for the use of the operator and 156973
designed to travel on not more than three wheels in contact with 156974
the ground, including, but not limited to, motor vehicles known as 156975
"motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed 156976
motorcycle," or "motorcycle" without regard to weight or brake 156977
horsepower. 156978

(D) "Emergency vehicle" means emergency vehicles of 156979
municipal, township, or county departments or public utility 156980
corporations when identified as such as required by law, the 156981
director of public safety, or local authorities, and motor 156982
vehicles when commandeered by a police officer. 156983

(E) "Public safety vehicle" means any of the following: 156984

(1) Ambulances, including private ambulance companies under 156985
contract to a municipal corporation, township, or county, and 156986
private ambulances and nontransport vehicles bearing license 156987
plates issued under section 4503.49 of the Revised Code; 156988

(2) Motor vehicles used by public law enforcement officers or 156989
other persons sworn to enforce the criminal and traffic laws of 156990
the state; 156991

(3) Any motor vehicle when properly identified as required by 156992
the director of public safety, when used in response to fire 156993
emergency calls or to provide emergency medical service to ill or 156994
injured persons, and when operated by a duly qualified person who 156995
is a member of a volunteer rescue service or a volunteer fire 156996
department, and who is on duty pursuant to the rules or directives 156997
of that service. The state fire marshal shall be designated by the 156998
director of public safety as the certifying agency for all public 156999
safety vehicles described in division (E)(3) of this section. 157000

(4) Vehicles used by fire departments, including motor 157001
vehicles when used by volunteer fire fighters responding to 157002
emergency calls in the fire department service when identified as 157003
required by the director of public safety. 157004

Any vehicle used to transport or provide emergency medical 157005
service to an ill or injured person, when certified as a public 157006
safety vehicle, shall be considered a public safety vehicle when 157007
transporting an ill or injured person to a hospital regardless of 157008
whether such vehicle has already passed a hospital. 157009

(5) Vehicles used by the motor carrier enforcement unit for 157010
the enforcement of orders and rules of the public utilities 157011
commission as specified in section 5503.34 of the Revised Code. 157012

(F) "School bus" means every bus designed for carrying more 157013
than nine passengers that is owned by a public, private, or 157014
governmental agency or institution of learning and operated for 157015
the transportation of children to or from a school session or a 157016
school function, or owned by a private person and operated for 157017
compensation for the transportation of children to or from a 157018
school session or a school function, provided "school bus" does 157019
not include a bus operated by a municipally owned transportation 157020
system, a mass transit company operating exclusively within the 157021
territorial limits of a municipal corporation, or within such 157022
limits and the territorial limits of municipal corporations 157023
immediately contiguous to such municipal corporation, nor a common 157024
passenger carrier certified by the public utilities commission 157025
unless such bus is devoted exclusively to the transportation of 157026
children to and from a school session or a school function, and 157027
"school bus" does not include a van or bus used by a licensed 157028
child ~~day-care~~ care center or type A family ~~day-care~~ child care 157029
home to transport children from the child ~~day-care~~ care center or 157030
type A family ~~day-care~~ child care home to a school if the van or 157031
bus does not have more than fifteen children in the van or bus at 157032
any time. 157033

(G) "Bicycle" means every device, other than a device that is 157034
designed solely for use as a play vehicle by a child, that is 157035
propelled solely by human power upon which a person may ride, and 157036
that has two or more wheels, any of which is more than fourteen 157037
inches in diameter. 157038

(H) "Motorized bicycle" or "moped" means any vehicle having 157039
either two tandem wheels or one wheel in the front and two wheels 157040
in the rear, that may be pedaled, and that is equipped with a 157041

helper motor of not more than fifty cubic centimeters piston 157042
displacement that produces not more than one brake horsepower and 157043
is capable of propelling the vehicle at a speed of not greater 157044
than twenty miles per hour on a level surface. "Motorized bicycle" 157045
or "moped" does not include an electric bicycle. 157046

(I) "Commercial tractor" means every motor vehicle having 157047
motive power designed or used for drawing other vehicles and not 157048
so constructed as to carry any load thereon, or designed or used 157049
for drawing other vehicles while carrying a portion of such other 157050
vehicles, or load thereon, or both. 157051

(J) "Agricultural tractor" means every self-propelling 157052
vehicle designed or used for drawing other vehicles or wheeled 157053
machinery but having no provision for carrying loads independently 157054
of such other vehicles, and used principally for agricultural 157055
purposes. 157056

(K) "Truck" means every motor vehicle, except trailers and 157057
semitrailers, designed and used to carry property. 157058

(L) "Bus" means every motor vehicle designed for carrying 157059
more than nine passengers and used for the transportation of 157060
persons other than in a ridesharing arrangement, and every motor 157061
vehicle, automobile for hire, or funeral car, other than a taxicab 157062
or motor vehicle used in a ridesharing arrangement, designed and 157063
used for the transportation of persons for compensation. 157064

(M) "Trailer" means every vehicle designed or used for 157065
carrying persons or property wholly on its own structure and for 157066
being drawn by a motor vehicle, including any such vehicle when 157067
formed by or operated as a combination of a "semitrailer" and a 157068
vehicle of the dolly type, such as that commonly known as a 157069
"trailer dolly," a vehicle used to transport agricultural produce 157070
or agricultural production materials between a local place of 157071
storage or supply and the farm when drawn or towed on a street or 157072

highway at a speed greater than twenty-five miles per hour, and a 157073
vehicle designed and used exclusively to transport a boat between 157074
a place of storage and a marina, or in and around a marina, when 157075
drawn or towed on a street or highway for a distance of more than 157076
ten miles or at a speed of more than twenty-five miles per hour. 157077

(N) "Semitrailer" means every vehicle designed or used for 157078
carrying persons or property with another and separate motor 157079
vehicle so that in operation a part of its own weight or that of 157080
its load, or both, rests upon and is carried by another vehicle. 157081

(O) "Pole trailer" means every trailer or semitrailer 157082
attached to the towing vehicle by means of a reach, pole, or by 157083
being boomed or otherwise secured to the towing vehicle, and 157084
ordinarily used for transporting long or irregular shaped loads 157085
such as poles, pipes, or structural members capable, generally, of 157086
sustaining themselves as beams between the supporting connections. 157087

(P) "Railroad" means a carrier of persons or property 157088
operating upon rails placed principally on a private right-of-way. 157089

(Q) "Railroad train" means a steam engine or an electric or 157090
other motor, with or without cars coupled thereto, operated by a 157091
railroad. 157092

(R) "Streetcar" means a car, other than a railroad train, for 157093
transporting persons or property, operated upon rails principally 157094
within a street or highway. 157095

(S) "Trackless trolley" means every car that collects its 157096
power from overhead electric trolley wires and that is not 157097
operated upon rails or tracks. 157098

(T) "Explosives" means any chemical compound or mechanical 157099
mixture that is intended for the purpose of producing an explosion 157100
that contains any oxidizing and combustible units or other 157101
ingredients in such proportions, quantities, or packing that an 157102
ignition by fire, by friction, by concussion, by percussion, or by 157103

a detonator of any part of the compound or mixture may cause such 157104
a sudden generation of highly heated gases that the resultant 157105
gaseous pressures are capable of producing destructive effects on 157106
contiguous objects, or of destroying life or limb. Manufactured 157107
articles shall not be held to be explosives when the individual 157108
units contain explosives in such limited quantities, of such 157109
nature, or in such packing, that it is impossible to procure a 157110
simultaneous or a destructive explosion of such units, to the 157111
injury of life, limb, or property by fire, by friction, by 157112
concussion, by percussion, or by a detonator, such as fixed 157113
ammunition for small arms, firecrackers, or safety fuse matches. 157114

(U) "Flammable liquid" means any liquid that has a flash 157115
point of seventy degrees fahrenheit, or less, as determined by a 157116
tagliabue or equivalent closed cup test device. 157117

(V) "Gross weight" means the weight of a vehicle plus the 157118
weight of any load thereon. 157119

(W) "Person" means every natural person, firm, 157120
co-partnership, association, or corporation. 157121

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 157122
includes a personal delivery device as defined in section 4511.513 157123
of the Revised Code unless the context clearly suggests otherwise. 157124

(Y) "Driver or operator" means every person who drives or is 157125
in actual physical control of a vehicle, trackless trolley, or 157126
streetcar. 157127

(Z) "Police officer" means every officer authorized to direct 157128
or regulate traffic, or to make arrests for violations of traffic 157129
regulations. 157130

(AA) "Local authorities" means every county, municipal, and 157131
other local board or body having authority to adopt police 157132
regulations under the constitution and laws of this state. 157133

(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

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(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

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(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

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(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.

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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

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(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing

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traffic shall not be modified by sections 4511.01 to 4511.79 and 157165
4511.99 of the Revised Code. 157166

(JJ) "State route" means every highway that is designated 157167
with an official state route number and so marked. 157168

(KK) "Intersection" means: 157169

(1) The area embraced within the prolongation or connection 157170
of the lateral curb lines, or, if none, the lateral boundary lines 157171
of the roadways of two highways that join one another at, or 157172
approximately at, right angles, or the area within which vehicles 157173
traveling upon different highways that join at any other angle 157174
might come into conflict. The junction of an alley or driveway 157175
with a roadway or highway does not constitute an intersection 157176
unless the roadway or highway at the junction is controlled by a 157177
traffic control device. 157178

(2) If a highway includes two roadways that are thirty feet 157179
or more apart, then every crossing of each roadway of such divided 157180
highway by an intersecting highway constitutes a separate 157181
intersection. If both intersecting highways include two roadways 157182
thirty feet or more apart, then every crossing of any two roadways 157183
of such highways constitutes a separate intersection. 157184

(3) At a location controlled by a traffic control signal, 157185
regardless of the distance between the separate intersections as 157186
described in division (KK)(2) of this section: 157187

(a) If a stop line, yield line, or crosswalk has not been 157188
designated on the roadway within the median between the separate 157189
intersections, the two intersections and the roadway and median 157190
constitute one intersection. 157191

(b) Where a stop line, yield line, or crosswalk line is 157192
designated on the roadway on the intersection approach, the area 157193
within the crosswalk and any area beyond the designated stop line 157194
or yield line constitute part of the intersection. 157195

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk. 157196
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(LL) "Crosswalk" means: 157199

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway; 157200
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(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface; 157204
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(3) Notwithstanding divisions (LL)(1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing. 157207
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(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times. 157210
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(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices. 157214
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(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences 157223
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and buildings in use for business. 157227

(PP) "Urban district" means the territory contiguous to and 157228
including any street or highway which is built up with structures 157229
devoted to business, industry, or dwelling houses situated at 157230
intervals of less than one hundred feet for a distance of a 157231
quarter of a mile or more, and the character of such territory is 157232
indicated by official traffic control devices. 157233

(QQ) "Traffic control device" means a flagger, sign, signal, 157234
marking, or other device used to regulate, warn, or guide traffic, 157235
placed on, over, or adjacent to a street, highway, private road 157236
open to public travel, pedestrian facility, or shared-use path by 157237
authority of a public agency or official having jurisdiction, or, 157238
in the case of a private road open to public travel, by authority 157239
of the private owner or private official having jurisdiction. 157240

(RR) "Traffic control signal" means any highway traffic 157241
signal by which traffic is alternately directed to stop and 157242
permitted to proceed. 157243

(SS) "Railroad sign or signal" means any sign, signal, or 157244
device erected by authority of a public body or official or by a 157245
railroad and intended to give notice of the presence of railroad 157246
tracks or the approach of a railroad train. 157247

(TT) "Traffic" means pedestrians, ridden or herded animals, 157248
vehicles, streetcars, trackless trolleys, and other devices, 157249
either singly or together, while using for purposes of travel any 157250
highway or private road open to public travel. 157251

(UU) "Right-of-way" means either of the following, as the 157252
context requires: 157253

(1) The right of a vehicle, streetcar, trackless trolley, or 157254
pedestrian to proceed uninterruptedly in a lawful manner in the 157255
direction in which it or the individual is moving in preference to 157256
another vehicle, streetcar, trackless trolley, or pedestrian 157257

approaching from a different direction into its or the 157258
individual's path; 157259

(2) A general term denoting land, property, or the interest 157260
therein, usually in the configuration of a strip, acquired for or 157261
devoted to transportation purposes. When used in this context, 157262
right-of-way includes the roadway, shoulders or berm, ditch, and 157263
slopes extending to the right-of-way limits under the control of 157264
the state or local authority. 157265

(VV) "Rural mail delivery vehicle" means every vehicle used 157266
to deliver United States mail on a rural mail delivery route. 157267

(WW) "Funeral escort vehicle" means any motor vehicle, 157268
including a funeral hearse, while used to facilitate the movement 157269
of a funeral procession. 157270

(XX) "Alley" means a street or highway intended to provide 157271
access to the rear or side of lots or buildings in urban districts 157272
and not intended for the purpose of through vehicular traffic, and 157273
includes any street or highway that has been declared an "alley" 157274
by the legislative authority of the municipal corporation in which 157275
such street or highway is located. 157276

(YY) "Freeway" means a divided multi-lane highway for through 157277
traffic with all crossroads separated in grade and with full 157278
control of access. 157279

(ZZ) "Expressway" means a divided arterial highway for 157280
through traffic with full or partial control of access with an 157281
excess of fifty per cent of all crossroads separated in grade. 157282

(AAA) "Thruway" means a through highway whose entire roadway 157283
is reserved for through traffic and on which roadway parking is 157284
prohibited. 157285

(BBB) "Stop intersection" means any intersection at one or 157286
more entrances of which stop signs are erected. 157287

(CCC) "Arterial street" means any United States or state
numbered route, controlled access highway, or other major radial
or circumferential street or highway designated by local
authorities within their respective jurisdictions as part of a
major arterial system of streets or highways.

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(DDD) "Ridesharing arrangement" means the transportation of
persons in a motor vehicle where such transportation is incidental
to another purpose of a volunteer driver and includes ridesharing
arrangements known as carpools, vanpools, and buspools.

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(EEE) "Motorized wheelchair" means any self-propelled vehicle
designed for, and used by, a person with a disability and that is
incapable of a speed in excess of eight miles per hour.

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(FFF) "Child ~~day-care~~ care center" and "type A family
~~day-care~~ child care home" have the same meanings as in section
5104.01 of the Revised Code.

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(GGG) "Multi-wheel agricultural tractor" means a type of
agricultural tractor that has two or more wheels or tires on each
side of one axle at the rear of the tractor, is designed or used
for drawing other vehicles or wheeled machinery, has no provision
for carrying loads independently of the drawn vehicles or
machinery, and is used principally for agricultural purposes.

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(HHH) "Operate" means to cause or have caused movement of a
vehicle, streetcar, or trackless trolley.

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(III) "Predicate motor vehicle or traffic offense" means any
of the following:

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(1) A violation of section 4511.03, 4511.051, 4511.12,
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213,
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29,
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36,
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43,
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452,

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4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 157319
4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 157320
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 157321
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 157322
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 157323
Code; 157324

(2) A violation of division (A)(2) of section 4511.17, 157325
divisions (A) to (D) of section 4511.51, or division (A) of 157326
section 4511.74 of the Revised Code; 157327

(3) A violation of any provision of sections 4511.01 to 157328
4511.76 of the Revised Code for which no penalty otherwise is 157329
provided in the section that contains the provision violated; 157330

(4) A violation of section 4511.214 of the Revised Code; 157331

(5) A violation of a municipal ordinance that is 157332
substantially similar to any section or provision set forth or 157333
described in division (III)(1), (2), (3), or (4) of this section. 157334

(JJJ) "Road service vehicle" means wreckers, utility repair 157335
vehicles, and state, county, and municipal service vehicles 157336
equipped with visual signals by means of flashing, rotating, or 157337
oscillating lights. 157338

(KKK) "Beacon" means a highway traffic signal with one or 157339
more signal sections that operate in a flashing mode. 157340

(LLL) "Hybrid beacon" means a type of beacon that is 157341
intentionally placed in a dark mode between periods of operation 157342
where no indications are displayed and, when in operation, 157343
displays both steady and flashing traffic control signal 157344
indications. 157345

(MMM) "Highway traffic signal" means a power-operated traffic 157346
control device by which traffic is warned or directed to take some 157347
specific action. "Highway traffic signal" does not include a 157348

power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. 157349
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(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. 157351
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(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. 157356
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(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. 157366
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(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in 157377
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specific highway maintenance activities. 157381

(RRR) "Waste collection vehicle" means a vehicle used in the 157382
collection of garbage, refuse, trash, or recyclable materials. 157383

(SSS) "Electric bicycle" means a "class 1 electric bicycle," 157384
a "class 2 electric bicycle," or a "class 3 electric bicycle" as 157385
defined in this section. 157386

(TTT) "Class 1 electric bicycle" means a bicycle that is 157387
equipped with fully operable pedals and an electric motor of less 157388
than seven hundred fifty watts that provides assistance only when 157389
the rider is pedaling and ceases to provide assistance when the 157390
bicycle reaches the speed of twenty miles per hour. 157391

(UUU) "Class 2 electric bicycle" means a bicycle that is 157392
equipped with fully operable pedals and an electric motor of less 157393
than seven hundred fifty watts that may provide assistance 157394
regardless of whether the rider is pedaling and is not capable of 157395
providing assistance when the bicycle reaches the speed of twenty 157396
miles per hour. 157397

(VVV) "Class 3 electric bicycle" means a bicycle that is 157398
equipped with fully operable pedals and an electric motor of less 157399
than seven hundred fifty watts that provides assistance only when 157400
the rider is pedaling and ceases to provide assistance when the 157401
bicycle reaches the speed of twenty-eight miles per hour. 157402

(WWW) "Low-speed micromobility device" means a device 157403
weighing less than one hundred pounds that has handlebars, is 157404
propelled by an electric motor or human power, and has an 157405
attainable speed on a paved level surface of not more than twenty 157406
miles per hour when propelled by the electric motor. 157407

Sec. 4511.81. (A) When any child who is in either or both of 157408
the following categories is being transported in a motor vehicle, 157409
other than a taxicab or public safety vehicle as defined in 157410

section 4511.01 of the Revised Code, that is required by the 157411
United States department of transportation to be equipped with 157412
seat belts at the time of manufacture or assembly, the operator of 157413
the motor vehicle shall have the child properly secured in 157414
accordance with the manufacturer's instructions in a child 157415
restraint system that meets federal motor vehicle safety 157416
standards: 157417

(1) A child who is less than four years of age; 157418

(2) A child who weighs less than forty pounds. 157419

(B) When any child who is in either or both of the following 157420
categories is being transported in a motor vehicle, other than a 157421
taxicab, that is owned, leased, or otherwise under the control of 157422
a nursery school or ~~day-care~~ child care center, the operator of 157423
the motor vehicle shall have the child properly secured in 157424
accordance with the manufacturer's instructions in a child 157425
restraint system that meets federal motor vehicle safety 157426
standards: 157427

(1) A child who is less than four years of age; 157428

(2) A child who weighs less than forty pounds. 157429

(C) When any child who is less than eight years of age and 157430
less than four feet nine inches in height, who is not required by 157431
division (A) or (B) of this section to be secured in a child 157432
restraint system, is being transported in a motor vehicle, other 157433
than a taxicab or public safety vehicle as defined in section 157434
4511.01 of the Revised Code or a vehicle that is regulated under 157435
section 5104.015 of the Revised Code, that is required by the 157436
United States department of transportation to be equipped with 157437
seat belts at the time of manufacture or assembly, the operator of 157438
the motor vehicle shall have the child properly secured in 157439
accordance with the manufacturer's instructions on a booster seat 157440
that meets federal motor vehicle safety standards. 157441

(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

(F) The director of public safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence

imputable to the child, is not admissible as evidence in any civil 157474
action involving the rights of the child against any other person 157475
allegedly liable for injuries to the child, is not to be used as a 157476
basis for a criminal prosecution of the operator of the motor 157477
vehicle other than a prosecution for a violation of this section, 157478
and is not admissible as evidence in any criminal action involving 157479
the operator of the motor vehicle other than a prosecution for a 157480
violation of this section. 157481

(H) This section does not apply when an emergency exists that 157482
threatens the life of any person operating or occupying a motor 157483
vehicle that is being used to transport a child who otherwise 157484
would be required to be restrained under this section. This 157485
section does not apply to a person operating a motor vehicle who 157486
has an affidavit signed by a physician licensed to practice in 157487
this state under Chapter 4731. of the Revised Code or a 157488
chiropractor licensed to practice in this state under Chapter 157489
4734. of the Revised Code that states that the child who otherwise 157490
would be required to be restrained under this section has a 157491
physical impairment that makes use of a child restraint system, 157492
booster seat, or an occupant restraining device impossible or 157493
impractical, provided that the person operating the vehicle has 157494
safely and appropriately restrained the child in accordance with 157495
any recommendations of the physician or chiropractor as noted on 157496
the affidavit. 157497

(I) There is hereby created in the state treasury the child 157498
highway safety fund, consisting of fines imposed pursuant to 157499
division ~~(K)~~~~(1)~~(L)(1) of this section for violations of divisions 157500
(A), (B), (C), and (D) of this section. The money in the fund 157501
shall be used by the department of health only to defray the cost 157502
of designating hospitals as pediatric trauma centers under section 157503
3727.081 of the Revised Code and to establish and administer a 157504
child highway safety program. The purpose of the program shall be 157505

to educate the public about child restraint systems and booster seats and the importance of their proper use. The program also shall include a process for providing child restraint systems and booster seats to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and booster seats, and their proper use.

(J) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system or booster seat under the department's child highway safety program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

(K) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(L)(1) Whoever violates division (A), (B), (C), or (D) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(a) Except as otherwise provided in division (L)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars nor more than seventy-five dollars.

(b) If the offender previously has been convicted of or 157537
pleaded guilty to a violation of division (A), (B), (C), or (D) of 157538
this section or of a municipal ordinance that is substantially 157539
similar to any of those divisions, the offender is guilty of a 157540
misdemeanor of the fourth degree. 157541

(2) All fines imposed pursuant to division (L)(1) of this 157542
section shall be forwarded to the treasurer of state for deposit 157543
in the child highway safety fund created by division (I) of this 157544
section. 157545

Sec. 4513.182. (A) No person shall operate any motor vehicle 157546
owned, leased, or hired by a nursery school, kindergarten, or 157547
~~day-care~~ child care center, while transporting preschool children 157548
to or from such an institution unless the motor vehicle is 157549
equipped with and displaying two amber flashing lights mounted on 157550
a bar attached to the top of the vehicle, and a sign bearing the 157551
designation "caution--children," which shall be attached to the 157552
bar carrying the amber flashing lights in such a manner as to be 157553
legible to persons both in front of and behind the vehicle. The 157554
lights and sign shall meet standards and specifications adopted by 157555
the director of public safety. The director, subject to Chapter 157556
119. of the Revised Code, shall adopt standards and specifications 157557
for the lights and sign, which shall include, but are not limited 157558
to, requirements for the color and size of lettering to be used on 157559
the sign, the type of material to be used for the sign, and the 157560
method of mounting the lights and sign so that they can be removed 157561
from a motor vehicle being used for purposes other than those 157562
specified in this section. 157563

(B) No person shall operate a motor vehicle displaying the 157564
lights and sign required by this section for any purpose other 157565
than the transportation of preschool children as provided in this 157566
section. 157567

(C) Whoever violates this section shall be punished as provided in section 4513.99 of the Revised Code.

Sec. 4715.36. As used in this section and sections 4715.361 to 4715.374 of the Revised Code:

(A) "Accredited dental hygiene school" means a dental hygiene school accredited by the American dental association commission on dental accreditation or a dental hygiene school whose educational standards are recognized by the American dental association commission on dental accreditation and approved by the state dental board.

(B) "Authorizing dentist" means a dentist who authorizes a dental hygienist to perform dental hygiene services under section 4715.365 of the Revised Code.

(C) "Clinical evaluation" means a diagnosis and treatment plan formulated for an individual patient by a dentist.

(D) "Dentist" means an individual licensed under this chapter to practice dentistry.

(E) "Dental hygienist" means an individual licensed under this chapter to practice as a dental hygienist.

(F) "Dental hygiene services" means the prophylactic, preventive, and other procedures that dentists are authorized by this chapter and rules of the state dental board to assign to dental hygienists, except for procedures while a patient is anesthetized, definitive root planing, definitive subgingival curettage, the administration of local anesthesia, and the procedures specified in rules adopted by the board as described in division (C)(3) of section 4715.22 of the Revised Code.

(G) "Facility" means any of the following:

(1) A health care facility, as defined in section 4715.22 of the Revised Code;

(2) A state correctional institution, as defined in section 2967.01 of the Revised Code;	157598 157599
(3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care <u>care</u> center;	157600 157601 157602 157603
(4) A residential facility licensed under section 5123.19 of the Revised Code;	157604 157605
(5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	157606 157607 157608 157609
(6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;	157610 157611 157612 157613
(7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	157614 157615 157616
(8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;	157617 157618
(9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;	157619 157620
(10) A foster home, as defined in section 5103.02 of the Revised Code;	157621 157622
(11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;	157623 157624
(12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3740.11 of the Revised Code;	157625 157626 157627

(13) A dispensary;	157628
(14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;	157629 157630
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	157631 157632 157633
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	157634 157635 157636
(17) A women, infants, and children clinic;	157637
(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;	157638 157639 157640
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	157641 157642 157643 157644 157645 157646 157647
Sec. 5101.29. When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:	157648 157649 157650 157651
(A) Names and other identifying information regarding children enrolled in or attending a child day-care <u>care</u> center or home subject to licensure or registration under Chapter 5104. of the Revised Code;	157652 157653 157654 157655
(B) Names and other identifying information regarding children placed with an institution or association certified under	157656 157657

section 5103.03 of the Revised Code; 157658

(C) Names and other identifying information regarding a 157659
person who makes an oral or written complaint regarding an 157660
institution, association, child ~~day-care~~ care center, or home 157661
subject to licensure or registration to the department or other 157662
state or county entity responsible for enforcing Chapter 5103. or 157663
5104. of the Revised Code; 157664

(D)(1) Except as otherwise provided in division (D)(2) of 157665
this section, names, documentation, and other identifying 157666
information regarding a foster caregiver or a prospective foster 157667
caregiver, including the foster caregiver application for 157668
certification under section 5103.03 of the Revised Code and the 157669
home study conducted pursuant to section 5103.0324 of the Revised 157670
Code. 157671

(2) Notwithstanding division (D)(1) of this section, the 157672
following are public records for the purposes of section 149.43 of 157673
the Revised Code, when contained in a record held by the 157674
department of job and family services, a county agency, or other 157675
governmental entity: 157676

(a) All of the following information regarding a currently 157677
certified foster caregiver who has had a foster care certificate 157678
revoked pursuant to Chapter 5103. of the Revised Code or, after 157679
receiving a current or current renewed certificate has been 157680
convicted of, pleaded guilty to, or indicted or otherwise charged 157681
with any offense described in division (C)(1) of section 2151.86 157682
of the Revised Code: 157683

(i) The foster caregiver's name, date of birth, and county of 157684
residence; 157685

(ii) The date of the foster caregiver's certification; 157686

(iii) The date of each placement of a foster child into the 157687
foster caregiver's home; 157688

(iv) If applicable, the date of the removal of a foster child 157689
from the foster caregiver's home and the reason for the foster 157690
child's removal unless release of such information would be 157691
detrimental to the foster child or other children residing in the 157692
foster caregiver's home; 157693

(v) If applicable, the date of the foster care certificate 157694
revocation and all documents related to the revocation unless 157695
otherwise not a public record pursuant to section 149.43 of the 157696
Revised Code. 157697

(b) Nonidentifying foster care statistics including, but not 157698
limited to, the number of foster caregivers and foster care 157699
certificate revocations. 157700

Sec. 5103.03. (A) The director of job and family services 157701
shall adopt rules as necessary for the adequate and competent 157702
management and certification of institutions or associations. The 157703
director shall ensure that foster care home study rules adopted 157704
under this section align any home study content, time period, and 157705
process with any home study content, time period, and process 157706
required by rules adopted under section 3107.033 of the Revised 157707
Code. 157708

(B)(1) Except for facilities under the control of the 157709
department of youth services, places of detention for children 157710
established and maintained pursuant to sections 2152.41 to 2152.44 157711
of the Revised Code, and child ~~day-care~~ care centers subject to 157712
Chapter 5104. of the Revised Code, the department of job and 157713
family services shall pass upon the fitness of every institution 157714
and association that receives, or desires to receive and care for 157715
children, or places children in private homes, at a frequency 157716
established by rules adopted under division (A) of this section. 157717

(2) When the department of job and family services is 157718
satisfied as to the care given such children, and that the 157719

requirements of the statutes and rules covering the management of 157720
such institutions and associations are being complied with, it 157721
shall issue to the institution or association a certificate to 157722
that effect. A certificate is valid for a length of time 157723
determined by rules adopted under division (A) of this section. 157724
When determining whether an institution or association meets a 157725
particular requirement for certification, the department may 157726
consider the institution or association to have met the 157727
requirement if the institution or association shows to the 157728
department's satisfaction that it has met a comparable requirement 157729
to be accredited by a nationally recognized accreditation 157730
organization. 157731

(3) The department may issue a temporary certificate valid 157732
for less than one year authorizing an institution or association 157733
to operate until minimum requirements have been met. 157734

(4) An institution or association that knowingly makes a 157735
false statement that is included as a part of certification under 157736
this section is guilty of the offense of falsification under 157737
section 2921.13 of the Revised Code and the department shall not 157738
certify that institution or association. 157739

(5) The department shall not issue a certificate to a 157740
prospective foster home or prospective specialized foster home 157741
pursuant to this section if the prospective foster home or 157742
prospective specialized foster home operates as a type A family 157743
~~day-care~~ child care home pursuant to Chapter 5104. of the Revised 157744
Code. The department shall not issue a certificate to a 157745
prospective specialized foster home if the prospective specialized 157746
foster home operates a type B family ~~day-care~~ child care home 157747
pursuant to Chapter 5104. of the Revised Code. 157748

(C) The department may revoke a certificate if it finds that 157749
the institution or association is in violation of law or rule. No 157750
juvenile court shall commit a child to an association or 157751

institution that is required to be certified under this section if 157752
its certificate has been revoked or, if after revocation, the date 157753
of reissue is less than fifteen months prior to the proposed 157754
commitment. 157755

(D) On a frequency specified by the department by rules 157756
adopted under division (A) of this section, each institution or 157757
association desiring certification or recertification shall submit 157758
to the department a report showing its condition, management, 157759
competency to care adequately for the children who have been or 157760
may be committed to it or to whom it provides care or services, 157761
the system of visitation it employs for children placed in private 157762
homes, and other information the department requires. 157763

(E) The department shall, not less than once each year, send 157764
a list of certified institutions and associations to each juvenile 157765
court and certified association or institution. 157766

(F) No person shall receive children or receive or solicit 157767
money on behalf of such an institution or association not so 157768
certified or whose certificate has been revoked. 157769

(G)(1) The director may delegate by rule any duties imposed 157770
on it by this section to inspect and approve family foster homes 157771
and specialized foster homes to public children services agencies, 157772
private child placing agencies, or private noncustodial agencies. 157773

(2) The director shall adopt rules that require a foster 157774
caregiver or other individual certified to operate a foster home 157775
under this section to notify the recommending agency that the 157776
foster caregiver or other individual is licensed to operate a type 157777
B family ~~day-care~~ child care home under Chapter 5104. of the 157778
Revised Code. 157779

(H) If the director of job and family services determines 157780
that an institution or association that cares for children is 157781
operating without a certificate, the director may petition the 157782

court of common pleas in the county in which the institution or 157783
association is located for an order enjoining its operation. The 157784
court shall grant injunctive relief upon a showing that the 157785
institution or association is operating without a certificate. 157786

(I) If both of the following are the case, the director of 157787
job and family services may petition the court of common pleas of 157788
any county in which an institution or association that holds a 157789
certificate under this section operates for an order, and the 157790
court may issue an order, preventing the institution or 157791
association from receiving additional children into its care or an 157792
order removing children from its care: 157793

(1) The department has evidence that the life, health, or 157794
safety of one or more children in the care of the institution or 157795
association is at imminent risk. 157796

(2) The department has issued a proposed adjudication order 157797
pursuant to Chapter 119. of the Revised Code to deny renewal of or 157798
revoke the certificate of the institution or association. 157799

Sec. 5104.01. As used in this chapter: 157800

(A) "Administrator" means the person responsible for the 157801
daily operation of a center, type A home, or approved child day 157802
camp. The administrator and the owner may be the same person. 157803

(B) "Approved child day camp" means a child day camp approved 157804
pursuant to section 5104.22 of the Revised Code. 157805

(C) "Authorized representative" means an individual employed 157806
by a center, type A home, or approved child day camp that is owned 157807
by a person other than an individual and who is authorized by the 157808
owner to do all of the following: 157809

(1) Communicate on the owner's behalf; 157810

(2) Submit on the owner's behalf applications for licensure 157811
or approval; 157812

(3) Enter into on the owner's behalf provider agreements for 157813
publicly funded child care. 157814

(D) "Border state child care provider" means a child care 157815
provider that is located in a state bordering Ohio and that is 157816
licensed, certified, or otherwise approved by that state to 157817
provide child care funded by the child care block grant act. 157818

(E) "Career pathways model" means an alternative pathway to 157819
meeting the requirements to be a ~~child-care~~ child care staff 157820
member or administrator that does both of the following: 157821

(1) Uses a framework approved by the director of job and 157822
family services to document formal education, training, 157823
experience, and specialized credentials and certifications; 157824

(2) Allows the ~~child-care~~ child care staff member or 157825
administrator to achieve a designation as an early childhood 157826
professional level one, two, three, four, five, or six. 157827

(F) "Caretaker parent" means the father or mother of a child 157828
whose presence in the home is needed as the caretaker of the 157829
child, a person who has legal custody of a child and whose 157830
presence in the home is needed as the caretaker of the child, a 157831
guardian of a child whose presence in the home is needed as the 157832
caretaker of the child, and any other person who stands in loco 157833
parentis with respect to the child and whose presence in the home 157834
is needed as the caretaker of the child. 157835

(G) "Chartered nonpublic school" means a school that meets 157836
standards for nonpublic schools prescribed by the state board of 157837
education for nonpublic schools pursuant to section 3301.07 of the 157838
Revised Code. 157839

(H) "Child" includes an infant, toddler, preschool-age child, 157840
or school-age child. 157841

(I) "Child care block grant act" means the "Child Care and 157842

Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 157843
U.S.C. 9858, as amended. 157844

(J) "Child day camp" means a program in which only school-age 157845
children attend or participate, that operates for no more than 157846
twelve hours per day and no more than fifteen weeks during the 157847
summer. For purposes of this division, the maximum twelve hours of 157848
operation time does not include transportation time from a child's 157849
home to a child day camp and from a child day camp to a child's 157850
home. 157851

(K) "Child care" means all of the following: 157852

(1) Administering to the needs of infants, toddlers, 157853
preschool-age children, and school-age children outside of school 157854
hours; 157855

(2) By persons other than their parents, guardians, or 157856
custodians; 157857

(3) For part of the twenty-four-hour day; 157858

(4) In a place other than a child's own home, except that an 157859
in-home aide provides child care in the child's own home; 157860

(5) By a provider required by this chapter to be licensed or 157861
approved by the department of job and family services, certified 157862
by a county department of job and family services, or under 157863
contract with the department to provide publicly funded child care 157864
as described in section 5104.32 of the Revised Code. 157865

(L) "Child ~~day-care~~ care center" and "center" mean any place 157866
that is not the permanent residence of the licensee or 157867
administrator in which child care or publicly funded child care is 157868
provided for seven or more children at one time. "Child ~~day-care~~ 157869
care center" and "center" do not include any of the following: 157870

(1) A place located in and operated by a hospital, as defined 157871
in section 3727.01 of the Revised Code, in which the needs of 157872

children are administered to, if all the children whose needs are 157873
being administered to are monitored under the on-site supervision 157874
of a physician licensed under Chapter 4731. of the Revised Code or 157875
a registered nurse licensed under Chapter 4723. of the Revised 157876
Code, and the services are provided only for children who, in the 157877
opinion of the child's parent, guardian, or custodian, are 157878
exhibiting symptoms of a communicable disease or other illness or 157879
are injured; 157880

(2) A child day camp; 157881

(3) A place that provides care, if all of the following 157882
apply: 157883

(a) An organized religious body provides the care; 157884

(b) A parent, custodian, or guardian of at least one child 157885
receiving care is on the premises and readily accessible at all 157886
times; 157887

(c) The care is not provided for more than thirty days a 157888
year; 157889

(d) The care is provided only for preschool-age and 157890
school-age children. 157891

(M) "Child care resource and referral service organization" 157892
means a community-based nonprofit organization that provides child 157893
care resource and referral services but not child care. 157894

(N) "Child care resource and referral services" means all of 157895
the following services: 157896

(1) Maintenance of a uniform data base of all child care 157897
providers in the community that are in compliance with this 157898
chapter, including current occupancy and vacancy data; 157899

(2) Provision of individualized consumer education to 157900
families seeking child care; 157901

(3) Provision of timely referrals of available child care 157902

providers to families seeking child care;	157903
(4) Recruitment of child care providers;	157904
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	157905 157906 157907 157908
(6) Collection and analysis of data on the supply of and demand for child care in the community;	157909 157910
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	157911 157912 157913
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	157914 157915 157916
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	157917 157918
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	157919 157920 157921 157922
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care <u>child care</u> homes.	157923 157924 157925 157926
(0) " Child-care <u>Child care</u> staff member" means an employee of a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, licensed type B family day-care <u>child care</u> home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care <u>child care</u> staff	157927 157928 157929 157930 157931 157932

member when not involved in other duties. 157933

(P) "Drop-in child ~~day-care~~ care center," "drop-in center," 157934
"drop-in type A family ~~day-care~~ child care home," and "drop-in 157935
type A home" mean a center or type A home that provides child care 157936
or publicly funded child care for children on a temporary, 157937
irregular basis. 157938

(Q) "Employee" means a person who either: 157939

(1) Receives compensation for duties performed in a child 157940
~~day-care~~ care center, type A family ~~day-care~~ child care home, 157941
licensed type B family ~~day-care~~ child care home, or approved child 157942
day camp; 157943

(2) Is assigned specific working hours or duties in a child 157944
~~day-care~~ care center, type A family ~~day-care~~ child care home, 157945
licensed type B family ~~day-care~~ child care home, or approved child 157946
day camp. 157947

(R) "Employer" means a person, firm, institution, 157948
organization, or agency that operates a child ~~day-care~~ care 157949
center, type A family ~~day-care~~ child care home, licensed type B 157950
family ~~day-care~~ child care home, or approved child day camp 157951
subject to licensure or approval under this chapter. 157952

(S) "Federal poverty line" means the official poverty 157953
guideline as revised annually in accordance with section 673(2) of 157954
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 157955
U.S.C. 9902, as amended, for a family size equal to the size of 157956
the family of the person whose income is being determined. 157957

(T) "Head start program" means a school-readiness program 157958
that satisfies all of the following: 157959

(1) Is for children from birth to age five who are from 157960
low-income families; 157961

(2) Receives funds distributed under the "Improving Head 157962

Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as	157963
amended;	157964
(3) Is licensed as a child care program.	157965
(U) "Homeless child care" means child care provided to a	157966
child who satisfies any of the following:	157967
(1) Is homeless as defined in 42 U.S.C. 11302;	157968
(2) Is a homeless child or youth as defined in 42 U.S.C.	157969
11434a;	157970
(3) Resides temporarily with a caretaker in a facility	157971
providing emergency shelter for homeless families or is determined	157972
by a county department of job and family services to be homeless.	157973
(V) "Income" means gross income, as defined in section	157974
5107.10 of the Revised Code, less any amounts required by federal	157975
statutes or regulations to be disregarded.	157976
(W) "Indicator checklist" means an inspection tool, used in	157977
conjunction with an instrument-based program monitoring	157978
information system, that contains selected licensing requirements	157979
that are statistically reliable indicators or predictors of a	157980
child day-care <u>care center's</u> , type A family day-care <u>child care</u>	157981
home's, or licensed type B family day-care <u>child care</u> home's	157982
compliance with licensing requirements.	157983
(X) "Infant" means a child who is less than eighteen months	157984
of age.	157985
(Y) "In-home aide" means a person who does not reside with	157986
the child but provides care in the child's home and is certified	157987
by a county director of job and family services pursuant to	157988
section 5104.12 of the Revised Code to provide publicly funded	157989
child care to a child in a child's own home pursuant to this	157990
chapter and any rules adopted under it.	157991
(Z) "Instrument-based program monitoring information system"	157992

means a method to assess compliance with licensing requirements 157993
for child ~~day-care~~ care centers, type A family ~~day-care~~ child care 157994
homes, and licensed type B family ~~day-care~~ child care homes in 157995
which each licensing requirement is assigned a weight indicative 157996
of the relative importance of the requirement to the health, 157997
growth, and safety of the children that is used to develop an 157998
indicator checklist. 157999

(AA) "License capacity" means the maximum number in each age 158000
category of children who may be cared for in a child ~~day-care~~ care 158001
center, type A family ~~day-care~~ child care home, or licensed type B 158002
family ~~day-care~~ child care home at one time as determined by the 158003
director of job and family services considering building occupancy 158004
limits established by the department of commerce, amount of 158005
available indoor floor space and outdoor play space, and amount of 158006
available play equipment, materials, and supplies. 158007

(BB) "Licensed child care program" means any of the 158008
following: 158009

(1) A child ~~day-care~~ care center licensed by the department 158010
of job and family services pursuant to this chapter; 158011

(2) A type A family ~~day-care~~ child care home or type B family 158012
~~day-care~~ child care home licensed by the department of job and 158013
family services pursuant to this chapter; 158014

(3) A licensed preschool program or licensed school child 158015
program. 158016

(CC) "Licensed preschool program" or "licensed school child 158017
program" means a preschool program or school child program, as 158018
defined in section 3301.52 of the Revised Code, that is licensed 158019
by the department of education pursuant to sections 3301.52 to 158020
3301.59 of the Revised Code. 158021

(DD) "Licensed type B family ~~day-care~~ child care home" and 158022
"licensed type B home" mean a type B family ~~day-care~~ child care 158023

home for which there is a valid license issued by the director of 158024
job and family services pursuant to section 5104.03 of the Revised 158025
Code. 158026

(EE) "Licensee" means the owner of a child ~~day-care~~ care 158027
center, type A family ~~day-care~~ child care home, or type B family 158028
~~day-care~~ child care home that is licensed pursuant to this chapter 158029
and who is responsible for ensuring compliance with this chapter 158030
and rules adopted pursuant to this chapter. 158031

(FF) "Operate a child day camp" means to operate, establish, 158032
manage, conduct, or maintain a child day camp. 158033

(GG) "Owner" includes a person, as defined in section 1.59 of 158034
the Revised Code, or government entity. 158035

(HH) "Parent cooperative child ~~day-care~~ care center," "parent 158036
cooperative center," "parent cooperative type A family ~~day-care~~ 158037
child care home," and "parent cooperative type A home" mean a 158038
corporation or association organized for providing educational 158039
services to the children of members of the corporation or 158040
association, without gain to the corporation or association as an 158041
entity, in which the services of the corporation or association 158042
are provided only to children of the members of the corporation or 158043
association, ownership and control of the corporation or 158044
association rests solely with the members of the corporation or 158045
association, and at least one parent-member of the corporation or 158046
association is on the premises of the center or type A home during 158047
its hours of operation. 158048

(II) "Part-time child ~~day-care~~ care center," "part-time 158049
center," "part-time type A family ~~day-care~~ child care home," and 158050
"part-time type A home" mean a center or type A home that provides 158051
child care or publicly funded child care for not more than four 158052
hours a day for any child or not more than fifteen consecutive 158053
weeks per year, regardless of the number of hours per day. 158054

(JJ) "Place of worship" means a building where activities of 158055
an organized religious group are conducted and includes the 158056
grounds and any other buildings on the grounds used for such 158057
activities. 158058

(KK) "Preschool-age child" means a child who is three years 158059
old or older but is not a school-age child. 158060

(LL) "Protective child care" means publicly funded child care 158061
for the direct care and protection of a child to whom all of the 158062
following apply: 158063

(1) A case plan has been prepared and maintained for the 158064
child pursuant to section 2151.412 of the Revised Code. 158065

(2) The case plan indicates a need for protective care. 158066

(3) The child resides with a parent, stepparent, guardian, or 158067
another person who stands in loco parentis as defined in rules 158068
adopted under section 5104.38 of the Revised Code. 158069

(MM) "Publicly funded child care" means administering to the 158070
needs of infants, toddlers, preschool-age children, and school-age 158071
children under age thirteen during any part of the 158072
twenty-four-hour day by persons other than their caretaker parents 158073
for remuneration wholly or in part with federal or state funds, 158074
including funds available under the child care block grant act, 158075
Title IV-A, and Title XX, distributed by the department of job and 158076
family services. 158077

(NN) "Religious activities" means any of the following: 158078
worship or other religious services; religious instruction; Sunday 158079
school classes or other religious classes conducted during or 158080
prior to worship or other religious services; youth or adult 158081
fellowship activities; choir or other musical group practices or 158082
programs; meals; festivals; or meetings conducted by an organized 158083
religious group. 158084

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family ~~day-care~~ child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related

to a licensee, administrator, or employee and who are on the 158116
premises of the type A home shall be counted. "Type A family 158117
~~day-care~~ child care home" and "type A home" do not include any 158118
child day camp. 158119

(VV) "Type B family ~~day-care~~ child care home" and "type B 158120
home" mean a permanent residence of the provider in which care is 158121
provided for one to six children at one time and in which no more 158122
than three children are under two years of age at one time. In 158123
counting children for the purposes of this division, any children 158124
under six years of age who are related to the provider and who are 158125
on the premises of the type B home shall be counted. "Type B 158126
family ~~day-care~~ child care home" and "type B home" do not include 158127
any child day camp. 158128

Sec. 5104.013. (A) As used in this section: 158129

(1) "Applicant" means either of the following: 158130

(a) A person who is under final consideration for appointment 158131
to or employment in a position with a licensed preschool program 158132
or licensed school child program that provides publicly funded 158133
child care, child ~~day-care~~ care center, type A family ~~day-care~~ 158134
child care home, licensed type B family ~~day-care~~ child care home, 158135
or child day camp; 158136

(b) A person who would serve in any position with a licensed 158137
preschool program or licensed school child program that provides 158138
publicly funded child care, child ~~day-care~~ care center, type A 158139
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 158140
child care home, or child day camp pursuant to a contract with 158141
another entity. 158142

(2) "Criminal records check" has the same meaning as in 158143
section 109.572 of the Revised Code. 158144

(B)(1) At the times specified in division (B)(2)(a) of this 158145

section, the director of job and family services shall request the 158146
superintendent of the bureau of criminal identification and 158147
investigation to conduct a criminal records check for each of the 158148
following persons: 158149

(a) Any owner or licensee of a child ~~day-care~~ care center; 158150

(b) Any owner or licensee of a type A family ~~day-care~~ child 158151
care home or licensed type B family ~~day-care~~ child care home and 158152
any person eighteen years of age or older who resides in the home; 158153

(c) Any owner of an approved child day camp; 158154

(d) Any director of a licensed preschool program or licensed 158155
school child program that provides publicly funded child care; 158156

(e) Any in-home aide; 158157

(f) Any applicant or employee, including an administrator, of 158158
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 158159
home, licensed type B family ~~day-care~~ child care home, approved 158160
child day camp, or licensed preschool program or licensed school 158161
child program that provides publicly funded child care. 158162

(2)(a) The director shall request a criminal records check at 158163
the following times: 158164

(i) In the case of an owner or licensee of child ~~day-care~~ 158165
care center or an owner or licensee of a type A family ~~day-care~~ 158166
child care home or licensed type B family ~~day-care~~ child care home 158167
or a resident of such a home, at the time of initial application 158168
for licensure and every five years thereafter; 158169

(ii) In the case of an owner of an approved child day camp, 158170
at the time of initial application for approval and every five 158171
years thereafter; 158172

(iii) In the case of a director of a licensed child care 158173
program or licensed school child program, at the time of initial 158174
application to provide publicly funded child care and every five 158175

years thereafter; 158176

(iv) In the case of an in-home aide, at the time of initial 158177
application for certification and every five years thereafter; 158178

(v) Except as provided in division (B)(2)(a)(vi) of this 158179
section, in the case of an applicant or employee, at the time of 158180
initial application for employment and every five years 158181
thereafter; 158182

(vi) In the case of an applicant who has been determined 158183
eligible for employment after a review of a criminal records check 158184
within the past five years and who has been employed by a licensed 158185
preschool program or licensed school child program that provides 158186
publicly funded child care, child ~~day-care~~ care center, type A 158187
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 158188
child care home, or approved child day camp within the past one 158189
hundred eighty consecutive days, every five years after the date 158190
of the initial determination. 158191

(b) A criminal records check requested at the time of initial 158192
application shall include a request that the superintendent of the 158193
bureau of criminal identification and investigation obtain 158194
information from the federal bureau of investigation as part of 158195
the criminal records check for the person, including 158196
fingerprint-based checks of national crime information databases 158197
as described in 42 U.S.C. 671 for the person subject to the 158198
criminal records check. 158199

(c) A criminal records check requested at any time other than 158200
the time of initial application may include a request that the 158201
superintendent of the bureau of criminal identification and 158202
investigation obtain information from the federal bureau of 158203
investigation as part of the criminal records check for the 158204
person, including fingerprint-based checks of national crime 158205
information databases as described in 42 U.S.C. 671 for the person 158206

subject to the criminal records check. 158207

(3) With respect to a criminal records check requested for a 158208
person described in division (B)(1) of this section, the director 158209
of job and family services shall do all of the following: 158210

(a) Provide to the person a copy of the form prescribed 158211
pursuant to division (C)(1) of section 109.572 of the Revised Code 158212
and a standard impression sheet to obtain fingerprint impressions 158213
prescribed pursuant to division (C)(2) of that section; 158214

(b) Obtain the completed form and impression sheet from the 158215
person; 158216

(c) Forward the completed form and impression sheet to the 158217
superintendent of the bureau of criminal identification and 158218
investigation; 158219

(d) Review the results of the criminal records check. 158220

(4) A person who receives from the director a copy of the 158221
form and standard impression sheet and who is requested to 158222
complete the form and provide a set of fingerprint impressions 158223
shall complete the form or provide all of the information 158224
necessary to complete the form and shall provide the impression 158225
sheet with the impressions of the person's fingerprints. If the 158226
person, upon request, fails to provide the information necessary 158227
to complete the form or fails to provide impressions of the 158228
person's fingerprints, the director or a county director of job 158229
and family services may consider the failure a reason to deny 158230
licensure, approval, or certification or to determine an employee 158231
ineligible for employment. 158232

(5) Except as provided in rules adopted under division (F) of 158233
this section: 158234

(a) The director of job and family services shall refuse to 158235
issue a license to or approve a center, type A home, type B home, 158236

child day camp, preschool program, or school child program, and 158237
shall revoke a license or approval, and a county director of job 158238
and family services shall not certify an in-home aide and shall 158239
revoke a certification, if a person for whom a criminal records 158240
check was required under division (B)(1)(a) to (B)(1)(e) of this 158241
section has been convicted of or pleaded guilty to any of the 158242
violations described in division (A)(5) of section 109.572 of the 158243
Revised Code. 158244

(b) The director of job and family services shall not issue a 158245
license to a type A home or type B home if a resident of the type 158246
A home or type B home is under eighteen years of age and has been 158247
adjudicated a delinquent child for committing either a violation 158248
of any section listed in division (A)(5) of section 109.572 of the 158249
Revised Code or an offense of another state or the United States 158250
that is substantially equivalent to an offense listed in division 158251
(A)(5) of section 109.572 of the Revised Code. 158252

(c) The director shall determine an applicant or employee 158253
ineligible for employment if the person has been convicted of or 158254
pleaded guilty to any of the violations described in division 158255
(A)(5) of section 109.572 of the Revised Code. 158256

(6) Each child ~~day-care~~ care center, type A home, type B 158257
home, approved child day camp, licensed child care program, 158258
licensed school child program, and in-home aide shall pay to the 158259
bureau of criminal identification and investigation the fee 158260
prescribed pursuant to division (C)(3) of section 109.572 of the 158261
Revised Code for each criminal records check conducted in 158262
accordance with that section upon a request made pursuant to 158263
division (B) of this section. 158264

A center, home, camp, preschool program, or school child 158265
program may charge an applicant a fee for the costs it incurs in 158266
obtaining a criminal records check under this section. A fee 158267
charged under this division shall not exceed the amount the 158268

center, home, camp, or program pays under this section. If a fee 158269
is charged, the center, home, camp, or program shall notify the 158270
applicant at the time of the applicant's initial application for 158271
employment of the amount of the fee and that, unless the fee is 158272
paid, the center, home, camp, or program will not consider the 158273
applicant for employment. 158274

(7) The report of any criminal records check conducted by the 158275
bureau of criminal identification and investigation in accordance 158276
with section 109.572 of the Revised Code and pursuant to a request 158277
made under division (B) of this section is confidential and not a 158278
public record for the purposes of section 149.43 of the Revised 158279
Code. The report shall not be made available to any person other 158280
than the person who is the subject of the criminal records check 158281
or the person's representative, the director of job and family 158282
services, the director of a county department of job and family 158283
services, and any court, hearing officer, or other necessary 158284
individual involved in a case dealing with a denial or revocation 158285
of licensure, approval, or certification related to the criminal 158286
records check. 158287

(C)(1) At the times specified in division (C)(2) of this 158288
section, the director of job and family services shall search the 158289
uniform statewide automated child welfare information system for 158290
information concerning any abuse or neglect report made pursuant 158291
to section 2151.421 of the Revised Code of which any of the 158292
following persons is a subject: 158293

(a) Any owner or licensee of a child ~~day-care~~ care center; 158294

(b) Any owner or licensee of a type A family ~~day-care~~ child
care home or licensed type B family ~~day-care~~ child care home and 158295
any person eighteen years of age or older who resides in the home; 158296
158297

(c) Any owner of an approved child day camp; 158298

(d) Any director of a licensed preschool program or licensed 158299

school child program that provides publicly funded child care; 158300

(e) Any in-home aide; 158301

(f) Any applicant or employee, including an administrator, of 158302
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 158303
home, licensed type B family ~~day-care~~ child care home, approved 158304
child day camp, or licensed preschool program or licensed school 158305
child program that provides publicly funded child care. 158306

(2) The director shall search the information system at the 158307
following times: 158308

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 158309
care center or an owner or licensee of a type A family ~~day-care~~ 158310
child care home or licensed type B family ~~day-care~~ child care home 158311
or a resident of such a home, at the time of initial application 158312
for licensure and every five years thereafter; 158313

~~(ii)~~(b) In the case of an owner of an approved child day 158314
camp, at the time of initial application for approval and every 158315
five years thereafter; 158316

~~(iii)~~(c) In the case of a director of a licensed child care 158317
program or licensed school child program, at the time of initial 158318
application to provide publicly funded child care and every five 158319
years thereafter; 158320

~~(iv)~~(d) In the case of an in-home aide, at the time of 158321
initial application for certification and every five years 158322
thereafter; 158323

~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)(C)(2)(f) 158324
of this section, in the case of an applicant or employee, at the 158325
time of initial application for employment and every five years 158326
thereafter; 158327

~~(vi)~~(f) In the case of an applicant who has been determined 158328
eligible for employment after a search of the uniform statewide 158329

automated child welfare information system within the past five 158330
years and who has been employed by a licensed preschool program or 158331
licensed school child program that provides publicly funded child 158332
care, child ~~day-care~~ care center, type A family ~~day-care~~ child 158333
care home, licensed type B family ~~day-care~~ child care home, or 158334
approved child day camp within the past one hundred eighty 158335
consecutive days, every five years after the date of the initial 158336
determination. 158337

(3) The director shall consider any information discovered 158338
pursuant to division (C)(1) of this section or that is provided by 158339
a public children services agency pursuant to section 5153.175 of 158340
the Revised Code. If the director determines that the information, 158341
when viewed within the totality of the circumstances, reasonably 158342
leads to the conclusion that the person may directly or indirectly 158343
endanger the health, safety, or welfare of children, the director 158344
or county director of job and family services shall do any of the 158345
following: 158346

(a) Refuse to issue a license to or approve a center, type A 158347
home, type B home, child day camp, preschool program, or school 158348
child program; 158349

(b) Revoke a license or approval; 158350

(c) Refuse to certify an in-home aide or revoke a 158351
certification; 158352

(d) Determine an applicant or employee ineligible for 158353
employment with the center, type A home, licensed type B home, 158354
child day camp, preschool program, or school child program. 158355

(4) Any information obtained under division (C) of this 158356
section is confidential and not a public record for the purposes 158357
of section 149.43 of the Revised Code. The information shall not 158358
be made available to any person other than the person who is the 158359
subject of the search or the person's representative, the director 158360

of job and family services, the director of a county department of 158361
job and family services, and any court, hearing officer, or other 158362
necessary individual involved in a case dealing with a denial or 158363
revocation of licensure, approval, or certification related to the 158364
search. 158365

(D)(1) At the times specified in division (D)(2) of this 158366
section, the director of job and family services shall inspect the 158367
state registry of sex offenders and child-victim offenders 158368
established under section 2950.13 of the Revised Code and the 158369
national sex offender registry as described in 42 U.S.C. 16901 to 158370
determine if any of the following persons is registered or 158371
required to be registered as an offender: 158372

(a) Any owner or licensee of a child ~~day-care~~ care center; 158373

(b) Any owner or licensee of a type A family ~~day-care~~ child 158374
care home or licensed type B family ~~day-care~~ child care home and 158375
any person eighteen years of age or older who resides in the home; 158376

(c) Any owner of an approved child day camp; 158377

(d) Any director of a licensed preschool program or licensed 158378
school child program that provides publicly funded child care; 158379

(e) Any in-home aide; 158380

(f) Any applicant or employee, including an administrator, of 158381
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 158382
home, licensed type B family ~~day-care~~ child care home, approved 158383
child day camp, or licensed preschool program or licensed school 158384
child program that provides publicly funded child care. 158385

(2) The director shall inspect each registry at the following 158386
times: 158387

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 158388
care center or an owner or licensee of a type A family ~~day-care~~ 158389
child care home or type B family ~~day-care~~ child care home or a 158390

resident of such a home, at the time of initial application for
licensure and every five years thereafter;

~~(ii)~~(b) In the case of an owner of an approved child day
camp, at the time of initial application for approval and every
five years thereafter;

~~(iii)~~(c) In the case of a director of a licensed child care
program or licensed school child program, at the time of initial
application to provide publicly funded child care;

~~(iv)~~(d) In the case of an in-home aide, at the time of
initial application for certification and every five years
thereafter;

~~(v)~~(e) Except as provided in division ~~(D)(2)(a)~~~~(vi)~~(D)(2)(f)
of this section, in the case of an applicant or employee, at the
time of initial application for employment and every five years
thereafter;

~~(vi)~~(f) In the case of an applicant who has been determined
eligible for employment after an inspection of the state registry
of sex offenders and child-victim offenders established under
section 2950.13 of the Revised Code and the national sex offender
registry as described in 42 U.S.C. 16901 within the past five
years and who has been employed by a licensed preschool program or
licensed school child program that provides publicly funded child
care, child ~~day-care~~ care center, type A family ~~day-care~~ child
care home, licensed type B family ~~day-care~~ child care home, or
approved child day camp within the past one hundred eighty
consecutive days, every five years after the date of the initial
determination.

(3) If the director determines that the person is registered
or required to be registered on either registry, the director or
county director of job and family services shall do any of the
following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program; 158422
158423
158424

(b) Revoke a license or approval; 158425

(c) Refuse to certify an in-home aide or revoke a certification; 158426
158427

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program. 158428
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158430

(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. 158431
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(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-care~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-center~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 158441
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child care home, or approved child day camp shall not employ a 158453
person who is determined under this section to be ineligible for 158454
employment. 158455

(F)(1) An administrator of a child day camp, other than an 158456
approved child day camp shall request the superintendent of the 158457
bureau of criminal identification and investigation to conduct a 158458
criminal records check for any applicant or employee, including an 158459
administrator, of the child day camp. The request shall be made at 158460
the time of initial application for employment and every five 158461
years thereafter. 158462

(2) A criminal records check requested at the time of initial 158463
application shall include a request that the superintendent of the 158464
bureau of criminal identification and investigation obtain 158465
information from the federal bureau of investigation as part of 158466
the criminal records check for the person, including 158467
fingerprint-based checks of national crime information databases 158468
as described in 42 U.S.C. 671 for the person subject to the 158469
criminal records check. 158470

(3) A criminal records check requested at any time other than 158471
the time of initial application may include a request that the 158472
superintendent of the bureau of criminal identification and 158473
investigation obtain information from the federal bureau of 158474
investigation as part of the criminal records check for the 158475
person, including fingerprint-based checks of national crime 158476
information databases as described in 42 U.S.C. 671 for the person 158477
subject to the criminal records check. 158478

(4) With respect to a criminal records check requested under 158479
division (F) of this section, the administrator shall do all of 158480
the following: 158481

(a) Provide to the applicant or employee a copy of the form 158482
prescribed pursuant to division (C)(1) of section 109.572 of the 158483

Revised Code and a standard impression sheet to obtain fingerprint 158484
impressions prescribed pursuant to division (C)(2) of that 158485
section; 158486

(b) Obtain the completed form and impression sheet from the 158487
applicant or employee; 158488

(c) Forward the completed form and impression sheet to the 158489
superintendent of the bureau of criminal identification and 158490
investigation; 158491

(d) Review the results of the criminal records check. 158492

(5) An applicant or employee who receives from the 158493
administrator a copy of the form and standard impression sheet and 158494
who is requested to complete the form and provide a set of 158495
fingerprint impressions shall complete the form or provide all of 158496
the information necessary to complete the form and shall provide 158497
the impression sheet with the impressions of the person's 158498
fingerprints. If the applicant or employee, upon request, fails to 158499
provide the information necessary to complete the form or fails to 158500
provide impressions of the person's fingerprints, the 158501
administrator may consider the failure a reason to determine an 158502
applicant or employee ineligible for employment. 158503

(6) A child day camp, other than an approved child day camp, 158504
may employ an applicant or continue to employ an employee until 158505
the criminal records check required by this section is completed 158506
and the camp receives the results of the check. Until the 158507
administrator has reviewed the results of the criminal records 158508
check and determines that the applicant or employee is eligible 158509
for employment, the camp shall not grant the applicant or employee 158510
sole responsibility for the care, custody, or control of a child. 158511
If the results indicate that the applicant or employee is 158512
ineligible for employment, the camp shall immediately release the 158513
applicant or employee from employment. 158514

(7) Except as provided in rules adopted under this section, 158515
the administrator shall determine an applicant or employee 158516
ineligible for employment if the person has been convicted of or 158517
pleaded guilty to any of the violations described in division 158518
(A)(5) of section 109.572 of the Revised Code. If the applicant or 158519
employee is determined ineligible, the child day camp shall not 158520
employ the applicant or employee or contract with another entity 158521
for the services of the applicant or employee. 158522

(8) Each child day camp shall pay to the bureau of criminal 158523
identification and investigation the fee prescribed pursuant to 158524
division (C)(3) of section 109.572 of the Revised Code for each 158525
criminal records check conducted in accordance with that section 158526
upon a request made pursuant to division (F) of this section. A 158527
camp may charge an applicant or employee a fee for the costs it 158528
incurs in obtaining a criminal records check under division (F) of 158529
this section. A fee charged under this division shall not exceed 158530
the fees the camp pays under this section. If a fee is charged, 158531
the camp shall notify the applicant at the time of the applicant's 158532
initial application for employment of the amount of the fee and 158533
that, unless the fee is paid, the camp will not consider the 158534
applicant for employment. 158535

(9) The report of any criminal records check conducted by the 158536
bureau of criminal identification and investigation in accordance 158537
with section 109.572 of the Revised Code and pursuant to a request 158538
made under division (F) of this section is confidential and not a 158539
public record for the purposes of section 149.43 of the Revised 158540
Code. The report shall not be made available to any person other 158541
than the person who is the subject of the criminal records check 158542
or the person's representative, the director of job and family 158543
services, the administrator, and any court, hearing officer, or 158544
other necessary individual involved in a case dealing with a 158545
denial or revocation of registration related to the criminal 158546

records check. 158547

(G) The director of job and family services shall adopt rules 158548
as necessary to implement this section. The rules shall be adopted 158549
in accordance with Chapter 119. of the Revised Code. The rules 158550
shall specify exceptions to the prohibitions in ~~division~~ divisions 158551
(B), (E), and (F) of this section for a person who has been 158552
convicted of or pleaded guilty to a criminal offense listed in 158553
division (A)(5) of section 109.572 of the Revised Code but who 158554
meets standards in regard to rehabilitation set by the director. 158555

(H)(1) Whenever the director of job and family services 158556
requests a criminal records check, searches the uniform statewide 158557
automated child welfare information system, or inspects the state 158558
registry of sex offenders and child-victim offenders and national 158559
sex offender registry as required by this section and finds that a 158560
person who is subject to the requirements of division (B), (C), or 158561
(D) of this section resided in another state during the previous 158562
five years, the director shall request the following from the 158563
other state: a criminal records check and information from the 158564
uniform statewide automated child welfare information system or 158565
state registry of sex offenders. 158566

(2) Whenever the director receives from an agency of another 158567
state a request for a criminal records check or for information 158568
from the uniform statewide automated child welfare information 158569
system or state registry of sex offenders that is related to a 158570
child care license or the provision of publicly funded child care, 158571
the director shall provide to that other state's agency the 158572
results of the records check and information from the system and 158573
registry. 158574

Sec. 5104.014. (A) As used in this section: 158575

(1) "Child" includes both of the following: 158576

(a) An infant, toddler, or preschool age child;	158577
(b) A school-age child who is not enrolled in a public or nonpublic school but is enrolled in a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, or licensed type B family day-care <u>child care</u> home or receives child care from a certified in-home aide.	158578 158579 158580 158581 158582
(2) "In the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the director of health.	158583 158584 158585 158586
(B) Except as provided in division (C) of this section, not later than thirty days after enrollment in a child day-care <u>care</u> center, type A family day-care <u>child care</u> home, or licensed type B family day-care <u>child care</u> home and every thirteen months thereafter while enrolled in the center or home and not later than thirty days after beginning to receive child care from a certified in-home aide and every thirteen months thereafter while continuing to receive child care from the aide, each child's caretaker parent shall provide to the center, home, or in-home aide a medical statement, as described in division (D) of this section, indicating that the child has been immunized against or is in the process of being immunized against all of the following diseases:	158587 158588 158589 158590 158591 158592 158593 158594 158595 158596 158597 158598
(1) Chicken pox;	158599
(2) Diphtheria;	158600
(3) Haemophilus influenzae type b;	158601
(4) Hepatitis A;	158602
(5) Hepatitis B;	158603
(6) Influenza;	158604
(7) Measles;	158605
(8) Mumps;	158606

(9) Pertussis;	158607
(10) Pneumococcal disease;	158608
(11) Poliomyelitis;	158609
(12) Rotavirus;	158610
(13) Rubella;	158611
(14) Tetanus.	158612
(C)(1) A child is not required to be immunized against a	158613
disease specified in division (B) of this section if any of the	158614
following is the case:	158615
(a) Immunization against the disease is medically	158616
contraindicated for the child;	158617
(b) The child's parent or guardian has declined to have the	158618
child immunized against the disease for reasons of conscience,	158619
including religious convictions;	158620
(c) Immunization against the disease is not medically	158621
appropriate for the child's age.	158622
(2) In the case of influenza, a child is not required to be	158623
immunized against the disease if the seasonal vaccine is not	158624
available.	158625
(D)(1) The medical statement shall include all of the	158626
following information:	158627
(a) The dates that a child received immunizations against	158628
each of the diseases specified in division (B) of this section;	158629
(b) Whether a child is subject to any of the exceptions	158630
specified in division (C) of this section.	158631
(2) The medical statement shall include a component where a	158632
parent or guardian may indicate that the parent or guardian has	158633
declined to have the child immunized.	158634

Sec. 5104.015. The director of job and family services shall 158635
adopt rules in accordance with Chapter 119. of the Revised Code 158636
governing the operation of child ~~day-care~~ care centers, including 158637
parent cooperative centers, part-time centers, and drop-in 158638
centers. The rules shall reflect the various forms of child care 158639
and the needs of children receiving child care or publicly funded 158640
child care and shall include specific rules for school-age child 158641
care centers that are developed in consultation with the 158642
department of education. The rules shall include the following: 158643

(A) Submission of a site plan and descriptive plan of 158644
operation to demonstrate how the center proposes to meet the 158645
requirements of this chapter and rules adopted pursuant to this 158646
chapter for the initial license application; 158647

(B) Standards for ensuring that the physical surroundings of 158648
the center are safe and sanitary including the physical 158649
environment, the physical plant, and the equipment of the center; 158650

(C) Standards for the supervision, care, and discipline of 158651
children receiving child care or publicly funded child care in the 158652
center; 158653

(D) Standards for a program of activities, and for play 158654
equipment, materials, and supplies, to enhance the development of 158655
each child; however, any educational curricula, philosophies, and 158656
methodologies that are developmentally appropriate and that 158657
enhance the social, emotional, intellectual, and physical 158658
development of each child shall be permissible. As used in this 158659
division, "program" does not include instruction in religious or 158660
moral doctrines, beliefs, or values that is conducted at child 158661
~~day-care~~ care centers owned and operated by churches and does 158662
include methods of disciplining children at child ~~day-care~~ care 158663
centers. 158664

(E) Admissions policies and procedures; 158665

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	158666
(G) First aid and emergency procedures;	158668
(H) Procedures for discipline and supervision of children;	158669
(I) Standards for the provision of nutritious meals and snacks;	158670
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	158671
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	158672
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	158673
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	158674
(N) Procedures for record keeping, organization, and administration;	158675
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	158676
(P) Inspection procedures;	158677
(Q) Procedures and standards for setting initial license application fees;	158678
(R) Procedures for receiving, recording, and responding to complaints about centers;	158679
(S) Procedures for enforcing section 5104.04 of the Revised	158680

Code;	158695
(T) Minimum qualifications for employment as an administrator or child-care <u>child care</u> staff member;	158696 158697
(U) Requirements for the training of administrators and child-care <u>child care</u> staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	158698 158699 158700 158701
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	158702 158703 158704 158705
(W) A procedure for reporting of injuries of children that occur at the center;	158706 158707
(X) Standards for licensing child day-care <u>care</u> centers for children with short-term illnesses and other temporary medical conditions;	158708 158709 158710
(Y) Minimum requirements for instructional time for child day-care <u>care</u> centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	158711 158712 158713
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care <u>care</u> centers.	158714 158715 158716
Sec. 5104.016. The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care <u>care</u> centers. The rules shall include the requirements set forth in sections 5104.032 to 5104.034 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code or the maximum number of	158717 158718 158719 158720 158721 158722 158723 158724

children per ~~child-care~~ care staff member and maximum group size 158725
requirements of section 5104.033 of the Revised Code. However, the 158726
rules shall provide procedures for determining compliance with 158727
those requirements. 158728

Sec. 5104.017. The director of job and family services shall 158729
adopt rules pursuant to Chapter 119. of the Revised Code governing 158730
the operation of type A family ~~day-care~~ child care homes, 158731
including parent cooperative type A homes, part-time type A homes, 158732
and drop-in type A homes. The rules shall reflect the various 158733
forms of child care and the needs of children receiving child 158734
care. The rules shall include the following: 158735

(A) Submission of a site plan and descriptive plan of 158736
operation to demonstrate how the type A home proposes to meet the 158737
requirements of this chapter and rules adopted pursuant to this 158738
chapter for the initial license application; 158739

(B) Standards for ensuring that the physical surroundings of 158740
the type A home are safe and sanitary, including the physical 158741
environment, the physical plant, and the equipment of the type A 158742
home; 158743

(C) Standards for the supervision, care, and discipline of 158744
children receiving child care or publicly funded child care in the 158745
type A home; 158746

(D) Standards for a program of activities, and for play 158747
equipment, materials, and supplies, to enhance the development of 158748
each child; however, any educational curricula, philosophies, and 158749
methodologies that are developmentally appropriate and that 158750
enhance the social, emotional, intellectual, and physical 158751
development of each child shall be permissible; 158752

(E) Admissions policies and procedures; 158753

(F) Health care policies and procedures, including procedures 158754

for the isolation of children with communicable diseases;	158755
(G) First aid and emergency procedures;	158756
(H) Procedures for discipline and supervision of children;	158757
(I) Standards for the provision of nutritious meals and snacks;	158758 158759
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	158760 158761 158762
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	158763 158764
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	158765 158766 158767 158768
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	158769 158770 158771
(N) Procedures for record keeping, organization, and administration;	158772 158773
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	158774 158775 158776
(P) Inspection procedures;	158777
(Q) Procedures and standards for setting initial license application fees;	158778 158779
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	158780 158781
(S) Procedures for enforcing section 5104.04 of the Revised Code;	158782 158783

(T) A standard requiring the inclusion of a current 158784
department of job and family services toll-free telephone number 158785
on each type A home license that any person may use to report a 158786
suspected violation by the type A home of this chapter or rules 158787
adopted pursuant to this chapter; 158788

(U) Requirements for the training of administrators and 158789
~~child-care~~ child care staff members in first aid, in prevention, 158790
recognition, and management of communicable diseases, and in child 158791
abuse recognition and prevention; 158792

(V) Standards providing for the needs of children who have 158793
disabilities or who require treatment for health conditions while 158794
the child is receiving child care or publicly funded child care in 158795
the type A home; 158796

(W) Standards for the maximum number of children per 158797
~~child-care~~ child care staff member; 158798

(X) Requirements for the amount of usable indoor floor space 158799
for each child; 158800

(Y) Requirements for safe outdoor play space; 158801

(Z) Qualifications and training requirements for 158802
administrators and for ~~child-care~~ child care staff members; 158803

(AA) Procedures for granting a parent who is the residential 158804
parent and legal custodian, or a custodian or guardian access to 158805
the type A home during its hours of operation; 158806

(BB) Minimum requirements for instructional time for type A 158807
homes rated through the step up to quality program established 158808
pursuant to section 5104.29 of the Revised Code; 158809

(CC) Any other procedures and standards necessary to carry 158810
out the provisions of this chapter regarding type A homes. 158811

Sec. 5104.018. The director of job and family services shall 158812

adopt rules in accordance with Chapter 119. of the Revised Code 158813
governing the licensure of type B family ~~day-care~~ child care 158814
homes. The rules shall provide for safeguarding the health, 158815
safety, and welfare of children receiving child care or publicly 158816
funded child care in a licensed type B family ~~day-care~~ child care 158817
home and shall include all of the following: 158818

(A) Requirements for the type B home to notify parents with 158819
children in the type B home that the type B home is certified as a 158820
foster home under section 5103.03 of the Revised Code; 158821

(B) Standards for ensuring that the type B home and the 158822
physical surroundings of the type B home are safe and sanitary, 158823
including physical environment, physical plant, and equipment; 158824

(C) Standards for the supervision, care, and discipline of 158825
children receiving child care or publicly funded child care in the 158826
home; 158827

(D) Standards for a program of activities, and for play 158828
equipment, materials, and supplies to enhance the development of 158829
each child; however, any educational curricula, philosophies, and 158830
methodologies that are developmentally appropriate and that 158831
enhance the social, emotional, intellectual, and physical 158832
development of each child shall be permissible; 158833

(E) Admission policies and procedures; 158834

(F) Health care, first aid and emergency procedures; 158835

(G) Procedures for the care of sick children; 158836

(H) Procedures for discipline and supervision of children; 158837

(I) Nutritional standards; 158838

(J) Procedures for screening children, including any 158839
necessary physical examinations and the immunizations required 158840
pursuant to section 5104.014 of the Revised Code; 158841

(K) Procedures for screening administrators and employees, 158842

including any necessary physical examinations and immunizations;	158843
(L) Methods of encouraging parental participation and	158844
ensuring that the rights of children, parents, and administrators	158845
are protected and the responsibilities of parents and	158846
administrators are met;	158847
(M) Standards for the safe transport of children when under	158848
the care of administrators;	158849
(N) Procedures for issuing, denying, or revoking licenses;	158850
(O) Procedures for the inspection of type B homes that	158851
require, at a minimum, that each type B home be inspected prior to	158852
licensure to ensure that the home is safe and sanitary;	158853
(P) Procedures for record keeping and evaluation;	158854
(Q) Procedures for receiving, recording, and responding to	158855
complaints;	158856
(R) Standards providing for the needs of children who have	158857
disabilities or who receive treatment for health conditions while	158858
the child is receiving child care or publicly funded child care in	158859
the type B home;	158860
(S) Requirements for the amount of usable indoor floor space	158861
for each child;	158862
(T) Requirements for safe outdoor play space;	158863
(U) Qualification and training requirements for	158864
administrators;	158865
(V) Procedures for granting a parent who is the residential	158866
parent and legal custodian, or a custodian or guardian access to	158867
the type B home during its hours of operation;	158868
(W) Requirements for the type B home to notify parents with	158869
children in the type B home that the type B home is certified as a	158870
foster home under section 5103.03 of the Revised Code;	158871

(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code; 158872
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(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes. 158875
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Sec. 5104.0111. (A) The director of job and family services shall do all of the following: 158878
158879

(1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child ~~day-care~~ care centers, type A homes, and type B homes; 158880
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(2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code; 158884
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(3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee; 158887
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(4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed; 158890
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(5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date; 158894
158895
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(6) Review all rules adopted pursuant to this chapter at least once every seven years. 158897
158898

(B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public 158899
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notice of hearings regarding the rules to each in-home aide at 158902
least thirty days prior to the date of the public hearing, in 158903
accordance with section 119.03 of the Revised Code. At least 158904
thirty days before the effective date of a rule, the county 158905
director of job and family services shall provide, in either paper 158906
or electronic form, copies of the adopted rule to each in-home 158907
aide. 158908

(C) Additional copies of proposed and adopted rules shall be 158909
made available by the director of job and family services to the 158910
public on request at no charge. 158911

(D) The director of job and family services may adopt rules 158912
in accordance with Chapter 119. of the Revised Code for imposing 158913
sanctions on persons and entities that are licensed or certified 158914
under this chapter. Sanctions may be imposed only for an action or 158915
omission that constitutes a serious risk noncompliance. The 158916
sanctions imposed shall be based on the scope and severity of the 158917
violations. 158918

The director shall make a dispute resolution process 158919
available for the implementation of sanctions. The process may 158920
include an opportunity for appeal pursuant to Chapter 119. of the 158921
Revised Code. 158922

(E) The director of job and family services shall adopt rules 158923
in accordance with Chapter 119. of the Revised Code that establish 158924
standards for the training of individuals who inspect or 158925
investigate type B family ~~day-care~~ child care homes pursuant to 158926
section 5104.03 of the Revised Code. The department shall provide 158927
training in accordance with those standards for individuals in the 158928
categories described in this division. 158929

Sec. 5104.02. (A) The director of job and family services is 158930
responsible for licensing child ~~day-care~~ care centers, type A 158931
family ~~day-care~~ child care homes, and type B family ~~day-care~~ child 158932

care homes. Each entity operating a head start program shall meet 158933
the criteria for, and be licensed as, a child ~~day-care~~ care 158934
center. The director is responsible for the enforcement of this 158935
chapter and of rules promulgated pursuant to this chapter. 158936

No person, firm, organization, institution, or agency shall 158937
operate, establish, manage, conduct, or maintain a child ~~day-care~~ 158938
care center or type A family ~~day-care~~ child care home without a 158939
license issued under section 5104.03 of the Revised Code. The 158940
current license shall be posted in the center or home in a 158941
conspicuous place that is accessible to parents, custodians, or 158942
guardians and employees of the center or home at all times when 158943
the center or home is in operation. 158944

(B) A person, firm, institution, organization, or agency 158945
operating any of the following programs is exempt from the 158946
requirements of this chapter: 158947

(1) A program caring for children that operates for two 158948
consecutive weeks or less and not more than six weeks total in 158949
each calendar year; 158950

(2) Caring for children in places of worship during religious 158951
activities while at least one parent, guardian, or custodian of 158952
each child is participating in such activities and is readily 158953
available; 158954

(3) Supervised training, instruction, or activities of 158955
children in specific areas, including, but not limited to: art; 158956
drama; dance; music; athletic skills or sports; computers; or an 158957
educational subject conducted on an organized or periodic basis 158958
that a child does not attend for more than eight total hours per 158959
week; 158960

(4) Programs in which the director determines that at least 158961
one parent, custodian, or guardian of each child who is not an 158962
employee of the facility engaged in employment duties is on the 158963

premises of the facility that offers care and is readily accessible at all times; 158964
158965

(5) Programs that provide care and are regulated by state departments other than the department of job and family services or the state board of education. 158966
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158968

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code. 158969
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(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only: 158973
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158975
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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 158977
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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five; 158981
158982
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(c) The program is conducted in a school building; 158984

(d) The program is operated in accordance with rules promulgated by the state board under section 3301.53 of the Revised Code. 158985
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(8) A youth development program operated outside of school hours to which all of the following apply: 158988
158989

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 158990
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158992

(b) The program provides informal care, which is care that 158993

does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year.

(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

Sec. 5104.021. The director of job and family services may

issue a child ~~day-care~~ care center or type A family ~~day-care~~ child
care home license to a youth development program that is exempted
by division (B)(8) of section 5104.02 of the Revised Code from the
requirements of this chapter if the youth development program
applies for and meets all of the requirements for the license.

Sec. 5104.022. In no case shall the director of job and
family services issue a license to operate a type A family
~~day-care~~ child care home if the type A home is certified as a
foster home or specialized foster home pursuant to Chapter 5103.
of the Revised Code. In no case shall the director issue a license
to operate a type B family ~~day-care~~ child care home if the type B
home is certified as a specialized foster home pursuant to Chapter
5103. of the Revised Code.

Sec. 5104.03. (A) As used in this section, "owner" has the
same meaning as in section 5104.01 of the Revised Code, except
that "owner" also includes a firm, organization, institution, or
agency, as well as any individual governing board members,
partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency
seeking to establish a child ~~day-care~~ care center, type A family
~~day-care~~ child care home, or licensed type B family ~~day-care~~ child
care home shall apply for a license to the director of job and
family services on such form as the director prescribes. The
director shall provide at no charge to each applicant for
licensure a copy of the child care license requirements in this
chapter and a copy of the rules adopted pursuant to this chapter.
The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be
paid at the time of application for a license to operate a center,

type A home, or type B home. Fees collected under this section 159054
shall be paid into the state treasury to the credit of the general 159055
revenue fund. 159056

(C)(1) Upon filing of the application for a license, the 159057
director shall investigate and inspect the center, type A home, or 159058
type B home to determine the license capacity for each age 159059
category of children of the center, type A home, or type B home 159060
and to determine whether the center, type A home, or type B home 159061
complies with this chapter and rules adopted pursuant to this 159062
chapter. When, after investigation and inspection, the director is 159063
satisfied that this chapter and rules adopted pursuant to it are 159064
complied with, subject to division (G) of this section, a license 159065
shall be issued as soon as practicable in such form and manner as 159066
prescribed by the director. The license shall be designated as 159067
provisional and shall be valid for at least twelve months from the 159068
date of issuance and until the continuous license is issued or 159069
until the provisional license is revoked or suspended pursuant to 159070
section 5104.042 of the Revised Code. 159071

(2) The director may contract with a government entity or a 159072
private nonprofit entity for the entity to inspect type A or type 159073
B family ~~day-care~~ child care homes pursuant to this section. If 159074
the director contracts with a government entity or private 159075
nonprofit entity for that purpose, the entity may contract with 159076
another government entity or private nonprofit entity for the 159077
other entity to inspect type A or type B homes pursuant to this 159078
section. The director, government entity, or private nonprofit 159079
entity shall conduct an inspection prior to the issuance of a 159080
license for a type A or type B home and, as part of that 159081
inspection, ensure that the home is safe and sanitary. 159082

(D) The director shall investigate and inspect the center, 159083
type A home, or type B home at least once during operation under a 159084
license designated as provisional. If after the investigation and 159085

inspection the director determines that the requirements of this 159086
chapter and rules adopted pursuant to this chapter are met, 159087
subject to division (G) of this section, the director shall issue 159088
a continuous license to the center or home. 159089

(E) Each license shall state the name of the licensee, the 159090
name of the administrator, the address of the center, type A home, 159091
or licensed type B home, and the license capacity for each age 159092
category of children. The license shall include thereon, in 159093
accordance with sections 5104.015, 5104.017, and 5104.018 of the 159094
Revised Code, the toll-free telephone number to be used by persons 159095
suspecting that the center, type A home, or licensed type B home 159096
has violated a provision of this chapter or rules adopted pursuant 159097
to this chapter. A license is valid only for the licensee, 159098
administrator, address, and license capacity for each age category 159099
of children designated on the license. The license capacity 159100
specified on the license is the maximum number of children in each 159101
age category that may be cared for in the center, type A home, or 159102
licensed type B home at one time. 159103

A center or home licensee shall notify the director in 159104
writing when the administrator, address, or license capacity of 159105
the center or home changes. The director shall amend the current 159106
license to reflect a change in any of the following: 159107

(1) An administrator, if the administrator meets the 159108
requirements of this chapter and rules adopted pursuant to this 159109
chapter; 159110

(2) Address, if the new address meets the requirements of 159111
this chapter and rules adopted pursuant to this chapter; 159112

(3) License capacity for any age category of children as 159113
determined by the director of job and family services. 159114

(F) If the director revokes the license of a center, a type A 159115
home, or a type B home, the director shall not issue another 159116

license to the owner of the center, type A home, or type B home 159117
until five years have elapsed from the date the license is 159118
revoked. 159119

If the director denies an application for a license, the 159120
director shall not consider another application from the applicant 159121
until five years have elapsed from the date the application is 159122
denied. 159123

(G)(1) Except as provided in division (G)(2) of this section, 159124
all actions of the director with respect to licensing centers, 159125
type A homes, or type B homes, refusal to license, and revocation 159126
of a license shall be in accordance with Chapter 119. of the 159127
Revised Code. Except as provided in division (G)(2) of this 159128
section, any applicant who is denied a license or any owner whose 159129
license is revoked may appeal in accordance with section 119.12 of 159130
the Revised Code. 159131

(2) The following actions by the director are not subject to 159132
Chapter 119. of the Revised Code: 159133

(a) The director ceases its review of an application because 159134
the owner of a center, type A home, or type B home sought a 159135
license before five years had elapsed from the date the previous 159136
license was revoked and the director does not issue the license. 159137

(b) The director ceases its review of an application because 159138
the applicant applied for licensure before five years had elapsed 159139
from the date the previous application was denied and the director 159140
does not issue the license. 159141

(c) The director closes a license because the director has 159142
determined that the center, type A home, or type B home is no 159143
longer operating at the address stated on the license and did not 159144
notify the director of the address change as described in division 159145
(E) of this section. 159146

(H) In no case shall the director issue a license under this 159147

section for a center, type A home, or type B home if the director, 159148
based on documentation provided by the appropriate county 159149
department of job and family services, determines that the 159150
applicant had been certified as an in-home aide, that the county 159151
department revoked that certification within the immediately 159152
preceding five years, that the revocation was based on the 159153
applicant's refusal or inability to comply with the criteria for 159154
certification, and that the refusal or inability resulted in a 159155
risk to the health or safety of children. 159156

(I) An owner of a type B family ~~day-care~~ child care home that 159157
receives a license pursuant to this section is an independent 159158
contractor and is not an employee of the department of job and 159159
family services. 159160

Sec. 5104.032. (A) The child ~~day-care~~ care center shall have, 159161
for each child for whom the center is licensed, at least 159162
thirty-five square feet of usable indoor floor space wall-to-wall 159163
regularly available for the child care operation exclusive of any 159164
parts of the structure in which the care of children is prohibited 159165
by law or by rules adopted by the board of building standards. The 159166
minimum of thirty-five square feet of usable indoor floor space 159167
shall not include hallways, kitchens, storage areas, or any other 159168
areas that are not available for the care of children, as 159169
determined by the director, in meeting the space requirement of 159170
this division, and bathrooms shall be counted in determining 159171
square footage only if they are used exclusively by children 159172
enrolled in the center, except that the exclusion of hallways, 159173
kitchens, storage areas, bathrooms not used exclusively by 159174
children enrolled in the center, and any other areas not available 159175
for the care of children from the minimum of thirty-five square 159176
feet of usable indoor floor space shall not apply to: 159177

(1) Centers licensed prior to or on September 1, 1986, that 159178

continue under licensure after that date; 159179

(2) Centers licensed prior to or on September 1, 1986, that 159180
are issued a new license after that date solely due to a change of 159181
ownership of the center. 159182

(B) The child ~~day-care~~ care center shall have on the site a 159183
safe outdoor play space which is enclosed by a fence or otherwise 159184
protected from traffic or other hazards. The play space shall 159185
contain not less than sixty square feet per child using such space 159186
at any one time, and shall provide an opportunity for supervised 159187
outdoor play each day in suitable weather. The director may exempt 159188
a center from the requirement of this division, if an outdoor play 159189
space is not available and if all of the following are met: 159190

(1) The center provides an indoor recreation area that has 159191
not less than sixty square feet per child using the space at any 159192
one time, that has a minimum of one thousand four hundred forty 159193
square feet of space, and that is separate from the indoor space 159194
required under division (A) of this section. 159195

(2) The director has determined that there is regularly 159196
available and scheduled for use a conveniently accessible and safe 159197
park, playground, or similar outdoor play area for play or 159198
recreation. 159199

(3) The children are closely supervised during play and while 159200
traveling to and from the area. 159201

The director also shall exempt from the requirement of this 159202
division a child ~~day-care~~ care center that was licensed prior to 159203
September 1, 1986, if the center received approval from the 159204
director prior to September 1, 1986, to use a park, playground, or 159205
similar area, not connected with the center, for play or 159206
recreation in lieu of the outdoor space requirements of this 159207
section and if the children are closely supervised both during 159208
play and while traveling to and from the area and except if the 159209

director determines upon investigation and inspection pursuant to 159210
 section 5104.04 of the Revised Code and rules adopted pursuant to 159211
 that section that the park, playground, or similar area, as well 159212
 as access to and from the area, is unsafe for the children. 159213

Sec. 5104.033. (A)(1) A child ~~day-care~~ care center shall have 159214
 at least two responsible adults available on the premises at all 159215
 times when seven or more children are in the center. The center 159216
 shall organize the children in the center in small groups, shall 159217
 provide ~~child-care~~ child care staff to give continuity of care and 159218
 supervision to the children on a day-by-day basis, and shall 159219
 ensure that no child is left alone or unsupervised. Except as 159220
 otherwise provided in division (B) of this section, the maximum 159221
 number of children per ~~child-care~~ child care staff member and 159222
 maximum group size, by age category of children, are as follows: 159223

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care <u>child</u>	Group	
	<u>care</u>		
of Children	Staff Member	Size	
(a) Infants:			159227
(i) Less than twelve			159228
months old	5:1, or		159229
	12:2 if two		159230
	child-care <u>child</u>		159231
	<u>care</u>		159232
	staff members		159233
	are in the room	12	159234
(ii) At least twelve			159235
months old, but			159236
less than eighteen			159237
months old	6:1	12	159238
(b) Toddlers:			159239

(i) At least eighteen			159240
months old, but			159241
less than thirty			159242
months old	7:1	14	159243
(ii) At least thirty months			159244
old, but less than			159245
three years old	8:1	16	159246
(c) Preschool-age			159247
children:			159248
(i) Three years old	12:1	24	159249
(ii) Four years old and			159250
five years old who			159251
are not school			159252
children	14:1	28	159253
(d) School-age children:			159254
(i) A child who is			159255
enrolled in or is			159256
eligible to be			159257
enrolled in a grade			159258
of kindergarten			159259
or above, but			159260
is less than			159261
eleven years old	18:1	36	159262
(ii) Eleven through fourteen			159263
years old	20:1	40	159264
<u>(2)</u> Except as otherwise provided in division (B) of this			159265
section, the maximum number of children per child-care <u>child care</u>			159266
staff member and maximum group size requirements of the younger			159267
age group shall apply when age groups are combined.			159268
(B)(1) When age groups are combined, the maximum number of			159269
children per child-care <u>child care</u> staff member shall be			159270
determined by the age of the youngest child in the group, except			159271
that when no more than one child thirty months of age or older			159272

receives services in a group in which all the other children are 159273
in the next older age group, the maximum number of children per 159274
~~child-care~~ child care staff member and maximum group size 159275
requirements of the older age group established under division (A) 159276
of this section shall apply. 159277

(2) The maximum number of toddlers or preschool-age children 159278
per ~~child-car~~ child care staff member in a room where children are 159279
napping shall be twice the maximum number of children per 159280
child-care staff member established under division (A) of this 159281
section if all the following criteria are met: 159282

(a) At least one ~~child-care~~ child care staff member is 159283
present in the room. 159284

(b) Sufficient ~~child-care~~ child care staff members are on the 159285
child ~~day-care~~ care center premises to meet the maximum number of 159286
children per ~~child-care~~ child care staff member requirements 159287
established under division (A) of this section. 159288

(c) Naptime preparations are complete and all napping 159289
children are resting or sleeping on cots. 159290

(d) The maximum number established under division (B)(2) of 159291
this section is in effect for no more than two hours during a 159292
twenty-four-hour day. 159293

Sec. 5104.034. Each child ~~day-care~~ care center shall have on 159294
the center premises and readily available at all times at least 159295
one ~~child-care~~ child care staff member who has completed a course 159296
in first aid, one staff member who has completed a course in 159297
prevention, recognition, and management of communicable diseases 159298
which is approved by the state department of health, and a staff 159299
member who has completed a course in child abuse recognition and 159300
prevention training which is approved by the department of job and 159301
family services. 159302

Sec. 5104.037. (A) As used in this section:	159303
(1) "Active tuberculosis" has the same meaning as in section 339.71 of the Revised Code.	159304 159305
(2) "Latent tuberculosis" means tuberculosis that has been demonstrated by a positive reaction to a tuberculosis test but has no clinical, bacteriological, or radiographic evidence of active tuberculosis.	159306 159307 159308 159309
(3) "Licensed health professional" means any of the following:	159310 159311
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	159312 159313 159314
(b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code;	159315 159316 159317
(c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code;	159318 159319
(d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code.	159320 159321
(4) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of county commissioners under that section.	159322 159323 159324 159325 159326
(5) "Tuberculosis test" means either of the following:	159327
(a) A two-step Mantoux tuberculin skin test;	159328
(b) A blood assay for m. tuberculosis.	159329
(B) Before employing a person as an administrator or employee, for the purpose of tuberculosis screening, each child	159330 159331

~~day-care~~ care center shall determine if the person has done both 159332
of the following: 159333

(1) Resided in a country identified by the world health 159334
organization as having a high burden of tuberculosis; 159335

(2) Arrived in the United States within the five years 159336
immediately preceding the date of application for employment. 159337

(C) If the person meets the criteria described in division 159338
(B) of this section, the center shall require the person to 159339
undergo a tuberculosis test before employment. If the result of 159340
the test is negative, the center may employ the person. 159341

(D) If the result of any tuberculosis test performed as 159342
described in division (C) of this section is positive, the center 159343
shall require the person to undergo additional testing for 159344
tuberculosis, which may include a chest radiograph or the 159345
collection and examination of specimens. 159346

(1) If additional testing indicates active tuberculosis, then 159347
until the person is no longer infectious as determined by the 159348
county tuberculosis unit, the center shall not employ the person 159349
or, if employed, shall not allow the person to be physically 159350
present at the center's location. 159351

For purposes of this section, evidence that a person is no 159352
longer infectious shall consist of a written statement to that 159353
effect signed by a representative of the tuberculosis control 159354
unit. 159355

(2) If additional testing indicates latent tuberculosis, then 159356
until the person submits to the program evidence that the person 159357
is receiving treatment as prescribed by a licensed health 159358
professional, the preschool program shall not employ the person 159359
or, if employed, shall not allow the person to be physically 159360
present at the program's location. Once the person submits to the 159361
program evidence that the person is in the process of completing a 159362

tuberculosis treatment regimen as prescribed by a licensed health professional, the preschool program may employ the person and allow the person to be physically present at the program's location so long as periodic evidence of compliance with the treatment regimen is submitted in accordance with rules adopted under section 3701.146 of the Revised Code.

For purposes of this section, evidence that a person is in the process of completing and is compliant with a tuberculosis treatment regimen shall consist of a written statement to that effect signed by the tuberculosis control unit that is overseeing the person's treatment.

Sec. 5104.038. The administrator of each child ~~day-care~~ care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

Sec. 5104.039. (A) Any parent who is the residential parent and legal custodian of a child enrolled in a child ~~day-care~~ care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the

premises of the center, or for other purposes approved by the 159394
director. A parent of a child enrolled in a child ~~day-care~~ care 159395
center who is not the child's residential parent shall be 159396
permitted unlimited access to the center during its hours of 159397
operation for those purposes under the same terms and conditions 159398
under which the residential parent of that child is permitted 159399
access to the center for those purposes. However, the access of 159400
the parent who is not the residential parent is subject to any 159401
agreement between the parents and, to the extent described in 159402
division (B) of this section, is subject to any terms and 159403
conditions limiting the right of access of the parent who is not 159404
the residential parent, as described in division (I) of section 159405
3109.051 of the Revised Code, that are contained in a parenting 159406
time order or decree issued under that section, section 3109.12 of 159407
the Revised Code, or any other provision of the Revised Code. 159408

(B) If a parent who is the residential parent of a child has 159409
presented the administrator or the administrator's designee with a 159410
copy of a parenting time order that limits the terms and 159411
conditions under which the parent who is not the residential 159412
parent is to have access to the center, as described in division 159413
(I) of section 3109.051 of the Revised Code, the parent who is not 159414
the residential parent shall be provided access to the center only 159415
to the extent authorized in the order. If the residential parent 159416
has presented such an order, the parent who is not the residential 159417
parent shall be permitted access to the center only in accordance 159418
with the most recent order that has been presented to the 159419
administrator or the administrator's designee by the residential 159420
parent or the parent who is not the residential parent. 159421

(C) Upon entering the premises pursuant to division (A) or 159422
(B) of this section, the parent who is the residential parent and 159423
legal custodian, the parent who is not the residential parent, or 159424
the custodian or guardian shall notify the administrator or the 159425

administrator's designee of the parent's, custodian's, or 159426
guardian's presence. 159427

Sec. 5104.04. (A) The department of job and family services 159428
shall establish procedures to be followed in investigating, 159429
inspecting, and licensing child ~~day-care~~ care centers, type A 159430
family ~~day-care~~ child care homes, and licensed type B family 159431
~~day-care~~ child care homes. 159432

(B)(1)(a) The department shall, at least once during every 159433
twelve-month period of operation of a center, type A home, or 159434
licensed type B home, inspect the center, type A home, or licensed 159435
type B home. The department shall inspect a part-time center or 159436
part-time type A home at least once during every twelve-month 159437
period of operation. The department shall provide a written 159438
inspection report to the licensee within a reasonable time after 159439
each inspection. 159440

Inspections may be unannounced. No person, firm, 159441
organization, institution, or agency shall interfere with the 159442
inspection of a center, type A home, or licensed type B home by 159443
any state or local official engaged in performing duties required 159444
of the state or local official by this chapter or rules adopted 159445
pursuant to this chapter, including inspecting the center, type A 159446
home, or licensed type B home, reviewing records, or interviewing 159447
licensees, employees, children, or parents. 159448

(b) Upon receipt of any complaint that a center, type A home 159449
or licensed type B home is out of compliance with the requirements 159450
of this chapter or rules adopted pursuant to this chapter, the 159451
department shall investigate the center or home, and both of the 159452
following apply: 159453

(i) If the complaint alleges that a child suffered physical 159454
harm while receiving child care at the center or home or that the 159455
noncompliance alleged in the complaint involved, resulted in, or 159456

poses a substantial risk of physical harm to a child receiving 159457
child care at the center or home, the department shall inspect the 159458
center or home. 159459

(ii) If division (B)(1)(b)(i) of this section does not apply 159460
regarding the complaint, the department may inspect the center or 159461
home. 159462

(c) Division (B)(1)(b) of this section does not limit, 159463
restrict, or negate any duty of the department to inspect a 159464
center, type A home, or licensed type B home that otherwise is 159465
imposed under this section, or any authority of the department to 159466
inspect a center, type A home, or licensed type B home that 159467
otherwise is granted under this section. 159468

(2) If the department implements an instrument-based program 159469
monitoring information system, it may use an indicator checklist 159470
to comply with division (B)(1) of this section. 159471

(C) The department may deny an application or revoke a 159472
license of a center, type A home, or licensed type B home, if the 159473
applicant knowingly submits falsified information to the 159474
department or if the center or home does not comply with the 159475
requirements of this chapter or rules adopted pursuant to this 159476
chapter. 159477

(D) If the department finds, after notice and hearing 159478
pursuant to Chapter 119. of the Revised Code, that any applicant, 159479
person, firm, organization, institution, or agency applying for 159480
licensure or licensed under section 5104.03 of the Revised Code is 159481
in violation of any provision of this chapter or rules adopted 159482
pursuant to this chapter, the department may issue an order of 159483
denial to the applicant or an order of revocation to the ~~center,~~ 159484
~~type center,~~ type A home, or licensed type B home revoking the 159485
license previously issued by the department. Upon the issuance of 159486
such an order, the person whose application is denied or whose 159487

license is revoked may appeal in accordance with section 119.12 of 159488
the Revised Code. 159489

(E) The surrender of a center, type A home, or licensed type 159490
B home license to the department or the withdrawal of an 159491
application for licensure by the owner or administrator of the 159492
center, type A home, or licensed type B home shall not prohibit 159493
the department from instituting any of the actions set forth in 159494
this section. 159495

(F) Whenever the department receives a complaint, is advised, 159496
or otherwise has any reason to believe that a center or type A 159497
home is providing child care without a license issued pursuant to 159498
section 5104.03 and is not exempt from licensing pursuant to 159499
section 5104.02 of the Revised Code, the department shall 159500
investigate the center or type A home and may inspect the areas 159501
children have access to or areas necessary for the care of 159502
children in the center or type A home during suspected hours of 159503
operation to determine whether the center or type A home is 159504
subject to the requirements of this chapter or rules adopted 159505
pursuant to this chapter. 159506

(G) The department, upon determining that the center or type 159507
A home is operating without a license, shall notify the attorney 159508
general, the prosecuting attorney of the county in which the 159509
center or type A home is located, or the city attorney, village 159510
solicitor, or other chief legal officer of the municipal 159511
corporation in which the center or type A home is located, that 159512
the center or type A home is operating without a license. Upon 159513
receipt of the notification, the attorney general, prosecuting 159514
attorney, city attorney, village solicitor, or other chief legal 159515
officer of a municipal corporation shall file a complaint in the 159516
court of common pleas of the county in which the center or type A 159517
home is located requesting that the court grant an order enjoining 159518
the owner from operating the center or type A home in violation of 159519

section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.041. (A) All type A family ~~day-care~~ child care homes and licensed type B family ~~day-care~~ child care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family ~~day-care~~ child care home against liability arising out of, or in connection with, the operation of the family ~~day-care~~ child care home. The insurance procured shall cover any cause for which the type A or type B family ~~day-care~~ child care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family ~~day-care~~ child care home that states all of the following:

(a) The family ~~day-care~~ child care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family ~~day-care~~ child care home or a type B family ~~day-care~~ child care home is not the owner of the real property where the family ~~day-care~~ child care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family ~~day-care~~ child care home.

(B) If the licensee of a type A family ~~day-care~~ child care home or a type B family ~~day-care~~ child care home is not the owner of the real property where the family ~~day-care~~ child care home is located and the family ~~day-care~~ child care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family ~~day-care~~ child care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under division (A) of this section shall be maintained at the type A or type B family ~~day-care~~ child care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of job and family services shall adopt rules for the enforcement of this section.

Sec. 5104.042. (A) The department of job and family services 159580
may suspend, without a prior hearing, the license of a child 159581
~~day-care~~ care center, type A family ~~day-care~~ child care home, or 159582
licensed type B family ~~day-care~~ child care home if any of the 159583
following occur: 159584

(1) A child dies or suffers a serious injury while receiving 159585
child care in the center, type A home, or licensed type B home. 159586

(2) A public children services agency receives a report 159587
pursuant to section 2151.421 of the Revised Code, and the person 159588
alleged to have inflicted abuse or neglect on the child who is the 159589
subject of the report is any of the following: 159590

(a) The owner, licensee, or administrator of the center, type 159591
A home, or licensed type B home; 159592

(b) An employee of the center, type A home, or licensed type 159593
B home who has not immediately been placed on administrative leave 159594
or released from employment; 159595

(c) Any person who resides in the type A home or licensed 159596
type B home. 159597

(3) An owner, licensee, administrator, or employee of the 159598
center, type A home, or licensed type B home, or a resident of the 159599
type A home or licensed type B home is charged by an indictment, 159600
information, or complaint with an offense relating to the abuse or 159601
neglect of a child. 159602

(4) The department or a county department of job and family 159603
services determines that the center, type A home, or licensed type 159604
B home created a serious risk to the health or safety of a child 159605
receiving child care in the center, type A home, or licensed type 159606
B home that resulted in or could have resulted in a child's death 159607
or injury. 159608

(5) The department determines that the owner or licensee of 159609

the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

Sec. 5104.043. (A) If the department of job and family

services determines that an act or omission of a child ~~day-care~~ 159640
care center, type A family ~~day-care~~ child care home, or licensed 159641
type B family ~~day-care~~ child care home constitutes a serious risk 159642
noncompliance, the licensee shall notify the caretaker parent of 159643
each child receiving care in the center or home of the 159644
department's determination. 159645

(B) With respect to the notice required by division (A) of 159646
this section, all of the following apply: 159647

(1) The licensee shall notify caretaker parents not later 159648
than fifteen business days after the department informs the 159649
licensee of the department's determination. If the licensee 159650
requests a review of the department's determination, the licensee 159651
shall notify caretaker parents not later than five business days 159652
after the department has completed its review. 159653

(2) The notice shall include a statement informing each 159654
caretaker parent of the web site maintained by the department and 159655
the location of further information regarding the determination. 159656

(3) The licensee may provide written or electronic notice to 159657
caretaker parents. 159658

(4) The licensee shall provide a copy of the notice to the 159659
department. 159660

(C) The director of job and family services shall adopt rules 159661
to enforce this section. 159662

(D) The requirements of this section do not apply if the 159663
department suspends the license of a child ~~day-care~~ care center, 159664
type A family ~~day-care~~ child care home, or licensed type B family 159665
~~day-care~~ child care home pursuant to section 5104.042 of the 159666
Revised Code. 159667

Sec. 5104.05. (A) The director of job and family services 159668

shall issue a license or provisional license for the operation of
a child ~~day-care~~ care center, if the director finds, after
investigation of the applicant and inspection of the center, that
other requirements of this chapter, rules promulgated pursuant to
this chapter, and the following requirements are met:

(1) The buildings in which the center is housed, subsequent
to any major modification, have been approved by the department of
commerce or a certified municipal, township, or county building
department for the purpose of operating a child ~~day-care~~ care
center. Any structure used for the operation of a center shall be
constructed, equipped, repaired, altered, and maintained in
accordance with applicable provisions of Chapters 3781. and 3791.
of the Revised Code and with regulations adopted by the board of
building standards under Chapter 3781. of the Revised Code and
this division for the safety and sanitation of structures erected
for this purpose.

(2) The state fire marshal or the fire chief or fire
prevention officer of the municipal corporation or township in
which the center is located has inspected the center annually
within the preceding license period and has found the center to be
in compliance with rules promulgated by the fire marshal pursuant
to section 3737.83 of the Revised Code regarding fire prevention
and fire safety in a child ~~day-care~~ care center.

(3) The center has received a food service operation license
under Chapter 3717. of the Revised Code if meals are to be served
to children other than children of the licensee or administrator,
whether or not a consideration is received for the meals.

(B) The director of job and family services shall issue a
license or provisional license for the operation of a type A
family ~~day-care~~ child care home, if the director finds, after
investigation of the applicant and inspection of the type A home,
that other requirements of this chapter, rules promulgated

pursuant to this chapter, and the following requirements are met: 159701

(1) The state fire marshal or the fire chief or fire 159702
prevention officer of the municipal corporation or township in 159703
which the type A family ~~day-care~~ child care home is located has 159704
inspected the type A home annually within the preceding license 159705
period and has found the type A home to be in compliance with 159706
rules promulgated by the fire marshal pursuant to section 3737.83 159707
of the Revised Code regarding fire prevention and fire safety in a 159708
type A home. 159709

(2) The type A home is in compliance with rules set by the 159710
director of job and family services in cooperation with the 159711
director of health pursuant to section 3701.80 of the Revised Code 159712
regarding meal preparation and meal service in the home. The 159713
director of job and family services, in accordance with procedures 159714
recommended by the director of health, shall inspect each type A 159715
home to determine compliance with those rules. 159716

(3) The type A home is in compliance with rules promulgated 159717
by the director of job and family services in cooperation with the 159718
board of building standards regarding safety and sanitation 159719
pursuant to section 3781.10 of the Revised Code. 159720

Sec. 5104.051. (A)(1) The department of commerce is 159721
responsible for the inspections of child ~~day-care~~ care centers as 159722
required by division (A)(1) of section 5104.05 of the Revised 159723
Code. Where there is a municipal, township, or county building 159724
department certified under section 3781.10 of the Revised Code to 159725
exercise enforcement authority with respect to the category of 159726
building occupancy which includes ~~day-care~~ child care centers, all 159727
inspections required under division (A)(1) of section 5104.05 of 159728
the Revised Code shall be made by that department according to the 159729
standards established by the board of building standards. 159730
Inspections in areas of the state where there is no municipal, 159731

township, or county building department certified under section 159732
3781.10 of the Revised Code to exercise enforcement authority with 159733
respect to the category of building occupancy which includes 159734
~~day-care~~ child care centers shall be made by personnel of the 159735
department of commerce. Inspections of centers shall be contingent 159736
upon payment of a fee by the applicant to the department having 159737
jurisdiction to inspect. 159738

(2) The department of commerce is responsible for the 159739
inspections of type A family ~~day-care~~ child care homes as required 159740
by division (B)(3) of section 5104.05 of the Revised Code. Where 159741
there is a municipal, township, or county building department 159742
certified under section 3781.10 of the Revised Code to exercise 159743
enforcement authority with respect to the category of building 159744
occupancy which includes type A homes, all inspections required 159745
under division (B)(3) of section 5104.05 of the Revised Code shall 159746
be made by that department according to the standards established 159747
by the board of building standards. Inspections in areas of the 159748
state where there is no municipal, township, or county building 159749
department certified under section 3781.10 of the Revised Code to 159750
exercise enforcement authority with respect to the category of 159751
building occupancy which includes type A homes shall be made by 159752
personnel of the department of commerce. Inspections of type A 159753
homes shall be contingent upon payment of a fee by the applicant 159754
to the department having jurisdiction to inspect. 159755

(B) The state fire marshal is responsible for the inspections 159756
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 159757
Revised Code. In municipal corporations and in townships outside 159758
municipal corporations where there is a fire prevention official, 159759
the inspections shall be made by the fire chief or the fire 159760
prevention official under the supervision of and according to the 159761
standards established by the state fire marshal. In townships 159762
outside municipal corporations where there is no fire prevention 159763

official, inspections shall be made by the employees of the state 159764
fire marshal. 159765

(C) The state fire marshal shall enforce all statutes and 159766
rules pertaining to fire safety and fire prevention in child 159767
~~day-care~~ care centers and type A family ~~day-care~~ child care homes. 159768
In the event of a dispute between the state fire marshal and any 159769
other responsible officer under sections 5104.05 and 5104.051 of 159770
the Revised Code with respect to the interpretation or application 159771
of a specific fire safety statute or rule, the interpretation of 159772
the state fire marshal shall prevail. 159773

(D) As used in this division, "licensor" has the same meaning 159774
as in section 3717.01 of the Revised Code. 159775

The licensor for food service operations in the city or 159776
general health district in which the center is located is 159777
responsible for the inspections required under Chapter 3717. of 159778
the Revised Code. 159779

(E) Any moneys collected by the department of commerce under 159780
this section shall be paid into the state treasury to the credit 159781
of the industrial compliance operating fund created in section 159782
121.084 of the Revised Code. 159783

Sec. 5104.052. The director of job and family services, in 159784
cooperation with the fire marshal pursuant to section 3737.22 of 159785
the Revised Code, shall adopt rules regarding fire prevention and 159786
fire safety in licensed type B family ~~day-care~~ child care homes. 159787
In accordance with those rules, the director shall inspect each 159788
type B home that applies to be licensed that is providing or is to 159789
provide publicly funded child care. 159790

Sec. 5104.053. As a precondition of approval by the state 159791
board of education pursuant to section 3313.813 of the Revised 159792
Code for receipt of United States department of agriculture child 159793

and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of child care in a type B family ~~day-care~~ child care home that is not licensed by the director of job and family services shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.

Sec. 5104.054. Any type B family ~~day-care~~ child care home, whether licensed or not licensed by the director of job and family services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family ~~day-care~~ child care home.

Sec. 5104.06. (A) The director of job and family services shall provide consultation, technical assistance, and training to child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, and type B family ~~day-care~~ child care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of job and family services shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

Sec. 5104.07. (A) The director of job and family services may 159825
prescribe additional requirements for licensing child ~~day care~~ 159826
care centers or type A family ~~day care~~ child care homes that 159827
provide publicly funded child care pursuant to this chapter and 159828
any rules adopted under it. The director shall develop standards 159829
as required by federal laws and regulations for child care 159830
programs supported by federal funds. 159831

(B)(1) On or before February 28, 1992, the department of job 159832
and family services shall develop a statewide plan for child care 159833
resource and referral services. The plan shall be based upon the 159834
experiences of other states with respect to child care resource 159835
and referral services, the experiences of communities in this 159836
state that have child care resource and referral service 159837
organizations, and the needs of communities in this state that do 159838
not have child care resource and referral service organizations. 159839
The plan shall be designed to ensure that child care resource and 159840
referral services are available in each county in the state to 159841
families who need child care. The department shall consider the 159842
special needs of migrant workers when it develops the plan and 159843
shall include in the plan procedures designed to accommodate the 159844
needs of migrant workers. 159845

(2) In addition to the requirements described in division 159846
(B)(1) of this section, the plan shall include all of the 159847
following: 159848

(a) A description of the services that a child care resource 159849
and referral service organization is required to provide to 159850
families who need child care; 159851

(b) The qualifications for a child care resource and referral 159852
service organization; 159853

(c) A description of the procedures for providing federal and 159854
state funding for county or multicounty child care resource and 159855

referral service organizations; 159856

(d) A timetable for providing child care resource and 159857
referral services to all communities in the state; 159858

(e) Uniform information gathering and reporting procedures 159859
that are designed to be used in compatible computer systems; 159860

(f) Procedures for establishing statewide nonprofit technical 159861
assistance services to coordinate uniform data collection and to 159862
publish reports on child care supply, demand, and cost and to 159863
provide technical assistance to communities that do not have child 159864
care resource and referral service organizations and to existing 159865
child care resource and referral service organizations; 159866

(g) Requirements governing contracts entered into under 159867
division (C) of this section, which may include limits on the 159868
percentage of funds distributed by the department that may be used 159869
for the contracts. 159870

(C) Child care resource and referral service organizations 159871
receiving funds distributed by the department may enter into 159872
contracts with local governmental entities, nonprofit 159873
organizations including nonprofit organizations that provide child 159874
care, and individuals under which the entities, organizations, or 159875
individuals may provide child care resource and referral services 159876
in the community with those funds, if the contracts are submitted 159877
to and approved by the department prior to execution. 159878

Sec. 5104.08. (A) There is hereby created in the department 159879
of job and family services a child care advisory council to advise 159880
and assist the department in the administration of this chapter 159881
and in the development of child care. The council shall consist of 159882
twenty-two voting members appointed by the director of job and 159883
family services with the approval of the governor. The director of 159884
job and family services, the director of developmental 159885

disabilities, the director of mental health and addiction 159886
services, the superintendent of public instruction, the director 159887
of health, the director of commerce, and the state fire marshal 159888
shall serve as nonvoting members of the council. 159889

Six members shall be representatives of child care centers 159890
subject to licensing, the members to represent a variety of 159891
centers, including nonprofit and proprietary, from different 159892
geographical areas of the state. At least three members shall be 159893
parents, guardians, or custodians of children receiving child care 159894
or publicly funded child care in the child's own home, a center, a 159895
type A home, a head start program, a licensed type B home, or a 159896
type B home at the time of appointment. Three members shall be 159897
representatives of in-home aides, type A homes, licensed type B 159898
homes, or type B homes or head start programs. At least six 159899
members shall represent county departments of job and family 159900
services. The remaining members shall be representatives of the 159901
teaching, child development, and health professions, and other 159902
individuals interested in the welfare of children. At least six 159903
members of the council shall not be employees or licensees of a 159904
child ~~day-care~~ care center, head start program, or type A home, or 159905
providers operating a licensed type B home or type B home, or 159906
in-home aides. 159907

Appointments shall be for three-year terms. Vacancies shall 159908
be filled for the unexpired terms. A member of the council is 159909
subject to removal by the director of job and family services for 159910
a willful and flagrant exercise of authority or power that is not 159911
authorized by law, for a refusal or willful neglect to perform any 159912
official duty as a member of the council imposed by law, or for 159913
being guilty of misfeasance, malfeasance, nonfeasance, or gross 159914
neglect of duty as a member of the council. 159915

There shall be two co-chairpersons of the council. One 159916
co-chairperson shall be the director of job and family services or 159917

the director's designee, and one co-chairperson shall be elected 159918
by the members of the council. The council shall meet as often as 159919
is necessary to perform its duties, provided that it shall meet at 159920
least once in each quarter of each calendar year and at the call 159921
of the co-chairpersons. The co-chairpersons or their designee 159922
shall send to each member a written notice of the date, time, and 159923
place of each meeting. 159924

Members of the council shall serve without compensation, but 159925
shall be reimbursed for necessary expenses. 159926

(B) The child care advisory council shall advise the director 159927
on matters affecting the licensing of centers, type A homes, and 159928
type B homes and the certification of in-home aides. The council 159929
shall make an annual report to the director of job and family 159930
services that addresses the availability, affordability, 159931
accessibility, and quality of child care and that summarizes the 159932
recommendations and plans of action that the council has proposed 159933
to the director during the preceding fiscal year. The director of 159934
job and family services shall provide copies of the report to the 159935
governor, speaker and minority leader of the house of 159936
representatives, and the president and minority leader of the 159937
senate and, on request, shall make copies available to the public. 159938

(C) The director of job and family services shall adopt rules 159939
in accordance with Chapter 119. of the Revised Code to implement 159940
this section. 159941

Sec. 5104.09. No administrator, employee, licensee, or 159942
~~child care~~ child care staff member shall discriminate in the 159943
enrollment of children in a child ~~day-care~~ care center, type A 159944
home, licensed type B home, or approved child day camp upon the 159945
basis of race, color, religion, sex, disability, or national 159946
origin. 159947

Sec. 5104.13. The department of job and family services shall 159948
prepare a guide describing the state statutes and rules governing 159949
the licensure of type B family ~~day-care~~ child care homes. The 159950
department may publish the guide electronically or otherwise and 159951
shall do so in a manner that the guide is accessible to the 159952
public, including type B home providers. 159953

Sec. 5104.14. All materials that are supplied by the 159954
department of job and family services to type A family ~~day-care~~ 159955
child care home providers, type B family ~~day-care~~ child care home 159956
providers, in-home aides, persons seeking to be type A family 159957
~~day-care~~ child care home providers, type B family ~~day-care~~ child 159958
care home providers, or in-home aides, and caretaker parents shall 159959
be written at no higher than the sixth grade reading level. The 159960
department may employ a readability expert to verify its 159961
compliance with this section. 159962

Sec. 5104.25. (A) Except as otherwise provided in division 159963
(C) of this section, no child ~~day-care~~ care center shall permit 159964
any person to smoke in any indoor or outdoor space that is part of 159965
the center. 159966

The administrator of a child ~~day-care~~ care center shall post 159967
in a conspicuous place at the main entrance of the center a notice 159968
stating that smoking is prohibited in any indoor or outdoor space 159969
that is part of the center, except under the conditions described 159970
in division (C) of this section. 159971

(B) Except as otherwise provided in division (C) of this 159972
section, no type A family ~~day-care~~ child care home or licensed 159973
type B family ~~day-care~~ child care home shall permit any person to 159974
smoke in any indoor or outdoor space that is part of the home 159975
during the hours the home is in operation. Smoking may be 159976
permitted during hours other than the hours of operation if the 159977

administrator of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation.

The administrator of a type A family ~~day-care~~ child care home or a licensed type B family ~~day-care~~ child care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family child care home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of job and family services, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family child care home if its design and structure do not allow persons to smoke under the conditions described in division (C) of this section or if repeated violations of division (A) or (B) of this section have occurred there.

Sec. 5104.30. (A) The department of job and family services

is hereby designated as the state agency responsible for 160008
administration and coordination of federal and state funding for 160009
publicly funded child care in this state. Publicly funded child 160010
care shall be provided to the following: 160011

(1) Recipients of transitional child care as provided under 160012
section 5104.34 of the Revised Code; 160013

(2) Participants in the Ohio works first program established 160014
under Chapter 5107. of the Revised Code; 160015

(3) Individuals who would be participating in the Ohio works 160016
first program if not for a sanction under section 5107.16 of the 160017
Revised Code and who continue to participate in a work activity, 160018
developmental activity, or alternative work activity pursuant to 160019
an assignment under section 5107.42 of the Revised Code; 160020

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; 160021
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160023

(5) Subject to available funds, other individuals determined 160024
eligible in accordance with rules adopted under section 5104.38 of 160025
the Revised Code. 160026

The department shall apply to the United States department of 160027
health and human services for authority to operate a coordinated 160028
program for publicly funded child care, if the director of job and 160029
family services determines that the application is necessary. For 160030
purposes of this section, the department of job and family 160031
services may enter into agreements with other state agencies that 160032
are involved in regulation or funding of child care. The 160033
department shall consider the special needs of migrant workers 160034
when it administers and coordinates publicly funded child care and 160035
shall develop appropriate procedures for accommodating the needs 160036
of migrant workers for publicly funded child care. 160037

(B) The department of job and family services shall 160038
distribute state and federal funds for publicly funded child care, 160039
including appropriations of state funds for publicly funded child 160040
care and appropriations of federal funds available under the child 160041
care block grant act, Title IV-A, and Title XX. The department may 160042
use any state funds appropriated for publicly funded child care as 160043
the state share required to match any federal funds appropriated 160044
for publicly funded child care. 160045

(C) In the use of federal funds available under the child 160046
care block grant act, all of the following apply: 160047

(1) The department may use the federal funds to hire staff to 160048
prepare any rules required under this chapter and to administer 160049
and coordinate federal and state funding for publicly funded child 160050
care. 160051

(2) Not more than five per cent of the aggregate amount of 160052
the federal funds received for a fiscal year may be expended for 160053
administrative costs. 160054

(3) The department shall allocate and use at least four per 160055
cent of the federal funds for the following: 160056

(a) Activities designed to provide comprehensive consumer 160057
education to parents and the public; 160058

(b) Activities that increase parental choice; 160059

(c) Activities, including child care resource and referral 160060
services, designed to improve the quality, and increase the 160061
supply, of child care; 160062

(d) Establishing the step up to quality program pursuant to 160063
section 5104.29 of the Revised Code. 160064

(4) The department shall ensure that the federal funds will 160065
be used only to supplement, and will not be used to supplant, 160066
federal, state, and local funds available on the effective date of 160067

the child care block grant act for publicly funded child care and 160068
related programs. If authorized by rules adopted by the department 160069
pursuant to section 5104.42 of the Revised Code, county 160070
departments of job and family services may purchase child care 160071
from funds obtained through any other means. 160072

(D) The department shall encourage the development of 160073
suitable child care throughout the state, especially in areas with 160074
high concentrations of recipients of public assistance and 160075
families with low incomes. The department shall encourage the 160076
development of suitable child care designed to accommodate the 160077
special needs of migrant workers. On request, the department, 160078
through its employees or contracts with state or community child 160079
care resource and referral service organizations, shall provide 160080
consultation to groups and individuals interested in developing 160081
child care. The department of job and family services may enter 160082
into interagency agreements with the department of education, the 160083
chancellor of higher education, the department of development, and 160084
other state agencies and entities whenever the cooperative efforts 160085
of the other state agencies and entities are necessary for the 160086
department of job and family services to fulfill its duties and 160087
responsibilities under this chapter. 160088

The department shall develop and maintain a registry of 160089
persons providing child care. The director shall adopt rules in 160090
accordance with Chapter 119. of the Revised Code establishing 160091
procedures and requirements for the registry's administration. 160092

(E)(1) The director shall adopt rules in accordance with 160093
Chapter 119. of the Revised Code establishing both of the 160094
following: 160095

(a) Reimbursement rates for providers of publicly funded 160096
child care not later than the first day of July in each 160097
odd-numbered year; 160098

(b) A procedure for reimbursing and paying providers of publicly funded child care.	160099 160100
(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:	160101 160102 160103
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	160104 160105
(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;	160106 160107 160108
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care <u>care</u> providers that participate in the program.	160109 160110 160111 160112
(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:	160113 160114 160115
(a) Geographic location of the provider;	160116
(b) Type of care provided;	160117
(c) Age of the child served;	160118
(d) Special needs of the child served;	160119
(e) Whether the expanded hours of service are provided;	160120
(f) Whether weekend service is provided;	160121
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	160122 160123
(h) Any other factors the director considers appropriate.	160124
Sec. 5104.301. A county department of job and family services may establish a program to encourage the organization of parent	160125 160126

cooperative child ~~day-care~~ care centers and parent cooperative 160127
type A family ~~day-care~~ child care homes for recipients of publicly 160128
funded child care. A program established under this section may 160129
include any of the following: 160130

(A) Recruitment of parents interested in organizing a parent 160131
cooperative child ~~day-care~~ care center or parent cooperative type 160132
A family ~~day-care~~ child care home; 160133

(B) Provision of technical assistance in organizing a parent 160134
cooperative child ~~day-care~~ care center or parent cooperative type 160135
A family ~~day-care~~ child care home; 160136

(C) Assistance in the developing, conducting, and 160137
disseminating training for parents interested in organizing a 160138
parent cooperative child ~~day-care~~ care center or parent 160139
cooperative type A family ~~day-care~~ child care home. 160140

A county department that implements a program under this 160141
section shall receive from funds available under the child care 160142
block grant act a five thousand dollar incentive payment for each 160143
parent cooperative child ~~day-care~~ care center or parent 160144
cooperative type A family ~~day-care~~ child care home organized 160145
pursuant to this section. 160146

Parents of children enrolled in a parent cooperative child 160147
~~day-care~~ care center or parent cooperative type A family ~~day-care~~ 160148
child care home pursuant to this section shall be required to work 160149
in the center or home a minimum of four hours per week. 160150

The director of job and family services shall adopt rules 160151
governing the establishment and operation of programs under this 160152
section. 160153

Sec. 5104.31. (A) Publicly funded child care may be provided 160154
only by the following: 160155

(1) Any of the following licensed by the department of job 160156

and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:

(a) A child ~~day-care~~ care center, including a parent cooperative child ~~day-care~~ care center;

(b) A type A family ~~day-care~~ child care home, including a parent cooperative type A family ~~day-care~~ child care home;

(c) A licensed type B family ~~day-care~~ child care home.

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;

(4) A licensed preschool program;

(5) A licensed school child program;

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.

(B) Publicly funded child ~~day-care~~ care may be provided in a child's own home only by an in-home aide.

(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.

(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:

(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;	160186 160187
(b) A program that operates only during school breaks;	160188
(c) A program that operates only on weekday evenings, weekends, or both;	160189 160190
(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;	160191 160192
(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;	160193 160194 160195
(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;	160196 160197 160198
(g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;	160199 160200
(h) A program that is a type A family day-care <u>child care</u> home or licensed type B family day-care <u>child care</u> home.	160201 160202
Sec. 5104.32. (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care <u>care</u> center, licensed type A family day-care <u>child care</u> home, licensed type B family day-care <u>child care</u> home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision	160203 160204 160205 160206 160207 160208 160209 160210 160211 160212 160213 160214 160215

of the Revised Code that regulates state contracts or contracts 160216
involving the expenditure of state or federal funds, all contracts 160217
for publicly funded child care shall be entered into in accordance 160218
with the provisions of this chapter and are exempt from any other 160219
provision of the Revised Code that regulates state contracts or 160220
contracts involving the expenditure of state or federal funds. 160221

160222

(B) Each contract for publicly funded child care shall 160223
specify at least the following: 160224

(1) That the provider of publicly funded child care agrees to 160225
be paid for rendering services at the lower of the rate 160226
customarily charged by the provider for children enrolled for 160227
child care or the reimbursement rate of payment established 160228
pursuant to section 5104.30 of the Revised Code; 160229

(2) That, if a provider provides child care to an individual 160230
potentially eligible for publicly funded child care who is 160231
subsequently determined to be eligible, the department agrees to 160232
pay for all child care provided between the date the county 160233
department of job and family services receives the individual's 160234
completed application and the date the individual's eligibility is 160235
determined; 160236

(3) Whether the county department of job and family services, 160237
the provider, or a child care resource and referral service 160238
organization will make eligibility determinations, whether the 160239
provider or a child care resource and referral service 160240
organization will be required to collect information to be used by 160241
the county department to make eligibility determinations, and the 160242
time period within which the provider or child care resource and 160243
referral service organization is required to complete required 160244
eligibility determinations or to transmit to the county department 160245
any information collected for the purpose of making eligibility 160246

determinations; 160247

(4) That the provider, other than a border state child care 160248
provider, shall continue to be licensed, approved, or certified 160249
pursuant to this chapter and shall comply with all standards and 160250
other requirements in this chapter and in rules adopted pursuant 160251
to this chapter for maintaining the provider's license, approval, 160252
or certification; 160253

(5) That, in the case of a border state child care provider, 160254
the provider shall continue to be licensed, certified, or 160255
otherwise approved by the state in which the provider is located 160256
and shall comply with all standards and other requirements 160257
established by that state for maintaining the provider's license, 160258
certificate, or other approval; 160259

(6) Whether the provider will be paid by the state department 160260
of job and family services or in some other manner as prescribed 160261
by rules adopted under section 5104.42 of the Revised Code; 160262

(7) That the contract is subject to the availability of state 160263
and federal funds. 160264

(C)(1) The department shall establish an automated child care 160265
system to track attendance and calculate payments for publicly 160266
funded child care. 160267

(2) Each eligible provider that provides publicly funded 160268
child care shall participate in the automated child care system. A 160269
provider participating in the system shall not do any of the 160270
following: 160271

(a) Use or have possession of a personal identification 160272
number or password issued to a caretaker parent under the 160273
automated child care system; 160274

(b) Falsify attendance records; 160275

(c) Knowingly seek or accept payment for publicly funded 160276

child care that was not provided or for which the provider was not eligible;	160277 160278
(d) Knowingly seek or accept payment for child care provided to a child who resides in the provider's own home.	160279 160280
(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following:	160281 160282 160283 160284 160285
(1) The terms of the contract entered into under this section;	160286 160287
(2) This chapter or any rules adopted under it.	160288
(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care.	160289 160290 160291 160292 160293 160294 160295
(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. of the Revised Code.	160296 160297 160298 160299 160300
Sec. 5104.35. (A) Each county department of job and family services shall do all of the following:	160301 160302
(1) Accept any gift, grant, or other funds from either public or private sources offered unconditionally or under conditions which are, in the judgment of the department, proper and consistent with this chapter and deposit the funds in the county	160303 160304 160305 160306

public assistance fund established by section 5101.161 of the Revised Code; 160307
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(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, or licensed type B family ~~day-care~~ child care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request; 160309
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(3) Inform clients of the availability of child care services. 160316
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(B) A county department of job and family services may, to the extent permitted by federal law, use public child care funds to extend the hours of operation of the county department to accommodate the needs of working caretaker parents and enable those parents to apply for publicly funded child care. 160318
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Sec. 5104.36. The licensee or administrator of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of job and family services on request. The record shall include all of the following: 160323
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(A) The name and date of birth of the child; 160332

(B) The name and address of the child's caretaker parent; 160333

(C) The name and address of the caretaker parent's place of employment or program of education or training; 160334
160335

(D) The hours for which child care services have been 160336

provided for the child; 160337

(E) Any other information required by the county department 160338
of job and family services or the state department of job and 160339
family services. 160340

Sec. 5104.99. (A) Whoever violates section 5104.02 of the 160341
Revised Code shall be punished as follows: 160342

(1) For each offense, the offender shall be fined not less 160343
than one hundred dollars nor more than five hundred dollars 160344
multiplied by the number of children receiving child care at the 160345
child ~~day-care~~ care center or type A family ~~day-care~~ child care 160346
home that either exceeds the number of children to which a type B 160347
family day-care home may provide child care or, if the offender is 160348
a licensed type A family ~~day-care~~ child care home that is 160349
operating as a child ~~day-care~~ care center without being licensed 160350
as a center, exceeds the license capacity of the type A home. 160351

(2) In addition to the fine specified in division (A)(1) of 160352
this section, all of the following apply: 160353

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 160354
of this section, the court shall order the offender to reduce the 160355
number of children to which it provides child care to a number 160356
that does not exceed either the number of children to which a type 160357
B family ~~day-care~~ child care home may provide child care or, if 160358
the offender is a licensed type A family ~~day-care~~ child care home 160359
that is operating as a child ~~day-care~~ care center without being 160360
licensed as a center, the license capacity of the type A home. 160361

(b) If the offender previously has been convicted of or 160362
pleaded guilty to one violation of section 5104.02 of the Revised 160363
Code, the court shall order the offender to cease the provision of 160364
child care to any person until it obtains a child ~~day-care~~ care 160365
center license or a type A family ~~day-care~~ child care home 160366

license, as appropriate, under section 5104.03 of the Revised Code. 160367
160368

(c) If the offender previously has been convicted of or 160369
pleaded guilty to two violations of section 5104.02 of the Revised 160370
Code, the offender is guilty of a misdemeanor of the first degree, 160371
and the court shall order the offender to cease the provision of 160372
child care to any person until it obtains a child ~~day-care~~ care 160373
center license or a type A family ~~day-care~~ child care home 160374
license, as appropriate, under section 5104.03 of the Revised 160375
Code. The court shall impose the fine specified in division (A)(1) 160376
of this section and may impose an additional fine provided that 160377
the total amount of the fines so imposed does not exceed the 160378
maximum fine authorized for a misdemeanor of the first degree 160379
under section 2929.28 of the Revised Code. 160380

(d) If the offender previously has been convicted of or 160381
pleaded guilty to three or more violations of section 5104.02 of 160382
the Revised Code, the offender is guilty of a felony of the fifth 160383
degree, and the court shall order the offender to cease the 160384
provision of child care to any person until it obtains a child 160385
~~day-care~~ care center license or a type A family ~~day-care~~ child 160386
care home license, as appropriate, under section 5104.03 of the 160387
Revised Code. The court shall impose the fine specified in 160388
division (A)(1) of this section and may impose an additional fine 160389
provided that the total amount of the fines so imposed does not 160390
exceed the maximum fine authorized for a felony of the fifth 160391
degree under section 2929.18 of the Revised Code. 160392

(B) Whoever violates section 5104.09 of the Revised Code is 160393
guilty of a misdemeanor of the third degree. 160394

Sec. 5107.60. In accordance with Title IV-A, federal 160395
regulations, state law, the Title IV-A state plan prepared under 160396
section 5101.80 of the Revised Code, and amendments to the plan, 160397

county departments of job and family services shall establish and 160398
administer the following work activities, in addition to the work 160399
activities established under sections 5107.50, 5107.52, 5107.54, 160400
and 5107.58 of the Revised Code, for minor heads of households and 160401
adults participating in Ohio works first: 160402

(A) Unsubsidized employment activities, including activities 160403
a county department determines are legitimate entrepreneurial 160404
activities; 160405

(B) On-the-job training activities, including training to 160406
become an employee of a child ~~day-care~~ care center or type A 160407
family ~~day-care~~ child care home, administrator of a licensed type 160408
B family ~~day-care~~ child care home, or in-home aide; 160409

(C) Community service activities including a program under 160410
which a participant of Ohio works first who is the parent, 160411
guardian, custodian, or specified relative responsible for the 160412
care of a minor child enrolled in grade twelve or lower is 160413
involved in the minor child's education on a regular basis; 160414

(D) Vocational educational training activities; 160415

(E) Jobs skills training activities that are directly related 160416
to employment; 160417

(F) Education activities that are directly related to 160418
employment for participants who have not earned a high school 160419
diploma or certificate of high school equivalence; 160420

(G) Education activities for participants who have not 160421
completed secondary school or received a certificate of high 160422
school equivalence under which the participants attend a secondary 160423
school or a course of study leading to a certificate of high 160424
school equivalence, including LEAP participation by a minor head 160425
of household; 160426

(H) Child-care service activities aiding another participant 160427

assigned to a community service activity or other work activity. A 160428
county department may provide for a participant assigned to this 160429
work activity to receive training necessary to provide child-care 160430
services. 160431

Sec. 5119.37. (A)(1)(a) Except as provided in division 160432
(A)(1)(b) of this section, no person or government entity shall 160433
operate an opioid treatment program requiring certification, as 160434
certification is defined in 42 C.F.R. 8.2, unless the person or 160435
government entity is a community addiction services provider and 160436
the program is licensed under this section. 160437

(b) Division (A)(1)(a) of this section does not apply to a 160438
program operated by the United States department of veterans 160439
affairs. 160440

(2) No community addiction services provider licensed under 160441
this section shall operate an opioid treatment program in a manner 160442
inconsistent with this section and the rules adopted under it. 160443

(B) A community addiction services provider seeking a license 160444
to operate an opioid treatment program shall apply to the 160445
department of mental health and addiction services. The department 160446
shall review all applications received. 160447

(C) The department may issue a license to operate an opioid 160448
treatment program to a community addiction services provider only 160449
if all of the following apply: 160450

(1) During the three-year period immediately preceding the 160451
date of application, the provider or any owner, sponsor, medical 160452
director, administrator, or principal of the provider has been in 160453
good standing to operate an opioid treatment program in all other 160454
locations where the provider or such other person has been 160455
operating a similar program, as evidenced by both of the 160456
following: 160457

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction; 160458
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(b) Not having been the subject of any of the following in this state or another jurisdiction: 160461
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(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person; 160463
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(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval; 160466
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(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug. 160469
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(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program. 160474
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(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department. 160477
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(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child ~~day-care~~ care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by 160481
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the department under this chapter. 160489

(5) The provider meets any additional requirements 160490
established by the department in rules adopted under division (F) 160491
of this section. 160492

(D) The department may waive the requirement of division 160493
(C)(4) of this section if it receives, from each public or private 160494
school, child ~~day-care~~ care center, or child-serving agency that 160495
is within the five hundred linear feet radius described in that 160496
division, a letter of support for the location. The department 160497
shall determine whether a letter of support is satisfactory for 160498
purposes of waiving the requirement. 160499

(E)(1) Except as provided in division (E)(2) of this section, 160500
a license to operate an opioid treatment program shall expire two 160501
years from the date of issuance. Licenses may be renewed. 160502

(2) In circumstances in which the director of mental health 160503
and addiction services has concerns regarding compliance of a 160504
community addiction services provider licensed as an opioid 160505
treatment program, the department shall notify the provider of 160506
those concerns and stipulate that the provider's license expires 160507
annually on a date determined by the department. 160508

(F) The department shall establish procedures and adopt rules 160509
for licensing, inspection, and supervision of community addiction 160510
services providers that operate an opioid treatment program. The 160511
rules shall establish standards for the control, storage, 160512
furnishing, use, dispensing, and administering of medications used 160513
in medication-assisted treatment; prescribe minimum standards for 160514
the operation of the opioid treatment program component of the 160515
provider's operations; and comply with federal laws and 160516
regulations. 160517

All rules adopted under this division shall be adopted in 160518
accordance with Chapter 119. of the Revised Code. All actions 160519

taken by the department regarding the licensing of providers to 160520
operate opioid treatment programs shall be conducted in accordance 160521
with Chapter 119. of the Revised Code, except as provided in 160522
division (L) of this section. 160523

(G)(1) The department shall inspect all community addiction 160524
services providers licensed to operate an opioid treatment 160525
program. Inspections shall be conducted at least biennially and 160526
may be conducted more frequently. 160527

In addition, the department may inspect any provider or other 160528
person that it reasonably believes to be operating an opioid 160529
treatment program without a license issued under this section. 160530

(2) When conducting an inspection, the department may do both 160531
of the following: 160532

(a) Examine and copy all records, accounts, and other 160533
documents relating to the provider's or other person's operations, 160534
including records pertaining to patients or clients; 160535

(b) Conduct interviews with any individual employed by or 160536
contracted or otherwise associated with the provider or person, 160537
including an administrator, staff person, patient, or client. 160538

(3) No person or government entity shall interfere with a 160539
state or local government official acting on behalf of the 160540
department while conducting an inspection. 160541

(H) A community addiction services provider shall not 160542
administer or dispense methadone in a tablet, powder, or 160543
intravenous form. Methadone shall be administered or dispensed 160544
only in a liquid form intended for ingestion. 160545

A community addiction services provider shall not administer 160546
or dispense a medication used in medication-assisted treatment for 160547
pain or other medical reasons. 160548

(I) As used in this division, "program sponsor" means a 160549

person who assumes responsibility for the operation and employees 160550
of the opioid treatment program component of a community addiction 160551
services provider's operations. 160552

A provider shall not permit an individual to act as a program 160553
sponsor, medical director, or director of the provider if the 160554
individual is receiving a medication used in medication-assisted 160555
treatment from any community addiction services provider. 160556

(J) The department may issue orders to ensure compliance with 160557
all laws relating to drug abuse and the rules adopted under this 160558
section. Subject to section 5119.27 of the Revised Code, the 160559
department may hold hearings, require the production of relevant 160560
matter, compel testimony, issue subpoenas, and make adjudications. 160561
Upon failure of a person without lawful excuse to obey a subpoena 160562
or to produce relevant matter, the department may apply to a court 160563
of common pleas for an order compelling compliance. 160564

(K) The department may refuse to issue, or may withdraw or 160565
revoke, a license to operate an opioid treatment program. A 160566
license may be refused if a community addiction services provider 160567
does not meet the requirements of division (C) of this section. A 160568
license may be withdrawn at any time the department determines 160569
that the provider no longer meets the requirements for receiving 160570
the license. A license may be revoked in accordance with division 160571
(L) of this section. 160572

Once a license is issued under this section, the department 160573
shall not consider the requirement of division (C)(4) of this 160574
section in determining whether to renew, withdraw, or revoke the 160575
license or whether to reissue the license as a result of a change 160576
in ownership. 160577

(L) If the department finds reasonable cause to believe that 160578
a community addiction services provider licensed under this 160579
section is in violation of any state or federal law or rule 160580

relating to drug abuse, the department may issue an order 160581
immediately revoking the license, subject to division (M) of this 160582
section. The department shall set a date not more than fifteen 160583
days later than the date of the order of revocation for a hearing 160584
on the continuation or cancellation of the revocation. For good 160585
cause, the department may continue the hearing on application of 160586
any interested party. In conducting hearings, the department has 160587
all the authority and power set forth in division (J) of this 160588
section. Following the hearing, the department shall either 160589
confirm or cancel the revocation. The hearing shall be conducted 160590
in accordance with Chapter 119. of the Revised Code, except that 160591
the provider shall not be permitted to operate an opioid treatment 160592
program pending the hearing or pending any appeal from an 160593
adjudication made as a result of the hearing. Notwithstanding any 160594
provision of Chapter 119. of the Revised Code to the contrary, a 160595
court shall not stay or suspend any order of revocation issued by 160596
the department under this division pending judicial appeal. 160597

(M) The department shall not revoke a license to operate an 160598
opioid treatment program unless all clients receiving medication 160599
used in medication-assisted treatment from the community addiction 160600
services provider are provided adequate substitute medication or 160601
treatment. For purposes of this division, the department may 160602
transfer the clients to other providers licensed to operate opioid 160603
treatment programs or replace any or all of the administrators and 160604
staff of the provider with representatives of the department who 160605
shall continue on a provisional basis the opioid treatment 160606
component of the provider's operations. 160607

(N) Each time the department receives an application from a 160608
community addiction services provider for a license to operate an 160609
opioid treatment program, issues or refuses to issue a license, or 160610
withdraws or revokes a license, the department shall notify the 160611
board of alcohol, drug addiction, and mental health services of 160612

each alcohol, drug addiction, and mental health service district 160613
in which the provider operates. 160614

(O) Whenever it appears to the department from files, upon 160615
complaint, or otherwise, that a community addiction services 160616
provider has engaged in any practice declared to be illegal or 160617
prohibited by section 3719.61 of the Revised Code, or any other 160618
state or federal laws or regulations relating to drug abuse, or 160619
when the department believes it to be in the best interest of the 160620
public and necessary for the protection of the citizens of the 160621
state, the department may request criminal proceedings by laying 160622
before the prosecuting attorney of the proper county any evidence 160623
of criminality which may come to its knowledge. 160624

(P) The department shall maintain a current list of community 160625
addiction services providers licensed by the department under this 160626
section and shall provide a copy of the current list to a judge of 160627
a court of common pleas who requests a copy for the use of the 160628
judge under division (H) of section 2925.03 of the Revised Code. 160629
The list of licensed community addiction services providers shall 160630
identify each licensed provider by its name, its address, and the 160631
county in which it is located. 160632

Sec. 5119.371. (A) On application by a community addiction 160633
services provider that has purchased or leased real property to be 160634
used as the location of an opioid treatment program subject to 160635
licensure under section 5119.37 of the Revised Code, the 160636
department of mental health and addiction services shall determine 160637
whether the location of the proposed program complies with the 160638
requirements of division (C)(4) of section 5119.37 of the Revised 160639
Code by not being located on a parcel of real estate that is 160640
within a radius of five hundred linear feet of the boundaries of a 160641
parcel of real estate having situated on it a public or private 160642
school, child ~~day-care~~ care center licensed under Chapter 5104. of 160643

the Revised Code, or child-serving agency regulated by the 160644
department under this chapter. 160645

If the department determines that the location is in 160646
compliance with division (C)(4) of section 5119.37 of the Revised 160647
Code, the department shall issue a declaration stating that the 160648
location is in compliance. The declaration is valid for two years 160649
from the date of issuance. 160650

The department shall provide to the provider either a copy of 160651
the declaration or a notice that the department has determined 160652
that the location is not in compliance with division (C)(4) of 160653
section 5119.37 of the Revised Code. 160654

If, before expiration of the declaration, a community 160655
addiction services provider applies for a license to operate an 160656
opioid treatment program, the department shall not consider the 160657
requirement of division (C)(4) of section 5119.37 of the Revised 160658
Code in determining whether to issue the license. 160659

(B) A community addiction services provider seeking to 160660
relocate an opioid treatment program licensed under section 160661
5119.37 of the Revised Code may apply for and be granted a 160662
declaration under division (A) of this section. If, before 160663
expiration of the declaration, the provider applies for issuance 160664
of a license due to relocation, the department shall not consider 160665
the requirement of division (C)(4) of section 5119.37 of the 160666
Revised Code in determining whether to reissue the license due to 160667
relocation. 160668

Sec. 5153.175. (A) Notwithstanding division (I)(1) of section 160669
2151.421, section 5153.17, and any other section of the Revised 160670
Code pertaining to confidentiality, when a public children 160671
services agency has determined that child abuse or neglect 160672
occurred and that abuse or neglect involves a person who has 160673

applied for licensure as a type A family ~~day-care~~ child care home 160674
or type B family ~~day-care~~ child care home, the agency shall 160675
promptly provide to the department of job and family services any 160676
information the agency determines to be relevant for the purpose 160677
of evaluating the fitness of the person, including, but not 160678
limited to, both of the following: 160679

(1) A summary report of the chronology of abuse and neglect 160680
reports made pursuant to section 2151.421 of the Revised Code of 160681
which the person is the subject where the agency determined that 160682
abuse or neglect occurred and the final disposition of the 160683
investigation of the reports or, if the investigations have not 160684
been completed, the status of the investigations; 160685

(2) Any underlying documentation concerning those reports. 160686

(B) The agency shall not include in the information provided 160687
to the department under division (A) of this section the name of 160688
the person or entity that made the report or participated in the 160689
making of the report of child abuse or neglect. 160690

(C) Upon provision of information under division (A) of this 160691
section, the agency shall notify the department of both of the 160692
following: 160693

(1) That the information is confidential; 160694

(2) That unauthorized dissemination of the information is a 160695
violation of division (I)(2) of section 2151.421 of the Revised 160696
Code and any person who permits or encourages unauthorized 160697
dissemination of the information is guilty of a misdemeanor of the 160698
fourth degree pursuant to section 2151.99 of the Revised Code. 160699

Sec. 5321.01. As used in this chapter: 160700

(A) "Tenant" means a person entitled under a rental agreement 160701
to the use and occupancy of residential premises to the exclusion 160702

of others. 160703

(B) "Landlord" means the owner, lessor, or sublessor of 160704
residential premises, the agent of the owner, lessor, or 160705
sublessor, or any person authorized by the owner, lessor, or 160706
sublessor to manage the premises or to receive rent from a tenant 160707
under a rental agreement. 160708

(C) "Residential premises" means a dwelling unit for 160709
residential use and occupancy and the structure of which it is a 160710
part, the facilities and appurtenances in it, and the grounds, 160711
areas, and facilities for the use of tenants generally or the use 160712
of which is promised the tenant. "Residential premises" includes a 160713
dwelling unit that is owned or operated by a college or 160714
university. "Residential premises" does not include any of the 160715
following: 160716

(1) Prisons, jails, workhouses, and other places of 160717
incarceration or correction, including, but not limited to, 160718
halfway houses or residential arrangements that are used or 160719
occupied as a requirement of a community control sanction, a 160720
post-release control sanction, or parole; 160721

(2) Hospitals and similar institutions with the primary 160722
purpose of providing medical services, and homes licensed pursuant 160723
to Chapter 3721. of the Revised Code; 160724

(3) Tourist homes, hotels, motels, recreational vehicle 160725
parks, recreation camps, combined park-camps, temporary 160726
park-camps, and other similar facilities where circumstances 160727
indicate a transient occupancy; 160728

(4) Elementary and secondary boarding schools, where the cost 160729
of room and board is included as part of the cost of tuition; 160730

(5) Orphanages and similar institutions; 160731

(6) Farm residences furnished in connection with the rental 160732

of land of a minimum of two acres for production of agricultural products by one or more of the occupants; 160733
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(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code; 160735
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(8) Occupancy by an owner of a condominium unit; 160737

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies: 160738
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(a) The occupancy is for a period of less than sixty days. 160745

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following: 160746
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(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of persons with mental illnesses, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons experiencing substance abuse; 160750
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(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons. 160755
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(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways. 160757
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(D) "Rental agreement" means any agreement or lease, written 160763
or oral, which establishes or modifies the terms, conditions, 160764
rules, amount of rent charged or paid, or any other provisions 160765
concerning the use and occupancy of residential premises by one of 160766
the parties. 160767

(E) "Security deposit" means any deposit of money or property 160768
to secure performance by the tenant under a rental agreement. 160769

(F) "Dwelling unit" means a structure or the part of a 160770
structure that is used as a home, residence, or sleeping place by 160771
one person who maintains a household or by two or more persons who 160772
maintain a common household. 160773

(G) "Controlled substance" has the same meaning as in section 160774
3719.01 of the Revised Code. 160775

(H) "Student tenant" means a person who occupies a dwelling 160776
unit owned or operated by the college or university at which the 160777
person is a student, and who has a rental agreement that is 160778
contingent upon the person's status as a student. 160779

(I) "Recreational vehicle park," "recreation camp," "combined 160780
park-camp," and "temporary park-camp" have the same meanings as in 160781
section 3729.01 of the Revised Code. 160782

(J) "Community control sanction" has the same meaning as in 160783
section 2929.01 of the Revised Code. 160784

(K) "Post-release control sanction" has the same meaning as 160785
in section 2967.01 of the Revised Code. 160786

(L) "School premises" has the same meaning as in section 160787
2925.01 of the Revised Code. 160788

(M) "Sexually oriented offense" and "child-victim oriented 160789
offense" have the same meanings as in section 2950.01 of the 160790
Revised Code. 160791

(N) "Preschool or child ~~day-care~~ care center premises" has 160792

the same meaning as in section 2950.034 of the Revised Code. 160793

(O) "Rent control" means requiring below-market rents for 160794
residential premises or controlling rental rates for residential 160795
premises in any manner, including by prohibiting rent increases, 160796
regulating rental rate changes between tenancies, limiting rental 160797
rate increases, regulating the rental rates of residential 160798
premises based on income or wealth of tenants, and other forms of 160799
restraint or limitation of rental rates. 160800

(P) "Rent stabilization" means allowing rent increases for 160801
residential premises of a fixed amount or on a fixed schedule as 160802
set by a political subdivision. 160803

(Q) "Political subdivision" means a county, township, 160804
municipal corporation, or any other body corporate and politic 160805
that is responsible for government activities in a geographic area 160806
smaller than that of the state. 160807

Sec. 5321.03. (A) Notwithstanding section 5321.02 of the 160808
Revised Code, a landlord may bring an action under Chapter 1923. 160809
of the Revised Code for possession of the premises if: 160810

(1) The tenant is in default in the payment of rent; 160811

(2) The violation of the applicable building, housing, 160812
health, or safety code that the tenant complained of was primarily 160813
caused by any act or lack of reasonable care by the tenant, or by 160814
any other person in the tenant's household, or by anyone on the 160815
premises with the consent of the tenant; 160816

(3) Compliance with the applicable building, housing, health, 160817
or safety code would require alteration, remodeling, or demolition 160818
of the premises which would effectively deprive the tenant of the 160819
use of the dwelling unit; 160820

(4) A tenant is holding over the tenant's term. 160821

(5) The residential premises are located within one thousand 160822

feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies the premises:

(a) The tenant's or other occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the tenant or other occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(B) The maintenance of an action by the landlord under this section does not prevent the tenant from recovering damages for any violation by the landlord of the rental agreement or of section 5321.04 of the Revised Code.

(C) This section does not apply to a dwelling unit occupied by a student tenant.

(D) As used in this section, "children's crisis care facility premises" and "residential infant care center premises" have the same meanings as in section 2950.034 of the Revised Code.

Sec. 5321.051. (A)(1) No tenant of any residential premises located within one thousand feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises shall allow any person to occupy those residential premises if both of the following apply regarding the person:

(a) The person's name appears on the state registry of sex

offenders and child-victim offenders maintained under section 160853
2950.13 of the Revised Code. 160854

(b) The state registry of sex offenders and child-victim 160855
offenders indicates that the person was convicted of or pleaded 160856
guilty to either a sexually oriented offense that is not a 160857
registration-exempt sexually oriented offense or a child-victim 160858
oriented offense in a criminal prosecution and was not sentenced 160859
to a serious youthful offender dispositional sentence for that 160860
offense. 160861

(2) If a tenant allows occupancy in violation of this section 160862
or a person establishes a residence or occupies residential 160863
premises in violation of section 2950.034 of the Revised Code, the 160864
landlord for the residential premises that are the subject of the 160865
rental agreement or other tenancy may terminate the rental 160866
agreement or other tenancy of the tenant and all other occupants. 160867

(B) If a landlord is authorized to terminate a rental 160868
agreement or other tenancy pursuant to division (A) of this 160869
section but does not so terminate the rental agreement or other 160870
tenancy, the landlord is not liable in a tort or other civil 160871
action in damages for any injury, death, or loss to person or 160872
property that allegedly results from that decision. 160873

(C) As used in this section, "children's crisis care facility 160874
premises" and "residential infant care center premises" have the 160875
same meanings as in section 2950.034 of the Revised Code. 160876

Sec. 5709.65. (A) An enterprise issued a certificate under 160877
section 5709.64 of the Revised Code shall be entitled to the 160878
following tax incentives: 160879

(1) With the exception of improvements to land or tangible 160880
personal property constituting or used in the retail portion, if 160881
any, of a facility, any improvement to land or tangible personal 160882

property at a facility for which a certificate is issued, first 160883
used in business at the facility as the result of a project, shall 160884
not be considered an asset of a corporate enterprise in 160885
determining the value of its issued and outstanding stock under 160886
division (A) of section 5733.05 of the Revised Code at the end of 160887
the taxable year that includes the certificate's date of issuance. 160888

(2) With the exception of the original cost of improvements 160889
to land or tangible personal property constituting or used in the 160890
retail portion, if any, of a facility, the original cost of any 160891
improvement to land or tangible personal property at the facility 160892
for which the certificate is issued, first used in business at the 160893
facility as a result of a project, shall be excluded from the 160894
numerator upon computation of the property factor of a corporate 160895
enterprise under division (B)(2)(a) of section 5733.05 of the 160896
Revised Code, or of a noncorporate enterprise under division (A) 160897
of section 5747.21 of the Revised Code, for the taxable year that 160898
includes the certificate's date of issuance. 160899

As used in divisions (A)(1) and (2) of this section, the 160900
"retail portion" of a facility is that part of a facility used 160901
primarily for making retail sales as defined in division (O) of 160902
section 5739.01 of the Revised Code. 160903

(3) Compensation paid to new employees described under 160904
divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code 160905
at the facility for which the certificate is issued, who are hired 160906
as a result of a project, shall be excluded from the numerator 160907
upon computation of the payroll factor of a corporate enterprise 160908
under division (B)(2)(b) of section 5733.05 of the Revised Code, 160909
or of a noncorporate enterprise under division (B) of section 160910
5747.21 of the Revised Code, for the taxable year that includes 160911
the certificate's date of issuance. 160912

(4) An enterprise that reimburses its new employees described 160913
under divisions (A)(2)(a) to (e) of section 5709.64 of the Revised 160914

Code for all or part of the cost of ~~day-care~~ child care services 160915
necessary to enable them to be employed at a facility for which a 160916
certificate is issued shall be entitled to a credit equal to the 160917
amounts so reimbursed, up to a maximum of three hundred dollars 160918
for each child or dependent receiving the services, for the 160919
taxable year in which reimbursement is made, against the tax 160920
imposed by section 5733.06 of the Revised Code on a corporate 160921
enterprise, or against the aggregate amount of tax imposed on the 160922
owners of a noncorporate enterprise under section 5747.02 of the 160923
Revised Code, for the taxable year that includes the certificate's 160924
date of issuance. Only reimbursements of amounts paid by new 160925
employees to ~~day-care~~ child care centers licensed by the 160926
department of job and family services for ~~day-care~~ child care 160927
services provided during the first twenty-four months of 160928
employment as a new employee may be applied toward the credit 160929
provided under this division. Any enterprise claiming this credit 160930
shall maintain records verifying that the credit is claimed only 160931
for reimbursement of amounts expended by new employees for such 160932
services. 160933

(5) For each new employee described in divisions (A)(2)(a) to 160934
(e) of section 5709.64 of the Revised Code who completes a 160935
training program and is subsequently employed by an enterprise for 160936
at least ninety days, if the enterprise pays or reimburses all or 160937
part of the cost of the employee's participation in the training 160938
program, it may claim a credit equal to the amount paid or 160939
reimbursed or one thousand dollars, whichever is less, in the 160940
taxable year in which the employee completes the ninety days of 160941
subsequent employment, against the tax imposed on a corporate 160942
enterprise by section 5733.06 of the Revised Code, or against the 160943
aggregate amount of tax imposed on the owners of a noncorporate 160944
enterprise under section 5747.02 of the Revised Code. Only one 160945
credit shall be allowed with respect to any individual. Attendance 160946
at a qualified training program under this section does not bar an 160947

otherwise eligible individual from receipt of benefits under 160948
Chapter 4141. of the Revised Code. 160949

(B) None of the items set forth in divisions (A)(2) and (3) 160950
of this section shall be considered in making any allocation or 160951
apportionment under division (B)(2)(d) of section 5733.05 or 160952
division (D) of section 5747.21 of the Revised Code. 160953

(C) All credits provided under this section to a noncorporate 160954
enterprise shall be divided pro rata among the owners of the 160955
enterprise subject to the tax imposed by section 5747.02 of the 160956
Revised Code, based upon their proportionate ownership interests 160957
in the enterprise. The enterprise shall file with the tax 160958
commissioner, on a form prescribed by the commissioner, a 160959
statement showing the total available credit and the portion 160960
thereof attributed to each owner. The statement shall identify 160961
each owner by name and social security number and shall be filed 160962
with the tax commissioner by the date prescribed by the 160963
commissioner, which shall be no earlier than the fifteenth day of 160964
the month following the close of the enterprise's taxable year for 160965
which the credit is claimed. 160966

(D) All state income tax or corporation franchise tax credits 160967
provided under this section shall be claimed in the order required 160968
under section 5733.98 or 5747.98 of the Revised Code. The credits, 160969
to the extent they exceed the taxpayer's aggregate tax liability 160970
for the taxable year after allowance for any other credits that 160971
precede the credits under this section in that order, shall be 160972
carried forward to the next succeeding taxable year or years until 160973
fully utilized. 160974

Sec. 5733.36. This section applies only to tax years 1999, 160975
2000, 2001, 2002, and 2003. 160976

A nonrefundable credit is allowed against the tax imposed by 160977
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for a 160978

taxpayer that enters into an agreement with a child ~~day-care~~ care center pursuant to this section. Under the terms of the agreement, the taxpayer must make one or more support payments to the ~~day-care~~ center on a periodic basis, and the center must agree to serve a child of an employee of the taxpayer for the period covered by each support payment. The center must be licensed under section 5104.03 of the Revised Code. The amount of the support payment must be set forth in the agreement, and cannot exceed a reasonable charge for a child to attend a ~~day-care~~ center in the vicinity of the taxpayer's worksite. The agreement must specify that an employee has the option of refusing to place the employee's child in a ~~day-care~~ center that receives support payments from the taxpayer.

The amount of the credit equals fifty per cent of the total amount of support payments made by the taxpayer during the taxable year. The taxpayer shall not count toward the credit any amount it paid directly or indirectly in connection with a plan or program described in section 125 of the Internal Revenue Code or under section 5733.38 of the Revised Code. The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code.

Sec. 5733.37. (A) A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to the lesser of one hundred thousand dollars, or fifty per cent of the amount incurred by a taxpayer for equipment, supplies, labor, and real property, including renovation of real property, used exclusively to establish a child ~~day-care~~ care center. The credit is allowed only for the tax year immediately following the taxable year in which the ~~child day-care~~ center begins operations. The credit may be claimed only for tax year 1999, 2000, 2001, 2002, or 2003, but may be carried forward pursuant to division (B) of this section.

The center must be licensed under section 5104.03 of the Revised Code, used exclusively by employees of the taxpayer, and located at the employees' worksite. Amounts incurred for supplies that are to be used after the center begins operations may be included only with regard to supplies that are expected to last more than one year under normal usage. To be eligible for the credit, the taxpayer must specify that an employee has the option of refusing to place the employee's child in the ~~day-care~~ center established by the taxpayer.

(B) The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code, and shall deduct the amount of the excess credit allowed in any such year from the balance carried forward to the next taxable year. The credit may be carried forward for five tax years following the tax year for which the credit is claimed under division (A) of this section. However, if the taxpayer disposes of the ~~day-care~~ center or ceases to operate it at any time during the five-year period, it shall not claim or carry forward any credit in connection with that property in the taxable year of disposal or cessation of operation or in any ensuing taxable year.

Sec. 5733.38. This section applies only to tax years 1999, 2000, 2001, 2002, and 2003.

A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to fifty per cent of the amount incurred by a taxpayer during the taxable year immediately preceding the tax year to reimburse employees of the taxpayer for child care expenses. The amount of the credit for a tax year shall not exceed seven hundred fifty

dollars per child. 161042

The taxpayer shall count toward the credit only 161043
reimbursements it pays to or for the benefit of employees for 161044
amounts paid by those employees for child care provided to 161045
dependents of the employees at child ~~day-care~~ care centers 161046
licensed under section 5104.03 of the Revised Code. The taxpayer 161047
shall not count toward the credit any amount it paid directly or 161048
indirectly in connection with a plan or program described in 161049
section 125 of the Internal Revenue Code or under section 5733.36 161050
of the Revised Code. The taxpayer shall claim the credit in the 161051
order required under section 5733.98 of the Revised Code. 161052

Sec. 6109.121. (A) The director of environmental protection 161053
shall adopt rules in accordance with Chapter 119. of the Revised 161054
Code that do all of the following: 161055

(1) Require the owner or operator of a community or 161056
nontransient noncommunity water system to conduct sampling of the 161057
system for lead and copper; 161058

(2) Establish a schedule for lead and copper sampling 161059
applicable to the owner or operator of a community or nontransient 161060
noncommunity water system that, at a minimum, does both of the 161061
following: 161062

(a) Allows the director, in establishing the schedule, to 161063
consider the following factors when determining if a community or 161064
nontransient noncommunity water system must conduct sampling at 161065
least once annually: 161066

(i) The age of the water system; 161067

(ii) Whether corrosion control requirements are met; 161068

(iii) Any other relevant risk factors, as determined by the 161069
director, including aging infrastructure likely to contain lead 161070
service lines. 161071

(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules. 161072
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(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis; 161076
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(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met; 161079
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(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems; 161082
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(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events: 161085
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(a) The system changes or adds a source from which water is obtained. 161090
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(b) The system makes a substantial change in water treatment. 161092

(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director. 161093
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(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system. 161096
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(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate 161099
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circumstances;	161102
(8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter;	161103 161104 161105 161106 161107 161108 161109 161110 161111
(9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement;	161112 161113 161114 161115 161116 161117 161118 161119
(10) Establish a lead threshold for individual taps;	161120
(11) Establish and revise content for public education materials;	161121 161122
(12) Authorize the director to develop procedures and requirements to document that notices were provided by the owner or operator of a community or nontransient noncommunity water system as required under the rules adopted under division (A)(15) of this section;	161123 161124 161125 161126 161127
(13) Authorize the director to assess administrative penalties in accordance with section 6109.23 of the Revised Code for violations of the notice requirements established in rules adopted under divisions (A)(15)(b) and (c)(i) of this section;	161128 161129 161130 161131
(14) Require a laboratory that receives a lead or copper tap	161132

water sample from a community or nontransient noncommunity water system to do both of the following:

(a) Complete a lead or copper analysis of the sample, as applicable, not later than thirty business days after the receipt of the sample;

(b) Not later than the end of the next business day following the day the analysis of the sample is completed, report the results of the analysis and all identifying information about where the sample was collected to the community or nontransient noncommunity water system and the director.

(15) Require the owner or operator of a community or nontransient noncommunity water system to do all of the following, as applicable, with regard to laboratory results received under rules adopted under division (A)(14) of this section:

(a) If the laboratory results show that a sample from an individual tap is below the applicable lead threshold as established in rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than thirty business days after the receipt of the laboratory results;

(b) If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable:

(i) For the owner or operator of a nontransient noncommunity

water system, immediately remove from service all fixtures 161164
identified as contributing to elevated lead levels; 161165

(ii) For the owner or operator of a community water system, 161166
include in the system's annual consumer confidence report the lead 161167
or copper laboratory results, an explanation of the associated 161168
health risks, what actions consumers of the system can take to 161169
reduce health risks, and the actions the system is taking to 161170
reduce public exposure; 161171

(iii) Not later than two business days after the receipt of 161172
the laboratory results, provide information on the availability of 161173
health screening and blood lead level testing to the owner and 161174
persons served at the residence or other structure where the 161175
sample was collected and provide notice of the laboratory results 161176
to the applicable local board of health. 161177

(c) If the laboratory results show that the community or 161178
nontransient noncommunity water system exceeds the lead action 161179
level established in rules adopted under this chapter, do all of 161180
the following, as applicable: 161181

(i) Not later than two business days after the receipt of the 161182
laboratory results, provide notice to all of the system's water 161183
consumers that the system exceeds the lead action level. The owner 161184
or operator shall provide the notice in a form specified by the 161185
director. 161186

(ii) Not later than five business days after the receipt of 161187
the laboratory results by the owner or operator of a community 161188
water system, provide information on the availability of tap water 161189
testing for lead to all consumers served by the system who are 161190
known or likely to have lead service lines, lead pipes, or lead 161191
solder as identified in the map required to be completed by rules 161192
adopted under division (A)(18) of this section; 161193

(iii) Not later than thirty business days after the receipt 161194

of the laboratory results, make an analysis of laboratory results 161195
available to all consumers served by the system, comply with 161196
public education requirements established in rules adopted under 161197
this chapter that apply when a public water system exceeds the 161198
lead action level, and provide information to consumers served by 161199
the system about the availability of health screenings and blood 161200
lead level testing in the area served by the water system; 161201

(iv) Subject to rules adopted under division (A)(7) of this 161202
section, perform a corrosion control treatment study and submit a 161203
corrosion control treatment plan to the director not later than 161204
eighteen months after the date on which laboratory results were 161205
received by the owner or operator indicating that the system 161206
exceeded the lead action level. 161207

(16) Require that not later than five business days after the 161208
receipt of the laboratory results, the owner or operator shall 161209
certify to the director that the owner or operator has complied 161210
with the requirements of rules adopted under divisions (A)(15)(b), 161211
(A)(15)(c)(i), and (A)(15)(c)(ii) of this section, as applicable. 161212

(17) Require that if the owner or operator of a community or 161213
nontransient noncommunity water system fails to provide the 161214
notices required under rules adopted under division (A)(15)(b) or 161215
(c)(i) of this section, the director shall provide those notices 161216
beginning ten business days from the date that the director 161217
receives laboratory results under the rules adopted under division 161218
(A)(14) of this section. 161219

(18) Require the owner or operator of a community or 161220
nontransient noncommunity water system to submit a map to the 161221
director showing areas of the system that are known or are likely 161222
to contain lead service lines and identifying characteristics of 161223
buildings served by the system that may contain lead piping, 161224
solder, or fixtures. The rules shall, at a minimum, require the 161225
owner or operator to do all of the following: 161226

(a) Submit a copy of the applicable map to the department of health and the department of job and family services; 161227
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(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site; 161229
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(c) Update and resubmit the information required by divisions (A)(18)(a) and (b) of this section according to a schedule determined by the director, but not less frequently than required under the Safe Drinking Water Act. 161234
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(B) The director shall post information on the environmental protection agency's web site about sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement. 161238
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(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child ~~day-care~~ care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division (A)(18) of this section. 161243
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(D) As used in this section: 161248

(1) "Child ~~day-care~~ care center" has the same meaning as in section 5104.01 of the Revised Code. 161249
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(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of 161251
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trustees of a college-preparatory boarding school established 161258
under Chapter 3328. of the Revised Code, or the governing 161259
authority of a chartered or nonchartered nonpublic school. 161260

(3) "Local board of health" means the applicable board of 161261
health of a city or general health district or the authority 161262
having the duties of a board of health under section 3709.05 of 161263
the Revised Code. 161264

Section 130.21. That existing sections 109.57, 349.01, 161265
921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 161266
2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 161267
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 161268
3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 161269
3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 161270
3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 161271
4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 161272
5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 161273
5104.022, 5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 161274
5104.038, 5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 161275
5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 161276
5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 161277
5104.31, 5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 161278
5119.371, 5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 161279
5733.37, 5733.38, and 6109.121 of the Revised Code are hereby 161280
repealed. 161281

Section 130.22. The General Assembly, applying the principle 161282
stated in division (B) of section 1.52 of the Revised Code that 161283
amendments are to be harmonized if reasonably capable of 161284
simultaneous operation, finds that the following sections, 161285
presented in this act as composites of the resulting versions of 161286
the sections in effect prior to the effective date of the sections 161287
as presented in this act: 161288

Section 4510.021 of the Revised Code as amended by both H.B. 300 and S.B. 204 of the 131st General Assembly.	161289 161290
Section 5104.017 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.	161291 161292
Section 5321.01 of the Revised Code amended by both H.B. 281 and H.B. 430 of the 134th General Assembly.	161293 161294
Section 130.23. That the version of section 3701.63 of the Revised Code that is scheduled to take effect September 30, 2024, be amended to read as follows:	161295 161296 161297
Sec. 3701.63. (A) As used in this section and sections 3701.64, 3701.66, and 3701.67 of the Revised Code:	161298 161299
(1) "Child day-care <u>care</u> center," "type A family day-care <u>child care</u> home," and "licensed type B family day-care <u>child care</u> home" have the same meanings as in section 5104.01 of the Revised Code.	161300 161301 161302 161303
(2) "Child care facility" means a child day-care <u>care</u> center, a type A family day-care <u>child care</u> home, or a licensed type B family day-care <u>child care</u> home.	161304 161305 161306
(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	161307 161308
(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.	161309 161310
(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:	161311 161312
(a) The hospital has a maternity unit.	161313
(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.	161314 161315 161316

(6) "Infant" means a child who is less than one year of age.	161317
(7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.	161318 161319
(8) "Other person responsible for the infant" includes a foster caregiver.	161320 161321
(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.	161322 161323 161324 161325 161326
(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an infant or small child.	161327 161328 161329 161330 161331
(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following:	161332 161333
(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome;	161334 161335
(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section;	161336 161337 161338
(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following:	161339 161340
(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code;	161341 161342
(b) Reviewing the content of the educational materials to determine if updates or improvements should be made;	161343 161344
(c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 of the Revised	161345 161346

Code, to determine if modifications to that manner should be made. 161347

(C) In meeting the requirements under division (B) of this 161348
section, the director shall develop educational materials that, to 161349
the extent possible, minimize administrative or financial burdens 161350
on any of the entities or persons listed in section 3701.64 of the 161351
Revised Code. 161352

Section 130.24. That the existing version of section 3701.63 161353
of the Revised Code that is scheduled to take effect September 30, 161354
2024, is hereby repealed. 161355

Section 130.25. Sections 130.23 and 130.24 of this act take 161356
effect September 30, 2024. 161357

Section 130.26. That the versions of sections 921.06, 161358
3737.83, and 3781.10 of the Revised Code that are scheduled to 161359
take effect December 29, 2023, be amended to read as follows: 161360

Sec. 921.06. (A)(1) No individual shall do any of the 161361
following without having a commercial applicator license issued by 161362
the director of agriculture: 161363

(a) Apply pesticides for a pesticide business without direct 161364
supervision; 161365

(b) Apply pesticides as part of the individual's duties while 161366
acting as an employee of the United States government, a state, 161367
county, township, or municipal corporation, or a park district, 161368
port authority, or sanitary district created under Chapter 1545., 161369
4582., or 6115. of the Revised Code, respectively; 161370

(c) Apply restricted use pesticides. Division (A)(1)(c) of 161371
this section does not apply to a private applicator or an 161372
immediate family member or a subordinate employee of a private 161373
applicator who is acting under the direct supervision of that 161374

private applicator. 161375

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child ~~day-care~~ care centers or licensed school child ~~day-care centers~~ programs as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;

(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and

private institutions exempt from regulation under Chapter 3332. of 161405
the Revised Code as prescribed in section 3333.046 of the Revised 161406
Code; 161407

(ix) Food processing establishments as defined in section 161408
3715.021 of the Revised Code; 161409

(x) Any other site designated by rule. 161410

(e) Conduct authorized diagnostic inspections. 161411

(2) Divisions (A)(1)(a) to (d) of this section do not apply 161412
to an individual who is acting as a trained serviceperson under 161413
the direct supervision of a commercial applicator. 161414

(3) Licenses shall be issued for a period of time established 161415
by rule and shall be renewed in accordance with deadlines 161416
established by rule. The fee for each such license shall be 161417
established by rule. If a license is not issued or renewed, the 161418
application fee shall be retained by the state as payment for the 161419
reasonable expense of processing the application. The director 161420
shall by rule classify by pesticide-use category licenses to be 161421
issued under this section. A single license may include more than 161422
one pesticide-use category. No individual shall be required to pay 161423
an additional license fee if the individual is licensed for more 161424
than one category. 161425

The fee for each license or renewal does not apply to an 161426
applicant who is an employee of the department of agriculture 161427
whose job duties require licensure as a commercial applicator as a 161428
condition of employment. 161429

(B) Application for a commercial applicator license shall be 161430
made on a form prescribed by the director. Each application for a 161431
license shall state the pesticide-use category or categories of 161432
license for which the applicant is applying and other information 161433
that the director determines essential to the administration of 161434
this chapter. 161435

(C)(1) Except as provided in division (C)(2) of this section, 161436
if the director finds that the applicant is competent to apply 161437
pesticides and conduct diagnostic inspections and that the 161438
applicant has passed both the general examination and each 161439
applicable pesticide-use category examination as required under 161440
division (A) of section 921.12 of the Revised Code, the director 161441
shall issue a commercial applicator license limited to the 161442
pesticide-use category or categories for which the applicant is 161443
found to be competent. If the director rejects an application, the 161444
director may explain why the application was rejected, describe 161445
the additional requirements necessary for the applicant to obtain 161446
a license, and return the application. The applicant may resubmit 161447
the application without payment of any additional fee. 161448

(2) The director shall issue a commercial applicator license 161449
in accordance with Chapter 4796. of the Revised Code to an 161450
individual if either of the following applies: 161451

(a) The individual holds a commercial applicator license in 161452
another state. 161453

(b) The individual has satisfactory work experience, a 161454
government certification, or a private certification as described 161455
in that chapter as a commercial applicator in a state that does 161456
not issue that license. 161457

A license issued under this division shall be limited to the 161458
pesticide-use category or categories for which the applicant is 161459
licensed in another state or has satisfactory work experience, a 161460
government certification, or a private certification in that 161461
state. 161462

(D)(1) A person who is a commercial applicator shall be 161463
deemed to hold a private applicator's license for purposes of 161464
applying pesticides on agricultural commodities that are produced 161465
by the commercial applicator. 161466

(2) A commercial applicator shall apply pesticides only in the pesticide-use category or categories in which the applicator is licensed under this chapter.

(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section 921.22 of the Revised Code.

Sec. 3737.83. The state fire marshal shall, as part of the state fire code, adopt rules to:

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment;

(B) Establish minimum standards of training, fix minimum qualifications, and require certificates for all persons who engage in the business for profit of installing, testing, repairing, or maintaining fire protection equipment;

(C) Provide for the issuance of certificates required under division (B) of this section and establish the fees to be charged for such certificates. A certificate shall be granted, renewed, or revoked according to rules the state fire marshal shall adopt, except that the state fire marshal shall grant a certificate in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license or certificate in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a person engaged in the business of installing, testing, repairing, or maintaining fire protection equipment in a state that does not issue that certificate.

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department

or agency thereof has established, or may from time to time 161497
establish standards of flammability for consumer goods. The 161498
standards established by the state fire marshal shall be identical 161499
to the minimum federal standards. 161500

In any case where the federal government or any department or 161501
agency thereof, establishes standards of flammability for consumer 161502
goods subsequent to the adoption of a flammability standard by the 161503
state fire marshal, standards previously adopted by the state fire 161504
marshal shall not continue in effect to the extent such standards 161505
are not identical to the minimum federal standards. 161506

With respect to the adoption of minimum standards of 161507
flammability, this division shall supersede any authority granted 161508
a political subdivision by any other section of the Revised Code. 161509

(E) Establish minimum standards pursuant to section 5104.05 161510
of the Revised Code for fire prevention and fire safety in child 161511
~~day-care~~ care centers and in type A family ~~day-care~~ child care 161512
homes, as defined in section 5104.01 of the Revised Code. 161513

(F) Establish minimum standards for fire prevention and 161514
safety in a residential facility licensed under section 5119.34 of 161515
the Revised Code that provides accommodations, supervision, and 161516
personal care services for three to sixteen unrelated adults. The 161517
state fire marshal shall adopt the rules under this division in 161518
consultation with the director of mental health and addiction 161519
services and interested parties designated by the director of 161520
mental health and addiction services. 161521

Sec. 3781.10. (A)(1) The board of building standards shall 161522
formulate and adopt rules governing the erection, construction, 161523
repair, alteration, and maintenance of all buildings or classes of 161524
buildings specified in section 3781.06 of the Revised Code, 161525
including land area incidental to those buildings, the 161526
construction of industrialized units, the installation of 161527

equipment, and the standards or requirements for materials used in 161528
connection with those buildings. The board shall incorporate those 161529
rules into separate residential and nonresidential building codes. 161530
The standards shall relate to the conservation of energy and the 161531
safety and sanitation of those buildings. 161532

(2) The rules governing nonresidential buildings are the 161533
lawful minimum requirements specified for those buildings and 161534
industrialized units, except that no rule other than as provided 161535
in division (C) of section 3781.108 of the Revised Code that 161536
specifies a higher requirement than is imposed by any section of 161537
the Revised Code is enforceable. The rules governing residential 161538
buildings are uniform requirements for residential buildings in 161539
any area with a building department certified to enforce the state 161540
residential building code. In no case shall any local code or 161541
regulation differ from the state residential building code unless 161542
that code or regulation addresses subject matter not addressed by 161543
the state residential building code or is adopted pursuant to 161544
section 3781.01 of the Revised Code. 161545

(3) The rules adopted pursuant to this section are complete, 161546
lawful alternatives to any requirements specified for buildings or 161547
industrialized units in any section of the Revised Code. Except as 161548
otherwise provided in division (I) of this section, the board 161549
shall, on its own motion or on application made under sections 161550
3781.12 and 3781.13 of the Revised Code, formulate, propose, 161551
adopt, modify, amend, or repeal the rules to the extent necessary 161552
or desirable to effectuate the purposes of sections 3781.06 to 161553
3781.18 of the Revised Code. 161554

(B) The board shall report to the general assembly proposals 161555
for amendments to existing statutes relating to the purposes 161556
declared in section 3781.06 of the Revised Code that public health 161557
and safety and the development of the arts require and shall 161558

recommend any additional legislation to assist in carrying out 161559
fully, in statutory form, the purposes declared in that section. 161560
The board shall prepare and submit to the general assembly a 161561
summary report of the number, nature, and disposition of the 161562
petitions filed under sections 3781.13 and 3781.14 of the Revised 161563
Code. 161564

(C) On its own motion or on application made under sections 161565
3781.12 and 3781.13 of the Revised Code, and after thorough 161566
testing and evaluation, the board shall determine by rule that any 161567
particular fixture, device, material, process of manufacture, 161568
manufactured unit or component, method of manufacture, system, or 161569
method of construction complies with performance standards adopted 161570
pursuant to section 3781.11 of the Revised Code. The board shall 161571
make its determination with regard to adaptability for safe and 161572
sanitary erection, use, or construction, to that described in any 161573
section of the Revised Code, wherever the use of a fixture, 161574
device, material, method of manufacture, system, or method of 161575
construction described in that section of the Revised Code is 161576
permitted by law. The board shall amend or annul any rule or issue 161577
an authorization for the use of a new material or manufactured 161578
unit on any like application. No department, officer, board, or 161579
commission of the state other than the board of building standards 161580
or the board of building appeals shall permit the use of any 161581
fixture, device, material, method of manufacture, newly designed 161582
product, system, or method of construction at variance with what 161583
is described in any rule the board of building standards adopts or 161584
issues or that is authorized by any section of the Revised Code. 161585
Nothing in this section shall be construed as requiring approval, 161586
by rule, of plans for an industrialized unit that conforms with 161587
the rules the board of building standards adopts pursuant to 161588
section 3781.11 of the Revised Code. 161589

(D) The board shall recommend rules, codes, and standards to 161590

help carry out the purposes of section 3781.06 of the Revised Code 161591
and to help secure uniformity of state administrative rulings and 161592
local legislation and administrative action to the bureau of 161593
workers' compensation, the director of commerce, any other 161594
department, officer, board, or commission of the state, and to 161595
legislative authorities and building departments of counties, 161596
townships, and municipal corporations, and shall recommend that 161597
they audit those recommended rules, codes, and standards by any 161598
appropriate action that they are allowed pursuant to law or the 161599
constitution. 161600

(E)(1) The board shall certify municipal, township, and 161601
county building departments, the personnel of those building 161602
departments, persons described in division (E)(7) of this section, 161603
and employees of individuals, firms, the state, or corporations 161604
described in division (E)(7) of this section to exercise 161605
enforcement authority, to accept and approve plans and 161606
specifications, and to make inspections, pursuant to sections 161607
3781.03, 3791.04, and 4104.43 of the Revised Code. 161608

(2) The board shall certify departments, personnel, and 161609
persons to enforce the state residential building code, to enforce 161610
the nonresidential building code, or to enforce both the 161611
residential and the nonresidential building codes. Any department, 161612
personnel, or person may enforce only the type of building code 161613
for which certified. 161614

(3) The board shall not require a building department, its 161615
personnel, or any persons that it employs to be certified for 161616
residential building code enforcement if that building department 161617
does not enforce the state residential building code. The board 161618
shall specify, in rules adopted pursuant to Chapter 119. of the 161619
Revised Code, the requirements for certification for residential 161620
and nonresidential building code enforcement, which shall be 161621
consistent with this division. The requirements for residential 161622

and nonresidential certification may differ. Except as otherwise 161623
provided in this division, the requirements shall include, but are 161624
not limited to, the satisfactory completion of an initial 161625
examination and, to remain certified, the completion of a 161626
specified number of hours of continuing building code education 161627
within each three-year period following the date of certification 161628
which shall be not less than thirty hours. The rules shall provide 161629
that continuing education credits and certification issued by the 161630
council of American building officials, national model code 161631
organizations, and agencies or entities the board recognizes are 161632
acceptable for purposes of this division. The rules shall specify 161633
requirements that are consistent with the provisions of section 161634
5903.12 of the Revised Code relating to active duty military 161635
service and are compatible, to the extent possible, with 161636
requirements the council of American building officials and 161637
national model code organizations establish. 161638

(4) The board shall establish and collect a certification and 161639
renewal fee for building department personnel, and persons and 161640
employees of persons, firms, or corporations as described in this 161641
section, who are certified pursuant to this division. 161642

(5) Any individual certified pursuant to this division shall 161643
complete the number of hours of continuing building code education 161644
that the board requires or, for failure to do so, forfeit 161645
certification. 161646

(6) This division does not require or authorize the board to 161647
certify personnel of municipal, township, and county building 161648
departments, and persons and employees of persons, firms, or 161649
corporations as described in this section, whose responsibilities 161650
do not include the exercise of enforcement authority, the approval 161651
of plans and specifications, or making inspections under the state 161652
residential and nonresidential building codes. 161653

(7) Enforcement authority for approval of plans and 161654

specifications and enforcement authority for inspections may be 161655
exercised, and plans and specifications may be approved and 161656
inspections may be made on behalf of a municipal corporation, 161657
township, or county, by any of the following who the board of 161658
building standards certifies: 161659

(a) Officers or employees of the municipal corporation, 161660
township, or county; 161661

(b) Persons, or employees of persons, firms, or corporations, 161662
pursuant to a contract to furnish architectural, engineering, or 161663
other services to the municipal corporation, township, or county; 161664

(c) Officers or employees of, and persons under contract 161665
with, a municipal corporation, township, county, health district, 161666
or other political subdivision, pursuant to a contract to furnish 161667
architectural, engineering, or other services; 161668

(d) Officers or employees of the division of industrial 161669
compliance in the department of commerce pursuant to a contract 161670
authorized by division (B) of section 121.083 of the Revised Code. 161671

(8) Municipal, township, and county building departments have 161672
jurisdiction within the meaning of sections 3781.03, 3791.04, and 161673
4104.43 of the Revised Code, only with respect to the types of 161674
buildings and subject matters for which they are certified under 161675
this section. 161676

(9) A certified municipal, township, or county building 161677
department may exercise enforcement authority, accept and approve 161678
plans and specifications, and make inspections pursuant to 161679
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 161680
park district created pursuant to Chapter 1545. of the Revised 161681
Code upon the approval, by resolution, of the board of park 161682
commissioners of the park district requesting the department to 161683
exercise that authority and conduct those activities, as 161684
applicable. 161685

(10) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(11) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified

personnel to enforce the residential and nonresidential building codes as they pertain to that work. 161717
161718

(b) The minimum services to be provided by a certified building department. 161719
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(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards. 161721
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(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code. 161730
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(14) The board shall certify a person to exercise enforcement authority, to accept and approve plans and specifications, or to make inspections in this state in accordance with Chapter 4796. of the Revised Code if either of the following applies: 161737
161738
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161740

(a) The person holds a license or certificate in another state. 161741
161742

(b) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter in the same profession, occupation, or occupational activity as the profession, occupation, or occupational activity for which the certificate is required in this state in a state 161743
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that does not issue that license or certificate. 161748

(F) In addition to hearings sections 3781.06 to 3781.18 and 161749
3791.04 of the Revised Code require, the board of building 161750
standards shall make investigations and tests, and require from 161751
other state departments, officers, boards, and commissions 161752
information the board considers necessary or desirable to assist 161753
it in the discharge of any duty or the exercise of any power 161754
mentioned in this section or in sections 3781.06 to 3781.18, 161755
3791.04, and 4104.43 of the Revised Code. 161756

(G) The board shall adopt rules and establish reasonable fees 161757
for the review of all applications submitted where the applicant 161758
applies for authority to use a new material, assembly, or product 161759
of a manufacturing process. The fee shall bear some reasonable 161760
relationship to the cost of the review or testing of the 161761
materials, assembly, or products and for the notification of 161762
approval or disapproval as provided in section 3781.12 of the 161763
Revised Code. 161764

(H) The residential construction advisory committee shall 161765
provide the board with a proposal for a state residential building 161766
code that the committee recommends pursuant to division (D)(1) of 161767
section 4740.14 of the Revised Code. Upon receiving a 161768
recommendation from the committee that is acceptable to the board, 161769
the board shall adopt rules establishing that code as the state 161770
residential building code. 161771

(I)(1) The committee may provide the board with proposed 161772
rules to update or amend the state residential building code that 161773
the committee recommends pursuant to division (E) of section 161774
4740.14 of the Revised Code. 161775

(2) If the board receives a proposed rule to update or amend 161776
the state residential building code as provided in division (I)(1) 161777
of this section, the board either may accept or reject the 161778

proposed rule for incorporation into the residential building 161779
code. If the board does not act to either accept or reject the 161780
proposed rule within ninety days after receiving the proposed rule 161781
from the committee as described in division (I)(1) of this 161782
section, the proposed rule shall become part of the residential 161783
building code. 161784

(J) The board shall cooperate with the director of job and 161785
family services when the director promulgates rules pursuant to 161786
section 5104.05 of the Revised Code regarding safety and 161787
sanitation in type A family ~~day-care~~ child care homes. 161788

(K) The board shall adopt rules to implement the requirements 161789
of section 3781.108 of the Revised Code. 161790

Section 130.27. That the existing versions of sections 161791
921.06, 3737.83, and 3781.10 of the Revised Code that are 161792
scheduled to take effect December 29, 2023, are hereby repealed. 161793

Section 130.28. Sections 130.26 and 130.27 of this act take 161794
effect December 29, 2023. 161795

Section 130.30. That sections 127.15, 173.03, 753.19, 161796
1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 161797
1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 161798
1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 161799
3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 161800
3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 161801
3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 161802
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 161803
3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 161804
4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 161805
4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 161806
5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 161807
5709.83, 5736.041, and 5751.40 be amended and sections 1509.031 161808

and 3745.019 of the Revised Code be enacted to read as follows: 161809

Sec. 127.15. The controlling board may authorize any state 161810
agency for which an appropriation is made, in any act making 161811
appropriations for capital improvements, to expend the moneys 161812
appropriated otherwise than in accordance with the items set 161813
forth, and for such purpose may authorize transfers among items or 161814
create new items and authorize transfers thereto, provided that 161815
prior to such transfers the agency seeking the same shall notify 161816
by mail or electronic mail the elected representatives to the 161817
general assembly from the counties affected by such transfers, 161818
stating the time and place of the hearing on the proposed 161819
transfers thereto. Such transfers among items shall not alter in 161820
total the appropriation to any state agency except as otherwise 161821
provided by the general assembly. The board may not authorize the 161822
transfer of a capital appropriation item of any state agency for 161823
use by such agency for operating expenses, except as otherwise 161824
provided by the general assembly. 161825

Sec. 173.03. (A) There is hereby created the Ohio advisory 161826
council for the aging, which shall consist of twelve members to be 161827
appointed by the governor with the advice and consent of the 161828
senate. Two ex officio members of the council shall be members of 161829
the house of representatives appointed by the speaker of the house 161830
of representatives and shall be members of two different political 161831
parties. Two ex officio members of the council shall be members of 161832
the senate appointed by the president of the senate and shall be 161833
members of two different political parties. The medicaid director 161834
and directors of mental health and addiction services, 161835
developmental disabilities, health, and job and family services, 161836
or their designees, shall serve as ex officio members of the 161837
council. The council shall carry out its role as defined under the 161838

"Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as 161839
amended. 161840

At the first meeting of the council, and annually thereafter, 161841
the members shall select one of their members to serve as 161842
chairperson and one of their members to serve as vice-chairperson. 161843
The council may form a quorum and take votes at meetings conducted 161844
by interactive electronic medium if provisions are made for public 161845
attendance through the interactive electronic meeting. 161846

(B) Members of the council shall be appointed for a term of 161847
three years, except that for the first appointment members of the 161848
Ohio commission on aging who were serving on the commission 161849
immediately prior to July 26, 1984, shall become members of the 161850
council for the remainder of their unexpired terms. Thereafter, 161851
appointment to the council shall be for a three-year term by the 161852
governor. Each member shall hold office from the date of 161853
appointment until the end of the term for which the member was 161854
appointed. Any member appointed to fill a vacancy occurring prior 161855
to the expiration of the term for which the member's predecessor 161856
was appointed shall hold office for the remainder of the term. No 161857
member shall continue in office subsequent to the expiration date 161858
of the member's term unless reappointed under the provisions of 161859
this section, and no member shall serve more than three 161860
consecutive terms on the council. 161861

(C) Membership of the council shall represent all areas of 161862
Ohio and shall be as follows: 161863

(1) A majority of members of the council shall have attained 161864
the age of fifty and have a knowledge of and continuing interest 161865
in the affairs and welfare of the older citizens of Ohio. The 161866
fields of business, labor, health, law, and human services shall 161867
be represented in the membership. 161868

(2) No more than seven members shall be of the same political 161869

party. 161870

(D) Any member of the council may be removed from office by 161871
the governor for neglect of duty, misconduct, or malfeasance in 161872
office after being informed in writing of the charges and afforded 161873
an opportunity for a hearing. Two consecutive unexcused absences 161874
from regularly scheduled meetings constitute neglect of duty. 161875

(E) The director of aging may reimburse a member for actual 161876
and necessary traveling and other expenses incurred in the 161877
discharge of official duties. But reimbursement shall be made in 161878
the manner and at rates that do not exceed those prescribed by the 161879
director of budget and management for any officer, member, or 161880
employee of, or consultant to, any state agency. 161881

(F) Council members are not limited as to the number of terms 161882
they may serve. 161883

(G)(1) The department of aging may award grants to or enter 161884
into contracts with a member of the advisory council or an entity 161885
that the member represents if any of the following apply: 161886

(a) The department determines that the member or the entity 161887
the member represents is capable of providing the goods or 161888
services specified under the terms of the grant or contract. 161889

(b) The member has not taken part in any discussion or vote 161890
of the council related to whether the council should recommend 161891
that the department of aging award the grant to or enter into the 161892
contract with the member of the advisory council or the entity 161893
that the member represents. 161894

(2) A member of the advisory council is not in violation of 161895
Chapter 102. or section 2921.42 of the Revised Code with regard to 161896
receiving a grant or entering into a contract under this section 161897
if the conditions of division (G)(1)(a) and (b) of this section 161898
have been met. 161899

Sec. 753.19. (A) If a person who was convicted of or pleaded guilty to an offense or was indicted or otherwise charged with the commission of an offense escapes from a jail or workhouse of a municipal corporation or otherwise escapes from the custody of a municipal corporation, the chief of police or other chief law enforcement officer of that municipal corporation immediately after the escape shall report the escape, by telephone and in writing, to all local law enforcement agencies with jurisdiction over the place where the person escaped from custody, to the state highway patrol, to the department of rehabilitation and correction if the escaped person is a prisoner under the custody of the department who is in the jail or workhouse, to the prosecuting attorney of the county, and to a newspaper of general circulation in the municipal corporation in a newspaper of general circulation in each county in which part of the municipal corporation is located. The written notice may be by either facsimile transmission, electronic mail, or mail. A failure to comply with this requirement is a violation of section 2921.22 of the Revised Code.

(B) Upon the apprehension of the escaped person, the chief law enforcement officer shall give notice of the apprehension of the escaped person by telephone and in writing to the persons notified under division (A) of this section.

Sec. 1121.38. (A)(1) An administrative hearing provided for in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code shall be held in the county in which the principal place of business of the bank or trust company or residence of the regulated person is located, unless the bank, trust company, or regulated person requesting the hearing consents to another place. Within ninety days after the hearing, the superintendent of financial institutions shall render a decision, which shall

include findings of fact upon which the decision is predicated, 161931
and shall issue and serve on the bank, trust company, or regulated 161932
person the decision and an order consistent with the decision. 161933
Judicial review of the order is exclusively as provided in 161934
division (B) of this section. Unless a notice of appeal is filed 161935
in a court of common pleas within thirty days after service of the 161936
superintendent's order as provided in division (B) of this 161937
section, and until the record of the administrative hearing has 161938
been filed, the superintendent may, at anytime, upon the notice 161939
and in the manner the superintendent considers proper, modify, 161940
terminate, or set aside the superintendent's order. After filing 161941
the record, the superintendent may modify, terminate, or set aside 161942
the superintendent's order with permission of the court. 161943

(a) A hearing provided for in section 1121.32, 1121.35, or 161944
1121.41 of the Revised Code shall be confidential, unless the 161945
superintendent determines that holding an open hearing would be in 161946
the public interest. Within twenty days after service of the 161947
notice of a hearing, a respondent may file a written request for a 161948
public hearing with the superintendent. A respondent's failure to 161949
file such a request constitutes a waiver of any objections to a 161950
confidential hearing. 161951

(b) A hearing provided for in section 1121.33 of the Revised 161952
Code shall be an open hearing. Within twenty days after service of 161953
the notice of a hearing, a respondent may file a written request 161954
for a confidential hearing with the superintendent. If such a 161955
request is received by the superintendent, the hearing shall be 161956
confidential unless the superintendent determines that holding an 161957
open hearing would be in the public interest. 161958

(2) In the course of, or in connection with, an 161959
administrative hearing governed by this section, the 161960
superintendent, or a person designated by the superintendent to 161961
conduct the hearing, may administer oaths and affirmations, take 161962

or cause depositions to be taken, and issue, revoke, quash, or 161963
modify subpoenas and subpoenas duces tecum. At any administrative 161964
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 161965
of the Revised Code, the record of which may be the basis of an 161966
appeal to court, a stenographic record of the testimony and other 161967
evidence submitted shall be taken at the expense of the division 161968
of financial institutions. The record shall include all of the 161969
testimony and other evidence, and any rulings on the admissibility 161970
thereof, presented at the hearing. The superintendent may adopt 161971
rules regarding these hearings. The attendance of witnesses and 161972
the production of documents provided for in this section may be 161973
required from any place within or outside the state. A party to a 161974
hearing governed by this section may apply to the court of common 161975
pleas of Franklin county, or the court of common pleas of the 161976
county in which the hearing is being conducted or the witness 161977
resides or carries on business, for enforcement of a subpoena or 161978
subpoena duces tecum issued pursuant to this section, and the 161979
courts have jurisdiction and power to order and require compliance 161980
with the subpoena. Witnesses subpoenaed under this section shall 161981
be paid the fees and mileage provided for under section 119.094 of 161982
the Revised Code. 161983

As used in this division, "stenographic record" means a 161984
record provided by stenographic means or by the use of audio 161985
electronic recording devices, as the division of financial 161986
institutions determines. 161987

(B)(1) A bank, trust company, or regulated person against 161988
whom the superintendent issues an order upon the record of a 161989
hearing under the authority of section 1121.32, 1121.33, 1121.35, 161990
or 1121.41 of the Revised Code may obtain a review of the order by 161991
filing a notice of appeal in the court of common pleas in the 161992
county in which the principal place of business of the bank, trust 161993
company, or regulated person, or residence of the regulated 161994

person, is located, or in the court of common pleas of Franklin 161995
county, within thirty days after the date of service of the 161996
superintendent's order. The clerk of the court shall promptly 161997
transmit a copy of the notice of appeal to the superintendent. 161998
Within thirty days after receiving the notice of appeal, the 161999
superintendent shall file a certified copy of the record of the 162000
administrative hearing with the clerk of the court. In the event 162001
of a private hearing, the record of the administrative hearing 162002
shall be filed under seal with the clerk of the court. Upon the 162003
filing of the notice of appeal, the court has jurisdiction, which 162004
upon the filing of the record of the administrative hearing is 162005
exclusive, to affirm, modify, terminate, or set aside, in whole or 162006
in part, the superintendent's order. 162007

(2) The commencement of proceedings for judicial review 162008
pursuant to division (B) of this section does not, unless 162009
specifically ordered by the court, operate as a stay of any order 162010
issued by the superintendent. If it appears to the court an 162011
unusual hardship to the appellant bank, trust company, or 162012
regulated person will result from the execution of the 162013
superintendent's order pending determination of the appeal, and 162014
the interests of depositors and the public will not be threatened 162015
by a stay of the order, the court may grant a stay and fix its 162016
terms. 162017

(C) The superintendent may, in the sole discretion of the 162018
superintendent, apply to the court of common pleas of the county 162019
in which the principal place of business of the bank, trust 162020
company, or regulated person, or residence of the regulated 162021
person, is located, or the court of common pleas of Franklin 162022
county, for the enforcement of an effective and outstanding 162023
superintendent's order issued under section 1121.32, 1121.33, 162024
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 162025
has jurisdiction and power to order and require compliance with 162026

the superintendent's order. In an action by the superintendent 162027
pursuant to this division to enforce an order assessing a civil 162028
penalty issued under section 1121.35 of the Revised Code, the 162029
validity and appropriateness of the civil penalty is not subject 162030
to review. 162031

(D) No court has jurisdiction to affect, by injunction or 162032
otherwise, the issuance or enforcement of an order issued under 162033
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 162034
Revised Code or to review, modify, suspend, terminate, or set 162035
aside an order issued under section 1121.32, 1121.33, 1121.34, 162036
1121.35, or 1121.41 of the Revised Code, except as provided in 162037
this section, in division (G) of section 1121.32 of the Revised 162038
Code for an order issued pursuant to division (C)(3) or (4) of 162039
section 1121.32 of the Revised Code, or in division (A)(3) of 162040
section 1121.34 of the Revised Code for an order issued pursuant 162041
to division (A)(1) of section 1121.34 of the Revised Code. 162042

(E) Nothing in this section or in any other section of the 162043
Revised Code or rules implementing this or any other section of 162044
the Revised Code shall prohibit or limit the superintendent from 162045
doing any of the following: 162046

(1) Issuing orders pursuant to section 1121.32, 1121.33, 162047
1121.34, 1121.35, or 1121.41 of the Revised Code; 162048

(2) Individually or contemporaneously taking any other action 162049
provided by law or rule with respect to a bank, trust company, or 162050
regulated person; 162051

(3) Taking any action provided by law or rule with respect to 162052
a bank, trust company, or regulated person, whether alone or in 162053
conjunction with another regulatory agency or authority. 162054

Sec. 1509.031. (A) Notwithstanding any other provision of law 162055
to the contrary and other than a statement of production, the 162056

chief of the division of oil and gas resources management may 162057
require the electronic submission of any application, report, test 162058
result, fee, or document that is required to be submitted under 162059
this chapter. The chief shall require the submission of statements 162060
of production to be made electronically regardless of well type 162061
and the number of wells owned. 162062

(B) For good cause, a person may request to be excluded from 162063
any requirement to make an electronic submission under division 162064
(A) of this section other than the requirement to submit a 162065
statement of production electronically. The chief shall establish 162066
the procedure and form by which a person may request such 162067
exclusion. 162068

Sec. 1509.06. (A) An application for a permit to drill a new 162069
well, drill an existing well deeper, reopen a well, convert a well 162070
to any use other than its original purpose, or plug back a well to 162071
a different source of supply, including associated production 162072
operations, shall be filed with the chief of the division of oil 162073
and gas resources management upon such form as the chief 162074
prescribes and shall contain each of the following that is 162075
applicable: 162076

(1) The name and address of the owner and, if a corporation, 162077
the name and address of the statutory agent; 162078

(2) The signature of the owner or the owner's authorized 162079
agent. When an authorized agent signs an application, it shall be 162080
accompanied by a certified copy of the appointment as such agent. 162081

(3) The names and addresses of all persons holding the 162082
royalty interest in the tract upon which the well is located or is 162083
to be drilled or within a proposed drilling unit; 162084

(4) The location of the tract or drilling unit on which the 162085
well is located or is to be drilled identified by section or lot 162086

number, city, village, township, and county; 162087

(5) Designation of the well by name and number; 162088

(6)(a) The geological formation to be tested or used and the 162089
proposed total depth of the well; 162090

(b) If the well is for the injection of a liquid, identity of 162091
the geological formation to be used as the injection zone and the 162092
composition of the liquid to be injected. 162093

(7) The type of drilling equipment to be used; 162094

(8)(a) An identification, to the best of the owner's 162095
knowledge, of each proposed source of ground water and surface 162096
water that will be used in the production operations of the well. 162097
The identification of each proposed source of water shall indicate 162098
if the water will be withdrawn from the Lake Erie watershed or the 162099
Ohio river watershed. In addition, the owner shall provide, to the 162100
best of the owner's knowledge, the proposed estimated rate and 162101
volume of the water withdrawal for the production operations. If 162102
recycled water will be used in the production operations, the 162103
owner shall provide the estimated volume of recycled water to be 162104
used. The owner shall submit to the chief an update of any of the 162105
information that is required by division (A)(8)(a) of this section 162106
if any of that information changes before the chief issues a 162107
permit for the application. 162108

(b) Except as provided in division (A)(8)(c) of this section, 162109
for an application for a permit to drill a new well within an 162110
urbanized area, the results of sampling of water wells within 162111
three hundred feet of the proposed well prior to commencement of 162112
drilling. In addition, the owner shall include a list that 162113
identifies the location of each water well where the owner of the 162114
property on which the water well is located denied the owner 162115
access to sample the water well. The sampling shall be conducted 162116
in accordance with the guidelines established in "Best Management 162117

Practices For Pre-drilling Water Sampling" in effect at the time 162118
that the application is submitted. The division shall furnish 162119
those guidelines upon request and shall make them available on the 162120
division's web site. If the chief determines that conditions at 162121
the proposed well site warrant a revision, the chief may revise 162122
the distance established in this division for purposes of 162123
pre-drilling water sampling. 162124

(c) For an application for a permit to drill a new horizontal 162125
well, the results of sampling of water wells within one thousand 162126
five hundred feet of the proposed horizontal wellhead prior to 162127
commencement of drilling. In addition, the owner shall include a 162128
list that identifies the location of each water well where the 162129
owner of the property on which the water well is located denied 162130
the owner access to sample the water well. The sampling shall be 162131
conducted in accordance with the guidelines established in "Best 162132
Management Practices For Pre-drilling Water Sampling" in effect at 162133
the time that the application is submitted. The division shall 162134
furnish those guidelines upon request and shall make them 162135
available on the division's web site. If the chief determines that 162136
conditions at the proposed well site warrant a revision, the chief 162137
may revise the distance established in this division for purposes 162138
of pre-drilling water sampling. 162139

(9) For an application for a permit to drill a new well 162140
within an urbanized area, a sworn statement that the applicant has 162141
provided notice by regular mail of the application to the owner of 162142
each parcel of real property that is located within five hundred 162143
feet of the surface location of the well and to the executive 162144
authority of the municipal corporation or the board of township 162145
trustees of the township, as applicable, in which the well is to 162146
be located. In addition, the notice shall contain a statement that 162147
informs an owner of real property who is required to receive the 162148
notice under division (A)(9) of this section that within five days 162149

of receipt of the notice, the owner is required to provide notice 162150
under section 1509.60 of the Revised Code to each residence in an 162151
occupied dwelling that is located on the owner's parcel of real 162152
property. The notice shall contain a statement that an application 162153
has been filed with the division of oil and gas resources 162154
management, identify the name of the applicant and the proposed 162155
well location, include the name and address of the division, and 162156
contain a statement that comments regarding the application may be 162157
sent to the division. The notice may be provided by hand delivery 162158
or regular mail. The identity of the owners of parcels of real 162159
property shall be determined using the tax records of the 162160
municipal corporation or county in which a parcel of real property 162161
is located as of the date of the notice. 162162

(10) A plan for restoration of the land surface disturbed by 162163
drilling operations. The plan shall provide for compliance with 162164
the restoration requirements of division (A) of section 1509.072 162165
of the Revised Code and any rules adopted by the chief pertaining 162166
to that restoration. 162167

(11)(a) A description by name or number of the county, 162168
township, and municipal corporation roads, streets, and highways 162169
that the applicant anticipates will be used for access to and 162170
egress from the well site; 162171

(b) For an application for a permit for a horizontal well, a 162172
copy of an agreement concerning maintenance and safe use of the 162173
roads, streets, and highways described in division (A)(11)(a) of 162174
this section entered into on reasonable terms with the public 162175
official that has the legal authority to enter into such 162176
maintenance and use agreements for each county, township, and 162177
municipal corporation, as applicable, in which any such road, 162178
street, or highway is located or an affidavit on a form prescribed 162179
by the chief attesting that the owner attempted in good faith to 162180
enter into an agreement under division (A)(11)(b) of this section 162181

with the applicable public official of each such county, township, 162182
or municipal corporation, but that no agreement was executed. 162183

(12) Such other relevant information as the chief prescribes 162184
by rule. 162185

Each application shall be accompanied by a map, on a scale 162186
not smaller than four hundred feet to the inch, prepared by an 162187
Ohio registered surveyor, showing the location of the well and 162188
containing such other data as may be prescribed by the chief. If 162189
the well is or is to be located within the excavations and 162190
workings of a mine, the map also shall include the location of the 162191
mine, the name of the mine, and the name of the person operating 162192
the mine. 162193

(B) The chief shall cause a copy of the weekly circular 162194
prepared by the division to be provided to the county engineer of 162195
each county that contains active or proposed drilling activity. 162196
The weekly circular shall contain, in the manner prescribed by the 162197
chief, the names of all applicants for permits, the location of 162198
each well or proposed well, the information required by division 162199
(A)(11) of this section, and any additional information the chief 162200
prescribes. In addition, the chief promptly shall transfer an 162201
electronic copy ~~or facsimile~~, or if ~~those methods are~~ that method 162202
is not available to a municipal corporation or township, a copy 162203
via regular mail, of a drilling permit application to the clerk of 162204
the legislative authority of the municipal corporation or to the 162205
clerk of the township in which the well or proposed well is or is 162206
to be located if the legislative authority of the municipal 162207
corporation or the board of township trustees has asked to receive 162208
copies of such applications and the appropriate clerk has provided 162209
the chief an accurate, current electronic mailing address ~~or~~ 162210
~~facsimile number, as applicable.~~ 162211

(C)(1) Except as provided in division (C)(2) of this section, 162212
the chief shall not issue a permit for at least ten days after the 162213

date of filing of the application for the permit unless, upon 162214
reasonable cause shown, the chief waives that period or a request 162215
for expedited review is filed under this section. However, the 162216
chief shall issue a permit within twenty-one days of the filing of 162217
the application unless the chief denies the application by order. 162218

(2) If the location of a well or proposed well will be or is 162219
within an urbanized area, the chief shall not issue a permit for 162220
at least eighteen days after the date of filing of the application 162221
for the permit unless, upon reasonable cause shown, the chief 162222
waives that period or the chief at the chief's discretion grants a 162223
request for an expedited review. However, the chief shall issue a 162224
permit for a well or proposed well within an urbanized area within 162225
thirty days of the filing of the application unless the chief 162226
denies the application by order. 162227

(D) An applicant may file a request with the chief for 162228
expedited review of a permit application if the well is not or is 162229
not to be located in a gas storage reservoir or reservoir 162230
protective area, as "reservoir protective area" is defined in 162231
section 1571.01 of the Revised Code. If the well is or is to be 162232
located in a coal bearing township, the application shall be 162233
accompanied by the affidavit of the landowner prescribed in 162234
section 1509.08 of the Revised Code. 162235

In addition to a complete application for a permit that meets 162236
the requirements of this section and the permit fee prescribed by 162237
this section, a request for expedited review shall be accompanied 162238
by a separate nonrefundable filing fee of two hundred fifty 162239
dollars. Upon the filing of a request for expedited review, the 162240
chief shall cause the county engineer of the county in which the 162241
well is or is to be located to be notified of the filing of the 162242
permit application and the request for expedited review by 162243
telephone or other means that in the judgment of the chief will 162244
provide timely notice of the application and request. The chief 162245

shall issue a permit within seven days of the filing of the 162246
request unless the chief denies the application by order. 162247
Notwithstanding the provisions of this section governing expedited 162248
review of permit applications, the chief may refuse to accept 162249
requests for expedited review if, in the chief's judgment, the 162250
acceptance of the requests would prevent the issuance, within 162251
twenty-one days of their filing, of permits for which applications 162252
are pending. 162253

(E) A well shall be drilled and operated in accordance with 162254
the plans, sworn statements, and other information submitted in 162255
the approved application. 162256

(F) The chief shall issue an order denying a permit if the 162257
chief finds that there is a substantial risk that the operation 162258
will result in violations of this chapter or rules adopted under 162259
it that will present an imminent danger to public health or safety 162260
or damage to the environment, provided that where the chief finds 162261
that terms or conditions to the permit can reasonably be expected 162262
to prevent such violations, the chief shall issue the permit 162263
subject to those terms or conditions, including, if applicable, 162264
terms and conditions regarding subjects identified in rules 162265
adopted under section 1509.03 of the Revised Code. The issuance of 162266
a permit shall not be considered an order of the chief. 162267

The chief shall post notice of each permit that has been 162268
approved under this section on the division's web site not later 162269
than two business days after the application for a permit has been 162270
approved. 162271

(G) Each application for a permit required by section 1509.05 162272
of the Revised Code, except an application for a well drilled or 162273
reopened for purposes of section 1509.22 of the Revised Code, also 162274
shall be accompanied by a nonrefundable fee as follows: 162275

(1) Five hundred dollars for a permit to conduct activities 162276

in a township with a population of fewer than ten thousand;	162277
(2) Seven hundred fifty dollars for a permit to conduct activities in a township with a population of ten thousand or more, but fewer than fifteen thousand;	162278 162279 162280
(3) One thousand dollars for a permit to conduct activities in either of the following:	162281 162282
(a) A township with a population of fifteen thousand or more;	162283
(b) A municipal corporation regardless of population.	162284
(4) If the application is for a permit that requires mandatory pooling, an additional five thousand dollars.	162285 162286
For purposes of calculating fee amounts, populations shall be determined using the most recent federal decennial census.	162287 162288
Each application for the revision or reissuance of a permit shall be accompanied by a nonrefundable fee of two hundred fifty dollars.	162289 162290 162291
(H)(1) Prior to the commencement of well pad construction and prior to the issuance of a permit to drill a proposed horizontal well or a proposed well that is to be located in an urbanized area, the division shall conduct a site review to identify and evaluate any site-specific terms and conditions that may be attached to the permit. At the site review, a representative of the division shall consider fencing, screening, and landscaping requirements, if any, for similar structures in the community in which the well is proposed to be located. The terms and conditions that are attached to the permit shall include the establishment of fencing, screening, and landscaping requirements for the surface facilities of the proposed well, including a tank battery of the well.	162292 162293 162294 162295 162296 162297 162298 162299 162300 162301 162302 162303 162304
(2) Prior to the issuance of a permit to drill a proposed well, the division shall conduct a review to identify and evaluate	162305 162306

any site-specific terms and conditions that may be attached to the permit if the proposed well will be located in a one-hundred-year floodplain or within the five-year time of travel associated with a public drinking water supply.

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

(J) An applicant or a permittee, as applicable, shall submit to the chief an update of the information that is required under division (A)(8)(a) of this section if any of that information changes prior to commencement of production operations.

(K) A permittee or a permittee's authorized representative shall notify an inspector from the division at least twenty-four hours, or another time period agreed to by the chief's authorized representative, prior to the commencement of well pad construction and of drilling, reopening, converting, well stimulation, or plugback operations.

Sec. 1513.071. (A) Simultaneously with the filing of an application for a permit or significant revision of an existing permit under section 1513.07 of the Revised Code, the applicant shall submit to the chief of the division of mineral resources management a copy of the applicant's advertisement of the ownership, precise location, and boundaries of the land to be affected. At the time of submission, the advertisement shall be placed by the applicant in a newspaper of general circulation in the locality of the proposed coal mine at least once a week for four consecutive weeks. The chief shall notify, in each county or part of a county in which a proposed area to be permitted is located, the board of county commissioners, the board of township

trustees, the legislative authorities of municipal corporations, 162338
private water companies, regional councils of governments, and the 162339
boards of directors of conservancy districts informing them of the 162340
operator's intention to conduct a coal mining operation on a 162341
particularly described tract of land and indicating the permit 162342
application number and where a copy of the proposed mining and 162343
reclamation plan may be inspected. The chief shall also notify the 162344
planning commissions with jurisdiction over all or part of the 162345
area to be permitted. These agencies, authorities, or companies 162346
may submit written comments on the application with respect to the 162347
effects of the proposed operation on the environment that are 162348
within their area of responsibility in quadruplicate to the chief 162349
within thirty days after notification by the chief of receipt of 162350
the application. The chief shall immediately transmit these 162351
comments to the applicant and make them available to the public at 162352
the same locations at which the mining application is available 162353
for inspection. 162354

(B) A person having an interest that is or may be adversely 162355
affected or the officer or head of any federal, state, or local 162356
governmental agency or authority may file written objections to 162357
the proposed initial or revised application for a coal mining and 162358
reclamation permit with the chief within thirty days after the 162359
last publication of the notice required by division (A) of this 162360
section. The objections shall immediately be transmitted to the 162361
applicant by the chief and shall be made available to the public. 162362
If written objections are filed and an informal conference 162363
requested, the chief or the chief's representative shall then hold 162364
an informal conference on the application for a permit within a 162365
reasonable time in the county where the largest area of the area 162366
to be permitted is located. The date, time, and location of the 162367
informal conference shall be advertised by the chief in a 162368
newspaper of general circulation in the locality at least two 162369
weeks prior to the scheduled conference date. The chief may 162370

arrange with the applicant, upon request by any objecting party, 162371
access to the proposed mining area for the purpose of gathering 162372
information relevant to the proceeding. An electronic ~~or~~ 162373
~~stenographic~~ record shall be made of the conference proceeding 162374
unless waived by all parties. The record shall be maintained and 162375
shall be accessible to the parties until final release of the 162376
applicant's performance security. If all parties requesting the 162377
informal conference stipulate agreement prior to the requested 162378
informal conference and withdraw their request, the informal 162379
conference need not be held. 162380

Sec. 1513.08. (A) After a coal mining and reclamation permit 162381
application has been approved, the applicant shall file with the 162382
chief of the division of mineral resources management, on a form 162383
prescribed and furnished by the chief, the performance security 162384
required under this section that shall be payable to the state and 162385
conditioned on the faithful performance of all the requirements of 162386
this chapter and rules adopted under it and the terms and 162387
conditions of the permit. 162388

(B) Using the information contained in the permit 162389
application; the requirements contained in the approved permit and 162390
reclamation plan; and, after considering the topography, geology, 162391
hydrology, and revegetation potential of the area of the approved 162392
permit, the probable difficulty of reclamation; the chief shall 162393
determine the estimated cost of reclamation under the initial term 162394
of the permit if the reclamation has to be performed by the 162395
division of mineral resources management in the event of 162396
forfeiture of the performance security by the applicant. The chief 162397
shall send either written notice by certified mail or electronic 162398
notice with acknowledgment of receipt of the amount of the 162399
estimated cost of reclamation ~~by certified mail~~ to the applicant. 162400
The applicant shall send either written notice or electronic 162401
notice with acknowledgment of receipt to the chief indicating the 162402

method by which the applicant will provide the performance security pursuant to division (C) of this section.

(C) The applicant shall provide the performance security in an amount using one of the following:

(1) If the applicant elects to provide performance security without reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code, the amount of the estimated cost of reclamation as determined by the chief under division (B) of this section for the increments of land on which the operator will conduct a coal mining and reclamation operation under the initial term of the permit as indicated in the application;

(2) If the applicant elects to provide performance security together with reliance on the reclamation forfeiture fund through payment of the additional tax on the severance of coal that is levied under division (A)(8) of section 5749.02 of the Revised Code, an amount of twenty-five hundred dollars per acre of land on which the operator will conduct coal mining and reclamation under the initial term of the permit as indicated in the application. In order for an applicant to be eligible to provide performance security in accordance with division (C)(2) of this section, the applicant, an owner and controller of the applicant, or an affiliate of the applicant shall have held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years.

If a permit is transferred, assigned, or sold, the transferee is not eligible to provide performance security under division (C)(2) of this section if the transferee has not held a permit issued under this chapter for any coal mining and reclamation operation for a period of not less than five years. This restriction applies even if the status or name of the permittee otherwise remains the same after the transfer, assignment, or sale.

In the event of forfeiture of performance security that was 162435
provided in accordance with division (C)(2) of this section, the 162436
difference between the amount of that performance security and the 162437
estimated cost of reclamation as determined by the chief under 162438
division (B) of this section shall be obtained from money in the 162439
reclamation forfeiture fund as needed to complete the reclamation. 162440

The performance security provided under division (C) of this 162441
section for the entire area to be mined under one permit issued 162442
under this chapter shall not be less than ten thousand dollars. 162443

The performance security shall cover areas of land affected 162444
by mining within or immediately adjacent to the permitted area, so 162445
long as the total number of acres does not exceed the number of 162446
acres for which the performance security is provided. However, the 162447
authority for the performance security to cover areas of land 162448
immediately adjacent to the permitted area does not authorize a 162449
permittee to mine areas outside an approved permit area. As 162450
succeeding increments of coal mining and reclamation operations 162451
are to be initiated and conducted within the permit area, the 162452
permittee shall file with the chief additional performance 162453
security to cover the increments in accordance with this section. 162454
If a permittee intends to mine areas outside the approved permit 162455
area, the permittee shall provide additional performance security 162456
in accordance with this section to cover the areas to be mined. 162457

If an applicant or permittee is not eligible to provide 162458
performance security in accordance with division (C)(2) of this 162459
section, the applicant or permittee shall provide performance 162460
security in accordance with division (C)(1) of this section in the 162461
full amount of the estimated cost of reclamation as determined by 162462
the chief for a permitted coal preparation plant or coal refuse 162463
disposal area that is not located within a permitted area of a 162464
mine. If an applicant for a permit for a coal preparation plant or 162465
coal refuse disposal area or a permittee of a permitted coal 162466

preparation plant or coal refuse disposal area that is not located 162467
within a permitted area of a mine has held a permit issued under 162468
this chapter for any coal mining and reclamation operation for a 162469
period of five years or more, the applicant or permittee may 162470
provide performance security for the coal preparation plant or 162471
coal refuse disposal area either in accordance with division 162472
(C)(1) of this section in the full amount of the estimated cost of 162473
reclamation as determined by the chief or in accordance with 162474
division (C)(2) of this section in an amount of twenty-five 162475
hundred dollars per acre of land with reliance on the reclamation 162476
forfeiture fund. If a permittee has previously provided 162477
performance security under division (C)(1) of this section for a 162478
coal preparation plant or coal refuse disposal area that is not 162479
located within a permitted area of a mine and elects to provide 162480
performance security in accordance with division (C)(2) of this 162481
section, the permittee shall submit written notice to the chief 162482
indicating that the permittee elects to provide performance 162483
security in accordance with division (C)(2) of this section. Upon 162484
receipt of such a written notice, the chief shall release to the 162485
permittee the amount of the performance security previously 162486
provided under division (C)(1) of this section that exceeds the 162487
amount of performance security that is required to be provided 162488
under division (C)(2) of this section. 162489

(D) A permittee's liability under the performance security 162490
shall be limited to the obligations established under the permit, 162491
which include completion of the reclamation plan in order to make 162492
the land capable of supporting the postmining land use that was 162493
approved in the permit. The period of liability under the 162494
performance security shall be for the duration of the coal mining 162495
and reclamation operation and for a period coincident with the 162496
operator's responsibility for revegetation requirements under 162497
section 1513.16 of the Revised Code. 162498

(E) The amount of the estimated cost of reclamation 162499
determined under division (B) of this section and the amount of a 162500
permittee's performance security provided in accordance with 162501
division (C)(1) of this section shall be adjusted by the chief as 162502
the land that is affected by mining increases or decreases or if 162503
the cost of reclamation increases or decreases. If the performance 162504
security was provided in accordance with division (C)(2) of this 162505
section and the chief has issued a cessation order under division 162506
(D)(2) of section 1513.02 of the Revised Code for failure to abate 162507
a violation of the contemporaneous reclamation requirement under 162508
division (A)(15) of section 1513.16 of the Revised Code, the chief 162509
may require the permittee to increase the amount of performance 162510
security from twenty-five hundred dollars per acre of land to five 162511
thousand dollars per acre of land. 162512

The chief shall notify the permittee, each surety, and any 162513
person who has a property interest in the performance security and 162514
who has requested to be notified of any proposed adjustment to the 162515
performance security. The permittee may request an informal 162516
conference with the chief concerning the proposed adjustment, and 162517
the chief shall provide such an informal conference. 162518

If the chief increases the amount of performance security 162519
under this division, the permittee shall provide additional 162520
performance security in an amount determined by the chief. If the 162521
chief decreases the amount of performance security under this 162522
division, the chief shall determine the amount of the reduction of 162523
the performance security and send either written notice or 162524
electronic notice with acknowledgment of receipt of the amount of 162525
reduction to the permittee. The permittee may reduce the amount of 162526
the performance security in the amount determined by the chief. 162527

(F) A permittee may request a reduction in the amount of the 162528
performance security by submitting to the chief documentation 162529
proving that the amount of the performance security provided by 162530

the permittee exceeds the estimated cost of reclamation if the 162531
reclamation would have to be performed by the division in the 162532
event of forfeiture of the performance security. The chief shall 162533
examine the documentation and determine whether the permittee's 162534
performance security exceeds the estimated cost of reclamation. If 162535
the chief determines that the performance security exceeds that 162536
estimated cost, the chief shall determine the amount of the 162537
reduction of the performance security and send either written 162538
notice or electronic notice with acknowledgment of receipt of the 162539
amount to the permittee. The permittee may reduce the amount of 162540
the performance security in the amount determined by the chief. 162541
Adjustments in the amount of performance security under this 162542
division shall not be considered release of performance security 162543
and are not subject to section 1513.16 of the Revised Code. 162544

(G) If the performance security is a bond, it shall be 162545
executed by the operator and a corporate surety licensed to do 162546
business in this state. If the performance security is a cash 162547
deposit or negotiable certificates of deposit of a bank or savings 162548
and loan association, the bank or savings and loan association 162549
shall be licensed and operating in this state. The cash deposit or 162550
market value of the securities shall be equal to or greater than 162551
the amount of the performance security required under this 162552
section. The chief shall review any documents pertaining to the 162553
performance security and approve or disapprove the documents. The 162554
chief shall notify the applicant of the chief's determination. 162555

(H) If the performance security is a bond, the chief may 162556
accept the bond of the applicant itself without separate surety 162557
when the applicant demonstrates to the satisfaction of the chief 162558
the existence of a suitable agent to receive service of process 162559
and a history of financial solvency and continuous operation 162560
sufficient for authorization to self-insure or bond the amount. 162561

(I) Performance security provided under this section may be 162562

held in trust, provided that the state is the primary beneficiary 162563
of the trust and the custodian of the performance security held in 162564
trust is a bank, trust company, or other financial institution 162565
that is licensed and operating in this state. The chief shall 162566
review the trust document and approve or disapprove the document. 162567
The chief shall notify the applicant of the chief's determination. 162568

(J) If a surety, bank, savings and loan association, trust 162569
company, or other financial institution that holds the performance 162570
security required under this section becomes insolvent, the 162571
permittee shall notify the chief of the insolvency, and the chief 162572
shall order the permittee to submit a plan for replacement 162573
performance security within thirty days after receipt of notice 162574
from the chief. If the permittee provided performance security in 162575
accordance with division (C)(1) of this section, the permittee 162576
shall provide the replacement performance security within ninety 162577
days after receipt of notice from the chief. If the permittee 162578
provided performance security in accordance with division (C)(2) 162579
of this section, the permittee shall provide the replacement 162580
performance security within one year after receipt of notice from 162581
the chief, and, for a period of one year after the permittee's 162582
receipt of notice from the chief or until the permittee provides 162583
the replacement performance security, whichever occurs first, 162584
money in the reclamation forfeiture fund shall be the permittee's 162585
replacement performance security in an amount not to exceed the 162586
estimated cost of reclamation as determined by the chief. 162587

(K) If a permittee provided performance security in 162588
accordance with division (C)(1) of this section, the permittee's 162589
responsibility for repairing material damage and replacement of 162590
water supply resulting from subsidence shall be satisfied by 162591
either of the following: 162592

(1) The purchase prior to mining of a noncancelable 162593
premium-prepaid liability insurance policy in lieu of the 162594

permittee's performance security for subsidence damage. The 162595
insurance policy shall contain terms and conditions that 162596
specifically provide coverage for repairing material damage and 162597
replacement of water supply resulting from subsidence. 162598

(2) The provision of additional performance security in the 162599
amount of the estimated cost to the division of mineral resources 162600
management to repair material damage and replace water supplies 162601
resulting from subsidence until the repair or replacement is 162602
completed. However, if such repair or replacement is completed, or 162603
compensation for structures that have been damaged by subsidence 162604
is provided, by the permittee within ninety days of the occurrence 162605
of the subsidence, additional performance security is not 162606
required. In addition, the chief may extend the ninety-day period 162607
for a period not to exceed one year if the chief determines that 162608
the permittee has demonstrated in writing that subsidence is not 162609
complete and that probable subsidence-related damage likely will 162610
occur and, as a result, the completion of repairs of 162611
subsidence-related material damage to lands or protected 162612
structures or the replacement of water supply within ninety days 162613
of the occurrence of the subsidence would be unreasonable. 162614

(L) If the performance security provided in accordance with 162615
this section exceeds the estimated cost of reclamation, the chief 162616
may authorize the amount of the performance security that exceeds 162617
the estimated cost of reclamation together with any interest or 162618
other earnings on the performance security to be paid to the 162619
permittee. 162620

(M) A permittee that held a valid coal mining and reclamation 162621
permit immediately prior to April 6, 2007, shall provide, not 162622
later than a date established by the chief, performance security 162623
in accordance with division (C)(1) or (2) of this section, rather 162624
than in accordance with the law as it existed prior to that date, 162625
by filing it with the chief on a form that the chief prescribes 162626

and furnishes. Accordingly, for purposes of this section, 162627
"applicant" is deemed to include such a permittee. 162628

(N) As used in this section: 162629

(1) "Affiliate of the applicant" means an entity that has a 162630
parent entity in common with the applicant. 162631

(2) "Owner and controller of the applicant" means a person 162632
that has any relationship with the applicant that gives the person 162633
authority to determine directly or indirectly the manner in which 162634
the applicant conducts coal mining operations. 162635

Sec. 1513.16. (A) Any permit issued under this chapter to 162636
conduct coal mining operations shall require that the operations 162637
meet all applicable performance standards of this chapter and such 162638
other requirements as the chief of the division of mineral 162639
resources management shall adopt by rule. General performance 162640
standards shall apply to all coal mining and reclamation 162641
operations and shall require the operator at a minimum to do all 162642
of the following: 162643

(1) Conduct coal mining operations so as to maximize the 162644
utilization and conservation of the solid fuel resource being 162645
recovered so that re-affecting the land in the future through coal 162646
mining can be minimized; 162647

(2) Restore the land affected to a condition capable of 162648
supporting the uses that it was capable of supporting prior to any 162649
mining, or higher or better uses of which there is reasonable 162650
likelihood, so long as the uses do not present any actual or 162651
probable hazard to public health or safety or pose any actual or 162652
probable threat of diminution or pollution of the waters of the 162653
state, and the permit applicants' declared proposed land uses 162654
following reclamation are not considered to be impractical or 162655
unreasonable, to be inconsistent with applicable land use policies 162656

and plans, to involve unreasonable delay in implementation, or to 162657
violate federal, state, or local law; 162658

(3) Except as provided in division (B) of this section, with 162659
respect to all coal mining operations, backfill, compact where 162660
advisable to ensure stability or to prevent leaching of toxic 162661
materials, and grade in order to restore the approximate original 162662
contour of the land with all highwalls, spoil piles, and 162663
depressions eliminated unless small depressions are needed in 162664
order to retain moisture to assist revegetation or as otherwise 162665
authorized pursuant to this chapter, provided that if the operator 162666
demonstrates that due to volumetric expansion the amount of 162667
overburden and the spoil and waste materials removed in the course 162668
of the mining operation are more than sufficient to restore the 162669
approximate original contour, the operator shall backfill, grade, 162670
and compact the excess overburden and other spoil and waste 162671
materials to attain the lowest grade, but not more than the angle 162672
of repose, and to cover all acid-forming and other toxic materials 162673
in order to achieve an ecologically sound land use compatible with 162674
the surrounding region in accordance with the approved mining 162675
plan. The overburden or spoil shall be shaped and graded in such a 162676
way as to prevent slides, erosion, and water pollution and shall 162677
be revegetated in accordance with this chapter. 162678

(4) Stabilize and protect all surface areas, including spoil 162679
piles affected by the coal mining and reclamation operation, to 162680
control erosion and attendant air and water pollution effectively; 162681

(5) Remove the topsoil from the land in a separate layer, 162682
replace it on the backfill area, or, if not utilized immediately, 162683
segregate it in a separate pile from the spoil, and when the 162684
topsoil is not replaced on a backfill area within a time short 162685
enough to avoid deterioration of the topsoil, maintain a 162686
successful cover by quick-growing plants or other means thereafter 162687
so that the topsoil is preserved from wind and water erosion, 162688

remains free of any contamination by acid or other toxic material, 162689
and is in a usable condition for sustaining vegetation when 162690
restored during reclamation. If the topsoil is of insufficient 162691
quantity or of poor quality for sustaining vegetation or if other 162692
strata can be shown to be more suitable for vegetation 162693
requirements, the operator shall remove, segregate, and preserve 162694
in a like manner such other strata as are best able to support 162695
vegetation. 162696

(6) Restore the topsoil or the best available subsoil that is 162697
best able to support vegetation; 162698

(7) For all prime farmlands as identified in division 162699
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 162700
reclaimed, perform soil removal, storage, replacement, and 162701
reconstruction in accordance with specifications established by 162702
the secretary of the United States department of agriculture under 162703
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 162704
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 162705
required to do all of the following: 162706

(a) Segregate the A horizon of the natural soil, except where 162707
it can be shown that other available soil materials will create a 162708
final soil having a greater productive capacity, and, if not 162709
utilized immediately, stockpile this material separately from the 162710
spoil and provide needed protection from wind and water erosion or 162711
contamination by acid or other toxic material; 162712

(b) Segregate the B horizon of the natural soil, or 162713
underlying C horizons or other strata, or a combination of such 162714
horizons or other strata that are shown to be both texturally and 162715
chemically suitable for plant growth and that can be shown to be 162716
equally or more favorable for plant growth than the B horizon, in 162717
sufficient quantities to create in the regraded final soil a root 162718
zone of comparable depth and quality to that which existed in the 162719
natural soil, and, if not utilized immediately, stockpile this 162720

material separately from the spoil and provide needed protection 162721
from wind and water erosion or contamination by acid or other 162722
toxic material; 162723

(c) Replace and regrade the root zone material described in 162724
division (A)(7)(b) of this section with proper compaction and 162725
uniform depth over the regraded spoil material; 162726

(d) Redistribute and grade in a uniform manner the surface 162727
soil horizon described in division (A)(7)(a) of this section. 162728

(8) Create, if authorized in the approved mining and 162729
reclamation plan and permit, permanent impoundments of water on 162730
mining sites as part of reclamation activities only when it is 162731
adequately demonstrated by the operator that all of the following 162732
conditions will be met: 162733

(a) The size of the impoundment is adequate for its intended 162734
purposes. 162735

(b) The impoundment dam construction will be so designed as 162736
to achieve necessary stability with an adequate margin of safety 162737
compatible with that of structures constructed under the 162738
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 162739
(1954), 16 U.S.C. 1001, as amended. 162740

(c) The quality of impounded water will be suitable on a 162741
permanent basis for its intended use and discharges from the 162742
impoundment will not degrade the water quality below water quality 162743
standards established pursuant to applicable federal and state law 162744
in the receiving stream. 162745

(d) The level of water will be reasonably stable. 162746

(e) Final grading will provide adequate safety and access for 162747
proposed water users. 162748

(f) The water impoundments will not result in the diminution 162749
of the quality or quantity of water utilized by adjacent or 162750

surrounding landowners for agricultural, industrial, recreational, 162751
or domestic uses. 162752

(9) Conduct any augering operation associated with strip 162753
mining in a manner to maximize recoverability of mineral reserves 162754
remaining after the operation and reclamation are complete and 162755
seal all auger holes with an impervious and noncombustible 162756
material in order to prevent drainage, except where the chief 162757
determines that the resulting impoundment of water in such auger 162758
holes may create a hazard to the environment or the public health 162759
or safety. The chief may prohibit augering if necessary to 162760
maximize the utilization, recoverability, or conservation of the 162761
solid fuel resources or to protect against adverse water quality 162762
impacts. 162763

(10) Minimize the disturbances to the prevailing hydrologic 162764
balance at the mine site and in associated offsite areas and to 162765
the quality and quantity of water in surface and ground water 162766
systems both during and after coal mining operations and during 162767
reclamation by doing all of the following: 162768

(a) Avoiding acid or other toxic mine drainage by such 162769
measures as, but not limited to: 162770

(i) Preventing or removing water from contact with toxic 162771
producing deposits; 162772

(ii) Treating drainage to reduce toxic content that adversely 162773
affects downstream water upon being released to water courses in 162774
accordance with rules adopted by the chief in accordance with 162775
section 1513.02 of the Revised Code; 162776

(iii) Casing, sealing, or otherwise managing boreholes, 162777
shafts, and wells, and keeping acid or other toxic drainage from 162778
entering ground and surface waters. 162779

(b)(i) Conducting coal mining operations so as to prevent, to 162780
the extent possible using the best technology currently available, 162781

additional contributions of suspended solids to streamflow or 162782
runoff outside the permit area, but in no event shall 162783
contributions be in excess of requirements set by applicable state 162784
or federal laws; 162785

(ii) Constructing any siltation structures pursuant to 162786
division (A)(10)(b)(i) of this section prior to commencement of 162787
coal mining operations. The structures shall be certified by 162788
persons approved by the chief to be constructed as designed and as 162789
approved in the reclamation plan. 162790

(c) Cleaning out and removing temporary or large settling 162791
ponds or other siltation structures from drainways after disturbed 162792
areas are revegetated and stabilized, and depositing the silt and 162793
debris at a site and in a manner approved by the chief; 162794

(d) Restoring recharge capacity of the mined area to 162795
approximate premining conditions; 162796

(e) Avoiding channel deepening or enlargement in operations 162797
requiring the discharge of water from mines; 162798

(f) Such other actions as the chief may prescribe. 162799

(11) With respect to surface disposal of mine wastes, 162800
tailings, coal processing wastes, and other wastes in areas other 162801
than the mine working areas or excavations, stabilize all waste 162802
piles in designated areas through construction in compacted 162803
layers, including the use of noncombustible and impervious 162804
materials if necessary, and ensure that the final contour of the 162805
waste pile will be compatible with natural surroundings and that 162806
the site can and will be stabilized and revegetated according to 162807
this chapter; 162808

(12) Refrain from coal mining within five hundred feet of 162809
active and abandoned underground mines in order to prevent 162810
breakthroughs and to protect the health or safety of miners. The 162811
chief shall permit an operator to mine near, through, or partially 162812

through an abandoned underground mine or closer than five hundred 162813
feet to an active underground mine if both of the following 162814
conditions are met: 162815

(a) The nature, timing, and sequencing of the approximate 162816
coincidence of specific strip mine activities with specific 162817
underground mine activities are approved by the chief. 162818

(b) The operations will result in improved resource recovery, 162819
abatement of water pollution, or elimination of hazards to the 162820
health and safety of the public. 162821

(13) Design, locate, construct, operate, maintain, enlarge, 162822
modify, and remove or abandon, in accordance with the standards 162823
and criteria developed pursuant to rules adopted by the chief, all 162824
existing and new coal mine waste piles consisting of mine wastes, 162825
tailings, coal processing wastes, or other liquid and solid 162826
wastes, and used either temporarily or permanently as dams or 162827
embankments; 162828

(14) Ensure that all debris, acid-forming materials, toxic 162829
materials, or materials constituting a fire hazard are treated or 162830
buried and compacted or otherwise disposed of in a manner designed 162831
to prevent contamination of ground or surface waters and that 162832
contingency plans are developed to prevent sustained combustion; 162833

(15) Ensure that all reclamation efforts proceed in an 162834
environmentally sound manner and as contemporaneously as 162835
practicable with the coal mining operations, except that where the 162836
applicant proposes to combine strip mining operations with 162837
underground mining operations to ensure maximum practical recovery 162838
of the mineral resources, the chief may grant a variance for 162839
specific areas within the reclamation plan from the requirement 162840
that reclamation efforts proceed as contemporaneously as 162841
practicable to permit underground mining operations prior to 162842
reclamation if: 162843

(a) The chief finds in writing that: 162844

(i) The applicant has presented, as part of the permit 162845
application, specific, feasible plans for the proposed underground 162846
mining operations. 162847

(ii) The proposed underground mining operations are necessary 162848
or desirable to ensure maximum practical recovery of the mineral 162849
resource and will avoid multiple disturbance of the surface. 162850

(iii) The applicant has satisfactorily demonstrated that the 162851
plan for the underground mining operations conforms to 162852
requirements for underground mining in this state and that permits 162853
necessary for the underground mining operations have been issued 162854
by the appropriate authority. 162855

(iv) The areas proposed for the variance have been shown by 162856
the applicant to be necessary for the implementing of the proposed 162857
underground mining operations. 162858

(v) No substantial adverse environmental damage, either 162859
on-site or off-site, will result from the delay in completion of 162860
reclamation as required by this chapter. 162861

(vi) Provisions for the off-site storage of spoil will comply 162862
with division (A)(21) of this section. 162863

(b) The chief has adopted specific rules to govern the 162864
granting of such variances in accordance with this division and 162865
has imposed such additional requirements as the chief considers 162866
necessary. 162867

(c) Variances granted under this division shall be reviewed 162868
by the chief not more than three years from the date of issuance 162869
of the permit. 162870

(d) Liability under the performance security filed by the 162871
applicant with the chief pursuant to section 1513.08 of the 162872
Revised Code shall be for the duration of the underground mining 162873

operations and until the requirements of this section and section 162874
1513.08 of the Revised Code have been fully complied with. 162875

(16) Ensure that the construction, maintenance, and 162876
postmining conditions of access roads into and across the site of 162877
operations will control or prevent erosion and siltation, 162878
pollution of water, and damage to fish or wildlife or their 162879
habitat, or to public or private property; 162880

(17) Refrain from the construction of roads or other access 162881
ways up a stream bed or drainage channel or in such proximity to 162882
the channel as to seriously alter the normal flow of water; 162883

(18) Establish, on the regraded areas and all other lands 162884
affected, a diverse, effective, and permanent vegetative cover of 162885
the same seasonal variety native to the area of land to be 162886
affected and capable of self-regeneration and plant succession at 162887
least equal in extent of cover to the natural vegetation of the 162888
area, except that introduced species may be used in the 162889
revegetation process where desirable and necessary to achieve the 162890
approved postmining land use plan; 162891

(19)(a) Assume the responsibility for successful 162892
revegetation, as required by division (A)(18) of this section, for 162893
a period of five full years after the last year of augmented 162894
seeding, fertilizing, irrigation, or other work in order to ensure 162895
compliance with that division, except that when the chief approves 162896
a long-term intensive agricultural postmining land use, the 162897
applicable five-year period of responsibility for revegetation 162898
shall commence at the date of initial planting for that long-term 162899
intensive agricultural postmining land use, and except that when 162900
the chief issues a written finding approving a long-term intensive 162901
agricultural postmining land use as part of the mining and 162902
reclamation plan, the chief may grant an exception to division 162903
(A)(18) of this section; 162904

(b) On lands eligible for re-mining, assume the responsibility for successful revegetation, as required by division (A)(18) of this section, for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to ensure compliance with that division.

(20) Protect off-site areas from slides or damage occurring during the coal mining and reclamation operations and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area;

(21) Place all excess spoil material resulting from coal mining and reclamation operations in such a manner that all of the following apply:

(a) Spoil is transported and placed in a controlled manner in position for concurrent compaction and in such a way as to ensure mass stability and to prevent mass movement.

(b) The areas of disposal are within the permit areas for which performance security has been provided. All organic matter shall be removed immediately prior to spoil placement except in the zoned concept method.

(c) Appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and mass movement.

(d) The disposal area does not contain springs, natural watercourses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in such a manner that filtration of the water into the spoil pile will be prevented unless the zoned concept method is used.

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon,

or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement. (f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed. (g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses. (h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards. (i) All other provisions of this chapter are met. (22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site; (23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; (24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion; (25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or 1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations:

(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible.

(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible.

(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code.

(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section.

If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan.

Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be approved prior to the construction of required mitigation activities off the permit area.

(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section.

(2) When an applicant meets the requirements of divisions 162997
(B)(3) and (4) of this section, a permit without regard to the 162998
requirement to restore to approximate original contour known as 162999
mountain top removal set forth in divisions (A)(3) or (C)(2) and 163000
(3) of this section may be granted for the mining of coal where 163001
the mining operation will remove an entire coal seam or seams 163002
running through the upper fraction of a mountain, ridge, or hill, 163003
except as provided in division (B)(4)(a) of this section, by 163004
removing all of the overburden and creating a level plateau or a 163005
gently rolling contour with no highwalls remaining, and capable of 163006
supporting postmining uses in accordance with this division. 163007

(3) In cases where an industrial, commercial, agricultural, 163008
residential, or public facility use, including recreational 163009
facilities, is proposed for the postmining use of the affected 163010
land, the chief may grant a permit for a mining operation of the 163011
nature described in division (B)(2) of this section when all of 163012
the following apply: 163013

(a) After consultation with the appropriate land use planning 163014
agencies, if any, the proposed postmining land use is considered 163015
to constitute an equal or better economic or public use of the 163016
affected land, as compared with premining use. 163017

(b) The applicant presents specific plans for the proposed 163018
postmining land use and appropriate assurances that the use will 163019
be all of the following: 163020

(i) Compatible with adjacent land uses; 163021

(ii) Obtainable according to data regarding expected need and 163022
market; 163023

(iii) Assured of investment in necessary public facilities; 163024

(iv) Supported by commitments from public agencies where 163025
appropriate; 163026

(v) Practicable with respect to private financial capability	163027
for completion of the proposed use;	163028
(vi) Planned pursuant to a schedule attached to the	163029
reclamation plan so as to integrate the mining operation and	163030
reclamation with the postmining land use;	163031
(vii) Designed by a registered engineer in conformity with	163032
professional standards established to ensure the stability,	163033
drainage, and configuration necessary for the intended use of the	163034
site.	163035
(c) The proposed use is consistent with adjacent land uses	163036
and existing state and local land use plans and programs.	163037
(d) The chief provides the governing body of the unit of	163038
general-purpose local government in which the land is located, and	163039
any state or federal agency that the chief, in the chief's	163040
discretion, determines to have an interest in the proposed use, an	163041
opportunity of not more than sixty days to review and comment on	163042
the proposed use.	163043
(e) All other requirements of this chapter will be met.	163044
(4) In granting a permit pursuant to this division, the chief	163045
shall require that each of the following is met:	163046
(a) The toe of the lowest coal seam and the overburden	163047
associated with it are retained in place as a barrier to slides	163048
and erosion.	163049
(b) The reclaimed area is stable.	163050
(c) The resulting plateau or rolling contour drains inward	163051
from the out slopes except at specified points.	163052
(d) No damage will be done to natural watercourses.	163053
(e) Spoil will be placed on the mountaintop bench as is	163054
necessary to achieve the planned postmining land use, except that	163055
all excess spoil material not retained on the mountaintop bench	163056

shall be placed in accordance with division (A)(21) of this section. 163057
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(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met. 163059
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(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary. 163061
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(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan. 163065
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(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section: 163071
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(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section. 163079
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(2) The operator shall complete backfilling with spoil 163087

material to cover completely the highwall and return the site to 163088
the approximate original contour, which material will maintain 163089
stability following mining and reclamation. 163090

(3) The operator shall not disturb land above the top of the 163091
highwall unless the chief finds that the disturbance will 163092
facilitate compliance with the environmental protection standards 163093
of this section, except that any such disturbance involving land 163094
above the highwall shall be limited to that amount of land 163095
necessary to facilitate compliance. 163096

(D)(1) The chief may permit variances for the purposes set 163097
forth in division (D)(3) of this section, provided that the 163098
watershed control of the area is improved and that complete 163099
backfilling with spoil material shall be required to cover 163100
completely the highwall, which material will maintain stability 163101
following mining and reclamation. 163102

(2) Where an applicant meets the requirements of divisions 163103
(D)(3) and (4) of this section, a variance from the requirement to 163104
restore to approximate original contour set forth in division 163105
(C)(2) of this section may be granted for the mining of coal when 163106
the owner of the surface knowingly requests in writing, as a part 163107
of the permit application, that such a variance be granted so as 163108
to render the land, after reclamation, suitable for an industrial, 163109
commercial, residential, or public use, including recreational 163110
facilities, in accordance with divisions (D)(3) and (4) of this 163111
section. 163112

(3) A variance pursuant to division (D)(2) of this section 163113
may be granted if: 163114

(a) After consultation with the appropriate land use planning 163115
agencies, if any, the potential use of the affected land is 163116
considered to constitute an equal or better economic or public 163117
use. 163118

(b) The postmining land condition is designed and certified 163119
by a registered professional engineer in conformity with 163120
professional standards established to ensure the stability, 163121
drainage, and configuration necessary for the intended use of the 163122
site. 163123

(c) After approval of the appropriate state environmental 163124
agencies, the watershed of the affected land is considered to be 163125
improved. 163126

(4) In granting a variance pursuant to division (D) of this 163127
section, the chief shall require that only such amount of spoil 163128
will be placed off the mine bench as is necessary to achieve the 163129
planned postmining land use, ensure stability of the spoil 163130
retained on the bench, and meet all other requirements of this 163131
chapter. All spoil placement off the mine bench shall comply with 163132
division (A)(21) of this section. 163133

(5) The chief shall adopt specific rules to govern the 163134
granting of variances under division (D) of this section and may 163135
impose such additional requirements as the chief considers 163136
necessary. 163137

(6) All variances granted under division (D) of this section 163138
shall be reviewed not more than three years from the date of 163139
issuance of the permit unless the permittee affirmatively 163140
demonstrates that the proposed development is proceeding in 163141
accordance with the terms of the reclamation plan. 163142

(E) The chief shall establish standards and criteria 163143
regulating the design, location, construction, operation, 163144
maintenance, enlargement, modification, removal, and abandonment 163145
of new and existing coal mine waste piles referred to in division 163146
(A)(13) of this section and division (A)(5) of section 1513.35 of 163147
the Revised Code. The standards and criteria shall conform to the 163148
standards and criteria used by the chief of the United States army 163149

corps of engineers to ensure that flood control structures are 163150
safe and effectively perform their intended function. In addition 163151
to engineering and other technical specifications, the standards 163152
and criteria developed pursuant to this division shall include 163153
provisions for review and approval of plans and specifications 163154
prior to construction, enlargement, modification, removal, or 163155
abandonment; performance of periodic inspections during 163156
construction; issuance of certificates of approval upon completion 163157
of construction; performance of periodic safety inspections; and 163158
issuance of notices for required remedial or maintenance work. 163159

(F)(1) The permittee may file a request with the chief for 163160
release of a part of a performance security under division (F)(3) 163161
of this section. Within thirty days after any request for 163162
performance security release under this section has been filed 163163
with the chief, the operator shall submit a copy of an 163164
advertisement placed at least once a week for four successive 163165
weeks in a newspaper of general circulation in the locality of the 163166
coal mining operation. The advertisement shall be considered part 163167
of any performance security release application and shall contain 163168
a notification of the precise location of the land affected, the 163169
number of acres, the permit number and the date approved, the 163170
amount of the performance security filed and the portion sought to 163171
be released, the type and appropriate dates of reclamation work 163172
performed, and a description of the results achieved as they 163173
relate to the operator's approved reclamation plan and, if 163174
applicable, the operator's pollution abatement plan. In addition, 163175
as part of any performance security release application, the 163176
applicant shall submit copies of the letters sent to adjoining 163177
property owners, local governmental bodies, planning agencies, and 163178
sewage and water treatment authorities or water companies in the 163179
locality in which the coal mining and reclamation activities took 163180
place, notifying them of the applicant's intention to seek release 163181
from the performance security. 163182

(2) Upon receipt of a copy of the advertisement and request for release of a performance security under division (F)(3)(c) of this section, the chief, within thirty days, shall conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuation or future occurrence of the pollution, and the estimated cost of abating the pollution. The chief shall notify the permittee in writing of the decision to release or not to release all or part of the performance security within sixty days after the filing of the request if no public hearing is held pursuant to division (F)(6) of this section or, if there has been a public hearing held pursuant to division (F)(6) of this section, within thirty days thereafter.

(3) The chief may release the performance security if the reclamation covered by the performance security or portion thereof has been accomplished as required by this chapter and rules adopted under it according to the following schedule:

(a) When the operator completes the backfilling, regrading, and drainage control of an area for which performance security has been provided in accordance with the approved reclamation plan, and, if the area covered by the performance security is one for which an authorization was made under division (E)(7) of section 1513.07 of the Revised Code, the operator has complied with the approved pollution abatement plan and all additional requirements established by the chief in rules adopted under section 1513.02 of the Revised Code governing coal mining and reclamation operations on pollution abatement areas, the chief shall grant a release of fifty per cent of the performance security for the applicable permit area.

(b) After resoiling and revegetation have been established on

the regraded mined lands in accordance with the approved 163215
reclamation plan, the chief shall grant a release in an amount not 163216
exceeding thirty-five per cent of the original performance 163217
security for all or part of the affected area under the permit. 163218
When determining the amount of performance security to be released 163219
after successful revegetation has been established, the chief 163220
shall retain that amount of performance security for the 163221
revegetated area that would be sufficient for a third party to 163222
cover the cost of reestablishing revegetation for the period 163223
specified for operator responsibility in this section for 163224
reestablishing revegetation. No part of the performance security 163225
shall be released under this division so long as the lands to 163226
which the release would be applicable are contributing suspended 163227
solids to streamflow or runoff outside the permit area in excess 163228
of the requirements of this section or until soil productivity for 163229
prime farmlands has returned to equivalent levels of yield as 163230
nonmined land of the same soil type in the surrounding area under 163231
equivalent management practices as determined from the soil survey 163232
performed pursuant to section 1513.07 of the Revised Code. If the 163233
area covered by the performance security is one for which an 163234
authorization was made under division (E)(7) of section 1513.07 of 163235
the Revised Code, no part of the performance security shall be 163236
released under this division until the operator has complied with 163237
the approved pollution abatement plan and all additional 163238
requirements established by the chief in rules adopted under 163239
section 1513.02 of the Revised Code governing coal mining and 163240
reclamation operations on pollution abatement areas. Where a silt 163241
dam is to be retained as a permanent impoundment pursuant to 163242
division (A)(10) of this section, the portion of performance 163243
security may be released under this division so long as provisions 163244
for sound future maintenance by the operator or the landowner have 163245
been made with the chief. 163246

(c) When the operator has completed successfully all coal 163247

mining and reclamation activities, including, if applicable, all 163248
additional requirements established in the pollution abatement 163249
plan approved under division (E)(7) of section 1513.07 of the 163250
Revised Code and all additional requirements established by the 163251
chief in rules adopted under section 1513.02 of the Revised Code 163252
governing coal mining and reclamation operations on pollution 163253
abatement areas, the chief shall release all or any of the 163254
remaining portion of the performance security for all or part of 163255
the affected area under a permit, but not before the expiration of 163256
the period specified for operator responsibility in this section, 163257
except that the chief may adopt rules for a variance to the 163258
operator period of responsibility considering vegetation success 163259
and probability of continued growth and consent of the landowner, 163260
provided that no performance security shall be fully released 163261
until all reclamation requirements of this chapter are fully met. 163262

(4) If the chief disapproves the application for release of 163263
the performance security or portion thereof, the chief shall 163264
notify the permittee, in writing, stating the reasons for 163265
disapproval and recommending corrective actions necessary to 163266
secure the release, and allowing the opportunity for a public 163267
adjudicatory hearing. 163268

(5) When any application for total or partial performance 163269
security release is filed with the chief under this section, the 163270
chief shall notify the municipal corporation in which the coal 163271
mining operation is located by certified mail at least thirty days 163272
prior to the release of all or a portion of the performance 163273
security. 163274

(6) A person with a valid legal interest that might be 163275
adversely affected by release of a performance security under this 163276
section or the responsible officer or head of any federal, state, 163277
or local government agency that has jurisdiction by law or special 163278
expertise with respect to any environmental, social, or economic 163279

impact involved in the operation or is authorized to develop and 163280
enforce environmental standards with respect to such operations 163281
may file written objections to the proposed release from the 163282
performance security with the chief within thirty days after the 163283
last publication of the notice required by division (F)(1) of this 163284
section. If written objections are filed and an informal 163285
conference is requested, the chief shall inform all interested 163286
parties of the time and place of the conference. The date, time, 163287
and location of the informal conference shall be advertised by the 163288
chief in a newspaper of general circulation in the locality of the 163289
coal mining operation proposed for performance security release 163290
for at least once a week for two consecutive weeks. The informal 163291
conference shall be held in the locality of the coal mining 163292
operation proposed for performance security release or in Franklin 163293
county, at the option of the objector, within thirty days after 163294
the request for the conference. An electronic ~~or stenographic~~ 163295
record shall be made of the conference proceeding unless waived by 163296
all parties. The record shall be maintained and shall be 163297
accessible to the parties until final release of the performance 163298
security at issue. In the event all parties requesting the 163299
informal conference stipulate agreement prior to the requested 163300
informal conference and withdraw their request, the informal 163301
conference need not be held. 163302

(7) If an informal conference has been held pursuant to 163303
division (F)(6) of this section, the chief shall issue and furnish 163304
the applicant and persons who participated in the conference with 163305
the written decision regarding the release within sixty days after 163306
the conference. Within thirty days after notification of the final 163307
decision of the chief regarding the performance security release, 163308
the applicant or any person with an interest that is or may be 163309
adversely affected by the decision may appeal the decision to the 163310
reclamation commission pursuant to section 1513.13 of the Revised 163311
Code. 163312

(8)(a) If the chief determines that a permittee is responsible for mine drainage that requires water treatment after reclamation is completed under the terms of the permit or that a permittee must provide an alternative water supply after reclamation is completed under the terms of the permit, the permittee shall provide alternative financial security in an amount determined by the chief prior to the release of the remaining portion of performance security under division (F)(3)(c) of this section. The alternative financial security shall be in an amount that is equal to or greater than the present value of the estimated cost over time to develop and implement mine drainage plans and provide water treatment or in an amount that is necessary to provide and maintain an alternative water supply, as applicable. The alternative financial security shall include a contract, trust, or other agreement or mechanism that is enforceable under law to provide long-term water treatment or a long-term alternative water supply, or both. The contract, trust, or other agreement or mechanism included with the alternative financial security may provide for the funding of the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on guarantees or other collateral provided by the permittee and approved by the chief for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee.

(b) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of division (F)(8)(a) of this section.

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the

permittee may fund the alternative financial security 163345
incrementally over a period of time, not to exceed five years, 163346
with reliance on the reclamation forfeiture fund created in 163347
section 1513.18 of the Revised Code for the balance of the 163348
alternative financial security required until the alternative 163349
financial security has been fully funded by the permittee. The 163350
permittee semiannually shall pay to the division of mineral 163351
resources management a fee that is equal to seven and one-half per 163352
cent of the average balance of the alternative financial security 163353
that is being provided by reliance on the reclamation forfeiture 163354
fund over the previous six months. All money received from the fee 163355
shall be credited to the reclamation forfeiture fund. 163356

(9) Final release of the performance security in accordance 163357
with division (F)(3)(c) of this section terminates the 163358
jurisdiction of the chief under this chapter over the reclaimed 163359
site of a surface coal mining and reclamation operation or 163360
applicable portion of an operation. However, the chief shall 163361
reassert jurisdiction over such a site if the release was based on 163362
fraud, collusion, or misrepresentation of a material fact and the 163363
chief, in writing, demonstrates evidence of the fraud, collusion, 163364
or misrepresentation. Any person with an interest that is or may 163365
be adversely affected by the chief's determination may appeal the 163366
determination to the reclamation commission in accordance with 163367
section 1513.13 of the Revised Code. 163368

(G) The chief shall adopt rules governing the criteria for 163369
forfeiture of performance security, the method of determining the 163370
forfeited amount, and the procedures to be followed in the event 163371
of forfeiture. Cash received as the result of such forfeiture is 163372
the property of the state. 163373

Sec. 1565.12. When a loss of life is occasioned by accident 163374
in any mine, the operator thereof shall forthwith give notice 163375

thereof to the chief of the division of mineral resources 163376
management, and to the deputy mine inspector in charge of the 163377
district. Such notice shall be given by telephone or ~~telegraph~~ 163378
electronic format. The operator of such mine shall, within 163379
twenty-four hours after such accident causing loss of life, send a 163380
written report of the accident to the chief. Such written report 163381
shall specify the character and cause of the accident, the names 163382
of the persons killed, and the nature of the injuries that caused 163383
death. In the case of injury thereafter resulting in death, the 163384
operator shall send a written notice thereof to the chief, and to 163385
the deputy mine inspector of such district, at such time as such 163386
death comes to the operator's knowledge. 163387

No operator of a mine shall refuse or neglect to comply with 163388
this section. 163389

Sec. 1571.05. (A) Whenever any part of a gas storage 163390
reservoir or any part of its protective area underlies any part of 163391
a coal mine, or is, or within nine months is expected or intended 163392
to be, within two thousand linear feet of the boundary of a coal 163393
mine that is operating in a coal seam any part of which extends 163394
over any part of the storage reservoir or its protective area, the 163395
operator of the reservoir, if the reservoir operator or some other 163396
reservoir operator has not theretofore done so, shall: 163397

(1) Use every known method that is reasonable under the 163398
circumstance for discovering and locating all wells drilled within 163399
the area of the reservoir or its protective area that underlie any 163400
part of the coal mine or its protective area; 163401

(2) Plug or recondition all known wells drilled within the 163402
area of the reservoir or its protective area that underlie any 163403
part of the coal mine. 163404

(B) Whenever an operator of a gas storage reservoir is 163405
notified by the operator of a coal mine, as provided in division 163406

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

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

Whenever the operator of a coal mine considers that the use of a well such as in this section described, if used for injecting gas into, or storing gas in, or removing gas from, a gas storage reservoir, would be hazardous to the safety of persons or property on or in the vicinity of the premises of the coal mine or the reservoir or well, the coal mine operator may file with the division objections to the use of the well for such purposes, and a request that a conference be held as provided in section 1571.10 of the Revised Code, to discuss and endeavor to resolve by mutual agreement whether or not the well shall or shall not be used for such purposes, and whether or not the well shall be reconditioned,

inactivated, or plugged. The request shall set forth the mine operator's reasons for such objections. If no approved agreement is reached in the conference, the gas storage well inspector shall within ten days after the termination of the conference, file with the chief a request that the chief hear and determine the matters considered at the conference as provided in section 1571.10 of the Revised Code. Upon conclusion of the hearing, the chief shall find and determine whether or not the safety of persons or of the property on or in the vicinity of the premises of the coal mine, or the reservoir, or the well requires that the well be reconditioned, inactivated, or plugged, and shall make an order consistent with that determination, provided that the chief shall not order a well plugged unless the chief first finds that there is underground leakage of gas therefrom.

The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (B) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed within such time as the gas storage well inspector may fix in the case of each such well. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (C) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the extension of the boundary of the coal mine, is within two thousand linear feet of any part of the boundary of the mine. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator, as provided in division (D) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the opening of the new mine, is within two thousand linear feet of any part of the boundary of the new mine. A reservoir operator who is required to complete the plugging or reconditioning of a

well within a period of time fixed as in this division prescribed, 163472
may prior to the end of that period of time, notify the division 163473
and the mine operator from whom the reservoir operator received a 163474
notice as provided in division (B), (C), or (D) of section 1571.03 163475
of the Revised Code, in writing by ~~registered~~ certified mail or 163476
electronic format, that the completion of the plugging or 163477
reconditioning of the well referred to in the notice will be 163478
delayed beyond the end of the period of time fixed therefor as in 163479
this section provided, and that the reservoir operator requests 163480
that a conference be held for the purpose of endeavoring to reach 163481
an agreement establishing a date subsequent to the end of that 163482
period of time, on or before which the reservoir operator may 163483
complete the plugging or reconditioning without incurring any 163484
penalties for failure to do so as provided in this chapter. If 163485
such a reservoir operator sends to such a mine operator and to the 163486
division a notice and request for a conference as in this division 163487
provided, the reservoir operator shall not incur any penalties for 163488
failure to complete the plugging or reconditioning of the well 163489
within the period of time fixed as in this division prescribed, 163490
unless the reservoir operator fails to complete the plugging or 163491
reconditioning of the well within the period of time fixed by an 163492
approved agreement reached in the conference, or fixed by an order 163493
by the chief upon a hearing held in the matter in the event of 163494
failure to reach an approved agreement in the conference. 163495

Whenever, in compliance with this division, a well is to be 163496
plugged by a reservoir operator, the operator shall give to the 163497
division notice thereof, as many days in advance as will be 163498
necessary for the gas storage well inspector or a deputy mine 163499
inspector to be present at the plugging. The notification shall be 163500
made on blanks furnished by the division and shall show the 163501
following information: 163502

(1) Name and address of the applicant; 163503

(2) The location of the well identified by section or lot number, city or village, and township and county; 163504
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(3) The well name and number of each well to be plugged. 163506

(C) The operator shall give written notice at the same time to the owner of the land upon which the well is located, the owners or agents of the adjoining land, and adjoining well owners or agents of the operator's intention to abandon the well, and of the time when the operator will be prepared to commence plugging and filling the same. In addition to giving such notices, the reservoir operator shall also at the same time send a copy of the notice by ~~registered~~ certified mail or electronic format to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the plugging of the well is done. 163507
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If the reservoir operator plugs the well without the gas storage well inspector or a deputy mine inspector being present to supervise the plugging, the reservoir operator shall send to the division and to the coal mine operator a copy of the report of the plugging of the well, including in the report: 163520
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(1) The date of abandonment; 163525

(2) The name of the owner or operator of the well at the time of abandonment and the well owner's or operator's post office address; 163526
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(3) The location of the well as to township and county and the name of the owner of the surface upon which the well is drilled, with the address thereof; 163529
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(4) The date of the permit to drill; 163532

(5) The date when drilled; 163533

(6) Whether the well has been mapped;	163534
(7) The depth of the well;	163535
(8) The depth of the top of the sand to which the well was drilled;	163536 163537
(9) The depth of each seam of coal drilled through;	163538
(10) A detailed report as to how the well was plugged, giving in particular the manner in which the coal and various sands were plugged, and the date of the plugging of the well, including therein the names of those who witnessed the plugging of the well.	163539 163540 163541 163542
The report shall be signed by the operator or the operator's agent who plugged the well and verified by the oath of the party so signing. For the purposes of this section, a deputy mine inspector may take acknowledgements and administer oaths to the parties signing the report.	163543 163544 163545 163546 163547
Whenever, in compliance with this division, a well is to be reconditioned by a reservoir operator, the operator shall give to the division notice thereof as many days before the reconditioning is begun as will be necessary for the gas storage well inspector, or a deputy mine inspector, to be present at the reconditioning. No well shall be reconditioned if an inspector of the division is not present unless permission to do so has been granted by the chief. The reservoir operator, at the time of giving notice to the division as in this section required, also shall send a copy of the notice by registered <u>certified</u> mail <u>or electronic format</u> to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the reconditioning of the well is done.	163548 163549 163550 163551 163552 163553 163554 163555 163556 163557 163558 163559 163560 163561 163562 163563
If the reservoir operator reconditions the well when the gas	163564

storage well inspector or a deputy mine inspector is not present 163565
to supervise the reconditioning, the reservoir operator shall make 163566
written report to the division describing the manner in which the 163567
reconditioning was done, and shall send to the coal mine operator 163568
a copy of the report by ~~registered~~ certified mail or electronic 163569
format. 163570

(D) Wells that are required by this section to be plugged 163571
shall be plugged in the manner specified in sections 1509.13 to 163572
1509.17 of the Revised Code, and the operator shall give the 163573
notifications and reports required by divisions (B) and (C) of 163574
this section. No such well shall be plugged or abandoned without 163575
the written approval of the division, and no such well shall be 163576
mudded, plugged, or abandoned without the gas storage well 163577
inspector or a deputy mine inspector present unless written 163578
permission has been granted by the chief or the gas storage well 163579
inspector. For purposes of this section, the chief of the division 163580
of mineral resources management has the authority given the chief 163581
of the division of oil and gas resources management in sections 163582
1509.15 and 1509.17 of the Revised Code. If such a well has been 163583
plugged prior to the time plugging thereof is required by this 163584
section, and, on the basis of the data, information, and other 163585
evidence available it is determined that the plugging was done in 163586
the manner required by this section, or was done in accordance 163587
with statutes prescribing the manner of plugging wells in effect 163588
at the time the plugging was done, and that there is no evidence 163589
of leakage of gas from the well either at or below the surface, 163590
and that the plugging is sufficiently effective to prevent the 163591
leakage of gas from the well, the obligations imposed upon the 163592
reservoir operator by this section as to plugging the well shall 163593
be considered fully satisfied. The operator of a coal mine any 163594
part of the boundary of which is, or within nine months is 163595
expected or intended to be, within two thousand linear feet of the 163596
well may at any time raise a question as to whether the plugging 163597

of the well is sufficiently effective to prevent the leakage of 163598
gas therefrom, and the issue so made shall be determined by a 163599
conference or hearing as provided in section 1571.10 of the 163600
Revised Code. 163601

(E) Wells that are to be reconditioned as required by this 163602
section shall be, or shall be made to be: 163603

(1) Cased in accordance with the statutes of this state in 163604
effect at the time the wells were drilled, with the casing being, 163605
or made to be, sufficiently effective in that there is no evidence 163606
of any leakage of gas therefrom; 163607

(2) Equipped with a producing string and well head composed 163608
of new pipe, or pipe as good as new, and fittings designed to 163609
operate with safety and to contain the stored gas at maximum 163610
pressures contemplated. 163611

When a well that is to be reconditioned as required by this 163612
section has been reconditioned for use in the operation of the 163613
reservoir prior to the time prescribed in this section, and on the 163614
basis of the data, information, and other evidence available it is 163615
determined that at the time the well was so reconditioned the 163616
requirements prescribed in this division were met, and that there 163617
is no evidence of underground leakage of gas from the well, and 163618
that the reconditioning is sufficiently effective to prevent 163619
underground leakage from the well, the obligations imposed upon 163620
the reservoir operator by this section as to reconditioning the 163621
well shall be considered fully satisfied. Any operator of a coal 163622
mine any part of the boundary of which is, or within nine months 163623
is expected or intended to be, within two thousand linear feet of 163624
the well may at any time raise a question as to whether the 163625
reconditioning of the well is sufficiently effective to prevent 163626
underground leakage of gas therefrom, and the issue so made shall 163627
be determined by a conference or hearing as provided in section 163628
1571.10 of the Revised Code. 163629

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

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

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

(G) When retreat mining reaches a point in a coal mine when the operator of the mine expects that within ninety days retreat work will be at the location of a pillar surrounding an active

storage reservoir well, the operator of the mine shall promptly 163662
send by ~~registered~~ certified mail or electronic format notice to 163663
that effect to the operator of the reservoir. Thereupon the 163664
operators may by agreement determine whether it is necessary or 163665
advisable to temporarily inactivate the well. If inactivated, the 163666
well shall not be reactivated until a reasonable period of time 163667
has elapsed, such period of time to be determined by agreement by 163668
the operators. In the event that the parties cannot agree upon 163669
either of the foregoing matters, the question shall be submitted 163670
to the gas storage well inspector for a conference in accordance 163671
with section 1571.10 of the Revised Code. 163672

(H)(1) The provisions of this section that require the 163673
plugging or reconditioning of wells shall not apply to such wells 163674
as are used to inject gas into, store gas in, or remove gas from a 163675
gas storage reservoir when the sole purpose of the injection, 163676
storage, or removal is testing. The operator of a gas storage 163677
reservoir who injects gas into, stores gas in, or removes gas from 163678
a reservoir for the sole purpose of testing shall be subject to 163679
all other provisions of this chapter that are applicable to 163680
operators of reservoirs. 163681

(2) If the injection of gas into, or storage of gas in, a gas 163682
storage reservoir any part of which, or of the protective area of 163683
which, is within the boundary of a coal mine is begun after 163684
September 9, 1957, and if the injection or storage of gas is for 163685
the sole purpose of testing, the operator of the reservoir shall 163686
send by ~~registered~~ certified mail or electronic format to the 163687
operator of the coal mine, the division of oil and gas resources 163688
management, and the division of mineral resources management at 163689
least sixty days' notice of the date upon which the testing will 163690
be begun. 163691

If at any time within the period of time during which testing 163692
of a reservoir is in progress, any part of the reservoir or of its 163693

protective area comes within any part of the boundary of a coal mine, the operator of the reservoir shall promptly send notice to that effect by ~~registered~~ certified mail or electronic format to the operator of the mine, the division of oil and gas resources management, and the division of mineral resources management.

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

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

from the reservoir or its facilities into any coal mine. 163726

Sec. 1571.08. (A) Whenever in this chapter, the method or 163727
material to be used in discharging any obligations imposed by this 163728
chapter is specified, an alternative method or material may be 163729
used if approved by the gas storage well inspector or the chief of 163730
the division of oil and gas resources management. A person 163731
desiring to use such alternative method or material shall file 163732
with the division of oil and gas resources management an 163733
application for permission to do so. Such application shall 163734
describe such alternative method or material in reasonable detail. 163735
The gas storage well inspector shall promptly send by ~~registered~~ 163736
certified mail or electronic format notice of the filing of such 163737
application to any coal mine operator or reservoir operator whose 163738
mine or reservoir may be directly affected thereby. Any such coal 163739
mine operator or reservoir operator may within ten days following 163740
receipt of such notice, file with the division objections to such 163741
application. The gas storage well inspector may also file with the 163742
division an objection to such application at any time during which 163743
coal mine operators or reservoir operators are permitted to file 163744
objections. If no objections are filed within the ten-day period 163745
of time, the gas storage well inspector shall thereupon issue a 163746
permit approving the use of such alternative method or material. 163747
If any such objections are filed by any coal mine operator or 163748
reservoir operator, or by the gas storage well inspector, the 163749
question as to whether or not the use of such alternative method 163750
or material, or a modification thereof is approved, shall be 163751
determined by a conference or hearing as provided in section 163752
1571.10 of the Revised Code. 163753

(B) Whenever in this chapter, provision is made for the 163754
filing of objections with the division, such objections shall be 163755
in writing and shall state as definitely as is reasonably possible 163756
the reasons for such objections. Upon the filing of any such 163757

objection the gas storage well inspector shall promptly fix the 163758
time and place for holding a conference for the purpose of 163759
discussing and endeavoring to resolve by mutual agreement the 163760
issue raised by such objection. The gas storage well inspector 163761
shall send written notice thereof by ~~registered~~ certified mail or 163762
electronic format to each person having a direct interest therein. 163763
Thereupon the issue made by such objection shall be determined by 163764
a conference or hearing in accordance with the procedures for 163765
conferences and hearings as provided in section 1571.10 of the 163766
Revised Code. 163767

Sec. 1571.10. (A) The gas storage well inspector or any 163768
person having a direct interest in the administration of this 163769
chapter may at any time file with the division of oil and gas 163770
resources management a written request that a conference be held 163771
for the purpose of discussing and endeavoring to resolve by mutual 163772
agreement any question or issue relating to the administration of 163773
this chapter, or to compliance with its provisions, or to any 163774
violation thereof. Such request shall describe the matter 163775
concerning which the conference is requested. Thereupon the gas 163776
storage well inspector shall promptly fix the time and place for 163777
the holding of such conference and shall send written notice 163778
thereof to each person having a direct interest therein. At such 163779
conference the gas storage well inspector or a representative of 163780
the division designated by the gas storage well inspector shall be 163781
in attendance, and shall preside at the conference, and the gas 163782
storage well inspector or designated representative may make such 163783
recommendations as the gas storage well inspector or designated 163784
representative deems proper. Any agreement reached at such 163785
conference shall be consistent with the requirements of this 163786
chapter and, if approved by the gas storage well inspector, it 163787
shall be reduced to writing and shall be effective. Any such 163788
agreement approved by the gas storage well inspector shall be kept 163789

on file in the division and a copy thereof shall be furnished to 163790
each of the persons having a direct interest therein. The 163791
conference shall be deemed terminated as of the date an approved 163792
agreement is reached or when any person having a direct interest 163793
therein refuses to confer thereafter. Such a conference shall be 163794
held in all cases prior to the holding of a hearing as provided in 163795
this section. 163796

(B) Within ten days after the termination of a conference at 163797
which no approved agreement is reached, any person who 163798
participated in such conference and who has a direct interest in 163799
the subject matter thereof, or the gas storage well inspector, may 163800
file with the chief of the division of oil and gas resources 163801
management a request that the chief hear and determine the matter 163802
or matters, or any part thereof considered at the conference. 163803
Thereupon the chief shall promptly fix the time and place for the 163804
holding of such hearing and shall send written notice thereof to 163805
each person having a direct interest therein. The form of the 163806
request for such hearing and the conduct of the hearing shall be 163807
in accordance with rules that the chief adopts under section 163808
1571.11 of the Revised Code. Consistent with the requirement for 163809
reasonable notice each such hearing shall be held promptly after 163810
the filing of the request therefor. Any person having a direct 163811
interest in the matter to be heard shall be entitled to appear and 163812
be heard in person or by attorney. The division may present at 163813
such hearing any evidence that is material to the matter being 163814
heard and that has come to the division's attention in any 163815
investigation or inspection made pursuant to this chapter. 163816

(C) For the purpose of conducting such a hearing the chief 163817
may require the attendance of witnesses and the production of 163818
books, records, and papers, and the chief may, and at the request 163819
of any person having a direct interest in the matter being heard, 163820
the chief shall, issue subpoenas for witnesses or subpoenas duces 163821

tecum to compel the production of any books, records, or papers, 163822
directed to the sheriffs of the counties where such witnesses are 163823
found, which subpoenas shall be served and returned in the same 163824
manner as subpoenas in criminal cases are served and returned. The 163825
fees of sheriffs shall be the same as those allowed by the court 163826
of common pleas in criminal cases. Witnesses shall be paid the 163827
fees and mileage provided for under section 119.094 of the Revised 163828
Code. Such fee and mileage expenses shall be paid in advance by 163829
the persons at whose request they are incurred, and the remainder 163830
of such expenses shall be paid out of funds appropriated for the 163831
expenses of the division. 163832

In case of disobedience or neglect of any subpoena served on 163833
any person, or the refusal of any witness to testify to any matter 163834
regarding which the witness may be lawfully interrogated, the 163835
court of common pleas of the county in which such disobedience, 163836
neglect, or refusal occurs, or any judge thereof, on application 163837
of the chief, shall compel obedience by attachment proceedings for 163838
contempt as in the case of disobedience of the requirements of a 163839
subpoena issued from such court or a refusal to testify therein. 163840
Witnesses at such hearings shall testify under oath, and the chief 163841
may administer oaths or affirmations to persons who so testify. 163842

(D) With the consent of the chief, the testimony of any 163843
witness may be taken by deposition at the instance of a party to 163844
any hearing before the chief at any time after hearing has been 163845
formally commenced. The chief may, of the chief's own motion, 163846
order testimony to be taken by deposition at any stage in any 163847
hearing, proceeding, or investigation pending before the chief. 163848
Such deposition shall be taken in the manner prescribed by the 163849
laws of this state for taking depositions in civil cases in courts 163850
of record. 163851

(E) After the conclusion of a hearing the chief shall make a 163852
determination and finding of facts. Every adjudication, 163853

determination, or finding by the chief shall be made by written 163854
order and shall contain a written finding by the chief of the 163855
facts upon which the adjudication, determination, or finding is 163856
based. Notice of the making of such order shall be given to the 163857
persons whose rights, duties, or privileges are affected thereby, 163858
by sending a certified copy thereof by ~~registered~~ certified mail 163859
or electronic format to each of such persons. 163860

Adjudications, determinations, findings, and orders made by 163861
the chief shall not be governed by, or be subject to, Chapter 119. 163862
of the Revised Code. 163863

Sec. 1571.14. Any person claiming to be aggrieved or 163864
adversely affected by an order of the chief of the division of oil 163865
and gas resources management made as provided in section 1571.10 163866
or 1571.16 of the Revised Code may appeal to the director of 163867
natural resources for an order vacating or modifying such order. 163868
Upon receipt of the appeal, the director shall appoint an 163869
individual who has knowledge of the laws and rules regarding the 163870
underground storage of gas and who shall act as a hearing officer 163871
in accordance with Chapter 119. of the Revised Code in hearing the 163872
appeal. 163873

The person appealing to the director shall be known as 163874
appellant and the chief shall be known as appellee. The appellant 163875
and the appellee shall be deemed parties to the appeal. 163876

The appeal shall be in writing and shall set forth the order 163877
complained of and the grounds upon which the appeal is based. The 163878
appeal shall be filed with the director within thirty days after 163879
the date upon which appellant received notice by ~~registered~~ 163880
certified mail or electronic format of the making of the order 163881
complained of, as required by section 1571.10 of the Revised Code. 163882
Notice of the filing of such appeal shall be delivered by 163883
appellant to the chief within three days after the appeal is filed 163884

with the director. 163885

Within seven days after receipt of the notice of appeal the 163886
chief shall prepare and certify to the director at the expense of 163887
appellant a complete transcript of the proceedings out of which 163888
the appeal arises, including a transcript of the testimony 163889
submitted to the chief. 163890

Upon the filing of the appeal the director shall fix the time 163891
and place at which the hearing on the appeal will be held, and 163892
shall give appellant and the chief at least ten days' written 163893
notice thereof by mail. The director may postpone or continue any 163894
hearing upon the director's own motion or upon application of 163895
appellant or of the chief. 163896

The filing of an appeal provided for in this section does not 163897
automatically suspend or stay execution of the order appealed 163898
from, but upon application by the appellant the director may 163899
suspend or stay such execution pending determination of the appeal 163900
upon such terms as the director deems proper. 163901

The hearing officer appointed by the director shall hear the 163902
appeal de novo, and either party to the appeal may submit such 163903
evidence as the hearing officer deems admissible. 163904

For the purpose of conducting a hearing on an appeal, the 163905
hearing officer may require the attendance of witnesses and the 163906
production of books, records, and papers, and may, and at the 163907
request of any party shall, issue subpoenas for witnesses or 163908
subpoenas duces tecum to compel the production of any books, 163909
records, or papers, directed to the sheriffs of the counties where 163910
such witnesses are found, which subpoenas shall be served and 163911
returned in the same manner as subpoenas in criminal cases are 163912
served and returned. The fees of sheriffs shall be the same as 163913
those allowed by the court of common pleas in criminal cases. 163914
Witnesses shall be paid the fees and mileage provided for under 163915

section 119.094 of the Revised Code. Such fee and mileage expenses 163916
incurred at the request of appellant shall be paid in advance by 163917
appellant, and the remainder of such expenses shall be paid out of 163918
funds appropriated for the expenses of the division of oil and gas 163919
resources management. 163920

In case of disobedience or neglect of any subpoena served on 163921
any person, or the refusal of any witness to testify to any matter 163922
regarding which the witness may be lawfully interrogated, the 163923
court of common pleas of the county in which such disobedience, 163924
neglect, or refusal occurs, or any judge thereof, on application 163925
of the director, shall compel obedience by attachment proceedings 163926
for contempt as in the case of disobedience of the requirements of 163927
a subpoena issued from such court or a refusal to testify therein. 163928
Witnesses at such hearings shall testify under oath, and the 163929
hearing officer may administer oaths or affirmations to persons 163930
who so testify. 163931

At the request of any party to the appeal, a record of the 163932
testimony and other evidence submitted shall be taken by an 163933
official court reporter at the expense of the party making the 163934
request for the record. The record shall include all of the 163935
testimony and other evidence and the rulings on the admissibility 163936
thereof presented at the hearing. The hearing officer shall pass 163937
upon the admissibility of evidence, but any party may at the time 163938
object to the admission of any evidence and except to the ruling 163939
of the hearing officer thereon, and if the hearing officer refuses 163940
to admit evidence, the party offering same may make a proffer 163941
thereof, and such proffer shall be made a part of the record of 163942
such hearing. 163943

If upon completion of the hearing the hearing officer finds 163944
that the order appealed from was lawful and reasonable, the 163945
hearing officer shall make a written order affirming the order 163946
appealed from. If the hearing officer finds that such order was 163947

unreasonable or unlawful, the hearing officer shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the hearing officer shall contain a written finding by the hearing officer of the facts upon which the order is based. Notice of the making of such order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by ~~registered~~ certified mail or electronic format.

Sec. 1571.15. Any party adversely affected by an order of the hearing officer under section 1571.14 of the Revised Code may appeal to the court of common pleas of any county in which the well, or part of the gas storage reservoir, or part of the coal mine, involved in the order of the hearing officer which is being appealed, is located. Any party desiring to so appeal shall file with the director of natural resources a notice of appeal designating the order appealed from and stating whether the appeal is taken on questions of law or questions of law and fact. A copy of such notice shall also be filed by appellant with the court and shall be mailed or otherwise delivered to appellee. The notice shall be filed and mailed or otherwise delivered within thirty days after the date upon which appellant received notice from the hearing officer by ~~registered~~ certified mail or electronic format of the making of the order appealed from. No appeal bond shall be required to make either an appeal on questions of law or an appeal on questions of law and fact effective.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of the hearing officer. If it appears to the court that an unjust hardship to the appellant will result from the execution of the hearing officer's order pending determination of the appeal, the court may grant a suspension of such order and fix its terms.

Within fifteen days after receipt of the notice of appeal the hearing officer shall prepare and file in the court the complete record of proceedings out of which the appeal arises, including a transcript of the testimony and other evidence which has been submitted before ~~him~~ the hearing officer. The expense of preparing and transcribing such record shall be taxed as a part of the costs of the appeal. Appellant shall provide security for costs satisfactory to the court. Upon demand by a party the director shall furnish at the cost of the party requesting the same a copy of such record. In the event such complete record is not filed in the court within the time provided for in this section either party may apply to the court to have the case docketed, and the court shall order such record filed.

Appeals taken on questions of law shall be heard upon assignments of error filed in the cause or set out in the briefs of the appellant before the hearing. Errors not argued by brief may be disregarded, but the court may consider and decide errors which are not assigned or argued. Failure to file such briefs and assignments of error within the time prescribed by the court's rules shall be a cause for dismissal of such appeal.

In appeals taken on questions of law and fact, the hearing in the court shall be a hearing de novo of the appeal heard by the hearing officer in which the order appealed from was made. In such hearings any party may offer as evidence any part of the record of the proceedings out of which the appeal arises, certified to the court as provided for in this section, and any other evidence which the court deems admissible.

If the court finds that the order of the hearing officer appealed from was lawful and reasonable, it shall affirm such order. If the court finds that such order was unreasonable or unlawful, it shall vacate such order and make the order which it finds the hearing officer should have made. The judgment of the

court is final unless reversed, vacated, or modified on appeal as 164011
in civil actions. 164012

Sec. 1571.16. (A) The gas storage well inspector or any 164013
person having a direct interest in the subject matter of this 164014
chapter may file with the division of oil and gas resources 164015
management a complaint in writing stating that a person is 164016
violating, or is about to violate, a provision or provisions of 164017
this chapter, or has done, or is about to do, an act, matter, or 164018
thing therein prohibited or declared to be unlawful, or has 164019
failed, omitted, neglected, or refused, or is about to fail, omit, 164020
neglect, or refuse, to perform a duty enjoined upon the person by 164021
this chapter. Upon the filing of such a complaint, the chief of 164022
the division of oil and gas resources management shall promptly 164023
fix the time for the holding of a hearing on such complaint and 164024
shall send by ~~registered~~ certified mail or electronic format to 164025
the person so complained of, a copy of such complaint together 164026
with at least five days' notice of the time and place at which 164027
such hearing will be held. Such notice of such hearing shall also 164028
be given to all persons having a direct interest in the matters 164029
complained of in such complaint. Such hearing shall be conducted 164030
in the same manner, and the chief and persons having a direct 164031
interest in the matter being heard, shall have the same powers, 164032
rights, and duties as provided in divisions (B), (C), (D), and (E) 164033
of section 1571.10 of the Revised Code, in connection with 164034
hearings by the chief, provided that if after conclusion of the 164035
hearing the chief finds that the charges against the person 164036
complained of, as stated in such complaint, have not been 164037
sustained by a preponderance of evidence, the chief shall make an 164038
order dismissing the complaint, and if the chief finds that the 164039
charges have been so sustained, the chief shall by appropriate 164040
order require compliance with those provisions. 164041

(B) Whenever the chief is of the opinion that any person is 164042

violating, or is about to violate, any provision of this chapter, 164043
or has done, or is about to do, any act, matter, or thing therein 164044
prohibited or declared to be unlawful, or has failed, omitted, 164045
neglected, or refused, or is about to fail, omit, neglect, or 164046
refuse, to perform any duty enjoined upon the person by this 164047
chapter, or has failed, omitted, neglected, or refused, or is 164048
about to fail, omit, neglect, or refuse, to obey any lawful 164049
requirement or order made by the chief, or any final judgment, 164050
order, or decree made by any court pursuant to this chapter, then 164051
and in every such case, the chief may institute in a court of 164052
competent jurisdiction of the county or counties wherein the 164053
operation is situated, an action to enjoin or restrain such 164054
violations or to enforce obedience with law or the orders of the 164055
chief. No injunction bond shall be required to be filed in any 164056
such proceeding. Such persons or corporations as the court may 164057
deem necessary or proper to be joined as parties in order to make 164058
its judgment, order, or writ effective may be joined as parties. 164059
An appeal may be taken as in other civil actions. 164060

(C) In addition to the other remedies as provided in 164061
divisions (A) and (B) of this section, any reservoir operator or 164062
coal mine operator affected by this chapter may proceed by 164063
injunction or other appropriate remedy to restrain violations or 164064
threatened violations of this chapter or of orders of the chief, 164065
or of the hearing officer appointed under section 1571.14 of the 164066
Revised Code, or the judgments, orders, or decrees of any court or 164067
to enforce obedience therewith. 164068

(D) Each remedy prescribed in divisions (A), (B), and (C) of 164069
this section is deemed concurrent or contemporaneous with each 164070
other remedy prescribed therein, and the existence or exercise of 164071
any one such remedy shall not prevent the exercise of any other 164072
such remedy. 164073

(E) The provisions of this chapter providing for conferences, 164074

hearings by the chief, appeals to the hearing officer from orders 164075
of the chief, and appeals to the court of common pleas from orders 164076
of the hearing officer, and the remedies prescribed in divisions 164077
(A), (B), (C), and (D) of this section, do not constitute the 164078
exclusive procedure that a person, who deems the person's rights 164079
to be unlawfully affected by any official action taken thereunder, 164080
must pursue in order to protect and preserve such rights, nor does 164081
this chapter constitute a procedure that such a person must pursue 164082
before the person may lawfully proceed by other actions, legal or 164083
equitable, to protect and preserve such rights. 164084

Sec. 1707.02. (A) "Exempt," as used in this section, means 164085
exempt from sections 1707.08 to 1707.11 and 1707.39 of the Revised 164086
Code. 164087

(B)(1) Except as provided in division (B)(2) of this section, 164088
the following securities are exempt, if the issuer or guarantor 164089
has the power of taxation or assessment for the purpose of paying 164090
the obligation represented by the security, or is in specific 164091
terms empowered by the laws of the state of issuance to issue 164092
securities payable as to principal or interest, or as to both, out 164093
of revenues collected or administered by such issuer: 164094

(a) Any security issued or guaranteed by the United States; 164095

(b) Any security issued or guaranteed by, and recognized, at 164096
the time of sale, as its valid obligation by, any foreign 164097
government with which the United States is, at the time of sale, 164098
maintaining diplomatic relations; 164099

(c) Any security issued or guaranteed, and recognized as its 164100
valid obligation, by any political subdivision or any governmental 164101
or other public body, corporation, or agency in or of the United 164102
States, any state, territory, or possession of the United States, 164103
or any foreign government with which the United States is, at the 164104
time of sale, maintaining diplomatic relations. 164105

(2) If a security described in division (B)(1) of this section is not payable out of the proceeds of a general tax, the security is exempt only if, at the time of its first sale in this state, there is no default in the payment of any of the interest or principal of the security, and there are no adjudications or pending suits adversely affecting its validity.

(C) Any security issued or guaranteed by a state or nationally chartered bank, savings and loan association, savings bank, or credit union, or a governmental corporation or agency created by or under the laws of the United States or of Canada is exempt, if it is under the supervision of or subject to regulation by the government or state under whose laws it was organized.

(D) Any interim certificate is exempt, if the securities to be delivered therefor are themselves exempt, are the subject matter of an exempt transaction, have been registered by description or registered by qualification, or are the subject matter of a transaction which has been registered by description.

(E)(1) A security is exempt if it meets any of the following requirements:

(a) The security is listed, or authorized for listing, on the New York stock exchange, the American stock exchange, or the national market system of the NASDAQ stock market, or any successor to such entities.

(b) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, designated by the securities and exchange commission in rule 146(b) promulgated under section 18(b)(1) of the Securities Act of 1933.

(c) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, that has listing standards that the

division of securities, on its own initiative or on the basis of 164137
an application, determines by rule are substantially similar to 164138
the listing standards applicable to securities described in 164139
division (E)(1)(a) of this section. 164140

(d) The security is a security of the same issuer that is 164141
equal in seniority or that is a senior security to a security 164142
described in division (E)(1)(a), (b), or (c) of this section. 164143

(2) Application for approval of a stock exchange or system 164144
not approved in this section may be made by any organized stock 164145
exchange or system, or by any dealer who is a member of such 164146
exchange, in such manner and upon such forms as are prescribed by 164147
the division, accompanied by payment of an approval fee of two 164148
hundred dollars, and the division shall make such investigation 164149
and may hold such hearings as it deems necessary to determine the 164150
propriety of giving approval. The cost of such investigation shall 164151
be borne by the applicant. The division may enter an order of 164152
approval, and if it does so, it shall notify the applicant of such 164153
approval. 164154

(3) The division may revoke the approval of an exchange or 164155
system enumerated in division (E)(1) of this section, provided 164156
that the exchange or system is not listed in section 18(b)(1) of 164157
the Securities Act of 1933 or any rule promulgated thereunder. The 164158
division may effect a revocation after due notice, investigation, 164159
a hearing, and a finding that the practices or requirements of 164160
such exchange or system have been so changed or modified, or are, 164161
in their actual operation, such that the contemplated protection 164162
is no longer afforded. The principles of res adjudicata ordinarily 164163
applicable in civil matters shall not be applicable to this 164164
matter, which is hereby declared to be administrative rather than 164165
judicial. Notice of the hearing may be given by ~~certified~~ 164166
electronic mail at least ten days before such hearing. 164167

(4) The division may suspend the exemption of any security 164168

described in division (E)(1) of this section, provided that the security is listed or authorized for listing on an exchange or system that is not listed in section 18(b)(1) of the Securities Act of 1933 or any rule promulgated thereunder. The division may effect a suspension by giving notice, by ~~certified~~ electronic mail, to that effect to the exchange or system upon which such security is listed or designated and to the issuer of such security. After notice and hearing, the division may revoke such exemption if it appears to it that sales of such security have been fraudulent or that future sales of it would be fraudulent. The division shall set such hearing not later than ten days from the date of the order of suspension, but may for good cause continue such hearing upon application of the exchange or system upon which such security is listed or designated or upon application of the issuer of such security.

(F) Any security, issued or guaranteed as to principal, interest, or dividend or distribution by a corporation owning or operating any public utility, is exempt, if such corporation is, as to its rates and charges or as to the issuance and guaranteeing of securities, under the supervision of or regulated by a public commission, board, or officer of the United States, or of Canada, or of any state, province, or municipal corporation in either of such countries. Equipment-trust securities based on chattel mortgages, leases, or agreements for conditional sale, of cars, locomotives, motor trucks, or other rolling stock or of motor vehicles mortgaged, leased, or sold to, or finished for the use of, a public utility, are exempt; and so are equipment securities where the ownership or title of such equipment is pledged or retained, in accordance with the laws of the United States or of any state, or of Canada or any province thereof, to secure the payment of such securities.

(G) Commercial paper and promissory notes are exempt when

they are not offered directly or indirectly for sale to the public. 164201
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(H) Any security issued or guaranteed by an insurance company, except as provided in section 1707.32 of the Revised Code, is exempt if such company is under the supervision of, and the issuance or guaranty of such security is regulated by, a state. 164203
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(I) Any security, except notes, bonds, debentures, or other evidences of indebtedness or of promises or agreements to pay money, which is issued by a person, corporation, or association organized not for profit, including persons, corporations, and associations organized exclusively for conducting county fairs, or for religious, educational, social, recreational, athletic, benevolent, fraternal, charitable, or reformatory purposes, and agricultural cooperatives as defined in section 1729.01 of the Revised Code, is exempt, if no part of the net earnings of such issuer inures to the benefit of any shareholder or member of such issuer or of any individual, and if the total commission, remuneration, expense, or discount in connection with the sale of such securities does not exceed two per cent of the total sale price thereof plus five hundred dollars. 164208
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(J)(1) Any securities outstanding for a period of not less than five years, on which there has occurred no default in payment of principal, interest, or dividend or distribution for the five years immediately preceding the sale, are exempt. 164222
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(2) For the purpose of division (J) of this section, the dividend, distribution, or interest rate on securities in which no such rate is specified shall be at the rate of at least four per cent annually on the aggregate of the price at which such securities are to be sold. 164226
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(K) All bonds issued under authority of Chapter 165. or 761., 164231

or section 4582.06 or 4582.31 of the Revised Code are exempt. 164232

Sec. 1707.04. (A) The division of securities may consider and 164233
conduct hearings upon any plan of reorganization, 164234
recapitalization, or refinancing of a corporation organized under 164235
the laws of this state, or having its principal place of business 164236
within this state, when such plan is proposed by such corporation 164237
or by any of its shareholders or creditors and contains a proposal 164238
to issue securities in exchange for one or more bona fide 164239
outstanding securities, claims, or property interests, or partly 164240
in such exchange or partly for cash. The division may also approve 164241
the terms of such issuance and exchange and the fairness of such 164242
terms, after a hearing upon such fairness at which all persons to 164243
whom it is proposed to issue securities in such exchange have the 164244
right to appear, if application for such a hearing is made by such 164245
corporation, by the holders of a majority in amount of its debts, 164246
or by the holders of a majority in amount of any outstanding class 164247
of securities issued by it. Notice in person or by electronic or 164248
regular mail of the time and place of such hearing shall be given 164249
to all persons to whom it is proposed to issue such securities, 164250
and evidence satisfactory to the division that such notice has 164251
been given shall be filed with the division. Securities issued in 164252
accordance with a plan so approved by the division are exempt from 164253
sections 1707.01 to 1707.50 of the Revised Code, relating to 164254
registration or qualification of securities or the registration of 164255
transactions therein. 164256

(B) "Reorganization," "recapitalization," and "refinancing," 164257
as used in this section, include the following: 164258

(1) A readjustment by modification of the terms of securities 164259
by agreement; 164260

(2) A readjustment by the exchange of securities by the 164261
issuer for others of its securities; 164262

(3) The exchange of securities by the issuer for securities of another issuer;	164263 164264
(4) The acquisition of assets of a person, directly or indirectly, partly or wholly in consideration for securities distributed or to be distributed as part of the same transaction, directly or indirectly, to holders of securities issued by such person or secured by assets of such person;	164265 164266 164267 164268 164269
(5) A merger or consolidation.	164270
(C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.	164271 164272 164273 164274 164275 164276 164277
Sec. 1707.042. (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:	164278 164279 164280
(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;	164281 164282 164283 164284
(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;	164285 164286 164287
(3) Engage in any manipulative act or practice.	164288
(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to	164289 164290 164291 164292

have designated the secretary of state as its agent for the 164293
service of process in any action or proceeding under this chapter. 164294
Upon receipt of any such process, together with an affidavit 164295
showing the last known address of the person who made or opposed 164296
the control bid or who realized such profit, the secretary of 164297
state shall forthwith give notice ~~by telegraph of the fact~~ of the 164298
service of process ~~and forward a copy of such process to such~~ 164299
~~address by certified mail, return receipt requested.~~ This section 164300
does not affect any right to serve process in any other manner 164301
permitted by law. 164302

(C) Any person who makes or opposes a control bid is subject 164303
to the liabilities and penalties applicable to a seller, and an 164304
offeree is entitled to the remedies applicable to a purchaser, as 164305
set forth in sections 1707.41 to 1707.50 of the Revised Code. 164306

(D) In case any provision or application of any provision of 164307
this section is for any reason held to be illegal or invalid, such 164308
illegality or invalidity shall not affect any legal and valid 164309
provision or application of this section. 164310

Sec. 1707.091. (A) Any security for which a registration 164311
statement has been filed pursuant to Section 6 of the Securities 164312
Act of 1933 or for which a notification form and offering circular 164313
has been filed pursuant to regulation A of the general rules and 164314
regulations of the securities and exchange commission, 17 C.F.R. 164315
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 164316
before or after the effective date of this section, in connection 164317
with the same offering may be registered by coordination. 164318

(B) A registration statement filed by or on behalf of the 164319
issuer under this section with the division of securities shall 164320
contain the following information and be accompanied by the 164321
following items in addition to the consent to service of process 164322
required by section 1707.11 of the Revised Code: 164323

(1) One copy of the latest form of prospectus or offering circular and notification filed with the securities and exchange commission;	164324 164325 164326
(2) If the division of securities by rule or otherwise requires, a copy of the articles of incorporation and code of regulations or bylaws, or their substantial equivalents, as currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;	164327 164328 164329 164330 164331 164332 164333
(3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission;	164334 164335 164336
(4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date;	164337 164338 164339 164340 164341 164342 164343 164344
(5) A filing fee of one hundred dollars.	164345
(C) A registration statement filed under this section becomes effective either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied:	164346 164347 164348 164349 164350 164351
(1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised	164352 164353 164354

Code; 164355

(2) The registration statement has been on file with the 164356
division for at least fifteen days or for such shorter period as 164357
the division by rule or otherwise permits; provided, that if the 164358
registration statement is not filed with the division within five 164359
days of the initial filing with the securities and exchange 164360
commission, the registration statement must be on file with the 164361
division for thirty days or for such shorter period as the 164362
division by rule or otherwise permits. 164363

(3) A statement of the maximum and minimum proposed offering 164364
prices and the maximum underwriting discounts and commissions has 164365
been on file with the division for two full business days or for 164366
such shorter period as the division by rule or otherwise permits 164367
and the offering is made within those limitations; 164368

(4) The division has received a registration fee of one-tenth 164369
of one per cent of the aggregate price at which the securities are 164370
to be sold to the public in this state, which fee, however, shall 164371
in no case be less than one hundred or more than one thousand 164372
dollars. 164373

(D) The issuer shall promptly notify the division by 164374
telephone ~~or telegram~~ of the date and time when the federal 164375
registration statement became effective, or when the offering may 164376
otherwise be commenced in accordance with the rules, regulations, 164377
or orders of the securities and exchange commission, and of the 164378
contents of the price amendment, if any, and shall promptly file 164379
the price amendment. 164380

"Price amendment" for the purpose of this division, means the 164381
final federal registration statement amendment that includes a 164382
statement of the offering price, underwriting and selling 164383
discounts or commissions, amount of proceeds, conversion rates, 164384
call prices, and other matters dependent upon the offering price. 164385

If the division fails to receive the required notice and 164386
required copies of the price amendment, the division may enter a 164387
provisional stop order retroactively denying effectiveness to the 164388
registration statement or suspending its effectiveness until there 164389
is compliance with this division, provided the division promptly 164390
notifies the issuer or its representative by telephone ~~or~~ 164391
~~telegram~~, and promptly confirms by letter ~~or telegram~~ when it 164392
notifies by telephone, of the entry of the order. If the issuer or 164393
its representative proves compliance with the requirements of this 164394
division as to notice and price amendment filing, the stop order 164395
is void as of the time of its entry. The division may by rule or 164396
otherwise waive either or both of the conditions specified in 164397
divisions (C)(2) and (3) of this section. If the federal 164398
registration statement becomes effective, or if the offering may 164399
otherwise be commenced in accordance with the rules, regulations, 164400
or orders of the securities and exchange commission, before all of 164401
the conditions specified in divisions (C) and (D) of this section 164402
are satisfied and they are not waived by the division the 164403
registration statement becomes effective as soon as all of the 164404
conditions are satisfied. 164405

If the issuer advises the division of the date when the 164406
federal registration statement is expected to become effective, or 164407
when the offering may otherwise be commenced in accordance with 164408
the rules, regulations, or orders of the securities and exchange 164409
commission, the division shall promptly advise the issuer or its 164410
representative by telephone ~~or telegram~~, at the issuer's expense, 164411
whether all of the conditions have been satisfied or whether the 164412
division then contemplates the institution of a proceeding under 164413
section 1707.13 or 1707.23 of the Revised Code, but such advice 164414
does not preclude the institution of such a proceeding at any 164415
time. 164416

Sec. 1707.11. (A) Each person that is not organized under the 164417

laws of this state, that is not licensed under section 1703.03 of 164418
the Revised Code, or that does not have its principal place of 164419
business in this state, shall submit to the division of securities 164420
an irrevocable consent to service of process, as described in 164421
division (B) of this section, in connection with any of the 164422
following: 164423

(1) Filings to claim any of the exemptions enumerated in 164424
division (Q), (W), or (Y) of section 1707.03 of the Revised Code; 164425

(2) Applications for registration by description, 164426
qualification, or coordination; 164427

(3) Notice filings pursuant to section 1707.092 of the 164428
Revised Code. 164429

(B) The irrevocable written consent shall be executed and 164430
acknowledged by an individual duly authorized to give the consent 164431
and shall do all of the following: 164432

(1) Designate the secretary of state as agent for service of 164433
process or pleadings; 164434

(2) State that actions growing out of the sale of such 164435
securities, the giving of investment advice, or fraud committed by 164436
a person on whose behalf the consent is submitted may be commenced 164437
against the person, in the proper court of any county in this 164438
state in which a cause of action may arise or in which the 164439
plaintiff in the action may reside, by serving on the secretary of 164440
state any proper process or pleading authorized by the laws of 164441
this state; 164442

(3) Stipulate that service of process or pleading on the 164443
secretary of state shall be taken in all courts to be as valid and 164444
binding as if service had been made upon the person on whose 164445
behalf the consent is submitted. 164446

(C) Notwithstanding any application, form, or other material 164447

filed with or submitted to the division that purports to appoint 164448
as agent for service of process a person other than the secretary 164449
of state, the application, form, or other material shall be 164450
considered to appoint the secretary of state as agent for service 164451
of process. 164452

(D) Service of any process or pleadings may be made on the 164453
secretary of state ~~by duplicate copies, of which one shall be~~ 164454
~~filed~~ in the office of the secretary of state, and ~~the other~~ 164455
~~immediately~~ forwarded by the secretary of state ~~by certified mail~~ 164456
to the principal place of business of the person on whose behalf 164457
the consent is submitted or to the last known address as shown on 164458
the filing made with the division. However, failure to ~~mail~~ send 164459
such copy does not invalidate the service. 164460

(E) Notwithstanding any provision of this chapter, or of any 164461
rule adopted by the division of securities under this chapter, 164462
that requires the submission of a consent to service of process, 164463
the division may provide by rule for the electronic filing or 164464
submission of a consent to service of process. 164465

Sec. 1707.43. (A) Subject to divisions (B) and (C) of this 164466
section, every sale or contract for sale made in violation of 164467
Chapter 1707. of the Revised Code, is voidable at the election of 164468
the purchaser. The person making such sale or contract for sale, 164469
and every person that has participated in or aided the seller in 164470
any way in making such sale or contract for sale, are jointly and 164471
severally liable to the purchaser, in an action at law in any 164472
court of competent jurisdiction, upon tender to the seller ~~in~~ 164473
~~person or in open court~~ of the securities sold or of the contract 164474
made, for the full amount paid by the purchaser and for all 164475
taxable court costs, unless the court determines that the 164476
violation did not materially affect the protection contemplated by 164477
the violated provision. 164478

(B) No action for the recovery of the purchase price as 164479
provided for in this section, and no other action for any recovery 164480
based upon or arising out of a sale or contract for sale made in 164481
violation of Chapter 1707. of the Revised Code, shall be brought 164482
more than two years after the plaintiff knew, or had reason to 164483
know, of the facts by reason of which the actions of the person or 164484
director were unlawful, or more than five years from the date of 164485
such sale or contract for sale, whichever is the shorter period. 164486

(C) No purchaser is entitled to the benefit of this section 164487
who has failed to accept, within thirty days from the date of such 164488
offer, an offer in writing made after two weeks from the date of 164489
the sale or contract of sale, by the seller or by any person that 164490
has participated in or aided the seller in any way in making the 164491
sale or contract of sale, to take back the security in question 164492
and to refund the full amount paid by the purchaser. 164493

Sec. 1733.16. Unless otherwise provided in the articles, 164494
regulations, or bylaws, and subject to the exceptions applicable 164495
during an emergency, as that term is defined in section 1733.01 of 164496
the Revised Code: 164497

(A) Meetings of the directors may be called by the 164498
chairperson, vice-chairperson, president, or any vice-president of 164499
the board or any two directors. 164500

(B) Regularly scheduled meetings of the directors shall be 164501
held in the manner prescribed by the credit union's code of 164502
regulations, but not less frequently than quarterly. 164503

(C) Meetings of the directors may be held within or without 164504
the state. Unless the articles or regulations prohibit 164505
participation by directors at a meeting by means of communication 164506
equipment, meetings of the directors may be held through any 164507
communication equipment if all the persons participating can hear 164508
each other, and participation in the meeting pursuant to this 164509

division constitutes presence at the meeting. 164510

(D) Notice of the place, if any, and time of each meeting of 164511
the directors shall be given to each director either by personal 164512
delivery or by mail, ~~telegram, cablegram,~~ overnight delivery 164513
service, or any other means of communication authorized by the 164514
~~director~~ board of directors at least two days before the meeting, 164515
unless otherwise specified in the regulations or bylaws. The 164516
notice described in this division need not specify the purpose of 164517
the meeting. 164518

(E) Notice of adjournment of a meeting need not be given, if 164519
the time and place to which it is adjourned are fixed and 164520
announced at the meeting. 164521

Sec. 2941.401. When a person has entered upon a term of 164522
imprisonment in a correctional institution of this state, and when 164523
during the continuance of the term of imprisonment there is 164524
pending in this state any untried indictment, information, or 164525
complaint against the prisoner, ~~he~~ the prisoner shall be brought 164526
to trial within one hundred eighty days after ~~he~~ the prisoner 164527
causes to be delivered to the prosecuting attorney and the 164528
appropriate court in which the matter is pending, written notice 164529
of the place of ~~his~~ the prisoner's imprisonment and a request for 164530
a final disposition to be made of the matter, except that for good 164531
cause shown in open court, with the prisoner or ~~his~~ the prisoner's 164532
counsel present, the court may grant any necessary or reasonable 164533
continuance. The request of the prisoner shall be accompanied by a 164534
certificate of the warden or superintendent having custody of the 164535
prisoner, stating the term of commitment under which the prisoner 164536
is being held, the time served and remaining to be served on the 164537
sentence, the amount of good time earned, the time of parole 164538
eligibility of the prisoner, and any decisions of the adult parole 164539
authority relating to the prisoner. 164540

The written notice and request for final disposition shall be given or sent by the prisoner to the warden or superintendent having custody of ~~him~~ the prisoner, who shall promptly forward it with the certificate to the appropriate prosecuting attorney and court by registered or certified mail, return receipt requested. If the appropriate prosecuting attorney and agency having custody of the prisoner have previously agreed, then the written notice, request, and certificate may be sent by electronic mail or facsimile, in lieu of registered mail or certified mail.

The warden or superintendent having custody of the prisoner shall promptly inform ~~him~~ the prisoner in writing of the source and contents of any untried indictment, information, or complaint against ~~him~~ the prisoner, concerning which the warden or superintendent has knowledge, and of ~~his~~ the prisoner's right to make a request for final disposition thereof.

Escape from custody by the prisoner, subsequent to ~~his~~ the prisoner's execution of the request for final disposition, voids the request.

If the action is not brought to trial within the time provided, subject to continuance allowed pursuant to this section, no court any longer has jurisdiction thereof, the indictment, information, or complaint is void, and the court shall enter an order dismissing the action with prejudice.

This section does not apply to any person adjudged to be mentally ill or who is under sentence of life imprisonment or death, or to any prisoner under sentence of death.

Sec. 3111.23. The natural mother, the man acknowledging he is the natural father, or the other custodian or guardian of a child, a child support enforcement agency pursuant to section 3111.22 of the Revised Code, a local registrar of vital statistics pursuant to section 3705.091 of the Revised Code, or a hospital staff

person pursuant to section 3727.17 of the Revised Code, ~~in person~~ 164572
~~or~~ by mail, may file an acknowledgment of paternity with the 164573
office of child support in the department of job and family 164574
services, acknowledging that the child is the child of the man who 164575
signed the acknowledgment. The acknowledgment of paternity shall 164576
be made on the affidavit prepared pursuant to section 3111.31 of 164577
the Revised Code, shall be signed by the natural mother and the 164578
man acknowledging that he is the natural father, and each 164579
signature shall be notarized. The mother and man may sign and have 164580
the signature notarized outside of each other's presence. An 164581
acknowledgment shall be sent to the office no later than ten days 164582
after it has been signed and notarized. If a person knows a man is 164583
presumed under section 3111.03 of the Revised Code to be the 164584
father of the child described in this section and that the 164585
presumed father is not the man who signed an acknowledgment with 164586
respect to the child, the person shall not notarize or file the 164587
acknowledgment pursuant to this section. 164588

Sec. 3301.05. A majority of the voting members of the state 164589
board of education shall constitute a quorum for the transaction 164590
of business. Official actions of the state board, including the 164591
making and adoption of motions and resolutions, shall be 164592
transacted only at public meetings open to the public. The 164593
superintendent of public instruction, or a designated subordinate 164594
~~designated by him~~, shall record all official actions taken at each 164595
meeting of the board ~~in a book provided for that purpose~~, which 164596
shall be a public record. The record of the proceedings of each 164597
meeting of the board shall be read at its next succeeding meeting 164598
and corrected and approved, which approval shall be noted in the 164599
proceedings. The president shall sign the record and the 164600
superintendent of public instruction or ~~his~~ a designated 164601
subordinate attest it. The president's signature of the record and 164602

the attestation of the superintendent or designated subordinate 164603
may be made electronically. 164604

Sec. 3302.04. As used in divisions (A), (C), and (D) of this 164605
section, for the 2014-2015 school year, and for each school year 164606
thereafter, when a provision refers to a school district or school 164607
building in a state of academic emergency, it shall mean a 164608
district or building rated "F"; when a provision refers to a 164609
school district or school building under an academic watch, it 164610
shall mean a district or building rated "D"; and when a provision 164611
refers to a school district or school building in need of 164612
continuous improvement, it shall mean a district or building rated 164613
"C" as those letter grade ratings for overall performance are 164614
assigned under division (C)(3) of section 3302.03 of the Revised 164615
Code, as it exists on or after March 22, 2013. 164616

(A) The department of education shall establish a system of 164617
intensive, ongoing support for the improvement of school districts 164618
and school buildings. In accordance with the model of 164619
differentiated accountability described in section 3302.041 of the 164620
Revised Code, the system shall give priority to the following: 164621

(1) For any school year prior to the 2012-2013 school year, 164622
districts and buildings that have been declared to be under an 164623
academic watch or in a state of academic emergency under section 164624
3302.03 of the Revised Code; 164625

(2) For the 2012-2013 school year, and for each school year 164626
thereafter, districts and buildings in the manner prescribed by 164627
any agreement currently in force between the department and the 164628
United States department of education. The department shall 164629
endeavor to include schools and buildings that receive grades or 164630
performance ratings under section 3302.03 of the Revised Code that 164631
the department considers to be low performing. 164632

The system shall include services provided to districts and 164633

buildings through regional service providers, such as educational 164634
service centers. The system may include the appointment of an 164635
improvement coordinator for any of the lowest performing 164636
districts, as determined by the department, to coordinate the 164637
district's academic improvement efforts and to build support among 164638
the community for those efforts. 164639

(B) This division does not apply to any school district after 164640
June 30, 2008. 164641

When a school district has been notified by the department 164642
pursuant to section 3302.03 of the Revised Code that the district 164643
or a building within the district has failed to make adequate 164644
yearly progress for two consecutive school years, the district 164645
shall develop a three-year continuous improvement plan for the 164646
district or building containing each of the following: 164647

(1) An analysis of the reasons for the failure of the 164648
district or building to meet any of the applicable performance 164649
indicators established under section 3302.02 of the Revised Code 164650
that it did not meet and an analysis of the reasons for its 164651
failure to make adequate yearly progress; 164652

(2) Specific strategies that the district or building will 164653
use to address the problems in academic achievement identified in 164654
division (B)(1) of this section; 164655

(3) Identification of the resources that the district will 164656
allocate toward improving the academic achievement of the district 164657
or building; 164658

(4) A description of any progress that the district or 164659
building made in the preceding year toward improving its academic 164660
achievement; 164661

(5) An analysis of how the district is utilizing the 164662
professional development standards adopted by the state board 164663
pursuant to section 3319.61 of the Revised Code; 164664

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

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No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

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(C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

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(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A)(2) of this section shall be subject to any rules establishing such intervention.

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(D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

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(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site

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evaluation prescribed by the agreement described in division 164696
(A)(2) of this section. 164697

~~(3) Division (D)(3) of this section does not apply to any 164698
school district after June 30, 2008. 164699~~

~~If any school district that is declared to be in a state of 164700
academic emergency or in a state of academic watch under section 164701
3302.03 of the Revised Code or encompasses a building that is 164702
declared to be in a state of academic emergency or in a state of 164703
academic watch fails to demonstrate to the department satisfactory 164704
improvement of the district or applicable buildings or fails to 164705
submit to the department any information required under rules 164706
established by the state board of education, prior to approving a 164707
three year continuous improvement plan under rules established by 164708
the state board of education, the department shall conduct a site 164709
evaluation of the school district or applicable buildings to 164710
determine whether the school district is in compliance with 164711
minimum standards established by law or rule. 164712~~

~~(4) Division (D)(4) of this section does not apply to any 164713
school district after June 30, 2008. Site evaluations conducted 164714
under divisions (D)(1), (2), and (3) of this section shall 164715
include, but not be limited to, the following: 164716~~

~~(a) Determining whether teachers are assigned to subject 164717
areas for which they are licensed or certified; 164718~~

~~(b) Determining pupil teacher ratios; 164719~~

~~(c) Examination of compliance with minimum instruction time 164720
requirements for each school day and for each school year; 164721~~

~~(d) Determining whether materials and equipment necessary to 164722
implement the curriculum approved by the school district board are 164723
available; 164724~~

~~(e) Examination of whether the teacher and principal 164725~~

~~evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;~~ 164726
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~~(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~ 164728
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(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code. 164731
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(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following: 164736
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(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year. 164739
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(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for 164746
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students who enroll in alternative buildings under this division, 164757
unless the district can satisfy all demand for transportation with 164758
a lesser amount. If an amount equal to twenty per cent of the 164759
funds the district receives under Title I, Part A of the 164760
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 164761
to 6339, is insufficient to satisfy all demand for transportation, 164762
the district shall grant priority over all other students to the 164763
lowest achieving students among the subgroup described in division 164764
(B)(3) of section 3302.01 of the Revised Code in providing 164765
transportation. Any district that does not receive funds under 164766
Title I, Part A of the "Elementary and Secondary Education Act of 164767
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 164768
transportation to any student who enrolls in an alternative 164769
building under this division. 164770

(2) For any school building that fails to make adequate 164771
yearly progress for three consecutive school years, the district 164772
shall do both of the following: 164773

(a) If the building receives funds under Title I, Part A of 164774
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 164775
6311 to 6339, from the district, in accordance with section 164776
3313.97 of the Revised Code, provide all students enrolled in the 164777
building the opportunity to enroll in an alternative building 164778
within the district that is not in school improvement status as 164779
defined by the "No Child Left Behind Act of 2001." Notwithstanding 164780
Chapter 3327. of the Revised Code, the district shall provide 164781
transportation for students who enroll in alternative buildings 164782
under this division to the extent required under division (E)(2) 164783
of this section. 164784

(b) If the building receives funds under Title I, Part A of 164785
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 164786
6311 to 6339, from the district, offer supplemental educational 164787
services to students who are enrolled in the building and who are 164788

in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code. 164789
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The district shall spend a combined total of an amount equal 164791
to twenty per cent of the funds it receives under Title I, Part A 164792
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 164793
6311 to 6339, to provide transportation for students who enroll in 164794
alternative buildings under division (E)(1)(b) or (E)(2)(a) of 164795
this section and to pay the costs of the supplemental educational 164796
services provided to students under division (E)(2)(b) of this 164797
section, unless the district can satisfy all demand for 164798
transportation and pay the costs of supplemental educational 164799
services for those students who request them with a lesser amount. 164800
In allocating funds between the requirements of divisions 164801
(E)(1)(b) and (E)(2)(a) and (b) of this section, the district 164802
shall spend at least an amount equal to five per cent of the funds 164803
it receives under Title I, Part A of the "Elementary and Secondary 164804
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 164805
transportation for students who enroll in alternative buildings 164806
under division (E)(1)(b) or (E)(2)(a) of this section, unless the 164807
district can satisfy all demand for transportation with a lesser 164808
amount, and at least an amount equal to five per cent of the funds 164809
it receives under Title I, Part A of the "Elementary and Secondary 164810
Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs 164811
of the supplemental educational services provided to students 164812
under division (E)(2)(b) of this section, unless the district can 164813
pay the costs of such services for all students requesting them 164814
with a lesser amount. If an amount equal to twenty per cent of the 164815
funds the district receives under Title I, Part A of the 164816
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 164817
to 6339, is insufficient to satisfy all demand for transportation 164818
under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay 164819
the costs of all of the supplemental educational services provided 164820
to students under division (E)(2)(b) of this section, the district 164821

shall grant priority over all other students in providing 164822
transportation and in paying the costs of supplemental educational 164823
services to the lowest achieving students among the subgroup 164824
described in division (B)(3) of section 3302.01 of the Revised 164825
Code. 164826

Any district that does not receive funds under Title I, Part 164827
A of the "Elementary and Secondary Education Act of 1965," 20 164828
U.S.C. 6311 to 6339, shall not be required to provide 164829
transportation to any student who enrolls in an alternative 164830
building under division (E)(2)(a) of this section or to pay the 164831
costs of supplemental educational services provided to any student 164832
under division (E)(2)(b) of this section. 164833

No student who enrolls in an alternative building under 164834
division (E)(2)(a) of this section shall be eligible for 164835
supplemental educational services under division (E)(2)(b) of this 164836
section. 164837

(3) For any school building that fails to make adequate 164838
yearly progress for four consecutive school years, the district 164839
shall continue to comply with division (E)(2) of this section and 164840
shall implement at least one of the following options with respect 164841
to the building: 164842

(a) Institute a new curriculum that is consistent with the 164843
statewide academic standards adopted pursuant to division (A) of 164844
section 3301.079 of the Revised Code; 164845

(b) Decrease the degree of authority the building has to 164846
manage its internal operations; 164847

(c) Appoint an outside expert to make recommendations for 164848
improving the academic performance of the building. The district 164849
may request the department to establish a state intervention team 164850
for this purpose pursuant to division (G) of this section. 164851

(d) Extend the length of the school day or year; 164852

(e) Replace the building principal or other key personnel;	164853
(f) Reorganize the administrative structure of the building.	164854
(4) For any school building that fails to make adequate	164855
yearly progress for five consecutive school years, the district	164856
shall continue to comply with division (E)(2) of this section and	164857
shall develop a plan during the next succeeding school year to	164858
improve the academic performance of the building, which shall	164859
include at least one of the following options:	164860
(a) Reopen the school as a community school under Chapter	164861
3314. of the Revised Code;	164862
(b) Replace personnel;	164863
(c) Contract with a nonprofit or for-profit entity to operate	164864
the building;	164865
(d) Turn operation of the building over to the department;	164866
(e) Other significant restructuring of the building's	164867
governance.	164868
(5) For any school building that fails to make adequate	164869
yearly progress for six consecutive school years, the district	164870
shall continue to comply with division (E)(2) of this section and	164871
shall implement the plan developed pursuant to division (E)(4) of	164872
this section.	164873
(6) A district shall continue to comply with division	164874
(E)(1)(b) or (E)(2) of this section, whichever was most recently	164875
applicable, with respect to any building formerly subject to one	164876
of those divisions until the building makes adequate yearly	164877
progress for two consecutive school years.	164878
(F) This division applies only to school districts that have	164879
been identified for improvement by the department pursuant to the	164880
"No Child Left Behind Act of 2001." It does not apply to any such	164881
district after June 30, 2008.	164882

(1) If a school district has been identified for improvement 164883
for one school year, the district shall provide a written 164884
description of the continuous improvement plan developed by the 164885
district pursuant to division (B) of this section to the parent or 164886
guardian of each student enrolled in the district. If the district 164887
does not have a continuous improvement plan, the district shall 164888
develop such a plan in accordance with division (B) of this 164889
section and provide a written description of the plan to the 164890
parent or guardian of each student enrolled in the district. 164891

(2) If a school district has been identified for improvement 164892
for two consecutive school years, the district shall continue to 164893
implement the continuous improvement plan developed by the 164894
district pursuant to division (B) or (F)(1) of this section. 164895

(3) If a school district has been identified for improvement 164896
for three consecutive school years, the department shall take at 164897
least one of the following corrective actions with respect to the 164898
district: 164899

(a) Withhold a portion of the funds the district is entitled 164900
to receive under Title I, Part A of the "Elementary and Secondary 164901
Education Act of 1965," 20 U.S.C. 6311 to 6339; 164902

(b) Direct the district to replace key district personnel; 164903

(c) Institute a new curriculum that is consistent with the 164904
statewide academic standards adopted pursuant to division (A) of 164905
section 3301.079 of the Revised Code; 164906

(d) Establish alternative forms of governance for individual 164907
school buildings within the district; 164908

(e) Appoint a trustee to manage the district in place of the 164909
district superintendent and board of education. 164910

The department shall conduct individual audits of a sampling 164911
of districts subject to this division to determine compliance with 164912

the corrective actions taken by the department. 164913

(4) If a school district has been identified for improvement 164914
for four consecutive school years, the department shall continue 164915
to monitor implementation of the corrective action taken under 164916
division (F)(3) of this section with respect to the district. 164917

(5) If a school district has been identified for improvement 164918
for five consecutive school years, the department shall take at 164919
least one of the corrective actions identified in division (F)(3) 164920
of this section with respect to the district, provided that the 164921
corrective action the department takes is different from the 164922
corrective action previously taken under division (F)(3) of this 164923
section with respect to the district. 164924

(G) The department may establish a state intervention team to 164925
evaluate all aspects of a school district or building, including 164926
management, curriculum, instructional methods, resource 164927
allocation, and scheduling. Any such intervention team shall be 164928
appointed by the department and shall include teachers and 164929
administrators recognized as outstanding in their fields. The 164930
intervention team shall make recommendations regarding methods for 164931
improving the performance of the district or building. 164932

The department shall not approve a district's request for an 164933
intervention team under division (E)(3) of this section if the 164934
department cannot adequately fund the work of the team, unless the 164935
district agrees to pay for the expenses of the team. 164936

(H) The department shall conduct individual audits of a 164937
sampling of community schools established under Chapter 3314. of 164938
the Revised Code to determine compliance with this section. 164939

(I) A school district in which the pilot project scholarship 164940
program is operating under sections 3313.974 to 3313.979 of the 164941
Revised Code shall report the use of funding for tutorial 164942
assistance grants under that program in the district's three-year 164943

continuous improvement plan under this section in a manner 164944
approved by the department. 164945

(J) The state board shall adopt rules for implementing this 164946
section. 164947

Sec. 3310.521. (A) As a condition of receiving payments for a 164948
scholarship, each eligible applicant shall attest to receipt of 164949
the profile prescribed by division (B) of this section. Such 164950
attestation shall be made and submitted to the department of 164951
education in the form and manner as required by the department. 164952

(B) The alternative public provider or registered private 164953
provider that enrolls a qualified special education child shall 164954
submit in writing to the eligible applicant to whom a scholarship 164955
is awarded on behalf of that child a profile of the provider's 164956
special education program, in a form as prescribed by the 164957
department, that shall contain the following: 164958

(1) Methods of instruction that will be utilized by the 164959
provider to provide services to the qualified special education 164960
child; 164961

(2) Qualifications of teachers, instructors, and other 164962
persons who will be engaged by the provider to provide services to 164963
the qualified special education child. 164964

The form required under division (B) of this section may be 164965
submitted electronically. 164966

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 164967
and (F) of this section and in sections 3313.412 and 3313.413 of 164968
the Revised Code, when a board of education decides to dispose of 164969
real or personal property that it owns in its corporate capacity 164970
and that exceeds in value ten thousand dollars, it shall sell the 164971
property at public auction, after giving at least thirty days' 164972
notice of the auction by publication in a newspaper of general 164973

circulation in the school district, by publication as provided in 164974
section 7.16 of the Revised Code, or by posting notices in five of 164975
the most public places in the school district in which the 164976
property, if it is real property, is situated, or, if it is 164977
personal property, in the school district of the board of 164978
education that owns the property. The board may offer real 164979
property for sale as an entire tract or in parcels. 164980

(B) When the board of education has offered real or personal 164981
property for sale at public auction at least once pursuant to 164982
division (A) of this section, and the property has not been sold, 164983
the board may sell it at a private sale. Regardless of how it was 164984
offered at public auction, at a private sale, the board shall, as 164985
it considers best, sell real property as an entire tract or in 164986
parcels, and personal property in a single lot or in several lots. 164987

(C) If a board of education decides to dispose of real or 164988
personal property that it owns in its corporate capacity and that 164989
exceeds in value ten thousand dollars, it may sell the property to 164990
the adjutant general; to any subdivision or taxing authority as 164991
respectively defined in section 5705.01 of the Revised Code, 164992
township park district, board of park commissioners established 164993
under Chapter 755. of the Revised Code, or park district 164994
established under Chapter 1545. of the Revised Code; to a wholly 164995
or partially tax-supported university, university branch, or 164996
college; to a nonprofit institution of higher education that has a 164997
certificate of authorization under Chapter 1713. of the Revised 164998
Code; to the governing authority of a chartered nonpublic school; 164999
or to the board of trustees of a school district library, upon 165000
such terms as are agreed upon. The sale of real or personal 165001
property to the board of trustees of a school district library is 165002
limited, in the case of real property, to a school district 165003
library within whose boundaries the real property is situated, or, 165004
in the case of personal property, to a school district library 165005

whose boundaries lie in whole or in part within the school 165006
district of the selling board of education. 165007

(D) When a board of education decides to trade as a part or 165008
an entire consideration, an item of personal property on the 165009
purchase price of an item of similar personal property, it may 165010
trade the same upon such terms as are agreed upon by the parties 165011
to the trade. 165012

(E) The president and the treasurer of the board of education 165013
shall execute and deliver deeds or other necessary instruments of 165014
conveyance to complete any sale or trade under this section. 165015

(F) When a board of education has identified a parcel of real 165016
property that it determines is needed for school purposes, the 165017
board may, upon a majority vote of the members of the board, 165018
acquire that property by exchanging real property that the board 165019
owns in its corporate capacity for the identified real property or 165020
by using real property that the board owns in its corporate 165021
capacity as part or an entire consideration for the purchase price 165022
of the identified real property. Any exchange or acquisition made 165023
pursuant to this division shall be made by a conveyance executed 165024
by the president and the treasurer of the board. 165025

(G) When a school district board of education has property 165026
that the board, by resolution, finds is not needed for school 165027
district use, is obsolete, or is unfit for the use for which it 165028
was acquired, the board may donate that property in accordance 165029
with this division if the fair market value of the property is, in 165030
the opinion of the board, two thousand five hundred dollars or 165031
less. 165032

The property may be donated to an eligible nonprofit 165033
organization that is located in this state and is exempt from 165034
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 165035
Before donating any property under this division, the board shall 165036

adopt a resolution expressing its intent to make unneeded, 165037
obsolete, or unfit-for-use school district property available to 165038
these organizations. The resolution shall include guidelines and 165039
procedures the board considers to be necessary to implement the 165040
donation program and shall indicate whether the school district 165041
will conduct the donation program or the board will contract with 165042
a representative to conduct it. If a representative is known when 165043
the resolution is adopted, the resolution shall provide contact 165044
information such as the representative's name, address, and 165045
telephone number. 165046

The resolution shall include within its procedures a 165047
requirement that any nonprofit organization desiring to obtain 165048
donated property under this division shall submit a written notice 165049
to the board or its representative. The written notice shall 165050
include evidence that the organization is a nonprofit organization 165051
that is located in this state and is exempt from federal income 165052
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 165053
the organization's primary purpose; a description of the type or 165054
types of property the organization needs; and the name, address, 165055
and telephone number of a person designated by the organization's 165056
governing board to receive donated property and to serve as its 165057
agent. The written notice may be submitted electronically to the 165058
board or its representative. 165059

After adoption of the resolution, the board shall ~~publish, in~~ 165060
~~a newspaper of general circulation in the school district or as~~ 165061
~~provided in section 7.16 of the Revised Code, notice of its intent~~ 165062
~~to donate unneeded, obsolete, or unfit for use school district~~ 165063
~~property to eligible nonprofit organizations. The notice shall~~ 165064
~~include a summary of the information provided in the resolution~~ 165065
~~and shall be published twice. The second notice shall be published~~ 165066
~~not less than ten nor more than twenty days after the previous~~ 165067
~~notice. A similar notice also shall be posted continually post in~~ 165068

the board's office notice of its intent to donate school district property that is unneeded, obsolete, or unfit for use to eligible nonprofit organizations. If the school district maintains a web site on the internet, the notice shall be posted continually at that web site. 165069
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The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property. 165074
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The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority. 165081
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Members of the board shall consult with the Ohio ethics 165100

commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member is a trustee, officer, board member, or employee.

Sec. 3313.818. (A)(1) The department of education shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students either before or during the school day. Each of the following shall apply:

(a) In the ~~first~~ 2020-2021 school year ~~after the effective date of this section~~, the program shall apply to any public school in which seventy per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(b) In the ~~second~~ 2021-2022 school year ~~after the effective date of this section~~, the program shall apply to any public school in which sixty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(c) In the ~~third~~ 2022-2023 school year ~~after the enactment date of this section~~ and every school year thereafter, the program shall apply to any public school in which fifty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(2) The district superintendent or building principal, in consultation with the building staff, shall determine the model for serving breakfast under the program. Each breakfast served under the program shall comply with federal meal patterns and nutritional standards and with section 3313.814 of the Revised

Code. A school district board of education may make a charge in 165132
accordance with federal requirements for each meal to cover all or 165133
part of the costs incurred in operating the program. 165134

(B) The department shall publish a list of public schools 165135
that meet the conditions of division (A) of this section. The 165136
department shall offer technical assistance to school districts 165137
and schools regarding the implementation of a school breakfast 165138
program that complies with this section and the submission of 165139
claims for reimbursement under the federal school breakfast 165140
program. 165141

(C)(1) The department shall monitor each school participating 165142
in the program and ensure that each participating school complies 165143
with the requirements of this section. 165144

(2) If the board of education of a school district determines 165145
that, for financial reasons, a school under the board's control 165146
cannot comply with the requirements of this section or the board 165147
already has a successful breakfast program or partnership in 165148
place, the district board may choose not to comply with those 165149
requirements. 165150

(D) Not later than the thirty-first day of December of each 165151
school year, the department shall provide statistical reports on 165152
its web site that specify the number and percentage of students 165153
participating in school breakfast programs disaggregated by school 165154
district and individual schools, including community schools, 165155
established under Chapter 3314. of the Revised Code, and STEM 165156
schools, established under Chapter 3326. of the Revised Code. 165157

(E) Not later than the thirty-first day of December of each 165158
school year, the department shall prepare a report on the 165159
implementation and effectiveness of the program established under 165160
this section and submit the report to the general assembly, in 165161
accordance with section 101.68 of the Revised Code, and to the 165162

governor. The report may be submitted electronically. The report shall include:

(1) The number of students and participation rates in the free and reduced-price breakfast programs under this section for each school building;

(2) The type of breakfast model used by each school building participating in the breakfast program;

(3) The number of students and participation rates in free or reduced-price lunch for each school building.

Sec. 3314.21. (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.

(B)(1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students ~~in-person~~ throughout the school year.

(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code.

(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred

twenty-five students enrolled in the internet- or computer-based 165192
community school that has retained that teacher. 165193

(C) For any internet- or computer-based community school, the 165194
contract between the sponsor and the governing authority of the 165195
school described in section 3314.03 of the Revised Code shall 165196
specify each of the following: 165197

(1) A requirement that the school use a filtering device or 165198
install filtering software that protects against internet access 165199
to materials that are obscene or harmful to juveniles on each 165200
computer provided to students for instructional use. The school 165201
shall provide such device or software at no cost to any student 165202
who works primarily from the student's residence on a computer 165203
obtained from a source other than the school. 165204

(2) A plan for fulfilling the intent of the general assembly 165205
specified in division (B)(1) of this section. The plan shall 165206
indicate the number of times teachers will visit each student 165207
throughout the school year and the manner in which those visits 165208
will be conducted. The visits may be conducted electronically. 165209

(3) That the school will set up a central base of operation 165210
and the sponsor will maintain a representative within fifty miles 165211
of that base of operation to provide monitoring and assistance. 165212

(D)(1) Annually, each internet- or computer-based community 165213
school shall prepare and submit to the department of education, in 165214
a time and manner prescribed by the department, a report that 165215
contains information about all of the following: 165216

(a) Classroom size; 165217

(b) The ratio of teachers to students per classroom; 165218

(c) The number of student-teacher meetings conducted in 165219
person or by video conference; 165220

(d) Any other information determined necessary by the 165221

department. 165222

(2) The department annually shall prepare and submit to the 165223
state board of education a report that contains the information 165224
received under division (D)(1) of this section. 165225

Sec. 3319.081. Except as otherwise provided in division (G) 165226
of this section, in all school districts wherein the provisions of 165227
Chapter 124. of the Revised Code do not apply, the following 165228
employment contract system shall control for employees whose 165229
contracts of employment are not otherwise provided by law: 165230

(A) Newly hired regular nonteaching school employees, 165231
including regular hourly rate and per diem employees, shall enter 165232
into written contracts for their employment which shall be for a 165233
period of not more than one year. If such employees are rehired, 165234
their three subsequent contracts shall be for a period of two 165235
years each. 165236

(B) After the termination of the third two-year contract 165237
provided in division (A) of this section, if the contract of a 165238
nonteaching employee is renewed, the employee shall be continued 165239
in employment, and the salary provided in the contract may be 165240
increased but not reduced unless such reduction is a part of a 165241
uniform plan affecting the nonteaching employees of the entire 165242
district. 165243

(C) The contracts as provided for in this section may be 165244
terminated by a majority vote of the board of education. Except as 165245
provided in sections 3319.0810 and 3319.172 of the Revised Code, 165246
the contracts may be terminated only for violation of written 165247
rules and regulations as set forth by the board of education or 165248
for incompetency, inefficiency, dishonesty, drunkenness, immoral 165249
conduct, insubordination, discourteous treatment of the public, 165250
neglect of duty, or any other acts of misfeasance, malfeasance, or 165251
nonfeasance. In addition to the right of the board of education to 165252

terminate the contract of an employee, the board may suspend an 165253
employee for a definite period of time or demote the employee for 165254
the reasons set forth in this division. The action of the board of 165255
education terminating the contract of an employee or suspending or 165256
demoting the employee shall be served upon the employee by 165257
certified mail, regular mail with a certificate of mailing, or 165258
other form of delivery with proof of delivery, including 165259
electronic delivery with electronic proof of delivery. Within ten 165260
days following the receipt of such notice by the employee, the 165261
employee may file an appeal, in writing, with the court of common 165262
pleas of the county in which such school board is situated. After 165263
hearing the appeal the common pleas court may affirm, disaffirm, 165264
or modify the action of the school board. 165265

A violation of division (A)(7) of section 2907.03 of the 165266
Revised Code is grounds for termination of employment of a 165267
nonteaching employee under this division. 165268

(D) All employees who have been employed by a school district 165269
where the provisions of Chapter 124. of the Revised Code do not 165270
apply, for a period of at least three years on November 24, 1967, 165271
shall hold continuing contracts of employment pursuant to this 165272
section. 165273

(E) Any nonteaching school employee may terminate the 165274
nonteaching school employee's contract of employment thirty days 165275
subsequent to the filing of a written notice of such termination 165276
with the treasurer of the board. 165277

(F) A person hired exclusively for the purpose of replacing a 165278
nonteaching school employee while such employee is on leave of 165279
absence granted under section 3319.13 of the Revised Code is not a 165280
regular nonteaching school employee under this section. 165281

(G) All nonteaching employees employed pursuant to this 165282
section and Chapter 124. of the Revised Code shall be paid for all 165283

time lost when the schools in which they are employed are closed 165284
owing to an epidemic or other public calamity. Nothing in this 165285
division shall be construed as requiring payment in excess of an 165286
employee's regular wage rate or salary for any time worked while 165287
the school in which the employee is employed is officially closed 165288
for the reasons set forth in this division. 165289

Sec. 3319.11. (A) As used in this section: 165290

(1) "Evaluation procedures" means the procedures required by 165291
the policy adopted pursuant to division (A) of section 3319.111 of 165292
the Revised Code. 165293

(2) "Limited contract" means a limited contract, as described 165294
in section 3319.08 of the Revised Code, that a school district 165295
board of education or governing board of an educational service 165296
center enters into with a teacher who is not eligible for 165297
continuing service status. 165298

(3) "Extended limited contract" means a limited contract, as 165299
described in section 3319.08 of the Revised Code, that a board of 165300
education or governing board enters into with a teacher who is 165301
eligible for continuing service status. 165302

(B) Teachers eligible for continuing service status in any 165303
city, exempted village, local, or joint vocational school district 165304
or educational service center shall be those teachers qualified as 165305
described in division (D) of section 3319.08 of the Revised Code, 165306
who within the last five years have taught for at least three 165307
years in the district or center, and those teachers who, having 165308
attained continuing contract status elsewhere, have served two 165309
years in the district or center, but the board, upon the 165310
recommendation of the superintendent, may at the time of 165311
employment or at any time within such two-year period, declare any 165312
of the latter teachers eligible. 165313

(1) Upon the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the board and the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to

reemploy the teacher, the teacher is deemed reemployed under an 165347
extended limited contract for a term not to exceed one year at the 165348
same salary plus any increment provided by the salary schedule. 165349
The teacher is presumed to have accepted employment under the 165350
extended limited contract for a term not to exceed one year unless 165351
such teacher notifies the board in writing to the contrary on or 165352
before the fifteenth day of June, and an extended limited contract 165353
for a term not to exceed one year shall be executed accordingly. 165354
Upon any subsequent reemployment of a teacher only a continuing 165355
contract may be entered into. 165356

(3) Any teacher receiving written notice of the intention of 165357
a board not to reemploy such teacher pursuant to this division is 165358
entitled to the hearing provisions of division (G) of this 165359
section. 165360

(C)(1) If a board rejects the recommendation of the 165361
superintendent for reemployment of a teacher pursuant to division 165362
(B)(1) of this section, the superintendent may recommend 165363
reemployment of the teacher, if continuing service status has not 165364
previously been attained elsewhere, under an extended limited 165365
contract for a term not to exceed two years, provided that written 165366
notice of the superintendent's intention to make such 165367
recommendation has been given to the teacher with reasons directed 165368
at the professional improvement of the teacher on or before the 165369
first day of June. Upon subsequent reemployment of the teacher 165370
only a continuing contract may be entered into. 165371

(2) If a board of education takes affirmative action on a 165372
superintendent's recommendation, made pursuant to division (C)(1) 165373
of this section, of an extended limited contract for a term not to 165374
exceed two years but the board does not give the teacher written 165375
notice of its affirmative action on the superintendent's 165376
recommendation of an extended limited contract on or before the 165377
first day of June, the teacher is deemed reemployed under a 165378

continuing contract at the same salary plus any increment provided 165379
by the salary schedule. The teacher is presumed to have accepted 165380
employment under such continuing contract unless such teacher 165381
notifies the board in writing to the contrary on or before the 165382
fifteenth day of June, and a continuing contract shall be executed 165383
accordingly. 165384

(3) A board shall not reject a superintendent's 165385
recommendation, made pursuant to division (C)(1) of this section, 165386
of an extended limited contract for a term not to exceed two years 165387
except by a three-fourths vote of its full membership. If a board 165388
rejects by a three-fourths vote of its full membership the 165389
recommendation of the superintendent of an extended limited 165390
contract for a term not to exceed two years, the board may declare 165391
its intention not to reemploy the teacher by giving the teacher 165392
written notice on or before the first day of June of its intention 165393
not to reemploy the teacher. If evaluation procedures have not 165394
been complied with pursuant to section 3319.111 of the Revised 165395
Code or if the board does not give the teacher written notice on 165396
or before the first day of June of its intention not to reemploy 165397
the teacher, the teacher is deemed reemployed under an extended 165398
limited contract for a term not to exceed one year at the same 165399
salary plus any increment provided by the salary schedule. The 165400
teacher is presumed to have accepted employment under the extended 165401
limited contract for a term not to exceed one year unless such 165402
teacher notifies the board in writing to the contrary on or before 165403
the fifteenth day of June, and an extended limited contract for a 165404
term not to exceed one year shall be executed accordingly. Upon 165405
any subsequent reemployment of the teacher only a continuing 165406
contract may be entered into. 165407

Any teacher receiving written notice of the intention of a 165408
board not to reemploy such teacher pursuant to this division is 165409
entitled to the hearing provisions of division (G) of this 165410

section. 165411

(D) A teacher eligible for continuing contract status 165412
employed under an extended limited contract pursuant to division 165413
(B) or (C) of this section, is, at the expiration of such extended 165414
limited contract, deemed reemployed under a continuing contract at 165415
the same salary plus any increment granted by the salary schedule, 165416
unless evaluation procedures have been complied with pursuant to 165417
section 3319.111 of the Revised Code and the employing board, 165418
acting on the superintendent's recommendation that the teacher not 165419
be reemployed, gives the teacher written notice on or before the 165420
first day of June of its intention not to reemploy such teacher. A 165421
teacher who does not have evaluation procedures applied in 165422
compliance with section 3319.111 of the Revised Code or who does 165423
not receive notice on or before the first day of June of the 165424
intention of the board not to reemploy such teacher is presumed to 165425
have accepted employment under a continuing contract unless such 165426
teacher notifies the board in writing to the contrary on or before 165427
the fifteenth day of June, and a continuing contract shall be 165428
executed accordingly. 165429

Any teacher receiving a written notice of the intention of a 165430
board not to reemploy such teacher pursuant to this division is 165431
entitled to the hearing provisions of division (G) of this 165432
section. 165433

(E) The board shall enter into a limited contract with each 165434
teacher employed by the board who is not eligible to be considered 165435
for a continuing contract. 165436

Any teacher employed under a limited contract, and not 165437
eligible to be considered for a continuing contract, is, at the 165438
expiration of such limited contract, considered reemployed under 165439
the provisions of this division at the same salary plus any 165440
increment provided by the salary schedule unless evaluation 165441
procedures have been complied with pursuant to section 3319.111 of 165442

the Revised Code and the employing board, acting upon the 165443
superintendent's written recommendation that the teacher not be 165444
reemployed, gives such teacher written notice of its intention not 165445
to reemploy such teacher on or before the first day of June. A 165446
teacher who does not have evaluation procedures applied in 165447
compliance with section 3319.111 of the Revised Code or who does 165448
not receive notice of the intention of the board not to reemploy 165449
such teacher on or before the first day of June is presumed to 165450
have accepted such employment unless such teacher notifies the 165451
board in writing to the contrary on or before the fifteenth day of 165452
June, and a written contract for the succeeding school year shall 165453
be executed accordingly. 165454

Any teacher receiving a written notice of the intention of a 165455
board not to reemploy such teacher pursuant to this division is 165456
entitled to the hearing provisions of division (G) of this 165457
section. 165458

(F) The failure of a superintendent to make a recommendation 165459
to the board under any of the conditions set forth in divisions 165460
(B) to (E) of this section, or the failure of the board to give 165461
such teacher a written notice pursuant to divisions (C) to (E) of 165462
this section shall not prejudice or prevent a teacher from being 165463
deemed reemployed under either a limited or continuing contract as 165464
the case may be under the provisions of this section. A failure of 165465
the parties to execute a written contract shall not void any 165466
automatic reemployment provisions of this section. 165467

(G)(1) Any teacher receiving written notice of the intention 165468
of a board of education not to reemploy such teacher pursuant to 165469
division (B), (C)(3), (D), or (E) of this section may, within ten 165470
days of the date of receipt of the notice, file with the treasurer 165471
of the board a written demand for a written statement describing 165472
the circumstances that led to the board's intention not to 165473
reemploy the teacher. 165474

(2) The treasurer of a board, on behalf of the board, shall, 165475
within ten days of the date of receipt of a written demand for a 165476
written statement pursuant to division (G)(1) of this section, 165477
provide to the teacher a written statement describing the 165478
circumstances that led to the board's intention not to reemploy 165479
the teacher. 165480

(3) Any teacher receiving a written statement describing the 165481
circumstances that led to the board's intention not to reemploy 165482
the teacher pursuant to division (G)(2) of this section may, 165483
within five days of the date of receipt of the statement, file 165484
with the treasurer of the board a written demand for a hearing 165485
before the board pursuant to divisions (G)(4) to (6) of this 165486
section. 165487

(4) The treasurer of a board, on behalf of the board, shall, 165488
within ten days of the date of receipt of a written demand for a 165489
hearing pursuant to division (G)(3) of this section, provide to 165490
the teacher a written notice setting forth the time, date, and 165491
place of the hearing. The board shall schedule and conclude the 165492
hearing within forty days of the date on which the treasurer of 165493
the board receives a written demand for a hearing pursuant to 165494
division (G)(3) of this section. 165495

(5) Any hearing conducted pursuant to this division shall be 165496
conducted by a majority of the members of the board. The hearing 165497
shall be held in executive session of the board unless the board 165498
and the teacher agree to hold the hearing in public. The 165499
superintendent, assistant superintendent, the teacher, and any 165500
person designated by either party to take a record of the hearing 165501
may be present at the hearing. The board may be represented by 165502
counsel and the teacher may be represented by counsel or a 165503
designee. A record of the hearing may be taken by either party at 165504
the expense of the party taking the record. 165505

(6) Within ten days of the conclusion of a hearing conducted 165506

pursuant to this division, the board shall issue to the teacher a written decision containing an order affirming the intention of the board not to reemploy the teacher reported in the notice given to the teacher pursuant to division (B), (C)(3), (D), or (E) of this section or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing conducted pursuant to this division.

(7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D), or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the first day of June of its intention not to reemploy the teacher pursuant to division (B), (C)(3), (D), or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was

not warranted by any statement given pursuant to division (G)(2) 165539
of this section. 165540

No appeal of an order of a board may be made except as 165541
specified in this division. 165542

(H)(1) In giving a teacher any notice required by division 165543
(B), (C), (D), or (E) of this section, the board or the 165544
superintendent shall do either of the following: 165545

(a) Deliver the notice by personal service upon the teacher; 165546

(b) Deliver the notice by certified mail, return receipt 165547
requested, regular mail with a certificate of mailing, or other 165548
form of delivery with proof of delivery, addressed to the teacher 165549
at the teacher's place of employment and deliver a copy of the 165550
notice by certified mail, return receipt requested, regular mail 165551
with a certificate of mailing, or other form of delivery with 165552
proof of delivery, addressed to the teacher at the teacher's place 165553
of residence. Delivery of the notice required under division 165554
(H)(1)(b) of this section may be satisfied by electronic delivery 165555
with electronic proof of delivery. 165556

(2) In giving a board any notice required by division (B), 165557
(C), (D), or (E) of this section, the teacher shall do either of 165558
the following: 165559

(a) Deliver the notice by personal delivery to the office of 165560
the superintendent during regular business hours; 165561

(b) Deliver the notice by certified mail, return receipt 165562
requested, regular mail with a certificate of mailing, or other 165563
form of delivery with proof of delivery, addressed to the office 165564
of the superintendent and deliver a copy of the notice by 165565
certified mail, return receipt requested, regular mail with a 165566
certificate of mailing, or other form of delivery with proof of 165567
delivery, addressed to the president of the board at the 165568
president's place of residence. Delivery of the notice required 165569

under division (H)(2)(b) of this section may be satisfied by 165570
electronic delivery with electronic proof of delivery. 165571

(3) When any notice and copy of the notice are mailed 165572
pursuant to division (H)(1)(b) or (2)(b) of this section, the 165573
notice or copy of the notice with the earlier date of receipt 165574
shall constitute the notice for the purposes of division (B), (C), 165575
(D), or (E) of this section. 165576

(I) The provisions of this section shall not apply to any 165577
supplemental written contracts entered into pursuant to section 165578
3319.08 of the Revised Code. 165579

(J) Notwithstanding any provision to the contrary in Chapter 165580
4117. of the Revised Code, the dates set forth in this section as 165581
"on or before the first day of June" or "on or before the 165582
fifteenth day of June" prevail over any conflicting provisions of 165583
a collective bargaining agreement entered into on or after ~~the~~ 165584
~~effective date of this amendment~~ March 22, 2013. 165585

Sec. 3319.16. The contract of any teacher employed by the 165586
board of education of any city, exempted village, local, county, 165587
or joint vocational school district may not be terminated except 165588
for good and just cause. Notwithstanding any provision to the 165589
contrary in Chapter 4117. of the Revised Code, the provisions of 165590
this section relating to the grounds for termination of the 165591
contract of a teacher prevail over any conflicting provisions of a 165592
collective bargaining agreement entered into after ~~the effective~~ 165593
~~date of this amendment~~ October 16, 2009. 165594

Before terminating any contract, the employing board shall 165595
furnish the teacher a written notice signed by its treasurer of 165596
its intention to consider the termination of the teacher's 165597
contract with full specification of the grounds for such 165598
consideration. The board shall not proceed with formal action to 165599
terminate the contract until after the tenth day after receipt of 165600

the notice by the teacher. Within ten days after receipt of the 165601
notice from the treasurer of the board, the teacher may file with 165602
the treasurer a written demand for a hearing before the board or 165603
before a referee, and the board shall set a time for the hearing 165604
which shall be within thirty days from the date of receipt of the 165605
written demand, and the treasurer shall give the teacher at least 165606
twenty days' notice in writing of the time and place of the 165607
hearing. If a referee is demanded by either the teacher or board, 165608
the treasurer also shall give twenty days' notice to the 165609
superintendent of public instruction. No hearing shall be held 165610
during the summer vacation without the teacher's consent. The 165611
hearing shall be private unless the teacher requests a public 165612
hearing. The hearing shall be conducted by a referee appointed 165613
pursuant to section 3319.161 of the Revised Code, if demanded; 165614
otherwise, it shall be conducted by a majority of the members of 165615
the board and shall be confined to the grounds given for the 165616
termination. The board shall provide for a complete ~~stenographic~~ 165617
record of the proceedings, a copy of the record to be furnished to 165618
the teacher. The board may suspend a teacher pending final action 165619
to terminate the teacher's contract if, in its judgment, the 165620
character of the charges warrants such action. 165621

Both parties may be present at such hearing, be represented 165622
by counsel, require witnesses to be under oath, cross-examine 165623
witnesses, take a record of the proceedings, and require the 165624
presence of witnesses in their behalf upon subpoena to be issued 165625
by the treasurer of the board. In case of the failure of any 165626
person to comply with a subpoena, a judge of the court of common 165627
pleas of the county in which the person resides, upon application 165628
of any interested party, shall compel attendance of the person by 165629
attachment proceedings as for contempt. Any member of the board or 165630
the referee may administer oaths to witnesses. After a hearing by 165631
a referee, the referee shall file a report within ten days after 165632
the termination of the hearing. After consideration of the 165633

referee's report, the board, by a majority vote, may accept or 165634
reject the referee's recommendation on the termination of the 165635
teacher's contract. After a hearing by the board, the board, by 165636
majority vote, may enter its determination upon its minutes. Any 165637
order of termination of a contract shall state the grounds for 165638
termination. If the decision, after hearing, is against 165639
termination of the contract, the charges and the record of the 165640
hearing shall be physically expunged from the minutes, and, if the 165641
teacher has suffered any loss of salary by reason of being 165642
suspended, the teacher shall be paid the teacher's full salary for 165643
the period of such suspension. 165644

Any teacher affected by an order of termination of contract 165645
may appeal to the court of common pleas of the county in which the 165646
school is located within thirty days after receipt of notice of 165647
the entry of such order. The appeal shall be an original action in 165648
the court and shall be commenced by the filing of a complaint 165649
against the board, in which complaint the facts shall be alleged 165650
upon which the teacher relies for a reversal or modification of 165651
such order of termination of contract. Upon service or waiver of 165652
summons in that appeal, the board immediately shall transmit to 165653
the clerk of the court for filing a transcript of the original 165654
papers filed with the board, a certified copy of the minutes of 165655
the board into which the termination finding was entered, and a 165656
certified transcript of all evidence adduced at the hearing or 165657
hearings before the board or a certified transcript of all 165658
evidence adduced at the hearing or hearings before the referee, 165659
whereupon the cause shall be at issue without further pleading and 165660
shall be advanced and heard without delay. The court shall examine 165661
the transcript and record of the hearing and shall hold such 165662
additional hearings as it considers advisable, at which it may 165663
consider other evidence in addition to the transcript and record. 165664

Upon final hearing, the court shall grant or deny the relief 165665

prayed for in the complaint as may be proper in accordance with 165666
the evidence adduced in the hearing. Such an action is a special 165667
proceeding, and either the teacher or the board may appeal from 165668
the decision of the court of common pleas pursuant to the Rules of 165669
Appellate Procedure and, to the extent not in conflict with those 165670
rules, Chapter 2505. of the Revised Code. 165671

In any court action, the board may utilize the services of 165672
the prosecuting attorney, village solicitor, city director of law, 165673
or other chief legal officer of a municipal corporation as 165674
authorized by section 3313.35 of the Revised Code, or may employ 165675
other legal counsel. 165676

A violation of division (A)(7) of section 2907.03 of the 165677
Revised Code is grounds for termination of a teacher contract 165678
under this section. 165679

Sec. 3319.291. (A) The state board of education shall require 165680
each of the following persons, at the times prescribed by division 165681
(A) of this section, to undergo a criminal records check, unless 165682
the person has undergone a records check under this section or a 165683
former version of this section less than five years prior to that 165684
time. 165685

(1) Any person initially applying for any certificate, 165686
license, or permit described in this chapter or in division (B) of 165687
section 3301.071 or in section 3301.074 of the Revised Code at the 165688
time that application is made; 165689

(2) Any person applying for renewal of any certificate, 165690
license, or permit described in division (A)(1) of this section at 165691
the time that application is made; 165692

(3) Any person who is teaching under a professional teaching 165693
certificate issued under former section 3319.222 of the Revised 165694
Code upon a date prescribed by the state board; 165695

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter.

(B)(1) Except as otherwise provided in division (B)(2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person.

(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation so that bureau may forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(a) Under this section or any former version of this section, the state board or the superintendent of public instruction previously requested the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior

to the date upon which the person becomes subject to a criminal 165728
records check under this section. 165729

(C) Except as provided in division (D) of this section, prior 165730
to issuing or renewing any certificate, license, or permit for a 165731
person described in division (A)(1) or (2) of this section who is 165732
subject to a criminal records check and in the case of a person 165733
described in division (A)(3) or (4) of this section who is subject 165734
to a criminal records check, the state board or the superintendent 165735
of public instruction shall do one of the following: 165736

(1) If the person is required to submit fingerprints and 165737
written permission under division (B)(1) of this section, request 165738
the superintendent of the bureau of criminal identification and 165739
investigation to determine whether the bureau has any information, 165740
gathered pursuant to division (A) of section 109.57 of the Revised 165741
Code, pertaining to the person and to obtain any criminal records 165742
that the federal bureau of investigation has on the person. 165743

(2) If the person is required to submit fingerprints and 165744
written permission under division (B)(2) of this section, request 165745
the superintendent of the bureau of criminal identification and 165746
investigation to obtain any criminal records that the federal 165747
bureau of investigation has on the person. 165748

(D) The state board or the superintendent of public 165749
instruction may choose not to request any information about a 165750
person required by division (C) of this section if the person 165751
provides proof that a criminal records check that satisfies the 165752
requirements of that division was conducted on the person as a 165753
condition of employment pursuant to section 3319.39 of the Revised 165754
Code within the immediately preceding year. The state board or the 165755
superintendent of public instruction may accept a certified copy 165756
of records that were issued by the bureau of criminal 165757
identification and investigation and that are presented by the 165758
person in lieu of requesting that information under division (C) 165759

of this section if the records were issued by the bureau within 165760
the immediately preceding year. 165761

(E)(1) If a person described in division (A)(3) or (4) of 165762
this section who is subject to a criminal records check fails to 165763
submit fingerprints and written permission by the date specified 165764
in the applicable division, and the state board or the 165765
superintendent of public instruction does not apply division (D) 165766
of this section to the person, or if a person who is subject to 165767
division (G) of this section fails to submit fingerprints and 165768
written permission by the date prescribed under that division, the 165769
superintendent shall prepare a written notice to be sent to the 165770
person by mail or electronically stating that if the person does 165771
not submit the fingerprints and written permission within fifteen 165772
days after the date the notice was mailed or sent electronically, 165773
the person's application will be rejected or the person's 165774
professional or permanent teaching certificate or license will be 165775
inactivated. The superintendent shall send the notification by 165776
regular mail to the person's last known residence address or last 165777
known place of employment, as indicated in the department of 165778
education's records, or both. If the notice is sent 165779
electronically, the notification shall be sent via electronic mail 165780
to the person's last known electronic mail address. 165781

If the person fails to submit the fingerprints and written 165782
permission within fifteen days after the date the notice was 165783
mailed, the superintendent of public instruction, on behalf of the 165784
state board, shall issue a written order rejecting the application 165785
or inactivating the person's professional or permanent teaching 165786
certificate or license. The rejection or inactivation shall remain 165787
in effect until the person submits the fingerprints and written 165788
permission. The superintendent shall send the order by regular 165789
mail or electronic mail to the person's last known residence 165790
address, last known electronic mail address, or last known place 165791

of employment, as indicated in the department's records, ~~or both~~. 165792
The order shall state the reason for the rejection or inactivation 165793
and shall explain that the rejection or inactivation remains in 165794
effect until the person submits the fingerprints and written 165795
permission. 165796

The rejection or inactivation of a professional or permanent 165797
teaching certificate or license under division (E)(1) of this 165798
section does not constitute a suspension or revocation of the 165799
certificate or license by the state board under section 3319.31 of 165800
the Revised Code and the state board and the superintendent of 165801
public instruction need not provide the person with an opportunity 165802
for a hearing with respect to the rejection or inactivation. 165803

(2) If a person whose professional or permanent teaching 165804
certificate or license has been rejected or inactivated under 165805
division (E)(1) of this section submits fingerprints and written 165806
permission as required by division (B) or (G) of this section, the 165807
superintendent of public instruction, on behalf of the state 165808
board, shall issue a written order issuing or reactivating the 165809
certificate or license. The superintendent shall send the order to 165810
the person by regular mail or electronic mail. 165811

(F) Notwithstanding divisions (A) to (C) of this section, if 165812
a person holds more than one certificate, license, or permit 165813
described in division (A)(1) of this section, the following shall 165814
apply: 165815

(1) If the certificates, licenses, or permits are of 165816
different durations, the person shall be subject to divisions (A) 165817
to (C) of this section only when applying for renewal of the 165818
certificate, license, or permit that is of the longest duration. 165819
Prior to renewing any certificate, license, or permit with a 165820
shorter duration, the state board or the superintendent of public 165821
instruction shall determine whether the department of education 165822
has received any information about the person pursuant to section 165823

109.5721 of the Revised Code, but the person shall not be subject 165824
to divisions (A) to (C) of this section as long as the person's 165825
certificate, license, or permit with the longest duration is 165826
valid. 165827

(2) If the certificates, licenses, or permits are of the same 165828
duration but do not expire in the same year, the person shall 165829
designate one of the certificates, licenses, or permits as the 165830
person's primary certificate, license, or permit and shall notify 165831
the department of that designation. The person shall be subject to 165832
divisions (A) to (C) of this section only when applying for 165833
renewal of the person's primary certificate, license, or permit. 165834
Prior to renewing any certificate, license, or permit that is not 165835
the person's primary certificate, license, or permit, the state 165836
board or the superintendent of public instruction shall determine 165837
whether the department has received any information about the 165838
person pursuant to section 109.5721 of the Revised Code, but the 165839
person shall not be subject to divisions (A) to (C) of this 165840
section as long as the person's primary certificate, license, or 165841
permit is valid. 165842

(3) If the certificates, licenses, or permits are of the same 165843
duration and expire in the same year and the person applies for 165844
renewal of the certificates, licenses, or permits at the same 165845
time, the state board or the superintendent of public instruction 165846
shall request only one criminal records check of the person under 165847
division (C) of this section. 165848

(G) If the department is unable to enroll a person who has 165849
submitted an application for licensure, or to whom the state board 165850
has issued a license, in the retained applicant fingerprint 165851
database established under section 109.5721 of the Revised Code 165852
because the person has not satisfied the requirements for 165853
enrollment, the department shall require the person to satisfy the 165854
requirements for enrollment, including requiring the person to 165855

submit, by a date prescribed by the department, one complete set 165856
of fingerprints and written permission that authorizes the 165857
superintendent of public instruction to forward the fingerprints 165858
to the bureau of criminal identification and investigation for the 165859
purpose of enrolling the person in the database. If the person 165860
fails to comply by the prescribed date, the department shall 165861
reject the application or shall take action to inactivate the 165862
person's license in accordance with division (E) of this section. 165863

Sec. 3319.311. (A)(1) The state board of education, or the 165864
superintendent of public instruction on behalf of the board, may 165865
investigate any information received about a person that 165866
reasonably appears to be a basis for action under section 3319.31 165867
of the Revised Code, including information received pursuant to 165868
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 165869
or 5153.176 of the Revised Code. Except as provided in division 165870
(A)(2) of this section, the board shall contract with the office 165871
of the Ohio attorney general to conduct any investigation of that 165872
nature. The board shall pay for the costs of the contract only 165873
from moneys in the state board of education licensure fund 165874
established under section 3319.51 of the Revised Code. Except as 165875
provided in division (A)(2) of this section, all information 165876
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 165877
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 165878
information obtained during an investigation is confidential and 165879
is not a public record under section 149.43 of the Revised Code. 165880
If an investigation is conducted under this division regarding 165881
information received about a person and no action is taken against 165882
the person under this section or section 3319.31 of the Revised 165883
Code within two years of the completion of the investigation, all 165884
records of the investigation shall be expunged. 165885

(2) In the case of a person about whom the board has learned 165886
of a plea of guilty to, finding of guilt by a jury or court of, or 165887

a conviction of an offense listed in division (C) of section 165888
3319.31 of the Revised Code, or substantially comparable conduct 165889
occurring in a jurisdiction outside this state, the board or the 165890
superintendent of public instruction need not conduct any further 165891
investigation and shall take the action required by division (C) 165892
or (F) of that section. Except as provided in division (G) of this 165893
section, all information obtained by the board or the 165894
superintendent of public instruction pertaining to the action is a 165895
public record under section 149.43 of the Revised Code. 165896

(B) The superintendent of public instruction shall review the 165897
results of each investigation of a person conducted under division 165898
(A)(1) of this section and shall determine, on behalf of the state 165899
board, whether the results warrant initiating action under 165900
division (B) of section 3319.31 of the Revised Code. The 165901
superintendent shall advise the board of such determination at a 165902
meeting of the board. Within fourteen days of the next meeting of 165903
the board, any member of the board may ask that the question of 165904
initiating action under section 3319.31 of the Revised Code be 165905
placed on the board's agenda for that next meeting. Prior to 165906
initiating that action against any person, the person's name and 165907
any other personally identifiable information shall remain 165908
confidential. 165909

(C) The board shall take no action against a person under 165910
division (B) of section 3319.31 of the Revised Code without 165911
providing the person with written notice of the charges and with 165912
an opportunity for a hearing in accordance with Chapter 119. of 165913
the Revised Code. 165914

(D) For purposes of an investigation under division (A)(1) of 165915
this section or a hearing under division (C) of this section or 165916
under division (E)(2) of section 3319.31 of the Revised Code, the 165917
board, or the superintendent on behalf of the board, may 165918
administer oaths, order the taking of depositions, issue 165919

subpoenas, and compel the attendance of witnesses and the 165920
production of books, accounts, papers, records, documents, and 165921
testimony. The issuance of subpoenas under this division may be by 165922
certified mail, regular mail with a certificate of mailing, or 165923
other form of delivery with proof of delivery, including 165924
electronic delivery with electronic proof of delivery, or personal 165925
delivery to the person. 165926

(E) The superintendent, on behalf of the board, may enter 165927
into a consent agreement with a person against whom action is 165928
being taken under division (B) of section 3319.31 of the Revised 165929
Code. The board may adopt rules governing the superintendent's 165930
action under this division. 165931

(F) No surrender of a license shall be effective until the 165932
board takes action to accept the surrender unless the surrender is 165933
pursuant to a consent agreement entered into under division (E) of 165934
this section. 165935

(G) The name of any person who is not required to report 165936
information under section 3314.40, 3319.313, 3326.24, 3328.19, 165937
5126.253, or 5153.176 of the Revised Code, but who in good faith 165938
provides information to the state board or superintendent of 165939
public instruction about alleged misconduct committed by a person 165940
who holds a license or has applied for issuance or renewal of a 165941
license, shall be confidential and shall not be released. Any such 165942
person shall be immune from any civil liability that otherwise 165943
might be incurred or imposed for injury, death, or loss to person 165944
or property as a result of the provision of that information. 165945

(H)(1) No person shall knowingly make a false report to the 165946
superintendent of public instruction or the state board of 165947
education alleging misconduct by an employee of a public or 165948
chartered nonpublic school or an employee of the operator of a 165949
community school established under Chapter 3314. or a 165950
college-preparatory boarding school established under Chapter 165951

3328. of the Revised Code. 165952

(2)(a) In any civil action brought against a person in which 165953
it is alleged and proved that the person violated division (H)(1) 165954
of this section, the court shall award the prevailing party 165955
reasonable attorney's fees and costs that the prevailing party 165956
incurred in the civil action or as a result of the false report 165957
that was the basis of the violation. 165958

(b) If a person is convicted of or pleads guilty to a 165959
violation of division (H)(1) of this section, if the subject of 165960
the false report that was the basis of the violation was charged 165961
with any violation of a law or ordinance as a result of the false 165962
report, and if the subject of the false report is found not to be 165963
guilty of the charges brought against the subject as a result of 165964
the false report or those charges are dismissed, the court that 165965
sentences the person for the violation of division (H)(1) of this 165966
section, as part of the sentence, shall order the person to pay 165967
restitution to the subject of the false report, in an amount equal 165968
to reasonable attorney's fees and costs that the subject of the 165969
false report incurred as a result of or in relation to the 165970
charges. 165971

Sec. 3321.13. (A) Whenever any child of compulsory school age 165972
withdraws from school the teacher of that child shall ascertain 165973
the reason for withdrawal. The fact of the withdrawal and the 165974
reason for it shall be immediately transmitted by the teacher to 165975
the superintendent of the city, local, or exempted village school 165976
district. If the child who has withdrawn from school has done so 165977
because of change of residence, the next residence shall be 165978
ascertained and shall be included in the notice thus transmitted. 165979
The superintendent shall thereupon forward a card showing the 165980
essential facts regarding the child and stating the place of the 165981
child's new residence to the superintendent of schools of the 165982

district to which the child has moved. 165983

The superintendent of public instruction may prescribe the 165984
forms to be used in the operation of this division. 165985

(B)(1) Upon receipt of information that a child of compulsory 165986
school age has withdrawn from school for a reason other than 165987
because of change of residence and is not enrolled in and 165988
attending in accordance with school policy an approved program to 165989
obtain a diploma or its equivalent, the superintendent shall 165990
notify the registrar of motor vehicles and the juvenile judge of 165991
the county in which the district is located of the withdrawal and 165992
failure to enroll in and attend an approved program to obtain a 165993
diploma or its equivalent. A notification to the registrar 165994
required by this division shall be given in the manner the 165995
registrar by rule requires and a notification to the juvenile 165996
judge required by this division shall be given in writing. Each 165997
notification shall be given within two weeks after the withdrawal 165998
and failure to enroll in and attend an approved program or its 165999
equivalent. 166000

(2) The board of education of a school district may adopt a 166001
resolution providing that the provisions of division (B)(2) of 166002
this section apply within the district. The provisions of division 166003
(B)(2) of this section do not apply within any school district, 166004
and no superintendent of a school district shall send a 166005
notification of the type described in division (B)(2) of this 166006
section to the registrar of motor vehicles or the juvenile judge 166007
of the county in which the district is located, unless the board 166008
of education of the district has adopted such a resolution. If the 166009
board of education of a school district adopts a resolution 166010
providing that the provisions of division (B)(2) of this section 166011
apply within the district, and if the superintendent of schools of 166012
that district receives information that, during any semester or 166013

term, a child of compulsory school age has been absent without 166014
legitimate excuse from the school the child is supposed to attend 166015
for more than sixty consecutive hours in a single month or for at 166016
least ninety hours in a school year, the superintendent shall 166017
notify the child and the child's parent, guardian, or custodian, 166018
in writing, that the information has been provided to the 166019
superintendent, that as a result of that information the child's 166020
temporary instruction permit or driver's license will be suspended 166021
or the opportunity to obtain such a permit or license will be 166022
denied, and that the child and the child's parent, guardian, or 166023
custodian may ~~appear in person~~ participate in a hearing at a 166024
scheduled date, time, and place ~~before~~ conducted by the 166025
superintendent or a designee to challenge the information provided 166026
to the superintendent. The hearing may be conducted by electronic 166027
means if requested by the child's parent, guardian, or custodian. 166028

The notification to the child and the child's parent, 166029
guardian, or custodian required by division (B)(2) of this section 166030
shall set forth the information received by the superintendent and 166031
shall inform the child and the child's parent, guardian, or 166032
custodian of the scheduled date, time, and ~~place~~ participation 166033
method of the ~~appearance that they may have~~ hearing before the 166034
superintendent or a designee. The date scheduled for the 166035
~~appearance~~ hearing shall be no earlier than three and no later 166036
than five days after the notification is given, provided that an 166037
extension may be granted upon request of the child or the child's 166038
parent, guardian, or custodian. If an extension is granted, the 166039
superintendent shall schedule a new date, time, and ~~place~~ method 166040
for the ~~appearance~~ hearing and shall inform the child and the 166041
child's parent, guardian, or custodian of the new date, time, and 166042
~~place~~ method. 166043

If the child and the child's parent, guardian, or custodian 166044
do not appear before the superintendent or a designee on the 166045

scheduled date and ~~at~~ for the scheduled ~~time and place~~ hearing, or 166046
if the child and the child's parent, guardian, or custodian appear 166047
before the superintendent or a designee on the scheduled date and 166048
at the scheduled time ~~and place~~ but the superintendent or a 166049
designee determines that the information the superintendent 166050
received indicating that, during the semester or term, the child 166051
had been absent without legitimate excuse from the school the 166052
child was supposed to attend for more than sixty consecutive hours 166053
or for at least ninety total hours, the superintendent shall 166054
notify the registrar of motor vehicles and the juvenile judge of 166055
the county in which the district is located that the child has 166056
been absent for that period of time and that the child does not 166057
have any legitimate excuse for the habitual absence. A 166058
notification to the registrar required by this division shall be 166059
given in the manner the registrar by rule requires and a 166060
notification to the juvenile judge required by this division shall 166061
be given in writing. Each notification shall be given within two 166062
weeks after the receipt of the information of the habitual absence 166063
from school without legitimate excuse, or, if the child and the 166064
child's parent, guardian, or custodian appear before the 166065
superintendent or a designee to challenge the information, within 166066
two weeks after the ~~appearance~~ hearing. 166067

For purposes of division (B)(2) of this section, a legitimate 166068
excuse for absence from school includes, but is not limited to, 166069
the fact that the child in question has enrolled in another school 166070
or school district in this or another state, the fact that the 166071
child in question was excused from attendance for any of the 166072
reasons specified in section 3321.04 of the Revised Code, or the 166073
fact that the child in question has received an age and schooling 166074
certificate in accordance with section 3331.01 of the Revised 166075
Code. 166076

(3) Whenever a pupil is suspended or expelled from school 166077

pursuant to section 3313.66 of the Revised Code and the reason for 166078
the suspension or expulsion is the use or possession of alcohol, a 166079
drug of abuse, or alcohol and a drug of abuse, the superintendent 166080
of schools of that district may notify the registrar and the 166081
juvenile judge of the county in which the district is located of 166082
such suspension or expulsion. Any such notification of suspension 166083
or expulsion shall be given to the registrar, in the manner the 166084
registrar by rule requires and shall be given to the juvenile 166085
judge in writing. The notifications shall be given within two 166086
weeks after the suspension or expulsion. 166087

(4) Whenever a pupil is suspended, expelled, removed, or 166088
permanently excluded from a school for misconduct included in a 166089
policy that the board of education of a city, exempted village, or 166090
local school district has adopted under division (A) of section 166091
3313.661 of the Revised Code, and the misconduct involves a 166092
firearm or a knife or other weapon as defined in that policy, the 166093
superintendent of schools of that district shall notify the 166094
registrar and the juvenile judge of the county in which the 166095
district is located of the suspension, expulsion, removal, or 166096
permanent exclusion. The notification shall be given to the 166097
registrar in the manner the registrar, by rule, requires and shall 166098
be given to the juvenile judge in writing. The notifications shall 166099
be given within two weeks after the suspension, expulsion, 166100
removal, or permanent exclusion. 166101

(C) A notification of withdrawal, habitual absence without 166102
legitimate excuse, suspension, or expulsion given to the registrar 166103
or a juvenile judge under division (B)(1), (2), (3), or (4) of 166104
this section shall contain the name, address, date of birth, 166105
school, and school district of the child. If the superintendent 166106
finds, after giving a notification of withdrawal, habitual absence 166107
without legitimate excuse, suspension, or expulsion to the 166108
registrar and the juvenile judge under division (B)(1), (2), (3), 166109

or (4) of this section, that the notification was given in error, 166110
the superintendent immediately shall notify the registrar and the 166111
juvenile judge of that fact. 166112

Sec. 3321.21. A notice under section 3321.19 or 3321.20 of 166113
the Revised Code, sent by registered mail, regular mail with a 166114
certificate of mailing, or other form of delivery with proof of 166115
delivery, including electronic delivery and electronic proof of 166116
delivery, is a legal notice. 166117

Sec. 3704.03. The director of environmental protection may do 166118
any of the following: 166119

(A) Develop programs for the prevention, control, and 166120
abatement of air pollution; 166121

(B) Advise, consult, contract, and cooperate with any 166122
governmental or private agency in the furtherance of the purposes 166123
of this chapter; 166124

(C) Encourage, participate in, or conduct studies, 166125
investigations, and research relating to air pollution, collect 166126
and disseminate information, and conduct education and training 166127
programs relating to the causes, prevention, control, and 166128
abatement of air pollution; 166129

(D) Adopt, modify, and rescind rules prescribing ambient air 166130
quality standards for the state as a whole or for various areas of 166131
the state that are consistent with and no more stringent than the 166132
national ambient air quality standards in effect under the federal 166133
Clean Air Act; 166134

(E) Adopt, modify, suspend, and rescind rules for the 166135
prevention, control, and abatement of air pollution, including 166136
rules prescribing for the state as a whole or for various areas of 166137
the state emission standards for air contaminants, and other 166138
necessary rules for the purpose of achieving and maintaining 166139

compliance with ambient air quality standards in all areas within 166140
the state as expeditiously as practicable, but not later than any 166141
deadlines applicable under the federal Clean Air Act; rules for 166142
the prevention or control of the emission of hazardous or toxic 166143
air contaminants; rules prescribing fugitive dust limitations and 166144
standards that are related, on an areawide basis, to attainment 166145
and maintenance of ambient air quality standards; rules 166146
prescribing shade, density, or opacity limitations and standards 166147
for emissions, provided that with regard to air contaminant 166148
sources for which there are particulate matter emission standards 166149
in addition to a shade, density, or opacity rule, upon 166150
demonstration by such a source of compliance with those other 166151
standards, the shade, density, or opacity rule shall provide for 166152
establishment of a shade, density, or opacity limitation for that 166153
source that does not require the source to reduce emissions below 166154
the level specified by those other standards; rules for the 166155
prevention or control of odors and air pollution nuisances; rules 166156
that prevent significant deterioration of air quality to the 166157
extent required by the federal Clean Air Act; rules for the 166158
protection of visibility as required by the federal Clean Air Act; 166159
and rules prescribing open burning limitations and standards. In 166160
adopting, modifying, suspending, or rescinding any such rules, the 166161
director, to the extent consistent with the federal Clean Air Act, 166162
shall hear and give consideration to evidence relating to all of 166163
the following: 166164

(1) Conditions calculated to result from compliance with the 166165
rules, the overall cost within this state of compliance with the 166166
rules, and their relation to benefits to the people of the state 166167
to be derived from that compliance; 166168

(2) The quantity and characteristics of air contaminants, the 166169
frequency and duration of their presence in the ambient air, and 166170
the dispersion and dilution of those contaminants; 166171

(3) Topography, prevailing wind directions and velocities, 166172
physical conditions, and other factors that may or may combine to 166173
affect air pollution. 166174

Consistent with division (K) of section 3704.036 of the 166175
Revised Code, the director shall consider alternative emission 166176
limits proposed by the owner or operator of an air contaminant 166177
source that is subject to an emission limit established in rules 166178
adopted under this division and shall accept those alternative 166179
emission limits that the director determines to be equivalent to 166180
emission limits established in rules adopted under this division. 166181

(F)(1) Adopt, modify, suspend, and rescind rules consistent 166182
with the purposes of this chapter prohibiting the location, 166183
installation, construction, or modification of any air contaminant 166184
source or any machine, equipment, device, apparatus, or physical 166185
facility intended primarily to prevent or control the emission of 166186
air contaminants unless an installation permit therefor has been 166187
obtained from the director or the director's authorized 166188
representative. 166189

(2)(a) Applications for installation permits shall be 166190
accompanied by plans, specifications, construction schedules, and 166191
such other pertinent information and data, including data on 166192
ambient air quality impact and a demonstration of best available 166193
technology, as the director may require. Installation permits 166194
shall be issued for a period specified by the director and are 166195
transferable. The director shall specify in each permit the 166196
applicable emission standards and that the permit is conditioned 166197
upon payment of the applicable fees as required by section 3745.11 166198
of the Revised Code and upon the right of the director's 166199
authorized representatives to enter upon the premises of the 166200
person to whom the permit has been issued, at any reasonable time 166201
and subject to safety requirements of the person in control of the 166202
premises, for the purpose of determining compliance with such 166203

standards, this chapter, the rules adopted thereunder, and the 166204
conditions of any permit, variance, or order issued thereunder. 166205
Each proposed new or modified air contaminant source shall provide 166206
such notice of its proposed installation or modification to other 166207
states as is required under the federal Clean Air Act. 166208
Installation permits shall include the authorization to operate 166209
sources installed and operated in accordance with terms and 166210
conditions of the installation permits for a period not to exceed 166211
one year from commencement of operation, which authorization shall 166212
constitute an operating permit under division (G) of this section 166213
and rules adopted under it. 166214

No installation permit shall be required for activities that 166215
are subject to and in compliance with a plant-wide applicability 166216
limit issued by the director in accordance with rules adopted 166217
under this section. 166218

No installation permit shall be issued except in accordance 166219
with all requirements of this chapter and rules adopted 166220
thereunder. No application shall be denied or permit revoked or 166221
modified without a written order stating the findings upon which 166222
denial, revocation, or modification is based. A copy of the order 166223
shall be sent to the applicant or permit holder by certified mail. 166224

(b) An air contaminant source that is the subject of an 166225
installation permit shall be installed or modified in accordance 166226
with the permit not later than eighteen months after the permit's 166227
effective date at which point the permit shall terminate unless 166228
one of the following applies: 166229

(i) The owner or operator has undertaken a continuing program 166230
of installation or modification during the eighteen-month period. 166231

(ii) The owner or operator has entered into a binding 166232
contractual obligation to undertake and complete within a 166233
reasonable period of time a continuing program of installation or 166234

modification of the air contaminant source during the 166235
eighteen-month period. 166236

(iii) The director has extended the date by which the air 166237
contaminant source that is the subject of the installation permit 166238
must be installed or modified. 166239

(iv) The installation permit is the subject of an appeal by a 166240
party other than the owner or operator of the air contaminant 166241
source that is the subject of the installation permit, in which 166242
case the date of termination of the permit is not later than 166243
eighteen months after the effective date of the permit plus the 166244
number of days between the date in which the permit was appealed 166245
and the date on which all appeals concerning the permit have been 166246
resolved. 166247

(v) The installation permit has been superseded by a 166248
subsequent installation permit, in which case the original 166249
installation permit terminates on the effective date of the 166250
superseding installation permit. 166251

Division (F)(2)(b) of this section applies to an installation 166252
permit that has not terminated as of ~~the effective date of this~~ 166253
~~amendment~~ October 16, 2009. 166254

The director may adopt rules in accordance with Chapter 119. 166255
of the Revised Code for the purpose of establishing additional 166256
requirements that are necessary for the implementation of division 166257
(F)(2)(b) of this section. 166258

(3) Not later than two years after August 3, 2006, the 166259
director shall adopt a rule in accordance with Chapter 119. of the 166260
Revised Code specifying that a permit to install is required only 166261
for new or modified air contaminant sources that emit any of the 166262
following air contaminants: 166263

(a) An air contaminant or precursor of an air contaminant for 166264
which a national ambient air quality standard has been adopted 166265

under the federal Clean Air Act; 166266

(b) An air contaminant for which the air contaminant source 166267
is regulated under the federal Clean Air Act; 166268

(c) An air contaminant that presents, or may present, through 166269
inhalation or other routes of exposure, a threat of adverse human 166270
health effects, including, but not limited to, substances that are 166271
known to be, or may reasonably be anticipated to be, carcinogenic, 166272
mutagenic, teratogenic, or neurotoxic, that cause reproductive 166273
dysfunction, or that are acutely or chronically toxic, or a threat 166274
of adverse environmental effects whether through ambient 166275
concentrations, bioaccumulation, deposition, or otherwise, and 166276
that is identified in the rule by chemical name and chemical 166277
abstract service number. 166278

The director may modify the rule adopted under division 166279
(F)(3)(c) of this section for the purpose of adding or deleting 166280
air contaminants. For each air contaminant that is contained in or 166281
deleted from the rule adopted under division (F)(3)(c) of this 166282
section, the director shall include in a notice accompanying any 166283
proposed or final rule an explanation of the director's 166284
determination that the air contaminant meets the criteria 166285
established in that division and should be added to, or no longer 166286
meets the criteria and should be deleted from, the list of air 166287
contaminants. The explanation shall include an identification of 166288
the scientific evidence on which the director relied in making the 166289
determination. Until adoption of the rule under division (F)(3)(c) 166290
of this section, nothing shall affect the director's authority to 166291
issue, deny, modify, or revoke permits to install under this 166292
chapter and rules adopted under it. 166293

(4)(a) Applications for permits to install new or modified 166294
air contaminant sources shall contain sufficient information 166295
regarding air contaminants for which the director may require a 166296
permit to install to determine conformity with the environmental 166297

protection agency's document entitled "Review of New Sources of Air Toxics Emissions, Option A," dated May 1986, which the director shall use to evaluate toxic emissions from new or modified air contaminant sources. The director shall make copies of the document available to the public upon request at no cost and post the document on the environmental protection agency's web site. Any inconsistency between the document and division (F)(4) of this section shall be resolved in favor of division (F)(4) of this section.

(b) The maximum acceptable ground level concentration of an air contaminant shall be calculated in accordance with the document entitled "Review of New Sources of Air Toxics Emissions, Option A." Modeling shall be conducted to determine the increase in the ground level concentration of an air contaminant beyond the facility's boundary caused by the emissions from a new or modified source that is the subject of an application for a permit to install. Modeling shall be based on the maximum hourly rate of emissions from the source using information including, but not limited to, any emission control devices or methods, operational restrictions, stack parameters, and emission dispersion devices or methods that may affect ground level concentrations, either individually or in combination. The director shall determine whether the activities for which a permit to install is sought will cause an increase in the ground level concentration of one or more relevant air contaminants beyond the facility's boundary by an amount in excess of the maximum acceptable ground level concentration. In making the determination as to whether the maximum acceptable ground level concentration will be exceeded, the director shall give consideration to the modeling conducted under division (F)(4)(b) of this section and other relevant information submitted by the applicant.

(c) If the modeling conducted under division (F)(4)(b) of

this section with respect to an application for a permit to 166330
install demonstrates that the maximum ground level concentration 166331
from a new or modified source will be greater than or equal to 166332
eighty per cent, but less than one hundred per cent of the maximum 166333
acceptable ground level concentration for an air contaminant, the 166334
director may establish terms and conditions in the permit to 166335
install for the air contaminant source that will require the owner 166336
or operator of the air contaminant source to maintain emissions of 166337
that air contaminant commensurate with the modeled level, which 166338
shall be expressed as allowable emissions per day. In order to 166339
calculate the allowable emissions per day, the director shall 166340
multiply the hourly emission rate modeled under division (F)(4)(b) 166341
of this section to determine the ground level concentration by the 166342
operating schedule that has been identified in the permit to 166343
install application. Terms and conditions imposed under division 166344
(F)(4)(c) of this section are not federally enforceable 166345
requirements and, if included in a Title V permit, shall be placed 166346
in the portion of the permit that is only enforceable by the 166347
state. 166348

(d) If the modeling conducted under division (F)(4)(b) of 166349
this section with respect to an application for a permit to 166350
install demonstrates that the maximum ground level concentration 166351
from a new or modified source will be less than eighty per cent of 166352
the maximum acceptable ground level concentration, the owner or 166353
operator of the source annually shall report to the director, on a 166354
form prescribed by the director, whether operations of the source 166355
are consistent with the information regarding the operations that 166356
was used to conduct the modeling with regard to the permit to 166357
install application. The annual report to the director shall be in 166358
lieu of an emission limit or other permit terms and conditions 166359
imposed pursuant to division (F)(4) of this section. The director 166360
may consider any significant departure from the operations of the 166361
source described in the permit to install application that results 166362

in greater emissions than the emissions rate modeled to determine 166363
the ground level concentration as a modification and require the 166364
owner or operator to submit a permit to install application for 166365
the increased emissions. The requirements established in division 166366
(F)(4)(d) of this section are not federally enforceable 166367
requirements and, if included in a Title V permit, shall be placed 166368
in the portion of the permit that is only enforceable by the 166369
state. 166370

(e) Division (F)(4) of this section and the document entitled 166371
"Review of New Sources of Air Toxics Emissions, Option A" shall 166372
not be included in the state implementation plan under section 110 166373
of the federal Clean Air Act and do not apply to an air 166374
contaminant source that is subject to a maximum achievable control 166375
technology standard or residual risk standard under section 112 of 166376
the federal Clean Air Act, to a particular air contaminant 166377
identified under 40 C.F.R. 51.166, division (b)(23), for which the 166378
director has determined that the owner or operator of the source 166379
is required to install best available control technology for that 166380
particular air contaminant, or to a particular air contaminant for 166381
which the director has determined that the source is required to 166382
meet the lowest achievable emission rate, as defined in 40 C.F.R. 166383
part 51, Appendix S, for that particular air contaminant. 166384

(f)(i) Division (F)(4) of this section and the document 166385
entitled "Review of New Sources of Air Toxics Emissions, Option A" 166386
do not apply to parking lots, storage piles, storage tanks, 166387
transfer operations, grain silos, grain dryers, emergency 166388
generators, gasoline dispensing operations, air contaminant 166389
sources that emit air contaminants solely from the combustion of 166390
fossil fuels, or the emission of wood dust, sand, glass dust, coal 166391
dust, silica, and grain dust. 166392

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 166393
the director may require an individual air contaminant source that 166394

is within one of the source categories identified in division 166395
(F)(4)(f)(i) of this section to submit information in an 166396
application for a permit to install a new or modified source in 166397
order to determine the source's conformity to the document if the 166398
director has information to conclude that the particular new or 166399
modified source will potentially cause an increase in ground level 166400
concentration beyond the facility's boundary that exceeds the 166401
maximum acceptable ground level concentration as set forth in the 166402
document. 166403

(iii) The director may adopt rules in accordance with Chapter 166404
119. of the Revised Code that are consistent with the purposes of 166405
this chapter and that add to or delete from the source category 166406
exemptions established in division (F)(4)(f)(i) of this section. 166407

(5) Not later than one year after August 3, 2006, the 166408
director shall adopt rules in accordance with Chapter 119. of the 166409
Revised Code specifying activities that do not, by themselves, 166410
constitute beginning actual construction activities related to the 166411
installation or modification of an air contaminant source for 166412
which a permit to install is required such as the grading and 166413
clearing of land, on-site storage of portable parts and equipment, 166414
and the construction of foundations or buildings that do not 166415
themselves emit air contaminants. The rules also shall allow 166416
specified initial activities that are part of the installation or 166417
modification of an air contaminant source, such as the 166418
installation of electrical and other utilities for the source, 166419
prior to issuance of a permit to install, provided that the owner 166420
or operator of the source has filed a complete application for a 166421
permit to install, the director or the director's designee has 166422
determined that the application is complete, and the owner or 166423
operator of the source has notified the director that this 166424
activity will be undertaken prior to the issuance of a permit to 166425
install. Any activity that is undertaken by the source under those 166426

rules shall be at the risk of the owner or operator. The rules 166427
shall not apply to activities that are precluded prior to permit 166428
issuance under section 111, section 112, Part C of Title I, and 166429
Part D of Title I of the federal Clean Air Act. 166430

(G) Adopt, modify, suspend, and rescind rules prohibiting the 166431
operation or other use of any new, modified, or existing air 166432
contaminant source unless an operating permit has been obtained 166433
from the director or the director's authorized representative, or 166434
the air contaminant source is being operated in compliance with 166435
the conditions of a variance issued pursuant to division (H) of 166436
this section. Applications for operating permits shall be 166437
accompanied by such plans, specifications, and other pertinent 166438
information as the director may require. Operating permits may be 166439
issued for a period determined by the director not to exceed ten 166440
years, are renewable, and are transferable. The director shall 166441
specify in each operating permit that the permit is conditioned 166442
upon payment of the applicable fees as required by section 3745.11 166443
of the Revised Code and upon the right of the director's 166444
authorized representatives to enter upon the premises of the 166445
person to whom the permit has been issued, at any reasonable time 166446
and subject to safety requirements of the person in control of the 166447
premises, for the purpose of determining compliance with this 166448
chapter, the rules adopted thereunder, and the conditions of any 166449
permit, variance, or order issued thereunder. Operating permits 166450
may be denied or revoked for failure to comply with this chapter 166451
or the rules adopted thereunder. An operating permit shall be 166452
issued only upon a showing satisfactory to the director or the 166453
director's representative that the air contaminant source is being 166454
operated in compliance with applicable emission standards and 166455
other rules or upon submission of a schedule of compliance 166456
satisfactory to the director for a source that is not in 166457
compliance with all applicable requirements at the time of permit 166458
issuance, provided that the compliance schedule shall be 166459

consistent with and at least as stringent as that contained in any 166460
judicial consent decree or administrative order to which the air 166461
contaminant source is subject. The rules shall provide for the 166462
issuance of conditional operating permits for such reasonable 166463
periods as the director may determine to allow the holder of an 166464
installation permit, who has constructed, installed, located, or 166465
modified a new air contaminant source in accordance with the 166466
provisions of an installation permit, to make adjustments or 166467
modifications necessary to enable the new air contaminant source 166468
to comply with applicable emission standards and other rules. 166469
Terms and conditions of operating permits issued pursuant to this 166470
division shall be federally enforceable for the purpose of 166471
establishing the potential to emit of a stationary source and 166472
shall be expressly designated as federally enforceable. Any such 166473
federally enforceable restrictions on a source's potential to emit 166474
shall include both an annual limit and a short-term limit of not 166475
more than thirty days for each pollutant to be restricted together 166476
with adequate methods for establishing compliance with the 166477
restrictions. In other respects, operating permits issued pursuant 166478
to this division are enforceable as state law only. No application 166479
shall be denied or permit revoked or modified without a written 166480
order stating the findings upon which denial, revocation, or 166481
modification is based. A copy of the order shall be sent to the 166482
applicant or permit holder by certified mail. 166483

(H) Adopt, modify, and rescind rules governing the issuance, 166484
revocation, modification, or denial of variances that authorize 166485
emissions in excess of the applicable emission standards. 166486

No variance shall be issued except pursuant to those rules. 166487
The rules shall prescribe conditions and criteria in furtherance 166488
of the purposes of this chapter and consistent with the federal 166489
Clean Air Act governing eligibility for issuance of variances, 166490
which shall include all of the following: 166491

(1) Provisions requiring consistency of emissions authorized 166492
by a variance with timely attainment and maintenance of ambient 166493
air quality standards; 166494

(2) Provisions prescribing the classes and categories of air 166495
contaminants and air contaminant sources for which variances may 166496
be issued; 166497

(3) Provisions defining the circumstances under which an 166498
applicant shall demonstrate that compliance with applicable 166499
emission standards is technically infeasible, economically 166500
unreasonable, or impossible because of conditions beyond the 166501
control of the applicant; 166502

(4) Other provisions prescribed in furtherance of the goals 166503
of this chapter. 166504

The rules shall prohibit the issuance of variances from any 166505
emission limitation that was applicable to a source pursuant to an 166506
installation permit and shall prohibit issuance of variances that 166507
conflict with the federal Clean Air Act. 166508

Applications for variances shall be accompanied by such 166509
information as the director may require. In issuing variances, the 166510
director may order the person to whom a variance is issued to 166511
furnish plans and specifications and such other information and 166512
data, including interim reports, as the director may require and 166513
to proceed to take such action within such time as the director 166514
may determine to be appropriate and reasonable to prevent, 166515
control, or abate the person's existing emissions of air 166516
contaminants. The director shall specify in each variance that the 166517
variance is conditioned upon payment of the applicable fees as 166518
required by section 3745.11 of the Revised Code and upon the right 166519
of the director's authorized representatives to enter upon the 166520
premises of the person to whom the variance has been issued, at 166521
any reasonable time and subject to safety requirements of the 166522

person in control of the premises, for the purpose of determining 166523
compliance with this chapter, the rules adopted thereunder, and 166524
the conditions of any permit, variance, or order issued 166525
thereunder. 166526

The director may hold a public hearing on an application for 166527
a variance or renewal thereof at a location in the county where 166528
the variance is sought. The director shall give not less than 166529
twenty days' notice of the hearing to the applicant by certified 166530
mail or another type of mail accompanied by a receipt and. The 166531
director also shall cause at least one publication of notice in a 166532
newspaper with general circulation in the county where the 166533
variance is sought or may instead provide public notice by 166534
publication on the environmental protection agency's web site. The 166535
director shall keep available for public inspection at the 166536
principal office of the environmental protection agency a current 166537
schedule of pending applications for variances and a current 166538
schedule of pending variance hearings. The director shall make a 166539
complete stenographic record or electronic record of testimony and 166540
other evidence submitted at the hearing. The director shall make a 166541
written determination to issue, renew, or deny the variance and 166542
shall enter the determination and the basis therefor into the 166543
record of the hearing. The director shall issue, renew, or deny an 166544
application for a variance or renewal thereof, or issue a proposed 166545
action upon the application pursuant to section 3745.07 of the 166546
Revised Code, within six months of the date upon which the 166547
director receives a complete application with all pertinent 166548
information and data required by the director. 166549

Any variance granted pursuant to rules adopted under this 166550
division shall be for a period specified by the director, not to 166551
exceed three years, and may be renewed from time to time on such 166552
terms and for such periods, not to exceed three years each, as the 166553
director determines to be appropriate. A variance may be revoked, 166554

or renewal denied, for failure to comply with conditions specified 166555
in the variance. No variance shall be issued, denied, revoked, or 166556
modified without a written order stating the findings upon which 166557
the issuance, denial, revocation, or modification is based. A copy 166558
of the order shall be sent to the applicant or variance holder by 166559
certified mail. 166560

(I) Require the owner or operator of an air contaminant 166561
source to install, employ, maintain, and operate such emissions, 166562
ambient air quality, meteorological, or other monitoring devices 166563
or methods as the director shall prescribe; to sample those 166564
emissions at such locations, at such intervals, and in such manner 166565
as the director prescribes; to maintain records and file periodic 166566
reports with the director containing information as to location, 166567
size, and height of emission outlets, rate, duration, and 166568
composition of emissions, and any other pertinent information the 166569
director prescribes; and to provide such written notice to other 166570
states as the director shall prescribe. In requiring monitoring 166571
devices, records, and reports, the director, to the extent 166572
consistent with the federal Clean Air Act, shall give 166573
consideration to technical feasibility and economic reasonableness 166574
and allow reasonable time for compliance. For sources where a 166575
specific monitoring, record-keeping, or reporting requirement is 166576
specified for a particular air contaminant from a particular air 166577
contaminant source in an applicable regulation adopted by the 166578
United States environmental protection agency under the federal 166579
Clean Air Act or in an applicable rule adopted by the director, 166580
the director shall not impose an additional requirement in a 166581
permit that is a different monitoring, record-keeping, or 166582
reporting requirement other than the requirement specified in the 166583
applicable regulation or rule for that air contaminant except as 166584
otherwise agreed to by the owner or operator of the air 166585
contaminant source and the director. If two or more regulations or 166586
rules impose different monitoring, record-keeping, or reporting 166587

requirements for the same air contaminant from the same air 166588
contaminant source, the director may impose permit terms and 166589
conditions that consolidate or streamline the monitoring, 166590
record-keeping, or reporting requirements in a manner that 166591
conforms with each applicable requirement. To the extent 166592
consistent with the federal Clean Air Act and except as otherwise 166593
agreed to by the owner or operator of an air contaminant source 166594
and the director, the director shall not require an operating 166595
restriction that has the practical effect of increasing the 166596
stringency of an existing applicable emission limitation or 166597
standard. 166598

(J) Establish, operate, and maintain monitoring stations and 166599
other devices designed to measure air pollution and enter into 166600
contracts with any public or private agency for the establishment, 166601
operation, or maintenance of such stations and devices; 166602

(K) By rule adopt procedures for giving reasonable public 166603
notice and conducting public hearings on any plans for the 166604
prevention, control, and abatement of air pollution that the 166605
director is required to submit to the federal government; 166606

(L) Through any employee, agent, or authorized representative 166607
of the director or the environmental protection agency, enter upon 166608
private or public property, including improvements thereon, at any 166609
reasonable time, to make inspections, take samples, conduct tests, 166610
and examine records or reports pertaining to any emission of air 166611
contaminants and any monitoring equipment or methods and to 166612
determine if there are any actual or potential emissions from such 166613
premises and, if so, to determine the sources, amounts, contents, 166614
and extent of those emissions, or to ascertain whether there is 166615
compliance with this chapter, any orders issued or rules adopted 166616
thereunder, or any other determination of the director. The 166617
director, at reasonable times, may have access to and copy any 166618
such records. If entry or inspection authorized by this division 166619

is refused, hindered, or thwarted, the director or the director's 166620
authorized representative may by affidavit apply for, and any 166621
judge of a court of record may issue, an appropriate inspection 166622
warrant necessary to achieve the purposes of this chapter within 166623
the court's territorial jurisdiction. 166624

(M) Accept and administer gifts or grants from the federal 166625
government and from any other source, public or private, for 166626
carrying out any of the functions under this chapter; 166627

(N) Obtain necessary scientific, technical, and laboratory 166628
services; 166629

(O) Establish advisory boards in accordance with section 166630
121.13 of the Revised Code; 166631

(P) Delegate to any city or general health district or 166632
political subdivision of the state any of the director's 166633
enforcement and monitoring powers and duties, other than 166634
rule-making powers, as the director elects to delegate, and in 166635
addition employ, compensate, and prescribe the powers and duties 166636
of such officers, employees, and consultants as are necessary to 166637
enable the director to exercise the authority and perform duties 166638
imposed upon the director by law. Technical and other services 166639
shall be performed, insofar as practical, by personnel of the 166640
environmental protection agency. 166641

(Q) Certify to the government of the United States or any 166642
agency thereof that an industrial air pollution facility is in 166643
conformity with the state program or requirements for control of 166644
air pollution whenever such certificate is required for a taxpayer 166645
pursuant to any federal law or requirements; 166646

(R) Issue, modify, or revoke orders requiring abatement of or 166647
prohibiting emissions that violate applicable emission standards 166648
or other requirements of this chapter and rules adopted 166649
thereunder, or requiring emission control devices or measures in 166650

order to comply with applicable emission standards or other 166651
requirements of this chapter and rules adopted thereunder. Any 166652
such order shall require compliance with applicable emission 166653
standards by a specified date and shall not conflict with any 166654
requirement of the federal Clean Air Act. In the making of such 166655
orders, the director, to the extent consistent with the federal 166656
Clean Air Act, shall give consideration to, and base the 166657
determination on, evidence relating to the technical feasibility 166658
and economic reasonableness of compliance with such orders and 166659
their relation to benefits to the people of the state to be 166660
derived from such compliance. If, under the federal Clean Air Act, 166661
any such order shall provide for the posting of a bond or surety 166662
to secure compliance with the order as a condition of issuance of 166663
the order, the order shall so provide, but only to the extent 166664
required by the federal Clean Air Act. 166665

(S) To the extent provided by the federal Clean Air Act, 166666
adopt, modify, and rescind rules providing for the administrative 166667
assessment and collection of monetary penalties, not in excess of 166668
those required pursuant to the federal Clean Air Act, for failure 166669
to comply with any emission limitation or standard, compliance 166670
schedule, or other requirement of any rule, order, permit, or 166671
variance issued or adopted under this chapter or required under 166672
the applicable implementation plan whether or not the source is 166673
subject to a federal or state consent decree. The director may 166674
require the submission of compliance schedules, calculations of 166675
penalties for noncompliance, and related information. Any orders, 166676
payments, sanctions, or other requirements imposed pursuant to 166677
rules adopted under this division shall be in addition to any 166678
other permits, orders, payments, sanctions, or other requirements 166679
established under this chapter and shall not affect any civil or 166680
criminal enforcement proceedings brought under any provision of 166681
this chapter or any other provision of state or local law. This 166682
division does not apply to any requirement of this chapter 166683

regarding the prevention or abatement of odors. 166684

(T) Require new or modified air contaminant sources to 166685
install best available technology, but only in accordance with 166686
this division. With respect to permits issued pursuant to division 166687
(F) of this section beginning three years after August 3, 2006, 166688
best available technology for air contaminant sources and air 166689
contaminants emitted by those sources that are subject to 166690
standards adopted under section 112, Part C of Title I, and Part D 166691
of Title I of the federal Clean Air Act shall be equivalent to and 166692
no more stringent than those standards. For an air contaminant or 166693
precursor of an air contaminant for which a national ambient air 166694
quality standard has been adopted under the federal Clean Air Act, 166695
best available technology only shall be required to the extent 166696
required by rules adopted under Chapter 119. of the Revised Code 166697
for permit to install applications filed three or more years after 166698
August 3, 2006. 166699

Best available technology requirements established in rules 166700
adopted under this division shall be expressed only in one of the 166701
following ways that is most appropriate for the applicable source 166702
or source categories: 166703

(1) Work practices; 166704

(2) Source design characteristics or design efficiency of 166705
applicable air contaminant control devices; 166706

(3) Raw material specifications or throughput limitations 166707
averaged over a twelve-month rolling period; 166708

(4) Monthly allowable emissions averaged over a twelve-month 166709
rolling period. 166710

Best available technology requirements shall not apply to an 166711
air contaminant source that has the potential to emit, taking into 166712
account air pollution controls installed on the source, less than 166713
ten tons per year of emissions of an air contaminant or precursor 166714

of an air contaminant for which a national ambient air quality 166715
standard has been adopted under the federal Clean Air Act. In 166716
addition, best available technology requirements established in 166717
rules adopted under this division shall not apply to any existing, 166718
new, or modified air contaminant source that is subject to a 166719
plant-wide applicability limit that has been approved by the 166720
director. Further, best available technology requirements 166721
established in rules adopted under this division shall not apply 166722
to general permits issued prior to January 1, 2006, under rules 166723
adopted under this chapter. 166724

For permits to install issued three or more years after 166725
August 3, 2006, any new or modified air contaminant source that 166726
has the potential to emit, taking into account air pollution 166727
controls installed on the source, ten or more tons per year of 166728
volatile organic compounds or nitrogen oxides shall meet, at a 166729
minimum, the requirements of any applicable reasonably available 166730
control technology rule in effect as of January 1, 2006, 166731
regardless of the location of the source. 166732

(U) Consistent with section 507 of the federal Clean Air Act, 166733
adopt, modify, suspend, and rescind rules for the establishment of 166734
a small business stationary source technical and environmental 166735
compliance assistance program as provided in section 3704.18 of 166736
the Revised Code; 166737

(V) Provide for emissions trading, marketable permits, 166738
auctions of emission rights, and economic incentives that would 166739
reduce the cost or increase the efficiency of achieving a 166740
specified level of environmental protection; 166741

(W) Provide for the construction of an air contaminant source 166742
prior to obtaining a permit to install pursuant to division (F) of 166743
this section if the applicant demonstrates that the source will be 166744
installed to comply with all applicable emission limits and will 166745
not adversely affect public health or safety or the environment 166746

and if the director determines that such an action will avoid an 166747
unreasonable hardship on the owner or operator of the source. Any 166748
such determination shall be consistent with the federal Clean Air 166749
Act. 166750

(X) Exercise all incidental powers, including adoption of 166751
rules, required to carry out this chapter. 166752

The environmental protection agency shall develop a plan to 166753
control air pollution resulting from state-operated facilities and 166754
property. 166755

Sec. 3734.02. (A) The director of environmental protection, 166756
in accordance with Chapter 119. of the Revised Code, shall adopt 166757
and may amend, suspend, or rescind rules having uniform 166758
application throughout the state governing solid waste facilities 166759
and the inspections of and issuance of permits and licenses for 166760
all solid waste facilities in order to ensure that the facilities 166761
will be located, maintained, and operated, and will undergo 166762
closure and post-closure care, in a sanitary manner so as not to 166763
create a nuisance, cause or contribute to water pollution, create 166764
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 166765
257.3-8, as amended. The rules may include, without limitation, 166766
financial assurance requirements for closure and post-closure care 166767
and corrective action and requirements for taking corrective 166768
action in the event of the surface or subsurface discharge or 166769
migration of explosive gases or leachate from a solid waste 166770
facility, or of ground water contamination resulting from the 166771
transfer or disposal of solid wastes at a facility, beyond the 166772
boundaries of any area within a facility that is operating or is 166773
undergoing closure or post-closure care where solid wastes were 166774
disposed of or are being disposed of. The rules shall not concern 166775
or relate to personnel policies, salaries, wages, fringe benefits, 166776
or other conditions of employment of employees of persons owning 166777

or operating solid waste facilities. The director, in accordance 166778
with Chapter 119. of the Revised Code, shall adopt and may amend, 166779
suspend, or rescind rules governing the issuance, modification, 166780
revocation, suspension, or denial of variances from the director's 166781
solid waste rules, including, without limitation, rules adopted 166782
under this chapter governing the management of scrap tires. 166783

Variances shall be issued, modified, revoked, suspended, or 166784
rescinded in accordance with this division, rules adopted under 166785
it, and Chapter 3745. of the Revised Code. The director may order 166786
the person to whom a variance is issued to take such action within 166787
such time as the director may determine to be appropriate and 166788
reasonable to prevent the creation of a nuisance or a hazard to 166789
the public health or safety or the environment. Applications for 166790
variances shall contain such detail plans, specifications, and 166791
information regarding objectives, procedures, controls, and other 166792
pertinent data as the director may require. The director shall 166793
grant a variance only if the applicant demonstrates to the 166794
director's satisfaction that construction and operation of the 166795
solid waste facility in the manner allowed by the variance and any 166796
terms or conditions imposed as part of the variance will not 166797
create a nuisance or a hazard to the public health or safety or 166798
the environment. In granting any variance, the director shall 166799
state the specific provision or provisions whose terms are to be 166800
varied and also shall state specific terms or conditions imposed 166801
upon the applicant in place of the provision or provisions. 166802

The director may hold a public hearing on an application for 166803
a variance or renewal of a variance at a location in the county 166804
where the operations that are the subject of the application for 166805
the variance are conducted. The director shall give not less than 166806
twenty days' notice of the hearing to the applicant by certified 166807
mail or by another type of mail accompanied by a receipt ~~and~~. The 166808
director shall publish at least one notice of the hearing in a 166809

newspaper with general circulation in the county where the hearing 166810
is to be held or may instead provide public notice by publication 166811
on the environmental protection agency's web site. The director 166812
shall make available for public inspection at the principal office 166813
of the environmental protection agency a current list of pending 166814
applications for variances and a current schedule of pending 166815
variance hearings. The director shall make a complete stenographic 166816
record or electronic record of testimony and other evidence 166817
submitted at the hearing. 166818

Within ten days after the hearing, the director shall make a 166819
written determination to issue, renew, or deny the variance and 166820
shall enter the determination and the basis for it into the record 166821
of the hearing. The director shall issue, renew, or deny an 166822
application for a variance or renewal of a variance within six 166823
months of the date upon which the director receives a complete 166824
application with all pertinent information and data required. No 166825
variance shall be issued, revoked, modified, or denied until the 166826
director has considered the relative interests of the applicant, 166827
other persons and property affected by the variance, and the 166828
general public. Any variance granted under this division shall be 166829
for a period specified by the director and may be renewed from 166830
time to time on such terms and for such periods as the director 166831
determines to be appropriate. No application shall be denied and 166832
no variance shall be revoked or modified without a written order 166833
stating the findings upon which the denial, revocation, or 166834
modification is based. A copy of the order shall be sent to the 166835
applicant or variance holder by certified mail or by another type 166836
of mail accompanied by a receipt. 166837

(B) The director shall prescribe and furnish the forms 166838
necessary to administer and enforce this chapter. The director may 166839
cooperate with and enter into agreements with other state, local, 166840
or federal agencies to carry out the purposes of this chapter. The 166841

director may exercise all incidental powers necessary to carry out 166842
the purposes of this chapter. 166843

(C) Except as provided in this division and divisions (N)(2) 166844
and (3) of this section, no person shall establish a new solid 166845
waste facility or infectious waste treatment facility, or modify 166846
an existing solid waste facility or infectious waste treatment 166847
facility, without submitting an application for a permit with 166848
accompanying detail plans, specifications, and information 166849
regarding the facility and method of operation and receiving a 166850
permit issued by the director, except that no permit shall be 166851
required under this division to install or operate a solid waste 166852
facility for sewage sludge treatment or disposal when the 166853
treatment or disposal is authorized by a current permit issued 166854
under Chapter 3704. or 6111. of the Revised Code. 166855

No person shall continue to operate a solid waste facility 166856
for which the director has disapproved plans and specifications 166857
required to be filed by an order issued under division (A)(3) of 166858
section 3734.05 of the Revised Code, after the date prescribed for 166859
commencement of closure of the facility in the order issued under 166860
division (A)(4) of that section denying the permit application or 166861
approval. 166862

On and after the effective date of the rules adopted under 166863
division (A) of this section and division (D) of section 3734.12 166864
of the Revised Code governing solid waste transfer facilities, no 166865
person shall establish a new, or modify an existing, solid waste 166866
transfer facility without first submitting an application for a 166867
permit with accompanying engineering detail plans, specifications, 166868
and information regarding the facility and its method of operation 166869
to the director and receiving a permit issued by the director. 166870

No person shall establish a new compost facility or continue 166871
to operate an existing compost facility that accepts exclusively 166872
source separated yard wastes without submitting a completed 166873

registration for the facility to the director in accordance with 166874
rules adopted under divisions (A) and (N)(3) of this section. 166875

This division does not apply to a generator of infectious 166876
wastes that does any of the following: 166877

(1) Treats, by methods, techniques, and practices established 166878
by rules adopted under division (B)(2)(a) of section 3734.021 of 166879
the Revised Code, any of the following: 166880

(a) Infectious wastes that are generated on any premises that 166881
are owned or operated by the generator; 166882

(b) Infectious wastes that are generated by a generator who 166883
has staff privileges at a hospital as defined in section 3727.01 166884
of the Revised Code; 166885

(c) Infectious wastes that are generated in providing care to 166886
a patient by an emergency medical services organization as defined 166887
in section 4765.01 of the Revised Code. 166888

(2) Holds a license or renewal of a license to operate a 166889
crematory facility issued under Chapter 4717. and a permit issued 166890
under Chapter 3704. of the Revised Code; 166891

(3) Treats or disposes of dead animals or parts thereof, or 166892
the blood of animals, and is subject to any of the following: 166893

(a) Inspection under the "Federal Meat Inspection Act," 81 166894
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 166895

(b) Chapter 918. of the Revised Code; 166896

(c) Chapter 953. of the Revised Code. 166897

(D) Neither this chapter nor any rules adopted under it apply 166898
to single-family residential premises; to infectious wastes 166899
generated by individuals for purposes of their own care or 166900
treatment; to the temporary storage of solid wastes, other than 166901
scrap tires, prior to their collection for disposal; to the 166902
storage of one hundred or fewer scrap tires unless they are stored 166903

in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

TYPE OF BASIC	TYPE OF FACILITY	FEE
MANAGEMENT UNIT		
Storage facility using:		
Containers	On-site, off-site, and	
	satellite	\$ 500

Tanks	On-site, off-site, and		166966
	satellite	500	166967
Waste pile	On-site, off-site, and		166968
	satellite	3,000	166969
Surface impoundment	On-site and satellite	8,000	166970
	Off-site	10,000	166971
Disposal facility using:			166972
Deep well injection	On-site and satellite	15,000	166973
	Off-site	25,000	166974
Landfill	On-site and satellite	25,000	166975
	Off-site	40,000	166976
Land application	On-site and satellite	2,500	166977
	Off-site	5,000	166978
Surface impoundment	On-site and satellite	10,000	166979
	Off-site	20,000	166980
Treatment facility using:			166981
Tanks	On-site, off-site, and		166982
	satellite	700	166983
Surface impoundment	On-site and satellite	8,000	166984
	Off-site	10,000	166985
Incinerator	On-site and satellite	5,000	166986
	Off-site	10,000	166987
Other forms			166988
of treatment	On-site, off-site, and		166989
	satellite	1,000	166990

A hazardous waste disposal facility that disposes of 166991
hazardous waste by deep well injection and that pays the annual 166992
permit fee established in section 6111.046 of the Revised Code is 166993
not subject to the permit fee established in this division for 166994
disposal facilities using deep well injection unless the director 166995
determines that the facility is not in compliance with applicable 166996
requirements established under this chapter and rules adopted 166997
under it. 166998

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86

Stat. 1052, 33 U.S.C.A. 1401, as amended; 167061

(5) A hazardous waste facility as described in division 167062
(E)(3)(a) or (b) of this section. 167063

(G) The director, by order, may exempt any person generating, 167064
collecting, storing, treating, disposing of, or transporting solid 167065
wastes, infectious wastes, or hazardous waste, or processing solid 167066
wastes that consist of scrap tires, in such quantities or under 167067
such circumstances that, in the determination of the director, are 167068
unlikely to adversely affect the public health or safety or the 167069
environment from any requirement to obtain a registration 167070
certificate, permit, or license or comply with the manifest system 167071
or other requirements of this chapter. Such an exemption shall be 167072
consistent with and equivalent to any regulations adopted by the 167073
administrator of the United States environmental protection agency 167074
under the "Resource Conservation and Recovery Act of 1976," 90 167075
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 167076
provided in this chapter. 167077

(H) No person shall engage in filling, grading, excavating, 167078
building, drilling, or mining on land where a hazardous waste 167079
facility, or a solid waste facility, was operated without prior 167080
authorization from the director, who shall establish the procedure 167081
for granting such authorization by rules adopted in accordance 167082
with Chapter 119. of the Revised Code. 167083

A public utility that has main or distribution lines above or 167084
below the land surface located on an easement or right-of-way 167085
across land where a solid waste facility was operated may engage 167086
in any such activity within the easement or right-of-way without 167087
prior authorization from the director for purposes of performing 167088
emergency repair or emergency replacement of its lines; of the 167089
poles, towers, foundations, or other structures supporting or 167090
sustaining any such lines; or of the appurtenances to those 167091
structures, necessary to restore or maintain existing public 167092

utility service. A public utility may enter upon any such easement 167093
or right-of-way without prior authorization from the director for 167094
purposes of performing necessary or routine maintenance of those 167095
portions of its existing lines; of the existing poles, towers, 167096
foundations, or other structures sustaining or supporting its 167097
lines; or of the appurtenances to any such supporting or 167098
sustaining structure, located on or above the land surface on any 167099
such easement or right-of-way. Within twenty-four hours after 167100
commencing any such emergency repair, replacement, or maintenance 167101
work, the public utility shall notify the director or the 167102
director's authorized representative of those activities and shall 167103
provide such information regarding those activities as the 167104
director or the director's representative may request. Upon 167105
completion of the emergency repair, replacement, or maintenance 167106
activities, the public utility shall restore any land of the solid 167107
waste facility disturbed by those activities to the condition 167108
existing prior to the commencement of those activities. 167109

(I) No owner or operator of a hazardous waste facility, in 167110
the operation of the facility, shall cause, permit, or allow the 167111
emission therefrom of any particulate matter, dust, fumes, gas, 167112
mist, smoke, vapor, or odorous substance that, in the opinion of 167113
the director, unreasonably interferes with the comfortable 167114
enjoyment of life or property by persons living or working in the 167115
vicinity of the facility, or that is injurious to public health. 167116
Any such action is hereby declared to be a public nuisance. 167117

(J) Notwithstanding any other provision of this chapter, in 167118
the event the director finds an imminent and substantial danger to 167119
public health or safety or the environment that creates an 167120
emergency situation requiring the immediate treatment, storage, or 167121
disposal of hazardous waste, the director may issue a temporary 167122
emergency permit to allow the treatment, storage, or disposal of 167123
the hazardous waste at a facility that is not otherwise authorized 167124

by a hazardous waste facility installation and operation permit to 167125
treat, store, or dispose of the waste. The emergency permit shall 167126
not exceed ninety days in duration and shall not be renewed. The 167127
director shall adopt, and may amend, suspend, or rescind, rules in 167128
accordance with Chapter 119. of the Revised Code governing the 167129
issuance, modification, revocation, and denial of emergency 167130
permits. 167131

(K) Except for infectious wastes generated by a person who 167132
produces fewer than fifty pounds of infectious wastes at a 167133
premises during any one month, no owner or operator of a sanitary 167134
landfill shall knowingly accept for disposal, or dispose of, any 167135
infectious wastes that have not been treated to render them 167136
noninfectious. 167137

(L) The director, in accordance with Chapter 119. of the 167138
Revised Code, shall adopt, and may amend, suspend, or rescind, 167139
rules having uniform application throughout the state establishing 167140
a training and certification program that shall be required for 167141
employees of boards of health who are responsible for enforcing 167142
the solid waste and infectious waste provisions of this chapter 167143
and rules adopted under them and for persons who are responsible 167144
for the operation of solid waste facilities or infectious waste 167145
treatment facilities. The rules shall provide all of the 167146
following, without limitation: 167147

(1) The program shall be administered by the director and 167148
shall consist of a course on new solid waste and infectious waste 167149
technologies, enforcement procedures, and rules; 167150

(2) The course shall be offered on an annual basis; 167151

(3) Those persons who are required to take the course under 167152
division (L) of this section shall do so triennially; 167153

(4) Persons who successfully complete the course shall be 167154
certified by the director; 167155

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not

been acquired or is not administered by the secretary of the 167188
United States department of the interior, located in this state, 167189
or any candidate area located in this state and identified for 167190
potential inclusion in the national park system in the edition of 167191
the "national park system plan" submitted under paragraph (b) of 167192
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 167193
U.S.C.A. 1a-5, as amended, current at the time of filing of the 167194
application for the permit, unless the facility or proposed 167195
facility is or is to be used exclusively for the disposal of solid 167196
wastes generated within the park or recreation area and the 167197
director determines that the facility or proposed facility will 167198
not degrade any of the natural or cultural resources of the park 167199
or recreation area. The director shall not issue a variance under 167200
division (A) of this section and rules adopted under it, or issue 167201
an exemption order under division (G) of this section, that would 167202
authorize any such establishment or expansion of a solid waste 167203
facility within the boundaries of any such park or recreation 167204
area, state park purchase area, or candidate area, other than a 167205
solid waste facility exclusively for the disposal of solid wastes 167206
generated within the park or recreation area when the director 167207
determines that the facility will not degrade any of the natural 167208
or cultural resources of the park or recreation area. 167209

(N)(1) The rules adopted under division (A) of this section, 167210
other than those governing variances, do not apply to scrap tire 167211
collection, storage, monocell, monofill, and recovery facilities. 167212
Those facilities are subject to and governed by rules adopted 167213
under sections 3734.70 to 3734.73 of the Revised Code, as 167214
applicable. 167215

(2) Division (C) of this section does not apply to scrap tire 167216
collection, storage, monocell, monofill, and recovery facilities. 167217
The establishment and modification of those facilities are subject 167218
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 167219

Code, as applicable. 167220

(3) The director may adopt, amend, suspend, or rescind rules 167221
under division (A) of this section creating an alternative system 167222
for authorizing the establishment, operation, or modification of a 167223
solid waste compost facility in lieu of the requirement that a 167224
person seeking to establish, operate, or modify a solid waste 167225
compost facility apply for and receive a permit under division (C) 167226
of this section and section 3734.05 of the Revised Code and a 167227
license under division (A)(1) of that section. The rules may 167228
include requirements governing, without limitation, the 167229
classification of solid waste compost facilities, the submittal of 167230
operating records for solid waste compost facilities, and the 167231
creation of a registration or notification system in lieu of the 167232
issuance of permits and licenses for solid waste compost 167233
facilities. The rules shall specify the applicability of divisions 167234
(A)(1) and (2)(a) of section 3734.05 of the Revised Code to a 167235
solid waste compost facility. 167236

(O)(1) As used in this division, "secondary aluminum waste" 167237
means waste material or byproducts, when disposed of, containing 167238
aluminum generated from secondary aluminum smelting operations and 167239
consisting of dross, salt cake, baghouse dust associated with 167240
aluminum recycling furnace operations, or dry-milled wastes. 167241

(2) The owner or operator of a sanitary landfill shall not 167242
dispose of municipal solid waste that has been commingled with 167243
secondary aluminum waste. 167244

(3) The owner or operator of a sanitary landfill may dispose 167245
of secondary aluminum waste, but only in a monocell or monofill 167246
that has been permitted for that purpose in accordance with this 167247
chapter and rules adopted under it. 167248

(P)(1) As used in divisions (P) and (Q) of this section: 167249

(a) "Natural background" means two picocuries per gram or the 167250

actual number of picocuries per gram as measured at an individual 167251
solid waste facility, subject to verification by the director of 167252
health. 167253

(b) "Drilling operation" includes a production operation as 167254
defined in section 1509.01 of the Revised Code. 167255

(2) The owner or operator of a solid waste facility shall not 167256
accept for transfer or disposal technologically enhanced naturally 167257
occurring radioactive material if that material contains or is 167258
contaminated with radium-226, radium-228, or any combination of 167259
radium-226 and radium-228 at concentrations equal to or greater 167260
than five picocuries per gram above natural background. 167261

(3) The owner or operator of a solid waste facility may 167262
receive and process for purposes other than transfer or disposal 167263
technologically enhanced naturally occurring radioactive material 167264
that contains or is contaminated with radium-226, radium-228, or 167265
any combination of radium-226 and radium-228 at concentrations 167266
equal to or greater than five picocuries per gram above natural 167267
background, provided that the owner or operator has obtained and 167268
maintains all other necessary authorizations, including any 167269
authorization required by rules adopted by the director of health 167270
under section 3748.04 of the Revised Code. 167271

(4) The director of environmental protection may adopt rules 167272
in accordance with Chapter 119. of the Revised Code governing the 167273
receipt, acceptance, processing, handling, management, and 167274
disposal by solid waste facilities of material that contains or is 167275
contaminated with radioactive material, including, without 167276
limitation, technologically enhanced naturally occurring 167277
radioactive material that contains or is contaminated with 167278
radium-226, radium-228, or any combination of radium-226 and 167279
radium-228 at concentrations less than five picocuries per gram 167280
above natural background. Rules adopted by the director may 167281
include at a minimum both of the following: 167282

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

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(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

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(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

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Sec. 3734.021. (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

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(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

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(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

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(a) All generators of infectious wastes:

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(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to

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render them noninfectious by methods, techniques, or practices 167313
prescribed by rules adopted under division (B)(2)(a) of this 167314
section before they are transported off that premises for disposal 167315
or ensure that such wastes are treated to render them 167316
noninfectious at an infectious waste treatment facility off that 167317
premises prior to disposal of the wastes; 167318

(ii) Transport and dispose of infectious wastes, if a 167319
generator produces fewer than fifty pounds of infectious wastes 167320
during any one month that are subject to and packaged and labeled 167321
in accordance with federal requirements, in the same manner as 167322
solid wastes. Such generators who treat specimen cultures and 167323
cultures of viable infectious agents on the premises where they 167324
are generated shall not be considered treatment facilities as 167325
"treatment" and "facility" are defined in section 3734.01 of the 167326
Revised Code. 167327

(iii) Dispose of infectious wastes subject to and treated in 167328
accordance with rules adopted under division (B)(1)(a)(i) of this 167329
section in the same manner as solid wastes; 167330

(iv) May take wastes generated in providing care to a patient 167331
by an emergency medical services organization, as defined in 167332
section 4765.01 of the Revised Code, to and leave them at a 167333
hospital, as defined in section 3727.01 of the Revised Code, for 167334
treatment at a treatment facility owned or operated by the 167335
hospital or, in conjunction with infectious wastes generated by 167336
the hospital, at another treatment facility regardless of whether 167337
the wastes were generated in providing care to the patient at the 167338
scene of an emergency or during the transportation of the patient 167339
to a hospital; 167340

(v) May take wastes generated by an individual for purposes 167341
of the individual's own care or treatment to and leave them at a 167342
hospital, as defined in section 3727.01 of the Revised Code, for 167343
treatment at a treatment facility owned or operated by the 167344

hospital or, in conjunction with infectious wastes generated by 167345
the hospital, at another treatment facility. 167346

(b) Each generator of fifty pounds or more of infectious 167347
wastes during any one month: 167348

(i) Register with the environmental protection agency as a 167349
generator of infectious wastes and obtain a registration 167350
certificate. The fee for issuance of a generator registration 167351
certificate is one hundred forty dollars payable at the time of 167352
application. The registration certificate applies to all the 167353
premises owned or operated by the generator in this state where 167354
infectious wastes are generated and shall list the address of each 167355
such premises. If a generator owns or operates facilities for the 167356
treatment of infectious wastes it generates, the certificate shall 167357
list the address and method of treatment used at each such 167358
facility. 167359

A generator registration certificate is valid for three years 167360
from the date of issuance and shall be renewed for a term of three 167361
years upon the generator's submission of an application for 167362
renewal and payment of a one hundred forty dollar renewal fee. 167363

The rules may establish a system of staggered renewal dates 167364
with approximately one-third of such certificates subject to 167365
renewal each year. The applicable renewal date shall be prescribed 167366
on each registration certificate. Registration fees shall be 167367
prorated according to the time remaining in the registration cycle 167368
to the nearest year. 167369

The registration and renewal fees collected under division 167370
(B)(1)(b)(i) of this section shall be deposited in the state 167371
treasury to the credit of the waste management fund created in 167372
section 3734.061 of the Revised Code. 167373

(ii) Segregate infectious wastes from other wastes at the 167374
point of generation. Nothing in this section and rules adopted 167375

under it prohibits a generator of infectious wastes from 167376
designating and managing any wastes, in addition to those defined 167377
as infectious wastes under section 3734.01 of the Revised Code, as 167378
infectious wastes. After designating any such other wastes as 167379
infectious, the generator shall manage those wastes in compliance 167380
with the requirements of this chapter and rules adopted under it 167381
applicable to the management of infectious wastes. 167382

(iii) Either treat the infectious wastes that it generates at 167383
a facility owned or operated by the generator by methods, 167384
techniques, or practices prescribed by rules adopted under 167385
division (B)(2)(a) of this section to render them noninfectious, 167386
or designate the wastes for treatment off that premises at an 167387
infectious waste treatment facility holding a license issued under 167388
division (B) of section 3734.05 of the Revised Code, at an 167389
infectious waste treatment facility that is located in another 167390
state that is in compliance with applicable state and federal 167391
laws, or at a treatment facility authorized by rules adopted under 167392
division (B)(2)(d) of this section, prior to disposal of the 167393
wastes. After being treated to render them noninfectious, the 167394
wastes shall be disposed of at a solid waste disposal facility 167395
holding a license issued under division (A) of section 3734.05 of 167396
the Revised Code or at a disposal facility in another state that 167397
is in compliance with applicable state and federal laws. 167398

(iv) Not compact or grind any type of infectious wastes prior 167399
to treatment in accordance with rules adopted under division 167400
(B)(2)(a) of this section; 167401

(v) May discharge untreated liquid or semiliquid infectious 167402
wastes consisting of blood, blood products, body fluids, and 167403
excreta into a disposal system, as defined in section 6111.01 of 167404
the Revised Code, unless the discharge of those wastes into a 167405
disposal system is inconsistent with the terms and conditions of 167406
the permit for the system issued under Chapter 6111. of the 167407

Revised Code; 167408

(vi) May transport or cause to be transported infectious wastes that have been treated to render them noninfectious in the same manner as solid wastes are transported. 167409
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(2) Establish standards for owners and operators of infectious waste treatment facilities that include, without limitation, the following requirements and authorizations that: 167412
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(a) Require treatment of all wastes received to be performed in accordance with methods, techniques, and practices approved by the director; 167415
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(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code. 167418
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(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section; 167430
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(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b) 167433
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and (c) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

(e) Require shipping papers to accompany shipments of wastes that have been treated to render them noninfectious. The shipping papers shall include only the following elements:

(i) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility;

(ii) A certification by the owner or operator of the treatment facility where the wastes were treated indicating that the wastes have been treated by the methods, techniques, and practices prescribed in rules adopted under division (B)(2)(a) of this section.

(C) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals:

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of the owner's household;

(2) In accordance with Chapter 941. of the Revised Code; or

(3) By persons who are subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code. 167469

(D) As used in this section, "generator" means a person who 167470
produces infectious wastes at a specific premises. 167471

(E) Rules adopted under this section shall not concern or 167472
relate to personnel policies, salaries, wages, fringe benefits, or 167473
other conditions of employment of employees of persons owning or 167474
operating infectious waste treatment facilities. 167475

(F)(1) The director, in accordance with Chapter 119. of the 167476
Revised Code, shall adopt rules governing the issuance, 167477
modification, revocation, suspension, and denial of variances from 167478
the rules adopted under division (B) of this section. Variances 167479
shall be issued, modified, revoked, suspended, or denied in 167480
accordance with division (F) of this section, rules adopted under 167481
it, and Chapter 3745. of the Revised Code. 167482

(2) A person who desires to obtain a variance or renew a 167483
variance from the rules adopted under division (B) of this section 167484
shall submit to the director an application as prescribed by the 167485
director. The application shall contain detail plans, 167486
specifications, and information regarding objectives, procedures, 167487
controls, and any other information that the director may require. 167488
The director shall issue, renew, or deny a variance or renewal of 167489
a variance within six months of the date on which the director 167490
receives a complete application with all required information and 167491
data. 167492

(3) The director may hold a public hearing on an application 167493
submitted under division (F) of this section for a variance at a 167494
location in the county in which the operations that are the 167495
subject of the application for a variance or renewal of variance 167496
are conducted. Not less than twenty days before the hearing, the 167497
director shall provide to the applicant notice of the hearing by 167498
certified mail or by another type of mail that is accompanied by a 167499

receipt and shall publish notice of the hearing at least one time 167500
in a newspaper of general circulation in the county in which the 167501
hearing is to be held or may instead provide public notice by 167502
publication on the environmental protection agency's web site. The 167503
director shall make a complete stenographic record or electronic 167504
record of testimony and other evidence submitted at the hearing. 167505
Not later than ten days after the hearing, the director shall make 167506
a written determination to issue, renew, or deny the variance and 167507
shall enter the determination and the basis for it into the record 167508
of the hearing. 167509

(4) A variance shall not be issued, modified, revoked, or 167510
denied under division (F) of this section until the director has 167511
considered the relative interests of the applicant, other persons 167512
and property that will be affected by the variance, and the 167513
general public. The director shall grant a variance only if the 167514
applicant demonstrates to the director's satisfaction that the 167515
requested action will not create a nuisance or a hazard to the 167516
health or safety of the public or to the environment. In granting 167517
a variance, the director shall state the specific provision or 167518
provisions whose terms are to be varied and also shall state 167519
specific terms or conditions imposed on the applicant in place of 167520
the provision or provisions. 167521

(5) A variance granted under division (F) of this section 167522
shall be for a period specified by the director and may be renewed 167523
from time to time on terms and for periods that the director 167524
determines to be appropriate. The director may order the person to 167525
whom a variance has been issued to take action within the time 167526
that the director determines to be appropriate and reasonable to 167527
prevent the creation of a nuisance or a hazard to the health or 167528
safety of the public or to the environment. 167529

(6) An application submitted under division (F) of this 167530
section shall not be denied and a variance shall not be revoked or 167531

modified under that division without a written order of the 167532
director stating the findings on which the denial, revocation, or 167533
modification is based. A copy of the order shall be sent to the 167534
applicant or holder of a variance by certified mail or by another 167535
type of mail that is accompanied by a receipt. 167536

(7) The director shall make available for public inspection 167537
at the principal office of the environmental protection agency a 167538
current list of pending applications for variances submitted under 167539
division (F) of this section and a current schedule of pending 167540
variance hearings under it. 167541

Sec. 3734.575. (A) The board of county commissioners of a 167542
county solid waste management district and the board of directors 167543
of a joint solid waste management district that is levying fees or 167544
amended fees or receiving fee revenue under division (B) of 167545
section 3734.57; section 3734.571, 3734.572, or 3734.573; or 167546
division (A), (B), or (D) of section 3734.574 of the Revised Code, 167547
within thirty days after the end of each calendar quarter, shall 167548
submit to the director of environmental protection a report 167549
containing all of the following information for that preceding 167550
quarter: 167551

- (1) The specific fees levied by the district; 167552
- (2) Revenues received by the district during the quarter from 167553
each of those sources, as applicable; 167554
- (3) All district planning account balances; 167555
- (4) The amount and use of revenues spent; 167556
- (5) A certification statement that the information in the 167557
report is true and accurate. 167558

A board shall submit each report on forms prescribed by the 167559
director and ~~by computer disk as~~ in a manner prescribed by ~~him~~ the 167560
director. A board is responsible for the accuracy of the 167561

information contained in each report and for providing it to the 167562
director not later than the deadline established in this division. 167563

Annually by not earlier than the first day of April, the 167564
director shall submit a compilation of the individual district 167565
reports received during the preceding calendar year to the speaker 167566
of the house of representatives and the president of the senate. 167567
In submitting the compilation, the director's sole responsibility 167568
shall be to compile the information submitted by the boards under 167569
this division. 167570

(B) If changes in the 1994 budget of a county or joint 167571
district result from the required change in the fees levied by the 167572
district under division (B) of section 3734.57 of the Revised 167573
Code, the levying of the fees under section 3734.573 of the 167574
Revised Code, or the levying of fees under division (A) or (B) of 167575
section 3734.574 of the Revised Code, the board of county 167576
commissioners or directors of the district shall include a 167577
description of the changes in the annual report of the district 167578
required to be submitted to the director pursuant to rules adopted 167579
under section 3734.50 of the Revised Code. 167580

Sec. 3745.019. (A) Notwithstanding any provision of the 167581
Revised Code or Administrative Code requiring the director of 167582
environmental protection to provide public notice by publication 167583
in one or more newspapers, including one or more newspapers of 167584
general circulation, the director may instead provide public 167585
notice by publication on the environmental protection agency's 167586
official web site. 167587

(B) Notwithstanding any provision of the Revised Code or 167588
Administrative Code requiring the director of environmental 167589
protection to deliver a document or notice by certified mail, the 167590
director may instead deliver the document or notice by any method 167591
capable of documenting the intended recipient's receipt of the 167592

document or notice. 167593

Sec. 3746.09. (A) A person who proposes to enter into or who 167594
is participating in the voluntary action program under this 167595
chapter and rules adopted under it, in accordance with this 167596
section and rules adopted under division (B)(10) of section 167597
3746.04 of the Revised Code, may apply to the director of 167598
environmental protection for a variance from applicable standards 167599
otherwise established in this chapter and rules adopted under it. 167600
The application for a variance shall be prepared by a certified 167601
professional. The director shall issue a variance from those 167602
applicable standards only if the application makes all of the 167603
following demonstrations to the director's satisfaction: 167604

(1) Either or both of the following: 167605

(a) It is technically infeasible to comply with the 167606
applicable standards otherwise established at the property named 167607
in the application; 167608

(b) The costs of complying with the applicable standards 167609
otherwise established at the property substantially exceed the 167610
economic benefits. 167611

(2) The proposed alternative standard or set of standards and 167612
terms and conditions set forth in the application will result in 167613
an improvement of environmental conditions at the property and 167614
ensure that public health and safety will be protected. 167615

(3) The establishment of and compliance with the alternative 167616
standard or set of standards and terms and conditions are 167617
necessary to promote, protect, preserve, or enhance employment 167618
opportunities or the reuse of the property named in the 167619
application. 167620

A variance issued under this section shall state the specific 167621
standard or standards whose terms are being varied and shall set 167622

forth the specific alternative standard or set of standards and 167623
the terms and conditions imposed on the applicant in their place. 167624
A variance issued under this section shall include only standards 167625
and terms and conditions proposed by the applicant in the 167626
application, except that the director may impose any additional or 167627
alternative terms and conditions that the director determines to 167628
be necessary to ensure that public health and safety will be 167629
protected. If the director finds that compliance with any standard 167630
or term or condition proposed by the applicant will not protect 167631
public health and safety and that the imposition of additional or 167632
alternative terms and conditions will not ensure that public 167633
health or safety will be protected, the director shall disapprove 167634
the application and shall include in the order of denial the 167635
specific findings on which the denial was based. 167636

(B) Variances shall be issued or denied in accordance with 167637
this section, rules adopted under division (B)(10) of section 167638
3746.04 of the Revised Code, and Chapter 3745. of the Revised 167639
Code. Upon determining that an application for a variance is 167640
complete, the director shall schedule a public meeting on the 167641
application to be held within ninety days after the director 167642
determines that the application is complete in the county in which 167643
is located the property to which the application pertains. 167644

(C) Not less than thirty days before the date scheduled for 167645
the public meeting on an application for a variance, the director 167646
shall publish notice of the public meeting and that the director 167647
will receive written comments on the application for a period of 167648
forty-five days commencing on the date of the publication of the 167649
notice. The notice shall contain all of the following information, 167650
at a minimum: 167651

(1) The address of the property to which the application 167652
pertains; 167653

(2) A brief summary of the alternative standards and terms 167654

and conditions proposed by the applicant; 167655

(3) The date, time, and location of the public meeting. 167656

The notice shall be published in a newspaper of general 167657
circulation in the county in which the property is located and, if 167658
the property is located in close proximity to the boundary of the 167659
county with an adjacent county, as determined by the director, 167660
shall be published in a newspaper of general circulation in the 167661
adjacent county. Concurrently with the publication of the notice 167662
of the public meeting, the director shall mail notice of the 167663
application, comment period, and public meeting to the owner of 167664
each parcel of land that is adjacent to the affected property and 167665
to the legislative authority of the municipal corporation or 167666
township, and county, in which the affected property is located. 167667
The notices mailed to the adjacent land owners and legislative 167668
authorities shall contain the same information as the published 167669
notice. 167670

(D) At the public meeting on an application for a variance, 167671
the applicant, or a representative of the applicant who is 167672
knowledgeable about the affected property and the application, 167673
shall present information regarding the application and the basis 167674
of the request for the variance and shall respond to questions 167675
from the public regarding the affected property and the 167676
application. A representative of the environmental protection 167677
agency who is familiar with the affected property and the 167678
application shall attend the public meeting to hear the public's 167679
comments and to respond to questions from the public regarding the 167680
affected property and the application. A stenographic record or 167681
electronic record of the proceedings at the public meeting shall 167682
be kept and shall be made a part of the administrative record 167683
regarding the application. 167684

(E) Within ninety days after conducting the public meeting on 167685
an application for a variance under division (D) of this section, 167686

the director shall issue a proposed action to the applicant in 167687
accordance with section 3745.07 of the Revised Code that indicates 167688
the director's intent with regard to the issuance or denial of the 167689
application. When considering whether to issue or deny the 167690
application or whether to impose terms and conditions of the 167691
variance that are in addition or alternative to those proposed by 167692
the applicant, the director shall consider comments on the 167693
application made by the public at the public meeting and written 167694
comments on the application received from the public. 167695

Sec. 3752.11. (A) As used in this section: 167696

(1) "Reporting facility" means a reporting facility at which 167697
all regulated operations have been temporarily or permanently 167698
discontinued. 167699

(2) "Abandoned by the owner" means either of the following 167700
that occurs on or after ~~the effective date of this section~~ July 1, 167701
1996: 167702

(a) All of the fee owners of a reporting facility have 167703
indicated ~~affirmately~~ affirmatively in writing to the holder of 167704
the first mortgage on the real property at the facility that they, 167705
and all tenants claiming possession under those owners, have 167706
abandoned all rights of possession to the reporting facility; 167707

(b) The first mortgage loan on the real property at the 167708
reporting facility is in default, the property is not occupied by 167709
any tenants, and the holder of the first ~~morgage~~ mortgage has been 167710
unable to contact the mortgagor under the mortgage regarding the 167711
default within the earlier of ninety days after the default or 167712
sixty days after the first time the first mortgage holder has 167713
attempted unsuccessfully to contact the mortgagor following the 167714
default if the first mortgage holder is unable to contact the 167715
mortgagor within the sixty-day period. 167716

(3) "Default" means the failure of the mortgagor to make any payment to the holder of the first mortgage required by the terms of the mortgage documents that is not cured by the mortgagor within any applicable cure periods, deferred with the consent of the holder of the first mortgage, or waived by the holder of the first mortgage.

(4) "Contact" means actual person to person, telephonic, or similar direct voice conversation between the holder of the first mortgage and the mortgagor or written correspondence from the mortgagor to the holder of the first mortgage by mail, ~~telegram,~~ ~~telefax~~ any other method capable of documenting the intended recipient's receipt of the document or notice, or similar means of communication.

(B) Not later than fifteen days after a reporting facility has been abandoned by the owner, the holder of the first mortgage on real property at the reporting facility shall do both of the following:

(1) Secure against unauthorized entry each building or structure at the facility where regulated operations were conducted and that contains or is contaminated with regulated substances and each outdoor location of operation. The holder shall secure each such building, structure, or outdoor location of operation by boarding windows, doors, and other potential means of entry, by providing security personnel, or by other methods prescribed in rules adopted under section 3752.03 of the Revised Code. Within that period, the holder also shall post about each such building, structure, or outdoor location of operation in publicly visible locations warning signs that prohibit trespassing and state that the building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment. The holder shall continue the security measures, and

maintain the warning signs, as required at each such building, 167749
structure, or outdoor location of operation until title to the 167750
facility has been transferred or until the holder files a release 167751
of the mortgage with the county recorder of the county in which 167752
the facility is located. Promptly after discovering that any of 167753
the entry barriers or warning signs installed pursuant to division 167754
(B)(1) of this section have been damaged, lost, or removed, the 167755
holder shall repair or replace them in order to maintain the 167756
security of the building, structure, or outdoor location of 167757
operation. 167758

(2) Submit to the director of environmental protection, the 167759
local emergency planning committee of the emergency planning 167760
district in which the facility is located, and the fire department 167761
having jurisdiction where the facility is located a notice of the 167762
abandonment of the facility by the owner and of the holder's 167763
compliance with division (B)(1) of this section. The holder shall 167764
submit the notice on a form prescribed by the director. 167765

(C) Within thirty days before the date when the holder of a 167766
mortgage will cease to maintain security and warning signs at a 167767
reporting facility pursuant to the filing of a release of the 167768
mortgage as provided in division (B)(1) of this section, the 167769
holder shall so notify the director, the local emergency planning 167770
committee of the emergency planning district in which the facility 167771
is located, and the fire department having jurisdiction where the 167772
facility is located. The holder shall submit the notice on a form 167773
prescribed by the director. 167774

(D) Actions undertaken by a holder of a mortgage under 167775
division (B) of this section, and the undertaking of any other 167776
activities relating to protecting and securing the facility, do 167777
not cause the holder to be an owner, operator, or mortgagee in 167778
possession of the facility or subject the holder to this chapter 167779
or any other provision of state law imposing liability or 167780

responsibility for the cleanup, removal, or remediation of 167781
regulated substances, provided that all activities not specified 167782
in that division shall be performed in compliance with the 167783
applicable requirements of Chapters 3704., 3714., 3734., 3737., 167784
3750., 3751., 6109., and 6111. of the Revised Code and rules 167785
adopted under them. 167786

(E) The holder of a mortgage who proceeds in good faith under 167787
divisions (B) and (C) of this section is not liable to the owner 167788
of the facility or the mortgagor, as appropriate, for damages 167789
suffered by the owner or mortgagor due to actions taken by the 167790
holder under those divisions. 167791

(F) Nothing in this section prevents the holder of a first 167792
mortgage from applying to the court for the appointment of a 167793
receiver. If a receiver is appointed, the receiver shall succeed 167794
to the obligations of the holder of the first mortgage under 167795
divisions (B) and (C) of this section. 167796

(G) No person shall fail to comply with this section. 167797

Sec. 3772.031. (A)(1) The general assembly finds that the 167798
exclusion or ejection of certain persons from casino facilities 167799
and from sports gaming is necessary to effectuate the intents and 167800
purposes of this chapter and Chapter 3775. of the Revised Code and 167801
to maintain strict and effective regulation of casino gaming and 167802
sports gaming. 167803

(2) The commission, by rule, shall provide for a list of 167804
persons who are to be excluded or ejected from a casino facility 167805
and a list of persons who are to be excluded or ejected from a 167806
sports gaming facility and from participating in the play or 167807
operation of sports gaming in this state. Persons included on an 167808
exclusion list shall be identified by name and physical 167809
description. The commission shall publish the exclusion lists on 167810
its web site, and shall transmit a copy of the exclusion lists 167811

periodically to casino operators and sports gaming proprietors, as 167812
applicable, as they are initially issued and thereafter as they 167813
are revised from time to time. 167814

(3) A casino operator shall take steps necessary to ensure 167815
that all its key employees and casino gaming employees are aware 167816
of and understand the casino exclusion list and its function, and 167817
that all its key employees and casino gaming employees are kept 167818
aware of the content of the casino exclusion list as it is issued 167819
and thereafter revised from time to time. 167820

(4) A sports gaming proprietor shall take steps necessary to 167821
ensure that its appropriate agents and employees are aware of and 167822
understand the sports gaming exclusion list and its function, and 167823
that all its appropriate agents and employees are kept aware of 167824
the content of the sports gaming exclusion list as it is issued 167825
and thereafter revised from time to time. 167826

(B) The casino exclusion list may include any person whose 167827
presence in a casino facility is determined by the commission to 167828
pose a threat to the interests of the state, to achieving the 167829
intents and purposes of this chapter, or to the strict and 167830
effective regulation of casino gaming. The sports gaming exclusion 167831
list may include any person whose presence in a sports gaming 167832
facility or whose participation in the play or operation of sports 167833
gaming in this state is determined by the commission to pose a 167834
threat to the interests of the state, to achieving the intents and 167835
purposes of Chapter 3775. of the Revised Code, or to the strict 167836
and effective regulation of sports gaming. In determining whether 167837
to include a person on an exclusion list, the commission may 167838
consider: 167839

(1) Any prior conviction of a crime that is a felony under 167840
the laws of this state, another state, or the United States, a 167841
crime involving moral turpitude, or a violation of the gaming laws 167842
of this state, another state, or the United States; and 167843

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino

facility or in the sports gaming industry in this state would be 167874
adverse to the interest of licensed gaming in this state; 167875

(7) If the commission has suspended the person's gaming 167876
privileges; 167877

(8) If the commission has revoked the person's licenses 167878
related to this chapter or Chapter 3775. of the Revised Code; 167879

(9) If the commission determines that the person poses a 167880
threat to the safety of patrons or employees of a casino facility 167881
or a sports gaming facility; 167882

(10) If the person has a history of conduct involving the 167883
disruption of gaming operations within a casino facility or in the 167884
sports gaming industry in this state. 167885

Race, color, creed, national origin or ancestry, or sex are 167886
not grounds for placing a person on an exclusion list. 167887

(C) The commission shall notify a person of the commission's 167888
intent to include such person on one or both exclusion lists. The 167889
notice shall be provided by personal service, by certified mail to 167890
the person's last known address, by commercial carrier utilizing a 167891
method of delivery that provides confirmation of delivery, or, if 167892
service cannot be accomplished by personal service ~~or~~, certified 167893
mail, or commercial carrier, by publication daily for two weeks in 167894
a newspaper of general circulation within the county in which the 167895
person resides and in a newspaper of general circulation within 167896
each county in which a casino facility or sports gaming facility, 167897
as applicable, is located. 167898

(D)(1) Except as otherwise provided in this section, a person 167899
who receives notice of intent to include the person on an 167900
exclusion list is entitled, upon the person's request, to an 167901
adjudication hearing under Chapter 119. of the Revised Code, in 167902
which the person may demonstrate why the person should not be 167903
included on the exclusion list or lists. The person shall request 167904

such an adjudication hearing not later than thirty days after the 167905
person receives the notice by personal service ~~or~~, certified mail, 167906
or commercial carrier, or not later than thirty days after the 167907
last newspaper publication of the notice. 167908

(2) If the person does not request a hearing in accordance 167909
with division (D)(1) of this section, the commission may, but is 167910
not required to, conduct an adjudication hearing under Chapter 167911
119. of the Revised Code. The commission may reopen an 167912
adjudication under this section at any time. 167913

(3) If the adjudication hearing, order, or any appeal thereof 167914
under Chapter 119. of the Revised Code results in an order that 167915
the person should not be included on the exclusion list or lists, 167916
the commission shall publish a revised exclusion list that does 167917
not include the person. The commission also shall notify casino 167918
operators or sports gaming proprietors, as applicable, that the 167919
person has been removed from the exclusion list or lists. A casino 167920
operator shall take all steps necessary to ensure its key 167921
employees and casino gaming employees are made aware that the 167922
person has been removed from the casino exclusion list. A sports 167923
gaming proprietor shall take all steps necessary to ensure its 167924
appropriate agents and employees are made aware that the person 167925
has been removed from the sports gaming exclusion list. 167926

(E) This section does not apply to any voluntary exclusion 167927
list created as part of a voluntary exclusion program under this 167928
chapter or Chapter 3775. of the Revised Code. 167929

Sec. 3772.04. (A)(1) If the commission concludes that an 167930
applicant, licensee, or other person subject to the commission's 167931
jurisdiction under this chapter should be fined or penalized, or 167932
that a license required by this chapter or Chapter 3775. of the 167933
Revised Code should be limited, conditioned, restricted, 167934
suspended, revoked, denied, or not renewed, the commission may, 167935

and if so requested by the licensee, applicant, or other person, 167936
shall, conduct a hearing in an adjudication under Chapter 119. of 167937
the Revised Code. After notice and opportunity for a hearing, the 167938
commission may fine or penalize the applicant, licensee, or other 167939
person or limit, condition, restrict, suspend, revoke, deny, or 167940
not renew a license under rules adopted by the commission. The 167941
commission may reopen an adjudication under this section at any 167942
time. 167943

(2) The commission shall appoint a hearing examiner to 167944
conduct the hearing in the adjudication. A party to the 167945
adjudication may file written objections to the hearing examiner's 167946
report and recommendations not later than the thirtieth day after 167947
they are served upon the party or the party's attorney or other 167948
representative of record. The commission shall not take up the 167949
hearing examiner's report and recommendations earlier than the 167950
thirtieth day after the hearing examiner's report and 167951
recommendations were submitted to the commission. 167952

(3) If the commission finds that a person fails or has failed 167953
to meet any requirement under this chapter or Chapter 3775. of the 167954
Revised Code or a rule adopted thereunder, or violates or has 167955
violated this chapter or Chapter 3775. of the Revised Code or a 167956
rule adopted thereunder, the commission may issue an order: 167957

(a) Limiting, conditioning, restricting, suspending, 167958
revoking, denying, or not renewing, a license issued under this 167959
chapter or Chapter 3775. of the Revised Code; 167960

(b) Requiring a casino facility to exclude a licensee from 167961
the casino facility or requiring a casino facility not to pay to 167962
the licensee any remuneration for services or any share of 167963
profits, income, or accruals on the licensee's investment in the 167964
casino facility; or 167965

(c) Fining a licensee or other person according to the 167966

penalties adopted by the commission. 167967

(4) An order may be judicially reviewed under section 119.12 167968
of the Revised Code. 167969

(B) Without in any manner limiting the authority of the 167970
commission to impose the level and type of discipline the 167971
commission considers appropriate, the commission may take into 167972
consideration the following: 167973

(1) If the licensee knew or reasonably should have known that 167974
the action complained of was a violation of any law, rule, or 167975
condition on the licensee's license; 167976

(2) If the licensee has previously been disciplined by the 167977
commission; 167978

(3) If the licensee has previously been subject to discipline 167979
by the commission concerning the violation of any law, rule, or 167980
condition of the licensee's license; 167981

(4) If the licensee reasonably relied upon professional 167982
advice from a lawyer, doctor, accountant, or other recognized 167983
professional that was relevant to the action resulting in the 167984
violation; 167985

(5) If the licensee or the licensee's employer had a 167986
reasonably constituted and functioning compliance program; 167987

(6) If the imposition of a condition requiring the licensee 167988
to establish and implement a written self-enforcement and 167989
compliance program would assist in ensuring the licensee's future 167990
compliance with all statutes, rules, and conditions of the 167991
license; 167992

(7) If the licensee realized a pecuniary gain from the 167993
violation; 167994

(8) If the amount of any fine or other penalty imposed would 167995
result in disgorgement of any gains unlawfully realized by the 167996

licensee;	167997
(9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;	167998 167999 168000
(10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;	168001 168002 168003
(11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;	168004 168005 168006
(12) If the licensee's action substantially deviated from industry standards and customs;	168007 168008
(13) The extent to which the licensee cooperated with the commission during the investigation of the violation;	168009 168010
(14) If the licensee has initiated remedial measures to prevent similar violations;	168011 168012
(15) The magnitude of penalties imposed on other licensees for similar violations;	168013 168014
(16) The proportionality of the penalty in relation to the misconduct;	168015 168016
(17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;	168017 168018
(18) Any mitigating factors offered by the licensee; and	168019
(19) Any other factors the commission considers relevant.	168020
(C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual	168021 168022 168023 168024 168025

notice to all interested parties. 168026

(D)(1) For the purpose of conducting the hearing in an 168027
adjudication under division (A) of this section, or in the 168028
discharge of any duties imposed by this chapter or Chapter 3775. 168029
of the Revised Code, the commission may require that testimony be 168030
given under oath and administer such oath, issue subpoenas 168031
compelling the attendance of witnesses and the production of any 168032
papers, books, and accounts, directed to the sheriffs of the 168033
counties where such witnesses or papers, books, and accounts are 168034
found and cause the deposition of any witness. The subpoenas shall 168035
be served and returned in the same manner as subpoenas in criminal 168036
cases are served and returned. The fees of sheriffs shall be the 168037
same as those allowed by the court of common pleas in criminal 168038
cases. 168039

(2) In the event of the refusal of any person without good 168040
cause to comply with the terms of a subpoena issued by the 168041
commission or refusal to testify on matters about which the person 168042
may lawfully be questioned, the prosecuting attorney of the county 168043
in which such person resides, upon the petition of the commission, 168044
may bring a proceeding for contempt against such person in the 168045
court of common pleas of that county. 168046

(3) Witnesses shall be paid the fees and mileage provided for 168047
in section 119.094 of the Revised Code. 168048

(4) All fees and mileage expenses incurred at the request of 168049
a party shall be paid in advance by the party. 168050

(E) When conducting a public hearing, the commission shall 168051
not limit the number of speakers who may testify. However, the 168052
commission may set reasonable time limits on the length of an 168053
individual's testimony or the total amount of time allotted to 168054
proponents and opponents of an issue before the commission. 168055

(F) The commission may rely, in whole or in part, upon 168056

investigations, conclusions, or findings of other casino gaming or 168057
sports gaming commissions, as applicable, or other government 168058
regulatory bodies in connection with licensing, investigations, or 168059
other matters relating to an applicant or licensee under this 168060
chapter. 168061

(G) Notwithstanding anything to the contrary in this chapter 168062
or Chapter 3775. of the Revised Code, and except with respect to a 168063
license issued under this chapter to a casino operator, management 168064
company, or holding company, the executive director may issue an 168065
emergency order for the suspension, limitation, or conditioning of 168066
any license, registration, approval, or certificate issued, 168067
approved, granted, or otherwise authorized by the commission under 168068
Chapter 3772. or 3775. of the Revised Code or the rules adopted 168069
thereunder, requiring the inclusion of persons on the casino 168070
exclusion list or sports gaming exclusion list provided for under 168071
section 3772.031 of the Revised Code or Chapter 3775. of the 168072
Revised Code and the rules adopted thereunder, and requiring a 168073
casino facility not to pay a licensee, registrant, or approved or 168074
certified person any remuneration for services or any share of 168075
profits, income, or accruals on that person's investment in the 168076
casino facility. 168077

(1) An emergency order may be issued when the executive 168078
director finds either of the following: 168079

(a) A licensee, registrant, or approved or certified person 168080
has been charged with a violation of any of the criminal laws of 168081
this state, another state, or the federal government; 168082

(b) Such an action is necessary to prevent a violation of 168083
this chapter or Chapter 3775. of the Revised Code or a rule 168084
adopted thereunder. 168085

(2) An emergency order issued under division (G) of this 168086
section shall state the reasons for the commission's action, cite 168087

the law or rule directly involved, and state that the party will 168088
be afforded a hearing if the party requests it within thirty days 168089
after the time of mailing or personal delivery of the order. 168090

(3)(a) Not later than the next business day after the 168091
issuance of the emergency order, the order shall be sent by 168092
registered or certified mail, return receipt requested, or by 168093
commercial carrier utilizing any form of delivery requiring a 168094
signed receipt, to the party at the party's last known mailing 168095
address appearing in the commission's records or personally 168096
delivered at any time to the party by an employee or agent of the 168097
commission. 168098

(b) A copy of the order shall be mailed or an electronic copy 168099
provided to the attorney or other representative of record 168100
representing the party. 168101

(c) If the order sent by registered or certified mail or by 168102
commercial carrier is returned because the party fails to claim 168103
the order, the commission shall send the order by ordinary mail to 168104
the party at the party's last known address and shall obtain a 168105
certificate of mailing. Service by ordinary mail is complete when 168106
the certificate of mailing is obtained unless the order is 168107
returned showing failure of delivery. 168108

(d) If the order sent by commercial carrier or registered, 168109
certified, or ordinary mail is returned for failure of delivery, 168110
the commission shall either make personal delivery of the order by 168111
an employee or agent of the commission or cause a summary of the 168112
substantive provisions of the order to be published once a week 168113
for three consecutive weeks in a newspaper of general circulation 168114
in the county where the last known address of the party is 168115
located. 168116

(i) Failure of delivery occurs only when a mailed order is 168117
returned by the postal authorities or commercial carrier marked 168118

undeliverable, address or addressee unknown, or forwarding address 168119
unknown or expired. 168120

(ii) When service is completed by publication, a proof of 168121
publication affidavit, with the first publication of the summary 168122
set forth in the affidavit, shall be mailed by ordinary mail to 168123
the party at the party's last known address and the order shall be 168124
deemed received as of the date of the last publication. 168125

(e) Refusal of delivery of the order sent by mail or 168126
personally delivered to the party is not failure of delivery and 168127
service is deemed to be complete. 168128

(4) The emergency order shall be effective immediately upon 168129
service of the order on the party. The emergency order shall 168130
remain effective until further order of the executive director or 168131
the commission. 168132

(5) The commission may, and if so requested by the person 168133
affected by the emergency order shall, promptly conduct a hearing 168134
in an adjudication under Chapter 119. of the Revised Code. 168135

Sec. 3772.11. (A) A person may apply to the commission for a 168136
casino operator, management company, or holding company license to 168137
conduct casino gaming at a casino facility as provided in this 168138
chapter. The application shall be ~~made under oath~~ certified as 168139
true on forms provided by the commission and shall contain 168140
information as prescribed by rule, including, but not limited to, 168141
all of the following: 168142

(1) The name, business address, business telephone number, 168143
social security number, and, where applicable, the federal tax 168144
identification number of any applicant; 168145

(2) The identity of every person having a greater than five 168146
per cent direct or indirect interest in the applicant casino 168147
facility for which the license is sought; 168148

(3) An identification of any business, including the state of 168149
incorporation or registration if applicable, in which an 168150
applicant, or the spouse or children of an applicant, has an 168151
equity interest of more than five per cent; 168152

(4) The name of any casino operator, management company, 168153
holding company, and gaming-related vendor in which the applicant 168154
has an equity interest of at least five per cent; 168155

(5) If an applicant has ever applied for or has been granted 168156
any gaming license or certificate issued by a licensing authority 168157
in Ohio or any other jurisdiction that has been denied, 168158
restricted, suspended, revoked, or not renewed and a statement 168159
describing the facts and circumstances concerning the application, 168160
denial, restriction, suspension, revocation, or nonrenewal, 168161
including the licensing authority, the date each action was taken, 168162
and the reason for each action; 168163

(6) If an applicant has ever filed or had filed against it a 168164
civil or administrative action or proceeding in bankruptcy, 168165
including the date of filing, the name and location of the court, 168166
the case caption, the docket number, and the disposition; 168167

(7) The name and business telephone number of any attorney 168168
representing an applicant in matters before the commission; 168169

(8) Information concerning the amount, type of tax, the 168170
taxing agency, and times involved, if the applicant has filed or 168171
been served with a complaint or notice filed with a public body 168172
concerning a delinquency in the payment of or a dispute over a 168173
filing concerning the payment of a tax required under federal, 168174
state, or local law; 168175

(9) A description of any proposed casino gaming operation and 168176
related casino enterprises, including the type of casino facility, 168177
location, expected economic benefit to the community, anticipated 168178
or actual number of employees, any statement from an applicant 168179

regarding compliance with federal and state affirmative action 168180
guidelines, projected or actual admissions, projected or actual 168181
gross receipts, and scientific market research; 168182

(10) Financial information in the manner and form prescribed 168183
by the commission; 168184

(11) If an applicant has directly made a political 168185
contribution, loan, donation, or other payment of one hundred 168186
dollars or more to a statewide office holder, a member of the 168187
general assembly, a local government official elected in a 168188
jurisdiction where a casino facility is located, or a ballot issue 168189
not more than one year before the date the applicant filed the 168190
application and all information relating to the contribution, 168191
loan, donation, or other payment; 168192

(12) Any criminal conviction; and 168193

(13) Other information required by the commission under rules 168194
adopted by the commission. 168195

(B) Any holding company or management company, its directors, 168196
executive officers, members, managers, and any shareholder who 168197
holds more than five per cent ownership interest of a holding 168198
company or management company shall be required to submit the same 168199
information as required by an applicant under this section. 168200

Sec. 3772.12. (A) A person may apply for a gaming-related 168201
vendor license. All applications shall be ~~made under oath~~ 168202
certified as true. 168203

(B) A person who holds a gaming-related vendor's license is 168204
authorized to sell or lease, and to contract to sell or lease, 168205
equipment and supplies to any licensee involved in the ownership 168206
or management of a casino facility. 168207

(C) Gambling supplies and equipment shall not be distributed 168208
unless supplies and equipment conform to standards adopted in 168209

rules adopted by the commission. 168210

Sec. 3772.13. (A) No person may be employed as a key employee 168211
of a casino operator, management company, or holding company 168212
unless the person is the holder of a valid key employee license 168213
issued by the commission. 168214

(B) No person may be employed as a key employee of a 168215
gaming-related vendor unless that person is either the holder of a 168216
valid key employee license issued by the commission, or the 168217
person, at least five business days prior to the first day of 168218
employment as a key employee, has filed a notification of 168219
employment with the commission and subsequently files a completed 168220
application for a key employee license within the first thirty 168221
days of employment as a key employee. 168222

(C) Each applicant shall, before the issuance of any key 168223
employee license, produce information, documentation, and 168224
assurances as are required by this chapter and rules adopted 168225
thereunder. In addition, each applicant shall, in writing, 168226
authorize the examination of all bank accounts and records as may 168227
be deemed necessary by the commission. 168228

(D) To be eligible for a key employee license, the applicant 168229
shall be at least twenty-one years of age and shall meet the 168230
criteria set forth by rule by the commission. 168231

(E) Each application for a key employee license shall be on a 168232
form prescribed by the commission and shall contain all 168233
information required by the commission. The applicant shall set 168234
forth in the application if the applicant has been issued prior 168235
gambling-related licenses; if the applicant has been licensed in 168236
any other state under any other name, and, if so, the name under 168237
which the license was issued and the applicant's age at the time 168238
the license was issued; any criminal conviction the applicant has 168239
had; and if a permit or license issued to the applicant in any 168240

other state has been suspended, restricted, or revoked, and, if 168241
so, the cause and the duration of each action. The applicant also 168242
shall complete a cover sheet for the application on which the 168243
applicant shall disclose the applicant's name, the business 168244
address of the casino operator, management company, holding 168245
company, or gaming-related vendor employing the applicant, the 168246
business address and telephone number of such employer, and the 168247
county, state, and country in which the applicant's residence is 168248
located. 168249

(F) Each applicant shall submit with each application, on a 168250
form provided by the commission, two sets of fingerprints and a 168251
photograph. The commission shall charge each applicant an 168252
application fee set by the commission to cover all actual costs 168253
generated by each licensee and all background checks under this 168254
section and section 3772.07 of the Revised Code. 168255

(G)(1) The casino operator, management company, or holding 168256
company by whom a person is employed as a key employee shall 168257
terminate the person's employment in any capacity requiring a 168258
license under this chapter and shall not in any manner permit the 168259
person to exercise a significant influence over the operation of a 168260
casino facility if: 168261

(a) The person does not apply for and receive a key employee 168262
license within three months of being issued a provisional license, 168263
as established under commission rule. 168264

(b) The person's application for a key employee license is 168265
denied by the commission. 168266

(c) The person's key employee license is revoked by the 168267
commission. 168268

The commission shall notify the casino operator, management 168269
company, or holding company who employs such a person by certified 168270
mail, personal service, common carrier service utilizing any form 168271

of delivery requiring a signed receipt, or by an electronic means 168272
that provides evidence of delivery, of any such finding, denial, 168273
or revocation. 168274

(2) A casino operator, management company, or holding company 168275
shall not pay to a person whose employment is terminated under 168276
division (G)(1) of this section, any remuneration for any services 168277
performed in any capacity in which the person is required to be 168278
licensed, except for amounts due for services rendered before 168279
notice was received under that division. A contract or other 168280
agreement for personal services or for the conduct of any casino 168281
gaming at a casino facility between a casino operator, management 168282
company, or holding company and a person whose employment is 168283
terminated under division (G)(1) of this section may be terminated 168284
by the casino operator, management company, or holding company 168285
without further liability on the part of the casino operator, 168286
management company, or holding company. Any such contract or other 168287
agreement is deemed to include a term authorizing its termination 168288
without further liability on the part of the casino operator, 168289
management company, or holding company upon receiving notice under 168290
division (G)(1) of this section. That a contract or other 168291
agreement does not expressly include such a term is not a defense 168292
in any action brought to terminate the contract or other 168293
agreement, and is not grounds for relief in any action brought 168294
questioning termination of the contract or other agreement. 168295

(3) A casino operator, management company, or holding 168296
company, without having obtained the prior approval of the 168297
commission, shall not enter into any contract or other agreement 168298
with a person who has been found unsuitable, who has been denied a 168299
license, or whose license has been revoked under division (G)(1) 168300
of this section, or with any business enterprise under the control 168301
of such a person, after the date on which the casino operator, 168302
management company, or holding company receives notice under that 168303

division. 168304

Sec. 3772.131. (A) All casino gaming employees are required 168305
to have a casino gaming employee license. "Casino gaming employee" 168306
means the following and their supervisors: 168307

(1) Individuals involved in operating a casino gaming pit, 168308
including dealers, skills, clerks, hosts, and junket 168309
representatives; 168310

(2) Individuals involved in handling money, including 168311
cashiers, change persons, count teams, and coin wrappers; 168312

(3) Individuals involved in operating casino games; 168313

(4) Individuals involved in operating and maintaining slot 168314
machines, including mechanics, floor persons, and change and 168315
payoff persons; 168316

(5) Individuals involved in security, including guards and 168317
game observers; 168318

(6) Individuals with duties similar to those described in 168319
divisions (A)(1) to (5) of this section or other persons as the 168320
commission determines. "Casino gaming employee" does not include 168321
an individual whose duties are related solely to nongaming 168322
activities such as entertainment, hotel operation, maintenance, or 168323
preparing or serving food and beverages. 168324

(B) The commission may issue a casino gaming employee license 168325
to an applicant after it has determined that the applicant is 168326
eligible for a license under rules adopted by the commission and 168327
paid any applicable fee. All applications shall be ~~made under oath~~ 168328
certified as true. 168329

(C) To be eligible for a casino gaming employee license, an 168330
applicant shall be at least twenty-one years of age. 168331

(D) Each application for a casino gaming employee license 168332

shall be on a form prescribed by the commission and shall contain 168333
all information required by the commission. The applicant shall 168334
set forth in the application if the applicant has been issued 168335
prior gambling-related licenses; if the applicant has been 168336
licensed in any other state under any other name, and, if so, the 168337
name under which the license was issued and the applicant's age at 168338
the time the license was issued; any criminal conviction the 168339
applicant has had; and if a permit or license issued to the 168340
applicant in any other state has been suspended, restricted, or 168341
revoked, and, if so, the cause and the duration of each action. 168342

(E) Each applicant shall submit with each application, on a 168343
form provided by the commission, two sets of the applicant's 168344
fingerprints and a photograph. The commission shall charge each 168345
applicant an application fee to cover all actual costs generated 168346
by each licensee and all background checks. 168347

Sec. 3781.08. The board of building standards shall organize 168348
by choosing a ~~chairman~~ chairperson who shall serve for a term of 168349
two years. The department of commerce shall provide and assign to 168350
the board of building standards such ~~stenographers~~, clerks, 168351
experts, and other employees as are required to enable the board 168352
to perform the duties and exercise the powers imposed upon or 168353
vested in it by law. 168354

Sec. 3781.11. (A) The rules of the board of building 168355
standards shall: 168356

(1) For nonresidential buildings, provide uniform minimum 168357
standards and requirements, and for residential buildings, provide 168358
standards and requirements that are uniform throughout the state, 168359
for construction and construction materials, including 168360
construction of industrialized units, to make residential and 168361
nonresidential buildings safe and sanitary as defined in section 168362

3781.06 of the Revised Code;	168363
(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;	168364 168365 168366 168367
(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;	168368 168369 168370 168371 168372 168373 168374 168375
(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;	168376 168377 168378 168379
(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:	168380 168381 168382 168383 168384 168385
(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.	168386 168387 168388
(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.	168389 168390
(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.	168391 168392 168393

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which 168425
minimum standards are prescribed by the state board of education 168426
pursuant to division (D) of section 3301.07 of the Revised Code. 168427

(2) "Workshop or factory" includes manufacturing, mechanical, 168428
electrical, mercantile, art, and laundering establishments, 168429
printing, ~~telegraph~~, and telephone offices, railroad depots, and 168430
memorial buildings, but does not include hotels and tenement and 168431
apartment houses. 168432

Sec. 3781.25. As used in sections 3781.25 to 3781.38 of the 168433
Revised Code: 168434

(A) "Protection service" means a notification center, but not 168435
an owner of an individual utility, that exists for the purpose of 168436
receiving notice from persons that prepare plans and 168437
specifications for or that engage in excavation work, that 168438
distributes this information to its members and participants, and 168439
that has registered by March 14, 1989, with the secretary of state 168440
and the public utilities commission of Ohio under former division 168441
(F) of section 153.64 of the Revised Code as it existed on that 168442
date. 168443

(B) "Underground utility facility" includes any item buried 168444
or placed below ground or submerged under water for use in 168445
connection with the storage or conveyance of water or sewage; 168446
electronic, or telephonic, ~~or telegraphic~~ communications; 168447
television signals; electricity; crude oil; petroleum products; 168448
artificial or liquefied petroleum; manufactured, mixed, or natural 168449
gas; synthetic or liquefied natural gas; propane gas; coal; steam; 168450
hot water; or other substances. "Underground utility facility" 168451
includes all operational underground pipes, sewers, tubing, 168452
conduits, cables, valves, lines, wires, worker access holes, and 168453
attachments, owned by any person, firm, or company. "Underground 168454
utility facility" does not include a private septic system in a 168455

one-family or multi-family dwelling utilized only for that 168456
dwelling and not connected to any other system. 168457

(C) "Utility" means any owner or operator, or an agent of an 168458
owner or operator, of an underground utility facility, including 168459
any public authority, that owns or operates an underground utility 168460
facility. "Utility" does not include the owners of the following 168461
types of real property with respect to any underground utility 168462
facility located on that property: 168463

(1) The owner of a single-family or two-, three-, or 168464
four-unit residential dwelling; 168465

(2) The owner of an apartment complex; 168466

(3) The owner of a commercial or industrial building or 168467
complex of buildings, including but not limited to, factories and 168468
shopping centers; 168469

(4) The owner of a farm; 168470

(5) The owner of an exempt domestic well as defined in 168471
section 1509.01 of the Revised Code. 168472

(D) "Approximate location" means the immediate area within 168473
the perimeter of a proposed excavation site where the underground 168474
utility facilities are located. 168475

(E) "Tolerance zone" means the site of the underground 168476
utility facility including the width of the underground utility 168477
facility plus eighteen inches on each side of the facility. 168478

(F) "Working days" excludes Saturdays, Sundays, and legal 168479
holidays as defined in section 1.14 of the Revised Code and 168480
"hours" excludes hours on Saturdays, Sundays, and legal holidays. 168481

(G) "Designer" means an engineer, architect, landscape 168482
architect, contractor, surveyor, or other person who develops 168483
plans or designs for real property improvement or any other 168484
activity that will involve excavation. 168485

(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.

(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it.

(J) "Excavation site" means the area within which excavation will be performed.

(K) "Excavator" means the person or persons responsible for making the actual excavation.

(L) "Interstate gas pipeline" means an interstate gas pipeline subject to the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C. 1671, as amended.

(M) "Interstate hazardous liquids pipeline" means an interstate hazardous liquids pipeline subject to the "Hazardous Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 2002, as amended.

(N) "Special notification requirements" means requirements for notice to an owner of an interstate hazardous liquids pipeline or an interstate gas pipeline that must be made prior to commencing excavation and pursuant to the owner's public safety

program adopted under federal law. 168517

(O) "Commercial excavator" means any excavator, excluding a 168518
utility as defined in this section, that satisfies both of the 168519
following: 168520

(1) For compensation, performs, directs, supervises, or is 168521
responsible for the excavation, construction, improvement, 168522
renovation, repair, or maintenance on a construction project and 168523
holds out or represents oneself as qualified or permitted to act 168524
as such; 168525

(2) Employs tradespersons who actually perform excavation, 168526
construction, improvement, renovation, repair, or maintenance on a 168527
construction project. 168528

(P) "Person" has the same meaning as in section 1.59 of the 168529
Revised Code and also includes a public authority. 168530

(Q) "Positive response system" means an automated system 168531
facilitated by a protection service allowing a utility to 168532
communicate to an excavator the presence or absence of any 168533
conflict between the existing underground utility facilities and 168534
the proposed excavation site. 168535

(R) "One-call notification system" means the software or 168536
communications system used by a protection system to notify its 168537
membership of proposed excavation sites. 168538

(S) "Project" means any undertaking by a private party of an 168539
improvement requiring excavation. 168540

(T) "Public authority" has the same meaning as in section 168541
153.64 of the Revised Code. 168542

(U) "Improvement" means any construction, reconstruction, 168543
improvement, enlargement, alteration, or repair of a building, 168544
highway, drainage system, water system, road, street, alley, 168545
sewer, ditch, sewage disposal plant, water works, and all other 168546

structures or works of any nature. 168547

(V) "Emergency" means an unexpected occurrence causing a 168548
disruption or damage to an underground utility facility that 168549
requires immediate repair or a situation that creates a clear and 168550
imminent danger that demands immediate action to prevent or 168551
mitigate loss of or damage to life, health, property, or essential 168552
public services. 168553

(W) "Nondestructive manner" means using low-impact, low-risk 168554
technologies such as hand tools, or hydro or air vacuum excavation 168555
equipment. 168556

(X) "Cable service provider" has the same meaning as in 168557
section 1332.01 of the Revised Code. 168558

(Y) "Electric cooperative" and "electric utility" have the 168559
same meanings as in section 4928.01 of the Revised Code. 168560

Sec. 3781.29. (A)(1) Except as otherwise provided in division 168561
(A)(2) of this section, within forty-eight hours of receiving 168562
notice under section 3781.28 of the Revised Code, each utility 168563
shall review the status of its facilities within the excavation 168564
site, locate and mark its underground utility facilities at the 168565
excavation site in such a manner as to indicate their course, and 168566
report the appropriate information to the protection service for 168567
its positive response system. If a utility does not mark its 168568
underground utility facilities or contact the excavator within 168569
that time, the utility is deemed to have given notice that it does 168570
not have any facilities at the excavation site. If the utility 168571
cannot accurately mark the facilities, the utility shall mark them 168572
to the best of its ability, notify the excavator using the 168573
positive response system that the markings may not be accurate, 168574
and provide additional guidance to the excavator in locating the 168575
facilities as needed during the excavation. 168576

(2) In the case of an interstate hazardous liquids pipeline 168577
or an interstate gas pipeline, the owner of the pipeline shall 168578
locate and mark its pipeline within the time frame established in 168579
the public safety program of the owner. 168580

(B) Unless a facility actually is uncovered or probed by the 168581
utility or excavator, any indications of the depth of the facility 168582
shall be treated as estimates only. 168583

(C)(1) Except as provided in division (C)(2) of this section, 168584
a utility shall mark its underground facilities using the 168585
following color codes: 168586

Type of Underground			
Utility Facility	Color		168588
Electric power transmission	Safety red		168589
and distribution			168590
Gas transmission and distribution	High visibility safety yellow		168591
Oil transmission and distribution	High visibility safety yellow		168592
Dangerous materials, product	High visibility safety yellow		168593
lines, and steam lines			168594
Telephone and telegraph systems	Safety alert orange		168595
Police and fire communications	Safety alert orange		168596
Cable television	Safety alert orange		168597
Water systems	Safety precaution blue		168598
Slurry systems	Safety precaution purple		168599
Sewer lines	Safety green.		168600

(2) All underground facilities shall be marked in accordance 168601
with the Ohio universal marking standards that are on file with 168602
the Ohio utilities protection service. Industry representatives 168603
serving on Ohio damage prevention councils shall review the 168604
marking standards every two years. 168605

(D) Except as otherwise provided in divisions (E) and (F) of 168606
this section, prior to notifying a protection service of the 168607
proposed excavation, an excavator shall define and premark the 168608

approximate location. Proposed construction or excavation markings shall be made in white through the use of an industry-recognized method such as chalk-based paint, flags, stakes, or other method applicable to the specific site and when possible shall indicate the excavator's identity by name, abbreviation, or initial.

(E)(1) Before beginning an emergency excavation, or as soon as possible thereafter, an excavator shall make every effort to notify a protection service of the excavation. In providing notification, the excavator shall provide, at a minimum:

(a) The name of the individual notifying the protection service;

(b) The name, address, any electronic mail address, and ~~any~~ telephone ~~and facsimile~~ numbers of the excavator;

(c) The specific location of the excavation site;

(d) A description of the excavation.

(2) Upon receiving the information set forth in division (E)(1) of this section, the protection service shall provide the excavator with a reference number and a list of utilities that the protection service intends to notify. The protection service shall immediately notify each utility that according to the registration information provided under section 3781.26 of the Revised Code has facilities located within the designated area of the emergency excavation.

(3) Any utility notified of an emergency excavation may inspect all of its underground utility facilities located at the emergency excavation site and may take any otherwise lawful action it considers necessary to prevent disturbance to or interference with its facilities during excavation.

(F) An excavator is not required to premark the approximate location of an excavation as provided in division (D) of this

section in any of the following situations: 168639

(1) The utility can determine the precise location, 168640
direction, size, and length of the proposed excavation site by 168641
referring to the notification provided by the protection service 168642
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 168643

(2) The excavator and the affected utility have had an 168644
on-site, preconstruction meeting for the purpose of premarking the 168645
excavation site. 168646

(3) The excavation involves replacing a pole that is within 168647
five feet of the location of an existing pole. 168648

(4) Premarking by the excavator would clearly interfere with 168649
pedestrian or vehicular traffic control. 168650

Sec. 3781.342. (A) The underground technical committee may 168651
conduct meetings in person, by teleconference, or by video 168652
conference. 168653

(B) The committee shall establish a primary meeting location 168654
that is open and accessible to the public. 168655

(C) Before convening a meeting by teleconference or video 168656
conference, the committee shall send, via electronic mail, 168657
~~facsimile~~, or United States postal service, a copy of 168658
meeting-related documents to each committee member. 168659

(D) The minutes of each meeting shall specify who was 168660
attending by teleconference, who was attending by video 168661
conference, and who was physically present. Any vote taken in a 168662
meeting held by teleconference that is not unanimous shall be 168663
recorded as a roll call vote. 168664

Sec. 3904.08. (A) If any individual, after proper 168665
identification, submits a written request to an insurance 168666
institution, agent, or insurance support organization for access 168667

to recorded personal information about the individual that is 168668
reasonably described by the individual and reasonably locatable 168669
and retrievable by the insurance institution, agent, or insurance 168670
support organization, the insurance institution, agent, or 168671
insurance support organization, within thirty business days from 168672
the date such request is received, shall do all of the following: 168673

(1) Inform the individual of the nature and substance of such 168674
recorded personal information in writing, by telephone, or by 168675
other oral communication, whichever the insurance institution, 168676
agent, or insurance support organization prefers; 168677

(2) Permit the individual to ~~see and copy, in person, such~~ 168678
~~recorded personal information pertaining to him or to~~ obtain a 168679
copy of such recorded ~~personal~~ information ~~by mail, whichever the~~ 168680
~~individual prefers~~ in a manner agreed upon by the individual and 168681
insurance institution, agent, or insurance support organization, 168682
unless such recorded personal information is in coded form, in 168683
which case an accurate translation in plain language shall be 168684
provided in writing; 168685

(3) Disclose to the individual the identity, if recorded, of 168686
those persons to whom the insurance institution, agent, or 168687
insurance support organization has disclosed such personal 168688
information within two years prior to such request, and if the 168689
identity is not recorded, the names of those insurance 168690
institutions, agents, insurance support organizations, or other 168691
persons to whom such information is normally disclosed; 168692

(4) Provide the individual with a summary of the procedures 168693
by which ~~he~~ the individual may request correction, amendment, or 168694
deletion of recorded personal information. 168695

(B) Any personal information provided pursuant to division 168696
(A) of this section shall identify the source of the information 168697
if such source is an institutional source. 168698

(C) Medical record information supplied by a medical care institution or medical professional and requested under division (A) of this section, together with the identity of the medical professional or medical care institution that provided such information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent, or insurance support organization prefers. If it elects to disclose the information to a medical professional designated by the individual, the insurance institution, agent, or insurance support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

(D) Except for personal information provided under section 3904.10 of the Revised Code, an insurance institution, agent, or insurance support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

(E) The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under division (A) of this section, an insurance institution, agent, or insurance support organization may make arrangements with an insurance support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

(F) The rights granted to individuals in this section extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent, or insurance support organization in connection with an insurance

transaction. The rights granted to all natural persons by this 168731
division do not extend to information about them that relates to 168732
and is collected in connection with or in reasonable anticipation 168733
of a claim or civil or criminal proceeding involving them. 168734

(G) This section does not apply to a consumer reporting 168735
agency. 168736

Sec. 4121.19. A full and complete record shall be kept of all 168737
proceedings had before the bureau of workers' compensation on any 168738
investigation, ~~and all testimony shall be taken down by a~~ 168739
~~stenographer appointed by the bureau.~~ 168740

Sec. 4123.512. (A) The claimant or the employer may appeal an 168741
order of the industrial commission made under division (E) of 168742
section 4123.511 of the Revised Code in any injury or occupational 168743
disease case, other than a decision as to the extent of disability 168744
to the court of common pleas of the county in which the injury was 168745
inflicted or in which the contract of employment was made if the 168746
injury occurred outside the state, or in which the contract of 168747
employment was made if the exposure occurred outside the state. If 168748
no common pleas court has jurisdiction for the purposes of an 168749
appeal by the use of the jurisdictional requirements described in 168750
this division, the appellant may use the venue provisions in the 168751
Rules of Civil Procedure to vest jurisdiction in a court. If the 168752
claim is for an occupational disease, the appeal shall be to the 168753
court of common pleas of the county in which the exposure which 168754
caused the disease occurred. Like appeal may be taken from an 168755
order of a staff hearing officer made under division (D) of 168756
section 4123.511 of the Revised Code from which the commission has 168757
refused to hear an appeal. Except as otherwise provided in this 168758
division, the appellant shall file the notice of appeal with a 168759
court of common pleas within sixty days after the date of the 168760
receipt of the order appealed from or the date of receipt of the 168761

order of the commission refusing to hear an appeal of a staff 168762
hearing officer's decision under division (D) of section 4123.511 168763
of the Revised Code. Either the claimant or the employer may file 168764
a notice of an intent to settle the claim within thirty days after 168765
the date of the receipt of the order appealed from or of the order 168766
of the commission refusing to hear an appeal of a staff hearing 168767
officer's decision. The claimant or employer shall file notice of 168768
intent to settle with the administrator of workers' compensation, 168769
and the notice shall be served on the opposing party and the 168770
party's representative. The filing of the notice of intent to 168771
settle extends the time to file an appeal to one hundred fifty 168772
days, unless the opposing party files an objection to the notice 168773
of intent to settle within fourteen days after the date of the 168774
receipt of the notice of intent to settle. The party shall file 168775
the objection with the administrator, and the objection shall be 168776
served on the party that filed the notice of intent to settle and 168777
the party's representative. The filing of the notice of the appeal 168778
with the court is the only act required to perfect the appeal. 168779

If an action has been commenced in a court of a county other 168780
than a court of a county having jurisdiction over the action, the 168781
court, upon notice by any party or upon its own motion, shall 168782
transfer the action to a court of a county having jurisdiction. 168783

Notwithstanding anything to the contrary in this section, if 168784
the commission determines under section 4123.522 of the Revised 168785
Code that an employee, employer, or their respective 168786
representatives have not received written notice of an order or 168787
decision which is appealable to a court under this section and 168788
which grants relief pursuant to section 4123.522 of the Revised 168789
Code, the party granted the relief has sixty days from receipt of 168790
the order under section 4123.522 of the Revised Code to file a 168791
notice of appeal under this section. 168792

(B) The notice of appeal shall state the names of the administrator of workers' compensation, the claimant, and the employer; the number of the claim; the date of the order appealed from; and the fact that the appellant appeals therefrom.

The administrator, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus. The administrator shall notify the employer that if the employer fails to become an active party to the appeal, then the administrator may act on behalf of the employer and the results of the appeal could have an adverse effect upon the employer's premium rates or may result in a recovery from the employer if the employer is determined to be a noncomplying employer under section 4123.75 of the Revised Code.

(C) The attorney general or one or more of the attorney general's assistants or special counsel designated by the attorney general shall represent the administrator and the commission. In the event the attorney general or the attorney general's designated assistants or special counsel are absent, the administrator or the commission shall select one or more of the attorneys in the employ of the administrator or the commission as the administrator's attorney or the commission's attorney in the appeal. Any attorney so employed shall continue the representation during the entire period of the appeal and in all hearings thereof except where the continued representation becomes impractical.

(D) Upon receipt of notice of appeal, the clerk of courts shall provide notice to all parties who are appellees and to the commission.

The claimant shall, within thirty days after the filing of the notice of appeal, file a petition containing a statement of

facts in ordinary and concise language showing a cause of action 168825
to participate or to continue to participate in the fund and 168826
setting forth the basis for the jurisdiction of the court over the 168827
action. Further pleadings shall be had in accordance with the 168828
Rules of Civil Procedure, provided that service of summons on such 168829
petition shall not be required and provided that the claimant may 168830
not dismiss the complaint without the employer's consent if the 168831
employer is the party that filed the notice of appeal to court 168832
pursuant to this section. The clerk of the court shall, upon 168833
receipt thereof, transmit by certified mail a copy thereof to each 168834
party named in the notice of appeal other than the claimant. Any 168835
party may file with the clerk prior to the trial of the action a 168836
deposition of any physician taken in accordance with the 168837
provisions of the Revised Code, which deposition may be read in 168838
the trial of the action even though the physician is a resident of 168839
or subject to service in the county in which the trial is had. The 168840
bureau of workers' compensation shall pay the cost of the 168841
~~stenographic~~ deposition filed in court and of copies of the 168842
~~stenographic~~ deposition for each party from the surplus fund and 168843
charge the costs thereof against the unsuccessful party if the 168844
claimant's right to participate or continue to participate is 168845
finally sustained or established in the appeal. In the event the 168846
deposition is taken and filed, the physician whose deposition is 168847
taken is not required to respond to any subpoena issued in the 168848
trial of the action. The court, or the jury under the instructions 168849
of the court, if a jury is demanded, shall determine the right of 168850
the claimant to participate or to continue to participate in the 168851
fund upon the evidence adduced at the hearing of the action. 168852

(E) The court shall certify its decision to the commission 168853
and the certificate shall be entered in the records of the court. 168854
Appeals from the judgment are governed by the law applicable to 168855
the appeal of civil actions. 168856

(F) The cost of any legal proceedings authorized by this section, including an attorney's fee to the claimant's attorney to be fixed by the trial judge, based upon the effort expended, in the event the claimant's right to participate or to continue to participate in the fund is established upon the final determination of an appeal, shall be taxed against the employer or the commission if the commission or the administrator rather than the employer contested the right of the claimant to participate in the fund. The attorney's fee shall not exceed five thousand dollars.

(G) If the finding of the court or the verdict of the jury is in favor of the claimant's right to participate in the fund, the commission and the administrator shall thereafter proceed in the matter of the claim as if the judgment were the decision of the commission, subject to the power of modification provided by section 4123.52 of the Revised Code.

(H)(1) An appeal from an order issued under division (E) of section 4123.511 of the Revised Code or any action filed in court in a case in which an award of compensation or medical benefits has been made shall not stay the payment of compensation or medical benefits under the award, or payment for subsequent periods of total disability or medical benefits during the pendency of the appeal. If, in a final administrative or judicial action, it is determined that payments of compensation or benefits, or both, made to or on behalf of a claimant should not have been made, the amount thereof shall be charged to the surplus fund account under division (B) of section 4123.34 of the Revised Code. In the event the employer is a state risk, the amount shall not be charged to the employer's experience, and the administrator shall adjust the employer's account accordingly. In the event the employer is a self-insuring employer, the self-insuring employer shall deduct the amount from the paid compensation the

self-insuring employer reports to the administrator under division 168889
(L) of section 4123.35 of the Revised Code. If an employer is a 168890
state risk and has paid an assessment for a violation of a 168891
specific safety requirement, and, in a final administrative or 168892
judicial action, it is determined that the employer did not 168893
violate the specific safety requirement, the administrator shall 168894
reimburse the employer from the surplus fund account under 168895
division (B) of section 4123.34 of the Revised Code for the amount 168896
of the assessment the employer paid for the violation. 168897

(2)(a) Notwithstanding a final determination that payments of 168898
benefits made to or on behalf of a claimant should not have been 168899
made, the administrator or self-insuring employer shall award 168900
payment of medical or vocational rehabilitation services submitted 168901
for payment after the date of the final determination if all of 168902
the following apply: 168903

(i) The services were approved and were rendered by the 168904
provider in good faith prior to the date of the final 168905
determination. 168906

(ii) The services were payable under division (I) of section 168907
4123.511 of the Revised Code prior to the date of the final 168908
determination. 168909

(iii) The request for payment is submitted within the time 168910
limit set forth in section 4123.52 of the Revised Code. 168911

(b) Payments made under division (H)(1) of this section shall 168912
be charged to the surplus fund account under division (B) of 168913
section 4123.34 of the Revised Code. If the employer of the 168914
employee who is the subject of a claim described in division 168915
(H)(2)(a) of this section is a state fund employer, the payments 168916
made under that division shall not be charged to the employer's 168917
experience. If that employer is a self-insuring employer, the 168918
self-insuring employer shall deduct the amount from the paid 168919

compensation the self-insuring employer reports to the 168920
administrator under division (L) of section 4123.35 of the Revised 168921
Code. 168922

(c) Division (H)(2) of this section shall apply only to a 168923
claim under this chapter or Chapter 4121., 4127., or 4131. of the 168924
Revised Code arising on or after July 29, 2011. 168925

(3) A self-insuring employer may elect to pay compensation 168926
and benefits under this section directly to an employee or an 168927
employee's dependents by filing an application with the bureau of 168928
workers' compensation not more than one hundred eighty days and 168929
not less than ninety days before the first day of the employer's 168930
next six-month coverage period. If the self-insuring employer 168931
timely files the application, the application is effective on the 168932
first day of the employer's next six-month coverage period, 168933
provided that the administrator shall compute the employer's 168934
assessment for the surplus fund account due with respect to the 168935
period during which that application was filed without regard to 168936
the filing of the application. On and after the effective date of 168937
the employer's election, the self-insuring employer shall pay 168938
directly to an employee or to an employee's dependents 168939
compensation and benefits under this section regardless of the 168940
date of the injury or occupational disease, and the employer shall 168941
receive no money or credits from the surplus fund account on 168942
account of those payments and shall not be required to pay any 168943
amounts into the surplus fund account on account of this section. 168944
The election made under this division is irrevocable. 168945

(I) All actions and proceedings under this section which are 168946
the subject of an appeal to the court of common pleas or the court 168947
of appeals shall be preferred over all other civil actions except 168948
election causes, irrespective of position on the calendar. 168949

This section applies to all decisions of the commission or 168950
the administrator on November 2, 1959, and all claims filed 168951

thereafter are governed by sections 4123.511 and 4123.512 of the Revised Code.

Any action pending in common pleas court or any other court on January 1, 1986, under this section is governed by former sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 4123.522 of the Revised Code.

Sec. 4123.52. (A) The jurisdiction of the industrial commission and the authority of the administrator of workers' compensation over each case is continuing, and the commission may make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion is justified. No modification or change nor any finding or award in respect of any claim shall be made with respect to disability, compensation, dependency, or benefits, after five years from the date of injury in the absence of the payment of medical benefits under this chapter or in the absence of payment of compensation under section 4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the Revised Code or wages in lieu of compensation in a manner so as to satisfy the requirements of section 4123.84 of the Revised Code, in which event the modification, change, finding, or award shall be made within five years from the date of the last payment of compensation or from the date of death, nor unless written notice of claim for the specific part or parts of the body injured or disabled has been given as provided in section 4123.84 or 4123.85 of the Revised Code. The commission shall not make any modification, change, finding, or award which shall award compensation for a back period in excess of two years prior to the date of filing application therefor.

(B) Notwithstanding division (A) of this section, and except as otherwise provided in a rule that shall be adopted by the administrator, with the advice and consent of the bureau of

workers' compensation board of directors, neither the 168983
administrator nor the commission shall make any finding or award 168984
for payment of medical or vocational rehabilitation services 168985
submitted for payment more than one year after the date the 168986
services were rendered or more than one year after the date the 168987
services became payable under division (I) of section 4123.511 of 168988
the Revised Code, whichever is later. No medical or vocational 168989
rehabilitation provider shall bill a claimant for services 168990
rendered if the administrator or commission is prohibited from 168991
making that payment under this division. 168992

(C) Division (B) of this section does not apply to requests 168993
made by the centers for medicare and medicaid services in the 168994
United States department of health and human services for 168995
reimbursement of conditional payments made pursuant to section 168996
1395y(b)(2) of title 42, United States Code (commonly known as the 168997
"Medicare Secondary Payer Act"). 168998

(D) This section does not affect the right of a claimant to 168999
compensation accruing subsequent to the filing of any such 169000
application, provided the application is filed within the time 169001
limit provided in this section. 169002

(E) This section does not deprive the commission of its 169003
continuing jurisdiction to determine the questions raised by any 169004
application for modification of award which has been filed with 169005
the commission after June 1, 1932, and prior to the expiration of 169006
the applicable period but in respect to which no award has been 169007
granted or denied during the applicable period. 169008

(F) The commission may, by general rules, provide for the 169009
destruction of files of cases in which no further action may be 169010
taken. 169011

(G) The commission and administrator of workers' compensation 169012
each may, by general rules, provide for the retention and 169013

destruction of all other records in their possession or under 169014
their control pursuant to section 121.211 and sections 149.34 to 169015
149.36 of the Revised Code. The bureau of workers' compensation 169016
may purchase or rent required equipment for the document retention 169017
media, as determined necessary to preserve the records. 169018
Photographs, microphotographs, microfilm, films, or other direct 169019
or electronic document retention media, when properly identified, 169020
have the same effect as the original record and may be offered in 169021
like manner and may be received as evidence in proceedings before 169022
the industrial commission, staff hearing officers, and district 169023
hearing officers, and in any court where the original record could 169024
have been introduced. 169025

Sec. 4125.03. (A) The professional employer organization with 169026
whom a shared employee is coemployed shall do all of the 169027
following: 169028

(1) Pay wages associated with a shared employee pursuant to 169029
the terms and conditions of compensation in the professional 169030
employer organization agreement between the professional employer 169031
organization and the client employer; 169032

(2) Pay all related payroll taxes associated with a shared 169033
employee independent of the terms and conditions contained in the 169034
professional employer organization agreement between the 169035
professional employer organization and the client employer; 169036

(3) Maintain workers' compensation coverage, pay all workers' 169037
compensation premiums and manage all workers' compensation claims, 169038
filings, and related procedures associated with a shared employee 169039
in compliance with Chapters 4121. and 4123. of the Revised Code, 169040
except that when shared employees include family farm officers, 169041
ordained ministers, or corporate officers of the client employer, 169042
payroll reports shall include the entire amount of payroll 169043
associated with those persons; 169044

- (4) Provide written notice to each shared employee it assigns to perform services to a client employer of the relationship between and the responsibilities of the professional employer organization and the client employer;
- (5) Maintain complete records separately listing the manual classifications of each client employer and the payroll reported to each manual classification for each client employer for each payroll reporting period during the time period covered in the professional employer organization agreement;
- (6) Maintain a record of workers' compensation claims for each client employer;
- (7) Make periodic reports, as determined by the administrator of workers' compensation, of client employers and total workforce to the administrator;
- (8) Report individual client employer payroll, claims, and classification data under a separate and unique subaccount to the administrator;
- (9) Within fourteen days after receiving notice from the bureau of workers' compensation that a refund or rebate will be applied to workers' compensation premiums, provide a copy of that notice to any client employer to whom that notice is relevant.
- (B) The professional employer organization with whom a shared employee is coemployed shall provide a list of all of the following information to the client employer upon the written request of the client employer:
- (1) All workers' compensation claims, premiums, and payroll associated with that client employer;
- (2) Compensation and benefits paid and reserves established for each claim listed under division (B)(1) of this section;
- (3) Any other information available to the professional

employer organization from the bureau of workers' compensation 169075
regarding that client employer. 169076

(C)(1) A professional employer organization shall provide the 169077
information required under division (B) of this section in writing 169078
to the requesting client employer within forty-five days after 169079
receiving a written request from the client employer. 169080

(2) For purposes of division (C) of this section, a 169081
professional employer organization has provided the required 169082
information to the client employer when ~~the~~ any of the following 169083
occur: 169084

(a) The information is received by the United States postal 169085
service ~~or when the;~~ 169086

(b) The information is personally delivered, in writing, 169087
directly to the client employer; 169088

(c) The information is delivered by electronic mail to the 169089
client employer. 169090

(D) Except as provided in section 4125.08 of the Revised Code 169091
and unless otherwise agreed to in the professional employer 169092
organization agreement, the professional employer organization 169093
with whom a shared employee is coemployed has a right of direction 169094
and control over each shared employee assigned to a client 169095
employer's location. However, a client employer shall retain 169096
sufficient direction and control over a shared employee as is 169097
necessary to do any of the following: 169098

(1) Conduct the client employer's business, including 169099
training and supervising shared employees; 169100

(2) Ensure the quality, adequacy, and safety of the goods or 169101
services produced or sold in the client employer's business; 169102

(3) Discharge any fiduciary responsibility that the client 169103
employer may have; 169104

(4) Comply with any applicable licensure, regulatory, or 169105
statutory requirement of the client employer. 169106

(E) Unless otherwise agreed to in the professional employer 169107
organization agreement, liability for acts, errors, and omissions 169108
shall be determined as follows: 169109

(1) A professional employer organization shall not be liable 169110
for the acts, errors, and omissions of a client employer or a 169111
shared employee when those acts, errors, and omissions occur under 169112
the direction and control of the client employer. 169113

(2) A client employer shall not be liable for the acts, 169114
errors, and omissions of a professional employer organization or a 169115
shared employee when those acts, errors, and omissions occur under 169116
the direction and control of the professional employer 169117
organization. 169118

(F) Nothing in divisions (D) and (E) of this section shall be 169119
construed to limit any liability or obligation specifically agreed 169120
to in the professional employer organization agreement. 169121

Sec. 4141.09. (A) There is hereby created an unemployment 169122
compensation fund to be administered by the state without 169123
liability on the part of the state beyond the amounts paid into 169124
the fund and earned by the fund. The unemployment compensation 169125
fund shall consist of all contributions, payments in lieu of 169126
contributions described in sections 4141.241 and 4141.242 of the 169127
Revised Code, reimbursements of the federal share of extended 169128
benefits described in section 4141.301 of the Revised Code, 169129
collected under sections 4141.01 to 4141.56 of the Revised Code, 169130
and the amount required under division (A)(4) of section 4141.35 169131
of the Revised Code, together with all interest earned upon any 169132
moneys deposited with the secretary of the treasury of the United 169133
States to the credit of the account of this state in the 169134
unemployment trust fund established and maintained pursuant to 169135

section 904 of the "Social Security Act," any property or 169136
securities acquired through the use of moneys belonging to the 169137
fund, and all earnings of such property or securities. The 169138
unemployment compensation fund shall be used to pay benefits, 169139
shared work compensation as defined in section 4141.50 of the 169140
Revised Code, and refunds as provided by such sections and for no 169141
other purpose. 169142

(B) The treasurer of state shall be the custodian of the 169143
unemployment compensation fund and shall administer such fund in 169144
accordance with the directions of the director of job and family 169145
services. All disbursements therefrom shall be paid by the 169146
treasurer of state on warrants drawn by the director. Such 169147
warrants may ~~bear the facsimile~~ have the signature of the director 169148
printed thereon and that of a deputy or other employee of the 169149
director charged with the duty of keeping the account of the 169150
unemployment compensation fund and with the preparation of 169151
warrants for the payment of benefits to the persons entitled 169152
thereto. Moneys in the clearing and benefit accounts shall not be 169153
commingled with other state funds, except as provided in division 169154
(C) of this section, but shall be maintained in separate accounts 169155
on the books of the depository bank. Such money shall be secured 169156
by the depository bank to the same extent and in the same manner 169157
as required by sections 135.01 to 135.21 of the Revised Code; and 169158
collateral pledged for this purpose shall be kept separate and 169159
distinct from any collateral pledged to secure other funds of this 169160
state. All sums recovered for losses sustained by the unemployment 169161
compensation fund shall be deposited therein. The treasurer of 169162
state shall be liable on the treasurer's official bond for the 169163
faithful performance of the treasurer's duties in connection with 169164
the unemployment compensation fund, such liability to exist in 169165
addition to any liability upon any separate bond. 169166

(C) The treasurer of state shall maintain within the 169167

unemployment compensation fund three separate accounts which shall 169168
be a clearing account, a trust fund account, and a benefit 169169
account. All moneys payable to the unemployment compensation fund, 169170
upon receipt by the director, shall be forwarded to the treasurer 169171
of state, who shall immediately deposit them in the clearing 169172
account. Refunds of contributions, or payments in lieu of 169173
contributions, payable pursuant to division (E) of this section 169174
may be paid from the clearing account upon warrants signed by a 169175
deputy or other employee of the director charged with the duty of 169176
keeping the record of the clearing account and with the 169177
preparation of warrants for the payment of refunds to persons 169178
entitled thereto. After clearance thereof, all moneys in the 169179
clearing account shall be deposited with the secretary of the 169180
treasury of the United States to the credit of the account of this 169181
state in the unemployment trust fund established and maintained 169182
pursuant to section 904 of the "Social Security Act," in 169183
accordance with requirements of the "Federal Unemployment Tax 169184
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 169185
in this state relating to the deposit, administration, release, or 169186
disbursement of moneys in the possession or custody of this state 169187
to the contrary notwithstanding. The benefit account shall consist 169188
of all moneys requisitioned from this state's account in the 169189
unemployment trust fund. Federal funds may be deposited, at the 169190
director's discretion, into the benefit account. Any funds 169191
deposited into the benefit account shall be disbursed solely for 169192
payment of benefits under a federal program administered by this 169193
state and for no other purpose. Moneys in the clearing and benefit 169194
accounts may be deposited by the treasurer of state, under the 169195
direction of the director, in any bank or public depository in 169196
which general funds of the state may be deposited, but no public 169197
deposit insurance charge or premium shall be paid out of the fund. 169198

(D) Moneys shall be requisitioned from this state's account 169199
in the unemployment trust fund solely for the payment of benefits 169200

and in accordance with regulations prescribed by the director. The 169201
director shall requisition from the unemployment trust fund such 169202
amounts, not exceeding the amount standing to this state's account 169203
therein, as are deemed necessary for the payment of benefits for a 169204
reasonable future period. Upon receipt thereof, the treasurer of 169205
state shall deposit such moneys in the benefit account. 169206
Expenditures of such money in the benefit account and refunds from 169207
the clearing account shall not require specific appropriations or 169208
other formal release by state officers of money in their custody. 169209
Any balance of moneys requisitioned from the unemployment trust 169210
fund which remains unclaimed or unpaid in the benefit account 169211
after the expiration of the period for which such sums were 169212
requisitioned shall either be deducted from estimates for and may 169213
be utilized for the payment of benefits during succeeding periods, 169214
or, in the discretion of the director, shall be redeposited with 169215
the secretary of the treasury of the United States to the credit 169216
of this state's account in the unemployment trust fund, as 169217
provided in division (C) of this section. Unclaimed or unpaid 169218
federal funds redeposited with the secretary of the treasury of 169219
the United States shall be credited to the appropriate federal 169220
account. 169221

(E) No claim for an adjustment or a refund on contribution, 169222
payment in lieu of contributions, interest, or forfeiture alleged 169223
to have been erroneously or illegally assessed or collected, or 169224
alleged to have been collected without authority, and no claim for 169225
an adjustment or a refund of any sum alleged to have been 169226
excessive or in any manner wrongfully collected shall be allowed 169227
unless an application, in writing, therefor is made within four 169228
years from the date on which such payment was made. If the 169229
director determines that such contribution, payment in lieu of 169230
contributions, interest, or forfeiture, or any portion thereof, 169231
was erroneously collected, the director shall allow such employer 169232
to make an adjustment thereof without interest in connection with 169233

subsequent contribution payments, or payments in lieu of 169234
contributions, by the employer, or the director may refund said 169235
amount, without interest, from the clearing account of the 169236
unemployment compensation fund, except as provided in division (B) 169237
of section 4141.11 of the Revised Code. For like cause and within 169238
the same period, adjustment or refund may be so made on the 169239
director's own initiative. An overpayment of contribution, payment 169240
in lieu of contributions, interest, or forfeiture for which an 169241
employer has not made application for refund prior to the date of 169242
sale of the employer's business shall accrue to the employer's 169243
successor in interest. 169244

An application for an adjustment or a refund, or any portion 169245
thereof, that is rejected is binding upon the employer unless, 169246
within thirty days after the mailing of a written notice of 169247
rejection to the employer's last known address, or, in the absence 169248
of mailing of such notice, within thirty days after the delivery 169249
of such notice, the employer files an application for a review and 169250
redetermination setting forth the reasons therefor. The director 169251
shall promptly examine the application for review and 169252
redetermination, and if a review is granted, the employer shall be 169253
promptly notified thereof, and shall be granted an opportunity for 169254
a prompt hearing. 169255

(F) If the director finds that contributions have been paid 169256
to the director in error, and that such contributions should have 169257
been paid to a department of another state or of the United States 169258
charged with the administration of an unemployment compensation 169259
law, the director may upon request by such department or upon the 169260
director's own initiative transfer to such department the amount 169261
of such contributions, less any benefits paid to claimants whose 169262
wages were the basis for such contributions. The director may 169263
request and receive from such department any contributions or 169264
adjusted contributions paid in error to such department which 169265

should have been paid to the director. 169266

(G) In accordance with section 303(c)(3) of the Social 169267
Security Act, and section 3304(a)(17) of the Internal Revenue Code 169268
of 1954 for continuing certification of Ohio unemployment 169269
compensation laws for administrative grants and for tax credits, 169270
any interest required to be paid on advances under Title XII of 169271
the Social Security Act shall be paid in a timely manner and shall 169272
not be paid, directly or indirectly, by an equivalent reduction in 169273
the Ohio unemployment taxes or otherwise, by the state from 169274
amounts in the unemployment compensation fund. 169275

(H) The treasurer of state, under the direction of the 169276
director and in accordance with the "Cash Management Improvement 169277
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 169278
amounts of interest earned by the state on funds in the benefit 169279
account established pursuant to division (C) of this section into 169280
the unemployment trust fund. 169281

(I) The treasurer of state, under the direction of the 169282
director, shall deposit federal funds received by the director for 169283
training and administration and for payment of benefits, job 169284
search, relocation, transportation, and subsistence allowances 169285
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 169286
2101, as amended; the "North American Free Trade Agreement 169287
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 169288
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 169289
3801, as amended, into the Trade Act training and administration 169290
account, which is hereby created for the purpose of making 169291
payments specified under those acts. The treasurer of state, under 169292
the direction of the director, may transfer funds from the Trade 169293
Act training and administration account to the benefit account for 169294
the purpose of making any payments directly to claimants for 169295
benefits, job search, relocation, transportation, and subsistence 169296
allowances, as specified by those acts. 169297

Sec. 4141.47. (A) There is hereby created the auxiliary 169298
services personnel unemployment compensation fund, which shall not 169299
be a part of the state treasury. The fund shall consist of moneys 169300
paid into the fund pursuant to section 3317.06 of the Revised 169301
Code. The treasurer of state shall administer it in accordance 169302
with the directions of the director of job and family services. 169303
The director shall establish procedures under which school 169304
districts that are charged and have paid for unemployment benefits 169305
as reimbursing employers pursuant to this chapter for personnel 169306
employed pursuant to section 3317.06 of the Revised Code may apply 169307
for and receive reimbursement for those payments under this 169308
section. School districts are not entitled to reimbursement for 169309
any delinquency charges, except as otherwise provided by law. In 169310
the case of school districts electing to pay contributions under 169311
section 4141.242 of the Revised Code, the director shall establish 169312
procedures for reimbursement of the district from the fund of 169313
contributions made on wages earned by any auxiliary service 169314
personnel. 169315

(B) In the event of the termination of the auxiliary services 169316
program established pursuant to section 3317.06 of the Revised 169317
Code, and after the director has made reimbursement to school 169318
districts for all possible unemployment compensation claims of 169319
persons who were employed pursuant to section 3317.06 of the 169320
Revised Code, the director shall certify that fact to the 169321
treasurer of state, who shall then transfer all unexpended moneys 169322
in the auxiliary services personnel unemployment compensation fund 169323
to the general revenue fund. In the event the auxiliary services 169324
personnel unemployment compensation fund contains insufficient 169325
moneys to pay all valid claims by school districts for 169326
reimbursement pursuant to this section, the director shall 169327
estimate the total additional amount necessary to meet the 169328
liabilities of the fund and submit a request to the general 169329

assembly for an appropriation of that amount of money from the 169330
general revenue fund to the auxiliary services personnel 169331
unemployment compensation fund. 169332

(C) All disbursements from the auxiliary services personnel 169333
unemployment compensation fund shall be paid by the treasurer of 169334
state on warrants drawn by the director. The warrants may ~~bear~~ 169335
have the ~~facsimile~~ signature of the director printed thereon or 169336
that of a deputy or other employee of the director charged with 169337
the duty of keeping the account of the fund. Moneys in the fund 169338
shall be maintained in a separate account on the books of the 169339
depository bank. The money shall be secured by the depository bank 169340
to the same extent and in the same manner as required by Chapter 169341
135. of the Revised Code. All sums recovered for losses sustained 169342
by the fund shall be deposited therein. The treasurer of state is 169343
liable on the treasurer of state's official bond for the faithful 169344
performance of the treasurer of state's duties in connection with 169345
the fund. 169346

(D) All necessary and proper expenses incurred in 169347
administering this section shall be paid to the director from the 169348
auxiliary services personnel unemployment compensation fund. For 169349
this purpose, there is hereby created in the state treasury the 169350
auxiliary services program administrative fund. The treasurer of 169351
state, pursuant to the warrant procedures specified in division 169352
(C) of this section, shall advance moneys as requested by the 169353
director from the auxiliary services personnel unemployment 169354
compensation fund to the auxiliary services program administrative 169355
fund. The director periodically may request the advance of such 169356
moneys as in the treasurer of state's opinion are needed to meet 169357
anticipated administrative expenses and may make disbursements 169358
from the auxiliary services program administrative fund to pay 169359
those expenses. 169360

(E) Upon receipt of a certification from the department of 169361

education regarding a refund to a board of education pursuant to 169362
section 3317.06 of the Revised Code, the director shall issue a 169363
refund in the amount certified to the board from the auxiliary 169364
services personnel unemployment compensation fund. 169365

Sec. 4167.10. (A) In order to carry out the purposes of this 169366
chapter, the administrator of workers' compensation or the 169367
administrator's designee shall, as provided in this section, enter 169368
without delay during normal working hours and at other reasonable 169369
times, to inspect and investigate any plant, facility, 169370
establishment, construction site, or any other area, workplace, or 169371
environment where work is being performed by a public employee of 169372
a public employer, and any place of employment and all pertinent 169373
conditions, structures, machines, apparatus, devices, equipment, 169374
and materials therein, and question privately any public employer, 169375
administrator, department head, operator, agent, or public 169376
employee. The authority to inspect and investigate includes the 169377
taking of environmental samples, the taking and obtaining of 169378
photographs related to the purposes of the inspection or 169379
investigation, the examination of records required to be kept 169380
under section 4167.11 of the Revised Code and other documents and 169381
records relevant to the inspection and investigation, the issuance 169382
of subpoenas, and the conducting of tests and other studies 169383
reasonably calculated to serve the purposes of implementing and 169384
enforcing this chapter. Except as provided in this section, the 169385
administrator or the administrator's designee shall conduct 169386
scheduled inspections and investigations only pursuant to rules 169387
adopted under section 4167.02 of the Revised Code, a request to do 169388
so by a public employee or public employee representative, or the 169389
notification the administrator receives pursuant to division (B) 169390
of section 4167.06 of the Revised Code and only if the 169391
administrator or the administrator's designee complies with this 169392
section. The administrator or the administrator's designee shall 169393

conduct all requested or required inspections within a reasonable 169394
amount of time following receipt of the request or notification. 169395

(B)(1) Any public employee or public employee representative 169396
who believes that a violation of an Ohio employment risk reduction 169397
standard exists that threatens physical harm, or that an imminent 169398
danger exists, may request an inspection by giving written notice 169399
to the administrator or the administrator's designee of the 169400
violation or danger. The notice shall set forth with reasonable 169401
particularity the grounds for the notice, and shall be signed by 169402
the public employee or public employee representative. The names 169403
of individual public employees making the notice or referred to 169404
therein shall not appear in the copy provided to the public 169405
employer pursuant to division (B)(2) of this section and shall be 169406
kept confidential. 169407

(2) If, upon receipt of a notification pursuant to division 169408
(B)(1) of this section, the administrator determines that there 169409
are no reasonable grounds to believe that a violation or danger 169410
exists, the administrator shall inform the public employee or 169411
public employee representative in writing of the determination. 169412
If, upon receipt of a notification, the administrator determines 169413
that there are reasonable grounds to believe that a violation or 169414
danger exists, the administrator shall, within one week, excluding 169415
Saturdays, Sundays, and any legal holiday as defined in section 169416
1.14 of the Revised Code, after receipt of the notification, 169417
notify the public employer, by certified mail, return receipt 169418
requested, of the alleged violation or danger. The notice provided 169419
to the public employer or the public employer's agent shall inform 169420
the public employer of the alleged violation or danger and that 169421
the administrator or the administrator's designee will investigate 169422
and inspect the public employer's workplace as provided in this 169423
section. The public employer must respond to the administrator, in 169424
a method determined by the administrator, concerning the alleged 169425

violation or danger, within thirty days after receipt of the 169426
notice. If the public employer does not correct the violation or 169427
danger within the thirty-day period or if the public employer 169428
fails to respond within that time period, the administrator or the 169429
administrator's designee shall investigate and inspect the public 169430
employer's workplace as provided in this section. The 169431
administrator or the administrator's designee shall not conduct 169432
any inspection prior to the end of the thirty-day period unless 169433
requested or permitted by the public employer. The administrator 169434
may, at any time upon the request of the public employer, inspect 169435
and investigate any violation or danger alleged to exist at the 169436
public employer's place of employment. 169437

(3) The authority of the administrator or the administrator's 169438
designee to investigate and inspect a premises pursuant to a 169439
public employee or public employee representative notification is 169440
not limited to the alleged violation or danger contained in the 169441
notification. The administrator or the administrator's designee 169442
may investigate and inspect any other area of the premises where 169443
there is reason to believe that a violation or danger exists. In 169444
addition, if the administrator or the administrator's designee 169445
detects any obvious or apparent violation at any temporary place 169446
of employment while en route to the premises to be inspected or 169447
investigated, and that violation presents a substantial 169448
probability that the condition or practice could result in death 169449
or serious physical harm, the administrator or the administrator's 169450
designee may use any of the enforcement mechanisms provided in 169451
this section to correct or remove the condition or practice. 169452

(4) If, during an inspection or investigation, the 169453
administrator or the administrator's designee finds any condition 169454
or practice in any place of employment that presents a substantial 169455
probability that the condition or practice could result in death 169456
or serious physical harm, after notifying the employer of the 169457

administrator's intent to issue an order, the administrator shall 169458
issue an order, or the administrator's designee shall issue an 169459
order after consultation ~~either by telephone or in person~~ with the 169460
administrator and upon the recommendation of the administrator, 169461
which prohibits the employment of any public employee or any 169462
continuing operation or process under such condition or practice 169463
until necessary steps are taken to correct or remove the condition 169464
or practice. The order shall not be effective for more than 169465
fifteen days, unless a court of competent jurisdiction otherwise 169466
orders as provided in section 4167.14 of the Revised Code. 169467

(C) In making any inspections or investigations under this 169468
chapter, the administrator or the administrator's designee may 169469
administer oaths and require, by subpoena, the attendance and 169470
testimony of witnesses and the production of evidence under oath. 169471
Witnesses shall receive the fees and mileage provided for under 169472
section 119.094 of the Revised Code. In the case of contumacy, 169473
failure, or refusal of any person to comply with an order or any 169474
subpoena lawfully issued, or upon the refusal of any witness to 169475
testify to any matter regarding which the witness may lawfully be 169476
interrogated, a judge of the court of common pleas of any county 169477
in this state, on the application of the administrator or the 169478
administrator's designee, shall issue an order requiring the 169479
person to appear and to produce evidence if, as, and when so 169480
ordered, and to give testimony relating to the matter under 169481
investigation or in question. The court may punish any failure to 169482
obey the order of the court as a contempt thereof. 169483

(D) If, upon inspection or investigation, the administrator 169484
or the administrator's designee believes that a public employer 169485
has violated any requirement of this chapter or any rule, Ohio 169486
employment risk reduction standard, or order adopted or issued 169487
pursuant thereto, the administrator or the administrator's 169488
designee shall, with reasonable promptness, issue a citation to 169489

the public employer. The citation shall be in writing and describe 169490
with particularity the nature of the alleged violation, including 169491
a reference to the provision of law, Ohio employment risk 169492
reduction standard, rule, or order alleged to have been violated. 169493
In addition, the citation shall fix a time for the abatement of 169494
the violation, as provided in division (H) of this section. The 169495
administrator may prescribe procedures for the issuance of a 169496
notice with respect to minor violations and for enforcement of 169497
minor violations that have no direct or immediate relationship to 169498
safety or health. 169499

(E) Upon receipt of any citation under this section, the 169500
public employer shall immediately post the citation, or a copy 169501
thereof, at or near each place an alleged violation referred to in 169502
the citation occurred. 169503

(F) The administrator may not issue a citation under this 169504
section after the expiration of six months following the final 169505
occurrence of any violation. 169506

(G) If the administrator issues a citation pursuant to this 169507
section, the administrator shall mail the citation to the public 169508
employer by certified mail, return receipt requested. The public 169509
employer has fourteen days after receipt of the citation within 169510
which to notify the administrator that the employer wishes to 169511
contest the citation. If the employer notifies the administrator 169512
within the fourteen days that the employer wishes to contest the 169513
citation, or if within fourteen days after the issuance of a 169514
citation a public employee or public employee representative files 169515
notice that the time period fixed in the citation for the 169516
abatement of the violation is unreasonable, the administrator 169517
shall hold an adjudication hearing in accordance with Chapter 119. 169518
of the Revised Code. 169519

(H) In establishing the time limits in which a public 169520
employer must abate a violation under this section, the 169521

administrator shall consider the costs to the public employer, the size and financial resources of the public employer, the severity of the violation, the technological feasibility of the public employer's ability to comply with requirements of the citation, the possible present and future detriment to the health and safety of any public employee for failure of the public employer to comply with requirements of the citation, and such other factors as the administrator determines appropriate. The administrator may, after considering the above factors, permit the public employer to comply with the citation over a period of up to two years and may extend that period an additional one year, as the administrator determines appropriate.

(I) Any public employer may request the administrator to conduct an employment risk reduction inspection of the public employer's place of employment. The administrator or the administrator's designee shall conduct the inspection within a reasonable amount of time following the request. Neither the administrator nor any other person may use any information obtained from the inspection for a period not to exceed three years in any proceeding for a violation of this chapter or any rule or order issued thereunder nor in any other action in any court in this state.

Sec. 4301.17. (A)(1) Subject to local option as provided in sections 4301.32 to 4301.40 of the Revised Code, five state liquor stores or agencies may be established in each county. One additional store may be established in any county for each twenty thousand of population of that county or major fraction thereof in excess of the first forty thousand, according to the last preceding federal decennial census or according to the population estimates certified by the department of development between decennial censuses. A person engaged in a mercantile business may act as the agent for the division of liquor control for the sale

of spirituous liquor in a municipal corporation, in the 169554
unincorporated area of a township, or in an area designated and 169555
approved as a resort area under section 4303.262 of the Revised 169556
Code. The division shall fix the compensation for such an agent in 169557
the manner it considers best, but the compensation shall not 169558
exceed seven per cent of the gross sales made by the agent in any 169559
one year. 169560

(2) The division shall adopt rules in accordance with Chapter 169561
119. of the Revised Code governing the allocation and equitable 169562
distribution of agency store contracts. The division shall comply 169563
with the rules when awarding a contract under division (A)(1) of 169564
this section. 169565

(3) Pursuant to an agency store's contract, an agency store 169566
may be issued a D-1 permit to sell beer, a D-2 permit to sell wine 169567
and mixed beverages, and a D-5 permit to sell beer, wine, mixed 169568
beverages, and spirituous liquor. 169569

(4) Pursuant to an agency store's contract, an agency store 169570
may be issued a D-3 permit to sell spirituous liquor if the agency 169571
store contains at least ten thousand square feet of sales floor 169572
area. A D-3 permit issued to an agency store shall not be 169573
transferred to a new location. The division shall revoke any D-3 169574
permit issued to an agency store under division (A)(4) of this 169575
section if the agent no longer operates the agency store. The 169576
division shall not issue a D-3a permit to an agency store. 169577

(5) An agency store to which a D-8 permit has been issued may 169578
allow the sale of tasting samples of spirituous liquor in 169579
accordance with section 4301.171 of the Revised Code. 169580

(6) An agency store may sell beer, wine, mixed beverages, and 169581
spirituous liquor only between the hours of nine a.m. and eleven 169582
p.m. 169583

(B) When an agency contract is proposed, when an existing agency contract is assigned, when an existing agency proposes to relocate, or when an existing agency is relocated and assigned, before entering into any contract, consenting to any assignment, or consenting to any relocation, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract, assignment, or relocation, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract or consenting to the assignment or relocation. When the division sends notice to the legislative authority of the political subdivision, the division shall notify, ~~by certified mail or by personal service,~~ the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the contract or consenting to the assignment or relocation.

If the proposed agency store, the assignment of an agency contract, or the relocation of an agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church, library, public playground, or township park and has provided those authorities with an opportunity for a complete hearing upon the advisability of entering into the contract. If an agency store so located is operating under an agency contract, the division may consent to relocation of the agency store or to the assignment of

that contract to operate an agency store at the same location. The 169617
division may also consent to the assignment of an existing agency 169618
contract simultaneously with the relocation of the agency store. 169619
In any such assignment or relocation, the assignee and the 169620
location shall be subject to the same requirements that the 169621
existing location met at the time that the contract was first 169622
entered into as well as any additional requirements imposed by the 169623
division in rules adopted by the superintendent of liquor control. 169624
The division shall not consent to an assignment or relocation of 169625
an agency store until it has notified the authorities in control 169626
of the school, church, library, public playground, or township 169627
park and has provided those authorities with an opportunity for a 169628
complete hearing upon the advisability of consenting to the 169629
assignment or relocation. 169630

Any hearing provided for in this division shall be held in 169631
the central office of the division, except that upon written 169632
request of the legislative authority of the municipal corporation, 169633
the board of county commissioners, the board of township trustees, 169634
or the authorities in control of the school, church, library, 169635
public playground, or township park, the hearing shall be held in 169636
the county seat of the county where the proposed agency store is 169637
to be located. 169638

(C) All agency contracts entered into by the division 169639
pursuant to this section shall be in writing and shall contain a 169640
clause providing for the termination of the contract at will by 169641
the division upon its giving ninety days' notice in writing to the 169642
agent of its intention to do so. Any agency contract may include a 169643
clause requiring the agent to report to the appropriate law 169644
enforcement agency the name and address of any individual under 169645
twenty-one years of age who attempts to make an illegal purchase. 169646

The division shall issue a C-1 and C-2 permit to each agent 169647
who prior to November 1, 1994, had not been issued both of these 169648

permits, notwithstanding the population quota restrictions 169649
contained in section 4303.29 of the Revised Code or in any rule of 169650
the liquor control commission and notwithstanding the requirements 169651
of section 4303.31 of the Revised Code. The location of a C-1 or 169652
C-2 permit issued to such an agent shall not be transferred. The 169653
division shall revoke any C-1 or C-2 permit issued to an agent 169654
under this paragraph if the agent no longer operates an agency 169655
store. 169656

The division may enter into agreements with the department of 169657
development to implement a minority loan program to provide 169658
low-interest loans to minority business enterprises, as defined in 169659
section 122.71 of the Revised Code, that are awarded liquor agency 169660
contracts or assignments. 169661

(D) If the division closes a state liquor store and replaces 169662
that store with an agency store, any employees of the division 169663
employed at that state liquor store who lose their jobs at that 169664
store as a result shall be given preference by the agent who 169665
operates the agency store in filling any vacancies that occur 169666
among the agent's employees, if that preference does not conflict 169667
with the agent's obligations pursuant to a collective bargaining 169668
agreement. 169669

If the division closes a state liquor store and replaces the 169670
store with an agency store, any employees of the division employed 169671
at the state liquor store who lose their jobs at that store as a 169672
result may displace other employees as provided in sections 169673
124.321 to 124.328 of the Revised Code. If an employee cannot 169674
displace other employees and is laid off, the employee shall be 169675
reinstated in another job as provided in sections 124.321 to 169676
124.328 of the Revised Code, except that the employee's rights of 169677
reinstatement in a job at a state liquor store shall continue for 169678
a period of two years after the date of the employee's layoff and 169679
shall apply to jobs at state liquor stores located in the 169680

employee's layoff jurisdiction and any layoff jurisdiction 169681
adjacent to the employee's layoff jurisdiction. 169682

(E) The division shall require every agent to give bond with 169683
surety to the satisfaction of the division, in the amount the 169684
division fixes, conditioned for the faithful performance of the 169685
agent's duties as prescribed by the division. 169686

Sec. 4301.30. (A) All fees collected by the division of 169687
liquor control shall be deposited in the state treasury to the 169688
credit of the undivided liquor permit fund, which is hereby 169689
created, at the time prescribed under section 4301.12 of the 169690
Revised Code. Each payment shall be accompanied by a statement 169691
showing separately the amount collected for each class of permits 169692
in each municipal corporation and in each township outside the 169693
limits of any municipal corporation in such township. 169694

(B)(1) An amount equal to forty-five per cent of the fund 169695
shall be paid from the fund into the state liquor regulatory fund, 169696
which is hereby created in the state treasury. The state liquor 169697
regulatory fund shall be used to pay the operating expenses of the 169698
division of liquor control in administering and enforcing Title 169699
XLIII of the Revised Code and the operating expenses of the liquor 169700
control commission. Investment earnings of the fund shall be 169701
credited to the fund. 169702

(2) Whenever, in the judgment of the director of budget and 169703
management, the amount of money that is in the state liquor 169704
regulatory fund is in excess of the amount that is needed to pay 169705
the operating expenses of the division in administering and 169706
enforcing Title XLIII of the Revised Code and the operating 169707
expenses of the commission, the director shall credit the excess 169708
amount to the general revenue fund. 169709

(C) Twenty per cent of the undivided liquor permit fund shall 169710
be paid into the statewide treatment and prevention fund, which is 169711

hereby created in the state treasury. This amount shall be 169712
appropriated by the general assembly, together with an amount 169713
equal to one and one-half per cent of the gross profit of the 169714
division of liquor control derived under division (B)(4) of 169715
section 4301.10 of the Revised Code, to the department of mental 169716
health and addiction services. In planning for the allocation of 169717
and in allocating these amounts for the purposes of Chapter 5119. 169718
of the Revised Code, the department shall comply with the 169719
nondiscrimination provisions of Title VI of the Civil Rights Act 169720
of 1964, and any rules adopted under that act. 169721

(D) Thirty-five per cent of the undivided liquor permit fund 169722
shall be distributed by the superintendent of liquor control at 169723
quarterly calendar periods as follows: 169724

(1) To each municipal corporation, the aggregate amount shown 169725
by the statements to have been collected from permits in the 169726
municipal corporation, for the use of the general fund of the 169727
municipal corporation; 169728

(2) To each township, the aggregate amount shown by the 169729
statements to have been collected from permits in its territory, 169730
outside the limits of any municipal corporation located in the 169731
township, for the use of the general fund of the township, or for 169732
fire protection purposes, including buildings and equipment in the 169733
township or in an established fire district within the township, 169734
to the extent that the funds are derived from liquor permits 169735
within the territory comprising such fire district. 169736

(E) For the purpose of the distribution required by this 169737
section, E, H, and D permits covering boats or vessels are deemed 169738
to have been issued in the municipal corporation or township 169739
wherein the owner or operator of the vehicle, boat, vessel, or 169740
dining car equipment to which the permit relates has the owner's 169741
or operator's principal office or place of business within the 169742
state. 169743

(F) If the ~~liquor control commission~~ division determines that 169744
the police or other officers of any municipal corporation or 169745
township entitled to share in distributions under this section are 169746
refusing or culpably neglecting to enforce this chapter and 169747
Chapter 4303. of the Revised Code, or the penal laws of this state 169748
relating to the manufacture, importation, transportation, 169749
distribution, and sale of beer and intoxicating liquors, or if the 169750
prosecuting officer of a municipal corporation or a municipal 169751
court fails to comply with the request of the ~~commission~~ division 169752
authorized by division (A)(4) of section 4301.10 of the Revised 169753
Code, the ~~commission~~ division, by certified mail or by electronic 169754
means as determined by the superintendent to provide proper notice 169755
under the laws of this state, may notify the chief executive 169756
officer of the municipal corporation or the board of township 169757
trustees of the township of the failure and require the immediate 169758
cooperation of the responsible officers of the municipal 169759
corporation or township with the division ~~of liquor control~~ in the 169760
enforcement of those chapters and penal laws. Within thirty days 169761
after the notice is served, the ~~commission~~ division shall 169762
determine whether the requirement has been complied with. If the 169763
~~commission~~ division determines that the requirement has not been 169764
complied with, it may ~~issue an order to the superintendent to~~ 169765
withhold the distributive share of the municipal corporation or 169766
township ~~until further order of the commission~~. This action of the 169767
~~commission~~ division is reviewable within thirty days thereafter in 169768
the court of common pleas of Franklin county. 169769

(G) All fees collected by the division of liquor control from 169770
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid by 169771
B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c 169772
permits or A-2 or A-2f permits, shall be deposited in the state 169773
treasury to the credit of the state liquor regulatory fund. Once 169774
during each fiscal year, an amount equal to fifty per cent of the 169775
fees collected shall be paid from the state liquor regulatory fund 169776

into the general revenue fund. 169777

Sec. 4303.24. All application processing fees shall be 169778
remitted to the division of liquor control when applications are 169779
filed. The pendency, priority, or validity of an application for a 169780
permit or duplicate permit received by the division shall not be 169781
affected because the division did not issue the permit applied for 169782
or the applicant failed to appeal to the liquor control 169783
commission. 169784

The division, prior to the granting of a permit or duplicate 169785
permit applied for, shall notify, by certified mail, the applicant 169786
or the applicant's authorized agent. The applicant or the 169787
applicant's authorized agent, within thirty days after the mailing 169788
of that notice, shall pay to the division the entire amount of ~~the~~ 169789
any unpaid requisite permit fee required by sections 4303.02 to 169790
4303.231 or, in the case of a duplicate permit, section 4303.30 of 169791
the Revised Code, if the permit or duplicate permit is issued 169792
during the first six months of the year the permit or duplicate 169793
permit covers, or one-half of the amount of the requisite permit 169794
fee, if the permit or duplicate permit is issued during the last 169795
six months of the year the permit or duplicate permit covers. If 169796
the notice is returned because of failure or refusal of delivery, 169797
the division shall send another notice, by regular mail or by 169798
electronic means as determined by the division to provide proper 169799
notice under the laws of this state, to the applicant or the 169800
applicant's agent. If the applicant fails to pay the applicable 169801
amount of that requisite permit fee within ~~these~~ thirty days of 169802
the mailing of the last notice, the division shall cancel the 169803
applicant's application. 169804

All other fees shall be paid at the time and in the manner 169805
prescribed by the division. The liquor control commission may 169806
adopt rules requiring reports or returns for the purpose of 169807

determining the amounts of additional permit fees. 169808

Sec. 4507.081. (A) Upon the expiration of a restricted 169809
license issued under division (D)(3) of section 4507.08 of the 169810
Revised Code and submission of a statement as provided in division 169811
(C) of this section, the registrar of motor vehicles may issue a 169812
driver's license to the person to whom the restricted license was 169813
issued. A driver's license issued under this section, unless 169814
otherwise suspended or canceled, shall be effective for one year. 169815

(B) A driver's license issued under this section may be 169816
renewed annually, for no more than three consecutive years, 169817
whenever the person to whom the license has been issued submits to 169818
the registrar, ~~by certified mail and~~ no sooner than thirty days 169819
prior to the expiration date of the license or renewal thereof, a 169820
statement as provided in division (C) of this section. A renewal 169821
of a driver's license, unless the license is otherwise suspended 169822
or canceled, shall be effective for one year following the 169823
expiration date of the license or renewal thereof, ~~and shall be~~ 169824
~~evidenced by a validation sticker. The renewal validation sticker~~ 169825
~~shall be in a form prescribed by the registrar and shall be~~ 169826
~~affixed to the license.~~ 169827

(C) No person may be issued a driver's license under this 169828
section, and no such driver's license may be renewed, unless the 169829
person presents a signed statement from a licensed physician that 169830
the person's condition either is dormant or is under effective 169831
medical control, that the control has been maintained continuously 169832
for at least one year prior to the date on which application for 169833
the license is made, and that, if continued medication is 169834
prescribed to control the condition, the person may be depended 169835
upon to take the medication. 169836

The statement shall be made on a form provided by the 169837
registrar, ~~shall be in not less than duplicate,~~ and shall contain 169838

any other information the registrar considers necessary. The 169839
~~duplicate copy of the statement may be retained by the person~~ 169840
~~requesting the license renewal and, when in the person's immediate~~ 169841
~~possession and used in conjunction with the original license,~~ 169842
~~shall entitle the person to operate a motor vehicle during a~~ 169843
~~period of no more than thirty days following the date of~~ 169844
~~submission of the statement to the registrar, except when the~~ 169845
~~registrar denies the request for the license renewal and so~~ 169846
~~notifies the person.~~ 169847

(D) Whenever the registrar receives a statement indicating 169848
that the condition of a person to whom a driver's license has been 169849
issued under this section no longer is dormant or under effective 169850
medical control, the registrar shall cancel the person's driver's 169851
license. 169852

(E) Nothing in this section shall require a person submitting 169853
a signed statement from a licensed physician to obtain a medical 169854
examination prior to the submission of the statement. 169855

(F) Any person whose driver's license has been canceled under 169856
this section may apply for a subsequent restricted license 169857
according to the provisions of section 4507.08 of the Revised 169858
Code. 169859

Sec. 4508.021. (A) As used in this section: 169860

(1) "State agency" has the same meaning as in section 1.60 of 169861
the Revised Code. 169862

(2) "Electronic medium" means a ~~video cassette tape, CD-ROM,~~ 169863
~~interactive videodisc~~ web site, electronic mail communication, 169864
compact disc media, or other electronic format used to convey 169865
information to students through electronic means which information 169866
is sent or conveyed. 169867

(B) The classroom instruction required by division (C) of 169868

section 4508.02 of the Revised Code shall include the 169869
dissemination of information regarding anatomical gifts and 169870
anatomical gift procedures or a presentation and discussion of 169871
such gifts and procedures in accordance with this section. The 169872
second chance trust fund advisory committee created under section 169873
2108.35 of the Revised Code shall approve any brochure, written 169874
material, or electronic medium used by a driver training school to 169875
provide information to students regarding anatomical gifts and 169876
anatomical gift procedures. However, the committee shall not 169877
approve any such brochure, written material, or electronic medium 169878
that contains religious content for use in a driver education 169879
course conducted by a school district or educational service 169880
center. 169881

(C)(1) If any brochure or other written material approved by 169882
the committee under division (B) of this section is made available 169883
to a driver training school at no cost, the instructor shall 169884
provide such brochure or material to students. 169885

(2) If any electronic medium that is less than twenty minutes 169886
in length and that is approved by the committee under division (B) 169887
of this section is made available to a driver training school at 169888
no cost, the instructor shall show the electronic medium to 169889
students, provided that the school maintains operable viewing 169890
equipment. If more than one such electronic medium is made 169891
available to a school in accordance with this division, the 169892
instructor shall select one electronic medium from among those 169893
received by the school to show to students. 169894

(3) If no electronic medium is shown to students as specified 169895
in division (C)(2) of this section, the instructor shall organize 169896
a classroom presentation and discussion regarding anatomical gifts 169897
and anatomical gift procedures. The instructor may arrange for the 169898
presentation to be conducted by an employee of the department of 169899
health or any other state agency, an employee or volunteer of the 169900

second chance trust fund, an employee or volunteer of any 169901
organization involved in the procurement of organ donations, an 169902
organ donor, an organ recipient, an employee or volunteer of a 169903
tissue or eye bank, or a tissue or corneal transplant recipient, 169904
provided that no such person charges a fee to the school for the 169905
presentation. However, no such presentation that contains 169906
religious content shall be made to students of a driver education 169907
course conducted by a school district or educational service 169908
center. Students shall be granted the opportunity to ask questions 169909
on anatomical gifts and anatomical gift procedures during the 169910
presentation and discussion. 169911

Nothing in this section shall prohibit an instructor from 169912
also organizing a classroom presentation and discussion regarding 169913
anatomical gifts and anatomical gift procedures in accordance with 169914
this division if the instructor shows an electronic medium to 169915
students pursuant to division (C)(2) of this section. 169916

(D) No student shall be required to participate in any 169917
instruction in anatomical gifts or anatomical gift procedures 169918
conducted under this section upon written notification from the 169919
student's parent or guardian, or the student if the student is 169920
over eighteen years of age, that such instruction conflicts with 169921
the religious convictions of the student or the student's parent 169922
or guardian. If a student is excused from such instruction, the 169923
instructor shall give the student an alternative assignment. 169924

Sec. 4509.101. (A)(1) No person shall operate, or permit the 169925
operation of, a motor vehicle in this state, unless proof of 169926
financial responsibility is maintained continuously throughout the 169927
registration period with respect to that vehicle, or, in the case 169928
of a driver who is not the owner, with respect to that driver's 169929
operation of that vehicle. 169930

(2) Whoever violates division (A)(1) of this section shall be 169931

subject to the following civil penalties: 169932

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 169933
class (F) suspension of the person's driver's license, commercial 169934
driver's license, temporary instruction permit, probationary 169935
license, or nonresident operating privilege for the period of time 169936
specified in division (B)(6) of section 4510.02 of the Revised 169937
Code and impoundment of the person's license. The court may grant 169938
limited driving privileges to the person, but only if the person 169939
presents proof of financial responsibility and is enrolled in a 169940
reinstatement fee payment plan pursuant to section 4510.10 of the 169941
Revised Code. 169942

(b) If, within five years of the violation, the person's 169943
operating privileges are again suspended and the person's license 169944
again is impounded for a violation of division (A)(1) of this 169945
section, a class C suspension of the person's driver's license, 169946
commercial driver's license, temporary instruction permit, 169947
probationary license, or nonresident operating privilege for the 169948
period of time specified in division (B)(3) of section 4510.02 of 169949
the Revised Code. The court may grant limited driving privileges 169950
to the person only if the person presents proof of financial 169951
responsibility and has complied with division (A)(5) of this 169952
section, and no court may grant limited driving privileges for the 169953
first fifteen days of the suspension. 169954

(c) If, within five years of the violation, the person's 169955
operating privileges are suspended and the person's license is 169956
impounded two or more times for a violation of division (A)(1) of 169957
this section, a class B suspension of the person's driver's 169958
license, commercial driver's license, temporary instruction 169959
permit, probationary license, or nonresident operating privilege 169960
for the period of time specified in division (B)(2) of section 169961
4510.02 of the Revised Code. The court may grant limited driving 169962
privileges to the person only if the person presents proof of 169963

financial responsibility and has complied with division (A)(5) of 169964
this section, except that no court may grant limited driving 169965
privileges for the first thirty days of the suspension. 169966

(d) In addition to the suspension of an owner's license under 169967
division (A)(2)(a), (b), or (c) of this section, the suspension of 169968
the rights of the owner to register the motor vehicle and the 169969
impoundment of the owner's certificate of registration and license 169970
plates until the owner complies with division (A)(5) of this 169971
section. 169972

The clerk of court shall waive the cost of filing a petition 169973
for limited driving privileges if, pursuant to section 2323.311 of 169974
the Revised Code, the petitioner applies to be qualified as an 169975
indigent litigant and the court approves the application. 169976

(3) A person to whom this state has issued a certificate of 169977
registration for a motor vehicle or a license to operate a motor 169978
vehicle or who is determined to have operated any motor vehicle or 169979
permitted the operation in this state of a motor vehicle owned by 169980
the person shall be required to verify the existence of proof of 169981
financial responsibility covering the operation of the motor 169982
vehicle or the person's operation of the motor vehicle under 169983
either of the following circumstances: 169984

(a) The person or a motor vehicle owned by the person is 169985
involved in a traffic accident that requires the filing of an 169986
accident report under section 4509.06 of the Revised Code. 169987

(b) The person receives a traffic ticket indicating that 169988
proof of the maintenance of financial responsibility was not 169989
produced upon the request of a peace officer or state highway 169990
patrol trooper made in accordance with division (D)(2) of this 169991
section. 169992

(4) An order of the registrar that suspends and impounds a 169993
license or registration, or both, shall state the date on or 169994

before which the person is required to surrender the person's 169995
license or certificate of registration and license plates. The 169996
person is deemed to have surrendered the license or certificate of 169997
registration and license plates, in compliance with the order, if 169998
the person does either of the following: 169999

(a) On or before the date specified in the order, ~~personally~~ 170000
delivers the license or certificate of registration and license 170001
plates, ~~or causes the delivery of the items,~~ to the registrar; 170002

(b) Mails the license or certificate of registration and 170003
license plates to the registrar in an envelope or container 170004
bearing a postmark showing a date no later than the date specified 170005
in the order. 170006

(5) Except as provided in division (L) of this section, the 170007
registrar shall not restore any operating privileges or 170008
registration rights suspended under this section, return any 170009
license, certificate of registration, or license plates impounded 170010
under this section, or reissue license plates under section 170011
4503.232 of the Revised Code, if the registrar destroyed the 170012
impounded license plates under that section, or reissue a license 170013
under section 4510.52 of the Revised Code, if the registrar 170014
destroyed the suspended license under that section, unless the 170015
rights are not subject to suspension or revocation under any other 170016
law and unless the person, in addition to complying with all other 170017
conditions required by law for reinstatement of the operating 170018
privileges or registration rights, complies with all of the 170019
following: 170020

(a) Pays to the registrar or an eligible deputy registrar a 170021
financial responsibility reinstatement fee of one hundred dollars 170022
for the first violation of division (A)(1) of this section, three 170023
hundred dollars for a second violation of that division, and six 170024
hundred dollars for a third or subsequent violation of that 170025
division; 170026

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose certificate of registration and license plates have been impounded or are under an order of impoundment, or whose license has been suspended or is under an order of suspension; the serial number of the person's license; the serial numbers of the person's certificate of registration and license plates; and the person's social security account number, if assigned, or, where the motor vehicle is used for hire or principally in connection with any established business, the person's federal taxpayer identification number. The information shall be recorded in such a manner that it becomes a part of the person's permanent record, and assists the registrar in monitoring compliance with the orders of suspension or impoundment.

(d) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any certificate of registration and registration plates under an order of impoundment, or any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) of this section without a hearing. Any person adversely affected by the order, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order

issued or findings made, within thirty days after the registrar 170090
receives a request for a hearing. If requested by the person in 170091
writing, the registrar may designate as the place of hearing the 170092
county seat of the county in which the person resides or a place 170093
within fifty miles of the person's residence. The person shall pay 170094
the cost of the hearing before the registrar, if the registrar's 170095
order of suspension or impoundment is upheld. 170096

(C) Any order of suspension or impoundment issued under this 170097
section or division (B) of section 4509.37 of the Revised Code may 170098
be terminated at any time if the registrar determines upon a 170099
showing of proof of financial responsibility that the operator or 170100
owner of the motor vehicle was in compliance with division (A)(1) 170101
of this section at the time of the traffic offense, motor vehicle 170102
inspection, or accident that resulted in the order against the 170103
person. A determination may be made without a hearing. This 170104
division does not apply unless the person shows good cause for the 170105
person's failure to present satisfactory proof of financial 170106
responsibility to the registrar prior to the issuance of the 170107
order. 170108

(D)(1)(a) For the purpose of enforcing this section, every 170109
peace officer is deemed an agent of the registrar. 170110

(b) Any peace officer who, in the performance of the peace 170111
officer's duties as authorized by law, becomes aware of a person 170112
whose license is under an order of suspension, or whose 170113
certificate of registration and license plates are under an order 170114
of impoundment, pursuant to this section, may confiscate the 170115
license, certificate of registration, and license plates, and 170116
return them to the registrar. 170117

(2) A peace officer shall request the owner or operator of a 170118
motor vehicle to produce proof of financial responsibility in a 170119
manner described in division (G) of this section at the time the 170120
peace officer acts to enforce the traffic laws of this state and 170121

during motor vehicle inspections conducted pursuant to section 170122
4513.02 of the Revised Code. 170123

(3) A peace officer shall indicate on every traffic ticket 170124
whether the person receiving the traffic ticket produced proof of 170125
the maintenance of financial responsibility in response to the 170126
officer's request under division (D)(2) of this section. The peace 170127
officer shall inform every person who receives a traffic ticket 170128
and who has failed to produce proof of the maintenance of 170129
financial responsibility that the person must submit proof to the 170130
traffic violations bureau with any payment of a fine and costs for 170131
the ticketed violation or, if the person is to appear in court for 170132
the violation, the person must submit proof to the court. 170133

(4)(a) If a person who has failed to produce proof of the 170134
maintenance of financial responsibility appears in court for a 170135
ticketed violation, the court may permit the defendant to present 170136
evidence of proof of financial responsibility to the court at such 170137
time and in such manner as the court determines to be necessary or 170138
appropriate. In a manner prescribed by the registrar, the clerk of 170139
courts shall provide the registrar with the identity of any person 170140
who fails to submit proof of the maintenance of financial 170141
responsibility pursuant to division (D)(3) of this section. 170142

(b) If a person who has failed to produce proof of the 170143
maintenance of financial responsibility also fails to submit that 170144
proof to the traffic violations bureau with payment of a fine and 170145
costs for the ticketed violation, the traffic violations bureau, 170146
in a manner prescribed by the registrar, shall notify the 170147
registrar of the identity of that person. 170148

(5)(a) Upon receiving notice from a clerk of courts or 170149
traffic violations bureau pursuant to division (D)(4) of this 170150
section, the registrar shall order the suspension of the license 170151
of the person required under division (A)(2)(a), (b), or (c) of 170152
this section and the impoundment of the person's certificate of 170153

registration and license plates required under division (A)(2)(d) 170154
of this section, effective thirty days after the date of the 170155
mailing of notification. The registrar also shall notify the 170156
person that the person must present the registrar with proof of 170157
financial responsibility in accordance with this section, 170158
surrender to the registrar the person's certificate of 170159
registration, license plates, and license, or submit a statement 170160
subject to section 2921.13 of the Revised Code that the person did 170161
not operate or permit the operation of the motor vehicle at the 170162
time of the offense. Notification shall be in writing and shall be 170163
sent to the person at the person's last known address as shown on 170164
the records of the bureau of motor vehicles. The person, within 170165
fifteen days after the date of the mailing of notification, shall 170166
present proof of financial responsibility, surrender the 170167
certificate of registration, license plates, and license to the 170168
registrar in a manner set forth in division (A)(4) of this 170169
section, or submit the statement required under this section 170170
together with other information the person considers appropriate. 170171

If the registrar does not receive proof or the person does 170172
not surrender the certificate of registration, license plates, and 170173
license, in accordance with this division, the registrar shall 170174
permit the order for the suspension of the license of the person 170175
and the impoundment of the person's certificate of registration 170176
and license plates to take effect. 170177

(b) In the case of a person who presents, within the 170178
fifteen-day period, proof of financial responsibility, the 170179
registrar shall terminate the order of suspension and the 170180
impoundment of the registration and license plates required under 170181
division (A)(2)(d) of this section and shall send written 170182
notification to the person, at the person's last known address as 170183
shown on the records of the bureau. 170184

(c) Any person adversely affected by the order of the 170185

registrar under division (D)(5)(a) or (b) of this section, within 170186
ten days after the issuance of the order, may request an 170187
administrative hearing before the registrar, who shall provide the 170188
person with an opportunity for a hearing in accordance with this 170189
paragraph. A request for a hearing does not operate as a 170190
suspension of the order. The scope of the hearing shall be limited 170191
to whether, at the time of the hearing, the person presents proof 170192
of financial responsibility covering the vehicle and whether the 170193
person is eligible for an exemption in accordance with this 170194
section or any rule adopted under it. The registrar shall 170195
determine the date, time, and place of any hearing; provided, that 170196
the hearing shall be held, and an order issued or findings made, 170197
within thirty days after the registrar receives a request for a 170198
hearing. If requested by the person, the hearing may be held 170199
remotely by electronic means. If requested by the person in 170200
writing, the registrar may designate as the place of hearing the 170201
county seat of the county in which the person resides or a place 170202
within fifty miles of the person's residence. Such person shall 170203
pay the cost of the hearing before the registrar, if the 170204
registrar's order of suspension or impoundment under division 170205
(D)(5)(a) or (b) of this section is upheld. 170206

(6) A peace officer may charge an owner or operator of a 170207
motor vehicle with a violation of section 4510.16 of the Revised 170208
Code when the owner or operator fails to show proof of the 170209
maintenance of financial responsibility pursuant to a peace 170210
officer's request under division (D)(2) of this section, if a 170211
check of the owner or operator's driving record indicates that the 170212
owner or operator, at the time of the operation of the motor 170213
vehicle, is required to file and maintain proof of financial 170214
responsibility under section 4509.45 of the Revised Code for a 170215
previous violation of this chapter. 170216

(7) Any forms used by law enforcement agencies in 170217

administering this section shall be prescribed, supplied, and paid 170218
for by the registrar. 170219

(8) No peace officer, law enforcement agency employing a 170220
peace officer, or political subdivision or governmental agency 170221
that employs a peace officer shall be liable in a civil action for 170222
damages or loss to persons arising out of the performance of any 170223
duty required or authorized by this section. 170224

(9) As used in this section, "peace officer" has the meaning 170225
set forth in section 2935.01 of the Revised Code. 170226

(E) All fees, except court costs, fees paid to a deputy 170227
registrar, and those portions of the financial responsibility 170228
reinstatement fees as otherwise specified in this division, 170229
collected under this section shall be paid into the state treasury 170230
to the credit of the public safety - highway purposes fund 170231
established in section 4501.06 of the Revised Code and used to 170232
cover costs incurred by the bureau in the administration of this 170233
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 170234
Code, and by any law enforcement agency employing any peace 170235
officer who returns any license, certificate of registration, and 170236
license plates to the registrar pursuant to division (C) of this 170237
section. 170238

Of each financial responsibility reinstatement fee the 170239
registrar collects pursuant to division (A)(5)(a) of this section 170240
or receives from a deputy registrar under division (A)(5)(d) of 170241
this section, the registrar shall deposit twenty-five dollars of 170242
each one-hundred-dollar reinstatement fee, fifty dollars of each 170243
three-hundred-dollar reinstatement fee, and one hundred dollars of 170244
each six-hundred-dollar reinstatement fee into the state treasury 170245
to the credit of the indigent defense support fund created by 170246
section 120.08 of the Revised Code. 170247

(F) Chapter 119. of the Revised Code applies to this section 170248

only to the extent that any provision in that chapter is not 170249
clearly inconsistent with this section. 170250

(G)(1)(a) The registrar, court, traffic violations bureau, or 170251
peace officer may require proof of financial responsibility to be 170252
demonstrated by use of a standard form prescribed by the 170253
registrar. If the use of a standard form is not required, a person 170254
may demonstrate proof of financial responsibility under this 170255
section by presenting to the traffic violations bureau, court, 170256
registrar, or peace officer any of the following documents or a 170257
copy of the documents: 170258

(i) A financial responsibility identification card as 170259
provided in section 4509.103 of the Revised Code; 170260

(ii) A certificate of proof of financial responsibility on a 170261
form provided and approved by the registrar for the filing of an 170262
accident report required to be filed under section 4509.06 of the 170263
Revised Code; 170264

(iii) A policy of liability insurance, a declaration page of 170265
a policy of liability insurance, or liability bond, if the policy 170266
or bond complies with section 4509.20 or sections 4509.49 to 170267
4509.61 of the Revised Code; 170268

(iv) A bond or certification of the issuance of a bond as 170269
provided in section 4509.59 of the Revised Code; 170270

(v) A certificate of deposit of money or securities as 170271
provided in section 4509.62 of the Revised Code; 170272

(vi) A certificate of self-insurance as provided in section 170273
4509.72 of the Revised Code. 170274

(b) A person also may present proof of financial 170275
responsibility under this section to the traffic violations 170276
bureau, court, registrar, or peace officer through use of an 170277
electronic wireless communications device as specified under 170278

section 4509.103 of the Revised Code. 170279

(2) If a person fails to demonstrate proof of financial 170280
responsibility in a manner described in division (G)(1) of this 170281
section, the person may demonstrate proof of financial 170282
responsibility under this section by any other method that the 170283
court or the bureau, by reason of circumstances in a particular 170284
case, may consider appropriate. 170285

(3) A motor carrier certificated by the interstate commerce 170286
commission or by the public utilities commission may demonstrate 170287
proof of financial responsibility by providing a statement 170288
designating the motor carrier's operating authority and averring 170289
that the insurance coverage required by the certificating 170290
authority is in full force and effect. 170291

(4)(a) A finding by the registrar or court that a person is 170292
covered by proof of financial responsibility in the form of an 170293
insurance policy or surety bond is not binding upon the named 170294
insurer or surety or any of its officers, employees, agents, or 170295
representatives and has no legal effect except for the purpose of 170296
administering this section. 170297

(b) The preparation and delivery of a financial 170298
responsibility identification card or any other document 170299
authorized to be used as proof of financial responsibility and the 170300
generation and delivery of proof of financial responsibility to an 170301
electronic wireless communications device that is displayed on the 170302
device as text or images does not do any of the following: 170303

(i) Create any liability or estoppel against an insurer or 170304
surety, or any of its officers, employees, agents, or 170305
representatives; 170306

(ii) Constitute an admission of the existence of, or of any 170307
liability or coverage under, any policy or bond; 170308

(iii) Waive any defenses or counterclaims available to an 170309

insurer, surety, agent, employee, or representative in an action 170310
commenced by an insured or third-party claimant upon a cause of 170311
action alleged to have arisen under an insurance policy or surety 170312
bond or by reason of the preparation and delivery of a document 170313
for use as proof of financial responsibility or the generation and 170314
delivery of proof of financial responsibility to an electronic 170315
wireless communications device. 170316

(c) Whenever it is determined by a final judgment in a 170317
judicial proceeding that an insurer or surety, which has been 170318
named on a document or displayed on an electronic wireless 170319
communications device accepted by a court or the registrar as 170320
proof of financial responsibility covering the operation of a 170321
motor vehicle at the time of an accident or offense, is not liable 170322
to pay a judgment for injuries or damages resulting from such 170323
operation, the registrar, notwithstanding any previous contrary 170324
finding, shall forthwith suspend the operating privileges and 170325
registration rights of the person against whom the judgment was 170326
rendered as provided in division (A)(2) of this section. 170327

(H) In order for any document or display of text or images on 170328
an electronic wireless communications device described in division 170329
(G)(1) of this section to be used for the demonstration of proof 170330
of financial responsibility under this section, the document or 170331
words or images shall state the name of the insured or obligor, 170332
the name of the insurer or surety company, and the effective and 170333
expiration dates of the financial responsibility, and designate by 170334
explicit description or by appropriate reference all motor 170335
vehicles covered which may include a reference to fleet insurance 170336
coverage. 170337

(I) For purposes of this section, "owner" does not include a 170338
licensed motor vehicle leasing dealer as defined in section 170339
4517.01 of the Revised Code, but does include a motor vehicle 170340
renting dealer as defined in section 4549.65 of the Revised Code. 170341

Nothing in this section or in section 4509.51 of the Revised Code 170342
shall be construed to prohibit a motor vehicle renting dealer from 170343
entering into a contractual agreement with a person whereby the 170344
person renting the motor vehicle agrees to be solely responsible 170345
for maintaining proof of financial responsibility, in accordance 170346
with this section, with respect to the operation, maintenance, or 170347
use of the motor vehicle during the period of the motor vehicle's 170348
rental. 170349

(J) The purpose of this section is to require the maintenance 170350
of proof of financial responsibility with respect to the operation 170351
of motor vehicles on the highways of this state, so as to minimize 170352
those situations in which persons are not compensated for injuries 170353
and damages sustained in motor vehicle accidents. The general 170354
assembly finds that this section contains reasonable civil 170355
penalties and procedures for achieving this purpose. 170356

(K) Nothing in this section shall be construed to be subject 170357
to section 4509.78 of the Revised Code. 170358

(L)(1) The registrar may terminate any suspension imposed 170359
under this section and not require the owner to comply with 170360
divisions (A)(5)(a), (b), and (c) of this section if the registrar 170361
with or without a hearing determines that the owner of the vehicle 170362
has established by clear and convincing evidence that all of the 170363
following apply: 170364

(a) The owner customarily maintains proof of financial 170365
responsibility. 170366

(b) Proof of financial responsibility was not in effect for 170367
the vehicle on the date in question for one of the following 170368
reasons: 170369

(i) The vehicle was inoperable. 170370

(ii) The vehicle is operated only seasonally, and the date in 170371
question was outside the season of operation. 170372

(iii) A person other than the vehicle owner or driver was at fault for the lapse of proof of financial responsibility through no fault of the owner or driver.

(iv) The lapse of proof of financial responsibility was caused by excusable neglect under circumstances that are not likely to recur and do not suggest a purpose to evade the requirements of this chapter.

(2) The registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L)(1)(b)(iii) or (iv) of this section.

(M) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, the use of an electronic wireless communications device to present proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

(N)(1) When a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device shall be viewed by the registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless communications device to the registrar, a peace officer, an

employee or official of a traffic violations bureau, or the court, 170404
the person assumes the risk of any resulting damage to the device 170405
unless the registrar, peace officer, employee, or official, or 170406
court personnel purposely, knowingly, or recklessly commits an 170407
action that results in damage to the device. 170408

Sec. 4510.03. (A) Every county court judge, mayor of a 170409
mayor's court, and clerk of a court of record shall keep a full 170410
record of every case in which a person is charged with any 170411
violation of any provision of sections 4511.01 to 4511.771 or 170412
4513.01 to 4513.36 of the Revised Code or of any other law or 170413
ordinance regulating the operation of vehicles, streetcars, and 170414
trackless trolleys on highways or streets. 170415

(B) If a person is convicted of or forfeits bail in relation 170416
to a violation of any section listed in division (A) of this 170417
section or a violation of any other law or ordinance regulating 170418
the operation of vehicles, streetcars, and trackless trolleys on 170419
highways or streets, the county court judge, mayor of a mayor's 170420
court, or clerk, within seven days after the conviction or bail 170421
forfeiture, shall prepare and immediately forward to the bureau of 170422
motor vehicles, in a secure electronic format, an abstract, 170423
certified by the preparer to be true and correct, of the court 170424
record covering the case in which the person was convicted or 170425
forfeited bail. Every court of record also shall forward to the 170426
bureau of motor vehicles, in a secure electronic format, an 170427
abstract of the court record as described in division (C) of this 170428
section upon the conviction of any person of aggravated vehicular 170429
homicide or vehicular homicide or of a felony in the commission of 170430
which a vehicle was used. 170431

(C) Each abstract required by this section shall be made upon 170432
a form approved and furnished by the bureau and shall include the 170433
name and address of the person charged, the number of the person's 170434

driver's or commercial driver's license, probationary driver's license, or temporary instruction permit, the registration number of the vehicle involved, the nature of the offense, the date of the offense, the date of hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture.

Sec. 4510.41. (A) As used in this section: 170441

(1) "Arrested person" means a person who is arrested for a violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, and whose arrest results in a vehicle being seized under division (B) of this section. 170442
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(2) "Vehicle owner" means either of the following: 170447

(a) The person in whose name is registered, at the time of the seizure, a vehicle that is seized under division (B) of this section; 170448
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(b) A person to whom the certificate of title to a vehicle that is seized under division (B) of this section has been assigned and who has not obtained a certificate of title to the vehicle in that person's name, but who is deemed by the court as being the owner of the vehicle at the time the vehicle was seized under division (B) of this section. 170451
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(3) "Interested party" includes the owner of a vehicle seized under this section, all lienholders, the arrested person, the owner of the place of storage at which a vehicle seized under this section is stored, and the person or entity that caused the vehicle to be removed. 170457
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(B)(1) If a person is arrested for a violation of section 4510.14 or 4511.203 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those sections, the 170462
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arresting officer or another officer of the law enforcement agency 170465
that employs the arresting officer, in addition to any action that 170466
the arresting officer is required or authorized to take by any 170467
other provision of law, shall seize the vehicle that the person 170468
was operating at the time of, or that was involved in, the alleged 170469
offense if the vehicle is registered in the arrested person's name 170470
and its license plates. A law enforcement agency that employs a 170471
law enforcement officer who makes an arrest of a type that is 170472
described in this division and that involves a rented or leased 170473
vehicle that is being rented or leased for a period of thirty days 170474
or less shall notify, within twenty-four hours after the officer 170475
makes the arrest, the lessor or owner of the vehicle regarding the 170476
circumstances of the arrest and the location at which the vehicle 170477
may be picked up. At the time of the seizure of the vehicle, the 170478
law enforcement officer who made the arrest shall give the 170479
arrested person written notice that the vehicle and its license 170480
plates have been seized; that the vehicle either will be kept by 170481
the officer's law enforcement agency or will be immobilized at 170482
least until the person's initial appearance on the charge of the 170483
offense for which the arrest was made; that, at the initial 170484
appearance, the court in certain circumstances may order that the 170485
vehicle and license plates be released to the arrested person 170486
until the disposition of that charge; that, if the arrested person 170487
is convicted of that charge, the court generally must order the 170488
immobilization of the vehicle and the impoundment of its license 170489
plates or the forfeiture of the vehicle; and that the arrested 170490
person may be charged expenses or charges incurred under this 170491
section and section 4503.233 of the Revised Code for the removal 170492
and storage of the vehicle. 170493

(2) The arresting officer or a law enforcement officer of the 170494
agency that employs the arresting officer shall give written 170495
notice of the seizure under division (B)(1) of this section to the 170496
court that will conduct the initial appearance of the arrested 170497

person on the charges arising out of the arrest. Upon receipt of 170498
the notice, the court promptly shall determine whether the 170499
arrested person is the vehicle owner. If the court determines that 170500
the arrested person is not the vehicle owner, it promptly shall 170501
send by regular mail written notice of the seizure to the 170502
vehicle's registered owner. The written notice shall contain all 170503
of the information required by division (B)(1) of this section to 170504
be in a notice to be given to the arrested person and also shall 170505
specify the date, time, and place of the arrested person's initial 170506
appearance. The notice also shall inform the vehicle owner that if 170507
title to a motor vehicle that is subject to an order for criminal 170508
forfeiture under this section is assigned or transferred and 170509
division (B)(2) or (3) of section 4503.234 of the Revised Code 170510
applies, the court may fine the arrested person the value of the 170511
vehicle. The notice also shall state that if the vehicle is 170512
immobilized under division (A) of section 4503.233 of the Revised 170513
Code, seven days after the end of the period of immobilization a 170514
law enforcement agency will send the vehicle owner a notice, 170515
informing the owner that if the release of the vehicle is not 170516
obtained in accordance with division (D)(3) of section 4503.233 of 170517
the Revised Code, the vehicle shall be forfeited. The notice also 170518
shall inform the vehicle owner that the owner may be charged 170519
expenses or charges incurred under this section and section 170520
4503.233 of the Revised Code for the removal and storage of the 170521
vehicle. 170522

The written notice that is given to the arrested person also 170523
shall state that if the person is convicted of or pleads guilty to 170524
the offense and the court issues an immobilization and impoundment 170525
order relative to that vehicle, division (D)(4) of section 170526
4503.233 of the Revised Code prohibits the vehicle from being sold 170527
during the period of immobilization without the prior approval of 170528
the court. 170529

(3) At or before the initial appearance, the vehicle owner 170530
may file a motion requesting the court to order that the vehicle 170531
and its license plates be released to the vehicle owner. Except as 170532
provided in this division and subject to the payment of expenses 170533
or charges incurred in the removal and storage of the vehicle, the 170534
court, in its discretion, then may issue an order releasing the 170535
vehicle and its license plates to the vehicle owner. Such an order 170536
may be conditioned upon such terms as the court determines 170537
appropriate, including the posting of a bond in an amount 170538
determined by the court. If the arrested person is not the vehicle 170539
owner and if the vehicle owner is not present at the arrested 170540
person's initial appearance, and if the court believes that the 170541
vehicle owner was not provided with adequate notice of the initial 170542
appearance, the court, in its discretion, may allow the vehicle 170543
owner to file a motion within seven days of the initial 170544
appearance. If the court allows the vehicle owner to file such a 170545
motion after the initial appearance, the extension of time granted 170546
by the court does not extend the time within which the initial 170547
appearance is to be conducted. If the court issues an order for 170548
the release of the vehicle and its license plates, a copy of the 170549
order shall be made available to the vehicle owner. If the vehicle 170550
owner presents a copy of the order to the law enforcement agency 170551
that employs the law enforcement officer who arrested the arrested 170552
person, the law enforcement agency promptly shall release the 170553
vehicle and its license plates to the vehicle owner upon payment 170554
by the vehicle owner of any expenses or charges incurred in the 170555
removal or storage of the vehicle. 170556

(4) A vehicle seized under division (B)(1) of this section 170557
either shall be towed to a place specified by the law enforcement 170558
agency that employs the arresting officer to be safely kept by the 170559
agency at that place for the time and in the manner specified in 170560
this section or shall be otherwise immobilized for the time and in 170561
the manner specified in this section. ~~A law enforcement officer of~~ 170562

~~that agency shall remove the identification license plates of the~~ 170563
~~vehicle, and they shall be safely kept by the agency for the time~~ 170564
~~and in the manner specified in this section. The license plates~~ 170565
~~shall remain on the seized vehicle unless otherwise ordered by the~~ 170566
~~court.~~ No vehicle that is seized and either towed or immobilized 170567
pursuant to this division shall be considered contraband for 170568
purposes of Chapter 2981. of the Revised Code. The vehicle shall 170569
not be immobilized at any place other than a commercially operated 170570
private storage lot, a place owned by a law enforcement or other 170571
government agency, or a place to which one of the following 170572
applies: 170573

(a) The place is leased by or otherwise under the control of 170574
a law enforcement or other government agency. 170575

(b) The place is owned by the arrested person, the arrested 170576
person's spouse, or a parent or child of the arrested person. 170577

(c) The place is owned by a private person or entity, and, 170578
prior to the immobilization, the private entity or person that 170579
owns the place, or the authorized agent of that private entity or 170580
person, has given express written consent for the immobilization 170581
to be carried out at that place. 170582

(d) The place is a public street or highway on which the 170583
vehicle is parked in accordance with the law. 170584

(C)(1) A vehicle seized under division (B)(1) of this section 170585
shall be safely kept at the place to which it is towed or 170586
otherwise moved by the law enforcement agency that employs the 170587
arresting officer until the initial appearance of the arrested 170588
person relative to the charge in question. The license plates ~~of~~ 170589
shall remain on the seized vehicle ~~that are removed pursuant to~~ 170590
~~division (B)(1) of this section shall be safely kept by the law~~ 170591
~~enforcement agency that employs the arresting officer until at~~ 170592
~~least the initial appearance of the arrested person relative to~~ 170593

~~the charge in question unless otherwise ordered by the court.~~ 170594

(2)(a) At the initial appearance or not less than seven days 170595
prior to the date of final disposition, the court shall notify the 170596
arrested person that, if title to a motor vehicle that is subject 170597
to an order for criminal forfeiture under this section is assigned 170598
or transferred and division (B)(2) or (3) of section 4503.234 of 170599
the Revised Code applies, the court may fine the arrested person 170600
the value of the vehicle. If, at the initial appearance, the 170601
arrested person pleads guilty to the violation of section 4510.14 170602
or 4511.203 of the Revised Code, or a municipal ordinance that is 170603
substantially equivalent to either of those sections or pleads no 170604
contest to and is convicted of the violation, the following 170605
sentencing provisions apply: 170606

(i) If the person violated section 4510.14 of the Revised 170607
Code or a municipal ordinance that is substantially equivalent to 170608
that section, the court shall impose sentence upon the person as 170609
provided by law or ordinance; the court shall order the 170610
immobilization of the vehicle the arrested person was operating at 170611
the time of, or that was involved in, the offense if registered in 170612
the arrested person's name and the impoundment of its license 170613
plates under sections 4503.233 and 4510.14 of the Revised Code or 170614
the criminal forfeiture to the state of the vehicle if registered 170615
in the arrested person's name under sections 4503.234 and 4510.14 170616
of the Revised Code, whichever is applicable; and the vehicle and 170617
its license plates shall not be returned or released to the 170618
arrested person. 170619

(ii) If the person violated section 4511.203 of the Revised 170620
Code or a municipal ordinance that is substantially equivalent to 170621
that section, the court shall impose sentence upon the person as 170622
provided by law or ordinance; the court may order the 170623
immobilization of the vehicle the arrested person was operating at 170624
the time of, or that was involved in, the offense if registered in 170625

the arrested person's name and the impoundment of its license 170626
plates under section 4503.233 and section 4511.203 of the Revised 170627
Code or the criminal forfeiture to the state of the vehicle if 170628
registered in the arrested person's name under section 4503.234 170629
and section 4511.203 of the Revised Code, whichever is applicable; 170630
and the vehicle and its license plates shall not be returned or 170631
released to the arrested person. 170632

(b) If, at any time, the charge that the arrested person 170633
violated section 4510.14 or 4511.203 of the Revised Code, or a 170634
municipal ordinance that is substantially equivalent to either of 170635
those sections is dismissed for any reason, the court shall order 170636
that the vehicle seized at the time of the arrest and its license 170637
plates immediately be released to the person. 170638

(D) If a vehicle and its license plates are seized under 170639
division (B)(1) of this section and are not returned or released 170640
to the arrested person pursuant to division (C) of this section, 170641
the vehicle and its license plates shall be retained until the 170642
final disposition of the charge in question. Upon the final 170643
disposition of that charge, the court shall do whichever of the 170644
following is applicable: 170645

(1) If the arrested person is convicted of or pleads guilty 170646
to the violation of section 4510.14 of the Revised Code or a 170647
municipal ordinance that is substantially equivalent to that 170648
section, the court shall impose sentence upon the person as 170649
provided by law or ordinance and shall order the immobilization of 170650
the vehicle the person was operating at the time of, or that was 170651
involved in, the offense if it is registered in the arrested 170652
person's name and the impoundment of its license plates under 170653
sections 4503.233 and 4510.14 of the Revised Code or the criminal 170654
forfeiture of the vehicle if it is registered in the arrested 170655
person's name under sections 4503.234 and 4510.14 of the Revised 170656
Code, whichever is applicable. 170657

(2) If the arrested person is convicted of or pleads guilty to the violation of section 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and may order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.203 of the Revised Code or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under section 4503.234 and section 4511.203 of the Revised Code, whichever is applicable.

(3) If the arrested person is found not guilty of the violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(4) If the charge that the arrested person violated section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B)(2) of this

section, the time between the seizure of the vehicle and either 170690
its release to the arrested person pursuant to division (C) of 170691
this section or the issuance of an order of immobilization of the 170692
vehicle under section 4503.233 of the Revised Code shall be 170693
credited against the period of immobilization ordered by the 170694
court. 170695

(F)(1) Except as provided in division (D)(4) of this section, 170696
the arrested person may be charged expenses or charges incurred in 170697
the removal and storage of the immobilized vehicle. The court with 170698
jurisdiction over the case, after notice to all interested 170699
parties, including lienholders, and after an opportunity for them 170700
to be heard, if the court finds that the arrested person does not 170701
intend to seek release of the vehicle at the end of the period of 170702
immobilization under section 4503.233 of the Revised Code or that 170703
the arrested person is not or will not be able to pay the expenses 170704
and charges incurred in its removal and storage, may order that 170705
title to the vehicle be transferred, in order of priority, first 170706
into the name of the person or entity that removed it, next into 170707
the name of a lienholder, or lastly into the name of the owner of 170708
the place of storage. 170709

Any lienholder that receives title under a court order shall 170710
do so on the condition that it pay any expenses or charges 170711
incurred in the vehicle's removal and storage. If the person or 170712
entity that receives title to the vehicle is the person or entity 170713
that removed it, the person or entity shall receive title on the 170714
condition that it pay any lien on the vehicle. The court shall not 170715
order that title be transferred to any person or entity other than 170716
the owner of the place of storage if the person or entity refuses 170717
to receive the title. Any person or entity that receives title 170718
either may keep title to the vehicle or may dispose of the vehicle 170719
in any legal manner that it considers appropriate, including 170720
assignment of the certificate of title to the motor vehicle to a 170721

salvage dealer or a scrap metal processing facility. The person or 170722
entity shall not transfer the vehicle to the person who is the 170723
vehicle's immediate previous owner. 170724

If the person or entity that receives title assigns the motor 170725
vehicle to a salvage dealer or scrap metal processing facility, 170726
the person or entity shall send the assigned certificate of title 170727
to the motor vehicle to the clerk of the court of common pleas of 170728
the county in which the salvage dealer or scrap metal processing 170729
facility is located. The person or entity shall mark the face of 170730
the certificate of title with the words "FOR DESTRUCTION" and 170731
shall deliver a photocopy of the certificate of title to the 170732
salvage dealer or scrap metal processing facility for its records. 170733

(2) Whenever a court issues an order under division (F)(1) of 170734
this section, the court also shall order removal of the license 170735
plates from the vehicle and cause them to be sent to the registrar 170736
if they have not already been sent to the registrar. Thereafter, 170737
no further proceedings shall take place under this section or 170738
under section 4503.233 of the Revised Code. 170739

(3) Prior to initiating a proceeding under division (F)(1) of 170740
this section, and upon payment of the fee under division (B) of 170741
section 4505.14, any interested party may cause a search to be 170742
made of the public records of the bureau of motor vehicles or the 170743
clerk of the court of common pleas, to ascertain the identity of 170744
any lienholder of the vehicle. The initiating party shall furnish 170745
this information to the clerk of the court with jurisdiction over 170746
the case, and the clerk shall provide notice to the arrested 170747
person, any lienholder, and any other interested parties listed by 170748
the initiating party, at the last known address supplied by the 170749
initiating party, by certified mail, or, at the option of the 170750
initiating party, by personal service or ordinary mail. 170751

Sec. 4735.13. (A) Every real estate broker licensed under 170752

this chapter shall have and maintain a definite place of business 170753
in this state. A post office box address is not a definite place 170754
of business for purposes of this section. The license of a real 170755
estate broker shall be prominently displayed in the office or 170756
place of business of the broker, and no license shall authorize 170757
the licensee to do business except from the location specified in 170758
it. If the broker maintains more than one place of business within 170759
the state, the broker shall apply for and procure a duplicate 170760
license for each branch office maintained by the broker. Each 170761
branch office shall be in the charge of a licensed broker or 170762
salesperson. The branch office license shall be prominently 170763
displayed at the branch office location. 170764

(B) The license of each real estate salesperson shall be 170765
electronically mailed to and remain in the possession of the 170766
licensed broker with whom the salesperson is or is to be 170767
associated until the licensee places the license on inactive or 170768
resigned status or until the salesperson leaves the brokerage or 170769
is terminated. The broker shall keep a copy of each salesperson's 170770
license in a way that it can, and shall on request, be made 170771
immediately available for public inspection at the office or place 170772
of business of the broker. Except as provided in divisions (G) and 170773
(H) of this section, immediately upon the salesperson's leaving 170774
the association or termination of the association of a real estate 170775
salesperson with the broker, the broker shall ~~return the~~ 170776
~~salesperson's license to~~ notify the superintendent of real estate 170777
by electronic mail to the division of real estate's general 170778
electronic mail address. The broker shall keep a copy of the 170779
written notification for three years after it is sent. 170780

The failure of a broker to ~~return the license~~ notify the 170781
superintendent of real estate in writing of a real estate 170782
salesperson or broker who leaves or who is terminated, via 170783
~~certified~~ electronic mail ~~return receipt requested~~, within three 170784

business days of the receipt of a written request from the 170785
superintendent for ~~the return of the license~~ such notification, is 170786
prima-facie evidence of misconduct under division (A)(6) of 170787
section 4735.18 of the Revised Code. 170788

(C) A licensee shall notify the superintendent in writing 170789
within fifteen days of any of the following occurrences: 170790

(1) The licensee is convicted of a felony. 170791

(2) The licensee is convicted of a crime involving moral 170792
turpitude. 170793

(3) The licensee is found to have violated any federal, 170794
state, or municipal civil rights law pertaining to discrimination 170795
in housing. 170796

(4) The licensee is found to have engaged in a discriminatory 170797
practice pertaining to housing accommodations described in 170798
division (H) of section 4112.02 of the Revised Code. 170799

(5) The licensee is the subject of an order by the department 170800
of commerce, the department of insurance, or the department of 170801
agriculture revoking or permanently surrendering any professional 170802
license, certificate, or registration. 170803

(6) The licensee is the subject of an order by any government 170804
agency concerning real estate, financial matters, or the 170805
performance of fiduciary duties with respect to any license, 170806
certificate, or registration. 170807

If a licensee fails to notify the superintendent within the 170808
required time, the superintendent immediately may suspend the 170809
license of the licensee. 170810

Any court that convicts a licensee of a violation of any 170811
municipal civil rights law pertaining to housing discrimination 170812
also shall notify the Ohio civil rights commission within fifteen 170813
days of the conviction. 170814

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the

superintendent to all salespersons associated with the broker when 170848
applying to place the broker's license on deposit. 170849

(F) If a real estate broker desires to become a member or 170850
officer of a partnership, association, limited liability company, 170851
limited liability partnership, or corporation that is or intends 170852
to become a licensed real estate broker, the broker shall notify 170853
the superintendent of the broker's intentions. The notice of 170854
intention shall be on a form prescribed by the superintendent and 170855
shall be accompanied by a fee of thirty-four dollars. One dollar 170856
of the fee shall be credited to the real estate education and 170857
research fund. 170858

A licensed real estate broker who is a member or officer of a 170859
partnership, association, limited liability company, limited 170860
liability partnership, or corporation shall only act as a real 170861
estate broker for such partnership, association, limited liability 170862
company, limited liability partnership, or corporation. 170863

(G)(1) If a real estate broker or salesperson enters the 170864
armed forces, the broker or salesperson may place the broker's or 170865
salesperson's license on deposit with the Ohio real estate 170866
commission. The licensee shall not be required to renew the 170867
license until the renewal date that follows the date of discharge 170868
from the armed forces. Any license deposited with the commission 170869
shall be subject to this chapter. 170870

Any licensee whose license is on deposit under this division 170871
and who fails to meet the continuing education requirements of 170872
section 4735.141 of the Revised Code because the licensee is in 170873
the armed forces shall satisfy the commission that the licensee 170874
has complied with the continuing education requirements within 170875
twelve months of the licensee's first birthday after discharge or 170876
within the amount of time equal to the total number of months the 170877
licensee spent on active duty, whichever is greater. The licensee 170878
shall submit proper documentation of active duty service and the 170879

length of that active duty service to the superintendent. The 170880
extension shall not exceed the total number of months that the 170881
licensee served in active duty. The superintendent shall notify 170882
the licensee of the licensee's obligations under section 4735.141 170883
of the Revised Code at the time the licensee applies for 170884
reactivation of the licensee's license. 170885

(2) If a licensee is a spouse of a member of the armed forces 170886
and the spouse's service resulted in the licensee's absence from 170887
this state, both of the following apply: 170888

(a) The licensee shall not be required to renew the license 170889
until the renewal date that follows the date of the spouse's 170890
discharge from the armed forces. 170891

(b) If the licensee fails to meet the continuing education 170892
requirements of section 4735.141 of the Revised Code, the licensee 170893
shall satisfy the commission that the licensee has complied with 170894
the continuing education requirements within twelve months after 170895
the licensee's first birthday after the spouse's discharge or 170896
within the amount of time equal to the total number of months the 170897
licensee's spouse spent on active duty, whichever is greater. The 170898
licensee shall submit proper documentation of the spouse's active 170899
duty service and the length of that active duty service. This 170900
extension shall not exceed the total number of months that the 170901
licensee's spouse served in active duty. 170902

(3) In the case of a licensee as described in division (G)(2) 170903
of this section, who holds the license through a reciprocity 170904
agreement with another state, the spouse's service shall have 170905
resulted in the licensee's absence from the licensee's state of 170906
residence for the provisions of that division to apply. 170907

(4) As used in this division, "armed forces" means the armed 170908
forces of the United States or reserve component of the armed 170909
forces of the United States including the Ohio national guard or 170910

the national guard of any other state. 170911

(H) If a licensed real estate salesperson submits an 170912
application to the superintendent to leave the association of one 170913
broker to associate with a different broker, the broker possessing 170914
the licensee's license need not ~~return the salesperson's license~~ 170915
~~to~~ notify the superintendent pursuant to division (B) of this 170916
section. The superintendent may process the application regardless 170917
of whether the licensee's license is returned to the 170918
superintendent or the superintendent is notified pursuant to 170919
division (B) of this section. 170920

Sec. 4735.14. (A) Each license issued under this chapter, 170921
shall be valid without further recommendation or examination until 170922
it is placed in an inactive or resigned status, is revoked or 170923
suspended, or such license expires by operation of law. 170924

(B) Except for a licensee who has placed the licensee's 170925
license in resigned status pursuant to section 4735.142 of the 170926
Revised Code, each licensed broker, brokerage, or salesperson 170927
shall file, on or before the date the Ohio real estate commission 170928
has adopted by rule for that licensee in accordance with division 170929
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 170930
renewal on a form prescribed by the superintendent of real estate. 170931
The notice of renewal shall be ~~mailed~~ sent by the superintendent 170932
two months prior to the filing deadline to the ~~personal residence~~ 170933
electronic mail address of each broker or salesperson that is on 170934
file with the division. If the licensee is a partnership, 170935
association, limited liability company, limited liability 170936
partnership, or corporation, the notice of renewal shall be ~~mailed~~ 170937
sent by the superintendent two months prior to the filing deadline 170938
to the brokerage's business electronic mail address on file with 170939
the division. A licensee shall not renew the licensee's license 170940
any earlier than two months prior to the filing deadline. 170941

(C) Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change in personal residence address within thirty days after the change of location. A licensee's failure to notify the superintendent of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code. Each licensee shall maintain a valid electronic mail address on file with the division and notify the superintendent of any change in electronic mail address within thirty days after the change.

(E) The superintendent shall not renew a license if the licensee fails to comply with section 4735.141 of the Revised Code or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful

renewal available electronically to licensees as soon as 170974
practicable, but not later than thirty days after receipt by the 170975
division of a complete application and renewal fee. This notice 170976
shall serve as a notice of renewal for purposes of section 4745.02 170977
of the Revised Code. 170978

Sec. 5107.161. Before a county department of job and family 170979
services sanctions an assistance group under section 5107.16 of 170980
the Revised Code, the state department of job and family services 170981
shall provide the assistance group written notice of the sanction 170982
in accordance with rules adopted under section 5107.05 of the 170983
Revised Code. The written notice shall include a provision printed 170984
in bold type face that informs the assistance group that, not 170985
later than fifteen calendar days after the state department mailed 170986
the written notice to the assistance group, the assistance group 170987
may request, for the purpose of explaining why the assistance 170988
group believes it should not be sanctioned, a state hearing under 170989
division (B) of section 5101.35 of the Revised Code which, at the 170990
assistance group's request, may be preceded by a ~~face-to-face~~ 170991
county conference with the county department. The written notice 170992
shall include either the telephone number of an Ohio works first 170993
ombudsperson provided for under section 329.07 of the Revised Code 170994
or the toll-free telephone number of the state department of job 170995
and family services that the assistance group may call to obtain 170996
the telephone number of an Ohio works first ombudsperson. 170997

Sec. 5120.14. (A) If a person who was convicted of or pleaded 170998
guilty to an offense escapes from a correctional institution in 170999
this state under the control of the department of rehabilitation 171000
and correction or otherwise escapes from the custody of the 171001
department, the department immediately after the escape shall 171002
report the escape, by telephone and in writing, to all local law 171003
enforcement agencies with jurisdiction in the county in which the 171004

institution from which the escape was made or to which the person 171005
was sentenced is located, to all local law enforcement agencies 171006
with jurisdiction in the county in which the person was convicted 171007
or pleaded guilty to the offense for which the escaped person was 171008
sentenced, to the state highway patrol, to the prosecuting 171009
attorney of the county in which the institution from which the 171010
escape was made or to which the person was sentenced is located, 171011
to the prosecuting attorney of the county in which the person was 171012
convicted or pleaded guilty to the offense for which the escaped 171013
person was sentenced, to a newspaper of general circulation in the 171014
county in which the institution from which the escape was made or 171015
to which the person was sentenced is located, and to a newspaper 171016
of general circulation in each county in which the escaped person 171017
was indicted for an offense for which, at the time of the escape, 171018
the escaped person had been sentenced to that institution. The 171019
written notice may be by ~~either~~ facsimile transmission, electronic 171020
mail, or mail. A failure to comply with this requirement is a 171021
violation of section 2921.22 of the Revised Code. 171022

171023
(B) Upon the apprehension of the escaped person, the 171024
department shall give notice of the apprehension by telephone and 171025
in writing to the persons who were given notice of the escape 171026
under division (A) of this section. 171027

Sec. 5165.193. (A) The department of medicaid may, pursuant 171028
to rules authorized by this section, conduct an exception review 171029
of resident assessment data submitted by a nursing facility 171030
provider under section 5165.191 of the Revised Code. The 171031
department may conduct an exception review based on the findings 171032
of a medicaid certification survey conducted by the department of 171033
health, a risk analysis, or prior performance of the provider. 171034

Exception reviews shall be conducted ~~at the nursing facility~~ 171035

by appropriate health professionals under contract with or 171036
employed by the department. The professionals may review resident 171037
assessment forms and supporting documentation, conduct interviews, 171038
and observe residents to identify any patterns or trends of 171039
inaccurate resident assessments and resulting inaccurate case-mix 171040
scores. 171041

(B) If an exception review is conducted before the effective 171042
date of a nursing facility's rate for direct care costs that is 171043
based on the resident assessment data being reviewed and the 171044
review results in findings that exceed tolerance levels specified 171045
in the rules authorized by this section, the department, in 171046
accordance with those rules, may use the findings to redetermine 171047
individual resident case-mix scores, the nursing facility's 171048
case-mix score for the quarter, and the nursing facility's annual 171049
average case-mix score. The department may use the nursing 171050
facility's redetermined quarterly and annual average case-mix 171051
scores to determine the nursing facility's rate for direct care 171052
costs for the appropriate calendar quarter or quarters. 171053

(C) The department shall prepare a written summary of any 171054
exception review finding that is made after the effective date of 171055
a nursing facility's rate for direct care costs that is based on 171056
the resident assessment data that was reviewed. Where the provider 171057
is pursuing judicial or administrative remedies in good faith 171058
regarding the finding, the department shall not withhold from the 171059
provider's current payments any amounts the department claims to 171060
be due from the provider pursuant to section 5165.41 of the 171061
Revised Code. 171062

(D)(1) The medicaid director shall adopt rules under section 171063
5165.02 of the Revised Code as necessary to implement this 171064
section. The rules shall establish an exception review program 171065
that does all of the following: 171066

(a) Requires each exception review to comply with Title XVIII 171067

and Title XIX; 171068

(b) Requires a written summary for each exception review that 171069
states whether resident assessment forms have been completed 171070
accurately; 171071

(c) Prohibits each health professional who conducts an 171072
exception review from doing either of the following: 171073

(i) During the period of the professional's contract or 171074
employment with the department, having or being committed to 171075
acquire any direct or indirect financial interest in the 171076
ownership, financing, or operation of nursing facilities in this 171077
state; 171078

(ii) Reviewing any provider that has been a client of the 171079
professional. 171080

(2) For the purposes of division (D)(1)(c)(i) of this 171081
section, employment of a member of a health professional's family 171082
by a nursing facility that the professional does not review does 171083
not constitute a direct or indirect financial interest in the 171084
ownership, financing, or operation of the nursing facility. 171085

Sec. 5165.86. The department of medicaid, the department of 171086
health, and any contracting agency shall deliver a written notice, 171087
statement, or order to a nursing facility under sections 5165.60 171088
to 5165.66 and 5165.69 to 5165.89 of the Revised Code by certified 171089
mail ~~or~~, hand delivery, or other means reasonably calculated to 171090
provide prompt actual notice. If the notice, statement, or order 171091
is mailed, it shall be addressed to the administrator of the 171092
facility as indicated in the department's or agency's records. If 171093
it is hand delivered, it shall be delivered to a person at the 171094
facility who would appear to the average prudent person to have 171095
authority to accept it. 171096

Delivery of written notice by a nursing facility to the 171097

department of health, the department of medicaid, or a contracting 1711098
agency under sections 5165.60 to 5165.89 of the Revised Code shall 1711099
be by certified mail ~~or~~, hand delivery, or other means reasonably 1711100
calculated to provide prompt actual notice to the appropriate 1711101
department or the agency. 1711102

Sec. 5166.303. A home care attendant shall do all of the 1711103
following: 1711104

(A) Maintain a clinical record for each consumer to whom the 1711105
attendant provides home care attendant services in a manner that 1711106
protects the consumer's privacy; 1711107

(B) Participate in a face-to-face visit every ninety days 1711108
with all of the following to monitor the health and welfare of 1711109
each of the consumers to whom the attendant provides home care 1711110
attendant services: 1711111

(1) The consumer; 1711112

(2) The consumer's authorized representative, if any; 1711113

(3) A registered nurse who agrees to answer any questions 1711114
that the attendant, consumer, or authorized representative has 1711115
about consumer care needs, medications, and other issues. 1711116

(C) Document the activities of each visit required by 1711117
division (B) of this section in the consumer's clinical record 1711118
with the assistance of the registered nurse. 1711119

(D) The face-to-face visit requirement in division (B) of 1711120
this section may be satisfied by telephone or electronically if 1711121
permitted by rules adopted under section 5166.02 of the Revised 1711122
Code. 1711123

Sec. 5168.08. (A) Before or during each program year, the 1711124
department of medicaid shall ~~mail~~ issue to each hospital ~~by~~ 1711125
~~certified mail, return receipt requested,~~ the preliminary 1711126

determination of the amount that the hospital is assessed under 171127
section 5168.06 of the Revised Code during the program year. The 171128
preliminary determination of a hospital's assessment shall be 171129
calculated for a cost-reporting period that is specified in rules 171130
adopted under section 5168.02 of the Revised Code. 171131

The department shall consult with hospitals each year when 171132
determining the date on which it will ~~mail~~ issue the preliminary 171133
determinations in order to minimize hospitals' cash flow 171134
difficulties. 171135

If no hospital submits a request for reconsideration under 171136
division (B) of this section, the preliminary determination 171137
constitutes the final reconciliation of each hospital's assessment 171138
under section 5168.06 of the Revised Code. The final 171139
reconciliation is subject to adjustments under division (D) of 171140
this section. 171141

(B) Not later than fourteen days after the preliminary 171142
determinations are ~~mailed~~ issued, any hospital may submit to the 171143
department a written request to reconsider the preliminary 171144
determinations. The request shall be accompanied by written 171145
materials setting forth the basis for the reconsideration. If one 171146
or more hospitals submit a request, the department shall hold a 171147
public hearing not later than thirty days after the preliminary 171148
determinations are ~~mailed~~ issued to reconsider the preliminary 171149
determinations. The department shall ~~mail~~ issue to each hospital a 171150
written notice of the date, time, and place of the hearing at 171151
least ten days prior to the hearing. On the basis of the evidence 171152
submitted to the department or presented at the public hearing, 171153
the department shall reconsider and may adjust the preliminary 171154
determinations. The result of the reconsideration is the final 171155
reconciliation of the hospital's assessment under section 5168.06 171156
of the Revised Code. The final reconciliation is subject to 171157
adjustments under division (D) of this section. 171158

(C) The department shall ~~mail~~ issue to each hospital a 171159
written notice of its assessment for the program year under the 171160
final reconciliation. A hospital may appeal the final 171161
reconciliation of its assessment to the court of common pleas of 171162
Franklin county. While a judicial appeal is pending, the hospital 171163
shall pay, in accordance with the schedules required by division 171164
(B) of section 5168.06 of the Revised Code, any amount of its 171165
assessment that is not in dispute into the hospital care assurance 171166
program fund created in section 5168.11 of the Revised Code. 171167

(D) In the course of any program year, the department may 171168
adjust the assessment rate or rates established in rules pursuant 171169
to section 5168.06 of the Revised Code or adjust the amounts of 171170
intergovernmental transfers required under section 5168.07 of the 171171
Revised Code and, as a result of the adjustment, adjust each 171172
hospital's assessment and intergovernmental transfer, to reflect 171173
refinements made by the United States centers for medicare and 171174
medicaid services during that program year to the limits it 171175
prescribed under the "Social Security Act," section 1923(f), 42 171176
U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates 171177
must comply with division (A) of section 5168.06 of the Revised 171178
Code. An adjusted intergovernmental transfer must comply with 171179
division (A) of section 5168.07 of the Revised Code. The 171180
department shall notify hospitals of adjustments made under this 171181
division and adjust for the remainder of the program year the 171182
installments paid by hospitals under sections 5168.06 and 5168.07 171183
of the Revised Code in accordance with rules adopted under section 171184
5168.02 of the Revised Code. 171185

Sec. 5168.22. (A) Before or during each assessment program 171186
year, the department of medicaid shall ~~mail~~ issue to each hospital 171187
~~by certified mail, return receipt requested,~~ the preliminary 171188
determination of the amount that the hospital is assessed under 171189
section 5168.21 of the Revised Code for the assessment program 171190

year. Except as provided in division (B) of this section, the preliminary determination becomes the final determination for the assessment program year fifteen days after the preliminary determination is ~~mailed~~ issued to the hospital.

(B) A hospital may request that the department reconsider the preliminary determination ~~mailed~~ issued to the hospital under division (A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is ~~mailed~~ issued to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5168.21 of the Revised Code for the assessment program year.

(C) The department shall ~~mail~~ issue to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5168.23 of the Revised Code, any amount of its assessment that is not in dispute.

Sec. 5168.23. Each hospital shall pay the amount it is assessed under section 5168.21 of the Revised Code in accordance with a payment schedule the department of medicaid shall establish for each assessment program year. The department shall consult with the Ohio hospital association before establishing the payment schedule for any assessment program year. The department shall include the payment schedule in each preliminary determination

notice the department ~~mail~~ issues to hospitals under division (A) 171222
of section 5168.22 of the Revised Code. 171223

Sec. 5525.01. Before entering into a contract, the director 171224
of transportation ~~shall~~ may advertise for bids for two consecutive 171225
weeks in one newspaper of general circulation published in the 171226
county in which the improvement or part thereof is located, but if 171227
there is no such newspaper then in one newspaper having general 171228
circulation in an adjacent county. In the alternative, the 171229
director may advertise for bids as provided in section 7.16 of the 171230
Revised Code. The director ~~may~~ shall advertise for bids in such 171231
other publications as the director considers advisable. Such 171232
notices shall state that plans and specifications for the 171233
improvement are on file in the office of the director and the 171234
district deputy director of the district in which the improvement 171235
or part thereof is located and the time within which bids therefor 171236
will be received. 171237

Each bidder shall be required to file with the bidder's bid a 171238
bid guaranty in the form of a certified check, a cashier's check, 171239
or an electronic funds transfer to the treasurer of state that is 171240
evidenced by a receipt or by a certification to the director of 171241
transportation in a form prescribed by the director that an 171242
electronic funds transfer has been made to the treasurer of state, 171243
for an amount equal to five per cent of the bidder's bid, but in 171244
no event more than fifty thousand dollars, or a bid bond for ten 171245
per cent of the bidder's bid, payable to the director, which 171246
check, transferred sum, or bond shall be forthwith returned to the 171247
bidder in case the contract is awarded to another bidder, or, in 171248
case of a successful bidder, when the bidder has entered into a 171249
contract and furnished the bonds required by section 5525.16 of 171250
the Revised Code. In the event the contract is awarded to a 171251
bidder, and the bidder fails or refuses to furnish the bonds as 171252

required by section 5525.16 of the Revised Code, the check, 171253
transferred sum, or bid bond filed with the bidder's bid shall be 171254
forfeited as liquidated damages. No bidder shall be required 171255
either to file a signed contract with the bidder's bid, to enter 171256
into a contract, or to furnish the contract performance bond and 171257
the payment bond required by that section until the bids have been 171258
opened and the bidder has been notified by the director that the 171259
bidder is awarded the contract. 171260

The director shall permit a bidder to withdraw the bidder's 171261
bid from consideration, without forfeiture of the check, 171262
transferred sum, or bid bond filed with the bid, providing a 171263
written request together with a sworn statement of the grounds for 171264
such withdrawal is delivered within forty-eight hours after the 171265
time established for the receipt of bids, and if the price bid was 171266
substantially lower than the other bids, providing the bid was 171267
submitted in good faith, and the reason for the price bid being 171268
substantially lower was a clerical mistake evident on the face of 171269
the bid, as opposed to a judgment mistake, and was actually due to 171270
an unintentional and substantial arithmetic error or an 171271
unintentional omission of a substantial quantity of work, labor, 171272
or material made directly in the compilation of the bid. In the 171273
event the director decides the conditions for withdrawal have not 171274
been met, the director may award the contract to such bidder. If 171275
such bidder does not then enter into a contract and furnish the 171276
contract bond as required by law, the director may declare 171277
forfeited the check, transferred sum, or bid bond as liquidated 171278
damages and award the contract to the next higher bidder or reject 171279
the remaining bids and readvertise the project for bids. Such 171280
bidder, within thirty days, may appeal the decision of the 171281
director to the court of common pleas of Franklin county and the 171282
court may affirm or reverse the decision of the director and may 171283
order the director to refund the amount of the forfeiture. At the 171284
hearing before the common pleas court evidence may be introduced 171285

for and against the decision of the director. The decision of the 171286
common pleas court may be appealed as in other cases. 171287

There is hereby created the ODOT letting fund, which shall be 171288
in the custody of the treasurer of state but shall not be part of 171289
the state treasury. All certified checks and cashiers' checks 171290
received with bidders' bids, and all sums transferred to the 171291
treasurer of state by electronic funds transfer in connection with 171292
bidders' bids, under this section shall be credited to the fund. 171293
All such bid guaranties shall be held in the fund until a 171294
determination is made as to the final disposition of the money. If 171295
the department determines that any such bid guaranty is no longer 171296
required to be held, the amount of the bid guaranty shall be 171297
returned to the appropriate bidder. If the department determines 171298
that a bid guaranty under this section shall be forfeited, the 171299
amount of the bid guaranty shall be transferred or, in the case of 171300
money paid on a forfeited bond, deposited into the state treasury, 171301
to the credit of the highway operating fund. Any investment 171302
earnings of the ODOT letting fund shall be distributed as the 171303
treasurer of state considers appropriate. 171304

The director shall require all bidders to furnish the 171305
director, upon such forms as the director may prescribe, detailed 171306
information with respect to all pending work of the bidder, 171307
whether with the department of transportation or otherwise, 171308
together with such other information as the director considers 171309
necessary. 171310

In the event a bidder fails to submit anything required to be 171311
submitted with the bid and then fails or refuses to so submit such 171312
at the request of the director, the failure or refusal constitutes 171313
grounds for the director, in the director's discretion, to declare 171314
as forfeited the bid guaranty submitted with the bid. 171315

The director may reject any or all bids. Except in regard to 171316
contracts for environmental remediation and specialty work for 171317

which there are no classes of work set out in the rules adopted by 171318
the director, if the director awards the contract, the director 171319
shall award it to the lowest competent and responsible bidder as 171320
defined by rules adopted by the director under section 5525.05 of 171321
the Revised Code, who is qualified to bid under sections 5525.02 171322
to 5525.09 of the Revised Code. In regard to contracts for 171323
environmental remediation and specialty work for which there are 171324
no classes of work set out in the rules adopted by the director, 171325
the director shall competitively bid the projects in accordance 171326
with this chapter and shall award the contracts to the lowest and 171327
best bidder. 171328

The award for all projects competitively let by the director 171329
under this section shall be made within ten days after the date on 171330
which the bids are opened, and the successful bidder shall enter 171331
into a contract and furnish a contract performance bond and a 171332
payment bond, as provided for in section 5525.16 of the Revised 171333
Code, within ten days after the bidder is notified that the bidder 171334
has been awarded the contract. 171335

The director may insert in any contract awarded under this 171336
chapter a clause providing for value engineering change proposals, 171337
under which a contractor who has been awarded a contract may 171338
propose a change in the plans and specifications of the project 171339
that saves the department time or money on the project without 171340
impairing any of the essential functions and characteristics of 171341
the project such as service life, reliability, economy of 171342
operation, ease of maintenance, safety, and necessary standardized 171343
features. If the director adopts the value engineering proposal, 171344
the savings from the proposal shall be divided between the 171345
department and the contractor according to guidelines established 171346
by the director, provided that the contractor shall receive at 171347
least fifty per cent of the savings from the proposal. The 171348
adoption of a value engineering proposal does not invalidate the 171349

award of the contract or require the director to rebid the 171350
project. 171351

Sec. 5709.83. (A) Except as otherwise provided in division 171352
(B) or (C) of this section, prior to taking formal action to adopt 171353
or enter into any instrument granting a tax exemption under 171354
section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.62, 171355
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 171356
Revised Code or formally approving an agreement under section 171357
3735.671 of the Revised Code, or prior to forwarding an 171358
application for a tax exemption for residential property under 171359
section 3735.67 of the Revised Code to the county auditor, the 171360
legislative authority of the political subdivision or housing 171361
officer shall notify the board of education of each city, local, 171362
exempted village, or joint vocational school district in which the 171363
proposed tax-exempted property is located. The notice shall 171364
include a copy of the instrument or application. The notice shall 171365
be delivered not later than fourteen days prior to the day the 171366
legislative authority takes formal action to adopt or enter into 171367
the instrument, or not later than fourteen days prior to the day 171368
the housing officer forwards the application to the county 171369
auditor. If the board of education comments on the instrument or 171370
application to the legislative authority or housing officer, the 171371
legislative authority or housing officer shall consider the 171372
comments. If the board of education of the city, local, exempted 171373
village, or joint vocational school district so requests, the 171374
legislative authority or the housing officer shall meet ~~in person~~ 171375
with a representative designated by the board of education to 171376
discuss the terms of the instrument or application. 171377

(B) The notice otherwise required to be provided to boards of 171378
education under division (A) of this section is not required if 171379
the board has adopted a resolution waiving its right to receive 171380
such notices, and that resolution remains in effect. If a board of 171381

education adopts such a resolution, the board shall cause a copy 171382
of the resolution to be certified to the legislative authority. If 171383
the board of education rescinds such a resolution, it shall 171384
certify notice of the rescission to the legislative authority. A 171385
board of education may adopt such a resolution with respect to any 171386
one or more counties, townships, or municipal corporations 171387
situated in whole or in part within the school district. 171388

(C) If a legislative authority is required to provide notice 171389
to a city, local, or exempted village school district of its 171390
intent to adopt or enter into any instrument granting a tax 171391
exemption as required by section 3735.671, 5709.40, 5709.41, 171392
5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 171393
Revised Code, the legislative authority, before adopting a 171394
resolution or ordinance or entering into an agreement under that 171395
section, shall notify the board of education of each joint 171396
vocational school district in which the property to be exempted is 171397
located using the same time requirements for the notice that 171398
applies to notices to city, local, and exempted village school 171399
districts. The content of the notice and procedures for responding 171400
to the notice are the same as required in division (A) of this 171401
section. 171402

Sec. 5736.041. The tax commissioner shall prepare and 171403
maintain a list of suppliers holding a license issued under 171404
section 5736.06 of the Revised Code that has not been revoked or 171405
canceled under section 5736.07 of the Revised Code. The list shall 171406
contain the names and addresses of all such suppliers and each 171407
supplier's account number for the tax imposed under section 171408
5736.02 of the Revised Code. ~~The list shall be open to public 171409~~
~~inspection in the office of the commissioner.~~ The commissioner ~~may~~ 171410
shall post the list on the department of taxation's web site. 171411

Sec. 5751.40. (A) As used in this section and division 171412

(F)(2)(z) of section 5751.01 of the Revised Code: 171413

(1) "Qualifying distribution center receipts" means receipts 171414
of a supplier from qualified property that is delivered to a 171415
qualified distribution center, multiplied by a quantity that 171416
equals one minus the Ohio delivery percentage. If the qualified 171417
distribution center is a refining facility, "supplier" includes 171418
all dealers, brokers, processors, sellers, vendors, cosigners, and 171419
distributors of qualified property. 171420

(2) "Qualified property" means tangible personal property 171421
delivered to a qualified distribution center that is shipped to 171422
that qualified distribution center solely for further shipping by 171423
the qualified distribution center to another location in this 171424
state or elsewhere or, in the case of gold, silver, platinum, or 171425
palladium delivered to a refining facility solely for refining to 171426
a grade and fineness acceptable for delivery to a registered 171427
commodities exchange. "Further shipping" includes storing and 171428
repackaging property into smaller or larger bundles, so long as 171429
the property is not subject to further manufacturing or 171430
processing. "Refining" is limited to extracting impurities from 171431
gold, silver, platinum, or palladium through smelting or some 171432
other process at a refining facility. 171433

(3) "Qualified distribution center" means a warehouse, a 171434
facility similar to a warehouse, or a refining facility in this 171435
state that, for the qualifying year, is operated by a person that 171436
is not part of a combined taxpayer group and that has a qualifying 171437
certificate. All warehouses or facilities similar to warehouses 171438
that are operated by persons in the same taxpayer group and that 171439
are located within one mile of each other shall be treated as one 171440
qualified distribution center. All refining facilities that are 171441
operated by persons in the same taxpayer group and that are 171442
located in the same or adjacent counties may be treated as one 171443

qualified distribution center. 171444

(4) "Qualifying year" means the calendar year to which the 171445
qualifying certificate applies. 171446

(5) "Qualifying period" means the period of the first day of 171447
July of the second year preceding the qualifying year through the 171448
thirtieth day of June of the year preceding the qualifying year. 171449

(6) "Qualifying certificate" means the certificate issued by 171450
the tax commissioner after the operator of a distribution center 171451
files an annual application with the commissioner under division 171452
(B) of this section. 171453

(7) "Ohio delivery percentage" means the proportion of the 171454
total property delivered to a destination inside Ohio from the 171455
qualified distribution center during the qualifying period 171456
compared with total deliveries from such distribution center 171457
everywhere during the qualifying period. 171458

(8) "Refining facility" means one or more buildings located 171459
in a county in the Appalachian region of this state as defined by 171460
section 107.21 of the Revised Code and utilized for refining or 171461
smelting gold, silver, platinum, or palladium to a grade and 171462
fineness acceptable for delivery to a registered commodities 171463
exchange. 171464

(9) "Registered commodities exchange" means a board of trade, 171465
such as New York mercantile exchange, inc. or commodity exchange, 171466
inc., designated as a contract market by the commodity futures 171467
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 171468
et seq., as amended. 171469

(10) "Ineligible operator's supplier tax liability" means an 171470
amount equal to the tax liability of all suppliers of a 171471
distribution center had the distribution center not been issued a 171472
qualifying certificate for the qualifying year. Ineligible 171473
operator's supplier tax liability shall not include interest or 171474

penalties. 171475

(B) For purposes of division (B) of this section, "supplier" 171476
excludes any person that is part of the consolidated elected 171477
taxpayer group, if applicable, of the operator of the qualified 171478
distribution center. 171479

(1) An application for a qualifying certificate to be a 171480
qualified distribution center shall be filed, and an annual fee 171481
paid, for each qualified distribution center on or before the 171482
first day of September before the qualifying year or within 171483
forty-five days after the distribution center opens, whichever is 171484
later. The applicant must substantiate to the commissioner's 171485
satisfaction that, for the qualifying period, all persons 171486
operating the distribution center have more than fifty per cent of 171487
the cost of the qualified property shipped to a location such that 171488
it would be situated outside this state under the provisions of 171489
division (E) of section 5751.033 of the Revised Code. The 171490
applicant must also substantiate that the distribution center 171491
cumulatively had costs from its suppliers equal to or exceeding 171492
five hundred million dollars during the qualifying period. 171493

The commissioner may require an applicant to have an 171494
independent certified public accountant certify that the 171495
calculation of the minimum thresholds required for a qualified 171496
distribution center by the operator of a distribution center has 171497
been made in accordance with generally accepted accounting 171498
principles. The commissioner shall issue or deny the issuance of a 171499
certificate within sixty days after the receipt of the 171500
application. A denial is subject to appeal under section 5717.02 171501
of the Revised Code. If the operator files a timely appeal under 171502
section 5717.02 of the Revised Code, the operator shall be granted 171503
a qualifying certificate effective for the remainder of the 171504
qualifying year or until the appeal is finalized, whichever is 171505
earlier. If the operator does not prevail in the appeal, the 171506

operator shall pay the ineligible operator's supplier tax liability. 171507
171508

(2) If the distribution center is new and was not open for 171509
the entire qualifying period, the operator of the distribution 171510
center may request that the commissioner grant a qualifying 171511
certificate. If the certificate is granted and it is later 171512
determined that more than fifty per cent of the qualified property 171513
during that year was not shipped to a location such that it would 171514
be situated outside of this state under the provisions of division 171515
(E) of section 5751.033 of the Revised Code or if it is later 171516
determined that the person that operates the distribution center 171517
had average monthly costs from its suppliers of less than forty 171518
million dollars during that year, then the operator of the 171519
distribution center shall pay the ineligible operator's supplier 171520
tax liability. 171521

(3) The commissioner may grant a qualifying certificate to a 171522
distribution center that does not qualify as a qualified 171523
distribution center for an entire qualifying period if the 171524
operator of the distribution center demonstrates that the business 171525
operations of the distribution center have changed or will change 171526
such that the distribution center will qualify as a qualified 171527
distribution center within thirty-six months after the date the 171528
operator first applies for a certificate. If, at the end of that 171529
thirty-six-month period, the business operations of the 171530
distribution center have not changed such that the distribution 171531
center qualifies as a qualified distribution center, the operator 171532
of the distribution center shall pay the ineligible operator's 171533
supplier tax liability for each year that the distribution center 171534
received a certificate but did not qualify as a qualified 171535
distribution center. For each year the distribution center 171536
receives a certificate under division (B)(3) of this section, the 171537
distribution center shall pay all applicable fees required under 171538

this section and shall submit an updated business plan showing the progress the distribution center made toward qualifying as a qualified distribution center during the preceding year.

(4) An operator may appeal a determination under division (B)(2) or (3) of this section that the ineligible operator is liable for the operator's supplier tax liability as a result of not qualifying as a qualified distribution center, as provided in section 5717.02 of the Revised Code.

(C)(1) When filing an application for a qualifying certificate under division (B)(1) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (B)(1) of this section.

(2) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (C)(1) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from

the operator of the qualified distribution center, amended reports 171571
for the impacted calendar quarter or quarters or calendar year, 171572
whichever the case may be. Any additional tax liability or tax 171573
overpayment shall be subject to interest but shall not be subject 171574
to the imposition of any penalty so long as the amended returns 171575
are timely filed. 171576

(3) The operator of a distribution center that receives a 171577
qualifying certificate under division (B)(3) of this section shall 171578
make a good faith estimate of the Ohio delivery percentage that 171579
the operator estimates will apply to the distribution center at 171580
the end of the thirty-six-month period after the operator first 171581
applied for a qualifying certificate under that division. The 171582
result of the estimate shall be multiplied by a factor of one and 171583
seventy-five one-hundredths. The product of that calculation shall 171584
be the Ohio delivery percentage used by suppliers in their reports 171585
of taxable gross receipts for each qualifying year that the 171586
distribution center receives a qualifying certificate under 171587
division (B)(3) of this section, except that, if the product is 171588
less than five per cent, the Ohio delivery percentage used shall 171589
be five per cent and that, if the product exceeds forty-nine per 171590
cent, the Ohio delivery percentage used shall be forty-nine per 171591
cent. 171592

(D) Qualifying certificates and Ohio delivery percentages 171593
issued by the commissioner shall be ~~open to public inspection and~~ 171594
~~shall be~~ timely published by the commissioner on the department of 171595
taxation's web site and shall be accessible on that web site for 171596
at least four years after the date of issuance. A supplier relying 171597
in good faith on a certificate issued under this section shall not 171598
be subject to tax on the qualifying distribution center receipts 171599
under this section and division (F)(2)(z) of section 5751.01 of 171600
the Revised Code. An operator receiving a qualifying certificate 171601
is liable for the ineligible operator's supplier tax liability for 171602

each year the operator received a certificate but did not qualify 171603
as a qualified distribution center. 171604

(E) The tax commissioner shall determine an ineligible 171605
operator's supplier tax liability based on information that the 171606
commissioner may request from the operator of the distribution 171607
center. An operator shall provide a list of all suppliers of the 171608
distribution center and the corresponding costs of qualified 171609
property for the qualifying year at issue within sixty days of a 171610
request by the commissioner under this division. 171611

(F) The annual fee for a qualifying certificate shall be one 171612
hundred thousand dollars for each qualified distribution center. 171613
If a qualifying certificate is not issued, the annual fee is 171614
subject to refund after the exhaustion of all appeals provided for 171615
in division (B)(1) of this section. The first one hundred thousand 171616
dollars of the annual application fees collected each calendar 171617
year shall be credited to the revenue enhancement fund. The 171618
remainder of the annual application fees collected shall be 171619
distributed in the same manner required under section 5751.20 of 171620
the Revised Code. 171621

(G) The tax commissioner may require that adequate security 171622
be posted by the operator of the distribution center on appeal 171623
when the commissioner disagrees that the applicant has met the 171624
minimum thresholds for a qualified distribution center as set 171625
forth in this section. 171626

Section 130.31. That existing sections 127.15, 173.03, 171627
753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 171628
1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 171629
1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 171630
3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 171631
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 171632
3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 171633

3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 171634
3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 171635
4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 171636
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 171637
5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 171638
5525.01, 5709.83, 5736.041, and 5751.40 of the Revised Code are 171639
hereby repealed. 171640

Section 130.32. That section 5123.195 of the Revised Code is 171641
hereby repealed. 171642

Section 130.33. The amendment by this act of sections 5168.22 171643
and 5168.23 of the Revised Code does not supersede the repeal of 171644
those sections on October 1, 2023, as prescribed by Section 610.20 171645
of H.B. 110 of the 134th General Assembly. 171646

The amendment by this act of section 5168.08 of the Revised 171647
Code does not supersede the repeal of that section on October 16, 171648
2023, as prescribed by Section 610.20 of H.B. 110 of the 134th 171649
General Assembly. 171650

Section 130.34. The General Assembly, applying the principle 171651
stated in division (B) of section 1.52 of the Revised Code that 171652
amendments are to be harmonized if reasonably capable of 171653
simultaneous operation, finds that the following sections, 171654
presented in this act as composites of the sections as amended by 171655
the acts indicated, are the resulting versions of the sections in 171656
effect prior to the effective date of the sections as presented in 171657
this act: 171658

Section 3302.04 of the Revised Code as amended by both H.B. 171659
82 and H.B. 110 of the 134th General Assembly. 171660

The version of section 3772.13 of the Revised Code that is 171661
scheduled to take effect December 29, 2023, as amended by both 171662

H.B. 509 and S.B. 131 of the 134th General Assembly. 171663

The version of section 3772.131 of the Revised Code that is 171664
scheduled to take effect December 29, 2023, as amended by both 171665
H.B. 509 and S.B. 131 of the 134th General Assembly. 171666

Section 4509.101 of the Revised Code as amended by both H.B. 171667
62 and H.B. 158 of the 133rd General Assembly. 171668

Section 130.35. That the versions of sections 3772.13 and 171669
3772.131 of the Revised Code that are scheduled to take effect 171670
December 29, 2023, be amended to read as follows: 171671

Sec. 3772.13. (A) No person may be employed as a key employee 171672
of a casino operator, management company, or holding company 171673
unless the person is the holder of a valid key employee license 171674
issued by the commission. 171675

(B) No person may be employed as a key employee of a 171676
gaming-related vendor unless that person is either the holder of a 171677
valid key employee license issued by the commission, or the 171678
person, at least five business days prior to the first day of 171679
employment as a key employee, has filed a notification of 171680
employment with the commission and subsequently files a completed 171681
application for a key employee license within the first thirty 171682
days of employment as a key employee. 171683

(C) Each applicant shall, before the issuance of any key 171684
employee license, produce information, documentation, and 171685
assurances as are required by this chapter and rules adopted 171686
thereunder. In addition, each applicant shall, in writing, 171687
authorize the examination of all bank accounts and records as may 171688
be deemed necessary by the commission. 171689

(D) To be eligible for a key employee license, the applicant 171690
shall be at least twenty-one years of age and shall meet the 171691
criteria set forth by rule by the commission. 171692

(E) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. The applicant also shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the casino operator, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(F) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints. The commission shall charge each applicant an application fee set by the commission to cover all actual costs generated by each licensee and all background checks under this section and section 3772.07 of the Revised Code.

(G)(1) The casino operator, management company, or holding company by whom a person is employed as a key employee shall terminate the person's employment in any capacity requiring a license under this chapter and shall not in any manner permit the person to exercise a significant influence over the operation of a casino facility if:

(a) The person does not apply for and receive a key employee license within three months of being issued a provisional license,

as established under commission rule. 171725

(b) The person's application for a key employee license is 171726
denied by the commission. 171727

(c) The person's key employee license is revoked by the 171728
commission. 171729

The commission shall notify the casino operator, management 171730
company, or holding company who employs such a person by certified 171731
mail, personal service, common carrier service utilizing any form 171732
of delivery requiring a signed receipt or by an electronic means 171733
that provides evidence of delivery, of any such finding, denial, 171734
or revocation. 171735

(2) A casino operator, management company, or holding company 171736
shall not pay to a person whose employment is terminated under 171737
division (G)(1) of this section, any remuneration for any services 171738
performed in any capacity in which the person is required to be 171739
licensed, except for amounts due for services rendered before 171740
notice was received under that division. A contract or other 171741
agreement for personal services or for the conduct of any casino 171742
gaming at a casino facility between a casino operator, management 171743
company, or holding company and a person whose employment is 171744
terminated under division (G)(1) of this section may be terminated 171745
by the casino operator, management company, or holding company 171746
without further liability on the part of the casino operator, 171747
management company, or holding company. Any such contract or other 171748
agreement is deemed to include a term authorizing its termination 171749
without further liability on the part of the casino operator, 171750
management company, or holding company upon receiving notice under 171751
division (G)(1) of this section. That a contract or other 171752
agreement does not expressly include such a term is not a defense 171753
in any action brought to terminate the contract or other 171754
agreement, and is not grounds for relief in any action brought 171755
questioning termination of the contract or other agreement. 171756

(3) A casino operator, management company, or holding company, without having obtained the prior approval of the commission, shall not enter into any contract or other agreement with a person who has been found unsuitable, who has been denied a license, or whose license has been revoked under division (G)(1) of this section, or with any business enterprise under the control of such a person, after the date on which the casino operator, management company, or holding company receives notice under that division. 171757
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(H) Notwithstanding the requirements for a license under this section, the commission shall issue a key employee license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 171766
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(1) The applicant holds a license in another state. 171770

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a key employee of a casino operator, management company, or holding company in a state that does not issue that license. 171771
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Sec. 3772.131. (A) All casino gaming employees are required to have a casino gaming employee license. "Casino gaming employee" means the following and their supervisors: 171776
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(1) Individuals involved in operating a casino gaming pit, including dealers, shills, clerks, hosts, and junket representatives; 171779
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(2) Individuals involved in handling money, including cashiers, change persons, count teams, and coin wrappers; 171782
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(3) Individuals involved in operating casino games; 171784

(4) Individuals involved in operating and maintaining slot machines, including mechanics, floor persons, and change and 171785
171786

payoff persons; 171787

(5) Individuals involved in security, including guards and 171788
game observers; 171789

(6) Individuals with duties similar to those described in 171790
divisions (A)(1) to (5) of this section or other persons as the 171791
commission determines. "Casino gaming employee" does not include 171792
an individual whose duties are related solely to nongaming 171793
activities such as entertainment, hotel operation, maintenance, or 171794
preparing or serving food and beverages. 171795

(B) The commission may issue a casino gaming employee license 171796
to an applicant after it has determined that the applicant is 171797
eligible for a license under rules adopted by the commission and 171798
paid any applicable fee. All applications shall be ~~made under oath~~ 171799
certified as true. 171800

(C) To be eligible for a casino gaming employee license, an 171801
applicant shall be at least twenty-one years of age. 171802

(D) Each application for a casino gaming employee license 171803
shall be on a form prescribed by the commission and shall contain 171804
all information required by the commission. The applicant shall 171805
set forth in the application if the applicant has been issued 171806
prior gambling-related licenses; if the applicant has been 171807
licensed in any other state under any other name, and, if so, the 171808
name under which the license was issued and the applicant's age at 171809
the time the license was issued; any criminal conviction the 171810
applicant has had; and if a permit or license issued to the 171811
applicant in any other state has been suspended, restricted, or 171812
revoked, and, if so, the cause and the duration of each action. 171813

(E) Each applicant shall submit with each application, on a 171814
form provided by the commission, two sets of the applicant's 171815
fingerprints. The commission shall charge each applicant an 171816
application fee to cover all actual costs generated by each 171817

licensee and all background checks. 171818

(F) Notwithstanding the requirements for a license under this 171819
section, the commission shall issue a casino gaming employee 171820
license in accordance with Chapter 4796. of the Revised Code to an 171821
applicant if either of the following applies: 171822

(1) The applicant holds a license in another state. 171823

(2) The applicant has satisfactory work experience, a 171824
government certification, or a private certification as described 171825
in that chapter as a casino gaming employee in a state that does 171826
not issue that license. 171827

Section 130.36. That the existing versions of sections 171828
3772.13 and 3772.131 of the Revised Code that are scheduled to 171829
take effect December 29, 2023, are hereby repealed. 171830

Section 130.37. Sections 130.35 and 130.36 of this act take 171831
effect December 29, 2023. 171832

Section 130.50. That the version of section 3701.351 of the 171833
Revised Code that is scheduled to take effect September 30, 2024, 171834
be amended to read as follows: 171835

Sec. 3701.351. (A) The governing body of every hospital shall 171836
set standards and procedures to be applied by the hospital and its 171837
medical staff in considering and acting upon applications for 171838
staff membership or professional privileges. These standards and 171839
procedures shall be available for public inspection. 171840

(B) The governing body of any hospital, in considering and 171841
acting upon applications for staff membership or professional 171842
privileges within the scope of the applicants' respective 171843
licensures, shall not discriminate against a qualified person 171844
solely on the basis of whether that person is licensed to practice 171845

medicine, osteopathic medicine, or podiatry, is licensed to 171846
practice dentistry or psychology, or is licensed to practice 171847
nursing as an advanced practice registered nurse. Staff membership 171848
or professional privileges shall be considered and acted on in 171849
accordance with standards and procedures established under 171850
division (A) of this section. This section does not permit a 171851
psychologist to admit a patient to a hospital in violation of 171852
section 3727.06 of the Revised Code. 171853

(C) The governing body of any hospital that provides 171854
maternity services, in considering and acting upon applications 171855
for clinical privileges, shall not discriminate against a 171856
qualified person solely on the basis that the person is authorized 171857
to practice nurse-midwifery. An application from a certified 171858
nurse-midwife who is not employed by the hospital shall contain 171859
the name of a physician member of the hospital's medical staff who 171860
holds clinical privileges in obstetrics at that hospital and who 171861
has agreed to be the collaborating physician for the applicant in 171862
accordance with section 4723.43 of the Revised Code. 171863

(D) Any person may apply to the court of common pleas for 171864
temporary or permanent injunctions restraining a violation of 171865
division (A), (B), or (C) of this section. This action is an 171866
additional remedy not dependent on the adequacy of the remedy at 171867
law. 171868

(E)(1) If a hospital does not provide or permit the provision 171869
of any diagnostic or treatment service for mental or emotional 171870
disorders or any other service that may be legally performed by a 171871
psychologist licensed under Chapter 4732. of the Revised Code, 171872
this section does not require the hospital to provide or permit 171873
the provision of any such service and the hospital shall be exempt 171874
from requirements of this section pertaining to psychologists. 171875

(2) This section does not impair the right of a hospital to 171876
enter into an employment, personal service, or any other kind of 171877

contract with a licensed psychologist, upon any such terms as the 171878
parties may mutually agree, for the provision of any service that 171879
may be legally performed by a licensed psychologist. 171880

Section 130.51. That the existing version of section 3701.351 171881
of the Revised Code that is scheduled to take effect September 30, 171882
2024, is hereby repealed. 171883

Section 130.52. Sections 130.50 and 130.51 of this act take 171884
effect September 30, 2024. 171885

Section 130.53. That the versions of sections 3727.70 and 171886
4723.431 of the Revised Code that are scheduled to take effect 171887
September 30, 2024, are hereby repealed. 171888

Section 130.54. That Sections 130.11 and 130.12 (as amended 171889
by H.B. 66 of the 134th General Assembly) of H.B. 110 of the 134th 171890
General Assembly be amended to read as follows: 171891

Sec. 130.11. That existing sections 111.15, 140.01, 3701.07, 171892
3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 171893
3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 171894
3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 171895
3711.10, 3711.12, 3711.14, 3711.30, ~~3727.70~~, 3781.112, 3901.40, 171896
3929.67, ~~4723.431~~, 4723.481, 4730.411, 4731.31, and 4761.01 are 171897
hereby repealed. 171898

Sec. 130.12. That sections 3702.11, 3702.12, 3702.13, 171899
3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 171900
3727.01, 3727.02, 3727.03, 3727.04, 3727.05, ~~3727.06~~, 3727.07, and 171901
3727.99 of the Revised Code are hereby repealed. 171902

Section 130.55. That existing Sections 130.11 and 130.12 (as 171903
amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of 171904

the 134th General Assembly are hereby repealed. 171905

Section 130.56. Sections 130.54 and 130.55 of this act remove 171906
the limitations imposed on the continued existence of sections 171907
3727.06, 3727.70, and 4723.431 of the Revised Code. 171908

Section 130.70. That sections 2743.671, 2907.13, 2907.231, 171909
2925.11, 2929.20, 2930.06, 2930.171, 2930.20, 2935.10, 2953.31, 171910
2953.32, 2953.33, 2953.34, 2953.39, 2967.131, 2967.26, 4511.204, 171911
and 4731.862 of the Revised Code be amended to read as follows: 171912

Sec. 2743.671. (A) As used in this section, notwithstanding 171913
the definition of the term set forth in section 2743.51 of the 171914
Revised Code, "funeral expenses" means the payment of cremation or 171915
burial services of the decedent. 171916

(B) Before acting on an application for an award of 171917
reparations that has been filed pursuant to section 2743.56 of the 171918
Revised Code, the attorney general may make an emergency award for 171919
funeral expenses if at the time the application for emergency 171920
funeral expenses is made the claimant is the party responsible for 171921
the victim's funeral expenses and the information that is then 171922
available to the attorney general supports a finding of reasonable 171923
belief that all of the following criteria are met: 171924

(1) That the requirements for a final award under division 171925
(C) of section 2743.59 of the Revised Code may be satisfied; 171926

(2) The decedent and the claimant are indigent; 171927

(3) The claimant will suffer undue hardship if immediate 171928
economic relief is not obtained. 171929

(C) An emergency award for funeral expenses under this 171930
section may only be made before cremation or burial of the 171931
decedent. Payment for funeral expenses under this section shall be 171932

the full award for such expenses arising from the death of the 171933
victim. No additional payment for funeral expenses shall be made 171934
to the funeral home, to the claimant applicant, or to any other 171935
claimant. A determination under this section does not preclude the 171936
attorney general from determining eligibility and awarding 171937
reparations for any expenses other than those related to the 171938
funeral. 171939

(D) If, after a payment of emergency funeral expenses is 171940
awarded under this section, a final determination is made that no 171941
compensation on the application for an award of reparations will 171942
be made, the claimant or victim may be required to repay the 171943
entire emergency award. 171944

Sec. 2907.13. (A) As used in this section: 171945

(1) "Human reproductive material" means: 171946

(a) Human spermatozoa or ova; 171947

(b) A human organism at any stage of development from 171948
fertilized ovum to embryo. 171949

(2) "Assisted reproduction" means a method of causing 171950
pregnancy other than through sexual intercourse including all of 171951
the following: 171952

(a) Intrauterine insemination; 171953

(b) Human reproductive material donation; 171954

(c) In vitro fertilization and transfer of embryos; 171955

(d) Intracytoplasmic sperm injection. 171956

(3) "Donor" means an individual who provides human 171957
reproductive material to a health care professional to be used for 171958
assisted reproduction, regardless of whether the human 171959
reproductive material is provided for consideration. The term does 171960
not include any of the following: 171961

(a) A husband or a wife who provides human reproductive material to be used for assisted reproduction by the wife;	171962 171963
(b) A woman who gives birth to a child by means of assisted reproduction;	171964 171965
(c) An unmarried man who, with the intent to be the father of the resulting child, provides human reproductive material to be used for assisted reproduction by an unmarried woman.	171966 171967 171968
(4) "Health care professional" means any of the following:	171969
(a) A physician;	171970
(b) An advanced practice registered nurse;	171971
(c) A certified nurse practitioner;	171972
(d) A clinical nurse specialist;	171973
(e) A physician's assistant;	171974
(f) A certified nurse-midwife.	171975
(B) No health care professional shall, in connection with an assisted reproduction procedure, knowingly do any of the following:	171976 171977 171978
(1) Use human reproductive material from the health care provider <u>professional</u> , donor, or any other person while performing the procedure if the patient receiving the procedure has not expressly consented to the use of that material- <u>i</u>	171979 171980 171981 171982
(2) Fail to comply with the standards or requirements of sections 3111.88 to 3111.96 of the Revised Code, including the terms of the required written consent form;	171983 171984 171985
(3) Misrepresent to the patient receiving the procedure any material information about the donor's profile, including the types of information listed in division (A)(2) of section 3111.93 of the Revised Code, or the manner or extent to which the material will be used.	171986 171987 171988 171989 171990

(C) Whoever violates this section is guilty of fraudulent assisted reproduction, a felony of the third degree. If an offender commits a violation of division (B) of this section and the violation occurs as part of a course of conduct involving other violations of division (B) of this section, a violation of this section is a felony of the second degree. The course of conduct may involve one victim or more than one victim.

(D) Patient consent to the use of human reproductive material from an anonymous donor is not effective to provide consent for use of human reproductive material of the health care professional performing the procedure.

(E) It is not a defense to a violation of this section that a patient expressly consented in writing, or by any other means, to the use of human reproductive material from an anonymous donor.

Sec. 2907.231. (A) As used in this section:

(1) "Person with a developmental disability" has the same meaning as in section 2905.32 of the Revised Code.

(2) "Sexual activity for hire" means an implicit or explicit agreement to provide sexual activity in exchange for anything of value paid to the person engaging in such sexual activity, to any person trafficking that person, or to any person associated with either such person.

(B) No person shall recklessly induce, entice, or procure another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person.

(C) No person shall recklessly induce, entice, or procure another to engage in sexual activity for hire in exchange for the person giving anything of value to the other person if the other person is a person with a developmental disability and the offender knows or has reasonable cause to believe that the other

person is a person with a developmental disability. 172021

(D) Whoever violates division (B) of this section is guilty 172022
of engaging in prostitution, a misdemeanor of the first degree. 172023
Whoever violates division (C) of this section is guilty of 172024
engaging in prostitution with a person with a developmental 172025
disability, a felony of the third degree. In sentencing ~~the~~ an 172026
offender under this division for a violation of division (B) or 172027
(C) of this section, the court shall require the offender to 172028
attend an education or treatment program aimed at preventing 172029
persons from inducing, enticing, or procuring another to engage in 172030
sexual activity for hire in exchange for the person giving 172031
anything of value to the other person ~~and, notwithstanding .~~ 172032
Notwithstanding the fine specified in division (A)(2)(a) of 172033
section 2929.28 of the Revised Code for a misdemeanor of the first 172034
degree, in sentencing an offender under this division for a 172035
violation of division (B) of this section, the court may impose 172036
upon the offender a fine of not more than one thousand five 172037
hundred dollars. 172038

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 172039
or use a controlled substance or a controlled substance analog. 172040

(B)(1) This section does not apply to any of the following: 172041

(a) Manufacturers, licensed health professionals authorized 172042
to prescribe drugs, pharmacists, owners of pharmacies, and other 172043
persons whose conduct was in accordance with Chapters 3719., 172044
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 172045

(b) If the offense involves an anabolic steroid, any person 172046
who is conducting or participating in a research project involving 172047
the use of an anabolic steroid if the project has been approved by 172048
the United States food and drug administration; 172049

(c) Any person who sells, offers for sale, prescribes, 172050

dispenses, or administers for livestock or other nonhuman species 172051
an anabolic steroid that is expressly intended for administration 172052
through implants to livestock or other nonhuman species and 172053
approved for that purpose under the "Federal Food, Drug, and 172054
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 172055
and is sold, offered for sale, prescribed, dispensed, or 172056
administered for that purpose in accordance with that act; 172057

(d) Any person who obtained the controlled substance pursuant 172058
to a prescription issued by a licensed health professional 172059
authorized to prescribe drugs if the prescription was issued for a 172060
legitimate medical purpose and not altered, forged, or obtained 172061
through deception or commission of a theft offense. 172062

As used in division (B)(1)(d) of this section, "deception" 172063
and "theft offense" have the same meanings as in section 2913.01 172064
of the Revised Code. 172065

(2)(a) As used in division (B)(2) of this section: 172066

(i) "Community addiction services provider" has the same 172067
meaning as in section 5119.01 of the Revised Code. 172068

(ii) "Community control sanction" ~~and "drug treatment~~ 172069
~~program" have~~ has the same ~~meanings~~ meaning as in section 2929.01 172070
of the Revised Code. 172071

(iii) "Health care facility" has the same meaning as in 172072
section 2919.16 of the Revised Code. 172073

(iv) "Minor drug possession offense" means a violation of 172074
this section that is a misdemeanor or a felony of the fifth 172075
degree. 172076

(v) "Post-release control sanction" has the same meaning as 172077
in section 2967.28 of the Revised Code. 172078

(vi) "Peace officer" has the same meaning as in section 172079
2935.01 of the Revised Code. 172080

(vii) "Public agency" has the same meaning as in section 172081
2930.01 of the Revised Code. 172082

(viii) "Qualified individual" means a person who is acting in 172083
good faith who seeks or obtains medical assistance for another 172084
person who is experiencing a drug overdose, a person who 172085
experiences a drug overdose and who seeks medical assistance for 172086
that overdose, or a person who is the subject of another person 172087
seeking or obtaining medical assistance for that overdose as 172088
described in division (B)(2)(b) of this section. 172089

(ix) "Seek or obtain medical assistance" includes, but is not 172090
limited to making a 9-1-1 call, contacting in person or by 172091
telephone call an on-duty peace officer, or transporting or 172092
presenting a person to a health care facility. 172093

(b) Subject to division (B)(2)(e) of this section, a 172094
qualified individual shall not be arrested, charged, prosecuted, 172095
convicted, or penalized pursuant to this chapter for a minor drug 172096
possession offense or a violation of section 2925.12, division 172097
(C)(1) of section 2925.14, or section 2925.141 of the Revised Code 172098
if all of the following apply: 172099

(i) The evidence of the obtaining, possession, or use of the 172100
controlled substance or controlled substance analog, drug abuse 172101
instruments, or drug paraphernalia that would be the basis of the 172102
offense was obtained as a result of the qualified individual 172103
seeking the medical assistance or experiencing an overdose and 172104
needing medical assistance. 172105

(ii) Subject to division (B)(2)(f) of this section, within 172106
thirty days after seeking or obtaining the medical assistance, the 172107
qualified individual seeks and obtains a screening and receives a 172108
referral for treatment from a community addiction services 172109
provider or a properly credentialed addiction treatment 172110
professional. 172111

(iii) Subject to division (B)(2)(f) of this section, the qualified individual who obtains a screening and receives a referral for treatment under division (B)(2)(b)(ii) of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division. The documentation shall be limited to the date and time of the screening obtained and referral received.

(c) If a person who is serving a community control sanction or is under a sanction on post-release control acts pursuant to division (B)(2)(b) of this section, then division (B) of section 2929.141, division (B)(2) of section 2929.15, division (D)(3) of section 2929.25, or division (F)(3) of section 2967.28 of the Revised Code applies to the person with respect to any violation of the sanction or post-release control sanction based on a minor drug possession offense, as defined in section 2925.11 of the Revised Code, or a violation of section 2925.12, division (C)(1) of section 2925.14, or section 2925.141 of the Revised Code.

(d) Nothing in division (B)(2)(b) of this section shall be construed to do any of the following:

(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B)(2)(b) of this section or with regards to any crime other than a minor drug possession offense or a violation of section 2925.12, division (C)(1) of section 2925.14, or section 2925.141 of the Revised Code committed by a person who qualifies for protection pursuant to division (B)(2)(b) of this section;

(ii) Limit any seizure of evidence or contraband otherwise permitted by law;

(iii) Limit or abridge the authority of a peace officer to

detain or take into custody a person in the course of an 172143
investigation or to effectuate an arrest for any offense except as 172144
provided in that division; 172145

(iv) Limit, modify, or remove any immunity from liability 172146
available pursuant to law in effect prior to September 13, 2016, 172147
to any public agency or to an employee of any public agency. 172148

(e) Division (B)(2)(b) of this section does not apply to any 172149
person who twice previously has been granted an immunity under 172150
division (B)(2)(b) of this section. No person shall be granted an 172151
immunity under division (B)(2)(b) of this section more than two 172152
times. 172153

(f) Nothing in this section shall compel any qualified 172154
individual to disclose protected health information in a way that 172155
conflicts with the requirements of the "Health Insurance 172156
Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 172157
110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 172158
regulations promulgated by the United States department of health 172159
and human services to implement the act or the requirements of 42 172160
C.F.R. Part 2. 172161

(C) Whoever violates division (A) of this section is guilty 172162
of one of the following: 172163

(1) If the drug involved in the violation is a compound, 172164
mixture, preparation, or substance included in schedule I or II, 172165
with the exception of marihuana, cocaine, L.S.D., heroin, any 172166
fentanyl-related compound, hashish, and any controlled substance 172167
analog, whoever violates division (A) of this section is guilty of 172168
aggravated possession of drugs. The penalty for the offense shall 172169
be determined as follows: 172170

(a) Except as otherwise provided in division (C)(1)(b), (c), 172171
(d), or (e) of this section, aggravated possession of drugs is a 172172
felony of the fifth degree, and division (B) of section 2929.13 of 172173

the Revised Code applies in determining whether to impose a prison term on the offender. 172174
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(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. 172176
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(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 172180
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(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 172185
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(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term. 172190
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(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows: 172195
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(a) Except as otherwise provided in division (C)(2)(b), (c), or (d) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony of the fifth degree. 172200
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(b) If the amount of the drug involved equals or exceeds the 172204

bulk amount but is less than five times the bulk amount, 172205
possession of drugs is a felony of the fourth degree, and division 172206
(C) of section 2929.13 of the Revised Code applies in determining 172207
whether to impose a prison term on the offender. 172208

(c) If the amount of the drug involved equals or exceeds five 172209
times the bulk amount but is less than fifty times the bulk 172210
amount, possession of drugs is a felony of the third degree, and 172211
there is a presumption for a prison term for the offense. 172212

(d) If the amount of the drug involved equals or exceeds 172213
fifty times the bulk amount, possession of drugs is a felony of 172214
the second degree, and the court shall impose upon the offender as 172215
a mandatory prison term a second degree felony mandatory prison 172216
term. 172217

(3) If the drug involved in the violation is marihuana or a 172218
compound, mixture, preparation, or substance containing marihuana 172219
other than hashish, whoever violates division (A) of this section 172220
is guilty of possession of marihuana. The penalty for the offense 172221
shall be determined as follows: 172222

(a) Except as otherwise provided in division (C)(3)(b), (c), 172223
(d), (e), (f), or (g) of this section, possession of marihuana is 172224
a minor misdemeanor. 172225

(b) If the amount of the drug involved equals or exceeds one 172226
hundred grams but is less than two hundred grams, possession of 172227
marihuana is a misdemeanor of the fourth degree. 172228

(c) If the amount of the drug involved equals or exceeds two 172229
hundred grams but is less than one thousand grams, possession of 172230
marihuana is a felony of the fifth degree, and division (B) of 172231
section 2929.13 of the Revised Code applies in determining whether 172232
to impose a prison term on the offender. 172233

(d) If the amount of the drug involved equals or exceeds one 172234
thousand grams but is less than five thousand grams, possession of 172235

marihuana is a felony of the third degree, and division (C) of 172236
section 2929.13 of the Revised Code applies in determining whether 172237
to impose a prison term on the offender. 172238

(e) If the amount of the drug involved equals or exceeds five 172239
thousand grams but is less than twenty thousand grams, possession 172240
of marihuana is a felony of the third degree, and there is a 172241
presumption that a prison term shall be imposed for the offense. 172242

(f) If the amount of the drug involved equals or exceeds 172243
twenty thousand grams but is less than forty thousand grams, 172244
possession of marihuana is a felony of the second degree, and the 172245
court shall impose as a mandatory prison term a second degree 172246
felony mandatory prison term of five, six, seven, or eight years. 172247

(g) If the amount of the drug involved equals or exceeds 172248
forty thousand grams, possession of marihuana is a felony of the 172249
second degree, and the court shall impose as a mandatory prison 172250
term a maximum second degree felony mandatory prison term. 172251

(4) If the drug involved in the violation is cocaine or a 172252
compound, mixture, preparation, or substance containing cocaine, 172253
whoever violates division (A) of this section is guilty of 172254
possession of cocaine. The penalty for the offense shall be 172255
determined as follows: 172256

(a) Except as otherwise provided in division (C)(4)(b), (c), 172257
(d), (e), or (f) of this section, possession of cocaine is a 172258
felony of the fifth degree, and division (B) of section 2929.13 of 172259
the Revised Code applies in determining whether to impose a prison 172260
term on the offender. 172261

(b) If the amount of the drug involved equals or exceeds five 172262
grams but is less than ten grams of cocaine, possession of cocaine 172263
is a felony of the fourth degree, and division (B) of section 172264
2929.13 of the Revised Code applies in determining whether to 172265
impose a prison term on the offender. 172266

(c) If the amount of the drug involved equals or exceeds ten 172267
grams but is less than twenty grams of cocaine, possession of 172268
cocaine is a felony of the third degree, and, except as otherwise 172269
provided in this division, there is a presumption for a prison 172270
term for the offense. If possession of cocaine is a felony of the 172271
third degree under this division and if the offender two or more 172272
times previously has been convicted of or pleaded guilty to a 172273
felony drug abuse offense, the court shall impose as a mandatory 172274
prison term one of the prison terms prescribed for a felony of the 172275
third degree. 172276

(d) If the amount of the drug involved equals or exceeds 172277
twenty grams but is less than twenty-seven grams of cocaine, 172278
possession of cocaine is a felony of the second degree, and the 172279
court shall impose as a mandatory prison term a second degree 172280
felony mandatory prison term. 172281

(e) If the amount of the drug involved equals or exceeds 172282
twenty-seven grams but is less than one hundred grams of cocaine, 172283
possession of cocaine is a felony of the first degree, and the 172284
court shall impose as a mandatory prison term a first degree 172285
felony mandatory prison term. 172286

(f) If the amount of the drug involved equals or exceeds one 172287
hundred grams of cocaine, possession of cocaine is a felony of the 172288
first degree, the offender is a major drug offender, and the court 172289
shall impose as a mandatory prison term a maximum first degree 172290
felony mandatory prison term. 172291

(5) If the drug involved in the violation is L.S.D., whoever 172292
violates division (A) of this section is guilty of possession of 172293
L.S.D. The penalty for the offense shall be determined as follows: 172294

(a) Except as otherwise provided in division (C)(5)(b), (c), 172295
(d), (e), or (f) of this section, possession of L.S.D. is a felony 172296
of the fifth degree, and division (B) of section 2929.13 of the 172297

Revised Code applies in determining whether to impose a prison term on the offender. 172298
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(b) If the amount of L.S.D. involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 172300
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(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense. 172308
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(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 172315
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(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 172323
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(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), or (f) of this section, possession of heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams,

possession of heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(7)(b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish

in a liquid concentrate, liquid extract, or liquid distillate 172392
form, possession of hashish is a felony of the fifth degree, and 172393
division (B) of section 2929.13 of the Revised Code applies in 172394
determining whether to impose a prison term on the offender. 172395

(d) If the amount of the drug involved equals or exceeds 172396
fifty grams but is less than two hundred fifty grams of hashish in 172397
a solid form or equals or exceeds ten grams but is less than fifty 172398
grams of hashish in a liquid concentrate, liquid extract, or 172399
liquid distillate form, possession of hashish is a felony of the 172400
third degree, and division (C) of section 2929.13 of the Revised 172401
Code applies in determining whether to impose a prison term on the 172402
offender. 172403

(e) If the amount of the drug involved equals or exceeds two 172404
hundred fifty grams but is less than one thousand grams of hashish 172405
in a solid form or equals or exceeds fifty grams but is less than 172406
two hundred grams of hashish in a liquid concentrate, liquid 172407
extract, or liquid distillate form, possession of hashish is a 172408
felony of the third degree, and there is a presumption that a 172409
prison term shall be imposed for the offense. 172410

(f) If the amount of the drug involved equals or exceeds one 172411
thousand grams but is less than two thousand grams of hashish in a 172412
solid form or equals or exceeds two hundred grams but is less than 172413
four hundred grams of hashish in a liquid concentrate, liquid 172414
extract, or liquid distillate form, possession of hashish is a 172415
felony of the second degree, and the court shall impose as a 172416
mandatory prison term a second degree felony mandatory prison term 172417
of five, six, seven, or eight years. 172418

(g) If the amount of the drug involved equals or exceeds two 172419
thousand grams of hashish in a solid form or equals or exceeds 172420
four hundred grams of hashish in a liquid concentrate, liquid 172421
extract, or liquid distillate form, possession of hashish is a 172422
felony of the second degree, and the court shall impose as a 172423

mandatory prison term a maximum second degree felony mandatory
prison term. 172424
172425

(8) If the drug involved is a controlled substance analog or 172426
compound, mixture, preparation, or substance that contains a 172427
controlled substance analog, whoever violates division (A) of this 172428
section is guilty of possession of a controlled substance analog. 172429
The penalty for the offense shall be determined as follows: 172430

(a) Except as otherwise provided in division (C)(8)(b), (c), 172431
(d), (e), or (f) of this section, possession of a controlled 172432
substance analog is a felony of the fifth degree, and division (B) 172433
of section 2929.13 of the Revised Code applies in determining 172434
whether to impose a prison term on the offender. 172435

(b) If the amount of the drug involved equals or exceeds ten 172436
grams but is less than twenty grams, possession of a controlled 172437
substance analog is a felony of the fourth degree, and there is a 172438
presumption for a prison term for the offense. 172439

(c) If the amount of the drug involved equals or exceeds 172440
twenty grams but is less than thirty grams, possession of a 172441
controlled substance analog is a felony of the third degree, and 172442
there is a presumption for a prison term for the offense. 172443

(d) If the amount of the drug involved equals or exceeds 172444
thirty grams but is less than forty grams, possession of a 172445
controlled substance analog is a felony of the second degree, and 172446
the court shall impose as a mandatory prison term a second degree 172447
felony mandatory prison term. 172448

(e) If the amount of the drug involved equals or exceeds 172449
forty grams but is less than fifty grams, possession of a 172450
controlled substance analog is a felony of the first degree, and 172451
the court shall impose as a mandatory prison term a first degree 172452
felony mandatory prison term. 172453

(f) If the amount of the drug involved equals or exceeds 172454

fifty grams, possession of a controlled substance analog is a 172455
felony of the first degree, the offender is a major drug offender, 172456
and the court shall impose as a mandatory prison term a maximum 172457
first degree felony mandatory prison term. 172458

(9) If the drug involved in the violation is a compound, 172459
mixture, preparation, or substance that is a combination of a 172460
fentanyl-related compound and marihuana, one of the following 172461
applies: 172462

(a) Except as otherwise provided in division (C)(9)(b) of 172463
this section, the offender is guilty of possession of marihuana 172464
and shall be punished as provided in division (C)(3) of this 172465
section. Except as otherwise provided in division (C)(9)(b) of 172466
this section, the offender is not guilty of possession of a 172467
fentanyl-related compound under division (C)(11) of this section 172468
and shall not be charged with, convicted of, or punished under 172469
division (C)(11) of this section for possession of a 172470
fentanyl-related compound. 172471

(b) If the offender knows or has reason to know that the 172472
compound, mixture, preparation, or substance that is the drug 172473
involved contains a fentanyl-related compound, the offender is 172474
guilty of possession of a fentanyl-related compound and shall be 172475
punished under division (C)(11) of this section. 172476

(10) If the drug involved in the violation is a compound, 172477
mixture, preparation, or substance that is a combination of a 172478
fentanyl-related compound and any schedule III, schedule IV, or 172479
schedule V controlled substance that is not a fentanyl-related 172480
compound, one of the following applies: 172481

(a) Except as otherwise provided in division (C)(10)(b) of 172482
this section, the offender is guilty of possession of drugs and 172483
shall be punished as provided in division (C)(2) of this section. 172484
Except as otherwise provided in division (C)(10)(b) of this 172485

section, the offender is not guilty of possession of a 172486
fentanyl-related compound under division (C)(11) of this section 172487
and shall not be charged with, convicted of, or punished under 172488
division (C)(11) of this section for possession of a 172489
fentanyl-related compound. 172490

(b) If the offender knows or has reason to know that the 172491
compound, mixture, preparation, or substance that is the drug 172492
involved contains a fentanyl-related compound, the offender is 172493
guilty of possession of a fentanyl-related compound and shall be 172494
punished under division (C)(11) of this section. 172495

(11) If the drug involved in the violation is a 172496
fentanyl-related compound and neither division (C)(9)(a) nor 172497
division (C)(10)(a) of this section applies to the drug involved, 172498
or is a compound, mixture, preparation, or substance that contains 172499
a fentanyl-related compound or is a combination of a 172500
fentanyl-related compound and any other controlled substance and 172501
neither division (C)(9)(a) nor division (C)(10)(a) of this section 172502
applies to the drug involved, whoever violates division (A) of 172503
this section is guilty of possession of a fentanyl-related 172504
compound. The penalty for the offense shall be determined as 172505
follows: 172506

(a) Except as otherwise provided in division (C)(11)(b), (c), 172507
(d), (e), (f), or (g) of this section, possession of a 172508
fentanyl-related compound is a felony of the fifth degree, and 172509
division (B) of section 2929.13 of the Revised Code applies in 172510
determining whether to impose a prison term on the offender. 172511

(b) If the amount of the drug involved equals or exceeds ten 172512
unit doses but is less than fifty unit doses or equals or exceeds 172513
one gram but is less than five grams, possession of a 172514
fentanyl-related compound is a felony of the fourth degree, and 172515
division (C) of section 2929.13 of the Revised Code applies in 172516
determining whether to impose a prison term on the offender. 172517

(c) If the amount of the drug involved equals or exceeds 172518
fifty unit doses but is less than one hundred unit doses or equals 172519
or exceeds five grams but is less than ten grams, possession of a 172520
fentanyl-related compound is a felony of the third degree, and 172521
there is a presumption for a prison term for the offense. 172522

(d) If the amount of the drug involved equals or exceeds one 172523
hundred unit doses but is less than two hundred unit doses or 172524
equals or exceeds ten grams but is less than twenty grams, 172525
possession of a fentanyl-related compound is a felony of the 172526
second degree, and the court shall impose as a mandatory prison 172527
term one of the prison terms prescribed for a felony of the second 172528
degree. 172529

(e) If the amount of the drug involved equals or exceeds two 172530
hundred unit doses but is less than five hundred unit doses or 172531
equals or exceeds twenty grams but is less than fifty grams, 172532
possession of a fentanyl-related compound is a felony of the first 172533
degree, and the court shall impose as a mandatory prison term one 172534
of the prison terms prescribed for a felony of the first degree. 172535

(f) If the amount of the drug involved equals or exceeds five 172536
hundred unit doses but is less than one thousand unit doses or 172537
equals or exceeds fifty grams but is less than one hundred grams, 172538
possession of a fentanyl-related compound is a felony of the first 172539
degree, and the court shall impose as a mandatory prison term the 172540
maximum prison term prescribed for a felony of the first degree. 172541

(g) If the amount of the drug involved equals or exceeds one 172542
thousand unit doses or equals or exceeds one hundred grams, 172543
possession of a fentanyl-related compound is a felony of the first 172544
degree, the offender is a major drug offender, and the court shall 172545
impose as a mandatory prison term the maximum prison term 172546
prescribed for a felony of the first degree. 172547

(D) Arrest or conviction for a minor misdemeanor violation of 172548

this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five years. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. If applicable, the court also shall do the following:

(1)(a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in

accordance with and subject to the requirements of division (F) of 172581
section 2925.03 of the Revised Code. The agency that receives the 172582
fine shall use the fine as specified in division (F) of section 172583
2925.03 of the Revised Code. 172584

(c) If a person is charged with a violation of this section 172585
that is a felony of the first, second, or third degree, posts 172586
bail, and forfeits the bail, the clerk shall pay the forfeited 172587
bail pursuant to division (E)(1)(b) of this section as if it were 172588
a mandatory fine imposed under division (E)(1)(a) of this section. 172589

(2) If the offender is a professionally licensed person, in 172590
addition to any other sanction imposed for a violation of this 172591
section, the court immediately shall comply with section 2925.38 172592
of the Revised Code. 172593

(F) It is an affirmative defense, as provided in section 172594
2901.05 of the Revised Code, to a charge of a fourth degree felony 172595
violation under this section that the controlled substance that 172596
gave rise to the charge is in an amount, is in a form, is 172597
prepared, compounded, or mixed with substances that are not 172598
controlled substances in a manner, or is possessed under any other 172599
circumstances, that indicate that the substance was possessed 172600
solely for personal use. Notwithstanding any contrary provision of 172601
this section, if, in accordance with section 2901.05 of the 172602
Revised Code, an accused who is charged with a fourth degree 172603
felony violation of division (C)(2), (4), (5), or (6) of this 172604
section sustains the burden of going forward with evidence of and 172605
establishes by a preponderance of the evidence the affirmative 172606
defense described in this division, the accused may be prosecuted 172607
for and may plead guilty to or be convicted of a misdemeanor 172608
violation of division (C)(2) of this section or a fifth degree 172609
felony violation of division (C)(4), (5), or (6) of this section 172610
respectively. 172611

(G) When a person is charged with possessing a bulk amount or 172612

multiple of a bulk amount, division (E) of section 2925.03 of the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

(H) It is an affirmative defense to a charge of possession of a controlled substance analog under division (C)(8) of this section that the person charged with violating that offense obtained, possessed, or used one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:

(1) A controlled substance;

(2) Any substance for which there is an approved new drug application;

(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.

(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate the suspension.

Sec. 2929.20. (A) As used in this section: 172643

(1)(a) Except as provided in division (A)(1)(b) of this 172644
section, "eligible offender" means any person who, on or after 172645
April 7, 2009, is serving a stated prison term that includes one 172646
or more nonmandatory prison terms. A person may be an eligible 172647
offender and also may be an eighty per cent-qualifying offender 172648
or, during a declared state of emergency, a state of 172649
emergency-qualifying offender. 172650

(b) "Eligible offender" does not include any person who, on 172651
or after April 7, 2009, is serving a stated prison term for any of 172652
the following criminal offenses that was a felony and was 172653
committed while the person held a public office in this state: 172654

(i) A violation of section 2921.02, 2921.03, 2921.05, 172655
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 172656
Code; 172657

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 172658
2921.12 of the Revised Code, when the conduct constituting the 172659
violation was related to the duties of the offender's public 172660
office or to the offender's actions as a public official holding 172661
that public office; 172662

(iii) A violation of an existing or former municipal 172663
ordinance or law of this or any other state or the United States 172664
that is substantially equivalent to any violation listed in 172665
division (A)(1)(b)(i) of this section; 172666

(iv) A violation of an existing or former municipal ordinance 172667
or law of this or any other state or the United States that is 172668
substantially equivalent to any violation listed in division 172669
(A)(1)(b)(ii) of this section, when the conduct constituting the 172670
violation was related to the duties of the offender's public 172671
office or to the offender's actions as a public official holding 172672

that public office; 172673

(v) A conspiracy to commit, attempt to commit, or complicity 172674
in committing any offense listed in division (A)(1)(b)(i) or 172675
described in division (A)(1)(b)(iii) of this section; 172676

(vi) A conspiracy to commit, attempt to commit, or complicity 172677
in committing any offense listed in division (A)(1)(b)(ii) or 172678
described in division (A)(1)(b)(iv) of this section, if the 172679
conduct constituting the offense that was the subject of the 172680
conspiracy, that would have constituted the offense attempted, or 172681
constituting the offense in which the offender was complicit was 172682
or would have been related to the duties of the offender's public 172683
office or to the offender's actions as a public official holding 172684
that public office. 172685

(2) "State of emergency-qualifying offender" means any inmate 172686
to whom all of the following apply: 172687

(a) The inmate is serving a stated prison term during a state 172688
of emergency that is declared by the governor as a direct response 172689
to a pandemic or public health emergency. 172690

(b) The geographical area covered by the declared state of 172691
emergency includes the location at which the inmate is serving the 172692
stated prison term described in division (A)(2)(a) of this 172693
section. 172694

(c) There is a direct nexus between the emergency that is the 172695
basis of the governor's declaration of the state of emergency and 172696
the circumstances of, and need for release of, the inmate. 172697

(3)(a) "Eighty per cent-qualifying offender" means an 172698
offender who is serving a stated prison term of one year or more, 172699
who has commenced service of that stated prison term, who is not 172700
serving a stated prison term that includes a disqualifying prison 172701
term or a stated prison term that consists solely of one or more 172702
restricting prison terms, and to whom either of the following 172703

applies: 172704

(i) If the offender is serving a stated prison term of one 172705
year or more that includes one or more restricting prison terms 172706
and one or more eligible prison terms, the offender has fully 172707
served all restricting prison terms and has served eighty per cent 172708
of that stated prison term that remains to be served after all 172709
restricting prison terms have been fully served. 172710

(ii) If the offender is serving a stated prison term of one 172711
year or more that consists solely of one or more eligible prison 172712
terms, the offender has served eighty per cent of that stated 172713
prison term. 172714

(b) For purposes of determining whether an offender is an 172715
eighty per cent-qualifying offender under division (A)(3)(a) of 172716
this section: 172717

(i) If the offender's stated prison term includes consecutive 172718
prison terms, any restricting prison terms shall be deemed served 172719
prior to any eligible prison terms that run consecutively to the 172720
restricting prison terms, and the eligible prison terms are deemed 172721
to commence after all of the restricting prison terms have been 172722
fully served. 172723

(ii) An offender serving a stated prison term of one year or 172724
more that includes a mandatory prison term that is not a 172725
disqualifying prison term and is not a restricting prison term is 172726
not automatically disqualified from being an eighty per 172727
cent-qualifying offender as a result of the offender's service of 172728
that mandatory term for release from prison under this section, 172729
and the offender may be eligible for release from prison in 172730
accordance with this division and division (0) of this section. 172731

(4) "Nonmandatory prison term" means a prison term that is 172732
not a mandatory prison term. 172733

(5) "Public office" means any elected federal, state, or 172734

local government office in this state.	172735
(6) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code.	172736 172737
(7) "Imminent danger of death," "medically incapacitated," and "terminal illness" have the same meanings as in section 2967.05 of the Revised Code.	172738 172739 172740
(8) "Aggregated nonmandatory prison term or terms" means the aggregate of the following:	172741 172742
(a) All nonmandatory definite prison terms;	172743
(b) With respect to any non-life felony indefinite prison term, all nonmandatory minimum prison terms imposed as part of the non-life felony indefinite prison term or terms.	172744 172745 172746
(9) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	172747 172748
(10) "Disqualifying prison term" means any of the following:	172749
(a) A prison term imposed for aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, kidnapping, rape, aggravated arson, aggravated burglary, or aggravated robbery;	172750 172751 172752 172753
(b) A prison term imposed for complicity in, an attempt to commit, or conspiracy to commit any offense listed in division (A)(10)(a) of this section;	172754 172755 172756
(c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility;	172757 172758
(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance;	172759 172760 172761 172762
(e) A prison term imposed for any violation of section	172763

2925.03 of the Revised Code that is a felony of the first or
second degree; 172764
172765

(f) A prison term imposed for engaging in a pattern of
corrupt activity in violation of section 2923.32 of the Revised
Code; 172766
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(g) A prison term imposed pursuant to section 2971.03 of the
Revised Code; 172769
172770

(h) A prison term imposed for any sexually oriented offense. 172771

(11) "Eligible prison term" means any prison term that is not
a disqualifying prison term and is not a restricting prison term. 172772
172773

(12) "Restricting prison term" means any of the following: 172774

(a) A mandatory prison term imposed under division (B)(1)(a),
(B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of section
2929.14 of the Revised Code for a specification of the type
described in that division; 172775
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(b) In the case of an offender who has been sentenced to a
mandatory prison term for a specification of the type described in
division (A)(12)(a) of this section, the prison term imposed for
the felony offense for which the specification was stated at the
end of the body of the indictment, count in the indictment, or
information charging the offense; 172779
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(c) A prison term imposed for trafficking in persons; 172785

(d) A prison term imposed for any offense that is described
in division (A)(12)(d)(i) of this section if division
(A)(12)(d)(ii) of this section applies to the offender: 172786
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172788

(i) The offense is a felony of the first or second degree
that is an offense of violence and that is not described in
division (A)(10)(a) or (b) of this section, an attempt to commit a
felony of the first or second degree that is an offense of
violence and that is not described in division (A)(10)(a) or (b) 172789
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of this section if the attempt is a felony of the first or second 172794
degree, or an offense under an existing or former law of this 172795
state, another state, or the United States that is or was 172796
substantially equivalent to any other offense described in this 172797
division. 172798

(ii) The offender previously was convicted of or pleaded 172799
guilty to any offense listed in division (A)(10) or (A)(12)(d)(i) 172800
of this section. 172801

(13) "Sexually oriented offense" has the same meaning as in 172802
section 2950.01 of the Revised Code. 172803

(14) "Stated prison term of one year or more" means a 172804
definite prison term of one year or more imposed as a stated 172805
prison term, or a minimum prison term of one year or more imposed 172806
as part of a stated prison term that is a non-life felony 172807
indefinite prison term. 172808

(B) On the motion of an eligible offender, on the motion of a 172809
state of emergency-qualifying offender made during the declared 172810
state of emergency, or on its own motion with respect to an 172811
eligible offender or with respect to a state of 172812
emergency-qualifying offender during the declared state of 172813
emergency, the sentencing court may reduce the offender's 172814
aggregated nonmandatory prison term or terms through a judicial 172815
release under this section. 172816

(C)(1) Subject to division (C)(2) of this section, an 172817
eligible offender may file a motion for judicial release with the 172818
sentencing court, or a state of emergency-qualifying offender may 172819
file a motion for judicial release with the sentencing court 172820
during the declared state of emergency, within the following 172821
applicable periods: 172822

(a) If the aggregated nonmandatory prison term or terms is 172823
less than two years, the eligible offender or state of 172824

emergency-qualifying offender may file the motion at any time 172825
after the offender is delivered to a state correctional 172826
institution or, if the prison term includes a mandatory prison 172827
term or terms, at any time after the expiration of all mandatory 172828
prison terms. 172829

(b) If the aggregated nonmandatory prison term or terms is at 172830
least two years but less than five years, the eligible offender or 172831
state of emergency-qualifying offender may file the motion not 172832
earlier than one hundred eighty days after the offender is 172833
delivered to a state correctional institution or, if the prison 172834
term includes a mandatory prison term or terms, not earlier than 172835
one hundred eighty days after the expiration of all mandatory 172836
prison terms. 172837

(c) If the aggregated nonmandatory prison term or terms is 172838
five years, the eligible offender or state of emergency-qualifying 172839
offender may file the motion not earlier than the date on which 172840
the offender has served four years of the offender's stated prison 172841
term or, if the prison term includes a mandatory prison term or 172842
terms, not earlier than four years after the expiration of all 172843
mandatory prison terms. 172844

(d) If the aggregated nonmandatory prison term or terms is 172845
more than five years but not more than ten years, the eligible 172846
offender or state of emergency-qualifying offender may file the 172847
motion not earlier than the date on which the offender has served 172848
five years of the offender's stated prison term or, if the prison 172849
term includes a mandatory prison term or terms, not earlier than 172850
five years after the expiration of all mandatory prison terms. 172851

(e) If the aggregated nonmandatory prison term or terms is 172852
more than ten years, the eligible offender or state of 172853
emergency-qualifying offender may file the motion not earlier than 172854
the later of the date on which the offender has served one-half of 172855
the offender's stated prison term or the date specified in 172856

division (C)(1)(d) of this section. 172857

(f) With respect to a state of emergency-qualifying offender, 172858
if the offender's prison term does not include a mandatory prison 172859
term or terms, or if the offender's prison term includes one or 172860
more mandatory prison terms and the offender has completed the 172861
mandatory prison term or terms, the state of emergency-qualifying 172862
offender may file the motion at any time during the offender's 172863
aggregated nonmandatory prison term or terms, provided that time 172864
also is during the declared state of emergency. 172865

(2) ~~A~~ During any single declared state of emergency, a state 172866
of emergency-qualifying offender may only file a motion for 172867
judicial release as a state of emergency-qualifying offender with 172868
the sentencing court during ~~the~~ that declared state of emergency 172869
once every six months. 172870

(D)(1)(a) Upon receipt of a timely motion for judicial 172871
release filed by an eligible offender or a state of 172872
emergency-qualifying offender under division (C) of this section, 172873
or upon the sentencing court's own motion made within the 172874
appropriate time specified in that division, the court may deny 172875
the motion without a hearing or schedule a hearing on the motion. 172876
The court may grant the motion without a hearing for an offender 172877
under consideration for judicial release as a state of 172878
emergency-qualifying offender, but the court shall not grant the 172879
motion without a hearing for an offender under consideration as an 172880
eligible offender. If a court denies a motion without a hearing, 172881
the court later may consider judicial release for that eligible 172882
offender or that state of emergency-qualifying offender on a 172883
subsequent motion. For an offender under consideration for 172884
judicial release as an eligible offender, but not for one under 172885
consideration as a state of emergency-qualifying offender, the 172886
court may deny the motion with prejudice. If a court denies a 172887
motion with prejudice, the court may later consider judicial 172888

release on its own motion. For an offender under consideration for 172889
judicial release as a state of emergency-qualifying offender, the 172890
court shall not deny a motion with prejudice. For an offender 172891
under consideration for judicial release as an eligible offender, 172892
but not for one under consideration as a state of 172893
emergency-qualifying offender, if a court denies a motion after a 172894
hearing, the court shall not consider a subsequent motion for that 172895
offender based on the offender's classification as an eligible 172896
offender. The court may hold multiple hearings for any offender 172897
under consideration for judicial release as a state of 172898
emergency-qualifying offender, but shall hold only one hearing for 172899
any offender under consideration as an eligible offender. 172900

(b) If an offender is under consideration for judicial 172901
release as an eligible offender and the motion is denied, and if 172902
the offender at that time also is or subsequently becomes a state 172903
of emergency-qualifying offender, the denial does not limit or 172904
affect any right of the offender to file a motion under this 172905
section for consideration for judicial release as a state of 172906
emergency-qualifying offender or for the court on its own motion 172907
to consider the offender for judicial release as a state of 172908
emergency-qualifying offender. 172909

If an offender is under consideration for judicial release as 172910
a state of emergency-qualifying offender and the motion is denied, 172911
and if the offender at that time also is or subsequently becomes 172912
an eligible offender, the denial does not limit or affect any 172913
right of the offender to file a motion under this section for 172914
consideration for judicial release as an eligible offender or for 172915
the court on its own motion to consider the offender for judicial 172916
release as an eligible offender. 172917

(2)(a) With respect to a motion for judicial release filed by 172918
an offender as an eligible offender or made by the court on its 172919
own motion for an offender as an eligible offender, a hearing 172920

under this section shall be conducted in open court not less than 172921
thirty or more than sixty days after the motion is filed, provided 172922
that the court may delay the hearing for one hundred eighty 172923
additional days. If the court holds a hearing, the court shall 172924
enter a ruling on the motion within ten days after the hearing. If 172925
the court denies the motion without a hearing, the court shall 172926
enter its ruling on the motion within sixty days after the motion 172927
is filed. 172928

(b) With respect to a motion for judicial release filed by an 172929
offender as a state of emergency-qualifying offender or made by 172930
the court on its own motion for an offender as a state of 172931
emergency-qualifying offender, the court shall notify the 172932
prosecuting attorney of the county in which the offender was 172933
indicted and may order the prosecuting attorney to respond to the 172934
motion in writing within ten days. The prosecuting attorney shall 172935
notify the victim pursuant to the Ohio Constitution. The 172936
prosecuting attorney shall include in the response any statement 172937
that the victim wants to be represented to the court. The court 172938
shall consider any response from the prosecuting attorney and any 172939
statement from the victim in its ruling on the motion. After 172940
receiving the response from the prosecuting attorney, the court 172941
either shall order a hearing consistent with divisions (E) to (I) 172942
of this section as soon as possible, or shall enter its ruling on 172943
the motion for judicial release as soon as possible. If the court 172944
conducts a hearing, the hearing shall be conducted in open court 172945
or by a virtual, telephonic, or other form of remote hearing. If 172946
the court holds a hearing, the court shall enter a ruling on the 172947
motion within ten days after the hearing. If the court denies the 172948
motion without a hearing, the court shall enter its ruling on the 172949
motion within ten days after the motion is filed or after it 172950
receives the response from the prosecuting attorney. 172951

(E) If a court schedules a hearing under divisions (D)(1) and 172952

(2)(a) of this section or under divisions (D)(1) and (2)(b) of 172953
this section, the court shall notify the subject eligible offender 172954
or state of emergency-qualifying offender and the head of the 172955
state correctional institution in which that subject offender is 172956
confined prior to the hearing. The head of the state correctional 172957
institution immediately shall notify the appropriate person at the 172958
department of rehabilitation and correction of the hearing, and 172959
the department within twenty-four hours after receipt of the 172960
notice, shall post on the database it maintains pursuant to 172961
section 5120.66 of the Revised Code the subject offender's name 172962
and all of the information specified in division (A)(1)(c)(i) of 172963
that section. If the court schedules a hearing for judicial 172964
release, the court promptly shall give notice of the hearing to 172965
the prosecuting attorney of the county in which the subject 172966
eligible offender or state of emergency-qualifying offender was 172967
indicted. Upon receipt of the notice from the court, the 172968
prosecuting attorney shall do whichever of the following is 172969
applicable: 172970

(1) Subject to division (E)(2) of this section, notify the 172971
victim of the offense and the victim's representative, if 172972
applicable, pursuant to the Ohio Constitution and division (B) of 172973
section 2930.16 of the Revised Code; 172974

(2) If the offense was an offense of violence that is a 172975
felony of the first, second, or third degree, except as otherwise 172976
provided in this division, pursuant to the Ohio Constitution, 172977
notify the victim and the victim's representative, if applicable, 172978
of the hearing regardless of whether the victim or victim's 172979
representative has requested the notification. Except when notice 172980
to the victim is required under the Ohio Constitution, the notice 172981
of the hearing shall not be given under this division to a victim 172982
or victim's representative if the victim or victim's 172983
representative has requested pursuant to division (B)(2) of 172984

section 2930.03 of the Revised Code that the victim or the 172985
victim's representative not be provided the notice. If notice is 172986
to be provided to a victim or victim's representative under this 172987
division, the prosecuting attorney may give the notice by any 172988
reasonable means, including regular mail, telephone, and 172989
electronic mail, in accordance with division (D)(1) of section 172990
2930.16 of the Revised Code. If the notice is based on an offense 172991
committed prior to March 22, 2013, the notice also shall include 172992
the opt-out information described in division (D)(1) of section 172993
2930.16 of the Revised Code. The prosecuting attorney, in 172994
accordance with division (D)(2) of section 2930.16 of the Revised 172995
Code, shall keep a record of all attempts to provide the notice, 172996
and of all notices provided, under this division. Division (E)(2) 172997
of this section, and the notice-related provisions of division (K) 172998
of this section, division (D)(1) of section 2930.16, division (H) 172999
of section 2967.12, division (E)(1)(b) of section 2967.19 as it 173000
existed prior to ~~the effective date of this amendment~~ April 4, 173001
2023, division (A)(3)(b) of section 2967.26, division (D)(1) of 173002
section 2967.28, and division (A)(2) of section 5149.101 of the 173003
Revised Code enacted in the act in which division (E)(2) of this 173004
section was enacted, shall be known as "Roberta's Law." 173005

(F) Upon an offender's successful completion of 173006
rehabilitative activities, the head of the state correctional 173007
institution may notify the sentencing court of the successful 173008
completion of the activities. 173009

(G) Prior to the date of the hearing on a motion for judicial 173010
release made by an eligible offender, by a state of 173011
emergency-qualifying offender, or by a court on its own under this 173012
section, the head of the state correctional institution in which 173013
the subject offender is confined shall send to the court an 173014
institutional summary report on the offender's conduct in the 173015
institution and in any institution from which the offender may 173016

have been transferred. Upon the request of the prosecuting attorney of the county in which the subject offender was indicted or of any law enforcement agency, the head of the state correctional institution, at the same time the person sends the institutional summary report to the court, also shall send a copy of the report to the requesting prosecuting attorney and law enforcement agencies. The institutional summary report shall cover the subject offender's participation in school, vocational training, work, treatment, and other rehabilitative activities and any disciplinary action taken against the subject offender. The report shall be made part of the record of the hearing. A presentence investigation report is not required for judicial release.

(H) If the court grants a hearing on a motion for judicial release made by an eligible offender, by a state of emergency-qualifying offender, or by a court on its own under this section, the subject offender shall attend the hearing if ordered to do so by the court. Upon receipt of a copy of the journal entry containing the order, the head of the state correctional institution in which the subject offender is incarcerated shall deliver the subject offender to the sheriff of the county in which the hearing is to be held. The sheriff shall convey the subject offender to and from the hearing.

(I) At the hearing on a motion for judicial release under this section made by an eligible offender, by a state of emergency-qualifying offender, or by a court on its own, the court shall afford the subject offender and the offender's attorney an opportunity to present written and, if present, oral information relevant to the motion. The court shall afford a similar opportunity to the prosecuting attorney, the victim, the victim's representative, the victim's attorney, if applicable, and any other person the court determines is likely to present additional

relevant information. The court shall consider any oral or written statement of a victim, victim's representative, and victim's attorney, if applicable, made pursuant to section 2930.14 or 2930.17 of the Revised Code, any victim impact statement prepared pursuant to section 2947.051 of the Revised Code, and any report made under division (G) of this section. The court may consider any written statement of any person submitted to the court pursuant to division (L) of this section.

If the motion alleges that the offender who is the subject of the motion is an eligible offender and the court makes an initial determination that the offender satisfies the criteria for being an eligible offender, or if the motion alleges that the offender who is the subject of the motion is a state of emergency-qualifying offender and the court makes an initial determination that the offender satisfies the criteria for being a state of emergency-qualifying offender, the court shall determine whether to grant the motion. After ruling on the motion, the court shall notify the prosecuting attorney of the county in which the eligible offender or state of emergency-qualifying offender was indicted of the ruling, and the prosecuting attorney shall notify the victim and the victim's representative of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code or, if the court granted the motion, in accordance with division (K) of this section.

(J)(1) A court shall not grant a judicial release under this section to an offender who is imprisoned for a felony of the first or second degree and who is under consideration as an eligible offender, or to an offender who committed an offense under Chapter 2925. or 3719. of the Revised Code, who is under consideration as an eligible offender, and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12

of the Revised Code, finds both of the following: 173081

(a) That a sanction other than a prison term would adequately 173082
punish the offender and protect the public from future criminal 173083
violations by the offender because the applicable factors 173084
indicating a lesser likelihood of recidivism outweigh the 173085
applicable factors indicating a greater likelihood of recidivism; 173086

(b) That a sanction other than a prison term would not demean 173087
the seriousness of the offense because factors indicating that the 173088
offender's conduct in committing the offense was less serious than 173089
conduct normally constituting the offense outweigh factors 173090
indicating that the eligible offender's conduct was more serious 173091
than conduct normally constituting the offense. 173092

(2) A court that grants a judicial release under division 173093
(J)(1) of this section to an offender who is under consideration 173094
as an eligible offender shall specify on the record both findings 173095
required in that division and also shall list all the factors 173096
described in that division that were presented at the hearing. 173097

(3)(a) Subject to division (J)(3)(b) of this section, a court 173098
shall grant a judicial release under this section to an offender 173099
who is under consideration as a state of emergency-qualifying 173100
offender if the court determines that the risks posed by 173101
incarceration to the health and safety of the offender, because of 173102
the nature of the declared state of emergency, outweigh the risk 173103
to public safety if the offender were to be released from 173104
incarceration. 173105

(b) A court shall not grant a judicial release under this 173106
section to an offender who is imprisoned for a felony of the first 173107
or second degree and is under consideration for judicial release 173108
as a state of emergency-qualifying offender unless the court, with 173109
reference to the factors specified under section 2929.12 of the 173110
Revised Code, finds both of the criteria set forth in divisions 173111

(J)(1)(a) and (b) of this section. 173112

(K) If the court grants a motion for judicial release under 173113
this section, the court shall order the release of the eligible 173114
offender or state of emergency-qualifying offender, shall place 173115
the offender under an appropriate community control sanction, 173116
under appropriate conditions, and under the supervision of the 173117
department of probation serving the court and shall reserve the 173118
right to reimpose the sentence that it reduced if the offender 173119
violates the sanction. If the court reimposes the reduced 173120
sentence, it may do so either concurrently with, or consecutive 173121
to, any new sentence imposed on the eligible offender or state of 173122
emergency-qualifying offender as a result of the violation that is 173123
a new offense. Except as provided in division (N)(5)(b) of this 173124
section, the period of community control shall be no longer than 173125
five years. The court, in its discretion, may reduce the period of 173126
community control by the amount of time the offender spent in jail 173127
or prison for the offense and in prison. If the court made any 173128
findings pursuant to division (J)(1) of this section, the court 173129
shall serve a copy of the findings upon counsel for the parties 173130
within fifteen days after the date on which the court grants the 173131
motion for judicial release. 173132

If the court grants a motion for judicial release, the court 173133
shall notify the appropriate person at the department of 173134
rehabilitation and correction, and the department shall post 173135
notice of the release on the database it maintains pursuant to 173136
section 5120.66 of the Revised Code. The court also shall notify 173137
the prosecuting attorney of the county in which the eligible 173138
offender or state of emergency-qualifying offender was indicted 173139
that the motion has been granted. When notice to the victim is 173140
required under the Ohio Constitution, the prosecuting attorney 173141
shall notify the victim and the victim's representative, if 173142
applicable, of the judicial release. In all other cases, unless 173143

the victim or the victim's representative has requested pursuant 173144
to division (B)(2) of section 2930.03 of the Revised Code that the 173145
victim or victim's representative not be provided the notice, the 173146
prosecuting attorney shall notify the victim and the victim's 173147
representative, if applicable, of the judicial release in any 173148
manner, and in accordance with the same procedures, pursuant to 173149
which the prosecuting attorney is authorized to provide notice of 173150
the hearing pursuant to division (E)(2) of this section. If the 173151
notice is based on an offense committed prior to March 22, 2013, 173152
the notice to the victim or victim's representative also shall 173153
include the opt-out information described in division (D)(1) of 173154
section 2930.16 of the Revised Code. 173155

(L) In addition to and independent of the right of a victim 173156
to make a statement pursuant to section 2930.14, 2930.17, or 173157
2946.051 of the Revised Code and any right of a person to present 173158
written information or make a statement pursuant to division (I) 173159
of this section, any person may submit to the court, at any time 173160
prior to the hearing on the motion for judicial release of the 173161
eligible offender or state of emergency-qualifying offender, a 173162
written statement concerning the effects of the offender's 173163
criminal offense, the circumstances surrounding the criminal 173164
offense, the manner in which the criminal offense was perpetrated, 173165
and the person's opinion as to whether the offender should be 173166
released. 173167

(M)(1) The changes to this section that are made on September 173168
30, 2011, apply to any judicial release decision made on or after 173169
September 30, 2011, for any eligible offender, subject to division 173170
(M)(2) of this section. 173171

(2) The changes to this section that are made on ~~the~~ 173172
~~effective date of this amendment~~ April 4, 2023, apply to any 173173
judicial release application, and any judicial release decision, 173174
made on or after ~~the effective date of this amendment~~ April 4, 173175

2023, for any eligible offender or state of emergency-qualifying offender. 173176
173177

(N)(1) Notwithstanding the eligibility requirements specified 173178
in divisions (A)(1) and (2) of this section and the filing time 173179
frames specified in division (C) of this section and 173180
notwithstanding the findings required under division (J)(1) and 173181
the eligibility criteria specified in division (J)(3) of this 173182
section, the sentencing court, upon the court's own motion and 173183
after considering whether the release of the offender into society 173184
would create undue risk to public safety, may grant a judicial 173185
release to an offender who is not serving a life sentence at any 173186
time during the offender's imposed sentence when the director of 173187
rehabilitation and correction certifies to the sentencing court 173188
through the chief medical officer for the department of 173189
rehabilitation and correction that the offender is in imminent 173190
danger of death, is medically incapacitated, or has a terminal 173191
illness. 173192

(2) The director of rehabilitation and correction shall not 173193
certify any offender under division (N)(1) of this section who is 173194
serving a death sentence. 173195

(3) A motion made by the court under division (N)(1) of this 173196
section is subject to the notice, hearing, and other procedural 173197
requirements specified in divisions (D), (E), (G), (H), (I), (K), 173198
and (L) of this section with respect to motions for a grant of 173199
judicial release to eligible offenders, including notice to the 173200
victim, except for the following: 173201

(a) The court may waive the offender's appearance at any 173202
hearing scheduled by the court if the offender's condition makes 173203
it impossible for the offender to participate meaningfully in the 173204
proceeding. 173205

(b) The court may grant the motion without a hearing, 173206

provided that the prosecuting attorney, victim, and victim's
representative, if applicable, to whom notice of the hearing was
provided under division (E) of this section indicate that they do
not wish to participate in the hearing or present information
relevant to the motion.

(4) The court may request health care records from the
department of rehabilitation and correction to verify the
certification made under division (N)(1) of this section.

(5)(a) If the court grants judicial release under division
(N)(1) of this section, the court shall do all of the following:

(i) Order the release of the offender;

(ii) Place the offender under an appropriate community
control sanction, under appropriate conditions;

(iii) Place the offender under the supervision of the
department of probation serving the court or under the supervision
of the adult parole authority.

(b) The court, in its discretion, may revoke the judicial
release if the offender violates the community control sanction
described in division (N)(5)(a) of this section. The period of
that community control is not subject to the five-year limitation
described in division (K) of this section and shall not expire
earlier than the date on which all of the offender's mandatory
prison terms expire.

(6) If the health of an offender who is released under
division (N)(1) of this section improves so that the offender is
no longer terminally ill, medically incapacitated, or in imminent
danger of death, the court shall, upon the court's own motion,
revoke the judicial release. The court shall not grant the motion
without a hearing unless the offender waives a hearing. If a
hearing is held, the court shall afford the offender and the
offender's attorney an opportunity to present written and, if the

offender or the offender's attorney is present, oral information 173238
relevant to the motion. The court shall afford a similar 173239
opportunity to the prosecuting attorney, the victim, the victim's 173240
representative, the victim's attorney, if applicable, and any 173241
other person the court determines is likely to present additional 173242
relevant information. If a hearing is held, the prosecuting 173243
attorney shall notify the victim and the victim's representative, 173244
if applicable, pursuant to the Ohio Constitution. A court that 173245
grants a motion under this division shall specify its findings on 173246
the record. 173247

(O)(1) Separate from and independent of the provisions of 173248
divisions (A) to (N) of this section, the director of the 173249
department of rehabilitation and correction may recommend in 173250
writing to the sentencing court that the court consider releasing 173251
from prison, through a judicial release, any offender who is 173252
confined in a state correctional institution and who is an eighty 173253
per cent-qualifying offender. The director may file such a 173254
recommendation for judicial release by submitting to the 173255
sentencing court a notice, in writing, of the recommendation 173256
within the applicable period specified in division (A)(3) of this 173257
section for qualifying as an eighty per cent-qualifying offender. 173258

The director shall include with any notice submitted to the 173259
sentencing court under this division an institutional summary 173260
report that covers the offender's participation while confined in 173261
a state correctional institution in school, training, work, 173262
treatment, and other rehabilitative activities and any 173263
disciplinary action taken against the offender while so confined. 173264
The director shall include with the notice any other documentation 173265
requested by the court, if available. 173266

If the director submits a notice under this division 173267
recommending judicial release, the department promptly shall 173268
provide to the prosecuting attorney of the county in which the 173269

offender was indicted a copy of the written notice and 173270
recommendation, a copy of the institutional summary report, and 173271
any other information provided to the court, and shall provide a 173272
copy of the institutional summary report to any law enforcement 173273
agency that requests the report. The department also shall provide 173274
written notice of the submission of the director's notice to any 173275
victim of the offender or victim's representative, if applicable, 173276
in the same manner as is specified in divisions (E)(1) and (2) of 173277
this section with respect to notices of hearings. 173278

(2) A recommendation for judicial release in a notice 173279
submitted by the director under division (O)(1) of this section is 173280
subject to the notice, hearing, and other procedural requirements 173281
specified in divisions (E), (H), (I), and (L) of this section, 173282
including notice to the victim pursuant to the Ohio Constitution, 173283
except as otherwise specified in divisions (O)(3) to (5) of this 173284
section, provided that references in divisions (E), (H), (I), (K), 173285
and (L) of this section to "the motion" shall be construed for 173286
purposes of division (O) of this section as being references to 173287
the notice and recommendation specified in division (O)(1) of this 173288
section. 173289

(3) The director's submission of a notice under division 173290
(O)(1) of this section constitutes a recommendation by the 173291
director that the court strongly consider a judicial release of 173292
the offender consistent with the purposes and principles of 173293
sentencing set forth in sections 2929.11 and 2929.13 of the 173294
Revised Code and establishes a rebuttable presumption that the 173295
offender shall be released through a judicial release in 173296
accordance with the recommendation. The presumption of release may 173297
be rebutted only as described in division (O)(6) of this section. 173298
Only an offender recommended by the director under division (O)(1) 173299
of this section may be considered for a judicial release under 173300
division (O) of this section. 173301

(4) Upon receipt of a notice recommending judicial release 173302
submitted by the director under division (O)(1) of this section, 173303
the court shall schedule a hearing to consider the recommendation 173304
for the judicial release of the offender who is the subject of the 173305
notice. The hearing shall be conducted in open court not less than 173306
thirty or more than sixty days after the notice is submitted. The 173307
court shall inform the department and the prosecuting attorney of 173308
the county in which the offender who is the subject of the notice 173309
was indicted of the date, time, and location of the hearing. Upon 173310
receipt of the notice from the court, the prosecuting attorney 173311
shall comply with division (E) of this section, including 173312
providing notice to the victim and the victim's representative, if 173313
applicable, pursuant to the Ohio Constitution, and the department 173314
shall post the information specified in that division. 173315

(5) When a court schedules a hearing under division (O)(4) of 173316
this section, at the hearing, the court shall consider all of the 173317
following in determining whether to grant the offender judicial 173318
release under division (O) of this section: 173319

(a) The institutional summary report submitted under division 173320
(O)(1) of this section; 173321

(b) The inmate's academic, vocational education programs, or 173322
alcohol or drug treatment programs; or involvement in meaningful 173323
activity; 173324

(c) The inmate's assignments and whether the inmate 173325
consistently performed each work assignment to the satisfaction of 173326
the department staff responsible for supervising the inmate's 173327
work; 173328

(d) The inmate transferred to and actively participated in 173329
core curriculum programming at a reintegration center prison; 173330

(e) The inmate's disciplinary history; 173331

(f) The inmate's security level; 173332

(g) All other information, statements, reports, and 173333
documentation described in division (I) of this section. 173334

(6) If the court that receives a notice recommending judicial 173335
release submitted by the director under division (O)(1) of this 173336
section makes an initial determination that the offender satisfies 173337
the criteria for being an eighty per cent-qualifying offender, the 173338
court then shall determine whether to grant the offender judicial 173339
release. In making the second determination, the court shall grant 173340
the offender judicial release unless the prosecuting attorney 173341
proves to the court, by a preponderance of the evidence, that the 173342
legitimate interests of the government in maintaining the 173343
offender's confinement outweigh the interests of the offender in 173344
being released from that confinement. If the court grants a 173345
judicial release under this division, division (K) of this section 173346
applies regarding the judicial release, including notice to the 173347
victim and the victim's representative, if applicable, pursuant to 173348
the Ohio Constitution, provided that references in division (K) of 173349
this section to "the motion" shall be construed for purposes of 173350
the judicial release granted under this division as being 173351
references to the notice and recommendation specified in division 173352
(O)(1) of this section. 173353

The court shall enter its ruling on the notice recommending 173354
judicial release submitted by the director under division (O)(1) 173355
of this section within ten days after the hearing is conducted. 173356
After ruling on whether to grant the offender judicial release 173357
under division (O) of this section, the court shall notify the 173358
offender, the prosecuting attorney, and the department of 173359
rehabilitation and correction of its decision, and shall notify 173360
the victim of its decision in accordance with the Ohio 173361
Constitution and sections 2930.03 and 2930.16 of the Revised Code. 173362
If the court does not enter a ruling on the notice within ten days 173363
after the hearing is conducted as required under this division, 173364

the division of parole and community services of the department of 173365
rehabilitation and correction may release the offender. 173366

(P) All notices to a victim of an offense provided under 173367
division (D), (E), (K), (N), or (O) of this section shall be 173368
provided in accordance with the Ohio Constitution. 173369

Sec. 2930.06. (A)(1) The prosecutor in a case or the 173370
prosecutor's designee, to the extent practicable, shall, on the 173371
victim's request, confer with the victim and the victim's 173372
representative, if applicable, at each of the following stages: 173373

(a) Before pretrial diversion is granted to the defendant or 173374
alleged juvenile offender in the case; 173375

(b) Before amending or dismissing an indictment, information, 173376
or complaint against that defendant or alleged juvenile offender, 173377
unless the amendment to the indictment, information, or complaint 173378
is a correction of a procedural defect that is not substantive in 173379
nature; 173380

(c) Before agreeing to a negotiated plea for that defendant 173381
or alleged juvenile offender; 173382

(d) Before a trial of that defendant by judge or jury; 173383

(e) Before the juvenile court conducts an adjudicatory 173384
hearing for that alleged juvenile offender. 173385

(2) If the juvenile court disposes of a case prior to the 173386
prosecutor's involvement in the case, the court or a court 173387
employee shall notify the victim and the victim's representative 173388
in the case, if applicable, that the alleged juvenile offender 173389
will be granted pretrial diversion, the complaint against that 173390
alleged juvenile offender will be amended or dismissed, or the 173391
court will conduct an adjudicatory hearing for that alleged 173392
juvenile offender. 173393

(3) At a hearing at any of the stages listed in division 173394

(A)(1) of this section, the court shall inquire as to whether the victim or victim's representative, if applicable, requested to confer with the prosecutor, and whether or not the prosecutor conferred with the victim and the victim's representative, if applicable. If the prosecutor fails to confer with the victim and the victim's representative, if applicable, at any of those times, the court shall note on the record the failure and the prosecutor's reasons for the failure. Except as provided in division (A)(5) of this section, if the court determines that reasonable efforts were not made to confer with the victim and victim's representative, if applicable, or reasonable efforts were not made to provide reasonable and timely notice of the time, place, and nature of the court proceeding to the victim and victim's representative, if applicable, as required by this section or by Ohio Constitution, Article I, Section 10a, the court shall not rule on any substantive issue that implicates a victim's right, accept a plea, or impose a sentence, and shall continue the court proceeding for the time necessary to provide the required notice to the victim and victim's representative, if applicable. A prosecutor's failure to confer with a victim as required by this division and a court's failure to provide the notice as required by this division do not affect the validity of an agreement between the prosecutor and the defendant or alleged juvenile offender in the case, a pretrial diversion of the defendant or alleged juvenile offender, an amendment or dismissal of an indictment, information, or complaint filed against the defendant or alleged juvenile offender, a plea entered by the defendant or alleged juvenile defender, an admission entered by the defendant or alleged juvenile offender, or any other disposition in the case.

(4) A court shall not dismiss a criminal complaint, charge, information, or indictment or a delinquent child complaint solely at the request of the victim or victim's representative and over

the objection of the prosecuting attorney, village solicitor, city 173428
director of law, or other chief legal officer responsible for the 173429
prosecution of the case. 173430

(5) Nothing in this section prohibits a court from taking any 173431
action necessary to ensure that a person charged with an offense 173432
is brought to trial within the time required by sections 2945.71 173433
~~and 2945.72~~ to 2953.73 of the Revised Code and a defendant's 173434
constitutional right to a speedy trial. 173435

(B) On request of the victim or the victim's representative, 173436
the prosecutor shall keep the victim and the victim's 173437
representative, if applicable, apprised of requests and 173438
communications from the defendant, alleged juvenile offender, the 173439
attorney for the defendant or alleged juvenile offender, or the 173440
agent of the defendant or alleged juvenile offender that could 173441
affect the victim's privacy rights or safety concerns. 173442

(C) Within fourteen days after a prosecution in a case has 173443
been commenced, the prosecutor or a designee of the prosecutor 173444
other than a court or court employee promptly shall give the 173445
victim and the victim's representative, if applicable, all of the 173446
following information, except that, if the juvenile court disposes 173447
of a case prior to the prosecutor's involvement in the case, the 173448
court or a court employee promptly shall give the victim and the 173449
victim's representative all of the following information: 173450

(1) The name of the criminal offense or delinquent act with 173451
which the defendant or alleged juvenile offender in the case has 173452
been charged and the name of the defendant or alleged juvenile 173453
offender; 173454

(2) The file number of the case; 173455

(3) A clear and concise statement regarding the procedural 173456
steps in a criminal prosecution or delinquency proceeding 173457
involving a criminal offense or delinquent act similar to the 173458

criminal offense or delinquent act with which the defendant or 173459
alleged juvenile offender has been charged and the right of the 173460
victim and victim's representative to be present during all 173461
proceedings held throughout the prosecution of the case; 173462

(4) A summary of the rights of a victim under this chapter 173463
and under Section 10a of Article I of the Ohio Constitution; 173464

(5) Procedures the victim, the victim's representative, or 173465
the prosecutor may follow if the victim becomes subject to threats 173466
of violence, harassment, or intimidation by the defendant, alleged 173467
juvenile offender, or any other person; 173468

(6) The name and business telephone number of the office to 173469
contact for further information with respect to the case; 173470

(7) The right of the victim to have a victim's representative 173471
exercise the victim's rights under this chapter in accordance with 173472
section 2930.02 of the Revised Code and the procedure by which a 173473
victim's representative may be designated; 173474

(8) The right of the victim and victim's representative, if 173475
applicable, to confer with the prosecutor on request and the 173476
procedures the victim or victim's representative shall follow to 173477
confer with the prosecutor; 173478

(9) The fact that the victim can seek the advice of an 173479
attorney or have legal representation to enforce the victim's 173480
rights; 173481

(10) Notice that any notification under division (E) of this 173482
section, sections 2930.08 to 2930.15, division (A), (B), or (C) of 173483
section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 173484
of the Revised Code will be given to the victim and the victim's 173485
representative, if applicable, only if the victim or victim's 173486
representative asks to receive the notification and that notice 173487
under division (E)(2) or (K) of section 2929.20, division (D) of 173488
section 2930.16, division (H) of section 2967.12, division 173489

(A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, 173490
or division (A)(2) of section 5149.101 of the Revised Code will be 173491
given unless the victim and the victim's representative, if 173492
applicable, ask that the notification not be provided; 173493

(11)(a) The victim's rights request form, or a similar form 173494
that, at a minimum, contains the required information listed in 173495
this section and on the victim's rights request form, that allows 173496
the victim and the victim's representative, if applicable, to 173497
request applicable rights to which the victim and victim's 173498
representative are entitled under this chapter, including notice 173499
to the victim and the victim's representative that failure to 173500
affirmatively request these rights will be considered a waiver of 173501
these rights, but that the victim or victim's representative may 173502
request these rights at a later date; 173503

(b) A person who, by reason of that person's regular business 173504
activities, is the subject of multiple and continuing criminal 173505
offenses or delinquent acts as a potential victim may choose to 173506
opt out of the notices and rights available pursuant to the Ohio 173507
Constitution, Chapter 2930. of the Revised Code, and any other 173508
provision of the Revised Code that provides a victim with rights 173509
for future offenses by giving a written notification form to the 173510
appropriate prosecutor or prosecutor's designee. The form shall 173511
include the name and address of the person's business and the 173512
period of time that the person wishes to opt out of the applicable 173513
notices and rights and may also state that the person is only 173514
interested in the applicable notices if restitution is at issue. 173515
The form shall be signed by the person or another person with 173516
management authority of the business. 173517

(D) Unless a shorter notice period is reasonable under the 173518
circumstances, the court shall provide the prosecutor or 173519
prosecutor's designee with oral or written notice of any court 173520
proceeding not less than ten days prior to that court proceeding 173521

unless the parties agree that a shorter notice period is 173522
reasonable under the circumstances. 173523

(E) On the request of the victim or victim's representative, 173524
the prosecutor or, if it is a delinquency proceeding and a 173525
prosecutor is not involved in the case, the court shall give the 173526
victim and the victim's representative, if applicable, notice of 173527
the date, time, and place of any criminal or juvenile proceedings 173528
in the case and notice of any changes in those proceedings or in 173529
the schedule in the case not less than seven days prior to the 173530
criminal or juvenile proceedings in the case unless the parties 173531
agree that a shorter notice period is reasonable under the 173532
circumstances. 173533

(F) A victim or victim's representative who requests notice 173534
under division (E) of this section and who elects pursuant to 173535
division (B) of section 2930.03 of the Revised Code to receive any 173536
further notice from the prosecutor or, if it is a delinquency 173537
proceeding and a prosecutor is not involved in the case, the court 173538
under this chapter shall keep the prosecutor or the court informed 173539
of the victim's or victim's representative's contact information. 173540

(G) A prosecutor, the prosecutor's designee, or a court that 173541
is required to notify a victim or victim's representative of 173542
hearings, on request, shall attempt a notification and keep a 173543
record of attempted notifications in the same manner as described 173544
in divisions (D)(1) and (2) of section 2930.16 of the Revised 173545
Code. 173546

(H) The prosecutor shall review the victim's rights request 173547
form with the victim or victim's representative and obtain the 173548
victim's and victim's representative's, if applicable, signatures 173549
if the form was not previously completed with law enforcement and 173550
shall file this form with the court within seven days after 173551
initiation of a criminal prosecution. 173552

Sec. 2930.171. (A) In determining whether to grant an 173553
application to seal or expunge a record of conviction or bail 173554
forfeiture pursuant to section 2953.32 or 2953.39 of the Revised 173555
Code or an application to seal or expunge a juvenile record 173556
pursuant to section 2151.356 or 2151.358 of the Revised Code, the 173557
court shall notify the prosecutor regarding the hearing of the 173558
matter not less than sixty days before the hearing. The prosecutor 173559
shall provide timely notice to a victim of the criminal offense or 173560
delinquent act for which the offender or juvenile was incarcerated 173561
or committed and the victim's representative, if applicable, if 173562
the victim or victim's representative has requested notice and 173563
maintains current contact information with the prosecutor. The 173564
court shall permit a victim, the victim's representative, and the 173565
victim's attorney, if applicable, to make a statement, in addition 173566
to any other statement made under this chapter, concerning the 173567
effects of the criminal offense or delinquent act on the victim, 173568
the circumstances surrounding the criminal offense or delinquent 173569
act, the manner in which the criminal offense or delinquent act 173570
was perpetrated, and the victim's, victim's representative's, or 173571
victim's attorney's, if applicable, opinion whether the record 173572
should be sealed or expunged. The victim, victim's representative, 173573
or victim's attorney, if applicable, may be heard in writing, 173574
orally, or both at the victim's, victim's representative's, or 173575
victim's attorney's, if applicable, discretion. The court shall 173576
give the offender or juvenile an opportunity to review a copy of 173577
any written impact statement made by the victim, victim's 173578
representative, and victim's attorney, if applicable, under this 173579
division. The court shall give to either the adult parole 173580
authority or the department of youth services, whichever is 173581
applicable, a copy of any written impact statement made by the 173582
victim, victim's representative, and victim's attorney, if 173583
applicable, under this division. 173584

(B) In deciding whether to seal or expunge a record under this any section listed in division (A) of this section, the court shall consider a statement made by the victim, victim's representative, and victim's attorney, if applicable, under division (A) of this section or section 2930.14 or 2947.051 of the Revised Code.

(C) Upon making a determination whether to grant an application to seal or expunge a record of conviction or bail forfeiture pursuant to section 2953.32 or 2953.39 of the Revised Code or an application to seal or expunge a juvenile record pursuant to section 2151.356 or 2151.358 of the Revised Code, the court promptly shall notify the prosecutor of the determination. The prosecutor shall promptly notify the victim and the victim's representative, if applicable, after receiving the notice from the court.

Sec. 2930.20. (A) As used in this section:

(1) "Dating relationship" has the same meaning as in section 3113.31 of the Revised Code.

(2) "Dating violence" means the occurrence of one or more of the following acts against a person with whom the person engaging in the violence is or was in a dating relationship:

(a) Attempting to cause or recklessly causing bodily injury to the other person;

(b) Placing the other person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code;

(c) Committing a sexually oriented offense against the other person.

(3) "Person with whom the person engaging in the violence is or was in a dating relationship" means an adult who, at the time

of the conduct in question, is in a dating relationship with the 173615
person engaging in the violence who also is an adult or who, 173616
within the twelve months preceding the conduct in question, has 173617
had a dating relationship with the person engaging in the violence 173618
who also is an adult. 173619

(4) "Sexually oriented offense" has the same meaning as in 173620
section 2950.01 of the Revised Code. 173621

(B) No victim of rape, attempted rape, domestic violence, 173622
dating violence, ~~abuse,~~ or a sexually oriented offense or any 173623
owner of property where such a victim resides shall be required to 173624
pay reimbursement, either fully or partially, for the cost of any 173625
assistance that a law enforcement officer provides in relation to 173626
the rape, attempted rape, domestic violence, dating violence, 173627
~~abuse,~~ or sexually oriented offense. 173628

Sec. 2935.10. (A) Upon the filing of an affidavit or 173629
complaint as provided by section 2935.09 of the Revised Code, if 173630
it charges the commission of a felony, such judge, clerk, or 173631
magistrate, unless the judge, clerk, or magistrate has reason to 173632
believe that it was not filed in good faith, or the claim is not 173633
meritorious, shall forthwith issue a warrant for the arrest of the 173634
person charged in the affidavit, and directed to a peace officer; 173635
otherwise the judge, clerk, or magistrate shall forthwith refer 173636
the matter to the prosecuting attorney or other attorney charged 173637
by law with prosecution for investigation prior to the issuance of 173638
warrant. 173639

(B) If the offense charged is a misdemeanor or violation of a 173640
municipal ordinance, such judge, clerk, or magistrate may: 173641

(1) Issue a warrant for the arrest of such person, directed 173642
to any officer named in section 2935.03 of the Revised Code but in 173643
cases of ordinance violation only to a police officer or marshal 173644
or deputy marshal of the municipal corporation; 173645

(2) Issue summons, to be served by a peace officer, bailiff, 173646
or court constable, commanding the person against whom the 173647
affidavit or complaint was filed to appear forthwith, or at a 173648
fixed time in the future, before such court or magistrate. Such 173649
summons shall be served in the same manner as in civil cases. 173650

(C) If the affidavit is filed by, or the complaint is filed 173651
pursuant to an affidavit executed by, a peace officer who has, at 173652
the officer's discretion, at the time of commission of the alleged 173653
offense, notified the person to appear before the court or 173654
magistrate at a specific time set by such officer, no process need 173655
be issued unless the defendant fails to appear at the scheduled 173656
time. 173657

(D) Any person charged with a misdemeanor or violation of a 173658
municipal ordinance may give bail as provided in sections 2937.22 173659
to 2937.46 of the Revised Code, for the person's appearance, 173660
regardless of whether a warrant, summons, or notice to appear has 173661
been issued. 173662

(E) Any warrant, summons, or any notice issued by the peace 173663
officer shall state the substance of the charge against the person 173664
arrested or directed to appear. 173665

(F) When the offense charged is a misdemeanor, and the 173666
warrant or summons issued pursuant to this section is not served 173667
within two years of the date of issue, a judge or magistrate may 173668
order such warrant or summons withdrawn and the case closed, when 173669
it does not appear that the ends of justice require keeping the 173670
case open. 173671

(G)(1) Any warrant issued for a tier one offense shall be 173672
entered, by the law enforcement agency requesting the warrant and 173673
within forty-eight hours of receipt of the warrant, into the law 173674
enforcement automated data system created by section 5503.10 of 173675
the Revised Code, and known as LEADS, and the appropriate database 173676

of the national crime information center (NCIC) maintained by the 173677
federal bureau of investigation. 173678

(2) All warrants issued for tier one offenses shall be 173679
entered, by the law enforcement agency that receives the warrant 173680
with a nationwide extradition radius, into the law enforcement 173681
automated data system created by section 5503.10 of the Revised 173682
Code, and known as LEADS. 173683

(3) If a law enforcement agency discovers that a warrant 173684
entered pursuant to section (G)(1) of this section into the law 173685
enforcement automated data system and the appropriate database of 173686
the national crime information center (NCIC) maintained by the 173687
federal bureau of investigation was entered in error, the law 173688
enforcement agency shall remove the warrant from the law 173689
enforcement automated data system and the appropriate database of 173690
the national crime information center (NCIC) maintained by the 173691
federal bureau of investigation within forty-eight hours following 173692
the discovery of the error. 173693

(4) ~~A law enforcement agency shall remove~~ If a warrant from 173694
is entered pursuant to division (G)(1) of this section into the 173695
law enforcement automated data system and the national crime 173696
information center (NCIC) maintained by the federal bureau of 173697
investigation, a law enforcement agency shall remove the warrant 173698
from the system and center within forty-eight hours of warrant 173699
service or dismissal or recall by the issuing court. 173700

Sec. 2953.31. (A) As used in sections 2953.31 to 2953.521 of 173701
the Revised Code: 173702

(1) "Prosecutor" means the county prosecuting attorney, city 173703
director of law, village solicitor, or similar chief legal 173704
officer, who has the authority to prosecute a criminal case in the 173705
court in which the case is filed. 173706

(2) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.

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(3) "Official records" means all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation to the case in the criminal docket; all subpoenas issued in the case; all papers and documents filed by the defendant or the prosecutor in the case; all records of all testimony and evidence presented in all proceedings in the case; all court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; all computer, microfilm, microfiche, or microdot records, indices, or references to the case; all index references to the case; all fingerprints and photographs; all DNA specimens, DNA records, and DNA profiles; all records and investigative reports pertaining to the case that are possessed by any law enforcement officer or agency, except that any records or reports that are the specific investigatory work product of a law enforcement officer or agency are not and shall not be considered to be official records when they are in the possession of that officer or agency; all investigative records and reports other than those possessed by a law enforcement officer or agency pertaining to the case; and all records that are possessed by any public office or agency that relate to an application for, or the issuance or denial of, a certificate of qualification for employment under section 2953.25 of the Revised Code.

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"Official records" does not include any of the following:

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(a) Records or reports maintained pursuant to section 2151.421 of the Revised Code by a public children services agency or the department of job and family services;

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(b) Any report of an investigation maintained by the inspector general pursuant to section 121.42 of the Revised Code, to the extent that the report contains information that pertains to an individual who was convicted of or pleaded guilty to an offense discovered in or related to the investigation and whose conviction or guilty plea was not overturned on appeal;

(c) Records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. of the Revised Code.

(4) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.

(5) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(6) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

(7) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code.

(8) "Fingerprints filed for record" means any fingerprints obtained by the superintendent of the bureau of criminal identification and investigation pursuant to sections 109.57 and 109.571 of the Revised Code.

(9) "Investigatory work product" means any records or reports of a law enforcement officer or agency that are excepted from the definition of "official records" and that pertain to a conviction or bail forfeiture, the records of which have been ordered sealed or expunged pursuant to division (D)(2) of section 2953.32 or division (F)(1) of section 2953.39 of the Revised Code, or that pertain to a conviction or delinquent child adjudication, the records of which have been ordered expunged pursuant to division (E) of section 2151.358, division (C)(2) of section 2953.35, or

division (F) of section 2953.36 of the Revised Code. 173770

(10) "Law enforcement or justice system matter" means an 173771
arrest, complaint, indictment, trial, hearing, adjudication, 173772
conviction, or correctional supervision. 173773

(11) "Record of conviction" means the record related to a 173774
conviction of or plea of guilty to an offense. 173775

(12) "Victim of human trafficking" means a person who is or 173776
was a victim of a violation of section 2905.32 of the Revised 173777
Code, regardless of whether anyone has been convicted of a 173778
violation of that section or of any other section for victimizing 173779
the person. 173780

(13) "No bill" means a report by the foreperson or deputy 173781
foreperson of a grand jury that an indictment is not found by the 173782
grand jury against a person who has been held to answer before the 173783
grand jury for the commission of an offense. 173784

(14) "Court" means the court in which a case is pending at 173785
the time a finding of not guilty in the case or a dismissal of the 173786
complaint, indictment, or information in the case is entered on 173787
the minutes or journal of the court, or the court to which the 173788
foreperson or deputy foreperson of a grand jury reports, pursuant 173789
to section 2939.23 of the Revised Code, that the grand jury has 173790
returned a no bill. 173791

(B)(1) As used in section 2953.32 of the Revised Code, 173792
"expunge" means the expungement process described in section 173793
2953.32 of the Revised Code, including the authority described in 173794
division (D)(5) of that section. 173795

(2) As used in sections 2953.33 to 2953.521 of the Revised 173796
Code, "expunge" means both of the following: 173797

(a) The expungement process described in sections 2953.35, 173798
2953.36, 2953.39, and 2953.521 of the Revised Code; 173799

(b) To destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

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Sec. 2953.32. ~~(A)~~(A)(1) Sections 2953.32 to 2953.34 of the Revised Code do not apply to any of the following:

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~~(1)~~(a) Convictions under Chapter 4506., 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;

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~~(2)~~(b) Convictions of a felony offense of violence that is not a sexually oriented offense;

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~~(3)~~(c) Convictions of a sexually oriented offense when the offender is subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008;

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~~(4)~~(d) Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code;

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~~(5)~~(e) Convictions of a felony of the first or second degree ~~or of more than two felonies of the third degree;~~

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~~(6)~~ Convictions (f) Except as provided in division (A)(2) of this section, convictions for a violation of section 2919.25 or 2919.27 of the Revised Code or a conviction for a violation of a municipal ordinance that is substantially similar to either section;

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(g) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.

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(2) Sections 2953.32 to 2953.34 of the Revised Code apply to a conviction for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the fourth degree for purposes of sealing, but not for purposes of expungement of the record of the case.

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(B)(1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division (B)(1)(a)(iii) of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing or expungement of the record of the case that pertains to the conviction, except for convictions listed in division ~~(A)~~(A)(1) of this section. Application may be made at whichever of the following times is applicable regarding the offense:

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(a) An application for sealing under this section may be made at whichever of the following times is applicable regarding the offense:

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(i) Except as otherwise provided in division (B)(1)(a)(iv) of this section, at the expiration of three years after the offender's final discharge if convicted of one or two felonies of the third degree, so long as none of the offenses is a violation of section 2921.43 of the Revised Code;

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(ii) Except as otherwise provided in division (B)(1)(a)(iv) of this section, at the expiration of one year after the offender's final discharge if convicted of one or more felonies of the fourth or fifth degree or one or more misdemeanors, so long as none of the offenses is a violation of section 2921.43 of the Revised Code or a felony offense of violence;

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(iii) At the expiration of seven years after the offender's final discharge if the record includes one or more convictions of soliciting improper compensation in violation of section 2921.43

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of the Revised Code; 173861

(iv) If the offender was subject to the requirements of 173862
Chapter 2950. of the Revised Code or Chapter 2950. of the Revised 173863
Code as it existed prior to January 1, 2008, at the expiration of 173864
five years after the requirements have ended under section 2950.07 173865
of the Revised Code or section 2950.07 of the Revised Code as it 173866
existed prior to January 1, 2008, or are terminated under section 173867
2950.15 or 2950.151 of the Revised Code; 173868

(v) At the expiration of six months after the offender's 173869
final discharge if convicted of a minor misdemeanor. 173870

(b) An application for expungement under this section may be 173871
made at whichever of the following times is applicable regarding 173872
the offense: 173873

(i) Except as otherwise provided in division (B)(1)(b)(ii) of 173874
this section, if the offense is a misdemeanor, at the expiration 173875
of one year after the offender's final discharge; 173876

(ii) If the offense is a minor misdemeanor, at the expiration 173877
of six months after the offender's final discharge; 173878

(iii) If the offense is a felony, at the expiration of ten 173879
years after the time specified in division (B)(1)(a) of this 173880
section at which the person may file an application for sealing 173881
with respect to that felony offense. 173882

(2) Any person who has been arrested for any misdemeanor 173883
offense and who has effected a bail forfeiture for the offense 173884
charged may apply to the court in which the misdemeanor criminal 173885
case was pending when bail was forfeited for the sealing or 173886
expungement of the record of the case that pertains to the charge. 173887
Except as provided in section 2953.61 of the Revised Code, the 173888
application may be filed at whichever of the following times is 173889
applicable regarding the offense: 173890

(a) An application for sealing under this section may be made 173891
at any time after the date on which the bail forfeiture was 173892
entered upon the minutes of the court or the journal, whichever 173893
entry occurs first. 173894

(b) An application for expungement under this section may be 173895
made at whichever of the following times is applicable regarding 173896
the offense: 173897

(i) Except as provided in division (B)(2)(b)(ii) of this 173898
section, at any time after the expiration of ~~three years~~ one year 173899
from the date on which the bail forfeiture was entered upon the 173900
minutes of the court or the journal, whichever entry occurs first; 173901

(ii) If the offense is a minor misdemeanor, at any time after 173902
the expiration of six months from the date on which the bail 173903
forfeiture was entered upon the minutes of the court or the 173904
journal, whichever entry occurs first. 173905

(C) Upon the filing of an application under this section, the 173906
court shall set a date for a hearing and shall notify the 173907
prosecutor for the case of the hearing on the application not less 173908
than sixty days prior to the hearing. ~~The~~ Pursuant to the Ohio 173909
Constitution, the prosecutor shall provide timely notice of the 173910
application and the date and time of the hearing to a victim and 173911
victim's representative, if applicable, if the victim or victim's 173912
representative requested notice of the proceedings in the 173913
underlying case. The court shall hold the hearing not less than 173914
forty-five days and not more than ninety days from the date of the 173915
filing of the application. The prosecutor may object to the 173916
granting of the application by filing a written objection with the 173917
court not later than thirty days prior to the date set for the 173918
hearing. The prosecutor shall specify in the objection the reasons 173919
for believing a denial of the application is justified. ~~The~~ 173920
~~prosecutor shall provide notice of the application and the date~~ 173921
~~and time of the hearing to the victim of the offense in the case~~ 173922

~~pursuant to the Ohio Constitution.~~ The victim, victim's 173923
representative, and victim's attorney, if applicable, may be 173924
present and heard orally, in writing, or both at any hearing under 173925
this section. The court shall direct its regular probation 173926
officer, a state probation officer, or the department of probation 173927
of the county in which the applicant resides to make inquiries and 173928
written reports as the court requires concerning the applicant. 173929
The probation officer or county department of probation that the 173930
court directs to make inquiries and written reports as the court 173931
requires concerning the applicant shall determine whether or not 173932
the applicant was fingerprinted at the time of arrest or under 173933
section 109.60 of the Revised Code. If the applicant was so 173934
fingerprinted, the probation officer or county department of 173935
probation shall include with the written report a record of the 173936
applicant's fingerprints. If the applicant was convicted of or 173937
pleaded guilty to a violation of division (A)(2) or (B) of section 173938
2919.21 of the Revised Code, the probation officer or county 173939
department of probation that the court directed to make inquiries 173940
concerning the applicant shall contact the child support 173941
enforcement agency enforcing the applicant's obligations under the 173942
child support order to inquire about the offender's compliance 173943
with the child support order. 173944

(D)(1) At the hearing held under division (C) of this 173945
section, the court shall do each of the following: 173946

(a) Determine whether the applicant is pursuing sealing or 173947
expunging a conviction of an offense that is prohibited under 173948
division (A) of this section or whether the forfeiture of bail was 173949
agreed to by the applicant and the prosecutor in the case, and 173950
determine whether the application was made at the time specified 173951
in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this 173952
section that is applicable with respect to the application and the 173953
subject offense; 173954

(b) Determine whether criminal proceedings are pending against the applicant;	173955 173956
(c) Determine whether the applicant has been rehabilitated to the satisfaction of the court;	173957 173958
(d) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;	173959 173960 173961 173962
(e) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;	173963 173964 173965
(f) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if any, of the government to maintain those records;	173966 173967 173968 173969
(g) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;	173970 173971
(h) If the applicant was an eligible offender of the type described in division (A)(3) of section 2953.36 of the Revised Code as it existed prior to the effective date of this amendment, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:	173972 173973 173974 173975 173976 173977
(i) The age of the offender;	173978
(ii) The facts and circumstances of the offense;	173979
(iii) The cessation or continuation of criminal behavior;	173980
(iv) The education and employment of the offender;	173981
(v) Any other circumstances that may relate to the offender's rehabilitation.	173982 173983

(2) If the court determines, after complying with division 173984
(D)(1) of this section, that the offender is not pursuing sealing 173985
or expunging a conviction of an offense that is prohibited under 173986
division (A) of this section or that the forfeiture of bail was 173987
agreed to by the applicant and the prosecutor in the case, that 173988
the application was made at the time specified in division 173989
(B)(1)(a) or (b) or division (B)(2)(a) or (b) of this section that 173990
is applicable with respect to the application and the subject 173991
offense, that no criminal proceeding is pending against the 173992
applicant, that the interests of the applicant in having the 173993
records pertaining to the applicant's conviction or bail 173994
forfeiture sealed or expunged are not outweighed by any legitimate 173995
governmental needs to maintain those records, and that the 173996
rehabilitation of the applicant has been attained to the 173997
satisfaction of the court, both of the following apply: 173998

(a) The court, except as provided in division (D)(4) or (5) 173999
of this section or division (D), (F), or (G) of section 2953.34 of 174000
the Revised Code, shall order all official records of the case 174001
that pertain to the conviction or bail forfeiture sealed if the 174002
application was for sealing or expunged if the application was for 174003
expungement and, except as provided in division (C) of section 174004
2953.34 of the Revised Code, all index references to the case that 174005
pertain to the conviction or bail forfeiture deleted and, in the 174006
case of bail forfeitures, shall dismiss the charges in the case. 174007

(b) The proceedings in the case that pertain to the 174008
conviction or bail forfeiture shall be considered not to have 174009
occurred and the conviction or bail forfeiture of the person who 174010
is the subject of the proceedings shall be sealed if the 174011
application was for sealing or expunged if the application was for 174012
expungement, except that upon conviction of a subsequent offense, 174013
a sealed record of prior conviction or bail forfeiture may be 174014
considered by the court in determining the sentence or other 174015

appropriate disposition, including the relief provided for in 174016
sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 174017

(3) An applicant may request the sealing or expungement of 174018
the records of more than one case in a single application under 174019
this section. Upon the filing of an application under this 174020
section, the applicant, unless the applicant presents a poverty 174021
affidavit showing that the applicant is indigent, shall pay a fee 174022
of not more than fifty dollars, including local court fees, 174023
regardless of the number of records the application requests to 174024
have sealed or expunged. If the applicant pays a fee, the court 174025
shall pay three-fifths of the fee collected into the state 174026
treasury, with half of that amount credited to the attorney 174027
general reimbursement fund created by section 109.11 of the 174028
Revised Code. If the applicant pays a fee, the court shall pay 174029
two-fifths of the fee collected into the county general revenue 174030
fund if the sealed or expunged conviction or bail forfeiture was 174031
pursuant to a state statute, or into the general revenue fund of 174032
the municipal corporation involved if the sealed or expunged 174033
conviction or bail forfeiture was pursuant to a municipal 174034
ordinance. 174035

(4) If the court orders the official records pertaining to 174036
the case sealed or expunged, the court shall do one of the 174037
following: 174038

(a) If the applicant was fingerprinted at the time of arrest 174039
or under section 109.60 of the Revised Code and the record of the 174040
applicant's fingerprints was provided to the court under division 174041
(C) of this section, forward a copy of the sealing or expungement 174042
order and the record of the applicant's fingerprints to the bureau 174043
of criminal identification and investigation. 174044

(b) If the applicant was not fingerprinted at the time of 174045
arrest or under section 109.60 of the Revised Code, or the record 174046
of the applicant's fingerprints was not provided to the court 174047

under division (C) of this section, but fingerprinting was 174048
required for the offense, order the applicant to appear before a 174049
sheriff to have the applicant's fingerprints taken according to 174050
the fingerprint system of identification on the forms furnished by 174051
the superintendent of the bureau of criminal identification and 174052
investigation. The sheriff shall forward the applicant's 174053
fingerprints to the court. The court shall forward the applicant's 174054
fingerprints and a copy of the sealing or expungement order to the 174055
bureau of criminal identification and investigation. 174056

Failure of the court to order fingerprints at the time of 174057
sealing or expungement does not constitute a reversible error. 174058

(5) Notwithstanding any other provision of the Revised Code 174059
to the contrary, when the bureau of criminal identification and 174060
investigation receives notice from a court that the record of a 174061
conviction or bail forfeiture has been expunged under this 174062
section, the bureau of criminal identification and investigation 174063
shall maintain a record of the expunged conviction record for the 174064
limited purpose of determining an individual's qualification or 174065
disqualification for employment in law enforcement. The bureau of 174066
criminal identification and investigation shall not be compelled 174067
by the court to ~~expunge~~ destroy, delete, or erase those records so 174068
that the records are permanently irretrievable. These records may 174069
only be disclosed or provided to law enforcement for the limited 174070
purpose of determining an individual's qualification or 174071
disqualification for employment in law enforcement. 174072

When any other entity other than the bureau of criminal 174073
identification and investigation receives notice from a court that 174074
the record of a conviction or bail forfeiture has been expunged 174075
under this section, the entity shall destroy, delete, and erase 174076
the record as appropriate for the record's physical or electronic 174077
form or characteristic so that the record is permanently 174078
irretrievable. 174079

Sec. 2953.33. (A)(1) Any person, who is found not guilty of 174080
an offense by a jury or a court or who is the defendant named in a 174081
dismissed complaint, indictment, or information, may apply to the 174082
court for an order to seal or expunge the person's official 174083
records in the case. Except as provided in section 2953.61 of the 174084
Revised Code, the application may be filed at any time after the 174085
finding of not guilty or the dismissal of the complaint, 174086
indictment, or information is entered upon the minutes of the 174087
court or the journal, whichever entry occurs first. 174088

(2) Any person, against whom a no bill is entered by a grand 174089
jury, may apply to the court for an order to seal or expunge the 174090
person's official records in the case. Except as provided in 174091
section 2953.61 of the Revised Code, the application may be filed 174092
at any time after the expiration of two years after the date on 174093
which the foreperson or deputy foreperson of the grand jury 174094
reports to the court that the grand jury has reported a no bill. 174095

(3) Any person who is granted by the governor under division 174096
(B) of section 2967.02 of the Revised Code an absolute and entire 174097
pardon, a partial pardon, or a pardon upon conditions precedent or 174098
subsequent may apply to the court for an order to seal the 174099
person's official records in the case in which the person was 174100
convicted of the offense for which any of those types of pardons 174101
are granted. The application may be filed at any time after an 174102
absolute and entire pardon or a partial pardon is granted or at 174103
any time after all of the conditions precedent or subsequent to 174104
the pardon are met. 174105

(B)(1) Upon the filing of an application pursuant to division 174106
(A) of this section, the court shall set a date for a hearing and 174107
shall notify the prosecutor in the case of the hearing on the 174108
application. The court shall hold the hearing not less than 174109
forty-five days and not more than ninety days from the date of the 174110

filing of the application. The prosecutor may object to the 174111
granting of the application by filing a written objection with the 174112
court not later than thirty days prior to the date set for the 174113
hearing. The prosecutor shall specify in the objection the reasons 174114
the prosecutor believes justify a denial of the application. 174115

(2) The court shall do each of the following, except as 174116
provided in division (B)(3) of this section: 174117

(a)(i) Determine whether the person was found not guilty in 174118
the case, or the complaint, indictment, or information in the case 174119
was dismissed, or a no bill was returned in the case and a period 174120
of two years or a longer period as required by section 2953.61 of 174121
the Revised Code has expired from the date of the report to the 174122
court of that no bill by the foreperson or deputy foreperson of 174123
the grand jury; 174124

(ii) If the complaint, indictment, or information in the case 174125
was dismissed, determine whether it was dismissed with prejudice 174126
or without prejudice and, if it was dismissed without prejudice, 174127
determine whether the relevant statute of limitations has expired; 174128

(b) Determine whether criminal proceedings are pending 174129
against the person; 174130

(c) If the prosecutor has filed an objection in accordance 174131
with division (B)(1) of this section, consider the reasons against 174132
granting the application specified by the prosecutor in the 174133
objection; 174134

(d) If the person was granted a pardon upon conditions 174135
precedent or subsequent for the offense for which the person was 174136
convicted, determine whether all of those conditions have been 174137
met; 174138

(e) Weigh the interests of the person in having the official 174139
records pertaining to the case sealed or expunged, as applicable, 174140
against the legitimate needs, if any, of the government to 174141

maintain those records. 174142

(3) If the court determines after complying with division 174143
(B)(2)(a) of this section that the person was found not guilty in 174144
the case, that the complaint, indictment, or information in the 174145
case was dismissed with prejudice, that the complaint, indictment, 174146
or information in the case was dismissed without prejudice and 174147
that the relevant statute of limitations has expired, or the 174148
individual was granted by the governor an absolute and entire 174149
pardon, a partial pardon, or a pardon upon conditions precedent or 174150
subsequent that have been met, the court shall issue an order to 174151
the superintendent of the bureau of criminal identification and 174152
investigation directing that the superintendent expunge or seal or 174153
cause to be sealed, as applicable, the official records in the 174154
case consisting of DNA specimens that are in the possession of the 174155
bureau and all DNA records and DNA profiles. The determinations 174156
and considerations described in divisions (B)(2)(b), (c), and (e) 174157
of this section do not apply with respect to a determination of 174158
the court described in this division. 174159

(4) The determinations described in this division are 174160
separate from the determination described in division (B)(3) of 174161
this section. If the court determines, after complying with 174162
division (B)(2) of this section, that the person was found not 174163
guilty in the case, that the complaint, indictment, or information 174164
in the case was dismissed, the individual was granted by the 174165
governor an absolute and entire pardon, a partial pardon, or a 174166
pardon upon conditions precedent or subsequent that have been met, 174167
or that a no bill was returned in the case and that the 174168
appropriate period of time has expired from the date of the report 174169
to the court of the no bill by the foreperson or deputy foreperson 174170
of the grand jury; that no criminal proceedings are pending 174171
against the person; and the interests of the person in having the 174172
records pertaining to the case sealed or expunged, as applicable, 174173

are not outweighed by any legitimate governmental needs to 174174
maintain such records, or if division (E)(2)(b) of section 4301.69 174175
of the Revised Code applies, in addition to the order required 174176
under division (B)(3) of this section, the court shall issue an 174177
order directing that all official records pertaining to the case 174178
be sealed or expunged, as applicable, and that, except as provided 174179
in section 2953.34 of the Revised Code, the proceedings in the 174180
case be deemed not to have occurred. 174181

(5) Any DNA specimens, DNA records, and DNA profiles ordered 174182
to be sealed or expunged under this section shall not be sealed or 174183
expunged if the person with respect to whom the order applies is 174184
otherwise eligible to have DNA records or a DNA profile in the 174185
national DNA index system. 174186

Sec. 2953.34. (A) Inspection of the sealed records included 174187
in a sealing order may be made only by the following persons or 174188
for the following purposes: 174189

(1) By a law enforcement officer or prosecutor, or the 174190
assistants of either, to determine whether the nature and 174191
character of the offense with which a person is to be charged 174192
would be affected by virtue of the person's previously having been 174193
convicted of a crime; 174194

(2) By the parole or probation officer of the person who is 174195
the subject of the records, for the exclusive use of the officer 174196
in supervising the person while on parole or under a community 174197
control sanction or a post-release control sanction, and in making 174198
inquiries and written reports as requested by the court or adult 174199
parole authority; 174200

(3) Upon application by the person who is the subject of the 174201
records or a legal representative of that person, by the persons 174202
named in the application; 174203

(4) By a law enforcement officer who was involved in the	174204
case, for use in the officer's defense of a civil action arising	174205
out of the officer's involvement in that case;	174206
(5) By a prosecuting attorney or the prosecuting attorney's	174207
assistants, to determine a defendant's eligibility to enter a	174208
pre-trial diversion program established pursuant to section	174209
2935.36 of the Revised Code;	174210
(6) By any law enforcement agency or any authorized employee	174211
of a law enforcement agency or by the department of rehabilitation	174212
and correction or department of youth services as part of a	174213
background investigation of a person who applies for employment	174214
with the agency or with the department;	174215
(7) By any law enforcement agency or any authorized employee	174216
of a law enforcement agency, for the purposes set forth in, and in	174217
the manner provided in, division (I) of section 2953.34 of the	174218
Revised Code;	174219
(8) By the bureau of criminal identification and	174220
investigation or any authorized employee of the bureau for the	174221
purpose of providing information to a board or person pursuant to	174222
division (F) or (G) of section 109.57 of the Revised Code;	174223
(9) By the bureau of criminal identification and	174224
investigation or any authorized employee of the bureau for the	174225
purpose of performing a criminal history records check on a person	174226
to whom a certificate as prescribed in section 109.77 of the	174227
Revised Code is to be awarded;	174228
(10) By the bureau of criminal identification and	174229
investigation or any authorized employee of the bureau for the	174230
purpose of conducting a criminal records check of an individual	174231
pursuant to division (B) of section 109.572 of the Revised Code	174232
that was requested pursuant to any of the sections identified in	174233
division (B)(1) of that section;	174234

(11) By the bureau of criminal identification and 174235
investigation, an authorized employee of the bureau, a sheriff, or 174236
an authorized employee of a sheriff in connection with a criminal 174237
records check described in section 311.41 of the Revised Code; 174238

(12) By the attorney general or an authorized employee of the 174239
attorney general or a court for purposes of determining a person's 174240
classification pursuant to Chapter 2950. of the Revised Code; 174241

(13) By a court, the registrar of motor vehicles, a 174242
prosecuting attorney or the prosecuting attorney's assistants, or 174243
a law enforcement officer for the purpose of assessing points 174244
against a person under section 4510.036 of the Revised Code or for 174245
taking action with regard to points assessed. 174246

When the nature and character of the offense with which a 174247
person is to be charged would be affected by the information, it 174248
may be used for the purpose of charging the person with an 174249
offense. 174250

(B) In any criminal proceeding, proof of any otherwise 174251
admissible prior conviction may be introduced and proved, 174252
notwithstanding the fact that for any such prior conviction an 174253
order of sealing or expungement previously was issued pursuant to 174254
sections 2953.31 to 2953.34 of the Revised Code. 174255

(C) The person or governmental agency, office, or department 174256
that maintains sealed records pertaining to convictions or bail 174257
forfeitures that have been sealed pursuant to section 2953.32 of 174258
the Revised Code may maintain a manual or computerized index to 174259
the sealed records. The index shall contain only the name of, and 174260
alphanumeric identifiers that relate to, the persons who are the 174261
subject of the sealed records, the word "sealed," and the name of 174262
the person, agency, office, or department that has custody of the 174263
sealed records, and shall not contain the name of the crime 174264
committed. The index shall be made available by the person who has 174265

custody of the sealed records only for the purposes set forth in 174266
divisions (A), (B), and (D) of this section. 174267

(D) Notwithstanding any provision of this section or section 174268
2953.32 of the Revised Code that requires otherwise, a board of 174269
education of a city, local, exempted village, or joint vocational 174270
school district that maintains records of an individual who has 174271
been permanently excluded under sections 3301.121 and 3313.662 of 174272
the Revised Code is permitted to maintain records regarding a 174273
conviction that was used as the basis for the individual's 174274
permanent exclusion, regardless of a court order to seal or 174275
expunge the record. An order issued under ~~this~~ section 2953.32 of 174276
the Revised Code to seal or expunge the record of a conviction 174277
does not revoke the adjudication order of the superintendent of 174278
public instruction to permanently exclude the individual who is 174279
the subject of the sealing or expungement order. An order issued 174280
under ~~this~~ section 2953.32 of the Revised Code to seal or expunge 174281
the record of a conviction of an individual may be presented to a 174282
district superintendent as evidence to support the contention that 174283
the superintendent should recommend that the permanent exclusion 174284
of the individual who is the subject of the sealing or expungement 174285
order be revoked. Except as otherwise authorized by this division 174286
and sections 3301.121 and 3313.662 of the Revised Code, any school 174287
employee in possession of or having access to the sealed or 174288
expunged conviction records of an individual that were the basis 174289
of a permanent exclusion of the individual is subject to division 174290
(J) of this section. 174291

(E) Notwithstanding any provision of this section or section 174292
2953.32 of the Revised Code that requires otherwise, if the 174293
auditor of state or a prosecutor maintains records, reports, or 174294
audits of an individual who has been forever disqualified from 174295
holding public office, employment, or a position of trust in this 174296
state under sections 2921.41 and 2921.43 of the Revised Code, or 174297

has otherwise been convicted of an offense based upon the records, 174298
reports, or audits of the auditor of state, the auditor of state 174299
or prosecutor is permitted to maintain those records to the extent 174300
they were used as the basis for the individual's disqualification 174301
or conviction, and shall not be compelled by court order to seal 174302
or expunge those records. 174303

(F) For purposes of sections 2953.31 and 2953.34 of the 174304
Revised Code, DNA records collected in the DNA database and 174305
fingerprints filed for record by the superintendent of the bureau 174306
of criminal identification and investigation shall not be sealed 174307
or expunged unless the superintendent receives a certified copy of 174308
a final court order establishing that the offender's conviction 174309
has been overturned. For purposes of this section, a court order 174310
is not "final" if time remains for an appeal or application for 174311
discretionary review with respect to the order. 174312

~~(G)~~(G)(1) The court shall send notice of any order to seal or 174313
expunge official records issued pursuant to section 2953.32 of the 174314
Revised Code to the bureau of criminal identification and 174315
investigation and to any public office or agency that the court 174316
knows or has reason to believe may have any record of the case, 174317
whether or not it is an official record, that is the subject of 174318
the order. 174319

(2) The sealing of a record under ~~this~~ section 2953.32 of the 174320
Revised Code does not affect the assessment of points under 174321
section 4510.036 of the Revised Code and does not erase points 174322
assessed against a person as a result of the sealed record. 174323

(H)(1) The court shall send notice of any order to seal or 174324
expunge official records issued pursuant to division (B)(3) of 174325
section 2953.33 of the Revised Code to the bureau of criminal 174326
identification and investigation and shall send notice of any 174327
order issued pursuant to division (B)(4) of that section to any 174328
public office or agency that the court knows or has reason to 174329

believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2) A person whose official records have been sealed or expunged pursuant to an order issued pursuant to section 2953.33 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(3) An order to seal or expunge official records issued pursuant to section 2953.33 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal or expunge the official records pursuant to division (H)(1) or (2) of this section.

(4) Upon receiving a copy of an order to seal or expunge official records pursuant to division (H)(1) or (2) of this section or upon otherwise becoming aware of an applicable order to seal or expunge official records issued pursuant to section 2953.33 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with division (K) of this section, except that ~~it~~ if the order is a sealing order, the office or agency may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any reference to the person who is the subject of the case and the order.

(5) A public office or agency to which division (H)(4) of this section applies also may maintain an index of sealed official records that are the subject of a sealing order, in a form similar to that for sealed records of conviction as set forth in division (C) of this section, access to which may not be afforded to any

person other than the person who has custody of the sealed 174362
official records. The sealed official records to which such an 174363
index pertains shall not be available to any person, except that 174364
the official records of a case that have been sealed may be made 174365
available to the following persons for the following purposes: 174366

(a) To the person who is the subject of the records upon 174367
written application, and to any other person named in the 174368
application, for any purpose; 174369

(b) To a law enforcement officer who was involved in the 174370
case, for use in the officer's defense of a civil action arising 174371
out of the officer's involvement in that case; 174372

(c) To a prosecuting attorney or the prosecuting attorney's 174373
assistants to determine a defendant's eligibility to enter a 174374
pre-trial diversion program established pursuant to section 174375
2935.36 of the Revised Code; 174376

(d) To a prosecuting attorney or the prosecuting attorney's 174377
assistants to determine a defendant's eligibility to enter a 174378
pre-trial diversion program under division (E)(2)(b) of section 174379
4301.69 of the Revised Code. 174380

(I)(1) Upon the issuance of an order by a court pursuant to 174381
division (D)(2) of section 2953.32 of the Revised Code directing 174382
that all official records of a case pertaining to a conviction or 174383
bail forfeiture be sealed or expunged or an order by a court 174384
pursuant to division (E) of section 2151.358, division (C)(2) of 174385
section 2953.35, or division (E) of section 2953.36 of the Revised 174386
Code directing that all official records of a case pertaining to a 174387
conviction or delinquent child adjudication be expunged: 174388

(a) Every law enforcement officer who possesses investigatory 174389
work product immediately shall deliver that work product to the 174390
law enforcement officer's employing law enforcement agency. 174391

(b) Except as provided in divisions (I)(1)(c) and (d) of this 174392

section, every law enforcement agency that possesses investigatory 174393
work product shall close that work product to all persons who are 174394
not directly employed by the law enforcement agency and shall 174395
treat that work product, in relation to all persons other than 174396
those who are directly employed by the law enforcement agency, as 174397
if it did not exist and never had existed. 174398

(c) A law enforcement agency that possesses investigatory 174399
work product may permit another law enforcement agency to use that 174400
work product in the investigation of another offense if the facts 174401
incident to the offense being investigated by the other law 174402
enforcement agency and the facts incident to an offense that is 174403
the subject of the case are reasonably similar. The agency that 174404
permits the use of investigatory work product may provide the 174405
other agency with the name of the person who is the subject of the 174406
case if it believes that the name of the person is necessary to 174407
the conduct of the investigation by the other agency. 174408

(d) The auditor of state may provide to or discuss with other 174409
parties investigatory work product maintained pursuant to Chapter 174410
117. of the Revised Code by the auditor of state. 174411

(2)(a) Except as provided in divisions (I)(1)(c) and (d) of 174412
this section, no law enforcement officer or other person employed 174413
by a law enforcement agency shall knowingly release, disseminate, 174414
or otherwise make the investigatory work product or any 174415
information contained in that work product available to, or 174416
discuss any information contained in it with, any person not 174417
employed by the employing law enforcement agency. 174418

(b) No law enforcement agency, or person employed by a law 174419
enforcement agency, that receives investigatory work product 174420
pursuant to divisions (I)(1)(c) and (d) of this section shall use 174421
that work product for any purpose other than the investigation of 174422
the offense for which it was obtained from the other law 174423
enforcement agency, or disclose the name of the person who is the 174424

subject of the work product except when necessary for the conduct 174425
of the investigation of the offense, or the prosecution of the 174426
person for committing the offense, for which it was obtained from 174427
the other law enforcement agency. 174428

(3) Whoever violates division (I)(2)(a) or (b) of this 174429
section is guilty of divulging confidential investigatory work 174430
product, a misdemeanor of the fourth degree. 174431

(J)(1) Except as authorized by divisions (A) to (C) of this 174432
section or by Chapter 2950. of the Revised Code and subject to 174433
division (J)(2) and (3) of this section, any officer or employee 174434
of the state, or a political subdivision of the state, who 174435
releases or otherwise disseminates or makes available for any 174436
purpose involving employment, bonding, or licensing in connection 174437
with any business, trade, or profession to any person, or to any 174438
department, agency, or other instrumentality of the state, or any 174439
political subdivision of the state, any information or other data 174440
concerning any law enforcement or justice system matter the 174441
records with respect to which the officer or employee had 174442
knowledge of were sealed by an existing order issued pursuant to 174443
section 2953.32 of the Revised Code, division (E) of section 174444
2151.358, section 2953.35, or section 2953.36 of the Revised Code, 174445
or were expunged by an order issued pursuant to section 2953.42 of 174446
the Revised Code as it existed prior to June 29, 1988, is guilty 174447
of divulging confidential information, a misdemeanor of the fourth 174448
degree. 174449

(2) Division (J)(1) of this section does not apply to an 174450
officer or employee of the state, or a political subdivision of 174451
the state, who releases or otherwise disseminates or makes 174452
available for any purpose specified in that division any 174453
information or other data concerning a law enforcement or justice 174454
system matter the records of which the officer had knowledge were 174455
sealed or expunged by an order of a type described in that 174456

division, if all of the following apply: 174457

(a) The officer or employee released, disseminated, or made 174458
available the information or data from the sealed or expunged 174459
records together with information or data concerning another law 174460
enforcement or justice system matter. 174461

(b) The records of the other law enforcement or justice 174462
system matter were not sealed or expunged by any order of a type 174463
described in division (J)(1) of this section. 174464

(c) The law enforcement or justice system matter covered by 174465
the information or data from the sealed or expunged records and 174466
the other law enforcement or justice system matter covered by the 174467
information or data from the records that were not sealed or 174468
expunged resulted from or were connected to the same act. 174469

(d) The officer or employee made a good faith effort to not 174470
release, disseminate, or make available any information or other 174471
data concerning any law enforcement or justice system matter from 174472
the sealed or expunged records, and the officer or employee did 174473
not release, disseminate, or make available the information or 174474
other data from the sealed or expunged records with malicious 174475
purpose, in bad faith, or in a wanton or reckless manner. 174476

(3) Division (J)(1) of this section does not apply to an 174477
officer or employee of the state, or a political subdivision of 174478
the state, who releases or otherwise disseminates or makes 174479
available for any purpose specified in that division any 174480
information or other data concerning a law enforcement or justice 174481
system matter the records of which the officer had knowledge were 174482
sealed or expunged by an order of a type described in that 174483
division, if the records are released or disseminated or access is 174484
provided pursuant to an application by the person who is the 174485
subject of the information or data or by a legal representative of 174486
that person. 174487

(4) Any person who, in violation of this section, uses, 174488
disseminates, or otherwise makes available any index prepared 174489
pursuant to division (C) of this section is guilty of a 174490
misdemeanor of the fourth degree. 174491

(K)(1) Except as otherwise provided in Chapter 2950. of the 174492
Revised Code, upon the issuance of an order by a court under 174493
division (B) of section 2953.33 of the Revised Code directing that 174494
all official records pertaining to a case be sealed or expunged 174495
and that the proceedings in the case be deemed not to have 174496
occurred: 174497

(a) Every law enforcement officer possessing records or 174498
reports pertaining to the case that are the officer's specific 174499
investigatory work product and that are excepted from the 174500
definition of official records shall immediately deliver the 174501
records and reports to the officer's employing law enforcement 174502
agency. Except as provided in division (K)(1)(c) or (d) of this 174503
section, no such officer shall knowingly release, disseminate, or 174504
otherwise make the records and reports or any information 174505
contained in them available to, or discuss any information 174506
contained in them with, any person not employed by the officer's 174507
employing law enforcement agency. 174508

(b) Every law enforcement agency that possesses records or 174509
reports pertaining to the case that are its specific investigatory 174510
work product and that are excepted from the definition of official 174511
records, or that are the specific investigatory work product of a 174512
law enforcement officer it employs and that were delivered to it 174513
under division (K)(1)(a) of this section shall, except as provided 174514
in division (K)(1)(c) or (d) of this section, close the records 174515
and reports to all persons who are not directly employed by the 174516
law enforcement agency and shall, except as provided in division 174517
(K)(1)(c) or (d) of this section, treat the records and reports, 174518
in relation to all persons other than those who are directly 174519

employed by the law enforcement agency, as if they did not exist 174520
and had never existed. Except as provided in division (K)(1)(c) or 174521
(d) of this section, no person who is employed by the law 174522
enforcement agency shall knowingly release, disseminate, or 174523
otherwise make the records and reports in the possession of the 174524
employing law enforcement agency or any information contained in 174525
them available to, or discuss any information contained in them 174526
with, any person not employed by the employing law enforcement 174527
agency. 174528

(c) A law enforcement agency that possesses records or 174529
reports pertaining to the case that are its specific investigatory 174530
work product and that are excepted from the definition of official 174531
records, or that are the specific investigatory work product of a 174532
law enforcement officer it employs and that were delivered to it 174533
under division (K)(1)(a) of this section may permit another law 174534
enforcement agency to use the records or reports in the 174535
investigation of another offense, if the facts incident to the 174536
offense being investigated by the other law enforcement agency and 174537
the facts incident to an offense that is the subject of the case 174538
are reasonably similar. The agency that provides the records and 174539
reports may provide the other agency with the name of the person 174540
who is the subject of the case, if it believes that the name of 174541
the person is necessary to the conduct of the investigation by the 174542
other agency. 174543

No law enforcement agency, or person employed by a law 174544
enforcement agency, that receives from another law enforcement 174545
agency records or reports pertaining to a case the records of 174546
which have been ordered sealed or expunged pursuant to division 174547
(B) of section 2953.33 of the Revised Code shall use the records 174548
and reports for any purpose other than the investigation of the 174549
offense for which they were obtained from the other law 174550
enforcement agency, or disclose the name of the person who is the 174551

subject of the records or reports except when necessary for the 174552
conduct of the investigation of the offense, or the prosecution of 174553
the person for committing the offense, for which they were 174554
obtained from the other law enforcement agency. 174555

(d) The auditor of state may provide to or discuss with other 174556
parties records, reports, or audits maintained by the auditor of 174557
state pursuant to Chapter 117. of the Revised Code pertaining to 174558
the case that are the auditor of state's specific investigatory 174559
work product and that are excepted from the definition of 174560
"official records" contained in division (C) of section 2953.31 of 174561
the Revised Code, or that are the specific investigatory work 174562
product of a law enforcement officer the auditor of state employs 174563
and that were delivered to the auditor of state under division 174564
(K)(1)(a) of this section. 174565

(2) Whoever violates division (K)(1) of this section is 174566
guilty of divulging confidential information, a misdemeanor of the 174567
fourth degree. 174568

(L)(1) In any application for employment, license, or any 174569
other right or privilege, any appearance as a witness, or any 174570
other inquiry, a person may not be questioned with respect to any 174571
record that has been sealed or expunged pursuant to section 174572
2953.33 of the Revised Code. If an inquiry is made in violation of 174573
this division, the person whose official record was sealed may 174574
respond as if the arrest underlying the case to which the sealed 174575
official records pertain and all other proceedings in that case 174576
did not occur, and the person whose official record was sealed 174577
shall not be subject to any adverse action because of the arrest, 174578
the proceedings, or the person's response. 174579

~~(2) An~~ (2)(a) Except as provided in division (L)(2)(b) of 174580
this section, an officer or employee of the state or any of its 174581
political subdivisions who knowingly releases, disseminates, or 174582
makes available for any purpose involving employment, bonding, 174583

licensing, or education to any person or to any department, 174584
agency, or other instrumentality of the state, or of any of its 174585
political subdivisions, any information or other data concerning 174586
any arrest, complaint, indictment, information, trial, 174587
adjudication, or correctional supervision, knowing the records of 174588
which have been sealed or expunged pursuant to section 2953.33 of 174589
the Revised Code, is guilty of divulging confidential information, 174590
a misdemeanor of the fourth degree. 174591

(b) Division (L)(2)(a) of this section does not apply to any 174592
release, dissemination, or access to information or data if the 174593
records are released or disseminated or access is provided 174594
pursuant to an application by the person who is the subject of the 174595
information or data or by a legal representative of that person. 174596

(M) It is not a violation of division (I), (J), (K), or (L) 174597
of this section for the bureau of criminal identification and 174598
investigation or any authorized employee of the bureau 174599
participating in the investigation of criminal activity to 174600
release, disseminate, or otherwise make available to, or discuss 174601
with, a person directly employed by a law enforcement agency DNA 174602
records collected in the DNA database or fingerprints filed for 174603
record by the superintendent of the bureau of criminal 174604
identification and investigation. 174605

(N)(1) An order issued under section 2953.35 of the Revised 174606
Code to expunge the record of a person's conviction or, except as 174607
provided in division (D) of this section, an order issued under 174608
that section to seal the record of a person's conviction restores 174609
the person who is the subject of the order to all rights and 174610
privileges not otherwise restored by termination of the sentence 174611
or community control sanction or by final release on parole or 174612
post-release control. 174613

(2)(a) In any application for employment, license, or other 174614
right or privilege, any appearance as a witness, or any other 174615

inquiry, except as provided in division (B) of this section and in 174616
section 3319.292 of the Revised Code and subject to division 174617
(N)(2)(c) of this section, a person may be questioned only with 174618
respect to convictions not sealed, bail forfeitures not expunged 174619
under section 2953.42 of the Revised Code as it existed prior to 174620
June 29, 1988, and bail forfeitures not sealed, unless the 174621
question bears a direct and substantial relationship to the 174622
position for which the person is being considered. 174623

(b) In any application for a certificate of qualification for 174624
employment under section 2953.25 of the Revised Code, a person may 174625
be questioned only with respect to convictions not sealed and bail 174626
forfeitures not sealed. 174627

(c) A person may not be questioned in any application, 174628
appearance, or inquiry of a type described in division (N)(2)(a) 174629
of this section with respect to any conviction expunged under 174630
section 2953.35 of the Revised Code. 174631

(O) Nothing in section 2953.32 or 2953.34 of the Revised Code 174632
precludes an offender from taking an appeal or seeking any relief 174633
from the offender's conviction or from relying on it in lieu of 174634
any subsequent prosecution for the same offense. 174635

Sec. 2953.39. (A) As used in this section: 174636

(1) "Applicant prosecutor" means the prosecutor who applies 174637
under division (B)(1) of this section for the sealing or 174638
expungement of the record of a case that pertains to a conviction 174639
of a person of a low-level controlled substance offense. 174640

(2) "Low-level controlled substance offense" means a 174641
violation of any provision of Chapter 2925. of the Revised Code 174642
that is a misdemeanor of the fourth degree or a minor misdemeanor 174643
or a violation of an ordinance of a municipal corporation that is 174644
substantially equivalent to a violation of any provision of 174645

Chapter 2925. of the Revised Code and that, if the violation were 174646
to be charged under the provision of Chapter 2925. of the Revised 174647
Code, would be a misdemeanor of the fourth degree or a minor 174648
misdemeanor. 174649

(3) "Subject offender" means, regarding an application filed 174650
under division (B)(1) of this section requesting the sealing or 174651
expungement of the record of a case that pertains to a conviction 174652
of a low-level controlled substance offense, the person who was 174653
convicted of the low-level controlled substance offense for which 174654
the application requests the sealing or expungement. 174655

(B)(1) If a person is or was convicted of a low-level 174656
controlled substance offense, the prosecutor in the case may apply 174657
to the sentencing court for the sealing or expungement of the 174658
record of the case that pertains to the conviction. The prosecutor 174659
may file the application with respect to the offense that is the 174660
subject of the application at any time after the expiration, with 174661
respect to that offense and the subject offender, of the 174662
corresponding period of time specified in division (B)(1) of 174663
section 2953.32 of the Revised Code for sealing or expungement 174664
applications filed by an offender under that section. 174665

(2) An application under division (B)(1) of this section may 174666
request an order to seal or expunge the record of conviction for 174667
more than one low-level controlled substance offense, but if it 174668
does, the court shall consider the request for each offense 174669
separately as if a separate application had been made for each 174670
offense and all references in divisions (B) to (F) of this section 174671
to "the offense" or "that offense" mean each of those offenses 174672
that are the subject of the application. 174673

(3) Upon the filing of an application under division (B)(1) 174674
of this section, except as otherwise provided in this division, 174675
the applicant prosecutor shall pay a fee of not more than fifty 174676
dollars, including court fees, regardless of the number of records 174677

the application requests to have sealed or expunged. The court may 174678
direct the clerk of the court to waive some or all of the fee that 174679
otherwise would be charged. If the applicant pays a fee, the court 174680
shall pay three-fifths of the fee collected into the state 174681
treasury, with half of that amount credited to the attorney 174682
general reimbursement fund created under section 109.11 of the 174683
Revised Code. If the applicant pays a fee, the court shall pay 174684
two-fifths of the fee collected into the county general revenue 174685
fund if the sealed or expunged conviction was pursuant to a state 174686
statute, or into the general revenue fund of the municipal 174687
corporation involved if the sealed or expunged conviction was 174688
pursuant to a municipal ordinance. 174689

(C) An application filed under division (B)(1) of this 174690
section shall do all of the following: 174691

(1) Identify the subject offender and the applicant 174692
prosecutor, the offense for which the sealing or expungement is 174693
sought, the date of the conviction of that offense, and the court 174694
in which the conviction occurred; 174695

(2) Describe the evidence and provide copies of any 174696
documentation showing that the subject offender is entitled to 174697
relief under this section; 174698

(3) Include a request for sealing or expungement under this 174699
section of the record of the case that pertains to the conviction 174700
of that offense. 174701

(D)(1) Upon the filing of an application under division 174702
(B)(1) of this section, the court shall set a date for a hearing 174703
and shall notify the applicant prosecutor of the date, time, and 174704
location of the hearing not later than sixty days prior to the 174705
hearing. Upon receipt of the notice, the prosecutor shall do both 174706
of the following: 174707

(a) Notify the subject offender of the application, the date, 174708

time, and location of the hearing on the application, and the 174709
offender's right to object to the granting of the application. The 174710
notice shall be provided at the offender's last known address or 174711
through another means of contact. 174712

(b) ~~Notify~~ Provide timely notice to the victim of the 174713
offense, if such a victim exists, or the victim's representative, 174714
of the application, the date, time, and location of the hearing on 174715
the application, and the victim's or representative's right to 174716
object to the granting of the application. The victim, victim's 174717
representative, and victim's attorney, if applicable, may be 174718
present and heard orally, in writing, or both at any hearing under 174719
this section. The notice shall be provided by any reasonable means 174720
reasonably calculated to provide prompt actual notice, including 174721
regular mail, telephone, and electronic mail. If the prosecutor 174722
attempts to provide notice to a victim under this division but the 174723
attempt is unsuccessful because the prosecutor is unable to locate 174724
the victim, is unable to provide the notice by the chosen method 174725
because the mailing address, telephone number, or electronic mail 174726
address at which to provide the notice cannot be determined, or 174727
the notice is sent by mail and it is returned, the prosecutor 174728
shall make another attempt to provide the notice to the victim. If 174729
the second attempt is unsuccessful, the prosecutor shall make at 174730
least one more attempt to provide the notice. 174731

(2) The court shall hold the hearing set under division 174732
(D)(1) of this section not less than forty-five days and not more 174733
than ninety days from the date of the filing of the application. 174734

The subject offender may object to the granting of the 174735
application by filing an objection with the court prior to the 174736
date set for the hearing. The victim of the offense may object to 174737
the granting of the application by filing an objection with the 174738
court prior to the date set for the hearing. The subject offender 174739
or victim shall specify in the objection the reasons for believing 174740

that the application should be denied. 174741

(E)(1) At the hearing held under division (D) of this 174742
section, the court shall determine whether the offense that is the 174743
subject of the application is a low-level controlled substance 174744
offense and whether the amount of time specified in division 174745
(B)(1) of this section for the filing of the application has 174746
expired. 174747

(2) If the court at the hearing held under division (D) of 174748
this section determines that the offense that is the subject of 174749
the application is a low-level controlled substance offense and 174750
that the amount of time specified in division (B)(1) of this 174751
section for the filing of the application has expired, the court 174752
at the hearing also shall do all of the following: 174753

(a) Determine whether criminal proceedings are pending 174754
against the subject offender; 174755

(b) Determine whether the subject offender has been 174756
rehabilitated to the satisfaction of the court; 174757

(c) If the subject offender objected, consider the reasons 174758
against granting the application specified by the offender in the 174759
objection; 174760

(d) If the victim objected, pursuant to the Ohio 174761
Constitution, consider the reasons against granting the 174762
application specified by the victim in the objection; 174763

(e) Weigh the interests of the subject offender in having the 174764
records pertaining to the offender's conviction sealed or expunged 174765
against the legitimate needs, if any, of the government to 174766
maintain those records; 174767

(f) Consider the oral or written statement of the victim, 174768
victim's representative, and victim's attorney, if applicable. 174769

(F)(1) If the court determines, after complying with 174770

divisions (E)(1) and (2) of this section, that no criminal 174771
proceeding is pending against the subject offender, that the 174772
interests of the offender in having the records pertaining to the 174773
offender's conviction sealed or expunged are not outweighed by any 174774
legitimate governmental needs to maintain those records, and that 174775
the rehabilitation of the offender has been attained to the 174776
satisfaction of the court, all of the following apply: 174777

(a) The court shall issue orders of the type specified in 174778
division (D)(2) of section 2953.32 of the Revised Code, subject to 174779
the exceptions specified in that division. 174780

(b) The proceedings in the case that pertain to the 174781
conviction shall be considered not to have occurred and the 174782
conviction of the subject offender shall be sealed or expunged, 174783
subject to the exceptions specified in division (D)(2) of section 174784
2953.32 of the Revised Code. 174785

(c) The court shall notify the subject offender, at the 174786
offender's last known address or through another means of contact, 174787
that the court has issued the order requiring the sealing or 174788
expungement of the official records pertaining to the case and 174789
shall specifically identify the offense and case with respect to 174790
which the order applies. 174791

(2) If the court orders the official records pertaining to 174792
the case sealed or expunged under division (F)(1) of this section, 174793
the court shall comply with division (D)(4)(a) or (b) of section 174794
2953.32 of the Revised Code, whichever is applicable. 174795

(3) All provisions of section 2953.34 of the Revised Code 174796
that apply with respect to an order to seal or expunge official 174797
records that is issued under section 2953.32 of the Revised Code, 174798
or that apply with respect to the official records to be sealed or 174799
expunged under such an order, apply with respect to an order to 174800
seal or expunge official records that is issued under division 174801

(F)(1) of this section and to the official records to be sealed or 174802
expunged under such an order. 174803

(G) A record that is expunged pursuant to an order issued 174804
under division (F)(1) of this section shall be destroyed, deleted, 174805
and erased, as appropriate for the record's physical or electronic 174806
form or characteristic, so that the record is permanently 174807
irretrievable. 174808

(H) The provisions of this section are separate from, and 174809
independent of, the provisions of sections 2953.35 and 2953.36 174810
and, except as otherwise specified in this section, the provisions 174811
of sections 2953.32 and 2953.34 of the Revised Code. 174812

Sec. 2967.131. (A) In addition to any other terms and 174813
conditions of a conditional pardon or parole, of transitional 174814
control, or of another form of authorized release from confinement 174815
in a state correctional institution that is granted to an 174816
individual and that involves the placement of the individual under 174817
the supervision of the adult parole authority, and in addition to 174818
any other sanctions of post-release control of a felon imposed 174819
under section 2967.28 of the Revised Code, the authority or, in 174820
the case of a conditional pardon, the governor shall include in 174821
the terms and conditions of the conditional pardon, parole, 174822
transitional control, or other form of authorized release or shall 174823
include as conditions of the post-release control the conditions 174824
that the individual or felon not leave the state without 174825
permission of the court or the individual's or felon's parole or 174826
probation officer and that the individual or felon abide by the 174827
law during the period of the individual's or felon's conditional 174828
pardon, parole, transitional control, other form of authorized 174829
release, or post-release control. 174830

(B)(1) The department of rehabilitation and correction, as a 174831
condition of parole or post-release control, may require that the 174832

individual or felon shall not ingest or be injected with a drug of 174833
abuse and shall submit to random drug testing as provided in 174834
divisions (B)(2), (3), and (4) of this section and that the 174835
results of the drug test indicate that the individual or felon did 174836
not ingest or was not injected with a drug of abuse. 174837

(2) If the adult parole authority has general control and 174838
supervision of an individual or felon who is required to submit to 174839
random drug testing as a condition of parole or post-release 174840
control under division (B)(1) of this section, the authority may 174841
cause the individual or felon to submit to random drug testing 174842
performed by a laboratory or entity that has entered into a 174843
contract with any of the governmental entities or officers 174844
authorized to enter into a contract with that laboratory or entity 174845
under section 341.26, 753.33, or 5120.63 of the Revised Code. 174846

(3) If no laboratory or entity described in division (B)(2) 174847
of this section has entered into a contract as specified in that 174848
division, the adult parole authority shall cause the individual or 174849
felon to submit to random drug testing performed by a reputable 174850
public laboratory to determine whether the individual or felon who 174851
is the subject of the drug test ingested or was injected with a 174852
drug of abuse. 174853

(4) If a laboratory or entity has entered into a contract 174854
with a governmental entity or officer as specified in division 174855
(B)(2) of this section, the laboratory or entity shall perform the 174856
random drug testing under division (B)(2) of this section in 174857
accordance with the applicable standards that are included in the 174858
terms of that contract. A public laboratory shall perform the 174859
random drug tests under division (B)(3) of this section in 174860
accordance with the standards set forth in the policies and 174861
procedures established by the department of rehabilitation and 174862
correction pursuant to section 5120.63 of the Revised Code. An 174863
individual or felon who is required under division (B)(1) of this 174864

section to submit to random drug testing as a condition of parole 174865
or post-release control and whose test results indicate that the 174866
individual or felon ingested or was injected with a drug of abuse 174867
shall pay the fee for the drug test if the adult parole authority 174868
requires payment of a fee. A laboratory or entity that performs 174869
the random drug testing on a parolee or releasee under division 174870
(B)(2) or (3) of this section shall transmit the results of the 174871
drug test to the adult parole authority. 174872

(C)(1) During the period of a conditional pardon or parole, 174873
of transitional control, or of another form of authorized release 174874
from confinement in a state correctional institution that is 174875
granted to an individual and that involves the placement of the 174876
individual under the supervision of the adult parole authority, 174877
and during a period of post-release control of a felon imposed 174878
under section 2967.28 of the Revised Code, authorized field 174879
officers of the authority who are engaged within the scope of 174880
their supervisory duties or responsibilities may search, with or 174881
without a warrant, the person of the individual or felon, the 174882
place of residence of the individual or felon, and a motor 174883
vehicle, another item of tangible or intangible personal property, 174884
or other real property in which the individual or felon has a 174885
right, title, or interest or for which the individual or felon has 174886
the express or implied permission of a person with a right, title, 174887
or interest to use, occupy, or possess, if any of the following 174888
apply: 174889

(a) The field officers have reasonable grounds to believe 174890
that the individual or felon has left the state, is not abiding by 174891
the law, or otherwise is not complying with the terms and 174892
conditions of the individual's or felon's conditional pardon, 174893
parole, transitional control, other form of authorized release, or 174894
post-release control. 174895

(b) The adult parole authority requires the individual's or 174896

felon's consent to searches as part of the terms and conditions of 174897
the conditional pardon or parole, of the transitional control, ~~or~~ 174898
of the other form of authorized release from confinement in a 174899
state correctional institution that is granted to a person, or of 174900
the post-release control and that involves the placement of the 174901
person under the supervision of the adult parole authority, and 174902
the individual or felon agreed to those terms and conditions, 174903
provided that this division applies with respect to an individual 174904
only if the individual is a felon. 174905

(c) The individual or felon otherwise provides consent for 174906
the search, provided that this division applies with respect to an 174907
individual only if the individual is a felon. 174908

(2) The adult parole authority shall provide each individual 174909
who is granted a conditional pardon or parole, transitional 174910
control, or another form of authorized release from confinement in 174911
a state correctional institution and each felon who is under 174912
post-release control with a written notice that informs the 174913
individual or felon that authorized field officers of the 174914
authority who are engaged within the scope of their supervisory 174915
duties or responsibilities may conduct the types of searches 174916
described in division (C)(1) of this section during the period of 174917
the conditional pardon, parole, transitional control, other form 174918
of authorized release, or post-release control if any of the 174919
following apply: 174920

(a) The field officers have reasonable grounds to believe 174921
that the individual or felon has left the state, is not abiding by 174922
the law, or otherwise is not complying with the terms and 174923
conditions of the individual's or felon's conditional pardon, 174924
parole, transitional control, other form of authorized release, or 174925
post-release control. 174926

(b) The adult parole authority requires the individual's or 174927
felon's consent to searches as part of the terms and conditions of 174928

the conditional pardon or parole, of transitional control, ~~or~~ of 174929
the other form of authorized release from confinement in a state 174930
correctional institution that is granted to a person, or of the 174931
post-release control and that involves the placement of the person 174932
under the supervision of the adult parole authority, and the 174933
individual or felon agreed to those terms and conditions, provided 174934
that this division applies with respect to an individual only if 174935
the individual is a felon. 174936

(c) The individual or felon otherwise provides consent for 174937
the search, provided that this division applies with respect to an 174938
individual only if the individual is a felon. 174939

Sec. 2967.26. (A)(1) The department of rehabilitation and 174940
correction, by rule, may establish a transitional control program 174941
for the purpose of closely monitoring a prisoner's adjustment to 174942
community supervision during the final one hundred eighty days of 174943
the prisoner's confinement. If the department establishes a 174944
transitional control program under this division, the division of 174945
parole and community services of the department of rehabilitation 174946
and correction may transfer eligible prisoners to transitional 174947
control status under the program during the final one hundred 174948
eighty days of their confinement and under the terms and 174949
conditions established by the department, shall provide for the 174950
confinement as provided in this division of each eligible prisoner 174951
so transferred, and shall supervise each eligible prisoner so 174952
transferred in one or more community control sanctions. Each 174953
eligible prisoner who is transferred to transitional control 174954
status under the program shall be confined in a suitable facility 174955
that is licensed pursuant to division (C) of section 2967.14 of 174956
the Revised Code, or shall be confined in a residence the 174957
department has approved for this purpose and be monitored pursuant 174958
to an electronic monitoring device, as defined in section 2929.01 174959
of the Revised Code. If the department establishes a transitional 174960

control program under this division, the rules establishing the 174961
program shall include criteria that define which prisoners are 174962
eligible for the program, criteria that must be satisfied to be 174963
approved as a residence that may be used for confinement under the 174964
program of a prisoner that is transferred to it and procedures for 174965
the department to approve residences that satisfy those criteria, 174966
and provisions of the type described in division (C) of this 174967
section. At a minimum, the criteria that define which prisoners 174968
are eligible for the program shall provide all of the following: 174969

(a) That a prisoner is eligible for the program if the 174970
prisoner is serving a prison term or term of imprisonment for an 174971
offense committed prior to March 17, 1998, and if, at the time at 174972
which eligibility is being determined, the prisoner would have 174973
been eligible for a furlough under this section as it existed 174974
immediately prior to March 17, 1998, or would have been eligible 174975
for conditional release under former section 2967.23 of the 174976
Revised Code as that section existed immediately prior to March 174977
17, 1998; 174978

(b) That no prisoner who is serving a mandatory prison term 174979
is eligible for the program until after expiration of the 174980
mandatory term; 174981

(c) That no prisoner who is serving a prison term or term of 174982
life imprisonment without parole imposed pursuant to section 174983
2971.03 of the Revised Code is eligible for the program. 174984

(2) At least sixty days prior to transferring to transitional 174985
control under this section a prisoner who is serving a definite 174986
term of imprisonment or definite prison term of less than one year 174987
for an offense committed on or after July 1, 1996, or who is 174988
serving a minimum term of less than one year under a non-life 174989
felony indefinite prison term, the division of parole and 174990
community services of the department of rehabilitation and 174991

correction shall give notice of the pendency of the transfer to 174992
transitional control to the court of common pleas of the county in 174993
which the indictment against the prisoner was found and of the 174994
fact that the court may disapprove the transfer of the prisoner to 174995
transitional control and shall include the institutional summary 174996
report prepared by the head of the state correctional institution 174997
in which the prisoner is confined. The head of the state 174998
correctional institution in which the prisoner is confined, upon 174999
the request of the division of parole and community services, 175000
shall provide to the division for inclusion in the notice sent to 175001
the court under this division an institutional summary report on 175002
the prisoner's conduct in the institution and in any institution 175003
from which the prisoner may have been transferred. The 175004
institutional summary report shall cover the prisoner's 175005
participation in school, vocational training, work, treatment, and 175006
other rehabilitative activities and any disciplinary action taken 175007
against the prisoner. If the court disapproves of the transfer of 175008
the prisoner to transitional control, the court shall notify the 175009
division of the disapproval within thirty days after receipt of 175010
the notice. If the court timely disapproves the transfer of the 175011
prisoner to transitional control, the division shall not proceed 175012
with the transfer. If the court does not timely disapprove the 175013
transfer of the prisoner to transitional control, the division may 175014
transfer the prisoner to transitional control. 175015

(3)(a) If the victim of an offense for which a prisoner was 175016
sentenced to a prison term or term of imprisonment has requested 175017
notification under section 2930.16 of the Revised Code and has 175018
provided the department of rehabilitation and correction with the 175019
victim's name and address or if division (A)(3)(b) of this section 175020
applies, the division of parole and community services, at least 175021
sixty days prior to transferring the prisoner to transitional 175022
control pursuant to this section, shall notify the victim and the 175023
victim's representative, if applicable, of the pendency of the 175024

transfer and of the victim's and victim's representative's right 175025
to submit a statement to the division regarding the impact of the 175026
transfer of the prisoner to transitional control. If the victim or 175027
victim's representative's subsequently submits a statement of that 175028
nature to the division, the division shall consider the statement 175029
in deciding whether to transfer the prisoner to transitional 175030
control. 175031

(b) If a prisoner is incarcerated for the commission of 175032
aggravated murder, murder, or an offense of violence that is a 175033
felony of the first, second, or third degree or under a sentence 175034
of life imprisonment, except as otherwise provided in this 175035
division, the notice described in division (A)(3)(a) of this 175036
section shall be given regardless of whether the victim has 175037
requested the notification. The notice described in division 175038
(A)(3)(a) of this section shall not be given under this division 175039
to a victim if the victim has requested pursuant to division 175040
(B)(2) of section 2930.03 of the Revised Code that the victim not 175041
be provided the notice. If notice is to be provided to a victim 175042
under this division, the authority may give the notice by any 175043
reasonable means, including regular mail, telephone, and 175044
electronic mail, in accordance with division (D)(1) of section 175045
2930.16 of the Revised Code. If the notice is based on an offense 175046
committed prior to March 22, 2013, the notice also shall include 175047
the opt-out information described in division (D)(1) of section 175048
2930.16 of the Revised Code. The authority, in accordance with 175049
division (D)(2) of section 2930.16 of the Revised Code, shall keep 175050
a record of all attempts to provide the notice, and of all notices 175051
provided, under this division. 175052

Division (A)(3)(b) of this section, and the notice-related 175053
provisions of divisions (E)(2) and (K) of section 2929.20, 175054
division (D)(1) of section 2930.16, division (H) of section 175055
2967.12, division (E)(1)(b) of section 2967.19 as it existed prior 175056

to ~~the effective date of this amendment~~ April 4, 2023, division 175057
(D)(1) of section 2967.28, and division (A)(2) of section 5149.101 175058
of the Revised Code enacted in the act in which division (A)(3)(b) 175059
of this section was enacted, shall be known as "Roberta's Law." 175060

(4) The department of rehabilitation and correction, at least 175061
sixty days prior to transferring a prisoner to transitional 175062
control pursuant to this section, shall post on the database it 175063
maintains pursuant to section 5120.66 of the Revised Code the 175064
prisoner's name and all of the information specified in division 175065
(A)(1)(c)(iv) of that section. In addition to and independent of 175066
the right of a victim to submit a statement as described in 175067
division (A)(3) of this section or to otherwise make a statement 175068
and in addition to and independent of any other right or duty of a 175069
person to present information or make a statement, any person may 175070
send to the division of parole and community services at any time 175071
prior to the division's transfer of the prisoner to transitional 175072
control a written statement regarding the transfer of the prisoner 175073
to transitional control. In addition to the information, reports, 175074
and statements it considers under divisions (A)(2) and (3) of this 175075
section or that it otherwise considers, the division shall 175076
consider each statement submitted in accordance with this division 175077
in deciding whether to transfer the prisoner to transitional 175078
control. 175079

(B) Each prisoner transferred to transitional control under 175080
this section shall be confined in the manner described in division 175081
(A) of this section during any period of time that the prisoner is 175082
not actually working at the prisoner's approved employment, 175083
engaged in a vocational training or another educational program, 175084
engaged in another program designated by the director, or engaged 175085
in other activities approved by the department. 175086

(C) The department of rehabilitation and correction shall 175087
adopt rules for transferring eligible prisoners to transitional 175088

control, supervising and confining prisoners so transferred, 175089
administering the transitional control program in accordance with 175090
this section, and using the moneys deposited into the transitional 175091
control fund established under division (E) of this section. 175092

(D) The department of rehabilitation and correction may adopt 175093
rules for the issuance of passes for the limited purposes 175094
described in this division to prisoners who are transferred to 175095
transitional control under this section. If the department adopts 175096
rules of that nature, the rules shall govern the granting of the 175097
passes and shall provide for the supervision of prisoners who are 175098
temporarily released pursuant to one of those passes. Upon the 175099
adoption of rules under this division, the department may issue 175100
passes to prisoners who are transferred to transitional control 175101
status under this section in accordance with the rules and the 175102
provisions of this division. All passes issued under this division 175103
shall be for a maximum of forty-eight hours and may be issued only 175104
for the following purposes: 175105

(1) To visit a relative in imminent danger of death; 175106

(2) To have a private viewing of the body of a deceased 175107
relative; 175108

(3) To visit with family; 175109

(4) To otherwise aid in the rehabilitation of the prisoner. 175110

(E) The division of parole and community services may require 175111
a prisoner who is transferred to transitional control to pay to 175112
the division the reasonable expenses incurred by the division in 175113
supervising or confining the prisoner while under transitional 175114
control. Inability to pay those reasonable expenses shall not be 175115
grounds for refusing to transfer an otherwise eligible prisoner to 175116
transitional control. Amounts received by the division of parole 175117
and community services under this division shall be deposited into 175118
the transitional control fund, which is hereby created in the 175119

state treasury and which hereby replaces and succeeds the furlough 175120
services fund that formerly existed in the state treasury. All 175121
moneys that remain in the furlough services fund on March 17, 175122
1998, shall be transferred on that date to the transitional 175123
control fund. The transitional control fund shall be used solely 175124
to pay costs related to the operation of the transitional control 175125
program established under this section. The director of 175126
rehabilitation and correction shall adopt rules in accordance with 175127
section 111.15 of the Revised Code for the use of the fund. 175128

(F) A prisoner who violates any rule established by the 175129
department of rehabilitation and correction under division (A), 175130
(C), or (D) of this section may be transferred to a state 175131
correctional institution pursuant to rules adopted under division 175132
(A), (C), or (D) of this section, but the prisoner shall receive 175133
credit towards completing the prisoner's sentence for the time 175134
spent under transitional control. 175135

If a prisoner is transferred to transitional control under 175136
this section, upon successful completion of the period of 175137
transitional control, the prisoner may be released on parole or 175138
under post-release control pursuant to section 2967.13 or 2967.28 175139
of the Revised Code and rules adopted by the department of 175140
rehabilitation and correction. If the prisoner is released under 175141
post-release control, the duration of the post-release control, 175142
the type of post-release control sanctions that may be imposed, 175143
the enforcement of the sanctions, and the treatment of prisoners 175144
who violate any sanction applicable to the prisoner are governed 175145
by section 2967.28 of the Revised Code. 175146

Sec. 4511.204. (A) No person shall operate a motor vehicle, 175147
trackless trolley, or streetcar on any street, highway, or 175148
property open to the public for vehicular traffic while using, 175149
holding, or physically supporting with any part of the person's 175150

body an electronic wireless communications device. 175151

(B) Division (A) of this section does not apply to any of the 175152
following: 175153

(1) A person using an electronic wireless communications 175154
device to make contact, for emergency purposes, with a law 175155
enforcement agency, hospital or health care provider, fire 175156
department, or other similar emergency agency or entity; 175157

(2) A person driving a public safety vehicle while using an 175158
electronic wireless communications device in the course of the 175159
person's duties; 175160

(3) A person using an electronic wireless communications 175161
device when the person's motor vehicle is in a stationary position 175162
and is outside a lane of travel, at a traffic control signal that 175163
is currently directing traffic to stop, or parked on a road or 175164
highway due to an emergency or road closure; 175165

(4) A person using and holding an electronic wireless 175166
communications device directly near the person's ear for the 175167
purpose of making, receiving, or conducting a telephone call, 175168
provided that the person does not manually enter letters, numbers, 175169
or symbols into the device; 175170

(5) A person receiving wireless messages on an electronic 175171
wireless communications device regarding the operation or 175172
navigation of a motor vehicle; safety-related information, 175173
including emergency, traffic, or weather alerts; or data used 175174
primarily by the motor vehicle, provided that the person does not 175175
hold or support the device with any part of the person's body; 175176

(6) A person using the speaker phone function of the 175177
electronic wireless communications device, provided that the 175178
person does not hold or support the device with any part of the 175179
person's body; 175180

(7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:	175181
	175182
	175183
(a) Manually enter letters, numbers, or symbols into the device;	175184
	175185
(b) Hold or support the device with any part of the person's body;	175186
	175187
(8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:	175188
	175189
	175190
	175191
(a) Manually enter letters, numbers, or symbols into the device;	175192
	175193
(b) Hold or support the device with any part of the person's body;	175194
	175195
(9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;	175196
	175197
(10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;	175198
	175199
	175200
	175201
(11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;	175202
	175203
	175204
	175205
	175206
	175207
	175208
(12) A person using technology that physically or electronically integrates the device into the motor vehicle,	175209
	175210

provided that the person does not do either of the following 175211
during the use: 175212

(a) Manually enter letters, numbers, or symbols into the 175213
device; 175214

(b) Hold or support the device with any part of the person's 175215
body. 175216

(13) A person storing an electronic wireless communications 175217
device in a holster, harness, or article of clothing on the 175218
person's body. 175219

(C)(1) On January 31 of each year, the department of public 175220
safety shall issue a report to the general assembly that specifies 175221
the number of citations issued for violations of this section 175222
during the previous calendar year. 175223

(2) If a law enforcement officer issues an offender a ticket, 175224
citation, or summons for a violation of division (A) of this 175225
section, the officer shall do both of the following: 175226

(a) Report the issuance of the ticket, citation, or summons 175227
to the officer's law enforcement agency; 175228

(b) Ensure that such report indicates the offender's race. 175229

~~(D)(1)~~(D) Whoever violates division (A) of this section is 175230
guilty of operating a motor vehicle while using an electronic 175231
wireless communication device, an unclassified misdemeanor, and 175232
shall be punished as provided in divisions (D)(1) to (5) of this 175233
section. 175234

(1) The offender shall be fined, and is subject to a 175235
suspension of the offender's driver's license, commercial driver's 175236
license, temporary instruction permit, probationary license, or 175237
nonresident operating privilege, as follows: 175238

(a) Except as provided in divisions (D)(1)(b), (c), (d), and 175239
(2) of this section, the court shall impose upon the offender a 175240

fine of not more than one hundred fifty dollars. 175241

(b) If, within two years of the violation, the offender has 175242
been convicted of or pleaded guilty to one prior violation of this 175243
section or a substantially equivalent municipal ordinance, the 175244
court shall impose upon the offender a fine of not more than two 175245
hundred fifty dollars. 175246

(c) If, within two years of the violation, the offender has 175247
been convicted of or pleaded guilty to two or more prior 175248
violations of this section or a substantially equivalent municipal 175249
ordinance, the court shall impose upon the offender a fine of not 175250
more than five hundred dollars. The court also may impose a 175251
suspension of the offender's driver's license, commercial driver's 175252
license, temporary instruction permit, probationary license, or 175253
nonresident operating privilege for ninety days. 175254

(d) Notwithstanding divisions (D)(1)(a) to (c) of this 175255
section, if the offender was operating the motor vehicle at the 175256
time of the violation in a construction zone where a sign was 175257
posted in accordance with section 4511.98 of the Revised Code, the 175258
court, in addition to all other penalties provided by law, shall 175259
impose upon the offender a fine of two times the amount imposed 175260
for the violation under division (D)(1)(a), (b), or (c) of this 175261
section, as applicable. 175262

(2) ~~In~~ If the offender is in the category of offenders to 175263
whom division (D)(1)(a) of this section applies, in lieu of 175264
payment of the fine of one hundred fifty dollars under division 175265
(D)(1)(a) of this section and the assessment of points under 175266
division (D)(4) of this section, the offender instead may elect to 175267
attend the distracted driving safety course, as described in 175268
section 4511.991 of the Revised Code. If the offender attends and 175269
successfully completes the course, the offender shall be issued 175270
written evidence that the offender successfully completed the 175271
course. The offender shall not be required to pay the fine and 175272

shall not have the points assessed against that offender's 175273
driver's license if the offender submits the written evidence to 175274
the court. This division does not apply with respect to any 175275
offender in the category of offenders to whom division (D)(1)(b), 175276
(c), or (d) of this section applies. 175277

(3) The court may impose any other penalty authorized under 175278
sections 2929.21 to 2929.28 of the Revised Code. However, the 175279
court shall not impose a fine or a suspension not otherwise 175280
specified in division (D)(1) of this section. The court also shall 175281
not impose a jail term or community residential sanction. 175282

(4) Except as provided in division (D)(2) of this section, 175283
points shall be assessed for a violation of division (A) of this 175284
section in accordance with section 4510.036 of the Revised Code. 175285

(5) The offense established under this section is a strict 175286
liability offense and section 2901.20 of the Revised Code does not 175287
apply. The designation of this offense as a strict liability 175288
offense shall not be construed to imply that any other offense, 175289
for which there is no specified degree of culpability, is not a 175290
strict liability offense. 175291

(E) This section shall not be construed as invalidating, 175292
preempting, or superseding a substantially equivalent municipal 175293
ordinance that prescribes penalties for violations of that 175294
ordinance that are greater than the penalties prescribed in this 175295
section for violations of this section. 175296

(F) A prosecution for an offense in violation of this section 175297
does not preclude a prosecution for an offense in violation of a 175298
substantially equivalent municipal ordinance based on the same 175299
conduct. However, the two offenses are allied offenses of similar 175300
import under section 2941.25 of the Revised Code. 175301

(G)(1) A law enforcement officer does not have probable cause 175302
and shall not stop the operator of a motor vehicle for purposes of 175303

enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

(a) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

(b) Confiscate the device while awaiting the issuance of a warrant to access the device;

(c) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(H) As used in this section:

(1) "Electronic wireless communications device" includes any of the following:

(a) A wireless telephone;

(b) A text-messaging device;

(c) A personal digital assistant;

(d) A computer, including a laptop computer and a computer tablet;

(e) Any device capable of displaying a video, movie, broadcast television image, or visual image;

(f) Any other substantially similar wireless device that is

designed or used to communicate text, initiate or receive 175333
communication, or exchange information or data. 175334

An "electronic wireless communications device" does not 175335
include a two-way radio transmitter or receiver used by a person 175336
who is licensed by the federal communications commission to 175337
participate in the amateur radio service. 175338

(2) "Voice-operated or hands-free feature or function" means 175339
a feature or function that allows a person to use an electronic 175340
wireless communications device without the use of either hand, 175341
except to activate, deactivate, or initiate the feature or 175342
function with a single touch or single swipe. 175343

(3) "Utility" means an entity specified in division (A), (C), 175344
(D), (E), or (G) of section 4905.03 of the Revised Code. 175345

(4) "Utility service vehicle" means a vehicle owned or 175346
operated by a utility. 175347

Sec. 4731.862. A person may bring a separate action under 175348
section 4731.861 of the Revised Code for each child born to the 175349
patient or spouse as a result of an assisted reproduction 175350
procedure performed without consent and performed recklessly. 175351

Section 130.71. That existing sections 2743.671, 2907.13, 175352
2907.231, 2925.11, 2929.20, 2930.06, 2930.171, 2930.20, 2935.10, 175353
2953.31, 2953.32, 2953.33, 2953.34, 2953.39, 2967.131, 2967.26, 175354
4511.204, and 4731.862 of the Revised Code are hereby repealed. 175355

Section 130.72. The General Assembly, applying the principle 175356
stated in division (B) of section 1.52 of the Revised Code that 175357
amendments are to be harmonized if reasonably capable of 175358
simultaneous operation, finds that the following sections, 175359
presented in this act as composites of the sections as amended by 175360
the acts indicated, are the resulting versions of the sections in 175361

effect prior to the effective date of the sections as presented in 175362
this act: 175363

Section 2929.20 of the Revised Code as amended by H.B. 281, 175364
H.B. 343, and S.B. 288, all of the 134th General Assembly. 175365

Section 2930.06 of the Revised Code as amended by both H.B. 175366
343 and S.B. 288 of the 134th General Assembly. 175367

Section 2953.32 of the Revised Code as amended by both H.B. 175368
343 and S.B. 288 of the 134th General Assembly. 175369

Section 130.80. That sections 3701.89, 4730.25, 4730.32, 175370
4731.22, 4731.224, 4731.252, 4731.253, 4731.254, 4759.07, 4759.13, 175371
4760.13, 4760.16, 4761.09, 4761.19, 4762.13, 4762.16, 4774.13, 175372
4774.16, 4778.14, and 4778.17 be amended and new sections 4731.25 175373
and 4731.251 and section 4731.255 of the Revised Code be enacted 175374
to read as follows: 175375

Sec. 3701.89. (A) There is hereby re-created a foundation as 175376
described in section 170 of the "Internal Revenue Code of 1986," 175377
100 Stat. 2085, 26 U.S.C. 1, as amended, which shall be known as 175378
the Ohio medical quality foundation. The foundation shall be 175379
administered by thirteen trustees, one of whom shall be the 175380
director of health and the remaining twelve of whom shall be 175381
appointed by the governor within ninety days of July 21, 1994. 175382

(B) Five of the appointed trustees shall hold the degree of 175383
doctor of medicine; of those, two shall be appointed to an initial 175384
term of three years, one shall be appointed for an initial term of 175385
four years, and two shall be appointed for an initial term of five 175386
years. Four of the appointed trustees shall be representatives of 175387
hospitals; of those, one shall be appointed for an initial term of 175388
three years, one shall be appointed for an initial term of five 175389
years, and two shall be appointed to an initial term of four 175390
years. Two of the appointed trustees shall hold the degree of 175391

doctor of osteopathic medicine; of those, one shall be appointed 175392
for an initial term of four years and one shall be appointed to an 175393
initial term of five years. One of the appointed trustees shall 175394
hold the degree of doctor of podiatric medicine and shall be 175395
appointed for a term of three years. Thereafter, all trustees 175396
appointed by the governor shall be appointed to terms of three 175397
years. 175398

(C) The trustees shall act by majority vote with seven 175399
trustees constituting a quorum for the transaction of any business 175400
or the exercise of any power of the foundation. 175401

(D) All money received by the foundation shall be held in 175402
trust by a corporate trustee selected by the foundation trustees, 175403
which selection may be changed from time to time. The corporate 175404
trustee shall invest, manage, and account for the money held in 175405
trust, subject to the approval of the foundation trustees. All 175406
investment income shall be credited to the foundation trust funds. 175407
All expenses of administration of the foundation shall be charged 175408
to the foundation trust funds. 175409

(E) The trustees may: 175410

(1) Adopt rules and bylaws consistent with subsection 501 175411
(c)(3) of the Internal Revenue Code for the regulation of its 175412
affairs and the conduct of its business; 175413

(2) Employ a staff and retain or contract with attorneys, 175414
financial consultants, and accounting experts as are necessary in 175415
its judgment to carry out this section; 175416

(3) Seek and accept funding from any private or public source 175417
for the conduct of its business. 175418

(F) In a manner consistent with federal income tax exemption 175419
status under subsection 501(c)(3) of the Internal Revenue Code, 175420
the foundation shall fund activities to improve the quality of 175421
medical care rendered to the public. The trustees of the money in 175422

the foundation trust may fund the following: 175423

(1) Programs approved under criteria established under 175424
section ~~4731.25~~ 4731.251 of the Revised Code; 175425

(2) Programs designed to improve the quality of graduate 175426
medical education; 175427

(3) Programs designed to improve risk management and quality 175428
assurance in hospitals, as defined in section 3727.01 of the 175429
Revised Code, and in outpatient settings including physician 175430
offices; 175431

(4) Other programs, meetings, and educational seminars that 175432
are designed to improve the quality of medical care in Ohio and 175433
are determined by the trustees to be consistent with this section. 175434

(G) The foundation may be organized as a nonprofit 175435
corporation formed under Chapter 1702. of the Revised Code. 175436

Sec. 4730.25. (A) The state medical board, by an affirmative 175437
vote of not fewer than six members, ~~may revoke or~~ may refuse to 175438
grant a license to practice as a physician assistant to ~~a person~~ , 175439
or revoke the license held by, an individual found by the board to 175440
have committed fraud, misrepresentation, or deception in applying 175441
for or securing the license. 175442

(B) Except as provided in division (N) of this section, the 175443
board, by an affirmative vote of not fewer than six members, 175444
shall, to the extent permitted by law, limit, revoke, or suspend 175445
an individual's license to practice as a physician assistant or 175446
prescriber number, refuse to issue a license to an applicant, 175447
refuse to renew a license, refuse to reinstate a license, or 175448
reprimand or place on probation the holder of a license for any of 175449
the following reasons: 175450

(1) Failure to practice in accordance with the supervising 175451
physician's supervision agreement with the physician assistant, 175452

including, if applicable, the policies of the health care facility 175453
in which the supervising physician and physician assistant are 175454
practicing; 175455

(2) Failure to comply with the requirements of this chapter, 175456
Chapter 4731. of the Revised Code, or any rules adopted by the 175457
board; 175458

(3) Violating or attempting to violate, directly or 175459
indirectly, or assisting in or abetting the violation of, or 175460
conspiring to violate, any provision of this chapter, Chapter 175461
4731. of the Revised Code, or the rules adopted by the board; 175462

(4) Inability to practice according to acceptable and 175463
prevailing standards of care by reason of mental illness or 175464
physical illness, including physical deterioration that adversely 175465
affects cognitive, motor, or perceptive skills; 175466

(5) Impairment of ability to practice according to acceptable 175467
and prevailing standards of care because of ~~habitual~~ substance use 175468
disorder or excessive use or abuse of drugs, alcohol, or other 175469
substances that may impair ability to practice; 175470

(6) Administering drugs for purposes other than those 175471
authorized under this chapter; 175472

(7) Willfully betraying a professional confidence; 175473

(8) Making a false, fraudulent, deceptive, or misleading 175474
statement in soliciting or advertising for employment as a 175475
physician assistant; in connection with any solicitation or 175476
advertisement for patients; in relation to the practice of 175477
medicine as it pertains to physician assistants; or in securing or 175478
attempting to secure a license to practice as a physician 175479
assistant. 175480

As used in this division, "false, fraudulent, deceptive, or 175481
misleading statement" means a statement that includes a 175482

misrepresentation of fact, is likely to mislead or deceive because 175483
of a failure to disclose material facts, is intended or is likely 175484
to create false or unjustified expectations of favorable results, 175485
or includes representations or implications that in reasonable 175486
probability will cause an ordinarily prudent person to 175487
misunderstand or be deceived. 175488

(9) Representing, with the purpose of obtaining compensation 175489
or other advantage personally or for any other person, that an 175490
incurable disease or injury, or other incurable condition, can be 175491
permanently cured; 175492

(10) The obtaining of, or attempting to obtain, money or 175493
anything of value by fraudulent misrepresentations in the course 175494
of practice; 175495

(11) A plea of guilty to, a judicial finding of guilt of, or 175496
a judicial finding of eligibility for intervention in lieu of 175497
conviction for, a felony; 175498

(12) Commission of an act that constitutes a felony in this 175499
state, regardless of the jurisdiction in which the act was 175500
committed; 175501

(13) A plea of guilty to, a judicial finding of guilt of, or 175502
a judicial finding of eligibility for intervention in lieu of 175503
conviction for, a misdemeanor committed in the course of practice; 175504

(14) A plea of guilty to, a judicial finding of guilt of, or 175505
a judicial finding of eligibility for intervention in lieu of 175506
conviction for, a misdemeanor involving moral turpitude; 175507

(15) Commission of an act in the course of practice that 175508
constitutes a misdemeanor in this state, regardless of the 175509
jurisdiction in which the act was committed; 175510

(16) Commission of an act involving moral turpitude that 175511
constitutes a misdemeanor in this state, regardless of the 175512

jurisdiction in which the act was committed; 175513

(17) A plea of guilty to, a judicial finding of guilt of, or 175514
a judicial finding of eligibility for intervention in lieu of 175515
conviction for violating any state or federal law regulating the 175516
possession, distribution, or use of any drug, including 175517
trafficking in drugs; 175518

(18) Any of the following actions taken by the state agency 175519
responsible for regulating the practice of physician assistants in 175520
another state, for any reason other than the nonpayment of fees: 175521
the limitation, revocation, or suspension of an individual's 175522
license to practice; acceptance of an individual's license 175523
surrender; denial of a license; refusal to renew or reinstate a 175524
license; imposition of probation; or issuance of an order of 175525
censure or other reprimand; 175526

(19) A departure from, or failure to conform to, minimal 175527
standards of care of similar physician assistants under the same 175528
or similar circumstances, regardless of whether actual injury to a 175529
patient is established; 175530

(20) Violation of the conditions placed by the board on a 175531
license to practice as a physician assistant; 175532

(21) Failure to use universal blood and body fluid 175533
precautions established by rules adopted under section 4731.051 of 175534
the Revised Code; 175535

(22) Failure to cooperate in an investigation conducted by 175536
the board under section 4730.26 of the Revised Code, including 175537
failure to comply with a subpoena or order issued by the board or 175538
failure to answer truthfully a question presented by the board at 175539
a deposition or in written interrogatories, except that failure to 175540
cooperate with an investigation shall not constitute grounds for 175541
discipline under this section if a court of competent jurisdiction 175542
has issued an order that either quashes a subpoena or permits the 175543

individual to withhold the testimony or evidence in issue;	175544
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	175545 175546
(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	175547 175548
(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	175549 175550 175551
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	175552 175553 175554 175555
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	175556 175557 175558
(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	175559 175560 175561 175562 175563 175564
(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code.	175565 175566 175567
(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a physician assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted	175568 175569 175570 175571 175572 175573

under it. A consent agreement, when ratified by an affirmative 175574
vote of not fewer than six members of the board, shall constitute 175575
the findings and order of the board with respect to the matter 175576
addressed in the agreement. If the board refuses to ratify a 175577
consent agreement, the admissions and findings contained in the 175578
consent agreement shall be of no force or effect. 175579

(D) For purposes of divisions (B)(12), (15), and (16) of this 175580
section, the commission of the act may be established by a finding 175581
by the board, pursuant to an adjudication under Chapter 119. of 175582
the Revised Code, that the applicant or license holder committed 175583
the act in question. The board shall have no jurisdiction under 175584
these divisions in cases where the trial court renders a final 175585
judgment in the license holder's favor and that judgment is based 175586
upon an adjudication on the merits. The board shall have 175587
jurisdiction under these divisions in cases where the trial court 175588
issues an order of dismissal upon technical or procedural grounds. 175589

(E) The sealing or expungement of conviction records by any 175590
court shall have no effect upon a prior board order entered under 175591
the provisions of this section or upon the board's jurisdiction to 175592
take action under the provisions of this section if, based upon a 175593
plea of guilty, a judicial finding of guilt, or a judicial finding 175594
of eligibility for intervention in lieu of conviction, the board 175595
issued a notice of opportunity for a hearing prior to the court's 175596
order to seal or expunge the records. The board shall not be 175597
required to seal, destroy, redact, or otherwise modify its records 175598
to reflect the court's sealing or expungement of conviction 175599
records. 175600

(F) For purposes of this division, any individual who holds a 175601
license issued under this chapter, or applies for a license issued 175602
under this chapter, shall be deemed to have given consent to 175603
submit to a mental or physical examination when directed to do so 175604
in writing by the board and to have waived all objections to the 175605

admissibility of testimony or examination reports that constitute 175606
a privileged communication. 175607

(1) In enforcing division (B)(4) of this section, the board, 175608
upon a showing of a possible violation, shall refer any individual 175609
who holds, or has applied for, a license issued under this chapter 175610
to the monitoring organization that conducts the confidential 175611
monitoring program established under section 4731.25 of the 175612
Revised Code. The board also may compel any the individual who 175613
~~holds a license issued under this chapter or who has applied for a~~ 175614
~~license pursuant to this chapter~~ to submit to a mental 175615
examination, physical examination, including an HIV test, or both 175616
a mental and physical examination. The expense of the examination 175617
is the responsibility of the individual compelled to be examined. 175618
Failure to submit to a mental or physical examination or consent 175619
to an HIV test ordered by the board constitutes an admission of 175620
the allegations against the individual unless the failure is due 175621
to circumstances beyond the individual's control, and a default 175622
and final order may be entered without the taking of testimony or 175623
presentation of evidence. If the board finds a physician assistant 175624
unable to practice because of the reasons set forth in division 175625
(B)(4) of this section, the board shall require the physician 175626
assistant to submit to care, counseling, or treatment by 175627
physicians approved or designated by the board, as a condition for 175628
an initial, continued, reinstated, or renewed license. An 175629
individual affected under this division shall be afforded an 175630
opportunity to demonstrate to the board the ability to resume 175631
practicing in compliance with acceptable and prevailing standards 175632
of care. 175633

(2) For purposes of division (B)(5) of this section, if the 175634
board has reason to believe that any individual who holds a 175635
license issued under this chapter or any applicant for a license 175636
suffers such impairment, the board shall refer the individual to 175637

the monitoring organization that conducts the confidential 175638
monitoring program established under section 4731.25 of the 175639
Revised Code. The board also may compel the individual to submit 175640
to a mental or physical examination, or both. The expense of the 175641
examination is the responsibility of the individual compelled to 175642
be examined. Any mental or physical examination required under 175643
this division shall be undertaken by a treatment provider or 175644
physician qualified to conduct such examination and ~~chosen by the~~ 175645
~~board~~ approved under section 4731.251 of the Revised Code. 175646

Failure to submit to a mental or physical examination ordered 175647
by the board constitutes an admission of the allegations against 175648
the individual unless the failure is due to circumstances beyond 175649
the individual's control, and a default and final order may be 175650
entered without the taking of testimony or presentation of 175651
evidence. If the board determines that the individual's ability to 175652
practice is impaired, the board shall suspend the individual's 175653
license or deny the individual's application and shall require the 175654
individual, as a condition for initial, continued, reinstated, or 175655
renewed licensure, to submit to treatment. 175656

Before being eligible to apply for reinstatement of a license 175657
suspended under this division, the physician assistant shall 175658
demonstrate to the board the ability to resume practice or 175659
prescribing in compliance with acceptable and prevailing standards 175660
of care. The demonstration shall include the following: 175661

(a) Certification from a treatment provider approved under 175662
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 175663
has successfully completed any required inpatient treatment; 175664

(b) Evidence of continuing full compliance with an aftercare 175665
contract or consent agreement; 175666

(c) Two written reports indicating that the individual's 175667
ability to practice has been assessed and that the individual has 175668

been found capable of practicing according to acceptable and 175669
prevailing standards of care. The reports shall be made by 175670
individuals or providers approved by the board for making such 175671
assessments and shall describe the basis for their determination. 175672

The board may reinstate a license suspended under this 175673
division after such demonstration and after the individual has 175674
entered into a written consent agreement. 175675

When the impaired physician assistant resumes practice or 175676
prescribing, the board shall require continued monitoring of the 175677
physician assistant. The monitoring shall include compliance with 175678
the written consent agreement entered into before reinstatement or 175679
with conditions imposed by board order after a hearing, and, upon 175680
termination of the consent agreement, submission to the board for 175681
at least two years of annual written progress reports made under 175682
penalty of falsification stating whether the physician assistant 175683
has maintained sobriety. 175684

(G) If the secretary and supervising member determine that 175685
there is clear and convincing evidence that a physician assistant 175686
has violated division (B) of this section and that the 175687
individual's continued practice or prescribing presents a danger 175688
of immediate and serious harm to the public, they may recommend 175689
that the board suspend the individual's license without a prior 175690
hearing. Written allegations shall be prepared for consideration 175691
by the board. 175692

The board, upon review of those allegations and by an 175693
affirmative vote of not fewer than six of its members, excluding 175694
the secretary and supervising member, may suspend a license 175695
without a prior hearing. A telephone conference call may be 175696
utilized for reviewing the allegations and taking the vote on the 175697
summary suspension. 175698

The board shall issue a written order of suspension by 175699

certified mail or in person in accordance with section 119.07 of 175700
the Revised Code. The order shall not be subject to suspension by 175701
the court during pendency of any appeal filed under section 119.12 175702
of the Revised Code. If the physician assistant requests an 175703
adjudicatory hearing by the board, the date set for the hearing 175704
shall be within fifteen days, but not earlier than seven days, 175705
after the physician assistant requests the hearing, unless 175706
otherwise agreed to by both the board and the license holder. 175707

A summary suspension imposed under this division shall remain 175708
in effect, unless reversed on appeal, until a final adjudicative 175709
order issued by the board pursuant to this section and Chapter 175710
119. of the Revised Code becomes effective. The board shall issue 175711
its final adjudicative order within sixty days after completion of 175712
its hearing. Failure to issue the order within sixty days shall 175713
result in dissolution of the summary suspension order, but shall 175714
not invalidate any subsequent, final adjudicative order. 175715

(H) If the board takes action under division (B)(11), (13), 175716
or (14) of this section, and the judicial finding of guilt, guilty 175717
plea, or judicial finding of eligibility for intervention in lieu 175718
of conviction is overturned on appeal, upon exhaustion of the 175719
criminal appeal, a petition for reconsideration of the order may 175720
be filed with the board along with appropriate court documents. 175721
Upon receipt of a petition and supporting court documents, the 175722
board shall reinstate the individual's license. The board may then 175723
hold an adjudication under Chapter 119. of the Revised Code to 175724
determine whether the individual committed the act in question. 175725
Notice of opportunity for hearing shall be given in accordance 175726
with Chapter 119. of the Revised Code. If the board finds, 175727
pursuant to an adjudication held under this division, that the 175728
individual committed the act, or if no hearing is requested, it 175729
may order any of the sanctions identified under division (B) of 175730
this section. 175731

(I) The license to practice issued to a physician assistant 175732
and the physician assistant's practice in this state are 175733
automatically suspended as of the date the physician assistant 175734
pleads guilty to, is found by a judge or jury to be guilty of, or 175735
is subject to a judicial finding of eligibility for intervention 175736
in lieu of conviction in this state or treatment or intervention 175737
in lieu of conviction in another state for any of the following 175738
criminal offenses in this state or a substantially equivalent 175739
criminal offense in another jurisdiction: aggravated murder, 175740
murder, voluntary manslaughter, felonious assault, kidnapping, 175741
rape, sexual battery, gross sexual imposition, aggravated arson, 175742
aggravated robbery, or aggravated burglary. Continued practice 175743
after the suspension shall be considered practicing without a 175744
license. 175745

The board shall notify the individual subject to the 175746
suspension by certified mail or in person in accordance with 175747
section 119.07 of the Revised Code. If an individual whose license 175748
is suspended under this division fails to make a timely request 175749
for an adjudication under Chapter 119. of the Revised Code, the 175750
board shall enter a final order permanently revoking the 175751
individual's license to practice. 175752

(J) In any instance in which the board is required by Chapter 175753
119. of the Revised Code to give notice of opportunity for hearing 175754
and the individual subject to the notice does not timely request a 175755
hearing in accordance with section 119.07 of the Revised Code, the 175756
board is not required to hold a hearing, but may adopt, by an 175757
affirmative vote of not fewer than six of its members, a final 175758
order that contains the board's findings. In that final order, the 175759
board may order any of the sanctions identified under division (A) 175760
or (B) of this section. 175761

(K) Any action taken by the board under division (B) of this 175762
section resulting in a suspension shall be accompanied by a 175763

written statement of the conditions under which the physician 175764
assistant's license may be reinstated. The board shall adopt rules 175765
in accordance with Chapter 119. of the Revised Code governing 175766
conditions to be imposed for reinstatement. Reinstatement of a 175767
license suspended pursuant to division (B) of this section 175768
requires an affirmative vote of not fewer than six members of the 175769
board. 175770

(L) When the board refuses to grant or issue to an applicant 175771
a license to practice as a physician assistant, revokes an 175772
individual's license, refuses to renew an individual's license, or 175773
refuses to reinstate an individual's license, the board may 175774
specify that its action is permanent. An individual subject to a 175775
permanent action taken by the board is forever thereafter 175776
ineligible to hold the license and the board shall not accept an 175777
application for reinstatement of the license or for issuance of a 175778
new license. 175779

(M) Notwithstanding any other provision of the Revised Code, 175780
all of the following apply: 175781

(1) The surrender of a license issued under this chapter is 175782
not effective unless or until accepted by the board. Reinstatement 175783
of a license surrendered to the board requires an affirmative vote 175784
of not fewer than six members of the board. 175785

(2) An application made under this chapter for a license may 175786
not be withdrawn without approval of the board. 175787

(3) Failure by an individual to renew a license in accordance 175788
with section 4730.14 of the Revised Code shall not remove or limit 175789
the board's jurisdiction to take disciplinary action under this 175790
section against the individual. 175791

(N) The board shall not refuse to issue a license to an 175792
applicant because of a conviction, plea of guilty, judicial 175793
finding of guilt, judicial finding of eligibility for intervention 175794

in lieu of conviction, or the commission of an act that 175795
constitutes a criminal offense, unless the refusal is in 175796
accordance with section 9.79 of the Revised Code. 175797

Sec. 4730.32. (A) Within sixty days after the imposition of 175798
any formal disciplinary action taken by a health care facility 175799
against any individual holding a valid license to practice as a 175800
physician assistant issued under this chapter, the chief 175801
administrator or executive officer of the facility shall report to 175802
the state medical board the name of the individual, the action 175803
taken by the facility, and a summary of the underlying facts 175804
leading to the action taken. Upon request, the board shall be 175805
provided certified copies of the patient records that were the 175806
basis for the facility's action. Prior to release to the board, 175807
the summary shall be approved by the peer review committee that 175808
reviewed the case or by the governing board of the facility. 175809

The filing of a report with the board or decision not to file 175810
a report, investigation by the board, or any disciplinary action 175811
taken by the board, does not preclude a health care facility from 175812
taking disciplinary action against a physician assistant. 175813

In the absence of fraud or bad faith, no individual or entity 175814
that provides patient records to the board shall be liable in 175815
damages to any person as a result of providing the records. 175816

(B)(1) Except as provided in division (B)(2) of this section, 175817
a physician assistant, professional association or society of 175818
physician assistants, physician, or professional association or 175819
society of physicians that believes a violation of any provision 175820
of this chapter, Chapter 4731. of the Revised Code, or rule of the 175821
board has occurred shall report to the board the information upon 175822
which the belief is based. 175823

(2) A physician assistant, professional association or 175824
society of physician assistants, physician, or professional 175825

association or society of physicians that believes that a 175826
violation of division ~~(B)(5)~~(B)(4) or (5) of section 4730.25 of 175827
the Revised Code has occurred shall report the information upon 175828
which the belief is based to the monitoring organization 175829
conducting the confidential monitoring program established ~~by the~~ 175830
~~board~~ under section ~~4731.251~~ 4731.25 of the Revised Code. If any 175831
such report is made to the board, it shall be referred to the 175832
monitoring organization unless the board is aware that the 175833
individual who is the subject of the report does not meet the 175834
program eligibility requirements of section 4731.252 of the 175835
Revised Code. 175836

(C) Any professional association or society composed 175837
primarily of physician assistants that suspends or revokes an 175838
individual's membership for violations of professional ethics, or 175839
for reasons of professional incompetence or professional 175840
malpractice, within sixty days after a final decision, shall 175841
report to the board, on forms prescribed and provided by the 175842
board, the name of the individual, the action taken by the 175843
professional organization, and a summary of the underlying facts 175844
leading to the action taken. 175845

The filing or nonfiling of a report with the board, 175846
investigation by the board, or any disciplinary action taken by 175847
the board, shall not preclude a professional organization from 175848
taking disciplinary action against a physician assistant. 175849

(D) Any insurer providing professional liability insurance to 175850
any person holding a valid license to practice as a physician 175851
assistant issued under this chapter or any other entity that seeks 175852
to indemnify the professional liability of a physician assistant 175853
shall notify the board within thirty days after the final 175854
disposition of any written claim for damages where such 175855
disposition results in a payment exceeding twenty-five thousand 175856
dollars. The notice shall contain the following information: 175857

(1) The name and address of the person submitting the notification;	175858 175859
(2) The name and address of the insured who is the subject of the claim;	175860 175861
(3) The name of the person filing the written claim;	175862
(4) The date of final disposition;	175863
(5) If applicable, the identity of the court in which the final disposition of the claim took place.	175864 175865
(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the physician assistant.	175866 175867 175868 175869 175870 175871 175872 175873 175874 175875
(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a physician assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against a physician assistant or supervising physician, or in any subsequent trial or appeal of a board action or order.	175876 175877 175878 175879 175880 175881 175882 175883 175884 175885 175886
The board may disclose the summaries and reports it receives under this section only to health care facility committees within	175887 175888

or outside this state that are involved in credentialing or 175889
recredentialing a physician assistant or supervising physician or 175890
reviewing their privilege to practice within a particular 175891
facility. The board shall indicate whether or not the information 175892
has been verified. Information transmitted by the board shall be 175893
subject to the same confidentiality provisions as when maintained 175894
by the board. 175895

(G) Except for reports filed by an individual pursuant to 175896
division (B) of this section, the board shall send a copy of any 175897
reports or summaries it receives pursuant to this section to the 175898
physician assistant. The physician assistant shall have the right 175899
to file a statement with the board concerning the correctness or 175900
relevance of the information. The statement shall at all times 175901
accompany that part of the record in contention. 175902

(H) An individual or entity that reports to the board, 175903
reports to the monitoring organization described in section 175904
~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired 175905
physician assistant to a treatment provider approved ~~by the board~~ 175906
under section ~~4731.25~~ 4731.251 of the Revised Code shall not be 175907
subject to suit for civil damages as a result of the report, 175908
referral, or provision of the information. 175909

(I) In the absence of fraud or bad faith, a professional 175910
association or society of physician assistants that sponsors a 175911
committee or program to provide peer assistance to a physician 175912
assistant with substance abuse problems, a representative or agent 175913
of such a committee or program, a representative or agent of the 175914
monitoring organization described in section ~~4731.251~~ 4731.25 of 175915
the Revised Code, and a member of the state medical board shall 175916
not be held liable in damages to any person by reason of actions 175917
taken to refer a physician assistant to a treatment provider 175918
approved under section ~~4731.25~~ 4731.251 of the Revised Code for 175919
examination or treatment. 175920

Sec. 4731.22. (A) The state medical board, by an affirmative 175921
vote of not fewer than six of its members, may limit, revoke, or 175922
suspend a license or certificate to practice or certificate to 175923
recommend, refuse to grant a license or certificate, refuse to 175924
renew a license or certificate, refuse to reinstate a license or 175925
certificate, or reprimand or place on probation the holder of a 175926
license or certificate if the individual applying for or holding 175927
the license or certificate is found by the board to have committed 175928
fraud during the administration of the examination for a license 175929
or certificate to practice or to have committed fraud, 175930
misrepresentation, or deception in applying for, renewing, or 175931
securing any license or certificate to practice or certificate to 175932
recommend issued by the board. 175933

(B) Except as provided in division (P) of this section, the 175934
board, by an affirmative vote of not fewer than six members, 175935
shall, to the extent permitted by law, limit, revoke, or suspend a 175936
license or certificate to practice or certificate to recommend, 175937
refuse to issue a license or certificate, refuse to renew a 175938
license or certificate, refuse to reinstate a license or 175939
certificate, or reprimand or place on probation the holder of a 175940
license or certificate for one or more of the following reasons: 175941

(1) Permitting one's name or one's license or certificate to 175942
practice to be used by a person, group, or corporation when the 175943
individual concerned is not actually directing the treatment 175944
given; 175945

(2) Failure to maintain minimal standards applicable to the 175946
selection or administration of drugs, or failure to employ 175947
acceptable scientific methods in the selection of drugs or other 175948
modalities for treatment of disease; 175949

(3) Except as provided in section 4731.97 of the Revised 175950
Code, selling, giving away, personally furnishing, prescribing, or 175951

administering drugs for other than legal and legitimate 175952
therapeutic purposes or a plea of guilty to, a judicial finding of 175953
guilt of, or a judicial finding of eligibility for intervention in 175954
lieu of conviction of, a violation of any federal or state law 175955
regulating the possession, distribution, or use of any drug; 175956

(4) Willfully betraying a professional confidence. 175957

For purposes of this division, "willfully betraying a 175958
professional confidence" does not include providing any 175959
information, documents, or reports under sections 307.621 to 175960
307.629 of the Revised Code to a child fatality review board; does 175961
not include providing any information, documents, or reports under 175962
sections 307.631 to 307.6410 of the Revised Code to a drug 175963
overdose fatality review committee, a suicide fatality review 175964
committee, or hybrid drug overdose fatality and suicide fatality 175965
review committee; does not include providing any information, 175966
documents, or reports under sections 307.651 to 307.659 of the 175967
Revised Code to a domestic violence fatality review board; does 175968
not include providing any information, documents, or reports to 175969
the director of health pursuant to guidelines established under 175970
section 3701.70 of the Revised Code; does not include written 175971
notice to a mental health professional under section 4731.62 of 175972
the Revised Code; and does not include the making of a report of 175973
an employee's use of a drug of abuse, or a report of a condition 175974
of an employee other than one involving the use of a drug of 175975
abuse, to the employer of the employee as described in division 175976
(B) of section 2305.33 of the Revised Code. Nothing in this 175977
division affects the immunity from civil liability conferred by 175978
section 2305.33 or 4731.62 of the Revised Code upon a physician 175979
who makes a report in accordance with section 2305.33 or notifies 175980
a mental health professional in accordance with section 4731.62 of 175981
the Revised Code. As used in this division, "employee," 175982
"employer," and "physician" have the same meanings as in section 175983

2305.33 of the Revised Code.	175984
(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.	175985 175986 175987 175988 175989 175990
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	175991 175992 175993 175994 175995 175996 175997 175998
(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;	175999 176000 176001 176002
(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	176003 176004 176005 176006
(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	176007 176008 176009
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	176010 176011 176012
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was	176013 176014

committed;	176015
(11) A plea of guilty to, a judicial finding of guilt of, or	176016
a judicial finding of eligibility for intervention in lieu of	176017
conviction for, a misdemeanor committed in the course of practice;	176018
(12) Commission of an act in the course of practice that	176019
constitutes a misdemeanor in this state, regardless of the	176020
jurisdiction in which the act was committed;	176021
(13) A plea of guilty to, a judicial finding of guilt of, or	176022
a judicial finding of eligibility for intervention in lieu of	176023
conviction for, a misdemeanor involving moral turpitude;	176024
(14) Commission of an act involving moral turpitude that	176025
constitutes a misdemeanor in this state, regardless of the	176026
jurisdiction in which the act was committed;	176027
(15) Violation of the conditions of limitation placed by the	176028
board upon a license or certificate to practice;	176029
(16) Failure to pay license renewal fees specified in this	176030
chapter;	176031
(17) Except as authorized in section 4731.31 of the Revised	176032
Code, engaging in the division of fees for referral of patients,	176033
or the receiving of a thing of value in return for a specific	176034
referral of a patient to utilize a particular service or business;	176035
(18) Subject to section 4731.226 of the Revised Code,	176036
violation of any provision of a code of ethics of the American	176037
medical association, the American osteopathic association, the	176038
American podiatric medical association, or any other national	176039
professional organizations that the board specifies by rule. The	176040
state medical board shall obtain and keep on file current copies	176041
of the codes of ethics of the various national professional	176042
organizations. The individual whose license or certificate is	176043
being suspended or revoked shall not be found to have violated any	176044

provision of a code of ethics of an organization not appropriate 176045
to the individual's profession. 176046

For purposes of this division, a "provision of a code of 176047
ethics of a national professional organization" does not include 176048
any provision that would preclude the making of a report by a 176049
physician of an employee's use of a drug of abuse, or of a 176050
condition of an employee other than one involving the use of a 176051
drug of abuse, to the employer of the employee as described in 176052
division (B) of section 2305.33 of the Revised Code. Nothing in 176053
this division affects the immunity from civil liability conferred 176054
by that section upon a physician who makes either type of report 176055
in accordance with division (B) of that section. As used in this 176056
division, "employee," "employer," and "physician" have the same 176057
meanings as in section 2305.33 of the Revised Code. 176058

(19) Inability to practice according to acceptable and 176059
prevailing standards of care by reason of mental illness or 176060
physical illness, including, but not limited to, physical 176061
deterioration that adversely affects cognitive, motor, or 176062
perceptive skills. 176063

In enforcing this division, the board, upon a showing of a 176064
possible violation, shall refer any individual who is authorized 176065
to practice by this chapter or who has submitted an application 176066
pursuant to this chapter to the monitoring organization that 176067
conducts the confidential monitoring program established under 176068
section 4731.25 of the Revised Code. The board also may compel any 176069
the individual authorized to practice by this chapter or who has 176070
submitted an application pursuant to this chapter to submit to a 176071
mental examination, physical examination, including an HIV test, 176072
or both a mental and a physical examination. The expense of the 176073
examination is the responsibility of the individual compelled to 176074
be examined. Failure to submit to a mental or physical examination 176075
or consent to an HIV test ordered by the board constitutes an 176076

admission of the allegations against the individual unless the 176077
failure is due to circumstances beyond the individual's control, 176078
and a default and final order may be entered without the taking of 176079
testimony or presentation of evidence. If the board finds an 176080
individual unable to practice because of the reasons set forth in 176081
this division, the board shall require the individual to submit to 176082
care, counseling, or treatment by physicians approved or 176083
designated by the board, as a condition for initial, continued, 176084
reinstated, or renewed authority to practice. An individual 176085
affected under this division shall be afforded an opportunity to 176086
demonstrate to the board the ability to resume practice in 176087
compliance with acceptable and prevailing standards under the 176088
provisions of the individual's license or certificate. For the 176089
purpose of this division, any individual who applies for or 176090
receives a license or certificate to practice under this chapter 176091
accepts the privilege of practicing in this state and, by so 176092
doing, shall be deemed to have given consent to submit to a mental 176093
or physical examination when directed to do so in writing by the 176094
board, and to have waived all objections to the admissibility of 176095
testimony or examination reports that constitute a privileged 176096
communication. 176097

(20) Except as provided in division (F)(1)(b) of section 176098
4731.282 of the Revised Code or when civil penalties are imposed 176099
under section 4731.225 of the Revised Code, and subject to section 176100
4731.226 of the Revised Code, violating or attempting to violate, 176101
directly or indirectly, or assisting in or abetting the violation 176102
of, or conspiring to violate, any provisions of this chapter or 176103
any rule promulgated by the board. 176104

This division does not apply to a violation or attempted 176105
violation of, assisting in or abetting the violation of, or a 176106
conspiracy to violate, any provision of this chapter or any rule 176107
adopted by the board that would preclude the making of a report by 176108

a physician of an employee's use of a drug of abuse, or of a 176109
condition of an employee other than one involving the use of a 176110
drug of abuse, to the employer of the employee as described in 176111
division (B) of section 2305.33 of the Revised Code. Nothing in 176112
this division affects the immunity from civil liability conferred 176113
by that section upon a physician who makes either type of report 176114
in accordance with division (B) of that section. As used in this 176115
division, "employee," "employer," and "physician" have the same 176116
meanings as in section 2305.33 of the Revised Code. 176117

(21) The violation of section 3701.79 of the Revised Code or 176118
of any abortion rule adopted by the director of health pursuant to 176119
section 3701.341 of the Revised Code; 176120

(22) Any of the following actions taken by an agency 176121
responsible for authorizing, certifying, or regulating an 176122
individual to practice a health care occupation or provide health 176123
care services in this state or another jurisdiction, for any 176124
reason other than the nonpayment of fees: the limitation, 176125
revocation, or suspension of an individual's license to practice; 176126
acceptance of an individual's license surrender; denial of a 176127
license; refusal to renew or reinstate a license; imposition of 176128
probation; or issuance of an order of censure or other reprimand; 176129

(23) The violation of section 2919.12 of the Revised Code or 176130
the performance or inducement of an abortion upon a pregnant woman 176131
with actual knowledge that the conditions specified in division 176132
(B) of section 2317.56 of the Revised Code have not been satisfied 176133
or with a heedless indifference as to whether those conditions 176134
have been satisfied, unless an affirmative defense as specified in 176135
division (H)(2) of that section would apply in a civil action 176136
authorized by division (H)(1) of that section; 176137

(24) The revocation, suspension, restriction, reduction, or 176138
termination of clinical privileges by the United States department 176139
of defense or department of veterans affairs or the termination or 176140

suspension of a certificate of registration to prescribe drugs by 176141
the drug enforcement administration of the United States 176142
department of justice; 176143

(25) Termination or suspension from participation in the 176144
medicare or medicaid programs by the department of health and 176145
human services or other responsible agency; 176146

(26) Impairment of ability to practice according to 176147
acceptable and prevailing standards of care because of ~~habitual~~ 176148
substance use disorder or excessive use or abuse of drugs, 176149
alcohol, or other substances that may impair ability to practice. 176150

For the purposes of this division, any individual authorized 176151
to practice by this chapter accepts the privilege of practicing in 176152
this state subject to supervision by the board. By filing an 176153
application for or holding a license or certificate to practice 176154
under this chapter, an individual shall be deemed to have given 176155
consent to submit to a mental or physical examination when ordered 176156
to do so by the board in writing, and to have waived all 176157
objections to the admissibility of testimony or examination 176158
reports that constitute privileged communications. 176159

If it has reason to believe that any individual authorized to 176160
practice by this chapter or any applicant for licensure or 176161
certification to practice suffers such impairment, the board shall 176162
refer the individual to the monitoring organization that conducts 176163
the confidential monitoring program established under section 176164
4731.25 of the Revised Code. The board also may compel the 176165
individual to submit to a mental or physical examination, or both. 176166
The expense of the examination is the responsibility of the 176167
individual compelled to be examined. Any mental or physical 176168
examination required under this division shall be undertaken by a 176169
treatment provider or physician who is qualified to conduct the 176170
examination and who is ~~chosen by the board~~ approved under section 176171
4731.251 of the Revised Code. 176172

Failure to submit to a mental or physical examination ordered 176173
by the board constitutes an admission of the allegations against 176174
the individual unless the failure is due to circumstances beyond 176175
the individual's control, and a default and final order may be 176176
entered without the taking of testimony or presentation of 176177
evidence. If the board determines that the individual's ability to 176178
practice is impaired, the board shall suspend the individual's 176179
license or certificate or deny the individual's application and 176180
shall require the individual, as a condition for initial, 176181
continued, reinstated, or renewed licensure or certification to 176182
practice, to submit to treatment. 176183

Before being eligible to apply for reinstatement of a license 176184
or certificate suspended under this division, the impaired 176185
practitioner shall demonstrate to the board the ability to resume 176186
practice in compliance with acceptable and prevailing standards of 176187
care under the provisions of the practitioner's license or 176188
certificate. The demonstration shall include, but shall not be 176189
limited to, the following: 176190

(a) Certification from a treatment provider approved under 176191
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 176192
has successfully completed any required inpatient treatment; 176193

(b) Evidence of continuing full compliance with an aftercare 176194
contract or consent agreement; 176195

(c) Two written reports indicating that the individual's 176196
ability to practice has been assessed and that the individual has 176197
been found capable of practicing according to acceptable and 176198
prevailing standards of care. The reports shall be made by 176199
individuals or providers approved by the board for making the 176200
assessments and shall describe the basis for their determination. 176201

The board may reinstate a license or certificate suspended 176202
under this division after that demonstration and after the 176203

individual has entered into a written consent agreement. 176204

When the impaired practitioner resumes practice, the board 176205
shall require continued monitoring of the individual. The 176206
monitoring shall include, but not be limited to, compliance with 176207
the written consent agreement entered into before reinstatement or 176208
with conditions imposed by board order after a hearing, and, upon 176209
termination of the consent agreement, submission to the board for 176210
at least two years of annual written progress reports made under 176211
penalty of perjury stating whether the individual has maintained 176212
sobriety. 176213

(27) A second or subsequent violation of section 4731.66 or 176214
4731.69 of the Revised Code; 176215

(28) Except as provided in division (N) of this section: 176216

(a) Waiving the payment of all or any part of a deductible or 176217
copayment that a patient, pursuant to a health insurance or health 176218
care policy, contract, or plan that covers the individual's 176219
services, otherwise would be required to pay if the waiver is used 176220
as an enticement to a patient or group of patients to receive 176221
health care services from that individual; 176222

(b) Advertising that the individual will waive the payment of 176223
all or any part of a deductible or copayment that a patient, 176224
pursuant to a health insurance or health care policy, contract, or 176225
plan that covers the individual's services, otherwise would be 176226
required to pay. 176227

(29) Failure to use universal blood and body fluid 176228
precautions established by rules adopted under section 4731.051 of 176229
the Revised Code; 176230

(30) Failure to provide notice to, and receive acknowledgment 176231
of the notice from, a patient when required by section 4731.143 of 176232
the Revised Code prior to providing nonemergency professional 176233
services, or failure to maintain that notice in the patient's 176234

medical record;	176235
(31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter;	176236 176237 176238 176239
(32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement;	176240 176241 176242 176243 176244 176245 176246
(33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code;	176247 176248 176249
(34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	176250 176251 176252 176253 176254 176255 176256 176257 176258 176259
(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision;	176260 176261 176262
(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	176263 176264 176265

(37) Assisting suicide, as defined in section 3795.01 of the Revised Code;	176266 176267
(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	176268 176269
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	176270 176271 176272
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	176273 176274 176275
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	176276 176277 176278 176279
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	176280 176281 176282 176283
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	176284 176285 176286 176287
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	176288 176289 176290 176291 176292
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the	176293 176294 176295

facility has obtained and maintains the license with the	176296
classification;	176297
(46) Owning a facility that is subject to licensure as a	176298
category III terminal distributor of dangerous drugs with a pain	176299
management clinic classification unless the facility is licensed	176300
with the classification;	176301
(47) Failure to comply with any of the requirements regarding	176302
making or maintaining medical records or documents described in	176303
division (A) of section 2919.192, division (C) of section	176304
2919.193, division (B) of section 2919.195, or division (A) of	176305
section 2919.196 of the Revised Code;	176306
(48) Failure to comply with the requirements in section	176307
3719.061 of the Revised Code before issuing for a minor a	176308
prescription for an opioid analgesic, as defined in section	176309
3719.01 of the Revised Code;	176310
(49) Failure to comply with the requirements of section	176311
4731.30 of the Revised Code or rules adopted under section	176312
4731.301 of the Revised Code when recommending treatment with	176313
medical marijuana;	176314
(50) Practicing at a facility, clinic, or other location that	176315
is subject to licensure as a category III terminal distributor of	176316
dangerous drugs with an office-based opioid treatment	176317
classification unless the person operating that place has obtained	176318
and maintains the license with the classification;	176319
(51) Owning a facility, clinic, or other location that is	176320
subject to licensure as a category III terminal distributor of	176321
dangerous drugs with an office-based opioid treatment	176322
classification unless that place is licensed with the	176323
classification;	176324
(52) A pattern of continuous or repeated violations of	176325
division (E)(2) or (3) of section 3963.02 of the Revised Code;	176326

(53) Failure to fulfill the responsibilities of a 176327
collaboration agreement entered into with an athletic trainer as 176328
described in section 4755.621 of the Revised Code; 176329

(54) Failure to take the steps specified in section 4731.911 176330
of the Revised Code following an abortion or attempted abortion in 176331
an ambulatory surgical facility or other location that is not a 176332
hospital when a child is born alive. 176333

(C) Disciplinary actions taken by the board under divisions 176334
(A) and (B) of this section shall be taken pursuant to an 176335
adjudication under Chapter 119. of the Revised Code, except that 176336
in lieu of an adjudication, the board may enter into a consent 176337
agreement with an individual to resolve an allegation of a 176338
violation of this chapter or any rule adopted under it. A consent 176339
agreement, when ratified by an affirmative vote of not fewer than 176340
six members of the board, shall constitute the findings and order 176341
of the board with respect to the matter addressed in the 176342
agreement. If the board refuses to ratify a consent agreement, the 176343
admissions and findings contained in the consent agreement shall 176344
be of no force or effect. 176345

A telephone conference call may be utilized for ratification 176346
of a consent agreement that revokes or suspends an individual's 176347
license or certificate to practice or certificate to recommend. 176348
The telephone conference call shall be considered a special 176349
meeting under division (F) of section 121.22 of the Revised Code. 176350

If the board takes disciplinary action against an individual 176351
under division (B) of this section for a second or subsequent plea 176352
of guilty to, or judicial finding of guilt of, a violation of 176353
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 176354
action shall consist of a suspension of the individual's license 176355
or certificate to practice for a period of at least one year or, 176356
if determined appropriate by the board, a more serious sanction 176357
involving the individual's license or certificate to practice. Any 176358

consent agreement entered into under this division with an 176359
individual that pertains to a second or subsequent plea of guilty 176360
to, or judicial finding of guilt of, a violation of that section 176361
shall provide for a suspension of the individual's license or 176362
certificate to practice for a period of at least one year or, if 176363
determined appropriate by the board, a more serious sanction 176364
involving the individual's license or certificate to practice. 176365

(D) For purposes of divisions (B)(10), (12), and (14) of this 176366
section, the commission of the act may be established by a finding 176367
by the board, pursuant to an adjudication under Chapter 119. of 176368
the Revised Code, that the individual committed the act. The board 176369
does not have jurisdiction under those divisions if the trial 176370
court renders a final judgment in the individual's favor and that 176371
judgment is based upon an adjudication on the merits. The board 176372
has jurisdiction under those divisions if the trial court issues 176373
an order of dismissal upon technical or procedural grounds. 176374

(E) The sealing or expungement of conviction records by any 176375
court shall have no effect upon a prior board order entered under 176376
this section or upon the board's jurisdiction to take action under 176377
this section if, based upon a plea of guilty, a judicial finding 176378
of guilt, or a judicial finding of eligibility for intervention in 176379
lieu of conviction, the board issued a notice of opportunity for a 176380
hearing prior to the court's order to seal or expunge the records. 176381
The board shall not be required to seal, expunge, destroy, redact, 176382
or otherwise modify its records to reflect the court's sealing of 176383
conviction records. 176384

(F)(1) The board shall investigate evidence that appears to 176385
show that a person has violated any provision of this chapter or 176386
any rule adopted under it. Any person may report to the board in a 176387
signed writing any information that the person may have that 176388
appears to show a violation of any provision of this chapter or 176389
any rule adopted under it. In the absence of bad faith, any person 176390

who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may

apply only to records that cover a reasonable period of time 176423
surrounding the alleged violation. 176424

(b) On failure to comply with any subpoena issued by the 176425
board and after reasonable notice to the person being subpoenaed, 176426
the board may move for an order compelling the production of 176427
persons or records pursuant to the Rules of Civil Procedure. 176428

(c) A subpoena issued by the board may be served by a 176429
sheriff, the sheriff's deputy, or a board employee or agent 176430
designated by the board. Service of a subpoena issued by the board 176431
may be made by delivering a copy of the subpoena to the person 176432
named therein, reading it to the person, or leaving it at the 176433
person's usual place of residence, usual place of business, or 176434
address on file with the board. When serving a subpoena to an 176435
applicant for or the holder of a license or certificate issued 176436
under this chapter, service of the subpoena may be made by 176437
certified mail, return receipt requested, and the subpoena shall 176438
be deemed served on the date delivery is made or the date the 176439
person refuses to accept delivery. If the person being served 176440
refuses to accept the subpoena or is not located, service may be 176441
made to an attorney who notifies the board that the attorney is 176442
representing the person. 176443

(d) A sheriff's deputy who serves a subpoena shall receive 176444
the same fees as a sheriff. Each witness who appears before the 176445
board in obedience to a subpoena shall receive the fees and 176446
mileage provided for under section 119.094 of the Revised Code. 176447

(4) All hearings, investigations, and inspections of the 176448
board shall be considered civil actions for the purposes of 176449
section 2305.252 of the Revised Code. 176450

(5) A report required to be submitted to the board under this 176451
chapter, a complaint, or information received by the board 176452
pursuant to an investigation or pursuant to an inspection under 176453

division (E) of section 4731.054 of the Revised Code is 176454
confidential and not subject to discovery in any civil action. 176455

The board shall conduct all investigations or inspections and 176456
proceedings in a manner that protects the confidentiality of 176457
patients and persons who file complaints with the board. The board 176458
shall not make public the names or any other identifying 176459
information about patients or complainants unless proper consent 176460
is given or, in the case of a patient, a waiver of the patient 176461
privilege exists under division (B) of section 2317.02 of the 176462
Revised Code, except that consent or a waiver of that nature is 176463
not required if the board possesses reliable and substantial 176464
evidence that no bona fide physician-patient relationship exists. 176465

The board may share any information it receives pursuant to 176466
an investigation or inspection, including patient records and 176467
patient record information, with law enforcement agencies, other 176468
licensing boards, and other governmental agencies that are 176469
prosecuting, adjudicating, or investigating alleged violations of 176470
statutes or administrative rules. An agency or board that receives 176471
the information shall comply with the same requirements regarding 176472
confidentiality as those with which the state medical board must 176473
comply, notwithstanding any conflicting provision of the Revised 176474
Code or procedure of the agency or board that applies when it is 176475
dealing with other information in its possession. In a judicial 176476
proceeding, the information may be admitted into evidence only in 176477
accordance with the Rules of Evidence, but the court shall require 176478
that appropriate measures are taken to ensure that confidentiality 176479
is maintained with respect to any part of the information that 176480
contains names or other identifying information about patients or 176481
complainants whose confidentiality was protected by the state 176482
medical board when the information was in the board's possession. 176483
Measures to ensure confidentiality that may be taken by the court 176484
include sealing its records or deleting specific information from 176485

its records. 176486

(6) On a quarterly basis, the board shall prepare a report 176487
that documents the disposition of all cases during the preceding 176488
three months. The report shall contain the following information 176489
for each case with which the board has completed its activities: 176490

(a) The case number assigned to the complaint or alleged 176491
violation; 176492

(b) The type of license or certificate to practice, if any, 176493
held by the individual against whom the complaint is directed; 176494

(c) A description of the allegations contained in the 176495
complaint; 176496

(d) The disposition of the case. 176497

The report shall state how many cases are still pending and 176498
shall be prepared in a manner that protects the identity of each 176499
person involved in each case. The report shall be a public record 176500
under section 149.43 of the Revised Code. 176501

(G) If the secretary and supervising member determine both of 176502
the following, they may recommend that the board suspend an 176503
individual's license or certificate to practice or certificate to 176504
recommend without a prior hearing: 176505

(1) That there is clear and convincing evidence that an 176506
individual has violated division (B) of this section; 176507

(2) That the individual's continued practice presents a 176508
danger of immediate and serious harm to the public. 176509

Written allegations shall be prepared for consideration by 176510
the board. The board, upon review of those allegations and by an 176511
affirmative vote of not fewer than six of its members, excluding 176512
the secretary and supervising member, may suspend a license or 176513
certificate without a prior hearing. A telephone conference call 176514
may be utilized for reviewing the allegations and taking the vote 176515

on the summary suspension. 176516

The board shall issue a written order of suspension by 176517
certified mail or in person in accordance with section 119.07 of 176518
the Revised Code. The order shall not be subject to suspension by 176519
the court during pendency of any appeal filed under section 119.12 176520
of the Revised Code. If the individual subject to the summary 176521
suspension requests an adjudicatory hearing by the board, the date 176522
set for the hearing shall be within fifteen days, but not earlier 176523
than seven days, after the individual requests the hearing, unless 176524
otherwise agreed to by both the board and the individual. 176525

Any summary suspension imposed under this division shall 176526
remain in effect, unless reversed on appeal, until a final 176527
adjudicative order issued by the board pursuant to this section 176528
and Chapter 119. of the Revised Code becomes effective. The board 176529
shall issue its final adjudicative order within seventy-five days 176530
after completion of its hearing. A failure to issue the order 176531
within seventy-five days shall result in dissolution of the 176532
summary suspension order but shall not invalidate any subsequent, 176533
final adjudicative order. 176534

(H) If the board takes action under division (B)(9), (11), or 176535
(13) of this section and the judicial finding of guilt, guilty 176536
plea, or judicial finding of eligibility for intervention in lieu 176537
of conviction is overturned on appeal, upon exhaustion of the 176538
criminal appeal, a petition for reconsideration of the order may 176539
be filed with the board along with appropriate court documents. 176540
Upon receipt of a petition of that nature and supporting court 176541
documents, the board shall reinstate the individual's license or 176542
certificate to practice. The board may then hold an adjudication 176543
under Chapter 119. of the Revised Code to determine whether the 176544
individual committed the act in question. Notice of an opportunity 176545
for a hearing shall be given in accordance with Chapter 119. of 176546
the Revised Code. If the board finds, pursuant to an adjudication 176547

held under this division, that the individual committed the act or 176548
if no hearing is requested, the board may order any of the 176549
sanctions identified under division (B) of this section. 176550

(I) The license or certificate to practice issued to an 176551
individual under this chapter and the individual's practice in 176552
this state are automatically suspended as of the date of the 176553
individual's second or subsequent plea of guilty to, or judicial 176554
finding of guilt of, a violation of section 2919.123 or 2919.124 176555
of the Revised Code. In addition, the license or certificate to 176556
practice or certificate to recommend issued to an individual under 176557
this chapter and the individual's practice in this state are 176558
automatically suspended as of the date the individual pleads 176559
guilty to, is found by a judge or jury to be guilty of, or is 176560
subject to a judicial finding of eligibility for intervention in 176561
lieu of conviction in this state or treatment or intervention in 176562
lieu of conviction in another jurisdiction for any of the 176563
following criminal offenses in this state or a substantially 176564
equivalent criminal offense in another jurisdiction: aggravated 176565
murder, murder, voluntary manslaughter, felonious assault, 176566
kidnapping, rape, sexual battery, gross sexual imposition, 176567
aggravated arson, aggravated robbery, or aggravated burglary. 176568
Continued practice after suspension shall be considered practicing 176569
without a license or certificate. 176570

The board shall notify the individual subject to the 176571
suspension by certified mail or in person in accordance with 176572
section 119.07 of the Revised Code. If an individual whose license 176573
or certificate is automatically suspended under this division 176574
fails to make a timely request for an adjudication under Chapter 176575
119. of the Revised Code, the board shall do whichever of the 176576
following is applicable: 176577

(1) If the automatic suspension under this division is for a 176578
second or subsequent plea of guilty to, or judicial finding of 176579

guilt of, a violation of section 2919.123 or 2919.124 of the Revised Code, the board shall enter an order suspending the individual's license or certificate to practice for a period of at least one year or, if determined appropriate by the board, imposing a more serious sanction involving the individual's license or certificate to practice.

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the

board may specify that its action is permanent. An individual 176612
subject to a permanent action taken by the board is forever 176613
thereafter ineligible to hold a license or certificate to practice 176614
and the board shall not accept an application for reinstatement of 176615
the license or certificate or for issuance of a new license or 176616
certificate. 176617

(M) Notwithstanding any other provision of the Revised Code, 176618
all of the following apply: 176619

(1) The surrender of a license or certificate issued under 176620
this chapter shall not be effective unless or until accepted by 176621
the board. A telephone conference call may be utilized for 176622
acceptance of the surrender of an individual's license or 176623
certificate to practice. The telephone conference call shall be 176624
considered a special meeting under division (F) of section 121.22 176625
of the Revised Code. Reinstatement of a license or certificate 176626
surrendered to the board requires an affirmative vote of not fewer 176627
than six members of the board. 176628

(2) An application for a license or certificate made under 176629
the provisions of this chapter may not be withdrawn without 176630
approval of the board. 176631

(3) Failure by an individual to renew a license or 176632
certificate to practice in accordance with this chapter or a 176633
certificate to recommend in accordance with rules adopted under 176634
section 4731.301 of the Revised Code shall not remove or limit the 176635
board's jurisdiction to take any disciplinary action under this 176636
section against the individual. 176637

(4) At the request of the board, a license or certificate 176638
holder shall immediately surrender to the board a license or 176639
certificate that the board has suspended, revoked, or permanently 176640
revoked. 176641

(N) Sanctions shall not be imposed under division (B)(28) of 176642

this section against any person who waives deductibles and 176643
copayments as follows: 176644

(1) In compliance with the health benefit plan that expressly 176645
allows such a practice. Waiver of the deductibles or copayments 176646
shall be made only with the full knowledge and consent of the plan 176647
purchaser, payer, and third-party administrator. Documentation of 176648
the consent shall be made available to the board upon request. 176649

(2) For professional services rendered to any other person 176650
authorized to practice pursuant to this chapter, to the extent 176651
allowed by this chapter and rules adopted by the board. 176652

(0) Under the board's investigative duties described in this 176653
section and subject to division (F) of this section, the board 176654
shall develop and implement a quality intervention program 176655
designed to improve through remedial education the clinical and 176656
communication skills of individuals authorized under this chapter 176657
to practice medicine and surgery, osteopathic medicine and 176658
surgery, and podiatric medicine and surgery. In developing and 176659
implementing the quality intervention program, the board may do 176660
all of the following: 176661

(1) Offer in appropriate cases as determined by the board an 176662
educational and assessment program pursuant to an investigation 176663
the board conducts under this section; 176664

(2) Select providers of educational and assessment services, 176665
including a quality intervention program panel of case reviewers; 176666

(3) Make referrals to educational and assessment service 176667
providers and approve individual educational programs recommended 176668
by those providers. The board shall monitor the progress of each 176669
individual undertaking a recommended individual educational 176670
program. 176671

(4) Determine what constitutes successful completion of an 176672
individual educational program and require further monitoring of 176673

the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.

Sec. 4731.224. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. Upon request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that reviewed the case or by the governing board of the facility. As used in this division, "formal disciplinary action" means any action resulting in the revocation, restriction, reduction, or termination of clinical privileges for violations of professional

ethics, or for reasons of medical incompetence or medical 176705
malpractice. "Formal disciplinary action" includes a summary 176706
action, an action that takes effect notwithstanding any appeal 176707
rights that may exist, and an action that results in an individual 176708
surrendering clinical privileges while under investigation and 176709
during proceedings regarding the action being taken or in return 176710
for not being investigated or having proceedings held. "Formal 176711
disciplinary action" does not include any action taken for the 176712
sole reason of failure to maintain records on a timely basis or 176713
failure to attend staff or section meetings. 176714

The filing or nonfiling of a report with the board, 176715
investigation by the board, or any disciplinary action taken by 176716
the board, shall not preclude any action by a health care facility 176717
to suspend, restrict, or revoke the individual's clinical 176718
privileges. 176719

In the absence of fraud or bad faith, no individual or entity 176720
that provides patient records to the board shall be liable in 176721
damages to any person as a result of providing the records. 176722

(B)(1) Except as provided in division (B)(2) of this section, 176723
if any individual authorized to practice under this chapter or any 176724
professional association or society of such individuals believes 176725
that a violation of any provision of this chapter, Chapter 4730., 176726
4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code, 176727
or any rule of the board has occurred, the individual, 176728
association, or society shall report to the board the information 176729
upon which the belief is based. 176730

(2) If any individual authorized to practice under this 176731
chapter or any professional association or society of such 176732
individuals believes that a violation of division ~~(B)(26)~~(B)(19) 176733
or (26) of section 4731.22 of the Revised Code has occurred, the 176734
individual, association, or society shall report the information 176735

upon which the belief is based to the monitoring organization 176736
conducting the confidential monitoring program established ~~by the~~ 176737
~~board~~ under section ~~4731.251~~ 4731.25 of the Revised Code. If any 176738
such report is made to the board, it shall be referred to the 176739
monitoring organization unless the board is aware that the 176740
individual who is the subject of the report does not meet the 176741
program eligibility requirements of section 4731.252 of the 176742
Revised Code. 176743

(C) Any professional association or society composed 176744
primarily of doctors of medicine and surgery, doctors of 176745
osteopathic medicine and surgery, doctors of podiatric medicine 176746
and surgery, or practitioners of limited branches of medicine that 176747
suspends or revokes an individual's membership for violations of 176748
professional ethics, or for reasons of professional incompetence 176749
or professional malpractice, within sixty days after a final 176750
decision shall report to the board, on forms prescribed and 176751
provided by the board, the name of the individual, the action 176752
taken by the professional organization, and a summary of the 176753
underlying facts leading to the action taken. 176754

The filing of a report with the board or decision not to file 176755
a report, investigation by the board, or any disciplinary action 176756
taken by the board, does not preclude a professional organization 176757
from taking disciplinary action against an individual. 176758

(D) Any insurer providing professional liability insurance to 176759
an individual authorized to practice under this chapter, or any 176760
other entity that seeks to indemnify the professional liability of 176761
such an individual, shall notify the board within thirty days 176762
after the final disposition of any written claim for damages where 176763
such disposition results in a payment exceeding twenty-five 176764
thousand dollars. The notice shall contain the following 176765
information: 176766

(1) The name and address of the person submitting the 176767

notification; 176768

(2) The name and address of the insured who is the subject of the claim; 176769
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(3) The name of the person filing the written claim; 176771

(4) The date of final disposition; 176772

(5) If applicable, the identity of the court in which the final disposition of the claim took place. 176773
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(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual. 176775
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(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order. 176785
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The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's 176795
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clinical privileges. The board shall indicate whether or not the 176799
information has been verified. Information transmitted by the 176800
board shall be subject to the same confidentiality provisions as 176801
when maintained by the board. 176802

(G) Except for reports filed by an individual pursuant to 176803
division (B) of this section, the board shall send a copy of any 176804
reports or summaries it receives pursuant to this section to the 176805
individual who is the subject of the reports or summaries. The 176806
individual shall have the right to file a statement with the board 176807
concerning the correctness or relevance of the information. The 176808
statement shall at all times accompany that part of the record in 176809
contention. 176810

(H) An individual or entity that, pursuant to this section, 176811
reports to the board, reports to the monitoring organization 176812
described in section ~~4731.251~~ 4731.25 of the Revised Code, or 176813
refers an impaired practitioner to a treatment provider approved 176814
by the board under section ~~4731.25~~ 4731.251 of the Revised Code 176815
shall not be subject to suit for civil damages as a result of the 176816
report, referral, or provision of the information. 176817

(I) In the absence of fraud or bad faith, no professional 176818
association or society of individuals authorized to practice under 176819
this chapter that sponsors a committee or program to provide peer 176820
assistance to practitioners with substance abuse problems, no 176821
representative or agent of such a committee or program, no 176822
representative or agent of the monitoring organization described 176823
in section ~~4731.251~~ 4731.25 of the Revised Code, and no member of 176824
the state medical board shall be held liable in damages to any 176825
person by reason of actions taken to refer a practitioner to a 176826
treatment provider approved under section ~~4731.25~~ 4731.251 of the 176827
Revised Code for examination or treatment. 176828

Sec. 4731.25. (A) As used in this section and in sections 176829

4731.251 to 4731.255 of the Revised Code: 176830

(1) "Applicant" means an individual who has applied under 176831
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 4778. 176832
of the Revised Code for a license, training or other certificate, 176833
limited permit, or other authority to practice as any one of the 176834
following practitioners: a physician assistant, physician, 176835
podiatrist, limited branch of medicine practitioner, dietitian, 176836
anesthesiologist assistant, respiratory care professional, 176837
acupuncturist, radiologist assistant, or genetic counselor. 176838
"Applicant" may include an individual who has been granted 176839
authority by the state medical board to practice as one type of 176840
practitioner, but has applied for authority to practice as another 176841
type of practitioner. 176842

(2) "Impaired" or "impairment" means either or both of the 176843
following: 176844

(a) Impairment of ability to practice as described in 176845
division (B)(5) of section 4730.25, division (B)(26) of section 176846
4731.22, division (A)(18) of section 4759.07, division (B)(6) of 176847
section 4760.13, division (A)(18) of section 4761.09, division 176848
(B)(6) of section 4762.13, division (B)(6) of section 4774.13, or 176849
division (B)(6) of section 4778.14 of the Revised Code; 176850

(b) Inability to practice as described in division (B)(4) of 176851
section 4730.25, division (B)(19) of section 4731.22, division 176852
(A)(14) of section 4759.07, division (B)(5) of section 4760.13, 176853
division (A)(14) of section 4761.09, division (B)(5) of section 176854
4762.13, division (B)(5) of section 4774.13, or division (B)(5) of 176855
section 4778.14 of the Revised Code. 176856

(3) "Practitioner" means any of the following: 176857

(a) An individual authorized under this chapter to practice 176858
medicine and surgery, osteopathic medicine and surgery, podiatric 176859
medicine and surgery, or a limited branch of medicine; 176860

<u>(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;</u>	176861
	176862
<u>(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;</u>	176863
	176864
<u>(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;</u>	176865
	176866
<u>(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;</u>	176867
	176868
<u>(f) An individual licensed under Chapter 4762. of the Revised Code to practice as an acupuncturist;</u>	176869
	176870
<u>(g) An individual licensed under Chapter 4774. of the Revised Code to practice as a radiologist assistant;</u>	176871
	176872
<u>(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.</u>	176873
	176874
<u>(B) The state medical board shall establish a confidential, nondisciplinary program for the evaluation and treatment of practitioners and applicants who are, or may be, impaired and also meet the eligibility conditions described in section 4731.252 or 4731.253 of the Revised Code. The program shall be known as the confidential monitoring program.</u>	176875
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	176880
<u>The board shall contract with a monitoring organization to conduct the program and perform monitoring services. To be qualified to contract with the board, an organization shall meet all of the following requirements:</u>	176881
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	176884
<u>(1) Be a professionals health program sponsored by one or more professional associations or societies of practitioners;</u>	176885
	176886
<u>(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;</u>	176887
	176888
	176889
<u>(3) Contract with or employ a medical director who is</u>	176890

<u>authorized under this chapter to practice medicine and surgery or</u>	176891
<u>osteopathic medicine and surgery and specializes or has training</u>	176892
<u>and expertise in addiction medicine;</u>	176893
<u>(4) Contract with or employ licensed health care</u>	176894
<u>professionals necessary for the organization's operation.</u>	176895
<u>(C) The monitoring organization shall do all of the following</u>	176896
<u>pursuant to the contract:</u>	176897
<u>(1) Receive from the board a referral regarding an applicant</u>	176898
<u>or receive any report of suspected practitioner impairment from</u>	176899
<u>any source, including from the board;</u>	176900
<u>(2) Notify a practitioner who is the subject of a report</u>	176901
<u>received under division (C)(1) of this section that the report has</u>	176902
<u>been made and that the practitioner may be eligible to participate</u>	176903
<u>in the program conducted under this section;</u>	176904
<u>(3) Provide a practitioner who is the subject of a report</u>	176905
<u>received under division (C)(1) of this section with the list of</u>	176906
<u>approved evaluators and treatment providers prepared and updated</u>	176907
<u>as described in section 4731.251 of the Revised Code;</u>	176908
<u>(4) Determine whether a practitioner reported or applicant</u>	176909
<u>referred to the monitoring organization is eligible to participate</u>	176910
<u>in the program, which in the case of an applicant may include</u>	176911
<u>evaluating records as described in division (E)(1)(d) of this</u>	176912
<u>section, and notify the practitioner or applicant of the</u>	176913
<u>determination;</u>	176914
<u>(5) In the case of a practitioner reported by a treatment</u>	176915
<u>provider, notify the treatment provider of the eligibility</u>	176916
<u>determination;</u>	176917
<u>(6) Report to the board any practitioner or applicant who is</u>	176918
<u>determined ineligible to participate in the program;</u>	176919
<u>(7) Refer an eligible practitioner who chooses to participate</u>	176920

<u>in the program for evaluation by an evaluator approved by the</u>	176921
<u>monitoring organization, unless the report received by the</u>	176922
<u>monitoring organization was made by an approved evaluator and the</u>	176923
<u>practitioner has already been evaluated;</u>	176924
<u>(8) Monitor the evaluation of an eligible practitioner;</u>	176925
<u>(9) Refer an eligible practitioner who chooses to participate</u>	176926
<u>in the program to a treatment provider approved by the monitoring</u>	176927
<u>organization;</u>	176928
<u>(10) Establish, in consultation with the treatment provider</u>	176929
<u>to which a practitioner is referred, the terms and conditions with</u>	176930
<u>which the practitioner must comply for continued participation in</u>	176931
<u>and successful completion of the program;</u>	176932
<u>(11) Report to the board any practitioner who does not</u>	176933
<u>complete evaluation or treatment or does not comply with any of</u>	176934
<u>the terms and conditions established by the monitoring</u>	176935
<u>organization and the treatment provider;</u>	176936
<u>(12) Perform any other activities specified in the contract</u>	176937
<u>with the board or that the monitoring organization considers</u>	176938
<u>necessary to comply with this section and sections 4731.251 to</u>	176939
<u>4731.255 of the Revised Code.</u>	176940
<u>(D) The monitoring organization shall not disclose to the</u>	176941
<u>board the name of a practitioner or applicant or any records</u>	176942
<u>relating to a practitioner or applicant, unless any of the</u>	176943
<u>following occurs:</u>	176944
<u>(1) The practitioner or applicant is determined to be</u>	176945
<u>ineligible to participate in the program.</u>	176946
<u>(2) The practitioner or applicant requests the disclosure.</u>	176947
<u>(3) The practitioner or applicant is unwilling or unable to</u>	176948
<u>complete or comply with any part of the program, including</u>	176949
<u>evaluation, treatment, or monitoring.</u>	176950

<u>(4) The practitioner or applicant presents an imminent danger to oneself or the public, as a result of the practitioner's or applicant's impairment.</u>	176951
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	176953
<u>(5) The practitioner's impairment has not been substantially alleviated by participation in the program.</u>	176954
	176955
<u>(E)(1) The monitoring organization shall develop procedures governing each of the following:</u>	176956
	176957
<u>(a) Receiving reports of practitioner impairment;</u>	176958
<u>(b) Notifying practitioners of reports and eligibility determinations;</u>	176959
	176960
<u>(c) Receiving applicant referrals as described in section 4731.253 of the Revised Code;</u>	176961
	176962
<u>(d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or current or continued monitoring;</u>	176963
	176964
	176965
<u>(e) Notifying applicants of eligibility determinations;</u>	176966
<u>(f) Referring eligible practitioners for evaluation or treatment;</u>	176967
	176968
<u>(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;</u>	176969
	176970
<u>(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.</u>	176971
	176972
	176973
	176974
<u>(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:</u>	176975
	176976
<u>(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program</u>	176977
	176978
	176979

participants other than those about whom reports are required by 176980
this section; 176981

(b) Reporting to the board any practitioner or applicant who 176982
due to impairment presents an imminent danger to oneself or the 176983
public; 176984

(c) Reporting to the board any practitioner or applicant who 176985
is unwilling or unable to complete or comply with any part of the 176986
program, including evaluation, treatment, or monitoring; 176987

(d) Reporting to the board any practitioner or applicant 176988
whose impairment was not substantially alleviated by participation 176989
in the program. 176990

Sec. 4731.251. (A) In addition to the duties described in 176991
section 4731.25 of the Revised Code, the monitoring organization 176992
shall conduct a review of individuals and entities providing 176993
impairment evaluation and treatment services to determine which 176994
should be approved as evaluators and treatment providers by the 176995
organization. The individuals and entities may include those with 176996
experience providing evaluation and treatment services as part of 176997
a professionals health program sponsored by one or more 176998
professional associations or societies of practitioners. The 176999
monitoring organization shall conduct its review in accordance 177000
with criteria developed under this section. 177001

Following its review, the monitoring organization shall grant 177002
or deny approval to evaluators and treatment providers, which may 177003
include physicians and facilities. The monitoring organization 177004
shall prepare a list of evaluators approved to serve under the 177005
program and a list of treatment providers approved to serve under 177006
the program or as described in division (B)(5) of section 4730.25, 177007
division (B)(26) of section 4731.22, division (A)(18) of section 177008
4759.07, division (B)(6) of section 4760.13, division (A)(18) of 177009
section 4761.09, division (B)(6) of section 4762.13, division 177010

(B)(6) of section 4774.13, or division (B)(6) of section 4778.14 177011
of the Revised Code. 177012

In accordance with criteria developed under this section, the 177013
monitoring organization shall periodically review and update the 177014
list of approved evaluators and treatment providers, including by 177015
examining evaluator and treatment provider outcomes and 177016
operations. As part of its periodic review, the organization may 177017
approve additional evaluators or treatment providers and add them 177018
to the list. The organization also may withdraw approval for 177019
evaluators and treatment providers. Such additions and withdrawals 177020
shall be reflected in the list. 177021

(B) The monitoring organization and state medical board 177022
together shall develop criteria and procedures for the review and 177023
approval of impairment evaluators and treatment providers. The 177024
criteria and procedures shall address reviews conducted on a 177025
periodic basis, including the examination of approved evaluator 177026
and treatment provider outcomes and operations. 177027

(C) Separate from the confidential monitoring program 177028
established under section 4731.25 of the Revised Code, the board 177029
may contract with the monitoring organization to assist the board 177030
in monitoring impaired practitioners who are subject to formal 177031
disciplinary action by the board. 177032

(D) Any practitioner who is evaluated or treated as part of 177033
the confidential monitoring program, who enters into a 177034
participation agreement with the monitoring organization, or who 177035
is treated by an approved treatment provider shall be deemed to 177036
have waived any confidentiality requirements that would otherwise 177037
prevent the monitoring organization or treatment provider from 177038
making reports required under sections 4731.25 to 4731.255 of the 177039
Revised Code. 177040

Sec. 4731.252. (A) A practitioner is eligible to participate 177041

in the confidential monitoring program established under section 177042
~~4731.251~~ 4731.25 of the Revised Code if all both of the following 177043
are the case: 177044

(1) The practitioner is or may be impaired. 177045

(2) ~~The practitioner has not participated previously in the~~ 177046
~~program.~~ 177047

~~(3) Unless the state medical board has referred the~~ 177048
~~practitioner to the program~~ At the time the practitioner seeks to 177049
participate in the program, the practitioner ~~has not been~~ 177050
~~sanctioned previously~~ is not under the terms of a consent 177051
agreement with, or an order issued by, the board for impairment. 177052

(B) All of the following apply to a practitioner who 177053
participates in the program: 177054

(1) The practitioner must comply with all terms and 177055
conditions for continued participation in and successful 177056
completion of the program. 177057

(2) On acceptance into the program, the practitioner must 177058
suspend practice ~~until after the later of the following:~~ 177059

~~(a) The date the treatment provider determines that the~~ 177060
~~practitioner is no longer impaired and is able to practice~~ 177061
~~according to acceptable and prevailing standards of care;~~ 177062

~~(b) The end of a period specified by the treatment provider,~~ 177063
~~which shall be not less than thirty days~~ if the monitoring 177064
organization, evaluator, or treatment provider recommends such a 177065
suspension. 177066

(3) The practitioner is responsible for all costs associated 177067
with participation. 177068

(4) The practitioner is deemed to have waived any right to 177069
confidentiality that would prevent the monitoring organization 177070

conducting the program or a treatment provider from making reports 177071
required by section ~~4731.251~~ 4731.25 of the Revised Code. 177072

Sec. 4731.253. (A) Subject to division (B) of this section, 177073
the state medical board shall not limit or suspend a license, 177074
certificate, or limited permit, refuse to issue a license, 177075
certificate, or limited permit, or reprimand or place on probation 177076
an applicant solely on the grounds of impairment occurring prior 177077
to the applicant seeking authority to practice in this state. 177078

(B)(1) An applicant who was authorized to practice in another 177079
jurisdiction before seeking authority to practice in this state is 177080
not subject to disciplinary action, as provided by division (A) of 177081
this section, and is eligible to participate in the confidential 177082
monitoring program established under section ~~4731.251~~ 4731.25 of 177083
the Revised Code, only if all of the following are the case: 177084

(a) As part of the process of applying for authority to 177085
practice in this state, the applicant disclosed to the board 177086
impairment that occurred while practicing in the other 177087
jurisdiction. 177088

(b) The applicant does all of the following: 177089

(i) Participates currently in a confidential treatment and 177090
monitoring program for impairment in the other jurisdiction; 177091

(ii) Agrees to provide to the board or monitoring 177092
organization documentation of the applicant's current 177093
participation; 177094

(iii) Waives any right to confidentiality that would prevent 177095
the board or monitoring organization from sharing that 177096
documentation with each other. 177097

(c) The applicant remains in good standing with the other 177098
jurisdiction's licensing authority and confidential treatment and 177099
monitoring program. 177100

(d) The applicant ~~has not participated previously in the~~ 177101
~~program established under section 4731.251 of the Revised Code and~~ 177102
certifies a willingness to participate in ~~this~~ the program. 177103

(e) ~~The applicant has not been sanctioned previously~~ At the 177104
time the applicant seeks to participate in the program, the 177105
applicant is not under the terms of a consent agreement with, or 177106
order issued by, the board for impairment. 177107

(2) An applicant who was not authorized to practice in any 177108
jurisdiction before seeking authority to practice in this state is 177109
not subject to disciplinary action, as provided by division (A) of 177110
this section, and is eligible to participate in the confidential 177111
monitoring program ~~established under section 4731.251 of the~~ 177112
~~Revised Code,~~ only if all of the following are the case: 177113

(a) As part of the process of applying for authority to 177114
practice in this state, the applicant disclosed to the board 177115
impairment that occurred before applying for authority to 177116
practice. 177117

(b) For the impairment disclosed to the board, the applicant 177118
meets all of the following: 177119

(i) Participated in and successfully completed a treatment 177120
program and any terms of aftercare or continuing care; 177121

(ii) Agrees to provide to the board or monitoring 177122
organization documentation of the applicant's participation and 177123
successful completion; 177124

(iii) Waives any right to confidentiality that would prevent 177125
the board or monitoring organization from sharing that 177126
documentation with each other. 177127

(c) The applicant ~~has not participated previously in the~~ 177128
~~program established under section 4731.251 of the Revised Code and~~ 177129
certifies a willingness to participate in ~~this~~ the program. 177130

(d) ~~The applicant has not been sanctioned previously~~ At the 177131
time the applicant seeks to participate in the program, the 177132
applicant is not under the terms of a consent agreement with, or 177133
order issued by, the board for impairment. 177134

(C) The monitoring organization shall evaluate the 177135
applicant's treatment and monitoring records and promptly notify 177136
the board if the records do not meet the monitoring organization's 177137
eligibility standards for the confidential monitoring program 177138
~~established under section 4731.251 of the Revised Code.~~ 177139

~~(D)~~(D)(1) If the board grants an applicant described in this 177140
section a license, certificate, or limited permit to practice in 177141
this state, the board shall refer the practitioner to the 177142
monitoring organization conducting the confidential monitoring 177143
~~program established under section 4731.251 of the Revised Code.~~ 177144

~~(E)~~(2) Upon the board's referral to the monitoring 177145
organization conducting the program, all of the following apply: 177146

~~(1)~~(a) The practitioner shall enter into a monitoring 177147
agreement with the monitoring organization ~~conducting the program~~ 177148
~~established under section 4731.251 of the Revised Code.~~ 177149

~~(2)~~(b) Based on an evaluation of the practitioner's prior 177150
treatment or monitoring, the monitoring organization shall 177151
determine the length and terms of the practitioner's monitoring 177152
agreement. 177153

~~(3)~~(c) The practitioner shall comply with all terms and 177154
conditions for continued participation in and successful 177155
completion of the program. 177156

~~(4)~~(d) The practitioner shall be responsible for all costs 177157
associated with participation in the program. 177158

~~(5)~~(e) The practitioner shall be deemed to have waived any 177159
right to confidentiality that would prevent the monitoring 177160

organization conducting the program from making reports required 177161
by section ~~4731.251~~ 4731.25 of the Revised Code. 177162

Sec. 4731.254. In the absence of fraud or bad faith, no 177163
monitoring organization that conducts ~~a program~~ the confidential 177164
monitoring program established under section ~~4731.251~~ 4731.25 of 177165
the Revised Code and no agent, employee, member, or representative 177166
of such organization shall be liable in damages in a civil action 177167
or subject to criminal prosecution for performing any of the 177168
duties required by that section, the contract with the state 177169
medical board, or ~~section 4731.252 or 4731.253~~ sections 4731.251 177170
to 4731.255 of the Revised Code. 177171

In the absence of fraud or bad faith, no person or 177172
organization that has been approved as a treatment provider under 177173
section 4731.251 of the Revised Code, no member of such an 177174
organization, and no employee, representative, or agent of the 177175
treatment provider shall be held liable in damages to any person 177176
by reason of actions taken or recommendations made by the 177177
treatment provider or its employees, representatives, or agents. 177178

Sec. 4731.255. The state medical board may adopt any rules it 177179
considers necessary to implement sections 4731.25 to 4731.254 of 177180
the Revised Code, except that the board shall adopt rules 177181
establishing standards for evaluating, treating, and monitoring 177182
practitioners and applicants who are or may be impaired, including 177183
standards for the approval of evaluators and treatment providers. 177184
Any such rules shall be adopted in accordance with Chapter 119. of 177185
the Revised Code. 177186

Sec. 4759.07. (A) The state medical board, by an affirmative 177187
vote of not fewer than six members, shall, except as provided in 177188
division (B) of this section, and to the extent permitted by law, 177189
limit, revoke, or suspend an individual's license or limited 177190

permit, refuse to issue a license or limited permit to an 177191
individual, refuse to renew a license or limited permit, refuse to 177192
reinstate a license or limited permit, or reprimand or place on 177193
probation the holder of a license or limited permit for one or 177194
more of the following reasons: 177195

(1) Except when civil penalties are imposed under section 177196
4759.071 of the Revised Code, violating or attempting to violate, 177197
directly or indirectly, or assisting in or abetting the violation 177198
of, or conspiring to violate, any provision of this chapter or the 177199
rules adopted by the board; 177200

(2) Making a false, fraudulent, deceptive, or misleading 177201
statement in the solicitation of or advertising for patients; in 177202
relation to the practice of dietetics; or in securing or 177203
attempting to secure any license or permit issued by the board 177204
under this chapter. 177205

As used in division (A)(2) of this section, "false, 177206
fraudulent, deceptive, or misleading statement" means a statement 177207
that includes a misrepresentation of fact, is likely to mislead or 177208
deceive because of a failure to disclose material facts, is 177209
intended or is likely to create false or unjustified expectations 177210
of favorable results, or includes representations or implications 177211
that in reasonable probability will cause an ordinarily prudent 177212
person to misunderstand or be deceived. 177213

(3) Committing fraud during the administration of the 177214
examination for a license to practice or committing fraud, 177215
misrepresentation, or deception in applying for, renewing, or 177216
securing any license or permit issued by the board; 177217

(4) A plea of guilty to, a judicial finding of guilt of, or a 177218
judicial finding of eligibility for intervention in lieu of 177219
conviction for, a felony; 177220

- (5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 177221
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- (6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 177224
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- (7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 177227
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- (8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 177230
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- (9) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 177233
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- (10) A record of engaging in incompetent or negligent conduct in the practice of dietetics; 177236
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- (11) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established; 177238
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- (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 177242
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- (13) Violation of the conditions of limitation placed by the board on a license or permit; 177245
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- (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills; 177247
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(15) Any of the following actions taken by an agency 177251
responsible for authorizing, certifying, or regulating an 177252
individual to practice a health care occupation or provide health 177253
care services in this state or another jurisdiction, for any 177254
reason other than the nonpayment of fees: the limitation, 177255
revocation, or suspension of an individual's license; acceptance 177256
of an individual's license surrender; denial of a license; refusal 177257
to renew or reinstate a license; imposition of probation; or 177258
issuance of an order of censure or other reprimand; 177259

(16) The revocation, suspension, restriction, reduction, or 177260
termination of practice privileges by the United States department 177261
of defense or department of veterans affairs; 177262

(17) Termination or suspension from participation in the 177263
medicare or medicaid programs by the department of health and 177264
human services or other responsible agency for any act or acts 177265
that also would constitute a violation of division (A)(11), (12), 177266
or (14) of this section; 177267

(18) Impairment of ability to practice according to 177268
acceptable and prevailing standards of care because of ~~habitual~~ 177269
substance use disorder or excessive use or abuse of drugs, 177270
alcohol, or other substances that may impair ability to practice; 177271

(19) Failure to cooperate in an investigation conducted by 177272
the board under division (B) of section 4759.05 of the Revised 177273
Code, including failure to comply with a subpoena or order issued 177274
by the board or failure to answer truthfully a question presented 177275
by the board in an investigative interview, an investigative 177276
office conference, at a deposition, or in written interrogatories, 177277
except that failure to cooperate with an investigation shall not 177278
constitute grounds for discipline under this section if a court of 177279
competent jurisdiction has issued an order that either quashes a 177280
subpoena or permits the individual to withhold the testimony or 177281
evidence in issue; 177282

(20) Representing with the purpose of obtaining compensation 177283
or other advantage as personal gain or for any other person, that 177284
an incurable disease or injury, or other incurable condition, can 177285
be permanently cured. 177286

(B) The board shall not refuse to issue a license or limited 177287
permit to an applicant because of a plea of guilty to, a judicial 177288
finding of guilt of, or a judicial finding of eligibility for 177289
intervention in lieu of conviction for an offense unless the 177290
refusal is in accordance with section 9.79 of the Revised Code. 177291

(C) Any action taken by the board under division (A) of this 177292
section resulting in a suspension from practice shall be 177293
accompanied by a written statement of the conditions under which 177294
the individual's license or permit may be reinstated. The board 177295
shall adopt rules governing conditions to be imposed for 177296
reinstatement. Reinstatement of a license or permit suspended 177297
pursuant to division (A) of this section requires an affirmative 177298
vote of not fewer than six members of the board. 177299

(D) When the board refuses to grant or issue a license or 177300
permit to an applicant, revokes an individual's license or permit, 177301
refuses to renew an individual's license or permit, or refuses to 177302
reinstate an individual's license or permit, the board may specify 177303
that its action is permanent. An individual subject to a permanent 177304
action taken by the board is forever thereafter ineligible to hold 177305
a license or permit and the board shall not accept an application 177306
for reinstatement of the license or permit or for issuance of a 177307
new license or permit. 177308

(E) Disciplinary actions taken by the board under division 177309
(A) of this section shall be taken pursuant to an adjudication 177310
under Chapter 119. of the Revised Code, except that in lieu of an 177311
adjudication, the board may enter into a consent agreement with an 177312
individual to resolve an allegation of a violation of this chapter 177313
or any rule adopted under it. A consent agreement, when ratified 177314

by an affirmative vote of not fewer than six members of the board, 177315
shall constitute the findings and order of the board with respect 177316
to the matter addressed in the agreement. If the board refuses to 177317
ratify a consent agreement, the admissions and findings contained 177318
in the consent agreement shall be of no force or effect. 177319

A telephone conference call may be utilized for ratification 177320
of a consent agreement that revokes or suspends an individual's 177321
license or permit. The telephone conference call shall be 177322
considered a special meeting under division (F) of section 121.22 177323
of the Revised Code. 177324

(F) In enforcing division (A)(14) of this section, the board, 177325
upon a showing of a possible violation, shall refer any individual 177326
authorized to practice by this chapter or who has submitted an 177327
application pursuant to this chapter to the monitoring 177328
organization that conducts the confidential monitoring program 177329
established under section 4731.25 of the Revised Code. The board 177330
also may compel ~~any the individual authorized to practice by this~~ 177331
~~chapter or who has submitted an application pursuant to this~~ 177332
~~chapter~~ to submit to a mental examination, physical examination, 177333
including an HIV test, or both a mental and a physical 177334
examination. The expense of the examination is the responsibility 177335
of the individual compelled to be examined. Failure to submit to a 177336
mental or physical examination or consent to an HIV test ordered 177337
by the board constitutes an admission of the allegations against 177338
the individual unless the failure is due to circumstances beyond 177339
the individual's control, and a default and final order may be 177340
entered without the taking of testimony or presentation of 177341
evidence. If the board finds an individual unable to practice 177342
because of the reasons set forth in division (A)(14) of this 177343
section, the board shall require the individual to submit to care, 177344
counseling, or treatment by physicians approved or designated by 177345
the board, as a condition for initial, continued, reinstated, or 177346

renewed authority to practice. An individual affected under this 177347
division shall be afforded an opportunity to demonstrate to the 177348
board the ability to resume practice in compliance with acceptable 177349
and prevailing standards under the provisions of the individual's 177350
license or permit. For the purpose of division (A)(14) of this 177351
section, any individual who applies for or receives a license or 177352
permit under this chapter accepts the privilege of practicing in 177353
this state and, by so doing, shall be deemed to have given consent 177354
to submit to a mental or physical examination when directed to do 177355
so in writing by the board, and to have waived all objections to 177356
the admissibility of testimony or examination reports that 177357
constitute a privileged communication. 177358

(G) For the purposes of division (A)(18) of this section, any 177359
individual authorized to practice by this chapter accepts the 177360
privilege of practicing in this state subject to supervision by 177361
the board. By filing an application for or holding a license or 177362
permit under this chapter, an individual shall be deemed to have 177363
given consent to submit to a mental or physical examination when 177364
ordered to do so by the board in writing, and to have waived all 177365
objections to the admissibility of testimony or examination 177366
reports that constitute privileged communications. 177367

If it has reason to believe that any individual authorized to 177368
practice by this chapter or any applicant for a license or permit 177369
suffers such impairment, the board shall refer the individual to 177370
the monitoring organization that conducts the confidential 177371
monitoring program established under section 4731.25 of the 177372
Revised Code. The board also may compel the individual to submit 177373
to a mental or physical examination, or both. The expense of the 177374
examination is the responsibility of the individual compelled to 177375
be examined. Any mental or physical examination required under 177376
this division shall be undertaken by a treatment provider or 177377
physician who is qualified to conduct the examination and who is 177378

~~chosen by the board~~ approved under section 4731.251 of the Revised 177379
Code. 177380

Failure to submit to a mental or physical examination ordered 177381
by the board constitutes an admission of the allegations against 177382
the individual unless the failure is due to circumstances beyond 177383
the individual's control, and a default and final order may be 177384
entered without the taking of testimony or presentation of 177385
evidence. If the board determines that the individual's ability to 177386
practice is impaired, the board shall suspend the individual's 177387
license or permit or deny the individual's application and shall 177388
require the individual, as a condition for an initial, continued, 177389
reinstated, or renewed license or permit, to submit to treatment. 177390

Before being eligible to apply for reinstatement of a license 177391
or permit suspended under this division, the impaired practitioner 177392
shall demonstrate to the board the ability to resume practice in 177393
compliance with acceptable and prevailing standards of care under 177394
the provisions of the practitioner's license or permit. The 177395
demonstration shall include, but shall not be limited to, the 177396
following: 177397

(1) Certification from a treatment provider approved under 177398
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 177399
has successfully completed any required inpatient treatment; 177400

(2) Evidence of continuing full compliance with an aftercare 177401
contract or consent agreement; 177402

(3) Two written reports indicating that the individual's 177403
ability to practice has been assessed and that the individual has 177404
been found capable of practicing according to acceptable and 177405
prevailing standards of care. The reports shall be made by 177406
individuals or providers approved by the board for making the 177407
assessments and shall describe the basis for their determination. 177408

The board may reinstate a license or permit suspended under 177409

this division after that demonstration and after the individual 177410
has entered into a written consent agreement. 177411

When the impaired practitioner resumes practice, the board 177412
shall require continued monitoring of the individual. The 177413
monitoring shall include, but not be limited to, compliance with 177414
the written consent agreement entered into before reinstatement or 177415
with conditions imposed by board order after a hearing, and, upon 177416
termination of the consent agreement, submission to the board for 177417
at least two years of annual written progress reports made under 177418
penalty of perjury stating whether the individual has maintained 177419
sobriety. 177420

(H) If the secretary and supervising member determine both of 177421
the following, they may recommend that the board suspend an 177422
individual's license or permit without a prior hearing: 177423

(1) That there is clear and convincing evidence that an 177424
individual has violated division (A) of this section; 177425

(2) That the individual's continued practice presents a 177426
danger of immediate and serious harm to the public. 177427

Written allegations shall be prepared for consideration by 177428
the board. The board, upon review of those allegations and by an 177429
affirmative vote of not fewer than six of its members, excluding 177430
the secretary and supervising member, may suspend a license or 177431
permit without a prior hearing. A telephone conference call may be 177432
utilized for reviewing the allegations and taking the vote on the 177433
summary suspension. 177434

The board shall issue a written order of suspension by 177435
certified mail or in person in accordance with section 119.07 of 177436
the Revised Code. The order shall not be subject to suspension by 177437
the court during pendency of any appeal filed under section 119.12 177438
of the Revised Code. If the individual subject to the summary 177439
suspension requests an adjudicatory hearing by the board, the date 177440

set for the hearing shall be within fifteen days, but not earlier 177441
than seven days, after the individual requests the hearing, unless 177442
otherwise agreed to by both the board and the individual. 177443

Any summary suspension imposed under this division shall 177444
remain in effect, unless reversed on appeal, until a final 177445
adjudicative order issued by the board pursuant to this section 177446
and Chapter 119. of the Revised Code becomes effective. The board 177447
shall issue its final adjudicative order within seventy-five days 177448
after completion of its hearing. A failure to issue the order 177449
within seventy-five days shall result in dissolution of the 177450
summary suspension order but shall not invalidate any subsequent, 177451
final adjudicative order. 177452

(I) If the board is required by Chapter 119. of the Revised 177453
Code to give notice of an opportunity for a hearing and if the 177454
individual subject to the notice does not timely request a hearing 177455
in accordance with section 119.07 of the Revised Code, the board 177456
is not required to hold a hearing, but may adopt, by an 177457
affirmative vote of not fewer than six of its members, a final 177458
order that contains the board's findings. In the final order, the 177459
board may order any of the sanctions identified under division (A) 177460
of this section. 177461

(J) For purposes of divisions (A)(5), (7), and (9) of this 177462
section, the commission of the act may be established by a finding 177463
by the board, pursuant to an adjudication under Chapter 119. of 177464
the Revised Code, that the individual committed the act. The board 177465
does not have jurisdiction under those divisions if the trial 177466
court renders a final judgment in the individual's favor and that 177467
judgment is based upon an adjudication on the merits. The board 177468
has jurisdiction under those divisions if the trial court issues 177469
an order of dismissal upon technical or procedural grounds. 177470

(K) The sealing or expungement of conviction records by any 177471
court shall have no effect upon a prior board order entered under 177472

this section or upon the board's jurisdiction to take action under 177473
this section if, based upon a plea of guilty, a judicial finding 177474
of guilt, or a judicial finding of eligibility for intervention in 177475
lieu of conviction, the board issued a notice of opportunity for a 177476
hearing prior to the court's order to seal or expunge the records. 177477
The board shall not be required to seal, destroy, redact, or 177478
otherwise modify its records to reflect the court's sealing or 177479
expungement of conviction records. 177480

(L) If the board takes action under division (A)(4), (6), or 177481
(8) of this section, and the judicial finding of guilt, guilty 177482
plea, or judicial finding of eligibility for intervention in lieu 177483
of conviction is overturned on appeal, upon exhaustion of the 177484
criminal appeal, a petition for reconsideration of the order may 177485
be filed with the board along with appropriate court documents. 177486
Upon receipt of a petition for reconsideration and supporting 177487
court documents, the board shall reinstate the individual's 177488
license or permit. The board may then hold an adjudication under 177489
Chapter 119. of the Revised Code to determine whether the 177490
individual committed the act in question. Notice of an opportunity 177491
for a hearing shall be given in accordance with Chapter 119. of 177492
the Revised Code. If the board finds, pursuant to an adjudication 177493
held under this division, that the individual committed the act or 177494
if no hearing is requested, the board may order any of the 177495
sanctions identified under division (A) of this section. 177496

(M) The license or permit issued to an individual under this 177497
chapter and the individual's practice in this state are 177498
automatically suspended as of the date the individual pleads 177499
guilty to, is found by a judge or jury to be guilty of, or is 177500
subject to a judicial finding of eligibility for intervention in 177501
lieu of conviction in this state or treatment or intervention in 177502
lieu of conviction in another jurisdiction for any of the 177503
following criminal offenses in this state or a substantially 177504

equivalent criminal offense in another jurisdiction: aggravated 177505
murder, murder, voluntary manslaughter, felonious assault, 177506
kidnapping, rape, sexual battery, gross sexual imposition, 177507
aggravated arson, aggravated robbery, or aggravated burglary. 177508
Continued practice after suspension shall be considered practicing 177509
without a license or permit. 177510

The board shall notify the individual subject to the 177511
suspension by certified mail or in person in accordance with 177512
section 119.07 of the Revised Code. If an individual whose license 177513
or permit is automatically suspended under this division fails to 177514
make a timely request for an adjudication under Chapter 119. of 177515
the Revised Code, the board shall enter a final order permanently 177516
revoking the individual's license or permit. 177517

(N) Notwithstanding any other provision of the Revised Code, 177518
all of the following apply: 177519

(1) The surrender of a license or permit issued under this 177520
chapter shall not be effective unless or until accepted by the 177521
board. A telephone conference call may be utilized for acceptance 177522
of the surrender of an individual's license or permit. The 177523
telephone conference call shall be considered a special meeting 177524
under division (F) of section 121.22 of the Revised Code. 177525
Reinstatement of a license or permit surrendered to the board 177526
requires an affirmative vote of not fewer than six members of the 177527
board. 177528

(2) An application for a license or permit made under the 177529
provisions of this chapter may not be withdrawn without approval 177530
of the board. 177531

(3) Failure by an individual to renew a license or permit in 177532
accordance with this chapter shall not remove or limit the board's 177533
jurisdiction to take any disciplinary action under this section 177534
against the individual. 177535

(4) At the request of the board, a license or permit holder 177536
shall immediately surrender to the board a license or permit that 177537
the board has suspended, revoked, or permanently revoked. 177538

Sec. 4759.13. A dietitian, professional association or 177539
society of dietitians, physician, or professional association or 177540
society of physicians that believes a violation of division 177541
~~(A)(18)~~(A)(14) or (18) of section 4759.07 of the Revised Code has 177542
occurred shall report the information upon which the belief is 177543
based to the monitoring organization conducting the confidential 177544
monitoring program established ~~by the state medical board~~ under 177545
section ~~4731.251~~ 4731.25 of the Revised Code. If any such report 177546
is made to the state medical board, it shall be referred to the 177547
monitoring organization unless the board is aware that the 177548
individual who is the subject of the report does not meet the 177549
program eligibility requirements of section 4731.252 of the 177550
Revised Code. 177551

An individual or entity that reports to the board, reports to 177552
the monitoring organization described in section ~~4731.251~~ 4731.25 177553
of the Revised Code, or refers an impaired dietitian to a 177554
treatment provider approved ~~by the board~~ under section ~~4731.25~~ 177555
4731.251 of the Revised Code shall not be subject to suit for 177556
civil damages as a result of the report, referral, or provision of 177557
the information. 177558

In the absence of fraud or bad faith, a professional 177559
association or society of dietitians that sponsors a committee or 177560
program to provide peer assistance to a dietitian with substance 177561
abuse problems, a representative or agent of such a committee or 177562
program, a representative or agent of the monitoring organization 177563
described in section ~~4731.251~~ 4731.25 of the Revised Code, and a 177564
member of the state medical board shall not be held liable in 177565
damages to any person by reason of actions taken to refer a 177566

dietitian to a treatment provider approved under section ~~4731.25~~ 177567
4731.251 of the Revised Code for examination or treatment. 177568

Sec. 4760.13. (A) The state medical board, by an affirmative 177569
vote of not fewer than six members, ~~may revoke or~~ may refuse to 177570
grant a license to practice as an anesthesiologist assistant to a 177571
~~person~~ , or may revoke the license held by, an individual found by 177572
the board to have committed fraud, misrepresentation, or deception 177573
in applying for or securing the license. 177574

(B) The board, by an affirmative vote of not fewer than six 177575
members, shall, except as provided in division (C) of this 177576
section, and to the extent permitted by law, limit, revoke, or 177577
suspend an individual's license to practice as an anesthesiologist 177578
assistant, refuse to issue a license to an applicant, refuse to 177579
renew a license, refuse to reinstate a license, or reprimand or 177580
place on probation the holder of a license for any of the 177581
following reasons: 177582

(1) Permitting the holder's name or license to be used by 177583
another person; 177584

(2) Failure to comply with the requirements of this chapter, 177585
Chapter 4731. of the Revised Code, or any rules adopted by the 177586
board; 177587

(3) Violating or attempting to violate, directly or 177588
indirectly, or assisting in or abetting the violation of, or 177589
conspiring to violate, any provision of this chapter, Chapter 177590
4731. of the Revised Code, or the rules adopted by the board; 177591

(4) A departure from, or failure to conform to, minimal 177592
standards of care of similar practitioners under the same or 177593
similar circumstances whether or not actual injury to the patient 177594
is established; 177595

(5) Inability to practice according to acceptable and 177596

prevailing standards of care by reason of mental illness or 177597
physical illness, including physical deterioration that adversely 177598
affects cognitive, motor, or perceptive skills; 177599

(6) Impairment of ability to practice according to acceptable 177600
and prevailing standards of care because of ~~habitual~~ substance use 177601
disorder or excessive use or abuse of drugs, alcohol, or other 177602
substances that may impair ability to practice; 177603

(7) Willfully betraying a professional confidence; 177604

(8) Making a false, fraudulent, deceptive, or misleading 177605
statement in securing or attempting to secure a license to 177606
practice as an anesthesiologist assistant. 177607

As used in this division, "false, fraudulent, deceptive, or 177608
misleading statement" means a statement that includes a 177609
misrepresentation of fact, is likely to mislead or deceive because 177610
of a failure to disclose material facts, is intended or is likely 177611
to create false or unjustified expectations of favorable results, 177612
or includes representations or implications that in reasonable 177613
probability will cause an ordinarily prudent person to 177614
misunderstand or be deceived. 177615

(9) The obtaining of, or attempting to obtain, money or a 177616
thing of value by fraudulent misrepresentations in the course of 177617
practice; 177618

(10) A plea of guilty to, a judicial finding of guilt of, or 177619
a judicial finding of eligibility for intervention in lieu of 177620
conviction for, a felony; 177621

(11) Commission of an act that constitutes a felony in this 177622
state, regardless of the jurisdiction in which the act was 177623
committed; 177624

(12) A plea of guilty to, a judicial finding of guilt of, or 177625
a judicial finding of eligibility for intervention in lieu of 177626

conviction for, a misdemeanor committed in the course of practice;	177627
(13) A plea of guilty to, a judicial finding of guilt of, or	177628
a judicial finding of eligibility for intervention in lieu of	177629
conviction for, a misdemeanor involving moral turpitude;	177630
(14) Commission of an act in the course of practice that	177631
constitutes a misdemeanor in this state, regardless of the	177632
jurisdiction in which the act was committed;	177633
(15) Commission of an act involving moral turpitude that	177634
constitutes a misdemeanor in this state, regardless of the	177635
jurisdiction in which the act was committed;	177636
(16) A plea of guilty to, a judicial finding of guilt of, or	177637
a judicial finding of eligibility for intervention in lieu of	177638
conviction for violating any state or federal law regulating the	177639
possession, distribution, or use of any drug, including	177640
trafficking in drugs;	177641
(17) Any of the following actions taken by the state agency	177642
responsible for regulating the practice of anesthesiologist	177643
assistants in another jurisdiction, for any reason other than the	177644
nonpayment of fees: the limitation, revocation, or suspension of	177645
an individual's license to practice; acceptance of an individual's	177646
license surrender; denial of a license; refusal to renew or	177647
reinstate a license; imposition of probation; or issuance of an	177648
order of censure or other reprimand;	177649
(18) Violation of the conditions placed by the board on a	177650
license to practice;	177651
(19) Failure to use universal blood and body fluid	177652
precautions established by rules adopted under section 4731.051 of	177653
the Revised Code;	177654
(20) Failure to cooperate in an investigation conducted by	177655
the board under section 4760.14 of the Revised Code, including	177656

failure to comply with a subpoena or order issued by the board or 177657
failure to answer truthfully a question presented by the board at 177658
a deposition or in written interrogatories, except that failure to 177659
cooperate with an investigation shall not constitute grounds for 177660
discipline under this section if a court of competent jurisdiction 177661
has issued an order that either quashes a subpoena or permits the 177662
individual to withhold the testimony or evidence in issue; 177663

(21) Failure to comply with any code of ethics established by 177664
the national commission for the certification of anesthesiologist 177665
assistants; 177666

(22) Failure to notify the state medical board of the 177667
revocation or failure to maintain certification from the national 177668
commission for certification of anesthesiologist assistants. 177669

(C) The board shall not refuse to issue a certificate to an 177670
applicant because of a plea of guilty to, a judicial finding of 177671
guilt of, or a judicial finding of eligibility for intervention in 177672
lieu of conviction for an offense unless the refusal is in 177673
accordance with section 9.79 of the Revised Code. 177674

(D) Disciplinary actions taken by the board under divisions 177675
(A) and (B) of this section shall be taken pursuant to an 177676
adjudication under Chapter 119. of the Revised Code, except that 177677
in lieu of an adjudication, the board may enter into a consent 177678
agreement with an anesthesiologist assistant or applicant to 177679
resolve an allegation of a violation of this chapter or any rule 177680
adopted under it. A consent agreement, when ratified by an 177681
affirmative vote of not fewer than six members of the board, shall 177682
constitute the findings and order of the board with respect to the 177683
matter addressed in the agreement. If the board refuses to ratify 177684
a consent agreement, the admissions and findings contained in the 177685
consent agreement shall be of no force or effect. 177686

(E) For purposes of divisions (B)(11), (14), and (15) of this 177687

section, the commission of the act may be established by a finding 177688
by the board, pursuant to an adjudication under Chapter 119. of 177689
the Revised Code, that the applicant or license holder committed 177690
the act in question. The board shall have no jurisdiction under 177691
these divisions in cases where the trial court renders a final 177692
judgment in the license holder's favor and that judgment is based 177693
upon an adjudication on the merits. The board shall have 177694
jurisdiction under these divisions in cases where the trial court 177695
issues an order of dismissal on technical or procedural grounds. 177696

(F) The sealing or expungement of conviction records by any 177697
court shall have no effect on a prior board order entered under 177698
the provisions of this section or on the board's jurisdiction to 177699
take action under the provisions of this section if, based upon a 177700
plea of guilty, a judicial finding of guilt, or a judicial finding 177701
of eligibility for intervention in lieu of conviction, the board 177702
issued a notice of opportunity for a hearing prior to the court's 177703
order to seal or expunge the records. The board shall not be 177704
required to seal, destroy, redact, or otherwise modify its records 177705
to reflect the court's sealing or expungement of conviction 177706
records. 177707

(G) For purposes of this division, any individual who holds a 177708
license to practice issued under this chapter, or applies for a 177709
license to practice, shall be deemed to have given consent to 177710
submit to a mental or physical examination when directed to do so 177711
in writing by the board and to have waived all objections to the 177712
admissibility of testimony or examination reports that constitute 177713
a privileged communication. 177714

(1) In enforcing division (B)(5) of this section, the board, 177715
on a showing of a possible violation, shall refer any individual 177716
who holds, or has applied for, a license issued under this chapter 177717
to the monitoring organization that conducts the confidential 177718
monitoring program established under section 4731.25 of the 177719

~~Revised Code. The board also may compel any the individual who~~ 177720
~~holds a license to practice issued under this chapter or who has~~ 177721
~~applied for a license to practice pursuant~~ to this chapter to 177722
submit to a mental or physical examination, or both. A physical 177723
examination may include an HIV test. The expense of the 177724
examination is the responsibility of the individual compelled to 177725
be examined. Failure to submit to a mental or physical examination 177726
or consent to an HIV test ordered by the board constitutes an 177727
admission of the allegations against the individual unless the 177728
failure is due to circumstances beyond the individual's control, 177729
and a default and final order may be entered without the taking of 177730
testimony or presentation of evidence. If the board finds an 177731
anesthesiologist assistant unable to practice because of the 177732
reasons set forth in division (B)(5) of this section, the board 177733
shall require the anesthesiologist assistant to submit to care, 177734
counseling, or treatment by physicians approved or designated by 177735
the board, as a condition for an initial, continued, reinstated, 177736
or renewed license to practice. An individual affected by this 177737
division shall be afforded an opportunity to demonstrate to the 177738
board the ability to resume practicing in compliance with 177739
acceptable and prevailing standards of care. 177740

(2) For purposes of division (B)(6) of this section, if the 177741
board has reason to believe that any individual who holds a 177742
license to practice issued under this chapter or any applicant for 177743
a license to practice suffers such impairment, the board shall 177744
report the individual to the monitoring organization that conducts 177745
the confidential monitoring program established under section 177746
4731.25 of the Revised Code. The board also may compel the 177747
individual to submit to a mental or physical examination, or both. 177748
The expense of the examination is the responsibility of the 177749
individual compelled to be examined. Any mental or physical 177750
examination required under this division shall be undertaken by a 177751
treatment provider or physician qualified to conduct such 177752

examination and ~~chosen by the board~~ approved under section 177753
4731.251 of the Revised Code. 177754

Failure to submit to a mental or physical examination ordered 177755
by the board constitutes an admission of the allegations against 177756
the individual unless the failure is due to circumstances beyond 177757
the individual's control, and a default and final order may be 177758
entered without the taking of testimony or presentation of 177759
evidence. If the board determines that the individual's ability to 177760
practice is impaired, the board shall suspend the individual's 177761
license or deny the individual's application and shall require the 177762
individual, as a condition for an initial, continued, reinstated, 177763
or renewed license to practice, to submit to treatment. 177764

Before being eligible to apply for reinstatement of a license 177765
suspended under this division, the anesthesiologist assistant 177766
shall demonstrate to the board the ability to resume practice in 177767
compliance with acceptable and prevailing standards of care. The 177768
demonstration shall include the following: 177769

(a) Certification from a treatment provider approved under 177770
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 177771
has successfully completed any required inpatient treatment; 177772

(b) Evidence of continuing full compliance with an aftercare 177773
contract or consent agreement; 177774

(c) Two written reports indicating that the individual's 177775
ability to practice has been assessed and that the individual has 177776
been found capable of practicing according to acceptable and 177777
prevailing standards of care. The reports shall be made by 177778
individuals or providers approved by the board for making such 177779
assessments and shall describe the basis for their determination. 177780

The board may reinstate a license suspended under this 177781
division after such demonstration and after the individual has 177782
entered into a written consent agreement. 177783

When the impaired anesthesiologist assistant resumes 177784
practice, the board shall require continued monitoring of the 177785
anesthesiologist assistant. The monitoring shall include 177786
monitoring of compliance with the written consent agreement 177787
entered into before reinstatement or with conditions imposed by 177788
board order after a hearing, and, on termination of the consent 177789
agreement, submission to the board for at least two years of 177790
annual written progress reports made under penalty of 177791
falsification stating whether the anesthesiologist assistant has 177792
maintained sobriety. 177793

(H) If the secretary and supervising member determine that 177794
there is clear and convincing evidence that an anesthesiologist 177795
assistant has violated division (B) of this section and that the 177796
individual's continued practice presents a danger of immediate and 177797
serious harm to the public, they may recommend that the board 177798
suspend the individual's license without a prior hearing. Written 177799
allegations shall be prepared for consideration by the board. 177800

The board, on review of the allegations and by an affirmative 177801
vote of not fewer than six of its members, excluding the secretary 177802
and supervising member, may suspend a license without a prior 177803
hearing. A telephone conference call may be utilized for reviewing 177804
the allegations and taking the vote on the summary suspension. 177805

The board shall issue a written order of suspension by 177806
certified mail or in person in accordance with section 119.07 of 177807
the Revised Code. The order shall not be subject to suspension by 177808
the court during pendency of any appeal filed under section 119.12 177809
of the Revised Code. If the anesthesiologist assistant requests an 177810
adjudicatory hearing by the board, the date set for the hearing 177811
shall be within fifteen days, but not earlier than seven days, 177812
after the anesthesiologist assistant requests the hearing, unless 177813
otherwise agreed to by both the board and the license holder. 177814

A summary suspension imposed under this division shall remain 177815

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of an anesthesiologist assistant and the assistant's practice in this state are automatically suspended as of the date the anesthesiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated

murder, murder, voluntary manslaughter, felonious assault, 177848
kidnapping, rape, sexual battery, gross sexual imposition, 177849
aggravated arson, aggravated robbery, or aggravated burglary. 177850
Continued practice after the suspension shall be considered 177851
practicing without a license. 177852

The board shall notify the individual subject to the 177853
suspension by certified mail or in person in accordance with 177854
section 119.07 of the Revised Code. If an individual whose license 177855
is suspended under this division fails to make a timely request 177856
for an adjudication under Chapter 119. of the Revised Code, the 177857
board shall enter a final order permanently revoking the 177858
individual's license to practice. 177859

(K) In any instance in which the board is required by Chapter 177860
119. of the Revised Code to give notice of opportunity for hearing 177861
and the individual subject to the notice does not timely request a 177862
hearing in accordance with section 119.07 of the Revised Code, the 177863
board is not required to hold a hearing, but may adopt, by an 177864
affirmative vote of not fewer than six of its members, a final 177865
order that contains the board's findings. In the final order, the 177866
board may order any of the sanctions identified under division (A) 177867
or (B) of this section. 177868

(L) Any action taken by the board under division (B) of this 177869
section resulting in a suspension shall be accompanied by a 177870
written statement of the conditions under which the 177871
anesthesiologist assistant's license may be reinstated. The board 177872
shall adopt rules in accordance with Chapter 119. of the Revised 177873
Code governing conditions to be imposed for reinstatement. 177874
Reinstatement of a license suspended pursuant to division (B) of 177875
this section requires an affirmative vote of not fewer than six 177876
members of the board. 177877

(M) When the board refuses to grant or issue a license to 177878
practice as an anesthesiologist assistant to an applicant, revokes 177879

an individual's license, refuses to renew an individual's license, 177880
or refuses to reinstate an individual's license, the board may 177881
specify that its action is permanent. An individual subject to a 177882
permanent action taken by the board is forever thereafter 177883
ineligible to hold a license to practice as an anesthesiologist 177884
assistant and the board shall not accept an application for 177885
reinstatement of the license or for issuance of a new license. 177886

(N) Notwithstanding any other provision of the Revised Code, 177887
all of the following apply: 177888

(1) The surrender of a license to practice issued under this 177889
chapter is not effective unless or until accepted by the board. 177890
Reinstatement of a license surrendered to the board requires an 177891
affirmative vote of not fewer than six members of the board. 177892

(2) An application made under this chapter for a license to 177893
practice may not be withdrawn without approval of the board. 177894

(3) Failure by an individual to renew a license to practice 177895
in accordance with section 4760.06 of the Revised Code shall not 177896
remove or limit the board's jurisdiction to take disciplinary 177897
action under this section against the individual. 177898

Sec. 4760.16. (A) Within sixty days after the imposition of 177899
any formal disciplinary action taken by any health care facility, 177900
including a hospital, health care facility operated by a health 177901
insuring corporation, ambulatory surgical facility, or similar 177902
facility, against any individual holding a valid license to 177903
practice as an anesthesiologist assistant, the chief administrator 177904
or executive officer of the facility shall report to the state 177905
medical board the name of the individual, the action taken by the 177906
facility, and a summary of the underlying facts leading to the 177907
action taken. On request, the board shall be provided certified 177908
copies of the patient records that were the basis for the 177909
facility's action. Prior to release to the board, the summary 177910

shall be approved by the peer review committee that reviewed the 177911
case or by the governing board of the facility. 177912

The filing of a report with the board or decision not to file 177913
a report, investigation by the board, or any disciplinary action 177914
taken by the board, does not preclude a health care facility from 177915
taking disciplinary action against an anesthesiologist assistant. 177916

In the absence of fraud or bad faith, no individual or entity 177917
that provides patient records to the board shall be liable in 177918
damages to any person as a result of providing the records. 177919

(B)(1) Except as provided in division (B)(2) of this section, 177920
an anesthesiologist assistant, professional association or society 177921
of anesthesiologist assistants, physician, or professional 177922
association or society of physicians that believes a violation of 177923
any provision of this chapter, Chapter 4731. of the Revised Code, 177924
or rule of the board has occurred shall report to the board the 177925
information on which the belief is based. 177926

(2) An anesthesiologist assistant, professional association 177927
or society of anesthesiologist assistants, physician, or 177928
professional association or society of physicians that believes 177929
that a violation of division ~~(B)(6)~~(B)(5) or (6) of section 177930
4760.13 of the Revised Code has occurred shall report the 177931
information upon which the belief is based to the monitoring 177932
organization conducting the confidential monitoring program 177933
established ~~by the board~~ under section ~~4731.251~~ 4731.25 of the 177934
Revised Code. If any such report is made to the board, it shall be 177935
referred to the monitoring organization unless the board is aware 177936
that the individual who is the subject of the report does not meet 177937
the program eligibility requirements of section 4731.252 of the 177938
Revised Code. 177939

(C) Any professional association or society composed 177940
primarily of anesthesiologist assistants that suspends or revokes 177941

an individual's membership for violations of professional ethics, 177942
or for reasons of professional incompetence or professional 177943
malpractice, within sixty days after a final decision, shall 177944
report to the board, on forms prescribed and provided by the 177945
board, the name of the individual, the action taken by the 177946
professional organization, and a summary of the underlying facts 177947
leading to the action taken. 177948

The filing of a report with the board or decision not to file 177949
a report, investigation by the board, or any disciplinary action 177950
taken by the board, does not preclude a professional organization 177951
from taking disciplinary action against an anesthesiologist 177952
assistant. 177953

(D) Any insurer providing professional liability insurance to 177954
any person holding a valid license to practice as an 177955
anesthesiologist assistant or any other entity that seeks to 177956
indemnify the professional liability of an anesthesiologist 177957
assistant shall notify the board within thirty days after the 177958
final disposition of any written claim for damages where such 177959
disposition results in a payment exceeding twenty-five thousand 177960
dollars. The notice shall contain the following information: 177961

(1) The name and address of the person submitting the 177962
notification; 177963

(2) The name and address of the insured who is the subject of 177964
the claim; 177965

(3) The name of the person filing the written claim; 177966

(4) The date of final disposition; 177967

(5) If applicable, the identity of the court in which the 177968
final disposition of the claim took place. 177969

(E) The board may investigate possible violations of this 177970
chapter or the rules adopted under it that are brought to its 177971

attention as a result of the reporting requirements of this 177972
section, except that the board shall conduct an investigation if a 177973
possible violation involves repeated malpractice. As used in this 177974
division, "repeated malpractice" means three or more claims for 177975
malpractice within the previous five-year period, each resulting 177976
in a judgment or settlement in excess of twenty-five thousand 177977
dollars in favor of the claimant, and each involving negligent 177978
conduct by the anesthesiologist assistant. 177979

(F) All summaries, reports, and records received and 177980
maintained by the board pursuant to this section shall be held in 177981
confidence and shall not be subject to discovery or introduction 177982
in evidence in any federal or state civil action involving an 177983
anesthesiologist assistant, supervising physician, or health care 177984
facility arising out of matters that are the subject of the 177985
reporting required by this section. The board may use the 177986
information obtained only as the basis for an investigation, as 177987
evidence in a disciplinary hearing against an anesthesiologist 177988
assistant or supervising physician, or in any subsequent trial or 177989
appeal of a board action or order. 177990

The board may disclose the summaries and reports it receives 177991
under this section only to health care facility committees within 177992
or outside this state that are involved in credentialing or 177993
recredentialing an anesthesiologist assistant or supervising 177994
physician or reviewing their privilege to practice within a 177995
particular facility. The board shall indicate whether or not the 177996
information has been verified. Information transmitted by the 177997
board shall be subject to the same confidentiality provisions as 177998
when maintained by the board. 177999

(G) Except for reports filed by an individual pursuant to 178000
division (B) of this section, the board shall send a copy of any 178001
reports or summaries it receives pursuant to this section to the 178002
anesthesiologist assistant. The anesthesiologist assistant shall 178003

have the right to file a statement with the board concerning the 178004
correctness or relevance of the information. The statement shall 178005
at all times accompany that part of the record in contention. 178006

(H) An individual or entity that reports to the board, 178007
reports to the monitoring organization described in section 178008
~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired 178009
anesthesiologist assistant to a treatment provider approved ~~by the~~ 178010
~~board~~ under section ~~4731.25~~ 4731.251 of the Revised Code shall not 178011
be subject to suit for civil damages as a result of the report, 178012
referral, or provision of the information. 178013

(I) In the absence of fraud or bad faith, a professional 178014
association or society of anesthesiologist assistants that 178015
sponsors a committee or program to provide peer assistance to an 178016
anesthesiologist assistant with substance abuse problems, a 178017
representative or agent of such a committee or program, a 178018
representative or agent of the monitoring organization described 178019
in section ~~4731.251~~ 4731.25 of the Revised Code, and a member of 178020
the state medical board shall not be held liable in damages to any 178021
person by reason of actions taken to refer an anesthesiologist 178022
assistant to a treatment provider approved under section ~~4731.25~~ 178023
4731.251 of the Revised Code for examination or treatment. 178024

Sec. 4761.09. (A) The state medical board, by an affirmative 178025
vote of not fewer than six members, shall, except as provided in 178026
division (B) of this section, and to the extent permitted by law, 178027
limit, revoke, or suspend an individual's license or limited 178028
permit, refuse to issue a license or limited permit to an 178029
individual, refuse to renew a license or limited permit, refuse to 178030
reinstate a license or limited permit, or reprimand or place on 178031
probation the holder of a license or limited permit for one or 178032
more of the following reasons: 178033

(1) A plea of guilty to, a judicial finding of guilt of, or a 178034

judicial finding of eligibility for intervention in lieu of 178035
conviction for, a felony; 178036

(2) Commission of an act that constitutes a felony in this 178037
state, regardless of the jurisdiction in which the act was 178038
committed; 178039

(3) A plea of guilty to, a judicial finding of guilt of, or a 178040
judicial finding of eligibility for intervention in lieu of 178041
conviction for, a misdemeanor committed in the course of practice; 178042

(4) Commission of an act in the course of practice that 178043
constitutes a misdemeanor in this state, regardless of the 178044
jurisdiction in which the act was committed; 178045

(5) A plea of guilty to, a judicial finding of guilt of, or a 178046
judicial finding of eligibility for intervention in lieu of 178047
conviction for, a misdemeanor involving moral turpitude; 178048

(6) Commission of an act involving moral turpitude that 178049
constitutes a misdemeanor in this state, regardless of the 178050
jurisdiction in which the act was committed; 178051

(7) Except when civil penalties are imposed under section 178052
4761.091 of the Revised Code, violating or attempting to violate, 178053
directly or indirectly, or assisting in or abetting the violation 178054
of, or conspiring to violate, any provision of this chapter or the 178055
rules adopted by the board; 178056

(8) Making a false, fraudulent, deceptive, or misleading 178057
statement in the solicitation of or advertising for patients; in 178058
relation to the practice of respiratory care; or in securing or 178059
attempting to secure any license or permit issued by the board 178060
under this chapter. 178061

As used in division (A)(8) of this section, "false, 178062
fraudulent, deceptive, or misleading statement" means a statement 178063
that includes a misrepresentation of fact, is likely to mislead or 178064

deceive because of a failure to disclose material facts, is 178065
intended or is likely to create false or unjustified expectations 178066
of favorable results, or includes representations or implications 178067
that in reasonable probability will cause an ordinarily prudent 178068
person to misunderstand or be deceived. 178069

(9) Committing fraud during the administration of the 178070
examination for a license to practice or committing fraud, 178071
misrepresentation, or deception in applying for, renewing, or 178072
securing any license or permit issued by the board; 178073

(10) A departure from, or failure to conform to, minimal 178074
standards of care of similar practitioners under the same or 178075
similar circumstances, whether or not actual injury to a patient 178076
is established; 178077

(11) Violating the standards of ethical conduct adopted by 178078
the board, in the practice of respiratory care; 178079

(12) The obtaining of, or attempting to obtain, money or 178080
anything of value by fraudulent misrepresentations in the course 178081
of practice; 178082

(13) Violation of the conditions of limitation placed by the 178083
board upon a license or permit; 178084

(14) Inability to practice according to acceptable and 178085
prevailing standards of care by reason of mental illness or 178086
physical illness, including physical deterioration that adversely 178087
affects cognitive, motor, or perceptive skills; 178088

(15) Any of the following actions taken by an agency 178089
responsible for authorizing, certifying, or regulating an 178090
individual to practice a health care occupation or provide health 178091
care services in this state or another jurisdiction, for any 178092
reason other than the nonpayment of fees: the limitation, 178093
revocation, or suspension of an individual's license; acceptance 178094
of an individual's license surrender; denial of a license; refusal 178095

to renew or reinstate a license; imposition of probation; or	178096
issuance of an order of censure or other reprimand;	178097
(16) The revocation, suspension, restriction, reduction, or	178098
termination of practice privileges by the United States department	178099
of defense or department of veterans affairs;	178100
(17) Termination or suspension from participation in the	178101
medicare or medicaid programs by the department of health and	178102
human services or other responsible agency for any act or acts	178103
that also would constitute a violation of division (A)(10), (12),	178104
or (14) of this section;	178105
(18) Impairment of ability to practice according to	178106
acceptable and prevailing standards of care because of habitual	178107
<u>substance use disorder</u> or excessive use or abuse of drugs,	178108
alcohol, or other substances that <u>may</u> impair ability to practice;	178109
(19) Failure to cooperate in an investigation conducted by	178110
the board under division (E) of section 4761.03 of the Revised	178111
Code, including failure to comply with a subpoena or order issued	178112
by the board or failure to answer truthfully a question presented	178113
by the board in an investigative interview, an investigative	178114
office conference, at a deposition, or in written interrogatories,	178115
except that failure to cooperate with an investigation shall not	178116
constitute grounds for discipline under this section if a court of	178117
competent jurisdiction has issued an order that either quashes a	178118
subpoena or permits the individual to withhold the testimony or	178119
evidence in issue;	178120
(20) Practicing in an area of respiratory care for which the	178121
person is clearly untrained or incompetent or practicing in a	178122
manner that conflicts with section 4761.17 of the Revised Code;	178123
(21) Employing, directing, or supervising a person who is not	178124
authorized to practice respiratory care under this chapter in the	178125
performance of respiratory care procedures;	178126

(22) Misrepresenting educational attainments or authorized functions for the purpose of obtaining some benefit related to the practice of respiratory care;

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(23) Assisting suicide as defined in section 3795.01 of the Revised Code;

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(24) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured.

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Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no effect.

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A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license or permit. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

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(B) The board shall not refuse to issue a license or limited permit to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

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(C) Any action taken by the board under division (A) of this

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section resulting in a suspension from practice shall be 178158
accompanied by a written statement of the conditions under which 178159
the individual's license or permit may be reinstated. The board 178160
shall adopt rules governing conditions to be imposed for 178161
reinstatement. Reinstatement of a license or permit suspended 178162
pursuant to division (A) of this section requires an affirmative 178163
vote of not fewer than six members of the board. 178164

(D) When the board refuses to grant or issue a license or 178165
permit to an applicant, revokes an individual's license or permit, 178166
refuses to renew an individual's license or permit, or refuses to 178167
reinstatement an individual's license or permit, the board may specify 178168
that its action is permanent. An individual subject to a permanent 178169
action taken by the board is forever thereafter ineligible to hold 178170
a license or permit and the board shall not accept an application 178171
for reinstatement of the license or permit or for issuance of a 178172
new license or permit. 178173

(E) If the board is required by Chapter 119. of the Revised 178174
Code to give notice of an opportunity for a hearing and if the 178175
individual subject to the notice does not timely request a hearing 178176
in accordance with section 119.07 of the Revised Code, the board 178177
is not required to hold a hearing, but may adopt, by an 178178
affirmative vote of not fewer than six of its members, a final 178179
order that contains the board's findings. In the final order, the 178180
board may order any of the sanctions identified under division (A) 178181
of this section. 178182

(F) In enforcing division (A)(14) of this section, the board, 178183
upon a showing of a possible violation, shall refer any individual 178184
authorized to practice by this chapter or who has submitted an 178185
application pursuant to this chapter to the monitoring 178186
organization that conducts the confidential monitoring program 178187
established under section 4731.25 of the Revised Code. The board 178188
also may compel any the individual authorized to practice by this 178189

~~chapter~~ or who has submitted an application pursuant to this 178190
~~chapter~~ to submit to a mental examination, physical examination, 178191
including an HIV test, or both a mental and a physical 178192
examination. The expense of the examination is the responsibility 178193
of the individual compelled to be examined. Failure to submit to a 178194
mental or physical examination or consent to an HIV test ordered 178195
by the board constitutes an admission of the allegations against 178196
the individual unless the failure is due to circumstances beyond 178197
the individual's control, and a default and final order may be 178198
entered without the taking of testimony or presentation of 178199
evidence. If the board finds an individual unable to practice 178200
because of the reasons set forth in division (A)(14) of this 178201
section, the board shall require the individual to submit to care, 178202
counseling, or treatment by physicians approved or designated by 178203
the board, as a condition for initial, continued, reinstated, or 178204
renewed authority to practice. An individual affected under this 178205
division shall be afforded an opportunity to demonstrate to the 178206
board the ability to resume practice in compliance with acceptable 178207
and prevailing standards under the provisions of the individual's 178208
license or permit. For the purpose of division (A)(14) of this 178209
section, any individual who applies for or receives a license or 178210
permit to practice under this chapter accepts the privilege of 178211
practicing in this state and, by so doing, shall be deemed to have 178212
given consent to submit to a mental or physical examination when 178213
directed to do so in writing by the board, and to have waived all 178214
objections to the admissibility of testimony or examination 178215
reports that constitute a privileged communication. 178216

(G) For the purposes of division (A)(18) of this section, any 178217
individual authorized to practice by this chapter accepts the 178218
privilege of practicing in this state subject to supervision by 178219
the board. By filing an application for or holding a license or 178220
permit under this chapter, an individual shall be deemed to have 178221
given consent to submit to a mental or physical examination when 178222

ordered to do so by the board in writing, and to have waived all 178223
objections to the admissibility of testimony or examination 178224
reports that constitute privileged communications. 178225

If it has reason to believe that any individual authorized to 178226
practice by this chapter or any applicant for a license or permit 178227
suffers such impairment, the board shall refer the individual to 178228
the monitoring organization that conducts the confidential 178229
monitoring program established under section 4731.25 of the 178230
Revised Code. The board also may compel the individual to submit 178231
to a mental or physical examination, or both. The expense of the 178232
examination is the responsibility of the individual compelled to 178233
be examined. Any mental or physical examination required under 178234
this division shall be undertaken by a treatment provider or 178235
physician who is qualified to conduct the examination and who is 178236
~~chosen by the board~~ approved under section 4731.251 of the Revised 178237
Code. 178238

Failure to submit to a mental or physical examination ordered 178239
by the board constitutes an admission of the allegations against 178240
the individual unless the failure is due to circumstances beyond 178241
the individual's control, and a default and final order may be 178242
entered without the taking of testimony or presentation of 178243
evidence. If the board determines that the individual's ability to 178244
practice is impaired, the board shall suspend the individual's 178245
license or permit or deny the individual's application and shall 178246
require the individual, as a condition for an initial, continued, 178247
reinstated, or renewed license or permit, to submit to treatment. 178248

Before being eligible to apply for reinstatement of a license 178249
or permit suspended under this division, the impaired practitioner 178250
shall demonstrate to the board the ability to resume practice in 178251
compliance with acceptable and prevailing standards of care under 178252
the provisions of the practitioner's license or permit. The 178253
demonstration shall include, but shall not be limited to, the 178254

following:	178255
(1) Certification from a treatment provider approved under section 4731.25 <u>4731.251</u> of the Revised Code that the individual has successfully completed any required inpatient treatment;	178256 178257 178258
(2) Evidence of continuing full compliance with an aftercare contract or consent agreement;	178259 178260
(3) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.	178261 178262 178263 178264 178265 178266
The board may reinstate a license or permit suspended under this division after that demonstration and after the individual has entered into a written consent agreement.	178267 178268 178269
When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.	178270 178271 178272 178273 178274 178275 178276 178277 178278
(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or permit without a prior hearing:	178279 178280 178281
(1) That there is clear and convincing evidence that an individual has violated division (A) of this section;	178282 178283
(2) That the individual's continued practice presents a	178284

danger of immediate and serious harm to the public. 178285

Written allegations shall be prepared for consideration by 178286
the board. The board, upon review of those allegations and by an 178287
affirmative vote of not fewer than six of its members, excluding 178288
the secretary and supervising member, may suspend a license or 178289
permit without a prior hearing. A telephone conference call may be 178290
utilized for reviewing the allegations and taking the vote on the 178291
summary suspension. 178292

The board shall issue a written order of suspension by 178293
certified mail or in person in accordance with section 119.07 of 178294
the Revised Code. The order shall not be subject to suspension by 178295
the court during pendency of any appeal filed under section 119.12 178296
of the Revised Code. If the individual subject to the summary 178297
suspension requests an adjudicatory hearing by the board, the date 178298
set for the hearing shall be within fifteen days, but not earlier 178299
than seven days, after the individual requests the hearing, unless 178300
otherwise agreed to by both the board and the individual. 178301

Any summary suspension imposed under this division shall 178302
remain in effect, unless reversed on appeal, until a final 178303
adjudicative order issued by the board pursuant to this section 178304
and Chapter 119. of the Revised Code becomes effective. The board 178305
shall issue its final adjudicative order within seventy-five days 178306
after completion of its hearing. A failure to issue the order 178307
within seventy-five days shall result in dissolution of the 178308
summary suspension order but shall not invalidate any subsequent, 178309
final adjudicative order. 178310

(I) For purposes of divisions (A)(2), (4), and (6) of this 178311
section, the commission of the act may be established by a finding 178312
by the board, pursuant to an adjudication under Chapter 119. of 178313
the Revised Code, that the individual committed the act. The board 178314
does not have jurisdiction under those divisions if the trial 178315
court renders a final judgment in the individual's favor and that 178316

judgment is based upon an adjudication on the merits. The board 178317
has jurisdiction under those divisions if the trial court issues 178318
an order of dismissal upon technical or procedural grounds. 178319

(J) The sealing or expungement of conviction records by any 178320
court shall have no effect upon a prior board order entered under 178321
this section or upon the board's jurisdiction to take action under 178322
this section if, based upon a plea of guilty, a judicial finding 178323
of guilt, or a judicial finding of eligibility for intervention in 178324
lieu of conviction, the board issued a notice of opportunity for a 178325
hearing prior to the court's order to seal or expunge the records. 178326
The board shall not be required to seal, destroy, redact, or 178327
otherwise modify its records to reflect the court's sealing or 178328
expungement of conviction records. 178329

(K) If the board takes action under division (A)(1), (3), or 178330
(5) of this section, and the judicial finding of guilt, guilty 178331
plea, or judicial finding of eligibility for intervention in lieu 178332
of conviction is overturned on appeal, upon exhaustion of the 178333
criminal appeal, a petition for reconsideration of the order may 178334
be filed with the board along with appropriate court documents. 178335
Upon receipt of a petition for reconsideration and supporting 178336
court documents, the board shall reinstate the individual's 178337
license or permit. The board may then hold an adjudication under 178338
Chapter 119. of the Revised Code to determine whether the 178339
individual committed the act in question. Notice of an opportunity 178340
for a hearing shall be given in accordance with Chapter 119. of 178341
the Revised Code. If the board finds, pursuant to an adjudication 178342
held under this division, that the individual committed the act or 178343
if no hearing is requested, the board may order any of the 178344
sanctions identified under division (A) of this section. 178345

(L) The license or permit issued to an individual under this 178346
chapter and the individual's practice in this state are 178347
automatically suspended as of the date the individual pleads 178348

guilty to, is found by a judge or jury to be guilty of, or is 178349
subject to a judicial finding of eligibility for intervention in 178350
lieu of conviction in this state or treatment or intervention in 178351
lieu of conviction in another jurisdiction for any of the 178352
following criminal offenses in this state or a substantially 178353
equivalent criminal offense in another jurisdiction: aggravated 178354
murder, murder, voluntary manslaughter, felonious assault, 178355
kidnapping, rape, sexual battery, gross sexual imposition, 178356
aggravated arson, aggravated robbery, or aggravated burglary. 178357
Continued practice after suspension shall be considered practicing 178358
without a license or permit. 178359

The board shall notify the individual subject to the 178360
suspension by certified mail or in person in accordance with 178361
section 119.07 of the Revised Code. If an individual whose license 178362
or permit is automatically suspended under this division fails to 178363
make a timely request for an adjudication under Chapter 119. of 178364
the Revised Code, the board shall enter a final order permanently 178365
revoking the individual's license or permit. 178366

(M) Notwithstanding any other provision of the Revised Code, 178367
all of the following apply: 178368

(1) The surrender of a license or permit issued under this 178369
chapter shall not be effective unless or until accepted by the 178370
board. A telephone conference call may be utilized for acceptance 178371
of the surrender of an individual's license or permit. The 178372
telephone conference call shall be considered a special meeting 178373
under division (F) of section 121.22 of the Revised Code. 178374
Reinstatement of a license or permit surrendered to the board 178375
requires an affirmative vote of not fewer than six members of the 178376
board. 178377

(2) An application for a license or permit made under the 178378
provisions of this chapter may not be withdrawn without approval 178379
of the board. 178380

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual.

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked.

Sec. 4761.19. A respiratory care professional, professional association or society of respiratory care professionals, physician, or professional association or society of physicians that believes a violation of division ~~(A)(18)~~ (A)(14) or (18) of section 4761.09 of the Revised Code has occurred shall report the information upon which the belief is based to the monitoring organization conducting the confidential monitoring program established ~~by the state medical board~~ under section ~~4731.251~~ 4731.25 of the Revised Code. If any such report is made to the state medical board, it shall be referred to the monitoring organization unless the board is aware that the individual who is the subject of the report does not meet the program eligibility requirements of section 4731.252 of the Revised Code.

An individual or entity that reports to the board, reports to the monitoring organization described in section ~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired respiratory care professional to a treatment provider approved ~~by the board~~ under section ~~4731.25~~ 4731.251 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

In the absence of fraud or bad faith, a professional association or society of respiratory care professionals that sponsors a committee or program to provide peer assistance to a respiratory care professional with substance abuse problems, a

representative or agent of such a committee or program, a 178412
representative or agent of the monitoring organization described 178413
in section ~~4731.251~~ 4731.25 of the Revised Code, and a member of 178414
the state medical board shall not be held liable in damages to any 178415
person by reason of actions taken to refer a respiratory care 178416
professional to a treatment provider approved under section 178417
~~4731.25~~ 4731.251 of the Revised Code for examination or treatment. 178418

Sec. 4762.13. (A) The state medical board, by an affirmative 178419
vote of not fewer than six members, ~~may revoke or~~ may refuse to 178420
grant a license to practice as an oriental medicine practitioner 178421
or license to practice as an acupuncturist to ~~a person~~, or may 178422
revoke the license held by, an individual found by the board to 178423
have committed fraud, misrepresentation, or deception in applying 178424
for or securing the license. 178425

(B) The board, by an affirmative vote of not fewer than six 178426
members, shall, except as provided in division (C) of this 178427
section, and to the extent permitted by law, limit, revoke, or 178428
suspend an individual's license to practice, refuse to issue a 178429
license to an applicant, refuse to renew a license, refuse to 178430
reinstate a license, or reprimand or place on probation the holder 178431
of a license for any of the following reasons: 178432

(1) Permitting the holder's name or license to be used by 178433
another person; 178434

(2) Failure to comply with the requirements of this chapter, 178435
Chapter 4731. of the Revised Code, or any rules adopted by the 178436
board; 178437

(3) Violating or attempting to violate, directly or 178438
indirectly, or assisting in or abetting the violation of, or 178439
conspiring to violate, any provision of this chapter, Chapter 178440
4731. of the Revised Code, or the rules adopted by the board; 178441

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

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(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of ~~habitual~~ substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;

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(7) Willfully betraying a professional confidence;

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(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.

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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

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(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

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(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of

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practice;	178473
(11) A plea of guilty to, a judicial finding of guilt of, or	178474
a judicial finding of eligibility for intervention in lieu of	178475
conviction for, a felony;	178476
(12) Commission of an act that constitutes a felony in this	178477
state, regardless of the jurisdiction in which the act was	178478
committed;	178479
(13) A plea of guilty to, a judicial finding of guilt of, or	178480
a judicial finding of eligibility for intervention in lieu of	178481
conviction for, a misdemeanor committed in the course of practice;	178482
(14) A plea of guilty to, a judicial finding of guilt of, or	178483
a judicial finding of eligibility for intervention in lieu of	178484
conviction for, a misdemeanor involving moral turpitude;	178485
(15) Commission of an act in the course of practice that	178486
constitutes a misdemeanor in this state, regardless of the	178487
jurisdiction in which the act was committed;	178488
(16) Commission of an act involving moral turpitude that	178489
constitutes a misdemeanor in this state, regardless of the	178490
jurisdiction in which the act was committed;	178491
(17) A plea of guilty to, a judicial finding of guilt of, or	178492
a judicial finding of eligibility for intervention in lieu of	178493
conviction for violating any state or federal law regulating the	178494
possession, distribution, or use of any drug, including	178495
trafficking in drugs;	178496
(18) Any of the following actions taken by the state agency	178497
responsible for regulating the practice of oriental medicine or	178498
acupuncture in another jurisdiction, for any reason other than the	178499
nonpayment of fees: the limitation, revocation, or suspension of	178500
an individual's license to practice; acceptance of an individual's	178501
license surrender; denial of a license; refusal to renew or	178502

reinstate a license; imposition of probation; or issuance of an	178503
order of censure or other reprimand;	178504
(19) Violation of the conditions placed by the board on a	178505
license to practice as an oriental medicine practitioner or	178506
license to practice as an acupuncturist;	178507
(20) Failure to use universal blood and body fluid	178508
precautions established by rules adopted under section 4731.051 of	178509
the Revised Code;	178510
(21) Failure to cooperate in an investigation conducted by	178511
the board under section 4762.14 of the Revised Code, including	178512
failure to comply with a subpoena or order issued by the board or	178513
failure to answer truthfully a question presented by the board at	178514
a deposition or in written interrogatories, except that failure to	178515
cooperate with an investigation shall not constitute grounds for	178516
discipline under this section if a court of competent jurisdiction	178517
has issued an order that either quashes a subpoena or permits the	178518
individual to withhold the testimony or evidence in issue;	178519
(22) Failure to comply with the standards of the national	178520
certification commission for acupuncture and oriental medicine	178521
regarding professional ethics, commitment to patients, commitment	178522
to the profession, and commitment to the public;	178523
(23) Failure to have adequate professional liability	178524
insurance coverage in accordance with section 4762.22 of the	178525
Revised Code;	178526
(24) Failure to maintain a current and active designation as	178527
a diplomate in oriental medicine, diplomate of acupuncture and	178528
Chinese herbology, or diplomate in acupuncture, as applicable,	178529
from the national certification commission for acupuncture and	178530
oriental medicine, including revocation by the commission of the	178531
individual's designation, failure by the individual to meet the	178532
commission's requirements for redesignation, or failure to notify	178533

the board that the appropriate designation has not been 178534
maintained. 178535

(C) The board shall not refuse to issue a certificate to an 178536
applicant because of a plea of guilty to, a judicial finding of 178537
guilt of, or a judicial finding of eligibility for intervention in 178538
lieu of conviction for an offense unless the refusal is in 178539
accordance with section 9.79 of the Revised Code. 178540

(D) Disciplinary actions taken by the board under divisions 178541
(A) and (B) of this section shall be taken pursuant to an 178542
adjudication under Chapter 119. of the Revised Code, except that 178543
in lieu of an adjudication, the board may enter into a consent 178544
agreement with an oriental medicine practitioner or acupuncturist 178545
or applicant to resolve an allegation of a violation of this 178546
chapter or any rule adopted under it. A consent agreement, when 178547
ratified by an affirmative vote of not fewer than six members of 178548
the board, shall constitute the findings and order of the board 178549
with respect to the matter addressed in the agreement. If the 178550
board refuses to ratify a consent agreement, the admissions and 178551
findings contained in the consent agreement shall be of no force 178552
or effect. 178553

(E) For purposes of divisions (B)(12), (15), and (16) of this 178554
section, the commission of the act may be established by a finding 178555
by the board, pursuant to an adjudication under Chapter 119. of 178556
the Revised Code, that the applicant or license holder committed 178557
the act in question. The board shall have no jurisdiction under 178558
these divisions in cases where the trial court renders a final 178559
judgment in the license holder's favor and that judgment is based 178560
upon an adjudication on the merits. The board shall have 178561
jurisdiction under these divisions in cases where the trial court 178562
issues an order of dismissal upon technical or procedural grounds. 178563

(F) The sealing or expungement of conviction records by any 178564
court shall have no effect upon a prior board order entered under 178565

the provisions of this section or upon the board's jurisdiction to 178566
take action under the provisions of this section if, based upon a 178567
plea of guilty, a judicial finding of guilt, or a judicial finding 178568
of eligibility for intervention in lieu of conviction, the board 178569
issued a notice of opportunity for a hearing or entered into a 178570
consent agreement prior to the court's order to seal or expunge 178571
the records. The board shall not be required to seal, destroy, 178572
redact, or otherwise modify its records to reflect the court's 178573
sealing or expungement of conviction records. 178574

(G) For purposes of this division, any individual who holds a 178575
license to practice issued under this chapter, or applies for a 178576
license to practice, shall be deemed to have given consent to 178577
submit to a mental or physical examination when directed to do so 178578
in writing by the board and to have waived all objections to the 178579
admissibility of testimony or examination reports that constitute 178580
a privileged communication. 178581

(1) In enforcing division (B)(5) of this section, the board, 178582
upon a showing of a possible violation, shall refer any individual 178583
who holds, or has applied for, a license under this chapter to the 178584
monitoring organization that conducts the confidential monitoring 178585
program established under section 4731.25 of the Revised Code. The 178586
board also may compel any the individual who holds a license to 178587
practice issued under this chapter or who has applied for a 178588
license pursuant to this chapter to submit to a mental 178589
examination, physical examination, including an HIV test, or both 178590
a mental and physical examination. The expense of the examination 178591
is the responsibility of the individual compelled to be examined. 178592
Failure to submit to a mental or physical examination or consent 178593
to an HIV test ordered by the board constitutes an admission of 178594
the allegations against the individual unless the failure is due 178595
to circumstances beyond the individual's control, and a default 178596
and final order may be entered without the taking of testimony or 178597

presentation of evidence. If the board finds an oriental medicine 178598
practitioner or acupuncturist unable to practice because of the 178599
reasons set forth in division (B)(5) of this section, the board 178600
shall require the individual to submit to care, counseling, or 178601
treatment by physicians approved or designated by the board, as a 178602
condition for an initial, continued, reinstated, or renewed 178603
license to practice. An individual affected by this division shall 178604
be afforded an opportunity to demonstrate to the board the ability 178605
to resume practicing in compliance with acceptable and prevailing 178606
standards of care. 178607

(2) For purposes of division (B)(6) of this section, if the 178608
board has reason to believe that any individual who holds a 178609
license to practice issued under this chapter or any applicant for 178610
a license suffers such impairment, the board shall refer the 178611
individual to the monitoring organization that conducts the 178612
confidential monitoring program established under section 4731.25 178613
of the Revised Code. The board also may compel the individual to 178614
submit to a mental or physical examination, or both. The expense 178615
of the examination is the responsibility of the individual 178616
compelled to be examined. Any mental or physical examination 178617
required under this division shall be undertaken by a treatment 178618
provider or physician qualified to conduct such examination and 178619
chosen by the board approved under section 4731.251 of the Revised 178620
Code. 178621

Failure to submit to a mental or physical examination ordered 178622
by the board constitutes an admission of the allegations against 178623
the individual unless the failure is due to circumstances beyond 178624
the individual's control, and a default and final order may be 178625
entered without the taking of testimony or presentation of 178626
evidence. If the board determines that the individual's ability to 178627
practice is impaired, the board shall suspend the individual's 178628
license or deny the individual's application and shall require the 178629

individual, as a condition for an initial, continued, reinstated, 178630
or renewed license, to submit to treatment. 178631

Before being eligible to apply for reinstatement of a license 178632
suspended under this division, the oriental medicine practitioner 178633
or acupuncturist shall demonstrate to the board the ability to 178634
resume practice in compliance with acceptable and prevailing 178635
standards of care. The demonstration shall include the following: 178636

(a) Certification from a treatment provider approved under 178637
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 178638
has successfully completed any required inpatient treatment; 178639

(b) Evidence of continuing full compliance with an aftercare 178640
contract or consent agreement; 178641

(c) Two written reports indicating that the individual's 178642
ability to practice has been assessed and that the individual has 178643
been found capable of practicing according to acceptable and 178644
prevailing standards of care. The reports shall be made by 178645
individuals or providers approved by the board for making such 178646
assessments and shall describe the basis for their determination. 178647

The board may reinstate a license suspended under this 178648
division after such demonstration and after the individual has 178649
entered into a written consent agreement. 178650

When the impaired individual resumes practice, the board 178651
shall require continued monitoring of the individual. The 178652
monitoring shall include monitoring of compliance with the written 178653
consent agreement entered into before reinstatement or with 178654
conditions imposed by board order after a hearing, and, upon 178655
termination of the consent agreement, submission to the board for 178656
at least two years of annual written progress reports made under 178657
penalty of falsification stating whether the individual has 178658
maintained sobriety. 178659

(H) If the secretary and supervising member determine both of 178660

the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that an oriental medicine practitioner or acupuncturist has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, upon review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the oriental medicine practitioner or acupuncturist requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the hearing is requested, unless otherwise agreed to by both the board and the license holder.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(11), (13), 178692
or (14) of this section, and the judicial finding of guilt, guilty 178693
plea, or judicial finding of eligibility for intervention in lieu 178694
of conviction is overturned on appeal, upon exhaustion of the 178695
criminal appeal, a petition for reconsideration of the order may 178696
be filed with the board along with appropriate court documents. 178697
Upon receipt of a petition and supporting court documents, the 178698
board shall reinstate the license. The board may then hold an 178699
adjudication under Chapter 119. of the Revised Code to determine 178700
whether the individual committed the act in question. Notice of 178701
opportunity for hearing shall be given in accordance with Chapter 178702
119. of the Revised Code. If the board finds, pursuant to an 178703
adjudication held under this division, that the individual 178704
committed the act, or if no hearing is requested, it may order any 178705
of the sanctions specified in division (B) of this section. 178706

(J) The license to practice of an oriental medicine 178707
practitioner or acupuncturist and the practitioner's or 178708
acupuncturist's practice in this state are automatically suspended 178709
as of the date the practitioner or acupuncturist pleads guilty to, 178710
is found by a judge or jury to be guilty of, or is subject to a 178711
judicial finding of eligibility for intervention in lieu of 178712
conviction in this state or treatment or intervention in lieu of 178713
conviction in another jurisdiction for any of the following 178714
criminal offenses in this state or a substantially equivalent 178715
criminal offense in another jurisdiction: aggravated murder, 178716
murder, voluntary manslaughter, felonious assault, kidnapping, 178717
rape, sexual battery, gross sexual imposition, aggravated arson, 178718
aggravated robbery, or aggravated burglary. Continued practice 178719
after the suspension shall be considered practicing without a 178720
license. 178721

The board shall notify the individual subject to the 178722
suspension by certified mail or in person in accordance with 178723

section 119.07 of the Revised Code. If an individual whose license 178724
is suspended under this division fails to make a timely request 178725
for an adjudication under Chapter 119. of the Revised Code, the 178726
board shall enter a final order permanently revoking the 178727
individual's license. 178728

(K) In any instance in which the board is required by Chapter 178729
119. of the Revised Code to give notice of opportunity for hearing 178730
and the individual subject to the notice does not timely request a 178731
hearing in accordance with section 119.07 of the Revised Code, the 178732
board is not required to hold a hearing, but may adopt, by an 178733
affirmative vote of not fewer than six of its members, a final 178734
order that contains the board's findings. In the final order, the 178735
board may order any of the sanctions identified under division (A) 178736
or (B) of this section. 178737

(L) Any action taken by the board under division (B) of this 178738
section resulting in a suspension shall be accompanied by a 178739
written statement of the conditions under which the license may be 178740
reinstated. The board shall adopt rules in accordance with Chapter 178741
119. of the Revised Code governing conditions to be imposed for 178742
reinstatement. Reinstatement of a license suspended pursuant to 178743
division (B) of this section requires an affirmative vote of not 178744
fewer than six members of the board. 178745

(M) When the board refuses to grant or issue a license to an 178746
applicant, revokes an individual's license, refuses to renew an 178747
individual's license, or refuses to reinstate an individual's 178748
license, the board may specify that its action is permanent. An 178749
individual subject to a permanent action taken by the board is 178750
forever thereafter ineligible to hold a license to practice as an 178751
oriental medicine practitioner or license to practice as an 178752
acupuncturist and the board shall not accept an application for 178753
reinstatement of the license or for issuance of a new license. 178754

(N) Notwithstanding any other provision of the Revised Code, 178755

all of the following apply: 178756

(1) The surrender of a license to practice as an oriental 178757
medicine practitioner or license to practice as an acupuncturist 178758
issued under this chapter is not effective unless or until 178759
accepted by the board. Reinstatement of a license surrendered to 178760
the board requires an affirmative vote of not fewer than six 178761
members of the board. 178762

(2) An application made under this chapter for a license may 178763
not be withdrawn without approval of the board. 178764

(3) Failure by an individual to renew a license in accordance 178765
with section 4762.06 of the Revised Code shall not remove or limit 178766
the board's jurisdiction to take disciplinary action under this 178767
section against the individual. 178768

Sec. 4762.16. (A) Within sixty days after the imposition of 178769
any formal disciplinary action taken by any health care facility, 178770
including a hospital, health care facility operated by a health 178771
insuring corporation, ambulatory surgical center, or similar 178772
facility, against any individual holding a valid license to 178773
practice as an oriental medicine practitioner or valid license to 178774
practice as an acupuncturist, the chief administrator or executive 178775
officer of the facility shall report to the state medical board 178776
the name of the individual, the action taken by the facility, and 178777
a summary of the underlying facts leading to the action taken. 178778
Upon request, the board shall be provided certified copies of the 178779
patient records that were the basis for the facility's action. 178780
Prior to release to the board, the summary shall be approved by 178781
the peer review committee that reviewed the case or by the 178782
governing board of the facility. 178783

The filing of a report with the board or decision not to file 178784
a report, investigation by the board, or any disciplinary action 178785
taken by the board, does not preclude a health care facility from 178786

taking disciplinary action against an oriental medicine practitioner or acupuncturist. 178787
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In the absence of fraud or bad faith, no individual or entity that provides patient records to the board shall be liable in damages to any person as a result of providing the records. 178789
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(B)(1) Except as provided in division (B)(2) of this section, an oriental medicine practitioner or acupuncturist, professional association or society of oriental medicine practitioners or acupuncturists, physician, or professional association or society of physicians that believes a violation of any provision of this chapter, Chapter 4731. of the Revised Code, or rule of the board has occurred shall report to the board the information upon which the belief is based. 178792
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(2) An oriental medicine practitioner or acupuncturist, professional association or society of oriental medicine practitioners or acupuncturists, physician, or professional association or society of physicians that believes a violation of division ~~(B)(6)~~ (B)(5) or (6) of section 4762.13 of the Revised Code has occurred shall report the information upon which the belief is based to the monitoring organization conducting the confidential monitoring program established ~~by the board~~ under section ~~4731.251~~ 4731.25 of the Revised Code. If any such report is made to the board, it shall be referred to the monitoring organization unless the board is aware that the individual who is the subject of the report does not meet the program eligibility requirements of section 4731.252 of the Revised Code. 178800
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(C) Any professional association or society composed primarily of oriental medicine practitioners or acupuncturists that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision, shall report to the board, on forms prescribed 178813
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and provided by the board, the name of the individual, the action 178819
taken by the professional organization, and a summary of the 178820
underlying facts leading to the action taken. 178821

The filing of a report with the board or decision not to file 178822
a report, investigation by the board, or any disciplinary action 178823
taken by the board, does not preclude a professional organization 178824
from taking disciplinary action against an individual. 178825

(D) Any insurer providing professional liability insurance to 178826
any person holding a valid license to practice as an oriental 178827
medicine practitioner or valid license to practice as an 178828
acupuncturist or any other entity that seeks to indemnify the 178829
professional liability of an oriental medicine practitioner or 178830
acupuncturist shall notify the board within thirty days after the 178831
final disposition of any written claim for damages where such 178832
disposition results in a payment exceeding twenty-five thousand 178833
dollars. The notice shall contain the following information: 178834

(1) The name and address of the person submitting the 178835
notification; 178836

(2) The name and address of the insured who is the subject of 178837
the claim; 178838

(3) The name of the person filing the written claim; 178839

(4) The date of final disposition; 178840

(5) If applicable, the identity of the court in which the 178841
final disposition of the claim took place. 178842

(E) The board may investigate possible violations of this 178843
chapter or the rules adopted under it that are brought to its 178844
attention as a result of the reporting requirements of this 178845
section, except that the board shall conduct an investigation if a 178846
possible violation involves repeated malpractice. As used in this 178847
division, "repeated malpractice" means three or more claims for 178848

malpractice within the previous five-year period, each resulting 178849
in a judgment or settlement in excess of twenty-five thousand 178850
dollars in favor of the claimant, and each involving negligent 178851
conduct by the oriental medicine practitioner or acupuncturist. 178852

(F) All summaries, reports, and records received and 178853
maintained by the board pursuant to this section shall be held in 178854
confidence and shall not be subject to discovery or introduction 178855
in evidence in any federal or state civil action involving an 178856
oriental medicine practitioner, acupuncturist, supervising 178857
physician, or health care facility arising out of matters that are 178858
the subject of the reporting required by this section. The board 178859
may use the information obtained only as the basis for an 178860
investigation, as evidence in a disciplinary hearing against an 178861
oriental medicine practitioner, acupuncturist, or supervising 178862
physician, or in any subsequent trial or appeal of a board action 178863
or order. 178864

The board may disclose the summaries and reports it receives 178865
under this section only to health care facility committees within 178866
or outside this state that are involved in credentialing or 178867
recredentialing an oriental medicine practitioner, acupuncturist, 178868
or supervising physician or reviewing their privilege to practice 178869
within a particular facility. The board shall indicate whether or 178870
not the information has been verified. Information transmitted by 178871
the board shall be subject to the same confidentiality provisions 178872
as when maintained by the board. 178873

(G) Except for reports filed by an individual pursuant to 178874
division (B) of this section, the board shall send a copy of any 178875
reports or summaries it receives pursuant to this section to the 178876
acupuncturist. The oriental medicine practitioner or acupuncturist 178877
shall have the right to file a statement with the board concerning 178878
the correctness or relevance of the information. The statement 178879
shall at all times accompany that part of the record in 178880

contention. 178881

(H) An individual or entity that reports to the board, 178882
reports to the monitoring organization described in section 178883
~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired 178884
oriental medicine practitioner or impaired acupuncturist to a 178885
treatment provider approved ~~by the board~~ under section ~~4731.25~~ 178886
4731.251 of the Revised Code shall not be subject to suit for 178887
civil damages as a result of the report, referral, or provision of 178888
the information. 178889

(I) In the absence of fraud or bad faith, a professional 178890
association or society of oriental medicine practitioners or 178891
acupuncturists that sponsors a committee or program to provide 178892
peer assistance to an oriental medicine practitioner or 178893
acupuncturist with substance abuse problems, a representative or 178894
agent of such a committee or program, a representative or agent of 178895
the monitoring organization described in section ~~4731.251~~ 4731.25 178896
of the Revised Code, and a member of the state medical board shall 178897
not be held liable in damages to any person by reason of actions 178898
taken to refer an oriental medicine practitioner or acupuncturist 178899
to a treatment provider approved under section ~~4731.25~~ 4731.251 of 178900
the Revised Code for examination or treatment. 178901

Sec. 4774.13. (A) The state medical board, by an affirmative 178902
vote of not fewer than six members, ~~may revoke or~~ may refuse to 178903
grant a license to practice as a radiologist assistant to, or may 178904
revoke the license held by, an individual found by the board to 178905
have committed fraud, misrepresentation, or deception in applying 178906
for or securing the license. 178907

(B) The board, by an affirmative vote of not fewer than six 178908
members, shall, except as provided in division (C) of this 178909
section, and to the extent permitted by law, limit, revoke, or 178910
suspend an individual's license to practice as a radiologist 178911

assistant, refuse to issue a license to an applicant, refuse to
renew a license, refuse to reinstate a license, or reprimand or
place on probation the holder of a license for any of the
following reasons:

(1) Permitting the holder's name or license to be used by
another person;

(2) Failure to comply with the requirements of this chapter,
Chapter 4731. of the Revised Code, or any rules adopted by the
board;

(3) Violating or attempting to violate, directly or
indirectly, or assisting in or abetting the violation of, or
conspiring to violate, any provision of this chapter, Chapter
4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal
standards of care of similar practitioners under the same or
similar circumstances whether or not actual injury to the patient
is established;

(5) Inability to practice according to acceptable and
prevailing standards of care by reason of mental illness or
physical illness, including physical deterioration that adversely
affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable
and prevailing standards of care because of ~~habitual~~ substance use
disorder or excessive use or abuse of drugs, alcohol, or other
substances that may impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading
statement in securing or attempting to secure a license to
practice as a radiologist assistant.

As used in this division, "false, fraudulent, deceptive, or

misleading statement" means a statement that includes a 178942
misrepresentation of fact, is likely to mislead or deceive because 178943
of a failure to disclose material facts, is intended or is likely 178944
to create false or unjustified expectations of favorable results, 178945
or includes representations or implications that in reasonable 178946
probability will cause an ordinarily prudent person to 178947
misunderstand or be deceived. 178948

(9) The obtaining of, or attempting to obtain, money or a 178949
thing of value by fraudulent misrepresentations in the course of 178950
practice; 178951

(10) A plea of guilty to, a judicial finding of guilt of, or 178952
a judicial finding of eligibility for intervention in lieu of 178953
conviction for, a felony; 178954

(11) Commission of an act that constitutes a felony in this 178955
state, regardless of the jurisdiction in which the act was 178956
committed; 178957

(12) A plea of guilty to, a judicial finding of guilt of, or 178958
a judicial finding of eligibility for intervention in lieu of 178959
conviction for, a misdemeanor committed in the course of practice; 178960

(13) A plea of guilty to, a judicial finding of guilt of, or 178961
a judicial finding of eligibility for intervention in lieu of 178962
conviction for, a misdemeanor involving moral turpitude; 178963

(14) Commission of an act in the course of practice that 178964
constitutes a misdemeanor in this state, regardless of the 178965
jurisdiction in which the act was committed; 178966

(15) Commission of an act involving moral turpitude that 178967
constitutes a misdemeanor in this state, regardless of the 178968
jurisdiction in which the act was committed; 178969

(16) A plea of guilty to, a judicial finding of guilt of, or 178970
a judicial finding of eligibility for intervention in lieu of 178971

conviction for violating any state or federal law regulating the 178972
possession, distribution, or use of any drug, including 178973
trafficking in drugs; 178974

(17) Any of the following actions taken by the state agency 178975
responsible for regulating the practice of radiologist assistants 178976
in another jurisdiction, for any reason other than the nonpayment 178977
of fees: the limitation, revocation, or suspension of an 178978
individual's license to practice; acceptance of an individual's 178979
license surrender; denial of a license; refusal to renew or 178980
reinstate a license; imposition of probation; or issuance of an 178981
order of censure or other reprimand; 178982

(18) Violation of the conditions placed by the board on a 178983
license to practice as a radiologist assistant; 178984

(19) Failure to use universal blood and body fluid 178985
precautions established by rules adopted under section 4731.051 of 178986
the Revised Code; 178987

(20) Failure to cooperate in an investigation conducted by 178988
the board under section 4774.14 of the Revised Code, including 178989
failure to comply with a subpoena or order issued by the board or 178990
failure to answer truthfully a question presented by the board at 178991
a deposition or in written interrogatories, except that failure to 178992
cooperate with an investigation shall not constitute grounds for 178993
discipline under this section if a court of competent jurisdiction 178994
has issued an order that either quashes a subpoena or permits the 178995
individual to withhold the testimony or evidence in issue; 178996

(21) Failure to maintain a license as a radiographer under 178997
Chapter 4773. of the Revised Code; 178998

(22) Failure to maintain certification as a registered 178999
radiologist assistant from the American registry of radiologic 179000
technologists, including revocation by the registry of the 179001
assistant's certification or failure by the assistant to meet the 179002

registry's requirements for annual registration, or failure to 179003
notify the board that the certification as a registered 179004
radiologist assistant has not been maintained; 179005

(23) Failure to comply with any of the rules of ethics 179006
included in the standards of ethics established by the American 179007
registry of radiologic technologists, as those rules apply to an 179008
individual who holds the registry's certification as a registered 179009
radiologist assistant. 179010

(C) The board shall not refuse to issue a license to an 179011
applicant because of a plea of guilty to, a judicial finding of 179012
guilt of, or a judicial finding of eligibility for intervention in 179013
lieu of conviction for an offense unless the refusal is in 179014
accordance with section 9.79 of the Revised Code. 179015

(D) Disciplinary actions taken by the board under divisions 179016
(A) and (B) of this section shall be taken pursuant to an 179017
adjudication under Chapter 119. of the Revised Code, except that 179018
in lieu of an adjudication, the board may enter into a consent 179019
agreement with a radiologist assistant or applicant to resolve an 179020
allegation of a violation of this chapter or any rule adopted 179021
under it. A consent agreement, when ratified by an affirmative 179022
vote of not fewer than six members of the board, shall constitute 179023
the findings and order of the board with respect to the matter 179024
addressed in the agreement. If the board refuses to ratify a 179025
consent agreement, the admissions and findings contained in the 179026
consent agreement shall be of no force or effect. 179027

(E) For purposes of divisions (B)(11), (14), and (15) of this 179028
section, the commission of the act may be established by a finding 179029
by the board, pursuant to an adjudication under Chapter 119. of 179030
the Revised Code, that the applicant or license holder committed 179031
the act in question. The board shall have no jurisdiction under 179032
these divisions in cases where the trial court renders a final 179033
judgment in the license holder's favor and that judgment is based 179034

upon an adjudication on the merits. The board shall have 179035
jurisdiction under these divisions in cases where the trial court 179036
issues an order of dismissal on technical or procedural grounds. 179037

(F) The sealing or expungement of conviction records by any 179038
court shall have no effect on a prior board order entered under 179039
the provisions of this section or on the board's jurisdiction to 179040
take action under the provisions of this section if, based upon a 179041
plea of guilty, a judicial finding of guilt, or a judicial finding 179042
of eligibility for intervention in lieu of conviction, the board 179043
issued a notice of opportunity for a hearing prior to the court's 179044
order to seal or expunge the records. The board shall not be 179045
required to seal, destroy, redact, or otherwise modify its records 179046
to reflect the court's sealing or expungement of conviction 179047
records. 179048

(G) For purposes of this division, any individual who holds a 179049
license to practice as a radiologist assistant issued under this 179050
chapter, or applies for a license, shall be deemed to have given 179051
consent to submit to a mental or physical examination when 179052
directed to do so in writing by the board and to have waived all 179053
objections to the admissibility of testimony or examination 179054
reports that constitute a privileged communication. 179055

(1) In enforcing division (B)(5) of this section, the board, 179056
on a showing of a possible violation, shall refer any individual 179057
who holds, or has applied for, a license to practice as a 179058
radiologist assistant issued under this chapter to the monitoring 179059
organization that conducts the confidential monitoring program 179060
established under section 4731.25 of the Revised Code. The board 179061
also may compel ~~any the individual who holds a license to practice~~ 179062
~~as a radiologist assistant issued under this chapter or who has~~ 179063
~~applied for a license~~ to submit to a mental or physical 179064
examination, or both. A physical examination may include an HIV 179065
test. The expense of the examination is the responsibility of the 179066

individual compelled to be examined. Failure to submit to a mental 179067
or physical examination or consent to an HIV test ordered by the 179068
board constitutes an admission of the allegations against the 179069
individual unless the failure is due to circumstances beyond the 179070
individual's control, and a default and final order may be entered 179071
without the taking of testimony or presentation of evidence. If 179072
the board finds a radiologist assistant unable to practice because 179073
of the reasons set forth in division (B)(5) of this section, the 179074
board shall require the radiologist assistant to submit to care, 179075
counseling, or treatment by physicians approved or designated by 179076
the board, as a condition for an initial, continued, reinstated, 179077
or renewed license. An individual affected by this division shall 179078
be afforded an opportunity to demonstrate to the board the ability 179079
to resume practicing in compliance with acceptable and prevailing 179080
standards of care. 179081

(2) For purposes of division (B)(6) of this section, if the 179082
board has reason to believe that any individual who holds a 179083
license to practice as a radiologist assistant issued under this 179084
chapter or any applicant for a license suffers such impairment, 179085
the board shall refer the individual to the monitoring 179086
organization that conducts the confidential monitoring program 179087
established under section 4731.25 of the Revised Code. The board 179088
also may compel the individual to submit to a mental or physical 179089
examination, or both. The expense of the examination is the 179090
responsibility of the individual compelled to be examined. Any 179091
mental or physical examination required under this division shall 179092
be undertaken by a treatment provider or physician qualified to 179093
conduct such examination and ~~chosen by the board~~ approved under 179094
section 4731.251 of the Revised Code. 179095

Failure to submit to a mental or physical examination ordered 179096
by the board constitutes an admission of the allegations against 179097
the individual unless the failure is due to circumstances beyond 179098

the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the radiologist assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section ~~4731.25~~ 4731.251 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired radiologist assistant resumes practice, the board shall require continued monitoring of the radiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a

hearing, and, on termination of the consent agreement, submission 179130
to the board for at least two years of annual written progress 179131
reports made under penalty of falsification stating whether the 179132
radiologist assistant has maintained sobriety. 179133

(H) If the secretary and supervising member determine that 179134
there is clear and convincing evidence that a radiologist 179135
assistant has violated division (B) of this section and that the 179136
individual's continued practice presents a danger of immediate and 179137
serious harm to the public, they may recommend that the board 179138
suspend the individual's license to practice without a prior 179139
hearing. Written allegations shall be prepared for consideration 179140
by the board. 179141

The board, on review of the allegations and by an affirmative 179142
vote of not fewer than six of its members, excluding the secretary 179143
and supervising member, may suspend a license without a prior 179144
hearing. A telephone conference call may be utilized for reviewing 179145
the allegations and taking the vote on the summary suspension. 179146

The board shall issue a written order of suspension by 179147
certified mail or in person in accordance with section 119.07 of 179148
the Revised Code. The order shall not be subject to suspension by 179149
the court during pendency of any appeal filed under section 119.12 179150
of the Revised Code. If the radiologist assistant requests an 179151
adjudicatory hearing by the board, the date set for the hearing 179152
shall be within fifteen days, but not earlier than seven days, 179153
after the radiologist assistant requests the hearing, unless 179154
otherwise agreed to by both the board and the license holder. 179155

A summary suspension imposed under this division shall remain 179156
in effect, unless reversed on appeal, until a final adjudicative 179157
order issued by the board pursuant to this section and Chapter 179158
119. of the Revised Code becomes effective. The board shall issue 179159
its final adjudicative order within sixty days after completion of 179160
its hearing. Failure to issue the order within sixty days shall 179161

result in dissolution of the summary suspension order, but shall 179162
not invalidate any subsequent, final adjudicative order. 179163

(I) If the board takes action under division (B)(10), (12), 179164
or (13) of this section, and the judicial finding of guilt, guilty 179165
plea, or judicial finding of eligibility for intervention in lieu 179166
of conviction is overturned on appeal, on exhaustion of the 179167
criminal appeal, a petition for reconsideration of the order may 179168
be filed with the board along with appropriate court documents. On 179169
receipt of a petition and supporting court documents, the board 179170
shall reinstate the license to practice as a radiologist 179171
assistant. The board may then hold an adjudication under Chapter 179172
119. of the Revised Code to determine whether the individual 179173
committed the act in question. Notice of opportunity for hearing 179174
shall be given in accordance with Chapter 119. of the Revised 179175
Code. If the board finds, pursuant to an adjudication held under 179176
this division, that the individual committed the act, or if no 179177
hearing is requested, it may order any of the sanctions specified 179178
in division (B) of this section. 179179

(J) The license to practice of a radiologist assistant and 179180
the assistant's practice in this state are automatically suspended 179181
as of the date the radiologist assistant pleads guilty to, is 179182
found by a judge or jury to be guilty of, or is subject to a 179183
judicial finding of eligibility for intervention in lieu of 179184
conviction in this state or treatment of intervention in lieu of 179185
conviction in another jurisdiction for any of the following 179186
criminal offenses in this state or a substantially equivalent 179187
criminal offense in another jurisdiction: aggravated murder, 179188
murder, voluntary manslaughter, felonious assault, kidnapping, 179189
rape, sexual battery, gross sexual imposition, aggravated arson, 179190
aggravated robbery, or aggravated burglary. Continued practice 179191
after the suspension shall be considered practicing without a 179192
license. 179193

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the radiologist assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a radiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a radiologist

assistant and the board shall not accept an application for 179226
reinstatement of the license or for issuance of a new license. 179227

(N) Notwithstanding any other provision of the Revised Code, 179228
all of the following apply: 179229

(1) The surrender of a license to practice as a radiologist 179230
assistant issued under this chapter is not effective unless or 179231
until accepted by the board. Reinstatement of a license 179232
surrendered to the board requires an affirmative vote of not fewer 179233
than six members of the board. 179234

(2) An application made under this chapter for a license to 179235
practice may not be withdrawn without approval of the board. 179236

(3) Failure by an individual to renew a license to practice 179237
in accordance with section 4774.06 of the Revised Code shall not 179238
remove or limit the board's jurisdiction to take disciplinary 179239
action under this section against the individual. 179240

Sec. 4774.16. (A) Within sixty days after the imposition of 179241
any formal disciplinary action taken by any health care facility, 179242
including a hospital, health care facility operated by a health 179243
insuring corporation, ambulatory surgical facility, or similar 179244
facility, against any individual holding a valid license to 179245
practice as a radiologist assistant, the chief administrator or 179246
executive officer of the facility shall report to the state 179247
medical board the name of the individual, the action taken by the 179248
facility, and a summary of the underlying facts leading to the 179249
action taken. On request, the board shall be provided certified 179250
copies of the patient records that were the basis for the 179251
facility's action. Prior to release to the board, the summary 179252
shall be approved by the peer review committee that reviewed the 179253
case or by the governing board of the facility. 179254

The filing of a report with the board or decision not to file 179255

a report, investigation by the board, or any disciplinary action 179256
taken by the board, does not preclude a health care facility from 179257
taking disciplinary action against a radiologist assistant. 179258

In the absence of fraud or bad faith, no individual or entity 179259
that provides patient records to the board shall be liable in 179260
damages to any person as a result of providing the records. 179261

(B)(1) Except as provided in division (B)(2) of this section, 179262
a radiologist assistant, professional association or society of 179263
radiologist assistants, physician, or professional association or 179264
society of physicians that believes a violation of any provision 179265
of this chapter, Chapter 4731. of the Revised Code, or rule of the 179266
board has occurred shall report to the board the information on 179267
which the belief is based. 179268

(2) A radiologist assistant, professional association or 179269
society of radiologist assistants, physician, or professional 179270
association or society of physicians that believes a violation of 179271
division ~~(B)(6)~~(B)(5) or (6) of section 4774.13 of the Revised 179272
Code has occurred shall report the information upon which the 179273
belief is based to the monitoring organization conducting the 179274
confidential monitoring program established ~~by the board~~ under 179275
section ~~4731.251~~ 4731.25 of the Revised Code. If any such report 179276
is made to the board, it shall be referred to the monitoring 179277
organization unless the board is aware that the individual who is 179278
the subject of the report does not meet the program eligibility 179279
requirements of section 4731.252 of the Revised Code. 179280

(C) Any professional association or society composed 179281
primarily of radiologist assistants that suspends or revokes an 179282
individual's membership for violations of professional ethics, or 179283
for reasons of professional incompetence or professional 179284
malpractice, within sixty days after a final decision, shall 179285
report to the board, on forms prescribed and provided by the 179286
board, the name of the individual, the action taken by the 179287

professional organization, and a summary of the underlying facts 179288
leading to the action taken. 179289

The filing of a report with the board or decision not to file 179290
a report, investigation by the board, or any disciplinary action 179291
taken by the board, does not preclude a professional organization 179292
from taking disciplinary action against a radiologist assistant. 179293

(D) Any insurer providing professional liability insurance to 179294
any person holding a valid license to practice as a radiologist 179295
assistant or any other entity that seeks to indemnify the 179296
professional liability of a radiologist assistant shall notify the 179297
board within thirty days after the final disposition of any 179298
written claim for damages where such disposition results in a 179299
payment exceeding twenty-five thousand dollars. The notice shall 179300
contain the following information: 179301

(1) The name and address of the person submitting the 179302
notification; 179303

(2) The name and address of the insured who is the subject of 179304
the claim; 179305

(3) The name of the person filing the written claim; 179306

(4) The date of final disposition; 179307

(5) If applicable, the identity of the court in which the 179308
final disposition of the claim took place. 179309

(E) The board may investigate possible violations of this 179310
chapter or the rules adopted under it that are brought to its 179311
attention as a result of the reporting requirements of this 179312
section, except that the board shall conduct an investigation if a 179313
possible violation involves repeated malpractice. As used in this 179314
division, "repeated malpractice" means three or more claims for 179315
malpractice within the previous five-year period, each resulting 179316
in a judgment or settlement in excess of twenty-five thousand 179317

dollars in favor of the claimant, and each involving negligent 179318
conduct by the radiologist assistant. 179319

(F) All summaries, reports, and records received and 179320
maintained by the board pursuant to this section shall be held in 179321
confidence and shall not be subject to discovery or introduction 179322
in evidence in any federal or state civil action involving a 179323
radiologist assistant, supervising physician, or health care 179324
facility arising out of matters that are the subject of the 179325
reporting required by this section. The board may use the 179326
information obtained only as the basis for an investigation, as 179327
evidence in a disciplinary hearing against a radiologist assistant 179328
or supervising radiologist, or in any subsequent trial or appeal 179329
of a board action or order. 179330

The board may disclose the summaries and reports it receives 179331
under this section only to health care facility committees within 179332
or outside this state that are involved in credentialing or 179333
recredentialing a radiologist assistant or supervising radiologist 179334
or reviewing their privilege to practice within a particular 179335
facility. The board shall indicate whether or not the information 179336
has been verified. Information transmitted by the board shall be 179337
subject to the same confidentiality provisions as when maintained 179338
by the board. 179339

(G) Except for reports filed by an individual pursuant to 179340
division (B) of this section, the board shall send a copy of any 179341
reports or summaries it receives pursuant to this section to the 179342
radiologist assistant. The radiologist assistant shall have the 179343
right to file a statement with the board concerning the 179344
correctness or relevance of the information. The statement shall 179345
at all times accompany that part of the record in contention. 179346

(H) An individual or entity that reports to the board, 179347
reports to the monitoring organization described in section 179348
~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired 179349

radiologist assistant to a treatment provider approved ~~by the~~ 179350
~~board~~ under section ~~4731.25~~ 4731.251 of the Revised Code shall not 179351
be subject to suit for civil damages as a result of the report, 179352
referral, or provision of the information. 179353

(I) In the absence of fraud or bad faith, a professional 179354
association or society of radiologist assistants that sponsors a 179355
committee or program to provide peer assistance to a radiologist 179356
assistant with substance abuse problems, a representative or agent 179357
of such a committee or program, a representative or agent of the 179358
monitoring organization described in section ~~4731.251~~ 4731.25 of 179359
the Revised Code, and a member of the state medical board shall 179360
not be held liable in damages to any person by reason of actions 179361
taken to refer a radiologist assistant to a treatment provider 179362
approved under section ~~4731.25~~ 4731.251 of the Revised Code for 179363
examination or treatment. 179364

Sec. 4778.14. (A) The state medical board, by an affirmative 179365
vote of not fewer than six members, ~~may revoke or~~ may refuse to 179366
grant a license to practice as a genetic counselor to, or revoke 179367
the license held by, an individual found by the board to have 179368
committed fraud, misrepresentation, or deception in applying for 179369
or securing the license. 179370

(B) The board, by an affirmative vote of not fewer than six 179371
members, shall, except as provided in division (C) of this 179372
section, and to the extent permitted by law, limit, revoke, or 179373
suspend an individual's license to practice as a genetic 179374
counselor, refuse to issue a license to an applicant, refuse to 179375
renew a license, refuse to reinstate a license, or reprimand or 179376
place on probation the holder of a license for any of the 179377
following reasons: 179378

(1) Permitting the holder's name or license to be used by 179379
another person; 179380

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	179381 179382 179383
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	179384 179385 179386 179387
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	179388 179389 179390 179391
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	179392 179393 179394 179395
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual <u>substance use disorder</u> or excessive use or abuse of drugs, alcohol, or other substances that <u>may</u> impair ability to practice;	179396 179397 179398 179399
(7) Willfully betraying a professional confidence;	179400
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.	179401 179402 179403
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	179404 179405 179406 179407 179408 179409 179410 179411

(9) The obtaining of, or attempting to obtain, money or a	179412
thing of value by fraudulent misrepresentations in the course of	179413
practice;	179414
(10) A plea of guilty to, a judicial finding of guilt of, or	179415
a judicial finding of eligibility for intervention in lieu of	179416
conviction for, a felony;	179417
(11) Commission of an act that constitutes a felony in this	179418
state, regardless of the jurisdiction in which the act was	179419
committed;	179420
(12) A plea of guilty to, a judicial finding of guilt of, or	179421
a judicial finding of eligibility for intervention in lieu of	179422
conviction for, a misdemeanor committed in the course of practice;	179423
(13) A plea of guilty to, a judicial finding of guilt of, or	179424
a judicial finding of eligibility for intervention in lieu of	179425
conviction for, a misdemeanor involving moral turpitude;	179426
(14) Commission of an act in the course of practice that	179427
constitutes a misdemeanor in this state, regardless of the	179428
jurisdiction in which the act was committed;	179429
(15) Commission of an act involving moral turpitude that	179430
constitutes a misdemeanor in this state, regardless of the	179431
jurisdiction in which the act was committed;	179432
(16) A plea of guilty to, a judicial finding of guilt of, or	179433
a judicial finding of eligibility for intervention in lieu of	179434
conviction for violating any state or federal law regulating the	179435
possession, distribution, or use of any drug, including	179436
trafficking in drugs;	179437
(17) Any of the following actions taken by an agency	179438
responsible for authorizing, certifying, or regulating an	179439
individual to practice a health care occupation or provide health	179440
care services in this state or in another jurisdiction, for any	179441

reason other than the nonpayment of fees: the limitation, 179442
revocation, or suspension of an individual's license to practice; 179443
acceptance of an individual's license surrender; denial of a 179444
license; refusal to renew or reinstate a license; imposition of 179445
probation; or issuance of an order of censure or other reprimand; 179446

(18) Violation of the conditions placed by the board on a 179447
license to practice as a genetic counselor; 179448

(19) Failure to cooperate in an investigation conducted by 179449
the board under section 4778.18 of the Revised Code, including 179450
failure to comply with a subpoena or order issued by the board or 179451
failure to answer truthfully a question presented by the board at 179452
a deposition or in written interrogatories, except that failure to 179453
cooperate with an investigation shall not constitute grounds for 179454
discipline under this section if a court of competent jurisdiction 179455
has issued an order that either quashes a subpoena or permits the 179456
individual to withhold the testimony or evidence in issue; 179457

(20) Failure to maintain the individual's status as a 179458
certified genetic counselor; 179459

(21) Failure to comply with the code of ethics established by 179460
the national society of genetic counselors. 179461

(C) The board shall not refuse to issue a license to an 179462
applicant because of a plea of guilty to, a judicial finding of 179463
guilt of, or a judicial finding of eligibility for intervention in 179464
lieu of conviction for an offense unless the refusal is in 179465
accordance with section 9.79 of the Revised Code. 179466

(D) Disciplinary actions taken by the board under divisions 179467
(A) and (B) of this section shall be taken pursuant to an 179468
adjudication under Chapter 119. of the Revised Code, except that 179469
in lieu of an adjudication, the board may enter into a consent 179470
agreement with a genetic counselor or applicant to resolve an 179471
allegation of a violation of this chapter or any rule adopted 179472

under it. A consent agreement, when ratified by an affirmative 179473
vote of not fewer than six members of the board, shall constitute 179474
the findings and order of the board with respect to the matter 179475
addressed in the agreement. If the board refuses to ratify a 179476
consent agreement, the admissions and findings contained in the 179477
consent agreement shall be of no force or effect. 179478

A telephone conference call may be utilized for ratification 179479
of a consent agreement that revokes or suspends an individual's 179480
license. The telephone conference call shall be considered a 179481
special meeting under division (F) of section 121.22 of the 179482
Revised Code. 179483

(E) For purposes of divisions (B)(11), (14), and (15) of this 179484
section, the commission of the act may be established by a finding 179485
by the board, pursuant to an adjudication under Chapter 119. of 179486
the Revised Code, that the applicant or license holder committed 179487
the act in question. The board shall have no jurisdiction under 179488
these divisions in cases where the trial court renders a final 179489
judgment in the license holder's favor and that judgment is based 179490
upon an adjudication on the merits. The board shall have 179491
jurisdiction under these divisions in cases where the trial court 179492
issues an order of dismissal on technical or procedural grounds. 179493

(F) The sealing or expungement of conviction records by any 179494
court shall have no effect on a prior board order entered under 179495
the provisions of this section or on the board's jurisdiction to 179496
take action under the provisions of this section if, based upon a 179497
plea of guilty, a judicial finding of guilt, or a judicial finding 179498
of eligibility for intervention in lieu of conviction, the board 179499
issued a notice of opportunity for a hearing or took other formal 179500
action under Chapter 119. of the Revised Code prior to the court's 179501
order to seal or expunge the records. The board shall not be 179502
required to seal, destroy, redact, or otherwise modify its records 179503
to reflect the court's sealing or expungement of conviction 179504

records. 179505

(G) For purposes of this division, any individual who holds a 179506
license to practice as a genetic counselor, or applies for a 179507
license, shall be deemed to have given consent to submit to a 179508
mental or physical examination when directed to do so in writing 179509
by the board and to have waived all objections to the 179510
admissibility of testimony or examination reports that constitute 179511
a privileged communication. 179512

(1) In enforcing division (B)(5) of this section, the board, 179513
on a showing of a possible violation, shall refer any individual 179514
who holds, or has applied for, a license to practice as a genetic 179515
counselor to the monitoring organization that conducts the 179516
confidential monitoring program established under section 4731.25 179517
of the Revised Code. The board also may compel ~~any~~ the individual 179518
who holds a license to practice as a genetic counselor or who has 179519
applied for a license to practice as a genetic counselor to submit 179520
to a mental or physical examination, or both. A physical 179521
examination may include an HIV test. The expense of the 179522
examination is the responsibility of the individual compelled to 179523
be examined. Failure to submit to a mental or physical examination 179524
or consent to an HIV test ordered by the board constitutes an 179525
admission of the allegations against the individual unless the 179526
failure is due to circumstances beyond the individual's control, 179527
and a default and final order may be entered without the taking of 179528
testimony or presentation of evidence. If the board finds a 179529
genetic counselor unable to practice because of the reasons set 179530
forth in division (B)(5) of this section, the board shall require 179531
the genetic counselor to submit to care, counseling, or treatment 179532
by physicians approved or designated by the board, as a condition 179533
for an initial, continued, reinstated, or renewed license to 179534
practice. An individual affected by this division shall be 179535
afforded an opportunity to demonstrate to the board the ability to 179536

resume practicing in compliance with acceptable and prevailing standards of care. 179537
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(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice as a genetic counselor or any applicant for a license suffers such impairment, the board shall refer the individual to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and ~~chosen by the board~~ approved under section 4731.251 of the Revised Code. 179539
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Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license, to submit to treatment. 179553
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Before being eligible to apply for reinstatement of a license suspended under this division, the genetic counselor shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following: 179563
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(a) Certification from a treatment provider approved under 179568

section ~~4731.25~~ 4731.251 of the Revised Code that the individual 179569
has successfully completed any required inpatient treatment; 179570

(b) Evidence of continuing full compliance with an aftercare 179571
contract or consent agreement; 179572

(c) Two written reports indicating that the individual's 179573
ability to practice has been assessed and that the individual has 179574
been found capable of practicing according to acceptable and 179575
prevailing standards of care. The reports shall be made by 179576
individuals or providers approved by the board for making such 179577
assessments and shall describe the basis for their determination. 179578

The board may reinstate a license suspended under this 179579
division after such demonstration and after the individual has 179580
entered into a written consent agreement. 179581

When the impaired genetic counselor resumes practice, the 179582
board shall require continued monitoring of the genetic counselor. 179583
The monitoring shall include monitoring of compliance with the 179584
written consent agreement entered into before reinstatement or 179585
with conditions imposed by board order after a hearing, and, on 179586
termination of the consent agreement, submission to the board for 179587
at least two years of annual written progress reports made under 179588
penalty of falsification stating whether the genetic counselor has 179589
maintained sobriety. 179590

(H) If the secretary and supervising member determine both of 179591
the following, they may recommend that the board suspend an 179592
individual's license to practice without a prior hearing: 179593

(1) That there is clear and convincing evidence that a 179594
genetic counselor has violated division (B) of this section; 179595

(2) That the individual's continued practice presents a 179596
danger of immediate and serious harm to the public. 179597

Written allegations shall be prepared for consideration by 179598

the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the genetic counselor requests an adjudicatory hearing by the board, the date set for the hearing shall be within fifteen days, but not earlier than seven days, after the genetic counselor requests the hearing, unless otherwise agreed to by both the board and the genetic counselor.

A summary suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(I) If the board takes action under division (B)(10), (12), or (13) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the license to practice as a genetic counselor. The board may then hold an adjudication under Chapter 119. of the

Revised Code to determine whether the individual committed the act 179631
in question. Notice of opportunity for hearing shall be given in 179632
accordance with Chapter 119. of the Revised Code. If the board 179633
finds, pursuant to an adjudication held under this division, that 179634
the individual committed the act, or if no hearing is requested, 179635
it may order any of the sanctions specified in division (B) of 179636
this section. 179637

(J) The license to practice as a genetic counselor and the 179638
counselor's practice in this state are automatically suspended as 179639
of the date the genetic counselor pleads guilty to, is found by a 179640
judge or jury to be guilty of, or is subject to a judicial finding 179641
of eligibility for intervention in lieu of conviction in this 179642
state or treatment of intervention in lieu of conviction in 179643
another jurisdiction for any of the following criminal offenses in 179644
this state or a substantially equivalent criminal offense in 179645
another jurisdiction: aggravated murder, murder, voluntary 179646
manslaughter, felonious assault, kidnapping, rape, sexual battery, 179647
gross sexual imposition, aggravated arson, aggravated robbery, or 179648
aggravated burglary. Continued practice after the suspension shall 179649
be considered practicing without a license. 179650

The board shall notify the individual subject to the 179651
suspension by certified mail or in person in accordance with 179652
section 119.07 of the Revised Code. If an individual whose license 179653
is suspended under this division fails to make a timely request 179654
for an adjudication under Chapter 119. of the Revised Code, the 179655
board shall enter a final order permanently revoking the 179656
individual's license to practice. 179657

(K) In any instance in which the board is required by Chapter 179658
119. of the Revised Code to give notice of opportunity for hearing 179659
and the individual subject to the notice does not timely request a 179660
hearing in accordance with section 119.07 of the Revised Code, the 179661
board is not required to hold a hearing, but may adopt, by an 179662

affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a genetic counselor and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as a genetic counselor is not effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board. 179695
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(3) Failure by an individual to renew a license in accordance with section 4778.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 179697
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Sec. 4778.17. A genetic counselor, professional association or society of genetic counselors, physician, or professional association or society of physicians that believes a violation of division ~~(B)(6)~~(B)(5) or (6) of section 4778.14 of the Revised Code has occurred shall report the information upon which the belief is based to the monitoring organization conducting the program established ~~by the state medical board~~ under section ~~4731.251~~ 4731.25 of the Revised Code. If any such report is made to the state medical board, it shall be referred to the monitoring organization unless the board is aware that the individual who is the subject of the report does not meet the program eligibility requirements of section 4731.252 of the Revised Code. 179701
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An individual or entity that reports to the board, reports to the monitoring organization described in section ~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired genetic counselor to a treatment provider approved ~~by the board~~ under section ~~4731.25~~ 4731.251 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information. 179713
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In the absence of fraud or bad faith, a professional association or society of genetic counselors that sponsors a committee or program to provide peer assistance to a genetic counselor with substance abuse problems, a representative or agent of such a committee or program, a representative or agent of the monitoring organization described in section ~~4731.251~~ 4731.25 of 179720
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the Revised Code, and a member of the state medical board shall 179726
not be held liable in damages to any person by reason of actions 179727
taken to refer a genetic counselor to a treatment provider 179728
approved under section ~~4731.25~~ 4731.251 of the Revised Code for 179729
examination or treatment. 179730

Section 130.81. That existing sections 3701.89, 4730.25, 179731
4730.32, 4731.22, 4731.224, 4731.252, 4731.253, 4731.254, 4759.07, 179732
4759.13, 4760.13, 4760.16, 4761.09, 4761.19, 4762.13, 4762.16, 179733
4774.13, 4774.16, 4778.14, and 4778.17 of the Revised Code are 179734
hereby repealed. 179735

Section 130.82. That sections 4731.25 and 4731.251 of the 179736
Revised Code are hereby repealed. 179737

Section 130.83. Section 4731.22 of the Revised Code is 179738
presented in this act as a composite of the section as amended by 179739
both H.B. 254 and S.B. 288 of the 134th General Assembly. The 179740
General Assembly, applying the principle stated in division (B) of 179741
section 1.52 of the Revised Code that amendments are to be 179742
harmonized if reasonably capable of simultaneous operation, finds 179743
that the composite is the resulting version of the section in 179744
effect prior to the effective date of the section as presented in 179745
this act. 179746

Section 130.90. That sections 4730.14, 4730.25, 4730.28, 179747
4731.22, 4731.222, 4731.282, 4759.06, 4759.063, 4759.07, 4760.061, 179748
4760.13, 4761.06, 4761.061, 4761.09, 4762.061, 4762.13, 4774.061, 179749
4774.13, 4778.06, 4778.071, and 4778.14 be amended and sections 179750
4730.141, 4731.283, 4759.064, 4760.062, 4761.062, 4762.062, 179751
4774.062, and 4778.072 of the Revised Code be enacted to read as 179752
follows: 179753

Sec. 4730.14. (A) A license to practice as a physician 179754
assistant shall be valid for a two-year period unless revoked or 179755
suspended, shall expire on the date that is two years after the 179756
date of issuance, and may be renewed for additional two-year 179757
periods in accordance with this section. A person seeking to renew 179758
a license shall apply to the state medical board for renewal prior 179759
to the license's expiration date. The board shall provide renewal 179760
notices to license holders at least one month prior to the 179761
expiration date. 179762

Applications shall be submitted to the board in a manner 179763
prescribed by the board. Each application shall be accompanied by 179764
a biennial renewal fee of two hundred dollars. The board shall 179765
deposit the fees in accordance with section 4731.24 of the Revised 179766
Code. 179767

The applicant shall report any criminal offense that 179768
constitutes grounds for refusing to issue a license to practice 179769
under section 4730.25 of the Revised Code to which the applicant 179770
has pleaded guilty, of which the applicant has been found guilty, 179771
or for which the applicant has been found eligible for 179772
intervention in lieu of conviction, since last signing an 179773
application for a license to practice as a physician assistant. 179774

(B) To be eligible for renewal of a license, an applicant is 179775
subject to all of the following: 179776

(1) The applicant must certify to the board that the 179777
applicant has maintained certification by the national commission 179778
on certification of physician assistants or a successor 179779
organization that is recognized by the board by meeting the 179780
standards to hold current certification from the commission or its 179781
successor, including passing periodic recertification 179782
examinations; 179783

(2) Except as provided in section 5903.12 of the Revised 179784

Code, the applicant must certify to the board that the applicant 179785
is in compliance with the continuing medical education 179786
requirements necessary to hold current certification from the 179787
commission or its successor. 179788

(3) The applicant must comply with the renewal eligibility 179789
requirements established under section 4730.49 of the Revised Code 179790
that pertain to the applicant. 179791

(C) If an applicant submits a complete renewal application 179792
and qualifies for renewal pursuant to division (B) of this 179793
section, the board shall issue to the applicant a renewed license 179794
to practice as a physician assistant. 179795

(D) The board may require a random sample of physician 179796
assistants to submit materials documenting both of the following: 179797

(1) Certification by the national commission on certification 179798
of physician assistants or a successor organization that is 179799
recognized by the board; 179800

(2) Completion of the continuing medical education required 179801
to hold current certification from the commission or its 179802
successor. 179803

Division (D) of this section does not limit the board's 179804
authority to conduct investigations pursuant to section 4730.25 of 179805
the Revised Code. 179806

(E) A license to practice that is not renewed on or before 179807
its expiration date is automatically suspended on its expiration 179808
date. Continued practice after suspension of the license shall be 179809
considered as practicing in violation of division (A) of section 179810
4730.02 of the Revised Code. 179811

(F) If a license has been suspended pursuant to division (E) 179812
of this section for two years or less, it may be reinstated. The 179813
board shall reinstate a license suspended for failure to renew 179814

upon an applicant's submission of a renewal application, the 179815
biennial renewal fee, and any applicable monetary penalty. 179816

If a license has been suspended pursuant to division (E) of 179817
this section for more than two years, it may be restored. In 179818
accordance with section 4730.28 of the Revised Code, the board may 179819
restore a license suspended for failure to renew upon an 179820
applicant's submission of a restoration application, the biennial 179821
renewal fee, and any applicable monetary penalty and compliance 179822
with sections 4776.01 to 4776.04 of the Revised Code. The board 179823
shall not restore to an applicant a license to practice as a 179824
physician assistant unless the board, in its discretion, decides 179825
that the results of the criminal records check do not make the 179826
applicant ineligible for a license issued pursuant to section 179827
4730.12 of the Revised Code. 179828

The penalty for reinstatement shall be fifty dollars and the 179829
penalty for restoration shall be one hundred dollars. The board 179830
shall deposit penalties in accordance with section 4731.24 of the 179831
Revised Code. 179832

(G)(1) If, through a random sample conducted under division 179833
(D) of this section or through any other means, the board finds 179834
that an individual who certified completion of the continuing 179835
medical education required to renew, reinstate, ~~or~~ restore, or 179836
reactivate a license to practice did not complete the requisite 179837
continuing medical education, the board may do either of the 179838
following: 179839

(a) Take disciplinary action against the individual under 179840
section 4730.25 of the Revised Code, impose a civil penalty, or 179841
both; 179842

(b) Permit the individual to agree in writing to complete the 179843
continuing medical education and pay a civil penalty. 179844

(2) The board's finding in any disciplinary action taken 179845

under division (G)(1)(a) of this section shall be made pursuant to 179846
an adjudication under Chapter 119. of the Revised Code and by an 179847
affirmative vote of not fewer than six of its members. 179848

(3) A civil penalty imposed under division (G)(1)(a) of this 179849
section or paid under division (G)(1)(b) of this section shall be 179850
in an amount specified by the board of not more than five thousand 179851
dollars. The board shall deposit civil penalties in accordance 179852
with section 4731.24 of the Revised Code. 179853

Sec. 4730.141. (A) An individual who holds a current, valid 179854
license issued under this chapter to practice as a physician 179855
assistant and who retires voluntarily from practice may request 179856
that the state medical board place the individual's license on 179857
retired status. 179858

(B) An individual seeking to have the individual's license 179859
placed on retired status shall file with the board an application 179860
in the form and manner prescribed by the board. The application 179861
shall be submitted before the end of a biennial renewal period and 179862
include all of the following: 179863

(1) The applicant's full name, license number, mailing 179864
address, and electronic mail address; 179865

(2) An attestation that the information included in the 179866
application is accurate and truthful and that the applicant meets 179867
the following qualifications: 179868

(a) That the applicant holds a current, valid license issued 179869
under this chapter; 179870

(b) That the applicant has retired voluntarily from practice 179871
as a physician assistant; 179872

(c) That the applicant does not hold an active registration 179873
with the federal drug enforcement administration; 179874

(d) That the applicant does not have any criminal charges 179875

pending against the applicant; 179876

(e) That the applicant is not the subject of discipline by, 179877
or an investigation pending with, a regulatory agency of this 179878
state, another state, or the United States; 179879

(f) That the applicant does not have any complaints pending 179880
with the board; 179881

(g) That the applicant is not, at the time of application, 179882
subject to the board's hearing, disciplinary, or compliance 179883
processes under the terms of a citation, notice of opportunity for 179884
hearing, board order, or consent agreement. 179885

(3) A fee in an amount equal to the sum of the biennial 179886
renewal fee and restoration penalty described in section 4730.14 179887
of the Revised Code. 179888

The board shall not consider an application for retired 179889
status complete until the board receives the fee described in this 179890
division. On receipt of a fee, the board shall deposit the fee in 179891
accordance with section 4731.24 of the Revised Code. 179892

(C) If the board determines that an applicant meets the 179893
requirements of division (B) of this section, the board shall 179894
place the applicant's license on retired status. The license 179895
remains on retired status for the life of the license holder, 179896
unless suspended, revoked, or reactivated, and does not require 179897
renewal. 179898

(D) During the period in which a license is on retired 179899
status, all of the following apply: 179900

(1) The license holder is prohibited from practicing as a 179901
physician assistant under any circumstance. 179902

(2) The license holder is not required to complete the 179903
continuing education described in sections 4730.14 and 4730.49 of 179904
the Revised Code. 179905

(3) The license holder is prohibited from using the license to obtain a license to practice as a physician assistant in another state, whether by endorsement or reciprocity or through a licensure compact. 179906
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(4) The license holder may use a title authorized for the holder's license, but only if "retired" also is included in the title. 179910
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(5) In the case of a license holder who was issued a prescriber number by the board as part of the holder's physician-delegated prescriptive authority, the number, like the license, is placed on retired status. 179913
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(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4730.28 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 179917
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(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 179921
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(2) The applicant certifies completion of, within the two-year period that ends on the date of the application's submission, the continuing education requirements that must be met for renewal of a license. 179923
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(3) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 179927
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(4) The applicant pays a reactivation fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4730.14 of the Revised Code. 179929
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The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 179932
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(F) The board shall reactivate a license placed on retired status if the conditions of division (E) of this section have been satisfied and the board, in its discretion, determines that the results of the criminal records check conducted pursuant to sections 4776.01 to 4776.04 of the Revised Code do not make the applicant ineligible for active status. 179936
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(G) The board may take disciplinary action against an applicant who is seeking to place a license on retired status or to reactivate the license if the applicant commits fraud, misrepresentation, or deception in applying for or securing the retired status or reactivation. 179942
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The board also may take disciplinary action against the holder of a license placed on retired status if the holder practices under the license, uses the license to obtain licensure as a physician assistant in another state, or uses a title that does not reflect the holder's retired status. 179947
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In taking disciplinary action under this section, the board may impose on the applicant or holder any sanction described in section 4730.25 of the Revised Code, but shall do so in accordance with the procedures described in that section. 179952
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(H) The board may adopt rules to implement and enforce this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 179956
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179958

Sec. 4730.25. (A) The state medical board, by an affirmative vote of not fewer than six members, ~~may revoke or~~ may refuse to grant a license to practice as a physician assistant to ~~a person,~~ or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 179959
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(B) Except as provided in division (N) of this section, the 179965

board, by an affirmative vote of not fewer than six members, 179966
shall, to the extent permitted by law, limit, revoke, or suspend 179967
an individual's license to practice as a physician assistant or 179968
prescriber number, refuse to issue a license to an applicant, 179969
refuse to renew a license, refuse to reinstate a license, or 179970
reprimand or place on probation the holder of a license for any of 179971
the following reasons: 179972

(1) Failure to practice in accordance with the supervising 179973
physician's supervision agreement with the physician assistant, 179974
including, if applicable, the policies of the health care facility 179975
in which the supervising physician and physician assistant are 179976
practicing; 179977

(2) Failure to comply with the requirements of this chapter, 179978
Chapter 4731. of the Revised Code, or any rules adopted by the 179979
board; 179980

(3) Violating or attempting to violate, directly or 179981
indirectly, or assisting in or abetting the violation of, or 179982
conspiring to violate, any provision of this chapter, Chapter 179983
4731. of the Revised Code, or the rules adopted by the board; 179984

(4) Inability to practice according to acceptable and 179985
prevailing standards of care by reason of mental illness or 179986
physical illness, including physical deterioration that adversely 179987
affects cognitive, motor, or perceptive skills; 179988

(5) Impairment of ability to practice according to acceptable 179989
and prevailing standards of care because of habitual or excessive 179990
use or abuse of drugs, alcohol, or other substances that impair 179991
ability to practice; 179992

(6) Administering drugs for purposes other than those 179993
authorized under this chapter; 179994

(7) Willfully betraying a professional confidence; 179995

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant. 179996
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 180003
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(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 180011
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(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 180015
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(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 180018
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(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 180021
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 180024
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180026

(14) A plea of guilty to, a judicial finding of guilt of, or	180027
a judicial finding of eligibility for intervention in lieu of	180028
conviction for, a misdemeanor involving moral turpitude;	180029
(15) Commission of an act in the course of practice that	180030
constitutes a misdemeanor in this state, regardless of the	180031
jurisdiction in which the act was committed;	180032
(16) Commission of an act involving moral turpitude that	180033
constitutes a misdemeanor in this state, regardless of the	180034
jurisdiction in which the act was committed;	180035
(17) A plea of guilty to, a judicial finding of guilt of, or	180036
a judicial finding of eligibility for intervention in lieu of	180037
conviction for violating any state or federal law regulating the	180038
possession, distribution, or use of any drug, including	180039
trafficking in drugs;	180040
(18) Any of the following actions taken by the state agency	180041
responsible for regulating the practice of physician assistants in	180042
another state, for any reason other than the nonpayment of fees:	180043
the limitation, revocation, or suspension of an individual's	180044
license to practice; acceptance of an individual's license	180045
surrender; denial of a license; refusal to renew or reinstate a	180046
license; imposition of probation; or issuance of an order of	180047
censure or other reprimand;	180048
(19) A departure from, or failure to conform to, minimal	180049
standards of care of similar physician assistants under the same	180050
or similar circumstances, regardless of whether actual injury to a	180051
patient is established;	180052
(20) Violation of the conditions placed by the board on a	180053
license to practice as a physician assistant;	180054
(21) Failure to use universal blood and body fluid	180055
precautions established by rules adopted under section 4731.051 of	180056
the Revised Code;	180057

(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	180058 180059 180060 180061 180062 180063 180064 180065 180066
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	180067 180068
(24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;	180069 180070
(25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	180071 180072 180073
(26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	180074 180075 180076 180077
(27) Having certification by the national commission on certification of physician assistants or a successor organization expire, lapse, or be suspended or revoked;	180078 180079 180080
(28) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;	180081 180082 180083 180084 180085 180086
(29) Failure to comply with terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the	180087 180088

Revised Code. 180089

(C) Disciplinary actions taken by the board under divisions 180090
(A) and (B) of this section shall be taken pursuant to an 180091
adjudication under Chapter 119. of the Revised Code, except that 180092
in lieu of an adjudication, the board may enter into a consent 180093
agreement with a physician assistant or applicant to resolve an 180094
allegation of a violation of this chapter or any rule adopted 180095
under it. A consent agreement, when ratified by an affirmative 180096
vote of not fewer than six members of the board, shall constitute 180097
the findings and order of the board with respect to the matter 180098
addressed in the agreement. If the board refuses to ratify a 180099
consent agreement, the admissions and findings contained in the 180100
consent agreement shall be of no force or effect. 180101

(D) For purposes of divisions (B)(12), (15), and (16) of this 180102
section, the commission of the act may be established by a finding 180103
by the board, pursuant to an adjudication under Chapter 119. of 180104
the Revised Code, that the applicant or license holder committed 180105
the act in question. The board shall have no jurisdiction under 180106
these divisions in cases where the trial court renders a final 180107
judgment in the license holder's favor and that judgment is based 180108
upon an adjudication on the merits. The board shall have 180109
jurisdiction under these divisions in cases where the trial court 180110
issues an order of dismissal upon technical or procedural grounds. 180111

(E) The sealing or expungement of conviction records by any 180112
court shall have no effect upon a prior board order entered under 180113
the provisions of this section or upon the board's jurisdiction to 180114
take action under the provisions of this section if, based upon a 180115
plea of guilty, a judicial finding of guilt, or a judicial finding 180116
of eligibility for intervention in lieu of conviction, the board 180117
issued a notice of opportunity for a hearing prior to the court's 180118
order to seal or expunge the records. The board shall not be 180119
required to seal, destroy, redact, or otherwise modify its records 180120

to reflect the court's sealing or expungement of conviction 180121
records. 180122

(F) For purposes of this division, any individual who holds a 180123
license issued under this chapter, or applies for a license issued 180124
under this chapter, shall be deemed to have given consent to 180125
submit to a mental or physical examination when directed to do so 180126
in writing by the board and to have waived all objections to the 180127
admissibility of testimony or examination reports that constitute 180128
a privileged communication. 180129

(1) In enforcing division (B)(4) of this section, the board, 180130
upon a showing of a possible violation, may compel any individual 180131
who holds a license issued under this chapter or who has applied 180132
for a license pursuant to this chapter to submit to a mental 180133
examination, physical examination, including an HIV test, or both 180134
a mental and physical examination. The expense of the examination 180135
is the responsibility of the individual compelled to be examined. 180136
Failure to submit to a mental or physical examination or consent 180137
to an HIV test ordered by the board constitutes an admission of 180138
the allegations against the individual unless the failure is due 180139
to circumstances beyond the individual's control, and a default 180140
and final order may be entered without the taking of testimony or 180141
presentation of evidence. If the board finds a physician assistant 180142
unable to practice because of the reasons set forth in division 180143
(B)(4) of this section, the board shall require the physician 180144
assistant to submit to care, counseling, or treatment by 180145
physicians approved or designated by the board, as a condition for 180146
an initial, continued, reinstated, or renewed license. An 180147
individual affected under this division shall be afforded an 180148
opportunity to demonstrate to the board the ability to resume 180149
practicing in compliance with acceptable and prevailing standards 180150
of care. 180151

(2) For purposes of division (B)(5) of this section, if the 180152

board has reason to believe that any individual who holds a 180153
license issued under this chapter or any applicant for a license 180154
suffers such impairment, the board may compel the individual to 180155
submit to a mental or physical examination, or both. The expense 180156
of the examination is the responsibility of the individual 180157
compelled to be examined. Any mental or physical examination 180158
required under this division shall be undertaken by a treatment 180159
provider or physician qualified to conduct such examination and 180160
chosen by the board. 180161

Failure to submit to a mental or physical examination ordered 180162
by the board constitutes an admission of the allegations against 180163
the individual unless the failure is due to circumstances beyond 180164
the individual's control, and a default and final order may be 180165
entered without the taking of testimony or presentation of 180166
evidence. If the board determines that the individual's ability to 180167
practice is impaired, the board shall suspend the individual's 180168
license or deny the individual's application and shall require the 180169
individual, as a condition for initial, continued, reinstated, or 180170
renewed licensure, to submit to treatment. 180171

Before being eligible to apply for reinstatement of a license 180172
suspended under this division, the physician assistant shall 180173
demonstrate to the board the ability to resume practice or 180174
prescribing in compliance with acceptable and prevailing standards 180175
of care. The demonstration shall include the following: 180176

(a) Certification from a treatment provider approved under 180177
section 4731.25 of the Revised Code that the individual has 180178
successfully completed any required inpatient treatment; 180179

(b) Evidence of continuing full compliance with an aftercare 180180
contract or consent agreement; 180181

(c) Two written reports indicating that the individual's 180182
ability to practice has been assessed and that the individual has 180183

been found capable of practicing according to acceptable and 180184
prevailing standards of care. The reports shall be made by 180185
individuals or providers approved by the board for making such 180186
assessments and shall describe the basis for their determination. 180187

The board may reinstate a license suspended under this 180188
division after such demonstration and after the individual has 180189
entered into a written consent agreement. 180190

When the impaired physician assistant resumes practice or 180191
prescribing, the board shall require continued monitoring of the 180192
physician assistant. The monitoring shall include compliance with 180193
the written consent agreement entered into before reinstatement or 180194
with conditions imposed by board order after a hearing, and, upon 180195
termination of the consent agreement, submission to the board for 180196
at least two years of annual written progress reports made under 180197
penalty of falsification stating whether the physician assistant 180198
has maintained sobriety. 180199

(G) If the secretary and supervising member determine that 180200
there is clear and convincing evidence that a physician assistant 180201
has violated division (B) of this section and that the 180202
individual's continued practice or prescribing presents a danger 180203
of immediate and serious harm to the public, they may recommend 180204
that the board suspend the individual's license without a prior 180205
hearing. Written allegations shall be prepared for consideration 180206
by the board. 180207

The board, upon review of those allegations and by an 180208
affirmative vote of not fewer than six of its members, excluding 180209
the secretary and supervising member, may suspend a license 180210
without a prior hearing. A telephone conference call may be 180211
utilized for reviewing the allegations and taking the vote on the 180212
summary suspension. 180213

The board shall issue a written order of suspension by 180214

certified mail or in person in accordance with section 119.07 of 180215
the Revised Code. The order shall not be subject to suspension by 180216
the court during pendency of any appeal filed under section 119.12 180217
of the Revised Code. If the physician assistant requests an 180218
adjudicatory hearing by the board, the date set for the hearing 180219
shall be within fifteen days, but not earlier than seven days, 180220
after the physician assistant requests the hearing, unless 180221
otherwise agreed to by both the board and the license holder. 180222

A summary suspension imposed under this division shall remain 180223
in effect, unless reversed on appeal, until a final adjudicative 180224
order issued by the board pursuant to this section and Chapter 180225
119. of the Revised Code becomes effective. The board shall issue 180226
its final adjudicative order within sixty days after completion of 180227
its hearing. Failure to issue the order within sixty days shall 180228
result in dissolution of the summary suspension order, but shall 180229
not invalidate any subsequent, final adjudicative order. 180230

(H) If the board takes action under division (B)(11), (13), 180231
or (14) of this section, and the judicial finding of guilt, guilty 180232
plea, or judicial finding of eligibility for intervention in lieu 180233
of conviction is overturned on appeal, upon exhaustion of the 180234
criminal appeal, a petition for reconsideration of the order may 180235
be filed with the board along with appropriate court documents. 180236
Upon receipt of a petition and supporting court documents, the 180237
board shall reinstate the individual's license. The board may then 180238
hold an adjudication under Chapter 119. of the Revised Code to 180239
determine whether the individual committed the act in question. 180240
Notice of opportunity for hearing shall be given in accordance 180241
with Chapter 119. of the Revised Code. If the board finds, 180242
pursuant to an adjudication held under this division, that the 180243
individual committed the act, or if no hearing is requested, it 180244
may order any of the sanctions identified under division (B) of 180245
this section. 180246

(I) The license to practice issued to a physician assistant 180247
and the physician assistant's practice in this state are 180248
automatically suspended as of the date the physician assistant 180249
pleads guilty to, is found by a judge or jury to be guilty of, or 180250
is subject to a judicial finding of eligibility for intervention 180251
in lieu of conviction in this state or treatment or intervention 180252
in lieu of conviction in another state for any of the following 180253
criminal offenses in this state or a substantially equivalent 180254
criminal offense in another jurisdiction: aggravated murder, 180255
murder, voluntary manslaughter, felonious assault, kidnapping, 180256
rape, sexual battery, gross sexual imposition, aggravated arson, 180257
aggravated robbery, or aggravated burglary. Continued practice 180258
after the suspension shall be considered practicing without a 180259
license. 180260

The board shall notify the individual subject to the 180261
suspension by certified mail or in person in accordance with 180262
section 119.07 of the Revised Code. If an individual whose license 180263
is suspended under this division fails to make a timely request 180264
for an adjudication under Chapter 119. of the Revised Code, the 180265
board shall enter a final order permanently revoking the 180266
individual's license to practice. 180267

(J) In any instance in which the board is required by Chapter 180268
119. of the Revised Code to give notice of opportunity for hearing 180269
and the individual subject to the notice does not timely request a 180270
hearing in accordance with section 119.07 of the Revised Code, the 180271
board is not required to hold a hearing, but may adopt, by an 180272
affirmative vote of not fewer than six of its members, a final 180273
order that contains the board's findings. In that final order, the 180274
board may order any of the sanctions identified under division (A) 180275
or (B) of this section. 180276

(K) Any action taken by the board under division (B) of this 180277
section resulting in a suspension shall be accompanied by a 180278

written statement of the conditions under which the physician 180279
assistant's license may be reinstated. The board shall adopt rules 180280
in accordance with Chapter 119. of the Revised Code governing 180281
conditions to be imposed for reinstatement. Reinstatement of a 180282
license suspended pursuant to division (B) of this section 180283
requires an affirmative vote of not fewer than six members of the 180284
board. 180285

(L) When the board refuses to grant or issue to an applicant 180286
a license to practice as a physician assistant, revokes an 180287
individual's license, refuses to renew an individual's license, or 180288
refuses to reinstate an individual's license, the board may 180289
specify that its action is permanent. An individual subject to a 180290
permanent action taken by the board is forever thereafter 180291
ineligible to hold the license and the board shall not accept an 180292
application for reinstatement of the license or for issuance of a 180293
new license. 180294

(M) Notwithstanding any other provision of the Revised Code, 180295
all of the following apply: 180296

(1) The surrender of a license issued under this chapter is 180297
not effective unless or until accepted by the board. Reinstatement 180298
of a license surrendered to the board requires an affirmative vote 180299
of not fewer than six members of the board. 180300

(2) An application made under this chapter for a license may 180301
not be withdrawn without approval of the board. 180302

(3) Failure by an individual to renew a license in accordance 180303
with section 4730.14 of the Revised Code ~~shall~~ does not remove or 180304
limit the board's jurisdiction to take disciplinary action under 180305
this section against the individual. 180306

(4) The placement of an individual's license on retired 180307
status, as described in section 4730.141 of the Revised Code, does 180308
not remove or limit the board's jurisdiction to take any 180309

disciplinary action against the individual with regard to the 180310
license as it existed before being placed on retired status. 180311

(N) The board shall not refuse to issue a license to an 180312
applicant because of a conviction, plea of guilty, judicial 180313
finding of guilt, judicial finding of eligibility for intervention 180314
in lieu of conviction, or the commission of an act that 180315
constitutes a criminal offense, unless the refusal is in 180316
accordance with section 9.79 of the Revised Code. 180317

Sec. 4730.28. (A) This section applies to ~~both~~ all of the 180318
following: 180319

(1) An applicant seeking restoration of a license issued 180320
under this chapter that has been in a suspended or inactive state 180321
for any cause for more than two years; 180322

(2) An applicant seeking issuance of a license pursuant to 180323
this chapter who for more than two years has not been practicing 180324
as a physician assistant as either of the following: 180325

(a) An active practitioner; 180326

(b) A student in a program as described in division (B) or 180327
(C) of section 4730.11 of the Revised Code. 180328

(3) An applicant seeking to reactivate a license placed on 180329
retired status. 180330

(B) Before issuing a license to an applicant subject to this 180331
section, or before restoring a license to good standing or 180332
reactivating a license placed on retired status for an applicant 180333
subject to this section, the state medical board may impose terms 180334
and conditions including any one or more of the following: 180335

(1) Requiring the applicant to pass an oral or written 180336
examination, or both, to determine the applicant's present fitness 180337
to resume practice; 180338

(2) Requiring the applicant to obtain additional training and 180339
to pass an examination upon completion of such training; 180340

(3) Requiring an assessment of the applicant's physical 180341
skills for purposes of determining whether the applicant's 180342
coordination, fine motor skills, and dexterity are sufficient for 180343
performing evaluations and procedures in a manner that meets the 180344
minimal standards of care; 180345

(4) Requiring an assessment of the applicant's skills in 180346
recognizing and understanding diseases and conditions; 180347

(5) Requiring the applicant to undergo a comprehensive 180348
physical examination, which may include an assessment of physical 180349
abilities, evaluation of sensory capabilities, or screening for 180350
the presence of neurological disorders; 180351

(6) Restricting or limiting the extent, scope, or type of 180352
practice of the applicant. 180353

The board shall consider the moral background and the 180354
activities of the applicant during the period of suspension ~~or~~ 180355
inactivity, or retirement. The board shall not issue ~~or~~ restore, 180356
or reactivate a license under this section unless the applicant 180357
complies with sections 4776.01 to 4776.04 of the Revised Code. 180358

Sec. 4731.22. (A) The state medical board, by an affirmative 180359
vote of not fewer than six of its members, may limit, revoke, or 180360
suspend a license or certificate to practice or certificate to 180361
recommend, refuse to grant a license or certificate, refuse to 180362
renew a license or certificate, refuse to reinstate a license or 180363
certificate, or reprimand or place on probation the holder of a 180364
license or certificate if the individual applying for or holding 180365
the license or certificate is found by the board to have committed 180366
fraud during the administration of the examination for a license 180367
or certificate to practice or to have committed fraud, 180368

misrepresentation, or deception in applying for, renewing, or 180369
securing any license or certificate to practice or certificate to 180370
recommend issued by the board. 180371

(B) Except as provided in division (P) of this section, the 180372
board, by an affirmative vote of not fewer than six members, 180373
shall, to the extent permitted by law, limit, revoke, or suspend a 180374
license or certificate to practice or certificate to recommend, 180375
refuse to issue a license or certificate, refuse to renew a 180376
license or certificate, refuse to reinstate a license or 180377
certificate, or reprimand or place on probation the holder of a 180378
license or certificate for one or more of the following reasons: 180379

(1) Permitting one's name or one's license or certificate to 180380
practice to be used by a person, group, or corporation when the 180381
individual concerned is not actually directing the treatment 180382
given; 180383

(2) Failure to maintain minimal standards applicable to the 180384
selection or administration of drugs, or failure to employ 180385
acceptable scientific methods in the selection of drugs or other 180386
modalities for treatment of disease; 180387

(3) Except as provided in section 4731.97 of the Revised 180388
Code, selling, giving away, personally furnishing, prescribing, or 180389
administering drugs for other than legal and legitimate 180390
therapeutic purposes or a plea of guilty to, a judicial finding of 180391
guilt of, or a judicial finding of eligibility for intervention in 180392
lieu of conviction of, a violation of any federal or state law 180393
regulating the possession, distribution, or use of any drug; 180394

(4) Willfully betraying a professional confidence. 180395

For purposes of this division, "willfully betraying a 180396
professional confidence" does not include providing any 180397
information, documents, or reports under sections 307.621 to 180398

307.629 of the Revised Code to a child fatality review board; does 180399
not include providing any information, documents, or reports under 180400
sections 307.631 to 307.6410 of the Revised Code to a drug 180401
overdose fatality review committee, a suicide fatality review 180402
committee, or hybrid drug overdose fatality and suicide fatality 180403
review committee; does not include providing any information, 180404
documents, or reports under sections 307.651 to 307.659 of the 180405
Revised Code to a domestic violence fatality review board; does 180406
not include providing any information, documents, or reports to 180407
the director of health pursuant to guidelines established under 180408
section 3701.70 of the Revised Code; does not include written 180409
notice to a mental health professional under section 4731.62 of 180410
the Revised Code; and does not include the making of a report of 180411
an employee's use of a drug of abuse, or a report of a condition 180412
of an employee other than one involving the use of a drug of 180413
abuse, to the employer of the employee as described in division 180414
(B) of section 2305.33 of the Revised Code. Nothing in this 180415
division affects the immunity from civil liability conferred by 180416
section 2305.33 or 4731.62 of the Revised Code upon a physician 180417
who makes a report in accordance with section 2305.33 or notifies 180418
a mental health professional in accordance with section 4731.62 of 180419
the Revised Code. As used in this division, "employee," 180420
"employer," and "physician" have the same meanings as in section 180421
2305.33 of the Revised Code. 180422

(5) Making a false, fraudulent, deceptive, or misleading 180423
statement in the solicitation of or advertising for patients; in 180424
relation to the practice of medicine and surgery, osteopathic 180425
medicine and surgery, podiatric medicine and surgery, or a limited 180426
branch of medicine; or in securing or attempting to secure any 180427
license or certificate to practice issued by the board. 180428

As used in this division, "false, fraudulent, deceptive, or 180429
misleading statement" means a statement that includes a 180430

misrepresentation of fact, is likely to mislead or deceive because 180431
of a failure to disclose material facts, is intended or is likely 180432
to create false or unjustified expectations of favorable results, 180433
or includes representations or implications that in reasonable 180434
probability will cause an ordinarily prudent person to 180435
misunderstand or be deceived. 180436

(6) A departure from, or the failure to conform to, minimal 180437
standards of care of similar practitioners under the same or 180438
similar circumstances, whether or not actual injury to a patient 180439
is established; 180440

(7) Representing, with the purpose of obtaining compensation 180441
or other advantage as personal gain or for any other person, that 180442
an incurable disease or injury, or other incurable condition, can 180443
be permanently cured; 180444

(8) The obtaining of, or attempting to obtain, money or 180445
anything of value by fraudulent misrepresentations in the course 180446
of practice; 180447

(9) A plea of guilty to, a judicial finding of guilt of, or a 180448
judicial finding of eligibility for intervention in lieu of 180449
conviction for, a felony; 180450

(10) Commission of an act that constitutes a felony in this 180451
state, regardless of the jurisdiction in which the act was 180452
committed; 180453

(11) A plea of guilty to, a judicial finding of guilt of, or 180454
a judicial finding of eligibility for intervention in lieu of 180455
conviction for, a misdemeanor committed in the course of practice; 180456

(12) Commission of an act in the course of practice that 180457
constitutes a misdemeanor in this state, regardless of the 180458
jurisdiction in which the act was committed; 180459

(13) A plea of guilty to, a judicial finding of guilt of, or 180460

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 180461
180462

(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 180463
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180465

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice; 180466
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(16) Failure to pay license renewal fees specified in this chapter; 180468
180469

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business; 180470
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(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the American podiatric medical association, or any other national professional organizations that the board specifies by rule. The state medical board shall obtain and keep on file current copies of the codes of ethics of the various national professional organizations. The individual whose license or certificate is being suspended or revoked shall not be found to have violated any provision of a code of ethics of an organization not appropriate to the individual's profession. 180474
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For purposes of this division, a "provision of a code of ethics of a national professional organization" does not include any provision that would preclude the making of a report by a physician of an employee's use of a drug of abuse, or of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in 180485
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this division affects the immunity from civil liability conferred 180492
by that section upon a physician who makes either type of report 180493
in accordance with division (B) of that section. As used in this 180494
division, "employee," "employer," and "physician" have the same 180495
meanings as in section 2305.33 of the Revised Code. 180496

(19) Inability to practice according to acceptable and 180497
prevailing standards of care by reason of mental illness or 180498
physical illness, including, but not limited to, physical 180499
deterioration that adversely affects cognitive, motor, or 180500
perceptive skills. 180501

In enforcing this division, the board, upon a showing of a 180502
possible violation, may compel any individual authorized to 180503
practice by this chapter or who has submitted an application 180504
pursuant to this chapter to submit to a mental examination, 180505
physical examination, including an HIV test, or both a mental and 180506
a physical examination. The expense of the examination is the 180507
responsibility of the individual compelled to be examined. Failure 180508
to submit to a mental or physical examination or consent to an HIV 180509
test ordered by the board constitutes an admission of the 180510
allegations against the individual unless the failure is due to 180511
circumstances beyond the individual's control, and a default and 180512
final order may be entered without the taking of testimony or 180513
presentation of evidence. If the board finds an individual unable 180514
to practice because of the reasons set forth in this division, the 180515
board shall require the individual to submit to care, counseling, 180516
or treatment by physicians approved or designated by the board, as 180517
a condition for initial, continued, reinstated, or renewed 180518
authority to practice. An individual affected under this division 180519
shall be afforded an opportunity to demonstrate to the board the 180520
ability to resume practice in compliance with acceptable and 180521
prevailing standards under the provisions of the individual's 180522
license or certificate. For the purpose of this division, any 180523

individual who applies for or receives a license or certificate to 180524
practice under this chapter accepts the privilege of practicing in 180525
this state and, by so doing, shall be deemed to have given consent 180526
to submit to a mental or physical examination when directed to do 180527
so in writing by the board, and to have waived all objections to 180528
the admissibility of testimony or examination reports that 180529
constitute a privileged communication. 180530

(20) Except as provided in division (F)(1)(b) of section 180531
4731.282 of the Revised Code or when civil penalties are imposed 180532
under section 4731.225 of the Revised Code, and subject to section 180533
4731.226 of the Revised Code, violating or attempting to violate, 180534
directly or indirectly, or assisting in or abetting the violation 180535
of, or conspiring to violate, any provisions of this chapter or 180536
any rule promulgated by the board. 180537

This division does not apply to a violation or attempted 180538
violation of, assisting in or abetting the violation of, or a 180539
conspiracy to violate, any provision of this chapter or any rule 180540
adopted by the board that would preclude the making of a report by 180541
a physician of an employee's use of a drug of abuse, or of a 180542
condition of an employee other than one involving the use of a 180543
drug of abuse, to the employer of the employee as described in 180544
division (B) of section 2305.33 of the Revised Code. Nothing in 180545
this division affects the immunity from civil liability conferred 180546
by that section upon a physician who makes either type of report 180547
in accordance with division (B) of that section. As used in this 180548
division, "employee," "employer," and "physician" have the same 180549
meanings as in section 2305.33 of the Revised Code. 180550

(21) The violation of section 3701.79 of the Revised Code or 180551
of any abortion rule adopted by the director of health pursuant to 180552
section 3701.341 of the Revised Code; 180553

(22) Any of the following actions taken by an agency 180554
responsible for authorizing, certifying, or regulating an 180555

individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or the performance or inducement of an abortion upon a pregnant woman with actual knowledge that the conditions specified in division (B) of section 2317.56 of the Revised Code have not been satisfied or with a heedless indifference as to whether those conditions have been satisfied, unless an affirmative defense as specified in division (H)(2) of that section would apply in a civil action authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice;

(25) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency;

(26) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.

For the purposes of this division, any individual authorized to practice by this chapter accepts the privilege of practicing in this state subject to supervision by the board. By filing an

application for or holding a license or certificate to practice 180587
under this chapter, an individual shall be deemed to have given 180588
consent to submit to a mental or physical examination when ordered 180589
to do so by the board in writing, and to have waived all 180590
objections to the admissibility of testimony or examination 180591
reports that constitute privileged communications. 180592

If it has reason to believe that any individual authorized to 180593
practice by this chapter or any applicant for licensure or 180594
certification to practice suffers such impairment, the board may 180595
compel the individual to submit to a mental or physical 180596
examination, or both. The expense of the examination is the 180597
responsibility of the individual compelled to be examined. Any 180598
mental or physical examination required under this division shall 180599
be undertaken by a treatment provider or physician who is 180600
qualified to conduct the examination and who is chosen by the 180601
board. 180602

Failure to submit to a mental or physical examination ordered 180603
by the board constitutes an admission of the allegations against 180604
the individual unless the failure is due to circumstances beyond 180605
the individual's control, and a default and final order may be 180606
entered without the taking of testimony or presentation of 180607
evidence. If the board determines that the individual's ability to 180608
practice is impaired, the board shall suspend the individual's 180609
license or certificate or deny the individual's application and 180610
shall require the individual, as a condition for initial, 180611
continued, reinstated, or renewed licensure or certification to 180612
practice, to submit to treatment. 180613

Before being eligible to apply for reinstatement of a license 180614
or certificate suspended under this division, the impaired 180615
practitioner shall demonstrate to the board the ability to resume 180616
practice in compliance with acceptable and prevailing standards of 180617
care under the provisions of the practitioner's license or 180618

certificate. The demonstration shall include, but shall not be limited to, the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement;

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making the assessments and shall describe the basis for their determination.

The board may reinstate a license or certificate suspended under this division after that demonstration and after the individual has entered into a written consent agreement.

When the impaired practitioner resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of perjury stating whether the individual has maintained sobriety.

(27) A second or subsequent violation of section 4731.66 or 4731.69 of the Revised Code;

(28) Except as provided in division (N) of this section:

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health

care policy, contract, or plan that covers the individual's 180649
services, otherwise would be required to pay if the waiver is used 180650
as an enticement to a patient or group of patients to receive 180651
health care services from that individual; 180652

(b) Advertising that the individual will waive the payment of 180653
all or any part of a deductible or copayment that a patient, 180654
pursuant to a health insurance or health care policy, contract, or 180655
plan that covers the individual's services, otherwise would be 180656
required to pay. 180657

(29) Failure to use universal blood and body fluid 180658
precautions established by rules adopted under section 4731.051 of 180659
the Revised Code; 180660

(30) Failure to provide notice to, and receive acknowledgment 180661
of the notice from, a patient when required by section 4731.143 of 180662
the Revised Code prior to providing nonemergency professional 180663
services, or failure to maintain that notice in the patient's 180664
medical record; 180665

(31) Failure of a physician supervising a physician assistant 180666
to maintain supervision in accordance with the requirements of 180667
Chapter 4730. of the Revised Code and the rules adopted under that 180668
chapter; 180669

(32) Failure of a physician or podiatrist to enter into a 180670
standard care arrangement with a clinical nurse specialist, 180671
certified nurse-midwife, or certified nurse practitioner with whom 180672
the physician or podiatrist is in collaboration pursuant to 180673
section 4731.27 of the Revised Code or failure to fulfill the 180674
responsibilities of collaboration after entering into a standard 180675
care arrangement; 180676

(33) Failure to comply with the terms of a consult agreement 180677
entered into with a pharmacist pursuant to section 4729.39 of the 180678
Revised Code; 180679

(34) Failure to cooperate in an investigation conducted by 180680
the board under division (F) of this section, including failure to 180681
comply with a subpoena or order issued by the board or failure to 180682
answer truthfully a question presented by the board in an 180683
investigative interview, an investigative office conference, at a 180684
deposition, or in written interrogatories, except that failure to 180685
cooperate with an investigation shall not constitute grounds for 180686
discipline under this section if a court of competent jurisdiction 180687
has issued an order that either quashes a subpoena or permits the 180688
individual to withhold the testimony or evidence in issue; 180689

(35) Failure to supervise an acupuncturist in accordance with 180690
Chapter 4762. of the Revised Code and the board's rules for 180691
providing that supervision; 180692

(36) Failure to supervise an anesthesiologist assistant in 180693
accordance with Chapter 4760. of the Revised Code and the board's 180694
rules for supervision of an anesthesiologist assistant; 180695

(37) Assisting suicide, as defined in section 3795.01 of the 180696
Revised Code; 180697

(38) Failure to comply with the requirements of section 180698
2317.561 of the Revised Code; 180699

(39) Failure to supervise a radiologist assistant in 180700
accordance with Chapter 4774. of the Revised Code and the board's 180701
rules for supervision of radiologist assistants; 180702

(40) Performing or inducing an abortion at an office or 180703
facility with knowledge that the office or facility fails to post 180704
the notice required under section 3701.791 of the Revised Code; 180705

(41) Failure to comply with the standards and procedures 180706
established in rules under section 4731.054 of the Revised Code 180707
for the operation of or the provision of care at a pain management 180708
clinic; 180709

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	180710 180711 180712 180713
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	180714 180715 180716 180717
(44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	180718 180719 180720 180721 180722
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	180723 180724 180725 180726 180727
(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	180728 180729 180730 180731
(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	180732 180733 180734 180735 180736
(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	180737 180738 180739 180740

(49) Failure to comply with the requirements of section 180741
4731.30 of the Revised Code or rules adopted under section 180742
4731.301 of the Revised Code when recommending treatment with 180743
medical marijuana; 180744

(50) Practicing at a facility, clinic, or other location that 180745
is subject to licensure as a category III terminal distributor of 180746
dangerous drugs with an office-based opioid treatment 180747
classification unless the person operating that place has obtained 180748
and maintains the license with the classification; 180749

(51) Owning a facility, clinic, or other location that is 180750
subject to licensure as a category III terminal distributor of 180751
dangerous drugs with an office-based opioid treatment 180752
classification unless that place is licensed with the 180753
classification; 180754

(52) A pattern of continuous or repeated violations of 180755
division (E)(2) or (3) of section 3963.02 of the Revised Code; 180756

(53) Failure to fulfill the responsibilities of a 180757
collaboration agreement entered into with an athletic trainer as 180758
described in section 4755.621 of the Revised Code; 180759

(54) Failure to take the steps specified in section 4731.911 180760
of the Revised Code following an abortion or attempted abortion in 180761
an ambulatory surgical facility or other location that is not a 180762
hospital when a child is born alive. 180763

(C) Disciplinary actions taken by the board under divisions 180764
(A) and (B) of this section shall be taken pursuant to an 180765
adjudication under Chapter 119. of the Revised Code, except that 180766
in lieu of an adjudication, the board may enter into a consent 180767
agreement with an individual to resolve an allegation of a 180768
violation of this chapter or any rule adopted under it. A consent 180769
agreement, when ratified by an affirmative vote of not fewer than 180770
six members of the board, shall constitute the findings and order 180771

of the board with respect to the matter addressed in the 180772
agreement. If the board refuses to ratify a consent agreement, the 180773
admissions and findings contained in the consent agreement shall 180774
be of no force or effect. 180775

A telephone conference call may be utilized for ratification 180776
of a consent agreement that revokes or suspends an individual's 180777
license or certificate to practice or certificate to recommend. 180778
The telephone conference call shall be considered a special 180779
meeting under division (F) of section 121.22 of the Revised Code. 180780

If the board takes disciplinary action against an individual 180781
under division (B) of this section for a second or subsequent plea 180782
of guilty to, or judicial finding of guilt of, a violation of 180783
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 180784
action shall consist of a suspension of the individual's license 180785
or certificate to practice for a period of at least one year or, 180786
if determined appropriate by the board, a more serious sanction 180787
involving the individual's license or certificate to practice. Any 180788
consent agreement entered into under this division with an 180789
individual that pertains to a second or subsequent plea of guilty 180790
to, or judicial finding of guilt of, a violation of that section 180791
shall provide for a suspension of the individual's license or 180792
certificate to practice for a period of at least one year or, if 180793
determined appropriate by the board, a more serious sanction 180794
involving the individual's license or certificate to practice. 180795

(D) For purposes of divisions (B)(10), (12), and (14) of this 180796
section, the commission of the act may be established by a finding 180797
by the board, pursuant to an adjudication under Chapter 119. of 180798
the Revised Code, that the individual committed the act. The board 180799
does not have jurisdiction under those divisions if the trial 180800
court renders a final judgment in the individual's favor and that 180801
judgment is based upon an adjudication on the merits. The board 180802
has jurisdiction under those divisions if the trial court issues 180803

an order of dismissal upon technical or procedural grounds. 180804

(E) The sealing or expungement of conviction records by any 180805
court shall have no effect upon a prior board order entered under 180806
this section or upon the board's jurisdiction to take action under 180807
this section if, based upon a plea of guilty, a judicial finding 180808
of guilt, or a judicial finding of eligibility for intervention in 180809
lieu of conviction, the board issued a notice of opportunity for a 180810
hearing prior to the court's order to seal or expunge the records. 180811
The board shall not be required to seal, expunge, destroy, redact, 180812
or otherwise modify its records to reflect the court's sealing of 180813
conviction records. 180814

(F)(1) The board shall investigate evidence that appears to 180815
show that a person has violated any provision of this chapter or 180816
any rule adopted under it. Any person may report to the board in a 180817
signed writing any information that the person may have that 180818
appears to show a violation of any provision of this chapter or 180819
any rule adopted under it. In the absence of bad faith, any person 180820
who reports information of that nature or who testifies before the 180821
board in any adjudication conducted under Chapter 119. of the 180822
Revised Code shall not be liable in damages in a civil action as a 180823
result of the report or testimony. Each complaint or allegation of 180824
a violation received by the board shall be assigned a case number 180825
and shall be recorded by the board. 180826

(2) Investigations of alleged violations of this chapter or 180827
any rule adopted under it shall be supervised by the supervising 180828
member elected by the board in accordance with section 4731.02 of 180829
the Revised Code and by the secretary as provided in section 180830
4731.39 of the Revised Code. The president may designate another 180831
member of the board to supervise the investigation in place of the 180832
supervising member. No member of the board who supervises the 180833
investigation of a case shall participate in further adjudication 180834
of the case. 180835

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by

certified mail, return receipt requested, and the subpoena shall 180868
be deemed served on the date delivery is made or the date the 180869
person refuses to accept delivery. If the person being served 180870
refuses to accept the subpoena or is not located, service may be 180871
made to an attorney who notifies the board that the attorney is 180872
representing the person. 180873

(d) A sheriff's deputy who serves a subpoena shall receive 180874
the same fees as a sheriff. Each witness who appears before the 180875
board in obedience to a subpoena shall receive the fees and 180876
mileage provided for under section 119.094 of the Revised Code. 180877

(4) All hearings, investigations, and inspections of the 180878
board shall be considered civil actions for the purposes of 180879
section 2305.252 of the Revised Code. 180880

(5) A report required to be submitted to the board under this 180881
chapter, a complaint, or information received by the board 180882
pursuant to an investigation or pursuant to an inspection under 180883
division (E) of section 4731.054 of the Revised Code is 180884
confidential and not subject to discovery in any civil action. 180885

The board shall conduct all investigations or inspections and 180886
proceedings in a manner that protects the confidentiality of 180887
patients and persons who file complaints with the board. The board 180888
shall not make public the names or any other identifying 180889
information about patients or complainants unless proper consent 180890
is given or, in the case of a patient, a waiver of the patient 180891
privilege exists under division (B) of section 2317.02 of the 180892
Revised Code, except that consent or a waiver of that nature is 180893
not required if the board possesses reliable and substantial 180894
evidence that no bona fide physician-patient relationship exists. 180895

The board may share any information it receives pursuant to 180896
an investigation or inspection, including patient records and 180897
patient record information, with law enforcement agencies, other 180898

licensing boards, and other governmental agencies that are 180899
prosecuting, adjudicating, or investigating alleged violations of 180900
statutes or administrative rules. An agency or board that receives 180901
the information shall comply with the same requirements regarding 180902
confidentiality as those with which the state medical board must 180903
comply, notwithstanding any conflicting provision of the Revised 180904
Code or procedure of the agency or board that applies when it is 180905
dealing with other information in its possession. In a judicial 180906
proceeding, the information may be admitted into evidence only in 180907
accordance with the Rules of Evidence, but the court shall require 180908
that appropriate measures are taken to ensure that confidentiality 180909
is maintained with respect to any part of the information that 180910
contains names or other identifying information about patients or 180911
complainants whose confidentiality was protected by the state 180912
medical board when the information was in the board's possession. 180913
Measures to ensure confidentiality that may be taken by the court 180914
include sealing its records or deleting specific information from 180915
its records. 180916

(6) On a quarterly basis, the board shall prepare a report 180917
that documents the disposition of all cases during the preceding 180918
three months. The report shall contain the following information 180919
for each case with which the board has completed its activities: 180920

(a) The case number assigned to the complaint or alleged 180921
violation; 180922

(b) The type of license or certificate to practice, if any, 180923
held by the individual against whom the complaint is directed; 180924

(c) A description of the allegations contained in the 180925
complaint; 180926

(d) The disposition of the case. 180927

The report shall state how many cases are still pending and 180928
shall be prepared in a manner that protects the identity of each 180929

person involved in each case. The report shall be a public record 180930
under section 149.43 of the Revised Code. 180931

(G) If the secretary and supervising member determine both of 180932
the following, they may recommend that the board suspend an 180933
individual's license or certificate to practice or certificate to 180934
recommend without a prior hearing: 180935

(1) That there is clear and convincing evidence that an 180936
individual has violated division (B) of this section; 180937

(2) That the individual's continued practice presents a 180938
danger of immediate and serious harm to the public. 180939

Written allegations shall be prepared for consideration by 180940
the board. The board, upon review of those allegations and by an 180941
affirmative vote of not fewer than six of its members, excluding 180942
the secretary and supervising member, may suspend a license or 180943
certificate without a prior hearing. A telephone conference call 180944
may be utilized for reviewing the allegations and taking the vote 180945
on the summary suspension. 180946

The board shall issue a written order of suspension by 180947
certified mail or in person in accordance with section 119.07 of 180948
the Revised Code. The order shall not be subject to suspension by 180949
the court during pendency of any appeal filed under section 119.12 180950
of the Revised Code. If the individual subject to the summary 180951
suspension requests an adjudicatory hearing by the board, the date 180952
set for the hearing shall be within fifteen days, but not earlier 180953
than seven days, after the individual requests the hearing, unless 180954
otherwise agreed to by both the board and the individual. 180955

Any summary suspension imposed under this division shall 180956
remain in effect, unless reversed on appeal, until a final 180957
adjudicative order issued by the board pursuant to this section 180958
and Chapter 119. of the Revised Code becomes effective. The board 180959
shall issue its final adjudicative order within seventy-five days 180960

after completion of its hearing. A failure to issue the order 180961
within seventy-five days shall result in dissolution of the 180962
summary suspension order but shall not invalidate any subsequent, 180963
final adjudicative order. 180964

(H) If the board takes action under division (B)(9), (11), or 180965
(13) of this section and the judicial finding of guilt, guilty 180966
plea, or judicial finding of eligibility for intervention in lieu 180967
of conviction is overturned on appeal, upon exhaustion of the 180968
criminal appeal, a petition for reconsideration of the order may 180969
be filed with the board along with appropriate court documents. 180970
Upon receipt of a petition of that nature and supporting court 180971
documents, the board shall reinstate the individual's license or 180972
certificate to practice. The board may then hold an adjudication 180973
under Chapter 119. of the Revised Code to determine whether the 180974
individual committed the act in question. Notice of an opportunity 180975
for a hearing shall be given in accordance with Chapter 119. of 180976
the Revised Code. If the board finds, pursuant to an adjudication 180977
held under this division, that the individual committed the act or 180978
if no hearing is requested, the board may order any of the 180979
sanctions identified under division (B) of this section. 180980

(I) The license or certificate to practice issued to an 180981
individual under this chapter and the individual's practice in 180982
this state are automatically suspended as of the date of the 180983
individual's second or subsequent plea of guilty to, or judicial 180984
finding of guilt of, a violation of section 2919.123 or 2919.124 180985
of the Revised Code. In addition, the license or certificate to 180986
practice or certificate to recommend issued to an individual under 180987
this chapter and the individual's practice in this state are 180988
automatically suspended as of the date the individual pleads 180989
guilty to, is found by a judge or jury to be guilty of, or is 180990
subject to a judicial finding of eligibility for intervention in 180991
lieu of conviction in this state or treatment or intervention in 180992

lieu of conviction in another jurisdiction for any of the 180993
following criminal offenses in this state or a substantially 180994
equivalent criminal offense in another jurisdiction: aggravated 180995
murder, murder, voluntary manslaughter, felonious assault, 180996
kidnapping, rape, sexual battery, gross sexual imposition, 180997
aggravated arson, aggravated robbery, or aggravated burglary. 180998
Continued practice after suspension shall be considered practicing 180999
without a license or certificate. 181000

The board shall notify the individual subject to the 181001
suspension by certified mail or in person in accordance with 181002
section 119.07 of the Revised Code. If an individual whose license 181003
or certificate is automatically suspended under this division 181004
fails to make a timely request for an adjudication under Chapter 181005
119. of the Revised Code, the board shall do whichever of the 181006
following is applicable: 181007

(1) If the automatic suspension under this division is for a 181008
second or subsequent plea of guilty to, or judicial finding of 181009
guilt of, a violation of section 2919.123 or 2919.124 of the 181010
Revised Code, the board shall enter an order suspending the 181011
individual's license or certificate to practice for a period of at 181012
least one year or, if determined appropriate by the board, 181013
imposing a more serious sanction involving the individual's 181014
license or certificate to practice. 181015

(2) In all circumstances in which division (I)(1) of this 181016
section does not apply, enter a final order permanently revoking 181017
the individual's license or certificate to practice. 181018

(J) If the board is required by Chapter 119. of the Revised 181019
Code to give notice of an opportunity for a hearing and if the 181020
individual subject to the notice does not timely request a hearing 181021
in accordance with section 119.07 of the Revised Code, the board 181022
is not required to hold a hearing, but may adopt, by an 181023
affirmative vote of not fewer than six of its members, a final 181024

order that contains the board's findings. In that final order, the 181025
board may order any of the sanctions identified under division (A) 181026
or (B) of this section. 181027

(K) Any action taken by the board under division (B) of this 181028
section resulting in a suspension from practice shall be 181029
accompanied by a written statement of the conditions under which 181030
the individual's license or certificate to practice may be 181031
reinstated. The board shall adopt rules governing conditions to be 181032
imposed for reinstatement. Reinstatement of a license or 181033
certificate suspended pursuant to division (B) of this section 181034
requires an affirmative vote of not fewer than six members of the 181035
board. 181036

(L) When the board refuses to grant or issue a license or 181037
certificate to practice to an applicant, revokes an individual's 181038
license or certificate to practice, refuses to renew an 181039
individual's license or certificate to practice, or refuses to 181040
reinstate an individual's license or certificate to practice, the 181041
board may specify that its action is permanent. An individual 181042
subject to a permanent action taken by the board is forever 181043
thereafter ineligible to hold a license or certificate to practice 181044
and the board shall not accept an application for reinstatement of 181045
the license or certificate or for issuance of a new license or 181046
certificate. 181047

(M) Notwithstanding any other provision of the Revised Code, 181048
all of the following apply: 181049

(1) The surrender of a license or certificate issued under 181050
this chapter shall not be effective unless or until accepted by 181051
the board. A telephone conference call may be utilized for 181052
acceptance of the surrender of an individual's license or 181053
certificate to practice. The telephone conference call shall be 181054
considered a special meeting under division (F) of section 121.22 181055
of the Revised Code. Reinstatement of a license or certificate 181056

surrendered to the board requires an affirmative vote of not fewer than six members of the board. 181057
181058

(2) An application for a license or certificate made under the provisions of this chapter may not be withdrawn without approval of the board. 181059
181060
181061

(3) Failure by an individual to renew a license or certificate to practice in accordance with this chapter or a certificate to recommend in accordance with rules adopted under section 4731.301 of the Revised Code ~~shall~~ does not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 181062
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(4) The placement of an individual's license on retired status, as described in section 4731.283 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status. 181068
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(5) At the request of the board, a license or certificate holder shall immediately surrender to the board a license or certificate that the board has suspended, revoked, or permanently revoked. 181073
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(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows: 181077
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request. 181080
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(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board. 181085
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(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.

(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial

finding of guilt, judicial finding of eligibility for intervention 181119
in lieu of conviction, or the commission of an act that 181120
constitutes a criminal offense, unless the refusal is in 181121
accordance with section 9.79 of the Revised Code. 181122

Sec. 4731.222. (A) This section applies to ~~both~~ all of the 181123
following: 181124

(1) An applicant seeking restoration of a license or 181125
certificate issued under this chapter that has been in a suspended 181126
or inactive state for any cause for more than two years; 181127

(2) An applicant seeking issuance of a license or certificate 181128
pursuant to this chapter who for more than two years has not been 181129
engaged in the practice of medicine and surgery, osteopathic 181130
medicine and surgery, podiatric medicine and surgery, or a limited 181131
branch of medicine as any of the following: 181132

(a) An active practitioner; 181133

(b) A participant in a program of graduate medical education, 181134
as defined in section 4731.04 of the Revised Code; 181135

(c) A participant in a podiatric internship, residency, or 181136
clinical fellowship program; 181137

(d) A student in a college of podiatry determined by the 181138
state medical board to be in good standing; 181139

(e) A student in a school, college, or institution giving 181140
instruction in a limited branch of medicine determined by the 181141
board to be in good standing under section 4731.16 of the Revised 181142
Code. 181143

(3) An applicant seeking to reactivate a license placed on 181144
retired status. 181145

(B) Before issuing a license or certificate to an applicant 181146
subject to this section, or before restoring a license or 181147

certificate to good standing or reactivating a license placed on 181148
retired status for an applicant subject to this section, the state 181149
medical board may impose terms and conditions including any one or 181150
more of the following: 181151

(1) Requiring the applicant to pass an oral or written 181152
examination, or both, to determine the applicant's present fitness 181153
to resume practice; 181154

(2) Requiring the applicant to obtain additional training and 181155
to pass an examination upon completion of such training; 181156

(3) Requiring an assessment of the applicant's physical 181157
skills for purposes of determining whether the applicant's 181158
coordination, fine motor skills, and dexterity are sufficient for 181159
performing medical evaluations and procedures in a manner that 181160
meets the minimal standards of care; 181161

(4) Requiring an assessment of the applicant's skills in 181162
recognizing and understanding diseases and conditions; 181163

(5) Requiring the applicant to undergo a comprehensive 181164
physical examination, which may include an assessment of physical 181165
abilities, evaluation of sensory capabilities, or screening for 181166
the presence of neurological disorders; 181167

(6) Restricting or limiting the extent, scope, or type of 181168
practice of the applicant. 181169

The board shall consider the moral background and the 181170
activities of the applicant during the period of suspension ~~or~~, 181171
inactivity, or retirement, in accordance with section 4731.09, 181172
4731.19, or 4731.52 of the Revised Code. The board shall not issue 181173
~~or~~, restore, or reactivate a license or certificate under this 181174
section unless the applicant complies with sections 4776.01 to 181175
4776.04 of the Revised Code. 181176

Sec. 4731.282. (A)(1) Except as provided in division (D) of 181177

this section, each person holding a license to practice medicine 181178
and surgery, osteopathic medicine and surgery, or podiatric 181179
medicine and surgery issued by the state medical board shall 181180
complete biennially not less than fifty hours of continuing 181181
medical education that has been approved by the board. 181182

(2) Each person holding a license to practice shall be given 181183
sufficient choice of continuing education programs to ensure that 181184
the person has had a reasonable opportunity to participate in 181185
continuing education programs that are relevant to the person's 181186
medical practice in terms of subject matter and level. 181187

(B) In determining whether a course, program, or activity 181188
qualifies for credit as continuing medical education, the board 181189
shall approve all of the following: 181190

(1) Continuing medical education completed by holders of 181191
licenses to practice medicine and surgery that is certified by the 181192
Ohio state medical association; 181193

(2) Continuing medical education completed by holders of 181194
licenses to practice osteopathic medicine and surgery that is 181195
certified by the Ohio osteopathic association; 181196

(3) Continuing medical education completed by holders of 181197
licenses to practice podiatric medicine and surgery that is 181198
certified by the Ohio podiatric medical association. 181199

(C) The board shall approve one or more continuing medical 181200
education courses of study included within the programs certified 181201
by the Ohio state medical association and the Ohio osteopathic 181202
association under divisions (B)(1) and (2) of this section that 181203
assist doctors of medicine and doctors of osteopathic medicine in 181204
both of the following: 181205

(1) Recognizing the signs of domestic violence and its 181206
relationship to child abuse; 181207

(2) Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code. 181208
181209

(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who have been disabled by illness or accident or have been absent from the country. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code. 181210
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(E) The board may require a random sample of holders of licenses to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to submit materials documenting completion of the required number of hours of continuing medical education. This division does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code. 181216
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(F)(1) If, through a random sample conducted under division (E) of this section or through any other means, the board finds that an individual who certified completion of the number of hours and type of continuing medical education required to renew, reinstate, ~~or~~ restore, or reactivate a license to practice did not complete the requisite continuing medical education, the board may do either of the following: 181223
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(a) Take disciplinary action against the individual under section 4731.22 of the Revised Code, impose a civil penalty, or both; 181230
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181232

(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 181233
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(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 181235
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(3) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

Sec. 4731.283. (A) An individual who holds a current, valid license issued under this chapter and who retires voluntarily from the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery or a limited branch of medicine may request that the state medical board place the individual's license on retired status.

This section does not authorize an individual who holds a training certificate issued under section 4731.291 or 4731.573 of the Revised Code to request that the board place the individual's certificate on retired status.

(B) An individual seeking to have the individual's license placed on retired status shall file with the board an application in the form and manner prescribed by the board. The application shall be submitted before the end of a biennial renewal period and include all of the following:

(1) The applicant's full name, license number, mailing address, and electronic mail address;

(2) An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications:

(a) That the applicant holds a current, valid license issued under this chapter;

(b) That the applicant has retired voluntarily from the practice of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery or a limited branch of

medicine; 181269

(c) In the case of an applicant who holds a current, valid license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, that the applicant does not hold an active registration with the federal drug enforcement administration; 181270
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(d) That the applicant does not have any criminal charges pending against the applicant; 181275
181276

(e) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States; 181277
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(f) That the applicant does not have any complaints pending with the board; 181280
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(g) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 181282
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(3) In the case of an applicant who holds a current, valid license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a fee in an amount equal to the restoration fee amount described in section 4731.281 of the Revised Code; 181286
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(4) In the case of an applicant who holds a current, valid license to practice a limited branch of medicine, a fee in an amount equal to the restoration fee amount described in section 4731.15 of the Revised Code. 181291
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The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 181295
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(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license remains on retired status for the life of the license holder, unless suspended, revoked, or reactivated, and does not require renewal. 181299
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(D) During the period in which a license is on retired status, all of the following apply: 181305
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(1) The license holder is prohibited under any circumstance from practicing medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery or a limited branch of medicine. 181307
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(2) In the case of a license holder whose license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery is on retired status, the holder is not required to complete the continuing education required by section 4731.282 of the Revised Code. 181311
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(3) The license holder is prohibited from using the license to obtain a license in another state, whether by endorsement or reciprocity or through a licensure compact. 181316
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(4) The license holder may use a title authorized for the holder's license as described in section 4731.14, 4731.151, or 4731.56 of the Revised Code, but only if "retired" also is included in the title. 181319
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(5) In the case of a license holder who also holds a certificate to recommend issued under section 4731.30 of the Revised Code, the certificate, like the license, is on retired status. 181323
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(6) The license holder is prohibited from holding or practicing under a volunteer's certificate issued under section 4731.295 of the Revised Code. 181327
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(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4731.222 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 181330
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(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 181335
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(2) In the case of an applicant whose license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery is on retired status, the applicant certifies completion of, within the two-year period that ends on the date of the application's submission, the continuing education requirements that must be met for renewal of a license. 181337
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(3) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 181343
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(4) In the case of an applicant whose license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery is on retired status, the applicant pays a reactivation fee in an amount equal to the restoration fee amount described in section 4731.281 of the Revised Code. 181345
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(5) In the case of an applicant whose license to practice a limited branch of medicine is on retired status, the applicant pays a reactivation fee in an amount equal to the restoration fee amount described in section 4731.15 of the Revised Code. 181350
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The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 181354
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(F) The board shall reactivate a license placed on retired status if the conditions of division (E) of this section have been satisfied and the board, in its discretion, determines that the 181358
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results of the criminal records check conducted pursuant to 181361
sections 4776.01 to 4776.04 of the Revised Code do not make the 181362
applicant ineligible for active status. 181363

(G) The board may take disciplinary action against an 181364
applicant who is seeking to place a license on retired status or 181365
to reactivate the license if the applicant commits fraud, 181366
misrepresentation, or deception in applying for or securing the 181367
retired status or reactivation. 181368

The board also may take disciplinary action against the 181369
holder of a license placed on retired status if the holder 181370
practices under the license, uses the license to obtain licensure 181371
in another state, or uses a title that does not reflect the 181372
holder's retired status. 181373

In taking disciplinary action under this section, the board 181374
may impose on the applicant or holder any sanction described in 181375
section 4731.22 of the Revised Code, but shall do so in accordance 181376
with the procedures described in that section. 181377

(H) The board may adopt rules to implement and enforce this 181378
section. The rules shall be adopted in accordance with Chapter 181379
119. of the Revised Code. 181380

Sec. 4759.06. (A) The state medical board shall issue a 181381
license to practice dietetics to an applicant who meets all of the 181382
following requirements: 181383

(1) Has satisfactorily completed an application for licensure 181384
in accordance with rules adopted under division (A) of section 181385
4759.05 of the Revised Code; 181386

(2) Has paid the fee required under division (A) of section 181387
4759.08 of the Revised Code; 181388

(3) Has received a baccalaureate or higher degree from an 181389
institution of higher education that is approved by the board or a 181390

regional accreditation agency that is recognized by the council on 181391
postsecondary accreditation, and has completed a program 181392
consistent with the academic standards for dietitians established 181393
by the academy of nutrition and dietetics; 181394

(4) Has successfully completed a pre-professional dietetic 181395
experience approved by the academy of nutrition and dietetics, or 181396
experience approved by the board under division (A)(3) of section 181397
4759.05 of the Revised Code; 181398

(5) Has passed the examination approved by the board under 181399
division (A)(1) of section 4759.05 of the Revised Code. 181400

(B) The board shall waive the requirements of divisions 181401
(A)(3), (4), and (5) of this section and any rules adopted under 181402
division (A)(6) of section 4759.05 of the Revised Code if the 181403
applicant presents satisfactory evidence to the board of current 181404
registration as a registered dietitian with the commission on 181405
dietetic registration. 181406

(C)(1) The board shall issue a license to practice dietetics 181407
to an applicant who meets the requirements of division (A) of this 181408
section. A license shall be valid for a two-year period unless 181409
revoked or suspended by the board and shall expire on the date 181410
that is two years after the date of issuance. A license may be 181411
renewed for additional two-year periods. 181412

(2) The board shall renew an applicant's license if the 181413
applicant has paid the license renewal fee specified in section 181414
4759.08 of the Revised Code and certifies to the board that the 181415
applicant has met the continuing education requirements adopted 181416
under division (A)(5) of section 4759.05 of the Revised Code. The 181417
renewal shall be pursuant to the standard renewal procedure of 181418
sections 4745.01 to 4745.03 of the Revised Code. 181419

At least one month before a license expires, the board shall 181420
provide a renewal notice. Failure of any person to receive a 181421

notice of renewal from the board shall not excuse the person from 181422
the requirements contained in this section. Each person holding a 181423
license shall give notice to the board of a change in the license 181424
holder's residence address, business address, or electronic mail 181425
address not later than thirty days after the change occurs. 181426

(D) Any person licensed to practice dietetics by the former 181427
Ohio board of dietetics before January 21, 2018, may continue to 181428
practice dietetics in this state under that license if the person 181429
continues to meet the requirements to renew a license under this 181430
chapter and renews the license through the state medical board. 181431

The state medical board may take any of the following 181432
actions, as provided in section 4759.07 of the Revised Code, 181433
against the holder of a license to practice dietetics issued 181434
before January 21, 2018, by the former Ohio board of dietetics: 181435

(1) Limit, revoke, or suspend the holder's license; 181436

(2) Refuse to renew or reinstate the holder's license; 181437

(3) Reprimand the holder or place the holder on probation. 181438

(E) The board may require a random sample of dietitians to 181439
submit materials documenting that the continuing education 181440
requirements adopted under division (A)(5) of section 4759.05 of 181441
the Revised Code have been met. 181442

This division does not limit the board's authority to conduct 181443
investigations pursuant to section 4759.07 of the Revised Code. 181444

(F)(1) If, through a random sample conducted under division 181445
(E) of this section or through any other means, the board finds 181446
that an individual who certified completion of the number of hours 181447
and type of continuing education required to renew, reinstate, ~~or~~ 181448
restore, or reactivate a license to practice did not complete the 181449
requisite continuing education, the board may do either of the 181450
following: 181451

(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

(G)(1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(3) and (4) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code.

(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division (G)(1) of this section, the board shall issue a limited permit to the applicant.

A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules.

(3) A person holding a limited permit who has failed the

examination shall practice only under the direct supervision of a licensed dietitian.

(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code.

Sec. 4759.063. (A) This section applies to ~~both~~ all of the following:

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of dietetics as any of the following:

(a) An active practitioner;

(b) A participant in a pre-professional dietetic experience as described in section 4759.06 of the Revised Code;

(c) A student in a program described in section 4759.06 of the Revised Code.

(3) An applicant seeking to reactivate a license placed on retired status.

(B) Before issuing a license to an applicant subject to this section, or before restoring a license to good standing or reactivating a license placed on retired status for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:

(1) Requiring the applicant to pass an oral or written

examination, or both, to determine the applicant's present fitness 181512
to resume practice; 181513

(2) Requiring the applicant to obtain additional training and 181514
to pass an examination upon completion of such training; 181515

(3) Requiring an assessment of the applicant's physical 181516
skills for purposes of determining whether the applicant's 181517
coordination, fine motor skills, and dexterity are sufficient for 181518
performing evaluations and procedures in a manner that meets the 181519
minimal standards of care; 181520

(4) Requiring an assessment of the applicant's skills in 181521
recognizing and understanding diseases and conditions; 181522

(5) Requiring the applicant to undergo a comprehensive 181523
physical examination, which may include an assessment of physical 181524
abilities, evaluation of sensory capabilities, or screening for 181525
the presence of neurological disorders; 181526

(6) Restricting or limiting the extent, scope, or type of 181527
practice of the applicant. 181528

The board shall consider the moral background and the 181529
activities of the applicant during the period of suspension ~~or~~ 181530
inactivity, or retirement. The board shall not issue ~~or~~ restore, 181531
or reactivate a license under this section unless the applicant 181532
complies with sections 4776.01 to 4776.04 of the Revised Code. 181533

Sec. 4759.064. (A) An individual who holds a current, valid 181534
license issued under this chapter to practice dietetics and who 181535
retires voluntarily from practice may request that the state 181536
medical board place the individual's license on retired status. 181537

This section does not authorize an individual who holds a 181538
limited permit issued under section 4759.06 of the Revised Code to 181539
request that the board place the individual's permit on retired 181540
status. 181541

(B) An individual seeking to have the individual's license placed on retired status shall file with the board an application in the form and manner prescribed by the board. The application shall be submitted before the end of a biennial renewal period and include all of the following: 181542
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(1) The applicant's full name, license number, mailing address, and electronic mail address; 181547
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(2) An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications: 181549
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(a) That the applicant holds a current, valid license issued under this chapter; 181552
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(b) That the applicant has retired voluntarily from the practice of dietetics; 181554
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(c) That the applicant does not have any criminal charges pending against the applicant; 181556
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(d) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States; 181558
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(e) That the applicant does not have any complaints pending with the board; 181561
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(f) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 181563
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(3) A fee in an amount equal to the restoration fee described in section 4759.062 of the Revised Code. 181567
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The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in 181569
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accordance with section 4731.24 of the Revised Code. 181572

(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license remains on retired status for the life of the license holder, unless suspended, revoked, or reactivated, and does not require renewal. 181573
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(D) During the period in which a license is on retired status, all of the following apply: 181579
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(1) The license holder is prohibited from practicing as a dietitian under any circumstance. 181581
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(2) The license holder is not required to complete the continuing education required by the board in rules adopted under section 4759.05 of the Revised Code. 181583
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(3) The license holder is prohibited from using the license to obtain a license to practice dietetics in another state, whether by endorsement or reciprocity or through a licensure compact. 181586
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(4) The license holder may use a title authorized for the holder's license as described in section 4759.02 of the Revised Code, but only if "retired" also is included in the title. 181590
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(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4759.063 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 181593
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(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 181598
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(2) The applicant certifies completion of, within the two-year period that ends on the date of the application's 181600
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submission, the continuing education requirements that must be met 181602
for renewal of a license. 181603

(3) The applicant complies with sections 4776.01 to 4776.04 181604
of the Revised Code. 181605

(4) The applicant pays a reactivation fee in an amount equal 181606
to the restoration fee described in section 4759.062 of the 181607
Revised Code. 181608

The board shall not consider an application to reactivate a 181609
license complete until the board receives the fee described in 181610
this division. On receipt of a fee, the board shall deposit the 181611
fee in accordance with section 4731.24 of the Revised Code. 181612

(F) The board shall reactivate a license placed on retired 181613
status if the conditions of division (E) of this section have been 181614
satisfied and the board, in its discretion, determines that the 181615
results of the criminal records check conducted pursuant to 181616
sections 4776.01 to 4776.04 of the Revised Code do not make the 181617
applicant ineligible for active status. 181618

(G) The board may take disciplinary action against an 181619
applicant who is seeking to place a license on retired status or 181620
to reactivate the license if the applicant commits fraud, 181621
misrepresentation, or deception in applying for or securing the 181622
retired status or reactivation. 181623

The board also may take disciplinary action against the 181624
holder of a license placed on retired status if the holder 181625
practices under the license, uses the license to obtain licensure 181626
as a dietitian in another state, or uses a title that does not 181627
reflect the holder's retired status. 181628

In taking disciplinary action under this section, the board 181629
may impose on the applicant or holder any sanction described in 181630
section 4759.07 of the Revised Code, but shall do so in accordance 181631
with the procedures described in that section. 181632

(H) The board may adopt rules to implement and enforce this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

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Sec. 4759.07. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

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(1) Except when civil penalties are imposed under section 4759.071 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

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(2) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of dietetics; or in securing or attempting to secure any license or permit issued by the board under this chapter.

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As used in division (A)(2) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

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(3) Committing fraud during the administration of the

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examination for a license to practice or committing fraud, 181664
misrepresentation, or deception in applying for, renewing, or 181665
securing any license or permit issued by the board; 181666

(4) A plea of guilty to, a judicial finding of guilt of, or a 181667
judicial finding of eligibility for intervention in lieu of 181668
conviction for, a felony; 181669

(5) Commission of an act that constitutes a felony in this 181670
state, regardless of the jurisdiction in which the act was 181671
committed; 181672

(6) A plea of guilty to, a judicial finding of guilt of, or a 181673
judicial finding of eligibility for intervention in lieu of 181674
conviction for, a misdemeanor committed in the course of practice; 181675

(7) Commission of an act in the course of practice that 181676
constitutes a misdemeanor in this state, regardless of the 181677
jurisdiction in which the act was committed; 181678

(8) A plea of guilty to, a judicial finding of guilt of, or a 181679
judicial finding of eligibility for intervention in lieu of 181680
conviction for, a misdemeanor involving moral turpitude; 181681

(9) Commission of an act involving moral turpitude that 181682
constitutes a misdemeanor in this state, regardless of the 181683
jurisdiction in which the act was committed; 181684

(10) A record of engaging in incompetent or negligent conduct 181685
in the practice of dietetics; 181686

(11) A departure from, or failure to conform to, minimal 181687
standards of care of similar practitioners under the same or 181688
similar circumstances, whether or not actual injury to a patient 181689
is established; 181690

(12) The obtaining of, or attempting to obtain, money or 181691
anything of value by fraudulent misrepresentations in the course 181692
of practice; 181693

(13) Violation of the conditions of limitation placed by the board on a license or permit;	181694 181695
(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including, physical deterioration that adversely affects cognitive, motor, or perceptive skills;	181696 181697 181698 181699
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	181700 181701 181702 181703 181704 181705 181706 181707 181708
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	181709 181710 181711
(17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A)(11), (12), or (14) of this section;	181712 181713 181714 181715 181716
(18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	181717 181718 181719 181720
(19) Failure to cooperate in an investigation conducted by the board under division (B) of section 4759.05 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented	181721 181722 181723 181724

by the board in an investigative interview, an investigative 181725
office conference, at a deposition, or in written interrogatories, 181726
except that failure to cooperate with an investigation shall not 181727
constitute grounds for discipline under this section if a court of 181728
competent jurisdiction has issued an order that either quashes a 181729
subpoena or permits the individual to withhold the testimony or 181730
evidence in issue; 181731

(20) Representing with the purpose of obtaining compensation 181732
or other advantage as personal gain or for any other person, that 181733
an incurable disease or injury, or other incurable condition, can 181734
be permanently cured. 181735

(B) The board shall not refuse to issue a license or limited 181736
permit to an applicant because of a plea of guilty to, a judicial 181737
finding of guilt of, or a judicial finding of eligibility for 181738
intervention in lieu of conviction for an offense unless the 181739
refusal is in accordance with section 9.79 of the Revised Code. 181740

(C) Any action taken by the board under division (A) of this 181741
section resulting in a suspension from practice shall be 181742
accompanied by a written statement of the conditions under which 181743
the individual's license or permit may be reinstated. The board 181744
shall adopt rules governing conditions to be imposed for 181745
reinstatement. Reinstatement of a license or permit suspended 181746
pursuant to division (A) of this section requires an affirmative 181747
vote of not fewer than six members of the board. 181748

(D) When the board refuses to grant or issue a license or 181749
permit to an applicant, revokes an individual's license or permit, 181750
refuses to renew an individual's license or permit, or refuses to 181751
reinstate an individual's license or permit, the board may specify 181752
that its action is permanent. An individual subject to a permanent 181753
action taken by the board is forever thereafter ineligible to hold 181754
a license or permit and the board shall not accept an application 181755
for reinstatement of the license or permit or for issuance of a 181756

new license or permit. 181757

(E) Disciplinary actions taken by the board under division 181758
(A) of this section shall be taken pursuant to an adjudication 181759
under Chapter 119. of the Revised Code, except that in lieu of an 181760
adjudication, the board may enter into a consent agreement with an 181761
individual to resolve an allegation of a violation of this chapter 181762
or any rule adopted under it. A consent agreement, when ratified 181763
by an affirmative vote of not fewer than six members of the board, 181764
shall constitute the findings and order of the board with respect 181765
to the matter addressed in the agreement. If the board refuses to 181766
ratify a consent agreement, the admissions and findings contained 181767
in the consent agreement shall be of no force or effect. 181768

A telephone conference call may be utilized for ratification 181769
of a consent agreement that revokes or suspends an individual's 181770
license or permit. The telephone conference call shall be 181771
considered a special meeting under division (F) of section 121.22 181772
of the Revised Code. 181773

(F) In enforcing division (A)(14) of this section, the board, 181774
upon a showing of a possible violation, may compel any individual 181775
authorized to practice by this chapter or who has submitted an 181776
application pursuant to this chapter to submit to a mental 181777
examination, physical examination, including an HIV test, or both 181778
a mental and a physical examination. The expense of the 181779
examination is the responsibility of the individual compelled to 181780
be examined. Failure to submit to a mental or physical examination 181781
or consent to an HIV test ordered by the board constitutes an 181782
admission of the allegations against the individual unless the 181783
failure is due to circumstances beyond the individual's control, 181784
and a default and final order may be entered without the taking of 181785
testimony or presentation of evidence. If the board finds an 181786
individual unable to practice because of the reasons set forth in 181787
division (A)(14) of this section, the board shall require the 181788

individual to submit to care, counseling, or treatment by 181789
physicians approved or designated by the board, as a condition for 181790
initial, continued, reinstated, or renewed authority to practice. 181791
An individual affected under this division shall be afforded an 181792
opportunity to demonstrate to the board the ability to resume 181793
practice in compliance with acceptable and prevailing standards 181794
under the provisions of the individual's license or permit. For 181795
the purpose of division (A)(14) of this section, any individual 181796
who applies for or receives a license or permit under this chapter 181797
accepts the privilege of practicing in this state and, by so 181798
doing, shall be deemed to have given consent to submit to a mental 181799
or physical examination when directed to do so in writing by the 181800
board, and to have waived all objections to the admissibility of 181801
testimony or examination reports that constitute a privileged 181802
communication. 181803

(G) For the purposes of division (A)(18) of this section, any 181804
individual authorized to practice by this chapter accepts the 181805
privilege of practicing in this state subject to supervision by 181806
the board. By filing an application for or holding a license or 181807
permit under this chapter, an individual shall be deemed to have 181808
given consent to submit to a mental or physical examination when 181809
ordered to do so by the board in writing, and to have waived all 181810
objections to the admissibility of testimony or examination 181811
reports that constitute privileged communications. 181812

If it has reason to believe that any individual authorized to 181813
practice by this chapter or any applicant for a license or permit 181814
suffers such impairment, the board may compel the individual to 181815
submit to a mental or physical examination, or both. The expense 181816
of the examination is the responsibility of the individual 181817
compelled to be examined. Any mental or physical examination 181818
required under this division shall be undertaken by a treatment 181819
provider or physician who is qualified to conduct the examination 181820

and who is chosen by the board. 181821

Failure to submit to a mental or physical examination ordered 181822
by the board constitutes an admission of the allegations against 181823
the individual unless the failure is due to circumstances beyond 181824
the individual's control, and a default and final order may be 181825
entered without the taking of testimony or presentation of 181826
evidence. If the board determines that the individual's ability to 181827
practice is impaired, the board shall suspend the individual's 181828
license or permit or deny the individual's application and shall 181829
require the individual, as a condition for an initial, continued, 181830
reinstated, or renewed license or permit, to submit to treatment. 181831

Before being eligible to apply for reinstatement of a license 181832
or permit suspended under this division, the impaired practitioner 181833
shall demonstrate to the board the ability to resume practice in 181834
compliance with acceptable and prevailing standards of care under 181835
the provisions of the practitioner's license or permit. The 181836
demonstration shall include, but shall not be limited to, the 181837
following: 181838

(1) Certification from a treatment provider approved under 181839
section 4731.25 of the Revised Code that the individual has 181840
successfully completed any required inpatient treatment; 181841

(2) Evidence of continuing full compliance with an aftercare 181842
contract or consent agreement; 181843

(3) Two written reports indicating that the individual's 181844
ability to practice has been assessed and that the individual has 181845
been found capable of practicing according to acceptable and 181846
prevailing standards of care. The reports shall be made by 181847
individuals or providers approved by the board for making the 181848
assessments and shall describe the basis for their determination. 181849

The board may reinstate a license or permit suspended under 181850
this division after that demonstration and after the individual 181851

has entered into a written consent agreement. 181852

When the impaired practitioner resumes practice, the board 181853
shall require continued monitoring of the individual. The 181854
monitoring shall include, but not be limited to, compliance with 181855
the written consent agreement entered into before reinstatement or 181856
with conditions imposed by board order after a hearing, and, upon 181857
termination of the consent agreement, submission to the board for 181858
at least two years of annual written progress reports made under 181859
penalty of perjury stating whether the individual has maintained 181860
sobriety. 181861

(H) If the secretary and supervising member determine both of 181862
the following, they may recommend that the board suspend an 181863
individual's license or permit without a prior hearing: 181864

(1) That there is clear and convincing evidence that an 181865
individual has violated division (A) of this section; 181866

(2) That the individual's continued practice presents a 181867
danger of immediate and serious harm to the public. 181868

Written allegations shall be prepared for consideration by 181869
the board. The board, upon review of those allegations and by an 181870
affirmative vote of not fewer than six of its members, excluding 181871
the secretary and supervising member, may suspend a license or 181872
permit without a prior hearing. A telephone conference call may be 181873
utilized for reviewing the allegations and taking the vote on the 181874
summary suspension. 181875

The board shall issue a written order of suspension by 181876
certified mail or in person in accordance with section 119.07 of 181877
the Revised Code. The order shall not be subject to suspension by 181878
the court during pendency of any appeal filed under section 119.12 181879
of the Revised Code. If the individual subject to the summary 181880
suspension requests an adjudicatory hearing by the board, the date 181881
set for the hearing shall be within fifteen days, but not earlier 181882

than seven days, after the individual requests the hearing, unless 181883
otherwise agreed to by both the board and the individual. 181884

Any summary suspension imposed under this division shall 181885
remain in effect, unless reversed on appeal, until a final 181886
adjudicative order issued by the board pursuant to this section 181887
and Chapter 119. of the Revised Code becomes effective. The board 181888
shall issue its final adjudicative order within seventy-five days 181889
after completion of its hearing. A failure to issue the order 181890
within seventy-five days shall result in dissolution of the 181891
summary suspension order but shall not invalidate any subsequent, 181892
final adjudicative order. 181893

(I) If the board is required by Chapter 119. of the Revised 181894
Code to give notice of an opportunity for a hearing and if the 181895
individual subject to the notice does not timely request a hearing 181896
in accordance with section 119.07 of the Revised Code, the board 181897
is not required to hold a hearing, but may adopt, by an 181898
affirmative vote of not fewer than six of its members, a final 181899
order that contains the board's findings. In the final order, the 181900
board may order any of the sanctions identified under division (A) 181901
of this section. 181902

(J) For purposes of divisions (A)(5), (7), and (9) of this 181903
section, the commission of the act may be established by a finding 181904
by the board, pursuant to an adjudication under Chapter 119. of 181905
the Revised Code, that the individual committed the act. The board 181906
does not have jurisdiction under those divisions if the trial 181907
court renders a final judgment in the individual's favor and that 181908
judgment is based upon an adjudication on the merits. The board 181909
has jurisdiction under those divisions if the trial court issues 181910
an order of dismissal upon technical or procedural grounds. 181911

(K) The sealing or expungement of conviction records by any 181912
court shall have no effect upon a prior board order entered under 181913
this section or upon the board's jurisdiction to take action under 181914

this section if, based upon a plea of guilty, a judicial finding 181915
of guilt, or a judicial finding of eligibility for intervention in 181916
lieu of conviction, the board issued a notice of opportunity for a 181917
hearing prior to the court's order to seal or expunge the records. 181918
The board shall not be required to seal, destroy, redact, or 181919
otherwise modify its records to reflect the court's sealing or 181920
expungement of conviction records. 181921

(L) If the board takes action under division (A)(4), (6), or 181922
(8) of this section, and the judicial finding of guilt, guilty 181923
plea, or judicial finding of eligibility for intervention in lieu 181924
of conviction is overturned on appeal, upon exhaustion of the 181925
criminal appeal, a petition for reconsideration of the order may 181926
be filed with the board along with appropriate court documents. 181927
Upon receipt of a petition for reconsideration and supporting 181928
court documents, the board shall reinstate the individual's 181929
license or permit. The board may then hold an adjudication under 181930
Chapter 119. of the Revised Code to determine whether the 181931
individual committed the act in question. Notice of an opportunity 181932
for a hearing shall be given in accordance with Chapter 119. of 181933
the Revised Code. If the board finds, pursuant to an adjudication 181934
held under this division, that the individual committed the act or 181935
if no hearing is requested, the board may order any of the 181936
sanctions identified under division (A) of this section. 181937

(M) The license or permit issued to an individual under this 181938
chapter and the individual's practice in this state are 181939
automatically suspended as of the date the individual pleads 181940
guilty to, is found by a judge or jury to be guilty of, or is 181941
subject to a judicial finding of eligibility for intervention in 181942
lieu of conviction in this state or treatment or intervention in 181943
lieu of conviction in another jurisdiction for any of the 181944
following criminal offenses in this state or a substantially 181945
equivalent criminal offense in another jurisdiction: aggravated 181946

murder, murder, voluntary manslaughter, felonious assault, 181947
kidnapping, rape, sexual battery, gross sexual imposition, 181948
aggravated arson, aggravated robbery, or aggravated burglary. 181949
Continued practice after suspension shall be considered practicing 181950
without a license or permit. 181951

The board shall notify the individual subject to the 181952
suspension by certified mail or in person in accordance with 181953
section 119.07 of the Revised Code. If an individual whose license 181954
or permit is automatically suspended under this division fails to 181955
make a timely request for an adjudication under Chapter 119. of 181956
the Revised Code, the board shall enter a final order permanently 181957
revoking the individual's license or permit. 181958

(N) Notwithstanding any other provision of the Revised Code, 181959
all of the following apply: 181960

(1) The surrender of a license or permit issued under this 181961
chapter shall not be effective unless or until accepted by the 181962
board. A telephone conference call may be utilized for acceptance 181963
of the surrender of an individual's license or permit. The 181964
telephone conference call shall be considered a special meeting 181965
under division (F) of section 121.22 of the Revised Code. 181966
Reinstatement of a license or permit surrendered to the board 181967
requires an affirmative vote of not fewer than six members of the 181968
board. 181969

(2) An application for a license or permit made under the 181970
provisions of this chapter may not be withdrawn without approval 181971
of the board. 181972

(3) Failure by an individual to renew a license or permit in 181973
accordance with this chapter ~~shall~~ does not remove or limit the 181974
board's jurisdiction to take any disciplinary action under this 181975
section against the individual. 181976

(4) The placement of an individual's license on retired 181977

status, as described in section 4759.064 of the Revised Code, does 181978
not remove or limit the board's jurisdiction to take any 181979
disciplinary action against the individual with regard to the 181980
license as it existed before being placed on retired status. 181981

(5) At the request of the board, a license or permit holder 181982
shall immediately surrender to the board a license or permit that 181983
the board has suspended, revoked, or permanently revoked. 181984

Sec. 4760.061. (A) This section applies to ~~both~~ all of the 181985
following: 181986

(1) An applicant seeking restoration of a license issued 181987
under this chapter that has been in a suspended or inactive state 181988
for any cause for more than two years; 181989

(2) An applicant seeking issuance of a license pursuant to 181990
this chapter who for more than two years has not been practicing 181991
as an anesthesiologist assistant as either of the following: 181992

(a) An active practitioner; 181993

(b) A participant in a training program as described in 181994
section 4760.031 of the Revised Code. 181995

(3) An applicant seeking to reactivate a license placed on 181996
retired status. 181997

(B) Before issuing a license to an applicant subject to this 181998
section, or before restoring a license to good standing or 181999
reactivating a license placed on retired status for an applicant 182000
subject to this section, the state medical board may impose terms 182001
and conditions including any one or more of the following: 182002

(1) Requiring the applicant to pass an oral or written 182003
examination, or both, to determine the applicant's present fitness 182004
to resume practice; 182005

(2) Requiring the applicant to obtain additional training and 182006

to pass an examination upon completion of such training; 182007

(3) Requiring an assessment of the applicant's physical 182008
skills for purposes of determining whether the applicant's 182009
coordination, fine motor skills, and dexterity are sufficient for 182010
performing evaluations and procedures in a manner that meets the 182011
minimal standards of care; 182012

(4) Requiring an assessment of the applicant's skills in 182013
recognizing and understanding diseases and conditions; 182014

(5) Requiring the applicant to undergo a comprehensive 182015
physical examination, which may include an assessment of physical 182016
abilities, evaluation of sensory capabilities, or screening for 182017
the presence of neurological disorders; 182018

(6) Restricting or limiting the extent, scope, or type of 182019
practice of the applicant. 182020

The board shall consider the moral background and the 182021
activities of the applicant during the period of suspension ~~or~~ 182022
inactivity, or retirement. The board shall not issue ~~or~~ restore 182023
or reactivate a license under this section unless the applicant 182024
complies with sections 4776.01 to 4776.04 of the Revised Code. 182025

Sec. 4760.062. (A) An individual who holds a current, valid 182026
license issued under this chapter to practice as an 182027
anesthesiologist assistant and who retires voluntarily from 182028
practice may request that the state medical board place the 182029
individual's license on retired status. 182030

(B) An individual seeking to have the individual's license 182031
placed on retired status shall file with the board an application 182032
in the form and manner prescribed by the board. The application 182033
shall be submitted before the end of a biennial renewal period and 182034
include all of the following: 182035

(1) The applicant's full name, license number, mailing 182036

address, and electronic mail address; 182037

(2) An attestation that the information included in the 182038
application is accurate and truthful and that the applicant meets 182039
the following qualifications: 182040

(a) That the applicant holds a current, valid license issued 182041
under this chapter; 182042

(b) That the applicant has retired voluntarily from practice 182043
as an anesthesiologist assistant; 182044

(c) That the applicant does not have any criminal charges 182045
pending against the applicant; 182046

(d) That the applicant is not the subject of discipline by, 182047
or an investigation pending with, a regulatory agency of this 182048
state, another state, or the United States; 182049

(e) That the applicant does not have any complaints pending 182050
with the board; 182051

(f) That the applicant is not, at the time of application, 182052
subject to the board's hearing, disciplinary, or compliance 182053
processes under the terms of a citation, notice of opportunity for 182054
hearing, board order, or consent agreement. 182055

(3) A fee in an amount equal to the sum of the biennial 182056
renewal fee and restoration penalty described in section 4760.06 182057
of the Revised Code. 182058

The board shall not consider an application for retired 182059
status complete until the board receives the fee described in this 182060
division. On receipt of a fee, the board shall deposit the fee in 182061
accordance with section 4731.24 of the Revised Code. 182062

(C) If the board determines that an applicant meets the 182063
requirements of division (B) of this section, the board shall 182064
place the applicant's license on retired status. The license 182065
remains on retired status for the life of the license holder, 182066

unless suspended, revoked, or reactivated, and does not require renewal. 182067
182068

(D) During the period in which a license is on retired status, all of the following apply: 182069
182070

(1) The license holder is prohibited from practicing as an anesthesiologist assistant under any circumstance. 182071
182072

(2) The license holder is prohibited from using the license to obtain a license to practice as an anesthesiologist assistant in another state, whether by endorsement or reciprocity or through a licensure compact. 182073
182074
182075
182076

(3) The license holder may use a title authorized for the holder's license, but only if "retired" also is included in the title. 182077
182078
182079

(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4760.061 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 182080
182081
182082
182083
182084

(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 182085
182086

(2) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 182087
182088

(3) The applicant pays a reactivation fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4760.06 of the Revised Code. 182089
182090
182091

The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 182092
182093
182094
182095

(F) The board shall reactivate a license placed on retired 182096

status if the conditions of division (E) of this section have been 182097
satisfied and the board, in its discretion, determines that the 182098
results of the criminal records check conducted pursuant to 182099
sections 4776.01 to 4776.04 of the Revised Code do not make the 182100
applicant ineligible for active status. 182101

(G) The board may take disciplinary action against an 182102
applicant who is seeking to place a license on retired status or 182103
to reactivate the license if the applicant commits fraud, 182104
misrepresentation, or deception in applying for or securing the 182105
retired status or reactivation. 182106

The board also may take disciplinary action against the 182107
holder of a license placed on retired status if the holder 182108
practices under the license, uses the license to obtain licensure 182109
as an anesthesiologist assistant in another state, or uses a title 182110
that does not reflect the holder's retired status. 182111

In taking disciplinary action under this section, the board 182112
may impose on the applicant or holder any sanction described in 182113
section 4760.13 of the Revised Code, but shall do so in accordance 182114
with the procedures described in that section. 182115

(H) The board may adopt rules to implement and enforce this 182116
section. The rules shall be adopted in accordance with Chapter 182117
119. of the Revised Code. 182118

Sec. 4760.13. (A) The state medical board, by an affirmative 182119
vote of not fewer than six members, ~~may revoke or~~ may refuse to 182120
grant a license to practice as an anesthesiologist assistant to a 182121
~~person,~~ or may revoke the license held by, an individual found by 182122
the board to have committed fraud, misrepresentation, or deception 182123
in applying for or securing the license. 182124

(B) The board, by an affirmative vote of not fewer than six 182125
members, shall, except as provided in division (C) of this 182126

section, and to the extent permitted by law, limit, revoke, or 182127
suspend an individual's license to practice as an anesthesiologist 182128
assistant, refuse to issue a license to an applicant, refuse to 182129
renew a license, refuse to reinstate a license, or reprimand or 182130
place on probation the holder of a license for any of the 182131
following reasons: 182132

(1) Permitting the holder's name or license to be used by 182133
another person; 182134

(2) Failure to comply with the requirements of this chapter, 182135
Chapter 4731. of the Revised Code, or any rules adopted by the 182136
board; 182137

(3) Violating or attempting to violate, directly or 182138
indirectly, or assisting in or abetting the violation of, or 182139
conspiring to violate, any provision of this chapter, Chapter 182140
4731. of the Revised Code, or the rules adopted by the board; 182141

(4) A departure from, or failure to conform to, minimal 182142
standards of care of similar practitioners under the same or 182143
similar circumstances whether or not actual injury to the patient 182144
is established; 182145

(5) Inability to practice according to acceptable and 182146
prevailing standards of care by reason of mental illness or 182147
physical illness, including physical deterioration that adversely 182148
affects cognitive, motor, or perceptive skills; 182149

(6) Impairment of ability to practice according to acceptable 182150
and prevailing standards of care because of habitual or excessive 182151
use or abuse of drugs, alcohol, or other substances that impair 182152
ability to practice; 182153

(7) Willfully betraying a professional confidence; 182154

(8) Making a false, fraudulent, deceptive, or misleading 182155
statement in securing or attempting to secure a license to 182156

practice as an anesthesiologist assistant. 182157

As used in this division, "false, fraudulent, deceptive, or 182158
misleading statement" means a statement that includes a 182159
misrepresentation of fact, is likely to mislead or deceive because 182160
of a failure to disclose material facts, is intended or is likely 182161
to create false or unjustified expectations of favorable results, 182162
or includes representations or implications that in reasonable 182163
probability will cause an ordinarily prudent person to 182164
misunderstand or be deceived. 182165

(9) The obtaining of, or attempting to obtain, money or a 182166
thing of value by fraudulent misrepresentations in the course of 182167
practice; 182168

(10) A plea of guilty to, a judicial finding of guilt of, or 182169
a judicial finding of eligibility for intervention in lieu of 182170
conviction for, a felony; 182171

(11) Commission of an act that constitutes a felony in this 182172
state, regardless of the jurisdiction in which the act was 182173
committed; 182174

(12) A plea of guilty to, a judicial finding of guilt of, or 182175
a judicial finding of eligibility for intervention in lieu of 182176
conviction for, a misdemeanor committed in the course of practice; 182177

(13) A plea of guilty to, a judicial finding of guilt of, or 182178
a judicial finding of eligibility for intervention in lieu of 182179
conviction for, a misdemeanor involving moral turpitude; 182180

(14) Commission of an act in the course of practice that 182181
constitutes a misdemeanor in this state, regardless of the 182182
jurisdiction in which the act was committed; 182183

(15) Commission of an act involving moral turpitude that 182184
constitutes a misdemeanor in this state, regardless of the 182185
jurisdiction in which the act was committed; 182186

(16) A plea of guilty to, a judicial finding of guilt of, or 182187
a judicial finding of eligibility for intervention in lieu of 182188
conviction for violating any state or federal law regulating the 182189
possession, distribution, or use of any drug, including 182190
trafficking in drugs; 182191

(17) Any of the following actions taken by the state agency 182192
responsible for regulating the practice of anesthesiologist 182193
assistants in another jurisdiction, for any reason other than the 182194
nonpayment of fees: the limitation, revocation, or suspension of 182195
an individual's license to practice; acceptance of an individual's 182196
license surrender; denial of a license; refusal to renew or 182197
reinstate a license; imposition of probation; or issuance of an 182198
order of censure or other reprimand; 182199

(18) Violation of the conditions placed by the board on a 182200
license to practice; 182201

(19) Failure to use universal blood and body fluid 182202
precautions established by rules adopted under section 4731.051 of 182203
the Revised Code; 182204

(20) Failure to cooperate in an investigation conducted by 182205
the board under section 4760.14 of the Revised Code, including 182206
failure to comply with a subpoena or order issued by the board or 182207
failure to answer truthfully a question presented by the board at 182208
a deposition or in written interrogatories, except that failure to 182209
cooperate with an investigation shall not constitute grounds for 182210
discipline under this section if a court of competent jurisdiction 182211
has issued an order that either quashes a subpoena or permits the 182212
individual to withhold the testimony or evidence in issue; 182213

(21) Failure to comply with any code of ethics established by 182214
the national commission for the certification of anesthesiologist 182215
assistants; 182216

(22) Failure to notify the state medical board of the 182217

revocation or failure to maintain certification from the national 182218
commission for certification of anesthesiologist assistants. 182219

(C) The board shall not refuse to issue a certificate to an 182220
applicant because of a plea of guilty to, a judicial finding of 182221
guilt of, or a judicial finding of eligibility for intervention in 182222
lieu of conviction for an offense unless the refusal is in 182223
accordance with section 9.79 of the Revised Code. 182224

(D) Disciplinary actions taken by the board under divisions 182225
(A) and (B) of this section shall be taken pursuant to an 182226
adjudication under Chapter 119. of the Revised Code, except that 182227
in lieu of an adjudication, the board may enter into a consent 182228
agreement with an anesthesiologist assistant or applicant to 182229
resolve an allegation of a violation of this chapter or any rule 182230
adopted under it. A consent agreement, when ratified by an 182231
affirmative vote of not fewer than six members of the board, shall 182232
constitute the findings and order of the board with respect to the 182233
matter addressed in the agreement. If the board refuses to ratify 182234
a consent agreement, the admissions and findings contained in the 182235
consent agreement shall be of no force or effect. 182236

(E) For purposes of divisions (B)(11), (14), and (15) of this 182237
section, the commission of the act may be established by a finding 182238
by the board, pursuant to an adjudication under Chapter 119. of 182239
the Revised Code, that the applicant or license holder committed 182240
the act in question. The board shall have no jurisdiction under 182241
these divisions in cases where the trial court renders a final 182242
judgment in the license holder's favor and that judgment is based 182243
upon an adjudication on the merits. The board shall have 182244
jurisdiction under these divisions in cases where the trial court 182245
issues an order of dismissal on technical or procedural grounds. 182246

(F) The sealing or expungement of conviction records by any 182247
court shall have no effect on a prior board order entered under 182248
the provisions of this section or on the board's jurisdiction to 182249

take action under the provisions of this section if, based upon a 182250
plea of guilty, a judicial finding of guilt, or a judicial finding 182251
of eligibility for intervention in lieu of conviction, the board 182252
issued a notice of opportunity for a hearing prior to the court's 182253
order to seal or expunge the records. The board shall not be 182254
required to seal, destroy, redact, or otherwise modify its records 182255
to reflect the court's sealing or expungement of conviction 182256
records. 182257

(G) For purposes of this division, any individual who holds a 182258
license to practice issued under this chapter, or applies for a 182259
license to practice, shall be deemed to have given consent to 182260
submit to a mental or physical examination when directed to do so 182261
in writing by the board and to have waived all objections to the 182262
admissibility of testimony or examination reports that constitute 182263
a privileged communication. 182264

(1) In enforcing division (B)(5) of this section, the board, 182265
on a showing of a possible violation, may compel any individual 182266
who holds a license to practice issued under this chapter or who 182267
has applied for a license to practice pursuant to this chapter to 182268
submit to a mental or physical examination, or both. A physical 182269
examination may include an HIV test. The expense of the 182270
examination is the responsibility of the individual compelled to 182271
be examined. Failure to submit to a mental or physical examination 182272
or consent to an HIV test ordered by the board constitutes an 182273
admission of the allegations against the individual unless the 182274
failure is due to circumstances beyond the individual's control, 182275
and a default and final order may be entered without the taking of 182276
testimony or presentation of evidence. If the board finds an 182277
anesthesiologist assistant unable to practice because of the 182278
reasons set forth in division (B)(5) of this section, the board 182279
shall require the anesthesiologist assistant to submit to care, 182280
counseling, or treatment by physicians approved or designated by 182281

the board, as a condition for an initial, continued, reinstated, 182282
or renewed license to practice. An individual affected by this 182283
division shall be afforded an opportunity to demonstrate to the 182284
board the ability to resume practicing in compliance with 182285
acceptable and prevailing standards of care. 182286

(2) For purposes of division (B)(6) of this section, if the 182287
board has reason to believe that any individual who holds a 182288
license to practice issued under this chapter or any applicant for 182289
a license to practice suffers such impairment, the board may 182290
compel the individual to submit to a mental or physical 182291
examination, or both. The expense of the examination is the 182292
responsibility of the individual compelled to be examined. Any 182293
mental or physical examination required under this division shall 182294
be undertaken by a treatment provider or physician qualified to 182295
conduct such examination and chosen by the board. 182296

Failure to submit to a mental or physical examination ordered 182297
by the board constitutes an admission of the allegations against 182298
the individual unless the failure is due to circumstances beyond 182299
the individual's control, and a default and final order may be 182300
entered without the taking of testimony or presentation of 182301
evidence. If the board determines that the individual's ability to 182302
practice is impaired, the board shall suspend the individual's 182303
license or deny the individual's application and shall require the 182304
individual, as a condition for an initial, continued, reinstated, 182305
or renewed license to practice, to submit to treatment. 182306

Before being eligible to apply for reinstatement of a license 182307
suspended under this division, the anesthesiologist assistant 182308
shall demonstrate to the board the ability to resume practice in 182309
compliance with acceptable and prevailing standards of care. The 182310
demonstration shall include the following: 182311

(a) Certification from a treatment provider approved under 182312
section 4731.25 of the Revised Code that the individual has 182313

successfully completed any required inpatient treatment; 182314

(b) Evidence of continuing full compliance with an aftercare 182315
contract or consent agreement; 182316

(c) Two written reports indicating that the individual's 182317
ability to practice has been assessed and that the individual has 182318
been found capable of practicing according to acceptable and 182319
prevailing standards of care. The reports shall be made by 182320
individuals or providers approved by the board for making such 182321
assessments and shall describe the basis for their determination. 182322

The board may reinstate a license suspended under this 182323
division after such demonstration and after the individual has 182324
entered into a written consent agreement. 182325

When the impaired anesthesiologist assistant resumes 182326
practice, the board shall require continued monitoring of the 182327
anesthesiologist assistant. The monitoring shall include 182328
monitoring of compliance with the written consent agreement 182329
entered into before reinstatement or with conditions imposed by 182330
board order after a hearing, and, on termination of the consent 182331
agreement, submission to the board for at least two years of 182332
annual written progress reports made under penalty of 182333
falsification stating whether the anesthesiologist assistant has 182334
maintained sobriety. 182335

(H) If the secretary and supervising member determine that 182336
there is clear and convincing evidence that an anesthesiologist 182337
assistant has violated division (B) of this section and that the 182338
individual's continued practice presents a danger of immediate and 182339
serious harm to the public, they may recommend that the board 182340
suspend the individual's license without a prior hearing. Written 182341
allegations shall be prepared for consideration by the board. 182342

The board, on review of the allegations and by an affirmative 182343
vote of not fewer than six of its members, excluding the secretary 182344

and supervising member, may suspend a license without a prior 182345
hearing. A telephone conference call may be utilized for reviewing 182346
the allegations and taking the vote on the summary suspension. 182347

The board shall issue a written order of suspension by 182348
certified mail or in person in accordance with section 119.07 of 182349
the Revised Code. The order shall not be subject to suspension by 182350
the court during pendency of any appeal filed under section 119.12 182351
of the Revised Code. If the anesthesiologist assistant requests an 182352
adjudicatory hearing by the board, the date set for the hearing 182353
shall be within fifteen days, but not earlier than seven days, 182354
after the anesthesiologist assistant requests the hearing, unless 182355
otherwise agreed to by both the board and the license holder. 182356

A summary suspension imposed under this division shall remain 182357
in effect, unless reversed on appeal, until a final adjudicative 182358
order issued by the board pursuant to this section and Chapter 182359
119. of the Revised Code becomes effective. The board shall issue 182360
its final adjudicative order within sixty days after completion of 182361
its hearing. Failure to issue the order within sixty days shall 182362
result in dissolution of the summary suspension order, but shall 182363
not invalidate any subsequent, final adjudicative order. 182364

(I) If the board takes action under division (B)(11), (13), 182365
or (14) of this section, and the judicial finding of guilt, guilty 182366
plea, or judicial finding of eligibility for intervention in lieu 182367
of conviction is overturned on appeal, on exhaustion of the 182368
criminal appeal, a petition for reconsideration of the order may 182369
be filed with the board along with appropriate court documents. On 182370
receipt of a petition and supporting court documents, the board 182371
shall reinstate the license to practice. The board may then hold 182372
an adjudication under Chapter 119. of the Revised Code to 182373
determine whether the individual committed the act in question. 182374
Notice of opportunity for hearing shall be given in accordance 182375
with Chapter 119. of the Revised Code. If the board finds, 182376

pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(J) The license to practice of an anesthesiologist assistant and the assistant's practice in this state are automatically suspended as of the date the anesthesiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the

board may order any of the sanctions identified under division (A) 182409
or (B) of this section. 182410

(L) Any action taken by the board under division (B) of this 182411
section resulting in a suspension shall be accompanied by a 182412
written statement of the conditions under which the 182413
anesthesiologist assistant's license may be reinstated. The board 182414
shall adopt rules in accordance with Chapter 119. of the Revised 182415
Code governing conditions to be imposed for reinstatement. 182416
Reinstatement of a license suspended pursuant to division (B) of 182417
this section requires an affirmative vote of not fewer than six 182418
members of the board. 182419

(M) When the board refuses to grant or issue a license to 182420
practice as an anesthesiologist assistant to an applicant, revokes 182421
an individual's license, refuses to renew an individual's license, 182422
or refuses to reinstate an individual's license, the board may 182423
specify that its action is permanent. An individual subject to a 182424
permanent action taken by the board is forever thereafter 182425
ineligible to hold a license to practice as an anesthesiologist 182426
assistant and the board shall not accept an application for 182427
reinstatement of the license or for issuance of a new license. 182428

(N) Notwithstanding any other provision of the Revised Code, 182429
all of the following apply: 182430

(1) The surrender of a license to practice issued under this 182431
chapter is not effective unless or until accepted by the board. 182432
Reinstatement of a license surrendered to the board requires an 182433
affirmative vote of not fewer than six members of the board. 182434

(2) An application made under this chapter for a license to 182435
practice may not be withdrawn without approval of the board. 182436

(3) Failure by an individual to renew a license to practice 182437
in accordance with section 4760.06 of the Revised Code ~~shall~~ does 182438
not remove or limit the board's jurisdiction to take disciplinary 182439

action under this section against the individual. 182440

(4) The placement of an individual's license on retired 182441
status, as described in section 4760.062 of the Revised Code, does 182442
not remove or limit the board's jurisdiction to take any 182443
disciplinary action against the individual with regard to the 182444
license as it existed before being placed on retired status. 182445

Sec. 4761.06. (A) Each license to practice respiratory care 182446
shall expire on the date that is two years after the date of 182447
issuance and may be renewed for additional two-year periods. Each 182448
limited permit to practice respiratory care shall be renewed 182449
annually. Each person seeking to renew a license or limited permit 182450
to practice respiratory care shall apply to the state medical 182451
board in a manner prescribed by the board. Licenses and limited 182452
permits shall be renewed in accordance with the standard renewal 182453
procedure of Chapter 4745. of the Revised Code. The board shall 182454
renew a license if the holder pays the license renewal fee 182455
prescribed under section 4761.07 of the Revised Code and certifies 182456
that the holder has completed the continuing education or 182457
reexamination requirements of division (B) of this section. 182458

At least one month before a license expires, the board shall 182459
provide to the license holder a renewal notice. Failure of any 182460
license holder to receive a notice of renewal from the board shall 182461
not excuse the holder from the requirements contained in this 182462
section. Each license holder shall give notice to the board of a 182463
change in the holder's residence address, business address, or 182464
electronic mail address not later than thirty days after the 182465
change occurs. 182466

The board shall renew a limited permit if the holder pays the 182467
limited permit renewal fee prescribed under section 4761.07 of the 182468
Revised Code and does either of the following: 182469

(1) If the limited permit was issued on the basis of division 182470

(B)(1)(a) of section 4761.05 of the Revised Code, certifies that 182471
the holder is enrolled and in good standing in an educational 182472
program that meets the requirements of division (A)(1) of section 182473
4761.04 of the Revised Code or has graduated from such a program; 182474

(2) If the limited permit was issued on the basis of division 182475
(B)(1)(b) of section 4761.05 of the Revised Code, certifies that 182476
the applicant is employed as a provider of respiratory care under 182477
the supervision of a respiratory care professional. 182478

(B) On or before the annual renewal date, the holder of a 182479
limited permit issued under division (B)(1)(b) of section 4761.05 182480
of the Revised Code shall certify to the board that the holder has 182481
satisfactorily completed the number of hours of continuing 182482
education required by the board, which shall not be less than 182483
three nor more than ten hours of continuing education acceptable 182484
to the board. 182485

On or before the date a license expires, a license holder 182486
shall certify to the board that the license holder has 182487
satisfactorily completed the number of hours of continuing 182488
education required by the board, which shall be not less than six 182489
nor more than twenty hours of continuing education acceptable to 182490
the board, or has passed a reexamination in accordance with the 182491
board's renewal requirements. 182492

(C)(1) A license to practice respiratory care that is not 182493
renewed on or before its expiration date is automatically 182494
suspended on its expiration date. Continued practice after 182495
suspension shall be considered as practicing in violation of 182496
section 4761.10 of the Revised Code. 182497

(2) If a license has been suspended pursuant to division 182498
(C)(1) of this section for two years or less, it may be 182499
reinstated. The board shall reinstate the license upon the 182500
applicant's submission of a complete renewal application and 182501

payment of a reinstatement fee of one hundred dollars. 182502

If a license has been suspended pursuant to division (C)(1) 182503
of this section for more than two years, it may be restored. 182504
Subject to section 4761.061 of the Revised Code, the board may 182505
restore the license upon an applicant's submission of a complete 182506
restoration application and a restoration fee of one hundred 182507
twenty-five dollars and compliance with sections 4776.01 to 182508
4776.04 of the Revised Code. The board shall not restore a license 182509
unless the board, in its discretion, decides that the results of 182510
the criminal records check do not make the applicant ineligible 182511
for a license issued pursuant to division (A) of this section. 182512

(D)(1) The board may require a random sample of limited 182513
permit holders to submit materials documenting that the holder has 182514
completed the number of hours of continuing education as described 182515
in division (B) of this section. 182516

(2) The board may require a random sample of license holders 182517
to submit materials documenting that the holder has completed the 182518
number of hours of continuing education as described in division 182519
(B) of this section or has passed a reexamination. 182520

(3) Division (D)(1) or (2) of this section does not limit the 182521
board's authority to conduct investigations pursuant to section 182522
4731.22 of the Revised Code. 182523

(E)(1) If, through a random sample conducted under division 182524
(D) of this section or through any other means, the board finds 182525
that an individual who certified passing the reexamination or 182526
completion of the number of hours and type of continuing education 182527
required to renew, reinstate, or restore a limited permit or 182528
license or to reactivate a license placed on retired status did 182529
not pass the reexamination or complete the requisite continuing 182530
education, the board may do either of the following: 182531

(a) Take disciplinary action against the individual under 182532

section 4761.09 of the Revised Code, impose a civil penalty, or 182533
both; 182534

(b) Permit the individual to agree in writing to pass the 182535
reexamination or complete the continuing education and pay a civil 182536
penalty. 182537

(2) The board's finding in any disciplinary action taken 182538
under division (E)(1)(a) of this section shall be made pursuant to 182539
an adjudication under Chapter 119. of the Revised Code and by an 182540
affirmative vote of not fewer than six of its members. 182541

(3) A civil penalty imposed under division (E)(1)(a) of this 182542
section or paid under division (E)(1)(b) of this section shall be 182543
in an amount specified by the board of not more than five thousand 182544
dollars. The board shall deposit civil penalties in accordance 182545
with section 4731.24 of the Revised Code. 182546

Sec. 4761.061. (A) This section applies to ~~both~~ all of the 182547
following: 182548

(1) An applicant seeking restoration of a license issued 182549
under this chapter that has been in a suspended or inactive state 182550
for any cause for more than two years; 182551

(2) An applicant seeking issuance of a license pursuant to 182552
this chapter who for more than two years has not been engaged in 182553
the practice of respiratory care as either of the following: 182554

(a) An active practitioner; 182555

(b) A student in an educational program as described in 182556
section 4761.04 of the Revised Code. 182557

(3) An applicant seeking to reactivate a license placed on 182558
retired status. 182559

(B) Before issuing a license to an applicant subject to this 182560
section, or before restoring a license to good standing or 182561

reactivating a license placed on retired status for an applicant 182562
subject to this section, the state medical board may impose terms 182563
and conditions including any one or more of the following: 182564

(1) Requiring the applicant to pass an oral or written 182565
examination, or both, to determine the applicant's present fitness 182566
to resume practice; 182567

(2) Requiring the applicant to obtain additional training and 182568
to pass an examination upon completion of such training; 182569

(3) Requiring an assessment of the applicant's physical 182570
skills for purposes of determining whether the applicant's 182571
coordination, fine motor skills, and dexterity are sufficient for 182572
performing evaluations and procedures in a manner that meets the 182573
minimal standards of care; 182574

(4) Requiring an assessment of the applicant's skills in 182575
recognizing and understanding diseases and conditions; 182576

(5) Requiring the applicant to undergo a comprehensive 182577
physical examination, which may include an assessment of physical 182578
abilities, evaluation of sensory capabilities, or screening for 182579
the presence of neurological disorders; 182580

(6) Restricting or limiting the extent, scope, or type of 182581
practice of the applicant. 182582

The board shall consider the moral background and the 182583
activities of the applicant during the period of suspension ~~or~~ 182584
inactivity, or retirement. The board shall not issue ~~or~~ restore 182585
or reactivate a license under this section unless the applicant 182586
complies with sections 4776.01 to 4776.04 of the Revised Code. 182587

Sec. 4761.062. (A) An individual who holds a current, valid 182588
license issued under this chapter to practice respiratory care and 182589
who retires voluntarily from practice may request that the state 182590
medical board place the individual's license on retired status. 182591

This section does not authorize an individual who holds a limited permit issued under section 4761.05 of the Revised Code to request that the board place the individual's permit on retired status.

(B) An individual seeking to have the individual's license placed on retired status shall file with the board an application in the form and manner prescribed by the board. The application shall be submitted before the end of a biennial renewal period and include all of the following:

(1) The applicant's full name, license number, mailing address, and electronic mail address;

(2) An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications:

(a) That the applicant holds a current, valid license issued under this chapter;

(b) That the applicant has retired voluntarily from the practice of respiratory care;

(c) That the applicant does not have any criminal charges pending against the applicant;

(d) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States;

(e) That the applicant does not have any complaints pending with the board;

(f) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement.

(3) A fee in an amount equal to the restoration fee described

in section 4761.06 of the Revised Code. 182622

The board shall not consider an application for retired 182623
status complete until the board receives the fee described in this 182624
division. On receipt of a fee, the board shall deposit the fee in 182625
accordance with section 4731.24 of the Revised Code. 182626

(C) If the board determines that an applicant meets the 182627
requirements of division (B) of this section, the board shall 182628
place the applicant's license on retired status. The license 182629
remains on retired status for the life of the license holder, 182630
unless suspended, revoked, or reactivated, and does not require 182631
renewal. 182632

(D) During the period in which a license is on retired 182633
status, all of the following apply: 182634

(1) The license holder is prohibited from practicing as a 182635
respiratory care professional under any circumstance. 182636

(2) The license holder is not required to complete continuing 182637
education as described in section 4761.06 of the Revised Code. 182638

(3) The license holder is prohibited from using the license 182639
to obtain a license to practice respiratory care in another state, 182640
whether by endorsement or reciprocity or through a licensure 182641
compact. 182642

(4) The license holder may use a title authorized for the 182643
holder's license as described in section 4761.10 of the Revised 182644
Code, but only if "retired" also is included in the title. 182645

(E) If a license has been placed on retired status pursuant 182646
to this section, it may be reactivated. Subject to section 182647
4761.061 of the Revised Code, the board may reactivate a license 182648
placed on retired status if all of the following conditions are 182649
satisfied: 182650

(1) The holder seeking to reactivate the license applies to 182651

the board in the form and manner prescribed by the board. 182652

(2) The applicant certifies completion of, within the 182653
two-year period that ends on the date of the application's 182654
submission, the continuing education requirements that must be met 182655
for renewal of a license. 182656

(3) The applicant complies with sections 4776.01 to 4776.04 182657
of the Revised Code. 182658

(4) The applicant pays a reactivation fee in an amount equal 182659
to the restoration fee described in section 4761.06 of the Revised 182660
Code. 182661

The board shall not consider an application to reactivate a 182662
license complete until the board receives the fee described in 182663
this division. On receipt of a fee, the board shall deposit the 182664
fee in accordance with section 4731.24 of the Revised Code. 182665

(F) The board shall reactivate a license placed on retired 182666
status if the conditions of division (E) of this section have been 182667
satisfied and the board, in its discretion, determines that the 182668
results of the criminal records check conducted pursuant to 182669
sections 4776.01 to 4776.04 of the Revised Code do not make the 182670
applicant ineligible for active status. 182671

(G) The board may take disciplinary action against an 182672
applicant who is seeking to place a license on retired status or 182673
to reactivate the license if the applicant commits fraud, 182674
misrepresentation, or deception in applying for or securing the 182675
retired status or reactivation. 182676

The board also may take disciplinary action against the 182677
holder of a license placed on retired status if the holder 182678
practices under the license, uses the license to obtain licensure 182679
as a respiratory care professional in another state, or uses a 182680
title that does not reflect the holder's retired status. 182681

In taking disciplinary action under this section, the board may impose on the applicant or holder any sanction described in section 4761.09 of the Revised Code, but shall do so in accordance with the procedures described in that section.

(H) The board may adopt rules to implement and enforce this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4761.09. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(4) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor involving moral turpitude;	182712
(6) Commission of an act involving moral turpitude that	182713
constitutes a misdemeanor in this state, regardless of the	182714
jurisdiction in which the act was committed;	182715
(7) Except when civil penalties are imposed under section	182716
4761.091 of the Revised Code, violating or attempting to violate,	182717
directly or indirectly, or assisting in or abetting the violation	182718
of, or conspiring to violate, any provision of this chapter or the	182719
rules adopted by the board;	182720
(8) Making a false, fraudulent, deceptive, or misleading	182721
statement in the solicitation of or advertising for patients; in	182722
relation to the practice of respiratory care; or in securing or	182723
attempting to secure any license or permit issued by the board	182724
under this chapter.	182725
As used in division (A)(8) of this section, "false,	182726
fraudulent, deceptive, or misleading statement" means a statement	182727
that includes a misrepresentation of fact, is likely to mislead or	182728
deceive because of a failure to disclose material facts, is	182729
intended or is likely to create false or unjustified expectations	182730
of favorable results, or includes representations or implications	182731
that in reasonable probability will cause an ordinarily prudent	182732
person to misunderstand or be deceived.	182733
(9) Committing fraud during the administration of the	182734
examination for a license to practice or committing fraud,	182735
misrepresentation, or deception in applying for, renewing, or	182736
securing any license or permit issued by the board;	182737
(10) A departure from, or failure to conform to, minimal	182738
standards of care of similar practitioners under the same or	182739
similar circumstances, whether or not actual injury to a patient	182740
is established;	182741
(11) Violating the standards of ethical conduct adopted by	182742

the board, in the practice of respiratory care;	182743
(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	182744 182745 182746
(13) Violation of the conditions of limitation placed by the board upon a license or permit;	182747 182748
(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	182749 182750 182751 182752
(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	182753 182754 182755 182756 182757 182758 182759 182760 182761
(16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;	182762 182763 182764
(17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A)(10), (12), or (14) of this section;	182765 182766 182767 182768 182769
(18) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	182770 182771 182772 182773

(19) Failure to cooperate in an investigation conducted by 182774
the board under division (E) of section 4761.03 of the Revised 182775
Code, including failure to comply with a subpoena or order issued 182776
by the board or failure to answer truthfully a question presented 182777
by the board in an investigative interview, an investigative 182778
office conference, at a deposition, or in written interrogatories, 182779
except that failure to cooperate with an investigation shall not 182780
constitute grounds for discipline under this section if a court of 182781
competent jurisdiction has issued an order that either quashes a 182782
subpoena or permits the individual to withhold the testimony or 182783
evidence in issue; 182784

(20) Practicing in an area of respiratory care for which the 182785
person is clearly untrained or incompetent or practicing in a 182786
manner that conflicts with section 4761.17 of the Revised Code; 182787

(21) Employing, directing, or supervising a person who is not 182788
authorized to practice respiratory care under this chapter in the 182789
performance of respiratory care procedures; 182790

(22) Misrepresenting educational attainments or authorized 182791
functions for the purpose of obtaining some benefit related to the 182792
practice of respiratory care; 182793

(23) Assisting suicide as defined in section 3795.01 of the 182794
Revised Code; 182795

(24) Representing, with the purpose of obtaining compensation 182796
or other advantage as personal gain or for any other person, that 182797
an incurable disease or injury, or other incurable condition, can 182798
be permanently cured. 182799

Disciplinary actions taken by the board under division (A) of 182800
this section shall be taken pursuant to an adjudication under 182801
Chapter 119. of the Revised Code, except that in lieu of an 182802
adjudication, the board may enter into a consent agreement with an 182803
individual to resolve an allegation of a violation of this chapter 182804

or any rule adopted under it. A consent agreement, when ratified 182805
by an affirmative vote of not fewer than six members of the board, 182806
shall constitute the findings and order of the board with respect 182807
to the matter addressed in the agreement. If the board refuses to 182808
ratify a consent agreement, the admissions and findings contained 182809
in the consent agreement shall be of no effect. 182810

A telephone conference call may be utilized for ratification 182811
of a consent agreement that revokes or suspends an individual's 182812
license or permit. The telephone conference call shall be 182813
considered a special meeting under division (F) of section 121.22 182814
of the Revised Code. 182815

(B) The board shall not refuse to issue a license or limited 182816
permit to an applicant because of a plea of guilty to, a judicial 182817
finding of guilt of, or a judicial finding of eligibility for 182818
intervention in lieu of conviction for an offense unless the 182819
refusal is in accordance with section 9.79 of the Revised Code. 182820

(C) Any action taken by the board under division (A) of this 182821
section resulting in a suspension from practice shall be 182822
accompanied by a written statement of the conditions under which 182823
the individual's license or permit may be reinstated. The board 182824
shall adopt rules governing conditions to be imposed for 182825
reinstatement. Reinstatement of a license or permit suspended 182826
pursuant to division (A) of this section requires an affirmative 182827
vote of not fewer than six members of the board. 182828

(D) When the board refuses to grant or issue a license or 182829
permit to an applicant, revokes an individual's license or permit, 182830
refuses to renew an individual's license or permit, or refuses to 182831
reinstate an individual's license or permit, the board may specify 182832
that its action is permanent. An individual subject to a permanent 182833
action taken by the board is forever thereafter ineligible to hold 182834
a license or permit and the board shall not accept an application 182835
for reinstatement of the license or permit or for issuance of a 182836

new license or permit. 182837

(E) If the board is required by Chapter 119. of the Revised 182838
Code to give notice of an opportunity for a hearing and if the 182839
individual subject to the notice does not timely request a hearing 182840
in accordance with section 119.07 of the Revised Code, the board 182841
is not required to hold a hearing, but may adopt, by an 182842
affirmative vote of not fewer than six of its members, a final 182843
order that contains the board's findings. In the final order, the 182844
board may order any of the sanctions identified under division (A) 182845
of this section. 182846

(F) In enforcing division (A)(14) of this section, the board, 182847
upon a showing of a possible violation, may compel any individual 182848
authorized to practice by this chapter or who has submitted an 182849
application pursuant to this chapter to submit to a mental 182850
examination, physical examination, including an HIV test, or both 182851
a mental and a physical examination. The expense of the 182852
examination is the responsibility of the individual compelled to 182853
be examined. Failure to submit to a mental or physical examination 182854
or consent to an HIV test ordered by the board constitutes an 182855
admission of the allegations against the individual unless the 182856
failure is due to circumstances beyond the individual's control, 182857
and a default and final order may be entered without the taking of 182858
testimony or presentation of evidence. If the board finds an 182859
individual unable to practice because of the reasons set forth in 182860
division (A)(14) of this section, the board shall require the 182861
individual to submit to care, counseling, or treatment by 182862
physicians approved or designated by the board, as a condition for 182863
initial, continued, reinstated, or renewed authority to practice. 182864
An individual affected under this division shall be afforded an 182865
opportunity to demonstrate to the board the ability to resume 182866
practice in compliance with acceptable and prevailing standards 182867
under the provisions of the individual's license or permit. For 182868

the purpose of division (A)(14) of this section, any individual 182869
who applies for or receives a license or permit to practice under 182870
this chapter accepts the privilege of practicing in this state 182871
and, by so doing, shall be deemed to have given consent to submit 182872
to a mental or physical examination when directed to do so in 182873
writing by the board, and to have waived all objections to the 182874
admissibility of testimony or examination reports that constitute 182875
a privileged communication. 182876

(G) For the purposes of division (A)(18) of this section, any 182877
individual authorized to practice by this chapter accepts the 182878
privilege of practicing in this state subject to supervision by 182879
the board. By filing an application for or holding a license or 182880
permit under this chapter, an individual shall be deemed to have 182881
given consent to submit to a mental or physical examination when 182882
ordered to do so by the board in writing, and to have waived all 182883
objections to the admissibility of testimony or examination 182884
reports that constitute privileged communications. 182885

If it has reason to believe that any individual authorized to 182886
practice by this chapter or any applicant for a license or permit 182887
suffers such impairment, the board may compel the individual to 182888
submit to a mental or physical examination, or both. The expense 182889
of the examination is the responsibility of the individual 182890
compelled to be examined. Any mental or physical examination 182891
required under this division shall be undertaken by a treatment 182892
provider or physician who is qualified to conduct the examination 182893
and who is chosen by the board. 182894

Failure to submit to a mental or physical examination ordered 182895
by the board constitutes an admission of the allegations against 182896
the individual unless the failure is due to circumstances beyond 182897
the individual's control, and a default and final order may be 182898
entered without the taking of testimony or presentation of 182899
evidence. If the board determines that the individual's ability to 182900

practice is impaired, the board shall suspend the individual's 182901
license or permit or deny the individual's application and shall 182902
require the individual, as a condition for an initial, continued, 182903
reinstated, or renewed license or permit, to submit to treatment. 182904

Before being eligible to apply for reinstatement of a license 182905
or permit suspended under this division, the impaired practitioner 182906
shall demonstrate to the board the ability to resume practice in 182907
compliance with acceptable and prevailing standards of care under 182908
the provisions of the practitioner's license or permit. The 182909
demonstration shall include, but shall not be limited to, the 182910
following: 182911

(1) Certification from a treatment provider approved under 182912
section 4731.25 of the Revised Code that the individual has 182913
successfully completed any required inpatient treatment; 182914

(2) Evidence of continuing full compliance with an aftercare 182915
contract or consent agreement; 182916

(3) Two written reports indicating that the individual's 182917
ability to practice has been assessed and that the individual has 182918
been found capable of practicing according to acceptable and 182919
prevailing standards of care. The reports shall be made by 182920
individuals or providers approved by the board for making the 182921
assessments and shall describe the basis for their determination. 182922

The board may reinstate a license or permit suspended under 182923
this division after that demonstration and after the individual 182924
has entered into a written consent agreement. 182925

When the impaired practitioner resumes practice, the board 182926
shall require continued monitoring of the individual. The 182927
monitoring shall include, but not be limited to, compliance with 182928
the written consent agreement entered into before reinstatement or 182929
with conditions imposed by board order after a hearing, and, upon 182930
termination of the consent agreement, submission to the board for 182931

at least two years of annual written progress reports made under 182932
penalty of perjury stating whether the individual has maintained 182933
sobriety. 182934

(H) If the secretary and supervising member determine both of 182935
the following, they may recommend that the board suspend an 182936
individual's license or permit without a prior hearing: 182937

(1) That there is clear and convincing evidence that an 182938
individual has violated division (A) of this section; 182939

(2) That the individual's continued practice presents a 182940
danger of immediate and serious harm to the public. 182941

Written allegations shall be prepared for consideration by 182942
the board. The board, upon review of those allegations and by an 182943
affirmative vote of not fewer than six of its members, excluding 182944
the secretary and supervising member, may suspend a license or 182945
permit without a prior hearing. A telephone conference call may be 182946
utilized for reviewing the allegations and taking the vote on the 182947
summary suspension. 182948

The board shall issue a written order of suspension by 182949
certified mail or in person in accordance with section 119.07 of 182950
the Revised Code. The order shall not be subject to suspension by 182951
the court during pendency of any appeal filed under section 119.12 182952
of the Revised Code. If the individual subject to the summary 182953
suspension requests an adjudicatory hearing by the board, the date 182954
set for the hearing shall be within fifteen days, but not earlier 182955
than seven days, after the individual requests the hearing, unless 182956
otherwise agreed to by both the board and the individual. 182957

Any summary suspension imposed under this division shall 182958
remain in effect, unless reversed on appeal, until a final 182959
adjudicative order issued by the board pursuant to this section 182960
and Chapter 119. of the Revised Code becomes effective. The board 182961
shall issue its final adjudicative order within seventy-five days 182962

after completion of its hearing. A failure to issue the order 182963
within seventy-five days shall result in dissolution of the 182964
summary suspension order but shall not invalidate any subsequent, 182965
final adjudicative order. 182966

(I) For purposes of divisions (A)(2), (4), and (6) of this 182967
section, the commission of the act may be established by a finding 182968
by the board, pursuant to an adjudication under Chapter 119. of 182969
the Revised Code, that the individual committed the act. The board 182970
does not have jurisdiction under those divisions if the trial 182971
court renders a final judgment in the individual's favor and that 182972
judgment is based upon an adjudication on the merits. The board 182973
has jurisdiction under those divisions if the trial court issues 182974
an order of dismissal upon technical or procedural grounds. 182975

(J) The sealing or expungement of conviction records by any 182976
court shall have no effect upon a prior board order entered under 182977
this section or upon the board's jurisdiction to take action under 182978
this section if, based upon a plea of guilty, a judicial finding 182979
of guilt, or a judicial finding of eligibility for intervention in 182980
lieu of conviction, the board issued a notice of opportunity for a 182981
hearing prior to the court's order to seal or expunge the records. 182982
The board shall not be required to seal, destroy, redact, or 182983
otherwise modify its records to reflect the court's sealing or 182984
expungement of conviction records. 182985

(K) If the board takes action under division (A)(1), (3), or 182986
(5) of this section, and the judicial finding of guilt, guilty 182987
plea, or judicial finding of eligibility for intervention in lieu 182988
of conviction is overturned on appeal, upon exhaustion of the 182989
criminal appeal, a petition for reconsideration of the order may 182990
be filed with the board along with appropriate court documents. 182991
Upon receipt of a petition for reconsideration and supporting 182992
court documents, the board shall reinstate the individual's 182993
license or permit. The board may then hold an adjudication under 182994

Chapter 119. of the Revised Code to determine whether the 182995
individual committed the act in question. Notice of an opportunity 182996
for a hearing shall be given in accordance with Chapter 119. of 182997
the Revised Code. If the board finds, pursuant to an adjudication 182998
held under this division, that the individual committed the act or 182999
if no hearing is requested, the board may order any of the 183000
sanctions identified under division (A) of this section. 183001

(L) The license or permit issued to an individual under this 183002
chapter and the individual's practice in this state are 183003
automatically suspended as of the date the individual pleads 183004
guilty to, is found by a judge or jury to be guilty of, or is 183005
subject to a judicial finding of eligibility for intervention in 183006
lieu of conviction in this state or treatment or intervention in 183007
lieu of conviction in another jurisdiction for any of the 183008
following criminal offenses in this state or a substantially 183009
equivalent criminal offense in another jurisdiction: aggravated 183010
murder, murder, voluntary manslaughter, felonious assault, 183011
kidnapping, rape, sexual battery, gross sexual imposition, 183012
aggravated arson, aggravated robbery, or aggravated burglary. 183013
Continued practice after suspension shall be considered practicing 183014
without a license or permit. 183015

The board shall notify the individual subject to the 183016
suspension by certified mail or in person in accordance with 183017
section 119.07 of the Revised Code. If an individual whose license 183018
or permit is automatically suspended under this division fails to 183019
make a timely request for an adjudication under Chapter 119. of 183020
the Revised Code, the board shall enter a final order permanently 183021
revoking the individual's license or permit. 183022

(M) Notwithstanding any other provision of the Revised Code, 183023
all of the following apply: 183024

(1) The surrender of a license or permit issued under this 183025
chapter shall not be effective unless or until accepted by the 183026

board. A telephone conference call may be utilized for acceptance 183027
of the surrender of an individual's license or permit. The 183028
telephone conference call shall be considered a special meeting 183029
under division (F) of section 121.22 of the Revised Code. 183030
Reinstatement of a license or permit surrendered to the board 183031
requires an affirmative vote of not fewer than six members of the 183032
board. 183033

(2) An application for a license or permit made under the 183034
provisions of this chapter may not be withdrawn without approval 183035
of the board. 183036

(3) Failure by an individual to renew a license or permit in 183037
accordance with this chapter ~~shall~~ does not remove or limit the 183038
board's jurisdiction to take any disciplinary action under this 183039
section against the individual. 183040

(4) The placement of an individual's license on retired 183041
status, as described in section 4761.062 of the Revised Code, does 183042
not remove or limit the board's jurisdiction to take any 183043
disciplinary action against the individual with regard to the 183044
license as it existed before being placed on retired status. 183045

(5) At the request of the board, a license or permit holder 183046
shall immediately surrender to the board a license or permit that 183047
the board has suspended, revoked, or permanently revoked. 183048

Sec. 4762.061. (A) This section applies to ~~both~~ all of the 183049
following: 183050

(1) An applicant seeking restoration of a license issued 183051
under this chapter that has been in a suspended or inactive state 183052
for any cause for more than two years; 183053

(2) An applicant seeking issuance of a license pursuant to 183054
this chapter who for more than two years has not been engaged in 183055
the practice of oriental medicine or acupuncture as either of the 183056

following:	183057
(a) An active practitioner;	183058
(b) A participant in a training program as described in section 4762.02 of the Revised Code.	183059 183060
<u>(3) An applicant seeking to reactivate a license to practice as an acupuncturist placed on retired status.</u>	183061 183062
(B) Before issuing a license to an applicant subject to this section, <u>or before restoring a license to good standing or reactivating a license placed on retired status</u> for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:	183063 183064 183065 183066 183067
(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;	183068 183069 183070
(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;	183071 183072
(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care;	183073 183074 183075 183076 183077
(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;	183078 183079
(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;	183080 183081 183082 183083
(6) Restricting or limiting the extent, scope, or type of practice of the applicant.	183084 183085
The board shall consider the moral background and the	183086

activities of the applicant during the period of suspension ~~or~~ inactivity, or retirement. The board shall not issue ~~or~~ restore, or reactivate a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

Sec. 4762.062. (A) An individual who holds a current, valid license issued under this chapter to practice as an acupuncturist and who retires voluntarily from practice may request that the state medical board place the individual's license on retired status.

(B) An individual seeking to have the individual's license placed on retired status shall file with the board an application in the form and manner prescribed by the board. The application shall be submitted before the end of a biennial renewal period and include all of the following:

(1) The applicant's full name, license number, mailing address, and electronic mail address;

(2) An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications:

(a) That the applicant holds a current, valid license issued under this chapter;

(b) That the applicant has retired voluntarily from practice as an acupuncturist;

(c) That the applicant does not have any criminal charges pending against the applicant;

(d) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States;

(e) That the applicant does not have any complaints pending with the board;

(f) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 183117
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(3) A fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4762.06 of the Revised Code. 183121
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The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 183124
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(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license remains on retired status for the life of the license holder, unless suspended, revoked, or reactivated, and does not require renewal. 183128
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(D) During the period in which a license is on retired status, all of the following apply: 183134
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(1) The license holder is prohibited from practicing as an acupuncturist under any circumstance. 183136
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(2) The license holder is prohibited from using the license to obtain a license to practice as an acupuncturist in another state, whether by endorsement or reciprocity or through a licensure compact. 183138
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(3) The license holder may use a title authorized for the holder's license as described in section 4762.08 of the Revised Code, but only if "retired" also is included in the title. 183142
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(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 183145
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4762.061 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 183147
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(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 183150
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(2) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 183152
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(3) The applicant pays a reactivation fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4762.06 of the Revised Code. 183154
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The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 183157
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(F) The board shall reactivate a license placed on retired status if the conditions of division (E) of this section have been satisfied and the board, in its discretion, determines that the results of the criminal records check conducted pursuant to sections 4776.01 to 4776.04 of the Revised Code do not make the applicant ineligible for active status. 183161
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(G) The board may take disciplinary action against an applicant who is seeking to place a license on retired status or to reactivate the license if the applicant commits fraud, misrepresentation, or deception in applying for or securing the retired status or reactivation. 183167
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The board also may take disciplinary action against the holder of a license placed on retired status if the holder practices under the license, uses the license to obtain licensure as an acupuncturist in another state, or uses a title that does not reflect the holder's retired status. 183172
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In taking disciplinary action under this section, the board may impose on the applicant or holder any sanction described in section 4762.13 of the Revised Code, but shall do so in accordance with the procedures described in that section. 183177
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(H) The board may adopt rules to implement and enforce this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 183181
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Sec. 4762.13. (A) The state medical board, by an affirmative vote of not fewer than six members, ~~may revoke or~~ may refuse to grant a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist to a person, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 183184
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(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons: 183191
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(1) Permitting the holder's name or license to be used by another person; 183198
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 183200
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 183203
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of

practice;	183238
(11) A plea of guilty to, a judicial finding of guilt of, or	183239
a judicial finding of eligibility for intervention in lieu of	183240
conviction for, a felony;	183241
(12) Commission of an act that constitutes a felony in this	183242
state, regardless of the jurisdiction in which the act was	183243
committed;	183244
(13) A plea of guilty to, a judicial finding of guilt of, or	183245
a judicial finding of eligibility for intervention in lieu of	183246
conviction for, a misdemeanor committed in the course of practice;	183247
(14) A plea of guilty to, a judicial finding of guilt of, or	183248
a judicial finding of eligibility for intervention in lieu of	183249
conviction for, a misdemeanor involving moral turpitude;	183250
(15) Commission of an act in the course of practice that	183251
constitutes a misdemeanor in this state, regardless of the	183252
jurisdiction in which the act was committed;	183253
(16) Commission of an act involving moral turpitude that	183254
constitutes a misdemeanor in this state, regardless of the	183255
jurisdiction in which the act was committed;	183256
(17) A plea of guilty to, a judicial finding of guilt of, or	183257
a judicial finding of eligibility for intervention in lieu of	183258
conviction for violating any state or federal law regulating the	183259
possession, distribution, or use of any drug, including	183260
trafficking in drugs;	183261
(18) Any of the following actions taken by the state agency	183262
responsible for regulating the practice of oriental medicine or	183263
acupuncture in another jurisdiction, for any reason other than the	183264
nonpayment of fees: the limitation, revocation, or suspension of	183265
an individual's license to practice; acceptance of an individual's	183266
license surrender; denial of a license; refusal to renew or	183267

reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	183268 183269
(19) Violation of the conditions placed by the board on a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist;	183270 183271 183272
(20) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	183273 183274 183275
(21) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	183276 183277 183278 183279 183280 183281 183282 183283 183284
(22) Failure to comply with the standards of the national certification commission for acupuncture and oriental medicine regarding professional ethics, commitment to patients, commitment to the profession, and commitment to the public;	183285 183286 183287 183288
(23) Failure to have adequate professional liability insurance coverage in accordance with section 4762.22 of the Revised Code;	183289 183290 183291
(24) Failure to maintain a current and active designation as a diplomate in oriental medicine, diplomate of acupuncture and Chinese herbology, or diplomate in acupuncture, as applicable, from the national certification commission for acupuncture and oriental medicine, including revocation by the commission of the individual's designation, failure by the individual to meet the commission's requirements for redesignation, or failure to notify	183292 183293 183294 183295 183296 183297 183298

the board that the appropriate designation has not been 183299
maintained. 183300

(C) The board shall not refuse to issue a certificate to an 183301
applicant because of a plea of guilty to, a judicial finding of 183302
guilt of, or a judicial finding of eligibility for intervention in 183303
lieu of conviction for an offense unless the refusal is in 183304
accordance with section 9.79 of the Revised Code. 183305

(D) Disciplinary actions taken by the board under divisions 183306
(A) and (B) of this section shall be taken pursuant to an 183307
adjudication under Chapter 119. of the Revised Code, except that 183308
in lieu of an adjudication, the board may enter into a consent 183309
agreement with an oriental medicine practitioner or acupuncturist 183310
or applicant to resolve an allegation of a violation of this 183311
chapter or any rule adopted under it. A consent agreement, when 183312
ratified by an affirmative vote of not fewer than six members of 183313
the board, shall constitute the findings and order of the board 183314
with respect to the matter addressed in the agreement. If the 183315
board refuses to ratify a consent agreement, the admissions and 183316
findings contained in the consent agreement shall be of no force 183317
or effect. 183318

(E) For purposes of divisions (B)(12), (15), and (16) of this 183319
section, the commission of the act may be established by a finding 183320
by the board, pursuant to an adjudication under Chapter 119. of 183321
the Revised Code, that the applicant or license holder committed 183322
the act in question. The board shall have no jurisdiction under 183323
these divisions in cases where the trial court renders a final 183324
judgment in the license holder's favor and that judgment is based 183325
upon an adjudication on the merits. The board shall have 183326
jurisdiction under these divisions in cases where the trial court 183327
issues an order of dismissal upon technical or procedural grounds. 183328

(F) The sealing or expungement of conviction records by any 183329
court shall have no effect upon a prior board order entered under 183330

the provisions of this section or upon the board's jurisdiction to 183331
take action under the provisions of this section if, based upon a 183332
plea of guilty, a judicial finding of guilt, or a judicial finding 183333
of eligibility for intervention in lieu of conviction, the board 183334
issued a notice of opportunity for a hearing or entered into a 183335
consent agreement prior to the court's order to seal or expunge 183336
the records. The board shall not be required to seal, destroy, 183337
redact, or otherwise modify its records to reflect the court's 183338
sealing or expungement of conviction records. 183339

(G) For purposes of this division, any individual who holds a 183340
license to practice issued under this chapter, or applies for a 183341
license to practice, shall be deemed to have given consent to 183342
submit to a mental or physical examination when directed to do so 183343
in writing by the board and to have waived all objections to the 183344
admissibility of testimony or examination reports that constitute 183345
a privileged communication. 183346

(1) In enforcing division (B)(5) of this section, the board, 183347
upon a showing of a possible violation, may compel any individual 183348
who holds a license to practice issued under this chapter or who 183349
has applied for a license pursuant to this chapter to submit to a 183350
mental examination, physical examination, including an HIV test, 183351
or both a mental and physical examination. The expense of the 183352
examination is the responsibility of the individual compelled to 183353
be examined. Failure to submit to a mental or physical examination 183354
or consent to an HIV test ordered by the board constitutes an 183355
admission of the allegations against the individual unless the 183356
failure is due to circumstances beyond the individual's control, 183357
and a default and final order may be entered without the taking of 183358
testimony or presentation of evidence. If the board finds an 183359
oriental medicine practitioner or acupuncturist unable to practice 183360
because of the reasons set forth in division (B)(5) of this 183361
section, the board shall require the individual to submit to care, 183362

counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice issued under this chapter or any applicant for a license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the oriental medicine practitioner or acupuncturist shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under

section 4731.25 of the Revised Code that the individual has 183395
successfully completed any required inpatient treatment; 183396

(b) Evidence of continuing full compliance with an aftercare 183397
contract or consent agreement; 183398

(c) Two written reports indicating that the individual's 183399
ability to practice has been assessed and that the individual has 183400
been found capable of practicing according to acceptable and 183401
prevailing standards of care. The reports shall be made by 183402
individuals or providers approved by the board for making such 183403
assessments and shall describe the basis for their determination. 183404

The board may reinstate a license suspended under this 183405
division after such demonstration and after the individual has 183406
entered into a written consent agreement. 183407

When the impaired individual resumes practice, the board 183408
shall require continued monitoring of the individual. The 183409
monitoring shall include monitoring of compliance with the written 183410
consent agreement entered into before reinstatement or with 183411
conditions imposed by board order after a hearing, and, upon 183412
termination of the consent agreement, submission to the board for 183413
at least two years of annual written progress reports made under 183414
penalty of falsification stating whether the individual has 183415
maintained sobriety. 183416

(H) If the secretary and supervising member determine both of 183417
the following, they may recommend that the board suspend an 183418
individual's license to practice without a prior hearing: 183419

(1) That there is clear and convincing evidence that an 183420
oriental medicine practitioner or acupuncturist has violated 183421
division (B) of this section; 183422

(2) That the individual's continued practice presents a 183423
danger of immediate and serious harm to the public. 183424

Written allegations shall be prepared for consideration by 183425
the board. The board, upon review of the allegations and by an 183426
affirmative vote of not fewer than six of its members, excluding 183427
the secretary and supervising member, may suspend a license 183428
without a prior hearing. A telephone conference call may be 183429
utilized for reviewing the allegations and taking the vote on the 183430
summary suspension. 183431

The board shall issue a written order of suspension by 183432
certified mail or in person in accordance with section 119.07 of 183433
the Revised Code. The order shall not be subject to suspension by 183434
the court during pendency of any appeal filed under section 119.12 183435
of the Revised Code. If the oriental medicine practitioner or 183436
acupuncturist requests an adjudicatory hearing by the board, the 183437
date set for the hearing shall be within fifteen days, but not 183438
earlier than seven days, after the hearing is requested, unless 183439
otherwise agreed to by both the board and the license holder. 183440

A summary suspension imposed under this division shall remain 183441
in effect, unless reversed on appeal, until a final adjudicative 183442
order issued by the board pursuant to this section and Chapter 183443
119. of the Revised Code becomes effective. The board shall issue 183444
its final adjudicative order within sixty days after completion of 183445
its hearing. Failure to issue the order within sixty days shall 183446
result in dissolution of the summary suspension order, but shall 183447
not invalidate any subsequent, final adjudicative order. 183448

(I) If the board takes action under division (B)(11), (13), 183449
or (14) of this section, and the judicial finding of guilt, guilty 183450
plea, or judicial finding of eligibility for intervention in lieu 183451
of conviction is overturned on appeal, upon exhaustion of the 183452
criminal appeal, a petition for reconsideration of the order may 183453
be filed with the board along with appropriate court documents. 183454
Upon receipt of a petition and supporting court documents, the 183455
board shall reinstate the license. The board may then hold an 183456

adjudication under Chapter 119. of the Revised Code to determine 183457
whether the individual committed the act in question. Notice of 183458
opportunity for hearing shall be given in accordance with Chapter 183459
119. of the Revised Code. If the board finds, pursuant to an 183460
adjudication held under this division, that the individual 183461
committed the act, or if no hearing is requested, it may order any 183462
of the sanctions specified in division (B) of this section. 183463

(J) The license to practice of an oriental medicine 183464
practitioner or acupuncturist and the practitioner's or 183465
acupuncturist's practice in this state are automatically suspended 183466
as of the date the practitioner or acupuncturist pleads guilty to, 183467
is found by a judge or jury to be guilty of, or is subject to a 183468
judicial finding of eligibility for intervention in lieu of 183469
conviction in this state or treatment or intervention in lieu of 183470
conviction in another jurisdiction for any of the following 183471
criminal offenses in this state or a substantially equivalent 183472
criminal offense in another jurisdiction: aggravated murder, 183473
murder, voluntary manslaughter, felonious assault, kidnapping, 183474
rape, sexual battery, gross sexual imposition, aggravated arson, 183475
aggravated robbery, or aggravated burglary. Continued practice 183476
after the suspension shall be considered practicing without a 183477
license. 183478

The board shall notify the individual subject to the 183479
suspension by certified mail or in person in accordance with 183480
section 119.07 of the Revised Code. If an individual whose license 183481
is suspended under this division fails to make a timely request 183482
for an adjudication under Chapter 119. of the Revised Code, the 183483
board shall enter a final order permanently revoking the 183484
individual's license. 183485

(K) In any instance in which the board is required by Chapter 183486
119. of the Revised Code to give notice of opportunity for hearing 183487
and the individual subject to the notice does not timely request a 183488

hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may 183520
not be withdrawn without approval of the board. 183521

(3) Failure by an individual to renew a license in accordance 183522
with section 4762.06 of the Revised Code ~~shall~~ does not remove or 183523
limit the board's jurisdiction to take disciplinary action under 183524
this section against the individual. 183525

(4) The placement of an individual's license on retired 183526
status, as described in section 4762.062 of the Revised Code, does 183527
not remove or limit the board's jurisdiction to take any 183528
disciplinary action against the individual with regard to the 183529
license as it existed before being placed on retired status. 183530

Sec. 4774.061. (A) This section applies to ~~both~~ all of the 183531
following: 183532

(1) An applicant seeking restoration of a license issued 183533
under this chapter that has been in a suspended or inactive state 183534
for any cause for more than two years; 183535

(2) An applicant seeking issuance of a license pursuant to 183536
this chapter who for more than two years has not been practicing 183537
as a radiologist assistant as either of the following: 183538

(a) An active practitioner; 183539

(b) A student in an academic program as described in section 183540
4774.03 of the Revised Code. 183541

(3) An applicant seeking to reactivate a license placed on 183542
retired status. 183543

(B) Before issuing a license to an applicant subject to this 183544
section, or before restoring a license to good standing or 183545
reactivating a license placed on retired status for an applicant 183546
subject to this section, the state medical board may impose terms 183547
and conditions including any one or more of the following: 183548

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care;

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension ~~or~~ inactivity, or retirement. The board shall not issue ~~or~~ restore or reactivate a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

Sec. 4774.062. (A) An individual who holds a current, valid license issued under this chapter to practice as a radiologist assistant and who retires voluntarily from practice may request that the state medical board place the individual's license on retired status.

(B) An individual seeking to have the individual's license placed on retired status shall file with the board an application

in the form and manner prescribed by the board. The application shall be submitted before the end of a biennial renewal period and include all of the following: 183579
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(1) The applicant's full name, license number, mailing address, and electronic mail address; 183582
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(2) An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications: 183584
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(a) That the applicant holds a current, valid license issued under this chapter; 183587
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(b) That the applicant has retired voluntarily from practice as a radiologist assistant; 183589
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(c) That the applicant does not have any criminal charges pending against the applicant; 183591
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(d) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States; 183593
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(e) That the applicant does not have any complaints pending with the board; 183596
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(f) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 183598
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(3) A fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4774.06 of the Revised Code. 183602
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The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 183605
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(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license remains on retired status for the life of the license holder, unless suspended, revoked, or reactivated, and does not require renewal. 183609
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(D) During the period in which a license is on retired status, all of the following apply: 183615
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(1) The license holder is prohibited from practicing as a radiologist assistant under any circumstance. 183617
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(2) The license holder is prohibited from using the license to obtain a license to practice as a radiologist assistant in another state, whether by endorsement or reciprocity or through a licensure compact. 183619
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(3) The license holder is not required to complete the continuing education described in section 4774.06 of the Revised Code. 183623
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(4) The license holder may use a title authorized for the holder's license as described in section 4774.02 of the Revised Code, but only if "retired" also is included in the title. 183626
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(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4774.061 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 183629
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(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 183634
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(2) The applicant certifies completion of, within the two-year period that ends on the date of the application's submission, the continuing education requirements that must be met 183636
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for renewal of a license. 183639

(3) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 183640
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(4) The applicant pays a reactivation fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4774.06 of the Revised Code. 183642
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The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 183645
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(F) The board shall reactivate a license placed on retired status if the conditions of division (E) of this section have been satisfied and the board, in its discretion, determines that the results of the criminal records check conducted pursuant to sections 4776.01 to 4776.04 of the Revised Code do not make the applicant ineligible for active status. 183649
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(G) The board may take disciplinary action against an applicant who is seeking to place a license on retired status or to reactivate the license if the applicant commits fraud, misrepresentation, or deception in applying for or securing the retired status or reactivation. 183655
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The board also may take disciplinary action against the holder of a license placed on retired status if the holder practices under the license, uses the license to obtain licensure as a radiologist assistant in another state, or uses a title that does not reflect the holder's retired status. 183660
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In taking disciplinary action under this section, the board may impose on the applicant or holder any sanction described in section 4774.13 of the Revised Code, but shall do so in accordance with the procedures described in that section. 183665
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(H) The board may adopt rules to implement and enforce this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 183669
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Sec. 4774.13. (A) The state medical board, by an affirmative vote of not fewer than six members, ~~may revoke or~~ may refuse to grant a license to practice as a radiologist assistant to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 183672
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(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons: 183678
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(1) Permitting the holder's name or license to be used by another person; 183686
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 183688
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 183691
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 183695
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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

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(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

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(7) Willfully betraying a professional confidence;

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(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.

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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

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(12) A plea of guilty to, a judicial finding of guilt of, or

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a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	183729 183730
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	183731 183732 183733
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	183734 183735 183736
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	183737 183738 183739
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	183740 183741 183742 183743 183744
(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	183745 183746 183747 183748 183749 183750 183751 183752
(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant;	183753 183754
(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	183755 183756 183757
(20) Failure to cooperate in an investigation conducted by	183758

the board under section 4774.14 of the Revised Code, including 183759
failure to comply with a subpoena or order issued by the board or 183760
failure to answer truthfully a question presented by the board at 183761
a deposition or in written interrogatories, except that failure to 183762
cooperate with an investigation shall not constitute grounds for 183763
discipline under this section if a court of competent jurisdiction 183764
has issued an order that either quashes a subpoena or permits the 183765
individual to withhold the testimony or evidence in issue; 183766

(21) Failure to maintain a license as a radiographer under 183767
Chapter 4773. of the Revised Code; 183768

(22) Failure to maintain certification as a registered 183769
radiologist assistant from the American registry of radiologic 183770
technologists, including revocation by the registry of the 183771
assistant's certification or failure by the assistant to meet the 183772
registry's requirements for annual registration, or failure to 183773
notify the board that the certification as a registered 183774
radiologist assistant has not been maintained; 183775

(23) Failure to comply with any of the rules of ethics 183776
included in the standards of ethics established by the American 183777
registry of radiologic technologists, as those rules apply to an 183778
individual who holds the registry's certification as a registered 183779
radiologist assistant. 183780

(C) The board shall not refuse to issue a license to an 183781
applicant because of a plea of guilty to, a judicial finding of 183782
guilt of, or a judicial finding of eligibility for intervention in 183783
lieu of conviction for an offense unless the refusal is in 183784
accordance with section 9.79 of the Revised Code. 183785

(D) Disciplinary actions taken by the board under divisions 183786
(A) and (B) of this section shall be taken pursuant to an 183787
adjudication under Chapter 119. of the Revised Code, except that 183788
in lieu of an adjudication, the board may enter into a consent 183789

agreement with a radiologist assistant or applicant to resolve an 183790
allegation of a violation of this chapter or any rule adopted 183791
under it. A consent agreement, when ratified by an affirmative 183792
vote of not fewer than six members of the board, shall constitute 183793
the findings and order of the board with respect to the matter 183794
addressed in the agreement. If the board refuses to ratify a 183795
consent agreement, the admissions and findings contained in the 183796
consent agreement shall be of no force or effect. 183797

(E) For purposes of divisions (B)(11), (14), and (15) of this 183798
section, the commission of the act may be established by a finding 183799
by the board, pursuant to an adjudication under Chapter 119. of 183800
the Revised Code, that the applicant or license holder committed 183801
the act in question. The board shall have no jurisdiction under 183802
these divisions in cases where the trial court renders a final 183803
judgment in the license holder's favor and that judgment is based 183804
upon an adjudication on the merits. The board shall have 183805
jurisdiction under these divisions in cases where the trial court 183806
issues an order of dismissal on technical or procedural grounds. 183807

(F) The sealing or expungement of conviction records by any 183808
court shall have no effect on a prior board order entered under 183809
the provisions of this section or on the board's jurisdiction to 183810
take action under the provisions of this section if, based upon a 183811
plea of guilty, a judicial finding of guilt, or a judicial finding 183812
of eligibility for intervention in lieu of conviction, the board 183813
issued a notice of opportunity for a hearing prior to the court's 183814
order to seal or expunge the records. The board shall not be 183815
required to seal, destroy, redact, or otherwise modify its records 183816
to reflect the court's sealing or expungement of conviction 183817
records. 183818

(G) For purposes of this division, any individual who holds a 183819
license to practice as a radiologist assistant issued under this 183820
chapter, or applies for a license, shall be deemed to have given 183821

consent to submit to a mental or physical examination when 183822
directed to do so in writing by the board and to have waived all 183823
objections to the admissibility of testimony or examination 183824
reports that constitute a privileged communication. 183825

(1) In enforcing division (B)(5) of this section, the board, 183826
on a showing of a possible violation, may compel any individual 183827
who holds a license to practice as a radiologist assistant issued 183828
under this chapter or who has applied for a license to submit to a 183829
mental or physical examination, or both. A physical examination 183830
may include an HIV test. The expense of the examination is the 183831
responsibility of the individual compelled to be examined. Failure 183832
to submit to a mental or physical examination or consent to an HIV 183833
test ordered by the board constitutes an admission of the 183834
allegations against the individual unless the failure is due to 183835
circumstances beyond the individual's control, and a default and 183836
final order may be entered without the taking of testimony or 183837
presentation of evidence. If the board finds a radiologist 183838
assistant unable to practice because of the reasons set forth in 183839
division (B)(5) of this section, the board shall require the 183840
radiologist assistant to submit to care, counseling, or treatment 183841
by physicians approved or designated by the board, as a condition 183842
for an initial, continued, reinstated, or renewed license. An 183843
individual affected by this division shall be afforded an 183844
opportunity to demonstrate to the board the ability to resume 183845
practicing in compliance with acceptable and prevailing standards 183846
of care. 183847

(2) For purposes of division (B)(6) of this section, if the 183848
board has reason to believe that any individual who holds a 183849
license to practice as a radiologist assistant issued under this 183850
chapter or any applicant for a license suffers such impairment, 183851
the board may compel the individual to submit to a mental or 183852
physical examination, or both. The expense of the examination is 183853

the responsibility of the individual compelled to be examined. Any 183854
mental or physical examination required under this division shall 183855
be undertaken by a treatment provider or physician qualified to 183856
conduct such examination and chosen by the board. 183857

Failure to submit to a mental or physical examination ordered 183858
by the board constitutes an admission of the allegations against 183859
the individual unless the failure is due to circumstances beyond 183860
the individual's control, and a default and final order may be 183861
entered without the taking of testimony or presentation of 183862
evidence. If the board determines that the individual's ability to 183863
practice is impaired, the board shall suspend the individual's 183864
license or deny the individual's application and shall require the 183865
individual, as a condition for an initial, continued, reinstated, 183866
or renewed license to practice, to submit to treatment. 183867

Before being eligible to apply for reinstatement of a license 183868
suspended under this division, the radiologist assistant shall 183869
demonstrate to the board the ability to resume practice in 183870
compliance with acceptable and prevailing standards of care. The 183871
demonstration shall include the following: 183872

(a) Certification from a treatment provider approved under 183873
section 4731.25 of the Revised Code that the individual has 183874
successfully completed any required inpatient treatment; 183875

(b) Evidence of continuing full compliance with an aftercare 183876
contract or consent agreement; 183877

(c) Two written reports indicating that the individual's 183878
ability to practice has been assessed and that the individual has 183879
been found capable of practicing according to acceptable and 183880
prevailing standards of care. The reports shall be made by 183881
individuals or providers approved by the board for making such 183882
assessments and shall describe the basis for their determination. 183883

The board may reinstate a license suspended under this 183884

division after such demonstration and after the individual has 183885
entered into a written consent agreement. 183886

When the impaired radiologist assistant resumes practice, the 183887
board shall require continued monitoring of the radiologist 183888
assistant. The monitoring shall include monitoring of compliance 183889
with the written consent agreement entered into before 183890
reinstatement or with conditions imposed by board order after a 183891
hearing, and, on termination of the consent agreement, submission 183892
to the board for at least two years of annual written progress 183893
reports made under penalty of falsification stating whether the 183894
radiologist assistant has maintained sobriety. 183895

(H) If the secretary and supervising member determine that 183896
there is clear and convincing evidence that a radiologist 183897
assistant has violated division (B) of this section and that the 183898
individual's continued practice presents a danger of immediate and 183899
serious harm to the public, they may recommend that the board 183900
suspend the individual's license to practice without a prior 183901
hearing. Written allegations shall be prepared for consideration 183902
by the board. 183903

The board, on review of the allegations and by an affirmative 183904
vote of not fewer than six of its members, excluding the secretary 183905
and supervising member, may suspend a license without a prior 183906
hearing. A telephone conference call may be utilized for reviewing 183907
the allegations and taking the vote on the summary suspension. 183908

The board shall issue a written order of suspension by 183909
certified mail or in person in accordance with section 119.07 of 183910
the Revised Code. The order shall not be subject to suspension by 183911
the court during pendency of any appeal filed under section 119.12 183912
of the Revised Code. If the radiologist assistant requests an 183913
adjudicatory hearing by the board, the date set for the hearing 183914
shall be within fifteen days, but not earlier than seven days, 183915
after the radiologist assistant requests the hearing, unless 183916

otherwise agreed to by both the board and the license holder. 183917

A summary suspension imposed under this division shall remain 183918
in effect, unless reversed on appeal, until a final adjudicative 183919
order issued by the board pursuant to this section and Chapter 183920
119. of the Revised Code becomes effective. The board shall issue 183921
its final adjudicative order within sixty days after completion of 183922
its hearing. Failure to issue the order within sixty days shall 183923
result in dissolution of the summary suspension order, but shall 183924
not invalidate any subsequent, final adjudicative order. 183925

(I) If the board takes action under division (B)(10), (12), 183926
or (13) of this section, and the judicial finding of guilt, guilty 183927
plea, or judicial finding of eligibility for intervention in lieu 183928
of conviction is overturned on appeal, on exhaustion of the 183929
criminal appeal, a petition for reconsideration of the order may 183930
be filed with the board along with appropriate court documents. On 183931
receipt of a petition and supporting court documents, the board 183932
shall reinstate the license to practice as a radiologist 183933
assistant. The board may then hold an adjudication under Chapter 183934
119. of the Revised Code to determine whether the individual 183935
committed the act in question. Notice of opportunity for hearing 183936
shall be given in accordance with Chapter 119. of the Revised 183937
Code. If the board finds, pursuant to an adjudication held under 183938
this division, that the individual committed the act, or if no 183939
hearing is requested, it may order any of the sanctions specified 183940
in division (B) of this section. 183941

(J) The license to practice of a radiologist assistant and 183942
the assistant's practice in this state are automatically suspended 183943
as of the date the radiologist assistant pleads guilty to, is 183944
found by a judge or jury to be guilty of, or is subject to a 183945
judicial finding of eligibility for intervention in lieu of 183946
conviction in this state or treatment of intervention in lieu of 183947
conviction in another jurisdiction for any of the following 183948

criminal offenses in this state or a substantially equivalent 183949
criminal offense in another jurisdiction: aggravated murder, 183950
murder, voluntary manslaughter, felonious assault, kidnapping, 183951
rape, sexual battery, gross sexual imposition, aggravated arson, 183952
aggravated robbery, or aggravated burglary. Continued practice 183953
after the suspension shall be considered practicing without a 183954
license. 183955

The board shall notify the individual subject to the 183956
suspension by certified mail or in person in accordance with 183957
section 119.07 of the Revised Code. If an individual whose license 183958
is suspended under this division fails to make a timely request 183959
for an adjudication under Chapter 119. of the Revised Code, the 183960
board shall enter a final order permanently revoking the 183961
individual's license. 183962

(K) In any instance in which the board is required by Chapter 183963
119. of the Revised Code to give notice of opportunity for hearing 183964
and the individual subject to the notice does not timely request a 183965
hearing in accordance with section 119.07 of the Revised Code, the 183966
board is not required to hold a hearing, but may adopt, by an 183967
affirmative vote of not fewer than six of its members, a final 183968
order that contains the board's findings. In the final order, the 183969
board may order any of the sanctions identified under division (A) 183970
or (B) of this section. 183971

(L) Any action taken by the board under division (B) of this 183972
section resulting in a suspension shall be accompanied by a 183973
written statement of the conditions under which the radiologist 183974
assistant's license may be reinstated. The board shall adopt rules 183975
in accordance with Chapter 119. of the Revised Code governing 183976
conditions to be imposed for reinstatement. Reinstatement of a 183977
license suspended pursuant to division (B) of this section 183978
requires an affirmative vote of not fewer than six members of the 183979
board. 183980

(M) When the board refuses to grant or issue a license to practice as a radiologist assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a radiologist assistant and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as a radiologist assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license to practice in accordance with section 4774.06 of the Revised Code ~~shall~~ does not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

(4) The placement of an individual's license on retired status, as described in section 4774.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

Sec. 4778.06. (A) An individual seeking to renew a license to practice as a genetic counselor shall, on or before the license's expiration date, apply to the state medical board for renewal. The

board shall provide renewal notices to license holders at least 184011
one month prior to the expiration date. 184012

Renewal applications shall be submitted to the board in a 184013
manner prescribed by the board. Each application shall be 184014
accompanied by a biennial renewal fee of one hundred fifty 184015
dollars. 184016

The applicant shall report any criminal offense to which the 184017
applicant has pleaded guilty, of which the applicant has been 184018
found guilty, or for which the applicant has been found eligible 184019
for intervention in lieu of conviction, since last signing an 184020
application for a license to practice as a genetic counselor. 184021

(B) To be eligible for renewal, a genetic counselor shall 184022
certify to the board that the counselor has done both of the 184023
following: 184024

(1) Maintained the counselor's status as a certified genetic 184025
counselor; 184026

(2) Completed at least thirty hours of continuing education 184027
in genetic counseling that has been approved by the national 184028
society of genetic counselors or American board of genetic 184029
counseling. 184030

(C) If an applicant submits a renewal application that the 184031
board considers to be complete and qualifies for renewal pursuant 184032
to division (B) of this section, the board shall issue to the 184033
applicant a renewed license to practice as a genetic counselor. 184034

(D) The board may require a random sample of genetic 184035
counselors to submit materials documenting that their status as 184036
certified genetic counselors has been maintained and that the 184037
number of hours of continuing education required under division 184038
(B)(2) of this section has been completed. This division does not 184039
limit the board's authority to conduct investigations pursuant to 184040
section 4778.14 of the Revised Code. 184041

(E)(1) If, through a random sample conducted under division 184042
(D) of this section or through any other means, the board finds 184043
that an individual who certified completion of the number of hours 184044
and type of continuing education required to renew, reinstate, ~~or~~ 184045
restore, or reactivate a license to practice did not complete the 184046
requisite continuing education, the board may do either of the 184047
following: 184048

(a) Take disciplinary action against the individual under 184049
section 4778.14 of the Revised Code, impose a civil penalty, or 184050
both; 184051

(b) Permit the individual to agree in writing to complete the 184052
continuing education and pay a civil penalty. 184053

(2) The board's finding in any disciplinary action taken 184054
under division (E)(1)(a) of this section shall be made pursuant to 184055
an adjudication under Chapter 119. of the Revised Code and by an 184056
affirmative vote of not fewer than six of its members. 184057

(3) A civil penalty imposed under division (E)(1)(a) of this 184058
section or paid under division (E)(1)(b) of this section shall be 184059
in an amount specified by the board of not more than five thousand 184060
dollars. The board shall deposit civil penalties in accordance 184061
with section 4731.24 of the Revised Code. 184062

Sec. 4778.071. (A) This section applies to ~~both~~ all of the 184063
following: 184064

(1) An applicant seeking restoration of a license issued 184065
under this chapter that has been in a suspended or inactive state 184066
for any cause for more than two years; 184067

(2) An applicant seeking issuance of a license pursuant to 184068
this chapter who for more than two years has not been practicing 184069
as a genetic counselor as either of the following: 184070

(a) An active practitioner; 184071

(b) A student in a graduate program as described in section 184072
4778.03 of the Revised Code. 184073

(3) An applicant seeking to reactivate a license placed on 184074
retired status. 184075

(B) Before issuing a license to an applicant subject to this 184076
section, or before restoring a license to good standing or 184077
reactivating a license placed on retired status for an applicant 184078
subject to this section, the state medical board may impose terms 184079
and conditions including any one or more of the following: 184080

(1) Requiring the applicant to pass an oral or written 184081
examination, or both, to determine the applicant's present fitness 184082
to resume practice; 184083

(2) Requiring the applicant to obtain additional training and 184084
to pass an examination upon completion of such training; 184085

(3) Requiring an assessment of the applicant's physical 184086
skills for purposes of determining whether the applicant's 184087
coordination, fine motor skills, and dexterity are sufficient for 184088
performing evaluations and procedures in a manner that meets the 184089
minimal standards of care; 184090

(4) Requiring an assessment of the applicant's skills in 184091
recognizing and understanding diseases and conditions; 184092

(5) Requiring the applicant to undergo a comprehensive 184093
physical examination, which may include an assessment of physical 184094
abilities, evaluation of sensory capabilities, or screening for 184095
the presence of neurological disorders; 184096

(6) Restricting or limiting the extent, scope, or type of 184097
practice of the applicant. 184098

The board shall consider the moral background and the 184099
activities of the applicant during the period of suspension ~~or~~ 184100
inactivity, or retirement. The board shall not issue ~~or~~ restore, 184101

or reactivate a license under this section unless the applicant 184102
complies with sections 4776.01 to 4776.04 of the Revised Code. 184103

Sec. 4778.072. (A) An individual who holds a current, valid 184104
license issued under this chapter to practice as a genetic 184105
counselor and who retires voluntarily from practice may request 184106
that the state medical board place the individual's license on 184107
retired status. 184108

(B) An individual seeking to have the individual's license 184109
placed on retired status shall file with the board an application 184110
in the form and manner prescribed by the board. The application 184111
shall be submitted before the end of a biennial renewal period and 184112
include all of the following: 184113

(1) The applicant's full name, license number, mailing 184114
address, and electronic mail address; 184115

(2) An attestation that the information included in the 184116
application is accurate and truthful and that the applicant meets 184117
the following qualifications: 184118

(a) That the applicant holds a current, valid license issued 184119
under this chapter; 184120

(b) That the applicant has retired voluntarily from practice 184121
as a genetic counselor; 184122

(c) That the applicant does not have any criminal charges 184123
pending against the applicant; 184124

(d) That the applicant is not the subject of discipline by, 184125
or an investigation pending with, a regulatory agency of this 184126
state, another state, or the United States; 184127

(e) That the applicant does not have any complaints pending 184128
with the board; 184129

(f) That the applicant is not, at the time of application, 184130

subject to the board's hearing, disciplinary, or compliance 184131
processes under the terms of a citation, notice of opportunity for 184132
hearing, board order, or consent agreement. 184133

(3) A fee in an amount equal to the sum of the biennial 184134
renewal fee and restoration penalty described in section 4778.07 184135
of the Revised Code. 184136

The board shall not consider an application for retired 184137
status complete until the board receives the fee described in this 184138
division. On receipt of a fee, the board shall deposit the fee in 184139
accordance with section 4731.24 of the Revised Code. 184140

(C) If the board determines that an applicant meets the 184141
requirements of division (B) of this section, the board shall 184142
place the applicant's license on retired status. The license 184143
remains on retired status for the life of the license holder, 184144
unless suspended, revoked, or reactivated, and does not require 184145
renewal. 184146

(D) During the period in which a license is on retired 184147
status, all of the following apply: 184148

(1) The license holder is prohibited from practicing as a 184149
genetic counselor under any circumstance. 184150

(2) The license holder is not required to complete the 184151
continuing education required by section 4778.06 of the Revised 184152
Code. 184153

(3) The license holder is prohibited from using the license 184154
to obtain a license to practice as a genetic counselor in another 184155
state, whether by endorsement or reciprocity or through a 184156
licensure compact. 184157

(4) The license holder may use a title authorized for the 184158
holder's license as described in section 4778.02 of the Revised 184159
Code, but only if "retired" also is included in the title. 184160

(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4778.071 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 184161
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(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 184166
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(2) The applicant certifies completion of, within the two-year period that ends on the date of the application's submission, the continuing education requirements for renewal of a license to practice. 184168
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(3) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 184172
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(4) The applicant pays a reactivation fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4778.07 of the Revised Code. 184174
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The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 184177
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(F) The board shall reactivate a license placed on retired status if the conditions of division (E) of this section have been satisfied and the board, in its discretion, determines that the results of the criminal records check conducted pursuant to sections 4776.01 to 4776.04 of the Revised Code do not make the applicant ineligible for active status. 184181
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(G) The board may take disciplinary action against an applicant who is seeking to place a license on retired status or to reactivate the license if the applicant commits fraud, misrepresentation, or deception in applying for or securing the retired status or reactivation. 184187
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The board also may take disciplinary action against the holder of a license placed on retired status if the holder practices under the license, uses the license to obtain licensure as a genetic counselor in another state, or uses a title that does not reflect the holder's retired status.

In taking disciplinary action under this section, the board may impose on the applicant or holder any sanction described in section 4778.14 of the Revised Code, but shall do so in accordance with the procedures described in that section.

(H) The board may adopt rules to implement and enforce this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4778.14. (A) The state medical board, by an affirmative vote of not fewer than six members, ~~may revoke or~~ may refuse to grant a license to practice as a genetic counselor to, or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a genetic counselor, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the

board;	184222
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	184223 184224 184225 184226
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	184227 184228 184229 184230
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	184231 184232 184233 184234
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	184235 184236 184237 184238
(7) Willfully betraying a professional confidence;	184239
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor.	184240 184241 184242
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	184243 184244 184245 184246 184247 184248 184249 184250
(9) The obtaining of, or attempting to obtain, money or a	184251

thing of value by fraudulent misrepresentations in the course of 184252
practice; 184253

(10) A plea of guilty to, a judicial finding of guilt of, or 184254
a judicial finding of eligibility for intervention in lieu of 184255
conviction for, a felony; 184256

(11) Commission of an act that constitutes a felony in this 184257
state, regardless of the jurisdiction in which the act was 184258
committed; 184259

(12) A plea of guilty to, a judicial finding of guilt of, or 184260
a judicial finding of eligibility for intervention in lieu of 184261
conviction for, a misdemeanor committed in the course of practice; 184262

(13) A plea of guilty to, a judicial finding of guilt of, or 184263
a judicial finding of eligibility for intervention in lieu of 184264
conviction for, a misdemeanor involving moral turpitude; 184265

(14) Commission of an act in the course of practice that 184266
constitutes a misdemeanor in this state, regardless of the 184267
jurisdiction in which the act was committed; 184268

(15) Commission of an act involving moral turpitude that 184269
constitutes a misdemeanor in this state, regardless of the 184270
jurisdiction in which the act was committed; 184271

(16) A plea of guilty to, a judicial finding of guilt of, or 184272
a judicial finding of eligibility for intervention in lieu of 184273
conviction for violating any state or federal law regulating the 184274
possession, distribution, or use of any drug, including 184275
trafficking in drugs; 184276

(17) Any of the following actions taken by an agency 184277
responsible for authorizing, certifying, or regulating an 184278
individual to practice a health care occupation or provide health 184279
care services in this state or in another jurisdiction, for any 184280
reason other than the nonpayment of fees: the limitation, 184281

revocation, or suspension of an individual's license to practice; 184282
acceptance of an individual's license surrender; denial of a 184283
license; refusal to renew or reinstate a license; imposition of 184284
probation; or issuance of an order of censure or other reprimand; 184285

(18) Violation of the conditions placed by the board on a 184286
license to practice as a genetic counselor; 184287

(19) Failure to cooperate in an investigation conducted by 184288
the board under section 4778.18 of the Revised Code, including 184289
failure to comply with a subpoena or order issued by the board or 184290
failure to answer truthfully a question presented by the board at 184291
a deposition or in written interrogatories, except that failure to 184292
cooperate with an investigation shall not constitute grounds for 184293
discipline under this section if a court of competent jurisdiction 184294
has issued an order that either quashes a subpoena or permits the 184295
individual to withhold the testimony or evidence in issue; 184296

(20) Failure to maintain the individual's status as a 184297
certified genetic counselor; 184298

(21) Failure to comply with the code of ethics established by 184299
the national society of genetic counselors. 184300

(C) The board shall not refuse to issue a license to an 184301
applicant because of a plea of guilty to, a judicial finding of 184302
guilt of, or a judicial finding of eligibility for intervention in 184303
lieu of conviction for an offense unless the refusal is in 184304
accordance with section 9.79 of the Revised Code. 184305

(D) Disciplinary actions taken by the board under divisions 184306
(A) and (B) of this section shall be taken pursuant to an 184307
adjudication under Chapter 119. of the Revised Code, except that 184308
in lieu of an adjudication, the board may enter into a consent 184309
agreement with a genetic counselor or applicant to resolve an 184310
allegation of a violation of this chapter or any rule adopted 184311
under it. A consent agreement, when ratified by an affirmative 184312

vote of not fewer than six members of the board, shall constitute 184313
the findings and order of the board with respect to the matter 184314
addressed in the agreement. If the board refuses to ratify a 184315
consent agreement, the admissions and findings contained in the 184316
consent agreement shall be of no force or effect. 184317

A telephone conference call may be utilized for ratification 184318
of a consent agreement that revokes or suspends an individual's 184319
license. The telephone conference call shall be considered a 184320
special meeting under division (F) of section 121.22 of the 184321
Revised Code. 184322

(E) For purposes of divisions (B)(11), (14), and (15) of this 184323
section, the commission of the act may be established by a finding 184324
by the board, pursuant to an adjudication under Chapter 119. of 184325
the Revised Code, that the applicant or license holder committed 184326
the act in question. The board shall have no jurisdiction under 184327
these divisions in cases where the trial court renders a final 184328
judgment in the license holder's favor and that judgment is based 184329
upon an adjudication on the merits. The board shall have 184330
jurisdiction under these divisions in cases where the trial court 184331
issues an order of dismissal on technical or procedural grounds. 184332

(F) The sealing or expungement of conviction records by any 184333
court shall have no effect on a prior board order entered under 184334
the provisions of this section or on the board's jurisdiction to 184335
take action under the provisions of this section if, based upon a 184336
plea of guilty, a judicial finding of guilt, or a judicial finding 184337
of eligibility for intervention in lieu of conviction, the board 184338
issued a notice of opportunity for a hearing or took other formal 184339
action under Chapter 119. of the Revised Code prior to the court's 184340
order to seal or expunge the records. The board shall not be 184341
required to seal, destroy, redact, or otherwise modify its records 184342
to reflect the court's sealing or expungement of conviction 184343
records. 184344

(G) For purposes of this division, any individual who holds a license to practice as a genetic counselor, or applies for a license, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice as a genetic counselor or who has applied for a license to practice as a genetic counselor to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a genetic counselor unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the genetic counselor to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice as a genetic counselor or any applicant for a

license suffers such impairment, the board may compel the 184377
individual to submit to a mental or physical examination, or both. 184378
The expense of the examination is the responsibility of the 184379
individual compelled to be examined. Any mental or physical 184380
examination required under this division shall be undertaken by a 184381
treatment provider or physician qualified to conduct such 184382
examination and chosen by the board. 184383

Failure to submit to a mental or physical examination ordered 184384
by the board constitutes an admission of the allegations against 184385
the individual unless the failure is due to circumstances beyond 184386
the individual's control, and a default and final order may be 184387
entered without the taking of testimony or presentation of 184388
evidence. If the board determines that the individual's ability to 184389
practice is impaired, the board shall suspend the individual's 184390
license or deny the individual's application and shall require the 184391
individual, as a condition for an initial, continued, reinstated, 184392
or renewed license, to submit to treatment. 184393

Before being eligible to apply for reinstatement of a license 184394
suspended under this division, the genetic counselor shall 184395
demonstrate to the board the ability to resume practice in 184396
compliance with acceptable and prevailing standards of care. The 184397
demonstration shall include the following: 184398

(a) Certification from a treatment provider approved under 184399
section 4731.25 of the Revised Code that the individual has 184400
successfully completed any required inpatient treatment; 184401

(b) Evidence of continuing full compliance with an aftercare 184402
contract or consent agreement; 184403

(c) Two written reports indicating that the individual's 184404
ability to practice has been assessed and that the individual has 184405
been found capable of practicing according to acceptable and 184406
prevailing standards of care. The reports shall be made by 184407

individuals or providers approved by the board for making such 184408
assessments and shall describe the basis for their determination. 184409

The board may reinstate a license suspended under this 184410
division after such demonstration and after the individual has 184411
entered into a written consent agreement. 184412

When the impaired genetic counselor resumes practice, the 184413
board shall require continued monitoring of the genetic counselor. 184414
The monitoring shall include monitoring of compliance with the 184415
written consent agreement entered into before reinstatement or 184416
with conditions imposed by board order after a hearing, and, on 184417
termination of the consent agreement, submission to the board for 184418
at least two years of annual written progress reports made under 184419
penalty of falsification stating whether the genetic counselor has 184420
maintained sobriety. 184421

(H) If the secretary and supervising member determine both of 184422
the following, they may recommend that the board suspend an 184423
individual's license to practice without a prior hearing: 184424

(1) That there is clear and convincing evidence that a 184425
genetic counselor has violated division (B) of this section; 184426

(2) That the individual's continued practice presents a 184427
danger of immediate and serious harm to the public. 184428

Written allegations shall be prepared for consideration by 184429
the board. The board, on review of the allegations and by an 184430
affirmative vote of not fewer than six of its members, excluding 184431
the secretary and supervising member, may suspend a license 184432
without a prior hearing. A telephone conference call may be 184433
utilized for reviewing the allegations and taking the vote on the 184434
summary suspension. 184435

The board shall issue a written order of suspension by 184436
certified mail or in person in accordance with section 119.07 of 184437
the Revised Code. The order shall not be subject to suspension by 184438

the court during pendency of any appeal filed under section 119.12 184439
of the Revised Code. If the genetic counselor requests an 184440
adjudicatory hearing by the board, the date set for the hearing 184441
shall be within fifteen days, but not earlier than seven days, 184442
after the genetic counselor requests the hearing, unless otherwise 184443
agreed to by both the board and the genetic counselor. 184444

A summary suspension imposed under this division shall remain 184445
in effect, unless reversed on appeal, until a final adjudicative 184446
order issued by the board pursuant to this section and Chapter 184447
119. of the Revised Code becomes effective. The board shall issue 184448
its final adjudicative order within sixty days after completion of 184449
its hearing. Failure to issue the order within sixty days shall 184450
result in dissolution of the summary suspension order, but shall 184451
not invalidate any subsequent, final adjudicative order. 184452

(I) If the board takes action under division (B)(10), (12), 184453
or (13) of this section, and the judicial finding of guilt, guilty 184454
plea, or judicial finding of eligibility for intervention in lieu 184455
of conviction is overturned on appeal, on exhaustion of the 184456
criminal appeal, a petition for reconsideration of the order may 184457
be filed with the board along with appropriate court documents. On 184458
receipt of a petition and supporting court documents, the board 184459
shall reinstate the license to practice as a genetic counselor. 184460
The board may then hold an adjudication under Chapter 119. of the 184461
Revised Code to determine whether the individual committed the act 184462
in question. Notice of opportunity for hearing shall be given in 184463
accordance with Chapter 119. of the Revised Code. If the board 184464
finds, pursuant to an adjudication held under this division, that 184465
the individual committed the act, or if no hearing is requested, 184466
it may order any of the sanctions specified in division (B) of 184467
this section. 184468

(J) The license to practice as a genetic counselor and the 184469
counselor's practice in this state are automatically suspended as 184470

of the date the genetic counselor pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a license.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing

conditions to be imposed for reinstatement. Reinstatement of a 184503
license suspended pursuant to division (B) of this section 184504
requires an affirmative vote of not fewer than six members of the 184505
board. 184506

(M) When the board refuses to grant or issue a license to 184507
practice as a genetic counselor to an applicant, revokes an 184508
individual's license, refuses to renew an individual's license, or 184509
refuses to reinstate an individual's license, the board may 184510
specify that its action is permanent. An individual subject to a 184511
permanent action taken by the board is forever thereafter 184512
ineligible to hold a license to practice as a genetic counselor 184513
and the board shall not accept an application for reinstatement of 184514
the license or for issuance of a new license. 184515

(N) Notwithstanding any other provision of the Revised Code, 184516
all of the following apply: 184517

(1) The surrender of a license to practice as a genetic 184518
counselor is not effective unless or until accepted by the board. 184519
A telephone conference call may be utilized for acceptance of the 184520
surrender of an individual's license. The telephone conference 184521
call shall be considered a special meeting under division (F) of 184522
section 121.22 of the Revised Code. Reinstatement of a license 184523
surrendered to the board requires an affirmative vote of not fewer 184524
than six members of the board. 184525

(2) An application made under this chapter for a license to 184526
practice may not be withdrawn without approval of the board. 184527

(3) Failure by an individual to renew a license in accordance 184528
with section 4778.06 of the Revised Code ~~shall~~ does not remove or 184529
limit the board's jurisdiction to take disciplinary action under 184530
this section against the individual. 184531

(4) The placement of an individual's license on retired 184532
status, as described in section 4778.072 of the Revised Code, does 184533

not remove or limit the board's jurisdiction to take any 184534
disciplinary action against the individual with regard to the 184535
license as it existed before being placed on retired status. 184536

Section 130.91. That existing sections 4730.14, 4730.25, 184537
4730.28, 4731.22, 4731.222, 4731.282, 4759.06, 4759.063, 4759.07, 184538
4760.061, 4760.13, 4761.06, 4761.061, 4761.09, 4762.061, 4762.13, 184539
4774.061, 4774.13, 4778.06, 4778.071, and 4778.14 of the Revised 184540
Code are hereby repealed. 184541

Section 130.92. That the version of section 4759.06 of the 184542
Revised Code that is scheduled to take effect December 29, 2023, 184543
be amended to read as follows: 184544

Sec. 4759.06. (A) Except as provided in section 4759.05 of 184545
the Revised Code, the state medical board shall issue a license to 184546
practice dietetics to an applicant who meets all of the following 184547
requirements: 184548

(1) Has satisfactorily completed an application for licensure 184549
in accordance with rules adopted under division (A) of section 184550
4759.05 of the Revised Code; 184551

(2) Has paid the fee required under division (A) of section 184552
4759.08 of the Revised Code; 184553

(3) Has received a baccalaureate or higher degree from an 184554
institution of higher education that is approved by the board or a 184555
regional accreditation agency that is recognized by the council on 184556
postsecondary accreditation, and has completed a program 184557
consistent with the academic standards for dietitians established 184558
by the academy of nutrition and dietetics; 184559

(4) Has successfully completed a pre-professional dietetic 184560
experience approved by the academy of nutrition and dietetics, or 184561
experience approved by the board under division (A)(3) of section 184562

4759.05 of the Revised Code; 184563

(5) Has passed the examination approved by the board under 184564
division (A)(1) of section 4759.05 of the Revised Code. 184565

(B) The board shall waive the requirements of divisions 184566
(A)(3), (4), and (5) of this section and any rules adopted under 184567
division (A)(6) of section 4759.05 of the Revised Code if the 184568
applicant presents satisfactory evidence to the board of current 184569
registration as a registered dietitian with the commission on 184570
dietetic registration. 184571

(C)(1) The board shall issue a license to practice dietetics 184572
to an applicant who meets the requirements of division (A) of this 184573
section. A license shall be valid for a two-year period unless 184574
revoked or suspended by the board and shall expire on the date 184575
that is two years after the date of issuance. A license may be 184576
renewed for additional two-year periods. 184577

(2) The board shall renew an applicant's license if the 184578
applicant has paid the license renewal fee specified in section 184579
4759.08 of the Revised Code and certifies to the board that the 184580
applicant has met the continuing education requirements adopted 184581
under division (A)(5) of section 4759.05 of the Revised Code. The 184582
renewal shall be pursuant to the standard renewal procedure of 184583
sections 4745.01 to 4745.03 of the Revised Code. 184584

At least one month before a license expires, the board shall 184585
provide a renewal notice. Failure of any person to receive a 184586
notice of renewal from the board shall not excuse the person from 184587
the requirements contained in this section. Each person holding a 184588
license shall give notice to the board of a change in the license 184589
holder's residence address, business address, or electronic mail 184590
address not later than thirty days after the change occurs. 184591

(D) Any person licensed to practice dietetics by the former 184592
Ohio board of dietetics before January 21, 2018, may continue to 184593

practice dietetics in this state under that license if the person 184594
continues to meet the requirements to renew a license under this 184595
chapter and renews the license through the state medical board. 184596

The state medical board may take any of the following 184597
actions, as provided in section 4759.07 of the Revised Code, 184598
against the holder of a license to practice dietetics issued 184599
before January 21, 2018, by the former Ohio board of dietetics: 184600

(1) Limit, revoke, or suspend the holder's license; 184601

(2) Refuse to renew or reinstate the holder's license; 184602

(3) Reprimand the holder or place the holder on probation. 184603

(E) The board may require a random sample of dietitians to 184604
submit materials documenting that the continuing education 184605
requirements adopted under division (A)(5) of section 4759.05 of 184606
the Revised Code have been met. 184607

This division does not limit the board's authority to conduct 184608
investigations pursuant to section 4759.07 of the Revised Code. 184609

(F)(1) If, through a random sample conducted under division 184610
(E) of this section or through any other means, the board finds 184611
that an individual who certified completion of the number of hours 184612
and type of continuing education required to renew, reinstate, ~~or~~ 184613
restore, or reactivate a license to practice did not complete the 184614
requisite continuing education, the board may do either of the 184615
following: 184616

(a) Take disciplinary action against the individual under 184617
section 4759.07 of the Revised Code, impose a civil penalty, or 184618
both; 184619

(b) Permit the individual to agree in writing to complete the 184620
continuing education and pay a civil penalty. 184621

(2) The board's finding in any disciplinary action taken 184622
under division (F)(1)(a) of this section shall be made pursuant to 184623

an adjudication under Chapter 119. of the Revised Code and by an 184624
affirmative vote of not fewer than six of its members. 184625

(3) A civil penalty imposed under division (F)(1)(a) of this 184626
section or paid under division (F)(1)(b) of this section shall be 184627
in an amount specified by the board of not more than five thousand 184628
dollars. The board shall deposit civil penalties in accordance 184629
with section 4731.24 of the Revised Code. 184630

(G)(1) Except as provided in section 4759.05 of the Revised 184631
Code, the board may grant a limited permit to a person who has 184632
completed the education and pre-professional requirements of 184633
divisions (A)(3) and (4) of this section and who presents evidence 184634
to the board of having applied to take the examination approved by 184635
the board under division (A)(1) of section 4759.05 of the Revised 184636
Code. An application for a limited permit shall be made on forms 184637
that the board shall furnish and shall be accompanied by the 184638
limited permit fee specified in section 4759.08 of the Revised 184639
Code. 184640

(2) If no grounds apply under section 4759.07 of the Revised 184641
Code for denying a license to the applicant and the applicant 184642
meets the requirements of division (G)(1) of this section, the 184643
board shall issue a limited permit to the applicant. 184644

A limited permit expires in accordance with rules adopted 184645
under section 4759.05 of the Revised Code. A limited permit may be 184646
renewed in accordance with those rules. 184647

(3) A person holding a limited permit who has failed the 184648
examination shall practice only under the direct supervision of a 184649
licensed dietitian. 184650

(4) The board may revoke a limited permit on proof 184651
satisfactory to the board that the permit holder has engaged in 184652
practice in this state outside the scope of the permit, that the 184653
holder has engaged in unethical conduct, or that grounds for 184654

action against the holder exist under section 4759.07 of the Revised Code. 184655
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Section 130.93. That the existing version of section 4759.06 of the Revised Code that is scheduled to take effect December 29, 2023, is hereby repealed. 184657
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Section 130.94. Sections 130.92 and 130.93 of this act take effect on December 29, 2023. 184660
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Section 130.95. Section 4731.22 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 254 and S.B. 288 of the 134th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act. 184662
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Section 130.100. That sections 5.224, 5.281, 9.231, 9.55, 102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72, 109.746, 113.73, 117.46, 121.02, 121.03, 121.35, 121.37, 121.40, 121.95, 124.15, 124.382, 124.384, 125.05, 125.13, 133.06, 133.061, 135.142, 149.331, 175.30, 197.04, 319.301, 901.71, 921.06, 2151.011, 2151.353, 2151.357, 2151.362, 2305.111, 2901.01, 2903.13, 2907.03, 2917.31, 2917.46, 2923.122, 2925.01, 2950.11, 2953.34, 3301.01, 3301.07, 3301.071, 3301.072, 3301.075, 3301.076, 3301.078, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0713, 3301.0714, 3301.0715, 3301.0716, 3301.0717, 3301.0718, 3301.0719, 3301.0720, 3301.0721, 3301.0723, 3301.0725, 3301.0726, 3301.0728, 3301.0730, 3301.10, 3301.11, 3301.12, 3301.121, 3301.131, 3301.133, 3301.134, 3301.135, 3301.136, 3301.14, 3301.15, 3301.16, 184671
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6301.111, 6301.112, 6301.15, 6301.21, 6301.22, and 6301.23 be 184788
amended and new section 3301.13 and sections 3301.0732, 3301.111, 184789
3301.132, 3301.137, 3301.138, and 3321.042 of the Revised Code be 184790
enacted to read as follows: 184791

Sec. 5.224. The first day of March is designated as "Ohio 184792
statehood day," in recognition of the date in 1803 when Ohio 184793
became a state. In addition to those duties imposed on the Ohio 184794
history connection under section 149.30 of the Revised Code, and 184795
those duties imposed on the ~~superintendent of public instruction~~ 184796
director of education and workforce under section 3301.12 of the 184797
Revised Code, the Ohio history connection shall, throughout the 184798
state, and the ~~superintendent~~ director shall, in all school 184799
districts, encourage and promote the celebration of "Ohio 184800
statehood day." 184801

Sec. 5.281. Beginning in 2018, and every year thereafter, the 184802
full week beginning on the first Monday in May is designated as 184803
in-demand jobs week. 184804

Every year during in-demand jobs week, the governor's office 184805
of workforce transformation, in collaboration with the departments 184806
of job and family services, education and workforce, and higher 184807
education, shall organize activities to raise awareness among 184808
educators, students, and parents of jobs that are in demand by 184809

employers operating in this state and the requirements and 184810
benefits of those jobs. The activities shall include job fairs and 184811
company tours to connect middle and high school students with 184812
employers. 184813

Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 184814
this section, a governmental entity shall not disburse money 184815
totaling twenty-five thousand dollars or more to any person for 184816
the provision of services for the primary benefit of individuals 184817
or the public and not for the primary benefit of a governmental 184818
entity or the employees of a governmental entity, unless the 184819
contracting authority of the governmental entity first enters into 184820
a written contract with the person that is signed by the person or 184821
by an officer or agent of the person authorized to legally bind 184822
the person and that embodies all of the requirements and 184823
conditions set forth in sections 9.23 to 9.236 of the Revised 184824
Code. If the disbursement of money occurs over the course of a 184825
governmental entity's fiscal year, rather than in a lump sum, the 184826
contracting authority of the governmental entity shall enter into 184827
the written contract with the person at the point during the 184828
governmental entity's fiscal year that at least seventy-five 184829
thousand dollars has been disbursed by the governmental entity to 184830
the person. Thereafter, the contracting authority of the 184831
governmental entity shall enter into the written contract with the 184832
person at the beginning of the governmental entity's fiscal year, 184833
if, during the immediately preceding fiscal year, the governmental 184834
entity disbursed to that person an aggregate amount totaling at 184835
least seventy-five thousand dollars. 184836

(2) If the money referred to in division (A)(1) of this 184837
section is disbursed by or through more than one state agency to 184838
the person for the provision of services to the same population, 184839
the contracting authorities of those agencies shall determine 184840
which one of them will enter into the written contract with the 184841

person. 184842

(3) The requirements and conditions set forth in divisions 184843
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 184844
and (B) of section 9.234, divisions (A)(2) and (B) of section 184845
9.235, and sections 9.233 and 9.236 of the Revised Code do not 184846
apply with respect to the following: 184847

(a) Contracts to which all of the following apply: 184848

(i) The amount received for the services is a set fee for 184849
each time the services are provided, is determined in accordance 184850
with a fixed rate per unit of time or per service, or is a 184851
capitated rate, and the fee or rate is established by competitive 184852
bidding or by a market rate survey of similar services provided in 184853
a defined market area. The market rate survey may be one conducted 184854
by or on behalf of the governmental entity or an independent 184855
survey accepted by the governmental entity as statistically valid 184856
and reliable. 184857

(ii) The services are provided in accordance with standards 184858
established by state or federal law, or by rules or regulations 184859
adopted thereunder, for their delivery, which standards are 184860
enforced by the federal government, a governmental entity, or an 184861
accrediting organization recognized by the federal government or a 184862
governmental entity. 184863

(iii) Payment for the services is made after the services are 184864
delivered and upon submission to the governmental entity of an 184865
invoice or other claim for payment as required by any applicable 184866
local, state, or federal law or, if no such law applies, by the 184867
terms of the contract. 184868

(b) Contracts under which the services are reimbursed through 184869
or in a manner consistent with a federal program that meets all of 184870
the following requirements: 184871

(i) The program calculates the reimbursement rate on the 184872

basis of the previous year's experience or in accordance with an 184873
alternative method set forth in rules adopted by the Ohio 184874
department of job and family services. 184875

(ii) The reimbursement rate is derived from a breakdown of 184876
direct and indirect costs. 184877

(iii) The program's guidelines describe types of expenditures 184878
that are allowable and not allowable under the program and 184879
delineate which costs are acceptable as direct costs for purposes 184880
of calculating the reimbursement rate. 184881

(iv) The program includes a uniform cost reporting system 184882
with specific audit requirements. 184883

(c) Contracts under which the services are reimbursed through 184884
or in a manner consistent with a federal program that calculates 184885
the reimbursement rate on a fee for service basis in compliance 184886
with United States office of management and budget Circular A-87, 184887
as revised May 10, 2004. 184888

(d) Contracts for services that are paid pursuant to the 184889
earmarking of an appropriation made by the general assembly for 184890
that purpose. 184891

(B) Division (A) of this section does not apply if the money 184892
is disbursed to a person pursuant to a contract with the United 184893
States or a governmental entity under any of the following 184894
circumstances: 184895

(1) The person receives the money directly or indirectly from 184896
the United States, and no governmental entity exercises any 184897
oversight or control over the use of the money. 184898

(2) The person receives the money solely in return for the 184899
performance of one or more of the following types of services: 184900

(a) Medical, therapeutic, or other health-related services 184901
provided by a person if the amount received is a set fee for each 184902

time the person provides the services, is determined in accordance 184903
with a fixed rate per unit of time, or is a capitated rate, and 184904
the fee or rate is reasonable and customary in the person's trade 184905
or profession; 184906

(b) Medicaid-funded services, including administrative and 184907
management services, provided pursuant to a contract or medicaid 184908
provider agreement that meets the requirements of the medicaid 184909
program. 184910

(c) Services, other than administrative or management 184911
services or any of the services described in division (B)(2)(a) or 184912
(b) of this section, that are commonly purchased by the public at 184913
an hourly rate or at a set fee for each time the services are 184914
provided, unless the services are performed for the benefit of 184915
children, persons who are eligible for the services by reason of 184916
advanced age, medical condition, or financial need, or persons who 184917
are confined in a detention facility as defined in section 2921.01 184918
of the Revised Code, and the services are intended to help promote 184919
the health, safety, or welfare of those children or persons; 184920

(d) Educational services provided by a school to children 184921
eligible to attend that school. For purposes of division (B)(2)(d) 184922
of this section, "school" means any school operated by a school 184923
district board of education, any community school established 184924
under Chapter 3314. of the Revised Code, or any nonpublic school 184925
for which the ~~state board~~ director of education and workforce 184926
prescribes minimum education standards under section 3301.07 of 184927
the Revised Code. 184928

(e) Services provided by a foster home as defined in section 184929
5103.02 of the Revised Code; 184930

(f) "Routine business services other than administrative or 184931
management services," as that term is defined by the attorney 184932
general by rule adopted in accordance with Chapter 119. of the 184933

Revised Code; 184934

(g) Services to protect the environment or promote 184935
environmental education that are provided by a nonprofit entity or 184936
services to protect the environment that are funded with federal 184937
grants or revolving loan funds and administered in accordance with 184938
federal law. 184939

(3) The person receives the money solely in return for the 184940
performance of services intended to help preserve public health or 184941
safety under circumstances requiring immediate action as a result 184942
of a natural or man-made emergency. 184943

(C) With respect to an unincorporated nonprofit association, 184944
corporation, or organization established for the purpose of 184945
providing educational, technical, consulting, training, financial, 184946
or other services to its members in exchange for membership dues 184947
and other fees, any of the services provided to a member that is a 184948
governmental entity shall, for purposes of this section, be 184949
considered services "for the primary benefit of a governmental 184950
entity or the employees of a governmental entity." 184951

Sec. 9.55. (A) As used in this section, "state agency" means 184952
the house of representatives, the senate, the governor, the 184953
secretary of state, the auditor of state, the treasurer of state, 184954
the attorney general, the department of job and family services, 184955
the department of commerce, the department of developmental 184956
disabilities, the department of education and workforce, the 184957
department of health, the department of aging, the governor's 184958
office of advocacy for disabled persons, and the civil rights 184959
commission. 184960

(B) Each state agency shall install in its offices at least 184961
one teletypewriter designed to receive printed messages from and 184962
transmit printed messages to deaf or hearing-impaired persons. 184963

Sec. 102.02. (A)(1) Except as otherwise provided in division 184964
(H) of this section, all of the following shall file with the 184965
appropriate ethics commission the disclosure statement described 184966
in this division on a form prescribed by the appropriate 184967
commission: every person who is elected to or is a candidate for a 184968
state, county, or city office and every person who is appointed to 184969
fill a vacancy for an unexpired term in such an elective office; 184970
all members of the state board of education; the director, 184971
assistant directors, deputy directors, division chiefs, or persons 184972
of equivalent rank of any administrative department of the state; 184973
the president or other chief administrative officer of every state 184974
institution of higher education as defined in section 3345.011 of 184975
the Revised Code; the executive director and the members of the 184976
capitol square review and advisory board appointed or employed 184977
pursuant to section 105.41 of the Revised Code; all members of the 184978
Ohio casino control commission, the executive director of the 184979
commission, all professional employees of the commission, and all 184980
technical employees of the commission who perform an internal 184981
audit function; the individuals set forth in division (B)(2) of 184982
section 187.03 of the Revised Code; the chief executive officer 184983
and the members of the board of each state retirement system; each 184984
employee of a state retirement board who is a state retirement 184985
system investment officer licensed pursuant to section 1707.163 of 184986
the Revised Code; the members of the Ohio retirement study council 184987
appointed pursuant to division (C) of section 171.01 of the 184988
Revised Code; employees of the Ohio retirement study council, 184989
other than employees who perform purely administrative or clerical 184990
functions; the administrator of workers' compensation and each 184991
member of the bureau of workers' compensation board of directors; 184992
the bureau of workers' compensation director of investments; the 184993
chief investment officer of the bureau of workers' compensation; 184994
all members of the board of commissioners on grievances and 184995

discipline of the supreme court and the ethics commission created 184996
under section 102.05 of the Revised Code; every business manager, 184997
treasurer, or superintendent of a city, local, exempted village, 184998
joint vocational, or cooperative education school district or an 184999
educational service center; every person who is elected to or is a 185000
candidate for the office of member of a board of education of a 185001
city, local, exempted village, joint vocational, or cooperative 185002
education school district or of a governing board of an 185003
educational service center that has a total student count of 185004
twelve thousand or more as most recently determined by the 185005
department of education and workforce pursuant to section 3317.03 185006
of the Revised Code; every person who is appointed to the board of 185007
education of a municipal school district pursuant to division (B) 185008
or (F) of section 3311.71 of the Revised Code; all members of the 185009
board of directors of a sanitary district that is established 185010
under Chapter 6115. of the Revised Code and organized wholly for 185011
the purpose of providing a water supply for domestic, municipal, 185012
and public use, and that includes two municipal corporations in 185013
two counties; every public official or employee who is paid a 185014
salary or wage in accordance with schedule C of section 124.15 or 185015
schedule E-2 of section 124.152 of the Revised Code; all members 185016
appointed to the Ohio livestock care standards board under section 185017
904.02 of the Revised Code; all entrepreneurs in residence 185018
assigned by the LeanOhio office in the department of 185019
administrative services under section 125.65 of the Revised Code 185020
and every other public official or employee who is designated by 185021
the appropriate ethics commission pursuant to division (B) of this 185022
section. 185023

(2) The disclosure statement shall include all of the 185024
following: 185025

(a) The name of the person filing the statement and each 185026
member of the person's immediate family and all names under which 185027

the person or members of the person's immediate family do 185028
business; 185029

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 185030
section and except as otherwise provided in section 102.022 of the 185031
Revised Code, identification of every source of income, other than 185032
income from a legislative agent identified in division 185033
(A)(2)(b)(ii) of this section, received during the preceding 185034
calendar year, in the person's own name or by any other person for 185035
the person's use or benefit, by the person filing the statement, 185036
and a brief description of the nature of the services for which 185037
the income was received. If the person filing the statement is a 185038
member of the general assembly, the statement shall identify the 185039
amount of every source of income received in accordance with the 185040
following ranges of amounts: zero or more, but less than one 185041
thousand dollars; one thousand dollars or more, but less than ten 185042
thousand dollars; ten thousand dollars or more, but less than 185043
twenty-five thousand dollars; twenty-five thousand dollars or 185044
more, but less than fifty thousand dollars; fifty thousand dollars 185045
or more, but less than one hundred thousand dollars; and one 185046
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 185047
section shall not be construed to require a person filing the 185048
statement who derives income from a business or profession to 185049
disclose the individual items of income that constitute the gross 185050
income of that business or profession, except for those individual 185051
items of income that are attributable to the person's or, if the 185052
income is shared with the person, the partner's, solicitation of 185053
services or goods or performance, arrangement, or facilitation of 185054
services or provision of goods on behalf of the business or 185055
profession of clients, including corporate clients, who are 185056
legislative agents. A person who files the statement under this 185057
section shall disclose the identity of and the amount of income 185058
received from a person who the public official or employee knows 185059
or has reason to know is doing or seeking to do business of any 185060

kind with the public official's or employee's agency. 185061

(ii) If the person filing the statement is a member of the 185062
general assembly, the statement shall identify every source of 185063
income and the amount of that income that was received from a 185064
legislative agent during the preceding calendar year, in the 185065
person's own name or by any other person for the person's use or 185066
benefit, by the person filing the statement, and a brief 185067
description of the nature of the services for which the income was 185068
received. Division (A)(2)(b)(ii) of this section requires the 185069
disclosure of clients of attorneys or persons licensed under 185070
section 4732.12 of the Revised Code, or patients of persons 185071
licensed under section 4731.14 of the Revised Code, if those 185072
clients or patients are legislative agents. Division (A)(2)(b)(ii) 185073
of this section requires a person filing the statement who derives 185074
income from a business or profession to disclose those individual 185075
items of income that constitute the gross income of that business 185076
or profession that are received from legislative agents. 185077

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 185078
of this section, division (A)(2)(b)(i) of this section applies to 185079
attorneys, physicians, and other persons who engage in the 185080
practice of a profession and who, pursuant to a section of the 185081
Revised Code, the common law of this state, a code of ethics 185082
applicable to the profession, or otherwise, generally are required 185083
not to reveal, disclose, or use confidences of clients, patients, 185084
or other recipients of professional services except under 185085
specified circumstances or generally are required to maintain 185086
those types of confidences as privileged communications except 185087
under specified circumstances. Division (A)(2)(b)(i) of this 185088
section does not require an attorney, physician, or other 185089
professional subject to a confidentiality requirement as described 185090
in division (A)(2)(b)(iii) of this section to disclose the name, 185091
other identity, or address of a client, patient, or other 185092

recipient of professional services if the disclosure would 185093
threaten the client, patient, or other recipient of professional 185094
services, would reveal details of the subject matter for which 185095
legal, medical, or professional advice or other services were 185096
sought, or would reveal an otherwise privileged communication 185097
involving the client, patient, or other recipient of professional 185098
services. Division (A)(2)(b)(i) of this section does not require 185099
an attorney, physician, or other professional subject to a 185100
confidentiality requirement as described in division 185101
(A)(2)(b)(iii) of this section to disclose in the brief 185102
description of the nature of services required by division 185103
(A)(2)(b)(i) of this section any information pertaining to 185104
specific professional services rendered for a client, patient, or 185105
other recipient of professional services that would reveal details 185106
of the subject matter for which legal, medical, or professional 185107
advice was sought or would reveal an otherwise privileged 185108
communication involving the client, patient, or other recipient of 185109
professional services. 185110

(c) The name of every corporation on file with the secretary 185111
of state that is incorporated in this state or holds a certificate 185112
of compliance authorizing it to do business in this state, trust, 185113
business trust, partnership, or association that transacts 185114
business in this state in which the person filing the statement or 185115
any other person for the person's use and benefit had during the 185116
preceding calendar year an investment of over one thousand dollars 185117
at fair market value as of the thirty-first day of December of the 185118
preceding calendar year, or the date of disposition, whichever is 185119
earlier, or in which the person holds any office or has a 185120
fiduciary relationship, and a description of the nature of the 185121
investment, office, or relationship. Division (A)(2)(c) of this 185122
section does not require disclosure of the name of any bank, 185123
savings and loan association, credit union, or building and loan 185124
association with which the person filing the statement has a 185125

deposit or a withdrawable share account. 185126

(d) All fee simple and leasehold interests to which the 185127
person filing the statement holds legal title to or a beneficial 185128
interest in real property located within the state, excluding the 185129
person's residence and property used primarily for personal 185130
recreation; 185131

(e) The names of all persons residing or transacting business 185132
in the state to whom the person filing the statement owes, in the 185133
person's own name or in the name of any other person, more than 185134
one thousand dollars. Division (A)(2)(e) of this section shall not 185135
be construed to require the disclosure of debts owed by the person 185136
resulting from the ordinary conduct of a business or profession or 185137
debts on the person's residence or real property used primarily 185138
for personal recreation, except that the superintendent of 185139
financial institutions and any deputy superintendent of banks 185140
shall disclose the names of all state-chartered banks and all bank 185141
subsidiary corporations subject to regulation under section 185142
1109.44 of the Revised Code to whom the superintendent or deputy 185143
superintendent owes any money. 185144

(f) The names of all persons residing or transacting business 185145
in the state, other than a depository excluded under division 185146
(A)(2)(c) of this section, who owe more than one thousand dollars 185147
to the person filing the statement, either in the person's own 185148
name or to any person for the person's use or benefit. Division 185149
(A)(2)(f) of this section shall not be construed to require the 185150
disclosure of clients of attorneys or persons licensed under 185151
section 4732.12 of the Revised Code, or patients of persons 185152
licensed under section 4731.14 of the Revised Code, nor the 185153
disclosure of debts owed to the person resulting from the ordinary 185154
conduct of a business or profession. 185155

(g) Except as otherwise provided in section 102.022 of the 185156
Revised Code, the source of each gift of over seventy-five 185157

dollars, or of each gift of over twenty-five dollars received by a 185158
member of the general assembly from a legislative agent, received 185159
by the person in the person's own name or by any other person for 185160
the person's use or benefit during the preceding calendar year, 185161
except gifts received by will or by virtue of section 2105.06 of 185162
the Revised Code, or received from spouses, parents, grandparents, 185163
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 185164
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 185165
fathers-in-law, mothers-in-law, or any person to whom the person 185166
filing the statement stands in loco parentis, or received by way 185167
of distribution from any inter vivos or testamentary trust 185168
established by a spouse or by an ancestor; 185169

(h) Except as otherwise provided in section 102.022 of the 185170
Revised Code, identification of the source and amount of every 185171
payment of expenses incurred for travel to destinations inside or 185172
outside this state that is received by the person in the person's 185173
own name or by any other person for the person's use or benefit 185174
and that is incurred in connection with the person's official 185175
duties, except for expenses for travel to meetings or conventions 185176
of a national or state organization to which any state agency, 185177
including, but not limited to, any legislative agency or state 185178
institution of higher education as defined in section 3345.011 of 185179
the Revised Code, pays membership dues, or any political 185180
subdivision or any office or agency of a political subdivision 185181
pays membership dues; 185182

(i) Except as otherwise provided in section 102.022 of the 185183
Revised Code, identification of the source of payment of expenses 185184
for meals and other food and beverages, other than for meals and 185185
other food and beverages provided at a meeting at which the person 185186
participated in a panel, seminar, or speaking engagement or at a 185187
meeting or convention of a national or state organization to which 185188
any state agency, including, but not limited to, any legislative 185189

agency or state institution of higher education as defined in 185190
section 3345.011 of the Revised Code, pays membership dues, or any 185191
political subdivision or any office or agency of a political 185192
subdivision pays membership dues, that are incurred in connection 185193
with the person's official duties and that exceed one hundred 185194
dollars aggregated per calendar year; 185195

(j) If the disclosure statement is filed by a public official 185196
or employee described in division (B)(2) of section 101.73 of the 185197
Revised Code or division (B)(2) of section 121.63 of the Revised 185198
Code who receives a statement from a legislative agent, executive 185199
agency lobbyist, or employer that contains the information 185200
described in division (F)(2) of section 101.73 of the Revised Code 185201
or division (G)(2) of section 121.63 of the Revised Code, all of 185202
the nondisputed information contained in the statement delivered 185203
to that public official or employee by the legislative agent, 185204
executive agency lobbyist, or employer under division (F)(2) of 185205
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 185206

(3) A person may file a statement required by this section in 185207
person, by mail, or by electronic means. 185208

(4) A person who is required to file a statement under this 185209
section shall file that statement according to the following 185210
deadlines, as applicable: 185211

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 185212
and (d) of this section, the person shall file the statement not 185213
later than the fifteenth day of May of each year. 185214

(b) A person who is a candidate for elective office shall 185215
file the statement no later than the thirtieth day before the 185216
primary, special, or general election at which the candidacy is to 185217
be voted on, whichever election occurs soonest, except that a 185218
person who is a write-in candidate shall file the statement no 185219
later than the twentieth day before the earliest election at which 185220

the person's candidacy is to be voted on. 185221

(c) A person who is appointed to fill a vacancy for an 185222
unexpired term in an elective office shall file the statement 185223
within fifteen days after the person qualifies for office. 185224

(d) A person who is appointed or employed after the fifteenth 185225
day of May, other than a person described in division (A)(4)(c) of 185226
this section, shall file an annual statement within ninety days 185227
after appointment or employment. 185228

(5) No person shall be required to file with the appropriate 185229
ethics commission more than one statement or pay more than one 185230
filing fee for any one calendar year. 185231

(6) The appropriate ethics commission, for good cause, may 185232
extend for a reasonable time the deadline for filing a statement 185233
under this section. 185234

(7) A statement filed under this section is subject to public 185235
inspection at locations designated by the appropriate ethics 185236
commission except as otherwise provided in this section. 185237

(B) The Ohio ethics commission, the joint legislative ethics 185238
committee, and the board of commissioners on grievances and 185239
discipline of the supreme court, using the rule-making procedures 185240
of Chapter 119. of the Revised Code, may require any class of 185241
public officials or employees under its jurisdiction and not 185242
specifically excluded by this section whose positions involve a 185243
substantial and material exercise of administrative discretion in 185244
the formulation of public policy, expenditure of public funds, 185245
enforcement of laws and rules of the state or a county or city, or 185246
the execution of other public trusts, to file an annual statement 185247
under division (A) of this section. The appropriate ethics 185248
commission shall send the public officials or employees written 185249
notice of the requirement not less than thirty days before the 185250
applicable filing deadline unless the public official or employee 185251

is appointed after that date, in which case the notice shall be 185252
sent within thirty days after appointment, and the filing shall be 185253
made not later than ninety days after appointment. 185254

Disclosure statements filed under this division with the Ohio 185255
ethics commission by members of boards, commissions, or bureaus of 185256
the state for which no compensation is received other than 185257
reasonable and necessary expenses shall be kept confidential. 185258
Disclosure statements filed with the Ohio ethics commission under 185259
division (A) of this section by business managers, treasurers, and 185260
superintendents of city, local, exempted village, joint 185261
vocational, or cooperative education school districts or 185262
educational service centers shall be kept confidential, except 185263
that any person conducting an audit of any such school district or 185264
educational service center pursuant to Chapter 117. of the Revised 185265
Code may examine the disclosure statement of any business manager, 185266
treasurer, or superintendent of that school district or 185267
educational service center. Disclosure statements filed with the 185268
Ohio ethics commission under division (A) of this section by the 185269
individuals set forth in division (B)(2) of section 187.03 of the 185270
Revised Code shall be kept confidential. The Ohio ethics 185271
commission shall examine each disclosure statement required to be 185272
kept confidential to determine whether a potential conflict of 185273
interest exists for the person who filed the disclosure statement. 185274
A potential conflict of interest exists if the private interests 185275
of the person, as indicated by the person's disclosure statement, 185276
might interfere with the public interests the person is required 185277
to serve in the exercise of the person's authority and duties in 185278
the person's office or position of employment. If the commission 185279
determines that a potential conflict of interest exists, it shall 185280
notify the person who filed the disclosure statement and shall 185281
make the portions of the disclosure statement that indicate a 185282
potential conflict of interest subject to public inspection in the 185283
same manner as is provided for other disclosure statements. Any 185284

portion of the disclosure statement that the commission determines 185285
does not indicate a potential conflict of interest shall be kept 185286
confidential by the commission and shall not be made subject to 185287
public inspection, except as is necessary for the enforcement of 185288
Chapters 102. and 2921. of the Revised Code and except as 185289
otherwise provided in this division. 185290

(C) No person shall knowingly fail to file, on or before the 185291
applicable filing deadline established under this section, a 185292
statement that is required by this section. 185293

(D) No person shall knowingly file a false statement that is 185294
required to be filed under this section. 185295

(E)(1) Except as provided in divisions (E)(2) and (3) of this 185296
section, the statement required by division (A) or (B) of this 185297
section shall be accompanied by a filing fee of sixty dollars. 185298

(2) The statement required by division (A) of this section 185299
shall be accompanied by the following filing fee to be paid by the 185300
person who is elected or appointed to, or is a candidate for, any 185301
of the following offices: 185302

For state office, except member of the		185303
state board of education	\$95	185304
For office of member of general assembly	\$40	185305
For county office	\$60	185306
For city office	\$35	185307
For office of member of the state board		185308
of education	\$35	185309
For office of member of a city, local,		185310
exempted village, or cooperative		185311
education board of		185312
education or educational service		185313
center governing board	\$30	185314
For position of business manager,		185315

treasurer, or superintendent of a 185316
city, local, exempted village, joint 185317
vocational, or cooperative education 185318
school district or 185319
educational service center \$30 185320

(3) No judge of a court of record or candidate for judge of a 185321
court of record, and no referee or magistrate serving a court of 185322
record, shall be required to pay the fee required under division 185323
(E)(1) or (2) or (F) of this section. 185324

(4) For any public official who is appointed to a nonelective 185325
office of the state and for any employee who holds a nonelective 185326
position in a public agency of the state, the state agency that is 185327
the primary employer of the state official or employee shall pay 185328
the fee required under division (E)(1) or (F) of this section. 185329

(F) If a statement required to be filed under this section is 185330
not filed by the date on which it is required to be filed, the 185331
appropriate ethics commission shall assess the person required to 185332
file the statement a late filing fee of ten dollars for each day 185333
the statement is not filed, except that the total amount of the 185334
late filing fee shall not exceed two hundred fifty dollars. 185335

(G)(1) The appropriate ethics commission other than the Ohio 185336
ethics commission and the joint legislative ethics committee shall 185337
deposit all fees it receives under divisions (E) and (F) of this 185338
section into the general revenue fund of the state. 185339

(2) The Ohio ethics commission shall deposit all receipts, 185340
including, but not limited to, fees it receives under divisions 185341
(E) and (F) of this section, investigative or other fees, costs, 185342
or other funds it receives as a result of court orders, and all 185343
moneys it receives from settlements under division (G) of section 185344
102.06 of the Revised Code, into the Ohio ethics commission fund, 185345
which is hereby created in the state treasury. All moneys credited 185346
to the fund shall be used solely for expenses related to the 185347

operation and statutory functions of the commission. 185348

(3) The joint legislative ethics committee shall deposit all 185349
receipts it receives from the payment of financial disclosure 185350
statement filing fees under divisions (E) and (F) of this section 185351
into the joint legislative ethics committee investigative and 185352
financial disclosure fund. 185353

(H) Division (A) of this section does not apply to a person 185354
elected or appointed to the office of precinct, ward, or district 185355
committee member under Chapter 3517. of the Revised Code; a 185356
presidential elector; a delegate to a national convention; village 185357
or township officials and employees; any physician or psychiatrist 185358
who is paid a salary or wage in accordance with schedule C of 185359
section 124.15 or schedule E-2 of section 124.152 of the Revised 185360
Code and whose primary duties do not require the exercise of 185361
administrative discretion; or any member of a board, commission, 185362
or bureau of any county or city who receives less than one 185363
thousand dollars per year for serving in that position. 185364

Sec. 109.57. (A)(1) The superintendent of the bureau of 185365
criminal identification and investigation shall procure from 185366
wherever procurable and file for record photographs, pictures, 185367
descriptions, fingerprints, measurements, and other information 185368
that may be pertinent of all persons who have been convicted of 185369
committing within this state a felony, any crime constituting a 185370
misdemeanor on the first offense and a felony on subsequent 185371
offenses, or any misdemeanor described in division (A)(1)(a), 185372
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 185373
all children under eighteen years of age who have been adjudicated 185374
delinquent children for committing within this state an act that 185375
would be a felony or an offense of violence if committed by an 185376
adult or who have been convicted of or pleaded guilty to 185377
committing within this state a felony or an offense of violence, 185378

and of all well-known and habitual criminals. The person in charge 185379
of any county, multicounty, municipal, municipal-county, or 185380
multicounty-municipal jail or workhouse, community-based 185381
correctional facility, halfway house, alternative residential 185382
facility, or state correctional institution and the person in 185383
charge of any state institution having custody of a person 185384
suspected of having committed a felony, any crime constituting a 185385
misdemeanor on the first offense and a felony on subsequent 185386
offenses, or any misdemeanor described in division (A)(1)(a), 185387
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 185388
having custody of a child under eighteen years of age with respect 185389
to whom there is probable cause to believe that the child may have 185390
committed an act that would be a felony or an offense of violence 185391
if committed by an adult shall furnish such material to the 185392
superintendent of the bureau. Fingerprints, photographs, or other 185393
descriptive information of a child who is under eighteen years of 185394
age, has not been arrested or otherwise taken into custody for 185395
committing an act that would be a felony or an offense of violence 185396
who is not in any other category of child specified in this 185397
division, if committed by an adult, has not been adjudicated a 185398
delinquent child for committing an act that would be a felony or 185399
an offense of violence if committed by an adult, has not been 185400
convicted of or pleaded guilty to committing a felony or an 185401
offense of violence, and is not a child with respect to whom there 185402
is probable cause to believe that the child may have committed an 185403
act that would be a felony or an offense of violence if committed 185404
by an adult shall not be procured by the superintendent or 185405
furnished by any person in charge of any county, multicounty, 185406
municipal, municipal-county, or multicounty-municipal jail or 185407
workhouse, community-based correctional facility, halfway house, 185408
alternative residential facility, or state correctional 185409
institution, except as authorized in section 2151.313 of the 185410

Revised Code. 185411

(2) Every clerk of a court of record in this state, other 185412
than the supreme court or a court of appeals, shall send to the 185413
superintendent of the bureau a weekly report containing a summary 185414
of each case involving a felony, involving any crime constituting 185415
a misdemeanor on the first offense and a felony on subsequent 185416
offenses, involving a misdemeanor described in division (A)(1)(a), 185417
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 185418
involving an adjudication in a case in which a child under 185419
eighteen years of age was alleged to be a delinquent child for 185420
committing an act that would be a felony or an offense of violence 185421
if committed by an adult. The clerk of the court of common pleas 185422
shall include in the report and summary the clerk sends under this 185423
division all information described in divisions (A)(2)(a) to (f) 185424
of this section regarding a case before the court of appeals that 185425
is served by that clerk. The summary shall be written on the 185426
standard forms furnished by the superintendent pursuant to 185427
division (B) of this section and shall include the following 185428
information: 185429

(a) The incident tracking number contained on the standard 185430
forms furnished by the superintendent pursuant to division (B) of 185431
this section; 185432

(b) The style and number of the case; 185433

(c) The date of arrest, offense, summons, or arraignment; 185434

(d) The date that the person was convicted of or pleaded 185435
guilty to the offense, adjudicated a delinquent child for 185436
committing the act that would be a felony or an offense of 185437
violence if committed by an adult, found not guilty of the 185438
offense, or found not to be a delinquent child for committing an 185439
act that would be a felony or an offense of violence if committed 185440
by an adult, the date of an entry dismissing the charge, an entry 185441

declaring a mistrial of the offense in which the person is 185442
discharged, an entry finding that the person or child is not 185443
competent to stand trial, or an entry of a nolle prosequi, or the 185444
date of any other determination that constitutes final resolution 185445
of the case; 185446

(e) A statement of the original charge with the section of 185447
the Revised Code that was alleged to be violated; 185448

(f) If the person or child was convicted, pleaded guilty, or 185449
was adjudicated a delinquent child, the sentence or terms of 185450
probation imposed or any other disposition of the offender or the 185451
delinquent child. 185452

If the offense involved the disarming of a law enforcement 185453
officer or an attempt to disarm a law enforcement officer, the 185454
clerk shall clearly state that fact in the summary, and the 185455
superintendent shall ensure that a clear statement of that fact is 185456
placed in the bureau's records. 185457

(3) The superintendent shall cooperate with and assist 185458
sheriffs, chiefs of police, and other law enforcement officers in 185459
the establishment of a complete system of criminal identification 185460
and in obtaining fingerprints and other means of identification of 185461
all persons arrested on a charge of a felony, any crime 185462
constituting a misdemeanor on the first offense and a felony on 185463
subsequent offenses, or a misdemeanor described in division 185464
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the 185465
Revised Code and of all children under eighteen years of age 185466
arrested or otherwise taken into custody for committing an act 185467
that would be a felony or an offense of violence if committed by 185468
an adult. The superintendent also shall file for record the 185469
fingerprint impressions of all persons confined in a county, 185470
multicounty, municipal, municipal-county, or multicounty-municipal 185471
jail or workhouse, community-based correctional facility, halfway 185472
house, alternative residential facility, or state correctional 185473

institution for the violation of state laws and of all children 185474
under eighteen years of age who are confined in a county, 185475
multicounty, municipal, municipal-county, or multicounty-municipal 185476
jail or workhouse, community-based correctional facility, halfway 185477
house, alternative residential facility, or state correctional 185478
institution or in any facility for delinquent children for 185479
committing an act that would be a felony or an offense of violence 185480
if committed by an adult, and any other information that the 185481
superintendent may receive from law enforcement officials of the 185482
state and its political subdivisions. 185483

(4) The superintendent shall carry out Chapter 2950. of the 185484
Revised Code with respect to the registration of persons who are 185485
convicted of or plead guilty to a sexually oriented offense or a 185486
child-victim oriented offense and with respect to all other duties 185487
imposed on the bureau under that chapter. 185488

(5) The bureau shall perform centralized recordkeeping 185489
functions for criminal history records and services in this state 185490
for purposes of the national crime prevention and privacy compact 185491
set forth in section 109.571 of the Revised Code and is the 185492
criminal history record repository as defined in that section for 185493
purposes of that compact. The superintendent or the 185494
superintendent's designee is the compact officer for purposes of 185495
that compact and shall carry out the responsibilities of the 185496
compact officer specified in that compact. 185497

(6) The superintendent shall, upon request, assist a county 185498
coroner in the identification of a deceased person through the use 185499
of fingerprint impressions obtained pursuant to division (A)(1) of 185500
this section or collected pursuant to section 109.572 or 311.41 of 185501
the Revised Code. 185502

(B) The superintendent shall prepare and furnish to every 185503
county, multicounty, municipal, municipal-county, or 185504
multicounty-municipal jail or workhouse, community-based 185505

correctional facility, halfway house, alternative residential 185506
facility, or state correctional institution and to every clerk of 185507
a court in this state specified in division (A)(2) of this section 185508
standard forms for reporting the information required under 185509
division (A) of this section. The standard forms that the 185510
superintendent prepares pursuant to this division may be in a 185511
tangible format, in an electronic format, or in both tangible 185512
formats and electronic formats. 185513

(C)(1) The superintendent may operate a center for 185514
electronic, automated, or other data processing for the storage 185515
and retrieval of information, data, and statistics pertaining to 185516
criminals and to children under eighteen years of age who are 185517
adjudicated delinquent children for committing an act that would 185518
be a felony or an offense of violence if committed by an adult, 185519
criminal activity, crime prevention, law enforcement, and criminal 185520
justice, and may establish and operate a statewide communications 185521
network to be known as the Ohio law enforcement gateway to gather 185522
and disseminate information, data, and statistics for the use of 185523
law enforcement agencies and for other uses specified in this 185524
division. The superintendent may gather, store, retrieve, and 185525
disseminate information, data, and statistics that pertain to 185526
children who are under eighteen years of age and that are gathered 185527
pursuant to sections 109.57 to 109.61 of the Revised Code together 185528
with information, data, and statistics that pertain to adults and 185529
that are gathered pursuant to those sections. 185530

(2) The superintendent or the superintendent's designee shall 185531
gather information of the nature described in division (C)(1) of 185532
this section that pertains to the offense and delinquency history 185533
of a person who has been convicted of, pleaded guilty to, or been 185534
adjudicated a delinquent child for committing a sexually oriented 185535
offense or a child-victim oriented offense for inclusion in the 185536
state registry of sex offenders and child-victim offenders 185537

maintained pursuant to division (A)(1) of section 2950.13 of the Revised Code and in the internet database operated pursuant to division (A)(13) of that section and for possible inclusion in the internet database operated pursuant to division (A)(11) of that section.

(3) In addition to any other authorized use of information, data, and statistics of the nature described in division (C)(1) of this section, the superintendent or the superintendent's designee may provide and exchange the information, data, and statistics pursuant to the national crime prevention and privacy compact as described in division (A)(5) of this section.

(4) The Ohio law enforcement gateway shall contain the name, confidential address, and telephone number of program participants in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code.

(5) The attorney general may adopt rules under Chapter 119. of the Revised Code establishing guidelines for the operation of and participation in the Ohio law enforcement gateway. The rules may include criteria for granting and restricting access to information gathered and disseminated through the Ohio law enforcement gateway. The attorney general shall adopt rules under Chapter 119. of the Revised Code that grant access to information in the gateway regarding an address confidentiality program participant under sections 111.41 to 111.47 of the Revised Code to only chiefs of police, village marshals, county sheriffs, county prosecuting attorneys, and a designee of each of these individuals. The attorney general shall permit an office of a county coroner, the state medical board, and board of nursing to access and view, but not alter, information gathered and disseminated through the Ohio law enforcement gateway.

The attorney general may appoint a steering committee to advise the attorney general in the operation of the Ohio law

enforcement gateway that is comprised of persons who are 185570
representatives of the criminal justice agencies in this state 185571
that use the Ohio law enforcement gateway and is chaired by the 185572
superintendent or the superintendent's designee. 185573

(D)(1) The following are not public records under section 185574
149.43 of the Revised Code: 185575

(a) Information and materials furnished to the superintendent 185576
pursuant to division (A) of this section; 185577

(b) Information, data, and statistics gathered or 185578
disseminated through the Ohio law enforcement gateway pursuant to 185579
division (C)(1) of this section; 185580

(c) Information and materials furnished to any board or 185581
person under division (F) or (G) of this section. 185582

(2) The superintendent or the superintendent's designee shall 185583
gather and retain information so furnished under division (A) of 185584
this section that pertains to the offense and delinquency history 185585
of a person who has been convicted of, pleaded guilty to, or been 185586
adjudicated a delinquent child for committing a sexually oriented 185587
offense or a child-victim oriented offense for the purposes 185588
described in division (C)(2) of this section. 185589

(E)(1) The attorney general shall adopt rules, in accordance 185590
with Chapter 119. of the Revised Code and subject to division 185591
(E)(2) of this section, setting forth the procedure by which a 185592
person may receive or release information gathered by the 185593
superintendent pursuant to division (A) of this section. A 185594
reasonable fee may be charged for this service. If a temporary 185595
employment service submits a request for a determination of 185596
whether a person the service plans to refer to an employment 185597
position has been convicted of or pleaded guilty to an offense 185598
listed or described in division (A)(1), (2), or (3) of section 185599
109.572 of the Revised Code, the request shall be treated as a 185600

single request and only one fee shall be charged. 185601

(2) Except as otherwise provided in this division or division 185602
(E)(3) or (4) of this section, a rule adopted under division 185603
(E)(1) of this section may provide only for the release of 185604
information gathered pursuant to division (A) of this section that 185605
relates to the conviction of a person, or a person's plea of 185606
guilty to, a criminal offense or to the arrest of a person as 185607
provided in division (E)(3) of this section. The superintendent 185608
shall not release, and the attorney general shall not adopt any 185609
rule under division (E)(1) of this section that permits the 185610
release of, any information gathered pursuant to division (A) of 185611
this section that relates to an adjudication of a child as a 185612
delinquent child, or that relates to a criminal conviction of a 185613
person under eighteen years of age if the person's case was 185614
transferred back to a juvenile court under division (B)(2) or (3) 185615
of section 2152.121 of the Revised Code and the juvenile court 185616
imposed a disposition or serious youthful offender disposition 185617
upon the person under either division, unless either of the 185618
following applies with respect to the adjudication or conviction: 185619

(a) The adjudication or conviction was for a violation of 185620
section 2903.01 or 2903.02 of the Revised Code. 185621

(b) The adjudication or conviction was for a sexually 185622
oriented offense, the juvenile court was required to classify the 185623
child a juvenile offender registrant for that offense under 185624
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 185625
classification has not been removed, and the records of the 185626
adjudication or conviction have not been sealed or expunged 185627
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 185628
pursuant to section 2953.32 of the Revised Code. 185629

(3) A rule adopted under division (E)(1) of this section may 185630
provide for the release of information gathered pursuant to 185631
division (A) of this section that relates to the arrest of a 185632

person who is eighteen years of age or older when the person has 185633
not been convicted as a result of that arrest if any of the 185634
following applies: 185635

(a) The arrest was made outside of this state. 185636

(b) A criminal action resulting from the arrest is pending, 185637
and the superintendent confirms that the criminal action has not 185638
been resolved at the time the criminal records check is performed. 185639

(c) The bureau cannot reasonably determine whether a criminal 185640
action resulting from the arrest is pending, and not more than one 185641
year has elapsed since the date of the arrest. 185642

(4) A rule adopted under division (E)(1) of this section may 185643
provide for the release of information gathered pursuant to 185644
division (A) of this section that relates to an adjudication of a 185645
child as a delinquent child if not more than five years have 185646
elapsed since the date of the adjudication, the adjudication was 185647
for an act that would have been a felony if committed by an adult, 185648
the records of the adjudication have not been sealed or expunged 185649
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 185650
the request for information is made under division (F) of this 185651
section or under section 109.572 of the Revised Code. In the case 185652
of an adjudication for a violation of the terms of community 185653
control or supervised release, the five-year period shall be 185654
calculated from the date of the adjudication to which the 185655
community control or supervised release pertains. 185656

(F)(1) As used in division (F)(2) of this section, "head 185657
start agency" means an entity in this state that has been approved 185658
to be an agency for purposes of subchapter II of the "Community 185659
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 185660
as amended. 185661

(2)(a) In addition to or in conjunction with any request that 185662
is required to be made under section 109.572, 2151.86, 3301.32, 185663

3301.541, division (C) of section 3310.58, or section 3319.39, 185664
3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the 185665
Revised Code or that is made under section 3314.41, 3319.392, 185666
3326.25, or 3328.20 of the Revised Code, the board of education of 185667
any school district; the director of developmental disabilities; 185668
any county board of developmental disabilities; any provider or 185669
subcontractor as defined in section 5123.081 of the Revised Code; 185670
the chief administrator of any chartered nonpublic school; the 185671
chief administrator of a registered private provider that is not 185672
also a chartered nonpublic school; the chief administrator of any 185673
home health agency; the chief administrator of or person operating 185674
any child day-care center, type A family day-care home, or type B 185675
family day-care home licensed under Chapter 5104. of the Revised 185676
Code; the chief administrator of any head start agency; the 185677
executive director of a public children services agency; a private 185678
company described in section 3314.41, 3319.392, 3326.25, or 185679
3328.20 of the Revised Code; or an employer described in division 185680
(J)(2) of section 3327.10 of the Revised Code may request that the 185681
superintendent of the bureau investigate and determine, with 185682
respect to any individual who has applied for employment in any 185683
position after October 2, 1989, or any individual wishing to apply 185684
for employment with a board of education may request, with regard 185685
to the individual, whether the bureau has any information gathered 185686
under division (A) of this section that pertains to that 185687
individual. On receipt of the request, subject to division (E)(2) 185688
of this section, the superintendent shall determine whether that 185689
information exists and, upon request of the person, board, or 185690
entity requesting information, also shall request from the federal 185691
bureau of investigation any criminal records it has pertaining to 185692
that individual. The superintendent or the superintendent's 185693
designee also may request criminal history records from other 185694
states or the federal government pursuant to the national crime 185695
prevention and privacy compact set forth in section 109.571 of the 185696

Revised Code. Within thirty days of the date that the 185697
superintendent receives a request, subject to division (E)(2) of 185698
this section, the superintendent shall send to the board, entity, 185699
or person a report of any information that the superintendent 185700
determines exists, including information contained in records that 185701
have been sealed under section 2953.32 of the Revised Code, and, 185702
within thirty days of its receipt, subject to division (E)(2) of 185703
this section, shall send the board, entity, or person a report of 185704
any information received from the federal bureau of investigation, 185705
other than information the dissemination of which is prohibited by 185706
federal law. 185707

(b) When a board of education or a registered private 185708
provider is required to receive information under this section as 185709
a prerequisite to employment of an individual pursuant to division 185710
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 185711
may accept a certified copy of records that were issued by the 185712
bureau of criminal identification and investigation and that are 185713
presented by an individual applying for employment with the 185714
district in lieu of requesting that information itself. In such a 185715
case, the board shall accept the certified copy issued by the 185716
bureau in order to make a photocopy of it for that individual's 185717
employment application documents and shall return the certified 185718
copy to the individual. In a case of that nature, a district or 185719
provider only shall accept a certified copy of records of that 185720
nature within one year after the date of their issuance by the 185721
bureau. 185722

(c) Notwithstanding division (F)(2)(a) of this section, in 185723
the case of a request under section 3319.39, 3319.391, or 3327.10 185724
of the Revised Code only for criminal records maintained by the 185725
federal bureau of investigation, the superintendent shall not 185726
determine whether any information gathered under division (A) of 185727
this section exists on the person for whom the request is made. 185728

(3) The state board of education or the department of 185729
education and workforce may request, with respect to any 185730
individual who has applied for employment after October 2, 1989, 185731
in any position with the state board or the department of 185732
education and workforce, any information that a school district 185733
board of education is authorized to request under division (F)(2) 185734
of this section, and the superintendent of the bureau shall 185735
proceed as if the request has been received from a school district 185736
board of education under division (F)(2) of this section. 185737

(4) When the superintendent of the bureau receives a request 185738
for information under section 3319.291 of the Revised Code, the 185739
superintendent shall proceed as if the request has been received 185740
from a school district board of education and shall comply with 185741
divisions (F)(2)(a) and (c) of this section. 185742

(G) In addition to or in conjunction with any request that is 185743
required to be made under section 3712.09, 3721.121, or 3740.11 of 185744
the Revised Code with respect to an individual who has applied for 185745
employment in a position that involves providing direct care to an 185746
older adult or adult resident, the chief administrator of a home 185747
health agency, hospice care program, home licensed under Chapter 185748
3721. of the Revised Code, or adult day-care program operated 185749
pursuant to rules adopted under section 3721.04 of the Revised 185750
Code may request that the superintendent of the bureau investigate 185751
and determine, with respect to any individual who has applied 185752
after January 27, 1997, for employment in a position that does not 185753
involve providing direct care to an older adult or adult resident, 185754
whether the bureau has any information gathered under division (A) 185755
of this section that pertains to that individual. 185756

In addition to or in conjunction with any request that is 185757
required to be made under section 173.27 of the Revised Code with 185758
respect to an individual who has applied for employment in a 185759
position that involves providing ombudsman services to residents 185760

of long-term care facilities or recipients of community-based 185761
long-term care services, the state long-term care ombudsman, the 185762
director of aging, a regional long-term care ombudsman program, or 185763
the designee of the ombudsman, director, or program may request 185764
that the superintendent investigate and determine, with respect to 185765
any individual who has applied for employment in a position that 185766
does not involve providing such ombudsman services, whether the 185767
bureau has any information gathered under division (A) of this 185768
section that pertains to that applicant. 185769

In addition to or in conjunction with any request that is 185770
required to be made under section 173.38 of the Revised Code with 185771
respect to an individual who has applied for employment in a 185772
direct-care position, the chief administrator of a provider, as 185773
defined in section 173.39 of the Revised Code, may request that 185774
the superintendent investigate and determine, with respect to any 185775
individual who has applied for employment in a position that is 185776
not a direct-care position, whether the bureau has any information 185777
gathered under division (A) of this section that pertains to that 185778
applicant. 185779

In addition to or in conjunction with any request that is 185780
required to be made under section 3712.09 of the Revised Code with 185781
respect to an individual who has applied for employment in a 185782
position that involves providing direct care to a pediatric 185783
respite care patient, the chief administrator of a pediatric 185784
respite care program may request that the superintendent of the 185785
bureau investigate and determine, with respect to any individual 185786
who has applied for employment in a position that does not involve 185787
providing direct care to a pediatric respite care patient, whether 185788
the bureau has any information gathered under division (A) of this 185789
section that pertains to that individual. 185790

On receipt of a request under this division, the 185791
superintendent shall determine whether that information exists 185792

and, on request of the individual requesting information, shall 185793
also request from the federal bureau of investigation any criminal 185794
records it has pertaining to the applicant. The superintendent or 185795
the superintendent's designee also may request criminal history 185796
records from other states or the federal government pursuant to 185797
the national crime prevention and privacy compact set forth in 185798
section 109.571 of the Revised Code. Within thirty days of the 185799
date a request is received, subject to division (E)(2) of this 185800
section, the superintendent shall send to the requester a report 185801
of any information determined to exist, including information 185802
contained in records that have been sealed under section 2953.32 185803
of the Revised Code, and, within thirty days of its receipt, shall 185804
send the requester a report of any information received from the 185805
federal bureau of investigation, other than information the 185806
dissemination of which is prohibited by federal law. 185807

(H) Information obtained by a government entity or person 185808
under this section is confidential and shall not be released or 185809
disseminated. 185810

(I) The superintendent may charge a reasonable fee for 185811
providing information or criminal records under division (F)(2) or 185812
(G) of this section. 185813

(J) As used in this section: 185814

(1) "Pediatric respite care program" and "pediatric care 185815
patient" have the same meanings as in section 3712.01 of the 185816
Revised Code. 185817

(2) "Sexually oriented offense" and "child-victim oriented 185818
offense" have the same meanings as in section 2950.01 of the 185819
Revised Code. 185820

(3) "Registered private provider" means a nonpublic school or 185821
entity registered with the ~~superintendent of public instruction~~ 185822
department of education and workforce under section 3310.41 of the 185823

Revised Code to participate in the autism scholarship program or 185824
section 3310.58 of the Revised Code to participate in the Jon 185825
Peterson special needs scholarship program. 185826

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 185827
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 185828
a completed form prescribed pursuant to division (C)(1) of this 185829
section, and a set of fingerprint impressions obtained in the 185830
manner described in division (C)(2) of this section, the 185831
superintendent of the bureau of criminal identification and 185832
investigation shall conduct a criminal records check in the manner 185833
described in division (B) of this section to determine whether any 185834
information exists that indicates that the person who is the 185835
subject of the request previously has been convicted of or pleaded 185836
guilty to any of the following: 185837

(a) A violation of section 2903.01, 2903.02, 2903.03, 185838
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 185839
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 185840
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 185841
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 185842
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 185843
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 185844
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 185845
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 185846
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 185847
Revised Code, felonious sexual penetration in violation of former 185848
section 2907.12 of the Revised Code, a violation of section 185849
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 185850
violation of section 2919.23 of the Revised Code that would have 185851
been a violation of section 2905.04 of the Revised Code as it 185852
existed prior to July 1, 1996, had the violation been committed 185853
prior to that date, or a violation of section 2925.11 of the 185854
Revised Code that is not a minor drug possession offense; 185855

(b) A violation of an existing or former law of this state, 185856
any other state, or the United States that is substantially 185857
equivalent to any of the offenses listed in division (A)(1)(a) of 185858
this section; 185859

(c) If the request is made pursuant to section 3319.39 of the 185860
Revised Code for an applicant who is a teacher, any offense 185861
specified under section 9.79 of the Revised Code or in section 185862
3319.31 of the Revised Code. 185863

(2) On receipt of a request pursuant to section 3712.09 or 185864
3721.121 of the Revised Code, a completed form prescribed pursuant 185865
to division (C)(1) of this section, and a set of fingerprint 185866
impressions obtained in the manner described in division (C)(2) of 185867
this section, the superintendent of the bureau of criminal 185868
identification and investigation shall conduct a criminal records 185869
check with respect to any person who has applied for employment in 185870
a position for which a criminal records check is required by those 185871
sections. The superintendent shall conduct the criminal records 185872
check in the manner described in division (B) of this section to 185873
determine whether any information exists that indicates that the 185874
person who is the subject of the request previously has been 185875
convicted of or pleaded guilty to any of the following: 185876

(a) A violation of section 2903.01, 2903.02, 2903.03, 185877
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 185878
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 185879
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 185880
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 185881
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 185882
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 185883
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 185884
2925.22, 2925.23, or 3716.11 of the Revised Code; 185885

(b) An existing or former law of this state, any other state, 185886
or the United States that is substantially equivalent to any of 185887

the offenses listed in division (A)(2)(a) of this section. 185888

(3) On receipt of a request pursuant to section 173.27, 185889
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 185890
5123.081, or 5123.169 of the Revised Code, a completed form 185891
prescribed pursuant to division (C)(1) of this section, and a set 185892
of fingerprint impressions obtained in the manner described in 185893
division (C)(2) of this section, the superintendent of the bureau 185894
of criminal identification and investigation shall conduct a 185895
criminal records check of the person for whom the request is made. 185896
The superintendent shall conduct the criminal records check in the 185897
manner described in division (B) of this section to determine 185898
whether any information exists that indicates that the person who 185899
is the subject of the request previously has been convicted of, 185900
has pleaded guilty to, or (except in the case of a request 185901
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 185902
Code) has been found eligible for intervention in lieu of 185903
conviction for any of the following, regardless of the date of the 185904
conviction, the date of entry of the guilty plea, or (except in 185905
the case of a request pursuant to section 5164.34, 5164.341, or 185906
5164.342 of the Revised Code) the date the person was found 185907
eligible for intervention in lieu of conviction: 185908

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 185909
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 185910
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 185911
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 185912
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 185913
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 185914
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 185915
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 185916
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 185917
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 185918
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 185919

2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 185920
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 185921
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 185922
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 185923
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 185924
2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 185925
2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 185926
2927.12, or 3716.11 of the Revised Code; 185927

(b) Felonious sexual penetration in violation of former 185928
section 2907.12 of the Revised Code; 185929

(c) A violation of section 2905.04 of the Revised Code as it 185930
existed prior to July 1, 1996; 185931

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 185932
the Revised Code when the underlying offense that is the object of 185933
the conspiracy, attempt, or complicity is one of the offenses 185934
listed in divisions (A)(3)(a) to (c) of this section; 185935

(e) A violation of an existing or former municipal ordinance 185936
or law of this state, any other state, or the United States that 185937
is substantially equivalent to any of the offenses listed in 185938
divisions (A)(3)(a) to (d) of this section. 185939

(4) On receipt of a request pursuant to section 2151.86 or 185940
2151.904 of the Revised Code, a completed form prescribed pursuant 185941
to division (C)(1) of this section, and a set of fingerprint 185942
impressions obtained in the manner described in division (C)(2) of 185943
this section, the superintendent of the bureau of criminal 185944
identification and investigation shall conduct a criminal records 185945
check in the manner described in division (B) of this section to 185946
determine whether any information exists that indicates that the 185947
person who is the subject of the request previously has been 185948
convicted of or pleaded guilty to any of the following: 185949

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 185950

2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 185951
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 185952
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 185953
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 185954
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 185955
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 185956
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 185957
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 185958
of the Revised Code, a violation of section 2905.04 of the Revised 185959
Code as it existed prior to July 1, 1996, a violation of section 185960
2919.23 of the Revised Code that would have been a violation of 185961
section 2905.04 of the Revised Code as it existed prior to July 1, 185962
1996, had the violation been committed prior to that date, a 185963
violation of section 2925.11 of the Revised Code that is not a 185964
minor drug possession offense, two or more OVI or OVUAC violations 185965
committed within the three years immediately preceding the 185966
submission of the application or petition that is the basis of the 185967
request, or felonious sexual penetration in violation of former 185968
section 2907.12 of the Revised Code; 185969

(b) A violation of an existing or former law of this state, 185970
any other state, or the United States that is substantially 185971
equivalent to any of the offenses listed in division (A)(4)(a) of 185972
this section. 185973

(5) Upon receipt of a request pursuant to section 5104.013 of 185974
the Revised Code, a completed form prescribed pursuant to division 185975
(C)(1) of this section, and a set of fingerprint impressions 185976
obtained in the manner described in division (C)(2) of this 185977
section, the superintendent of the bureau of criminal 185978
identification and investigation shall conduct a criminal records 185979
check in the manner described in division (B) of this section to 185980
determine whether any information exists that indicates that the 185981
person who is the subject of the request has been convicted of or 185982

pleaded guilty to any of the following: 185983

(a) A violation of section 2151.421, 2903.01, 2903.02, 185984
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 185985
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 185986
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 185987
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 185988
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 185989
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 185990
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 185991
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 185992
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 185993
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 185994
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 185995
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 185996
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 185997
Revised Code, felonious sexual penetration in violation of former 185998
section 2907.12 of the Revised Code, a violation of section 185999
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 186000
violation of section 2919.23 of the Revised Code that would have 186001
been a violation of section 2905.04 of the Revised Code as it 186002
existed prior to July 1, 1996, had the violation been committed 186003
prior to that date, a violation of section 2925.11 of the Revised 186004
Code that is not a minor drug possession offense, a violation of 186005
section 2923.02 or 2923.03 of the Revised Code that relates to a 186006
crime specified in this division, or a second violation of section 186007
4511.19 of the Revised Code within five years of the date of 186008
application for licensure or certification. 186009

(b) A violation of an existing or former law of this state, 186010
any other state, or the United States that is substantially 186011
equivalent to any of the offenses or violations described in 186012
division (A)(5)(a) of this section. 186013

(6) Upon receipt of a request pursuant to section 5153.111 of 186014

the Revised Code, a completed form prescribed pursuant to division 186015
(C)(1) of this section, and a set of fingerprint impressions 186016
obtained in the manner described in division (C)(2) of this 186017
section, the superintendent of the bureau of criminal 186018
identification and investigation shall conduct a criminal records 186019
check in the manner described in division (B) of this section to 186020
determine whether any information exists that indicates that the 186021
person who is the subject of the request previously has been 186022
convicted of or pleaded guilty to any of the following: 186023

(a) A violation of section 2903.01, 2903.02, 2903.03, 186024
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 186025
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 186026
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 186027
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 186028
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 186029
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 186030
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 186031
felonious sexual penetration in violation of former section 186032
2907.12 of the Revised Code, a violation of section 2905.04 of the 186033
Revised Code as it existed prior to July 1, 1996, a violation of 186034
section 2919.23 of the Revised Code that would have been a 186035
violation of section 2905.04 of the Revised Code as it existed 186036
prior to July 1, 1996, had the violation been committed prior to 186037
that date, or a violation of section 2925.11 of the Revised Code 186038
that is not a minor drug possession offense; 186039

(b) A violation of an existing or former law of this state, 186040
any other state, or the United States that is substantially 186041
equivalent to any of the offenses listed in division (A)(6)(a) of 186042
this section. 186043

(7) On receipt of a request for a criminal records check from 186044
an individual pursuant to section 4749.03 or 4749.06 of the 186045
Revised Code, accompanied by a completed copy of the form 186046

prescribed in division (C)(1) of this section and a set of 186047
fingerprint impressions obtained in a manner described in division 186048
(C)(2) of this section, the superintendent of the bureau of 186049
criminal identification and investigation shall conduct a criminal 186050
records check in the manner described in division (B) of this 186051
section to determine whether any information exists indicating 186052
that the person who is the subject of the request has been 186053
convicted of or pleaded guilty to any criminal offense in this 186054
state or in any other state. If the individual indicates that a 186055
firearm will be carried in the course of business, the 186056
superintendent shall require information from the federal bureau 186057
of investigation as described in division (B)(2) of this section. 186058
Subject to division (F) of this section, the superintendent shall 186059
report the findings of the criminal records check and any 186060
information the federal bureau of investigation provides to the 186061
director of public safety. 186062

(8) On receipt of a request pursuant to section 1321.37, 186063
1321.53, or 4763.05 of the Revised Code, a completed form 186064
prescribed pursuant to division (C)(1) of this section, and a set 186065
of fingerprint impressions obtained in the manner described in 186066
division (C)(2) of this section, the superintendent of the bureau 186067
of criminal identification and investigation shall conduct a 186068
criminal records check with respect to any person who has applied 186069
for a license, permit, or certification from the department of 186070
commerce or a division in the department. The superintendent shall 186071
conduct the criminal records check in the manner described in 186072
division (B) of this section to determine whether any information 186073
exists that indicates that the person who is the subject of the 186074
request previously has been convicted of or pleaded guilty to any 186075
criminal offense in this state, any other state, or the United 186076
States. 186077

(9) On receipt of a request for a criminal records check from 186078

the treasurer of state under section 113.041 of the Revised Code 186079
or from an individual under section 928.03, 4701.08, 4715.101, 186080
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 186081
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 186082
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 186083
4747.051, 4751.20, 4751.201, 4751.21, 4753.061, 4755.70, 4757.101, 186084
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 186085
4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 186086
4783.04 of the Revised Code, accompanied by a completed form 186087
prescribed under division (C)(1) of this section and a set of 186088
fingerprint impressions obtained in the manner described in 186089
division (C)(2) of this section, the superintendent of the bureau 186090
of criminal identification and investigation shall conduct a 186091
criminal records check in the manner described in division (B) of 186092
this section to determine whether any information exists that 186093
indicates that the person who is the subject of the request has 186094
been convicted of or pleaded guilty to any criminal offense in 186095
this state or any other state. Subject to division (F) of this 186096
section, the superintendent shall send the results of a check 186097
requested under section 113.041 of the Revised Code to the 186098
treasurer of state and shall send the results of a check requested 186099
under any of the other listed sections to the licensing board 186100
specified by the individual in the request. 186101

(10) On receipt of a request pursuant to section 124.74, 186102
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 186103
Code, a completed form prescribed pursuant to division (C)(1) of 186104
this section, and a set of fingerprint impressions obtained in the 186105
manner described in division (C)(2) of this section, the 186106
superintendent of the bureau of criminal identification and 186107
investigation shall conduct a criminal records check in the manner 186108
described in division (B) of this section to determine whether any 186109
information exists that indicates that the person who is the 186110
subject of the request previously has been convicted of or pleaded 186111

guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that makes the person ineligible for appointment or retention under section 3772.07 of the Revised Code or that is a disqualifying offense as defined in that section or substantially equivalent to a disqualifying offense, as applicable.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required under that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03,

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 186144
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 186145
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 186146
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 186147
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 186148
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 186149
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 186150
2925.22, 2925.23, or 3716.11 of the Revised Code; 186151

(b) An existing or former law of this state, any other state, 186152
or the United States that is substantially equivalent to any of 186153
the offenses listed in division (A)(12)(a) of this section. 186154

(13) On receipt of a request pursuant to section 3796.12 of 186155
the Revised Code, a completed form prescribed pursuant to division 186156
(C)(1) of this section, and a set of fingerprint impressions 186157
obtained in a manner described in division (C)(2) of this section, 186158
the superintendent of the bureau of criminal identification and 186159
investigation shall conduct a criminal records check in the manner 186160
described in division (B) of this section to determine whether any 186161
information exists that indicates that the person who is the 186162
subject of the request previously has been convicted of or pleaded 186163
guilty to the following: 186164

(a) A disqualifying offense as specified in rules adopted 186165
under section 9.79 and division (B)(2)(b) of section 3796.03 of 186166
the Revised Code if the person who is the subject of the request 186167
is an administrator or other person responsible for the daily 186168
operation of, or an owner or prospective owner, officer or 186169
prospective officer, or board member or prospective board member 186170
of, an entity seeking a license from the department of commerce 186171
under Chapter 3796. of the Revised Code; 186172

(b) A disqualifying offense as specified in rules adopted 186173
under section 9.79 and division (B)(2)(b) of section 3796.04 of 186174
the Revised Code if the person who is the subject of the request 186175

is an administrator or other person responsible for the daily 186176
operation of, or an owner or prospective owner, officer or 186177
prospective officer, or board member or prospective board member 186178
of, an entity seeking a license from the state board of pharmacy 186179
under Chapter 3796. of the Revised Code. 186180

(14) On receipt of a request required by section 3796.13 of 186181
the Revised Code, a completed form prescribed pursuant to division 186182
(C)(1) of this section, and a set of fingerprint impressions 186183
obtained in a manner described in division (C)(2) of this section, 186184
the superintendent of the bureau of criminal identification and 186185
investigation shall conduct a criminal records check in the manner 186186
described in division (B) of this section to determine whether any 186187
information exists that indicates that the person who is the 186188
subject of the request previously has been convicted of or pleaded 186189
guilty to the following: 186190

(a) A disqualifying offense as specified in rules adopted 186191
under division (B)(8)(a) of section 3796.03 of the Revised Code if 186192
the person who is the subject of the request is seeking employment 186193
with an entity licensed by the department of commerce under 186194
Chapter 3796. of the Revised Code; 186195

(b) A disqualifying offense as specified in rules adopted 186196
under division (B)(14)(a) of section 3796.04 of the Revised Code 186197
if the person who is the subject of the request is seeking 186198
employment with an entity licensed by the state board of pharmacy 186199
under Chapter 3796. of the Revised Code. 186200

(15) On receipt of a request pursuant to section 4768.06 of 186201
the Revised Code, a completed form prescribed under division 186202
(C)(1) of this section, and a set of fingerprint impressions 186203
obtained in the manner described in division (C)(2) of this 186204
section, the superintendent of the bureau of criminal 186205
identification and investigation shall conduct a criminal records 186206
check in the manner described in division (B) of this section to 186207

determine whether any information exists indicating that the 186208
person who is the subject of the request has been convicted of or 186209
pleaded guilty to any criminal offense in this state or in any 186210
other state. 186211

(16) On receipt of a request pursuant to division (B) of 186212
section 4764.07 or division (A) of section 4735.143 of the Revised 186213
Code, a completed form prescribed under division (C)(1) of this 186214
section, and a set of fingerprint impressions obtained in the 186215
manner described in division (C)(2) of this section, the 186216
superintendent of the bureau of criminal identification and 186217
investigation shall conduct a criminal records check in the manner 186218
described in division (B) of this section to determine whether any 186219
information exists indicating that the person who is the subject 186220
of the request has been convicted of or pleaded guilty to any 186221
criminal offense in any state or the United States. 186222

(17) On receipt of a request for a criminal records check 186223
under section 147.022 of the Revised Code, a completed form 186224
prescribed under division (C)(1) of this section, and a set of 186225
fingerprint impressions obtained in the manner prescribed in 186226
division (C)(2) of this section, the superintendent of the bureau 186227
of criminal identification and investigation shall conduct a 186228
criminal records check in the manner described in division (B) of 186229
this section to determine whether any information exists that 186230
indicates that the person who is the subject of the request 186231
previously has been convicted of or pleaded guilty or no contest 186232
to any criminal offense under any existing or former law of this 186233
state, any other state, or the United States. 186234

(18) Upon receipt of a request pursuant to division (F) of 186235
section 2915.081 or division (E) of section 2915.082 of the 186236
Revised Code, a completed form prescribed under division (C)(1) of 186237
this section, and a set of fingerprint impressions obtained in the 186238
manner described in division (C)(2) of this section, the 186239

superintendent of the bureau of criminal identification and 186240
investigation shall conduct a criminal records check in the manner 186241
described in division (B) of this section to determine whether any 186242
information exists indicating that the person who is the subject 186243
of the request has been convicted of or pleaded guilty or no 186244
contest to any offense that is a violation of Chapter 2915. of the 186245
Revised Code or to any offense under any existing or former law of 186246
this state, any other state, or the United States that is 186247
substantially equivalent to such an offense. 186248

(19) On receipt of a request pursuant to section 3775.03 of 186249
the Revised Code, a completed form prescribed under division 186250
(C)(1) of this section, and a set of fingerprint impressions 186251
obtained in the manner described in division (C)(2) of this 186252
section, the superintendent of the bureau of criminal 186253
identification and investigation shall conduct a criminal records 186254
check in the manner described in division (B) of this section and 186255
shall request information from the federal bureau of investigation 186256
to determine whether any information exists indicating that the 186257
person who is the subject of the request has been convicted of any 186258
offense under any existing or former law of this state, any other 186259
state, or the United States that is a disqualifying offense as 186260
defined in section 3772.07 of the Revised Code. 186261

(B) Subject to division (F) of this section, the 186262
superintendent shall conduct any criminal records check to be 186263
conducted under this section as follows: 186264

(1) The superintendent shall review or cause to be reviewed 186265
any relevant information gathered and compiled by the bureau under 186266
division (A) of section 109.57 of the Revised Code that relates to 186267
the person who is the subject of the criminal records check, 186268
including, if the criminal records check was requested under 186269
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 186270
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 186271

2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 186272
3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 186273
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 186274
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 186275
the Revised Code, any relevant information contained in records 186276
that have been sealed under section 2953.32 of the Revised Code; 186277

(2) If the request received by the superintendent asks for 186278
information from the federal bureau of investigation, the 186279
superintendent shall request from the federal bureau of 186280
investigation any information it has with respect to the person 186281
who is the subject of the criminal records check, including 186282
fingerprint-based checks of national crime information databases 186283
as described in 42 U.S.C. 671 if the request is made pursuant to 186284
section 2151.86 or 5104.013 of the Revised Code or if any other 186285
Revised Code section requires fingerprint-based checks of that 186286
nature, and shall review or cause to be reviewed any information 186287
the superintendent receives from that bureau. If a request under 186288
section 3319.39 of the Revised Code asks only for information from 186289
the federal bureau of investigation, the superintendent shall not 186290
conduct the review prescribed by division (B)(1) of this section. 186291

(3) The superintendent or the superintendent's designee may 186292
request criminal history records from other states or the federal 186293
government pursuant to the national crime prevention and privacy 186294
compact set forth in section 109.571 of the Revised Code. 186295

(4) The superintendent shall include in the results of the 186296
criminal records check a list or description of the offenses 186297
listed or described in the relevant provision of division (A) of 186298
this section. The superintendent shall exclude from the results 186299
any information the dissemination of which is prohibited by 186300
federal law. 186301

(5) The superintendent shall send the results of the criminal 186302
records check to the person to whom it is to be sent not later 186303

than the following number of days after the date the 186304
superintendent receives the request for the criminal records 186305
check, the completed form prescribed under division (C)(1) of this 186306
section, and the set of fingerprint impressions obtained in the 186307
manner described in division (C)(2) of this section: 186308

(a) If the superintendent is required by division (A) of this 186309
section (other than division (A)(3) of this section) to conduct 186310
the criminal records check, thirty; 186311

(b) If the superintendent is required by division (A)(3) of 186312
this section to conduct the criminal records check, sixty. 186313

(C)(1) The superintendent shall prescribe a form to obtain 186314
the information necessary to conduct a criminal records check from 186315
any person for whom a criminal records check is to be conducted 186316
under this section. The form that the superintendent prescribes 186317
pursuant to this division may be in a tangible format, in an 186318
electronic format, or in both tangible and electronic formats. 186319

(2) The superintendent shall prescribe standard impression 186320
sheets to obtain the fingerprint impressions of any person for 186321
whom a criminal records check is to be conducted under this 186322
section. Any person for whom a records check is to be conducted 186323
under this section shall obtain the fingerprint impressions at a 186324
county sheriff's office, municipal police department, or any other 186325
entity with the ability to make fingerprint impressions on the 186326
standard impression sheets prescribed by the superintendent. The 186327
office, department, or entity may charge the person a reasonable 186328
fee for making the impressions. The standard impression sheets the 186329
superintendent prescribes pursuant to this division may be in a 186330
tangible format, in an electronic format, or in both tangible and 186331
electronic formats. 186332

(3) Subject to division (D) of this section, the 186333
superintendent shall prescribe and charge a reasonable fee for 186334

providing a criminal records check under this section. The person 186335
requesting the criminal records check shall pay the fee prescribed 186336
pursuant to this division. In the case of a request under section 186337
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 186338
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 186339
the manner specified in that section. 186340

(4) The superintendent of the bureau of criminal 186341
identification and investigation may prescribe methods of 186342
forwarding fingerprint impressions and information necessary to 186343
conduct a criminal records check, which methods shall include, but 186344
not be limited to, an electronic method. 186345

(D) The results of a criminal records check conducted under 186346
this section, other than a criminal records check specified in 186347
division (A)(7) of this section, are valid for the person who is 186348
the subject of the criminal records check for a period of one year 186349
from the date upon which the superintendent completes the criminal 186350
records check. If during that period the superintendent receives 186351
another request for a criminal records check to be conducted under 186352
this section for that person, the superintendent shall provide the 186353
results from the previous criminal records check of the person at 186354
a lower fee than the fee prescribed for the initial criminal 186355
records check. 186356

(E) When the superintendent receives a request for 186357
information from a registered private provider, the superintendent 186358
shall proceed as if the request was received from a school 186359
district board of education under section 3319.39 of the Revised 186360
Code. The superintendent shall apply division (A)(1)(c) of this 186361
section to any such request for an applicant who is a teacher. 186362

(F)(1) Subject to division (F)(2) of this section, all 186363
information regarding the results of a criminal records check 186364
conducted under this section that the superintendent reports or 186365
sends under division (A)(7) or (9) of this section to the director 186366

of public safety, the treasurer of state, or the person, board, or 186367
entity that made the request for the criminal records check shall 186368
relate to the conviction of the subject person, or the subject 186369
person's plea of guilty to, a criminal offense. 186370

(2) Division (F)(1) of this section does not limit, restrict, 186371
or preclude the superintendent's release of information that 186372
relates to the arrest of a person who is eighteen years of age or 186373
older, to an adjudication of a child as a delinquent child, or to 186374
a criminal conviction of a person under eighteen years of age in 186375
circumstances in which a release of that nature is authorized 186376
under division (E)(2), (3), or (4) of section 109.57 of the 186377
Revised Code pursuant to a rule adopted under division (E)(1) of 186378
that section. 186379

(G) As used in this section: 186380

(1) "Criminal records check" means any criminal records check 186381
conducted by the superintendent of the bureau of criminal 186382
identification and investigation in accordance with division (B) 186383
of this section. 186384

(2) "Minor drug possession offense" has the same meaning as 186385
in section 2925.01 of the Revised Code. 186386

(3) "OVI or OVUAC violation" means a violation of section 186387
4511.19 of the Revised Code or a violation of an existing or 186388
former law of this state, any other state, or the United States 186389
that is substantially equivalent to section 4511.19 of the Revised 186390
Code. 186391

(4) "Registered private provider" means a nonpublic school or 186392
entity registered with the ~~superintendent of public instruction~~ 186393
department of education and workforce under section 3310.41 of the 186394
Revised Code to participate in the autism scholarship program or 186395
section 3310.58 of the Revised Code to participate in the Jon 186396
Peterson special needs scholarship program. 186397

Sec. 109.64. The bureau of criminal identification and 186398
investigation shall prepare a periodic information bulletin 186399
concerning missing children whom it determines may be present in 186400
this state. The bureau shall compile the bulletin from information 186401
contained in the national crime information center computer. The 186402
bulletin shall indicate the names and addresses of these minors 186403
who are the subject of missing children cases and other 186404
information that the superintendent of the bureau considers 186405
appropriate. The bulletin shall contain a reminder to law 186406
enforcement agencies of their responsibilities under section 186407
2901.30 of the Revised Code. 186408

The bureau shall send a copy of each periodic information 186409
bulletin to the missing children clearinghouse established under 186410
section 109.65 of the Revised Code for use in connection with its 186411
responsibilities under division (E) of that section. Upon receipt 186412
of each periodic information bulletin from the bureau, the missing 186413
children clearinghouse shall send a copy of the bulletin to each 186414
sheriff, marshal, police department of a municipal corporation, 186415
police force of a township police district or joint police 186416
district, and township constable in this state, to the board of 186417
education of each school district in this state, and to each 186418
nonpublic school in this state. The bureau shall provide a copy of 186419
the bulletin, upon request, to other persons or entities. The 186420
superintendent of the bureau, with the approval of the attorney 186421
general, may establish a reasonable fee for a copy of a bulletin 186422
provided to persons or entities other than law enforcement 186423
agencies in this or other states or of the federal government, the 186424
department of education and workforce, governmental entities of 186425
this state, and libraries in this state. The superintendent shall 186426
deposit all such fees collected into the missing children fund 186427
created by section 109.65 of the Revised Code. 186428

As used in this section, "missing children," "information," 186429

and "minor" have the same meanings as in section 2901.30 of the Revised Code. 186430
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Sec. 109.65. (A) As used in this section, "minor," "missing child," and "missing children" have the same meanings as in section 2901.30 of the Revised Code. 186432
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(B) There is hereby created within the office of the attorney general the missing children clearinghouse. The attorney general shall administer the clearinghouse. The clearinghouse is established as a central repository of information to coordinate and improve the availability of information regarding missing children, which information shall be collected and disseminated by the clearinghouse to assist in the location of missing children. The clearinghouse shall act as an information repository separate from and in addition to law enforcement agencies within this state. 186435
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(C) The missing children clearinghouse may perform any of the following functions: 186445
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(1) The establishment of services to aid in the location of missing children that include, but are not limited to, any of the following services: 186447
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(a) Assistance in the preparation and dissemination of flyers identifying and describing missing children and their abductors; 186450
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(b) The development of informational forms for the reporting of missing children that may be used by parents, guardians, and law enforcement officials to facilitate the location of a missing child; 186452
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(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children. 186456
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(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children; 186460
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(3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E)(3) of this section; 186463
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(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports; 186469
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(5) The participation as a member in any networks of other missing children centers or clearinghouses; 186472
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(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children. 186474
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(D) If a board of education is notified by school personnel that a missing child is attending any school under the board's jurisdiction, or if the principal or chief administrative officer of a nonpublic school is notified by school personnel that a missing child is attending that school, the board or the principal or chief administrative officer immediately shall give notice of that fact to the missing children clearinghouse and to the law enforcement agency with jurisdiction over the area where the missing child resides. 186477
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(E)(1) The attorney general, in cooperation with the department of job and family services, shall establish a "missing child educational program" within the missing children clearinghouse that shall perform the functions specified in divisions (E)(1) to (3) of this section. The program shall operate 186486
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under the supervision and control of the attorney general in 186491
accordance with procedures that the attorney general shall develop 186492
to implement divisions (E)(1) to (3) of this section. The attorney 186493
general shall cooperate with the department of education and 186494
workforce in developing and disseminating information acquired or 186495
prepared pursuant to division (E)(3) of this section. 186496

(2) Upon the request of any board of education in this state 186497
or any nonpublic school in this state, the missing child 186498
educational program shall provide to the board or school a 186499
reasonable number of copies of the information acquired or 186500
prepared pursuant to division (E)(3) of this section. 186501

Upon the request of any board of education in this state or 186502
any nonpublic school in this state that, pursuant to section 186503
3313.96 of the Revised Code, is developing an information program 186504
concerning missing children issues and matters, the missing child 186505
educational program shall provide to the board or nonpublic school 186506
assistance in developing the information program. The assistance 186507
may include, but is not limited to, the provision of any or all of 186508
the following: 186509

(a) If the requesting entity is a board of education of a 186510
school district, sample policies on missing and exploited children 186511
issues to assist the board in complying with section 3313.205 of 186512
the Revised Code; 186513

(b) Suggested safety curricula regarding missing children 186514
issues, including child safety and abduction prevention issues; 186515

(c) Assistance in developing, with local law enforcement 186516
agencies, prosecuting attorneys, boards of education, school 186517
districts, and nonpublic schools, cooperative programs for 186518
fingerprinting children; 186519

(d) Other assistance to further the goals of the program. 186520

(3) The missing child educational program shall acquire or 186521

prepare informational materials relating to missing children 186522
issues and matters. These issues and matters include, but are not 186523
limited to, the following: 186524

(a) The types of missing children; 186525

(b) The reasons why and how minors become missing children, 186526
the potential adverse consequences of a minor becoming a missing 186527
child, and, in the case of minors who are considering running away 186528
from home or from the care, custody, and control of their parents, 186529
parent who is the residential parent and legal custodian, 186530
guardian, legal custodian, or another person responsible for them, 186531
alternatives that may be available to address their concerns and 186532
problems; 186533

(c) Offenses under federal law that could relate to missing 186534
children and other provisions of federal law that focus on missing 186535
children; 186536

(d) Offenses under the Revised Code that could relate to 186537
missing children, including, but not limited to, kidnapping, 186538
abduction, unlawful restraint, child stealing, interference with 186539
custody, endangering children, domestic violence, abuse of a child 186540
and contributing to the dependency, neglect, unruliness, or 186541
delinquency of a child, sexual offenses, drug offenses, 186542
prostitution offenses, and obscenity offenses, and other 186543
provisions of the Revised Code that could relate to missing 186544
children; 186545

(e) Legislation being considered by the general assembly, 186546
legislatures of other states, the congress of the United States, 186547
and political subdivisions in this or any other state to address 186548
missing children issues; 186549

(f) Sources of information on missing children issues; 186550

(g) State, local, federal, and private systems for locating 186551
and identifying missing children; 186552

(h) Law enforcement agency programs, responsibilities, and
investigative techniques in missing children matters; 186553
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(i) Efforts on the community level in this and other states,
concerning missing children issues and matters, by governmental 186555
entities and private organizations; 186556
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(j) The identification of private organizations that, among 186558
their primary objectives, address missing children issues and 186559
matters; 186560

(k) How to avoid becoming a missing child and what to do if 186561
one becomes a missing child; 186562

(l) Efforts that schools, parents, and members of a community 186563
can undertake to reduce the risk that a minor will become a 186564
missing child and to quickly locate or identify a minor if he 186565
becomes a missing child, including, but not limited to, 186566
fingerprinting programs. 186567

(F) Each year the missing children clearinghouse shall issue 186568
a report describing its performance of the functions specified in 186569
division (E) of this section and shall provide a copy of the 186570
report to the speaker of the house of representatives, the 186571
president of the senate, the governor, the superintendent of the 186572
bureau of criminal identification and investigation, and the 186573
director of job and family services. 186574

(G) Any state agency or political subdivision of this state 186575
that operates a missing children program or a clearinghouse for 186576
information about missing children shall coordinate its activities 186577
with the missing children clearinghouse. 186578

(H) The attorney general shall determine a reasonable fee to 186579
be charged for providing to any person or entity other than a 186580
state or local law enforcement agency of this or any other state, 186581
a law enforcement agency of the United States, a board of 186582
education of a school district in this state, a nonpublic school 186583

in this state, a governmental entity in this state, or a public library in this state, pursuant to division (A)(3) of this section, copies of any information acquired or prepared pursuant to division (E)(3) of this section. The attorney general shall collect the fee prior to sending or giving copies of any information to any person or entity for whom or which this division requires the fee to be charged and shall deposit the fee into the missing children fund created by division (I) of this section.

(I) There is hereby created in the state treasury the missing children fund that shall consist of all moneys awarded to the state by donation, gift, or bequest, all other moneys received for purposes of this section, and all fees collected pursuant to this section or section 109.64 of the Revised Code. The attorney general shall use the moneys in the missing children fund only for purposes of the office of the attorney general acquiring or preparing information pursuant to division (E)(3) of this section.

(J) The failure of the missing children clearinghouse to undertake any function or activity authorized in this section does not create a cause of action against the state.

Sec. 109.71. There is hereby created in the office of the attorney general the Ohio peace officer training commission. The commission shall consist of ten members appointed by the governor with the advice and consent of the senate and selected as follows: one member representing the public; one member who represents a fraternal organization representing law enforcement officers; two members who are incumbent sheriffs; two members who are incumbent chiefs of police; one member from the bureau of criminal identification and investigation; one member from the state highway patrol; one member who is the special agent in charge of a field office of the federal bureau of investigation in this state;

and one member from the department of education and workforce, 186615
trade and industrial education services, law enforcement training. 186616

This section does not confer any arrest authority or any 186617
ability or authority to detain a person, write or issue any 186618
citation, or provide any disposition alternative, as granted under 186619
Chapter 2935. of the Revised Code. 186620

Pursuant to division (A)(9) of section 101.82 of the Revised 186621
Code, the commission is exempt from the requirements of sections 186622
101.82 to 101.87 of the Revised Code. 186623

As used in sections 109.71 to 109.801 of the Revised Code: 186624

(A) "Peace officer" means: 186625

(1) A deputy sheriff, marshal, deputy marshal, member of the 186626
organized police department of a township or municipal 186627
corporation, member of a township police district or joint police 186628
district police force, member of a police force employed by a 186629
metropolitan housing authority under division (D) of section 186630
3735.31 of the Revised Code, or township constable, who is 186631
commissioned and employed as a peace officer by a political 186632
subdivision of this state or by a metropolitan housing authority, 186633
and whose primary duties are to preserve the peace, to protect 186634
life and property, and to enforce the laws of this state, 186635
ordinances of a municipal corporation, resolutions of a township, 186636
or regulations of a board of county commissioners or board of 186637
township trustees, or any of those laws, ordinances, resolutions, 186638
or regulations; 186639

(2) A police officer who is employed by a railroad company 186640
and appointed and commissioned by the secretary of state pursuant 186641
to sections 4973.17 to 4973.22 of the Revised Code; 186642

(3) Employees of the department of taxation engaged in the 186643
enforcement of Chapter 5743. of the Revised Code and designated by 186644

the tax commissioner for peace officer training for purposes of	186645
the delegation of investigation powers under section 5743.45 of	186646
the Revised Code;	186647
(4) An undercover drug agent;	186648
(5) Enforcement agents of the department of public safety	186649
whom the director of public safety designates under section	186650
5502.14 of the Revised Code;	186651
(6) An employee of the department of natural resources who is	186652
a natural resources law enforcement staff officer designated	186653
pursuant to section 1501.013, a natural resources officer	186654
appointed pursuant to section 1501.24, a forest-fire investigator	186655
appointed pursuant to section 1503.09, or a wildlife officer	186656
designated pursuant to section 1531.13 of the Revised Code;	186657
(7) An employee of a park district who is designated pursuant	186658
to section 511.232 or 1545.13 of the Revised Code;	186659
(8) An employee of a conservancy district who is designated	186660
pursuant to section 6101.75 of the Revised Code;	186661
(9) A police officer who is employed by a hospital that	186662
employs and maintains its own proprietary police department or	186663
security department, and who is appointed and commissioned by the	186664
secretary of state pursuant to sections 4973.17 to 4973.22 of the	186665
Revised Code;	186666
(10) Veterans' homes police officers designated under section	186667
5907.02 of the Revised Code;	186668
(11) A police officer who is employed by a qualified	186669
nonprofit corporation police department pursuant to section	186670
1702.80 of the Revised Code;	186671
(12) A state university law enforcement officer appointed	186672
under section 3345.04 of the Revised Code or a person serving as a	186673
state university law enforcement officer on a permanent basis on	186674

June 19, 1978, who has been awarded a certificate by the executive 186675
director of the Ohio peace officer training commission attesting 186676
to the person's satisfactory completion of an approved state, 186677
county, municipal, or department of natural resources peace 186678
officer basic training program; 186679

(13) A special police officer employed by the department of 186680
mental health and addiction services pursuant to section 5119.08 186681
of the Revised Code or the department of developmental 186682
disabilities pursuant to section 5123.13 of the Revised Code; 186683

(14) A member of a campus police department appointed under 186684
section 1713.50 of the Revised Code; 186685

(15) A member of a police force employed by a regional 186686
transit authority under division (Y) of section 306.35 of the 186687
Revised Code; 186688

(16) Investigators appointed by the auditor of state pursuant 186689
to section 117.091 of the Revised Code and engaged in the 186690
enforcement of Chapter 117. of the Revised Code; 186691

(17) A special police officer designated by the 186692
superintendent of the state highway patrol pursuant to section 186693
5503.09 of the Revised Code or a person who was serving as a 186694
special police officer pursuant to that section on a permanent 186695
basis on October 21, 1997, and who has been awarded a certificate 186696
by the executive director of the Ohio peace officer training 186697
commission attesting to the person's satisfactory completion of an 186698
approved state, county, municipal, or department of natural 186699
resources peace officer basic training program; 186700

(18) A special police officer employed by a port authority 186701
under section 4582.04 or 4582.28 of the Revised Code or a person 186702
serving as a special police officer employed by a port authority 186703
on a permanent basis on May 17, 2000, who has been awarded a 186704
certificate by the executive director of the Ohio peace officer 186705

training commission attesting to the person's satisfactory 186706
completion of an approved state, county, municipal, or department 186707
of natural resources peace officer basic training program; 186708

(19) A special police officer employed by a municipal 186709
corporation who has been awarded a certificate by the executive 186710
director of the Ohio peace officer training commission for 186711
satisfactory completion of an approved peace officer basic 186712
training program and who is employed on a permanent basis on or 186713
after March 19, 2003, at a municipal airport, or other municipal 186714
air navigation facility, that has scheduled operations, as defined 186715
in section 119.3 of Title 14 of the Code of Federal Regulations, 186716
14 C.F.R. 119.3, as amended, and that is required to be under a 186717
security program and is governed by aviation security rules of the 186718
transportation security administration of the United States 186719
department of transportation as provided in Parts 1542. and 1544. 186720
of Title 49 of the Code of Federal Regulations, as amended; 186721

(20) A police officer who is employed by an owner or operator 186722
of an amusement park that has an average yearly attendance in 186723
excess of six hundred thousand guests and that employs and 186724
maintains its own proprietary police department or security 186725
department, and who is appointed and commissioned by a judge of 186726
the appropriate municipal court or county court pursuant to 186727
section 4973.17 of the Revised Code; 186728

(21) A police officer who is employed by a bank, savings and 186729
loan association, savings bank, credit union, or association of 186730
banks, savings and loan associations, savings banks, or credit 186731
unions, who has been appointed and commissioned by the secretary 186732
of state pursuant to sections 4973.17 to 4973.22 of the Revised 186733
Code, and who has been awarded a certificate by the executive 186734
director of the Ohio peace officer training commission attesting 186735
to the person's satisfactory completion of a state, county, 186736
municipal, or department of natural resources peace officer basic 186737

training program; 186738

(22) An investigator, as defined in section 109.541 of the Revised Code, of the bureau of criminal identification and investigation who is commissioned by the superintendent of the bureau as a special agent for the purpose of assisting law enforcement officers or providing emergency assistance to peace officers pursuant to authority granted under that section; 186739
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(23) A state fire marshal law enforcement officer appointed under section 3737.22 of the Revised Code or a person serving as a state fire marshal law enforcement officer on a permanent basis on or after July 1, 1982, who has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program; 186745
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(24) A gaming agent employed under section 3772.03 of the Revised Code; 186753
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(25) An employee of the state board of pharmacy designated by the executive director of the board pursuant to section 4729.04 of the Revised Code to investigate violations of Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder. 186755
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(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code. 186760
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(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape. 186762
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(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code. 186765
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(E) "Tactical medical professional" means an EMT, EMT-basic, 186767

AEMT, EMT-I, paramedic, nurse, or physician who is trained and certified in a nationally recognized tactical medical training program that is equivalent to "tactical combat casualty care" (TCCC) and "tactical emergency medical support" (TEMS) and who functions in the tactical or austere environment while attached to a law enforcement agency of either this state or a political subdivision of this state.

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(F) "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code and "EMT" and "AEMT" have the same meanings as in section 4765.011 of the Revised Code.

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(G) "Nurse" means any of the following:

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(1) Any person who is licensed to practice nursing as a registered nurse by the board of nursing;

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(2) Any certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code;

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(3) Any person who is licensed to practice nursing as a licensed practical nurse by the board of nursing pursuant to Chapter 4723. of the Revised Code.

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(H) "Physician" means a person who is licensed pursuant to Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

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(I) "County correctional officer" has the same meaning as in section 341.41 of the Revised Code.

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Sec. 109.72. Ohio peace officer training commission member terms shall be for three years, commencing on the twentieth day of September and ending on the nineteenth day of September. Each member shall hold office from the date of appointment until the

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end of the term to which the member was appointed. Any member 186798
appointed to fill a vacancy occurring prior to the expiration of 186799
the term for which the member's predecessor was appointed shall 186800
hold office for the remainder of such term. Any member shall 186801
continue in office subsequent to the expiration date of the 186802
member's term until the member's successor takes office, or until 186803
a period of sixty days has elapsed, whichever occurs first. An 186804
interim chairperson shall be appointed by the governor until such 186805
time as the commission elects a permanent chairperson. 186806

Any member of the commission appointed pursuant to section 186807
109.71 of the Revised Code as an incumbent sheriff, incumbent 186808
chief of police, representative of the state highway patrol, state 186809
department of education and workforce, federal bureau of 186810
investigation, and bureau of criminal identification and 186811
investigation, shall immediately, upon termination of holding such 186812
office, cease to be a member of the commission, and a successor 186813
shall be appointed. 186814

The commission shall meet at least four times each year. 186815
Special meetings may be called by the chairperson and shall be 186816
called by the chairperson at the request of the attorney general 186817
or upon the written request of five members of the commission. The 186818
commission may establish its own requirements as to quorum and its 186819
own procedures with respect to the conduct of its meetings and 186820
other affairs; provided, that all recommendations by the 186821
commission to the attorney general pursuant to section 109.74 of 186822
the Revised Code shall require the affirmative vote of five 186823
members of the commission. 186824

Membership on the commission does not constitute the holding 186825
of an office, and members of the commission shall not be required 186826
to take and file oaths of office before serving on the commission. 186827
The commission shall not exercise any portion of the sovereign 186828
power of the state. 186829

The members of the commission shall receive no compensation 186830
for their services but shall be allowed their actual and necessary 186831
expenses incurred in the performance of their duties. 186832

No member of the commission shall be disqualified from 186833
holding any public office or employment, nor shall the member 186834
forfeit any such office or employment, by reason of appointment to 186835
the commission, notwithstanding any general, special, or local 186836
law, ordinance, or city charter to the contrary. 186837

Sec. 109.746. (A) The attorney general may prepare public 186838
awareness programs that are designed to educate potential victims 186839
of violations of section 2905.32 of the Revised Code and their 186840
families of the risks of becoming a victim of a violation of that 186841
section. The attorney general may prepare these programs with 186842
assistance from the department of health, the department of mental 186843
health and addiction services, the department of job and family 186844
services, and the department of education and workforce. 186845

(B) Any organization, person, or other governmental agency 186846
with an interest and expertise in trafficking in persons may 186847
submit information or materials to the attorney general regarding 186848
the preparation of the programs and materials permitted under this 186849
section. The attorney general, in developing the programs and 186850
materials permitted by this section, shall consider any 186851
information submitted pursuant to this division. 186852

Sec. 113.73. (A) The Ohio state and local government 186853
expenditure database shall include the following features: 186854

(1) A searchable database of all expenditures; 186855

(2) The ability to filter expenditures by the following 186856
categories: 186857

(a) The category of expense; 186858

(b) The Ohio administrative knowledge system accounting code 186859
for a specific good or service. 186860

(3) The ability to search and filter by any of the factors 186861
listed in section 113.72 of the Revised Code; 186862

(4) The ability to aggregate data contained in the database; 186863

(5) The ability to determine the total amount of expenditures 186864
awarded to a supplier by a state entity; 186865

(6) The ability to download information obtained through the 186866
database; 186867

(7) A searchable database of state and school district 186868
employee salary and employment information. 186869

(B) The information required under division (A)(7) of this 186870
section shall be provided by the department of administrative 186871
services or the department of education and workforce, as 186872
applicable. 186873

Sec. 117.46. Each biennium the auditor of state shall conduct 186874
a minimum of four performance audits under this section. Except as 186875
otherwise provided in this section, at least two of the audits 186876
shall be of state agencies selected from a list comprised of the 186877
administrative departments listed in section 121.02 of the Revised 186878
Code and the department of education and workforce and at least 186879
two of the audits shall be of other state agencies. At the auditor 186880
of state's discretion, the auditor of state may also conduct 186881
performance audits of state institutions of higher education. The 186882
offices of the attorney general, auditor of state, governor, 186883
secretary of state, and treasurer of state and agencies of the 186884
legislative and judicial branches are not subject to an audit 186885
under this section. 186886

The auditor shall select each agency or institution to be 186887
audited and shall determine whether to audit the entire agency or 186888

institution or a portion of the agency or institution by auditing 186889
one or more programs, offices, boards, councils, or other entities 186890
within that agency or institution. The auditor shall make the 186891
selection and determination in consultation with the governor and 186892
the speaker and minority leader of the house of representatives 186893
and president and minority leader of the senate. 186894

An audit of a portion of an agency or institution shall be 186895
considered an audit of one agency or institution. The authority to 186896
audit a portion of an agency or institution in no way limits the 186897
auditor's ability to audit an entire agency or institution if it 186898
is in the best interest of the state. 186899

The performance audits under this section shall be conducted 186900
pursuant to sections 117.01 and 117.13 of the Revised Code. In 186901
conducting a performance audit, the auditor of state shall 186902
determine the scope of the audit, but shall consider, if 186903
appropriate, supervisory and subordinate level operations in the 186904
agency or institution. A performance audit under this section 186905
shall not include review or evaluation of an institution's 186906
academic performance. 186907

As used in this section and in sections 117.461, 117.462, 186908
117.463, 117.47, 117.471, and 147.472 of the Revised Code, "state 186909
institution of higher education" has the meaning defined in 186910
section 3345.011 of the Revised Code. 186911

Sec. 121.02. The following administrative departments and 186912
their respective directors are hereby created: 186913

(A) The office of budget and management, which shall be 186914
administered by the director of budget and management; 186915

(B) The department of commerce, which shall be administered 186916
by the director of commerce; 186917

(C) The department of administrative services, which shall be 186918

administered by the director of administrative services;	186919
(D) The department of transportation, which shall be administered by the director of transportation;	186920 186921
(E) The department of agriculture, which shall be administered by the director of agriculture;	186922 186923
(F) The department of natural resources, which shall be administered by the director of natural resources;	186924 186925
(G) The department of health, which shall be administered by the director of health;	186926 186927
(H) The department of job and family services, which shall be administered by the director of job and family services;	186928 186929
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	186930 186931
(J) The department of public safety, which shall be administered by the director of public safety;	186932 186933
(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	186934 186935 186936
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	186937 186938
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	186939 186940
(N) The department of development, which shall be administered by the director of development;	186941 186942
(O) The department of youth services, which shall be administered by the director of youth services;	186943 186944
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	186945 186946 186947

(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	186948 186949
(R) The department of aging, which shall be administered by the director of aging;	186950 186951
(S) The department of veterans services, which shall be administered by the director of veterans services;	186952 186953
(T) The department of medicaid, which shall be administered by the medicaid director;	186954 186955
<u>(U) The department of education and workforce, which shall be administered by the director of education and workforce.</u>	186956 186957
The director of each department shall exercise the powers and perform the duties vested by law in such department.	186958 186959
Sec. 121.03. The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.	186960 186961 186962 186963 186964
(A) The director of budget and management;	186965
(B) The director of commerce;	186966
(C) The director of transportation;	186967
(D) The director of agriculture;	186968
(E) The director of job and family services;	186969
(F) Until July 1, 1997, the director of liquor control;	186970
(G) The director of public safety;	186971
(H) The superintendent of insurance;	186972
(I) The director of development;	186973
(J) The tax commissioner;	186974

(K) The director of administrative services;	186975
(L) The director of natural resources;	186976
(M) The director of mental health and addiction services;	186977
(N) The director of developmental disabilities;	186978
(O) The director of health;	186979
(P) The director of youth services;	186980
(Q) The director of rehabilitation and correction;	186981
(R) The director of environmental protection;	186982
(S) The director of aging;	186983
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	186984 186985 186986
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	186987 186988
(V) The chancellor of higher education;	186989
(W) The medicaid director;	186990
<u>(X) The director of education and workforce.</u>	186991
Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:	186992 186993 186994 186995 186996
(1) The department of aging;	186997
(2) The <u>department of</u> development services agency ;	186998
(3) The department of developmental disabilities;	186999
(4) The department of education <u>and workforce</u> ;	187000
(5) The department of health;	187001

(6) The department of job and family services; 187002

(7) The department of medicaid; 187003

(8) The department of mental health and addiction services; 187004

(9) The opportunities for Ohioans with disabilities agency. 187005

(B) In revising eligibility standards and eligibility 187006
determination procedures, a state agency shall not make any 187007
program's eligibility standards or eligibility determination 187008
procedures inconsistent with state or federal law. To the extent 187009
authorized by state and federal law, the revisions may provide for 187010
the state agencies to share administrative operations. 187011

Sec. 121.37. (A)(1) There is hereby created the Ohio family 187012
and children first cabinet council. The council shall be composed 187013
of the ~~superintendent of public instruction~~ director of education 187014
and workforce, the executive director of the opportunities for 187015
Ohioans with disabilities agency, the medicaid director, and the 187016
directors of youth services, job and family services, mental 187017
health and addiction services, health, developmental disabilities, 187018
aging, rehabilitation and correction, and budget and management. 187019
The chairperson of the council shall be the governor or the 187020
governor's designee and shall establish procedures for the 187021
council's internal control and management. 187022

The purpose of the cabinet council is to help families 187023
seeking government services. This section shall not be interpreted 187024
or applied to usurp the role of parents, but solely to streamline 187025
and coordinate existing government services for families seeking 187026
assistance for their children. 187027

(2) In seeking to fulfill its purpose, the council may do any 187028
of the following: 187029

(a) Advise and make recommendations to the governor and 187030
general assembly regarding the provision of services to children; 187031

- (b) Advise and assess local governments on the coordination of service delivery to children; 187032
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- (c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law; 187034
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- (d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system; 187038
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- (e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 187041
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- (f) Enter into contracts with and apply for grants from federal agencies or private organizations; 187046
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- (g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds; 187048
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- (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services; 187053
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- (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs; 187057
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- (j) Identify and disseminate publications regarding alleged 187061

or adjudicated unruly children and children who are at risk of 187062
being alleged or adjudicated unruly children and regarding 187063
programs serving those types of children; 187064

(k) Maintain an inventory of strategic planning facilitators 187065
for use by government or nonprofit entities that serve alleged or 187066
adjudicated unruly children or children who are at risk of being 187067
alleged or adjudicated unruly children. 187068

(3) The cabinet council shall provide for the following: 187069

(a) Reviews of service and treatment plans for children for 187070
which such reviews are requested; 187071

(b) Assistance as the council determines to be necessary to 187072
meet the needs of children referred by county family and children 187073
first councils; 187074

(c) Monitoring and supervision of a statewide, comprehensive, 187075
coordinated, multi-disciplinary, interagency system for infants 187076
and toddlers with developmental disabilities or delays and their 187077
families, as established pursuant to federal grants received and 187078
administered by the department of health for early intervention 187079
services under the "Individuals with Disabilities Education Act of 187080
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 187081

(4) The cabinet council shall develop and implement the 187082
following: 187083

(a) An interagency process to select the indicators that will 187084
be used to measure progress toward increasing child well-being in 187085
the state and to update the indicators on an annual basis. The 187086
indicators shall focus on expectant parents and newborns thriving; 187087
infants and toddlers thriving; children being ready for school; 187088
children and youth succeeding in school; youth choosing healthy 187089
behaviors; and youth successfully transitioning into adulthood. 187090

(b) An interagency system to offer guidance and monitor 187091

progress toward increasing child well-being in the state and in 187092
each county; 187093

(c) An annual plan that identifies state-level agency efforts 187094
taken to ensure progress towards increasing child well-being in 187095
the state. 187096

On an annual basis, the cabinet council shall submit to the 187097
governor and the general assembly a report on the status of 187098
efforts to increase child well-being in the state. This report 187099
shall be made available to any other person on request. 187100

(B)(1) Each board of county commissioners shall establish a 187101
county family and children first council. The board may invite any 187102
local public or private agency or group that funds, advocates, or 187103
provides services to children and families to have a 187104
representative become a permanent or temporary member of its 187105
county council. Each county council must include the following 187106
individuals: 187107

(a) At least three individuals who are not employed by an 187108
agency represented on the council and whose families are or have 187109
received services from an agency represented on the council or 187110
another county's council. Where possible, the number of members 187111
representing families shall be equal to twenty per cent of the 187112
council's membership. 187113

(b) The director of the board of alcohol, drug addiction, and 187114
mental health services that serves the county, or, in the case of 187115
a county that has a board of alcohol and drug addiction services 187116
and a community mental health board, the directors of both boards. 187117
If a board of alcohol, drug addiction, and mental health services 187118
covers more than one county, the director may designate a person 187119
to participate on the county's council. 187120

(c) The health commissioner, or the commissioner's designee, 187121
of the board of health of each city and general health district in 187122

the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.

(d) The director of the county department of job and family services;

(e) The executive director of the public children services agency;

(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education and workforce, which shall notify each board of county commissioners of its determination at least biennially;

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;

(i) A representative of the municipal corporation with the largest population in the county;

(j) The president of the board of county commissioners or an individual designated by the board;

(k) A representative of the department of youth services or an individual designated by the department;

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with

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Disabilities Education Act of 2004"; 187153

(n) A representative of a local nonprofit entity that funds, 187154
advocates, or provides services to children and families. 187155

Notwithstanding any other provision of law, the public 187156
members of a county council are not prohibited from serving on the 187157
council and making decisions regarding the duties of the council, 187158
including those involving the funding of joint projects and those 187159
outlined in the county's service coordination mechanism 187160
implemented pursuant to division (C) of this section. 187161

The cabinet council shall establish a state appeals process 187162
to resolve disputes among the members of a county council 187163
concerning whether reasonable responsibilities as members are 187164
being shared. The appeals process may be accessed only by a 187165
majority vote of the council members who are required to serve on 187166
the council. Upon appeal, the cabinet council may order that state 187167
funds for services to children and families be redirected to a 187168
county's board of county commissioners. 187169

The county's juvenile court judge senior in service or 187170
another judge of the juvenile court designated by the 187171
administrative judge or, where there is no administrative judge, 187172
by the judge senior in service shall serve as the judicial advisor 187173
to the county family and children first council. The judge may 187174
advise the county council on the court's utilization of resources, 187175
services, or programs provided by the entities represented by the 187176
members of the county council and how those resources, services, 187177
or programs assist the court in its administration of justice. 187178
Service of a judge as a judicial advisor pursuant to this section 187179
is a judicial function. 187180

(2) The purpose of the county council is to streamline and 187181
coordinate existing government services for families seeking 187182
services for their children. In seeking to fulfill its purpose, a 187183

county council shall provide for the following: 187184

(a) Referrals to the cabinet council of those children for 187185
whom the county council cannot provide adequate services; 187186

(b) Development and implementation of a process that annually 187187
evaluates and prioritizes services, fills service gaps where 187188
possible, and invents new approaches to achieve better results for 187189
families and children; 187190

(c) Participation in the development of a countywide, 187191
comprehensive, coordinated, multi-disciplinary, interagency system 187192
for infants and toddlers with developmental disabilities or delays 187193
and their families, as established pursuant to federal grants 187194
received and administered by the department of health for early 187195
intervention services under the "Individuals with Disabilities 187196
Education Act of 2004"; 187197

(d) Maintenance of an accountability system to monitor the 187198
county council's progress in achieving results for families and 187199
children; 187200

(e) Establishment of a mechanism to ensure ongoing input from 187201
a broad representation of families who are receiving services 187202
within the county system. 187203

(3) A county council shall develop and implement the 187204
following: 187205

(a) An interagency process to establish local indicators and 187206
monitor the county's progress toward increasing child well-being 187207
in the county; 187208

(b) An interagency process to identify local priorities to 187209
increase child well-being. The local priorities shall focus on 187210
expectant parents and newborns thriving; infants and toddlers 187211
thriving; children being ready for school; children and youth 187212
succeeding in school; youth choosing healthy behaviors; and youth 187213

successfully transitioning into adulthood and take into account 187214
the indicators established by the cabinet council under division 187215
(A)(4)(a) of this section. 187216

(c) An annual plan that identifies the county's interagency 187217
efforts to increase child well-being in the county. 187218

On an annual basis, the county council shall submit a report 187219
on the status of efforts by the county to increase child 187220
well-being in the county to the county's board of county 187221
commissioners and the cabinet council. This report shall be made 187222
available to any other person on request. 187223

(4)(a) Except as provided in division (B)(4)(b) of this 187224
section, a county council shall comply with the policies, 187225
procedures, and activities prescribed by the rules or interagency 187226
agreements of a state department participating on the cabinet 187227
council whenever the county council performs a function subject to 187228
those rules or agreements. 187229

(b) On application of a county council, the cabinet council 187230
may grant an exemption from any rules or interagency agreements of 187231
a state department participating on the council if an exemption is 187232
necessary for the council to implement an alternative program or 187233
approach for service delivery to families and children. The 187234
application shall describe the proposed program or approach and 187235
specify the rules or interagency agreements from which an 187236
exemption is necessary. The cabinet council shall approve or 187237
disapprove the application in accordance with standards and 187238
procedures it shall adopt. If an application is approved, the 187239
exemption is effective only while the program or approach is being 187240
implemented, including a reasonable period during which the 187241
program or approach is being evaluated for effectiveness. 187242

(5)(a) Each county council shall designate an administrative 187243
agent for the council from among the following public entities: 187244

the board of alcohol, drug addiction, and mental health services, 187245
including a board of alcohol and drug addiction or a community 187246
mental health board if the county is served by separate boards; 187247
the board of county commissioners; any board of health of the 187248
county's city and general health districts; the county department 187249
of job and family services; the county agency responsible for the 187250
administration of children services pursuant to section 5153.15 of 187251
the Revised Code; the county board of developmental disabilities; 187252
any of the county's boards of education or governing boards of 187253
educational service centers; or the county's juvenile court. Any 187254
of the foregoing public entities, other than the board of county 187255
commissioners, may decline to serve as the council's 187256
administrative agent. 187257

A county council's administrative agent shall serve as the 187258
council's appointing authority for any employees of the council. 187259
The council shall file an annual budget with its administrative 187260
agent, with copies filed with the county auditor and with the 187261
board of county commissioners, unless the board is serving as the 187262
council's administrative agent. The council's administrative agent 187263
shall ensure that all expenditures are handled in accordance with 187264
policies, procedures, and activities prescribed by state 187265
departments in rules or interagency agreements that are applicable 187266
to the council's functions. 187267

The administrative agent of a county council shall send 187268
notice of a member's absence if a member listed in division (B)(1) 187269
of this section has been absent from either three consecutive 187270
meetings of the county council or a county council subcommittee, 187271
or from one-quarter of such meetings in a calendar year, whichever 187272
is less. The notice shall be sent to the board of county 187273
commissioners that establishes the county council and, for the 187274
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 187275
section, to the governing board overseeing the respective entity; 187276

for the member listed in division (B)(1)(f) of this section, to 187277
the county board of developmental disabilities that employs the 187278
superintendent; for a member listed in division (B)(1)(g) or (h) 187279
of this section, to the school board that employs the 187280
superintendent; for the member listed in division (B)(1)(i) of 187281
this section, to the mayor of the municipal corporation; for the 187282
member listed in division (B)(1)(k) of this section, to the 187283
director of youth services; and for the member listed in division 187284
(B)(1)(n) of this section, to that member's board of trustees. 187285

The administrative agent for a county council may do any of 187286
the following on behalf of the council: 187287

(i) Enter into agreements or administer contracts with public 187288
or private entities to fulfill specific council business. Such 187289
agreements and contracts are exempt from the competitive bidding 187290
requirements of section 307.86 of the Revised Code if they have 187291
been approved by the county council and they are for the purchase 187292
of family and child welfare or child protection services or other 187293
social or job and family services for families and children. The 187294
approval of the county council is not required to exempt 187295
agreements or contracts entered into under section 5139.34, 187296
5139.41, or 5139.43 of the Revised Code from the competitive 187297
bidding requirements of section 307.86 of the Revised Code. 187298

(ii) As determined by the council, provide financial 187299
stipends, reimbursements, or both, to family representatives for 187300
expenses related to council activity; 187301

(iii) Receive by gift, grant, devise, or bequest any moneys, 187302
lands, or other property for the purposes for which the council is 187303
established. The agent shall hold, apply, and dispose of the 187304
moneys, lands, or other property according to the terms of the 187305
gift, grant, devise, or bequest. Any interest or earnings shall be 187306
treated in the same manner and are subject to the same terms as 187307
the gift, grant, devise, or bequest from which it accrues. 187308

(b)(i) If the county council designates the board of county commissioners as its administrative agent, the board may, by resolution, delegate any of its powers and duties as administrative agent to an executive committee the board establishes from the membership of the county council. The board shall name to the executive committee at least the individuals described in divisions (B)(1)(b) to (h) of this section and may appoint the president of the board or another individual as the chair of the executive committee. The executive committee must include at least one family county council representative who does not have a family member employed by an agency represented on the council.

(ii) The executive committee may, with the approval of the board, hire an executive director to assist the county council in administering its powers and duties. The executive director shall serve in the unclassified civil service at the pleasure of the executive committee. The executive director may, with the approval of the executive committee, hire other employees as necessary to properly conduct the county council's business.

(iii) The board may require the executive committee to submit an annual budget to the board for approval and may amend or repeal the resolution that delegated to the executive committee its authority as the county council's administrative agent.

(6) Two or more county councils may enter into an agreement to administer their county councils jointly by creating a regional family and children first council. A regional council possesses the same duties and authority possessed by a county council, except that the duties and authority apply regionally rather than to individual counties. Prior to entering into an agreement to create a regional council, the members of each county council to be part of the regional council shall meet to determine whether all or part of the members of each county council will serve as

members of the regional council. 187341

(7) A board of county commissioners may approve a resolution 187342
by a majority vote of the board's members that requires the county 187343
council to submit a statement to the board each time the council 187344
proposes to enter into an agreement, adopt a plan, or make a 187345
decision, other than a decision pursuant to section 121.38 of the 187346
Revised Code, that requires the expenditure of funds for two or 187347
more families. The statement shall describe the proposed 187348
agreement, plan, or decision. 187349

Not later than fifteen days after the board receives the 187350
statement, it shall, by resolution approved by a majority of its 187351
members, approve or disapprove the agreement, plan, or decision. 187352
Failure of the board to pass a resolution during that time period 187353
shall be considered approval of the agreement, plan, or decision. 187354

An agreement, plan, or decision for which a statement is 187355
required to be submitted to the board shall be implemented only if 187356
it is approved by the board. 187357

(C) Each county shall develop a county service coordination 187358
mechanism. The county service coordination mechanism shall serve 187359
as the guiding document for coordination of services in the 187360
county. For children who also receive services under the help me 187361
grow program, the service coordination mechanism shall be 187362
consistent with rules adopted by the department of health under 187363
section 3701.61 of the Revised Code. All family service 187364
coordination plans shall be developed in accordance with the 187365
county service coordination mechanism. The mechanism shall be 187366
developed and approved with the participation of the county 187367
entities representing child welfare; developmental disabilities; 187368
alcohol, drug addiction, and mental health services; health; 187369
juvenile judges; education; the county family and children first 187370
council; and the county early intervention collaborative 187371
established pursuant to the federal early intervention program 187372

operated under the "Individuals with Disabilities Education Act of 187373
2004." The county shall establish an implementation schedule for 187374
the mechanism. The cabinet council may monitor the implementation 187375
and administration of each county's service coordination 187376
mechanism. 187377

Each mechanism shall include all of the following: 187378

(1) A procedure for an agency, including a juvenile court, or 187379
a family voluntarily seeking service coordination, to refer the 187380
child and family to the county council for service coordination in 187381
accordance with the mechanism; 187382

(2) A procedure ensuring that a family and all appropriate 187383
staff from involved agencies, including a representative from the 187384
appropriate school district, are notified of and invited to 187385
participate in all family service coordination plan meetings; 187386

(3) A procedure that permits a family to initiate a meeting 187387
to develop or review the family's service coordination plan and 187388
allows the family to invite a family advocate, mentor, or support 187389
person of the family's choice to participate in any such meeting; 187390

(4) A procedure for ensuring that a family service 187391
coordination plan meeting is conducted for each child who receives 187392
service coordination under the mechanism and for whom an emergency 187393
out-of-home placement has been made or for whom a nonemergency 187394
out-of-home placement is being considered. The meeting shall be 187395
conducted within ten days of an emergency out-of-home placement. 187396
The meeting shall be conducted before a nonemergency out-of-home 187397
placement. The family service coordination plan shall outline how 187398
the county council members will jointly pay for services, where 187399
applicable, and provide services in the least restrictive 187400
environment. 187401

(5) A procedure for monitoring the progress and tracking the 187402
outcomes of each service coordination plan requested in the county 187403

including monitoring and tracking children in out-of-home 187404
placements to assure continued progress, appropriateness of 187405
placement, and continuity of care after discharge from placement 187406
with appropriate arrangements for housing, treatment, and 187407
education; 187408

(6) A procedure for protecting the confidentiality of all 187409
personal family information disclosed during service coordination 187410
meetings or contained in the comprehensive family service 187411
coordination plan; 187412

(7) A procedure for assessing the needs and strengths of any 187413
child or family that has been referred to the council for service 187414
coordination, including a child whose parent or custodian is 187415
voluntarily seeking services, and for ensuring that parents and 187416
custodians are afforded the opportunity to participate; 187417

(8) A procedure for development of a family service 187418
coordination plan described in division (D) of this section; 187419

(9) A local dispute resolution process to serve as the 187420
process that must be used first to resolve disputes among the 187421
agencies represented on the county council concerning the 187422
provision of services to children, including children who are 187423
abused, neglected, dependent, unruly, alleged unruly, or 187424
delinquent children and under the jurisdiction of the juvenile 187425
court and children whose parents or custodians are voluntarily 187426
seeking services. The local dispute resolution process shall 187427
comply with sections 121.38, 121.381, and 121.382 of the Revised 187428
Code. The local dispute resolution process shall be used to 187429
resolve disputes between a child's parents or custodians and the 187430
county council regarding service coordination. The county council 187431
shall inform the parents or custodians of their right to use the 187432
dispute resolution process. Parents or custodians shall use 187433
existing local agency grievance procedures to address disputes not 187434
involving service coordination. The dispute resolution process is 187435

in addition to and does not replace other rights or procedures 187436
that parents or custodians may have under other sections of the 187437
Revised Code. 187438

The cabinet council shall adopt rules in accordance with 187439
Chapter 119. of the Revised Code establishing an administrative 187440
review process to address problems that arise concerning the 187441
operation of a local dispute resolution process. 187442

Nothing in division (C)(4) of this section shall be 187443
interpreted as overriding or affecting decisions of a juvenile 187444
court regarding an out-of-home placement, long-term placement, or 187445
emergency out-of-home placement. 187446

(D) Each county shall develop a family service coordination 187447
plan that does all of the following: 187448

(1) Designates service responsibilities among the various 187449
state and local agencies that provide services to children and 187450
their families, including children who are abused, neglected, 187451
dependent, unruly, or delinquent children and under the 187452
jurisdiction of the juvenile court and children whose parents or 187453
custodians are voluntarily seeking services; 187454

(2) Designates an individual, approved by the family, to 187455
track the progress of the family service coordination plan, 187456
schedule reviews as necessary, and facilitate the family service 187457
coordination plan meeting process; 187458

(3) Ensures that assistance and services to be provided are 187459
responsive to the strengths and needs of the family, as well as 187460
the family's culture, race, and ethnic group, by allowing the 187461
family to offer information and suggestions and participate in 187462
decisions. Identified assistance and services shall be provided in 187463
the least restrictive environment possible. 187464

(4) Includes a process for dealing with a child who is 187465
alleged to be an unruly child. The process shall include methods 187466

to divert the child from the juvenile court system; 187467

(5) Includes timelines for completion of goals specified in 187468
the plan with regular reviews scheduled to monitor progress toward 187469
those goals; 187470

(6) Includes a plan for dealing with short-term crisis 187471
situations and safety concerns. 187472

(E)(1) The process provided for under division (D)(4) of this 187473
section may include, but is not limited to, the following: 187474

(a) Designation of the person or agency to conduct the 187475
assessment of the child and the child's family as described in 187476
division (C)(7) of this section and designation of the instrument 187477
or instruments to be used to conduct the assessment; 187478

(b) An emphasis on the personal responsibilities of the child 187479
and the parental responsibilities of the parents, guardian, or 187480
custodian of the child; 187481

(c) Involvement of local law enforcement agencies and 187482
officials. 187483

(2) The method to divert a child from the juvenile court 187484
system that must be included in the service coordination process 187485
may include, but is not limited to, the following: 187486

(a) The preparation of a complaint under section 2151.27 of 187487
the Revised Code alleging that the child is an unruly child and 187488
notifying the child and the parents, guardian, or custodian that 187489
the complaint has been prepared to encourage the child and the 187490
parents, guardian, or custodian to comply with other methods to 187491
divert the child from the juvenile court system; 187492

(b) Conducting a meeting with the child, the parents, 187493
guardian, or custodian, and other interested parties to determine 187494
the appropriate methods to divert the child from the juvenile 187495
court system; 187496

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian; 187497
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(d) A program to provide a mentor to the child or the parents, guardian, or custodian; 187501
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(e) A program to provide parenting education to the parents, guardian, or custodian; 187503
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(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school; 187505
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(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council. 187508
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(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds. 187512
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Sec. 121.40. (A) There is hereby created the Ohio commission on service and volunteerism consisting of nineteen voting members including the ~~superintendent of public instruction~~ director of education and workforce or the ~~superintendent's~~ director's designee, the chancellor of higher education or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of 187518
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office of three years. The appointees shall include educators, 187527
including teachers and administrators; representatives of youth 187528
organizations; students and parents; representatives of 187529
organizations engaged in volunteer program development and 187530
management throughout the state, including youth and conservation 187531
programs; and representatives of business, government, nonprofit 187532
organizations, social service agencies, veterans organizations, 187533
religious organizations, or philanthropies that support or 187534
encourage volunteerism within the state. The director of the 187535
governor's office of faith-based and community initiatives shall 187536
serve as a nonvoting ex officio member of the commission. Members 187537
of the commission shall receive no compensation, but shall be 187538
reimbursed for actual and necessary expenses incurred in the 187539
performance of their official duties. 187540

(B) The commission shall appoint an executive director for 187541
the commission, who shall be in the unclassified civil service. 187542
The governor shall be informed of the appointment of an executive 187543
director before such an appointment is made. The executive 187544
director shall supervise the commission's activities and report to 187545
the commission on the progress of those activities. The executive 187546
director shall do all things necessary for the efficient and 187547
effective implementation of the duties of the commission. 187548

The responsibilities assigned to the executive director do 187549
not relieve the members of the commission from final 187550
responsibility for the proper performance of the requirements of 187551
this section. 187552

(C) The commission or its designee shall do all of the 187553
following: 187554

(1) Employ, promote, supervise, and remove all employees as 187555
needed in connection with the performance of its duties under this 187556
section and may assign duties to those employees as necessary to 187557
achieve the most efficient performance of its functions, and to 187558

that end may establish, change, or abolish positions, and assign 187559
and reassign duties and responsibilities of any employee of the 187560
commission. Personnel employed by the commission who are subject 187561
to Chapter 4117. of the Revised Code shall retain all of their 187562
rights and benefits conferred pursuant to that chapter. Nothing in 187563
this chapter shall be construed as eliminating or interfering with 187564
Chapter 4117. of the Revised Code or the rights and benefits 187565
conferred under that chapter to public employees or to any 187566
bargaining unit. 187567

(2) Maintain its office in Columbus, and may hold sessions at 187568
any place within the state; 187569

(3) Acquire facilities, equipment, and supplies necessary to 187570
house the commission, its employees, and files and records under 187571
its control, and to discharge any duty imposed upon it by law. The 187572
expense of these acquisitions shall be audited and paid for in the 187573
same manner as other state expenses. For that purpose, the 187574
commission shall prepare and submit to the office of budget and 187575
management a budget for each biennium according to sections 187576
101.532 and 107.03 of the Revised Code. The budget submitted shall 187577
cover the costs of the commission and its staff in the discharge 187578
of any duty imposed upon the commission by law. The commission 187579
shall not delegate any authority to obligate funds. 187580

(4) Pay its own payroll and other operating expenses from 187581
line items designated by the general assembly; 187582

(5) Retain its fiduciary responsibility as appointing 187583
authority. Any transaction instructions shall be certified by the 187584
appointing authority or its designee. 187585

(6) Establish the overall policy and management of the 187586
commission in accordance with this chapter; 187587

(7) Assist in coordinating and preparing the state 187588
application for funds under sections 101 to 184 of the "National 187589

and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 187590
U.S.C.A. 12411 to 12544, as amended, assist in administering and 187591
overseeing the "National and Community Service Trust Act of 1993," 187592
P.L. 103-82, 107 Stat. 785, and the americorps program in this 187593
state, and assist in developing objectives for a comprehensive 187594
strategy to encourage and expand community service programs 187595
throughout the state; 187596

(8) Assist the ~~state board~~ department of education and 187597
workforce, school districts, the chancellor of higher education, 187598
and institutions of higher education in coordinating community 187599
service education programs through cooperative efforts between 187600
institutions and organizations in the public and private sectors; 187601

(9) Assist the departments of natural resources, youth 187602
services, aging, and job and family services in coordinating 187603
community service programs through cooperative efforts between 187604
institutions and organizations in the public and private sectors; 187605

(10) Suggest individuals and organizations that are available 187606
to assist school districts, institutions of higher education, and 187607
the departments of natural resources, youth services, aging, and 187608
job and family services in the establishment of community service 187609
programs and assist in investigating sources of funding for 187610
implementing these programs; 187611

(11) Assist in evaluating the state's efforts in providing 187612
community service programs using standards and methods that are 187613
consistent with any statewide objectives for these programs and 187614
provide information to the ~~state board~~ department of education and 187615
workforce, school districts, the chancellor of higher education, 187616
institutions of higher education, and the departments of natural 187617
resources, youth services, aging, and job and family services to 187618
guide them in making decisions about these programs; 187619

(12) Assist the ~~state board~~ department of education and 187620

workforce in complying with section 3301.70 of the Revised Code 187621
and the chancellor of higher education in complying with division 187622
(B)(2) of section 3333.043 of the Revised Code. 187623

(D) The commission shall in writing enter into an agreement 187624
with another state agency to serve as the commission's fiscal 187625
agent. Before entering into such an agreement, the commission 187626
shall inform the governor of the terms of the agreement and of the 187627
state agency designated to serve as the commission's fiscal agent. 187628
The fiscal agent shall be responsible for all the commission's 187629
fiscal matters and financial transactions, as specified in the 187630
agreement. Services to be provided by the fiscal agent include, 187631
but are not limited to, the following: 187632

(1) Preparing and processing payroll and other personnel 187633
documents that the commission executes as the appointing 187634
authority; 187635

(2) Maintaining ledgers of accounts and reports of account 187636
balances, and monitoring budgets and allotment plans in 187637
consultation with the commission; and 187638

(3) Performing other routine support services that the fiscal 187639
agent considers appropriate to achieve efficiency. 187640

(E)(1) The commission, in conjunction and consultation with 187641
the fiscal agent, has the following authority and responsibility 187642
relative to fiscal matters: 187643

(a) Sole authority to draw funds for any and all federal 187644
programs in which the commission is authorized to participate; 187645

(b) Sole authority to expend funds from their accounts for 187646
programs and any other necessary expenses the commission may incur 187647
and its subgrantees may incur; and 187648

(c) Responsibility to cooperate with and inform the fiscal 187649
agent fully of all financial transactions. 187650

(2) The commission shall follow all state procurement, 187651
fiscal, human resources, statutory, and administrative rule 187652
requirements. 187653

(3) The fiscal agent shall determine fees to be charged to 187654
the commission, which shall be in proportion to the services 187655
performed for the commission. 187656

(4) The commission shall pay fees owed to the fiscal agent 187657
from a general revenue fund of the commission or from any other 187658
fund from which the operating expenses of the commission are paid. 187659
Any amounts set aside for a fiscal year for the payment of these 187660
fees shall be used only for the services performed for the 187661
commission by the fiscal agent in that fiscal year. 187662

(F) The commission may accept and administer grants from any 187663
source, public or private, to carry out any of the commission's 187664
functions this section establishes. 187665

Sec. 121.95. (A) As used in sections 121.95, 121.951, 187666
121.952, 121.953, and 121.954 of the Revised Code, "state agency" 187667
means an administrative department created under section 121.02 of 187668
the Revised Code, an administrative department head appointed 187669
under section 121.03 of the Revised Code, and a state agency 187670
organized under an administrative department or administrative 187671
department head. "State agency" also includes the department of 187672
education and workforce, the state lottery commission, the Ohio 187673
casino control commission, the state racing commission, and the 187674
public utilities commission of Ohio. Rules adopted by an otherwise 187675
independent official or entity organized under a state agency 187676
shall be attributed to the agency under which the official or 187677
entity is organized for the purposes of sections 121.95, 121.951, 187678
121.952, 121.953, and 121.954 of the Revised Code. 187679

(B) Not later than December 31, 2019, a state agency shall 187680
review its existing rules to identify rules having one or more 187681

regulatory restrictions that require or prohibit an action and 187682
prepare a base inventory of the regulatory restrictions in its 187683
existing rules. Rules that include the words "shall," "must," 187684
"require," "shall not," "may not," and "prohibit" shall be 187685
considered to contain regulatory restrictions. 187686

(C) In the base inventory, the state agency shall indicate 187687
all of the following concerning each regulatory restriction: 187688

(1) A description of the regulatory restriction; 187689

(2) The rule number of the rule in which the regulatory 187690
restriction appears; 187691

(3) The statute under which the regulatory restriction was 187692
adopted; 187693

(4) Whether state or federal law expressly and specifically 187694
requires the agency to adopt the regulatory restriction or the 187695
agency adopted the regulatory restriction under the agency's 187696
general authority; 187697

(5) Whether removing the regulatory restriction would require 187698
a change to state or federal law, provided that removing a 187699
regulatory restriction adopted under a law granting the agency 187700
general authority shall be presumed not to require a change to 187701
state or federal law; 187702

(6) Any other information the joint committee on agency rule 187703
review considers necessary. 187704

(D) The state agency shall compute and state the total number 187705
of regulatory restrictions indicated in the base inventory, shall 187706
post the base inventory on its web site, and shall electronically 187707
transmit a copy of the inventory to the joint committee. The joint 187708
committee shall review the base inventory, then transmit it 187709
electronically to the speaker of the house of representatives and 187710
the president of the senate. 187711

(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:

(1) An internal management rule;

(2) An emergency rule;

(3) A rule that state or federal law requires the state agency to adopt verbatim;

(4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code;

(5) A rule adopted pursuant to section 1347.15 of the Revised Code;

(6) A rule concerning instant lottery games;

(7) A rule adopted by the Ohio casino control commission or the state lottery commission concerning sports gaming;

(8) Any other rule that is not subject to review under Chapter 106. of the Revised Code.

(F) Beginning on October 17, 2019, and ending on June 30, 2025, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction.

Sec. 124.15. (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

Schedule B

Pay Ranges and Step Values

Range Step 1 Step 2 Step 3 Step 4

23	Hourly	5.72	5.91	6.10	6.31	187741
	Annually	11897.60	12292.80	12688.00	13124.80	187742
		Step 5	Step 6			187743
	Hourly	6.52	6.75			187744
	Annually	13561.60	14040.00			187745
		Step 1	Step 2	Step 3	Step 4	187746
24	Hourly	6.00	6.20	6.41	6.63	187747
	Annually	12480.00	12896.00	13332.80	13790.40	187748
		Step 5	Step 6			187749
	Hourly	6.87	7.10			187750
	Annually	14289.60	14768.00			187751
		Step 1	Step 2	Step 3	Step 4	187752
25	Hourly	6.31	6.52	6.75	6.99	187753
	Annually	13124.80	13561.60	14040.00	14539.20	187754
		Step 5	Step 6			187755
	Hourly	7.23	7.41			187756
	Annually	15038.40	15412.80			187757
		Step 1	Step 2	Step 3	Step 4	187758
26	Hourly	6.63	6.87	7.10	7.32	187759
	Annually	13790.40	14289.60	14768.00	15225.60	187760
		Step 5	Step 6			187761
	Hourly	7.53	7.77			187762
	Annually	15662.40	16161.60			187763
		Step 1	Step 2	Step 3	Step 4	187764
27	Hourly	6.99	7.23	7.41	7.64	187765
	Annually	14534.20	15038.40	15412.80	15891.20	187766
		Step 5	Step 6	Step 7		187767
	Hourly	7.88	8.15	8.46		187768
	Annually	16390.40	16952.00	17596.80		187769
		Step 1	Step 2	Step 3	Step 4	187770
28	Hourly	7.41	7.64	7.88	8.15	187771
	Annually	15412.80	15891.20	16390.40	16952.00	187772
		Step 5	Step 6	Step 7		187773

	Hourly	8.46	8.79	9.15		187774
	Annually	17596.80	18283.20	19032.00		187775
		Step 1	Step 2	Step 3	Step 4	187776
29	Hourly	7.88	8.15	8.46	8.79	187777
	Annually	16390.40	16952.00	17596.80	18283.20	187778
		Step 5	Step 6	Step 7		187779
	Hourly	9.15	9.58	10.01		187780
	Annually	19032.00	19926.40	20820.80		187781
		Step 1	Step 2	Step 3	Step 4	187782
30	Hourly	8.46	8.79	9.15	9.58	187783
	Annually	17596.80	18283.20	19032.00	19926.40	187784
		Step 5	Step 6	Step 7		187785
	Hourly	10.01	10.46	10.99		187786
	Annually	20820.80	21756.80	22859.20		187787
		Step 1	Step 2	Step 3	Step 4	187788
31	Hourly	9.15	9.58	10.01	10.46	187789
	Annually	19032.00	19962.40	20820.80	21756.80	187790
		Step 5	Step 6	Step 7		187791
	Hourly	10.99	11.52	12.09		187792
	Annually	22859.20	23961.60	25147.20		187793
		Step 1	Step 2	Step 3	Step 4	187794
32	Hourly	10.01	10.46	10.99	11.52	187795
	Annually	20820.80	21756.80	22859.20	23961.60	187796
		Step 5	Step 6	Step 7	Step 8	187797
	Hourly	12.09	12.68	13.29	13.94	187798
	Annually	25147.20	26374.40	27643.20	28995.20	187799
		Step 1	Step 2	Step 3	Step 4	187800
33	Hourly	10.99	11.52	12.09	12.68	187801
	Annually	22859.20	23961.60	25147.20	26374.40	187802
		Step 5	Step 6	Step 7	Step 8	187803
	Hourly	13.29	13.94	14.63	15.35	187804
	Annually	27643.20	28995.20	30430.40	31928.00	187805
		Step 1	Step 2	Step 3	Step 4	187806

34	Hourly	12.09	12.68	13.29	13.94	187807
	Annually	25147.20	26374.40	27643.20	28995.20	187808
		Step 5	Step 6	Step 7	Step 8	187809
	Hourly	14.63	15.35	16.11	16.91	187810
	Annually	30430.40	31928.00	33508.80	35172.80	187811
		Step 1	Step 2	Step 3	Step 4	187812
35	Hourly	13.29	13.94	14.63	15.35	187813
	Annually	27643.20	28995.20	30430.40	31928.00	187814
		Step 5	Step 6	Step 7	Step 8	187815
	Hourly	16.11	16.91	17.73	18.62	187816
	Annually	33508.80	35172.80	36878.40	38729.60	187817
		Step 1	Step 2	Step 3	Step 4	187818
36	Hourly	14.63	15.35	16.11	16.91	187819
	Annually	30430.40	31928.00	33508.80	35172.80	187820
		Step 5	Step 6	Step 7	Step 8	187821
	Hourly	17.73	18.62	19.54	20.51	187822
	Annually	36878.40	38729.60	40643.20	42660.80	187823
	Schedule C					187824
		Pay Range and Values				187825
	Range	Minimum		Maximum		187826
41	Hourly	10.44		15.72		187827
	Annually	21715.20		32697.60		187828
42	Hourly	11.51		17.35		187829
	Annually	23940.80		36088.00		187830
43	Hourly	12.68		19.12		187831
	Annually	26374.40		39769.60		187832
44	Hourly	13.99		20.87		187833
	Annually	29099.20		43409.60		187834
45	Hourly	15.44		22.80		187835
	Annually	32115.20		47424.00		187836
46	Hourly	17.01		24.90		187837
	Annually	35380.80		51792.00		187838
47	Hourly	18.75		27.18		187839

Annually	39000.00	56534.40	187840
48 Hourly	20.67	29.69	187841
Annually	42993.60	61755.20	187842
49 Hourly	22.80	32.06	187843
Annually	47424.00	66684.80	187844

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 187845
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 187847
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them. 187850
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The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments provided to the employees covered by those agreements should also be provided to employees in the service of the state who are exempt from 187866
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collective bargaining coverage and are paid in accordance with 187872
section 124.152 of the Revised Code or are listed in division 187873
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 187874
the review, the director of administrative services, with the 187875
approval of the director of budget and management, may provide to 187876
some or all of these employees any payment or benefit, except for 187877
salary, contained in such a collective bargaining agreement even 187878
if it is similar to a payment or benefit already provided by law 187879
to some or all of these employees. Any payment or benefit so 187880
provided shall not exceed the highest level for that payment or 187881
benefit specified in such a collective bargaining agreement. The 187882
director of administrative services shall not provide, and the 187883
director of budget and management shall not approve, any payment 187884
or benefit to such an employee under this division unless the 187885
payment or benefit is provided pursuant to a collective bargaining 187886
agreement to a state employee who is in a position with similar 187887
duties as, is supervised by, or is employed by the same appointing 187888
authority as, the employee to whom the benefit or payment is to be 187889
provided. 187890

As used in this division, "payment or benefit already 187891
provided by law" includes, but is not limited to, bereavement, 187892
personal, vacation, administrative, and sick leave, disability 187893
benefits, holiday pay, and pay supplements provided under the 187894
Revised Code, but does not include wages or salary. 187895

(E) New employees paid in accordance with schedule B of 187896
division (A) of this section or schedule E-1 of section 124.152 of 187897
the Revised Code shall be employed at the minimum rate established 187898
for the range unless otherwise provided. Employees with 187899
qualifications that are beyond the minimum normally required for 187900
the position and that are determined by the director to be 187901
exceptional may be employed in, or may be transferred or promoted 187902
to, a position at an advanced step of the range. Further, in time 187903

of a serious labor market condition when it is relatively 187904
impossible to recruit employees at the minimum rate for a 187905
particular classification, the entrance rate may be set at an 187906
advanced step in the range by the director of administrative 187907
services. This rate may be limited to geographical regions of the 187908
state. Appointments made to an advanced step under the provision 187909
regarding exceptional qualifications shall not affect the step 187910
assignment of employees already serving. However, anytime the 187911
hiring rate of an entire classification is advanced to a higher 187912
step, all incumbents of that classification being paid at a step 187913
lower than that being used for hiring, shall be advanced beginning 187914
at the start of the first pay period thereafter to the new hiring 187915
rate, and any time accrued at the lower step will be used to 187916
calculate advancement to a succeeding step. If the hiring rate of 187917
a classification is increased for only a geographical region of 187918
the state, only incumbents who work in that geographical region 187919
shall be advanced to a higher step. When an employee in the 187920
unclassified service changes from one state position to another or 187921
is appointed to a position in the classified service, or if an 187922
employee in the classified service is appointed to a position in 187923
the unclassified service, the employee's salary or wage in the new 187924
position shall be determined in the same manner as if the employee 187925
were an employee in the classified service. When an employee in 187926
the unclassified service who is not eligible for step increases is 187927
appointed to a classification in the classified service under 187928
which step increases are provided, future step increases shall be 187929
based on the date on which the employee last received a pay 187930
increase. If the employee has not received an increase during the 187931
previous year, the date of the appointment to the classified 187932
service shall be used to determine the employee's annual step 187933
advancement eligibility date. In reassigning any employee to a 187934
classification resulting in a pay range increase or to a new pay 187935
range as a result of a promotion, an increase pay range 187936

adjustment, or other classification change resulting in a pay 187937
range increase, the director shall assign such employee to the 187938
step in the new pay range that will provide an increase of 187939
approximately four per cent if the new pay range can accommodate 187940
the increase. When an employee is being assigned to a 187941
classification or new pay range as the result of a class plan 187942
change, if the employee has completed a probationary period, the 187943
employee shall be placed in a step no lower than step two of the 187944
new pay range. If the employee has not completed a probationary 187945
period, the employee may be placed in step one of the new pay 187946
range. Such new salary or wage shall become effective on such date 187947
as the director determines. 187948

(F) If employment conditions and the urgency of the work 187949
require such action, the director of administrative services may, 187950
upon the application of a department head, authorize payment at 187951
any rate established within the range for the class of work, for 187952
work of a casual or intermittent nature or on a project basis. 187953
Payment at such rates shall not be made to the same individual for 187954
more than three calendar months in any one calendar year. Any such 187955
action shall be subject to the approval of the director of budget 187956
and management as to the availability of funds. This section and 187957
sections 124.14 and 124.152 of the Revised Code do not repeal any 187958
authority of any department or public official to contract with or 187959
fix the compensation of professional persons who may be employed 187960
temporarily for work of a casual nature or for work on a project 187961
basis. 187962

(G)(1) Except as provided in divisions (G)(2) and (3) of this 187963
section, each state employee paid in accordance with schedule B of 187964
this section or schedule E-1 of section 124.152 of the Revised 187965
Code shall be eligible for advancement to succeeding steps in the 187966
range for the employee's class or grade according to the schedule 187967
established in this division. Beginning on the first day of the 187968

pay period within which the employee completes the prescribed 187969
probationary period in the employee's classification with the 187970
state, each employee shall receive an automatic salary adjustment 187971
equivalent to the next higher step within the pay range for the 187972
employee's class or grade. 187973

Except as provided in divisions (G)(2) and (3) of this 187974
section, each employee paid in accordance with schedule E-1 of 187975
section 124.152 of the Revised Code shall be eligible to advance 187976
to the next higher step until the employee reaches the top step in 187977
the range for the employee's class or grade, if the employee has 187978
maintained satisfactory performance in accordance with criteria 187979
established by the employee's appointing authority. Those step 187980
advancements shall not occur more frequently than once in any 187981
twelve-month period. 187982

When an employee is promoted, the step entry date shall be 187983
set to account for a probationary period. When an employee is 187984
reassigned to a higher pay range, the step entry date shall be set 187985
to allow an employee who is not at the highest step of the range 187986
to receive a step advancement one year from the reassignment date. 187987
Step advancement shall not be affected by demotion. A promoted 187988
employee shall advance to the next higher step of the pay range on 187989
the first day of the pay period in which the required probationary 187990
period is completed. Step advancement shall become effective at 187991
the beginning of the pay period within which the employee attains 187992
the necessary length of service. Time spent on authorized leave of 187993
absence shall be counted for this purpose. 187994

If determined to be in the best interest of the state 187995
service, the director of administrative services may, either 187996
statewide or in selected agencies, adjust the dates on which 187997
annual step advancements are received by employees paid in 187998
accordance with schedule E-1 of section 124.152 of the Revised 187999
Code. 188000

(2)(a) There shall be a moratorium on annual step 188001
advancements under division (G)(1) of this section beginning June 188002
21, 2009, through June 20, 2011. Step advancements shall resume 188003
with the pay period beginning June 21, 2011. Upon the resumption 188004
of step advancements, there shall be no retroactive step 188005
advancements for the period the moratorium was in effect. The 188006
moratorium shall not affect an employee's performance evaluation 188007
schedule. 188008

An employee who begins a probationary period before June 21, 188009
2009, shall advance to the next step in the employee's pay range 188010
at the end of probation, and then become subject to the 188011
moratorium. An employee who is hired, promoted, or reassigned to a 188012
higher pay range between June 21, 2009, through June 20, 2011, 188013
shall not advance to the next step in the employee's pay range 188014
until the next anniversary of the employee's date of hire, 188015
promotion, or reassignment that occurs on or after June 21, 2011. 188016

(b) The moratorium under division (G)(2)(a) of this section 188017
shall apply to the employees of the secretary of state, the 188018
auditor of state, the treasurer of state, and the attorney 188019
general, who are subject to this section unless the secretary of 188020
state, the auditor of state, the treasurer of state, or the 188021
attorney general decides to exempt the office's employees from the 188022
moratorium and so notifies the director of administrative services 188023
in writing on or before July 1, 2009. 188024

(3) Employees in intermittent positions shall be employed at 188025
the minimum rate established for the pay range for their 188026
classification and are not eligible for step advancements. 188027

(H) Employees in appointive managerial or professional 188028
positions paid in accordance with schedule C of this section or 188029
schedule E-2 of section 124.152 of the Revised Code may be 188030
appointed at any rate within the appropriate pay range. This rate 188031
of pay may be adjusted higher or lower within the respective pay 188032

range at any time the appointing authority so desires as long as 188033
the adjustment is based on the employee's ability to successfully 188034
administer those duties assigned to the employee. Salary 188035
adjustments shall not be made more frequently than once in any 188036
six-month period under this provision to incumbents holding the 188037
same position and classification. 188038

(I) When an employee is assigned to duty outside this state, 188039
the employee may be compensated, upon request of the department 188040
head and with the approval of the director of administrative 188041
services, at a rate not to exceed fifty per cent in excess of the 188042
employee's current base rate for the period of time spent on that 188043
duty. 188044

(J) Unless compensation for members of a board or commission 188045
is otherwise specifically provided by law, the director of 188046
administrative services shall establish the rate and method of 188047
payment for members of boards and commissions pursuant to the pay 188048
schedules listed in section 124.152 of the Revised Code. 188049

(K) Regular full-time employees in positions assigned to 188050
classes within the instruction and education administration series 188051
under the job classification plans of the director of 188052
administrative services, except certificated employees on the 188053
instructional staff of the state school for the blind or the state 188054
school for the deaf, whose positions are scheduled to work on the 188055
basis of an academic year rather than a full calendar year, shall 188056
be paid according to the pay range assigned by the applicable job 188057
classification plan, but only during those pay periods included in 188058
the academic year of the school where the employee is located. 188059

(1) Part-time or substitute teachers or those whose period of 188060
employment is other than the full academic year shall be 188061
compensated for the actual time worked at the rate established by 188062
this section. 188063

(2) Employees governed by this division are exempt from sections 124.13 and 124.19 of the Revised Code.

(3) Length of service for the purpose of determining eligibility for step advancements as provided by division (G) of this section and for the purpose of determining eligibility for longevity pay supplements as provided by division (E) of section 124.181 of the Revised Code shall be computed on the basis of one full year of service for the completion of each academic year.

(L) The superintendent of the state school for the deaf and the superintendent of the state school for the blind shall, subject to the approval of the ~~superintendent of public instruction~~ director of education and workforce, carry out both of the following:

(1) Annually, between the first day of April and the last day of June, establish for the ensuing fiscal year a schedule of hourly rates for the compensation of each certificated employee on the instructional staff of that superintendent's respective school constructed as follows:

(a) Determine for each level of training, experience, and other professional qualification for which an hourly rate is set forth in the current schedule, the per cent that rate is of the rate set forth in such schedule for a teacher with a bachelor's degree and no experience. If there is more than one such rate for such a teacher, the lowest rate shall be used to make the computation.

(b) Determine which six city, local, and exempted village school districts with territory in Franklin county have in effect on, or have adopted by, the first day of April for the school year that begins on the ensuing first day of July, teacher salary schedules with the highest minimum salaries for a teacher with a bachelor's degree and no experience;

(c) Divide the sum of such six highest minimum salaries by 188095
ten thousand five hundred sixty; 188096

(d) Multiply each per cent determined in division (L)(1)(a) 188097
of this section by the quotient obtained in division (L)(1)(c) of 188098
this section; 188099

(e) One hundred five per cent of each product thus obtained 188100
shall be the hourly rate for the corresponding level of training, 188101
experience, or other professional qualification in the schedule 188102
for the ensuing fiscal year. 188103

(2) Annually, assign each certificated employee on the 188104
instructional staff of the superintendent's respective school to 188105
an hourly rate on the schedule that is commensurate with the 188106
employee's training, experience, and other professional 188107
qualifications. 188108

If an employee is employed on the basis of an academic year, 188109
the employee's annual salary shall be calculated by multiplying 188110
the employee's assigned hourly rate times one thousand seven 188111
hundred sixty. If an employee is not employed on the basis of an 188112
academic year, the employee's annual salary shall be calculated in 188113
accordance with the following formula: 188114

(a) Multiply the number of days the employee is required to 188115
work pursuant to the employee's contract by eight; 188116

(b) Multiply the product of division (L)(2)(a) of this 188117
section by the employee's assigned hourly rate. 188118

Each employee shall be paid an annual salary in biweekly 188119
installments. The amount of each installment shall be calculated 188120
by dividing the employee's annual salary by the number of biweekly 188121
installments to be paid during the year. 188122

Sections 124.13 and 124.19 of the Revised Code do not apply 188123
to an employee who is paid under this division. 188124

As used in this division, "academic year" means the number of 188125
days in each school year that the schools are required to be open 188126
for instruction with pupils in attendance. Upon completing an 188127
academic year, an employee paid under this division shall be 188128
deemed to have completed one year of service. An employee paid 188129
under this division is eligible to receive a pay supplement under 188130
division (L)(1), (2), or (3) of section 124.181 of the Revised 188131
Code for which the employee qualifies, but is not eligible to 188132
receive a pay supplement under division (L)(4) or (5) of that 188133
section. An employee paid under this division is eligible to 188134
receive a pay supplement under division (L)(6) of section 124.181 188135
of the Revised Code for which the employee qualifies, except that 188136
the supplement is not limited to a maximum of five per cent of the 188137
employee's regular base salary in a calendar year. 188138

(M) Division (A) of this section does not apply to "exempt 188139
employees," as defined in section 124.152 of the Revised Code, who 188140
are paid under that section. 188141

Notwithstanding any other provisions of this chapter, when an 188142
employee transfers between bargaining units or transfers out of or 188143
into a bargaining unit, the director of administrative services 188144
shall establish the employee's compensation and adjust the maximum 188145
leave accrual schedule as the director deems equitable. 188146

Sec. 124.382. (A) As used in this section and sections 188147
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 188148

(1) "Pay period" means the fourteen-day period of time during 188149
which the payroll is accumulated, as determined by the director of 188150
administrative services. 188151

(2) "Active pay status" means the conditions under which an 188152
employee is eligible to receive pay, and includes, but is not 188153
limited to, vacation leave, sick leave, personal leave, 188154
bereavement leave, and administrative leave. 188155

(3) "No pay status" means the conditions under which an employee is ineligible to receive pay and includes, but is not limited to, leave without pay, leave of absence, and disability leave.	188156 188157 188158 188159
(4) "Disability leave" means the leave granted pursuant to section 124.385 of the Revised Code.	188160 188161
(5) "Full-time permanent employee" means an employee whose regular hours of duty total eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.	188162 188163 188164 188165
(6) "Base rate of pay" means the rate of pay established under schedule B or C of section 124.15 of the Revised Code or under schedule E-1 or schedule E-2 of section 124.152 of the Revised Code, plus any supplement provided under section 124.181 of the Revised Code, plus any supplements enacted into law which are added to schedule B or C of section 124.15 of the Revised Code or to schedule E-1 or schedule E-2 of section 124.152 of the Revised Code.	188166 188167 188168 188169 188170 188171 188172 188173
(7) "Part-time permanent employee" means an employee whose regular hours of duty total less than eighty hours in a pay period in a state agency and whose appointment is not for a limited period of time.	188174 188175 188176 188177
(B) Each full-time permanent and part-time permanent employee whose salary or wage is paid directly by warrant of the director of budget and management shall be credited with sick leave of three and one-tenth hours for each completed eighty hours of service, excluding overtime hours worked. Sick leave is not available for use until it appears on the employee's earning statement and the compensation described in the earning statement is available to the employee.	188178 188179 188180 188181 188182 188183 188184 188185
(C) Any sick leave credit provided pursuant to division (B)	188186

of this section, remaining as of the last day of the pay period 188187
preceding the first paycheck the employee receives in December, 188188
shall be converted pursuant to section 124.383 of the Revised 188189
Code. 188190

(D) Employees may use sick leave, provided a credit balance 188191
is available, upon approval of the responsible administrative 188192
officer of the employing unit, for absence due to personal 188193
illness, pregnancy, injury, exposure to contagious disease that 188194
could be communicated to other employees, and illness, injury, or 188195
death in the employee's immediate family. When sick leave is used, 188196
it shall be deducted from the employee's credit on the basis of 188197
absence from previously scheduled work in such increments of an 188198
hour and at such a compensation rate as the director of 188199
administrative services determines. The appointing authority of 188200
each employing unit may require an employee to furnish a 188201
satisfactory, signed statement to justify the use of sick leave. 188202

If, after having utilized the credit provided by this 188203
section, an employee utilizes sick leave that was accumulated 188204
prior to November 15, 1981, compensation for such sick leave used 188205
shall be at a rate as the director determines. 188206

(E)(1) The previously accumulated sick leave balance of an 188207
employee who has been separated from the public service, for which 188208
separation payments pursuant to section 124.384 of the Revised 188209
Code have not been made, shall be placed to the employee's credit 188210
upon the employee's reemployment in the public service, if the 188211
reemployment takes place within ten years of the date on which the 188212
employee was last terminated from public service. 188213

(2) The previously accumulated sick leave balance of an 188214
employee who has separated from a school district shall be placed 188215
to the employee's credit upon the employee's appointment as an 188216
unclassified employee of the state department of education and 188217
workforce, if all of the following apply: 188218

(a) The employee accumulated the sick leave balance while employed by the school district. 188219
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(b) The employee did not receive any separation payments for the sick leave balance. 188221
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(c) The employee's employment with the department takes place within ten years after the date on which the employee separated from the school district. 188223
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(F) An employee who transfers from one public agency to another shall be credited with the unused balance of the employee's accumulated sick leave. 188226
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(G) The director of administrative services shall establish procedures to uniformly administer this section. No sick leave may be granted to a state employee upon or after the employee's retirement or termination of employment. 188229
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(H) As used in this division, "active payroll" means conditions under which an employee is in active pay status or eligible to receive pay for an approved leave of absence, including, but not limited to, occupational injury leave, disability leave, or workers' compensation. 188233
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(1) Employees who are in active payroll status on June 18, 2011, shall receive a one-time credit of additional sick leave in the pay period that begins on July 1, 2011. Full-time employees shall receive the lesser of either a one-time credit of thirty-two hours of additional sick leave or a one-time credit of additional sick leave equivalent to half the hours of personal leave the employee lost during the moratorium established under either division (A) of section 124.386 of the Revised Code or pursuant to a rule of the director of administrative services. Part-time employees shall receive a one-time credit of sixteen hours of additional sick leave. 188238
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(2) Employees who are not in active payroll status due to 188249

military leave or an absence taken in accordance with the federal 188250
"Family and Medical Leave Act" are eligible to receive the 188251
one-time additional sick leave credit. 188252

(3) The one-time additional sick leave credit does not apply 188253
to employees of the supreme court, general assembly, legislative 188254
service commission, secretary of state, auditor of state, 188255
treasurer of state, or attorney general unless the supreme court, 188256
general assembly, legislative service commission, secretary of 188257
state, auditor of state, treasurer of state, or attorney general 188258
participated in the moratorium under division (H) or (I) of 188259
section 124.386 of the Revised Code and notifies in writing the 188260
director of administrative services on or before June 1, 2011, of 188261
the decision to participate in the one-time additional sick leave 188262
credit. Written notice under this division shall be signed by the 188263
appointing authority for employees of the supreme court, general 188264
assembly, or legislative service commission, as the case may be. 188265

Sec. 124.384. (A) Except as otherwise provided in this 188266
section, employees whose salaries or wages are paid by warrant of 188267
the director of budget and management and who have accumulated 188268
sick leave under section 124.38 or 124.382 of the Revised Code 188269
shall be paid for a percentage of their accumulated balances, upon 188270
separation for any reason, including death but excluding 188271
retirement, at their last base rate of pay at the rate of one hour 188272
of pay for every two hours of accumulated balances. An employee 188273
who retires in accordance with any retirement plan offered by the 188274
state shall be paid upon retirement for each hour of the 188275
employee's accumulated sick leave balance at a rate of fifty-five 188276
per cent of the employee's last base rate of pay. 188277

An employee serving in a temporary work level who elects to 188278
convert unused sick leave to cash shall do so at the base rate of 188279
pay of the employee's normal classification. If an employee dies, 188280

the employee's unused sick leave shall be paid in accordance with 188281
section 2113.04 of the Revised Code or to the employee's estate. 188282

In order to be eligible for the payment authorized by this 188283
section, an employee shall have at least one year of state service 188284
and shall request all or a portion of that payment no later than 188285
three years after separation from state service. No person is 188286
eligible to receive all or a portion of the payment authorized by 188287
this section at any time later than three years after the person's 188288
separation from state service. 188289

(B) A person initially employed on or after July 5, 1987, by 188290
a state agency in which the employees' salaries or wages are paid 188291
directly by warrant of the director of budget and management shall 188292
receive payment under this section only for sick leave accumulated 188293
while employed by state agencies in which the employees' salaries 188294
or wages are paid directly by warrant of the director of budget 188295
and management. Additionally, a person initially employed on or 188296
after July 5, 1987, but before October 1, 2017, by the state 188297
department of education and workforce as an unclassified employee 188298
shall receive payment under this section for sick leave placed to 188299
the employee's credit under division (E)(2) of section 124.382 of 188300
the Revised Code. 188301

(C) For employees paid in accordance with section 124.152 of 188302
the Revised Code and those employees listed in divisions (B)(2) 188303
and (4) of section 124.14 of the Revised Code, the director of 188304
administrative services, with the approval of the director of 188305
budget and management, may establish a plan for early payment of 188306
accrued sick leave and vacation leave. 188307

Sec. 125.05. Except as provided in division (D) or (E) of 188308
this section, no state agency shall purchase any supplies or 188309
services except as provided in divisions (A) to (C) of this 188310
section. 188311

(A) A state agency may, without competitive selection, make any purchase of supplies or services that cost less than fifty thousand dollars after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

Section 127.16 of the Revised Code does not apply to purchases made under this division.

(B) A state agency shall make purchases of supplies and services that cost fifty thousand dollars or more through the department of administrative services and the process provided in section 125.035 of the Revised Code, unless the department grants a waiver under division (D) or (E) of that section and a release and permit under division (G) of that section.

(C) An agency that has been granted a release and permit under division (G) of section 125.035 of the Revised Code to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (E) of section 127.16 of the Revised Code would:

(1) Be exceeded and the controlling board approves the purchase;

(2) Not be exceeded and the department of administrative services approves the purchase.

(D) If the department of education and workforce or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase

the same software services or supplies for themselves, the 188343
department or network shall certify that fact to the department of 188344
administrative services and, acting as an agent for the specified 188345
school districts, shall make that purchase without following the 188346
provisions in divisions (A) to (D) of this section. 188347

(E) When the purchase cost of personal protective equipment 188348
is less than fifty thousand dollars, a state agency shall comply 188349
with divisions (A) to (E) of section 125.035 of the Revised Code. 188350
If the purchase is not subject to the requirements of an 188351
applicable first or second requisite procurement program, the 188352
agency shall apply the same preferences in section 125.09 of the 188353
Revised Code when making the purchase. As used in this division, 188354
"personal protective equipment" means equipment worn to minimize 188355
exposure to hazards that cause workplace injuries and illnesses. 188356

Sec. 125.13. (A) As used in this section: 188357

(1) "Emergency medical service organization" has the same 188358
meaning as in section 4765.01 of the Revised Code. 188359

(2) "Private fire company" has the same meaning as in section 188360
9.60 of the Revised Code. 188361

(B) Whenever a state agency has excess or surplus supplies, 188362
it shall notify the director of administrative services. On forms 188363
provided by the director, the state agency shall furnish to the 188364
director a list of its excess and surplus supplies, including the 188365
location of the supplies and whether the supplies are currently in 188366
the agency's control. 188367

(C) Upon receipt of notification and at no cost to the state 188368
agency, the director of administrative services shall make 188369
arrangements for their disposition and shall take immediate 188370
control of a state agency's excess and surplus supplies, except 188371
for the following excess and surplus supplies: 188372

(1) Excess or surplus supplies that have a value below the minimum value that the director establishes for excess and surplus supplies under division (F) of this section;	188373 188374 188375
(2) Excess or surplus supplies that the director has authorized an agency to donate to a governmental agency, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division (G) of this section;	188376 188377 188378 188379 188380
(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;	188381 188382
(4) Hazardous property;	188383
(5) Excess or surplus supplies that the director has authorized to be part of an interagency transfer;	188384 188385
(6) Excess or surplus supplies that are donated under division (H) of this section.	188386 188387
(D) The director shall inventory excess and surplus supplies in the director's control and post on a public web site a list of the supplies available for acquisition. The director may have the supplies repaired. The director shall not charge a fee for the collection or transportation of excess and surplus supplies.	188388 188389 188390 188391 188392
(E) The director may do any of the following:	188393
(1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of those supplies in any of the following manners:	188394 188395 188396 188397
(a) To state agencies or by interagency trade;	188398
(b) To state-supported or state-assisted institutions of higher education;	188399 188400
(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire	188401 188402

companies, or private, nonprofit emergency medical service organizations; 188403
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(d) To nonpublic elementary and secondary schools chartered by the ~~state board~~ department of education and workforce under section 3301.16 of the Revised Code; 188405
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(e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that receives funds from the state or has a contract with the state; 188408
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(f) To the general public by auction, sealed bid, sale, or negotiation. 188411
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(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division. 188413
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(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such supplies. The director may dispose of declared surplus or excess supplies, including motor vehicles, in the director's control as the director determines proper if such supplies cannot be disposed of pursuant to division (E) of this section. The director shall by rule establish a 188425
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minimum value for excess and surplus supplies and prescribe 188434
procedures for a state agency to follow in disposing of excess and 188435
surplus supplies in its control that have a value below the 188436
minimum value established by the director. 188437

(G) The director of administrative services may authorize any 188438
state agency to transfer surplus computers and computer equipment 188439
that are not needed by other state agencies directly to an 188440
accredited public school within the state. The computers and 188441
computer equipment may be repaired or refurbished prior to 188442
transfer. The state agency may charge a service fee to the public 188443
schools for the property not to exceed the direct cost of 188444
repairing or refurbishing it. The state agency shall deposit such 188445
funds into the account used for repair or refurbishment. 188446

(H) Excess and surplus supplies of food shall be exempt from 188447
this section and may be donated directly to nonprofit food 188448
pantries and institutions without notification to the director of 188449
administrative services. 188450

Sec. 133.06. (A) A school district shall not incur, without a 188451
vote of the electors, net indebtedness that exceeds an amount 188452
equal to one-tenth of one per cent of its tax valuation, except as 188453
provided in divisions (G) and (H) of this section and in division 188454
(D) of section 3313.372 of the Revised Code, or as prescribed in 188455
section 3318.052 or 3318.44 of the Revised Code, or as provided in 188456
division (J) of this section. 188457

(B) Except as provided in divisions (E), (F), and (I) of this 188458
section, a school district shall not incur net indebtedness that 188459
exceeds an amount equal to nine per cent of its tax valuation. 188460

(C) A school district shall not submit to a vote of the 188461
electors the question of the issuance of securities in an amount 188462
that will make the district's net indebtedness after the issuance 188463
of the securities exceed an amount equal to four per cent of its 188464

tax valuation, unless the ~~superintendent of public~~ 188465
~~instruction~~director of education and workforce, acting under 188466
policies adopted by the ~~state board~~ department of education and 188467
workforce, and the tax commissioner, acting under written policies 188468
of the commissioner, consent to the submission. A request for the 188469
consents shall be made at least one hundred twenty days prior to 188470
the election at which the question is to be submitted. 188471

The ~~superintendent of public instruction~~ director of 188472
education and workforce shall certify to the district the 188473
~~superintendent's~~ director's and the tax commissioner's decisions 188474
within thirty days after receipt of the request for consents. 188475

If the electors do not approve the issuance of securities at 188476
the election for which the ~~superintendent of public instruction~~ 188477
director of education and workforce and tax commissioner consented 188478
to the submission of the question, the school district may submit 188479
the same question to the electors on the date that the next 188480
special election may be held under section 3501.01 of the Revised 188481
Code without submitting a new request for consent. If the school 188482
district seeks to submit the same question at any other subsequent 188483
election, the district shall first submit a new request for 188484
consent in accordance with this division. 188485

(D) In calculating the net indebtedness of a school district, 188486
none of the following shall be considered: 188487

(1) Securities issued to acquire school buses and other 188488
equipment used in transporting pupils or issued pursuant to 188489
division (D) of section 133.10 of the Revised Code; 188490

(2) Securities issued under division (F) of this section and, 188491
to the extent in excess of the limitation stated in division (B) 188492
of this section, under division (E) of this section; 188493

(3) Indebtedness resulting from the dissolution of a joint 188494
vocational school district under section 3311.217 of the Revised 188495

Code, evidenced by outstanding securities of that joint vocational school district;	188496 188497
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	188498 188499
(5) Debt incurred under section 3313.374 of the Revised Code;	188500
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	188501 188502 188503
(7) Debt incurred under section 3318.042 of the Revised Code;	188504
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	188505 188506 188507
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	188508 188509
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	188510 188511 188512
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	188513 188514
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	188515 188516 188517 188518
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction <u>director of education and workforce</u> with a statistical report showing all of the following:	188519 188520 188521 188522
(a) The history of and a projection of the growth of the tax valuation;	188523 188524

(b) The projected needs;	188525
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	188526 188527
(3) The superintendent of public instruction <u>director of education and workforce</u> shall certify the district as an approved special needs district if the superintendent <u>director</u> finds both of the following:	188528 188529 188530 188531
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	188532 188533 188534
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent <u>director</u> and any other information the superintendent <u>director</u> obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent <u>director</u> shall be conclusive.	188535 188536 188537 188538 188539 188540 188541 188542
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	188543 188544 188545 188546
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	188547 188548 188549 188550 188551 188552
(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public	188553 188554 188555

~~instruction~~director of education and workforce, by which that tax 188556
valuation is projected to increase during the next ten years. 188557

(F) A school district may issue securities for emergency 188558
purposes, in a principal amount that does not exceed an amount 188559
equal to three per cent of its tax valuation, as provided in this 188560
division. 188561

(1) A board of education, by resolution, may declare an 188562
emergency if it determines both of the following: 188563

(a) School buildings or other necessary school facilities in 188564
the district have been wholly or partially destroyed, or condemned 188565
by a constituted public authority, or that such buildings or 188566
facilities are partially constructed, or so constructed or planned 188567
as to require additions and improvements to them before the 188568
buildings or facilities are usable for their intended purpose, or 188569
that corrections to permanent improvements are necessary to remove 188570
or prevent health or safety hazards. 188571

(b) Existing fiscal and net indebtedness limitations make 188572
adequate replacement, additions, or improvements impossible. 188573

(2) Upon the declaration of an emergency, the board of 188574
education may, by resolution, submit to the electors of the 188575
district pursuant to section 133.18 of the Revised Code the 188576
question of issuing securities for the purpose of paying the cost, 188577
in excess of any insurance or condemnation proceeds received by 188578
the district, of permanent improvements to respond to the 188579
emergency need. 188580

(3) The procedures for the election shall be as provided in 188581
section 133.18 of the Revised Code, except that: 188582

(a) The form of the ballot shall describe the emergency 188583
existing, refer to this division as the authority under which the 188584
emergency is declared, and state that the amount of the proposed 188585
securities exceeds the limitations prescribed by division (B) of 188586

this section; 188587

(b) The resolution required by division (B) of section 133.18 188588
of the Revised Code shall be certified to the county auditor and 188589
the board of elections at least one hundred days prior to the 188590
election; 188591

(c) The county auditor shall advise and, not later than 188592
ninety-five days before the election, confirm that advice by 188593
certification to, the board of education of the information 188594
required by division (C) of section 133.18 of the Revised Code; 188595

(d) The board of education shall then certify its resolution 188596
and the information required by division (D) of section 133.18 of 188597
the Revised Code to the board of elections not less than ninety 188598
days prior to the election. 188599

(4) Notwithstanding division (B) of section 133.21 of the 188600
Revised Code, the first principal payment of securities issued 188601
under this division may be set at any date not later than sixty 188602
months after the earliest possible principal payment otherwise 188603
provided for in that division. 188604

(G)(1) The board of education may contract with an architect, 188605
professional engineer, or other person experienced in the design 188606
and implementation of energy conservation measures for an analysis 188607
and recommendations pertaining to installations, modifications of 188608
installations, or remodeling that would significantly reduce 188609
energy consumption in buildings owned by the district. The report 188610
shall include estimates of all costs of such installations, 188611
modifications, or remodeling, including costs of design, 188612
engineering, installation, maintenance, repairs, measurement and 188613
verification of energy savings, and debt service, forgone residual 188614
value of materials or equipment replaced by the energy 188615
conservation measure, as defined by the Ohio facilities 188616
construction commission, a baseline analysis of actual energy 188617

consumption data for the preceding three years with the utility 188618
baseline based on only the actual energy consumption data for the 188619
preceding twelve months, and estimates of the amounts by which 188620
energy consumption and resultant operational and maintenance 188621
costs, as defined by the commission, would be reduced. 188622

If the board finds after receiving the report that the amount 188623
of money the district would spend on such installations, 188624
modifications, or remodeling is not likely to exceed the amount of 188625
money it would save in energy and resultant operational and 188626
maintenance costs over the ensuing fifteen years, the board may 188627
submit to the commission a copy of its findings and a request for 188628
approval to incur indebtedness to finance the making or 188629
modification of installations or the remodeling of buildings for 188630
the purpose of significantly reducing energy consumption. 188631

The facilities construction commission, in consultation with 188632
the auditor of state, may deny a request under division (G)(1) of 188633
this section by the board of education of any school district that 188634
is in a state of fiscal watch pursuant to division (A) of section 188635
3316.03 of the Revised Code, if it determines that the expenditure 188636
of funds is not in the best interest of the school district. 188637

No district board of education of a school district that is 188638
in a state of fiscal emergency pursuant to division (B) of section 188639
3316.03 of the Revised Code shall submit a request without 188640
submitting evidence that the installations, modifications, or 188641
remodeling have been approved by the district's financial planning 188642
and supervision commission established under section 3316.05 of 188643
the Revised Code. 188644

No board of education of a school district for which an 188645
academic distress commission has been established under section 188646
3302.10 of the Revised Code shall submit a request without first 188647
receiving approval to incur indebtedness from the district's 188648
academic distress commission established under that section, for 188649

so long as such commission continues to be required for the 188650
district. 188651

(2) The board of education may contract with a person 188652
experienced in the implementation of student transportation to 188653
produce a report that includes an analysis of and recommendations 188654
for the use of alternative fuel vehicles by school districts. The 188655
report shall include cost estimates detailing the return on 188656
investment over the life of the alternative fuel vehicles and 188657
environmental impact of alternative fuel vehicles. The report also 188658
shall include estimates of all costs associated with alternative 188659
fuel transportation, including facility modifications and vehicle 188660
purchase costs or conversion costs. 188661

If the board finds after receiving the report that the amount 188662
of money the district would spend on purchasing alternative fuel 188663
vehicles or vehicle conversion is not likely to exceed the amount 188664
of money it would save in fuel and resultant operational and 188665
maintenance costs over the ensuing five years, the board may 188666
submit to the commission a copy of its findings and a request for 188667
approval to incur indebtedness to finance the purchase of new 188668
alternative fuel vehicles or vehicle conversions for the purpose 188669
of reducing fuel costs. 188670

The facilities construction commission, in consultation with 188671
the auditor of state, may deny a request under division (G)(2) of 188672
this section by the board of education of any school district that 188673
is in a state of fiscal watch pursuant to division (A) of section 188674
3316.03 of the Revised Code, if it determines that the expenditure 188675
of funds is not in the best interest of the school district. 188676

No district board of education of a school district that is 188677
in a state of fiscal emergency pursuant to division (B) of section 188678
3316.03 of the Revised Code shall submit a request without 188679
submitting evidence that the purchase or conversion of alternative 188680
fuel vehicles has been approved by the district's financial 188681

planning and supervision commission established under section 188682
3316.05 of the Revised Code. 188683

No board of education of a school district for which an 188684
academic distress commission has been established under section 188685
3302.10 of the Revised Code shall submit a request without first 188686
receiving approval to incur indebtedness from the district's 188687
academic distress commission established under that section, for 188688
so long as such commission continues to be required for the 188689
district. 188690

(3) The facilities construction commission shall approve the 188691
board's request provided that the following conditions are 188692
satisfied: 188693

(a) The commission determines that the board's findings are 188694
reasonable. 188695

(b) The request for approval is complete. 188696

(c) If the request was submitted under division (G)(1) of 188697
this section, the installations, modifications, or remodeling are 188698
consistent with any project to construct or acquire classroom 188699
facilities, or to reconstruct or make additions to existing 188700
classroom facilities under sections 3318.01 to 3318.20 or sections 188701
3318.40 to 3318.45 of the Revised Code. 188702

Upon receipt of the commission's approval, the district may 188703
issue securities without a vote of the electors in a principal 188704
amount not to exceed nine-tenths of one per cent of its tax 188705
valuation for the purpose specified in division (G)(1) or (2) of 188706
this section, but the total net indebtedness of the district 188707
without a vote of the electors incurred under this and all other 188708
sections of the Revised Code, except section 3318.052 of the 188709
Revised Code, shall not exceed one per cent of the district's tax 188710
valuation. 188711

(4)(a) So long as any securities issued under division (G)(1) 188712

of this section remain outstanding, the board of education shall 188713
monitor the energy consumption and resultant operational and 188714
maintenance costs of buildings in which installations or 188715
modifications have been made or remodeling has been done pursuant 188716
to that division. Except as provided in division (G)(4)(b) of this 188717
section, the board shall maintain and annually update a report in 188718
a form and manner prescribed by the facilities construction 188719
commission documenting the reductions in energy consumption and 188720
resultant operational and maintenance cost savings attributable to 188721
such installations, modifications, or remodeling. The resultant 188722
operational and maintenance cost savings shall be certified by the 188723
school district treasurer. The report shall be submitted annually 188724
to the commission. 188725

(b) If the facilities construction commission verifies that 188726
the certified annual reports submitted to the commission by a 188727
board of education under division (G)(4)(a) of this section 188728
fulfill the guarantee required under division (B) of section 188729
3313.372 of the Revised Code for three consecutive years, the 188730
board of education shall no longer be subject to the annual 188731
reporting requirements of division (G)(4)(a) of this section. 188732

(5) So long as any securities issued under division (G)(2) of 188733
this section remain outstanding, the board of education shall 188734
monitor the purchase of new alternative fuel vehicles or vehicle 188735
conversions pursuant to that division. The board shall maintain 188736
and annually update a report in a form and manner prescribed by 188737
the facilities construction commission documenting the purchase of 188738
new alternative fuel vehicles or vehicle conversions, the 188739
associated environmental impact, and return on investment. The 188740
resultant fuel and operational and maintenance cost savings shall 188741
be certified by the school district treasurer. The report shall be 188742
submitted annually to the commission. 188743

(H) With the consent of the ~~superintendent of public~~ 188744

~~instruction~~director of education and workforce, a school district 188745
may incur without a vote of the electors net indebtedness that 188746
exceeds the amounts stated in divisions (A) and (G) of this 188747
section for the purpose of paying costs of permanent improvements, 188748
if and to the extent that both of the following conditions are 188749
satisfied: 188750

(1) The fiscal officer of the school district estimates that 188751
receipts of the school district from payments made under or 188752
pursuant to agreements entered into pursuant to section 725.02, 188753
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 188754
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 188755
of the Revised Code, or distributions under division (C) of 188756
section 5709.43 or division (B) of section 5709.47 of the Revised 188757
Code, or any combination thereof, are, after accounting for any 188758
appropriate coverage requirements, sufficient in time and amount, 188759
and are committed by the proceedings, to pay the debt charges on 188760
the securities issued to evidence that indebtedness and payable 188761
from those receipts, and the taxing authority of the district 188762
confirms the fiscal officer's estimate, which confirmation is 188763
approved by the ~~superintendent of public instruction~~director of 188764
education and workforce; 188765

(2) The fiscal officer of the school district certifies, and 188766
the taxing authority of the district confirms, that the district, 188767
at the time of the certification and confirmation, reasonably 188768
expects to have sufficient revenue available for the purpose of 188769
operating such permanent improvements for their intended purpose 188770
upon acquisition or completion thereof, and the ~~superintendent of~~ 188771
~~public instruction~~ director of education and workforce approves 188772
the taxing authority's confirmation. 188773

The maximum maturity of securities issued under division (H) 188774
of this section shall be the lesser of twenty years or the maximum 188775
maturity calculated under section 133.20 of the Revised Code. 188776

(I) A school district may incur net indebtedness by the 188777
issuance of securities in accordance with the provisions of this 188778
chapter in excess of the limit specified in division (B) or (C) of 188779
this section when necessary to raise the school district portion 188780
of the basic project cost and any additional funds necessary to 188781
participate in a project under Chapter 3318. of the Revised Code, 188782
including the cost of items designated by the facilities 188783
construction commission as required locally funded initiatives, 188784
the cost of other locally funded initiatives in an amount that 188785
does not exceed fifty per cent of the district's portion of the 188786
basic project cost, and the cost for site acquisition. A school 188787
district shall notify the ~~superintendent of public instruction~~ 188788
director of education and workforce whenever that district will 188789
exceed either limit pursuant to this division. 188790

(J) A school district whose portion of the basic project cost 188791
of its classroom facilities project under sections 3318.01 to 188792
3318.20 of the Revised Code is greater than or equal to one 188793
hundred million dollars may incur without a vote of the electors 188794
net indebtedness in an amount up to two per cent of its tax 188795
valuation through the issuance of general obligation securities in 188796
order to generate all or part of the amount of its portion of the 188797
basic project cost if the controlling board has approved the 188798
facilities construction commission's conditional approval of the 188799
project under section 3318.04 of the Revised Code. The school 188800
district board and the Ohio facilities construction commission 188801
shall include the dedication of the proceeds of such securities in 188802
the agreement entered into under section 3318.08 of the Revised 188803
Code. No state moneys shall be released for a project to which 188804
this section applies until the proceeds of any bonds issued under 188805
this section that are dedicated for the payment of the school 188806
district portion of the project are first deposited into the 188807
school district's project construction fund. 188808

Sec. 133.061. (A) This section applies only to a school 188809
district that satisfies all of the following conditions: 188810

(1) The district, prior to June 30, 2007, undertook a 188811
classroom facilities project under section 3318.37 of the Revised 188812
Code. 188813

(2) The district will undertake a subsequent classroom 188814
facilities project under section 3318.37 of the Revised Code that 188815
will consist of a single building housing grades six through 188816
twelve. 188817

(3) The district's project described in division (A)(2) of 188818
this section will include locally funded initiatives that are not 188819
required by the Ohio facilities construction commission. 188820

(4) The district's project described in division (A)(2) of 188821
this section will commence within two years after June 30, 2007. 188822

(B) Notwithstanding any other provision of law to the 188823
contrary, a school district to which this section applies may 188824
incur net indebtedness by the issuance of securities in accordance 188825
with the provisions of this chapter in excess of the limit 188826
specified in division (B) or (C) of section 133.06 of the Revised 188827
Code when necessary to raise the school district portion of the 188828
basic project cost and any additional funds necessary to 188829
participate in the classroom facilities project described in 188830
division (A)(2) of this section, including the cost of items 188831
designated by the Ohio facilities construction commission as 188832
required locally funded initiatives, the cost for site 188833
acquisition, and the cost of the locally funded initiatives that 188834
are not required by the commission described in division (A)(3) of 188835
this section, as long as the district's total net indebtedness 188836
after the issuance of those securities does not exceed one hundred 188837
twenty-five per cent of the limit prescribed in division (B) of 188838
section 133.06 of the Revised Code and the electors of the 188839

district approve the issuance of those securities. 188840

The facilities construction commission shall notify the 188841
~~superintendent of public instruction~~ director of education and 188842
workforce whenever a school district will exceed either limit 188843
pursuant to this section. 188844

Sec. 135.142. (A) In addition to the investments authorized 188845
by section 135.14 of the Revised Code, any board of education, by 188846
a two-thirds vote of its members, may authorize the treasurer of 188847
the board of education to invest up to forty per cent of the 188848
interim moneys of the board, available for investment at any one 188849
time, in either of the following: 188850

(1) Commercial paper notes issued by any entity that is 188851
defined in ~~division (D) of section 1705.01 or~~ division (E)(K) of 188852
section 1706.01 of the Revised Code and has assets exceeding five 188853
hundred million dollars, and to which notes all of the following 188854
apply: 188855

(a) The notes are rated at the time of purchase in the 188856
highest classification established by at least two nationally 188857
recognized standard rating services. 188858

(b) The aggregate value of the notes does not exceed ten per 188859
cent of the aggregate value of the outstanding commercial paper of 188860
the issuing corporation. 188861

(c) The notes mature no later than two hundred seventy days 188862
after purchase. 188863

(d) The investment in commercial paper notes of a single 188864
issuer shall not exceed in the aggregate five per cent of interim 188865
moneys of the board available for investment at the time of 188866
purchase. 188867

(2) Bankers' acceptances of banks that are insured by the 188868
federal deposit insurance corporation and that mature no later 188869

than one hundred eighty days after purchase. 188870

(B) No investment authorized pursuant to division (A) of this 188871
section shall be made, whether or not authorized by a board of 188872
education, unless the treasurer of the board of education has 188873
completed additional training for making the types of investments 188874
authorized pursuant to division (A) of this section. The type and 188875
amount of such training shall be approved and may be conducted by 188876
or provided under the supervision of the treasurer of state. 188877

(C) The treasurer of the board of education shall prepare 188878
annually and submit to the board of education, the ~~superintendent~~ 188879
~~of public instruction~~ director of education and workforce, and the 188880
auditor of state, on or before the thirty-first day of August, a 188881
report listing each investment made pursuant to division (A) of 188882
this section during the preceding fiscal year, income earned from 188883
such investments, fees and commissions paid pursuant to division 188884
(D) of this section, and any other information required by the 188885
board, the ~~superintendent~~ director, and the auditor of state. 188886

(D) A board of education may make appropriations and 188887
expenditures for fees and commissions in connection with 188888
investments made pursuant to division (A) of this section. 188889

(E)(1) In addition to the investments authorized by section 188890
135.14 of the Revised Code and division (A) of this section, any 188891
board of education that is a party to an agreement with the 188892
treasurer of state pursuant to division (G) of section 135.143 of 188893
the Revised Code and that has outstanding obligations issued under 188894
authority of section 133.10 of the Revised Code may authorize the 188895
treasurer of the board of education to invest interim moneys of 188896
the board in debt interests rated in either of the two highest 188897
rating classifications by at least two nationally recognized 188898
standard rating services and issued by entities that are defined 188899
in ~~division (D) of section 1705.01 or~~ division ~~(E)~~ (K) of section 188900
1706.01 of the Revised Code. The debt interests purchased under 188901

authority of division (E) of this section shall mature not later 188902
than the latest maturity date of the outstanding obligations 188903
issued under authority of section 133.10 or 133.301 of the Revised 188904
Code. 188905

(2) If any of the debt interests acquired under division 188906
(E)(1) of this section ceases to be rated as there required, its 188907
issuer shall notify the treasurer of state of this fact within 188908
twenty-four hours. At any time thereafter the treasurer of state 188909
may require collateralization at the rate of one hundred two per 188910
cent of any remaining obligation of the entity, with securities 188911
authorized for investment under section 135.143 of the Revised 188912
Code. The collateral shall be delivered to and held by a custodian 188913
acceptable to the treasurer of state, marked to market daily, and 188914
any default to be cured within twelve hours. Unlimited 188915
substitution shall be allowed of comparable securities. 188916

Sec. 149.331. The state records program of the department of 188917
administrative services shall do all of the following: 188918

(A) Establish and promulgate in consultation with the state 188919
archivist standards, procedures, and techniques for the effective 188920
management of state records; 188921

(B) Review applications for one-time records disposal and 188922
schedules of records retention and destruction submitted by state 188923
agencies in accordance with section 149.333 of the Revised Code; 188924

(C) Establish "general schedules" proposing the disposal, 188925
after the lapse of specified periods of time, of records of 188926
specified form or character common to several or all agencies that 188927
either have accumulated or may accumulate in such agencies and 188928
that apparently will not, after the lapse of the periods 188929
specified, have sufficient administrative, legal, fiscal, or other 188930
value to warrant their further preservation by the state; 188931

(D) Establish and maintain a records management training 188932
program, and provide a basic consulting service, for personnel 188933
involved in record-making and record-keeping functions of 188934
departments, offices, and institutions; 188935

(E) Provide for the disposition of any remaining records of 188936
any state agency, board, or commission, whether in the executive, 188937
judicial, or legislative branch of government, that has terminated 188938
its operations. After the closing of the Ohio veterans' children's 188939
home, the resident records of the home and the resident records of 188940
the home when it was known as the soldiers' and sailors' orphans' 188941
home required to be maintained by approved records retention 188942
schedules shall be administered by the state department of 188943
education and workforce pursuant to this chapter, the 188944
administrative records of the home required to be maintained by 188945
approved records retention schedules shall be administered by the 188946
department of administrative services pursuant to this chapter, 188947
and historical records of the home shall be transferred to an 188948
appropriate archival institution in this state prescribed by the 188949
state records program. 188950

(F) Establish a centralized program coordinating 188951
micrographics standards, training, and services for the benefit of 188952
all state agencies; 188953

(G) Establish and publish in accordance with the applicable 188954
law necessary procedures and rules for the retention and disposal 188955
of state records. 188956

This section does not apply to the records of state-supported 188957
institutions of higher education, which shall keep their own 188958
records. 188959

Sec. 175.30. As used in sections 175.30 to 175.32 of the 188960
Revised Code: 188961

(A) "First home" or "home" means the first residential real property located in this state to be purchased by a recipient who has not owned or had an ownership interest in a principal residence in the three years prior to the purchase.

(B) "Graduate" means an individual who has graduated from an institution of higher education and who is eligible under division (B) of section 175.31 of the Revised Code to apply for a grant, financial assistance, or down payment assistance awarded under the grants for grads program.

(C) "Institution of higher education" means a state university or college located in this state, a private college or university located in this state that possesses a certificate of authorization issued by the ~~Ohio board of regents~~ chancellor of higher education under Chapter 1713. of the Revised Code, or an accredited college or university located outside this state that is accredited by an accrediting organization or professional accrediting association recognized by the ~~Ohio board of regents~~ chancellor.

(D) "Ohio resident" means any of the following:

(1) An individual who was a resident of this state at the time of the individual's graduation from an Ohio public or nonpublic high school that is approved by the ~~state board~~ department of education and workforce, and who is a resident of this state at the time of applying for the program;

(2) An individual who was a resident of this state at the time of completing, through the twelfth-grade level, a home study program approved by the ~~state board~~ department of education and workforce, and who is a resident of this state at the time of applying for the program;

(3) An individual whose parent was a resident of this state at the time of the individual's graduation from high school, and

who graduated from either of the following: 188993

(a) An out-of-state high school that was accredited by a 188994
regional accrediting organization recognized by the United States 188995
department of education and met standards at least equivalent to 188996
those adopted by the ~~state board~~ director of education and 188997
workforce for approval of nonpublic schools in this state; 188998

(b) A high school approved by the United States department of 188999
defense. 189000

(E) "Program" means the grants for grads program created 189001
under section 175.31 of the Revised Code. 189002

(F) "Recipient" means an individual who has been awarded a 189003
grant or has received financial assistance or down payment 189004
assistance under the program. 189005

Sec. 197.04. (A) The Holocaust and genocide memorial and 189006
education commission shall consist of fifteen members as follows: 189007

(1) Two members shall be members of the house of 189008
representatives appointed by the governor after consultation with 189009
the speaker of the house of representatives, with one member being 189010
from the majority party and one member being from the minority 189011
party, to serve a term of the remainder of the general assembly 189012
during which the representative is appointed. 189013

(2) Two members shall be members of the senate appointed by 189014
the governor after consultation with the president of the senate, 189015
with one member being from the majority party and one member being 189016
from the minority party, to serve a term of the remainder of the 189017
general assembly during which the senator is appointed. 189018

(3) Three nonvoting ex officio members, to serve until the ex 189019
officio member ceases to hold the applicable office: 189020

(a) The ~~superintendent of public instruction~~ director of 189021
education and workforce; 189022

(b) The chancellor of higher education;	189023
(c) The director of veterans services.	189024
(4) Eight members shall be appointed by the governor with the advice and consent of the senate, to serve a term of three years, as follows:	189025 189026 189027
(a) At least three members shall be involved in Holocaust and genocide memorial and education or have a personal connection or experience with the Holocaust or genocide.	189028 189029 189030
(b) At least three members shall have expertise regarding the Holocaust and investigation, analysis, or research regarding genocide.	189031 189032 189033
(B) Vacancies shall be filled in the manner provided under division (A) of this section. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any appointed member shall continue in office subsequent to the expiration of that member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.	189034 189035 189036 189037 189038 189039 189040 189041
Sec. 319.301. (A) The reductions required by division (D) of this section do not apply to any of the following:	189042 189043
(1) Taxes levied at whatever rate is required to produce a specified amount of tax money, including a tax levied under section 5705.199 or 5748.09 of the Revised Code, or an amount to pay debt charges;	189044 189045 189046 189047
(2) Taxes levied within the one per cent limitation imposed by Section 2 of Article XII, Ohio Constitution;	189048 189049
(3) Taxes provided for by the charter of a municipal corporation.	189050 189051

(B) As used in this section:	189052
(1) "Real property" includes real property owned by a railroad.	189053 189054
(2) "Carryover property" means all real property on the current year's tax list except:	189055 189056
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	189057 189058
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	189059 189060
(3) "Effective tax rate" means with respect to each class of property:	189061 189062
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D)(1) of this section without regard to the application of division (E)(3) of this section divided by	189063 189064 189065 189066 189067
(b) The taxable value of all real property in that class.	189068
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	189069 189070 189071
(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate determinations shall be made for each of the two classes established pursuant to section 5713.041 of the Revised Code.	189072 189073 189074 189075 189076 189077
(D) With respect to each tax authorized to be levied by each taxing district, the tax commissioner, annually, shall do both of the following:	189078 189079 189080
(1) Determine by what percentage, if any, the sums levied by	189081

such tax against the carryover property in each class would have 189082
to be reduced for the tax to levy the same number of dollars 189083
against such property in that class in the current year as were 189084
charged against such property by such tax in the preceding year 189085
subsequent to the reduction made under this section but before the 189086
reduction made under section 319.302 of the Revised Code. In the 189087
case of a tax levied for the first time that is not a renewal of 189088
an existing tax, the commissioner shall determine by what 189089
percentage the sums that would otherwise be levied by such tax 189090
against carryover property in each class would have to be reduced 189091
to equal the amount that would have been levied if the full rate 189092
thereof had been imposed against the total taxable value of such 189093
property in the preceding tax year. A tax or portion of a tax that 189094
is designated a replacement levy under section 5705.192 of the 189095
Revised Code is not a renewal of an existing tax for purposes of 189096
this division. 189097

(2) Certify each percentage determined in division (D)(1) of 189098
this section, as adjusted under division (E) of this section, and 189099
the class of property to which that percentage applies to the 189100
auditor of each county in which the district has territory. The 189101
auditor, after complying with section 319.30 of the Revised Code, 189102
shall reduce the sum to be levied by such tax against each parcel 189103
of real property in the district by the percentage so certified 189104
for its class. Certification shall be made by the first day of 189105
September except in the case of a tax levied for the first time, 189106
in which case certification shall be made within fifteen days of 189107
the date the county auditor submits the information necessary to 189108
make the required determination. 189109

(E)(1) As used in division (E)(2) of this section, "pre-1982 189110
joint vocational taxes" means, with respect to a class of 189111
property, the difference between the following amounts: 189112

(a) The taxes charged and payable in tax year 1981 against 189113

the property in that class for the current expenses of the joint vocational school district of which the school district is a part after making all reductions under this section;

(b) Two-tenths of one per cent of the taxable value of all real property in that class.

If the amount in division (E)(1)(b) of this section exceeds the amount in division (E)(1)(a) of this section, the pre-1982 joint vocational taxes shall be zero.

As used in divisions (E)(2) and (3) of this section, "taxes charged and payable" has the same meaning as in division (B)(4) of this section and excludes any tax charged and payable in 1985 or thereafter under sections 5705.194 to 5705.197 or section 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised Code.

(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982 joint vocational taxes against that class, the lesser of the following:

(a) The sum of the rates at which those taxes are authorized to be levied;

(b) Two per cent of the taxable value of the property in that class. The auditor shall use such percentages in making the reduction required by this section for that class.

(3) If in the case of a joint vocational school district any

percentage required to be used in division (D)(2) of this section 189145
for either class of property could cause the total taxes charged 189146
and payable for current expenses for that class to be less than 189147
two-tenths of one per cent of the taxable value of that class, the 189148
commissioner shall determine what percentages would cause the 189149
district's total taxes charged and payable for current expenses 189150
for that class, after all reductions that would otherwise be made 189151
under this section, to equal that amount. The auditor shall use 189152
such percentages in making the reductions required by this section 189153
for that class. 189154

(F) No reduction shall be made under this section in the rate 189155
at which any tax is levied. 189156

(G) The commissioner may order a county auditor to furnish 189157
any information the commissioner needs to make the determinations 189158
required under division (D) or (E) of this section, and the 189159
auditor shall supply the information in the form and by the date 189160
specified in the order. If the auditor fails to comply with an 189161
order issued under this division, except for good cause as 189162
determined by the commissioner, the commissioner shall withhold 189163
from such county or taxing district therein fifty per cent of 189164
state revenues to local governments pursuant to section 5747.50 of 189165
the Revised Code or shall direct the department of education and 189166
workforce to withhold therefrom fifty per cent of state revenues 189167
to school districts pursuant to Chapter 3317. of the Revised Code. 189168
The commissioner shall withhold the distribution of such revenues 189169
until the county auditor has complied with this division, and the 189170
department shall withhold the distribution of such revenues until 189171
the commissioner has notified the department that the county 189172
auditor has complied with this division. 189173

(H) If the commissioner is unable to certify a tax reduction 189174
factor for either class of property in a taxing district located 189175
in more than one county by the last day of November because 189176

information required under division (G) of this section is 189177
unavailable, the commissioner may compute and certify an estimated 189178
tax reduction factor for that district for that class. The 189179
estimated factor shall be based upon an estimate of the 189180
unavailable information. Upon receipt of the actual information 189181
for a taxing district that received an estimated tax reduction 189182
factor, the commissioner shall compute the actual tax reduction 189183
factor and use that factor to compute the taxes that should have 189184
been charged and payable against each parcel of property for the 189185
year for which the estimated reduction factor was used. The amount 189186
by which the estimated factor resulted in an overpayment or 189187
underpayment in taxes on any parcel shall be added to or 189188
subtracted from the amount due on that parcel in the ensuing tax 189189
year. 189190

A percentage or a tax reduction factor determined or computed 189191
by the commissioner under this section shall be used solely for 189192
the purpose of reducing the sums to be levied by the tax to which 189193
it applies for the year for which it was determined or computed. 189194
It shall not be used in making any tax computations for any 189195
ensuing tax year. 189196

(I) In making the determinations under division (D)(1) of 189197
this section, the tax commissioner shall take account of changes 189198
in the taxable value of carryover property resulting from 189199
complaints filed under section 5715.19 of the Revised Code for 189200
determinations made for the tax year in which such changes are 189201
reported to the commissioner. Such changes shall be reported to 189202
the commissioner on the first abstract of real property filed with 189203
the commissioner under section 5715.23 of the Revised Code 189204
following the date on which the complaint is finally determined by 189205
the board of revision or by a court or other authority with 189206
jurisdiction on appeal. The tax commissioner shall account for 189207
such changes in making the determinations only for the tax year in 189208

which the change in valuation is reported. Such a valuation change 189209
shall not be used to recompute the percentages determined under 189210
division (D)(1) of this section for any prior tax year. 189211

Sec. 901.71. (A) There is hereby created the advisory 189212
committee on livestock exhibitions consisting of not more than 189213
twenty-one members, as follows: 189214

(1) The director of agriculture, or the director's designee; 189215

(2) The state veterinarian, or the state veterinarian's 189216
designee; 189217

(3) A representative of the Ohio cattlemen's association, the 189218
Ohio purebred dairy cattle association, the Ohio pork producers 189219
council, the Ohio poultry association, the Ohio sheep improvement 189220
association, the Ohio fair managers association, the Ohio farm 189221
bureau federation, the Ohio farmers union, the Ohio department of 189222
~~education's~~ education and workforce's agricultural education 189223
service, the Ohio state university extension, the national farmers 189224
organization, and the Ohio state grange, or their designees. Each 189225
of these members shall be chosen by the organization the member 189226
represents. 189227

(4) The chairperson of the Ohio expositions commission, or 189228
the chairperson's designee; 189229

(5) Three persons who shall be appointed by the director, 189230
each of whom shall serve as a member of a board of directors of a 189231
county or independent agricultural society organized under section 189232
1711.01 or 1711.02 of the Revised Code. Of the initial 189233
appointments made by the director, one shall be for a term ending 189234
on December 31, 1996; one shall be for a term ending on December 189235
31, 1997; and one shall be for a term ending on December 31, 1998. 189236

(6) Not more than three additional members appointed at the 189237
option of the director. If the director appoints one or more 189238

additional members, the first additional appointment shall be for 189239
a term ending on December 31, 1996, the second additional 189240
appointment shall be for a term ending on December 31, 1997, and 189241
the third additional appointment shall be for a term ending on 189242
December 31, 1998. 189243

Following the completion of the initial terms of the 189244
appointments made by the director, each term of office shall be 189245
three years, commencing on the first day of January and ending on 189246
the thirty-first day of December. A member appointed by the 189247
director shall hold office from the date of the member's 189248
appointment until the end of the term for which the member was 189249
appointed. Vacancies shall be filled in the same manner as the 189250
original appointment. Any member appointed to fill a vacancy 189251
occurring prior to the expiration of the term for which the 189252
member's predecessor was appointed shall hold office for the 189253
remainder of the unexpired term. Any member shall continue in 189254
office subsequent to the expiration date of the member's term 189255
until the member's successor takes office or until a period of 189256
ninety days has elapsed, whichever occurs first. 189257

Members may be removed from the committee only for 189258
misfeasance, malfeasance, or nonfeasance. A vacancy on the 189259
committee shall not impair the right of the other members to 189260
exercise all of the functions of the committee. A simple majority 189261
constitutes a quorum for the conduct of business of the committee. 189262
On request, each member shall be reimbursed for the actual and 189263
necessary expenses incurred in the discharge of the member's 189264
duties as a committee member. 189265

(B) The committee shall be considered a part of the 189266
department of agriculture for the administrative purposes required 189267
by this section, including the payment of expenses authorized to 189268
each member of the committee under this section. The director or 189269
the director's designee shall serve as chairperson of the 189270

committee. The director shall designate an employee or official of 189271
the department to act as the secretary of the committee. The 189272
secretary shall keep the minutes of the committee's meetings and a 189273
permanent journal of all meetings, proceedings, findings, 189274
determinations, and recommendations of the committee, including an 189275
itemized statement of the expenses allowed to each member of the 189276
committee under this section. The committee may request from the 189277
director, and the director shall provide, meeting space, 189278
assistance, services, and information to enable the committee to 189279
carry out its duties. 189280

(C) The committee shall meet at least once annually after the 189281
fifteenth day of October and before the first day of December. The 189282
committee may meet at other times as the chairperson or a majority 189283
of the committee members considers appropriate, provided the 189284
chairperson gives members written notice of any meeting at least 189285
seven days prior to the meeting. 189286

(D) The committee may propose rules and may advise and 189287
counsel the director on all matters relating to the administration 189288
of exhibitions and any other matters that the committee and the 189289
director consider appropriate in carrying out sections 901.71 to 189290
901.76 of the Revised Code. 189291

Sec. 921.06. (A)(1) No individual shall do any of the 189292
following without having a commercial applicator license issued by 189293
the director of agriculture: 189294

(a) Apply pesticides for a pesticide business without direct 189295
supervision; 189296

(b) Apply pesticides as part of the individual's duties while 189297
acting as an employee of the United States government, a state, 189298
county, township, or municipal corporation, or a park district, 189299
port authority, or sanitary district created under Chapter 1545., 189300
4582., or 6115. of the Revised Code, respectively; 189301

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the ~~state board~~ director of education and workforce;

(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of

registration from the state board of career colleges and schools 189332
and program authorization for an associate or bachelor's degree 189333
program issued under section 3332.05 of the Revised Code, and 189334
private institutions exempt from regulation under Chapter 3332. of 189335
the Revised Code as prescribed in section 3333.046 of the Revised 189336
Code; 189337

(ix) Food processing establishments as defined in section 189338
3715.021 of the Revised Code; 189339

(x) Any other site designated by rule. 189340

(e) Conduct authorized diagnostic inspections. 189341

(2) Divisions (A)(1)(a) to (d) of this section do not apply 189342
to an individual who is acting as a trained serviceperson under 189343
the direct supervision of a commercial applicator. 189344

(3) Licenses shall be issued for a period of time established 189345
by rule and shall be renewed in accordance with deadlines 189346
established by rule. The fee for each such license shall be 189347
established by rule. If a license is not issued or renewed, the 189348
application fee shall be retained by the state as payment for the 189349
reasonable expense of processing the application. The director 189350
shall by rule classify by pesticide-use category licenses to be 189351
issued under this section. A single license may include more than 189352
one pesticide-use category. No individual shall be required to pay 189353
an additional license fee if the individual is licensed for more 189354
than one category. 189355

The fee for each license or renewal does not apply to an 189356
applicant who is an employee of the department of agriculture 189357
whose job duties require licensure as a commercial applicator as a 189358
condition of employment. 189359

(B) Application for a commercial applicator license shall be 189360
made on a form prescribed by the director. Each application for a 189361
license shall state the pesticide-use category or categories of 189362

license for which the applicant is applying and other information 189363
that the director determines essential to the administration of 189364
this chapter. 189365

(C) If the director finds that the applicant is competent to 189366
apply pesticides and conduct diagnostic inspections and that the 189367
applicant has passed both the general examination and each 189368
applicable pesticide-use category examination as required under 189369
division (A) of section 921.12 of the Revised Code, the director 189370
shall issue a commercial applicator license limited to the 189371
pesticide-use category or categories for which the applicant is 189372
found to be competent. If the director rejects an application, the 189373
director may explain why the application was rejected, describe 189374
the additional requirements necessary for the applicant to obtain 189375
a license, and return the application. The applicant may resubmit 189376
the application without payment of any additional fee. 189377

(D)(1) A person who is a commercial applicator shall be 189378
deemed to hold a private applicator's license for purposes of 189379
applying pesticides on agricultural commodities that are produced 189380
by the commercial applicator. 189381

(2) A commercial applicator shall apply pesticides only in 189382
the pesticide-use category or categories in which the applicator 189383
is licensed under this chapter. 189384

(E) All money collected under this section shall be credited 189385
to the pesticide, fertilizer, and lime program fund created in 189386
section 921.22 of the Revised Code. 189387

Sec. 2151.011. (A) As used in the Revised Code: 189388

(1) "Juvenile court" means whichever of the following is 189389
applicable that has jurisdiction under this chapter and Chapter 189390
2152. of the Revised Code: 189391

(a) The division of the court of common pleas specified in 189392

section 2101.022 or 2301.03 of the Revised Code as having 189393
jurisdiction under this chapter and Chapter 2152. of the Revised 189394
Code or as being the juvenile division or the juvenile division 189395
combined with one or more other divisions; 189396

(b) The juvenile court of Cuyahoga county or Hamilton county 189397
that is separately and independently created by section 2151.08 or 189398
Chapter 2153. of the Revised Code and that has jurisdiction under 189399
this chapter and Chapter 2152. of the Revised Code; 189400

(c) If division (A)(1)(a) or (b) of this section does not 189401
apply, the probate division of the court of common pleas. 189402

(2) "Juvenile judge" means a judge of a court having 189403
jurisdiction under this chapter. 189404

(3) "Private child placing agency" means any association, as 189405
defined in section 5103.02 of the Revised Code, that is certified 189406
under section 5103.03 of the Revised Code to accept temporary, 189407
permanent, or legal custody of children and place the children for 189408
either foster care or adoption. 189409

(4) "Private noncustodial agency" means any person, 189410
organization, association, or society certified by the department 189411
of job and family services that does not accept temporary or 189412
permanent legal custody of children, that is privately operated in 189413
this state, and that does one or more of the following: 189414

(a) Receives and cares for children for two or more 189415
consecutive weeks; 189416

(b) Participates in the placement of children in certified 189417
foster homes; 189418

(c) Provides adoption services in conjunction with a public 189419
children services agency or private child placing agency. 189420

(B) As used in this chapter: 189421

(1) "Adequate parental care" means the provision by a child's 189422

parent or parents, guardian, or custodian of adequate food, 189423
clothing, and shelter to ensure the child's health and physical 189424
safety and the provision by a child's parent or parents of 189425
specialized services warranted by the child's physical or mental 189426
needs. 189427

(2) "Adult" means an individual who is eighteen years of age 189428
or older. 189429

(3) "Agreement for temporary custody" means a voluntary 189430
agreement authorized by section 5103.15 of the Revised Code that 189431
transfers the temporary custody of a child to a public children 189432
services agency or a private child placing agency. 189433

(4) "Alternative response" means the public children services 189434
agency's response to a report of child abuse or neglect that 189435
engages the family in a comprehensive evaluation of child safety, 189436
risk of subsequent harm, and family strengths and needs and that 189437
does not include a determination as to whether child abuse or 189438
neglect occurred. 189439

(5) "Certified foster home" means a foster home, as defined 189440
in section 5103.02 of the Revised Code, certified under section 189441
5103.03 of the Revised Code. 189442

(6) "Child" means a person who is under eighteen years of 189443
age, except that the juvenile court has jurisdiction over any 189444
person who is adjudicated an unruly child prior to attaining 189445
eighteen years of age until the person attains twenty-one years of 189446
age, and, for purposes of that jurisdiction related to that 189447
adjudication, a person who is so adjudicated an unruly child shall 189448
be deemed a "child" until the person attains twenty-one years of 189449
age. 189450

(7) "Child day camp," "child care," "child day-care center," 189451
"part-time child day-care center," "type A family day-care home," 189452
"licensed type B family day-care home," "type B family day-care 189453

home," "administrator of a child day-care center," "administrator 189454
of a type A family day-care home," and "in-home aide" have the 189455
same meanings as in section 5104.01 of the Revised Code. 189456

(8) "Child care provider" means an individual who is a 189457
child-care staff member or administrator of a child day-care 189458
center, a type A family day-care home, or a type B family day-care 189459
home, or an in-home aide or an individual who is licensed, is 189460
regulated, is approved, operates under the direction of, or 189461
otherwise is certified by the department of job and family 189462
services, department of developmental disabilities, or the early 189463
childhood programs of the department of education. 189464

(9) "Commit" means to vest custody as ordered by the court. 189465

(10) "Counseling" includes both of the following: 189466

(a) General counseling services performed by a public 189467
children services agency or shelter for victims of domestic 189468
violence to assist a child, a child's parents, and a child's 189469
siblings in alleviating identified problems that may cause or have 189470
caused the child to be an abused, neglected, or dependent child. 189471

(b) Psychiatric or psychological therapeutic counseling 189472
services provided to correct or alleviate any mental or emotional 189473
illness or disorder and performed by a licensed psychiatrist, 189474
licensed psychologist, or a person licensed under Chapter 4757. of 189475
the Revised Code to engage in social work or professional 189476
counseling. 189477

(11) "Custodian" means a person who has legal custody of a 189478
child or a public children services agency or private child 189479
placing agency that has permanent, temporary, or legal custody of 189480
a child. 189481

(12) "Delinquent child" has the same meaning as in section 189482
2152.02 of the Revised Code. 189483

(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to

provide the child with food, shelter, education, and medical care, 189514
all subject to any residual parental rights, privileges, and 189515
responsibilities. An individual granted legal custody shall 189516
exercise the rights and responsibilities personally unless 189517
otherwise authorized by any section of the Revised Code or by the 189518
court. 189519

(22) A "legitimate excuse for absence from the public school 189520
the child is supposed to attend" includes, but is not limited to, 189521
any of the following: 189522

(a) The fact that the child in question has enrolled in and 189523
is attending another public or nonpublic school in this or another 189524
state; 189525

(b) The fact that the child in question is excused from 189526
attendance at school for any of the reasons specified in section 189527
3321.04 or 3321.042 of the Revised Code; 189528

(c) The fact that the child in question has received an age 189529
and schooling certificate in accordance with section 3331.01 of 189530
the Revised Code. 189531

(23) "Mental illness" has the same meaning as in section 189532
5122.01 of the Revised Code. 189533

(24) "Mental injury" means any behavioral, cognitive, 189534
emotional, or mental disorder in a child caused by an act or 189535
omission that is described in section 2919.22 of the Revised Code 189536
and is committed by the parent or other person responsible for the 189537
child's care. 189538

(25) "Nonsecure care, supervision, or training" means care, 189539
supervision, or training of a child in a facility that does not 189540
confine or prevent movement of the child within the facility or 189541
from the facility. 189542

(26) "Of compulsory school age" has the same meaning as in 189543

section 3321.01 of the Revised Code. 189544

(27) "Organization" means any institution, public, 189545
semipublic, or private, and any private association, society, or 189546
agency located or operating in the state, incorporated or 189547
unincorporated, having among its functions the furnishing of 189548
protective services or care for children, or the placement of 189549
children in certified foster homes or elsewhere. 189550

(28) "Out-of-home care" means detention facilities, shelter 189551
facilities, certified children's crisis care facilities, certified 189552
foster homes, placement in a prospective adoptive home prior to 189553
the issuance of a final decree of adoption, organizations, 189554
certified organizations, child day-care centers, type A family 189555
day-care homes, type B family day-care homes, child care provided 189556
by in-home aides, group home providers, group homes, institutions, 189557
state institutions, residential facilities, residential care 189558
facilities, residential camps, day camps, private, nonprofit 189559
therapeutic wilderness camps, public schools, chartered nonpublic 189560
schools, educational service centers, hospitals, and medical 189561
clinics that are responsible for the care, physical custody, or 189562
control of children. 189563

(29) "Out-of-home care child abuse" means any of the 189564
following when committed by a person responsible for the care of a 189565
child in out-of-home care: 189566

(a) Engaging in sexual activity with a child in the person's 189567
care; 189568

(b) Denial to a child, as a means of punishment, of proper or 189569
necessary subsistence, education, medical care, or other care 189570
necessary for a child's health; 189571

(c) Use of restraint procedures on a child that cause injury 189572
or pain; 189573

(d) Administration of prescription drugs or psychotropic 189574

medication to the child without the written approval and ongoing supervision of a licensed physician; 189575
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(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death. 189577
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(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 189582
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(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child; 189585
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(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person; 189588
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(c) Failure to develop a process for all of the following: 189592

(i) Administration of prescription drugs or psychotropic drugs for the child; 189593
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(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; 189595
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(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug. 189597
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(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 189600
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(e) Confinement of the child to a locked room without monitoring by staff; 189603
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(f) Failure to provide ongoing security for all prescription and nonprescription medication; 189605
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(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 189607
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(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 189610
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(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 189616
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(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 189621
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(34) "Person responsible for a child's care in out-of-home care" means any of the following: 189624
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(a) Any foster caregiver, in-home aide, or provider; 189626

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic; 189627
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(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom

the child is placed. 189666

(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code. 189667
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(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code. 189670
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(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code. 189672
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(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child. 189676
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(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code. 189684
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(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 189686
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(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 189688
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(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code. 189690
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(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 189692
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(48) "Residential care facility" means an institution, 189695

residence, or facility that is licensed by the department of 189696
mental health and addiction services under section 5119.34 of the 189697
Revised Code and that provides care for a child. 189698

(49) "Residential facility" means a home or facility that is 189699
licensed by the department of developmental disabilities under 189700
section 5123.19 of the Revised Code and in which a child with a 189701
developmental disability resides. 189702

(50) "Residual parental rights, privileges, and 189703
responsibilities" means those rights, privileges, and 189704
responsibilities remaining with the natural parent after the 189705
transfer of legal custody of the child, including, but not 189706
necessarily limited to, the privilege of reasonable visitation, 189707
consent to adoption, the privilege to determine the child's 189708
religious affiliation, and the responsibility for support. 189709

(51) "School day" means the school day established by the 189710
board of education of the applicable school district pursuant to 189711
section 3313.481 of the Revised Code. 189712

(52) "School year" has the same meaning as in section 3313.62 189713
of the Revised Code. 189714

(53) "Secure correctional facility" means a facility under 189715
the direction of the department of youth services that is designed 189716
to physically restrict the movement and activities of children and 189717
used for the placement of children after adjudication and 189718
disposition. 189719

(54) "Sexual activity" has the same meaning as in section 189720
2907.01 of the Revised Code. 189721

(55) "Shelter" means the temporary care of children in 189722
physically unrestricted facilities pending court adjudication or 189723
disposition. 189724

(56) "Shelter for victims of domestic violence" has the same 189725

meaning as in section 3113.33 of the Revised Code. 189726

(57) "Temporary custody" means legal custody of a child who 189727
is removed from the child's home, which custody may be terminated 189728
at any time at the discretion of the court or, if the legal 189729
custody is granted in an agreement for temporary custody, by the 189730
person who executed the agreement. 189731

(58) "Traditional response" means a public children services 189732
agency's response to a report of child abuse or neglect that 189733
encourages engagement of the family in a comprehensive evaluation 189734
of the child's current and future safety needs and a fact-finding 189735
process to determine whether child abuse or neglect occurred and 189736
the circumstances surrounding the alleged harm or risk of harm. 189737

(C) For the purposes of this chapter, a child shall be 189738
presumed abandoned when the parents of the child have failed to 189739
visit or maintain contact with the child for more than ninety 189740
days, regardless of whether the parents resume contact with the 189741
child after that period of ninety days. 189742

Sec. 2151.353. (A) If a child is adjudicated an abused, 189743
neglected, or dependent child, the court may make any of the 189744
following orders of disposition: 189745

(1) Place the child in protective supervision; 189746

(2) Commit the child to the temporary custody of any of the 189747
following: 189748

(a) A public children services agency; 189749

(b) A private child placing agency; 189750

(c) Either parent; 189751

(d) A relative residing within or outside the state; 189752

(e) A probation officer for placement in a certified foster 189753
home; 189754

(f) Any other person approved by the court. 189755

(3) Award legal custody of the child to either parent or to 189756
any other person who, prior to the dispositional hearing, files a 189757
motion requesting legal custody of the child or is identified as a 189758
proposed legal custodian in a complaint or motion filed prior to 189759
the dispositional hearing by any party to the proceedings. A 189760
person identified in a complaint or motion filed by a party to the 189761
proceedings as a proposed legal custodian shall be awarded legal 189762
custody of the child only if the person identified signs a 189763
statement of understanding for legal custody that contains at 189764
least the following provisions: 189765

(a) That it is the intent of the person to become the legal 189766
custodian of the child and the person is able to assume legal 189767
responsibility for the care and supervision of the child; 189768

(b) That the person understands that legal custody of the 189769
child in question is intended to be permanent in nature and that 189770
the person will be responsible as the custodian for the child 189771
until the child reaches the age of majority. Responsibility as 189772
custodian for the child shall continue beyond the age of majority 189773
if, at the time the child reaches the age of majority, the child 189774
is pursuing a diploma granted by the board of education or other 189775
governing authority, successful completion of the curriculum of 189776
any high school, successful completion of an individualized 189777
education program developed for the student by any high school, or 189778
an age and schooling certificate. Responsibility beyond the age of 189779
majority shall terminate when the child ceases to continuously 189780
pursue such an education, completes such an education, or is 189781
excused from such an education under standards adopted by the 189782
~~state board~~ department of education and workforce, whichever 189783
occurs first. 189784

(c) That the parents of the child have residual parental 189785
rights, privileges, and responsibilities, including, but not 189786

limited to, the privilege of reasonable visitation, consent to 189787
adoption, the privilege to determine the child's religious 189788
affiliation, and the responsibility for support; 189789

(d) That the person understands that the person must be 189790
present in court for the dispositional hearing in order to affirm 189791
the person's intention to become legal custodian, to affirm that 189792
the person understands the effect of the custodianship before the 189793
court, and to answer any questions that the court or any parties 189794
to the case may have. 189795

(4) Commit the child to the permanent custody of a public 189796
children services agency or private child placing agency, if the 189797
court determines in accordance with division (E) of section 189798
2151.414 of the Revised Code that the child cannot be placed with 189799
one of the child's parents within a reasonable time or should not 189800
be placed with either parent and determines in accordance with 189801
division (D)(1) of section 2151.414 of the Revised Code that the 189802
permanent commitment is in the best interest of the child. If the 189803
court grants permanent custody under this division, the court, 189804
upon the request of any party, shall file a written opinion 189805
setting forth its findings of fact and conclusions of law in 189806
relation to the proceeding. 189807

(5) Place the child in a planned permanent living arrangement 189808
with a public children services agency or private child placing 189809
agency, if a public children services agency or private child 189810
placing agency requests the court to place the child in a planned 189811
permanent living arrangement and if the court finds, by clear and 189812
convincing evidence, that a planned permanent living arrangement 189813
is in the best interest of the child, that the child is sixteen 189814
years of age or older, and that one of the following exists: 189815

(a) The child, because of physical, mental, or psychological 189816
problems or needs, is unable to function in a family-like setting 189817
and must remain in residential or institutional care now and for 189818

the foreseeable future beyond the date of the dispositional 189819
hearing held pursuant to section 2151.35 of the Revised Code. 189820

(b) The parents of the child have significant physical, 189821
mental, or psychological problems and are unable to care for the 189822
child because of those problems, adoption is not in the best 189823
interest of the child, as determined in accordance with division 189824
(D)(1) of section 2151.414 of the Revised Code, and the child 189825
retains a significant and positive relationship with a parent or 189826
relative. 189827

(c) The child has been counseled on the permanent placement 189828
options available to the child, and is unwilling to accept or 189829
unable to adapt to a permanent placement. 189830

(6) Order the removal from the child's home until further 189831
order of the court of the person who committed abuse as described 189832
in section 2151.031 of the Revised Code against the child, who 189833
caused or allowed the child to suffer neglect as described in 189834
section 2151.03 of the Revised Code, or who is the parent, 189835
guardian, or custodian of a child who is adjudicated a dependent 189836
child and order any person not to have contact with the child or 189837
the child's siblings. 189838

(B)(1) When making a determination on whether to place a 189839
child in a planned permanent living arrangement pursuant to 189840
division (A)(5)(b) or (c) of this section, the court shall 189841
consider all relevant information that has been presented to the 189842
court, including information gathered from the child, the child's 189843
guardian ad litem, and the public children services agency or 189844
private child placing agency. 189845

(2) A child who is placed in a planned permanent living 189846
arrangement pursuant to division (A)(5)(b) or (c) of this section 189847
shall be placed in an independent living setting or in a family 189848
setting in which the caregiver has been provided by the agency 189849

that has custody of the child with a notice that addresses the 189850
following: 189851

(a) The caregiver understands that the planned permanent 189852
living arrangement is intended to be permanent in nature and that 189853
the caregiver will provide a stable placement for the child 189854
through the child's emancipation or until the court releases the 189855
child from the custody of the agency, whichever occurs first. 189856

(b) The caregiver is expected to actively participate in the 189857
youth's independent living case plan, attend agency team meetings 189858
and court hearings as appropriate, complete training, as developed 189859
and implemented under section 5103.035 of the Revised Code, 189860
related to providing the child independent living services, and 189861
assist in the child's transition into adulthood. 189862

(3) The department of job and family services shall develop a 189863
model notice to be provided by an agency that has custody of a 189864
child to a caregiver under division (B)(2) of this section. The 189865
agency may modify the model notice to apply to the needs of the 189866
agency. 189867

(C) No order for permanent custody or temporary custody of a 189868
child or the placement of a child in a planned permanent living 189869
arrangement shall be made pursuant to this section unless the 189870
complaint alleging the abuse, neglect, or dependency contains a 189871
prayer requesting permanent custody, temporary custody, or the 189872
placement of the child in a planned permanent living arrangement 189873
as desired, the summons served on the parents of the child 189874
contains as is appropriate a full explanation that the granting of 189875
an order for permanent custody permanently divests them of their 189876
parental rights, a full explanation that an adjudication that the 189877
child is an abused, neglected, or dependent child may result in an 189878
order of temporary custody that will cause the removal of the 189879
child from their legal custody until the court terminates the 189880
order of temporary custody or permanently divests the parents of 189881

their parental rights, or a full explanation that the granting of 189882
an order for a planned permanent living arrangement will result in 189883
the removal of the child from their legal custody if any of the 189884
conditions listed in divisions (A)(5)(a) to (c) of this section 189885
are found to exist, and the summons served on the parents contains 189886
a full explanation of their right to be represented by counsel and 189887
to have counsel appointed pursuant to Chapter 120. of the Revised 189888
Code if they are indigent. 189889

If after making disposition as authorized by division (A)(2) 189890
of this section, a motion is filed that requests permanent custody 189891
of the child, the court may grant permanent custody of the child 189892
to the movant in accordance with section 2151.414 of the Revised 189893
Code. 189894

(D) If the court issues an order for protective supervision 189895
pursuant to division (A)(1) of this section, the court may place 189896
any reasonable restrictions upon the child, the child's parents, 189897
guardian, or custodian, or any other person, including, but not 189898
limited to, any of the following: 189899

(1) Order a party, within forty-eight hours after the 189900
issuance of the order, to vacate the child's home indefinitely or 189901
for a specified period of time; 189902

(2) Order a party, a parent of the child, or a physical 189903
custodian of the child to prevent any particular person from 189904
having contact with the child; 189905

(3) Issue an order restraining or otherwise controlling the 189906
conduct of any person which conduct would not be in the best 189907
interest of the child. 189908

(E) As part of its dispositional order, the court shall 189909
journalize a case plan for the child. The journalized case plan 189910
shall not be changed except as provided in section 2151.412 of the 189911
Revised Code. 189912

(F)(1) The court shall retain jurisdiction over any child for 189913
whom the court issues an order of disposition pursuant to division 189914
(A) of this section or pursuant to section 2151.414 or 2151.415 of 189915
the Revised Code until the child attains the age of eighteen years 189916
if the child does not have a developmental disability or physical 189917
impairment, the child attains the age of twenty-one years if the 189918
child has a developmental disability or physical impairment, or 189919
the child is adopted and a final decree of adoption is issued, 189920
except that the court may retain jurisdiction over the child and 189921
continue any order of disposition under division (A) of this 189922
section or under section 2151.414 or 2151.415 of the Revised Code 189923
for a specified period of time to enable the child to graduate 189924
from high school or vocational school. The court shall make an 189925
entry continuing its jurisdiction under this division in the 189926
journal. 189927

(2) Any public children services agency, any private child 189928
placing agency, the department of job and family services, or any 189929
party, other than any parent whose parental rights with respect to 189930
the child have been terminated pursuant to an order issued under 189931
division (A)(4) of this section, by filing a motion with the 189932
court, may at any time request the court to modify or terminate 189933
any order of disposition issued pursuant to division (A) of this 189934
section or section 2151.414 or 2151.415 of the Revised Code. The 189935
court shall hold a hearing upon the motion as if the hearing were 189936
the original dispositional hearing and shall give all parties to 189937
the action and the guardian ad litem notice of the hearing 189938
pursuant to the Juvenile Rules. If applicable, the court shall 189939
comply with section 2151.42 of the Revised Code. 189940

(G) Any temporary custody order issued pursuant to division 189941
(A) of this section shall terminate one year after the earlier of 189942
the date on which the complaint in the case was filed or the child 189943
was first placed into shelter care, except that, upon the filing 189944

of a motion pursuant to section 2151.415 of the Revised Code, the 189945
temporary custody order shall continue and not terminate until the 189946
court issues a dispositional order under that section. In 189947
resolving the motion, the court shall not order an existing 189948
temporary custody order to continue beyond two years after the 189949
date on which the complaint was filed or the child was first 189950
placed into shelter care, whichever date is earlier, regardless of 189951
whether any extensions have been previously ordered pursuant to 189952
division (D) of section 2151.415 of the Revised Code. 189953

(H)(1) No later than one year after the earlier of the date 189954
the complaint in the case was filed or the child was first placed 189955
in shelter care, a party may ask the court to extend an order for 189956
protective supervision for six months or to terminate the order. A 189957
party requesting extension or termination of the order shall file 189958
a written request for the extension or termination with the court 189959
and give notice of the proposed extension or termination in 189960
writing before the end of the day after the day of filing it to 189961
all parties and the child's guardian ad litem. If a public 189962
children services agency or private child placing agency requests 189963
termination of the order, the agency shall file a written status 189964
report setting out the facts supporting termination of the order 189965
at the time it files the request with the court. If no party 189966
requests extension or termination of the order, the court shall 189967
notify the parties that the court will extend the order for six 189968
months or terminate it and that it may do so without a hearing 189969
unless one of the parties requests a hearing. All parties and the 189970
guardian ad litem shall have seven days from the date a notice is 189971
sent pursuant to this division to object to and request a hearing 189972
on the proposed extension or termination. 189973

(a) If it receives a timely request for a hearing, the court 189974
shall schedule a hearing to be held no later than thirty days 189975
after the request is received by the court. The court shall give 189976

notice of the date, time, and location of the hearing to all 189977
parties and the guardian ad litem. At the hearing, the court shall 189978
determine whether extension or termination of the order is in the 189979
child's best interest. If termination is in the child's best 189980
interest, the court shall terminate the order. If extension is in 189981
the child's best interest, the court shall extend the order for 189982
six months. 189983

(b) If it does not receive a timely request for a hearing, 189984
the court may extend the order for six months or terminate it 189985
without a hearing and shall journalize the order of extension or 189986
termination not later than fourteen days after receiving the 189987
request for extension or termination or after the date the court 189988
notifies the parties that it will extend or terminate the order. 189989
If the court does not extend or terminate the order, it shall 189990
schedule a hearing to be held no later than thirty days after the 189991
expiration of the applicable fourteen-day time period and give 189992
notice of the date, time, and location of the hearing to all 189993
parties and the child's guardian ad litem. At the hearing, the 189994
court shall determine whether extension or termination of the 189995
order is in the child's best interest. If termination is in the 189996
child's best interest, the court shall terminate the order. If 189997
extension is in the child's best interest, the court shall issue 189998
an order extending the order for protective supervision six 189999
months. 190000

(2) If the court grants an extension of the order for 190001
protective supervision pursuant to division (H)(1) of this 190002
section, a party may, prior to termination of the extension, file 190003
with the court a request for an additional extension of six months 190004
or for termination of the order. The court and the parties shall 190005
comply with division (H)(1) of this section with respect to 190006
extending or terminating the order. 190007

(3) If a court grants an extension pursuant to division 190008

(H)(2) of this section, the court shall terminate the order for protective supervision at the end of the extension. 190009
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(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section. 190011
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(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following: 190016
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(1) Notice and a copy of the motion or application; 190020

(2) The grounds for the motion or application; 190021

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application; 190022
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(4) An opportunity to be represented by counsel at the hearing. 190024
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(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following: 190026
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(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located; 190031
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(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the 190034
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latest further action subsequent to the award. 190039

The court in the county in which the legal custodian resides 190040
then shall have jurisdiction in the matter. 190041

Sec. 2151.357. (A) If the court orders the records of a 190042
person sealed pursuant to section 2151.356 of the Revised Code, 190043
the person who is subject of the order properly may, and the court 190044
shall, reply that no record exists with respect to the person upon 190045
any inquiry in the matter, and the court, except as provided in 190046
division (D) of this section, shall do all of the following: 190047

(1) Order that the proceedings in a case described in 190048
divisions (B) and (C) of section 2151.356 of the Revised Code be 190049
deemed never to have occurred; 190050

(2) Except as provided in division (C) of this section, 190051
delete all index references to the case and the person so that the 190052
references are permanently irretrievable; 190053

(3) Order that all original records of the case maintained by 190054
any public office or agency, except fingerprints held by a law 190055
enforcement agency, DNA specimens collected pursuant to section 190056
2152.74 of the Revised Code, and DNA records derived from DNA 190057
specimens pursuant to section 109.573 of the Revised Code, be 190058
delivered to the court; 190059

(4) Order each public office or agency, upon the delivering 190060
of records to the court under division (A)(3) of this section, to 190061
expunge remaining records of the case that are the subject of the 190062
sealing order that are maintained by that public office or agency, 190063
except fingerprints, DNA specimens, and DNA records described 190064
under division (A)(3) of this section; 190065

(5) Send notice of the order to seal to any public office or 190066
agency that the court has reason to believe may have a record of 190067
the sealed record including, but not limited to, the bureau of 190068

criminal identification and investigation; 190069

(6) Seal all of the records delivered to the court under 190070
division (A)(3) of this section, in a separate file in which only 190071
sealed records are maintained. 190072

(B) Except as provided in division (D) of this section, an 190073
order to seal under section 2151.356 of the Revised Code applies 190074
to every public office or agency that has a record relating to the 190075
case, regardless of whether it receives notice of the hearing on 190076
the sealing of the record or a copy of the order. Except as 190077
provided in division (D) of this section, upon the written request 190078
of a person whose record has been sealed and the presentation of a 190079
copy of the order and compliance with division (A)(3) of this 190080
section, a public office or agency shall expunge its record 190081
relating to the case, except a record of the adjudication or 190082
arrest or taking into custody that is maintained for compiling 190083
statistical data and that does not contain any reference to the 190084
person who is the subject of the order. 190085

(C) The court that maintains sealed records pursuant to this 190086
section may maintain a manual or computerized index of the sealed 190087
records and shall make the index available only for the purposes 190088
set forth in division (E) of this section. 190089

(1) Each entry regarding a sealed record in the index of 190090
sealed records shall contain all of the following: 190091

(a) The name of the person who is the subject of the sealed 190092
record; 190093

(b) An alphanumeric identifier relating to the person who is 190094
the subject of the sealed record; 190095

(c) The word "sealed"; 190096

(d) The name of the court that has custody of the sealed 190097
record. 190098

(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following:

(a) The social security number of the person who is subject of the sealed record;

(b) The name or a description of the act committed.

(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the ~~superintendent of public instruction~~ director of education and workforce to permanently exclude the individual who is the subject of the sealing order. An order to seal the record of an adjudication that an individual is a delinquent child may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed adjudication records of an individual that were the basis of a permanent exclusion of the individual is subject to division (F) of this section.

(E) Inspection of records that have been ordered sealed under section 2151.356 of the Revised Code may be made only by the following persons or for the following purposes:

- (1) By the court; 190131
- (2) If the records in question pertain to an act that would 190132
be an offense of violence that would be a felony if committed by 190133
an adult, by any law enforcement officer or any prosecutor, or the 190134
assistants of a law enforcement officer or prosecutor, for any 190135
valid law enforcement or prosecutorial purpose; 190136
- (3) Upon application by the person who is the subject of the 190137
sealed records, by the person that is named in that application; 190138
- (4) If the records in question pertain to an alleged 190139
violation of division (E)(1) of section 4301.69 of the Revised 190140
Code, by any law enforcement officer or any prosecutor, or the 190141
assistants of a law enforcement officer or prosecutor, for the 190142
purpose of determining whether the person is eligible for 190143
diversion under division (E)(2) of section 4301.69 of the Revised 190144
Code; 190145
- (5) At the request of a party in a civil action that is based 190146
on a case the records for which are the subject of a sealing order 190147
issued under section 2151.356 of the Revised Code, as needed for 190148
the civil action. The party also may copy the records as needed 190149
for the civil action. The sealed records shall be used solely in 190150
the civil action and are otherwise confidential and subject to the 190151
provisions of this section; 190152
- (6) By the attorney general or an authorized employee of the 190153
attorney general or the court for purposes of determining whether 190154
a child is a public registry-qualified juvenile offender 190155
registrant, as defined in section 2950.01 of the Revised Code, for 190156
purposes of Chapter 2950. of the Revised Code. 190157
- (F) No officer or employee of the state or any of its 190158
political subdivisions shall knowingly release, disseminate, or 190159
make available for any purpose involving employment, bonding, 190160
licensing, or education to any person or to any department, 190161

agency, or other instrumentality of the state or of any of its 190162
political subdivisions any information or other data concerning 190163
any arrest, taking into custody, complaint, indictment, 190164
information, trial, hearing, adjudication, or correctional 190165
supervision, the records of which have been sealed pursuant to 190166
section 2151.356 of the Revised Code and the release, 190167
dissemination, or making available of which is not expressly 190168
permitted by this section. Whoever violates this division is 190169
guilty of divulging confidential information, a misdemeanor of the 190170
fourth degree. 190171

(G) In any application for employment, license, or other 190172
right or privilege, any appearance as a witness, or any other 190173
inquiry, a person may not be questioned with respect to any arrest 190174
or taking into custody for which the records were sealed. If an 190175
inquiry is made in violation of this division, the person may 190176
respond as if the sealed arrest or taking into custody did not 190177
occur, and the person shall not be subject to any adverse action 190178
because of the arrest or taking into custody or the response. 190179

(H) The judgment rendered by the court under this chapter 190180
shall not impose any of the civil disabilities ordinarily imposed 190181
by conviction of a crime in that the child is not a criminal by 190182
reason of the adjudication, and no child shall be charged with or 190183
convicted of a crime in any court except as provided by this 190184
chapter. The disposition of a child under the judgment rendered or 190185
any evidence given in court shall not operate to disqualify a 190186
child in any future civil service examination, appointment, or 190187
application. Evidence of a judgment rendered and the disposition 190188
of a child under the judgment is not admissible to impeach the 190189
credibility of the child in any action or proceeding. Otherwise, 190190
the disposition of a child under the judgment rendered or any 190191
evidence given in court is admissible as evidence for or against 190192
the child in any action or proceeding in any court in accordance 190193

with the Rules of Evidence and also may be considered by any court 190194
as to the matter of sentence or to the granting of probation, and 190195
a court may consider the judgment rendered and the disposition of 190196
a child under that judgment for purposes of determining whether 190197
the child, for a future criminal conviction or guilty plea, is a 190198
repeat violent offender, as defined in section 2929.01 of the 190199
Revised Code. 190200

Sec. 2151.362. (A)(1) In the manner prescribed by division 190201
(C)(1) or (2) of section 3313.64 of the Revised Code, as 190202
applicable, the court, at the time of making any order that 190203
removes a child from the child's own home or that vests legal or 190204
permanent custody of the child in a person other than the child's 190205
parent or a government agency, shall determine the school district 190206
that is to bear the cost of educating the child. The court shall 190207
make the determination a part of the order that provides for the 190208
child's placement or commitment. That school district shall bear 190209
the cost of educating the child unless and until the department of 190210
education and workforce determines that a different district shall 190211
be responsible for bearing that cost pursuant to division (A)(2) 190212
of this section. The court's order shall state that the 190213
determination of which school district is responsible to bear the 190214
cost of educating the child is subject to re-determination by the 190215
department pursuant to that division. 190216

(2) If, while the child is in the custody of a person other 190217
than the child's parent or a government agency, the department of 190218
education and workforce determines that the place of residence of 190219
the child's parent has changed since the court issued its initial 190220
order, the department may name a different school district to bear 190221
the cost of educating the child. The department shall make this 190222
new determination, and any future determinations, based on 190223
evidence received from the school district currently responsible 190224
to bear the cost of educating the child. If the department finds 190225

that the evidence demonstrates to its satisfaction that the residence of the child's parent has changed since the court issued its initial order under division (A)(1) of this section, or since the department last made a determination under division (A)(2) of this section, the department shall name the district in which the child's parent currently resides or, if the parent's residence is not known, the district in which the parent's last known residence is located. If the department cannot determine any Ohio district in which the parent currently resides or has resided, the school district designated in the initial court order under division (A)(1) of this section, or in the most recent determination made by the department under division (A)(2) of this section, shall continue to bear the cost of educating the child.

(B) Whenever a child is placed in a detention facility established under section 2152.41 of the Revised Code or a juvenile facility established under section 2151.65 of the Revised Code, the facility shall be responsible for coordinating the education of the child. The facility may take any of the following measures in coordinating the education of the child:

(1) If applicable, use the chartered nonpublic school that the facility operates;

(2) Arrange with the school district responsible for bearing the cost of educating the child determined under division (A) of this section, for the facility to educate the child on its own;

(3) Contract with an educational service center for the service center to educate the child;

(4) Contract with the school district in which the facility is located for that school district to educate the child;

(5) If the child is enrolled in an internet- or computer-based community school established under Chapter 3314. of the Revised Code, and provided that the facility possesses the

necessary hardware, software, and internet connectivity, permit 190257
continued instruction of the child by the internet- or 190258
computer-based community school. 190259

If the facility coordinates the education of the child 190260
pursuant to division (B)(1), (2), (3), or (4) of this section, 190261
child's school district as determined by the court or the 190262
department, in the same manner as prescribed in division (A) of 190263
this section, shall pay the cost of educating the child based on 190264
the per capita cost of the educational facility within the 190265
detention home or juvenile facility. 190266

If the facility coordinates the education of the child 190267
pursuant to division (B)(5) of this section, payment for the cost 190268
of educating the child shall be made only as provided in section 190269
3317.022 of the Revised Code. 190270

(C) Whenever a child is placed by the court in a private 190271
institution, school, or residential treatment center or any other 190272
private facility, the state shall pay to the court a subsidy to 190273
help defray the expense of educating the child in an amount equal 190274
to the product of the daily per capita educational cost of the 190275
private facility, as determined pursuant to this section, and the 190276
number of days the child resides at the private facility, provided 190277
that the subsidy shall not exceed twenty-five hundred dollars per 190278
year per child. The daily per capita educational cost of a private 190279
facility shall be determined by dividing the actual program cost 190280
of the private facility or twenty-five hundred dollars, whichever 190281
is less, by three hundred sixty-five days or by three hundred 190282
sixty-six days for years that include February twenty-ninth. The 190283
state shall pay seventy-five per cent of the total subsidy for 190284
each year quarterly to the court. The state may adjust the 190285
remaining twenty-five per cent of the total subsidy to be paid to 190286
the court for each year to an amount that is less than twenty-five 190287
per cent of the total subsidy for that year based upon the 190288

availability of funds appropriated to the department of education 190289
for the purpose of subsidizing courts that place a child in a 190290
private institution, school, or residential treatment center or 190291
any other private facility and shall pay that adjusted amount to 190292
the court at the end of the year. 190293

Sec. 2305.111. (A) As used in this section: 190294

(1) "Childhood sexual abuse" means any conduct that 190295
constitutes any of the violations identified in division (A)(1)(a) 190296
or (b) of this section and would constitute a criminal offense 190297
under the specified section or division of the Revised Code, if 190298
the victim of the violation is at the time of the violation a 190299
child under eighteen years of age or a child with a developmental 190300
disability or physical impairment under twenty-one years of age. 190301
The court need not find that any person has been convicted of or 190302
pleaded guilty to the offense under the specified section or 190303
division of the Revised Code in order for the conduct that is the 190304
violation constituting the offense to be childhood sexual abuse 190305
for purposes of this division. This division applies to any of the 190306
following violations committed in the following specified 190307
circumstances: 190308

(a) A violation of section 2907.02 or of division (A)(1), 190309
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of 190310
the Revised Code; 190311

(b) A violation of section 2907.05 or 2907.06 of the Revised 190312
Code if, at the time of the violation, any of the following apply: 190313

(i) The actor is the victim's natural parent, adoptive 190314
parent, or stepparent or the guardian, custodian, or person in 190315
loco parentis of the victim. 190316

(ii) The victim is in custody of law or a patient in a 190317
hospital or other institution, and the actor has supervisory or 190318

disciplinary authority over the victim. 190319

(iii) The actor is a teacher, administrator, coach, or other 190320
person in authority employed by or serving in a school for which 190321
the ~~state board~~ director of education and workforce prescribes 190322
minimum standards pursuant to division (D) of section 3301.07 of 190323
the Revised Code, the victim is enrolled in or attends that 190324
school, and the actor is not enrolled in and does not attend that 190325
school. 190326

(iv) The actor is a teacher, administrator, coach, or other 190327
person in authority employed by or serving in an institution of 190328
higher education, and the victim is enrolled in or attends that 190329
institution. 190330

(v) The actor is the victim's athletic or other type of 190331
coach, is the victim's instructor, is the leader of a scouting 190332
troop of which the victim is a member, or is a person with 190333
temporary or occasional disciplinary control over the victim. 190334

(vi) The actor is a mental health professional, the victim is 190335
a mental health client or patient of the actor, and the actor 190336
induces the victim to submit by falsely representing to the victim 190337
that the sexual contact involved in the violation is necessary for 190338
mental health treatment purposes. 190339

(vii) The victim is confined in a detention facility, and the 190340
actor is an employee of that detention facility. 190341

(viii) The actor is a cleric, and the victim is a member of, 190342
or attends, the church or congregation served by the cleric. 190343

(2) "Cleric" has the same meaning as in section 2317.02 of 190344
the Revised Code. 190345

(3) "Mental health client or patient" has the same meaning as 190346
in section 2305.51 of the Revised Code. 190347

(4) "Mental health professional" has the same meaning as in 190348

section 2305.115 of the Revised Code. 190349

(5) "Sexual contact" has the same meaning as in section 190350
2907.01 of the Revised Code. 190351

(6) "Victim" means, except as provided in division (B) of 190352
this section, a victim of childhood sexual abuse. 190353

(B) Except as provided in section 2305.115 of the Revised 190354
Code and subject to division (C) of this section, an action for 190355
assault or battery shall be brought within one year after the 190356
cause of the action accrues. For purposes of this section, a cause 190357
of action for assault or battery accrues upon the later of the 190358
following: 190359

(1) The date on which the alleged assault or battery 190360
occurred; 190361

(2) If the plaintiff did not know the identity of the person 190362
who allegedly committed the assault or battery on the date on 190363
which it allegedly occurred, the earlier of the following dates: 190364

(a) The date on which the plaintiff learns the identity of 190365
that person; 190366

(b) The date on which, by the exercise of reasonable 190367
diligence, the plaintiff should have learned the identity of that 190368
person. 190369

(C) An action for assault or battery brought by a victim of 190370
childhood sexual abuse based on childhood sexual abuse, or an 190371
action brought by a victim of childhood sexual abuse asserting any 190372
claim resulting from childhood sexual abuse, shall be brought 190373
within twelve years after the cause of action accrues. For 190374
purposes of this section, a cause of action for assault or battery 190375
based on childhood sexual abuse, or a cause of action for a claim 190376
resulting from childhood sexual abuse, accrues upon the date on 190377
which the victim reaches the age of majority. If the defendant in 190378

an action brought by a victim of childhood sexual abuse asserting 190379
a claim resulting from childhood sexual abuse that occurs on or 190380
after August 3, 2006, has fraudulently concealed from the 190381
plaintiff facts that form the basis of the claim, the running of 190382
the limitations period with regard to that claim is tolled until 190383
the time when the plaintiff discovers or in the exercise of due 190384
diligence should have discovered those facts. 190385

Sec. 2901.01. (A) As used in the Revised Code: 190386

(1) "Force" means any violence, compulsion, or constraint 190387
physically exerted by any means upon or against a person or thing. 190388

(2) "Deadly force" means any force that carries a substantial 190389
risk that it will proximately result in the death of any person. 190390

(3) "Physical harm to persons" means any injury, illness, or 190391
other physiological impairment, regardless of its gravity or 190392
duration. 190393

(4) "Physical harm to property" means any tangible or 190394
intangible damage to property that, in any degree, results in loss 190395
to its value or interferes with its use or enjoyment. "Physical 190396
harm to property" does not include wear and tear occasioned by 190397
normal use. 190398

(5) "Serious physical harm to persons" means any of the 190399
following: 190400

(a) Any mental illness or condition of such gravity as would 190401
normally require hospitalization or prolonged psychiatric 190402
treatment; 190403

(b) Any physical harm that carries a substantial risk of 190404
death; 190405

(c) Any physical harm that involves some permanent 190406
incapacity, whether partial or total, or that involves some 190407
temporary, substantial incapacity; 190408

(d) Any physical harm that involves some permanent 190409
disfigurement or that involves some temporary, serious 190410
disfigurement; 190411

(e) Any physical harm that involves acute pain of such 190412
duration as to result in substantial suffering or that involves 190413
any degree of prolonged or intractable pain. 190414

(6) "Serious physical harm to property" means any physical 190415
harm to property that does either of the following: 190416

(a) Results in substantial loss to the value of the property 190417
or requires a substantial amount of time, effort, or money to 190418
repair or replace; 190419

(b) Temporarily prevents the use or enjoyment of the property 190420
or substantially interferes with its use or enjoyment for an 190421
extended period of time. 190422

(7) "Risk" means a significant possibility, as contrasted 190423
with a remote possibility, that a certain result may occur or that 190424
certain circumstances may exist. 190425

(8) "Substantial risk" means a strong possibility, as 190426
contrasted with a remote or significant possibility, that a 190427
certain result may occur or that certain circumstances may exist. 190428

(9) "Offense of violence" means any of the following: 190429

(a) A violation of section 2903.01, 2903.02, 2903.03, 190430
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.18, 2903.21, 190431
2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 190432
2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 190433
2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2917.321, 2919.25, 190434
2921.03, 2921.04, 2921.34, or 2923.161, of division (A)(1) of 190435
section 2903.34, of division (A)(1), (2), or (3) of section 190436
2911.12, or of division (B)(1), (2), (3), or (4) of section 190437
2919.22 of the Revised Code or felonious sexual penetration in 190438

violation of former section 2907.12 of the Revised Code; 190439

(b) A violation of an existing or former municipal ordinance 190440
or law of this or any other state or the United States, 190441
substantially equivalent to any section, division, or offense 190442
listed in division (A)(9)(a) of this section; 190443

(c) An offense, other than a traffic offense, under an 190444
existing or former municipal ordinance or law of this or any other 190445
state or the United States, committed purposely or knowingly, and 190446
involving physical harm to persons or a risk of serious physical 190447
harm to persons; 190448

(d) A conspiracy or attempt to commit, or complicity in 190449
committing, any offense under division (A)(9)(a), (b), or (c) of 190450
this section; 190451

(e) A violation of division (C) of section 959.131 of the 190452
Revised Code. 190453

(10)(a) "Property" means any property, real or personal, 190454
tangible or intangible, and any interest or license in that 190455
property. "Property" includes, but is not limited to, cable 190456
television service, other telecommunications service, 190457
telecommunications devices, information service, computers, data, 190458
computer software, financial instruments associated with 190459
computers, other documents associated with computers, or copies of 190460
the documents, whether in machine or human readable form, trade 190461
secrets, trademarks, copyrights, patents, and property protected 190462
by a trademark, copyright, or patent. "Financial instruments 190463
associated with computers" include, but are not limited to, 190464
checks, drafts, warrants, money orders, notes of indebtedness, 190465
certificates of deposit, letters of credit, bills of credit or 190466
debit cards, financial transaction authorization mechanisms, 190467
marketable securities, or any computer system representations of 190468
any of them. 190469

(b) As used in division (A)(10) of this section, "trade
secret" has the same meaning as in section 1333.61 of the Revised
Code, and "telecommunications service" and "information service"
have the same meanings as in section 2913.01 of the Revised Code.

(c) As used in divisions (A)(10) and (13) of this section,
"cable television service," "computer," "computer software,"
"computer system," "computer network," "data," and
"telecommunications device" have the same meanings as in section
2913.01 of the Revised Code.

(11) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, police officer of a
township or joint police district, marshal, deputy marshal,
municipal police officer, member of a police force employed by a
metropolitan housing authority under division (D) of section
3735.31 of the Revised Code, or state highway patrol trooper;

(b) An officer, agent, or employee of the state or any of its
agencies, instrumentalities, or political subdivisions, upon whom,
by statute, a duty to conserve the peace or to enforce all or
certain laws is imposed and the authority to arrest violators is
conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of
the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by
county, township, or municipal law enforcement authorities, within
the scope of the member's appointment or commission;

(e) A person lawfully called pursuant to section 311.07 of
the Revised Code to aid a sheriff in keeping the peace, for the
purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.10
of the Revised Code as a special patrolling officer during riot or

emergency, for the purposes and during the time when the person is appointed; 190500
190501

(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence; 190502
190503
190504
190505

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor; 190506
190507

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code; 190508
190509

(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code; 190510
190511
190512

(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; 190513
190514

(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms; 190515
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(m) The senate sergeant at arms and an assistant senate sergeant at arms; 190519
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(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended. 190521
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(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.

(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:

(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia;

(b) Any unlawful gambling device or paraphernalia;

(c) Any dangerous ordnance or obscene material.

(14) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in section 2901.05 of the Revised Code, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts.

(B)(1)(a) Subject to division (B)(2) of this section, as used in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense, "person" includes all of the following:

(i) An individual, corporation, business trust, estate, trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the Revised Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate,

trust, partnership, and association. 190560

(c) As used in division (B)(1)(a) of this section: 190561

(i) "Unborn human" means an individual organism of the 190562
species *Homo sapiens* from fertilization until live birth. 190563

(ii) "Viable" means the stage of development of a human fetus 190564
at which there is a realistic possibility of maintaining and 190565
nourishing of a life outside the womb with or without temporary 190566
artificial life-sustaining support. 190567

(2) Notwithstanding division (B)(1)(a) of this section, in no 190568
case shall the portion of the definition of the term "person" that 190569
is set forth in division (B)(1)(a)(ii) of this section be applied 190570
or construed in any section contained in Title XXIX of the Revised 190571
Code that sets forth a criminal offense in any of the following 190572
manners: 190573

(a) Except as otherwise provided in division (B)(2)(a) of 190574
this section, in a manner so that the offense prohibits or is 190575
construed as prohibiting any pregnant woman or her physician from 190576
performing an abortion with the consent of the pregnant woman, 190577
with the consent of the pregnant woman implied by law in a medical 190578
emergency, or with the approval of one otherwise authorized by law 190579
to consent to medical treatment on behalf of the pregnant woman. 190580
An abortion that violates the conditions described in the 190581
immediately preceding sentence may be punished as a violation of 190582
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 190583
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 190584
of the Revised Code, as applicable. An abortion that does not 190585
violate the conditions described in the second immediately 190586
preceding sentence, but that does violate section 2919.12, 190587
division (B) of section 2919.13, or section 2919.15, 2919.151, 190588
2919.17, or 2919.18 of the Revised Code, may be punished as a 190589
violation of section 2919.12, division (B) of section 2919.13, or 190590

section 2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. Consent is sufficient under this division if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with section 2919.12 of the Revised Code.

(b) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:

(i) Her delivery of a stillborn baby;

(ii) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;

(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;

(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;

(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(C) As used in Title XXIX of the Revised Code:

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school

district; a governing authority of a community school established 190621
under Chapter 3314. of the Revised Code; a governing board of an 190622
educational service center, or the governing body of a school for 190623
which the ~~state board~~ director of education and workforce 190624
prescribes minimum standards under section 3301.07 of the Revised 190625
Code. 190626

(4) "School bus" has the same meaning as in section 4511.01 190627
of the Revised Code. 190628

Sec. 2903.13. (A) No person shall knowingly cause or attempt 190629
to cause physical harm to another or to another's unborn. 190630

(B) No person shall recklessly cause serious physical harm to 190631
another or to another's unborn. 190632

(C)(1) Whoever violates this section is guilty of assault, 190633
and the court shall sentence the offender as provided in this 190634
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), (8), 190635
(9), and (10) of this section. Except as otherwise provided in 190636
division (C)(2), (3), (4), (5), (6), (7), (8), or (9) of this 190637
section, assault is a misdemeanor of the first degree. 190638

(2) Except as otherwise provided in this division, if the 190639
offense is committed by a caretaker against a person with a 190640
functional impairment under the caretaker's care, assault is a 190641
felony of the fourth degree. If the offense is committed by a 190642
caretaker against a person with a functional impairment under the 190643
caretaker's care, if the offender previously has been convicted of 190644
or pleaded guilty to a violation of this section or section 190645
2903.11 or 2903.16 of the Revised Code, and if in relation to the 190646
previous conviction the offender was a caretaker and the victim 190647
was a person with a functional impairment under the offender's 190648
care, assault is a felony of the third degree. 190649

(3) If the offense occurs in or on the grounds of a state 190650

correctional institution or an institution of the department of 190651
youth services, the victim of the offense is an employee of the 190652
department of rehabilitation and correction or the department of 190653
youth services, and the offense is committed by a person 190654
incarcerated in the state correctional institution or by a person 190655
institutionalized in the department of youth services institution 190656
pursuant to a commitment to the department of youth services, 190657
assault is a felony of the third degree. 190658

(4) If the offense is committed in any of the following 190659
circumstances, assault is a felony of the fifth degree: 190660

(a) The offense occurs in or on the grounds of a local 190661
correctional facility, the victim of the offense is an employee of 190662
the local correctional facility or a probation department or is on 190663
the premises of the facility for business purposes or as a 190664
visitor, and the offense is committed by a person who is under 190665
custody in the facility subsequent to the person's arrest for any 190666
crime or delinquent act, subsequent to the person's being charged 190667
with or convicted of any crime, or subsequent to the person's 190668
being alleged to be or adjudicated a delinquent child. 190669

(b) The offense occurs off the grounds of a state 190670
correctional institution and off the grounds of an institution of 190671
the department of youth services, the victim of the offense is an 190672
employee of the department of rehabilitation and correction, the 190673
department of youth services, or a probation department, the 190674
offense occurs during the employee's official work hours and while 190675
the employee is engaged in official work responsibilities, and the 190676
offense is committed by a person incarcerated in a state 190677
correctional institution or institutionalized in the department of 190678
youth services who temporarily is outside of the institution for 190679
any purpose, by a parolee, by an offender under transitional 190680
control, under a community control sanction, or on an escorted 190681
visit, by a person under post-release control, or by an offender 190682

under any other type of supervision by a government agency. 190683

(c) The offense occurs off the grounds of a local 190684
correctional facility, the victim of the offense is an employee of 190685
the local correctional facility or a probation department, the 190686
offense occurs during the employee's official work hours and while 190687
the employee is engaged in official work responsibilities, and the 190688
offense is committed by a person who is under custody in the 190689
facility subsequent to the person's arrest for any crime or 190690
delinquent act, subsequent to the person being charged with or 190691
convicted of any crime, or subsequent to the person being alleged 190692
to be or adjudicated a delinquent child and who temporarily is 190693
outside of the facility for any purpose or by a parolee, by an 190694
offender under transitional control, under a community control 190695
sanction, or on an escorted visit, by a person under post-release 190696
control, or by an offender under any other type of supervision by 190697
a government agency. 190698

(d) The victim of the offense is a school teacher or 190699
administrator or a school bus operator, and the offense occurs in 190700
a school, on school premises, in a school building, on a school 190701
bus, or while the victim is outside of school premises or a school 190702
bus and is engaged in duties or official responsibilities 190703
associated with the victim's employment or position as a school 190704
teacher or administrator or a school bus operator, including, but 190705
not limited to, driving, accompanying, or chaperoning students at 190706
or on class or field trips, athletic events, or other school 190707
extracurricular activities or functions outside of school 190708
premises. 190709

(5) If the assault is committed in any of the following 190710
circumstances, assault is a felony of the fourth degree: 190711

(a) The victim of the offense is a peace officer or an 190712
investigator of the bureau of criminal identification and 190713
investigation, a firefighter, or a person performing emergency 190714

medical service, while in the performance of the officer's, 190715
investigator's, firefighter's, or person's official duties. 190716

(b) The victim of the offense is an emergency service 190717
responder, the offender knows or reasonably should know that the 190718
victim is an emergency service responder, and it is the offender's 190719
specific purpose to commit the offense against an emergency 190720
service responder. 190721

(c) The victim of the offense is a family or household member 190722
or co-worker of a person who is an emergency service responder, 190723
the offender knows or reasonably should know that the victim is a 190724
family or household member or co-worker of an emergency service 190725
responder, and it is the offender's specific purpose to commit the 190726
offense against a family or household member or co-worker of an 190727
emergency service responder. 190728

(6) If the offense is a felony of the fourth degree under 190729
division (C)(5)(a) of this section, if the victim of the offense 190730
is a peace officer or an investigator of the bureau of criminal 190731
identification and investigation, and if the victim suffered 190732
serious physical harm as a result of the commission of the 190733
offense, the court, pursuant to division (F) of section 2929.13 of 190734
the Revised Code, shall impose as a mandatory prison term one of 190735
the prison terms prescribed for a felony of the fourth degree that 190736
is at least twelve months in duration. 190737

(7) If the victim of the offense is an officer or employee of 190738
a public children services agency or a private child placing 190739
agency and the offense relates to the officer's or employee's 190740
performance or anticipated performance of official 190741
responsibilities or duties, assault is either a felony of the 190742
fifth degree or, if the offender previously has been convicted of 190743
or pleaded guilty to an offense of violence, the victim of that 190744
prior offense was an officer or employee of a public children 190745
services agency or private child placing agency, and that prior 190746

offense related to the officer's or employee's performance or 190747
anticipated performance of official responsibilities or duties, a 190748
felony of the fourth degree. 190749

(8) If the victim of the offense is a health care 190750
professional of a hospital, a health care worker of a hospital, or 190751
a security officer of a hospital whom the offender knows or has 190752
reasonable cause to know is a health care professional of a 190753
hospital, a health care worker of a hospital, or a security 190754
officer of a hospital, if the victim is engaged in the performance 190755
of the victim's duties, and if the hospital offers de-escalation 190756
or crisis intervention training for such professionals, workers, 190757
or officers, assault is one of the following: 190758

(a) Except as otherwise provided in division (C)(8)(b) of 190759
this section, assault committed in the specified circumstances is 190760
a misdemeanor of the first degree. Notwithstanding the fine 190761
specified in division (A)(2)(a) of section 2929.28 of the Revised 190762
Code for a misdemeanor of the first degree, in sentencing the 190763
offender under this division and if the court decides to impose a 190764
fine, the court may impose upon the offender a fine of not more 190765
than five thousand dollars. 190766

(b) If the offender previously has been convicted of or 190767
pleaded guilty to one or more assault or homicide offenses 190768
committed against hospital personnel, assault committed in the 190769
specified circumstances is a felony of the fifth degree. 190770

(9) If the victim of the offense is a judge, magistrate, 190771
prosecutor, or court official or employee whom the offender knows 190772
or has reasonable cause to know is a judge, magistrate, 190773
prosecutor, or court official or employee, and if the victim is 190774
engaged in the performance of the victim's duties, assault is one 190775
of the following: 190776

(a) Except as otherwise provided in division (C)(9)(b) of 190777

this section, assault committed in the specified circumstances is 190778
a misdemeanor of the first degree. In sentencing the offender 190779
under this division, if the court decides to impose a fine, 190780
notwithstanding the fine specified in division (A)(2)(a) of 190781
section 2929.28 of the Revised Code for a misdemeanor of the first 190782
degree, the court may impose upon the offender a fine of not more 190783
than five thousand dollars. 190784

(b) If the offender previously has been convicted of or 190785
pleaded guilty to one or more assault or homicide offenses 190786
committed against justice system personnel, assault committed in 190787
the specified circumstances is a felony of the fifth degree. 190788

(10) If an offender who is convicted of or pleads guilty to 190789
assault when it is a misdemeanor also is convicted of or pleads 190790
guilty to a specification as described in section 2941.1423 of the 190791
Revised Code that was included in the indictment, count in the 190792
indictment, or information charging the offense, the court shall 190793
sentence the offender to a mandatory jail term as provided in 190794
division (F) of section 2929.24 of the Revised Code. 190795

If an offender who is convicted of or pleads guilty to 190796
assault when it is a felony also is convicted of or pleads guilty 190797
to a specification as described in section 2941.1423 of the 190798
Revised Code that was included in the indictment, count in the 190799
indictment, or information charging the offense, except as 190800
otherwise provided in division (C)(6) of this section, the court 190801
shall sentence the offender to a mandatory prison term as provided 190802
in division (B)(8) of section 2929.14 of the Revised Code. 190803

(D) A prosecution for a violation of this section does not 190804
preclude a prosecution of a violation of any other section of the 190805
Revised Code. One or more acts, a series of acts, or a course of 190806
behavior that can be prosecuted under this section or any other 190807
section of the Revised Code may be prosecuted under this section, 190808
the other section of the Revised Code, or both sections. However, 190809

if an offender is convicted of or pleads guilty to a violation of 190810
this section and also is convicted of or pleads guilty to a 190811
violation of section 2903.22 of the Revised Code based on the same 190812
conduct involving the same victim that was the basis of the 190813
violation of this section, the two offenses are allied offenses of 190814
similar import under section 2941.25 of the Revised Code. 190815

(E) As used in this section: 190816

(1) "Peace officer" has the same meaning as in section 190817
2935.01 of the Revised Code. 190818

(2) "Firefighter" means any person who is a firefighter as 190819
defined in section 3937.41 of the Revised Code and, for purposes 190820
of division (E)(21) of this section, also includes a member of a 190821
fire department as defined in section 742.01 of the Revised Code. 190822

(3) "Emergency medical service" has the same meaning as in 190823
section 4765.01 of the Revised Code. 190824

(4) "Local correctional facility" means a county, 190825
multicounty, municipal, municipal-county, or multicounty-municipal 190826
jail or workhouse, a minimum security jail established under 190827
section 341.23 or 753.21 of the Revised Code, or another county, 190828
multicounty, municipal, municipal-county, or multicounty-municipal 190829
facility used for the custody of persons arrested for any crime or 190830
delinquent act, persons charged with or convicted of any crime, or 190831
persons alleged to be or adjudicated a delinquent child. 190832

(5) "Employee of a local correctional facility" means a 190833
person who is an employee of the political subdivision or of one 190834
or more of the affiliated political subdivisions that operates the 190835
local correctional facility and who operates or assists in the 190836
operation of the facility. 190837

(6) "School teacher or administrator" means either of the 190838
following: 190839

(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.

(b) A person who is employed by a nonpublic school for which the ~~state board~~ director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.

(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.

(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.

(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.

(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.

(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:

(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

(b) The offender knew or had reasonable cause to know that

the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

(c) The victim was engaged in the performance of the victim's duties.

(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.

(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.

(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.

(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state.

(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state.

(17) "Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a

United States court located in this state who has similar powers and functions. 190901
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(18) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 190903
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(19)(a) "Hospital" means, subject to division (E)(19)(b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization. 190905
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(b) "Hospital" does not include any of the following: 190911

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health and addiction services or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice; 190912
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(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code. 190919
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(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code. 190929
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(21) "Emergency service responder" means any law enforcement 190931

officer, first responder, emergency medical technician-basic, 190932
emergency medical technician-intermediate, emergency medical 190933
technician-paramedic, firefighter, or volunteer firefighter. 190934

(22) "Family or household member" means any of the following: 190935

(a) Any of the following who is residing or has resided with 190936
a person who is employed as an emergency service responder: 190937

(i) A spouse, a person living as a spouse, or a former spouse 190938
of a person who is employed as an emergency service responder; 190939

(ii) A parent, a foster parent, or a child of a person who is 190940
employed as an emergency service responder, or another person 190941
related by consanguinity or affinity to a person who is employed 190942
as an emergency service responder; 190943

(iii) A parent or a child of a spouse, person living as a 190944
spouse, or former spouse of a person who is employed as an 190945
emergency service responder, or another person related by 190946
consanguinity or affinity to a spouse, person living as a spouse, 190947
or former spouse of a person who is employed as an emergency 190948
service responder. 190949

(b) The natural parent of any child of whom a person who is 190950
employed as an emergency service responder is the other natural 190951
parent or is the putative other natural parent. 190952

(23) "First responder," "emergency medical technician-basic," 190953
"emergency medical technician-intermediate," and "emergency 190954
medical technician-paramedic" have the same meanings as in section 190955
4765.01 of the Revised Code. 190956

(24) "Volunteer firefighter" has the same meaning as in 190957
section 146.01 of the Revised Code. 190958

(25) "Person living as a spouse" means a person who is living 190959
or has lived with a person who is employed as an emergency service 190960
responder in a common law marital relationship, who otherwise is 190961

cohabiting with a person who is employed as an emergency service responder, or who otherwise has cohabited with a person who is employed as an emergency service responder within five years prior to the date of the alleged commission of the act in question.

(26) "Co-worker" means a person who is employed by the organization or entity that is served by a person who is employed as an emergency service responder.

Sec. 2907.03. (A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.

(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.

(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.

(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.

(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.

(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.

(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the ~~state board~~ director of education and workforce prescribes

minimum standards pursuant to division (D) of section 3301.07 of 190992
the Revised Code, the other person is enrolled in or attends that 190993
school, and the offender is not enrolled in and does not attend 190994
that school. 190995

(8) The other person is a minor, the offender is a teacher, 190996
administrator, coach, or other person in authority employed by or 190997
serving in an institution of higher education, and the other 190998
person is enrolled in or attends that institution. 190999

(9) The other person is a minor, and the offender is the 191000
other person's athletic or other type of coach, is the other 191001
person's instructor, is the leader of a scouting troop of which 191002
the other person is a member, or is a person with temporary or 191003
occasional disciplinary control over the other person. 191004

(10) The offender is a mental health professional, the other 191005
person is a mental health client or patient of the offender, and 191006
the offender induces the other person to submit by falsely 191007
representing to the other person that the sexual conduct is 191008
necessary for mental health treatment purposes. 191009

(11) The other person is confined in a detention facility, 191010
and the offender is an employee of that detention facility. 191011

(12) The other person is a minor, the offender is a cleric, 191012
and the other person is a member of, or attends, the church or 191013
congregation served by the cleric. 191014

(13) The other person is a minor, the offender is a peace 191015
officer, and the offender is more than two years older than the 191016
other person. 191017

(B) Whoever violates this section is guilty of sexual 191018
battery. Except as otherwise provided in this division, sexual 191019
battery is a felony of the third degree. If the other person is 191020
less than thirteen years of age, sexual battery is a felony of the 191021
second degree, and the court shall impose upon the offender a 191022

mandatory prison term equal to one of the definite prison terms 191023
prescribed in division (A)(2)(b) of section 2929.14 of the Revised 191024
Code for a felony of the second degree, except that if the 191025
violation is committed on or after ~~the effective date of this~~ 191026
~~amendment~~ March 22, 2019, the court shall impose as the minimum 191027
prison term for the offense a mandatory prison term that is one of 191028
the minimum terms prescribed in division (A)(2)(a) of that section 191029
for a felony of the second degree. 191030

(C) As used in this section: 191031

(1) "Cleric" has the same meaning as in section 2317.02 of 191032
the Revised Code. 191033

(2) "Detention facility" has the same meaning as in section 191034
2921.01 of the Revised Code. 191035

(3) "Institution of higher education" means a state 191036
institution of higher education defined in section 3345.011 of the 191037
Revised Code, a private nonprofit college or university located in 191038
this state that possesses a certificate of authorization issued by 191039
the ~~Ohio board~~ chancellor of ~~regents~~ higher education pursuant to 191040
Chapter 1713. of the Revised Code, or a school certified under 191041
Chapter 3332. of the Revised Code. 191042

(4) "Peace officer" has the same meaning as in section 191043
2935.01 of the Revised Code. 191044

Sec. 2917.31. (A) No person shall cause the evacuation of any 191045
public place, or otherwise cause serious public inconvenience or 191046
alarm, by doing any of the following: 191047

(1) Initiating or circulating a report or warning of an 191048
alleged or impending fire, explosion, crime, or other catastrophe, 191049
knowing that such report or warning is false; 191050

(2) Threatening to commit any offense of violence; 191051

(3) Committing any offense, with reckless disregard of the 191052

likelihood that its commission will cause serious public 191053
inconvenience or alarm. 191054

(B) Division (A)(1) of this section does not apply to any 191055
person conducting an authorized fire or emergency drill. 191056

(C)(1) Whoever violates this section is guilty of inducing 191057
panic. 191058

(2) Except as otherwise provided in division (C)(3), (4), 191059
(5), (6), (7), or (8) of this section, inducing panic is a 191060
misdemeanor of the first degree. 191061

(3) Except as otherwise provided in division (C)(4), (5), 191062
(6), (7), or (8) of this section, if a violation of this section 191063
results in physical harm to any person, inducing panic is a felony 191064
of the fourth degree. 191065

(4) Except as otherwise provided in division (C)(5), (6), 191066
(7), or (8) of this section, if a violation of this section 191067
results in economic harm, the penalty shall be determined as 191068
follows: 191069

(a) If the violation results in economic harm of one thousand 191070
dollars or more but less than seven thousand five hundred dollars 191071
and if division (C)(3) of this section does not apply, inducing 191072
panic is a felony of the fifth degree. 191073

(b) If the violation results in economic harm of seven 191074
thousand five hundred dollars or more but less than one hundred 191075
fifty thousand dollars, inducing panic is a felony of the fourth 191076
degree. 191077

(c) If the violation results in economic harm of one hundred 191078
fifty thousand dollars or more, inducing panic is a felony of the 191079
third degree. 191080

(5) If the public place involved in a violation of division 191081
(A)(1) of this section is a school or an institution of higher 191082

education, inducing panic is a felony of the second degree. 191083

(6) If the violation pertains to a purported, threatened, or 191084
actual use of a weapon of mass destruction, and except as 191085
otherwise provided in division (C)(5), (7), or (8) of this 191086
section, inducing panic is a felony of the fourth degree. 191087

(7) If the violation pertains to a purported, threatened, or 191088
actual use of a weapon of mass destruction, and except as 191089
otherwise provided in division (C)(5) of this section, if a 191090
violation of this section results in physical harm to any person, 191091
inducing panic is a felony of the third degree. 191092

(8) If the violation pertains to a purported, threatened, or 191093
actual use of a weapon of mass destruction, and except as 191094
otherwise provided in division (C)(5) of this section, if a 191095
violation of this section results in economic harm of one hundred 191096
thousand dollars or more, inducing panic is a felony of the third 191097
degree. 191098

(D)(1) It is not a defense to a charge under this section 191099
that pertains to a purported or threatened use of a weapon of mass 191100
destruction that the offender did not possess or have the ability 191101
to use a weapon of mass destruction or that what was represented 191102
to be a weapon of mass destruction was not a weapon of mass 191103
destruction. 191104

(2) Any act that is a violation of this section and any other 191105
section of the Revised Code may be prosecuted under this section, 191106
the other section, or both sections. 191107

(E) As used in this section: 191108

(1) "Economic harm" means any of the following: 191109

(a) All direct, incidental, and consequential pecuniary harm 191110
suffered by a victim as a result of criminal conduct. "Economic 191111
harm" as described in this division includes, but is not limited 191112

to, all of the following: 191113

(i) All wages, salaries, or other compensation lost as a 191114
result of the criminal conduct; 191115

(ii) The cost of all wages, salaries, or other compensation 191116
paid to employees for time those employees are prevented from 191117
working as a result of the criminal conduct; 191118

(iii) The overhead costs incurred for the time that a 191119
business is shut down as a result of the criminal conduct; 191120

(iv) The loss of value to tangible or intangible property 191121
that was damaged as a result of the criminal conduct. 191122

(b) All costs incurred by the state or any political 191123
subdivision as a result of, or in making any response to, the 191124
criminal conduct that constituted the violation of this section or 191125
section 2917.32 of the Revised Code, including, but not limited 191126
to, all costs so incurred by any law enforcement officers, 191127
firefighters, rescue personnel, or emergency medical services 191128
personnel of the state or the political subdivision. 191129

(2) "School" means any school operated by a board of 191130
education or any school for which the ~~state board~~ director of 191131
education and workforce prescribes minimum standards under section 191132
3301.07 of the Revised Code, whether or not any instruction, 191133
extracurricular activities, or training provided by the school is 191134
being conducted at the time a violation of this section is 191135
committed. 191136

(3) "Weapon of mass destruction" means any of the following: 191137

(a) Any weapon that is designed or intended to cause death or 191138
serious physical harm through the release, dissemination, or 191139
impact of toxic or poisonous chemicals, or their precursors; 191140

(b) Any weapon involving a disease organism or biological 191141
agent; 191142

- (c) Any weapon that is designed to release radiation or
radioactivity at a level dangerous to human life; 191143
191144
- (d) Any of the following, except to the extent that the item 191145
or device in question is expressly excepted from the definition of 191146
"destructive device" pursuant to 18 U.S.C. 921(a)(4) and 191147
regulations issued under that section: 191148
- (i) Any explosive, incendiary, or poison gas bomb, grenade, 191149
rocket having a propellant charge of more than four ounces, 191150
missile having an explosive or incendiary charge of more than 191151
one-quarter ounce, mine, or similar device; 191152
- (ii) Any combination of parts either designed or intended for 191153
use in converting any item or device into any item or device 191154
described in division (E)(3)(d)(i) of this section and from which 191155
an item or device described in that division may be readily 191156
assembled. 191157
- (4) "Biological agent" has the same meaning as in section 191158
2917.33 of the Revised Code. 191159
- (5) "Emergency medical services personnel" has the same 191160
meaning as in section 2133.21 of the Revised Code. 191161
- (6) "Institution of higher education" means any of the 191162
following: 191163
- (a) A state university or college as defined in division 191164
(A)(1) of section 3345.12 of the Revised Code, community college, 191165
state community college, university branch, or technical college; 191166
- (b) A private, nonprofit college, university or other 191167
post-secondary institution located in this state that possesses a 191168
certificate of authorization issued by the ~~Ohio board of regents~~ 191169
chancellor of higher education pursuant to Chapter 1713. of the 191170
Revised Code; 191171
- (c) A post-secondary institution with a certificate of 191172

registration issued by the state board of career colleges and 191173
schools under Chapter 3332. of the Revised Code. 191174

Sec. 2917.46. (A) No person shall, with intent to identify a 191175
building as a block parent home or building, display the block 191176
parent symbol adopted by the former state board of education 191177
pursuant to former section 3301.076 of the Revised Code prior to 191178
its repeal on July 1, 2007. 191179

(B) No person shall, with intent to identify a building as a 191180
block parent home or building, display a symbol that falsely gives 191181
the appearance of being the block parent symbol adopted by the 191182
former state board of education pursuant to former section 191183
3301.076 of the Revised Code prior to its repeal on July 1, 2007. 191184

(C) No person, with intent to identify a home or building as 191185
a mcgruff house program home or building, shall display the 191186
mcgruff house symbol adopted by the division of criminal justice 191187
services in the state department of public safety pursuant to 191188
section 5502.62 of the Revised Code unless authorized in 191189
accordance with that section, any rule adopted pursuant to that 191190
section, or former section 3313.206 of the Revised Code prior to 191191
its repeal on ~~the effective date of this amendment~~ April 8, 2019. 191192

(D) No person, with intent to identify a home or building as 191193
a mcgruff house program home or building, shall display a symbol 191194
that falsely gives the appearance of being the mcgruff house 191195
symbol adopted by the division of criminal justice services in the 191196
state department of public safety pursuant to section 5502.62 of 191197
the Revised Code or any rule adopted pursuant to that section. 191198

(E)(1) Whoever violates division (A) or (B) of this section 191199
is guilty of unauthorized use of a block parent symbol, a minor 191200
misdemeanor. 191201

(2) Whoever violates division (C) or (D) of this section is 191202

guilty of unauthorized use of a mcgruff house symbol, a minor 191203
misdemeanor. 191204

Sec. 2923.122. (A) No person shall knowingly convey, or 191205
attempt to convey, a deadly weapon or dangerous ordnance into a 191206
school safety zone. 191207

(B) No person shall knowingly possess a deadly weapon or 191208
dangerous ordnance in a school safety zone. 191209

(C) No person shall knowingly possess an object in a school 191210
safety zone if both of the following apply: 191211

(1) The object is indistinguishable from a firearm, whether 191212
or not the object is capable of being fired. 191213

(2) The person indicates that the person possesses the object 191214
and that it is a firearm, or the person knowingly displays or 191215
brandishes the object and indicates that it is a firearm. 191216

(D)(1) This section does not apply to any of the following: 191217

(a) An officer, agent, or employee of this or any other state 191218
or the United States who is authorized to carry deadly weapons or 191219
dangerous ordnance and is acting within the scope of the 191220
officer's, agent's, or employee's duties; 191221

(b) A law enforcement officer who is authorized to carry 191222
deadly weapons or dangerous ordnance; 191223

(c) A security officer employed by a board of education or 191224
governing body of a school during the time that the security 191225
officer is on duty pursuant to that contract of employment; 191226

(d) Any person not described in divisions (D)(1)(a) to (c) of 191227
this section who has written authorization from the board of 191228
education or governing body of a school to convey deadly weapons 191229
or dangerous ordnance into a school safety zone or to possess a 191230
deadly weapon or dangerous ordnance in a school safety zone and 191231

who conveys or possesses the deadly weapon or dangerous ordnance 191232
in accordance with that authorization, provided both of the 191233
following apply: 191234

(i) Either the person has successfully completed the 191235
curriculum, instruction, and training established under section 191236
5502.703 of the Revised Code, or the person has received a 191237
certificate of having satisfactorily completed an approved basic 191238
peace officer training program or is a law enforcement officer; 191239

(ii) The board or governing body has notified the public, by 191240
whatever means the affected school regularly communicates with the 191241
public, that the board or governing body has authorized one or 191242
more persons to go armed within a school operated by the board or 191243
governing authority. 191244

A district board or school governing body that authorizes a 191245
person under division (D)(1)(d) of this section shall require that 191246
person to submit to an annual criminal records check conducted in 191247
the same manner as section 3319.39 or 3319.391 of the Revised 191248
Code. 191249

(e) Any person who is employed in this state, who is 191250
authorized to carry deadly weapons or dangerous ordnance, and who 191251
is subject to and in compliance with the requirements of section 191252
109.801 of the Revised Code, unless the appointing authority of 191253
the person has expressly specified that the exemption provided in 191254
division (D)(1)(e) of this section does not apply to the person. 191255

(2) Division (C) of this section does not apply to premises 191256
upon which home schooling is conducted. Division (C) of this 191257
section also does not apply to a school administrator, teacher, or 191258
employee who possesses an object that is indistinguishable from a 191259
firearm for legitimate school purposes during the course of 191260
employment, a student who uses an object that is indistinguishable 191261
from a firearm under the direction of a school administrator, 191262

teacher, or employee, or any other person who with the express 191263
prior approval of a school administrator possesses an object that 191264
is indistinguishable from a firearm for a legitimate purpose, 191265
including the use of the object in a ceremonial activity, a play, 191266
reenactment, or other dramatic presentation, school safety 191267
training, or a ROTC activity or another similar use of the object. 191268

(3) This section does not apply to a person who conveys or 191269
attempts to convey a handgun into, or possesses a handgun in, a 191270
school safety zone if, at the time of that conveyance, attempted 191271
conveyance, or possession of the handgun, all of the following 191272
apply: 191273

(a) The person does not enter into a school building or onto 191274
school premises and is not at a school activity. 191275

(b) The person has been issued a concealed handgun license 191276
that is valid at the time of the conveyance, attempted conveyance, 191277
or possession or the person is an active duty member of the armed 191278
forces of the United States and is carrying a valid military 191279
identification card and documentation of successful completion of 191280
firearms training that meets or exceeds the training requirements 191281
described in division (G)(1) of section 2923.125 of the Revised 191282
Code. 191283

(c) The person is in the school safety zone in accordance 191284
with 18 U.S.C. 922(q)(2)(B). 191285

(d) The person is not knowingly in a place described in 191286
division (B)(1) or (B)(3) to (8) of section 2923.126 of the 191287
Revised Code. 191288

(4) This section does not apply to a person who conveys or 191289
attempts to convey a handgun into, or possesses a handgun in, a 191290
school safety zone if at the time of that conveyance, attempted 191291
conveyance, or possession of the handgun all of the following 191292
apply: 191293

(a) The person has been issued a concealed handgun license 191294
that is valid at the time of the conveyance, attempted conveyance, 191295
or possession or the person is an active duty member of the armed 191296
forces of the United States and is carrying a valid military 191297
identification card and documentation of successful completion of 191298
firearms training that meets or exceeds the training requirements 191299
described in division (G)(1) of section 2923.125 of the Revised 191300
Code. 191301

(b) The person leaves the handgun in a motor vehicle. 191302

(c) The handgun does not leave the motor vehicle. 191303

(d) If the person exits the motor vehicle, the person locks 191304
the motor vehicle. 191305

(E)(1) Whoever violates division (A) or (B) of this section 191306
is guilty of illegal conveyance or possession of a deadly weapon 191307
or dangerous ordnance in a school safety zone. Except as otherwise 191308
provided in this division, illegal conveyance or possession of a 191309
deadly weapon or dangerous ordnance in a school safety zone is a 191310
felony of the fifth degree. If the offender previously has been 191311
convicted of a violation of this section, illegal conveyance or 191312
possession of a deadly weapon or dangerous ordnance in a school 191313
safety zone is a felony of the fourth degree. 191314

(2) Whoever violates division (C) of this section is guilty 191315
of illegal possession of an object indistinguishable from a 191316
firearm in a school safety zone. Except as otherwise provided in 191317
this division, illegal possession of an object indistinguishable 191318
from a firearm in a school safety zone is a misdemeanor of the 191319
first degree. If the offender previously has been convicted of a 191320
violation of this section, illegal possession of an object 191321
indistinguishable from a firearm in a school safety zone is a 191322
felony of the fifth degree. 191323

(F)(1) In addition to any other penalty imposed upon a person 191324

who is convicted of or pleads guilty to a violation of this 191325
section and subject to division (F)(2) of this section, if the 191326
offender has not attained nineteen years of age, regardless of 191327
whether the offender is attending or is enrolled in a school 191328
operated by a board of education or for which the ~~state board~~ 191329
director of education and workforce prescribes minimum standards 191330
under section 3301.07 of the Revised Code, the court shall impose 191331
upon the offender a class four suspension of the offender's 191332
probationary driver's license, restricted license, driver's 191333
license, commercial driver's license, temporary instruction 191334
permit, or probationary commercial driver's license that then is 191335
in effect from the range specified in division (A)(4) of section 191336
4510.02 of the Revised Code and shall deny the offender the 191337
issuance of any permit or license of that type during the period 191338
of the suspension. 191339

If the offender is not a resident of this state, the court 191340
shall impose a class four suspension of the nonresident operating 191341
privilege of the offender from the range specified in division 191342
(A)(4) of section 4510.02 of the Revised Code. 191343

(2) If the offender shows good cause why the court should not 191344
suspend one of the types of licenses, permits, or privileges 191345
specified in division (F)(1) of this section or deny the issuance 191346
of one of the temporary instruction permits specified in that 191347
division, the court in its discretion may choose not to impose the 191348
suspension, revocation, or denial required in that division, but 191349
the court, in its discretion, instead may require the offender to 191350
perform community service for a number of hours determined by the 191351
court. 191352

(G) As used in this section, "object that is 191353
indistinguishable from a firearm" means an object made, 191354
constructed, or altered so that, to a reasonable person without 191355
specialized training in firearms, the object appears to be a 191356

firearm. 191357

Sec. 2925.01. As used in this chapter: 191358

(A) "Administer," "controlled substance," "controlled
substance analog," "dispense," "distribute," "hypodermic," 191359
"manufacturer," "official written order," "person," "pharmacist," 191360
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 191361
"schedule IV," "schedule V," and "wholesaler" have the same 191362
meanings as in section 3719.01 of the Revised Code. 191363
191364

(B) "Drug of abuse" and "person with a drug dependency" have 191365
the same meanings as in section 3719.011 of the Revised Code. 191366

(C) "Drug," "dangerous drug," "licensed health professional 191367
authorized to prescribe drugs," and "prescription" have the same 191368
meanings as in section 4729.01 of the Revised Code. 191369

(D) "Bulk amount" of a controlled substance means any of the 191370
following: 191371

(1) For any compound, mixture, preparation, or substance 191372
included in schedule I, schedule II, or schedule III, with the 191373
exception of any controlled substance analog, marihuana, cocaine, 191374
L.S.D., heroin, any fentanyl-related compound, and hashish and 191375
except as provided in division (D)(2), (5), or (6) of this 191376
section, whichever of the following is applicable: 191377

(a) An amount equal to or exceeding ten grams or twenty-five 191378
unit doses of a compound, mixture, preparation, or substance that 191379
is or contains any amount of a schedule I opiate or opium 191380
derivative; 191381

(b) An amount equal to or exceeding ten grams of a compound, 191382
mixture, preparation, or substance that is or contains any amount 191383
of raw or gum opium; 191384

(c) An amount equal to or exceeding thirty grams or ten unit 191385
doses of a compound, mixture, preparation, or substance that is or 191386

contains any amount of a schedule I hallucinogen other than 191387
tetrahydrocannabinol or lysergic acid amide, or a schedule I 191388
stimulant or depressant; 191389

(d) An amount equal to or exceeding twenty grams or five 191390
times the maximum daily dose in the usual dose range specified in 191391
a standard pharmaceutical reference manual of a compound, mixture, 191392
preparation, or substance that is or contains any amount of a 191393
schedule II opiate or opium derivative; 191394

(e) An amount equal to or exceeding five grams or ten unit 191395
doses of a compound, mixture, preparation, or substance that is or 191396
contains any amount of phencyclidine; 191397

(f) An amount equal to or exceeding one hundred twenty grams 191398
or thirty times the maximum daily dose in the usual dose range 191399
specified in a standard pharmaceutical reference manual of a 191400
compound, mixture, preparation, or substance that is or contains 191401
any amount of a schedule II stimulant that is in a final dosage 191402
form manufactured by a person authorized by the "Federal Food, 191403
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 191404
amended, and the federal drug abuse control laws, as defined in 191405
section 3719.01 of the Revised Code, that is or contains any 191406
amount of a schedule II depressant substance or a schedule II 191407
hallucinogenic substance; 191408

(g) An amount equal to or exceeding three grams of a 191409
compound, mixture, preparation, or substance that is or contains 191410
any amount of a schedule II stimulant, or any of its salts or 191411
isomers, that is not in a final dosage form manufactured by a 191412
person authorized by the Federal Food, Drug, and Cosmetic Act and 191413
the federal drug abuse control laws. 191414

(2) An amount equal to or exceeding one hundred twenty grams 191415
or thirty times the maximum daily dose in the usual dose range 191416
specified in a standard pharmaceutical reference manual of a 191417

compound, mixture, preparation, or substance that is or contains 191418
any amount of a schedule III or IV substance other than an 191419
anabolic steroid or a schedule III opiate or opium derivative; 191420

(3) An amount equal to or exceeding twenty grams or five 191421
times the maximum daily dose in the usual dose range specified in 191422
a standard pharmaceutical reference manual of a compound, mixture, 191423
preparation, or substance that is or contains any amount of a 191424
schedule III opiate or opium derivative; 191425

(4) An amount equal to or exceeding two hundred fifty 191426
milliliters or two hundred fifty grams of a compound, mixture, 191427
preparation, or substance that is or contains any amount of a 191428
schedule V substance; 191429

(5) An amount equal to or exceeding two hundred solid dosage 191430
units, sixteen grams, or sixteen milliliters of a compound, 191431
mixture, preparation, or substance that is or contains any amount 191432
of a schedule III anabolic steroid; 191433

(6) For any compound, mixture, preparation, or substance that 191434
is a combination of a fentanyl-related compound and any other 191435
compound, mixture, preparation, or substance included in schedule 191436
III, schedule IV, or schedule V, if the defendant is charged with 191437
a violation of section 2925.11 of the Revised Code and the 191438
sentencing provisions set forth in divisions (C)(10)(b) and 191439
(C)(11) of that section will not apply regarding the defendant and 191440
the violation, the bulk amount of the controlled substance for 191441
purposes of the violation is the amount specified in division 191442
(D)(1), (2), (3), (4), or (5) of this section for the other 191443
schedule III, IV, or V controlled substance that is combined with 191444
the fentanyl-related compound. 191445

(E) "Unit dose" means an amount or unit of a compound, 191446
mixture, or preparation containing a controlled substance that is 191447
separately identifiable and in a form that indicates that it is 191448

the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas,

fumes, or vapor of which when inhaled can induce intoxication, 191479
excitement, giddiness, irrational behavior, depression, 191480
stupefaction, paralysis, unconsciousness, asphyxiation, or other 191481
harmful physiological effects, and includes, but is not limited 191482
to, any of the following: 191483

(a) Any volatile organic solvent, plastic cement, model 191484
cement, fingernail polish remover, lacquer thinner, cleaning 191485
fluid, gasoline, or other preparation containing a volatile 191486
organic solvent; 191487

(b) Any aerosol propellant; 191488

(c) Any fluorocarbon refrigerant; 191489

(d) Any anesthetic gas. 191490

(2) Gamma Butyrolactone; 191491

(3) 1,4 Butanediol. 191492

(J) "Manufacture" means to plant, cultivate, harvest, 191493
process, make, prepare, or otherwise engage in any part of the 191494
production of a drug, by propagation, extraction, chemical 191495
synthesis, or compounding, or any combination of the same, and 191496
includes packaging, repackaging, labeling, and other activities 191497
incident to production. 191498

(K) "Possess" or "possession" means having control over a 191499
thing or substance, but may not be inferred solely from mere 191500
access to the thing or substance through ownership or occupation 191501
of the premises upon which the thing or substance is found. 191502

(L) "Sample drug" means a drug or pharmaceutical preparation 191503
that would be hazardous to health or safety if used without the 191504
supervision of a licensed health professional authorized to 191505
prescribe drugs, or a drug of abuse, and that, at one time, had 191506
been placed in a container plainly marked as a sample by a 191507
manufacturer. 191508

- (M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy. 191509
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- (N) "Juvenile" means a person under eighteen years of age. 191512
- (O) "Counterfeit controlled substance" means any of the following: 191513
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- (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark; 191515
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- (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it; 191519
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- (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 191523
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- (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 191526
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- (P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 191531
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- (Q) "School" means any school operated by a board of 191538

education, any community school established under Chapter 3314. of 191539
the Revised Code, or any nonpublic school for which the ~~state~~ 191540
~~board~~ director of education and workforce prescribes minimum 191541
standards under section 3301.07 of the Revised Code, whether or 191542
not any instruction, extracurricular activities, or training 191543
provided by the school is being conducted at the time a criminal 191544
offense is committed. 191545

(R) "School premises" means either of the following: 191546

(1) The parcel of real property on which any school is 191547
situated, whether or not any instruction, extracurricular 191548
activities, or training provided by the school is being conducted 191549
on the premises at the time a criminal offense is committed; 191550

(2) Any other parcel of real property that is owned or leased 191551
by a board of education of a school, the governing authority of a 191552
community school established under Chapter 3314. of the Revised 191553
Code, or the governing body of a nonpublic school for which the 191554
~~state board~~ director of education and workforce prescribes minimum 191555
standards under section 3301.07 of the Revised Code and on which 191556
some of the instruction, extracurricular activities, or training 191557
of the school is conducted, whether or not any instruction, 191558
extracurricular activities, or training provided by the school is 191559
being conducted on the parcel of real property at the time a 191560
criminal offense is committed. 191561

(S) "School building" means any building in which any of the 191562
instruction, extracurricular activities, or training provided by a 191563
school is conducted, whether or not any instruction, 191564
extracurricular activities, or training provided by the school is 191565
being conducted in the school building at the time a criminal 191566
offense is committed. 191567

(T) "Disciplinary counsel" means the disciplinary counsel 191568
appointed by the board of commissioners on grievances and 191569

discipline of the supreme court under the Rules for the Government 191570
of the Bar of Ohio. 191571

(U) "Certified grievance committee" means a duly constituted 191572
and organized committee of the Ohio state bar association or of 191573
one or more local bar associations of the state of Ohio that 191574
complies with the criteria set forth in Rule V, section 6 of the 191575
Rules for the Government of the Bar of Ohio. 191576

(V) "Professional license" means any license, permit, 191577
certificate, registration, qualification, admission, temporary 191578
license, temporary permit, temporary certificate, or temporary 191579
registration that is described in divisions (W)(1) to (37) of this 191580
section and that qualifies a person as a professionally licensed 191581
person. 191582

(W) "Professionally licensed person" means any of the 191583
following: 191584

(1) A person who has received a certificate or temporary 191585
certificate as a certified public accountant or who has registered 191586
as a public accountant under Chapter 4701. of the Revised Code and 191587
who holds an Ohio permit issued under that chapter; 191588

(2) A person who holds a certificate of qualification to 191589
practice architecture issued or renewed and registered under 191590
Chapter 4703. of the Revised Code; 191591

(3) A person who is registered as a landscape architect under 191592
Chapter 4703. of the Revised Code or who holds a permit as a 191593
landscape architect issued under that chapter; 191594

(4) A person licensed under Chapter 4707. of the Revised 191595
Code; 191596

(5) A person who has been issued a certificate of 191597
registration as a registered barber under Chapter 4709. of the 191598
Revised Code; 191599

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;

(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;

(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;

(13) A person licensed to act as a precious metals dealer	191631
under Chapter 4728. of the Revised Code;	191632
(14) A person licensed under Chapter 4729. of the Revised	191633
Code as a pharmacist or pharmacy intern or registered under that	191634
chapter as a registered pharmacy technician, certified pharmacy	191635
technician, or pharmacy technician trainee;	191636
(15) A person licensed under Chapter 4729. of the Revised	191637
Code as a manufacturer of dangerous drugs, outsourcing facility,	191638
third-party logistics provider, repackager of dangerous drugs,	191639
wholesale distributor of dangerous drugs, or terminal distributor	191640
of dangerous drugs;	191641
(16) A person who is authorized to practice as a physician	191642
assistant under Chapter 4730. of the Revised Code;	191643
(17) A person who has been issued a license to practice	191644
medicine and surgery, osteopathic medicine and surgery, or	191645
podiatric medicine and surgery under Chapter 4731. of the Revised	191646
Code or has been issued a certificate to practice a limited branch	191647
of medicine under that chapter;	191648
(18) A person licensed as a psychologist, independent school	191649
psychologist, or school psychologist under Chapter 4732. of the	191650
Revised Code;	191651
(19) A person registered to practice the profession of	191652
engineering or surveying under Chapter 4733. of the Revised Code;	191653
(20) A person who has been issued a license to practice	191654
chiropractic under Chapter 4734. of the Revised Code;	191655
(21) A person licensed to act as a real estate broker or real	191656
estate salesperson under Chapter 4735. of the Revised Code;	191657
(22) A person registered as a registered environmental health	191658
specialist under Chapter 4736. of the Revised Code;	191659
(23) A person licensed to operate or maintain a junkyard	191660

under Chapter 4737. of the Revised Code;	191661
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	191662 191663
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	191664 191665
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	191666 191667 191668 191669
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	191670 191671 191672
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	191673 191674 191675
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	191676 191677
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	191678 191679 191680
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	191681 191682
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	191683 191684 191685 191686 191687
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	191688 191689
(34) A person who has been issued a license or limited permit	191690

to practice respiratory therapy under Chapter 4761. of the Revised Code; 191691
191692

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 191693
191694

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; 191695
191696

(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 191697
191698
191699

(X) "Cocaine" means any of the following: 191700

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 191701
191702

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 191703
191704
191705
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(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 191707
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191710
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(Y) "L.S.D." means lysergic acid diethylamide. 191713

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply: 191714
191715

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 191716
191717
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(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent. 191719
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"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in

section 2929.01 of the Revised Code.	191751
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	191752 191753
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	191754 191755 191756
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	191757 191758 191759 191760
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	191761 191762
(KK) "Fentanyl-related compound" means any of the following:	191763
(1) Fentanyl;	191764
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	191765 191766 191767
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	191768 191769 191770
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	191771 191772
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	191773 191774 191775
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	191776 191777
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	191778 191779

(8) Para-fluorofentanyl	191780
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	191781
(9) Thiofentanyl	191782
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	191783
(10) Alfentanil;	191784
(11) Carfentanil;	191785
(12) Remifentanil;	191786
(13) Sufentanil;	191787
(14) Acetyl-alpha-methylfentanyl	191788
(N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide);	191789
and	191790
(15) Any compound that meets all of the following fentanyl	191791
pharmacophore requirements to bind at the mu receptor, as	191792
identified by a report from an established forensic laboratory,	191793
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	191794
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	191795
para-fluorobutyrylfentanyl, acrylfentanyl, and	191796
ortho-fluorofentanyl:	191797
(a) A chemical scaffold consisting of both of the following:	191798
(i) A five, six, or seven member ring structure containing a	191799
nitrogen, whether or not further substituted;	191800
(ii) An attached nitrogen to the ring, whether or not that	191801
nitrogen is enclosed in a ring structure, including an attached	191802
aromatic ring or other lipophilic group to that nitrogen.	191803
(b) A polar functional group attached to the chemical	191804
scaffold, including but not limited to a hydroxyl, ketone, amide,	191805
or ester;	191806
(c) An alkyl or aryl substitution off the ring nitrogen of	191807
the chemical scaffold; and	191808

(d) The compound has not been approved for medical use by the United States food and drug administration.

(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree.

(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree.

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as

in section 928.01 of the Revised Code. 191840

(QQ) An offense is "committed in the vicinity of a substance 191841
addiction services provider or a recovering addict" if either of 191842
the following apply: 191843

(1) The offender commits the offense on the premises of a 191844
substance addiction services provider's facility, including a 191845
facility licensed prior to June 29, 2019, under section 5119.391 191846
of the Revised Code to provide methadone treatment or an opioid 191847
treatment program licensed on or after that date under section 191848
5119.37 of the Revised Code, or within five hundred feet of the 191849
premises of a substance addiction services provider's facility and 191850
the offender knows or should know that the offense is being 191851
committed within the vicinity of the substance addiction services 191852
provider's facility. 191853

(2) The offender sells, offers to sell, delivers, or 191854
distributes the controlled substance or controlled substance 191855
analog to a person who is receiving treatment at the time of the 191856
commission of the offense, or received treatment within thirty 191857
days prior to the commission of the offense, from a substance 191858
addiction services provider and the offender knows that the person 191859
is receiving or received that treatment. 191860

(RR) "Substance addiction services provider" means an agency, 191861
association, corporation or other legal entity, individual, or 191862
program that provides one or more of the following at a facility: 191863

(1) Either alcohol addiction services, or drug addiction 191864
services, or both such services that are certified by the director 191865
of mental health and addiction services under section 5119.36 of 191866
the Revised Code; 191867

(2) Recovery supports that are related to either alcohol 191868
addiction services, or drug addiction services, or both such 191869
services and paid for with federal, state, or local funds 191870

administered by the department of mental health and addiction 191871
services or a board of alcohol, drug addiction, and mental health 191872
services. 191873

(SS) "Premises of a substance addiction services provider's 191874
facility" means the parcel of real property on which any substance 191875
addiction service provider's facility is situated. 191876

(TT) "Alcohol and drug addiction services" has the same 191877
meaning as in section 5119.01 of the Revised Code. 191878

Sec. 2950.11. (A) Regardless of when the sexually oriented 191879
offense or child-victim oriented offense was committed, if a 191880
person is convicted of, pleads guilty to, has been convicted of, 191881
or has pleaded guilty to a sexually oriented offense or a 191882
child-victim oriented offense or a person is or has been 191883
adjudicated a delinquent child for committing a sexually oriented 191884
offense or a child-victim oriented offense and is classified a 191885
juvenile offender registrant or is an out-of-state juvenile 191886
offender registrant based on that adjudication, and if the 191887
offender or delinquent child is in any category specified in 191888
division (F)(1)(a), (b), or (c) of this section, the sheriff with 191889
whom the offender or delinquent child has most recently registered 191890
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 191891
and the sheriff to whom the offender or delinquent child most 191892
recently sent a notice of intent to reside under section 2950.04 191893
or 2950.041 of the Revised Code, within the period of time 191894
specified in division (C) of this section, shall provide a written 191895
notice containing the information set forth in division (B) of 191896
this section to all of the persons described in divisions (A)(1) 191897
to (10) of this section. If the sheriff has sent a notice to the 191898
persons described in those divisions as a result of receiving a 191899
notice of intent to reside and if the offender or delinquent child 191900
registers a residence address that is the same residence address 191901

described in the notice of intent to reside, the sheriff is not 191902
required to send an additional notice when the offender or 191903
delinquent child registers. The sheriff shall provide the notice 191904
to all of the following persons: 191905

(1)(a) Any occupant of each residential unit that is located 191906
within one thousand feet of the offender's or delinquent child's 191907
residential premises, that is located within the county served by 191908
the sheriff, and that is not located in a multi-unit building. 191909
Division (D)(3) of this section applies regarding notices required 191910
under this division. 191911

(b) If the offender or delinquent child resides in a 191912
multi-unit building, any occupant of each residential unit that is 191913
located in that multi-unit building and that shares a common 191914
hallway with the offender or delinquent child. For purposes of 191915
this division, an occupant's unit shares a common hallway with the 191916
offender or delinquent child if the entrance door into the 191917
occupant's unit is located on the same floor and opens into the 191918
same hallway as the entrance door to the unit the offender or 191919
delinquent child occupies. Division (D)(3) of this section applies 191920
regarding notices required under this division. 191921

(c) The building manager, or the person the building owner or 191922
condominium unit owners association authorizes to exercise 191923
management and control, of each multi-unit building that is 191924
located within one thousand feet of the offender's or delinquent 191925
child's residential premises, including a multi-unit building in 191926
which the offender or delinquent child resides, and that is 191927
located within the county served by the sheriff. In addition to 191928
notifying the building manager or the person authorized to 191929
exercise management and control in the multi-unit building under 191930
this division, the sheriff shall post a copy of the notice 191931
prominently in each common entryway in the building and any other 191932
location in the building the sheriff determines appropriate. The 191933

manager or person exercising management and control of the 191934
building shall permit the sheriff to post copies of the notice 191935
under this division as the sheriff determines appropriate. In lieu 191936
of posting copies of the notice as described in this division, a 191937
sheriff may provide notice to all occupants of the multi-unit 191938
building by mail or personal contact; if the sheriff so notifies 191939
all the occupants, the sheriff is not required to post copies of 191940
the notice in the common entryways to the building. Division 191941
(D)(3) of this section applies regarding notices required under 191942
this division. 191943

(d) All additional persons who are within any category of 191944
neighbors of the offender or delinquent child that the attorney 191945
general by rule adopted under section 2950.13 of the Revised Code 191946
requires to be provided the notice and who reside within the 191947
county served by the sheriff; 191948

(2) The executive director of the public children services 191949
agency that has jurisdiction within the specified geographical 191950
notification area and that is located within the county served by 191951
the sheriff; 191952

(3)(a) The superintendent of each board of education of a 191953
school district that has schools within the specified geographical 191954
notification area and that is located within the county served by 191955
the sheriff; 191956

(b) The principal of the school within the specified 191957
geographical notification area and within the county served by the 191958
sheriff that the delinquent child attends; 191959

(c) If the delinquent child attends a school outside of the 191960
specified geographical notification area or outside of the school 191961
district where the delinquent child resides, the superintendent of 191962
the board of education of a school district that governs the 191963
school that the delinquent child attends and the principal of the 191964

school that the delinquent child attends. 191965

(4)(a) The appointing or hiring officer of each chartered 191966
nonpublic school located within the specified geographical 191967
notification area and within the county served by the sheriff or 191968
of each other school located within the specified geographical 191969
notification area and within the county served by the sheriff and 191970
that is not operated by a board of education described in division 191971
(A)(3) of this section; 191972

(b) Regardless of the location of the school, the appointing 191973
or hiring officer of a chartered nonpublic school that the 191974
delinquent child attends. 191975

(5) The director, head teacher, elementary principal, or site 191976
administrator of each preschool program governed by Chapter 3301. 191977
of the Revised Code that is located within the specified 191978
geographical notification area and within the county served by the 191979
sheriff; 191980

(6) The administrator of each child day-care center or type A 191981
family day-care home that is located within the specified 191982
geographical notification area and within the county served by the 191983
sheriff, and each holder of a license to operate a type B family 191984
day-care home that is located within the specified geographical 191985
notification area and within the county served by the sheriff. As 191986
used in this division, "child day-care center," "type A family 191987
day-care home," and "type B family day-care home" have the same 191988
meanings as in section 5104.01 of the Revised Code. 191989

(7) The president or other chief administrative officer of 191990
each institution of higher education, as defined in section 191991
2907.03 of the Revised Code, that is located within the specified 191992
geographical notification area and within the county served by the 191993
sheriff, and the chief law enforcement officer of the state 191994
university law enforcement agency or campus police department 191995

established under section 3345.04 or 1713.50 of the Revised Code, 191996
if any, that serves that institution; 191997

(8) The sheriff of each county that includes any portion of 191998
the specified geographical notification area; 191999

(9) If the offender or delinquent child resides within the 192000
county served by the sheriff, the chief of police, marshal, or 192001
other chief law enforcement officer of the municipal corporation 192002
in which the offender or delinquent child resides or, if the 192003
offender or delinquent child resides in an unincorporated area, 192004
the constable or chief of the police department or police district 192005
police force of the township in which the offender or delinquent 192006
child resides; 192007

(10) Volunteer organizations in which contact with minors or 192008
other vulnerable individuals might occur or any organization, 192009
company, or individual who requests notification as provided in 192010
division (J) of this section. 192011

(B) The notice required under division (A) of this section 192012
shall include all of the following information regarding the 192013
subject offender or delinquent child: 192014

(1) The offender's or delinquent child's name; 192015

(2) The address or addresses of the offender's or public 192016
registry-qualified juvenile offender registrant's residence, 192017
school, institution of higher education, or place of employment, 192018
as applicable, or the residence address or addresses of a 192019
delinquent child who is not a public registry-qualified juvenile 192020
offender registrant; 192021

(3) The sexually oriented offense or child-victim oriented 192022
offense of which the offender was convicted, to which the offender 192023
pleaded guilty, or for which the child was adjudicated a 192024
delinquent child; 192025

(4) A statement that identifies the category specified in 192026
division (F)(1)(a), (b), or (c) of this section that includes the 192027
offender or delinquent child and that subjects the offender or 192028
delinquent child to this section; 192029

(5) The offender's or delinquent child's photograph. 192030

(C) If a sheriff with whom an offender or delinquent child 192031
registers under section 2950.04, 2950.041, or 2950.05 of the 192032
Revised Code or to whom the offender or delinquent child most 192033
recently sent a notice of intent to reside under section 2950.04 192034
or 2950.041 of the Revised Code is required by division (A) of 192035
this section to provide notices regarding an offender or 192036
delinquent child and if, pursuant to that requirement, the sheriff 192037
provides a notice to a sheriff of one or more other counties in 192038
accordance with division (A)(8) of this section, the sheriff of 192039
each of the other counties who is provided notice under division 192040
(A)(8) of this section shall provide the notices described in 192041
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 192042
each person or entity identified within those divisions that is 192043
located within the specified geographical notification area and 192044
within the county served by the sheriff in question. 192045

(D)(1) A sheriff required by division (A) or (C) of this 192046
section to provide notices regarding an offender or delinquent 192047
child shall provide the notice to the neighbors that are described 192048
in division (A)(1) of this section and the notices to law 192049
enforcement personnel that are described in divisions (A)(8) and 192050
(9) of this section as soon as practicable, but no later than five 192051
days after the offender sends the notice of intent to reside to 192052
the sheriff and again no later than five days after the offender 192053
or delinquent child registers with the sheriff or, if the sheriff 192054
is required by division (C) of this section to provide the 192055
notices, no later than five days after the sheriff is provided the 192056
notice described in division (A)(8) of this section. 192057

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to occupants of a multi-unit building by mail or personal contact, the provision of one written notice per unit is deemed as providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an offender or delinquent child who is in a category specified in division (F)(1)(a), (b), or (c) of this section that is described in division (B) of this section and that must be provided in a notice required under division (A) or (C) of this section or that may be provided in a notice authorized under division (D)(2) of this section is a public record that is open to inspection under section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by means of the internet any of the information described in this division that is provided by a delinquent child unless that child is in a category specified in division (F)(1)(a), (b), or (c) of this section.

(F)(1) Except as provided in division (F)(2) of this section, the duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a

sexual predator, habitual sex offender, child-victim predator, or 192121
habitual child-victim offender, as those terms were defined in 192122
section 2950.01 of the Revised Code as it existed prior to January 192123
1, 2008, and a juvenile court has not removed pursuant to section 192124
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 192125
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 192126
the Revised Code. 192127

(c) The delinquent child is a tier III sex 192128
offender/child-victim offender who is not a public 192129
registry-qualified juvenile offender registrant, the delinquent 192130
child was classified a juvenile offender registrant on or after 192131
January 1, 2008, the court has imposed a requirement under section 192132
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 192133
delinquent child to this section, and a juvenile court has not 192134
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 192135
the delinquent child's duty to comply with sections 2950.04, 192136
2950.041, 2950.05, and 2950.06 of the Revised Code. 192137

(2) The notification provisions of this section do not apply 192138
to a person described in division (F)(1)(a), (b), or (c) of this 192139
section if a court finds at a hearing after considering the 192140
factors described in this division that the person would not be 192141
subject to the notification provisions of this section that were 192142
in the version of this section that existed immediately prior to 192143
January 1, 2008. In making the determination of whether a person 192144
would have been subject to the notification provisions under prior 192145
law as described in this division, the court shall consider the 192146
following factors: 192147

(a) The offender's or delinquent child's age; 192148

(b) The offender's or delinquent child's prior criminal or 192149
delinquency record regarding all offenses, including, but not 192150
limited to, all sexual offenses; 192151

(c) The age of the victim of the sexually oriented offense	192152
for which sentence is to be imposed or the order of disposition is	192153
to be made;	192154
(d) Whether the sexually oriented offense for which sentence	192155
is to be imposed or the order of disposition is to be made	192156
involved multiple victims;	192157
(e) Whether the offender or delinquent child used drugs or	192158
alcohol to impair the victim of the sexually oriented offense or	192159
to prevent the victim from resisting;	192160
(f) If the offender or delinquent child previously has been	192161
convicted of or pleaded guilty to, or been adjudicated a	192162
delinquent child for committing an act that if committed by an	192163
adult would be, a criminal offense, whether the offender or	192164
delinquent child completed any sentence or dispositional order	192165
imposed for the prior offense or act and, if the prior offense or	192166
act was a sex offense or a sexually oriented offense, whether the	192167
offender or delinquent child participated in available programs	192168
for sexual offenders;	192169
(g) Any mental illness or mental disability of the offender	192170
or delinquent child;	192171
(h) The nature of the offender's or delinquent child's sexual	192172
conduct, sexual contact, or interaction in a sexual context with	192173
the victim of the sexually oriented offense and whether the sexual	192174
conduct, sexual contact, or interaction in a sexual context was	192175
part of a demonstrated pattern of abuse;	192176
(i) Whether the offender or delinquent child, during the	192177
commission of the sexually oriented offense for which sentence is	192178
to be imposed or the order of disposition is to be made, displayed	192179
cruelty or made one or more threats of cruelty;	192180
(j) Whether the offender or delinquent child would have been	192181
a habitual sex offender or a habitual child victim offender under	192182

the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education and workforce shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The ~~Ohio board of regents~~ chancellor of higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to

provide notices regarding an offender or delinquent child, or a 192214
designee of a sheriff of that type, may request the department of 192215
job and family services, department of education, ~~or Ohio board of~~ 192216
~~regents and workforce, or chancellor~~ by telephone, in person, or 192217
by mail, to provide the sheriff or designee with the names, 192218
addresses, and telephone numbers of the appropriate persons and 192219
entities to whom the notices described in divisions (A)(2) to (7) 192220
of this section are to be provided. Upon receipt of a request, the 192221
department ~~or board~~ shall provide the requesting sheriff or 192222
designee with the names, addresses, and telephone numbers of the 192223
appropriate persons and entities to whom those notices are to be 192224
provided. 192225

(H)(1) Upon the motion of the offender or the prosecuting 192226
attorney of the county in which the offender was convicted of or 192227
pleaded guilty to the sexually oriented offense or child-victim 192228
oriented offense for which the offender is subject to community 192229
notification under this section, or upon the motion of the 192230
sentencing judge or that judge's successor in office, the judge 192231
may schedule a hearing to determine whether the interests of 192232
justice would be served by suspending the community notification 192233
requirement under this section in relation to the offender. The 192234
judge may dismiss the motion without a hearing but may not issue 192235
an order suspending the community notification requirement without 192236
a hearing. At the hearing, all parties are entitled to be heard, 192237
and the judge shall consider all of the factors set forth in 192238
division (K) of this section. If, at the conclusion of the 192239
hearing, the judge finds that the offender has proven by clear and 192240
convincing evidence that the offender is unlikely to commit in the 192241
future a sexually oriented offense or a child-victim oriented 192242
offense and if the judge finds that suspending the community 192243
notification requirement is in the interests of justice, the judge 192244
may suspend the application of this section in relation to the 192245
offender. The order shall contain both of these findings. 192246

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a

sexually violent predator; 192278

(b) A person who is convicted of or pleads guilty to a 192279
sexually oriented offense that is a violation of division 192280
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 192281
after January 2, 2007, and either who is sentenced under section 192282
2971.03 of the Revised Code or upon whom a sentence of life 192283
without parole is imposed under division (B) of section 2907.02 of 192284
the Revised Code; 192285

(c) A person who is convicted of or pleads guilty to a 192286
sexually oriented offense that is attempted rape committed on or 192287
after January 2, 2007, and who also is convicted of or pleads 192288
guilty to a specification of the type described in section 192289
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 192290

(d) A person who is convicted of or pleads guilty to an 192291
offense described in division (B)(3)(a), (b), (c), or (d) of 192292
section 2971.03 of the Revised Code and who is sentenced for that 192293
offense pursuant to that division; 192294

(e) An offender who is in a category specified in division 192295
(F)(1)(a), (b), or (c) of this section and who, subsequent to 192296
being subjected to community notification, has pleaded guilty to 192297
or been convicted of a sexually oriented offense or child-victim 192298
oriented offense. 192299

(I) If a person is convicted of, pleads guilty to, has been 192300
convicted of, or has pleaded guilty to a sexually oriented offense 192301
or a child-victim oriented offense or a person is or has been 192302
adjudicated a delinquent child for committing a sexually oriented 192303
offense or a child-victim oriented offense and is classified a 192304
juvenile offender registrant or is an out-of-state juvenile 192305
offender registrant based on that adjudication, and if the 192306
offender or delinquent child is not in any category specified in 192307
division (F)(1)(a), (b), or (c) of this section, the sheriff with 192308

whom the offender or delinquent child has most recently registered 192309
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 192310
and the sheriff to whom the offender or delinquent child most 192311
recently sent a notice of intent to reside under section 2950.04 192312
or 2950.041 of the Revised Code, within the period of time 192313
specified in division (D) of this section, shall provide a written 192314
notice containing the information set forth in division (B) of 192315
this section to the executive director of the public children 192316
services agency that has jurisdiction within the specified 192317
geographical notification area and that is located within the 192318
county served by the sheriff. 192319

(J) Each sheriff shall allow a volunteer organization or 192320
other organization, company, or individual who wishes to receive 192321
the notice described in division (A)(10) of this section regarding 192322
a specific offender or delinquent child or notice regarding all 192323
offenders and delinquent children who are located in the specified 192324
geographical notification area to notify the sheriff by electronic 192325
mail or through the sheriff's web site of this election. The 192326
sheriff shall promptly inform the bureau of criminal 192327
identification and investigation of these requests in accordance 192328
with the forwarding procedures adopted by the attorney general 192329
pursuant to section 2950.13 of the Revised Code. 192330

(K) In making a determination under division (H)(1) of this 192331
section as to whether to suspend the community notification 192332
requirement under this section for an offender, the judge shall 192333
consider all relevant factors, including, but not limited to, all 192334
of the following: 192335

(1) The offender's age; 192336

(2) The offender's prior criminal or delinquency record 192337
regarding all offenses, including, but not limited to, all 192338
sexually oriented offenses or child-victim oriented offenses; 192339

- (3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed; 192340
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- (4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims; 192342
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- (5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting; 192344
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- (6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders; 192348
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- (7) Any mental illness or mental disability of the offender; 192356
- (8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse; 192357
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- (9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty; 192365
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- (10) Any additional behavioral characteristics that contribute to the offender's conduct. 192369
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(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.

Sec. 2953.34. (A) Inspection of the sealed records included in a sealing order may be made only by the following persons or for the following purposes:

(1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged would be affected by virtue of the person's previously having been convicted of a crime;

(2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;

(3) Upon application by the person who is the subject of the records, by the persons named in the application;

(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(6) By any law enforcement agency or any authorized employee

of a law enforcement agency or by the department of rehabilitation 192401
and correction or department of youth services as part of a 192402
background investigation of a person who applies for employment 192403
with the agency or with the department; 192404

(7) By any law enforcement agency or any authorized employee 192405
of a law enforcement agency, for the purposes set forth in, and in 192406
the manner provided in, division (I) of section 2953.34 of the 192407
Revised Code; 192408

(8) By the bureau of criminal identification and 192409
investigation or any authorized employee of the bureau for the 192410
purpose of providing information to a board or person pursuant to 192411
division (F) or (G) of section 109.57 of the Revised Code; 192412

(9) By the bureau of criminal identification and 192413
investigation or any authorized employee of the bureau for the 192414
purpose of performing a criminal history records check on a person 192415
to whom a certificate as prescribed in section 109.77 of the 192416
Revised Code is to be awarded; 192417

(10) By the bureau of criminal identification and 192418
investigation or any authorized employee of the bureau for the 192419
purpose of conducting a criminal records check of an individual 192420
pursuant to division (B) of section 109.572 of the Revised Code 192421
that was requested pursuant to any of the sections identified in 192422
division (B)(1) of that section; 192423

(11) By the bureau of criminal identification and 192424
investigation, an authorized employee of the bureau, a sheriff, or 192425
an authorized employee of a sheriff in connection with a criminal 192426
records check described in section 311.41 of the Revised Code; 192427

(12) By the attorney general or an authorized employee of the 192428
attorney general or a court for purposes of determining a person's 192429
classification pursuant to Chapter 2950. of the Revised Code; 192430

(13) By a court, the registrar of motor vehicles, a 192431

prosecuting attorney or the prosecuting attorney's assistants, or 192432
a law enforcement officer for the purpose of assessing points 192433
against a person under section 4510.036 of the Revised Code or for 192434
taking action with regard to points assessed. 192435

When the nature and character of the offense with which a 192436
person is to be charged would be affected by the information, it 192437
may be used for the purpose of charging the person with an 192438
offense. 192439

(B) In any criminal proceeding, proof of any otherwise 192440
admissible prior conviction may be introduced and proved, 192441
notwithstanding the fact that for any such prior conviction an 192442
order of sealing or expungement previously was issued pursuant to 192443
sections 2953.31 to 2953.34 of the Revised Code. 192444

(C) The person or governmental agency, office, or department 192445
that maintains sealed records pertaining to convictions or bail 192446
forfeitures that have been sealed pursuant to section 2953.32 of 192447
the Revised Code may maintain a manual or computerized index to 192448
the sealed records. The index shall contain only the name of, and 192449
alphanumeric identifiers that relate to, the persons who are the 192450
subject of the sealed records, the word "sealed," and the name of 192451
the person, agency, office, or department that has custody of the 192452
sealed records, and shall not contain the name of the crime 192453
committed. The index shall be made available by the person who has 192454
custody of the sealed records only for the purposes set forth in 192455
divisions (A), (B), and (D) of this section. 192456

(D) Notwithstanding any provision of this section or section 192457
2953.32 of the Revised Code that requires otherwise, a board of 192458
education of a city, local, exempted village, or joint vocational 192459
school district that maintains records of an individual who has 192460
been permanently excluded under sections 3301.121 and 3313.662 of 192461
the Revised Code is permitted to maintain records regarding a 192462
conviction that was used as the basis for the individual's 192463

permanent exclusion, regardless of a court order to seal or 192464
expunge the record. An order issued under this section to seal or 192465
expunge the record of a conviction does not revoke the 192466
adjudication order of the ~~superintendent of public instruction~~ 192467
director of education and workforce to permanently exclude the 192468
individual who is the subject of the sealing or expungement order. 192469
An order issued under this section to seal or expunge the record 192470
of a conviction of an individual may be presented to a district 192471
superintendent as evidence to support the contention that the 192472
superintendent should recommend that the permanent exclusion of 192473
the individual who is the subject of the sealing or expungement 192474
order be revoked. Except as otherwise authorized by this division 192475
and sections 3301.121 and 3313.662 of the Revised Code, any school 192476
employee in possession of or having access to the sealed or 192477
expunged conviction records of an individual that were the basis 192478
of a permanent exclusion of the individual is subject to division 192479
(J) of this section. 192480

(E) Notwithstanding any provision of this section or section 192481
2953.32 of the Revised Code that requires otherwise, if the 192482
auditor of state or a prosecutor maintains records, reports, or 192483
audits of an individual who has been forever disqualified from 192484
holding public office, employment, or a position of trust in this 192485
state under sections 2921.41 and 2921.43 of the Revised Code, or 192486
has otherwise been convicted of an offense based upon the records, 192487
reports, or audits of the auditor of state, the auditor of state 192488
or prosecutor is permitted to maintain those records to the extent 192489
they were used as the basis for the individual's disqualification 192490
or conviction, and shall not be compelled by court order to seal 192491
or expunge those records. 192492

(F) For purposes of sections 2953.31 and 2953.34 of the 192493
Revised Code, DNA records collected in the DNA database and 192494
fingerprints filed for record by the superintendent of the bureau 192495

of criminal identification and investigation shall not be sealed 192496
or expunged unless the superintendent receives a certified copy of 192497
a final court order establishing that the offender's conviction 192498
has been overturned. For purposes of this section, a court order 192499
is not "final" if time remains for an appeal or application for 192500
discretionary review with respect to the order. 192501

(G) The sealing of a record under this section does not 192502
affect the assessment of points under section 4510.036 of the 192503
Revised Code and does not erase points assessed against a person 192504
as a result of the sealed record. 192505

(H)(1) The court shall send notice of any order to seal 192506
official records issued pursuant to division (B)(3) of section 192507
2953.33 of the Revised Code to the bureau of criminal 192508
identification and investigation and shall send notice of any 192509
order issued pursuant to division (B)(4) of that section to any 192510
public office or agency that the court knows or has reason to 192511
believe may have any record of the case, whether or not it is an 192512
official record, that is the subject of the order. 192513

(2) A person whose official records have been sealed pursuant 192514
to an order issued pursuant to section 2953.33 of the Revised Code 192515
may present a copy of that order and a written request to comply 192516
with it, to a public office or agency that has a record of the 192517
case that is the subject of the order. 192518

(3) An order to seal official records issued pursuant to 192519
section 2953.33 of the Revised Code applies to every public office 192520
or agency that has a record of the case that is the subject of the 192521
order, regardless of whether it receives notice of the hearing on 192522
the application for the order to seal the official records or 192523
receives a copy of the order to seal the official records pursuant 192524
to division (H)(1) or (2) of this section. 192525

(4) Upon receiving a copy of an order to seal official 192526

records pursuant to division (H)(1) or (2) of this section or upon 192527
otherwise becoming aware of an applicable order to seal official 192528
records issued pursuant to section 2953.33 of the Revised Code, a 192529
public office or agency shall comply with the order and, if 192530
applicable, with division (K) of this section, except that it may 192531
maintain a record of the case that is the subject of the order if 192532
the record is maintained for the purpose of compiling statistical 192533
data only and does not contain any reference to the person who is 192534
the subject of the case and the order. 192535

(5) A public office or agency also may maintain an index of 192536
sealed official records, in a form similar to that for sealed 192537
records of conviction as set forth in division (C) of this 192538
section, access to which may not be afforded to any person other 192539
than the person who has custody of the sealed official records. 192540
The sealed official records to which such an index pertains shall 192541
not be available to any person, except that the official records 192542
of a case that have been sealed may be made available to the 192543
following persons for the following purposes: 192544

(a) To the person who is the subject of the records upon 192545
written application, and to any other person named in the 192546
application, for any purpose; 192547

(b) To a law enforcement officer who was involved in the 192548
case, for use in the officer's defense of a civil action arising 192549
out of the officer's involvement in that case; 192550

(c) To a prosecuting attorney or the prosecuting attorney's 192551
assistants to determine a defendant's eligibility to enter a 192552
pre-trial diversion program established pursuant to section 192553
2935.36 of the Revised Code; 192554

(d) To a prosecuting attorney or the prosecuting attorney's 192555
assistants to determine a defendant's eligibility to enter a 192556
pre-trial diversion program under division (E)(2)(b) of section 192557

4301.69 of the Revised Code. 192558

(I)(1) Upon the issuance of an order by a court pursuant to 192559
division (D)(2) of section 2953.32 of the Revised Code directing 192560
that all official records of a case pertaining to a conviction or 192561
bail forfeiture be sealed or expunged or an order by a court 192562
pursuant to division (E) of section 2151.358, division (C)(2) of 192563
section 2953.35, or division (E) of section 2953.36 of the Revised 192564
Code directing that all official records of a case pertaining to a 192565
conviction or delinquent child adjudication be expunged: 192566

(a) Every law enforcement officer who possesses investigatory 192567
work product immediately shall deliver that work product to the 192568
law enforcement officer's employing law enforcement agency. 192569

(b) Except as provided in divisions (I)(1)(c) and (d) of this 192570
section, every law enforcement agency that possesses investigatory 192571
work product shall close that work product to all persons who are 192572
not directly employed by the law enforcement agency and shall 192573
treat that work product, in relation to all persons other than 192574
those who are directly employed by the law enforcement agency, as 192575
if it did not exist and never had existed. 192576

(c) A law enforcement agency that possesses investigatory 192577
work product may permit another law enforcement agency to use that 192578
work product in the investigation of another offense if the facts 192579
incident to the offense being investigated by the other law 192580
enforcement agency and the facts incident to an offense that is 192581
the subject of the case are reasonably similar. The agency that 192582
permits the use of investigatory work product may provide the 192583
other agency with the name of the person who is the subject of the 192584
case if it believes that the name of the person is necessary to 192585
the conduct of the investigation by the other agency. 192586

(d) The auditor of state may provide to or discuss with other 192587
parties investigatory work product maintained pursuant to Chapter 192588

117. of the Revised Code by the auditor of state. 192589

(2)(a) Except as provided in divisions (I)(1)(c) and (d) of 192590
this section, no law enforcement officer or other person employed 192591
by a law enforcement agency shall knowingly release, disseminate, 192592
or otherwise make the investigatory work product or any 192593
information contained in that work product available to, or 192594
discuss any information contained in it with, any person not 192595
employed by the employing law enforcement agency. 192596

(b) No law enforcement agency, or person employed by a law 192597
enforcement agency, that receives investigatory work product 192598
pursuant to divisions (I)(1)(c) and (d) of this section shall use 192599
that work product for any purpose other than the investigation of 192600
the offense for which it was obtained from the other law 192601
enforcement agency, or disclose the name of the person who is the 192602
subject of the work product except when necessary for the conduct 192603
of the investigation of the offense, or the prosecution of the 192604
person for committing the offense, for which it was obtained from 192605
the other law enforcement agency. 192606

(3) Whoever violates division (I)(2)(a) or (b) of this 192607
section is guilty of divulging confidential investigatory work 192608
product, a misdemeanor of the fourth degree. 192609

(J)(1) Except as authorized by divisions (A) to (C) of this 192610
section or by Chapter 2950. of the Revised Code and subject to 192611
division (J)(2) of this section, any officer or employee of the 192612
state, or a political subdivision of the state, who releases or 192613
otherwise disseminates or makes available for any purpose 192614
involving employment, bonding, or licensing in connection with any 192615
business, trade, or profession to any person, or to any 192616
department, agency, or other instrumentality of the state, or any 192617
political subdivision of the state, any information or other data 192618
concerning any law enforcement or justice system matter the 192619
records with respect to which the officer or employee had 192620

knowledge of were sealed by an existing order issued pursuant to 192621
section 2953.32 of the Revised Code, division (E) of section 192622
2151.358, section 2953.35, or section 2953.36 of the Revised Code, 192623
or were expunged by an order issued pursuant to section 2953.42 of 192624
the Revised Code as it existed prior to June 29, 1988, is guilty 192625
of divulging confidential information, a misdemeanor of the fourth 192626
degree. 192627

(2) Division (J)(1) of this section does not apply to an 192628
officer or employee of the state, or a political subdivision of 192629
the state, who releases or otherwise disseminates or makes 192630
available for any purpose specified in that division any 192631
information or other data concerning a law enforcement or justice 192632
system matter the records of which the officer had knowledge were 192633
sealed or expunged by an order of a type described in that 192634
division, if all of the following apply: 192635

(a) The officer or employee released, disseminated, or made 192636
available the information or data from the sealed or expunged 192637
records together with information or data concerning another law 192638
enforcement or justice system matter. 192639

(b) The records of the other law enforcement or justice 192640
system matter were not sealed or expunged by any order of a type 192641
described in division (J)(1) of this section. 192642

(c) The law enforcement or justice system matter covered by 192643
the information or data from the sealed or expunged records and 192644
the other law enforcement or justice system matter covered by the 192645
information or data from the records that were not sealed or 192646
expunged resulted from or were connected to the same act. 192647

(d) The officer or employee made a good faith effort to not 192648
release, disseminate, or make available any information or other 192649
data concerning any law enforcement or justice system matter from 192650
the sealed or expunged records, and the officer or employee did 192651

not release, disseminate, or make available the information or 192652
other data from the sealed or expunged records with malicious 192653
purpose, in bad faith, or in a wanton or reckless manner. 192654

(3) Any person who, in violation of this section, uses, 192655
disseminates, or otherwise makes available any index prepared 192656
pursuant to division (C) of this section is guilty of a 192657
misdemeanor of the fourth degree. 192658

(K)(1) Except as otherwise provided in Chapter 2950. of the 192659
Revised Code, upon the issuance of an order by a court under 192660
division (B) of section 2953.33 of the Revised Code directing that 192661
all official records pertaining to a case be sealed and that the 192662
proceedings in the case be deemed not to have occurred: 192663

(a) Every law enforcement officer possessing records or 192664
reports pertaining to the case that are the officer's specific 192665
investigatory work product and that are excepted from the 192666
definition of official records shall immediately deliver the 192667
records and reports to the officer's employing law enforcement 192668
agency. Except as provided in division (K)(1)(c) or (d) of this 192669
section, no such officer shall knowingly release, disseminate, or 192670
otherwise make the records and reports or any information 192671
contained in them available to, or discuss any information 192672
contained in them with, any person not employed by the officer's 192673
employing law enforcement agency. 192674

(b) Every law enforcement agency that possesses records or 192675
reports pertaining to the case that are its specific investigatory 192676
work product and that are excepted from the definition of official 192677
records, or that are the specific investigatory work product of a 192678
law enforcement officer it employs and that were delivered to it 192679
under division (K)(1)(a) of this section shall, except as provided 192680
in division (K)(1)(c) or (d) of this section, close the records 192681
and reports to all persons who are not directly employed by the 192682
law enforcement agency and shall, except as provided in division 192683

(K)(1)(c) or (d) of this section, treat the records and reports, 192684
in relation to all persons other than those who are directly 192685
employed by the law enforcement agency, as if they did not exist 192686
and had never existed. Except as provided in division (K)(1)(c) or 192687
(d) of this section, no person who is employed by the law 192688
enforcement agency shall knowingly release, disseminate, or 192689
otherwise make the records and reports in the possession of the 192690
employing law enforcement agency or any information contained in 192691
them available to, or discuss any information contained in them 192692
with, any person not employed by the employing law enforcement 192693
agency. 192694

(c) A law enforcement agency that possesses records or 192695
reports pertaining to the case that are its specific investigatory 192696
work product and that are excepted from the definition of official 192697
records, or that are the specific investigatory work product of a 192698
law enforcement officer it employs and that were delivered to it 192699
under division (K)(1)(a) of this section may permit another law 192700
enforcement agency to use the records or reports in the 192701
investigation of another offense, if the facts incident to the 192702
offense being investigated by the other law enforcement agency and 192703
the facts incident to an offense that is the subject of the case 192704
are reasonably similar. The agency that provides the records and 192705
reports may provide the other agency with the name of the person 192706
who is the subject of the case, if it believes that the name of 192707
the person is necessary to the conduct of the investigation by the 192708
other agency. 192709

No law enforcement agency, or person employed by a law 192710
enforcement agency, that receives from another law enforcement 192711
agency records or reports pertaining to a case the records of 192712
which have been ordered sealed pursuant to division (B) of section 192713
2953.33 of the Revised Code shall use the records and reports for 192714
any purpose other than the investigation of the offense for which 192715

they were obtained from the other law enforcement agency, or 192716
disclose the name of the person who is the subject of the records 192717
or reports except when necessary for the conduct of the 192718
investigation of the offense, or the prosecution of the person for 192719
committing the offense, for which they were obtained from the 192720
other law enforcement agency. 192721

(d) The auditor of state may provide to or discuss with other 192722
parties records, reports, or audits maintained by the auditor of 192723
state pursuant to Chapter 117. of the Revised Code pertaining to 192724
the case that are the auditor of state's specific investigatory 192725
work product and that are excepted from the definition of 192726
"official records" contained in division (C) of section 2953.31 of 192727
the Revised Code, or that are the specific investigatory work 192728
product of a law enforcement officer the auditor of state employs 192729
and that were delivered to the auditor of state under division 192730
(K)(1)(a) of this section. 192731

(2) Whoever violates division (K)(1) of this section is 192732
guilty of divulging confidential information, a misdemeanor of the 192733
fourth degree. 192734

(L)(1) In any application for employment, license, or any 192735
other right or privilege, any appearance as a witness, or any 192736
other inquiry, a person may not be questioned with respect to any 192737
record that has been sealed pursuant to section 2953.33 of the 192738
Revised Code. If an inquiry is made in violation of this division, 192739
the person whose official record was sealed may respond as if the 192740
arrest underlying the case to which the sealed official records 192741
pertain and all other proceedings in that case did not occur, and 192742
the person whose official record was sealed shall not be subject 192743
to any adverse action because of the arrest, the proceedings, or 192744
the person's response. 192745

(2) An officer or employee of the state or any of its 192746
political subdivisions who knowingly releases, disseminates, or 192747

makes available for any purpose involving employment, bonding, 192748
licensing, or education to any person or to any department, 192749
agency, or other instrumentality of the state, or of any of its 192750
political subdivisions, any information or other data concerning 192751
any arrest, complaint, indictment, information, trial, 192752
adjudication, or correctional supervision, knowing the records of 192753
which have been sealed pursuant to section 2953.33 of the Revised 192754
Code, is guilty of divulging confidential information, a 192755
misdemeanor of the fourth degree. 192756

(M) It is not a violation of division (I), (J), (K), or (L) 192757
of this section for the bureau of criminal identification and 192758
investigation or any authorized employee of the bureau 192759
participating in the investigation of criminal activity to 192760
release, disseminate, or otherwise make available to, or discuss 192761
with, a person directly employed by a law enforcement agency DNA 192762
records collected in the DNA database or fingerprints filed for 192763
record by the superintendent of the bureau of criminal 192764
identification and investigation. 192765

(N)(1) An order issued under section 2953.35 of the Revised 192766
Code to expunge the record of a person's conviction or, except as 192767
provided in division (D) of this section, an order issued under 192768
that section to seal the record of a person's conviction restores 192769
the person who is the subject of the order to all rights and 192770
privileges not otherwise restored by termination of the sentence 192771
or community control sanction or by final release on parole or 192772
post-release control. 192773

(2)(a) In any application for employment, license, or other 192774
right or privilege, any appearance as a witness, or any other 192775
inquiry, except as provided in division (B) of this section and in 192776
section 3319.292 of the Revised Code and subject to division 192777
(N)(2)(c) of this section, a person may be questioned only with 192778
respect to convictions not sealed, bail forfeitures not expunged 192779

under section 2953.42 of the Revised Code as it existed prior to 192780
June 29, 1988, and bail forfeitures not sealed, unless the 192781
question bears a direct and substantial relationship to the 192782
position for which the person is being considered. 192783

(b) In any application for a certificate of qualification for 192784
employment under section 2953.25 of the Revised Code, a person may 192785
be questioned only with respect to convictions not sealed and bail 192786
forfeitures not sealed. 192787

(c) A person may not be questioned in any application, 192788
appearance, or inquiry of a type described in division (N)(2)(a) 192789
of this section with respect to any conviction expunged under 192790
section 2953.35 of the Revised Code. 192791

(O) Nothing in section 2953.32 or 2953.34 of the Revised Code 192792
precludes an offender from taking an appeal or seeking any relief 192793
from the offender's conviction or from relying on it in lieu of 192794
any subsequent prosecution for the same offense. 192795

Sec. 3301.01. (A) There is hereby created the state board of 192796
education consisting of nineteen members with eleven elected 192797
members, one each to be elected in accordance with section 3301.03 192798
of the Revised Code from each of the districts established in 192799
accordance with division (B) of this section, and with eight 192800
members to be appointed by the governor with the advice and 192801
consent of the senate. 192802

In addition to the nineteen elected or appointed members, the 192803
chairperson of the committee of the senate that primarily deals 192804
with education and the chairperson of the committee of the house 192805
of representatives that primarily deals with education shall be 192806
nonvoting ex officio members of the board. 192807

(B)(1) The territory of each state board of education 192808
district for each elected voting member of the board shall consist 192809

of the territory of three contiguous senate districts as 192810
established in the most recent apportionment for members of the 192811
general assembly, but the territory of no senate district shall be 192812
part of the territory of more than one state board of education 192813
district. Each state board of education district shall be as 192814
compact as practicable. The districts shall include, when 192815
practicable, some districts that primarily consist of territory in 192816
rural areas and some districts that primarily consist of territory 192817
in urban areas. 192818

(2) If, after the apportionment for members of the general 192819
assembly is made in any year, the general assembly does not during 192820
that year enact legislation establishing state board of education 192821
districts in accordance with division (B)(1) of this section, the 192822
governor shall designate the boundaries of the districts in 192823
accordance with division (B)(1) of this section no later than the 192824
thirty-first day of January of the year next succeeding such 192825
apportionment. Upon making such designation, the governor shall 192826
give written notice of the boundaries of the districts to each 192827
member of the state board of education, including the nonvoting ex 192828
officio members; the superintendent of public instruction; the 192829
director of education and workforce; the president of the senate; 192830
the speaker of the house of representatives; and the board of 192831
elections of each county in each new district. On the first day of 192832
February in any year in which the governor designates the 192833
boundaries of state board of education districts under this 192834
section, the state board of education districts as they existed 192835
prior to that date shall cease to exist and the new districts 192836
shall be created. 192837

Sec. 3301.07. The ~~state board~~ director of education and 192838
workforce shall exercise under the acts of the general assembly 192839
general supervision of the system of public education in the 192840
state. In addition to the powers otherwise imposed on the ~~state~~ 192841

~~board~~ director under the provisions of law, the ~~board~~ director shall have the powers described in this section.

(A) The ~~state-board~~ director shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law.

(B)(1) The ~~state-board~~ director shall exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the ~~board~~ department of education and workforce to school districts and educational service centers of this state.

(2) The ~~state-board~~ director also shall develop a standard of financial reporting which shall be used by each school district board of education and each governing board of an educational service center, each governing authority of a community school established under Chapter 3314., each governing body of a STEM school established under Chapter ~~3328.~~ 3326., and each board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code to make its financial information and annual budgets for each school building under its control available to the public in a format understandable by the average citizen. The format shall show, both at the district and at the school building level, revenue by source; expenditures for salaries, wages, and benefits of employees, showing such amounts separately for classroom teachers, other employees required to hold licenses issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, and all other employees; expenditures other than

for personnel, by category, including utilities, textbooks and 192874
other educational materials, equipment, permanent improvements, 192875
pupil transportation, extracurricular athletics, and other 192876
extracurricular activities; and per pupil expenditures. The format 192877
shall also include information on total revenue and expenditures, 192878
per pupil revenue, and expenditures for both classroom and 192879
nonclassroom purposes, as defined by the standards adopted under 192880
section 3302.20 of the Revised Code in the aggregate and for each 192881
subgroup of students, as defined by section 3317.40 of the Revised 192882
Code, that receives services provided for by state or federal 192883
funding. 192884

(3) Each school district board, governing authority, 192885
governing body, or board of trustees, or its respective designee, 192886
shall annually report, to the department ~~of education~~, all 192887
financial information required by the standards for financial 192888
reporting, as prescribed by division (B)(2) of this section and 192889
adopted by the ~~state board~~ director. The department shall make all 192890
reports submitted pursuant to this division available in such a 192891
way that allows for comparison between financial information 192892
included in these reports and financial information included in 192893
reports produced prior to July 1, 2013. The department shall post 192894
these reports in a prominent location on its web site and shall 192895
notify each school when reports are made available. 192896

(C) The ~~state board~~ director shall administer and supervise 192897
the allocation and distribution of all state and federal funds for 192898
public school education under the provisions of law, and may 192899
prescribe such systems of accounting as are necessary and proper 192900
to this function. It may require county auditors and treasurers, 192901
boards of education, educational service center governing boards, 192902
treasurers of such boards, teachers, and other school officers and 192903
employees, or other public officers or employees, to file with it 192904
such reports as it may prescribe relating to such funds, or to the 192905

management and condition of such funds. 192906

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 192907
XLVII, and LI of the Revised Code a reference is made to standards 192908
prescribed under this section or division (D) of this section, 192909
that reference shall be construed to refer to the standards 192910
prescribed under division (D)(2) of this section, unless the 192911
context specifically indicates a different meaning or intent. 192912

(2) The ~~state board~~ director shall formulate and prescribe 192913
minimum standards to be applied to all elementary and secondary 192914
schools in this state for the purpose of providing children access 192915
to a general education of high quality according to the learning 192916
needs of each individual, including students with disabilities, 192917
economically disadvantaged students, English learners, and 192918
students identified as gifted. Such standards shall provide 192919
adequately for: ~~the licensing of a requirement that~~ teachers, 192920
administrators, and other professional personnel be licensed by 192921
the state board of education and their assignment assigned 192922
according to training and qualifications; efficient and effective 192923
instructional materials and equipment, including library 192924
facilities; the proper organization, administration, and 192925
supervision of each school, including regulations for preparing 192926
all necessary records and reports and the preparation of a 192927
statement of policies and objectives for each school; the 192928
provision of safe buildings, grounds, health and sanitary 192929
facilities and services; admission of pupils, and such 192930
requirements for their promotion from grade to grade as will 192931
assure that they are capable and prepared for the level of study 192932
to which they are certified; and requirements for graduation; ~~and~~ 192933
~~such other factors as the board finds necessary.~~ The minimum 192934
standards the director adopts under this section are limited to 192935
powers and duties that are expressly prescribed and authorized in 192936
statute. 192937

The ~~state board~~ director shall base any standards governing 192938
the promotion of students or requirements for graduation on the 192939
ability of students, at any grade level, to earn credits or 192940
advance upon demonstration of mastery of knowledge and skills 192941
through competency-based learning models. Credits of grade level 192942
advancement shall not require a minimum number of days or hours in 192943
a classroom. 192944

The ~~state board~~ director shall base any standards governing 192945
the assignment of staff on ensuring each school has a sufficient 192946
number of teachers to ensure a student has an appropriate level of 192947
interaction to meet each student's personal learning goals. 192948

In the formulation and administration of such standards for 192949
nonpublic schools the ~~board~~ director shall also consider the 192950
particular needs, methods and objectives of those schools, 192951
provided they do not conflict with the provision of a general 192952
education of a high quality and provided that regular procedures 192953
shall be followed for promotion from grade to grade of pupils who 192954
have met the educational requirements prescribed. 192955

(3) In addition to the minimum standards required by division 192956
(D)(2) of this section, the ~~state board~~ director may formulate and 192957
prescribe the following additional minimum operating standards for 192958
school districts: 192959

(a) Standards for the effective and efficient organization, 192960
administration, and supervision of each school district with a 192961
commitment to high expectations for every student based on the 192962
learning needs of each individual, including students with 192963
disabilities, economically disadvantaged students, English 192964
learners, and students identified as gifted, and commitment to 192965
closing the achievement gap without suppressing the achievement 192966
levels of higher achieving students so that all students achieve 192967
core knowledge and skills in accordance with the statewide 192968
academic standards adopted under section 3301.079 of the Revised 192969

Code;	192970
(b) Standards for the establishment of business advisory councils under section 3313.82 of the Revised Code;	192971 192972
(c) Standards for school district buildings that may require the effective and efficient organization, administration, and supervision of each school district building with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, English learners, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code.	192973 192974 192975 192976 192977 192978 192979 192980 192981 192982 192983
(E) The state board <u>director</u> may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and joint vocational school district boards of education;	192984 192985 192986 192987 192988 192989
(F) The state board <u>director</u> shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level.	192990 192991 192992 192993 192994 192995
(G) The state board <u>director</u> shall prepare and submit to the director of budget and management the biennial budgetary requests of the state board of education, for department and its agencies divisions and for the public schools of the state.	192996 192997 192998 192999
(H) The state board <u>director</u> shall cooperate with federal,	193000

state, and local agencies concerned with the health and welfare of 193001
children and youth of the state. 193002

(I) The ~~state board~~ director shall require such reports from 193003
school districts and educational service centers, school officers, 193004
and employees as are necessary and desirable. The superintendents 193005
and treasurers of school districts and educational service centers 193006
shall certify as to the accuracy of all reports required by 193007
statutory law or ~~state board or state department of education~~ 193008
director's rules to be submitted by the district or educational 193009
service center and which contain information necessary for 193010
calculation of state funding. Any superintendent who knowingly 193011
falsifies such report shall be subject to license revocation 193012
pursuant to section 3319.31 of the Revised Code. 193013

(J) In accordance with Chapter 119. of the Revised Code, the 193014
~~state board~~ director shall adopt procedures, standards, and 193015
guidelines for the education of children with disabilities 193016
pursuant to Chapter 3323. of the Revised Code, including 193017
procedures, standards, and guidelines governing programs and 193018
services operated by county boards of developmental disabilities 193019
pursuant to section 3323.09 of the Revised Code. 193020

(K) For the purpose of encouraging the development of special 193021
programs of education for academically gifted children, the ~~state~~ 193022
~~board~~ director shall employ competent persons to analyze and 193023
publish data, promote research, advise and counsel with boards of 193024
education, and encourage the training of teachers in the special 193025
instruction of gifted children. The ~~board~~ director may provide 193026
financial assistance out of any funds appropriated for this 193027
purpose to boards of education and educational service center 193028
governing boards for developing and conducting programs of 193029
education for academically gifted children. 193030

(L) The ~~state board~~ director shall require that all public 193031
schools emphasize and encourage, within existing units of study, 193032

the teaching of energy and resource conservation as recommended to 193033
each district board of education by leading business persons 193034
involved in energy production and conservation, beginning in the 193035
primary grades. 193036

(M) The ~~state board~~ director shall formulate and prescribe 193037
minimum standards requiring the use of phonics as a technique in 193038
the teaching of reading in grades kindergarten through three. In 193039
addition, the ~~state board~~ director shall provide in-service 193040
training programs for teachers on the use of phonics as a 193041
technique in the teaching of reading in grades kindergarten 193042
through three. 193043

(N) The ~~state board~~ director may adopt rules necessary for 193044
carrying out any function imposed on ~~it~~ the director by law, and 193045
may provide rules as are necessary for ~~its government and the~~ 193046
government of the department and its employees, and may delegate 193047
to ~~the superintendent of public instruction~~ any deputy director 193048
the management and administration of any function imposed on ~~it~~ 193049
the director by law. ~~It may provide for the appointment of board~~ 193050
~~members to serve on temporary committees established by the board~~ 193051
~~for such purposes as are necessary. Permanent or standing~~ 193052
~~committees shall not be created.~~ 193053

(O) Upon application from the board of education of a school 193054
district, the ~~superintendent of public instruction~~ director may 193055
issue a waiver exempting the district from compliance with the 193056
standards adopted under divisions (B)(2) and (D) of this section, 193057
as they relate to the operation of a school operated by the 193058
district. The ~~state board~~ director shall adopt standards for the 193059
approval or disapproval of waivers under this division. The ~~state~~ 193060
~~superintendent~~ director shall consider every application for a 193061
waiver, and shall determine whether to grant or deny a waiver in 193062
accordance with the ~~state board's~~ those standards. For each waiver 193063
granted, the ~~state superintendent~~ director shall specify the 193064

period of time during which the waiver is in effect, which shall 193065
not exceed five years. A district board may apply to renew a 193066
waiver. 193067

Sec. 3301.071. (A)(1) In the case of nontax-supported 193068
schools, standards for teacher certification prescribed under 193069
section 3301.07 of the Revised Code shall provide for 193070
certification, without further educational requirements, of any 193071
administrator, supervisor, or teacher who has attended and 193072
received a bachelor's degree from a college or university 193073
accredited by a national or regional association in the United 193074
States except that, at the discretion of the state board of 193075
education, this requirement may be met by having an equivalent 193076
degree from a foreign college or university of comparable 193077
standing. 193078

(2) In the case of nonchartered, nontax-supported schools, 193079
the standards for teacher certification prescribed under section 193080
3301.07 of the Revised Code shall provide for certification, 193081
without further educational requirements, of any administrator, 193082
supervisor, or teacher who has attended and received a diploma 193083
from a "bible college" or "bible institute" described in division 193084
(E) of section 1713.02 of the Revised Code. 193085

(3) A certificate issued under division (A)(3) of this 193086
section shall be valid only for teaching foreign language, music, 193087
religion, computer technology, or fine arts. 193088

Notwithstanding division (A)(1) of this section, the 193089
standards for teacher certification prescribed under section 193090
3301.07 of the Revised Code shall provide for certification of a 193091
person as a teacher upon receipt by the state board of an 193092
affidavit signed by the chief administrative officer of a 193093
chartered nonpublic school seeking to employ the person, stating 193094
that the person meets one of the following conditions: 193095

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction. 193096
193097

(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school. 193098
193099
193100

(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit. 193101
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(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the ~~state board~~ director of education and workforce under section 3301.16 of the Revised Code shall pay a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education certification fund established under division (B) of section 3319.51 of the Revised Code. 193104
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(C) A person applying for or holding any certificate pursuant to this section for purposes of serving in a nonpublic school chartered by the ~~state board~~ director is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code. 193113
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(D) Divisions (B) and (C) of this section and sections 3319.291, 3319.31, and 3319.311 of the Revised Code do not apply to any administrators, supervisors, or teachers in nonchartered, nontax-supported schools. 193119
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Sec. 3301.072. The ~~state board~~ department of education and workforce shall establish continuing prog3301.072rams of in-service training in school district budget and finance for 193123
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superintendents of schools or their designees, business managers, 193126
members of boards of education, and treasurers of boards of 193127
education for the purpose of enhancing their background and 193128
working knowledge of government accounting, state and federal laws 193129
relating to school district budgeting and financing, financial 193130
report preparation, rules of the auditor of state, and budget and 193131
accounting management. 193132

The manner and content of each training program shall be 193133
determined and provided by the ~~state board of education~~ department 193134
after consultation with the department of taxation and the auditor 193135
of state. The ~~state board~~ department may enter into contracts with 193136
the department of taxation and the auditor of state to supply, at 193137
cost, any assistance required to enable the ~~board~~ department of 193138
education and workforce to perform its duties under this section. 193139

Each school district superintendent or ~~his~~ designee of a 193140
superintendent, treasurer or treasurer pro tempore, and business 193141
manager shall attend one training program provided under this 193142
section each year. 193143

Sec. 3301.075. The ~~state board~~ director of education and 193144
workforce shall adopt rules governing the purchasing and leasing 193145
of data processing services and equipment for all local, exempted 193146
village, city, and joint vocational school districts and all 193147
educational service centers. Such rules shall include provisions 193148
for the establishment of an Ohio education computer network under 193149
procedures, guidelines, and specifications of the department of 193150
education and workforce. 193151

The department shall administer funds appropriated for the 193152
Ohio education computer network to ensure its efficient and 193153
economical operation and shall approve no more than twenty-seven 193154
information technology centers to operate concurrently. Such 193155
centers shall be approved for funding in accordance with rules ~~of~~ 193156

~~the state board~~ adopted under this section that shall ~~provide for~~ 193157
~~the superintendent of public instruction~~ to require the membership 193158
of each information technology center to be composed of 193159
combinations of school districts and educational service centers 193160
having sufficient students to support an efficient, economical 193161
comprehensive program of computer services to member districts and 193162
educational service centers. However, no such rule shall prohibit 193163
a school district or educational service center from receiving 193164
computer services from any information technology center 193165
established under this section or from any other public or private 193166
vendor. Each information technology center shall be organized in 193167
accordance with section 3313.92 or Chapter 167. of the Revised 193168
Code. 193169

The department may approve and administer funding for 193170
programs to provide technical support, maintenance, consulting, 193171
and group purchasing services for information technology centers, 193172
school districts, educational service centers, and other client 193173
entities or governmental entities served in accordance with rules 193174
adopted by the department or as otherwise authorized by law, and 193175
to deliver to schools programs operated by the infOhio network and 193176
the technology solutions group of the management council of the 193177
Ohio education computer network. 193178

Sec. 3301.076. No information technology center established 193179
under section 3301.075 of the Revised Code shall be required to 193180
maintain an operating reserve account or fund or minimum cash 193181
balance. This section does not affect any sinking fund or other 193182
capital improvement fund the center may be required to maintain as 193183
a condition by law or contract relative to the issuance of 193184
securities. Any rule ~~of the state board of education~~ or other 193185
regulation or guideline of the department of education and 193186
workforce that conflicts with this section is void. 193187

Sec. 3301.078. (A) No official or board of this state, 193188
whether appointed or elected, shall enter into any agreement or 193189
memorandum of understanding with any federal or private entity 193190
that would require the state to cede any measure of control over 193191
the development, adoption, or revision of academic content 193192
standards. 193193

(B) No funds appropriated from the general revenue fund shall 193194
be used to purchase an assessment developed by the partnership for 193195
assessment of readiness for college and careers for use as the 193196
assessments prescribed under sections 3301.0710 and 3301.0712 of 193197
the Revised Code. 193198

(C) The department of education and workforce shall request 193199
that each assessment vendor contracted by the department provide 193200
an analysis explaining how questions on each of the assessments 193201
prescribed under section 3301.0710 of the Revised Code and the 193202
end-of-course examinations prescribed under division (B)(2) of 193203
section 3301.0712 of the Revised Code developed by that vendor are 193204
aligned to the academic content standards adopted under section 193205
3301.079 of the Revised Code. The analysis shall be provided 193206
annually to all school districts and schools for all grade levels 193207
for which assessments are prescribed under sections 3301.0710 and 193208
3301.0712 of the Revised Code. ~~The analysis shall be produced~~ 193209
~~beginning with the 2019-2020 school year and for each school year~~ 193210
~~thereafter.~~ 193211

(D) The department shall request that each assessment vendor 193212
described in division (C) of this section provide information and 193213
materials to school districts and schools for assistance with the 193214
state achievement assessments. The information and materials shall 193215
include practice assessments and other preparatory materials. The 193216
information and materials shall be distributed annually to 193217
districts and schools ~~beginning with the 2019-2020 school year and~~ 193218

~~for each school year thereafter.~~ 193219

Sec. 3301.079. (A)(1) The ~~state board~~ department of education 193220
and workforce periodically shall adopt statewide academic 193221
standards with emphasis on coherence, focus, and essential 193222
knowledge and that are more challenging and demanding when 193223
compared to international standards for each of grades 193224
kindergarten through twelve in English language arts, mathematics, 193225
science, and social studies. 193226

(a) The ~~state board~~ department shall ensure that the 193227
standards do all of the following: 193228

(i) Include the essential academic content and skills that 193229
students are expected to know and be able to do at each grade 193230
level that will allow each student to be prepared for 193231
postsecondary instruction and the workplace for success in the 193232
twenty-first century; 193233

(ii) Include the development of skill sets that promote 193234
information, media, and technological literacy; 193235

(iii) Include interdisciplinary, project-based, real-world 193236
learning opportunities; 193237

(iv) Instill life-long learning by providing essential 193238
knowledge and skills based in the liberal arts tradition, as well 193239
as science, technology, engineering, mathematics, and 193240
career-technical education; 193241

(v) Be clearly written, transparent, and understandable by 193242
parents, educators, and the general public. 193243

(b) ~~Not later than July 1, 2012, the state board~~ The 193244
department shall incorporate into the social studies standards for 193245
grades four to twelve academic content regarding the original 193246
texts of the Declaration of Independence, the Northwest Ordinance, 193247
the Constitution of the United States and its amendments, with 193248

emphasis on the Bill of Rights, and the Ohio Constitution, and 193249
their original context. The ~~state-board~~ department shall revise 193250
the model curricula and achievement assessments adopted under 193251
divisions (B) and (C) of this section as necessary to reflect the 193252
additional American history and American government content. The 193253
~~state-board~~ department shall make available a list of suggested 193254
grade-appropriate supplemental readings that place the documents 193255
prescribed by this division in their historical context, which 193256
teachers may use as a resource to assist students in reading the 193257
documents within that context. 193258

(c) When the ~~state-board~~ department adopts or revises 193259
academic content standards in social studies, American history, 193260
American government, or science under division (A)(1) of this 193261
section, ~~the state-board~~ it shall develop such standards 193262
independently and not as part of a multistate consortium. 193263

(2) After completing the standards required by division 193264
(A)(1) of this section, the ~~state-board~~ department shall adopt 193265
standards and model curricula for instruction in technology, 193266
financial literacy and entrepreneurship, fine arts, and foreign 193267
language for grades kindergarten through twelve. The standards 193268
shall meet the same requirements prescribed in division (A)(1)(a) 193269
of this section. 193270

(3) The ~~state-board~~ department shall adopt the most recent 193271
standards developed by the national association for sport and 193272
physical education for physical education in grades kindergarten 193273
through twelve or shall adopt its own standards for physical 193274
education in those grades and revise and update them periodically. 193275

The department ~~of education~~ shall employ a full-time physical 193276
education coordinator to provide guidance and technical assistance 193277
to districts, community schools, and STEM schools in implementing 193278
the physical education standards adopted under this division. The 193279
~~superintendent~~ director of ~~public instruction~~ education and 193280

workforce shall determine that the person employed as coordinator 193281
is qualified for the position, as demonstrated by possessing an 193282
adequate combination of education, license, and experience. 193283

(4) ~~Not later than September 30, 2022, the state board~~ The 193284
department shall update the standards and model curriculum for 193285
instruction in computer science in grades kindergarten through 193286
twelve, which shall include standards for introductory and 193287
advanced computer science courses in grades nine through twelve. 193288
When developing the standards and curriculum, the ~~state board~~ 193289
department shall consider recommendations from computer science 193290
education stakeholder groups, including teachers and 193291
representatives from higher education, industry, computer science 193292
organizations in Ohio, and national computer science 193293
organizations. 193294

Any district or school may utilize the computer science 193295
standards or model curriculum or any part thereof adopted pursuant 193296
to division (A)(4) of this section. However, no district or school 193297
shall be required to utilize all or any part of the standards or 193298
curriculum. 193299

(5) When academic standards have been completed for any 193300
subject area required by this section, the ~~state board~~ department 193301
shall inform all school districts, all community schools 193302
established under Chapter 3314. of the Revised Code, all STEM 193303
schools established under Chapter 3326. of the Revised Code, and 193304
all nonpublic schools required to administer the assessments 193305
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 193306
of the content of those standards. Additionally, upon completion 193307
of any academic standards under this section, the department shall 193308
post those standards on the department's web site. 193309

(B)(1) The ~~state board~~ department shall adopt a model 193310
curriculum for instruction in each subject area for which updated 193311
academic standards are required by division (A)(1) of this section 193312

and for each of grades kindergarten through twelve that is 193313
sufficient to meet the needs of students in every community. The 193314
model curriculum shall be aligned with the standards, to ensure 193315
that the academic content and skills specified for each grade 193316
level are taught to students, and shall demonstrate vertical 193317
articulation and emphasize coherence, focus, and rigor. When any 193318
model curriculum has been completed, the ~~state board~~ department 193319
shall inform all school districts, community schools, and STEM 193320
schools of the content of that model curriculum. 193321

(2) ~~Not later than June 30, 2013, the state board, in~~ 193322
~~consultation with any office housed in the governor's office that~~ 193323
~~deals with workforce development, The department, in consultation~~ 193324
~~with the governor's office of workforce transformation, shall~~ 193325
adopt model curricula for grades kindergarten through twelve that 193326
embed career connection learning strategies into regular classroom 193327
instruction. 193328

(3) All school districts, community schools, and STEM schools 193329
may utilize the state standards and the model curriculum 193330
established by the ~~state board~~ department, together with other 193331
relevant resources, examples, or models to ensure that students 193332
have the opportunity to attain the academic standards. Upon 193333
request, the department shall provide technical assistance to any 193334
district, community school, or STEM school in implementing the 193335
model curriculum. 193336

Nothing in this section requires any school district to 193337
utilize all or any part of a model curriculum developed under this 193338
section. 193339

(C) The ~~state board~~ department shall develop achievement 193340
assessments aligned with the academic standards and model 193341
curriculum for each of the subject areas and grade levels required 193342
by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised 193343
Code. 193344

When any achievement assessment has been completed, the ~~state~~ 193345
~~board~~ department shall inform all school districts, community 193346
schools, STEM schools, and nonpublic schools required to 193347
administer the assessment of its completion, and the department 193348
shall make the achievement assessment available to the districts 193349
and schools. 193350

(D)(1) The ~~state board~~ department shall adopt a diagnostic 193351
assessment aligned with the academic standards and model 193352
curriculum for each of grades kindergarten through two in reading, 193353
writing, and mathematics and for grade three in reading and 193354
writing. The diagnostic assessment shall be designed to measure 193355
student comprehension of academic content and mastery of related 193356
skills for the relevant subject area and grade level. Any 193357
diagnostic assessment shall not include components to identify 193358
gifted students. Blank copies of diagnostic assessments shall be 193359
public records. 193360

(2) When each diagnostic assessment has been completed, the 193361
~~state board~~ department shall inform all school districts of its 193362
completion and ~~the department shall~~ make the diagnostic assessment 193363
available to the districts at no cost to the district. 193364

(3) School districts shall administer the diagnostic 193365
assessment pursuant to section 3301.0715 of the Revised Code 193366
beginning the first school year following the development of the 193367
assessment. 193368

However, beginning with the 2017-2018 school year, both of 193369
the following shall apply: 193370

(a) In the case of the diagnostic assessments for grades one 193371
or two in writing or mathematics or for grade three in writing, a 193372
school district shall not be required to administer any such 193373
assessment, but may do so at the discretion of the district board; 193374

(b) In the case of any diagnostic assessment that is not for 193375

the grade levels and subject areas specified in division (D)(3)(a) 193376
of this section, each school district shall administer the 193377
assessment in the manner prescribed by section 3301.0715 of the 193378
Revised Code. 193379

(E) The ~~state board~~ department shall not adopt a diagnostic 193380
or achievement assessment for any grade level or subject area 193381
other than those specified in this section. 193382

(F) Whenever the ~~state board or the~~ department consults with 193383
persons for the purpose of drafting or reviewing any standards, 193384
diagnostic assessments, achievement assessments, or model 193385
curriculum required under this section, the ~~state board or the~~ 193386
department shall first consult with parents of students in 193387
kindergarten through twelfth grade and with active Ohio classroom 193388
teachers, other school personnel, and administrators with 193389
expertise in the appropriate subject area. Whenever practicable, 193390
the ~~state board and~~ department shall consult with teachers 193391
recognized as outstanding in their fields. 193392

If the department contracts with more than one outside entity 193393
for the development of the achievement assessments required by 193394
this section, the department shall ensure the interchangeability 193395
of those assessments. 193396

(G) Whenever the ~~state board~~ department adopts standards or 193397
model curricula under this section, the department also shall 193398
provide information on the use of blended, online, or digital 193399
learning in the delivery of the standards or curricula to students 193400
in accordance with division (A)(5) of this section. 193401

(H) The fairness sensitivity review committee, ~~established by~~ 193402
~~rule of the state board of education,~~ of the department shall not 193403
allow any question on any achievement or diagnostic assessment 193404
developed under this section or any proficiency test prescribed by 193405
former section 3301.0710 of the Revised Code, as it existed prior 193406

to September 11, 2001, to include, be written to promote, or 193407
inquire as to individual moral or social values or beliefs. The 193408
decision of the committee shall be final. This section does not 193409
create a private cause of action. 193410

(I) Not later than sixty days prior to the adoption ~~by the~~ 193411
~~state board~~ of updated academic standards under division (A)(1) of 193412
this section or updated model curricula under division (B)(1) of 193413
this section, the ~~superintendent~~ director of ~~public instruction~~ 193414
education and workforce shall present the academic standards or 193415
model curricula, as applicable, in person at a public hearing of 193416
the respective committees of the house of representatives and 193417
senate that consider education legislation. 193418

(J) As used in this section: 193419

(1) "Blended learning" means the delivery of instruction in a 193420
combination of time primarily in a supervised physical location 193421
away from home and online delivery whereby the student has some 193422
element of control over time, place, path, or pace of learning and 193423
includes noncomputer-based learning opportunities. 193424

(2) "Online learning" means students work primarily from 193425
their residences on assignments delivered via an internet- or 193426
other computer-based instructional method. 193427

(3) "Coherence" means a reflection of the structure of the 193428
discipline being taught. 193429

(4) "Digital learning" means learning facilitated by 193430
technology that gives students some element of control over time, 193431
place, path, or pace of learning. 193432

(5) "Focus" means limiting the number of items included in a 193433
curriculum to allow for deeper exploration of the subject matter. 193434

(6) "Vertical articulation" means key academic concepts and 193435
skills associated with mastery in particular content areas should 193436

be articulated and reinforced in a developmentally appropriate 193437
manner at each grade level so that over time students acquire a 193438
depth of knowledge and understanding in the core academic 193439
disciplines. 193440

Sec. 3301.0710. The ~~state board~~ department of education and 193441
workforce shall adopt rules establishing a statewide program to 193442
assess student achievement. The ~~state board~~ department shall 193443
ensure that all assessments administered under the program are 193444
aligned with the academic standards and model curricula adopted by 193445
the ~~state board~~ department and are created with input from Ohio 193446
parents, Ohio classroom teachers, Ohio school administrators, and 193447
other Ohio school personnel pursuant to section 3301.079 of the 193448
Revised Code. 193449

The assessment program shall be designed to ensure that 193450
students who receive a high school diploma demonstrate at least 193451
high school levels of achievement in English language arts, 193452
mathematics, science, and social studies. 193453

(A)(1) The ~~state board~~ department shall prescribe all of the 193454
following: 193455

(a) Two statewide achievement assessments, one each designed 193456
to measure the level of English language arts and mathematics 193457
skill expected at the end of third grade; 193458

(b) Two statewide achievement assessments, one each designed 193459
to measure the level of English language arts and mathematics 193460
skill expected at the end of fourth grade; 193461

(c) Three statewide achievement assessments, one each 193462
designed to measure the level of English language arts, 193463
mathematics, and science skill expected at the end of fifth grade; 193464

(d) Two statewide achievement assessments, one each designed 193465
to measure the level of English language arts and mathematics 193466

skill expected at the end of sixth grade; 193467

(e) Two statewide achievement assessments, one each designed 193468
to measure the level of English language arts and mathematics 193469
skill expected at the end of seventh grade; 193470

(f) Three statewide achievement assessments, one each 193471
designed to measure the level of English language arts, 193472
mathematics, and science skill expected at the end of eighth 193473
grade. 193474

(2) The ~~state board~~ department shall determine and designate 193475
at least five ranges of scores on each of the achievement 193476
assessments described in divisions (A)(1) and (B)(1) of this 193477
section. Each range of scores shall be deemed to demonstrate a 193478
level of achievement so that any student attaining a score within 193479
such range has achieved one of the following: 193480

(a) An advanced level of skill; 193481

(b) An accomplished level of skill; 193482

(c) A proficient level of skill; 193483

(d) A basic level of skill; 193484

(e) A limited level of skill. 193485

(3) For the purpose of implementing division (A) of section 193486
3313.608 of the Revised Code, the ~~state board~~ department shall 193487
determine and designate a level of achievement, not lower than the 193488
level designated in division (A)(2)(e) of this section, on the 193489
third grade English language arts assessment for a student to be 193490
promoted to the fourth grade. The ~~state board~~ department shall 193491
review and adjust upward the level of achievement designated under 193492
this division each year the test is administered until the level 193493
is set equal to the level designated in division (A)(2)(c) of this 193494
section. The level of achievement designated under this division 193495
shall be equal to the level designated in division (A)(2)(c) of 193496

this section not later than July 1, 2024. 193497

(4) Each school district or school shall teach and assess 193498
social studies in at least the fourth and sixth grades. Any 193499
assessment in such area shall be determined by the district or 193500
school and may be formative or summative in nature. The results of 193501
such assessment shall not be reported to the department ~~of~~ 193502
~~education.~~ 193503

(B)(1) The assessments prescribed under division (B)(1) of 193504
this section shall collectively be known as the Ohio graduation 193505
tests. ~~The state board shall prescribe~~ Those tests shall consist 193506
of five statewide high school achievement assessments, one each 193507
designed to measure the level of reading, writing, mathematics, 193508
science, and social studies skill expected at the end of tenth 193509
grade. The ~~state board~~ department shall designate a score in at 193510
least the range designated under division (A)(2)(c) of this 193511
section on each such assessment that shall be deemed to be a 193512
passing score on the assessment as a condition toward granting 193513
high school diplomas under sections 3313.61, 3313.611, 3313.612, 193514
and 3325.08 of the Revised Code until the assessment system 193515
prescribed by section 3301.0712 of the Revised Code is implemented 193516
in accordance with division (B)(2) of this section. 193517

(2) The ~~state board~~ department shall prescribe an assessment 193518
system in accordance with section 3301.0712 of the Revised Code 193519
that shall replace the Ohio graduation tests beginning with 193520
students who enter the ninth grade for the first time on or after 193521
July 1, 2014. 193522

(3) The ~~state board~~ department may enter into a reciprocal 193523
agreement with the appropriate body or agency of any other state 193524
that has similar statewide achievement assessment requirements for 193525
receiving high school diplomas, under which any student who has 193526
met an achievement assessment requirement of one state is 193527
recognized as having met the similar requirement of the other 193528

state for purposes of receiving a high school diploma. For 193529
purposes of this section and sections 3301.0711 and 3313.61 of the 193530
Revised Code, any student enrolled in any public high school in 193531
this state who has met an achievement assessment requirement 193532
specified in a reciprocal agreement entered into under this 193533
division shall be deemed to have attained at least the applicable 193534
score designated under this division on each assessment required 193535
by division (B)(1) or (2) of this section that is specified in the 193536
agreement. 193537

(C) The ~~superintendent of public instruction~~ director of 193538
education and workforce shall designate dates and times for the 193539
administration of the assessments prescribed by divisions (A) and 193540
(B) of this section. 193541

In prescribing administration dates pursuant to this 193542
division, the ~~superintendent~~ director shall designate the dates in 193543
such a way as to allow a reasonable length of time between the 193544
administration of assessments prescribed under this section and 193545
any administration of the national assessment of educational 193546
progress given to students in the same grade level pursuant to 193547
section 3301.27 of the Revised Code or federal law. 193548

(D) The ~~state board~~ department shall prescribe a practice 193549
version of each Ohio graduation test described in division (B)(1) 193550
of this section that is of comparable length to the actual test. 193551

(E) Any committee established by the department ~~of education~~ 193552
for the purpose of making recommendations ~~to the state board~~ 193553
regarding the ~~state board's~~ designation of scores on the 193554
assessments described by this section shall inform the ~~state board~~ 193555
department of the probable percentage of students who would score 193556
in each of the ranges established under division (A)(2) of this 193557
section on the assessments if the committee's recommendations are 193558
adopted by the ~~state board~~ department. To the extent possible, 193559
these percentages shall be disaggregated by gender, major racial 193560

and ethnic groups, English learners, economically disadvantaged 193561
students, students with disabilities, and migrant students. 193562

Sec. 3301.0711. (A) The department of education and workforce 193563
shall: 193564

(1) Annually furnish to, grade, and score all assessments 193565
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 193566
the Revised Code to be administered by city, local, exempted 193567
village, and joint vocational school districts, except that each 193568
district shall score any assessment administered pursuant to 193569
division (B)(10) of this section. Each assessment so furnished 193570
shall include the data verification code of the student to whom 193571
the assessment will be administered, as assigned pursuant to 193572
division (D)(2) of section 3301.0714 of the Revised Code. In 193573
furnishing the practice versions of Ohio graduation tests 193574
prescribed by division (D) of section 3301.0710 of the Revised 193575
Code, the department shall make the tests available on its web 193576
site for reproduction by districts. In awarding contracts for 193577
grading assessments, the department shall give preference to 193578
Ohio-based entities employing Ohio residents. 193579

(2) Adopt rules for the ethical use of assessments and 193580
prescribing the manner in which the assessments prescribed by 193581
section 3301.0710 of the Revised Code shall be administered to 193582
students. 193583

(B) Except as provided in divisions (C) and (J) of this 193584
section, the board of education of each city, local, and exempted 193585
village school district shall, in accordance with rules adopted 193586
under division (A) of this section: 193587

(1) Administer the English language arts assessments 193588
prescribed under division (A)(1)(a) of section 3301.0710 of the 193589
Revised Code twice annually to all students in the third grade who 193590
have not attained the score designated for that assessment under 193591

division (A)(2)(c) of section 3301.0710 of the Revised Code. 193592

(2) Administer the mathematics assessment prescribed under 193593
division (A)(1)(a) of section 3301.0710 of the Revised Code at 193594
least once annually to all students in the third grade. 193595

(3) Administer the assessments prescribed under division 193596
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 193597
annually to all students in the fourth grade. 193598

(4) Administer the assessments prescribed under division 193599
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 193600
annually to all students in the fifth grade. 193601

(5) Administer the assessments prescribed under division 193602
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 193603
annually to all students in the sixth grade. 193604

(6) Administer the assessments prescribed under division 193605
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 193606
annually to all students in the seventh grade. 193607

(7) Administer the assessments prescribed under division 193608
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 193609
annually to all students in the eighth grade. 193610

(8) Except as provided in division (B)(9) of this section, 193611
administer any assessment prescribed under division (B)(1) of 193612
section 3301.0710 of the Revised Code as follows: 193613

(a) At least once annually to all tenth grade students and at 193614
least twice annually to all students in eleventh or twelfth grade 193615
who have not yet attained the score on that assessment designated 193616
under that division; 193617

(b) To any person who has successfully completed the 193618
curriculum in any high school or the individualized education 193619
program developed for the person by any high school pursuant to 193620
section 3323.08 of the Revised Code but has not received a high 193621

school diploma and who requests to take such assessment, at any 193622
time such assessment is administered in the district. 193623

(9) In lieu of the board of education of any city, local, or 193624
exempted village school district in which the student is also 193625
enrolled, the board of a joint vocational school district shall 193626
administer any assessment prescribed under division (B)(1) of 193627
section 3301.0710 of the Revised Code at least twice annually to 193628
any student enrolled in the joint vocational school district who 193629
has not yet attained the score on that assessment designated under 193630
that division. A board of a joint vocational school district may 193631
also administer such an assessment to any student described in 193632
division (B)(8)(b) of this section. 193633

(10) If the district has a three-year average graduation rate 193634
of not more than seventy-five per cent, administer each assessment 193635
prescribed by division (D) of section 3301.0710 of the Revised 193636
Code in September to all ninth grade students who entered ninth 193637
grade prior to July 1, 2014. 193638

Except as provided in section 3313.614 of the Revised Code 193639
for administration of an assessment to a person who has fulfilled 193640
the curriculum requirement for a high school diploma but has not 193641
passed one or more of the required assessments, the assessments 193642
prescribed under division (B)(1) of section 3301.0710 of the 193643
Revised Code shall not be administered after the date specified in 193644
the rules adopted ~~by the state board of education~~ under division 193645
(D)(1) of section 3301.0712 of the Revised Code. 193646

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of 193647
this section, administer the assessments prescribed by division 193648
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 193649
Code in accordance with the timeline and plan for implementation 193650
of those assessments prescribed by rule ~~of the state board~~ adopted 193651
under division (D)(1) of section 3301.0712 of the Revised Code; 193652

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(c) A student shall not be required to retake the Algebra I end-of-course examination or the English language arts II end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code in grades nine through twelve if the student demonstrates at least a proficient level of skill, as prescribed under division (B)(5)(a) of that section, or achieves a competency score, as prescribed under division (B)(10) of that section, in an administration of the examination prior to grade nine.

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the

department ~~of education~~ as conforming to requirements of federal 193685
law for receipt of federal funds for disadvantaged pupils. To the 193686
extent possible, the individualized education program shall not 193687
excuse the student from taking an assessment unless no reasonable 193688
accommodation can be made to enable the student to take the 193689
assessment. No board shall prohibit a student who is not required 193690
to take an assessment under division (C)(1) of this section from 193691
taking the assessment. 193692

(b) Any alternate assessment approved by the department for a 193693
student under this division shall produce measurable results 193694
comparable to those produced by the assessment it replaces in 193695
order to allow for the student's results to be included in the 193696
data compiled for a school district or building under section 193697
3302.03 of the Revised Code. 193698

(c)(i) Any student enrolled in a chartered nonpublic school 193699
who has been identified, based on an evaluation conducted in 193700
accordance with section 3323.03 of the Revised Code or section 504 193701
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 193702
794, as amended, as a child with a disability shall be excused 193703
from taking any particular assessment required to be administered 193704
under this section if either of the following apply: 193705

(I) A plan developed for the student pursuant to rules 193706
adopted by the ~~state board~~ department excuses the student from 193707
taking that assessment. 193708

(II) The chartered nonpublic school develops a written plan 193709
in which the school, in consultation with the student's parents, 193710
determines that an assessment or alternative assessment with 193711
accommodations does not accurately assess the student's academic 193712
performance. The plan shall include an academic profile of the 193713
student's academic performance and shall be reviewed annually to 193714
determine if the student's needs continue to require excusal from 193715
taking the assessment. 193716

(ii) A student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the ~~state board~~ department not later than the thirtieth day of June.

(3) As used in this division, "English learner" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except as follows:

(a) Any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any English learner who has been enrolled in United States schools for less than one full school year shall not be

required to take any reading, writing, or English language arts assessment. 193748
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However, no board shall prohibit an English learner who is 193750
not required to take an assessment under division (C)(3) of this 193751
section from taking the assessment. A board may permit any English 193752
learner to take an assessment required to be administered under 193753
this section with appropriate accommodations, as determined by the 193754
department. For each English learner, each school district shall 193755
annually assess that student's progress in learning English, in 193756
accordance with procedures approved by the department. 193757

(4)(a) The governing authority of a chartered nonpublic 193758
school may excuse an English learner from taking any assessment 193759
administered under this section. 193760

(b) No governing authority shall require an English learner 193761
who has been enrolled in United States schools for less than two 193762
years and for whom no appropriate accommodations are available 193763
based on guidance issued by the department to take the assessment 193764
prescribed under division (B)(1) of section 3301.0712 of the 193765
Revised Code. 193766

(c) No governing authority shall prohibit an English learner 193767
from taking an assessment from which the student was excused under 193768
division (C)(4) of this section. 193769

(D)(1) In the school year next succeeding the school year in 193770
which the assessments prescribed by division (A)(1) or (B)(1) of 193771
section 3301.0710 of the Revised Code or former division (A)(1), 193772
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 193773
existed prior to September 11, 2001, are administered to any 193774
student, the board of education of any school district in which 193775
the student is enrolled in that year shall provide to the student 193776
intervention services commensurate with the student's performance, 193777
including any intensive intervention required under section 193778

3313.608 of the Revised Code, in any skill in which the student 193779
failed to demonstrate at least a score at the proficient level on 193780
the assessment. 193781

(2) Following any administration of the assessments 193782
prescribed by division (D) of section 3301.0710 of the Revised 193783
Code to ninth grade students, each school district that has a 193784
three-year average graduation rate of not more than seventy-five 193785
per cent shall determine for each high school in the district 193786
whether the school shall be required to provide intervention 193787
services to any students who took the assessments. In determining 193788
which high schools shall provide intervention services based on 193789
the resources available, the district shall consider each school's 193790
graduation rate and scores on the practice assessments. The 193791
district also shall consider the scores received by ninth grade 193792
students on the English language arts and mathematics assessments 193793
prescribed under division (A)(1)(f) of section 3301.0710 of the 193794
Revised Code in the eighth grade in determining which high schools 193795
shall provide intervention services. 193796

Each high school selected to provide intervention services 193797
under this division shall provide intervention services to any 193798
student whose results indicate that the student is failing to make 193799
satisfactory progress toward being able to attain scores at the 193800
proficient level on the Ohio graduation tests. Intervention 193801
services shall be provided in any skill in which a student 193802
demonstrates unsatisfactory progress and shall be commensurate 193803
with the student's performance. Schools shall provide the 193804
intervention services prior to the end of the school year, during 193805
the summer following the ninth grade, in the next succeeding 193806
school year, or at any combination of those times. 193807

(E) Except as provided in section 3313.608 of the Revised 193808
Code and division (N) of this section, no school district board of 193809
education shall utilize any student's failure to attain a 193810

specified score on an assessment administered under this section 193811
as a factor in any decision to deny the student promotion to a 193812
higher grade level. However, a district board may choose not to 193813
promote to the next grade level any student who does not take an 193814
assessment administered under this section or make up an 193815
assessment as provided by division (C)(2) of this section and who 193816
is not exempt from the requirement to take the assessment under 193817
division (C)(3) of this section. 193818

(F) No person shall be charged a fee for taking any 193819
assessment administered under this section. 193820

(G)(1) Each school district board shall designate one 193821
location for the collection of assessments administered in the 193822
spring under division (B)(1) of this section and those 193823
administered under divisions (B)(2) to (7) of this section. Each 193824
district board shall submit the assessments to the entity with 193825
which the department contracts for the scoring of the assessments 193826
as follows: 193827

(a) If the district's total enrollment in grades kindergarten 193828
through twelve during the first full school week of October was 193829
less than two thousand five hundred, not later than the Friday 193830
after all of the assessments have been administered; 193831

(b) If the district's total enrollment in grades kindergarten 193832
through twelve during the first full school week of October was 193833
two thousand five hundred or more, but less than seven thousand, 193834
not later than the Monday after all of the assessments have been 193835
administered; 193836

(c) If the district's total enrollment in grades kindergarten 193837
through twelve during the first full school week of October was 193838
seven thousand or more, not later than the Tuesday after all of 193839
the assessments have been administered. 193840

However, any assessment that a student takes during the 193841

make-up period described in division (C)(2) of this section shall 193842
be submitted not later than the Friday following the day the 193843
student takes the assessment. 193844

(2) The department or an entity with which the department 193845
contracts for the scoring of the assessment shall send to each 193846
school district board a list of the individual scores of all 193847
persons taking a state achievement assessment as follows: 193848

(a) Except as provided in division (G)(2)(b) or (c) of this 193849
section, within forty-five days after the administration of the 193850
assessments prescribed by sections 3301.0710 and 3301.0712 of the 193851
Revised Code, but in no case shall the scores be returned later 193852
than the thirtieth day of June following the administration; 193853

(b) In the case of the third-grade English language arts 193854
assessment, within forty-five days after the administration of 193855
that assessment, but in no case shall the scores be returned later 193856
than the fifteenth day of June following the administration; 193857

(c) In the case of the writing component of an assessment or 193858
end-of-course examination in the area of English language arts, 193859
except for the third-grade English language arts assessment, the 193860
results may be sent after forty-five days of the administration of 193861
the writing component, but in no case shall the scores be returned 193862
later than the thirtieth day of June following the administration. 193863

(3) For assessments administered under this section by a 193864
joint vocational school district, the department or entity shall 193865
also send to each city, local, or exempted village school district 193866
a list of the individual scores of any students of such city, 193867
local, or exempted village school district who are attending 193868
school in the joint vocational school district. 193869

(4) Beginning with the 2019-2020 school year, a school 193870
district, other public school, or chartered nonpublic school may 193871
administer the third-grade English language arts or mathematics 193872

assessment, or both, in a paper format in any school year for 193873
which the district board of education or school governing body 193874
adopts a resolution indicating that the district or school chooses 193875
to administer the assessment in a paper format. The board or 193876
governing body shall submit a copy of the resolution to the 193877
department of education and workforce not later than the first day 193878
of May prior to the school year for which it will apply. If the 193879
resolution is submitted, the district or school shall administer 193880
the assessment in a paper format to all students in the third 193881
grade, except that any student whose individualized education 193882
program or plan developed under section 504 of the "Rehabilitation 193883
Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies 193884
that taking the assessment in an online format is an appropriate 193885
accommodation for the student may take the assessment in an online 193886
format. 193887

(H) Individual scores on any assessments administered under 193888
this section shall be released by a district board only in 193889
accordance with section 3319.321 of the Revised Code and the rules 193890
adopted under division (A) of this section. No district board or 193891
its employees shall utilize individual or aggregate results in any 193892
manner that conflicts with rules for the ethical use of 193893
assessments adopted pursuant to division (A) of this section. 193894

(I) Except as provided in division (G) of this section, the 193895
department or an entity with which the department contracts for 193896
the scoring of the assessment shall not release any individual 193897
scores on any assessment administered under this section. The 193898
~~state board~~ department shall adopt rules to ensure the protection 193899
of student confidentiality at all times. The rules may require the 193900
use of the data verification codes assigned to students pursuant 193901
to division (D)(2) of section 3301.0714 of the Revised Code to 193902
protect the confidentiality of student scores. 193903

(J) Notwithstanding division (D) of section 3311.52 of the 193904

Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the ~~state board~~ department shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

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

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

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1)(a) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at

least sixty-five per cent of its total enrollment is made up of 193936
students who are participating in state scholarship programs shall 193937
administer the assessments prescribed by division (A) of section 193938
3301.0710 of the Revised Code or an alternative standardized 193939
assessment determined by the department. In accordance with 193940
procedures and deadlines prescribed by the department, the parent 193941
or guardian of a student enrolled in the school who is not 193942
participating in a state scholarship program may submit notice to 193943
the chief administrative officer of the school that the parent or 193944
guardian does not wish to have the student take the assessments 193945
prescribed for the student's grade level under division (A) of 193946
section 3301.0710 of the Revised Code. If a parent or guardian 193947
submits an opt-out notice, the school shall not administer the 193948
assessments to that student. This option does not apply to any 193949
assessment required for a high school diploma under section 193950
3313.612 of the Revised Code. 193951

(b) Any chartered nonpublic school that enrolls students who 193952
are participating in state scholarship programs may administer an 193953
alternative standardized assessment determined by the department 193954
instead of the assessments prescribed by division (A) of section 193955
3301.0710 of the Revised Code. 193956

Each chartered nonpublic school subject to division (K)(1)(a) 193957
or (b) of this section shall report the results of each assessment 193958
administered under those divisions to the department. 193959

(2) A chartered nonpublic school may submit to the 193960
~~superintendent of public instruction~~ director of education and 193961
workforce a request for a waiver from administering the elementary 193962
assessments prescribed by division (A) of section 3301.0710 of the 193963
Revised Code. The ~~state superintendent~~ director shall approve or 193964
disapprove a request for a waiver submitted under division (K)(2) 193965
of this section. ~~No waiver shall be approved for any school year~~ 193966
~~prior to the 2015-2016 school year.~~ 193967

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 193968
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(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 193970
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(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years. 193979
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(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 193982
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(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the ~~superintendent of public instruction~~ director prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department. 193988
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(4) The department ~~of education~~ shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the department under section 3313.619 of the Revised Code. However, a student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(2) For a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states, and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of

this section, for a student who is enrolled in a chartered 194032
nonpublic school that is not accredited through the independent 194033
schools association of the central states, regardless of whether 194034
the student is attending or is not attending the school under a 194035
state scholarship program, the student shall do one of the 194036
following: 194037

(i) Take all of the assessments prescribed by division (B) of 194038
section 3301.0712 of the Revised Code; 194039

(ii) Take only the assessment prescribed by division (B)(1) 194040
of section 3301.0712 of the Revised Code, provided that the 194041
student's school publishes the results of that assessment for each 194042
graduating class. The published results of that assessment shall 194043
include the overall composite scores, mean scores, twenty-fifth 194044
percentile scores, and seventy-fifth percentile scores for each 194045
subject area of the assessment. 194046

(iii) Take an alternative assessment approved by the 194047
department under section 3313.619 of the Revised Code. 194048

(b) A student who is excused from taking an assessment under 194049
division (C) of this section or has presented evidence to the 194050
chartered nonpublic school of having satisfied the condition 194051
prescribed by division (A)(1) of section 3313.618 of the Revised 194052
Code to qualify for a high school diploma prior to the date of the 194053
administration of the assessment prescribed under division (B)(1) 194054
of section 3301.0712 of the Revised Code shall not be required to 194055
take that assessment. No governing authority of a chartered 194056
nonpublic school shall prohibit a student who is not required to 194057
take such assessment from taking the assessment. 194058

(4) The assessments prescribed by sections 3301.0712 and 194059
3313.619 of the Revised Code shall not be administered to any 194060
student attending the school, if the school meets all of the 194061
following conditions: 194062

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of ~~education~~ and in conformity with division (C)(1)(a) of this section.

(2) The department ~~of education~~ shall furnish the assessments 194095
described by sections 3301.0710 and 3301.0712 of the Revised Code 194096
to each superintendent. 194097

(N) Notwithstanding division (E) of this section, a school 194098
district may use a student's failure to attain a score in at least 194099
the proficient range on the mathematics assessment described by 194100
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 194101
an assessment described by division (A)(1)(b), (c), (d), (e), or 194102
(f) of section 3301.0710 of the Revised Code as a factor in 194103
retaining that student in the current grade level. 194104

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 194105
and (7) of this section, the assessments required by division 194106
(A)(1) of section 3301.0710 of the Revised Code shall become 194107
public records pursuant to section 149.43 of the Revised Code on 194108
the thirty-first day of July following the school year that the 194109
assessments were administered. 194110

(2) The department may field test proposed questions with 194111
samples of students to determine the validity, reliability, or 194112
appropriateness of questions for possible inclusion in a future 194113
year's assessment. The department also may use anchor questions on 194114
assessments to ensure that different versions of the same 194115
assessment are of comparable difficulty. 194116

Field test questions and anchor questions shall not be 194117
considered in computing scores for individual students. Field test 194118
questions and anchor questions may be included as part of the 194119
administration of any assessment required by division (A)(1) or 194120
(B) of section 3301.0710 and division (B) of section 3301.0712 of 194121
the Revised Code. 194122

(3) Any field test question or anchor question administered 194123
under division (O)(2) of this section shall not be a public 194124
record. Such field test questions and anchor questions shall be 194125

redacted from any assessments which are released as a public 194126
record pursuant to division (O)(1) of this section. 194127

(4) This division applies to the assessments prescribed by 194128
division (A) of section 3301.0710 of the Revised Code. 194129

(a) The first administration of each assessment, as specified 194130
in former section 3301.0712 of the Revised Code, shall be a public 194131
record. 194132

(b) For subsequent administrations of each assessment prior 194133
to the 2011-2012 school year, not less than forty per cent of the 194134
questions on the assessment that are used to compute a student's 194135
score shall be a public record. The department shall determine 194136
which questions will be needed for reuse on a future assessment 194137
and those questions shall not be public records and shall be 194138
redacted from the assessment prior to its release as a public 194139
record. However, for each redacted question, the department shall 194140
inform each city, local, and exempted village school district of 194141
the statewide academic standard adopted ~~by the state board~~ under 194142
section 3301.079 of the Revised Code and the corresponding 194143
benchmark to which the question relates. The preceding sentence 194144
does not apply to field test questions that are redacted under 194145
division (O)(3) of this section. 194146

(c) The administrations of each assessment in the 2011-2012, 194147
2012-2013, and 2013-2014 school years shall not be a public 194148
record. 194149

(5) Each assessment prescribed by division (B)(1) of section 194150
3301.0710 of the Revised Code shall not be a public record. 194151

(6)(a) Except as provided in division (O)(6)(b) of this 194152
section, for the administrations in the 2014-2015, 2015-2016, and 194153
2016-2017 school years, questions on the assessments prescribed 194154
under division (A) of section 3301.0710 and division (B)(2) of 194155
section 3301.0712 of the Revised Code and the corresponding 194156

preferred answers that are used to compute a student's score shall 194157
become a public record as follows: 194158

(i) Forty per cent of the questions and preferred answers on 194159
the assessments on the thirty-first day of July following the 194160
administration of the assessment; 194161

(ii) Twenty per cent of the questions and preferred answers 194162
on the assessment on the thirty-first day of July one year after 194163
the administration of the assessment; 194164

(iii) The remaining forty per cent of the questions and 194165
preferred answers on the assessment on the thirty-first day of 194166
July two years after the administration of the assessment. 194167

The entire content of an assessment shall become a public 194168
record within three years of its administration. 194169

The department shall make the questions that become a public 194170
record under this division readily accessible to the public on the 194171
department's web site. Questions on the spring administration of 194172
each assessment shall be released on an annual basis, in 194173
accordance with this division. 194174

(b) No questions and corresponding preferred answers shall 194175
become a public record under division (O)(6) of this section after 194176
July 31, 2017. 194177

(7) Division (O)(7) of this section applies to the 194178
assessments prescribed by division (A) of section 3301.0710 and 194179
division (B)(2) of section 3301.0712 of the Revised Code. 194180

Beginning with the assessments administered in the spring of 194181
the 2017-2018 school year, not less than forty per cent of the 194182
questions on each assessment that are used to compute a student's 194183
score shall be a public record. The department shall determine 194184
which questions will be needed for reuse on a future assessment 194185
and those questions shall not be public records and shall be 194186

redacted from the assessment prior to its release as a public 194187
record. However, for each redacted question, the department shall 194188
inform each city, local, and exempted village school district of 194189
the corresponding statewide academic standard adopted ~~by the state~~ 194190
~~board~~ under section 3301.079 of the Revised Code and the 194191
corresponding benchmark to which the question relates. The 194192
department is not required to provide corresponding standards and 194193
benchmarks to field test questions that are redacted under 194194
division (O)(3) of this section. 194195

(P) As used in this section: 194196

(1) "Three-year average" means the average of the most recent 194197
consecutive three school years of data. 194198

(2) "Dropout" means a student who withdraws from school 194199
before completing course requirements for graduation and who is 194200
not enrolled in an education program approved by the ~~state board~~ 194201
~~of education~~ department or an education program outside the state. 194202
"Dropout" does not include a student who has departed the country. 194203

(3) "Graduation rate" means the ratio of students receiving a 194204
diploma to the number of students who entered ninth grade four 194205
years earlier. Students who transfer into the district are added 194206
to the calculation. Students who transfer out of the district for 194207
reasons other than dropout are subtracted from the calculation. If 194208
a student who was a dropout in any previous year returns to the 194209
same school district, that student shall be entered into the 194210
calculation as if the student had entered ninth grade four years 194211
before the graduation year of the graduating class that the 194212
student joins. 194213

(4) "State scholarship programs" means the educational choice 194214
scholarship pilot program established under sections 3310.01 to 194215
3310.17 of the Revised Code, the autism scholarship program 194216
established under section 3310.41 of the Revised Code, the Jon 194217

Peterson special needs scholarship program established under 194218
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 194219
project scholarship program established under sections 3313.974 to 194220
3313.979 of the Revised Code. 194221

(5) "Other public school" means a community school 194222
established under Chapter 3314., a STEM school established under 194223
Chapter 3326., or a college-preparatory boarding school 194224
established under Chapter 3328. of the Revised Code. 194225

Sec. 3301.0712. (A) The ~~state board of education, the~~ 194226
~~superintendent of public instruction, department of education and~~ 194227
workforce and the chancellor of higher education shall develop a 194228
system of college and work ready assessments as described in 194229
division (B) of this section to assess whether each student upon 194230
graduating from high school is ready to enter college or the 194231
workforce. Beginning with students who enter the ninth grade for 194232
the first time on or after July 1, 2014, the system shall replace 194233
the Ohio graduation tests prescribed in division (B)(1) of section 194234
3301.0710 of the Revised Code as a measure of student academic 194235
performance and one determinant of eligibility for a high school 194236
diploma in the manner prescribed by rule ~~of the state board~~ 194237
adopted under division (D) of this section. 194238

(B) The college and work ready assessment system shall 194239
consist of the following: 194240

(1)(a) Except as provided in division (B)(1)(b) of this 194241
section, nationally standardized assessments that measure college 194242
and career readiness and are used for college admission. The 194243
assessments shall be selected jointly by the ~~state superintendent~~ 194244
department and the chancellor, and one of which shall be selected 194245
by each school district or school to administer to its students. 194246
The assessments prescribed under division (B)(1) of this section 194247
shall be administered to all eleventh-grade students in the spring 194248

of the school year. 194249

(b) Beginning with students who enter the ninth grade for the 194250
first time on or after ~~the first day of July immediately following~~ 194251
~~the effective date of this amendment 1, 2022~~, the parent or 194252
guardian of a student may elect not to have a nationally 194253
standardized assessment administered to that student. In that 194254
event, the student's school district or school shall not 194255
administer the nationally standardized assessment to that student. 194256

(2)(a) Except as provided in division (B)(2)(b) of this 194257
section, seven end-of-course examinations, one in each of the 194258
areas of English language arts I, English language arts II, 194259
science, Algebra I, geometry, American history, and American 194260
government. The end-of-course examinations shall be selected 194261
jointly by the ~~state superintendent~~ department and the chancellor 194262
in consultation with faculty in the appropriate subject areas at 194263
institutions of higher education of the university system of Ohio. 194264
Advanced placement examinations and international baccalaureate 194265
examinations, as prescribed under section 3313.6013 of the Revised 194266
Code, in the areas of science, American history, and American 194267
government may be used as end-of-course examinations in accordance 194268
with division (B)(4)(a)(i) of this section. Final course grades 194269
for courses taken under any other advanced standing program, as 194270
prescribed under section 3313.6013 of the Revised Code, in the 194271
areas of science, American history, and American government may be 194272
used in lieu of end-of-course examinations in accordance with 194273
division (B)(4)(a)(ii) of this section. 194274

(b) Beginning with students who enter ninth grade for the 194275
first time on or after July 1, 2019, five end-of-course 194276
examinations, one in each areas of English language arts II, 194277
science, Algebra I, American history, and American government. 194278
However, only the end-of-course examinations in English language 194279
arts II and Algebra I shall be required for graduation. 194280

The department of ~~education~~ shall, as necessary to implement 194281
division (B)(2)(b) of this section, seek a waiver from the United 194282
States secretary of education for testing requirements prescribed 194283
under federal law to allow for the use and implementation of 194284
Algebra I as the primary assessment of high school mathematics. If 194285
the department does not receive a waiver under this division, the 194286
end-of-course examinations for students described in division 194287
(B)(2)(b) of this section also shall include an end-of-course 194288
examination in the area of geometry. However, the geometry 194289
end-of-course examination shall not be required for graduation. 194290

~~(3)(a) Not later than July 1, 2013, each school district 194291
board of education shall adopt interim end-of course examinations 194292
that comply with the requirements of divisions (B)(3)(b)(i) and 194293
(ii) of this section to assess mastery of American history and 194294
American government standards adopted under division (A)(1)(b) of 194295
section 3301.079 of the Revised Code and the topics required under 194296
division (M) of section 3313.603 of the Revised Code. Each high 194297
school of the district shall use the interim examinations until 194298
the state superintendent and chancellor select end of course 194299
examinations in American history and American government under 194300
division (B)(2) of this section. 194301~~

~~(b) Not later than July 1, 2014, the state superintendent and 194302
the chancellor shall select the end of course examinations in 194303
American history and American government. 194304~~

~~(i) (3) The end-of-course examinations in American history 194305
and American government shall require demonstration of mastery of 194306
the American history and American government content for social 194307
studies standards adopted under division (A)(1)(b) of section 194308
3301.079 of the Revised Code and the topics required under 194309
division (M) of section 3313.603 of the Revised Code. 194310~~

~~(ii) At least twenty per cent of the end-of-course 194311
examination in American government shall address the topics on 194312~~

American history and American government described in division (M) 194313
of section 3313.603 of the Revised Code. 194314

(4)(a) Notwithstanding anything to the contrary in this 194315
section, ~~beginning with the 2014-2015 school year,~~ both of the 194316
following shall apply: 194317

(i) If a student is enrolled in an appropriate advanced 194318
placement or international baccalaureate course, that student 194319
shall take the advanced placement or international baccalaureate 194320
examination in lieu of the science, American history, or American 194321
government end-of-course examinations prescribed under division 194322
(B)(2) of this section. The ~~state board~~ department shall specify 194323
the score levels for each advanced placement examination and 194324
international baccalaureate examination for purposes of 194325
calculating the minimum cumulative performance score that 194326
demonstrates the level of academic achievement necessary to earn a 194327
high school diploma. 194328

(ii) If a student is enrolled in an appropriate course under 194329
any other advanced standing program, as described in section 194330
3313.6013 of the Revised Code, that student shall not be required 194331
to take the science, American history, or American government 194332
end-of-course examination, whichever is applicable, prescribed 194333
under division (B)(2) of this section. Instead, that student's 194334
final course grade shall be used in lieu of the applicable 194335
end-of-course examination prescribed under that section. The ~~state~~ 194336
~~superintendent~~ department, in consultation with the chancellor, 194337
shall adopt guidelines for purposes of calculating the 194338
corresponding final course grades that demonstrate the level of 194339
academic achievement necessary to earn a high school diploma. 194340

Division (B)(4)(a)(ii) of this section shall apply only to 194341
courses for which students receive transcribed credit, as defined 194342
in section 3365.01 of the Revised Code. It shall not apply to 194343
remedial or developmental courses. 194344

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The ~~state board~~ department shall consider additional assessments that may be used, ~~beginning with the 2016-2017 school year,~~ as substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The ~~state board~~ department shall do all of the following:

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Not later than sixty days after the designation of ranges of scores, the ~~state superintendent, or the state superintendent's designee,~~ director of education and workforce shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation regarding the designated range of scores. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:

(i) An advanced level of skill;

(ii) An accomplished level of skill;

(iii) A proficient level of skill;

(iv) A basic level of skill;

(v) A limited level of skill.

(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's

end-of-course examinations or substitute examinations; 194375

(c) Determine the minimum cumulative performance score that 194376
demonstrates the level of academic achievement necessary to earn a 194377
high school diploma under division (A)(2) of section 3313.618 of 194378
the Revised Code. However, ~~the state board shall not determine a~~ 194379
no new minimum cumulative performance score shall be determined 194380
after October 17, 2019. 194381

(d) Develop a table of corresponding score equivalents for 194382
the end-of-course examinations and substitute examinations in 194383
order to calculate student performance consistently across the 194384
different examinations. 194385

A score of two on an advanced placement examination or a 194386
score of two or three on an international baccalaureate 194387
examination shall be considered equivalent to a proficient level 194388
of skill as specified under division (B)(5)(a)(iii) of this 194389
section. 194390

(6)(a) A student who meets both of the following conditions 194391
shall not be required to take an end-of-course examination: 194392

(i) The student received high school credit prior to July 1, 194393
2015, for a course for which the end-of-course examination is 194394
prescribed. 194395

(ii) The examination was not available for administration 194396
prior to July 1, 2015. 194397

Receipt of credit for the course described in division 194398
(B)(6)(a)(i) of this section shall satisfy the requirement to take 194399
the end-of-course examination. A student exempted under division 194400
(B)(6)(a) of this section may take the applicable end-of-course 194401
examination at a later date. 194402

(b) For purposes of determining whether a student who is 194403
exempt from taking an end-of-course examination under division 194404

(B)(6)(a) of this section has attained the cumulative score 194405
prescribed by division (B)(5)(c) of this section, such student 194406
shall select either of the following: 194407

(i) The student is considered to have attained a proficient 194408
score on the end-of-course examination from which the student is 194409
exempt; 194410

(ii) The student's final course grade shall be used in lieu 194411
of a score on the end-of-course examination from which the student 194412
is exempt. 194413

The ~~state superintendent~~ department, in consultation with the 194414
chancellor, shall adopt guidelines for purposes of calculating the 194415
corresponding final course grades and the minimum cumulative 194416
performance score that demonstrates the level of academic 194417
achievement necessary to earn a high school diploma. 194418

(7)(a) Notwithstanding anything to the contrary in this 194419
section, the ~~state board~~ department may replace the algebra I 194420
end-of-course examination prescribed under division (B)(2) of this 194421
section with an algebra II end-of-course examination, beginning 194422
with the 2016-2017 school year for students who enter ninth grade 194423
on or after July 1, 2016. 194424

(b) If the ~~state board~~ department replaces the algebra I 194425
end-of-course examination with an algebra II end-of-course 194426
examination as authorized under division (B)(7)(a) of this 194427
section, both of the following shall apply: 194428

(i) A student who is enrolled in an advanced placement or 194429
international baccalaureate course in algebra II shall take the 194430
advanced placement or international baccalaureate examination in 194431
lieu of the algebra II end-of-course examination. 194432

(ii) A student who is enrolled in an algebra II course under 194433
any other advanced standing program, as described in section 194434
3313.6013 of the Revised Code, shall not be required to take the 194435

algebra II end-of-course examination. Instead, that student's 194436
final course grade shall be used in lieu of the examination. 194437

(c) If a school district or school utilizes an integrated 194438
approach to mathematics instruction, the district or school may do 194439
either or both of the following: 194440

(i) Administer an integrated mathematics I end-of-course 194441
examination in lieu of the prescribed algebra I end-of-course 194442
examination; 194443

(ii) Administer an integrated mathematics II end-of-course 194444
examination in lieu of the prescribed geometry end-of-course 194445
examination. 194446

(8)(a) For students entering the ninth grade for the first 194447
time on or after July 1, 2014, but prior to July 1, 2015, the 194448
assessment in the area of science shall be physical science or 194449
biology. For students entering the ninth grade for the first time 194450
on or after July 1, 2015, the assessment in the area of science 194451
shall be biology. 194452

(b) Until July 1, 2019, the department shall make available 194453
the end-of-course examination in physical science for students who 194454
entered the ninth grade for the first time on or after July 1, 194455
2014, but prior to July 1, 2015, and who wish to retake the 194456
examination. 194457

(c) ~~Not later than July 1, 2016, the state board~~ The 194458
department shall adopt rules prescribing the requirements for the 194459
end-of-course examination in science for students who entered the 194460
ninth grade for the first time on or after July 1, 2014, but prior 194461
to July 1, 2015, and who have not met the requirement prescribed 194462
by section 3313.618 of the Revised Code by July 1, 2019, due to a 194463
student's failure to satisfy division (A)(2) of section 3313.618 194464
of the Revised Code. 194465

(9) ~~Neither the state board nor the~~ The department of 194466

education shall not develop or administer an end-of-course examination in the area of world history. 194467
194468

(10) ~~Not later than March 1, 2020, the~~ The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility. 194469
194470
194471
194472
194473

(C) The ~~state board~~ department shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section. 194474
194475
194476
194477
194478

(D) Upon completion of the development of the assessment system, the ~~state board~~ department shall adopt rules prescribing all of the following: 194479
194480
194481

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the ~~state board~~ department determines such a phase-in is warranted; 194482
194483
194484

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 194485
194486
194487

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code; 194488
194489
194490
194491
194492

(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school 194493
194494
194495
194496
194497

diploma under division (B) of section 3313.614 of the Revised Code; 194498
194499

(5) The extent to which the assessment system applies to 194500
students enrolled in a dropout recovery and prevention program for 194501
purposes of division (F) of section 3313.603 and section 3314.36 194502
of the Revised Code. 194503

~~(E) Not later than forty five days prior to the state board's 194504
adoption of a resolution directing the department to file the 194505
rules prescribed by division (D) of this section in final form 194506
under section 119.04 of the Revised Code, the superintendent of 194507
public instruction shall present the assessment system developed 194508
under this section to the respective committees of the house of 194509
representatives and senate that consider education legislation. 194510~~

~~(F)(1)(E)(1)~~ Any person enrolled in a nonchartered nonpublic 194511
school or any person who ~~has been excused~~ is exempt from 194512
attendance at school for the purpose of home ~~instruction~~ education 194513
under section ~~3321.04~~3321.042 of the Revised Code may choose to 194514
participate in the system of assessments administered under 194515
divisions (B)(1) and (2) of this section. However, no such person 194516
shall be required to participate in the system of assessments. 194517

(2) The department shall adopt rules for the administration 194518
and scoring of any assessments under division ~~(F)(1)(E)(1)~~ of this 194519
section. 194520
194521

~~(G) Not later than December 31, 2014, the state board~~ (F) The 194522
department shall select at least one nationally recognized job 194523
skills assessment. Each school district shall administer that 194524
assessment to those students who opt to take it. The ~~state~~ 194525
department shall reimburse a school district for the costs of 194526
administering that assessment. The ~~state board~~ department shall 194527
establish the minimum score a student must attain on the job 194528

skills assessment in order to demonstrate a student's workforce 194529
readiness and employability. The administration of the job skills 194530
assessment to a student under this division shall not exempt a 194531
school district from administering the assessments prescribed in 194532
division (B) of this section to that student. 194533

Sec. 3301.0713. The department of education and workforce 194534
shall establish an education management information system 194535
advisory council. The council shall make recommendations to the 194536
~~superintendent of public instruction~~ department to improve the 194537
operation of the education management information system 194538
established under section 3301.0714 of the Revised Code and shall 194539
provide a forum for communication and collaboration between the 194540
department and parties affected by the collection, reporting, and 194541
use of the system's data. Members of the council shall include 194542
department staff and representatives of school districts and other 194543
entities that regularly interact with data from the education 194544
management information system. 194545

Sec. 3301.0714. (A) The ~~state board~~ department of education 194546
and workforce shall adopt rules for a statewide education 194547
management information system. The rules shall require the ~~state~~ 194548
~~board~~ department to establish guidelines for the establishment and 194549
maintenance of the system in accordance with this section and the 194550
rules adopted under this section. The guidelines shall include: 194551

(1) Standards identifying and defining the types of data in 194552
the system in accordance with divisions (B) and (C) of this 194553
section; 194554

(2) Procedures for annually collecting and reporting the data 194555
to the ~~state board~~ department in accordance with division (D) of 194556
this section; 194557

(3) Procedures for annually compiling the data in accordance 194558

with division (G) of this section; 194559

(4) Procedures for annually reporting the data to the public 194560
in accordance with division (H) of this section; 194561

(5) Standards to provide strict safeguards to protect the 194562
confidentiality of personally identifiable student data. 194563

(B) The guidelines adopted under this section shall require 194564
the data maintained in the education management information system 194565
to include at least the following: 194566

(1) Student participation and performance data, for each 194567
grade in each school district as a whole and for each grade in 194568
each school building in each school district, that includes: 194569

(a) The numbers of students receiving each category of 194570
instructional service offered by the school district, such as 194571
regular education instruction, vocational education instruction, 194572
specialized instruction programs or enrichment instruction that is 194573
part of the educational curriculum, instruction for gifted 194574
students, instruction for students with disabilities, and remedial 194575
instruction. The guidelines shall require instructional services 194576
under this division to be divided into discrete categories if an 194577
instructional service is limited to a specific subject, a specific 194578
type of student, or both, such as regular instructional services 194579
in mathematics, remedial reading instructional services, 194580
instructional services specifically for students gifted in 194581
mathematics or some other subject area, or instructional services 194582
for students with a specific type of disability. The categories of 194583
instructional services required by the guidelines under this 194584
division shall be the same as the categories of instructional 194585
services used in determining cost units pursuant to division 194586
(C)(3) of this section. 194587

(b) The numbers of students receiving support or 194588
extracurricular services for each of the support services or 194589

extracurricular programs offered by the school district, such as 194590
counseling services, health services, and extracurricular sports 194591
and fine arts programs. The categories of services required by the 194592
guidelines under this division shall be the same as the categories 194593
of services used in determining cost units pursuant to division 194594
(C)(4)(a) of this section. 194595

(c) Average student grades in each subject in grades nine 194596
through twelve; 194597

(d) Academic achievement levels as assessed under sections 194598
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 194599

(e) The number of students designated as having a disabling 194600
condition pursuant to division (C)(1) of section 3301.0711 of the 194601
Revised Code; 194602

(f) The numbers of students reported to the ~~state board~~ 194603
department pursuant to division (C)(2) of section 3301.0711 of the 194604
Revised Code; 194605

(g) Attendance rates and the average daily attendance for the 194606
year. For purposes of this division, a student shall be counted as 194607
present for any field trip that is approved by the school 194608
administration. 194609

(h) Expulsion rates; 194610

(i) Suspension rates; 194611

(j) Dropout rates; 194612

(k) Rates of retention in grade; 194613

(l) For pupils in grades nine through twelve, the average 194614
number of carnegie units, as calculated in accordance with ~~state~~ 194615
~~board of education~~ the director's rules; 194616

(m) Graduation rates, to be calculated in a manner specified 194617
by the department ~~of education~~ that reflects the rate at which 194618
students who were in the ninth grade three years prior to the 194619

current year complete school and that is consistent with 194620
nationally accepted reporting requirements; 194621

(n) Results of diagnostic assessments administered to 194622
kindergarten students as required under section 3301.0715 of the 194623
Revised Code to permit a comparison of the academic readiness of 194624
kindergarten students. However, no district shall be required to 194625
report to the department the results of any diagnostic assessment 194626
administered to a kindergarten student, except for the language 194627
and reading assessment described in division (A)(2) of section 194628
3301.0715 of the Revised Code, if the parent of that student 194629
requests the district not to report those results. 194630

(o) Beginning on July 1, 2018, for each disciplinary action 194631
which is required to be reported under division (B)(4) of this 194632
section, districts and schools also shall include an 194633
identification of the person or persons, if any, at whom the 194634
student's violent behavior that resulted in discipline was 194635
directed. The person or persons shall be identified by the 194636
respective classification at the district or school, such as 194637
student, teacher, or nonteaching employee, but shall not be 194638
identified by name. 194639

Division (B)(1)(o) of this section does not apply after the 194640
date that is two years following the submission of the report 194641
required by Section 733.13 of H.B. 49 of the 132nd general 194642
assembly. 194643

(p) The number of students earning each state diploma seal 194644
included in the system prescribed under division (A) of section 194645
3313.6114 of the Revised Code; 194646

(q) The number of students demonstrating competency for 194647
graduation using each option described in divisions (B)(1)(a) to 194648
(d) of section 3313.618 of the Revised Code; 194649

(r) The number of students completing each foundational and 194650

supporting option as part of the demonstration of competency for 194651
graduation pursuant to division (B)(1)(b) of section 3313.618 of 194652
the Revised Code; 194653

(s) The number of students enrolled in all-day kindergarten, 194654
as defined in section 3321.05 of the Revised Code. 194655

(2) Personnel and classroom enrollment data for each school 194656
district, including: 194657

(a) The total numbers of licensed employees and nonlicensed 194658
employees and the numbers of full-time equivalent licensed 194659
employees and nonlicensed employees providing each category of 194660
instructional service, instructional support service, and 194661
administrative support service used pursuant to division (C)(3) of 194662
this section. The guidelines adopted under this section shall 194663
require these categories of data to be maintained for the school 194664
district as a whole and, wherever applicable, for each grade in 194665
the school district as a whole, for each school building as a 194666
whole, and for each grade in each school building. 194667

(b) The total number of employees and the number of full-time 194668
equivalent employees providing each category of service used 194669
pursuant to divisions (C)(4)(a) and (b) of this section, and the 194670
total numbers of licensed employees and nonlicensed employees and 194671
the numbers of full-time equivalent licensed employees and 194672
nonlicensed employees providing each category used pursuant to 194673
division (C)(4)(c) of this section. The guidelines adopted under 194674
this section shall require these categories of data to be 194675
maintained for the school district as a whole and, wherever 194676
applicable, for each grade in the school district as a whole, for 194677
each school building as a whole, and for each grade in each school 194678
building. 194679

(c) The total number of regular classroom teachers teaching 194680
classes of regular education and the average number of pupils 194681

enrolled in each such class, in each of grades kindergarten 194682
through five in the district as a whole and in each school 194683
building in the school district. 194684

(d) The number of lead teachers employed by each school 194685
district and each school building. 194686

(3)(a) Student demographic data for each school district, 194687
including information regarding the gender ratio of the school 194688
district's pupils, the racial make-up of the school district's 194689
pupils, the number of English learners in the district, and an 194690
appropriate measure of the number of the school district's pupils 194691
who reside in economically disadvantaged households. The 194692
demographic data shall be collected in a manner to allow 194693
correlation with data collected under division (B)(1) of this 194694
section. Categories for data collected pursuant to division (B)(3) 194695
of this section shall conform, where appropriate, to standard 194696
practices of agencies of the federal government. 194697

(b) With respect to each student entering kindergarten, 194698
whether the student previously participated in a public preschool 194699
program, a private preschool program, or a head start program, and 194700
the number of years the student participated in each of these 194701
programs. 194702

(4) Any data required to be collected pursuant to federal 194703
law. 194704

(C) The education management information system shall include 194705
cost accounting data for each district as a whole and for each 194706
school building in each school district. The guidelines adopted 194707
under this section shall require the cost data for each school 194708
district to be maintained in a system of mutually exclusive cost 194709
units and shall require all of the costs of each school district 194710
to be divided among the cost units. The guidelines shall require 194711
the system of mutually exclusive cost units to include at least 194712

the following: 194713

(1) Administrative costs for the school district as a whole. 194714
The guidelines shall require the cost units under this division 194715
(C)(1) to be designed so that each of them may be compiled and 194716
reported in terms of average expenditure per pupil in enrolled ADM 194717
in the school district, as determined pursuant to section 3317.03 194718
of the Revised Code. 194719

(2) Administrative costs for each school building in the 194720
school district. The guidelines shall require the cost units under 194721
this division (C)(2) to be designed so that each of them may be 194722
compiled and reported in terms of average expenditure per 194723
full-time equivalent pupil receiving instructional or support 194724
services in each building. 194725

(3) Instructional services costs for each category of 194726
instructional service provided directly to students and required 194727
by guidelines adopted pursuant to division (B)(1)(a) of this 194728
section. The guidelines shall require the cost units under 194729
division (C)(3) of this section to be designed so that each of 194730
them may be compiled and reported in terms of average expenditure 194731
per pupil receiving the service in the school district as a whole 194732
and average expenditure per pupil receiving the service in each 194733
building in the school district and in terms of a total cost for 194734
each category of service and, as a breakdown of the total cost, a 194735
cost for each of the following components: 194736

(a) The cost of each instructional services category required 194737
by guidelines adopted under division (B)(1)(a) of this section 194738
that is provided directly to students by a classroom teacher; 194739

(b) The cost of the instructional support services, such as 194740
services provided by a speech-language pathologist, classroom 194741
aide, multimedia aide, or librarian, provided directly to students 194742
in conjunction with each instructional services category; 194743

(c) The cost of the administrative support services related 194744
to each instructional services category, such as the cost of 194745
personnel that develop the curriculum for the instructional 194746
services category and the cost of personnel supervising or 194747
coordinating the delivery of the instructional services category. 194748

(4) Support or extracurricular services costs for each 194749
category of service directly provided to students and required by 194750
guidelines adopted pursuant to division (B)(1)(b) of this section. 194751
The guidelines shall require the cost units under division (C)(4) 194752
of this section to be designed so that each of them may be 194753
compiled and reported in terms of average expenditure per pupil 194754
receiving the service in the school district as a whole and 194755
average expenditure per pupil receiving the service in each 194756
building in the school district and in terms of a total cost for 194757
each category of service and, as a breakdown of the total cost, a 194758
cost for each of the following components: 194759

(a) The cost of each support or extracurricular services 194760
category required by guidelines adopted under division (B)(1)(b) 194761
of this section that is provided directly to students by a 194762
licensed employee, such as services provided by a guidance 194763
counselor or any services provided by a licensed employee under a 194764
supplemental contract; 194765

(b) The cost of each such services category provided directly 194766
to students by a nonlicensed employee, such as janitorial 194767
services, cafeteria services, or services of a sports trainer; 194768

(c) The cost of the administrative services related to each 194769
services category in division (C)(4)(a) or (b) of this section, 194770
such as the cost of any licensed or nonlicensed employees that 194771
develop, supervise, coordinate, or otherwise are involved in 194772
administering or aiding the delivery of each services category. 194773

(D)(1) The guidelines adopted under this section shall 194774

require school districts to collect information about individual 194775
students, staff members, or both in connection with any data 194776
required by division (B) or (C) of this section or other reporting 194777
requirements established in the Revised Code. The guidelines may 194778
also require school districts to report information about 194779
individual staff members in connection with any data required by 194780
division (B) or (C) of this section or other reporting 194781
requirements established in the Revised Code. The guidelines shall 194782
not authorize school districts to request social security numbers 194783
of individual students. The guidelines shall prohibit the 194784
reporting under this section of a student's name, address, and 194785
social security number to ~~the state board of education or the~~ 194786
~~department of education~~. The guidelines shall also prohibit the 194787
reporting under this section of any personally identifiable 194788
information about any student, except for the purpose of assigning 194789
the data verification code required by division (D)(2) of this 194790
section, to any other person unless such person is employed by the 194791
school district or the information technology center operated 194792
under section 3301.075 of the Revised Code and is authorized by 194793
the district or technology center to have access to such 194794
information or is employed by an entity with which the department 194795
contracts for the scoring or the development of state assessments. 194796
The guidelines may require school districts to provide the social 194797
security numbers of individual staff members and the county of 194798
residence for a student. Nothing in this section prohibits the 194799
~~state board of education or department of education~~ from providing 194800
a student's county of residence to the department of taxation to 194801
facilitate the distribution of tax revenue. 194802

(2)(a) The guidelines shall provide for each school district 194803
or community school to assign a data verification code that is 194804
unique on a statewide basis over time to each student whose 194805
initial Ohio enrollment is in that district or school and to 194806
report all required individual student data for that student 194807

utilizing such code. The guidelines shall also provide for 194808
assigning data verification codes to all students enrolled in 194809
districts or community schools on the effective date of the 194810
guidelines established under this section. The assignment of data 194811
verification codes for other entities, as described in division 194812
(D)(2)(d) of this section, the use of those codes, and the 194813
reporting and use of associated individual student data shall be 194814
coordinated by the department of education and workforce in 194815
accordance with state and federal law. 194816

School districts shall report individual student data to the 194817
department through the information technology centers utilizing 194818
the code. The entities described in division (D)(2)(d) of this 194819
section shall report individual student data to the department in 194820
the manner prescribed by the department. 194821

(b)(i) Except as provided in sections 3301.941, 3310.11, 194822
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 194823
Code, and in division (D)(2)(b)(ii) of this section, at no time 194824
shall the ~~state board or the~~ department have access to information 194825
that would enable any data verification code to be matched to 194826
personally identifiable student data. 194827

(ii) For the purpose of making per-pupil payments to 194828
community schools under section 3317.022 of the Revised Code, the 194829
department shall have access to information that would enable any 194830
data verification code to be matched to personally identifiable 194831
student data. 194832

(c) Each school district and community school shall ensure 194833
that the data verification code is included in the student's 194834
records reported to any subsequent school district, community 194835
school, or state institution of higher education, as defined in 194836
section 3345.011 of the Revised Code, in which the student 194837
enrolls. Any such subsequent district or school shall utilize the 194838
same identifier in its reporting of data under this section. 194839

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) ~~Beginning with the school year that begins July 1, 1991,~~ the The board of education of each school district shall annually collect and report to the ~~state board~~ department, in accordance with the guidelines established by the ~~board~~ department, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

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

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

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The ~~state board~~ department shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

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

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

(I) Any data that is collected or maintained pursuant to this

section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code. 194903
194904

(J) As used in this section: 194905

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section. 194906
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(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code. 194913
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(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data. 194918
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(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of ~~education~~ may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section. 194923
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(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions: 194931
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(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend

or revoke the license of any district employee in accordance with 194964
division (N) of this section; 194965

(vii) If the district is issued a report card under section 194966
3302.03 of the Revised Code, indicate on the report card that the 194967
district has been sanctioned for failing to report data as 194968
required by this section; 194969

(viii) If the district is issued a report card under section 194970
3302.03 of the Revised Code and incomplete or inaccurate data 194971
submitted by the district likely caused the district to receive a 194972
higher performance rating than it deserved under that section, 194973
issue a revised report card for the district; 194974

(ix) Any other action designed to correct the district's data 194975
reporting problems. 194976

(3) Any time the department takes an action against a school 194977
district under division (L)(2) of this section, the department 194978
shall make a report of the circumstances that prompted the action. 194979
The department shall send a copy of the report to the district 194980
superintendent or chief administrator and maintain a copy of the 194981
report in its files. 194982

(4) If any action taken under division (L)(2) of this section 194983
resolves a school district's data reporting problems to the 194984
department's satisfaction, the department shall not take any 194985
further actions described by that division. If the department 194986
withheld funds from the district under that division, the 194987
department may release those funds to the district, except that if 194988
the department withheld funding under division (L)(2)(c) of this 194989
section, the department shall not release the funds withheld under 194990
division (L)(2)(b) of this section and, if the department withheld 194991
funding under division (L)(2)(d) of this section, the department 194992
shall not release the funds withheld under division (L)(2)(b) or 194993
(c) of this section. 194994

(5) Notwithstanding anything in this section to the contrary, 194995
the department may use its own staff or an outside entity to 194996
conduct an audit of a school district's data reporting practices 194997
any time the department has reason to believe the district has not 194998
made a good faith effort to report data as required by this 194999
section. If any audit conducted by an outside entity under 195000
division (L)(2)(d)(i) or (5) of this section confirms that a 195001
district has not made a good faith effort to report data as 195002
required by this section, the district shall reimburse the 195003
department for the full cost of the audit. The department may 195004
withhold state funds due to the district for this purpose. 195005

(6) Prior to issuing a revised report card for a school 195006
district under division (L)(2)(d)(viii) of this section, the 195007
department may hold a hearing to provide the district with an 195008
opportunity to demonstrate that it made a good faith effort to 195009
report data as required by this section. The hearing shall be 195010
conducted by a referee appointed by the department. Based on the 195011
information provided in the hearing, the referee shall recommend 195012
whether the department should issue a revised report card for the 195013
district. If the referee affirms the department's contention that 195014
the district did not make a good faith effort to report data as 195015
required by this section, the district shall bear the full cost of 195016
conducting the hearing and of issuing any revised report card. 195017

(7) If the department determines that any inaccurate data 195018
reported under this section caused a school district to receive 195019
excess state funds in any fiscal year, the district shall 195020
reimburse the department an amount equal to the excess funds, in 195021
accordance with a payment schedule determined by the department. 195022
The department may withhold state funds due to the district for 195023
this purpose. 195024

(8) Any school district that has funds withheld under 195025
division (L)(2) of this section may appeal the withholding in 195026

accordance with Chapter 119. of the Revised Code. 195027

(9) In all cases of a disagreement between the department and 195028
a school district regarding the appropriateness of an action taken 195029
under division (L)(2) of this section, the burden of proof shall 195030
be on the district to demonstrate that it made a good faith effort 195031
to report data as required by this section. 195032

(10) The ~~state board~~ director of education and workforce 195033
shall adopt rules under Chapter 119. of the Revised Code to 195034
implement division (L) of this section. 195035

(M) No information technology center or school district shall 195036
acquire, change, or update its student administration software 195037
package to manage and report data required to be reported to the 195038
department unless it converts to a student software package that 195039
is certified by the department. 195040

(N) The state board of education, in accordance with sections 195041
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 195042
license as defined under division (A) of section 3319.31 of the 195043
Revised Code that has been issued to any school district employee 195044
found to have willfully reported erroneous, inaccurate, or 195045
incomplete data to the education management information system. 195046

(O) No person shall release or maintain any information about 195047
any student in violation of this section. Whoever violates this 195048
division is guilty of a misdemeanor of the fourth degree. 195049

(P) The department shall disaggregate the data collected 195050
under division (B)(1)(n) of this section according to the race and 195051
socioeconomic status of the students assessed. 195052

(Q) If the department cannot compile any of the information 195053
required by division (I) of section 3302.03 of the Revised Code 195054
based upon the data collected under this section, the department 195055
shall develop a plan and a reasonable timeline for the collection 195056
of any data necessary to comply with that division. 195057

Sec. 3301.0715. (A) Except as required under division (B)(1) 195058
of section 3313.608 or as specified in division (D)(3) of section 195059
3301.079 of the Revised Code, the board of education of each city, 195060
local, and exempted village school district shall administer each 195061
applicable diagnostic assessment developed and provided to the 195062
district in accordance with section 3301.079 of the Revised Code 195063
to the following: 195064

(1) Any student who transfers into the district or to a 195065
different school within the district if each applicable diagnostic 195066
assessment was not administered by the district or school the 195067
student previously attended in the current school year, within 195068
thirty days after the date of transfer. If the district or school 195069
into which the student transfers cannot determine whether the 195070
student has taken any applicable diagnostic assessment in the 195071
current school year, the district or school may administer the 195072
diagnostic assessment to the student. However, if a student 195073
transfers into the district prior to the administration of the 195074
diagnostic assessments to all students under division (B) of this 195075
section, the district may administer the diagnostic assessments to 195076
that student on the date or dates determined under that division. 195077

(2) Each kindergarten student, not earlier than the first day 195078
of July of the school year and not later than the twentieth day of 195079
instruction of that school year. 195080

For the purpose of division (A)(2) of this section, the 195081
district shall administer the kindergarten readiness assessment 195082
provided by the department of education and workforce. In no case 195083
shall the results of the readiness assessment be used to prohibit 195084
a student from enrolling in kindergarten. 195085

(3) Each student enrolled in first, second, or third grade. 195086

Division (A) of this section does not apply to students with 195087
significant cognitive disabilities, as defined by the department 195088

~~of education.~~ 195089

(B) Each district board shall administer each diagnostic 195090
assessment when the board deems appropriate, provided the 195091
administration complies with section 3313.608 of the Revised Code. 195092
However, the board shall administer any diagnostic assessment at 195093
least once annually to all students in the appropriate grade 195094
level. A district board may administer any diagnostic assessment 195095
in the fall and spring of a school year to measure the amount of 195096
academic growth attributable to the instruction received by 195097
students during that school year. 195098

(C) A district may use different diagnostic assessments from 195099
those adopted under division (D) of section 3301.079 of the 195100
Revised Code in order to satisfy the requirements of division 195101
(A)(3) of this section if the district meets either of the 195102
following conditions for the immediately preceding school year: 195103

(1) The district received a grade of "A" or "B" for the 195104
performance index score under division (C)(1)(b) of section 195105
3302.03 of the Revised Code or for the value-added progress 195106
dimension under division (C)(1)(e) of that section. 195107

(2) The district received a performance rating of four stars 195108
or higher for achievement under division (D)(3)(b) of section 195109
3302.03 of the Revised Code or for progress under division 195110
(D)(3)(c) of that section. 195111

(D) Each district board shall utilize and score any 195112
diagnostic assessment administered under division (A) of this 195113
section in accordance with rules established by the department. 195114
After the administration of any diagnostic assessment, each 195115
district shall provide a student's completed diagnostic 195116
assessment, the results of such assessment, and any other 195117
accompanying documents used during the administration of the 195118
assessment to the parent of that student, and shall include all 195119

such documents and information in any plan developed for the 195120
student under division (C) of section 3313.608 of the Revised 195121
Code. Each district shall submit to the department, in the manner 195122
the department prescribes, the results of the diagnostic 195123
assessments administered under this section, regardless of the 195124
type of assessment used under section 3313.608 of the Revised 195125
Code. The department may issue reports with respect to the data 195126
collected. The department may report school and district level 195127
kindergarten diagnostic assessment data and use diagnostic 195128
assessment data to calculate the measures prescribed by divisions 195129
(B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the 195130
Revised Code and the data reported under division (D)(2)(e) of 195131
that section. 195132

(E) Each district board shall provide intervention services 195133
to students whose diagnostic assessments show that they are 195134
failing to make satisfactory progress toward attaining the 195135
academic standards for their grade level. 195136

(F) ~~Beginning in the 2018-2019 school year, any~~ Any chartered 195137
nonpublic school may elect to administer the kindergarten 195138
readiness assessment to all kindergarten students enrolled in the 195139
school. If the school so elects, the chief administrator of the 195140
school shall notify the ~~superintendent of public instruction~~ 195141
department not later than the thirty-first day of March prior to 195142
any school year in which the school will administer the 195143
assessment. The department shall furnish the assessment to the 195144
school at no cost to the school. In administering the assessment, 195145
the school shall do all of the following: 195146

(1) Enter into a written agreement with the department 195147
specifying that the school will share each participating student's 195148
assessment data with the department and, that for the purpose of 195149
reporting the data to the department, each participating student 195150
will be assigned a data verification code as described in division 195151

(D)(2) of section 3301.0714 of the Revised Code; 195152

(2) Require the assessment to be administered by a teacher 195153
certified under section 3301.071 of the Revised Code who either 195154
has completed training on administering the kindergarten readiness 195155
assessment provided by the department or has been trained by 195156
another person who has completed such training; 195157

(3) Administer the assessment in the same manner as school 195158
districts are required to do under this section and the rules 195159
established under division (D) of this section. 195160

(G) ~~Beginning in the 2019-2020 school year, a~~ A school 195161
district in which less than eighty per cent of its students score 195162
at the proficient level or higher on the third-grade English 195163
language arts assessment prescribed under section 3301.0710 of the 195164
Revised Code shall establish a reading improvement plan supported 195165
by reading specialists. Prior to implementation, the plan shall be 195166
approved by the school district board of education. 195167

Sec. 3301.0716. Notwithstanding division (D) of section 195168
3301.0714 of the Revised Code, the department of education and 195169
workforce may have access to personally identifiable information 195170
about any student under the following circumstances: 195171

(A) An entity with which the department contracts for the 195172
scoring of assessments administered under section 3301.0711 or 195173
3301.0712 of the Revised Code has notified the department that the 195174
student's written response to a question on an assessment included 195175
threats or descriptions of harm to another person or the student's 195176
self and the information is necessary to enable the department to 195177
identify the student for purposes of notifying the school district 195178
or school in which the student is enrolled of the potential for 195179
harm. 195180

(B) The department requests the information to respond to an 195181

appeal from a school district or school for verification of the 195182
accuracy of the student's score on an assessment administered 195183
under section 3301.0711 or 3301.0712 of the Revised Code. 195184

(C) The department requests the information to determine 195185
whether the student satisfies the alternative conditions for a 195186
high school diploma prescribed in section 3313.615 of the Revised 195187
Code. 195188

Sec. 3301.0717. In addition to the duties imposed on it by 195189
law, the ~~state board~~ department of education and workforce shall 195190
establish and submit to the governor and the general assembly a 195191
clear and measurable set of goals with specific timetables for 195192
their achievement. The goals shall be established for programs 195193
designed to accomplish: 195194

(A) A reduction in rates of retention in grade; 195195

(B) Reductions in the need for remedial courses; 195196

(C) Reductions in the student dropout rate; 195197

(D) Improvements in scores on standardized tests; 195198

(E) Increases in satisfactory completion of high school 195199
achievement tests; 195200

(F) Increases in American college test scores; 195201

(G) Increases in the rate of college entry; 195202

(H) Reductions in the need for remedial courses for 195203
first-year college students. 195204

In July of each odd-numbered year, the ~~state board of~~ 195205
~~education~~ department shall submit a report on progress made toward 195206
these goals to the governor and the general assembly. 195207

Sec. 3301.0718. The ~~state board~~ department of education and 195208
workforce shall not adopt or revise any standards or curriculum in 195209

the area of health unless, by concurrent resolution, the 195210
standards, curriculum, or revisions are approved by both houses of 195211
the general assembly. Before the house of representatives or 195212
senate votes on a concurrent resolution approving health 195213
standards, curriculum, or revisions, its standing committee having 195214
jurisdiction over education legislation shall conduct at least one 195215
public hearing on the standards, curriculum, or revisions. 195216

Sec. 3301.0719. (A) As used in this section, "business 195217
education" includes, but is not limited to, accounting, career 195218
development, economics and personal finance, entrepreneurship, 195219
information technology, management, and marketing. 195220

(B) ~~the state board~~ The department of education and workforce 195221
shall adopt standards for business education in grades seven 195222
through twelve. The standards shall incorporate existing business 195223
education standards as appropriate to help guide instruction in 195224
the state's schools. The department shall provide the standards, 195225
and any revisions of the standards, to all school districts, 195226
community schools established under Chapter 3314. of the Revised 195227
Code, and STEM schools established under Chapter 3326. of the 195228
Revised Code. Any school district, community school or STEM school 195229
may utilize the standards. Standards adopted under this division 195230
shall supplement, and not supersede, academic content standards 195231
adopted under section 3301.079 of the Revised Code. 195232

Sec. 3301.0720. The ~~state board~~ department of education and 195233
workforce shall recommend all of the following to school districts 195234
in connection with the teaching of secondary school sciences: 195235

(A) A suggested curriculum for the teaching of chemistry, 195236
physics, biology, and whatever additional sciences the ~~state board~~ 195237
department may select; 195238

(B) Lists of minimum supplies and equipment necessary for the 195239

teaching of each science for which a curriculum is suggested under 195240
division (A) of this section, with special emphasis on recommended 195241
safety equipment; 195242

(C) Acquisition and replacement schedules for the supplies 195243
and equipment listed under division (B) of this section. The 195244
schedules shall ensure availability of at least minimum 195245
inventories in every high school. 195246

(D) Suggested safety procedures, including all of the 195247
following: 195248

(1) Training for students and teachers in the safe handling 195249
and use of hazardous and potentially hazardous materials and 195250
equipment; 195251

(2) Methods of safely storing and disposing of hazardous and 195252
potentially hazardous materials; 195253

(3) Provisions for a biennial assessment of each high 195254
school's safety equipment and procedures by someone other than the 195255
school personnel directly responsible for them, and recommended 195256
procedures for making the results of any assessment available to 195257
the public. 195258

Sec. 3301.0721. (A) The ~~superintendent of public instruction~~ 195259
department of education and workforce shall develop a model 195260
curriculum for instruction in college and career readiness and 195261
financial literacy. The curriculum shall focus on grades seven 195262
through twelve, but ~~the superintendent~~ may include other grade 195263
levels. When the model curriculum has been developed, the 195264
~~department of education~~ shall notify all school districts, 195265
community schools established under Chapter 3314. of the Revised 195266
Code, and STEM schools established under Chapter 3326. of the 195267
Revised Code of the content of the curriculum. Any district or 195268
school may utilize the model curriculum. 195269

(B) The ~~state board of education~~ director of education and workforce, in collaboration with the director of public safety, shall develop a model curriculum for instruction in grades nine through twelve on proper interactions with peace officers during traffic stops and other in-person encounters with peace officers. In developing the curriculum under division (B) of this section, the ~~state board and the director~~ directors may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the instruction. Before finalizing any curriculum under division (B) of this section, the ~~state board and the director~~ directors shall provide a reasonable period for public comment. The curriculum shall include both of the following:

(1) Information regarding all of the following:

(a) A person's rights during an interaction with a peace officer;

(b) Proper actions for interacting with a peace officer;

(c) Which individuals are considered peace officers, and their duties and responsibilities;

(d) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws.

(2) Demonstrations and role-play activities in a classroom setting that allow students to better understand how interactions between civilians and peace officers can and should unfold.

As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code.

Sec. 3301.0723. (A) The independent contractor engaged by the department of education and workforce to create and maintain for

school districts and community schools the student data 195300
verification codes required by division (D)(2) of section 195301
3301.0714 of the Revised Code, upon request of the director of any 195302
state agency that administers a publicly funded program providing 195303
services to children who are younger than compulsory school age, 195304
as defined in section 3321.01 of the Revised Code, including the 195305
directors of health, job and family services, mental health and 195306
addiction services, and developmental disabilities, shall assign a 195307
data verification code to a child who is receiving such services 195308
and shall provide that code to the director. The contractor also 195309
shall provide that code to the department of education and 195310
workforce. 195311

(B) The director of a state agency that receives a child's 195312
data verification code under division (A) of this section shall 195313
use that code to submit information for that child to the 195314
department of education and workforce in accordance with section 195315
3301.0714 of the Revised Code. 195316

(C) A public school that receives from the independent 195317
contractor the data verification code for a child assigned under 195318
division (A) of this section shall not request or assign to that 195319
child another data verification code under division (D)(2) of 195320
section 3301.0714 of the Revised Code. That school and any other 195321
public school in which the child subsequently enrolls shall use 195322
the data verification code assigned under division (A) of this 195323
section to report data relative to that student required under 195324
section 3301.0714 of the Revised Code. 195325

Sec. 3301.0725. A school district may employ certificated 195326
instructional personnel for hours outside of the normal school day 195327
for the purpose of providing extended programming. Extended 195328
programming, as defined by rule of the ~~state board~~ department of 195329
education and workforce, shall be based upon learner needs and, if 195330

applicable, business and industry validated standards and 195331
competencies and shall enhance student learning opportunities. 195332
Extended programming shall be subject to the requirements of 195333
sections 3313.6018 and 3313.6019 of the Revised Code. 195334

No rule of the ~~state board~~ department shall require extended 195335
programming employment of certificated instructional personnel as 195336
a condition of eligibility for funding under any other section of 195337
the Revised Code. 195338

Sec. 3301.0726. (A) The department of education and workforce 195339
shall develop a packet of high school instructional materials on 195340
personal financial responsibility, including instructional 195341
materials on the avoidance of credit card abuse, and shall 195342
distribute that packet to all school districts. The board of 195343
education of any school district may adopt part or all of the 195344
materials included in the packet for incorporation into the 195345
district's curriculum. 195346

(B) The department ~~of education~~ shall include supplemental 195347
instructional materials on the development of handwriting as a 195348
universal skill in the English language arts model curriculum 195349
under division (B) of section 3301.079 of the Revised Code for 195350
grades kindergarten through five. The instructional materials 195351
shall be designed to enable students to print letters and words 195352
legibly by grade three and create readable documents using legible 195353
cursive handwriting by the end of grade five. The instructional 195354
materials shall be included in the model curriculum not later than 195355
~~the first day of July that next succeeds the effective date of~~ 195356
~~this amendment~~ July 1, 2019, and, thereafter, shall periodically 195357
be updated. 195358

Sec. 3301.0728. Notwithstanding anything in the Revised Code 195359
to the contrary, a student may retake any end-of-course 195360

examination prescribed under division (B)(2) of section 3301.0712 195361
of the Revised Code during the student's academic career at a time 195362
designated by the department of education and workforce. If, for 195363
any reason, a student does not take an end-of-course examination 195364
on the scheduled administration date, the department ~~of education~~ 195365
shall make available to the student the examination for which the 195366
student was absent, or a substantially similar examination as 195367
determined by the department, so that the student may take the 195368
examination or a substantially similar examination at a later time 195369
in the student's academic career. The ~~state board of education~~ 195370
department shall adopt rules in accordance with Chapter 119. of 195371
the Revised Code to implement the provisions of this section. 195372

Sec. 3301.0730. (A) As used in this section: 195373

(1) "Education management information system" means the 195374
integrated system of statewide data collecting, reporting, and 195375
compiling for school districts and schools prescribed under 195376
section 3301.0714 of the Revised Code. 195377

(2) "EMIS guidelines" means any guidance issued by the 195378
department of education and workforce containing the student, 195379
staff, and financial information to be collected and reported, 195380
along with data-element definitions, procedures, and guidelines 195381
necessary to implement the education management information 195382
system. 195383

(B) ~~Not later than June 1, 2021, the~~ The department shall 195384
develop a procedure that permits users of the education management 195385
information system to review and provide comment on new or updated 195386
EMIS guidelines. The procedure shall satisfy all of the following 195387
conditions: 195388

(1) The department shall post a copy of the proposed new or 195389
updated EMIS guidelines on the department's web site. The 195390

department shall solicit comment from EMIS users on the proposed 195391
guidelines for thirty consecutive days. 195392

(2) The department shall respond to comments provided by 195393
users and may revise the proposed new or updated EMIS guidelines 195394
based on comments provided by users within thirty consecutive days 195395
after the comment period closes. 195396

(3) The department shall post the final new or updated EMIS 195397
guidelines on its web site at the end of the response period for 195398
thirty consecutive days for a final review by EMIS users. The new 195399
or updated guidelines shall take effect after that period ends. 195400

(C) Except as provided in division (D) of this section, if 195401
the department develops new or updated EMIS guidelines to 195402
implement a program, initiative, or policy, the department shall 195403
use the procedures prescribed under division (B) of this section. 195404
~~For any such new or updated guidelines proposed to be effective~~ 195405
~~for the 2021-2022 school year, the department shall initiate the~~ 195406
~~procedures not later than June 15, 2021. For any such new or~~ 195407
~~updated guidelines proposed to be effective for a subsequent~~ 195408
~~school year, the~~ The department shall initiate the procedures not 195409
later than the fifteenth day of May immediately prior to the 195410
beginning of ~~that~~ the school year for which the new or updated 195411
EMIS guidelines will be effective. 195412

(D) On and after June 1, 2021, the department shall use the 195413
procedure prescribed under division (B) of this section for any 195414
new or updated EMIS guidelines developed by the department for the 195415
purposes of implementing any of the following: 195416

(1) A newly enacted state or federal law; 195417

(2) A new or updated federal rule; 195418

(3) A rule ~~or resolution~~ adopted by the ~~state board of~~ 195419
education department. 195420

(E) The department shall not be required to use the procedure prescribed under division (B) of this section when issuing any of the following:

(1) Updated EMIS guidelines to address issues that are not substantive, such as correcting grammatical errors;

(2) Updated EMIS guidelines to address unforeseen technical errors;

(3) Supplemental documents regarding EMIS guidelines and the education management information system, including documents that do any of the following:

(a) Clarify the implementation of EMIS guidelines;

(b) Answer questions submitted by users of the education management system;

(c) Provide training regarding the education management information system.

(F) Additionally, the department shall establish both of the following:

(1) Uniform guidance for career-technical planning districts and information technology centers established under section 3301.075 of the Revised Code regarding the education management information system and EMIS guidelines for career-technical planning districts;

(2) Uniform training programs for all personnel employed by the department to administer the education management information system.

Sec. 3301.0732. The minimum education standards prescribed by the director of education and workforce for nonchartered nonpublic schools under section 3301.07 of the Revised Code shall comply with and shall be limited to this section.

(A) A nonchartered nonpublic school that is not seeking a charter from the department of education and workforce because of truly held religious beliefs shall annually certify in a report to the parents of its pupils that the school meets minimum education standards for nonchartered nonpublic schools as described in this section. A copy of the report shall be filed with the department of education and workforce on or before the thirtieth day of September of each year. 195450
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(B) A nonchartered nonpublic school shall be open for instruction with pupils in attendance for not less than four hundred fifty-five hours in the case of pupils in kindergarten unless such pupils are provided all-day kindergarten, in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through six; and one thousand one hours in the case of pupils in grades seven through twelve in each school year. 195458
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(C) The parents of a child enrolled in a nonchartered nonpublic school shall be responsible for reporting their child's enrollment or withdrawal from that school to the treasurer of the board of education of the city, exempted village, or local school district in which the pupil resides. Pupil attendance is reported for the purposes of facilitating the administration of laws relating to compulsory education and the employment of minors. An individual in charge of the nonchartered nonpublic school may, as a matter of convenience, provide the report to the treasurer on behalf of the parents. 195466
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The attendance report shall include the name, age, and place of residence of each pupil below eighteen years of age. The report shall be made within the first two weeks of the beginning of each school year. In the case of pupil withdrawal or entrance during the school year, notice shall be given to the treasurer of the appropriate board of education within the first week of the next 195476
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<u>school month.</u>	195482
<u>(D) Teachers and administrators at nonchartered nonpublic schools shall hold at least a bachelor's degree, or the equivalent, from a recognized college or university.</u>	195483 195484 195485
<u>(E) The curriculum of each nonchartered nonpublic school shall include the study of the following subjects:</u>	195486 195487
<u>(1) Language arts;</u>	195488
<u>(2) Geography, the history of the United States and Ohio, and national, state, and local government;</u>	195489 195490
<u>(3) Mathematics;</u>	195491
<u>(4) Science;</u>	195492
<u>(5) Health;</u>	195493
<u>(6) Physical education;</u>	195494
<u>(7) The fine arts, including music;</u>	195495
<u>(8) First aid, safety, and fire prevention;</u>	195496
<u>(9) Other subjects as prescribed by the nonchartered nonpublic school.</u>	195497 195498
<u>(F) Each nonchartered nonpublic school shall follow regular procedures for promotion from grade to grade for pupils who have met the school's educational requirements.</u>	195499 195500 195501
<u>(G) Each nonchartered nonpublic school shall comply with all applicable health, fire, and safety laws.</u>	195502 195503
<u>(H) Pupils attending a nonchartered nonpublic school shall not be entitled to pupil transportation or auxiliary services. A nonchartered nonpublic school is not entitled to reimbursement for administrative costs.</u>	195504 195505 195506 195507
Sec. 3301.10. <u>The superintendent of public instruction</u>	195508
<u>director of education and workforce shall be a member of the board</u>	195509

of trustees of the Ohio history connection, in addition to the 195510
members constituting such board. 195511

Sec. 3301.11. The superintendent of public instruction shall 195512
be the executive and administrative officer of the state board of 195513
education in its administration of all educational matters and 195514
functions placed under its management and control. ~~He~~ The 195515
superintendent shall execute, under the direction of the state 195516
board of education, the educational policies, orders, directives, 195517
and administrative functions of the board, ~~and shall direct, under~~ 195518
~~rules and regulations adopted by the board, the work of all~~ 195519
~~persons employed in the state department of education.~~ 195520

Upon the request of the state board of education, the 195521
superintendent of public instruction shall report to the board on 195522
any matter. 195523

Sec. 3301.111. (A) The state board of education is 195524
responsible for the adoption of requirements for educator 195525
licensure, licensee disciplinary actions, school district 195526
territory transfer determinations, and such other powers and 195527
duties expressly prescribed for the state board under the law, 195528
including in sections 3301.071, 3301.074, 3301.28, 3302.151, 195529
3314.40, 3326.24, 3328.19, and Chapters 3311. and 3319. of the 195530
Revised Code. In exercising any of its powers or duties, including 195531
adopting rules prescribing license requirements, the state board 195532
is subject to Chapter 119. of the Revised Code. 195533

(B) The state board shall make recommendations to the 195534
director of education and workforce regarding priorities for 195535
primary and secondary education. The state board may request the 195536
assistance of the department of education and workforce in 195537
exercising the state board's powers and duties. To the extent the 195538
director determines such assistance necessary and practicable, the 195539

department shall provide the requested assistance. 195540

To best serve the interests of primary and secondary 195541
education and workforce development in the state of Ohio, and to 195542
maximize efficiencies and operations, the state board of education 195543
and the department of education and workforce may exchange 195544
necessary information and documentation upon request to enable 195545
both agencies to effectively perform their functions under state 195546
or federal law, including sharing information that is proprietary 195547
to the agency or confidential. The agency receiving proprietary or 195548
confidential information shall not disclose the information and 195549
shall adopt safeguards to prevent disclosure. 195550

(C) The state board shall appoint the superintendent of 195551
public instruction in accordance with Ohio Constitution, Article 195552
VI, Section 4 and section 3301.08 of the Revised Code. The state 195553
superintendent shall be the secretary of the state board and its 195554
executive officer in accordance with sections 3301.09 and 3301.11 195555
of the Revised Code. The state superintendent may serve as an 195556
advisor to the director. 195557

(D) The state board shall employ such personnel as it 195558
determines necessary to carry out its duties and powers. Subject 195559
to the state board's policies, rules, and regulations, the state 195560
superintendent shall exercise general supervision of the state 195561
board's employees, as prescribed in section 3301.11 of the Revised 195562
Code, and may appoint, fix the salary, and terminate the 195563
employment of such employees. 195564

(E) The state board is subject to all provisions of law 195565
pertaining to departments, offices, or institutions established 195566
for the exercise of any function of the state government, except 195567
that it is not one of the departments provided for under division 195568
(A) of section 121.01 of the Revised Code. 195569

(F) The headquarters of the state board shall be at the seat 195570

of government, where office space suitable and adequate for the 195571
work of the state board shall be provided by the appropriate state 195572
agency. There the state board shall meet and transact its 195573
business, unless the state board chooses to meet elsewhere in Ohio 195574
as provided by section 3301.04 of the Revised Code. There the 195575
records of the state board and the records, papers, and documents 195576
belonging to the state board shall be kept in charge of the state 195577
superintendent. 195578

Sec. 3301.12. (A) ~~The superintendent of public instruction~~ 195579
~~director of education and workforce,~~ in addition to the authority 195580
otherwise imposed on the ~~superintendent~~ director, shall perform 195581
the following duties: 195582

(1) ~~The superintendent shall provide~~ Provide technical and 195583
professional assistance and advice to all school districts in 195584
reference to all aspects of education, including finance, 195585
buildings and equipment, administration, organization of school 195586
districts, curriculum and instruction, transportation of pupils, 195587
personnel problems, and the interpretation of school laws and 195588
state regulations. ~~i~~ 195589

(2) ~~The superintendent shall prescribe~~ Prescribe and require 195590
the preparation and filing of such financial and other reports 195591
from school districts, officers, and employees as are necessary or 195592
proper. The ~~superintendent~~ director shall prescribe and require 195593
the installation by school districts of such standardized 195594
reporting forms and accounting procedures as are essential to the 195595
businesslike operations of the public schools of the state. 195596

(3) ~~The superintendent shall conduct~~ Conduct such studies and 195597
research projects as are necessary or desirable for the 195598
improvement of public school education in Ohio, ~~and such as may be~~ 195599
~~assigned to the superintendent by the state board of education.~~ 195600
Such studies and projects may include analysis of data contained 195601

in the education management information system established under 195602
section 3301.0714 of the Revised Code. For any study or project 195603
that requires the analysis of individual student data, the 195604
department of education and workforce or any entity with which the 195605
~~superintendent~~ director or department contracts to conduct the 195606
study or project shall maintain the confidentiality of student 195607
data at all times. For this purpose, the department or contracting 195608
entity shall use the data verification code assigned pursuant to 195609
division (D)(2) of section 3301.0714 of the Revised Code for each 195610
student whose data is analyzed. Except as otherwise provided in 195611
division (D)(1) of section 3301.0714 of the Revised Code, at no 195612
time shall the ~~superintendent~~director, the department, the state 195613
board of education, or any entity conducting a study or research 195614
project on the ~~superintendent's~~ director's behalf have access to a 195615
student's name, address, or social security number while analyzing 195616
individual student data. 195617

(4) ~~The superintendent shall prepare~~ Prepare and submit 195618
annually ~~to the state board of education~~ a report of the 195619
activities of the department ~~of education~~ and the status, 195620
problems, and needs of education in the state ~~of Ohio.~~ 195621

(5) ~~The superintendent shall supervise~~ Supervise all agencies 195622
over which the ~~board~~ department exercises administrative control, 195623
including schools for education of persons with disabilities. 195624

(6) In accordance with section 3333.048 of the Revised Code, 195625
the ~~superintendent,~~ director, jointly with the chancellor of ~~the~~ 195626
~~Ohio board of regents,~~ higher education, shall establish metrics 195627
and courses of study for institutions of higher education that 195628
prepare educators and other school personnel and shall provide for 195629
inspection of those institutions. 195630

(B) The ~~superintendent of public instruction~~ director may 195631
annually inspect and analyze the expenditures of each school 195632
district and make a determination as to the efficiency of each 195633

district's costs, relative to other school districts in the state, 195634
for instructional, administrative, and student support services. 195635
The ~~superintendent~~ director shall notify each school district as 195636
to the nature of, and reasons for, the determination. The ~~state~~ 195637
~~board of education~~ director shall adopt rules in accordance with 195638
Chapter 119. of the Revised Code setting forth the procedures and 195639
standards for the performance of the inspection and analysis. 195640

Sec. 3301.121. (A) In addition to the duties and 195641
responsibilities of the ~~superintendent of public instruction~~ 195642
director of education and workforce set forth in section 3301.12 195643
of the Revised Code, the ~~superintendent~~ director, in accordance 195644
with this section and section 3313.662 of the Revised Code, shall 195645
conduct an adjudication procedure to determine whether to 195646
permanently exclude from attending any of the public schools of 195647
this state any pupil who is the subject of a resolution forwarded 195648
to the ~~superintendent~~ director by a board of education pursuant to 195649
division (D) of section 3313.662 of the Revised Code. 195650

(B)(1) Except as provided in division (B)(3) of this section, 195651
within fourteen days after receipt of a resolution forwarded by a 195652
board of education pursuant to division (D) of section 3313.662 of 195653
the Revised Code, the ~~superintendent of public instruction~~ 195654
director or the ~~superintendent's~~ director's designee shall provide 195655
the pupil who is the subject of the resolution and that pupil's 195656
parent, guardian, or custodian with a notice of an opportunity for 195657
an adjudication hearing on the proposed permanent exclusion of the 195658
pupil from attending any of the public schools of this state. The 195659
notice shall include all of the following: 195660

(a) The date, time, and place of the permanent exclusion 195661
adjudication hearing; 195662

(b) A statement informing the pupil and the pupil's parent, 195663
guardian, or custodian that the pupil may attend the adjudication 195664

hearing at the date, time, and place set forth in the notice, that 195665
the failure of the pupil or the pupil's parent, guardian, or 195666
custodian to attend the adjudication hearing will result in a 195667
waiver of the pupil's right to present evidence, testimony, and 195668
factors in mitigation of the pupil's permanent exclusion at an 195669
adjudication hearing on the proposed permanent exclusion, and that 195670
the pupil shall be accorded all of the following rights: 195671

(i) The right to testify, to present evidence and the 195672
testimony of witnesses, and to confront, cross-examine, and compel 195673
the attendance of witnesses; 195674

(ii) The right to a record of the hearing; 195675

(iii) The right to written findings. 195676

(c) A statement informing the pupil and the pupil's parent, 195677
guardian, or custodian that the pupil has the right to be 195678
represented by counsel at the adjudication hearing. 195679

(d) A statement informing the pupil and the pupil's parent, 195680
guardian, or custodian that, if the pupil by failing to attend the 195681
hearing waives the pupil's right to present evidence, testimony, 195682
and factors in mitigation of the pupil's permanent exclusion at an 195683
adjudication hearing on the proposed permanent exclusion, the 195684
~~superintendent~~ director is required to review the information 195685
relevant to the permanent exclusion that is available to the 195686
~~superintendent~~ director and is permitted to enter an order 195687
requiring the pupil's permanent exclusion from attending any of 195688
the public schools of this state at any time within seven days 195689
after the conclusion of the adjudication hearing. 195690

(2) The ~~superintendent~~ director or the ~~superintendent's~~ 195691
director's designee shall provide the notice required by division 195692
(B)(1) of this section to the pupil and to the pupil's parent, 195693
guardian, or custodian by certified mail or personal service. 195694

(3)(a) If a pupil who is the subject of a resolution 195695

forwarded to the ~~superintendent of public instruction~~ director by 195696
a board of education pursuant to section 3313.662 of the Revised 195697
Code is in the custody of the department of youth services 195698
pursuant to a disposition under any provision of Chapter 2152. of 195699
the Revised Code, other than division (A)(1)(a) of section 2152.16 195700
of the Revised Code, at the time the resolution is forwarded, the 195701
department shall notify in writing the ~~superintendent of public~~ 195702
~~instruction~~ director and the board of education that forwarded the 195703
resolution of that fact. Upon receipt of the notice, the 195704
~~superintendent~~ director shall delay providing the notice required 195705
by division (B)(1) of this section and the adjudication of the 195706
request for permanent exclusion until the ~~superintendent~~ director 195707
receives further notice from the department pursuant to division 195708
(B)(3)(b) of this section. 195709

(b) At least sixty days before a pupil described in division 195710
(B)(3)(a) of this section will be released from 195711
institutionalization or institutionalization in a secure facility 195712
by the department of youth services, the department shall notify 195713
in writing the ~~superintendent of public instruction~~ director and 195714
the board of education that forwarded the resolution pursuant to 195715
section 3313.662 of the Revised Code of the impending release and 195716
shall provide in that notice information regarding the extent of 195717
the education the pupil received while in the custody of the 195718
department, including whether the pupil has obtained a certificate 195719
of high school equivalence. 195720

If the pupil has not obtained a certificate of high school 195721
equivalence while in the custody of the department of youth 195722
services, the ~~superintendent of public instruction~~ director shall 195723
provide the notice required by division (B)(1) of this section 195724
and, at least thirty days before the pupil is to be released from 195725
institutionalization or institutionalization in a secure facility, 195726
conduct an adjudication procedure to determine whether to 195727

permanently exclude the pupil from attending the public schools of 195728
this state in accordance with this section. If the pupil has 195729
obtained a certificate of high school equivalence while in the 195730
custody of the department, the ~~superintendent~~ director, in the 195731
~~superintendent's~~ director's discretion, may conduct the 195732
adjudication. 195733

(C)(1) Except as provided in division (B)(3) of this section, 195734
the date of the adjudication hearing set forth in the notice 195735
required by division (B)(1) of this section shall be a date no 195736
less than fourteen days nor more than twenty-one days from the 195737
date the ~~superintendent~~ director sends the notice by certified 195738
mail or initiates personal service of the notice. 195739

(2) The ~~superintendent~~ director, for good cause shown on the 195740
written request of the pupil or the pupil's parent, guardian, or 195741
custodian, or on the ~~superintendent's~~ director's own motion, may 195742
grant reasonable continuances of any adjudication hearing held 195743
under this section but shall not grant either party total 195744
continuances in excess of ten days. 195745

(3) If a pupil or the pupil's parent, guardian, or custodian 195746
does not appear at the adjudication hearing on a proposed 195747
permanent exclusion, the ~~superintendent~~ director or the referee 195748
appointed by the ~~superintendent~~ director shall proceed to conduct 195749
an adjudication hearing on the proposed permanent exclusion on the 195750
date for the adjudication hearing that is set forth in the notice 195751
provided pursuant to division (B)(1) of this section or on the 195752
date to which the hearing was continued pursuant to division 195753
(C)(2) of this section. 195754

(D)(1) The ~~superintendent~~ director or a referee appointed by 195755
the ~~superintendent~~ director may conduct an adjudication hearing to 195756
determine whether to permanently exclude a pupil in one of the 195757
following counties: 195758

(a) The county in which the ~~superintendent~~ director holds the 195759
~~superintendent's~~ director's office; 195760

(b) Upon the request of the pupil or the pupil's parent, 195761
guardian, custodian, or attorney, in the county in which the board 195762
of education that forwarded the resolution requesting the 195763
permanent exclusion is located if the ~~superintendent~~ director, in 195764
the ~~superintendent's~~ director's discretion and upon consideration 195765
of evidence of hardship presented on behalf of the requesting 195766
pupil, determines that the hearing should be conducted in that 195767
county. 195768

(2) The ~~superintendent of public instruction~~ director or a 195769
referee appointed by the ~~superintendent~~ director shall conduct an 195770
adjudication hearing on a proposed permanent exclusion of a pupil. 195771
The referee may be an attorney admitted to the practice of law in 195772
this state but shall not be an attorney that represents the board 195773
of education that forwarded the resolution requesting the 195774
permanent exclusion. 195775

(3) The ~~superintendent~~ director or referee who conducts an 195776
adjudication hearing under this section may administer oaths, 195777
issue subpoenas to compel the attendance of witnesses and 195778
evidence, and enforce the subpoenas by a contempt proceeding in 195779
the court of common pleas as provided by law. The ~~superintendent~~ 195780
director or referee may require the separation of witnesses and 195781
may bar from the proceedings any person whose presence is not 195782
essential to the proceedings. 195783

(4) The ~~superintendent of public instruction~~ director shall 195784
request the department of rehabilitation and correction, the 195785
sheriff, the department of youth services, or any publicly funded 195786
out-of-home care entity that has legal custody of a pupil who is 195787
the subject of an adjudication hearing held pursuant to this 195788
section to transport the pupil to the place of the adjudication 195789
hearing at the time and date set for the hearing. The department, 195790

sheriff, or publicly funded out-of-home care entity that receives 195791
the request shall provide transportation for the pupil who is the 195792
subject of the adjudication hearing to the place of the hearing at 195793
the time and date set for the hearing. The department, sheriff, or 195794
entity shall pay the cost of transporting the pupil to and from 195795
the hearing. 195796

(E)(1) An adjudication hearing held pursuant to this section 195797
shall be adversary in nature, shall be conducted fairly and 195798
impartially, and may be conducted without the formalities of a 195799
criminal proceeding. A pupil whose permanent exclusion is being 195800
adjudicated has the right to be represented by counsel at the 195801
adjudication hearing. If the pupil has the financial capacity to 195802
retain counsel, the ~~superintendent~~ director or the referee is not 195803
required to provide counsel for the pupil. At the adjudication 195804
hearing, the pupil also has the right to cross-examine witnesses 195805
against the pupil, to testify, to present evidence and the 195806
testimony of witnesses on the pupil's behalf, and to raise factors 195807
in mitigation of the pupil's being permanently excluded. 195808

(2) In an adjudication hearing held pursuant to this section 195809
and section 3313.662 of the Revised Code, a representative of the 195810
school district of the board of education that adopted and 195811
forwarded the resolution requesting the permanent exclusion of the 195812
pupil shall present the case for permanent exclusion to the 195813
~~superintendent~~ director or the referee. The representative of the 195814
school district may be an attorney admitted to the practice of law 195815
in this state. At the adjudication hearing, the representative of 195816
the school district shall present evidence in support of the 195817
requested permanent exclusion. The ~~superintendent~~ director or the 195818
~~superintendent's~~ director's designee shall consider the entire 195819
school record of the pupil who is the subject of the adjudication 195820
and shall consider any of the following information that is 195821
available: 195822

(a) The academic record of the pupil and a record of any extracurricular activities in which the pupil previously was involved;	195823 195824 195825
(b) The disciplinary record of the pupil and any available records of the pupil's prior behavioral problems other than the behavioral problems contained in the disciplinary record;	195826 195827 195828
(c) The social history of the pupil;	195829
(d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;	195830 195831
(e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;	195832 195833 195834
(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;	195835 195836
(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;	195837 195838 195839
(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;	195840 195841 195842
(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.	195843 195844 195845 195846 195847 195848 195849
(3) In any adjudication hearing conducted pursuant to this section and section 3313.662 of the Revised Code, a court order that proves the adjudication or conviction that is the basis for	195850 195851 195852

the resolution of the board of education seeking permanent 195853
exclusion is sufficient evidence to prove that the pupil committed 195854
a violation as specified in division (F)(1) of this section. 195855

(4) The ~~superintendent~~ director or the referee shall make or 195856
cause to be made a record of any adjudication hearing conducted 195857
pursuant to this section. 195858

(5) A referee who conducts an adjudication hearing pursuant 195859
to this section shall promptly report the referee's findings in 195860
writing to the ~~superintendent~~ director at the conclusion of the 195861
adjudication hearing. 195862

(F) If an adjudication hearing is conducted or a 195863
determination is made pursuant to this section and section 195864
3313.662 of the Revised Code, the ~~superintendent~~ director shall 195865
review and consider the evidence presented, the entire school 195866
record of the pupil, and any available information described in 195867
divisions (E)(2)(a) to (i) of this section and shall not enter an 195868
order of permanent exclusion unless the ~~superintendent~~ director or 195869
the ~~superintendent's~~ appointed referee finds, by a preponderance 195870
of the evidence, both of the following: 195871

(1) That the pupil was convicted of or adjudicated a 195872
delinquent child for committing a violation listed in division (A) 195873
of section 3313.662 of the Revised Code and that the violation was 195874
committed when the child was sixteen years of age or older; 195875

(2) That the pupil's continued attendance in the public 195876
school system may endanger the health and safety of other pupils 195877
or school employees. 195878

(G)(1) Within seven days after the conclusion of an 195879
adjudication hearing that is conducted pursuant to this section, 195880
the ~~superintendent of public instruction~~ director shall enter an 195881
order in relation to the permanent exclusion of the pupil who is 195882
the subject of the hearing or determination. 195883

(2) If the ~~superintendent~~ director or a referee makes the findings described in divisions (F)(1) and (2) of this section, the ~~superintendent~~ director shall issue a written order that permanently excludes the pupil from attending any of the public schools of this state and immediately shall send a written notice of the order to the board of education that forwarded the resolution, to the pupil who was the subject of the resolution, to that pupil's parent, guardian, or custodian, and to that pupil's attorney, that includes all of the following:

(a) A copy of the order of permanent exclusion;

(b) A statement informing the pupil and the pupil's parent, guardian, or custodian of the pupil's right to appeal the order of permanent exclusion pursuant to division (H) of this section and of the possible revocation of the permanent exclusion pursuant to division (I) of this section if a final judicial determination reverses the conviction or adjudication that was the basis for the permanent exclusion;

(c) A statement informing the pupil and the pupil's parent, guardian, or custodian of the provisions of divisions (F), (G), and (H) of section 3313.662 of the Revised Code.

(3) If the ~~superintendent~~ director or a referee does not make the findings described in divisions (F)(1) and (2) of this section, the ~~superintendent~~ director shall issue a written order that rejects the resolution of the board of education and immediately shall send written notice of that fact to the board of education that forwarded the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.

(H) A pupil may appeal an order of permanent exclusion made by the ~~superintendent of public instruction~~ director pursuant to this section and section 3313.662 of the Revised Code to the court

of common pleas of the county in which the board of education that 195915
forwarded the resolution requesting the permanent exclusion is 195916
located. The appeal shall be conducted in accordance with Chapter 195917
2505. of the Revised Code. 195918

(I) If a final judicial determination reverses the conviction 195919
or adjudication that is the basis of a permanent exclusion ordered 195920
under this section, the ~~superintendent of public instruction~~ 195921
director, upon receipt of a certified copy of an order reflecting 195922
that final determination from the pupil or that pupil's parent, 195923
guardian, custodian, or attorney, shall revoke the order of 195924
permanent exclusion. 195925

(J) As used in this section: 195926

(1) "Permanently exclude" and "permanent exclusion" have the 195927
same meanings as in section 3313.662 of the Revised Code. 195928

(2) "Out-of-home care" and "legal custody" have the same 195929
meanings as in section 2151.011 of the Revised Code. 195930

(3) "Certificate of high school equivalence" has the same 195931
meaning as in section 4109.06 of the Revised Code. 195932

Sec. 3301.13. (A) The department of education and workforce 195933
is hereby created. The department shall be headed by the director 195934
of education and workforce, who shall be appointed by the governor 195935
with the advice and consent of the senate. 195936

(B) The department consists of the following divisions: 195937

(1) The division of primary and secondary education, which 195938
shall be headed by a deputy director appointed by the director 195939
with the advice and consent of the senate; 195940

(2) The division of career-technical education, which shall 195941
be headed by a deputy director appointed by the director with the 195942
advice and consent of the senate. 195943

The director shall appoint an individual with appropriate educational, professional, or managerial experience, as determined by the director, to be the deputy director of primary and secondary education or career-technical education. 195944
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(C) All powers and duties regarding primary, secondary, special, and career-technical education granted to the state board, the state superintendent, or the former department of education, as prescribed by law in effect prior to the effective date of this section, except those prescribed for the state board of education as described in section 3301.111 of the Revised Code, are transferred to the director of education and workforce, who may delegate those duties and powers to the division of primary and secondary education or the division of career-technical education as the director determines appropriate. 195948
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(D) The department of education and workforce is subject to all provisions of law pertaining to departments, offices, or institutions established for the exercise of any function of the state government and is subject to Chapter 119. of the Revised Code. The headquarters of the department of education and workforce is at the seat of government, where office space suitable and adequate for the work of the department shall be provided by the appropriate state agency. 195958
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(E)(1) The director is responsible for administrative rules adopted by the department for the implementation of the powers and duties of the department. The director's rulemaking authority is limited to the director's or department's statutorily prescribed powers and duties. 195966
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(2) In accordance with section 106.042 of the Revised Code, the general assembly, by adopting a concurrent resolution, may rescind or invalidate any rule adopted by the director under section 111.15 or Chapter 119. of the Revised Code. 195971
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(F) Any policy adopted or guidance issued by the director or the department that is not expressly authorized or required by state or federal statute shall be advisory in nature. Any such policy or guidance is nonbinding on schools and educators and does not have the force and effect of law. 195975
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(G) The director shall employ such personnel as the director determines necessary to carry out the duties and powers of the department of education and workforce. The director shall exercise general supervision of the department's employees and may appoint, fix the salary, and terminate the employment of such employees. 195980
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(H) No individual shall hold the office of director of education and workforce, deputy director of primary and secondary education, or deputy director of career-technical education without being appointed with the advice and consent of the senate as described in this section, unless that individual is serving as director or deputy director on an interim basis. No individual shall serve as director or deputy director on an interim basis for more than forty-five days. 195985
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(I) The standing committee of the senate that considers primary and secondary education legislation shall hold at least one in-person hearing on the nomination of an individual to serve as director of education and workforce, deputy director of primary and secondary education, or deputy director of career-technical education before the full senate holds a confirmation vote on that nomination. 195993
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(J) To best serve the interests of primary and secondary education and workforce development in the state of Ohio, and to maximize efficiencies and operations, the state board of education and the department of education and workforce may exchange necessary information and documentation upon request to enable both agencies to effectively perform their functions under state or federal law, including sharing information that is proprietary 196000
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to the agency or confidential. The agency receiving proprietary or 196007
confidential information shall not disclose the information and 196008
shall adopt safeguards to prevent disclosure. 196009

Sec. 3301.131. The department of education and workforce 196010
shall encourage, seek out, and publicize to the general public and 196011
the school districts of this state, innovative and exemplary 196012
school-parent and school-business partnerships. The board of 196013
education of a district involved in such a partnership shall 196014
cooperate with the department by providing information about the 196015
partnership. As used in this section: 196016

(A) "School-parent partnership" means a program that actively 196017
involves parents of students in the decision-making process of the 196018
school district or individual schools within the district; 196019

(B) "School-business partnership" means a program in this 196020
state in which businesses, labor organizations, associations, 196021
foundations, or other persons, assist local schools in preparing 196022
children for employment or higher education, and may include 196023
programs involving work experience, mentoring, tutoring, incentive 196024
grants, or the use of corporate facilities and equipment. 196025

Sec. 3301.132. Not later than ninety days after the effective 196026
date of this section, the director of education and workforce 196027
shall amend or rescind any administrative rules regarding 196028
nonchartered nonpublic schools as necessary to conform with 196029
section 3301.0732 of the Revised Code as enacted by this act. 196030
Thereafter, neither the director nor the department of education 196031
and workforce shall prescribe or adopt any additional rules 196032
regarding nonchartered nonpublic schools. 196033

The director shall rescind any rules regarding the issuance 196034
of excuses from compulsory attendance for the purposes of home 196035
education under division (A)(2) of section 3321.04 of the Revised 196036

Code, as it existed prior to the effective date of this section. 196037
Thereafter, neither the director nor the department of education 196038
and workforce shall prescribe or adopt any additional rules 196039
regarding home education. 196040

Sec. 3301.133. As used in this section, "form" means any 196041
report, document, paper, computer software program, or other 196042
instrument used in the management information system created by 196043
section 3301.0714 of the Revised Code or used to gather required 196044
or requested education data under division (I) of section 3301.07 196045
of the Revised Code or any other provision of state or federal 196046
statute or rule. 196047

(A) The organization of the department of education and 196048
workforce shall include an identifiable organizational unit that 196049
deals with the management of any education data that the 196050
department gathers, processes, uses, or reports. The 196051
~~superintendent of public instruction~~ director of education and 196052
workforce shall assign employees to this unit or employ persons 196053
for this unit who are trained and experienced in data management 196054
and the design of forms and who understand the data needs of the 196055
department ~~of education~~. The ~~superintendent~~ director shall provide 196056
a sufficient number of such employees for the unit to perform its 196057
duties in an effective and timely manner. 196058

(B) The unit established pursuant to division (A) of this 196059
section shall: 196060

(1) Review each new form or modification of any existing form 196061
that the ~~state board, the superintendent of public instruction, or~~ 196062
~~the department of education~~ proposes to put into use ~~on or after~~ 196063
~~July 1, 1992~~. In conducting the review of any form, the unit shall 196064
evaluate it utilizing at least the criteria specified under 196065
division (C) of this section. The unit shall report in writing to 196066
the ~~superintendent of public instruction~~ director whether the form 196067

satisfies the criteria specified under division (C) of this section, and if not, the reasons why it does not. Each report shall include recommendations regarding the simplification, consolidation, or elimination of the proposed form or any other forms related to the proposed form that would enable all the criteria specified under division (C) of this section to be met.

(2) Regularly contact and seek to work with other state and federal agencies that collect and use education data for the purpose of increasing the efficiency and coordination of data collection;

(3) Perform any other duties assigned by the ~~superintendent of public instruction~~ director.

(C) In conducting the review of any form pursuant to division (B)(1) of this section, the unit established under division (A) of this section shall determine whether the following criteria are satisfied:

(1) Each data item on the form does not duplicate data already submitted to the ~~state board, superintendent of public instruction, or~~ department of education.

(2) The form cannot be consolidated with any other form required by the ~~state board, superintendent, or~~ department.

(3) The form is required to be submitted no more often than necessary and no sooner than reasonably necessary prior to the date on which the data reported on the form will be initially used.

(4) The stated purpose of the form cannot be met as part of any other procedure, such as a verification or certification procedure or other reporting procedure.

(5) If the form or any data item on the form is attributed to any requirement of state statute, federal statute or rule, or any

court, the form or data item is limited to the data that the statute, rule, or court requires.

(6) If the form or any data item on the form is attributed to the requirements of any research or of any process of auditing school districts for compliance with any requirement, the research is planned or currently taking place or the compliance is currently required.

(7) The form is designed in a way that minimizes the cost of completing it.

(8) The form includes instructions that clearly explain how to complete it, who will use the data reported on it, and whom to contact with questions about completing the form or the use of the data reported on it.

Sec. 3301.134. (A) In each fiscal year the department of education and workforce, in accordance with appropriations made by the general assembly, may issue awards of equal amounts up to fifteen thousand dollars to those fifty public schools that are determined by the department to have implemented in the immediately preceding fiscal year innovative and exemplary parental involvement programs that have enhanced parental involvement in such schools according to criteria established by the department.

(B) The department ~~of education~~ shall collect and retain information on the innovative and exemplary parental involvement programs of all schools that have received awards under division (A) of this section. In each fiscal year the department shall publicize to every school district a description of each of the innovative and exemplary parental involvement programs of the schools that have received awards in the immediately preceding fiscal year.

(C) Any school that receives an award under division (A) of this section may expend the money on any lawful purpose.

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Sec. 3301.135. The department of education and workforce annually shall compile a list of organizations and companies that offer free and reduced cost epinephrine autoinjectors to qualifying school districts, other public schools, and chartered nonpublic schools. The department shall make this information readily available on their web site and send a copy of the list by mail or electronically to each school district, other public school, and chartered nonpublic school.

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As used in this section, "other public school" has the same meaning as in section 3301.0711 of the Revised Code.

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Sec. 3301.136. The department of education and workforce shall compile a list of tutoring programs that it considers to be of high quality and have the potential to accelerate learning for students in the areas of English language arts, mathematics, science, and social studies. For this purpose, the department shall request the qualifications of public and private entities that provide tutoring programs for students. The department shall establish a rubric to evaluate the programs and determine a minimum score for a tutoring program to be included on the department's list.

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In compiling the list, the department may designate individual tutoring programs as more appropriate for certain grade levels, populations of students, or subject areas.

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The department may establish multiple application periods in any school year for entities to submit their qualifications for consideration to be included on the list. However, the department shall post the initial list of tutoring programs on the department's web site not later than October 1, 2022. No school

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district or school shall be required to use a tutoring program on 196158
the list. 196159

Sec. 3301.137. (A) The director of education and workforce, 196160
or the director's designee, shall convene a public meeting at 196161
least once every other month. Employees of the department of 196162
education and workforce shall conduct a presentation at each 196163
meeting that addresses any new information the department has 196164
about any of its significant new or existing initiatives, 196165
policies, or guidelines; any change to state or federal law that 196166
affects the department or education stakeholders, as determined by 196167
the director, in this state; and any rule the director intends to 196168
adopt, amend, or rescind in accordance with Chapter 119. and 196169
section 3301.138 of the Revised Code. 196170

Nothing in division (A) of this section precludes the 196171
director or the department from using other methods to engage with 196172
stakeholders. 196173

(B) At the conclusion of a presentation under this section, 196174
the director, or the director's designee, shall provide an 196175
opportunity for public discussion on the information provided in 196176
the presentation. The director, or the director's designee, may 196177
accept public discussion about other topics as the director, or 196178
the director's designee, determines appropriate. 196179

(C) The department shall make available via the internet an 196180
audio recording of each public meeting under this section. The 196181
director shall make the audio recording available not later than 196182
five business days after the conclusion of a meeting. 196183

(D) Notwithstanding any provision of the Revised Code to the 196184
contrary, any nonemergency rule adopted after the effective date 196185
of this section is void unless the rule is included in a 196186
presentation conducted in a public meeting under this section 196187
prior to initiating rulemaking in accordance with Chapter 119. of 196188

the Revised Code. 196189

Sec. 3301.138. (A) As used in this section, "five-year 196190
review" means a review of a rule in accordance with sections 196191
106.03 and 119.04 of the Revised Code. 196192

(B) The department of education and workforce shall establish 196193
a stakeholder outreach process for use when engaging in rulemaking 196194
in accordance with Chapter 119. of the Revised Code. Under the 196195
process, the department shall establish a method under which 196196
stakeholders may elect to participate. The process also shall 196197
require the department to do all of the following: 196198

(1) Before initiating the process to conduct a five-year 196199
review or to adopt a new rule or amend or rescind an existing 196200
rule, do all of the following: 196201

(a) Notify stakeholders about the department's intent to 196202
initiate rulemaking. The department shall include in the notice an 196203
explanation of the department's rationale for initiating 196204
rulemaking, which shall include either of the following: 196205

(i) For a five-year review, if the department determines a 196206
rule does not need to be amended or rescinded, a statement that 196207
the rule is not being amended or rescinded; 196208

(ii) If the department is adopting a new rule or amending or 196209
rescinding an existing rule, information explaining the rationale 196210
for changing the rule including any state or federal law changes 196211
that make the new rule or rule change necessary. 196212

(b) Provide a link to a web page on the department's web site 196213
that provides an opportunity to review the current rule, if one 196214
exists, and submit public comments for a period of time 196215
established by the department. As part of the public comment 196216
system, the department shall provide individuals who submit 196217
comments with the opportunity to also submit information that 196218

might aid the department in preparing a business impact analysis, 196219
if one is required. 196220

(c) Consider each comment the department receives during the 196221
public comment period when drafting the rule. The department is 196222
not required to respond to submitted comments. 196223

(2) Prior to submitting a proposed rule to the joint 196224
committee on agency rule review, do all of the following: 196225

(a) Post the draft rule and a completed business impact 196226
analysis on the department's web site, if one is required; 196227

(b) Notify stakeholders that the rule draft, and the business 196228
impact analysis, if one is required, have been posted on the 196229
department's web site. The department shall include in the notice 196230
a link to a web page on the department's web site that provides an 196231
opportunity to review the draft rule, and the business impact 196232
analysis, if one is required, and submit public comments for a 196233
period of time established by the department. 196234

(c) Consider each comment the department receives during the 196235
public comment period. The department may revise the draft based 196236
on the submitted comments. 196237

(3) If the department determines further outreach is 196238
necessary, hold stakeholder meetings, send questions to 196239
stakeholders, or create stakeholder advisory groups. 196240

(C) A notice under division (B) of this section is not a 196241
public notice, but rather a courtesy for stakeholders. 196242

(D) Nothing in this section requires the department to send 196243
out draft rules to, nor negotiate draft rule language with, 196244
stakeholders. 196245

Sec. 3301.14. ~~Each year the state board of education~~ The 196246
department of education and workforce shall require a an annual 196247
report of the president, manager, or principal of each seminary, 196248

academy, parochial, or private school. The report shall be made 196249
upon forms furnished by the ~~board~~ department and shall contain a 196250
statement of such facts as it requests. The president, manager, or 196251
principal shall complete and return such forms within a time fixed 196252
by the ~~state board of education~~ department. 196253

Sec. 3301.15. The ~~state board of education~~ department of 196254
education and workforce or its authorized representatives may 196255
inspect all institutions under the control of the department of 196256
job and family services, the department of mental health and 196257
addiction services, the department of developmental disabilities, 196258
and the department of rehabilitation and correction which employ 196259
teachers, and may make a report on the teaching, discipline, and 196260
school equipment in these institutions to the director of job and 196261
family services, the director of mental health and addiction 196262
services, the director of developmental disabilities, the director 196263
of rehabilitation and correction, and the governor. 196264

Sec. 3301.16. Pursuant to standards prescribed by the ~~state~~ 196265
~~board of education~~ director of education and workforce as provided 196266
in division (D) of section 3301.07 of the Revised Code, the ~~state~~ 196267
~~board~~ director shall classify and charter school districts and 196268
individual schools within each district except that no charter 196269
shall be granted to a nonpublic school unless the school complies 196270
with divisions (K)(1) and (L) of section 3301.0711, as applicable, 196271
and sections 3301.164 and 3313.612 of the Revised Code. 196272

In the course of considering the charter of a new school 196273
district created under section 3311.26 or 3311.38 of the Revised 196274
Code, the ~~state board~~ director shall require the party proposing 196275
creation of the district to submit to the board a map, certified 196276
by the county auditor of the county in which the proposed new 196277
district is located, showing the boundaries of the proposed new 196278
district. In the case of a proposed new district located in more 196279

than one county, the map shall be certified by the county auditor 196280
of each county in which the proposed district is located. 196281

The ~~state board~~ director shall revoke the charter of any 196282
school district or school which fails to meet the standards for 196283
elementary and high schools as prescribed by the ~~board~~ director. 196284
The ~~state board~~ director shall also revoke the charter of any 196285
nonpublic school that does not comply with divisions (K)(1) and 196286
(L) of section 3301.0711, if applicable, and sections 3301.164 and 196287
3313.612 of the Revised Code. 196288

In the issuance and revocation of school district or school 196289
charters, the ~~state board~~ director shall be governed by the 196290
provisions of Chapter 119. of the Revised Code. 196291

No school district, or individual school operated by a school 196292
district, shall operate without a charter issued ~~by the state~~ 196293
~~board~~ under this section. 196294

In case a school district charter is revoked pursuant to this 196295
section, the state board of education may dissolve the school 196296
district and transfer its territory to one or more adjacent 196297
districts. An equitable division of the funds, property, and 196298
indebtedness of the school district shall be made by the state 196299
board among the receiving districts. The board of education of a 196300
receiving district shall accept such territory pursuant to the 196301
order of the state board. Prior to dissolving the school district, 196302
the state board shall notify the appropriate educational service 196303
center governing board and all adjacent school district boards of 196304
education of its intention to do so. Boards so notified may make 196305
recommendations to the state board regarding the proposed 196306
dissolution and subsequent transfer of territory. Except as 196307
provided in section 3301.161 of the Revised Code, the transfer 196308
ordered by the state board shall become effective on the date 196309
specified by the state board, but the date shall be at least 196310
thirty days following the date of issuance of the order. 196311

A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects as may be approved by the ~~state board of education~~ director.

An elementary school is one in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the ~~state board of education~~ director. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

Sec. 3301.162. (A) If the governing authority of a chartered nonpublic school intends to close the school, the governing authority shall notify all of the following of that intent prior to closing the school:

(1) The department of education and workforce;

(2) The school district that receives auxiliary services funding under division (E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school;

(3) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the ~~state board of education~~ department, if applicable;

(4) If the school has been designated as a STEM school equivalent under section 3326.032 of the Revised Code, the STEM committee established under section 3326.02 of the Revised Code.

The notice shall include the school year and, if possible, the actual date the school will close.

(B) The chief administrator of each chartered nonpublic school that closes shall deposit the school's records with either:

(1) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the ~~state board~~ department, if applicable;

(2) The school district that received auxiliary services funding under division (E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school.

The school district that receives the records may charge for and receive a one-time reimbursement from auxiliary services funding under division (E) of section 3317.024 of the Revised Code for costs the district incurred to store the records.

Sec. 3301.163. (A) ~~Beginning July 1, 2015, any~~ Any third-grade student who attends a chartered nonpublic school with a scholarship awarded under either the educational choice scholarship pilot program, prescribed in sections 3310.01 to 3310.17, or the pilot project scholarship program prescribed in sections 3313.974 to 3313.979 of the Revised Code, shall be subject to the third-grade reading guarantee retention provisions under division (A)(2) of section 3313.608 of the Revised Code, including the exemptions prescribed by that division. For purposes of determining if a child with a disability is exempt from retention under this section, an individual services plan created for the child that has been reviewed by either the student's school district of residence or the school district in which the chartered nonpublic school is located and that specifies that the student is not subject to retention shall be considered in the same manner as an individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by division (A)(2) of section 3313.608 of the Revised Code.

As used in this section, "child with a disability" and "school district of residence" have the same meanings as in section 3323.01 of the Revised Code.

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(B)(1) Each chartered nonpublic school that enrolls students in any of grades kindergarten through three and that accepts students under the educational choice scholarship pilot program or the pilot project scholarship program shall adopt policies and procedures for the annual assessment of the reading skills of those students. Each school may use the diagnostic assessment to measure reading ability for the appropriate grade level prescribed in division (D) of section 3301.079 of the Revised Code. If the school uses such assessments, the department of education and workforce shall furnish them to the chartered nonpublic school.

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(2) For each student identified as having reading skills below grade level, the school shall do both of the following:

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(a) Provide to the student's parent or guardian, in writing, all of the following:

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(i) Notification that the student has been identified as having a substantial deficiency in reading;

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(ii) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A)(1) of section 3313.608 of the Revised Code.

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(b) Provide intensive reading instruction services, as determined appropriate by the school, to each student identified under this section.

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(C) Each chartered nonpublic school subject to this section annually shall report to the department the number of students

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identified as reading at grade level and the number of students 196404
identified as reading below grade level. 196405

Sec. 3301.18. The department of education and workforce 196406
shall: 196407

(A) Administer grants under section 3301.19 of the Revised 196408
Code in support of voluntary desegregation within school 196409
districts; 196410

(B) Provide technical assistance to school districts 196411
developing voluntary plans for desegregation or plans to reduce or 196412
eliminate racial isolation; 196413

(C) Develop desegregation plans as required by court order 196414
and provide technical assistance to school districts required to 196415
develop plans under court order; 196416

(D) Report to the general assembly annually on expenditures 196417
made by the state to reduce or eliminate racial isolation and 196418
enumerate anticipated expenses for desegregation resulting from 196419
court action or action taken by the federal government. 196420

Sec. 3301.19. The department of education and workforce shall 196421
administer a program to support school boards that voluntarily 196422
adopt and implement plans of student transfers to desegregate 196423
schools within their districts. To be eligible for such support, 196424
both of the following must apply: 196425

(A) The district must have a minority enrollment of between 196426
twenty-five and seventy-five per cent, according to the most 196427
recent racial and ethnic census of the district prepared by the 196428
department; 196429

(B) The school board must adopt and submit to the department, 196430
not later than the first day of October, a plan for reducing 196431
racial isolation through the transfer of not fewer than fifty 196432

students in the district. The plan must provide for any or all of 196433
the following: 196434

(1) The transfer of minority students from a school with 196435
greater than the average minority composition of the district to a 196436
school with less than the average minority composition of the 196437
district; 196438

(2) The transfer of majority students from a school with less 196439
than the average minority composition of the district to a school 196440
with more than the average minority composition of the district; 196441

(3) The transfer of minority or majority students to 196442
designated schools if the transfers cause the racial composition 196443
of the designated schools to more closely approximate the student 196444
racial composition of the entire district taken as a whole. 196445

The department ~~of education~~ shall pay the school district an 196446
amount equal to four hundred dollars per student transferred, 196447
except that if all payments required to be made under this section 196448
during the fiscal year exceed the appropriation for the purpose, 196449
the payment to each school district shall be proportionately 196450
reduced. The school board may spend the amount received only on 196451
activities other than transportation that support the reduction of 196452
racial isolation. In the case of a transfer from a school that is 196453
being permanently closed or that results from a permanent change 196454
in the boundary of a school attendance zone, payment shall be made 196455
only for the initial year the transfer is made. In the case of any 196456
other kind of transfer, payment shall be made for each fiscal year 196457
the transfer occurs. 196458

Sec. 3301.22. The ~~state board of education~~ department of 196459
education and workforce shall develop a model policy to prohibit 196460
harassment, intimidation, or bullying in order to assist school 196461
districts in developing their own policies under section 3313.666 196462
of the Revised Code. ~~The board shall issue the model policy within~~ 196463

~~six months after the effective date of this section.~~ 196464

Sec. 3301.221. (A) As used in this section and section 196465
3313.60 of the Revised Code, "evidence-based" means a program or 196466
practice that does either of the following: 196467

(1) Demonstrates a rationale based on high-quality research 196468
findings or positive evaluation that such a program or practice is 196469
likely to improve relevant outcomes and includes ongoing efforts 196470
to examine the effects of the program or practice; 196471

(2) Has a statistically significant effect on relevant 196472
outcomes based on: 196473

(a) Strong evidence from at least one well-designed and 196474
well-implemented experimental study; 196475

(b) Moderate evidence from at least one well-designed and 196476
well-implemented quasi-experimental study; or 196477

(c) Promising evidence from at least one well-designed and 196478
well-implemented correlation study with statistical controls for 196479
selection bias. 196480

(B) The department of education and workforce, in 196481
consultation with the department of public safety and the 196482
department of mental health and addiction services, shall maintain 196483
a list of approved training programs, to be posted on the 196484
department of ~~education's~~ education and workforce's web site, for 196485
instruction in suicide awareness and prevention and violence 196486
prevention as prescribed under division (A)(5)(h) of section 196487
3313.60 and division (D) of section 3319.073 of the Revised Code. 196488
The list of approved training programs shall include at least one 196489
option that is free or of no cost to schools. The approved 196490
training programs shall be evidence-based and include the 196491
following: 196492

(1) How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students;	196493 196494
(2) How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers;	196495 196496
(3) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services;	196497 196498 196499
(4) How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors;	196500 196501 196502 196503
(5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others;	196504 196505
(6) The importance of taking threats seriously and seeking help;	196506 196507
(7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program.	196508 196509 196510
(C) The department of education <u>and workforce</u> , in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education's <u>education and workforce's</u> web site, for instruction in social inclusion as prescribed by division (A)(5)(j) of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:	196511 196512 196513 196514 196515 196516 196517 196518 196519 196520
(1) What social isolation is and how to identify it in others;	196521 196522

(2) What social inclusion is and the importance of establishing connections with peers;	196523 196524
(3) When and how to seek help for peers who may be socially isolated;	196525 196526
(4) How to utilize strategies for more social inclusion in classrooms and the school community.	196527 196528
Sec. 3301.23. (A) Not later than thirty days after the effective date of this section, the <u>The</u> department of education <u>and workforce</u> , in consultation with the chancellor of higher education, shall establish a committee to develop a state plan for computer science education for the purposes of primary and secondary education.	196529 196530 196531 196532 196533 196534
(B) When developing the plan, the committee established under this section shall consider the following:	196535 196536
(1) Best practices and challenges associated with the implementation of primary and secondary computer science curriculum in this state;	196537 196538 196539
(2) Demographic data for students who receive instruction in computer science;	196540 196541
(3) Benchmarks to create a sustainable supply of teachers certified to provide instruction in computer science;	196542 196543
(4) Best practices to form public and private partnerships for funding, mentoring, and internships for teachers providing instruction in computer science;	196544 196545 196546
(5) Requiring all students to complete a computer science course prior to high school graduation;	196547 196548
(6) Establishing a work-based learning pilot program that includes high schools, universities, and local industry and permits the department and the chancellor to develop pathways to	196549 196550 196551

align computer science education in the state with the state's workforce needs; 196552
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(7) Any other topic determined appropriate by the committee. 196554

(C) The committee established under this section shall consist of all of the following: 196555
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(1) The ~~superintendent of public instruction~~ director of education and workforce, or designee; 196557
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(2) The chancellor, or designee; 196559

(3) Representatives of computer science education stakeholders appointed by the ~~state superintendent~~ director, in consultation with the chancellor. Computer science education stakeholders represented on the committee shall include all of the following: 196560
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(a) Career-technical education; 196565

(b) Teachers; 196566

(c) Institutions of higher education; 196567

(d) Businesses; 196568

(e) State and national computer science organizations. 196569

(D) Within the plan, the committee established under this section shall include all of the following: 196570
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(1) An examination of the challenges that prevent school districts from offering computer science courses; 196572
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(2) A requirement that the department ~~of education~~ collect any data regarding computer science courses offered by school districts and school buildings operated by school districts, including the names of the courses and whether the courses were developed using the standards and model curriculum adopted under division (A)(4) of section 3301.079 of the Revised Code, and post the collected data on its web site. 196574
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(3) A requirement that the committee determine the best ways to compile data on computer science courses, teachers, and undergraduate students studying computer science in universities.

(4) Any findings the committee determines appropriate based on its consideration of the topics described in division (B) of this section.

(E) The committee shall complete the plan not later than ~~one year after the effective date of this section~~ September 30, 2022, and the department shall post the completed plan in a prominent location on its web site.

Sec. 3301.27. The department of education or workforce shall conduct research on the factors that improve education effectiveness in school districts and for this purpose may require school districts to administer tests in addition to those otherwise required by law, such as the national assessment of education progress. The department shall make the results of any research conducted under this section available to all school districts.

Sec. 3301.28. (A) As used in this section:

(1) "Coordinating service center" means the educational service center of central Ohio or its successor organization.

(2) "Public school" means a school building operated by a school district or other public school, as defined in section 3301.0711 of the Revised Code, or a building operated by an educational service center.

(B) The ~~superintendent of public instruction~~ department of education and workforce shall establish a program to provide tutoring and remedial education services in reading and English language arts, mathematics, science, and social studies to students at public and chartered nonpublic schools that elect to

participate in the program. Tutors shall not be considered 196611
employees of the public or chartered nonpublic school in which 196612
they provide tutoring services. Rather, the tutors shall be either 196613
employed or engaged as a volunteer by the coordinating service 196614
center. The coordinating service center shall be responsible for 196615
compensating each individual it employs as a tutor using funds 196616
transferred from the school at which the individual works as a 196617
tutor. The coordinating service center may coordinate placement of 196618
tutors with the sixteen regional educational service centers, 196619
selected under division (C)(4) of this section, and other service 196620
centers as determined necessary by the coordinating service 196621
center. 196622

Individuals who wish to participate in the program as tutors 196623
shall submit an application to the coordinating service center. 196624
~~Not later than sixty days after the effective date of this~~ 196625
~~section, the~~ The coordinating service center shall establish 196626
application procedures for individuals who wish to participate in 196627
the program as tutors. 196628

To be eligible to participate as a tutor under the program, 196629
an individual shall be either of the following: 196630

(1) A retired teacher or substitute teacher, regardless of 196631
whether the teacher holds a valid educator license, certificate, 196632
or permit issued under Chapter 3319. or section 3301.071 of the 196633
Revised Code, provided that the teacher has not had an educator 196634
license, certificate, or permit denied, suspended, or revoked by 196635
the state board of education under section 3319.31 of the Revised 196636
Code or entered into a consent agreement pursuant to division (E) 196637
of section 3319.311 of the Revised Code; 196638

(2) An individual, not described in division (A)(1) of this 196639
section, who is determined to be eligible by the coordinating 196640
service center in accordance with standards established by the 196641
~~state superintendent~~ department. 196642

(C) The ~~state superintendent~~ department, with assistance from 196643
participating educational service centers, and in consultation 196644
with public and chartered nonpublic schools, shall administer and 196645
implement the program as follows: 196646

(1) ~~Not later than sixty days after the effective date of~~ 196647
~~this section, the state superintendent~~ The department shall 196648
establish standards for determining the eligibility of tutors 196649
under division (B)(2) of this section. 196650

(2) ~~Not later than sixty days after the effective date of~~ 196651
~~this section, the~~ The coordinating service center, in consultation 196652
with the ~~state superintendent~~ department, shall create a training 196653
course for tutors described in division (B) of this section who do 196654
not hold valid educator licenses, certificates, or permits issued 196655
under Chapter 3319. or section 3301.071 of the Revised Code. The 196656
coordinating service center and ~~state superintendent~~ department 196657
may establish additional training requirements for tutors who 196658
provide tutoring services to students with special needs or 196659
students with an individualized education program, as that term is 196660
defined in section 3323.01 of the Revised Code. In addition, the 196661
coordinating service center and ~~state superintendent~~ department 196662
may continue to provide training to tutors after their placement 196663
in schools. 196664

(3) The department ~~of education~~ shall serve as the fiscal 196665
agent for the program. The department shall provide for 196666
administrative and implementation costs, costs of developing the 196667
training course described in division (C)(2) of this section, and 196668
provide technical assistance at the request of the coordinating 196669
service center. 196670

The department shall not compensate tutors under the program. 196671

The ~~department~~ state board shall not charge any registration 196672
fee to individuals who wish to participate in the program as 196673

tutors. 196674

(4) Educational service centers from each educational 196675
regional service system described in section 3312.02 of the 196676
Revised Code may select one educational service center to 196677
administer the training program for their region in conjunction 196678
with the coordinating service center. The educational service 196679
center selected for each region may cooperate with individual 196680
educational service centers to implement the training program. 196681

(5) Each educational service center may coordinate the 196682
placement of tutors at the participating public and chartered 196683
nonpublic schools within its service territory. 196684

(6) The coordinating service center shall require an 196685
individual employed or engaged as a volunteer as a tutor under 196686
this section to apply for and receive a registration from the 196687
department. 196688

As a condition of registration under this section, an 196689
individual shall be subject to a criminal records check as 196690
prescribed by section 3319.39 or 3319.391 of the Revised Code, as 196691
appropriate. The individual shall request the criminal records 196692
check through the coordinating service center and shall submit the 196693
criminal records check to the ~~department of education~~ state board 196694
in a manner determined by the ~~department~~ state board. The 196695
~~department~~ state board shall use the information submitted to 196696
enroll the individual in the retained applicant fingerprint 196697
database, established under section 109.5721 of the Revised Code, 196698
in the same manner as any teacher licensed under sections 3319.22 196699
to 3319.31 of the Revised Code. 196700

If the ~~department~~ state board receives notification of the 196701
arrest or conviction of an individual registered under division 196702
(C)(6) of this section, the ~~department~~ state board shall promptly 196703
notify the coordinating service center and may take any action 196704

authorized under sections 3319.31 and 3319.311 of the Revised Code 196705
that the department considers appropriate. The ~~department~~ state 196706
board shall not accept the application of any individual under 196707
this section if the ~~department~~ state board learns that the 196708
individual has pleaded guilty to, has been found guilty by a jury 196709
or court of, or has been convicted of any of the offenses listed 196710
in division (C) of section 3319.31 of the Revised Code. 196711

The department shall reimburse the coordinating service 196712
center for both of the following: 196713

(a) Any costs incurred by the coordinating service center 196714
when assisting with the registration of tutors with the 196715
department; 196716

(b) The cost of the criminal records check required under 196717
this section. 196718

(7) Participation by public and chartered nonpublic schools 196719
is voluntary. Public and chartered nonpublic schools that wish to 196720
participate in the tutoring and remedial education program shall 196721
notify the coordinating service center of their intention to do 196722
so. 196723

Each participating school shall have the ultimate authority 196724
over how best to incorporate tutors into the school setting, but 196725
such determinations shall be made in cooperation with the 196726
educational service center. Program activities may take place 196727
before, during, or after school as well as during breaks from 196728
school such as weekends, holidays, or summer vacation. Program 196729
activities may take place on an online platform or in person, 196730
including on school premises, at community-based youth development 196731
organizations, or in another public location the school's 196732
governing body and educational service center determine to be 196733
appropriate. 196734

A participating school shall provide necessary materials, 196735

space, and equipment for tutors placed in the school. A 196736
participating school shall transfer funds to the coordinating 196737
service center to assist the service center in making payments to 196738
tutors placed in the school and paying the cost of other benefits 196739
for the tutors. The ~~state superintendent~~ department, in 196740
consultation with the chancellor of higher education, shall create 196741
a list of benefits which a participant may receive. 196742

Participating schools shall use their own funds to pay costs 196743
incurred from participating in the program. 196744

(D) Upon the completion of each of the 2022-2023, 2023-2024, 196745
and 2024-2025 school years, the department shall conduct a review 196746
of the program's effectiveness in providing tutoring and remedial 196747
education to students. Based on each of those reviews, the 196748
department shall issue a report of its findings. The report also 196749
shall include the number of participating public and chartered 196750
nonpublic schools, tutors, and students, as well as whether 196751
tutoring in a particular school was provided on an online platform 196752
or in-person. The department may request and collect data from 196753
public or chartered nonpublic schools and from educational service 196754
centers for the report. The department shall, in accordance with 196755
section 101.68 of the Revised Code, submit those reports to the 196756
general assembly, as follows: 196757

(1) The report for the 2022-2023 school year shall be 196758
submitted not later than September 30, 2023. 196759

(2) The report for the 2023-2024 school year shall be 196760
submitted not later than September 30, 2024. 196761

(3) The report for the 2024-2025 school year shall be 196762
submitted not later than September 30, 2025. 196763

(E) Nothing in this section shall be construed as prohibiting 196764
a public or chartered nonpublic school from contracting or 196765
partnering with another entity to provide tutoring services to the 196766

school's students. 196767

Sec. 3301.30. The department of education and workforce 196768
shall: 196769

(A) Actively encourage, assist, and support boards of 196770
education in applying for moneys for programs for pre-school 196771
children of migrant agricultural laborers under Title I of the 196772
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 196773
U.S.C.A. 236, as amended; 196774

(B) Establish an official relationship with the Texas 196775
education agency and the Florida department of education to 196776
cooperate and exchange information with those states concerning 196777
education for children of migrant ~~agricultural~~ agricultural 196778
laborers, and coordinate its activities and services for such 196779
children with those states and any other states that provide 196780
education for such children; 196781

(C) Take all necessary steps to compensate for the lack of 196782
continuity in instructional curriculum experienced by children of 196783
migrant agricultural laborers as a result of their parents' 196784
occupation by assuring that: 196785

(1) Coordinated interstate and intrastate programs are 196786
provided at all levels, including coordinated programs leading to 196787
credit accrual; 196788

(2) Parents are given information about the availability of 196789
interstate and intrastate programs. 196790

(D) Take a more active role in encouraging boards of 196791
education to offer, in accordance with section 3313.641 of the 196792
Revised Code, alternative evening and tutorial programs for 196793
children of migrant agricultural laborers and their families 196794
during late spring, summer, and early fall. 196795

Sec. 3301.311. (A) As used in this section, ~~"preschool:~~ 196796

(1) "Department of education" or "department" means the 196797
former department of education as it existed prior to the 196798
effective date of this amendment for all actions required under 196799
this section prior to that date, and means the department of 196800
education and workforce for all actions required under this 196801
section on or after to that date. 196802

(2) "Preschool program" has the same meaning as in section 196803
3301.52 of the Revised Code. 196804

(B) Subject to divisions (C) and (D) of this section, 196805
beginning in fiscal year 2006, no preschool program, and no early 196806
childhood education program or early learning program as defined 196807
by the department of education shall receive any funds from the 196808
state unless fifty per cent of the staff members employed by that 196809
program as teachers are working toward an associate degree of a 196810
type approved by the department. 196811

(C)(1) Subject to division (C)(2) of this section, beginning 196812
in fiscal year 2010, no preschool program, and no early childhood 196813
education program or early learning program as defined by the 196814
department, existing prior to fiscal year 2007, shall receive any 196815
funds from the state unless every staff member employed by that 196816
program as a teacher has attained an associate degree of a type 196817
approved by the department. 196818

(2) Beginning in fiscal year 2011, no preschool program, and 196819
no early childhood education program or early learning program as 196820
defined by the department, existing prior to fiscal year 2007, 196821
shall receive any funds from the state unless fifty per cent of 196822
the staff members employed by the program as teachers have 196823
attained a bachelor's degree of a type approved by the department. 196824

(D)(1) Subject to division (D)(2) of this section, beginning 196825

in fiscal year 2012, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.

(2) Beginning in fiscal year 2013, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.

Sec. 3301.40. (A) As used in this section, "adult education" has the meaning as established under the "adult education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as amended.

(B) ~~Beginning July 1, 1996, the~~ The department of education and workforce may distribute state funds to organizations that ~~quality~~ qualify for federal funds under the "Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, as amended. The funds shall be used by qualifying organizations to provide adult education services. State funds distributed pursuant to this section shall be distributed in accordance with the rules adopted ~~by the state board of education pursuant to~~ under division (C) of this section.

Each organization that receives funds under this section shall file program performance reports with the department. ~~The reports shall be filed at times required by state board of education rule and contain assessments~~ shall include the following:

(1) Assessments of individual students as they enter, progress through, and exit the adult education program; ~~records~~

(2) <u>Records</u> regarding individual student program	196856
participation time; reports	196857
(3) <u>Reports</u> of individual student retention rates; and any	196858
(4) <u>Any</u> other information required by rule.	196859
(C) The state board of education <u>department</u> shall adopt rules	196860
for the distribution of funds under this section. The rules shall	196861
include the following:	196862
(1) Requirements for program performance reports.	196863
(2) Indicators of adult education program quality, including	196864
indicators of learner achievement, program environment, program	196865
planning, curriculum and instruction, staff development, support	196866
services, and recruitment and retention.	196867
(3) A formula for the distribution of funds under this	196868
section. The formula shall include as a factor an organization's	196869
quantifiable success in meeting the indicators of program quality	196870
established pursuant to division (C)(2) of this section.	196871
(4) Standards and procedures for reducing or discontinuing	196872
funding to organizations that fail to meet the requirements of	196873
this section.	196874
(5) Any other requirements or standards considered	196875
appropriate by the board.	196876
Sec. 3301.45. (A) Not later than the thirtieth day of	196877
September of each year, the department of education <u>and workforce</u>	196878
shall distribute to all public high schools the information	196879
provided by the director of job and family services on the online	196880
education and career planning tool developed under section 6301.15	196881
of the Revised Code.	196882
(B) Annually, the department of education shall survey high	196883
school administrators and guidance counselors regarding their use	196884

of the online planning tool and provide the results of the survey 196885
to the director of job and family services to support future 196886
refinements and improvements to the online planning tool. 196887

As used in this section, "public high school" means a school 196888
that serves students in any of grades nine through twelve and is 196889
operated by a school district or a community school established 196890
under Chapter 3314. of the Revised Code, a STEM school established 196891
under Chapter 3326. of the Revised Code, or a college-preparatory 196892
boarding school established under Chapter 3328. of the Revised 196893
Code. 196894

Sec. 3301.49. Pursuant to paragraph A of Article III of the 196895
educational compact enacted in section 3301.48 of the Revised 196896
Code, there shall be seven members to the educational commission 196897
of the states who shall serve from this state, one of such members 196898
shall be the governor; one member shall be a member of the senate 196899
appointed by the president; one member shall be a member of the 196900
house of representatives appointed by the speaker of the house of 196901
representatives; and four members shall be appointed by and serve 196902
at the pleasure of the governor. Two of the members appointed by 196903
the governor shall be professional educators associated with 196904
either public or private educational systems and may be an officer 196905
of the state, any college or university in the state or any 196906
officer or administrator of any public school district. Two of the 196907
members appointed by the governor shall be ~~laymen~~ laypersons. 196908

The state shall pay the actual expenses of members of the 196909
Ohio commission while attending to any business of the commission. 196910
The governor shall appoint a ~~chairman~~ chairperson of the Ohio 196911
members of the educational commission of the states and such 196912
membership shall meet on the call of its ~~chairman~~ chairperson or 196913
at the request of a majority of its members. In any event, the 196914
membership shall meet not less often than three times annually. 196915

The membership may consider any and all matters relating to 196916
recommendations of the educational commission of the states and 196917
the activities of the members in representing this state thereon. 196918

Pursuant to paragraph (I) of Article III of the compact the 196919
educational commission of the states shall file a copy of its 196920
bylaws and any amendment thereto with the ~~superintendent of public~~ 196921
~~instruction~~ director of education and workforce. 196922

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 196923
Revised Code: 196924

(A) "Preschool program" means either of the following: 196925

(1) A child care program for preschool children that is 196926
operated by a school district board of education or an eligible 196927
nonpublic school. 196928

(2) A child care program for preschool children age three or 196929
older that is operated by a county board of developmental 196930
disabilities or a community school. 196931

(B) "Preschool child" or "child" means a child who has not 196932
entered kindergarten and is not of compulsory school age. 196933

(C) "Parent, guardian, or custodian" means the person or 196934
government agency that is or will be responsible for a child's 196935
school attendance under section 3321.01 of the Revised Code. 196936

(D) "Superintendent" means the superintendent of a school 196937
district or the chief administrative officer of a community school 196938
or an eligible nonpublic school. 196939

(E) "Director" means the director, head teacher, elementary 196940
principal, or site administrator who is the individual on site and 196941
responsible for supervision of a preschool program. 196942

(F) "Preschool staff member" means a preschool employee whose 196943
primary responsibility is care, teaching, or supervision of 196944

preschool children. 196945

(G) "Nonteaching employee" means a preschool program or 196946
school child program employee whose primary responsibilities are 196947
duties other than care, teaching, and supervision of preschool 196948
children or school children. 196949

(H) "Eligible nonpublic school" means a nonpublic school 196950
chartered as described in division (B)(7) of section 5104.02 of 196951
the Revised Code or chartered by the ~~state board of education~~ 196952
department of education and workforce for any combination of 196953
grades one through twelve, regardless of whether it also offers 196954
kindergarten. 196955

(I) "School child program" means a child care program for 196956
only school children that is operated by a school district board 196957
of education, county board of developmental disabilities, 196958
community school, or eligible nonpublic school. 196959

(J) "School child" means a child who is enrolled in or is 196960
eligible to be enrolled in a grade of kindergarten or above but is 196961
less than fifteen years old. 196962

(K) "School child program staff member" means an employee 196963
whose primary responsibility is the care, teaching, or supervision 196964
of children in a school child program. 196965

(L) "Child care" means administering to the needs of infants, 196966
toddlers, preschool children, and school children outside of 196967
school hours by persons other than their parents or guardians, 196968
custodians, or relatives by blood, marriage, or adoption for any 196969
part of the twenty-four-hour day in a place or residence other 196970
than a child's own home. 196971

(M) "Child day-care center" and "publicly funded child care" 196972
have the same meanings as in section 5104.01 of the Revised Code. 196973

(N) "Community school" means either of the following: 196974

(1) A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.

(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following:

(a) If the school offers any of grade levels four through twelve, either of the following:

(i) A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of that section.

Sec. 3301.521. Sections 3301.53 to 3301.59 of the Revised Code do not apply to child care provided exclusively for participants of an adult education program that receives funds under the department of ~~education's~~ education and workforce's state plan for implementing the "Adult Education Act of 1966," 80 Stat. 1216, 20 U.S.C. 1201, as amended, or an adult education program operated under section 3313.52, 3313.531, 3313.641, or

3313.644 of the Revised Code, if the child care is provided on a 197005
part-time basis, is provided on the same premises as and during 197006
the hours of operation of the adult education program, and at 197007
least one parent, custodian, or guardian of each child is on the 197008
premises and readily accessible at all times. 197009

Sec. 3301.53. (A) The ~~state board of education~~ director of 197010
education and workforce, in consultation with the director of job 197011
and family services, shall formulate and prescribe by rule adopted 197012
under Chapter 119. of the Revised Code minimum standards to be 197013
applied to preschool programs operated by school district boards 197014
of education, county boards of developmental disabilities, 197015
community schools, or eligible nonpublic schools. The rules shall 197016
include the following: 197017

(1) Standards ensuring that the preschool program is located 197018
in a safe and convenient facility that accommodates the enrollment 197019
of the program, is of the quality to support the growth and 197020
development of the children according to the program objectives, 197021
and meets the requirements of section 3301.55 of the Revised Code; 197022

(2) Standards ensuring that supervision, discipline, and 197023
programs will be administered according to established objectives 197024
and procedures; 197025

(3) Standards ensuring that preschool staff members and 197026
nonteaching employees are recruited, employed, assigned, 197027
evaluated, and provided ~~in-service~~ in-service education without 197028
discrimination on the basis of age, color, national origin, race, 197029
or sex; and that preschool staff members and nonteaching employees 197030
are assigned responsibilities in accordance with written position 197031
descriptions commensurate with their training and experience; 197032

(4) A requirement that boards of education intending to 197033
establish a preschool program demonstrate a need for a preschool 197034
program prior to establishing the program; 197035

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the ~~state board~~ director of education and workforce to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The ~~state board of education~~ director of education and workforce, in consultation with the director of job and family services, shall ensure that the rules adopted ~~by the state board~~ under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers that serve preschool children. The ~~state board and the director of job and family services~~ directors shall review all such rules at least once every five years.

(C) The ~~state board of education~~ director of education and workforce, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child day-care centers that serve school-age children under Chapter 5104. of the Revised Code.

Sec. 3301.54. (A)(1) Each preschool program shall be directed and supervised by a director, a head teacher, an elementary principal, or a site administrator who is on site and responsible for supervision of the program. Except as otherwise provided in division (A)(2) or (3) of this section, this person shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code and have completed at least four courses in child development or early childhood education

from an accredited college, university, or technical college. 197067

197068

(2) If the person was employed prior to July 1, 1988, by a 197069

school district board of education or an eligible nonpublic school 197070

to direct a preschool program, the person shall be considered to 197071

meet the requirements of this section if the person holds a valid 197072

kindergarten-primary certificate described under former division 197073

(A) of section 3319.22 of the Revised Code as it existed on 197074

January 1, 1996. 197075

(3) If the person is employed to direct a preschool program 197076

operated by an eligible, nontax-supported, nonpublic school, the 197077

person shall be considered to meet the requirements of this 197078

section if the person holds a valid teaching certificate issued in 197079

accordance with section 3301.071 of the Revised Code. 197080

(B) Each preschool staff member shall be at least eighteen 197081

years of age and have a high school diploma or a certificate of 197082

high school equivalence issued by the department of education and 197083

workforce or a primary-secondary education or higher education 197084

agency of another state, except that a staff member may be less 197085

than eighteen years of age if the staff member is a graduate of a 197086

two-year vocational child-care training program approved by the 197087

~~state board of education~~ department, or is a student enrolled in 197088

the second year of such a program that leads to high school 197089

graduation, provided that the student performs duties in the 197090

preschool program under the continuous supervision of an 197091

experienced preschool staff member and receives periodic 197092

supervision from the vocational child-care training program 197093

teacher-coordinator in the student's high school. 197094

A preschool staff member shall annually complete fifteen 197095

hours of ~~inservice~~ in-service training in child development or 197096

early childhood education, child abuse recognition and prevention, 197097

and first aid, and in the prevention, recognition, and management 197098
of communicable diseases, until a total of forty-five hours has 197099
been completed, unless the staff member holds an associate or 197100
higher degree in child development or early childhood education 197101
from an accredited college, university, or technical college, or 197102
any type of educator license designated as appropriate for 197103
teaching in an associate teaching position in a preschool setting 197104
issued by the state board of education pursuant to section 3319.22 197105
of the Revised Code. 197106

Sec. 3301.541. (A)(1) The director, head teacher, elementary 197107
principal, or site administrator of a preschool program shall 197108
request the superintendent of the bureau of criminal 197109
identification and investigation to conduct a criminal records 197110
check with respect to any applicant who has applied to the 197111
preschool program for employment as a person responsible for the 197112
care, custody, or control of a child. If the applicant does not 197113
present proof that the applicant has been a resident of this state 197114
for the five-year period immediately prior to the date upon which 197115
the criminal records check is requested or does not provide 197116
evidence that within that five-year period the superintendent has 197117
requested information about the applicant from the federal bureau 197118
of investigation in a criminal records check, the director, head 197119
teacher, or elementary principal shall request that the 197120
superintendent obtain information from the federal bureau of 197121
investigation as a part of the criminal records check for the 197122
applicant. If the applicant presents proof that the applicant has 197123
been a resident of this state for that five-year period, the 197124
director, head teacher, or elementary principal may request that 197125
the superintendent include information from the federal bureau of 197126
investigation in the criminal records check. 197127

(2) Any director, head teacher, elementary principal, or site 197128
administrator required by division (A)(1) of this section to 197129

request a criminal records check shall provide to each applicant a 197130
copy of the form prescribed pursuant to division (C)(1) of section 197131
109.572 of the Revised Code, provide to each applicant a standard 197132
impression sheet to obtain fingerprint impressions prescribed 197133
pursuant to division (C)(2) of section 109.572 of the Revised 197134
Code, obtain the completed form and impression sheet from each 197135
applicant, and forward the completed form and impression sheet to 197136
the superintendent of the bureau of criminal identification and 197137
investigation at the time the person requests a criminal records 197138
check pursuant to division (A)(1) of this section. 197139

(3) Any applicant who receives pursuant to division (A)(2) of 197140
this section a copy of the form prescribed pursuant to division 197141
(C)(1) of section 109.572 of the Revised Code and a copy of an 197142
impression sheet prescribed pursuant to division (C)(2) of that 197143
section and who is requested to complete the form and provide a 197144
set of fingerprint impressions shall complete the form or provide 197145
all the information necessary to complete the form and provide the 197146
impression sheet with the impressions of the applicant's 197147
fingerprints. If an applicant, upon request, fails to provide the 197148
information necessary to complete the form or fails to provide 197149
impressions of the applicant's fingerprints, the preschool program 197150
shall not employ that applicant for any position for which a 197151
criminal records check is required by division (A)(1) of this 197152
section. 197153

(B)(1) Except as provided in rules adopted by the department 197154
of education and workforce in accordance with division (E) of this 197155
section, no preschool program shall employ a person as a person 197156
responsible for the care, custody, or control of a child if the 197157
person previously has been convicted of or pleaded guilty to any 197158
of the following: 197159

(a) A violation of section 2903.01, 2903.02, 2903.03, 197160
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 197161

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 197162
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 197163
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 197164
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 197165
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 197166
2925.06, or 3716.11 of the Revised Code, a violation of section 197167
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 197168
violation of section 2919.23 of the Revised Code that would have 197169
been a violation of section 2905.04 of the Revised Code as it 197170
existed prior to July 1, 1996, had the violation occurred prior to 197171
that date, a violation of section 2925.11 of the Revised Code that 197172
is not a minor drug possession offense, or felonious sexual 197173
penetration in violation of former section 2907.12 of the Revised 197174
Code; 197175

(b) A violation of an existing or former law of this state, 197176
any other state, or the United States that is substantially 197177
equivalent to any of the offenses or violations described in 197178
division (B)(1)(a) of this section. 197179

(2) A preschool program may employ an applicant conditionally 197180
until the criminal records check required by this section is 197181
completed and the preschool program receives the results of the 197182
criminal records check. If the results of the criminal records 197183
check indicate that, pursuant to division (B)(1) of this section, 197184
the applicant does not qualify for employment, the preschool 197185
program shall release the applicant from employment. 197186

(C)(1) Each preschool program shall pay to the bureau of 197187
criminal identification and investigation the fee prescribed 197188
pursuant to division (C)(3) of section 109.572 of the Revised Code 197189
for each criminal records check conducted in accordance with that 197190
section upon the request pursuant to division (A)(1) of this 197191
section of the director, head teacher, elementary principal, or 197192
site administrator of the preschool program. 197193

(2) A preschool program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the preschool program pays under division (C)(1) of this section. If a fee is charged under this division, the preschool program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the preschool program requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual in a case dealing with the denial of employment to the applicant.

(E) The department of education and workforce shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a preschool program may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section

109.572 of the Revised Code if the person comes under final 197226
consideration for appointment or employment as a precondition to 197227
employment for that position. 197228

(G) As used in this section: 197229

(1) "Applicant" means a person who is under final 197230
consideration for appointment or employment in a position with a 197231
preschool program as a person responsible for the care, custody, 197232
or control of a child, except that "applicant" does not include a 197233
person already employed by a board of education, community school, 197234
or chartered nonpublic school in a position of care, custody, or 197235
control of a child who is under consideration for a different 197236
position with such board or school. 197237

(2) "Criminal records check" has the same meaning as in 197238
section 109.572 of the Revised Code. 197239

(3) "Minor drug possession offense" has the same meaning as 197240
in section 2925.01 of the Revised Code. 197241

(H) If the board of education of a local school district 197242
adopts a resolution requesting the assistance of the educational 197243
service center in which the local district has territory in 197244
conducting criminal records checks of substitute teachers under 197245
this section, the appointing or hiring officer of such educational 197246
service center governing board shall serve for purposes of this 197247
section as the appointing or hiring officer of the local board in 197248
the case of hiring substitute teachers for employment in the local 197249
district. 197250

Sec. 3301.55. (A) A school district, county board of 197251
developmental disabilities, community school, or eligible 197252
nonpublic school operating a preschool program shall house the 197253
program in buildings that meet the following requirements: 197254

(1) The building is operated by the district, county board of 197255

developmental disabilities, community school, or eligible 197256
nonpublic school and has been approved by the division of 197257
industrial compliance in the department of commerce or a certified 197258
municipal, township, or county building department for the purpose 197259
of operating a program for preschool children. Any such structure 197260
shall be constructed, equipped, repaired, altered, and maintained 197261
in accordance with applicable provisions of Chapters 3781. and 197262
3791. and with rules adopted by the board of building standards 197263
under Chapter 3781. of the Revised Code for the safety and 197264
sanitation of structures erected for this purpose. 197265

(2) The building is in compliance with fire and safety laws 197266
and regulations as evidenced by reports of annual school fire and 197267
safety inspections as conducted by appropriate local authorities. 197268

(3) The school is in compliance with rules established by the 197269
~~state board~~ department of education and workforce regarding school 197270
food services. 197271

(4) The facility includes not less than thirty-five square 197272
feet of indoor space for each child in the program. Safe play 197273
space, including both indoor and outdoor play space, totaling not 197274
less than sixty square feet for each child using the space at any 197275
one time, shall be regularly available and scheduled for use. 197276

(5) First aid facilities and space for temporary placement or 197277
isolation of injured or ill children are provided. 197278

(B) Each school district, county board of developmental 197279
disabilities, community school, or eligible nonpublic school that 197280
operates, or proposes to operate, a preschool program shall submit 197281
to the department a building plan including all information 197282
specified by the ~~state board of education to the board~~ department 197283
not later than the first day of September of the school year in 197284
which the program is to be initiated. The ~~board~~ department shall 197285
determine whether the buildings meet the requirements of this 197286

section and section 3301.53 of the Revised Code, ~~and notify the~~ 197287
~~superintendent of its determination.~~ If the ~~board~~ department 197288
determines, on the basis of the building plan or any other 197289
information, that the buildings do not meet those requirements, it 197290
shall ~~cause inspect~~ inspect the buildings ~~to be inspected by the~~ 197291
~~department of education.~~ The department shall ~~make~~ submit a report 197292
to the ~~superintendent~~ director of education and workforce 197293
specifying any aspects of the building that are not in compliance 197294
with the requirements of this section and section 3301.53 of the 197295
Revised Code and the time period that will be allowed the 197296
district, county board of developmental disabilities, or school to 197297
meet the requirements. 197298

Sec. 3301.56. (A) The director, head teacher, elementary 197299
principal, or site administrator who is on site and responsible 197300
for supervision of each preschool program shall be responsible for 197301
the following: 197302

(1) Ensuring that the health and safety of the children are 197303
safeguarded by an organized program of school health services 197304
designed to identify child health problems and to coordinate 197305
school and community health resources for children, as evidenced 197306
by but not limited to: 197307

(a) Requiring immunization and compliance with emergency 197308
medical authorization requirements in accordance with rules 197309
adopted by the ~~state board~~ department of education and workforce 197310
under section 3301.53 of the Revised Code; 197311

(b) Providing procedures for emergency situations, including 197312
fire drills, rapid dismissals, tornado drills, and school safety 197313
drills in accordance with section 3737.73 of the Revised Code, and 197314
keeping records of such drills or dismissals; 197315

(c) Posting emergency procedures in preschool rooms and 197316
making them available to school personnel, children, and parents; 197317

(d) Posting emergency numbers by each telephone;	197318
(e) Supervising grounds, play areas, and other facilities when scheduled for use by children;	197319 197320
(f) Providing first-aid facilities and materials.	197321
(2) Maintaining cumulative records for each child;	197322
(3) Supervising each child's admission, placement, and withdrawal according to established procedures;	197323 197324
(4) Preparing at least once annually for each group of children in the program a roster of names and telephone numbers of parents, guardians, and custodians of children in the group and, on request, furnishing the roster for each group to the parents, guardians, and custodians of children in that group. The director may prepare a similar roster of all children in the program and, on request, make it available to the parents, guardians, and custodians, of children in the program. The director shall not include in either roster the name or telephone number of any parent, guardian, or custodian who requests that the parent's, guardian's, or custodian's name or number not be included, and shall not furnish any roster to any person other than a parent, guardian, or custodian of a child in the program.	197325 197326 197327 197328 197329 197330 197331 197332 197333 197334 197335 197336 197337
(5) Ensuring that clerical and custodial services are provided for the program;	197338 197339
(6) Supervising the instructional program and the daily operation of the program;	197340 197341
(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.	197342 197343 197344
(B)(1) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:	197345 197346 197347

	Maximum		197348
Age Group	Group	Staff Member/ Child Ratio	197349
	Size		197350
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	197351 197352 197353 197354
12 months to less than 18 months	12	1:6	197355
18 months to less than 30 months	14	1:7	197356
30 months to less than 3 years	16	1:8	197357
3-year-olds	24	1:12	197358
4- and 5-year-olds not in school	28	1:14	197359

(2) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives child care in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(1) of this section shall apply.

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B)(1) of this section if all the following criteria are met:

(a) At least one preschool staff member is present in the room;

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section;

(c) Naptime preparations have been completed and the children 197380
are resting or napping. 197381

(4) Any accredited program that uses the Montessori method 197382
endorsed by the American Montessori society or the association 197383
Montessori internationale as its primary method of instruction and 197384
is licensed as a preschool program under section 3301.58 of the 197385
Revised Code may combine preschool children of ages three to five 197386
years old with children enrolled in kindergarten. Notwithstanding 197387
anything to the contrary in division (B)(2) of this section, when 197388
such age groups are combined, the maximum number of children per 197389
preschool staff member shall be twelve and the maximum group size 197390
shall be twenty-four children. 197391

(C) In each building in which a preschool program is operated 197392
there shall be on the premises, and readily available at all 197393
times, at least one employee who has completed a course in first 197394
aid and in the prevention, recognition, and management of 197395
communicable diseases which is approved by the state department of 197396
health, and an employee who has completed a course in child abuse 197397
recognition and prevention. 197398

(D) Any parent, guardian, or custodian of a child enrolled in 197399
a preschool program shall be permitted unlimited access to the 197400
school during its hours of operation to contact the parent's, 197401
guardian's, or custodian's child, evaluate the care provided by 197402
the program, or evaluate the premises, or for other purposes 197403
approved by the director. Upon entering the premises, the parent, 197404
guardian, or custodian shall report to the school office. 197405

Sec. 3301.57. (A) For the purpose of improving programs, 197406
facilities, and implementation of the standards promulgated ~~by the~~ 197407
~~state board of education~~ under section 3301.53 of the Revised 197408
Code, the ~~state~~ department of education and workforce shall 197409
provide consultation and technical assistance to school districts, 197410

county boards of developmental disabilities, community schools, 197411
and eligible nonpublic schools operating preschool programs or 197412
school child programs, and ~~inservice~~ in-service training to 197413
preschool staff members, school child program staff members, and 197414
nonteaching employees. 197415

(B) The department and the school district board of 197416
education, county board of developmental disabilities, community 197417
school, or eligible nonpublic school shall jointly monitor each 197418
preschool program and each school child program. 197419

If the program receives any grant or other funding from the 197420
state or federal government, the department annually shall monitor 197421
all reports on attendance, financial support, and expenditures 197422
according to provisions for use of the funds. 197423

(C) The department ~~of education~~, at least once during every 197424
twelve-month period of operation of a preschool program or a 197425
licensed school child program, shall inspect the program and 197426
provide a written inspection report to the superintendent of the 197427
school district, county board of developmental disabilities, 197428
community school, or eligible nonpublic school. The department may 197429
inspect any program more than once, as considered necessary by the 197430
department, during any twelve-month period of operation. All 197431
inspections may be unannounced. No person shall interfere with any 197432
inspection conducted pursuant to this division or to the rules 197433
adopted pursuant to sections 3301.52 to 3301.59 of the Revised 197434
Code. 197435

Upon receipt of any complaint that a preschool program or a 197436
licensed school child program is out of compliance with the 197437
requirements in sections 3301.52 to 3301.59 of the Revised Code or 197438
the rules adopted under those sections, the department shall 197439
investigate and may inspect the program. 197440

(D) If a preschool program or a licensed school child program 197441

is determined to be out of compliance with the requirements of 197442
sections 3301.52 to 3301.59 of the Revised Code or the rules 197443
adopted under those sections, the department ~~of education~~ shall 197444
notify the appropriate superintendent, county board of 197445
developmental disabilities, community school, or eligible 197446
nonpublic school in writing regarding the nature of the violation, 197447
what must be done to correct the violation, and by what date the 197448
correction must be made. If the correction is not made by the date 197449
established by the department, it may commence action under 197450
Chapter 119. of the Revised Code to close the program or to revoke 197451
the license of the program. If a program does not comply with an 197452
order to cease operation issued in accordance with Chapter 119. of 197453
the Revised Code, the department shall notify the attorney 197454
general, the prosecuting attorney of the county in which the 197455
program is located, or the city attorney, village solicitor, or 197456
other chief legal officer of the municipal corporation in which 197457
the program is located that the program is operating in violation 197458
of sections 3301.52 to 3301.59 of the Revised Code or the rules 197459
adopted under those sections and in violation of an order to cease 197460
operation issued in accordance with Chapter 119. of the Revised 197461
Code. Upon receipt of the notification, the attorney general, 197462
prosecuting attorney, city attorney, village solicitor, or other 197463
chief legal officer shall file a complaint in the court of common 197464
pleas of the county in which the program is located requesting the 197465
court to issue an order enjoining the program from operating. The 197466
court shall grant the requested injunctive relief upon a showing 197467
that the program named in the complaint is operating in violation 197468
of sections 3301.52 to 3301.59 of the Revised Code or the rules 197469
adopted under those sections and in violation of an order to cease 197470
operation issued in accordance with Chapter 119. of the Revised 197471
Code. 197472

(E) The department ~~of education~~ shall prepare an annual 197473
report on inspections conducted under this section. The report 197474

shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, ~~beginning in 1999~~.

Sec. 3301.58. (A) The department of education and workforce is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this section. A school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school may obtain a license under this section for a school child program. The school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall post the license for each preschool program and licensed school child program it operates, establishes, manages, conducts, or maintains in a conspicuous place in the preschool program or licensed school child program that is accessible to parents, custodians, or guardians and employees and staff members of the program at all times when the program is in operation.

(B) Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to operate, establish, manage, conduct, or maintain a preschool program shall apply to the department ~~of education~~ for a license on a form that the department shall prescribe by rule. Any school district board of

education, county board of developmental disabilities, community 197507
school, or eligible nonpublic school that desires to obtain a 197508
license for a school child program shall apply to the department 197509
for a license on a form that the department shall prescribe by 197510
rule. The department shall provide at no charge to each applicant 197511
for a license under this section a copy of the requirements under 197512
sections 3301.52 to 3301.59 of the Revised Code and any rules 197513
adopted under those sections. The department may establish 197514
application fees by rule adopted under Chapter 119. of the Revised 197515
Code, and all applicants for a license shall pay any fee 197516
established by the department at the time of making an application 197517
for a license. All fees collected pursuant to this section shall 197518
be paid into the state treasury to the credit of the general 197519
revenue fund. 197520

(C) Upon the filing of an application for a license, the 197521
department ~~of education~~ shall investigate and inspect the 197522
preschool program or school child program to determine the license 197523
capacity for each age category of children of the program and to 197524
determine whether the program complies with sections 3301.52 to 197525
3301.59 of the Revised Code and any rules adopted under those 197526
sections. When, after investigation and inspection, the department 197527
~~of education~~ is satisfied that sections 3301.52 to 3301.59 of the 197528
Revised Code and any rules adopted under those sections are 197529
complied with by the applicant, the department ~~of education~~ shall 197530
issue the program a provisional license as soon as practicable in 197531
the form and manner prescribed by the rules of the department. The 197532
provisional license shall be valid for one year from the date of 197533
issuance unless revoked. 197534

(D) The department ~~of education~~ shall investigate and inspect 197535
a preschool program or school child program that has been issued a 197536
provisional license at least once during operation under the 197537
provisional license. If, after the investigation and inspection, 197538

the department of ~~education~~ determines that the requirements of 197539
sections 3301.52 to 3301.59 of the Revised Code and any rules 197540
adopted under those sections are met by the provisional licensee, 197541
the department of ~~education~~ shall issue the program a license. The 197542
license shall remain valid unless revoked or the program ceases 197543
operations. 197544

(E) The department of ~~education~~ annually shall investigate 197545
and inspect each preschool program or school child program 197546
licensed under division (D) of this section to determine if the 197547
requirements of sections 3301.52 to 3301.59 of the Revised Code 197548
and any rules adopted under those sections are met by the program, 197549
and shall notify the program of the results. 197550

(F) The license or provisional license shall state the name 197551
of the school district board of education, county board of 197552
developmental disabilities, community school, or eligible 197553
nonpublic school that operates the preschool program or school 197554
child program and the license capacity of the program. 197555

(G) The department of ~~education~~ may revoke the license of any 197556
preschool program or school child program that is not in 197557
compliance with the requirements of sections 3301.52 to 3301.59 of 197558
the Revised Code and any rules adopted under those sections. 197559

(H) If the department of ~~education~~ revokes a license, the 197560
department shall not issue a license to the program within two 197561
years from the date of the revocation. All actions of the 197562
department with respect to licensing preschool programs and school 197563
child programs shall be in accordance with Chapter 119. of the 197564
Revised Code. 197565

Sec. 3301.59. ~~(A)~~ No school child program may receive any 197566
state or federal funds specifically allocated for school child 197567
programs unless the school child program is licensed by the 197568
department of education and workforce pursuant to sections 3301.52 197569

to 3301.59 of the Revised Code or by the department of job and family services pursuant to Chapter 5104. of the Revised Code. 197570
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~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~ 197572
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~~(1) On or before the expiration date of the license, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~ 197579
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~~(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 197582
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~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 197585
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 197587
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~~(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously has not obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~ 197591
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~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a license for the program;~~ 197598
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~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 197601
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~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 197604
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 197606
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~~(D)(1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C)(1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 197610
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~~(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(2) or (C)(2) of this section to apply to the department of education for a license for the program, that preschool program or school child program is subject to sections 3301.52 to 3301.59 of the Revised Code and to licensure under those sections until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 197621
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~~(E) Not later than July 22, 1992, the departments of job and family services and education shall each prepare a list of the preschool programs and school child programs that are licensed by~~ 197629
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~~the respective departments.~~ 197632

Sec. 3301.61. (A) The state council on educational 197633
opportunity for military children is hereby established within the 197634
department of education and workforce. The council shall consist 197635
of the following members: 197636

(1) The ~~superintendent of public instruction~~ director of 197637
education and workforce or the ~~superintendent's~~ director's 197638
designee; 197639

(2) The director of veterans services or the director's 197640
designee; 197641

(3) The superintendent of a school district that has a high 197642
concentration of children of military families, appointed by the 197643
governor; 197644

(4) A representative of a military installation located in 197645
this state, appointed by the governor; 197646

(5) A representative of the governor's office, appointed by 197647
the governor; 197648

(6) Four members of the general assembly, appointed as 197649
follows: 197650

(a) One member of the house of representatives appointed by 197651
the speaker of the house of representatives; 197652

(b) One member of the house of representatives appointed by 197653
the minority leader of the house of representatives; 197654

(c) One member of the senate appointed by the president of 197655
the senate; 197656

(d) One member of the senate appointed by the minority leader 197657
of the senate. 197658

(7) The compact commissioner appointed under section 3301.62 197659
of the Revised Code; 197660

(8) The military family education liaison appointed under section 3301.63 of the Revised Code; 197661
197662

(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council. 197663
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The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner of the initial appointments. 197665
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The members appointed under divisions (A)(6) to (9) of this section shall be nonvoting members of the council. 197668
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The members of the council shall serve without compensation. 197670

(B) The council shall oversee and provide coordination for the state's participation in and compliance with the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. 197671
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(C) The department of education and workforce shall provide staff support for the council. 197675
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(D) Sections 101.82 to 101.87 of the Revised Code do not apply to the council. 197677
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(E) As used in this section, "children of military families" and "military installation" have the same meanings as in Article II of the interstate compact on educational opportunity for military children. 197679
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Sec. 3301.62. The governor shall appoint a compact commissioner who shall be responsible for administering the state's participation in the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The compact commissioner shall be a state officer within the department of education and workforce and shall serve at the pleasure of the governor. 197683
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Sec. 3301.63. The state council on educational opportunity 197690
for military children, established under section 3301.61 of the 197691
Revised Code, shall appoint a military family education liaison to 197692
assist families and the state in implementing the interstate 197693
compact on educational opportunity for military children, as 197694
ratified by section 3301.60 of the Revised Code. The department of 197695
education and workforce shall provide staff support for the 197696
military family education liaison. 197697

Sec. 3301.64. The annual assessment charged to the state for 197698
participating in the interstate compact on educational opportunity 197699
for military children shall be divided equally between the 197700
department of education and workforce and the department of 197701
veterans services. 197702

Sec. 3301.68. (A) The department of education and workforce 197703
shall establish a consolidated school mandate report for school 197704
districts. The report shall be distributed and monitored by the 197705
department. Each district or school shall complete and file the 197706
report not later than the thirtieth day of November each year. The 197707
report shall require each district or school to denote "yes" to 197708
indicate compliance or "no" to indicate noncompliance with the 197709
items prescribed under division (B) of this section, and to 197710
provide any other information that the department requests 197711
regarding those items. If a district or school denotes "no" on any 197712
item, it shall provide, within thirty days, to its board of 197713
education a written explanation for why that item was not 197714
completed and a written plan of action for accurately and 197715
efficiently addressing the problem. 197716

(B) The report shall contain the following items: 197717

(1) Training on the use of physical restraint or seclusion on 197718
students pursuant to section 3319.46 of the Revised Code; 197719

(2) Training on harassment, intimidation, or bullying pursuant to sections 3313.666, 3313.667, and 3319.073 of the Revised Code; 197720
197721
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(3) Training on the use of cardiopulmonary resuscitation and an automated external defibrillator under sections 3313.60, 3313.6023, 3313.717, and 3314.16 of the Revised Code; 197723
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(4) The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code; 197726
197727
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(5) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code; 197729
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(6) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code. 197733
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(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section. 197736
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Sec. 3301.70. (A) The ~~state board~~ department of education and workforce is the designated state agency responsible for the coordination and administration of sections 110 to 118 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 12401 to 12431, as amended. With the assistance of the Ohio commission on service and volunteerism created in section 121.40 of the Revised Code, the ~~state board~~ department shall coordinate with other state agencies to apply for funding under the act when appropriate. 197740
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(B) With the assistance of the Ohio commission on service and 197749

volunteerism, the ~~state board of education~~ department shall 197750
develop a plan to assist school districts in the implementation of 197751
section 3313.605 of the Revised Code and other community service 197752
activities of school districts. The ~~state board~~ department shall 197753
encourage the development of school district programs meeting the 197754
requirements for funding under the National and Community Service 197755
Act of 1990. The plan shall include the investigation of funding 197756
from all available sources for school community service education 197757
programs, including funds available under the National and 197758
Community Service Act of 1990, and the provision of technical 197759
assistance to school districts for the implementation of community 197760
service education programs. The plan shall also provide for 197761
technical assistance to be given to school boards to assist in 197762
obtaining funds for community service education programs from any 197763
source. 197764

(C) With the assistance of the Ohio commission on service and 197765
volunteerism, the ~~state board of education~~ department shall do all 197766
of the following: 197767

(1) Disseminate information about school district community 197768
service education programs to other school districts and to 197769
statewide organizations involved with or promoting volunteerism; 197770

(2) Recruit additional school districts to develop community 197771
service education programs; 197772

(3) Identify or develop model community service programs, 197773
teacher training courses, and community service curricula and 197774
teaching materials for possible use by school districts in their 197775
programs. 197776

Sec. 3301.80. (A) The department of education and workforce 197777
shall award a certificate of high school equivalence to each 197778
person who achieves the equivalent of a high school education, as 197779
measured by scores obtained on a high school equivalency test 197780

approved by the department pursuant to division (B) of this 197781
section. Each certificate awarded under this section shall be 197782
signed by the ~~superintendent of public instruction and the~~ 197783
~~president of the state board~~ director of education and workforce. 197784

Notwithstanding anything to the contrary in the Revised Code, 197785
a person who seeks to obtain a certificate of high school 197786
equivalence shall be subject to the requirements of section 197787
3301.81 of the Revised Code. 197788

(B) The department shall approve at least two nationally 197789
recognized high school equivalency tests for the purpose of 197790
awarding certificates of high school equivalence under this 197791
section. For each test approved pursuant to division (B) of this 197792
section, the department shall ensure that the scores required for 197793
passage are equivalent to the scores required for passage on the 197794
other approved equivalency tests. 197795

(C) All of the following shall be considered the equivalent 197796
of a certificate of high school equivalence awarded by the 197797
department under this section: 197798

(1) A high school equivalence diploma or a certificate of 197799
high school equivalence awarded by the state board of education 197800
prior to ~~the effective date of this section~~ September 14, 2016; 197801

(2) A certificate of high school equivalence issued prior to 197802
January 1, 1994, attesting to the achievement of the equivalent of 197803
a high school education as measured by scores obtained on tests of 197804
general educational development; 197805

(3) A statement issued by a primary-secondary education or 197806
higher education agency of another state that indicates that its 197807
holder has achieved the equivalent of a high school education as 197808
measured by scores obtained on a similar nationally recognized 197809
high school equivalency test. 197810

(D) The ~~state board~~ department, in consultation with the 197811
chancellor of higher education, shall adopt rules to administer 197812
this section and section 3301.81 of the Revised Code. 197813

Sec. 3301.81. (A) A person who meets all of the following 197814
criteria shall be permitted to take a high school equivalency test 197815
approved by the department of education and workforce pursuant to 197816
division (B) of section 3301.80 of the Revised Code: 197817

(1) The person is at least eighteen years of age. 197818

(2) The person is officially withdrawn from school. 197819

(3) The person has not received a high school diploma or 197820
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 197821
or 3325.08 of the Revised Code. 197822

(B) A person who is at least sixteen years of age but less 197823
than eighteen years of age may apply to the department to take an 197824
approved equivalency test, so long as the person meets all of the 197825
following criteria: 197826

(1) The person has not received a high school diploma or 197827
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 197828
or 3325.08 of the Revised Code. 197829

(2) The person is officially withdrawn from school. 197830

(3) The person submits, along with the application, written 197831
approval from the person's parent or guardian or a court official. 197832

(C) For the purpose of calculating graduation rates for the 197833
school district and building report cards under section 3302.03 of 197834
the Revised Code, the department shall count any person who 197835
officially withdraws from school to take an approved equivalency 197836
test under this section as a dropout from the district or school 197837
in which the person was last enrolled. 197838

(D) If a person takes an approved equivalency test and fails 197839

to attain the scores required to earn a certificate of high school 197840
equivalence, as defined in section 5107.40 of the Revised Code, on 197841
the entire battery of tests, that person shall be required to 197842
retake only the specific test on which the person did not attain a 197843
passing score in order to earn a certificate of high school 197844
equivalence. If a person retakes a specific test, that person 197845
shall be responsible only for the cost of that test and not for 197846
the cost of the entire battery of tests, unless that person is 197847
retaking the entire battery. 197848

Sec. 3301.923. The department of education and workforce 197849
shall establish a clearinghouse of best practices that schools may 197850
use to promote student health. The department shall update the 197851
clearinghouse as necessary. 197852

Sec. 3301.94. ~~Upon approval of the state board of education,~~ 197853
~~the superintendent of public instruction and the chancellor of the~~ 197854
~~Ohio board of regents~~ The department of education and workforce 197855
and the chancellor of higher education may enter into a memorandum 197856
of understanding under which the department ~~of education~~, on 197857
behalf of the chancellor, will receive and maintain copies of data 197858
records containing student information reported to the chancellor 197859
for the purpose of combining those records with the data reported 197860
to the education management information system, established under 197861
section 3301.0714 of the Revised Code, to establish an education 197862
data repository that may be used to conduct longitudinal research 197863
and evaluation. The memorandum of understanding shall specify the 197864
following: 197865

(A) That, prior to establishing the repository, the 197866
~~superintendent~~ department and chancellor shall develop a strategic 197867
plan for the repository that outlines the goals to be achieved 197868
from its implementation and use. A copy of the strategic plan 197869
shall be provided to the governor, the president of the senate, 197870

and the speaker of the house of representatives-;i 197871

(B) That the chancellor shall submit all student data to be 197872
included in the repository to the independent contractor engaged 197873
by the department to create and maintain the student data 197874
verification codes required by division (D)(2) of section 197875
3301.0714 of the Revised Code. For each student included in the 197876
data submitted by the chancellor, the independent contractor shall 197877
determine whether a data verification code has been assigned to 197878
that student. In the case of a student to whom a data verification 197879
code has been assigned, the independent contractor shall add the 197880
code to the student's data record and remove from the data record 197881
any information that would enable the data verification code to be 197882
matched to personally identifiable student data. In the case of a 197883
student to whom a data verification code has not been assigned, 197884
the independent contractor shall assign a data verification code 197885
to the student, add the data verification code to the student's 197886
data record, and remove from the data record any information that 197887
would enable the data verification code to be matched to 197888
personally identifiable student data. After making the 197889
modifications described in this division, the independent 197890
contractor shall transmit the data to the department and the 197891
chancellor. 197892

(C) That the ~~superintendent~~ department and the chancellor 197893
jointly shall develop procedures for the maintenance of the data 197894
in the repository and shall designate the types of research that 197895
may be conducted using that data. Permitted uses of the data shall 197896
include, but are not limited to, the following: 197897

(1) Assisting the department, ~~superintendent, or state board~~ 197898
in performing audit and evaluation functions concerning preschool, 197899
elementary, and secondary education as required or authorized by 197900
any provision of law, including division (C) of section 3301.07 197901
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 197902

3302.03 of the Revised Code; 197903

(2) Assisting the department and the chancellor in performing 197904
audit and evaluation functions concerning higher education as 197905
required or authorized by any provision of law, including sections 197906
3333.04, 3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 197907
3333.161, 3333.374, 3333.72, and 3333.82 of the Revised Code. 197908

(D) That the ~~superintendent~~ department and the chancellor, 197909
from time to time, jointly may enter into written agreements with 197910
entities for the use of data in the repository to conduct research 197911
and analysis designed to evaluate the effectiveness of programs or 197912
services, to measure progress against specific strategic planning 197913
goals, or for any other purpose permitted by law that the 197914
~~superintendent~~ department and chancellor consider necessary for 197915
the performance of their duties under the Revised Code. The 197916
agreements may permit the disclosure of personally identifiable 197917
student information to the entity named in the agreement, provided 197918
that disclosure complies with the "Family Educational Rights and 197919
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 197920
and regulations promulgated under that act prescribing 197921
requirements for such agreements. ~~The superintendent shall notify~~ 197922
~~the state board of each agreement entered into under this~~ 197923
~~division.~~ 197924

(E) That the data in the repository submitted by the 197925
department shall remain under the direct control of the department 197926
and that the data in the repository submitted by the chancellor 197927
shall remain under the direct control of the chancellor; 197928

(F) That the data in the repository shall be managed in a 197929
manner that complies with the "Family Educational Rights and 197930
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 197931

(G) That all costs related to the initial establishment and 197932
ongoing maintenance of the repository shall be paid from funds 197933

received from state incentive grants awarded under division (A), 197934
Title XIV, section 14006 of the American Recovery and Reinvestment 197935
Act of 2009, other federal grant programs, or existing 197936
appropriations of the department or chancellor that are designated 197937
for a purpose consistent with this section; 197938

(H) That the department annually shall report to ~~the state~~ 197939
~~board and~~ the chancellor all requests for access to or use of the 197940
data in the repository and all costs related to the initial 197941
establishment and ongoing maintenance of the repository. 197942

Sec. 3301.941. As used in this section, "early childhood 197943
program" means any publicly funded program providing services to 197944
children younger than compulsory school age, as defined in section 197945
3321.01 of the Revised Code. 197946

Student level data records collected and maintained for 197947
purposes of administering early childhood programs shall be 197948
assigned a unique student data verification code in accordance 197949
with division (D)(2) of section 3301.0714 of the Revised Code and 197950
shall be included in the combined data repository authorized by 197951
section 3301.94 of the Revised Code. The department of education 197952
and workforce may require certain personally identifiable student 197953
data, including student names, to be reported to the department 197954
for purposes of administering early childhood programs but not be 197955
included in the combined data repository. The department and each 197956
school or center providing services through an early childhood 197957
program that receives a student level data record, a data 197958
verification code, or other personally identifiable information 197959
shall not release that record, code, or other information to any 197960
person except as provided by section 3319.321 of the Revised Code 197961
or the "Family Educational Rights and Privacy Act of 1974," 88 197962
Stat. 571, 20 U.S.C. 1232g. Any document relative to an early 197963
childhood program that the department holds in its files that 197964

contains a student's name, data verification code, or other 197965
personally identifiable information shall not be a public record 197966
under section 149.43 of the Revised Code. 197967

Any state agency that administers an early childhood program 197968
may use student data contained in the combined data repository to 197969
conduct research and analysis designed to evaluate the 197970
effectiveness of and investments in that program, in compliance 197971
with the Family Educational Rights and Privacy Act and regulations 197972
promulgated under that act. 197973

Sec. 3301.948. Notwithstanding anything in the Revised Code 197974
to the contrary, the department of education and workforce, any 197975
school district, any school, or any third party under contract 197976
with the state, a school district, or a school shall not provide 197977
student names and addresses to any multi-state consortium that 197978
offers summative assessments. 197979

Sec. 3302.01. As used in this chapter: 197980

(A) "Performance index score" means the average of the totals 197981
derived from calculations, for each subject area, of the weighted 197982
proportion of untested students and students scoring at each level 197983
of skill described in division (A)(2) of section 3301.0710 of the 197984
Revised Code on the state achievement assessments, as follows: 197985

(1) For the assessments prescribed by division (A)(1) of 197986
section 3301.0710 of the Revised Code, the average for each of the 197987
subject areas of English language arts, mathematics, and science. 197988

(2) For the assessments prescribed by division (B)(1) of 197989
section 3301.0710 and division (B)(2) of section 3301.0712 of the 197990
Revised Code, the average for each of the subject areas of English 197991
language arts, mathematics, science, American history, and 197992
American government. The average also shall include any substitute 197993
examinations approved under division (B)(4) of section 3301.0712 197994

of the Revised Code in the subject areas of science, American 197995
history, and American government. 197996

The department of education and workforce shall assign 197997
weights such that students who do not take an assessment receive a 197998
weight of zero and students who take an assessment receive 197999
progressively larger weights dependent upon the level of skill 198000
attained on the assessment. The department shall assign additional 198001
weights to students who have been permitted to pass over a subject 198002
in accordance with a student acceleration policy adopted under 198003
section 3324.10 of the Revised Code. If such a student attains the 198004
proficient score prescribed under division (A)(2)(c) of section 198005
3301.0710 of the Revised Code or higher on an assessment, the 198006
department shall assign the student the weight prescribed for the 198007
next higher scoring level. If such a student attains the advanced 198008
score, prescribed under division (A)(2)(a) of section 3301.0710 of 198009
the Revised Code, on an assessment, the department shall assign to 198010
the student an additional proportional weight, ~~as approved by the~~ 198011
~~state board~~. For each school year that such a student's score is 198012
included in the performance index score and the student attains 198013
the proficient score on an assessment, that additional weight 198014
shall be assigned to the student on a subject-by-subject basis. 198015

Students shall be included in the "performance index score" 198016
in accordance with division (L)(2) of section 3302.03 of the 198017
Revised Code. 198018

(B) "Subgroup" means a subset of the entire student 198019
population of the state, a school district, or a school building 198020
and includes each of the following: 198021

(1) Major racial and ethnic groups; 198022

(2) Students with disabilities; 198023

(3) Economically disadvantaged students; 198024

(4) English learners; 198025

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.

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(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.

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(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."

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(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."

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(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.

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(G)(1) "Four-year adjusted cohort graduation rate" means the

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number of students who graduate in four years or less with a 198057
regular high school diploma divided by the number of students who 198058
form the adjusted cohort for the graduating class. 198059

(2) "Five-year adjusted cohort graduation rate" means the 198060
number of students who graduate in five years with a regular high 198061
school diploma divided by the number of students who form the 198062
adjusted cohort for the four-year graduation rate. 198063

(H) "State institution of higher education" has the same 198064
meaning as in section 3345.011 of the Revised Code. 198065

(I) "Annual measurable objectives" means a measure of student 198066
progress determined in accordance with an agreement between the 198067
department of education and workforce and the United States 198068
department of education. 198069

(J) "Community school" means a community school established 198070
under Chapter 3314. of the Revised Code. 198071

(K) "STEM school" means a science, technology, engineering, 198072
and mathematics school established under Chapter 3326. of the 198073
Revised Code. 198074

(L) "Entitled to attend school in the district" means 198075
entitled to attend school in a school district under section 198076
3313.64 or 3313.65 of the Revised Code. 198077

Sec. 3302.02. (A) Not later than one year after the adoption 198078
of rules under division (D) of section 3301.0712 of the Revised 198079
Code and at least every sixth year thereafter, ~~upon~~ 198080
~~recommendations of the superintendent of public instruction,~~ the 198081
~~state board~~ department of education and workforce shall establish 198082
all of the following: 198083

(1) A set of performance indicators that considered as a unit 198084
will be used as one of the performance categories for the report 198085
cards required by section 3302.03 of the Revised Code. In 198086

establishing these indicators, the ~~superintendent~~ department shall 198087
consider inclusion of student performance on assessments 198088
prescribed under section 3301.0710 or 3301.0712 of the Revised 198089
Code, rates of student improvement on such assessments, the 198090
breadth of coursework available within the district, and other 198091
indicators of student success. 198092

Beginning with the report card issued under section 3302.03 198093
of the Revised Code for the 2021-2022 school year, the performance 198094
indicators prescribed under division (A)(1) of this section 198095
regarding student performance on state assessments shall not 198096
require a school district or building to attain a proficiency 198097
percentage to meet an indicator. Rather, the performance 198098
indicators only shall report proficiency percentages, trends, and 198099
comparisons. 198100

(2) A performance indicator that reflects the level of 198101
identification and services provided to, and the performance of, 198102
students identified as gifted under Chapter 3324. of the Revised 198103
Code. The indicator shall be prescribed by rules adopted under 198104
Chapter 119. of the Revised Code by the ~~state board~~ department. 198105
The ~~state board~~ department shall consult with the gifted advisory 198106
council regarding all rules adopted under this section. 198107
Consultation with the state gifted advisory council shall occur 198108
not less than every three years. 198109

The gifted performance indicator shall include: 198110

(a) The performance of students on state assessments, as 198111
measured by a performance index score, disaggregated for students 198112
identified as gifted; 198113

(b) Value-added growth measure under section 3302.021 of the 198114
Revised Code, disaggregated for students identified as gifted; 198115

(c) The level of identification as measured by the percentage 198116
of students in each grade level identified as gifted and 198117

disaggregated by traditionally underrepresented and economically 198118
disadvantaged students; 198119

(d) The level of services provided to students as measured by 198120
the percentage of students provided services in each grade level 198121
and disaggregated by traditionally underrepresented and 198122
economically disadvantaged students. 198123

(3) A performance indicator that measures chronic 198124
absenteeism, as determined by the department ~~of education~~, in a 198125
school district or school building. 198126

Beginning with the report card issued under section 3302.03 198127
of the Revised Code for the 2021-2022 school year, the performance 198128
indicators prescribed in divisions (A)(2) and (3) of this section 198129
shall not be part of the performance indicator unit under division 198130
(A)(1) of this section. 198131

(B) For the 2013-2014 school year, except as otherwise 198132
provided in this section, for any indicator based on the 198133
percentage of students attaining a proficient score on the 198134
assessments prescribed by divisions (A) and (B)(1) of section 198135
3301.0710 of the Revised Code, a school district or building shall 198136
be considered to have met the indicator if at least eighty per 198137
cent of the tested students attain a score of proficient or higher 198138
on the assessment. A school district or building shall be 198139
considered to have met the indicator for the assessments 198140
prescribed by division (B)(1) of section 3301.0710 of the Revised 198141
Code and only as administered to eleventh grade students, if at 198142
least eighty-five per cent of the tested students attain a score 198143
of proficient or higher on the assessment. 198144

The ~~state board~~ department shall adopt rules, under Chapter 198145
119. of the Revised Code, to establish proficiency percentages to 198146
meet each indicator that is based on a state assessment, 198147
prescribed under section 3301.0710 or 3301.0712 of the Revised 198148

Code, for the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 198149
2018-2019, 2019-2020, and 2020-2021 school years by the following 198150
dates: 198151

(1) Not later than December 31, 2015, for the 2014-2015 198152
school year; 198153

(2) Not later than July 1, 2016, for the 2015-2016 school 198154
year; 198155

(3) Not later than July 1, 2017, for the 2016-2017, 198156
2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years. 198157

Sec. 3302.021. (A) ~~Not earlier than July 1, 2005, and not~~ 198158
~~later than July 1, 2007, the~~ The department of education and 198159
workforce shall implement a value-added progress dimension for 198160
school districts and buildings and shall incorporate the 198161
value-added progress dimension into the report cards and 198162
performance ratings issued for districts and buildings under 198163
section 3302.03 of the Revised Code. 198164

The ~~state board of education~~ department shall adopt rules, 198165
pursuant to Chapter 119. of the Revised Code, for the 198166
implementation of the value-added progress dimension. The rules 198167
adopted under this division shall specify both of the following: 198168

(1) A scale for describing the levels of academic progress in 198169
reading and mathematics relative to a standard year of academic 198170
growth in those subjects for each of grades three through eight; 198171

(2) That the department shall maintain the confidentiality of 198172
individual student test scores and individual student reports in 198173
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 198174
Revised Code and federal law. The department may require school 198175
districts to use a unique identifier for each student for this 198176
purpose. Individual student test scores and individual student 198177
reports shall be made available only to a student's classroom 198178

teacher and other appropriate educational personnel and to the 198179
student's parent or guardian. 198180

(B) The department shall explore the feasibility of using the 198181
value-added gain index and effect size to improve differentiation 198182
and interpretation of the measure. If the department determines 198183
that it is feasible, ~~the state board~~ it may update the rules 198184
adopted under division (A) of this section to implement the use of 198185
gain index and effect size. If rules are adopted under division 198186
(A) of this section that use the gain index and effect size, any 198187
prior method used to calculate letter grades or performance 198188
ratings under section 3302.03 of the Revised Code shall no longer 198189
apply. Rather, the ~~state board~~ department shall update its rules 198190
to determine how letter grades or performance ratings for each 198191
level of performance are calculated under section 3302.03 of the 198192
Revised Code using gain index and effect size. 198193

(C) The department shall use a system designed for collecting 198194
necessary data, calculating the value-added progress dimension, 198195
analyzing data, and generating reports, which system has been used 198196
previously by a nonprofit organization led by the Ohio business 198197
community for at least one year in the operation of a pilot 198198
program in cooperation with school districts to collect and report 198199
student achievement data via electronic means and to provide 198200
information to the districts regarding the academic performance of 198201
individual students, grade levels, school buildings, and the 198202
districts as a whole. 198203

(D) The department shall not pay more than two dollars per 198204
student for data analysis and reporting to implement the 198205
value-added progress dimension in the same manner and with the 198206
same services as under the pilot program described by division (B) 198207
of this section. However, nothing in this section shall preclude 198208
the department or any school district from entering into a 198209
contract for the provision of more services at a higher fee per 198210

student. Any data analysis conducted under this section by an 198211
entity under contract with the department shall be completed in 198212
accordance with timelines established by the ~~superintendent of~~ 198213
~~public instruction~~ director of education and workforce. 198214

(E) The department shall share any aggregate student data and 198215
any calculation, analysis, or report utilizing aggregate student 198216
data that is generated under this section with the chancellor of 198217
~~the Ohio board of regents~~ higher education. The department shall 198218
not share individual student test scores and individual student 198219
reports with the chancellor. 198220

Sec. 3302.03. Not later than the thirty-first day of July of 198221
each year, the department of education and workforce shall submit 198222
preliminary report card data for overall academic performance and 198223
for each separate performance measure for each school district, 198224
and each school building, in accordance with this section. 198225

Annually, not later than the fifteenth day of September or 198226
the preceding Friday when that day falls on a Saturday or Sunday, 198227
the department shall assign a letter grade or performance rating 198228
for overall academic performance and for each separate performance 198229
measure for each school district, and each school building in a 198230
district, in accordance with this section. The ~~state board of~~ 198231
~~education~~ department shall adopt rules pursuant to Chapter 119. of 198232
the Revised Code to implement this section. The ~~state board's~~ 198233
department's rules shall establish performance criteria for each 198234
letter grade or performance rating and prescribe a method by which 198235
the department assigns each letter grade or performance rating. 198236
For a school building to which any of the performance measures do 198237
not apply, due to grade levels served by the building, the 198238
department shall designate the performance measures that are 198239
applicable to the building and that must be calculated separately 198240
and used to calculate the building's overall grade or performance 198241

rating. The department shall issue annual report cards reflecting 198242
the performance of each school district, each building within each 198243
district, and for the state as a whole using the performance 198244
measures and letter grade or performance rating system described 198245
in this section. The department shall include on the report card 198246
for each district and each building within each district the most 198247
recent two-year trend data in student achievement for each subject 198248
and each grade. 198249

(A)(1) For the 2012-2013 school year, the department shall 198250
issue grades as described in division (F) of this section for each 198251
of the following performance measures: 198252

(a) Annual measurable objectives; 198253

(b) Performance index score for a school district or 198254
building. Grades shall be awarded as a percentage of the total 198255
possible points on the performance index system as adopted by the 198256
~~state board~~department. In adopting benchmarks for assigning letter 198257
grades under division (A)(1)(b) of this section, the ~~state board~~ 198258
department shall designate ninety per cent or higher for an "A," 198259
at least seventy per cent but not more than eighty per cent for a 198260
"C," and less than fifty per cent for an "F." 198261

(c) The extent to which the school district or building meets 198262
each of the applicable performance indicators established by the 198263
~~state board~~ department under section 3302.02 of the Revised Code 198264
and the percentage of applicable performance indicators that have 198265
been achieved. In adopting benchmarks for assigning letter grades 198266
under division (A)(1)(c) of this section, the ~~state board~~ 198267
department shall designate ninety per cent or higher for an "A." 198268

(d) The four- and five-year adjusted cohort graduation rates. 198269

In adopting benchmarks for assigning letter grades under 198270
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 198271
department shall designate a four-year adjusted cohort graduation 198272

rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A." 198273
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(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows: 198276
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(i) A score that is at least one standard error of measure above the mean score shall be designated as an "A." 198281
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(ii) A score that is less than one standard error of measure above but greater than one standard error of measure below the mean score shall be designated as a "B." 198283
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(iii) A score that is less than or equal to one standard error of measure below the mean score but greater than two standard errors of measure below the mean score shall be designated as a "C." 198286
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(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D." 198290
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(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F." 198294
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Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section. 198297
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

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(2) ~~Not later than April 30, 2013, the state board of education~~ The department shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, ~~not later than June 30, 2013,~~ shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

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At least forty-five days prior to the ~~state board's~~ department's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

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(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

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(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

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(a) Annual measurable objectives;

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(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total

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possible points on the performance index system as created by the 198334
department. In adopting benchmarks for assigning letter grades 198335
under division (B)(1)(b) of this section, the ~~state board~~ 198336
department shall designate ninety per cent or higher for an "A," 198337
at least seventy per cent but not more than eighty per cent for a 198338
"C," and less than fifty per cent for an "F." 198339

(c) The extent to which the school district or building meets 198340
each of the applicable performance indicators established by the 198341
~~state board~~ department under section 3302.03 of the Revised Code 198342
and the percentage of applicable performance indicators that have 198343
been achieved. In adopting benchmarks for assigning letter grades 198344
under division (B)(1)(c) of this section, the ~~state board~~ 198345
department shall designate ninety per cent or higher for an "A." 198346

(d) The four- and five-year adjusted cohort graduation rates; 198347

(e) The overall score under the value-added progress 198348
dimension of a school district or building, for which the 198349
department shall use up to three years of value-added data as 198350
available. 198351

(f) The value-added progress dimension score for a school 198352
district or building disaggregated for each of the following 198353
subgroups: students identified as gifted in superior cognitive 198354
ability and specific academic ability fields under Chapter 3324. 198355
of the Revised Code, students with disabilities, and students 198356
whose performance places them in the lowest quintile for 198357
achievement on a statewide basis. Each subgroup shall be a 198358
separate graded measure. 198359

(g) Whether a school district or building is making progress 198360
in improving literacy in grades kindergarten through three, as 198361
determined using a method prescribed by the ~~state board~~department. 198362
The ~~state board~~ department shall adopt rules to prescribe 198363
benchmarks and standards for assigning grades to districts and 198364

buildings for purposes of division (B)(1)(g) of this section. In 198365
adopting benchmarks for assigning letter grades under divisions 198366
(B)(1)(g) and (C)(1)(g) of this section, the ~~state board~~ 198367
department shall determine progress made based on the reduction in 198368
the total percentage of students scoring below grade level, or 198369
below proficient, compared from year to year on the reading and 198370
writing diagnostic assessments administered under section 198371
3301.0715 of the Revised Code and the third grade English language 198372
arts assessment under section 3301.0710 of the Revised Code, as 198373
applicable. The ~~state board~~ department shall designate for a "C" 198374
grade a value that is not lower than the statewide average value 198375
for this measure. No grade shall be issued under divisions 198376
(B)(1)(g) and (C)(1)(g) of this section for a district or building 198377
in which less than five per cent of students have scored below 198378
grade level on the diagnostic assessment administered to students 198379
in kindergarten under division (B)(1) of section 3313.608 of the 198380
Revised Code. 198381

(h) For a high mobility school district or building, an 198382
additional value-added progress dimension score. For this measure, 198383
the department shall use value-added data from the most recent 198384
school year available and shall use assessment scores for only 198385
those students to whom the district or building has administered 198386
the assessments prescribed by section 3301.0710 of the Revised 198387
Code for each of the two most recent consecutive school years. 198388

As used in this division, "high mobility school district or 198389
building" means a school district or building where at least 198390
twenty-five per cent of its total enrollment is made up of 198391
students who have attended that school district or building for 198392
less than one year. 198393

(2) In addition to the graded measures in division (B)(1) of 198394
this section, the department shall include on a school district's 198395
or building's report card all of the following without an assigned 198396

letter grade: 198397

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations; 198398
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(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree. 198402
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(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code; 198415
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(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code. 198421
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(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations. 198424
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(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code. 198428
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(3) ~~Not later than December 31, 2013, the state board~~ The department shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade. 198431
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At least forty-five days prior to the ~~state board's~~ department's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks. 198437
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(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years. 198445
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(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows: 198448
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(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty 198453
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students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the ~~state board~~ department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the ~~state board~~ department, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the ~~state board~~ department shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "C" or higher.

For the metric prescribed by division (C)(1)(e) of this section, the ~~state board~~ department may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the ~~state board~~ department adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the ~~state board~~ department. Each subgroup shall be a separate graded measure.

The ~~state board~~ department may adopt student academic progress measures to be used instead of the value-added progress dimension. If the ~~state board~~ department adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the ~~state board~~ department. The ~~state board~~ department shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The ~~state board~~ department shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per

cent of students have scored below grade level on the kindergarten 198522
diagnostic assessment under division (B)(1) of section 3313.608 of 198523
the Revised Code. 198524

(h) For a high mobility school district or building, an 198525
additional value-added progress dimension score. For this measure, 198526
the department shall use value-added data from the most recent 198527
school year available and shall use assessment scores for only 198528
those students to whom the district or building has administered 198529
the assessments prescribed by section 3301.0710 of the Revised 198530
Code for each of the two most recent consecutive school years. 198531

As used in this division, "high mobility school district or 198532
building" means a school district or building where at least 198533
twenty-five per cent of its total enrollment is made up of 198534
students who have attended that school district or building for 198535
less than one year. 198536

(2) In addition to the graded measures in division (C)(1) of 198537
this section, the department shall include on a school district's 198538
or building's report card all of the following without an assigned 198539
letter grade: 198540

(a) The percentage of students enrolled in a district or 198541
building who have taken a national standardized test used for 198542
college admission determinations and the percentage of those 198543
students who are determined to be remediation-free in accordance 198544
with the standards adopted under division (F) of section 3345.061 198545
of the Revised Code; 198546

(b) The percentage of students enrolled in a district or 198547
building participating in advanced placement classes and the 198548
percentage of those students who received a score of three or 198549
better on advanced placement examinations; 198550

(c) The percentage of a district's or building's students who 198551
have earned at least three college credits through advanced 198552

standing programs, such as the college credit plus program under 198553
Chapter 3365. of the Revised Code and state-approved 198554
career-technical courses offered through dual enrollment or 198555
statewide articulation, that appear on a student's college 198556
transcript issued by the institution of higher education from 198557
which the student earned the college credit. The credits earned 198558
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 198559
section shall not include any that are remedial or developmental 198560
and shall include those that count toward the curriculum 198561
requirements established for completion of a degree. 198562

(d) The percentage of the district's or building's students 198563
who receive an honor's diploma under division (B) of section 198564
3313.61 of the Revised Code; 198565

(e) The percentage of the district's or building's students 198566
who receive industry-recognized credentials as approved under 198567
section 3313.6113 of the Revised Code; 198568

(f) The percentage of students enrolled in a district or 198569
building who are participating in an international baccalaureate 198570
program and the percentage of those students who receive a score 198571
of four or better on the international baccalaureate examinations; 198572

(g) The results of the college and career-ready assessments 198573
administered under division (B)(1) of section 3301.0712 of the 198574
Revised Code; 198575

(h) Whether the school district or building has implemented a 198576
positive behavior intervention and supports framework in 198577
compliance with the requirements of section 3319.46 of the Revised 198578
Code, notated as a "yes" or "no" answer. 198579

(3) The ~~state board~~ department shall adopt rules pursuant to 198580
Chapter 119. of the Revised Code that establish a method to assign 198581
an overall grade for a school district or school building for the 198582
2017-2018 school year and each school year thereafter. The rules 198583

shall group the performance measures in divisions (C)(1) and (2) 198584
of this section into the following components: 198585

(a) Gap closing, which shall include the performance measure 198586
in division (C)(1)(a) of this section; 198587

(b) Achievement, which shall include the performance measures 198588
in divisions (C)(1)(b) and (c) of this section; 198589

(c) Progress, which shall include the performance measures in 198590
divisions (C)(1)(e) and (f) of this section; 198591

(d) Graduation, which shall include the performance measure 198592
in division (C)(1)(d) of this section; 198593

(e) Kindergarten through third-grade literacy, which shall 198594
include the performance measure in division (C)(1)(g) of this 198595
section; 198596

(f) Prepared for success, which shall include the performance 198597
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 198598
this section. The ~~state board~~ department shall develop a method to 198599
determine a grade for the component in division (C)(3)(f) of this 198600
section using the performance measures in divisions (C)(2)(a), 198601
(b), (c), (d), (e), and (f) of this section. When available, the 198602
~~state board~~ department may incorporate the performance measure 198603
under division (C)(2)(g) of this section into the component under 198604
division (C)(3)(f) of this section. When determining the overall 198605
grade for the prepared for success component prescribed by 198606
division (C)(3)(f) of this section, no individual student shall be 198607
counted in more than one performance measure. However, if a 198608
student qualifies for more than one performance measure in the 198609
component, the ~~state board~~ department may, in its method to 198610
determine a grade for the component, specify an additional weight 198611
for such a student that is not greater than or equal to 1.0. In 198612
determining the overall score under division (C)(3)(f) of this 198613
section, the ~~state board~~ department shall ensure that the pool of 198614

students included in the performance measures aggregated under 198615
that division are all of the students included in the four- and 198616
five-year adjusted graduation cohort. 198617

In the rules adopted under division (C)(3) of this section, 198618
the ~~state board~~ department shall adopt a method for determining a 198619
grade for each component in divisions (C)(3)(a) to (f) of this 198620
section. The ~~state board~~ department also shall establish a method 198621
to assign an overall grade of "A," "B," "C," "D," or "F" using the 198622
grades assigned for each component. The method the ~~state board~~ 198623
department adopts for assigning an overall grade shall give equal 198624
weight to the components in divisions (C)(3)(b) and (c) of this 198625
section. 198626

At least forty-five days prior to the ~~state board's~~ 198627
department's adoption of rules to prescribe the methods for 198628
calculating the overall grade for the report card, as required by 198629
this division, the department shall conduct a public presentation 198630
before the standing committees of the house of representatives and 198631
the senate that consider education legislation describing the 198632
format for the report card, weights that will be assigned to the 198633
components of the overall grade, and the method for calculating 198634
the overall grade. 198635

(D) For the 2021-2022 school year and each school year 198636
thereafter, all of the following apply: 198637

(1) The department shall include on a school district's or 198638
building's report card all of the following performance measures 198639
without an assigned performance rating: 198640

(a) Whether the district or building meets the gifted 198641
performance indicator under division (A)(2) of section 3302.02 of 198642
the Revised Code and the extent to which the district or building 198643
meets gifted indicator performance benchmarks; 198644

(b) The extent to which the district or building meets the 198645

chronic absenteeism indicator under division (A)(3) of section 198646
3302.02 of the Revised Code; 198647

(c) Performance index score percentage for a district or 198648
building, which shall be calculated by dividing the district's or 198649
building's performance index score according to the performance 198650
index system created by the department by the maximum performance 198651
index score for a district or building. The maximum performance 198652
index score shall be as follows: 198653

(i) For a building, the average of the highest two per cent 198654
of performance index scores achieved by a building for the school 198655
year for which a report card is issued; 198656

(ii) For a district, the average of the highest two per cent 198657
of performance index scores achieved by a district for the school 198658
year for which a report card is issued. 198659

(d) The overall score under the value-added progress 198660
dimension of a district or building, for which the department 198661
shall use three consecutive years of value-added data. In using 198662
three years of value-added data to calculate the measure 198663
prescribed under division (D)(1)(d) of this section, the 198664
department shall assign a weight of fifty per cent to the most 198665
recent year's data and a weight of twenty-five per cent to the 198666
data of each of the other years. However, if three consecutive 198667
years of value-added data is not available, the department shall 198668
use prior years of value-added data to calculate the measure, as 198669
follows: 198670

(i) If two consecutive years of value-added data is not 198671
available, the department shall use one year of value-added data 198672
to calculate the measure. 198673

(ii) If two consecutive years of value-added data is 198674
available, the department shall use two consecutive years of 198675
value-added data to calculate the measure. In using two years of 198676

value-added data to calculate the measure, the department shall 198677
assign a weight of sixty-seven per cent to the most recent year's 198678
data and a weight of thirty-three per cent to the data of the 198679
other year. 198680

(e) The four-year adjusted cohort graduation rate. 198681

(f) The five-year adjusted cohort graduation rate. 198682

(g) The percentage of students in the district or building 198683
who score proficient or higher on the reading segment of the third 198684
grade English language arts assessment under section 3301.0710 of 198685
the Revised Code. 198686

To the extent possible, the department shall include the 198687
results of the summer administration of the third grade reading 198688
assessment under section 3301.0710 of the Revised Code in the 198689
performance measures prescribed under divisions (D)(1)(g) and (h) 198690
of this section. 198691

(h) Whether a district or building is making progress in 198692
improving literacy in grades kindergarten through three, as 198693
determined using a method prescribed by the department. The method 198694
shall determine progress made based on the reduction in the total 198695
percentage of students scoring below grade level, or below 198696
proficient, compared from year to year on the reading segments of 198697
the diagnostic assessments administered under section 3301.0715 of 198698
the Revised Code, including the kindergarten readiness assessment, 198699
and the third grade English language arts assessment under section 198700
3301.0710 of the Revised Code, as applicable. The method shall not 198701
include a deduction for students who did not pass the third grade 198702
English language arts assessment under section 3301.0710 of the 198703
Revised Code and were not on a reading improvement and monitoring 198704
plan. 198705

The performance measure prescribed under division (D)(1)(h) 198706
of this section shall not be included on the report card of a 198707

district or building in which less than ten per cent of students 198708
have scored below grade level on the diagnostic assessment 198709
administered to students in kindergarten under division (B)(1) of 198710
section 3313.608 of the Revised Code. 198711

(i) The percentage of students in a district or building who 198712
are promoted to the fourth grade and not subject to retention 198713
under division (A)(2) of section 3313.608 of the Revised Code; 198714

(j) A post-secondary readiness measure. This measure shall be 198715
calculated by dividing the number of students included in the 198716
four-year adjusted graduation rate cohort who demonstrate 198717
post-secondary readiness by the total number of students included 198718
in the denominator of the four-year adjusted graduation rate 198719
cohort. Demonstration of post-secondary readiness shall include a 198720
student doing any of the following: 198721

(i) Attaining a remediation-free score, in accordance with 198722
standards adopted under division (F) of section 3345.061 of the 198723
Revised Code, on a nationally standardized assessment prescribed 198724
under division (B)(1) of section 3301.0712 of the Revised Code; 198725

(ii) Attaining required scores on three or more advanced 198726
placement or international baccalaureate examinations. The 198727
required score for an advanced placement examination shall be a 198728
three or better. The required score for an international 198729
baccalaureate examination shall be a four or better. A student may 198730
satisfy this condition with any combination of advanced placement 198731
or international baccalaureate examinations. 198732

(iii) Earning at least twelve college credits through 198733
advanced standing programs, such as the college credit plus 198734
program under Chapter 3365. of the Revised Code, an early college 198735
high school program under section 3313.6013 of the Revised Code, 198736
and state-approved career-technical courses offered through dual 198737
enrollment or statewide articulation, that appear on a student's 198738

college transcript issued by the institution of higher education 198739
from which the student earned the college credit. Earned credits 198740
reported under division (D)(1)(j)(iii) of this section shall 198741
include credits that count toward the curriculum requirements 198742
established for completion of a degree, but shall not include any 198743
remedial or developmental credits. 198744

(iv) Meeting the additional criteria for an honors diploma 198745
under division (B) of section 3313.61 of the Revised Code; 198746

(v) Earning an industry-recognized credential or license 198747
issued by a state agency or board for practice in a vocation that 198748
requires an examination for issuance of that license approved 198749
under section 3313.6113 of the Revised Code; 198750

(vi) Satisfying any of the following conditions: 198751

(I) Completing a pre-apprenticeship aligned with options 198752
established under section 3313.904 of the Revised Code in the 198753
student's chosen career field; 198754

(II) Completing an apprenticeship registered with the 198755
apprenticeship council established under section 4139.02 of the 198756
Revised Code in the student's chosen career field; 198757

(III) Providing evidence of acceptance into an apprenticeship 198758
program after high school that is restricted to participants 198759
eighteen years of age or older. 198760

(vii) Earning a cumulative score of proficient or higher on 198761
three or more state technical assessments aligned with section 198762
3313.903 of the Revised Code in a single career pathway; 198763

(viii) Earning an OhioMeansJobs-readiness seal established 198764
under section 3313.6112 of the Revised Code and completing two 198765
hundred fifty hours of an internship or other work-based learning 198766
experience that is either: 198767

(I) Approved by the business advisory council established 198768

under section 3313.82 of the Revised Code that represents the student's district; or

(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.

(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

A student who satisfies more than one of the conditions prescribed under this division shall be counted as one student for the purposes of calculating the measure prescribed under division (D)(1)(j) of this section.

(2) In addition to the performance measures under division (D)(1) of this section, the department shall report on a district's or building's report card all of the following data without an assigned performance rating:

(a) The applicable performance indicators established by the ~~state board~~ department under division (A)(1) of section 3302.02 of the Revised Code;

(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;

(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years;

(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the

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following categories:	198799
(i) Students who are still enrolled in the district or building and receiving general education services;	198800 198801
(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services;	198802 198803 198804 198805 198806
(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;	198807 198808 198809 198810
(iv) Students who are no longer enrolled in any district or building;	198811 198812
(v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code than other students in the four- or five-year adjusted cohort graduation rate.	198813 198814 198815 198816 198817
The department may disaggregate the data prescribed under division (D)(2)(d) of this section according to other categories that the department determines are appropriate.	198818 198819 198820
(e) The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code;	198821 198822 198823
(f) Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card is issued, including the percentage of students who:	198824 198825 198826 198827 198828

(i) Enrolled in a post-secondary educational institution. To 198829
the extent possible, the department shall disaggregate that data 198830
according to whether the student enrolled in a four-year 198831
institution of higher education, a two-year institution of higher 198832
education, an Ohio technical center that provides adult technical 198833
education services and is recognized by the chancellor of higher 198834
education, or another type of post-secondary educational 198835
institution. 198836

(ii) Entered an apprenticeship program registered with the 198837
apprenticeship council established under Chapter 4139. of the 198838
Revised Code. The department may include other job training 198839
programs with similar rigor and outcomes. 198840

(iii) Attained gainful employment, as determined by the 198841
department; 198842

(iv) Enlisted in a branch of the armed forces of the United 198843
States, as defined in section 5910.01 of the Revised Code. 198844

(g) Whether the school district or building has implemented a 198845
positive behavior intervention and supports framework in 198846
compliance with the requirements of section 3319.46 of the Revised 198847
Code, notated with a "yes" or "no"; 198848

(h) The number and percentage of high school seniors in each 198849
school year who completed the free application for federal student 198850
aid; 198851

(i) Beginning with the report card issued under this section 198852
for the 2022-2023 school year, a student opportunity profile 198853
measure that reports data regarding the opportunities provided to 198854
students by a district or building. To the extent possible, and 198855
when appropriate, the data shall be disaggregated by grade level 198856
and subgroup. The measure also shall include data regarding the 198857
statewide average, the average for similar school districts, and, 198858
for a building, the average for the district in which the building 198859

is located. The measure shall include all of the following data	198860
for the district or building:	198861
(i) The average ratio of teachers of record to students in	198862
each grade level in a district or building;	198863
(ii) The average ratio of school counselors to students in a	198864
district or building;	198865
(iii) The average ratio of nurses to students in a district	198866
or building;	198867
(iv) The average ratio of licensed librarians and library	198868
media specialists to students in a district or building;	198869
(v) The average ratio of social workers to students in a	198870
district or building;	198871
(vi) The average ratio of mental health professionals to	198872
students in a district or building;	198873
(vii) The average ratio of paraprofessionals to students in a	198874
district or building;	198875
(viii) The percentage of teachers with fewer than three years	198876
of experience teaching in any school;	198877
(ix) The percentage of principals with fewer than three years	198878
of experience as a principal in any school;	198879
(x) The percentage of teachers who are not teaching in the	198880
subject or field for which they are certified or licensed;	198881
(xi) The percentage of kindergarten students who are enrolled	198882
in all-day kindergarten, as defined in section 3321.05 of the	198883
Revised Code;	198884
(xii) The percentage of students enrolled in a performing or	198885
visual arts course;	198886
(xiii) The percentage of students enrolled in a physical	198887
education or wellness course;	198888

(xiv) The percentage of students enrolled in a world language course;	198889
	198890
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	198891
	198892
(xvi) The percentage of students participating in one or more cocurricular activities;	198893
	198894
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	198895
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(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	198899
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(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	198903
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(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	198906
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(xxi) The percentage of students who are transported by a school bus each school day;	198910
	198911
(xxii) The ratio of portable technology devices that students may take home to the number of students.	198912
	198913
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	198914
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(j)(i) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or	198917
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building who completed all of grades nine through twelve while 198919
enrolled in the district or building; 198920

(ii) The four-year adjusted cohort graduation rate for only 198921
those students who were continuously enrolled in the same district 198922
or building for grades nine through twelve. 198923

(k) The percentage of students in the district or building to 198924
whom both of the following apply: 198925

(i) The students are promoted to fourth grade and not subject 198926
to retention under division (A)(2) of section 3313.608 of the 198927
Revised Code. 198928

(ii) The students completed all of the grade levels offered 198929
prior to the fourth grade in the district or building. 198930

(3) Except as provided in division (D)(3)(f) of this section, 198931
the department shall use the ~~state board's~~ method prescribed under 198932
rules adopted under division (D)(4) of this section to assign 198933
performance ratings of "one star," "two stars," "three stars," 198934
"four stars," or "five stars," as described in division (F) of 198935
this section, for a district or building for the individual 198936
components prescribed under division (D)(3) of this section. The 198937
department also shall assign an overall performance rating for a 198938
district or building in accordance with division (D)(3)(g) of this 198939
section. The method shall use the performance measures prescribed 198940
under division (D)(1) of this section to calculate performance 198941
ratings for components. The method may report data under division 198942
(D)(2) of this section with corresponding components, but shall 198943
not use the data to calculate performance ratings for that 198944
component. The performance measures and reported data shall be 198945
grouped together into components as follows: 198946

(a) Gap closing. In addition to other criteria determined 198947
appropriate by the department, performance ratings for the gap 198948
closing component shall reflect whether each of the following 198949

performance measures are met or not met:	198950
(i) The gifted performance indicator as described in division (D)(1)(a) of this section;	198951 198952
(ii) The chronic absenteeism indicator as described in division (D)(1)(b) of this section;	198953 198954
(iii) For English learners, an English language proficiency improvement indicator established by the department;	198955 198956
(iv) The subgroup graduation targets;	198957
(v) The subgroup achievement targets in both mathematics and English language arts;	198958 198959
(vi) The subgroup progress targets in both mathematics and English language arts.	198960 198961
Achievement and progress targets under division (D)(3)(a) of this section shall be calculated individually, and districts and buildings shall receive a status of met or not met on each measure. The department shall not require a subgroup of a district or building to meet both the achievement and progress targets at the same time to receive a status of met.	198962 198963 198964 198965 198966 198967
The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.	198968 198969 198970 198971 198972
(b) Achievement, which shall include the performance measure in division (D)(1)(c) of this section and the reported data in division (D)(2)(a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D)(1)(c) of this section.	198973 198974 198975 198976 198977 198978
(c) Progress, which shall include the performance measure in	198979

division (D)(1)(d) of this section and the reported data in 198980
divisions (D)(2)(b) and (c) of this section; 198981

(d) Graduation, which shall include the performance measures 198982
in divisions (D)(1)(e) and (f) of this section and the reported 198983
data in divisions (D)(2)(d) and (j) of this section. The four-year 198984
adjusted cohort graduation rate shall be assigned a weight of 198985
sixty per cent and the five-year adjusted cohort graduation rate 198986
shall be assigned a weight of forty per cent; 198987

(e) Early literacy, which shall include the performance 198988
measures in divisions (D)(1)(g), (h), and (i) of this section and 198989
the reported data in divisions (D)(2)(e) and (k) of this section. 198990

If the measure prescribed under division (D)(1)(h) of this 198991
section is included in a report card, performance ratings for the 198992
early literacy component shall give a weight of forty per cent to 198993
the measure prescribed under division (D)(1)(g) of this section, a 198994
weight of thirty-five per cent to the measure prescribed under 198995
division (D)(1)(i) of this section, and a weight of twenty-five 198996
per cent to the measure prescribed under division (D)(1)(h) of 198997
this section. 198998

If the measure prescribed under division (D)(1)(h) of this 198999
section is not included in a report card of a district or 199000
building, performance ratings for the early literacy component 199001
shall give a weight of sixty per cent to the measure prescribed 199002
under division (D)(1)(g) of this section and a weight of forty per 199003
cent to the measure prescribed under division (D)(1)(i) of this 199004
section. 199005

(f) College, career, workforce, and military readiness, which 199006
shall include the performance measure in division (D)(1)(j) of 199007
this section and the reported data in division (D)(2)(f) of this 199008
section. 199009

For the 2021-2022, 2022-2023, and 2023-2024 school years, the 199010

department only shall report the data for, and not assign a performance rating to, the college, career, workforce, and military readiness component. The reported data shall include the percentage of students who demonstrate post-secondary readiness using any of the options described in division (D)(1)(j) of this section.

The department shall analyze the data included in the performance measure prescribed in division (D)(1)(j) of this section for the 2021-2022, 2022-2023, and 2023-2024 school years. Using that data, the department shall develop and propose rules for a method to assign a performance rating to the college, career, workforce, and military readiness component based on that measure. The method to assign a performance rating shall not include a tiered structure or per student bonuses. The rules shall specify that a district or building shall not receive lower than a performance rating of three stars for the component if the district's or building's performance on the component meets or exceeds a level of improvement set by the department. Notwithstanding division (D)(4)(b) of this section, more than half of the total districts and buildings may earn a performance rating of three stars on this component to account for the districts and buildings that earned a performance rating of three stars because they met or exceeded the level of improvement set by the department.

The department shall submit the rules to the joint committee on agency rule review. The committee shall conduct at least one public hearing on the proposed rules and approve or disapprove the rules. If the committee approves the rules, the ~~state board~~ department shall adopt the rules in accordance with Chapter 119. of the Revised Code. If the rules are adopted, the department shall assign a performance rating to the college, career, workforce, and military readiness component under the rules

beginning with the 2024-2025 school year, and for each school year 199043
thereafter. If the committee disapproves the rules, the component 199044
shall be included in the report card only as reported data for the 199045
2024-2025 school year, and each school year thereafter. 199046

(g)(i) Except as provided for in division (D)(3)(g)(ii) of 199047
this section, beginning with the 2022-2023 school year, under the 199048
~~state board's~~ method prescribed under rules adopted in division 199049
(D)(4) of this section, the department shall use the performance 199050
ratings assigned for the components prescribed in divisions 199051
(D)(3)(a) to (e) of this section to determine and assign an 199052
overall performance rating of "one star," "one and one-half 199053
stars," "two stars," "two and one-half stars," "three stars," 199054
"three and one-half stars," "four stars," "four and one-half 199055
stars," or "five stars" for a district or building. The method 199056
shall give equal weight to the components in divisions (D)(3)(b) 199057
and (c) of this section. The method shall give equal weight to the 199058
components in divisions (D)(3)(a), (d), and (e) of this section. 199059
The individual weights of each of the components prescribed in 199060
divisions (D)(3)(a), (d), and (e) of this section shall be equal 199061
to one-half of the weight given to the component prescribed in 199062
division (D)(3)(b) of this section. 199063

(ii) If the joint committee on agency rule review approves 199064
the department's rules regarding the college, career, workforce, 199065
and military readiness component as described in division 199066
(D)(3)(f) of this section, for the 2024-2025 school year, and each 199067
school year thereafter, the ~~state board's~~ department's method 199068
shall use the components in divisions (D)(3)(a), (b), (c), (d), 199069
(e), and (f) of this section to calculate the overall performance 199070
rating. The method shall give equal weight to the components in 199071
divisions (D)(3)(b) and (c) of this section. The method shall give 199072
equal weight to the components prescribed in divisions (D)(3)(a), 199073
(d), (e), and (f) of this section. The individual weights of each 199074

of the components prescribed in divisions (D)(3)(a), (d), (e), and 199075
(f) of this section shall be equal to one-half the weight given to 199076
the component prescribed in division (D)(3)(b) of this section. 199077

If the joint committee on agency rule review disapproves the 199078
department's rules regarding the college, career, workforce, and 199079
military readiness component as described in division (D)(3)(f) of 199080
this section, division (D)(3)(g)(ii) of this section does not 199081
apply. 199082

(4)(a) The ~~state board~~ department shall adopt rules in 199083
accordance with Chapter 119. of the Revised Code to establish the 199084
performance criteria, benchmarks, and rating system necessary to 199085
implement divisions (D) and (F) of this section, including the 199086
method for the department to assign performance ratings under 199087
division (D)(3) of this section. 199088

(b) In establishing the performance criteria, benchmarks, and 199089
rating system, the ~~state board~~ department shall consult with 199090
stakeholder groups and advocates that represent parents, community 199091
members, students, business leaders, and educators from different 199092
school typology regions. The ~~state board~~ department shall use data 199093
from prior school years and simulations to ensure that there is 199094
meaningful differentiation among districts and buildings across 199095
all performance ratings and that, except as permitted in division 199096
(D)(3)(f) of this section, more than half of all districts or 199097
buildings do not earn the same performance rating in any component 199098
or overall performance rating. 199099

(c) The ~~state board~~ department shall adopt the rules 199100
prescribed by division (D)(4) of this section not later than March 199101
31, 2022. However, the department shall notify districts and 199102
buildings of the changes to the report card prescribed in law not 199103
later than one week after the effective date of this amendment 199104
September 30, 2021. 199105

(d) Prior to adopting or updating rules under division (D)(4) 199106
of this section, the ~~president~~ director of the ~~state board~~ 199107
education and workforce and the department shall conduct a public 199108
presentation before the standing committees of the house of 199109
representatives and the senate that consider primary and secondary 199110
education legislation describing the format for the report card 199111
and the performance criteria, benchmarks, and rating system, 199112
including the method to assign performance ratings under division 199113
(D)(3) of this section. 199114

(E) ~~On or after July 1, 2015, the state board~~ The department 199115
may develop a measure of student academic progress for high school 199116
students using only data from assessments in English language arts 199117
and mathematics. If the ~~state board~~ department develops this 199118
measure, each school district and applicable school building shall 199119
be assigned a separate letter grade for it not sooner than the 199120
2017-2018 school year. The district's or building's grade for that 199121
measure shall not be included in determining the district's or 199122
building's overall letter grade. 199123

(F)(1) The letter grades assigned to a school district or 199124
building under this section shall be as follows: 199125

(a) "A" for a district or school making excellent progress; 199126

(b) "B" for a district or school making above average 199127
progress; 199128

(c) "C" for a district or school making average progress; 199129

(d) "D" for a district or school making below average 199130
progress; 199131

(e) "F" for a district or school failing to meet minimum 199132
progress. 199133

(2) For the overall performance rating under division (D)(3) 199134
of this section, the department shall include a descriptor for 199135

each performance rating as follows: 199136

(a) "Significantly exceeds state standards" for a performance 199137
rating of five stars; 199138

(b) "Exceeds state standards" for a performance rating of 199139
four stars or four and one-half stars; 199140

(c) "Meets state standards" for a performance rating of three 199141
stars or three and one-half stars; 199142

(d) "Needs support to meet state standards" for a performance 199143
rating of two stars or two and one-half stars; 199144

(e) "Needs significant support to meet state standards" for a 199145
performance rating of one star or one and one-half stars. 199146

(3) For performance ratings for each component under 199147
divisions (D)(3)(a) to (f) of this section, the ~~state board~~ 199148
department shall include a description of each component and 199149
performance rating. The description shall include 199150
component-specific context to each performance rating earned, 199151
estimated comparisons to other school districts and buildings if 199152
appropriate, and any other information determined by the ~~state~~ 199153
~~board~~department. The descriptions shall be not longer than 199154
twenty-five words in length when possible. In addition to such 199155
descriptions, the ~~state board~~ department shall include the 199156
descriptors in division (F)(2) of this section for component 199157
performance ratings. 199158

(4) Each report card issued under this section shall include 199159
all of the following: 199160

(a) A graphic that depicts the performance ratings of a 199161
district or school on a color scale. The color associated with a 199162
performance rating of three stars shall be green and the color 199163
associated with a performance rating of one star shall be red. 199164

(b) An arrow graphic that shows data trends for performance 199165

ratings for school districts or buildings. The ~~state board~~ 199166
department shall determine the data to be used for this graphic, 199167
which shall include at least the three most recent years of data. 199168

(c) A description regarding the weights that are assigned to 199169
each component and used to determine an overall performance 199170
rating, as prescribed under division (D)(3)(g) of this section, 199171
which shall be included in the presentation of the overall 199172
performance rating on each report card. 199173

(G) When reporting data on student achievement and progress, 199174
the department shall disaggregate that data according to the 199175
following categories: 199176

(1) Performance of students by grade-level; 199177

(2) Performance of students by race and ethnic group; 199178

(3) Performance of students by gender; 199179

(4) Performance of students grouped by those who have been 199180
enrolled in a district or school for three or more years; 199181

(5) Performance of students grouped by those who have been 199182
enrolled in a district or school for more than one year and less 199183
than three years; 199184

(6) Performance of students grouped by those who have been 199185
enrolled in a district or school for one year or less; 199186

(7) Performance of students grouped by those who are 199187
economically disadvantaged; 199188

(8) Performance of students grouped by those who are enrolled 199189
in a conversion community school established under Chapter 3314. 199190
of the Revised Code; 199191

(9) Performance of students grouped by those who are 199192
classified as English learners; 199193

(10) Performance of students grouped by those who have 199194

disabilities; 199195

(11) Performance of students grouped by those who are 199196
classified as migrants; 199197

(12) Performance of students grouped by those who are 199198
identified as gifted in superior cognitive ability and the 199199
specific academic ability fields of reading and math pursuant to 199200
Chapter 3324. of the Revised Code. In disaggregating specific 199201
academic ability fields for gifted students, the department shall 199202
use data for those students with specific academic ability in math 199203
and reading. If any other academic field is assessed, the 199204
department shall also include data for students with specific 199205
academic ability in that field as well. 199206

(13) Performance of students grouped by those who perform in 199207
the lowest quintile for achievement on a statewide basis, as 199208
determined by a method prescribed by the ~~state board~~ department. 199209

The department may disaggregate data on student performance 199210
according to other categories that the department determines are 199211
appropriate. To the extent possible, the department shall 199212
disaggregate data on student performance according to any 199213
combinations of two or more of the categories listed in divisions 199214
(G)(1) to (13) of this section that it deems relevant. 199215

In reporting data pursuant to division (G) of this section, 199216
the department shall not include in the report cards any data 199217
statistical in nature that is statistically unreliable or that 199218
could result in the identification of individual students. For 199219
this purpose, the department shall not report student performance 199220
data for any group identified in division (G) of this section that 199221
contains less than ten students. If the department does not report 199222
student performance data for a group because it contains less than 199223
ten students, the department shall indicate on the report card 199224
that is why data was not reported. 199225

(H) The department may include with the report cards any additional education and fiscal performance data it deems valuable. 199226
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(I) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code. 199229
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The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it. 199236
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(J)(1)(a) Except as provided in division (J)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code. 199243
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(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)(4)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum 199252
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to the district's report card the ratings and performance measures 199258
that are required under section 3314.017 of the Revised Code for 199259
any community school to which division (J)(1)(b) of this section 199260
applies. This addendum shall include, at a minimum, the data 199261
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 199262
3314.017 of the Revised Code. 199263

(2) Any district that leases a building to a community school 199264
located in the district or that enters into an agreement with a 199265
community school located in the district whereby the district and 199266
the school endorse each other's programs may elect to have data 199267
regarding the academic performance of students enrolled in the 199268
community school combined with comparable data from the schools of 199269
the district for the purpose of determining the performance of the 199270
district as a whole on the district report card. Any district that 199271
so elects shall annually file a copy of the lease or agreement 199272
with the department. 199273

(3) Any municipal school district, as defined in section 199274
3311.71 of the Revised Code, that sponsors a community school 199275
located within the district's territory, or that enters into an 199276
agreement with a community school located within the district's 199277
territory whereby the district and the community school endorse 199278
each other's programs, may exercise either or both of the 199279
following elections: 199280

(a) To have data regarding the academic performance of 199281
students enrolled in that community school combined with 199282
comparable data from the schools of the district for the purpose 199283
of determining the performance of the district as a whole on the 199284
district's report card; 199285

(b) To have the number of students attending that community 199286
school noted separately on the district's report card. 199287

The election authorized under division (J)(3)(a) of this 199288

section is subject to approval by the governing authority of the 199289
community school. 199290

Any municipal school district that exercises an election to 199291
combine or include data under division (J)(3) of this section, by 199292
the first day of October of each year, shall file with the 199293
department documentation indicating eligibility for that election, 199294
as required by the department. 199295

(K) The department shall include on each report card the 199296
percentage of teachers in the district or building who are 199297
properly certified or licensed teachers, as defined in section 199298
3319.074 of the Revised Code, and a comparison of that percentage 199299
with the percentages of such teachers in similar districts and 199300
buildings. 199301

(L)(1) In calculating English language arts, mathematics, 199302
science, American history, or American government assessment 199303
passage rates used to determine school district or building 199304
performance under this section, the department shall include all 199305
students taking an assessment with accommodation or to whom an 199306
alternate assessment is administered pursuant to division (C)(1) 199307
or (3) of section 3301.0711 of the Revised Code and all students 199308
who take substitute examinations approved under division (B)(4) of 199309
section 3301.0712 of the Revised Code in the subject areas of 199310
science, American history and American government. 199311

(2) In calculating performance index scores, rates of 199312
achievement on the performance indicators established by the ~~state~~ 199313
~~board~~ department under section 3302.02 of the Revised Code, and 199314
annual measurable objectives for determining adequate yearly 199315
progress for school districts and buildings under this section, 199316
the department shall do all of the following: 199317

(a) Include for each district or building only those students 199318
who are included in the ADM certified for the first full school 199319

week of October and are continuously enrolled in the district or 199320
building through the time of the spring administration of any 199321
assessment prescribed by division (A)(1) or (B)(1) of section 199322
3301.0710 or division (B) of section 3301.0712 of the Revised Code 199323
that is administered to the student's grade level; 199324

(b) Include cumulative totals from both the fall and spring 199325
administrations of the third grade English language arts 199326
achievement assessment and, to the extent possible, the summer 199327
administration of that assessment; 199328

(c) Except as required by the No Child Left Behind Act of 199329
2001, exclude for each district or building any English learner 199330
who has been enrolled in United States schools for less than one 199331
full school year. 199332

(M) Beginning with the 2015-2016 school year and at least 199333
once every three years thereafter, the ~~state board of education~~ 199334
department shall review and may adjust the benchmarks for 199335
assigning letter grades or performance ratings to the performance 199336
measures and components prescribed under divisions (C)(3), (D), 199337
and (E) of this section. 199338

Sec. 3302.031. In addition to the report cards required under 199339
section 3302.03 of the Revised Code, the department of education 199340
and workforce shall annually prepare the following reports for 199341
each school district and make a copy of each report available to 199342
the superintendent of each district: 199343

(A) A funding and expenditure accountability report which 199344
shall consist of the amount of state aid payments the school 199345
district will receive during the fiscal year under Chapter 3317. 199346
of the Revised Code and any other fiscal data the department 199347
determines is necessary to inform the public about the financial 199348
status of the district; 199349

(B) A school safety and discipline report which shall consist 199350
of statistical information regarding student safety and discipline 199351
in each school building, including the number of suspensions and 199352
expulsions disaggregated according to race and gender; 199353

(C) A student equity report which shall consist of at least a 199354
description of the status of teacher qualifications, library and 199355
media resources, textbooks, classroom materials and supplies, and 199356
technology resources for each district. To the extent possible, 199357
the information included in the report required under this 199358
division shall be disaggregated according to grade level, race, 199359
gender, disability, and scores attained on assessments required 199360
under sections 3301.0710 and 3301.0712 of the Revised Code. 199361

(D) A school enrollment report which shall consist of 199362
information about the composition of classes within each district 199363
by grade and subject disaggregated according to race, gender, and 199364
scores attained on assessments required under sections 3301.0710 199365
and 3301.0712 of the Revised Code; 199366

(E) A student retention report which shall consist of the 199367
number of students retained in their respective grade levels in 199368
the district disaggregated by grade level, subject area, race, 199369
gender, and disability; 199370

(F) A school district performance report which shall describe 199371
for the district and each building within the district the extent 199372
to which the district or building meets each of the applicable 199373
performance indicators established under section 3302.02 of the 199374
Revised Code, the number of performance indicators that have been 199375
achieved, and the performance index score. In calculating the 199376
rates of achievement on the performance indicators and the 199377
performance index scores for each report, the department shall 199378
exclude all students with disabilities. 199379

Sec. 3302.032. (A) ~~Not later than December 31, 2011, the~~ 199380

~~state board~~ The department of education and workforce shall 199381
establish a measure of the following: 199382

(1) Student success in meeting the benchmarks contained in 199383
the physical education standards adopted under division (A)(3) of 199384
section 3301.079 of the Revised Code; 199385

(2) Compliance with the requirements for local wellness 199386
policies prescribed by section 204 of the "Child Nutrition and WIC 199387
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 199388

(3) Whether a school district or building has elected to 199389
administer the screenings authorized by sections 3313.674, 199390
3314.15, and 3326.26 of the Revised Code; 199391

(4) Whether a school district or building is participating in 199392
the physical activity pilot program administered under section 199393
3313.6016 of the Revised Code. 199394

(B) The measure shall be included on the school district and 199395
building report cards issued under section 3302.03 of the Revised 199396
Code, beginning with the report cards issued for the 2012-2013 199397
school year, but it shall not be a factor in the performance 199398
ratings issued under that section. 199399

(C) The department ~~of education~~ may accept, receive, and 199400
expend gifts, devises, or bequests of money for the purpose of 199401
establishing the measure required by this section. 199402

Sec. 3302.033. The ~~state board~~ department of education and 199403
workforce, in consultation with the chancellor of ~~the Ohio board~~ 199404
~~of regents~~ higher education, any office within the office of the 199405
governor concerning workforce development, the Ohio association of 199406
career and technical education, the Ohio association of city 199407
career-technical schools, and the Ohio association of 199408
career-technical superintendents, shall approve a report card for 199409
joint vocational school districts and for other career-technical 199410

planning districts that are not joint vocational school districts, 199411
which may contain disaggregated data for each joint vocational 199412
school district, if applicable. The ~~state board~~ department shall 199413
submit details of the approved report card to the governor, the 199414
speaker of the house of representatives, the president of the 199415
senate, and the chairpersons of the standing committees of the 199416
house of representatives and the senate principally responsible 199417
for education policy. The department ~~of education~~ annually shall 199418
issue a report card for each joint vocational school district and 199419
other career-technical planning districts that are not joint 199420
vocational school districts, beginning with report cards for the 199421
2012-2013 school year to be published not later than September 1, 199422
2013. 199423

As used in this section, "career-technical planning district" 199424
means a school district or group of school districts designated by 199425
the department as being responsible for the planning for and 199426
provision of career-technical education services to students 199427
within the district or group. 199428

Sec. 3302.034. (A) ~~Not later than December 31, 2013, the~~ 199429
~~state board~~ The department of education and workforce shall adopt 199430
and specify measures in addition to those included on the report 199431
card issued under section 3302.03 of the Revised Code. The 199432
measures adopted under this section shall be reported separately, 199433
as specified under division (B) of this section, for each school 199434
district, each building in a district, each community school 199435
established under Chapter 3314., each STEM school established 199436
under Chapter 3326., and each college-preparatory boarding school 199437
established under Chapter 3328. of the Revised Code. The measures 199438
shall include at least the following: 199439

(1) Data for students who have passed over a grade or subject 199440
area under an acceleration policy prescribed under section 3324.10 199441

of the Revised Code;	199442
(2) The number of students who are economically disadvantaged as determined by the department of education ;	199443 199444
(3) The number of lead teachers employed by each district and each building once the data is available through the education management information system established under section 3301.0714 of the Revised Code;	199445 199446 199447 199448
(4) The amount of students screened and identified as gifted under Chapter 3324. of the Revised Code;	199449 199450
(5) Postgraduate student outcome data as described under division (E)(2)(d)(ii) of section 3314.017 of the Revised Code;	199451 199452
(6) Availability of courses in fine arts;	199453
(7) Participation with other school districts to provide career-technical education services to students.	199454 199455
(B) The department shall report this information annually beginning with the 2013-2014 school year and make this information available on its web site for comparison purposes.	199456 199457 199458
Sec. 3302.035. (A) Not later than October 1, 2015, and not later than the first day of October each year thereafter, the department of education <u>and workforce</u> shall report for each school district, each community school established under Chapter 3314., each STEM school established under Chapter 3326., and each college-preparatory boarding school established under Chapter 3328. of the Revised Code, the following measures for students with disabilities enrolled in that school district or community, STEM, or college-preparatory boarding school:	199459 199460 199461 199462 199463 199464 199465 199466 199467
(1) The value-added progress dimension score disaggregated for that subgroup, as determined by the department;	199468 199469
(2) The performance index score for that subgroup, as defined	199470

under division (A) of section 3302.01 of the Revised Code; 199471

(3) The four- and five-year adjusted cohort graduation rates, 199472
as defined under divisions (G)(1) and (2) of section 3302.01 of 199473
the Revised Code, for that subgroup. 199474

(B) The department shall make each report completed pursuant 199475
to division (A) of this section available on its web site for 199476
comparison purposes. 199477

Sec. 3302.036. (A) Notwithstanding anything in the Revised 199478
Code to the contrary, the department of education and workforce 199479
shall not assign an overall letter grade under division (C)(3) of 199480
section 3302.03 of the Revised Code for any school district or 199481
building for the 2014-2015, 2015-2016, or 2016-2017 school years, 199482
may, at the discretion of the ~~state board of education~~ department, 199483
not assign an individual grade to any component prescribed under 199484
division (C)(3) of section 3302.03 of the Revised Code, and shall 199485
not rank school districts, community schools established under 199486
Chapter 3314. of the Revised Code, or STEM schools established 199487
under Chapter 3326. of the Revised Code under section 3302.21 of 199488
the Revised Code for those school years. The report card ratings 199489
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 199490
shall not be considered in determining whether a school district 199491
or a school is subject to sanctions or penalties. However, the 199492
report card ratings of any previous or subsequent years shall be 199493
considered in determining whether a school district or building is 199494
subject to sanctions or penalties. Accordingly, the report card 199495
ratings for the 2014-2015, 2015-2016, or 2016-2017 school years 199496
shall have no effect in determining sanctions or penalties, but 199497
shall not create a new starting point for determinations that are 199498
based on ratings over multiple years. 199499

(B) The provisions from which a district or school is exempt 199500
under division (A) of this section shall be the following: 199501

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to October 15, 2015. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after October 15, 2015.

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;

(5) Provisions defining "challenged school districts" in which new start-up community schools were required to be located, as prescribed in section 3314.02 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ September 30, 2021;

(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.

(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school years as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015,

2015-2016, or 2016-2017 school years shall be released, except to 199533
a student's school district or school or to the student or the 199534
student's parent or guardian. 199535

Sec. 3302.037. (A) Not more than thirty days after the 199536
department of education and workforce issues report cards under 199537
section 3302.03 of the Revised Code, each school district and 199538
school building shall do the following: 199539

(1) Notify parents that the report card has been released and 199540
how parents can access the report card. Notification may include 199541
mailed letters, emails, newsletters, or any other proactive 199542
notification method used by districts and buildings to contact 199543
parents. 199544

(2) Include a link to the report card on the district's or 199545
school's web site. 199546

(B) Each superintendent of a school district shall present 199547
the results of the district's report card to the school district 199548
board of education not later than thirty days after the report 199549
cards are issued under section 3302.03 of the Revised Code. 199550

Sec. 3302.038. Not later than December 31, 2024, the 199551
department of education and workforce shall issue a report 199552
regarding the effectiveness of the state report cards issued under 199553
section 3302.03 of the Revised Code. In preparing the report, the 199554
department shall study the data included in the state report cards 199555
issued for the 2021-2022, 2022-2023, and 2023-2024 school years. 199556
Based on that study, the department shall include in the report 199557
any recommendations for changes or improvements to the state 199558
report card. 199559

The department shall submit the report to the speaker of the 199560
house of representatives, the president of the senate, and the 199561
chairpersons of the standing committees of the house of 199562

representatives and the senate that consider education 199563
legislation. 199564

~~Sec. 3302.04. As used in divisions (A), (C), and (D) of this 199565
section, for the 2014-2015 school year, and for each school year 199566
thereafter, when a provision refers to a school district or school 199567
building in a state of academic emergency, it shall mean a 199568
district or building rated "F"; when a provision refers to a 199569
school district or school building under an academic watch, it 199570
shall mean a district or building rated "D"; and when a provision 199571
refers to a school district or school building in need of 199572
continuous improvement, it shall mean a district or building rated 199573
"C" as those letter grade ratings for overall performance are 199574
assigned under division (C)(3) of section 3302.03 of the Revised 199575
Code, as it exists on or after March 22, 2013. 199576~~

(A) The department of education and workforce shall establish 199577
a system of intensive, ongoing support for the improvement of 199578
school districts and school buildings. In accordance with the 199579
model of differentiated accountability described in section 199580
3302.041 of the Revised Code, the system shall give priority to 199581
the following: 199582

~~(1) For any school year prior to the 2012-2013 school year, 199583
districts and buildings that have been declared to be under an 199584
academic watch or in a state of academic emergency under section 199585
3302.03 of the Revised Code; 199586~~

~~(2) For the 2012-2013 school year, and for each school year 199587
thereafter, districts and buildings in the manner prescribed by 199588
any agreement currently in force between the department of 199589
education and workforce and the United States department of 199590
education. The department of education and workforce shall 199591
endeavor to include schools and buildings that receive grades or 199592
performance ratings under section 3302.03 of the Revised Code that 199593~~

the department considers to be low performing. 199594

The system shall include services provided to districts and 199595
buildings through regional service providers, such as educational 199596
service centers. The system may include the appointment of an 199597
improvement coordinator for any of the lowest performing 199598
districts, as determined by the department of education and 199599
workforce, to coordinate the district's academic improvement 199600
efforts and to build support among the community for those 199601
efforts. 199602

~~(B) This division does not apply to any school district after 199603
June 30, 2008. 199604~~

~~When a school district has been notified by the department 199605
pursuant to section 3302.03 of the Revised Code that the district 199606
or a building within the district has failed to make adequate 199607
yearly progress for two consecutive school years, the district 199608
shall develop a three year continuous improvement plan for the 199609
district or building containing each of the following: 199610~~

~~(1) An analysis of the reasons for the failure of the 199611
district or building to meet any of the applicable performance 199612
indicators established under section 3302.02 of the Revised Code 199613
that it did not meet and an analysis of the reasons for its 199614
failure to make adequate yearly progress; 199615~~

~~(2) Specific strategies that the district or building will 199616
use to address the problems in academic achievement identified in 199617
division (B)(1) of this section; 199618~~

~~(3) Identification of the resources that the district will 199619
allocate toward improving the academic achievement of the district 199620
or building; 199621~~

~~(4) A description of any progress that the district or 199622
building made in the preceding year toward improving its academic 199623
achievement; 199624~~

~~(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;~~

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~~(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~

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~~No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.~~

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~~(C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.~~

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~~(2) For the 2012-2013 school year, and for each school year thereafter, a A district or building that meets the conditions for intervention prescribed by the agreement described in division (A)(2) (A) of this section shall be subject to any rules establishing such intervention.~~

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~~(D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.~~

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~~(2) For the 2012-2013 school year, and for each school year thereafter, the (C) The department of education and workforce may initiate a site evaluation of a building or school district that meets the conditions for a site evaluation prescribed by the agreement described in division (A)(2) (A) of this section.~~ 199656
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~~(3) Division (D)(3) of this section does not apply to any school district after June 30, 2008.~~ 199661
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~~If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.~~ 199663
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~~(4) Division (D)(4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D)(1), (2), and (3) of this section shall include, but not be limited to, the following:~~ 199676
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~~(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;~~ 199680
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~~(b) Determining pupil-teacher ratios;~~ 199682

~~(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;~~ 199683
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~~(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are~~ 199685
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available; 199687

~~(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;~~ 199688
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~~(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~ 199691
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~~(E) (D)~~ This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code. 199694
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(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following: 199699
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(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year. 199702
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(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under 199709
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Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under this division, unless the district can satisfy all demand for transportation with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation, the district shall grant priority over all other students to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code in providing transportation. Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under this division.

(2) For any school building that fails to make adequate yearly progress for three consecutive school years, the district shall do both of the following:

(a) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, provide all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall provide transportation for students who enroll in alternative buildings under this division to the extent required under division ~~(E)(2)~~ (D)(2) of this section.

(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C.

6311 to 6339, from the district, offer supplemental educational 199750
services to students who are enrolled in the building and who are 199751
in the subgroup described in division (B)(3) of section 3302.01 of 199752
the Revised Code. 199753

The district shall spend a combined total of an amount equal 199754
to twenty per cent of the funds it receives under Title I, Part A 199755
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 199756
6311 to 6339, to provide transportation for students who enroll in 199757
alternative buildings under division ~~(E)(1)(b)~~ (D)(1)(b) or 199758
~~(E)(2)(a)~~ (D)(2)(a) of this section and to pay the costs of the 199759
supplemental educational services provided to students under 199760
division ~~(E)(2)(b)~~ (D)(2)(b) of this section, unless the district 199761
can satisfy all demand for transportation and pay the costs of 199762
supplemental educational services for those students who request 199763
them with a lesser amount. In allocating funds between the 199764
requirements of divisions ~~(E)(1)(b)~~ (D)(1)(b) and ~~(E)(2)(a)~~ 199765
(D)(2)(a) and (b) of this section, the district shall spend at 199766
least an amount equal to five per cent of the funds it receives 199767
under Title I, Part A of the "Elementary and Secondary Education 199768
Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation 199769
for students who enroll in alternative buildings under division 199770
~~(E)(1)(b)~~ (D)(1)(b) or ~~(E)(2)(a)~~ (D)(2)(a) of this section, unless 199771
the district can satisfy all demand for transportation with a 199772
lesser amount, and at least an amount equal to five per cent of 199773
the funds it receives under Title I, Part A of the "Elementary and 199774
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay 199775
the costs of the supplemental educational services provided to 199776
students under division ~~(E)(2)(b)~~ (D)(2)(b) of this section, 199777
unless the district can pay the costs of such services for all 199778
students requesting them with a lesser amount. If an amount equal 199779
to twenty per cent of the funds the district receives under Title 199780
I, Part A of the "Elementary and Secondary Education Act of 1965," 199781
20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for 199782

transportation under divisions ~~(E)(1)(b)~~ (D)(1)(b) and ~~(E)(2)(a)~~ 199783
(D)(2)(a) of this section and to pay the costs of all of the 199784
supplemental educational services provided to students under 199785
division ~~(E)(2)(b)~~ (D)(2)(b) of this section, the district shall 199786
grant priority over all other students in providing transportation 199787
and in paying the costs of supplemental educational services to 199788
the lowest achieving students among the subgroup described in 199789
division (B)(3) of section 3302.01 of the Revised Code. 199790

Any district that does not receive funds under Title I, Part 199791
A of the "Elementary and Secondary Education Act of 1965," 20 199792
U.S.C. 6311 to 6339, shall not be required to provide 199793
transportation to any student who enrolls in an alternative 199794
building under division ~~(E)(2)(a)~~ (D)(2)(a) of this section or to 199795
pay the costs of supplemental educational services provided to any 199796
student under division ~~(E)(2)(b)~~ (D)(2)(b) of this section. 199797

No student who enrolls in an alternative building under 199798
division ~~(E)(2)(a)~~ (D)(2)(a) of this section shall be eligible for 199799
supplemental educational services under division ~~(E)(2)(b)~~ 199800
(D)(2)(b) of this section. 199801

(3) For any school building that fails to make adequate 199802
yearly progress for four consecutive school years, the district 199803
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 199804
section and shall implement at least one of the following options 199805
with respect to the building: 199806

(a) Institute a new curriculum that is consistent with the 199807
statewide academic standards adopted pursuant to division (A) of 199808
section 3301.079 of the Revised Code; 199809

(b) Decrease the degree of authority the building has to 199810
manage its internal operations; 199811

(c) Appoint an outside expert to make recommendations for 199812
improving the academic performance of the building. The district 199813

may request the department to establish a state intervention team 199814
for this purpose pursuant to division ~~(G)~~ (E) of this section. 199815

(d) Extend the length of the school day or year; 199816

(e) Replace the building principal or other key personnel; 199817

(f) Reorganize the administrative structure of the building. 199818

(4) For any school building that fails to make adequate 199819
yearly progress for five consecutive school years, the district 199820
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 199821
section and shall develop a plan during the next succeeding school 199822
year to improve the academic performance of the building, which 199823
shall include at least one of the following options: 199824

(a) Reopen the school as a community school under Chapter 199825
3314. of the Revised Code; 199826

(b) Replace personnel; 199827

(c) Contract with a nonprofit or for-profit entity to operate 199828
the building; 199829

(d) Turn operation of the building over to the department; 199830

(e) Other significant restructuring of the building's 199831
governance. 199832

(5) For any school building that fails to make adequate 199833
yearly progress for six consecutive school years, the district 199834
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 199835
section and shall implement the plan developed pursuant to 199836
division ~~(E)(4)~~ (D)(4) of this section. 199837

(6) A district shall continue to comply with division 199838
~~(E)(1)(b)~~ (D)(1)(b) or ~~(E)(2)~~ (D)(2) of this section, whichever 199839
was most recently applicable, with respect to any building 199840
formerly subject to one of those divisions until the building 199841
makes adequate yearly progress for two consecutive school years. 199842

~~(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.~~

~~(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.~~

~~(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section.~~

~~(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:~~

~~(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;~~

~~(b) Direct the district to replace key district personnel;~~

~~(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;~~

~~(d) Establish alternative forms of governance for individual school buildings within the district;~~

~~(c) Appoint a trustee to manage the district in place of the district superintendent and board of education.~~ 199873
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~~The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.~~ 199875
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~~(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.~~ 199878
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~~(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district.~~ 199882
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~~(G) (E)~~ The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building. 199889
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The department shall not approve a district's request for an intervention team under division ~~(E)(3)~~ (D)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team. 199897
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~~(H) (F)~~ The department shall conduct individual audits of a sampling of community schools established under Chapter 3314. of the Revised Code to determine compliance with this section. 199901
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~~(I)~~ (G) A school district in which the pilot project 199904
scholarship program is operating under sections 3313.974 to 199905
3313.979 of the Revised Code shall report the use of funding for 199906
tutorial assistance grants under that program in the district's 199907
three-year continuous improvement plan under this section in a 199908
manner approved by the department. 199909

~~(J)~~ (H) The ~~state board~~ department of education and workforce 199910
shall adopt rules for implementing this section. 199911

Sec. 3302.041. Beginning July 1, 2008, and contingent upon 199912
continued approval by the United States department of education, 199913
each school district that has been identified for improvement, or 199914
that contains a school building that has been identified for 199915
improvement, shall implement all corrective actions required by 199916
the model of differentiated accountability developed by the Ohio 199917
department of education and workforce and approved by the United 199918
States department of education. In any school year in which a 199919
district is subject to this division, the Ohio department of 199920
education and workforce shall notify the district, prior to the 199921
district's opening date, of the corrective actions it is required 199922
to implement in that school year. 199923

Sec. 3302.042. (A) This section shall operate as a pilot 199924
project that applies to any school that has been ranked according 199925
to performance index score under section 3302.21 of the Revised 199926
Code in the lowest five per cent of all public school buildings 199927
statewide for three or more consecutive school years and is 199928
operated by the Columbus city school district. The pilot project 199929
shall commence once the department of education and workforce 199930
establishes implementation guidelines for the pilot project in 199931
consultation with the Columbus city school district. 199932

(B) Except as provided in division (D), (E), or (F) of this 199933

section, if the parents or guardians of at least fifty per cent of 199934
the students enrolled in a school to which this section applies, 199935
or if the parents or guardians of at least fifty per cent of the 199936
total number of students enrolled in that school and the schools 199937
of lower grade levels whose students typically matriculate into 199938
that school, by the thirty-first day of December of any school 199939
year in which the school is subject to this section, sign and file 199940
with the school district treasurer a petition requesting the 199941
district board of education to implement one of the following 199942
reforms in the school, and if the validity and sufficiency of the 199943
petition is certified in accordance with division (C) of this 199944
section, the board shall implement the requested reform in the 199945
next school year: 199946

(1) Reopen the school as a community school under Chapter 199947
3314. of the Revised Code; 199948

(2) Replace at least seventy per cent of the school's 199949
personnel who are related to the school's poor academic 199950
performance or, at the request of the petitioners, retain not more 199951
than thirty per cent of the personnel; 199952

(3) Contract with another school district or a nonprofit or 199953
for-profit entity with a demonstrated record of effectiveness to 199954
operate the school; 199955

(4) Turn operation of the school over to the department; 199956

(5) Any other major restructuring of the school that makes 199957
fundamental reforms in the school's staffing or governance. 199958

(C) Not later than thirty days after receipt of a petition 199959
under division (B) of this section, the district treasurer shall 199960
verify the validity and sufficiency of the signatures on the 199961
petition and certify to the district board whether the petition 199962
contains the necessary number of valid signatures to require the 199963
board to implement the reform requested by the petitioners. If the 199964

treasurer certifies to the district board that the petition does 199965
not contain the necessary number of valid signatures, any person 199966
who signed the petition may file an appeal with the county auditor 199967
within ten days after the certification. Not later than thirty 199968
days after the filing of an appeal, the county auditor shall 199969
conduct an independent verification of the validity and 199970
sufficiency of the signatures on the petition and certify to the 199971
district board whether the petition contains the necessary number 199972
of valid signatures to require the board to implement the 199973
requested reform. If the treasurer or county auditor certifies 199974
that the petition contains the necessary number of valid 199975
signatures, the district board shall notify the ~~superintendent of~~ 199976
~~public instruction and the state board of education~~ department of 199977
the certification. 199978

(D) The district board shall not implement the reform 199979
requested by the petitioners in any of the following 199980
circumstances: 199981

(1) The district board has determined that the request is for 199982
reasons other than improving student academic achievement or 199983
student safety. 199984

(2) The ~~state superintendent~~ department has determined that 199985
implementation of the requested reform would not comply with the 199986
model of differentiated accountability described in section 199987
3302.041 of the Revised Code. 199988

(3) The petitioners have requested the district board to 199989
implement the reform described in division (B)(4) of this section 199990
and the department has not agreed to take over the school's 199991
operation. 199992

(4) When all of the following have occurred: 199993

(a) After a public hearing on the matter, the district board 199994
issued a written statement explaining the reasons that it is 199995

unable to implement the requested reform and agreeing to implement 199996
one of the other reforms described in division (B) of this 199997
section. 199998

(b) The district board submitted its written statement to the 199999
~~state superintendent and the state board~~ department along with 200000
evidence showing how the alternative reform the district board has 200001
agreed to implement will enable the school to improve its academic 200002
performance. 200003

(c) ~~Both the state superintendent and the state board have~~ 200004
The department has approved implementation of the alternative 200005
reform. 200006

(E) If the provisions of this section conflict in any way 200007
with the requirements of federal law, federal law shall prevail 200008
over the provisions of this section. 200009

(F) If a school is restructured under this section, section 200010
3302.10 or 3302.12 of the Revised Code, or federal law, the school 200011
shall not be required to restructure again under state law for 200012
three consecutive years after the implementation of that prior 200013
restructuring. 200014

(G) Beginning not later than six months after the first 200015
petition under this section has been resolved, the department ~~of~~ 200016
~~education~~ shall annually evaluate the pilot program and submit a 200017
report to the general assembly under section 101.68 of the Revised 200018
Code. Such reports shall contain its recommendations to the 200019
general assembly with respect to the continuation of the pilot 200020
program, its expansion to other school districts, or the enactment 200021
of further legislation establishing the program statewide under 200022
permanent law. 200023

Sec. 3302.043. (A) As used in this section, "eligible 200024
district" means a city school district to which both of the 200025

following apply: 200026

(1) The district has persistently low performance ratings, as 200027
determined by the department of education and workforce, under 200028
section 3302.03 of the Revised Code. 200029

(2) The district is not subject to an academic distress 200030
commission under section 3302.10 of the Revised Code. 200031

(B) The department shall establish the career promise academy 200032
summer demonstration pilot program. Under the pilot program, which 200033
shall operate in the 2021-2022 and 2022-2023 school years, the 200034
department shall solicit proposals from eligible districts to 200035
establish and operate a career promise academy during the summer 200036
to provide students entering ninth grade with intensive literacy 200037
instruction, internship or mentoring experiences, and instruction 200038
regarding academic preparedness skills, life skills, and financial 200039
literacy. The department shall approve one proposal based on the 200040
criteria prescribed under division (C) of this section. The 200041
department shall award a grant to the eligible district with an 200042
approved proposal. 200043

(C) The department shall adopt criteria under which to 200044
approve a proposal for a career promise academy, which shall 200045
include all of the following: 200046

(1) A requirement that the career promise academy operate as 200047
follows: 200048

(a) For four consecutive weeks in the summer of 2021; 200049

(b) For five consecutive weeks in the summer of 2022. 200050

(2) A requirement that not more than seventy-five students 200051
participate in the career promise academy in one summer; 200052

(3) A requirement for the eligible district to submit to the 200053
department, in a form and manner prescribed by the department, any 200054
data that the department and district jointly determine is 200055

necessary to evaluate the pilot program; 200056

(4) A method to determine student eligibility to participate 200057
in the career promise academy. The method shall identify students 200058
entering ninth grade who are at risk of not qualifying for a high 200059
school diploma based on the student's scores on the English 200060
language arts and mathematics assessments prescribed under 200061
division (A)(1)(f) of section 3301.0710 of the Revised Code and 200062
other academic or social-emotional factors. 200063

(5) A description of the instruction and internship or 200064
mentoring experiences that participating students will receive; 200065

(6) An agreement with the district's business advisory 200066
council established under section 3313.82 of the Revised Code and 200067
other organizations or businesses to identify or provide 200068
internship and mentoring experiences to participating students; 200069

(7) An agreement with at least one institution of higher 200070
education to identify and engage with prospective teachers to 200071
serve as mentors and academic coaches to participating students. 200072

(D) The department shall adopt guidelines and procedures to 200073
operate the pilot program established under this section. 200074

Sec. 3302.05. The ~~state board~~ department of education and 200075
workforce shall adopt rules freeing school districts from 200076
specified state mandates if one of the following applies: 200077

(A) For the 2011-2012 school year, the school district was 200078
declared to be excellent under section 3302.03 of the Revised 200079
Code, as that section existed prior to March 22, 2013, and had 200080
above expected growth in the overall value-added measure. 200081

(B) For the 2012-2013 school year, the school district 200082
received a grade of "A" for the number of performance indicators 200083
met under division (A)(1)(c) of section 3302.03 of the Revised 200084
Code and for the value-added dimension under division (A)(1)(e) of 200085

section 3302.03 of the Revised Code. 200086

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 200087
the school district received a grade of "A" for the number of 200088
performance indicators met under division (B)(1)(c) of section 200089
3302.03 of the Revised Code and for the value-added dimension 200090
under division (B)(1)(e) of section 3302.03 of the Revised Code. 200091

(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 200092
2020-2021 school year, the school district received an overall 200093
grade of "A" under division (C)(3) of section 3302.03 of the 200094
Revised Code. 200095

~~(F)~~(E) For the 2021-2022 school year and for each school year 200096
thereafter, the school district received an overall performance 200097
rating of five stars under division (D)(3) of section 3302.03 of 200098
the Revised Code. 200099

Any mandates included in the rules shall be only those 200100
statutes or rules pertaining to state education requirements. The 200101
rules shall not exempt districts from any operating standard 200102
adopted under division (D)(3) of section 3301.07 of the Revised 200103
Code. 200104

Sec. 3302.06. (A) Any school of a city, exempted village, or 200105
local school district may apply to the district board of education 200106
to be designated as an innovation school. Each application shall 200107
include an innovation plan that contains the following: 200108

(1) A statement of the school's mission and an explanation of 200109
how the designation would enhance the school's ability to fulfill 200110
its mission; 200111

(2) A description of the innovations the school would 200112
implement; 200113

(3) An explanation of how implementation of the innovations 200114
described in division (A)(2) of this section would affect the 200115

school's programs and policies, including any of the following	200116
that apply:	200117
(a) The school's educational program;	200118
(b) The length of the school day and the school year;	200119
(c) The school's student promotion policy;	200120
(d) The school's plan for the assessment of students;	200121
(e) The school's budget;	200122
(f) The school's staffing levels.	200123
(4) A description of the improvements in student academic	200124
performance that the school expects to achieve by implementing the	200125
innovations described in division (A)(2) of this section;	200126
(5) An estimate of the cost savings and increased	200127
efficiencies, if any, that the school expects to achieve by	200128
implementing the innovations described in division (A)(2) of this	200129
section;	200130
(6) A description of any laws in Title XXXIII of the Revised	200131
Code, rules adopted by the state board <u>department</u> of education <u>and</u>	200132
<u>workforce</u> , or requirements enacted by the district board that	200133
would need to be waived to implement the innovations described in	200134
division (A)(2) of this section;	200135
(7) A description of any provisions of a collective	200136
bargaining agreement covering personnel of the school that would	200137
need to be waived to implement the innovations described in	200138
division (A)(2) of this section;	200139
(8) Evidence that a majority of the administrators assigned	200140
to the school and a majority of the teachers assigned to the	200141
school consent to seeking the designation and a statement of the	200142
level of support for seeking the designation demonstrated by other	200143
staff working in the school, students enrolled in the school and	200144
their parents, and members of the community in which the school is	200145

located. 200146

(B) Two or more schools of the district may apply to the 200147
district board to be designated as an innovation school zone, if 200148
the schools share common interests based on factors such as 200149
geographical proximity or similar educational programs or if the 200150
schools serve the same classes of students as they advance to 200151
higher grade levels. Each application shall include an innovation 200152
plan that contains the information prescribed by divisions (A)(1) 200153
to (8) of this section for each participating school and the 200154
following additional information: 200155

(1) A description of how innovations in the participating 200156
schools would be integrated to achieve results that would be less 200157
likely to be achieved by each participating school alone; 200158

(2) An estimate of any economies of scale that would be 200159
realized by implementing innovations jointly. 200160

Sec. 3302.062. (A) If a school district board of education 200161
approves an application under division (B)(1) of section 3302.061 200162
of the Revised Code or designates an innovation school or 200163
innovation school zone under division (D) of that section, the 200164
district board shall apply to the ~~state board~~ department of 200165
education and workforce for designation as a school district of 200166
innovation by submitting to the ~~state board~~ department the 200167
innovation plan included in the approved application or created by 200168
the district board. 200169

Within sixty days after receipt of the application, the ~~state~~ 200170
~~board~~ department shall designate the district as a school district 200171
of innovation, unless the ~~state board~~ department determines that 200172
the submitted innovation plan is not financially feasible or will 200173
likely result in decreased academic achievement. If the ~~state~~ 200174
~~board~~ department so determines, it shall provide a written 200175
explanation of the basis for its determination to the district 200176

board. If the district is not designated as a school district of 200177
innovation, the district board shall not implement the innovation 200178
plan. However, the district board may reapply for designation as a 200179
school district of innovation at any time. 200180

(B) A district board may request the ~~state board~~ department 200181
to make a preliminary review of an innovation plan prior to the 200182
district board's formal application for designation as a school 200183
district of innovation. In that case, the ~~state board~~ department 200184
shall review the innovation plan and, within sixty days after the 200185
request, recommend to the district board any changes or additions 200186
that the ~~state board~~ department believes will improve the plan, 200187
which may include further innovations or measures to increase the 200188
likelihood that the innovations will result in higher academic 200189
achievement. The district board may revise the innovation plan 200190
prior to making formal application for designation as a school 200191
district of innovation. 200192

Sec. 3302.063. (A) Except as provided in division (B) of this 200193
section, upon designation of a school district of innovation under 200194
section 3302.062 of the Revised Code, the ~~state board~~ department 200195
of education and workforce shall waive any laws in Title XXXIII of 200196
the Revised Code or rules adopted by the ~~state board~~ department 200197
that are specified in the innovation plan submitted by the 200198
district board of education as needing to be waived to implement 200199
the plan. The waiver shall apply only to the school or schools 200200
participating in the innovation plan and shall not apply to the 200201
district as a whole, unless each of the district's schools is a 200202
participating school. The waiver shall cease to apply to a school 200203
if the school's designation as an innovation school is revoked or 200204
the innovation school zone in which the school participates has 200205
its designation revoked under section 3302.065 of the Revised 200206
Code, or if the school is removed from an innovation school zone 200207
under that section or section 3302.064 of the Revised Code. 200208

200209

(B) The ~~state board~~ department shall not waive any law or rule regarding the following: 200210
200211

(1) Funding for school districts under Chapter 3317. of the Revised Code; 200212
200213

(2) The requirements of Chapters 3323. and 3324. of the Revised Code for the provision of services to students with disabilities and gifted students; 200214
200215
200216

(3) Requirements related to the provision of career-technical education that are necessary to comply with federal law or maintenance of effort provisions; 200217
200218
200219

(4) Administration of the assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code; 200220
200221

(5) Requirements related to the issuance of report cards and the assignment of performance ratings under section 3302.03 of the Revised Code; 200222
200223
200224

(6) Implementation of the model of differentiated accountability under section 3302.041 of the Revised Code; 200225
200226

(7) Requirements for the reporting of data to the department of education and workforce; 200227
200228

(8) Criminal records checks of school employees; 200229

(9) The requirements of Chapters 3307. and 3309. regarding the retirement systems for teachers and school employees. 200230
200231

(C) If a district board's revisions to an innovation plan under section 3302.066 of the Revised Code require a waiver of additional laws or ~~state board~~ department rules, the ~~state board~~ department shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as required by that section. 200232
200233
200234
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Sec. 3302.066. A school district board of education may 200238
revise an innovation plan approved or created under section 200239
3302.061 of the Revised Code, in collaboration with the school or 200240
schools participating in the plan, to further improve student 200241
academic performance. The revisions may include identifying 200242
additional laws in Title XXXIII of the Revised Code, rules adopted 200243
by the ~~state board~~ department of education and workforce, 200244
requirements enacted by the district board, or provisions of a 200245
collective bargaining agreement that need to be waived. Any 200246
revisions to an innovation plan shall require the consent, in each 200247
school participating in the plan, of a majority of the 200248
administrators assigned to that school and a majority of the 200249
teachers assigned to that school. 200250

Sec. 3302.068. Not later than the first day of July each 200251
year, the department of education and workforce shall issue, and 200252
post on its web site, a report on school districts of innovation. 200253
The report shall include the following information: 200254

(A) The number of districts designated as school districts of 200255
innovation in the preceding school year and the total number of 200256
school districts of innovation statewide; 200257

(B) The number of innovation schools in each school district 200258
of innovation and the number of district students served by the 200259
schools, expressed as a total number and as a percentage of the 200260
district's total student population; 200261

(C) The number of innovation school zones in each school 200262
district of innovation, the number of schools participating in 200263
each zone, and the number of district students served by the 200264
participating schools, expressed as a total number and as a 200265
percentage of the district's total student population; 200266

(D) An overview of the innovations implemented in innovation 200267

schools and innovation school zones; 200268

(E) Data on the academic performance of the students enrolled 200269
in an innovation school or an innovation school zone in each 200270
school district of innovation, including a comparison of the 200271
students' academic performance before and after the district's 200272
designation as a school district of innovation; 200273

(F) Recommendations for legislative changes based on the 200274
innovations implemented or to enhance the ability of schools and 200275
districts to implement innovations. 200276

Sec. 3302.07. (A) The board of education of any school 200277
district, the governing board of any educational service center, 200278
or the administrative authority of any chartered nonpublic school 200279
may submit to the ~~state board~~ department of education and 200280
workforce an application proposing an innovative education pilot 200281
program the implementation of which requires exemptions from 200282
specific statutory provisions or rules. If a district or service 200283
center board employs teachers under a collective bargaining 200284
agreement adopted pursuant to Chapter 4117. of the Revised Code, 200285
any application submitted under this division shall include the 200286
written consent of the teachers' employee representative 200287
designated under division (B) of section 4117.04 of the Revised 200288
Code. The exemptions requested in the application shall be limited 200289
to any requirement of Title XXXIII of the Revised Code or of any 200290
rule of the ~~state board~~ department adopted pursuant to that title 200291
except that the application may not propose an exemption from any 200292
requirement of or rule adopted pursuant to Chapter 3307. or 3309., 200293
sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 200294
Furthermore, an exemption from any operating standard adopted 200295
under division (B)(2) or (D) of section 3301.07 of the Revised 200296
Code shall be granted only pursuant to a waiver granted by the 200297
~~superintendent of public instruction~~ director of education and 200298

workforce under division (O) of that section. 200299

(B) The ~~state board of education~~ department shall accept any 200300
application submitted in accordance with division (A) of this 200301
section. The ~~superintendent of public instruction~~ director shall 200302
approve or disapprove the application in accordance with standards 200303
for approval, which shall be adopted by the ~~state board~~ 200304
department. 200305

(C) The ~~superintendent of public instruction~~ director shall 200306
exempt each district or service center board or chartered 200307
nonpublic school administrative authority with an application 200308
approved under division (B) of this section for a specified period 200309
from the statutory provisions or rules specified in the approved 200310
application. The period of exemption shall not exceed the period 200311
during which the pilot program proposed in the application is 200312
being implemented and a reasonable period to allow for evaluation 200313
of the effectiveness of the program. 200314

Sec. 3302.09. (A) Whenever the United States department of 200315
education makes changes in its policies or rules regarding 200316
implementation of the No Child Left Behind Act of 2001, the Ohio 200317
department of education and workforce shall submit a written 200318
description of those changes to each member of the standing 200319
committees on education of the senate and house of 200320
representatives. 200321

(B) If the Ohio department of education and workforce plans 200322
to change any of its policies or procedures regarding the state's 200323
implementation of the No Child Left Behind Act of 2001 based on 200324
changes in federal polices or rules described in division (A) of 200325
this section, the Ohio department of education and workforce shall 200326
submit to each member of the standing committees a written outline 200327
of the existing Ohio policy regarding that implementation and a 200328
written description of the changes it proposes to make. 200329

(C) ~~On and after July 1, 2005, the~~ The Ohio department of 200330
education and workforce shall not make any change proposed under 200331
division (B) of this section unless the general assembly has 200332
adopted a concurrent resolution approving the proposed change. 200333

Sec. 3302.10. (A) ~~The superintendent of public instruction~~ 200334
department of education and workforce shall establish an academic 200335
distress commission for any school district that meets one of the 200336
following conditions: 200337

(1) The district has for three consecutive years received 200338
either of the following: 200339

(a) An overall grade of "F" under division (C)(3) of section 200340
3302.03 of the Revised Code; 200341

(b) An overall performance rating of less than two stars 200342
under division (D)(3) of section 3302.03 of the Revised Code. 200343

(2) An academic distress commission established for the 200344
district under former section 3302.10 of the Revised Code was 200345
still in existence on October 15, 2015, and has been in existence 200346
for at least four years. 200347

(B)(1) The academic distress commission shall consist of five 200348
members as follows: 200349

(a) Three members appointed by the ~~state~~ 200350
superintendentdirector of education and workforce, one of whom is 200351
a resident in the county in which a majority of the district's 200352
territory is located; 200353

(b) One member appointed by the president of the district 200354
board of education, who shall be a teacher employed by the 200355
district; 200356

(c) One member appointed by the mayor of the municipality in 200357
which a majority of the district's territory is located or, if no 200358
such municipality exists, by the mayor of a municipality selected 200359

by the ~~state superintendent~~ director of education and workforce in 200360
which the district has territory. 200361

Appointments to the commission shall be made within thirty 200362
days after the district is notified that it is subject to this 200363
section. Members of the commission shall serve at the pleasure of 200364
their appointing authority. The ~~state superintendent~~ director 200365
shall designate a chairperson for the commission from among the 200366
members appointed by the ~~state superintendent~~director. The 200367
chairperson shall call and conduct meetings, set meeting agendas, 200368
and serve as a liaison between the commission and the chief 200369
executive officer appointed under division (C)(1) of this section. 200370

(2) In the case of a school district that meets the condition 200371
in division (A)(2) of this section, the academic distress 200372
commission established for the district under former section 200373
3302.10 of the Revised Code shall be abolished and a new academic 200374
distress commission shall be appointed for the district pursuant 200375
to division (B)(1) of this section. 200376

(C)(1) Within sixty days after the ~~state superintendent~~ 200377
director has designated a chairperson for the academic distress 200378
commission, the commission shall appoint a chief executive officer 200379
for the district, who shall be paid by the department of education 200380
and workforce and shall serve at the pleasure of the commission. 200381
The individual appointed as chief executive officer shall have 200382
high-level management experience in the public or private sector. 200383
The chief executive officer shall exercise complete operational, 200384
managerial, and instructional control of the district, which shall 200385
include, but shall not be limited to, the following powers and 200386
duties, but the chief executive officer may delegate, in writing, 200387
specific powers or duties to the district board or district 200388
superintendent: 200389

(a) Replacing school administrators and central office staff; 200390

(b) Assigning employees to schools and approving transfers;	200391
(c) Hiring new employees;	200392
(d) Defining employee responsibilities and job descriptions;	200393
(e) Establishing employee compensation;	200394
(f) Allocating teacher class loads;	200395
(g) Conducting employee evaluations;	200396
(h) Making reductions in staff under section 3319.17, 3319.171, or 3319.172 of the Revised Code;	200397 200398
(i) Setting the school calendar;	200399
(j) Creating a budget for the district;	200400
(k) Contracting for services for the district;	200401
(l) Modifying policies and procedures established by the district board;	200402 200403
(m) Establishing grade configurations of schools;	200404
(n) Determining the school curriculum;	200405
(o) Selecting instructional materials and assessments;	200406
(p) Setting class sizes;	200407
(q) Providing for staff professional development.	200408
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	200409 200410 200411 200412 200413 200414 200415
(D) The academic distress commission, in consultation with the state superintendent <u>director of education and workforce</u> and the chief executive officer, shall be responsible for expanding	200416 200417 200418

high-quality school choice options in the district. The 200419
commission, in consultation with the ~~state superintendent~~director, 200420
may create an entity to act as a high-quality school accelerator 200421
for schools not operated by the district. The accelerator shall 200422
promote high-quality schools in the district, lead improvement 200423
efforts for underperforming schools, recruit high-quality sponsors 200424
for community schools, attract new high-quality schools to the 200425
district, and increase the overall capacity of schools to deliver 200426
a high-quality education for students. Any accelerator shall be an 200427
independent entity and the chief executive officer shall have no 200428
authority over the accelerator. 200429

(E)(1) Within thirty days after the chief executive officer 200430
is appointed, the chief executive officer shall convene a group of 200431
community stakeholders. The purpose of the group shall be to 200432
develop expectations for academic improvement in the district and 200433
to assist the district in building relationships with 200434
organizations in the community that can provide needed services to 200435
students. Members of the group shall include, but shall not be 200436
limited to, educators, civic and business leaders, and 200437
representatives of institutions of higher education and government 200438
service agencies. Within ninety days after the chief executive 200439
officer is appointed, the chief executive officer also shall 200440
convene a smaller group of community stakeholders for each school 200441
operated by the district to develop expectations for academic 200442
improvement in that school. The group convened for each school 200443
shall have teachers employed in the school and parents of students 200444
enrolled in the school among its members. 200445

(2) The chief executive officer shall create a plan to 200446
improve the district's academic performance. In creating the plan, 200447
the chief executive officer shall consult with the groups convened 200448
under division (E)(1) of this section. The chief executive officer 200449
also shall consider the availability of funding to ensure 200450

sustainability of the plan. The plan shall establish clear, 200451
measurable performance goals for the district and for each school 200452
operated by the district. The performance goals shall include, but 200453
not be limited to, the performance measures prescribed for report 200454
cards issued under section 3302.03 of the Revised Code. Within 200455
ninety days after the chief executive officer is appointed, the 200456
chief executive officer shall submit the plan to the academic 200457
distress commission for approval. Within thirty days after the 200458
submission of the plan, the commission shall approve the plan or 200459
suggest modifications to the plan that will render it acceptable. 200460
If the commission suggests modifications, the chief executive 200461
officer may revise the plan before resubmitting it to the 200462
commission. The chief executive officer shall resubmit the plan, 200463
whether revised or not, within fifteen days after the commission 200464
suggests modifications. The commission shall approve the plan 200465
within thirty days after the plan is resubmitted. Upon approval of 200466
the plan by the commission, the chief executive officer shall 200467
implement the plan. 200468

(F) Notwithstanding any provision to the contrary in Chapter 200469
4117. of the Revised Code, if the district board has entered into, 200470
modified, renewed, or extended a collective bargaining agreement 200471
on or after October 15, 2015, that contains provisions 200472
relinquishing one or more of the rights or responsibilities listed 200473
in division (C) of section 4117.08 of the Revised Code, those 200474
provisions are not enforceable and the chief executive officer and 200475
the district board shall resume holding those rights or 200476
responsibilities as if the district board had not relinquished 200477
them in that agreement until such time as both the academic 200478
distress commission ceases to exist and the district board agrees 200479
to relinquish those rights or responsibilities in a new collective 200480
bargaining agreement. For purposes of this section, "collective 200481
bargaining agreement" shall include any labor contract or 200482
agreement in effect with any applicable bargaining representative. 200483

The chief executive officer and the district board are not 200484
required to bargain on subjects reserved to the management and 200485
direction of the school district, including, but not limited to, 200486
the rights or responsibilities listed in division (C) of section 200487
4117.08 of the Revised Code. The way in which these subjects and 200488
these rights or responsibilities may affect the wages, hours, 200489
terms and conditions of employment, or the continuation, 200490
modification, or deletion of an existing provision of a collective 200491
bargaining agreement is not subject to collective bargaining or 200492
effects bargaining under Chapter 4117. of the Revised Code. The 200493
provisions of this paragraph apply to a collective bargaining 200494
agreement entered into, modified, renewed, or extended on or after 200495
October 15, 2015, and those provisions are deemed to be part of 200496
that agreement regardless of whether the district satisfied the 200497
conditions prescribed in division (A) of this section at the time 200498
the district entered into that agreement. If the district board 200499
relinquished one or more of the rights or responsibilities listed 200500
in division (C) of section 4117.08 of the Revised Code in a 200501
collective bargaining agreement entered into prior to October 15, 200502
2015, and had resumed holding those rights or responsibilities 200503
pursuant to division (K) of former section 3302.10 of the Revised 200504
Code, as it existed prior to that date, the district board shall 200505
continue to hold those rights or responsibilities until such time 200506
as both the new academic distress commission appointed under this 200507
section ceases to exist upon completion of the transition period 200508
specified in division (N)(1) of this section and the district 200509
board agrees to relinquish those rights or responsibilities in a 200510
new collective bargaining agreement. 200511

(G) In each school year that the district is subject to this 200512
section, the following shall apply: 200513

(1) The chief executive officer shall implement the 200514
improvement plan approved under division (E)(2) of this section 200515

and shall review the plan annually to determine if changes are needed. The chief executive officer may modify the plan upon the approval of the modifications by the academic distress commission.

(2) The chief executive officer may implement innovative education programs to do any of the following:

(a) Address the physical and mental well-being of students and their families;

(b) Provide mentoring;

(c) Provide job resources;

(d) Disseminate higher education information;

(e) Offer recreational or cultural activities;

(f) Provide any other services that will contribute to a successful learning environment.

The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G)(2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E)(2) of this section.

(3) If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the following school year, shall be

eligible to participate in the educational choice scholarship 200546
pilot program established under sections 3310.01 to 3310.17 of the 200547
Revised Code and an application for the student may be submitted 200548
during the next application period. 200549

(4) Notwithstanding anything to the contrary in the Revised 200550
Code, the chief executive officer may limit, suspend, or alter any 200551
contract with an administrator that is entered into, modified, 200552
renewed, or extended by the district board on or after October 15, 200553
2015, provided that the chief executive officer shall not reduce 200554
any salary or base hourly rate of pay unless such salary or base 200555
hourly rate reductions are part of a uniform plan affecting all 200556
district employees and shall not reduce any insurance benefits 200557
unless such insurance benefit reductions are also applicable 200558
generally to other employees of the district. 200559

(5) The chief executive officer shall represent the district 200560
board during any negotiations to modify, renew, or extend a 200561
collective bargaining agreement entered into by the board under 200562
Chapter 4117. of the Revised Code. 200563

(H) If the report card for the district has been issued under 200564
section 3302.03 of the Revised Code for the first school year that 200565
the district is subject to this section and the district does not 200566
meet the qualification in division (N)(1) of this section, the 200567
following shall apply: 200568

(1) The chief executive officer may reconstitute any school 200569
operated by the district. The chief executive officer shall 200570
present to the academic distress commission a plan that lists each 200571
school designated for reconstitution and explains how the chief 200572
executive officer plans to reconstitute the school. The chief 200573
executive officer may take any of the following actions to 200574
reconstitute a school: 200575

(a) Change the mission of the school or the focus of its 200576

curriculum;	200577
(b) Replace the school's principal and/or administrative staff;	200578 200579
(c) Replace a majority of the school's staff, including teaching and nonteaching employees;	200580 200581
(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.	200582 200583 200584
(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;	200585 200586 200587
(f) Permanently close the school.	200588
If the chief executive officer plans to reconstitute a school under division (H)(1)(e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.	200589 200590 200591 200592 200593 200594
(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after October 15, 2015, for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any provisions designated for reopening by the chief executive officer shall be subject to collective bargaining as set forth in Chapter 4117. of the Revised Code. Any changes to the provisions subject to reopening shall take effect on the following first day of July	200595 200596 200597 200598 200599 200600 200601 200602 200603 200604 200605 200606 200607

or another date agreed to by the parties. The chief executive officer may reopen a collective bargaining agreement under division (H)(2) of this section as necessary to reconstitute a school under division (H)(1) of this section.

(I) If the report card for the district has been issued under section 3302.03 of the Revised Code for the second school year that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the following shall apply:

(1) The chief executive officer may exercise any of the powers authorized under division (H) of this section.

(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer may limit, suspend, or alter any provision of a collective bargaining agreement entered into, modified, renewed, or extended on or after October 15, 2015, provided that the chief executive officer shall not reduce any base hourly rate of pay and shall not reduce any insurance benefits. The decision to limit, suspend, or alter any provision of a collective bargaining agreement under this division is not subject to bargaining under Chapter 4117. of the Revised Code; however, the chief executive officer shall have the discretion to engage in effects bargaining on the way any such decision may affect wages, hours, or terms and conditions of employment. The chief executive officer may limit, suspend, or alter a provision of a collective bargaining agreement under division (I)(2) of this section as necessary to reconstitute a school under division (H)(1) of this section.

(J) If the report card for the district has been issued under section 3302.03 of the Revised Code for the third school year that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the following shall apply:

(1) The chief executive officer may exercise any of the powers authorized under division (H) or (I) of this section. 200640
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(2) The chief executive officer may continue in effect a limitation, suspension, or alteration of a provision of a collective bargaining agreement issued under division (I)(2) of this section. Any such continuation shall be subject to the requirements and restrictions of that division. 200642
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(K) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fourth school year that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the following shall apply: 200647
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(1) The chief executive officer may exercise any of the powers authorized under division (H), (I), or (J) of this section. 200652
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(2) A new board of education shall be appointed for the district in accordance with section 3302.11 of the Revised Code. However, the chief executive officer shall retain complete operational, managerial, and instructional control of the district until the chief executive officer relinquishes that control to the district board under division (N)(1) of this section. 200654
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(L) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fifth school year, or any subsequent school year, that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the chief executive officer may exercise any of the powers authorized under division (H), (I), (J), or (K)(1) of this section. 200660
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(M) If division (I), (J), (K), or (L) of this section applies to a district, community schools, STEM schools, chartered nonpublic schools, and other school districts that enroll students residing in the district and meet academic accountability 200667
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standards shall be eligible to be paid an academic performance 200671
bonus in each fiscal year for which the general assembly 200672
appropriates funds for that purpose. The academic performance 200673
bonus is intended to give students residing in the district access 200674
to a high-quality education by encouraging high-quality schools to 200675
enroll those students. 200676

(N)(1) When a district subject to this section receives 200677
either an overall grade of "C" or higher under division (C)(3) of 200678
section 3302.03 of the Revised Code or an overall performance 200679
rating of three stars or higher under division (D)(3) of section 200680
3302.03 of the Revised Code, the district shall begin its 200681
transition out of being subject to this section. Except as 200682
provided in division (N)(2) of this section, the transition period 200683
shall last until the district has received either an overall grade 200684
higher than "F" under division (C)(3) of section 3302.03 of the 200685
Revised Code or an overall performance rating of two stars or 200686
higher under division (D)(3) of section 3302.03 of the Revised 200687
Code for two consecutive school years after the transition period 200688
begins. The overall grade of "C" or higher or overall performance 200689
rating of three stars or higher that qualify the district to begin 200690
the transition period shall not count as one of the two 200691
consecutive school years. During the transition period, the 200692
conditions described in divisions (F) to (L) of this section for 200693
the school year prior to the school year in which the transition 200694
period begins shall continue to apply and the chief executive 200695
officer shall work closely with the district board and district 200696
superintendent to increase their ability to resume control of the 200697
district and sustain the district's academic improvement over 200698
time. Upon completion of the transition period, the chief 200699
executive officer shall relinquish all operational, managerial, 200700
and instructional control of the district to the district board 200701
and district superintendent and the academic distress commission 200702
shall cease to exist. 200703

(2) If the district receives either an overall grade of "F" under division (C)(3) of section 3302.03 of the Revised Code or an overall performance rating of less than two stars under division (D)(3) of section 3302.03 of the Revised Code at any time during the transition period, the transition period shall end and the district shall be fully subject to this section again. The district shall resume being fully subject to this section at the point it began its transition out of being subject to this section and the division in divisions (H) to (L) of this section that would have applied to the district had the district not qualified to begin its transition under division (N)(1) of this section shall apply to the district.

(O) If at any time there are no longer any schools operated by the district due to reconstitution or other closure of the district's schools under this section, the academic distress commission shall cease to exist and the chief executive officer shall cease to exercise any powers with respect to the district.

(P) Beginning on October 15, 2015, each collective bargaining agreement entered into by a school district board of education under Chapter 4117. of the Revised Code shall incorporate the provisions of this section.

(Q) The chief executive officer, the members of the academic distress commission, the ~~state superintendent~~director of education and workforce, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the chief executive officer, commission, ~~state superintendent~~director, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section.

(R) The ~~state superintendent~~ department of education and

workforce shall not exempt any district from this section by 200736
approving an application for an innovative education pilot program 200737
submitted by the district under section 3302.07 of the Revised 200738
Code. 200739

Sec. 3302.103. (A) This section applies to any school 200740
district that meets one of the following conditions: 200741

(1) An academic distress commission was established for the 200742
district in 2013 ~~by the superintendent of public instruction~~ under 200743
former section 3302.10 of the Revised Code, as it existed prior to 200744
October 15, 2015, and a new academic distress commission was 200745
established for the district ~~by the state superintendent~~ under 200746
division (A)(2) of section 3302.10 of the Revised Code. 200747

(2) An academic distress commission was established for the 200748
district in 2010 ~~by the state superintendent~~ under former section 200749
3302.10 of the Revised Code, as it existed prior to October 15, 200750
2015, and a new academic distress commission was established for 200751
the district under division (A)(2) of section 3302.10 of the 200752
Revised Code. 200753

(3) An academic distress commission was established for the 200754
district ~~by the state superintendent~~ in 2018 under division (A)(1) 200755
of section 3302.10 of the Revised Code. 200756

(B) The auditor of state shall complete a performance audit 200757
of a school district to which this section applies one time during 200758
the three-year period of the plan implemented under division 200759
(D)(2) of this section and submit the results of the audit to the 200760
board of education of the school district and the academic 200761
distress commission established for the district. The performance 200762
audit shall be conducted in the same manner as prescribed by 200763
section 3316.042 of the Revised Code. 200764

(C) Notwithstanding anything to the contrary in the Revised 200765

Code, ~~not later than ninety days after the effective date of this~~ 200766
~~section,~~ the district board of a school district to which this 200767
section applies, in consultation with the appropriate 200768
stakeholders, the academic distress commission, and the chief 200769
executive officer appointed by that commission under section 200770
3302.10 of the Revised Code, shall develop and submit an academic 200771
improvement plan for the district to the ~~state~~ 200772
~~superintendent~~department of education and workforce. 200773

The plan developed under division (C) of this section shall 200774
operate for a period of three school years and shall include 200775
annual and overall academic improvement benchmarks for the 200776
district and strategies for achieving those benchmarks. 200777

(D)(1) The ~~state superintendent~~ department shall review the 200778
plan submitted under division (C) of this section. Not later than 200779
thirty days after receiving the plan for review, the ~~state~~ 200780
~~superintendent~~ department shall approve the plan or suggest 200781
modifications to the plan. If the ~~state superintendent~~ department 200782
suggests modifications, the district board shall revise the plan 200783
and resubmit it within fifteen days after receiving the suggested 200784
modifications. The ~~state superintendent~~ department shall review 200785
and approve the plan within thirty days after receiving it. 200786

(2) Upon approval of the plan by the ~~state~~ 200787
~~superintendent~~department, the district board may begin to prepare 200788
to implement the plan, which shall be in effect from July 1, 2022, 200789
to June 30, 2025. The district's academic distress commission and 200790
chief executive officer shall work with the district in preparing 200791
to implement the plan. 200792

(3) If the district board determines it necessary, it may 200793
submit a request to the ~~state superintendent~~ department to modify 200794
the improvement plan during the period of time specified in 200795
division (D)(2) of this section. The improvement plan shall not be 200796
modified without the ~~state superintendent's~~ department's approval. 200797

(E) During the school years that the district is implementing the plan approved by the ~~state superintendent~~department, the following apply:

(1) The district shall not be subject to section 3302.10 of the Revised Code.

(2) The district board shall reassume all powers granted to it under the Revised Code.

(3) The district's academic distress commission shall continue to exist and provide assistance to the district but shall not have any operational or managerial control of the district.

(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position.

The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department ~~of education~~ shall continue compensating the individual under the terms of the individual's chief executive officer contract until the district meets either of the conditions prescribed in division (F)(1)(b) or (F)(2) of this section. In either event, the district board shall begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent.

(5) The district board shall provide annual reports to the ~~state board of education~~ department on the district's progress toward achieving the academic benchmarks established in the district's improvement plan.

(F) At the end of three school years under the plan, the

district shall be evaluated by the ~~state board~~ department based on 200829
the academic improvement benchmarks established in the plan. 200830

(1)(a) If the district improves but does not meet at least a 200831
majority of the academic improvement benchmarks established in the 200832
improvement plan, the district board may apply to the ~~state~~ 200833
~~superintendent~~ department for an extension of one school year to 200834
continue implementing the plan, pending approval by the ~~state~~ 200835
~~superintendent~~department. If the district does not meet at least a 200836
majority of the established benchmarks at the end of the 200837
extension, the district again may apply to the ~~state~~ 200838
~~superintendent~~ department for an extension of one school year to 200839
continue implementing the plan. The district shall not apply for 200840
an extension more than twice. 200841

(b) If the district does not meet at least a majority of the 200842
academic improvement benchmarks at the end of five school years 200843
under the plan or if the ~~state superintendent~~ department does not 200844
approve a district's application for an extension submitted under 200845
division (F)(1)(a) of this section, the district shall be subject 200846
to section 3302.10 of the Revised Code. The academic distress 200847
commission shall appoint a new chief executive officer for the 200848
district as prescribed in division (C) of that section, and the 200849
chief executive officer shall reassume the powers that were being 200850
exercised under that section prior to July 1, 2022. 200851

(2) If the district meets at least a majority of the academic 200852
improvement benchmarks established in its improvement plan at the 200853
end of the initial evaluation or, if applicable, after an 200854
extension granted by the ~~state superintendent~~ department under 200855
division (F)(1)(a) of this section, the academic distress 200856
commission shall be dissolved, and the district board shall 200857
continue exercising all powers granted to it under the Revised 200858
Code. 200859

Sec. 3302.11. (A) This section applies to any school district 200860
that becomes subject to division (K) of section 3302.10 of the 200861
Revised Code, as it exists on and after ~~the effective date of this~~ 200862
~~section~~ October 15, 2015. 200863

(B) As used in this section, "mayor" means the mayor of the 200864
municipality in which a majority of the territory of a school 200865
district to which this section applies is located or, if no such 200866
municipality exist, the mayor of a municipality selected by the 200867
~~superintendent of public instruction~~ director of education and 200868
workforce in which the district has territory. 200869

(C) On the first day of January following the date on which 200870
this section first applies to a school district, the mayor shall 200871
appoint a new five-member board of education for the district from 200872
a slate of candidates nominated by the nominating panel 200873
established under division (D)(1) of this section. 200874

(D)(1) Not later than thirty days after the date on which 200875
this section first applies to a school district, the 200876
~~superintendent of public instruction~~ director shall convene a 200877
nominating panel to nominate candidates for appointment to the 200878
district board of education. The panel shall consist of the 200879
following members: 200880

(a) Two persons appointed by the mayor, one of whom shall be 200881
a representative of the business community or an institution of 200882
higher education located in the district; 200883

(b) One principal employed by the district, who shall be 200884
selected by a vote of the district's principals conducted by the 200885
~~state superintendent~~director; 200886

(c) One teacher appointed by the bargaining representative 200887
for teachers employed by the district; 200888

(d) One parent of a student enrolled in the district 200889

appointed by the parent-teacher association, or a similar organization selected by the ~~state superintendent~~director; 200890
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(e) The chairperson of the academic distress commission established for the district under section 3302.10 of the Revised Code and the chief executive officer appointed under division (C)(1) of that section, until such time as the commission ceases to exist. 200892
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(2) The ~~state superintendent~~ director shall be a nonvoting member of the panel and shall serve as chairperson of the panel for the first two years of the panel's existence. After that time, the panel shall select one of its members as chairperson. The panel shall meet as necessary to make nominations at the call of the chairperson. All members of the panel shall serve at the pleasure of their appointing authority. A vacancy on the panel shall be filled in the same manner as the initial appointment. 200897
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(E) Not later than thirty days after the nominating panel is convened, the panel shall nominate a slate of at least ten candidates for possible appointment to the district board of education. All candidates shall be residents of the school district and shall hold no elected public office. At least two of the candidates shall reside outside of the municipal corporation served by the mayor, if that municipal corporation does not contain all of the district's territory. 200905
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(F) Not later than thirty days after receiving the slate of candidates, the mayor shall select five members from the slate for appointment to the district board of education. Initial members of the board shall take office on the first day of January following their appointment and their terms shall expire on the thirtieth day of June following the referendum election required by division (G)(1) of this section. 200913
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(G)(1) At the general election held in the first 200920

even-numbered year occurring at least three years after the date 200921
on which the academic distress commission established for the 200922
district ceases to exist pursuant to division (N)(1) of section 200923
3302.10 of the Revised Code, a referendum election shall be held 200924
to determine if the mayor shall continue to appoint the district 200925
board of education. Not later than ninety days before the general 200926
election, the board of education shall notify the board of 200927
elections of each county containing territory of the district of 200928
the referendum election. At the general election, the following 200929
question shall be submitted to the electors of the district: 200930

"Shall the mayor of... (here insert the name of the 200931
applicable municipal corporation) continue to appoint the members 200932
of the board of education of the... (here insert the name of the 200933
school district to which this section applies)?" 200934

The board of elections of the county in which the majority of 200935
the district's territory is located shall make all necessary 200936
arrangements for the submission of the question to the electors, 200937
and the election shall be conducted, canvassed, and certified in 200938
the same manner as regular elections in the district for the 200939
election of county officers, provided that in any such election in 200940
which only part of the electors of a precinct are qualified to 200941
vote, the board of elections may assign voters in such part to an 200942
adjoining precinct. Such an assignment may be made to an adjoining 200943
precinct in another county with the consent and approval of the 200944
board of elections of such other county. Notice of the election 200945
shall be published in a newspaper of general circulation in the 200946
district once a week for two consecutive weeks, or as provided in 200947
section 7.16 of the Revised Code, prior to the election. If the 200948
board of elections operates and maintains a web site, the board of 200949
elections shall post notice of the election on its web site for 200950
thirty days prior to the election. The notice shall state the 200951
question on which the election is being held. The ballot shall be 200952

in the form prescribed by the secretary of state. Costs of 200953
submitting the question to the electors shall be charged to the 200954
district in accordance with section 3501.17 of the Revised Code. 200955

(2) If a majority of the electors voting on the question 200956
proposed in division (G)(1) of this section approve the question, 200957
the mayor shall appoint a new board of education on the 200958
immediately following first day of July from a slate of candidates 200959
nominated by the nominating panel in the same manner as the 200960
initial board was appointed pursuant to divisions (E) and (F) of 200961
this section. Three of the members of the new board shall be 200962
appointed to four-year terms and two of the members shall be 200963
appointed to two-year terms, each term beginning on the first day 200964
of July. Thereafter, the mayor shall appoint members to four-year 200965
terms in the same manner prescribed in divisions (E) and (F) of 200966
this section. Whenever the nominating panel is required to 200967
nominate a slate of candidates, the panel shall nominate at least 200968
twice the number of candidates as members to be appointed to the 200969
board at that time, including two candidates who reside outside of 200970
the municipal corporation served by the mayor, if that municipal 200971
corporation does not contain all of the district's territory. 200972
Nothing in this division shall preclude the nominating panel from 200973
nominating as a candidate a person who was a member of the board 200974
prior to the referendum election or shall preclude the mayor from 200975
appointing such a person to the new board. 200976

(3) If a majority of the electors voting on the question 200977
proposed in division (G)(1) of this section disapprove the 200978
question, a new board of education shall be elected at the next 200979
regular election occurring in November of an odd-numbered year. 200980
The board shall have the same number of members as the board in 200981
place prior to the board appointed under this section. At such 200982
election, one-half of the total number of members rounded up to 200983
the next whole number shall be elected for terms of four years and 200984

the remaining members shall be elected for terms of two years. 200985
Thereafter, their successors shall be elected in the same manner 200986
and for the same terms as provided in the Revised Code for members 200987
of boards of education. All members of the board of education 200988
appointed under this section shall continue to serve after the end 200989
of the terms to which they were appointed until their successors 200990
are qualified and assume office in accordance with section 3313.09 200991
of the Revised Code. 200992

(H) All of the following shall apply to a board of education 200993
appointed under division (F) or (G)(2) of this section: 200994

(1) At any given time, at least two of the board members 200995
shall have significant expertise in education, finance, or 200996
business management and at least one member shall reside outside 200997
of the municipal corporation served by the mayor, if that 200998
municipal corporation does not contain all of the district's 200999
territory. 201000

(2) The members of the board shall designate one of its 201001
members as the chairperson of the board. The chairperson shall 201002
have all the rights, authority, and duties conferred upon the 201003
president of a board of education by the Revised Code. 201004

(3) The mayor may remove any member of the board with the 201005
advice and consent of the nominating panel. 201006

Sec. 3302.13. (A) This section applies to any school district 201007
or community school that meets both of the following criteria, as 201008
reported on the past two consecutive report cards issued for that 201009
district or school under section 3302.03 of the Revised Code: 201010

(1) The district or school received either of the following: 201011

(a) A grade of "D" or "F" on the kindergarten through 201012
third-grade literacy progress measure under division (C)(3)(e) of 201013
section 3302.03 of the Revised Code; 201014

(b) A performance rating of less than three stars for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code. 201015
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(2) Fifty-one per cent or less of the district's students who took the third grade English language arts assessment prescribed under section 3301.0710 of the Revised Code for that school year attained at least a proficient score on that assessment. 201018
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(B) By ~~December 31, 2016, and by~~ the thirty-first day of each December ~~thereafter~~ of each year, any school district or community school that meets the criteria set forth in division (A) of this section shall submit to the department of education and workforce a school or district reading achievement improvement plan, which shall include all requirements prescribed by the ~~state board of education~~ department pursuant to division (C) of this section. 201022
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(C) ~~Not later than December 31, 2014, the state board~~ The department shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing the content of and deadlines for the reading achievement improvement plans required under division (B) of this section. The rules shall prescribe that each plan include, at a minimum, an analysis of relevant student performance data, measurable student performance goals, strategies to meet specific student needs, a staffing and professional development plan, and instructional strategies for improving literacy. 201029
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(D) Any school district or community school to which this section applies shall no longer be required to submit an improvement plan pursuant to division (B) of this section when that district or school meets either of the following criteria, as reported on the most recent report card issued for that district or school under section 3302.03 of the Revised Code: 201038
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(1) The district or school received either of the following: 201044

(a) A grade of "C" or higher on the kindergarten through 201045

third-grade literacy progress measure under division (C)(3)(e) of 201046
section 3302.03 of the Revised Code; 201047

(b) A performance rating of three stars or higher for early 201048
literacy under division (D)(3)(e) of section 3302.03 of the 201049
Revised Code. 201050

(2) Not less than fifty-one per cent of the district's 201051
students who took the third grade English language arts assessment 201052
prescribed under section 3301.0710 of the Revised Code for that 201053
school year attained at least a proficient score on that 201054
assessment. 201055

(E) The department ~~of education~~ shall post in a prominent 201056
location on its web site all plans submitted pursuant to this 201057
section. 201058

Sec. 3302.14. The department of education and workforce 201059
annually shall collect, analyze, and publish data regarding 201060
reading achievement in schools and progress in assisting all 201061
students to become proficient readers. Beginning on January 31, 201062
2015, and on the thirty-first day of each January thereafter, the 201063
department shall report these findings, in accordance with section 201064
101.68 of the Revised Code, to the governor, and the general 201065
assembly, ~~and the state board of education~~. The report shall 201066
include, but not be limited to, both of the following: 201067

(A) The progress of all students that were on a reading 201068
intervention plan at any time during grades kindergarten through 201069
four while enrolled in the state's public school system. 201070

(B) The progress of school districts and community schools 201071
that are currently operating under a reading achievement 201072
improvement plan pursuant to section 3302.13 of the Revised Code, 201073
as data is made available. 201074

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 201075

Chapter 3301. or 3302. of the Revised Code, the board of education 201076
of a school district, governing authority of a community school 201077
established under Chapter 3314. of the Revised Code, or governing 201078
body of a STEM school established under Chapter 3326. of the 201079
Revised Code may submit to the ~~superintendent of public~~ 201080
~~instruction~~department of education and workforce, during the 201081
2015-2016 school year, a request for a waiver for up to five 201082
school years from administering the state achievement assessments 201083
required under sections 3301.0710 and 3301.0712 of the Revised 201084
Code and related requirements specified under division (B)(2) of 201085
this section. A district or school that obtains a waiver under 201086
this section shall use the alternative assessment system, as 201087
proposed by the district or school and as approved by the ~~state~~ 201088
~~superintendent~~department, in place of the assessments required 201089
under sections 3301.0710 and 3301.0712 of the Revised Code. 201090

(B)(1) A request for a waiver under this section shall 201091
contain the following: 201092

(a) A timeline to develop and implement an alternative 201093
assessment system for the district or school; 201094

(b) An overview of the proposed innovative educational 201095
programs or strategies to be offered by the district or school; 201096

(c) An overview of the proposed alternative assessment 201097
system; 201098

(d) An overview of planning details that have been 201099
implemented or proposed and any documented support from 201100
educational networks, established educational consultants, state 201101
institutions of higher education as defined under section 3345.011 201102
of the Revised Code, and employers or workforce development 201103
partners; 201104

(e) An overview of the capacity to implement the alternative 201105

assessments, conduct the evaluation of teachers with alternative 2011106
assessments, and the reporting of student achievement data with 2011107
alternative assessments for the purpose of the report card ratings 2011108
prescribed under section 3302.03 of the Revised Code, all of which 2011109
shall include any prior success in implementing innovative 2011110
educational programs or strategies, teaching practices, or 2011111
assessment practices; 2011112

(f) An acknowledgement by the district or school of federal 2011113
funding that may be impacted by obtaining a waiver. 2011114

(2) The request for a waiver shall indicate the extent to 2011115
which exemptions from state or federal requirements regarding the 2011116
administration of the assessments required under sections 2011117
3301.0710 and 3301.0712 of the Revised Code are sought. Such items 2011118
from which a district or school may be exempt are as follows: 2011119

(a) The required administration of state assessments under 2011120
sections 3301.0710 and 3301.0712 of the Revised Code; 2011121

(b) The evaluation of teachers and administrators under 2011122
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 2011123
of the Revised Code; 2011124

(c) The reporting of student achievement data for the purpose 2011125
of the report card ratings prescribed under section 3302.03 of the 2011126
Revised Code. 2011127

(C) Each request for a waiver shall include the signature of 2011128
all of the following: 2011129

(1) The superintendent of the school district or the 2011130
equivalent for a community school or STEM school; 2011131

(2) The president of the district board or the equivalent for 2011132
a community school or STEM school; 2011133

(3) The presiding officer of the labor organization 2011134
representing the district's or school's teachers, if any; 2011135

(4) If the district's or school's teachers are not 201136
represented by a labor organization, the principal and a majority 201137
of the administrators and teachers of the district or school. 201138

(D) Upon receipt of a request for a waiver, the ~~state~~ 201139
~~superintendent~~ department shall approve or deny the waiver or may 201140
request additional information from the district or school. The 201141
~~state superintendent~~ department shall not grant waivers to more 201142
than a total of ten districts, community schools, or STEM schools, 201143
based on requests for a waiver received during the 2015-2016 201144
school year. A waiver granted to a district or school shall be 201145
contingent on an ongoing review and evaluation by the ~~state~~ 201146
~~superintendent~~ department of the program for which the waiver was 201147
granted. 201148

(E)(1) For the purpose of this section, the department ~~of~~ 201149
~~education~~ shall seek a waiver from the testing requirements 201150
prescribed under the "No Child Left Behind Act of 2001," if 201151
necessary to implement this section. 201152

(2) The department shall create a mechanism for the 201153
comparison of the alternative assessments prescribed under 201154
division (B) of this section and the assessments required under 201155
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 201156
to the evaluation of teachers and student achievement data for the 201157
purpose of state report card ratings. 201158

(F) For purposes of this section, "innovative educational 201159
program or strategy" means a program or strategy using a new idea 201160
or method aimed at increasing student engagement and preparing 201161
students to be college or career ready. 201162

Sec. 3302.151. (A) Notwithstanding anything to the contrary 201163
in the Revised Code, a school district that qualifies under 201164
division (D) of this section shall be exempt from all of the 201165
following: 201166

(1) The teacher qualification requirements under the third-grade reading guarantee, as prescribed under divisions (B)(3)(c) and (H) of section 3313.608 of the Revised Code. This exemption does not relieve a teacher from holding a valid Ohio license in a subject area and grade level determined appropriate by the board of education of that district.

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(2) The mentoring component of the Ohio teacher residency program established under division (A)(1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

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(3) Any provision of the Revised Code or rule or standard of the ~~state board~~ department of education and workforce prescribing a minimum or maximum class size;

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(4) Any provision of the Revised Code or rule or standard of the ~~state board~~ department requiring teachers to be licensed specifically in the grade level in which they are teaching, except unless otherwise prescribed by federal law. This exemption does not apply to special education teachers. Nor does this exemption relieve a teacher from holding a valid Ohio license in the subject area in which that teacher is teaching and at least some grade level determined appropriate by the district board.

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(B)(1) Notwithstanding anything to the contrary in the Revised Code, including sections 3319.30 and 3319.36 of the Revised Code, the superintendent of a school district that qualifies under division (D) of this section may employ an individual who is not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who is otherwise qualified based on experience, to teach classes in the district, so long as the board of education of the school district approves the individual's employment and provides mentoring and professional development opportunities to that individual, as determined necessary by the board.

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(2) As a condition of employment under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the ~~department~~ state board of education, the individual shall submit the criminal records check to the ~~department~~ state board and shall register with the ~~department~~ state board during the period in which the individual is employed by the district. The ~~department~~ state board shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

(3) An individual employed pursuant to this division is subject to Chapter 3307. of the Revised Code.

If the ~~department~~ state board receives notification of the arrest or conviction of an individual employed under division (B) of this section, the ~~department~~ state board shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers appropriate. No district shall employ any individual under division (B) of this section if the district learns that the individual has plead guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

(C) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (A) or (B) of this section shall not disqualify a school district that qualifies under division (D) of this section from receiving funds under Chapter 3317. of the Revised Code.

(D) In order for a city, local, or exempted village school district to qualify for the exemptions described in this section, the school district shall meet all of the following benchmarks on

the most recent report card issued for that district under section 201231
3302.03 of the Revised Code: 201232

(1) The district received at least eighty-five per cent of 201233
the total possible points for the performance index score 201234
calculated under division (C)(1)(b) or (D)(1)(c) of that section; 201235

(2) The district received a grade of an "A" for performance 201236
indicators met under division (C)(1)(c) of that section. However, 201237
division (D)(2) of this section shall not apply for the 2021-2022 201238
school year or any school year thereafter. 201239

(3) The district has a four-year adjusted cohort graduation 201240
rate of at least ninety-three per cent and a five-year adjusted 201241
cohort graduation rate of at least ninety-five per cent, as 201242
calculated under division (C)(1)(d) or divisions (D)(1)(e) and 201243
(D)(1)(f) of that section. 201244

(E) A school district that meets the requirements prescribed 201245
by division (D) of this section shall be qualified for the 201246
exemptions prescribed by this section for three school years, 201247
beginning with the school year in which the qualifying report card 201248
is issued. 201249

(F) As used in this section, "license" has the same meaning 201250
as in section 3319.31 of the Revised Code. 201251

Sec. 3302.17. (A) Any school building operated by a city, 201252
exempted village, or local school district, or a community school 201253
established under Chapter 3314. of the Revised Code is eligible to 201254
initiate the community learning center process as prescribed by 201255
this section. 201256

(B) Beginning with the 2015-2016 school year, each district 201257
board of education or community school governing authority may 201258
initiate a community learning center process for any school 201259
building to which this section applies. 201260

First, the board or governing authority shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process. The board or governing authority may do all of the following with regard to the public information hearing:

(1) Announce the meeting not less than forty-five days in advance at the school and on the school's or district's web sites and using tools to ensure effective communication with individuals with disabilities;

(2) Schedule the meeting for an evening or weekend time;

(3) Provide interpretation services and written materials in all languages spoken by five per cent or more of the students enrolled in the school;

(4) Provide child care services for parents attending the meeting;

(5) Provide parents, students, teachers, nonteaching employees, and community members with the opportunity to speak at the meeting;

(6) Comply with section 149.43 of the Revised Code.

In preparing for the public information hearing, the board or governing authority shall ensure that information about the hearing is broadly distributed throughout the community.

The board or governing authority may enter into an agreement with any civic engagement organizations, community organizations, or employee organizations to support the implementation of the community learning center process.

The board or governing authority shall conduct a follow-up hearing at least once annually until action is further taken under the section with respect to the school building or until the conditions described in division (A) of this section no longer

apply to the school building. 201291

(C) Not sooner than forty-five days after the first public 201292
information hearing, the board or governing authority shall 201293
conduct an election, by paper ballot, to initiate the process to 201294
become a community learning center. Only parents or guardians of 201295
students enrolled in the school and students enrolled in a 201296
different school operated by a joint vocational school district 201297
but are otherwise entitled to attend the school, and teachers and 201298
nonteaching employees who are assigned to the school may vote in 201299
the election. 201300

The board or governing authority shall distribute the ballots 201301
by mail and shall make copies available at the school and on the 201302
web site of the school. The board or governing authority also may 201303
distribute the ballots by directly giving ballots to teachers and 201304
nonteaching employees and sending home ballots with every student 201305
enrolled in the school building. 201306

(D) The board or governing authority shall initiate the 201307
transition of the building to a community learning center if the 201308
results of the election held under division (C) of this section 201309
are as follows: 201310

(1) At least fifty per cent of parents and guardians of 201311
students enrolled in the eligible school building and students 201312
enrolled in a different building operated by a joint vocational 201313
school district but who are entitled to attend the school cast 201314
ballots by a date set by the board or governing authority, and of 201315
those ballots at least sixty-seven per cent are in favor of 201316
initiating the process; and 201317

(2) At least fifty per cent of teachers and nonteaching 201318
employees who are assigned to the school cast ballots by a date 201319
set by the board or governing authority, and of those ballots at 201320
least sixty-seven per cent are in favor of initiating the process. 201321

(E) If a community learning center process is initiated under 201322
this section, the board or governing authority shall create a 201323
school action team under section 3302.18 of the Revised Code. 201324
Within four months upon selection, the school action team shall 201325
conduct and complete, in consultation with community partners, a 201326
performance audit of the school and review, with parental input, 201327
the needs of the school with regard to restructuring under section 201328
3302.10, 3302.12, or 3302.042 of the Revised Code, or federal law. 201329

The school action team shall provide quarterly updates of its 201330
work in a public hearing that complies with the same 201331
specifications prescribed in division (B) of this section. 201332

(F) Upon completion of the audit and review, the school 201333
action team shall present its findings at a public hearing that 201334
complies with the same specifications prescribed in division (B) 201335
of this section. After the school action team presents its 201336
findings at the public hearing, it shall create a community 201337
learning center improvement plan that designates appropriate 201338
interventions, which may be based on the recommendations developed 201339
by the department under division (H)(1)(b) of this section. 201340

If there is a federally mandated school improvement planning 201341
process, the team shall coordinate its work with that plan. 201342

The school action team shall approve the plan by a majority 201343
vote. 201344

(G) Upon approval of the plan by the school action team, the 201345
team shall submit the community learning center improvement plan 201346
to the same individuals described in division (C) of this section. 201347
Ballots shall be distributed and an election shall be conducted in 201348
the same manner as indicated under that division. 201349

The school action team shall submit the plan to the district 201350
board of education or community school governing authority, if the 201351
results of the election under division (G) of this section are as 201352

follows: 201353

(1) At least thirty per cent of parents and guardians of 201354
students enrolled in the eligible school building and students 201355
enrolled in a different building operated by a joint vocational 201356
school district but who are entitled to attend the school cast 201357
ballots by a date set by the board or governing authority, and of 201358
those ballots at least fifty per cent are in favor of initiating 201359
the process; and 201360

(2) At least thirty per cent of teachers and nonteaching 201361
employees who are assigned to the school cast ballots by a date 201362
set by the board or governing authority, and of those ballots at 201363
least fifty per cent are in favor of initiating the process. 201364

The board or governing authority shall evaluate the plan and 201365
determine whether to adopt it. The board or governing authority 201366
shall adopt the plan in full or adopt portions of the plan. If the 201367
board or governing authority does not adopt the plan in full, it 201368
shall provide a written explanation of why portions of the plan 201369
were rejected. 201370

(H)(1) The department shall do all of the following with 201371
respect to this section: 201372

(a) Adopt rules regarding the elections required under this 201373
section; 201374

(b) Develop appropriate interventions for a community 201375
learning center improvement plan that may be used by a school 201376
action team under division (F) of this section; 201377

(c) Publish a menu of programs and services that may be 201378
offered by community learning centers. The information shall be 201379
posted on the department's web site. To compile this information 201380
the department shall solicit input from resource coordinators of 201381
existing community learning centers+_. 201382

(d) Provide information regarding implementation of	201383
comprehensive community-based programs and supportive services	201384
including the community learning center model to school buildings	201385
meeting any of the following conditions:	201386
(i) The building is in improvement status as defined by the	201387
"No Child Left Behind Act of 2001" or under an agreement between	201388
the Ohio department of education <u>and workforce</u> and the United	201389
States secretary of education.	201390
(ii) The building is a secondary school that is among the	201391
lowest achieving fifteen per cent of secondary schools statewide,	201392
as determined by the department.	201393
(iii) The building is a secondary school with a graduation	201394
rate of sixty per cent or lower for three or more consecutive	201395
years.	201396
(iv) The building is a school that the department determines	201397
is persistently low-performing.	201398
(2) The department may do the following with respect to this	201399
section:	201400
(a) Provide assistance, facilitation, and training to school	201401
action teams in the conducting of the audit required under this	201402
section;	201403
(b) Provide opportunities for members of school action teams	201404
from different schools to share school improvement strategies with	201405
parents, teachers, and other relevant stakeholders in higher	201406
performing schools;	201407
(c) Provide financial support in a school action team's	201408
planning process and create a grant program to assist in the	201409
implementation of a qualified community learning center plan.	201410
(I) Notwithstanding any provision to the contrary in Chapter	201411
4117. of the Revised Code, the requirements of this section	201412

prevail over any conflicting provisions of a collective bargaining 201413
agreement entered into on or after ~~the effective date of this~~ 201414
~~section~~ October 15, 2015. However, the board or governing 201415
authority and the teachers' labor organization may negotiate 201416
additional factors to be considered in the adoption of a community 201417
learning center plan. 201418

Sec. 3302.20. (A) The department of education and workforce 201419
shall develop standards for determining, from the existing data 201420
reported in accordance with sections 3301.0714 and 3314.17 of the 201421
Revised Code, the amount of annual operating expenditures for 201422
classroom instructional purposes and for nonclassroom purposes for 201423
each city, exempted village, local, and joint vocational school 201424
district, each community school established under Chapter 3314. 201425
that is not an internet- or computer-based community school, each 201426
internet- or computer-based community school, and each STEM school 201427
established under Chapter 3326. of the Revised Code. ~~The~~ 201428
~~department shall present those standards to the state board of~~ 201429
~~education for consideration.~~ In developing the standards, the 201430
department shall adapt existing standards used by professional 201431
organizations, research organizations, and other state 201432
governments. The department also shall align the expenditure 201433
categories required for reporting under the standards with the 201434
categories that are required for reporting to the United States 201435
department of education under federal law. 201436

~~The state board shall consider the proposed standards and~~ 201437
~~adopt a final set of standards not later than December 31, 2012.~~ 201438
~~School districts, community schools, and STEM schools shall begin~~ 201439
~~reporting data in accordance with the standards on June 30, 2013.~~ 201440

(B)(1) The department shall categorize all city, exempted 201441
village, and local school districts into not less than three nor 201442
more than five groups based primarily on average daily student 201443

enrollment as reported on the most recent report card issued for 201444
each district under section 3302.03 of the Revised Code. 201445

(2) The department shall categorize all joint vocational 201446
school districts into not less than three nor more than five 201447
groups based primarily on enrolled ADM as that term is defined in 201448
section 3317.02 of the Revised Code rounded to the nearest whole 201449
number. 201450

(3) The department shall categorize all community schools 201451
that are not internet- or computer-based community schools into 201452
not less than three nor more than five groups based primarily on 201453
average daily student enrollment as reported on the most recent 201454
report card issued for each community school under sections 201455
3302.03 and 3314.012 of the Revised Code or, in the case of a 201456
school to which section 3314.017 of the Revised Code applies, on 201457
the total number of students reported under divisions (B)(1) and 201458
(2) of section 3314.08 of the Revised Code. 201459

(4) The department shall categorize all internet- or 201460
computer-based community schools into a single category. 201461

(5) The department shall categorize all STEM schools into a 201462
single category. 201463

(C) Using the standards adopted under division (A) of this 201464
section and the data reported under sections 3301.0714 and 3314.17 201465
of the Revised Code, the department shall compute annually for 201466
each fiscal year, the following: 201467

(1) The percentage of each district's, community school's, or 201468
STEM school's total operating budget spent for classroom 201469
instructional purposes; 201470

(2) The statewide average percentage for all districts, 201471
community schools, and STEM schools combined spent for classroom 201472
instructional purposes; 201473

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;	201474 201475 201476
(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:	201477 201478 201479
(a) From highest to lowest percentage spent for classroom instructional purposes;	201480 201481
(b) From lowest to highest percentage spent for noninstructional purposes.	201482 201483
(5) The total operating expenditures per pupil for each district, community school, and STEM school;	201484 201485
(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.	201486 201487
(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:	201488 201489 201490
(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:	201491 201492 201493
(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;	201494 201495 201496
(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.	201497 201498 201499
(2) Within each category of joint vocational school districts, the department shall denote each district that is:	201500 201501
(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure	201502 201503

per equivalent pupils;	201504
(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.	201505 201506 201507
(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:	201508 201509 201510
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;	201511 201512 201513
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.	201514 201515 201516 201517
(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:	201518 201519 201520
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;	201521 201522 201523
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.	201524 201525 201526 201527
(5) Within the category of STEM schools, the department shall denote each school that is:	201528 201529
(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils;	201530 201531
(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.	201532 201533

For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs.

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code.

Sec. 3302.21. (A) The department of education and workforce shall develop a system to rank order all city, exempted village, and local school districts, community schools established under Chapter 3314. of the Revised Code except those community schools to which section 3314.017 of the Revised Code applies, and STEM schools established under Chapter 3326. of the Revised Code according to the following measures:

(1) Performance index score for each school district, 201564
community school, and STEM school and for each separate building 201565
of a district, community school, or STEM school. For districts, 201566
schools, or buildings to which the performance index score does 201567
not apply, the ~~superintendent of public instruction~~ department may 201568
develop another measure of student academic performance based on 201569
similar data and performance measures if appropriate and use that 201570
measure to include those buildings in the ranking so that 201571
districts, schools, and buildings may be reliably compared to each 201572
other. 201573

(2) Student performance growth from year to year, using the 201574
value-added progress dimension, if applicable, and other measures 201575
of student performance growth designated by the ~~superintendent of~~ 201576
~~public instruction~~ department for subjects and grades not covered 201577
by the value-added progress dimension or the alternative student 201578
academic progress measure if adopted under division (C)(1)(e) of 201579
section 3302.03 of the Revised Code; 201580

(3) Current operating expenditure per equivalent pupils as 201581
defined in section 3302.26 of the Revised Code; 201582

(4) Of total current operating expenditures, percentage spent 201583
for classroom instruction as determined under standards adopted by 201584
the state board under section 3302.20 of the Revised Code; 201585

(5) Performance of, and opportunities provided to, students 201586
identified as gifted using value-added progress dimensions, if 201587
applicable, and other relevant measures as designated by the 201588
~~superintendent of public instruction~~ department. 201589

The department shall rank each district, each community 201590
school except a community school to which section 3314.017 of the 201591
Revised Code applies, and each STEM school annually in accordance 201592
with the system developed under this section. 201593

(B) In addition to the reports required by sections 3302.03 201594

and 3302.031 of the Revised Code, not later than the first day of
September each year, the department shall issue a report for each
city, exempted village, and local school district, each community
school except a community school to which section 3314.017 of the
Revised Code applies, and each STEM school indicating the
district's or school's rank on each measure described in divisions
(A)(1) to (4) of this section, including each separate building's
rank among all public school buildings according to performance
index score under division (A)(1) of this section.

Sec. 3302.22. (A) The governor's effective and efficient
schools recognition program is hereby created. Each year, the
governor shall recognize, in a manner deemed appropriate by the
governor, the top ten per cent of all public schools in this
state, including city, exempted village, and local school
districts, joint vocational school districts, community schools
established under Chapter 3314., and STEM schools established
under Chapter 3326. of the Revised Code.

(B) The top ten per cent of schools shall be determined by
the department of education and workforce according to standards
established by the department, in consultation with the governor's
office of 21st century education. The standards for recognition
for each type of school may vary depending upon the unique
characteristics of that type of school. The standards shall
include, but need not be limited to, both of the following,
provided that sufficient data is available for each school:

(1) Student performance, as determined by factors that may
include, but not be limited to, performance indicators under
section 3302.02 of the Revised Code, report cards issued under
section 3302.03 of the Revised Code, performance index score
rankings under section 3302.21 of the Revised Code, and any other
statewide or national assessment or student performance

recognition program the department selects; 201626

(2) Fiscal performance, which may include cost-effective 201627
measures taken by the school. 201628

(C) If applicable, the standards under divisions (B)(1) and 201629
(2) of this section may be applied at the school building or 201630
district level, depending upon the quality and availability of 201631
data. 201632

Sec. 3302.25. (A) In accordance with standards prescribed by 201633
the ~~state board~~ department of education and workforce for 201634
categorization of school district expenditures adopted under 201635
division (A) of section 3302.20 of the Revised Code, the 201636
department ~~of education~~ annually shall determine all of the 201637
following for the previous fiscal year: 201638

(1) For each school district, the ratio of the district's 201639
operating expenditures for classroom instructional purposes 201640
compared to its operating expenditures for nonclassroom purposes; 201641

(2) For each school district, the per pupil amount of the 201642
district's expenditures for classroom instructional purposes; 201643

(3) For each school district, the per pupil amount of the 201644
district's operating expenditures for nonclassroom purposes; 201645

(4) For each school district, the percentage of the 201646
district's operating expenditures attributable to school district 201647
funds; 201648

(5) The statewide average among all school districts for each 201649
of the items described in divisions (A)(1) to (4) of this section. 201650

(B) The department annually shall submit a report to each 201651
school district indicating the district's information for each of 201652
the items described in divisions (A)(1) to (4) of this section and 201653
the statewide averages described in division (A)(5) of this 201654
section. 201655

(C) Each school district, upon receipt of the report 201656
prescribed by division (B) of this section, shall publish the 201657
information contained in that report in a prominent location on 201658
the district's web site and publish the report in another fashion 201659
so that it is available to all parents of students enrolled in the 201660
district and to taxpayers of the district. 201661

Sec. 3302.26. (A) As used in this section: 201662

(1) "Expenditure per equivalent pupils" is the total 201663
operating expenditures of a school district divided by the measure 201664
of equivalent pupils. 201665

(2) "Measure of equivalent pupils" is the total number of 201666
students in a school district adjusted for the relative 201667
differences in costs associated with the unique characteristics 201668
and needs of each category of pupil. 201669

(B) The department of education and workforce shall create a 201670
performance management section on the department's public web 201671
site. The performance management section shall include information 201672
on academic and financial performance metrics for each school 201673
district to assist schools and districts in providing an effective 201674
and efficient delivery of educational services. The section shall 201675
be located in a prominent location on the department's public web 201676
site. The section shall include, but not be limited to, all of the 201677
following: 201678

(1) A graph that illustrates the relationship between a 201679
district's academic performance, as measured by the performance 201680
index score, and its expenditure per equivalent pupils as compared 201681
to similar districts; 201682

(2) Each district's total operating expenditures per pupil; 201683

(3) Statistics of academic and financial performance measures 201684
for each district to allow for a comparison and benchmarking 201685

between districts. 201686

(C) The department may contract with an independent 201687
organization to develop and host the performance management 201688
section of its web site. 201689

Sec. 3302.41. As used in this section, "blended learning" has 201690
the same meaning as in section 3301.079 of the Revised Code. 201691

(A) Any local, city, exempted village, or joint vocational 201692
school district, community school established under Chapter 3314. 201693
of the Revised Code, STEM school established under Chapter 3326. 201694
of the Revised Code, college-preparatory boarding school 201695
established under Chapter 3328. of the Revised Code, or chartered 201696
nonpublic school may operate all or part of a school using a 201697
blended learning model. If a school is operated using a blended 201698
learning model or is to cease operating using a blended learning 201699
model, the superintendent of the school or district or director of 201700
the school shall notify the department of education and workforce 201701
of that fact not later than the first day of July of the school 201702
year for which the change is effective. If any school district 201703
school, community school, or STEM school is already operated using 201704
a blended learning model on September 24, 2012, the superintendent 201705
of the school or district may notify the department within ninety 201706
days after September 24, 2012, of that fact and request that the 201707
school be classified as a blended learning school. 201708

(B) The ~~state board of education~~ department shall revise any 201709
operating standards for school districts and chartered nonpublic 201710
schools adopted under section 3301.07 of the Revised Code to 201711
include standards for the operation of blended learning under this 201712
section. The blended learning operation standards shall provide 201713
for all of the following: 201714

(1) Student-to-teacher ratios whereby no school or classroom 201715
is required to have more than one teacher for every one hundred 201716

twenty-five students in blended learning classrooms; 201717

(2) The extent to which the school is or is not obligated to 201718
provide students with access to digital learning tools; 201719

(3) The ability of all students, at any grade level, to earn 201720
credits or advance grade levels upon demonstrating mastery of 201721
knowledge or skills through competency-based learning models. 201722
Credits or grade level advancement shall not be based on a minimum 201723
number of days or hours in a classroom. 201724

(4) Notwithstanding anything to the contrary in section 201725
3313.48 of the Revised Code, a requirement that the school have an 201726
annual instructional calendar of not less than nine hundred ten 201727
hours; 201728

(5) Adequate provisions for: the licensing of teachers, 201729
administrators, and other professional personnel and their 201730
assignment according to training and qualifications; efficient and 201731
effective instructional materials and equipment, including library 201732
facilities; the proper organization, administration, and 201733
supervision of each school, including regulations for preparing 201734
all necessary records and reports and the preparation of a 201735
statement of policies and objectives for each school; buildings, 201736
grounds, and health and sanitary facilities and services; 201737
admission of pupils, and such requirements for their promotion 201738
from grade to grade as will ensure that they are capable and 201739
prepared for the level of study to which they are certified; 201740
requirements for graduation; and such other factors as the board 201741
finds necessary. 201742

(C) An internet- or computer-based community school, as 201743
defined in section 3314.02 of the Revised Code, is not a blended 201744
learning school authorized under this section. Nor does this 201745
section affect any provisions for the operation of and payments to 201746
an internet- or computer-based community school prescribed in 201747

Chapter 3314. of the Revised Code. 201748

Sec. 3302.42. As used in this section, "online learning" has 201749
the same meaning as in section 3301.079 of the Revised Code. 201750

(A) Any local, city, exempted village, or joint vocational 201751
school district, with approval of the ~~superintendent of public~~ 201752
~~instruction~~ department of education and workforce, may operate a 201753
school using an online learning model. If a school is operated 201754
using an online learning model or is to cease operating using an 201755
online learning model, the superintendent of the district shall 201756
notify the department ~~of education~~ of that fact not later than the 201757
first day of July of the school year for which the change is 201758
effective. If any school district school is currently operated 201759
using an online learning model on ~~the effective date of this~~ 201760
~~section~~ September 30, 2021, the superintendent of the district 201761
shall notify the department within sixty days after ~~the effective~~ 201762
~~date of this section~~ September 30, 2021, of that fact and request 201763
that the school be classified as an online learning school. 201764

(1) Districts shall assign all students engaged in online 201765
learning to a single school which the department shall designate 201766
as a district online school. 201767

(2) Districts shall provide all students engaged in online 201768
learning a computer, at no cost, for instructional use. Districts 201769
shall provide a filtering device or install filtering software 201770
that protects against internet access to materials that are 201771
obscene or harmful to juveniles on each computer provided to 201772
students for instructional use. 201773

(3) Districts shall provide all students engaged in online 201774
learning access to the internet, at no cost, for instructional 201775
use. 201776

(4) Districts that operate an online learning school shall 201777

provide a comprehensive orientation for students and their parents 201778
or guardians prior to enrollment or within thirty days for 201779
students enrolled as of ~~the effective date of this section~~ 201780
September 30, 2021. 201781

(5) Online learning schools operated by a district shall 201782
implement a learning management system that tracks the time 201783
students participate in online learning activities. All student 201784
learning activities completed while off-line shall be documented 201785
with all participation records checked and approved by the teacher 201786
of record. 201787

(B) The ~~state board of education~~ department shall revise any 201788
operating standards for school districts adopted under section 201789
3301.07 of the Revised Code to include standards for the operation 201790
of online learning under this section. The online learning 201791
operation standards shall provide for all of the following: 201792

(1) Student-to-teacher ratios whereby no school or classroom 201793
is required to have more than one teacher for every one hundred 201794
twenty-five students in online learning classrooms; 201795

(2) The ability of all students, at any grade level, to earn 201796
credits or advance grade levels upon demonstrating mastery of 201797
knowledge or skills through competency-based learning models. 201798
Credits or grade level advancement shall not be based on a minimum 201799
number of days or hours in a classroom. 201800

(3) Notwithstanding anything to the contrary in section 201801
3313.48 of the Revised Code, a requirement that schools operating 201802
using an online learning model have an annual instructional 201803
calendar of not less than nine hundred ten hours. 201804

(a) For funding purposes, the department shall reduce the 201805
full-time equivalence proportionally for any student in an online 201806
learning school who participates in less than nine hundred ten 201807
hours per school year. The department shall reduce state funding 201808

for students assigned to an online learning school operated by a district commensurate with such adjustments to enrollment.

(b) The department shall develop a review process and make all adjustments of state funding to districts to reflect any participation of students in online learning schools for less than the equivalent of a full school year.

(4) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

(C) This section does not affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code.

Sec. 3303.02. (A) The act of congress entitled, "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," is hereby accepted. The ~~state board~~ department of education and workforce has authority to accept supplementary acts

for vocational education which are enacted by congress after 201840
September 16, 1957. 201841

(B) The ~~state board of education~~ department shall be the sole 201842
state agency for administration of programs for which federal 201843
funds are received pursuant to acts accepted under this section. 201844
This division does not apply to programs for which federal funds 201845
are received pursuant to the "Job Training Partnership Act," 96 201846
Stat. 1322 (1982), 29 U.S.C. 1501. 201847

(C) The ~~state board~~ department shall secure the written 201848
approval of the governor prior to submission of any state plan or 201849
application prepared by ~~the board or~~ the department ~~of education~~ 201850
to obtain federal funds under any acts accepted under this 201851
section. 201852

Sec. 3303.04. The ~~state board~~ department of education and 201853
workforce may cooperate with the United States department of 201854
education in the administration of the act of congress referred to 201855
in section 3303.02 of the Revised Code and of any legislation 201856
pursuant thereto enacted by the state, and in the administration 201857
of the funds provided by the federal government and by the state 201858
under sections 3303.02 to 3303.06 of the Revised Code, for the 201859
improvement of agricultural, business, distributive, trade and 201860
industrial and home economics subjects, and vocational guidance. 201861
The ~~board~~ department of education and workforce may appoint such 201862
directors, supervisors, and other assistants as are necessary to 201863
carry out such sections, ~~such appointments to be made upon~~ 201864
~~nomination by the superintendent of public instruction.~~ The 201865
salaries and traveling expenses of such directors, supervisors, 201866
and assistants, and such other expenses as are necessary, shall be 201867
paid upon the approval of the ~~board~~ department of education and 201868
workforce. The ~~board~~ department of education and workforce may 201869
formulate plans for the promotion of vocational education in such 201870

subjects as an essential and integral part of the public school 201871
system of education; and provide for the preparation of teachers 201872
of such subjects, and expend federal and state funds appropriated 201873
under sections 3303.02 to 3303.06 of the Revised Code, for any 201874
purposes approved by the United States department of education. It 201875
may make studies and investigations relating to prevocational and 201876
vocational education in such subjects; promote and aid in the 201877
establishment by local communities of schools, departments, and 201878
classes, giving training in such subjects; cooperate with local 201879
communities in the maintenance of such schools, departments, and 201880
classes; establish standards for the teachers, supervisors, and 201881
directors of such subjects; and cooperate in the maintenance of 201882
schools, departments, or classes supported and controlled by the 201883
public for the preparation of teachers, supervisors, and directors 201884
of such subjects. 201885

Sec. 3303.05. Any school, department, or class giving 201886
instruction in agricultural, commercial, industrial, trade, and 201887
home economics subjects approved by the ~~state board~~ department of 201888
education and workforce and any school or college so approved, 201889
training teachers of such subjects, which receives the benefit of 201890
federal moneys is entitled also to receive for the salaries of 201891
teachers of said subjects an allotment of state money equal in 201892
amount to the amount of federal money which it receives for the 201893
same year. 201894

Sec. 3303.06. The treasurer of state is hereby designated as 201895
the custodian of all federal funds received for vocational 201896
education. All money so received or appropriated by the state for 201897
the purposes contemplated in the act of congress referred to in 201898
sections 3303.02 to 3303.06 of the Revised Code, or in acts 201899
supplementary thereto, shall be disbursed upon the order of the 201900
~~state board~~ department of education and workforce. 201901

Sec. 3303.20. The ~~superintendent of public instruction~~ 201902
director of education and workforce shall appoint a supervisor of 201903
agricultural education within the department of education and 201904
workforce. The supervisor shall be responsible for administering 201905
and disseminating to school districts information about 201906
agricultural education. The supervisor also may serve as the chair 201907
of the board of trustees of the Ohio FFA association, and may 201908
assist with the association's programs and activities in a manner 201909
that enables the association to maintain its state charter and to 201910
meet applicable requirements of the United States department of 201911
education and the national FFA organization. This assistance may 201912
include the provision of department personnel, services, and 201913
facilities 201914

The department shall maintain an appropriate number of 201915
full-time employees focusing on agricultural education. The 201916
department shall employ at least three program consultants who 201917
shall be available to provide assistance to school districts on a 201918
regional basis throughout the state. At least one consultant may 201919
coordinate local activities of the student organization known as 201920
the future farmers of America. Department employees may not 201921
receive compensation from the Ohio FFA association, but the 201922
department may be reimbursed by the association for reasonable 201923
expenses related to assistance provided under this section. 201924

Sec. 3304.12. (A) There is hereby created a state 201925
rehabilitation services council to be known as the opportunities 201926
for Ohioans with disabilities council. The opportunities for 201927
Ohioans with disabilities agency shall provide administrative 201928
support to the council. The council shall consist of the following 201929
members: 201930

(1) An individual who represents a parent training and 201931
information center established in accordance with the federal 201932

"Individuals with Disabilities Education Act," 20 U.S.C. 1400;	201933
(2) A full-time employee of a client assistance program	201934
described in 34 C.F.R. 370.1;	201935
(3) A vocational counselor who has knowledge of and	201936
experience with vocational rehabilitation services;	201937
(4) An individual who represents community rehabilitation	201938
program service providers;	201939
(5) Four individuals each representing business, industry, or	201940
labor interests;	201941
(6) An individual who represents an organization that	201942
advocates on behalf of individuals with physical, cognitive,	201943
sensory, or mental disabilities;	201944
(7) An individual who represents individuals with	201945
disabilities who are unable to represent or have difficulty	201946
representing themselves;	201947
(8) An individual who has applied for or received vocational	201948
rehabilitation services;	201949
(9) An individual who represents institutions of secondary or	201950
higher education;	201951
(10) An individual from the governor's executive workforce	201952
board established by section 6301.04 of the Revised Code;	201953
(11) An individual from the department of education <u>and</u>	201954
<u>workforce</u> with knowledge of and experience with the "Individuals	201955
with Disabilities Education Act";	201956
(12) An individual who represents the Ohio statewide	201957
independent living council.	201958
A majority of the members of the council shall be individuals	201959
with disabilities who are not employed by the opportunities for	201960
Ohioans with disabilities agency.	201961

The executive director of the opportunities for Ohioans with disabilities agency shall serve as a nonvoting member of the council. If a member of the council is an employee of the opportunities for Ohioans with disabilities agency, then that member also shall serve as a nonvoting member of the council.

(B)(1) All council members shall be appointed by the governor. The governor shall make initial appointments to the council not later than sixty days after ~~the effective date of this section~~ June 1, 2018. Of the initial appointments, five shall be for terms of three years, five for terms of two years, and five for terms of one year. Thereafter, terms shall be three years.

(2) When a term expires or a vacancy occurs before a term expires, a successor member shall be appointed. A member appointed to fill a vacancy occurring before the expiration of a term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(3) Except for the member described in division (A)(2) of this section and the executive director of the opportunities for Ohioans with disabilities agency, no person shall serve more than two consecutive terms on the council. Terms shall be considered consecutive unless they are separated by a period of three or more years. In determining a person's eligibility to serve on the council under this division, both of the following shall apply:

(a) Time spent on the council while serving the remainder of an unexpired term to which another person was first appointed shall not be considered, provided that a period of at least three years passed between the time, if any, in which the person previously served on the council and the time the person is appointed to fulfill the unexpired term.

(b) A person who is appointed to serve on the council at the beginning of a term and resigns before completing that term shall

be considered to have served the full term. 201993

(C) Each member of the council shall serve without 201994
compensation, except to the extent that serving on the council is 201995
considered part of the member's regular duties of employment. Each 201996
member shall be reimbursed for actual expenses incurred in the 201997
performance of the member's official duties, including expenses 201998
for travel and personal assistance services. 201999

Sec. 3307.01. As used in this chapter: 202000

(A) "Employer" means the board of education, school district, 202001
governing authority of any community school established under 202002
Chapter 3314. of the Revised Code, a science, technology, 202003
engineering, and mathematics school established under Chapter 202004
3326. of the Revised Code, college, university, institution, or 202005
other agency within the state by which a teacher is employed and 202006
paid. 202007

(B)(1) "Teacher" means all of the following: 202008

(a) Any person paid from public funds and employed in the 202009
public schools of the state under any type of contract described 202010
in section 3311.77 or 3319.08 of the Revised Code in a position 202011
for which the person is required to have a license or registration 202012
issued pursuant to sections 3319.22 to 3319.31 of the Revised 202013
Code; 202014

(b) Except as provided in division (B)(2)(b) or (c) of this 202015
section, any person employed as a teacher or faculty member in a 202016
community school or a science, technology, engineering, and 202017
mathematics school pursuant to Chapter 3314. or 3326. of the 202018
Revised Code; 202019

(c) Any person having a license or registration issued 202020
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 202021
employed in a public school in this state in an educational 202022

position, as determined by the ~~state board~~ department of education 202023
and workforce, under programs provided for by federal acts or 202024
regulations and financed in whole or in part from federal funds, 202025
but for which no licensure requirements for the position can be 202026
made under the provisions of such federal acts or regulations; 202027

(d) Any other teacher or faculty member employed in any 202028
school, college, university, institution, or other agency wholly 202029
controlled and managed, and supported in whole or in part, by the 202030
state or any political subdivision thereof, including Central 202031
state university, Cleveland state university, and the university 202032
of Toledo; 202033

(e) The educational employees of the ~~department~~ state board 202034
of education, as determined by the state superintendent of public 202035
instruction, and the educational employees of the department of 202036
education and workforce, as determined by the director of 202037
education and workforce; 202038

(f) Any person having a registration issued pursuant to 202039
section 3301.28 of the Revised Code and employed as a tutor by the 202040
coordinating service center as defined in that section. 202041

In all cases of doubt, the state teachers retirement board 202042
shall determine whether any person is a teacher, and its decision 202043
shall be final. 202044

(2) "Teacher" does not include any of the following: 202045

(a) Any eligible employee of a public institution of higher 202046
education, as defined in section 3305.01 of the Revised Code, who 202047
elects to participate in an alternative retirement plan 202048
established under Chapter 3305. of the Revised Code; 202049

(b) Any person employed by a community school operator, as 202050
defined in section 3314.02 of the Revised Code, if on or before 202051
February 1, 2016, the school's operator was withholding and paying 202052
employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 202053

3111(a) for persons employed in the school as teachers, unless the person had contributing service in a community school in the state within one year prior to the later of February 1, 2016, or the date on which the operator for the first time withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for that person;

(c) Any person who would otherwise be a teacher under division (B)(2)(b) of this section who terminates employment with a community school operator and has no contributing service in a community school in the state for a period of at least one year from the date of termination of employment.

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members:

(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes;

(2) A person denied membership pursuant to section 3307.24 of the Revised Code;

(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate;

(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;

(5) The surviving spouse of a member or retirant if the surviving spouse's only connection to the retirement system is an account in an STRS defined contribution plan.

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund, except that "contributor" does not mean a member or retirant's surviving spouse with an account in an STRS defined contribution plan.

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

(K) "Fiduciary" means a person who does any of the following:	202114
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	202115 202116 202117
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	202118 202119
(3) Has any discretionary authority or responsibility in the administration of the system.	202120 202121
(L)(1)(a) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	202122 202123 202124 202125 202126 202127 202128 202129 202130 202131
(b) Except as provided in division (L)(1)(c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:	202132 202133 202134 202135 202136 202137
(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;	202138 202139 202140 202141 202142
(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded	202143 202144

annually at a rate determined by the board, for each year or 202145
portion of a year not subject to division (L)(1)(b)(i) of this 202146
section for which the board determines the teacher was improperly 202147
paid, regardless of the teacher's ability to recover on such 202148
amounts improperly paid. 202149

(c) If any portion of an amount paid by an employer as a 202150
retroactive payment of earnings, damages, or back pay is for an 202151
amount, benefit, or payment described in division (L)(2) of this 202152
section, that portion of the amount is not compensation under this 202153
section. 202154

(2) Compensation does not include any of the following: 202155

(a) Payments for accrued but unused sick leave or personal 202156
leave, including payments made under a plan established pursuant 202157
to section 124.39 of the Revised Code or any other plan 202158
established by the employer; 202159

(b) Payments made for accrued but unused vacation leave, 202160
including payments made pursuant to section 124.13 of the Revised 202161
Code or a plan established by the employer; 202162

(c) Payments made for vacation pay covering concurrent 202163
periods for which other salary, compensation, or benefits under 202164
this chapter or Chapter 145. or 3309. of the Revised Code are 202165
paid; 202166

(d) Amounts paid by the employer to provide life insurance, 202167
sickness, accident, endowment, health, medical, hospital, dental, 202168
or surgical coverage, or other insurance for the teacher or the 202169
teacher's family, or amounts paid by the employer to the teacher 202170
in lieu of providing the insurance; 202171

(e) Incidental benefits, including lodging, food, laundry, 202172
parking, or services furnished by the employer, use of the 202173
employer's property or equipment, and reimbursement for 202174
job-related expenses authorized by the employer, including moving 202175

and travel expenses and expenses related to professional development;	202176 202177
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	202178 202179 202180
(g) Payments by the employer for services not actually rendered;	202181 202182
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	202183 202184 202185
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	202186 202187 202188 202189 202190 202191
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	202192 202193 202194 202195 202196 202197
(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;	202198 202199 202200
(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.	202201 202202 202203 202204
(i) Payments made to or on behalf of a teacher that are in	202205

excess of the annual compensation that may be taken into account 202206
by the retirement system under division (a)(17) of section 401 of 202207
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 202208
401(a)(17), as amended. For a teacher who first establishes 202209
membership before July 1, 1996, the annual compensation that may 202210
be taken into account by the retirement system shall be determined 202211
under division (d)(3) of section 13212 of the "Omnibus Budget 202212
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 202213

(j) Payments made under division (B), (C), or (E) of section 202214
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 202215
No. 3 of the 119th general assembly, Section 3 of Amended 202216
Substitute Senate Bill No. 164 of the 124th general assembly, or 202217
Amended Substitute House Bill No. 405 of the 124th general 202218
assembly; 202219

(k) Anything of value received by the teacher that is based 202220
on or attributable to retirement or an agreement to retire. 202221

(3) The retirement board shall determine both of the 202222
following: 202223

(a) Whether particular forms of earnings are included in any 202224
of the categories enumerated in this division; 202225

(b) Whether any form of earnings not enumerated in this 202226
division is to be included in compensation. 202227

Decisions of the board made under this division shall be 202228
final. 202229

(M) "Superannuate" means both of the following: 202230

(1) A former teacher receiving from the system a retirement 202231
allowance under section 3307.58 or 3307.59 of the Revised Code; 202232

(2) A former teacher receiving a benefit from the system 202233
under a plan established under section 3307.81 of the Revised 202234
Code, except that "superannuate" does not include a former teacher 202235

who is receiving a benefit based on disability under a plan 202236
established under section 3307.81 of the Revised Code. 202237

For purposes of sections 3307.35 and 3307.353 of the Revised 202238
Code, "superannuate" also means a former teacher receiving from 202239
the system a combined service retirement benefit paid in 202240
accordance with section 3307.57 of the Revised Code, regardless of 202241
which retirement system is paying the benefit. 202242

(N) "STRS defined benefit plan" means the plan described in 202243
sections 3307.50 to 3307.79 of the Revised Code. 202244

(O) "STRS defined contribution plan" means the plans 202245
established under section 3307.81 of the Revised Code and includes 202246
the STRS combined plan under that section. 202247

(P) "Faculty" means the teaching staff of a university, 202248
college, or school, including any academic administrators. 202249

Sec. 3307.05. The state teachers retirement board shall 202250
consist of the following members: 202251

(A) The ~~superintendent of public instruction~~ director of 202252
education and workforce or a designee of the ~~superintendent~~ 202253
director who has the following qualifications: 202254

(1) The designee is a resident of this state. 202255

(2) Within the three years immediately preceding the 202256
appointment, the designee has not been employed by the public 202257
employees retirement system, police and fire pension fund, state 202258
teachers retirement system, school employees retirement system, or 202259
state highway patrol retirement system or by any person, 202260
partnership, or corporation that has provided to one of those 202261
retirement systems services of a financial or investment nature, 202262
including the management, analysis, supervision, or investment of 202263
assets. 202264

(3) The designee has direct experience in the management, 202265

analysis, supervision, or investment of assets.	202266
(B) One member, known as the treasurer of state's investment	202267
designee, who shall be appointed by the treasurer of state for a	202268
term of four years and have the following qualifications:	202269
(1) The member is a resident of this state.	202270
(2) Within the three years immediately preceding the	202271
appointment, the member has not been employed by the public	202272
employees retirement system, police and fire pension fund, state	202273
teachers retirement system, school employees retirement system, or	202274
state highway patrol retirement system or by any person,	202275
partnership, or corporation that has provided to one of those	202276
retirement systems services of a financial or investment nature,	202277
including management, analysis, supervision, or investment of	202278
assets.	202279
(3) The member has direct experience in the management,	202280
analysis, supervision, or investment of assets.	202281
(4) The member is not currently employed by the state or a	202282
political subdivision of the state.	202283
(C) Two members, known as the investment expert members, who	202284
shall be appointed for four-year terms. One investment expert	202285
member shall be appointed by the governor, and one investment	202286
expert member shall be jointly appointed by the speaker of the	202287
house of representatives and the president of the senate. Each	202288
investment expert member shall have the following qualifications:	202289
(1) Each member shall be a resident of this state.	202290
(2) Within the three years immediately preceding the	202291
appointment, each member shall not have been employed by the	202292
public employees retirement system, police and fire pension fund,	202293
state teachers retirement system, school employees retirement	202294
system, or state highway patrol retirement system or by any	202295

person, partnership, or corporation that has provided to one of 202296
those retirement systems services of a financial or investment 202297
nature, including the management, analysis, supervision, or 202298
investment of assets. 202299

(3) Each member shall have direct experience in the 202300
management, analysis, supervision, or investment of assets. 202301

Any investment expert member appointed to fill a vacancy 202302
occurring prior to the expiration of the term for which the 202303
member's predecessor was appointed shall hold office until the end 202304
of such term. The member shall continue in office subsequent to 202305
the expiration date of the member's term until the member's 202306
successor takes office, or until a period of sixty days has 202307
elapsed, whichever occurs first. 202308

(D) Five members, known as contributing members, who shall be 202309
members of the state teachers retirement system; 202310

(E) Two former members of the system, known as retired 202311
teacher members, who shall be superannuates who are not otherwise 202312
employed in positions requiring them to make contributions to the 202313
system. 202314

Sec. 3307.31. (A) Payments by boards of education and 202315
governing authorities of community schools to the state teachers 202316
retirement system, as provided in sections 3307.29 and 3307.291 of 202317
the Revised Code, shall be made from the amount allocated under 202318
Chapter 3317. of the Revised Code prior to its distribution to the 202319
individual school districts or community schools. The amount due 202320
from each school district or community school shall be certified 202321
by the secretary of the system to the ~~superintendent of public~~ 202322
~~instruction~~ department of education and workforce monthly, or at 202323
such times as may be determined by the state teachers retirement 202324
board. 202325

The ~~superintendent~~ department shall deduct, from the amount 202326
allocated to each district or community school under Chapter 3317. 202327
of the Revised Code, the entire amounts due to the system from 202328
such district or school upon the certification to the 202329
~~superintendent~~ department by the secretary thereof. 202330

The ~~superintendent~~ department shall certify to the director 202331
of budget and management the amounts thus due the system for 202332
payment. 202333

(B) Payments to the state teachers retirement system by a 202334
science, technology, engineering, and mathematics school shall be 202335
deducted from the amount allocated under section 3317.022 of the 202336
Revised Code and shall be made in the same manner as payments by 202337
boards of education under this section. 202338

Sec. 3309.011. "Employee" as defined in division (B) of 202339
section 3309.01 of the Revised Code, does not include any of the 202340
following: 202341

(A) Any person having a license or registration issued 202342
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 202343
employed in a public school in this state in an educational 202344
position, as determined by the ~~state board~~ department of education 202345
and workforce, under programs provided for by federal acts or 202346
regulations and financed in whole or in part from federal funds, 202347
but for which no licensure requirements for the position can be 202348
made under the provisions of such federal acts or regulations; 202349

(B) Any person who participates in an alternative retirement 202350
plan established under Chapter 3305. of the Revised Code; 202351

(C) Any person who elects to transfer from the school 202352
employees retirement system to the public employees retirement 202353
system under section 3309.312 of the Revised Code; 202354

(D) Any person whose full-time employment by the university 202355

of Akron as a state university law enforcement officer pursuant to 202356
section 3345.04 of the Revised Code commences on or after 202357
September 16, 1998; 202358

(E) Any person described in division (B) of section 3309.013 202359
of the Revised Code; 202360

(F) Any person described in division (D) of section 145.011 202361
of the Revised Code; 202362

(G) Any person described in division (B)(1)(b) of section 202363
3307.01 of the Revised Code. 202364

Sec. 3309.48. Any employee who left the service of an 202365
employer after attaining age sixty-five or over and such employer 202366
had failed or refused to deduct and transmit to the school 202367
employees retirement system the employee contributions as required 202368
by section 3309.47 of the Revised Code during any year for which 202369
membership was compulsory as determined by the school employees 202370
retirement board, shall be granted service credit without cost, 202371
which shall be considered as total service credit for the purposes 202372
of meeting the qualifications for service retirement provided by 202373
the law in effect on and retroactive to the first eligible 202374
retirement date following the date such employment terminated, but 202375
shall not be paid until formal application for such allowance on a 202376
form provided by the retirement board is received in the office of 202377
the retirement system. The total service credit granted under this 202378
section shall not exceed ten years for any such employee. 202379

The liability incurred by the retirement board because of the 202380
service credit granted under this section shall be determined by 202381
the retirement board, the cost of which shall be equal to an 202382
amount that is determined by applying the combined employee and 202383
employer rates of contribution against the compensation of such 202384
employee at the rates of contribution and maximum salary 202385
provisions in effect during such employment for each year for 202386

which credit is granted, together with interest at the rate to be 202387
credited accumulated contributions at retirement, compounded 202388
annually from the first day of the month payment was due the 202389
retirement system to and including the month of deposit, the total 202390
amount of which shall be collected from the employer. Such amounts 202391
shall be certified by the retirement board to the ~~superintendent~~ 202392
~~of public instruction, who~~ department of education and workforce, 202393
which shall deduct the amount due the system from any funds due 202394
the affected school district under Chapter 3317. of the Revised 202395
Code. The ~~superintendent~~ department shall certify to the director 202396
of budget and management the amount due the system for payment. 202397
The total amount paid shall be deposited into the employers' trust 202398
fund, and shall not be considered as accumulated contributions of 202399
the employee in the event of the employee's death or withdrawal of 202400
funds. 202401

Sec. 3309.491. (A) An actuary employed by the school 202402
employees retirement board shall annually determine the minimum 202403
annual compensation amount for each member that will be needed to 202404
fund the cost of providing future health care benefits under 202405
section 3309.69 of the Revised Code. The amount determined by the 202406
actuary under this division shall be approved by the board and 202407
shall be known as the "minimum compensation amount." 202408

(B)(1) The secretary of the school employees retirement board 202409
shall annually determine for each employer the "employer minimum 202410
compensation contribution." 202411

Subject to division (B)(2) of this section, the amount 202412
determined shall be the lesser of the following: 202413

(a) An amount equal to two per cent of the compensation of 202414
all members employed by the employer during the prior year; 202415

(b) The total of the amounts determined as follows for each 202416
member whose compensation for the prior year was less than the 202417

minimum compensation amount: 202418

(i) Subtract the member's compensation for the prior year 202419
from the minimum compensation amount; 202420

(ii) Multiply the remainder obtained under division 202421
(B)(1)(b)(i) of this section by one, or if the member earned less 202422
than a year's service credit for the prior year, by the same 202423
fraction as the fraction of a year's service credit credited to 202424
the member under section 3309.30 of the Revised Code; 202425

(iii) Multiply the product obtained under division 202426
(B)(1)(b)(ii) of this section by the employer contribution rate in 202427
effect for the year the service credit was earned. 202428

(2) If the total of the employer minimum contribution amounts 202429
determined under division (B)(1) of this section exceeds one and 202430
one-half per cent of the compensation of all members employed by 202431
employers required to pay the employer minimum compensation 202432
contribution, the school employees retirement board shall reduce 202433
the amount determined for each employer so that the total amount 202434
determined does not exceed one and one-half per cent of the 202435
compensation of all members employed by employers required to pay 202436
the employer minimum compensation contribution. Any reduction 202437
shall be applied to each employer in the same proportion as the 202438
employer's minimum compensation contribution bears to the total 202439
employer minimum compensation contribution. 202440

(C) The secretary shall annually certify to each employer the 202441
employer minimum compensation contribution determined under 202442
division (B) of this section. In addition to the employer 202443
contribution required by section 3309.49 of the Revised Code, each 202444
employer shall pay annually to the employers' trust fund the 202445
amount certified to the employer under this division. 202446

(D) Annually by the first day of August, the secretary shall 202447
submit to the ~~superintendent of public instruction~~ department of 202448

education and workforce a list of the payments made by each 202449
employer under this section during the preceding fiscal year. 202450

Sec. 3309.51. (A) Each employer shall pay into the employers' 202451
trust fund, monthly or at such times as the school employees 202452
retirement board requires, an amount certified by the school 202453
employees retirement board, which shall be as required by Chapter 202454
3309. of the Revised Code. 202455

Payments by school district boards of education to the 202456
employers' trust fund of the school employees retirement system 202457
may be made from the amounts allocated under Chapter 3317. of the 202458
Revised Code prior to their distribution to the individual school 202459
districts. The amount due from each school district may be 202460
certified by the secretary of the system to the ~~superintendent of~~ 202461
~~public instruction~~ department of education and workforce monthly, 202462
or at such times as is determined by the school employees 202463
retirement board. 202464

Payments by governing authorities of community schools to the 202465
employers' trust fund of the school employees retirement system 202466
shall be made from the amounts allocated under section 3317.022 of 202467
the Revised Code prior to their distribution to the individual 202468
community schools. The amount due from each community school shall 202469
be certified by the secretary of the system to the ~~superintendent~~ 202470
~~of public instruction~~ department monthly, or at such times as 202471
determined by the school employees retirement board. 202472

Payments by a science, technology, engineering, and 202473
mathematics school to the employers' trust fund of the school 202474
employees retirement system shall be made from the amounts 202475
allocated under section 3317.022 of the Revised Code prior to 202476
their distribution to the school. The amount due from a science, 202477
technology, engineering, and mathematics school shall be certified 202478
by the secretary of the school employees retirement system to the 202479

~~superintendent of public instruction~~ department monthly, or at 202480
such times as determined by the school employees retirement board. 202481

(B) The ~~superintendent~~ department shall deduct from the 202482
amount allocated to each community school, to each school 202483
district, or to each science, technology, engineering, and 202484
mathematics school under Chapter 3317. of the Revised Code the 202485
entire amounts due to the school employees retirement system from 202486
such school or school district upon the certification to the 202487
~~superintendent~~ department by the secretary thereof. 202488

(C) Where an employer fails or has failed or refuses to make 202489
payments to the employers' trust fund, as provided for under 202490
Chapter 3309. of the Revised Code, or fails to pay any penalty 202491
imposed under section 3309.571 of the Revised Code the secretary 202492
of the school employees retirement system may certify to the ~~state~~ 202493
~~superintendent of public instruction~~department, monthly or at such 202494
times as is determined by the school employees retirement board, 202495
the amount due from such employer, and the ~~superintendent~~ 202496
department shall deduct from the amount allocated to the employer 202497
under Chapter 3317. of the Revised Code, the entire amounts due to 202498
the system from the employer upon the certification to the 202499
~~superintendent~~ department by the secretary of the school employees 202500
retirement system. 202501

(D) The ~~superintendent~~ department shall certify to the 202502
director of budget and management the amounts thus due the system 202503
for payment. 202504

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of the 202505
Revised Code: 202506

(A) "Chartered nonpublic school" means a nonpublic school 202507
that holds a valid charter issued by the ~~state board~~ director of 202508
education and workforce under section 3301.16 of the Revised Code 202509
and meets the standards established for such schools in rules 202510

adopted by the ~~state board~~ director. 202511

(B) An "eligible student" is a student who satisfies the 202512
conditions specified in section 3310.03 or 3310.032 of the Revised 202513
Code. 202514

(C) "Parent" has the same meaning as in section 3313.98 of 202515
the Revised Code. 202516

(D) "Resident district" means the school district in which a 202517
student is entitled to attend school under section 3313.64 or 202518
3313.65 of the Revised Code. 202519

(E) "School year" has the same meaning as in section 3313.62 202520
of the Revised Code. 202521

Sec. 3310.02. The educational choice scholarship pilot 202522
program is hereby established. Under the program, the department 202523
of education and workforce annually shall pay scholarships to 202524
attend chartered nonpublic schools in accordance with section 202525
3317.022 of the Revised Code. 202526

Sec. 3310.03. For the 2021-2022 school year and each school 202527
year thereafter, subject to division (G) of this section, a 202528
student is an "eligible student" for purposes of the educational 202529
choice scholarship pilot program if the student's resident 202530
district is not a school district in which the pilot project 202531
scholarship program is operating under sections 3313.974 to 202532
3313.979 of the Revised Code, the student satisfies one of the 202533
conditions in division (A), (B), or (C) of this section, and the 202534
student maintains eligibility to receive a scholarship under 202535
division (D) of this section. 202536

However, any student who received a scholarship for the 202537
2020-2021 school year under this section, as it existed prior to 202538
March 2, 2021, shall continue to receive that scholarship until 202539
the student completes grade twelve, as long as the student 202540

maintains eligibility to receive a scholarship under division (D) 202541
of this section. 202542

(A)(1) A student is eligible for a scholarship if the student 202543
is enrolled in a school building operated by the student's 202544
resident district and to which both of the following apply: 202545

(a) The building was ranked in the lowest twenty per cent of 202546
all buildings operated by city, local, and exempted village school 202547
districts according to performance index score as determined by 202548
the department of education and workforce, as follows: 202549

(i) For a scholarship sought for the 2021-2022 or 2022-2023 202550
school year, the building was ranked in the lowest twenty per cent 202551
of buildings for each of the 2017-2018 and 2018-2019 school years. 202552

(ii) For a scholarship sought for the 2023-2024 school year, 202553
the building was ranked in the lowest twenty per cent of buildings 202554
for each of the 2018-2019 and 2021-2022 school years. 202555

(iii) For a scholarship sought for the 2024-2025 school year, 202556
the building was ranked in the lowest twenty per cent of buildings 202557
for each of the 2021-2022 and 2022-2023 school years. 202558

(iv) For a scholarship sought for the 2025-2026 school year 202559
or any school year thereafter, the building was ranked in the 202560
lowest twenty per cent of buildings for at least two of the three 202561
most recent consecutive rankings issued prior to the first day of 202562
July of the school year for which a scholarship is sought. 202563

(b) The building is operated by a school district in which, 202564
for the three consecutive school years prior to the school year 202565
for which a scholarship is sought, an average of twenty per cent 202566
or more of the students entitled to attend school in the district, 202567
under section 3313.64 or 3313.65 of the Revised Code, were 202568
qualified to be included in the formula to distribute funds under 202569
Title I of the "Elementary and Secondary Education Act of 1965," 202570
20 U.S.C. 6301 et seq. 202571

When ranking school buildings under division (A)(1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code.

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section.

(3) A student is eligible for a scholarship if the student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) A student is eligible for a scholarship if the student was enrolled in a public or nonpublic school or was homeschooled in the prior school year and completed any of grades eight through eleven in that school year and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which

the scholarship is sought. 202604

(B) A student is eligible for a scholarship if the student is 202605
enrolled in a nonpublic school at the time the school is granted a 202606
charter by the ~~state board~~ director of education and workforce 202607
under section 3301.16 of the Revised Code and the student meets 202608
the standards of division (B) of section 3310.031 of the Revised 202609
Code. 202610

(C) A student is eligible for a scholarship if the student's 202611
resident district is subject to section 3302.10 of the Revised 202612
Code and the student either: 202613

(1) Is enrolled in a school building operated by the resident 202614
district or in a community school established under Chapter 3314. 202615
of the Revised Code; 202616

(2) Will be both enrolling in any of grades kindergarten 202617
through twelve in this state for the first time and at least five 202618
years of age by the first day of January of the school year for 202619
which a scholarship is sought. 202620

(D) A student who receives a scholarship under the 202621
educational choice scholarship pilot program remains an eligible 202622
student and may continue to receive scholarships in subsequent 202623
school years until the student completes grade twelve, so long as 202624
all of the following apply: 202625

(1) The student's resident district remains the same, or the 202626
student transfers to a new resident district and otherwise would 202627
be assigned in the new resident district to a school building 202628
described in division (A)(1) or (C) of this section. 202629

(2) The student takes each assessment prescribed for the 202630
student's grade level under section 3301.0710, 3301.0712, or 202631
3313.619 of the Revised Code while enrolled in a chartered 202632
nonpublic school, unless one of the following applies to the 202633
student: 202634

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 202635
202636
202637

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code. 202638
202639
202640

(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code. 202641
202642
202643

(d) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code. 202644
202645
202646
202647

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences. 202648
202649
202650
202651

(E)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (5) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. 202652
202653
202654
202655
202656
202657

(2) The department shall cease awarding first-time scholarships pursuant to division (C) of this section with respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist. 202658
202659
202660
202661
202662

(3) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (D) of this section. 202663
202664
202665

(F) The ~~state board of education~~ department shall adopt rules 202666
defining excused absences for purposes of division (D)(3) of this 202667
section. 202668

(G) Notwithstanding anything to the contrary in this section 202669
or section 3310.031 of the Revised Code, a student shall not be 202670
required to be enrolled or enrolling in a school building operated 202671
by the student's resident district or a community school in order 202672
to be eligible for a scholarship, as follows: 202673

(1) For a scholarship sought for the 2021-2022 school year, a 202674
student entering any of grades kindergarten through two; 202675

(2) For a scholarship sought for the 2022-2023 school year, a 202676
student entering any of grades kindergarten through four; 202677

(3) For a scholarship sought for the 2023-2024 school year, a 202678
student entering any of grades kindergarten through six; 202679

(4) For a scholarship sought for the 2024-2025 school year, a 202680
student entering any of grades kindergarten through eight; 202681

(5) For a scholarship sought for the 2025-2026 school year, 202682
and each school year thereafter, a student entering any of grades 202683
kindergarten through twelve. 202684

Sec. 3310.031. (A) The ~~state board~~ department of education 202685
and workforce shall adopt rules under section 3310.17 of the 202686
Revised Code establishing procedures for granting educational 202687
choice scholarships to eligible students attending a nonpublic 202688
school at the time the ~~state board~~ director of education and 202689
workforce grants the school a charter under section 3301.16 of the 202690
Revised Code. The procedures shall include at least the following: 202691

(1) Provisions for extending the application period for 202692
scholarships for the following school year, if necessary due to 202693
the timing of the award of the nonpublic school's charter, in 202694
order for students enrolled in the school at the time the charter 202695

is granted to apply for scholarships for the following school year; 202696
202697

(2) Provisions for notifying the resident districts of the nonpublic school's students that the nonpublic school has been granted a charter and that educational choice scholarships may be awarded to the school's students for the following school year. 202698
202699
202700
202701

(B) A student who is enrolled in a nonpublic school at the time the school's charter is granted is an eligible student if either of the following applies: 202702
202703
202704

~~(1) For a scholarship sought for the 2020-2021 school year, the student satisfies division (B) of this section as it existed prior to the effective date of this amendment and any related condition prescribed by section 3310.03 of the Revised Code, as it existed prior to the effective date of this amendment.~~ 202705
202706
202707
202708
202709

~~(2) For a scholarship sought for the 2021-2022 school year or any school year thereafter,~~ the student satisfies any of the following conditions: 202710
202711
202712

~~(a)~~ (1) At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and, for the current or following school year, the student otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of section 3310.03 of the Revised Code. 202713
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~~(b)~~ (2) The student was not enrolled in any public or other nonpublic school before the student enrolled in the nonpublic school and, for the current or following school year, otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of section 3310.03 of the Revised Code. 202721
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~~(e)~~ (3) At the end of the last school year before the student 202727
enrolled in the nonpublic school, the student was enrolled in a 202728
school building operated by the student's resident district and, 202729
during that school year, the building met the conditions described 202730
in division (A)(1) of section 3310.03 of the Revised Code. 202731

~~(d)~~ (4) At the end of the last school year before the student 202732
enrolled in the nonpublic school, the student was enrolled in a 202733
community school established under Chapter 3314. of the Revised 202734
Code but otherwise would have been assigned under section 3319.01 202735
of the Revised Code to a school building that, during that school 202736
year, met the conditions described in division (A)(1) of section 202737
3310.03 of the Revised Code. 202738

Sec. 3310.032. (A) A student is an "eligible student" for 202739
purposes of the expansion of the educational choice scholarship 202740
pilot program under this section if the student's resident 202741
district is not a school district in which the pilot project 202742
scholarship program is operating under sections 3313.974 to 202743
3313.979 of the Revised Code, the student is not eligible for an 202744
educational choice scholarship under section 3310.03 of the 202745
Revised Code, and either of the following apply: 202746

(1) The student's family income is at or below two hundred 202747
fifty per cent of the federal poverty guidelines, as defined in 202748
section 5101.46 of the Revised Code, when the student applies for 202749
a scholarship under this section. 202750

(2) The student's sibling, as defined in section 3310.033 of 202751
the Revised Code, receives a scholarship under this section for at 202752
least one of the following: 202753

(a) For the school year immediately prior to the school year 202754
for which the student is seeking a scholarship; 202755

(b) For the school year for which the student is seeking a 202756

scholarship. 202757

(B) In each fiscal year for which the general assembly 202758
appropriates funds for purposes of this section, the department of 202759
education and workforce shall pay scholarships to attend chartered 202760
nonpublic schools in accordance with section 3317.022 of the 202761
Revised Code. The number of scholarships awarded under this 202762
section shall not exceed the number that can be funded for that 202763
school year as authorized by the general assembly. 202764

(C) Scholarships under this section shall be awarded as 202765
follows: 202766

(1) For the 2013-2014 school year, to eligible students who 202767
are entering kindergarten in that school year for the first time; 202768

(2) For each subsequent school year through the 2019-2020 202769
school year, scholarships shall be awarded to eligible students in 202770
the next grade level above the highest grade level awarded in the 202771
preceding school year, in addition to the grade levels for which 202772
students received scholarships in the preceding school year; 202773

(3) Beginning with the 2020-2021 school year, to eligible 202774
students who are entering any of grades kindergarten through 202775
twelve in that school year for the first time. 202776

(D) If the number of eligible students who apply for a 202777
scholarship under this section exceeds the scholarships available 202778
based on the appropriation for this section, the department shall 202779
award scholarships in the following order of priority: 202780

(1) First, to eligible students who received scholarships 202781
under this section in the prior school year; 202782

(2) Second, to eligible students with family incomes at or 202783
below one hundred per cent of the federal poverty guidelines. If 202784
the number of students described in division (D)(2) of this 202785
section who apply for a scholarship exceeds the number of 202786

available scholarships after awards are made under division (D)(1) 202787
of this section, the department shall select students described in 202788
division (D)(2) of this section by lot to receive any remaining 202789
scholarships. 202790

(3) Third, to other eligible students who qualify under this 202791
section. If the number of students described in division (D)(3) of 202792
this section exceeds the number of available scholarships after 202793
awards are made under divisions (D)(1) and (2) of this section, 202794
the department shall select students described in division (D)(3) 202795
of this section by lot to receive any remaining scholarships. 202796

(E) A student who receives a scholarship under this section 202797
remains an eligible student and may continue to receive 202798
scholarships under this section in subsequent school years until 202799
the student completes grade twelve, so long as the student 202800
satisfies the conditions specified in divisions (D)(2) and (3) of 202801
section 3310.03 of the Revised Code. 202802

Once a scholarship is awarded under this section, the student 202803
shall remain eligible for that scholarship for the current school 202804
year and subsequent school years even if the student's family 202805
income rises above the amount specified in division (A) of this 202806
section, provided the student remains enrolled in a chartered 202807
nonpublic school. 202808

Sec. 3310.033. (A) As used in this section: 202809

(1) "Foster child" means a child placed with a foster 202810
caregiver, as defined in section 5103.02 of the Revised Code. 202811

(2) "Qualifying student" means a student who is not entitled 202812
to attend school under section 3313.64 or 3313.65 of the Revised 202813
Code in a school district in which the pilot project scholarship 202814
program is operating under sections 3313.974 to 3313.979 of the 202815
Revised Code. 202816

(3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.	202817 202818
(4) "Sibling" means any of the following:	202819
(a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption;	202820 202821
(b) A cousin by birth, marriage, or adoption who is residing in the same household;	202822 202823
(c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family;	202824 202825 202826
(d) A child residing in the same household who is placed with a guardian or legal custodian;	202827 202828
(e) A child who is residing in the same household and is being cared for by a kinship caregiver;	202829 202830
(f) Any other child under eighteen years of age who has resided in the same household for at least forty-five consecutive days within the last calendar year.	202831 202832 202833
(5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place. "Caretaker" also means another responsible adult who has care of the child and in whose household the child resides and, if not for residing in that household, the child would be homeless or likely to be homeless.	202834 202835 202836 202837 202838
(B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student shall be eligible for an educational choice scholarship under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section, if any of the following apply:	202839 202840 202841 202842 202843 202844
(1) The student's sibling received an educational choice scholarship under section 3310.03 of the Revised Code for the	202845 202846

school year immediately prior to the school year for which the student is seeking a scholarship;	202847 202848
(2) The student is a foster child;	202849
(3) The student is a child placed with a guardian, legal custodian, or kinship caregiver;	202850 202851
(4) The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least forty-five consecutive days within the last calendar year;	202852 202853 202854 202855
(5) The student is not a foster child, but resides in a home that has received certification under section 5103.03 of the Revised Code;	202856 202857 202858
(6) The student satisfies all of the following conditions:	202859
(a) The student is not a foster child or a student described in division (B)(4) of this section.	202860 202861
(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.	202862 202863 202864 202865 202866
(c) The student's parent or guardian resides in this state.	202867
(7) The student is not a child described in division (B)(6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.	202868 202869 202870 202871
(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D)(2) and (3) of	202872 202873 202874 202875 202876

section 3310.03 of the Revised Code. 202877

(D) The department of education and workforce may request any 202878
individual applying for a scholarship under this section on behalf 202879
of a qualifying student to provide appropriate documentation, as 202880
defined by the department, that the student meets the eligibility 202881
qualifications prescribed under this section. In the case of a 202882
student who qualifies under division (B)(6) of this section, such 202883
documentation shall be provided by the student's parent, guardian, 202884
or caretaker. 202885

Sec. 3310.036. If a student is eligible for an educational 202886
choice scholarship under section 3310.03 of the Revised Code for a 202887
school year as of the first day of February prior to that school 202888
year, that student's eligibility for a scholarship for that school 202889
year shall not change solely because, after the first day of 202890
February, the department of education and workforce changes the 202891
internal retrieval number of the school building in which the 202892
student is enrolled or would otherwise be assigned. 202893

Sec. 3310.07. (A) Any parent, or any student who is at least 202894
eighteen years of age, who is seeking a scholarship under the 202895
educational choice scholarship pilot program shall notify the 202896
department of education and workforce of the student's and 202897
parent's names and address, the chartered nonpublic school in 202898
which the student has been accepted for enrollment, and the 202899
tuition charged by the school. 202900

(B) Not later than February 1, 2022, the department shall 202901
establish a system under which any parent, or any student who is 202902
at least eighteen years of age, may provide the department with a 202903
student's address and, not later than ten days after receiving the 202904
address, the department shall notify the parent, or student, using 202905
regular mail or electronic mail whether the student is eligible 202906

for an educational choice scholarship under section 3310.03 of the Revised Code. The student's resident district shall not be permitted to object to a student's eligibility for an educational choice scholarship under that section if the department's system determines the student is eligible.

For the purposes of division (B) of this section, not later than the first day of January of each year, each school district that has a school building described in division (A)(1) or (C) of section 3310.03 of the Revised Code shall submit to the department, in the manner prescribed by the department, the attendance zone for students assigned to that building.

Sec. 3310.11. (A) Only for the purpose of administering the educational choice scholarship pilot program, the department of education and workforce may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(1) The student's resident district;

(2) If applicable, the community school in which that student is enrolled;

(3) The independent contractor engaged to create and maintain student data verification codes.

(B) Upon a request by the department under division (A) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a

code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to that student.

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The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

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(C) For the purpose of administering the applicable assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code, as required by section 3310.14 of the Revised Code, the department shall provide to each chartered nonpublic school that enrolls a scholarship student the data verification code for that student.

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(D) The department and each chartered nonpublic school that receives a data verification code under this section shall not release that code to any person except as provided by law.

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Any document relative to this program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

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Sec. 3310.13. (A) No chartered nonpublic school shall charge any student whose family income is at or below two hundred percent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, a tuition fee that is greater than the total amount paid for that student under section 3317.022 of the Revised Code.

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(B) A chartered nonpublic school may charge any other student

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who is paid a scholarship under that section up to the difference 202967
between the amount of the scholarship and the regular tuition 202968
charge of the school. Each chartered nonpublic school may permit 202969
such an eligible student's family to provide volunteer services in 202970
lieu of cash payment to pay all or part of the amount of the 202971
school's tuition not covered by the scholarship paid under section 202972
3317.022 of the Revised Code. 202973

(C) Each chartered nonpublic school that charges a 202974
scholarship student an additional amount as authorized under 202975
division (B) of this section shall annually report to the 202976
department of education and workforce in the manner prescribed by 202977
the department the following: 202978

(1) The number of students charged; 202979

(2) The average of the amounts charged to such students. 202980

Sec. 3310.14. (A) Except as provided in division (B) of this 202981
section, each chartered nonpublic school that is not subject to 202982
division (K)(1) of section 3301.0711 of the Revised Code and 202983
enrolls students awarded scholarships under sections 3310.01 to 202984
3310.17 of the Revised Code annually shall administer the 202985
assessments prescribed by section 3301.0710, 3301.0712, or 202986
3313.619 of the Revised Code, as applicable, to each scholarship 202987
student enrolled in the school in accordance with section 202988
3301.0711 of the Revised Code. Each chartered nonpublic school 202989
that is subject to this section shall report to the department of 202990
education and workforce the results of each assessment 202991
administered to each scholarship student under this section. 202992

Nothing in this section requires a chartered nonpublic school 202993
to administer any achievement assessment, except for an Ohio 202994
graduation test prescribed by division (B)(1) of section 3301.0710 202995
or the college and work ready assessment system prescribed by 202996
division (B) of section 3301.0712 of the Revised Code to any 202997

student enrolled in the school who is not a scholarship student. 202998

(B) A chartered nonpublic school that meets the conditions 202999
specified in division (K)(2) of section 3301.0711 of the Revised 203000
Code shall not be required to administer the elementary 203001
assessments prescribed by division (A) of section 3301.0710 of the 203002
Revised Code. 203003

Sec. 3310.15. (A) The department of education and workforce 203004
annually shall compile the scores attained by scholarship students 203005
to whom an assessment is administered under section 3310.14 of the 203006
Revised Code. The scores shall be aggregated as follows: 203007

(1) By state, which shall include all students awarded a 203008
scholarship under the educational choice scholarship pilot program 203009
and who were required to take an assessment under section 3310.14 203010
of the Revised Code; 203011

(2) By school district, which shall include all scholarship 203012
students who were required to take an assessment under section 203013
3310.14 of the Revised Code and for whom the district is the 203014
student's resident district; 203015

(3) By chartered nonpublic school, which shall include all 203016
scholarship students enrolled in that school who were required to 203017
take an assessment under section 3310.14 of the Revised Code. 203018

(B) The department shall disaggregate the student performance 203019
data described in division (A) of this section according to the 203020
following categories: 203021

(1) Grade level; 203022

(2) Race and ethnicity; 203023

(3) Gender; 203024

(4) Students who have participated in the scholarship program 203025
for three or more years; 203026

(5) Students who have participated in the scholarship program 203027
for more than one year and less than three years; 203028

(6) Students who have participated in the scholarship program 203029
for one year or less; 203030

(7) Economically disadvantaged students. 203031

(C) The department shall post the student performance data 203032
required under divisions (A) and (B) of this section on its web 203033
site and, by the first day of February each year, shall distribute 203034
that data to the parent of each eligible student. In reporting 203035
student performance data under this division, the department shall 203036
not include any data that is statistically unreliable or that 203037
could result in the identification of individual students. For 203038
this purpose, the department shall not report performance data for 203039
any group that contains less than ten students. 203040

(D) The department shall provide the parent of each 203041
scholarship student with information comparing the student's 203042
performance on the assessments administered under section 3310.14 203043
of the Revised Code with the average performance of similar 203044
students enrolled in the building operated by the student's 203045
resident district that the scholarship student would otherwise 203046
attend. In calculating the performance of similar students, the 203047
department shall consider age, grade, race and ethnicity, gender, 203048
and socioeconomic status. 203049

Sec. 3310.16. (A) For the 2020-2021 school year and each 203050
school year thereafter, the department of education and workforce 203051
shall accept, process, and award scholarships each year for the 203052
educational choice scholarship pilot program under sections 203053
3310.03 and 3310.032 of the Revised Code, as follows: 203054

(1) The application period shall open on the first day of 203055
February prior to the first day of July of the school year for 203056

which a scholarship is sought. Not later than forty-five days 203057
after an applicant submits to the department of education and 203058
workforce a completed application, the department ~~of education~~ 203059
shall determine whether that applicant is eligible for a 203060
scholarship and notify the applicant whether or not the applicant 203061
is eligible. The department ~~of education~~ shall award a scholarship 203062
to each student with an approved application. However, for any 203063
application submitted after the beginning of the school year, the 203064
department ~~of education~~ shall prorate the amount of the awarded 203065
scholarship based on how much of the school year remains. 203066

(2) In each school year, the department ~~of education~~ shall 203067
accept applications for conditional approval of a scholarship 203068
sought for that year or the next school year. Not later than five 203069
days after receiving an application under this division, the 203070
department ~~of education~~ shall grant conditional approval to an 203071
applicant who is eligible for a scholarship and notify the 203072
applicant whether or not conditional approval is granted. 203073

(B) If the department determines an application submitted 203074
under this section contains an error or deficiency, the department 203075
shall notify the applicant who submitted that application not 203076
later than fourteen days after the application is submitted. 203077

(C) The departments of education and workforce, job and 203078
family services, and taxation shall enter into a data sharing 203079
agreement so that, in administering this section, the department 203080
of education and workforce shall be able to determine, based on 203081
the address provided in a student's application, whether that 203082
student is eligible for an educational choice scholarship under 203083
section 3310.03 of the Revised Code and whether the student meets 203084
the residency requirements for an educational choice scholarship 203085
under section 3310.032 of the Revised Code. 203086

(D) No city, local, or exempted village school district shall 203087
have access to an application submitted under this section. 203088

Sec. 3310.17. (A) The ~~state board~~ department of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the administration of the educational choice scholarship pilot program.

(B) The ~~state board and the~~ department of education shall not require chartered nonpublic schools to comply with any education laws or rules or other requirements that are not specified in sections 3310.01 to 3310.17 of the Revised Code or in rules necessary for the administration of the program, adopted under division (A) of this section, and that otherwise would not apply to a chartered nonpublic school.

Sec. 3310.41. (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:

(a) A school district that is not the school district in which the child is entitled to attend school;

(b) A public entity other than a school district.

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

(3) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.

(5) "Parent" has the same meaning as in section 3313.64 of

the Revised Code, except that "parent" does not mean a parent 203118
whose custodial rights have been terminated. "Parent" also 203119
includes the custodian of a qualified special education child, 203120
when a court has granted temporary, legal, or permanent custody of 203121
the child to an individual other than either of the natural or 203122
adoptive parents of the child or to a government agency. 203123

(6) "Qualified special education child" is a child for whom 203124
all of the following conditions apply: 203125

(a) The school district in which the child is entitled to 203126
attend school has identified the child as autistic. A child who 203127
has been identified as having a "pervasive developmental disorder 203128
- not otherwise specified (PPD-NOS)" shall be considered to be an 203129
autistic child for purposes of this section. 203130

(b) The school district in which the child is entitled to 203131
attend school has developed an individualized education program 203132
under Chapter 3323. of the Revised Code for the child. 203133

(c) The child either: 203134

(i) Was enrolled in the school district in which the child is 203135
entitled to attend school in any grade from preschool through 203136
twelve in the school year prior to the year in which a scholarship 203137
under this section is first sought for the child; or 203138

(ii) Is eligible to enter school in any grade preschool 203139
through twelve in the school district in which the child is 203140
entitled to attend school in the school year in which a 203141
scholarship under this section is first sought for the child. 203142

(7) "Registered private provider" means a nonpublic school or 203143
other nonpublic entity that has been approved by the department of 203144
education and workforce to participate in the program established 203145
under this section. 203146

(8) "Special education program" means a school or facility 203147

that provides special education and related services to children 203148
with disabilities. 203149

(B) There is hereby established the autism scholarship 203150
program. Under the program, the department ~~of education~~ shall pay 203151
a scholarship under section 3317.022 of the Revised Code to the 203152
parent of each qualified special education child upon application 203153
of that parent pursuant to procedures and deadlines established by 203154
rule of the ~~state board of education~~ department. Each scholarship 203155
shall be used only to pay tuition for the child on whose behalf 203156
the scholarship is awarded to attend a special education program 203157
that implements the child's individualized education program and 203158
that is operated by an alternative public provider or by a 203159
registered private provider, and to pay for other services agreed 203160
to by the provider and the parent of a qualified special education 203161
child that are not included in the individualized education 203162
program but are associated with educating the child. Upon 203163
agreement with the parent of a qualified special education child, 203164
the alternative public provider or the registered private provider 203165
may modify the services provided to the child. The purpose of the 203166
scholarship is to permit the parent of a qualified special 203167
education child the choice to send the child to a special 203168
education program, instead of the one operated by or for the 203169
school district in which the child is entitled to attend school, 203170
to receive the services prescribed in the child's individualized 203171
education program once the individualized education program is 203172
finalized and any other services agreed to by the provider and the 203173
parent of a qualified special education child. The services 203174
provided under the scholarship shall include an educational 203175
component or services designed to assist the child to benefit from 203176
the child's education. 203177

A scholarship under this section shall not be awarded to the 203178
parent of a child while the child's individualized education 203179

program is being developed by the school district in which the 203180
child is entitled to attend school, or while any administrative or 203181
judicial mediation or proceedings with respect to the content of 203182
the child's individualized education program are pending. A 203183
scholarship under this section shall not be used for a child to 203184
attend a public special education program that operates under a 203185
contract, compact, or other bilateral agreement between the school 203186
district in which the child is entitled to attend school and 203187
another school district or other public provider, or for a child 203188
to attend a community school established under Chapter 3314. of 203189
the Revised Code. However, nothing in this section or in any rule 203190
adopted by the ~~state board~~ department shall prohibit a parent 203191
whose child attends a public special education program under a 203192
contract, compact, or other bilateral agreement, or a parent whose 203193
child attends a community school, from applying for and accepting 203194
a scholarship under this section so that the parent may withdraw 203195
the child from that program or community school and use the 203196
scholarship for the child to attend a special education program 203197
for which the parent is required to pay for services for the 203198
child. 203199

Except for development of the child's individualized 203200
education program, the school district in which a qualified 203201
special education child is entitled to attend school and the 203202
child's school district of residence, as defined in section 203203
3323.01 of the Revised Code, if different, are not obligated to 203204
provide the child with a free appropriate public education under 203205
Chapter 3323. of the Revised Code for as long as the child 203206
continues to attend the special education program operated by 203207
either an alternative public provider or a registered private 203208
provider for which a scholarship is awarded under the autism 203209
scholarship program. If at any time, the eligible applicant for 203210
the child decides no longer to accept scholarship payments and 203211
enrolls the child in the special education program of the school 203212

district in which the child is entitled to attend school, that 203213
district shall provide the child with a free appropriate public 203214
education under Chapter 3323. of the Revised Code. 203215

A child attending a special education program with a 203216
scholarship under this section shall continue to be entitled to 203217
transportation to and from that program in the manner prescribed 203218
by law. 203219

(C) As prescribed in division (A)(2)(h) of section 3317.03 of 203220
the Revised Code, a child who is not a preschool child with a 203221
disability for whom a scholarship is awarded under this section 203222
shall be counted in the formula ADM of the district in which the 203223
child is entitled to attend school and not in the formula ADM of 203224
any other school district. 203225

(D) A scholarship shall not be paid under section 3317.022 of 203226
the Revised Code to a parent for payment of tuition owed to a 203227
nonpublic entity unless that entity is a registered private 203228
provider. The department shall approve entities that meet the 203229
standards established by rule of the ~~state board~~ department for 203230
the program established under this section. 203231

(E) The ~~state board~~ department shall adopt rules under 203232
Chapter 119. of the Revised Code prescribing procedures necessary 203233
to implement this section, including, but not limited to, 203234
procedures and deadlines for parents to apply for scholarships, 203235
standards for registered private providers, and procedures for 203236
approval of entities as registered private providers. 203237

The rules also shall specify that intervention services under 203238
the autism scholarship program may be provided by a qualified, 203239
credentialed provider, including, but not limited to, all of the 203240
following: 203241

(1) A behavior analyst certified by a nationally recognized 203242
organization that certifies behavior analysts; 203243

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code; 203244
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(3) An independent school psychologist or school psychologist licensed to practice in this state under Chapter 4732. of the Revised Code; 203246
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(4) Any person employed by a licensed psychologist, licensed independent school psychologist, or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status; 203249
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(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the ~~state board~~ department; 203257
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(6) Any other qualified individual as determined by the ~~state board~~ department. 203260
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(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program. 203262
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Sec. 3310.411. Any registered private provider approved to participate in the autism scholarship program and any of its employees shall be subject to a criminal records check as specified in sections 109.57 and 109.572 of the Revised Code. The registered private provider shall submit the results of any records checks to the department of education and workforce. The department shall use the information submitted to enroll the 203267
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individual for whom a records check is completed in the retained 203274
applicant fingerprint database, established under section 109.5721 203275
of the Revised Code, in the same manner as any teacher licensed 203276
under sections 3319.22 to 3319.31 of the Revised Code. 203277

Sec. 3310.42. (A) Only for the purpose of administering the 203278
autism scholarship program, the department of education and 203279
workforce may request from any of the following entities the data 203280
verification code assigned under division (D)(2) of section 203281
3301.0714 of the Revised Code to any child who is seeking a 203282
scholarship under the program: 203283

(1) The school district in which the child is entitled to 203284
attend school; 203285

(2) If applicable, the community school in which the child is 203286
enrolled; 203287

(3) The independent contractor engaged to create and maintain 203288
data verification codes. 203289

(B) Upon a request by the department under division (A) of 203290
this section for the data verification code of a child seeking a 203291
scholarship or a request by the child's parent for that code, the 203292
school district or community school shall submit that code to the 203293
department or parent in the manner specified by the department. If 203294
the child has not been assigned a code, because the child will be 203295
entering preschool or kindergarten during the school year for 203296
which the scholarship is sought, the district shall assign a code 203297
to that child and submit the code to the department or parent by a 203298
date specified by the department. If the district does not assign 203299
a code to the child by the specified date, the department shall 203300
assign a code to the child. 203301

The department annually shall submit to each school district 203302
the name and data verification code of each child residing in the 203303

district who is entering preschool or kindergarten, who has been 203304
awarded a scholarship under the program, and for whom the 203305
department has assigned a code under this division. 203306

(C) The department shall not release any data verification 203307
code that it receives under this section to any person except as 203308
provided by law. 203309

(D) Any document relative to the autism scholarship program 203310
that the department holds in its files that contains both a 203311
child's name or other personally identifiable information and the 203312
child's data verification code shall not be a public record under 203313
section 149.43 of the Revised Code. 203314

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 203315
Revised Code: 203316

(A) "Alternative public provider" means either of the 203317
following providers that agrees to enroll a child in the 203318
provider's special education program to implement the child's 203319
individualized education program and to which the eligible 203320
applicant owes fees for the services provided to the child: 203321

(1) A school district that is not the school district in 203322
which the child is entitled to attend school or the child's school 203323
district of residence, if different; 203324

(2) A public entity other than a school district. 203325

(B) "Child with a disability" and "individualized education 203326
program" have the same meanings as in section 3323.01 of the 203327
Revised Code. 203328

(C) "Eligible applicant" means any of the following: 203329

(1) Either of the natural or adoptive parents of a qualified 203330
special education child, except as otherwise specified in this 203331
division. When the marriage of the natural or adoptive parents of 203332
the student has been terminated by a divorce, dissolution of 203333

marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.

(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;

(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

(E) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(F) "Qualified special education child" is a child for whom	203365
all of the following conditions apply:	203366
(1) The child is at least five years of age and less than	203367
twenty-two years of age.	203368
(2) The school district in which the child is entitled to	203369
attend school, or the child's school district of residence if	203370
different, has identified the child as a child with a disability.	203371
(3) The school district in which the child is entitled to	203372
attend school, or the child's school district of residence if	203373
different, has developed an individualized education program under	203374
Chapter 3323. of the Revised Code for the child.	203375
(4) The child either:	203376
(a) Was enrolled in the schools of the school district in	203377
which the child is entitled to attend school in any grade from	203378
kindergarten through twelve in the school year prior to the school	203379
year in which a scholarship is first sought for the child;	203380
(b) Is eligible to enter school in any grade kindergarten	203381
through twelve in the school district in which the child is	203382
entitled to attend school in the school year in which a	203383
scholarship is first sought for the child.	203384
(5) The department of education <u>and workforce</u> has not	203385
approved a scholarship for the child under the educational choice	203386
scholarship pilot program, under sections 3310.01 to 3310.17 of	203387
the Revised Code, the autism scholarship program, under section	203388
3310.41 of the Revised Code, or the pilot project scholarship	203389
program, under sections 3313.974 to 3313.979 of the Revised Code	203390
for the same school year in which a scholarship under the Jon	203391
Peterson special needs scholarship program is sought.	203392
(6) The child and the child's parents are in compliance with	203393
the state compulsory attendance law under Chapter 3321. of the	203394

Revised Code. 203395

(G) "Registered private provider" means a nonpublic school or 203396
other nonpublic entity that has been registered by the 203397
superintendent of public instruction under section 3310.58 of the 203398
Revised Code prior to the effective date of this amendment or the 203399
department of education and workforce on or after that date. 203400

(H) "Scholarship" means a scholarship awarded under the Jon 203401
Peterson special needs scholarship program pursuant to sections 203402
3310.51 to 3310.64 of the Revised Code. 203403

(I) "School district of residence" has the same meaning as in 203404
section 3323.01 of the Revised Code. A community school 203405
established under Chapter 3314. of the Revised Code is not a 203406
"school district of residence" for purposes of sections 3310.51 to 203407
3310.64 of the Revised Code. 203408

(J) "School year" has the same meaning as in section 3313.62 203409
of the Revised Code. 203410

(K) "Special education program" means a school or facility 203411
that provides special education and related services to children 203412
with disabilities. 203413

Sec. 3310.52. (A) The Jon Peterson special needs scholarship 203414
program is hereby established. Under the program, beginning with 203415
the 2012-2013 school year, subject to division (B) of this 203416
section, the department of education and workforce annually shall 203417
pay a scholarship under section 3317.022 of the Revised Code to an 203418
eligible applicant for services provided by an alternative public 203419
provider or a registered private provider for a qualified special 203420
education child. The scholarship shall be used only to pay all or 203421
part of the fees for the child to attend the special education 203422
program operated by the alternative public provider or registered 203423
private provider to implement the child's individualized education 203424

program, in lieu of the child's attending the special education 203425
program operated by the school district in which the child is 203426
entitled to attend school, and other services agreed to by the 203427
provider and eligible applicant that are not included in the 203428
individualized education program but are associated with educating 203429
the child. Beginning in the 2014-2015 school year, if the child is 203430
receiving special education services for a disability specified in 203431
division (A) of section 3317.013 of the Revised Code, the 203432
scholarship shall be used only to pay for related services that 203433
are included in the child's individualized education program. Upon 203434
agreement with the eligible applicant, the alternative public 203435
provider or registered private provider may modify the services 203436
provided to the child. 203437

(B) The number of scholarships awarded under the program in 203438
any fiscal year shall not exceed five per cent of the total number 203439
of students residing in the state identified as children with 203440
disabilities during the previous fiscal year. 203441

(C) The department shall pay a scholarship under section 203442
3317.022 of the Revised Code to the parent of each qualified 203443
special education child, unless the parent authorizes a direct 203444
payment to the child's provider, upon application of that parent 203445
in the manner prescribed by the department. However, the 203446
department shall not adopt specific dates for application 203447
deadlines for scholarships under the program. 203448

Sec. 3310.521. (A) As a condition of receiving payments for a 203449
scholarship, each eligible applicant shall attest to receipt of 203450
the profile prescribed by division (B) of this section. Such 203451
attestation shall be made and submitted to the department of 203452
education and workforce in the form and manner as required by the 203453
department. 203454

(B) The alternative public provider or registered private 203455

provider that enrolls a qualified special education child shall 203456
submit in writing to the eligible applicant to whom a scholarship 203457
is awarded on behalf of that child a profile of the provider's 203458
special education program, in a form as prescribed by the 203459
department, that shall contain the following: 203460

(1) Methods of instruction that will be utilized by the 203461
provider to provide services to the qualified special education 203462
child; 203463

(2) Qualifications of teachers, instructors, and other 203464
persons who will be engaged by the provider to provide services to 203465
the qualified special education child. 203466

Sec. 3310.522. (A) In order to maintain eligibility for a 203467
scholarship, a student shall take each assessment prescribed by 203468
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as 203469
applicable, in accordance with section 3301.0711 of the Revised 203470
Code, unless one of the following applies to the student: 203471

(1) The student is excused from taking that assessment under 203472
federal law, the student's individualized education program, or 203473
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 203474

(2) The student is enrolled in a chartered nonpublic school 203475
that meets the conditions specified in division (K)(2) or (L)(4) 203476
of section 3301.0711 of the Revised Code. 203477

(3) The student is enrolled in any of grades three to eight 203478
and takes an alternative standardized assessment under division 203479
(K)(1) of section 3301.0711 of the Revised Code or division (B)(3) 203480
of this section. 203481

(4) The student is excused from taking the assessment 203482
prescribed under division (B)(1) of section 3301.0712 of the 203483
Revised Code pursuant to division (C)(1)(c)(ii) of section 203484
3301.0711 of the Revised Code. 203485

(B) Each registered private provider that is not subject to division (K)(1) of section 3301.0711 of the Revised Code and enrolls a student who is awarded a scholarship shall administer each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to that student in accordance with section 3301.0711 of the Revised Code, unless one of the following applies to the student:

(1) The student is excused from taking that assessment under division (A)(1) of this section.

(2) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(3) The student is enrolled in any of grades three to eight and the registered private provider administers an alternative standardized assessment determined by the department of education and workforce under division (K)(1) of section 3301.0711 of the Revised Code to the student.

(4) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code.

The registered private provider shall report to the department the results of each assessment so administered under division (B) of this section.

(C) Nothing in this section requires any chartered nonpublic school that is a registered private provider to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B)(1) of section 3301.0710 or the college and work ready assessment system prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

Sec. 3310.53. (A) Except for development of the child's 203517
individualized education program, as specified in division (B) of 203518
this section, the school district in which a qualified special 203519
education child is entitled to attend school and the child's 203520
school district of residence, if different, are not obligated to 203521
provide the child with a free appropriate public education under 203522
Chapter 3323. of the Revised Code for as long as the child 203523
continues to attend the special education program operated by 203524
either an alternative public provider or a registered private 203525
provider for which a scholarship is awarded under the Jon Peterson 203526
special needs scholarship program. If at any time, the eligible 203527
applicant for the child decides no longer to accept scholarship 203528
payments and enrolls the child in the special education program of 203529
the school district in which the child is entitled to attend 203530
school, that district shall provide the child with a free 203531
appropriate public education under Chapter 3323. of the Revised 203532
Code. 203533

(B) Each eligible applicant and each qualified special 203534
education child have a continuing right to the development of an 203535
individualized education program for the child that complies with 203536
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 203537
administrative rules or guidelines adopted by the ~~Ohio~~ department 203538
of education and workforce or the United States department of 203539
education. The school district in which a qualified special 203540
education child is entitled to attend school, or the child's 203541
school district of residence if different, shall develop each 203542
individualized education program for the child in accordance with 203543
those provisions. 203544

(C) Each school district shall notify an eligible applicant 203545
of the applicant's and qualified special education child's rights 203546
under sections 3310.51 to 3310.64 of the Revised Code by providing 203547
to each eligible applicant the comparison document prescribed in 203548

section 3323.052 of the Revised Code. An eligible applicant's receipt of that document, as acknowledged in a format prescribed by the department of education and workforce, shall constitute notice that the eligible applicant has been informed of those rights. Upon receipt of that document, subsequent acceptance of a scholarship constitutes the eligible applicant's informed consent to the provisions of sections 3310.51 to 3310.64 of the Revised Code.

Sec. 3310.58. No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program until the school or entity registers with the ~~superintendent of public instruction~~department of education and workforce. The ~~superintendent~~ department shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements:

(A) The school or entity complies with the antidiscrimination provisions of 42 U.S.C. 2000d, regardless of whether the school or entity receives federal financial assistance.

(B) If the school or entity is not chartered by the ~~state board~~ director of education and workforce under section 3301.16 of the Revised Code, the school or entity agrees to comply with sections 3319.39, 3319.391, and 3319.392 of the Revised Code as if it were a school district.

(C) The teaching and nonteaching professionals employed by the school or entity, or employed by any subcontractors of the school or entity, hold credentials determined by the state board of education to be appropriate for the qualified special education children enrolled in the special education program it operates.

(D) The school's or entity's educational program shall be approved by the department ~~of education~~.

(E) The school or entity meets applicable health and safety standards established by law. 203580
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(F) The school or entity agrees to retain on file documentation as required by the department ~~of education~~. 203582
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(G) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child is entitled to attend school, in the form and manner prescribed by the department. 203584
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(H) The school or entity agrees that, if it declines to enroll a particular qualified special education child, it will notify in writing the eligible applicant of its reasons for declining to enroll the child. 203591
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Sec. 3310.59. The ~~superintendent of public instruction~~ department of education and workforce shall revoke the registration of any school or entity if, after a hearing, the ~~superintendent~~ department determines that the school or entity is in violation of any provision of section 3310.522 or 3310.58 of the Revised Code. 203595
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Sec. 3310.62. (A) A scholarship under the Jon Peterson special needs scholarship program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending. 203601
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(B) Development of individualized education programs 203610
subsequent to the one developed for the child the first time a 203611
scholarship was awarded on behalf of the child and the 203612
prosecuting, by the eligible applicant on behalf of the child, of 203613
administrative or judicial mediation or proceedings with respect 203614
to any of those subsequent individualized education programs do 203615
not affect the applicant's and the child's continued eligibility 203616
for scholarship payments. 203617

(C) In the case of any child for whom a scholarship has been 203618
awarded, if the school district in which the child is entitled to 203619
attend school has agreed to provide some services for the child 203620
under an agreement entered into with the eligible applicant or 203621
with the alternative public provider or registered private 203622
provider implementing the child's individualized education 203623
program, or if the district is required by law to provide some 203624
services for the child, including transportation services under 203625
sections 3310.60 and 3327.01 of the Revised Code, the district 203626
shall not discontinue the services it is providing pending 203627
completion of any administrative proceedings regarding those 203628
services. The prosecuting, by the eligible applicant on behalf of 203629
the child, of administrative proceedings regarding the services 203630
provided by the district does not affect the applicant's and the 203631
child's continued eligibility for scholarship payments. 203632

(D) The department of education and workforce shall continue 203633
to make payments to the eligible applicant under section 3317.022 203634
of the Revised Code while either of the following are pending: 203635

(1) Administrative or judicial mediation or proceedings with 203636
respect to a subsequent individualized education program for the 203637
child referred to in division (B) of this section; 203638

(2) Administrative proceedings regarding services provided by 203639
the district under division (C) of this section. 203640

Sec. 3310.63. (A) Only for the purpose of administering the 203641
Jon Peterson special needs scholarship program, the department of 203642
education and workforce may request from any of the following 203643
entities the data verification code assigned under division (D)(2) 203644
of section 3301.0714 of the Revised Code to any qualified special 203645
education child for whom a scholarship is sought under the 203646
program: 203647

(1) The school district in which the child is entitled to 203648
attend school; 203649

(2) If applicable, the community school in which the child is 203650
enrolled; 203651

(3) The independent contractor engaged to create and maintain 203652
data verification codes. 203653

(B) Upon a request by the department under division (A) of 203654
this section for the data verification code of a qualified special 203655
education child or a request by the eligible applicant for the 203656
child for that code, the school district or community school shall 203657
submit that code to the department or applicant in the manner 203658
specified by the department. If the child has not been assigned a 203659
code, because the child will be entering kindergarten during the 203660
school year for which the scholarship is sought, the district 203661
shall assign a code to that child and submit the code to the 203662
department or applicant by a date specified by the department. If 203663
the district does not assign a code to the child by the specified 203664
date, the department shall assign a code to the child. 203665

The department annually shall submit to each school district 203666
the name and data verification code of each child residing in the 203667
district who is entering kindergarten, who has been awarded a 203668
scholarship under the program, and for whom the department has 203669
assigned a code under this division. 203670

(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 203671
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(D) Any document relative to the Jon Peterson special needs scholarship program that the department holds in its files that contains both a qualified special education child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code. 203674
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Sec. 3310.64. The ~~state board~~ department of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary to implement sections 3310.51 to 3310.63 of the Revised Code including, but not limited to, procedures for parents to apply for scholarships, standards for registered private providers, and procedures for registration of private providers. 203680
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Sec. 3310.70. (A) A student is an "eligible student" for purposes of this section if the student is at least six but no more than eighteen years old and at least one of the following conditions is met: 203687
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(1) The student's family adjusted gross income, as defined in section 5747.01 of the Revised Code, is at or below four hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code. 203691
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(2) The student's resident district, as defined in section 3310.01 of the Revised Code, had a chronic absenteeism rate ranked in the highest ten per cent of school districts in the most recent school year. 203695
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(3) The student's resident district operates one or more school buildings described in division (A)(1) of section 3310.03 203699
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of the Revised Code or is a district described in division (C) of 203701
that section. 203702

(4) The student's resident district is a school district in 203703
which the pilot program is operating under sections 3313.974 to 203704
3313.979 of the Revised Code. 203705

For the purpose of division (A)(1) of this section, a 203706
student's parent or guardian may certify income eligibility to the 203707
department of education by submitting, in a manner determined by 203708
the department, an affidavit affirming the student's family income 203709
meets the requirement, proof of income eligibility under another 203710
state or federal program, or other evidence determined appropriate 203711
by the department. 203712

(B)(1) There is hereby established the afterschool child 203713
enrichment (ACE) educational savings account program. The 203714
department of education and workforce shall adopt rules under 203715
Chapter 119. of the Revised Code that prescribe procedures for the 203716
establishment of these accounts in fiscal years 2022 and 2023 upon 203717
the request of the parent or guardian of an eligible student 203718
enrolled in a public or nonpublic school or an eligible student 203719
who ~~has been excused~~ is exempt from the compulsory attendance law 203720
for the purpose of home ~~instruction~~ education under section 203721
~~3321.04~~ 3321.042 of the Revised Code. Accounts shall be 203722
established on a first-come, first-served basis according to the 203723
availability of funds appropriated for purposes of this section. 203724

Accounts shall be used in accordance with division (E) of 203725
this section. Any balance remaining in a student's account after 203726
fiscal year 2023 shall remain in that account for use as 203727
prescribed in division (D)(3) of this section. 203728

(2) The department shall create an online form for parents 203729
and guardians to request the establishment of an account under 203730
this section. 203731

(C)(1) The department shall contract with a vendor for 203732
purposes of administering the provisions of this section and may 203733
contract with the treasurer of state for technical assistance. In 203734
selecting a vendor, the department shall give preference to those 203735
vendors who use a smart phone application that is free for parents 203736
or guardians to use, is capable of scanning receipts, allows users 203737
to provide program feedback, and includes customer service contact 203738
information for parents and guardians who experience technical 203739
issues with the application. For each fiscal year in which the 203740
program operates, the department shall pay the vendor not more 203741
than three per cent of the amount appropriated for that fiscal 203742
year for purposes of this section. 203743

(2) The vendor selected by the department under division 203744
(C)(2) of this section shall do both of the following: 203745

(a) Monitor how accounts are used by parents or guardians and 203746
recoup moneys that are used for purposes that are not authorized 203747
by this section as determined by the vendor; 203748

(b) Provide the department with a comprehensive list of 203749
purchases made with accounts. 203750

(3) At no time shall the vendor authorize parents or 203751
guardians to use moneys for purposes that are not authorized by 203752
this section as determined by the vendor. If the vendor authorizes 203753
parents or guardians to use moneys for a specified purpose and 203754
later determines that purpose is not authorized by this section, 203755
the vendor may recoup that money. 203756

(D)(1) If a parent or guardian makes a request under division 203757
(B) of this section during fiscal year 2022, five hundred dollars 203758
shall be credited to the account established pursuant to the 203759
parent's or guardian's request within fourteen days of the 203760
parent's or guardian's request, and that amount shall be disbursed 203761
upon request to the parent or guardian not later than June 30, 203762

2022, for use in accordance with division (E) of this section. Any 203763
amount remaining in an account at the end of fiscal year 2022 203764
shall remain in that account for fiscal year 2023 for use in 203765
accordance with division (E) of this section. 203766

(2) If a parent or guardian makes a request under division 203767
(B) of this section during fiscal year 2023, five hundred dollars 203768
shall be credited to the account established pursuant to the 203769
parent's or guardian's request within fourteen days of the 203770
parent's or guardian's request, and that amount shall be disbursed 203771
upon request to the parent or guardian not later than June 30, 203772
2023, for use in accordance with division (E) of this section. If 203773
a parent or guardian had an account established for fiscal year 203774
2022, that amount shall be credited and distributed to that 203775
account for use in accordance with division (E) of this section. 203776

(3) Any amount remaining in an account established under 203777
division (B) of this section at the end of fiscal year 2023 shall 203778
remain in that account for use in accordance with division (E) of 203779
this section in future fiscal years until either the full amount 203780
has been spent or the student graduates from high school. Any 203781
amount remaining in the account of a student who graduates from 203782
high school shall be returned to the department. 203783

(E) Subject to division (F) of this section, moneys credited 203784
to an education savings account established under division (B) of 203785
this section shall be used by an eligible student's parent or 203786
guardian for any of the following purposes, whether secular or 203787
nonsecular: 203788

(1) Before- or after-school educational programs; 203789

(2) Day camps, including camps for academics, music, and 203790
arts; 203791

(3) Tuition at learning extension centers; 203792

(4) Tuition for learning pods; 203793

(5) If the student has been excused <u>is exempt</u> from the compulsory attendance law for the purpose of home instruction <u>education</u> under section 3321.04 <u>3321.042</u> of the Revised Code, purchase of curriculum and materials;	203794 203795 203796 203797
(6) Educational, learning, or study skills services;	203798
(7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;	203799 203800 203801
(8) Language classes;	203802
(9) Instrument lessons;	203803
(10) Tutoring.	203804
(F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.	203805 203806 203807
(G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.	203808 203809 203810 203811
(H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code.	203812 203813 203814 203815 203816 203817
Sec. 3311.054. (A) The initial members of any new governing board of an educational service center established in accordance with this section shall be all of the members of the governing boards of the former educational service centers whose territory comprises the new educational service center. The initial members of any such governing board shall serve until the first Monday of	203818 203819 203820 203821 203822 203823

January immediately following the first election of governing board members conducted under division (C) of this section.

Notwithstanding section 3313.11 of the Revised Code, that section shall not apply to the filling of any vacancy among the initial members of any governing board established in accordance with this section. Any such vacancy shall be filled for the remainder of the term by a majority vote of all the remaining members of the governing board.

(B) Prior to the next first day of April in an odd-numbered year that occurs at least ninety days after the date on which any new governing board of an educational service center is initially established in accordance with this section, the governing board or, at the governing board's option, an executive committee of the governing board appointed by the governing board shall do both of the following:

(1) Designate the number of elected members comprising all subsequent governing boards of the educational service center, which number shall be an odd number not to exceed nine.

(2) Divide the educational service center into a number of subdistricts equal to the number of governing board members designated under division (B)(1) of this section and number the subdistricts. Each subdistrict shall be as nearly equal in population as possible and shall be composed of adjacent and compact territory. To the extent possible, each subdistrict shall be composed only of territory located in one county. In addition, the subdistricts shall be bounded as far as possible by corporation lines, streets, alleys, avenues, public grounds, canals, watercourses, ward boundaries, voting precinct boundaries, or school district boundaries.

If the new governing board fails to divide the territory of the educational service center in accordance with this division,

the ~~superintendent of public instruction~~ director of education and workforce shall establish the subdistricts within thirty days. 203855
203856

(C) At the next regular municipal election following the 203857
deadline for creation of the subdistricts of an educational 203858
service center under division (B) of this section, an entire new 203859
governing board shall be elected. All members of such governing 203860
board shall be elected from those subdistricts. 203861

(D) Within ninety days after the official announcement of the 203862
results of each successive federal decennial census, each 203863
governing board of an educational service center established in 203864
accordance with this section shall redistrict the educational 203865
service center's territory into a number of subdistricts equal to 203866
the number of board members designated under division (B)(1) of 203867
this section and number the subdistricts. Each such redistricting 203868
shall be done in accordance with the standards for subdistricts in 203869
division (B)(2) of this section. At the next regular municipal 203870
election following the announcement of the results of each such 203871
successive census, all elected governing board members shall again 203872
be elected from the subdistricts most recently created under this 203873
division. 203874

If a governing board fails to redistrict the territory of its 203875
educational service center in accordance with this division, the 203876
~~superintendent of public instruction~~ director of education and
workforce shall redistrict the service center within thirty days. 203877
203878

(E) All members elected pursuant to this section shall take 203879
office on the first Monday of January immediately following the 203880
election. Whenever all elected governing board members are elected 203881
at one election under division (C) or (D) of this section, the 203882
terms of each of the members elected from even-numbered 203883
subdistricts shall be for two years and the terms of each of the 203884
members elected from odd-numbered subdistricts shall be for four 203885
years. Thereafter, successors shall be elected for four-year terms 203886

in the same manner as is provided by law for the election of 203887
members of school boards except that any successor elected at a 203888
regular municipal election immediately preceding any election at 203889
which an entire new governing board is elected shall be elected 203890
for a two-year term. 203891

Sec. 3311.056. The elected members of an educational service 203892
center governing board may by resolution adopt a plan for adding 203893
appointed members to that governing board. A plan may provide for 203894
adding to the board a number of appointed members that is up to 203895
one less than the number of elected members on the board except 203896
that the total number of elected and appointed board members shall 203897
be an odd number. A plan shall provide for the terms of the 203898
appointed board members. The appointed board members in each plan 203899
shall be appointed by a majority vote of the full number of 203900
elected members on the board and vacancies shall be filled as 203901
provided in the plan. Each plan shall specify the qualifications 203902
for the appointed board members of an educational service center 203903
including the experience, knowledge, and skills that advance the 203904
mission and vision of the service center. Appointed members may be 203905
representative of the client school districts of the service 203906
center that are not otherwise represented on the board. As used in 203907
this section, "client school district" has the same meaning as in 203908
section 3311.0510 of the Revised Code. 203909

A governing board adopting a plan under this section shall 203910
submit the plan to the ~~state board~~ department of education and 203911
workforce for approval. The ~~state board~~ department may approve or 203912
disapprove a plan or make recommendations for modifications in a 203913
plan. A plan shall take effect thirty days after approval by the 203914
~~state board~~ department and, when effective, appointments to the 203915
board shall be made in accordance with the plan. 203916

The elected members of the governing board of an educational 203917

service center with a plan in effect under this section may adopt, 203918
by unanimous vote of all the elected members, a resolution to 203919
revise or rescind the plan in effect under this section. All 203920
revisions shall comply with the requirements in this section for 203921
appointed board members. A resolution revising or rescinding a 203922
plan shall specify the dates and manner in which the revision or 203923
rescission is to take place. The revision or rescission of a plan 203924
shall be submitted to the ~~state board of education~~ department for 203925
approval. The ~~state board~~ department may approve or disapprove a 203926
revision or rescission of a plan or make recommendations for 203927
modifications. Upon approval of a revision or rescission by the 203928
~~state board~~ department, the revised plan or rescission of the plan 203929
shall go into effect as provided in the revision or rescission. 203930

Sec. 3311.0510. (A) If all of the client school districts of 203931
an educational service center have terminated their agreements 203932
with the service center under division (D) of section 3313.843 of 203933
the Revised Code, upon the latest effective date of the 203934
terminations, the governing board of that service center shall be 203935
abolished and such service center shall be dissolved by order of 203936
the ~~superintendent of public instruction~~ director of education and 203937
workforce. The ~~superintendent's~~ director's order shall provide for 203938
the equitable division and disposition of the assets, property, 203939
debts, and obligations of the service center among the school 203940
districts that were client school districts of the service center 203941
for the service center's last fiscal year of operation. The 203942
~~superintendent's~~ director's order shall provide that the tax 203943
duplicate of each of those school districts shall be bound for and 203944
assume the district's equitable share of the outstanding 203945
indebtedness of the service center. The ~~superintendent's~~ 203946
director's order is final and is not appealable. 203947

Immediately upon the abolishment of the service center 203948
governing board pursuant to this section, the ~~superintendent of~~ 203949

~~public instruction~~ director shall appoint a qualified individual 203950
to administer the dissolution of the service center and to 203951
implement the terms of the ~~superintendent's~~ director's dissolution 203952
order. 203953

Prior to distributing assets to any school district under 203954
this section, but after paying in full other debts and obligations 203955
of the service center under this section, the ~~superintendent of~~ 203956
~~public instruction~~ director may assess against the remaining 203957
assets of the service center the amount of the costs incurred by 203958
the department of education and workforce in performing the 203959
~~superintendent's~~ director's duties under this division, including 203960
the fees, if any, owed to the individual appointed to administer 203961
the ~~superintendent's~~ director's dissolution order. Any excess cost 203962
incurred by the department under this division shall be divided 203963
equitably among the school districts that were client school 203964
districts of the service center for the service center's last 203965
fiscal year of operation. Each district's share of that excess 203966
cost shall be bound against the tax duplicate of that district. 203967

(B) A final audit of the former service center shall be 203968
performed in accordance with procedures established by the auditor 203969
of state. 203970

(C) The public records of an educational service center that 203971
is dissolved under this section shall be transferred in accordance 203972
with this division. Public records maintained by the service 203973
center in connection with services provided by the service center 203974
to local school districts of which the territory of the service 203975
center is or previously was made up shall be transferred to each 203976
of the respective local school districts. Public records 203977
maintained by the service center in connection with services 203978
provided to client school districts shall be transferred to each 203979
of the respective client school districts. All other public 203980
records maintained by the service center at the time the service 203981

center ceases operations shall be transferred to the Ohio history 203982
connection for analysis and disposition by the Ohio history 203983
connection in its capacity as archives administrator for the state 203984
and its political subdivisions pursuant to division (C) of section 203985
149.30 and section 149.31 of the Revised Code. 203986

(D) As used in this section, "client school district" means a 203987
city, exempted village, or local school district that has entered 203988
into an agreement under section 3313.843 or 3313.845 of the 203989
Revised Code to receive any services from an educational service 203990
center. 203991

Sec. 3311.08. The board of education of any local school 203992
district which contains within its territorial boundaries: 203993

(A) All the territory lying within the corporate limits of a 203994
village having a population of three thousand or more according to 203995
the last federal census; 203996

(B) All the territory lying within the corporate limits of a 203997
village having a population of two thousand or more according to 203998
the last federal census and a population outside the corporate 203999
limits of said village, as determined by a census taken by such 204000
board, sufficient to make the total population of such district 204001
three thousand or more, may, by a majority vote of the full 204002
membership of such board, declare that such district be exempt 204003
from the supervision of the governing board of the educational 204004
service center. 204005

When the board of education of a local school district 204006
notifies the governing board of the educational service center on 204007
or before the first day of May in any year, that it has adopted, 204008
by a majority vote of its full membership, a declaration that such 204009
local school district shall be exempt from the supervision of the 204010
educational service center governing board, such local school 204011
district shall be exempt from the supervision of the educational 204012

service center governing board for the school year commencing the 204013
first day of July following the date of such notification. 204014

The local school district so exempted from the supervision of 204015
the educational service center governing board shall be known as 204016
an "exempted village school district" until its status as an 204017
exempted village school district has been changed. 204018

A census taken by the board of a local school district, of 204019
territory outside the corporate limits of a village, shall be 204020
taken by persons appointed by such board. Each person so appointed 204021
shall take an oath or affirmation to take such a census accurately 204022
and shall make the return under oath to the treasurer of the 204023
board. The treasurer shall send certified copies of such census to 204024
the county auditor and to the ~~superintendent of public~~ 204025
~~instruction~~director of education and workforce. Such census shall 204026
be approved by the ~~superintendent~~ director before the school 204027
district is deemed to have sufficient population to meet the 204028
requirements of an exempted village school district. 204029

Sec. 3311.16. Any local, exempted village, or city board of 204030
education, any educational service center governing board, or any 204031
combination of boards of such districts and centers, referred to 204032
in sections 3311.16, 3311.17, and 3311.18 of the Revised Code as 204033
the initiating unit, may make or contract for the making of a 204034
study pertaining to the need to establish within one county, or 204035
within an area comprised of two or more adjoining counties, a 204036
joint vocational school district, and for the preparation of a 204037
plan for the establishment and operation of a joint vocational 204038
school district covering the territory of two or more school 204039
districts within such county or counties. Any local, exempted 204040
village, or city school district in the county or counties may 204041
participate with the initiating unit in the cost of such study and 204042
plan. Such plan shall be submitted to the ~~state board~~ department 204043

of education and workforce by the initiating unit. 204044

Sec. 3311.17. On approval of the plan by the ~~state board~~ 204045
department of education and workforce, the initiating unit shall 204046
file a copy of such plan with the board of education of each 204047
district whose territory is proposed to be included in the 204048
proposed joint vocational school district. Within thirty days 204049
after receiving such copy, such board of education shall determine 204050
whether its district shall become a part of the proposed joint 204051
vocational school district. If one or more boards of education 204052
decide not to become a part of such proposed district, a revised 204053
plan shall be prepared by the initiating unit, and if such revised 204054
plan is approved by the ~~state board of education~~department, such 204055
initiating unit shall file the revised plan with the board of 204056
education of each district whose territory is proposed to be 204057
included in the proposed joint vocational school district. Within 204058
thirty days thereafter, each such district shall determine whether 204059
its district shall become a part of the proposed joint vocational 204060
school district. 204061

Sec. 3311.19. (A) The management and control of a joint 204062
vocational school district shall be vested in the joint vocational 204063
school district board of education which, beginning on September 204064
29, 2013, shall be appointed under division (C) of this section. 204065

All members of a joint vocational school district board 204066
serving unexpired terms on September 29, 2013, may continue in 204067
office until the expiration of their terms. If a member leaves 204068
office for any reason prior to the expiration of that member's 204069
term, the vacancy shall be filled only in the manner provided in 204070
division (C) of this section. 204071

(B) Except as provided in section 3311.191 of the Revised 204072
Code, members of the joint vocational school district board 204073

appointed on or after September 29, 2013, shall serve for 204074
three-year terms of office. 204075

(C) The manner of appointment and the total number of members 204076
appointed to the joint vocational school district board shall be 204077
in accordance with the most recent plan for the joint vocational 204078
school district on file with the department of education and 204079
workforce. 204080

(1) Appointments under this section shall be made as the 204081
terms of members of each joint vocational school district board 204082
who are serving unexpired terms on September 29, 2013, expire or 204083
as those offices are otherwise vacated prior to the expiration 204084
date. 204085

(2) Members of the joint vocational board shall be appointed 204086
by the member school district boards of education. Members of a 204087
joint vocational school district board may either be a current 204088
elected board member of a school district board that is a member 204089
of the joint vocational school district or an individual who has 204090
experience or knowledge regarding the labor needs of the state and 204091
region with an understanding of the skills, training, and 204092
education needed for current and future employment opportunities 204093
in the state. The appointing board may give preference to 204094
individuals who have served as members on a joint vocational 204095
school business advisory committee. 204096

(D) The vocational schools in the joint vocational school 204097
district shall be available to all youth of school age within the 204098
joint vocational school district subject to the rules adopted by 204099
the joint vocational school district board of education in regard 204100
to the standards requisite to admission. A joint vocational school 204101
district board of education shall have the same powers, duties, 204102
and authority for the management and operation of such joint 204103
vocational school district as is granted by law, except by this 204104
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 204105

Code, to a board of education of a city school district, and shall 204106
be subject to all the provisions of law that apply to a city 204107
school district, except such provisions in this chapter and 204108
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 204109

(E) The superintendent of schools of a joint vocational 204110
school district shall exercise the duties and authority vested by 204111
law in a superintendent of schools pertaining to the operation of 204112
a school district and the employment and supervision of its 204113
personnel. The joint vocational school district board of education 204114
shall appoint a treasurer of the joint vocational school district 204115
who shall be the fiscal officer for such district and who shall 204116
have all the powers, duties, and authority vested by law in a 204117
treasurer of a board of education. 204118

(F) Each member of a joint vocational school district board 204119
of education may be paid such compensation as the board provides 204120
by resolution, but it shall not exceed one hundred twenty-five 204121
dollars per member for each meeting attended plus mileage, at the 204122
rate per mile provided by resolution of the board, to and from 204123
meetings of the board. 204124

The board may provide by resolution for the deduction of 204125
amounts payable for benefits under section 3313.202 of the Revised 204126
Code. 204127

Each member of a joint vocational school district board may 204128
be paid such compensation as the board provides by resolution for 204129
attendance at an approved training program, provided that such 204130
compensation shall not exceed sixty dollars per day for attendance 204131
at a training program three hours or fewer in length and one 204132
hundred twenty-five dollars a day for attendance at a training 204133
program longer than three hours in length. However, no board 204134
member shall be compensated for the same training program under 204135
this section and section 3313.12 of the Revised Code. 204136

Sec. 3311.191. (A)(1) Subject to division (A)(2) of this section, if a joint vocational school district has an even number of member districts each appointing a member to the joint vocational school district board of education and the joint vocational school district's plan on file with the department of education and workforce provides for one additional board member to be appointed on a rotating basis by one of the appointing boards, the term of that additional member shall be for one year. The additional member shall otherwise meet the requirements for joint vocational school board members prescribed by section 3311.19 of the Revised Code.

(2) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A)(1) of this section, was appointed on or after September 29, 2013, but prior to September 29, 2015, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A)(1) of this section.

(B) A joint vocational school district board of education may submit an application to the ~~superintendent of public instruction~~ department for approval to revise its membership plan to stagger the members' terms of office. Each board may do so only one time. The application shall include the revisions proposed to be made to members' terms, the manner by which the terms shall be staggered, and any other information the ~~state superintendent~~ department requires.

Sec. 3311.213. (A) With the approval of the board of 204168
education of a joint vocational school district that is in 204169
existence, any school district in the county or counties 204170
comprising the joint vocational school district or any school 204171
district in a county adjacent to a county comprising part of a 204172
joint vocational school district may become a part of the joint 204173
vocational school district. On the adoption of a resolution of 204174
approval by the board of education of the joint vocational school 204175
district, it shall advertise a copy of such resolution in a 204176
newspaper of general circulation in the school district proposing 204177
to become a part of such joint vocational school district once 204178
each week for two weeks, or as provided in section 7.16 of the 204179
Revised Code, immediately following the date of the adoption of 204180
such resolution. Such resolution shall not become effective until 204181
the later of the sixty-first day after its adoption or until the 204182
board of elections certifies the results of an election in favor 204183
of joining of the school district to the joint vocational school 204184
district if such an election is held under division (B) of this 204185
section. 204186

(B) During the sixty-day period following the date of the 204187
adoption of a resolution to join a school district to a joint 204188
vocational school district under division (A) of this section, the 204189
electors of the school district that proposes joining the joint 204190
vocational school district may petition for a referendum vote on 204191
the resolution. The question whether to approve or disapprove the 204192
resolution shall be submitted to the electors of such school 204193
district if a number of qualified electors equal to twenty per 204194
cent of the number of electors in the school district who voted 204195
for the office of governor at the most recent general election for 204196
that office sign a petition asking that the question of whether 204197
the resolution shall be disapproved be submitted to the electors. 204198
The petition shall be filed with the board of elections of the 204199

county in which the school district is located. If the school 204200
district is located in more than one county, the petition shall be 204201
filed with the board of elections of the county in which the 204202
majority of the territory of the school district is located. The 204203
board shall certify the validity and sufficiency of the signatures 204204
on the petition. 204205

The board of elections shall immediately notify the board of 204206
education of the joint vocational school district and the board of 204207
education of the school district that proposes joining the joint 204208
vocational school district that the petition has been filed. 204209

The effect of the resolution shall be stayed until the board 204210
of elections certifies the validity and sufficiency of the 204211
signatures on the petition. If the board of elections determines 204212
that the petition does not contain a sufficient number of valid 204213
signatures and sixty days have passed since the adoption of the 204214
resolution, the resolution shall become effective. 204215

If the board of elections certifies that the petition 204216
contains a sufficient number of valid signatures, the board shall 204217
submit the question to the qualified electors of the school 204218
district on the day of the next general or primary election held 204219
at least ninety days after but no later than six months after the 204220
board of elections certifies the validity and sufficiency of 204221
signatures on the petition. If there is no general or primary 204222
election held at least ninety days after but no later than six 204223
months after the board of elections certifies the validity and 204224
sufficiency of signatures on the petition, the board shall submit 204225
the question to the electors at a special election to be held on 204226
the next day specified for special elections in division (D) of 204227
section 3501.01 of the Revised Code that occurs at least ninety 204228
days after the board certifies the validity and sufficiency of 204229
signatures on the petition. The election shall be conducted and 204230
canvassed and the results shall be certified in the same manner as 204231

in regular elections for the election of members of a board of education. 204232
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If a majority of the electors voting on the question disapprove the resolution, the resolution shall not become effective. 204234
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(C) If the resolution becomes effective, the board of education of the joint vocational school district shall notify the county auditor of the county in which the school district becoming a part of the joint vocational school district is located, who shall thereupon have any outstanding levy for building purposes, bond retirement, or current expenses in force in the joint vocational school district spread over the territory of the school district becoming a part of the joint vocational school district. On the addition of a city or exempted village school district or an educational service center to the joint vocational school district, pursuant to this section, the board of education of such joint vocational school district shall submit to the ~~state board~~ department of education and workforce a proposal to enlarge the membership of such board by the addition of one or more persons at least one of whom shall be a member of the board of education or governing board of such additional school district or educational service center, and the term of each such additional member. On the addition of a local school district to the joint vocational school district, pursuant to this section, the board of education of such joint vocational school district may submit to the ~~state board of education~~ department a proposal to enlarge the membership of such board by the addition of one or more persons who are members of the educational service center governing board of such additional local school district. On approval by the ~~state board of education~~ department additional members shall be added to such joint vocational school district board of education. 204237
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Sec. 3311.214. (A) With the approval of the ~~state board~~ 204263
department of education and workforce, the boards of education of 204264
any two or more joint vocational school districts may, by the 204265
adoption of identical resolutions by a majority of the members of 204266
each such board, propose that one new joint vocational school 204267
district be created by adding together all of the territory of 204268
each of the districts and dissolving such districts. A copy of 204269
each resolution shall be filed with the ~~state board of education~~ 204270
department for its approval or disapproval. The resolutions shall 204271
include a provision that the board of education of the new 204272
district shall be composed of the members from the same boards of 204273
education that composed the membership of the board of each of the 204274
districts to be dissolved, except that, if an even number of 204275
districts are to be dissolved, one additional member shall be 204276
added, who may be from any school district included in the 204277
territory of any of the districts to be dissolved as designated in 204278
the resolutions. The members of the new board shall have the same 204279
terms of office as they had under the respective plans of the 204280
districts adopting the resolutions, except that, if the new board 204281
has an additional member, the additional member shall have a term 204282
as specified in the resolutions. 204283

If the ~~state board~~ department approves the resolutions, the 204284
board of education of each district to be dissolved shall 204285
advertise a copy of the resolution in a newspaper of general 204286
circulation in its district once each week for two weeks, or as 204287
provided in section 7.16 of the Revised Code, immediately 204288
following the date the resolutions are approved by the ~~state board~~ 204289
department. The resolutions shall become effective on the first 204290
day of July next succeeding the sixtieth day following approval by 204291
the ~~state board~~ department unless prior to the expiration of such 204292
sixty-day period, qualified electors residing in one of the 204293
districts to be dissolved equal in number to a majority of the 204294

qualified electors of that district voting at the last general 204295
election file with the ~~state board~~ department a petition of 204296
remonstrance against creation of the proposed new district. 204297

(B) When a resolution becomes effective under division (A) of 204298
this section, each district in which a resolution was adopted and 204299
the board of each such district are dissolved. The territory of 204300
each dissolved district becomes a part of the new joint vocational 204301
school district. The net indebtedness of each dissolved district 204302
shall be assumed in full by the new district and the funds and 204303
property of each dissolved district shall become in full the funds 204304
and property of the new district. All existing contracts of each 204305
dissolved board shall be honored by the board of the new district 204306
until their expiration dates. The board of the new district shall 204307
notify the county auditor of each county in which each dissolved 204308
district was located that a resolution has become effective and a 204309
new district has been created and shall certify to each auditor 204310
any changes that might be required in the tax rate as a result of 204311
the creation of the new district. 204312

(C) As used in this section, "net indebtedness" means the 204313
difference between the par value of the outstanding and unpaid 204314
bonds and notes of the school district and the amount held in the 204315
sinking fund and other indebtedness retirement funds for their 204316
redemption. 204317

Sec. 3311.217. Upon approval by a majority of the full 204318
membership of the board of education of a joint vocational school 204319
district, or upon the receipt of resolutions formally adopted by a 204320
majority of the boards of education of the school districts 204321
participating in the joint vocational school district, the board 204322
of education of the joint vocational school district shall adopt 204323
and send to the ~~state board~~ department of education and workforce 204324
a resolution requesting the dissolution of the joint vocational 204325

school district. Such resolution shall state the reasons for the 204326
proposed dissolution of the joint vocational school district, 204327
shall set forth a plan for the equitable adjustment, division, and 204328
disposition of the assets, property, debts, and obligations of the 204329
joint vocational school district, and shall provide that the tax 204330
duplicate of each participating school district shall be bound for 204331
and assume its share of the outstanding indebtedness of the joint 204332
vocational school district. Upon approval of the resolution by the 204333
~~state board of education~~ department, the joint vocational school 204334
district shall be dissolved in accordance with the provisions of 204335
the resolution. 204336

Sec. 3311.218. The board of education of a joint vocational 204337
school district may enter into a written agreement with the board 204338
of trustees of any technical college district, the boundaries of 204339
which are coterminous with such joint vocational ~~school~~ school 204340
district, which agreement may provide for the sharing of use of 204341
any physical facility or equipment owned or used by either 204342
district. Such agreement may further provide that the joint 204343
vocational school district may contribute a portion of its funds 204344
for current operating expenses, regardless of whether such funds 204345
are derived from a tax levy or otherwise, to the technical college 204346
district to be expended by the technical college district for any 204347
lawful purpose. The agreement shall require the approval by 204348
resolution of both boards and shall be executed by the president 204349
and treasurer of both boards. A copy of such agreement shall be 204350
filed with the ~~board of regents~~ chancellor of higher education and 204351
a copy shall be filed with the ~~state board~~ department of education 204352
and workforce. 204353

Sec. 3311.29. (A) Except as provided under division (B), (C), 204354
or (D) of this section, no school district shall be created and no 204355
school district shall exist which does not maintain within such 204356

district public schools consisting of grades kindergarten through 204357
twelve and any such existing school district not maintaining such 204358
schools shall be dissolved and its territory joined with another 204359
school district or districts by order of the state board of 204360
education if no agreement is made among the surrounding districts 204361
voluntarily, which order shall provide an equitable division of 204362
the funds, property, and indebtedness of the dissolved school 204363
district among the districts receiving its territory. The state 204364
board of education may authorize exceptions to school districts 204365
where topography, sparsity of population, and other factors make 204366
compliance impracticable. 204367

The ~~superintendent of public instruction~~ director of 204368
education and workforce is without authority to distribute funds 204369
under Chapter 3317. of the Revised Code to any school district 204370
that does not maintain schools with grades kindergarten through 204371
twelve and to which no exception has been granted by the state 204372
board of education. 204373

(B) Division (A) of this section does not apply to any joint 204374
vocational school district or any cooperative education school 204375
district established pursuant to divisions (A) to (C) of section 204376
3311.52 of the Revised Code. 204377

(C)(1)(a) Except as provided in division (C)(3) of this 204378
section, division (A) of this section does not apply to any 204379
cooperative education school district established pursuant to 204380
section 3311.521 of the Revised Code nor to the city, exempted 204381
village, or local school districts that have territory within such 204382
a cooperative education district. 204383

(b) The cooperative district and each city, exempted village, 204384
or local district with territory within the cooperative district 204385
shall maintain the grades that the resolution adopted or amended 204386
pursuant to section 3311.521 of the Revised Code specifies. 204387

(2) Any cooperative education school district described under 204388
division (C)(1) of this section that fails to maintain the grades 204389
it is specified to operate shall be dissolved by order of the 204390
state board of education unless prior to such an order the 204391
cooperative district is dissolved pursuant to section 3311.54 of 204392
the Revised Code. Any such order shall provide for the equitable 204393
adjustment, division, and disposition of the assets, property, 204394
debts, and obligations of the district among each city, local, and 204395
exempted village school district whose territory is in the 204396
cooperative district and shall provide that the tax duplicate of 204397
each city, local, and exempted village school district whose 204398
territory is in the cooperative district shall be bound for and 204399
assume its share of the outstanding indebtedness of the 204400
cooperative district. 204401

(3) If any city, exempted village, or local school district 204402
described under division (C)(1) of this section fails to maintain 204403
the grades it is specified to operate the cooperative district 204404
within which it has territory shall be dissolved in accordance 204405
with division (C)(2) of this section and upon that dissolution any 204406
city, exempted village, or local district failing to maintain 204407
grades kindergarten through twelve shall be subject to the 204408
provisions for dissolution in division (A) of this section. 204409

(D) Division (A) of this section does not apply to any school 204410
district that is or has ever been subject to section 3302.10 of 204411
the Revised Code, as it exists on and after ~~the effective date of~~ 204412
~~this amendment~~ October 15, 2015, and has had a majority of its 204413
schools reconstituted or closed under that section. 204414

Sec. 3311.521. (A) The boards of education of any two or more 204415
contiguous city, exempted village, or local school districts may 204416
establish a cooperative education school district in accordance 204417
with this section for the purpose of operating a joint high school 204418

in lieu of each of such boards operating any high school. Such a 204419
cooperative education school district shall only be established 204420
pursuant to the adoption of identical resolutions in accordance 204421
with this section within a sixty-day period by a majority of the 204422
members of the board of education of all such boards. Upon the 204423
adoption of all such resolutions, a copy of each resolution shall 204424
be filed with the ~~state board~~ department of education and 204425
workforce. 204426

The territory of any cooperative education school district 204427
established pursuant to this section shall consist of the 204428
territory of all of the school districts whose boards of education 204429
adopt identical resolutions under this section. 204430

(B) Any resolutions adopted under division (A) of this 204431
section shall include all of the following: 204432

(1) Provision for the date on which the cooperative district 204433
will be created, which date shall be the first day of July in the 204434
year specified in the resolution; 204435

(2) Provision for the composition, selection, and terms of 204436
office of the board of education of the cooperative district, 204437
which provision shall include but not necessarily be limited to 204438
both of the following: 204439

(a) A requirement that the board include at least two members 204440
selected from or by the members of the board of education of each 204441
city, local, and exempted village school district within the 204442
territory of the cooperative district; 204443

(b) Specification of the date by which the initial members of 204444
the board must be selected, which date shall be the same as the 204445
date specified pursuant to division (B)(1) of this section. 204446

(3) Provision for the selection of a superintendent and 204447
treasurer of the cooperative school district, which provision 204448
shall require one of the following: 204449

(a) The selection of one person as both the superintendent and treasurer of the cooperative district, which provision may require such person to be the superintendent or treasurer of any city, local, or exempted village school district within the territory of the cooperative district;

(b) The selection of one person as the superintendent and another person as the treasurer of the cooperative district, which provision may require either one or both such persons to be superintendents or treasurers of any city, local, or exempted village school district within the territory of the cooperative district.

(4) A statement of the high school education program the board of education of the cooperative education school district will conduct in lieu of any high school education program being operated by the boards of education of the city, local, and exempted village school districts within the territory of the cooperative district, which statement shall include but not necessarily be limited to the high school grade levels to be operated in the program, the timetable for commencing operation of the program, and the facilities proposed to be used or constructed to be used by the program;

(5) A statement that the boards of education of the city, local, and exempted village school districts within the territory of the cooperative district will not operate any high school education program for the grade levels operated by the cooperative district;

(6) A statement of how special education and related services will be provided in accordance with Chapter 3323. of the Revised Code to the children with disabilities who are identified by each city, exempted village, or local school district with territory in the cooperative district and who are in the grade levels to be operated by the cooperative district;

(7) A statement of how transportation of students to and from school will be provided in the cooperative district, which statement shall include but not be necessarily limited to both of the following:

(a) How special education students will be transported as required by their individualized education program adopted pursuant to section 3323.08 of the Revised Code;

(b) Whether transportation to and from school will be provided to any other students of the cooperative district and, if so, the manner in which this transportation will be provided.

(8) A statement of the annual amount, or the method for determining the annual amount, of funds or services or facilities that each city, local, and exempted village school district is required to pay to or provide for the use of the board of education of the cooperative education school district;

(9) Provision for adopting amendments to the provisions adopted pursuant to divisions (B)(3) to (8) of this section, which provision shall require that any such amendments comply with divisions (B)(3) to (8) of this section.

(C) Upon the adoption of identical resolutions in accordance with this section, the cooperative education school district and board of education of that district specified in and selected in accordance with such resolutions shall be established on the date specified in the resolutions. Upon the establishment of the district and board, the board of the cooperative district shall give written notice of the creation of the district to the county auditor and the board of elections of each county having any territory in the new district.

Sec. 3311.53. (A)(1) The board of education of any city, local, or exempted village school district that wishes to become

part of a cooperative education school district established 204512
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 204513
Code may adopt a resolution proposing to become a part of the 204514
cooperative education school district. 204515

(2) The board of education of any city, local, or exempted 204516
village school district that is contiguous to a cooperative 204517
education school district established pursuant to section 3311.521 204518
of the Revised Code and that wishes to become part of that 204519
cooperative district may adopt a resolution proposing to become 204520
part of that cooperative district. 204521

(B) If, after the adoption of a resolution in accordance with 204522
division (A) of this section, the board of education of the 204523
cooperative education school district named in that resolution 204524
also adopts a resolution accepting the new district, the board of 204525
the district wishing to become part of the cooperative district 204526
shall advertise a copy of the cooperative district board's 204527
resolution in a newspaper of general circulation in the school 204528
district proposing to become a part of the cooperative education 204529
school district once each week for two weeks, or as provided in 204530
section 7.16 of the Revised Code, immediately following the date 204531
of the adoption of the resolution. The resolution shall become 204532
legally effective on the sixtieth day after its adoption, unless 204533
prior to the expiration of that sixty-day period qualified 204534
electors residing in the school district proposed to become a part 204535
of the cooperative education school district equal in number to a 204536
majority of the qualified electors voting at the last general 204537
election file with the board of education a petition of 204538
remonstrance against the transfer. If the resolution becomes 204539
legally effective, both of the following shall apply: 204540

(1) The resolution that established the cooperative education 204541
school district pursuant to divisions (A) to (C) of section 204542
3311.52 or section 3311.521 of the Revised Code shall be amended 204543

to reflect the addition of the new district to the cooperative 204544
district. 204545

(2) The board of education of the cooperative education 204546
school district shall give written notice of this fact to the 204547
county auditor and the board of elections of each county in which 204548
the school district becoming a part of the cooperative education 204549
school district has territory. Any such county auditor shall 204550
thereupon have any outstanding levy for building purposes, bond 204551
retirement, or current expenses in force in the cooperative 204552
education school district spread over the territory of the school 204553
district becoming a part of the cooperative education school 204554
district. 204555

(C) If the board of education of the cooperative education 204556
school district is not the governing board of an educational 204557
service center, the board of education of the cooperative 204558
education school district shall, on the addition of a city, local, 204559
or exempted village school district to the district pursuant to 204560
this section, submit to the ~~state board~~ department of education 204561
and workforce a proposal to enlarge the membership of the board. 204562
In the case of a cooperative district established pursuant to 204563
divisions (A) to (C) of section 3311.52 of the Revised Code, the 204564
proposal shall add one or more persons to the district's board, at 204565
least one of whom shall be a member of or selected by the board of 204566
education of the additional school district, and shall specify the 204567
term of each such additional member. In the case of a cooperative 204568
district established pursuant to section 3311.521 of the Revised 204569
Code, the proposal shall add two or more persons to the district's 204570
board, at least two of whom shall be a member of or selected by 204571
the board of education of the additional school district, and 204572
shall specify the term of each such additional member. On approval 204573
by the ~~state board of education~~ department, the additional members 204574
shall be added to the cooperative education school district board 204575

of education. 204576

Sec. 3311.60. This section applies to any school district 204577
that has an average daily membership, as reported under division 204578
(A) of section 3317.03 of the Revised Code, greater than sixty 204579
thousand and of which the majority of the district's territory is 204580
located in a city with a population greater than seven hundred 204581
thousand according to the most recent federal decennial census. 204582

(A) Subject to approval by the electors under section 3311.61 204583
of the Revised Code, the board of education of a school district 204584
to which this section applies shall create the position of 204585
independent auditor to be responsible for all internal auditing 204586
functions of the district. The independent auditor shall be 204587
selected by the selection committee prescribed by division (B) of 204588
this section. Upon selection of the independent auditor, the 204589
district board shall execute a written contract of employment with 204590
the independent auditor. The district board shall appropriate 204591
funds to support the operations and functions of the independent 204592
auditor and shall grant the independent auditor access to all 204593
district personnel, equipment, and records necessary to perform 204594
the duties prescribed by divisions (C) and (D) of this section. 204595
The term of office for the independent auditor shall be for five 204596
years and may be renewed for additional terms by the selection 204597
committee. 204598

(B)(1) The independent auditor selection committee shall 204599
consist of the mayor, council president, and auditor of the city 204600
in which a majority of the territory of the district is located; 204601
the president of the school district board of education; and the 204602
probate court judge of the county in which a majority of the 204603
territory of the district is located. Members of the selection 204604
committee shall serve without compensation. 204605

(2) The selection committee shall do the following: 204606

(a) Establish qualifications for the position of independent auditor;	204607 204608
(b) Select, by majority vote, an individual to serve as the independent auditor;	204609 204610
(c) Recommend to the district board of education the compensation for the position of independent auditor and the necessary additional funds to finance operations and functions of the independent auditor;	204611 204612 204613 204614
(d) Reappoint the independent auditor for an additional term, by a majority vote of the selection committee members;	204615 204616
(e) Appoint a successor, if the current independent auditor is not reappointed, by a majority vote of the committee members;	204617 204618
(f) In the event of a vacancy in the office of independent auditor, appoint a successor to the balance of the unexpired term, by a majority vote of the selection committee members;	204619 204620 204621
(g) Remove the independent auditor from office, by a two-thirds vote of the selection committee members.	204622 204623
(C) The independent auditor shall do the following:	204624
(1) Recommend to the district board of education the employment of personnel necessary to carry out the activities of the independent auditor;	204625 204626 204627
(2) Prescribe duties and qualifications for staff of the independent auditor;	204628 204629
(3) Serve as the district's public records officer and oversee the maintenance and availability of the school district's public documents;	204630 204631 204632
(4) Prior to certification by the school district superintendent, review reports and data that must be submitted to the department of education and the state board of education and <u>workforce</u> ;	204633 204634 204635 204636

(5) Receive any complaints of alleged wrongful or illegal acts regarding the district's operations, finances, and data reported under the education management information system prescribed under section 3301.0714 of the Revised Code and supervise the internal investigation of those complaints. At the independent auditor's discretion, the independent auditor may initiate investigations.

(6) Report the results of investigations of such wrongful or illegal acts, whether criminal in nature or otherwise, to the appropriate authorities or agencies, including the school district board of education, the city attorney of the city in which a majority of the territory of the district is located, the prosecuting attorney of the county in which a majority of the territory of the district is located, the auditor of state, the department of education and workforce, and the Ohio ethics commission;

(7) Propose to the selection committee a budget to support the independent auditor's operations and functions;

(8) Audit funds a partnering community school receives from the district's partnering community schools fund established under section 5705.21 of the Revised Code;

(9) Submit, not later than the first day of September of each year, a report on the activities of the independent auditor to the selection committee, the board of education of the school district, and the general assembly in accordance with section 101.68 of the Revised Code. The report required under division (C)~~(8)~~(9) of this section is a public record under section 149.43 of the Revised Code.

If sufficient funds are available, the independent auditor may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to

perform the duties prescribed under divisions (C) and (D) of this section. 204668
204669

(D) In cooperation with the school district board of education and in coordination with the auditor of state, the independent auditor may conduct or initiate financial and performance audits and analyses of the school district to ensure the following: 204670
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204672
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(1) School district activities and programs comply with all applicable laws and district policies, procedures, and appropriations; 204675
204676
204677

(2) Student performance and enrollment data are accurately and clearly reported; 204678
204679

(3) Ballot requests to levy a tax are based on accurate analysis and the needs of the district; 204680
204681

(4) Individual contracts of the district are consistent with the policies, procedures, budgets, and financial plans adopted by the district board; 204682
204683
204684

(5) Incentive-based distributions and plans are consistent with the objectives adopted by the district board; 204685
204686

(6) District operations are executed in a cost-effective and efficient manner consistent with the objectives of and appropriations made by the district board; 204687
204688
204689

(7) Accuracy of district financial statements and reports; 204690

(8) Recommendations for improvement that have been adopted by the district board are implemented; 204691
204692

(9) Operating units or departments have necessary and appropriate operating and administrative policies, procedures, internal controls, and data quality protocols; 204693
204694
204695

(10) Proper evaluation of district programs and activities, including a full accounting of all funds. 204696
204697

Sec. 3311.71. (A) As used in this section and in sections 204698
3311.72 to 3311.87 of the Revised Code: 204699

(1) "Municipal school district" means a school district that 204700
is or has ever been under a federal court order requiring 204701
supervision and operational, fiscal, and personnel management of 204702
the district by the ~~state~~ superintendent of public instruction 204703
prior to the effective date of this amendment or by the director 204704
of education and workforce on and after the effective date of this 204705
amendment. 204706

(2) "Mayor" means the mayor of the municipal corporation 204707
containing the greatest portion of a municipal school district's 204708
territory. 204709

(B) Whenever any municipal school district is released by a 204710
federal court from an order requiring supervision and operational, 204711
fiscal, and personnel management of the district by the state 204712
superintendent or director of education and workforce, the 204713
management and control of that district shall be assumed, 204714
effective immediately, by a new nine-member board of education. 204715
Members of the new board shall be appointed by the mayor, who 204716
shall also designate one member as the chairperson of the board. 204717
In addition to the rights, authority, and duties conferred upon 204718
the chairperson by sections 3311.71 to 3311.87 of the Revised 204719
Code, the chairperson shall have all the rights, authority, and 204720
duties conferred upon the president of a board of education by the 204721
Revised Code that are not inconsistent with sections 3311.71 to 204722
3311.87 of the Revised Code. 204723

(C) No school board member shall be appointed by the mayor 204724
pursuant to division (B) of this section until the mayor has 204725
received a slate of at least eighteen candidates nominated by a 204726
municipal school district nominating panel, at least three of whom 204727
reside in the municipal school district but not in the municipal 204728

corporation containing the greatest portion of the district's 204729
territory. The municipal school district nominating panel shall be 204730
initially convened and chaired by the state superintendent ~~of~~ 204731
~~public instruction~~ or director, who shall serve as a nonvoting 204732
member for the first two years of the panel's existence, and shall 204733
consist of eleven persons selected as follows: 204734

(1) Three parents or guardians of children attending the 204735
schools of the municipal school district appointed by the district 204736
parent-teacher association, or similar organization selected by 204737
the state superintendent or director; 204738

(2) Three persons appointed by the mayor; 204739

(3) One person appointed by the president of the legislative 204740
body of the municipal corporation containing the greatest portion 204741
of the municipal school district's territory; 204742

(4) One teacher appointed by the collective bargaining 204743
representative of the school district's teachers; 204744

(5) One principal appointed through a vote of the school 204745
district's principals, which vote shall be conducted by the state 204746
superintendent or director; 204747

(6) One representative of the business community appointed by 204748
an organized collective business entity selected by the mayor; 204749

(7) One president of a public or private institution of 204750
higher education located within the municipal school district 204751
appointed by the state superintendent ~~of public instruction~~ or 204752
director. 204753

The municipal school district nominating panel shall select 204754
one of its members as its chairperson commencing two years after 204755
the date of the first meeting of the panel, at which time the 204756
state superintendent ~~of public instruction~~ or director shall no 204757
longer convene or chair the panel. Thereafter, the panel shall 204758

meet as necessary to make nominations at the call of the 204759
chairperson. All members of the panel shall serve at the pleasure 204760
of the appointing authority. Vacancies on the panel shall be 204761
filled in the same manner as the initial appointments. 204762

(D) No individual shall be appointed by the mayor pursuant to 204763
division (B) or (F) of this section unless the individual has been 204764
nominated by the nominating panel, resides in the school district, 204765
and holds no elected public office. At any given time, four of the 204766
nine members appointed by the mayor to serve on the board pursuant 204767
to either division (B) or (F) of this section shall have 204768
displayed, prior to appointment, significant expertise in either 204769
the education field, finance, or business management. At all times 204770
at least one member of the board shall be an individual who 204771
resides in the municipal school district but not in the municipal 204772
corporation containing the greatest portion of the district's 204773
territory. 204774

(E) The terms of office of all members appointed by the mayor 204775
pursuant to division (B) of this section shall expire on the next 204776
thirtieth day of June following the referendum election required 204777
by section 3311.73 of the Revised Code. The mayor may, with the 204778
advice and consent of the nominating panel, remove any member 204779
appointed pursuant to that division or division (F) of this 204780
section for cause. 204781

(F) If the voters of the district approve the continuation of 204782
an appointed board at the referendum election required by section 204783
3311.73 of the Revised Code, the mayor shall appoint the members 204784
of a new board from a slate prepared by the nominating panel in 204785
the same manner as the initial board was appointed pursuant to 204786
divisions (B), (C), and (D) of this section. Five of the members 204787
of the new board shall be appointed to four-year terms and the 204788
other four shall be appointed to two-year terms, each term 204789
beginning on the first day of July. Thereafter, the mayor shall 204790

appoint members to four-year terms in the same manner as described 204791
in divisions (B), (C), and (D) of this section. The minimum number 204792
of individuals who shall be on the slate prepared by the 204793
nominating panel for this purpose shall be at least twice the 204794
number of members to be appointed, including at least two who 204795
reside in the municipal school district but not in the municipal 204796
corporation containing the greatest portion of the district's 204797
territory. 204798

(G) In addition to the nine members appointed by the mayor, 204799
the boards appointed pursuant to divisions (B) and (F) of this 204800
section shall include the following nonvoting ex officio members: 204801

(1) If the main campus of a state university specified in 204802
section 3345.011 of the Revised Code is located within the 204803
municipal school district, the president of the university or the 204804
president's designee; 204805

(2) If any community college has its main branch located 204806
within the district, the president of the community college that 204807
has the largest main branch within the district, or the 204808
president's designee. 204809

Sec. 3311.74. (A) The board of education of a municipal 204810
school district, in consultation with the department of education 204811
and workforce, shall set goals for the district's educational, 204812
financial, and management progress and establish accountability 204813
standards with which to measure the district's progress. 204814

(B)(1) The chief executive officer of a municipal school 204815
district shall develop, implement, and regularly update a plan to 204816
measure student academic performance at each school within the 204817
district. The plan developed by the chief executive officer shall 204818
include a component that requires the parents or guardians of 204819
students who attend the district's schools to attend, prior to the 204820
fifteenth day of December each year, at least one parent-teacher 204821

conference or similar event held by the school the student attends 204822
to provide an opportunity for the parents and guardians to meet 204823
the student's teachers, discuss expectations for the student, 204824
discuss the student's performance, and foster communication 204825
between home and school. 204826

(2) Where measurements demonstrate that students in 204827
particular schools are not achieving, or are not improving their 204828
achievement levels at an acceptable rate, the plan shall contain 204829
provisions requiring the chief executive officer, with the 204830
concurrence of the board, to take corrective action within those 204831
schools, including, but not limited to, reallocation of academic 204832
and financial resources, reassignment of staff, redesign of 204833
academic programs, adjusting the length of the school year or 204834
school day, and deploying additional assistance to students. 204835

(3) Prior to taking corrective action pursuant to the plan, 204836
the chief executive officer shall first identify which schools are 204837
in need of corrective action, what corrective action is warranted 204838
at each school, and when the corrective action should be 204839
implemented. Collectively, these items shall be known as the 204840
"corrective plan." The corrective plan is not intended to be used 204841
as a cost savings measure; rather, it is intended to improve 204842
student performance at targeted schools. 204843

Immediately after developing the corrective plan, the chief 204844
executive officer and the presiding officer of each labor 204845
organization whose members will be affected by the corrective plan 204846
shall each appoint up to four individuals to form one or more 204847
corrective action teams. The corrective action teams, within the 204848
timelines set by the chief executive officer for implementation of 204849
the corrective plan, shall collaborate with the chief executive 204850
officer and, where there are overlapping or mutual concerns, with 204851
other corrective action teams to make recommendations to the chief 204852
executive officer on implementation of the corrective plan. 204853

If the chief executive officer disagrees with all or part of the recommendations of a corrective action team, or if a corrective action team fails to make timely recommendations on the implementation of all or part of the corrective plan, the chief executive officer may implement the corrective plan in the manner in which the chief executive officer determines to be in the best interest of the students, consistent with the timelines originally established.

The chief executive officer and any corrective action team are not bound by the applicable provisions of collective bargaining agreements in developing recommendations for and implementing the corrective plan.

(4) Notwithstanding anything to the contrary in Chapter 4117. of the Revised Code, the content and implementation of the corrective plan prevail over any conflicting provision of a collective bargaining agreement entered into on or after ~~the effective date of this amendment~~ October 1, 2012.

(C) Annually the chief executive officer shall issue a report to residents of the district that includes results of achievement measurements made under division (B)(1) of this section and delineates the nature of any reforms and corrective actions being taken in response to any failure to achieve at an acceptable level or rate. The report shall also contain descriptions of efforts undertaken to improve the overall quality or efficiency of operation of the district, shall list the source of all district revenues, and shall contain a description of all district expenditures during the preceding fiscal year.

(D) The chief executive officer shall implement a public awareness campaign to keep the parents and guardians of the district's students informed of the changes being implemented within the district. The campaign may include such methods as community forums, letters, and brochures. It shall include annual

distribution to all parents and guardians of an information card 204886
specifying the names and business addresses and telephone numbers 204887
of the ombudspersons appointed under section 3311.72 of the 204888
Revised Code and other employees of the district board of 204889
education who may serve as information resources for parents and 204890
guardians. 204891

Sec. 3311.741. (A) This section applies only to a municipal 204892
school district in existence on July 1, 2012. 204893

(B) Not later than December 1, 2012, the board of education 204894
of each municipal school district to which this section applies 204895
shall submit to the ~~superintendent of public instruction~~ director 204896
of education and workforce an array of measures to be used in 204897
evaluating the performance of the district. The measures shall 204898
assess at least overall student achievement, student progress over 204899
time, the achievement and progress over time of each of the 204900
applicable categories of students described in division (G) of 204901
section 3302.03 of the Revised Code, and college and career 204902
readiness. The ~~state superintendent~~ director shall approve or 204903
disapprove the measures by January 15, 2013. If the measures are 204904
disapproved, the ~~state superintendent~~ director shall recommend 204905
modifications that will make the measures acceptable. 204906

(C) Beginning with the 2012-2013 school year, the board 204907
annually shall establish goals for improvement on each of the 204908
measures approved under division (B) of this section. The school 204909
district's performance data for the 2011-2012 school year shall be 204910
used as a baseline for determining improvement. 204911

(D) Not later than October 1, 2013, and by the first day of 204912
October each year thereafter, the board shall issue a report 204913
describing the school district's performance for the previous 204914
school year on each of the measures approved under division (B) of 204915
this section and whether the district has met each of the 204916

improvement goals established for that year under division (C) of 204917
this section. The board shall provide the report to the governor, 204918
the ~~superintendent of public instruction~~director of education and 204919
workforce, and, in accordance with section 101.68 of the Revised 204920
Code, the general assembly. 204921

Sec. 3311.76. (A) Notwithstanding Chapters 3302. and 3317. of 204922
the Revised Code, upon written request of the district chief 204923
executive officer, the ~~state superintendent of public instruction~~ 204924
director of education and workforce may exempt a municipal school 204925
district from any rules adopted under Title XXXIII of the Revised 204926
Code except for any rule adopted under Chapter 3307. or 3309., 204927
sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code, 204928
and may authorize a municipal school district to apply funds 204929
allocated to the district under Chapter 3317. of the Revised Code, 204930
except those specifically allocated to purposes other than current 204931
expenses, to the payment of debt charges on the district's public 204932
obligations. The request must specify the provisions from which 204933
the district is seeking exemption or the application of funds 204934
requested and the reasons for the request. The ~~state~~ 204935
~~superintendent~~ director shall approve the request if the 204936
~~superintendent~~ director finds the requested exemption or 204937
application of funds is in the best interest of the district's 204938
students. The ~~superintendent~~ director shall approve or disapprove 204939
the request within thirty days and shall notify the district board 204940
and the district chief executive officer of approval or reasons 204941
for disapproving the request. 204942

(B) The board of education of a municipal school district may 204943
apply for an exemption from specific statutory provisions or rules 204944
under section 3302.07 of the Revised Code. 204945

(C) In addition to the rights, authority, and duties 204946
conferred upon a municipal school district and its board of 204947

education in sections 3311.71 to 3311.87 of the Revised Code, a 204948
municipal school district and its board shall have all of the 204949
rights, authority, and duties conferred upon a city school 204950
district and its board by law that are not inconsistent with 204951
sections 3311.71 to 3311.87 of the Revised Code. 204952

Sec. 3311.86. (A) As used in this section: 204953

(1) "Alliance" means a municipal school district 204954
transformation alliance established as a nonprofit corporation. 204955

(2) "Alliance municipal school district" means a municipal 204956
school district for which an alliance has been created under this 204957
section. 204958

(3) "Partnering community school" means a community school 204959
established under Chapter 3314. of the Revised Code that is 204960
located within the territory of a municipal school district and 204961
that either is sponsored by the district or is a party to an 204962
agreement with the district whereby the district and the community 204963
school endorse each other's programs. 204964

(4) "Transformation alliance education plan" means a plan 204965
prepared by the mayor, and confirmed by the alliance, to transform 204966
public education in the alliance municipal school district to a 204967
system of municipal school district schools and partnering 204968
community schools that will be held to the highest standards of 204969
school performance and student achievement. 204970

(B) If one or more partnering community schools are located 204971
in a municipal school district, the mayor may initiate proceedings 204972
to establish a municipal school district transformation alliance 204973
as a nonprofit corporation under Chapter 1702. of the Revised 204974
Code. The mayor shall have sole authority to appoint the directors 204975
of any alliance created under this section. The directors of the 204976
alliance shall include representatives of all of the following: 204977

(1) The municipal school district;	204978
(2) Partnering community schools;	204979
(3) Members of the community at large, including parents and educators;	204980 204981
(4) The business community, including business leaders and foundation leaders.	204982 204983
No one group listed in divisions (B)(1) to (4) of this section shall comprise a majority of the directors. The mayor shall be an ex officio director, and serve as the chairperson of the board of directors, of any alliance created under this section. If the proceedings are initiated, the mayor shall identify the directors in the articles of incorporation filed under section 1702.04 of the Revised Code.	204984 204985 204986 204987 204988 204989 204990
(C)(1) A majority of the members of the board of directors of the alliance shall constitute a quorum of the board. Any formal action taken by the board of directors shall take place at a meeting of the board and shall require the concurrence of a majority of the members of the board. Meetings of the board of directors shall be public meetings open to the public at all times, except that the board and its committees and subcommittees may hold an executive session, as if it were a public body with public employees, for any of the purposes for which an executive session of a public body is permitted under division (G) of section 121.22 of the Revised Code, notwithstanding that the alliance is not a public body as defined in that section, and its employees are not public employees as provided in division (F) of this section. The board of directors shall establish reasonable methods whereby any person may determine the time and place of all of the board's public meetings and by which any person, upon request, may obtain reasonable advance notification of the board's public meetings. Provisions for that advance notification may	204991 204992 204993 204994 204995 204996 204997 204998 204999 205000 205001 205002 205003 205004 205005 205006 205007 205008

include, but are not limited to, mailing notices to all 205009
subscribers on a mailing list or mailing notices in 205010
self-addressed, stamped envelopes provided by the person. 205011

(2) All records of the alliance shall be organized and 205012
maintained by the alliance and also filed with the department of 205013
education and workforce. The alliance and the department shall 205014
make those records available to the public as though those records 205015
were public records for purposes of Chapter 149. of the Revised 205016
Code. The department shall promptly notify the alliance upon the 205017
department's receipt of any requests for records relating to the 205018
alliance pursuant to section 149.43 of the Revised Code. 205019

(3) The board of directors of the alliance shall establish a 205020
conflicts of interest policy and shall adopt that policy, and any 205021
amendments to the policy, at a meeting of the board held in 205022
accordance with this section. 205023

(D)(1) If an alliance is created under this section, the 205024
alliance shall do all of the following: 205025

(a) Report annually on the performance of all municipal 205026
school district schools and all community schools established 205027
under Chapter 3314. of the Revised Code and located in the 205028
district, using the criteria adopted under division (B) of section 205029
3311.87 of the Revised Code; 205030

(b) Confirm and monitor implementation of the transformation 205031
alliance education plan; 205032

(c) Suggest national education models for and provide input 205033
in the development of new municipal school district schools and 205034
partnering community schools. 205035

(2) If an alliance is created under this section, the 205036
department ~~of education~~ may request alliance comment, or the 205037
alliance independently may offer comment to the department, on the 205038
granting, renewal, or extension of an agreement with a sponsor of 205039

community schools under section 3314.015 of the Revised Code when 205040
the sponsor has existing agreements with a community school 205041
located in an alliance municipal school district. If the alliance 205042
makes comments, those comments shall be considered by the 205043
department prior to making its decision whether to grant, renew, 205044
or extend the agreement. 205045

For purposes of division (D)(2) of this section, comments by 205046
the alliance shall be based on the criteria established under 205047
division (A) of section 3311.87 of the Revised Code. 205048

(E) Divisions (E)(1) to (3) of this section apply to each 205049
community school sponsor that is subject to approval by the 205050
department under section 3314.015 of the Revised Code whose 205051
approval under that section is granted, renewed, or extended on or 205052
after October 1, 2012. Divisions (E)(1) to (3) of this section do 205053
not apply to a sponsor that has been approved by the department 205054
prior to that date, until the sponsor's approval is renewed, 205055
granted anew, or extended on or after that date. 205056

(1) Before a sponsor to which this section applies may 205057
sponsor new community schools in an alliance municipal school 205058
district, the sponsor shall request recommendation from the 205059
alliance to sponsor community schools in the district. 205060

(2) The alliance shall review the sponsor's request and shall 205061
make a recommendation to the department based on the standards for 205062
sponsors developed under division (A)(2) of section 3311.87 of the 205063
Revised Code. 205064

(3) The department shall use the standards developed under 205065
division (A)(2) of section 3311.87 of the Revised Code, in 205066
addition to any other requirements of the Revised Code, to review 205067
a sponsor's request and make a final determination, on 205068
recommendation of the alliance, of whether the sponsor may sponsor 205069
new community schools in the alliance municipal school district. 205070

No sponsor shall be required to receive authorization to sponsor new community schools under division (E)(3) of this section more than one time.

(F) Directors, officers, and employees of an alliance are not public employees or public officials, are not subject to Chapters 124., 145., and 4117. of the Revised Code, and are not "public officials" or "public servants" as defined in section 2921.01 of the Revised Code. Membership on the board of directors of an alliance does not constitute the holding of an incompatible public office or employment in violation of any statutory or common law prohibition against the simultaneous holding of more than one public office or employment. Members of the board of directors of an alliance are not disqualified from holding any public office by reason of that membership, and do not forfeit by reason of that membership the public office or employment held when appointed to the board, notwithstanding any contrary disqualification or forfeiture requirement under the Revised Code or the common law of this state.

Sec. 3311.87. The department of education and workforce, in conjunction with the municipal school district transformation alliance established under section 3311.86 of the Revised Code, if such an alliance is established under that section, and a statewide nonprofit organization whose membership is comprised solely of entities that sponsor community schools and whose members sponsor the majority of start-up community schools in the state, shall do all of the following:

(A) Not later than December 31, 2012, establish both of the following:

(1) Objective criteria to be used by a sponsor to determine if it will sponsor new community schools located within the municipal school district. Beginning with any community school

that opens after July 1, 2013, each sponsor shall use the criteria 205102
established under this division to determine whether to sponsor a 205103
community school in the municipal district. 205104

(2) Criteria for assessing the ability of a sponsor to 205105
successfully sponsor a community school in a municipal school 205106
district. 205107

The criteria adopted under divisions (A)(1) and (2) of this 205108
section shall be based on standards issued by the national 205109
association of charter school authorizers or any other nationally 205110
organized community or charter school organization. 205111

(B) Not later than April 30, 2013, establish a comprehensive 205112
framework to assess the efficacy of district schools and community 205113
schools located in the municipal school district. Where possible, 205114
the framework shall be based on nationally accepted quality 205115
standards and principles for schools and shall be specific to a 205116
school's model, mission, and student populations. 205117

Sec. 3312.01. (A) The educational regional service system is 205118
hereby established. The system shall support state and regional 205119
education initiatives and efforts to improve school effectiveness 205120
and student achievement. Services, including special education and 205121
related services, shall be provided under the system to school 205122
districts, community schools established under Chapter 3314. of 205123
the Revised Code, and chartered nonpublic schools. 205124

It is the intent of the general assembly that the educational 205125
regional service system reduce the unnecessary duplication of 205126
programs and services and provide for a more streamlined and 205127
efficient delivery of educational services without reducing the 205128
availability of the services needed by school districts and 205129
schools. 205130

(B) The educational regional service system shall consist of 205131

the following:	205132
(1) The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code;	205133 205134
(2) A fiscal agent for each of the regions as configured under section 3312.02 of the Revised Code;	205135 205136
(3) Educational service centers, information technology centers established under section 3301.075 of the Revised Code, and other regional education service providers.	205137 205138 205139
(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:	205140 205141 205142 205143 205144
(1) Assistance in improving student performance;	205145
(2) Services to enable a school district or school to operate more efficiently or economically;	205146 205147
(3) Professional development for teachers or administrators;	205148
(4) Assistance in the recruitment and retention of teachers and administrators;	205149 205150
(5) Applying for any state or federal grant on behalf of a school district;	205151 205152
(6) Any other educational, administrative, or operational services.	205153 205154
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education <u>and workforce</u> .	205155 205156 205157 205158 205159 205160

Any educational service center selected to be a fiscal agent 205161
for its region pursuant to section 3312.07 of the Revised Code 205162
shall continue to operate as an educational service center for the 205163
part of the region that comprises its territory. 205164

(D) An educational service center shall be considered a 205165
school district or a local education agency for the purposes of 205166
eligibility in applying for any state or competitive federal 205167
grant. 205168

(E) Information technology centers may enter into agreements 205169
for the provision of services pursuant to section 3312.10 of the 205170
Revised Code. 205171

(F) No school district, community school, or chartered 205172
nonpublic school shall be required to purchase services from an 205173
educational service center or information technology center in the 205174
region in which the district or school is located, except that a 205175
local school district shall receive any services required by the 205176
Revised Code to be provided by an educational service center to 205177
the local school districts in its territory from the educational 205178
service center in whose territory the district is located. 205179

Sec. 3312.02. (A) There shall be the following sixteen 205180
regions in the educational regional service system: 205181

(1) Region one shall consist of the territory contained in 205182
Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, 205183
Sandusky, Seneca, Van Wert, Williams, and Wood counties. 205184

(2) Region two shall consist of the territory contained in 205185
Erie, Huron, and Lorain counties. 205186

(3) Region three shall consist of the territory contained in 205187
Cuyahoga county. 205188

(4) Region four shall consist of the territory contained in 205189
Geauga and Lake counties. 205190

- (5) Region five shall consist of the territory contained in Ashtabula, Mahoning, and Trumbull counties. 205191
205192
- (6) Region six shall consist of the territory contained in Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby counties. 205193
205194
205195
- (7) Region seven shall consist of the territory contained in Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot counties. 205196
205197
205198
- (8) Region eight shall consist of the territory contained in Medina, Portage, and Summit counties. 205199
205200
- (9) Region nine shall consist of the territory contained in Columbiana, Stark, and Wayne counties. 205201
205202
- (10) Region ten shall consist of the territory contained in Clark, Darke, Greene, Miami, Montgomery, and Preble counties. 205203
205204
- (11) Region eleven shall consist of the territory contained in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union counties. 205205
205206
205207
- (12) Region twelve shall consist of the territory contained in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties. 205208
205209
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- (13) Region thirteen shall consist of the territory contained in Butler, Clermont, Hamilton, and Warren counties. 205211
205212
- (14) Region fourteen shall consist of the territory contained in Adams, Brown, Clinton, Fayette, and Highland counties. 205213
205214
- (15) Region fifteen shall consist of the territory contained in Lawrence, Pike, Ross, and Scioto counties. 205215
205216
- (16) Region sixteen shall consist of the territory contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry, Vinton, and Washington counties. 205217
205218
205219

(B) ~~Not later than July 1, 2007, the state board~~ The 205220
department of education and workforce shall adopt rules 205221
establishing a process whereby a school district may elect to 205222
transfer to a region other than the region to which the district 205223
is assigned by this section. The ~~state board~~ department shall 205224
consult with school districts and regional service providers in 205225
developing the process. No school district shall be permitted to 205226
transfer to a different region under this division after June 30, 205227
2009. 205228

Sec. 3312.04. The advisory council of each region of the 205229
educational regional service system shall do all of the following: 205230

(A) Identify regional needs and priorities for educational 205231
services to inform the department of education and workforce in 205232
the development of the performance contracts entered into by the 205233
fiscal agent of the region under section 3312.08 of the Revised 205234
Code; 205235

(B) Develop policies to coordinate the delivery of services 205236
to school districts, community schools, and chartered nonpublic 205237
schools in a manner that responds to regional needs and 205238
priorities. Such policies shall not supersede any requirement of a 205239
performance contract entered into by the fiscal agent of the 205240
region under section 3312.08 of the Revised Code. 205241

(C) Make recommendations to the fiscal agent for the region 205242
regarding the expenditure of funds available to the region for 205243
implementation of state and regional education initiatives and 205244
school improvement efforts; 205245

(D) Monitor implementation of state and regional education 205246
initiatives and school improvement efforts by educational service 205247
centers, information technology centers, and other regional 205248
service providers to ensure that the terms of the performance 205249
contracts entered into by the fiscal agent for the region under 205250

section 3312.08 of the Revised Code are being met; 205251

(E) Establish an accountability system to evaluate the 205252
advisory council on its performance of the duties described in 205253
divisions (A) to (D) of this section. 205254

Sec. 3312.07. (A) ~~Not later than January 31, 2007, the~~ The 205255
department of education and workforce shall select a school 205256
district or educational service center in each region of the 205257
educational regional service system to be the fiscal agent for the 205258
region. For this purpose, the department shall issue a request for 205259
proposals from districts and service centers interested in being a 205260
fiscal agent. The department shall select each fiscal agent based 205261
upon the following criteria: 205262

(1) Capability to serve as a fiscal agent as demonstrated by 205263
a satisfactory audit record and prior experience serving as a 205264
fiscal agent; 205265

(2) Adequate capacity in terms of facilities, personnel, and 205266
other relevant resources; 205267

(3) Evidence that the school district's or educational 205268
service center's role as a fiscal agent would result in minimal 205269
disruption to its responsibilities as a district or service 205270
center; 205271

(4) Demonstrated intent to limit the aggregate fees for 205272
administering a performance contract entered into under section 205273
3312.08 of the Revised Code to not more than seven per cent of the 205274
value of the contract. 205275

(B) If no school district or educational service center in a 205276
region responds to the request for proposals issued by the 205277
department, the department shall select a district or service 205278
center in the region that meets the criteria in division (A) of 205279
this section to be the fiscal agent for the region. 205280

Sec. 3312.08. Each fiscal agent selected by the department of education and workforce pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center in accordance with an agreement entered into under section 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department and any operating funds appropriated for an information technology center shall be paid directly to the information technology center by the department pursuant to section 3301.075 of the Revised Code.

(C) Implement any expenditure of funds recommended by the advisory council for the region pursuant to section 3312.04 of the Revised Code or required by the terms of any performance contract, unless there are insufficient funds available to the region to pay for the expenditure or the expenditure violates a provision of the Revised Code, a rule of the ~~state board of education~~ department regarding such expenditure, or the terms of a performance contract;

(D) Exercise fiscal oversight of the implementation of state and regional education initiatives and school improvement efforts.

Sec. 3312.09. (A) Each performance contract entered into by

the department of education and workforce and the fiscal agent of 205311
a region for implementation of a state or regional education 205312
initiative or school improvement effort shall include the 205313
following: 205314

(1) An explanation of how the regional needs and priorities 205315
for educational services have been identified by the advisory 205316
council of the region, the advisory council's subcommittees, and 205317
the department; 205318

(2) A definition of the services to be provided to school 205319
districts, community schools, and chartered nonpublic schools in 205320
the region, including any services provided pursuant to division 205321
(A) of section 3302.04 of the Revised Code; 205322

(3) Expected outcomes from the provision of the services 205323
defined in the contract; 205324

(4) The method the department will use to evaluate whether 205325
the expected outcomes have been achieved; 205326

(5) A requirement that the fiscal agent develop and implement 205327
a corrective action plan if the results of the evaluation are 205328
unsatisfactory; 205329

(6) Data reporting requirements; 205330

(7) The aggregate fees to be charged by the fiscal agent and 205331
any entity with which it subcontracts to cover personnel and 205332
program costs associated with administering the contract, which 205333
fees shall be subject to controlling board approval if in excess 205334
of four per cent of the value of the contract. 205335

(B) Upon completion of each evaluation described in a 205336
performance contract, the department shall post the results of 205337
that evaluation on its web site. 205338

Sec. 3312.13. The department of education and workforce shall 205339

consider the following when entering into performance contracts 205340
with the fiscal agent of each region of the educational regional 205341
service system and when allocating funds for the implementation of 205342
statewide education initiatives by regional service providers; 205343

(A) The unique needs and circumstances of the region; 205344

(B) The regional needs and priorities for educational 205345
services identified by the advisory council for the region; 205346

(C) Any services that will be provided to school districts 205347
and schools within the region pursuant to division (A) of section 205348
3302.04 of the Revised Code. 205349

Sec. 3313.03. Within three months after the official 205350
announcement of the result of each successive federal census, the 205351
board of education of each city school district which, according 205352
to such census, has a population of fifty thousand or more but 205353
less than one hundred fifty thousand persons and which elected to 205354
have subdistricts shall redistrict such districts into 205355
subdistricts. Such subdistricts shall be bounded as far as 205356
practicable by corporation lines, streets, alleys, avenues, public 205357
grounds, canals, watercourses, ward boundaries, voting precinct 205358
boundaries, or present school district boundaries, shall be as 205359
nearly equal in population as possible, and be composed of 205360
adjacent and as compact territory as practicable. If the board of 205361
any such district fails to district or redistrict such city school 205362
district, then the ~~superintendent of public instruction~~ director 205363
of education and workforce shall forthwith district or redistrict 205364
such city school district, subject to sections 3313.01 to 3313.13~~7~~ 205365
~~inclusive~~, of the Revised Code. 205366

Sec. 3313.25. (A) Except as otherwise provided in section 205367
3.061 of the Revised Code, before entering upon the duties of 205368
office, the treasurer of each board of education shall execute a 205369

bond, in an amount and with surety to be approved by the board, 205370
payable to the state, conditioned for the faithful performance of 205371
all the official duties required of the treasurer. Such bond must 205372
be deposited with the president of the board, and a copy thereof, 205373
certified by the president, shall be filed with the county 205374
auditor. 205375

(B)(1) A treasurer shall not be held liable for a loss of 205376
public funds when the treasurer has performed all official duties 205377
required of the treasurer with reasonable care, but shall be 205378
liable only when a loss of public funds results from the 205379
treasurer's negligence or other wrongful act. 205380

(2) The department of education and workforce shall not 205381
consider the loss of public funds not resulting from the 205382
treasurer's negligence or other wrongful act a violation of the 205383
treasurer's professional duties, provided the treasurer has 205384
performed all official duties required of the treasurer with 205385
reasonable care. 205386

Sec. 3313.30. (A) If the auditor of state or a public 205387
accountant, under section 117.41 of the Revised Code, declares a 205388
school district to be unauditabile, the auditor of state shall 205389
provide written notification of that declaration to the district 205390
and the department of education and workforce. The auditor of 205391
state also shall post the notification on the auditor of state's 205392
web site. 205393

(B) If the district's current treasurer held that position 205394
during the period for which the district is unauditabile, upon 205395
receipt of the notification under division (A) of this section, 205396
the district board of education shall suspend the treasurer until 205397
the auditor of state or a public accountant has completed an audit 205398
of the district. Suspension of the treasurer may be with or 205399

without pay, as determined by the district board based on the 205400
circumstances that prompted the auditor of state's declaration. 205401
The district board shall appoint a person to assume the duties of 205402
the treasurer during the period of the suspension. If the 205403
appointee is not licensed as a treasurer under section 3301.074 of 205404
the Revised Code, the appointee shall be approved by the 205405
~~superintendent of public instruction~~ director of education and 205406
workforce before assuming the duties of the treasurer. The state 205407
board of education may take action under section 3319.31 of the 205408
Revised Code to suspend, revoke, or limit the license of a 205409
treasurer who has been suspended under this division. 205410

(C) Not later than forty-five days after receiving the 205411
notification under division (A) of this section, the district 205412
board shall provide a written response to the auditor of state. 205413
The response shall include the following: 205414

(1) An overview of the process the district board will use to 205415
review and understand the circumstances that led to the district 205416
becoming unauditabile; 205417

(2) A plan for providing the auditor of state with the 205418
documentation necessary to complete an audit of the district and 205419
for ensuring that all financial documents are available in the 205420
future; 205421

(3) The actions the district board will take to ensure that 205422
the plan described in division (C)(2) of this section is 205423
implemented. 205424

(D) If the school district fails to make reasonable efforts 205425
and continuing progress to bring its accounts, records, files, or 205426
reports into an auditable condition within ninety days after being 205427
declared unauditabile, the auditor of state, in addition to 205428
requesting legal action under sections 117.41 and 117.42 of the 205429
Revised Code, shall notify the district and the department of the 205430

district's failure. If the auditor of state or a public accountant 205431
subsequently is able to complete a financial audit of the 205432
district, the auditor of state shall notify the district and the 205433
department that the audit has been completed. 205434

(E) Notwithstanding any provision to the contrary in Chapter 205435
3317. of the Revised Code or in any other provision of law, upon 205436
notification by the auditor of state under division (D) of this 205437
section that the district has failed to make reasonable efforts 205438
and continuing progress to bring its accounts, records, files, or 205439
reports into an auditable condition, the department shall 205440
immediately cease all payments to the district under Chapter 3317. 205441
of the Revised Code and any other provision of law. Upon 205442
subsequent notification from the auditor of state under that 205443
division that the auditor of state or a public accountant was able 205444
to complete a financial audit of the district, the department 205445
shall release all funds withheld from the district under this 205446
section. 205447

Sec. 3313.413. (A) As used in this section, "high-performing 205448
community school" means either of the following: 205449

(1) A community school established under Chapter 3314. of the 205450
Revised Code that meets the following conditions: 205451

(a) Except as provided in division (A)(1)(b) or (c) of this 205452
section, the school both: 205453

(i) Has received either a grade of "A," "B," or "C" for the 205454
performance index score under division (C)(1)(b) of section 205455
3302.03 of the Revised Code or a performance rating of three stars 205456
or higher for achievement under division (D)(3)(b) of that 205457
section; or has increased its performance index score under 205458
division (C)(1)(b) or (D)(1)(d) of section 3302.03 of the Revised 205459
Code in each of the previous three years of operation; and 205460

(ii) Has received either a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for progress under division (D)(3)(c) of that section on its most recent report card rating issued under that section.

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(b) If the school serves only grades kindergarten through three, the school received either a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for early literacy under division (D)(3)(e) of that section on its most recent report card issued under that section.

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(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

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(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.

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(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to purchase the property.

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The district board shall give priority to the governing 205493
authorities of high-performing community schools that are located 205494
within the territory of the district. 205495

(1) If more than one governing authority of a high-performing 205496
community school notifies the district treasurer of its intention 205497
to purchase the property pursuant to division (B) of this section, 205498
the board shall conduct a public auction in the manner required 205499
for auctions of district property under division (A) of section 205500
3313.41 of the Revised Code. Only the governing authorities of 205501
high-performing community schools that notified the district 205502
treasurer pursuant to division (B) of this section are eligible to 205503
bid at the auction. 205504

(2) If no governing authority of a high-performing community 205505
school notifies the district treasurer of its intention to 205506
purchase the property pursuant to division (B) of this section, 205507
the board shall then proceed with the offers from all other 205508
start-up community schools, college-preparatory boarding schools, 205509
and STEM schools made pursuant to that division. If more than one 205510
such entity notifies the district treasurer of its intention to 205511
purchase the property pursuant to division (B) of this section, 205512
the board shall conduct a public auction in the manner required 205513
for auctions of district property under division (A) of section 205514
3313.41 of the Revised Code. Only the entities that notified the 205515
district treasurer pursuant to division (B) of this section are 205516
eligible to bid at the auction. 205517

(3) If no governing authority, board of trustees, or 205518
governing body notifies the district treasurer of its intention to 205519
purchase the property pursuant to division (B) of this section, 205520
the district may then offer the property for sale in the manner 205521
prescribed under divisions (A) to (F) of section 3313.41 of the 205522
Revised Code. 205523

(C) Notwithstanding anything to the contrary in sections 205524

3313.41 and 3313.411 of the Revised Code, the purchase price of 205525
any real property sold to any of the entities in accordance with 205526
division (B) of this section shall not be more than the appraised 205527
fair market value of that property as determined in an appraisal 205528
of the property that is not more than one year old. 205529

(D) Not later than the first day of October of each year, the 205530
department of education and workforce shall post in a prominent 205531
location on its web site a list of schools that qualify as 205532
high-performing community schools for purposes of this section and 205533
section 3313.411 of the Revised Code. 205534

Sec. 3313.472. (A) The board of education of each city, 205535
exempted village, local, and joint vocational school district 205536
shall adopt a policy on parental involvement in the schools of the 205537
district. The policy shall be designed to build consistent and 205538
effective communication between the parents and foster caregivers 205539
of students enrolled in the district and the teachers and 205540
administrators assigned to the schools their children or foster 205541
children attend. The policy shall provide the opportunity for 205542
parents and foster caregivers to be actively involved in their 205543
children's or foster children's education and to be informed of 205544
the following: 205545

(1) The importance of the involvement of parents and foster 205546
caregivers in directly affecting the success of their children's 205547
or foster children's educational efforts; 205548

(2) How and when to assist their children or foster children 205549
in and support their children's or foster children's classroom 205550
learning activities; 205551

(3) Techniques, strategies, and skills to use at home to 205552
improve their children's or foster children's academic success and 205553
to support their children's or foster children's academic efforts 205554
at school and their children's or foster children's development as 205555

future responsible adult members of society. 205556

(B) The ~~state board~~ department of education and workforce 205557
shall adopt recommendations for the development of parental 205558
involvement policies under this section. Prior to adopting the 205559
recommendations, the ~~state board~~ department shall consult with the 205560
national center for parents at the university of Toledo. 205561

Sec. 3313.48. (A) The board of education of each city, 205562
exempted village, local, and joint vocational school district 205563
shall provide for the free education of the youth of school age 205564
within the district under its jurisdiction, at such places as will 205565
be most convenient for the attendance of the largest number 205566
thereof. Each school so provided and each chartered nonpublic 205567
school shall be open for instruction with pupils in attendance, 205568
including scheduled classes, supervised activities, and approved 205569
education options but excluding lunch and breakfast periods and 205570
extracurricular activities, for not less than four hundred 205571
fifty-five hours in the case of pupils in kindergarten unless such 205572
pupils are provided all-day kindergarten, as defined in section 205573
3321.05 of the Revised Code, in which case the pupils shall be in 205574
attendance for nine hundred ten hours; nine hundred ten hours in 205575
the case of pupils in grades one through six; and one thousand one 205576
hours in the case of pupils in grades seven through twelve in each 205577
school year, which may include all of the following: 205578

(1) Up to the equivalent of two school days per year during 205579
which pupils would otherwise be in attendance but are not required 205580
to attend for the purpose of individualized parent-teacher 205581
conferences and reporting periods; 205582

(2) Up to the equivalent of two school days per year during 205583
which pupils would otherwise be in attendance but are not required 205584
to attend for professional meetings of teachers; 205585

(3) Morning and afternoon recess periods of not more than 205586

fifteen minutes duration per period for pupils in grades 205587
kindergarten through six. 205588

(B) Not later than thirty days prior to adopting a school 205589
calendar, the board of education of each city, exempted village, 205590
and local school district shall hold a public hearing on the 205591
school calendar, addressing topics that include, but are not 205592
limited to, the total number of hours in a school year, length of 205593
school day, and beginning and end dates of instruction. 205594

(C) No school operated by a city, exempted village, local, or 205595
joint vocational school district shall reduce the number of hours 205596
in each school year that the school is scheduled to be open for 205597
instruction from the number of hours per year the school was open 205598
for instruction during the previous school year unless the 205599
reduction is approved by a resolution adopted by the district 205600
board of education. Any reduction so approved shall not result in 205601
fewer hours of instruction per school year than the applicable 205602
number of hours required under division (A) of this section. 205603

(D) Prior to making any change in the hours or days in which 205604
a high school under its jurisdiction is open for instruction, the 205605
board of education of each city, exempted village, and local 205606
school district shall consider the compatibility of the proposed 205607
change with the scheduling needs of any joint vocational school 205608
district in which any of the high school's students are also 205609
enrolled. The board shall consider the impact of the proposed 205610
change on student access to the instructional programs offered by 205611
the joint vocational school district, incentives for students to 205612
participate in career-technical education, transportation, and the 205613
timing of graduation. The board shall provide the joint vocational 205614
school district board with advance notice of the proposed change 205615
and the two boards shall enter into a written agreement 205616
prescribing reasonable accommodations to meet the scheduling needs 205617
of the joint vocational school district prior to implementation of 205618

the change. 205619

(E) Subject to section 3327.016 of the Revised Code, prior to 205620
making any change in the hours or days in which a school under its 205621
jurisdiction is open for instruction, the board of education of 205622
each city, exempted village, and local school district shall 205623
consider the compatibility of the proposed change with the 205624
scheduling needs of any community school established under Chapter 205625
3314. of the Revised Code to which the district is required to 205626
transport students under sections 3314.09 and 3327.01 of the 205627
Revised Code. The board shall consider the impact of the proposed 205628
change on student access to the instructional programs offered by 205629
the community school, transportation, and the timing of 205630
graduation. The board shall provide the sponsor, governing 205631
authority, and operator of the community school with advance 205632
notice of the proposed change, and the board and the governing 205633
authority, or operator if such authority is delegated to the 205634
operator, shall enter into a written agreement prescribing 205635
reasonable accommodations to meet the scheduling needs of the 205636
community school prior to implementation of the change. 205637

(F) Subject to section 3327.016 of the Revised Code, prior to 205638
making any change in the hours or days in which the schools under 205639
its jurisdiction are open for instruction, the board of education 205640
of each city, exempted village, and local school district shall 205641
consult with the chartered nonpublic schools to which the district 205642
is required to transport students under section 3327.01 of the 205643
Revised Code and shall consider the effect of the proposed change 205644
on the schedule for transportation of those students to their 205645
nonpublic schools. The governing authority of a chartered 205646
nonpublic school shall consult with each school district board of 205647
education that transports students to the chartered nonpublic 205648
school under section 3327.01 of the Revised Code prior to making 205649
any change in the hours or days in which the nonpublic school is 205650

open for instruction. 205651

(G) The ~~state board~~ department of education and workforce 205652
shall not adopt or enforce any rule or standard that imposes on 205653
chartered nonpublic schools the procedural requirements imposed on 205654
school districts by divisions (B), (C), (D), and (E) of this 205655
section. 205656

Sec. 3313.483. (A) A board of education, upon the adoption of 205657
a resolution stating that it may be financially unable to open on 205658
the day or to remain open for instruction on all days set forth in 205659
its adopted school calendar and pay all obligated expenses, or the 205660
~~superintendent of public instruction~~ director of education and 205661
workforce upon the issuance of written notification under division 205662
(B) of section 3313.489 of the Revised Code, shall request the 205663
auditor of state to determine whether such situation exists. The 205664
auditor shall deliver a copy of each request from a board of 205665
education to the ~~superintendent of public instruction~~director. In 205666
the case of a school district not under a fiscal emergency 205667
pursuant to Chapter 3316. of the Revised Code the auditor shall 205668
not issue a finding under this section until written notification 205669
is received from the ~~superintendent~~ director pursuant to section 205670
3313.487 of the Revised Code. 205671

(B) If the auditor of state finds that the board of education 205672
has attempted to avail itself to the fullest extent authorized by 205673
law of all lawful revenue sources available to it except those 205674
authorized by section 5705.21 of the Revised Code, the auditor 205675
shall certify that finding to the ~~superintendent of public~~ 205676
~~instruction and the state board~~ department of education and 205677
workforce and shall certify the operating deficit the district 205678
will have at the end of the fiscal year if it commences or 205679
continues operating its instructional program in accordance with 205680
its adopted school calendar and pays all obligated expenses. 205681

(C) No board of education may delay the opening of its schools or close its schools for financial reasons. Upon the request of the ~~superintendent of public instruction~~director of education and workforce, the attorney general shall seek injunctive relief and any other relief required to enforce this prohibition in the court of common pleas of Franklin county. The court of common pleas of Franklin county has exclusive original jurisdiction over all such actions.

(D) Upon the receipt of any certification of an operating deficit from the auditor of state, a board of education shall make application to a commercial bank, underwriter, or other prospective lender or purchaser of its obligations for a loan in an amount sufficient to enable the district to open or remain open for instruction on all days set forth in its adopted school calendar but not to exceed the amount of the deficit certified.

(E)(1) Any board of education that has applied for and been denied a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations pursuant to division (D) of this section shall submit to the ~~superintendent of public instruction~~ director of education and workforce a plan for implementing reductions in the school district's budget; apply for a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations in an amount not to exceed its certified deficit; and provide the ~~superintendent~~ director such information as the ~~superintendent~~ director requires concerning its application for such a loan. The board of education of a school district declared to be under a fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code may, upon approval of the ~~superintendent~~director, utilize the financial plan required by section 3316.04 of the Revised Code, or applicable parts thereof, as the plan required under this division. The board of education of a school district declared to be under a fiscal

emergency pursuant to division (B) of section 3316.03 of the Revised Code may utilize the financial recovery plan for the district, or applicable parts thereof, as the plan required under this division. Except for the plan of a school district under a fiscal emergency, the ~~superintendent~~ director shall evaluate, make recommendations concerning, and approve or disapprove each plan. When a plan is submitted, the ~~superintendent~~ director shall immediately notify the members of the general assembly whose legislative districts include any or all of the territory of the school district submitting the plan.

(2) The ~~superintendent~~ director shall submit to the controlling board a copy of each plan the ~~superintendent~~ director approves, or each plan submitted by a district under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code, and the general terms of each proposed loan, and shall make recommendations regarding the plan and whether a proposed loan to the board of education should be approved for payment as provided in division (E)(3) of this section. The controlling board shall approve or disapprove the plan and the proposed loan presented to it by the ~~superintendent~~ director. In the case of a district not under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code, the controlling board may require a board of education to implement the ~~superintendent's~~ director's recommendations for expenditure reductions or impose other requirements. Loan repayments shall be in accordance with a schedule approved by the ~~superintendent~~ director, except that the principal amount of the loan shall be payable in monthly, semiannual, or annual installments of principal and interest that are substantially equal principal and interest installments. Except as otherwise provided in division (E)(2) of this section, repayment shall be made no later than the fifteenth day of June of the second fiscal year following the approval of the loan. A school district with a

certified deficit in excess of either twenty-five million dollars 205747
or fifteen per cent of the general fund expenditures of the 205748
district during the fiscal year shall repay the loan no later than 205749
the fifteenth day of June of the tenth fiscal year following the 205750
approval of the loan. In deciding whether to approve or disapprove 205751
a proposed loan, the controlling board shall consider the deficit 205752
certified by the auditor of state pursuant to this section. A 205753
board of education that has an outstanding loan approved pursuant 205754
to this section with a repayment date of more than two fiscal 205755
years after the date of approval of such loan may not apply for 205756
another loan with such a repayment date until the outstanding loan 205757
has been repaid. 205758

(3) If a board of education has submitted and received 205759
controlling board approval of a plan and proposed loan in 205760
accordance with this section, the ~~superintendent of public~~ 205761
~~instruction~~ director of education and workforce shall report to 205762
the controlling board the actual amounts loaned to the board of 205763
education. Such board of education shall request the 205764
~~superintendent~~ director to pay any funds the board of education 205765
would otherwise receive pursuant to Chapter 3306. of the Revised 205766
Code first directly to the holders of the board of education's 205767
notes, or an agent thereof, such amounts as are specified under 205768
the terms of the loan. Such payments shall be made only from and 205769
to the extent of money appropriated by the general assembly for 205770
purposes of such sections. No note or other obligation of the 205771
board of education under the loan constitutes an obligation nor a 205772
debt or a pledge of the faith, credit, or taxing power of the 205773
state, and the holder or owner of such note or obligation has no 205774
right to have taxes levied by the general assembly for the payment 205775
of such note or obligation, and such note or obligation shall 205776
contain a statement to that effect. 205777

(4) Pursuant to the terms of such a loan, a board of 205778

education may issue its notes in anticipation of the collection of 205779
its voted levies for current expenses or its receipt of such state 205780
funds or both. Such notes shall be issued in accordance with 205781
division (E) of section 133.10 of the Revised Code and constitute 205782
Chapter 133. securities to the extent such division and the 205783
otherwise applicable provisions of Chapter 133. of the Revised 205784
Code are not inconsistent with this section, provided that in any 205785
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 205786
(E)(2) of section 133.10 of the Revised Code do not apply to such 205787
notes. 205788

(5) Notwithstanding section 133.36 or 3313.17, any other 205789
section of the Revised Code, or any other provision of law, a 205790
board of education that has received a loan under this section may 205791
not declare bankruptcy, so long as any portion of such loan 205792
remains unpaid. 205793

(F) Under this section and section 3313.4810, "board of 205794
education" or "district board" includes the financial planning and 205795
supervision commission of a school district under a fiscal 205796
emergency pursuant to Chapter 3316. of the Revised Code where such 205797
commission chooses to exercise the powers and duties otherwise 205798
required of the district board of education under this section and 205799
section 3313.4810 of the Revised Code. 205800

Sec. 3313.484. No loan shall be approved under sections 205801
3313.483 to 3313.4810 of the Revised Code after March 1, 1998. 205802

By the last day of June each year, the department of 205803
education and workforce shall calculate and pay a subsidy to every 205804
school district that during the current fiscal year paid and was 205805
obligated to pay interest on a loan under sections 3313.483 to 205806
3313.4810 of the Revised Code in excess of two per cent simple 205807
interest. The amount of the subsidy shall equal the difference 205808
between the amount of interest the district paid and was obligated 205809

to pay during the year and the interest that the district would 205810
have been obligated to pay if the interest rate on the loan had 205811
been two per cent per year. 205812

Sec. 3313.487. (A) Upon receipt of a copy of a request for a 205813
determination under section 3313.483 of the Revised Code or upon 205814
the issuance of written notification under division (B) of section 205815
3313.489 of the Revised Code, the ~~superintendent of public~~ 205816
~~instruction~~ department of education and workforce shall analyze 205817
the district's financial condition and ascertain what elements of 205818
the district's educational program exceed or fail to meet the 205819
minimum standards of the ~~state board~~ director of education and 205820
workforce and requirements set forth in the Revised Code, and 205821
what, if any, additional revenues or revenue sources may be 205822
available to the district that are not included in its official 205823
certificate or amended certificate of estimated resources. The 205824
~~superintendent~~ director shall make a written report of the 205825
~~superintendent's~~ director's findings to the school district's 205826
board of education, and the auditor of state, ~~and the state board~~ 205827
~~of education~~. The report shall include any recommendations, 205828
including reductions in programs which exceed minimum standards of 205829
the ~~state board of education~~ director or requirements set forth in 205830
the Revised Code, that, if followed, would enable the district to 205831
reduce its expenses while operating an educational program that is 205832
responsive to the educational needs of the school district in 205833
accordance with its adopted school calendar. The ~~superintendent~~ 205834
director may determine that a responsive educational program 205835
requires the inclusion of elements exceeding the minimum standards 205836
of the ~~state board of education~~ director or requirements of the 205837
Revised Code. If, upon completion of the analysis and findings as 205838
provided in this division, the ~~superintendent~~ director determines 205839
that the district will be financially unable to operate its 205840
educational program in accordance with its adopted school calendar 205841

and pay all obligated expenses, the ~~superintendent~~ director shall 205842
notify the auditor of state in writing. Upon receipt of such 205843
notification, the auditor of state shall issue findings pursuant 205844
to section 3313.483 of the Revised Code. 205845

(B) Upon the receipt of the ~~superintendent of public~~ 205846
~~instruction's~~ director of education and workforce's report under 205847
division (A) of this section or a certification from the auditor 205848
of state under section 3313.483 of the Revised Code, the ~~state~~ 205849
~~board of education~~ director may, at any time during the next 205850
ninety days, issue an order making the school district subject to 205851
section 3313.488 of the Revised Code if it finds the school 205852
district is not able to operate an educational program from 205853
existing revenue sources during the current and the ensuing school 205854
year. Such order shall take immediate effect, and such section 205855
shall apply to the school district. ~~Prior to the issuance of any~~ 205856
~~order under this division, the state board of education may~~ 205857
~~request from the superintendent of public instruction a~~ 205858
~~recommendation regarding the matter of the issuance of an order~~ 205859
~~making a school district subject to section 3313.488 of the~~ 205860
~~Revised Code.~~ A board of education may appeal the order on 205861
questions of fact to the court of common pleas of Franklin county. 205862

(C) Notwithstanding division (B) of this section, the ~~state~~ 205863
~~board of education~~ director shall issue an order making a school 205864
district subject to section 3313.488 of the Revised Code if the 205865
district fails to enter into a loan agreement with a commercial 205866
lending institution within forty-five days of the deficit 205867
certification pursuant to section 3313.483 of the Revised Code. If 205868
the ~~state board~~ director issues an order under this division, the 205869
~~superintendent of public instruction~~ director shall apply for a 205870
loan from a commercial lending institution pursuant to section 205871
3313.483 of the Revised Code on behalf of the district. The 205872
~~superintendent~~ director shall have full authority to act on behalf 205873

of the board of education of a school district with respect to the 205874
making of loan agreements, and any loan agreement made by the 205875
~~superintendent~~ director shall be fully binding on the school 205876
district. 205877

(D) This section does not apply to a school district declared 205878
to be under a fiscal emergency pursuant to division (B) of section 205879
3316.03 of the Revised Code. 205880

Sec. 3313.488. (A) Within fifteen days after the date the 205881
~~state board~~ director of education and workforce issues an order 205882
under section 3313.487 of the Revised Code making a school 205883
district subject to this section, the district's board of 205884
education shall prepare a fiscal statement of expenses and 205885
expenditures for the remainder of the current fiscal year. The 205886
fiscal statement shall be submitted to the ~~superintendent of~~ 205887
~~public instruction~~ department of education and workforce and shall 205888
set forth all revenues to be received by the district during the 205889
remainder of the fiscal year and their sources, the expenses to be 205890
incurred by the district during the remainder of the fiscal year, 205891
the outstanding and unpaid expenses at the time the fiscal 205892
statement is prepared and the date or dates by which such expenses 205893
must be paid, and such other information as the ~~superintendent~~ 205894
director requires to enable the ~~superintendent~~ department of 205895
education and workforce to ensure that during the remainder of the 205896
fiscal year, the district will not incur any expenses that will 205897
further impair its ability to operate an instructional program 205898
that meets or exceeds the minimum standards of the ~~state board of~~ 205899
~~education~~director and requirements of the Revised Code during the 205900
current and ensuing fiscal years with the revenue available to it 205901
from existing revenue sources. The fiscal statement shall be 205902
presented in such detail and form as the ~~superintendent~~ department 205903
prescribes. Beginning the tenth day after the fiscal statement is 205904
submitted and for the remainder of the fiscal year, the board 205905

shall not make any expenditure of money, make any employment, 205906
purchase, or rental contract, give any order involving the 205907
expenditure of money, or increase any wage or salary schedule 205908
unless the ~~superintendent of public instruction~~ director has 205909
approved the fiscal statement in writing and the expenditure, 205910
contract, order, or schedule has been approved in writing by the 205911
~~superintendent~~ director as being in conformity with the fiscal 205912
statement. 205913

Any contract or expenditure made, order given, or schedule 205914
adopted or put into effect without the written approval of the 205915
~~superintendent of public instruction~~ director is void, and no 205916
warrant shall be issued in payment of any amount due thereon. 205917

(B) A board of education subject to division (A) of this 205918
section shall prepare a fiscal statement of expenses and 205919
expenditures for the ensuing fiscal year. The fiscal statement 205920
shall be submitted to the ~~superintendent of public instruction~~ 205921
director and shall set forth all revenues to be received by the 205922
district during such year and their source, the expenses to be 205923
incurred by the district during such year, the outstanding and 205924
unpaid expenses on the first day of such fiscal year, the date or 205925
dates by which such expenses must be paid, and such other 205926
information as the ~~superintendent~~ department requires to enable 205927
the ~~superintendent~~ department to ensure that during such year, the 205928
district will not incur any expenses that will further impair its 205929
ability to operate an instructional program that meets or exceeds 205930
the minimum standards of the ~~state board of education~~ director and 205931
requirements of the Revised Code during such year with the revenue 205932
available to it from existing revenue sources. The fiscal 205933
statement shall be presented at the time and in such detail and 205934
form as the ~~superintendent~~ department prescribes. During the 205935
fiscal year following the year in which a board of education first 205936
becomes subject to division (A) of this section it shall not make 205937

any expenditure of money, make any employment, purchase, or rental 205938
contract, give any order involving the expenditure of money, or 205939
increase any wage or salary schedule unless the ~~superintendent of~~ 205940
~~public instruction~~ director has approved the fiscal statement 205941
submitted under this division in writing and has approved the 205942
expenditure, contract, order, or schedule in writing as being in 205943
conformity with the fiscal statement. 205944

Any contract or expenditure made, order given, or schedule 205945
adopted or put into effect without the written approval of the 205946
~~superintendent of public instruction~~ director is void, and no 205947
warrant shall be issued in payment of any amount due thereon. 205948

(C) The ~~state board of education~~ department shall examine any 205949
fiscal statement presented to and approved by ~~the superintendent~~ 205950
~~of public instruction~~ it under division (B) of this section and 205951
shall determine whether the data set forth in the fiscal statement 205952
are factual and based upon assumptions that in its judgment are 205953
reasonable expectations consistent with acceptable governmental 205954
budget and accounting practices. If the ~~state board~~ department so 205955
determines and finds that the revenues and expenditures in the 205956
fiscal statement are in balance for the fiscal year and the fiscal 205957
statement will enable the district to operate during such year 205958
without interrupting its school calendar, it shall certify its 205959
determination and finding to the district at least thirty days 205960
prior to the beginning of the fiscal year, and the district shall 205961
thereupon cease to be subject to this section. If the ~~state board~~ 205962
department does not make such a determination and finding, the 205963
board of education and school district are subject to this 205964
division and division (B) of this section in the ensuing fiscal 205965
year and each fiscal year thereafter until the ~~state board~~ 205966
department makes a determination, finding, and certification under 205967
this division. 205968

(D) Any officer, employee, or other person who knowingly 205969

expends or authorizes the expenditure of any public funds or 205970
knowingly authorizes or executes any contract, order, or schedule 205971
contrary to division (A) or (B) of this section or who knowingly 205972
expends or authorizes the expenditure of any public funds on any 205973
such void contract, order, or schedule is jointly and severally 205974
liable in person and upon any official bond that the officer, 205975
employee, or other person has given to such school district to the 205976
extent of any payments on the void claim, not to exceed twenty 205977
thousand dollars. The attorney general at the written request of 205978
the ~~superintendent of public instruction~~ department shall enforce 205979
this liability by civil action brought in any court of appropriate 205980
jurisdiction in the name of and on behalf of the school district. 205981

(E) This section does not apply to a school district declared 205982
to be under a fiscal emergency pursuant to division (B) of section 205983
3316.03 of the Revised Code. 205984

Sec. 3313.489. (A) The ~~superintendent of public instruction~~ 205985
director of education and workforce shall examine each five-year 205986
projection of revenues and expenditures submitted under section 205987
5705.391 of the Revised Code and shall determine whether the 205988
information contained therein, together with any other relevant 205989
information, indicates that the district may be financially unable 205990
to operate its instructional program on all days set forth in its 205991
adopted school calendars and pay all obligated expenses during the 205992
current fiscal year. If a board of education has not adopted a 205993
school calendar for the school year beginning on the first day of 205994
July of the current fiscal year at the time an examination is 205995
required under this division, the ~~superintendent~~ director shall 205996
examine the five-year projection and determine whether the 205997
district may be financially unable to pay all obligated expenses 205998
and operate its instructional program for the number of days on 205999
which instruction was held in the preceding fiscal year. 206000

(B) If the ~~superintendent of public instruction~~ director of education and workforce determines pursuant to division (A) of this section that a school district may be financially unable to operate its instructional program on all days required by such division and pay all obligated expenses during the current fiscal year, the ~~superintendent~~ director shall provide written notification of such determination to the president of the district's board of education and the auditor of state.

(C) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.

Sec. 3313.4810. Any school district receiving a loan under section 3313.483 of the Revised Code in excess of seven per cent of the general fund expenditures of the district during the fiscal year in which the loan is received and that has received a loan under that section within the last five years is subject to section 3313.488 of the Revised Code for the duration of the fiscal year in which the district receives the loan and during the ensuing two fiscal years. The controlling board may not relieve a school district to which this section applies from any requirements imposed under section 3313.483 of the Revised Code to implement recommendations of the ~~superintendent of public instruction~~ director of education and workforce for expenditure reduction and may not modify any other requirements imposed under such section upon such a district as a condition for receiving the loan unless expressly authorized to do so by law. The ~~superintendent of public instruction~~ director shall, among any recommendations the ~~superintendent~~ director makes for expenditure reduction under section 3313.483 of the Revised Code affecting the number of employees of a school district to which this section applies, provide wherever possible for the retention of teachers who are actually involved in the daily teaching of students in the

classroom. 206033

Sec. 3313.531. (A) As used in this section, "adult high 206034
school continuation programs" means an organized instructional 206035
program for persons sixteen years of age and older, except as 206036
provided in division (C) of this section, who are not otherwise 206037
enrolled in a high school for which the ~~state board~~ director of 206038
education and workforce sets standards pursuant to section 3301.07 206039
of the Revised Code. Such programs are limited to courses for 206040
which credit may be granted toward the issuance of a high school 206041
diploma. 206042

(B) The board of education of any school district may 206043
establish and operate an adult high school continuation program. 206044
Two or more boards of education may jointly establish and operate 206045
such a program. The resolution establishing an adult high school 206046
continuation program may specify the contribution and expenditure 206047
of funds, the use of buildings, equipment, and other school 206048
facilities, and such other matters as the board wishes to include. 206049
In the case of a jointly operated program, the resolutions 206050
establishing such program shall also designate one of the 206051
participating boards to be responsible for receiving and 206052
disbursing funds, and administering the program for the benefit of 206053
all participating boards of education. 206054

(C) A board of education that operates an adult high school 206055
continuation program alone or jointly with another board may, by 206056
resolution, authorize the district's superintendent to assign to 206057
such program in accordance with this section, any student who has 206058
not received a high school diploma, who is at least eighteen years 206059
old, and who is being readmitted to school following expulsion or 206060
commitment to the department of youth services. Before making any 206061
such assignment, the superintendent or ~~his~~ the superintendent's 206062
designee shall meet with the student to determine whether ~~he~~ the 206063

student should be so assigned, and shall prepare a report on ~~his~~ 206064
the superintendent's or designee's findings and determination. If 206065
based on ~~his~~ the meeting or ~~his~~ the designee's report the 206066
superintendent finds that the pupil should be placed in a program 206067
under this section, the superintendent shall make the assignment. 206068
Once assigned to the program, the student shall remain in it until 206069
~~he~~ the student is reassigned by the superintendent or leaves 206070
school. At least once in each academic term, the superintendent or 206071
~~his~~ the superintendent's designee shall review the progress of 206072
each student assigned to the program under this division and the 206073
superintendent shall, based on the review, make a determination of 206074
whether the student should remain in the program or be reassigned. 206075
Tuition shall not be charged for the attendance of any student 206076
assigned to a program pursuant to this division who is entitled 206077
under section 3313.64 of the Revised Code to attend the schools of 206078
the district without payment of tuition. 206079

(D) The ~~state board~~ department of education and workforce 206080
shall adopt rules and standards governing the operations of adult 206081
high school continuation programs. Any school district or 206082
combination of districts operating such a program in accordance 206083
with the rules and standards of the ~~state board of education~~ 206084
department may ~~receive from the state board of education,~~ 206085
approval of the ~~superintendent of public instruction,~~ department, 206086
receive reimbursement from the department in an amount not to 206087
exceed ten dollars per instructional hour. 206088

Sec. 3313.532. (A) Any person twenty-two or more years of age 206089
and enrolled in an adult high school continuation program 206090
established pursuant to section 3313.531 of the Revised Code may 206091
request the board of education operating the program to conduct an 206092
evaluation in accordance with division (C) of this section. 206093

(B) Any applicant to a board of education for a diploma of 206094

adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section.

(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is disabled, in accordance with rules adopted by the ~~state board~~ department of education and workforce. If the evaluation indicates that the person is disabled, the board shall determine whether to excuse the person from taking any of the assessments required by section 3313.618 of the Revised Code as a requirement for receiving a diploma under section 3313.611 of the Revised Code. The board may require the person to take an alternate assessment in place of any test from which the person is so excused.

Sec. 3313.533. (A) The board of education of a city, exempted village, or local school district may adopt a resolution to establish and maintain an alternative school in accordance with this section. The resolution shall specify, but not necessarily be limited to, all of the following:

(1) The purpose of the school, which purpose shall be to serve students who are on suspension, who are having truancy problems, who are experiencing academic failure, who have a history of class disruption, who are exhibiting other academic or behavioral problems specified in the resolution, or who have been discharged or released from the custody of the department of youth services under section 5139.51 of the Revised Code;

(2) The grades served by the school, which may include any of grades kindergarten through twelve;

(3) A requirement that the school be operated in accordance with this section. The board of education adopting the resolution

under division (A) of this section shall be the governing board of 206126
the alternative school. The board shall develop and implement a 206127
plan for the school in accordance with the resolution establishing 206128
the school and in accordance with this section. Each plan shall 206129
include, but not necessarily be limited to, all of the following: 206130

(a) Specification of the reasons for which students will be 206131
accepted for assignment to the school and any criteria for 206132
admission that are to be used by the board to approve or 206133
disapprove the assignment of students to the school; 206134

(b) Specification of the criteria and procedures that will be 206135
used for returning students who have been assigned to the school 206136
back to the regular education program of the district; 206137

(c) An evaluation plan for assessing the effectiveness of the 206138
school and its educational program and reporting the results of 206139
the evaluation to the public. 206140

(B) Notwithstanding any provision of Title XXXIII of the 206141
Revised Code to the contrary, the alternative school plan may 206142
include any of the following: 206143

(1) A requirement that on each school day students must 206144
attend school or participate in other programs specified in the 206145
plan or by the chief administrative officer of the school for a 206146
period equal to the minimum school day set by the board of 206147
education under section 3313.48 of the Revised Code plus any 206148
additional time required in the plan or by the chief 206149
administrative officer; 206150

(2) Restrictions on student participation in extracurricular 206151
or interscholastic activities; 206152

(3) A requirement that students wear uniforms prescribed by 206153
the district board of education. 206154

(C) In accordance with the alternative school plan, the 206155

district board of education may employ teachers and nonteaching employees necessary to carry out its duties and fulfill its responsibilities or may contract with a nonprofit or for profit entity to operate the alternative school, including the provision of personnel, supplies, equipment, or facilities.

(D) An alternative school may be established in all or part of a school building.

(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code, to establish an alternative school, the district board may join with the board of education of one or more other districts to form a joint alternative school by forming a cooperative education school district under section 3311.52 or 3311.521 of the Revised Code, or a joint educational program under section 3313.842 of the Revised Code. The authority to employ personnel or to contract with a nonprofit or for profit entity under division (C) of this section applies to any alternative school program established under this division.

(F) Any individual employed as a teacher at an alternative school operated by a nonprofit or for profit entity under this section shall be licensed and shall be subject to background checks, as described in section 3319.39 of the Revised Code, in the same manner as an individual employed by a school district.

(G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district.

(1) In addition to the specifications authorized under division (B) of this section, any plan adopted under that division for an alternative school to which division (G) of this section also applies shall include the following:

(a) A description of the educational program provided at the

alternative school, which shall include:	206187
(i) Provisions for the school to be configured in clusters or small learning communities;	206188 206189
(ii) Provisions for the incorporation of education technology into the curriculum;	206190 206191
(iii) Provisions for accelerated learning programs in reading and mathematics.	206192 206193
(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.	206194 206195 206196 206197 206198 206199
(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;	206200 206201 206202
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	206203 206204
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	206205 206206 206207 206208 206209
(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	206210 206211 206212
(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing	206213 206214 206215 206216

students. 206217

(H) When any district board of education determines to 206218
contract with a nonprofit or for profit entity to operate an 206219
alternative school under this section, the board shall use the 206220
procedure set forth in this division. 206221

(1) The board shall publish notice of a request for proposals 206222
in a newspaper of general circulation in the district once each 206223
week for a period of two consecutive weeks, or as provided in 206224
section 7.16 of the Revised Code, prior to the date specified by 206225
the board for receiving proposals. Notices of requests for 206226
proposals shall contain a general description of the subject of 206227
the proposed contract and the location where the request for 206228
proposals may be obtained. The request for proposals shall include 206229
all of the following information: 206230

(a) Instructions and information to respondents concerning 206231
the submission of proposals, including the name and address of the 206232
office where proposals are to be submitted; 206233

(b) Instructions regarding communications, including at least 206234
the names, titles, and telephone numbers of persons to whom 206235
questions concerning a proposal may be directed; 206236

(c) A description of the performance criteria that will be 206237
used to evaluate whether a respondent to which a contract is 206238
awarded is meeting the district's educational standards or the 206239
method by which such performance criteria will be determined; 206240

(d) Factors and criteria to be considered in evaluating 206241
proposals, the relative importance of each factor or criterion, 206242
and a description of the evaluation procedures to be followed; 206243

(e) Any terms or conditions of the proposed contract, 206244
including any requirement for a bond and the amount of such bond; 206245

(f) Documents that may be incorporated by reference into the 206246

request for proposals, provided that the request for proposals 206247
specifies where such documents may be obtained and that such 206248
documents are readily available to all interested parties. 206249

(2) After the date specified for receiving proposals, the 206250
board shall evaluate the submitted proposals and may hold 206251
discussions with any respondent to ensure a complete understanding 206252
of the proposal and the qualifications of such respondent to 206253
execute the proposed contract. Such qualifications shall include, 206254
but are not limited to, all of the following: 206255

(a) Demonstrated competence in performance of the required 206256
services as indicated by effective implementation of educational 206257
programs in reading and mathematics and at least three years of 206258
experience successfully serving a student population similar to 206259
the student population assigned to the alternative school; 206260

(b) Demonstrated performance in the areas of cost 206261
containment, the provision of educational services of a high 206262
quality, and any other areas determined by the board; 206263

(c) Whether the respondent has the resources to undertake the 206264
operation of the alternative school and to provide qualified 206265
personnel to staff the school; 206266

(d) Financial responsibility. 206267

(3) The board shall select for further review at least three 206268
proposals from respondents the board considers qualified to 206269
operate the alternative school in the best interests of the 206270
students and the district. If fewer than three proposals are 206271
submitted, the board shall select each proposal submitted. The 206272
board may cancel a request for proposals or reject all proposals 206273
at any time prior to the execution of a contract. 206274

The board may hold discussions with any of the three selected 206275
respondents to clarify or revise the provisions of a proposal or 206276
the proposed contract to ensure complete understanding between the 206277

board and the respondent of the terms under which a contract will 206278
be entered. Respondents shall be accorded fair and equal treatment 206279
with respect to any opportunity for discussion regarding 206280
clarifications or revisions. The board may terminate or 206281
discontinue any further discussion with a respondent upon written 206282
notice. 206283

(4) Upon further review of the three proposals selected by 206284
the board, the board shall award a contract to the respondent the 206285
board considers to have the most merit, taking into consideration 206286
the scope, complexity, and nature of the services to be performed 206287
by the respondent under the contract. 206288

(5) Except as provided in division (H)(6) of this section, 206289
the request for proposals, submitted proposals, and related 206290
documents shall become public records under section 149.43 of the 206291
Revised Code after the award of the contract. 206292

(6) Any respondent may request in writing that the board not 206293
disclose confidential or proprietary information or trade secrets 206294
contained in the proposal submitted by the respondent to the 206295
board. Any such request shall be accompanied by an offer of 206296
indemnification from the respondent to the board. The board shall 206297
determine whether to agree to the request and shall inform the 206298
respondent in writing of its decision. If the board agrees to 206299
nondisclosure of specified information in a proposal, such 206300
information shall not become a public record under section 149.43 206301
of the Revised Code. If the respondent withdraws its proposal at 206302
any time prior to the execution of a contract, the proposal shall 206303
not be a public record under section 149.43 of the Revised Code. 206304

(I) Upon a recommendation from the department and in 206305
accordance with section 3301.16 of the Revised Code, the ~~state~~ 206306
~~board~~ director of education and workforce may revoke the charter 206307
of any alternative school operated by a school district that 206308
violates this section. 206309

Sec. 3313.534. (A) The board of education of each city, 206310
exempted village, and local school district shall adopt a policy 206311
of zero tolerance for violent, disruptive, or inappropriate 206312
behavior and establish strategies to address such behavior that 206313
range from prevention to intervention. A policy adopted pursuant 206314
to this section shall comply with the requirements of sections 206315
3313.668 and 3319.46 of the Revised Code. 206316

(B) Each of the big eight school districts, as defined in 206317
section 3314.02 of the Revised Code, shall establish under section 206318
3313.533 of the Revised Code at least one alternative school to 206319
meet the educational needs of students with severe discipline 206320
problems, including, but not limited to, excessive disruption in 206321
the classroom and multiple suspensions or expulsions. Any other 206322
school district that attains after that date a significantly 206323
substandard graduation rate, as defined by the department of 206324
education and workforce, shall also establish such an alternative 206325
school under that section. 206326

Sec. 3313.5310. (A)(1) This section applies to both of the 206327
following: 206328

(a) Any school operated by a school district board of 206329
education; 206330

(b) Any chartered or nonchartered nonpublic school that is 206331
subject to the rules of an interscholastic conference or an 206332
organization that regulates interscholastic conferences or events. 206333

(2) As used in this section, "athletic activity" means all of 206334
the following: 206335

(a) Interscholastic athletics; 206336

(b) An athletic contest or competition that is sponsored by 206337
or associated with a school that is subject to this section, 206338
including cheerleading, club-sponsored sports activities, and 206339

sports activities sponsored by school-affiliated organizations; 206340

(c) Noncompetitive cheerleading that is sponsored by 206341
school-affiliated organizations; 206342

(d) Practices, interschool practices, and scrimmages for all 206343
of the activities described in divisions (A)(2)(a), (b), and (c) 206344
of this section. 206345

(B) Prior to the start of each athletic season, a school that 206346
is subject to this section may hold an informational meeting for 206347
students, parents, guardians, other persons having care or charge 206348
of a student, physicians, pediatric cardiologists, athletic 206349
trainers, and any other persons regarding the symptoms and warning 206350
signs of sudden cardiac arrest for all ages of students. 206351

(C) No student shall participate in an athletic activity 206352
until the student has submitted to a designated school official a 206353
form signed by the student and the parent, guardian, or other 206354
person having care or charge of the student stating that the 206355
student and the parent, guardian, or other person having care or 206356
charge of the student have received and reviewed a copy of the 206357
information jointly developed by the ~~departments~~ department of 206358
health and the department of education and workforce and posted on 206359
their respective ~~internet~~ web sites as required by section 3707.59 206360
of the Revised Code. A completed form shall be submitted each 206361
school year, as defined in section 3313.62 of the Revised Code, in 206362
which the student participates in an athletic activity. 206363

(D) No individual shall coach an athletic activity unless the 206364
individual has completed, on an annual basis, the sudden cardiac 206365
arrest training course approved by the department of health under 206366
division (C) of section 3707.59 of the Revised Code. 206367

(E)(1) A student shall not be allowed to participate in an 206368
athletic activity if either of the following is the case: 206369

(a) The student's biological parent, biological sibling, or 206370

biological child has previously experienced sudden cardiac arrest, 206371
and the student has not been evaluated and cleared for 206372
participation in an athletic activity by a physician authorized 206373
under Chapter 4731. of the Revised Code to practice medicine and 206374
surgery or osteopathic medicine and surgery. 206375

(b) The student is known to have exhibited syncope or 206376
fainting at any time prior to or following an athletic activity 206377
and has not been evaluated and cleared for return under division 206378
(E)(3) of this section after exhibiting syncope or fainting. 206379

(2) A student shall be removed by the student's coach from 206380
participation in an athletic activity if the student exhibits 206381
syncope or fainting. 206382

(3) If a student is not allowed to participate in or is 206383
removed from participation in an athletic activity under division 206384
(E)(1) or (2) of this section, the student shall not be allowed to 206385
return to participation until the student is evaluated and cleared 206386
for return in writing by any of the following: 206387

(a) A physician authorized under Chapter 4731. of the Revised 206388
Code to practice medicine and surgery or osteopathic medicine and 206389
surgery, including a physician who specializes in cardiology; 206390

(b) A certified nurse practitioner, clinical nurse 206391
specialist, or certified nurse-midwife who holds a certificate of 206392
authority issued under Chapter 4723. of the Revised Code; 206393

(c) A physician assistant licensed under Chapter 4730. of the 206394
Revised Code; 206395

(d) An athletic trainer licensed under Chapter 4755. of the 206396
Revised Code. 206397

The licensed health care providers specified in divisions 206398
(E)(3)(a) to (d) of this section may consult with any other 206399
licensed or certified health care providers in order to determine 206400

whether a student is ready to return to participation. 206401

(F) A school that is subject to this section shall establish 206402
penalties for a coach who violates the provisions of division (E) 206403
of this section. 206404

(G) Nothing in this section shall be construed to abridge or 206405
limit any rights provided under a collective bargaining agreement 206406
entered into under Chapter 4117. of the Revised Code prior to 206407
March 14, 2017. 206408

(H)(1) A school district, member of a school district board 206409
of education, or school district employee or volunteer, including 206410
a coach, is not liable in damages in a civil action for injury, 206411
death, or loss to person or property allegedly arising from 206412
providing services or performing duties under this section, unless 206413
the act or omission constitutes willful or wanton misconduct. 206414

This section does not eliminate, limit, or reduce any other 206415
immunity or defense that a school district, member of a school 206416
district board of education, or school district employee or 206417
volunteer, including a coach, may be entitled to under Chapter 206418
2744. or any other provision of the Revised Code or under the 206419
common law of this state. 206420

(2) A chartered or nonchartered nonpublic school or any 206421
officer, director, employee, or volunteer of the school, including 206422
a coach, is not liable in damages in a civil action for injury, 206423
death, or loss to person or property allegedly arising from 206424
providing services or performing duties under this section, unless 206425
the act or omission constitutes willful or wanton misconduct. 206426

Sec. 3313.5312. (A) A student who is receiving home 206427
~~instruction~~ education in accordance with ~~division (A)(2) of~~ 206428
section ~~3321.04~~ 3321.042 of the Revised Code shall be afforded, by 206429
the superintendent of the school district in which the student is 206430

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered at the district school to which the student otherwise would be assigned during that school year. If more than one school operated by the school district serves the student's grade level, as determined by the district superintendent based on the student's age and academic performance, the student shall be afforded the opportunity to participate in extracurricular activities at the school to which the student would be assigned by the superintendent under section 3319.01 of the Revised Code. If a student who is afforded the opportunity to participate in extracurricular activities under division (A) of this section wishes to participate in an activity that is offered by the district, the student shall not participate in that activity at another school or school district to which the student is not entitled to attend.

(B) The superintendent of any school district may afford any student who receives home ~~instruction~~ education under ~~division (A)(2) of section 3321.04~~ 3321.042 of the Revised Code, and who is not entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered by a school of the district, if the district to which the student is entitled to attend does not offer that extracurricular activity.

(C) In order to participate in an extracurricular activity under this section, the student shall be of the appropriate age and grade level, as determined by the superintendent of the district, for the school that offers the extracurricular activity, and shall fulfill the same nonacademic and financial requirements as any other participant, ~~and shall fulfill either of the following academic requirements:~~

~~(1) If the student received home instruction in the preceding grading period, the student shall meet any academic requirements established by the state board of education for the continuation of home instruction.~~ 206462
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~~(2) If the student did not receive home instruction education in the preceding grading period, the student's academic performance during the preceding grading period shall have met any academic standards for eligibility to participate in the program established by the school district.~~ 206466
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(D) Eligibility for a student who leaves a school district mid-year for home instruction education shall be determined based on an interim academic assessment issued by the district in which the student was enrolled based on the student's work while enrolled in that district. 206471
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(E) Any student who commences home instruction education after the beginning of a school year and who is, at the time home instruction education commences, ineligible to participate in an extracurricular activity due to failure to meet academic standards or any other requirements of the district shall not participate in the extracurricular activity under this section until the student meets the applicable academic requirements ~~established by the state board of education for continuation of home instruction~~ as verified by the superintendent of the district. No student under this section shall be eligible to participate in the same semester in which the student was determined ineligible. 206476
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(F) No school district shall impose additional rules on a student to participate under this section that do not apply to other students participating in the same extracurricular activity. No district shall impose fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity. 206487
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(G) No school district, interscholastic conference, or organization that regulates interscholastic conferences or events shall require a student who is eligible to participate in interscholastic extracurricular activities under this section to meet eligibility requirements that conflict with this section.

Sec. 3313.5314. No student who is enrolled in a public or nonpublic school shall be denied the opportunity to participate in interscholastic athletics offered by that school solely because the student is participating or has participated in the college credit plus program under Chapter 3365. of the Revised Code, so long as the student fulfills all other academic, nonacademic, and financial requirements that are not related to participation in the program.

Additionally, no student who is enrolled in a community school, STEM school, or nonpublic school or who is receiving home ~~instruction~~ education shall be denied the opportunity to participate in interscholastic athletics at the school in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code solely because of participation in the college credit plus program, so long as the student meets the applicable requirements under section 3313.537, 3313.5311, or 3313.5312 of the Revised Code and fulfills all other academic, nonacademic, and financial requirements that are not related to participation in the program.

As used in this section, "community school" means a community school established under Chapter 3314. of the Revised Code, and "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

Sec. 3313.56. The board of education of any city, exempted

village, or local school district may establish and maintain 206523
part-time schools or classes for the further education of children 206524
who are employed on age and schooling certificates. Such schools 206525
and classes shall be conducted not fewer than four hours per week 206526
while in session, and for not fewer than one hundred forty-four 206527
hours per calendar year between the hours of seven in the morning 206528
and six in the afternoon, excluding Saturday afternoon and Sunday. 206529
Such schools and classes shall be conducted under such standards 206530
as the ~~state board~~ department of education and workforce 206531
prescribes. Boards of education may provide for the expense of 206532
such schools and classes the same as for the expense of ordinary 206533
elementary schools. 206534

Sec. 3313.57. Boards of education of city, exempted village, 206535
or local school districts may provide or approve, subject to the 206536
approval of parents, activities for children during the summer 206537
vacation period which will promote their health, their civic and 206538
vocational competence, and their industry, recreation, character, 206539
or thrift. The superintendents of such school districts shall 206540
cause records to be kept of such activities assigned and 206541
completed. With the approval of the ~~state board~~ department of 206542
education and workforce the successful completion of such vacation 206543
activities may be required for promotions and diplomas of 206544
graduation, but the completion by any child of such vacation 206545
activities shall not be prerequisite to the issuance of an age and 206546
schooling certificate for such child. Boards of education shall 206547
provide the service necessary to direct such activities and may 206548
pay any necessary expenses incident thereto, the same as the 206549
expense of an ordinary elementary school. 206550

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 206551
of the Revised Code, divisions (A) to (E) of this section do not 206552
apply to any cooperative education school district established 206553

pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code. 206554
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(A) The board of education of each city, exempted village, 206556
and local school district and the board of each cooperative 206557
education school district established, pursuant to section 206558
3311.521 of the Revised Code, shall prescribe a curriculum for all 206559
schools under its control. Except as provided in division (E) of 206560
this section, in any such curriculum there shall be included the 206561
study of the following subjects: 206562

(1) The language arts, including reading, writing, spelling, 206563
oral and written English, and literature; 206564

(2) Geography, the history of the United States and of Ohio, 206565
and national, state, and local government in the United States, 206566
including a balanced presentation of the relevant contributions to 206567
society of men and women of African, Mexican, Puerto Rican, and 206568
American Indian descent as well as other ethnic and racial groups 206569
in Ohio and the United States; 206570

(3) Mathematics; 206571

(4) Natural science, including instruction in the 206572
conservation of natural resources; 206573

(5) Health education, which shall include instruction in: 206574

(a) The nutritive value of foods, including natural and 206575
organically produced foods, the relation of nutrition to health, 206576
and the use and effects of food additives; 206577

(b) The harmful effects of and legal restrictions against the 206578
use of drugs of abuse, alcoholic beverages, and tobacco, including 206579
electronic smoking devices; 206580

(c) Venereal disease education, except that upon written 206581
request of the student's parent or guardian, a student shall be 206582
excused from taking instruction in venereal disease education; 206583

(d) In grades kindergarten through six, annual 206584
developmentally appropriate instruction in child sexual abuse 206585
prevention, including information on available counseling and 206586
resources for children who are sexually abused. Such instruction 206587
and information provided shall not be connected in any way to any 206588
individual, entity, or organization that provides, promotes, 206589
counsels, or makes referrals for abortion or abortion-related 206590
services. Upon written request of the student's parent or 206591
guardian, a student shall be excused from taking instruction in 206592
child sexual abuse prevention. 206593

(e) In grades kindergarten through six, instruction in 206594
personal safety and assault prevention, except that upon written 206595
request of the student's parent or guardian, a student shall be 206596
excused from taking instruction in personal safety and assault 206597
prevention; 206598

(f) In grades seven through twelve, developmentally 206599
appropriate instruction in dating violence prevention education 206600
and sexual violence prevention education, which shall include 206601
instruction in recognizing dating violence warning signs and 206602
characteristics of healthy relationships, except that upon written 206603
request of the student's parent or guardian a student shall be 206604
excused from taking instruction in sexual violence prevention. 206605

In order to assist school districts in developing a dating 206606
violence prevention education and sexual violence prevention 206607
education curriculum, the department of education and workforce 206608
shall provide on its web site links to free curricula addressing 206609
dating violence prevention and sexual violence prevention 206610
education. Such instruction and information shall not be connected 206611
in any way to any individual, entity, or organization that 206612
provides, promotes, counsels, or makes referrals for abortion or 206613
abortion-related services. 206614

Each school district shall notify the parents and legal 206615

guardians of students who receive instruction related to child sexual abuse prevention and sexual violence prevention, as described under divisions (A)(5)(d) and (f) of this section, of all of the following:

(i) That instruction in child sexual abuse prevention and sexual violence prevention is a required part of the district's curriculum;

(ii) That upon request, parents and legal guardians may examine such instructional materials in accordance with this section;

(iii) That upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention and sexual violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention and sexual violence prevention instruction materials used at that school, the principal, within forty-eight hours after the request is made, shall allow the parent or guardian to examine those materials at that school.

(g) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin;

(h) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation;

(i) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based suicide awareness and prevention and

at least one hour or one standard class period per school year of 206647
safety training and violence prevention, except that upon written 206648
request of the student's parent or guardian, a student shall be 206649
excused from taking instruction in suicide awareness and 206650
prevention or safety training and violence prevention; 206651

(j) Beginning with the first day of the next school year that 206652
begins at least two years after March 24, 2021, in grades six 206653
through twelve, at least one hour or one standard class period per 206654
school year of evidence-based social inclusion instruction, except 206655
that upon written request of the student's parent or guardian, a 206656
student shall be excused from taking instruction in social 206657
inclusion. 206658

For the instruction required under divisions (A)(5)(i) and 206659
(j) of this section, the board shall use a training program 206660
approved by the department of education and workforce under 206661
section 3301.221 of the Revised Code. 206662

Schools may use student assemblies, digital learning, and 206663
homework to satisfy the instruction requirements under divisions 206664
(A)(5)(i) and (j) of this section. 206665

(6) Physical education; 206666

(7) The fine arts, including music; 206667

(8) First aid, including a training program in 206668
cardiopulmonary resuscitation, which shall comply with section 206669
3313.6021 of the Revised Code when offered in any of grades nine 206670
through twelve, safety, and fire prevention. However, upon written 206671
request of the student's parent or guardian, a student shall be 206672
excused from taking instruction in cardiopulmonary resuscitation. 206673

(B) Except as provided in division (E) of this section, every 206674
school or school district shall include in the requirements for 206675
promotion from the eighth grade to the ninth grade one year's 206676
course of study of American history. A board may waive this 206677

requirement for academically accelerated students who, in 206678
accordance with procedures adopted by the board, are able to 206679
demonstrate mastery of essential concepts and skills of the eighth 206680
grade American history course of study. 206681

(C) As specified in divisions (B)(6) and (C)(6) of section 206682
3313.603 of the Revised Code, except as provided in division (E) 206683
of this section, every high school shall include in the 206684
requirements for graduation from any curriculum one-half unit each 206685
of American history and government. 206686

(D) Except as provided in division (E) of this section, basic 206687
instruction or demonstrated mastery in geography, United States 206688
history, the government of the United States, the government of 206689
the state of Ohio, local government in Ohio, the Declaration of 206690
Independence, the United States Constitution, and the Constitution 206691
of the state of Ohio shall be required before pupils may 206692
participate in courses involving the study of social problems, 206693
economics, foreign affairs, United Nations, world government, 206694
socialism, and communism. 206695

(E) For each cooperative education school district 206696
established pursuant to section 3311.521 of the Revised Code and 206697
each city, exempted village, and local school district that has 206698
territory within such a cooperative district, the curriculum 206699
adopted pursuant to divisions (A) to (D) of this section shall 206700
only include the study of the subjects that apply to the grades 206701
operated by each such school district. The curricula for such 206702
schools, when combined, shall provide to each student of these 206703
districts all of the subjects required under divisions (A) to (D) 206704
of this section. 206705

(F) The board of education of any cooperative education 206706
school district established pursuant to divisions (A) to (C) of 206707
section 3311.52 of the Revised Code shall prescribe a curriculum 206708
for the subject areas and grade levels offered in any school under 206709

its control. 206710

(G) Upon the request of any parent or legal guardian of a 206711
student, the board of education of any school district shall 206712
permit the parent or guardian to promptly examine, with respect to 206713
the parent's or guardian's own child: 206714

(1) Any survey or questionnaire, prior to its administration 206715
to the child; 206716

(2) Any textbook, workbook, software, video, or other 206717
instructional materials being used by the district in connection 206718
with the instruction of the child; 206719

(3) Any completed and graded test taken or survey or 206720
questionnaire filled out by the child; 206721

(4) Copies of the statewide academic standards and each model 206722
curriculum developed pursuant to section 3301.079 of the Revised 206723
Code, which copies shall be available at all times during school 206724
hours in each district school building. 206725

Sec. 3313.603. (A) As used in this section: 206726

(1) "One unit" means a minimum of one hundred twenty hours of 206727
course instruction, except that for a laboratory course, "one 206728
unit" means a minimum of one hundred fifty hours of course 206729
instruction. 206730

(2) "One-half unit" means a minimum of sixty hours of course 206731
instruction, except that for physical education courses, "one-half 206732
unit" means a minimum of one hundred twenty hours of course 206733
instruction. 206734

(B) Beginning September 15, 2001, except as required in 206735
division (C) of this section and division (C) of section 3313.614 206736
of the Revised Code, the requirements for graduation from every 206737
high school shall include twenty units earned in grades nine 206738
through twelve and shall be distributed as follows: 206739

(1) English language arts, four units;	206740
(2) Health, one-half unit;	206741
(3) Mathematics, three units;	206742
(4) Physical education, one-half unit;	206743
(5) Science, two units until September 15, 2003, and three	206744
units thereafter, which at all times shall include both of the	206745
following:	206746
(a) Biological sciences, one unit;	206747
(b) Physical sciences, one unit.	206748
(6) History and government, one unit, which shall comply with	206749
division (M) of this section and shall include both of the	206750
following:	206751
(a) American history, one-half unit;	206752
(b) American government, one-half unit.	206753
(7) Social studies, two units.	206754
Beginning with students who enter ninth grade for the first	206755
time on or after July 1, 2017, the two units of instruction	206756
prescribed by division (B)(7) of this section shall include at	206757
least one-half unit of instruction in the study of world history	206758
and civilizations.	206759
(8) Elective units, seven units until September 15, 2003, and	206760
six units thereafter.	206761
Each student's electives shall include at least one unit, or	206762
two half units, chosen from among the areas of	206763
business/technology, fine arts, and/or foreign language.	206764
(C) Beginning with students who enter ninth grade for the	206765
first time on or after July 1, 2010, except as provided in	206766
divisions (D) to (F) of this section, the requirements for	206767
graduation from every public and chartered nonpublic high school	206768

shall include twenty units that are designed to prepare students 206769
for the workforce and college. The units shall be distributed as 206770
follows: 206771

(1) English language arts, four units; 206772

(2) Health, one-half unit, which shall include instruction in 206773
nutrition and the benefits of nutritious foods and physical 206774
activity for overall health; 206775

(3) Mathematics, four units, which shall include one unit of 206776
algebra II or the equivalent of algebra II, or one unit of 206777
advanced computer science as described in the standards adopted 206778
pursuant to division (A)(4) of section 3301.079 of the Revised 206779
Code. However, students who enter ninth grade for the first time 206780
on or after July 1, 2015, and who are pursuing a career-technical 206781
instructional track shall not be required to take algebra II or 206782
advanced computer science, and instead may complete a career-based 206783
pathway mathematics course approved by the department of education 206784
and workforce as an alternative. 206785

For students who choose to take advanced computer science in 206786
lieu of algebra II under division (C)(3) of this section, the 206787
school shall communicate to those students that some institutions 206788
of higher education may require algebra II for the purpose of 206789
college admission. Also, the parent, guardian, or legal custodian 206790
of each student who chooses to take advanced computer science in 206791
lieu of algebra II shall sign and submit to the school a document 206792
containing a statement acknowledging that not taking algebra II 206793
may have an adverse effect on college admission decisions. 206794

A student may fulfill one unit of mathematics under division 206795
(C)(3) of this section by completing one-half unit of financial 206796
literacy instruction to satisfy the requirement prescribed under 206797
division (C)(9) of this section and one-half unit of a mathematics 206798
course. The one-half unit course in mathematics shall not be in 206799

algebra II, or its equivalent, or a course for which the ~~state~~ 206800
~~board~~ department requires an end-of-course examination under 206801
section 3301.0712 of the Revised Code. 206802

Students who choose to take one unit of advanced computer 206803
science in lieu of algebra II, as described in division (C)(3) of 206804
this section, shall not be permitted to complete one-half unit of 206805
financial literacy instruction to satisfy the mathematics unit 206806
requirements of that division. Instead, those students shall be 206807
required to complete the one-half unit of financial literacy 206808
instruction under division (C)(8) of this section. 206809

(4) Physical education, one-half unit; 206810

(5) Science, three units with inquiry-based laboratory 206811
experience that engages students in asking valid scientific 206812
questions and gathering and analyzing information, which shall 206813
include the following, or their equivalent: 206814

(a) Physical sciences, one unit; 206815

(b) Life sciences, one unit; 206816

(c) Advanced study in one or more of the following sciences, 206817
one unit: 206818

(i) Chemistry, physics, or other physical science; 206819

(ii) Advanced biology or other life science; 206820

(iii) Astronomy, physical geology, or other earth or space 206821
science; 206822

(iv) Computer science. 206823

No student shall substitute a computer science course for a 206824
life sciences or biology course under division (C)(5) of this 206825
section. 206826

(6) History and government, one unit, which shall comply with 206827
division (M) of this section and shall include both of the 206828

following:	206829
(a) American history, one-half unit;	206830
(b) American government, one-half unit.	206831
(7) Social studies, two units.	206832
Beginning with students who enter ninth grade for the first	206833
time on or after July 1, 2017, the two units of instruction	206834
prescribed by division (C)(7) of this section shall include at	206835
least one-half unit of instruction in the study of world history	206836
and civilizations.	206837
(8) Five units consisting of one or any combination of	206838
foreign language, fine arts, business, career-technical education,	206839
family and consumer sciences, technology which may include	206840
computer science, agricultural education, a junior reserve officer	206841
training corps (JROTC) program approved by the congress of the	206842
United States under title 10 of the United States Code, or English	206843
language arts, mathematics, science, or social studies courses not	206844
otherwise required under division (C) of this section.	206845
One-half unit of instruction under division (C)(8) of this	206846
section may be instruction in financial literacy to satisfy the	206847
requirement under division (C)(9) of this section.	206848
(9)(a) Except as provided in division (C)(9)(b) of this	206849
section, for students who enter ninth grade for the first time on	206850
or after July 1, 2022, financial literacy, one-half unit. Each	206851
student shall elect to complete the one-half unit of instruction	206852
in financial literacy either in lieu of one-half unit of	206853
instruction in mathematics under division (C)(3) of this section	206854
or an elective under division (C)(8) of this section.	206855
(b) A student attending a nonpublic school accredited through	206856
the independent schools association of the central states or any	206857
other chartered nonpublic school shall not be required to complete	206858

the one-half unit of financial literacy instruction prescribed in 206859
division (C)(9)(a) of this section, unless that student is 206860
attending the school under a state scholarship program as defined 206861
in section 3301.0711 of the Revised Code. 206862

The study and instruction of financial literacy required 206863
under division (C)(9) of this section shall align with the 206864
academic content standards for financial literacy and 206865
entrepreneurship adopted under division (A)(2) of section 3301.079 206866
of the Revised Code. In developing the curriculum for the study 206867
and instruction of financial literacy, schools may use available 206868
public-private partnerships and resources and materials that exist 206869
in business, industry, and through the centers for economics 206870
education at institutions of higher education. 206871

Ohioans must be prepared to apply increased knowledge and 206872
skills in the workplace and to adapt their knowledge and skills 206873
quickly to meet the rapidly changing conditions of the 206874
twenty-first century. National studies indicate that all high 206875
school graduates need the same academic foundation, regardless of 206876
the opportunities they pursue after graduation. The goal of Ohio's 206877
system of elementary and secondary education is to prepare all 206878
students for and seamlessly connect all students to success in 206879
life beyond high school graduation, regardless of whether the next 206880
step is entering the workforce, beginning an apprenticeship, 206881
engaging in post-secondary training, serving in the military, or 206882
pursuing a college degree. 206883

The requirements for graduation prescribed in division (C) of 206884
this section are the standard expectation for all students 206885
entering ninth grade for the first time at a public or chartered 206886
nonpublic high school on or after July 1, 2010. A student may 206887
satisfy this expectation through a variety of methods, including, 206888
but not limited to, integrated, applied, career-technical, and 206889
traditional coursework. 206890

Stronger coordination between high schools and institutions 206891
of higher education is necessary to prepare students for more 206892
challenging academic endeavors and to lessen the need for academic 206893
remediation in college, thereby reducing the costs of higher 206894
education for Ohio's students, families, and the state. The ~~state~~ 206895
~~board~~ department and the chancellor of higher education shall 206896
develop policies to ensure that only in rare instances will 206897
students who complete the requirements for graduation prescribed 206898
in division (C) of this section require academic remediation after 206899
high school. 206900

School districts, community schools, and chartered nonpublic 206901
schools shall integrate technology into learning experiences 206902
across the curriculum in order to maximize efficiency, enhance 206903
learning, and prepare students for success in the 206904
technology-driven twenty-first century. Districts and schools 206905
shall use distance and web-based course delivery as a method of 206906
providing or augmenting all instruction required under this 206907
division, including laboratory experience in science. Districts 206908
and schools shall utilize technology access and electronic 206909
learning opportunities provided by the broadcast educational media 206910
commission, chancellor, the Ohio learning network, education 206911
technology centers, public television stations, and other public 206912
and private providers. 206913

(D) Except as provided in division (E) of this section, a 206914
student who enters ninth grade on or after July 1, 2010, and 206915
before July 1, 2016, may qualify for graduation from a public or 206916
chartered nonpublic high school even though the student has not 206917
completed the requirements for graduation prescribed in division 206918
(C) of this section if all of the following conditions are 206919
satisfied: 206920

(1) During the student's third year of attending high school, 206921
as determined by the school, the student and the student's parent, 206922

guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the

first time on or after July 1, 2014, a student shall be required 206954
to complete successfully, at the minimum, the curriculum 206955
prescribed in division (B) of this section, except as follows: 206956

(i) Mathematics, four units, one unit which shall be one of 206957
the following: 206958

(I) Probability and statistics; 206959

(II) Computer science; 206960

(III) Applied mathematics or quantitative reasoning; 206961

(IV) Any other course approved by the department using 206962
standards established by the superintendent not later than October 206963
1, 2014. 206964

(ii) Elective units, five units; 206965

(iii) Science, three units as prescribed by division (B) of 206966
this section which shall include inquiry-based laboratory 206967
experience that engages students in asking valid scientific 206968
questions and gathering and analyzing information. 206969

(E) Each school district and chartered nonpublic school 206970
retains the authority to require an even more challenging minimum 206971
curriculum for high school graduation than specified in division 206972
(B) or (C) of this section. A school district board of education, 206973
through the adoption of a resolution, or the governing authority 206974
of a chartered nonpublic school may stipulate any of the 206975
following: 206976

(1) A minimum high school curriculum that requires more than 206977
twenty units of academic credit to graduate; 206978

(2) An exception to the district's or school's minimum high 206979
school curriculum that is comparable to the exception provided in 206980
division (D) of this section but with additional requirements, 206981
which may include a requirement that the student successfully 206982
complete more than the minimum curriculum prescribed in division 206983

(B) of this section; 206984

(3) That no exception comparable to that provided in division 206985
(D) of this section is available. 206986

If a school district or chartered nonpublic school requires a 206987
foreign language as an additional graduation requirement under 206988
division (E) of this section, a student may apply one unit of 206989
instruction in computer coding to satisfy one unit of foreign 206990
language. If a student applies more than one computer coding 206991
course to satisfy the foreign language requirement, the courses 206992
shall be sequential and progressively more difficult. 206993

(F) A student enrolled in a dropout prevention and recovery 206994
program, which program has received a waiver from the department, 206995
may qualify for graduation from high school by successfully 206996
completing a competency-based instructional program administered 206997
by the dropout prevention and recovery program in lieu of 206998
completing the requirements for graduation prescribed in division 206999
(C) of this section. The department shall grant a waiver to a 207000
dropout prevention and recovery program, within sixty days after 207001
the program applies for the waiver, if the program meets all of 207002
the following conditions: 207003

(1) The program serves only students not younger than sixteen 207004
years of age and not older than twenty-one years of age. 207005

(2) The program enrolls students who, at the time of their 207006
initial enrollment, either, or both, are at least one grade level 207007
behind their cohort age groups or experience crises that 207008
significantly interfere with their academic progress such that 207009
they are prevented from continuing their traditional programs. 207010

(3) The program requires students to attain at least the 207011
applicable score designated for each of the assessments prescribed 207012
under division (B)(1) of section 3301.0710 of the Revised Code or, 207013
to the extent prescribed by rule of the ~~state board~~ department 207014

under division (D)(5) of section 3301.0712 of the Revised Code, 207015
division (B)(2) of that section. 207016

(4) The program develops a student success plan for the 207017
student in the manner described in division (C)(1) of section 207018
3313.6020 of the Revised Code that specifies the student's 207019
matriculating to a two-year degree program, acquiring a business 207020
and industry-recognized credential, or entering an apprenticeship. 207021

(5) The program provides counseling and support for the 207022
student related to the plan developed under division (F)(4) of 207023
this section during the remainder of the student's high school 207024
experience. 207025

(6) The program requires the student and the student's 207026
parent, guardian, or custodian to sign and file, in accordance 207027
with procedural requirements stipulated by the program, a written 207028
statement asserting the parent's, guardian's, or custodian's 207029
consent to the student's graduating without completing the 207030
requirements for graduation prescribed in division (C) of this 207031
section and acknowledging that one consequence of not completing 207032
those requirements is ineligibility to enroll in most state 207033
universities in Ohio without further coursework. 207034

(7) Prior to receiving the waiver, the program has submitted 207035
to the department an instructional plan that demonstrates how the 207036
academic content standards adopted by the ~~state board~~ department 207037
under section 3301.079 of the Revised Code will be taught and 207038
assessed. 207039

(8) Prior to receiving the waiver, the program has submitted 207040
to the department a policy on career advising that satisfies the 207041
requirements of section 3313.6020 of the Revised Code, with an 207042
emphasis on how every student will receive career advising. 207043

(9) Prior to receiving the waiver, the program has submitted 207044
to the department a written agreement outlining the future 207045

cooperation between the program and any combination of local job 207046
training, postsecondary education, nonprofit, and health and 207047
social service organizations to provide services for students in 207048
the program and their families. 207049

Divisions (F)(8) and (9) of this section apply only to 207050
waivers granted on or after July 1, 2015. 207051

If the department does not act either to grant the waiver or 207052
to reject the program application for the waiver within sixty days 207053
as required under this section, the waiver shall be considered to 207054
be granted. 207055

(G) Every high school may permit students below the ninth 207056
grade to take advanced work. If a high school so permits, it shall 207057
award high school credit for successful completion of the advanced 207058
work and shall count such advanced work toward the graduation 207059
requirements of division (B) or (C) of this section if the 207060
advanced work was both: 207061

(1) Taught by a person who possesses a license or certificate 207062
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 207063
Code that is valid for teaching high school; 207064

(2) Designated by the board of education of the city, local, 207065
or exempted village school district, the board of the cooperative 207066
education school district, or the governing authority of the 207067
chartered nonpublic school as meeting the high school curriculum 207068
requirements. 207069

Each high school shall record on the student's high school 207070
transcript all high school credit awarded under division (G) of 207071
this section. In addition, if the student completed a seventh- or 207072
eighth-grade fine arts course described in division (K) of this 207073
section and the course qualified for high school credit under that 207074
division, the high school shall record that course on the 207075
student's high school transcript. 207076

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the ~~state board~~ department has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course.

Nothing in division (I) of this section shall be construed to excuse any school district, chartered nonpublic school, or student from any requirement in the Revised Code related to curriculum, assessments, or the awarding of a high school diploma.

(J)(1) The ~~state board~~ department, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. ~~The~~

~~state board shall adopt the plan not later than March 31, 2009,~~ 207109
~~and commence phasing in the plan during the 2009-2010 school year.~~ 207110
The plan shall include a standard method for recording 207111
demonstrated proficiency on high school transcripts. Each school 207112
district and community school shall comply with the ~~state board's~~ 207113
department's plan adopted under this division and award units of 207114
high school credit in accordance with the plan. The ~~state board~~ 207115
department may adopt existing methods for earning high school 207116
credit based on a demonstration of subject area competency as 207117
necessary prior to the 2009-2010 school year. 207118

(2) ~~Not later than December 31, 2015, the state board~~ The 207119
department shall update the statewide plan adopted pursuant to 207120
division (J)(1) of this section to also include methods for 207121
students enrolled in seventh and eighth grade to meet curriculum 207122
requirements based on a demonstration of subject area competency, 207123
instead of or in combination with completing hours of classroom 207124
instruction. Beginning with the 2017-2018 school year, each school 207125
district and community school also shall comply with the updated 207126
plan adopted pursuant to this division and permit students 207127
enrolled in seventh and eighth grade to meet curriculum 207128
requirements based on subject area competency in accordance with 207129
the plan. 207130

(3) ~~Not later than December 31, 2017, the~~ The department 207131
shall develop a framework for school districts and community 207132
schools to use in granting units of high school credit to students 207133
who demonstrate subject area competency through work-based 207134
learning experiences, internships, or cooperative education. 207135
Beginning with the 2018-2019 school year, each district and 207136
community school shall comply with the framework. Each district 207137
and community school also shall review any policy it has adopted 207138
regarding the demonstration of subject area competency to identify 207139
ways to incorporate work-based learning experiences, internships, 207140

and cooperative education into the policy in order to increase 207141
student engagement and opportunities to earn units of high school 207142
credit. 207143

(K) This division does not apply to students who qualify for 207144
graduation from high school under division (D) or (F) of this 207145
section, or to students pursuing a career-technical instructional 207146
track as determined by the school district board of education or 207147
the chartered nonpublic school's governing authority. 207148
Nevertheless, the general assembly encourages such students to 207149
consider enrolling in a fine arts course as an elective. 207150

Beginning with students who enter ninth grade for the first 207151
time on or after July 1, 2010, each student enrolled in a public 207152
or chartered nonpublic high school shall complete two semesters or 207153
the equivalent of fine arts to graduate from high school. The 207154
coursework may be completed in any of grades seven to twelve. Each 207155
student who completes a fine arts course in grade seven or eight 207156
may elect to count that course toward the five units of electives 207157
required for graduation under division (C)(8) of this section, if 207158
the course satisfied the requirements of division (G) of this 207159
section. In that case, the high school shall award the student 207160
high school credit for the course and count the course toward the 207161
five units required under division (C)(8) of this section. If the 207162
course in grade seven or eight did not satisfy the requirements of 207163
division (G) of this section, the high school shall not award the 207164
student high school credit for the course but shall count the 207165
course toward the two semesters or the equivalent of fine arts 207166
required by this division. 207167

(L) Notwithstanding anything to the contrary in this section, 207168
the board of education of each school district and the governing 207169
authority of each chartered nonpublic school may adopt a policy to 207170
excuse from the high school physical education requirement each 207171
student who, during high school, has participated in 207172

interscholastic athletics, marching band, show choir, or 207173
cheerleading for at least two full seasons or in the junior 207174
reserve officer training corps for at least two full school years. 207175
If the board or authority adopts such a policy, the board or 207176
authority shall not require the student to complete any physical 207177
education course as a condition to graduate. However, the student 207178
shall be required to complete one-half unit, consisting of at 207179
least sixty hours of instruction, in another course of study. In 207180
the case of a student who has participated in the junior reserve 207181
officer training corps for at least two full school years, credit 207182
received for that participation may be used to satisfy the 207183
requirement to complete one-half unit in another course of study. 207184

(M) It is important that high school students learn and 207185
understand United States history and the governments of both the 207186
United States and the state of Ohio. Therefore, beginning with 207187
students who enter ninth grade for the first time on or after July 207188
1, 2012, the study of American history and American government 207189
required by divisions (B)(6) and (C)(6) of this section shall 207190
include the study of all of the following documents: 207191

(1) The Declaration of Independence; 207192

(2) The Northwest Ordinance; 207193

(3) The Constitution of the United States with emphasis on 207194
the Bill of Rights; 207195

(4) The Ohio Constitution. 207196

The study of each of the documents prescribed in divisions 207197
(M)(1) to (4) of this section shall include study of that document 207198
in its original context. 207199

The study of American history and government required by 207200
divisions (B)(6) and (C)(6) of this section shall include the 207201
historical evidence of the role of documents such as the 207202
Federalist Papers and the Anti-Federalist Papers to firmly 207203

establish the historical background leading to the establishment 207204
of the provisions of the Constitution and Bill of Rights. 207205

(N) A student may apply one unit of instruction in computer 207206
science to satisfy one unit of mathematics or one unit of science 207207
under division (C) of this section as the student chooses, 207208
regardless of the field of certification of the teacher who 207209
teaches the course, so long as that teacher meets the licensure 207210
requirements prescribed by section 3319.236 of the Revised Code 207211
and, prior to teaching the course, completes a professional 207212
development program determined to be appropriate by the district 207213
board. 207214

If a student applies more than one computer science course to 207215
satisfy curriculum requirements under that division, the courses 207216
shall be sequential and progressively more difficult or cover 207217
different subject areas within computer science. 207218

Sec. 3313.605. (A) As used in this section: 207219

(1) "Civic responsibility" means the patriotic and ethical 207220
duties of all citizens to take an active role in society and to 207221
consider the interests and concerns of other individuals in the 207222
community. 207223

(2) "Volunteerism" means nonprofit activity in the United 207224
States, the benefits and limitations of nonprofit activities, and 207225
the presence and function of nonprofit civic and charitable 207226
organizations in the United States. 207227

(3) "Community service" means a service performed through 207228
educational institutions, government agencies, nonprofit 207229
organizations, social service agencies, and philanthropies and 207230
generally designed to provide direct experience with people or 207231
project planning, with the goal of improving the quality of life 207232
for the community. Such activities may include but are not limited 207233

to tutoring, literacy training, neighborhood improvement, 207234
encouraging interracial and multicultural understanding, promoting 207235
ideals of patriotism, increasing environmental safety, assisting 207236
the elderly or disabled, and providing mental health care, 207237
housing, drug abuse prevention programs, and other philanthropic 207238
programs, particularly for disadvantaged or low-income persons. 207239

(B) The board of education of each city, local, exempted 207240
village, and joint vocational school district, the governing 207241
authority of each community school established under Chapter 3314. 207242
of the Revised Code, and the governing body of each STEM school 207243
established under Chapter 3326. of the Revised Code may include 207244
community service education in its educational program. A 207245
governing board of an educational service center, upon the request 207246
of a local school district board of education, may provide a 207247
community service education program for the local district 207248
pursuant to this section. If a board, governing authority, or 207249
governing body includes community service education in its 207250
education program, the board, governing authority, or governing 207251
body shall do both of the following: 207252

(1) Establish a community service advisory committee. The 207253
committee shall provide recommendations to the board, governing 207254
authority, or governing body regarding a community service plan 207255
for students and shall oversee and assist in the implementation of 207256
the plan adopted by the board, governing authority, or governing 207257
body under division (B)(2) of this section. Each board, governing 207258
authority, or governing body shall determine the membership and 207259
organization of its advisory committee and may designate an 207260
existing committee established for another purpose to serve as the 207261
community service advisory committee; however, each such committee 207262
shall include two or more students and shall include or consult 207263
with at least one person employed in the field of volunteer 207264
management who devotes at least fifty per cent of employment hours 207265

to coordinating volunteerism among community organizations. The 207266
committee members may include representatives of parents, 207267
teachers, administrators, other educational institutions, 207268
business, government, nonprofit organizations, veterans 207269
organizations, social service agencies, religious organizations, 207270
and philanthropies. 207271

(2) Develop and implement a community service plan. To assist 207272
in establishing its plan, the board, governing authority, or 207273
governing body shall consult with and may contract with one or 207274
more local or regional organizations with experience in volunteer 207275
program development and management. Each community service plan 207276
adopted under this division shall be based upon the 207277
recommendations of the advisory committee and shall provide for 207278
all of the following: 207279

(a) Education of students in the value of community service 207280
and its contributions to the history of this state and this 207281
nation; 207282

(b) Identification of opportunities for students to provide 207283
community service; 207284

(c) Encouragement of students to provide community service; 207285

(d) Integration of community service opportunities into the 207286
curriculum; 207287

(e) A community service instructional program for teachers, 207288
including strategies for the teaching of community service 207289
education, for the discovery of community service opportunities, 207290
and for the motivation of students to become involved in community 207291
service. 207292

Plans shall be reviewed periodically by the advisory 207293
committee and, if necessary, revised by the board, governing 207294
authority, or governing body at least once every five years. 207295

Plans shall provide for students to perform services under 207296
the plan that will not supplant the hiring of, result in the 207297
displacement of, or impair any existing employment contract of any 207298
particular employee of any private or governmental entity for 207299
which the services are performed. The plan shall provide for any 207300
entity utilizing a student to perform community service under the 207301
plan to verify to the board that the student does not supplant the 207302
hiring of, displace, or impair the employment contract of any 207303
particular employee of the entity. 207304

Upon adoption, a board, governing authority, or governing 207305
body shall submit a copy of its plan to the department of 207306
education and workforce. Each city and exempted village board of 207307
education and each governing board of a service center shall 207308
include a copy of its plan in any course of study adopted under 207309
section 3313.60 of the Revised Code that is required to be 207310
submitted for approval to the ~~state board~~ department for review. A 207311
joint vocational school district board of education shall submit a 207312
copy of its plan to the ~~state board~~ department for review when 207313
required to do so by the ~~state board~~ department. A local board 207314
shall forward its plan to the educational service center governing 207315
board for inclusion in the governing board's course of study. The 207316
department periodically shall review all plans and publish those 207317
plans that could serve as models for other school districts, 207318
educational service centers, community schools, or STEM schools. 207319

(C) Under this section, a board, governing authority, or 207320
governing body may only grant high school credit for a community 207321
service education course if approximately half of the course is 207322
devoted to classroom study of such matters as civic 207323
responsibility, the history of volunteerism, and community service 207324
training and approximately half of the course is devoted to 207325
community service. 207326

Each board, governing authority, or governing body shall 207327

determine which specific activities will serve to fulfill the 207328
required hours of community service. 207329

(D) The ~~superintendent of public instruction~~ department of 207330
education and workforce shall develop guidelines for the 207331
development and implementation of a rubric to evaluate and rate 207332
community service education projects for use by districts, 207333
governing authorities, and governing boards that adopt a community 207334
service education plan. 207335

(E) The ~~state superintendent~~ department shall adopt rules for 207336
granting a student special certification, special recognition on a 207337
diploma, or special notification in the student's record upon the 207338
student's successful completion of an approved community service 207339
project. 207340

The district board, governing authority, or governing body 207341
shall use a rubric developed in accordance with division (D) of 207342
this section to determine whether a community service project 207343
warrants recognition on a student's diploma under this division. 207344

Sec. 3313.608. (A)(1) Beginning with students who enter third 207345
grade in the school year that starts July 1, 2009, and until June 207346
30, 2013, unless the student is excused under division (C) of 207347
section 3301.0711 of the Revised Code from taking the assessment 207348
described in this section, for any student who does not attain at 207349
least the equivalent level of achievement designated under 207350
division (A)(3) of section 3301.0710 of the Revised Code on the 207351
assessment prescribed under that section to measure skill in 207352
English language arts expected at the end of third grade, each 207353
school district, in accordance with the policy adopted under 207354
section 3313.609 of the Revised Code, shall do one of the 207355
following: 207356

(a) Promote the student to fourth grade if the student's 207357
principal and reading teacher agree that other evaluations of the 207358

student's skill in reading demonstrate that the student is 207359
academically prepared to be promoted to fourth grade; 207360

(b) Promote the student to fourth grade but provide the 207361
student with intensive intervention services in fourth grade; 207362

(c) Retain the student in third grade. 207363

(2) Beginning with students who enter third grade in the 207364
2013-2014 school year, unless the student is excused under 207365
division (C) of section 3301.0711 of the Revised Code from taking 207366
the assessment described in this section, no school district shall 207367
promote to fourth grade any student who does not attain at least 207368
the equivalent level of achievement designated under division 207369
(A)(3) of section 3301.0710 of the Revised Code on the assessment 207370
prescribed under that section to measure skill in English language 207371
arts expected at the end of third grade, unless one of the 207372
following applies: 207373

(a) The student is an English learner who has been enrolled 207374
in United States schools for less than three full school years and 207375
has had less than three years of instruction in an English as a 207376
second language program. 207377

(b) The student is a child with a disability entitled to 207378
special education and related services under Chapter 3323. of the 207379
Revised Code and the student's individualized education program 207380
exempts the student from retention under this division. 207381

(c) The student demonstrates an acceptable level of 207382
performance on an alternative standardized reading assessment as 207383
determined by the department of education and workforce. 207384

(d) All of the following apply: 207385

(i) The student is a child with a disability entitled to 207386
special education and related services under Chapter 3323. of the 207387
Revised Code. 207388

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 207389
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 207392
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(iv) The student previously was retained in any of grades kindergarten to three. 207397
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(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 207399
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 207403
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(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students 207410
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in grades one to three, and by the twentieth day of instruction of 207420
the school year for students in kindergarten. Each district shall 207421
use the diagnostic assessment to measure reading ability for the 207422
appropriate grade level adopted under section 3301.079 of the 207423
Revised Code, or a comparable tool approved by the department of 207424
education and workforce, to identify such students. The policies 207425
and procedures shall require the students' classroom teachers to 207426
be involved in the assessment and the identification of students 207427
reading below grade level. The assessment may be administered 207428
electronically using live, two-way video and audio connections 207429
whereby the teacher administering the assessment may be in a 207430
separate location from the student. 207431

(2) For each student identified by the diagnostic assessment 207432
prescribed under this section as having reading skills below grade 207433
level, the district shall do both of the following: 207434

(a) Provide to the student's parent or guardian, in writing, 207435
all of the following: 207436

(i) Notification that the student has been identified as 207437
having a substantial deficiency in reading; 207438

(ii) A description of the current services that are provided 207439
to the student; 207440

(iii) A description of the proposed supplemental 207441
instructional services and supports that will be provided to the 207442
student that are designed to remediate the identified areas of 207443
reading deficiency; 207444

(iv) Notification that if the student attains a score in the 207445
range designated under division (A)(3) of section 3301.0710 of the 207446
Revised Code on the assessment prescribed under that section to 207447
measure skill in English language arts expected at the end of 207448
third grade, the student shall be retained unless the student is 207449
exempt under division (A) of this section. The notification shall 207450

specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services

and support that will be provided to the student to remediate the 207512
identified reading deficiencies; 207513

(3) Opportunities for the student's parent or guardian to be 207514
involved in the instructional services and support described in 207515
division (C)(2) of this section; 207516

(4) A process for monitoring the extent to which the student 207517
receives the instructional services and support described in 207518
division (C)(2) of this section; 207519

(5) A reading curriculum during regular school hours that 207520
does all of the following: 207521

(a) Assists students to read at grade level; 207522

(b) Provides scientifically based and reliable assessment; 207523

(c) Provides initial and ongoing analysis of each student's 207524
reading progress. 207525

(6) A statement that if the student does not attain at least 207526
the equivalent level of achievement designated under division 207527
(A)(3) of section 3301.0710 of the Revised Code on the assessment 207528
prescribed under that section to measure skill in English language 207529
arts expected by the end of third grade, the student may be 207530
retained in third grade. 207531

Each student with a reading improvement and monitoring plan 207532
under this division who enters third grade after July 1, 2013, 207533
shall be assigned to a teacher who satisfies one or more of the 207534
criteria set forth in division (H) of this section. 207535

The district shall report any information requested by the 207536
department about the reading improvement monitoring plans 207537
developed under this division in the manner required by the 207538
department. 207539

(D) Each school district shall report annually to the 207540
department on its implementation and compliance with this section 207541

using guidelines prescribed by the ~~superintendent of public~~ 207542
~~instruction department~~. The ~~superintendent of public instruction~~ 207543
director of education and workforce annually shall report to the 207544
governor and general assembly the number and percentage of 207545
students in grades kindergarten through four reading below grade 207546
level based on the diagnostic assessments administered under 207547
division (B) of this section and the achievement assessments 207548
administered under divisions (A)(1)(a) and (b) of section 207549
3301.0710 of the Revised Code in English language arts, aggregated 207550
by school district and building; the types of intervention 207551
services provided to students; and, if available, an evaluation of 207552
the efficacy of the intervention services provided. 207553

(E) Any summer remediation services funded in whole or in 207554
part by the state and offered by school districts to students 207555
under this section shall meet the following conditions: 207556

(1) The remediation methods are based on reliable educational 207557
research. 207558

(2) The school districts conduct assessment before and after 207559
students participate in the program to facilitate monitoring 207560
results of the remediation services. 207561

(3) The parents of participating students are involved in 207562
programming decisions. 207563

(F) Any intervention or remediation services required by this 207564
section shall include intensive, explicit, and systematic 207565
instruction. 207566

(G) This section does not create a new cause of action or a 207567
substantive legal right for any person. 207568

(H)(1) Except as provided under divisions (H)(2), (3), and 207569
(4) of this section, each student described in division (B)(3) or 207570
(C) of this section who enters third grade for the first time on 207571
or after July 1, 2013, shall be assigned a teacher who has at 207572

least one year of teaching experience and who satisfies one or
more of the following criteria: 207573
207574

(a) The teacher holds a reading endorsement on the teacher's
license and has attained a passing score on the corresponding 207575
assessment for that endorsement, as applicable. 207576
207577

(b) The teacher has completed a master's degree program with
a major in reading. 207578
207579

(c) The teacher was rated "most effective" for reading 207580
instruction consecutively for the most recent two years based on 207581
assessments of student growth measures developed by a vendor and 207582
that is on the list of student assessments approved by the ~~state~~ 207583
~~board~~ department under division (B)(2) of section 3319.112 of the 207584
Revised Code. 207585

(d) The teacher was rated "above expected value added," in 207586
reading instruction, as determined by criteria established by the 207587
department, for the most recent, consecutive two years. 207588

(e) The teacher has earned a passing score on a rigorous test 207589
of principles of scientifically research-based reading instruction 207590
as approved by the ~~state board~~ department. 207591

(f) The teacher holds an educator license for teaching grades 207592
pre-kindergarten through three or four through nine issued on or 207593
after July 1, 2017. 207594

(2) Notwithstanding division (H)(1) of this section, a 207595
student described in division (B)(3) or (C) of this section who 207596
enters third grade for the first time on or after July 1, 2013, 207597
may be assigned to a teacher with less than one year of teaching 207598
experience provided that the teacher meets one or more of the 207599
criteria described in divisions (H)(1)(a) to (f) of this section 207600
and that teacher is assigned a teacher mentor who meets the 207601
qualifications of division (H)(1) of this section. 207602

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a ~~professional pupil services license as a school speech language pathologist issued by the state board of education~~ registration under section 3319.221 of the Revised Code.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language

learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the

applicable school year. The department may grant extensions valid 207667
through the 2015-2016 school year. 207668

~~Until June 30, 2015, the department annually shall review all 207669
staffing plans and report to the state board not later than the 207670
thirtieth day of June of each year the progress of school 207671
districts and community schools in meeting the requirements of 207672
this section. 207673~~

(K) The department of education and workforce shall designate 207674
one or more staff members to provide guidance and assistance to 207675
school districts and community schools in implementing the third 207676
grade guarantee established by this section, including any 207677
standards or requirements adopted to implement the guarantee and 207678
to provide information and support for reading instruction and 207679
achievement. 207680

Sec. 3313.6011. (A) As used in this section, "sexual 207681
activity" has the same meaning as in section 2907.01 of the 207682
Revised Code. 207683

(B) Instruction in venereal disease education pursuant to 207684
division (A)(5)(c) of section 3313.60 of the Revised Code shall 207685
emphasize that abstinence from sexual activity is the only 207686
protection that is one hundred per cent effective against unwanted 207687
pregnancy, sexually transmitted disease, and the sexual 207688
transmission of a virus that causes acquired immunodeficiency 207689
syndrome. 207690

(C)(1) The department of education and workforce shall 207691
require course material and instruction in venereal disease 207692
education courses taught pursuant to division (A)(5)(c) of section 207693
3313.60 of the Revised Code to do all of the following: 207694

(a) Stress that students should abstain from sexual activity 207695
until after marriage; 207696

(b) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage;	207697 207698 207699
(c) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society;	207700 207701 207702
(d) Stress that sexually transmitted diseases are serious possible hazards of sexual activity;	207703 207704
(e) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;	207705 207706
(f) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code;	207707 207708 207709
(g) Emphasize adoption as an option for unintended pregnancies.	207710 207711
(2) If a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. Division (E) of this section does not apply to division (C)(2) of this section.	207712 207713 207714 207715 207716 207717 207718 207719 207720 207721
(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian.	207722 207723 207724
(D) The state board of education <u>department</u> shall not adopt a separate model education program for health education.	207725 207726

(E) The department shall conduct an annual audit of each city, local, and exempted village school district, at the start of each school year, relative to its compliance with the instruction requirements of this section and division (A)(5)(c) of section 3313.60 of the Revised Code. The department shall publish the findings of each audit not later than one hundred twenty days after the start of the school year. The department shall include in the findings of each audit the name of any organization or program that provided materials to a school district regarding venereal disease instruction. The department's findings shall be prominently posted on its web site.

(F) The ~~superintendent of public instruction~~ director of education and workforce shall not approve, pursuant to section 3302.07 of the Revised Code, any waiver of any requirement of this section.

Sec. 3313.6013. (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs.

(B) Each city, local, exempted village, and joint vocational

school district and each chartered nonpublic high school shall 207757
provide students enrolled in grades nine through twelve with the 207758
opportunity to participate in an advanced standing program. For 207759
this purpose, each school district and chartered nonpublic high 207760
school shall offer at least one advanced standing program in 207761
accordance with division (B)(1) or (2) of this section, as 207762
applicable. 207763

(1) A city, local, or exempted village school district meets 207764
the requirements of this division through its mandatory 207765
participation in the college credit plus program established under 207766
Chapter 3365. of the Revised Code. However, a city, local, or 207767
exempted village school district may offer any other advanced 207768
standing program, in addition to the college credit plus program, 207769
and each joint vocational school district shall offer at least one 207770
other advanced standing program, to students in good standing, as 207771
defined by the partnership for continued learning under section 207772
3301.42 of the Revised Code as it existed prior to October 16, 207773
2009, or as subsequently defined by the department of education 207774
and workforce. 207775

(2) A chartered nonpublic high school that elects to 207776
participate in the college credit plus program established under 207777
Chapter 3365. of the Revised Code meets the requirements of this 207778
division. Each chartered nonpublic high school that elects not to 207779
participate in the college credit plus program instead shall offer 207780
at least one other advanced standing program to students in good 207781
standing, as defined by the partnership for continued learning 207782
under section 3301.42 of the Revised Code as it existed prior to 207783
October 16, 2009, or as subsequently defined by the department of 207784
education and workforce. 207785

(C) Each school district and each chartered nonpublic high 207786
school, at least annually, shall provide information about the 207787
advanced standing programs offered by the district or school to 207788

all students enrolled in grades six through eleven. The district 207789
or school shall include information about all of the following: 207790

(1) The process colleges and universities use in awarding 207791
credit for advanced placement and international baccalaureate 207792
courses and examinations, including minimum scores required by 207793
state institutions of higher education, as defined in section 207794
3345.011 of the Revised Code, for a student to receive college 207795
credit; 207796

(2) The availability of tuition and fee waivers for advanced 207797
placement and international baccalaureate courses and 207798
examinations; 207799

(3) The availability of online advanced placement or 207800
international baccalaureate courses, including those that may be 207801
available at no cost; 207802

(4) The benefits of earning postsecondary credit through 207803
advanced placement or international baccalaureate courses; 207804

(5) The availability of advanced placement or international 207805
baccalaureate courses offered throughout the district. 207806

The district or school may include additional information as 207807
determined appropriate by the district or school. 207808

(D) Except as provided for in Chapter 3365. of the Revised 207809
Code, no city, local, exempted village, and joint vocational 207810
school district shall charge an enrolled student an additional fee 207811
or tuition for participation in any advanced standing program 207812
offered by the district. Students may be required to pay the costs 207813
associated with taking an advanced placement or international 207814
baccalaureate examination. 207815

(E) Any agreement between a school district or school and an 207816
associated college governing the operation of an early college 207817
high school program shall be exempt from the requirements of the 207818

college credit plus program, provided the program meets the 207819
definition set forth in division (F)(2) of this section and is 207820
approved by the ~~superintendent of public instruction~~ director of 207821
education and workforce and the chancellor of higher education. 207822

The college credit plus program also shall not govern any 207823
advanced placement course or international baccalaureate diploma 207824
course as described under this section. 207825

(F) As used in this section: 207826

(1) "Associated college" means a public or private college, 207827
as defined in section 3365.01 of the Revised Code, which has 207828
entered into an agreement with a school district or school to 207829
establish an early college high school program, as described in 207830
division (F)(2) of this section, and awards transcribed credit, 207831
as defined in section 3365.01 of the Revised Code, to students 207832
through that program. 207833

(2) "Early college high school program" means a partnership 207834
between at least one school district or school and at least one 207835
institution of higher education that allows participants to 207836
simultaneously complete requirements toward earning a regular high 207837
school diploma and have the opportunity to earn not less than 207838
twenty-four credits that are transferable to the institutions of 207839
higher education in the partnership as part of an organized course 207840
of study toward a post-secondary degree or credential at no cost 207841
to the participant or participant's family. The program also shall 207842
prioritize the following students: 207843

(a) Students who are underrepresented in regard to completing 207844
post-secondary education; 207845

(b) Students who are economically disadvantaged, as defined 207846
by the department of education and workforce; 207847

(c) Students whose parents did not earn a college degree. 207848

Sec. 3313.6015. The board of education of each city, exempted village, and local school district shall adopt a resolution describing how the district will address college and career readiness and financial literacy in its curriculum for grade seven or eight and for any other grades in which the board determines that those subjects should be addressed. The board shall submit a copy of the resolution to the department of education and workforce.

Sec. 3313.6016. (A) ~~Beginning in the 2011-2012 school year,~~ The department of education and workforce shall administer a pilot program requiring daily physical activity for students. Any school district; community school established under Chapter 3314. of the Revised Code; science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; or chartered nonpublic school annually may elect to participate in the pilot program by notifying the department of its interest by a date established by the department. If a school district elects to participate in the pilot program, the district shall select one or more school buildings to participate in the program. To the maximum extent possible, the department shall seek to include in the pilot program districts and schools that are located in urban, suburban, and rural areas distributed geographically throughout the state. The department shall administer the pilot program in accordance with this section.

(B) Except as provided in division (C) of this section, each district or school participating in the pilot program shall require all students in the school building selected under division (A) of this section to engage in at least thirty minutes of moderate to rigorous physical activity each school day or at least one hundred fifty minutes of moderate to rigorous physical activity each week, exclusive of recess. Physical activity engaged

in during the following may count toward the daily requirement:	207880
(1) A physical education course;	207881
(2) A program or activity occurring before or after the regular school day, as defined in section 3313.814 of the Revised Code, that is sponsored or approved by the school of attendance, provided school officials are able to monitor students' participation to ensure compliance with the requirement.	207882 207883 207884 207885 207886
(C) None of the following shall be subject to the requirement of division (B) of this section:	207887 207888
(1) Any student enrolled in the college credit plus program established under Chapter 3365. of the Revised Code;	207889 207890
(2) Any student enrolled in a career-technical education program operated by the district or school;	207891 207892
(3) Any student enrolled in a dropout prevention and recovery program operated by the district or school.	207893 207894
(D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section.	207895 207896 207897 207898 207899
(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.	207900 207901 207902 207903
(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division.	207904 207905 207906 207907 207908 207909

Sec. 3313.6019. (A) Not later than December 31, 2013, the department of education and workforce shall issue a report with recommendations for quality agricultural education programs. These recommendations shall be developed using both of the following:

(1) The standards for exemplary agricultural education that are described in the national quality program standards for secondary (grades 9-12) agricultural education developed by the national council for agricultural education or a successor document developed by the national council for agricultural education or its successor;

(2) The quality program standards for Ohio's agricultural and environmental systems career field programs or a successor document developed by the department, the Ohio association of agricultural educators, the Ohio state university, and wilmingon college of Ohio.

The report shall include the appropriate use of extended programming in agricultural education programs and the recommended number of hours outside the normal school day that licensed educators may be permitted to provide extended programming instruction. Following the initial issuance of the report, the department may periodically review and update the report as it considers necessary.

(B) All agricultural education instructors shall utilize a three-part model of agricultural education instruction of classroom instruction, FFA activities, and extended programming projects.

(C) Professional development associated with agricultural education shall be considered an acceptable use of extended student programming funds.

(D) All agricultural education instructors shall submit a

monthly time log to the principal of the school at which the 207940
extended programming is offered, or the principal's designee, for 207941
review. 207942

Sec. 3313.6020. (A)(1) Beginning in the 2015-2016 school 207943
year, the board of education of each city, local, exempted 207944
village, and joint vocational school district shall adopt a policy 207945
on career advising that complies with this section. Thereafter, 207946
the policy shall be updated at least once every two years. 207947

(2) The board shall make the policy publicly available to 207948
students, parents, guardians, or custodians, local post-secondary 207949
institutions, and residents of the district. The district shall 207950
post the policy in a prominent location on its web site, if it has 207951
one. 207952

(B) The policy on career advising shall specify how the 207953
district will do all of the following: 207954

(1) Provide students with grade-level examples that link 207955
their schoolwork to one or more career fields. A district may use 207956
career connections developed under division (B)(2) of section 207957
3301.079 of the Revised Code for this purpose. 207958

(2) Create a plan to provide career advising to students in 207959
grades six through twelve; 207960

(3) Beginning in the 2015-2016 school year, provide 207961
additional interventions and career advising for students who are 207962
identified as at risk of dropping out of school in accordance with 207963
division (C) of this section; 207964

(4) Train its employees on how to advise students on career 207965
pathways, including training on advising students using online 207966
tools; 207967

(5) Develop multiple, clear academic pathways through high 207968
school that students may choose in order to earn a high school 207969

diploma;	207970
(6) Identify and publicize courses that can award students	207971
both traditional academic and career-technical credit;	207972
(7) Document the career advising provided to each student for	207973
review by the student, the student's parent, guardian, or	207974
custodian, and future schools that the student may attend. A	207975
district shall not otherwise release this information without the	207976
written consent of the student's parent, guardian, or custodian,	207977
if the student is less than eighteen years old, or the written	207978
consent of the student, if the student is at least eighteen years	207979
old.	207980
(8) Prepare students for their transition from high school to	207981
their post-secondary destinations, including any special	207982
interventions that are necessary for students in need of	207983
remediation in mathematics or English language arts;	207984
(9) Include information regarding career fields that require	207985
an industry-recognized credential, certificate, associate's	207986
degree, bachelor's degree, graduate degree, or professional	207987
degree;	207988
(10) Provide students with information about ways a student	207989
may offset the costs of a post-secondary education, including	207990
programs such as all of the following:	207991
(a) The reserve officer training corps;	207992
(b) The college credit plus program established under Chapter	207993
3365. of the Revised Code;	207994
(c) The Ohio guaranteed transfer pathways initiative	207995
established under section 3333.168 of the Revised Code;	207996
(d) Joint academic programming or dual enrollment	207997
opportunities required under section 3333.168 of the Revised Code.	207998
The chancellor of higher education shall develop	207999

informational materials that illustrate cost saving estimates for 208000
each of the options listed under division (B)(10) of this section. 208001
The chancellor shall develop a list of individual college courses 208002
that are transferable under section 3333.16 of the Revised Code. 208003

(C)(1) Beginning in the 2015-2016 school year, each district 208004
shall identify students who are at risk of dropping out of school 208005
using a method that is both research-based and locally-based and 208006
that is developed with input from the district's classroom 208007
teachers and guidance counselors. If a student is identified as at 208008
risk of dropping out of school, the district shall develop a 208009
student success plan that addresses the student's academic pathway 208010
to a successful graduation and the role of career-technical 208011
education, competency-based education, and experiential learning, 208012
as appropriate, in that pathway. 208013

(2) Prior to developing a student success plan for a student, 208014
the district shall invite the student's parent, guardian, or 208015
custodian to assist in developing the plan. If the student's 208016
parent, guardian, or custodian does not participate in the 208017
development of the plan, the district shall provide to the parent, 208018
guardian, or custodian a copy of the student's success plan and a 208019
statement of the importance of a high school diploma and the 208020
academic pathways available to the student in order to 208021
successfully graduate. 208022

(3) Following the development of a student success plan for a 208023
student, the district shall provide career advising to the student 208024
that is aligned with the plan and, beginning in the 2015-2016 208025
school year, the district's plan to provide career advising 208026
created under division (B)(2) of this section. 208027

(D)(1) ~~Not later than December 1, 2014, the~~ The department of 208028
education and workforce shall develop and post on its web site 208029
model policies on career advising and model student success plans. 208030

(2) ~~Not later than July 1, 2015, the~~ The department shall 208031
create an online clearinghouse of research related to proven 208032
practices for policies on career advising and student success 208033
plans that districts may access when fulfilling the requirements 208034
of this section. 208035

(3) The department shall develop and make available 208036
informational materials for students in grades seven and eight 208037
about career opportunities available to them, including in-demand 208038
jobs as defined in section 3333.94 of the Revised Code, and how a 208039
career-technical education may help them satisfy graduation 208040
conditions under section 3313.618 of the Revised Code. 208041

Sec. 3313.6024. (A) ~~Annually, beginning in the 2019-2020~~ 208042
~~school year,~~ each school district shall report to the department 208043
of education and workforce, in the manner prescribed by the 208044
department, the types of prevention-focused programs, services, 208045
and supports used to assist students in developing the knowledge 208046
and skills to engage in healthy behaviors and decision-making and 208047
to increase their awareness of the dangers and consequences of 208048
risky behaviors, including substance abuse, suicide, bullying, and 208049
other harmful behaviors. The district shall report the following 208050
information regarding such programs, services, and supports for 208051
each building operated by the district and for each of grades 208052
kindergarten through twelve served by the building: 208053

(1) Curriculum and instruction provided during the school 208054
day; 208055

(2) Programs and supports provided outside of the classroom 208056
or outside of the school day; 208057

(3) Professional development for teachers, administrators, 208058
and other staff; 208059

(4) Partnerships with community coalitions and organizations 208060

to provide prevention services and resources to students and their families; 208061
208062

(5) School efforts to engage parents and the community; 208063

(6) Activities designed to communicate with and learn from other schools or professionals with expertise in prevention education. 208064
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(B) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports. 208067
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Sec. 3313.6027. Subject to divisions (D) to (F) of section 3313.603 of the Revised Code, this section applies to students who enter ninth grade for the first time on or after July 1, 2010, but prior to July 1, 2022. 208071
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For students to whom this section applies, each school district and chartered nonpublic school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the ~~state board~~ department of education and workforce under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of section 3313.603 of the Revised Code, or into the content of another class, so that every high school student receives instruction in those concepts. 208075
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Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply: 208087
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(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to

anyone except as provided under this division. 208122

(B) In lieu of a diploma granted under division (A) of this 208123
section, an honors diploma shall be granted, in accordance with 208124
rules of the ~~state board~~ department of education and workforce, by 208125
any such district board to anyone who accomplishes all of the 208126
following: 208127

(1) Successfully completes the curriculum in any high school 208128
or the individualized education program developed for the person 208129
by any high school pursuant to section 3323.08 of the Revised 208130
Code; 208131

(2) Subject to section 3313.614 of the Revised Code, has met 208132
the assessment requirements of division (B)(2)(a) or (b) of this 208133
section, as applicable. 208134

(a) If the person entered the ninth grade prior to July 1, 208135
2014, the person either: 208136

(i) Has attained at least the applicable scores designated 208137
under division (B)(1) of section 3301.0710 of the Revised Code on 208138
all the assessments required by that division; 208139

(ii) Has satisfied the alternative conditions prescribed in 208140
section 3313.615 of the Revised Code. 208141

(b) If the person entered the ninth grade on or after July 1, 208142
2014, the person has met the requirement prescribed under section 208143
3313.618 of the Revised Code. 208144

(3) Has met additional criteria established by the ~~state~~ 208145
~~board~~ department for the granting of such a diploma. 208146

An honors diploma shall not be granted to a student who is 208147
subject to the requirements prescribed in division (C) of section 208148
3313.603 of the Revised Code but elects the option of division (D) 208149
or (F) of that section. Except as provided in divisions (C), (E), 208150
and (J) of this section, no honors diploma shall be granted to 208151

anyone failing to comply with this division and no more than one 208152
honors diploma shall be granted to any student under this 208153
division. 208154

The ~~state board~~ department shall adopt rules prescribing the 208155
granting of honors diplomas under this division. These rules may 208156
prescribe the granting of honors diplomas that recognize a 208157
student's achievement as a whole or that recognize a student's 208158
achievement in one or more specific subjects or both. The rules 208159
may prescribe the granting of an honors diploma recognizing 208160
technical expertise for a career-technical student. In any case, 208161
the rules shall designate two or more criteria for the granting of 208162
each type of honors diploma the board establishes under this 208163
division and the number of such criteria that must be met for the 208164
granting of that type of diploma. The number of such criteria for 208165
any type of honors diploma shall be at least one less than the 208166
total number of criteria designated for that type and no one or 208167
more particular criteria shall be required of all persons who are 208168
to be granted that type of diploma. 208169

(C) Any district board administering any of the assessments 208170
required by section 3301.0710 of the Revised Code to any person 208171
requesting to take such assessment pursuant to division (B)(8)(b) 208172
of section 3301.0711 of the Revised Code shall award a diploma to 208173
such person if the person attains at least the applicable scores 208174
designated under division (B)(1) of section 3301.0710 of the 208175
Revised Code on all the assessments administered and if the person 208176
has previously attained the applicable scores on all the other 208177
assessments required by division (B)(1) of that section or has 208178
been exempted or excused from attaining the applicable score on 208179
any such assessment pursuant to division (H) or (L) of this 208180
section or from taking any such assessment pursuant to section 208181
3313.532 of the Revised Code. 208182

(D) Each diploma awarded under this section shall be signed 208183

by the president and treasurer of the issuing board, the 208184
superintendent of schools, and the principal of the high school. 208185
Each diploma shall bear the date of its issue, be in such form as 208186
the district board prescribes, and be paid for out of the 208187
district's general fund. 208188

(E) A person who is a resident of Ohio and is eligible under 208189
~~state board of education~~ the minimum standards of the director of 208190
education and workforce to receive a high school diploma based in 208191
whole or in part on credits earned while an inmate of a 208192
correctional institution operated by the state or any political 208193
subdivision thereof, shall be granted such diploma by the 208194
correctional institution operating the programs in which such 208195
credits were earned, and by the board of education of the school 208196
district in which the inmate resided immediately prior to the 208197
inmate's placement in the institution. The diploma granted by the 208198
correctional institution shall be signed by the director of the 208199
institution, and by the person serving as principal of the 208200
institution's high school and shall bear the date of issue. 208201

(F) Persons who are not residents of Ohio but who are inmates 208202
of correctional institutions operated by the state or any 208203
political subdivision thereof, and who are eligible under ~~state~~ 208204
~~board of education~~ the minimum standards of the director to 208205
receive a high school diploma based in whole or in part on credits 208206
earned while an inmate of the correctional institution, shall be 208207
granted a diploma by the correctional institution offering the 208208
program in which the credits were earned. The diploma granted by 208209
the correctional institution shall be signed by the director of 208210
the institution and by the person serving as principal of the 208211
institution's high school and shall bear the date of issue. 208212

(G) The ~~state board of education~~ department shall provide by 208213
rule for the administration of the assessments required by 208214
sections 3301.0710 and 3301.0712 of the Revised Code to inmates of 208215

correctional institutions. 208216

(H) Any person to whom all of the following apply shall be 208217
exempted from attaining the applicable score on the assessment in 208218
social studies designated under division (B)(1) of section 208219
3301.0710 of the Revised Code, any American history end-of-course 208220
examination and any American government end-of-course examination 208221
required under division (B) of section 3301.0712 of the Revised 208222
Code if such an exemption is prescribed by rule of the ~~state board~~ 208223
department under division (D)(3) of section 3301.0712 of the 208224
Revised Code, or the test in citizenship designated under former 208225
division (B) of section 3301.0710 of the Revised Code as it 208226
existed prior to September 11, 2001: 208227

(1) The person is not a citizen of the United States; 208228

(2) The person is not a permanent resident of the United 208229
States; 208230

(3) The person indicates no intention to reside in the United 208231
States after the completion of high school. 208232

(I) Notwithstanding division (D) of section 3311.19 and 208233
division (D) of section 3311.52 of the Revised Code, this section 208234
and section 3313.611 of the Revised Code do not apply to the board 208235
of education of any joint vocational school district or any 208236
cooperative education school district established pursuant to 208237
divisions (A) to (C) of section 3311.52 of the Revised Code. 208238

(J) Upon receipt of a notice under division (D) of section 208239
3325.08 or division (D) of section 3328.25 of the Revised Code 208240
that a student has received a diploma under either section, the 208241
board of education receiving the notice may grant a high school 208242
diploma under this section to the student, except that such board 208243
shall grant the student a diploma if the student meets the 208244
graduation requirements that the student would otherwise have had 208245
to meet to receive a diploma from the district. The diploma 208246

granted under this section shall be of the same type the notice 208247
indicates the student received under section 3325.08 or 3328.25 of 208248
the Revised Code. 208249

(K) As used in this division, "English learner" has the same 208250
meaning as in division (C)(3) of section 3301.0711 of the Revised 208251
Code. 208252

Notwithstanding division (C)(3) of section 3301.0711 of the 208253
Revised Code, no English learner who has not either attained the 208254
applicable scores designated under division (B)(1) of section 208255
3301.0710 of the Revised Code on all the assessments required by 208256
that division, or met the requirement prescribed by section 208257
3313.618 of the Revised Code, shall be awarded a diploma under 208258
this section. 208259

(L)(1) Any student described by division (A)(1) of this 208260
section who is subject to divisions (A)(1) to (3) of section 208261
3313.618 of the Revised Code may be awarded a diploma without 208262
meeting the requirements prescribed by those divisions provided an 208263
individualized education program specifically exempts the student 208264
from meeting such requirement. This division does not negate the 208265
requirement for a student to take the assessments prescribed by 208266
section 3301.0710 or under division (B) of section 3301.0712 of 208267
the Revised Code, or alternate assessments required by division 208268
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 208269
of assessing student progress as required by federal law. 208270

(2) Any student described by division (A)(1) of this section 208271
who is subject to division (B) of section 3313.618 of the Revised 208272
Code may be awarded a diploma without meeting the requirement 208273
prescribed by division (B)(1) of that section provided the 208274
student's individualized education program specifically exempts 208275
the student from meeting that requirement and either division 208276
(L)(2)(a) or (b) of this section applies to the student, as 208277
follows: 208278

(a)(i) The student took an alternate assessment in 208279
mathematics and English language arts administered to the student 208280
in accordance with division (C)(1) of section 3301.0711 of the 208281
Revised Code and failed to attain a score established by the ~~state~~ 208282
~~board~~ department on one or both assessments. 208283

(ii) The school district offered remedial support to the 208284
student in each subject area in which the student did not attain 208285
the established score and the student received that support. 208286

(iii) The student retook each alternate assessment in which 208287
the student did not attain the established score and the student 208288
did not attain the established score on the retake assessment. 208289

(b)(i) The student took the Algebra I and English language 208290
arts II end-of-course examinations and failed to attain the 208291
competency score as determined under division (B)(10) of section 208292
3301.0712 of the Revised Code on one or both examinations. 208293

(ii) The school district offered remedial support to the 208294
student in each subject area in which the student did not attain 208295
the competency score and the student received that support. 208296

(iii) The student retook each examination in which the 208297
student did not attain the competency score and the student did 208298
not attain the competency score on the retake examination. 208299

Sec. 3313.611. (A) The ~~state-board~~ department of education 208300
and workforce shall adopt, by rule, standards for awarding high 208301
school credit equivalent to credit for completion of high school 208302
academic and vocational education courses to applicants for 208303
diplomas under this section. The standards may permit high school 208304
credit to be granted to an applicant for any of the following: 208305

(1) Work experiences or experiences as a volunteer; 208306

(2) Completion of academic, vocational, or self-improvement 208307
courses offered to persons over the age of twenty-one by a 208308

chartered public or nonpublic school;	208309
(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;	208310 208311 208312
(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.	208313 208314 208315
(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:	208316 208317 208318 208319
(1) The applicant is a resident of the district;	208320
(2) The applicant is over the age of twenty-one and has not been issued a diploma as provided in section 3313.61 of the Revised Code;	208321 208322 208323
(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B)(3)(a) or (b) of this section, as applicable.	208324 208325 208326
(a) Prior to July 1, 2014, the applicant either:	208327
(i) Has attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code;	208328 208329 208330 208331 208332 208333 208334
(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	208335 208336
(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and	208337 208338

only to the extent that the applicant is excused from some portion 208339
of that section pursuant to section 3313.532 of the Revised Code 208340
or division (H) or (L) of section 3313.61 of the Revised Code. 208341

(4) The district board determines, in accordance with the 208342
standards adopted under division (A) of this section, that the 208343
applicant has attained sufficient high school credits, including 208344
equivalent credits awarded under such standards, to qualify as 208345
having successfully completed the curriculum required by the 208346
district for graduation. 208347

(C) If a district board determines that an applicant is not 208348
eligible for a diploma under division (B) of this section, it 208349
shall inform the applicant of the reason the applicant is 208350
ineligible and shall provide a list of any courses required for 208351
the diploma for which the applicant has not received credit. An 208352
applicant may reapply for a diploma under this section at any 208353
time. 208354

(D) If a district board awards an adult education diploma 208355
under this section, the president and treasurer of the board and 208356
the superintendent of schools shall sign it. Each diploma shall 208357
bear the date of its issuance, be in such form as the district 208358
board prescribes, and be paid for from the district's general 208359
fund, except that the ~~state board~~ department may by rule prescribe 208360
standard language to be included on each diploma. 208361

(E) As used in this division, "English learner" has the same 208362
meaning as in division (C)(3) of section 3301.0711 of the Revised 208363
Code. 208364

Notwithstanding division (C)(3) of section 3301.0711 of the 208365
Revised Code, no English learner who has not either attained the 208366
applicable scores designated under division (B)(1) of section 208367
3301.0710 of the Revised Code on all the assessments required by 208368
that division, or has not met the requirement prescribed by 208369

section 3313.618 of the Revised Code, shall be awarded a diploma 208370
under this section. 208371

Sec. 3313.612. (A) No nonpublic school chartered by the ~~state~~ 208372
~~board~~ director of education and workforce shall grant a high 208373
school diploma to any person unless, subject to section 3313.614 208374
of the Revised Code, the person has met the assessment 208375
requirements of division (A)(1) or (2) of this section, as 208376
applicable. 208377

(1) If the person entered the ninth grade prior to July 1, 208378
2014, the person has attained at least the applicable scores 208379
designated under division (B)(1) of section 3301.0710 of the 208380
Revised Code on all the assessments required by that division, or 208381
has satisfied the alternative conditions prescribed in section 208382
3313.615 of the Revised Code. 208383

(2) If the person entered the ninth grade on or after July 1, 208384
2014, the person has met the requirement prescribed by section 208385
3313.618 or 3313.619 of the Revised Code. 208386

(B) This section does not apply to any of the following: 208387

(1) Any person with regard to any assessment from which the 208388
person was excused pursuant to division (C)(1)(c) of section 208389
3301.0711 of the Revised Code; 208390

(2) Except as provided in division (B)(4) of this section, 208391
any person who attends a nonpublic school accredited through the 208392
independent schools association of the central states, except for 208393
a student attending the school under a state scholarship program 208394
as defined in section 3301.0711 of the Revised Code; 208395

(3) Any person with regard to the social studies assessment 208396
under division (B)(1) of section 3301.0710 of the Revised Code, 208397
any American history end-of-course examination and any American 208398
government end-of-course examination required under division (B) 208399

of section 3301.0712 of the Revised Code if such an exemption is 208400
prescribed by rule of the ~~state board~~ department of education and 208401
workforce under division (D)(3) of section 3301.0712 of the 208402
Revised Code, or the citizenship test under former division (B) of 208403
section 3301.0710 of the Revised Code as it existed prior to 208404
September 11, 2001, if all of the following apply: 208405

(a) The person is not a citizen of the United States; 208406

(b) The person is not a permanent resident of the United 208407
States; 208408

(c) The person indicates no intention to reside in the United 208409
States after completion of high school. 208410

(4) Any person who attends a chartered nonpublic school that 208411
satisfies the requirements of division (L)(4) of section 3301.0711 208412
of the Revised Code. In the case of such a student, the student's 208413
chartered nonpublic school shall determine the student's 208414
eligibility for graduation based on the standards of the school's 208415
accrediting body. 208416

(C) As used in this division, "English learner" has the same 208417
meaning as in division (C)(3) of section 3301.0711 of the Revised 208418
Code. 208419

Notwithstanding division (C)(3) of section 3301.0711 of the 208420
Revised Code, no English learner who has not either attained the 208421
applicable scores designated under division (B)(1) of section 208422
3301.0710 of the Revised Code on all the assessments required by 208423
that division, or met the requirement prescribed by section 208424
3313.618 or 3313.619 of the Revised Code, shall be awarded a 208425
diploma under this section. 208426

(D) The ~~state board~~ department shall not impose additional 208427
requirements or assessments for the granting of a high school 208428
diploma under this section that are not prescribed by this 208429
section. 208430

(E) The department ~~of education~~ shall furnish the assessment 208431
administered by a nonpublic school pursuant to division (B)(1) of 208432
section 3301.0712 of the Revised Code. 208433

Sec. 3313.614. (A) As used in this section, a person 208434
"fulfills the curriculum requirement for a diploma" at the time 208435
one of the following conditions is satisfied: 208436

(1) The person successfully completes the high school 208437
curriculum of a school district, a community school, a chartered 208438
nonpublic school, or a correctional institution. 208439

(2) The person successfully completes the individualized 208440
education program developed for the person under section 3323.08 208441
of the Revised Code. 208442

(3) A board of education issues its determination under 208443
section 3313.611 of the Revised Code that the person qualifies as 208444
having successfully completed the curriculum required by the 208445
district. 208446

(B) This division specifies the assessment requirements that 208447
must be fulfilled as a condition toward granting high school 208448
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 208449
of the Revised Code. 208450

(1) A person who fulfills the curriculum requirement for a 208451
diploma before September 15, 2000, is not required to pass any 208452
proficiency test or achievement test in science as a condition to 208453
receiving a diploma. 208454

(2) A person who began ninth grade for the first time prior 208455
to July 1, 2003, is not required to pass the Ohio graduation test 208456
prescribed under division (B)(1) of section 3301.0710 or any 208457
assessment prescribed under division (B)(2) of that section in any 208458
subject as a condition to receiving a diploma once the person has 208459
passed the ninth grade proficiency test in the same subject, so 208460

long as the person passed the ninth grade proficiency test prior 208461
to September 15, 2008. However, any such person who passes the 208462
Ohio graduation test in any subject prior to passing the ninth 208463
grade proficiency test in the same subject shall be deemed to have 208464
passed the ninth grade proficiency test in that subject as a 208465
condition to receiving a diploma. For this purpose, the ninth 208466
grade proficiency test in citizenship substitutes for the Ohio 208467
graduation test in social studies. If a person began ninth grade 208468
prior to July 1, 2003, but does not pass a ninth grade proficiency 208469
test or the Ohio graduation test in a particular subject before 208470
September 15, 2008, and passage of a test in that subject is a 208471
condition for the person to receive a diploma, the person must 208472
pass the Ohio graduation test instead of the ninth grade 208473
proficiency test in that subject to receive a diploma. 208474

(3)(a) Except as provided in division (B)(3)(b) of this 208475
section, a person who begins ninth grade for the first time on or 208476
after July 1, 2003, in a school district, community school, or 208477
chartered nonpublic school is not eligible to receive a diploma 208478
based on passage of ninth grade proficiency tests. Each such 208479
person who begins ninth grade prior to July 1, 2014, must pass 208480
Ohio graduation tests to meet the assessment requirements 208481
applicable to that person as a condition to receiving a diploma or 208482
satisfy one of the conditions prescribed in division (B)(3)(b) of 208483
this section. 208484

(b) A person who began ninth grade for the first time prior 208485
to July 1, 2014, shall be eligible to receive a diploma if the 208486
person meets the requirement prescribed by section 3313.618 or 208487
3313.619 of the Revised Code. 208488

(c) A person who began ninth grade for the first time prior 208489
to July 1, 2014, and who has not attained at least the applicable 208490
scores designated under division (B)(1) of section 3301.0710 of 208491
the Revised Code on all the assessments required by that division 208492

shall be eligible to receive a diploma if the person meets the 208493
requirement prescribed by rule of the ~~state board~~ department of 208494
education and workforce as prescribed under division (B)(3)(d) of 208495
this section. 208496

(d) ~~Not later than December 31, 2015, the state board of~~ 208497
~~education~~ The department shall adopt rules prescribing the manner 208498
in which a person who began ninth grade for the first time prior 208499
to July 1, 2014, may be eligible for a high school diploma by 208500
combining the requirement prescribed by section 3313.618 or 208501
3313.619 of the Revised Code and the requirement to attain at 208502
least the applicable scores designated under division (B)(1) of 208503
section 3301.0710 of the Revised Code on the assessments required 208504
by that division. The rules shall ensure that the combined 208505
requirements require a demonstration of mastery that is equivalent 208506
or greater to the expectations of the assessments prescribed by 208507
division (B)(1) of section 3301.0710 of the Revised Code. The 208508
rules shall include the following: 208509

(i) The date by which a person who began ninth grade for the 208510
first time prior to July 1, 2014, may be eligible for a high 208511
school diploma under division (B)(3)(c) of this section; 208512

(ii) Methods of replacing individual assessments prescribed 208513
by division (B)(1) of section 3301.0710 of the Revised Code; 208514

(iii) Methods of integrating the pathways prescribed by 208515
division (A) of section 3313.618 or section 3313.619 of the 208516
Revised Code. 208517

(4) Except as provided in division (B)(3)(b) of this section, 208518
a person who begins ninth grade on or after July 1, 2014, is not 208519
eligible to receive a diploma based on passage of the Ohio 208520
graduation tests. Each such person must meet the requirement 208521
prescribed by section 3313.618 or 3313.619 of the Revised Code. 208522

(C) This division specifies the curriculum requirement that 208523

shall be completed as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.

(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall complete the curriculum required by the school district or school issuing the diploma for the first year that the person originally enrolled in high school, except for a person who qualifies for graduation from high school under either division (D) or (F) of section 3313.603 of the Revised Code.

(2) Once a person fulfills the curriculum requirement for a diploma, the person is never required, as a condition of receiving a diploma, to meet any different curriculum requirements that take effect pending the person's passage of proficiency tests or achievement tests or assessments, including changes mandated by section 3313.603 of the Revised Code, the ~~state board~~ department, a school district board of education, or a governing authority of a community school or chartered nonpublic school.

Sec. 3313.615. This section shall apply to diplomas awarded after September 15, 2006, to students who are required to take the five Ohio graduation tests prescribed by division (B)(1) of section 3301.0710 of the Revised Code. This section does not apply to any student who enters ninth grade for the first time on or after July 1, 2014.

(A) As an alternative to the requirement that a person attain the scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required under that division in order to be eligible for a high school diploma or an honors diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code or for a diploma of adult education under section 3313.611 of the Revised Code, a person who has attained at least

the applicable scores designated under division (B)(1) of section 208555
3301.0710 of the Revised Code on all but one of the assessments 208556
required by that division and from which the person was not 208557
excused or exempted, pursuant to division (L) of section 3313.61, 208558
division (B)(1) of section 3313.612, or section 3313.532 of the 208559
Revised Code, may be awarded a diploma or honors diploma if the 208560
person has satisfied all of the following conditions: 208561

(1) On the one assessment required under division (B)(1) of 208562
section 3301.0710 of the Revised Code for which the person failed 208563
to attain the designated score, the person missed that score by 208564
ten points or less; 208565

(2) Has a ninety-seven per cent school attendance rate in 208566
each of the last four school years, excluding any excused 208567
absences; 208568

(3) Has not been expelled from school under section 3313.66 208569
of the Revised Code in any of the last four school years; 208570

(4) Has a grade point average of at least 2.5 out of 4.0, or 208571
its equivalent as designated in rules adopted by the ~~state board~~ 208572
department of education and workforce, in the subject area of the 208573
assessment required under division (B)(1) of section 3301.0710 of 208574
the Revised Code for which the person failed to attain the 208575
designated score; 208576

(5) Has completed the high school curriculum requirements 208577
prescribed in section 3313.603 of the Revised Code or has 208578
qualified under division (D) or (F) of that section; 208579

(6) Has taken advantage of any intervention programs provided 208580
by the school district or school in the subject area described in 208581
division (A)(4) of this section and has a ninety-seven per cent 208582
attendance rate, excluding any excused absences, in any of those 208583
programs that are provided at times beyond the normal school day, 208584
school week, or school year or has received comparable 208585

intervention services from a source other than the school district 208586
or school; 208587

(7) Holds a letter recommending graduation from each of the 208588
person's high school teachers in the subject area described in 208589
division (A)(4) of this section and from the person's high school 208590
principal. 208591

(B) The ~~state board of education~~ department shall establish 208592
rules designating grade point averages equivalent to the average 208593
specified in division (A)(4) of this section for use by school 208594
districts and schools with different grading systems. 208595

(C) Any student who is exempt from attaining the applicable 208596
score designated under division (B)(1) of section 3301.0710 of the 208597
Revised Code on the Ohio graduation test in social studies 208598
pursuant to division (H) of section 3313.61 or division (B)(3) of 208599
section 3313.612 of the Revised Code shall not qualify for a high 208600
school diploma under this section, unless, notwithstanding the 208601
exemption, the student attains the applicable score on that 208602
assessment. If the student attains the applicable score on that 208603
assessment, the student may qualify for a diploma under this 208604
section in the same manner as any other student who is required to 208605
take the five Ohio graduation tests prescribed by division (B)(1) 208606
of section 3301.0710 of the Revised Code. 208607

Sec. 3313.618. (A) In addition to the curriculum requirements 208608
specified by the board of education of a school district or 208609
governing authority of a chartered nonpublic school, each student 208610
entering ninth grade for the first time on or after July 1, 2014, 208611
but prior to July 1, 2019, shall satisfy at least one of the 208612
following conditions or the conditions prescribed under division 208613
(B) of this section in order to qualify for a high school diploma: 208614
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(1) Be remediation-free, in accordance with standards adopted 208616

under division (F) of section 3345.061 of the Revised Code, on 208617
each of the nationally standardized assessments in English, 208618
mathematics, and reading; 208619

(2) Attain a score specified under division (B)(5)(c) of 208620
section 3301.0712 of the Revised Code on the end-of-course 208621
examinations prescribed under division (B) of section 3301.0712 of 208622
the Revised Code. 208623

(3) Attain a score that demonstrates workforce readiness and 208624
employability on a nationally recognized job skills assessment 208625
selected by the ~~state board~~ department of education and workforce 208626
under division ~~(G)~~(F) of section 3301.0712 of the Revised Code and 208627
obtain either an industry-recognized credential or a license 208628
issued by a state agency or board for practice in a vocation that 208629
requires an examination for issuance of that license. 208630

For the purposes of this division, the industry-recognized 208631
credentials and licenses shall be as approved under section 208632
3313.6113 of the Revised Code. 208633

A student may choose to qualify for a high school diploma by 208634
satisfying any of the separate requirements prescribed by 208635
divisions (A)(1) to (3) of this section. If the student's school 208636
district or school does not administer the examination prescribed 208637
by one of those divisions that the student chooses to take to 208638
satisfy the requirements of this section, the school district or 208639
school may require that student to arrange for the applicable 208640
scores to be sent directly to the district or school by the 208641
company or organization that administers the examination. 208642

(B) In addition to the curriculum requirements specified by 208643
the district board or school governing authority, each student 208644
entering ninth grade for the first time on or after July 1, 2019, 208645
shall satisfy the following conditions in order to qualify for a 208646
high school diploma: 208647

(1) Attain a competency score as determined under division 208648
(B)(10) of section 3301.0712 of the Revised Code on each of the 208649
Algebra I and English language arts II end-of-course examinations 208650
prescribed under division (B)(2) of section 3301.0712 of the 208651
Revised Code. 208652

School districts and chartered nonpublic schools shall offer 208653
remedial support to any student who fails to attain a competency 208654
score on one or both of the Algebra I and English language arts II 208655
end-of-course examinations. 208656

Following the first administration of the exam, if a student 208657
fails to attain a competency score on one or both of the Algebra I 208658
and English language arts II end-of-course examinations that 208659
student must retake the respective examination at least once. 208660

If a student fails to attain a competency score on a retake 208661
examination, the student may demonstrate competency in the failed 208662
subject area through one of the following options: 208663

(a) Earn course credit taken through the college credit plus 208664
program established under Chapter 3365. of the Revised Code in the 208665
failed subject area; 208666

(b) Complete two of the following options, one of which must 208667
be foundational: 208668

(i) Foundational options to demonstrate competency, which 208669
include earning a cumulative score of proficient or higher on 208670
three or more state technical assessments aligned with section 208671
3313.903 of the Revised Code in a single career pathway, obtaining 208672
an industry-recognized credential, or group of credentials, 208673
approved under section 3313.6113 of the Revised Code that is at 208674
least equal to the total number of points established under that 208675
section to qualify for a high school diploma, obtaining a license 208676
approved under section 3313.6113 of the Revised Code that is 208677
issued by a state agency or board for practice in a vocation that 208678

requires an examination for issuance of that license, completing a 208679
pre-apprenticeship aligned with options established under section 208680
3313.904 of the Revised Code in the student's chosen career field, 208681
completing an apprenticeship registered with the apprenticeship 208682
council established under section 4139.02 of the Revised Code in 208683
the student's chosen career field, or providing evidence of 208684
acceptance into an apprenticeship program after high school that 208685
is restricted to participants eighteen years of age or older; 208686

(ii) Supporting options to demonstrate competency, which 208687
include completing two hundred fifty hours of a work-based 208688
learning experience with evidence of positive evaluations, 208689
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 208690
of the Revised Code, or attaining a workforce readiness score, as 208691
determined by the department ~~of education~~, on the nationally 208692
recognized job skills assessment selected by the ~~state board~~ 208693
department under division ~~(G)~~(F) of section 3301.0712 of the 208694
Revised Code. 208695

(c) Provide evidence that the student has enlisted in a 208696
branch of the armed services of the United States as defined in 208697
section 5910.01 of the Revised Code. 208698

(d) Be remediation-free, in accordance with standards adopted 208699
under division (F) of section 3345.061 of the Revised Code, in the 208700
failed subject area on a nationally standardized assessment 208701
prescribed under division (B)(1) of section 3301.0712 of the 208702
Revised Code. For English language arts II, a student must be 208703
remediation-free in the subjects of English and reading on the 208704
nationally standardized assessment. 208705

Subject to division (L)(2) of section 3313.61 of the Revised 208706
Code, for any students receiving special education and related 208707
services under Chapter 3323. of the Revised Code, the 208708
individualized education program developed for the student under 208709
that chapter shall specify the manner in which the student will 208710

participate in the assessments administered under this division or 208711
an alternate assessment in accordance with division (C)(1) of 208712
section 3301.0711 of the Revised Code. 208713

(2) Earn at least two of the state diploma seals prescribed 208714
under division (A) of section 3313.6114 of the Revised Code, at 208715
least one of which shall be any of the following: 208716

(a) The state seal of biliteracy established under section 208717
3313.6111 of the Revised Code; 208718

(b) The OhioMeansJobs-readiness seal established under 208719
section 3313.6112 of the Revised Code; 208720

(c) One of the state diploma seals established under 208721
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 208722

(C)(1) A student who transfers into an Ohio public or 208723
chartered nonpublic high school from another state or enrolls in 208724
such a high school after receiving home ~~instruction~~ education or 208725
attending a nonchartered, nontax-supported school in the previous 208726
school year shall meet the requirements of division (B) or (D) of 208727
this section, as applicable, in order to qualify for a high school 208728
diploma. However, any student subject to division (B) of this 208729
section who transfers or enrolls after the start of the student's 208730
twelfth grade year and fails to attain a competency score on the 208731
Algebra I or English language arts II end-of-course examination 208732
shall not be required to retake the applicable examination prior 208733
to demonstrating competency in the failed subject area under the 208734
options prescribed in divisions (B)(1)(a) to (d) of this section. 208735

(2) The department shall prescribe standards that allow a 208736
transfer student who, prior to the student's transfer, took an 208737
assessment described in division (B)(1) or (2) of section 208738
3301.0712 or section 3313.619 of the Revised Code to apply the 208739
score from that assessment towards graduation requirements at the 208740
student's new public or chartered nonpublic school. 208741

(D) Notwithstanding division (B) of this section, in addition to the curriculum requirements specified by the school governing authority, a chartered nonpublic school student subject to division (L)(3)(a)(ii) of section 3301.0711 of the Revised Code entering ninth grade for the first time on or after July 1, 2019, shall qualify for a high school diploma if the student earns a remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination or earn diploma seals under this section.

(E) The ~~state board of education~~ department shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the ~~state board~~ department or the ~~superintendent of public instruction~~ director of education and workforce shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.619. (A) In lieu of the assessment requirements prescribed by division (A) of section 3313.618 of the Revised Code or the requirements to demonstrate competency and earn diploma seals prescribed by division (B) of that section, a chartered nonpublic school may grant a high school diploma to a student who attains at least the designated score on an assessment approved by the department of education and workforce under division (B) of this section and selected by the school's governing authority.

(B) For purposes of division (A) of this section, the

department shall approve assessments that meet the conditions 208773
specified under division (C) of this section and shall designate 208774
passing scores for each of those assessments. 208775

(C) Each assessment approved under division (B) of this 208776
section shall be nationally norm-referenced, have internal 208777
consistency reliability coefficients of at least "0.8," be 208778
standardized, have specific evidence of content, concurrent, or 208779
criterion validity, have evidence of norming studies in the 208780
previous ten years, have a measure of student achievement in core 208781
academic areas, and have high validity evidenced by the alignment 208782
of the assessment with nationally recognized content. 208783

(D) Nothing in this section shall prohibit a chartered 208784
nonpublic school from granting a high school diploma to a student 208785
if the student satisfies the applicable requirements prescribed by 208786
section 3313.618 of the Revised Code. 208787

Sec. 3313.6110. (A) A person who has completed the final year 208788
of ~~instruction~~ education at home, as authorized under section 208789
~~3321.04~~ 3321.042 of the Revised Code, and has successfully 208790
fulfilled the high school curriculum applicable to that person may 208791
be granted a high school diploma by the person's parent, guardian, 208792
or other person having charge or care of a child, as defined in 208793
division (A)(1) of section 3321.01 of the Revised Code. 208794

~~(B) Beginning with diplomas issued on or after July 1, 2015,~~ 208795
~~each diploma granted under division (A) of this section shall be~~ 208796
~~accompanied by the official letter of excuse issued by the~~ 208797
~~district superintendent for the student's final year of home~~ 208798
~~education.~~ 208799

~~(C)~~ A person who has graduated from a nonchartered nonpublic 208800
school in Ohio and who has successfully fulfilled that school's 208801
high school curriculum may be granted a high school diploma by the 208802
governing authority of that school. 208803

~~(D)~~ (C) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.

~~(E)~~ (D) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

~~(F)~~ (E) A diploma granted under division (A) of this section may include a state seal of biliteracy, an OhioMeansJobs-readiness seal, or a state diploma seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for diplomas and transcripts issued by school districts and chartered nonpublic schools under sections 3313.6111, 3113.6112, and 3313.6114 of the Revised Code.

Sec. 3313.6111. (A) The ~~state board~~ department of education and workforce shall establish the state seal of biliteracy, which may be attached or affixed to the high school transcript of a student enrolled in a public or chartered nonpublic school. The state seal of biliteracy shall demonstrate the attainment of a high level of proficiency by a graduate of a public or chartered nonpublic high school in one or more languages in addition to English, sufficient for meaningful use in college and a career. The purpose of the state seal of biliteracy shall be to:

- (1) Encourage students to study languages;
- (2) Certify the attainment of biliteracy;

(3) Provide employers with a method of identifying individuals with language and biliteracy skills;	208834 208835
(4) Provide institutions of higher education with an additional method to recognize applicants for admission;	208836 208837
(5) Prepare students with twenty-first century skills;	208838
(6) Recognize the value of foreign language and native language instruction in public schools; and	208839 208840
(7) Strengthen inter-group relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.	208841 208842 208843
(B)(1) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may attach or affix the state seal of biliteracy to the transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section. A district or school shall not be required to attach or affix the state seal of biliteracy on the transcript of a student enrolled in the school.	208844 208845 208846 208847 208848 208849 208850 208851 208852 208853
(2) Each school district, community school, STEM school, college-preparatory boarding school, and chartered nonpublic school shall maintain appropriate records to identify students who have completed the requirements for earning a state seal of biliteracy as prescribed under division (C)(1) of this section, and if the district or school has a policy of attaching or affixing the state seal of biliteracy to student transcripts, the district or school shall make the appropriate designation on the transcript of a student who completes the requirements.	208854 208855 208856 208857 208858 208859 208860 208861 208862
(C) The state board of education <u>department</u> shall do the following:	208863 208864

(1) Establish the requirements and criteria for earning a state seal of biliteracy, including assessments of foreign language and English proficiency.

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(2) ~~Direct the department of education to prepare~~ Prepare and deliver to participating school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning a state seal of biliteracy on a student's transcript indicating that the student has been assigned the seal;

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(3) ~~Direct the department to provide~~ Provide any other information ~~the state board~~ it considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to participate in the assigning of a state seal of biliteracy;

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(4) Adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this section.

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(D) A student shall not be charged a fee to be assigned a state seal of biliteracy on their transcript. A student may be required to pay a fee to demonstrate proficiency in a language, including the cost of a standardized test to determine proficiency in a language.

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(E) As used in this section, "foreign language" refers to any language other than English, including modern languages, Latin, American sign language, native American languages, and native languages.

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Sec. 3313.6112. (A) ~~The superintendent of public instruction~~ department of education and workforce, in consultation with the chancellor of higher education and the governor's office of workforce transformation, shall establish the OhioMeansJobs-readiness seal, which may be attached or affixed to

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the high school diploma and transcript of a student enrolled in a public or chartered nonpublic school.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the OhioMeansJobs-readiness seal to the diploma and transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section.

(C) The ~~state superintendent~~department of education and workforce, in consultation with the chancellor and the governor's office of workforce transformation, shall do the following:

(1) Establish the requirements and criteria for earning an OhioMeansJobs-readiness seal, including demonstration of work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency;

(2) Develop a standardized form for students to complete and have validated prior to graduation by at least three individuals, each of whom must be an employer, teacher, business mentor, community leader, faith-based leader, school leader, or coach of the student;

(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal;

(4) Provide any other information the ~~state superintendent~~department considers necessary for school districts, community

schools, STEM schools, college-preparatory boarding schools, and 208925
chartered nonpublic schools to assign an OhioMeansJobs-readiness 208926
seal. 208927

(D) A student shall not be charged a fee to be assigned an 208928
OhioMeansJobs-readiness seal on the student's diploma and 208929
transcript. 208930

Sec. 3313.6113. (A) ~~The superintendent of public~~ 208931
~~instruction~~director of education and workforce, in collaboration 208932
with the governor's office of workforce transformation and 208933
representatives of business organizations, shall establish a 208934
committee to develop a list of industry-recognized credentials and 208935
licenses that may be used to qualify for a high school diploma 208936
under section 3313.618 of the Revised Code and shall be used for 208937
state report card purposes under section 3302.03 of the Revised 208938
Code. ~~The state superintendent shall appoint the members of the~~ 208939
~~committee not later than January 1, 2018.~~ 208940

(B) The committee shall do the following: 208941

(1) Establish criteria for acceptable industry-recognized 208942
credentials and licenses aligned with the in-demand jobs list 208943
published by the department of job and family services; 208944

(2) Review the list of industry-recognized credentials and 208945
licenses that was in existence on January 1, 2018, and update the 208946
list as it considers necessary; 208947

(3) Review and update the list of industry-recognized 208948
credentials and licenses at least biennially; 208949

(4) Assign a point value for each industry-recognized 208950
credential and establish the total number of points for 208951
industry-recognized credentials that a student must earn to 208952
qualify for a high school diploma under sections 3313.618 and 208953
3313.6114 of the Revised Code; 208954

(5) Update the list of industry-recognized credentials to include a driver's license obtained by a student through a driver education course offered by a school district in accordance with section 3301.17 of the Revised Code.

(C) For purposes of divisions (B)(2)(d), (C)(2)(e), and (D)(1)(j)(v) of section 3302.03 of the Revised Code, the department of education and workforce shall include only those students who earn an industry-recognized credential, or group of credentials, at least equal to the total number of points established by the committee under this section to qualify for a high school diploma.

Sec. 3313.6114. (A) The ~~state board~~ department of education and workforce shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following:

(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(3) The state diploma seals prescribed under division (C) of this section.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and

transcript of a student enrolled in the district or school who 208985
meets the requirements established under that division. 208986

(C) The ~~state board~~ department shall establish all of the 208987
following state diploma seals: 208988

(1) An industry-recognized credential seal. A student shall 208989
meet the requirement for this seal by doing either of the 208990
following: 208991

(a) Earning an industry-recognized credential, or group of 208992
credentials, approved under section 3313.6113 of the Revised Code 208993
that is both of the following: 208994

(i) At least equal to the total number of points established 208995
under section 3313.6113 of the Revised Code to qualify for a high 208996
school diploma; 208997

(ii) Aligned to a job that is determined to be in demand in 208998
this state and its regions under section 6301.11 of the Revised 208999
Code. 209000

(b) Obtaining a license approved under section 3313.6113 of 209001
the Revised Code that is issued by a state agency or board for 209002
practice in a vocation that requires an examination for issuance 209003
of that license. 209004

(2) A college-ready seal. A student shall meet the 209005
requirement for this seal by attaining a score that is 209006
remediation-free, in accordance with standards adopted under 209007
division (F) of section 3345.061 of the Revised Code, on a 209008
nationally standardized assessment prescribed under division 209009
(B)(1) of section 3301.0712 of the Revised Code. 209010

(3) A military enlistment seal. A student shall meet the 209011
requirement for this seal by doing either of the following: 209012

(a) Providing evidence that the student has enlisted in a 209013
branch of the armed services of the United States as defined in 209014

section 5910.01 of the Revised Code;	209015
(b) Participating in a junior reserve officer training	209016
program approved by the congress of the United States under title	209017
10 of the United States Code.	209018
(4) A citizenship seal. A student shall meet the requirement	209019
for this seal by doing any of the following:	209020
(a) Demonstrating at least a proficient level of skill as	209021
prescribed under division (B)(5)(a) of section 3301.0712 of the	209022
Revised Code on both the American history and American government	209023
end-of-course examinations prescribed under division (B)(2) of	209024
section 3301.0712 of the Revised Code;	209025
(b) Attaining a score level prescribed under division	209026
(B)(5)(d) of section 3301.0712 of the Revised Code that is at	209027
least the equivalent of a proficient level of skill in appropriate	209028
advanced placement or international baccalaureate examinations in	209029
lieu of the American history and American government end-of-course	209030
examinations;	209031
(c) In lieu of the American history and American government	209032
end-of-course examinations, attaining a final course grade that is	209033
the equivalent of a "B" or higher in either:	209034
(i) An American history course and an American government	209035
course that are offered by the student's high school;	209036
(ii) Appropriate courses taken through the college credit	209037
plus program established under Chapter 3365. of the Revised Code.	209038
(d) In the case of a student who takes an alternate	209039
assessment in accordance with division (C)(1) of section 3301.0711	209040
of the Revised Code, attaining a score established by the state	209041
board <u>department</u> on the alternate assessment in social studies;	209042
(e) In the case of a student who transfers into an Ohio	209043
public or chartered nonpublic high school from another state or	209044

who enrolls in an Ohio public or chartered nonpublic high school 209045
after receiving home ~~instruction~~ education or attending a 209046
nonchartered, nontax-supported school in the previous school year, 209047
attaining a final course grade that is the equivalent of a "B" or 209048
higher in courses that correspond with the American history and 209049
American government end-of-course examinations and that the 209050
student completed in the state from which the student transferred 209051
or completed while receiving home ~~instruction~~ education or 209052
attending a nonchartered, nontax-supported school. Division 209053
(C)(4)(e) of this section does not apply to any such student with 209054
respect to an American history or American government course for 209055
which an end-of-course examination is associated that the student 209056
takes after enrolling in the high school. 209057

(5) A science seal. A student shall meet the requirement for 209058
this seal by doing any of the following: 209059

(a) Demonstrating at least a proficient level of skill as 209060
prescribed under division (B)(5)(a) of section 3301.0712 of the 209061
Revised Code on the science end-of-course examination prescribed 209062
under division (B)(2) of section 3301.0712 of the Revised Code; 209063

(b) Attaining a score level prescribed under division 209064
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 209065
least the equivalent of a proficient level of skill in an 209066
appropriate advanced placement or international baccalaureate 209067
examination in lieu of the science end-of-course examination; 209068

(c) In lieu of the science end-of-course examination, 209069
attaining a final course grade that is the equivalent of a "B" or 209070
higher in either: 209071

(i) A science course listed in divisions (C)(5)(c)(i) to 209072
(iii) of section 3313.603 of the Revised Code that is offered by 209073
the student's high school; 209074

(ii) An appropriate course taken through the college credit 209075

plus program established under Chapter 3365. of the Revised Code. 209076

(d) In the case of a student who takes an alternate 209077
assessment in accordance with division (C)(1) of section 3301.0711 209078
of the Revised Code, attaining a score established by the ~~state~~ 209079
~~board~~ department on the alternate assessment in science; 209080

(e) In the case of a student who transfers into an Ohio 209081
public or chartered nonpublic high school from another state or 209082
enrolls in an Ohio public or chartered nonpublic high school after 209083
receiving home ~~instruction~~ education or attending a nonchartered, 209084
nontax-supported school in the previous school year, attaining a 209085
final course grade that is the equivalent of a "B" or higher in a 209086
course that corresponds with the science end-of-course examination 209087
and that the student completed in the state from which the student 209088
transferred or completed while receiving home instruction or 209089
attending a nonchartered, nontax-supported school. Division 209090
(C)(5)(e) of this section does not apply to any such student who 209091
takes a science course for which an end-of-course examination is 209092
associated after enrolling in the high school. 209093

(6) An honors diploma seal. A student shall meet the 209094
requirement for this seal by meeting the additional criteria for 209095
an honors diploma under division (B) of section 3313.61 of the 209096
Revised Code. 209097

(7) A technology seal. A student shall meet the requirement 209098
for this seal by doing any of the following: 209099

(a) Subject to division (B)(5)(d) of section 3301.0712 of the 209100
Revised Code, attaining a score level that is at least the 209101
equivalent of a proficient level of skill in an appropriate 209102
advanced placement or international baccalaureate examination; 209103

(b) Attaining a final course grade that is the equivalent of 209104
a "B" or higher in an appropriate course taken through the college 209105
credit plus program established under Chapter 3365. of the Revised 209106

Code; 209107

(c) Completing a course offered through the student's 209108
district or school that meets guidelines developed by the 209109
department ~~of education~~. However, a district or school shall not 209110
be required to offer a course that meets those guidelines 209111
~~developed by the department~~. 209112

(d) In the case of a student who transfers into an Ohio 209113
public or chartered nonpublic high school from another state or 209114
enrolls in an Ohio public or chartered nonpublic high school after 209115
receiving home ~~instruction~~ education or attending a nonchartered, 209116
nontax-supported school in the previous school year, attaining a 209117
final course grade that is the equivalent of a "B" or higher in an 209118
appropriate course, as determined by the district or school, that 209119
the student completed in the state from which the student 209120
transferred or completed while receiving home ~~instruction~~ 209121
education or attending a nonchartered, nontax-supported school. 209122

(8) A community service seal. A student shall meet the 209123
requirement for this seal by completing a community service 209124
project that is aligned with guidelines adopted by the student's 209125
district board or school governing authority. 209126

(9) A fine and performing arts seal. A student shall meet the 209127
requirement for this seal by demonstrating skill in the fine or 209128
performing arts according to an evaluation that is aligned with 209129
guidelines adopted by the student's district board or school 209130
governing authority. 209131

(10) A student engagement seal. A student shall meet the 209132
requirement for this seal by participating in extracurricular 209133
activities such as athletics, clubs, or student government to a 209134
meaningful extent, as determined by guidelines adopted by the 209135
student's district board or school governing authority. 209136

(D)(1) Each district or school shall develop guidelines for 209137

at least one of the state seals prescribed under divisions (C)(8) 209138
to (10) of this section. 209139

(2) For the purposes of determining whether a student who 209140
transfers to a district or school has satisfied the state diploma 209141
seal requirement under division (B)(2) of section 3313.618 of the 209142
Revised Code, each district or school shall recognize a state 209143
diploma seal prescribed under divisions (C)(8) to (10) of this 209144
section and earned by a student at another district or a different 209145
public or chartered nonpublic school regardless of whether the 209146
district or school to which the student transfers has developed 209147
guidelines under this section for that state seal. 209148

(3) In guidelines developed for a state diploma seal 209149
prescribed under divisions (C)(8) to (10) of this section, each 209150
district or school shall include a method to give, to the extent 209151
feasible, a student who transfers into the district or school a 209152
proportional amount of credit for any progress the student was 209153
making toward earning that state seal at the school district or 209154
different public or chartered nonpublic school from which the 209155
student transfers. 209156

(E) Each district or school shall maintain appropriate 209157
records to identify students who have met the requirements 209158
prescribed under division (C) of this section for earning the 209159
state seals established under that division. 209160

(F) The department shall prepare and deliver to each district 209161
or school an appropriate mechanism for assigning a state diploma 209162
seal established under division (C) of this section. 209163

(G) A student shall not be charged a fee to be assigned a 209164
state seal prescribed under division (C) of this section on the 209165
student's diploma and transcript. 209166

Sec. 3313.64. (A) As used in this section and in section 209167

3313.65 of the Revised Code: 209168

(1)(a) Except as provided in division (A)(1)(b) of this 209169
section, "parent" means either parent, unless the parents are 209170
separated or divorced or their marriage has been dissolved or 209171
annulled, in which case "parent" means the parent who is the 209172
residential parent and legal custodian of the child. When a child 209173
is in the legal custody of a government agency or a person other 209174
than the child's natural or adoptive parent, "parent" means the 209175
parent with residual parental rights, privileges, and 209176
responsibilities. When a child is in the permanent custody of a 209177
government agency or a person other than the child's natural or 209178
adoptive parent, "parent" means the parent who was divested of 209179
parental rights and responsibilities for the care of the child and 209180
the right to have the child live with the parent and be the legal 209181
custodian of the child and all residual parental rights, 209182
privileges, and responsibilities. 209183

(b) When a child is the subject of a power of attorney 209184
executed under sections 3109.51 to 3109.62 of the Revised Code, 209185
"parent" means the grandparent designated as attorney in fact 209186
under the power of attorney. When a child is the subject of a 209187
caretaker authorization affidavit executed under sections 3109.64 209188
to 3109.73 of the Revised Code, "parent" means the grandparent 209189
that executed the affidavit. 209190

(2) "Legal custody," "permanent custody," and "residual 209191
parental rights, privileges, and responsibilities" have the same 209192
meanings as in section 2151.011 of the Revised Code. 209193

(3) "School district" or "district" means a city, local, or 209194
exempted village school district and excludes any school operated 209195
in an institution maintained by the department of youth services. 209196

(4) Except as used in division (C)(2) of this section, "home" 209197
means a home, institution, foster home, group home, or other 209198

residential facility in this state that receives and cares for	209199
children, to which any of the following applies:	209200
(a) The home is licensed, certified, or approved for such	209201
purpose by the state or is maintained by the department of youth	209202
services.	209203
(b) The home is operated by a person who is licensed,	209204
certified, or approved by the state to operate the home for such	209205
purpose.	209206
(c) The home accepted the child through a placement by a	209207
person licensed, certified, or approved to place a child in such a	209208
home by the state.	209209
(d) The home is a children's home created under section	209210
5153.21 or 5153.36 of the Revised Code.	209211
(5) "Agency" means all of the following:	209212
(a) A public children services agency;	209213
(b) An organization that holds a certificate issued by the	209214
Ohio department of job and family services in accordance with the	209215
requirements of section 5103.03 of the Revised Code and assumes	209216
temporary or permanent custody of children through commitment,	209217
agreement, or surrender, and places children in family homes for	209218
the purpose of adoption;	209219
(c) Comparable agencies of other states or countries that	209220
have complied with applicable requirements of section 2151.39 of	209221
the Revised Code or as applicable, sections 5103.20 to 5103.22 or	209222
5103.23 to 5103.237 of the Revised Code.	209223
(6) A child is placed for adoption if either of the following	209224
occurs:	209225
(a) An agency to which the child has been permanently	209226
committed or surrendered enters into an agreement with a person	209227
pursuant to section 5103.16 of the Revised Code for the care and	209228

adoption of the child. 209229

(b) The child's natural parent places the child pursuant to 209230
section 5103.16 of the Revised Code with a person who will care 209231
for and adopt the child. 209232

(7) "Preschool child with a disability" has the same meaning 209233
as in section 3323.01 of the Revised Code. 209234

(8) "Child," unless otherwise indicated, includes preschool 209235
children with disabilities. 209236

(9) "Active duty" means active duty pursuant to an executive 209237
order of the president of the United States, an act of the 209238
congress of the United States, or section 5919.29 or 5923.21 of 209239
the Revised Code. 209240

(B) Except as otherwise provided in section 3321.01 of the 209241
Revised Code for admittance to kindergarten and first grade, a 209242
child who is at least five but under twenty-two years of age and 209243
any preschool child with a disability shall be admitted to school 209244
as provided in this division. 209245

(1) A child shall be admitted to the schools of the school 209246
district in which the child's parent resides. 209247

(2) Except as provided in division (B) of section 2151.362 209248
and section 3317.30 of the Revised Code, a child who does not 209249
reside in the district where the child's parent resides shall be 209250
admitted to the schools of the district in which the child resides 209251
if any of the following applies: 209252

(a) The child is in the legal or permanent custody of a 209253
government agency or a person other than the child's natural or 209254
adoptive parent. 209255

(b) The child resides in a home. 209256

(c) The child requires special education. 209257

(3) A child who is not entitled under division (B)(2) of this 209258

section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the 209290
time the court removed the child from home or at the time the 209291
court vested legal or permanent custody of the child in the person 209292
or government agency, whichever occurred first; 209293

(b) If the parent's residence at the time the court removed 209294
the child from home or placed the child in the legal or permanent 209295
custody of the person or government agency is unknown, tuition 209296
shall be paid by the district in which the child resided at the 209297
time the child was removed from home or placed in legal or 209298
permanent custody, whichever occurred first; 209299

(c) If a school district cannot be established under division 209300
(C)(2)(a) or (b) of this section, tuition shall be paid by the 209301
district determined as required by section 2151.362 of the Revised 209302
Code by the court at the time it vests custody of the child in the 209303
person or government agency; 209304

(d) If at the time the court removed the child from home or 209305
vested legal or permanent custody of the child in the person or 209306
government agency, whichever occurred first, one parent was in a 209307
residential or correctional facility or a juvenile residential 209308
placement and the other parent, if living and not in such a 209309
facility or placement, was not known to reside in this state, 209310
tuition shall be paid by the district determined under division 209311
(D) of section 3313.65 of the Revised Code as the district 209312
required to pay any tuition while the parent was in such facility 209313
or placement; 209314

(e) If the department of education and workforce has 209315
determined, pursuant to division (A)(2) of section 2151.362 of the 209316
Revised Code, that a school district other than the one named in 209317
the court's initial order, or in a prior determination of the 209318
department, is responsible to bear the cost of educating the 209319
child, the district so determined shall be responsible for that 209320
cost. 209321

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the

child shall be determined by a formula approved by the department 209353
of education and workforce, which formula shall be designed to 209354
calculate a per diem cost for the educational services provided to 209355
the child for each day the child is served and shall reflect the 209356
total actual cost incurred in providing those services. The 209357
department shall certify the total educational cost to be paid for 209358
the child to both the school district providing the educational 209359
services and, if different, the school district that is 209360
responsible to pay tuition for the child. The department shall 209361
deduct the certified amount from the state basic aid funds payable 209362
under Chapter 3317. of the Revised Code to the district 209363
responsible to pay tuition and shall pay that amount to the 209364
district providing the educational services to the child. 209365

(D) Tuition required to be paid under divisions (C)(2) and 209366
(3)(a) of this section shall be computed in accordance with 209367
section 3317.08 of the Revised Code. Tuition required to be paid 209368
under division (C)(3)(b) of this section shall be computed in 209369
accordance with section 3317.081 of the Revised Code. If a home 209370
fails to pay the tuition required by division (C)(3)(b) of this 209371
section, the board of education providing the education may 209372
recover in a civil action the tuition and the expenses incurred in 209373
prosecuting the action, including court costs and reasonable 209374
attorney's fees. If the prosecuting attorney or city director of 209375
law represents the board in such action, costs and reasonable 209376
attorney's fees awarded by the court, based upon the prosecuting 209377
attorney's, director's, or one of their designee's time spent 209378
preparing and presenting the case, shall be deposited in the 209379
county or city general fund. 209380

(E) A board of education may enroll a child free of any 209381
tuition obligation for a period not to exceed sixty days, on the 209382
sworn statement of an adult resident of the district that the 209383
resident has initiated legal proceedings for custody of the child. 209384

(F) In the case of any individual entitled to attend school 209385
under this division, no tuition shall be charged by the school 209386
district of attendance and no other school district shall be 209387
required to pay tuition for the individual's attendance. 209388
Notwithstanding division (B), (C), or (E) of this section: 209389

(1) All persons at least eighteen but under twenty-two years 209390
of age who live apart from their parents, support themselves by 209391
their own labor, and have not successfully completed the high 209392
school curriculum or the individualized education program 209393
developed for the person by the high school pursuant to section 209394
3323.08 of the Revised Code, are entitled to attend school in the 209395
district in which they reside. 209396

(2) Any child under eighteen years of age who is married is 209397
entitled to attend school in the child's district of residence. 209398

(3) A child is entitled to attend school in the district in 209399
which either of the child's parents is employed if the child has a 209400
medical condition that may require emergency medical attention. 209401
The parent of a child entitled to attend school under division 209402
(F)(3) of this section shall submit to the board of education of 209403
the district in which the parent is employed a statement from the 209404
child's physician certifying that the child's medical condition 209405
may require emergency medical attention. The statement shall be 209406
supported by such other evidence as the board may require. 209407

(4) Any child residing with a person other than the child's 209408
parent is entitled, for a period not to exceed twelve months, to 209409
attend school in the district in which that person resides if the 209410
child's parent files an affidavit with the superintendent of the 209411
district in which the person with whom the child is living resides 209412
stating all of the following: 209413

(a) That the parent is serving outside of the state in the 209414
armed services of the United States; 209415

(b) That the parent intends to reside in the district upon 209416
returning to this state; 209417

(c) The name and address of the person with whom the child is 209418
living while the parent is outside the state. 209419

(5) Any child under the age of twenty-two years who, after 209420
the death of a parent, resides in a school district other than the 209421
district in which the child attended school at the time of the 209422
parent's death is entitled to continue to attend school in the 209423
district in which the child attended school at the time of the 209424
parent's death for the remainder of the school year, subject to 209425
approval of that district board. 209426

(6) A child under the age of twenty-two years who resides 209427
with a parent who is having a new house built in a school district 209428
outside the district where the parent is residing is entitled to 209429
attend school for a period of time in the district where the new 209430
house is being built. In order to be entitled to such attendance, 209431
the parent shall provide the district superintendent with the 209432
following: 209433

(a) A sworn statement explaining the situation, revealing the 209434
location of the house being built, and stating the parent's 209435
intention to reside there upon its completion; 209436

(b) A statement from the builder confirming that a new house 209437
is being built for the parent and that the house is at the 209438
location indicated in the parent's statement. 209439

(7) A child under the age of twenty-two years residing with a 209440
parent who has a contract to purchase a house in a school district 209441
outside the district where the parent is residing and who is 209442
waiting upon the date of closing of the mortgage loan for the 209443
purchase of such house is entitled to attend school for a period 209444
of time in the district where the house is being purchased. In 209445
order to be entitled to such attendance, the parent shall provide 209446

the district superintendent with the following: 209447

(a) A sworn statement explaining the situation, revealing the 209448
location of the house being purchased, and stating the parent's 209449
intent to reside there; 209450

(b) A statement from a real estate broker or bank officer 209451
confirming that the parent has a contract to purchase the house, 209452
that the parent is waiting upon the date of closing of the 209453
mortgage loan, and that the house is at the location indicated in 209454
the parent's statement. 209455

The district superintendent shall establish a period of time 209456
not to exceed ninety days during which the child entitled to 209457
attend school under division (F)(6) or (7) of this section may 209458
attend without tuition obligation. A student attending a school 209459
under division (F)(6) or (7) of this section shall be eligible to 209460
participate in interscholastic athletics under the auspices of 209461
that school, provided the board of education of the school 209462
district where the student's parent resides, by a formal action, 209463
releases the student to participate in interscholastic athletics 209464
at the school where the student is attending, and provided the 209465
student receives any authorization required by a public agency or 209466
private organization of which the school district is a member 209467
exercising authority over interscholastic sports. 209468

(8) A child whose parent is a full-time employee of a city, 209469
local, or exempted village school district, or of an educational 209470
service center, may be admitted to the schools of the district 209471
where the child's parent is employed, or in the case of a child 209472
whose parent is employed by an educational service center, in the 209473
district that serves the location where the parent's job is 209474
primarily located, provided the district board of education 209475
establishes such an admission policy by resolution adopted by a 209476
majority of its members. Any such policy shall take effect on the 209477
first day of the school year and the effective date of any 209478

amendment or repeal may not be prior to the first day of the 209479
subsequent school year. The policy shall be uniformly applied to 209480
all such children and shall provide for the admission of any such 209481
child upon request of the parent. No child may be admitted under 209482
this policy after the first day of classes of any school year. 209483

(9) A child who is with the child's parent under the care of 209484
a shelter for victims of domestic violence, as defined in section 209485
3113.33 of the Revised Code, is entitled to attend school free in 209486
the district in which the child is with the child's parent, and no 209487
other school district shall be required to pay tuition for the 209488
child's attendance in that school district. 209489

The enrollment of a child in a school district under this 209490
division shall not be denied due to a delay in the school 209491
district's receipt of any records required under section 3313.672 209492
of the Revised Code or any other records required for enrollment. 209493
Any days of attendance and any credits earned by a child while 209494
enrolled in a school district under this division shall be 209495
transferred to and accepted by any school district in which the 209496
child subsequently enrolls. The ~~state board~~ department of 209497
education and workforce shall adopt rules to ensure compliance 209498
with this division. 209499

(10) Any child under the age of twenty-two years whose parent 209500
has moved out of the school district after the commencement of 209501
classes in the child's senior year of high school is entitled, 209502
subject to the approval of that district board, to attend school 209503
in the district in which the child attended school at the time of 209504
the parental move for the remainder of the school year and for one 209505
additional semester or equivalent term. A district board may also 209506
adopt a policy specifying extenuating circumstances under which a 209507
student may continue to attend school under division (F)(10) of 209508
this section for an additional period of time in order to 209509
successfully complete the high school curriculum for the 209510

individualized education program developed for the student by the 209511
high school pursuant to section 3323.08 of the Revised Code. 209512

(11) As used in this division, "grandparent" means a parent 209513
of a parent of a child. A child under the age of twenty-two years 209514
who is in the custody of the child's parent, resides with a 209515
grandparent, and does not require special education is entitled to 209516
attend the schools of the district in which the child's 209517
grandparent resides, provided that, prior to such attendance in 209518
any school year, the board of education of the school district in 209519
which the child's grandparent resides and the board of education 209520
of the school district in which the child's parent resides enter 209521
into a written agreement specifying that good cause exists for 209522
such attendance, describing the nature of this good cause, and 209523
consenting to such attendance. 209524

In lieu of a consent form signed by a parent, a board of 209525
education may request the grandparent of a child attending school 209526
in the district in which the grandparent resides pursuant to 209527
division (F)(11) of this section to complete any consent form 209528
required by the district, including any authorization required by 209529
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 209530
Code. Upon request, the grandparent shall complete any consent 209531
form required by the district. A school district shall not incur 209532
any liability solely because of its receipt of a consent form from 209533
a grandparent in lieu of a parent. 209534

Division (F)(11) of this section does not create, and shall 209535
not be construed as creating, a new cause of action or substantive 209536
legal right against a school district, a member of a board of 209537
education, or an employee of a school district. This section does 209538
not affect, and shall not be construed as affecting, any 209539
immunities from defenses to tort liability created or recognized 209540
by Chapter 2744. of the Revised Code for a school district, 209541
member, or employee. 209542

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free,

appropriate public education, including public preschool, to each 209574
homeless child. 209575

When a child loses permanent housing and becomes a homeless 209576
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 209577
such a homeless person changes temporary living arrangements, the 209578
child's parent or guardian shall have the option of enrolling the 209579
child in either of the following: 209580

(a) The child's school of origin, as defined in 42 U.S.C.A. 209581
11432(g)(3)(C); 209582

(b) The school that is operated by the school district in 209583
which the shelter where the child currently resides is located and 209584
that serves the geographic area in which the shelter is located. 209585

(14) A child under the age of twenty-two years who resides 209586
with a person other than the child's parent is entitled to attend 209587
school in the school district in which that person resides if both 209588
of the following apply: 209589

(a) That person has been appointed, through a military power 209590
of attorney executed under section 574(a) of the "National Defense 209591
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 209592
U.S.C. 1044b, or through a comparable document necessary to 209593
complete a family care plan, as the parent's agent for the care, 209594
custody, and control of the child while the parent is on active 209595
duty as a member of the national guard or a reserve unit of the 209596
armed forces of the United States or because the parent is a 209597
member of the armed forces of the United States and is on a duty 209598
assignment away from the parent's residence. 209599

(b) The military power of attorney or comparable document 209600
includes at least the authority to enroll the child in school. 209601

The entitlement to attend school in the district in which the 209602
parent's agent under the military power of attorney or comparable 209603
document resides applies until the end of the school year in which 209604

the military power of attorney or comparable document expires. 209605

(G) A board of education, after approving admission, may 209606
waive tuition for students who will temporarily reside in the 209607
district and who are either of the following: 209608

(1) Residents or domiciliaries of a foreign nation who 209609
request admission as foreign exchange students; 209610

(2) Residents or domiciliaries of the United States but not 209611
of Ohio who request admission as participants in an exchange 209612
program operated by a student exchange organization. 209613

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 209614
3327.04, and 3327.06 of the Revised Code, a child may attend 209615
school or participate in a special education program in a school 209616
district other than in the district where the child is entitled to 209617
attend school under division (B) of this section. 209618

(I)(1) Notwithstanding anything to the contrary in this 209619
section or section 3313.65 of the Revised Code, a child under 209620
twenty-two years of age may attend school in the school district 209621
in which the child, at the end of the first full week of October 209622
of the school year, was entitled to attend school as otherwise 209623
provided under this section or section 3313.65 of the Revised 209624
Code, if at that time the child was enrolled in the schools of the 209625
district but since that time the child or the child's parent has 209626
relocated to a new address located outside of that school district 209627
and within the same county as the child's or parent's address 209628
immediately prior to the relocation. The child may continue to 209629
attend school in the district, and at the school to which the 209630
child was assigned at the end of the first full week of October of 209631
the current school year, for the balance of the school year. 209632
Division (I)(1) of this section applies only if both of the 209633
following conditions are satisfied: 209634

(a) The board of education of the school district in which 209635

the child was entitled to attend school at the end of the first 209636
full week in October and of the district to which the child or 209637
child's parent has relocated each has adopted a policy to enroll 209638
children described in division (I)(1) of this section. 209639

(b) The child's parent provides written notification of the 209640
relocation outside of the school district to the superintendent of 209641
each of the two school districts. 209642

(2) At the beginning of the school year following the school 209643
year in which the child or the child's parent relocated outside of 209644
the school district as described in division (I)(1) of this 209645
section, the child is not entitled to attend school in the school 209646
district under that division. 209647

(3) Any person or entity owing tuition to the school district 209648
on behalf of the child at the end of the first full week in 209649
October, as provided in division (C) of this section, shall 209650
continue to owe such tuition to the district for the child's 209651
attendance under division (I)(1) of this section for the lesser of 209652
the balance of the school year or the balance of the time that the 209653
child attends school in the district under division (I)(1) of this 209654
section. 209655

(4) A pupil who may attend school in the district under 209656
division (I)(1) of this section shall be entitled to 209657
transportation services pursuant to an agreement between the 209658
district and the district in which the child or child's parent has 209659
relocated unless the districts have not entered into such 209660
agreement, in which case the child shall be entitled to 209661
transportation services in the same manner as a pupil attending 209662
school in the district under interdistrict open enrollment as 209663
described in division (E) of section 3313.981 of the Revised Code, 209664
regardless of whether the district has adopted an open enrollment 209665
policy as described in division (B)(1)(b) or (c) of section 209666
3313.98 of the Revised Code. 209667

(J) This division does not apply to a child receiving special education. 209668
209669

A school district required to pay tuition pursuant to 209670
division (C)(2) or (3) of this section or section 3313.65 of the 209671
Revised Code shall have an amount deducted under division (C) of 209672
section 3317.023 of the Revised Code equal to its own tuition rate 209673
for the same period of attendance. A school district entitled to 209674
receive tuition pursuant to division (C)(2) or (3) of this section 209675
or section 3313.65 of the Revised Code shall have an amount 209676
credited under division (C) of section 3317.023 of the Revised 209677
Code equal to its own tuition rate for the same period of 209678
attendance. If the tuition rate credited to the district of 209679
attendance exceeds the rate deducted from the district required to 209680
pay tuition, the department of education and workforce shall pay 209681
the district of attendance the difference from amounts deducted 209682
from all districts' payments under division (C) of section 209683
3317.023 of the Revised Code but not credited to other school 209684
districts under such division and from appropriations made for 209685
such purpose. The treasurer of each school district shall, by the 209686
fifteenth day of January and July, furnish the ~~superintendent of~~ 209687
~~public instruction~~ director of education and workforce a report of 209688
the names of each child who attended the district's schools under 209689
divisions (C)(2) and (3) of this section or section 3313.65 of the 209690
Revised Code during the preceding six calendar months, the 209691
duration of the attendance of those children, the school district 209692
responsible for tuition on behalf of the child, and any other 209693
information that the ~~superintendent~~ director requires. 209694

Upon receipt of the report the ~~superintendent~~ director, 209695
pursuant to division (C) of section 3317.023 of the Revised Code, 209696
shall deduct each district's tuition obligations under divisions 209697
(C)(2) and (3) of this section or section 3313.65 of the Revised 209698
Code and pay to the district of attendance that amount plus any 209699

amount required to be paid by the state. 209700

(K) In the event of a disagreement, the ~~superintendent of~~ 209701
~~public instruction~~ director of education and workforce shall 209702
determine the school district in which the parent resides. 209703

(L) Nothing in this section requires or authorizes, or shall 209704
be construed to require or authorize, the admission to a public 209705
school in this state of a pupil who has been permanently excluded 209706
from public school attendance by the ~~superintendent of public~~ 209707
~~instruction~~ director pursuant to sections 3301.121 and 3313.662 of 209708
the Revised Code. 209709

(M) In accordance with division (B)(1) of this section, a 209710
child whose parent is a member of the national guard or a reserve 209711
unit of the armed forces of the United States and is called to 209712
active duty, or a child whose parent is a member of the armed 209713
forces of the United States and is ordered to a temporary duty 209714
assignment outside of the district, may continue to attend school 209715
in the district in which the child's parent lived before being 209716
called to active duty or ordered to a temporary duty assignment 209717
outside of the district, as long as the child's parent continues 209718
to be a resident of that district, and regardless of where the 209719
child lives as a result of the parent's active duty status or 209720
temporary duty assignment. However, the district is not 209721
responsible for providing transportation for the child if the 209722
child lives outside of the district as a result of the parent's 209723
active duty status or temporary duty assignment. 209724

Sec. 3313.642. (A) Except as provided in division (B) of this 209725
section and notwithstanding the provisions of sections 3313.48 and 209726
3313.64 of the Revised Code, the board of education of a city, 209727
exempted village, or local school district shall not be required 209728
to furnish, free of charge, to the pupils attending the public 209729
schools any materials used in a course of instruction with the 209730

exception of the necessary textbooks or electronic textbooks 209731
required to be furnished without charge pursuant to section 209732
3329.06 of the Revised Code. The board may, however, make 209733
provision by appropriations transferred from the general fund of 209734
the district or otherwise for furnishing free of charge any 209735
materials used in a course of instruction to such pupils as it 209736
determines are in serious financial need of such materials. 209737

(B) No board of education of a school district shall charge a 209738
fee to a pupil who is eligible for a free lunch under the 209739
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 209740
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 209741
42 U.S.C. 1771, as amended, for any materials needed to enable the 209742
pupil to participate fully in a course of instruction. The 209743
prohibition in this division against charging a fee does not apply 209744
to any fee charged for any of the following: 209745

(1) Any materials needed to enable a pupil to participate 209746
fully in extracurricular activities or in any pupil enrichment 209747
program that is not a course of instruction; 209748

(2) Any tools, equipment, and materials that are necessary 209749
for workforce-readiness training within a career-technical 209750
education program that, to the extent the tools, equipment, and 209751
materials are not consumed, may be retained by the student upon 209752
course completion. 209753

(C) Boards of education may adopt rules and regulations 209754
prescribing each of the following: 209755

(1) A schedule of fees for materials used in a course of 209756
instruction; 209757

(2) A schedule of charges which may be imposed upon pupils 209758
for the loss, damage, or destruction of school apparatus, 209759
equipment, musical instruments, library material, textbooks, or 209760
electronic textbooks required to be furnished without charge, and 209761

for damage to school buildings. 209762

Except as provided in division (D) of this section, boards of 209763
education may enforce the payment of such fees and charges by 209764
withholding the grades and credits of the pupils concerned. 209765

(D) No board of education shall withhold the grades, credits, 209766
official transcripts, diploma, IEPs, or 504 plans of a pupil for 209767
nonpayment of fees for materials used in a course of instruction 209768
imposed under division (C)(1) of this section, if a complaint has 209769
been filed at any time in a juvenile court alleging that the pupil 209770
is an abused, neglected, or dependent child or if the pupil has 209771
been adjudicated an abused, neglected, or dependent child. 209772

A board shall require that the grades, credits, official 209773
transcripts, IEPs, or 504 plan of a pupil described in this 209774
division be transferred immediately upon the receipt of either 209775
another district's or school's request for those records under 209776
section 3313.672 of the Revised Code or a juvenile judge's order 209777
under section 2151.272 of the Revised Code. 209778

A board that is required to transfer records under division 209779
(D) of this section may request a copy of any order regarding the 209780
child's custody or placement issued pursuant to a complaint filed 209781
under section 2151.27 of the Revised Code. However, a board shall 209782
not withhold records required to be transferred under that 209783
division pending receipt of a copy of the order. 209784

(E) Each board of education annually shall report to the 209785
department of education and workforce the number of pupils for 209786
whom the board sends transcripts under division (D) of this 209787
section and the total amount of unpaid fees lost due to compliance 209788
with that division. 209789

(F) As used in this section: 209790

(1) "IEP" has the same meaning as in section 3323.01 of the 209791
Revised Code. 209792

(2) "504 plan" means a plan based on an evaluation conducted 209793
in accordance with section 504 of the "Rehabilitation Act of 209794
1973," 29 U.S.C. 794, as amended. 209795

Sec. 3313.643. Every student and teacher of a school, 209796
college, or other educational institution shall wear industrial 209797
quality eye protective devices at all times while participating in 209798
or observing any of the following courses: 209799

(A) Vocational, technical, industrial arts, fine arts, 209800
chemical, physical, or combined chemical-physical educational 209801
activities, involving exposure to: 209802

(1) Hot molten metals or other molten materials; 209803

(2) Milling, sawing, drilling, turning, shaping, cutting, 209804
grinding, buffing, or stamping of any solid materials; 209805

(3) Heat treatment, tempering, or kiln firing of any metal or 209806
other materials; 209807

(4) Gas or electric arc welding or other forms of welding 209808
processes; 209809

(5) Repair or servicing of any vehicle; 209810

(6) Caustic or explosive materials; 209811

(B) Chemical, physical, or combined chemical-physical 209812
laboratories involving caustic or explosive materials, hot liquids 209813
or solids, injurious radiations, or other hazards. 209814

Such devices may be furnished for all students and teachers, 209815
purchased and sold at cost to students and teachers, or made 209816
available for a moderate rental fee, and shall be furnished for 209817
all visitors to such shops and laboratories. 209818

The ~~superintendent of public instruction~~, director of 209819
education and workforce or any other appropriate educational 209820
authority designated by the ~~superintendent~~ director, shall prepare 209821

and circulate to each public and private educational institution 209822
in this state instructions and recommendations for implementing 209823
the eye safety provisions of this section. The bureau of workers' 209824
compensation shall ensure compliance with this section. 209825

"Industrial quality eye protective devices" as used in this 209826
section, means devices meeting the standards of the American 209827
national standard practice for occupational and educational eye 209828
and face protection, Z87.1-1968, approved by the American national 209829
standards institute, inc., and subsequent revisions thereof, 209830
provided such revisions are approved and adopted by the industrial 209831
commission. 209832

Sec. 3313.644. The board of education of any school district 209833
may contract with the state department of education and workforce 209834
or other state agency or with any agency of the federal government 209835
for the education or training of out-of-school youth or adults 209836
regardless of their place of residence. The board of education may 209837
permit the attendance, under such contract, of such students or 209838
trainees who are not residents of the school district only if the 209839
contract provides for the reimbursement to the school district of 209840
the entire actual cost of educating or training such nonresident 209841
students or trainees and regardless of the ratio of nonresident 209842
students or trainees to resident students or trainees. 209843

Sec. 3313.645. A board of education may admit to the schools 209844
of its district, free of any tuition obligation, any resident of 209845
the district not otherwise eligible to be admitted who meets 209846
criteria established by the ~~state board~~ department of education 209847
and workforce. The ~~state board~~ department shall adopt rules 209848
establishing criteria for the admission of persons to schools 209849
under this division. The rules may authorize restrictions or 209850
limitations on the classes or programs in which such persons may 209851
participate. 209852

For participation in vocational education programs the 209853
district operates or participates in pursuant to sections 3313.90 209854
and 3313.91 of the Revised Code, a board of education may admit 209855
the following individuals to the schools of its district free of 209856
any tuition obligation and without regard to age: 209857

(A) Any resident to the district who has successfully 209858
completed the individualized education program developed for the 209859
person by any high school pursuant to section 3323.08 of the 209860
Revised Code; 209861

(B) Any person employed by the district in a position for 209862
which a license issued by the state board of education under 209863
section 3319.22 to 3319.31 of the Revised Code is not required who 209864
seeks admission to a class or program related to the person's 209865
position and is authorized by the district's superintendent to be 209866
admitted to the class or program. The superintendent shall 209867
determine whether the class or program is related to the 209868
employee's position. 209869

Sec. 3313.646. (A) The board of education of a school 209870
district, except a cooperative education district established 209871
pursuant to section 3311.521 of the Revised Code, may establish 209872
and operate a program to provide services to preschool-age 209873
children, provided the board has demonstrated a need for the 209874
program. A board may use school funds in support of preschool 209875
programs. The board shall maintain, operate, and admit children to 209876
any such program pursuant to rules adopted by such board and the 209877
rules of the ~~state board~~ department of education and workforce 209878
adopted under sections 3301.52 to 3301.57 of the Revised Code. 209879

A board of education may establish fees or tuition, which may 209880
be graduated in proportion to family income, for participation in 209881
a preschool program. In cases where payment of fees or tuition 209882
would create a hardship for the child's parent or guardian, the 209883

board may waive any such fees or tuition. 209884

(B) No board of education that is not receiving funds under 209885
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 209886
March 17, 1989, shall compete for funds under the "Head Start Act" 209887
with any grantee receiving funds under that act. 209888

(C) A board of education may contract with any of the 209889
following preschool providers to provide services to preschool-age 209890
children, other than those services for which the district is 209891
eligible to receive funding under section 3317.0213 of the Revised 209892
Code: 209893

(1) Any organization receiving funds under the "Head Start 209894
Act"; 209895

(2) Any nonsectarian eligible nonpublic school as defined in 209896
division (H) of section 3301.52 of the Revised Code; 209897

(3) Any child care provider licensed under Chapter 5104. of 209898
the Revised Code. 209899

Boards may contract to provide services to preschool-age 209900
children only with such organizations whose staff meet the 209901
requirements of rules adopted under section 3301.53 of the Revised 209902
Code or those of the child development associate credential 209903
established by the national association for the education of young 209904
children. 209905

(D) A contract entered into under division (C) of this 209906
section may provide for the board of education to lease school 209907
facilities to the preschool provider or to furnish transportation, 209908
utilities, or staff for the preschool program. 209909

(E) The treasurer of any board of education operating a 209910
preschool program pursuant to this section shall keep an account 209911
of all funds used to operate the program in the same manner as the 209912
treasurer would any other funds of the district pursuant to this 209913

chapter. 209914

Sec. 3313.647. As used in this division, "graduate" means a 209915
person who has received a diploma from a district pursuant to 209916
section 3313.61 of the Revised Code. 209917

Pursuant to rules adopted by the ~~state board~~ department of 209918
education and workforce, a city, local, exempted village, or joint 209919
vocational school district may establish a policy guaranteeing a 209920
specific level of competency of certain graduates of the district. 209921
The guarantee policy shall specify that any graduate meeting 209922
specified criteria established by the board is capable of 209923
performing specified functions at a level established in the 209924
policy. Any employer or potential employer of a graduate who is 209925
guaranteed under such a policy may submit a written statement to 209926
the board of education stating the guaranteed graduate of its 209927
district does not meet the level of competency specified in the 209928
district's guarantee policy. Upon receipt of such statement the 209929
board of education shall provide an opportunity for additional 209930
education to the graduate, regardless of the graduate's age or 209931
place of residence, until such individual attains the competency 209932
level specified in the policy. No fee shall be charged to any 209933
person or government entity for such additional education. A 209934
school board may expend school funds for a guarantee program; 209935
however, no student participating in the program shall be included 209936
in the formula ADM of the district as determined under section 209937
3317.03 of the Revised Code or included as a participant in any 209938
other program, if such inclusion would result in additional state 209939
funds to the school district. 209940

The ~~state board of education~~ department shall adopt rules for 209941
the adoption of a policy under this section and for the additional 209942
education program described under this section. 209943

Sec. 3313.6410. This section applies to any school that is 209944
operated by a school district and in which the enrolled students 209945
work primarily on assignments in nonclassroom-based learning 209946
opportunities provided via an internet- or other computer-based 209947
instructional method. 209948

(A) Any school to which this section applies shall withdraw 209949
from the school any student who, for two consecutive school years 209950
of enrollment in the school, has failed to participate in the 209951
spring administration of any assessment prescribed under section 209952
3301.0710 or 3301.0712 of the Revised Code for the student's grade 209953
level and was not excused from the assessment pursuant to division 209954
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 209955
of whether a waiver was granted for the student under division (E) 209956
of section 3317.03 of the Revised Code. The school shall report 209957
any such student's data verification code, as assigned pursuant to 209958
section 3301.0714 of the Revised Code, to the department of 209959
education and workforce to be added to the list maintained by the 209960
department under section 3314.26 of the Revised Code. 209961

(B) No school to which this section applies shall receive any 209962
state funds under Chapter 3317. of the Revised Code for any 209963
enrolled student whose data verification code appears on the list 209964
maintained by the department under section 3314.26 of the Revised 209965
Code. Notwithstanding any provision of the Revised Code to the 209966
contrary, the parent of any such student shall pay tuition to the 209967
school district that operates the school in an amount equal to the 209968
state funds the district otherwise would receive for that student, 209969
as determined by the department. A school to which this section 209970
applies may withdraw any student for whom the parent does not pay 209971
tuition as required by this division. 209972

Sec. 3313.65. (A) As used in this section and section 3313.64 209973
of the Revised Code: 209974

(1) A person is "in a residential facility" if the person is	209975
a resident or a resident patient of an institution, home, or other	209976
residential facility that is:	209977
(a) Licensed as a nursing home, residential care facility, or	209978
home for the aging by the director of health under section 3721.02	209979
of the Revised Code;	209980
(b) Maintained as a county home or district home by the board	209981
of county commissioners or a joint board of county commissioners	209982
under Chapter 5155. of the Revised Code;	209983
(c) Operated or administered by a board of alcohol, drug	209984
addiction, and mental health services under section 340.037 of the	209985
Revised Code, or provides residential care pursuant to contracts	209986
made under section 340.036 of the Revised Code;	209987
(d) Maintained as a state institution for persons with mental	209988
illnesses under Chapter 5119. of the Revised Code;	209989
(e) Licensed by the department of mental health and addiction	209990
services under section 5119.33 or 5119.34 of the Revised Code;	209991
(f) Licensed as a residential facility by the department of	209992
developmental disabilities under section 5123.19 of the Revised	209993
Code;	209994
(g) Operated by the veteran's administration or another	209995
agency of the United States government;	209996
(h) Operated by the Ohio veterans' home.	209997
(2) A person is "in a correctional facility" if any of the	209998
following apply:	209999
(a) The person is an Ohio resident and is:	210000
(i) Imprisoned, as defined in section 1.05 of the Revised	210001
Code;	210002
(ii) Serving a term in a community-based correctional	210003

facility or a district community-based correctional facility; 210004

(iii) Required, as a condition of parole, a post-release 210005
control sanction, a community control sanction, transitional 210006
control, or early release from imprisonment, as a condition of 210007
shock parole or shock probation granted under the law in effect 210008
prior to July 1, 1996, or as a condition of a furlough granted 210009
under the version of section 2967.26 of the Revised Code in effect 210010
prior to March 17, 1998, to reside in a halfway house or other 210011
community residential center licensed under section 2967.14 of the 210012
Revised Code or a similar facility designated by the court of 210013
common pleas that established the condition or by the adult parole 210014
authority. 210015

(b) The person is imprisoned in a state correctional 210016
institution of another state or a federal correctional institution 210017
but was an Ohio resident at the time the sentence was imposed for 210018
the crime for which the person is imprisoned. 210019

(3) A person is "in a juvenile residential placement" if the 210020
person is an Ohio resident who is under twenty-one years of age 210021
and has been removed, by the order of a juvenile court, from the 210022
place the person resided at the time the person became subject to 210023
the court's jurisdiction in the matter that resulted in the 210024
person's removal. 210025

(4) "Community control sanction" has the same meaning as in 210026
section 2929.01 of the Revised Code. 210027

(5) "Post-release control sanction" has the same meaning as 210028
in section 2967.01 of the Revised Code. 210029

(B) If the circumstances described in division (C) of this 210030
section apply, the determination of what school district must 210031
admit a child to its schools and what district, if any, is liable 210032
for tuition shall be made in accordance with this section, rather 210033
than section 3313.64 of the Revised Code. 210034

(C) A child who does not reside in the school district in which the child's parent resides and for whom a tuition obligation previously has not been established under division (C)(2) of section 3313.64 of the Revised Code shall be admitted to the schools of the district in which the child resides if at least one of the child's parents is in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, is not known to reside in this state.

(D) Regardless of who has custody or care of the child, whether the child resides in a home, or whether the child receives special education, if a district admits a child under division (C) of this section, tuition shall be paid to that district as follows:

(1) If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the juvenile court;

(2) If the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed;

(3) If the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred;

(4) In the event of a disagreement as to which school district is liable for tuition under division (C)(1), (2), or (3) of this section, the ~~superintendent of public instruction~~ director

of education and workforce shall determine which district shall 210066
pay tuition. 210067

(E) If a child covered by division (D) of this section 210068
receives special education in accordance with Chapter 3323. of the 210069
Revised Code, the tuition shall be paid in accordance with section 210070
3323.13 or 3323.14 of the Revised Code. Tuition for children who 210071
do not receive special education shall be paid in accordance with 210072
division (J) of section 3313.64 of the Revised Code. 210073

Sec. 3313.66. (A)(1) Except as provided under division (B)(2) 210074
of this section, and subject to section 3313.668 of the Revised 210075
Code, the superintendent of schools of a city, exempted village, 210076
or local school district, or the principal of a public school may 210077
suspend a pupil from school for not more than ten school days. The 210078
board of education of a city, exempted village, or local school 210079
district may adopt a policy granting assistant principals and 210080
other administrators the authority to suspend a pupil from school 210081
for a period of time as specified in the policy of the board of 210082
education, not to exceed ten school days. If at the time an 210083
out-of-school suspension is imposed there are fewer than ten 210084
school days remaining in the school year in which the incident 210085
that gives rise to the suspension takes place, the superintendent 210086
shall not apply any remaining part of the period of the suspension 210087
to the following school year. The superintendent may instead 210088
require the pupil to participate in a community service program or 210089
another alternative consequence for a number of hours equal to the 210090
remaining part of the period of the suspension. The pupil shall be 210091
required to begin the pupil's community service or alternative 210092
consequence during the first full week day of summer break. Each 210093
school district, in its discretion, may develop an appropriate 210094
list of alternative consequences. In the event that a pupil fails 210095
to complete community service or the assigned alternative 210096
consequence, the school district may determine the next course of 210097

action, which shall not include requiring the pupil to serve the 210098
remaining time of the out-of-school suspension at the beginning of 210099
the following school year. 210100

No pupil shall be issued an out-of-school suspension unless 210101
prior to the suspension the superintendent or principal does both 210102
of the following: 210103

(a) Gives the pupil written notice of the intention to 210104
suspend the pupil and the reasons for the intended suspension and, 210105
if the proposed suspension is based on a violation listed in 210106
division (A) of section 3313.662 of the Revised Code and if the 210107
pupil is sixteen years of age or older, includes in the notice a 210108
statement that the superintendent may seek to permanently exclude 210109
the pupil if the pupil is convicted of or adjudicated a delinquent 210110
child for that violation; 210111

(b) Provides the pupil an opportunity to appear at an 210112
informal hearing before the principal, assistant principal, 210113
superintendent, or superintendent's designee and challenge the 210114
reason for the intended suspension or otherwise to explain the 210115
pupil's actions. 210116

(2) If a pupil is issued an in-school suspension, the 210117
superintendent or principal shall ensure the pupil is serving the 210118
suspension in a supervised learning environment. 210119

(3) Each school district board shall adopt a policy 210120
establishing parameters for completing and grading assignments 210121
missed because of a pupil's suspension. 210122

(a) The policy shall provide the pupil an opportunity to do 210123
both of the following: 210124

(i) Complete any classroom assignments missed because of the 210125
suspension; 210126

(ii) Receive at least partial credit for a completed 210127

assignment. 210128

(b) The policy may permit grade reductions on account of the pupil's suspension. 210129
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(c) The policy shall prohibit the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension. 210131
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(B)(1) Except as provided under division (B)(2), (3), or (4) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period not to exceed the greater of eighty school days or the number of school days remaining in the semester or term in which the incident that gives rise to the expulsion takes place, unless the expulsion is extended pursuant to division (F) of this section. If at the time an expulsion is imposed there are fewer than eighty school days remaining in the school year in which the incident that gives rise to the expulsion takes place, the superintendent may apply any remaining part or all of the period of the expulsion to the following school year. 210134
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(2)(a) Unless a pupil is permanently excluded pursuant to section 3313.662 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district shall expel a pupil from school for a period of one year for bringing a firearm to a school operated by the board of education of the district or onto any other property owned or controlled by the board, except that the superintendent may reduce this requirement on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code. 210147
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(b) The superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period of one year for bringing a firearm to an 210156
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interscholastic competition, an extracurricular event, or any 210159
other school program or activity that is not located in a school 210160
or on property that is owned or controlled by the district. The 210161
superintendent may reduce this disciplinary action on a 210162
case-by-case basis in accordance with the policy adopted by the 210163
board under section 3313.661 of the Revised Code. 210164

(c) Any expulsion pursuant to division (B)(2) of this section 210165
shall extend, as necessary, into the school year following the 210166
school year in which the incident that gives rise to the expulsion 210167
takes place. As used in this division, "firearm" has the same 210168
meaning as provided pursuant to the "Gun-Free Schools Act," 115 210169
Stat. 1762, 20 U.S.C. 7151. 210170

(3) The board of education of a city, exempted village, or 210171
local school district may adopt a resolution authorizing the 210172
superintendent of schools to expel a pupil from school for a 210173
period not to exceed one year for bringing a knife capable of 210174
causing serious bodily injury to a school operated by the board, 210175
onto any other property owned or controlled by the board, or to an 210176
interscholastic competition, an extracurricular event, or any 210177
other program or activity sponsored by the school district or in 210178
which the district is a participant, or for possessing a firearm 210179
or knife capable of serious bodily injury, at a school, on any 210180
other property owned or controlled by the board, or at an 210181
interscholastic competition, an extracurricular event, or any 210182
other school program or activity, which firearm or knife was 210183
initially brought onto school board property by another person. 210184
The resolution may authorize the superintendent to extend such an 210185
expulsion, as necessary, into the school year following the school 210186
year in which the incident that gives rise to the expulsion takes 210187
place. 210188

(4) The board of education of a city, exempted village, or 210189
local school district may adopt a resolution establishing a policy 210190

under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for committing an act that is a criminal offense when committed by an adult and that results in serious physical harm to persons as defined in division (A)(5) of section 2901.01 of the Revised Code or serious physical harm to property as defined in division (A)(6) of section 2901.01 of the Revised Code while the pupil is at school, on any other property owned or controlled by the board, or at an interscholastic competition, an extracurricular event, or any other school program or activity. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(5) The board of education of any city, exempted village, or local school district may adopt a resolution establishing a policy under section 3313.661 of the Revised Code that authorizes the superintendent of schools to expel a pupil from school for a period not to exceed one year for making a bomb threat to a school building or to any premises at which a school activity is occurring at the time of the threat. Any expulsion under this division shall extend, as necessary, into the school year following the school year in which the incident that gives rise to the expulsion takes place.

(6) No pupil shall be expelled under division (B)(1), (2), (3), (4), or (5) of this section unless, prior to the pupil's expulsion, the superintendent does both of the following:

(a) Gives the pupil and the pupil's parent, guardian, or custodian written notice of the intention to expel the pupil;

(b) Provides the pupil and the pupil's parent, guardian, custodian, or representative an opportunity to appear in person before the superintendent or the superintendent's designee to challenge the reasons for the intended expulsion or otherwise to

explain the pupil's actions. 210223

The notice required in this division shall include the 210224
reasons for the intended expulsion, notification of the 210225
opportunity of the pupil and the pupil's parent, guardian, 210226
custodian, or representative to appear before the superintendent 210227
or the superintendent's designee to challenge the reasons for the 210228
intended expulsion or otherwise to explain the pupil's action, and 210229
notification of the time and place to appear. The time to appear 210230
shall not be earlier than three nor later than five school days 210231
after the notice is given, unless the superintendent grants an 210232
extension of time at the request of the pupil or the pupil's 210233
parent, guardian, custodian, or representative. If an extension is 210234
granted after giving the original notice, the superintendent shall 210235
notify the pupil and the pupil's parent, guardian, custodian, or 210236
representative of the new time and place to appear. If the 210237
proposed expulsion is based on a violation listed in division (A) 210238
of section 3313.662 of the Revised Code and if the pupil is 210239
sixteen years of age or older, the notice shall include a 210240
statement that the superintendent may seek to permanently exclude 210241
the pupil if the pupil is convicted of or adjudicated a delinquent 210242
child for that violation. 210243

(7) A superintendent of schools of a city, exempted village, 210244
or local school district shall initiate expulsion proceedings 210245
pursuant to this section with respect to any pupil who has 210246
committed an act warranting expulsion under the district's policy 210247
regarding expulsion even if the pupil has withdrawn from school 210248
for any reason after the incident that gives rise to the hearing 210249
but prior to the hearing or decision to impose the expulsion. If, 210250
following the hearing, the pupil would have been expelled for a 210251
period of time had the pupil still been enrolled in the school, 210252
the expulsion shall be imposed for the same length of time as on a 210253
pupil who has not withdrawn from the school. 210254

(C)(1) Subject to division (C)(2) of this section, if a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, the superintendent or a principal or assistant principal may remove a pupil from curricular activities or from the school premises, and a teacher may remove a pupil from curricular activities under the teacher's supervision, without the notice and hearing requirements of division (A) or (B) of this section. As soon as practicable after making such a removal, the teacher shall submit in writing to the principal the reasons for such removal.

(2) A pupil in any of grades pre-kindergarten through three may be removed pursuant to division (C)(1) of this section only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed.

(a) A school district or school that returns a student in any of grades pre-kindergarten through three to curricular and extracurricular activities on the next school day shall not be required to follow division (C)(3) of this section with regard to that student.

(b) A school district shall not initiate a suspension or expulsion proceeding against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity under division (C) of this section unless the student has committed an act described in division (B)(1)(a) or (b) of section 3313.668 of the Revised Code.

(3) If a pupil is removed under division (C)(1) or (2) of this section from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held on the next school day after

the initial removal is ordered. The hearing shall be held in 210287
accordance with division (A) of this section unless it is probable 210288
that the pupil may be subject to expulsion, in which case a 210289
hearing in accordance with division (B) of this section shall be 210290
held, except that the hearing shall be held on the next school day 210291
after the date of the initial removal. The individual who ordered, 210292
caused, or requested the removal to be made shall be present at 210293
the hearing. 210294

(4) If the superintendent or the principal reinstates a pupil 210295
in a curricular activity under the teacher's supervision prior to 210296
the hearing following a removal under this division, the teacher, 210297
upon request, shall be given in writing the reasons for such 210298
reinstatement. 210299

(D) The superintendent or principal, within one school day 210300
after the time of a pupil's expulsion or suspension, shall notify 210301
in writing the parent, guardian, or custodian of the pupil of the 210302
expulsion or suspension. In the case of an expulsion, the 210303
superintendent or principal, within one school day after the time 210304
of a pupil's expulsion, also shall notify in writing the treasurer 210305
of the board of education. Each notice shall include the reasons 210306
for the expulsion or suspension, notification of the right of the 210307
pupil or the pupil's parent, guardian, or custodian to appeal the 210308
expulsion or suspension to the board of education or to its 210309
designee, to be represented in all appeal proceedings, to be 210310
granted a hearing before the board or its designee in order to be 210311
heard against the suspension or expulsion, and to request that the 210312
hearing be held in executive session, notification that the 210313
expulsion may be subject to extension pursuant to division (F) of 210314
this section if the pupil is sixteen years of age or older, and 210315
notification that the superintendent may seek the pupil's 210316
permanent exclusion if the suspension or expulsion was based on a 210317
violation listed in division (A) of section 3313.662 of the 210318

Revised Code that was committed when the child was sixteen years 210319
of age or older and if the pupil is convicted of or adjudicated a 210320
delinquent child for that violation. 210321

In accordance with the policy adopted by the board of 210322
education under section 3313.661 of the Revised Code, the notice 210323
provided under this division shall specify the manner and date by 210324
which the pupil or the pupil's parent, guardian, or custodian 210325
shall notify the board of the pupil's, parent's, guardian's, or 210326
custodian's intent to appeal the expulsion or suspension to the 210327
board or its designee. 210328

Any superintendent expelling a pupil under this section for 210329
more than twenty school days or for any period of time if the 210330
expulsion will extend into the following semester or school year 210331
shall, in the notice required under this division, provide the 210332
pupil and the pupil's parent, guardian, or custodian with 210333
information about services or programs offered by public and 210334
private agencies that work toward improving those aspects of the 210335
pupil's attitudes and behavior that contributed to the incident 210336
that gave rise to the pupil's expulsion. The information shall 210337
include the names, addresses, and phone numbers of the appropriate 210338
public and private agencies. 210339

(E) A pupil or the pupil's parent, guardian, or custodian may 210340
appeal the pupil's expulsion by a superintendent or suspension by 210341
a superintendent, principal, assistant principal, or other 210342
administrator to the board of education or to its designee. If the 210343
pupil or the pupil's parent, guardian, or custodian intends to 210344
appeal the expulsion or suspension to the board or its designee, 210345
the pupil or the pupil's parent, guardian, or custodian shall 210346
notify the board in the manner and by the date specified in the 210347
notice provided under division (D) of this section. The pupil or 210348
the pupil's parent, guardian, or custodian may be represented in 210349
all appeal proceedings and shall be granted a hearing before the 210350

board or its designee in order to be heard against the suspension 210351
or expulsion. At the request of the pupil or of the pupil's 210352
parent, guardian, custodian, or attorney, the board or its 210353
designee may hold the hearing in executive session but shall act 210354
upon the suspension or expulsion only at a public meeting. The 210355
board, by a majority vote of its full membership or by the action 210356
of its designee, may affirm the order of suspension or expulsion, 210357
reinstate the pupil, or otherwise reverse, vacate, or modify the 210358
order of suspension or expulsion. 210359

The board or its designee shall make a verbatim record of 210360
hearings held under this division. The decisions of the board or 210361
its designee may be appealed under Chapter 2506. of the Revised 210362
Code. 210363

This section shall not be construed to require notice and 210364
hearing in accordance with division (A), (B), or (C) of this 210365
section in the case of normal disciplinary procedures in which a 210366
pupil is removed from a curricular activity for a period of less 210367
than one school day and is not subject to suspension or expulsion. 210368

(F)(1) If a pupil is expelled pursuant to division (B) of 210369
this section for committing any violation listed in division (A) 210370
of section 3313.662 of the Revised Code and the pupil was sixteen 210371
years of age or older at the time of committing the violation, if 210372
a complaint, indictment, or information is filed alleging that the 210373
pupil is a delinquent child based upon the commission of the 210374
violation or the pupil is prosecuted as an adult for the 210375
commission of the violation, and if the resultant juvenile court 210376
or criminal proceeding is pending at the time that the expulsion 210377
terminates, the superintendent of schools that expelled the pupil 210378
may file a motion with the court in which the proceeding is 210379
pending requesting an order extending the expulsion for the lesser 210380
of an additional eighty days or the number of school days 210381
remaining in the school year. Upon the filing of the motion, the 210382

court immediately shall schedule a hearing and give written notice 210383
of the time, date, and location of the hearing to the 210384
superintendent and to the pupil and the pupil's parent, guardian, 210385
or custodian. At the hearing, the court shall determine whether 210386
there is reasonable cause to believe that the pupil committed the 210387
alleged violation that is the basis of the expulsion and, upon 210388
determining that reasonable cause to believe the pupil committed 210389
the violation does exist, shall grant the requested extension. 210390

(2) If a pupil has been convicted of or adjudicated a 210391
delinquent child for a violation listed in division (A) of section 210392
3313.662 of the Revised Code for an act that was committed when 210393
the child was sixteen years of age or older, if the pupil has been 210394
expelled pursuant to division (B) of this section for that 210395
violation, and if the board of education of the school district of 210396
the school from which the pupil was expelled has adopted a 210397
resolution seeking the pupil's permanent exclusion, the 210398
superintendent may file a motion with the court that convicted the 210399
pupil or adjudicated the pupil a delinquent child requesting an 210400
order to extend the expulsion until an adjudication order or other 210401
determination regarding permanent exclusion is issued by the 210402
~~superintendent of public instruction~~ director of education and 210403
workforce pursuant to section 3301.121 and division (D) of section 210404
3313.662 of the Revised Code. Upon the filing of the motion, the 210405
court immediately shall schedule a hearing and give written notice 210406
of the time, date, and location of the hearing to the 210407
superintendent of the school district, the pupil, and the pupil's 210408
parent, guardian, or custodian. At the hearing, the court shall 210409
determine whether there is reasonable cause to believe the pupil's 210410
continued attendance in the public school system may endanger the 210411
health and safety of other pupils or school employees and, upon 210412
making that determination, shall grant the requested extension. 210413

(G) The failure of the superintendent or the board of 210414

education to provide the information regarding the possibility of 210415
permanent exclusion in the notice required by divisions (A), (B), 210416
and (D) of this section is not jurisdictional, and the failure 210417
shall not affect the validity of any suspension or expulsion 210418
procedure that is conducted in accordance with this section or the 210419
validity of a permanent exclusion procedure that is conducted in 210420
accordance with sections 3301.121 and 3313.662 of the Revised 210421
Code. 210422

(H) With regard to suspensions and expulsions pursuant to 210423
divisions (A) and (B) of this section by the board of education of 210424
any city, exempted village, or local school district, this section 210425
shall apply to any student, whether or not the student is enrolled 210426
in the district, attending or otherwise participating in any 210427
curricular program provided in a school operated by the board or 210428
provided on any other property owned or controlled by the board. 210429

(I) Whenever a student is expelled under this section, the 210430
expulsion shall result in removal of the student from the 210431
student's regular school setting. However, during the period of 210432
the expulsion, the board of education of the school district that 210433
expelled the student or any board of education admitting the 210434
student during that expulsion period may provide educational 210435
services to the student in an alternative setting. 210436

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 210437
and 3313.65 of the Revised Code, any school district, after 210438
offering an opportunity for a hearing, may temporarily deny 210439
admittance to any pupil if one of the following applies: 210440

(a) The pupil has been suspended from the schools of another 210441
district under division (A) of this section and the period of 210442
suspension, as established under that division, has not expired; 210443

(b) The pupil has been expelled from the schools of another 210444
district under division (B) of this section and the period of the 210445

expulsion, as established under that division or as extended under 210446
division (F) of this section, has not expired. 210447

If a pupil is temporarily denied admission under this 210448
division, the pupil shall be admitted to school in accordance with 210449
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 210450
Code no later than upon expiration of the suspension or expulsion 210451
period, as applicable. 210452

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 210453
3313.65 of the Revised Code, any school district, after offering 210454
an opportunity for a hearing, may temporarily deny admittance to 210455
any pupil if the pupil has been expelled or otherwise removed for 210456
disciplinary purposes from a public school in another state and 210457
the period of expulsion or removal has not expired. If a pupil is 210458
temporarily denied admission under this division, the pupil shall 210459
be admitted to school in accordance with sections 3109.51 to 210460
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 210461
earlier of the following: 210462

(a) Upon expiration of the expulsion or removal period 210463
imposed by the out-of-state school; 210464

(b) Upon expiration of a period established by the district, 210465
beginning with the date of expulsion or removal from the 210466
out-of-state school, that is no greater than the period of 210467
expulsion that the pupil would have received under the policy 210468
adopted by the district under section 3313.661 of the Revised Code 210469
had the offense that gave rise to the expulsion or removal by the 210470
out-of-state school been committed while the pupil was enrolled in 210471
the district. 210472

(K) As used in this section: 210473

(1) "Permanently exclude" and "permanent exclusion" have the 210474
same meanings as in section 3313.662 of the Revised Code. 210475

(2) "In-school suspension" means the pupil will serve all of 210476

the suspension in a supervised learning environment within a 210477
school setting. 210478

Sec. 3313.662. (A) The ~~superintendent of public instruction~~ 210479
director of education and workforce, pursuant to this section and 210480
the adjudication procedures of section 3301.121 of the Revised 210481
Code, may issue an adjudication order that permanently excludes a 210482
pupil from attending any of the public schools of this state if 210483
the pupil is convicted of, or adjudicated a delinquent child for, 210484
committing, when the pupil was sixteen years of age or older, an 210485
act that would be a criminal offense if committed by an adult and 210486
if the act is any of the following: 210487

(1) A violation of section 2923.122 of the Revised Code; 210488

(2) A violation of section 2923.12 of the Revised Code, of a 210489
substantially similar municipal ordinance, or of section 2925.03 210490
of the Revised Code that was committed on property owned or 210491
controlled by, or at an activity held under the auspices of, a 210492
board of education of a city, local, exempted village, or joint 210493
vocational school district; 210494

(3) A violation of section 2925.11 of the Revised Code, other 210495
than a violation of that section that would be a minor drug 210496
possession offense, that was committed on property owned or 210497
controlled by, or at an activity held under the auspices of, the 210498
board of education of a city, local, exempted village, or joint 210499
vocational school district; 210500

(4) A violation of section 2903.01, 2903.02, 2903.03, 210501
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 210502
section 2907.12 of the Revised Code that was committed on property 210503
owned or controlled by, or at an activity held under the auspices 210504
of, a board of education of a city, local, exempted village, or 210505
joint vocational school district, if the victim at the time of the 210506
commission of the act was an employee of that board of education; 210507

(5) Complicity in any violation described in division (A)(1), 210508
(2), (3), or (4) of this section that was alleged to have been 210509
committed in the manner described in division (A)(1), (2), (3), or 210510
(4) of this section, regardless of whether the act of complicity 210511
was committed on property owned or controlled by, or at an 210512
activity held under the auspices of, a board of education of a 210513
city, local, exempted village, or joint vocational school 210514
district. 210515

(B) A pupil may be suspended or expelled in accordance with 210516
section 3313.66 of the Revised Code prior to being permanently 210517
excluded from public school attendance under this section and 210518
section 3301.121 of the Revised Code. 210519

(C)(1) If the superintendent of a city, local, exempted 210520
village, or joint vocational school district in which a pupil 210521
attends school obtains or receives proof that the pupil has been 210522
convicted of committing when the pupil was sixteen years of age or 210523
older a violation listed in division (A) of this section or 210524
adjudicated a delinquent child for the commission when the pupil 210525
was sixteen years of age or older of a violation listed in 210526
division (A) of this section, the superintendent may issue to the 210527
board of education of the school district a request that the pupil 210528
be permanently excluded from public school attendance, if both of 210529
the following apply: 210530

(a) After obtaining or receiving proof of the conviction or 210531
adjudication, the superintendent or the superintendent's designee 210532
determines that the pupil's continued attendance in school may 210533
endanger the health and safety of other pupils or school employees 210534
and gives the pupil and the pupil's parent, guardian, or custodian 210535
written notice that the superintendent intends to recommend to the 210536
board of education that the board adopt a resolution requesting 210537
the ~~superintendent of public instruction~~ director of education and 210538
workforce to permanently exclude the pupil from public school 210539

attendance. 210540

(b) The superintendent or the superintendent's designee 210541
forwards to the board of education the superintendent's written 210542
recommendation that includes the determinations the superintendent 210543
or designee made pursuant to division (C)(1)(a) of this section 210544
and a copy of the proof the superintendent received showing that 210545
the pupil has been convicted of or adjudicated a delinquent child 210546
for a violation listed in division (A) of this section that was 210547
committed when the pupil was sixteen years of age or older. 210548

(2) Within fourteen days after receipt of a recommendation 210549
from the superintendent pursuant to division (C)(1)(b) of this 210550
section that a pupil be permanently excluded from public school 210551
attendance, the board of education of a city, local, exempted 210552
village, or joint vocational school district, after review and 210553
consideration of all of the following available information, may 210554
adopt a resolution requesting the ~~superintendent of public~~ 210555
~~instruction~~ director of education and workforce to permanently 210556
exclude the pupil who is the subject of the recommendation from 210557
public school attendance: 210558

(a) The academic record of the pupil and a record of any 210559
extracurricular activities in which the pupil previously was 210560
involved; 210561

(b) The disciplinary record of the pupil and any available 210562
records of the pupil's prior behavioral problems other than the 210563
behavioral problems contained in the disciplinary record; 210564

(c) The social history of the pupil; 210565

(d) The pupil's response to the imposition of prior 210566
discipline and sanctions imposed for behavioral problems; 210567

(e) Evidence regarding the seriousness of and any aggravating 210568
factors related to the offense that is the basis of the resolution 210569
seeking permanent exclusion; 210570

(f) Any mitigating circumstances surrounding the offense that 210571
gave rise to the request for permanent exclusion; 210572

(g) Evidence regarding the probable danger posed to the 210573
health and safety of other pupils or of school employees by the 210574
continued presence of the pupil in a public school setting; 210575

(h) Evidence regarding the probable disruption of the 210576
teaching of any school district's graded course of study by the 210577
continued presence of the pupil in a public school setting; 210578

(i) Evidence regarding the availability of alternative 210579
sanctions of a less serious nature than permanent exclusion that 210580
would enable the pupil to remain in a public school setting 210581
without posing a significant danger to the health and safety of 210582
other pupils or of school employees and without posing a threat of 210583
the disruption of the teaching of any district's graded course of 210584
study. 210585

(3) If the board does not adopt a resolution requesting the 210586
~~superintendent of public instruction~~ director to permanently 210587
exclude the pupil, it immediately shall send written notice of 210588
that fact to the district superintendent who sought the 210589
resolution, to the pupil who was the subject of the proposed 210590
resolution, and to that pupil's parent, guardian, or custodian. 210591

(D)(1) Upon adoption of a resolution under division (C) of 210592
this section, the board of education immediately shall forward to 210593
the ~~superintendent of public instruction~~ director of education and 210594
workforce the written resolution, proof of the conviction or 210595
adjudication that is the basis of the resolution, a copy of the 210596
pupil's entire school record, and any other relevant information 210597
and shall forward a copy of the resolution to the pupil who is the 210598
subject of the recommendation and to that pupil's parent, 210599
guardian, or custodian. 210600

(2) The board of education that adopted and forwarded the 210601

resolution requesting the permanent exclusion of the pupil to the 210602
~~superintendent of public instruction~~ director promptly shall 210603
designate a representative of the school district to present the 210604
case for permanent exclusion to the superintendent or the referee 210605
appointed by the superintendent. The representative of the school 210606
district may be an attorney admitted to the practice of law in 210607
this state. At the adjudication hearing held pursuant to section 210608
3301.121 of the Revised Code, the representative of the school 210609
district shall present evidence in support of the requested 210610
permanent exclusion. 210611

(3) Upon receipt of a board of education's resolution 210612
requesting the permanent exclusion of a pupil from public school 210613
attendance, the ~~superintendent of public instruction~~ director, in 210614
accordance with the adjudication procedures of section 3301.121 of 210615
the Revised Code, promptly shall issue an adjudication order that 210616
either permanently excludes the pupil from attending any of the 210617
public schools of this state or that rejects the resolution of the 210618
board of education. 210619

(E) Notwithstanding any provision of section 3313.64 of the 210620
Revised Code or an order of any court of this state that otherwise 210621
requires the admission of the pupil to a school, no school 210622
official in a city, local, exempted village, or joint vocational 210623
school district knowingly shall admit to any school in the school 210624
district a pupil who has been permanently excluded from public 210625
school attendance by the ~~superintendent of public instruction~~ 210626
director of education and workforce. 210627

(F)(1)(a) Upon determining that the school attendance of a 210628
pupil who has been permanently excluded from public school 210629
attendance no longer will endanger the health and safety of other 210630
students or school employees, the superintendent of any city, 210631
local, exempted village, or joint vocational school district in 210632
which the pupil desires to attend school may issue to the board of 210633

education of the school district a recommendation, including the 210634
reasons for the recommendation, that the permanent exclusion of a 210635
pupil be revoked and the pupil be allowed to return to the public 210636
schools of the state. 210637

If any violation which in whole or in part gave rise to the 210638
permanent exclusion of any pupil involved the pupil's bringing a 210639
firearm to a school operated by the board of education of a school 210640
district or onto any other property owned or operated by such a 210641
board, no superintendent shall recommend under this division an 210642
effective date for the revocation of the pupil's permanent 210643
exclusion that is less than one year after the date on which the 210644
last such firearm incident occurred. However, on a case-by-case 210645
basis, a superintendent may recommend an earlier effective date 210646
for such a revocation for any of the reasons for which the 210647
superintendent may reduce the one-year expulsion requirement in 210648
division (B)(2) of section 3313.66 of the Revised Code. 210649

(b) Upon receipt of the recommendation of the superintendent 210650
that a permanent exclusion of a pupil be revoked, the board of 210651
education of a city, local, exempted village, or joint vocational 210652
school district may adopt a resolution by a majority vote of its 210653
members requesting the ~~superintendent of public instruction~~ 210654
director of education and workforce to revoke the permanent 210655
exclusion of the pupil. Upon adoption of the resolution, the board 210656
of education shall forward a copy of the resolution, the reasons 210657
for the resolution, and any other relevant information to the 210658
~~superintendent of public instruction~~ director. 210659

(c) Upon receipt of a resolution of a board of education 210660
requesting the revocation of a permanent exclusion of a pupil, the 210661
~~superintendent of public instruction~~ director, in accordance with 210662
the adjudication procedures of Chapter 119. of the Revised Code, 210663
shall issue an adjudication order that revokes the permanent 210664
exclusion of the pupil from public school attendance or that 210665

rejects the resolution of the board of education. 210666

(2)(a) A pupil who has been permanently excluded pursuant to 210667
this section and section 3301.121 of the Revised Code may request 210668
the superintendent of any city, local, exempted village, or joint 210669
vocational school district in which the pupil desires to attend 210670
school to admit the pupil on a probationary basis for a period not 210671
to exceed ninety school days. Upon receiving the request, the 210672
superintendent may enter into discussions with the pupil and with 210673
the pupil's parent, guardian, or custodian or a person designated 210674
by the pupil's parent, guardian, or custodian to develop a 210675
probationary admission plan designed to assist the pupil's 210676
probationary admission to the school. The plan may include a 210677
treatment program, a behavioral modification program, or any other 210678
program reasonably designed to meet the educational needs of the 210679
child and the disciplinary requirements of the school. 210680

If any violation which in whole or in part gave rise to the 210681
permanent exclusion of the pupil involved the pupil's bringing a 210682
firearm to a school operated by the board of education of any 210683
school district or onto any other property owned or operated by 210684
such a board, no plan developed under this division for the pupil 210685
shall include an effective date for the probationary admission of 210686
the pupil that is less than one year after the date on which the 210687
last such firearm incident occurred except that on a case-by-case 210688
basis, a plan may include an earlier effective date for such an 210689
admission for any of the reasons for which the superintendent of 210690
the district may reduce the one-year expulsion requirement in 210691
division (B)(2) of section 3313.66 of the Revised Code. 210692

(b) If the superintendent of a school district, a pupil, and 210693
the pupil's parent, guardian, or custodian or a person designated 210694
by the pupil's parent, guardian, or custodian agree upon a 210695
probationary admission plan prepared pursuant to division 210696
(F)(2)(a) of this section, the superintendent of the school 210697

district shall issue to the board of education of the school 210698
district a recommendation that the pupil be allowed to attend 210699
school within the school district under probationary admission, 210700
the reasons for the recommendation, and a copy of the agreed upon 210701
probationary admission plan. Within fourteen days after the board 210702
of education receives the recommendation, reasons, and plan, the 210703
board may adopt the recommendation by a majority vote of its 210704
members. If the board adopts the recommendation, the pupil may 210705
attend school under probationary admission within that school 210706
district for a period not to exceed ninety days or any additional 210707
probationary period permitted under divisions (F)(2)(d) and (e) of 210708
this section in accordance with the probationary admission plan 210709
prepared pursuant to division (F)(2)(a) of this section. 210710

(c) If a pupil who is permitted to attend school under 210711
probationary admission pursuant to division (F)(2)(b) of this 210712
section fails to comply with the probationary admission plan 210713
prepared pursuant to division (F)(2)(a) of this section, the 210714
superintendent of the school district immediately may remove the 210715
pupil from the school and issue to the board of education of the 210716
school district a recommendation that the probationary admission 210717
be revoked. Within five days after the board of education receives 210718
the recommendation, the board may adopt the recommendation to 210719
revoke the pupil's probationary admission by a majority vote of 210720
its members. If a majority of the board does not adopt the 210721
recommendation to revoke the pupil's probationary admission, the 210722
pupil shall continue to attend school in compliance with the 210723
pupil's probationary admission plan. 210724

(d) If a pupil who is permitted to attend school under 210725
probationary admission pursuant to division (F)(2)(b) of this 210726
section complies with the probationary admission plan prepared 210727
pursuant to division (F)(2)(a) of this section, the pupil or the 210728
pupil's parent, guardian, or custodian, at any time before the 210729

expiration of the ninety-day probationary admission period, may 210730
request the superintendent of the school district to extend the 210731
terms and period of the pupil's probationary admission for a 210732
period not to exceed ninety days or to issue a recommendation 210733
pursuant to division (F)(1) of this section that the pupil's 210734
permanent exclusion be revoked and the pupil be allowed to return 210735
to the public schools of this state. 210736

(e) If a pupil is granted an extension of the pupil's 210737
probationary admission pursuant to division (F)(2)(d) of this 210738
section, the pupil or the pupil's parent, guardian, or custodian, 210739
in the manner described in that division, may request, and the 210740
superintendent and board, in the manner described in that 210741
division, may recommend and grant, subsequent probationary 210742
admission periods not to exceed ninety days each. If a pupil who 210743
is permitted to attend school under an extension of a probationary 210744
admission plan complies with the probationary admission plan 210745
prepared pursuant to the extension, the pupil or the pupil's 210746
parent, guardian, or custodian may request a revocation of the 210747
pupil's permanent exclusion in the manner described in division 210748
(F)(2)(d) of this section. 210749

(f) Any extension of a probationary admission requested by a 210750
pupil or a pupil's parent, guardian, or custodian pursuant to 210751
divisions (F)(2)(d) or (e) of this section shall be subject to the 210752
adoption and approval of a probationary admission plan in the 210753
manner described in divisions (F)(2)(a) and (b) of this section 210754
and may be terminated as provided in division (F)(2)(c) of this 210755
section. 210756

(g) If the pupil has complied with any probationary admission 210757
plan and the superintendent issues a recommendation that seeks 210758
revocation of the pupil's permanent exclusion pursuant to division 210759
(F)(1) of this section, the pupil's compliance with any 210760
probationary admission plan may be considered along with other 210761

relevant factors in any determination or adjudication conducted 210762
pursuant to division (F)(1) of this section. 210763

(G)(1) Except as provided in division (G)(2) of this section, 210764
any information regarding the permanent exclusion of a pupil shall 210765
be included in the pupil's official records and shall be included 210766
in any records sent to any school district that requests the 210767
pupil's records. 210768

(2) When a pupil who has been permanently excluded from 210769
public school attendance reaches the age of twenty-two or when the 210770
permanent exclusion of a pupil has been revoked, all school 210771
districts that maintain records regarding the pupil's permanent 210772
exclusion shall remove all references to the exclusion from the 210773
pupil's file and shall destroy them. 210774

A pupil who has reached the age of twenty-two or whose 210775
permanent exclusion has been revoked may send a written notice to 210776
the superintendent of any school district maintaining records of 210777
the pupil's permanent exclusion requesting the superintendent to 210778
ensure that the records are removed from the pupil's file and 210779
destroyed. Upon receipt of the request and a determination that 210780
the pupil is twenty-two years of age or older or that the pupil's 210781
permanent exclusion has been revoked, the superintendent shall 210782
ensure that the records are removed from the pupil's file and 210783
destroyed. 210784

(H)(1) This section does not apply to any of the following: 210785

(a) An institution that is a residential facility, that 210786
receives and cares for children, that is maintained by the 210787
department of youth services, and that operates a school chartered 210788
by the ~~state board~~ director of education and workforce under 210789
section 3301.16 of the Revised Code; 210790

(b) Any on-premises school operated by an out-of-home care 210791
entity, other than a school district, that is chartered by the 210792

~~state board~~ director of education and workforce under section 210793
3301.16 of the Revised Code; 210794

(c) Any school operated in connection with an out-of-home 210795
care entity or a nonresidential youth treatment program that 210796
enters into a contract or agreement with a school district for the 210797
provision of educational services in a setting other than a 210798
setting that is a building or structure owned or controlled by the 210799
board of education of the school district during normal school 210800
hours. 210801

(2) This section does not prohibit any person who has been 210802
permanently excluded pursuant to this section and section 3301.121 210803
of the Revised Code from seeking a certificate of high school 210804
equivalence. A person who has been permanently excluded may be 210805
permitted to participate in a course of study in preparation for a 210806
high school equivalency test approved by the department of 210807
education and workforce pursuant to division (B) of section 210808
3301.80 of the Revised Code, except that the person shall not 210809
participate during normal school hours in that course of study in 210810
any building or structure owned or controlled by the board of 210811
education of a school district. 210812

(3) This section does not relieve any school district from 210813
any requirement under section 2151.362 or 3313.64 of the Revised 210814
Code to pay for the cost of educating any child who has been 210815
permanently excluded pursuant to this section and section 3301.121 210816
of the Revised Code. 210817

(I) As used in this section: 210818

(1) "Permanently exclude" means to forever prohibit an 210819
individual from attending any public school in this state that is 210820
operated by a city, local, exempted village, or joint vocational 210821
school district. 210822

(2) "Permanent exclusion" means the prohibition of a pupil 210823

forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.

(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.

(4) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.

(5) "Nonresidential youth treatment program" means a program designed to provide services to persons under the age of eighteen in a setting that does not regularly provide long-term overnight care, including settlement houses, diversion and prevention programs, run-away centers, and alternative education programs.

(6) "Firearm" has the same meaning as provided pursuant to the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2).

(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

Sec. 3313.671. (A)(1) Except as otherwise provided in division (B) of this section, no pupil, at the time of initial entry or at the beginning of each school year, to an elementary or high school for which the ~~state board~~ director of education and workforce prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission, that the pupil has been immunized by a method of immunization approved by the department of health pursuant to section 3701.13 of the Revised Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella or is in the process of being immunized.

(2) Except as provided in division (B) of this section, no pupil who begins kindergarten at an elementary school subject to the ~~state board of education's~~ director's minimum standards shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization or is in the process of being immunized against both of the following:

(a) During or after the school year beginning in 1999, hepatitis B;

(b) During or after the school year beginning in 2006, chicken pox.

(3) Except as provided in division (B) of this section, during and after the school year beginning in 2016, no pupil who is the age or older than the age at which immunization against meningococcal disease is recommended by the state department of health shall be permitted to remain in a school subject to the ~~state board of education's~~ director's minimum standards for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization, or is in the process of being immunized, against meningococcal disease.

(4) As used in divisions (A)(1), (2), and (3) of this section, "in the process of being immunized" means the pupil has been immunized against mumps, rubeola, rubella, and chicken pox, and if the pupil has not been immunized against poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, and meningococcal disease, the pupil has received at least the first dose of the immunization sequence, and presents written evidence to the pupil's building principal or chief administrative officer of each subsequent dose required to obtain immunization at the intervals

prescribed by the director of health. Any student previously 210886
admitted under the "in process of being immunized" provision and 210887
who has not complied with the immunization intervals prescribed by 210888
the director of health shall be excluded from school on the 210889
fifteenth day of the following school year. Any student so 210890
excluded shall be readmitted upon showing evidence to the 210891
student's building principal or chief administrative officer of 210892
progress on the director of health's interval schedule. 210893

(B)(1) A pupil who has had natural rubeola, and presents a 210894
signed statement from the pupil's parent, guardian, or physician 210895
to that effect, is not required to be immunized against rubeola. 210896

(2) A pupil who has had natural mumps, and presents a signed 210897
statement from the pupil's parent, guardian, or physician to that 210898
effect, is not required to be immunized against mumps. 210899

(3) A pupil who has had natural chicken pox, and presents a 210900
signed statement from the pupil's parent, guardian, or physician 210901
to that effect, is not required to be immunized against chicken 210902
pox. 210903

(4) A pupil who presents a written statement of the pupil's 210904
parent or guardian in which the parent or guardian declines to 210905
have the pupil immunized for reasons of conscience, including 210906
religious convictions, is not required to be immunized. 210907

(5) A child whose physician certifies in writing that such 210908
immunization against any disease is medically contraindicated is 210909
not required to be immunized against that disease. 210910

(C) As used in this division, "chicken pox epidemic" means 210911
the occurrence of cases of chicken pox in numbers greater than 210912
expected in the school's population or for a particular period of 210913
time. 210914

Notwithstanding division (B) of this section, a school may 210915
deny admission to a pupil otherwise exempted from the chicken pox 210916

immunization requirement if the director of the state department 210917
of health notifies the school's principal or chief administrative 210918
officer that a chicken pox epidemic exists in the school's 210919
population. The denial of admission shall cease when the director 210920
notifies the principal or officer that the epidemic no longer 210921
exists. 210922

The board of education or governing body of each school 210923
subject to this section shall adopt a policy that prescribes 210924
methods whereby the academic standing of a pupil who is denied 210925
admission during a chicken pox epidemic may be preserved. 210926

(D) Boards of health, legislative authorities of municipal 210927
corporations, and boards of township trustees on application of 210928
the board of education of the district or proper authority of any 210929
school affected by this section, shall provide at the public 210930
expense, without delay, the means of immunization against mumps, 210931
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 210932
and hepatitis B to pupils who are not so provided by their parents 210933
or guardians. 210934

(E) The department of health shall specify the age at which 210935
immunization against meningococcal disease, as required by 210936
division (A)(3) of this section, is recommended, and approve a 210937
method of immunization against meningococcal disease. 210938

Sec. 3313.674. (A) Except as provided in division (D) of this 210939
section, the board of education of each city, exempted village, or 210940
local school district and the governing authority of each 210941
chartered nonpublic school may require each student enrolled in 210942
kindergarten, third grade, fifth grade, and ninth grade to undergo 210943
a screening for body mass index and weight status category. 210944

(B) The board or governing authority may provide any 210946
screenings authorized by this section itself, contract with 210947

another entity for provision of the screenings, or request the parent or guardian of each student subject to the screening to obtain the screening from a provider selected by the parent or guardian and to submit the results to the board or governing authority. If the board or governing authority provides the screenings itself or contracts with another entity for provision of the screenings, the board or governing authority shall protect student privacy by ensuring that each student is screened alone and not in the presence of other students or staff.

(C) Each school year, each board or governing authority electing to require the screening shall provide the parent or guardian of each student subject to the screening with information about the screening program. If the board or governing authority requests parents and guardians to obtain a screening from a provider of their choosing, the board or governing authority shall provide them with a list of providers and information about screening services available in the community to parents and guardians who cannot afford a private provider.

(D) If the parent or guardian of a student subject to the screening signs and submits to the board or governing authority a written statement indicating that the parent or guardian does not wish to have the student undergo the screening, the board or governing authority shall not require the student to be screened.

(E) The board or governing authority shall notify the parent or guardian of each student screened under this section of any health risks associated with the student's results and shall provide the parent or guardian with information about appropriately addressing the risks. For this purpose, the department of health, in consultation with the department of education and workforce, shall develop a list of documents, pamphlets, or other resources that may be distributed to parents and guardians under this division.

(F) The board or governing authority shall maintain the confidentiality of each student's individual screening results at all times. No board or governing authority shall report a student's individual screening results to any person other than the student's parent or guardian.

(G) In a manner prescribed by rule of the director of health, each board or governing authority electing to require the screening shall report aggregated body mass index and weight status category data collected under this section, and any other demographic data required by the director, to the department of health. In the case of a school district, data shall be aggregated for the district as a whole and not for individual schools within the district, unless the district operates only one school. In the case of a chartered nonpublic school, data shall be aggregated for the school as a whole. The department annually may publish the data reported under this division, aggregated by county. For each county in which a district, community school, STEM school, or chartered nonpublic school has elected not to require the screening for a school year for which data is published, the department shall note that the data for the county in which the district or school is located is incomplete. The department may share data reported under this division with other governmental entities for the purpose of monitoring population health, making reports, or public health promotional activities.

Sec. 3313.71. School physicians may make examinations, which shall include tests to determine the existence of hearing defects, and diagnoses of all children referred to them. They may make such examination of teachers and other school employees and inspection of school buildings as in their opinion the protection of health of the pupils, teachers, and other school employees requires.

Boards of education shall require and provide, in accordance

with section 3313.67 of the Revised Code, such tests and 211011
examinations for tuberculosis of pupils in selected grades and of 211012
school employees as may be required by the director of health. 211013

Boards may require annual tuberculin tests of any grades. All 211014
pupils with positive reactions to the test shall have chest x-rays 211015
and all positive reactions and x-ray findings shall be reported 211016
promptly to the county record bureau of tuberculosis cases 211017
provided for in section 339.74 of the Revised Code. Boards shall 211018
waive the required test where a pupil presents a written statement 211019
from the pupil's family physician certifying that such test has 211020
been given and that such pupil is free from tuberculosis in a 211021
communicable stage, or that such test is inadvisable for medical 211022
reasons, or from the pupil's parent or guardian objecting to such 211023
test because of religious convictions. 211024

Whenever a pupil, teacher, or other school employee is found 211025
to be ill or have tuberculosis in a communicable stage or other 211026
communicable disease, the school physician shall promptly send 211027
such pupil, teacher, or other school employee home, with a 211028
statement, in the case of a pupil, to the pupil's parents or 211029
guardian, briefly setting forth the discovered facts, and advising 211030
that the family physician be consulted. School physicians shall 211031
keep accurate card-index records of all examinations, and said 211032
records, that they may be uniform throughout the state, shall be 211033
according to the form prescribed by the ~~state board~~ department of 211034
education and workforce, and the reports shall be made according 211035
to the method of ~~said~~ that form. If the parent or guardian of any 211036
pupil or any teacher or other school employee, after notice from 211037
the board of education, furnishes within two weeks thereafter the 211038
written certificate of any reputable physician that the pupil, 211039
teacher, or other school employee has been examined, in such cases 211040
the service of the school physician shall be dispensed with, and 211041
such certificate shall be furnished by such parent or guardian, as 211042

required by the board of education. Such individual records shall 211043
not be open to the public and shall be solely for the use of the 211044
boards of education and boards of health officer. If any teacher 211045
or other school employee is found to have tuberculosis in a 211046
communicable stage or other communicable disease, the teacher's or 211047
employee's employment shall be discontinued or suspended upon such 211048
terms as to salary as the board deems just until the school 211049
physician has certified to a recovery from such disease. The 211050
methods of making the tuberculin tests and chest x-rays required 211051
by this section shall be such as are approved by the director of 211052
health. 211053

This section shall apply to all elementary and high schools 211054
for which the ~~state board~~ director of education and workforce sets 211055
minimum standards pursuant to section 3301.07 of the Revised Code. 211056

Sec. 3313.7110. (A) The board of education of each city, 211057
local, exempted village, or joint vocational school district may 211058
procure epinephrine autoinjectors for each school operated by the 211059
district to have on the school premises for use in emergency 211060
situations identified under division (C)(5) of this section by 211061
doing one of the following: 211062

(1) Having a licensed health professional authorized to 211063
prescribe drugs, acting in accordance with section 4723.483, 211064
4730.433, or 4731.96 of the Revised Code, personally furnish the 211065
epinephrine autoinjectors to the school or school district or 211066
issue a prescription for them in the name of the school or 211067
district; 211068

(2) Having the district's superintendent obtain a 211069
prescriber-issued protocol that includes definitive orders for 211070
epinephrine autoinjectors and the dosages of epinephrine to be 211071
administered through them. 211072

A district board that elects to procure epinephrine 211073

autoinjectors under this section is encouraged to maintain, at all 211074
times, at least two epinephrine autoinjectors at each school 211075
operated by the district. 211076

(B) A district board that elects to procure epinephrine 211077
autoinjectors under this section shall require the district's 211078
superintendent to adopt a policy governing their maintenance and 211079
use. Before adopting the policy, the superintendent shall consult 211080
with a licensed health professional authorized to prescribe drugs. 211081

(C) The policy adopted under division (B) of this section 211082
shall do all of the following: 211083

(1) Identify the one or more locations in each school 211084
operated by the district in which an epinephrine autoinjector must 211085
be stored; 211086

(2) Specify the conditions under which an epinephrine 211087
autoinjector must be stored, replaced, and disposed; 211088

(3) Specify the individuals employed by or under contract 211089
with the district board, in addition to a school nurse or an 211090
athletic trainer, licensed under Chapter 4755. of the Revised 211091
Code, who may access and use an epinephrine autoinjector to 211092
provide a dosage of epinephrine to an individual in an emergency 211093
situation identified under division (C)(5) of this section; 211094

(4) Specify any training that employees or contractors 211095
specified under division (C)(3) of this section, other than a 211096
school nurse or athletic trainer, must complete before being 211097
authorized to access and use an epinephrine autoinjector; 211098

(5) Identify the emergency situations, including when an 211099
individual exhibits signs and symptoms of anaphylaxis, in which a 211100
school nurse, athletic trainer, or other employees or contractors 211101
specified under division (C)(3) of this section may access and use 211102
an epinephrine autoinjector; 211103

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;	211104 211105 211106
(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C)(5) of this section.	211107 211108 211109 211110 211111
(D)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:	211112 211113 211114 211115 211116 211117
(a) A school or school district;	211118
(b) A member of a district board of education;	211119
(c) A district or school employee or contractor;	211120
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, consults with a superintendent, or issues a protocol pursuant to this section.	211121 211122 211123 211124
(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, district or school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	211125 211126 211127 211128 211129 211130
(E) A school district board of education may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined	211131 211132 211133

in section 4729.01 of the Revised Code, and may accept donations 211134
of money from any person to purchase epinephrine autoinjectors. 211135

(F) A district board that elects to procure epinephrine 211136
autoinjectors under this section shall report to the department of 211137
education and workforce each procurement and occurrence in which 211138
an epinephrine autoinjector is used from a school's supply of 211139
epinephrine autoinjectors. 211140

(G) As used in this section, "licensed health professional 211141
authorized to prescribe drugs" and "prescriber" have the same 211142
meanings as in section 4729.01 of the Revised Code. 211143

Sec. 3313.7111. (A) With the approval of its governing 211144
authority, a chartered or nonchartered nonpublic school may 211145
procure epinephrine autoinjectors in the manner prescribed by 211146
section 3313.7110 of the Revised Code. A chartered or nonchartered 211147
nonpublic school that elects to do so shall comply with all 211148
provisions of that section as if it were a school district. 211149

(B)(1) The following are not liable in damages in a civil 211150
action for injury, death, or loss to person or property that 211151
allegedly arises from an act or omission associated with 211152
procuring, maintaining, accessing, or using an epinephrine 211153
autoinjector under this section, unless the act or omission 211154
constitutes willful or wanton misconduct: 211155

(a) A chartered or nonchartered nonpublic school; 211156

(b) A member of a chartered or nonchartered nonpublic school 211157
governing authority; 211158

(c) An employee or contractor of the school; 211159

(d) A licensed health professional authorized to prescribe 211160
drugs who personally furnishes or prescribes epinephrine 211161
autoinjectors, provides a consultation, or issues a protocol 211162
pursuant to this section. 211163

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.

(C) A chartered or nonchartered nonpublic school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(D) A chartered or nonchartered nonpublic school that elects to procure epinephrine autoinjectors under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.

Sec. 3313.7112. (A) As used in this section:

(1) "Board of education" means a board of education of a city, local, exempted village, or joint vocational school district.

(2) "Governing authority" means a governing authority of a chartered nonpublic school.

(3) "Licensed health care professional" means any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) A registered nurse, advanced practice registered nurse,

or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 211194
211195

(c) A physician assistant licensed under Chapter 4730. of the Revised Code. 211196
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(4) "Local health department" means a department operated by a board of health of a city or general health district or the authority having the duties of a board of health as described in section 3709.05 of the Revised Code. 211198
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(5) "School employee" or "employee" means either of the following: 211202
211203

(a) A person employed by a board of education or governing authority; 211204
211205

(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district or a chartered nonpublic school. 211206
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(6) "Treating practitioner" means any of the following who has primary responsibility for treating a student's diabetes and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student: 211210
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 211215
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code; 211218
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(7) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended.

(B)(1) Each board of education or governing authority shall ensure that each student enrolled in the school district or chartered nonpublic school who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating practitioner. The diabetes care to be provided includes any of the following:

(a) Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;

(b) Responding to blood glucose levels that are outside of the student's target range;

(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;

(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;

(e) Providing oral diabetes medications;

(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner;

(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity;

(h) Administering diabetes medication, as long as the

conditions prescribed in division (C) of this section are 211254
satisfied. 211255

(2) Not later than fourteen days after receipt of an order 211256
signed by the treating practitioner of a student with diabetes, 211257
the board of education or governing authority shall inform the 211258
student's parent, guardian, or other person having care or charge 211259
of the student that the student may be entitled to a 504 plan 211260
regarding the student's diabetes. The department of education and 211261
workforce shall develop a 504 plan information sheet for use by a 211262
board of education or governing authority when informing a 211263
student's parent, guardian, or other person having care or charge 211264
of the student that the student may be entitled to a 504 plan 211265
regarding the student's diabetes. 211266

(C) Notwithstanding division (B) of section 3313.713 of the 211267
Revised Code or any other provision of the Revised Code, diabetes 211268
medication may be administered under this section by a school 211269
nurse or, in the absence of a school nurse, a school employee who 211270
is trained in diabetes care under division (E) of this section. 211271
Medication administration may be provided under this section only 211272
when the conditions prescribed in division (C) of section 3313.713 211273
of the Revised Code are satisfied. 211274

Notwithstanding division (D) of section 3313.713 of the 211275
Revised Code, medication that is to be administered under this 211276
section may be kept in an easily accessible location. 211277

(D)(1) The department of education and workforce shall adopt 211278
nationally recognized guidelines, as determined by the department, 211279
for the training of school employees in diabetes care for 211280
students. In doing so, the department shall consult with the 211281
department of health, the American diabetes association, and the 211282
Ohio school nurses association. The department may consult with 211283
any other organizations as determined appropriate by the 211284
department. 211285

(2) The guidelines shall address all of the following issues:	211286
(a) Recognizing the symptoms of hypoglycemia and hyperglycemia;	211287 211288
(b) The appropriate treatment for a student who exhibits the symptoms of hypoglycemia or hyperglycemia;	211289 211290
(c) Recognizing situations that require the provision of emergency medical assistance to a student;	211291 211292
(d) Understanding the appropriate treatment for a student, based on an order issued by the student's treating practitioner, if the student's blood glucose level is not within the target range indicated by the order;	211293 211294 211295 211296
(e) Understanding the instructions in an order issued by a student's treating practitioner concerning necessary medications;	211297 211298
(f) Performing blood glucose and ketone tests for a student in accordance with an order issued by the student's treating practitioner and recording the results of those tests;	211299 211300 211301
(g) Administering insulin, glucagon, or other medication to a student in accordance with an order issued by the student's treating practitioner and recording the results of the administration;	211302 211303 211304 211305
(h) Understanding the relationship between the diet recommended in an order issued by a student's treating practitioner and actions that may be taken if the recommended diet is not followed.	211306 211307 211308 211309
(E)(1) To ensure that a student with diabetes receives the diabetes care specified in division (B) of this section, a board of education or governing authority may provide training that complies with the guidelines developed under division (D) of this section to a school employee at each school attended by a student with diabetes. With respect to any training provided, all of the	211310 211311 211312 211313 211314 211315

following apply: 211316

(a) The training shall be coordinated by a school nurse or, 211317
if the school does not employ a school nurse, a licensed health 211318
care professional with expertise in diabetes who is approved by 211319
the school to provide the training. 211320

(b) The training shall take place prior to the beginning of 211321
each school year or, as needed, not later than fourteen days after 211322
receipt by the board of education or governing authority of an 211323
order signed by the treating practitioner of a student with 211324
diabetes. 211325

(c) On completion of the training, the board of education or 211326
governing authority, in a manner it determines, shall determine 211327
whether each employee trained is competent to provide diabetes 211328
care. 211329

(d) The school nurse or approved licensed health care 211330
professional with expertise in diabetes care shall promptly 211331
provide all necessary follow-up training and supervision to an 211332
employee who receives training. 211333

(2) The principal of a school attended by a student with 211334
diabetes or another school official authorized to act on behalf of 211335
the principal may distribute a written notice to each employee 211336
containing all of the following: 211337

(a) A statement that the school is required to provide 211338
diabetes care to a student with diabetes and is seeking employees 211339
who are willing to be trained to provide that care; 211340

(b) A description of the tasks to be performed; 211341

(c) A statement that participation is voluntary and that the 211342
school district or governing authority will not take action 211343
against an employee who does not agree to provide diabetes care; 211344

(d) A statement that training will be provided by a licensed 211345

health care professional to an employee who agrees to provide 211346
care; 211347

(e) A statement that a trained employee is immune from 211348
liability under division (J) of this section; 211349

(f) The name of the individual who should be contacted if an 211350
employee is interested in providing diabetes care. 211351

(3) No employee of a board of education or governing 211352
authority shall be subject to a penalty or disciplinary action 211353
under school or district policies for refusing to volunteer to be 211354
trained in diabetes care. 211355

(4) No board or governing authority shall discourage 211356
employees from agreeing to provide diabetes care under this 211357
section. 211358

(F) A board of education or governing authority may provide 211359
training in the recognition of hypoglycemia and hyperglycemia and 211360
actions to take in response to emergency situations involving 211361
these conditions to both of the following: 211362

(1) A school employee who has primary responsibility for 211363
supervising a student with diabetes during some portion of the 211364
school day; 211365

(2) A bus driver employed by a school district or chartered 211366
nonpublic school responsible for the transportation of a student 211367
with diabetes. 211368

(G) A student with diabetes shall be permitted to attend the 211369
school the student would otherwise attend if the student did not 211370
have diabetes and the diabetes care specified in division (B) of 211371
this section shall be provided at the school. A board of education 211372
or governing authority shall not restrict a student who has 211373
diabetes from attending the school on the basis that the student 211374
has diabetes, that the school does not have a full-time school 211375

nurse, or that the school does not have an employee trained in 211376
diabetes care. The school shall not require or pressure a parent, 211377
guardian, or other person having care or charge of a student to 211378
provide diabetes care for the student with diabetes at school or 211379
school-related activities. 211380

(H)(1) Notwithstanding section 3313.713 of the Revised Code 211381
or any policy adopted under that section and except as provided in 211382
division (H)(2) of this section, on written request of the parent, 211383
guardian, or other person having care or charge of a student and 211384
authorization by the student's treating practitioner, a student 211385
with diabetes shall be permitted during regular school hours and 211386
school-sponsored activities to attend to the care and management 211387
of the student's diabetes in accordance with the order issued by 211388
the student's treating practitioner if the student's treating 211389
practitioner determines that the student is capable of performing 211390
diabetes care tasks. The student shall be permitted to perform 211391
diabetes care tasks in a classroom, in any area of the school or 211392
school grounds, and at any school-related activity, and to possess 211393
on the student's self at all times all necessary supplies and 211394
equipment to perform these tasks. If the student or the parent, 211395
guardian, or other person having care or charge of the student so 211396
requests, the student shall have access to a private area for 211397
performing diabetes care tasks. 211398

(2) If the student performs any diabetes care tasks or uses 211399
medical equipment for purposes other than the student's own care, 211400
the board of education or governing authority may revoke the 211401
student's permission to attend to the care and management of the 211402
student's diabetes. 211403

(I)(1) Notwithstanding any other provision of the Revised 211404
Code to the contrary, a licensed health care professional shall be 211405
permitted to provide training to a school employee under division 211406
(E) of this section or to supervise the employee in performing 211407

diabetes care tasks. 211408

(2) Nothing in this section diminishes the rights of eligible 211409
students or the obligations of school districts or governing 211410
authorities under the "Individuals with Disabilities Education 211411
Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation 211412
Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 211413
U.S.C. 12101 et seq. 211414

(J)(1) A school or school district, a member of a board or 211415
governing authority, or a district or school employee is not 211416
liable in damages in a civil action for injury, death, or loss to 211417
person or property allegedly arising from providing care or 211418
performing duties under this section unless the act or omission 211419
constitutes willful or wanton misconduct. 211420

This section does not eliminate, limit, or reduce any other 211421
immunity or defense that a school or school district, member of a 211422
board of education or governing authority, or district or school 211423
employee may be entitled to under Chapter 2744. or any other 211424
provision of the Revised Code or under the common law of this 211425
state. 211426

(2) A school employee shall not be subject to disciplinary 211427
action under school or district policies for providing care or 211428
performing duties under this section. 211429

(3) A school nurse or other licensed health care professional 211430
shall be immune from disciplinary action by the board of nursing 211431
or any other regulatory board for providing care or performing 211432
duties under this section if the care provided or duties performed 211433
are consistent with applicable professional standards. 211434

(K)(1) Not later than the last day of December of each year, 211435
a board of education or governing authority shall report to the 211436
department of education and workforce both of the following: 211437

(a) The number of students with diabetes enrolled in the 211438

school district or chartered nonpublic school during the previous 211439
school year; 211440

(b) The number of errors associated with the administration 211441
of diabetes medication to students with diabetes during the 211442
previous school year. 211443

(2) Not later than the last day of March of each year, the 211444
department shall issue a report summarizing the information 211445
received by the department under division (K)(1) of this section 211446
for the previous school year. The department shall make the report 211447
available on its internet web site. 211448

Sec. 3313.7113. (A) As used in this section, "inhaler" means 211449
a device that delivers medication to alleviate asthmatic symptoms, 211450
is manufactured in the form of a metered dose inhaler or dry 211451
powdered inhaler, and may include a spacer, holding chamber, or 211452
other device that attaches to the inhaler and is used to improve 211453
the delivery of the medication. 211454

(B) The board of education of each city, local, exempted 211455
village, or joint vocational school district may procure inhalers 211456
for each school operated by the district to have on the school 211457
premises for use in emergency situations identified under division 211458
(D)(5) of this section. A district board that elects to procure 211459
inhalers under this section is encouraged to maintain, at all 211460
times, at least two inhalers at each school operated by the 211461
district. 211462

(C) A district board that elects to procure inhalers under 211463
this section shall require the district's superintendent to adopt 211464
a policy governing their maintenance and use. Before adopting the 211465
policy, the superintendent shall consult with a licensed health 211466
professional authorized to prescribe drugs, as defined in section 211467
4729.01 of the Revised Code. 211468

(D) A component of a policy adopted by a superintendent under 211469
division (C) of this section shall be a prescriber-issued protocol 211470
specifying definitive orders for inhalers, including the dosages 211471
of medication to be administered through them, the number of times 211472
that each inhaler may be used before disposal, and the methods of 211473
disposal. The policy also shall do all of the following: 211474

(1) Identify the one or more locations in each school 211475
operated by the district in which an inhaler must be stored; 211476

(2) Specify the conditions under which an inhaler must be 211477
stored, replaced, and disposed; 211478

(3) Specify the individuals employed by or under contract 211479
with the district board, in addition to a school nurse or an 211480
athletic trainer, licensed under Chapter 4755. of the Revised 211481
Code, who may access and use an inhaler to provide a dosage of 211482
medication to an individual in an emergency situation identified 211483
under division (D)(5) of this section; 211484

(4) Specify any training that employees or contractors 211485
specified under division (D)(3) of this section, other than a 211486
school nurse or athletic trainer, must complete before being 211487
authorized to access and use an inhaler; 211488

(5) Identify the emergency situations, including when an 211489
individual exhibits signs and symptoms of asthma, in which a 211490
school nurse, athletic trainer, or other employees or contractors 211491
specified under division (D)(3) of this section may access and use 211492
an inhaler; 211493

(6) Specify that assistance from an emergency medical service 211494
provider must be requested immediately after an employee or 211495
contractor, other than a school nurse, athletic trainer, or 211496
another licensed health professional, uses an inhaler; 211497

(7) Specify the individuals, in addition to students, school 211498
employees or contractors, and school visitors, to whom a dosage of 211499

medication may be administered through an inhaler in an emergency 211500
situation specified under division (D)(5) of this section. 211501

(E) A school or school district, a member of a district board 211502
of education, or a district or school employee or contractor is 211503
not liable in damages in a civil action for injury, death, or loss 211504
to person or property that allegedly arises from an act or 211505
omission associated with procuring, maintaining, accessing, or 211506
using an inhaler under this section, unless the act or omission 211507
constitutes willful or wanton misconduct. 211508

This section does not eliminate, limit, or reduce any other 211509
immunity or defense that a school or school district, member of a 211510
district board of education, or district or school employee or 211511
contractor may be entitled to under Chapter 2744. or any other 211512
provision of the Revised Code or under the common law of this 211513
state. 211514

(F) A school district board of education may accept donations 211515
of inhalers from a wholesale distributor of dangerous drugs or a 211516
manufacturer of dangerous drugs, as defined in section 4729.01 of 211517
the Revised Code, and may accept donations of money from any 211518
person to purchase inhalers. 211519

(G) A district board that elects to procure inhalers under 211520
this section shall report to the department of education and 211521
workforce each procurement and occurrence in which an inhaler is 211522
used from a school's supply of inhalers. 211523

Sec. 3313.7114. (A) As used in this section, "inhaler" has 211524
the same meaning as in section 3313.7113 of the Revised Code. 211525

(B) With the approval of its governing authority, a chartered 211526
or nonchartered nonpublic school may procure inhalers in the 211527
manner prescribed by section 3313.7113 of the Revised Code. A 211528
chartered or nonchartered nonpublic school that elects to do so 211529

shall comply with all provisions of that section as if it were a school district.

(C) A chartered or nonchartered nonpublic school, a member of a chartered or nonchartered nonpublic school governing authority, or an employee or contractor of the school is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.

(D) A chartered or nonchartered nonpublic school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(E) A chartered or nonchartered nonpublic school that elects to procure inhalers under this section shall report to the department of education and workforce each procurement and occurrence in which an inhaler is used from the school's supply of inhalers.

Sec. 3313.7115. (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) The board of education of each city, local, exempted village, or joint vocational school district may procure injectable or nasally administered glucagon for each school operated by the district to have on the school premises for use in emergency situations identified under division (D)(5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to

prescribe drugs, acting in accordance with section 4723.4811, 211560
4730.437, or 4731.92 of the Revised Code, personally furnish the 211561
injectable or nasally administered glucagon to the school or 211562
school district or issue a prescription for the drug in the name 211563
of the school or district; 211564

(2) Having the district's superintendent obtain a 211565
prescriber-issued protocol that includes definitive orders for 211566
injectable or nasally administered glucagon and the dosages to be 211567
administered. 211568

A district board that elects to procure injectable or nasally 211569
administered glucagon under this section is encouraged to 211570
maintain, at all times, at least two doses of the drug at each 211571
school operated by the district. 211572

(C) A district board that elects to procure injectable or 211573
nasally administered glucagon under this section shall require the 211574
district's superintendent to adopt a policy governing maintenance 211575
and use of the drug. Before adopting the policy, the 211576
superintendent shall consult with a licensed health professional 211577
authorized to prescribe drugs. 211578

(D) The policy adopted under division (C) of this section 211579
shall do all of the following: 211580

(1) Identify the one or more locations in each school 211581
operated by the district in which injectable or nasally 211582
administered glucagon must be stored; 211583

(2) Specify the conditions under which injectable or nasally 211584
administered glucagon must be stored, replaced, and disposed; 211585

(3) Specify the individuals employed by or under contract 211586
with the district board, in addition to a school nurse licensed 211587
under section 3319.221 of the Revised Code or an athletic trainer 211588
licensed under Chapter 4755. of the Revised Code, who may access 211589
and use injectable or nasally administered glucagon in an 211590

emergency situation identified under division (D)(5) of this section;	211591 211592
(4) Specify any training that employees or contractors specified under division (D)(3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use injectable or nasally administered glucagon;	211593 211594 211595 211596 211597
(5) Identify the emergency situations in which a school nurse, athletic trainer, or other employees or contractors specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon;	211598 211599 211600 211601
(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered;	211602 211603 211604
(7) Specify the individuals, if any, in addition to students, to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section.	211605 211606 211607
(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:	211608 211609 211610 211611 211612 211613
(a) A school or school district;	211614
(b) A member of a district board of education;	211615
(c) A district or school employee or contractor;	211616
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, consults with a superintendent, or issues a protocol pursuant to this section.	211617 211618 211619 211620

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, district or school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(F) A school district board of education may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(G) A district board that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education and workforce each procurement and each occurrence in which a dose of the drug is used from a school's supply.

Sec. 3313.7116. (A) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure injectable or nasally administered glucagon in the manner prescribed by section 3313.7115 of the Revised Code. A chartered or nonchartered nonpublic school that elects to do so shall comply with all provisions of that section as if it were a school district.

(B)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A chartered or nonchartered nonpublic school;

(b) A member of a chartered or nonchartered nonpublic school governing authority;	211651 211652
(c) An employee or contractor of the school;	211653
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section.	211654 211655 211656 211657
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.	211658 211659 211660 211661 211662 211663 211664
(C) A chartered or nonchartered nonpublic school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.	211665 211666 211667 211668 211669 211670
(D) A chartered or nonchartered nonpublic school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education <u>and workforce</u> each procurement and each occurrence in which a dose of the drug is used from the school's supply.	211671 211672 211673 211674 211675
Sec. 3313.81. The board of education of any city, exempted village, or local school district may establish food service, provide facilities and equipment, and pay operating costs in the schools under its control for the preparation and serving of lunches, and other meals or refreshments to the pupils, employees	211676 211677 211678 211679 211680

of the board of education employed therein, and to other persons 211681
taking part in or patronizing any activity in connection with the 211682
schools. A board of education that operates such a food service 211683
may also provide meals at cost to residents of the school district 211684
who are sixty years of age or older or may contract with public or 211685
private nonprofit organizations providing services to the elderly 211686
to provide nutritious meals for persons who are sixty years of age 211687
or older. Restrictions or limitations upon the privileges or use 211688
of facilities by any pupil, employee, person taking part in or 211689
patronizing a school-related activity, or elderly person must be 211690
applied equally to all pupils, all employees, all persons taking 211691
part in or patronizing a school-related activity, or elderly 211692
persons, respectively, except that a board may expend school funds 211693
other than funds from federally reimbursed moneys or student 211694
payments to provide meals at no charge to senior citizens 211695
performing volunteer services in the district's schools in 211696
accordance with a volunteer program approved by the board. 211697

Such facilities shall be under the management and control of 211698
the board and the operation of such facilities for school food 211699
service purposes or to provide meals for the elderly shall not be 211700
for profit. In the operation of such facilities for school food 211701
service purposes there shall be established a food service fund in 211702
the treasurer's cash journal, which shall be separate from all 211703
other funds of the board. All receipts and disbursements in 211704
connection with the operation of food service for school food 211705
service purposes and the maintenance, improvement, and purchase of 211706
equipment for school food service purposes shall be paid directly 211707
into and disbursed from the food service fund which shall be kept 211708
in a legally designated depository of the board. Revenues for the 211709
operation, maintenance, improvement, and purchase of equipment 211710
shall be provided by the food service fund, appropriations 211711
transferred from the general fund, federal funds, and from other 211712
proper sources. Records of receipts and disbursements resulting 211713

from the provision of meals for the elderly shall be separately 211714
maintained, in accordance with section 3313.29 of the Revised 211715
Code. 211716

The enforcement of this section shall be under jurisdiction 211717
of the ~~state board~~ department of education and workforce. 211718

Sec. 3313.811. No board, the principal or teacher of any 211719
schoolroom, or class organization of any school district shall 211720
sell or offer for sale, or supervise the sale of uniform school 211721
supplies, foods, candies, or like supplies for profit on the 211722
school premises except when the profit derived from such sale is 211723
to be used for school purposes or for any activity in connection 211724
with the school on whose premises such uniform school supplies, 211725
food, candies, or supplies are sold or offered for sale. No 211726
individual student or class of students, acting as an agent for 211727
any person or group of persons directly connected with the school 211728
shall sell or offer for sale for profit outside the school 211729
building, any such articles, except when the profit derived from 211730
such sale is to be used for school purposes or for any activity in 211731
connection with the school. 211732

Uniform school supplies are those adopted by the board for 211733
use in the schools of the district. 211734

The enforcement of this section shall be under the 211735
jurisdiction of the ~~state board~~ department of education and 211736
workforce. 211737

The school district board of education shall provide 211738
revolving accounts for the purchase and sale of uniform school 211739
supplies either by appropriations from the general fund or 211740
accumulation from sales or receipts. Such accounts shall be kept 211741
separate from other transactions of the board. 211742

Sec. 3313.813. (A) As used in this section: 211743

(1) "Outdoor education center" means a public or nonprofit private entity that provides to pupils enrolled in any public or chartered nonpublic elementary or secondary school an outdoor educational curriculum that the school considers to be part of its educational program.

(2) "Outside-school-hours care center" has the meaning established in 7 C.F.R. 226.2.

(B) The ~~state board~~ department of education and workforce shall establish standards for a school lunch program, school breakfast program, child and adult care food program, special food service program for children, summer food service program for children, special milk program for children, food service equipment assistance program, and commodity distribution program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. Any board of education of a school district, nonprofit private school, outdoor education center, child care institution, outside-school-hours care center, or summer camp desiring to participate in such a program or required to participate under this section shall, if eligible to participate under the "National School Lunch Act," as amended, or the "Child Nutrition Act of 1966," as amended, make application to the ~~state board of education~~ department for assistance. The board shall administer the allocation and distribution of all state and federal funds for these programs.

(C) The ~~state board of education~~ department shall require the board of education of each school district to establish and maintain a school breakfast, lunch, and summer food service program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966," as described in divisions (C)(1) to (4) of this section.

(1) The ~~state board~~ department shall require the board of

education in each school district to establish a breakfast program 211776
in every school where at least one-fifth of the pupils in the 211777
school are eligible under federal requirements for free breakfasts 211778
and to establish a lunch program in every school where at least 211779
one-fifth of the pupils are eligible for free lunches. The board 211780
of education required to establish a breakfast program under this 211781
division may make a charge in accordance with federal requirements 211782
for each reduced price breakfast or paid breakfast to cover the 211783
cost incurred in providing that meal. 211784

(2) The ~~state board~~ department shall require the board of 211785
education in each school district to establish a breakfast program 211786
in every school in which the parents of at least one-half of the 211787
children enrolled in the school have requested that the breakfast 211788
program be established. The board of education required to 211789
establish a program under this division may make a charge in 211790
accordance with federal requirements for each meal to cover all or 211791
part of the costs incurred in establishing such a program. 211792

A breakfast program established under division (C)(1) or (2) 211793
of this section shall be operated in accordance with section 211794
3313.818 of the Revised Code in any school meeting the conditions 211795
prescribed by that section. 211796

(3) The ~~state board~~ department shall require the board of 211797
education in each school district to establish one of the 211798
following for summer intervention services described in division 211799
(D) of section 3301.0711 or provided under section 3313.608 of the 211800
Revised Code, and any other summer intervention program required 211801
by law: 211802

(a) An extension of the school breakfast program pursuant to 211803
the "National School Lunch Act" and the "Child Nutrition Act of 211804
1966"; 211805

(b) An extension of the school lunch program pursuant to 211806

those acts; 211807

(c) A summer food service program pursuant to those acts. 211808

(4)(a) If the board of education of a school district 211809
determines that, for financial reasons, it cannot comply with 211810
division (C)(1) or (3) of this section, the district board may 211811
choose not to comply with either or both divisions, except as 211812
provided in divisions (C)(4)(b) and (c) of this section. The 211813
district board publicly shall communicate to the residents of the 211814
district, in the manner it determines appropriate, its decision 211815
not to comply. 211816

(b) If a district board chooses not to comply with division 211817
(C)(1) of this section, the ~~state board~~ department nevertheless 211818
shall require the district board to establish a breakfast program 211819
in every school where at least one-third of the pupils in the 211820
school are eligible under federal requirements for free breakfasts 211821
and to establish a lunch program in every school where at least 211822
one-third of the pupils are eligible for free lunches. The 211823
district board may make a charge in accordance with federal 211824
requirements for each reduced price breakfast or paid breakfast to 211825
cover the cost incurred in providing that meal. 211826

(c) If the board of education of a school district chooses 211827
not to comply with division (C)(3) of this section, the ~~state~~ 211828
~~board~~ department nevertheless shall require the district board to 211829
permit an approved summer food service program sponsor to use 211830
school facilities located in a school building attendance area 211831
where at least one-half of the pupils are eligible for free 211832
lunches. 211833

The department ~~of education~~ shall post in a prominent 211834
location on the department's web site a list of approved summer 211835
food service program sponsors that may use school facilities under 211836
this division. 211837

Subject to the provisions of sections 3313.75 and 3313.77 of 211838
the Revised Code, a school district may charge the summer food 211839
service program sponsor a reasonable fee for the use of school 211840
facilities that may include the actual cost of custodial services, 211841
charges for the use of school equipment, and a prorated share of 211842
the utility costs as determined by the district board. A school 211843
district shall require the summer food service program sponsor to 211844
indemnify and hold harmless the district from any potential 211845
liability resulting from the operation of the summer food service 211846
program under this division. For this purpose, the district shall 211847
either add the summer food service program sponsor, as an 211848
additional insured party, to the district's existing liability 211849
insurance policy or require the summer food service program 211850
sponsor to submit evidence of a separate liability insurance 211851
policy, for an amount approved by the district board. The summer 211852
food service program sponsor shall be responsible for any costs 211853
incurred in obtaining coverage under either option. 211854

(d) If a school district cannot for good cause comply with 211855
the requirements of division (C)(2) or (4)(b) or (c) of this 211856
section at the time the ~~state board~~ department determines that a 211857
district is subject to these requirements, the ~~state board~~ 211858
department shall grant a reasonable extension of time. Good cause 211859
for an extension of time shall include, but need not be limited 211860
to, economic impossibility of compliance with the requirements at 211861
the time the ~~state board~~ department determines that a district is 211862
subject to them. 211863

(D)(1) The ~~state board~~ department shall accept the 211864
application of any outdoor education center in the state making 211865
application for participation in a program pursuant to division 211866
(B) of this section. 211867

(2) For purposes of participation in any program pursuant to 211868
this section, the board shall certify any outdoor education center 211869

making application as an educational unit that is part of the 211870
educational system of the state, if the center: 211871

(a) Meets the definition of an outdoor education center; 211872

(b) Provides its outdoor education curriculum to pupils on an 211873
overnight basis so that pupils are in residence at the center for 211874
more than twenty-four consecutive hours; 211875

(c) Operates under public or nonprofit private ownership in a 211876
single building or complex of buildings. 211877

(3) The board shall approve any outdoor education center 211878
certified under this division for participation in the program for 211879
which the center is making application on the same basis as any 211880
other applicant for that program. 211881

(E) Any school district board of education or chartered 211882
nonpublic school that participates in a breakfast program pursuant 211883
to this section may offer breakfast to pupils in their classrooms 211884
during the school day. However, any school that is subject to 211885
section 3313.818 of the Revised Code shall offer breakfast to 211886
pupils in accordance with that section. 211887

(F) Notwithstanding anything in this section to the contrary, 211888
in each fiscal year in which the general assembly appropriates 211889
funds for purposes of this division, the board of education of 211890
each school district and each chartered nonpublic school that 211891
participates in a breakfast program pursuant to this section shall 211892
provide a breakfast free of charge to each pupil who is eligible 211893
under federal requirements for a reduced price breakfast. 211894

Sec. 3313.814. (A) As used in this section and sections 211895
3313.816 and 3313.817 of the Revised Code: 211896

(1) "A la carte item" means an individually priced food or 211897
beverage item that is available for sale to students through any 211898
of the following: 211899

(a) A school food service program;	211900
(b) A vending machine located on school property;	211901
(c) A store operated by the school, a student association, or other school-sponsored organization.	211902 211903
"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.	211904 211905 211906 211907 211908 211909 211910 211911 211912 211913
(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.	211914 211915 211916 211917
(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.	211918 211919 211920 211921 211922
(4) "Regular school day" means the period each school day between the designated arrival time for students and the end of the final instructional period.	211923 211924 211925
(5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the criteria	211926 211927 211928 211929 211930

for reimbursement established by the United States department of 211931
agriculture. 211932

(6) "School food service program" means a school food service 211933
program operated under section 3313.81 or 3313.813 of the Revised 211934
Code. 211935

(B) Each school district board of education and each 211936
chartered nonpublic school governing authority shall adopt and 211937
enforce nutrition standards governing the types of food and 211938
beverages that may be sold on the premises of its schools, and 211939
specifying the time and place each type of food or beverage may be 211940
sold. 211941

(1) In adopting the standards, the board or governing 211942
authority shall do all of the following: 211943

(a) Consider the nutritional value of each food or beverage; 211944

(b) Consult with a dietitian licensed under Chapter 4759. of 211945
the Revised Code, a dietetic technician registered by the 211946
commission on dietetic registration, or a school nutrition 211947
specialist certified or credentialed by the school nutrition 211948
association. The person with whom the board or governing authority 211949
consults may be an employee of the board or governing authority, a 211950
person contracted by the board or governing authority, or a 211951
volunteer, provided the person meets the requirements of this 211952
division. 211953

(c) Consult the dietary guidelines for Americans jointly 211954
developed by the United States department of agriculture and the 211955
United States department of health and human services and, to the 211956
maximum extent possible, incorporate the guidelines into the 211957
standards. 211958

(2) No food or beverage may be sold on any school premises 211959
except in accordance with the standards adopted by the board or 211960
governing authority. 211961

(3) The standards shall comply with sections 3313.816 and 211962
3313.817 of the Revised Code, but nothing in this section shall 211963
prohibit the standards from being more restrictive than otherwise 211964
required by those sections. 211965

(C) The nutrition standards adopted under this section shall 211966
prohibit the placement of vending machines in any classroom where 211967
students are provided instruction, unless the classroom also is 211968
used to serve students meals. This division does not apply to 211969
vending machines that sell only milk, reimbursable meals, or food 211970
and beverage items that are part of a reimbursable meal and are 211971
available for sale as individually priced items in serving 211972
portions of the same size as in the reimbursable meal. 211973

(D) Each board or governing authority shall designate staff 211974
to be responsible for ensuring that the school district or school 211975
meets the nutrition standards adopted under this section. The 211976
staff shall prepare an annual report regarding the district's or 211977
school's compliance with the standards and include it in the 211978
report to the department of education and workforce prescribed in 211979
section 3301.68 of the Revised Code. The board or governing 211980
authority annually shall schedule a presentation on the nutrition 211981
standards report at one of its regular meetings. Each district or 211982
school shall make copies of the nutrition standards report 211983
available to the public upon request. 211984

(E) The ~~state board~~ department of education and workforce 211985
shall formulate and adopt guidelines, which boards of education 211986
and chartered nonpublic schools may follow in enforcing and 211987
implementing this section. 211988

Sec. 3313.815. (A) Any school district or nonpublic school 211989
that operates a food service program pursuant to section 3313.81 211990
or 3313.813 of the Revised Code shall require at least one 211991
employee who has received instruction in methods to prevent 211992

choking and has demonstrated an ability to perform the Heimlich 211993
maneuver to be present while students are being served food. 211994

The department of education and workforce shall establish 211995
guidelines for use by districts and schools in implementing this 211996
section. 211997

(B) Any nonpublic school or employee of a nonpublic school is 211998
not liable in damages in a civil action for injury, death, or loss 211999
to person or property allegedly caused by an act or omission of 212000
the nonpublic school or an employee of the nonpublic school in 212001
connection with performance of the duties required under division 212002
(A) of this section unless such act or omission was with malicious 212003
purpose, in bad faith, or in a wanton or reckless manner. 212004

(C) This section does not create a new cause of action or 212005
substantive legal right against any person. 212006

Sec. 3313.817. (A) When the department of education and 212007
workforce is able to obtain free of charge computer software for 212008
assessing the nutritional value of foods that does all of the 212009
following, the department shall make that software available free 212010
of charge to each public and chartered nonpublic school: 212011

(1) Rates the healthiness of foods based on nutrient density; 212012

(2) Assesses the amount of calories, total fat, saturated 212013
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 212014
and vitamin C in each food item; 212015

(3) Evaluates the nutritional value of foods based on the 212016
dietary guidelines for Americans jointly developed by the United 212017
States department of agriculture and United States department of 212018
health and human services as they pertain to children and 212019
adolescents. 212020

(B) Each public and chartered nonpublic school shall use the 212021
software provided by the department under this section to 212022

determine the nutritional value of each a la carte food item 212023
available for sale at the school. 212024

(C) When the department provides software under this section, 212025
each public and chartered nonpublic school shall comply with all 212026
of the following requirements: 212027

(1) No a la carte food item shall be in the lowest rated 212028
category of foods designated by the software. 212029

(2) In the first school year in which the school is subject 212030
to this section, at least twenty per cent of the a la carte food 212031
items available for sale from each of the following sources during 212032
the regular and extended school day shall be in the highest rated 212033
category of foods designated by the software and in each school 212034
year thereafter, at least forty per cent of the a la carte food 212035
items available for sale from each of the following sources during 212036
the regular and extended school day shall be in that category: 212037

(a) A school food service program; 212038

(b) A vending machine located on school property; 212039

(c) A store operated by the school, a student association, or 212040
other school-sponsored organization. 212041

(3) Each a la carte food item that is not in the highest 212042
rated category of foods designated by the software shall meet at 212043
least two of the following criteria: 212044

(a) It contains at least five grams of protein. 212045

(b) It contains at least ten per cent of the recommended 212046
daily value of fiber. 212047

(c) It contains at least ten per cent of the recommended 212048
daily value of calcium. 212049

(d) It contains at least ten per cent of the recommended 212050
daily value of iron. 212051

(e) It contains at least ten per cent of the recommended 212052
daily value of vitamin A. 212053

(f) It contains at least ten per cent of the recommended 212054
daily value of vitamin C. 212055

(D) As an alternative to complying with division (C) of this 212056
section, a public or chartered nonpublic school may comply with 212057
the most recent guidelines for competitive foods issued by the 212058
alliance for a healthier generation with respect to the sale of a 212059
la carte food items. 212060

Sec. 3313.818. (A)(1) The department of education and 212061
workforce shall establish a program under which public schools 212062
that meet the conditions prescribed in this section shall offer 212063
breakfast to all students either before or during the school day. 212064
Each of the following shall apply: 212065

(a) In the first school year after ~~the effective date of this~~ 212066
~~section~~ October 17, 2019, the program shall apply to any public 212067
school in which seventy per cent or more of the students enrolled 212068
in the school during the previous school year were eligible under 212069
federal requirements for free or reduced-price breakfasts or 212070
lunches. 212071

(b) In the second school year after ~~the effective date of~~ 212072
~~this section~~ October 17, 2019, the program shall apply to any 212073
public school in which sixty per cent or more of the students 212074
enrolled in the school during the previous school year were 212075
eligible under federal requirements for free or reduced-price 212076
breakfasts or lunches. 212077

(c) In the third school year after the enactment date of this 212078
section and every school year thereafter, the program shall apply 212079
to any public school in which fifty per cent or more of the 212080
students enrolled in the school during the previous school year 212081

were eligible under federal requirements for free or reduced-price 212082
breakfasts or lunches. 212083

(2) The district superintendent or building principal, in 212084
consultation with the building staff, shall determine the model 212085
for serving breakfast under the program. Each breakfast served 212086
under the program shall comply with federal meal patterns and 212087
nutritional standards and with section 3313.814 of the Revised 212088
Code. A school district board of education may make a charge in 212089
accordance with federal requirements for each meal to cover all or 212090
part of the costs incurred in operating the program. 212091

(B) The department shall publish a list of public schools 212092
that meet the conditions of division (A) of this section. The 212093
department shall offer technical assistance to school districts 212094
and schools regarding the implementation of a school breakfast 212095
program that complies with this section and the submission of 212096
claims for reimbursement under the federal school breakfast 212097
program. 212098

(C)(1) The department shall monitor each school participating 212099
in the program and ensure that each participating school complies 212100
with the requirements of this section. 212101

(2) If the board of education of a school district determines 212102
that, for financial reasons, a school under the board's control 212103
cannot comply with the requirements of this section or the board 212104
already has a successful breakfast program or partnership in 212105
place, the district board may choose not to comply with those 212106
requirements. 212107

(D) Not later than the thirty-first day of December of each 212108
school year, the department shall provide statistical reports on 212109
its web site that specify the number and percentage of students 212110
participating in school breakfast programs disaggregated by school 212111
district and individual schools, including community schools, 212112

established under Chapter 3314. of the Revised Code, and STEM 212113
schools, established under Chapter 3326. of the Revised Code. 212114

(E) Not later than the thirty-first day of December of each 212115
school year, the department shall prepare a report on the 212116
implementation and effectiveness of the program established under 212117
this section and submit the report to the general assembly, in 212118
accordance with section 101.68 of the Revised Code, and to the 212119
governor. The report shall include: 212120

(1) The number of students and participation rates in the 212121
free and reduced-price breakfast programs under this section for 212122
each school building; 212123

(2) The type of breakfast model used by each school building 212124
participating in the breakfast program; 212125

(3) The number of students and participation rates in free or 212126
reduced-price lunch for each school building. 212127

Sec. 3313.821. The ~~superintendent of public instruction~~ 212128
department of education and workforce, in consultation with the 212129
governor's executive workforce board, shall establish standards 212130
for the operation of business advisory councils established by the 212131
board of education of a school district or the governing board of 212132
an educational service center under section 3313.82 of the Revised 212133
Code. The standards adopted by the ~~state superintendent~~ department 212134
shall include at least the following requirements: 212135

(A) Each advisory council and the board of education or 212136
governing board that established it shall develop a plan by which 212137
the advisory council shall advise the board of at least those 212138
matters specified by the board pursuant to section 3313.82 of the 212139
Revised Code. 212140

(B) Each plan developed pursuant to division (A) of this 212141
section shall be filed with the department of education and 212142

<u>workforce.</u>	212143
(C) Each business advisory council shall meet with its school board at least quarterly.	212144 212145
(D) Each business advisory council and its school board shall file a joint statement, not later than the first day of March of each school year, describing how the school district or service center and its business advisory council has fulfilled their responsibilities pursuant to this section and section 3313.82 of the Revised Code.	212146 212147 212148 212149 212150 212151
Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district.	212152 212153 212154
(B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.	212155 212156 212157 212158 212159 212160 212161
(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.	212162 212163 212164 212165 212166 212167
(3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development	212168 212169 212170 212171 212172

programs; academic instruction for which the governing board 212173
employs teachers pursuant to section 3319.02 of the Revised Code; 212174
assistance in the provision of special accommodations and classes 212175
for students with disabilities; or any other services the district 212176
board and service center governing board agree can be better 212177
provided by the service center and are not provided under an 212178
agreement entered into under section 3313.845 of the Revised Code. 212179
Services included in the agreement shall be provided to the 212180
district in the manner specified in the agreement. The district 212181
board of education shall reimburse the educational service center 212182
governing board pursuant to division (H) of this section. 212183

(C) Any agreement entered into pursuant to this section shall 212184
be filed with the department of education and workforce by the 212185
first day of July of the school year for which the agreement is in 212186
effect. 212187

(D)(1) An agreement for services from an educational service 212188
center entered into under this section may be terminated by the 212189
school district board of education, at its option, by notifying 212190
the governing board of the service center by March 1, 2012, or by 212191
the first day of January of any odd-numbered year thereafter, that 212192
the district board intends to terminate the agreement in that 212193
year, and that termination shall be effective on the thirtieth day 212194
of June of that year. The failure of a district board to notify an 212195
educational service center of its intent to terminate an agreement 212196
by March 1, 2012, shall result in renewal of the existing 212197
agreement for the following school year. Thereafter, the failure 212198
of a district board to notify an educational service center of its 212199
intent to terminate an agreement by the first day of January of an 212200
odd-numbered year shall result in renewal of the existing 212201
agreement for the following two school years. 212202

(2) If the school district that terminates an agreement for 212203
services under division (D)(1) of this section is also subject to 212204

the requirement of division (B)(1) of this section, the district board shall enter into a new agreement with any educational service center so that the new agreement is effective on the first day of July of that same year.

(3) If all moneys owed by a school district to an educational service center under an agreement for services terminated under division (D)(1) of this section have been paid in full by the effective date of the termination, the governing board of the service center shall submit an affidavit to the department certifying that fact not later than fifteen days after the termination's effective date. Notwithstanding anything in the Revised Code to the contrary, until the department receives such an affidavit, it shall not make any payments to any other educational service center with which the district enters into an agreement under this section for services that the educational service center provides to the district.

(E) An educational service center may apply to any state or federal agency for competitive grants. It may also apply to any private entity for additional funds.

(F) Not later than January 1, 2014, each educational service center shall post on its web site a list of all of the services that it provides and the corresponding cost for each of those services.

(G)(1) For purposes of calculating any state operating subsidy to be paid to an educational service center for the operation of that service center and any services required under Title XXXVIII of the Revised Code to be provided by the service center to a school district, the service center's student count shall be the sum of the total student counts of all the school districts with which the educational service center has entered into an agreement under this section.

(2) When a district enters into a new agreement with a new educational service center, the department ~~of education~~ shall ensure that the state operating subsidy for services provided to the district is paid to the new educational service center and that the educational service center with which the district previously had an agreement is no longer paid a state operating subsidy for providing services to that district.

(H) Pursuant to division (B) of section 3317.023 of the Revised Code, the department annually shall deduct from each school district that enters into an agreement with an educational service center under this section, and pay to the service center, an amount equal to six dollars and fifty cents times the school district's total student count. The district board of education, or the district superintendent acting on behalf of the district board, may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the districts that entered into an agreement under this section approve an amount in excess of six dollars and fifty cents per student in total student count, each district shall pay the excess amount to the service center.

(I)(1) An educational service center may enter into a contract to purchase supplies, materials, equipment, and services, which may include those specified in division (B) of this section or Chapter 3312. of the Revised Code, or the delivery of such services, on behalf of a school district or political subdivision that has entered into an agreement with the service center under this section or section 3313.844, 3313.845, or 3313.846 of the Revised Code.

(2) Purchases made by a school district or political subdivision that has entered into an agreement with the service center as described in this division are exempt from competitive

bidding required by law for the purchase of supplies, materials, 212268
equipment, or services. No political subdivision shall make any 212269
purchase under this division when the political subdivision has 212270
received bids for such purchase, unless the same terms, 212271
conditions, and specifications at a lower price can be made for 212272
such purchase under this division. 212273

(J) Any school district, community school, or STEM school 212274
that has entered into an agreement with an educational service 212275
center under this section or section 3313.844 or 3313.845 of the 212276
Revised Code shall be in compliance with federal law and exempt 212277
from competitive bidding requirements for personnel-based services 212278
pursuant to the authority granted to the Ohio department of 212279
education and workforce under federal law, provided the service 212280
center has met the following conditions: 212281

(1) It is in compliance with division (F) of this section. 212282

(2) It has been designated "high performing" under rule of 212283
the ~~state board of education~~ department. 212284

(3) It has been found to be substantially in compliance with 212285
audit rules and guidelines in its most recent audit by the auditor 212286
of state. 212287

(K) For purposes of this section, a school district's "total 212288
student count" means the average daily student enrollment reported 212289
on the most recent report card issued for the district pursuant to 212290
section 3302.03 of the Revised Code. 212291

Sec. 3313.844. The governing authority of a community school 212292
established under Chapter 3314. of the Revised Code and the 212293
governing board of an educational service center may enter into an 212294
agreement, through adoption of identical resolutions, under which 212295
the service center board will provide services to the community 212296
school. Services provided under the agreement and the amount and 212297

manner in which the community school will pay for such services 212298
shall be mutually agreed to by the school's governing authority 212299
and the service center board, and shall be specified in the 212300
service agreement. If specified in the agreement as the manner of 212301
payment, the department of education and workforce shall pay the 212302
service center the amount due to it under the agreement and shall 212303
deduct that amount from the payments made to the community school 212304
under Chapter 3314. of the Revised Code. Any agreement entered 212305
into under this section shall be valid only if a copy is filed 212306
with the department. 212307

Sec. 3313.845. The board of education of a city, exempted 212308
village, local, or joint vocational school district and the 212309
governing board of an educational service center may enter into an 212310
agreement under which the educational service center will provide 212311
services to the school district. Services provided under the 212312
agreement and the amount to be paid for such services shall be 212313
mutually agreed to by the district board of education and the 212314
service center governing board, and shall be specified in the 212315
agreement. Payment for services specified in the agreement shall 212316
be made pursuant to the terms of that agreement. If specified in 212317
the agreement as the manner of payment, the department of 212318
education and workforce shall pay the service center the amount 212319
due to it under the agreement and shall deduct that amount from 212320
the payments made to the city, exempted village, local, or joint 212321
vocational school district under Chapter 3317. of the Revised 212322
Code. Any agreement entered into pursuant to this section shall be 212323
valid only if a copy is filed with the department. 212324

The authority granted under this section to the boards of 212325
education of city, exempted village, and local school districts is 212326
in addition to the authority granted to such boards under section 212327
3313.843 of the Revised Code. 212328

Sec. 3313.846. The governing board of an educational service center may enter into a contract with any political subdivision as defined in section 2744.01 of the Revised Code, not including school districts, community schools, or STEM schools contracting for services under section 3313.843, 3313.844, 3313.845, or 3326.45 of the Revised Code, under which the educational service center will provide services to the political subdivision. Services provided under the contract and the amount to be paid for such services shall be mutually agreed to by the parties and shall be specified in the contract. The political subdivision shall directly pay an educational service center for services specified in the contract. The board of the educational service center shall file a copy of each contract entered into under this section with the department of education and workforce by the first day the contract is in effect.

Sec. 3313.90. As used in this section, "formula ADM" has the same meaning as in section 3317.02 of the Revised Code. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section that apply to a city school district do not apply to any joint vocational or cooperative education school district.

(A) Except as provided in division (B) of this section, each city, local, and exempted village school district shall, by one of the following means, provide to students enrolled in grades seven through twelve career-technical education adequate to prepare a student enrolled therein for an occupation:

(1) Establishing and maintaining a career-technical education program that meets standards adopted by the ~~state board~~ department of education and workforce;

(2) Being a member of a joint vocational school district that

meets standards adopted by the ~~state board~~ department; 212359

(3) Contracting for career-technical education with a joint 212360
vocational school district or another school district that meets 212361
the standards adopted by the ~~state board~~ department. 212362

The standards of the ~~state board of education~~ department 212363
shall include criteria for the participation by nonpublic students 212364
in career-technical education programs without financial 212365
assessment, charge, or tuition to such student except such 212366
assessments, charges, or tuition paid by resident public school 212367
students in such programs. Such nonpublic school students shall be 212368
included in the formula ADM of the school district maintaining the 212369
career-technical education program as part-time students in 212370
proportion to the time spent in the career-technical education 212371
program. 212372

By the thirtieth day of October of each year, the 212373
~~superintendent of public instruction~~ director of education and 212374
workforce shall determine and certify to the superintendent of 212375
each school district subject to this section either that the 212376
district is in compliance with the requirements of this section 212377
for the current school year or that the district is not in 212378
compliance. If the ~~superintendent~~ director certifies that the 212379
district is not in compliance, ~~he~~ the director shall notify the 212380
board of education of the district of the actions necessary to 212381
bring the district into compliance with this section. 212382

In meeting standards established by the ~~state board of~~ 212383
~~education~~ department, school districts, where practicable, shall 212384
provide career-technical education programs in high schools. A 212385
minimum enrollment of fifteen hundred students in grades nine 212386
through twelve is established as a base for comprehensive 212387
career-technical education course offerings. Beginning with the 212388
2015-2016 school year, this base shall increase to a minimum 212389
enrollment of two thousand two hundred fifty students in grades 212390

seven through twelve. A school district may meet this requirement 212391
alone, through a cooperative arrangement pursuant to section 212392
3313.92 of the Revised Code, through school district 212393
consolidation, by membership in a joint vocational school 212394
district, by contract with a school district, by contract with a 212395
school licensed by any state agency established by the Revised 212396
Code which school operates its courses offered for contracting 212397
with public schools under standards as to staffing and facilities 212398
comparable to those prescribed by the ~~state board of education~~ 212399
department for public schools provided no instructor in such 212400
courses shall be required to be certificated by the ~~state~~ 212401
~~department of education~~, or in a combination of such ways. 212402
Exceptions to the minimum enrollment prescribed by this section 212403
may be made by the ~~state board of education~~ department based on 212404
sparsity of population or other factors indicating that 212405
comprehensive educational and career-technical education programs 212406
as required by this section can be provided through an alternate 212407
plan. 212408

(B) If the board of education of a city, local, or exempted 212409
village school district adopts a resolution that specifies the 212410
district's intent not to provide career-technical education to 212411
students enrolled in grades seven and eight for a particular 212412
school year and submits that resolution to the department by the 212413
thirtieth day of September of that school year, the department 212414
shall waive the requirement for that district to provide 212415
career-technical education to students enrolled in grades seven 212416
and eight for that particular school year. 212417

Sec. 3313.902. (A) As used in this section: 212418

(1) "Approved industry credential or certificate" means a 212419
credential or certificate that is approved by the chancellor of 212420
higher education. 212421

(2) "Approved institution" means an eligible institution that 212422
has been approved to participate in the adult diploma pilot 212423
program under this section. 212424

(3) "Approved program of study" means a program of study 212425
offered by an approved institution that satisfies the requirements 212426
of division (B) of this section. 212427

(4) An eligible student's "career pathway training program 212428
amount" means the following: 212429

(a) If the student is enrolled in a tier one career pathway 212430
training program, \$4,800; 212431

(b) If the student is enrolled in a tier two career pathway 212432
training program, \$3,200; 212433

(c) If the student is enrolled in a tier three career pathway 212434
training program, \$1,600. 212435

(5) "Eligible institution" means any of the following: 212436

(a) A community college established under Chapter 3354. of 212437
the Revised Code; 212438

(b) A technical college established under Chapter 3357. of 212439
the Revised Code; 212440

(c) A state community college established under Chapter 3358. 212441
of the Revised Code; 212442

(d) An Ohio technical center recognized by the chancellor 212443
that provides post-secondary workforce education. 212444

(6) "Eligible student" means an individual who is at least 212445
twenty years of age and has not received a high school diploma or 212446
a certificate of high school equivalence, as defined in section 212447
4109.06 of the Revised Code. 212448

(7) A "tier one career pathway training program" is a career 212449
pathway training program that requires more than six hundred hours 212450

of technical training, as determined by the department of 212451
education and workforce. 212452

(8) A "tier two career pathway training program" is a career 212453
pathway training program that requires more than three hundred 212454
hours of technical training but less than six hundred hours of 212455
technical training, as determined by the department. 212456

(9) A "tier three career pathway training program" is a 212457
career pathway training program that requires three hundred hours 212458
or less of technical training, as determined by the department. 212459

(10) An eligible student's "work readiness training amount" 212460
means the following: 212461

(a) If the student's grade level upon initial enrollment in 212462
an approved program of study at an approved institution is below 212463
the ninth grade, as determined in accordance with rules adopted 212464
under division (E) of this section, \$1,500. 212465

(b) If the student's grade level upon initial enrollment in 212466
an approved program of study at an approved institution is at or 212467
above the ninth grade, as determined in accordance with rules 212468
adopted under division (E) of this section, \$750. 212469

(B) The adult diploma pilot program is hereby established to 212470
permit an eligible institution to obtain approval from the 212471
~~superintendent of public instruction~~ department of education and 212472
workforce and the chancellor to develop and offer a program of 212473
study that allows an eligible student to obtain a high school 212474
diploma. A program shall be eligible for this approval if it 212475
satisfies all of the following requirements: 212476

(1) The program allows an eligible student to complete the 212477
requirements for obtaining a high school diploma that are 212478
specified in rules adopted ~~by the superintendent~~ under division 212479
(E) of this section while also completing requirements for an 212480
approved industry credential or certificate. 212481

(2) The program includes career advising and outreach.	212482
(3) The program includes opportunities for students to receive a competency-based education.	212483 212484
(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the state board of education <u>department</u> shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.	212485 212486 212487 212488 212489 212490 212491
(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:	212492 212493 212494
(The student's career pathway training program amount + the student's work readiness training amount) X 1.2	212495 212496
(2) Except as provided in division (D)(4) of this section, the department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:	212497 212498 212499 212500 212501
(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;	212502 212503 212504 212505 212506
(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;	212507 212508 212509 212510 212511
(c) Fifty per cent of the amount calculated under division	212512

(D)(1) of this section shall be paid to the approved institution 212513
after the student successfully completes the final third of the 212514
approved program of study, as determined by the department. 212515

(3) Of the amount paid to an approved institution under 212516
division (D)(2) of this section, the institution may use the 212517
amount that is in addition to the student's career pathway 212518
training amount and the student's work readiness training amount 212519
for the associated services of the approved program of study. 212520
These services include counseling, advising, assessment, and other 212521
services as determined or required by the department. 212522

(4) If the ~~superintendent~~ department and the chancellor 212523
determine that ~~is it~~ it is appropriate for an entity other than 212524
the department to make full or partial payments for an eligible 212525
student under division (D)(2) of this section, that entity shall 212526
make those payments and the department shall not make those 212527
payments. 212528

(E) The ~~superintendent~~ director of education and workforce, 212529
in consultation with the chancellor, shall adopt rules for the 212530
implementation of the adult diploma pilot program, including all 212531
of the following: 212532

(1) The requirements for applying for program approval; 212533

(2) The requirements for obtaining a high school diploma 212534
through the program, including the requirement to obtain a passing 212535
score on an assessment that is appropriate for the career pathway 212536
training program that is being completed by the eligible student, 212537
and the date on which these requirements take effect; 212538

(3) The assessment or assessments that may be used to 212539
complete the assessment requirement for each career pathway 212540
training program under division (E)(2) of this section and the 212541
score that must be obtained on each assessment in order to pass 212542
the assessment; 212543

(4) Guidelines regarding the funding of the program under
division (D) of this section, including a method of funding for
students who transfer from one approved institution to another
approved institution prior to completing an approved program of
study;

(5) Circumstances under which an eligible student may be
charged for tuition, supplies, or associated fees while enrolled
in an approved institution's approved program of study;

(6) A requirement that an eligible student may not be charged
for tuition, supplies, or associated fees while enrolled in an
approved institution's approved program of study except in the
circumstances described under division (E)(5) of this section;

(7) The payment of federal funds that are to be used by
approved programs of study at approved institutions.

Sec. 3313.903. Except as otherwise required under federal
law, the department of education and workforce shall consider an
industry-recognized credential, as approved under section
3313.6113 of the Revised Code, or a license issued by a state
agency or board for practice in a vocation that requires an
examination for issuance of that license as an acceptable measure
of technical skill attainment and shall not require a student with
such credential or license to take additional technical
assessments.

Additionally, the department shall not require a student who
has participated in or will be participating in a credentialing
assessment aligned to the student's career-technical education
program or has participated in or will be participating in taking
an examination for issuance of such a license aligned to the
student's career-technical education program to take additional
technical assessments.

However, if the student does not participate in the 212574
credentialing assessment or license examination, the student shall 212575
take the applicable technical assessments prescribed by the 212576
department. 212577

The department shall develop, in consultation with the Ohio 212578
association for career and technical education, the Ohio 212579
association of career-technical superintendents, the Ohio 212580
association of city career-technical schools, and other 212581
stakeholders, procedures for identifying industry-recognized 212582
credentials and licenses aligned to a student's career-technical 212583
education program that can be used as an acceptable measure of 212584
technical skill, and for identifying students in the process of 212585
earning such credentials and licenses. The department shall 212586
consider the possibility of attaining college credit as a factor 212587
when identifying an acceptable measure of technical skill. 212588

Not later than the thirty-first day of May of each year, the 212589
department shall, in consultation with the Ohio association for 212590
career and technical education, the Ohio association of 212591
career-technical superintendents, and the Ohio association of 212592
comprehensive and compact career-technical schools, update a list 212593
developed by the department regarding technical assessments 212594
subject to this section. 212595

As used in this section, "technical assessments" shall not 212596
include the nationally recognized job skills assessment prescribed 212597
under division ~~(G)~~(F) of section 3301.0712 of the Revised Code. 212598

Nothing in this section shall exempt a student who wishes to 212599
qualify for a high school diploma under division (A)(3) of section 212600
3313.618 of the Revised Code from the requirement to attain a 212601
specified score on that assessment in order to qualify for a high 212602
school diploma under that section. 212603

Sec. 3313.904. The department of education and workforce and 212604

the department of job and family services, in consultation with 212605
the governor's office of workforce transformation, shall establish 212606
an option for career-technical education students to participate 212607
in pre-apprenticeship training programs that impart the skills and 212608
knowledge needed for successful participation in a registered 212609
apprenticeship occupation course. 212610

Sec. 3313.905. (A) Southern state community college shall 212611
establish and maintain, for a period of five years, the Ohio 212612
code-scholar pilot program to address technical workforce needs. 212613

(B) Not later than July 31, 2021, southern state community 212614
college shall appoint a program coordinator who shall be 212615
responsible for all of the following, as well as any other 212616
responsibilities as determined by the southern state community 212617
college board of trustees: 212618

(1) Form a coalition and act as the liaison between southern 212619
state community college and the coalition to develop the pilot 212620
program. 212621

The coalition shall include members from the following: 212622

(a) The department of education and workforce; 212623

(b) Educators in grades kindergarten through twelve; 212624

(c) Career technical education staff; 212625

(d) Educational service center staff; 212626

(e) Representatives of post-secondary institutions in the 212627
areas in which the pilot program is operating; 212628

(f) Federally and state-funded research organizations, as 212629
determined by the southern state community college board of 212630
trustees and the program coordinator; 212631

(g) Local businesses in the areas in which the pilot program 212632

is operating, as determined by the southern state community college board of trustees and the program coordinator.

(2) In collaboration with the coalition, as described in division (B)(1) of this section, develop a curriculum for grades seven through twelve to be utilized by the pilot program that focuses on industry standards in the field of computer sciences, including coding, and is divided as follows:

(a) For grades seven and eight, a focus on career exploration, career readiness initiatives, and an introduction to coding and computer sciences;

(b) For grades nine through twelve, a focus on intermediate and advanced coding, computer sciences, and the potential for industry level credentialing.

(3) Submit an annual report to southern state community college regarding the progress and implementation of the pilot program;

(4) Determine the manner in which the pilot program shall recruit school districts and other participants for the fall of 2021 from the following counties:

(a) Southern Ohio, specifically, Fayette, Clinton, Adams, and Highland counties;

(b) Brown county;

(c) Pike county.

(5) Develop a structured timeline by which the pilot program shall operate over the five-year period, with full administration beginning in the fall of 2022;

(6) Determine the manner in which to incorporate the college credit plus program as established under Chapter 3365. of the Revised Code within the pilot program;

(7) In collaboration with the designated department, advisor,

and instructor, as appointed by southern state community college, 212663
develop a system for the articulation of credits earned under the 212664
pilot program and align them into a for-credit program at southern 212665
state community college; 212666

(8) Act as fiscal operator of the pilot program. 212667

(C) Upon completion of the pilot program, southern state 212668
community college, in collaboration with the program coordinator, 212669
shall submit a full report and any legislative recommendations to 212670
the General Assembly, in accordance with section 101.68 of the 212671
Revised Code, regarding the outcomes of the pilot program. 212672

Sec. 3313.906. (A) As used in this section, "digital 212673
learning" has the same meaning as in section 3301.079 of the 212674
Revised Code. 212675

(B) The ~~state board~~ department of education and workforce 212676
shall permit each career-technical education program approved 212677
under section 3317.161 of the Revised Code to provide remote or 212678
digital learning opportunities to students on a full-time or 212679
hybrid basis to the extent practicable. 212680

Sec. 3313.91. Notwithstanding division (D) of section 3311.19 212681
and division (D) of section 3311.52 of the Revised Code, the 212682
provisions of this section and section 3313.911 of the Revised 212683
Code that apply to a city school district do not apply to any 212684
joint vocational or cooperative education school district unless 212685
otherwise specified. 212686

The board of education of any city, local, exempted village, 212687
or joint vocational school district may contract with any public 212688
agency, board, or bureau, or with any private individual or firm 212689
for the purchase of any vocational education or vocational 212690
rehabilitation service for any resident of the district under the 212691
age of twenty-one years and may pay for such services with public 212692

funds. Any such vocational education or vocational rehabilitation 212693
service shall meet the same requirements, including those for 212694
teachers, facilities, and equipment, as those required of the 212695
public schools and be approved by the ~~state~~ department of 212696
education and workforce. 212697

The ~~state board of education~~ department may assign city, 212698
local, or exempted village school districts to joint vocational 212699
districts and pursuant to ~~state board~~ the department's rules, 212700
shall require such districts to enter into contractual agreements 212701
pursuant to section 3313.90 of the Revised Code so that special 212702
education students as well as others may receive suitable 212703
vocational services. Such rules shall prescribe a formula under 212704
which the district that contracts to receive the services agrees 212705
to pay an annual fee to the district providing the vocational 212706
education program. The amount of the fee shall be computed in 212707
accordance with a formula prescribed by ~~state board~~ the 212708
department's rule, but the rule shall permit the ~~superintendent of~~ 212709
~~public instruction~~ director of education and workforce to 212710
prescribe a lower fee than the amount required to be paid by the 212711
formula in cases where ~~he~~ the director determines either that the 212712
approved vocational course offerings of the district that is to 212713
pay the fee are of sufficient breadth to warrant a lower annual 212714
fee, or that the situation warrants a lower annual fee. 212715

Sec. 3313.911. The ~~state board~~ department of education and 212716
workforce may ~~adopt a resolution assigning~~ assign a city, exempted 212717
village, or local school district that is not a part of a joint 212718
vocational school district to membership in a joint vocational 212719
school district. ~~A copy of the resolution~~ The department shall ~~be~~ 212720
~~certified to~~ notify the board of education of the joint vocational 212721
school district and the board of education of the district 212722
proposed to be assigned of the assignment. The board of education 212723
of the joint vocational school district shall advertise ~~a copy of~~ 212724

~~the resolution~~ the assignment in a newspaper of general 212725
circulation in the district proposed to be assigned once each week 212726
for two weeks, or as provided in section 7.16 of the Revised Code, 212727
immediately following the certification of the ~~resolution~~ 212728
assignment to the board. The assignment shall take effect on the 212729
ninety-first day after the ~~state board adopts the resolution~~ 212730
department notifies the board, unless prior to that date qualified 212731
electors residing in the school district proposed for assignment, 212732
equal in number to ten per cent of the qualified electors of that 212733
district voting at the last general election, file a petition 212734
against the assignment. 212735

The petition of referendum shall be filed with the treasurer 212736
of the board of education of the district proposed to be assigned 212737
to the joint vocational school district. The treasurer shall give 212738
the person presenting the petition a receipt showing the time of 212739
day, date, and purpose of the petition. The treasurer shall cause 212740
the board of elections to determine the sufficiency of signatures 212741
on the petition and if the signatures are found to be sufficient, 212742
shall present the petition to the board of education of the 212743
district. The board of education shall promptly certify the 212744
question to the board of elections for the purpose of having the 212745
question placed on the ballot at the next general, primary, or 212746
special election not earlier than sixty days after the date of the 212747
certification. 212748

Only those qualified electors residing in the district 212749
proposed for assignment to the joint vocational school district 212750
are qualified to vote on the question. If a majority of the 212751
electors voting on the question vote against the assignment, it 212752
shall not take place, and the ~~state board of education~~ department 212753
shall require the district to contract with the joint vocational 212754
school district or another school district as authorized by 212755
section 3313.91 of the Revised Code. 212756

If a majority of the electors voting on the question do not
vote against the assignment, the assignment shall take immediate
effect, and the board of education of the joint vocational school
district shall notify the county auditor of the county in which
the school district becoming a part of the joint vocational school
district is located to have any outstanding levy of the joint
vocational school district spread over the territory of the school
district that has become a part of the joint vocational school
district.

The assignment of a school district to a joint vocational
school district pursuant to this section is subject to any
agreements made between the board of education of the assigned
school district and the board of education of the joint vocational
school district. Such an agreement may include provisions for a
payment by the assigned school district to the joint vocational
school district of an amount to be contributed toward the cost of
the existing facilities of the joint vocational school district.

Sec. 3313.92. (A) The boards of education of any two or more
school districts may, subject to the approval of the
~~superintendent of public instruction~~ department of education and
workforce, enter into agreements for the joint or cooperative
construction, acquisition, or improvement of any building,
structure, or facility benefiting the parties thereto, including,
without limitation, schools and classrooms for the purpose of
Chapter 3323. of the Revised Code, and for the management,
operation, occupancy, use, maintenance, or repair thereof, or for
the joint or cooperative participation in programs, projects,
activities, or services in connection with such buildings,
structures, or facilities, including participation in the Ohio
education computer network established by section 3301.075 of the
Revised Code.

(B) Any agreement entered into under authority of this section shall, where appropriate, provide for:

(1) The method by which the building, structure, or facility shall be constructed, acquired, or improved and by which it shall be managed, occupied, maintained, and repaired, and specifically a designation of one of the boards of education to take and have exclusive charge of any and all details of construction, acquisition, or improvement, including any advertising for bids and the award of any construction or improvement contract pursuant to the law applicable to such board of education;

(2) The manner in which the title to the buildings, structures, or facilities, including the sites and interests in real estate necessary therefor, is to be held by one or more of such boards of education;

(3) The management or administration of any such programs, projects, activities, services, or joint exercise of powers, which may include management or administration by one of said boards of education;

(4) The manner of apportionment or sharing of all of the costs, or specified classes of costs, including without limitation costs of planning, construction, acquisition, improvement, management, operation, maintenance, or repair of such buildings, structures, or facilities, or of planning and conducting such programs or projects, or obtaining such services, which apportionment or sharing may be based on fixed amounts, or on ratios or formulas, or affected through tuitions to be contributed by the parties or in such manner therein provided.

(C) Any agreement entered into under authority of this section may provide for:

(1) An orderly process for making determinations as to planning, execution, implementation, and operation, which may

include provisions for a committee, board, or commission, and for representation thereon; 212819
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(2) Securing necessary personnel, including participation of teachers and other personnel from the respective school districts; 212821
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(3) Standards or conditions for the admission or participation of students and others, including students from other school districts; 212823
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(4) Conditions for admittance of other school districts to participation under the agreement; 212826
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(5) Fixing or establishing the method of determining special charges to be made for particular services or materials; 212828
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(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement or an indefinite term; 212830
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(7) Designation of the applicants for or recipients of any state, federal, or other aid, assistance, or loans available by reason of any activities conducted under the agreement; 212833
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(8) Designation of one or more of the participating boards of education to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement, including without limitation those required under sections 3301.14, 3313.50, 3319.32 to 3319.37, 3321.12, 3323.08, and 3323.13 of the Revised Code; 212836
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(9) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section. 212843
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(D) For the purpose of paying or contributing its share under an agreement made under this section, a board of education may: 212845
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(1) Appropriate any moneys from its general fund, and from any other funds not otherwise restricted by law, including funds 212847
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for permanent improvements of such board of education where the contribution is to be made toward the cost of permanent improvements under the agreement;

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(2) Issue bonds, and notes in anticipation thereof, under Chapter 133. and section 3311.20 of the Revised Code for any permanent improvement, as defined in section 133.01 of the Revised Code, to be provided under such agreement;

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(3) Levy taxes, and issue notes in anticipation thereof, under Chapters 3311. and 5705. of the Revised Code pertaining to such board of education, provided that the purpose of such levy may include the provision of funds for either or both permanent improvements and current operating expenses required as the share of such board of education under such agreement;

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(4) Contribute real and personal property for use under such agreement without necessity for competitive bidding on disposition of such property.

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(E) Funds provided by the parties to an agreement entered into under this section, whether by appropriation, the levy of taxes, the issuance of bonds or notes, or otherwise, shall be transferred to and placed in a separate fund or funds of such participating board of education as is designated the fiscal agent for such purpose under the agreement, shall be appropriated to and shall be applied for the purposes provided in such agreement, and shall be subject to audit and, pursuant to any determinations to be made as provided under such agreement, shall be deposited, invested, and disbursed under the provisions of law applicable to the board of education in whose custody those funds are held; and the records and reports of such board of education under Chapter 117. of the Revised Code with respect to those funds shall be sufficient without necessity for reports thereon by the other boards of education participating under such agreement.

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(F) As used in this section, "construction, acquisition, or improvement of any building, structure, or facility" also includes acquisition of real estate and interests in real estate therefor, site improvements, and furniture, furnishings, and equipment therefor. Buildings, structures, or facilities constructed, acquired, or improved under this section may, subject to the agreement, be used for any lawful purpose by each party so long as the use thereof is an authorized proper use for that party.

(G) Any agreement entered into under this section shall be subject to any laws hereafter enacted making express reference therein to this section and requiring the transfer of any functions exercised or properties held under such agreement to any public officer, board, or body heretofore or hereafter established, or requiring the termination of such agreement, or otherwise affecting the agreement.

(H) The powers granted in this section are supplementary to, and not in derogation of or restriction upon, all other powers of boards of education of school districts, and are to be liberally construed to permit the achievement of the objectives of this section and to permit the boards of education to take advantage of federal grant and loan programs, provided that the exercise of such powers shall be subject to such audit and regulation as would be applicable if exercised under any other provision of the Revised Code.

Sec. 3313.941. (A) As used in this section, "state agency" means every organized body, office, or agency established by the laws or constitution of this state for the exercise of any function of state government.

(B) Whenever a school district board of education collects racial data for the students enrolled in the school district or whenever the department of education and workforce or any other

state agency collects or requires the collection and reporting of 212911
racial data for students enrolled in any chartered public or 212912
nonpublic school, the data collection shall include a multiracial 212913
category. 212914

For the purpose of reporting student racial data required by 212915
the federal government, if the federal standards for reporting 212916
student racial data do not include a multiracial category, both of 212917
the following apply: 212918

(1) Students identified as multiracial for state or district 212919
purposes also shall be identified by an appropriate federal 212920
category. 212921

(2) The parent, guardian, or custodian of each student shall 212922
have the opportunity to designate the appropriate federal racial 212923
category for the student. 212924

Sec. 3313.97. Notwithstanding division (D) of section 3311.19 212925
and division (D) of section 3311.52 of the Revised Code, this 212926
section does not apply to any joint vocational or cooperative 212927
education school district. 212928

(A) As used in this section: 212929

(1) "Parent" has the same meaning as in section 3313.64 of 212930
the Revised Code. 212931

(2) "Alternative school" means a school building other than 212932
the one to which a student is assigned by the district 212933
superintendent. 212934

(3) "IEP" has the same meaning as in section 3323.01 of the 212935
Revised Code. 212936

(B) The board of education of each city, local, and exempted 212937
village school district shall adopt an open enrollment policy 212938
allowing students entitled to attend school in the district 212939
pursuant to section 3313.64 or 3313.65 of the Revised Code to 212940

enroll in an alternative school. Each policy shall provide for the following:

(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school.

(2) The establishment of district capacity limits by grade level, school building, and education program;

(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants;

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;

(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available;

(3) A requirement that the student be proficient in the English language;

(4) Rejection of any applicant because the student has been

subject to disciplinary proceedings, except that if an applicant 212971
has been suspended or expelled for ten consecutive days or more in 212972
the term for which admission is sought or in the term immediately 212973
preceding the term for which admission is sought, the procedures 212974
may include a provision denying admission of such applicant to an 212975
alternative school. 212976

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and 212977
except as provided in division (D)(2) of this section, a district 212978
board is not required to provide transportation to a nondisabled 212979
student enrolled in an alternative school unless such student can 212980
be picked up and dropped off at a regular school bus stop 212981
designated in accordance with the board's transportation policy or 212982
unless the board is required to provide additional transportation 212983
to the student in accordance with a court-approved desegregation 212984
plan. 212985

(2) A district board shall provide transportation to any 212986
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 212987
required by division ~~(E)~~(D) of section 3302.04 of the Revised 212988
Code, except that no district board shall be required to provide 212989
transportation to any such student after the school in which the 212990
student was enrolled immediately prior to enrolling in the 212991
alternative school makes adequate yearly progress, as defined in 212992
section 3302.01 of the Revised Code, for two consecutive school 212993
years. 212994

(E) Each school board shall provide information about the 212995
policy adopted under this section and the application procedures 212996
and deadlines to the parent of each student in the district and to 212997
the general public. 212998

(F) The ~~state board~~ department of education and workforce 212999
shall monitor school districts to ensure compliance with this 213000
section and the districts' policies. 213001

Sec. 3313.974. As used in this section and in sections	213002
3313.975 to 3313.979 of the Revised Code:	213003
(A) "Individualized education program" and "child with a	213004
disability" have the same meanings as in section 3323.01 of the	213005
Revised Code.	213006
(B) "Separately educated student with a disability" means a	213007
child with a disability who has an individualized education	213008
program providing for the student to spend at least half of each	213009
school day in a class or setting separated from nondisabled	213010
students.	213011
(C) "Low-income family" means a family whose income is below	213012
the level which the superintendent of public instruction	213013
<u>department of education and workforce</u> shall establish.	213014
(D) "Parent" has the same meaning as in section 3313.98 of	213015
the Revised Code.	213016
(E) "Registered private school" means a school registered	213017
with the superintendent of public instruction <u>director of</u>	213018
<u>education and workforce</u> pursuant to section 3313.976 of the	213019
Revised Code.	213020
(F) "Alternative school" means a registered private school	213021
located in a school district or a public school located in an	213022
adjacent school district.	213023
(G) "Tutorial assistance" means instructional services	213024
provided to a student outside of regular school hours approved by	213025
the commission on school choice pursuant to section 3313.976 of	213026
the Revised Code.	213027
Sec. 3313.975. As used in this section and in sections	213028
3313.976 to 3313.979 of the Revised Code, "the pilot project	213029
school district" or "the district" means any school district	213030

included in the pilot project scholarship program pursuant to this section. 213031
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(A) The ~~superintendent of public instruction~~ director of education and workforce shall ~~establish a~~ implement the pilot project scholarship program and shall include in such program any school districts that are or have ever been under federal court order requiring supervision and operational management of the district by the state superintendent or director. The program shall provide for a number of students residing in any such district to receive scholarships to attend alternative schools, and for an equal number of students to receive tutorial assistance grants while attending public school in any such district. 213033
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(B) The ~~state superintendent~~ director shall establish an application process and deadline for accepting applications from students residing in the district to participate in the scholarship program. In the initial year of the program students may only use a scholarship to attend school in grades kindergarten through third. 213043
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The ~~state superintendent~~ director shall award as many scholarships and tutorial assistance grants as can be funded given the amount appropriated for the program. 213049
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(C)(1) The pilot project program shall continue in effect each year that the general assembly has appropriated sufficient money to fund scholarships and tutorial assistance grants. In each year the program continues, new students may receive scholarships in grades kindergarten to twelve. A student who has received a scholarship may continue to receive one until the student has completed grade twelve. 213052
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(2) If the general assembly discontinues the scholarship program, all students who are attending an alternative school under the pilot project shall be entitled to continued admittance 213059
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to that specific school through all grades that are provided in 213062
such school, under the same conditions as when they were 213063
participating in the pilot project. The ~~state superintendent~~ 213064
director shall continue to make scholarship payments in accordance 213065
with section 3317.022 of the Revised Code for students who remain 213066
enrolled in an alternative school under this provision in any year 213067
that funds have been appropriated for this purpose. 213068

If funds are not appropriated, the tuition charged to the 213069
parents of a student who remains enrolled in an alternative school 213070
under this provision shall not be increased beyond the amount 213071
equal to the amount of the scholarship plus any additional amount 213072
charged that student's parent in the most recent year of 213073
attendance as a participant in the pilot project, except that 213074
tuition for all the students enrolled in such school may be 213075
increased by the same percentage. 213076

(D) Notwithstanding sections 124.39 and 3311.83 of the 213077
Revised Code, if the pilot project school district experiences a 213078
decrease in enrollment due to participation in a state-sponsored 213079
scholarship program pursuant to sections 3313.974 to 3313.979 of 213080
the Revised Code, the district board of education may enter into 213081
an agreement with any teacher it employs to provide to that 213082
teacher severance pay or early retirement incentives, or both, if 213083
the teacher agrees to terminate the employment contract with the 213084
district board, provided any collective bargaining agreement in 213085
force pursuant to Chapter 4117. of the Revised Code does not 213086
prohibit such an agreement for termination of a teacher's 213087
employment contract. 213088

Sec. 3313.976. (A) No private school may receive scholarship 213089
payments from parents pursuant to section 3317.022 of the Revised 213090
Code until the chief administrator of the private school registers 213091
the school with the ~~superintendent of public instruction~~ director 213092

of education and workforce. The ~~state superintendent~~ director 213093
shall register any school that meets the following requirements: 213094

(1) The school does any of the following: 213095

(a) Offers any of grades kindergarten through twelve and is 213096
located within the boundaries of the pilot project school 213097
district; 213098

(b) Offers any of grades kindergarten through twelve and is 213099
located within the boundaries of a city, local, or exempted 213100
village school district that is both: 213101

(i) Located in a municipal corporation with a population of 213102
fifteen thousand or more; 213103

(ii) Located within five miles of the border of the pilot 213104
project school district. 213105

(c) Offers all of grades pre-kindergarten through eight, but 213106
not any of grades nine through twelve, and is located within the 213107
boundaries of a city, local, or exempted village school district 213108
that is: 213109

(i) Located in a municipal corporation with a population of 213110
greater than ten thousand but less than thirteen thousand; 213111

(ii) Located within five miles of the border of the pilot 213112
project school district; 213113

(iii) Located in the same county as the pilot project school 213114
district. 213115

(2) The school indicates in writing its commitment to follow 213116
all requirements for a state-sponsored scholarship program 213117
specified under sections 3313.974 to 3313.979 of the Revised Code, 213118
including, but not limited to, the requirements for admitting 213119
students pursuant to section 3313.977 of the Revised Code; 213120

(3) The school meets all state minimum standards for 213121

chartered nonpublic schools in effect on July 1, 1992, except that 213122
the ~~state superintendent~~ director at the ~~superintendent's~~ 213123
director's discretion may register nonchartered nonpublic schools 213124
meeting the other requirements of this division; 213125

(4) The school does not discriminate on the basis of race, 213126
religion, or ethnic background; 213127

(5) The school enrolls a minimum of ten students per class or 213128
a sum of at least twenty-five students in all the classes offered; 213129

(6) The school does not advocate or foster unlawful behavior 213130
or teach hatred of any person or group on the basis of race, 213131
ethnicity, national origin, or religion; 213132

(7) The school does not provide false or misleading 213133
information about the school to parents, students, or the general 213134
public; 213135

(8) For students in grades kindergarten through eight with 213136
family incomes at or below two hundred per cent of the federal 213137
poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the 213138
Revised Code, the school agrees not to charge any tuition in 213139
excess of the scholarship amount established pursuant to division 213140
(A)(11)(a) of section 3317.022 of the Revised Code, excluding any 213141
increase described in that division. 213142

(9) For students in grades kindergarten through eight with 213143
family incomes above two hundred per cent of the federal poverty 213144
guidelines, whose scholarship amounts are less than the actual 213145
tuition charge of the school, the school agrees not to charge any 213146
tuition in excess of the difference between the actual tuition 213147
charge of the school and the scholarship amount established 213148
pursuant to division (A)(11)(a) of section 3317.022 of the Revised 213149
Code, excluding any increase described in that division. The 213150
school shall permit such tuition, at the discretion of the parent, 213151
to be satisfied by the family's provision of in-kind contributions 213152

or services. 213153

(10) The school agrees not to charge any tuition to families 213154
of students in grades nine through twelve receiving a scholarship 213155
in excess of the actual tuition charge of the school less the 213156
scholarship amount established pursuant to division (A)(11)(a) of 213157
section 3317.022 of the Revised Code, excluding any increase 213158
described in that division. 213159

(11) It annually administers the applicable assessments 213160
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 213161
Revised Code to each scholarship student enrolled in the school in 213162
accordance with section 3301.0711 or 3301.0712 of the Revised Code 213163
and reports to the department of education the results of each 213164
such assessment administered to each scholarship student, unless 213165
one of the following applies to the student: 213166

(a) The student is excused from taking that assessment under 213167
federal law, the student's individualized education program, or 213168
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 213169

(b) The student is enrolled in a chartered nonpublic school 213170
that meets the conditions specified in division (K)(2) or (L)(4) 213171
of section 3301.0711 of the Revised Code. 213172

(c) The student is enrolled in any of grades three to eight 213173
and takes an alternative standardized assessment under division 213174
(K)(1) of section 3301.0711 of the Revised Code. 213175

(d) The student is excused from taking the assessment 213176
prescribed under division (B)(1) of section 3301.0712 of the 213177
Revised Code pursuant to division (C)(1)(c)(ii) of section 213178
3301.0711 of the Revised Code. 213179

(B) The ~~state superintendent~~ director shall revoke the 213180
registration of any school if, after a hearing, the ~~superintendent~~ 213181
director determines that the school is in violation of any of the 213182
provisions of division (A) of this section. 213183

(C) Any public school located in a school district adjacent to the pilot project school district may receive scholarship payments on behalf of parents pursuant to section 3317.022 of the Revised Code if the superintendent of the district in which such public school is located notifies the ~~state superintendent~~ director prior to the first day of March that the district intends to admit students from the pilot project school district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

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

Sec. 3313.978. (A) Annually by the first day of November, the ~~superintendent of public instruction~~ director of education and workforce shall notify the pilot project school district of the number of initial scholarships that the ~~state superintendent~~ director will be awarding in each of grades kindergarten through twelve.

The ~~state superintendent~~ director shall provide information about the scholarship program to all students residing in the district and shall accept applications from any such students during the application period established under division (H) of this section.

(1) A student receiving a pilot project scholarship may utilize it at an alternative public school by notifying the district superintendent, of the name of the public school in an adjacent school district to which the student has been accepted

pursuant to section 3327.06 of the Revised Code. 213215

(2) A student may decide to utilize a pilot project 213216
scholarship at a registered private school in the district if all 213217
of the following conditions are met: 213218

(a) The parent makes an application on behalf of the student 213219
to a registered private school. 213220

(b) The registered private school notifies the parent and the 213221
~~state superintendent~~ director as follows that the student has been 213222
admitted: 213223

(i) By the school pursuant to division (A) of section 213224
3313.977 of the Revised Code; 213225

(ii) By the school pursuant to division (C) of section 213226
3313.977 of the Revised Code. 213227

(c) The student actually enrolls in the registered private 213228
school to which the student was first admitted or in another 213229
registered private school in the district or in a public school in 213230
an adjacent school district. 213231

(B) The ~~state superintendent~~ director of education and 213232
workforce shall also award in any school year tutorial assistance 213233
grants to a number of students equal to the number of students who 213234
receive scholarships under division (A) of this section. Tutorial 213235
assistance grants shall be awarded solely to students who are 213236
enrolled in the public schools of the district in a grade level 213237
covered by the pilot project. Tutorial assistance grants may be 213238
used solely to obtain tutorial assistance from a provider approved 213239
pursuant to division (D) of section 3313.976 of the Revised Code. 213240

All students wishing to obtain tutorial assistance grants 213241
shall make application to the ~~state superintendent~~ director by the 213242
first day of the school year in which the assistance will be used. 213243
The ~~state superintendent~~ director shall award assistance grants in 213244

accordance with criteria the ~~superintendent~~ director shall 213245
establish. 213246

(C) In the case of tutorial assistance grants, the grant 213247
amount shall not exceed the lesser of the provider's actual 213248
charges for such assistance or: 213249

(1) Before fiscal year 2007, a percentage established by the 213250
~~state superintendent~~ director, not to exceed twenty per cent, of 213251
the amount of the pilot project school district's average basic 213252
scholarship amount; 213253

(2) In fiscal year 2007 and thereafter, four hundred dollars. 213254

(D)(1) Annually by the first day of November, the ~~state~~ 213255
~~superintendent~~ director shall estimate the maximum per-pupil 213256
scholarship amounts for the ensuing school year. The ~~state~~ 213257
~~superintendent~~ director shall make this estimate available to the 213258
general public at the offices of the district board of education 213259
together with the forms required by division (D)(2) of this 213260
section. 213261

(2) Annually by the fifteenth day of January, the chief 213262
administrator of each registered private school located in the 213263
pilot project district and the principal of each public school in 213264
such district shall complete a parental information form and 213265
forward it to the president of the board of education. The 213266
parental information form shall be prescribed by the department of 213267
education and workforce and shall provide information about the 213268
grade levels offered, the numbers of students, tuition amounts, 213269
achievement test results, and any sectarian or other 213270
organizational affiliations. 213271

(E)(1) Only for the purpose of administering the pilot 213272
project scholarship program, the department may request from any 213273
of the following entities the data verification code assigned 213274
under division (D)(2) of section 3301.0714 of the Revised Code to 213275

any student who is seeking a scholarship under the program: 213276

(a) The school district in which the student is entitled to 213277
attend school under section 3313.64 or 3313.65 of the Revised 213278
Code; 213279

(b) If applicable, the community school in which the student 213280
is enrolled; 213281

(c) The independent contractor engaged to create and maintain 213282
data verification codes. 213283

(2) Upon a request by the department under division (E)(1) of 213284
this section for the data verification code of a student seeking a 213285
scholarship or a request by the student's parent for that code, 213286
the school district or community school shall submit that code to 213287
the department or parent in the manner specified by the 213288
department. If the student has not been assigned a code, because 213289
the student will be entering kindergarten during the school year 213290
for which the scholarship is sought, the district shall assign a 213291
code to that student and submit the code to the department or 213292
parent by a date specified by the department. If the district does 213293
not assign a code to the student by the specified date, the 213294
department shall assign a code to the student. 213295

The department annually shall submit to each school district 213296
the name and data verification code of each student residing in 213297
the district who is entering kindergarten, who has been awarded a 213298
scholarship under the program, and for whom the department has 213299
assigned a code under this division. 213300

(3) The department shall not release any data verification 213301
code that it receives under division (E) of this section to any 213302
person except as provided by law. 213303

(F) Any document relative to the pilot project scholarship 213304
program that the department holds in its files that contains both 213305
a student's name or other personally identifiable information and 213306

the student's data verification code shall not be a public record 213307
under section 149.43 of the Revised Code. 213308

(G)(1) The department annually shall compile the scores 213309
attained by scholarship students enrolled in registered private 213310
schools on the assessments administered to the students pursuant 213311
to division (A)(11) of section 3313.976 of the Revised Code. The 213312
scores shall be aggregated as follows: 213313

(a) By school district, which shall include all scholarship 213314
students residing in the pilot project school district who are 213315
enrolled in a registered private school and were required to take 213316
an assessment pursuant to division (A)(11) of section 3313.976 of 213317
the Revised Code; 213318

(b) By registered private school, which shall include all 213319
scholarship students enrolled in that school who were required to 213320
take an assessment pursuant to division (A)(11) of section 213321
3313.976 of the Revised Code. 213322

(2) The department shall disaggregate the student performance 213323
data described in division (G)(1) of this section according to the 213324
following categories: 213325

(a) Grade level; 213326

(b) Race and ethnicity; 213327

(c) Gender; 213328

(d) Students who have participated in the scholarship program 213329
for three or more years; 213330

(e) Students who have participated in the scholarship program 213331
for more than one year and less than three years; 213332

(f) Students who have participated in the scholarship program 213333
for one year or less; 213334

(g) Economically disadvantaged students. 213335

(3) The department shall post the student performance data 213336
required under divisions (G)(1) and (2) of this section on its web 213337
site and shall include that data in the information about the 213338
scholarship program provided to students under division (A) of 213339
this section. In reporting student performance data under this 213340
division, the department shall not include any data that is 213341
statistically unreliable or that could result in the 213342
identification of individual students. For this purpose, the 213343
department shall not report performance data for any group that 213344
contains less than ten students. 213345

(4) The department shall provide the parent of each 213346
scholarship student enrolled in a registered private school with 213347
information comparing the student's performance on the assessments 213348
administered pursuant to division (A)(11) of section 3313.976 of 213349
the Revised Code with the average performance of similar students 213350
enrolled in the building operated by the pilot project school 213351
district that the scholarship student would otherwise attend. In 213352
calculating the performance of similar students, the department 213353
shall consider age, grade, race and ethnicity, gender, and 213354
socioeconomic status. 213355

(H) The department shall open the application period on the 213356
first day of February prior to the first day of July of the school 213357
year for which a scholarship is sought. Not later than forty-five 213358
days after an applicant submits to the department of education and 213359
workforce a completed application, the department ~~of education~~ 213360
shall determine whether that applicant is eligible for a 213361
scholarship and notify the applicant whether or not the applicant 213362
is eligible. The department ~~of education~~ shall award a scholarship 213363
to each student with an approved application. However, for any 213364
application submitted after the beginning of the school year, the 213365
department ~~of education~~ shall prorate the amount of the awarded 213366
scholarship based on how much of the school year remains. 213367

Sec. 3313.979. Each grant to be used for payments to an approved tutorial assistance provider is payable to the approved tutorial assistance provider.

(A) By the fifteenth day of each month of the school year that any scholarship students are enrolled in a registered private school, the chief administrator of that school shall notify the ~~state superintendent~~ director of education and workforce of:

(1) The number of scholarship students who were reported to the school district as having been admitted by that private school pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and who were still enrolled in the private school as of the first day of such month;

(2) The number of scholarship students who were reported to the school district as having been admitted by another private school pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and since the date of admission have transferred to the school providing the notification under division (A) of this section.

(B) Whenever an approved provider provides tutorial assistance to a student, the ~~state superintendent~~ director shall pay the approved provider for such costs upon receipt of a statement specifying the services provided and the costs of the services, which statement shall be signed by the provider and verified by the chief administrator having supervisory control over the tutoring site. The total payments to any approved provider under this division for all provider services to any individual student in any school year shall not exceed the grant amount provided in division (C) of section 3313.978 of the Revised Code.

Sec. 3313.98. Notwithstanding division (D) of section 3311.19

and division (D) of section 3311.52 of the Revised Code, the 213398
provisions of this section and sections 3313.981 to 3313.983 of 213399
the Revised Code that apply to a city school district do not apply 213400
to a joint vocational or cooperative education school district 213401
unless expressly specified. 213402

(A) As used in this section and sections 3313.981 to 3313.983 213403
of the Revised Code: 213404

(1) "Parent" means either of the natural or adoptive parents 213405
of a student, except under the following conditions: 213406

(a) When the marriage of the natural or adoptive parents of 213407
the student has been terminated by a divorce, dissolution of 213408
marriage, or annulment or the natural or adoptive parents of the 213409
student are living separate and apart under a legal separation 213410
decree and the court has issued an order allocating the parental 213411
rights and responsibilities with respect to the student, "parent" 213412
means the residential parent as designated by the court except 213413
that "parent" means either parent when the court issues a shared 213414
parenting decree. 213415

(b) When a court has granted temporary or permanent custody 213416
of the student to an individual or agency other than either of the 213417
natural or adoptive parents of the student, "parent" means the 213418
legal custodian of the child. 213419

(c) When a court has appointed a guardian for the student, 213420
"parent" means the guardian of the student. 213421

(2) "Native student" means a student entitled under section 213422
3313.64 or 3313.65 of the Revised Code to attend school in a 213423
district adopting a resolution under this section. 213424

(3) "Adjacent district" means a city, exempted village, or 213425
local school district having territory that abuts the territory of 213426
a district adopting a resolution under this section. 213427

(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

(7) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution

establishing for the school district one of the following 213459
policies: 213460

(a) A policy that entirely prohibits the enrollment of 213461
students from adjacent districts or other districts, other than 213462
students for whom tuition is paid in accordance with section 213463
3317.08 of the Revised Code; 213464

(b) A policy that permits enrollment of students from all 213465
adjacent districts in accordance with policy statements contained 213466
in the resolution; 213467

(c) A policy that permits enrollment of students from all 213468
other districts in accordance with policy statements contained in 213469
the resolution. 213470

(2) A policy permitting enrollment of students from adjacent 213471
or from other districts, as applicable, shall provide for all of 213472
the following: 213473

(a) Application procedures, including deadlines for 213474
application and for notification of students and the 213475
superintendent of the applicable district whenever an adjacent or 213476
other district student's application is approved. 213477

(b) Procedures for admitting adjacent or other district 213478
applicants free of any tuition obligation to the district's 213479
schools, including, but not limited to: 213480

(i) The establishment of district capacity limits by grade 213481
level, school building, and education program; 213482

(ii) A requirement that all native students wishing to be 213483
enrolled in the district will be enrolled and that any adjacent or 213484
other district students previously enrolled in the district shall 213485
receive preference over first-time applicants; 213486

(iii) Procedures to ensure that an appropriate racial balance 213487
is maintained in the district schools. 213488

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include: 213489

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills; 213490

(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools; 213491

(3) A requirement that the student be proficient in the English language; 213492

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant. 213493

(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student. 213494

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state. 213495

(E) Any school board shall accept all credits toward 213496

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graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The ~~state board~~ department of education and workforce shall monitor school districts to ensure compliance with this section and the districts' policies. The ~~board~~ department may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the ~~state board~~ department adopts such rules, no

school board shall adopt a policy that conflicts with those rules. 213551

(H) A resolution adopted by a board of education under this 213552
section that entirely prohibits the enrollment of students from 213553
adjacent and from other school districts does not abrogate any 213554
agreement entered into under section 3313.841 or 3313.92 of the 213555
Revised Code or any contract entered into under section 3313.90 of 213556
the Revised Code between the board of education adopting the 213557
resolution and the board of education of any adjacent or other 213558
district or prohibit these boards of education from entering into 213559
any such agreement or contract. 213560

(I) Nothing in this section shall be construed to permit or 213561
require the board of education of a city, exempted village, or 213562
local school district to exclude any native student of the 213563
district from enrolling in the district. 213564

Sec. 3313.981. (A) The ~~state board~~ department of education 213565
and workforce shall adopt rules requiring all of the following: 213566

(1) The board of education of each city, exempted village, 213567
and local school district to annually report to the department ~~of~~ 213568
~~education~~ all of the following: 213569

(a) The number of adjacent district or other district 213570
students in grades kindergarten through twelve, as applicable, the 213571
number of adjacent district or other district students who are 213572
preschool children with disabilities, as applicable, and the 213573
number of adjacent district or other district joint vocational 213574
students, as applicable, enrolled in the district, in accordance 213575
with a policy adopted under division (B) of section 3313.98 of the 213576
Revised Code; 213577

(b) The number of native students in grades kindergarten 213578
through twelve enrolled in adjacent or other districts and the 213579
number of native students who are preschool children with 213580

disabilities enrolled in adjacent or other districts, in 213581
accordance with a policy adopted under division (B) of section 213582
3313.98 of the Revised Code; 213583

(c) Each adjacent district or other district student's or 213584
adjacent district or other district joint vocational student's 213585
date of enrollment in the district; 213586

(d) The full-time equivalent number of adjacent district or 213587
other district students enrolled in each of the categories of 213588
career-technical education programs or classes described in 213589
section 3317.014 of the Revised Code; 213590

(e) Each native student's date of enrollment in an adjacent 213591
or other district. 213592

(2) The board of education of each joint vocational school 213593
district to annually report to the department all of the 213594
following: 213595

(a) The number of adjacent district or other district joint 213596
vocational students, as applicable, enrolled in the district; 213597

(b) The full-time equivalent number of adjacent district or 213598
other district joint vocational students enrolled in each category 213599
of career-technical education programs or classes described in 213600
section 3317.014 of the Revised Code; 213601

(c) For each adjacent district or other district joint 213602
vocational student, the city, exempted village, or local school 213603
district in which the student is also enrolled. 213604

(3) Prior to the end of each reporting period specified in 213605
section 3317.03 of the Revised Code, the superintendent of each 213606
city, local, or exempted village school district that admits 213607
adjacent district or other district students who are in grades 213608
kindergarten through twelve, adjacent district or other district 213609
students who are preschool children with disabilities, or adjacent 213610

district or other district joint vocational students in accordance 213611
with a policy adopted under division (B) of section 3313.98 of the 213612
Revised Code to report to the department ~~of education~~ each 213613
adjacent or other district's students and where those students who 213614
are enrolled in the superintendent's district under the policy are 213615
entitled to attend school under section 3313.64 or 3313.65 of the 213616
Revised Code. 213617

The rules shall provide for the method of counting students 213618
who are enrolled for part of a school year in an adjacent or other 213619
district or as an adjacent district or other district joint 213620
vocational student. 213621

(B) From the payments made to a city, exempted village, or 213622
local school district under Chapter 3317. of the Revised Code and, 213623
if necessary, from the payments made to the district under 213624
sections 321.24 and 323.156 of the Revised Code, the department ~~of~~ 213625
~~education~~ shall annually subtract, for each native student who is 213626
a preschool child with a disability reported under division (A)(1) 213627
of this section who is enrolled in an adjacent or other district 213628
pursuant to policies adopted by such a district under division (B) 213629
of section 3313.98 of the Revised Code, \$4,000. 213630

(C) To the payments made to a city, exempted village, or 213631
local school district under Chapter 3317. of the Revised Code, the 213632
department ~~of education~~ shall annually add, for each adjacent 213633
district or other district student who is a preschool child with a 213634
disability reported under division (A)(1) of this section who is 213635
enrolled in the district, \$4,000. 213636

(D) No city, exempted village, or local school district shall 213637
receive a payment under division (C) of this section for a student 213638
if for the same school year that student is counted in the 213639
district's enrollment certified under section 3317.03 of the 213640
Revised Code. 213641

(E) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the ~~state board of education~~ department, such board may reimburse the parent from funds received for pupil transportation under section 3317.0212 of the Revised Code, or other provisions of law, for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3313.982. Notwithstanding division (C)(1) of section 3313.97 and division (C)(1) of section 3313.98 of the Revised Code:

(A) Any school district board operating any schools on October 1, 1989, admission to which was restricted to students possessing certain academic, athletic, artistic, or other skills, may continue to restrict admission to such schools.

(B) Any district board that did not operate any schools described by division (A) of this section on October 1, 1989, and that desires to begin restricting admission to any school on the basis of student academic, athletic, artistic, or other skills, may submit a plan proposing such restricted admission to the ~~state board~~ department of education. If the ~~board~~ department finds that the plan will generally promote increased educational opportunities for students in the district and will not unduly restrict opportunities for some students, it may approve the plan

and the district board may implement it during the next ensuing 213673
school year. 213674

Sec. 3314.011. (A) Every community school established under 213675
this chapter shall have a designated fiscal officer. Except as 213676
provided for in division (C) of this section, the fiscal officer 213677
shall be employed by or engaged under a contract with the 213678
governing authority of the community school. 213679

(B) Except as otherwise provided in section 3.061 of the 213680
Revised Code, the auditor of state shall require that the fiscal 213681
officer of any community school, before entering upon duties as 213682
fiscal officer of the school, execute a bond in an amount and with 213683
surety to be approved by the governing authority of the school, 213684
payable to the state, conditioned for the faithful performance of 213685
all the official duties required of the fiscal officer. The bond 213686
shall be deposited with the governing authority of the school, and 213687
a copy thereof, certified by the governing authority, shall be 213688
filed with the county auditor. 213689

(C) Prior to assuming the duties of fiscal officer, the 213690
fiscal officer designated under this section shall be licensed 213691
under section 3301.074 of the Revised Code. Any person serving as 213692
a fiscal officer of a community school on March 22, 2013, who is 213693
not licensed as a treasurer shall be permitted to serve as a 213694
fiscal officer for not more than one year following March 22, 213695
2013. Beginning on that date and thereafter, no community school 213696
shall permit any individual to serve as a fiscal officer without a 213697
license as required by this section. 213698

(D)(1) The governing authority of a community school may 213699
adopt a resolution waiving the requirement that the governing 213700
authority is the party responsible to employ or contract with the 213701
designated fiscal officer, as prescribed by division (A) of this 213702
section, so long as the school's sponsor also approves the 213703

resolution. The resolution shall be valid for one year. A new 213704
resolution shall be adopted for each year that the governing 213705
authority wishes to waive this requirement, so long as the 213706
school's sponsor also approves the resolution. 213707

No resolution adopted pursuant to this division may waive the 213708
requirement for a community school to have a designated fiscal 213709
officer. 213710

(2) If the governing authority adopts a resolution pursuant 213711
to division (D)(1) of this section, the school's designated fiscal 213712
officer annually shall meet with the governing authority to review 213713
the school's financial status. 213714

(3) The governing authority shall submit to the department of 213715
education and workforce a copy of each resolution adopted pursuant 213716
to division (D)(1) of this section. 213717

Sec. 3314.012. (A) ~~Within ninety days of September 28, 1999,~~ 213718
~~the superintendent of public instruction~~ The director of education 213719
and workforce shall appoint representatives of the department of 213720
education and workforce, including employees who work with the 213721
education management information system, to a committee to develop 213722
report card models for community schools. The committee shall 213723
design model report cards appropriate for the various types of 213724
community schools approved to operate in the state. Sufficient 213725
models shall be developed to reflect the variety of grade levels 213726
served and the missions of the state's community schools. All 213727
models shall include both financial and academic data. ~~The initial~~ 213728
~~models shall be developed by March 31, 2000.~~ 213729

(B) Except as provided in section 3314.017 of the Revised 213730
Code, the department of education and workforce shall issue an 213731
annual report card for each community school, regardless of how 213732
long the school has been in operation. The report card shall 213733
report the academic and financial performance of the school 213734

utilizing one of the models developed under division (A) of this section. The report card shall include all information applicable to school buildings under section 3302.03 of the Revised Code. The ratings a community school receives under section 3302.03 of the Revised Code for its first two full school years shall not be considered toward automatic closure of the school under section 3314.35 of the Revised Code or any other matter that is based on report card ratings.

(C) Upon receipt of a copy of a contract between a sponsor and a community school entered into under this chapter, the department of ~~education~~ shall notify the community school of the specific model report card that will be used for that school.

(D) Report cards shall be distributed to the parents of all students in the community school, to the members of the board of education of the school district in which the community school is located, and to any person who requests one from the department.

Sec. 3314.013. (A) Until May 22, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C)(1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and May 22, 2013, except as follows:

(1) The entity may renew a contract that the entity entered into with an internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.

(2) The entity may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.

If a sponsor entered into a contract with an internet- or computer-based community school, including a conversion school, but the school was not open for operation as of May 1, 2005, the contract shall be void and the entity shall not enter into another contract with the school until May 22, 2013.

(B)(1) Beginning on July 1, 2013, up to five new internet- or computer-based community schools may open each year, subject to approval of the ~~superintendent of public instruction~~ director of education and workforce under division (B)(2) of this section.

(2) The ~~superintendent of public instruction~~ director shall approve applications for new internet- or computer-based community schools from only those applicants demonstrating experience and quality.

The ~~state board~~ department of education and workforce shall adopt rules prescribing measures to determine experience and quality of applicants in accordance with Chapter 119. of the Revised Code. The measures shall include, but not be limited to, the following considerations:

- (a) The sponsor's experience with online schools;
- (b) The operator's experience with online schools;
- (c) The sponsor's and operator's previous record for student performance;
- (d) A preference for operators with previous experience in Ohio.

~~The state board shall adopt the rules so that they are effective May 22, 2013.~~

(3) The department ~~of education~~ shall notify any new internet- or computer-based community school governed by division (B) of this section of whether the ~~superintendent~~ director has approved or disapproved the school's application to open for the

2013-2014 school year not later than July 1, 2013. Notwithstanding 213796
the dates prescribed for adoption and signing on sponsor contracts 213797
in division (D) of section 3314.02 of the Revised Code, or the 213798
date for opening a school for instruction required by division 213799
(A)(25) of section 3314.03 of the Revised Code, a new internet- or 213800
computer-based community school approved for opening for the 213801
2013-2014 school year under division (B) of this section may open 213802
and operate in that school year regardless of whether it has 213803
complied with those contract and opening dates. For each school 213804
year thereafter, the school shall comply with all applicable 213805
provisions of this chapter. 213806

(4) Notwithstanding divisions (B)(1) and (2) of this section, 213807
a sponsor rated "exemplary" on its most recent evaluation 213808
conducted under section 3314.016 of the Revised Code is permitted 213809
to open up to two new internet- or computer-based community 213810
schools that will primarily serve students enrolled in a dropout 213811
prevention and recovery program each year, not to exceed six new 213812
schools in a five-year period. 213813

(C) Nothing in division (A) or (B) of this section prohibits 213814
an internet- or computer-based community school from increasing 213815
the number of grade levels it offers. 213816

Sec. 3314.015. (A) The department of education and workforce 213817
shall be responsible for the oversight of any and all sponsors of 213818
the community schools established under this chapter and shall 213819
provide technical assistance to schools and sponsors in their 213820
compliance with applicable laws and the terms of the contracts 213821
entered into under section 3314.03 of the Revised Code and in the 213822
development and start-up activities of those schools. In carrying 213823
out its duties under this section, the department shall do all of 213824
the following: 213825

(1) In providing technical assistance to proposing parties, 213826

governing authorities, and sponsors, conduct training sessions and 213827
distribute informational materials; 213828

(2) Approve entities to be sponsors of community schools; 213829

(3) Monitor and evaluate, as required under section 3314.016 213830
of the Revised Code, the effectiveness of any and all sponsors in 213831
their oversight of the schools with which they have contracted; 213832

(4) By December thirty-first of each year, issue a report to 213833
the governor, the speaker of the house of representatives, the 213834
president of the senate, and the chairpersons of the house and 213835
senate committees principally responsible for education matters 213836
regarding the effectiveness of academic programs, operations, and 213837
legal compliance and of the financial condition of all community 213838
schools established under this chapter and on the performance of 213839
community school sponsors; 213840

(5) From time to time, make legislative recommendations to 213841
the general assembly designed to enhance the operation and 213842
performance of community schools. 213843

(B)(1) Except as provided in sections 3314.021 and 3314.027 213844
of the Revised Code, no entity shall enter into a preliminary 213845
agreement under division (C)(2) of section 3314.02 of the Revised 213846
Code or renew an existing contract to sponsor a community school 213847
until it has received approval from the department ~~of education~~ to 213848
sponsor community schools under this chapter and has entered into 213849
a written agreement with the department regarding the manner in 213850
which the entity will conduct such sponsorship. 213851

On and after July 1, 2017, each entity that sponsors a 213852
community school in this state, except for an entity described in 213853
sections 3314.021 and 3314.027 of the Revised Code, shall attain 213854
approval from the department in order to continue sponsoring 213855
schools regardless of whether that entity intends to enter into a 213856
preliminary agreement or renew an existing contract. 213857

All new and renewed agreements between the department and a sponsor shall contain specific language addressing the parameters under which the department can intervene and potentially revoke sponsorship authority in the event that the sponsor is unwilling or unable to fulfill its obligations. Additionally, each agreement shall set forth any territorial restrictions and limits on the number of schools that entity may sponsor, provide for an annual evaluation process, and include a stipulation permitting the department to modify the agreement under the following circumstances:

(a) Poor fiscal management;

(b) Lack of academic progress.

(2) The initial term of a sponsor's agreement with the department shall be for up to five years.

(a) An agreement entered into with the department pursuant to this section may be renewed for a term of up to ten years using the following criteria:

(i) The academic performance of students enrolled in each community school the entity sponsors, as determined by the department pursuant to division (B)(1)(a) of section 3314.016 of the Revised Code;

(ii) The sponsor's adherence to quality practices, as determined by the department pursuant to division (B)(1)(b) of section 3314.016 of the Revised Code;

(iii) The sponsor's compliance with all applicable laws and administrative rules.

(b) Each agreement between the department and a sponsor shall specify that entities with an overall rating of "exemplary" for at least two consecutive years shall not be subject to the limit on the number of community schools the entity may sponsor or any

territorial restrictions on sponsorship, for so long as that 213888
entity continues to be rated "exemplary." 213889

(c) The ~~state board of education~~ department shall adopt in 213890
accordance with Chapter 119. of the Revised Code rules containing 213891
criteria, procedures, and deadlines for processing applications 213892
for approval of sponsors, for oversight of sponsors, for notifying 213893
a sponsor of noncompliance with applicable laws and administrative 213894
rules under division (F) of this section, for revocation of the 213895
approval of sponsors under division (C) of this section, and for 213896
entering into written agreements with sponsors. The rules shall 213897
require an entity to submit evidence of the entity's ability and 213898
willingness to comply with the provisions of division (D) of 213899
section 3314.03 of the Revised Code. The rules also shall require 213900
all entities approved as sponsors to demonstrate a record of 213901
financial responsibility and successful implementation of 213902
educational programs. If an entity seeking approval to sponsor 213903
community schools in this state sponsors or operates schools in 213904
another state, at least one of the schools sponsored or operated 213905
by the entity must be comparable to or better than the performance 213906
of Ohio schools in need of continuous improvement under section 213907
3302.03 of the Revised Code, as determined by the department. 213908

Subject to section 3314.016 of the Revised Code, an entity 213909
that sponsors community schools may enter into preliminary 213910
agreements and sponsor up to one hundred schools, provided each 213911
school and the contract for sponsorship meets the requirements of 213912
this chapter. 213913

(3) The ~~state board of education~~ department shall determine, 213914
pursuant to criteria specified in rules adopted in accordance with 213915
Chapter 119. of the Revised Code, whether the mission proposed to 213916
be specified in the contract of a community school to be sponsored 213917
by a state university board of trustees or the board's designee 213918
under division (C)(1)(e) of section 3314.02 of the Revised Code 213919

complies with the requirements of that division. Such 213920
determination of the ~~state board~~ department is final. 213921

(4) The ~~state board of education~~ department shall determine, 213922
pursuant to criteria specified in rules adopted in accordance with 213923
Chapter 119. of the Revised Code, if any tax-exempt entity under 213924
section 501(c)(3) of the Internal Revenue Code that is proposed to 213925
be a sponsor of a community school is an education-oriented entity 213926
for purpose of satisfying the condition prescribed in division 213927
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 213928
determination of the ~~state board~~ department is final. 213929

(C) If at any time the ~~state board of education~~ department 213930
finds that a sponsor is not in compliance or is no longer willing 213931
to comply with its contract with any community school or with the 213932
department's rules for sponsorship, the ~~state board or designee~~ 213933
department shall conduct a hearing in accordance with Chapter 119. 213934
of the Revised Code on that matter. If after the hearing, the 213935
~~state board or designee~~ department has confirmed the original 213936
finding, ~~the department of education~~ it may revoke the sponsor's 213937
approval to sponsor community schools. In that case, the 213938
department's office of Ohio school sponsorship, established under 213939
section 3314.029 of the Revised Code, may assume the sponsorship 213940
of any schools with which the sponsor has contracted until the 213941
earlier of the expiration of two school years or until a new 213942
sponsor as described in division (C)(1) of section 3314.02 of the 213943
Revised Code is secured by the school's governing authority. The 213944
office of Ohio school sponsorship may extend the term of the 213945
contract in the case of a school for which it has assumed 213946
sponsorship under this division as necessary to accommodate the 213947
term of the department's authorization to sponsor the school 213948
specified in this division. Community schools sponsored under this 213949
division shall not apply to the limit on directly authorized 213950
community schools under division (A)(3) of section 3314.029 of the 213951

Revised Code. However, nothing in this division shall preclude a 213952
community school affected by this division from applying for 213953
sponsorship under that section. 213954

(D) The decision of the department to disapprove an entity 213955
for sponsorship of a community school or to revoke approval for 213956
such sponsorship under division (C) of this section, may be 213957
appealed by the entity in accordance with section 119.12 of the 213958
Revised Code. 213959

(E) The department shall adopt procedures for use by a 213960
community school governing authority and sponsor when the school 213961
permanently closes and ceases operation, which shall include at 213962
least procedures for data reporting to the department, handling of 213963
student records, distribution of assets in accordance with section 213964
3314.074 of the Revised Code, and other matters related to ceasing 213965
operation of the school. 213966

(F)(1) In lieu of revoking a sponsor's authority to sponsor 213967
community schools under division (C) of this section, if the 213968
department finds that a sponsor is not in compliance with 213969
applicable laws and administrative rules, the department shall 213970
declare in a written notice to the sponsor the specific laws or 213971
rules, or both, for which the sponsor is noncompliant. A sponsor 213972
notified under division (F)(1) of this section shall respond to 213973
the department not later than fourteen days after the notification 213974
with a proposed plan to remedy the conditions for which the 213975
sponsor was found to be noncompliant. The department shall approve 213976
or disapprove the plan not later than fourteen days after 213977
receiving it. If the plan is disapproved, the sponsor may submit a 213978
revised plan to the department not later than fourteen days after 213979
receiving notification of disapproval from the department or not 213980
later than sixty days after the date the sponsor received 213981
notification of noncompliance from the department, whichever is 213982
earlier. The department shall approve or disapprove the revised 213983

plan not later than fourteen days after receiving it or not later 213984
than sixty days after the date the sponsor received notification 213985
of noncompliance from the department, whichever is earlier. A 213986
sponsor may continue to make revisions by the deadlines prescribed 213987
in division (F)(1) of this section to any revised plan that is 213988
disapproved by the department until the sixtieth day after the 213989
date the sponsor received notification of noncompliance from the 213990
department. 213991

If a plan or a revised plan is approved, the sponsor shall 213992
implement it not later than sixty days after the date the sponsor 213993
received notification of noncompliance from the department or not 213994
later than thirty days after the plan is approved, whichever is 213995
later. If a sponsor does not respond to the department or 213996
implement an approved compliance plan by the deadlines prescribed 213997
by division (F)(1) of this section, or if a sponsor does not 213998
receive approval of a compliance plan on or before the sixtieth 213999
day after the date the sponsor received notification of 214000
noncompliance from the department, the department shall declare in 214001
written notice to the sponsor that the sponsor is in probationary 214002
status, and may limit the sponsor's ability to sponsor additional 214003
schools. 214004

(2) A sponsor that has been placed on probationary status 214005
under division (F)(1) of this section may apply to the department 214006
for its probationary status to be lifted. The application for a 214007
sponsor's probationary status to be lifted shall include evidence, 214008
occurring after the initial notification of noncompliance, of the 214009
sponsor's compliance with applicable laws and administrative 214010
rules. Not later than fourteen days after receiving an application 214011
from the sponsor, the department shall decide whether or not to 214012
remove the sponsor's probationary status. 214013

(G) In carrying out its duties under this chapter, the 214014
department shall not impose requirements on community schools or 214015

their sponsors that are not permitted by law or duly adopted 214016
rules. 214017

(H) This section applies to entities that sponsor conversion 214018
community schools and new start-up schools. 214019

(I) Nothing in divisions (C) to (F) of this section prohibits 214020
the department from taking any action permitted or required under 214021
the written agreement between the department and a sponsoring 214022
entity without a hearing on the matter, in the event that the 214023
sponsor is unwilling or unable to fulfill its obligations. 214024

Sec. 3314.016. This section applies to any entity that 214025
sponsors a community school, regardless of whether section 214026
3314.021 or 3314.027 of the Revised Code exempts the entity from 214027
the requirement to be approved for sponsorship under divisions 214028
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 214029
office of Ohio school sponsorship established under section 214030
3314.029 of the Revised Code shall be rated under division (B) of 214031
this section, but divisions (A) and (C) of this section do not 214032
apply to the office. 214033

(A) An entity that sponsors a community school shall be 214034
permitted to enter into contracts under section 3314.03 of the 214035
Revised Code to sponsor additional community schools only if the 214036
entity meets all of the following criteria: 214037

(1) The entity is in compliance with all provisions of this 214038
chapter requiring sponsors of community schools to report data or 214039
information to the department of education and workforce. 214040

(2) The entity is not rated as "ineffective" under division 214041
(B)(6) of this section. 214042

(3) Except as set forth in sections 3314.021 and 3314.027 of 214043
the Revised Code, the entity has received approval from and 214044
entered into an agreement with the department ~~of education~~ 214045

pursuant to section 3314.015 of the Revised Code. 214046

(B)(1) The department shall develop and implement an 214047
evaluation system that annually rates and assigns an overall 214048
rating to each entity that sponsors a community school. The 214049
department, not later than the first day of February of each year, 214050
shall post on the department's web site the framework for the 214051
evaluation system, including technical documentation that the 214052
department intends to use to rate sponsors for the next school 214053
year. The department shall solicit public comment on the 214054
evaluation system for thirty consecutive days. Not later than the 214055
first day of April of each year, the department shall compile and 214056
post on the department's web site all public comments that were 214057
received during the public comment period. The evaluation system 214058
shall be posted on the department's web site by the fifteenth day 214059
of July of each school year. Any changes to the evaluation system 214060
after that date shall take effect the following year. The 214061
evaluation system shall be based on the following components: 214062

(a) Academic performance of students enrolled in community 214063
schools sponsored by the same entity. The academic performance 214064
component shall be derived from the performance measures 214065
prescribed for the state report cards under section 3302.03 or 214066
3314.017 of the Revised Code, and shall be based on the 214067
performance of the schools for the school year for which the 214068
evaluation is conducted. In addition to the academic performance 214069
for a specific school year, the academic performance component 214070
shall also include year-to-year changes in the overall sponsor 214071
portfolio. For a community school for which no graded performance 214072
measures are applicable or available, the department shall use 214073
nonreport card performance measures specified in the contract 214074
between the community school and the sponsor under division (A)(4) 214075
of section 3314.03 of the Revised Code. 214076

(b) Adherence by a sponsor to the quality practices 214077

prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section.

(c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

Under the evaluation system prescribed under division (B)(1) of this section, the department shall not assign an overall rating of "ineffective" or lower to an entity that sponsors a community school solely because that entity received no points on one of the components prescribed under that division.

(2) In calculating an academic performance component, the department shall exclude all community schools that have been in operation for not more than two full school years and all community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code shall be reported, but shall not be used as a factor when determining a sponsoring entity's rating under this section.

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.

(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department.

(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.

(5) The ~~state board~~ director of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section.

(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component is weighted equally. A separate rating shall be given by the department for each component of the evaluation system.

The department shall publish the ratings between the first day of October and the fifteenth day of November.

Prior to the publication of the final ratings, the department shall designate and provide notice of a period of at least ten business days during which each sponsor may review the information used by the department to determine the sponsor's rating on the components prescribed by division (B)(1) of this section. If the sponsor believes there is an error in the department's evaluation,

the sponsor may request adjustments to the rating of any of those 214140
components based on documentation previously submitted as part of 214141
an evaluation. The sponsor shall provide to the department any 214142
necessary evidence or information to support the requested 214143
adjustments. The department shall review the evidence and 214144
information, determine whether an adjustment is valid, and 214145
promptly notify the sponsor of its determination and reasons. If 214146
any adjustments to the data could result in a change to the rating 214147
on the applicable component or to the overall rating, the 214148
department shall recalculate the ratings prior to publication. 214149

The department shall provide training on an annual basis 214150
regarding the evaluation system prescribed under this section. The 214151
training shall, at a minimum, describe methodology, timelines, and 214152
data required for the evaluation system. The first training 214153
session shall occur not later than March 2, 2016. Beginning in 214154
2018, the training shall be made available to each entity that 214155
sponsors a community school by the fifteenth day of July of each 214156
year and shall include guidance on any changes made to the 214157
evaluation system. 214158

(7)(a) Entities with an overall rating of "exemplary" for the 214159
two most recent years in which the entity was evaluated may take 214160
advantage of the following incentives: 214161

(i) Renewal of the written agreement with the department, not 214162
to exceed ten years, provided that the entity consents to 214163
continued evaluation of adherence to quality practices as 214164
described in division (B)(1)(b) of this section; 214165

(ii) The ability to extend the term of the contract between 214166
the sponsoring entity and the community school beyond the term 214167
described in the written agreement with the department; 214168

(iii) An exemption from the preliminary agreement and 214169
contract adoption and execution deadline requirements prescribed 214170

in division (D) of section 3314.02 of the Revised Code; 214171

(iv) An exemption from the automatic contract expiration 214172
requirement, should a new community school fail to open by the 214173
thirtieth day of September of the calendar year in which the 214174
community school contract is executed; 214175

(v) No limit on the number of community schools the entity 214176
may sponsor; 214177

(vi) No territorial restrictions on sponsorship. 214178

An entity may continue to sponsor any community schools with 214179
which it entered into agreements under division (B)(7)(a)(v) or 214180
(vi) of this section while rated "exemplary," notwithstanding the 214181
fact that the entity later receives a lower overall rating. 214182

(b) Entities with an overall rating of "exemplary" or 214183
"effective" for the three most recent years in which the entity 214184
was evaluated shall be evaluated by the department once every 214185
three years. 214186

(c)(i) Entities that receive an overall rating of 214187
"ineffective" shall be prohibited from sponsoring any new or 214188
additional community schools during the time in which the sponsor 214189
is rated as "ineffective" and shall be subject to a quality 214190
improvement plan based on correcting the deficiencies that led to 214191
the "ineffective" rating, with timelines and benchmarks that have 214192
been established by the department. 214193

(ii) Entities that receive an overall rating of "ineffective" 214194
on their three most recent ratings shall have all sponsorship 214195
authority revoked. Within thirty days after receiving its third 214196
rating of "ineffective," the entity may appeal the revocation of 214197
its sponsorship authority to the ~~superintendent of public~~ 214198
~~instruction~~ director, who shall appoint an independent hearing 214199
officer to conduct a hearing in accordance with Chapter 119. of 214200
the Revised Code. The hearing shall be conducted within thirty 214201

days after receipt of the notice of appeal. Within forty-five days 214202
after the hearing is completed, the ~~state board of education~~ 214203
director shall determine whether the revocation is appropriate 214204
based on the hearing conducted by the independent hearing officer, 214205
and if determined appropriate, the revocation shall be confirmed. 214206

(d) Entities that receive an overall rating of "poor" shall 214207
have all sponsorship authority revoked. Within thirty days after 214208
receiving a rating of "poor," the entity may appeal the revocation 214209
of its sponsorship authority to the ~~superintendent of public~~ 214210
~~instruction~~ director, who shall appoint an independent hearing 214211
officer to conduct a hearing in accordance with Chapter 119. of 214212
the Revised Code. The hearing shall be conducted within thirty 214213
days after receipt of the notice of appeal. Within forty-five days 214214
after the hearing is completed, the ~~state board of education~~ 214215
director shall determine whether the revocation is appropriate 214216
based on the hearing conducted by the independent hearing officer, 214217
and if determined appropriate, the revocation shall be confirmed. 214218

(8) For the 2014-2015 school year and each school year 214219
thereafter, student academic performance prescribed under division 214220
(B)(1)(a) of this section shall include student academic 214221
performance data from community schools that primarily serve 214222
students enrolled in a dropout prevention and recovery program. 214223

(C) If the governing authority of a community school enters 214224
into a contract with a sponsor prior to the date on which the 214225
sponsor is prohibited from sponsoring additional schools under 214226
division (A) of this section and the school has not opened for 214227
operation as of that date, that contract shall be void and the 214228
school shall not open until the governing authority secures a new 214229
sponsor by entering into a contract with the new sponsor under 214230
section 3314.03 of the Revised Code. However, the department's 214231
office of Ohio school sponsorship, established under section 214232
3314.029 of the Revised Code, may assume the sponsorship of the 214233

school until the earlier of the expiration of two school years or 214234
until a new sponsor is secured by the school's governing 214235
authority. A community school sponsored by the department under 214236
this division shall not be included when calculating the maximum 214237
number of directly authorized community schools permitted under 214238
division (A)(3) of section 3314.029 of the Revised Code. 214239

(D) When an entity's authority to sponsor schools is revoked 214240
pursuant to division (B)(7)(c) or (d) of this section, the office 214241
of Ohio school sponsorship shall assume sponsorship of any schools 214242
with which the original sponsor has contracted for the remainder 214243
of that school year. The office may continue sponsoring those 214244
schools until the earlier of: 214245

(1) The expiration of two school years from the time that 214246
sponsorship is revoked; 214247

(2) When a new sponsor is secured by the governing authority 214248
pursuant to division (C)(1) of section 3314.02 of the Revised 214249
Code. 214250

Any community school sponsored under this division shall not 214251
be counted for purposes of directly authorized community schools 214252
under division (A)(3) of section 3314.029 of the Revised Code. 214253

(E) The department shall recalculate the rating for the 214254
2017-2018 school year for each sponsor of a community school that 214255
receives recalculated ratings pursuant to division (I) of section 214256
3314.017 of the Revised Code. 214257

Sec. 3314.017. (A) The ~~state board~~ department of education 214258
shall prescribe by rules, adopted in accordance with Chapter 119. 214259
of the Revised Code, an academic performance rating and report 214260
card system that satisfies the requirements of this section for 214261
community schools that primarily serve students enrolled in 214262
dropout prevention and recovery programs as described in division 214263

(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 214264
lieu of the system prescribed under sections 3302.03 and 3314.012 214265
of the Revised Code beginning with the 2012-2013 school year. Each 214266
such school shall comply with the testing and reporting 214267
requirements of the system as prescribed by the ~~state board~~ 214268
department. 214269

(B) Nothing in this section shall at any time relieve a 214270
school from its obligations under the "No Child Left Behind Act of 214271
2001" to make "adequate yearly progress," as both that act and 214272
that term are defined in section 3302.01 of the Revised Code, or a 214273
school's amenability to the provisions of section 3302.04 or 214274
3302.041 of the Revised Code. The department ~~of education~~ shall 214275
continue to report each school's performance as required by the 214276
act and to enforce applicable sanctions under section 3302.04 or 214277
3302.041 of the Revised Code. 214278

(C) The rules adopted by the ~~state board~~ department shall 214279
prescribe the following performance indicators for the rating and 214280
report card system required by this section: 214281

(1) Graduation rate for each of the following student 214282
cohorts: 214283

(a) The number of students who graduate in four years or less 214284
with a regular high school diploma divided by the number of 214285
students who form the adjusted cohort for the graduating class; 214286

(b) The number of students who graduate in five years with a 214287
regular high school diploma divided by the number of students who 214288
form the adjusted cohort for the four-year graduation rate; 214289

(c) The number of students who graduate in six years with a 214290
regular high school diploma divided by the number of students who 214291
form the adjusted cohort for the four-year graduation rate; 214292

(d) The number of students who graduate in seven years with a 214293

regular high school diploma divided by the number of students who 214294
form the adjusted cohort for the four-year graduation rate; 214295

(e) The number of students who graduate in eight years with a 214296
regular high school diploma divided by the number of students who 214297
form the adjusted cohort for the four-year graduation rate. 214298

(2) The percentage of twelfth-grade students currently 214299
enrolled in the school who have attained the designated passing 214300
score on all of the state high school achievement assessments 214301
required under division (B)(1) of section 3301.0710 of the Revised 214302
Code or the cumulative performance score on the end-of-course 214303
examinations prescribed under division (B)(2) of section 3301.0712 214304
of the Revised Code, whichever applies, and other students 214305
enrolled in the school, regardless of grade level, who are within 214306
three months of their twenty-second birthday and have attained the 214307
designated passing score on all of the state high school 214308
achievement assessments or the cumulative performance score on the 214309
end-of-course examinations, whichever applies, by their 214310
twenty-second birthday; 214311

(3) Annual measurable objectives as defined in section 214312
3302.01 of the Revised Code; 214313

(4) Growth in student achievement in reading, or mathematics, 214314
or both as measured by separate nationally norm-referenced 214315
assessments that have developed appropriate standards for students 214316
enrolled in dropout prevention and recovery programs, adopted or 214317
approved by the ~~state board~~ department. 214318

(D)(1) The ~~state board's~~ department's rules shall prescribe 214319
the expected performance levels and benchmarks for each of the 214320
indicators prescribed by division (C) of this section based on the 214321
data gathered by the department under division (G) of this 214322
section. Based on a school's level of attainment or nonattainment 214323
of the expected performance levels and benchmarks for each of the 214324

indicators, the department shall rate each school in one of the	214325
following categories:	214326
(a) Exceeds standards;	214327
(b) Meets standards;	214328
(c) Does not meet standards.	214329
(2) The state board's <u>department's</u> rules shall establish all	214330
of the following:	214331
(a) Not later than June 30, 2013, performance levels and	214332
benchmarks for the indicators described in divisions (C)(1) to (3)	214333
of this section;	214334
(b) Not later than December 31, 2014, both of the following:	214335
(i) Performance levels and benchmarks for the indicator	214336
described in division (C)(4) of this section;	214337
(ii) Standards for awarding a community school described in	214338
division (A)(4)(a) of section 3314.35 of the Revised Code an	214339
overall designation, which shall be calculated as follows:	214340
(I) Thirty per cent of the score shall be based on the	214341
indicators described in division (C)(1) of this section that are	214342
applicable to the school year for which the overall designation is	214343
granted.	214344
(II) Thirty per cent of the score shall be based on the	214345
indicators described in division (C)(4) of this section.	214346
(III) Twenty per cent of the score shall be based on the	214347
indicators described in division (C)(2) of this section.	214348
(IV) Twenty per cent of the score shall be based on the	214349
indicators described in division (C)(3) of this section.	214350
(3) If both of the indicators described in divisions (C)(1)	214351
and (2) of this section improve by ten per cent for two	214352
consecutive years, a school shall be rated not less than "meets	214353

standards." 214354

The rating and the relevant performance data for each school 214355
shall be posted on the department's web site, and a copy of the 214356
rating and data shall be provided to the governing authority of 214357
the community school. 214358

(E)(1) For the 2012-2013 school year, the department shall 214359
issue a report card including the following performance measures, 214360
but without a performance rating as described in divisions 214361
(D)(1)(a) to (c) of this section, for each community school 214362
described in division (A)(4)(a) of section 3314.35 of the Revised 214363
Code: 214364

(a) The graduation rates as described in divisions (C)(1)(a) 214365
to (c) of this section; 214366

(b) The percentage of twelfth-grade students and other 214367
students who have attained a designated passing score on high 214368
school achievement assessments as described in division (C)(2) of 214369
this section; 214370

(c) The statewide average for the graduation rates and 214371
assessment passage rates described in divisions (C)(1)(a) to (c) 214372
and (C)(2) of this section; 214373

(d) Annual measurable objectives described in division (C)(3) 214374
of this section. 214375

(2) For the 2013-2014 school year, the department shall issue 214376
a report card including the following performance measures for 214377
each community school described in division (A)(4)(a) of section 214378
3314.35 of the Revised Code: 214379

(a) The graduation rates described in divisions (C)(1)(a) to 214380
(d) of this section, including a performance rating as described 214381
in divisions (D)(1)(a) to (c) of this section; 214382

(b) The percentage of twelfth-grade students and other 214383

students who have attained a designated passing score on high	214384
school achievement assessments as described in division (C)(2) of	214385
this section, including a performance rating as described in	214386
divisions (D)(1)(a) to (c) of this section;	214387
(c) Annual measurable objectives described in division (C)(3)	214388
of this section, including a performance rating as described in	214389
divisions (D)(1)(a) to (c) of this section;	214390
(d) Both of the following without an assigned rating:	214391
(i) Growth in annual student achievement in reading and	214392
mathematics described in division (C)(4) of this section, if	214393
available;	214394
(ii) Student outcome data, including postsecondary credit	214395
earned, nationally recognized career or technical certification,	214396
military enlistment, job placement, and attendance rate.	214397
(3) Beginning with the 2014-2015 school year, and annually	214398
thereafter, the department shall issue a report card for each	214399
community school described in division (A)(4)(a) of section	214400
3314.35 of the Revised Code that includes all of the following	214401
performance measures, including a performance rating for each	214402
measure as described in divisions (D)(1)(a) to (c) of this	214403
section:	214404
(a) The graduation rates as described in division (C)(1) of	214405
this section;	214406
(b) The percentage of twelfth-grade students and other	214407
students who have attained a designated passing score on high	214408
school achievement assessments as described in division (C)(2) of	214409
this section;	214410
(c) Annual measurable objectives described in division (C)(3)	214411
of this section, including a performance rating as described in	214412
divisions (D)(1)(a) to (c) of this section;	214413

(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section; 214414
214415

(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section. 214416
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The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating. 214419
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(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division (E)(3) of this section for each community school to which this section applies. 214425
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(G) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including sample assessments for purposes of measuring student achievement growth as described in division (C)(4) of this section. The department shall consult with stakeholder groups in performing its duties under this division. 214430
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The department shall also identify one or more states that have established or are in the process of establishing similar academic performance rating systems for dropout prevention and recovery programs and consult with the departments of education of 214441
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those states in developing the system required by this section. 214445

(H) ~~Not later than December 31, 2014, the state board~~ The 214446
department shall review the performance levels and benchmarks for 214447
performance indicators in the report card issued under this 214448
section and may revise them based on the data collected under 214449
division (G) of this section. 214450

(I) For the purposes of division (F) of section 3314.351 of 214451
the Revised Code, the department shall recalculate the ratings for 214452
each school under division (E)(3) of this section for the 214453
2017-2018 school year and calculate the ratings under that 214454
division for the 2018-2019 school year using the indicators 214455
prescribed by division (C) of this section, as it exists on and 214456
after July 18, 2019. 214457

Sec. 3314.02. (A) As used in this chapter: 214458

(1) "Sponsor" means the board of education of a school 214459
district or the governing board of an educational service center 214460
that agrees to the conversion of all or part of a school or 214461
building under division (B) of this section, or an entity listed 214462
in division (C)(1) of this section, which has been approved by the 214463
department of education and workforce to sponsor community schools 214464
or is exempted by section 3314.021 or 3314.027 of the Revised Code 214465
from obtaining approval, and with which the governing authority of 214466
a community school enters into a contract under section 3314.03 of 214467
the Revised Code. 214468

(2) "Pilot project area" means the school districts included 214469
in the territory of the former community school pilot project 214470
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 214471
the 122nd general assembly. 214472

(3) "Challenged school district" means any of the following: 214473

(a) A school district that is part of the pilot project area; 214474

(b) A school district that meets one of the following conditions:	214475 214476
(i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;	214477 214478 214479 214480
(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;	214481 214482 214483 214484 214485
(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section;	214486 214487 214488 214489 214490 214491
(iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D)(3)(c) of that section.	214492 214493 214494 214495 214496 214497
(c) A big eight school district;	214498
(d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.	214499 214500 214501
(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:	214502 214503
(a) A percentage of children residing in the district and	214504

participating in the predecessor of Ohio works first greater than 214505
thirty per cent, as reported pursuant to section 3317.10 of the 214506
Revised Code; 214507

(b) An average daily membership greater than twelve thousand, 214508
as reported pursuant to former division (A) of section 3317.03 of 214509
the Revised Code. 214510

(5) "New start-up school" means a community school other than 214511
one created by converting all or part of an existing public school 214512
or educational service center building, as designated in the 214513
school's contract pursuant to division (A)(17) of section 3314.03 214514
of the Revised Code. 214515

(6) "Urban school district" means one of the state's 214516
twenty-one urban school districts as defined in division (O) of 214517
section 3317.02 of the Revised Code as that section existed prior 214518
to July 1, 1998. 214519

(7) "Internet- or computer-based community school" means a 214520
community school established under this chapter in which the 214521
enrolled students work primarily from their residences on 214522
assignments in nonclassroom-based learning opportunities provided 214523
via an internet- or other computer-based instructional method that 214524
does not rely on regular classroom instruction or via 214525
comprehensive instructional methods that include internet-based, 214526
other computer-based, and noncomputer-based learning opportunities 214527
unless a student receives career-technical education under section 214528
3314.086 of the Revised Code. 214529

A community school that operates mainly as an internet- or 214530
computer-based community school and provides career-technical 214531
education under section 3314.086 of the Revised Code shall be 214532
considered an internet- or computer-based community school, even 214533
if it provides some classroom-based instruction, so long as it 214534
provides instruction via the methods described in this division. 214535

(8) "Operator" or "management company" means either of the following: 214536
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(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority; 214538
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(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards. 214542
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(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code. 214547
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(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted. 214549
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(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center. 214555
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On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code. 214560
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(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised 214565
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Code, a board may enter into a preliminary agreement with the 214567
person or group proposing the conversion of the public school or 214568
service center building, indicating the intention of the board to 214569
support the conversion to a community school. A proposing person 214570
or group that has a preliminary agreement under this division may 214571
proceed to finalize plans for the school, establish a governing 214572
authority for the school, and negotiate a contract with the board. 214573
Provided the proposing person or group adheres to the preliminary 214574
agreement and all provisions of this chapter, the board shall 214575
negotiate in good faith to enter into a contract in accordance 214576
with section 3314.03 of the Revised Code and division (C) of this 214577
section. 214578

(4) The sponsor of a conversion community school proposed to 214579
open in an alliance municipal school district shall be subject to 214580
approval by the department of education and workforce for 214581
sponsorship of that school using the criteria established under 214582
division (A) of section 3311.87 of the Revised Code. 214583

Division (B)(4) of this section does not apply to a sponsor 214584
that, on or before September 29, 2015, was exempted under section 214585
3314.021 or 3314.027 of the Revised Code from the requirement to 214586
be approved for sponsorship under divisions (A)(2) and (B)(1) of 214587
section 3314.015 of the Revised Code. 214588

(5) A school established in accordance with division (B) of 214589
this section that later enters into a sponsorship contract with an 214590
entity that is not a school district or educational service center 214591
shall, at the time of entering into the new contract, be deemed a 214592
community school established in accordance with division (C) of 214593
this section. 214594

(C)(1) Provided all other conditions of sponsorship and 214595
governance are satisfied, any person or group of individuals may 214596
propose under this division the establishment of a new start-up 214597
school regardless of the school's proposed location. The proposal 214598

may be made to any of the following entities: 214599

(a) The board of education of the district in which the 214600
school is proposed to be located; 214601

(b) The board of education of any joint vocational school 214602
district with territory in the county in which is located the 214603
majority of the territory of the district in which the school is 214604
proposed to be located; 214605

(c) The board of education of any other city, local, or 214606
exempted village school district having territory in the same 214607
county where the district in which the school is proposed to be 214608
located has the major portion of its territory; 214609

(d) The governing board of any educational service center, 214610
regardless of the location of the proposed school, may sponsor a 214611
new start-up school if all of the following are satisfied: 214612

(i) If applicable, it satisfies the requirements of division 214613
(E) of section 3311.86 of the Revised Code; 214614

(ii) It is approved to do so by the department; 214615

(iii) It enters into an agreement with the department under 214616
section 3314.015 of the Revised Code. 214617

(e) A sponsoring authority designated by the board of 214618
trustees of any of the thirteen state universities listed in 214619
section 3345.011 of the Revised Code or the board of trustees 214620
itself as long as a mission of the proposed school to be specified 214621
in the contract under division (A)(2) of section 3314.03 of the 214622
Revised Code and as approved by the department under division 214623
(B)(3) of section 3314.015 of the Revised Code will be the 214624
practical demonstration of teaching methods, educational 214625
technology, or other teaching practices that are included in the 214626
curriculum of the university's teacher preparation program 214627
approved by the ~~state board of education~~ chancellor of higher 214628

education; 214629

(f) Any qualified tax-exempt entity under section 501(c)(3) 214630
of the Internal Revenue Code as long as all of the following 214631
conditions are satisfied: 214632

(i) The entity has been in operation for at least five years 214633
prior to applying to be a community school sponsor. 214634

(ii) The entity has assets of at least five hundred thousand 214635
dollars and a demonstrated record of financial responsibility. 214636

(iii) The department has determined that the entity is an 214637
education-oriented entity under division (B)(4) of section 214638
3314.015 of the Revised Code and the entity has a demonstrated 214639
record of successful implementation of educational programs. 214640

(iv) The entity is not a community school. 214641

(g) The mayor of a city in which the majority of the 214642
territory of a school district to which section 3311.60 of the 214643
Revised Code applies is located, regardless of whether that 214644
district has created the position of independent auditor as 214645
prescribed by that section. The mayor's sponsorship authority 214646
under this division is limited to community schools that are 214647
located in that school district. Such mayor may sponsor community 214648
schools only with the approval of the city council of that city, 214649
after establishing standards with which community schools 214650
sponsored by the mayor must comply, and after entering into a 214651
sponsor agreement with the department as prescribed under section 214652
3314.015 of the Revised Code. The mayor shall establish the 214653
standards for community schools sponsored by the mayor not later 214654
than one hundred eighty days after July 15, 2013, and shall submit 214655
them to the department upon their establishment. The department 214656
shall approve the mayor to sponsor community schools in the 214657
district, upon receipt of an application by the mayor to do so. 214658
Not later than ninety days after the department's approval of the 214659

mayor as a community school sponsor, the department shall enter 214660
into the sponsor agreement with the mayor. 214661

Any entity described in division (C)(1) of this section may 214662
enter into a preliminary agreement pursuant to division (C)(2) of 214663
this section with the proposing person or group, provided that 214664
entity has been approved by and entered into a written agreement 214665
with the department pursuant to section 3314.015 of the Revised 214666
Code. 214667

(2) A preliminary agreement indicates the intention of an 214668
entity described in division (C)(1) of this section to sponsor the 214669
community school. A proposing person or group that has such a 214670
preliminary agreement may proceed to finalize plans for the 214671
school, establish a governing authority as described in division 214672
(E) of this section for the school, and negotiate a contract with 214673
the entity. Provided the proposing person or group adheres to the 214674
preliminary agreement and all provisions of this chapter, the 214675
entity shall negotiate in good faith to enter into a contract in 214676
accordance with section 3314.03 of the Revised Code. 214677

(3) A new start-up school that is established in a school 214678
district described in either division (A)(3)(b) or (d) of this 214679
section may continue in existence once the school district no 214680
longer meets the conditions described in either division, provided 214681
there is a valid contract between the school and a sponsor. 214682

(4) A copy of every preliminary agreement entered into under 214683
this division shall be filed with the ~~superintendent of public~~ 214684
~~instruction~~ director of education and workforce. 214685

(D) A majority vote of the board of a sponsoring entity and a 214686
majority vote of the members of the governing authority of a 214687
community school shall be required to adopt a contract and convert 214688
the public school or educational service center building to a 214689
community school or establish the new start-up school. Beginning 214690

September 29, 2005, adoption of the contract shall occur not later 214691
than the fifteenth day of March, and signing of the contract shall 214692
occur not later than the fifteenth day of May, prior to the school 214693
year in which the school will open. The governing authority shall 214694
notify the department of education and workforce when the contract 214695
has been signed. Subject to sections 3314.013 and 3314.016 of the 214696
Revised Code, an unlimited number of community schools may be 214697
established in any school district provided that a contract is 214698
entered into for each community school pursuant to this chapter. 214699

(E)(1) As used in this division, "immediate relatives" are 214700
limited to spouses, children, parents, grandparents, and siblings, 214701
as well as in-laws residing in the same household as the person 214702
serving on the governing authority. 214703

Each new start-up community school established under this 214704
chapter shall be under the direction of a governing authority 214705
which shall consist of a board of not less than five individuals. 214706

(2)(a) No person shall serve on the governing authority or 214707
operate the community school under contract with the governing 214708
authority under any of the following circumstances: 214709

(i) The person owes the state any money or is in a dispute 214710
over whether the person owes the state any money concerning the 214711
operation of a community school that has closed. 214712

(ii) The person would otherwise be subject to division (B) of 214713
section 3319.31 of the Revised Code with respect to refusal, 214714
limitation, or revocation of a license to teach, if the person 214715
were a licensed educator. 214716

(iii) The person has pleaded guilty to or been convicted of 214717
theft in office under section 2921.41 of the Revised Code, or has 214718
pleaded guilty to or been convicted of a substantially similar 214719
offense in another state. 214720

(b) No person shall serve on the governing authority or 214721

engage in the financial day-to-day management of the community 214722
school under contract with the governing authority unless and 214723
until that person has submitted to a criminal records check in the 214724
manner prescribed by section 3319.39 of the Revised Code. 214725

(c) Each sponsor of a community school shall annually verify 214726
that a finding for recovery has not been issued by the auditor of 214727
state against any individual or individuals who propose to create 214728
a community school or any member of the governing authority, the 214729
operator, or any employee of each community school with 214730
responsibility for fiscal operations or authorization to expend 214731
money on behalf of the school. 214732

(3) No person shall serve on the governing authorities of 214733
more than five start-up community schools at the same time unless 214734
both of the following apply: 214735

(a) The person serves in a volunteer capacity and receives no 214736
compensation under division (E)(5) of this section from any 214737
governing authority on which the person serves. 214738

(b) For any school that has an operator, the operator is a 214739
nonprofit organization. 214740

(4)(a) For a community school established under this chapter 214741
that is not sponsored by a school district or an educational 214742
service center, no present or former member, or immediate relative 214743
of a present or former member, of the governing authority shall be 214744
an owner, employee, or consultant of the community school's 214745
sponsor or operator, unless at least one year has elapsed since 214746
the conclusion of the person's membership on the governing 214747
authority. 214748

(b) For a community school established under this chapter 214749
that is sponsored by a school district or an educational service 214750
center, no present or former member, or immediate relative of a 214751
present or former member, of the governing authority shall: 214752

(i) Be an officer of the district board or service center governing board that serves as the community school's sponsor, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority;

(ii) Serve as an employee of, or a consultant for, the department, division, or section of the sponsoring district or service center that is directly responsible for sponsoring community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates

employed by any of the following within the previous three years: 214785

(a) The sponsor or operator of that community school; 214786

(b) A school district or educational service center that has 214787
contracted with that community school; 214788

(c) A vendor that is or has engaged in business with that 214789
community school. 214790

(8) No person who is a member of a school district board of 214791
education shall serve on the governing authority of any community 214792
school. 214793

(F)(1) A new start-up school that is established prior to 214794
August 15, 2003, in an urban school district that is not also a 214795
big-eight school district may continue to operate after that date 214796
and the contract between the school's governing authority and the 214797
school's sponsor may be renewed, as provided under this chapter, 214798
after that date. 214799

(2) A community school that was established prior to June 29, 214800
1999, and is located in a county contiguous to the pilot project 214801
area and in a school district that was not a challenged school 214802
district may continue to operate after that date, provided the 214803
school complies with all provisions of this chapter. The contract 214804
between the school's governing authority and the school's sponsor 214805
may be renewed. 214806

(3) Any educational service center that, on June 30, 2007, 214807
sponsors a community school that is not located in a county within 214808
the territory of the service center or in a county contiguous to 214809
such county may continue to sponsor that community school on and 214810
after June 30, 2007, and may renew its contract with the school. 214811

(4) ~~On and after the effective date of this amendment, the~~ 214812
The department of education and workforce shall not restrict the 214813
establishment of a new start-up community school to those located 214814

in a challenged school district as was required by this section 214815
prior to ~~the effective date of this amendment~~ September 30, 2021. 214816

Sec. 3314.021. (A) This section applies to any entity that is 214817
exempt from taxation under section 501(c)(3) of the Internal 214818
Revenue Code and that satisfies the conditions specified in 214819
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 214820
Revised Code but does not satisfy the condition specified in 214821
division (C)(1)(f)(i) of that section. 214822

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 214823
of the Revised Code, and subject to division (D)(2) of this 214824
section, an entity described in division (A) of this section may 214825
do both of the following without obtaining the department of 214826
~~education's~~ education and workforce's initial approval of its 214827
sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 214828
of the Revised Code: 214829

(1) Succeed the board of trustees of a state university 214830
located in the pilot project area or that board's designee as the 214831
sponsor of a community school established under this chapter; 214832

(2) Continue to sponsor that school in conformance with the 214833
terms of the contract between the board of trustees or its 214834
designee and the governing authority of the community school and 214835
renew that contract as provided in division (E) of section 3314.03 214836
of the Revised Code. 214837

(C) The entity that succeeds the board of trustees or the 214838
board's designee as sponsor of a community school under division 214839
(B) of this section also may enter into contracts to sponsor other 214840
community schools regardless of the proposed school's location, 214841
without obtaining the department's initial approval of its 214842
sponsorship of those schools under divisions (A)(2) and (B)(1) of 214843
section 3314.015 of the Revised Code as long as the contracts 214844
conform with and the entity complies with all other requirements 214845

of this chapter. 214846

(D)(1) Regardless of the entity's authority to sponsor 214847
community schools without the initial approval of the department, 214848
the entity is under the continuing oversight of the department in 214849
accordance with rules adopted under section 3314.015 of the 214850
Revised Code. 214851

(2) If an entity described in division (A) of this section 214852
receives a rating below "effective" under division (B) of section 214853
3314.016 of the Revised Code for two or more consecutive years, 214854
that entity shall receive approval from the department ~~of~~ 214855
~~education~~ to sponsor community schools and enter into a written 214856
agreement with the department in accordance with division (B)(1) 214857
of section 3314.015 of the Revised Code prior to entering into any 214858
further preliminary agreements under division (C)(2) of section 214859
3314.02 of the Revised Code or renewing any existing contract to 214860
sponsor a community school. 214861

(E)(1) As used in division (E) of this section: 214862

(a) "Board of trustees" means a board of trustees of a state 214863
university located in the pilot project area. 214864

(b) "Rating" means a sponsor rating under section 3314.016 of 214865
the Revised Code. 214866

(2) Notwithstanding anything to the contrary in division 214867
(B)(7)(b) of section 3314.016 of the Revised Code, for the 214868
purposes of that division, the department shall consider an entity 214869
that succeeded a board of trustees as the sponsor of a community 214870
school in accordance with division (B)(1) of this section to have 214871
received the same rating for the 2016-2017 school year as the 214872
board of trustees, provided all of the following apply: 214873

(a) The department assigned the board of trustees a rating of 214874
either "effective" or "exemplary" for the 2016-2017 school year. 214875

(b) The department did not assign the entity its own rating 214876
for the 2016-2017 school year. 214877

(c) The department assigned the entity its own rating for the 214878
2017-2018 school year. 214879

Sec. 3314.023. A sponsor shall provide monitoring, oversight, 214880
and technical assistance to each school that it sponsors. In order 214881
to provide monitoring, oversight, and technical assistance, a 214882
representative of the sponsor of a community school shall meet 214883
with the governing authority or fiscal officer of the school and 214884
shall review the financial and enrollment records of the school at 214885
least once every month. Not later than ten days after each review, 214886
the sponsor shall provide the governing authority and fiscal 214887
officer with a written report regarding the review. Copies of 214888
those financial and enrollment records shall be furnished to the 214889
community school sponsor and operator, members of the governing 214890
authority, and the fiscal officer designated in section 3314.011 214891
of the Revised Code on a monthly basis. 214892

If a community school closes or is permanently closed, the 214893
designated fiscal officer shall deliver all financial and 214894
enrollment records to the school's sponsor within thirty days of 214895
the school's closure. If the fiscal officer fails to provide the 214896
records in a timely manner, or fails to faithfully perform any of 214897
the fiscal officer's other duties, the sponsor has the right of 214898
action against the fiscal officer to compel delivery of all 214899
financial and enrollment records of the school and shall, if 214900
necessary, seek recovery of any funds owed as a result of any 214901
finding of recovery by the auditor of state against the fiscal 214902
officer. 214903

For purposes of this chapter, "monitoring, oversight, and 214904
technical assistance" shall include the following: 214905

(A) Monitoring the community school's compliance with all 214906

laws applicable to the school and with the terms of the contract;	214907
(B) Monitoring and evaluating the academic and fiscal	214908
performance and the organization and operation of the community	214909
school on at least an annual basis. The evaluation of a school's	214910
academic and fiscal performance shall be based on the performance	214911
requirements specified in the contract between the sponsor and the	214912
governing authority under section 3314.03 of the Revised Code, the	214913
state report cards issued for the school under section 3302.03 or	214914
3314.017 of the Revised Code, and any other analysis conducted by	214915
the department of education <u>and workforce</u> .	214916
(C) Reporting on an annual basis the results of the	214917
evaluation conducted under division (D)(2) of section 3314.03 of	214918
the Revised Code to the department of education <u>and workforce</u> and	214919
to the parents of students enrolled in the community school;	214920
(D) Providing technical assistance to the community school in	214921
complying with laws applicable to the school and terms of the	214922
contract;	214923
(E) Taking steps to intervene in the school's operation to	214924
correct problems in the school's overall performance, declaring	214925
the school to be on probationary status pursuant to section	214926
3314.073 of the Revised Code, suspending the operation of the	214927
school pursuant to section 3314.072 of the Revised Code, or	214928
terminating the contract of the school pursuant to section 3314.07	214929
of the Revised Code as determined necessary by the sponsor;	214930
(F) Having in place a plan of action to be undertaken in the	214931
event the community school experiences financial difficulties or	214932
closes prior to the end of a school year.	214933
(G) Other activities designed to specifically benefit the	214934
community school the entity sponsors.	214935
Sec. 3314.025. (A) Beginning with the 2016-2017 school year,	214936

each sponsor of a community school shall submit, not later than 214937
the fifteenth day of August of each year, a report to the 214938
department of education and workforce, using the format and manner 214939
prescribed by the department as set forth in division (B) of this 214940
section, describing the amount and type of expenditures made to 214941
provide monitoring, oversight, and technical assistance to the 214942
community schools it sponsors. The report shall also be submitted 214943
to the governing authority of the community school. 214944

(B) Not later than ninety days after ~~the effective date of~~ 214945
~~this section~~ February 1, 2016, the department shall establish 214946
requirements and a reporting procedure to aid each sponsor in 214947
complying with division (A) of this section. The department shall 214948
require that each report include at least the following types of 214949
expenditures made to provide oversight, monitoring, and technical 214950
assistance to the community school it sponsors: 214951

(1) Employee salaries, wages, benefits, and other 214952
compensation; 214953

(2) All purchased or contracted services; 214954

(3) Materials and supplies; 214955

(4) Equipment, furniture, and fixtures; 214956

(5) Facilities; 214957

(6) Other expenditures. 214958

(C) The report submitted under this section shall be a factor 214959
when evaluating a sponsor's compliance with applicable law and 214960
administrative rules as prescribed under division (B)(1)(c) of 214961
section 3314.016 of the Revised Code. The report also may be used 214962
as a factor when evaluating a sponsor's adherence to quality 214963
practices as prescribed under division (B)(1)(b) of that section. 214964

Sec. 3314.027. Notwithstanding the requirement for initial 214965

approval of sponsorship by the department of education and 214966
workforce prescribed in divisions (A)(2) and (B)(1) of section 214967
3314.015 of the Revised Code and any geographical restriction or 214968
mission requirement prescribed in division (C)(1) of section 214969
3314.02 of the Revised Code, an entity that has entered into a 214970
contract to sponsor a community school on April 8, 2003, may 214971
continue to sponsor the school in conformance with the terms of 214972
that contract and also may enter into new contracts to sponsor 214973
community schools after April 8, 2003, as long as the contracts 214974
conform to and the entity complies with all other provisions of 214975
this chapter. 214976

Regardless of the entity's authority to sponsor community 214977
schools without the initial approval of the department, each 214978
entity described in this section is under the continuing oversight 214979
of the department in accordance with rules adopted under section 214980
3314.015 of the Revised Code. 214981

If an entity to which this section applies receives a rating 214982
below "effective" under division (B) of section 3314.016 of the 214983
Revised Code for two or more consecutive years, that entity shall 214984
receive approval from the department of education and workforce to 214985
sponsor community schools and enter into a written agreement with 214986
the department in accordance with division (B)(1) of section 214987
3314.015 of the Revised Code prior to entering into any further 214988
preliminary agreements under division (C)(2) of section 3314.02 of 214989
the Revised Code or renewing any existing contract to sponsor a 214990
community school. 214991

Sec. 3314.029. This section establishes the Ohio school 214992
sponsorship program. The department of education and workforce 214993
shall establish an office of Ohio school sponsorship to perform 214994
the department's duties prescribed by this section. 214995

(A)(1) Notwithstanding anything to the contrary in this 214996
chapter, any person, group of individuals, or entity may apply to 214997
the department for direct authorization to establish a community 214998
school and, upon approval of the application, may establish the 214999
school. Notwithstanding anything to the contrary in this chapter, 215000
the governing authority of an existing community school, upon the 215001
expiration or termination of its contract with the school's 215002
sponsor entered into under section 3314.03 of the Revised Code, 215003
may apply to the department for direct authorization to continue 215004
operating the school and, upon approval of the application, may 215005
continue to operate the school. The department may establish a 215006
format and deadlines for an application. 215007

Each application submitted to the department shall include 215008
the following: 215009

(a) Evidence that the applicant will be able to comply with 215010
division (C) of this section; 215011

(b) A statement indicating that the applicant agrees to 215012
comply with all applicable provisions of this chapter, including 215013
the requirement to be established as a nonprofit corporation or 215014
public benefit corporation in accordance with division (A)(1) of 215015
section 3314.03 of the Revised Code; 215016

(c) A statement attesting that no unresolved finding of 215017
recovery has been issued by the auditor of state against any 215018
person, group of individuals, or entity that is a party to the 215019
application and that no person who is party to the application has 215020
been a member of the governing authority of any community school 215021
that has permanently closed and against which an unresolved 215022
finding of recovery has been issued by the auditor of state. In 215023
the case of an application submitted by the governing authority of 215024
an existing community school, a person who is party to the 215025
application shall include each individual member of that governing 215026
authority. 215027

(d) A statement that the school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;

(e) A statement of whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school. If it is a converted public school or service center building, the statement shall include a specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees, provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees.

(f) A statement that the school's teachers will be licensed in the manner prescribed by division (A)(10) of section 3314.03 of the Revised Code;

(g) A statement that the school will comply with all of the provisions of law enumerated in divisions (A)(11)(d) and (e) of section 3314.03 of the Revised Code and of division (A)(11)(h) of that section, if applicable;

(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code;

(i) A description of each of the following:

(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, the ages and grade levels of students, and the focus of the curriculum;

(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code;	215059 215060 215061
(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code;	215062 215063 215064
(iv) The school's business plan, including a five-year financial forecast;	215065 215066
(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;	215067 215068 215069
(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	215070 215071 215072 215073
(vii) The facilities to be used by the school and their locations;	215074 215075
(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code.	215076 215077 215078 215079 215080 215081
(2) Subject to division (A)(3) of this section, the department may approve or deny an application, taking into consideration the standards for quality authorizing, capacity requirements, financial constraints, or any other criteria it determines necessary and appropriate. The department shall adopt the criteria not later than sixty days after the effective date of this amendment. The department shall assign each applicant school a rating established for a new start-up community school or an	215082 215083 215084 215085 215086 215087 215088 215089

existing community school, as applicable. 215090

The department ~~of education~~ shall annually publish on its web 215091
site the criteria it uses to approve or deny an application 215092
submitted pursuant to this section. 215093

(3) For each of five school years, beginning with the school 215094
year that begins in the calendar year in which this section takes 215095
effect, the department may approve up to twenty applications for 215096
community schools to be established or to continue operation under 215097
division (A) of this section; however, of the twenty applications 215098
that may be approved each school year, only up to five may be for 215099
the establishment of new schools. 215100

(4) Notwithstanding division (A)(2) of this section, the 215101
department may deny an application submitted by the governing 215102
authority of an existing community school, if a previous sponsor 215103
of that school did not renew its contract or terminated its 215104
contract with the school entered into under section 3314.03 of the 215105
Revised Code. 215106

(5) In the case of a proposed new community school to be 215107
located in an alliance municipal school district, the department 215108
shall not approve the application of that community school unless 215109
both of the following apply: 215110

(a) The department approves the application using the 215111
requirements of divisions (A)(1)(a) to (h) of this section and the 215112
criteria developed under division (A)(2) of this section. 215113

(b) The department has determined that the applicant has 215114
requested and received a recommendation from the alliance in the 215115
manner prescribed by divisions (E)(1) and (2) of section 3311.86 215116
of the Revised Code. 215117

As used in this section, "alliance municipal school district" 215118
and "alliance" have the same meanings as in section 3311.86 of the 215119
Revised Code. 215120

(B) The department and the governing authority of each community school authorized under this section shall enter into a contract under section 3314.03 of the Revised Code. Notwithstanding division (A)(13) of that section, the contract with an existing community school may begin at any time during the academic year. The length of the initial contract of any community school under this section may be for any term up to five years. The contract may be renewed in accordance with division (E) of that section. The contract may provide for the school's governing authority to pay a fee for oversight and monitoring of the school that does not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(C) The department may require a community school authorized under this section to post and file with the ~~superintendent of public instruction~~ director of education and workforce a bond payable to the state or to file with the ~~state superintendent~~ director a guarantee, which shall be used to pay the state any moneys owed by the community school in the event the school closes.

(D) Except as otherwise provided in this section, a community school authorized under this section shall comply with all applicable provisions of this chapter. The department may take any action that a sponsor may take under this chapter to enforce the school's compliance with this division and the terms of the contract entered into under division (B) of this section.

(E) Not later than December 31, 2012, and annually thereafter, the department shall issue a report on the program, including information about the number of community schools participating in the program and their compliance with the provisions of this chapter. In its fifth report, the department shall include a complete evaluation of the program and

recommendations regarding the program's continuation. Each report 215153
shall be provided to the general assembly, in accordance with 215154
section 101.68 of the Revised Code, and to the governor. 215155

Sec. 3314.0211. (A) No community school to which either of 215156
the following applies shall be eligible to merge with one or more 215157
other community schools under this section: 215158

(1) The school has met the performance criteria for required 215159
closure specified in division (A) of section 3314.35 or division 215160
(A) of section 3314.351 of the Revised Code for at least one of 215161
the two most recent school years. 215162

(2) The school has been notified of the sponsor's intent to 215163
terminate or not renew the school's contract pursuant to section 215164
3314.07 of the Revised Code. 215165

(B) Two or more community schools may merge upon the adoption 215166
of a resolution by the governing authority of each school involved 215167
in the merger. Any merger shall take effect on the first day of 215168
July of the year specified in the resolution. 215169

(C) Not less than sixty days prior to the effective date of a 215170
merger under division (B) of this section, each community school 215171
involved in the merger shall do both of the following: 215172

(1) Provide a copy of the resolution to the school's sponsor; 215173

(2) Notify the department of education and workforce of all 215174
of the following: 215175

(a) The impending merger; 215176

(b) The effective date of the merger; 215177

(c) The school that will be designated as the surviving 215178
school in accordance with section 1702.41 of the Revised Code; 215179

(d) The entity that will sponsor the surviving school. 215180

(D) Notwithstanding anything to the contrary in the Revised 215181

Code, the governing authority of the surviving community school 215182
shall enter into a new contract with the school's sponsor under 215183
section 3314.03 of the Revised Code. 215184

(E) No sponsor shall do either of the following: 215185

(1) Assign the sponsor's existing contract with a merging 215186
community school to the sponsor of the surviving community school; 215187

(2) Assume an existing contract from the sponsor of a 215188
community school involved in a merger under division (B) of this 215189
section. 215190

Division (E) of this section shall not apply to the office of 215191
Ohio school sponsorship established under section 3314.029 of the 215192
Revised Code. 215193

(F)(1) The department shall issue a report card under section 215194
3302.03 or 3314.017 of the Revised Code for the surviving 215195
community school. 215196

(2) Notwithstanding anything to the contrary in division (B) 215197
of section 3314.012 of the Revised Code, all report card ratings 215198
associated with the surviving school, whether issued before or 215199
after the merger, shall be used for purposes of section 3314.35 or 215200
3314.351 of the Revised Code and any other matter that is based on 215201
report card ratings or measures. 215202

(G) Nothing in this section shall exempt a community school 215203
from closure under section 3314.35 or 3314.351 of the Revised 215204
Code. 215205

Sec. 3314.03. A copy of every contract entered into under 215206
this section shall be filed with the ~~superintendent~~ director of 215207
~~public instruction~~ education and workforce. The department of 215208
education and workforce shall make available on its web site a 215209
copy of every approved, executed contract filed with the 215210
~~superintendent~~ director under this section. 215211

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	215212 215213 215214
(1) That the school shall be established as either of the following:	215215 215216
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	215217 215218
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	215219 215220
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	215221 215222 215223 215224
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	215225 215226 215227
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	215228 215229 215230 215231
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	215232 215233
(6)(a) Dismissal procedures;	215234
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	215235 215236 215237 215238 215239
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	215240 215241

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the

school. 215272

(c) The school will be nonsectarian in its programs, 215273
admission policies, employment practices, and all other 215274
operations, and will not be operated by a sectarian school or 215275
religious institution. 215276

(d) The school will comply with sections 9.90, 9.91, 109.65, 215277
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 215278
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 215279
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 215280
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 215281
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 215282
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 215283
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 215284
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 215285
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 215286
3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 215287
3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 215288
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 215289
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, 215290
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 215291
4123., 4141., and 4167. of the Revised Code as if it were a school 215292
district and will comply with section 3301.0714 of the Revised 215293
Code in the manner specified in section 3314.17 of the Revised 215294
Code. 215295

(e) The school shall comply with Chapter 102. and section 215296
2921.42 of the Revised Code. 215297

(f) The school will comply with sections 3313.61, 3313.611, 215298
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 215299
except that for students who enter ninth grade for the first time 215300
before July 1, 2010, the requirement in sections 3313.61 and 215301
3313.611 of the Revised Code that a person must successfully 215302
complete the curriculum in any high school prior to receiving a 215303

high school diploma may be met by completing the curriculum 215304
adopted by the governing authority of the community school rather 215305
than the curriculum specified in Title XXXIII of the Revised Code 215306
or any rules of the ~~state board of education~~ department. Beginning 215307
with students who enter ninth grade for the first time on or after 215308
July 1, 2010, the requirement in sections 3313.61 and 3313.611 of 215309
the Revised Code that a person must successfully complete the 215310
curriculum of a high school prior to receiving a high school 215311
diploma shall be met by completing the requirements prescribed in 215312
section 3313.6027 and division (C) of section 3313.603 of the 215313
Revised Code, unless the person qualifies under division (D) or 215314
(F) of that section. Each school shall comply with the plan for 215315
awarding high school credit based on demonstration of subject area 215316
competency, and beginning with the 2017-2018 school year, with the 215317
updated plan that permits students enrolled in seventh and eighth 215318
grade to meet curriculum requirements based on subject area 215319
competency adopted by the ~~state board of education~~ department 215320
under divisions (J)(1) and (2) of section 3313.603 of the Revised 215321
Code. Beginning with the 2018-2019 school year, the school shall 215322
comply with the framework for granting units of high school credit 215323
to students who demonstrate subject area competency through 215324
work-based learning experiences, internships, or cooperative 215325
education developed by the department under division (J)(3) of 215326
section 3313.603 of the Revised Code. 215327

(g) The school governing authority will submit within four 215328
months after the end of each school year a report of its 215329
activities and progress in meeting the goals and standards of 215330
divisions (A)(3) and (4) of this section and its financial status 215331
to the sponsor and the parents of all students enrolled in the 215332
school. 215333

(h) The school, unless it is an internet- or computer-based 215334
community school, will comply with section 3313.801 of the Revised 215335

Code as if it were a school district. 215336

(i) If the school is the recipient of moneys from a grant 215337
awarded under the federal race to the top program, Division (A), 215338
Title XIV, Sections 14005 and 14006 of the "American Recovery and 215339
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 215340
school will pay teachers based upon performance in accordance with 215341
section 3317.141 and will comply with section 3319.111 of the 215342
Revised Code as if it were a school district. 215343

(j) If the school operates a preschool program that is 215344
licensed by the department ~~of education~~ under sections 3301.52 to 215345
3301.59 of the Revised Code, the school shall comply with sections 215346
3301.50 to 3301.59 of the Revised Code and the minimum standards 215347
for preschool programs prescribed in rules adopted by the ~~state~~ 215348
~~board~~ department under section 3301.53 of the Revised Code. 215349

(k) The school will comply with sections 3313.6021 and 215350
3313.6023 of the Revised Code as if it were a school district 215351
unless it is either of the following: 215352

(i) An internet- or computer-based community school; 215353

(ii) A community school in which a majority of the enrolled 215354
students are children with disabilities as described in division 215355
(A)(4)(b) of section 3314.35 of the Revised Code. 215356

(l) The school will comply with section 3321.191 of the 215357
Revised Code, unless it is an internet- or computer-based 215358
community school that is subject to section 3314.261 of the 215359
Revised Code. 215360

(12) Arrangements for providing health and other benefits to 215361
employees; 215362

(13) The length of the contract, which shall begin at the 215363
beginning of an academic year. No contract shall exceed five years 215364
unless such contract has been renewed pursuant to division (E) of 215365

this section. 215366

(14) The governing authority of the school, which shall be 215367
responsible for carrying out the provisions of the contract; 215368

(15) A financial plan detailing an estimated school budget 215369
for each year of the period of the contract and specifying the 215370
total estimated per pupil expenditure amount for each such year. 215371

(16) Requirements and procedures regarding the disposition of 215372
employees of the school in the event the contract is terminated or 215373
not renewed pursuant to section 3314.07 of the Revised Code; 215374

(17) Whether the school is to be created by converting all or 215375
part of an existing public school or educational service center 215376
building or is to be a new start-up school, and if it is a 215377
converted public school or service center building, specification 215378
of any duties or responsibilities of an employer that the board of 215379
education or service center governing board that operated the 215380
school or building before conversion is delegating to the 215381
governing authority of the community school with respect to all or 215382
any specified group of employees provided the delegation is not 215383
prohibited by a collective bargaining agreement applicable to such 215384
employees; 215385

(18) Provisions establishing procedures for resolving 215386
disputes or differences of opinion between the sponsor and the 215387
governing authority of the community school; 215388

(19) A provision requiring the governing authority to adopt a 215389
policy regarding the admission of students who reside outside the 215390
district in which the school is located. That policy shall comply 215391
with the admissions procedures specified in sections 3314.06 and 215392
3314.061 of the Revised Code and, at the sole discretion of the 215393
authority, shall do one of the following: 215394

(a) Prohibit the enrollment of students who reside outside 215395
the district in which the school is located; 215396

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	215397 215398
(c) Permit the enrollment of students who reside in any other district in the state.	215399 215400
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	215401 215402 215403 215404
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	215405 215406 215407
(22) A provision recognizing both of the following:	215408
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	215409 215410 215411 215412
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	215413 215414 215415 215416 215417 215418 215419
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;	215420 215421 215422 215423 215424 215425
(24) The school will comply with sections 3302.04 and	215426

3302.041 of the Revised Code, except that any action required to 215427
be taken by a school district pursuant to those sections shall be 215428
taken by the sponsor of the school. ~~However, the sponsor shall not~~ 215429
~~be required to take any action described in division (F) of~~ 215430
~~section 3302.04 of the Revised Code.~~ 215431

(25) Beginning in the 2006-2007 school year, the school will 215432
open for operation not later than the thirtieth day of September 215433
each school year, unless the mission of the school as specified 215434
under division (A)(2) of this section is solely to serve dropouts. 215435
In its initial year of operation, if the school fails to open by 215436
the thirtieth day of September, or within one year after the 215437
adoption of the contract pursuant to division (D) of section 215438
3314.02 of the Revised Code if the mission of the school is solely 215439
to serve dropouts, the contract shall be void. 215440

(26) Whether the school's governing authority is planning to 215441
seek designation for the school as a STEM school equivalent under 215442
section 3326.032 of the Revised Code; 215443

(27) That the school's attendance and participation policies 215444
will be available for public inspection; 215445

(28) That the school's attendance and participation records 215446
shall be made available to the department ~~of education~~, auditor of 215447
state, and school's sponsor to the extent permitted under and in 215448
accordance with the "Family Educational Rights and Privacy Act of 215449
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 215450
regulations promulgated under that act, and section 3319.321 of 215451
the Revised Code; 215452

(29) If a school operates using the blended learning model, 215453
as defined in section 3301.079 of the Revised Code, all of the 215454
following information: 215455

(a) An indication of what blended learning model or models 215456
will be used; 215457

(b) A description of how student instructional needs will be determined and documented;	215458 215459
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	215460 215461
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	215462 215463
(e) A statement describing how student progress will be monitored;	215464 215465
(f) A statement describing how private student data will be protected;	215466 215467
(g) A description of the professional development activities that will be offered to teachers.	215468 215469
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	215470 215471 215472 215473
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	215474 215475 215476 215477
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	215478 215479 215480 215481 215482
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	215483 215484 215485
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the	215486 215487

following:	215488
(1) The process by which the governing authority of the school will be selected in the future;	215489 215490
(2) The management and administration of the school;	215491
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	215492 215493 215494 215495 215496
(4) The instructional program and educational philosophy of the school;	215497 215498
(5) Internal financial controls.	215499
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	215500 215501 215502 215503
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	215504 215505 215506 215507 215508 215509 215510 215511 215512 215513
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the	215514 215515 215516 215517

following:	215518
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	215519 215520
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	215521 215522 215523
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	215524 215525 215526 215527
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	215528 215529 215530
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	215531 215532 215533 215534 215535 215536 215537
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	215538 215539 215540
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is	215541 215542 215543 215544 215545 215546 215547 215548

renewed under this division remains subject to the provisions of 215549
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 215550

(F) If a community school fails to open for operation within 215551
one year after the contract entered into under this section is 215552
adopted pursuant to division (D) of section 3314.02 of the Revised 215553
Code or permanently closes prior to the expiration of the 215554
contract, the contract shall be void and the school shall not 215555
enter into a contract with any other sponsor. A school shall not 215556
be considered permanently closed because the operations of the 215557
school have been suspended pursuant to section 3314.072 of the 215558
Revised Code. 215559

Sec. 3314.032. (A) On and after ~~the effective date of this~~ 215560
~~section~~ February 1, 2016, any new or renewed contract between the 215561
governing authority of a community school and an operator shall 215562
include at least the following: 215563

(1) Criteria to be used for early termination of the operator 215564
contract; 215565

(2) Required notification procedures and timeline for early 215566
termination or nonrenewal of the operator contract; 215567

(3) A stipulation of which entity owns all community school 215568
facilities and property including, but not limited to, equipment, 215569
furniture, fixtures, instructional materials and supplies, 215570
computers, printers, and other digital devices purchased by the 215571
governing authority or operator. Any stipulation regarding 215572
property ownership shall comply with the requirements of section 215573
3314.0210 of the Revised Code. 215574

(B)(1) The operator with which the governing authority of a 215575
community school contracts for services shall not lease any parcel 215576
of real property to that community school until an independent 215577
professional in the real estate field verifies via addendum that 215578

at the time the lease was agreed to, the lease was commercially 215579
reasonable. 215580

(2) The independent professional described in division (B)(1) 215581
of this section shall be immune from civil liability for any 215582
decision rendered pursuant to this section. 215583

(C) Beginning with the 2016-2017 school year, the governing 215584
authority of a community school, with the assistance of the 215585
school's designated fiscal officer, shall adopt an annual budget 215586
by the thirty-first day of October of each year. 215587

~~Not later than ninety days after the effective date of this~~ 215588
~~section, the~~ The department of education and workforce shall 215589
develop a format for annual budgets of community schools. The 215590
format shall prescribe inclusion of the following information in a 215591
school's budget: 215592

(1) Administrative costs for the community school as a whole; 215593

(2) Instructional services costs for each category of service 215594
provided directly to students, compiled and reported in terms of 215595
average expenditure per pupil receiving the service; 215596

(3) The cost of instructional support services, such as 215597
services provided by a speech-language pathologist, classroom 215598
aide, multimedia aide, or librarian, provided directly to 215599
students; 215600

(4) The cost of administrative support services, such as the 215601
cost of personnel that develop the curriculum and the cost of 215602
personnel supervising or coordinating the delivery of the 215603
instructional services; 215604

(5) The cost of support or extracurricular services costs for 215605
services directly provided to students; 215606

(6) The cost of services provided directly to students by a 215607
nonlicensed employee related to support or extracurricular 215608

services, such as janitorial services, cafeteria services, or 215609
services of a sports trainer; 215610

(7) The cost of administrative services related to support or 215611
extracurricular services, such as the cost of any licensed or 215612
unlicensed employees that develop, supervise, coordinate, or 215613
otherwise are involved in administrating or aiding the delivery of 215614
services. 215615

(D) The governing authority of a community school shall be 215616
the sole entity responsible for the adoption of the school's 215617
annual budget, but the governing authority shall adopt such budget 215618
with the assistance of the school's designated fiscal officer. 215619

Sec. 3314.034. (A) Subject to division (B) of this section, 215620
any community school to which either of the following conditions 215621
apply shall be prohibited from entering into a contract with a new 215622
sponsor: 215623

(1) The community school has received, on the most recent 215624
report card issued for that school under section 3302.03 of the 215625
Revised Code, either of the following: 215626

(a) A grade of "D" or "F" for the performance index score, 215627
under division (C)(1)(b) of section 3302.03 of the Revised Code, 215628
and an overall grade of "D" or "F" for the value-added progress 215629
dimension or another measure of student academic progress if 215630
adopted by the ~~state board~~ department of education and workforce, 215631
under division (C)(1)(e) of that section; 215632

(b) A performance rating of less than three stars for 215633
achievement under division (D)(3)(b) of section 3302.03 of the 215634
Revised Code and a performance rating of less than three stars for 215635
progress under division (D)(3)(c) of that section. 215636

(2) The community school is one in which a majority of the 215637
students are enrolled in a dropout prevention and recovery 215638

program, and it has received a rating of "does not meet standards" 215639
for the annual student growth measure and combined graduation 215640
rates on the most recent report card issued for the school under 215641
section 3314.017 of the Revised Code. 215642

(B) A community school to which division (A) of this section 215643
applies may enter into a contract with a new sponsor if all of the 215644
following conditions are satisfied: 215645

(1) The proposed sponsor received a rating of "effective" or 215646
higher pursuant to division (B)(6) of section 3314.016 of the 215647
Revised Code on its most recent evaluation conducted according to 215648
that section, or the proposed sponsor is the office of Ohio school 215649
sponsorship established in section 3314.029 of the Revised Code. 215650

(2) The community school submits a request to enter into a 215651
new contract with a sponsor. 215652

(3) The community school has not submitted a prior request 215653
that was granted. 215654

(4) The department grants the school's request pursuant to 215655
division (C) of this section. 215656

(C) A school shall submit a request to change sponsors under 215657
this section not later than on the fifteenth day of February of 215658
the year in which the school wishes to do so. The department shall 215659
grant or deny the request not later than thirty days after the 215660
department receives it. If the department denies the request, the 215661
community school may submit an appeal to the ~~state board of~~ 215662
~~education, which~~ director of education and workforce who shall 215663
hold a hearing in accordance with Chapter 119. of the Revised 215664
Code. The community school shall file its notice of appeal to the 215665
~~state board~~ director not later than ten days after receiving the 215666
decision from the department. The ~~state board~~ director shall 215667
conduct the hearing not later than thirty days after receiving the 215668
school's notice of appeal and act upon the determination of the 215669

hearing officer not later than the twenty-fifth day of June of the 215670
year in which the school wishes to change sponsors. 215671

(D) Factors to be considered during a hearing held pursuant 215672
to division (C) of this section include, but are not limited to, 215673
the following: 215674

(1) The school's impact on the students and the community or 215675
communities it serves; 215676

(2) The quality and quantity of academic and administrative 215677
support the school receives from its current sponsor to help the 215678
school to improve; 215679

(3) The sponsor's annual evaluations of the community school 215680
under division (D)(2) of section 3314.03 of the Revised Code for 215681
the previous three years; 215682

(4) The academic performance of the school, taking into 215683
account the demographic information of the students enrolled in 215684
the school; 215685

(5) The academic performance of alternative schools that 215686
serve comparable populations of students as those served by the 215687
community school; 215688

(6) The fiscal stability of the school; 215689

(7) The results of any audits of the school by the auditor of 215690
state; 215691

(8) The length of time the school has been under the 215692
oversight of its current sponsor; 215693

(9) The number of times the school has changed sponsors prior 215694
to the current request; 215695

(10) Parent and student satisfaction rates as demonstrated by 215696
surveys, if available. 215697

Sec. 3314.035. Each community school shall post on the 215698

school's web site the name of each member of the school's 215699
governing authority. Each community school also shall provide, 215700
upon request, the name and address of each member of the governing 215701
authority to the sponsor of the school and the department of 215702
education and workforce. 215703

Sec. 3314.038. Each community school shall annually submit to 215704
the department of education and workforce and auditor of state a 215705
report of each instance under which a student who is enrolled in 215706
that community school resides in a children's residential center 215707
as defined under section 5103.05 of the Revised Code. 215708

Sec. 3314.039. The department of education and workforce 215709
shall compile and publish the following information, for each year 215710
since the 2010-2011 school year, in a simple, easily accessible 215711
location on its web site: 215712

(A) A single document identifying each community school that 215713
has closed during each year and the reason for the closure of each 215714
school; 215715

(B) A single document for each entity that submitted an 215716
application to sponsor schools that contains the following, where 215717
applicable: 215718

(1) The entity's application and most recent evaluation; 215719

(2) A designation of whether the entity's application was 215720
approved or denied; 215721

(3) All documentation used in determining whether to approve 215722
or deny the entity's application; 215723

(4) A short statement describing the rationale used in 215724
approving or denying the entity's application. 215725

(C) A single document containing the following information: 215726

(1) A list of all sponsor ratings for each school year for which ratings are available; 215727
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(2) A list of each sponsor that is prohibited, as of the thirty-first day of December of each school year, from sponsoring new schools; 215729
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(3) A list of each sponsor that sponsors or has sponsored a school that is or was subject to closure, and the reason for that closure. 215732
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(D) The department shall update the document required pursuant to division (A) of this section on an annual basis. 215735
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Sec. 3314.041. The governing authority of each community school and any operator of such school shall distribute to parents of students of the school upon their enrollment in the school the following statement in writing: 215737
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"The (here fill in name of the school) school is a community school established under Chapter 3314. of the Revised Code. The school is a public school and students enrolled in and attending the school are required to take proficiency tests and other examinations prescribed by law. In addition, there may be other requirements for students at the school that are prescribed by law. Students who ~~have been excused~~ are exempt from the compulsory attendance law for the purpose of home education ~~as defined by the Administrative Code pursuant to section 3321.042 of the Revised Code~~ shall no longer be ~~excused~~ exempt for that purpose upon their enrollment in a community school. For more information about this matter contact the school administration or the Ohio Department of Education and Workforce." 215741
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Sec. 3314.05. (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided 215754
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in divisions (B)(3) and (4) of this section, no community school 215757
shall be established in more than one school district under the 215758
same contract. 215759

(B) Division (B) of this section shall not apply to internet- 215760
or computer-based community schools. 215761

(1) A community school may be located in multiple facilities 215762
under the same contract only if the limitations on availability of 215763
space prohibit serving all the grade levels specified in the 215764
contract in a single facility or division (B)(2), (3), or (4) of 215765
this section applies to the school. The school shall not offer the 215766
same grade level classrooms in more than one facility. 215767

(2) A community school may be located in multiple facilities 215768
under the same contract and, notwithstanding division (B)(1) of 215769
this section, may assign students in the same grade level to 215770
multiple facilities, as long as all of the following apply: 215771

(a) The governing authority has entered into and maintains a 215772
contract with an operator of the type described in division 215773
(A)(8)(b) of section 3314.02 of the Revised Code. 215774

(b) The contract with that operator qualified the school to 215775
be established pursuant to division (A) of former section 3314.016 215776
of the Revised Code. 215777

(c) The school's rating under section 3302.03 of the Revised 215778
Code does not fall below a combination of any of the following for 215779
two or more consecutive years: 215780

(i) A rating of "in need of continuous improvement" under 215781
section 3302.03 of the Revised Code, as that section existed prior 215782
to March 22, 2013; 215783

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 215784
school years, a rating of "C" for both the performance index score 215785
under division (A)(1)(b) or (B)(1)(b) and the value-added 215786

dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 215787
of the Revised Code; or if the building serves only grades ten 215788
through twelve, the building received a grade of "C" for the 215789
performance index score under division (A)(1)(b) or (B)(1)(b) of 215790
section 3302.03 of the Revised Code; 215791

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 215792
2020-2021 school years, an overall grade of "C" under division 215793
(C)(3) of section 3302.03 of the Revised Code or an overall 215794
performance designation of "meets standards" under division 215795
(E)(3)(e) of section 3314.017 of the Revised Code; 215796

(iv) For the 2021-2022 school year and any school year 215797
thereafter, an overall performance rating of three stars under 215798
division (D)(3) of section 3302.03 of the Revised Code or an 215799
overall performance designation of "meets standards" under 215800
division (E)(3)(e) of section 3314.017 of the Revised Code. 215801

(3) On and after September 30, 2021, a new start-up community 215802
school may be established in two school districts under the same 215803
contract regardless of the proposed location of either district if 215804
both of the following apply: 215805

(a) The school operates not more than one facility in each 215806
school district and, in accordance with division (B)(1) of this 215807
section, the school does not offer the same grade level classrooms 215808
in both facilities; and 215809

(b) Transportation between the two facilities does not 215810
require more than thirty minutes of direct travel time as measured 215811
by school bus. 215812

(4) A community school may be located in multiple facilities 215813
under the same contract and, notwithstanding division (B)(1) of 215814
this section, may assign students in the same grade level to 215815
multiple facilities, as long as both of the following apply: 215816

(a) The facilities are all located in the same county or in 215817

any county adjacent to the county in which the community school's primary facility is located. 215818
215819

(b) Either of the following conditions are satisfied: 215820

(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located or in any county adjacent to the county in which the community school's primary facility is located; 215821
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(ii) The community school is managed by an operator. 215826

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation. 215827
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(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings. 215836
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(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school. 215839
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(D) Two or more separate community schools may be located in the same facility. 215847
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(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

(F)(1) In the case of a community school that exists prior to September 30, 2021, to which division (B)(3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to September 30, 2021, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F)(2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing authority pursuant to the requirements of this section as it existed prior to ~~the~~ September 30, 2021, that designation remains unless and until the school's governing authority designates a different primary location.

(2)(a) On and after September 30, 2021, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary

location and the district in which the school is located for the 215881
purposes of division (A)(19) of section 3314.03 and divisions (C) 215882
and (H) of section 3314.06 of the Revised Code and for all other 215883
purposes of this chapter and shall notify the department of 215884
education and workforce of that designation. 215885

(b) A community school governing authority that elects to 215886
modify a community school's primary location, whether in 215887
accordance with division (F)(1) of this section or otherwise, 215888
shall notify the department of that modification. 215889

Sec. 3314.06. The governing authority of each community 215890
school established under this chapter shall adopt admission 215891
procedures that specify the following: 215892

(A) That, except as otherwise provided in this section, 215893
admission to the school shall be open to any individual age five 215894
to twenty-two entitled to attend school pursuant to section 215895
3313.64 or 3313.65 of the Revised Code in a school district in the 215896
state. 215897

Additionally, except as otherwise provided in this section, 215898
admission to the school may be open on a tuition basis to any 215899
individual age five to twenty-two who is not a resident of this 215900
state. The school shall not receive state funds under section 215901
3317.022 of the Revised Code for any student who is not a resident 215902
of this state. 215903

An individual younger than five years of age may be admitted 215904
to the school in accordance with division (A)(2) of section 215905
3321.01 of the Revised Code. The school shall receive funds for an 215906
individual admitted under that division in the manner provided 215907
under section 3317.022 of the Revised Code. 215908

If the school operates a program that uses the Montessori 215909
method endorsed by the American Montessori society, the Montessori 215910

accreditation council for teacher education, or the association 215911
Montessori internationale as its primary method of instruction, 215912
admission to the school may be open to individuals younger than 215913
five years of age but the school shall not receive funds under 215914
section 3317.022 of the Revised Code for those individuals. 215915
Notwithstanding anything to the contrary in this chapter, 215916
individuals younger than five years of age who are enrolled in a 215917
Montessori program shall be offered at least four hundred 215918
fifty-five hours of learning opportunities per school year. 215919

If the school operates a preschool program that is licensed 215920
by the department of education and workforce under sections 215921
3301.52 to 3301.59 of the Revised Code, admission to the school 215922
may be open to individuals who are younger than five years of age, 215923
but the school shall not receive funds under this chapter for 215924
those individuals. 215925

(B)(1) That admission to the school may be limited to 215926
students who have attained a specific grade level or are within a 215927
specific age group; to students that meet a definition of 215928
"at-risk," as defined in the contract; to residents of a specific 215929
geographic area within the district, as defined in the contract; 215930
or to separate groups of autistic students and nondisabled 215931
students, as authorized in section 3314.061 of the Revised Code 215932
and as defined in the contract. 215933

(2) For purposes of division (B)(1) of this section, 215934
"at-risk" students may include those students identified as gifted 215935
students under section 3324.03 of the Revised Code. 215936

(C) Whether enrollment is limited to students who reside in 215937
the district in which the school is located or is open to 215938
residents of other districts, as provided in the policy adopted 215939
pursuant to the contract. 215940

(D)(1) That there will be no discrimination in the admission 215941

of students to the school on the basis of race, creed, color, 215942
disability, or sex except that: 215943

(a) The governing authority may do either of the following 215944
for the purpose described in division (G) of this section: 215945

(i) Establish a single-gender school for either sex; 215946

(ii) Establish single-gender schools for each sex under the 215947
same contract, provided substantially equal facilities and 215948
learning opportunities are offered for both boys and girls. Such 215949
facilities and opportunities may be offered for each sex at 215950
separate locations. 215951

(b) The governing authority may establish a school that 215952
simultaneously serves a group of students identified as autistic 215953
and a group of students who are not disabled, as authorized in 215954
section 3314.061 of the Revised Code. However, unless the total 215955
capacity established for the school has been filled, no student 215956
with any disability shall be denied admission on the basis of that 215957
disability. 215958

(2) That upon admission of any student with a disability, the 215959
community school will comply with all federal and state laws 215960
regarding the education of students with disabilities. 215961

(E) That the school may not limit admission to students on 215962
the basis of intellectual ability, measures of achievement or 215963
aptitude, or athletic ability, except that a school may limit its 215964
enrollment to students as described in division (B) of this 215965
section. 215966

(F) That the community school will admit the number of 215967
students that does not exceed the capacity of the school's 215968
programs, classes, grade levels, or facilities. 215969

(G) That the purpose of single-gender schools that are 215970
established shall be to take advantage of the academic benefits 215971

some students realize from single-gender instruction and 215972
facilities and to offer students and parents residing in the 215973
district the option of a single-gender education. 215974

(H) That, except as otherwise provided under division (B) of 215975
this section or section 3314.061 of the Revised Code, if the 215976
number of applicants exceeds the capacity restrictions of division 215977
(F) of this section, students shall be admitted by lot from all 215978
those submitting applications, except preference shall be given to 215979
students attending the school the previous year and to students 215980
who reside in the district in which the school is located. 215981
Preference may be given to siblings of students attending the 215982
school the previous year. Preference also may be given to students 215983
who are the children of full-time staff members employed by the 215984
school, provided the total number of students receiving this 215985
preference is less than five per cent of the school's total 215986
enrollment. 215987

Notwithstanding divisions (A) to (H) of this section, in the 215988
event the racial composition of the enrollment of the community 215989
school is violative of a federal desegregation order, the 215990
community school shall take any and all corrective measures to 215991
comply with the desegregation order. 215992

Sec. 3314.072. The provisions of this section are enacted to 215993
promote the public health, safety, and welfare by establishing 215994
procedures under which the governing authorities of community 215995
schools established under this chapter will be held accountable 215996
for their compliance with the terms of the contracts they enter 215997
into with their school's sponsors and the law relating to the 215998
school's operation. Suspension of the operation of a school 215999
imposed under this section is intended to encourage the governing 216000
authority's compliance with the terms of the school's contract and 216001
the law and is not intended to be an alteration of the terms of 216002

that contract. 216003

(A) If a sponsor of a community school established under this 216004
chapter suspends the operation of that school pursuant to 216005
procedures set forth in this section, the governing authority 216006
shall not operate that school while the suspension is in effect. 216007
Any such suspension shall remain in effect until the sponsor 216008
notifies the governing authority that it is no longer in effect. 216009
The contract of a school of which operation is suspended under 216010
this section also may be subject to termination or nonrenewal 216011
under section 3314.07 of the Revised Code. 216012

(B) If at any time conditions at the school do not comply 216013
with a health and safety standard established by law for school 216014
buildings, the sponsor shall immediately suspend the operation of 216015
the school pursuant to procedures set forth in division (D) of 216016
this section. If the sponsor fails to take action to suspend the 216017
operation of a school to which this division applies, the 216018
department of education and workforce may take such action. 216019

(C)(1) For any of the reasons prescribed in ~~division~~ 216020
divisions (B)(1)(a) to (d) of section 3314.07 of the Revised Code, 216021
the sponsor of a community school established under this chapter 216022
may suspend the operation of the school only if it first issues to 216023
the governing authority notice of the sponsor's intent to suspend 216024
the operation of the contract. Such notice shall explain the 216025
reasons for the sponsor's intent to suspend operation of the 216026
contract and shall provide the school's governing authority with 216027
five business days to submit to the sponsor a proposal to remedy 216028
the conditions cited as reasons for the suspension. 216029

(2) The sponsor shall promptly review any proposed remedy 216030
timely submitted by the governing authority and either approve or 216031
disapprove the remedy. If the sponsor disapproves the remedy 216032
proposed by the governing authority, if the governing authority 216033
fails to submit a proposed remedy in the manner prescribed by the 216034

sponsor, or if the governing authority fails to implement the 216035
remedy as approved by the sponsor, the sponsor may suspend 216036
operation of the school pursuant to procedures set forth in 216037
division (D) of this section. 216038

(D)(1) If division (B) of this section applies or if the 216039
sponsor of a community school established under this chapter 216040
decides to suspend the operation of a school as permitted in 216041
division (C)(2) of this section, the sponsor shall promptly send 216042
written notice to the governing authority stating that the 216043
operation of the school is immediately suspended, and explaining 216044
the specific reasons for the suspension. The notice shall state 216045
that the governing authority has five business days to submit a 216046
proposed remedy to the conditions cited as reasons for the 216047
suspension or face potential contract termination. 216048

(2) Upon receipt of the notice of suspension prescribed under 216049
division (D)(1) of this section, the governing authority shall 216050
immediately notify the employees of the school and the parents of 216051
the students enrolled in the school of the suspension and the 216052
reasons therefore, and shall cease all school operations on the 216053
next business day. 216054

(E)(1) Beginning with the 2013-2014 school year, if the 216055
sponsor of a community school suspends the operation of that 216056
school pursuant to procedures set forth in this section, the 216057
school's contract with the sponsor under section 3314.03 of the 216058
Revised Code shall become void, if the governing authority of the 216059
school fails to provide a proposal to remedy the conditions cited 216060
by the sponsor as reasons for the suspension, to the satisfaction 216061
of the sponsor, by the thirtieth day of September of the school 216062
year immediately following the school year in which the operation 216063
of school was suspended. 216064

(2) If, prior to ~~the effective date of this amendment~~ 216065
September 29, 2013, the sponsor of a community school has 216066

suspended the operation of the school, the contract with the sponsor under section 3314.03 of the Revised Code shall become void if the governing authority of the school fails to provide by September 30, 2014, a proposal to remedy the conditions cited by the sponsor as reasons for the suspension, to the satisfaction of the sponsor.

Sec. 3314.074. Divisions (A) and (B) of this section apply only to the extent permitted under Chapter 1702. of the Revised Code.

(A) If any community school established under this chapter permanently closes and ceases its operation as a community school, the assets of that school shall be distributed first to the retirement funds of employees of the school, employees of the school, and private creditors who are owed compensation, and then any remaining funds shall be paid to the department of education and workforce for redistribution to the school districts in which the students who were enrolled in the school at the time it ceased operation were entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount distributed to each school district shall be proportional to the district's share of the total enrollment in the community school. For any community school that closes after fiscal year 2021, any remaining funds shall be paid to the department ~~of education~~ and deposited into the state general revenue fund.

(B) If a community school closes and ceases to operate as a community school and the school has received computer hardware or software from the former Ohio SchoolNet commission or the former eTech Ohio commission, such hardware or software shall be turned over to the department ~~of education~~, which shall redistribute the hardware and software, to the extent such redistribution is possible, to school districts in conformance with the provisions

of the programs as they were operated and administered by the 216098
former eTech Ohio commission. 216099

(C) If the assets of the school are insufficient to pay all 216100
persons or entities to whom compensation is owed, the 216101
prioritization of the distribution of the assets to individual 216102
persons or entities within each class of payees may be determined 216103
by decree of a court in accordance with this section and Chapter 216104
1702. of the Revised Code. 216105

(D) A community school that engages in a merger or 216106
consolidation pursuant to division (B) of section 1702.41 of the 216107
Revised Code and becomes a single public benefit corporation shall 216108
not be required to distribute assets pursuant to divisions (A), 216109
(B), and (C) of this section, provided that the governing 216110
authority of the community school created by the merger or 216111
consolidation enters into a contract for sponsorship under section 216112
3314.03 of the Revised Code with an entity rated "effective" or 216113
higher by the department ~~of education~~ pursuant to section 3314.016 216114
of the Revised Code. 216115

Sec. 3314.08. (A) As used in this section: 216116

(1) "IEP" has the same meaning as in section 3323.01 of the 216117
Revised Code. 216118

(2) "Resident district" means the school district in which a 216119
student is entitled to attend school under section 3313.64 or 216120
3313.65 of the Revised Code. 216121

(B) The ~~state board~~ department of education and workforce 216122
shall adopt rules requiring the governing authority of each 216123
community school established under this chapter to annually report 216124
all of the following: 216125

(1) The number of students enrolled in grades one through 216126
twelve and the full-time equivalent number of students enrolled in 216127

kindergarten in the school who are not receiving special education	216128
and related services pursuant to an IEP;	216129
(2) The number of enrolled students in grades one through	216130
twelve and the full-time equivalent number of enrolled students in	216131
kindergarten, who are receiving special education and related	216132
services pursuant to an IEP;	216133
(3) The number of students reported under division (B)(2) of	216134
this section receiving special education and related services	216135
pursuant to an IEP for a disability described in each of divisions	216136
(A) to (F) of section 3317.013 of the Revised Code;	216137
(4) The full-time equivalent number of students reported	216138
under divisions (B)(1) and (2) of this section who are enrolled in	216139
career-technical education programs or classes described in each	216140
of divisions (A)(1) to (5) of section 3317.014 of the Revised Code	216141
that are provided by the community school;	216142
(5) The number of students reported under divisions (B)(1)	216143
and (2) of this section who are not reported under division (B)(4)	216144
of this section but who are enrolled in career-technical education	216145
programs or classes described in each of divisions (A)(1) to (5)	216146
of section 3317.014 of the Revised Code at a joint vocational	216147
school district or another district in the career-technical	216148
planning district to which the school is assigned;	216149
(6) The number of students reported under divisions (B)(1)	216150
and (2) of this section who are category one to three English	216151
learners described in each of divisions (A) to (C) of section	216152
3317.016 of the Revised Code;	216153
(7) The number of students reported under divisions (B)(1)	216154
and (2) of this section who are economically disadvantaged, as	216155
defined by the department. A student shall not be categorically	216156
excluded from the number reported under division (B)(7) of this	216157
section based on anything other than family income.	216158

(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B)(1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

(C)(1)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the ~~superintendent of public instruction~~ director of education and workforce documentation, as prescribed by the ~~superintendent~~ director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division (C)(1)(a) of this section, and the department shall pay for, only

the costs of educational expenses and the related services 216190
provided to the student in accordance with the student's 216191
individualized education program. Any legal fees, court costs, or 216192
other costs associated with any cause of action relating to the 216193
student may not be included in the amount. 216194

(2) In any fiscal year, a community school receiving funds 216195
under division (A)(7) of section 3317.022 of the Revised Code 216196
shall spend those funds only for the purposes that the department 216197
designates as approved for career-technical education expenses. 216198
Career-technical education expenses approved by the department 216199
shall include only expenses connected to the delivery of 216200
career-technical programming to career-technical students. The 216201
department shall require the school to report data annually so 216202
that the department may monitor the school's compliance with the 216203
requirements regarding the manner in which funding received under 216204
division (A)(7) of section 3317.022 of the Revised Code may be 216205
spent. 216206

(3) Notwithstanding anything to the contrary in section 216207
3313.90 of the Revised Code, except as provided in division (C)(5) 216208
of this section, all funds received under division (A)(7) of 216209
section 3317.022 of the Revised Code shall be spent in the 216210
following manner: 216211

(a) At least seventy-five per cent of the funds shall be 216212
spent on curriculum development, purchase, and implementation; 216213
instructional resources and supplies; industry-based program 216214
certification; student assessment, credentialing, and placement; 216215
curriculum specific equipment purchases and leases; 216216
career-technical student organization fees and expenses; home and 216217
agency linkages; work-based learning experiences; professional 216218
development; and other costs directly associated with 216219
career-technical education programs including development of new 216220
programs. 216221

(b) Not more than twenty-five per cent of the funds shall be 216222
used for personnel expenditures. 216223

(4) A community school shall spend the funds it receives 216224
under division (A)(4) of section 3317.022 of the Revised Code in 216225
accordance with section 3317.25 of the Revised Code. 216226

(5) The department may waive the requirement in division 216227
(C)(3) of this section for any community school that exclusively 216228
provides one or more career-technical workforce development 216229
programs in arts and communications that are not 216230
equipment-intensive, as determined by the department. 216231

(6) For fiscal years 2022 and 2023, a community school shall 216232
spend the funds it receives under division (A)(5) of section 216233
3317.022 of the Revised Code only for services for English 216234
learners. 216235

(D) A board of education sponsoring a community school may 216236
utilize local funds to make enhancement grants to the school or 216237
may agree, either as part of the contract or separately, to 216238
provide any specific services to the community school at no cost 216239
to the school. 216240

(E) A community school may not levy taxes or issue bonds 216241
secured by tax revenues. 216242

(F) No community school shall charge tuition for the 216243
enrollment of any student who is a resident of this state. A 216244
community school may charge tuition for the enrollment of any 216245
student who is not a resident of this state. 216246

(G)(1)(a) A community school may borrow money to pay any 216247
necessary and actual expenses of the school in anticipation of the 216248
receipt of any portion of the payments to be received by the 216249
school pursuant to section 3317.022 of the Revised Code. The 216250
school may issue notes to evidence such borrowing. The proceeds of 216251
the notes shall be used only for the purposes for which the 216252

anticipated receipts may be lawfully expended by the school. 216253

(b) A school may also borrow money for a term not to exceed 216254
fifteen years for the purpose of acquiring facilities. 216255

(2) Except for any amount guaranteed under section 3318.50 of 216256
the Revised Code, the state is not liable for debt incurred by the 216257
governing authority of a community school. 216258

(H) The department ~~of education~~ shall adjust the amounts paid 216259
under section 3317.022 of the Revised Code to reflect any 216260
enrollment of students in community schools for less than the 216261
equivalent of a full school year. The ~~state board of education~~ 216262
~~within ninety days after April 8, 2003,~~ department shall adopt in 216263
accordance with Chapter 119. of the Revised Code rules governing 216264
the payments to community schools under section 3317.022 of the 216265
Revised Code including initial payments in a school year and 216266
adjustments and reductions made in subsequent periodic payments to 216267
community schools as provided under section 3317.022 of the 216268
Revised Code. For purposes of this division: 216269

(1) A student shall be considered enrolled in the community 216270
school for any portion of the school year the student is 216271
participating at a college under Chapter 3365. of the Revised 216272
Code. 216273

(2) A student shall be considered to be enrolled in a 216274
community school for the period of time beginning on the later of 216275
the date on which the school both has received documentation of 216276
the student's enrollment from a parent and the student has 216277
commenced participation in learning opportunities as defined in 216278
the contract with the sponsor, or thirty days prior to the date on 216279
which the student is entered into the education management 216280
information system established under section 3301.0714 of the 216281
Revised Code. For purposes of applying this division and divisions 216282
(H)(3) and (4) of this section to a community school student, 216283

"learning opportunities" shall be defined in the contract, which 216284
shall describe both classroom-based and non-classroom-based 216285
learning opportunities and shall be in compliance with criteria 216286
and documentation requirements for student participation which 216287
shall be established by the department. Any student's instruction 216288
time in non-classroom-based learning opportunities shall be 216289
certified by an employee of the community school. A student's 216290
enrollment shall be considered to cease on the date on which any 216291
of the following occur: 216292

(a) The community school receives documentation from a parent 216293
terminating enrollment of the student. 216294

(b) The community school is provided documentation of a 216295
student's enrollment in another public or private school. 216296

(c) The community school ceases to offer learning 216297
opportunities to the student pursuant to the terms of the contract 216298
with the sponsor or the operation of any provision of this 216299
chapter. 216300

Except as otherwise specified in this paragraph, beginning in 216301
the 2011-2012 school year, any student who completed the prior 216302
school year in an internet- or computer-based community school 216303
shall be considered to be enrolled in the same school in the 216304
subsequent school year until the student's enrollment has ceased 216305
as specified in division (H)(2) of this section. The department 216306
shall continue paying amounts for the student under section 216307
3317.022 of the Revised Code without interruption at the start of 216308
the subsequent school year. However, if the student without a 216309
legitimate excuse fails to participate in the first seventy-two 216310
consecutive hours of learning opportunities offered to the student 216311
in that subsequent school year, the student shall be considered 216312
not to have re-enrolled in the school for that school year and the 216313
department shall recalculate the payments to the school for that 216314
school year to account for the fact that the student is not 216315

enrolled. 216316

(3) The department shall determine each community school 216317
student's percentage of full-time equivalency based on the 216318
percentage of learning opportunities offered by the community 216319
school to that student, reported either as number of hours or 216320
number of days, is of the total learning opportunities offered by 216321
the community school to a student who attends for the school's 216322
entire school year. However, no internet- or computer-based 216323
community school shall be credited for any time a student spends 216324
participating in learning opportunities beyond ten hours within 216325
any period of twenty-four consecutive hours. Whether it reports 216326
hours or days of learning opportunities, each community school 216327
shall offer not less than nine hundred twenty hours of learning 216328
opportunities during the school year. 216329

(4) With respect to the calculation of full-time equivalency 216330
under division (H)(3) of this section, the department shall waive 216331
the number of hours or days of learning opportunities not offered 216332
to a student because the community school was closed during the 216333
school year due to disease epidemic, hazardous weather conditions, 216334
law enforcement emergencies, inoperability of school buses or 216335
other equipment necessary to the school's operation, damage to a 216336
school building, or other temporary circumstances due to utility 216337
failure rendering the school building unfit for school use, so 216338
long as the school was actually open for instruction with students 216339
in attendance during that school year for not less than the 216340
minimum number of hours required by this chapter. The department 216341
shall treat the school as if it were open for instruction with 216342
students in attendance during the hours or days waived under this 216343
division. 216344

(I) The department of education and workforce shall reduce 216345
the amounts paid under section 3317.022 of the Revised Code to 216346
reflect payments made to colleges under section 3365.07 of the 216347

Revised Code. 216348

(J)(1) No student shall be considered enrolled in any 216349
internet- or computer-based community school or, if applicable to 216350
the student, in any community school that is required to provide 216351
the student with a computer pursuant to division (C) of section 216352
3314.22 of the Revised Code, unless both of the following 216353
conditions are satisfied: 216354

(a) The student possesses or has been provided with all 216355
required hardware and software materials and all such materials 216356
are operational so that the student is capable of fully 216357
participating in the learning opportunities specified in the 216358
contract between the school and the school's sponsor as required 216359
by division (A)(23) of section 3314.03 of the Revised Code; 216360

(b) The school is in compliance with division (A) of section 216361
3314.22 of the Revised Code, relative to such student. 216362

(2) In accordance with policies adopted by the ~~superintendent~~ 216363
~~of public instruction~~ department of education and workforce, in 216364
consultation with the auditor of state, the department shall 216365
reduce the amounts otherwise payable under section 3317.022 of the 216366
Revised Code to any community school that includes in its program 216367
the provision of computer hardware and software materials to any 216368
student, if such hardware and software materials have not been 216369
delivered, installed, and activated for each such student in a 216370
timely manner or other educational materials or services have not 216371
been provided according to the contract between the individual 216372
community school and its sponsor. 216373

The ~~superintendent of public instruction~~ director and the 216374
auditor of state shall jointly establish a method for auditing any 216375
community school to which this division pertains to ensure 216376
compliance with this section. 216377

The ~~superintendent~~ director, auditor of state, and the 216378

governor shall jointly make recommendations to the general 216379
assembly for legislative changes that may be required to assure 216380
fiscal and academic accountability for such schools. 216381

(K)(1) If the department determines that a review of a 216382
community school's enrollment is necessary, such review shall be 216383
completed and written notice of the findings shall be provided to 216384
the governing authority of the community school and its sponsor 216385
within ninety days of the end of the community school's fiscal 216386
year, unless extended for a period not to exceed thirty additional 216387
days for one of the following reasons: 216388

(a) The department and the community school mutually agree to 216389
the extension. 216390

(b) Delays in data submission caused by either a community 216391
school or its sponsor. 216392

(2) If the review results in a finding that additional 216393
funding is owed to the school, such payment shall be made within 216394
thirty days of the written notice. If the review results in a 216395
finding that the community school owes moneys to the state, the 216396
following procedure shall apply: 216397

(a) Within ten business days of the receipt of the notice of 216398
findings, the community school may appeal the department's 216399
determination to the ~~state board of education or its designee~~ 216400
director. 216401

(b) The ~~board or its designee~~ director shall conduct an 216402
informal hearing on the matter within thirty days of receipt of 216403
such an appeal and shall issue a decision within fifteen days of 216404
the conclusion of the hearing. 216405

(c) ~~If the board has enlisted a designee to conduct the~~ 216406
~~hearing, the designee shall certify its decision to the board. The~~ 216407
~~board may accept the decision of the designee or may reject the~~ 216408
~~decision of the designee and issue its own decision on the matter.~~ 216409

~~(d)~~ Any decision made by the ~~board~~ director under this 216410
division is final. 216411

(3) If it is decided that the community school owes moneys to 216412
the state, the department shall deduct such amount from the 216413
school's future payments in accordance with guidelines issued by 216414
the ~~superintendent of public instruction~~ director. 216415

(L) The department shall not pay to a community school under 216416
section 3317.022 of the Revised Code any amount for any of the 216417
following: 216418

(1) Any student who has graduated from the twelfth grade of a 216419
public or nonpublic high school; 216420

(2) Any student who is not a resident of the state; 216421

(3) Any student who was enrolled in the community school 216422
during the previous school year when assessments were administered 216423
under section 3301.0711 of the Revised Code but did not take one 216424
or more of the assessments required by that section and was not 216425
excused pursuant to division (C)(1) or (3) of that section, unless 216426
the ~~superintendent of public instruction~~ director grants the 216427
student a waiver from the requirement to take the assessment and a 216428
parent is not paying tuition for the student pursuant to section 216429
3314.26 of the Revised Code. The ~~superintendent~~ director may grant 216430
a waiver only for good cause in accordance with rules adopted by 216431
the ~~state board of education~~ department. 216432

(4) Any student who has attained the age of twenty-two years, 216433
except for veterans of the armed services whose attendance was 216434
interrupted before completing the recognized twelve-year course of 216435
the public schools by reason of induction or enlistment in the 216436
armed forces and who apply for enrollment in a community school 216437
not later than four years after termination of war or their 216438
honorable discharge. If, however, any such veteran elects to 216439
enroll in special courses organized for veterans for whom tuition 216440

is paid under federal law, or otherwise, the department shall not 216441
pay to a community school under section 3317.022 of the Revised 216442
Code any amount for that veteran. 216443

Sec. 3314.081. To the extent permitted by federal law, the 216444
department of education and workforce shall include community 216445
schools established under this chapter in its annual allocation of 216446
federal moneys under Title I of the "Elementary and Secondary 216447
Education Act of 1965," 20 U.S.C. 6301, et seq. 216448

Sec. 3314.083. If the department of education and workforce 216449
pays a joint vocational school district under division (C)(3) of 216450
section 3317.16 of the Revised Code for excess costs of providing 216451
special education and related services to a student with a 216452
disability who is enrolled in a community school, as calculated 216453
under division (C)(1) of that section, the department shall deduct 216454
the amount of that payment from the amount calculated for payment 216455
to the community school under section 3317.022 of the Revised 216456
Code. 216457

Sec. 3314.087. (A) As used in this section: 216458

(1) "Career-technical program" means career-technical 216459
programs or classes described in division (A)(1), (2), (3), (4), 216460
or (5) of section 3317.014 of the Revised Code in which a student 216461
is enrolled. 216462

(2) "Category one through five career-technical education 216463
ADM," and "FTE basis" have the same meanings as in section 3317.02 216464
of the Revised Code. 216465

(3) "Resident school district" means the city, exempted 216466
village, or local school district in which a student is entitled 216467
to attend school under section 3313.64 or 3313.65 of the Revised 216468
Code. 216469

(B) Notwithstanding anything to the contrary in this chapter 216470
or Chapter 3317. of the Revised Code, a student enrolled in a 216471
community school may simultaneously enroll in the career-technical 216472
program operated by the career-technical planning district to 216473
which the student's resident district belongs. On an FTE basis, 216474
the student's resident school district shall count the student in 216475
the category one through five career-technical education ADM for 216476
the proportion of the time the student is enrolled in a 216477
career-technical program of the career-technical planning district 216478
to which the student's resident district belongs and, accordingly, 216479
the department of education and workforce shall calculate funds 216480
under Chapter 3317. of the Revised Code for the resident district 216481
attributable to the student for the proportion of time the student 216482
attends the career-technical program. The community school shall 216483
count the student in its enrollment report under section 3314.08 216484
of the Revised Code and shall report to the department the 216485
proportion of time that the student attends classes at the 216486
community school. The department shall pay the community school 216487
the amount computed for the student under section 3317.022 of the 216488
Revised Code in proportion to the fraction of the time on an FTE 216489
basis that the student attends classes at the community school. 216490
"Full-time equivalency" for a community school student, as defined 216491
in division (H) of section 3314.08 of the Revised Code, does not 216492
apply to the student. 216493

Sec. 3314.091. (A) A school district is not required to 216494
provide transportation for any native student enrolled in a 216495
community school if the district board of education has entered 216496
into an agreement with the community school's governing authority 216497
that designates the community school as responsible for providing 216498
or arranging for the transportation of the district's native 216499
students to and from the community school. For any such agreement 216500
to be effective, it must be certified by the ~~superintendent of~~ 216501

~~public instruction~~ director of education and workforce as having 216502
met all of the following requirements: 216503

(1) It is submitted to the department of education and 216504
workforce by a deadline which shall be established by the 216505
department. 216506

(2) In accordance with divisions (C)(1) and (2) of this 216507
section, it specifies qualifications, such as residing a minimum 216508
distance from the school, for students to have their 216509
transportation provided or arranged. 216510

(3) The transportation provided by the community school is 216511
subject to all provisions of the Revised Code and all rules 216512
adopted under the Revised Code pertaining to pupil transportation. 216513

(4) The sponsor of the community school also has signed the 216514
agreement. 216515

(B)(1) For the school year that begins on July 1, 2007, a 216516
school district is not required to provide transportation for any 216517
native student enrolled in a community school, if the community 216518
school during the previous school year transported the students 216519
enrolled in the school or arranged for the students' 216520
transportation, even if that arrangement consisted of having 216521
parents transport their children to and from the school, but did 216522
not enter into an agreement to transport or arrange for 216523
transportation for those students under division (A) of this 216524
section, and if the governing authority of the community school by 216525
July 15, 2007, submits written notification to the district board 216526
of education stating that the governing authority is accepting 216527
responsibility for providing or arranging for the transportation 216528
of the district's native students to and from the community 216529
school. 216530

(2) Except as provided in division (B)(4) of this section, 216531

for any school year subsequent to the school year that begins on 216532
July 1, 2007, a school district is not required to provide 216533
transportation for any native student enrolled in a community 216534
school if the governing authority of the community school, by the 216535
first day of August, submits written notification to the district 216536
board of education stating that the governing authority is 216537
accepting responsibility for providing or arranging for the 216538
transportation of the district's native students to and from the 216539
community school. If the governing authority of the community 216540
school has previously accepted responsibility for providing or 216541
arranging for the transportation of a district's native students 216542
to and from the community school, under division (B)(1) or (2) of 216543
this section, and has since relinquished that responsibility under 216544
division (B)(3) of this section, the governing authority shall not 216545
accept that responsibility again unless the district board 216546
consents to the governing authority's acceptance of that 216547
responsibility. 216548

(3) A governing authority's acceptance of responsibility 216549
under division (B)(1) or (2) of this section shall cover an entire 216550
school year, and shall remain in effect for subsequent school 216551
years unless the governing authority submits written notification 216552
to the district board that the governing authority is 216553
relinquishing the responsibility. However, a governing authority 216554
shall not relinquish responsibility for transportation before the 216555
end of a school year, and shall submit the notice relinquishing 216556
responsibility by the thirty-first day of January, in order to 216557
allow the school district reasonable time to prepare 216558
transportation for its native students enrolled in the school. 216559

(4)(a) For any school year that begins on or after July 1, 216560
2014, a school district is not required to provide transportation 216561
for any native student enrolled in a community school scheduled to 216562
open for operation in the current school year, if the governing 216563

authority of the community school, by the fifteenth day of April 216564
of the previous school year, submits written notification to the 216565
district board of education stating that the governing authority 216566
is accepting responsibility for providing or arranging for the 216567
transportation of the district's native students to and from the 216568
community school. 216569

(b) The governing authority of a community school that 216570
accepts responsibility for transporting its students under 216571
division (B)(4)(a) of this section shall comply with divisions 216572
(B)(2) and (3) of this section to renew or relinquish that 216573
authority for subsequent school years. 216574

(C)(1) A community school governing authority that enters 216575
into an agreement under division (A) of this section, or that 216576
accepts responsibility under division (B) of this section, shall 216577
provide or arrange transportation free of any charge for each of 216578
its enrolled students who is required to be transported under 216579
section 3327.01 of the Revised Code. The governing authority shall 216580
report to the department of education and workforce the number of 216581
students transported or for whom transportation is arranged under 216582
this section in accordance with rules adopted by the ~~state board~~ 216583
~~of education~~ department. 216584

(2) The governing authority may provide or arrange 216585
transportation for any other enrolled student who is not eligible 216586
for transportation in accordance with division (C)(1) of this 216587
section and may charge a fee for such service up to the actual 216588
cost of the service. 216589

(3) Notwithstanding anything to the contrary in division 216590
(C)(1) or (2) of this section, a community school governing 216591
authority shall provide or arrange transportation free of any 216592
charge for any disabled student enrolled in the school for whom 216593
the student's individualized education program developed under 216594
Chapter 3323. of the Revised Code specifies transportation. 216595

(D) A community school shall use payments received under 216596
division (H) of section 3317.0212 of the Revised Code solely to 216597
pay the costs of providing or arranging for the transportation of 216598
students who are eligible as specified in section 3327.01 of the 216599
Revised Code and division (C)(1) of this section, which may 216600
include payments to a parent, guardian, or other person in charge 216601
of a child in lieu of transportation. 216602

(E) Except when arranged through payment to a parent, 216603
guardian, or person in charge of a child, transportation provided 216604
or arranged for by a community school pursuant to an agreement 216605
under this section is subject to all provisions of the Revised 216606
Code, and all rules adopted under the Revised Code, pertaining to 216607
the construction, design, equipment, and operation of school buses 216608
and other vehicles transporting students to and from school. The 216609
drivers and mechanics of the vehicles are subject to all 216610
provisions of the Revised Code, and all rules adopted under the 216611
Revised Code, pertaining to drivers and mechanics of such 216612
vehicles. The community school also shall comply with sections 216613
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 216614
of section 3327.16 of the Revised Code and, subject to division 216615
(C)(1) of this section, sections 3327.01 and 3327.02 of the 216616
Revised Code, as if it were a school district. 216617

Sec. 3314.10. (A)(1) The governing authority of any community 216618
school established under this chapter may employ teachers and 216619
nonteaching employees necessary to carry out its mission and 216620
fulfill its contract. 216621

(2) Except as provided under division (A)(3) of this section, 216622
employees hired under this section may organize and collectively 216623
bargain pursuant to Chapter 4117. of the Revised Code. 216624
Notwithstanding division (D)(1) of section 4117.06 of the Revised 216625
Code, a unit containing teaching and nonteaching employees 216626

employed under this section shall be considered an appropriate 216627
unit. Except as provided in divisions (B)(2)(b) and (c) of section 216628
3307.01 of the Revised Code and in section 3309.013 of the Revised 216629
Code, employment under this section is subject to either Chapter 216630
3307. or 3309. of the Revised Code. 216631

(3) If a school is created by converting all or part of an 216632
existing public school rather than by establishment of a new 216633
start-up school, at the time of conversion, the employees of the 216634
community school shall remain part of any collective bargaining 216635
unit in which they were included immediately prior to the 216636
conversion and shall remain subject to any collective bargaining 216637
agreement for that unit in effect on the first day of July of the 216638
year in which the community school initially begins operation and 216639
shall be subject to any subsequent collective bargaining agreement 216640
for that unit, unless a petition is certified as sufficient under 216641
division (A)(6) of this section with regard to those employees. 216642
Any new employees of the community school shall also be included 216643
in the unit to which they would have been assigned had not the 216644
conversion taken place and shall be subject to the collective 216645
bargaining agreement for that unit unless a petition is certified 216646
as sufficient under division (A)(6) of this section with regard to 216647
those employees. 216648

Notwithstanding division (B) of section 4117.01 of the 216649
Revised Code, the board of education of a school district and not 216650
the governing authority of a community school shall be regarded, 216651
for purposes of Chapter 4117. of the Revised Code, as the "public 216652
employer" of the employees of a conversion community school 216653
subject to a collective bargaining agreement pursuant to division 216654
(A)(3) of this section unless a petition is certified under 216655
division (A)(6) of this section with regard to those employees. 216656
Only on and after the effective date of a petition certified as 216657
sufficient under division (A)(6) of this section shall division 216658

(A)(2) of this section apply to those employees of that community school and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the governing authority of that community school with regard to those employees.

(4) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division and shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, if a majority of the employees of that community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement and be designated by the state employment relations board as a new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(b) That the employee organization certified as the exclusive representative of the employees of the bargaining unit from which the employees are to be removed be certified as the exclusive representative of the new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(c) That the governing authority of the community school be regarded as the "public employer" of these employees for purposes of Chapter 4117. of the Revised Code.

(5) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No.

133 of the 115th general assembly, the employees of a conversion
community school who are subject to a collective bargaining
agreement pursuant to division (A)(3) of this section shall cease
to be subject to that agreement and all subsequent agreements
pursuant to that division, shall cease to be part of the
collective bargaining unit that is subject to that and all
subsequent agreements, and shall cease to be represented by any
exclusive representative of that collective bargaining unit, if a
majority of the employees of the community school who are subject
to that collective bargaining agreement sign and submit to the
state employment relations board a petition requesting all of the
following:

(a) That all the employees of the community school who are
subject to that agreement be removed from the bargaining unit that
is subject to that agreement;

(b) That any employee organization certified as the exclusive
representative of the employees of that bargaining unit be
decertified as the exclusive representative of the employees of
the community school who are subject to that agreement;

(c) That the governing authority of the community school be
regarded as the "public employer" of these employees for purposes
of Chapter 4117. of the Revised Code.

(6) Upon receipt of a petition under division (A)(4) or (5)
of this section, the state employment relations board shall check
the sufficiency of the signatures on the petition. If the
signatures are found sufficient, the board shall certify the
sufficiency of the petition and so notify the parties involved,
including the board of education, the governing authority of the
community school, and any exclusive representative of the
bargaining unit. The changes requested in a certified petition
shall take effect on the first day of the month immediately
following the date on which the sufficiency of the petition is

certified under division (A)(6) of this section. 216722

(B)(1) The board of education of each city, local, and 216723
exempted village school district sponsoring a community school and 216724
the governing board of each educational service center in which a 216725
community school is located shall adopt a policy that provides a 216726
leave of absence of at least three years to each teacher or 216727
nonteaching employee of the district or service center who is 216728
employed by a conversion or new start-up community school 216729
sponsored by the district or located in the district or center for 216730
the period during which the teacher or employee is continuously 216731
employed by the community school. The policy shall also provide 216732
that any teacher or nonteaching employee may return to employment 216733
by the district or service center if the teacher or employee 216734
leaves or is discharged from employment with the community school 216735
for any reason, unless, in the case of a teacher, the board of the 216736
district or service center determines that the teacher was 216737
discharged for a reason for which the board would have sought to 216738
discharge the teacher under section 3311.82 or 3319.16 of the 216739
Revised Code, in which case the board may proceed to discharge the 216740
teacher utilizing the procedures of that section. Upon termination 216741
of such a leave of absence, any seniority that is applicable to 216742
the person shall be calculated to include all of the following: 216743
all employment by the district or service center prior to the 216744
leave of absence; all employment by the community school during 216745
the leave of absence; and all employment by the district or 216746
service center after the leave of absence. The policy shall also 216747
provide that if any teacher holding valid certification returns to 216748
employment by the district or service center upon termination of 216749
such a leave of absence, the teacher shall be restored to the 216750
previous position and salary or to a position and salary similar 216751
thereto. If, as a result of teachers returning to employment upon 216752
termination of such leaves of absence, a school district or 216753
educational service center reduces the number of teachers it 216754

employs, it shall make such reductions in accordance with section 216755
3319.171 of the Revised Code. 216756

Unless a collective bargaining agreement providing otherwise 216757
is in effect for an employee of a conversion community school 216758
pursuant to division (A)(3) of this section, an employee on a 216759
leave of absence pursuant to this division shall remain eligible 216760
for any benefits that are in addition to benefits under Chapter 216761
3307. or 3309. of the Revised Code provided by the district or 216762
service center to its employees provided the employee pays the 216763
entire cost associated with such benefits, except that personal 216764
leave and vacation leave cannot be accrued for use as an employee 216765
of a school district or service center while in the employ of a 216766
community school unless the district or service center board 216767
adopts a policy expressly permitting this accrual. 216768

(2) While on a leave of absence pursuant to division (B)(1) 216769
of this section, a conversion community school shall permit a 216770
teacher to use sick leave accrued while in the employ of the 216771
school district from which the leave of absence was taken and 216772
prior to commencing such leave. If a teacher who is on such a 216773
leave of absence uses sick leave so accrued, the cost of any 216774
salary paid by the community school to the teacher for that time 216775
shall be reported to the department of education and workforce. 216776
The cost of employing a substitute teacher for that time shall be 216777
paid by the community school. The department of education and 216778
workforce shall add amounts to the payments made to a community 216779
school under this chapter as necessary to cover the cost of salary 216780
reported by a community school as paid to a teacher using sick 216781
leave so accrued pursuant to this section. The department shall 216782
subtract the amounts of any payments made to community schools 216783
under this division from payments made to such sponsoring school 216784
district under Chapter 3317. of the Revised Code. 216785

A school district providing a leave of absence and employee 216786

benefits to a person pursuant to this division is not liable for 216787
any action of that person while the person is on such leave and 216788
employed by a community school. 216789

Sec. 3314.101. (A) As used in this section, "license" has the 216790
same meaning as in section 3319.31 of the Revised Code. 216791

(B) If a person who is employed by a community school 216792
established under this chapter or by an operator is arrested, 216793
summoned, or indicted for an alleged violation of an offense 216794
listed in division (C) of section 3319.31 of the Revised Code, if 216795
the person holds a license, or an offense listed in division 216796
(B)(1) of section 3319.39 of the Revised Code, if the person does 216797
not hold a license, the chief administrator of the community 216798
school in which that person works shall suspend that person from 216799
all duties that require the care, custody, or control of a child 216800
during the pendency of the criminal action against the person. If 216801
the person who is arrested, summoned, or indicted for an alleged 216802
violation of an offense listed in division (C) of section 3319.31 216803
or division (B)(1) of section 3319.39 of the Revised Code is the 216804
chief administrator of the community school, the governing 216805
authority of the school shall suspend the chief administrator from 216806
all duties that require the care, custody, or control of a child. 216807

(C) When a person who holds a license is suspended in 216808
accordance with this section, the chief administrator or governing 216809
authority that imposed the suspension promptly shall report the 216810
person's suspension to the department of education and workforce 216811
and state board of education. The report shall include the offense 216812
for which the person was arrested, summoned, or indicted. 216813

Sec. 3314.11. (A) The governing authority of each community 216814
school established under this chapter monthly shall review the 216815
residency records of students enrolled in that community school. 216816

Upon the enrollment of each student and on an annual basis, the governing authority shall verify to the department of education and workforce the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

The school district may review the determination made by the community school under division (A) of this section.

(B)(1) For purposes of its initial reporting of the school districts in which its students are entitled to attend school, the governing authority of a community school shall adopt a policy that prescribes the number of documents listed in division (E) of this section required to verify a student's residency. This policy shall supersede any policy concerning the number of documents for initial residency verification adopted by the district the student is entitled to attend.

(2) For purposes of the annual reporting of the school districts in which its students are entitled to attend school, the governing authority of a community school shall adopt a policy that prescribes the information required to verify a student's residency. This information may be obtained through any type of document, including any of the documents listed in division (E) of this section, or any type of communication with a government official authorized to provide such information.

(C) For purposes of making the determinations required under this section, the school district in which a parent or child resides is the location the parent or student has established as the primary residence and where substantial family activity takes place.

(D) If a community school's determination under division (A) of this section of the school district a student is entitled to attend under section 3313.64 or 3313.65 of the Revised Code

differs from a district's determination, the community school that 216848
made the determination under division (A) of this section shall 216849
provide the school district with documentation of the student's 216850
residency and shall make a good faith effort to accurately 216851
identify the correct residence of the student. 216852

(E) For purposes of this section, the following documents may 216853
serve as evidence of primary residence: 216854

(1) A deed, mortgage, lease, current home owner's or renter's 216855
insurance declaration page, or current real property tax bill; 216856

(2) A utility bill or receipt of utility installation issued 216857
within ninety days of enrollment; 216858

(3) A paycheck or paystub issued to the parent or student 216859
within ninety days of the date of enrollment that includes the 216860
address of the parent's or student's primary residence; 216861

(4) The most current available bank statement issued to the 216862
parent or student that includes the address of the parent's or 216863
student's primary residence; 216864

(5) Any other official document issued to the parent or 216865
student that includes the address of the parent's or student's 216866
primary residence. The ~~superintendent of public instruction~~ 216867
department shall develop guidelines for determining what qualifies 216868
as an "official document" under this division. 216869

(F) When a student loses permanent housing and becomes a 216870
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 216871
child who is such a homeless child or youth changes temporary 216872
living arrangements, the district in which the student is entitled 216873
to attend school shall be determined in accordance with division 216874
(F)(13) of section 3313.64 of the Revised Code and the 216875
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 216876

(G) In the event of a disagreement as to which school 216877

district a student is entitled to attend, the community school, 216878
after complying with division (D) of this section, but not more 216879
than sixty days after the monthly deadline established by the 216880
department ~~of education~~ for reporting of community school 216881
enrollment, may present the matter to the ~~superintendent of public~~ 216882
~~instruction~~ director of education and workforce. Not later than 216883
thirty days after the community school presents the matter, the 216884
~~state superintendent~~ director, or the ~~state superintendent's~~ 216885
director's designee, shall determine which district the student is 216886
entitled to attend and shall direct any necessary adjustments to 216887
payments under section 3317.022 of the Revised Code based on that 216888
determination. 216889

Sec. 3314.12. On or before the first day of November each 216890
year, the sponsor of each community school established under this 216891
chapter shall submit to the department of education and workforce, 216892
in accordance with guidelines adopted by the department for 216893
purposes of this section, a report that describes the special 216894
education and related services provided by that school to enrolled 216895
students during the previous fiscal year and the school's 216896
expenditures for those services. 216897

Sec. 3314.143. (A) With the approval of its governing 216898
authority, a community school established under this chapter may 216899
procure epinephrine autoinjectors in the manner prescribed by 216900
section 3313.7110 of the Revised Code. A community school that 216901
elects to do so shall comply with all provisions of that section 216902
as if it were a school district. 216903

(B)(1) The following are not liable in damages in a civil 216904
action for injury, death, or loss to person or property that 216905
allegedly arises from an act or omission associated with 216906
procuring, maintaining, accessing, or using an epinephrine 216907
autoinjector under this section, unless the act or omission 216908

constitutes willful or wanton misconduct:	216909
(a) A community school;	216910
(b) A member of a community school governing authority;	216911
(c) A community school employee or contractor;	216912
(d) A licensed health professional authorized to prescribe	216913
drugs who personally furnishes or prescribes epinephrine	216914
autoinjectors, provides a consultation, or issues a protocol	216915
pursuant to this section.	216916
(2) This division does not eliminate, limit, or reduce any	216917
other immunity or defense that a community school or governing	216918
authority, member of a community school governing authority,	216919
community school employee or contractor, or licensed health	216920
professional may be entitled to under Chapter 2744. or any other	216921
provision of the Revised Code or under the common law of this	216922
state.	216923
(C) A community school may accept donations of epinephrine	216924
autoinjectors from a wholesale distributor of dangerous drugs or a	216925
manufacturer of dangerous drugs, as defined in section 4729.01 of	216926
the Revised Code, and may accept donations of money from any	216927
person to purchase epinephrine autoinjectors.	216928
(D) A community school that elects to procure epinephrine	216929
autoinjectors under this section shall report to the department of	216930
education <u>and workforce</u> each procurement and occurrence in which	216931
an epinephrine autoinjector is used from the school's supply of	216932
epinephrine autoinjectors.	216933
Sec. 3314.144. (A) As used in this section, "inhaler" has the	216934
same meaning as in section 3313.7113 of the Revised Code.	216935
(B) With the approval of its governing authority, a community	216936
school may procure inhalers in the manner prescribed by section	216937
3313.7113 of the Revised Code. A community school that elects to	216938

do so shall comply with all provisions of that section as if it 216939
were a school district. 216940

(C) A community school, a member of a community school 216941
governing authority, or a community school employee or contractor 216942
is not liable in damages in a civil action for injury, death, or 216943
loss to person or property that allegedly arises from an act or 216944
omission associated with procuring, maintaining, accessing, or 216945
using an inhaler under this section, unless the act or omission 216946
constitutes willful or wanton misconduct. 216947

This division does not eliminate, limit, or reduce any other 216948
immunity or defense that a community school or governing 216949
authority, member of a community school governing authority, or 216950
community school employee or contractor may be entitled to under 216951
Chapter 2744. or any other provision of the Revised Code or under 216952
the common law of this state. 216953

(D) A community school may accept donations of inhalers from 216954
a wholesale distributor of dangerous drugs or a manufacturer of 216955
dangerous drugs, as defined in section 4729.01 of the Revised 216956
Code, and may accept donations of money from any person to 216957
purchase inhalers. 216958

(E) A community school that elects to procure inhalers under 216959
this section shall report to the department of education and 216960
workforce each procurement and occurrence in which an inhaler is 216961
used from the school's supply of inhalers. 216962

Sec. 3314.147. (A) With the approval of its governing 216963
authority, a community school established under this chapter may 216964
procure injectable or nasally administered glucagon in the manner 216965
prescribed by section 3313.7115 of the Revised Code. A community 216966
school that elects to do so shall comply with all provisions of 216967
that section as if it were a school district. 216968

(B)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A community school;

(b) A member of a community school governing authority;

(c) A community school employee or contractor;

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section.

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a community school or governing authority, member of a community school governing authority, community school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A community school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(D) A community school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education and workforce each procurement and each occurrence in which a dose of the drug is used from the school's supply.

Sec. 3314.17. (A) Each community school established under 216999
this chapter shall participate in the statewide education 217000
management information system established under section 3301.0714 217001
of the Revised Code. All provisions of that section and the rules 217002
adopted under that section apply to each community school as if it 217003
were a school district, except as modified for community schools 217004
under division (B) of this section. Each community school shall 217005
comply with division (C) of section 3301.0723 of the Revised Code. 217006

(B) The rules adopted by the ~~state board~~ department of 217007
education and workforce under section 3301.0714 of the Revised 217008
Code may distinguish methods and timelines for community schools 217009
to annually report data, which methods and timelines differ from 217010
those prescribed for school districts. Any methods and timelines 217011
prescribed for community schools shall be appropriate to the 217012
academic schedule and financing of community schools. The 217013
guidelines, however, shall not modify the actual data required to 217014
be reported under that section. 217015

(C) Each fiscal officer appointed under section 3314.011 of 217016
the Revised Code is responsible for annually reporting the 217017
community school's data under section 3301.0714 of the Revised 217018
Code. If the ~~superintendent of public instruction~~ director of 217019
education and workforce determines that a community school fiscal 217020
officer has willfully failed to report data or has willfully 217021
reported erroneous, inaccurate, or incomplete data in any year, or 217022
has negligently reported erroneous, inaccurate, or incomplete data 217023
in the current and any previous year, the ~~superintendent~~ director 217024
may impose a civil penalty of one hundred dollars on the fiscal 217025
officer after providing the officer with notice and an opportunity 217026
for a hearing in accordance with Chapter 119. of the Revised Code. 217027
The ~~superintendent's~~ director's authority to impose civil 217028
penalties under this division does not preclude the state board of 217029
education from suspending or revoking the license of a community 217030

school employee under division (N) of section 3301.0714 of the Revised Code.

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

Sec. 3314.18. (A) Subject to division (C) of this section, the governing authority of each community school shall establish a breakfast program pursuant to the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts, and shall establish a lunch program pursuant to those acts if at least one-fifth of the pupils are eligible for free lunches. The governing authority required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

A breakfast program established under this section shall be operated in accordance with section 3313.818 of the Revised Code in any community school meeting the conditions prescribed by that section.

(B) Subject to division (C) of this section, the governing authority of each community school shall establish one of the following for summer intervention services described in division (D) of section 3301.0711 or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law:

(1) An extension of the school breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of

1966"; 217062

(2) An extension of the school lunch program pursuant to 217063
those acts; 217064

(3) A summer food service program pursuant to those acts. 217065

(C) If the governing authority of a community school 217066
determines that, for financial reasons, it cannot comply with 217067
division (A) or (B) of this section, the governing authority may 217068
choose not to comply with either or both divisions. In that case, 217069
the governing authority shall communicate to the parents of its 217070
students, in the manner it determines appropriate, its decision 217071
not to comply. 217072

(D) The governing authority of each community school required 217073
to establish a school breakfast, school lunch, or summer food 217074
service program under this section shall apply for state and 217075
federal funds allocated by the ~~state board~~ department of education 217076
and workforce under division (B) of section 3313.813 of the 217077
Revised Code and shall comply with the ~~state board's~~ department's 217078
standards adopted under that division. 217079

(E) The governing authority of any community school required 217080
to establish a breakfast program under this section or that elects 217081
to participate in a breakfast program pursuant to the "National 217082
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 217083
breakfast to pupils in their classrooms during the school day. 217084
However, any community school that is subject to section 3313.818 217085
of the Revised Code shall offer breakfast to pupils in accordance 217086
with that section. 217087

(F) Notwithstanding anything in this section to the contrary, 217088
in each fiscal year in which the general assembly appropriates 217089
funds for purposes of this division, the governing authority of 217090
each community school required to establish a breakfast program 217091
under this section or that elects to participate in a breakfast 217092

program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966" shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast.

(G) This section does not apply to internet- or computer-based community schools.

Sec. 3314.19. The sponsor of each community school shall provide the following assurances in writing to the department of education and workforce not later than ten business days prior to the opening of the school's first year of operation or, if the school is not an internet- or computer-based community school and it changes the building from which it operates, the opening of the first year it operates from the new building:

(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under section 3314.03 of the Revised Code has been filed with the department and that any subsequent modifications to that contract will be filed with the department;

(B) That the school has submitted to the sponsor a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(C) That the school has a plan and procedures for administering the achievement and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;

(D) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of

education data, including the education management information 217123
system established under section 3301.0714 of the Revised Code in 217124
accordance with methods and timelines established under section 217125
3314.17 of the Revised Code; 217126

(E) That all required information about the school has been 217127
submitted to the Ohio education directory system or any successor 217128
system; 217129

(F) That the school will enroll at least the minimum number 217130
of students required by division (A)(11)(a) of section 3314.03 of 217131
the Revised Code in the school year for which the assurances are 217132
provided; 217133

(G) That all classroom teachers are licensed in accordance 217134
with sections 3319.22 to 3319.31 of the Revised Code, except for 217135
noncertificated persons engaged to teach up to twelve hours or 217136
forty hours per week pursuant to section 3319.301 of the Revised 217137
Code; 217138

(H) That the school's fiscal officer is in compliance with 217139
section 3314.011 of the Revised Code; 217140

(I) That the school has complied with sections 3319.39 and 217141
3319.391 of the Revised Code with respect to all employees and 217142
that the school has conducted a criminal records check of each of 217143
its governing authority members; 217144

(J) That the school holds all of the following: 217145

(1) Proof of property ownership or a lease for the facilities 217146
used by the school; 217147

(2) A certificate of occupancy; 217148

(3) Liability insurance for the school, as required by 217149
division (A)(11)(b) of section 3314.03 of the Revised Code, that 217150
the sponsor considers sufficient to indemnify the school's 217151
facilities, staff, and governing authority against risk; 217152

(4) A satisfactory health and safety inspection;	217153
(5) A satisfactory fire inspection;	217154
(6) A valid food permit, if applicable.	217155
(K) That the sponsor has conducted a pre-opening site visit	217156
to the school for the school year for which the assurances are	217157
provided;	217158
(L) That the school has designated a date it will open for	217159
the school year for which the assurances are provided that is in	217160
compliance with division (A)(25) of section 3314.03 of the Revised	217161
Code;	217162
(M) That the school has met all of the sponsor's requirements	217163
for opening and any other requirements of the sponsor.	217164
(N) That, for any school that operates using the blended	217165
learning model, as defined in section 3301.079 of the Revised	217166
Code, the sponsor has reviewed the following information,	217167
submitted by the school:	217168
(1) An indication of what blended learning model or models	217169
will be used;	217170
(2) A description of how student instructional needs will be	217171
determined and documented;	217172
(3) The method to be used for determining competency,	217173
granting credit, and promoting students to a higher grade level;	217174
(4) The school's attendance requirements, including how the	217175
school will document participation in learning opportunities;	217176
(5) A statement describing how student progress will be	217177
monitored;	217178
(6) A statement describing how private student data will be	217179
protected;	217180
(7) A description of the professional development activities	217181

that will be offered to teachers. 217182

Sec. 3314.191. Notwithstanding any provision to the contrary 217183
in the Revised Code, the department of education and workforce 217184
shall make no payment under section 3317.022 of the Revised Code 217185
to a community school opening for its first year of operation 217186
until the sponsor of that school confirms all of the following: 217187

(A) The school is in compliance with the provisions described 217188
in divisions (A), (H), (I), and (J)(3) of section 3314.19 of the 217189
Revised Code. 217190

(B) The sponsor has approved the financial controls required 217191
by the comprehensive plan for the school under division (B)(5) of 217192
section 3314.03 of the Revised Code. 217193

(C) The school facilities will be ready and open for use by 217194
the date prescribed in the contract entered into under section 217195
3314.03 of the Revised Code, and the sponsor has reviewed any 217196
lease, purchase agreement, permits required by statute or 217197
contract, and construction plans. 217198

(D) The chief administrator of the community school actively 217199
is managing daily operations at the school. 217200

(E) The projected enrollment reported to the department is 217201
accurate. 217202

Sec. 3314.20. (A) As used in this section: 217203

(1) "Base enrollment" for an internet- or computer-based 217204
community school means either of the following: 217205

(a) If the school was open for instruction on ~~the effective~~ 217206
~~date of this section~~ September 29, 2013, the number of students 217207
enrolled in the school at the end of the 2012-2013 school year; 217208

(b) If the school opens for instruction after ~~the effective~~ 217209
~~date of this section~~ September 29, 2013, one thousand students. 217210

(2) "Enrollment limit" for an internet- or computer-based community school means the following:	217211 217212
(a) For the 2014-2015 school year, the base enrollment increased by the prescribed annual rate of growth, as calculated by the department of education <u>and workforce</u> .	217213 217214 217215
(b) For the 2015-2016 school year and each school year thereafter, the previous school year's enrollment limit increased by the prescribed annual rate of growth, as calculated by the department.	217216 217217 217218 217219
(3) "Prescribed annual rate of growth" for an internet- or computer-based community school means either of the following:	217220 217221
(a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent.	217222 217223
(b) For a school with an enrollment limit of less than three thousand students, twenty-five per cent.	217224 217225
(B) Beginning in the 2014-2015 school year, no internet- or computer-based community school shall enroll more students than the number permitted by its enrollment limit.	217226 217227 217228
(C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment limit, as determined by the department.	217229 217230 217231 217232 217233 217234
Sec. 3314.21. (A) As used in this section:	217235
(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.	217236 217237
(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been	217238 217239

construed by the supreme court of this state. 217240

(3) "Teacher of record" means a teacher who is responsible 217241
for the overall academic development and achievement of a student 217242
and not merely the student's instruction in any single subject. 217243

(B)(1) It is the intent of the general assembly that teachers 217244
employed by internet- or computer-based community schools conduct 217245
visits with their students in person throughout the school year. 217246

(2) Each internet- or computer-based community school shall 217247
retain an affiliation with at least one full-time teacher of 217248
record licensed in accordance with division (A)(10) of section 217249
3314.03 of the Revised Code. 217250

(3) Each student enrolled in an internet- or computer-based 217251
community school shall be assigned to at least one teacher of 217252
record. No teacher of record shall be primarily responsible for 217253
the academic development and achievement of more than one hundred 217254
twenty-five students enrolled in the internet- or computer-based 217255
community school that has retained that teacher. 217256

(C) For any internet- or computer-based community school, the 217257
contract between the sponsor and the governing authority of the 217258
school described in section 3314.03 of the Revised Code shall 217259
specify each of the following: 217260

(1) A requirement that the school use a filtering device or 217261
install filtering software that protects against internet access 217262
to materials that are obscene or harmful to juveniles on each 217263
computer provided to students for instructional use. The school 217264
shall provide such device or software at no cost to any student 217265
who works primarily from the student's residence on a computer 217266
obtained from a source other than the school. 217267

(2) A plan for fulfilling the intent of the general assembly 217268
specified in division (B)(1) of this section. The plan shall 217269
indicate the number of times teachers will visit each student 217270

throughout the school year and the manner in which those visits will be conducted. 217271
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(3) That the school will set up a central base of operation and the sponsor will maintain a representative within fifty miles of that base of operation to provide monitoring and assistance. 217273
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(D)(1) Annually, each internet- or computer-based community school shall prepare and submit to the department of education and workforce, in a time and manner prescribed by the department, a report that contains information about all of the following: 217276
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(a) Classroom size; 217280

(b) The ratio of teachers to students per classroom; 217281

(c) The number of student-teacher meetings conducted in person or by video conference; 217282
217283

(d) Any other information determined necessary by the department. 217284
217285

(2) The department annually shall prepare and ~~submit to the state board of education~~ issue a report that contains the information received under division (D)(1) of this section. 217286
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Sec. 3314.22. (A)(1) Each child enrolled in an internet- or computer-based community school is entitled to a computer supplied by the school; however, the parent of any child enrolled in the school may waive this entitlement in the manner specified in division (A)(3) of this section. In no case shall an internet- or computer-based community school provide a stipend or other substitute to an enrolled child or the child's parent in lieu of supplying a computer to the child. The prohibition contained in the preceding sentence is intended to clarify the meaning of this division as it existed prior to September 29, 2005, and is not intended to change that meaning in any way. 217289
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(2) Notwithstanding division (A)(1) of this section, if more 217300

than one child living in a single residence is enrolled in an 217301
internet- or computer-based community school, at the option of the 217302
parent of those children, the school may supply less than one 217303
computer per child, as long as at least one computer is supplied 217304
to the residence. An internet- or computer-based community school 217305
may supply no computer at all only if the parent has waived the 217306
entitlement prescribed in division (A)(1) of this section in the 217307
manner specified in division (A)(3) of this section. The parent 217308
may amend the decision to accept less than one computer per child 217309
anytime during the school year, and, in such case, within thirty 217310
days after the parent notifies the school of such amendment, the 217311
school shall provide any additional computers requested by the 217312
parent up to the number necessary to comply with division (A)(1) 217313
of this section. 217314

(3) The parent of any child enrolled in an internet- or 217315
computer-based community school may waive the entitlement to one 217316
computer per child, and have no computer at all supplied by the 217317
school, if the school and parent set forth that waiver in writing 217318
with both parties attesting that there is a computer available to 217319
the child in the child's residence with sufficient hardware, 217320
software, programming, and connectivity so that the child may 217321
fully participate in all of the learning opportunities offered to 217322
the child by the school. The parent may amend the decision to 217323
waive the entitlement at any time during the school year and, in 217324
such case, within thirty days after the parent notifies the school 217325
of that decision, the school shall provide any additional 217326
computers requested by the parent up to the number necessary to 217327
comply with division (A)(1) of this section, regardless of whether 217328
there is any change in the conditions attested to in the waiver. 217329

(4) A copy of a waiver executed under division (A)(3) of this 217330
section shall be retained by the internet- or computer-based 217331
community school and the parent who attested to the conditions 217332

prescribed in that division. The school shall submit a copy of the waiver to the department of education and workforce immediately upon execution of the waiver.

(5) The school shall notify the department ~~of education~~, in the manner specified by the department, of any parent's decision under division (A)(2) of this section to accept less than one computer per child or the parent's amendment to that decision, and of any parent's decision to amend the waiver executed under division (A)(3) of this section.

(B) Each internet- or computer-based community school shall provide to each parent who is considering enrolling the parent's child in the school and to the parent of each child already enrolled in the school a written notice of the provisions prescribed in division (A) of this section.

(C) If a community school that is not an internet- or computer-based community school provides any of its enrolled students with nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method and requires such students to participate in any of those learning opportunities from their residences, the school shall be subject to this section and division (C)(1) of section 3314.21 of the Revised Code relative to each such student in the same manner as an internet- or computer-based community school, unless both of the following conditions apply to the student:

(1) The nonclassroom-based learning opportunities in which the student is required to participate from the student's residence are supplemental in nature or do not constitute a significant portion of the total classroom-based and nonclassroom-based learning opportunities provided to the student by the school;

(2) The student's residence is equipped with a computer

available for the student's use. 217364

Sec. 3314.232. The ~~superintendent of public instruction~~ 217365
department of education and workforce shall establish by rule 217366
adopted in accordance with Chapter 119. of the Revised Code 217367
standards for learning management software to be used by internet- 217368
and computer-based community schools. 217369

Sec. 3314.24. (A) On or after July 1, 2004, no internet- or 217370
computer-based community school shall enter into a contract with a 217371
nonpublic school to use or rent any facility space at the 217372
nonpublic school for the provision of instructional services to 217373
students enrolled in the internet- or computer-based community 217374
school. 217375

(B) If an internet- or computer-based community school has a 217376
contract with a nonpublic school as described in division (A) of 217377
this section, the department of education and workforce shall not 217378
make any payments under section 3317.022 of the Revised Code to 217379
the internet- or computer-based community school for any student 217380
who is enrolled in the internet- or computer-based community 217381
school and receives any instructional services from the internet- 217382
or computer-based community school at the nonpublic school. 217383

Sec. 3314.26. (A) Each internet- or computer-based community 217384
school shall withdraw from the school any student who, for two 217385
consecutive school years of enrollment in the school, has failed 217386
to participate in the spring administration of any assessment 217387
prescribed under section 3301.0710 or 3301.0712 of the Revised 217388
Code for the student's grade level and was not excused from the 217389
assessment pursuant to division (C)(1) or (3) of section 3301.0711 217390
of the Revised Code, regardless of whether a waiver was granted 217391
for the student under division (L)(3) of section 3314.08 of the 217392
Revised Code. The school shall report any such student's data 217393

verification code, as assigned pursuant to section 3301.0714 of 217394
the Revised Code, to the department of education and workforce. 217395
The department shall maintain a list of all data verification 217396
codes reported under this division and section 3313.6410 of the 217397
Revised Code and provide that list to each internet- or 217398
computer-based community school and to each school to which 217399
section 3313.6410 of the Revised Code applies. 217400

(B) No internet- or computer-based community school shall 217401
receive any state funds under this chapter for any enrolled 217402
student whose data verification code appears on the list 217403
maintained by the department under division (A) of this section. 217404

Notwithstanding any provision of the Revised Code to the 217405
contrary, the parent of any such student shall pay tuition to the 217406
internet- or computer-based community school in an amount equal to 217407
the state funds the school otherwise would receive for that 217408
student, as determined by the department. An internet- or 217409
computer-based community school may withdraw any student for whom 217410
the parent does not pay tuition as required by this division. 217411

Sec. 3314.27. No student enrolled in an internet- or 217412
computer-based community school may participate in more than ten 217413
hours of learning opportunities in any period of twenty-four 217414
consecutive hours. Any time such a student participates in 217415
learning opportunities beyond the limit prescribed in this section 217416
shall not count toward the annual minimum number of hours required 217417
to be provided to that student as prescribed in division 217418
(A)(11)(a) of section 3314.03 of the Revised Code. If any 217419
internet- or computer-based community school requires its students 217420
to participate in learning opportunities on the basis of days 217421
rather than hours, one day shall consist of a minimum of five 217422
hours of such participation. 217423

Each internet- or computer-based community school shall keep 217424

an accurate record of each individual student's participation in 217425
learning opportunities each day. The record shall be kept in such 217426
a manner that the information contained within it easily can be 217427
submitted to the department of education and workforce, upon 217428
request by the department or the auditor of state. 217429

Sec. 3314.271. (A) Each internet- or computer-based community 217430
school shall offer a student orientation course and shall notify 217431
each student who enrolls in that school of that student's 217432
opportunity to participate in the student orientation course. 217433
217434

(B) The department of education and workforce shall provide 217435
guidance to internet- or computer-based community schools for 217436
developing and delivering the orientation course. 217437

(C) Each internet- or computer-based community school may, at 217438
the time of a particular student's enrollment in that school, ask 217439
the student's parent or guardian to estimate the length of time 217440
the student will attend the school. Any information collected 217441
pursuant to this division shall be included in an aggregated 217442
format in the school's annual report required by division 217443
(A)(11)(g) of section 3314.03 of the Revised Code. 217444

(D) Each internet- or computer-based community school, on a 217445
periodic basis throughout each school year, shall communicate with 217446
each student's parent, guardian, or custodian regarding the 217447
performance and progress of that student. Each internet- or 217448
computer-based community school also shall provide opportunities 217449
for parent-teacher conferences, shall document the school's 217450
requests for such conferences, and may permit students to 217451
participate in the conferences. Parent-teacher conferences may be 217452
conducted through electronic means. 217453

Sec. 3314.28. (A) Each internet- or computer-based community 217454

school established under this chapter shall submit to the school's sponsor a plan for providing special education and related services to disabled students enrolled in the school in accordance with division (A)(1) or (2) of this section.

(1) If the school was established prior to ~~the effective date of this section~~ June 30, 2005, the plan shall be submitted to the sponsor on or before September 1, 2005, and on or before the first day of September in each year thereafter that the school is in operation.

(2) If the school is established after ~~the effective date of this section~~ June 30, 2005, the plan shall be submitted to the sponsor prior to the school's receipt of its first payment under this chapter and on or before the first day of September in each year thereafter that the school is in operation.

(B) Within thirty days after receiving the plan prescribed in division (A) of this section, the sponsor of each internet- or computer-based community school shall certify all of the following to the department of education and workforce:

(1) A statement of whether the plan received is satisfactory to the sponsor;

(2) If the plan received is not satisfactory to the sponsor, the sponsor's assurance that it will promptly assist the school in developing a plan that is satisfactory to the sponsor;

(3) The sponsor's assurance that it will monitor the implementation of the plan;

(4) The sponsor's assurance that it will take any necessary corrective action to ensure that the school's plan is properly and fully implemented.

(C) The department shall develop guidelines for the content and format of the plan required under this section.

Sec. 3314.29. (A) This section applies to any internet- or 217485
computer-based community school that meets all of the following 217486
conditions: 217487

(1) Serves all of grades kindergarten through twelve; 217488

(2) Has an enrollment of at least two thousand students; 217489

(3) Has a sponsor that was not rated ineffective or poor on 217490
its most recent evaluation under section 3314.016 of the Revised 217491
Code. 217492

(B) Beginning with the 2018-2019 school year, the governing 217493
authority of a community school to which this section applies may 217494
adopt a resolution to divide the school into two or three separate 217495
schools as follows: 217496

(1) If the school is divided into two schools, one school 217497
shall serve grades kindergarten through eight and one school shall 217498
serve grades nine through twelve. 217499

(2) If the school is divided into three schools, one school 217500
shall serve grades kindergarten through five, one school shall 217501
serve grades six through eight, and one school shall serve grades 217502
nine through twelve. 217503

(C) The resolution adopted by the governing authority shall 217504
not be effective unless approved by the school's sponsor. 217505
Following approval of the resolution by the sponsor, and by the 217506
fifteenth day of March prior to the school year in which it will 217507
take effect, the governing authority shall file the resolution 217508
with the department of education and workforce. The division of 217509
the schools shall be effective on the first day of July succeeding 217510
the date the resolution is filed with the department. 217511

(D) All of the following shall apply to each new school 217512
created as a result of the resolution authorized by this section 217513
and to the school that is divided as a result of the resolution: 217514

(1) Each school shall have the same governing authority.	217515
(2) The sponsor and governing authority shall enter into a separate contract under section 3314.03 of the Revised Code for each school.	217516 217517 217518
(3) No school shall primarily serve students enrolled in a dropout prevention and recovery program operated by the school.	217519 217520
(4) No school shall be permitted to divide again under this section.	217521 217522
(5) Notwithstanding anything to the contrary in division (B)(2) of section 3314.016 of the Revised Code, each school shall be included in the calculation of the academic performance component for purposes of rating the schools' sponsor under the evaluation system prescribed by that section.	217523 217524 217525 217526 217527
(6) Each school shall be subject to the laws contained in Chapter 3314. of the Revised Code, except as otherwise specified in this section.	217528 217529 217530
(E) The department shall issue a report card under section 3314.012 of the Revised Code for each new school created as a result of the resolution authorized by this section and for the school that is divided as a result of the resolution. For purposes of the report cards and other reporting requirements under this chapter, the department shall assign the school that serves the highest grades the same internal retrieval number previously used by the school that is divided under this section. The department shall assign a new internal retrieval number to each other school resulting from the division.	217531 217532 217533 217534 217535 217536 217537 217538 217539 217540
Notwithstanding division (B) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on	217541 217542 217543 217544 217545

report card ratings or measures. 217546

Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of 217547
this section, this section applies to any community school that 217548
meets one of the following criteria after July 1, 2009, but before 217549
July 1, 2011: 217550

(a) The school does not offer a grade level higher than three 217551
and has been declared to be in a state of academic emergency under 217552
section 3302.03 of the Revised Code for three of the four most 217553
recent school years. 217554

(b) The school satisfies all of the following conditions: 217555

(i) The school offers any of grade levels four to eight but 217556
does not offer a grade level higher than nine. 217557

(ii) The school has been declared to be in a state of 217558
academic emergency under section 3302.03 of the Revised Code for 217559
two of the three most recent school years. 217560

(iii) In at least two of the three most recent school years, 217561
the school showed less than one standard year of academic growth 217562
in either reading or mathematics, as determined by the department 217563
of education and workforce in accordance with rules adopted under 217564
division (A) of section 3302.021 of the Revised Code. 217565

(c) The school offers any of grade levels ten to twelve and 217566
has been declared to be in a state of academic emergency under 217567
section 3302.03 of the Revised Code for three of the four most 217568
recent school years. 217569

(2) Except as provided in division (A)(4) of this section, 217570
this section applies to any community school that meets one of the 217571
following criteria after July 1, 2011, but before July 1, 2013: 217572

(a) The school does not offer a grade level higher than three 217573
and has been declared to be in a state of academic emergency under 217574
section 3302.03 of the Revised Code for two of the three most 217575

recent school years.	217576
(b) The school satisfies all of the following conditions:	217577
(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.	217578 217579
(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	217580 217581 217582
(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.	217583 217584 217585 217586 217587
(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.	217588 217589 217590 217591
(3) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:	217592 217593 217594
(a) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies any of the following criteria:	217595 217596 217597
(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;	217598 217599 217600
(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;	217601 217602 217603
(iii) The school has received a performance rating of one star for early literacy under division (D)(3)(e) of section	217604 217605

3302.03 of the Revised Code; 217606

(iv) The school has received an overall performance rating of 217607
less than two stars under division (D)(3) of section 3302.03 of 217608
the Revised Code; 217609

(v) The school has received an overall grade of "F" under 217610
division (C) of section 3302.03 of the Revised Code. 217611

(b) The school offers any of grade levels four to eight but 217612
does not offer a grade level higher than nine and, for the three 217613
most recent school years, satisfies any of the following criteria: 217614

(i) The school has been declared to be in a state of academic 217615
emergency under section 3302.03 of the Revised Code, as it existed 217616
prior to March 22, 2013, and the school showed less than one 217617
standard year of academic growth in either reading or mathematics, 217618
as determined by the department in accordance with rules adopted 217619
under division (A) of section 3302.021 of the Revised Code; 217620

(ii) The school has received a grade of "F" for the 217621
performance index score under division (A)(1)(b), (B)(1)(b), or 217622
(C)(1)(b) and a grade of "F" for the value-added progress 217623
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 217624
section 3302.03 of the Revised Code; 217625

(iii) The school has received a performance rating of one 217626
star for both achievement under division (D)(3)(b) of section 217627
3302.03 of the Revised Code and progress under division (D)(3)(c) 217628
of that section; 217629

(iv) The school has received an overall grade of "F" under 217630
division (C) and a grade of "F" for the value-added progress 217631
dimension under division (C)(1)(e) of section 3302.03 of the 217632
Revised Code; 217633

(v) The school has received an overall performance rating of 217634
less than two stars under division (D) of section 3302.03 of the 217635

Revised Code and a performance rating of one star for progress 217636
under division (D)(3)(c) of that section. 217637

(c) The school offers any of grade levels ten to twelve and, 217638
for the three most recent school years, satisfies any of the 217639
following criteria: 217640

(i) The school has been declared to be in a state of academic 217641
emergency under section 3302.03 of the Revised Code, as it existed 217642
prior to March 22, 2013; 217643

(ii) The school has received a grade of "F" for the 217644
performance index score under division (A)(1)(b), (B)(1)(b), or 217645
(C)(1)(b) and has not met annual measurable objectives under 217646
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 217647
the Revised Code; 217648

(iii) The school has received a performance rating of "one 217649
star" for achievement under division (D)(3)(b) of section 3302.03 217650
of the Revised Code and has not met annual measurable objectives 217651
for gap closing under division (D)(3)(a) of that section, as 217652
determined by the department; 217653

(iv) The school has received an overall grade of "F" under 217654
division (C) and a grade of "F" for the value-added progress 217655
dimension under division (C)(1)(e) of section 3302.03 of the 217656
Revised Code; 217657

(v) The school has received an overall performance rating of 217658
less than two stars under division (D) of section 3302.03 of the 217659
Revised Code and a performance rating of one star for progress 217660
under division (D)(1)(b) of that section. 217661

For purposes of division (A)(3) of this section only, the 217662
department ~~of education~~ shall calculate the value-added progress 217663
dimension for a community school using assessment scores for only 217664
those students to whom the school has administered the achievement 217665
assessments prescribed by section 3301.0710 of the Revised Code 217666

for at least the two most recent school years but using 217667
value-added data from only the most recent school year. 217668

(4) This section does not apply to either of the following: 217669

(a) Any community school in which a majority of the students 217670
are enrolled in a dropout prevention and recovery program that is 217671
operated by the school. Rather, such schools shall be subject to 217672
closure only as provided in section 3314.351 of the Revised Code. 217673
However, prior to July 1, 2014, a community school in which a 217674
majority of the students are enrolled in a dropout prevention and 217675
recovery program shall be exempt from this section only if it has 217676
been granted a waiver under section 3314.36 of the Revised Code. 217677

(b) Any community school in which a majority of the enrolled 217678
students are children with disabilities receiving special 217679
education and related services in accordance with Chapter 3323. of 217680
the Revised Code. 217681

(B) Any community school to which this section applies shall 217682
permanently close at the conclusion of the school year in which 217683
the school first becomes subject to this section. The sponsor and 217684
governing authority of the school shall comply with all procedures 217685
for closing a community school adopted by the department under 217686
division (E) of section 3314.015 of the Revised Code. The 217687
governing authority of the school shall not enter into a contract 217688
with any other sponsor under section 3314.03 of the Revised Code 217689
after the school closes. 217690

(C) In accordance with division (B) of section 3314.012 of 217691
the Revised Code, the department shall not consider the 217692
performance ratings assigned to a community school for its first 217693
two years of operation when determining whether the school meets 217694
the criteria prescribed by division (A)(1) or (2) of this section. 217695

(D) Nothing in this section or in any other provision of the 217696
Revised Code prohibits the sponsor of a community school from 217697

exercising its option not to renew a contract for any reason or 217698
from terminating a contract prior to its expiration for any of the 217699
reasons set forth in section 3314.07 of the Revised Code. 217700

Sec. 3314.351. (A) This section applies to any community 217701
school in which a majority of the students are enrolled in a 217702
dropout prevention and recovery program. Except as provided in 217703
division (F) of this section, any such community school that has 217704
received a designation of "does not meet standards," as described 217705
in division (D)(1) of section 3314.017 of the Revised Code on the 217706
report card issued under that section, for the three most recent 217707
school years shall be subject to closure in accordance with this 217708
section. 217709

(B) Not later than the first day of September in each school 217710
year, the department of education and workforce shall notify each 217711
school subject to closure under this section that the school must 217712
close not later than the thirtieth day of the following June. 217713

A school so notified shall close as required. 217714

(C) A school that opens on or after July 1, 2014, shall not 217715
be subject to closure under this section for its first two years 217716
of operation. A school that is in operation prior to July 1, 2014, 217717
shall not be subject to closure under this section until after 217718
August 31, 2016. 217719

(D) The sponsor and governing authority of the school shall 217720
comply with all procedures for closing a community school adopted 217721
by the department under division (E) of section 3314.015 of the 217722
Revised Code. The governing authority of the school shall not 217723
enter into a contract with any other sponsor under section 3314.03 217724
of the Revised Code after the school closes. 217725

(E) Nothing in this section or in any other provision of the 217726
Revised Code prohibits the sponsor of a community school from 217727

exercising its option not to renew a contract for any reason or 217728
from terminating a contract prior to its expiration for any of the 217729
reasons set forth in section 3314.07 of the Revised Code. 217730

(F) Beginning in the 2019-2020 school year, no school shall 217731
be subject to closure under this section based on the report card 217732
issued for that school for the 2017-2018 or 2018-2019 school year 217733
if the school received an overall rating of "meets standards" or 217734
"exceeds standards" for the 2017-2018 or 2018-2019 school year 217735
pursuant to division (I) of section 3314.017 of the Revised Code. 217736
However, no school permanently closed under this section prior to 217737
the 2019-2020 school year shall be eligible to reopen based on the 217738
calculated or recalculated ratings under division (I) of section 217739
3314.017 of the Revised Code. 217740

Sec. 3314.353. Each year, the department of education and 217741
workforce shall publish separate lists of the following: 217742

(A) Community schools that have become subject to permanent 217743
closure under section 3314.35 or 3314.351 of the Revised Code; 217744

(B) Community schools that are at risk of becoming subject to 217745
permanent closure under section 3314.35 or 3314.351 of the Revised 217746
Code if their academic performance, as prescribed in those 217747
sections, does not improve on the next state report cards issued 217748
under section 3302.03 or 3314.017 of the Revised Code. 217749

~~On and after the effective date of this amendment, the~~ The 217750
department of education and workforce shall not adopt any rules, 217751
enforce any procedures or policies, or otherwise restrict the 217752
establishment or sponsorship of a new start-up community school 217753
based upon whether the school's proposed location is in a 217754
challenged school district. 217755

Sec. 3314.354. Not later than the thirty-first day of July of 217756
each year, the department of education and workforce shall submit 217757

preliminary data on community schools at risk of becoming subject 217758
to permanent closure under section 3314.35 or 3314.351 of the 217759
Revised Code. 217760

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 217761
not apply to any community school in which a majority of the 217762
students are enrolled in a dropout prevention and recovery program 217763
that is operated by the school and that has been granted a waiver 217764
by the former department of education prior to July 1, 2014. ~~Until~~ 217765
~~June 30, 2014, the department shall grant a waiver to a dropout~~ 217766
~~prevention and recovery program, within sixty days after the~~ 217767
~~program applies for the waiver, if the program meets all of the~~ 217768
~~following conditions:~~ 217769

~~(1) The program serves only students not younger than sixteen 217770~~
~~years of age and not older than twenty one years of age. 217771~~

~~(2) The program enrolls students who, at the time of their 217772~~
~~initial enrollment, either, or both, are at least one grade level 217773~~
~~behind their cohort age groups or experience crises that 217774~~
~~significantly interfere with their academic progress such that 217775~~
~~they are prevented from continuing their traditional programs. 217776~~

~~(3) The program requires students to attain at least the 217777~~
~~applicable score designated for each of the assessments prescribed 217778~~
~~under division (B)(1) of section 3301.0710 of the Revised Code or, 217779~~
~~to the extent prescribed by rule of the state board of education 217780~~
~~under division (D)(5) of section 3301.0712 of the Revised Code, 217781~~
~~division (B)(2) of that section. 217782~~

~~(4) The program develops an individual career plan for the 217783~~
~~student that specifies the student's matriculating to a two year 217784~~
~~degree program, acquiring a business and industry credential, or 217785~~
~~entering an apprenticeship. 217786~~

~~(5) The program provides counseling and support for the 217787~~

~~student related to the plan developed under division (A)(4) of
this section during the remainder of the student's high school
experience.~~ 217788
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~~(6) Prior to receiving the waiver, the program has submitted
to the department an instructional plan that demonstrates how the
academic content standards adopted by the state board of education
under section 3301.079 of the Revised Code will be taught and
assessed.~~ 217791
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~~If the department does not act either to grant the waiver or
to reject the program application for the waiver within sixty days
as required under this section, the waiver shall be considered to
be granted.~~ 217796
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~~(B) Notwithstanding division (A) of this section, the
department shall not grant a waiver to any community school that
did not qualify for a waiver under this section when it initially
began operations, unless the state board of education approves the
waiver.~~ 217800
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~~(C) Beginning on July 1, 2014, all All community schools in
which a majority of the students are enrolled in a dropout
prevention and recovery program are subject to the provisions of
section 3314.351 of the Revised Code, regardless of whether a
waiver has been granted under this section prior to July 1, 2014.
Thereafter, no waivers shall be granted under this section.~~ 217805
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Sec. 3314.38. (A) An individual who is at least twenty-two 217811
years of age and who is an eligible individual as defined in 217812
section 3317.23 of the Revised Code may enroll for up to two 217813
consecutive school years in a dropout prevention and recovery 217814
program operated by a community school that is designed to allow 217815
enrollees to earn a high school diploma. An individual enrolled 217816
under this division may elect to satisfy the requirements to earn 217817
a high school diploma by successfully completing a 217818

competency-based educational program, as defined in section 217819
3317.23 of the Revised Code, that complies with the standards 217820
adopted by the department of education and workforce under section 217821
3317.231 of the Revised Code. The community school shall report 217822
that individual's enrollment on a full-time equivalency basis to 217823
the department. This report shall be in addition to the report 217824
required under division (B) of section 3314.08 of the Revised 217825
Code. An individual enrolled under this division shall not be 217826
assigned to classes or settings with students who are younger than 217827
eighteen years of age. 217828

(B)(1) For each community school that enrolls individuals 217829
under division (A) of this section, the department annually shall 217830
certify the enrollment and attendance, on a full-time equivalency 217831
basis, of each individual reported by the school under that 217832
division. 217833

(2) For each individual enrolled in a community school under 217834
division (A) of this section, the department annually shall pay 217835
the community school up to \$5,000, as determined by the department 217836
based on the extent of the individual's successful completion of 217837
the graduation requirements prescribed under division (A)(11)(f) 217838
of section 3314.03 of the Revised Code. 217839

(C) A community school that enrolls individuals under 217840
division (A) of this section shall be subject to the program 217841
administration standards adopted by the department under section 217842
3317.231 of the Revised Code, as applicable. 217843

Sec. 3314.50. No community school shall initiate operation, 217844
on or after ~~the effective date of this amendment~~ February 1, 2016, 217845
unless the governing authority of the school has posted a bond in 217846
the amount of fifty thousand dollars with the auditor of state. 217847
The bond or cash guarantee shall be used, in the event the school 217848
closes, to pay the auditor of state any moneys owed or that become 217849

owed by the school for the costs of audits conducted by the 217850
auditor of state or a public accountant under Chapter 117. of the 217851
Revised Code. 217852

The department of education and workforce shall notify the 217853
auditor of state of the proposed initiation of operations of any 217854
community school and shall provide the auditor of state with the 217855
certification of the sponsor of the community school of the 217856
compliance by the community school with all legal preconditions to 217857
the initiation of its operations, including compliance with this 217858
section. 217859

In lieu of the bond, the governing authority of the school, 217860
the school's sponsor, or an operator that has a contract with the 217861
school may deposit with the auditor of state cash in the amount of 217862
fifty thousand dollars as guarantee of payment under the 217863
provisions of this section. In lieu of a bond or a cash deposit, 217864
the school's sponsor or an operator that has a contract with the 217865
school may provide a written guarantee of payment, which shall 217866
obligate the school's sponsor or the operator that provides the 217867
written guarantee to pay the cost of audits of the school under 217868
this section up to the amount of fifty thousand dollars. Any such 217869
written guarantee shall be binding upon any successor entity that 217870
enters into a contract to sponsor or to operate the school, and 217871
any such entity, as a condition of its undertaking shall 217872
acknowledge and accept such obligation. 217873

In the event that a sponsor or operator has provided a 217874
written guarantee under this section, and, subsequent to the 217875
provision of the guarantee, the governing authority of the school 217876
posts a bond under this section, or the governing authority of the 217877
school, a sponsor, or an operator provides a cash deposit of fifty 217878
thousand dollars as required, the written guarantee shall cease to 217879
be of further effect. 217880

As soon as it is practicable to do so after the filing of a 217881
bond or the deposit of cash, the auditor of state shall deliver 217882
the bond or cash to the treasurer of state, who shall hold it in 217883
trust for the purposes prescribed in this section. The treasurer 217884
of state shall be responsible for the safekeeping of all bonds 217885
filed or cash deposited under this section. The auditor of state 217886
shall notify the department ~~of education~~ when the school's 217887
governing authority has filed the bond, deposited the cash 217888
guarantee, or submitted a written guarantee of payment. 217889

When the auditor of state conducts an audit of a community 217890
school that has closed and is subject to the requirements of this 217891
section, the auditor of state shall certify the amount of 217892
forfeiture to the treasurer of state, who shall assess the bond 217893
for the costs of the audit or shall pay money from the named 217894
insurer or from the school's cash deposit for the costs of the 217895
audit to reimburse the auditor of state or public accountant for 217896
costs incurred in conducting audits of the school. 217897

To the extent that the amount of the bond or the cash deposit 217898
is not needed to cover audit costs, the bond shall be of no 217899
further effect, and any cash balance shall be refunded by the 217900
treasurer of state to the entity which provided the bond. When the 217901
auditor of state conducts an audit of a community school that has 217902
closed and is subject to the requirements of this section, and, as 217903
to which, a written guarantee has been given under this section, 217904
the entity that provided the guarantee shall be solely and fully 217905
liable for any such audit costs, and shall promptly pay the costs 217906
of the audit up to fifty thousand dollars. 217907

No community school that is subject to the provisions of this 217908
section shall maintain or continue its operations absent the 217909
ongoing provision of a bond, a cash deposit, or a written 217910
guarantee as required by this section. 217911

Sec. 3314.51. (A) If the auditor of state or a public 217912
accountant, under section 117.41 of the Revised Code, declares a 217913
community school to be unauditabile, the auditor of state shall 217914
provide written notification of that declaration to the school, 217915
the school's sponsor, and the department of education and 217916
workforce. The auditor of state also shall post the notification 217917
on the auditor of state's web site. 217918

(B) If the community school's current fiscal officer held 217919
that position during the period for which the school is 217920
unauditabile, upon receipt of the notification under division (A) 217921
of this section, the governing authority of the school shall 217922
suspend the fiscal officer until the auditor of state or a public 217923
accountant has completed an audit of the school, except that if 217924
the school has an operator and the operator employs the fiscal 217925
officer, the operator shall suspend the fiscal officer for that 217926
period. Suspension of the fiscal officer may be with or without 217927
pay, as determined by the entity imposing the suspension based on 217928
the circumstances that prompted the auditor of state's 217929
declaration. The entity imposing the suspension shall appoint a 217930
person to assume the duties of the fiscal officer during the 217931
period of the suspension. If the appointee is not licensed as a 217932
treasurer under section 3301.074 of the Revised Code, the 217933
appointee shall be approved by the ~~superintendent of public~~ 217934
~~instruction~~ director of education and workforce before assuming 217935
the duties of the fiscal officer. The state board of education may 217936
take action under section 3319.31 of the Revised Code to suspend, 217937
revoke, or limit the license of a fiscal officer who has been 217938
suspended under this division. 217939

(C) Notwithstanding any provision to the contrary in this 217940
chapter or in any other provision of law, the sponsor of the 217941
community school shall not enter into contracts with any 217942
additional community schools under section 3314.03 of the Revised 217943

Code between ninety days after the date of the declaration under 217944
division (A) of this section and the date the auditor of state or 217945
a public accountant has completed a financial audit of the school. 217946

(D) Not later than forty-five days after receiving the 217947
notification under division (A) of this section, the sponsor of 217948
the community school shall provide a written response to the 217949
auditor of state. The sponsor shall provide a copy of the response 217950
to the community school. The response shall include the following: 217951

(1) An overview of the process the sponsor will use to review 217952
and understand the circumstances that led to the community school 217953
becoming unauditabile; 217954

(2) A plan for providing the auditor of state with the 217955
documentation necessary to complete an audit of the community 217956
school and for ensuring that all financial documents are available 217957
in the future; 217958

(3) The actions the sponsor will take to ensure that the plan 217959
described in division (D)(2) of this section is implemented. 217960

(E) If the community school fails to make reasonable efforts 217961
and continuing progress to bring its accounts, records, files, or 217962
reports into an auditable condition within ninety days after being 217963
declared unauditabile, the auditor of state, in addition to 217964
requesting legal action under sections 117.41 and 117.42 of the 217965
Revised Code, shall notify the school's sponsor and the department 217966
of the school's failure. If the auditor of state or a public 217967
accountant subsequently is able to complete a financial audit of 217968
the school, the auditor of state shall notify the school's sponsor 217969
and the department that the audit has been completed. 217970

(F) Notwithstanding any provision to the contrary in this 217971
chapter or in any other provision of law, upon notification by the 217972
auditor of state under division (E) of this section that the 217973
community school has failed to make reasonable efforts and 217974

continuing progress to bring its accounts, records, files, or 217975
reports into an auditable condition, the department shall 217976
immediately cease all payments to the school under this chapter 217977
and any other provision of law. Upon subsequent notification from 217978
the auditor of state under that division that the auditor of state 217979
or a public accountant was able to complete a financial audit of 217980
the community school, the department shall release all funds 217981
withheld from the school under this section. 217982

Sec. 3315.18. (A) The board of education of each city, 217983
exempted village, local, and joint vocational school district 217984
shall establish a capital and maintenance fund. Each board 217985
annually shall deposit into that fund an amount derived from 217986
revenues received by the district that would otherwise have been 217987
deposited in the general fund that is equal to three per cent of 217988
the statewide average base cost per pupil for the preceding fiscal 217989
year, as defined in section 3317.02 of the Revised Code, or 217990
another percentage if established by the auditor of state under 217991
division (B) of this section, multiplied by the district's student 217992
population for the preceding fiscal year, except that money 217993
received from a permanent improvement levy authorized by section 217994
5705.21 of the Revised Code may replace general revenue moneys in 217995
meeting the requirements of this section. Money in the fund shall 217996
be used solely for acquisition, replacement, enhancement, 217997
maintenance, or repair of permanent improvements, as that term is 217998
defined in section 5705.01 of the Revised Code. Any money in the 217999
fund that is not used in any fiscal year shall carry forward to 218000
the next fiscal year. 218001

(B) The ~~state superintendent of public instruction~~ director 218002
of education and workforce and the auditor of state jointly shall 218003
adopt rules in accordance with Chapter 119. of the Revised Code 218004
defining what constitutes expenditures permitted by division (A) 218005
of this section. The auditor of state may designate a percentage, 218006

other than three per cent, of the statewide average base cost per pupil multiplied by the district's student population that must be deposited into the fund.

(C) Within its capital and maintenance fund, a school district board of education may establish a separate account solely for the purpose of depositing funds transferred from the district's reserve balance account established under former division (H) of section 5705.29 of the Revised Code. After April 10, 2001, a board may deposit all or part of the funds formerly included in such reserve balance account in the separate account established under this section. Funds deposited in this separate account and interest on such funds shall be utilized solely for the purpose of providing the district's portion of the basic project costs of any project undertaken in accordance with Chapter 3318. of the Revised Code.

(D)(1) Notwithstanding division (A) of this section, in any year a district is in fiscal emergency status as declared pursuant to section 3316.03 of the Revised Code, the district may deposit an amount less than required by division (A) of this section, or make no deposit, into the district capital and maintenance fund for that year.

(2) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the ~~superintendent of public instruction~~ director of education and workforce for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The ~~superintendent~~ director may grant a waiver under

division (D)(2) of this section if the district demonstrates to 218039
the satisfaction of the ~~superintendent~~ director that compliance 218040
with division (A) of this section that year will create an undue 218041
financial hardship on the district. 218042

(3) Notwithstanding division (A) of this section, not more 218043
often than one fiscal year in every three consecutive fiscal 218044
years, any school district that does not satisfy the conditions 218045
for the exemption described in division (D)(1) of this section or 218046
the conditions to apply for the waiver described in division 218047
(D)(2) of this section may apply to the ~~superintendent of public~~ 218048
~~instruction~~ director for a waiver from the requirements of 218049
division (A) of this section, under which the district may be 218050
permitted to deposit an amount less than required by that division 218051
or permitted to make no deposit into the district capital and 218052
maintenance fund for that year. The ~~superintendent~~ director may 218053
grant a waiver under division (D)(3) of this section if the 218054
district demonstrates to the satisfaction of the ~~superintendent~~ 218055
director that compliance with division (A) of this section that 218056
year will necessitate the reduction or elimination of a program 218057
currently offered by the district that is critical to the academic 218058
success of students of the district and that no reasonable 218059
alternatives exist for spending reductions in other areas of 218060
operation within the district that negate the necessity of the 218061
reduction or elimination of that program. 218062

(E) Notwithstanding any provision to the contrary in Chapter 218063
4117. of the Revised Code, the requirements of this section 218064
prevail over any conflicting provisions of agreements between 218065
employee organizations and public employers entered into after 218066
November 21, 1997. 218067

(F) As used in this section, "student population" means the 218068
average, daily, full-time equivalent number of students in 218069
kindergarten through twelfth grade receiving any educational 218070

services from the school district during the first full school week in October, excluding students enrolled in adult education classes, but including all of the following:

(1) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

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

The department of education and workforce shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year.

Sec. 3315.181. As used in this section, "securities" has the same meaning as in section 133.01 of the Revised Code.

Notwithstanding division (A) of section 3315.18 of the Revised Code, the board of education of a city, exempted village, local, or joint vocational school district, in meeting the amount required by that division to be deposited in the district's capital and maintenance fund, may replace general fund revenues with proceeds received from a permanent improvement levy authorized by section 5705.21 of the Revised Code only to the extent the proceeds are available to be used for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements as defined in section 5705.01 of the Revised Code. In addition, the board may replace general fund revenues with proceeds received from any of the following sources in meeting the

amount required by that division to be deposited in the fund:	218101
(A) Proceeds received from any securities whose use is limited to the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	218102 218103 218104
(B) Insurance proceeds received as a result of the damage to or theft or destruction of a permanent improvement to the extent a board of education places the proceeds in a separate fund for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	218105 218106 218107 218108 218109
(C) Proceeds received from the sale of a permanent improvement to the extent the proceeds are paid into a separate fund for the construction or acquisition of permanent improvements;	218110 218111 218112 218113
(D) Proceeds received from a tax levy authorized by section 3318.06 of the Revised Code to the extent the proceeds are available to be used for the maintenance of capital facilities;	218114 218115 218116
(E) Proceeds of certificates of participation issued as part of a lease-purchase agreement entered into under section 3313.375 of the Revised Code;	218117 218118 218119
(F) Proceeds of any school district income tax levied under Chapter 5748. of the Revised Code for permanent improvements, to the extent the proceeds are available for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements;	218120 218121 218122 218123 218124
(G) Any other revenue source identified by the auditor of state, in consultation with the department of education <u>and workforce</u> , in rules adopted by the auditor of state.	218125 218126 218127
Sec. 3315.33. There is hereby established a fund to be known as the Ohio scholarship fund for teacher trainees for the public purpose of relieving the existing teacher shortage in public	218128 218129 218130

schools, to be administered and expended as prescribed in sections 218131
3315.33 to 3315.35 of the Revised Code. Appropriations by the 218132
general assembly for the purpose of scholarships for teacher 218133
trainees shall be paid into this fund. 218134

Each scholarship for a teacher trainee shall have a maximum 218135
value of five hundred dollars annually and shall be awarded as 218136
follows: 218137

(A) The ~~state board~~ department of education and workforce 218138
shall prescribe standards and requirements which shall be met by 218139
persons who are eligible for such scholarships. Scholarships shall 218140
be allocated among the counties of the state on an equitable basis 218141
by the ~~state board of education~~ department, provided that not less 218142
than three such scholarships shall be available annually to 218143
residents of each county of the state. If, on the first day of 218144
September in each year, the ~~state board of education~~ department 218145
finds that the number of eligible persons recommended from any 218146
county is less than the number of scholarships allocated to that 218147
county, it may reallocate the remaining scholarships among the 218148
counties in which the number of eligible persons exceeds the 218149
number of scholarships allocated. Such reallocation as may affect 218150
a county in one year shall not prejudice in any way the allocation 218151
to it in succeeding years. 218152

(B) In accordance with the requirements of sections 3315.33, 218153
3315.34, and 3315.35 of the Revised Code, the educational service 218154
center superintendent in each educational service center as 218155
committee chairperson shall appoint a committee consisting of one 218156
high school principal, one elementary school principal, and one 218157
classroom teacher. This committee shall select and recommend, on 218158
the basis of merit, a number of high school graduates, not to 218159
exceed the number allocated to each county by the ~~state board of~~ 218160
~~education~~ department, who are interested in teaching and whose 218161
work and qualifications are such as to indicate that they possess 218162

the qualities which should be possessed by a successful teacher. 218163
Such persons shall not have previously been enrolled in any 218164
college of education or have majored in education in any college 218165
or university. Such other college training shall be considered in 218166
determining such person's qualifications to become a successful 218167
teacher. 218168

(C) The scholarship fund for teacher trainees shall be 218169
disbursed to scholarship holders upon their application as 218170
approved by the ~~state board of education~~ department upon vouchers 218171
for that purpose. Such scholarships shall be paid in equal 218172
installments at the beginning of each quarter or semester while 218173
college is in session to each person who has been awarded such a 218174
scholarship when the following requirements are met: 218175

(1) Such person shall be a bona fide student in the college 218176
of education or department of teacher training in an Ohio 218177
institution of higher learning. 218178

(2) Such person shall pursue a course of study in elementary 218179
education in said college of education or department of teacher 218180
training approved by the ~~state board of education~~ department of
education and workforce. 218181
218182

Sec. 3315.34. Each person who receives a scholarship shall 218183
execute a promissory note which shall be endorsed by some 218184
responsible citizen, and shall deliver said note to the ~~state~~ 218185
~~board~~ department of education and workforce or to its 218186
representative. Each such note shall be made payable to the 218187
treasurer of state for the amount of the quarterly or semi-annual 218188
payment, and shall bear interest at the rate of five per cent per 218189
annum from the date of the note. The ~~state board of education~~ 218190
department shall hold said note until it has been paid or 218191
cancelled as prescribed in section 3315.35 of the Revised Code. 218192

Each person awarded a scholarship under the terms of sections 218193

3315.33 to 3315.35 of the Revised Code shall be eligible upon the 218194
completion of satisfactory work during the first year, under rules 218195
and regulations promulgated by the ~~state board of education~~ 218196
department, to have the scholarship renewed for a period not to 218197
exceed one additional year. 218198

Sec. 3315.35. At the expiration of each school year of 218199
service as a teacher in the public schools of Ohio by a person who 218200
has benefited from a scholarship granted under sections 3315.33 to 218201
3315.35 of the Revised Code, such person shall submit to the ~~state~~ 218202
~~board~~ department of education and workforce a statement of service 218203
on a form provided for that purpose and certified by the 218204
superintendent of the school district in which the person has 218205
taught. Upon receipt of such statement in proper form, the board 218206
shall cancel the oldest notes given by such person covering the 218207
scholarship for one year and the interest accrued thereon. If for 218208
any reason a recipient of a scholarship ceases or, after 218209
licensure, fails to teach in the public schools of Ohio, except 218210
for death or total disability, or fails to file with the board by 218211
July first of each year a statement concerning the recipient's 218212
previous year's employment and address for the ensuing year, any 218213
and all unpaid or uncanceled notes and interest thereon shall 218214
become due and payable and the board shall transmit all such notes 218215
promptly to the treasurer of state and the treasurer of state 218216
shall enforce collection of the principal amount of any 218217
uncanceled or unpaid notes held by the treasurer of state and the 218218
interest thereon and shall deposit said sums so collected in the 218219
general revenue fund. 218220

Sec. 3316.03. (A) The existence of a fiscal watch shall be 218221
declared by the auditor of state. The auditor of state may make a 218222
determination on the auditor of state's initiative, or upon 218223
receipt of a written request for such a determination, which may 218224

be filed by the governor, the ~~superintendent of public instruction~~ 218225
director of education and workforce, or a majority of the members 218226
of the board of education of the school district. 218227

(1) The auditor of state shall declare a school district to 218228
be in a state of fiscal watch if the auditor of state determines 218229
that both of the following conditions are satisfied with respect 218230
to the school district: 218231

(a) An operating deficit has been certified for the current 218232
fiscal year by the auditor of state, and the certified operating 218233
deficit exceeds eight per cent of the school district's general 218234
fund revenue for the preceding fiscal year; 218235

(b) A majority of the voting electors have not voted in favor 218236
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 218237
Chapter 5748. of the Revised Code that the auditor of state 218238
expects will raise enough additional revenue in the next 218239
succeeding fiscal year that division (A)(1)(a) of this section 218240
will not apply to the district in such next succeeding fiscal 218241
year. 218242

(2) The auditor of state shall declare a school district to 218243
be in a state of fiscal watch if the auditor of state determines 218244
that the school district has outstanding securities issued under 218245
division (A)(4) of section 3316.06 of the Revised Code, and its 218246
financial planning and supervision commission has been terminated 218247
under section 3316.16 of the Revised Code. 218248

(3) The auditor of state shall declare a school district to 218249
be in a state of fiscal watch if both of the following conditions 218250
are satisfied: 218251

(a) The ~~superintendent of public instruction~~ director has 218252
reported to the auditor of state that the ~~superintendent~~ director 218253
has declared the district under section 3316.031 of the Revised 218254

Code to be under a fiscal caution, has found that the district has 218255
not acted reasonably to eliminate or correct practices or 218256
conditions that prompted the declaration, and has determined the 218257
declaration of a state of fiscal watch necessary to prevent 218258
further fiscal decline; 218259

(b) The auditor of state determines that the decision of the 218260
~~superintendent~~ director is reasonable. 218261

If the auditor of state determines that the decision of the 218262
~~superintendent~~ director is not reasonable, the auditor of state 218263
shall provide the ~~superintendent~~ director with a written 218264
explanation of that determination. 218265

(4) The auditor of state may declare a school district to be 218266
in a state of fiscal watch if all of the following conditions are 218267
satisfied: 218268

(a) An operating deficit has been certified for the current 218269
fiscal year by the auditor of state, and the certified operating 218270
deficit exceeds two per cent, but does not exceed eight per cent, 218271
of the school district's general fund revenue for the preceding 218272
fiscal year; 218273

(b) A majority of the voting electors have not voted in favor 218274
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 218275
Chapter 5748. of the Revised Code that the auditor of state 218276
expects will raise enough additional revenue in the next 218277
succeeding fiscal year that division (A)(4)(a) of this section 218278
will not apply to the district in the next succeeding fiscal year; 218279

(c) The auditor of state determines that there is no 218280
reasonable cause for the deficit or that the declaration of fiscal 218281
watch is necessary to prevent further fiscal decline in the 218282
district. 218283

(B)(1) The auditor of state shall issue an order declaring a 218284
school district to be in a state of fiscal emergency if the 218285

auditor of state determines that both of the following conditions 218286
are satisfied with respect to the school district: 218287

(a) An operating deficit has been certified for the current 218288
fiscal year by the auditor of state, and the certified operating 218289
deficit exceeds fifteen per cent of the school district's general 218290
fund revenue for the preceding fiscal year. 218291

(b) A majority of the voting electors have not voted in favor 218292
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 218293
Chapter 5748. of the Revised Code that the auditor of state 218294
expects will raise enough additional revenue in the next 218295
succeeding fiscal year that division (B)(1)(a) of this section 218296
will not apply to the district in such next succeeding fiscal 218297
year. 218298

(2) The auditor of state shall issue an order declaring a 218299
school district to be in a state of fiscal emergency if the school 218300
district board fails, pursuant to section 3316.04 of the Revised 218301
Code, to submit a plan acceptable to the ~~state superintendent of~~ 218302
~~public instruction~~ director of education and workforce within one 218303
hundred twenty days of the auditor of state's declaration under 218304
division (A) of this section or an updated plan when one is 218305
required by division (C) of section 3316.04 of the Revised Code; 218306

(3) The auditor of state shall issue an order declaring a 218307
school district to be in a state of fiscal emergency if both of 218308
the following conditions are satisfied: 218309

(a) The ~~superintendent of public instruction~~ director has 218310
reported to the auditor of state that the district is not 218311
materially complying with the provisions of an original or updated 218312
plan as approved by the ~~state superintendent~~ director under 218313
section 3316.04 of the Revised Code, and that the ~~state~~ 218314
~~superintendent~~ director has determined the declaration of a state 218315
of fiscal emergency necessary to prevent further fiscal decline; 218316

(b) The auditor of state finds that the determination of the ~~superintendent~~ director is reasonable. 218317
218318

If the auditor of state determines that the decision of the ~~superintendent~~ director is not reasonable, the auditor of state 218319
218320 shall provide the ~~superintendent~~ director a written explanation of 218321
218322 that determination.

(4) The auditor of state shall issue an order declaring a 218323
218324 school district to be in a state of fiscal emergency if a 218325
218326 declaration of fiscal emergency is required by division (D) of section 3316.04 of the Revised Code.

(5) The auditor of state may issue an order declaring a 218327
218328 school district to be in a state of fiscal emergency if all of the 218329
218329 following conditions are satisfied:

(a) An operating deficit has been certified for the current 218330
218331 fiscal year by the auditor of state, and the certified operating 218332
218332 deficit exceeds ten per cent, but does not exceed fifteen per 218333
218333 cent, of the school district's general fund revenue for the 218334
218334 preceding fiscal year;

(b) A majority of the voting electors have not voted in favor 218335
218336 of levying a tax under section 5705.194, 5705.199, or 5705.21 or 218337
218337 Chapter 5748. of the Revised Code that the auditor of state 218338
218338 expects will raise enough additional revenue in the next 218339
218339 succeeding fiscal year that division (B)(5)(a) of this section 218340
218340 will not apply to the district in the next succeeding fiscal year;

(c) The auditor of state determines that a declaration of 218341
218342 fiscal emergency is necessary to correct the district's fiscal 218343
218343 problems and to prevent further fiscal decline. 218344

(C) In making the determinations under this section, the 218344
218345 auditor of state may use financial reports required under section 218346
218346 117.43 of the Revised Code; tax budgets, certificates of estimated 218347
218347 resources and amendments thereof, annual appropriating measures

and spending plans, and any other documents or information 218348
prepared pursuant to Chapter 5705. of the Revised Code; and any 218349
other documents, records, or information available to the auditor 218350
of state that indicate the conditions described in divisions (A) 218351
and (B) of this section. 218352

(D) The auditor of state shall certify the action taken under 218353
division (A) or (B) of this section to the board of education of 218354
the school district, the director of budget and management, the 218355
mayor or county auditor who could be required to act pursuant to 218356
division (B)(1) of section 3316.05 of the Revised Code, and to the 218357
~~superintendent of public instruction~~ director of education and 218358
workforce. 218359

(E) A determination by the auditor of state under this 218360
section that a fiscal emergency condition does not exist is final 218361
and conclusive and not appealable. A determination by the auditor 218362
of state under this section that a fiscal emergency exists is 218363
final, except that the board of education of the school district 218364
affected by such a determination may appeal the determination of 218365
the existence of a fiscal emergency condition to the court of 218366
appeals having territorial jurisdiction over the school district. 218367
The appeal shall be heard expeditiously by the court of appeals 218368
and for good cause shown shall take precedence over all other 218369
civil matters except earlier matters of the same character. Notice 218370
of such appeal must be filed with the auditor of state and such 218371
court within thirty days after certification by the auditor of 218372
state to the board of education of the school district provided 218373
for in division (D) of this section. In such appeal, 218374
determinations of the auditor of state shall be presumed to be 218375
valid and the board of education shall have the burden of proving, 218376
by clear and convincing evidence, that each of the determinations 218377
made by the auditor of state as to the existence of a fiscal 218378
emergency condition under this section was in error. If the board 218379

of education fails, upon presentation of its case, to prove by 218380
clear and convincing evidence that each such determination by the 218381
auditor of state was in error, the court shall dismiss the appeal. 218382
The board of education and the auditor of state may introduce any 218383
evidence relevant to the existence or nonexistence of such fiscal 218384
emergency conditions. The pendency of any such appeal shall not 218385
affect or impede the operations of this chapter; no restraining 218386
order, temporary injunction, or other similar restraint upon 218387
actions consistent with this chapter shall be imposed by the court 218388
or any court pending determination of such appeal; and all things 218389
may be done under this chapter that may be done regardless of the 218390
pendency of any such appeal. Any action taken or contract executed 218391
pursuant to this chapter during the pendency of such appeal is 218392
valid and enforceable among all parties, notwithstanding the 218393
decision in such appeal. If the court of appeals reverses the 218394
determination of the existence of a fiscal emergency condition by 218395
the auditor of state, the determination no longer has any effect, 218396
and any procedures undertaken as a result of the determination 218397
shall be terminated. 218398

Sec. 3316.031. (A) The ~~state superintendent of public~~ 218399
~~instruction~~ director of education and workforce, in consultation 218400
with the auditor of state, shall develop guidelines for 218401
identifying fiscal practices and budgetary conditions that, if 218402
uncorrected, could result in a future declaration of a fiscal 218403
watch or fiscal emergency within a school district. 218404

The guidelines shall not include a requirement that a school 218405
district submit financial statements according to generally 218406
accepted accounting principles. 218407

(B)(1) If the ~~state superintendent~~ director determines from a 218408
school district's five-year forecast submitted under section 218409
5705.391 of the Revised Code that a district is engaging in any of 218410

those practices or that any of those conditions exist within the 218411
district, after consulting with the district board of education 218412
concerning the practices or conditions, the ~~state superintendent~~ 218413
director may declare the district to be under a fiscal caution. 218414

(2) If the auditor of state finds that a district is engaging 218415
in any of those practices or that any of those conditions exist 218416
within the district, the auditor of state shall report that 218417
finding to the ~~state superintendent~~ director and, after consulting 218418
with the district board of education concerning the practices or 218419
conditions, the ~~state superintendent~~ director may declare the 218420
district to be under a fiscal caution. 218421

(3) Unless the auditor of state has elected to declare a 218422
state of fiscal watch under division (A)(4) of section 3316.03 of 218423
the Revised Code, the ~~state superintendent~~ director shall declare 218424
a school district to be under a fiscal caution if the conditions 218425
described in divisions (A)(4)(a) and (b) of that section are both 218426
satisfied with respect to the school district. 218427

(C) When the ~~state superintendent~~ director declares a 218428
district to be under fiscal caution, the ~~state superintendent~~ 218429
director shall promptly notify the district board of education of 218430
that declaration and shall request the board to provide written 218431
proposals for discontinuing or correcting the fiscal practices or 218432
budgetary conditions that prompted the declaration and for 218433
preventing the district from experiencing further fiscal 218434
difficulties that could result in the district being declared to 218435
be in a state of fiscal watch or fiscal emergency. 218436

(D) The ~~state superintendent~~ director, or a designee, may 218437
visit and inspect any district that is declared to be under a 218438
fiscal caution. The department of education and workforce shall 218439
provide technical assistance to the district board in implementing 218440
proposals to eliminate the practices or budgetary conditions that 218441
prompted the declaration of fiscal caution and may make 218442

recommendations concerning the board's proposals. 218443

(E) If the ~~state superintendent~~ director finds that a school 218444
district declared to be under a fiscal caution has not made 218445
reasonable proposals or otherwise taken action to discontinue or 218446
correct the fiscal practices or budgetary conditions that prompted 218447
the declaration of fiscal caution, and if the ~~state superintendent~~ 218448
director considers it necessary to prevent further fiscal decline, 218449
the ~~state superintendent~~ director may determine that the district 218450
should be in a state of fiscal watch. As provided in division 218451
(A)(3) of section 3316.03 of the Revised Code, the auditor of 218452
state shall declare the district to be in a state of fiscal watch 218453
if the auditor of state finds the ~~superintendent's~~ director's 218454
determination to be reasonable. 218455

Sec. 3316.04. (A) Within sixty days of the auditor's 218456
declaration under division (A) of section 3316.03 of the Revised 218457
Code, the board of education of the school district shall prepare 218458
and submit to the ~~superintendent of public instruction~~ director of 218459
education and workforce a financial plan delineating the steps the 218460
board will take to eliminate the district's current operating 218461
deficit and avoid incurring operating deficits in ensuing years, 218462
including the implementation of spending reductions. The financial 218463
plan also shall evaluate the feasibility of entering into shared 218464
services agreements with other political subdivisions for the 218465
joint exercise of any power, performance of any function, or 218466
rendering of any service, if so authorized by statute. The 218467
~~superintendent of public instruction~~ director shall evaluate the 218468
initial financial plan, and either approve or disapprove it within 218469
thirty calendar days from the date of its submission. If the 218470
initial financial plan is disapproved, the ~~state superintendent~~ 218471
director shall recommend modifications that will render the 218472
financial plan acceptable. No school district board shall 218473
implement a financial plan submitted to the ~~superintendent of~~ 218474

~~public instruction~~ director under this section unless the 218475
~~superintendent~~ director has approved the plan. 218476

(B) Upon request of the board of education of a school 218477
district declared to be in a state of fiscal watch, the auditor of 218478
state and ~~superintendent of public instruction~~ director shall 218479
provide technical assistance to the board in resolving the fiscal 218480
problems that gave rise to the declaration, including assistance 218481
in drafting the board's financial plan. 218482

(C) A financial plan adopted under this section may be 218483
amended at any time with the approval of the ~~superintendent~~ 218484
director. The board of education of the school district shall 218485
submit an updated financial plan to the ~~superintendent~~ director, 218486
for the ~~superintendent's~~ director's approval, every year that the 218487
district is in a state of fiscal watch. The updated plan shall be 218488
submitted in a form acceptable to the ~~superintendent~~ director. The 218489
~~superintendent~~ director shall approve or disapprove each updated 218490
plan no later than the anniversary of the date on which the first 218491
such plan was approved. 218492

(D) A school district that has restructured or refinanced a 218493
loan under section 3316.041 of the Revised Code shall be declared 218494
to be in a state of fiscal emergency if any of the following 218495
occurs: 218496

(1) An operating deficit is certified for the district under 218497
section 3313.483 of the Revised Code for any year prior to the 218498
repayment of the restructured or refinanced loan; 218499

(2) The ~~superintendent~~ director determines, in consultation 218500
with the auditor of state, that the school district is not 218501
satisfactorily complying with the terms of the financial plan 218502
required by this section; 218503

(3) The board of education of the school district fails to 218504
submit an updated plan that is acceptable to the ~~superintendent~~ 218505

director under division (C) of this section. 218506

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 218507
133. or sections 3313.483 to 3313.4810 of the Revised Code, and 218508
subject to the approval of the ~~superintendent of public~~ 218509
~~instruction~~ director of education and workforce, a school district 218510
that is in a state of fiscal watch declared under section 3316.03 218511
of the Revised Code may restructure or refinance loans obtained or 218512
in the process of being obtained under section 3313.483 of the 218513
Revised Code if all of the following requirements are met: 218514

(1) The operating deficit certified for the school district 218515
for the current or preceding fiscal year under section 3313.483 of 218516
the Revised Code exceeds fifteen per cent of the district's 218517
general revenue fund for the fiscal year preceding the year for 218518
which the certification of the operating deficit is made. 218519

(2) The school district voters have, during the period of the 218520
fiscal watch, approved the levy of a tax under section 718.09, 218521
718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code 218522
that is not a renewal or replacement levy, or a levy under section 218523
5705.199 of the Revised Code, and that will provide new operating 218524
revenue. 218525

(3) The board of education of the school district has adopted 218526
or amended the financial plan required by section 3316.04 of the 218527
Revised Code to reflect the restructured or refinanced loans, and 218528
sets forth the means by which the district will bring projected 218529
operating revenues and expenditures, and projected debt service 218530
obligations, into balance for the life of any such loan. 218531

(B) Subject to the approval of the ~~superintendent of public~~ 218532
~~instruction~~ director, the school district may issue securities to 218533
evidence the restructuring or refinancing authorized by this 218534
section. Such securities may extend the original period for 218535
repayment not to exceed ten years, and may alter the frequency and 218536

amount of repayments, interest or other financing charges, and 218537
other terms or agreements under which the loans were originally 218538
contracted, provided the loans received under sections 3313.483 of 218539
the Revised Code are repaid from funds the district would 218540
otherwise receive under Chapter 3317. of the Revised Code, as 218541
required under division (E)(3) of section 3313.483 of the Revised 218542
Code. Securities issued for the purpose of restructuring or 218543
refinancing under this section shall be repaid in equal payments 218544
and at equal intervals over the term of the debt and are not 218545
eligible to be included in any subsequent proposal to restructure 218546
or refinance. 218547

(C) Unless the district is declared to be in a state of 218548
fiscal emergency under division (D) of section 3316.04 of the 218549
Revised Code, a school district shall remain in a state of fiscal 218550
watch for the duration of the repayment period of any loan 218551
restructured or refinanced under this section. 218552

Sec. 3316.042. The auditor of state, on the auditor of 218553
state's initiative, may conduct a performance audit of a school 218554
district that is under a fiscal caution under section 3316.031 of 218555
the Revised Code, in a state of fiscal watch, or in a state of 218556
fiscal emergency, in which the auditor of state reviews any 218557
programs or areas of operation in which the auditor of state 218558
believes that greater operational efficiencies or enhanced program 218559
results can be achieved. 218560

The auditor of state, in consultation with the department of 218561
education and workforce and the office of budget and management, 218562
shall determine for which school districts to conduct performance 218563
audits under this section. Priority shall be given to districts in 218564
fiscal distress, including districts employing fiscal practices or 218565
experiencing budgetary conditions that could produce a state of 218566
fiscal watch or fiscal emergency, as determined by the auditor of 218567

state, in consultation with the department and the office of 218568
budget and management. 218569

The cost of a performance audit conducted under this section 218570
shall be paid by the auditor of state. 218571

A performance audit under this section shall not include 218572
review or evaluation of school district academic performance. 218573

Sec. 3316.043. Upon the approval by the ~~superintendent of~~ 218574
~~public instruction~~ director of education and workforce of an 218575
initial financial plan under section 3316.04 of the Revised Code 218576
or a financial recovery plan under section 3316.06 of the Revised 218577
Code, the board of education of the school district for which the 218578
plan was approved shall revise the district's five-year projection 218579
of revenues and expenditures in accordance with rules adopted 218580
under section 5705.391 of the Revised Code so that the five-year 218581
projection is consistent with the financial plan or financial 218582
recovery plan. In the case of a school district declared to be in 218583
a state of fiscal emergency, the five-year projection shall be 218584
revised by the financial planning and supervision commission for 218585
that district. 218586

Sec. 3316.05. (A) Pursuant to the powers of the general 218587
assembly and for the purposes of this chapter, upon the 218588
declaration of a fiscal emergency in any school district pursuant 218589
to division (B) of section 3316.03 of the Revised Code, there is 218590
established, with respect to that school district, a body both 218591
corporate and politic constituting an agency and instrumentality 218592
of the state and performing essential governmental functions of 218593
the state to be known as the "financial planning and supervision 218594
commission for (name of school district)," which, in that 218595
name, may exercise all authority vested in such a commission by 218596
this chapter. A separate commission is established with respect to 218597

each school district as to which there is a fiscal emergency as 218598
determined under this chapter. 218599

(B) A commission appointed after July 1, 1999, shall consist 218600
of five voting members, including women and at least one Hispanic 218601
or African American if Hispanic and African Americans together 218602
constitute at least twenty per cent of the student population of 218603
the district, as follows: 218604

(1) Two ex officio members: the director of budget and 218605
management, or a designee of the director, and the ~~superintendent~~ 218606
~~of public instruction~~ director of education and workforce, or a 218607
designee of the ~~superintendent~~ the director. A designee, when 218608
present, shall be counted in determining whether a quorum is 218609
present at any meeting of the commission and may vote and 218610
participate in all proceedings and actions of the commission. The 218611
designations shall be in writing, executed by the member making 218612
the designation, and filed with the secretary of the commission. 218613
The designations may be changed from time to time in like manner, 218614
but due regard shall be given to the need for continuity. 218615

(2) Three appointed members, who shall be appointed within 218616
fifteen days after the declaration of the fiscal emergency, one by 218617
the governor, one by the ~~superintendent of public instruction~~ 218618
director of education and workforce, and one by the mayor of the 218619
municipal corporation with the largest number of residents living 218620
within the school district, except that if more than fifty per 218621
cent of the residents of the district reside outside the municipal 218622
corporation containing the greatest number of district residents 218623
or if there is no municipal corporation located in the school 218624
district, the county auditor of the county with the largest number 218625
of residents living within the school district shall make the 218626
appointment in lieu of a mayor. All of the appointed members shall 218627
serve at the pleasure of the appointing authority during the life 218628
of the commission. In the event of the death, resignation, 218629

incapacity, removal, or ineligibility to serve of an appointed 218630
member, the appointing authority shall appoint a successor within 218631
fifteen days after the vacancy occurs. 218632

(a) The member appointed by the governor and the member 218633
appointed by the mayor or county auditor shall be an individual: 218634

(i) Who has knowledge and experience in financial matters, 218635
financial management, or business organization or operations, 218636
including at least five years of experience in the public or 218637
private sector in the management of business or financial 218638
enterprise, or in management consulting, public accounting, or 218639
other similar professional activity; 218640

(ii) Whose residency, office, or principal place of 218641
professional or business activity is situated within the school 218642
district. 218643

(b) The member appointed by the ~~superintendent of public~~ 218644
~~instruction~~ director shall be a parent of a child currently 218645
enrolled in a public school within the district. 218646

(C) Immediately after appointment of the initial appointed 218647
members of the commission, the ~~superintendent of public~~ 218648
~~instruction~~ director of education and workforce shall call the 218649
first meeting of the commission and shall cause written notice of 218650
the time, date, and place of the first meeting to be given to each 218651
member of the commission at least forty-eight hours in advance of 218652
the meeting. 218653

(D) The ~~superintendent of public instruction~~ director of 218654
education and workforce shall serve as the commission's 218655
chairperson and the commission shall elect one of its members as 218656
vice-chairperson and may appoint a secretary and any other 218657
officers, who need not be members of the commission, as it 218658
considers necessary. 218659

(E) The commission may adopt and alter bylaws and rules, 218660

which shall not be subject to section 111.15 or Chapter 119. of 218661
the Revised Code, for the conduct of its affairs and for the 218662
manner, subject to this chapter, in which its powers and functions 218663
shall be exercised and embodied. 218664

(F) Three members of the commission constitute a quorum of 218665
the commission. The affirmative vote of three members of the 218666
commission is necessary for any action taken by vote of the 218667
commission. No vacancy in the membership of the commission shall 218668
impair the rights of a quorum by such vote to exercise all the 218669
rights and perform all the duties of the commission. Members of 218670
the commission, and their designees, are not disqualified from 218671
voting by reason of the functions of the other office they hold 218672
and are not disqualified from exercising the functions of the 218673
other office with respect to the school district, its officers, or 218674
the commission. 218675

(G) The auditor of state shall act as the financial 218676
supervisor for the school district under contract with the 218677
commission unless the auditor of state elects to contract for that 218678
service. At the request of the commission the auditor of state 218679
shall designate employees of the auditor of state's office to 218680
assist the commission and to coordinate the work of the auditor of 218681
state's office. Upon the declaration of a fiscal emergency in any 218682
school district, the school district shall provide the commission 218683
with such reasonable office space in the principal building 218684
housing the administrative offices of the school district, where 218685
feasible, as the commission determines is necessary to carry out 218686
its duties under this chapter. 218687

The attorney general shall serve as the legal counsel for the 218688
commission. 218689

(H) The members of the commission, the ~~superintendent of~~ 218690
~~public instruction~~ director of education and workforce, the 218691
auditor of state, and any person authorized to act on behalf of or 218692

assist them shall not be personally liable or subject to any suit, 218693
judgment, or claim for damages resulting from the exercise of or 218694
failure to exercise the powers, duties, and functions granted to 218695
them in regard to their functioning under this chapter, but the 218696
commission, the ~~superintendent of public instruction~~ director, the 218697
auditor of state, and such other persons shall be subject to 218698
mandamus proceedings to compel performance of their duties under 218699
this chapter. 218700

(I) At the request of the commission the administrative head 218701
of any state agency shall temporarily assign personnel skilled in 218702
accounting and budgeting procedures to assist the commission in 218703
its duties. 218704

(J) The appointed members of the commission are not subject 218705
to section 102.02 of the Revised Code, each appointed member of 218706
the commission shall file with the commission a signed written 218707
statement setting forth the general nature of sales of goods, 218708
property, or services or of loans to the school district with 218709
respect to which that commission is established, in which the 218710
appointed member has a pecuniary interest or in which any member 218711
of the appointed member's immediate family, as defined in section 218712
102.01 of the Revised Code, or any corporation, partnership, or 218713
enterprise of which the appointed member is an officer, director, 218714
or partner, or of which the appointed member or a member of the 218715
appointed member's immediate family, as so defined, owns more than 218716
a five per cent interest, has a pecuniary interest, and of which 218717
sale, loan, or interest such member has knowledge. The statement 218718
shall be supplemented from time to time to reflect changes in the 218719
general nature of any such sales or loans. 218720

(K) Meetings of the commission shall be subject to section 218721
121.22 of the Revised Code except that division (C) of such 218722
section requiring members to be physically present to be part of a 218723
quorum or vote does not apply if the commission holds a meeting by 218724

teleconference and if provisions are made for public attendance at 218725
any location involved in such teleconference. 218726

Sec. 3316.06. (A) Within one hundred twenty days after the 218727
first meeting of a school district financial planning and 218728
supervision commission, the commission shall adopt a financial 218729
recovery plan regarding the school district for which the 218730
commission was created. During the formulation of the plan, the 218731
commission shall seek appropriate input from the school district 218732
board and from the community. This plan shall contain the 218733
following: 218734

(1) Actions to be taken to: 218735

(a) Eliminate all fiscal emergency conditions declared to 218736
exist pursuant to division (B) of section 3316.03 of the Revised 218737
Code; 218738

(b) Satisfy any judgments, past-due accounts payable, and all 218739
past-due and payable payroll and fringe benefits; 218740

(c) Eliminate the deficits in all deficit funds, except that 218741
any prior year deficits in the capital and maintenance fund 218742
established pursuant to section 3315.18 of the Revised Code shall 218743
be forgiven; 218744

(d) Restore to special funds any moneys from such funds that 218745
were used for purposes not within the purposes of such funds, or 218746
borrowed from such funds by the purchase of debt obligations of 218747
the school district with the moneys of such funds, or missing from 218748
the special funds and not accounted for, if any; 218749

(e) Balance the budget, avoid future deficits in any funds, 218750
and maintain on a current basis payments of payroll, fringe 218751
benefits, and all accounts; 218752

(f) Avoid any fiscal emergency condition in the future; 218753

(g) Restore the ability of the school district to market 218754

long-term general obligation bonds under provisions of law 218755
applicable to school districts generally. 218756

(2) The management structure that will enable the school 218757
district to take the actions enumerated in division (A)(1) of this 218758
section. The plan shall specify the level of fiscal and management 218759
control that the commission will exercise within the school 218760
district during the period of fiscal emergency, and shall 218761
enumerate respectively, the powers and duties of the commission 218762
and the powers and duties of the school board during that period. 218763
The commission may elect to assume any of the powers and duties of 218764
the school board it considers necessary, including all powers 218765
related to personnel, curriculum, and legal issues in order to 218766
successfully implement the actions described in division (A)(1) of 218767
this section. 218768

(3) The target dates for the commencement, progress upon, and 218769
completion of the actions enumerated in division (A)(1) of this 218770
section and a reasonable period of time expected to be required to 218771
implement the plan. The commission shall prepare a reasonable time 218772
schedule for progress toward and achievement of the requirements 218773
for the plan, and the plan shall be consistent with that time 218774
schedule. 218775

(4) The amount and purpose of any issue of debt obligations 218776
that will be issued, together with assurances that any such debt 218777
obligations that will be issued will not exceed debt limits 218778
supported by appropriate certifications by the fiscal officer of 218779
the school district and the county auditor. If the commission 218780
considers it necessary in order to maintain or improve educational 218781
opportunities of pupils in the school district, the plan may 218782
include a proposal to restructure or refinance outstanding debt 218783
obligations incurred by the board under section 3313.483 of the 218784
Revised Code contingent upon the approval, during the period of 218785
the fiscal emergency, by district voters of a tax levied under 218786

section 718.09, 718.10, 5705.194, 5705.21, 5748.02, 5748.08, or 218787
5748.09 of the Revised Code that is not a renewal or replacement 218788
levy, or a levy under section 5705.199 of the Revised Code, and 218789
that will provide new operating revenue. Notwithstanding any 218790
provision of Chapter 133. or sections 3313.483 to 3313.4810 of the 218791
Revised Code, following the required approval of the district 218792
voters and with the approval of the commission, the school 218793
district may issue securities to evidence the restructuring or 218794
refinancing. Those securities may extend the original period for 218795
repayment, not to exceed ten years, and may alter the frequency 218796
and amount of repayments, interest or other financing charges, and 218797
other terms of agreements under which the debt originally was 218798
contracted, at the discretion of the commission, provided that any 218799
loans received pursuant to section 3313.483 of the Revised Code 218800
shall be paid from funds the district would otherwise receive 218801
under Chapter 3317. of the Revised Code, as required under 218802
division (E)(3) of section 3313.483 of the Revised Code. The 218803
securities issued for the purpose of restructuring or refinancing 218804
the debt shall be repaid in equal payments and at equal intervals 218805
over the term of the debt and are not eligible to be included in 218806
any subsequent proposal for the purpose of restructuring or 218807
refinancing debt under this section. 218808

(5) An evaluation of the feasibility of entering into shared 218809
services agreements with other political subdivisions for the 218810
joint exercise of any power, performance of any function, or 218811
rendering of any service, if so authorized by statute. 218812

(B) Any financial recovery plan may be amended subsequent to 218813
its adoption. Each financial recovery plan shall be updated 218814
annually. 218815

(C) Each school district financial planning and supervision 218816
commission shall submit the financial recovery plan it adopts or 218817
updates under this section to the ~~state superintendent of public~~ 218818

~~instruction~~ director of education and workforce for approval 218819
immediately following its adoption or updating. The ~~state~~ 218820
~~superintendent~~ director shall evaluate the plan and either approve 218821
or disapprove it within thirty calendar days from the date of its 218822
submission. If the plan is disapproved, the ~~state superintendent~~ 218823
director shall recommend modifications that will render it 218824
acceptable. No financial planning and supervision commission shall 218825
implement a financial recovery plan that is adopted or updated on 218826
or after April 10, 2001, unless the ~~state superintendent~~ director 218827
has approved it. 218828

Sec. 3316.061. If any school district financial planning and 218829
supervision commission fails to submit to the ~~state superintendent~~ 218830
~~of public instruction~~ director of education and workforce under 218831
section 3316.06 of the Revised Code a financial recovery plan that 218832
is acceptable to the ~~state superintendent~~ director of education 218833
and workforce, or if the ~~state superintendent~~ director of 218834
education and workforce and the director of budget and management 218835
find that a commission is not materially complying with the 218836
provisions of its financial recovery plan, the ~~state~~ 218837
~~superintendent and the director~~ directors may jointly dissolve the 218838
financial planning and supervision commission and jointly appoint 218839
an individual to act as the fiscal arbitrator of the district. 218840

When a financial planning and supervision commission is 218841
dissolved under this section, the commission ceases to exist and 218842
the appointed fiscal arbitrator becomes the successor to the 218843
commission. A fiscal arbitrator appointed under this section has 218844
all of the rights, powers, and duties given by this chapter to the 218845
commission that the arbitrator succeeds. A reference in any 218846
statute, rule, contract, or other document to a school district 218847
financial planning and supervision commission is deemed to refer 218848
to a fiscal arbitrator appointed under this section. 218849

Business commenced but not completed by a commission when it 218850
is dissolved under this section shall be completed by the 218851
appointed fiscal arbitrator with the same effect as if completed 218852
by the commission. No validation, cure, right, privilege, remedy, 218853
obligation, or liability is lost or impaired by reason of the 218854
dissolution of the commission and appointment of a fiscal 218855
arbitrator, but shall be administered by the arbitrator. 218856

The ~~superintendent of public instruction~~ director of 218857
education and workforce shall issue guidelines establishing the 218858
criteria that the ~~superintendent~~ directors will utilize in 218859
selecting qualified fiscal arbitrators under this section. 218860

Sec. 3316.08. During a school district's fiscal emergency 218861
period, the auditor of state shall determine annually, or at any 218862
other time upon request of the financial planning and supervision 218863
commission, whether the school district will incur an operating 218864
deficit. If the auditor of state determines that a school district 218865
will incur an operating deficit, the auditor of state shall 218866
certify that determination to the ~~superintendent of public~~ 218867
~~instruction~~ director of education and workforce, the financial 218868
planning and supervision commission, and the board of education of 218869
the school district. Upon receiving the auditor of state's 218870
certification, the commission shall adopt a resolution requesting 218871
that the board of education work with the county auditor or tax 218872
commissioner to estimate the amount and rate of a tax levy that is 218873
needed under section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or 218874
Chapter 5748. of the Revised Code to produce a positive fund 218875
balance not later than the fifth year of the five-year forecast 218876
submitted under section 5705.391 of the Revised Code. 218877

The board of education shall recommend to the commission 218878
whether the board supports or opposes a tax levy under section 218879
5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the 218880

Revised Code and shall provide supporting documentation to the 218881
commission of its recommendation. 218882

After considering the board of education's recommendation and 218883
supporting documentation, the commission shall adopt a resolution 218884
to either submit a ballot question proposing a tax levy or not to 218885
submit such a question. 218886

Except as otherwise provided in this division, the tax shall 218887
be levied in the manner prescribed for a tax levied under section 218888
5705.194, ~~5709.199~~ 5705.199, or 5705.21 or under Chapter 5748. of 218889
the Revised Code. If the commission decides that a tax should be 218890
levied, the tax shall be levied for the purpose of paying current 218891
operating expenses of the school district. The rate of a property 218892
tax levied under section 5705.194, ~~5709.199~~ 5705.199, 5705.21, or 218893
5748.09 of the Revised Code shall be determined by the county 218894
auditor, and the rate of an income tax levied under section 218895
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 218896
determined by the tax commissioner, upon the request of the 218897
commission. The commission, in consultation with the board of 218898
education, shall determine the election at which the question of 218899
the tax shall appear on the ballot, and the commission shall 218900
submit a copy of its resolution to the board of elections not 218901
later than ninety days prior to the day of that election. The 218902
board of elections conducting the election shall certify the 218903
results of the election to the board of education and to the 218904
financial planning and supervision commission. 218905

Sec. 3316.20. (A)(1) The school district solvency assistance 218906
fund is hereby created in the state treasury, to consist of such 218907
amounts designated for the purposes of the fund by the general 218908
assembly. The fund shall be used to provide assistance and grants 218909
to school districts to enable them to remain solvent and to pay 218910
unforeseeable expenses of a temporary or emergency nature that 218911

they are unable to pay from existing resources. 218912

(2) There is hereby created within the fund an account known 218913
as the school district shared resource account, which shall 218914
consist of money appropriated to it by the general assembly. The 218915
money in the account shall be used solely for solvency assistance 218916
to school districts that have been declared under division (B) of 218917
section 3316.03 of the Revised Code to be in a state of fiscal 218918
emergency. 218919

(3) There is hereby created within the fund an account known 218920
as the catastrophic expenditures account, which shall consist of 218921
money appropriated to the account by the general assembly plus all 218922
investment earnings of the fund. Money in the account shall be 218923
used solely for the following: 218924

(a) Solvency assistance to school districts that have been 218925
declared under division (B) of section 3316.03 of the Revised Code 218926
to be in a state of fiscal emergency, in the event that all money 218927
in the shared resource account is utilized for solvency 218928
assistance; 218929

(b) Grants to school districts under division (C) of this 218930
section. 218931

(B) Solvency assistance payments under division (A)(2) or 218932
(3)(a) of this section shall be made from the fund by the 218933
~~superintendent of public instruction~~ director of education and 218934
workforce in accordance with rules adopted by the director of 218935
budget and management, after consulting with the ~~superintendent~~ 218936
director, specifying approval criteria and procedures necessary 218937
for administering the fund. 218938

The fund shall be reimbursed for any solvency assistance 218939
amounts paid under division (A)(2) or (3)(a) of this section not 218940
later than the end of the second fiscal year following the fiscal 218941
year in which the solvency assistance payment was made, except 218942

that, upon the approval of the director of budget and management 218943
and the ~~superintendent of public instruction~~ director of education 218944
and workforce, the fund may be reimbursed in another fiscal year 218945
designated by the director of budget and management and 218946
~~superintendent~~ director of education and workforce that is not 218947
later than the end of the tenth fiscal year following the fiscal 218948
year in which the solvency assistance payment was made. If not 218949
made directly by the school district, such reimbursement shall be 218950
made by the director of budget and management from the amounts the 218951
school district would otherwise receive pursuant to Chapter 3317. 218952
of the Revised Code, or from any other funds appropriated for the 218953
district by the general assembly. Reimbursements shall be credited 218954
to the respective account from which the solvency assistance paid 218955
to the district was deducted. 218956

(C) The ~~superintendent of public instruction~~ director of 218957
education and workforce may make recommendations, and the 218958
controlling board may grant money from the catastrophic 218959
expenditures account to any school district that suffers an 218960
unforeseen catastrophic event that severely depletes the 218961
district's financial resources. The ~~superintendent~~ director of 218962
education and workforce shall make recommendations for the grants 218963
in accordance with rules adopted by the director of budget and 218964
management, after consulting with the ~~superintendent~~ director of 218965
education and workforce. A school district shall not be required 218966
to repay any grant awarded to the district under this division, 218967
unless the district receives money from this state or a third 218968
party, including an agency of the government of the United States, 218969
specifically for the purpose of compensating the district for 218970
revenue lost or expenses incurred as a result of the unforeseen 218971
catastrophic event. If a school district receives a grant from the 218972
catastrophic expenditures account on the basis of the same 218973
circumstances for which an adjustment or recomputation is 218974
authorized under section 3317.025, 3317.028, 3317.0210, or 218975

3317.0211 of the Revised Code, the department of education and 218976
workforce shall reduce the adjustment or recomputation by an 218977
amount not to exceed the total amount of the grant, and an amount 218978
equal to the reduction shall be transferred, from the funding 218979
source from which the adjustment or recomputation would be paid, 218980
to the catastrophic expenditures account. Any adjustment or 218981
recomputation under such sections that is in excess of the total 218982
amount of the grant shall be paid to the school district. 218983

Sec. 3317.01. As used in this section, "school district," 218984
unless otherwise specified, means any city, local, exempted 218985
village, joint vocational, or cooperative education school 218986
district and any educational service center. 218987

This chapter shall be administered by the ~~state board~~ 218988
department of education and workforce. The ~~superintendent of~~ 218989
~~public instruction~~ department of education and workforce shall 218990
calculate the amounts payable to each school district and shall 218991
certify the amounts payable to each eligible district to the 218992
treasurer of the district as provided by this chapter. 218993
Certification of moneys pursuant to this section shall include the 218994
amounts payable to each school building, at a frequency determined 218995
by the ~~superintendent~~ department, for each subgroup of students, 218996
as defined in section 3317.40 of the Revised Code, receiving 218997
services, provided for by state funding, from the district or 218998
school. No moneys shall be distributed pursuant to this chapter 218999
without the approval of the controlling board. 219000

The ~~state board of education~~ department shall, in accordance 219001
with appropriations made by the general assembly, meet the 219002
financial obligations of this chapter. 219003

Moneys distributed to school districts pursuant to this 219004
chapter shall be calculated based on the annual enrollment 219005
calculated from the three reports required under sections 3317.03 219006

and 3317.036 of the Revised Code and paid on a fiscal year basis, 219007
beginning with the first day of July and extending through the 219008
thirtieth day of June. In any given fiscal year, prior to school 219009
districts submitting the first report required under section 219010
3317.03 of the Revised Code, enrollment for the districts shall be 219011
calculated based on the third report submitted by the districts 219012
for the previous fiscal year. The moneys appropriated for each 219013
fiscal year shall be distributed periodically to each school 219014
district unless otherwise provided for. The ~~state board~~ 219015
department, in June of each year, shall submit to the controlling 219016
board the ~~state board's~~ department's year-end distributions 219017
pursuant to this chapter. 219018

Except as otherwise provided, payments under this chapter 219019
shall be made only to those school districts in which: 219020

(A) The school district, except for any educational service 219021
center and any joint vocational or cooperative education school 219022
district, levies for current operating expenses at least twenty 219023
mills. Levies for joint vocational or cooperative education school 219024
districts or county school financing districts, limited to or to 219025
the extent apportioned to current expenses, shall be included in 219026
this qualification requirement. School district income tax levies 219027
under Chapter 5748. of the Revised Code, limited to or to the 219028
extent apportioned to current operating expenses, shall be 219029
included in this qualification requirement to the extent 219030
determined by the tax commissioner under division (C) of section 219031
3317.021 of the Revised Code. 219032

(B) The school year next preceding the fiscal year for which 219033
such payments are authorized meets the requirement of section 219034
3313.48 of the Revised Code, with regard to the minimum number of 219035
hours school must be open for instruction with pupils in 219036
attendance, for individualized parent-teacher conference and 219037
reporting periods, and for professional meetings of teachers. 219038

A school district shall not be considered to have failed to
comply with this division because schools were open for
instruction but either twelfth grade students were excused from
attendance for up to the equivalent of three school days or only a
portion of the kindergarten students were in attendance for up to
the equivalent of three school days in order to allow for the
gradual orientation to school of such students.

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A board of education or governing board of an educational
service center which has not conformed with other law and the
rules pursuant thereto, shall not participate in the distribution
of funds authorized by this chapter, except for good and
sufficient reason established to the satisfaction of the ~~state~~
~~board of education~~ department and the state controlling board.

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All funds allocated to school districts under this chapter,
except those specifically allocated for other purposes, shall be
used to pay current operating expenses only.

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Sec. 3317.011. This section shall apply only for fiscal years
2022 and 2023.

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(A) As used in this section:

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(1) "Average administrative assistant salary" means the
average salary of administrative assistants employed by city,
local, and exempted village school districts in this state with
salaries greater than \$20,000 but less than \$65,000, using fiscal
year 2018 data, as determined by the department of education and
workforce.

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(2) "Average bookkeeping and accounting employee salary"
means the average salary of bookkeeping employees and accounting
employees employed by city, local, and exempted village school
districts in this state with salaries greater than \$20,000 but
less than \$80,000, using fiscal year 2018 data, as determined by

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the department. 219069

(3) "Average clerical staff salary" means the average salary 219070
of clerical staff employed by city, local, and exempted village 219071
school districts in this state with salaries greater than \$15,000 219072
but less than \$50,000, using fiscal year 2018 data, as determined 219073
by the department. 219074

(4) "Average counselor salary" means the average salary of 219075
counselors employed by city, local, and exempted village school 219076
districts in this state with salaries greater than \$30,000 but 219077
less than \$95,000, using fiscal year 2018 data, as determined by 219078
the department. 219079

(5) "Average education management information system support 219080
employee salary" means the average salary of accounting employees 219081
employed by city, local, and exempted village school districts in 219082
this state with salaries greater than \$30,000 but less than 219083
\$90,000, using fiscal year 2018 data, as determined by the 219084
department. 219085

(6) "Average librarian and media staff salary" means the 219086
average salary of librarians and media staff employed by city, 219087
local, and exempted village school districts in this state with 219088
salaries greater than \$30,000 but less than \$95,000, using fiscal 219089
year 2018 data, as determined by the department. 219090

(7) "Average other district administrator salary" means the 219091
average salary of all assistant superintendents and directors 219092
employed by city, local, and exempted village school districts in 219093
this state with salaries greater than \$50,000 but less than 219094
\$135,000, using fiscal year 2018 data, as determined by the 219095
department. 219096

(8) "Average principal salary" means the average salary of 219097
all principals employed by city, local, and exempted village 219098
school districts in this state with salaries greater than \$50,000 219099

but less than \$120,000, using fiscal year 2018 data, as determined 219100
by the department. 219101

(9) "Average superintendent salary" means the average salary 219102
of all superintendents employed by city, local, and exempted 219103
village school districts in this state with salaries greater than 219104
\$60,000 but less than \$180,000, using fiscal year 2018 data, as 219105
determined by the department. 219106

(10) "Average teacher cost" for a fiscal year is equal to the 219107
sum of the following: 219108

(a) The average salary of teachers employed by city, local, 219109
and exempted village school districts in this state with salaries 219110
greater than \$30,000 but less than \$95,000, using fiscal year 2018 219111
data, as determined by the department; 219112

(b) An amount for teacher benefits equal to 0.16 times the 219113
average salary calculated under division (A)(10)(a) of this 219114
section; 219115

(c) An amount for district-paid insurance costs equal to the 219116
following product: 219117
The statewide weighted average employer-paid monthly premium based 219118
on data reported by city, local, and exempted village school 219119
districts to the state employment relations board for the health 219120
insurance survey conducted in accordance with divisions (K)(5) and 219121
(6) of section 4117.02 of the Revised Code using fiscal year 2018 219122
data X 12 219123

(11) "Eligible school district" means a city, local, or 219124
exempted village school district that satisfies one of the 219125
following: 219126

(a) The district is a member of an organization that 219127
regulates interscholastic athletics. 219128

(b) The district has teams in at least three different sports 219129

that participate in an interscholastic league. 219130

(B) When calculating a district's aggregate base cost under 219131
this section, the department shall use data from fiscal year 2018 219132
for all of the following: 219133

(1) The average salaries determined under divisions (A)(1), 219134
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 219135
section; 219136

(2) The amount for teacher benefits determined under division 219137
(A)(10)(b) of this section; 219138

(3) The district-paid insurance costs determined under 219139
division (A)(10)(c) of this section; 219140

(4) The spending determined under divisions (E)(4)(a), 219141
(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the 219142
corresponding student counts determined under divisions (E)(4)(b), 219143
(E)(5)(b), (E)(6)(b), and (H)(2) of this section; 219144

(5) The information determined under division (G)(3) of this 219145
section. 219146

(C) A city, local, or exempted village school district's 219147
aggregate base cost for a fiscal year shall be equal to the 219148
following sum: 219149

(The district's teacher base cost for that fiscal year computed 219150
under division (D) of this section) + (the district's student 219151
support base cost for that fiscal year computed under division (E) 219152
of this section) + (the district's leadership and accountability 219153
base cost for that fiscal year computed under division (F) of this 219154
section) + (the district's building leadership and operations base 219155
cost for that fiscal year computed under division (G) of this 219156
section) + (the athletic co-curricular activities base cost for 219157
that fiscal year computed under division (H) of this section, if 219158
the district is an eligible school district) 219159

(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:	219160 219161
(1) Calculate the district's classroom teacher cost for that fiscal year as follows:	219162 219163
(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20;	219164 219165 219166
(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;	219167 219168 219169
(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;	219170 219171 219172 219173 219174
(d) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;	219175 219176 219177 219178 219179
(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (B)(11), (12), (13), (14), and (15) of section 3317.03 of the Revised Code, and divide that number by 18;	219180 219181 219182 219183 219184
(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;	219185 219186
(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.	219187 219188 219189

(2) Calculate the district's special teacher cost for that fiscal year as follows: 219190
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(a) Divide the district's base cost enrolled ADM for that fiscal year by 150; 219192
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(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year. 219194
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(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year. 219198
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(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula: 219202
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(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16; 219204
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(b) Compute the substitute teacher cost in accordance with the following formula: 219206
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[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5 219208
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(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula: 219212
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[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of this section for that fiscal year)/180] X 4 219214
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(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), 219218
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and (4) of this section. 219220

(E) The department shall compute a district's student support 219221
base cost for a fiscal year as follows: 219222

(1) Calculate the district's guidance counselor cost for that 219223
fiscal year as follows: 219224

(a) Determine the number of students in the district's base 219225
cost enrolled ADM for that fiscal year that are enrolled in grades 219226
nine through twelve and divide that number by 360; 219227

(b) Compute the counselor cost in accordance with the 219228
following formula: 219229

(The greater of the quotient obtained under division (E)(1)(a) of 219230
this section and 1) X [(the average counselor salary for that 219231
fiscal year X 1.16) + the amount specified under division 219232
(A)(10)(c) of this section for that fiscal year] 219233

(2) Calculate the district's librarian and media staff cost 219234
for that fiscal year as follows: 219235

(a) Divide the district's base cost enrolled ADM for that 219236
fiscal year by 1,000; 219237

(b) Compute the librarian and media staff cost in accordance 219238
with the following formula: 219239

The quotient obtained under division (E)(2)(a) of this section X 219240
[(the average librarian and media staff salary for that fiscal 219241
year X 1.16) + the amount specified under division (A)(10)(c) of 219242
this section for that fiscal year] 219243

(3) Calculate the district's staffing cost for student 219244
wellness and success for that fiscal year as follows: 219245

(a) Divide the district's base cost enrolled ADM for that 219246
fiscal year by 250; 219247

(b) Compute the staffing cost for student wellness and 219248
success in accordance with the following formula: 219249

(The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year] 219250
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(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows: 219254
219255

(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2018 data; 219256
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(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 data as specified under division (E)(4)(a) of this section; 219260
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(c) Compute the academic co-curricular activities cost in accordance with the following formula: 219263
219264

(The amount determined under division (E)(4)(a) of this section / the sum determined under division (E)(4)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed 219265
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(5) Calculate the district's building safety and security cost for that fiscal year as follows: 219269
219270

(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2018 data; 219271
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(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E)(5)(a) of this section using fiscal year 2018 data; 219274
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(c) Compute the building safety and security cost in accordance with the following formula: 219277
219278

(The amount determined under division (E)(5)(a) of this section / 219279

the sum determined under division (E)(5)(a) of this section) X the 219280
district's base cost enrolled ADM for the fiscal year for which 219281
the building safety and security cost is computed 219282

(6) Calculate the district's supplies and academic content 219283
cost for that fiscal year as follows: 219284

(a) Determine the total amount of spending for supplies and 219285
academic content, excluding supplies for transportation and 219286
maintenance, reported by city, local, and exempted village school 219287
districts to the department using fiscal year 2018 data; 219288

(b) Determine the sum of the enrolled ADM of every school 219289
district in the state using fiscal year 2018 data as specified 219290
under division (E)(6)(a) of this section; 219291

(c) Compute the supplies and academic content cost in 219292
accordance with the following formula: 219293

(The amount determined under division (E)(6)(a) of this section / 219294
the sum determined under division (E)(6)(b) of this section) X the 219295
district's base cost enrolled ADM for the fiscal year for which 219296
the supplies and academic content cost is computed 219297

(7) Calculate the district's technology cost for that fiscal 219298
year in accordance with the following formula: 219299

\$37.50 X the district's base cost enrolled ADM for that fiscal 219300
year 219301

(8) Calculate the district's student support base cost for 219302
that fiscal year, which equals the sum of divisions (E)(1), (2), 219303
(3), (4), (5), (6), and (7) of this section. 219304

(F) The department shall compute a district's leadership and 219305
accountability base cost for a fiscal year as follows: 219306

(1) Calculate the district's superintendent cost for that 219307
fiscal year as follows: 219308

(a) If the district's base cost enrolled ADM for that fiscal 219309

year is greater than 4,000, then the district's superintendent 219310
cost shall be equal to $[(\$160,000 \times 1.16) + \text{the amount specified}]$ 219311
under division (A)(10)(c) of this section for that fiscal year]. 219312

(b) If the district's base cost enrolled ADM for that fiscal 219313
year is less than or equal to 4,000 but greater than or equal to 219314
500, the district's superintendent cost shall be equal to the sum 219315
of the following: 219316

(i) (The district's base cost enrolled ADM for that fiscal 219317
year - 500) $\times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$ 219318

(ii) $(\$80,000 \times 1.16) + \text{the amount specified under division}$ 219319
(A)(10)(c) of this section for that fiscal year. 219320

(c) If the district's base cost enrolled ADM is less than 219321
500, then the district's superintendent cost shall be equal to 219322
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c)}]$ 219323
of this section for that fiscal year]. 219324

(2) Calculate the district's treasurer cost for that fiscal 219325
year as follows: 219326

(a) If the district's base cost enrolled ADM for that fiscal 219327
year is greater than 4,000, then the district's treasurer cost 219328
shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified under}]$ 219329
division (A)(10)(c) of this section for that fiscal year]. 219330

(b) If the district's base cost enrolled ADM for that fiscal 219331
year is less than or equal to 4,000 but greater than or equal to 219332
500, the district's treasurer cost shall be equal to the sum of 219333
the following: 219334

(i) (The district's base cost enrolled ADM for that fiscal 219335
year - 500) $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 219336

(ii) $(\$60,000 \times 1.16) + \text{the amount specified under division}$ 219337
(A)(10)(c) of this section for that fiscal year. 219338

(c) If the district's base cost enrolled ADM is less than 219339

500, then the district's treasurer cost shall be equal to 219340
[(\$60,000 X 1.16) + the amount specified under division (A)(10)(c) 219341
of this section for that fiscal year]. 219342

(3) Calculate the district's other district administrator 219343
cost for that fiscal year as follows: 219344

(a) Divide the average other district administrator salary 219345
for that fiscal year by the average superintendent salary for that 219346
fiscal year; 219347

(b) Divide the district's base cost enrolled ADM for that 219348
fiscal year by 750; 219349

(c) Compute the other district administrator cost in 219350
accordance with the following formula: 219351

{[(The district's superintendent cost for that fiscal year 219352
calculated under division (F)(1) of this section - the amount 219353
specified under division (A)(10)(c) of this section for that 219354
fiscal year) X the quotient obtained under division (F)(3)(a) of 219355
this section] + the amount specified under division (A)(10)(c) of 219356
this section} X (the greater of the quotient obtained under 219357
division (F)(3)(b) of this section and 2) 219358

(4) Calculate the district's fiscal support cost for that 219359
fiscal year as follows: 219360

(a) Divide the district's base cost enrolled ADM for that 219361
fiscal year by 850; 219362

(b) Determine the lesser of the following: 219363

(i) The maximum of the quotient obtained under division 219364
(F)(4)(a) of this section and 2; 219365

(ii) 35. 219366

(c) Compute the fiscal support cost in accordance with the 219367
following formula: 219368

The number obtained under division (F)(4)(b) of this section X 219369

[(the average bookkeeping and accounting employee salary for that 219370
fiscal year X 1.16) + the amount specified under division 219371
(A)(10)(c) of this section for that fiscal year] 219372

(5) Calculate the district's education management information 219373
system support cost for that fiscal year as follows: 219374

(a) Divide the district's base cost enrolled ADM for that 219375
fiscal year by 5,000; 219376

(b) Compute the education management information system 219377
support cost in accordance with the following formula: 219378
(The greater of the quotient obtained under division (F)(5)(a) of 219379
this section and 1) X [(the average education management 219380
information system support employee salary for that fiscal year X 219381
1.16) + the amount specified under division (A)(10)(c) of this 219382
section for that fiscal year] 219383

(6) Calculate the district's leadership support cost for that 219384
fiscal year as follows: 219385

(a) Determine the greater of the quotient obtained under 219386
division (F)(3)(b) of this section and 2, and add 1 to that 219387
number; 219388

(b) Divide the number obtained under division (F)(6)(a) of 219389
this section by 3; 219390

(c) Compute the leadership support cost in accordance with 219391
the following formula: 219392
(The greater of the quotient obtained under division (F)(6)(b) of 219393
this section and 1) X [(the average administrative assistant 219394
salary for that fiscal year X 1.16) + the amount specified under 219395
division (A)(10)(c) of this section for that fiscal year] 219396

(7) Calculate the district's information technology center 219397
support cost for that fiscal year in accordance with the following 219398
formula: 219399

\$31 X the district's base cost enrolled ADM for that fiscal year	219400
(8) Calculate the district's district leadership and	219401
accountability base cost for that fiscal year, which equals the	219402
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this	219403
section.	219404
(G) The department shall compute a district's building	219405
leadership and operations base cost for a fiscal year as follows:	219406
(1) Calculate the district's building leadership cost for	219407
that fiscal year as follows:	219408
(a) Divide the average principal salary for that fiscal year	219409
by the average superintendent salary for that fiscal year;	219410
(b) Divide the district's base cost enrolled ADM for that	219411
fiscal year by 450;	219412
(c) Compute the building leadership cost in accordance with	219413
the following formula:	219414
{[(The district's superintendent cost for that fiscal year	219415
calculated under division (F)(1) of this section - the amount	219416
specified under division (A)(10)(c) of this section for that	219417
fiscal year) X the quotient obtained under division (G)(1)(a) of	219418
this section] + the amount specified under division (A)(10)(c) of	219419
this section for that fiscal year} X the quotient obtained under	219420
division (G)(1)(b) of this section	219421
(2) Calculate the district's building leadership support cost	219422
for that fiscal year as follows:	219423
(a) Divide the district's base cost enrolled ADM for that	219424
fiscal year by 400;	219425
(b) Determine the number of school buildings in the district	219426
for that fiscal year;	219427
(c) Compute the building leadership support cost in	219428
accordance with the following formula:	219429

(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Using data for the six most recent fiscal years for which data is available, determine both of the following:

(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of this

section X the number determined under division (G)(3)(a)(ii) of 219461
this section) - (the amount determined under division (E)(5)(a) of 219462
this section for that fiscal year/ the sum determined under 219463
division (E)(5)(b) of this section for that fiscal year)] 219464

(4) Calculate the district's building leadership and 219465
operations base cost for that fiscal year, which equals the sum of 219466
divisions (G)(1), (2), and (3) of this section. 219467

(H) If a district is an eligible school district, the 219468
department shall compute the district's athletic co-curricular 219469
activities base cost for a fiscal year as follows: 219470

(1) Determine the total amount of spending for athletic 219471
co-curricular activities reported by city, local, and exempted 219472
village school districts to the department for that fiscal year; 219473

(2) Determine the sum of the enrolled ADM of every school 219474
district in the state for that fiscal year; 219475

(3) Compute the district's athletic co-curricular activities 219476
base cost in accordance with the following formula: 219477

(The amount determined under division (H)(1) of this section / the 219478
sum determined under division (H)(2) of this section) X the 219479
district's base cost enrolled ADM for the fiscal year for which 219480
the funds for athletic co-curricular activities are computed 219481

Sec. 3317.012. This section shall apply only for fiscal years 219482
2022 and 2023. 219483

(A) As used in this section, "average administrative 219484
assistant salary," "average bookkeeping and accounting employee 219485
salary," "average clerical staff salary," "average counselor 219486
salary," "average education management information system support 219487
employee salary," "average librarian and media staff salary," 219488
"average other district administrator salary," "average principal 219489
salary," "average superintendent salary," and "average teacher 219490

cost" have the same meanings as in section 3317.011 of the Revised Code. 219491
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(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following: 219493
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(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code; 219496
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(2) The amount for teacher benefits determined under division (A)(10)(b) of section 3317.011 of the Revised Code; 219499
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(3) The district-paid insurance costs determined under division (A)(10)(c) of section 3317.011 of the Revised Code; 219501
219502

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), and (H)(1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), and (H)(2) of that section; 219503
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(5) The information determined under division (G)(3) of section 3317.011 of the Revised Code. 219507
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(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum: 219509
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The district's teacher base cost for that fiscal year computed under division (D) of this section + the district's student support base cost for that fiscal year computed under division (E) of this section + the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section + the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section 219511
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(D) The department of education and workforce shall compute a district's teacher base cost for a fiscal year as follows: 219519
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(1) Calculate the district's classroom teacher cost for that fiscal year as follows: 219521
219522

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (D)(2)(h), (i), (j), (k), and (l) of section 3317.03 of the Revised Code, and divide that number by 18; 219523
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(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades six through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25; 219528
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(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27; 219533
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(d) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), and (c) of this section; 219538
219539

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(d) of this section. 219540
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(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows: 219543
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(a) Divide the district's base cost enrolled ADM for that 219551

fiscal year by 150; 219552

(b) If the quotient obtained under division (D)(2)(a) of this 219553
section is greater than 6, the teacher cost shall be equal to that 219554
quotient multiplied by the average teacher cost for that fiscal 219555
year. 219556

(c) If the quotient obtained under division (D)(2)(a) of this 219557
section is less than or equal to 6, the teacher cost shall be 219558
equal to 6 multiplied by the average teacher cost for that fiscal 219559
year. 219560

(3) Calculate the district's substitute teacher cost for that 219561
fiscal year in accordance with the following formula: 219562

(a) Compute the substitute teacher daily rate with benefits 219563
by multiplying the substitute teacher daily rate of \$90 by 1.16; 219564

(b) Compute the substitute teacher cost in accordance with 219565
the following formula: 219566

[The sum computed under division (D)(1)(d) of this section + (the 219567
greater of the quotient obtained under division (D)(2)(a) of this 219568
section and 6)] X the amount computed under division (D)(3)(a) of 219569
this section X 5 219570

(4) Calculate the district's professional development cost 219571
for that fiscal year in accordance with the following formula: 219572

[The sum computed under division (D)(1)(d) of this section + (the 219573
greater of the quotient obtained under division (D)(2)(a) of this 219574
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 219575
section 3317.011 of the Revised Code for that fiscal year)/180] X 219576

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(5) Calculate the district's teacher base cost for that 219578
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 219579
and (4) of this section. 219580

(E) The department shall compute a district's student support 219581

base cost for a fiscal year as follows: 219582

(1) Calculate the district's guidance counselor cost for that 219583
fiscal year as follows: 219584

(a) Determine the number of students in the district's base 219585
cost enrolled ADM for that fiscal year that are enrolled in grades 219586
nine through twelve and divide that number by 360; 219587

(b) Compute the counselor cost in accordance with the 219588
following formula: 219589

(The greater of the quotient obtained under division (E)(1)(a) of 219590
this section and 1) X [(the average counselor salary for that 219591
fiscal year X 1.16) + the amount specified under division 219592
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 219593
year] 219594

(2) Calculate the district's librarian and media staff cost 219595
for that fiscal year as follows: 219596

(a) Divide the district's base cost enrolled ADM for that 219597
fiscal year by 1,000; 219598

(b) Compute the librarian and media staff cost in accordance 219599
with the following formula: 219600

The quotient obtained under division (E)(2)(a) of this section X 219601
[(the average librarian and media staff salary for that fiscal 219602
year X 1.16) + the amount specified under division (A)(10)(c) of 219603
section 3317.011 of the Revised Code for that fiscal year] 219604

(3) Calculate the district's staffing cost for student 219605
wellness and success for that fiscal year as follows: 219606

(a) Divide the district's base cost enrolled ADM for that 219607
fiscal year by 250; 219608

(b) Compute the staffing cost for student wellness and 219609
success in accordance with the following formula: 219610

The quotient obtained under division (E)(3)(a) of this section X 219611

[(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:

[(The amount determined under division (E)(4)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(4)(b) of section 3317.011 of the Revised Code) + (the amount determined under division (H)(1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H)(2) of section 3317.011 of the Revised Code)] X the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed

(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Compute the district's supplies and academic content cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(6)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(6)(b) of section 3317.011 of the

Revised Code) X the district's base cost enrolled ADM for the 219644
fiscal year for which the supplies and academic content cost is 219645
computed 219646

(7) Calculate the district's technology cost for that fiscal 219647
year in accordance with the following formula: 219648
\$37.50 X the district's base cost enrolled ADM for that fiscal 219649
year 219650

(8) Calculate the district's student support base cost for 219651
that fiscal year, which equals the sum of divisions (E)(1), (2), 219652
(3), (4), (5), (6), and (7) of this section. 219653

(F) The department shall compute a district's leadership and 219654
accountability base cost for a fiscal year as follows: 219655

(1) Calculate the district's superintendent cost for that 219656
fiscal year as follows: 219657

(a) If the district's base cost enrolled ADM for that fiscal 219658
year is greater than 4,000, then the district's superintendent 219659
cost shall be equal to [(\$160,000 X 1.16) + the amount specified 219660
under division (A)(10)(c) of section 3317.011 of the Revised Code 219661
for that fiscal year]. 219662

(b) If the district's base cost enrolled ADM for that fiscal 219663
year is less than or equal to 4,000 but greater than or equal to 219664
500, the district's superintendent cost shall be equal to the sum 219665
of the following: 219666

(i) (The district's base cost enrolled ADM for that fiscal 219667
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16))/3500]}; 219668

(ii) (\$80,000 X 1.16) + the amount specified under division 219669
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 219670
year. 219671

(c) If the district's base cost enrolled ADM is less than 219672
500, then the district's superintendent cost shall be equal to 219673

[($\$80,000 \times 1.16$) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

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(2) Calculate the district's treasurer cost for that fiscal year as follows:

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(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [($\$130,000 \times 1.16$) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

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(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

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(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[($\$130,000 \times 1.16$) - ($\$60,000 \times 1.16$)]/3500};

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219688

(ii) ($\$60,000 \times 1.16$) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.

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(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to [($\$60,000 \times 1.16$) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

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(3) Calculate the district's other district administrator cost for that fiscal year as follows:

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(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

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(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

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(c) Compute the other district administrator cost in

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accordance with the following formula: 219704

{[(The district's superintendent cost for that fiscal year 219705
calculated under division (F)(1) of this section - the amount 219706
specified under division (A)(10)(c) of section 3317.011 of the 219707
Revised Code for that fiscal year) X the quotient obtained under 219708
division (F)(3)(a) of this section] + the amount specified under 219709
division (A)(10)(c) of section 3317.011 of the Revised Code} X 219710
(the greater of the quotient obtained under division (F)(3)(b) of 219711
this section and 2) 219712

(4) Calculate the district's fiscal support cost for that 219713
fiscal year as follows: 219714

(a) Divide the district's base cost enrolled ADM for that 219715
fiscal year by 850; 219716

(b) Determine the lesser of the following: 219717

(i) The maximum of the quotient obtained under division 219718
(F)(4)(a) of this section and 2; 219719

(ii) 35. 219720

(c) Compute the fiscal support cost in accordance with the 219721
following formula: 219722

The number obtained under division (F)(4)(b) of this section X 219723
[(the average bookkeeping and accounting employee salary for that 219724
fiscal year X 1.16) + the amount specified under division 219725
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 219726
year] 219727

(5) Calculate the district's education management information 219728
system support cost for that fiscal year as follows: 219729

(a) Divide the district's base cost enrolled ADM for that 219730
fiscal year by 5,000; 219731

(b) Compute the education management information system 219732
support cost in accordance with the following formula: 219733

(The greater of the quotient obtained under division (F)(5)(a) of 219734
this section and 1) X [(the average education management 219735
information system support employee salary for that fiscal year X 219736
1.16) + the amount specified under division (A)(10)(c) of section 219737
3317.011 of the Revised Code for that fiscal year] 219738

(6) Calculate the district's leadership support cost for that 219739
fiscal year as follows: 219740

(a) Determine the greater of the quotient obtained under 219741
division (F)(3)(b) of this section and 2 and add 1 to that number; 219742

(b) Divide the number obtained under division (F)(6)(a) of 219743
this section by 3; 219744

(c) Compute the leadership support cost in accordance with 219745
the following formula: 219746

(The greater of the quotient obtained under division (F)(6)(b) of 219747
this section and 1) X [(the average administrative assistant 219748
salary for that fiscal year X 1.16) + the amount specified under 219749
division (A)(10)(c) of section 3317.011 of the Revised Code for 219750
that fiscal year] 219751

(7) Calculate the district's information technology center 219752
support cost for that fiscal year in accordance with the following 219753
formula: 219754

\$31 X the district's base cost enrolled ADM for that fiscal year 219755

(8) Calculate the district's district leadership and 219756
accountability base cost for that fiscal year, which equals the 219757
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 219758
section; 219759

(G) The department shall compute a district's building 219760
leadership and operations base cost for a fiscal year as follows: 219761

(1) Calculate the district's building leadership cost for 219762
that fiscal year as follows: 219763

(a) Divide the average principal salary for that fiscal year 219764
by the average superintendent salary for that fiscal year; 219765

(b) Divide the district's base cost enrolled ADM for that 219766
fiscal year by 450; 219767

(c) Compute the building leadership cost in accordance with 219768
the following formula: 219769

{[(The district's superintendent cost for that fiscal year 219770
calculated under division (F)(1) of this section - the amount 219771
specified under division (A)(10)(c) of section 3317.011 of the 219772
Revised Code for that fiscal year) X the quotient obtained under 219773
division (G)(1)(a) of this section] + the amount specified under 219774
division (A)(10)(c) of section 3317.011 of the Revised Code for 219775
that fiscal year} X the quotient obtained under division (G)(1)(b) 219776
of this section 219777

(2) Calculate the district's building leadership support cost 219778
for that fiscal year as follows: 219779

(a) Divide the district's base cost enrolled ADM for that 219780
fiscal year by 400; 219781

(b) Determine the number of school buildings in the district 219782
for that fiscal year; 219783

(c) Compute the building leadership support cost in 219784
accordance with the following formula: 219785

(i) If the quotient obtained under division (G)(2)(a) of this 219786
section is less than the number obtained under division (G)(2)(b) 219787
of this section, then the district's building leadership support 219788
cost shall be equal to {the number obtained under division 219789
(G)(2)(b) of this section X [(the average clerical staff salary X 219790
1.16) + the amount specified under division (A)(10)(c) of section 219791
3317.011 of the Revised Code for that fiscal year]}. 219792

(ii) If the quotient obtained under division (G)(2)(a) of 219793

this section is greater than or equal to the number obtained under 219794
division (G)(2)(b) of this section, then the district's building 219795
leadership support cost shall be equal to {[the lesser of (the 219796
number obtained under division (G)(2)(b) of this section X 3) and 219797
the quotient obtained under division (G)(2)(a) of this section] X 219798
[(the average clerical staff salary for that fiscal year X 1.16) + 219799
the amount specified under division (A)(10)(c) of section 3317.011 219800
of the Revised Code for that fiscal year]}]. 219801

(3) Compute the district's building operations cost for that 219802
fiscal year in accordance with the following formula: 219803
The district's base cost enrolled ADM for that fiscal year X [(the 219804
number determined under division (G)(3)(a)(i) of section 3317.011 219805
of the Revised Code X the number determined under division 219806
(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 219807
amount determined under division (E)(5)(a) of section 3317.011 of 219808
the Revised Code for that fiscal year / the sum determined under 219809
division (E)(5)(b) of section 3317.011 of the Revised Code for 219810
that fiscal year)] 219811

(4) Calculate the district's building leadership and 219812
operations base cost for that fiscal year, which equals the sum of 219813
divisions (G)(1), (2), and (3) of this section. 219814

Sec. 3317.014. (A) The multiples for the following categories 219815
of career-technical education programs approved by the department 219816
of education and workforce under section 3317.161 of the Revised 219817
Code shall be as follows: 219818

(1) A multiple of 0.6230 for students enrolled in 219819
career-technical education workforce development programs in 219820
agricultural and environmental systems, construction technologies, 219821
engineering and science technologies, finance, health science, 219822
information technology, and manufacturing technologies, each of 219823
which shall be defined by the department in consultation with the 219824

governor's office of workforce transformation;	219825
(2) A multiple of 0.5905 for students enrolled in workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communications, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;	219826 219827 219828 219829 219830 219831
(3) A multiple of 0.2154 for students enrolled in career-based intervention programs, which shall be defined by the department in consultation with the governor's office of workforce transformation;	219832 219833 219834 219835
(4) A multiple of 0.1830 for students enrolled in workforce development programs in education and training, marketing, workforce development academics, public administration, and career development, each of which shall be defined by the department of education in consultation with the governor's office of workforce transformation;	219836 219837 219838 219839 219840 219841
(5) A multiple of 0.1570 for students enrolled in family and consumer science programs, which shall be defined by the department of education in consultation with the governor's office of workforce transformation.	219842 219843 219844 219845
(B) The multiple for career-technical education associated services, as defined by the department, shall be 0.0294.	219846 219847
(C) The department of education shall calculate career-technical education funds for each funding unit that is a city, local, exempted village, or joint vocational school district or the community and STEM school unit as follows:	219848 219849 219850 219851
(1) For fiscal years 2022 and 2023, the sum of the following:	219852
(a) The funding unit's category one career-technical education ADM X the multiple specified in division (A)(1) of this	219853 219854

section X the statewide average career-technical base cost per 219855
pupil for that fiscal year X if the funding unit is a city, local, 219856
exempted village, or joint vocational school district, the 219857
district's state share percentage; 219858

(b) The funding unit's category two career-technical 219859
education ADM X the multiple specified in division (A)(2) of this 219860
section X the statewide average career-technical base cost per 219861
pupil for that fiscal year X if the funding unit is a city, local, 219862
exempted village, or joint vocational school district, the 219863
district's state share percentage; 219864

(c) The funding unit's category three career-technical 219865
education ADM X the multiple specified in division (A)(3) of this 219866
section X the statewide average career-technical base cost per 219867
pupil for that fiscal year X if the funding unit is a city, local, 219868
exempted village, or joint vocational school district, the 219869
district's state share percentage; 219870

(d) The funding unit's category four career-technical 219871
education ADM X the multiple specified in division (A)(4) of this 219872
section X the statewide average career-technical base cost per 219873
pupil for that fiscal year X if the funding unit is a city, local, 219874
exempted village, or joint vocational school district, the 219875
district's state share percentage; 219876

(e) The funding unit's category five career-technical 219877
education ADM X the multiple specified in division (A)(5) of this 219878
section X the statewide average career-technical base cost per 219879
pupil for that fiscal year X if the funding unit is a city, local, 219880
exempted village, or joint vocational school district, the 219881
district's state share percentage. 219882

(2) For fiscal year 2024 and each fiscal year thereafter, the 219883
sum of the following: 219884

(a) An amount calculated in a manner determined by the 219885

general assembly times the funding unit's category one	219886
career-technical education ADM;	219887
(b) An amount calculated in a manner determined by the	219888
general assembly times the funding unit's category two	219889
career-technical education ADM;	219890
(c) An amount calculated in a manner determined by the	219891
general assembly times the funding unit's category three	219892
career-technical education ADM;	219893
(d) An amount calculated in a manner determined by the	219894
general assembly times the funding unit's category four	219895
career-technical education ADM;	219896
(e) An amount calculated in a manner determined by the	219897
general assembly times the funding unit's category five	219898
career-technical education ADM.	219899
(3) Payment of funds calculated under division (C) of this	219900
section is subject to approval under section 3317.161 of the	219901
Revised Code.	219902
(D) Subject to division (I) of section 3317.023 of the	219903
Revised Code, the department shall calculate career-technical	219904
associated services funds for each funding unit that is a city,	219905
local, exempted village, or joint vocational school district or	219906
the community and STEM school unit as follows:	219907
(1) For fiscal years 2022 and 2023, the following product:	219908
(If the funding unit is a city, local, exempted village, or joint	219909
vocational school district, the funding unit's state share	219910
percentage) X the multiple for career-technical education	219911
associated services specified under division (B) of this section X	219912
the statewide average career-technical base cost per pupil for	219913
that fiscal year X the sum of the funding unit's categories one	219914
through five career-technical education ADM	219915

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E)(1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning district as follows:

(a) For fiscal years 2022 and 2023, an amount equal to the following product:

The sum of enrolled ADM for all districts and schools within the career technical planning district X \$2.50, for fiscal year 2022, or \$5, for fiscal year 2023

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(2) The lead district of a career technical planning district shall use career awareness and exploration funds in accordance with division (H) of this section.

(F)(1) In any fiscal year, a school district receiving funds calculated under division (C) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only

expenses connected to the delivery of career-technical programming 219947
to career-technical students. The department shall require the 219948
school district to report data annually so that the department may 219949
monitor the district's compliance with the requirements regarding 219950
the manner in which funding calculated under division (C) of this 219951
section may be spent. 219952

(2) All funds received under division (C) of this section 219953
shall be spent in the following manner: 219954

(a) At least seventy-five per cent of the funds shall be 219955
spent on curriculum development, purchase, and implementation; 219956
instructional resources and supplies; industry-based program 219957
certification; student assessment, credentialing, and placement; 219958
curriculum specific equipment purchases and leases; 219959
career-technical student organization fees and expenses; home and 219960
agency linkages; work-based learning experiences; professional 219961
development; and other costs directly associated with 219962
career-technical education programs including development of new 219963
programs. 219964

(b) Not more than twenty-five per cent of the funds shall be 219965
used for personnel expenditures. 219966

(G) In any fiscal year, a school district receiving funds 219967
calculated under division (D) of this section, or through a 219968
transfer of funds pursuant to division (I) of section 3317.023 of 219969
the Revised Code, shall spend those funds only for the purposes 219970
that the department designates as approved for career-technical 219971
education associated services expenses, which may include such 219972
purposes as apprenticeship coordinators, coordinators for other 219973
career-technical education services, career-technical evaluation, 219974
and other purposes designated by the department. The department 219975
may deny payment of funds calculated under division (D) of this 219976
section to any district that the department determines is not 219977
operating those services or is using funds calculated under 219978

division (D) of this section, or through a transfer of funds 219979
pursuant to division (I) of section 3317.023 of the Revised Code, 219980
for other purposes. 219981

(H) In any fiscal year, a lead district of a career-technical 219982
planning district receiving funds under division (E) of this 219983
section, shall utilize those funds to deliver relevant career 219984
awareness and exploration programs to all students within its 219985
career technical planning district in a manner that is consistent 219986
with the career-technical planning district's plan that is on file 219987
with the department ~~of education~~. The lead district that receives 219988
funds under this division shall spend those funds only for the 219989
following purposes: 219990

(1) Delivery of career awareness programs to students 219991
enrolled in grades kindergarten through twelve; 219992

(2) Provision of a common, consistent curriculum to students 219993
throughout their primary and secondary education; 219994

(3) Assistance to teachers in providing a career development 219995
curriculum to students; 219996

(4) Development of a career development plan for each student 219997
that stays with that student for the duration of the student's 219998
primary and secondary education; 219999

(5) Provision of opportunities for students to engage in 220000
activities, such as career fairs, hands-on experiences, and job 220001
shadowing, across all career pathways at each grade level. 220002

The department may deny payment under this division to any 220003
district or school that the department determines is using funds 220004
paid under this division for other purposes. 220005

Sec. 3317.015. (A) In addition to the information certified 220006
to the department of education and workforce and the office of 220007
budget and management under division (A) of section 3317.021 of 220008

the Revised Code, the tax commissioner shall, at the same time, 220009
certify the following information to the department and the office 220010
of budget and management for each city, exempted village, and 220011
local school district to be used for the same purposes as 220012
described under that division: 220013

(1) The taxable value of the school district's carryover 220014
property, as defined in section 319.301 of the Revised Code, for 220015
the preceding tax year; 220016

(2) The increase in such carryover value, if any, between the 220017
second preceding tax year and the preceding tax year as used in 220018
calculating the percentage reduction under section 319.301 of the 220019
Revised Code. 220020

(B) For each fiscal year the department of education and 220021
workforce shall calculate each school district's recognized 220022
valuation in the following manner: 220023

(1) For a school district located in a county in which a 220024
reappraisal or triennial update occurred in the preceding tax 220025
year, the recognized valuation equals the district's total taxable 220026
value for the preceding tax year minus two-thirds times the 220027
increase in the carryover value from the second preceding tax year 220028
to the preceding tax year. 220029

(2) For a school district located in a county in which a 220030
reappraisal or triennial update occurred in the second preceding 220031
tax year, the recognized valuation equals the district's total 220032
taxable value for the preceding tax year minus one-third times the 220033
increase in the carryover value from the third preceding tax year 220034
to the second preceding tax year. 220035

(3) For a school district located in a county in which a 220036
reappraisal or triennial update occurred in the third preceding 220037
tax year, the recognized valuation equals the district's total 220038
taxable value for the preceding tax year. 220039

Sec. 3317.017. This section shall apply only for fiscal years 220040
2022 and 2023. 220041

(A) The department of education and workforce shall compute a 220042
city, local, or exempted village school district's per-pupil local 220043
capacity amount for a fiscal year as follows: 220044

(1) Calculate the district's valuation per pupil for that 220045
fiscal year as follows: 220046

(a) Determine the minimum of the district's three-year 220047
average valuation for the fiscal year for which the calculation is 220048
made and the district's taxable value for the most recent tax year 220049
for which data is available; 220050

(b) Divide the amount determined under division (A)(1)(a) of 220051
this section by the district's base cost enrolled ADM for the 220052
fiscal year for which the calculation is made. 220053

(2) Calculate the district's local share federal adjusted 220054
gross income per pupil for that fiscal year as follows: 220055

(a) Determine the minimum of the following: 220056

(i) The average of the total federal adjusted gross income of 220057
the district's residents for the three most recent tax years for 220058
which data is available, as certified under section 3317.021 of 220059
the Revised Code; 220060

(ii) The total federal adjusted gross income of the 220061
district's residents for the most recent tax year for which data 220062
is available, as certified under section 3317.021 of the Revised 220063
Code. 220064

(b) Divide the amount determined under division (A)(2)(a) of 220065
this section by the district's base cost enrolled ADM for the 220066
fiscal year for which the calculation is made. 220067

(3) Calculate the district's adjusted local share federal 220068

adjusted gross income per pupil for that fiscal year as follows:	220069
(a) Determine both of the following:	220070
(i) The median federal adjusted gross income of the	220071
district's residents for the most recent tax year for which data	220072
is available, as certified under section 3317.021 of the Revised	220073
Code;	220074
(ii) The number of state tax returns filed by taxpayers	220075
residing in the district for the most recent tax year for which	220076
data is available, as certified under section 3317.021 of the	220077
Revised Code.	220078
(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of	220079
this section;	220080
(c) Divide the amount determined under division (A)(3)(b) of	220081
this section by the district's base cost enrolled ADM for the	220082
fiscal year for which the calculation is made.	220083
(4) Calculate the district's per-pupil local capacity	220084
percentage as follows:	220085
(a) Determine the median of the median federal adjusted gross	220086
incomes determined for all districts statewide under division	220087
(A)(3)(a)(i) of this section for that fiscal year;	220088
(b) Divide the district's median federal adjusted gross	220089
income for that fiscal year determined under division (A)(3)(a)(i)	220090
of this section by the median federal adjusted gross income for	220091
all districts statewide determined under division (A)(4)(a) of	220092
this section;	220093
(c) Rank all school districts in order of the ratios	220094
calculated under division (A)(4)(b) of this section, from the	220095
district with the highest ratio calculated under division	220096
(A)(4)(b) of this section to the district with the lowest ratio	220097
calculated under division (A)(4)(b) of this section;	220098

(d) Determine the district's per-pupil local capacity percentage as follows: 220099
220100

(i) If the ratio calculated for the district under division (A)(4)(b) of this section is greater than or equal to the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025. 220101
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(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows: 220107
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{[(The ratio calculated for the district under division (A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section - 1)} + 0.0225 220114
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(iii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than or equal to 1.0, the district's per-pupil local capacity percentage shall be equal to the amount calculated under division (A)(4)(b) of this section times 0.0225. 220119
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(5) Calculate the district's per-pupil local capacity amount for that fiscal year as follows: 220124
220125

(The district's valuation per pupil calculated under division (A)(1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.60) + (the district's local share 220126
220127
220128
220129

adjusted federal gross income per pupil calculated under division 220130
 (A)(2) of this section for that fiscal year X the district's 220131
 per-pupil local capacity percentage calculated under division 220132
 (A)(4) of this section X 0.20) + (the district's adjusted local 220133
 share federal adjusted gross income per pupil calculated under 220134
 division (A)(3) of this section for that fiscal year X the 220135
 district's per-pupil local capacity percentage calculated under 220136
 division (A)(4) of this section X 0.20) 220137

(B) The department shall compute a city, local, or exempted 220138
village school district's state share for a fiscal year as 220139
follows: 220140

(1) If the district's per-pupil local capacity amount for 220141
that fiscal year divided by the district's base cost per pupil for 220142
that fiscal year is greater than 0.95, then the district's state 220143
share shall be equal to (the district's base cost per pupil for 220144
that fiscal year X 0.05 X the district's enrolled ADM for that 220145
fiscal year). 220146

(2) If the district's per-pupil local capacity amount for 220147
that fiscal year divided by the district's base cost per pupil for 220148
that fiscal year is less than or equal to 0.95, then the 220149
district's state share for that fiscal year shall be equal to 220150
[(the district's base cost per pupil for that fiscal year - the 220151
district's per-pupil local capacity amount for that fiscal year) X 220152
the district's enrolled ADM for that fiscal year]. 220153

(C) The department shall compute a city, local, or exempted 220154
village school district's state share percentage for a fiscal year 220155
as follows: 220156

(the district's base cost per pupil amount for that fiscal year - 220157
the district's per pupil local capacity amount for that fiscal 220158
year)/(the district's base cost per pupil amount for that fiscal 220159
year). 220160

If the result is less than 0.05, the state share percentage 220161

shall be 0.05. 220162

Sec. 3317.019. (A)(1) Subject to division (C) of this 220163
section, for fiscal years 2022 and 2023, the department of 220164
education and workforce shall pay temporary transitional aid to 220165
each city, local, and exempted village school district according 220166
to the following formula: 220167

(The district's funding base, as that term is defined in section 220168
3317.02 of the Revised Code) - (the district's payment under 220169
section 3317.022 of the Revised Code - the district's payment for 220170
supplemental targeted assistance under section 3317.0218 of the 220171
Revised Code for the fiscal year for which each payment is 220172
computed) 220173

If the computation made under division (A)(1) of this section 220174
results in a negative number, the district's funding under 220175
division (A)(1) of this section shall be zero. 220176

(2) For fiscal years 2022 and 2023, the department shall pay 220177
temporary transitional transportation aid to that district 220178
according to the following formula: 220179

(The amount calculated for the district for fiscal year 2020 under 220180
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 220181
general assembly, prior to any funding reductions authorized by 220182
Executive Order 2020-19D, "Implementing Additional Spending 220183
Controls to Balance the State Budget" issued on May 7, 2020) - 220184
(the district's payment for fiscal year 2019 under division (D)(2) 220185
of section 3314.091 of the Revised Code as that division existed 220186
prior to September 30, 2021) - (the district's payment under 220187
section 3317.0212 of the Revised Code for the fiscal year for 220188
which the payment is computed) 220189

If the computation made under division (A)(2) of this section 220190
results in a negative number, the district's funding under 220191
division (A)(2) of this section shall be zero. 220192

(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by the district in the immediately preceding fiscal year for career-technical education students who attend the newly established joint vocational school district.

(C)(1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years 2022 and 2023, if a district has fewer students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district 220224
under division (A) of this section be less than zero. 220225

Sec. 3317.02. As used in this chapter: 220226

(A) "Alternative school" has the same meaning as in section 220227
3313.974 of the Revised Code. 220228

(B) "Autism scholarship unit" means a unit that consists of 220229
all of the students for whom autism scholarships are awarded under 220230
section 3310.41 of the Revised Code. 220231

(C) For fiscal years 2022 and 2023, a district's "base cost 220232
enrolled ADM" for a fiscal year means the greater of the 220233
following: 220234

(1) The district's enrolled ADM for the previous fiscal year; 220235

(2) The average of the district's enrolled ADM for the 220236
previous three fiscal years. 220237

(D)(1) "Base cost per pupil" means the following for a city, 220238
local, or exempted village school district: 220239

(a) For fiscal years 2022 and 2023, the aggregate base cost 220240
calculated for that district for that fiscal year under section 220241
3317.011 of the Revised Code divided by the district's base cost 220242
enrolled ADM for that fiscal year; 220243

(b) For fiscal year 2024 and each fiscal year thereafter, an 220244
amount calculated in a manner determined by the general assembly. 220245

(2) "Base cost per pupil" means the following for a joint 220246
vocational school district: 220247

(a) For fiscal years 2022 and 2023, the aggregate base cost 220248
calculated for that district for that fiscal year under section 220249
3317.012 of the Revised Code divided by the district's base cost 220250
enrolled ADM for that fiscal year; 220251

(b) For fiscal year 2024 and each fiscal year thereafter, an 220252

amount calculated in a manner determined by the general assembly. 220253

(E)(1) "Category one career-technical education ADM" means 220254
the enrollment of students during the school year on a full-time 220255
equivalency basis in career-technical education programs described 220256
in division (A)(1) of section 3317.014 of the Revised Code and, in 220257
the case of a funding unit that is a city, local, exempted 220258
village, or joint vocational school district, certified under 220259
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 220260
Code or, in the case of the community and STEM school unit, 220261
reported by all community and STEM schools statewide under 220262
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 220263
and division (D) of section 3326.32 of the Revised Code. 220264

(2) "Category two career-technical education ADM" means the 220265
enrollment of students during the school year on a full-time 220266
equivalency basis in career-technical education programs described 220267
in division (A)(2) of section 3317.014 of the Revised Code and, in 220268
the case of a funding unit that is a city, local, exempted 220269
village, or joint vocational school district, certified under 220270
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 220271
Code or, in the case of the community and STEM school unit, 220272
reported by all community and STEM schools statewide under 220273
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 220274
and division (D) of section 3326.32 of the Revised Code. 220275

(3) "Category three career-technical education ADM" means the 220276
enrollment of students during the school year on a full-time 220277
equivalency basis in career-technical education programs described 220278
in division (A)(3) of section 3317.014 of the Revised Code and, in 220279
the case of a funding unit that is a city, local, exempted 220280
village, or joint vocational school district, certified under 220281
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 220282
Code or, in the case of the community and STEM school unit, 220283
reported by all community and STEM schools statewide under 220284

divisions (B)(4) and (5) of section 3314.08 of the Revised Code 220285
and division (D) of section 3326.32 of the Revised Code. 220286

(4) "Category four career-technical education ADM" means the 220287
enrollment of students during the school year on a full-time 220288
equivalency basis in career-technical education programs described 220289
in division (A)(4) of section 3317.014 of the Revised Code and, in 220290
the case of a funding unit that is a city, local, exempted 220291
village, or joint vocational school district, certified under 220292
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 220293
Code or, in the case of the community and STEM school unit, 220294
reported by all community and STEM schools statewide under 220295
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 220296
and division (D) of section 3326.32 of the Revised Code. 220297

(5) "Category five career-technical education ADM" means the 220298
enrollment of students during the school year on a full-time 220299
equivalency basis in career-technical education programs described 220300
in division (A)(5) of section 3317.014 of the Revised Code and, in 220301
the case of a funding unit that is a city, local, exempted 220302
village, or joint vocational school district, certified under 220303
division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised 220304
Code or, in the case of the community and STEM school unit, 220305
reported by all community and STEM schools statewide under 220306
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 220307
and division (D) of section 3326.32 of the Revised Code. 220308

(F)(1) "Category one English learner ADM" means the full-time 220309
equivalent number of English learners described in division (A) of 220310
section 3317.016 of the Revised Code and, in the case of a funding 220311
unit that is a city, local, exempted village, or joint vocational 220312
school district, certified under division (B)(16) or (D)(2)(m) of 220313
section 3317.03 of the Revised Code or, in the case of the 220314
community and STEM school unit, reported by all community and STEM 220315
schools statewide under division (B)(6) of section 3314.08 of the 220316

Revised Code and division (E) of section 3326.32 of the Revised Code. 220317
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(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code. 220319
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(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code. 220329
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(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and 220339
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division (C) of section 3326.32 of the Revised Code. 220349

(2) "Category two special education ADM" means the full-time 220350
equivalent number of children with disabilities receiving special 220351
education services for those disabilities specified in division 220352
(B) of section 3317.013 of the Revised Code and, in the case of a 220353
funding unit that is a city, local, exempted village, or joint 220354
vocational school district, certified under division (B)(6) or 220355
(D)(2)(c) of section 3317.03 of the Revised Code or, in the case 220356
of the community and STEM school unit, reported by all community 220357
and STEM schools statewide under division (B)(3) of section 220358
3314.08 of the Revised Code and division (C) of section 3326.32 of 220359
the Revised Code. 220360

(3) "Category three special education ADM" means the 220361
full-time equivalent number of students receiving special 220362
education services for those disabilities specified in division 220363
(C) of section 3317.013 of the Revised Code, and, in the case of a 220364
funding unit that is a city, local, exempted village, or joint 220365
vocational school district, certified under division (B)(7) or 220366
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 220367
of the community and STEM school unit, reported by all community 220368
and STEM schools statewide under division (B)(3) of section 220369
3314.08 of the Revised Code and division (C) of section 3326.32 of 220370
the Revised Code. 220371

(4) "Category four special education ADM" means the full-time 220372
equivalent number of students receiving special education services 220373
for those disabilities specified in division (D) of section 220374
3317.013 of the Revised Code and, in the case of a funding unit 220375
that is a city, local, exempted village, or joint vocational 220376
school district, certified under division (B)(8) or (D)(2)(e) of 220377
section 3317.03 of the Revised Code or, in the case of the 220378
community and STEM school unit, reported by all community and STEM 220379
schools statewide under division (B)(3) of section 3314.08 of the 220380

Revised Code and division (C) of section 3326.32 of the Revised Code. 220381
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(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 220383
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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 220393
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(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. 220403
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(I)(1) "Economically disadvantaged index for a school district" means the following: 220408
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(a) For fiscal years 2022 and 2023, the square of the quotient of that district's percentage of students in its enrolled 220410
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ADM who are identified as economically disadvantaged as defined by 220412
the department of education and workforce, divided by the 220413
percentage of students in the statewide ADM identified as 220414
economically disadvantaged. For purposes of this calculation: 220415

(i) For a city, local, or exempted village school district, 220416
the "statewide ADM" equals the sum of the following: 220417

(I) The enrolled ADM for all city, local, and exempted 220418
village school districts combined; 220419

(II) The statewide enrollment of students in community 220420
schools established under Chapter 3314. of the Revised Code; 220421

(III) The statewide enrollment of students in science, 220422
technology, engineering, and mathematics schools established under 220423
Chapter 3326. of the Revised Code. 220424

(ii) For a joint vocational school district, the "statewide 220425
ADM" equals the sum of the enrolled ADM for all joint vocational 220426
school districts combined. 220427

(b) For fiscal year 2024 and each fiscal year thereafter, an 220428
index calculated in a manner determined by the general assembly. 220429

(2) "Economically disadvantaged index for a community or STEM 220430
school" means the following: 220431

(a) For fiscal years 2022 and 2023, the square of the 220432
quotient of the percentage of students enrolled in the school who 220433
are identified as economically disadvantaged as defined by the 220434
department of ~~education~~, divided by the percentage of students in 220435
the statewide ADM identified as economically disadvantaged. For 220436
purposes of this calculation, the "statewide ADM" equals the 220437
"statewide ADM" for city, local, and exempted village school 220438
districts described in division (I)(1)(a)(i) of this section. 220439

(b) For fiscal year 2024 and each fiscal year thereafter, an 220440
index calculated in a manner determined by the general assembly. 220441

(J) "Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code.

(K) "Enrolled ADM" means the following:

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the ~~superintendent of public instruction~~ department and adjusted if so ordered under division (K) of that section, and as further adjusted by the department ~~of education~~, as follows:

(a) Add the students described in division (A)(1)(b) of section 3317.03 of the Revised Code;

(b) Subtract the students counted under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code;

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact;

(e) Add twenty per cent of the number of students described in division (A)(1)(b) of section 3317.03 of the Revised Code who enroll in a joint vocational school district or under a career-technical education compact.

(2) For a joint vocational school district, the final number verified by the ~~superintendent of public instruction~~ department, based on the enrollment reported and certified under division (D)

of section 3317.03 of the Revised Code, as adjusted, if so 220472
ordered, under division (K) of that section, and as further 220473
adjusted by the department ~~of education~~ by adding the students 220474
described in division (D)(1)(b) of section 3317.03 of the Revised 220475
Code; 220476

(3) For the community and STEM school unit, the sum of the 220477
number of students reported as enrolled in community schools under 220478
divisions (B)(1) and (2) of section 3314.08 of the Revised Code 220479
and the number of students reported as enrolled in STEM schools 220480
under division (A) of section 3326.32 of the Revised Code; 220481

(4) For the educational choice scholarship unit, the number 220482
of students for whom educational choice scholarships are awarded 220483
under sections 3310.03 and 3310.032 of the Revised Code as 220484
reported under division (A)(2)(g) of section 3317.03 of the 220485
Revised Code; 220486

(5) For the pilot project scholarship unit, the number of 220487
students for whom pilot project scholarships are awarded under 220488
sections 3313.974 to 3313.979 of the Revised Code as reported 220489
under division (A)(2)(b) of section 3317.03 of the Revised Code; 220490

(6) For the autism scholarship unit, the number of students 220491
for whom autism scholarships are awarded under section 3310.41 of 220492
the Revised Code as reported under division (A)(2)(h) of section 220493
3317.03 of the Revised Code; 220494

(7) For the Jon Peterson special needs scholarship unit, the 220495
number of students for whom Jon Peterson special needs 220496
scholarships are awarded under sections 3310.51 to 3310.64 of the 220497
Revised Code as reported under division (A)(2)(h) of section 220498
3317.03 of the Revised Code. 220499

(L)(1) "Formula ADM" means, for a city, local, or exempted 220500
village school district, the enrollment reported under division 220501
(A) of section 3317.03 of the Revised Code, as verified by the 220502

~~superintendent of public instruction department~~ and adjusted if so 220503
ordered under division (K) of that section, and as further 220504
adjusted by the department ~~of education~~, as follows: 220505

(a) Count only twenty per cent of the number of joint 220506
vocational school district students counted under division (A)(3) 220507
of section 3317.03 of the Revised Code; 220508

(b) Add twenty per cent of the number of students who are 220509
entitled to attend school in the district under section 3313.64 or 220510
3313.65 of the Revised Code and are enrolled in another school 220511
district under a career-technical education compact. 220512

(2) "Formula ADM" means, for a joint vocational school 220513
district, the final number verified by the ~~superintendent of~~ 220514
~~public instruction department~~, based on the enrollment reported 220515
and certified under division (D) of section 3317.03 of the Revised 220516
Code, as adjusted, if so ordered, under division (K) of that 220517
section. 220518

(M) "FTE basis" means a count of students based on full-time 220519
equivalency, in accordance with rules adopted by the department ~~of~~ 220520
~~education~~ pursuant to section 3317.03 of the Revised Code. In 220521
adopting its rules under this division, the department shall 220522
provide for counting any student in category one, two, three, 220523
four, five, or six special education ADM or in category one, two, 220524
three, four, or five career-technical education ADM in the same 220525
proportion the student is counted in enrolled ADM and formula ADM. 220526

(N) For fiscal years 2022 and 2023, "funding base" means, for 220527
a city, local, or exempted village school district, the sum of the 220528
following as calculated by the department: 220529

(1) The district's "general funding base," which equals the 220530
amount calculated as follows: 220531

(a) Compute the sum of the following: 220532

(i) The amount calculated for the district for fiscal year 220533
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 220534
133rd general assembly after any adjustments required under 220535
Section 265.227 of H.B. 166 of the 133rd general assembly and 220536
prior to any funding reductions authorized by Executive Order 220537
2020-19D, "Implementing Additional Spending Controls to Balance 220538
the State Budget" issued on May 7, 2020; 220539

(ii) Either of the following: 220540

(I) For fiscal year 2022, the district's payments for fiscal 220541
year 2020 under divisions (C)(1), (2), (3), and (4) of section 220542
3313.981 of the Revised Code as those divisions existed prior to 220543
September 30, 2021; 220544

(II) For fiscal year 2023, the district's payments for fiscal 220545
year 2020 under divisions (C)(1), (3), and (4) of section 3313.981 220546
of the Revised Code as those divisions existed prior to September 220547
30, 2021. 220548

(b) Subtract from the amount calculated in division (N)(1)(a) 220549
of this section the sum of the following: 220550

(i) The following difference: 220551
(The amount paid to the district under division (A)(5) of section 220552
3317.022 of the Revised Code, as that division existed prior to 220553
September 30, 2021, for fiscal year 2019) - (the amounts deducted 220554
from the district and paid to a community school under division 220555
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 220556
technology, engineering, and mathematics school under division (E) 220557
of section 3326.33 of the Revised Code as those divisions existed 220558
prior to September 30, 2021, for fiscal year 2020 in accordance 220559
with division (A) of Section 265.235 of H.B. 166 of the 133rd 220560
general assembly) 220561

(ii) The payments deducted from the district and paid to a 220562
community school for fiscal year 2020 under divisions (C)(1)(a), 220563

(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to September 30, 2021, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) Either of the following:

(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;

(II) For fiscal year 2023, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding

base," which equals the following difference: 220595

(The amount paid to the district under division (A)(5) of section 220596
3317.022 of the Revised Code, as that division existed prior to 220597
September 30, 2021, for fiscal year 2019) - (the amounts deducted 220598
from the district and paid to a community school under division 220599
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 220600
technology, engineering, and mathematics school under division (E) 220601
of section 3326.33 of the Revised Code as those divisions existed 220602
prior to September 30, 2021, for fiscal year 2020 in accordance 220603
with division (A) of Section 265.235 of H.B. 166 of the 133rd 220604
general assembly) 220605

(O) For fiscal years 2022 and 2023, "funding base" means, for 220606
a joint vocational school district, the sum of the following as 220607
calculated by the department: 220608

(1) The district's "general funding base," which equals the 220609
amount calculated as follows: 220610

(a) Compute the sum of the following: 220611

(i) The district's payments for fiscal year 2020 under 220612
Section 265.225 of H.B. 166 of the 133rd general assembly after 220613
any adjustments required under Section 265.227 of H.B. 166 of the 220614
133rd general assembly; 220615

(ii) Either of the following: 220616

(I) For fiscal year 2022, the district's payments for fiscal 220617
year 2020 under divisions (D)(1), (2), and (E)(3) of section 220618
3313.981 of the Revised Code as those divisions existed prior to 220619
September 30, 2021; 220620

(II) For fiscal year 2023, the district's payments for fiscal 220621
year 2020 under divisions (D)(1) and (2) of section 3313.981 of 220622
the Revised Code as those divisions existed prior to September 30, 220623
2021. 220624

(b) Subtract from the amount paid to the district under 220625
division (A)(3) of section 3317.16 of the Revised Code, as that 220626
division existed prior to September 30, 2021, for fiscal year 220627
2019. 220628

(2) The district's "disadvantaged pupil impact aid funding 220629
base," which equals the amount paid to the district under division 220630
(A)(3) of section 3317.16 of the Revised Code, as that division 220631
existed prior to September 30, 2021, for fiscal year 2019. 220632

(P) For fiscal years 2022 and 2023, "funding base" for a 220633
community school means the following: 220634

(1) For a community school that was in operation for the 220635
entirety of fiscal year 2020, the amount paid to the school for 220636
that fiscal year under division (C)(1) of section 3314.08 of the 220637
Revised Code as that division existed prior to September 30, 2021, 220638
in accordance with division (A) of Section 265.230 of H.B. 166 of 220639
the 133rd general assembly and the amount, if any, paid to the 220640
school for that fiscal year under section 3314.085 of the Revised 220641
Code in accordance with division (B) of Section 265.230 of H.B. 220642
166 of the 133rd general assembly; 220643

(2) For a community school that was in operation for part of 220644
fiscal year 2020, the amount that would have been paid to the 220645
school for that fiscal year under division (C)(1) of section 220646
3314.08 of the Revised Code as that division existed prior to 220647
September 30, 2021, in accordance with division (A) of Section 220648
265.230 of H.B. 166 of the 133rd general assembly if the school 220649
had been in operation for the entirety of that fiscal year, as 220650
calculated by the department, and the amount that would have been 220651
paid to the school for that fiscal year under section 3314.085 of 220652
the Revised Code in accordance with division (B) of Section 220653
265.230 of H.B. 166 of the 133rd general assembly, if any, if the 220654
school had been in operation for the entirety of that fiscal year, 220655
as calculated by the department; 220656

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(Q) For fiscal years 2022 and 2023, "funding base" for a STEM school means the following:

(1) For a science, technology, engineering, and mathematics school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(2) For a science, technology, engineering, and mathematics school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that

would have been paid to the school for that fiscal year under 220689
section 3326.41 of the Revised Code in accordance with division 220690
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 220691
if any, if the school had been in operation for the entirety of 220692
that fiscal year, as calculated by the department; 220693

(3) For a science, technology, engineering, and mathematics 220694
school that was not in operation for fiscal year 2020, the amount 220695
that would have been paid to the school if it was in operation for 220696
that school year under section 3326.33 of the Revised Code as that 220697
section existed prior to September 30, 2021, in accordance with 220698
division (A) of Section 265.235 of H.B. 166 of the 133rd general 220699
assembly if the school had been in operation for the entirety of 220700
that fiscal year, as calculated by the department, and the amount 220701
that would have been paid to the school for that fiscal year under 220702
section 3326.41 of the Revised Code in accordance with division 220703
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 220704
if any, if the school had been in operation for the entirety of 220705
that fiscal year, as calculated by the department. 220706

(R) "Funding unit" means any of the following: 220707

(1) A city, local, exempted village, or joint vocational 220708
school district; 220709

(2) The community and STEM school unit; 220710

(3) The educational choice scholarship unit; 220711

(4) The pilot project scholarship unit; 220712

(5) The autism scholarship unit; 220713

(6) The Jon Peterson special needs scholarship unit. 220714

(S) "Jon Peterson special needs scholarship unit" means a 220715
unit that consists of all of the students for whom Jon Peterson 220716
scholarships are awarded under sections 3310.51 to 3310.64 of the 220717
Revised Code. 220718

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."

(V) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(W)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the ~~state board of education~~ department and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the ~~superintendent of public instruction~~ department as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the ~~superintendent of public~~

~~instruction department~~ to be a medically fragile child. A school 220749
district superintendent may petition the ~~superintendent of public~~ 220750
~~instruction department~~ for a determination that a child is a 220751
medically fragile child. 220752

(2) A child may be identified as having an "other health 220753
impairment-minor" if the child's condition meets the definition of 220754
"other health impaired" established in rules previously adopted by 220755
the ~~state board of education department~~ but the child's condition 220756
does not meet either of the conditions specified in division 220757
(W)(1)(a) or (b) of this section. 220758

(X)(1) For fiscal years 2022 and 2023, a city, local, 220759
exempted village, or joint vocational school district's, community 220760
school's, or STEM school's "general phase-in percentage" is equal 220761
to the percentage for that fiscal year that is determined by the 220762
general assembly. 220763

(2) For fiscal years 2022 and 2023, a city, local, exempted 220764
village, or joint vocational school district's "phase-in 220765
percentage for disadvantaged pupil impact aid" is equal to the 220766
percentage for that fiscal year that is determined by the general 220767
assembly. 220768

(Y) "Pilot project scholarship unit" means a unit that 220769
consists of all of the students for whom pilot project 220770
scholarships are awarded under sections 3313.974 to 3313.979 of 220771
the Revised Code. 220772

(Z) "Preschool child with a disability" means a child with a 220773
disability, as defined in section 3323.01 of the Revised Code, who 220774
is at least age three but is not of compulsory school age, as 220775
defined in section 3321.01 of the Revised Code, and who is not 220776
currently enrolled in kindergarten. 220777

(AA) "Related services" includes: 220778

(1) Child study, special education supervisors and 220779

coordinators, speech and hearing services, adaptive physical 220780
development services, occupational or physical therapy, teacher 220781
assistants for children with disabilities whose disabilities are 220782
described in division (B) of section 3317.013 or division (G)(3) 220783
of this section, behavioral intervention, interpreter services, 220784
work study, nursing services, and specialized integrative services 220785
as those terms are defined by the department; 220786

(2) Speech and language services provided to any student with 220787
a disability, including any student whose primary or only 220788
disability is a speech and language disability; 220789

(3) Any related service not specifically covered by other 220790
state funds but specified in federal law, including but not 220791
limited to, audiology and school psychological services; 220792

(4) Any service included in units funded under former 220793
division (O)(1) of section 3317.024 of the Revised Code; 220794

(5) Any other related service needed by children with 220795
disabilities in accordance with their individualized education 220796
programs. 220797

(BB) "School district," unless otherwise specified, means 220798
city, local, and exempted village school districts. 220799

(CC) "Separately educated student with a disability" has the 220800
same meaning as in section 3313.974 of the Revised Code. 220801

(DD) "State education aid" has the same meaning as in section 220802
5751.20 of the Revised Code. 220803

(EE)(1) "State share percentage" means the following for a 220804
city, local, or exempted village school district: 220805

(a) For fiscal years 2022 and 2023, the state share 220806
percentage calculated under section 3317.017 of the Revised Code; 220807

(b) For fiscal year 2024 and each fiscal year thereafter, a 220808
percentage calculated in a manner determined by the general 220809

assembly. 220810

(2) "State share percentage" means the following for a joint 220811
vocational school district: 220812

(a) For fiscal years 2022 and 2023, the percentage calculated 220813
in accordance with the following formula: 220814

The amount computed for the district under division (A)(1) of 220815
section 3317.16 of the Revised Code for that fiscal year / the 220816
aggregate base cost calculated for the district for that fiscal 220817
year under section 3317.012 of the Revised Code 220818

(b) For fiscal year 2024 and each fiscal year thereafter, a 220819
percentage calculated in a manner determined by the general 220820
assembly. 220821

(FF) "Statewide average base cost per pupil" means the 220822
following: 220823

(1) For fiscal years 2022 and 2023, the statewide average 220824
base cost per pupil calculated under division (A) of section 220825
3317.018 of the Revised Code; 220826

(2) For fiscal year 2024 and each fiscal year thereafter, an 220827
amount calculated in a manner determined by the general assembly. 220828

(GG) "Statewide average career-technical base cost per pupil" 220829
means the following: 220830

(1) For fiscal years 2022 and 2023, the statewide average 220831
career-technical base cost per pupil calculated under division (B) 220832
of section 3317.018 of the Revised Code; 220833

(2) For fiscal year 2024 and each fiscal year thereafter, an 220834
amount calculated in a manner determined by the general assembly. 220835

(HH) "STEM school" means a science, technology, engineering, 220836
and mathematics school established under Chapter 3326. of the 220837
Revised Code. 220838

(II) "Taxes charged and payable" means the taxes charged and 220839

payable against real and public utility property after making the 220840
reduction required by section 319.301 of the Revised Code, plus 220841
the taxes levied against tangible personal property. 220842

(JJ) For purposes of sections 3317.017 and 3317.16 of the 220843
Revised Code, "three-year average valuation" for a fiscal year 220844
means the average of total taxable value for the three most recent 220845
tax years for which data is available, as certified under section 220846
3317.021 of the Revised Code. 220847

(KK) "Total ADM" means, for a city, local, or exempted 220848
village school district, the enrollment reported under division 220849
(A) of section 3317.03 of the Revised Code minus the enrollment 220850
reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that 220851
section, as verified by the ~~superintendent of public instruction~~ 220852
department and adjusted if so ordered under division (K) of that 220853
section. 220854

(LL) "Total special education ADM" means the sum of 220855
categories one through six special education ADM. 220856

(MM) "Total taxable value" means the sum of the amounts 220857
certified for a city, local, exempted village, or joint vocational 220858
school district under divisions (A)(1) and (2) of section 3317.021 220859
of the Revised Code. 220860

(NN) "Tuition discount" means any deduction from the base 220861
tuition amount per student charged by a chartered nonpublic 220862
school, to which the student's family is entitled due to one or 220863
more of the following conditions: 220864

(1) The student's family has multiple children enrolled in 220865
the same school. 220866

(2) The student's family is a member of or affiliated with a 220867
religious or secular organization that provides oversight of the 220868
school or from which the school has agreed to enroll students. 220869

(3) The student's parent is an employee of the school.	220870
(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.	220871 220872 220873
Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education <u>and workforce</u> and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.	220874 220875 220876 220877 220878 220879 220880 220881 220882 220883
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	220884 220885 220886
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	220887 220888 220889
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	220890 220891 220892 220893 220894 220895
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	220896 220897 220898 220899

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following:

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose;

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(6) For fiscal years 2022 and 2023, the number of state tax returns filed by the residents of the district for the most recent year for which this information is available.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and workforce and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code,

the department shall immediately request the tax commissioner to 220931
determine the extent to which any school district income tax 220932
levied by the district under Chapter 5748. of the Revised Code 220933
shall be included in meeting that requirement. Within five days of 220934
receiving such a request from the department, the tax commissioner 220935
shall make the determination required by this division and report 220936
the quotient obtained under division (C)(3) of this section to the 220937
department and the office of budget and management. This quotient 220938
represents the number of mills that the department shall include 220939
in determining whether the district meets the qualification 220940
requirement of division (A) of section 3317.01 of the Revised 220941
Code. 220942

The tax commissioner shall make the determination required by 220943
this division as follows: 220944

(1) Multiply one mill times the total taxable value of the 220945
district as determined in divisions (A)(1) and (2) of this 220946
section; 220947

(2) Estimate the total amount of tax liability for the 220948
current tax year under taxes levied by Chapter 5748. of the 220949
Revised Code that are apportioned to current operating expenses of 220950
the district, excluding any income tax receipts allocated for the 220951
project cost, debt service, or maintenance set-aside associated 220952
with a state-assisted classroom facilities project as authorized 220953
by section 3318.052 of the Revised Code; 220954

(3) Divide the amount estimated under division (C)(2) of this 220955
section by the product obtained under division (C)(1) of this 220956
section. 220957

Sec. 3317.022. The department of education and workforce 220958
shall compute and distribute state core foundation funding to each 220959
eligible funding unit that is a city, local, or exempted village 220960
school district, the community and STEM school unit, the 220961

educational choice scholarship unit, the pilot project scholarship 220962
unit, the autism scholarship unit, and the Jon Peterson special 220963
needs scholarship unit for the fiscal year, using the information 220964
obtained under section 3317.021 of the Revised Code in the 220965
calendar year in which the fiscal year begins in accordance with 220966
the following: 220967

For fiscal years 2022 and 2023, for a funding unit that is a 220968
city, local, or exempted village school district: 220969

The district's funding base + [(the district's state core 220970
foundation funding components for that fiscal year calculated 220971
under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this 220972
section - the district's general funding base calculated in 220973
accordance with division (N)(1) of section 3317.02 of the Revised 220974
Code) X the district's general phase-in percentage for that fiscal 220975
year] + [(the district's disadvantaged pupil impact aid for that 220976
fiscal year calculated under division (A)(4) of this section - the 220977
district's disadvantaged pupil impact aid funding base calculated 220978
in accordance with division (N)(2) of section 3317.02 of the 220979
Revised Code) X the district's phase-in percentage for 220980
disadvantaged pupil impact aid for that fiscal year] + the 220981
district's supplemental targeted assistance funds calculated under 220982
section 3317.0218 of the Revised Code 220983

For fiscal year 2024 and each fiscal year thereafter, for a 220984
funding unit that is a city, local, or exempted village school 220985
district, the sum of the district's state core foundation funding 220986
components for that fiscal year calculated under divisions (A)(1), 220987
(2), (3), (4), (5), (6), (7), and (8) of this section and the 220988
district's supplemental targeted assistance funds calculated under 220989
section 3317.0218 of the Revised Code, if the general assembly 220990
authorizes such payments to these funding units. 220991

For fiscal years 2022 and 2023, for the community and STEM 220992

school unit, an amount calculated in accordance with section 220993
3317.026 of the Revised Code. 220994

For fiscal years 2024 and each fiscal year thereafter, for 220995
the community and STEM school unit, an amount calculated in 220996
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 220997
of this section, if the general assembly authorizes such payments 220998
to these funding units. 220999

For the educational choice scholarship unit, the amount 221000
calculated under division (A)(10) of this section. 221001

For the pilot project scholarship unit, the amount calculated 221002
under division (A)(11) of this section. 221003

For the autism scholarship unit, the amount calculated under 221004
division (A)(12) of this section. 221005

For the Jon Peterson special needs scholarship unit, the 221006
amount calculated under division (A)(13) of this section. 221007

(A) A funding unit's state core foundation funding components 221008
shall be the following: 221009

(1)(a) If the funding unit is a city, local, or exempted 221010
village school district, the district's state share, which is 221011
equal to the following: 221012

(i) For fiscal years 2022 and 2023, the amount calculated 221013
under division (B) of section 3317.017 of the Revised Code; 221014

(ii) For fiscal year 2024 and each fiscal year thereafter, an 221015
amount calculated in a manner determined by the general assembly. 221016

(b) If the funding unit is the community and STEM school 221017
unit, the aggregate base cost for all schools in that unit, which 221018
is equal to the following: 221019

(i) For fiscal years 2022 and 2023, the amount calculated 221020
under section 3317.0110 of the Revised Code; 221021

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	221022 221023
(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:	221024 221025
(a) For fiscal years 2022 and 2023, an amount calculated under section 3317.0217 of the Revised Code;	221026 221027
(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	221028 221029
(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:	221030 221031 221032 221033
(a) For fiscal years 2022 and 2023, the sum of the following:	221034
(i) The funding unit's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	221035 221036 221037 221038 221039
(ii) The funding unit's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	221040 221041 221042 221043 221044
(iii) The funding unit's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	221045 221046 221047 221048 221049 221050
(iv) The funding unit's category four special education ADM X	221051

the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(v) The funding unit's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(vi) The funding unit's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special

education ADM;	221082
(vi) An amount calculated in a manner determined by the	221083
general assembly times the funding unit's category six special	221084
education ADM.	221085
(4) If the funding unit is a city, local, or exempted village	221086
school district or the community and STEM school unit,	221087
disadvantaged pupil impact aid calculated according to the	221088
following formula:	221089
(a) If the funding unit is a city, local, or exempted village	221090
school district, an amount equal to the following:	221091
(i) For fiscal years 2022 and 2023, the following product:	221092
\$422 X (the district's economically disadvantaged index) X the	221093
number of students who are economically disadvantaged as certified	221094
under division (B)(21) of section 3317.03 of the Revised Code	221095
(ii) For fiscal year 2024 and each fiscal year thereafter, an	221096
amount calculated in a manner determined by the general assembly.	221097
(b) If the funding unit is the community and STEM school	221098
unit, an amount equal to the following:	221099
(i) For fiscal years 2022 and 2023, an amount calculated as	221100
follows:	221101
(I) For each student in the funding unit's enrolled ADM who	221102
is economically disadvantaged and is not enrolled in an internet-	221103
or computer-based community school, multiply \$422 by the	221104
economically disadvantaged index of the school in which the	221105
student is enrolled;	221106
(II) Compute the funding unit's disadvantaged pupil impact	221107
aid by calculating the sum of the amounts determined under	221108
division (A)(4)(b)(i)(I) of this section.	221109
(ii) For fiscal year 2024 and each fiscal year thereafter, an	221110
amount calculated as follows:	221111

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, calculate an amount in the manner determined by the general assembly;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(ii)(I) of this section.

(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

(i) The funding unit's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(ii) The funding unit's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iii) The funding unit's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English

learner ADM;	221142
(ii) An amount calculated in a manner determined by the	221143
general assembly times the funding unit's category two English	221144
learner ADM;	221145
(iii) An amount calculated in a manner determined by the	221146
general assembly times the funding unit's category three English	221147
learner ADM.	221148
(6)(a) For fiscal years 2022 and 2023, if the funding unit is	221149
a city, local, or exempted village school district, all of the	221150
following:	221151
(i) Gifted identification funds calculated according to the	221152
following formula:	221153
\$24 X the district's enrolled ADM for grades kindergarten through	221154
six X the district's state share percentage	221155
(ii) Gifted referral funds calculated according to the	221156
following formula:	221157
\$2.50 X the district's enrolled ADM X the district's state share	221158
percentage	221159
(iii) Gifted professional development funds calculated	221160
according to the following formula:	221161
(The greater of the number of gifted students enrolled in the	221162
district as certified under division (B)(22) of section 3317.03 of	221163
the Revised Code and ten per cent of the district's enrolled ADM)	221164
X the district's state share percentage X \$7, for fiscal year	221165
2022, or \$14, for fiscal year 2023	221166
(iv) Gifted unit funding calculated under section 3317.051 of	221167
the Revised Code.	221168
(b) For fiscal year 2024 and each fiscal year thereafter, all	221169
of the following:	221170
(i) Gifted identification funds calculated in a manner	221171

determined by the general assembly;	221172
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	221173 221174 221175
(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	221176 221177 221178
(iv) Gifted unit funding calculated in an amount determined by the general assembly.	221179 221180
(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	221181 221182 221183 221184
(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.	221185 221186 221187 221188
(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:	221189 221190
(a) For fiscal years 2022 and 2023, an amount equal to the following:	221191 221192
[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X.20]	221193 221194 221195 221196 221197
(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	221198 221199
(10) If the funding unit is the educational choice scholarship unit, an amount calculated as follows:	221200 221201

(a) For each student in the funding unit's enrolled ADM,	221202
determine the lesser of the following:	221203
(i) The base tuition of the chartered nonpublic school in	221204
which the student is enrolled minus the total amount of any	221205
applicable tuition discounts for which the student qualifies;	221206
(ii) \$5,500, if the student is in grades kindergarten through	221207
eight, or \$7,500, if the student is in grades nine through twelve.	221208
The amounts specified in division (A)(10)(a)(ii) of this	221209
section shall increase in future fiscal years by the same	221210
percentage that the statewide average base cost per pupil	221211
increases in future fiscal years.	221212
(b) Compute the sum of the amounts calculated under division	221213
(A)(10)(a) of this section.	221214
(11) If the funding unit is the pilot project scholarship	221215
unit, an amount calculated as follows:	221216
(a) For each student in the funding unit's enrolled ADM,	221217
determine the lesser of the following:	221218
(i) The net tuition charges of the student's alternative	221219
school;	221220
(ii) \$5,500, if the student is in grades kindergarten through	221221
eight, or \$7,500, if the student is in grades nine through twelve.	221222
The amounts specified in division (A)(11)(a)(ii) of this	221223
section shall increase in future fiscal years by the same	221224
percentage that the statewide average base cost per pupil	221225
increases in future fiscal years.	221226
For purposes of division (A)(11)(a) of this section, the net	221227
tuition and fees charged to a student shall be the tuition amount	221228
specified by the alternative school minus all other financial aid,	221229
discounts, and adjustments received for the student. In cases	221230
where discounts are offered for multiple students from the same	221231

family, and not all students in the same family are scholarship 221232
recipients, the net tuition amount attributable to the scholarship 221233
recipient shall be the lowest net tuition to which the family is 221234
entitled. 221235

The department shall provide for an increase in the amount 221236
determined for any student who is an LRE student with a disability 221237
and shall further increase such amount in the case of any 221238
separately educated student with a disability, as that term is 221239
defined in section 3313.974 of the Revised Code. Such increases 221240
shall take into account the instruction, related services, and 221241
transportation costs of educating such students. 221242

(b) Compute the sum of the amounts calculated under division 221243
(A)(17)(a) of this section. 221244

(12) If the funding unit is the autism scholarship unit, an 221245
amount calculated as follows: 221246

(a) For each student in the funding unit's enrolled ADM, 221247
determine the lesser of the following: 221248

(i) The tuition charged for the student's special education 221249
program, as that term is defined in section 3310.41 of the Revised 221250
Code; 221251

(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal 221252
year 2023 and each fiscal year thereafter. 221253

(b) Compute the sum of the amounts calculated under division 221254
(A)(12)(a) of this section. 221255

(13) If the funding unit is the Jon Peterson special needs 221256
scholarship unit, an amount calculated as follows: 221257

(a) For each student in the funding unit's enrolled ADM, 221258
determine the least of the following: 221259

(i) The amount of fees charged for that school year by the 221260
student's alternative public provider or registered private 221261

provider, as those terms are defined in section 3310.51 of the Revised Code; 221262
221263

(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows: 221264
221265

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023; 221266
221267
221268
221269

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023; 221270
221271
221272
221273

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023; 221274
221275
221276
221277

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023; 221278
221279
221280
221281

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023; 221282
221283
221284
221285

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and \$25,370, for fiscal year 2023. 221286
221287
221288
221289

(iii) \$27,000. 221290

The amount specified for fiscal year 2023 in division 221291

(A)(13)(a)(ii) of this section shall increase in future fiscal 221292
years by the same percentage that the statewide average base cost 221293
per pupil increases in future fiscal years. 221294

The amounts specified for fiscal year 2023 in divisions 221295
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in future 221296
fiscal years by the same percentage that the amounts calculated by 221297
the general assembly for those categories of special education 221298
services under division (A)(3) of this section increase in future 221299
fiscal years. 221300

(b) Compute the sum of the amounts calculated under division 221301
(A)(13)(a) of this section. 221302

(B) In any fiscal year, a funding unit that is a city, local, 221303
or exempted village school district shall spend for purposes that 221304
the department designates as approved for special education and 221305
related services expenses at least the amount calculated as 221306
follows: 221307

(The base cost per pupil calculated for the district for that 221308
fiscal year X the total special education ADM) + (the district's 221309
category one special education ADM X the multiple specified in 221310
division (A) of section 3317.013 of the Revised Code X the 221311
statewide average base cost per pupil) + (the district's category 221312
two special education ADM X the multiple specified in division (B) 221313
of section 3317.013 of the Revised Code X the statewide average 221314
base cost per pupil) + (the district's category three special 221315
education ADM X the multiple specified in division (C) of section 221316
3317.013 of the Revised Code X the statewide average base cost per 221317
pupil) + (the district's category four special education ADM X the 221318
multiple specified in division (D) of section 3317.013 of the 221319
Revised Code X the statewide average base cost per pupil) + (the 221320
district's category five special education ADM X the multiple 221321
specified in division (E) of section 3317.013 of the Revised Code 221322
X the statewide average base cost per pupil) + (the district's 221323

category six special education ADM X the multiple specified in 221324
division (F) of section 3317.013 of the Revised Code X the 221325
statewide average base cost per pupil) 221326

The purposes approved by the department for special education 221327
expenses shall include, but shall not be limited to, 221328
identification of children with disabilities, compliance with 221329
state rules governing the education of children with disabilities 221330
and prescribing the continuum of program options for children with 221331
disabilities, provision of speech language pathology services, and 221332
the portion of the school district's overall administrative and 221333
overhead costs that are attributable to the district's special 221334
education student population. 221335

(C) A funding unit that is a city, local, or exempted village 221336
school district shall spend the funds it receives under division 221337
(A)(4) of this section in accordance with section 3317.25 of the 221338
Revised Code. 221339

(D)(1) Except as provided in division (B) of section 3317.026 221340
of the Revised Code, the department shall distribute to each 221341
community school established under Chapter 3314. of the Revised 221342
Code and to each STEM school established under Chapter 3326. of 221343
the Revised Code, from the funds paid to the community and STEM 221344
school unit under this section, an amount for each student 221345
enrolled in the school equal to the sum of the following: 221346

(a) The school's base cost per pupil for that fiscal year, 221347
calculated as follows: 221348

(i) For fiscal years 2022 and 2023: 221349

The aggregate base cost calculated for the school for that fiscal 221350
year under section 3317.0110 of the Revised Code / the number of 221351
students enrolled in the school for that fiscal year 221352

(ii) For fiscal year 2024 and each fiscal year thereafter, an 221353
amount determined by the general assembly under division 221354

(A)(1)(b)(ii) of this section divided by the number of students enrolled in the school for that fiscal year.	221355 221356
(b) If the student is a special education student:	221357
(i) For fiscal years 2022 and 2023, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;	221358 221359 221360 221361
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section.	221362 221363 221364 221365
(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:	221366 221367
(i) For fiscal years 2022 and 2023, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section;	221368 221369
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this section.	221370 221371 221372
(d) If the school is not an internet- or computer-based community school and the student is an English learner:	221373 221374
(i) For fiscal years 2022 and 2023, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil;	221375 221376 221377 221378
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(5)(b) of this section.	221379 221380 221381 221382
(e) If the student is a career-technical education student:	221383
(i) For fiscal years 2022 and 2023, the multiple specified	221384

for the student's career-technical education category under 221385
section 3317.014 of the Revised Code times the statewide average 221386
career-technical base cost per pupil; 221387

(ii) For fiscal year 2024 and each fiscal year thereafter, 221388
the amount calculated for the student's career-technical education 221389
category in a manner determined by the general assembly under 221390
section 3317.014 of the Revised Code. 221391

(f) If the student is a career-technical education student: 221392

(i) For fiscal years 2022 and 2023, the multiple for 221393
career-technical associated services specified under section 221394
3317.014 of the Revised Code times the statewide average 221395
career-technical base cost per pupil; 221396

(ii) For fiscal year 2024 and each fiscal year thereafter, 221397
the amount calculated for career-technical associated services in 221398
a manner determined by the general assembly under section 3317.014 221399
of the Revised Code. 221400

(2) The department shall distribute to each community school 221401
established under Chapter 3314. of the Revised Code and to each 221402
STEM school established under Chapter 3326. of the Revised Code, 221403
from the funds paid to the community and STEM school unit under 221404
this section, an amount equal to the amount calculated for the 221405
school under division (A)(9) of this section. 221406

(E) The department shall distribute to the parent of each 221407
student for whom an educational choice scholarship is awarded 221408
under section 3310.03 or 3310.032 of the Revised Code, or to the 221409
student if at least eighteen years of age, from the funds paid to 221410
the educational choice scholarship unit under this section, a 221411
scholarship equal to the amount calculated for the student under 221412
division (A)(10)(a) of this section. The scholarship shall be 221413
distributed in monthly partial payments, and the department shall 221414
proportionately reduce or terminate the payments for any student 221415

who withdraws from a chartered nonpublic school prior to the end 221416
of the school year. 221417

For purposes of divisions (E) and (F) of this section, in the 221418
case of a student who is not living with the student's parent, the 221419
department shall distribute the scholarship payments to the 221420
student's guardian, legal custodian, kinship caregiver, foster 221421
caregiver, or caretaker. For the purposes of this division, 221422
"caretaker" has the same meaning as in section 3310.033 of the 221423
Revised Code, "kinship caregiver" has the same meaning as in 221424
section 5101.85 of the Revised Code, and "foster caregiver" has 221425
the same meaning as in section 5103.02 of the Revised Code. 221426

(F) If a student is awarded a pilot project scholarship under 221427
sections 3313.974 to 3313.979 of the Revised Code, the department 221428
shall distribute to the parent of the student, if the student is 221429
attending a registered private school as defined in section 221430
3313.974 of the Revised Code, or the student's school district of 221431
attendance, if the scholarship is to be used for payments to a 221432
public school in a school district adjacent to the pilot project 221433
school district pursuant to section 3327.06 of the Revised Code, a 221434
scholarship from the funds paid to the pilot project scholarship 221435
unit under this section that is equal to the amount calculated for 221436
the student under division (A)(11)(a) of this section. 221437

In the case of a scholarship distributed to a student's 221438
parent, the scholarship shall be distributed in monthly partial 221439
payments. The scholarship amount shall be proportionately reduced 221440
in the case of any such student who is not enrolled in a 221441
registered private school, as that term is defined in section 221442
3313.974 of the Revised Code, for the entire school year. 221443

In the case of a scholarship distributed to a student's 221444
school district of attendance, the department shall, on behalf of 221445
the student's parents, use the scholarship to make the tuition 221446
payments required by section 3327.06 of the Revised Code to the 221447

student's school district of attendance, except that, 221448
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 221449
Revised Code, the total payments in any school year shall not 221450
exceed the scholarship amount calculated for the student under 221451
division (A)(11)(a) of this section. 221452

(G) The department shall distribute to the parent of each 221453
student for whom an autism scholarship is awarded under section 221454
3310.41 of the Revised Code, from the funds paid to the autism 221455
scholarship unit under this section, a scholarship equal to the 221456
amount calculated for the student under division (A)(12)(a) of 221457
this section. The scholarship shall be distributed from time to 221458
time in partial payments. The scholarship amount shall be 221459
proportionately reduced in the case of any student who is not 221460
enrolled in the special education program for which a scholarship 221461
was awarded under section 3310.41 of the Revised Code for the 221462
entire school year. The department shall make no payments to the 221463
parent of a student while any administrative or judicial mediation 221464
or proceedings with respect to the content of the student's 221465
individualized education program are pending. 221466

(H) The department shall distribute to the parent of each 221467
student for whom a Jon Peterson special needs scholarship is 221468
awarded under sections 3310.51 to 3310.64 of the Revised Code, 221469
from the funds paid to the Jon Peterson special needs scholarship 221470
unit under this section, a scholarship equal to the amount 221471
calculated for the student under division (A)(13)(a) of this 221472
section. The scholarship shall be distributed in periodic 221473
payments, and the department shall proportionately reduce or 221474
terminate the payments for any student who is not enrolled in the 221475
special education program of an alternative public provider or a 221476
registered private provider, as those terms are defined in section 221477
3310.51 of the Revised Code, for the entire school year. 221478

(I) For fiscal years 2022 and 2023, a school district shall 221479

spend the funds it receives under division (A)(5) of this section 221480
only for services for English learners. 221481

(J) For fiscal years 2022 and 2023, a school district shall 221482
spend the funds it receives under division (A)(6) of this section 221483
only for the identification of gifted students, gifted coordinator 221484
services, gifted intervention specialist services, other service 221485
providers approved by the department of education and workforce, 221486
and gifted professional development. For fiscal years 2022 and 221487
2023, if the department determines that a district is not in 221488
compliance with this division, it shall reduce the district's 221489
payments for that fiscal year under this chapter by an amount 221490
equal to the amount paid to the district for that fiscal year 221491
under division (A)(6) of this section that was not spent in 221492
accordance with this division. 221493

Sec. 3317.023. (A) The amounts required to be paid to a 221494
district under this chapter shall be adjusted by the amount of the 221495
computations made under divisions (B) to (K) of this section. 221496

As used in this section: 221497

(1) "Career-technical planning district" or "CTPD" means a 221498
school district or group of school districts designated by the 221499
department of education and workforce as being responsible for the 221500
planning for and provision of career-technical education services 221501
to students within the district or group. A community school 221502
established under Chapter 3314. of the Revised Code or a STEM 221503
school established under Chapter 3326. of the Revised Code that is 221504
serving students in any of grades seven through twelve shall be 221505
assigned to a career-technical planning district by the 221506
department. 221507

(2) "Lead district" means a school district, including a 221508
joint vocational school district, designated by the department as 221509
a CTPD, or designated to provide primary career-technical 221510

education leadership within a CTPD composed of a group of 221511
districts, community schools assigned to the CTPD, and STEM 221512
schools assigned to the CTPD. 221513

(B) If a local, city, or exempted village school district to 221514
which a governing board of an educational service center provides 221515
services pursuant to an agreement entered into under section 221516
3313.843 of the Revised Code, deduct the amount of the payment 221517
required for the reimbursement of the governing board under that 221518
section. 221519

(C)(1) If the district is required to pay to or entitled to 221520
receive tuition from another school district under division (C)(2) 221521
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 221522
or if the ~~superintendent of public instruction~~ department is 221523
required to determine the correct amount of tuition and make a 221524
deduction or credit under section 3317.08 of the Revised Code, 221525
deduct and credit such amounts as provided in division (J) of 221526
section 3313.64 or section 3317.08 of the Revised Code. 221527

(2) For each child for whom the district is responsible for 221528
tuition or payment under division (A)(1) of section 3317.082 or 221529
section 3323.091 of the Revised Code, deduct the amount of tuition 221530
or payment for which the district is responsible. 221531

(D) If the district has been certified by the ~~superintendent~~ 221532
~~of public instruction~~ department under section 3313.90 of the 221533
Revised Code as not in compliance with the requirements of that 221534
section, deduct an amount equal to ten per cent of the amount 221535
computed for the district under this chapter. 221536

(E) If the district has received a loan from a commercial 221537
lending institution for which payments are made ~~by the~~ 221538
~~superintendent of public instruction~~ pursuant to division (E)(3) 221539
of section 3313.483 of the Revised Code, deduct an amount equal to 221540
such payments. 221541

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

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

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B)(4) of section 3311.52 or division (B)(8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

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

(a) An amount equal to the statewide average base cost per pupil.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64

or 3313.65 of the Revised Code. 221573

(3) If the district is required by a shared education 221574
contract, compact, or cooperative education agreement to make 221575
payments to an educational service center, deduct the amounts from 221576
payments to the district and add them to the amounts paid to the 221577
service center. 221578

(I)(1) If a district, including a joint vocational school 221579
district, is a lead district of a CTPD, credit to that district 221580
the amount calculated for each school district within that CTPD 221581
under divisions (D) and (E) of section 3317.014 of the Revised 221582
Code and for each community school and STEM school assigned to the 221583
CTPD under divisions (D) and (E) of section 3317.014 of the 221584
Revised Code. 221585

(2) Deduct from each appropriate district that is not a lead 221586
district, or from the appropriate community school or STEM school, 221587
the amount attributable to that district or school that is 221588
credited to a lead district under division (I)(1) of this section. 221589

(J) If the department pays a joint vocational school district 221590
under division (C)(3) of section 3317.16 of the Revised Code for 221591
excess costs of providing special education and related services 221592
to a student with a disability, as calculated under division 221593
(C)(1) of that section, the department shall deduct the amount of 221594
that payment from the city, local, or exempted village school 221595
district that is responsible as specified in that section for the 221596
excess costs. 221597

(K)(1) If the district reports an amount of excess cost for 221598
special education services for a child under division (C) of 221599
section 3323.14 of the Revised Code, the department shall pay that 221600
amount to the district. 221601

(2) If the district reports an amount of excess cost for 221602
special education services for a child under division (C) of 221603

section 3323.14 of the Revised Code, the department shall deduct 221604
that amount from the district of residence of that child. 221605

Sec. 3317.024. The following shall be distributed monthly, 221606
quarterly, or annually as may be determined by the ~~state board~~ 221607
department of education and workforce: 221608

(A) An amount for each island school district and each joint 221609
state school district for the operation of each high school and 221610
each elementary school maintained within such district and for 221611
capital improvements for such schools. Such amounts shall be 221612
determined on the basis of standards adopted by the ~~state board of~~ 221613
education department. However, for fiscal years 2012 and 2013, an 221614
island district shall receive the lesser of its actual cost of 221615
operation, as certified to the department ~~of education~~, or 221616
ninety-three per cent of the amount the district received in state 221617
operating funding for fiscal year 2011. If an island district 221618
received no funding for fiscal year 2011, it shall receive no 221619
funding for either of fiscal year 2012 or 2013. 221620

(B) An amount for each school district required to pay 221621
tuition for a child in an institution maintained by the department 221622
of youth services pursuant to section 3317.082 of the Revised 221623
Code, provided the child was not included in the calculation of 221624
the district's formula ADM, as that term is defined in section 221625
3317.02 of the Revised Code, for the preceding school year. 221626

(C)(1) An amount for the approved cost of transporting 221627
eligible pupils with disabilities attending a special education 221628
program approved by the department of education and workforce whom 221629
it is impossible or impractical to transport by regular school bus 221630
in the course of regular route transportation provided by the 221631
school district or educational service center. For fiscal years 221632
2022 and 2023, this amount shall be equal to the actual costs 221633
incurred in the prior fiscal year by the district or service 221634

center when transporting those students, as reported to the 221635
department, multiplied by one of the following: 221636

(a) For a district, the percentage determined for the 221637
district for that fiscal year under divisions (E)(1)(c)(i) and 221638
(ii) of section 3317.0212 of the Revised Code; 221639

(b) For a service center, twenty-nine and one-sixth per cent 221640
for fiscal year 2022 and thirty-three and one-third per cent for 221641
fiscal year 2023. 221642

(2) No district or service center is eligible to receive a 221643
payment under division (C) of this section for the cost of 221644
transporting any pupil whom it transports by regular school bus 221645
and who is included in the district's transportation ADM. 221646

(3) For fiscal years 2022 and 2023, both of the following 221647
apply: 221648

(a) The ~~state board~~ department of education and workforce 221649
shall also establish the deadline for each district and service 221650
center to report its actual costs for transporting students 221651
described in division (C)(1) of this section. 221652

(b) The costs reported by each district and service center 221653
under division (C) of this section shall be subject to periodic, 221654
random audits by the department of education and workforce. 221655

(D) An amount to each school district, including each 221656
cooperative education school district, pursuant to section 3313.81 221657
of the Revised Code to assist in providing free lunches to needy 221658
children. The amounts shall be determined on the basis of rules 221659
adopted by the ~~state board~~ department of education and workforce. 221660

(E)(1) An amount for auxiliary services to each school 221661
district, for each pupil attending a chartered nonpublic 221662
elementary or high school within the district that has not elected 221663
to receive funds under division (E)(2) of this section. 221664

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department of education and workforce and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E)(1) of this section.

(b) A chartered nonpublic school that elects to receive auxiliary services funds under division (E)(2) of this section may designate an organization that oversees one or more nonpublic schools to receive those funds on its behalf.

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education and workforce of the organization's name not later than the first day of April of each odd-numbered year.

(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or

as specified under division (E)(1) of this section. 221697

(iii) An organization shall disburse the auxiliary services 221698
funds of all chartered nonpublic schools that have designated the 221699
organization to receive funds on their behalf in accordance with 221700
division (E)(2)(b) of this section. If multiple chartered 221701
nonpublic schools designate the same organization to receive 221702
auxiliary services funds on their behalf, that organization may 221703
use one or more accounts for the purposes of managing the funds. 221704
The organization shall maintain appropriate accounting and 221705
reporting standards and ensure that each chartered nonpublic 221706
school receives the auxiliary services funds to which the school 221707
is entitled. 221708

(iv) Each chartered nonpublic school that elects to receive 221709
funds directly in accordance with division (E)(2) of this section 221710
or the organization designated to receive and disburse auxiliary 221711
services funds on behalf of a chartered nonpublic school shall 221712
maintain records of receipt and expenditures of the funds in a 221713
manner that conforms with generally accepted accounting 221714
principles. 221715

(v) The department of education and workforce shall create 221716
and disseminate a standardized reporting form that chartered 221717
nonpublic schools and organizations designated to receive funds in 221718
accordance with division (E)(2)(b) of this section may use to 221719
comply with division (E)(2)(b)(iv) of this section. However, the 221720
department shall not require schools to use that form. 221721

(vi) An organization that manages a school's auxiliary 221722
services funds pursuant to a designation made in accordance with 221723
division (E)(2)(b) of this section may require the school's 221724
governing authority to pay a fee for that service that does not 221725
exceed four per cent of the total amount of payments for auxiliary 221726
services that the school receives from the state. A school may pay 221727
any fee assessed pursuant to division (E)(2)(b)(vi) of this 221728

section using auxiliary services funds. 221729

(c) The amount paid under divisions (E)(1) and (2) of this 221730
section shall equal the total amount appropriated for the 221731
implementation of sections 3317.06 and 3317.062 of the Revised 221732
Code divided by the average daily membership in grades 221733
kindergarten through twelve in chartered nonpublic elementary and 221734
high schools within the state as determined as of the last day of 221735
October of each school year. 221736

(F) An amount for each county board of developmental 221737
disabilities for the approved cost of transportation required for 221738
children attending special education programs operated by the 221739
county board under section 3323.09 of the Revised Code. For fiscal 221740
years 2022 and 2023, this amount shall be equal to the actual 221741
costs incurred in the prior fiscal year by the county board when 221742
transporting those students multiplied by twenty-nine and 221743
one-sixth per cent for fiscal year 2022 and thirty-three and 221744
one-third per cent for fiscal year 2023. 221745

(G) An amount to each institution defined under section 221746
3317.082 of the Revised Code providing elementary or secondary 221747
education to children other than children receiving special 221748
education under section 3323.091 of the Revised Code. This amount 221749
for any institution in any fiscal year shall equal the total of 221750
all tuition amounts required to be paid to the institution under 221751
division (A)(1) of section 3317.082 of the Revised Code. 221752

The ~~state board~~ department of education and workforce or any 221753
~~other~~ board of education or governing board may provide for any 221754
resident of a district or educational service center territory any 221755
educational service for which funds are made available to the 221756
board by the United States under the authority of public law, 221757
whether such funds come directly or indirectly from the United 221758
States or any agency or department thereof or through the state or 221759
any agency, department, or political subdivision thereof. 221760

Sec. 3317.025. On or before the first day of June of each 221761
year, the tax commissioner shall certify the following information 221762
to the department of education and workforce and the office of 221763
budget and management, for each school district in which the value 221764
of the property described under division (A) of this section 221765
exceeds one per cent of the taxable value of all real and tangible 221766
personal property in the district or in which is located tangible 221767
personal property designed for use or used in strip mining 221768
operations, whose taxable value exceeds five million dollars, and 221769
the taxes upon which the district is precluded from collecting by 221770
virtue of legal proceedings to determine the value of such 221771
property: 221772

(A) The total taxable value of all property in the district 221773
owned by a public utility or railroad that has filed a petition 221774
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 221775
(1898), 11 U.S.C. 205, as amended, and all tangible personal 221776
property in the district designed for use or used in strip mining 221777
operations whose taxable value exceeds five million dollars upon 221778
which have not been paid in full on or before the first day of 221779
April of that calendar year all real and tangible personal 221780
property taxes levied for the preceding calendar year and which 221781
the district was precluded from collecting by virtue of 221782
proceedings under section 205 of said act or by virtue of legal 221783
proceedings to determine the tax liability of such strip mining 221784
equipment; 221785

(B) The percentage of the total operating taxes charged and 221786
payable for school district purposes levied against such valuation 221787
for the preceding calendar year that have not been paid by such 221788
date; 221789

(C) The product obtained by multiplying the value certified 221790
under division (A) of this section by the percentage certified 221791

under division (B) of this section. If the value certified under 221792
division (A) of this section includes taxable property owned by a 221793
public utility or railroad that has filed a petition for 221794
reorganization under the bankruptcy act, the amount used in making 221795
the calculation under this division shall be reduced by one per 221796
cent of the total value of all real and tangible personal property 221797
in the district or the value of the utility's or railroad's 221798
property, whichever is less. 221799

Upon receipt of the certification, the department shall 221800
recompute the payments required under this chapter in the manner 221801
the payments would have been computed if: 221802

(1) The amount certified under division (C) of this section 221803
was not subject to taxation by the district and was not included 221804
in the certification made under division (A)(1), (A)(2), or (C) of 221805
section 3317.021 of the Revised Code. 221806

(2) The amount of taxes charged and payable and unpaid and 221807
used to make the computation under division (B) of this section 221808
had not been levied and had not been used in the computation 221809
required by division (B) of section 3317.021 of the Revised Code. 221810
The department shall pay the district that amount in the ensuing 221811
fiscal year in lieu of the amounts computed under this chapter. 221812

If a school district received a grant from the catastrophic 221813
expenditures account pursuant to division (C) of section 3316.20 221814
of the Revised Code on the basis of the same circumstances for 221815
which a recomputation is made under this section, the amount of 221816
the recomputation shall be reduced and transferred in accordance 221817
with division (C) of section 3316.20 of the Revised Code. 221818

Sec. 3317.026. This section shall apply only for fiscal years 221819
2022 and 2023. 221820

(A) For each fiscal year, the department of education and 221821

workforce shall calculate an amount for the community and STEM 221822
school unit as follows: 221823

(1) For each community school and STEM school, determine the 221824
sum of the following: 221825

(a) The aggregate base cost calculated for the school for 221826
that fiscal year under section 3317.0110 of the Revised Code; 221827

(b) The sum of the following: 221828

(i) The school's category one special education ADM X the 221829
multiple specified in division (A) of section 3317.013 of the 221830
Revised Code X the statewide average base cost per pupil for that 221831
fiscal year; 221832

(ii) The school's category two special education ADM X the 221833
multiple specified in division (B) of section 3317.013 of the 221834
Revised Code X the statewide average base cost per pupil for that 221835
fiscal year; 221836

(iii) The school's category three special education ADM X the 221837
multiple specified in division (C) of section 3317.013 of the 221838
Revised Code X the statewide average base cost per pupil for that 221839
fiscal year; 221840

(iv) The school's category four special education ADM X the 221841
multiple specified in division (D) of section 3317.013 of the 221842
Revised Code X the statewide average base cost per pupil for that 221843
fiscal year; 221844

(v) The school's category five special education ADM X the 221845
multiple specified in division (E) of section 3317.013 of the 221846
Revised Code X the statewide average base cost per pupil for that 221847
fiscal year; 221848

(vi) The school's category six special education ADM X the 221849
multiple specified in division (F) of section 3317.013 of the 221850
Revised Code X the statewide average base cost per pupil for that 221851

fiscal year.	221852
(c) If the school is not an internet- or computer-based	221853
community school, an amount of disadvantaged pupil impact aid	221854
equal to the following:	221855
\$422 X the school's economically disadvantaged index X the number	221856
of students in the school's enrolled ADM who are economically	221857
disadvantaged	221858
(d) If the school is not an internet- or computer-based	221859
community school, the sum of the following:	221860
(i) The school's category one English learner ADM X the	221861
multiple specified in division (A) of section 3317.016 of the	221862
Revised Code X the statewide average base cost per pupil for that	221863
fiscal year;	221864
(ii) The school's category two English learner ADM X the	221865
multiple specified in division (B) of section 3317.016 of the	221866
Revised Code X the statewide average base cost per pupil for that	221867
fiscal year;	221868
(iii) The school's category three English learner ADM X the	221869
multiple specified in division (C) of section 3317.016 of the	221870
Revised Code X the statewide average base cost per pupil for that	221871
fiscal year.	221872
(e) The sum of the following:	221873
(i) The school's category one career-technical education ADM	221874
X the multiple specified under division (A)(1) of section 3317.014	221875
of the Revised Code X the statewide average career-technical base	221876
cost per pupil for that fiscal year;	221877
(ii) The school's category two career-technical education ADM	221878
X the multiple specified under division (A)(2) of section 3317.014	221879
of the Revised Code X the statewide average career-technical base	221880
cost per pupil for that fiscal year;	221881

(iii) The school's category three career-technical education	221882
ADM X the multiple specified under division (A)(3) of section	221883
3317.014 of the Revised Code X the statewide average	221884
career-technical base cost per pupil for that fiscal year;	221885
(iv) The school's category four career-technical education	221886
ADM X the multiple specified under division (A)(4) of section	221887
3317.014 of the Revised Code X the statewide average	221888
career-technical base cost per pupil for that fiscal year;	221889
(v) The school's category five career-technical education ADM	221890
X the multiple specified under division (A)(5) of section 3317.014	221891
of the Revised Code X the statewide average career-technical base	221892
cost per pupil for that fiscal year.	221893
(f) An amount equal to the following:	221894
The multiple for career-technical associated services specified	221895
under division (B) of section 3317.014 of the Revised Code X the	221896
statewide average career-technical base cost per pupil for that	221897
fiscal year X the sum of the school's categories one through five	221898
career-technical education ADM	221899
(g) If the school is a community school, an amount equal to	221900
the following:	221901
The number of students reported by the community school under	221902
division (B)(5) of section 3314.08 of the Revised Code X (the	221903
aggregate base cost calculated for the school for that fiscal year	221904
under section 3317.0110 of the Revised Code / the school's	221905
enrolled ADM) X 0.20	221906
(2) For each community and STEM school, determine the lesser	221907
of the following:	221908
(a) The following sum:	221909
The school's funding base + {(the sum calculated for the school	221910
under division (A) of this section) - the school's funding base} X	221911
the school's general phase-in percentage for that fiscal year}	221912

(b) The sum of the amounts calculated for the school for that 221913
fiscal year under division (A) of this section. 221914

(3) Compute the sum of the amounts determined under division 221915
(B) of this section to determine the amount calculated for the 221916
community and STEM school unit. 221917

(B) Notwithstanding division (D) of section 3317.022 of the 221918
Revised Code, for each fiscal year, the department shall 221919
distribute to each community school and each STEM school, from the 221920
funds paid to the community and STEM school unit under section 221921
3317.022 of the Revised Code, an amount equal to the amount 221922
determined for that school under division (A)(2) of this section. 221923

Sec. 3317.028. (A) On or before May 15, 2007, and the 221924
fifteenth day of May in each calendar year thereafter, the tax 221925
commissioner shall determine for each school district whether the 221926
taxable value of all utility tangible personal property subject to 221927
taxation by the district in the preceding tax year was less than 221928
the taxable value of such property during the second preceding tax 221929
year. If any decrease exceeds ten per cent of the district's 221930
tangible personal property taxable value included in the total 221931
taxable value used in the district's state aid computation for the 221932
fiscal year that ends in the current calendar year, the tax 221933
commissioner shall certify all of the following to the department 221934
of education and workforce and the office of budget and 221935
management: 221936

(1) The district's total taxable value for the preceding tax 221937
year; 221938

(2) The change in taxes charged and payable on the district's 221939
total taxable value for the preceding tax year and the second 221940
preceding tax year; 221941

(3) The taxable value of the utility tangible personal 221942

property decrease, which shall be considered a change in valuation; 221943
221944

(4) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code. 221945
221946
221947

(B) Upon receipt of a certification specified in this section, the department ~~of education~~ shall replace the three-year average valuations that were used in computing the district's state education aid for the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year without applying any funding limitations enacted by the general assembly to the computation, if applicable. The department shall pay to the district an amount equal to the lesser of the following: 221948
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(1) The positive difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid; 221958
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221960

(2) The absolute value of the amount certified under division (A)(2) of this section. 221961
221962

The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current fiscal year and not later than the thirty-first day of July of the following fiscal year. The department ~~of education~~ shall not pay the district under this section prior to approval by the director of budget and management to make that payment. 221963
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(C) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this 221970
221971
221972
221973

section, the amount of the recomputation shall be reduced and 221974
transferred in accordance with division (C) of section 3316.20 of 221975
the Revised Code. 221976

Sec. 3317.0211. (A) As used in this section: 221977

(1) "Port authority" means any port authority as defined in 221978
section 4582.01 or 4582.21 of the Revised Code. 221979

(2) "Real property" includes public utility real property and 221980
"personal property" includes public utility personal property. 221981

(3) "Uncollected taxes" means property taxes charged and 221982
payable against the property of a port authority for a tax year 221983
that a school district has not collected. 221984

(4) "Basic state aid" means a school district's state 221985
education aid. 221986

(5) "Effective value" means the sum of the effective 221987
residential/agricultural real property value, the effective 221988
nonresidential/agricultural real property value, and the effective 221989
personal value. 221990

(6) "Effective residential/agricultural real property value" 221991
means, for a tax year, the amount obtained by multiplying the 221992
value for that year of residential/agricultural real property 221993
subject to taxation in the district by a fraction, the numerator 221994
of which is the total taxes charged and payable for that year 221995
against the residential/agricultural real property subject to 221996
taxation in the district, exclusive of the uncollected taxes for 221997
that year on all real property subject to taxation in the 221998
district, and the denominator of which is the total taxes charged 221999
and payable for that year against the residential/agricultural 222000
real property subject to taxation in the district. 222001

(7) "Effective nonresidential/agricultural real property 222002
value" means, for a tax year, the amount obtained by multiplying 222003

the value for that year of nonresidential/agricultural real 222004
property subject to taxation in the district by a fraction, the 222005
numerator of which is the total taxes charged and payable for that 222006
year against the nonresidential/agricultural real property subject 222007
to taxation in the district, exclusive of the uncollected taxes 222008
for that year on all real property subject to taxation in the 222009
district, and the denominator of which is the total taxes charged 222010
and payable for that year against the nonresidential/agricultural 222011
real property subject to taxation in the district. 222012

(8) "Effective personal value" means, for a tax year, the 222013
amount obtained by multiplying the value for that year certified 222014
under division (A)(2) of section 3317.021 of the Revised Code by a 222015
fraction, the numerator of which is the total taxes charged and 222016
payable for that year against personal property subject to 222017
taxation in the district, exclusive of the uncollected taxes for 222018
that year on that property, and the denominator of which is the 222019
total taxes charged and payable for that year against personal 222020
property subject to taxation in the district. 222021

(9) "Nonresidential/agricultural real property value" means, 222022
for a tax year, the sum of the values certified for a school 222023
district for that year under division (B)(2)(a) of this section, 222024
and "residential/agricultural real property value" means, for a 222025
tax year, the sum of the values certified for a school district 222026
under division (B)(2)(b) of this section. 222027

(10) "Taxes charged and payable against real property" means 222028
the taxes charged and payable against that property after making 222029
the reduction required by section 319.301 of the Revised Code. 222030

(11) "Total taxes charged and payable" has the same meaning 222031
given "taxes charged and payable" in section 3317.02 of the 222032
Revised Code. 222033

(B)(1) By the first day of August of any calendar year, a 222034

school district shall notify the department of education and 222035
workforce if it has any uncollected taxes from one port authority 222036
for the second preceding tax year whose taxes charged and payable 222037
represent at least one-half of one per cent of the district's 222038
total taxes charged and payable for that tax year. 222039

(2) The department shall verify whether the district has such 222040
uncollected taxes by the first day of September, and if the 222041
district does, shall immediately request the county auditor of 222042
each county in which the school district has territory to certify 222043
the following information concerning the district's property 222044
values and taxes for the second preceding tax year, and each such 222045
auditor shall certify that information to the department within 222046
thirty days of receiving the request: 222047

(a) The value of the property subject to taxation in the 222048
district that was classified as nonresidential/agricultural real 222049
property pursuant to section 5713.041 of the Revised Code, and the 222050
taxes charged and payable on that property; and 222051

(b) The value of the property subject to taxation in the 222052
district that was classified as residential/agricultural real 222053
property under section 5713.041 of the Revised Code. 222054

(C) By the fifteenth day of November, the department shall 222055
compute the district's effective nonresidential/agricultural real 222056
property value, effective residential/agricultural real property 222057
value, effective personal value, and effective value, and shall 222058
determine whether the school district's effective value for the 222059
second preceding tax year is at least one per cent less than its 222060
total value for that year certified under divisions (A)(1) and (2) 222061
of section 3317.021 of the Revised Code. If it is, the department 222062
shall recompute the basic state aid payable to the district for 222063
the immediately preceding fiscal year using the effective value in 222064
lieu of the amounts previously certified under section 3317.021 of 222065
the Revised Code. The difference between the original basic state 222066

aid amount computed for the district for the preceding fiscal year 222067
and the recomputed amount shall be paid to the district from the 222068
lottery profits education fund before the end of the current 222069
fiscal year. 222070

(D) Except as provided in division (E) of this section, 222071
amounts received by a school district under division (C) of this 222072
section shall be repaid to the department ~~of education~~ in any 222073
future year to the extent the district receives payments of 222074
uncollectable taxes in such future year. The department shall 222075
notify a district of any amount owed under this division. 222076

(E) If a school district received a grant from the 222077
catastrophic expenditures account pursuant to division (C) of 222078
section 3316.20 of the Revised Code on the basis of the same 222079
circumstances for which a recomputation is made under this 222080
section, the amount of the recomputation shall be reduced and 222081
transferred in accordance with division (C) of section 3316.20 of 222082
the Revised Code. 222083

Sec. 3317.0212. (A) As used in this section: 222084

(1) For fiscal years 2022 and 2023, "assigned bus" means a 222085
school bus used to transport qualifying riders. 222086

(2) For fiscal years 2022 and 2023, "density" means the total 222087
riders per square mile of a school district. 222088

(3) For fiscal years 2022 and 2023, "nontraditional 222089
ridership" means the average number of qualifying riders who are 222090
enrolled in a community school established under Chapter 3314. of 222091
the Revised Code, in a STEM school established under Chapter 3326. 222092
of the Revised Code, or in a nonpublic school and are provided 222093
school bus service by a school district during the first full week 222094
of October. 222095

(4) "Qualifying riders" means the following: 222096

(a) For fiscal years 2022 and 2023, resident students 222097
enrolled in preschool and regular education in grades kindergarten 222098
to twelve who are provided school bus service by a school 222099
district, including students with dual enrollment in a joint 222100
vocational school district or a cooperative education school 222101
district, and students enrolled in a community school, STEM 222102
school, or nonpublic school; 222103

(b) For fiscal year 2024 and each fiscal year thereafter, 222104
students specified by the general assembly. 222105

(5) "Qualifying ridership" means the following: 222106

(a) For fiscal years 2022 and 2023, the greater of the 222107
average number of qualifying riders counted in the morning or 222108
counted in the afternoon who are provided school bus service by a 222109
school district during the first full week of October; 222110

(b) For fiscal year 2024 and each fiscal year thereafter, a 222111
ridership determined in a manner specified by the general 222112
assembly. 222113

(6) "Rider density" means the following: 222114

(a) For fiscal years 2022 and 2023, the following quotient: 222115
A school district's total number of qualifying riders/ the number 222116
of square miles in the district 222117

(b) For fiscal year 2024 and each fiscal year thereafter, a 222118
number calculated in a manner determined by the general assembly. 222119

(7) For fiscal years 2022 and 2023, "riders" means students 222120
enrolled in regular and special education in grades kindergarten 222121
through twelve who are provided school bus service by a school 222122
district, including students with dual enrollment in a joint 222123
vocational school district or a cooperative education school 222124
district, and students enrolled in a community school, STEM 222125
school, or nonpublic school. 222126

(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the first day of November, for fiscal years 2022 and 2023, or a date determined by the general assembly, for fiscal year 2024 and each fiscal year thereafter, of each year, each city, local, and exempted village school district shall report to the department of education and workforce its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

(D) The department shall calculate the statewide	222158
transportation cost per mile as follows:	222159
(1) Determine each city, local, and exempted village school	222160
district's transportation cost per mile by dividing the district's	222161
total costs for school bus service in the previous fiscal year by	222162
its total number of miles driven for school bus service in the	222163
previous fiscal year.	222164
(2) After excluding districts that do not provide school bus	222165
service and the ten districts with the highest transportation	222166
costs per mile and the ten districts with the lowest	222167
transportation costs per mile, divide the aggregate cost for	222168
school bus service for the remaining districts in the previous	222169
fiscal year by the aggregate miles driven for school bus service	222170
in those districts in the previous fiscal year.	222171
(E) The department shall calculate each city, local, and	222172
exempted village school district's transportation base payment as	222173
follows:	222174
(1) For fiscal years 2022 and 2023:	222175
(a) Calculate the sum of the following:	222176
(i) The product of the statewide transportation cost per	222177
student and the number of students counted in the district's	222178
qualifying ridership for the current fiscal year who are enrolled	222179
in the district;	222180
(ii) 1.5 times the statewide transportation cost per student	222181
times the number of students counted in the district's qualifying	222182
ridership for the current fiscal year who are enrolled in	222183
community schools established under Chapter 3314. of the Revised	222184
Code or STEM schools established under Chapter 3326. of the	222185
Revised Code;	222186
(iii) 2.0 times the statewide transportation cost per student	222187

times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools. 222188
222189
222190

(b) Calculate the sum of the following: 222191

(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district; 222192
222193
222194
222195

(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools; 222196
222197
222198
222199

(iii) 2.0 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in nonpublic schools. 222200
222201
222202
222203

(c) Multiply the greater of the amounts calculated under divisions (E)(1)(a) and (b) of this section by the following: 222204
222205

(i) For fiscal year 2022, the greater of twenty-nine and one-sixth per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code; 222206
222207
222208

(ii) For fiscal year 2023, the greater of thirty-three and one-third per cent or the district's state share percentage. 222209
222210

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly. 222211
222212

(F) For fiscal years 2022 and 2023, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F)(1) to (3) of this section. For fiscal year 2024 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the 222213
222214
222215
222216
222217

general assembly, if the general assembly authorizes such a payment to districts.

(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined.

(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

{[(The district's efficiency index - 1) X 0.15]/0.5} X the district's transportation base payment calculated under division (E) of this section

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under divisions (E), (F), and 222249
(H) of this section, each city, local, and exempted village 222250
district shall receive in accordance with rules adopted by the 222251
~~state board of education~~ department a payment for students 222252
transported by means other than school bus service and whose 222253
transportation is not funded under division (C) of section 222254
3317.024 of the Revised Code. The rules shall include provisions 222255
for school district reporting of such students. 222256

(H)(1) For purposes of division (H) of this section, a school 222257
district's "transportation supplement percentage" means the 222258
following: 222259

(a) For fiscal years 2022 and 2023, the following quotient: 222260
$$(28 - \text{the district's rider density}) / 100$$
 222261

If the result of the calculation for a district under 222262
division (H)(1)(a) of this section is less than zero, the 222263
district's transportation supplement percentage shall be zero. 222264

(b) For fiscal year 2024 and each fiscal year thereafter, a 222265
percentage calculated in a manner determined by the general 222266
assembly. 222267

(2) The department shall pay each district a transportation 222268
supplement calculated according to the following formula: 222269

The district's transportation supplement percentage X the amount 222270
calculated for the district under division (E)(1)(b) of this 222271
section X 0.55 222272

(I)(1) If a school district board and a community school 222273
governing authority elect to enter into an agreement under 222274
division (A) of section 3314.091 of the Revised Code, the 222275
department shall make payments to the community school according 222276
to the terms of the agreement for each student actually 222277
transported under division (C)(1) of that section. If a community 222278
school governing authority accepts transportation responsibility 222279

under division (B) of that section, the department shall make 222280
payments to the community school for each student actually 222281
transported or for whom transportation is arranged by the 222282
community school under division (C)(1) of that section, calculated 222283
as follows: 222284

(a) For any fiscal year which the general assembly has 222285
specified that transportation payments to school districts be 222286
based on an across-the-board percentage of the district's payment 222287
for the previous school year, the per pupil payment to the 222288
community school shall be the following quotient: 222289

(i) The total amount calculated for the school district in 222290
which the child is entitled to attend school for student 222291
transportation other than transportation of children with 222292
disabilities; divided by 222293

(ii) The number of students included in the district's 222294
transportation ADM for the current fiscal year, as calculated 222295
under section 3317.03 of the Revised Code, plus the number of 222296
students enrolled in the community school not counted in the 222297
district's transportation ADM who are transported under division 222298
(B)(1) or (2) of section 3314.091 of the Revised Code. 222299

(b) For any fiscal year which the general assembly has 222300
specified that the transportation payments to school districts be 222301
calculated in accordance with this section and any rules of the 222302
~~state board of education~~ department implementing this section, the 222303
payment to the community school shall be the following: 222304

(i) For fiscal years 2022 and 2023, either of the following: 222305

(I) If the school district in which the student is entitled 222306
to attend school would have used a method of transportation for 222307
the student for which payments are computed and paid under 222308
division (E) of this section, 1.0 times the statewide 222309
transportation cost per student, as calculated in division (C) of 222310

this section; 222311

(II) If the school district in which the student is entitled 222312
to attend school would have used a method of transportation for 222313
the student for which payments are computed and paid in a manner 222314
described in division (G) of this section, the amount that would 222315
otherwise be computed for and paid to the district. 222316

(ii) For fiscal year 2024 and each fiscal year thereafter, an 222317
amount calculated in a manner determined by the general assembly. 222318

The community school, however, is not required to use the 222319
same method to transport the student. 222320

As used in this division, "entitled to attend school" means 222321
entitled to attend school under section 3313.64 or 3313.65 of the 222322
Revised Code. 222323

(2) A community school shall be paid under division (I)(2) of 222324
this section only for students who are eligible as specified in 222325
section 3327.01 of the Revised Code and division (C)(1) of section 222326
3314.091 of the Revised Code, and whose transportation to and from 222327
school is actually provided, who actually utilized transportation 222328
arranged, or for whom a payment in lieu of transportation is made 222329
by the community school's governing authority. To qualify for the 222330
payments, the community school shall report to the department, in 222331
the form and manner required by the department, data on the number 222332
of students transported or whose transportation is arranged, the 222333
number of miles traveled, cost to transport, and any other 222334
information requested by the department. 222335

Sec. 3317.0213. (A) The department of education and workforce 222336
shall compute and pay in accordance with this section additional 222337
state aid for preschool children with disabilities to each city, 222338
local, and exempted village school district and to each 222339
institution, as defined in section 3323.091 of the Revised Code. 222340

Funding shall be provided for children who are not enrolled in 222341
kindergarten and who are under age six on the thirtieth day of 222342
September of the academic year, or on the first day of August of 222343
the academic year if the school district in which the child is 222344
enrolled has adopted a resolution under division (A)(3) of section 222345
3321.01 of the Revised Code, but not less than age three on the 222346
first day of December of the academic year. 222347

For fiscal years 2022 and 2023, the additional state aid 222348
shall be calculated under the following formula: 222349

(\$4,000 X the number of students who are preschool children 222350
with disabilities) + the sum of the following: 222351

(1) The district's or institution's category one special 222352
education students who are preschool children with disabilities X 222353
the multiple specified in division (A) of section 3317.013 of the 222354
Revised Code X the statewide average base cost per pupil for that 222355
fiscal year X the district's state share percentage X 0.50; 222356

(2) The district's or institution's category two special 222357
education students who are preschool children with disabilities X 222358
the multiple specified in division (B) of section 3317.013 of the 222359
Revised Code X the statewide average base cost per pupil for that 222360
fiscal year X the district's state share percentage X 0.50; 222361

(3) The district's or institution's category three special 222362
education students who are preschool children with disabilities X 222363
the multiple specified in division (C) of section 3317.013 of the 222364
Revised Code X the statewide average base cost per pupil for that 222365
fiscal year X the district's state share percentage X 0.50; 222366

(4) The district's or institution's category four special 222367
education students who are preschool children with disabilities X 222368
the multiple specified in division (D) of section 3317.013 of the 222369
Revised Code X the statewide average base cost per pupil for that 222370

fiscal year X the district's state share percentage X 0.50; 222371

(5) The district's or institution's category five special 222372
education students who are preschool children with disabilities X 222373
the multiple specified in division (E) of section 3317.013 of the 222374
Revised Code X the statewide average base cost per pupil for that 222375
fiscal year X the district's state share percentage X 0.50; 222376

(6) The district's or institution's category six special 222377
education students who are preschool children with disabilities X 222378
the multiple specified in division (F) of section 3317.013 of the 222379
Revised Code X the statewide average base cost per pupil for that 222380
fiscal year X the district's state share percentage X 0.50. 222381

For fiscal year 2024 and each fiscal year thereafter, the 222382
additional state aid shall be calculated for each category of 222383
special education students who are preschool children with 222384
disabilities using a formula specified by the general assembly. 222385

The special education disability categories for preschool 222386
children used in this section are the same categories prescribed 222387
in section 3317.013 of the Revised Code. 222388

As used in division (A) of this section, the state share 222389
percentage of a student enrolled in an institution is the state 222390
share percentage of the school district in which the student is 222391
entitled to attend school under section 3313.64 or 3313.65 of the 222392
Revised Code. 222393

(B) If an educational service center is providing services to 222394
students who are preschool children with disabilities under 222395
agreement with the city, local, or exempted village school 222396
district in which the students are entitled to attend school, that 222397
district may authorize the department to transfer funds computed 222398
under this section to the service center providing those services. 222399

(C) If a county DD board is providing services to students 222400
who are preschool children with disabilities under agreement with 222401

the city, local, or exempted village school district in which the 222402
students are entitled to attend school, the department shall 222403
deduct from the district's payment computed under division (A) of 222404
this section the total amount of those funds that are attributable 222405
to the students served by the county DD board and pay that amount 222406
to that board. 222407

Sec. 3317.0214. (A) The department of education and workforce 222408
shall compute and pay in accordance with this section additional 222409
state aid to school districts for students in categories two 222410
through six special education ADM. If a district's costs for the 222411
fiscal year for a student in its categories two through six 222412
special education ADM exceed the threshold catastrophic cost for 222413
serving the student, the district may submit to the ~~superintendent~~ 222414
~~of public instruction~~ department documentation, as prescribed by 222415
the ~~superintendent~~ department, of all its costs for that student. 222416
Upon submission of documentation for a student of the type and in 222417
the manner prescribed, the department shall pay to the district an 222418
amount equal to the sum of the following: 222419

(1) One-half of the district's costs for the student in 222420
excess of the threshold catastrophic cost; 222421

(2) The product of one-half of the district's costs for the 222422
student in excess of the threshold catastrophic cost multiplied by 222423
the district's state share percentage. 222424

(B) For purposes of division (A) of this section, the 222425
threshold catastrophic cost for serving a student equals: 222426

(1) For a student in the school district's category two, 222427
three, four, or five special education ADM, twenty-seven thousand 222428
three hundred seventy-five dollars; 222429

(2) For a student in the district's category six special 222430
education ADM, thirty-two thousand eight hundred fifty dollars. 222431

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

Sec. 3317.0215. (A)(1) For fiscal years 2022 and 2023, the department of education and workforce shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code an amount equal to the following:

(a) In the case of a city, local, or exempted village school district, the aggregate amount of special education funding paid to the district under division (A)(3) of section 3317.022 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(b) In the case of a community school or STEM school, the aggregate amount of special education funding paid to the school under division (A)(1)(b) of section 3317.026 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(c) In the case of a joint vocational school district, the aggregate amount of special education funding paid to the school under division (A)(2) of section 3317.16 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(2) For fiscal year 2024 and each fiscal year thereafter, the

department ~~of education~~ shall withhold from the aggregate amount 222463
paid for a fiscal year to each city, local, exempted village, and 222464
joint vocational school district, community school, and science, 222465
technology, engineering, and mathematics school an amount 222466
determined by the general assembly, if any, for purposes of this 222467
section. 222468

(B) For fiscal years 2022 and 2023, the department shall use 222469
the amount of funds withheld under division (A) of this section 222470
for purposes of division (C)(1) of section 3314.08 of the Revised 222471
Code, section 3317.0214 of the Revised Code, division (B) of 222472
section 3317.16 of the Revised Code, and section 3326.34 of the 222473
Revised Code. 222474

For fiscal year 2024 and each fiscal year thereafter, the 222475
department shall use the amount of funds withheld under division 222476
(A) of this section, if any, for purposes determined by the 222477
general assembly. 222478

Sec. 3317.0217. This section shall apply only for fiscal 222479
years 2022 and 2023. 222480

Payment of the amount calculated for a school district under 222481
this section shall be made under division (A) of section 3317.022 222482
of the Revised Code. 222483

(A) For each fiscal year, the department of education and 222484
workforce shall compute targeted assistance funds for city, local, 222485
and exempted village school districts, in accordance with the 222486
following formula: 222487

A district's capacity amount for that fiscal year calculated under 222488
division (B) of this section + a district's wealth amount for that 222489
fiscal year calculated under division (C) of this section 222490

(B) The department shall calculate each district's capacity 222491
amount for a fiscal year as follows: 222492

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum: 222493
(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 222494
+ (the amount determined for the district for that fiscal year under division (A)(2)(a) of section 3317.017 of the Revised Code X 0.4) 222495
222496
222497
222498
222499

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year; 222500
222501

(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year; 222502
222503
222504
222505

(4) Compute each district's capacity amount for that fiscal year as follows: 222506
222507

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year: 222508
222509
222510

(i) The district's capacity index is less than 1. 222511

(ii) The district's enrolled ADM is less than 200. 222512

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows: 222513
222514
222515
222516

(i) Compute the following amount for the district: 222517
(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth for that fiscal year X 0.008) 222518
222519
222520

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the 222521
222522

district's capacity amount for that fiscal year shall be equal to 222523
0.05 X the amount computed under division (B)(4)(b)(i) of this 222524
section. 222525

(iii) If the district's enrolled ADM for that fiscal year is 222526
greater than 400 and less than 600, the district's capacity amount 222527
for that fiscal year shall be calculated in accordance with the 222528
following formula: 222529

{[0.95 X (the district's enrolled ADM for that fiscal year - 222530
400)/200] + 0.05} X the amount computed under division 222531
(B)(4)(b)(i) of this section 222532

(iv) If the district's enrolled ADM for that fiscal year is 222533
greater than or equal to 600, the district's capacity amount for 222534
that fiscal year shall be equal to the amount computed under 222535
division (B)(4)(b)(i) of this section. 222536

(C) The department shall calculate each district's wealth 222537
amount for a fiscal year as follows: 222538

(1) Calculate each district's weighted wealth per pupil for 222539
that fiscal year, which equals the following quotient: 222540

The district's weighted wealth for that fiscal year calculated 222541
under division (B)(1) of this section/ (the district's enrolled 222542
ADM for that fiscal year - the students described in division 222543
(A)(1)(b) of section 3317.03 of the Revised Code + the students 222544
described in division (A)(2)(d) of section 3317.03 of the Revised 222545
Code) 222546

(2) Determine the median weighted wealth per pupil of all 222547
school districts in this state for that fiscal year; 222548

(3) Compute each district's wealth index for that fiscal year 222549
by dividing the median weighted wealth per pupil of all school 222550
districts in this state for that fiscal year by the district's 222551
weighted wealth per pupil for that fiscal year; 222552

(4) Compute each district's wealth amount for that fiscal 222553

year, as follows: 222554

(a) If the district's wealth index computed under division 222555
(C)(3) of this section for that fiscal year is less than 0.8, the 222556
district's wealth amount for that fiscal year shall be zero. 222557

(b) If the district's wealth index computed under division 222558
(C)(3) of this section for that fiscal year is greater than or 222559
equal to 0.8, the district's wealth amount for that fiscal year 222560
shall be calculated in accordance with the following formula: 222561

[(The median weighted wealth per pupil of all school districts in 222562
this state for that fiscal year X 0.014) - (the district's 222563
weighted wealth per pupil for that fiscal year X 0.0112)] X the 222564
district's enrolled ADM for that fiscal year 222565

Sec. 3317.03. (A) The superintendent of each city, local, and 222566
exempted village school district shall report to the ~~state board~~ 222567
department of education and workforce as of the last day of 222568
October, March, and June of each year the enrollment of students 222569
receiving services from schools under the superintendent's 222570
supervision, and the numbers of other students entitled to attend 222571
school in the district under section 3313.64 or 3313.65 of the 222572
Revised Code the superintendent is required to report under this 222573
section, so that the department ~~of education~~ can calculate the 222574
district's enrolled ADM, formula ADM, total ADM, category one 222575
through five career-technical education ADM, category one through 222576
three English learner ADM, category one through six special 222577
education ADM, transportation ADM, and, for purposes of provisions 222578
of law outside of Chapter 3317. of the Revised Code, average daily 222579
membership. 222580

(1) The enrollment reported by the superintendent during the 222581
reporting period shall consist of the number of students in grades 222582
kindergarten through twelve receiving any educational services 222583
from the district, except that the following categories of 222584

students shall not be included in the determination: 222585

(a) Students enrolled in adult education classes; 222586

(b) Adjacent or other district students enrolled in the 222587
district under an open enrollment policy pursuant to section 222588
3313.98 of the Revised Code; 222589

(c) Students receiving services in the district pursuant to a 222590
compact, cooperative education agreement, or a contract, but who 222591
are entitled to attend school in another district pursuant to 222592
section 3313.64 or 3313.65 of the Revised Code; 222593

(d) Students for whom tuition is payable pursuant to sections 222594
3317.081 and 3323.141 of the Revised Code; 222595

(e) Students receiving services in the district through a 222596
scholarship awarded under either section 3310.41 or sections 222597
3310.51 to 3310.64 of the Revised Code. 222598

When reporting students under division (A)(1) of this 222599
section, the superintendent also shall report the district where 222600
each student is entitled to attend school pursuant to sections 222601
3313.64 and 3313.65 of the Revised Code. 222602

(2) The department ~~of education~~ shall compile a list of all 222603
students reported to be enrolled in a district under division 222604
(A)(1) of this section and of the students entitled to attend 222605
school in the district pursuant to section 3313.64 or 3313.65 of 222606
the Revised Code on an FTE basis but receiving educational 222607
services in grades kindergarten through twelve from one or more of 222608
the following entities: 222609

(a) A community school pursuant to Chapter 3314. of the 222610
Revised Code, including any participation in a college pursuant to 222611
Chapter 3365. of the Revised Code while enrolled in such community 222612
school; 222613

(b) An alternative school pursuant to sections 3313.974 to 222614

3313.979 of the Revised Code;	222615
(c) A college pursuant to Chapter 3365. of the Revised Code,	222616
except when the student is enrolled in the college while also	222617
enrolled in a community school pursuant to Chapter 3314., a	222618
science, technology, engineering, and mathematics school	222619
established under Chapter 3326., or a college-preparatory boarding	222620
school established under Chapter 3328. of the Revised Code;	222621
(d) An adjacent or other school district under an open	222622
enrollment policy adopted pursuant to section 3313.98 of the	222623
Revised Code;	222624
(e) An educational service center or cooperative education	222625
district;	222626
(f) Another school district under a cooperative education	222627
agreement, compact, or contract;	222628
(g) A chartered nonpublic school with a scholarship paid	222629
under section 3317.022 of the Revised Code, if the students	222630
qualified for the scholarship under section 3310.03 or 3310.032 of	222631
the Revised Code;	222632
(h) An alternative public provider or a registered private	222633
provider with a scholarship awarded under either section 3310.41	222634
or sections 3310.51 to 3310.64 of the Revised Code.	222635
As used in this section, "alternative public provider" and	222636
"registered private provider" have the same meanings as in section	222637
3310.41 or 3310.51 of the Revised Code, as applicable.	222638
(i) A science, technology, engineering, and mathematics	222639
school established under Chapter 3326. of the Revised Code,	222640
including any participation in a college pursuant to Chapter 3365.	222641
of the Revised Code while enrolled in the school;	222642
(j) A college-preparatory boarding school established under	222643
Chapter 3328. of the Revised Code, including any participation in	222644

a college pursuant to Chapter 3365. of the Revised Code while 222645
enrolled in the school. 222646

(3) The department also shall compile a list of the students 222647
entitled to attend school in the district under section 3313.64 or 222648
3313.65 of the Revised Code who are enrolled in a joint vocational 222649
school district or under a career-technical education compact, 222650
excluding any students so entitled to attend school in the 222651
district who are enrolled in another school district through an 222652
open enrollment policy as reported under division (A)(2)(d) of 222653
this section and then enroll in a joint vocational school district 222654
or under a career-technical education compact. 222655

The department shall provide each city, local, and exempted 222656
village school district with an opportunity to review the list of 222657
students compiled under divisions (A)(2) and (3) of this section 222658
to ensure that the students reported accurately reflect the 222659
enrollment of students in the district. 222660

(B) To enable the department ~~of education~~ to obtain the data 222661
needed to complete the calculation of payments pursuant to this 222662
chapter, each superintendent shall certify from the reports 222663
provided by the department under division (A) of this section all 222664
of the following: 222665

(1) The total student enrollment in regular learning day 222666
classes included in the report under division (A)(1) or (2), 222667
including any student described in division (A)(1)(b) of this 222668
section and excluding any student reported under divisions 222669
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, of 222670
this section for each of the individual grades kindergarten 222671
through twelve in schools under the superintendent's supervision; 222672

(2) The unduplicated count of the number of preschool 222673
children with disabilities enrolled in the district for whom the 222674
district is eligible to receive funding under section 3317.0213 of 222675

the Revised Code adjusted for the portion of the year each child 222676
is so enrolled, in accordance with the disability categories 222677
prescribed in section 3317.013 of the Revised Code; 222678

(3) The number of children entitled to attend school in the 222679
district pursuant to section 3313.64 or 3313.65 of the Revised 222680
Code who are: 222681

(a) Enrolled in a college under Chapter 3365. of the Revised 222682
Code, except when the student is enrolled in the college while 222683
also enrolled in a community school pursuant to Chapter 3314. of 222684
the Revised Code, a science, technology, engineering, and 222685
mathematics school established under Chapter 3326., or a 222686
college-preparatory boarding school established under Chapter 222687
3328. of the Revised Code; 222688

(b) Participating in a program operated by a county board of 222689
developmental disabilities or a state institution; 222690

(4) The total enrollment of pupils in joint vocational 222691
schools; 222692

(5) The combined enrollment of children with disabilities 222693
reported under division (A)(1) or (2) of this section, including 222694
any student described in division (A)(1)(b) of this section and 222695
excluding any student reported under divisions (A)(2)(a), (b), 222696
(d), (g), (h), (i), and (j) of this section, receiving special 222697
education services for the category one disability described in 222698
division (A) of section 3317.013 of the Revised Code, including 222699
children attending a special education program operated by an 222700
alternative public provider or a registered private provider with 222701
a scholarship awarded under sections 3310.51 to 3310.64 of the 222702
Revised Code; 222703

(6) The combined enrollment of children with disabilities 222704
reported under division (A)(1) or (2) of this section, including 222705
any student described in division (A)(1)(b) of this section and 222706

excluding any student reported under divisions (A)(2)(a), (b), 222707
(d), (g), (h), (i), and (j) of this section, receiving special 222708
education services for category two disabilities described in 222709
division (B) of section 3317.013 of the Revised Code, including 222710
children attending a special education program operated by an 222711
alternative public provider or a registered private provider with 222712
a scholarship awarded under sections 3310.51 to 3310.64 of the 222713
Revised Code; 222714

(7) The combined enrollment of children with disabilities 222715
reported under division (A)(1) or (2) of this section, including 222716
any student described in division (A)(1)(b) of this section and 222717
excluding any student reported under divisions (A)(2)(a), (b), 222718
(d), (g), (h), (i), and (j) of this section, receiving special 222719
education services for category three disabilities described in 222720
division (C) of section 3317.013 of the Revised Code, including 222721
children attending a special education program operated by an 222722
alternative public provider or a registered private provider with 222723
a scholarship awarded under sections 3310.51 to 3310.64 of the 222724
Revised Code; 222725

(8) The combined enrollment of children with disabilities 222726
reported under division (A)(1) or (2) of this section, including 222727
any student described in division (A)(1)(b) of this section and 222728
excluding any student reported under divisions (A)(2)(a), (b), 222729
(d), (g), (h), (i), and (j) of this section, receiving special 222730
education services for category four disabilities described in 222731
division (D) of section 3317.013 of the Revised Code, including 222732
children attending a special education program operated by an 222733
alternative public provider or a registered private provider with 222734
a scholarship awarded under sections 3310.51 to 3310.64 of the 222735
Revised Code; 222736

(9) The combined enrollment of children with disabilities 222737
reported under division (A)(1) or (2) of this section, including 222738

any student described in division (A)(1)(b) of this section and 222739
excluding any student reported under divisions (A)(2)(a), (b), 222740
(d), (g), (h), (i), and (j) of this section, receiving special 222741
education services for the category five disabilities described in 222742
division (E) of section 3317.013 of the Revised Code, including 222743
children attending a special education program operated by an 222744
alternative public provider or a registered private provider with 222745
a scholarship awarded under sections 3310.51 to 3310.64 of the 222746
Revised Code; 222747

(10) The combined enrollment of children with disabilities 222748
reported under division (A)(1) or (2) of this section, including 222749
any student described in division (A)(1)(b) of this section and 222750
excluding any student reported under divisions (A)(2)(a), (b), 222751
(d), (g), (h), (i), and (j) of this section, receiving special 222752
education services for category six disabilities described in 222753
division (F) of section 3317.013 of the Revised Code, including 222754
children attending a special education program operated by an 222755
alternative public provider or a registered private provider with 222756
a scholarship awarded under either section 3310.41 or sections 222757
3310.51 to 3310.64 of the Revised Code; 222758

(11) The enrollment of pupils reported under division (A)(1) 222759
or (2) of this section on a full-time equivalency basis, including 222760
any student described in division (A)(1)(b) of this section and 222761
excluding any student reported under divisions (A)(2)(a), (b), 222762
(d), (g), (h), (i), and (j) of this section, in category one 222763
career-technical education programs or classes, described in 222764
division (A)(1) of section 3317.014 of the Revised Code, operated 222765
by the school district or by another district that is a member of 222766
the district's career-technical planning district, other than a 222767
joint vocational school district, or by an educational service 222768
center, notwithstanding division (M) of section 3317.02 of the 222769
Revised Code and division (C)(3) of this section; 222770

(12) The enrollment of pupils reported under division (A)(1) 222771
or (2) of this section on a full-time equivalency basis, including 222772
any student described in division (A)(1)(b) of this section and 222773
excluding any student reported under divisions (A)(2)(a), (b), 222774
(d), (g), (h), (i), and (j) of this section, in category two 222775
career-technical education programs or services, described in 222776
division (A)(2) of section 3317.014 of the Revised Code, operated 222777
by the school district or another school district that is a member 222778
of the district's career-technical planning district, other than a 222779
joint vocational school district, or by an educational service 222780
center, notwithstanding division (M) of section 3317.02 of the 222781
Revised Code and division (C)(3) of this section; 222782

(13) The enrollment of pupils reported under division (A)(1) 222783
or (2) of this section on a full-time equivalency basis, including 222784
any student described in division (A)(1)(b) of this section and 222785
excluding any student reported under divisions (A)(2)(a), (b), 222786
(d), (g), (h), (i), and (j) of this section, in category three 222787
career-technical education programs or services, described in 222788
division (A)(3) of section 3317.014 of the Revised Code, operated 222789
by the school district or another school district that is a member 222790
of the district's career-technical planning district, other than a 222791
joint vocational school district, or by an educational service 222792
center, notwithstanding division (M) of section 3317.02 of the 222793
Revised Code and division (C)(3) of this section; 222794

(14) The enrollment of pupils reported under division (A)(1) 222795
or (2) of this section on a full-time equivalency basis, including 222796
any student described in division (A)(1)(b) of this section and 222797
excluding any student reported under divisions (A)(2)(a), (b), 222798
(d), (g), (h), (i), and (j) of this section, in category four 222799
career-technical education programs or services, described in 222800
division (A)(4) of section 3317.014 of the Revised Code, operated 222801
by the school district or another school district that is a member 222802

of the district's career-technical planning district, other than a 222803
joint vocational school district, or by an educational service 222804
center, notwithstanding division (M) of section 3317.02 of the 222805
Revised Code and division (C)(3) of this section; 222806

(15) The enrollment of pupils reported under division (A)(1) 222807
or (2) of this section on a full-time equivalency basis, including 222808
any student described in division (A)(1)(b) of this section and 222809
excluding any student reported under divisions (A)(2)(a), (b), 222810
(d), (g), (h), (i), and (j) of this section, in category five 222811
career-technical education programs or services, described in 222812
division (A)(5) of section 3317.014 of the Revised Code, operated 222813
by the school district or another school district that is a member 222814
of the district's career-technical planning district, other than a 222815
joint vocational school district, or by an educational service 222816
center, notwithstanding division (M) of section 3317.02 of the 222817
Revised Code and division (C)(3) of this section; 222818

(16) The enrollment of pupils reported under division (A)(1) 222819
or (2) of this section who are English learners described in 222820
division (A) of section 3317.016 of the Revised Code, including 222821
any student described in division (A)(1)(b) of this section and 222822
excluding any student reported under divisions (A)(2)(a), (b), 222823
(d), (g), (h), (i), and (j) of this section; 222824

(17) The enrollment of pupils reported under division (A)(1) 222825
or (2) of this section who are English learners described in 222826
division (B) of section 3317.016 of the Revised Code, including 222827
any student described in division (A)(1)(b) of this section and 222828
excluding any student reported under divisions (A)(2)(a), (b), 222829
(d), (g), (h), (i), and (j) of this section; 222830

(18) The enrollment of pupils reported under division (A)(1) 222831
or (2) of this section who are English learners described in 222832
division (C) of section 3317.016 of the Revised Code, including 222833
any student described in division (A)(1)(b) of this section and 222834

excluding any student reported under divisions (A)(2)(a), (b), 222835
(d), (g), (h), (i), and (j) of this section; 222836

(19) The average number of children transported during the 222837
reporting period by the school district on board-owned or 222838
contractor-owned and -operated buses, reported in accordance with 222839
rules adopted by the department ~~of education~~; 222840

(20)(a) The number of children, other than preschool children 222841
with disabilities, the district placed with a county board of 222842
developmental disabilities in fiscal year 1998. Division 222843
(B)(20)(a) of this section does not apply after fiscal year 2013. 222844

(b) The number of children with disabilities, other than 222845
preschool children with disabilities, placed with a county board 222846
of developmental disabilities in the current fiscal year to 222847
receive special education services for the category one disability 222848
described in division (A) of section 3317.013 of the Revised Code; 222849

(c) The number of children with disabilities, other than 222850
preschool children with disabilities, placed with a county board 222851
of developmental disabilities in the current fiscal year to 222852
receive special education services for category two disabilities 222853
described in division (B) of section 3317.013 of the Revised Code; 222854

(d) The number of children with disabilities, other than 222855
preschool children with disabilities, placed with a county board 222856
of developmental disabilities in the current fiscal year to 222857
receive special education services for category three disabilities 222858
described in division (C) of section 3317.013 of the Revised Code; 222859

(e) The number of children with disabilities, other than 222860
preschool children with disabilities, placed with a county board 222861
of developmental disabilities in the current fiscal year to 222862
receive special education services for category four disabilities 222863
described in division (D) of section 3317.013 of the Revised Code; 222864

(f) The number of children with disabilities, other than 222865

preschool children with disabilities, placed with a county board 222866
of developmental disabilities in the current fiscal year to 222867
receive special education services for the category five 222868
disabilities described in division (E) of section 3317.013 of the 222869
Revised Code; 222870

(g) The number of children with disabilities, other than 222871
preschool children with disabilities, placed with a county board 222872
of developmental disabilities in the current fiscal year to 222873
receive special education services for category six disabilities 222874
described in division (F) of section 3317.013 of the Revised Code. 222875

(21) The enrollment of students who are economically 222876
disadvantaged, as defined by the department, including any student 222877
described in divisions (A)(1)(b) of this section and excluding any 222878
student reported under divisions (A)(2)(a), (b), (d), (g), (h), 222879
(i), and (j) of this section. A student shall not be categorically 222880
excluded from the number reported under division (B)(21) of this 222881
section based on anything other than family income. 222882

(22) The enrollment of students identified as gifted under 222883
division (A), (B), (C), or (D) of section 3324.03 of the Revised 222884
Code. 222885

(C)(1) The ~~state board of education~~ department shall adopt 222886
rules necessary for implementing divisions (A), (B), and (D) of 222887
this section. 222888

(2) A student enrolled in a community school established 222889
under Chapter 3314., a science, technology, engineering, and 222890
mathematics school established under Chapter 3326., or a 222891
college-preparatory boarding school established under Chapter 222892
3328. of the Revised Code shall be counted in the formula ADM of 222893
the school district in which the student is entitled to attend 222894
school under section 3313.64 or 3313.65 of the Revised Code for 222895
the same proportion of the school year that the student is counted 222896

in the enrollment of the community school, the science, 222897
technology, engineering, and mathematics school, or the 222898
college-preparatory boarding school for purposes of section 222899
3317.022 or 3328.24 of the Revised Code. Notwithstanding the 222900
enrollment of students reported pursuant to division (A)(2)(a), 222901
(i), or (j) of this section, the department may adjust the formula 222902
ADM of a school district to account for students entitled to 222903
attend school in the district under section 3313.64 or 3313.65 of 222904
the Revised Code who are enrolled in a community school, a 222905
science, technology, engineering, and mathematics school, or a 222906
college-preparatory boarding school for only a portion of the 222907
school year. 222908

(3) No child shall be counted as more than a total of one 222909
child in the sum of the enrollment of students of a school 222910
district under division (A), divisions (B)(1) to (22), or division 222911
(D) of this section, except as follows: 222912

(a)(i) A child with a disability described in section 222913
3317.013 of the Revised Code may be counted both in formula ADM 222914
and in category one, two, three, four, five, or six special 222915
education ADM and, if applicable, in category one, two, three, 222916
four, or five career-technical education ADM. As provided in 222917
division (M) of section 3317.02 of the Revised Code, such a child 222918
shall be counted in category one, two, three, four, five, or six 222919
special education ADM in the same proportion that the child is 222920
counted in formula ADM. 222921

(ii) A child with a disability described in section 3317.013 222922
of the Revised Code may be counted both in enrolled ADM and in 222923
category one, two, three, four, five, or six special education ADM 222924
and, if applicable, in category one, two, three, four, or five 222925
career-technical education ADM. As provided in division (M) of 222926
section 3317.02 of the Revised Code, such a child shall be counted 222927
in category one, two, three, four, five, or six special education 222928

ADM in the same proportion that the child is counted in enrolled ADM. 222929
ADM. 222930

(b)(i) A child enrolled in career-technical education 222931
programs or classes described in section 3317.014 of the Revised 222932
Code may be counted both in formula ADM and category one, two, 222933
three, four, or five career-technical education ADM and, if 222934
applicable, in category one, two, three, four, five, or six 222935
special education ADM. Such a child shall be counted in category 222936
one, two, three, four, or five career-technical education ADM in 222937
the same proportion as the percentage of time that the child 222938
spends in the career-technical education programs or classes. 222939

(ii) A child enrolled in career-technical education programs 222940
or classes described in section 3317.014 of the Revised Code may 222941
be counted both in enrolled ADM and category one, two, three, 222942
four, or five career-technical education ADM and, if applicable, 222943
in category one, two, three, four, five, or six special education 222944
ADM. Such a child shall be counted in category one, two, three, 222945
four, or five career-technical education ADM in the same 222946
proportion as the percentage of time that the child spends in the 222947
career-technical education programs or classes. 222948

(4) Based on the information reported under this section, the 222949
department of ~~education~~ shall determine the total student count, 222950
as defined in section 3301.011 of the Revised Code, for each 222951
school district. 222952

(D)(1) The superintendent of each joint vocational school 222953
district shall report and certify to the ~~superintendent of public~~ 222954
~~instruction~~ department as of the last day of October, March, and 222955
June of each year the enrollment of students receiving services 222956
from schools under the superintendent's supervision so that the 222957
department can calculate the district's enrolled ADM, formula ADM, 222958
total ADM, category one through five career-technical education 222959
ADM, category one through three English learner ADM, category one 222960

through six special education ADM, and for purposes of provisions 222961
of law outside of Chapter 3317. of the Revised Code, average daily 222962
membership. 222963

The enrollment reported and certified by the superintendent, 222964
except as otherwise provided in this division, shall consist of 222965
the number of students in grades six through twelve receiving any 222966
educational services from the district, except that the following 222967
categories of students shall not be included in the determination: 222968

(a) Students enrolled in adult education classes; 222969

(b) Adjacent or other district joint vocational students 222970
enrolled in the district under an open enrollment policy pursuant 222971
to section 3313.98 of the Revised Code; 222972

(c) Students receiving services in the district pursuant to a 222973
compact, cooperative education agreement, or a contract, but who 222974
are entitled to attend school in a city, local, or exempted 222975
village school district whose territory is not part of the 222976
territory of the joint vocational district; 222977

(d) Students for whom tuition is payable pursuant to sections 222978
3317.081 and 3323.141 of the Revised Code. 222979

(2) To enable the department ~~of education~~ to obtain the data 222980
needed to complete the calculation of payments pursuant to this 222981
chapter, each superintendent shall certify from the report 222982
provided under division (D)(1) of this section the enrollment for 222983
each of the following categories of students: 222984

(a) Students enrolled in each individual grade included in 222985
the joint vocational district schools, including any student 222986
described in division (D)(1)(b) of this section; 222987

(b) Children with disabilities receiving special education 222988
services for the category one disability described in division (A) 222989
of section 3317.013 of the Revised Code, including any student 222990

described in division (D)(1)(b) of this section;	222991
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;	222992 222993 222994 222995
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;	222996 222997 222998 222999
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;	223000 223001 223002 223003
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;	223004 223005 223006 223007
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;	223008 223009 223010 223011
(h) Students receiving category one career-technical education services, described in division (A)(1) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;	223012 223013 223014 223015
(i) Students receiving category two career-technical education services, described in division (A)(2) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;	223016 223017 223018 223019
(j) Students receiving category three career-technical	223020

education services, described in division (A)(3) of section	223021
3317.014 of the Revised Code, including any student described in	223022
division (D)(1)(b) of this section;	223023
(k) Students receiving category four career-technical	223024
education services, described in division (A)(4) of section	223025
3317.014 of the Revised Code, including any student described in	223026
division (D)(1)(b) of this section;	223027
(l) Students receiving category five career-technical	223028
education services, described in division (A)(5) of section	223029
3317.014 of the Revised Code, including any student described in	223030
division (D)(1)(b) of this section;	223031
(m) English learners described in division (A) of section	223032
3317.016 of the Revised Code, including any student described in	223033
division (D)(1)(b) of this section;	223034
(n) English learners described in division (B) of section	223035
3317.016 of the Revised Code, including any student described in	223036
division (D)(1)(b) of this section;	223037
(o) English learners described in division (C) of section	223038
3317.016 of the Revised Code, including any student described in	223039
division (D)(1)(b) of this section;	223040
(p) Students who are economically disadvantaged, as defined	223041
by the department, including any student described in division	223042
(D)(1)(b) of this section. A student shall not be categorically	223043
excluded from the number reported under division (D)(2)(p) of this	223044
section based on anything other than family income.	223045
The superintendent of each joint vocational school district	223046
shall also indicate the city, local, or exempted village school	223047
district in which each joint vocational district pupil is entitled	223048
to attend school pursuant to section 3313.64 or 3313.65 of the	223049
Revised Code.	223050

(E) In each school of each city, local, exempted village, 223051
joint vocational, and cooperative education school district there 223052
shall be maintained a record of school enrollment, which record 223053
shall accurately show, for each day the school is in session, the 223054
actual enrollment in regular day classes. For the purpose of 223055
determining the enrollment of students, the enrollment figure of 223056
any school shall not include any pupils except those pupils 223057
described by division (A) or (D) of this section. The record of 223058
enrollment for each school shall be maintained in such manner that 223059
no pupil shall be counted as enrolled prior to the actual date of 223060
entry in the school and also in such manner that where for any 223061
cause a pupil permanently withdraws from the school that pupil 223062
shall not be counted as enrolled from and after the date of such 223063
withdrawal. There shall not be included in the enrollment of any 223064
school any of the following: 223065

(1) Any pupil who has graduated from the twelfth grade of a 223066
public or nonpublic high school; 223067

(2) Any pupil who is not a resident of the state; 223068

(3) Any pupil who was enrolled in the schools of the district 223069
during the previous school year when assessments were administered 223070
under section 3301.0711 of the Revised Code but did not take one 223071
or more of the assessments required by that section and was not 223072
excused pursuant to division (C)(1) or (3) of that section; 223073

(4) Any pupil who has attained the age of twenty-two years, 223074
except for veterans of the armed services whose attendance was 223075
interrupted before completing the recognized twelve-year course of 223076
the public schools by reason of induction or enlistment in the 223077
armed forces and who apply for reenrollment in the public school 223078
system of their residence not later than four years after 223079
termination of war or their honorable discharge; 223080

(5) Any pupil who has a certificate of high school 223081

equivalence as defined in section 5107.40 of the Revised Code. 223082

If, however, any veteran described by division (E)(4) of this 223083
section elects to enroll in special courses organized for veterans 223084
for whom tuition is paid under the provisions of federal laws, or 223085
otherwise, that veteran shall not be included in the enrollment of 223086
students determined under this section. 223087

Notwithstanding division (E)(3) of this section, the 223088
enrollment of any school may include a pupil who did not take an 223089
assessment required by section 3301.0711 of the Revised Code if 223090
the ~~superintendent of public instruction~~ department of education 223091
and workforce grants a waiver from the requirement to take the 223092
assessment to the specific pupil and a parent is not paying 223093
tuition for the pupil pursuant to section 3313.6410 of the Revised 223094
Code. The ~~superintendent~~ department may grant such a waiver only 223095
for good cause in accordance with rules adopted by the ~~state board~~ 223096
~~of education~~ department. 223097

The enrolled ADM, formula ADM, total ADM, category one 223098
through five career-technical education ADM, category one through 223099
three English learner ADM, category one through six special 223100
education ADM, transportation ADM, and, for purposes of provisions 223101
of law outside of Chapter 3317. of the Revised Code, average daily 223102
membership of any school district shall be determined in 223103
accordance with rules adopted by the ~~state board of education~~ 223104
department. 223105

(F)(1) If a student attending a community school under 223106
Chapter 3314., a science, technology, engineering, and mathematics 223107
school established under Chapter 3326., or a college-preparatory 223108
boarding school established under Chapter 3328. of the Revised 223109
Code is not included in the formula ADM calculated for the school 223110
district in which the student is entitled to attend school under 223111
section 3313.64 or 3313.65 of the Revised Code, the department ~~of~~ 223112
~~education~~ shall adjust the formula ADM of that school district to 223113

include the student in accordance with division (C)(2) of this section. 223114
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(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district in which the student resides, the department shall adjust the formula ADM of that school district to include the student. 223116
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(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district in which the student resides, the department shall adjust the formula ADM of that school district to include the student. 223120
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(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the ~~state board of education~~ department, in the manner prescribed by the ~~superintendent of public instruction~~ director of education and workforce, both of the following: 223125
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(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled; 223132
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(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code. 223138
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223141
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223143

(b) The superintendent of an institution with 223144

career-technical education units approved under section 3317.05 of 223145
the Revised Code shall, for the units under the superintendent's 223146
supervision, certify to the ~~state board of education~~ department 223147
the enrollment in those units, in the manner prescribed by the 223148
~~superintendent of public instruction~~ director of education and 223149
workforce. 223150

(2) The superintendent of each county board of developmental 223151
disabilities that maintains special education classes under 223152
section 3317.20 of the Revised Code or provides services to 223153
preschool children with disabilities pursuant to an agreement 223154
between the county board and the appropriate school district shall 223155
do both of the following: 223156

(a) Certify to the ~~state board~~ department, in the manner 223157
prescribed by the ~~board~~ department, the enrollment in classes 223158
under section 3317.20 of the Revised Code for each school district 223159
that has placed children in the classes; 223160

(b) Certify to the ~~state board~~ department, in the manner 223161
prescribed by the ~~board~~ department, the unduplicated count of the 223162
number of all preschool children with disabilities enrolled in 223163
classes for which the board is eligible to receive funding under 223164
section 3317.0213 of the Revised Code adjusted for the portion of 223165
the year each child is so enrolled, reported according to the 223166
categories prescribed in section 3317.013 of the Revised Code, and 223167
the number of those classes. 223168

(H) Except as provided in division (I) of this section, when 223169
any city, local, or exempted village school district provides 223170
instruction for a nonresident pupil whose attendance is 223171
unauthorized attendance as defined in section 3327.06 of the 223172
Revised Code, that pupil's enrollment shall not be included in 223173
that district's enrollment figure used in calculating the 223174
district's payments under this chapter. The reporting official 223175
shall report separately the enrollment of all pupils whose 223176

attendance in the district is unauthorized attendance, and the 223177
enrollment of each such pupil shall be credited to the school 223178
district in which the pupil is entitled to attend school under 223179
division (B) of section 3313.64 or section 3313.65 of the Revised 223180
Code as determined by the department ~~of education~~. 223181

(I) This division shall not apply on or after ~~the effective~~ 223182
~~date of this amendment~~ September 30, 2021. 223183

(1) A city, local, exempted village, or joint vocational 223184
school district admitting a scholarship student of a pilot project 223185
district pursuant to division (C) of section 3313.976 of the 223186
Revised Code may count such student in its enrollment. 223187

(2) In any year for which funds are appropriated for pilot 223188
project scholarship programs, a school district implementing a 223189
state-sponsored pilot project scholarship program that year 223190
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 223191
count in its enrollment: 223192

(a) All children residing in the district and utilizing a 223193
scholarship to attend kindergarten in any alternative school, as 223194
defined in section 3313.974 of the Revised Code; 223195

(b) All children who were enrolled in the district in the 223196
preceding year who are utilizing a scholarship to attend an 223197
alternative school. 223198

(J) The superintendent of each cooperative education school 223199
district shall certify to the ~~superintendent of public instruction~~ 223200
director of education and workforce, in a manner prescribed by the 223201
~~state board of education~~ department, the applicable enrollments 223202
for all students in the cooperative education district, also 223203
indicating the city, local, or exempted village district where 223204
each pupil is entitled to attend school under section 3313.64 or 223205
3313.65 of the Revised Code. 223206

(K) If the ~~superintendent of public instruction~~ director of 223207

education and workforce determines that a component of the 223208
enrollment certified or reported by a district superintendent, or 223209
other reporting entity, is not correct, the ~~superintendent of~~ 223210
~~public instruction~~ director of education and workforce may order 223211
that the district's enrolled ADM, formula ADM, or both be adjusted 223212
in the amount of the error. 223213

Sec. 3317.031. A membership record shall be kept by grade 223214
level in each city, local, exempted village, joint vocational, and 223215
cooperative education school district and such a record shall be 223216
kept by grade level in each educational service center that 223217
provides academic instruction to pupils, classes for pupils with 223218
disabilities, or any other direct instructional services to 223219
pupils. Such membership record shall show the following 223220
information for each pupil enrolled: Name, date of birth, name of 223221
parent, date entered school, date withdrawn from school, days 223222
present, days absent, and the number of days school was open for 223223
instruction while the pupil was enrolled. At the end of the school 223224
year this membership record shall show the total days present, the 223225
total days absent, and the total days due for all pupils in each 223226
grade. Such membership record shall show the pupils that are 223227
transported to and from school and it shall also show the pupils 223228
that are transported living within one mile of the school 223229
attended. This membership record shall also show any other 223230
information prescribed by the ~~state board~~ department of education 223231
and workforce. 223232

This membership record shall be kept intact for at least five 223233
years and shall be made available to the ~~state board of education~~ 223234
~~or its representative~~ department in making an audit of the average 223235
daily membership or the transportation of the district or 223236
educational service center. 223237

The ~~state board of education~~ department may withhold any 223238

money due any school district or educational service center under 223239
this chapter until it has satisfactory evidence that the board of 223240
education or educational service center governing board has fully 223241
complied with all of the provisions of this section. 223242

Nothing in this section shall require any person to release, 223243
or to permit access to, public school records in violation of 223244
section 3319.321 of the Revised Code. 223245

Sec. 3317.032. Each city, local, exempted village, and 223246
cooperative education school district, each educational service 223247
center, each county board of developmental disabilities, and each 223248
institution operating a special education program pursuant to 223249
section 3323.091 of the Revised Code shall, in accordance with 223250
procedures adopted by the ~~state board~~ department of education and 223251
workforce, maintain a record of district membership of all 223252
preschool children with disabilities who are served by a special 223253
education program. 223254

Sec. 3317.033. In accordance with rules which the ~~state board~~ 223255
department of education and workforce shall adopt, each joint 223256
vocational school district shall do both of the following: 223257

(A) Maintain a record of district enrollment of any persons 223258
who are not eligible to be included in the district's formula ADM 223259
as that term is defined in section 3317.02 of the Revised Code; 223260

(B) Annually certify to the ~~state board of education~~ 223261
department the number of persons for whom a record is maintained 223262
under division (A) of this section. These numbers shall be 223263
reported on a full-time equivalent basis. 223264

Sec. 3317.036. (A) The superintendent of each city, local, 223265
and exempted village school district shall report to the ~~state~~ 223266
~~board~~ department of education and workforce as of the last day of 223267

October, March, and June of each year the enrollment under section 223268
3317.23 of the Revised Code, on a full-time equivalency basis, of 223269
individuals who are at least twenty-two years of age. This report 223270
shall be in addition to the district's report of the enrollment of 223271
students entitled to attend school in the district under section 223272
3313.64 or 3313.65 of the Revised Code that is required under 223273
section 3317.03 of the Revised Code. 223274

(B) The superintendent of each joint vocational school 223275
district shall report and certify to the ~~superintendent of public~~ 223276
~~instruction~~ department as of the last day of October, March, and 223277
June of each year the enrollment of individuals receiving services 223278
from the district on a full-time equivalency basis under section 223279
3317.24 of the Revised Code. This report shall be in addition to 223280
the district's report of the enrollment of students that is 223281
required under section 3317.03 of the Revised Code. 223282

Sec. 3317.037. (A) As used in this section: 223283

(1) "Contracting district" means a school district that has 223284
entered into a contract to provide career-technical education 223285
services that meet standards set by the ~~state board~~ department of 223286
education and workforce to one or more other school districts. 223287

(2) "Career-technical planning district" has the same meaning 223288
as in section 3317.023 of the Revised Code. 223289

(3) "Home district" means any city, local, or exempted 223290
village school district that is also not a lead district or a 223291
contracting district. 223292

(4) "Lead district" means a lead district, as defined in 223293
section 3317.023 of the Revised Code, which is designated by the 223294
department ~~of education~~ to provide primary career-technical 223295
education leadership within a career-technical planning district. 223296

(B) For the purposes of maintaining student enrollment 223297

records under section 3317.03 of the Revised Code, the 223298
superintendent of each home district shall provide to the lead 223299
district or contracting district the attendance records for each 223300
student who receives career-technical education services provided 223301
by the lead district or contracting district in facilities 223302
operated by the student's home district. 223303

(C) Any lead district of a career-technical planning district 223304
may enter into an agreement with another school district within 223305
that career-technical planning district under which the lead 223306
district and the other school district may establish a method to 223307
determine the full-time equivalency for each student attending 223308
school in both districts for the purposes of calculating each 223309
district's enrollment under section 3317.03 of the Revised Code. 223310

Sec. 3317.05. (A) The department of education and workforce 223311
shall determine for each institution, by the last day of January 223312
of each year and based on information certified under section 223313
3317.03 of the Revised Code, the number of career-technical 223314
education units or fractions of units approved by the department 223315
on the basis of standards and rules adopted by the ~~state board of~~ 223316
~~education~~ department. As used in this section, "institution" means 223317
an institution operated by a department specified in section 223318
3323.091 of the Revised Code and that provides career-technical 223319
education programs under the supervision of the division of 223320
career-technical education of the department that meet the 223321
standards and rules for these programs, including licensure of 223322
professional staff involved in the programs, as established by the 223323
~~state board~~ department. 223324

(B) All of the arithmetical calculations made under this 223325
section shall be carried to the second decimal place. The total 223326
number of units for institutions approved annually under this 223327
section shall not exceed the number of units included in the 223328

estimate of cost for these units and appropriations made for them 223329
by the general assembly. 223330

(C) The department shall pay each institution approved for 223331
career-technical education units under division (A) of this 223332
section an amount for the total of all the units approved under 223333
that division. The amount for each unit shall be the sum of the 223334
minimum salary for the teacher of the unit, calculated on the 223335
basis of the teacher's training level and years of experience 223336
pursuant to the salary schedule prescribed in the version of 223337
section 3317.13 of the Revised Code in effect prior to July 1, 223338
2001, plus fifteen per cent of that minimum salary amount, and 223339
nine thousand five hundred ten dollars. Each institution that 223340
receives unit funds under this division annually shall report to 223341
the department on the delivery of services and the performance of 223342
students and any other information required by the department to 223343
evaluate the institution's career-technical education program. 223344

(D) For each unit allocated to an institution pursuant to 223345
division (A) of this section, the department, in addition to the 223346
amount specified in division (B) of this section, shall pay a 223347
supplemental unit allowance of \$7,227. 223348

Sec. 3317.051. (A) The department of education and workforce 223349
shall compute and pay to a school district funds based on units 223350
for services to students identified as gifted under Chapter 3324. 223351
of the Revised Code as prescribed by this section. 223352

(B) The department shall allocate gifted units for a school 223353
district as follows: 223354

(1) For fiscal years 2022 and 2023: 223355

(a) One gifted coordinator unit shall be allocated for every 223356
3,300 students in a district's enrolled ADM, with a minimum of 0.5 223357
units and a maximum of 8 units allocated for the district. 223358

(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year 2024 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school district for gifted units as follows:

(1) For fiscal years 2022 and 2023, an amount equal to the following sum:

(\$85,776 X the number of units allocated to a school district under division (B)(1)(a) of this section X the district's state share percentage) + (\$89,378 X the number of units allocated to a school district under division (B)(1)(b) of this section X the district's state share percentage) + (\$80,974 X the number of units allocated to a school district under division (B)(1)(c) of this section X the district's state share percentage)

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.06. Moneys paid to school districts under division 223389
(E)(1) of section 3317.024 of the Revised Code shall be used for 223390
the following independent and fully severable purposes: 223391

(A) To purchase such secular textbooks or digital texts as 223392
have been approved by the ~~superintendent of public instruction~~ 223393
department of education and workforce for use in public schools in 223394
the state and to loan such textbooks or digital texts to pupils 223395
attending nonpublic schools within the district described in 223396
division (E)(1) of section 3317.024 of the Revised Code or to 223397
their parents and to hire clerical personnel to administer such 223398
lending program. Such loans shall be based upon individual 223399
requests submitted by such nonpublic school pupils or parents. 223400
Such requests shall be submitted to the school district in which 223401
the nonpublic school is located. Such individual requests for the 223402
loan of textbooks or digital texts shall, for administrative 223403
convenience, be submitted by the nonpublic school pupil or the 223404
pupil's parent to the nonpublic school, which shall prepare and 223405
submit collective summaries of the individual requests to the 223406
school district. As used in this section: 223407

(1) "Textbook" means any book or book substitute that a pupil 223408
uses as a consumable or nonconsumable text, text substitute, or 223409
text supplement in a particular class or program in the school the 223410
pupil regularly attends. 223411

(2) "Digital text" means a consumable book or book substitute 223412
that a student accesses through the use of a computer or other 223413
electronic medium or that is available through an internet-based 223414
provider of course content, or any other material that contributes 223415
to the learning process through electronic means. 223416

(B) To provide speech and hearing diagnostic services to 223417
pupils attending nonpublic schools within the district described 223418
in division (E)(1) of section 3317.024 of the Revised Code. Such 223419

service shall be provided in the nonpublic school attended by the 223420
pupil receiving the service. 223421

(C) To provide physician, nursing, dental, and optometric 223422
services to pupils attending nonpublic schools within the district 223423
described in division (E)(1) of section 3317.024 of the Revised 223424
Code. Such services shall be provided in the school attended by 223425
the nonpublic school pupil receiving the service. 223426

(D) To provide diagnostic psychological services to pupils 223427
attending nonpublic schools within the district described in 223428
division (E)(1) of section 3317.024 of the Revised Code. Such 223429
services shall be provided in the school attended by the pupil 223430
receiving the service. 223431

(E) To provide therapeutic psychological and speech and 223432
hearing services to pupils attending nonpublic schools within the 223433
district described in division (E)(1) of section 3317.024 of the 223434
Revised Code. Such services shall be provided in the public 223435
school, in nonpublic schools, in public centers, or in mobile 223436
units located on or off of the nonpublic premises. If such 223437
services are provided in the public school or in public centers, 223438
transportation to and from such facilities shall be provided by 223439
the school district in which the nonpublic school is located. 223440

(F) To provide guidance, counseling, and social work services 223441
to pupils attending nonpublic schools within the district 223442
described in division (E)(1) of section 3317.024 of the Revised 223443
Code. Such services shall be provided in the public school, in 223444
nonpublic schools, in public centers, or in mobile units located 223445
on or off of the nonpublic premises. If such services are provided 223446
in the public school or in public centers, transportation to and 223447
from such facilities shall be provided by the school district in 223448
which the nonpublic school is located. 223449

(G) To provide remedial services to pupils attending 223450

nonpublic schools within the district described in division (E)(1) 223451
of section 3317.024 of the Revised Code. Such services shall be 223452
provided in the public school, in nonpublic schools, in public 223453
centers, or in mobile units located on or off of the nonpublic 223454
premises. If such services are provided in the public school or in 223455
public centers, transportation to and from such facilities shall 223456
be provided by the school district in which the nonpublic school 223457
is located. 223458

(H) To supply for use by pupils attending nonpublic schools 223459
within the district described in division (E)(1) of section 223460
3317.024 of the Revised Code such standardized tests and scoring 223461
services as are in use in the public schools of the state; 223462

(I) To provide programs for children who attend nonpublic 223463
schools within the district described in division (E)(1) of 223464
section 3317.024 of the Revised Code and are children with 223465
disabilities as defined in section 3323.01 of the Revised Code or 223466
gifted children. Such programs shall be provided in the public 223467
school, in nonpublic schools, in public centers, or in mobile 223468
units located on or off of the nonpublic premises. If such 223469
programs are provided in the public school or in public centers, 223470
transportation to and from such facilities shall be provided by 223471
the school district in which the nonpublic school is located. 223472

(J) To hire clerical personnel to assist in the 223473
administration of programs pursuant to divisions (B), (C), (D), 223474
(E), (F), (G), and (I) of this section and to hire supervisory 223475
personnel to supervise the providing of services and textbooks 223476
pursuant to this section. 223477

(K) To purchase or lease any secular, neutral, and 223478
nonideological computer application software designed to assist 223479
students in performing a single task or multiple related tasks, 223480
device management software, learning management software, 223481
site-licensing, digital video on demand (DVD), wide area 223482

connectivity and related technology as it relates to internet 223483
access, mathematics or science equipment and materials, 223484
instructional materials, and school library materials that are in 223485
general use in the public schools of the state and loan such items 223486
to pupils attending nonpublic schools within the district 223487
described in division (E)(1) of section 3317.024 of the Revised 223488
Code or to their parents, and to hire clerical personnel to 223489
administer the lending program. Only such items that are incapable 223490
of diversion to religious use and that are susceptible of loan to 223491
individual pupils and are furnished for the use of individual 223492
pupils shall be purchased and loaned under this division. As used 223493
in this section, "instructional materials" means prepared learning 223494
materials that are secular, neutral, and nonideological in 223495
character and are of benefit to the instruction of school 223496
children. "Instructional materials" includes media content that a 223497
student may access through the use of a computer or electronic 223498
device. 223499

Mobile applications that are secular, neutral, and 223500
nonideological in character and that are purchased for less than 223501
twenty dollars for instructional use shall be considered to be 223502
consumable and shall be distributed to students without the 223503
expectation that the applications must be returned. 223504

(L) To purchase or lease instructional equipment, including 223505
computer hardware and related equipment in general use in the 223506
public schools of the state, for use by pupils attending nonpublic 223507
schools within the district described in division (E)(1) of 223508
section 3317.024 of the Revised Code and to loan such items to 223509
pupils attending such nonpublic schools within the district or to 223510
their parents, and to hire clerical personnel to administer the 223511
lending program. "Computer hardware and related equipment" 223512
includes desktop computers and workstations; laptop computers, 223513
computer tablets, and other mobile handheld devices; their 223514

operating systems and accessories; and any equipment designed to 223515
make accessible the environment of a classroom to a student, who 223516
is physically unable to attend classroom activities due to 223517
hospitalization or other circumstances, by allowing real-time 223518
interaction with other students both one-on-one and in group 223519
discussion. 223520

(M) To purchase mobile units to be used for the provision of 223521
services pursuant to divisions (E), (F), (G), and (I) of this 223522
section and to pay for necessary repairs and operating costs 223523
associated with these units. 223524

(N) To reimburse costs the district incurred to store the 223525
records of a chartered nonpublic school that closes. 223526
Reimbursements under this division shall be made one time only for 223527
each chartered nonpublic school described in division (E)(1) of 223528
section 3317.024 of the Revised Code that closes. 223529

(O) To purchase life-saving medical or other emergency 223530
equipment for placement in nonpublic schools within the district 223531
described in division (E)(1) of section 3317.024 of the Revised 223532
Code or to maintain such equipment. 223533

(P) To procure and pay for security services from a county 223534
sheriff or a township or municipal police force or from a person 223535
certified through the Ohio peace officer training commission, in 223536
accordance with section 109.78 of the Revised Code, as a special 223537
police, security guard, or as a privately employed person serving 223538
in a police capacity for nonpublic schools in the district 223539
described in division (E)(1) of section 3317.024 of the Revised 223540
Code. 223541

(Q) To provide language and academic support services and 223542
other accommodations for English learners attending nonpublic 223543
schools within the district described in division (E)(1) of 223544
section 3317.024 of the Revised Code. 223545

Clerical and supervisory personnel hired pursuant to division 223546
(J) of this section shall perform their services in the public 223547
schools, in nonpublic schools, public centers, or mobile units 223548
where the services are provided to the nonpublic school pupil, 223549
except that such personnel may accompany pupils to and from the 223550
service sites when necessary to ensure the safety of the children 223551
receiving the services. 223552

All services provided pursuant to this section may be 223553
provided under contract with educational service centers, the 223554
department of health, city or general health districts, or private 223555
agencies whose personnel are properly licensed by an appropriate 223556
state board or agency. 223557

Transportation of pupils provided pursuant to divisions (E), 223558
(F), (G), and (I) of this section shall be provided by the school 223559
district from its general funds and not from moneys paid to it 223560
under division (E)(1) of section 3317.024 of the Revised Code 223561
unless a special transportation request is submitted by the parent 223562
of the child receiving service pursuant to such divisions. If such 223563
an application is presented to the school district, it may pay for 223564
the transportation from moneys paid to it under division (E)(1) of 223565
section 3317.024 of the Revised Code. 223566

No school district shall provide health or remedial services 223567
to nonpublic school pupils as authorized by this section unless 223568
such services are available to pupils attending the public schools 223569
within the district. 223570

Materials, equipment, computer hardware or software, 223571
textbooks, digital texts, and health and remedial services 223572
provided for the benefit of nonpublic school pupils pursuant to 223573
this section and the admission of pupils to such nonpublic schools 223574
shall be provided without distinction as to race, creed, color, or 223575
national origin of such pupils or of their teachers. 223576

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

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

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division (E)(1) of section 3317.024 of the Revised Code and any payments made to school districts under division (E)(1) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the ~~state board of education's~~ department's estimated annual average daily membership in nonpublic elementary and high schools located in the district described in division (E)(1) of section 3317.024 of the Revised Code.

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

The department ~~of education~~ shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and

services, and under which any unexpended balance of the amounts 223608
appropriated by the general assembly to implement this section may 223609
be transferred to the auxiliary services personnel unemployment 223610
compensation fund established pursuant to section 4141.47 of the 223611
Revised Code. The department shall also adopt guidelines and 223612
procedures limiting the purchase and loan of the items described 223613
in division (K) of this section to items that are in general use 223614
in the public schools of the state, that are incapable of 223615
diversion to religious use, and that are susceptible to individual 223616
use rather than classroom use. Within thirty days after the end of 223617
each biennium, each board of education shall remit to the 223618
department all moneys paid to it under division (E)(1) of section 223619
3317.024 of the Revised Code and any interest earned on those 223620
moneys that are not required to pay expenses incurred under this 223621
section during the biennium for which the money was appropriated 223622
and during which the interest was earned. If a board of education 223623
subsequently determines that the remittal of moneys leaves the 223624
board with insufficient money to pay all valid expenses incurred 223625
under this section during the biennium for which the remitted 223626
money was appropriated, the board may apply to the department of 223627
~~education~~ for a refund of money, not to exceed the amount of the 223628
insufficiency. If the department determines the expenses were 223629
lawfully incurred and would have been lawful expenditures of the 223630
refunded money, it shall certify its determination and the amount 223631
of the refund to be made to the director of job and family 223632
services who shall make a refund as provided in section 4141.47 of 223633
the Revised Code. 223634

Each school district shall label materials, equipment, 223635
computer hardware or software, textbooks, and digital texts 223636
purchased or leased for loan to a nonpublic school under this 223637
section, acknowledging that they were purchased or leased with 223638
state funds under this section. However, a district need not label 223639
materials, equipment, computer hardware or software, textbooks, or 223640

digital texts that the district determines are consumable in 223641
nature or have a value of less than two hundred dollars. 223642

Sec. 3317.061. The superintendent of each school district, 223643
including each cooperative education and joint vocational school 223644
district and the superintendent of each educational service 223645
center, shall, on forms prescribed and furnished by the ~~state~~ 223646
~~board~~ department of education and workforce, certify to the 223647
department and the state board of education, on or before the 223648
fifteenth day of October of each year, the name of each licensed 223649
employee employed, on an annual salary, in each school under such 223650
superintendent's supervision during the first full school week of 223651
said month of October, the number of years of recognized college 223652
training such licensed employee has completed, the college degrees 223653
from a recognized college earned by such licensed employee, the 223654
type of teaching license held by such licensed employee, the 223655
number of months such licensed employee is employed in the school 223656
district, the annual salary of such licensed employee, and such 223657
other information as the ~~state board of education~~ department, in 223658
consultation with the state board, may request. For the purposes 223659
of Chapter 3317. of the Revised Code, a licensed employee is any 223660
employee in a position that requires a license issued pursuant to 223661
sections 3319.22 to 3319.31 of the Revised Code. 223662

Pursuant to standards adopted by the ~~state board of education~~ 223663
department, experience of vocational teachers in trade and 223664
industry shall be recognized by ~~such board~~ the department for the 223665
purpose of complying with the requirements of recognized college 223666
training provided by Chapter 3317. of the Revised Code. 223667

Sec. 3317.062. (A) Moneys paid to chartered nonpublic schools 223668
under division (E)(2) of section 3317.024 of the Revised Code 223669
shall be used for one or more of the following purposes: 223670

(1) To purchase secular textbooks or digital texts, as 223671
defined in divisions (A)(1) and (2) of section 3317.06 of the 223672
Revised Code, as have been approved by the ~~superintendent of~~ 223673
~~public instruction~~ department of education and workforce for use 223674
in public schools in the state. Textbooks purchased in accordance 223675
with this division may be disposed of four years after the date of 223676
purchase; 223677

(2) To provide the services described in divisions (B), (C), 223678
(D), and (Q) of section 3317.06 of the Revised Code; 223679

(3) To provide the services described in divisions (E), (F), 223680
(G), and (I) of section 3317.06 of the Revised Code. If such 223681
services are provided in public schools or in public centers, 223682
transportation to and from such facilities shall be provided by 223683
the nonpublic school. 223684

(4) To supply for use by pupils attending the school such 223685
standardized tests and scoring services as are in use in the 223686
public schools of the state; 223687

(5) To hire clerical personnel to assist in the 223688
administration of divisions (A)(2), (3), and (4) of this section 223689
and to hire supervisory personnel to supervise the providing of 223690
services and textbooks pursuant to this section. These personnel 223691
shall perform their services in the public schools, in nonpublic 223692
schools, public centers, or mobile units where the services are 223693
provided to the nonpublic school pupil, except that such personnel 223694
may accompany pupils to and from the service sites when necessary 223695
to ensure the safety of the children receiving the services. All 223696
services provided pursuant to this section may be provided under 223697
contract with school districts, educational service centers, the 223698
department of health, city or general health districts, or private 223699
agencies whose personnel are properly licensed by an appropriate 223700
state board or agency. 223701

(6) To purchase any of the materials described in division	223702
(K) of section 3317.06 of the Revised Code;	223703
(7) To purchase any of the equipment described in division	223704
(L) of section 3317.06 of the Revised Code;	223705
(8) To purchase mobile units to be used for the provision of	223706
services pursuant to division (A)(3) of this section and to pay	223707
for necessary repairs and operating costs associated with these	223708
units;	223709
(9) To purchase the equipment described in division (O) of	223710
section 3317.06 of the Revised Code;	223711
(10) To procure and pay for security services described in	223712
division (P) of section 3317.06 of the Revised Code.	223713
(B) Materials, equipment, computer hardware and software,	223714
textbooks, digital texts, and health and remedial services	223715
provided pursuant to this section and the admission of pupils to	223716
nonpublic schools shall be provided without distinction as to	223717
race, creed, color, or national origin of such pupils or of their	223718
teachers.	223719
(C) Any interest earned by a chartered nonpublic school on	223720
moneys paid to it under division (E)(2) of section 3317.024 of the	223721
Revised Code shall be used by the school for the same purposes and	223722
in the same manner as the payments may be used under this section.	223723
(D) The department of education shall adopt guidelines and	223724
procedures regarding both of the following:	223725
(1) The expenditure of moneys under this section;	223726
(2) The audit of nonpublic schools receiving funds under this	223727
section to ensure the appropriate use of funds.	223728
(E) The department shall adopt a rule specifying the party	223729
that owns any property purchased by a chartered nonpublic school	223730
with moneys paid under division (E)(2) of section 3317.024 of the	223731

Revised Code. The rule shall include procedures for disposal of 223732
the property by the designated owner when appropriate. 223733

(F) Within thirty days after the end of each biennium, each 223734
chartered nonpublic school shall remit to the department all 223735
moneys paid to it under division (E)(2) of section 3317.024 of the 223736
Revised Code and any interest earned on those moneys that are not 223737
required to pay expenses incurred under this section during the 223738
biennium for which the moneys were appropriated and during which 223739
the interest was earned. If a school subsequently determines that 223740
the remittal of moneys leaves the school with insufficient money 223741
to pay all valid expenses incurred under this section during the 223742
biennium for which the remitted moneys were appropriated, the 223743
school may apply to the department for a refund of money, not to 223744
exceed the amount of the insufficiency. If the department 223745
determines the expenses were lawfully incurred and would have been 223746
lawful expenditures of the refunded money, the department shall 223747
make a refund in the necessary amount. 223748

(G) All services provided and purchases made pursuant to this 223749
section may be acquired under contract with school districts, 223750
educational service centers, the department of health, city or 223751
general health districts, or private entities. 223752

(H) When a chartered nonpublic school has materials or 223753
equipment purchased in accordance with division (A)(6) or (7) of 223754
this section that are no longer needed for school use, are 223755
obsolete, are unfit for the use for which they were acquired, or 223756
have been in the school's possession for at least four years, the 223757
school may dispose of that property in accordance with the 223758
school's disposal procedures, which may include donation, sale, 223759
trade, or permanent disposal. The school shall remit to the state 223760
treasury the proceeds from any sale made in accordance with this 223761
division. 223762

Sec. 3317.063. The ~~superintendent of public instruction, in~~ 223763
~~accordance with rules adopted by the~~ department of education, and 223764
workforce shall annually reimburse each chartered nonpublic school 223765
for the actual mandated service administrative and clerical costs 223766
incurred by such school during the preceding school year in 223767
preparing, maintaining, and filing reports, forms, and records, 223768
and in providing such other administrative and clerical services 223769
that are not an integral part of the teaching process as may be 223770
required by state law or rule or by requirements duly promulgated 223771
by city, exempted village, or local school districts. The mandated 223772
service costs reimbursed pursuant to this section shall include, 223773
but are not limited to, the preparation, filing and maintenance of 223774
forms, reports, or records and other clerical and administrative 223775
services relating to state chartering or approval of the nonpublic 223776
school, pupil attendance, pupil health and health testing, 223777
transportation of pupils, federally funded education programs, 223778
pupil appraisal, pupil progress, educator licensure, unemployment 223779
and workers' compensation, transfer of pupils, and such other 223780
education related data which are now or hereafter shall be 223781
required of such nonpublic school by state law or rule, or by 223782
requirements of the ~~state department of education~~, other state 223783
agencies, or city, exempted village, or local school districts. 223784

The reimbursement required by this section shall be for 223785
school years beginning on or after July 1, 1981. 223786

Each nonpublic school which seeks reimbursement pursuant to 223787
this section shall submit to the ~~superintendent of public~~ 223788
~~instruction~~ department an application together with such 223789
additional reports and documents as the department ~~of education~~ 223790
may require. Such application, reports, and documents shall 223791
contain such information as the department ~~of education~~ may 223792
prescribe in order to carry out the purposes of this section. No 223793
payment shall be made until the ~~superintendent of public~~ 223794

~~instruction~~ department has approved such application. 223795

Each nonpublic school which applies for reimbursement 223796
pursuant to this section shall maintain a separate account or 223797
system of accounts for the expenses incurred in rendering the 223798
required services for which reimbursement is sought. Such accounts 223799
shall contain such information as is required by the department ~~of~~ 223800
~~education~~ and shall be maintained in accordance with rules adopted 223801
by the department ~~of education~~. 223802

Reimbursement payments to a nonpublic school for a school 223803
year pursuant to this section shall not exceed the per-pupil 223804
amount specified by the general assembly for that school year. 223805

The ~~superintendent of public instruction~~ department may, from 223806
time to time, examine any and all accounts and records of a 223807
nonpublic school which have been maintained pursuant to this 223808
section in support of an application for reimbursement, for the 223809
purpose of determining the costs to such school of rendering the 223810
services for which reimbursement is sought. If after such audit it 223811
is determined that any school has received funds in excess of the 223812
actual cost of providing such services, said school shall 223813
immediately reimburse the state in such excess amount. 223814

Any payments made to chartered nonpublic schools under this 223815
section may be disbursed without submission to and approval of the 223816
controlling board. 223817

Sec. 3317.064. (A) There is hereby established in the state 223818
treasury the auxiliary services reimbursement fund. By the 223819
thirtieth day of January of each odd-numbered year, the director 223820
of job and family services and the ~~superintendent of public~~ 223821
~~instruction~~ department of education and workforce shall determine 223822
the amount of any excess moneys in the auxiliary services 223823
personnel unemployment compensation fund not reasonably necessary 223824
for the purposes of section 4141.47 of the Revised Code, and shall 223825

certify such amount to the director of budget and management for 223826
transfer to the auxiliary services reimbursement fund. If the 223827
director of job and family services and the ~~superintendent~~ 223828
department disagree on such amount, the director of budget and 223829
management shall determine the amount to be transferred. 223830

(B) Except as provided in divisions (C) and (D) of this 223831
section, moneys in the auxiliary services reimbursement fund shall 223832
be used for the relocation or for the replacement and repair of 223833
mobile units used to provide the services specified in division 223834
(E), (F), (G), or (I) of section 3317.06 and in division (A)(3) of 223835
section 3317.062 of the Revised Code. The ~~state board of education~~ 223836
department shall adopt guidelines and procedures for replacement, 223837
repair, and relocation of mobile units and the procedures under 223838
which a school district or chartered nonpublic school may apply to 223839
receive moneys with which to repair or replace or relocate such 223840
units. 223841

(C) School districts and educational service centers may 223842
apply to the department for moneys from the auxiliary services 223843
reimbursement fund for payment of incentives for early retirement 223844
and severance for school district personnel assigned to provide 223845
services authorized by section 3317.06 or 3317.062 of the Revised 223846
Code at chartered nonpublic schools. The portion of the cost of 223847
any early retirement or severance incentive for any employee that 223848
is paid using money from the auxiliary services reimbursement fund 223849
shall not exceed the percentage of such employee's total service 223850
credit that the employee spent providing services to chartered 223851
nonpublic school students under section 3317.06 of the Revised 223852
Code. 223853

(D) The department ~~of education~~ may use a portion of the 223854
moneys in the auxiliary services reimbursement fund to make 223855
payments for chartered nonpublic school students under section 223856

3365.07 of the Revised Code, in accordance with rules adopted 223857
pursuant to section 3365.071 of the Revised Code. 223858

Sec. 3317.07. If the department of education and workforce 223859
determines that a county board of developmental disabilities no 223860
longer needs a school bus because the board no longer transports 223861
children to a special education program operated by the board, or 223862
if the department determines that a school district no longer 223863
needs a school bus to transport pupils to a nonpublic school or 223864
special education program, the department may reassign a bus that 223865
was funded with payments provided pursuant to the version of this 223866
section in effect prior to the effective date of this amendment 223867
for the purpose of transporting such pupils. The department may 223868
reassign a bus to a county board of developmental disabilities or 223869
school district that transports children to a special education 223870
program designated in the children's individualized education 223871
programs, or to a school district that transports pupils to a 223872
nonpublic school, and needs an additional school bus. 223873

Sec. 3317.071. For fiscal years 2022 and 2023, the department 223874
of education and workforce shall implement a program to distribute 223875
bus purchasing grants of not less than \$45,000 to city, local, and 223876
exempted village school districts for the purpose of replacing the 223877
oldest and highest mileage buses in the state assigned to routes. 223878
The department shall annually collect age, mileage, and vehicle 223879
condition data from districts through its transportation data 223880
collection system. 223881

Sec. 3317.072. (A) The transportation collaboration fund is 223882
hereby created in the state treasury for fiscal years 2022 and 223883
2023. The fund shall consist of money appropriated for this 223884
purpose by the general assembly. The department of education and 223885
workforce shall use money in the fund for grants awarded under 223886

this section. 223887

(B)(1) For fiscal years 2022 and 2023, the department shall 223888
award transportation collaboration grants each fiscal year to 223889
city, local, and exempted village school districts for efforts 223890
that lead to shared resource management, routing consolidation, 223891
regional collaboration, or other activities that have the 223892
potential to reduce transportation operating costs. 223893

(2) The department shall determine the amount of each grant 223894
awarded, but no grant shall exceed \$10,000 for any fiscal year. 223895

(3) The department shall adopt rules regarding all of the 223896
following: 223897

(a) The process for city, local, and exempted village school 223898
districts to submit applications for grants awarded under this 223899
section, including the deadline for those applications to be 223900
submitted; 223901

(b) The application form for grants awarded under this 223902
section; 223903

(c) The requirements and process for grant recipients to be 223904
eligible to renew their grants in future fiscal years; 223905

(d) Any other rules necessary to implement the provisions of 223906
this section. 223907

Sec. 3317.08. A board of education may admit to its schools a 223908
child it is not required by section 3313.64 or 3313.65 of the 223909
Revised Code to admit, if tuition is paid for the child. 223910

Unless otherwise provided by law, tuition shall be computed 223911
in accordance with this section. A district's tuition charge for a 223912
school year shall be one of the following: 223913

(A) For any child, except a preschool child with a disability 223914
described in division (B) of this section, the quotient obtained 223915

by dividing the sum of the amounts described in divisions (A)(1) 223916
and (2) of this section by the district's formula ADM. 223917

(1) The district's total taxes charged and payable for 223918
current expenses for the tax year preceding the tax year in which 223919
the school year begins as certified under division (A)(3) of 223920
section 3317.021 of the Revised Code. 223921

(2) The district's total taxes collected for current expenses 223922
under a school district income tax adopted pursuant to section 223923
5748.03, 5748.08, or 5748.09 of the Revised Code that are 223924
disbursed to the district during the fiscal year, excluding any 223925
income tax receipts allocated for the project cost, debt service, 223926
or maintenance set-aside associated with a state-assisted 223927
classroom facilities project as authorized by section 3318.052 of 223928
the Revised Code. On or before the first day of June of each year, 223929
the tax commissioner shall certify the amount to be used in the 223930
calculation under this division for the next fiscal year to the 223931
department of education and workforce and the office of budget and 223932
management for each city, local, and exempted village school 223933
district that levies a school district income tax. 223934

(B) For any preschool child with a disability, an amount 223935
computed for the school year as follows: 223936

(1) For each type of special education service provided to 223937
the child for whom tuition is being calculated, determine the 223938
amount of the district's operating expenses in providing that type 223939
of service to all preschool children with disabilities; 223940

(2) For each type of special education service for which 223941
operating expenses are determined under division (B)(1) of this 223942
section, determine the amount of such operating expenses that was 223943
paid from any state funds received under this chapter; 223944

(3) For each type of special education service for which 223945
operating expenses are determined under division (B)(1) of this 223946

section, divide the difference between the amount determined under 223947
division (B)(1) of this section and the amount determined under 223948
division (B)(2) of this section by the total number of preschool 223949
children with disabilities who received that type of service; 223950

(4) Determine the sum of the quotients obtained under 223951
division (B)(3) of this section for all types of special education 223952
services provided to the child for whom tuition is being 223953
calculated. 223954

The ~~state board of education~~ department shall adopt rules 223955
defining the types of special education services and specifying 223956
the operating expenses to be used in the computation under this 223957
section. 223958

If any child for whom a tuition charge is computed under this 223959
section for any school year is enrolled in a district for only 223960
part of that school year, the amount of the district's tuition 223961
charge for the child for the school year shall be computed in 223962
proportion to the number of school days the child is enrolled in 223963
the district during the school year. 223964

Except as otherwise provided in division (J) of section 223965
3313.64 of the Revised Code, whenever a district admits a child to 223966
its schools for whom tuition computed in accordance with this 223967
section is an obligation of another school district, the amount of 223968
the tuition shall be certified by the treasurer of the board of 223969
education of the district of attendance, to the board of education 223970
of the district required to pay tuition for its approval and 223971
payment. If agreement as to the amount payable or the district 223972
required to pay the tuition cannot be reached, or the board of 223973
education of the district required to pay the tuition refuses to 223974
pay that amount, the board of education of the district of 223975
attendance shall notify the ~~superintendent of public instruction~~ 223976
department. The ~~superintendent~~ department shall determine the 223977
correct amount and the district required to pay the tuition and 223978

shall deduct that amount, if any, under division (D) of section 223979
3317.023 of the Revised Code, from the district required to pay 223980
the tuition and add that amount to the amount allocated to the 223981
district attended under such division. The ~~superintendent of~~ 223982
~~public instruction department~~ shall send to the district required 223983
to pay the tuition an itemized statement showing such deductions 223984
at the time of such deduction. 223985

When a political subdivision owns and operates an airport, 223986
welfare, or correctional institution or other project or facility 223987
outside its corporate limits, the territory within which the 223988
facility is located is exempt from taxation by the school district 223989
within which such territory is located, and there are school age 223990
children residing within such territory, the political subdivision 223991
owning such tax exempt territory shall pay tuition to the district 223992
in which such children attend school. The tuition for these 223993
children shall be computed as provided for in this section. 223994

Sec. 3317.081. (A) Tuition shall be computed in accordance 223995
with this section if: 223996

(1) The tuition is required by division (C)(3)(b) of section 223997
3313.64 of the Revised Code; or 223998

(2) Neither the child nor the child's parent resides in this 223999
state and tuition is required by section 3327.06 of the Revised 224000
Code. 224001

(B) Tuition computed in accordance with this section shall 224002
equal the attendance district's tuition rate computed under 224003
section 3317.08 of the Revised Code plus the amount in state 224004
education aid, as defined in section 3317.02 of the Revised Code, 224005
that district would have received for the child during the school 224006
year had the department of education and workforce counted the 224007
child in the attendance district's formula ADM for that school 224008
year under section 3317.03 of the Revised Code. 224009

Sec. 3317.082. As used in this section, "institution" means a residential facility that receives and cares for children maintained by the department of youth services and that operates a school chartered ~~by the state board of education~~ under section 3301.16 of the Revised Code.

(A) On or before the thirty-first day of each January and July, the superintendent of each institution that during the six-month period immediately preceding each January or July provided an elementary or secondary education for any child, other than a child receiving special education under section 3323.091 of the Revised Code, shall prepare and submit to the department of education and workforce, a statement for each such child indicating the child's name, any school district responsible to pay tuition for the child as determined by the superintendent in accordance with division (C)(2) or (3) of section 3313.64 of the Revised Code, and the period of time during that six-month period that the child received an elementary or secondary education. If any school district is responsible to pay tuition for any such child, the department ~~of education~~, no not later than the immediately succeeding last day of February or August, as applicable, shall calculate the amount of the tuition of the district under section 3317.08 of the Revised Code for the period of time indicated on the statement and do one of the following:

(1) If the tuition amount is equal to or less than the district's state education aid, pay to the institution submitting the statement an amount equal to the tuition amount, as provided under division (G) of section 3317.024 of the Revised Code, and deduct the tuition amount from the state basic aid funds payable to the district, as provided under division (C)(2) of section 3317.023 of the Revised Code;

(2) If the tuition amount is greater than the district's

state education aid, require the district to pay to the 224041
institution submitting the statement an amount equal to the 224042
tuition amount. 224043

(B) In the case of any disagreement about the school district 224044
responsible to pay tuition for a child pursuant to this section, 224045
the ~~superintendent of public instruction~~ director of education and 224046
workforce shall make the determination in any such case in 224047
accordance with division (C)(2) or (3) of section 3313.64 of the 224048
Revised Code. 224049

Sec. 3317.09. All moneys distributed to a school district, 224050
including any cooperative education or joint vocational school 224051
district and all moneys distributed to any educational service 224052
center, by the state whether from a state or federal source, shall 224053
be accounted for by the division of school finance of the 224054
department of education and workforce. All moneys distributed 224055
shall be coded as to county, school district or educational 224056
service center, source, and other pertinent information, and at 224057
the end of each month, a report of such distribution shall be made 224058
by such division of school finance to each school district and 224059
educational service center. If any board of education fails to 224060
make the report required in section 3319.33 of the Revised Code, 224061
the ~~superintendent of public instruction~~ department shall be 224062
without authority to distribute funds to that school district or 224063
educational service center under this chapter until such time as 224064
the required reports are filed with all specified officers, 224065
boards, or agencies. 224066

Sec. 3317.10. (A) On or before the first day of March of each 224067
year, the department of job and family services shall certify to 224068
the ~~state board~~ department of education and workforce the 224069
unduplicated number of children ages five through seventeen 224070
residing in each school district and living in a family that, 224071

during the preceding October, participated in Ohio works first. 224072

The department of job and family services shall certify this 224073
information according to the school district of residence for each 224074
child. 224075

(B) Upon the transfer of part of the territory of one school 224076
district to the territory of one or more other school districts, 224077
the department of education and workforce may adjust the number of 224078
children certified under division (A) of this section for any 224079
district gaining or losing territory in such a transfer in order 224080
to take into account the effect of the transfer on the number of 224081
such children who reside in the district. Within sixty days of 224082
receipt of a request for information from the department of 224083
education and workforce, the department of job and family services 224084
shall provide any information the department of education and 224085
workforce determines is necessary to make such adjustments. 224086

Sec. 3317.11. (A) As used in this section: 224087

(1) For fiscal years 2022 and 2023, "base amount" is equal to 224088
\$356,250. 224089

(2) For fiscal years 2022 and 2023, "funding base" means an 224090
amount calculated by the department of education and workforce 224091
that is equal to the amount an educational service center would 224092
have received under Section 265.360 of H.B. 166 of the 133rd 224093
general assembly for fiscal year 2020 using the student counts of 224094
the school districts with which the service center has service 224095
agreements for the fiscal year for which payments under this 224096
section are being made. 224097

(3) For fiscal years 2022 and 2023, "general phase-in 224098
percentage" for an educational service center means the "general 224099
phase-in percentage" for school districts as defined in section 224100
3317.02 of the Revised Code. 224101

(4) For fiscal years 2022 and 2023, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

(B)(1) For fiscal years 2022 and 2023, the department of education and workforce shall pay the governing board of each educational service center an amount equal to the following:

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year]

(2) For fiscal year 2024 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years 2022 and 2023, the department shall calculate an amount for each educational service center as follows:

(1) If the educational service center has a student count of 5,000 students or less, the base amount.

(2) If the educational service center has a student count greater than 5,000 students but less than or equal to 35,000 students, the following sum:

The base amount + [(the educational service center's student count - 5,000) X \$24.72]

(3) If the educational service center has a student count greater than 35,000 students, the following sum:

The base amount + (30,000 X \$24.72) + [(the educational service center's student count - 35,000) X \$30.90]

Sec. 3317.12. Any board of education participating in funds

distributed under Chapter 3317. of the Revised Code shall annually 224132
adopt a salary schedule for nonteaching school employees based 224133
upon training, experience, and qualifications with initial 224134
salaries no less than the salaries in effect on October 13, 1967. 224135
Each board of education shall prepare and may amend from time to 224136
time, specifications descriptive of duties, responsibilities, 224137
requirements, and desirable qualifications of the classifications 224138
of employees required to perform the duties specified in the 224139
salary schedule. All nonteaching school employees are to be 224140
notified of the position classification to which they are assigned 224141
and the salary for the classification. The compensation of all 224142
employees working for a particular school board shall be uniform 224143
for like positions except as compensation would be affected by 224144
salary increments based upon length of service. 224145

On the fifteenth day of October each year the salary schedule 224146
and the list of job classifications and salaries in effect on that 224147
date shall be filed by each board of education with the 224148
~~superintendent of public instruction~~ department of education and 224149
workforce. If such salary schedule and classification plan is not 224150
filed the ~~superintendent of public instruction~~ department shall 224151
order the board to file such schedules forthwith. If this 224152
condition is not corrected within ten days after receipt of the 224153
order from the ~~superintendent of public instruction~~ department, no 224154
money shall be distributed to the district under Chapter 3317. of 224155
the Revised Code until the ~~superintendent~~ department has 224156
satisfactory evidence of the board of education's full compliance 224157
with such order. 224158

Sec. 3317.13. (A) As used in this section and section 3317.14 224159
of the Revised Code: 224160

(1) "Years of service" includes the following: 224161

(a) All years of teaching service in the same school district 224162

or educational service center, regardless of training level, with 224163
each year consisting of at least one hundred twenty days under a 224164
teacher's contract; 224165

(b) All years of teaching service in a chartered, nonpublic 224166
school located in Ohio as a teacher licensed pursuant to section 224167
3319.22 of the Revised Code or in another public school, 224168
regardless of training level, with each year consisting of at 224169
least one hundred twenty days under a teacher's contract; 224170

(c) All years of teaching service in a chartered school or 224171
institution or a school or institution that subsequently became 224172
chartered or a chartered special education program or a special 224173
education program that subsequently became chartered operated by 224174
the state or by a subdivision or other local governmental unit of 224175
this state as a teacher licensed pursuant to section 3319.22 of 224176
the Revised Code, regardless of training level, with each year 224177
consisting of at least one hundred twenty days; and 224178

(d) All years of active military service in the armed forces 224179
of the United States, as defined in section 3307.75 of the Revised 224180
Code, to a maximum of five years. For purposes of this 224181
calculation, a partial year of active military service of eight 224182
continuous months or more in the armed forces shall be counted as 224183
a full year. 224184

(2) "Teacher" means all teachers employed by the board of 224185
education of any school district, including any cooperative 224186
education or joint vocational school district and all teachers 224187
employed by any educational service center governing board. 224188

(B) No teacher shall be paid a salary less than that provided 224189
in the schedule set forth in division (C) of this section. In 224190
calculating the minimum salary any teacher shall be paid pursuant 224191
to this section, years of service shall include the sum of all 224192
years of the teacher's teaching service included in divisions 224193

(A)(1)(a), (b), (c), and (d) of this section; except that any 224194
school district or educational service center employing a teacher 224195
new to the district or educational service center shall grant such 224196
teacher a total of not more than ten years of service pursuant to 224197
divisions (A)(1)(b), (c), and (d) of this section. 224198

Upon written complaint to the ~~superintendent of public~~ 224199
~~instruction~~ director of education and workforce that the board of 224200
education of a district or the governing board of an educational 224201
service center governing board has failed or refused to annually 224202
adopt a salary schedule or to pay salaries in accordance with the 224203
salary schedule set forth in division (C) of this section, the 224204
~~superintendent of public instruction~~ director shall cause to be 224205
made an immediate investigation of such complaint. If the 224206
~~superintendent~~ director finds that the conditions complained of 224207
exist, the ~~superintendent~~ director shall order the board to 224208
correct such conditions within ten days from the date of the 224209
finding. No moneys shall be distributed to the district or 224210
educational service center under this chapter until the 224211
~~superintendent~~ director has satisfactory evidence of the board of 224212
education's full compliance with such order. 224213

Each teacher shall be fully credited with placement in the 224214
appropriate academic training level column in the district's or 224215
educational service center's salary schedule with years of service 224216
properly credited pursuant to this section or section 3317.14 of 224217
the Revised Code. No rule shall be adopted or exercised by any 224218
board of education or educational service center governing board 224219
which restricts the placement or the crediting of annual salary 224220
increments for any teacher according to the appropriate academic 224221
training level column. 224222

(C) Minimum salaries exclusive of retirement and sick leave 224223
for teachers shall be as follows: 224224

Teachers Teachers with Teachers 224225

Years of Service	with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Five Years of Training, but no Master's Degree	with a Master's Degree or Higher	
Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount
0	86.5 \$ 25,950	100.0 \$ 30,000	103.8 \$ 31,140	109.5 \$ 32,850	224226 224227 224228 224229
1	90.0 27,000	103.8 31,140	108.1 32,430	114.3 34,290	224230
2	93.5 28,050	107.6 32,280	112.4 33,720	119.1 35,730	224231
3	97.0 29,100	111.4 33,420	116.7 35,010	123.9 37,170	224232
4	100.5 30,150	115.2 34,560	121.0 36,300	128.7 38,610	224233
5	104.0 31,200	119.0 35,700	125.3 37,590	133.5 40,050	224234
6	104.0 31,200	122.8 36,840	129.6 38,880	138.3 41,490	224235
7	104.0 31,200	126.6 37,980	133.9 40,170	143.1 42,930	224236
8	104.0 31,200	130.4 39,120	138.2 41,460	147.9 44,370	224237
9	104.0 31,200	134.2 40,260	142.5 42,750	152.7 45,810	224238
10	104.0 31,200	138.0 41,400	146.8 44,040	157.5 47,250	224239
11	104.0 31,200	141.8 42,540	151.1 45,330	162.3 48,690	224240 224241 224242 224243

* Percentages represent the percentage which each salary is of the base amount. 224244
224245

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 224246
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As used in this division: 224255

(1) "Base amount" means thirty thousand dollars. 224256

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.

(D) For purposes of this section, all credited training shall be from a recognized college or university.

Sec. 3317.14. Any school district board of education or educational service center governing board participating in funds distributed under Chapter 3317. of the Revised Code shall annually adopt a teachers' salary schedule with provision for increments based upon training and years of service. Notwithstanding sections 3317.13 and 3319.088 of the Revised Code, the board may establish its own service requirements and may grant service credit for such activities as teaching in public or nonpublic schools in this state or in another state, for service as an educational assistant other than as a classroom aide employed in accordance with section 5107.541 of the Revised Code, and for service in the military or in an appropriate state or federal governmental agency, provided no teacher receives less than the amount required to be paid pursuant to section 3317.13 of the Revised Code and provided full credit for a minimum of five years of actual teaching and military experience as defined in division (A) of section 3317.13 of the Revised Code is given to each teacher.

Each teacher who has completed training which would qualify such teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the treasurer of the board of education or educational service center satisfactory evidence of the completion of such additional training. The treasurer shall then immediately place the teacher, pursuant to this section and section 3317.13 of the Revised Code, in the proper salary bracket in accordance with training and years of service before certifying such salary, training, and years of

service to the ~~superintendent of public instruction~~ department of 224288
education and workforce. No teacher shall be paid less than the 224289
salary to which such teacher is entitled pursuant to section 224290
3317.13 of the Revised Code. 224291

Sec. 3317.141. The board of education of any city, exempted 224292
village, local, or joint vocational school district that is the 224293
recipient of moneys from a grant awarded under the federal race to 224294
the top program, Division (A), Title XIV, Sections 14005 and 14006 224295
of the "American Recovery and Reinvestment Act of 2009," Pub. L. 224296
No. 111-5, 123 Stat. 115, shall comply with this section in 224297
accordance with the timeline contained in the board's scope of 224298
work, as approved by the ~~superintendent of public instruction~~ 224299
director of education and workforce, and shall not be subject to 224300
sections 3317.13 and 3317.14 of the Revised Code. The board of 224301
education of any other school district, and the governing board of 224302
each educational service center, shall comply with either this 224303
section or sections 3317.13 and 3317.14 of the Revised Code. 224304

(A) The board annually shall adopt a salary schedule for 224305
teachers based upon performance as described in division (B) of 224306
this section. 224307

(B) For purposes of the schedule, a board shall measure a 224308
teacher's performance by considering all of the following: 224309

(1) The level of license issued under section 3319.22 of the 224310
Revised Code that the teacher holds; 224311

(2) Whether the teacher is a properly certified or licensed 224312
teacher, as defined in section 3319.074 of the Revised Code; 224313

(3) Ratings received by the teacher on performance 224314
evaluations conducted under section 3319.111 of the Revised Code. 224315

(C) The schedule shall provide for annual adjustments based 224316
on performance on the evaluations conducted under section 3319.111 224317

of the Revised Code. The annual performance-based adjustment for a 224318
teacher rated as accomplished shall be greater than the annual 224319
performance-based adjustment for a teacher rated as skilled. 224320

(D) The salary schedule adopted under this section may 224321
provide for additional compensation for teachers who agree to 224322
perform duties, not contracted for under a supplemental contract, 224323
that the employing board determines warrant additional 224324
compensation. Those duties may include, but are not limited to, 224325
assignment to a school building eligible for funding under Title I 224326
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 224327
6301 et seq.; assignment to a building in "school improvement" 224328
status under the "No Child Left Behind Act of 2001," as defined in 224329
section 3302.01 of the Revised Code; teaching in a grade level or 224330
subject area in which the board has determined there is a shortage 224331
within the district or service center; or assignment to a 224332
hard-to-staff school, as determined by the board. 224333

Sec. 3317.15. (A) As used in this section, "child with a 224334
disability" has the same meaning as in section 3323.01 of the 224335
Revised Code. 224336

(B) Each city, exempted village, local, and joint vocational 224337
school district shall continue to comply with all requirements of 224338
federal statutes and regulations, the Revised Code, and rules 224339
adopted by the ~~state board~~ department of education and workforce 224340
governing education of children with disabilities, including, but 224341
not limited to, requirements that children with disabilities be 224342
served by appropriately licensed or certificated education 224343
personnel. 224344

(C) Each city, exempted village, local, and joint vocational 224345
school district shall consult with the educational service center 224346
serving the county in which the school district is located and, if 224347
it elects to participate pursuant to section 5126.04 of the 224348

Revised Code, the county board of developmental disabilities of 224349
that county, in providing services that serve the best interests 224350
of children with disabilities. 224351

(D) Each school district shall annually provide documentation 224352
to the department ~~of education~~ that it employs the appropriate 224353
number of licensed or certificated personnel to serve the 224354
district's students with disabilities. 224355

(E) The department annually shall audit a sample of school 224356
districts to ensure that children with disabilities are being 224357
appropriately reported. 224358

(F) Each school district shall provide speech-language 224359
pathology services at a ratio of one speech-language pathologist 224360
per two thousand students receiving any educational services from 224361
the district other than adult education. Each district shall 224362
provide school psychological services at a ratio of one school 224363
psychologist per two thousand five hundred students receiving any 224364
educational services from the district other than adult education. 224365
A district may obtain the services of speech-language pathologists 224366
and school psychologists by any means permitted by law, including 224367
contracting with an educational service center. If, however, a 224368
district is unable to obtain the services of the required number 224369
of speech-language pathologists or school psychologists, the 224370
district may request from the ~~superintendent of public instruction~~ 224371
department, and the ~~superintendent~~ department may grant, a waiver 224372
of this provision for a period of time established by the 224373
~~superintendent~~ department. 224374

Sec. 3317.16. The department of education and workforce shall 224375
compute and distribute state core foundation funding to each 224376
funding unit that is a joint vocational school district for the 224377
fiscal year as follows: 224378

For fiscal years 2022 and 2023: 224379

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (4), (5), and (6) of this section - the district's general funding base) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(3) of this section - the district's disadvantaged pupil impact aid funding base) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] 224380
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For fiscal year 2024 and each fiscal year thereafter, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (4), (5), and (6) of this section. 224390
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(A) A district's state core foundation funding components shall be all of the following: 224394
224395

(1) The district's state share of the base cost, which is equal to the following: 224396
224397

(a) For fiscal years 2022 and 2023, an amount calculated according to the following formula: 224398
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(The district's base cost calculated under section 3317.012 of the Revised Code) - (0.0005 X the lesser of the district's three-year average valuation or the district's most recent valuation) 224400
224401
224402

However, no district shall receive an amount under division (A)(1) of this section that is less than 0.05 times the base cost calculated for the district under section 3317.012 of the Revised Code. 224403
224404
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(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 224407
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(2) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code 224409
224410

calculated as follows: 224411

(a) For fiscal years 2022 and 2023, the sum of the following: 224412

(i) The district's category one special education ADM X the 224413
multiple specified in division (A) of section 3317.013 of the 224414
Revised Code X the statewide average base cost per pupil for that 224415
fiscal year X the district's state share percentage; 224416

(ii) The district's category two special education ADM X the 224417
multiple specified in division (B) of section 3317.013 of the 224418
Revised Code X the statewide average base cost per pupil for that 224419
fiscal year X the district's state share percentage; 224420

(iii) The district's category three special education ADM X 224421
the multiple specified in division (C) of section 3317.013 of the 224422
Revised Code X the statewide average base cost per pupil for that 224423
fiscal year X the district's state share percentage; 224424

(iv) The district's category four special education ADM X the 224425
multiple specified in division (D) of section 3317.013 of the 224426
Revised Code X the statewide average base cost per pupil for that 224427
fiscal year X the district's state share percentage; 224428

(v) The district's category five special education ADM X the 224429
multiple specified in division (E) of section 3317.013 of the 224430
Revised Code X the statewide average base cost per pupil for that 224431
fiscal year X the district's state share percentage; 224432

(vi) The district's category six special education ADM X the 224433
multiple specified in division (F) of section 3317.013 of the 224434
Revised Code X the statewide average base cost per pupil for that 224435
fiscal year X the district's state share percentage. 224436

(b) For fiscal year 2024 and each fiscal year thereafter, the 224437
sum of the following: 224438

(i) An amount calculated in a manner determined by the 224439
general assembly times the funding unit's category one special 224440

education ADM;	224441
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;	224442 224443 224444
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM;	224445 224446 224447
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	224448 224449 224450
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	224451 224452 224453
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	224454 224455 224456
(3) Disadvantaged pupil impact aid calculated as follows:	224457
(a) For fiscal years 2022 and 2023, an amount calculated according to the following formula:	224458 224459
\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	224460 224461 224462
(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	224463 224464
(4) English learner funds calculated as follows:	224465
(a) For fiscal years 2022 and 2023, the sum of the following:	224466
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	224467 224468 224469 224470

(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 224471
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(iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage. 224475
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(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following: 224479
224480

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM; 224481
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(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM; 224484
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224486

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM. 224487
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(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code. 224490
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(6) Career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code. 224492
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(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the ~~superintendent of public instruction~~ department documentation, as 224495
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prescribed by the ~~superintendent~~ department, of all of its costs 224501
for that student. Upon submission of documentation for a student 224502
of the type and in the manner prescribed, the department shall pay 224503
to the district an amount equal to the sum of the following: 224504

(a) One-half of the district's costs for the student in 224505
excess of the threshold catastrophic cost; 224506

(b) The product of one-half of the district's costs for the 224507
student in excess of the threshold catastrophic cost multiplied by 224508
the district's state share percentage. 224509

(2) The district shall report under division (B)(1) of this 224510
section, and the department shall pay for, only the costs of 224511
educational expenses and the related services provided to the 224512
student in accordance with the student's individualized education 224513
program. Any legal fees, court costs, or other costs associated 224514
with any cause of action relating to the student may not be 224515
included in the amount. 224516

(C)(1) For each student with a disability receiving special 224517
education and related services under an individualized education 224518
program, as defined in section 3323.01 of the Revised Code, at a 224519
joint vocational school district, the resident district or, if the 224520
student is enrolled in a community school, the community school 224521
shall be responsible for the amount of any costs of providing 224522
those special education and related services to that student that 224523
exceed the sum of the amount calculated for those services 224524
attributable to that student under division (A) of this section. 224525

Those excess costs shall be calculated using a formula 224526
approved by the department. 224527

(2) The board of education of the joint vocational school 224528
district may report the excess costs calculated under division 224529
(C)(1) of this section to the department ~~of education~~. 224530

(3) If the board of education of the joint vocational school 224531

district reports excess costs under division (C)(2) of this 224532
section, the department shall pay the amount of excess cost 224533
calculated under division (C)(2) of this section to the joint 224534
vocational school district and shall deduct that amount as 224535
provided in division (C)(3)(a) or (b) of this section, as 224536
applicable: 224537

(a) If the student is not enrolled in a community school, the 224538
department shall deduct the amount from the account of the 224539
student's resident district pursuant to division (J) of section 224540
3317.023 of the Revised Code. 224541

(b) If the student is enrolled in a community school, the 224542
department shall deduct the amount from the account of the 224543
community school pursuant to section 3314.083 of the Revised Code. 224544

(D) A joint vocational school district shall spend the funds 224545
it receives under division (A)(3) of this section in accordance 224546
with section 3317.25 of the Revised Code. 224547

(E) For fiscal years 2022 and 2023, a school district shall 224548
spend the funds it receives under division (A)(4) of this section 224549
only for services for English learners. 224550

(F) As used in this section: 224551

(1) "Community school" means a community school established 224552
under Chapter 3314. of the Revised Code. 224553

(2) "Resident district" means the city, local, or exempted 224554
village school district in which a student is entitled to attend 224555
school under section 3313.64 or 3313.65 of the Revised Code. 224556

Sec. 3317.161. (A) As used in this section, "lead district" 224557
has the same meaning as in section 3317.023 of the Revised Code. 224558

(B)(1) A career-technical education program of a city, local, 224559
or exempted village school district, community school, or STEM 224560
school shall be subject to approval under this section in order 224561

for the district or school to qualify for state funding for the 224562
program. Approval granted under this section shall be valid for 224563
the five fiscal years following the fiscal year in which the 224564
program is approved and may be renewed. Approval shall be subject 224565
to annual review under division (E) of this section. 224566

(2) If a district or school becomes a new member of a 224567
career-technical planning district, its career-technical education 224568
programs shall be approved or disapproved by the lead district of 224569
the career-technical planning district during the fiscal year in 224570
which the district or school becomes a member of the 224571
career-technical planning district. Any program of the district or 224572
school that was approved by the department of education and 224573
workforce for an approval period that includes the fiscal year in 224574
which the district or school becomes a new member of the 224575
career-technical planning district shall retain its approved 224576
status during that fiscal year. 224577

(3) If an existing member of a career-technical planning 224578
district develops a new career-technical education program, that 224579
program shall be approved or disapproved by the lead district of 224580
the career-technical planning district prior to the first fiscal 224581
year for which the district or school is seeking funding for the 224582
program. 224583

(4) Except as provided in division (B)(2) of this section, if 224584
a career-technical education program was approved by the 224585
department prior to September 29, 2013, that approval remains 224586
valid for the unexpired remainder of the approval period specified 224587
by the department. Approval of that program may then be renewed in 224588
accordance with this section on a date prior to the expiration of 224589
the approval period. 224590

(C)(1) The lead district of a career-technical planning 224591
district shall approve or disapprove for a five-year period each 224592
career-technical education program of the city, local, and 224593

exempted village school districts, community schools, and STEM 224594
schools that are assigned by the department to the 224595
career-technical planning district. The lead district's decision 224596
to approve or disapprove a program shall be based on requirements 224597
for career-technical education programs that are specified in 224598
rules adopted by the department. These requirements shall include, 224599
but are not limited to, all of the following: 224600

(a) Demand for the career-technical education program by 224601
industries in the state; 224602

(b) Quality of the program; 224603

(c) Potential for a student enrolled in the program to 224604
receive the training that will qualify the student for industry 224605
credentials or post-secondary education; 224606

(d) Admission requirements of the lead district; 224607

(e) Past performance of the district or school that is 224608
offering the program; 224609

(f) Traveling distance; 224610

(g) Sustainability; 224611

(h) Capacity; 224612

(i) Availability of the program within the career-technical 224613
planning district; 224614

(j) In the case of a new program, the cost to begin the 224615
program. 224616

(2) The lead district shall approve or disapprove each 224617
program not later than the first day of March prior to the first 224618
fiscal year for which the district or school is seeking funding 224619
for the program. If a program is approved, the lead district shall 224620
notify the department of its decision. If a program is 224621
disapproved, the lead district shall notify the district or school 224622
of its decision. 224623

If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March.

(D)(1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education program, the department shall review the lead district's decision and determine whether to approve or disapprove the program not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the district or school and the lead district of the district's or school's career-technical planning district of its determination.

(2) Upon receiving an appeal from a district or school of a lead district's disapproval of a career-technical education program or failure to take action to approve or disapprove the program, the department shall review the lead district's disapproval or failure to take action. The department shall decide whether to approve or disapprove the program as a result of this review not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the lead district and the appealing district or school of its determination.

(3) In conducting a review under division (D)(1) or (2) of this section, the department shall consider the criteria prescribed under division (C)(1) of this section.

(4) If the department approves a program under division (D)(1) or (2) of this section, it shall authorize the payment to the district or school of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the

department. 224656

(5) The department's decisions under divisions (D)(1) and (2) 224657
of this section shall be final and not appealable. 224658

(6) The ~~superintendent of public instruction~~ director of 224659
education and workforce may adopt guidelines identifying 224660
circumstances in which the department may, after consulting with a 224661
lead district, approve or disapprove a program that has been 224662
approved or disapproved by the lead district after the deadline 224663
prescribed in division (D)(1) or (2) of this section has passed. 224664

(E) The department and the lead district of each 224665
career-technical planning district shall conduct an annual review 224666
of each career-technical education program in the lead district's 224667
career-technical planning district that receives approval under 224668
this section. Continued funding of the program during the 224669
five-year approval period shall be subject to the school's 224670
compliance with any directives for performance improvement that 224671
are issued by the department or the lead district as a result of 224672
any review conducted under this section. 224673

Sec. 3317.164. (A) As used in this section, "JobsOhio" has 224674
the same meaning as in section 187.01 of the Revised Code. 224675

(B) The governor's office of workforce transformation, in 224676
collaboration with the department of education and workforce, the 224677
chancellor of higher education, and JobsOhio, shall create a 224678
program that establishes financial incentives for Ohio businesses 224679
to provide work-based learning experiences for students enrolled 224680
in a career-technical education program approved under section 224681
3317.161 of the Revised Code. 224682

(C) To qualify for the financial incentives of the program 224683
created under this section, a business's work-based learning 224684
experiences shall align with the framework developed by the 224685

department under division (J)(3) of section 3313.603 of the Revised Code and with the applicable minor labor laws under section 4109.02 of the Revised Code.

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Sec. 3317.18. (A) As used in this section, the terms "Chapter 133. securities," "credit enhancement facilities," "debt charges," "general obligation," "legislation," "public obligations," and "securities" have the same meanings as in section 133.01 of the Revised Code.

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(B) The board of education of any school district authorizing the issuance of securities under section 133.10 or 3313.372 of the Revised Code or general obligation Chapter 133. securities may adopt legislation requesting the ~~state~~ department of education and workforce to approve, and enter into an agreement with the school district and the primary paying agent or fiscal agent for such securities providing for, the withholding and deposit of funds, otherwise due the district under Chapter 3317. of the Revised Code, for the payment of debt service charges on such securities.

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The board of education shall deliver to the state department a copy of such resolution and any additional pertinent information the ~~state~~ department may require.

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The department ~~of education~~ and the office of budget and management shall evaluate each request received from a school district under this section and the department, with the advice and consent of the director of budget and management, shall approve or deny each request based on all of the following:

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(1) Whether approval of the request will enhance the marketability of the securities for which the request is made;

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(2) Any other pertinent factors or limitations established in rules made under division (I) of this section, including:

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(a) Current and projected obligations of funds due to the

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requesting school district under Chapter 3317. of the Revised Code 224716
including obligations of those funds to public obligations or 224717
relevant credit enhancement facilities under this section, Chapter 224718
133. and section 3313.483 of the Revised Code, and under any other 224719
similar provisions of law; 224720

(b) Whether the department of education and workforce or the 224721
office of budget and management has any reason to believe the 224722
requesting school district will be unable to pay when due the debt 224723
charges on the securities for which the request is made. 224724

The department may require a school district to establish 224725
schedules for the payment of all debt charges that take into 224726
account the amount and timing of anticipated distributions of 224727
funds to the district under Chapter 3317. of the Revised Code. 224728

(C) If the department approves the request of a school 224729
district to withhold and deposit funds pursuant to this section, 224730
the department shall enter into a written agreement with the 224731
district and the primary paying agent or fiscal agent for the 224732
securities which shall provide for the withholding of funds 224733
pursuant to this section for the payment of debt charges on those 224734
securities, and may include both of the following: 224735

(1) Provisions for certification by the district to the 224736
department, at a time prior to any date for the payment of 224737
applicable debt charges, whether the district is able to pay those 224738
debt charges when due; 224739

(2) Requirements that the district deposit amounts for the 224740
payment of debt charges on the securities with the primary paying 224741
agent or fiscal agent for the securities prior to the date on 224742
which those debt charge payments are due to the owners or holders 224743
of the securities. 224744

(D) Whenever a district notifies the department ~~of education~~ 224745
that it will be unable to pay debt charges when they are due, 224746

subject to the withholding provisions of this section, or whenever 224747
the applicable paying agent or fiscal agent notifies the 224748
department that it has not timely received from a school district 224749
the full amount needed for the payment when due of those debt 224750
charges to the holders or owners of such securities, the 224751
department shall immediately contact the school district and the 224752
paying agent or fiscal agent to confirm or determine whether the 224753
district is unable to make the required payment by the date on 224754
which it is due. 224755

Upon demand of the treasurer of state while holding a school 224756
district obligation purchased under division (G)(1) of section 224757
135.143 of the Revised Code, the ~~state~~ department ~~of education~~, 224758
without a request of the school district, shall withhold and 224759
deposit funds pursuant to this section for payment of debt service 224760
charges on that obligation. 224761

If the department confirms or determines that the district 224762
will be unable to make such payment and payment will not be made 224763
pursuant to a credit enhancement facility, the department shall 224764
promptly pay to the applicable primary paying agent or fiscal 224765
agent the lesser of the amount due for debt charges or the amount 224766
due the district for the remainder of the fiscal year under 224767
Chapter 3317. of the Revised Code. If this amount is insufficient 224768
to pay the total amount then due the agent for the payment of debt 224769
charges, the department shall pay to the agent each fiscal year 224770
thereafter, and until the full amount due the agent for unpaid 224771
debt charges is paid in full, the lesser of the remaining amount 224772
due the agent for debt charges or the amount due the district for 224773
the fiscal year under Chapter 3317. of the Revised Code. 224774

(E) The ~~state~~ department may make any payments under this 224775
division by direct deposit of funds by electronic transfer. 224776

Any amount received by a paying agent or fiscal agent under 224777
this section shall be applied only to the payment of debt charges 224778

on the securities of the school district subject to this section 224779
or to the reimbursement to the provider of a credit enhancement 224780
facility that has paid such debt charges. 224781

(F) To the extent a school district whose securities are 224782
subject to this section is unable to pay applicable debt charges 224783
because of the failure to collect property taxes levied for the 224784
payment of those debt charges, the district may transfer to or 224785
deposit into any fund that would have received payments under 224786
Chapter 3317. of the Revised Code that were withheld under this 224787
section any such delinquent property taxes when later collected, 224788
provided that transfer or deposit shall be limited to the amounts 224789
withheld from that fund under this section. 224790

(G) The department may make payments under this section to 224791
paying agents or fiscal agents only from and to the extent that 224792
money is appropriated by the general assembly for Chapter 3317. of 224793
the Revised Code or for the purposes of this section. No 224794
securities of a school district to which this section is made 224795
applicable constitute an obligation or a debt or a pledge of the 224796
faith, credit, or taxing power of the state, and the holders or 224797
owners of such securities have no right to have taxes levied or 224798
appropriations made by the general assembly for the payment of 224799
debt charges on those securities, and those securities, if the 224800
department requires, shall contain a statement to that effect. The 224801
agreement for or the actual withholding and payment of moneys 224802
under this section does not constitute the assumption by the state 224803
of any debt of a school district. 224804

(H) In the case of securities subject to the withholding 224805
provisions of this section, the issuing board of education shall 224806
appoint a paying agent or fiscal agent who is not an officer or 224807
employee of the school district. 224808

(I) The department ~~of education~~, with the advice of the 224809
office of budget and management, may adopt reasonable rules not 224810

inconsistent with this section for the implementation of this 224811
section and division (B) of section 133.25 of the Revised Code as 224812
it relates to the withholding and depositing of payments under 224813
Chapter 3317. of the Revised Code to secure payment of debt 224814
charges on school district securities. Those rules shall include 224815
criteria for the evaluation and approval or denial of school 224816
district requests for withholding under this section and limits on 224817
the obligation for the purpose of paying debt charges or 224818
reimbursing credit enhancement facilities of funds otherwise to be 224819
paid to school districts under Chapter 3317. of the Revised Code. 224820

(J) The authority granted by this section is in addition to 224821
and not a limitation on any other authorizations granted by or 224822
pursuant to law for the same or similar purposes. 224823

Sec. 3317.19. The ~~state board~~ department of education and 224824
workforce shall compute and distribute to each cooperative 224825
education school district for each fiscal year an amount equal to 224826
the sum of the following: 224827

(A) An amount equal to the total of the amounts credited to 224828
the cooperative education school district pursuant to division (H) 224829
of section 3317.023 of the Revised Code; 224830

(B) An amount for assisting in providing free lunches to 224831
needy children pursuant to division (D) of section 3317.024 of the 224832
Revised Code. 224833

Sec. 3317.201. This section does not apply to preschool 224834
children with disabilities. 224835

(A) As used in this section, the "total special education 224836
amount" for an institution means the following: 224837

(1) For fiscal years 2022 and 2023, the sum of the following 224838
amounts: 224839

(a) The number of children certified by the institution under 224840
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 224841
receiving services for a disability described in division (A) of 224842
section 3317.013 of the Revised Code multiplied by the multiple 224843
specified in that division multiplied by the statewide average 224844
base cost per pupil; 224845

(b) The number of children certified by the institution under 224846
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 224847
receiving services for a disability described in division (B) of 224848
section 3317.013 of the Revised Code multiplied by the multiple 224849
specified in that division multiplied by the statewide average 224850
base cost per pupil; 224851

(c) The number of children certified by the institution under 224852
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 224853
receiving services for a disability described in division (C) of 224854
section 3317.013 of the Revised Code multiplied by the multiple 224855
specified in that division multiplied by the statewide average 224856
base cost per pupil; 224857

(d) The number of children certified by the institution under 224858
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 224859
receiving services for a disability described in division (D) of 224860
section 3317.013 of the Revised Code multiplied by the multiple 224861
specified in that division multiplied by the statewide average 224862
base cost per pupil; 224863

(e) The number of children certified by the institution under 224864
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 224865
receiving services for a disability described in division (E) of 224866
section 3317.013 of the Revised Code multiplied by the multiple 224867
specified in that division multiplied by the statewide average 224868
base cost per pupil; 224869

(f) The number of children certified by the institution under 224870

division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 224871
receiving services for a disability described in division (F) of 224872
section 3317.013 of the Revised Code multiplied by the multiple 224873
specified in that division multiplied by the statewide average 224874
base cost per pupil. 224875

(2) For fiscal year 2024 and each fiscal year thereafter, the 224876
sum of the following amounts: 224877

(a) An amount calculated in a manner determined by the 224878
general assembly times the number of children certified by the 224879
institution under division (G)(1)(a)(i) of section 3317.03 of the 224880
Revised Code as receiving services for a disability described in 224881
division (A) of section 3317.013 of the Revised Code; 224882

(b) An amount calculated in a manner determined by the 224883
general assembly times the number of children certified by the 224884
institution under division (G)(1)(a)(i) of section 3317.03 of the 224885
Revised Code as receiving services for a disability described in 224886
division (B) of section 3317.013 of the Revised Code; 224887

(c) An amount calculated in a manner determined by the 224888
general assembly times the number of children certified by the 224889
institution under division (G)(1)(a)(i) of section 3317.03 of the 224890
Revised Code as receiving services for a disability described in 224891
division (C) of section 3317.013 of the Revised Code; 224892

(d) An amount calculated in a manner determined by the 224893
general assembly times the number of children certified by the 224894
institution under division (G)(1)(a)(i) of section 3317.03 of the 224895
Revised Code as receiving services for a disability described in 224896
division (D) of section 3317.013 of the Revised Code; 224897

(e) An amount calculated in a manner determined by the 224898
general assembly times the number of children certified by the 224899
institution under division (G)(1)(a)(i) of section 3317.03 of the 224900
Revised Code as receiving services for a disability described in 224901

division (E) of section 3317.013 of the Revised Code; 224902

(f) An amount calculated in a manner determined by the 224903
general assembly times the number of children certified by the 224904
institution under division (G)(1)(a)(i) of section 3317.03 of the 224905
Revised Code as receiving services for a disability described in 224906
division (F) of section 3317.013 of the Revised Code. 224907

(B) For each fiscal year, the department of education and 224908
workforce shall pay each state institution required to provide 224909
special education services under division (A) of section 3323.091 224910
of the Revised Code an amount equal to the institution's total 224911
special education amount. 224912

Sec. 3317.23. (A) For purposes of this section: 224913

(1) "Competency-based educational program" means any system 224914
of academic instruction, assessment, grading, and reporting where 224915
students receive credit based on demonstrations and assessments of 224916
their learning rather than the amount of time they spend studying 224917
a subject. A competency-based educational program shall encourage 224918
accelerated learning among students who master academic materials 224919
quickly while providing additional instructional support time for 224920
students who need it. 224921

(2) An "eligible individual" is an individual who satisfies 224922
both of the following criteria: 224923

(a) The individual is at least twenty-two years of age. 224924

(b) The individual has not been awarded a high school diploma 224925
or a certificate of high school equivalence as defined in section 224926
4109.06 of the Revised Code. 224927

(B) An eligible individual may enroll in a city, local, or 224928
exempted village school district that operates a dropout 224929
prevention and recovery program for up to two consecutive school 224930
years for the purpose of earning a high school diploma. An 224931

individual enrolled under this division may elect to satisfy the 224932
requirements to earn a high school diploma by successfully 224933
completing a competency-based educational program that complies 224934
with the standards adopted by the department of education and 224935
workforce under section 3317.231 of the Revised Code. The district 224936
shall report that individual's enrollment on a full-time 224937
equivalency basis under division (A) of section 3317.036 of the 224938
Revised Code and shall not report that individual's enrollment 224939
under section 3317.03 of the Revised Code. An individual enrolled 224940
under this division shall not be assigned to classes or settings 224941
with students who are younger than eighteen years of age. 224942

(C)(1) For each district that enrolls individuals under 224943
division (B) of this section, the department annually shall 224944
certify the enrollment and attendance, on a full-time equivalency 224945
basis, of each individual reported by the district under division 224946
(A) of section 3317.036 of the Revised Code. 224947

(2) For each individual enrolled in a district under division 224948
(B) of this section, the department annually shall pay the 224949
district up to \$5,000, as determined by the department based on 224950
the extent of the individual's successful completion of the 224951
graduation requirements prescribed under sections 3313.603, 224952
3313.61, 3313.611, and 3313.614 of the Revised Code. 224953

(D) A district that enrolls individuals under division (B) of 224954
this section shall be subject to the program administration 224955
standards adopted by the department under section 3317.231 of the 224956
Revised Code, as applicable. 224957

Sec. 3317.231. The department of education and workforce 224958
shall adopt rules regarding the administration of programs that 224959
enroll individuals who are at least twenty-two years of age under 224960
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 224961
Code, including data collection, the reporting and certification 224962

of enrollment in the programs, the measurement of the academic 224963
performance of individuals enrolled in the programs, and the 224964
standards for competency-based educational programs, as defined in 224965
section 3317.23 of the Revised Code. 224966

Sec. 3317.24. (A) For purposes of this section, 224967
"competency-based educational program" and "eligible individual" 224968
have the same meanings as in section 3317.23 of the Revised Code. 224969

(B) An eligible individual may enroll in a joint vocational 224970
school district that operates an adult education program for up to 224971
two cumulative school years for the purpose of completing the 224972
requirements to earn a high school diploma. An individual enrolled 224973
under this division may elect to satisfy these requirements by 224974
successfully completing a competency-based educational program 224975
that complies with the standards adopted by the department of 224976
education and workforce under section 3317.231 of the Revised 224977
Code. The district shall report an individual's enrollment under 224978
this division on a full-time equivalency basis under division (B) 224979
of section 3317.036 of the Revised Code and shall not report that 224980
individual's enrollment under section 3317.03 of the Revised Code. 224981
An individual enrolled under this division shall not be assigned 224982
to classes or settings with students who are younger than eighteen 224983
years of age. 224984

(C)(1) For each joint vocational school district that enrolls 224985
individuals under division (B) of this section, the department 224986
annually shall certify the enrollment and attendance, on a 224987
full-time equivalency basis, of each individual reported by the 224988
district under division (B) of section 3317.036 of the Revised 224989
Code. 224990

(2) For each individual enrolled in a joint vocational school 224991
district under division (B) of this section, the department 224992

annually shall pay the district up to \$5,000, as determined by the 224993
department based on the extent of the individual's successful 224994
completion of the graduation requirements prescribed under 224995
sections 3313.603, 3313.61, 3313.611, and 3313.614 of the Revised 224996
Code. 224997

(D) If an individual enrolled in a joint vocational school 224998
district under division (B) of this section completes the 224999
requirements to earn a high school diploma, the joint vocational 225000
school district shall certify the completion of those requirements 225001
to the city, local, or exempted village school district in which 225002
the individual resides. Upon receiving certification under this 225003
division, the city, local, or exempted village school district in 225004
which the individual resides shall issue a high school diploma to 225005
the individual within sixty days of receiving the certification. 225006

(E) A joint vocational school district that enrolls 225007
individuals under division (B) of this section shall be subject to 225008
the program administration standards adopted by the department 225009
under section 3317.231 of the Revised Code, as applicable. 225010

Sec. 3317.25. (A) As used in this section, "disadvantaged 225011
pupil impact aid" means the following: 225012

(1) For a city, local, or exempted village school district, 225013
the funds received under division (A)(4)(a) of section 3317.022 of 225014
the Revised Code; 225015

(2) For a joint vocational school district, the funds 225016
received under division (A)(3) of section 3317.16 of the Revised 225017
Code; 225018

(3) For a community school established under Chapter 3314. of 225019
the Revised Code, the funds received under division (A)(4)(b) of 225020
section 3317.022 of the Revised Code; 225021

(4) For a STEM school established under Chapter 3326. of the 225022

Revised Code, the funds received under division (A)(4)(b) of	225023
section 3317.022 of the Revised Code.	225024
(B)(1) For fiscal years 2022 and 2023, a city, local,	225025
exempted village, or joint vocational school district, community	225026
school, or STEM school shall spend the disadvantaged pupil impact	225027
aid it receives for any of the following initiatives or a	225028
combination of any of the following initiatives:	225029
(a) Extended school day and school year;	225030
(b) Reading improvement and intervention;	225031
(c) Instructional technology or blended learning;	225032
(d) Professional development in reading instruction for	225033
teachers of students in kindergarten through third grade;	225034
(e) Dropout prevention;	225035
(f) School safety and security measures;	225036
(g) Community learning centers that address barriers to	225037
learning;	225038
(h) Academic interventions for students in any of grades six	225039
through twelve;	225040
(i) Employment of an individual who has successfully	225041
completed the bright new leaders for Ohio schools program as a	225042
principal or an assistant principal under section 3319.272 of the	225043
Revised Code;	225044
(j) Mental health services, including telehealth services;	225045
(k) Culturally appropriate, evidence-based or	225046
evidence-informed prevention education, including youth-led	225047
programming and social and emotional learning curricula to promote	225048
mental health and prevent substance use and suicide;	225049
(l) Services for homeless youth;	225050
(m) Services for child welfare involved youth;	225051

(n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;	225052 225053 225054
(o) Physical health care services, including telehealth services;	225055 225056
(p) Family engagement and support services;	225057
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.	225058 225059 225060
(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.	225061 225062 225063 225064 225065
(C)(1) For fiscal years 2022 and 2023, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:	225066 225067 225068 225069 225070 225071
(a) A board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code;	225072 225073
(b) An educational service center;	225074
(c) A county board of developmental disabilities;	225075
(d) A community-based mental health treatment provider;	225076
(e) A board of health of a city or general health district;	225077
(f) A county department of job and family services;	225078
(g) A nonprofit organization with experience serving children;	225079 225080

(h) A public hospital agency. 225081

(2) For fiscal year 2024 and each fiscal year thereafter, 225082
each city, local, exempted village, and joint vocational school 225083
district, community school, and STEM school that is subject to the 225084
requirements of this section shall develop a plan for utilizing 225085
the disadvantaged pupil impact aid it receives in the manner 225086
specified by the general assembly, if the general assembly 225087
requires city, local, exempted village, and joint vocational 225088
school districts, community schools, and STEM schools to develop 225089
such a plan. 225090

(D) After the end of each fiscal year, each city, local, 225091
exempted village, or joint vocational school district, community 225092
school, and STEM school shall submit a report to the department of 225093
education and workforce describing the initiative or initiatives 225094
on which the district's or school's disadvantaged pupil impact aid 225095
were spent during that fiscal year. For fiscal years 2022 and 225096
2023, this report shall be submitted in a manner prescribed by the 225097
department and shall also describe the amount of money that was 225098
spent on each initiative. 225099

(E) Starting in 2015, the department shall submit a report of 225100
the information it receives under division (C) of this section to 225101
the general assembly not later than the first day of December of 225102
each odd-numbered year in accordance with section 101.68 of the 225103
Revised Code. 225104

Sec. 3317.40. (A) As used in this section, "subgroup" means 225105
one of the following subsets of the entire student population of a 225106
school district or a school building: 225107

(1) Students with disabilities; 225108

(2) Economically disadvantaged students; 225109

(3) English learners; 225110

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code.

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(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held accountable for those funds to ensure that all students are provided an opportunity to graduate from high school prepared for a career or for post-secondary education.

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(C) When funds are provided under this chapter specifically for services for a subgroup of students, the general assembly has determined that these students experience unique challenges requiring additional resources and intends that the funds so provided be used for services that will allow students in those subgroups to master the knowledge base required for high school graduation.

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(D) If a district or school fails to show satisfactory achievement and progress, as determined by the ~~state board~~ department of education and workforce, for any subgroup of students based on performance measures reported or graded under section 3302.03 of the Revised Code, the district or school shall submit an improvement plan to the department for approval. The plan may be included in any other improvement plan required of the district or school under state or federal law. The department may require that a plan required under division (C) of this section include an agreement to partner with another organization that has demonstrated the ability to improve the educational outcome for that subgroup of students to provide services to those students. The partner organization may be another school, district, or other education provider.

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~~Not later than December 31, 2014, the state board of~~

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~~education~~ The department shall establish measures of satisfactory 225143
achievement and progress, which include, but are not limited to, 225144
performance measures under section 3302.03 of the Revised Code. 225145
The department shall make the initial determination of 225146
satisfactory achievement and progress under this section using 225147
those measures not later than September 1, 2015, and then make 225148
determinations under this section annually thereafter. 225149

The department shall publish a list of schools, school 225150
districts, and other educational providers that have demonstrated 225151
an ability to serve each subgroup of students. 225152

Sec. 3317.50. The telecommunity education fund is hereby 225153
created in the state treasury. The fund shall consist of certain 225154
excess local exchange telephone company contributions transferred 225155
from the reserve fund of the Ohio telecommunications advisory 225156
board pursuant to an agreement between the public utilities 225157
commission of Ohio and the Ohio department of education and 225158
workforce. The fund shall be used by the chancellor of ~~the Ohio~~ 225159
~~board of regents~~ higher education, in the amounts appropriated, to 225160
finance technology grants to state-chartered elementary and 225161
secondary schools. Investment earnings of the fund shall be 225162
credited to the fund. 225163

Sec. 3317.51. (A) The distance learning fund is hereby 225164
created in the state treasury. The fund shall consist of moneys 225165
paid by any telephone company as a part of a settlement agreement 225166
between such company and the public utilities commission in fiscal 225167
year 1995 in part to establish distance learning throughout the 225168
state. The chancellor of ~~the Ohio board of regents~~ higher 225169
education shall administer the fund and expend moneys from it to 225170
finance technology grants to eligible schools chartered by the 225171
~~state board~~ director of education and workforce to establish 225172
distance learning in those schools. Chartered schools are eligible 225173

for funds if they are within the service area of the telephone 225174
company. Investment earnings of the fund shall be credited to the 225175
fund. 225176

(B) For purposes of this section, "distance learning" means 225177
the creation of a learning environment involving a school setting 225178
and at least one other location outside of the school which allows 225179
for information available at one site to be accessed at the other 225180
through the use of such educational applications as one-way or 225181
two-way transmission of data, voice, and video, singularly or in 225182
appropriate combinations. 225183

Sec. 3318.011. For purposes of providing assistance under 225184
sections 3318.01 to 3318.20 of the Revised Code, the department of 225185
education and workforce shall annually do all of the following: 225186

(A) Calculate the adjusted valuation per pupil of each city, 225187
local, and exempted village school district according to the 225188
following formula: 225189

The district's valuation per pupil - 225190

[\$30,000 X (1 - the district's income factor)]. 225191

For purposes of this calculation: 225192

(1) Except for a district with an open enrollment net gain 225193
that is ten per cent or more of its formula ADM, "valuation per 225194
pupil" for a district means its average taxable value, divided by 225195
its formula ADM for the previous fiscal year. "Valuation per 225196
pupil," for a district with an open enrollment net gain that is 225197
ten per cent or more of its formula ADM, means its average taxable 225198
value, divided by the sum of its formula ADM for the previous 225199
fiscal year plus its open enrollment net gain for the previous 225200
fiscal year. 225201

(2) "Average taxable value" means the average of the sum of 225202
the amounts certified for a district under divisions (A)(1) and 225203

- (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years. 225204
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- (3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code. 225206
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- (4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 225209
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- (5) "Native student" has the same meaning as in section 3313.98 of the Revised Code. 225211
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- (6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero. 225213
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- (7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code. 225222
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- (8) "District median income" means the median Ohio adjusted gross income certified for a school district under section 3317.021 of the Revised Code. 225225
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- (9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state. 225228
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- (10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 225231
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(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years;

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio facilities construction commission.

Sec. 3318.033. (A) As used in this section:

(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code.

(B) This section applies to each school district that meets the following criteria:

(1) The Ohio facilities construction commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and

prior to September 29, 2007, and the project had not been 225264
completed as of September 29, 2007. 225265

(2) Within one year after the date of the commission's 225266
certification of its conditional approval, the district's electors 225267
approved a bond issue to pay the district's portion of the basic 225268
project cost or the district board of education complied with 225269
section 3318.052 of the Revised Code. 225270

(3) In the fiscal year prior to the fiscal year in which the 225271
district's project was conditionally approved, the district had an 225272
open enrollment net gain that was ten per cent or more of its 225273
formula ADM. 225274

(C) For each school district to which this section applies, 225275
the department of education and workforce shall recalculate the 225276
district's percentile ranking under section 3318.011 of the 225277
Revised Code for the fiscal year prior to the fiscal year in which 225278
the district's project was conditionally approved and shall report 225279
the recalculated percentile ranking to the commission. For this 225280
purpose, the department shall recalculate every school district's 225281
percentile ranking for that fiscal year using the district's 225282
"valuation per pupil" as that term is defined in section 3318.011 225283
of the Revised Code on and after September 29, 2007. 225284

(D) For each school district to which this section applies, 225285
the commission shall use the recalculated percentile ranking 225286
reported under division (C) of this section to determine the 225287
district's portion of the basic project cost under section 225288
3318.032 of the Revised Code. The commission shall not use the 225289
recalculated percentile ranking for any other purpose, and the 225290
recalculated ranking shall not affect any other district's portion 225291
of the basic project cost under section 3318.032 of the Revised 225292
Code or any district's eligibility for assistance under sections 225293
3318.01 to 3318.20 of the Revised Code. The commission shall 225294
revise the agreement entered into under section 3318.08 of the 225295

Revised Code to reflect the district's new portion of the basic 225296
project cost as determined under this division. 225297

Sec. 3318.051. (A) Any city, exempted village, or local 225298
school district that commences a project under sections 3318.01 to 225299
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 225300
after September 5, 2006, need not levy the tax otherwise required 225301
under division (B) of section 3318.05 of the Revised Code, if the 225302
district board of education adopts a resolution petitioning the 225303
Ohio facilities construction commission to approve the transfer of 225304
money in accordance with this section and the commission approves 225305
that transfer. If so approved, the commission and the district 225306
board shall enter into an agreement under which the board, in each 225307
of twenty-three consecutive years beginning in the year in which 225308
the board and the commission enter into the project agreement 225309
under section 3318.08 of the Revised Code, shall transfer into the 225310
maintenance fund required by division (D) of section 3318.05 of 225311
the Revised Code not less than an amount equal to one-half mill 225312
for each dollar of the district's valuation unless and until the 225313
agreement to make those transfers is rescinded by the district 225314
board pursuant to division (F) of this section. 225315

(B) On the first day of July each year, or on an alternative 225316
date prescribed by the commission, the district treasurer shall 225317
certify to the commission and the auditor of state that the amount 225318
required for the year has been transferred. The auditor of state 225319
shall include verification of the transfer as part of any audit of 225320
the district under section 117.11 of the Revised Code. If the 225321
auditor of state finds that less than the required amount has been 225322
deposited into a district's maintenance fund, the auditor of state 225323
shall notify the district board of education in writing of that 225324
fact and require the board to deposit into the fund, within ninety 225325
days after the date of the notice, the amount by which the fund is 225326
deficient for the year. If the district board fails to demonstrate 225327

to the auditor of state's satisfaction that the board has made the 225328
deposit required in the notice, the auditor of state shall notify 225329
the department of education and workforce. At that time, the 225330
department shall withhold an amount equal to ten per cent of the 225331
district's funds calculated for the current fiscal year under 225332
Chapter 3317. of the Revised Code until the auditor of state 225333
notifies the department that the auditor of state is satisfied 225334
that the board has made the required transfer. 225335

(C) Money transferred to the maintenance fund shall be used 225336
for the maintenance or, upon approval of the Ohio facilities 225337
construction commission, upgrade of the facilities acquired under 225338
the district's project. 225339

(D) The transfers to the maintenance fund under this section 225340
does not affect a district's obligation to establish and maintain 225341
a capital and maintenance fund under section 3315.18 of the 225342
Revised Code. 225343

(E) Any decision by the commission to approve or not approve 225344
the transfer of money under this section is final and not subject 225345
to appeal. The commission shall not be responsible for errors or 225346
miscalculations made in deciding whether to approve a petition to 225347
make transfers under this section. 225348

(F) If the district board determines that it no longer can 225349
continue making the transfers agreed to under this section, the 225350
board may rescind the agreement only so long as the electors of 225351
the district have approved, in accordance with section 3318.063 of 225352
the Revised Code, the levy of a tax for the maintenance of the 225353
classroom facilities acquired under the district's project and 225354
that levy continues to be collected as approved by the electors. 225355
That levy shall be for a number of years that is equal to the 225356
difference between twenty-three years and the number of years that 225357
the district made transfers under this section and shall be at the 225358
rate of not less than one-half mill for each dollar of the 225359

district's valuation. The district board shall continue to make 225360
the transfers agreed to under this section until that levy has 225361
been approved by the electors. 225362

Sec. 3318.08. Except in the case of a joint vocational school 225363
district that receives assistance under sections 3318.40 to 225364
3318.45 of the Revised Code, if the requisite favorable vote on 225365
the election is obtained, or if the school district board has 225366
resolved to apply the proceeds of a property tax levy or the 225367
proceeds of an income tax, or a combination of proceeds from such 225368
taxes, as authorized in section 3318.052 of the Revised Code, the 225369
Ohio facilities construction commission, upon certification to it 225370
of either the results of the election or the resolution under 225371
section 3318.052 of the Revised Code, shall enter into a written 225372
agreement with the school district board for the construction and 225373
sale of the project. In the case of a joint vocational school 225374
district that receives assistance under sections 3318.40 to 225375
3318.45 of the Revised Code, if the school district board of 225376
education and the school district electors have satisfied the 225377
conditions prescribed in division (D)(1) of section 3318.41 of the 225378
Revised Code, the commission shall enter into an agreement with 225379
the school district board for the construction and sale of the 225380
project. In either case, the agreement shall include, but need not 225381
be limited to, the following provisions: 225382

(A) The sale and issuance of bonds or notes in anticipation 225383
thereof, as soon as practicable after the execution of the 225384
agreement, in an amount equal to the school district's portion of 225385
the basic project cost, including any securities authorized under 225386
division (J) of section 133.06 of the Revised Code and dedicated 225387
by the school district board to payment of the district's portion 225388
of the basic project cost of the project; provided, that if at 225389
that time the county treasurer of each county in which the school 225390
district is located has not commenced the collection of taxes on 225391

the general duplicate of real and public utility property for the 225392
year in which the controlling board approved the project, the 225393
school district board shall authorize the issuance of a first 225394
installment of bond anticipation notes in an amount specified by 225395
the agreement, which amount shall not exceed an amount necessary 225396
to raise the net bonded indebtedness of the school district as of 225397
the date of the controlling board's approval to within five 225398
thousand dollars of the required level of indebtedness for the 225399
preceding year. In the event that a first installment of bond 225400
anticipation notes is issued, the school district board shall, as 225401
soon as practicable after the county treasurer of each county in 225402
which the school district is located has commenced the collection 225403
of taxes on the general duplicate of real and public utility 225404
property for the year in which the controlling board approved the 225405
project, authorize the issuance of a second and final installment 225406
of bond anticipation notes or a first and final issue of bonds. 225407

The combined value of the first and second installment of 225408
bond anticipation notes or the value of the first and final issue 225409
of bonds shall be equal to the school district's portion of the 225410
basic project cost. The proceeds of any such bonds shall be used 225411
first to retire any bond anticipation notes. Otherwise, the 225412
proceeds of such bonds and of any bond anticipation notes, except 225413
the premium and accrued interest thereon, shall be deposited in 225414
the school district's project construction fund. In determining 225415
the amount of net bonded indebtedness for the purpose of fixing 225416
the amount of an issue of either bonds or bond anticipation notes, 225417
gross indebtedness shall be reduced by moneys in the bond 225418
retirement fund only to the extent of the moneys therein on the 225419
first day of the year preceding the year in which the controlling 225420
board approved the project. Should there be a decrease in the tax 225421
valuation of the school district so that the amount of 225422
indebtedness that can be incurred on the tax duplicates for the 225423
year in which the controlling board approved the project is less 225424

than the amount of the first installment of bond anticipation 225425
notes, there shall be paid from the school district's project 225426
construction fund to the school district's bond retirement fund to 225427
be applied against such notes an amount sufficient to cause the 225428
net bonded indebtedness of the school district, as of the first 225429
day of the year following the year in which the controlling board 225430
approved the project, to be within five thousand dollars of the 225431
required level of indebtedness for the year in which the 225432
controlling board approved the project. The maximum amount of 225433
indebtedness to be incurred by any school district board as its 225434
share of the cost of the project is either an amount that will 225435
cause its net bonded indebtedness, as of the first day of the year 225436
following the year in which the controlling board approved the 225437
project, to be within five thousand dollars of the required level 225438
of indebtedness, or an amount equal to the required percentage of 225439
the basic project costs, whichever is greater. All bonds and bond 225440
anticipation notes shall be issued in accordance with Chapter 133. 225441
of the Revised Code, and notes may be renewed as provided in 225442
section 133.22 of the Revised Code. 225443

(B) The transfer of such funds of the school district board 225444
available for the project, together with the proceeds of the sale 225445
of the bonds or notes, except premium, accrued interest, and 225446
interest included in the amount of the issue, to the school 225447
district's project construction fund; 225448

(C) For all school districts except joint vocational school 225449
districts that receive assistance under sections 3318.40 to 225450
3318.45 of the Revised Code, the following provisions as 225451
applicable: 225452

(1) If section 3318.052 of the Revised Code applies, the 225453
earmarking of the proceeds of a tax levied under section 5705.21 225454
of the Revised Code for general permanent improvements or under 225455
section 5705.218 of the Revised Code for the purpose of permanent 225456

improvements, or the proceeds of a school district income tax 225457
levied under Chapter 5748. of the Revised Code, or the proceeds 225458
from a combination of those two taxes, in an amount to pay all or 225459
part of the service charges on bonds issued to pay the school 225460
district portion of the project and an amount equivalent to all or 225461
part of the tax required under division (B) of section 3318.05 of 225462
the Revised Code; 225463

(2) If section 3318.052 of the Revised Code does not apply, 225464
one of the following: 225465

(a) The levy of the tax authorized at the election for the 225466
payment of maintenance costs, as specified in division (B) of 225467
section 3318.05 of the Revised Code; 225468

(b) If the school district electors have approved a 225469
continuing tax for general permanent improvements under section 225470
5705.21 of the Revised Code and that tax can be used for 225471
maintenance, the earmarking of an amount of the proceeds from such 225472
tax for maintenance of classroom facilities as specified in 225473
division (B) of section 3318.05 of the Revised Code; 225474

(c) If, in lieu of the tax otherwise required under division 225475
(B) of section 3318.05 of the Revised Code, the commission has 225476
approved the transfer of money to the maintenance fund in 225477
accordance with section 3318.051 of the Revised Code, a 225478
requirement that the district board comply with the provisions of 225479
that section. The district board may rescind the provision 225480
prescribed under division (C)(2)(c) of this section only so long 225481
as the electors of the district have approved, in accordance with 225482
section 3318.063 of the Revised Code, the levy of a tax for the 225483
maintenance of the classroom facilities acquired under the 225484
district's project and that levy continues to be collected as 225485
approved by the electors. 225486

(D) For joint vocational school districts that receive 225487

assistance under sections 3318.40 to 3318.45 of the Revised Code, 225488
provision for deposit of school district moneys dedicated to 225489
maintenance of the classroom facilities acquired under those 225490
sections as prescribed in section 3318.43 of the Revised Code; 225491

(E) Dedication of any local donated contribution as provided 225492
for under section 3318.084 of the Revised Code, including a 225493
schedule for depositing such moneys applied as an offset of the 225494
district's obligation to levy the tax described in division (B) of 225495
section 3318.05 of the Revised Code as required under division 225496
(D)(2) of section 3318.084 of the Revised Code; 225497

(F) Ownership of or interest in the project during the period 225498
of construction, which shall be divided between the commission and 225499
the school district board in proportion to their respective 225500
contributions to the school district's project construction fund; 225501

(G) Maintenance of the state's interest in the project until 225502
any obligations issued for the project under section 3318.26 of 225503
the Revised Code are no longer outstanding; 225504

(H) The insurance of the project by the school district from 225505
the time there is an insurable interest therein and so long as the 225506
state retains any ownership or interest in the project pursuant to 225507
division (F) of this section, in such amounts and against such 225508
risks as the commission shall require; provided, that the cost of 225509
any required insurance until the project is completed shall be a 225510
part of the basic project cost; 225511

(I) The certification by the director of budget and 225512
management that funds are available and have been set aside to 225513
meet the state's share of the basic project cost as approved by 225514
the controlling board pursuant to either section 3318.04 or 225515
division (B)(1) of section 3318.41 of the Revised Code; 225516

(J) Authorization of the school district board to advertise 225517
for and receive construction bids for the project, for and on 225518

behalf of the commission, and to award contracts in the name of	225519
the state subject to approval by the commission;	225520
(K) Provisions for the disbursement of moneys from the school	225521
district's project account upon issuance by the commission or the	225522
commission's designated representative of vouchers for work done	225523
to be certified to the commission by the treasurer of the school	225524
district board;	225525
(L) Disposal of any balance left in the school district's	225526
project construction fund upon completion of the project;	225527
(M) Limitations upon use of the project or any part of it so	225528
long as any obligations issued to finance the project under	225529
section 3318.26 of the Revised Code are outstanding;	225530
(N) Provision for vesting the state's interest in the project	225531
to the school district board when the obligations issued to	225532
finance the project under section 3318.26 of the Revised Code are	225533
outstanding;	225534
(O) Provision for deposit of an executed copy of the	225535
agreement in the office of the commission;	225536
(P) Provision for termination of the contract and release of	225537
the funds encumbered at the time of the conditional approval, if	225538
the proceeds of the sale of the bonds of the school district board	225539
are not paid into the school district's project construction fund	225540
and if bids for the construction of the project have not been	225541
taken within such period after the execution of the agreement as	225542
may be fixed by the commission;	225543
(Q) A provision that requires the school district to adhere	225544
to a facilities maintenance plan approved by the commission;	225545
(R) Provision that all state funds reserved and encumbered to	225546
pay the state share of the cost of the project and the funds	225547
provided by the school district to pay for its share of the	225548

project cost, including the respective shares of the cost of a 225549
segment if the project is divided into segments, be spent on the 225550
construction and acquisition of the project or segment 225551
simultaneously in proportion to the state's and the school 225552
district's respective shares of that basic project cost as 225553
determined under section 3318.032 of the Revised Code or, if the 225554
district is a joint vocational school district, under section 225555
3318.42 of the Revised Code. However, if the school district 225556
certifies to the commission that expenditure by the school 225557
district is necessary to maintain the federal tax status or 225558
tax-exempt status of notes or bonds issued by the school district 225559
to pay for its share of the project cost or to comply with 225560
applicable temporary investment periods or spending exceptions to 225561
rebate as provided for under federal law in regard to those notes 225562
or bonds, the school district may commit to spend, or spend, a 225563
greater portion of the funds it provides during any specific 225564
period than would otherwise be required under this division. 225565

(S) A provision stipulating that the commission may prohibit 225566
the district from proceeding with any project if the commission 225567
determines that the site is not suitable for construction 225568
purposes. The commission may perform soil tests in its 225569
determination of whether a site is appropriate for construction 225570
purposes. 225571

(T) A provision stipulating that, unless otherwise authorized 225572
by the commission, any contingency reserve portion of the 225573
construction budget prescribed by the commission shall be used 225574
only to pay costs resulting from unforeseen job conditions, to 225575
comply with rulings regarding building and other codes, to pay 225576
costs related to design clarifications or corrections to contract 225577
documents, and to pay the costs of settlements or judgments 225578
related to the project as provided under section 3318.086 of the 225579
Revised Code; 225580

(U) A provision stipulating that for continued release of project funds the school district board shall comply with sections 3313.41, 3313.411, and 3313.413 of the Revised Code throughout the project and shall notify the department of education and workforce and the Ohio community school association when the board plans to dispose of facilities by sale under that section;

(V) A provision stipulating that the commission shall not approve a contract for demolition of a facility until the school district board has complied with sections 3313.41, 3313.411, and 3313.413 of the Revised Code relative to that facility, unless demolition of that facility is to clear a site for construction of a replacement facility included in the district's project.

Sec. 3318.084. (A) Notwithstanding anything to the contrary in Chapter 3318. of the Revised Code, a school district board may apply any local donated contribution toward any of the following:

(1) The district's portion of the basic project cost of a project under either sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code to reduce the amount of bonds the district otherwise must issue in order to receive state assistance under those sections;

(2) If the school district is not a joint vocational school district proceeding under sections 3318.40 to 3318.45 of the Revised Code, an offset of all or part of a district's obligation to levy the tax described in division (B) of section 3318.05 of the Revised Code, which shall be applied only in the manner prescribed in division (B) of this section;

(3) If the school district is a joint vocational school district proceeding under sections 3318.40 to 3318.45 of the Revised Code, all or part of the amount the school district is obligated to set aside for maintenance of the classroom facilities acquired under that project pursuant to section 3318.43 of the

Revised Code. 225612

(B) No school district board shall apply any local donated 225613
contribution under division (A)(2) of this section unless the Ohio 225614
facilities construction commission first approves that 225615
application. 225616

Upon the request of the school district board to apply local 225617
donated contribution under division (A)(2) of this section, the 225618
commission in consultation with the department of taxation shall 225619
determine the amount of total revenue that likely would be 225620
generated by one-half mill of the tax described in division (B) of 225621
section 3318.05 of the Revised Code over the entire 225622
twenty-three-year period required under that section and shall 225623
deduct from that amount any amount of local donated contribution 225624
that the board has committed to apply under division (A)(2) of 225625
this section. The commission then shall determine in consultation 225626
with the department of taxation the rate of tax over twenty-three 225627
years necessary to generate the amount of a one-half mill tax not 225628
offset by the local donated contribution. Notwithstanding anything 225629
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 225630
Revised Code, the rate determined by the commission shall be the 225631
rate for which the district board shall seek elector approval 225632
under those sections to meet its obligation under division (B) of 225633
section 3318.05 of the Revised Code. In the case of a complete 225634
offset of the district's obligation under division (B) of section 225635
3318.05 of the Revised Code, the district shall not be required to 225636
levy the tax otherwise required under that section. At the end of 225637
the twenty-three-year period of the tax required under division 225638
(B) of section 3318.05 of the Revised Code, whether or not the tax 225639
is actually levied, the commission in consultation of the 225640
department of taxation shall recalculate the amount that would 225641
have been generated by the tax if it had been levied at one-half 225642
mill. If the total amount actually generated over that period from 225643

both the tax that was actually levied and any local donated 225644
contribution applied under division (A)(2) of this section is less 225645
than the amount that would have been raised by a one-half mill 225646
tax, the district shall pay any difference. If the total amount 225647
actually raised in such manner is greater than the amount that 225648
would have been raised by a one-half mill tax the difference shall 225649
be zero and no payments shall be made by either the district or 225650
the commission. 225651

(C) As used in this section, "local donated contribution" 225652
means any of the following: 225653

(1) Any moneys irrevocably donated or granted to a school 225654
district board by a source other than the state which the board 225655
has the authority to apply to the school district's project under 225656
sections 3318.01 to 3318.20 of the Revised Code and which the 225657
board has pledged for that purpose by resolution adopted by a 225658
majority of its members; 225659

(2) Any irrevocable letter of credit issued on behalf of a 225660
school district which the school district board has encumbered for 225661
payment of the school district's share of its project under 225662
sections 3318.01 to 3318.20 of the Revised Code that has been 225663
approved by the commission in consultation with the department of 225664
education and workforce; 225665

(3) Any cash a school district has on hand that the school 225666
district board has encumbered for payment of the school district's 225667
share of its project under sections 3318.01 to 3318.20 of the 225668
Revised Code that has been approved by the commission in 225669
consultation with the department ~~of education~~, including the 225670
following: 225671

(a) Any year-end operating fund balances that can be spent 225672
for classroom facilities; 225673

(b) Any cash resulting from a lease-purchase agreement that 225674

the school district board has entered into under section 3313.375 225675
of the Revised Code, provided that the agreement and the related 225676
financing documents contain provisions protecting the state's 225677
superior interest in the project. 225678

(4) Any moneys spent by a source other than the school 225679
district or the state for construction or renovation of specific 225680
classroom facilities that have been approved by the commission as 225681
part of the basic project cost of the district's project. The 225682
school district, the commission, and the entity providing the 225683
local donated contribution under division (C)(4) of this section 225684
shall enter into an agreement identifying the classroom facilities 225685
to be acquired by the expenditures made by that entity. The 225686
agreement shall include, but not be limited to, stipulations that 225687
require an audit by the commission of such expenditures made on 225688
behalf of the district and that specify the maximum amount of 225689
credit to be allowed for those expenditures. Upon completion of 225690
the construction or renovation, the commission shall determine the 225691
actual amount that the commission will credit, at the request of 225692
the district board, toward the district's portion of the basic 225693
project cost, any project cost overruns, or the basic project cost 225694
of future segments if the project has been divided into segments 225695
under section 3318.38 of the Revised Code. The actual amount of 225696
the credit shall not exceed the lesser of the amount specified in 225697
the agreement or the actual cost of the construction or 225698
renovation. 225699

(D) No state moneys shall be released for a project to which 225700
this section applies until: 225701

(1) Any local donated contribution authorized under division 225702
(A)(1) of this section is first deposited into the school 225703
district's project construction fund. 225704

(2) The school district board and the commission have 225705
included a stipulation in their agreement entered into under 225706

section 3318.08 of the Revised Code under which the board will 225707
deposit into a fund approved by the commission according to a 225708
schedule that does not extend beyond the anticipated completion 225709
date of the project the total amount of any local donated 225710
contribution authorized under division (A)(2) or (3) of this 225711
section and dedicated by the board for that purpose. 225712

However, if any local donated contribution as described in 225713
division (C)(4) of this section has been approved under this 225714
section, the state moneys may be released even if the entity 225715
providing that local donated contribution has not spent the moneys 225716
so dedicated as long as the agreement required under that section 225717
has been executed. 225718

Sec. 3318.18. (A) As used in this section: 225719

(1) "Valuation" of a school district means the sum of the 225720
amounts described in divisions (A)(1) and (2) of section 3317.021 225721
of the Revised Code as most recently certified for the district 225722
before the annual computation is made under division (B) of this 225723
section. 225724

(2) "Valuation per pupil" of a school district means the 225725
district's valuation divided by the district's formula ADM as most 225726
recently calculated under section 3317.03 of the Revised Code 225727
before the annual computation is made under division (B) of this 225728
section. 225729

(3) "Statewide average valuation per pupil" means the total 225730
of the valuations of all school districts divided by the total of 225731
the formula ADMs of all school districts as most recently 225732
calculated under section 3317.03 of the Revised Code before the 225733
annual computation is made under division (C) of this section. 225734

(4) "Maintenance levy requirement" means the tax required to 225735
be levied pursuant to division (C)(2)(a) of section 3318.08 and 225736

division (B) of section 3318.05 of the Revised Code or the 225737
application of proceeds of another levy to paying the costs of 225738
maintaining classroom facilities pursuant to division (A)(2) of 225739
section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, 225740
or division (D)(2) of section 3318.36 of the Revised Code, or a 225741
combination thereof. 225742

(5) "Project agreement" means an agreement between a school 225743
district and the Ohio facilities construction commission under 225744
section 3318.08 or division (B)(1) of section 3318.36 of the 225745
Revised Code. 225746

(B) ~~On or before July 1, 2006, the department of education~~ 225747
~~shall compute the statewide average valuation per pupil and the~~ 225748
~~valuation per pupil of each school district, and provide them to~~ 225749
~~the Ohio facilities construction commission.~~ On or before the 225750
first day of July each year beginning in 2007, the department of 225751
education and workforce shall compute the statewide average 225752
valuation per pupil and the valuation per pupil of each school 225753
district that has not already entered into a project agreement, 225754
and provide the results of those computations to the commission. 225755

(C)(1) At the time the Ohio facilities construction 225756
commission enters into a project agreement with a school district, 225757
the commission shall compute the difference between the district's 225758
valuation per pupil and the statewide average valuation per pupil 225759
as most recently provided to the commission under division (B) of 225760
this section. If the school district's valuation per pupil is less 225761
than the average statewide valuation per pupil, the commission 225762
shall multiply the difference between those amounts by one-half 225763
mill times the formula ADM of the district as most recently 225764
reported to the department ~~of education~~ for October under division 225765
(A) of section 3317.03 of the Revised Code. The commission shall 225766
certify the resulting product to the department ~~of education~~, 225767
along with the date on which the maintenance levy requirement 225768

terminates as provided in the project agreement between the school district board and the commission. 225769
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(2) In the case of a school district that entered into a project agreement after July 1, 1997, but before July 1, 2006, the commission shall make the computation described in division (C)(1) of this section on the basis of the district's valuation per pupil and the statewide average valuation per pupil computed as of September 1, 2006, and the district's formula ADM reported for October 2005. 225771
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(3) The amount computed for a school district under division (C)(1) or (2) of this section shall not change for the period during which payments are made to the district under division (D) of this section. 225778
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(4) A computation need not be made under division (C)(1) or (2) of this section for a school district that certified a resolution to the commission under division (D)(3) of section 3318.36 of the Revised Code until the district becomes eligible for state assistance as provided in that division. 225782
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(D) In the fourth quarter of each fiscal year, for each school district for which a computation has been made under division (C) of this section, the department ~~of education~~ shall pay the amount computed to each such school district. Payments shall be made to a school district each year until and including the tax year in which the district's maintenance levy requirement terminates. Payments shall be paid from the half-mill equalization fund, subject to appropriation by the general assembly. However, the department shall make no payments under this section to any district that elects the procedure authorized by section 3318.051 of the Revised Code. 225787
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(E) Payments made to a school district under this section shall be credited to the district's classroom facilities 225798
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maintenance fund and shall be used only for the purpose of 225800
maintaining facilities constructed or renovated under the project 225801
agreement. 225802

(F) There is hereby created in the state treasury the 225803
half-mill equalization fund. The fund shall receive transfers 225804
pursuant to section 5727.85 of the Revised Code. The fund shall be 225805
used first to make annual payments under division (D) of this 225806
section. If a balance remains in the fund after such payments are 225807
made in full for a year, the Ohio facilities construction 225808
commission may request the controlling board to transfer a 225809
reasonable amount from such remaining balance to the public school 225810
building fund created under section 3318.15 of the Revised Code 225811
for the purposes of this chapter. 225812

All investment earnings arising from investment of money in 225813
the half-mill equalization fund shall be credited to the fund. 225814

Sec. 3318.363. (A) This section applies beginning in fiscal 225815
year 2003 and only to a school district participating in the 225816
school building assistance expedited local partnership program 225817
under section 3318.36 of the Revised Code. 225818

(B) If there is a decrease in the tax valuation of a school 225819
district to which this section applies by ten per cent or greater 225820
from one tax year to the next due to a decrease in the assessment 225821
rate of the taxable property of an electric company that owns 225822
property in the district, as provided for in section 5727.111 of 225823
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 225824
General Assembly, the Ohio facilities construction commission 225825
shall calculate or recalculate the state and school district 225826
portions of the basic project cost of the school district's 225827
project by determining the percentile rank in which the district 225828
would be located if such ranking were made using the adjusted 225829
valuation per pupil calculated under division (C) of this section 225830

rather than the three-year average adjusted valuation per pupil, 225831
calculated under division (B) of section 3318.011 of the Revised 225832
Code. For such district, the required percentage of the basic 225833
project cost used to determine the state and school district 225834
shares of that cost under division (C) of section 3318.36 of the 225835
Revised Code shall be based on the percentile rank as calculated 225836
under this section rather than as otherwise provided in division 225837
(C)(1) of section 3318.36 of the Revised Code. If the commission 225838
has determined the state and school district portion of the basic 225839
project cost of such a district's project under section 3318.36 of 225840
the Revised Code prior to that decrease in tax valuation, the 225841
commission shall adjust the state and school district shares of 225842
the basic project cost of such project in accordance with this 225843
section. 225844

(C)(1) As used in divisions (C) and (D) of this section, 225845
"total taxable value" and "formula ADM" have the same meanings as 225846
in section 3317.02 of the Revised Code, and "income factor" has 225847
the same meaning as in section 3318.011 of the Revised Code. 225848

(2) The adjusted valuation per pupil for a school district to 225849
which this section applies shall be calculated using the following 225850
formula: 225851

(The district's total taxable value for the tax year 225852
preceding the calendar year in which the current fiscal year 225853
begins / the district's formula ADM for the previous fiscal year) 225854
- [\$30,000 x (1 - the district's income factor)]. 225855

(D) At the request of the Ohio facilities construction 225856
commission, the department of education and workforce shall report 225857
a district's total taxable value for the tax year preceding the 225858
calendar year in which the current fiscal year begins for any 225859
district to which this section applies as that information has 225860
been certified to the department by the tax commissioner pursuant 225861
to section 3317.021 of the Revised Code. 225862

Sec. 3318.42. (A) Not later than the sixty-first day after 225863
March 14, 2003, and subsequently not later than the sixty-first 225864
day after the first day of each ensuing fiscal year, the 225865
department of education and workforce shall do all of the 225866
following: 225867

(1) Calculate the valuation per pupil of each joint 225868
vocational school district according to the following formula: 225869
The school district's average taxable value divided by the 225870
school district's formula ADM calculated under section 225871
3317.03 of the Revised Code for the previous fiscal year. 225872

For purposes of this calculation: 225873

(a) "Average taxable value" means the average of the amounts 225874
certified for a school district in the second, third, and fourth 225875
preceding tax years under divisions (A)(1) and (2) of section 225876
3317.021 of the Revised Code. 225877

(b) "Formula ADM" has the same meaning as defined in section 225878
3317.02 of the Revised Code. 225879

(2) Calculate for each school district the three-year average 225880
of the valuations per pupil calculated for the school district for 225881
the current and two preceding fiscal years; 225882

(3) Rank all joint vocational school districts in order from 225883
the school district with the lowest three-year average valuation 225884
per pupil to the school district with the highest three-year 225885
average valuation per pupil; 225886

(4) Divide the ranking under division (A)(3) of this section 225887
into percentiles with the first percentile containing the one per 225888
cent of school districts having the lowest three-year average 225889
valuations per pupil and the one-hundredth percentile containing 225890
the one per cent of school districts having the highest three-year 225891
average valuations per pupil; 225892

(5) Certify the information described in divisions (A)(1) to 225893
(4) of this section to the Ohio facilities construction 225894
commission. 225895

(B) The commission annually shall select school districts for 225896
assistance under sections 3318.40 to 3318.45 of the Revised Code 225897
in the order of the school districts' three-year average 225898
valuations per pupil such that the school district with the lowest 225899
three-year average valuation per pupil shall be given the highest 225900
priority for assistance. 225901

(C) Each joint vocational school district's portion of the 225902
basic project cost of the school district's project under sections 225903
3318.40 to 3318.45 of the Revised Code shall be one per cent times 225904
the percentile in which the district ranks, except that no school 225905
district's portion shall be less than twenty-five per cent or 225906
greater than ninety-five per cent of the basic project cost. 225907

Sec. 3319.02. (A)(1) As used in this section, "other 225908
administrator" means any of the following: 225909

(a) Except as provided in division (A)(2) of this section, 225910
any employee in a position for which a board of education requires 225911
a license designated by rule of the ~~department~~ state board of 225912
education for being an administrator issued under section 3319.22 225913
of the Revised Code, including a professional pupil services 225914
employee or administrative specialist or an equivalent of either 225915
one who is not employed as a school counselor and spends less than 225916
fifty per cent of the time employed teaching or working with 225917
students; 225918

(b) Any nonlicensed employee whose job duties enable such 225919
employee to be considered as either a "supervisor" or a 225920
"management level employee," as defined in section 4117.01 of the 225921
Revised Code; 225922

(c) A business manager appointed under section 3319.03 of the Revised Code. 225923
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(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal. 225925
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(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate. 225928
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(C) In educational service centers and in city, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate. 225939
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The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or 225948
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more, the term of the contract shall be for not more than five 225955
years and, unless the superintendent of the district recommends 225956
otherwise, not less than two years. If the superintendent so 225957
recommends, the term of the contract of a person who has been 225958
employed by the district or service center as an assistant 225959
superintendent, principal, assistant principal, or other 225960
administrator for three years or more may be one year, but all 225961
subsequent contracts granted such person shall be for a term of 225962
not less than two years and not more than five years. When a 225963
teacher with continuing service status becomes an assistant 225964
superintendent, principal, assistant principal, or other 225965
administrator with the district or service center with which the 225966
teacher holds continuing service status, the teacher retains such 225967
status in the teacher's nonadministrative position as provided in 225968
sections 3311.77, 3319.08, and 3319.09 of the Revised Code. 225969

A board of education or governing board may reemploy an 225970
assistant superintendent, principal, assistant principal, or other 225971
administrator at any regular or special meeting held during the 225972
period beginning on the first day of January of the calendar year 225973
immediately preceding the year of expiration of the employment 225974
contract and ending on the first day of June of the year the 225975
employment contract expires. 225976

Except by mutual agreement of the parties thereto, no 225977
assistant superintendent, principal, assistant principal, or other 225978
administrator shall be transferred during the life of a contract 225979
to a position of lesser responsibility. No contract may be 225980
terminated by a board except pursuant to section 3319.16 of the 225981
Revised Code. No contract may be suspended except pursuant to 225982
section 3319.17 or 3319.171 of the Revised Code. The salaries and 225983
compensation prescribed by such contracts shall not be reduced by 225984
a board unless such reduction is a part of a uniform plan 225985
affecting the entire district or center. The contract shall 225986

specify the employee's administrative position and duties as 225987
included in the job description adopted under division (D) of this 225988
section, the salary and other compensation to be paid for 225989
performance of duties, the number of days to be worked, the number 225990
of days of vacation leave, if any, and any paid holidays in the 225991
contractual year. 225992

An assistant superintendent, principal, assistant principal, 225993
or other administrator is, at the expiration of the current term 225994
of employment, deemed reemployed at the same salary plus any 225995
increments that may be authorized by the board, unless such 225996
employee notifies the board in writing to the contrary on or 225997
before the fifteenth day of June, or unless such board, on or 225998
before the first day of June of the year in which the contract of 225999
employment expires, either reemploys such employee for a 226000
succeeding term or gives written notice of its intention not to 226001
reemploy the employee. The term of reemployment of a person 226002
reemployed under this paragraph shall be one year, except that if 226003
such person has been employed by the school district or service 226004
center as an assistant superintendent, principal, assistant 226005
principal, or other administrator for three years or more, the 226006
term of reemployment shall be two years. 226007

(D)(1) Each board shall adopt procedures for the evaluation 226008
of all assistant superintendents, principals, assistant 226009
principals, and other administrators and shall evaluate such 226010
employees in accordance with those procedures. The procedures for 226011
the evaluation of principals and assistant principals shall be 226012
based on principles comparable to the teacher evaluation policy 226013
adopted by the board under section 3319.111 of the Revised Code, 226014
but shall be tailored to the duties and responsibilities of 226015
principals and assistant principals and the environment in which 226016
they work. An evaluation based upon procedures adopted under this 226017
division shall be considered by the board in deciding whether to 226018

renew the contract of employment of an assistant superintendent, 226019
principal, assistant principal, or other administrator. 226020

(2) The evaluation shall measure each assistant 226021
superintendent's, principal's, assistant principal's, and other 226022
administrator's effectiveness in performing the duties included in 226023
the job description and the evaluation procedures shall provide 226024
for, but not be limited to, the following: 226025

(a) Each assistant superintendent, principal, assistant 226026
principal, and other administrator shall be evaluated annually 226027
through a written evaluation process. 226028

(b) The evaluation shall be conducted by the superintendent 226029
or designee. 226030

(c) In order to provide time to show progress in correcting 226031
the deficiencies identified in the evaluation process, the 226032
evaluation process shall be completed as follows: 226033

(i) In any school year that the employee's contract of 226034
employment is not due to expire, at least one evaluation shall be 226035
completed in that year. A written copy of the evaluation shall be 226036
provided to the employee no later than the end of the employee's 226037
contract year as defined by the employee's annual salary notice. 226038

(ii) In any school year that the employee's contract of 226039
employment is due to expire, at least a preliminary evaluation and 226040
at least a final evaluation shall be completed in that year. A 226041
written copy of the preliminary evaluation shall be provided to 226042
the employee at least sixty days prior to any action by the board 226043
on the employee's contract of employment. The final evaluation 226044
shall indicate the superintendent's intended recommendation to the 226045
board regarding a contract of employment for the employee. A 226046
written copy of the evaluation shall be provided to the employee 226047
at least five days prior to the board's acting to renew or not 226048
renew the contract. 226049

(3) Termination of an assistant superintendent, principal, 226050
assistant principal, or other administrator's contract shall be 226051
pursuant to section 3319.16 of the Revised Code. Suspension of any 226052
such employee shall be pursuant to section 3319.17 or 3319.171 of 226053
the Revised Code. 226054

(4) Before taking action to renew or nonrenew the contract of 226055
an assistant superintendent, principal, assistant principal, or 226056
other administrator under this section and prior to the first day 226057
of June of the year in which such employee's contract expires, the 226058
board shall notify each such employee of the date that the 226059
contract expires and that the employee may request a meeting with 226060
the board. Upon request by such an employee, the board shall grant 226061
the employee a meeting in executive session. In that meeting, the 226062
board shall discuss its reasons for considering renewal or 226063
nonrenewal of the contract. The employee shall be permitted to 226064
have a representative, chosen by the employee, present at the 226065
meeting. 226066

(5) The establishment of an evaluation procedure shall not 226067
create an expectancy of continued employment. Nothing in division 226068
(D) of this section shall prevent a board from making the final 226069
determination regarding the renewal or nonrenewal of the contract 226070
of any assistant superintendent, principal, assistant principal, 226071
or other administrator. However, if a board fails to provide 226072
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 226073
section, or if the board fails to provide at the request of the 226074
employee a meeting as prescribed in division (D)(4) of this 226075
section, the employee automatically shall be reemployed at the 226076
same salary plus any increments that may be authorized by the 226077
board for a period of one year, except that if the employee has 226078
been employed by the district or service center as an assistant 226079
superintendent, principal, assistant principal, or other 226080
administrator for three years or more, the period of reemployment 226081

shall be for two years. 226082

(E) On nomination of the superintendent of a service center a 226083
governing board may employ supervisors who shall be employed under 226084
written contracts of employment for terms not to exceed five years 226085
each. Such contracts may be terminated by a governing board 226086
pursuant to section 3319.16 of the Revised Code. Any supervisor 226087
employed pursuant to this division may terminate the contract of 226088
employment at the end of any school year after giving the board at 226089
least thirty days' written notice prior to such termination. On 226090
the recommendation of the superintendent the contract or contracts 226091
of any supervisor employed pursuant to this division may be 226092
suspended for the remainder of the term of any such contract 226093
pursuant to section 3319.17 or 3319.171 of the Revised Code. 226094

(F) A board may establish vacation leave for any individuals 226095
employed under this section. Upon such an individual's separation 226096
from employment, a board that has such leave may compensate such 226097
an individual at the individual's current rate of pay for all 226098
lawfully accrued and unused vacation leave credited at the time of 226099
separation, not to exceed the amount accrued within three years 226100
before the date of separation. In case of the death of an 226101
individual employed under this section, such unused vacation leave 226102
as the board would have paid to the individual upon separation 226103
under this section shall be paid in accordance with section 226104
2113.04 of the Revised Code, or to the estate. 226105

(G) The board of education of any school district may 226106
contract with the governing board of the educational service 226107
center from which it otherwise receives services to conduct 226108
searches and recruitment of candidates for assistant 226109
superintendent, principal, assistant principal, and other 226110
administrator positions authorized under this section. 226111

Sec. 3319.073. (A) The board of education of each city and 226112

exempted village school district and the governing board of each 226113
educational service center shall adopt or adapt the curriculum 226114
developed by the department of education and workforce for, or 226115
shall develop in consultation with public or private agencies or 226116
persons involved in child abuse prevention or intervention 226117
programs, a program of in-service training in the prevention of 226118
child abuse, violence, and substance abuse and the promotion of 226119
positive youth development. Each person employed by any school 226120
district or service center to work in a school as a nurse, 226121
teacher, counselor, school psychologist, or administrator shall 226122
complete at least four hours of the in-service training within two 226123
years of commencing employment with the district or center, and 226124
every five years thereafter. A person who is employed by any 226125
school district or service center to work in an elementary school 226126
as a nurse, teacher, counselor, school psychologist, or 226127
administrator on March 30, 2007, shall complete at least four 226128
hours of the in-service training not later than March 30, 2009, 226129
and every five years thereafter. A person who is employed by any 226130
school district or service center to work in a middle or high 226131
school as a nurse, teacher, counselor, school psychologist, or 226132
administrator on October 16, 2009, shall complete at least four 226133
hours of the in-service training not later than October 16, 2011, 226134
and every five years thereafter. 226135

(B) Each board shall incorporate training in school safety 226136
and violence prevention, including human trafficking content, into 226137
the in-service training required by division (A) of this section. 226138
For this purpose, the board shall adopt or adapt the curriculum 226139
developed by the department or shall develop its own curriculum in 226140
consultation with public or private agencies or persons involved 226141
in school safety and violence prevention programs. 226142

(C) Each board shall incorporate training on the board's 226143
harassment, intimidation, or bullying policy adopted under section 226144

3313.666 of the Revised Code into the in-service training required 226145
by division (A) of this section. Each board also shall incorporate 226146
training in the prevention of dating violence into the in-service 226147
training required by that division for middle and high school 226148
employees. The board shall develop its own curricula for these 226149
purposes. 226150

(D) Each board shall incorporate training in youth suicide 226151
awareness and prevention into the in-service training required by 226152
division (A) of this section for each person employed by a school 226153
district or service center to work in a school as a nurse, 226154
teacher, counselor, school psychologist, or administrator, and any 226155
other personnel that the board determines appropriate. The board 226156
shall require each such person to undergo training in youth 226157
suicide awareness and prevention programs once every two years. 226158
For this purpose, the board shall adopt or adapt the curriculum 226159
developed by the department under section 3301.221 of the Revised 226160
Code or shall develop its own curriculum in consultation with 226161
public or private agencies or persons involved in youth suicide 226162
awareness and prevention programs. 226163

The training completed under this division shall count toward 226164
the satisfaction of requirements for professional development 226165
required by the school district or service center board, and the 226166
training may be accomplished through self-review of suitable 226167
suicide prevention materials approved by the board. 226168

(E) Each board shall incorporate training on child sexual 226169
abuse into the in-service training required by division (A) of 226170
this section. The training completed under this division shall 226171
count toward the satisfaction of requirements for professional 226172
development required by the school district or service center 226173
board. Any training provided under this section shall be presented 226174
by either of the following who have experience in handling cases 226175
involving child sexual abuse or child sexual violence: 226176

(1) Law enforcement officers;	226177
(2) Prosecutors.	226178
Sec. 3319.074. (A) As used in this section:	226179
(1) "Core subject area" means reading and English language arts, mathematics, science, social studies, foreign language, and fine arts.	226180 226181 226182
(2) "Properly certified or licensed teacher" means a classroom teacher who has successfully completed all requirements for certification or licensure under this chapter applicable to the subject areas and grade levels in which the teacher provides instruction and the students to whom the teacher provides the instruction.	226183 226184 226185 226186 226187 226188
(3) "Properly certified paraprofessional" means a paraprofessional who holds an educational aide permit issued under section 3319.088 of the Revised Code and satisfies at least one of the following conditions:	226189 226190 226191 226192
(a) Has a designation of "ESEA qualified" on the educational aide permit;	226193 226194
(b) Has successfully completed at least two years of coursework at an accredited institution of higher education;	226195 226196
(c) Holds an associate degree or higher from an accredited institution of higher education;	226197 226198
(d) Meets a rigorous standard of quality as demonstrated by attainment of a qualifying score on an academic assessment specified by the department of education <u>and workforce</u> .	226199 226200 226201
(B) Beginning July 1, 2019, no city, exempted village, local, joint vocational, or cooperative education school district shall do either of the following:	226202 226203 226204
(1) Employ any classroom teacher to provide instruction in a	226205

core subject area to any student, unless such teacher is a 226206
properly certified or licensed teacher; 226207

(2) Employ any paraprofessional in a program supported with 226208
funds received under Title I of the "Elementary and Secondary 226209
Education Act of 1965," 20 U.S.C. 6301 et seq., to provide 226210
academic support in a core subject area to any student, unless 226211
such paraprofessional is a properly certified paraprofessional. 226212

(C) At the start of each school year, each school district 226213
shall notify the parent or guardian of each student enrolled in 226214
the district that the parent or guardian may request information 226215
on the professional qualifications of each classroom teacher who 226216
provides instruction to the student. The district shall provide 226217
the information on each applicable teacher in a timely manner to 226218
any parent or guardian who requests it. Such information shall 226219
include at least the following: 226220

(1) Whether the teacher has satisfied all requirements for 226221
certification or licensure under this chapter applicable to the 226222
subject areas and grade levels in which the teacher provides 226223
instruction and the students to whom the teacher provides the 226224
instruction, or whether the teacher provides instruction under a 226225
waiver of any such requirements; 226226

(2) Whether a paraprofessional provides any services to the 226227
student and, if so, the qualifications of the paraprofessional. 226228

Sec. 3319.077. (A) As used in this section: 226229

(1) "Dyslexia" has the same meaning as in section 3323.25 of 226230
the Revised Code. 226231

(2) "Ohio dyslexia committee" means the committee established 226232
under section 3325.25 of the Revised Code. 226233

(3) "Special education" has the same meaning as in section 226234
3323.01 of the Revised Code. 226235

(4) "Teacher" does not include any teacher who provides instruction in fine arts, music, or physical education. 226236
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(B)(1) The department of education and workforce, in collaboration with the Ohio dyslexia committee, shall maintain a list of training that fulfills the professional development requirements prescribed in division (C) of this section. The list may consist of online or classroom learning models. 226238
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(2) Each approved training shall align with the guidebook developed under section 3323.25 of the Revised Code, be evidence-based, and require instruction and training for identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia. 226243
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(3) The Ohio dyslexia committee shall prescribe a total number of clock hours of instruction in training approved under this section for a teacher to complete to satisfy the professional development requirements prescribed in division (C) of this section. The Ohio dyslexia committee shall prescribe a total number of clock hours that is not less than six clock hours and not more than eighteen clock hours. 226248
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(C)(1) Not later than the beginning of the 2023-2024 school year, each teacher employed by a local, city, or exempted village school district who provides instruction for students in kindergarten and first grade, including those providing special education instruction, shall complete the number of instructional hours in approved professional development training required by the committee under this section. 226255
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(2) Not later than the beginning of the 2024-2025 school year, each teacher employed by a school district who provides instruction for students in grades two and three, including those providing special education instruction, shall complete the number of instructional hours in approved professional development 226262
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training required by the committee under this section. 226267

(3) Not later than the beginning of the 2025-2026 school 226268
year, each teacher employed by a school district who provides 226269
special education instruction for students in grades four through 226270
twelve shall complete a professional development training approved 226271
under division (B) of this section. 226272

(D) Any professional development training completed by a 226273
teacher prior to April 12, 2021, that is then included on the list 226274
of training approved under division (B)(1) of this section shall 226275
count toward the number of instructional hours in approved 226276
professional development training required under division (C) of 226277
this section. 226278

(E) Nothing in this section shall prohibit a school district 226279
from requiring employees who are not subject to this section from 226280
completing professional development training approved under 226281
division (B) of this section. 226282

Sec. 3319.111. Notwithstanding section 3319.09 of the Revised 226283
Code, this section applies to any person who is employed under a 226284
teacher license issued under this chapter, or under a professional 226285
or permanent teacher's certificate issued under former section 226286
3319.222 of the Revised Code, and who spends at least fifty per 226287
cent of the time employed providing student instruction. However, 226288
this section does not apply to any person who is employed as a 226289
substitute teacher or as an instructor of adult education. 226290

(A) ~~Not later than July 1, 2020, the~~ The board of education of 226292
each school district, in consultation with teachers employed by 226293
the board, shall update its standards-based teacher evaluation 226294
policy to conform with the framework for evaluation of teachers 226295
adopted under section 3319.112 of the Revised Code. The policy 226296
shall become operative at the expiration of any collective 226297

bargaining agreement covering teachers employed by the board that 226298
is in effect on ~~the effective date of this amendment~~ November 2, 226299
2018, and shall be included in any renewal or extension of such an 226300
agreement. 226301

(B) When using measures of student performance as evidence in 226302
a teacher's evaluation, those measures shall be high-quality 226303
student data. The board of education of each school district may 226304
use data from the assessments on the list developed under division 226305
(B)(2) of section 3319.112 of the Revised Code as high-quality 226306
student data. 226307

(C)(1) The board shall conduct an evaluation of each teacher 226308
employed by the board at least once each school year, except as 226309
provided in division (C)(2) of this section. The evaluation shall 226310
be completed by the first day of May and the teacher shall receive 226311
a written report of the results of the evaluation by the tenth day 226312
of May. 226313

(2)(a) The board may evaluate each teacher who received a 226314
rating of accomplished on the teacher's most recent evaluation 226315
conducted under this section once every three school years, so 226316
long as the teacher submits a self-directed professional growth 226317
plan to the evaluator that focuses on specific areas identified in 226318
the observations and evaluation and the evaluator determines that 226319
the teacher is making progress on that plan. 226320

(b) The board may evaluate each teacher who received a rating 226321
of skilled on the teacher's most recent evaluation conducted under 226322
this section once every two years, so long as the teacher and 226323
evaluator jointly develop a professional growth plan for the 226324
teacher that focuses on specific areas identified in the 226325
observations and evaluation and the evaluator determines that the 226326
teacher is making progress on that plan. 226327

(c) For each teacher who is evaluated pursuant to division 226328

(C)(2) of this section, the evaluation shall be completed by the 226329
first day of May of the applicable school year, and the teacher 226330
shall receive a written report of the results of the evaluation by 226331
the tenth day of May of that school year. 226332

(d) The board may elect not to conduct an evaluation of a 226333
teacher who meets one of the following requirements: 226334

(i) The teacher was on leave from the school district for 226335
fifty per cent or more of the school year, as calculated by the 226336
board. 226337

(ii) The teacher has submitted notice of retirement and that 226338
notice has been accepted by the board not later than the first day 226339
of December of the school year in which the evaluation is 226340
otherwise scheduled to be conducted. 226341

(e) The board may elect not to conduct an evaluation of a 226342
teacher who is participating in the teacher residency program 226343
established under section 3319.223 of the Revised Code for the 226344
year during which that teacher takes, for the first time, at least 226345
half of the performance-based assessment prescribed by the state 226346
board of education for resident educators. 226347

(3) In any year that a teacher is not formally evaluated 226348
pursuant to division (C) of this section as a result of receiving 226349
a rating of accomplished or skilled on the teacher's most recent 226350
evaluation, an individual qualified to evaluate a teacher under 226351
division (D) of this section shall conduct at least one 226352
observation of the teacher and hold at least one conference with 226353
the teacher. The conference shall include a discussion of progress 226354
on the teacher's professional growth plan. 226355

(D) Each evaluation conducted pursuant to this section shall 226356
be conducted by one or more of the following persons who hold a 226357
credential established by the ~~department~~ state board of education 226358
for being an evaluator: 226359

(1) A person who is under contract with the board pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;

(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;

(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;

(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.

(E) Notwithstanding division (A)(3) of section 3319.112 of the Revised Code, the board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.

(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.

(G) For purposes of section 3333.0411 of the Revised Code, 226391
the board annually shall report to the ~~department of education~~ 226392
state board the number of teachers for whom an evaluation was 226393
conducted under this section and the number of teachers assigned 226394
each rating prescribed under division (B)(1) of section 3319.112 226395
of the Revised Code, aggregated by the teacher preparation 226396
programs from which and the years in which the teachers graduated. 226397
The ~~department~~ state board shall establish guidelines for 226398
reporting the information required by this division. The 226399
guidelines shall not permit or require that the name of, or any 226400
other personally identifiable information about, any teacher be 226401
reported under this division. 226402

(H) Notwithstanding any provision to the contrary in Chapter 226403
4117. of the Revised Code, the requirements of this section 226404
prevail over any conflicting provisions of a collective bargaining 226405
agreement entered into on or after ~~the effective date of this~~ 226406
~~amendment~~ November 2, 2018. 226407

Sec. 3319.112. (A) The state board of education shall revise 226408
the standards-based state framework for the evaluation of teachers 226409
based on the recommendations of the educator standards board 226410
established under section 3319.60 of the Revised Code. The state 226411
board shall hold at least one public hearing on the revised 226412
framework and shall make the full text of the revised framework 226413
available at each hearing it holds on the revised framework. ~~Not~~ 226414
~~later than May 1, 2020, the~~ The state board shall adopt the 226415
revised framework. The state board may update the framework 226416
periodically by adoption of a resolution. The framework shall 226417
establish an evaluation system that does the following: 226418

(1) Provides for multiple evaluation factors; 226419

(2) Is aligned with the standards for teachers adopted under 226420
section 3319.61 of the Revised Code; 226421

(3) Requires observation of the teacher being evaluated,	226422
including at least two formal observations by the evaluator of at	226423
least thirty minutes each and classroom walk-throughs;	226424
(4) Assigns a rating on each evaluation in accordance with	226425
division (B) of this section;	226426
(5) Requires each teacher to be provided with a written	226427
report of the results of the teacher's evaluation;	226428
(6) Uses at least two measures of high-quality student data	226429
to provide evidence of student learning attributable to the	226430
teacher being evaluated. The state board shall define	226431
"high-quality student data" for this purpose. When applicable to	226432
the grade level or subject area taught by a teacher, high-quality	226433
student data shall include the value-added progress dimension	226434
established under section 3302.021 of the Revised Code, but the	226435
teacher or evaluator shall use at least one other measure of	226436
high-quality student data to demonstrate student learning. In	226437
accordance with the guidance described in division (D)(3) of this	226438
section, high-quality student data may be used as evidence in any	226439
component of the evaluation related to the following:	226440
(a) Knowledge of the students to whom the teacher provides	226441
instruction;	226442
(b) The teacher's use of differentiated instructional	226443
practices based on the needs or abilities of individual students;	226444
(c) Assessment of student learning;	226445
(d) The teacher's use of assessment data;	226446
(e) Professional responsibility and growth.	226447
(7) Prohibits the shared attribution of student performance	226448
data among all teachers in a district, building, grade, content	226449
area, or other group;	226450
(8) Includes development of a professional growth plan or	226451

improvement plan for the teacher that is based on the results of 226452
the evaluation and is aligned to any school district or building 226453
improvement plan required for the teacher's district or building 226454
under the "Elementary and Secondary Education Act of 1965," as 226455
amended by the "Every Student Succeeds Act of 2015," Pub. L. No. 226456
114-95, 20 U.S.C. 6301 et seq.; 226457

(9) Provides for professional development to accelerate and 226458
continue teacher growth and provide support to poorly performing 226459
teachers; 226460

(10) Provides for the allocation of financial resources to 226461
support professional development; 226462

(11) Prohibits the use of student learning objectives. 226463

(B) For purposes of the framework adopted under this section, 226464
the state board also shall do the following: 226465

(1) Revise, as necessary, specific standards and criteria 226466
that distinguish between the following levels of performance for 226467
teachers and principals for the purpose of assigning ratings on 226468
the evaluations conducted under sections 3311.80, 3311.84, 226469
3319.02, and 3319.111 of the Revised Code: 226470

(a) Accomplished; 226471

(b) Skilled; 226472

(c) Developing; 226473

(d) Ineffective. 226474

(2) Develop a list of student assessments that measure 226475
mastery of the course content for the appropriate grade level, 226476
which may include nationally normed standardized assessments, 226477
industry certification examinations, or end-of-course 226478
examinations. The data from these assessments may be considered 226479
high-quality student data. 226480

(C) The state board shall consult with experts, teachers and 226481

principals employed in public schools, the educator standards board, and representatives of stakeholder groups in revising the standards and criteria required by division (B)(1) of this section.

(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the ~~department~~ state board shall do all of the following:

(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;

(2) Provide technical assistance to districts in creating evaluation policies;

(3) Provide guidance to districts on how high-quality student data may be used as evidence of student learning attributable to a particular teacher, including examples of appropriate use of that data within the framework adopted under this section;

(4) Provide guidance to districts on how information from student surveys, student portfolios, peer review evaluations, teacher self-evaluations, and other components determined appropriate by the district may be used as part of the evaluation process.

(E) Not later than July 1, 2020, the state board, in consultation with state agencies that employ teachers, shall update its standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy to conform with the framework. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the agency that is in effect on ~~the effective date of this amendment~~ November 2, 2018, and shall be included in any renewal or extension of such an agreement.

However, this division does not apply to any person who is 226513
employed as a substitute teacher or as an instructor of adult 226514
education. 226515

Sec. 3319.113. (A) ~~Not later than May 31, 2016, the~~ The state 226516
board of education shall develop a standards-based state framework 226517
for the evaluation of school counselors. The state board may 226518
update the framework periodically by adoption of a resolution. The 226519
framework shall establish an evaluation system that does the 226520
following: 226521

(1) Requires school counselors to demonstrate their ability 226522
to produce positive student outcomes using metrics, including 226523
those from the school or school district's report card issued 226524
under section 3302.03 of the Revised Code when appropriate; 226525

(2) Is aligned with the standards for school counselors 226526
adopted under section 3319.61 of the Revised Code and requires 226527
school counselors to demonstrate their ability in all the areas 226528
identified by those standards; 226529

(3) Requires that all school counselors be evaluated 226530
annually, except as otherwise appropriate for high-performing 226531
school counselors or as specified in division (D) of this section; 226532

(4) Assigns a rating on each evaluation in accordance with 226533
division (B) of this section; 226534

(5) Designates the personnel that may conduct evaluations of 226535
school counselors in accordance with this framework; 226536

(6) Requires that each school counselor be provided with a 226537
written report of the results of that school counselor's 226538
evaluation; 226539

(7) Provides for professional development to accelerate and 226540
continue school counselor growth and provide support to poorly 226541
performing school counselors. 226542

(B)(1) The state board shall develop specific standards and 226543
criteria that distinguish between the following levels of 226544
performance for school counselors for the purposes of assigning 226545
ratings on the evaluations conducted under this section: 226546

(a) Accomplished; 226547

(b) Skilled; 226548

(c) Developing; 226549

(d) Ineffective. 226550

(2) The state board shall consult with experts, school 226551
counselors and principals employed in public schools, and 226552
representatives of stakeholder groups in developing the standards 226553
and criteria required by division (B)(1) of this section. 226554

(C)(1) Not later than September 30, 2016, each school 226555
district board of education shall adopt a standards-based school 226556
counselor evaluation policy that conforms with the framework for 226557
the evaluation of school counselors developed under this section. 226558
The policy shall become operative at the expiration of any 226559
collective bargaining agreement covering school counselors 226560
employed by the board that is in effect on September 29, 2015, and 226561
shall be included in any renewal or extension of such an 226562
agreement. 226563

(2) A district board shall include both of the following in 226564
its evaluation policy: 226565

(a) The implementation of the framework for the evaluation of 226566
school counselors developed under this section beginning in the 226567
2016-2017 school year; 226568

(b) Procedures for using the evaluation results, beginning in 226569
the 2017-2018 school year, for both of the following: 226570

(i) Decisions regarding retention and promotion of school 226571
counselors; 226572

(ii) Removal of poorly performing school counselors. 226573

(D) Beginning with the 2017-2018 school year, a district 226574
board may elect not to conduct an evaluation of a school counselor 226575
who meets one of the following requirements: 226576

(1) The school counselor was on leave from the school 226577
district for fifty per cent or more of the school year, as 226578
calculated by the board. 226579

(2) The school counselor has submitted notice of retirement 226580
and that notice has been accepted by the board not later than the 226581
first day of December of the school year in which the evaluation 226582
is otherwise scheduled to be conducted. 226583

(E) Each district board shall annually submit a report to the 226584
~~department of education~~ state board, in a form and manner 226585
prescribed by the ~~department~~ state board, regarding its 226586
implementation of division (C) of this section. At no time shall 226587
the ~~department~~ state board permit or require that the name or 226588
personally identifiable information of any school counselor be 226589
reported to the ~~department~~ state board under this division. 226590

(F) Notwithstanding any provision to the contrary in Chapter 226591
4117. of the Revised Code, the requirements of this section 226592
prevail over any conflicting provision of a collective bargaining 226593
agreement entered into on or after September 29, 2015. 226594

Sec. 3319.143. Notwithstanding section 3319.141 of the 226595
Revised Code, the board of education of a city, exempted village, 226596
local or joint vocational school district may adopt a policy of 226597
assault leave by which an employee who is absent due to physical 226598
disability resulting from an assault which occurs in the course of 226599
board employment will be maintained on full pay status during the 226600
period of such absence. A board of education electing to effect 226601
such a policy of assault leave shall establish rules for the 226602

entitlement, crediting, and use of assault leave and file a copy 226603
of same with the ~~state board~~ department of education and 226604
workforce. A board of education adopting this policy shall require 226605
an employee to furnish a signed statement on forms prescribed by 226606
such board to justify the use of assault leave. If medical 226607
attention is required, a certificate from a licensed physician 226608
stating the nature of the disability and its duration shall be 226609
required before assault leave can be approved for payment. 226610
Falsification of either a signed statement or a physician's 226611
certificate is ground for suspension or termination of employment 226612
under section 3311.82 or 3319.16 of the Revised Code. 226613

Assault leave granted under rules adopted by a board of 226614
education pursuant to this section shall not be charged against 226615
sick leave earned or earnable under section 3319.141 of the 226616
Revised Code or leave granted under rules adopted by a board of 226617
education pursuant to section 3311.77 or 3319.08 of the Revised 226618
Code. This section shall be uniformly administered in those 226619
districts where such policy is adopted. 226620

Sec. 3319.151. (A) As used in this section, "assessment" 226621
means an assessment administered under section 3301.0711 of the 226622
Revised Code. 226623

(B) No person shall do any of the following: 226624

(1) Reveal to any student any specific question that the 226625
person knows is part of an assessment or in any other way assist a 226626
pupil to cheat on an assessment; 226627

(2) Obtain prior knowledge of the contents of an assessment; 226628

(3) Use prior knowledge of the contents of an assessment to 226629
assist students in preparing for the assessment; 226630

(4) Fail to comply with any rule adopted by the department of 226631
education and workforce regarding security protocols for an 226632

assessment. 226633

(C) On a finding by the state board of education, after 226634
investigation, that a school employee who holds a license , as 226635
defined in section 3319.31 of the Revised Code, has violated 226636
division (B) of this section, the state board shall take any 226637
action against the employee under section 3319.31 of the Revised 226638
Code that it considers appropriate, based on the nature and extent 226639
of the violation. The state board shall give the employee notice 226640
of the allegation upon commencing an investigation and shall give 226641
the employee an opportunity to respond prior to taking any 226642
disciplinary action. 226643

(D)(1) Violation of division (B) of this section is grounds 226644
for termination of employment of a nonteaching employee under 226645
division (C) of section 3319.081 or section 124.34 of the Revised 226646
Code. 226647

(2) Violation of division (B) of this section is grounds for 226648
termination of a teacher contract under section 3311.82 or 3319.16 226649
of the Revised Code. 226650

Sec. 3319.16. The contract of any teacher employed by the 226651
board of education of any city, exempted village, local, county, 226652
or joint vocational school district may not be terminated except 226653
for good and just cause. Notwithstanding any provision to the 226654
contrary in Chapter 4117. of the Revised Code, the provisions of 226655
this section relating to the grounds for termination of the 226656
contract of a teacher prevail over any conflicting provisions of a 226657
collective bargaining agreement entered into after ~~the effective~~ 226658
~~date of this amendment~~ October 16, 2009. 226659

Before terminating any contract, the employing board shall 226660
furnish the teacher a written notice signed by its treasurer of 226661
its intention to consider the termination of the teacher's 226662
contract with full specification of the grounds for such 226663

consideration. The board shall not proceed with formal action to terminate the contract until after the tenth day after receipt of the notice by the teacher. Within ten days after receipt of the notice from the treasurer of the board, the teacher may file with the treasurer a written demand for a hearing before the board or before a referee, and the board shall set a time for the hearing which shall be within thirty days from the date of receipt of the written demand, and the treasurer shall give the teacher at least twenty days' notice in writing of the time and place of the hearing. If a referee is demanded by either the teacher or board, the treasurer also shall give twenty days' notice to the ~~superintendent of public instruction~~ department of education and workforce. No hearing shall be held during the summer vacation without the teacher's consent. The hearing shall be private unless the teacher requests a public hearing. The hearing shall be conducted by a referee appointed pursuant to section 3319.161 of the Revised Code, if demanded; otherwise, it shall be conducted by a majority of the members of the board and shall be confined to the grounds given for the termination. The board shall provide for a complete stenographic record of the proceedings, a copy of the record to be furnished to the teacher. The board may suspend a teacher pending final action to terminate the teacher's contract if, in its judgment, the character of the charges warrants such action.

Both parties may be present at such hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the treasurer of the board. In case of the failure of any person to comply with a subpoena, a judge of the court of common pleas of the county in which the person resides, upon application of any interested party, shall compel attendance of the person by attachment proceedings as for contempt. Any member of the board or

the referee may administer oaths to witnesses. After a hearing by 226697
a referee, the referee shall file a report within ten days after 226698
the termination of the hearing. After consideration of the 226699
referee's report, the board, by a majority vote, may accept or 226700
reject the referee's recommendation on the termination of the 226701
teacher's contract. After a hearing by the board, the board, by 226702
majority vote, may enter its determination upon its minutes. Any 226703
order of termination of a contract shall state the grounds for 226704
termination. If the decision, after hearing, is against 226705
termination of the contract, the charges and the record of the 226706
hearing shall be physically expunged from the minutes, and, if the 226707
teacher has suffered any loss of salary by reason of being 226708
suspended, the teacher shall be paid the teacher's full salary for 226709
the period of such suspension. 226710

Any teacher affected by an order of termination of contract 226711
may appeal to the court of common pleas of the county in which the 226712
school is located within thirty days after receipt of notice of 226713
the entry of such order. The appeal shall be an original action in 226714
the court and shall be commenced by the filing of a complaint 226715
against the board, in which complaint the facts shall be alleged 226716
upon which the teacher relies for a reversal or modification of 226717
such order of termination of contract. Upon service or waiver of 226718
summons in that appeal, the board immediately shall transmit to 226719
the clerk of the court for filing a transcript of the original 226720
papers filed with the board, a certified copy of the minutes of 226721
the board into which the termination finding was entered, and a 226722
certified transcript of all evidence adduced at the hearing or 226723
hearings before the board or a certified transcript of all 226724
evidence adduced at the hearing or hearings before the referee, 226725
whereupon the cause shall be at issue without further pleading and 226726
shall be advanced and heard without delay. The court shall examine 226727
the transcript and record of the hearing and shall hold such 226728
additional hearings as it considers advisable, at which it may 226729

consider other evidence in addition to the transcript and record. 226730

Upon final hearing, the court shall grant or deny the relief 226731
prayed for in the complaint as may be proper in accordance with 226732
the evidence adduced in the hearing. Such an action is a special 226733
proceeding, and either the teacher or the board may appeal from 226734
the decision of the court of common pleas pursuant to the Rules of 226735
Appellate Procedure and, to the extent not in conflict with those 226736
rules, Chapter 2505. of the Revised Code. 226737

In any court action, the board may utilize the services of 226738
the prosecuting attorney, village solicitor, city director of law, 226739
or other chief legal officer of a municipal corporation as 226740
authorized by section 3313.35 of the Revised Code, or may employ 226741
other legal counsel. 226742

A violation of division (A)(7) of section 2907.03 of the 226743
Revised Code is grounds for termination of a teacher contract 226744
under this section. 226745

Sec. 3319.161. For the purpose of providing referees for the 226746
hearings required by section 3319.16 of the Revised Code, the 226747
~~superintendent of public instruction~~ department of education and 226748
workforce shall compile a list of resident electors from names 226749
that the ~~superintendent~~ department shall solicit annually from the 226750
state bar association. 226751

Upon receipt of notice that a referee has been demanded by a 226752
teacher or by a board of education, the ~~superintendent of public~~ 226753
~~instruction~~ department shall immediately designate three persons 226754
from such list, from whom the referee to hear the matter shall be 226755
chosen, and the ~~superintendent~~ department shall immediately notify 226756
the designees, the teacher, and the board of the school district 226757
involved. If within five days of receipt of the notice, the 226758
teacher and board are unable to select a mutually agreeable 226759
designee to serve as referee, the ~~superintendent of public~~ 226760

~~instruction department~~ shall appoint one of the three designees to 226761
serve as referee. The appointment of the referee shall be entered 226762
in the minutes of the board. The referee appointed shall be paid 226763
the referee's usual and customary fee for attending the hearing 226764
which shall be paid from the school district general fund upon 226765
vouchers approved by the ~~superintendent of public instruction~~ 226766
department and presented to the treasurer of the district. No 226767
referee shall be a member of, an employee of, or teacher employed 226768
by the board of education nor related to any such person by 226769
consanguinity or marriage. 226770

Sec. 3319.22. (A)(1) The state board of education shall issue 226771
the following educator licenses: 226772

(a) A resident educator license, which shall be valid for two 226773
years and shall be renewable for reasons specified by rules 226774
adopted by the state board pursuant to division (A)(3) of this 226775
section. The state board, on a case-by-case basis, may extend the 226776
license's duration as necessary to enable the license holder to 226777
complete the Ohio teacher residency program established under 226778
section 3319.223 of the Revised Code; 226779

(b) A professional educator license, which shall be valid for 226780
five years and shall be renewable; 226781

(c) A senior professional educator license, which shall be 226782
valid for five years and shall be renewable; 226783

(d) A lead professional educator license, which shall be 226784
valid for five years and shall be renewable. 226785

Licenses issued under division (A)(1) of this section on and 226786
after November 2, 2018, shall specify whether the educator is 226787
licensed to teach grades pre-kindergarten through five, grades 226788
four through nine, or grades seven through twelve. The changes to 226789
the grade band specifications under this amendment shall not apply 226790

to a person who holds a license under division (A)(1) of this 226791
section prior to November 2, 2018. Further, the changes to the 226792
grade band specifications under this amendment shall not apply to 226793
any license issued to teach in the area of computer information 226794
science, bilingual education, dance, drama or theater, world 226795
language, health, library or media, music, physical education, 226796
teaching English to speakers of other languages, career-technical 226797
education, or visual arts or to any license issued to an 226798
intervention specialist, including a gifted intervention 226799
specialist, or to any other license that does not align to the 226800
grade band specifications. 226801

(2)(a) Except as provided in division (A)(2)(b) of this 226802
section, the state board may issue any additional educator 226803
licenses of categories, types, and levels the board elects to 226804
provide. 226805

(b) Not later than December 31, 2024, the state board shall 226806
cease licensing school psychologists. The state board shall 226807
coordinate with the state board of psychology to transition to 226808
licensure under Chapter 4732. of the Revised Code any school 226809
psychologists licensed under rules adopted in accordance with 226810
sections 3301.07 and 3319.22 of the Revised Code. 226811

(3) The state board shall adopt rules establishing the 226812
standards and requirements for obtaining each educator license 226813
issued under this section. The rules shall also include the 226814
reasons for which a resident educator license may be renewed under 226815
division (A)(1)(a) of this section. 226816

(B) The rules adopted under this section shall require at 226817
least the following standards and qualifications for the educator 226818
licenses described in division (A)(1) of this section: 226819

(1) An applicant for a resident educator license shall hold 226820
at least a bachelor's degree from an accredited teacher 226821

preparation program or be a participant in the teach for America 226822
program and meet the qualifications required under section 226823
3319.227 of the Revised Code. 226824

(2) An applicant for a professional educator license shall: 226825

(a) Hold at least a bachelor's degree from an institution of 226826
higher education accredited by a regional accrediting 226827
organization; 226828

(b) Have successfully completed the Ohio teacher residency 226829
program established under section 3319.223 of the Revised Code, if 226830
the applicant's current or most recently issued license is a 226831
resident educator license issued under this section or an 226832
alternative resident educator license issued under section 3319.26 226833
of the Revised Code. 226834

(3) An applicant for a senior professional educator license 226835
shall: 226836

(a) Hold at least a master's degree from an institution of 226837
higher education accredited by a regional accrediting 226838
organization; 226839

(b) Have previously held a professional educator license 226840
issued under this section or section 3319.222 or under former 226841
section 3319.22 of the Revised Code; 226842

(c) Meet the criteria for the accomplished or distinguished 226843
level of performance, as described in the standards for teachers 226844
adopted by the state board under section 3319.61 of the Revised 226845
Code. 226846

(4) An applicant for a lead professional educator license 226847
shall: 226848

(a) Hold at least a master's degree from an institution of 226849
higher education accredited by a regional accrediting 226850
organization; 226851

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.

(D) If the state board requires any examinations for educator licensure, the ~~department of education~~ state board shall provide the results of such examinations received by the ~~department~~ state board to the chancellor of higher education, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, ~~division (D) of section 3301.07 of the Revised Code,~~ or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the

chancellor of higher education under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

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

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The ~~department of education~~ state board shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted ~~by the state board of education~~ pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F)(2) of this section.

Not later than the effective date of the rules adopted under 226915
this section, the board of education of each school district shall 226916
establish the structure for one or more local professional 226917
development committees to be operated by such school district. The 226918
committee structure so established by a district board shall 226919
remain in effect unless within thirty days prior to an anniversary 226920
of the date upon which the current committee structure was 226921
established, the board provides notice to all affected district 226922
employees that the committee structure is to be modified. 226923
Professional development committees may have a district-level or 226924
building-level scope of operations, and may be established with 226925
regard to particular grade or age levels for which an educator 226926
license is designated. 226927

Each professional development committee shall consist of at 226928
least three classroom teachers employed by the district, one 226929
principal employed by the district, and one other employee of the 226930
district appointed by the district superintendent. For committees 226931
with a building-level scope, the teacher and principal members 226932
shall be assigned to that building, and the teacher members shall 226933
be elected by majority vote of the classroom teachers assigned to 226934
that building. For committees with a district-level scope, the 226935
teacher members shall be elected by majority vote of the classroom 226936
teachers of the district, and the principal member shall be 226937
elected by a majority vote of the principals of the district, 226938
unless there are two or fewer principals employed by the district, 226939
in which case the one or two principals employed shall serve on 226940
the committee. If a committee has a particular grade or age level 226941
scope, the teacher members shall be licensed to teach such grade 226942
or age levels, and shall be elected by majority vote of the 226943
classroom teachers holding such a license and the principal shall 226944
be elected by all principals serving in buildings where any such 226945
teachers serve. The district superintendent shall appoint a 226946
replacement to fill any vacancy that occurs on a professional 226947

development committee, except in the case of vacancies among the 226948
elected classroom teacher members, which shall be filled by vote 226949
of the remaining members of the committee so selected. 226950

Terms of office on professional development committees shall 226951
be prescribed by the district board establishing the committees. 226952
The conduct of elections for members of professional development 226953
committees shall be prescribed by the district board establishing 226954
the committees. A professional development committee may include 226955
additional members, except that the majority of members on each 226956
such committee shall be classroom teachers employed by the 226957
district. Any member appointed to fill a vacancy occurring prior 226958
to the expiration date of the term for which a predecessor was 226959
appointed shall hold office as a member for the remainder of that 226960
term. 226961

The initial meeting of any professional development 226962
committee, upon election and appointment of all committee members, 226963
shall be called by a member designated by the district 226964
superintendent. At this initial meeting, the committee shall 226965
select a chairperson and such other officers the committee deems 226966
necessary, and shall adopt rules for the conduct of its meetings. 226967
Thereafter, the committee shall meet at the call of the 226968
chairperson or upon the filing of a petition with the district 226969
superintendent signed by a majority of the committee members 226970
calling for the committee to meet. 226971

(3) In the case of a school district in which an exclusive 226972
representative has been established pursuant to Chapter 4117. of 226973
the Revised Code, professional development committees shall be 226974
established in accordance with any collective bargaining agreement 226975
in effect in the district that includes provisions for such 226976
committees. 226977

If the collective bargaining agreement does not specify a 226978
different method for the selection of teacher members of the 226979

committees, the exclusive representative of the district's 226980
teachers shall select the teacher members. 226981

If the collective bargaining agreement does not specify a 226982
different structure for the committees, the board of education of 226983
the school district shall establish the structure, including the 226984
number of committees and the number of teacher and administrative 226985
members on each committee; the specific administrative members to 226986
be part of each committee; whether the scope of the committees 226987
will be district levels, building levels, or by type of grade or 226988
age levels for which educator licenses are designated; the lengths 226989
of terms for members; the manner of filling vacancies on the 226990
committees; and the frequency and time and place of meetings. 226991
However, in all cases, except as provided in division (F)(4) of 226992
this section, there shall be a majority of teacher members of any 226993
professional development committee, there shall be at least five 226994
total members of any professional development committee, and the 226995
exclusive representative shall designate replacement members in 226996
the case of vacancies among teacher members, unless the collective 226997
bargaining agreement specifies a different method of selecting 226998
such replacements. 226999

(4) Whenever an administrator's coursework plan is being 227000
discussed or voted upon, the local professional development 227001
committee shall, at the request of one of its administrative 227002
members, cause a majority of the committee to consist of 227003
administrative members by reducing the number of teacher members 227004
voting on the plan. 227005

(G)(1) The department of education and workforce, educational 227006
service centers, county boards of developmental disabilities, 227007
college and university departments of education, head start 227008
programs, and the Ohio education computer network may establish 227009
local professional development committees to determine whether the 227010
coursework proposed by their employees who are licensed or 227011

certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, meet the requirements of the rules adopted under this section. They may establish local professional development committees on their own or in collaboration with a school district or other agency having authority to establish them.

Local professional development committees established by county boards of developmental disabilities shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section, as shall the committees established by any other entity specified in division (G)(1) of this section that provides educational services by employing or contracting for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009. All other entities specified in division (G)(1) of this section shall structure their committees in accordance with guidelines which shall be issued by the ~~state board~~ department.

(2) Educational service centers may establish local professional development committees to serve educators who are not employed in schools in this state, including pupil services personnel who are licensed under this section. Local professional development committees shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section.

These committees may agree to review the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by an individual who satisfies both of the following conditions:

(a) The individual is licensed or certificated under this

section or under the former version of this section as it existed 227044
prior to October 16, 2009. 227045

(b) The individual is not currently employed as an educator 227046
or is not currently employed by an entity that operates a local 227047
professional development committee under this section. 227048

Any committee that agrees to work with such an individual 227049
shall work to determine whether the proposed coursework, 227050
continuing education units, or other equivalent activities meet 227051
the requirements of the rules adopted by the state board under 227052
this section. 227053

(3) Any public agency that is not specified in division 227054
(G)(1) or (2) of this section but provides educational services 227055
and employs or contracts for services of classroom teachers 227056
licensed or certificated under this section or section 3319.222 of 227057
the Revised Code, or under the former version of either section as 227058
it existed prior to October 16, 2009, may establish a local 227059
professional development committee, subject to the approval of the 227060
department of education and workforce. The committee shall be 227061
structured in accordance with guidelines issued by the ~~state board~~ 227062
department. 227063

(H) Not later than July 1, 2016, the state board, in 227064
accordance with Chapter 119. of the Revised Code, shall adopt 227065
rules pursuant to division (A)(3) of this section that do both of 227066
the following: 227067

(1) Exempt consistently high-performing teachers from the 227068
requirement to complete any additional coursework for the renewal 227069
of an educator license issued under this section or section 227070
3319.26 of the Revised Code. The rules also shall specify that 227071
such teachers are exempt from any requirements prescribed by 227072
professional development committees established under divisions 227073
(F) and (G) of this section. 227074

(2) For purposes of division (H)(1) of this section, the state board shall define the term "consistently high-performing teacher."

Sec. 3319.221. (A) The state board of education, the department of education and workforce, any city, local, exempted village, and joint vocational school district board of education, and any other public school, as defined in section 3301.0711 of the Revised Code, shall not require a separate pupil services license issued by the state board as a credential for working in a public school, on either a permanent basis or a substitute or other temporary basis, for the following licensed professionals:

(1) A speech-language pathologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;

(2) An audiologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;

(3) A registered nurse who holds a bachelor's degree and a currently valid license issued under Chapter 4723. of the Revised Code;

(4) A physical therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code.

(B) A person employed by a school district or school for any

of the occupations listed in divisions (A)(1) to (8) of this 227104
section shall be required to apply for and receive a registration 227105
from the ~~department~~ state board of education. The registration 227106
shall be valid for five years. As a condition of registration 227107
under this section, an individual shall be subject to a criminal 227108
records check as prescribed by section 3319.391 of the Revised 227109
Code. In the manner prescribed by the ~~department~~ state board, the 227110
individual shall submit the criminal records check to the 227111
~~department~~ state board. The ~~department~~ state board shall use the 227112
information submitted to enroll the individual in the retained 227113
applicant fingerprint database, established under section 109.5721 227114
of the Revised Code, in the same manner as any teacher licensed 227115
under sections 3319.22 to 3319.31 of the Revised Code. 227116

If the ~~department~~ state board receives notification of the 227117
arrest or conviction of an individual registered under division 227118
(B) of this section, the ~~department~~ state board shall promptly 227119
notify the employing district and may take any action authorized 227120
under sections 3319.31 and 3319.311 of the Revised Code that it 227121
considers appropriate. No district shall employ any individual 227122
under division (A) of this section if the district learns that the 227123
individual has plead guilty to, has been found guilty by a jury or 227124
court of, or has been convicted of any of the offenses listed in 227125
division (C) of section 3319.31 of the Revised Code. 227126

(C) The ~~department~~ state board shall charge a registration 227127
fee of one hundred fifty dollars each for the initial registration 227128
and one hundred fifty dollars for renewal of the registration. 227129

Sec. 3319.224. Notwithstanding section 3319.30 of the Revised 227130
Code, a school district or educational service center may contract 227131
with a provider licensed under Chapter 4753. of the Revised Code 227132
for speech and language services or for audiology services. The 227133
contracted services shall be retained only after the district or 227134

service center has demonstrated to the department of education and 227135
workforce that attempts to obtain the services of a speech and 227136
language or audiology provider licensed under this chapter have 227137
been unsuccessful. 227138

Sec. 3319.228. (A) This section applies only to a person who 227139
meets the following conditions: 227140

(1) Holds a minimum of a baccalaureate degree; 227141

(2) Has been licensed and employed as a teacher in another 227142
state for each of the preceding five years; 227143

(3) Was initially licensed as a teacher in any state within 227144
the preceding fifteen years; 227145

(4) Has not had a teacher's license suspended or revoked in 227146
any state. 227147

(B)(1) Not later than July 1, 2012, the superintendent of 227148
public instruction shall develop a list of states that the 227149
superintendent considers to have standards for teacher licensure 227150
that are inadequate to ensure that a person to whom this section 227151
applies and who was most recently licensed to teach in that state 227152
is qualified for a professional educator license issued under 227153
section 3319.22 of the Revised Code. 227154

(2) Following development of the list, the superintendent 227155
shall establish a panel of experts to evaluate the adequacy of the 227156
teacher licensure standards of each state on the list. Each person 227157
selected by the superintendent to be a member of the panel shall 227158
be approved by the state board of education. In evaluating the 227159
superintendent's list, the panel shall provide an opportunity for 227160
representatives of the department of education, or similar 227161
state-level agency, of each state on the list to provide evidence 227162
to refute the state's placement on the list. 227163

Not later than April 1, 2013, the panel shall recommend to 227164

the state board that the list be approved without changes or that 227165
specified states be removed from the list prior to approval. Not 227166
later than July 1, 2013, the state board shall approve a final 227167
list of states with standards for teacher licensure that are 227168
inadequate to ensure that a person to whom this section applies 227169
and who was most recently licensed to teach in that state is 227170
qualified for a professional educator license issued under section 227171
3319.22 of the Revised Code. 227172

(C) Except as otherwise provided in division (E)(1) of this 227173
section, until the date on which the state board approves a final 227174
list of states with inadequate teacher licensure standards under 227175
division (B)(2) of this section, the state board shall issue a 227176
one-year provisional educator license to any applicant to whom 227177
this section applies. On and after that date, neither the state 227178
board nor the department of education and workforce shall be party 227179
to any reciprocity agreement with a state on that list that 227180
requires the state board to issue a person to whom this section 227181
applies any type of professional educator license on the basis of 227182
the person's licensure and teaching experience in that state. 227183

(D) Upon the expiration of a provisional license issued to a 227184
person under division (C) of this section, the state board shall 227185
issue the person a professional educator license, if the person 227186
satisfies either of the following conditions: 227187

(1) The person was issued the provisional license prior to 227188
the development of the list by the state superintendent under 227189
division (B)(1) of this section and, prior to issuance of the 227190
provisional license, the person was most recently licensed to 227191
teach by a state not on the superintendent's list or, if the final 227192
list of states with inadequate teacher licensure standards has 227193
been approved by the state board under division (B)(2) of this 227194
section, by a state not on that list. 227195

(2) All of the following apply to the person: 227196

(a) Prior to obtaining the provisional license, the person 227197
was most recently licensed to teach by a state on the 227198
superintendent's list or, if the final list of states with 227199
inadequate teacher licensure standards has been approved by the 227200
state board under division (B)(2) of this section, by a state on 227201
that list. 227202

(b) The person was employed under the provisional license by 227203
a school district; community school established under Chapter 227204
3314. of the Revised Code; science, technology, engineering, and 227205
mathematics school established under Chapter 3326. of the Revised 227206
Code; or an entity contracted by such a district or school to 227207
provide internet- or computer-based instruction or distance 227208
learning programs to students. 227209

(c) The district or school certifies to the state board that 227210
the person's teaching was satisfactory while employed or 227211
contracted by the district or school. 227212

(E)(1) From July 1, 2012, until the date on which the state 227213
board approves a final list of states with inadequate teacher 227214
licensure standards under division (B)(2) of this section, the 227215
state board shall issue a professional educator license to any 227216
applicant to whom this section applies and who was most recently 227217
licensed to teach by a state that is not on the list developed by 227218
the state superintendent under division (B)(1) of this section. 227219

(2) Beginning on the date on which the state board approves a 227220
final list of states with inadequate teacher licensure standards 227221
under division (B)(2) of this section, the state board shall issue 227222
a professional educator license to any applicant to whom this 227223
section applies and who was most recently licensed to teach by a 227224
state that is not on that list. 227225

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former 227226
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 227227

general assembly, the state board of education shall accept 227228
applications for new, and for renewal of, professional 227229
career-technical teaching licenses through June 30, 2019, and 227230
issue them on the basis of the applications received by that date 227231
in accordance with the rules described in that former section. 227232
Except as otherwise provided in divisions (A)(2) and (3) of this 227233
section, beginning July 1, 2019, the state board shall issue 227234
career-technical workforce development educator licenses only 227235
under this section. 227236

(2) An individual who, on July 1, 2019, holds a professional 227237
career-technical teaching license issued under the rules described 227238
in former section 3319.229 of the Revised Code, may continue to 227239
renew that license in accordance with those rules for the 227240
remainder of the individual's teaching career. However, nothing in 227241
this division shall be construed to prohibit the individual from 227242
applying to the state board for a career-technical workforce 227243
development educator license under this section. 227244

(3) An individual who, on July 1, 2019, holds an alternative 227245
resident educator license for teaching career-technical education 227246
issued under section 3319.26 of the Revised Code may, upon the 227247
expiration of the license, apply for a professional 227248
career-technical teaching license issued under the rules described 227249
in former section 3319.229 of the Revised Code. Such an individual 227250
may continue to renew the professional license in accordance with 227251
those rules for the remainder of the individual's teaching career. 227252
However, nothing in this division shall be construed to prohibit 227253
the individual from applying to the state board for a 227254
career-technical workforce development educator license under this 227255
section. 227256

(B) The state board, in collaboration with the chancellor of 227257
higher education, shall adopt rules establishing standards and 227258

requirements for obtaining a two-year initial career-technical 227259
workforce development educator license and a five-year advanced 227260
career-technical workforce development educator license. Each 227261
license shall be valid for teaching career-technical education or 227262
workforce development programs in grades four through twelve. The 227263
rules shall require applicants for either license to have a high 227264
school diploma or a certificate of high school equivalence as 227265
awarded under section 3301.80 of the Revised Code or as recognized 227266
as the equivalent of such certificate under division (C) of that 227267
section. 227268

(C)(1) The state board shall issue an initial 227269
career-technical workforce development educator license to an 227270
applicant upon request from the superintendent of a school 227271
district that has agreed to employ the applicant. In making the 227272
request, the superintendent shall provide documentation, in 227273
accordance with procedures prescribed by the ~~department of~~ 227274
~~education~~ state board, showing that the applicant has at least 227275
five years of work experience, or the equivalent, in the subject 227276
area in which the applicant will teach. The license shall be valid 227277
for teaching only in the requesting district. The superintendent 227278
also shall provide documentation, in accordance with procedures 227279
prescribed by the ~~department~~ state board, that the applicant is 227280
enrolled in a career-technical workforce development educator 227281
preparation program offered by an institution of higher education 227282
that has an existing teacher preparatory program in place that 227283
meets all of the following criteria: 227284

(a) Is approved by the chancellor of higher education to 227285
provide instruction in teaching methods and principles; 227286

(b) Provides classroom support to the license holder; 227287

(c) Includes at least three semester hours of coursework in 227288
the teaching of reading in the subject area; 227289

(d) Is aligned with career-technical education and workforce development competencies developed by the department;	227290 227291
(e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C)(1)(d) of this section to evaluate the license holder's knowledge and skills;	227292 227293 227294 227295
(f) Consists of not less than twenty-four semester hours of coursework, or the equivalent.	227296 227297
(2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C)(1) of this section.	227298 227299 227300 227301 227302
(3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C)(1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position.	227303 227304 227305 227306 227307 227308
(D) The state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed the program described in division (C)(1) of this section, as indicated by the supervisor of the program, and who demonstrates mastery of the applicable career-technical education and workforce development competencies described in division (C)(1)(d) of this section in the teaching position, as indicated by the superintendent of the employing school district.	227309 227310 227311 227312 227313 227314 227315 227316
(E) The holder of an advanced career-technical workforce development educator license shall work with a local professional development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license.	227317 227318 227319 227320

(F) Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes.

Sec. 3319.231. As used in this section, "community service" has the same meaning as in section 3313.605 of the Revised Code.

The ~~state board~~ department of education and workforce shall adopt rules establishing qualifications for the teaching of community service education for high school credit under division (C) of section 3313.605 of the Revised Code. In addition, the ~~board~~ department shall provide technical assistance to school districts providing community service instructional programs for teachers.

Sec. 3319.234. The teacher quality partnership, a consortium of teacher preparation programs that have been approved by the chancellor of ~~the Ohio board of regents~~ higher education under section 3333.048 of the Revised Code, shall study the relationship of teacher performance on educator licensure assessments, as adopted by the state board of education under section 3319.22 of the Revised Code, to teacher effectiveness in the classroom. Not later than September 1, 2008, the partnership shall begin submitting annual data reports along with any other data on teacher effectiveness the partnership determines appropriate to the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the chairpersons and ranking minority members of the standing committees of the senate and the house of representatives that consider education legislation, the ~~superintendent of public~~

~~instruction, the state board of education, and the chancellor of~~ 227352
~~the Ohio board of regents.~~ 227353

Sec. 3319.235. (A) The standards for the preparation of 227354
teachers adopted under section 3333.048 of the Revised Code shall 227355
require any institution that provides a course of study for the 227356
training of teachers to ensure that graduates of such course of 227357
study are skilled at integrating educational technology in the 227358
instruction of children, as evidenced by the graduate having 227359
either demonstrated proficiency in such skills in a manner 227360
prescribed by the department of education and workforce or 227361
completed a course that includes training in such skills. 227362

(B) The chancellor of ~~the Ohio board of regents,~~ higher 227363
education, in consultation with the department of education and 227364
workforce, shall establish model professional development programs 227365
to assist teachers who completed their teacher preparation prior 227366
to the effective date of division (A) of this section to become 227367
skilled at integrating educational technology in the instruction 227368
of children. The chancellor shall provide technical assistance to 227369
school districts wishing to establish such programs. 227370

Sec. 3319.236. (A) Except as provided in division (B) of this 227371
section, a school district shall require an individual to hold a 227372
valid educator license in computer science, or have a license 227373
endorsement in computer technology and a passing score on a 227374
content examination in the area of computer science, to teach 227375
computer science courses. 227376

(B) A school district may employ an individual, for the 227377
purpose of teaching computer science courses, who holds a valid 227378
educator license in any of grades kindergarten through twelve, 227379
provided the individual meets the requirements established by 227380
rules of the state board of education to qualify for a 227381

supplemental teaching license for teaching computer science. The 227382
rules shall require an applicant for a supplemental teaching 227383
license to pass a content examination in the area of computer 227384
science. The rules also shall permit an individual, after at least 227385
two years of successfully teaching computer science courses under 227386
the supplemental teaching license, to advance to a standard 227387
educator license in computer science by completing a pedagogy 227388
course applicable to the grade levels in which the individual is 227389
teaching. However, the rules may exempt an individual teaching 227390
computer science from the requirement to complete a pedagogy 227391
course if the individual previously completed a pedagogy course 227392
applicable to the grade levels in which the individual is 227393
teaching. 227394

(C) In order for an individual to teach advanced placement 227395
computer science courses, a school district shall require the 227396
individual to also complete a professional development program 227397
endorsed or provided by the organization that creates and 227398
administers national advanced placement examinations. For this 227399
purpose, the individual may complete the program at any time 227400
during the calendar year. 227401

(D) Notwithstanding section 3301.012 of the Revised Code, as 227402
used in this section, "computer science courses" means any courses 227403
that are reported in the education management information system 227404
established under section 3301.0714 of the Revised Code as 227405
computer science courses and which are aligned to computer science 227406
standards adopted by the ~~state board~~ department of education and 227407
workforce. 227408

Sec. 3319.25. Any teacher performance assessment entity with 227409
which the department of education and workforce or the state board 227410
of education contracts or any independent agent with whom such 227411
entity, the department, or the state board contracts to provide 227412

services as a teacher performance assessor, trainer of assessors, 227413
or assessment coordinator is not liable for damages in a civil 227414
action concerning the actions of such entity or agent made in the 227415
conduct of a teacher performance assessment unless those actions 227416
were conducted with malicious purpose, in bad faith, or in a 227417
wanton or reckless manner. 227418

As used in this section, "teacher performance assessment" 227419
means an assessment prescribed by the state board of education to 227420
measure the classroom performance of a teacher who is a candidate 227421
for licensure based on observations conducted by a trained 227422
assessor while the teacher is engaged in actual classroom 227423
instruction. 227424

Sec. 3319.262. (A) Notwithstanding any other provision of the 227425
Revised Code or any rule adopted by the state board of education 227426
to the contrary, the state board shall adopt rules establishing 227427
standards and requirements for obtaining a nonrenewable four-year 227428
initial early college high school educator license for teaching 227429
grades seven through twelve at an early college high school 227430
described in section 3313.6013 of the Revised Code to any 227431
applicant who meets the following conditions: 227432

(1) Has a graduate or terminal degree from an accredited 227433
institution of higher education in a field related to the subject 227434
area to be taught, as determined by the ~~department of education~~ 227435
state board; 227436

(2) Has obtained a passing score on an examination in the 227437
subject area to be taught, as prescribed by the state board; 227438

(3) Has experience teaching students at any grade level, 227439
including post-secondary students; 227440

(4) Has proof that an early college high school intends to 227441
employ the applicant pending a valid license under this section. 227442

An individual licensed under this section shall be subject to sections 3319.291 and 3319.39 of the Revised Code. An initial educator license issued under division (A) of this section shall be valid for teaching only at the employing school described in division (A)(4) of this section.

(B) After four years of teaching under an initial early college high school educator license issued under this section, an individual may apply for a renewable five-year professional educator license in the same subject area named in the initial license. The state board shall issue the applicant a professional educator license if the applicant attains a passing score on an assessment of professional knowledge prescribed by the state board. Nothing in division (B) of this section shall be construed to prohibit an individual from applying for a professional ~~education~~ educator license under section 3319.22 of the Revised Code.

~~Sec. 3319.263. Beginning on the first day of July succeeding the effective date of this section and for only five years thereafter~~ Until July 1, 2028, notwithstanding anything to the contrary in section 3319.26 of the Revised Code or any rule of the state board of education adopted under that section, the state board ~~and the department of education~~ shall not limit the subject areas for which an individual may receive an alternative resident educator license issued under that section.

Sec. 3319.28. (A) As used in this section, "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(B) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary, the state board shall issue a two-year provisional

educator license for teaching science, technology, engineering, or mathematics in grades six through twelve in a STEM school to any applicant who meets the following conditions:

(1) Holds a bachelor's degree from an accredited institution of higher education in a field related to the subject area to be taught;

(2) Has passed an examination prescribed by the state board in the subject area to be taught.

(C) The holder of a provisional educator license issued under this section shall complete a structured apprenticeship program provided by an educational service center or a teacher preparation program approved under section 3333.048 of the Revised Code, in partnership with the STEM school that employs the license holder. The apprenticeship program shall include the following:

(1) Mentoring by a teacher or administrator who regularly observes the license holder's classroom instruction, provides feedback on the license holder's teaching strategies and classroom management, and engages the license holder in discussions about methods for fostering and measuring student learning;

(2) Regularly scheduled seminars or meetings that address the following topics:

(a) The statewide academic standards adopted ~~by the state board~~ under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;

(b) The achievement assessments prescribed by section 3301.0710 of the Revised Code;

(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;

(d) Instructional methods and strategies;

(e) Student development;

(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;	227503 227504
(g) Classroom management and record keeping.	227505
(D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:	227506 227507 227508 227509 227510 227511
(1) The applicant completed the apprenticeship program described in division (C) of this section.	227512 227513
(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:	227514 227515 227516
(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;	227517 227518
(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant.	227519 227520 227521
(3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.	227522 227523 227524
(E) The department of education <u>state board</u> shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs.	227525 227526 227527 227528 227529 227530 227531
Sec. 3319.291. (A) The state board of education shall require	227532

each of the following persons, at the times prescribed by division 227533
(A) of this section, to undergo a criminal records check, unless 227534
the person has undergone a records check under this section or a 227535
former version of this section less than five years prior to that 227536
time. 227537

(1) Any person initially applying for any certificate, 227538
license, or permit described in this chapter or in division (B) of 227539
section 3301.071 or in section 3301.074 of the Revised Code at the 227540
time that application is made; 227541

(2) Any person applying for renewal of any certificate, 227542
license, or permit described in division (A)(1) of this section at 227543
the time that application is made; 227544

(3) Any person who is teaching under a professional teaching 227545
certificate issued under former section 3319.222 of the Revised 227546
Code upon a date prescribed by the state board; 227547

(4) Any person who is teaching under a permanent teaching 227548
certificate issued under former section 3319.22 as it existed 227549
prior to October 29, 1996, or under former section 3319.222 of the 227550
Revised Code upon a date prescribed by the state board and every 227551
five years thereafter. 227552

(B)(1) Except as otherwise provided in division (B)(2) of 227553
this section, the state board shall require each person subject to 227554
a criminal records check under this section to submit two complete 227555
sets of fingerprints and written permission that authorizes the 227556
superintendent of public instruction to forward the fingerprints 227557
to the bureau of criminal identification and investigation 227558
pursuant to division (F) of section 109.57 of the Revised Code and 227559
that authorizes that bureau to forward the fingerprints to the 227560
federal bureau of investigation for purposes of obtaining any 227561
criminal records that the federal bureau maintains on the person. 227562

(2) If both of the following conditions apply to a person 227563

subject to a criminal records check under this section, the state 227564
board shall require the person to submit one complete set of 227565
fingerprints and written permission that authorizes the 227566
superintendent of public instruction to forward the fingerprints 227567
to the bureau of criminal identification and investigation so that 227568
bureau may forward the fingerprints to the federal bureau of 227569
investigation for purposes of obtaining any criminal records that 227570
the federal bureau maintains on the person: 227571

(a) Under this section or any former version of this section, 227572
the state board or the superintendent of public instruction 227573
previously requested the superintendent of the bureau of criminal 227574
identification and investigation to determine whether the bureau 227575
has any information, gathered pursuant to division (A) of section 227576
109.57 of the Revised Code, on the person. 227577

(b) The person presents proof that the person has been a 227578
resident of this state for the five-year period immediately prior 227579
to the date upon which the person becomes subject to a criminal 227580
records check under this section. 227581

(C) Except as provided in division (D) of this section, prior 227582
to issuing or renewing any certificate, license, or permit for a 227583
person described in division (A)(1) or (2) of this section who is 227584
subject to a criminal records check and in the case of a person 227585
described in division (A)(3) or (4) of this section who is subject 227586
to a criminal records check, the state board or the superintendent 227587
of public instruction shall do one of the following: 227588

(1) If the person is required to submit fingerprints and 227589
written permission under division (B)(1) of this section, request 227590
the superintendent of the bureau of criminal identification and 227591
investigation to determine whether the bureau has any information, 227592
gathered pursuant to division (A) of section 109.57 of the Revised 227593
Code, pertaining to the person and to obtain any criminal records 227594
that the federal bureau of investigation has on the person. 227595

(2) If the person is required to submit fingerprints and written permission under division (B)(2) of this section, request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

(D) The state board or the superintendent of public instruction may choose not to request any information about a person required by division (C) of this section if the person provides proof that a criminal records check that satisfies the requirements of that division was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by the person in lieu of requesting that information under division (C) of this section if the records were issued by the bureau within the immediately preceding year.

(E)(1) If a person described in division (A)(3) or (4) of this section who is subject to a criminal records check fails to submit fingerprints and written permission by the date specified in the applicable division, and the state board or the superintendent of public instruction does not apply division (D) of this section to the person, or if a person who is subject to division (G) of this section fails to submit fingerprints and written permission by the date prescribed under that division, the superintendent shall prepare a written notice stating that if the person does not submit the fingerprints and written permission within fifteen days after the date the notice was mailed, the person's application will be rejected or the person's professional or permanent teaching certificate or license will be inactivated. The superintendent shall send the notification by regular mail to

the person's last known residence address or last known place of 227628
employment, as indicated in the ~~department of education's~~ state 227629
board's records, or both. 227630

If the person fails to submit the fingerprints and written 227631
permission within fifteen days after the date the notice was 227632
mailed, the superintendent of public instruction, on behalf of the 227633
state board, shall issue a written order rejecting the application 227634
or inactivating the person's professional or permanent teaching 227635
certificate or license. The rejection or inactivation shall remain 227636
in effect until the person submits the fingerprints and written 227637
permission. The superintendent shall send the order by regular 227638
mail to the person's last known residence address or last known 227639
place of employment, as indicated in the ~~department's~~ state 227640
board's records, or both. The order shall state the reason for the 227641
rejection or inactivation and shall explain that the rejection or 227642
inactivation remains in effect until the person submits the 227643
fingerprints and written permission. 227644

The rejection or inactivation of a professional or permanent 227645
teaching certificate or license under division (E)(1) of this 227646
section does not constitute a suspension or revocation of the 227647
certificate or license by the state board under section 3319.31 of 227648
the Revised Code and the state board and the superintendent of 227649
public instruction need not provide the person with an opportunity 227650
for a hearing with respect to the rejection or inactivation. 227651

(2) If a person whose professional or permanent teaching 227652
certificate or license has been rejected or inactivated under 227653
division (E)(1) of this section submits fingerprints and written 227654
permission as required by division (B) or (G) of this section, the 227655
superintendent of public instruction, on behalf of the state 227656
board, shall issue a written order issuing or reactivating the 227657
certificate or license. The superintendent shall send the order to 227658
the person by regular mail. 227659

(F) Notwithstanding divisions (A) to (C) of this section, if a person holds more than one certificate, license, or permit described in division (A)(1) of this section, the following shall apply:

(1) If the certificates, licenses, or permits are of different durations, the person shall be subject to divisions (A) to (C) of this section only when applying for renewal of the certificate, license, or permit that is of the longest duration. Prior to renewing any certificate, license, or permit with a shorter duration, the state board or the superintendent of public instruction shall determine whether the ~~department of~~ education state board has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to divisions (A) to (C) of this section as long as the person's certificate, license, or permit with the longest duration is valid.

(2) If the certificates, licenses, or permits are of the same duration but do not expire in the same year, the person shall designate one of the certificates, licenses, or permits as the person's primary certificate, license, or permit and shall notify the ~~department~~ state board of that designation. The person shall be subject to divisions (A) to (C) of this section only when applying for renewal of the person's primary certificate, license, or permit. Prior to renewing any certificate, license, or permit that is not the person's primary certificate, license, or permit, the state board or the superintendent of public instruction shall determine whether the ~~department~~ state board has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to divisions (A) to (C) of this section as long as the person's primary certificate, license, or permit is valid.

(3) If the certificates, licenses, or permits are of the same

duration and expire in the same year and the person applies for 227692
renewal of the certificates, licenses, or permits at the same 227693
time, the state board or the superintendent of public instruction 227694
shall request only one criminal records check of the person under 227695
division (C) of this section. 227696

(G) If the ~~department~~ state board is unable to enroll a 227697
person who has submitted an application for licensure, or to whom 227698
the state board has issued a license, in the retained applicant 227699
fingerprint database established under section 109.5721 of the 227700
Revised Code because the person has not satisfied the requirements 227701
for enrollment, the ~~department~~ board shall require the person to 227702
satisfy the requirements for enrollment, including requiring the 227703
person to submit, by a date prescribed by the ~~department~~state 227704
board, one complete set of fingerprints and written permission 227705
that authorizes the superintendent of public instruction to 227706
forward the fingerprints to the bureau of criminal identification 227707
and investigation for the purpose of enrolling the person in the 227708
database. If the person fails to comply by the prescribed date, 227709
the ~~department~~ state board shall reject the application or shall 227710
take action to inactivate the person's license in accordance with 227711
division (E) of this section. 227712

Sec. 3319.292. As used in this section, "license" has the 227713
same meaning as in section 3319.31 of the Revised Code. 227714

The state board of education ~~and the department of education~~ 227715
may question an applicant for issuance or renewal of any license 227716
with respect to any criminal offense committed or alleged to have 227717
been committed by the applicant. If the record of a conviction, 227718
plea of guilty, bail forfeiture, or other disposition of a 227719
criminal offense committed or alleged to have been committed by 227720
the applicant has been sealed or expunged, the state board ~~and the~~ 227721
~~department~~ need not assert or demonstrate that its questioning 227722

with respect to the offense bears a direct and substantial 227723
relationship to the issuance or renewal of the license or to the 227724
position in which the applicant will work under the license. 227725

Any questions regarding a record of a conviction, plea of 227726
guilty, bail forfeiture, or other disposition of a criminal 227727
offense committed or alleged to have been committed by the 227728
applicant that has been sealed or expunged and the responses of 227729
the applicant to such questions shall not be a public record under 227730
section 149.43 of the Revised Code. 227731

Sec. 3319.316. The ~~department of education, on behalf of the~~ 227732
state board of education, shall be a participating public office 227733
for purposes of the retained applicant fingerprint database 227734
established under section 109.5721 of the Revised Code and shall 227735
receive notification from the bureau of criminal identification 227736
and investigation of the arrest or conviction of persons to whom 227737
the state board has issued a license, as defined in section 227738
3319.31 of the Revised Code. 227739

Sec. 3319.319. The appointing or hiring officer of a school 227740
district or school located in Ohio or another state may request 227741
from the ~~department~~ state board of education any report ~~the~~ 227742
~~department has~~ received under sections 3314.40, 3319.313, 3326.24, 227743
3328.19, or 5126.253 of the Revised Code regarding an individual 227744
who is under consideration for employment by the district or 227745
school. If the ~~department~~ superintendent of public instruction has 227746
received a report under any of those sections regarding the 227747
individual, the ~~department~~ state superintendent shall provide the 227748
contents of the report to the requesting officer. Upon provision 227749
of the contents of the report to the requesting officer, the 227750
~~department~~ state superintendent shall notify the officer that the 227751
information provided is confidential and may not be disseminated 227752
to any other person or entity. 227753

If the ~~department~~ state superintendent provides the contents 227754
of a report to an appointing or hiring officer under this section, 227755
the ~~department~~ state superintendent shall document the information 227756
provided in the record of any investigation undertaken pursuant to 227757
section 3319.311 of the Revised Code based on the report. Such 227758
documentation shall include a list of the information provided, 227759
the date the information was provided, and the name and contact 227760
information of the appointing or hiring officer to whom the 227761
information was provided. 227762

Sec. 3319.33. On or before the first day of August in each 227763
year, the board of education of each city, exempted village, and 227764
local school district shall report to the ~~state board~~ department 227765
of education and workforce the school statistics of its district. 227766
Such report shall be made on forms furnished by the ~~state board of~~ 227767
~~education~~ department and shall contain such information as the 227768
~~state board of education~~ department requires. The report shall 227769
also set forth with respect to each civil proceeding in which the 227770
board of education is a defendant and each civil proceeding in 227771
which the board of education is a party and is not a defendant and 227772
in which one of the other parties is a board of education in this 227773
state or an officer, board, or official of this state: 227774

(A) The nature of the proceeding; 227775

(B) The capacity in which the board is a party to the 227776
proceeding; 227777

(C) The total expenses incurred by the board with respect to 227778
the proceeding; 227779

(D) The total expenses incurred by the board with respect to 227780
the proceeding during the reporting period. 227781

Divisions (A) to (D) of this section do not apply to any 227782
proceeding for which no expenses have been incurred during the 227783

reporting period. 227784

The board of education of each city, exempted village, and 227785
local school district may prepare and publish annually a report of 227786
the condition and administration of the schools under its 227787
supervision which shall include therein an exhibit of the 227788
financial affairs of the district and the information required in 227789
divisions (A) to (D) of this section. Such annual report shall be 227790
for a full year. 227791

Sec. 3319.35. If the superintendent or treasurer of any 227792
school district or educational service center fails to prepare any 227793
required report, that superintendent shall be liable in the sum of 227794
three hundred dollars, to be recovered by a civil action. In the 227795
case of reports required to be submitted to the superintendent, 227796
such action shall be instituted in the name of the governing board 227797
of the service center upon the complaint of the service center 227798
superintendent and the amount collected shall be paid into the 227799
service center's general fund. In the case of reports to be 227800
submitted to the ~~state board~~ department of education and 227801
workforce, the action shall be instituted in the name of the state 227802
on complaint of the board and the amount collected shall be paid 227803
into the general revenue fund. 227804

Sec. 3319.361. (A) The state board of education shall 227805
establish rules for the issuance of a supplemental teaching 227806
license. This license shall be issued at the request of the 227807
superintendent of a city, local, exempted village, or joint 227808
vocational school district, educational service center, or the 227809
governing authority of a STEM school, chartered nonpublic school, 227810
or community school to an individual who meets all of the 227811
following criteria: 227812

(1) Holds a current professional or permanent Ohio teaching 227813

certificate or resident educator license, professional educator 227814
license, senior professional educator license, or lead 227815
professional educator license, as issued under section 3319.22 or 227816
3319.26 of the Revised Code; 227817

(2) Is of good moral character; 227818

(3) Is employed in a supplemental licensure area or teaching 227819
field, as defined by the state board; 227820

(4) Completes an examination prescribed by the state board in 227821
the licensure area; 227822

(5) Completes, while employed under the supplemental teaching 227823
license and subsequent renewals thereof, additional coursework, if 227824
applicable, and testing requirements for full licensure in the 227825
supplemental area as a condition of holding and teaching under a 227826
supplemental teaching license. 227827

(B) The employing school district, service center, or school 227828
shall assign a mentor to the individual holding a supplemental 227829
teaching license. The assigned mentor shall be an experienced 227830
teacher who currently holds a license in the same, or a related, 227831
content area as the supplemental license. 227832

(C) Before the ~~department of education~~ state board will issue 227833
an individual a supplemental teaching license in another area, the 227834
supplemental licensee must complete the supplemental licensure 227835
program, or its equivalent, and be issued a standard teaching 227836
license in the area of the currently held supplemental license. 227837

(D) An individual may advance from a supplemental teaching 227838
license to a standard teaching license upon: 227839

(1) Verification from the employing superintendent or 227840
governing authority that the individual holding the supplemental 227841
teaching license has taught successfully in the licensure area for 227842
a minimum of two years; and 227843

(2) Completing requirements as applicable to the licensure area or teaching field as established by the state board. 227844
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(E) A licensee who has filed an application under this section may work in the supplemental licensure area for up to sixty school days while completing the requirements in division (A)(4) of this section. If the requirements are not completed within sixty days, the application shall be declined. 227846
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Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position. The appointing or hiring officer shall request that the superintendent include information from the federal bureau of investigation in the criminal records check, unless all of the following apply to the applicant: 227851
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(a) The applicant is applying to be an instructor of adult education. 227863
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(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child. 227865
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(c) The applicant presents proof that the applicant has been 227875
a resident of this state for the five-year period immediately 227876
prior to the date upon which the criminal records check is 227877
requested or provides evidence that within that five-year period 227878
the superintendent has requested information about the applicant 227879
from the federal bureau of investigation in a criminal records 227880
check. 227881

(2) A person required by division (A)(1) of this section to 227882
request a criminal records check shall provide to each applicant a 227883
copy of the form prescribed pursuant to division (C)(1) of section 227884
109.572 of the Revised Code, provide to each applicant a standard 227885
impression sheet to obtain fingerprint impressions prescribed 227886
pursuant to division (C)(2) of section 109.572 of the Revised 227887
Code, obtain the completed form and impression sheet from each 227888
applicant, and forward the completed form and impression sheet to 227889
the superintendent of the bureau of criminal identification and 227890
investigation at the time the person requests a criminal records 227891
check pursuant to division (A)(1) of this section. 227892

(3) An applicant who receives pursuant to division (A)(2) of 227893
this section a copy of the form prescribed pursuant to division 227894
(C)(1) of section 109.572 of the Revised Code and a copy of an 227895
impression sheet prescribed pursuant to division (C)(2) of that 227896
section and who is requested to complete the form and provide a 227897
set of fingerprint impressions shall complete the form or provide 227898
all the information necessary to complete the form and shall 227899
provide the impression sheet with the impressions of the 227900
applicant's fingerprints. If an applicant, upon request, fails to 227901
provide the information necessary to complete the form or fails to 227902
provide impressions of the applicant's fingerprints, the board of 227903
education of a school district, governing board of an educational 227904
service center, or governing authority of a chartered nonpublic 227905
school shall not employ that applicant for any position. 227906

(4) Notwithstanding any provision of this section to the contrary, an applicant who meets the conditions prescribed in divisions (A)(1)(a) and (b) of this section and who, within the two-year period prior to the date of application, was the subject of a criminal records check under this section prior to being hired for short-term employment with the school district, educational service center, or chartered nonpublic school to which application is being made shall not be required to undergo a criminal records check prior to the applicant's rehiring by that district, service center, or school.

(B)(1) Except as provided in rules adopted by the ~~department~~ state board of education in accordance with division (E) of this section and as provided in division (B)(3) of this section, no board of education of a school district, no governing board of an educational service center, and no governing authority of a chartered nonpublic school shall employ a person if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious

sexual penetration in violation of former section 2907.12 of the Revised Code; 227939
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(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section. 227941
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(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment. 227945
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(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code. 227954
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(C)(1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the appointing or hiring officer of the board or governing authority. 227958
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(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of 227966
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fees the board or governing authority pays under division (C)(1) 227970
of this section. If a fee is charged under this division, the 227971
board or governing authority shall notify the applicant at the 227972
time of the applicant's initial application for employment of the 227973
amount of the fee and that, unless the fee is paid, the board or 227974
governing authority will not consider the applicant for 227975
employment. 227976

(D) The report of any criminal records check conducted by the 227977
bureau of criminal identification and investigation in accordance 227978
with section 109.572 of the Revised Code and pursuant to a request 227979
under division (A)(1) of this section is not a public record for 227980
the purposes of section 149.43 of the Revised Code and shall not 227981
be made available to any person other than the applicant who is 227982
the subject of the criminal records check or the applicant's 227983
representative, the board or governing authority requesting the 227984
criminal records check or its representative, and any court, 227985
hearing officer, or other necessary individual involved in a case 227986
dealing with the denial of employment to the applicant. 227987

(E) The ~~department of education~~ state board shall adopt rules 227988
pursuant to Chapter 119. of the Revised Code to implement this 227989
section, including rules specifying circumstances under which the 227990
board or governing authority may hire a person who has been 227991
convicted of an offense listed in division (B)(1) or (3) of this 227992
section but who meets standards in regard to rehabilitation set by 227993
the ~~department~~ state board. Any rules adopted by the ~~department~~ 227994
state board under this division regarding the employment of a 227995
person holding a certificate, license, or permit described in this 227996
chapter or in division (B) of section 3301.071 or in section 227997
3301.074 of the Revised Code shall comply with section 9.79 of the 227998
Revised Code. 227999

The ~~department~~ state board shall amend rule 3301-83-23 of the 228000
Ohio Administrative Code that took effect August 27, 2009, and 228001

that specifies the offenses that disqualify a person for 228002
employment as a school bus or school van driver and establishes 228003
rehabilitation standards for school bus and school van drivers. 228004

(F) Any person required by division (A)(1) of this section to 228005
request a criminal records check shall inform each person, at the 228006
time of the person's initial application for employment, of the 228007
requirement to provide a set of fingerprint impressions and that a 228008
criminal records check is required to be conducted and 228009
satisfactorily completed in accordance with section 109.572 of the 228010
Revised Code if the person comes under final consideration for 228011
appointment or employment as a precondition to employment for the 228012
school district, educational service center, or school for that 228013
position. 228014

(G) As used in this section: 228015

(1) "Applicant" means a person who is under final 228016
consideration for appointment or employment in a position with a 228017
board of education, governing board of an educational service 228018
center, or a chartered nonpublic school, except that "applicant" 228019
does not include a person already employed by a board or chartered 228020
nonpublic school who is under consideration for a different 228021
position with such board or school. 228022

(2) "Teacher" means a person holding an educator license or 228023
permit issued under section 3319.22 or 3319.301 of the Revised 228024
Code and teachers in a chartered nonpublic school. 228025

(3) "Criminal records check" has the same meaning as in 228026
section 109.572 of the Revised Code. 228027

(4) "Minor drug possession offense" has the same meaning as 228028
in section 2925.01 of the Revised Code. 228029

(H) If the board of education of a local school district 228030
adopts a resolution requesting the assistance of the educational 228031
service center in which the local district has territory in 228032

conducting criminal records checks of substitute teachers and 228033
substitutes for other district employees under this section, the 228034
appointing or hiring officer of such educational service center 228035
shall serve for purposes of this section as the appointing or 228036
hiring officer of the local board in the case of hiring substitute 228037
teachers and other substitute employees for the local district. 228038

Sec. 3319.391. This section applies to any person hired by a 228039
school district, educational service center, or chartered 228040
nonpublic school in any position that does not require a "license" 228041
issued by the state board of education, as defined in section 228042
3319.31 of the Revised Code, and is not for the operation of a 228043
vehicle for pupil transportation. 228044

(A) For each person to whom this section applies who is hired 228045
on or after November 14, 2007, the employer shall request a 228046
criminal records check in accordance with section 3319.39 of the 228047
Revised Code and shall request a subsequent criminal records check 228048
by the fifth day of September every fifth year thereafter. For 228049
each person to whom this division applies who is hired prior to 228050
November 14, 2007, the employer shall request a criminal records 228051
check by a date prescribed by the ~~department of education~~ state 228052
board and shall request a subsequent criminal records check by the 228053
fifth day of September every fifth year thereafter. 228054

(B)(1) Each request for a criminal records check under this 228055
section shall be made to the superintendent of the bureau of 228056
criminal identification and investigation in the manner prescribed 228057
in section 3319.39 of the Revised Code, except that if both of the 228058
following conditions apply to the person subject to the records 228059
check, the employer shall request the superintendent only to 228060
obtain any criminal records that the federal bureau of 228061
investigation has on the person: 228062

(a) The employer previously requested the superintendent to 228063

determine whether the bureau of criminal identification and 228064
investigation has any information, gathered pursuant to division 228065
(A) of section 109.57 of the Revised Code, on the person in 228066
conjunction with a criminal records check requested under section 228067
3319.39 of the Revised Code or under this section. 228068

(b) The person presents proof that the person has been a 228069
resident of this state for the five-year period immediately prior 228070
to the date upon which the person becomes subject to a criminal 228071
records check under this section. 228072

(2) Upon receipt of a request under division (B)(1) of this 228073
section, the superintendent shall conduct the criminal records 228074
check in accordance with section 109.572 of the Revised Code as if 228075
the request had been made under section 3319.39 of the Revised 228076
Code. However, as specified in division (B)(2) of section 109.572 228077
of the Revised Code, if the employer requests the superintendent 228078
only to obtain any criminal records that the federal bureau of 228079
investigation has on the person for whom the request is made, the 228080
superintendent shall not conduct the review prescribed by division 228081
(B)(1) of that section. 228082

(C) Any person who is the subject of a criminal records check 228083
under this section and has been convicted of or pleaded guilty to 228084
any offense described in division (B)(1) of section 3319.39 of the 228085
Revised Code shall not be hired or shall be released from 228086
employment, as applicable, unless the person meets the 228087
rehabilitation standards adopted by the ~~department~~ state board 228088
under division (E) of that section. 228089

Sec. 3319.393. (A) Each school district and chartered 228090
nonpublic school shall include the following notice in boldface 228091
type in each employment application: "ANY PERSON WHO KNOWINGLY 228092
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 228093
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 228094

DEGREE." 228095

(B)(1) Each district and chartered nonpublic school shall 228096
consult the "educator profile" database maintained on the web site 228097
of the ~~department~~ state board of education prior to making any 228098
hiring decision. 228099

(2) After consulting the "educator profile" database, a 228100
district or chartered nonpublic school may further discern the 228101
employment, disciplinary, or criminal record of an applicant for 228102
employment in either or both of the following ways: 228103

(a) Consulting the state board of education's office of 228104
professional conduct ~~within the department of education~~ in 228105
accordance with section 3319.319 of the Revised Code to determine 228106
whether the individual has been the subject of either: 228107

(i) Any notice to the ~~department~~ superintendent of public 228108
instruction under section 3314.40, 3319.313, 3326.24, 3328.19, or 228109
5126.253 of the Revised Code; 228110

(ii) Any disciplinary actions conducted by the 228111
~~department~~state board. 228112

(b) Consulting any prior education-related employers of the 228113
individual. 228114

(3) A district or chartered nonpublic school may require 228115
additional background checks other than the criminal records 228116
checks authorized under sections 109.574 to 109.577 of the Revised 228117
Code or those required under section 3319.39 or 3319.391 of the 228118
Revised Code for any applicant for employment or potential 228119
volunteer. 228120

(C) A district or chartered nonpublic school may 228121
conditionally employ an individual pending the receipt of 228122
information sought in accordance with division (B)(2) of this 228123
section. Should that information indicate that the individual has 228124

engaged in conduct unbecoming to the teaching profession or has 228125
committed an offense that prevents, limits, or otherwise affects 228126
the applicant's employment with the district or school, the 228127
district or chartered nonpublic school may release the individual 228128
from employment. 228129

Sec. 3319.40. (A) As used in this section, "license" has the 228130
same meaning as in section 3319.31 of the Revised Code. 228131

(B) If a person who is employed by a school district or 228132
chartered nonpublic school is arrested, summoned, or indicted for 228133
an alleged violation of an offense listed in division (C) of 228134
section 3319.31 of the Revised Code, if the person holds a 228135
license, or an offense listed in division (B)(1) of section 228136
3319.39 of the Revised Code, if the person does not hold a 228137
license, the superintendent of the district or the chief 228138
administrative officer of the chartered nonpublic school shall 228139
suspend that person from all duties that require the care, 228140
custody, or control of a child during the pendency of the criminal 228141
action against the person. If the person who is arrested, 228142
summoned, or indicted for an alleged violation of an offense 228143
listed in division (C) of section 3319.31 or division (B)(1) of 228144
section 3319.39 of the Revised Code is a person whose duties are 228145
assigned by the district treasurer under division (B) of section 228146
3313.31 of the Revised Code, the treasurer shall suspend the 228147
person from all duties that require the care, custody, or control 228148
of a child. If the person who is arrested, summoned, or indicted 228149
for an alleged violation of an offense listed in division (C) of 228150
section 3319.31 or division (B)(1) of section 3319.39 of the 228151
Revised Code is the superintendent or treasurer of the district, 228152
the district board shall suspend the superintendent or treasurer 228153
from all duties that require the care, custody, or control of a 228154
child. If the person who is arrested, summoned, or indicted for an 228155
alleged violation of an offense listed in division (C) of section 228156

3319.31 or division (B)(1) of section 3319.39 of the Revised Code 228157
is the chief administrative officer of the chartered nonpublic 228158
school, the governing authority of the chartered nonpublic school 228159
shall suspend the chief administrative officer from all duties 228160
that require the care, custody, or control of a child. 228161

(C) When a person who holds a license is suspended in 228162
accordance with this section, the superintendent, treasurer, board 228163
of education, chief administrative officer, or governing authority 228164
that imposed the suspension promptly shall report the person's 228165
suspension to the ~~department~~ state board of education. The report 228166
shall include the offense for which the person was arrested, 228167
summoned, or indicted. 228168

Sec. 3319.44. True copies of all contracts made on behalf of 228169
this state pursuant to sections 3319.42 and 3319.43 of the Revised 228170
Code shall be kept on file in the offices of the ~~state~~ department 228171
of education and workforce and of the secretary of state. The 228172
~~state~~ department of education and workforce shall publish all such 228173
contracts in convenient form. 228174

Sec. 3319.46. (A)(1) The ~~state board~~ department of education 228175
and workforce shall adopt rules under Chapter 119. of the Revised 228176
Code that establish both of the following: 228177

(a) A policy and standards for the implementation of positive 228178
behavior intervention and supports framework; 228179

(b) A policy and standards for the use of physical restraint 228180
or seclusion on students. 228181

(2) ~~Within ninety days after the effective date of this~~ 228182
~~amendment, the state board~~ The department shall amend or update 228183
rule 3301-35-15 of the Administrative Code to reflect the 228184
requirements of this section. 228185

(B)(1) Each school district board of education shall do all 228186

of the following:	228187
(a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section;	228188 228189
(b) Comply with any policy and standards adopted, amended, or updated by the state board <u>department</u> under this section;	228190 228191
(c) Submit any reports required by the department of education or the general assembly with respect to the implementation of a positive behavior intervention and supports framework or suspension and expulsion of students in any of grades pre-kindergarten through three.	228192 228193 228194 228195 228196
(2) Each school district's positive behavior intervention and supports framework may focus on the following:	228197 228198
(a) Comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms;	228199 228200 228201
(b) School-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction;	228202 228203 228204
(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system;	228205 228206
(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition.	228207 228208 228209
(C) For purposes of this section, "positive behavior intervention and supports framework" or "positive behavior intervention and supports" means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students.	228210 228211 228212 228213 228214 228215
(D) The department of education shall oversee each school	228216

district's and school's compliance with this section. 228217

Sec. 3319.51. (A)(1) The state board of education shall 228218
annually establish the amount of the fees required to be paid for 228219
any license, certificate, or permit issued under this chapter or 228220
division (B) of section 3301.071 or section 3301.074 of the 228221
Revised Code. Except as provided in division (A)(2) of this 228222
section, the amount of these fees shall be such that they, along 228223
with any appropriation made to the fund established under division 228224
(B) of this section, will be sufficient to cover the annual 228225
estimated cost of administering the requirements ~~described under~~ 228226
division (B) of this section related to the issuance and renewal 228227
of licenses, certificates, and permits described in this chapter 228228
and sections 3301.071 and 3301.074 of the Revised Code. 228229

(2) The state board shall not require any fee to be paid 228230
under division (A)(1) of this section for a license, certificate, 228231
or permit issued for the purpose of teaching in a junior reserve 228232
officer training corps (JROTC) program approved by the congress of 228233
the United States under title 10 of the United States Code. 228234

(B) There is hereby established in the state treasury the 228235
state board of education licensure fund, which shall be used by 228236
the state board of education ~~solely~~ to pay the state board's 228237
operating expenses, including any cost incurred to perform a duty 228238
prescribed by law and the cost of administering requirements 228239
related to the issuance and renewal of licenses, certificates, and 228240
permits described in this chapter and sections 3301.071 and 228241
3301.074 of the Revised Code. The fund shall consist of the 228242
amounts paid into the fund pursuant to division (B) of section 228243
3301.071 and sections 3301.074 and 3319.29 of the Revised Code and 228244
any appropriations to the fund by the general assembly. 228245

Sec. 3319.55. (A) A grant program is hereby established to 228246

recognize and reward teachers in public and chartered nonpublic 228247
schools who hold valid teaching certificates or licenses issued by 228248
the national board for professional teaching standards. The 228249
~~superintendent of public instruction~~ department of education and 228250
workforce shall administer this program in accordance with this 228251
section and the rules ~~which the state board of education it~~ 228252
adopts. The department shall adopt those rules in accordance with 228253
Chapter 119. of the Revised Code. 228254

In each fiscal year that the general assembly appropriates 228255
funds for purposes of this section, ~~the superintendent of public~~ 228256
~~instruction~~ department shall award a grant to each person who, by 228257
the first day of April of that year and in accordance with the 228258
rules adopted under this section, submits to the ~~superintendent~~ 228259
department evidence indicating both of the following: 228260

(1) The person holds a valid certificate or license issued by 228261
the national board for professional teaching standards; 228262

(2) The person has been employed full-time as a teacher by 228263
the board of education of a school district or by a chartered 228264
nonpublic school in this state during the current school year. 228265

An individual may receive a grant under this section in each 228266
fiscal year the person is eligible for a grant and submits 228267
evidence of that eligibility in accordance with this section. No 228268
person may receive a grant after the expiration of the person's 228269
initial certification or license issued by the national board. 228270

(B) The amount of the grant awarded to each eligible person 228271
under division (A) of this section in any fiscal year shall equal 228272
two thousand five hundred dollars. However, if the funds 228273
appropriated for purposes of this section in any fiscal year are 228274
not sufficient to award the full grant amount to each person who 228275
is eligible in that fiscal year, the ~~superintendent~~ department 228276
shall prorate the amount of the grant awarded in that fiscal year 228277

to each eligible person. 228278

Sec. 3319.56. The department of education and workforce shall 228279
identify promising practices in Ohio and throughout the country 228280
for engaging teachers certified by the national board for 228281
professional teaching standards, and lead teachers who meet the 228282
criteria adopted by the educator standards board pursuant to 228283
section 3319.61 of the Revised Code, in ways that add value beyond 228284
their own classrooms. Practices identified by the department as 228285
promising may include placing national board certified and lead 228286
teachers in key roles in peer review programs; having such 228287
teachers serve as coaches, mentors, and trainers for other 228288
teachers; or having such teachers develop curricula or 228289
instructional integration strategies. 228290

Once the department has identified promising practices, the 228291
department shall inform all school districts of the practices by 228292
posting such information on the department's world wide web site. 228293

Sec. 3319.57. (A) A grant program is hereby established under 228294
which the department of education and workforce shall award grants 228295
to assist certain schools in a city, exempted village, local, or 228296
joint vocational school district in implementing one of the 228297
following innovations: 228298

(1) The use of instructional specialists to mentor and 228299
support classroom teachers; 228300

(2) The use of building managers to supervise the 228301
administrative functions of school operation so that a school 228302
principal can focus on supporting instruction, providing 228303
instructional leadership, and engaging teachers as part of the 228304
instructional leadership team; 228305

(3) The reconfiguration of school leadership structure in a 228306
manner that allows teachers to serve in leadership roles so that 228307

teachers may share the responsibility for making and implementing school decisions;	228308 228309
(4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;	228310 228311 228312
(5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching;	228313 228314 228315 228316
(6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals;	228317 228318 228319 228320 228321
(7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;	228322 228323
(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;	228324 228325
(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;	228326 228327 228328
(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;	228329 228330
(11) The implementation of a program to increase the subject matter competency of veteran teachers.	228331 228332
(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:	228333 228334 228335
(1) Be hard to staff, as defined by the department.	228336
(2) Use existing school district funds for the implementation	228337

of the innovation in an amount equal to the grant amount 228338
multiplied by (1 - the district's state share percentage for the 228339
fiscal year in which the grant is awarded). 228340

For purposes of division (B)(2) of this section, "state share 228341
percentage" has the same meaning as in section 3317.02 of the 228342
Revised Code. 228343

(C) The amount and number of grants awarded under this 228344
section shall be determined by the department based on any 228345
appropriations made by the general assembly for grants under this 228346
section. 228347

(D) The ~~state board of education~~ department shall adopt rules 228348
for the administration of this grant program. 228349

Sec. 3319.60. There is hereby established the educator 228350
standards board. The board shall develop and recommend to the 228351
state board of education standards for entering and continuing in 228352
the educator professions and standards for educator professional 228353
development. The board membership shall reflect the diversity of 228354
the state in terms of gender, race, ethnic background, and 228355
geographic distribution. 228356

(A) The board shall consist of the following members: 228357

(1) The following nineteen members appointed by the state 228358
board of education: 228359

(a) Ten persons employed as teachers in a school district. 228360
Three persons appointed under this division shall be employed as 228361
teachers in a secondary school, two persons shall be employed as 228362
teachers in a middle school, three persons shall be employed as 228363
teachers in an elementary school, one person shall be employed as 228364
a teacher in a pre-kindergarten classroom, and one person shall be 228365
a teacher who serves on a local professional development committee 228366
pursuant to section 3319.22 of the Revised Code. At least one 228367

person appointed under this division shall hold a teaching 228368
certificate or license issued by the national board for 228369
professional teaching standards. The Ohio education association 228370
shall submit a list of fourteen nominees for these appointments 228371
and the state board may appoint up to seven members to the 228372
educator standards board from that list. The Ohio federation of 228373
teachers shall submit a list of six nominees for these 228374
appointments and the state board may appoint up to three members 228375
to the educator standards board from that list. If there is an 228376
insufficient number of nominees from both lists to satisfy the 228377
membership requirements of this division, the state board shall 228378
request additional nominees who satisfy those requirements. 228379

(b) One person employed as a teacher in a chartered, 228380
nonpublic school. Stakeholder groups selected by the state board 228381
shall submit a list of two nominees for this appointment. 228382

(c) Five persons employed as school administrators in a 228383
school district. Of those five persons, one person shall be 228384
employed as a secondary school principal, one person shall be 228385
employed as a middle school principal, one person shall be 228386
employed as an elementary school principal, one person shall be 228387
employed as a school district treasurer or business manager, and 228388
one person shall be employed as a school district superintendent. 228389
The buckeye association of school administrators shall submit a 228390
list of two nominees for the school district superintendent, the 228391
Ohio association of school business officials shall submit a list 228392
of two nominees for the school district treasurer or business 228393
manager, the Ohio association of elementary school administrators 228394
shall submit a list of two nominees for the elementary school 228395
principal, and the Ohio association of secondary school 228396
administrators shall submit a list of two nominees for the middle 228397
school principal and a list of two nominees for the secondary 228398
school principal. 228399

(d) One person who is a member of a school district board of education. The Ohio school boards association shall submit a list of two nominees for this appointment.

(e) One person who is a parent of a student currently enrolled in a school operated by a school district. The Ohio parent teacher association shall submit a list of two nominees for this appointment.

(f) One person who represents community schools established under Chapter 3314. of the Revised Code.

(2) The chancellor of higher education shall appoint three persons employed by institutions of higher education that offer educator preparation programs. One person shall be employed by an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; one person shall be employed by a state university, as defined in section 3345.011 of the Revised Code, or a university branch; and one person shall be employed by a state community college, community college, or technical college. Of the two persons appointed from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch:

(a) One shall be a representative of the Ohio association of private colleges for teacher education, or its successor organization.

(b) One shall be a representative of the state university education deans of Ohio, or its successor organization.

The chancellor shall appoint a representative from each of the organizations specified in divisions (A)(2)(a) and (b) of this section not later than sixty days after ~~the effective date of this amendment~~ April 6, 2023. Each representative shall serve a two-year term beginning July 1, 2023.

(3) The speaker of the house of representatives shall appoint two persons who are active in or retired from the education profession.

(4) The president of the senate shall appoint two persons who are active in or retired from the education profession.

(5) The superintendent of public instruction ~~or a designee of the superintendent~~, the chancellor of higher education ~~or a designee of the chancellor~~, the director of education and workforce, their designees, and the chairpersons and the ranking minority members of the education committees of the senate and house of representatives shall serve as nonvoting, ex officio members.

(B) Terms of office shall be for two years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. At the first meeting, appointed members shall select a chairperson and a vice-chairperson. Vacancies on the board shall be filled in the same manner as prescribed for appointments under division (A) of this section. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The terms of office of members are renewable.

(C) Members shall receive no compensation for their services.

(D) The board shall establish guidelines for its operation. These guidelines shall permit the creation of standing subcommittees when necessary. The board shall determine the membership of any subcommittee it creates. The board may select

persons who are not members of the board to participate in the 228462
deliberations of any subcommittee as representatives of 228463
stakeholder groups, but no such person shall vote on any issue 228464
before the subcommittee. 228465

Sec. 3319.61. (A) The educator standards board, in 228466
consultation with the chancellor of higher education, shall do all 228467
of the following: 228468

(1) Develop state standards for teachers and principals that 228469
reflect what teachers and principals are expected to know and be 228470
able to do at all stages of their careers. These standards shall 228471
be aligned with the statewide academic content standards for 228472
students adopted pursuant to section 3301.079 of the Revised Code, 228473
be primarily based on educator performance instead of years of 228474
experience or certain courses completed, and rely on 228475
evidence-based factors. These standards shall also be aligned with 228476
the operating standards adopted under division (D)(3) of section 228477
3301.07 of the Revised Code. 228478

(a) The standards for teachers shall reflect the following 228479
additional criteria: 228480

(i) Alignment with the interstate new teacher assessment and 228481
support consortium standards; 228482

(ii) Differentiation among novice, experienced, and advanced 228483
teachers; 228484

(iii) Reliance on competencies that can be measured; 228485

(iv) Reliance on content knowledge, teaching skills, 228486
discipline-specific teaching methods, and requirements for 228487
professional development; 228488

(v) Alignment with a career-long system of professional 228489
development and evaluation that ensures teachers receive the 228490
support and training needed to achieve the teaching standards as 228491

well as reliable feedback about how well they meet the standards;	228492
(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;	228493 228494 228495 228496
(vii) The Ohio leadership framework.	228497
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	228498 228499
(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	228500 228501 228502 228503 228504 228505 228506
(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	228507 228508 228509 228510 228511 228512 228513 228514
(4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;	228515 228516
(5) Develop standards for educator professional development;	228517
(6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies;	228518 228519 228520
(7) Develop standards for school counselors that reflect what	228521

school counselors are expected to know and be able to do at all 228522
stages of their careers. The standards shall reflect knowledge of 228523
academic, personal, and social counseling for students and 228524
effective principles to implement an effective school counseling 228525
program. The standards also shall reflect Ohio-specific knowledge 228526
of career counseling for students and education options that 228527
provide flexibility for earning credit, such as earning units of 228528
high school credit using the methods adopted by the ~~state board~~ 228529
department of education and workforce under division (J) of 228530
section 3313.603 of the Revised Code and earning college credit 228531
through the college credit plus program established under Chapter 228532
3365. of the Revised Code and the career-technical education 228533
credit transfer criteria, policies, and procedures established 228534
under section 3333.162 of the Revised Code. The standards shall 228535
align with the American school counselor association's 228536
professional standards and the operating standards developed under 228537
division (D)(3) of section 3301.07 of the Revised Code. 228538

The director of education and workforce, superintendent of 228539
public instruction, the chancellor of higher education, or the 228540
education standards board itself may request that the educator 228541
standards board update, review, or reconsider any standards 228542
developed under this section. 228543

(B) The educator standards board shall incorporate indicators 228544
of cultural competency into the standards developed under division 228545
(A) of this section. For this purpose, the educator standards 228546
board shall develop a definition of cultural competency based upon 228547
content and experiences that enable educators to know, understand, 228548
and appreciate the students, families, and communities that they 228549
serve and skills for addressing cultural diversity in ways that 228550
respond equitably and appropriately to the cultural needs of 228551
individual students. 228552

(C) In developing the standards under division (A) of this 228553

section, the educator standards board shall consider the impact of 228554
the standards on closing the achievement gap between students of 228555
different subgroups. 228556

(D) In developing the standards under division (A) of this 228557
section, the educator standards board shall ensure both of the 228558
following: 228559

(1) That teachers have sufficient knowledge to provide 228560
appropriate instruction for students identified as gifted pursuant 228561
to Chapter 3324. of the Revised Code and to assist in the 228562
identification of such students, and have sufficient knowledge 228563
that will enable teachers to provide learning opportunities for 228564
all children to succeed; 228565

(2) That principals, superintendents, school treasurers, and 228566
school business managers have sufficient knowledge to provide 228567
principled, collaborative, foresighted, and data-based leadership 228568
that will provide learning opportunities for all children to 228569
succeed. 228570

(E) The standards for educator professional development 228571
developed under division (A)(5) of this section shall include the 228572
following: 228573

(1) Standards for the inclusion of local professional 228574
development committees established under section 3319.22 of the 228575
Revised Code in the planning and design of professional 228576
development; 228577

(2) Standards that address the crucial link between academic 228578
achievement and mental health issues. 228579

(F) The educator standards board shall also perform the 228580
following functions: 228581

(1) Monitor compliance with the standards developed under 228582
division (A) of this section and make recommendations to the state 228583

board of education for appropriate corrective action if such standards are not met; 228584
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(2) Research, develop, and recommend policies on the professions of teaching and school administration; 228586
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(3) Recommend policies to close the achievement gap between students of different subgroups; 228588
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(4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 228590
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(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board. 228592
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(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section. 228609
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(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of 228612
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multiple evaluation criteria into each of the following: 228615

(a) Eligibility for a professional educator license, senior 228616
professional educator license, lead professional educator license, 228617
or principal license issued under section 3319.22 of the Revised 228618
Code; 228619

(b) The Ohio teacher residency program established under 228620
section 3319.223 of the Revised Code; 228621

(c) The model teacher and principal evaluation instruments 228622
and processes developed under division (F)(6) of this section. 228623

~~(G) The educator standards board shall submit recommendations 228624
of standards developed under division (A) of this section to the 228625
state board of education not later than September 1, 2010. The 228626
state board of education shall review those recommendations at the 228627
state board's regular meeting that next succeeds the date that the 228628
recommendations are submitted to the state board. At that meeting, 228629
the state board of education shall vote to either adopt standards 228630
based on those recommendations or request that the educator 228631
standards board reconsider its recommendations. The state board of 228632
education shall articulate reasons for requesting reconsideration 228633
of the recommendations but shall not direct the content of the 228634
recommendations. The educator standards board shall reconsider its 228635
recommendations if the state board of education so requests, may 228636
revise the recommendations, and shall resubmit the 228637
recommendations, whether revised or not, to the state board not 228638
later than two weeks prior to the state board's regular meeting 228639
that next succeeds the meeting at which the state board requested 228640
reconsideration of the initial recommendations. The state board of 228641
education shall review the recommendations as resubmitted by the 228642
educator standards board at the state board's regular meeting that 228643
next succeeds the meeting at which the state board requested 228644
reconsideration of the initial recommendations and may adopt the 228645
standards as resubmitted or, if the resubmitted standards have not 228646~~

~~addressed the state board's concerns, the state board may modify 228647
the standards prior to adopting them. The final responsibility to 228648
determine whether to adopt standards as described in division (A) 228649
of this section and the content of those standards, if adopted, 228650
belongs solely to the state board of education. 228651~~

Sec. 3319.611. The subcommittee on standards for 228652
superintendents of the education standards board is hereby 228653
established. The subcommittee shall consist of the following 228654
members: 228655

(A) The school district superintendent appointed to the 228656
educator standards board under section 3319.60 of the Revised 228657
Code, who shall act as chairperson of the subcommittee; 228658

(B) Three additional school district superintendents 228659
appointed by the state board of education, for terms of two years. 228660
The buckeye association of school administrators shall submit a 228661
list of six nominees for appointments under this section. 228662

(C) Three additional members of the educator standards board, 228663
appointed by the chairperson of the educator standards board; 228664

(D) The superintendent of public instruction ~~and~~, the 228665
chancellor of ~~the Ohio board of regents~~ higher education, and the 228666
director of education and workforce, or their designees, who shall 228667
serve as nonvoting, ex officio members of the subcommittee. 228668

Members of the subcommittee shall receive no compensation for 228669
their services. The members appointed under divisions (B) and (C) 228670
of this section may be reappointed. 228671

The subcommittee shall assist the educator standards board in 228672
developing the standards for superintendents and with any 228673
additional matters the educator standards board directs the 228674
subcommittee to examine. 228675

Sec. 3319.612. The subcommittee on standards for school 228676
treasurers and business managers of the educator standards board 228677
is hereby established. The subcommittee shall consist of the 228678
following members: 228679

(A) The school district treasurer or business manager 228680
appointed to the educator standards board under section 3319.60 of 228681
the Revised Code, who shall act as chairperson of the 228682
subcommittee; 228683

(B) Three additional school district treasurers or business 228684
managers appointed by the state board of education for terms of 228685
two years. The Ohio association of school business officials shall 228686
submit a list of six nominees for appointments under this section. 228687

(C) Three additional members of the educator standards board, 228688
appointed by the chairperson of the educator standards board; 228689

(D) The superintendent of public instruction ~~and~~, the 228690
chancellor of ~~the Ohio board of regents~~ higher education, and the 228691
director of education and workforce, or their designees, who shall 228692
serve as nonvoting, ex officio members of the subcommittee. 228693

Members of the subcommittee shall receive no compensation for 228694
their services. The members appointed under divisions (B) and (C) 228695
of this section may be reappointed. 228696

The subcommittee shall assist the educator standards board in 228697
developing the standards for school treasurers and business 228698
managers and with any additional matters the educator standards 228699
board directs the subcommittee to examine. 228700

Sec. 3321.01. (A)(1) As used in this chapter, "parent," 228701
"guardian," or "other person having charge or care of a child" 228702
means either parent unless the parents are separated or divorced 228703
or their marriage has been dissolved or annulled, in which case 228704
"parent" means the parent who is the residential parent and legal 228705

custodian of the child. If the child is in the legal or permanent 228706
custody of a person or government agency, "parent" means that 228707
person or government agency. When a child is a resident of a home, 228708
as defined in section 3313.64 of the Revised Code, and the child's 228709
parent is not a resident of this state, "parent," "guardian," or 228710
"other person having charge or care of a child" means the head of 228711
the home. 228712

A child between six and eighteen years of age is "of 228713
compulsory school age" for the purpose of sections 3321.01 to 228714
3321.13 of the Revised Code. A child under six years of age who 228715
has been enrolled in kindergarten also shall be considered "of 228716
compulsory school age" for the purpose of sections 3321.01 to 228717
3321.13 of the Revised Code unless at any time the child's parent 228718
or guardian, at the parent's or guardian's discretion and in 228719
consultation with the child's teacher and principal, formally 228720
withdraws the child from kindergarten. The compulsory school age 228721
of a child shall not commence until the beginning of the term of 228722
such schools, or other time in the school year fixed by the rules 228723
of the board of the district in which the child resides. 228724

(2) In a district in which all children are admitted to 228725
kindergarten and the first grade in August or September, a child 228726
shall be admitted if the child is five or six years of age, 228727
respectively, by the thirtieth day of September of the year of 228728
admittance, or by the first day of a term or semester other than 228729
one beginning in August or September in school districts granting 228730
admittance at the beginning of such term or semester. A child who 228731
does not meet the age requirements of this section for admittance 228732
to kindergarten or first grade, but who will be five or six years 228733
old, respective, prior to the first day of January of the school 228734
year in which admission is requested, shall be evaluated for early 228735
admittance in accordance with district policy upon referral by the 228736
child's parent or guardian, an educator employed by the district, 228737

a preschool educator who knows the child, or a pediatrician or 228738
psychologist who knows the child. Following an evaluation in 228739
accordance with a referral under this section, the district board 228740
shall decide whether to admit the child. If a child for whom 228741
admission to kindergarten or first grade is requested will not be 228742
five or six years of age, respectively, prior to the first day of 228743
January of the school year in which admission is requested, the 228744
child shall be admitted only in accordance with the district's 228745
acceleration policy adopted under section 3324.10 of the Revised 228746
Code. 228747

(3) Notwithstanding division (A)(2) of this section, 228748
beginning with the school year that starts in 2001 and continuing 228749
thereafter the board of education of any district may adopt a 228750
resolution establishing the first day of August in lieu of the 228751
thirtieth day of September as the required date by which students 228752
must have attained the age specified in that division. 228753

(4) After a student has been admitted to kindergarten in a 228754
school district or chartered nonpublic school, no board of 228755
education of a school district to which the student transfers 228756
shall deny that student admission based on the student's age. 228757

(B) As used in division (C) of this section, "successfully 228758
completed kindergarten" means that the child has completed the 228759
kindergarten requirements at one of the following: 228760

(1) A public or chartered nonpublic school; 228761

(2) A kindergarten class that is both of the following: 228762

(a) Offered by a day-care provider licensed under Chapter 228763
5104. of the Revised Code; 228764

(b) If offered after July 1, 1991, is directly taught by a 228765
teacher who holds one of the following: 228766

(i) A valid educator license issued under section 3319.22 of 228767

the Revised Code; 228768

(ii) A Montessori preprimary credential or age-appropriate 228769
diploma granted by the American Montessori society or the 228770
association Montessori internationale; 228771

(iii) Certification determined under division (F) of this 228772
section to be equivalent to that described in division 228773
(B)(2)(b)(ii) of this section; 228774

(iv) Certification for teachers in nontax-supported schools 228775
pursuant to section 3301.071 of the Revised Code. 228776

(C)(1) Except as provided in division (A)(2) of this section, 228777
no school district shall admit to the first grade any child who 228778
has not successfully completed kindergarten. 228779

(2) Notwithstanding division (A)(2) of this section, any 228780
student who has successfully completed kindergarten in accordance 228781
with section (B) of this section shall be admitted to first grade. 228782

(D) The scheduling of times for kindergarten classes and 228783
length of the school day for kindergarten shall be determined by 228784
the board of education of a city, exempted village, or local 228785
school district. 228786

(E) Any kindergarten class offered by a day-care provider or 228787
school described by division (B)(1) or (B)(2)(a) of this section 228788
shall be developmentally appropriate. 228789

(F) Upon written request of a day-care provider described by 228790
division (B)(2)(a) of this section, the department of education 228791
and workforce shall determine whether certification held by a 228792
teacher employed by the provider meets the requirement of division 228793
(B)(2)(b)(iii) of this section and, if so, shall furnish the 228794
provider a statement to that effect. 228795

(G) As used in this division, "all-day kindergarten" has the 228796
same meaning as in section 3321.05 of the Revised Code. 228797

(1) A school district that is offering all-day kindergarten 228798
for the first time or that charged fees or tuition for all-day 228799
kindergarten in the 2012-2013 school year may charge fees or 228800
tuition for a student enrolled in all-day kindergarten in any 228801
school year following the 2012-2013 school year. The department 228802
shall adjust the district's average daily membership certification 228803
under section 3317.03 of the Revised Code by one-half of the 228804
full-time equivalency for each student charged fees or tuition for 228805
all-day kindergarten under this division. If a district charges 228806
fees or tuition for all-day kindergarten under this division, the 228807
district shall develop a sliding fee scale based on family 228808
incomes. 228809

(2) The department ~~of education~~ shall conduct an annual 228810
survey of each school district described in division (G)(1) of 228811
this section to determine the following: 228812

(a) Whether the district charges fees or tuition for students 228813
enrolled in all-day kindergarten; 228814

(b) The amount of the fees or tuition charged; 228815

(c) How many of the students for whom tuition is charged are 228816
eligible for free lunches under the "National School Lunch Act," 228817
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 228818
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 228819
and how many of the students for whom tuition is charged are 228820
eligible for reduced price lunches under those acts; 228821

(d) How many students are enrolled in traditional half-day 228822
kindergarten rather than all-day kindergarten. 228823

Each district shall report to the department, in the manner 228824
prescribed by the department, the information described in 228825
divisions (G)(2)(a) to (d) of this section. 228826

The department shall issue an annual report on the results of 228827
the survey and shall post the report on its web site. The 228828

department shall issue the first report not later than April 30, 228829
2008, and shall issue a report not later than the thirtieth day of 228830
April each year thereafter. 228831

Sec. 3321.03. As used in this section and section 3321.04 of 228832
the Revised Code, "special education program" means a school or 228833
the educational agency that provides special education and related 228834
services to children with disabilities in accordance with Chapter 228835
3323. of the Revised Code. 228836

Except as provided in this section, the parent of a child of 228837
compulsory school age shall cause such child to attend a school in 228838
the school district in which the child is entitled to attend 228839
school under division (B) or (F) of section 3313.64 or section 228840
3313.65 of the Revised Code, to participate in a special education 228841
program under Chapter 3323. of the Revised Code, or to otherwise 228842
cause the child to be instructed in accordance with law. Every 228843
child of compulsory school age shall attend a school or 228844
participate in a special education program that conforms to the 228845
minimum standards prescribed by the ~~state board~~ director of 228846
education and workforce until the child: 228847

(A) Receives a diploma granted by the board of education or 228848
other governing authority, successfully completes the curriculum 228849
of any high school, or successfully completes the individualized 228850
education program developed for the student by any high school 228851
pursuant to Chapter 3323. of the Revised Code; 228852

(B) Receives an age and schooling certificate as provided in 228853
section 3331.01 of the Revised Code; or 228854

(C) Is excused from school under standards adopted by the 228855
~~state board~~ department of education and workforce pursuant to 228856
section 3321.04 or exempt pursuant to section 3321.042 of the 228857
Revised Code, or if in need of special education, the child is 228858
excused from such programs pursuant to section 3321.04 of the 228859

Revised Code. 228860

Sec. 3321.04. Notwithstanding division (D) of section 3311.19 228861
and division (D) of section 3311.52 of the Revised Code, this 228862
section does not apply to any joint vocational or cooperative 228863
education school district or its superintendent. 228864

Every parent of any child of compulsory school age who is not 228865
employed under an age and schooling certificate or exempt under 228866
section 3321.042 of the Revised Code must send such child to a 228867
school or a special education program that conforms to the minimum 228868
standards prescribed by the ~~state board~~ director of education and 228869
workforce, for the full time the school or program attended is in 228870
session, which shall not be for less than thirty-two weeks per 228871
school year. Such attendance must begin within the first week of 228872
the school term or program or within one week of the date on which 228873
the child begins to reside in the district or within one week 228874
after the child's withdrawal from employment. 228875

For the purpose of operating a school or program on a 228876
trimester plan, "full time the school attended is in session," as 228877
used in this section means the two trimesters to which the child 228878
is assigned by the board of education. For the purpose of 228879
operating a school or program on a quarterly plan, "full time the 228880
school attended is in session," as used in this section, means the 228881
three quarters to which the child is assigned by the board of 228882
education. For the purpose of operating a school or program on a 228883
pentamester plan, "full time the school is in session," as used in 228884
this section, means the four pentamesters to which the child is 228885
assigned by the board of education. 228886

Excuses from future attendance at or past absence from school 228887
or a special education program may be granted for the causes, by 228888
the authorities, and under the following conditions: 228889

(A) The superintendent of the school district in which the 228890

child resides may excuse ~~the~~ a child enrolled in the district from 228891
attendance for any part of the remainder of the current school 228892
year upon satisfactory showing of either of the following facts: 228893

(1) That the child's bodily or mental condition does not 228894
permit attendance at school or a special education program during 228895
such period; this fact is certified in writing by a licensed 228896
physician or, in the case of a mental condition, by a licensed 228897
physician, a licensed psychologist, licensed school psychologist 228898
or a certificated school psychologist; and provision is made for 228899
appropriate instruction of the child, in accordance with Chapter 228900
3323. of the Revised Code; 228901

(2) That the child is being instructed at home by a person 228902
qualified to teach the branches in which instruction is required, 228903
and such additional branches, as the advancement and needs of the 228904
child may, in the opinion of such superintendent, require. In each 228905
such case the issuing superintendent shall file in the 228906
superintendent's office, with a copy of the excuse, papers showing 228907
how the inability of the child to attend school or a special 228908
education program or the qualifications of the person instructing 228909
the child at home were determined. All such excuses shall become 228910
void and subject to recall upon the removal of the disability of 228911
the child or the cessation of ~~proper~~ home instruction; and 228912
thereupon the child or the child's parents may be proceeded 228913
against after due notice whether such excuse be recalled or not. 228914

(B) The ~~state board~~ department of education and workforce may 228915
adopt rules authorizing the superintendent of schools of the 228916
district in which the child resides to excuse a child over 228917
fourteen years of age from attendance for a future limited period 228918
for the purpose of performing necessary work directly and 228919
exclusively for the child's parents or legal guardians. 228920

All excuses provided for in divisions (A) and (B) of this 228921
section shall be in writing and shall show the reason for excusing 228922

the child. A copy thereof shall be sent to the person in charge of 228923
the child. 228924

(C) The board of education of the school district or the 228925
governing authorities of a private or parochial school may in the 228926
rules governing the discipline in such schools, prescribe the 228927
authority by which and the manner in which any child may be 228928
excused for absence from such school for good and sufficient 228929
reasons. 228930

The ~~state board of education~~ department may by rule prescribe 228931
conditions governing the issuance of excuses, which shall be 228932
binding upon the authorities empowered to issue them. 228933

Sec. 3321.042. (A) As used in this section, "home education" 228934
means the education of a child, between the ages of six and 228935
eighteen years of age, that is directed by the child's parent. 228936
"Home education" does not include education provided to a child 228937
who is enrolled full time in a public or chartered nonpublic 228938
school. 228939

(B) A child receiving home education in the subject areas of 228940
English language arts, mathematics, science, history, government, 228941
and social studies is exempt from section 3321.04 of the Revised 228942
Code. 228943

(C) Within five calendar days after commencing home 228944
education, moving into a new school district, or withdrawing from 228945
a public or nonpublic school, and by the thirtieth day of August 228946
each year thereafter, the parent or guardian of a child receiving 228947
a home education shall transmit a notice to the superintendent of 228948
the child's school district of residence. The notice shall provide 228949
the parent's name and address, the child's name, and an assurance 228950
that the child will receive education in the subject areas 228951
required under this section. The child's exemption under this 228952
section is effective immediately upon receipt of notice. The 228953

district superintendent shall provide a written acknowledgment of 228954
the superintendent's receipt of the notice to the parent or 228955
guardian not later than fourteen calendar days after receiving the 228956
notice. A child exempt under this section shall not be required to 228957
be excused under section 3321.04 of the Revised Code. 228958

(D) A child that is being enrolled in a public school 228959
following any period of home education shall be placed in the 228960
appropriate grade level, without discrimination or prejudice, 228961
based on the policies of the child's district of residence. 228962

(E) This section shall not be subject to any rules adopted by 228963
the director of education and workforce and the department of 228964
education and workforce. 228965

(F) If there is evidence that a child exempt under this 228966
section is not receiving an education in the subject areas 228967
required under this section, then that child may be subject to 228968
section 3321.19 of the Revised Code. 228969

Sec. 3321.07. If any child attends upon instruction elsewhere 228970
than in a public school such instruction shall be in a school 228971
which conforms to the minimum standards prescribed by the ~~state~~ 228972
~~board~~ director of education and workforce. The hours and term of 228973
attendance exacted shall be equivalent to the hours and term of 228974
attendance required of children in the public schools of the 228975
district. This section does not require a child to attend a high 228976
school instead of a vocational, commercial, or other special type 228977
of school, provided the instruction therein is for a term and for 228978
hours equivalent to those of the high school, and provided ~~his~~ the 228979
child's attendance at such school will not interfere with a 228980
continuous program of education for the child to the age of 228981
sixteen. 228982

Sec. 3321.09. Attendance at a part-time school or class 228983

provided by an employer, by a partnership, corporation, or 228984
individual, by a private or parochial school, by a college, or by 228985
a philanthropic or similar agency shall serve in lieu of 228986
attendance at a part-time school or class provided by a board of 228987
education in case the given school or class is conducted for 228988
substantially a term and hours equivalent to those of the 228989
part-time schools or classes provided by the local board, and in 228990
case the school or class is approved by the ~~state board~~ department 228991
of education and workforce. When such school or class is conducted 228992
within or in connection with the establishment in which the child 228993
is working the obligation of attendance at part-time school or 228994
class indicated in section 3321.08 of the Revised Code, shall 228995
apply to the children holding age and schooling certificates who 228996
are employed in the given establishment regardless of the 228997
accessibility of public part-time schools or classes. 228998

Sec. 3321.12. Notwithstanding division (D) of section 3311.19 228999
and division (D) of section 3311.52 of the Revised Code, the 229000
provisions of this section that require reporting to the treasurer 229001
of a city school district do not require reporting to the 229002
treasurer of any joint vocational or cooperative education school 229003
district. 229004

The principal or teacher in charge of any public, private, or 229005
parochial school, shall report to the treasurer of the board of 229006
education of the city, local, or exempted village school district 229007
in which the school is situated, the names, ages, and places of 229008
residence of all pupils below eighteen years of age in attendance 229009
at their schools together with such other facts as said treasurer 229010
requires to facilitate the carrying out of the laws relating to 229011
compulsory education and the employment of minors. Such report 229012
shall be made within the first two weeks of the beginning of 229013
school in each school year, and shall be corrected with the entry 229014
of such items as are prescribed by the ~~state board~~ department of 229015

education and workforce within the first week of each subsequent 229016
school month of the year. 229017

Nothing in this section shall require any person to release, 229018
or to permit access to, public school records in violation of 229019
section 3319.321 of the Revised Code. 229020

Sec. 3321.13. (A) Whenever any child of compulsory school age 229021
withdraws from school the teacher of that child shall ascertain 229022
the reason for withdrawal. The fact of the withdrawal and the 229023
reason for it shall be immediately transmitted by the teacher to 229024
the superintendent of the city, local, or exempted village school 229025
district. If the child who has withdrawn from school has done so 229026
because of change of residence, the next residence shall be 229027
ascertained and shall be included in the notice thus transmitted. 229028
The superintendent shall thereupon forward a card showing the 229029
essential facts regarding the child and stating the place of the 229030
child's new residence to the superintendent of schools of the 229031
district to which the child has moved. 229032

The ~~superintendent of public instruction~~ department of 229033
education and workforce may prescribe the forms to be used in the 229034
operation of this division. 229035

(B)(1) Upon receipt of information that a child of compulsory 229036
school age has withdrawn from school for a reason other than 229037
because of change of residence or for the purpose of home 229038
education pursuant to section 3321.042 of the Revised Code and is 229039
not enrolled in and attending in accordance with school policy an 229040
approved program to obtain a diploma or its equivalent, the 229041
superintendent shall notify the registrar of motor vehicles and 229042
the juvenile judge of the county in which the district is located 229043
of the withdrawal and failure to enroll in and attend an approved 229044
program to obtain a diploma or its equivalent. A notification to 229045
the registrar required by this division shall be given in the 229046

manner the registrar by rule requires and a notification to the 229047
juvenile judge required by this division shall be given in 229048
writing. Each notification shall be given within two weeks after 229049
the withdrawal and failure to enroll in and attend an approved 229050
program or its equivalent. 229051

(2) The board of education of a school district may adopt a 229052
resolution providing that the provisions of division (B)(2) of 229053
this section apply within the district. The provisions of division 229054
(B)(2) of this section do not apply within any school district, 229055
and no superintendent of a school district shall send a 229056
notification of the type described in division (B)(2) of this 229057
section to the registrar of motor vehicles or the juvenile judge 229058
of the county in which the district is located, unless the board 229059
of education of the district has adopted such a resolution. If the 229060
board of education of a school district adopts a resolution 229061
providing that the provisions of division (B)(2) of this section 229062
apply within the district, and if the superintendent of schools of 229063
that district receives information that, during any semester or 229064
term, a child of compulsory school age has been absent without 229065
legitimate excuse from the school the child is supposed to attend 229066
for more than sixty consecutive hours in a single month or for at 229067
least ninety hours in a school year, the superintendent shall 229068
notify the child and the child's parent, guardian, or custodian, 229069
in writing, that the information has been provided to the 229070
superintendent, that as a result of that information the child's 229071
temporary instruction permit or driver's license will be suspended 229072
or the opportunity to obtain such a permit or license will be 229073
denied, and that the child and the child's parent, guardian, or 229074
custodian may appear in person at a scheduled date, time, and 229075
place before the superintendent or a designee to challenge the 229076
information provided to the superintendent. 229077

The notification to the child and the child's parent, 229078

guardian, or custodian required by division (B)(2) of this section 229079
shall set forth the information received by the superintendent and 229080
shall inform the child and the child's parent, guardian, or 229081
custodian of the scheduled date, time, and place of the appearance 229082
that they may have before the superintendent or a designee. The 229083
date scheduled for the appearance shall be no earlier than three 229084
and no later than five days after the notification is given, 229085
provided that an extension may be granted upon request of the 229086
child or the child's parent, guardian, or custodian. If an 229087
extension is granted, the superintendent shall schedule a new 229088
date, time, and place for the appearance and shall inform the 229089
child and the child's parent, guardian, or custodian of the new 229090
date, time, and place. 229091

If the child and the child's parent, guardian, or custodian 229092
do not appear before the superintendent or a designee on the 229093
scheduled date and at the scheduled time and place, or if the 229094
child and the child's parent, guardian, or custodian appear before 229095
the superintendent or a designee on the scheduled date and at the 229096
scheduled time and place but the superintendent or a designee 229097
determines that the information the superintendent received 229098
indicating that, during the semester or term, the child had been 229099
absent without legitimate excuse from the school the child was 229100
supposed to attend for more than sixty consecutive hours or for at 229101
least ninety total hours, the superintendent shall notify the 229102
registrar of motor vehicles and the juvenile judge of the county 229103
in which the district is located that the child has been absent 229104
for that period of time and that the child does not have any 229105
legitimate excuse for the habitual absence. A notification to the 229106
registrar required by this division shall be given in the manner 229107
the registrar by rule requires and a notification to the juvenile 229108
judge required by this division shall be given in writing. Each 229109
notification shall be given within two weeks after the receipt of 229110
the information of the habitual absence from school without 229111

legitimate excuse, or, if the child and the child's parent, 229112
guardian, or custodian appear before the superintendent or a 229113
designee to challenge the information, within two weeks after the 229114
appearance. 229115

For purposes of division (B)(2) of this section, a legitimate 229116
excuse for absence from school includes, but is not limited to, 229117
the fact that the child in question has enrolled in another school 229118
or school district in this or another state, the fact that the 229119
child in question was excused from attendance for any of the 229120
reasons specified in section 3321.04 or exempt under section 229121
3321.042 of the Revised Code, or the fact that the child in 229122
question has received an age and schooling certificate in 229123
accordance with section 3331.01 of the Revised Code. 229124

(3) Whenever a pupil is suspended or expelled from school 229125
pursuant to section 3313.66 of the Revised Code and the reason for 229126
the suspension or expulsion is the use or possession of alcohol, a 229127
drug of abuse, or alcohol and a drug of abuse, the superintendent 229128
of schools of that district may notify the registrar and the 229129
juvenile judge of the county in which the district is located of 229130
such suspension or expulsion. Any such notification of suspension 229131
or expulsion shall be given to the registrar, in the manner the 229132
registrar by rule requires and shall be given to the juvenile 229133
judge in writing. The notifications shall be given within two 229134
weeks after the suspension or expulsion. 229135

(4) Whenever a pupil is suspended, expelled, removed, or 229136
permanently excluded from a school for misconduct included in a 229137
policy that the board of education of a city, exempted village, or 229138
local school district has adopted under division (A) of section 229139
3313.661 of the Revised Code, and the misconduct involves a 229140
firearm or a knife or other weapon as defined in that policy, the 229141
superintendent of schools of that district shall notify the 229142
registrar and the juvenile judge of the county in which the 229143

district is located of the suspension, expulsion, removal, or 229144
permanent exclusion. The notification shall be given to the 229145
registrar in the manner the registrar, by rule, requires and shall 229146
be given to the juvenile judge in writing. The notifications shall 229147
be given within two weeks after the suspension, expulsion, 229148
removal, or permanent exclusion. 229149

(C) A notification of withdrawal, habitual absence without 229150
legitimate excuse, suspension, or expulsion given to the registrar 229151
or a juvenile judge under division (B)(1), (2), (3), or (4) of 229152
this section shall contain the name, address, date of birth, 229153
school, and school district of the child. If the superintendent 229154
finds, after giving a notification of withdrawal, habitual absence 229155
without legitimate excuse, suspension, or expulsion to the 229156
registrar and the juvenile judge under division (B)(1), (2), (3), 229157
or (4) of this section, that the notification was given in error, 229158
the superintendent immediately shall notify the registrar and the 229159
juvenile judge of that fact. 229160

Sec. 3321.18. The attendance officer provided for by section 229161
3321.14 or 3321.15 of the Revised Code shall institute proceedings 229162
against any officer, parent, guardian, or other person violating 229163
laws relating to compulsory education and the employment of 229164
minors, and otherwise discharge the duties described in sections 229165
3321.14 to 3321.21 of the Revised Code, and perform any other 229166
service that the superintendent of schools or board of education 229167
of the district by which the attendance officer is employed 229168
considers necessary to preserve the morals and secure the good 229169
conduct of school children, and to enforce those laws. 229170

The attendance officer shall be furnished with copies of the 229171
enumeration in each school district in which the attendance 229172
officer serves and of the lists of pupils enrolled in the schools 229173
and shall report to the superintendent discrepancies between these 229174

lists and the enumeration. 229175

The attendance officer and assistants shall cooperate with 229176
the director of commerce in enforcing the laws relating to the 229177
employment of minors. The attendance officer shall furnish upon 229178
request any data that the attendance officer and the attendance 229179
officer's assistants have collected in their reports of children 229180
from six to eighteen years of age and also concerning employers to 229181
the director and upon request to the ~~state board~~ department of 229182
education and workforce. The attendance officer shall keep a 229183
record of the attendance officer's transactions for the inspection 229184
and information of the superintendent of schools and the board of 229185
education; and shall make reports to the superintendent of schools 229186
as often as required by the superintendent. The ~~state board of~~ 229187
~~education~~ department may prescribe forms for the use of attendance 229188
officers in the performance of their duties. The blank forms and 229189
record books or indexes shall be furnished to the attendance 229190
officers by the boards of education by which they are employed. 229191

Sec. 3321.19. (A) As used in this section and section 229192
3321.191 of the Revised Code, "habitual truant" has the same 229193
meaning as in section 2151.011 of the Revised Code. 229194

(B) When a board of education of any city, exempted village, 229195
local, joint vocational, or cooperative education school district 229196
or the governing board of any educational service center 229197
determines that a student in its district has been truant and the 229198
parent, guardian, or other person having care of the child has 229199
failed to cause the student's attendance at school, the board may 229200
require the parent, guardian, or other person having care of the 229201
child pursuant to division (B) of this section to attend an 229202
educational program established pursuant to rules adopted by the 229203
~~state board~~ department of education and workforce for the purpose 229204
of encouraging parental involvement in compelling the attendance 229205

of the child at school. 229206

No parent, guardian, or other person having care of a child 229207
shall fail without good cause to attend an educational program 229208
described in this division if the parent, guardian, or other 229209
person has been served notice pursuant to division (C) of this 229210
section. 229211

(C) On the request of the superintendent of schools, the 229212
superintendent of any educational service center, the board of 229213
education of any city, exempted village, local, joint vocational, 229214
or cooperative education school district, or the governing board 229215
of any educational service center or when it otherwise comes to 229216
the notice of the attendance officer or other appropriate officer 229217
of the school district, the attendance officer or other 229218
appropriate officer shall examine into any case of supposed 229219
truancy within the district and shall warn the child, if found 229220
truant, and the child's parent, guardian, or other person having 229221
care of the child, in writing, of the legal consequences of being 229222
truant. When any child of compulsory school age, in violation of 229223
law, is not attending school, the attendance or other appropriate 229224
officer shall notify the parent, guardian, or other person having 229225
care of that child of the fact, and require the parent, guardian, 229226
or other person to cause the child to attend school immediately. 229227
The parent, guardian, or other person having care of the child 229228
shall cause the child's attendance at school. Upon the failure of 229229
the parent, guardian, or other person having care of the child to 229230
do so, the attendance officer or other appropriate officer, if so 229231
directed by the superintendent, the district board, or the 229232
educational service center governing board, shall send notice 229233
requiring the attendance of that parent, guardian, or other person 229234
at a parental education program established pursuant to division 229235
(B) of this section and, subject to divisions (D) and (E) of this 229236
section, may file a complaint against the parent, guardian, or 229237

other person having care of the child in any court of competent jurisdiction. 229238
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(D)(1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code. 229240
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(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code. 229248
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(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, 229259
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the attendance officer shall file a complaint, provided that the 229270
conditions described in division (B) of section 3321.16 of the 229271
Revised Code are satisfied. 229272

Sec. 3321.191. (A) Effective beginning with the 2017-2018 229273
school year, the board of education of each city, exempted 229274
village, local, joint vocational, and cooperative education school 229275
district and the governing board of each educational service 229276
center shall adopt a new or amended policy to guide employees of 229277
the school district or service center in addressing and 229278
ameliorating student absences. In developing the policy, the 229279
appropriate board shall consult with the judge of the juvenile 229280
court of the county or counties in which the district or service 229281
center is located, with the parents, guardians, or other persons 229282
having care of the pupils attending school in the district, and 229283
with appropriate state and local agencies. 229284

(B) The policy developed under division (A) of this section 229285
shall include as an intervention strategy all of the following 229286
actions, if applicable: 229287

(1) Providing a truancy intervention plan for any student who 229288
is excessively absent from school, as described in the first 229289
paragraph of division (C) of this section; 229290

(2) Providing counseling for an habitual truant; 229291

(3) Requesting or requiring a parent, guardian, or other 229292
person having care of an habitual truant to attend parental 229293
involvement programs, including programs adopted under section 229294
3313.472 or 3313.663 of the Revised Code; 229295

(4) Requesting or requiring a parent, guardian, or other 229296
person having care of an habitual truant to attend truancy 229297
prevention mediation programs; 229298

(5) Notification of the registrar of motor vehicles under 229299

section 3321.13 of the Revised Code; 229300

(6) Taking legal action under section 2919.222, 3321.20, or 229301
3321.38 of the Revised Code. 229302

(C)(1) In the event that a child of compulsory school age is 229303
absent with a nonmedical excuse or without legitimate excuse from 229304
the public school the child is supposed to attend for thirty-eight 229305
or more hours in one school month, or sixty-five or more hours in 229306
a school year, the attendance officer of that school shall notify 229307
the child's parent, guardian, or custodian of the child's 229308
absences, in writing, within seven days after the date after the 229309
absence that triggered the notice requirement. At the time notice 229310
is given, the school also may take any appropriate action as an 229311
intervention strategy contained in the policy developed by the 229312
board pursuant to division (A) of this section. 229313

(2)(a) If the absences of a student surpass the threshold for 229314
an habitual truant as set forth in section 2151.011 of the Revised 229315
Code, the principal or chief administrator of the school or the 229316
superintendent of the school district shall assign the student to 229317
an absence intervention team. Within fourteen school days after 229318
the assignment of a student to an absence intervention team, the 229319
team shall develop an intervention plan for that student in an 229320
effort to reduce or eliminate further absences. Each intervention 229321
plan shall vary based on the individual needs of the student, but 229322
the plan shall state that the attendance officer shall file a 229323
complaint not later than sixty-one days after the date the plan 229324
was implemented, if the child has refused to participate in, or 229325
failed to make satisfactory progress on, the intervention plan or 229326
an alternative to adjudication under division (C)(2)(b) of section 229327
3321.191 of the Revised Code. Within seven days after the 229328
development of the plan, the school district or school shall make 229329
reasonable efforts to provide the student's parent, guardian, 229330
custodian, guardian ad litem, or temporary custodian with written 229331

notice of the plan. 229332

(b) As part of the absence intervention plan described in 229333
division (C)(2) of this section, the school district or school, in 229334
its discretion, may contact the appropriate juvenile court and ask 229335
to have a student informally enrolled in any alternative to 229336
adjudication described in division (G) of section 2151.27 of the 229337
Revised Code. If the school district or school chooses to have 229338
students informally enrolled in an alternative to adjudication, 229339
the school district or school shall develop a written policy 229340
regarding the use of, and selection process for, offering 229341
alternatives to adjudication to ensure fairness. 229342

(c) The superintendent of each school district, or the 229343
superintendent's designee, shall establish an absence intervention 229344
team for the district to be used by any schools of the district 229345
that do not establish their own absence intervention team as 229346
permitted under division (C)(2)(d) of this section. Membership of 229347
each absence intervention team may vary based on the needs of each 229348
individual student but shall include a representative from the 229349
child's school district or school, another representative from the 229350
child's school district or school who knows the child, and the 229351
child's parent or parent's designee, or the child's guardian, 229352
custodian, guardian ad litem, or temporary custodian. The team 229353
also may include a school psychologist, counselor, social worker, 229354
or representative of a public or nonprofit agency designed to 229355
assist students and their families in reducing absences. 229356

(d) The principal or chief administrator of each school may 229357
establish an absence intervention team or series of teams to be 229358
used in lieu of the district team established pursuant to division 229359
(C)(2)(c) of this section. Membership of each absence intervention 229360
team may vary based on the needs of each individual student but 229361
shall include a representative from the child's school district or 229362
school, another representative from the child's school district or 229363

school who knows the child, and the child's parent or parent's 229364
designee, or the child's guardian, custodian, guardian ad litem, 229365
or temporary custodian. The team also may include a school 229366
psychologist, counselor, social worker, or representative of a 229367
public or nonprofit agency designed to assist students and their 229368
families in reducing absences. 229369

(e) A superintendent, as described in division (C)(2)(c) of 229370
this section, or principal or chief administrator, as described in 229371
division (C)(2)(d) of this section, shall select the members of an 229372
absence intervention team within seven school days of the 229373
triggering event described in division (C)(2)(a) of this section. 229374
The superintendent, principal, or chief administrator, within the 229375
same period of seven school days, shall make at least three 229376
meaningful, good faith attempts to secure the participation of the 229377
student's parent, guardian, custodian, guardian ad litem, or 229378
temporary custodian on that team. If the student's parent responds 229379
to any of those attempts, but is unable to participate for any 229380
reason, the representative of the school district shall inform the 229381
parent of the parent's right to appear by designee. If seven 229382
school days elapse and the student's parent, guardian, custodian, 229383
guardian ad litem, or temporary custodian fails to respond to the 229384
attempts to secure participation, the school district or school 229385
shall do both of the following: 229386

(i) Investigate whether the failure to respond triggers 229387
mandatory reporting to the public children services agency for the 229388
county in which the child resides in the manner described in 229389
section 2151.421 of the Revised Code; 229390

(ii) Instruct the absence intervention team to develop an 229391
intervention plan for the child notwithstanding the absence of the 229392
child's parent, guardian, custodian, guardian ad litem, or 229393
temporary custodian. 229394

(f) In the event that a student becomes habitually truant 229395

within twenty-one school days prior to the last day of instruction 229396
of a school year, the school district or school may, in its 229397
discretion, assign one school official to work with the child's 229398
parent, guardian, custodian, guardian ad litem, or temporary 229399
custodian to develop an absence intervention plan during the 229400
summer. If the school district or school selects this method, the 229401
plan shall be implemented not later than seven days prior to the 229402
first day of instruction of the next school year. In the 229403
alternative, the school district or school may toll the time 229404
periods to accommodate for the summer months and reconvene the 229405
absence intervention process upon the first day of instruction of 229406
the next school year. 229407

(3) For purposes of divisions (C)(2)(c) and (d) of this 229408
section, the ~~state board~~ department of education and workforce 229409
shall develop a format for parental permission to ensure 229410
compliance with the "Family Educational Rights and Privacy Act of 229411
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 229412
regulations promulgated under that act, and section 3319.321 of 229413
the Revised Code. 229414

(D) Each school district or school may consult or partner 229415
with public and nonprofit agencies to provide assistance as 229416
appropriate to students and their families in reducing absences. 229417

(E) Beginning with the 2017-2018 school year, each school 229418
district shall report to the department ~~of education~~, as soon as 229419
practicable, and in a format and manner determined by the 229420
department, any of the following occurrences: 229421

(1) When a notice required by division (C)(1) of this section 229422
is submitted to a parent, guardian, or custodian; 229423

(2) When a child of compulsory school age has been absent 229424
without legitimate excuse from the public school the child is 229425
supposed to attend for thirty or more consecutive hours, forty-two 229426

or more hours in one school month, or seventy-two or more hours in 229427
a school year; 229428

(3) When a child of compulsory school age who has been 229429
adjudicated an unruly child for being an habitual truant violates 229430
the court order regarding that adjudication; 229431

(4) When an absence intervention plan has been implemented 229432
for a child under this section. 229433

(F) Nothing in this section shall be construed to limit the 229434
duty or authority of a district board of education or governing 229435
body of an educational service center to develop other policies 229436
related to truancy or to limit the duty or authority of any 229437
employee of the school district or service center to respond to 229438
pupil truancy. However, a board shall be subject to the 229439
prohibition against suspending, expelling, or otherwise preventing 229440
a student from attending school for excessive absences as 229441
prescribed by section 3313.668 of the Revised Code. 229442

Sec. 3323.01. As used in this chapter: 229443

(A) "Child with a disability" means a child who is at least 229444
three years of age and less than twenty-two years of age; who has 229445
an intellectual disability, a hearing impairment (including 229446
deafness), a speech or language impairment, a visual impairment 229447
(including blindness), a serious emotional disturbance, an 229448
orthopedic impairment, autism, traumatic brain injury, an other 229449
health impairment, a specific learning disability (including 229450
dyslexia), deaf-blindness, or multiple disabilities; and who, by 229451
reason thereof, needs special education and related services. 229452

A "child with a disability" may include a child who is at 229453
least three years of age and less than ten years of age; who is 229454
experiencing developmental delays, as defined by standards adopted 229455
by the ~~state board~~ department of education and workforce and as 229456

measured by appropriate diagnostic instruments and procedures in 229457
one or more of the following areas: physical development, 229458
cognitive development, communication development, social or 229459
emotional development, or adaptive development; and who, by reason 229460
thereof, needs special education and related services. 229461

(B) "Free appropriate public education" means special 229462
education and related services that meet all of the following: 229463

(1) Are provided at public expense, under public supervision 229464
and direction, and without charge; 229465

(2) Meet the standards of the ~~state board of education~~ 229466
department; 229467

(3) Include an appropriate preschool, elementary, or 229468
secondary education as otherwise provided by the law of this 229469
state; 229470

(4) Are provided for each child with a disability in 229471
conformity with the child's individualized education program. 229472

(C) "Homeless children" means "homeless children and youths" 229473
as defined in section 725 of the "McKinney-Vento Homeless 229474
Assistance Act," 42 U.S.C. 11434a. 229475

(D) "Individualized education program" or "IEP" means the 229476
written statement described in section 3323.011 of the Revised 229477
Code. 229478

(E) "Individualized education program team" or "IEP team" 229479
means a group of individuals composed of: 229480

(1) The parents of a child with a disability; 229481

(2) At least one regular education teacher of the child, if 229482
the child is or may be participating in the regular education 229483
environment; 229484

(3) At least one special education teacher, or where 229485
appropriate, at least one special education provider of the child; 229486

(4) A representative of the school district who meets all of the following:	229487 229488
(a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;	229489 229490 229491
(b) Is knowledgeable about the general education curriculum;	229492
(c) Is knowledgeable about the availability of resources of the school district.	229493 229494
(5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team as described in divisions (E)(2) to (4) of this section;	229495 229496 229497
(6) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;	229498 229499 229500 229501
(7) Whenever appropriate, the child with a disability.	229502
(F) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.	229503 229504 229505
(G) "Other educational agency" means a department, division, bureau, office, institution, board, commission, committee, authority, or other state or local agency, which is not a city, local, or exempted village school district or an agency administered by the department of developmental disabilities, that provides or seeks to provide special education or related services to children with disabilities. The term "other educational agency" includes a joint vocational school district.	229506 229507 229508 229509 229510 229511 229512 229513
(H) "Parent" of a child with a disability, except as used in sections 3323.09 and 3323.141 of the Revised Code, means:	229514 229515
(1) A natural or adoptive parent of a child but not a foster	229516

parent of a child; 229517

(2) A guardian, but not the state if the child is a ward of 229518
the state; 229519

(3) An individual acting in the place of a natural or 229520
adoptive parent, including a grandparent, stepparent, or other 229521
relative, with whom the child lives, or an individual who is 229522
legally responsible for the child's welfare; 229523

(4) An individual assigned to be a surrogate parent, provided 229524
the individual is not prohibited by this chapter from serving as a 229525
surrogate parent for a child. 229526

(I) "Preschool child with a disability" means a child with a 229527
disability who is at least three years of age but is not of 229528
compulsory school age, as defined under section 3321.01 of the 229529
Revised Code, and who is not currently enrolled in kindergarten. 229530

(J) "Related services" means transportation, and such 229531
developmental, corrective, and other supportive services 229532
(including speech-language pathology and audiology services, 229533
interpreting services, psychological services, physical and 229534
occupational therapy, recreation, including therapeutic 229535
recreation, school nurse services designed to enable a child with 229536
a disability to receive a free appropriate public education as 229537
described in the individualized education program of the child, 229538
counseling services, including rehabilitation counseling, 229539
orientation and mobility services, school health services, social 229540
work services in schools, and parent counseling and training, and 229541
medical services, except that such medical services shall be for 229542
diagnostic and evaluation purposes only) as may be required to 229543
assist a child with a disability to benefit from special 229544
education, and includes the early identification and assessment of 229545
disabling conditions in children. "Related services" does not 229546
include a medical device that is surgically implanted, or the 229547

replacement of such device. 229548

(K) "School district" means a city, local, or exempted 229549
village school district. 229550

(L) "School district of residence," as used in sections 229551
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 229552
means: 229553

(1) The school district in which the child's natural or 229554
adoptive parents reside; 229555

(2) If the school district specified in division (L)(1) of 229556
this section cannot be determined, the last school district in 229557
which the child's natural or adoptive parents are known to have 229558
resided if the parents' whereabouts are unknown; 229559

(3) If the school district specified in division (L)(2) of 229560
this section cannot be determined, the school district determined 229561
under section 2151.362 of the Revised Code, or if no district has 229562
been so determined, the school district as determined by the 229563
probate court of the county in which the child resides. 229564

(4) Notwithstanding divisions (L)(1) to (3) of this section, 229565
if a school district is required by section 3313.65 of the Revised 229566
Code to pay tuition for a child, that district shall be the 229567
child's school district of residence. 229568

(M) "Special education" means specially designed instruction, 229569
at no cost to parents, to meet the unique needs of a child with a 229570
disability. "Special education" includes instruction conducted in 229571
the classroom, in the home, in hospitals and institutions, and in 229572
other settings, including an early childhood education setting, 229573
and instruction in physical education. 229574

(N) "Student with a visual impairment" means any person who 229575
is less than twenty-two years of age and who has a visual 229576
impairment as that term is defined in this section. 229577

(O) "Transition services" means a coordinated set of 229578
activities for a child with a disability that meet all of the 229579
following: 229580

(1) Is designed to be within a results-oriented process, that 229581
is focused on improving the academic and functional achievement of 229582
the child with a disability to facilitate the child's movement 229583
from school to post-school activities, including post-secondary 229584
education; vocational education; integrated employment (including 229585
supported employment); continuing and adult education; adult 229586
services; independent living; or community participation; 229587

(2) Is based on the individual child's needs, taking into 229588
account the child's strengths, preferences, and interests; 229589

(3) Includes instruction, related services, community 229590
experiences, the development of employment and other post-school 229591
adult living objectives, and, when appropriate, acquisition of 229592
daily living skills and functional vocational evaluation. 229593

"Transition services" for children with disabilities may be 229594
special education, if provided as specially designed instruction, 229595
or may be a related service, if required to assist a child with a 229596
disability to benefit from special education. 229597

(P) "Visual impairment" for any individual means that one of 229598
the following applies to the individual: 229599

(1) The individual has a visual acuity of 20/200 or less in 229600
the better eye with correcting lenses or has a limited field of 229601
vision in the better eye such that the widest diameter subtends an 229602
angular distance of no greater than twenty degrees. 229603

(2) The individual has a medically indicated expectation of 229604
meeting the requirements of division (P)(1) of this section over a 229605
period of time. 229606

(3) The individual has a medically diagnosed and medically 229607

uncorrectable limitation in visual functioning that adversely 229608
affects the individual's ability to read and write standard print 229609
at levels expected of the individual's peers of comparable ability 229610
and grade level. 229611

(Q) "Ward of the state" has the same meaning as in section 229612
602(36) of the "Individuals with Disabilities Education 229613
Improvement Act of 2004," 20 U.S.C. 1401(36). 229614

Sec. 3323.011. As used in this chapter, "individualized 229615
education program" or "IEP" means a written statement for each 229616
child with a disability that is developed, reviewed, and revised 229617
in accordance with this definition and that includes: 229618

(A) A statement of the child's present levels of academic 229619
achievement and functional performance, including: 229620

(1) How the child's disability affects the child's 229621
involvement and progress in the general education curriculum; 229622

(2) For a preschool child with a disability, as appropriate, 229623
how the disability affects the child's participation in 229624
appropriate activities; 229625

(3) For a child with a disability who is not a preschool 229626
child and who will take alternate assessments aligned to alternate 229627
achievement standards, a description of benchmarks or short-term 229628
objectives. 229629

(B) A statement of measurable annual goals, including 229630
academic and functional goals and, at the discretion of the 229631
department of education and workforce, short-term instructional 229632
objectives that are designed to: 229633

(1) Meet the child's needs that result from the child's 229634
disability so as to enable the child to be involved in and make 229635
progress in the general education curriculum; 229636

(2) Meet each of the child's other educational needs that 229637

result from the child's disability. 229638

(C) A description of how the child's progress toward meeting 229639
the annual goals described pursuant to division (B) of this 229640
section will be measured and when periodic reports on the progress 229641
the child is making toward meeting the annual goals will be 229642
provided. Such reports may be quarterly or other periodic reports 229643
that are issued concurrent with the issuance of regular report 229644
cards. 229645

(D) A statement of the special education and related services 229646
and supplementary aids and services, based on peer-reviewed 229647
research to the extent practicable, to be provided to the child, 229648
or on behalf of the child, and a statement of the program 229649
modifications or supports for school personnel that will be 229650
provided for the child so that the child may: 229651

(1) Advance appropriately toward attaining the annual goals 229652
described pursuant to division (B) of this section; 229653

(2) Be involved in and make progress in the general education 229654
curriculum and participate in extracurricular and other 229655
nonacademic activities; 229656

(3) Be educated with and participate with both other children 229657
with disabilities and nondisabled children in the specific 229658
activities described pursuant to division (D) of this section. 229659

(E) An explanation of the extent, if any, to which the child 229660
will not participate with nondisabled children in the regular 229661
class, including an early childhood education setting, and in the 229662
activities described pursuant to division (D) of this section; 229663

(F) A statement of any individual appropriate accommodations 229664
that are necessary to measure the academic achievement and 229665
functional performance of the child on state and districtwide 229666
assessments consistent with section 612(a)(16) of the "Individuals 229667
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 229668

1412(a)(16). If the IEP team determines that the child shall take an alternate assessment on a particular state or districtwide assessment of student achievement, the IEP shall contain a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child.

(G) The projected date for the beginning of the services and modifications described pursuant to division (D) of this section and the anticipated frequency, location, and duration of those services and modifications;

(H) Beginning not later than the first IEP to be in effect when the child is fourteen years of age, and updated annually thereafter, a statement describing:

(1) Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, and independent living skills;

(2) Appropriate measurable post-secondary goals based on age-appropriate transition assessments related to employment in a competitive environment in which workers are integrated regardless of disability;

(3) The transition services, including courses of study, needed to assist the child in reaching the goals described in divisions (H)(1) and (2) of this section.

(I) Beginning not later than one year before the child reaches eighteen years of age, a statement that the child has been informed of the child's rights under Title XX of the United States Code that will transfer to the child on reaching eighteen years of age in accordance with section 615(m) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1415(m).

Nothing in this section shall be construed to require that

additional information be included in a child's IEP beyond the 229700
items explicitly required by this section and that the IEP team 229701
include information under one component of a child's IEP that is 229702
already contained under another component of the IEP. 229703

Sec. 3323.02. As used in this section, "IDEIA" means the 229704
"Individuals with Disabilities Education Improvement Act of 2004," 229705
Pub. L. No. 108-446. 229706

It is the purpose of this chapter to ensure that all children 229707
with disabilities residing in this state who are at least three 229708
years of age and less than twenty-two years of age, including 229709
children with disabilities who have been suspended or expelled 229710
from school, have available to them a free appropriate public 229711
education. No school district, county board of developmental 229712
disabilities, or other educational agency shall receive state or 229713
federal funds for special education and related services unless 229714
those services for children with disabilities are provided in 229715
accordance with IDEIA and related provisions of the Code of 229716
Federal Regulations, the provisions of this chapter, rules and 229717
standards adopted by the ~~state board~~ department of education and 229718
workforce, and any procedures or guidelines issued by the 229719
~~superintendent of public instruction~~ director of education and 229720
workforce. Any options or discretion provided to the state by 229721
IDEIA may be exercised in state law or in rules or standards 229722
adopted by the ~~state board of education~~ department. 229723

The ~~state board of education~~ department shall establish rules 229724
or standards for the provision of special education and related 229725
services for all children with disabilities who are at least three 229726
years of age and less than twenty-two years of age residing in the 229727
state, regardless of the severity of their disabilities, including 229728
children with disabilities who have been suspended or expelled 229729
from school. The state law and the rules or standards of the ~~state~~ 229730

~~board of education department~~ may impose requirements that are not 229731
required by IDEIA or related provisions of the Code of Federal 229732
Regulations. The school district of residence is responsible, in 229733
all instances, for ensuring that the requirements of Part B of 229734
IDEIA are met for every eligible child in its jurisdiction, 229735
regardless of whether services are provided by another school 229736
district, other educational agency, or other agency, department, 229737
or entity, unless IDEIA or related provisions of the Code of 229738
Federal Regulations, another section of this chapter, or a rule 229739
adopted by the ~~state board of education department~~ specifies that 229740
another school district, other educational agency, or other 229741
agency, department, or entity is responsible for ensuring 229742
compliance with Part B of IDEIA. 229743

Notwithstanding division (A)(4) of section 3301.53 of the 229744
Revised Code and any rules adopted pursuant to that section and 229745
division (A) of section 3313.646 of the Revised Code, a board of 229746
education of a school district may provide special education and 229747
related services for preschool children with disabilities in 229748
accordance with this chapter and section 3301.52, divisions (A)(1) 229749
to (3) and (A)(5) and (6) of section 3301.53, and sections 3301.54 229750
to 3301.59 of the Revised Code. 229751

The ~~superintendent of public instruction department~~ may 229752
require any state or local agency to provide documentation that 229753
special education and related services for children with 229754
disabilities provided by the agency are in compliance with the 229755
requirements of this chapter. 229756

Not later than the first day of February of each year the 229757
~~superintendent of public instruction department~~ shall furnish the 229758
chairpersons of the education committees of the house of 229759
representatives and the senate with a report on the status of 229760
implementation of special education and related services for 229761
children with disabilities required by this chapter. The report 229762

shall include but shall not be limited to the following items: the 229763
most recent available figures on the number of children identified 229764
as children with disabilities and the number of identified 229765
children receiving special education and related services. The 229766
information contained in these reports shall be public 229767
information. 229768

Sec. 3323.021. As used in this section, "participating county 229769
board of developmental disabilities" means a county board of 229770
developmental disabilities electing to participate in the 229771
provision of or contracting for educational services for children 229772
under division (D) of section 5126.05 of the Revised Code. 229773

(A) When a school district, educational service center, or 229774
participating county board of developmental disabilities enters 229775
into an agreement or contract with another school district, 229776
educational service center, or participating county board of 229777
developmental disabilities to provide educational services to a 229778
disabled child during a school year, both of the following shall 229779
apply: 229780

(1) Beginning with fiscal year 1999, if the provider of the 229781
services intends to increase the amount it charges for some or all 229782
of those services during the next school year or if the provider 229783
intends to cease offering all or part of those services during the 229784
next school year, the provider shall notify the entity for which 229785
the services are provided of these intended changes no later than 229786
the first day of March of the current fiscal year. 229787

(2) Beginning with fiscal year 1999, if the entity for which 229788
services are provided intends to cease obtaining those services 229789
from the provider for the next school year or intends to change 229790
the type or amount of services it obtains from the provider for 229791
the next school year, the entity shall notify the service provider 229792
of these intended changes no later than the first day of March of 229793

the current fiscal year. 229794

(B) School districts, educational service centers, 229795
participating county boards of developmental disabilities, and 229796
other applicable governmental entities shall collaborate where 229797
possible to maximize federal sources of revenue to provide 229798
additional funds for special education related services for 229799
disabled children. Annually, each school district shall report to 229800
the department of education and workforce any amounts of such 229801
federal revenue the district received. 229802

(C) The ~~state board~~ department of education and workforce, 229803
the department of developmental disabilities, and the department 229804
of medicaid shall develop working agreements for pursuing 229805
additional funds for services for disabled children. 229806

Sec. 3323.022. The rules of the ~~state board~~ department of 229807
education and workforce for staffing ratios for programs with 229808
preschool children with disabilities shall require the following: 229809

(A) A full-time staff member shall be provided when there are 229810
eight full-day or sixteen half-day preschool children eligible for 229811
special education enrolled in a center-based preschool special 229812
education program. 229813

(B) Staff ratios of one teacher for every eight children 229814
shall be maintained at all times for a program with a center-based 229815
teacher, and a second adult shall be present when there are nine 229816
or more children, including nondisabled children enrolled in a 229817
class session. 229818

(C) Unless otherwise specified in the individualized 229819
education program, a minimum of ten hours of services per week 229820
shall be provided for each child served by a center-based teacher. 229821

Sec. 3323.03. The ~~state board~~ department of education and 229822
workforce shall, in consultation with the department of health, 229823

the department of mental health and addiction services, and the 229824
department of developmental disabilities, establish standards and 229825
procedures for the identification, location, and evaluation of all 229826
children with disabilities residing in the state, including 229827
children with disabilities who are homeless children or are wards 229828
of the state and children with disabilities attending nonpublic 229829
schools, regardless of the severity of their disabilities, and who 229830
are in need of special education and related services. The ~~state~~ 229831
~~board~~ department of education and workforce shall develop and 229832
implement a practical method to determine which children with 229833
disabilities are currently receiving needed special education and 229834
related services. 229835

In conducting the evaluation, the board of education of each 229836
school district shall use a variety of assessment tools and 229837
strategies to gather relevant functional, developmental, and 229838
academic information about the child, including information 229839
provided by the child's parent. The board of education of each 229840
school district, in consultation with the county board of 229841
developmental disabilities, the county family and children first 229842
council, and the board of alcohol, drug addiction, and mental 229843
health services of each county in which the school district has 229844
territory, shall identify, locate, and evaluate all children with 229845
disabilities residing within the district to determine which 229846
children with disabilities are not receiving appropriate special 229847
education and related services. In addition, the board of 229848
education of each school district, in consultation with such 229849
county boards or council, shall identify, locate, and evaluate all 229850
children with disabilities who are enrolled by their parents in 229851
nonpublic elementary and secondary schools located within the 229852
public school district, without regard to where those children 229853
reside in accordance with rules ~~of the state board of education~~ or 229854
guidelines of the ~~superintendent of public instruction~~ department 229855

of education and workforce. 229856

Each county board of developmental disabilities, county 229857
family and children first council, and board of alcohol, drug 229858
addiction, and mental health services and the board's or council's 229859
contract agencies may transmit to boards of education the names 229860
and addresses of children with disabilities who are not receiving 229861
appropriate special education and related services. 229862

Sec. 3323.04. The ~~state board~~ department of education and 229863
workforce, in consultation with the department of mental health 229864
and addiction services and the department of developmental 229865
disabilities, shall establish procedures and standards for the 229866
development of individualized education programs for children with 229867
disabilities. 229868

The ~~state board~~ department of education and workforce shall 229869
require the board of education of each school district to develop 229870
an individualized education program for each child with a 229871
disability who is at least three years of age and less than 229872
twenty-two years of age residing in the district in a manner that 229873
is in accordance with rules of the ~~state board~~ department. 229874

Prior to the placement of a child with a disability in a 229875
program operated under section 3323.09 of the Revised Code, the 229876
district board of education shall consult the county board of 229877
developmental disabilities of the county in which the child 229878
resides regarding the proposed placement. 229879

A child with a disability enrolled in a nonpublic school or 229880
facility shall be provided special education and related services, 229881
in accordance with an individualized education program, at no cost 229882
for those services, if the child is placed in, or referred to, 229883
that nonpublic school or facility by the department of education 229884
and workforce or a school district. 229885

The IEP team shall review the individualized education program of each child with a disability periodically, but at least annually, to determine whether the annual goals for the child are being achieved, and shall revise the individualized education program as appropriate.

The ~~state board~~ department of education and workforce shall establish procedures and standards to assure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schools, or other removal of children with disabilities from the regular educational environment shall be used only when the nature or severity of a child's disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

If an agency directly affected by a placement decision objects to such decision, an impartial hearing officer, appointed by the department of education and workforce from a list prepared by the department, shall conduct a hearing to review the placement decision. The agencies that are parties to a hearing shall divide the costs of such hearing equally. The decision of the hearing officer shall be final, except that any party to the hearing who is aggrieved by the findings or the decision of the hearing officer may appeal the findings or decision in accordance with division (H) of section 3323.05 of the Revised Code or the parent of any child affected by such decision may present a complaint in accordance with that section.

Sec. 3323.041. To the extent consistent with the number and location of children with disabilities in the state who are enrolled by their parents in nonpublic elementary and secondary schools in the school district served by a board of education of a

school district, provision is made for the participation of those 229917
children in the program for the education of children with 229918
disabilities which is assisted or carried out under Part B of the 229919
"Individuals with Disabilities Education Improvement Act of 2004, 229920
~~P.L.~~" Pub. L. No. 108-446. The district in which the nonpublic 229921
elementary or secondary school is located shall provide for such 229922
children special education and related services in accordance with 229923
Section 612(a)(10) of the "Individuals with Disabilities Education 229924
Improvement Act of 2004," 20 U.S.C. 1412(a)(10) and related 229925
provisions of the Code of Federal Regulations and in accordance 229926
with any rules adopted ~~by the state board of education,~~ or 229927
guidelines issued, ~~by the superintendent of public instruction~~ 229928
department of education and workforce. 229929

Amounts to be expended for the provision of those services, 229930
including direct services to parentally placed nonpublic school 229931
children, by the school district shall be equal to a proportionate 229932
amount of federal funds made available under Part B of the 229933
"Individuals with Disabilities Education Improvement Act of 2004." 229934
The school district shall exercise the following responsibilities 229935
towards parentally placed children with disabilities who attend 229936
nonpublic schools located in the school district: child find, 229937
timely and meaningful consultation, written affirmation of timely 229938
and meaningful consultation, compliance, and provision of 229939
equitable services, as provided by the "Individuals with 229940
Disabilities Education Improvement Act of 2004" and related 229941
provisions of the Code of Federal Regulations and in accordance 229942
with any rules adopted ~~by the state board of education,~~ or 229943
guidelines issued ~~by,~~ the ~~superintendent of public instruction~~ 229944
department. 229945

Sec. 3323.05. The ~~state board~~ department of education and 229946
workforce shall establish procedures to ensure that children with 229947
disabilities and their parents are guaranteed procedural 229948

safeguards under this chapter with respect to a free appropriate public education. 229949
229950

The procedures shall include, but need not be limited to: 229951

(A) An opportunity for the parents of a child with a disability to examine all records related to the child and to participate in meetings with respect to identification, evaluation, and educational placement of the child, and to obtain an independent educational evaluation of the child; 229952
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(B) Procedures to protect the rights of the child whenever the parents of the child are not known, an agency after making reasonable efforts cannot find the parents, or the child is a ward of the state, including the assignment of an individual to act as a surrogate for the parents made by the school district or other educational agency responsible for educating the child or by the court with jurisdiction over the child's custody. Such assignment shall be made in accordance with section 3323.051 of the Revised Code. 229957
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(C) Prior written notice to the child's parents of a school district's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate education for the child. The procedures established under this division shall: 229966
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(1) Be designed to ensure that the written prior notice is in the native language of the parents, unless it clearly is not feasible to do so. 229971
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(2) Specify that the prior written notice shall include: 229974

(a) A description of the action proposed or refused by the district; 229975
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(b) An explanation of why the district proposes or refuses to take the action and a description of each evaluation procedure, 229977
229978

assessment, record, or report the district used as a basis for the 229979
proposed or refused action; 229980

(c) A statement that the parents of a child with a disability 229981
have protection under the procedural safeguards and, if the notice 229982
is not in regard to an initial referral for evaluation, the means 229983
by which a copy of a description of the procedural safeguards can 229984
be obtained; 229985

(d) Sources for parents to contact to obtain assistance in 229986
understanding the provisions of Part B of the "Individuals with 229987
Disabilities Education Improvement Act of 2004"; 229988

(e) A description of other options considered by the IEP team 229989
and the reason why those options were rejected; 229990

(f) A description of the factors that are relevant to the 229991
agency's proposal or refusal. 229992

(D) An opportunity for the child's parents to present 229993
complaints to the superintendent of the child's school district of 229994
residence with respect to any matter relating to the 229995
identification, evaluation, or educational placement of the child, 229996
or the provision of a free appropriate public education under this 229997
chapter. 229998

Within twenty school days after receipt of a complaint, the 229999
district superintendent or the superintendent's designee, without 230000
undue delay and at a time and place convenient to all parties, 230001
shall review the case, may conduct an administrative review, and 230002
shall notify all parties in writing of the superintendent's or 230003
designee's decision. Where the child is placed in a program 230004
operated by a county board of developmental disabilities or other 230005
educational agency, the superintendent shall consult with the 230006
administrator of that board or agency. 230007

Any party aggrieved by the decision of the district 230008
superintendent or the superintendent's designee may file a 230009

complaint with the ~~state board~~ department as provided under 230010
division (E) of this section, request mediation as provided under 230011
division (F) of this section, or present a due process complaint 230012
notice and request for a due process hearing in writing to the 230013
superintendent of the district, with a copy to the ~~state board~~ 230014
department, as provided under division (G) of this section. 230015

(E) An opportunity for a party to file a complaint with the 230016
~~state board of education~~ department with respect to the 230017
identification, evaluation, or educational placement of the child, 230018
or the provision of a free appropriate public education to such 230019
child. The department ~~of education~~ shall review and, where 230020
appropriate, investigate the complaint and issue findings. 230021

(F) An opportunity for parents and a school district to 230022
resolve through mediation disputes involving any matter. 230023

(1) The procedures established under this section shall 230024
ensure that the mediation process is voluntary on the part of the 230025
parties, is not used to deny or delay a parent's right to a due 230026
process hearing or to deny any other rights afforded under this 230027
chapter, and is conducted by a qualified and impartial mediator 230028
who is trained in effective mediation techniques. 230029

(2) A school district may establish procedures to offer to 230030
parents and schools that choose not to use the mediation process, 230031
an opportunity to meet, at a time and location convenient to the 230032
parents, with a disinterested party to encourage the use, and 230033
explain the benefits, of the mediation process to the parents. The 230034
disinterested party shall be an individual who is under contract 230035
with a parent training and information center or community parent 230036
resource center in the state or is under contract with an 230037
appropriate alternative dispute resolution entity. 230038

(3) The department shall maintain a list of individuals who 230039
are qualified mediators and knowledgeable in laws and regulations 230040

relating to the provision of special education and related services. 230041
230042

(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F)(2) of this section. 230043
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(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. 230046
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(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. 230049
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(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that: 230052
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(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding; 230056
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(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district; 230060
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(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States. 230062
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(G)(1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. The party presenting the due process complaint and request for a due process hearing 230064
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shall provide due process complaint notice to the other party and 230071
forward a copy of the notice to the ~~state-board~~ department. The 230072
due process complaint notice shall include: 230073

(a) The name of the child, the address of the residence of 230074
the child, or the available contact information in the case of a 230075
homeless child, and the name of the school the child is attending; 230076

(b) A description of the nature of the problem of the child 230077
relating to the proposed initiation or change, including facts 230078
relating to the problem; 230079

(c) A proposed resolution of the problem to the extent known 230080
and available to the party at the time. 230081

A party shall not have a due process hearing until the party, 230082
or the attorney representing the party, files a notice that meets 230083
the requirement for filing a due process complaint notice. 230084

A due process hearing shall be conducted by an impartial 230085
hearing officer in accordance with standards and procedures 230086
adopted by the ~~state-board~~ department. A hearing officer shall not 230087
be an employee of the ~~state-board~~ department or any agency 230088
involved in the education or care of the child or a person having 230089
a personal or professional interest that conflicts with the 230090
person's objectivity in the hearing. A hearing officer shall 230091
possess knowledge of, and the ability to understand, the 230092
provisions of the "Individuals with Disabilities Education 230093
Improvement Act of 2004," federal and state regulations pertaining 230094
to that act, and legal interpretations of that act by federal and 230095
state courts; possess the knowledge and ability to conduct 230096
hearings in accordance with appropriate standard legal practice; 230097
and possess the knowledge and ability to render and write 230098
decisions in accordance with appropriate standard legal practice. 230099
The due process requirements of section 615 of the "Individuals 230100
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 230101

1415, apply to due process complaint notices and requests for due process hearings and to due process hearings held under division (G) of this section, including, but not limited to, timelines for requesting hearings, requirements for sufficient complaint notices, resolution sessions, and sufficiency and hearing decisions.

(2) Discussions that occur during a resolution session shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. If a resolution to the dispute is reached at a resolution session, the parties must execute a legally binding written settlement agreement which shall state that all discussions that occurred during the resolution process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.

(3) A party to a hearing under division (G) of this section shall be accorded:

(a) The right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(b) The right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

(c) The right to a written or electronic verbatim record of the hearing;

(d) The right to written findings of fact and decisions, which findings of fact and decisions shall be made available to the public consistent with the requirements relating to the confidentiality of personally identifiable data, information, and records collected and maintained by state educational agencies and local educational agencies; and shall be transmitted to the advisory panel established and maintained by the department for

the purpose of providing policy guidance with respect to special 230133
education and related services for children with disabilities in 230134
the state. 230135

(H) An opportunity for any party aggrieved by the findings 230136
and decision rendered in a hearing under division (G) of this 230137
section to appeal within forty-five days of notification of the 230138
decision to the ~~state board~~ department, which shall appoint a 230139
state level officer who shall review the case and issue a final 230140
order. The state level officer shall be appointed and shall review 230141
the case in accordance with standards and procedures adopted by 230142
the ~~state board~~ department. 230143

Any party aggrieved by the final order of the state level 230144
officer may appeal the final order, in accordance with Chapter 230145
119. of the Revised Code, within forty-five days after 230146
notification of the order to the court of common pleas of the 230147
county in which the child's school district of residence is 230148
located, or to a district court of the United States within ninety 230149
days after the date of the decision of the state level review 230150
officer, as provided in section 615(i)(2) of the "Individuals with 230151
Disabilities Education Improvement Act of 2004," 20 U.S.C. 230152
1415(i)(2). 230153

Sec. 3323.051. No individual shall be assigned to act as a 230154
surrogate for the parents of a child with a disability under 230155
division (B) of section 3323.05 of the Revised Code if the 230156
individual is an employee of the department of education and 230157
workforce or the school district or any other agency involved in 230158
the education or care of the child or if the individual has any 230159
interest that conflicts with the interests of the child. If a 230160
conflict of interest arises subsequent to the assignment of a 230161
surrogate, the authority that made the assignment shall terminate 230162
it and assign another surrogate. Neither the surrogate nor the 230163

authority that assigned the surrogate shall be liable in civil 230164
damages for acts of the surrogate unless such acts constitute 230165
willful or wanton misconduct. 230166

Sec. 3323.052. (A) The department of education and workforce 230167
shall develop a document that compares a parent's and child's 230168
rights under this chapter and 20 U.S.C. 1400 et seq. with the 230169
parent's and child's rights under the Jon Peterson special needs 230170
scholarship program, established in sections 3310.51 to 3310.64 of 230171
the Revised Code, including the provisions of divisions (A) and 230172
(B) of section 3310.53 of the Revised Code. The department shall 230173
revise that document as necessary to reflect any pertinent changes 230174
in state or federal statutory law, rule, or regulation. 230175

(B) The department and each school district shall ensure that 230176
the document prescribed in division (A) of this section is 230177
included in, appended to, or otherwise distributed in conjunction 230178
with the notice required under 20 U.S.C. 1415(d), and any 230179
provision of the Code of Federal Regulations implementing that 230180
requirement, in the manner and at all the times specified for such 230181
notice in federal law or regulation. 230182

(C) In addition to the requirement prescribed by division (B) 230183
of this section, each time a child's school district completes an 230184
evaluation for a child with a disability or undertakes the 230185
development, review, or revision of the child's IEP, the district 230186
shall notify the child's parent, by letter or electronic means, 230187
about both the autism scholarship program, under section 3310.41 230188
of the Revised Code, and the Jon Peterson special needs 230189
scholarship program, under sections 3310.51 to 3310.64 of the 230190
Revised Code. The notice shall include the following statement: 230191

"Your child may be eligible for a scholarship under the 230192
Autism Scholarship Program or the Jon Peterson Special Needs 230193
Scholarship Program to attend a special education program that 230194

implements the child's individualized education program and that 230195
is operated by an alternative public provider or by a registered 230196
private provider." 230197

The notice shall include the telephone number of the office 230198
of the department responsible for administering the scholarship 230199
programs and the specific location of scholarship information on 230200
the department's web site. 230201

(D) As used in this section, a "child's school district" 230202
means the school district in which the child is entitled to attend 230203
school under section 3313.64 or 3313.65 of the Revised Code. 230204

Sec. 3323.06. (A) The ~~state board~~ department of education and 230205
workforce shall develop, implement, provide general supervision 230206
of, and assure compliance with a state plan for the following: 230207

(1) The identification, location, and evaluation of all 230209
children with disabilities in the state; 230210

(2) The provision of special education and related services 230211
to ensure a free appropriate public education for all children 230212
with disabilities at least three years of age and less than 230213
twenty-two years of age, including children with disabilities who 230214
have been suspended or expelled from school; 230215

(3) The availability of special education and related 230216
services for children with disabilities under three years of age, 230217
as authorized by division (C) of this section and as specified in 230218
rules of the ~~state board~~ department. 230219

The state plan shall provide assurances that the ~~state board~~ 230220
department has in effect policies and procedures to ensure that 230221
the state meets the conditions specified in section 612 of the 230222
"Individuals with Disabilities Education Improvement Act of 2004," 230223
20 U.S.C. 1412. 230224

(B) The ~~state board~~ department shall establish and maintain 230225
an advisory panel for the purpose of providing policy guidance 230226
with respect to special education and related services for 230227
children with disabilities in the state. A majority of the members 230228
of the panel shall be individuals with disabilities or parents of 230229
children with disabilities representing all ages, birth through 230230
twenty-six years of age. The advisory panel shall meet the 230231
requirements of section 612(a)(21) of the "Individuals with 230232
Disabilities Education Improvement Act of 2004," 20 U.S.C. 230233
1412(a)(21), and related provisions of the Code of Federal 230234
Regulations. The panel shall advise the Ohio department of 230235
education and workforce of unmet needs within the state in the 230236
education of children with disabilities; comment publicly on rules 230237
proposed by that department regarding the education of children 230238
with disabilities; advise that department in developing 230239
evaluations and reporting on data to the United States secretary 230240
of education under section 618 of the act, 20 U.S.C. 1418; advise 230241
the Ohio department in developing corrective action plans to 230242
address findings identified in federal monitoring reports under 230243
Part B of the act; and advise the Ohio department in developing 230244
and implementing policies relating to the coordination of services 230245
for children with disabilities. 230246

(C) In addition to the policies and procedures authorized 230247
under division (A) of this section, the ~~state board~~ department may 230248
authorize school districts to establish and maintain special 230249
education and related services for children less than three years 230250
of age as specified in rules of the ~~state board~~ department. 230251

(D) In the exercise of its general supervisory 230252
responsibility, the ~~state board~~ department shall monitor the 230253
implementation of Part B of the "Individuals with Disabilities 230254
Education Improvement Act of 2004" by school districts. Monitoring 230255
activities shall include, but are not limited to, focused 230256

monitoring, investigations of complaints, and technical 230257
assistance. The primary focus of the ~~state board's~~ department's 230258
monitoring activities shall be improving educational results and 230259
functional outcomes for all children with disabilities and 230260
ensuring that the ~~state board~~ department meets the program 230261
requirements under Part B, with a particular emphasis on those 230262
requirements that are most closely related to improving 230263
educational results for children with disabilities. 230264

Sec. 3323.07. The ~~state board~~ department of education and 230265
workforce shall authorize the establishment and maintenance of 230266
special education and related services for all children with 230267
disabilities who are at least three years of age and less than 230268
twenty-two years of age, including children with disabilities who 230269
have been suspended or expelled from school, and may authorize 230270
special education and related services for children with 230271
disabilities who are less than three years of age in accordance 230272
with rules adopted by the ~~state board~~ department. The ~~state board~~ 230273
department of education and workforce shall require the boards of 230274
education of school districts, shall authorize the department of 230275
mental health and addiction services and the department of 230276
developmental disabilities, and may authorize any other 230277
educational agency, to establish and maintain such special 230278
education and related services in accordance with standards 230279
adopted by the ~~state board~~ department of education and workforce. 230280

Sec. 3323.08. (A) Each school district shall submit a plan to 230281
the ~~superintendent of public instruction~~ department of education 230282
and workforce that provides assurances that the school district 230283
will provide for the education of children with disabilities 230284
within its jurisdiction and has in effect policies, procedures, 230285
and programs that are consistent with the policies and procedures 230286
adopted by the ~~state board of education~~ department in accordance 230287

with section 612 of the "Individuals with Disabilities Education 230288
Improvement Act of 2004," 20 U.S.C. 1412, and that meet the 230289
conditions applicable to school districts under section 613 of 230290
that act, 20 U.S.C. 1413. 230291

Each district's plan shall do all of the following: 230292

(1) Provide, as specified in section 3323.11 of the Revised 230293
Code and in accordance with standards established by the ~~state~~ 230294
~~board~~ department, for an organizational structure and necessary 230295
and qualified staffing and supervision for the identification of 230296
and provision of special education and related services for 230297
children with disabilities; 230298

(2) Provide, as specified by section 3323.03 of the Revised 230299
Code and in accordance with standards established by the ~~state~~ 230300
~~board~~ department, for the identification, location, and evaluation 230301
of all children with disabilities residing in the district, 230302
including children with disabilities who are homeless children or 230303
are wards of the state and children with disabilities attending 230304
private schools and who are in need of special education and 230305
related services. A practical method shall be developed and 230306
implemented to determine which children with disabilities are 230307
currently receiving needed special education and related services. 230308

(3) Provide, as specified by section 3323.07 of the Revised 230309
Code and standards established by the ~~state-board~~ department, for 230310
the establishment and maintenance of special education and related 230311
services for children with disabilities who are at least three 230312
years of age and less than twenty-two years of age, including 230313
children with disabilities who have been suspended or expelled 230314
from school. 230315

(4) Provide, as specified by section 3323.04 of the Revised 230316
Code and in accordance with standards adopted by the ~~state-board~~ 230317
department, for an individualized education program for each child 230318

with a disability who is at least three years of age and less than 230319
twenty-two years of age residing within the district; 230320

(5) Provide, as specified by section 3323.02 of the Revised 230321
Code and in accordance with standards established by the ~~state~~ 230322
~~board department~~, for special education and related services and a 230323
free appropriate public education for every child with a 230324
disability who is at least three years of age and less than 230325
twenty-two years of age, including children with disabilities who 230326
have been suspended or expelled from school; 230327

(6) Provide procedural safeguards and prior written notice as 230328
required under section 3323.05 of the Revised Code and the 230329
standards established by the ~~state board~~ department; 230330

(7) Outline the steps that have been or are being taken to 230331
comply with standards established by the ~~state board~~ department. 230332

(B)(1) A school district may arrange, by a cooperative 230333
agreement or contract with one or more school districts or with a 230334
cooperative education or joint vocational school district or an 230335
educational service center, to provide for the identification, 230336
location, and evaluation of children with disabilities, and to 230337
provide special education and related services for such children 230338
that meet the standards established by the ~~state board~~ department. 230339
A school district may arrange, by a cooperative agreement or 230340
contract, for the provision of related services for children with 230341
disabilities that meet the standards established by the ~~state~~ 230342
~~board~~ department. 230343

(2) A school district shall arrange by interagency agreement 230344
with one or more school districts or with a cooperative education 230345
or joint vocational school district or an educational service 230346
center or other providers of early learning services to provide 230347
for the identification, location, evaluation of children with 230348
disabilities of ages birth through five years of age and for the 230349

transition of children with disabilities at age three in 230350
accordance with the standards established by the ~~state board~~ 230351
department. A school district may arrange by interagency agreement 230352
with providers of early learning services to provide special 230353
education and related services for such children that meet the 230354
standards established by the ~~state board~~ department. 230355

(3) If at the time an individualized education program is 230356
developed for a child a school district is not providing special 230357
education and related services required by that individualized 230358
education program, the school district may arrange by contract 230359
with a nonpublic entity for the provision of the special education 230360
and related services, provided the special education and related 230361
services meet the standards for special education and related 230362
services established by the ~~state board~~ department and is provided 230363
within the state. 230364

(4) Any cooperative agreement or contract under division 230365
(B)(1) or (2) of this section involving a local school district 230366
shall be approved by the governing board of the educational 230367
service center which serves that district. 230368

(C) No plan of a local school district shall be submitted to 230369
the ~~superintendent of public instruction~~ department until it has 230370
been approved by the superintendent of the educational service 230371
center which serves that district. 230372

(D) Upon approval of a school district's plan by the 230373
~~superintendent of public instruction~~department, the district shall 230374
immediately certify students for state funds under section 3317.03 230375
of the Revised Code to implement and maintain such plan. The 230376
district shall, in accordance with guidelines adopted by the ~~state~~ 230377
~~board~~ department, identify problems relating to the provision of 230378
qualified personnel and adequate facilities, and indicate the 230379
extent to which the cost of programs required under the plan will 230380
exceed anticipated state reimbursement. Each school district shall 230381

immediately implement the identification, location, and evaluation 230382
of children with disabilities in accordance with this chapter, and 230383
shall implement those parts of the plan involving placement and 230384
provision of special education and related services. 230385

Sec. 3323.09. (A) As used in this section: 230386

(1) "Home" has the meaning given in section 3313.64 of the 230387
Revised Code. 230388

(2) "Preschool child" means a child who is at least age three 230389
but under age six on the thirtieth day of September of an academic 230390
year. 230391

(B) Each county board of developmental disabilities shall 230392
establish special education programs for all children with 230393
disabilities who in accordance with section 3323.04 of the Revised 230394
Code have been placed in special education programs operated by 230395
the county board and for preschool children who are 230396
developmentally delayed or at risk of being developmentally 230397
delayed. The board annually shall submit to the department of 230398
education and workforce a plan for the provision of these 230399
programs. The ~~superintendent of public instruction~~ department 230400
shall review the plan and approve or modify it in accordance with 230401
rules adopted ~~by the state board of education~~ under section 230402
3301.07 of the Revised Code. The ~~superintendent of public~~ 230403
~~instruction~~ department shall compile the plans submitted by county 230404
boards and shall submit a comprehensive plan to the state board. 230405

A county board of developmental disabilities may combine 230406
transportation for children enrolled in classes funded under 230407
sections 3317.0213 or 3317.20 with transportation for children and 230408
adults enrolled in programs and services offered by the board 230409
under Chapter 5126. of the Revised Code. 230410

(C) A county board of developmental disabilities that during 230411

the school year provided special education pursuant to this 230412
section for any child with mental disabilities under twenty-two 230413
years of age shall prepare and submit the following reports and 230414
statements: 230415

(1) The board shall prepare a statement for each child who at 230416
the time of receiving such special education was a resident of a 230417
home and was not in the legal or permanent custody of an Ohio 230418
resident or a government agency in this state, and whose natural 230419
or adoptive parents are not known to have been residents of this 230420
state subsequent to the child's birth. The statement shall contain 230421
the child's name, the name of the child's school district of 230422
residence, the name of the county board providing the special 230423
education, and the number of months, including any fraction of a 230424
month, it was provided. Not later than the thirtieth day of June, 230425
the board shall forward a certified copy of such statement to both 230426
the director of developmental disabilities and to the home. 230427

Within thirty days after its receipt of a statement, the home 230428
shall pay tuition to the county board computed in the manner 230429
prescribed by section 3323.141 of the Revised Code. 230430

(2) The board shall prepare a report for each school district 230431
that is the school district of residence of one or more of such 230432
children for whom statements are not required by division (C)(1) 230433
of this section. The report shall contain the name of the county 230434
board providing special education, the name of each child 230435
receiving special education, the number of months, including 230436
fractions of a month, that the child received it, and the name of 230437
the child's school district of residence. Not later than the 230438
thirtieth day of June, the board shall forward certified copies of 230439
each report to the school district named in the report, the 230440
~~superintendent of public instruction~~department, and the director 230441
of developmental disabilities. 230442

Sec. 3323.091. (A) The department of mental health and 230443
addiction services, the department of developmental disabilities, 230444
the department of youth services, and the department of 230445
rehabilitation and correction shall establish and maintain special 230446
education programs for children with disabilities in institutions 230447
under their jurisdiction according to standards adopted by the 230448
~~state board~~ department of education and workforce. 230449

(B) The superintendent of each state institution required to 230450
provide services under division (A) of this section may apply to 230451
the department of education and workforce for special education 230452
and related services funding for children with disabilities other 230453
than preschool children with disabilities, calculated in 230454
accordance with section 3317.201 of the Revised Code. 230455

Each county board of developmental disabilities providing 230456
special education for children with disabilities other than 230457
preschool children with disabilities may apply to the department 230458
of education and workforce for opportunity funds and special 230459
education and related services funding calculated in accordance 230460
with section 3317.20 of the Revised Code. 230461

(C) In addition to the authorization to apply for state 230462
funding described in division (B) of this section, each state 230463
institution required to provide services under division (A) of 230464
this section is entitled to tuition payments calculated in the 230465
manner described in division (C) of this section. 230466

On or before the thirtieth day of June of each year, the 230467
superintendent of each institution that during the school year 230468
provided special education pursuant to this section shall prepare 230469
a statement for each child with a disability under twenty-two 230470
years of age who has received special education. The statement 230471
shall contain the child's data verification code assigned pursuant 230472
to division (D)(2) of section 3301.0714 of the Revised Code and 230473

the name of the child's school district of residence. Within sixty 230474
days after receipt of such statement, the department of education 230475
and workforce shall perform one of the following: 230476

(1) For any child except a preschool child with a disability 230477
described in division (C)(2) of this section, pay to the 230478
institution submitting the statement an amount equal to the 230479
tuition calculated under division (A) of section 3317.08 of the 230480
Revised Code for the period covered by the statement, and deduct 230481
the same from the amount of state funds, if any, payable under 230482
Chapter 3317. of the Revised Code, to the child's school district 230483
of residence or, if the amount of such state funds is 230484
insufficient, require the child's school district of residence to 230485
pay the institution submitting the statement an amount equal to 230486
the amount determined under this division. 230487

(2) For any preschool child with a disability, perform the 230488
following: 230489

(a) Pay to the institution submitting the statement an amount 230490
equal to the tuition calculated under division (B) of section 230491
3317.08 of the Revised Code for the period covered by the 230492
statement, except that in calculating the tuition under that 230493
section the operating expenses of the institution submitting the 230494
statement under this section shall be used instead of the 230495
operating expenses of the school district of residence; 230496

(b) Deduct from the amount of state funds, if any, payable 230497
under Chapter 3317. of the Revised Code to the child's school 230498
district of residence an amount equal to the amount paid under 230499
division (C)(2)(a) of this section. 230500

Sec. 3323.13. (A) If a child who is a school resident of one 230501
school district receives special education from another district, 230502
the board of education of the district providing the education, 230503
subject to division (C) of this section, may require the payment 230504

by the board of education of the district of residence of a sum 230505
not to exceed one of the following, as applicable: 230506

(1) For any child except a preschool child with a disability 230507
described in division (A)(2) of this section, the tuition of the 230508
district providing the education for a child of normal needs of 230509
the same school grade. The determination of the amount of such 230510
tuition shall be in the manner provided for by division (A) of 230511
section 3317.08 of the Revised Code. 230512

(2) For any preschool child with a disability, the tuition of 230513
the district providing the education for the child as calculated 230514
under division (B) of section 3317.08 of the Revised Code. 230515

(B) The board of the district of residence may contract with 230516
the board of another district for the transportation of such child 230517
into any school in such other district, on terms agreed upon by 230518
such boards. Upon direction of the ~~state board~~ department of 230519
education and workforce, the board of the district of residence 230520
shall pay for the child's transportation and the tuition. 230521

(C) The board of education of a district providing the 230522
education for a child shall be entitled to require payment from 230523
the district of residence under this section or section 3323.14 of 230524
the Revised Code only if the district providing the education has 230525
done at least one of the following: 230526

(1) Invited the district of residence to send representatives 230527
to attend the meetings of the team developing the child's 230528
individualized education program; 230529

(2) Received from the district of residence a copy of the 230530
individualized education program or a multifactored evaluation 230531
developed for the child by the district of residence; 230532

(3) Informed the district of residence in writing that the 230533
district is providing the education for the child. 230534

As used in division (C)(2) of this section, "multifaceted evaluation" means an evaluation, conducted by a multidisciplinary team, of more than one area of the child's functioning so that no single procedure shall be the sole criterion for determining an appropriate educational program placement for the child.

Sec. 3323.14. (A) Where a child who is a school resident of one school district receives special education from another district and the per capita cost to the educating district for that child exceeds the sum of the amount received by the educating district for that child under division (A) of section 3317.08 of the Revised Code and the amount received by the district from the ~~state board~~ department of education and workforce for that child, then the board of education of the district of residence shall pay to the board of the school district that is providing the special education such excess cost as is determined by using a formula approved by the department ~~of education~~ and agreed upon in contracts entered into by the boards of the districts concerned at the time the district providing such special education accepts the child for enrollment. The department shall certify the amount of the payments under Chapter 3317. of the Revised Code for such pupils with disabilities for each school year ending on the thirtieth day of July.

(B) In the case of a child described in division (A) of this section who has been placed in a home, as defined in section 3313.64 of the Revised Code, pursuant to the order of a court and who is not subject to section 3323.141 of the Revised Code, the district providing the child with special education and related services may charge to the child's district of residence the excess cost determined by formula approved by the department, regardless of whether the district of residence has entered into a contract with the district providing the services. If the district providing the services chooses to charge excess costs, the

district may report the amount calculated under this division to 230567
the department. 230568

(C) If a district providing special education for a child 230569
reports an amount for the excess cost of those services, as 230570
authorized and calculated under division (A) or (B) of this 230571
section, the department shall pay that amount of excess cost to 230572
the district providing the services and shall deduct that amount 230573
from the child's district of residence in accordance with division 230574
(K) of section 3317.023 of the Revised Code. 230575

(D) If a district providing special education to a child to 230576
whom division (C)(4) of section 3313.64 of the Revised Code 230577
applies chooses to receive a tuition payment for that child under 230578
that division, that district shall not receive any payments under 230579
this section. 230580

Sec. 3323.141. (A) When a child who is not in the legal or 230581
permanent custody of an Ohio resident or a government agency in 230582
this state and whose natural or adoptive parents are not known to 230583
have been residents of this state subsequent to the child's birth 230584
is a resident of a home as defined in section 3313.64 of the 230585
Revised Code and receives special education and related services 230586
from a school district or county board of developmental 230587
disabilities, the home shall pay tuition to the board providing 230588
the special education. 230589

(B) In the case of a child described in division (A) of this 230590
section who receives special education and related services from a 230591
school district, tuition shall be the amount determined under 230592
division (B)(1) or (2) of this section. 230593

(1) For a child other than a child described in division 230594
(B)(2) of this section the tuition shall be an amount equal to the 230595
sum of the following: 230596

(a) Tuition as determined in the manner provided for by division (B) of section 3317.081 of the Revised Code for the district that provides the special education;

(b) Such excess cost as is determined by using a formula established by rule of the department of education and workforce. The excess cost computed in this section shall not be used as excess cost computed under section 3323.14 of the Revised Code.

(2) For a child who is a preschool child with a disability, the tuition shall be computed as follows:

(a) Determine the amount of the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised Code;

(b) For each type of special education service included in the computation of the amount of tuition under division (B)(2)(a) of this section, divide the amount determined for that computation under division (B)(2) of section 3317.08 of the Revised Code by the total number of preschool children with disabilities used for that computation under division (B)(3) of section 3317.08 of the Revised Code;

(c) Determine the sum of the quotients obtained under division (B)(2)(b) of this section;

(d) Determine the sum of the amounts determined under divisions (B)(2)(a) and (c) of this section.

(C) In the case of a child described in division (A) of this section who receives special education and related services from a county board of developmental disabilities, tuition shall be the amount determined under division (C)(1) or (2) of this section.

(1) For a child other than a child described in division (C)(2) of this section, the tuition shall be an amount equal to such board's per capita cost of providing special education and

related services for children at least three but less than 230627
twenty-two years of age as determined by using a formula 230628
established by rule of the department of developmental 230629
disabilities. 230630

(2) For a child who is a preschool child with a disability, 230631
the tuition shall equal the sum of the amounts of each such 230632
board's per capita cost of providing each of the special education 230633
or related service that the child receives. The calculation of 230634
tuition shall be made by using a formula established by rule of 230635
the department of developmental disabilities. The formula for the 230636
calculation of per capita costs under division (C)(2) of this 230637
section shall be based only on each such county board's cost of 230638
providing each type of special education or related service to 230639
preschool children with disabilities. 230640

(D) If a home fails to pay the tuition required under this 230641
section, the board of education or county board of developmental 230642
disabilities providing the education may recover in a civil action 230643
the tuition and the expenses incurred in prosecuting the action, 230644
including court costs and reasonable attorney's fees. If the 230645
prosecuting attorney or city director of law represents the board 230646
in such action, costs and reasonable attorney's fees awarded by 230647
the court, based upon the time spent preparing and presenting the 230648
case by the prosecuting attorney, director, or a designee of 230649
either, shall be deposited in the county or city general fund. 230650

Sec. 3323.142. As used in this section, "per pupil amount" 230651
for a preschool child with a disability included in such an 230652
approved unit means the amount determined by dividing the amount 230653
received for the classroom unit in which the child has been placed 230654
by the number of children in the unit. For any other child, "per 230655
pupil amount" means the amount paid for the child under section 230656
3317.20 of the Revised Code. 230657

When a school district places or has placed a child with a county board of developmental disabilities for special education, but another district is responsible for tuition under section 3313.64 or 3313.65 of the Revised Code and the child is not a resident of the territory served by the county board of developmental disabilities, the board may charge the district responsible for tuition with the educational costs in excess of the per pupil amount received by the board under Chapter 3317. of the Revised Code. The amount of the excess cost shall be determined by the formula established by rule of the department of education and workforce under section 3323.14 of the Revised Code, and the payment for such excess cost shall be made by the school district directly to the county board of developmental disabilities.

A school district board of education and the county board of developmental disabilities that serves the school district may negotiate and contract, at or after the time of placement, for payments by the board of education to the county board for additional services provided to a child placed with the county board and whose individualized education program established pursuant to section 3323.08 of the Revised Code requires additional services that are not routinely provided children in the county board's program but are necessary to maintain the child's enrollment and participation in the program. Additional services may include, but are not limited to, specialized supplies and equipment for the benefit of the child and instruction, training, or assistance provided by staff members other than staff members for which funding is received under Chapter 3317. of the Revised Code.

Sec. 3323.15. The ~~state board~~ department of education and workforce may arrange to pay to any board of education, the board for any children with disabilities who are not residents of the

district but for whom the district is providing special education. 230690
Payments shall be made in accordance with rules and standards of 230691
the state board of education. 230692

Sec. 3323.17. The department of education and workforce 230693
shall: 230694

(A) Provide supervision and technical assistance to school 230695
districts in all accepted methods of educating children with 230696
disabilities who have hearing impairments, including the oral, 230697
manual, and total communication methods, with no demonstrable bias 230698
toward any one method over another; 230699

(B) Consult with employees of school districts and chartered 230700
nonpublic schools who confer with the parents of hearing impaired 230701
children about their children's education; 230702

(C) Consult with chartered nonpublic schools and consult with 230703
and provide technical assistance to school districts that are or 230704
may be interested in integrating sign language into their 230705
curricula and that offer or may be interested in offering American 230706
sign language as a foreign language; 230707

(D) Consult with school districts and chartered nonpublic 230708
schools that use interpreters in classrooms and with any other 230709
interested school districts or chartered nonpublic schools about 230710
how to obtain the best interpreters and how interpreters can 230711
improve their skills. 230712

Sec. 3323.19. (A) Within three months after a student 230713
identified with disabilities begins receiving services for the 230714
first time under an individualized education program, the school 230715
district in which that student is enrolled shall require the 230716
student to undergo a comprehensive eye examination performed 230717
either by an optometrist licensed under Chapter 4725. of the 230718
Revised Code or by a physician authorized under Chapter 4731. of 230719

the Revised Code to practice medicine and surgery or osteopathic 230720
medicine and surgery who is comprehensively trained and educated 230721
in the treatment of the human eye, eye disease, or comprehensive 230722
vision services, unless the student underwent such an examination 230723
within the nine-month period immediately prior to being identified 230724
with disabilities. 230725

However, no student who has not undergone the eye examination 230726
required under this section shall be prohibited from initiating, 230727
receiving, or continuing to receive services prescribed in the 230728
student's individualized education program. 230729

(B) The superintendent of each school district or the 230730
superintendent's designee may determine fulfillment of the 230731
requirement prescribed in division (A) of this section based on 230732
any special circumstances of the student, the student's parent, 230733
guardian, or family that may prevent the student from undergoing 230734
the eye examination prior to beginning special education services. 230735

(C) Except for a student who may be entitled to a 230736
comprehensive eye examination in the identification of the 230737
student's disabilities, in the development of the student's 230738
individualized education program, or as a related service under 230739
the student's individualized education program, neither the state 230740
nor any school district shall be responsible for paying for the 230741
eye examination required by this section. 230742

(D) The department of education and workforce annually shall 230743
do both of the following: 230744

(1) Notify each school district and community school of the 230745
requirements of this section; 230746

(2) Collect from each school district and community school 230747
the total number of students enrolled in the district who were 230748
subject to the requirements of this section and the total number 230749
of students who received the examination, as verified by 230750

documentation received from the district. 230751

Sec. 3323.20. On July 1, 2006, and on each first day of July 230752
thereafter, the department of education and workforce shall 230753
electronically report to the general assembly the number of 230754
preschool children with disabilities who received services for 230755
which the department made a payment to any provider during the 230756
previous fiscal year, disaggregated according to each area of 230757
developmental deficiency identified by the department for the 230758
evaluation of such children. 230759

Sec. 3323.25. (A) As used in this section and section 230760
3323.251 of the Revised Code: 230761

(1) "Dyslexia" means a specific learning disorder that is 230762
neurological in origin and that is characterized by unexpected 230763
difficulties with accurate or fluent word recognition and by poor 230764
spelling and decoding abilities not consistent with the person's 230765
intelligence, motivation, and sensory capabilities, which 230766
difficulties typically result from a deficit in the phonological 230767
component of language. 230768

(2) "Appropriate certification" means either of the 230769
following: 230770

(a) Certification at a certified level, or higher, from a 230771
research-based, structured literacy program; 230772

(b) Any other certification as recognized by a majority vote 230773
of the Ohio dyslexia committee. 230774

(B)(1) The department of education and workforce shall 230775
establish the Ohio dyslexia committee which shall consist of the 230776
following members: 230777

(a) A school district superintendent appointed by the 230778
~~superintendent of public instruction~~ director of education and 230779

<u>workforce;</u>	230780
(b) An elementary school principal appointed by the state	230781
superintendent <u>director</u> ;	230782
(c) A classroom teacher appointed by the state superintendent	230783
<u>director</u> . The teacher shall have an appropriate certification and	230784
at least two years of experience teaching in a structured literacy	230785
program.	230786
(d) An educational service center employee appointed by the	230787
state superintendent <u>director</u> . The employee shall have an	230788
appropriate certification.	230789
(e) An employee of the department of education appointed by	230790
the state superintendent <u>director</u> ;	230791
(f) A parent of a child with dyslexia or an adult with	230792
dyslexia appointed by the international dyslexia association in	230793
Ohio;	230794
(g) An individual with experience in higher education and	230795
teacher preparation programs appointed by the chancellor of higher	230796
education. The individual appointed by the chancellor shall have	230797
an appropriate certification.	230798
(h) A board member of the international dyslexia association	230799
in Ohio appointed by the international dyslexia association in	230800
Ohio. The board member shall have an appropriate certification.	230801
(i) A school psychologist appointed by the state	230802
superintendent <u>director</u> ;	230803
(j) A reading intervention specialist appointed by the state	230804
superintendent <u>director</u> . The reading intervention specialist shall	230805
have an appropriate certification.	230806
(k) A speech-language pathologist appointed by the state	230807
speech and hearing professionals board. The speech-language	230808
pathologist shall have an appropriate certification.	230809

(2) Each appointing authority shall determine a selection process for the appointments under this section. Each appointing authority that is not the ~~state superintendent~~ director shall make and submit to the department each appointment prescribed under this section ~~not later than thirty days after April 12, 2021. The state superintendent also shall make each appointment prescribed to the state superintendent under this section not later than that~~ date. Members of the committee shall serve at the pleasure of their appointing authority.

(3) An individual may be appointed to the committee without required certification or experience if the appointing authority determines that the individual has sufficient experience in the individual's respective field.

(4) The ~~state superintendent~~ director shall convene the first meeting of the committee within thirty days after nine members have been appointed to the committee. At the first meeting, members of the committee shall elect one of the members as chairperson.

(5) The department shall provide facilities for the meetings of the committee.

(C)(1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying dyslexic characteristics and tendencies using a structured literacy program.

(2) The committee shall provide an opportunity for public input when developing the guidebook, in the manner determined by the committee.

(3) Prior to its distribution, the guidebook shall be subject to final approval by the ~~state board of education~~ department.

(4) The guidebook shall be developed and issued to districts 230841
and schools in an electronic format. After the initial development 230842
of the guidebook, the Ohio dyslexia committee shall update the 230843
guidebook as necessary. 230844

(D) ~~Not later than December 31, 2021, the~~ The department, in 230845
collaboration with the Ohio dyslexia committee, shall do all of 230846
the following: 230847

(1) Provide structured literacy program professional 230848
development for teachers in evidence-based dyslexia screening and 230849
intervention practices for the purposes of section 3319.077 of the 230850
Revised Code. 230851

(2) Assist school districts and other public schools in 230852
establishing multidisciplinary teams to support the 230853
identification, intervention, and remediation of dyslexia; 230854

(3) Develop reporting mechanisms for districts and schools to 230855
submit to the department the information and data required in the 230856
guidebook developed under this section; 230857

(4) Develop academic standards for kindergarten in reading 230858
and writing that incorporate a structured literacy program; 230859

(5) Provide on the department's web site information about 230860
training for teachers about dyslexia that is available at minimal 230861
or no cost. 230862

(E) The department, in collaboration with the Ohio dyslexia 230863
committee, shall identify reliable, valid, universal, and 230864
evidence-based screening and intervention measures that evaluate 230865
the literacy skills of students enrolled in grades kindergarten 230866
through five using a structured literacy program. 230867

(F) The Ohio dyslexia committee may do any of the following: 230868

(1) Recommend appropriate ratios in school buildings for 230869
students to teachers who have received certification in 230870

identifying and addressing dyslexia; 230871

(2) Recommend which other school personnel, including school 230872
psychologists or speech-language pathologists, should receive 230873
certification in identifying and addressing dyslexia; 230874

(3) Consider and make recommendations regarding whether 230875
professional development required under section 3319.077 of the 230876
Revised Code should require the completion of a practicum. 230877

Sec. 3323.251. (A) Each school district and other public 230878
school shall do all of the following: 230879

(1) For the 2023-2024 school year, administer a tier one 230880
dyslexia screening measure to a student to whom either of the 230881
following applies: 230882

(a) The student is enrolled in any of grades kindergarten 230883
through three. A screening measure shall be administered to a 230884
student enrolled in kindergarten after January 1, 2024, but prior 230885
to January 1, 2025. 230886

(b) The student is enrolled in any of grades four through six 230887
and either of the following applies: 230888

(i) The student's parent, guardian, or custodian requests 230889
that the screening measure be administered to the student. 230890

(ii) A classroom teacher requests that the screening measure 230891
be administered to the student and the student's parent, guardian, 230892
or custodian grants permission for the screening measure to be 230893
administered. 230894

A school district may implement the screening under division 230895
(A)(1) of this section prior to the 2023-2024 school year. 230896

(2) For the 2024-2025 school year and each school year 230897
thereafter, administer a tier one dyslexia screening measure to a 230898
student to whom either of the following applies: 230899

(a) A student enrolled in kindergarten. A screening measure shall be administered to a student after the first day of January of the school year in which the student is enrolled in kindergarten and prior to the first day of January of the following school year.

(b) A student enrolled in any of grades one through six if either of the following applies:

(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student.

(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered.

A district or school may administer a tier two dyslexia screening measure to a student to whom the district or school administers a tier one screening measure under division (A)(1) or (2) of this section. In that case, a district or school shall not be required to complete division (A)(4) of this section.

(3) Identify each student that is at risk of dyslexia based on the student's results on the tier one screening measure and notify the student's parent, guardian, or custodian that the student has been identified as being at risk.

(4) Monitor the progress of each at-risk student toward attaining grade-level reading and writing skills for up to six weeks. The district or school shall check each at-risk student's progress on at least the second week, fourth week, and sixth week after the student is identified as being at risk. If no progress is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student.

(5) Report to a student's parent or guardian the student's

results on a tier two screening measure approved by the Ohio
dyslexia committee within thirty days after the measure's
administration. If, as determined by the tier two screening
measure, the student is identified as having dyslexia tendencies,
the student's parent or guardian shall be provided with
information about reading development, the risk factors for
dyslexia, and descriptions for evidenced-based interventions.

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(6) If a student demonstrates markers for dyslexia, provide
the student's parents or guardian with a written explanation of
the district or school's structured literacy program.

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(B)(1) Beginning in the 2023-2024 school year, each district
or school shall:

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(a) Administer a tier one dyslexia screening measure to each
kindergarten student that transfers into the district or school
midyear during the school's regularly scheduled screening of the
kindergarten class or within thirty days after the student's
enrollment if the screening already has been completed;

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(b) Administer a tier one dyslexia screening measure to each
student in grades one through six that transfers into the district
or school midyear within thirty days after the student's
enrollment.

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(2) If a student is identified as being at risk of dyslexia
under division (B)(1) of this section, the district or school
shall administer a tier two screening measure in a timely manner.

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(C) Each district or school shall do all of the following:

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(1) Comply with any provisions that are statutorily required,
as they pertain to the guidebook developed under division (C) of
section 3323.25 of the Revised Code;

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(2) Select screening and intervention measures to administer
to students from the measures identified under division (E) of

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section 3323.25 of the Revised Code; 230961

(3) Establish a multidisciplinary team to administer 230962
screening and intervention measures and analyze the results of the 230963
measures. The team shall include trained and certified personnel 230964
and a stakeholder with expertise in the identification, 230965
intervention, and remediation of dyslexia. 230966

(4) Report to the department of education and workforce the 230967
results of screening measures administered under this section. 230968

In addition, districts and schools may utilize any best 230969
practices and recommendations contained in the guidebook developed 230970
under division (C) of section 3323.25 of the Revised Code. 230971

Sec. 3323.32. (A) The department of education and workforce 230972
shall contract with an entity to administer programs and 230973
coordinate services for infants, preschool and school-age 230974
children, and adults with autism and low incidence disabilities. 230975
The entity shall be selected by the ~~superintendent of public~~ 230976
~~instruction~~ director of education and workforce in consultation 230977
with the advisory board established under section 3323.33 of the 230978
Revised Code. 230979

The contract with the entity selected shall include, but not 230980
be limited to, the following provisions: 230981

(1) A description of the programs to be administered and 230982
services to be provided or coordinated by the entity, which shall 230983
include at least the duties prescribed by sections 3323.34 and 230984
3323.35 of the Revised Code; 230985

(2) A description of the expected outcomes from the programs 230986
administered and services provided or coordinated by the entity; 230987

(3) A stipulation that the entity's performance is subject to 230988
evaluation by the department and renewal of the entity's contract 230989
is subject to the department's satisfaction with the entity's 230990

performance;	230991
(4) A description of the measures and milestones the department will use to determine whether the performance of the entity is satisfactory;	230992 230993 230994
(5) Any other provision the department determines is necessary to ensure the quality of services to individuals with autism and low incidence disabilities.	230995 230996 230997
(B) In selecting the entity under division (A) of this section, the superintendent <u>director of education and workforce</u> and the advisory board shall give primary consideration to the Ohio Center for Autism and Low Incidence, established under section 3323.31 of the Revised Code, as long as the principal goals and mission of the Center, as determined by the superintendent <u>director</u> and the advisory board, are consistent with the requirements of divisions (A)(1) to (5) of this section.	230998 230999 231000 231001 231002 231003 231004 231005
Sec. 3323.33. The superintendent of public instruction <u>director of education and workforce</u> shall establish an advisory board to assist and advise the Franklin county educational service center in the operation of the Ohio Center for Autism and Low Incidence and the superintendent of public instruction <u>director</u> in selecting an entity to administer programs and coordinate services for individuals with autism and low incidence disabilities as required by section 3323.32 of the Revised Code and to provide technical assistance in the provision of such services. As determined by the superintendent <u>director</u> , the advisory board shall consist of individuals who are stakeholders in the service to persons with autism and low incidence disabilities, including, but not limited to, the following:	231006 231007 231008 231009 231010 231011 231012 231013 231014 231015 231016 231017 231018
(A) Persons with autism and low incidence disabilities;	231019
(B) Parents and family members;	231020

(C) Educators and other professionals;	231021
(D) Higher education instructors;	231022
(E) Representatives of state agencies.	231023
The advisory board shall be organized as determined by the	231024
superintendent <u>director</u> .	231025
Members of the advisory board shall receive no compensation	231026
for their services.	231027
Sec. 3324.01. As used in this section and sections 3324.02	231028
through 3324.06 of the Revised Code:	231029
(A) "Approved" means approved by the department of education	231030
<u>and workforce</u> and included on the list compiled by the department	231031
under section 3324.02 of the Revised Code.	231032
(B) "Gifted" means students who perform or show potential for	231033
performing at remarkably high levels of accomplishment when	231034
compared to others of their age, experience, or environment and	231035
who are identified under division (A), (B), (C), or (D) of section	231036
3324.03 of the Revised Code.	231037
(C) "School district" does not include a joint vocational	231038
school district.	231039
(D) "Specific academic ability field" means one or more of	231040
the following areas of instruction:	231041
(1) Mathematics;	231042
(2) Science;	231043
(3) Reading, writing, or a combination of these skills;	231044
(4) Social studies.	231045
Sec. 3324.02. (A) The department of education <u>and workforce</u>	231046
shall construct lists of existing assessment instruments it	231047

approves for use by school districts, and may include on the lists 231048
and make available to school districts additional assessment 231049
instruments developed by the department. Wherever possible, the 231050
department shall approve assessment instruments that utilize 231051
nationally recognized standards for scoring or are nationally 231052
normed. The lists of instruments shall include: 231053

(1) Initial screening instruments for use in selecting 231054
potentially gifted students for further assessment; 231055

(2) Instruments for identifying gifted students under section 231056
3324.03 of the Revised Code. 231057

(B) The department, under Chapter 119. of the Revised Code, 231058
shall also adopt rules for the administration of any tests or 231059
assessment instruments it approves on the list required by 231060
division (A) of this section and for establishing the scores or 231061
performance levels required under section 3324.03 of the Revised 231062
Code. 231063

(C) The department shall ensure that the approved list of 231064
assessment instruments under this section includes instruments 231065
that allow for appropriate screening and identification of gifted 231066
minority and disadvantaged students, children with disabilities, 231067
and students for whom English is a second language. 231068

(D) Districts shall select screening and identification 231069
instruments from the approved lists for inclusion in their 231070
district policies. 231071

(E) The department shall make initial lists of approved 231072
assessment instruments and the rules for the administration of the 231073
instruments available by September 1, 1999. 231074

Sec. 3324.03. The board of education of each school district 231075
shall identify gifted students in grades kindergarten through 231076
twelve as follows: 231077

(A) A student shall be identified as exhibiting "superior cognitive ability" if the student did either of the following within the preceding twenty-four months:

(1) Scored two standard deviations above the mean, minus the standard error of measurement, on an approved individual standardized intelligence test administered by a licensed school psychologist or licensed psychologist;

(2) Accomplished any one of the following:

(a) Scored at least two standard deviations above the mean, minus the standard error of measurement, on an approved standardized group intelligence test;

(b) Performed at or above the ninety-fifth percentile on an approved individual or group standardized basic or composite battery of a nationally normed achievement test;

(c) Attained an approved score on one or more above-grade level standardized, nationally normed approved tests.

(B) A student shall be identified as exhibiting "specific academic ability" superior to that of children of similar age in a specific academic ability field if within the preceding twenty-four months the student performs at or above the ninety-fifth percentile at the national level on an approved individual or group standardized achievement test of specific academic ability in that field. A student may be identified as gifted in more than one specific academic ability field.

(C) A student shall be identified as exhibiting "creative thinking ability" superior to children of a similar age, if within the previous twenty-four months, the student scored one standard deviation above the mean, minus the standard error of measurement, on an approved individual or group intelligence test and also did either of the following:

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(1) Attained a sufficient score, as established by the department of education <u>and workforce</u> , on an approved individual or group test of creative ability;	231108 231109 231110
(2) Exhibited sufficient performance, as established by the department of education , on an approved checklist of creative behaviors.	231111 231112 231113
(D) A student shall be identified as exhibiting "visual or performing arts ability" superior to that of children of similar age if the student has done both of the following:	231114 231115 231116
(1) Demonstrated through a display of work, an audition, or other performance or exhibition, superior ability in a visual or performing arts area;	231117 231118 231119
(2) Exhibited sufficient performance, as established by the department of education , on an approved checklist of behaviors related to a specific arts area.	231120 231121 231122
Sec. 3324.04. The board of education of each school district shall adopt a plan by January 1, 2000, for identifying gifted students. The plan shall be submitted to the department of education <u>and workforce</u> for approval. The department shall approve the plan within sixty days if it contains all of the following:	231123 231124 231125 231126 231127
(A) A description of the assessment instruments from the list adopted by the department that the district will use to screen and identify gifted students;	231128 231129 231130
(B) Acceptable scheduling procedures for screening and for administering assessment instruments for identifying gifted students. These procedures shall provide:	231131 231132 231133
(1) At least two opportunities a year for assessment in the case of students requesting assessment or recommended for assessment by teachers, parents, or other students;	231134 231135 231136
(2) Assurance of inclusion in screening and assessment	231137

procedures for minority and disadvantaged students, children with disabilities, and students for whom English is a second language;

(3) Assurance that any student transferring into the district will be assessed within ninety days of the transfer at the request of a parent.

(C) Procedures for notification of parents within thirty days about the results of any screening procedure or assessment instrument and the provision of an opportunity for parents to appeal any decision about the results of any screening procedure or assessment, the scheduling of children for assessment, or the placement of a student in any program or for receipt of services;

(D) A commitment that the district will accept scores on assessment instruments provided by other school districts or trained personnel outside the school district, provided the assessment instruments are on the list approved by the department of education under section 3324.02 of the Revised Code.

The district's plan may provide for the district to contract with any qualified public or private service provider to provide screening or assessment services under the plan.

The department shall assist any district whose plan it disapproves under this section to amend the plan so that it meets the requirements of this section.

Sec. 3324.05. (A) Each school district shall submit an annual report to the department of education and workforce specifying the number of students in each of grades kindergarten through twelve screened, the number assessed, and the number identified as gifted in each category specified in section 3324.03 of the Revised Code. For fiscal years 2022 and 2023, this report shall also specify the number of students served in each category specified in section 3324.03 of the Revised Code.

(B) For fiscal years 2022 and 2023, not later than the
thirty-first day of October, the department shall publish both of
the following using data submitted by school districts under the
education management information system established under section
3301.0714 of the Revised Code:

(1) Services offered by each school district to students
identified as gifted in each of the following grade bands:

(a) Kindergarten through third grade;

(b) Fourth through eighth grade;

(c) Ninth through twelfth grade.

(2) The number of licensed gifted intervention specialists
and coordinators employed or contracted by each school district.

(C) The department ~~of education~~ shall audit each school
district's identification numbers at least once every three years
and may select any district at random or upon complaint or
suspicion of noncompliance for a further audit to determine
compliance with sections 3324.03 to 3324.06 of the Revised Code.
If a school district's audit under this division occurs during
fiscal year 2022 or 2023, the department shall also audit the
district's service numbers.

(D) The department shall provide technical assistance to any
district found in noncompliance under division (C) of this
section. For fiscal years 2022 and 2023, the department shall
reduce funds received by the district under Chapter 3317. of the
Revised Code by any amount if the district continues to be
noncompliant. For fiscal year 2024 and each fiscal year
thereafter, the department may reduce funds received by the
district under Chapter 3317. of the Revised Code by any amount if
the district continues to be noncompliant.

Sec. 3324.06. The board of education of each school district

shall adopt a statement of its policy for the screening and 231198
identification of gifted students and shall distribute the policy 231199
statement to parents. The policy statement shall specify: 231200

(A) The criteria and methods the district uses to screen 231201
students and to select students for further assessment who perform 231202
or show potential for performing at remarkably high levels of 231203
accomplishment in one of the gifted areas specified in section 231204
3324.03 of the Revised Code; 231205

(B) The sources of assessment data the district uses to 231206
select students for further testing and an explanation for parents 231207
of the multiple assessment instruments required to identify gifted 231208
students under section 3324.03 of the Revised Code; 231209

(C) An explanation for parents of the methods the district 231210
uses to ensure equal access to screening and further assessment by 231211
all district students, including minority or disadvantaged 231212
students, children with disabilities, and students for whom 231213
English is a second language; 231214

(D) Provisions to ensure equal opportunity for all district 231215
students identified as gifted to receive any services offered by 231216
the district; 231217

(E) Provisions for students to withdraw from gifted programs 231218
or services, for reassessment of students, and for assessment of 231219
students transferring into the district; 231220

(F) Methods for resolving disagreements between parents and 231221
the district concerning identification and placement decisions. 231222

A copy of the district's policy adopted under this section 231223
shall accompany the district's plan submitted to the department of 231224
education and workforce under section 3324.04 of the Revised Code. 231225

Sec. 3324.07. (A) The board of education of each school 231226
district shall develop a plan for the service of gifted students 231227

enrolled in the district that are identified under section 3324.03	231228
of the Revised Code. Services specified in the plan developed by	231229
each board may include such options as the following:	231230
(1) A differentiated curriculum;	231231
(2) Cluster grouping;	231232
(3) Mentorships;	231233
(4) Accelerated course work;	231234
(5) The college credit plus program under Chapter 3365. of	231235
the Revised Code;	231236
(6) Advanced placement;	231237
(7) Honors classes;	231238
(8) Magnet schools;	231239
(9) Self-contained classrooms;	231240
(10) Independent study;	231241
(11) International baccalaureate;	231242
(12) Other options identified in rules adopted by the	231243
department of education <u>and workforce</u> .	231244
(B) Each board shall file the plan developed under division	231245
(A) of this section with the department of education by December	231246
15, 2000 <u>and workforce</u> . The department shall review and analyze	231247
each plan to determine if it is adequate and to make funding	231248
estimates.	231249
(C) Unless otherwise required by law, rule, or as a condition	231250
for receipt of funds, school boards may implement the plans	231251
developed under division (A) of this section, but shall not be	231252
required to do so until further action by the general assembly or	231253
the state superintendent of public instruction <u>director of</u>	231254
<u>education and workforce</u> .	231255

Sec. 3324.08. Any person employed by a school district and 231256
assigned to a school as a principal or any other position may also 231257
serve as the district's gifted education coordinator, if qualified 231258
to do so pursuant to the rules adopted by the ~~state board~~ 231259
department of education and workforce under this chapter. 231260

Sec. 3324.09. (A) For fiscal years 2022 and 2023, not later 231261
than the thirtieth day of October, the department of education and 231262
workforce shall publish on its web site the funds received for the 231263
previous fiscal year by each school district under division (A)(6) 231264
of section 3317.022 of the Revised Code for the identification of 231265
and services provided to the district's gifted students and each 231266
district's expenditures of those funds. 231267

(B) For fiscal year 2024 and each fiscal year thereafter, not 231268
later than the thirtieth day of October, the department shall 231269
publish on its web site each school district's expenditures for 231270
the previous fiscal year of funds received under division (A)(6) 231271
of section 3317.022 of the Revised Code for the identification of 231272
and services provided to the district's gifted students. 231273

Sec. 3324.10. (A) ~~Prior to June 30, 2006, the state board~~ The 231274
department of education and workforce shall adopt a model student 231275
acceleration policy addressing recommendations in the former 231276
department of education's 2005 study conducted under the gifted 231277
research and demonstration grant program. The policy shall 231278
address, but not be limited to, whole grade acceleration, subject 231279
area acceleration, and early high school graduation. 231280

(B) The board of education of each city, local, and exempted 231281
village school district shall implement a student acceleration 231282
policy to take effect beginning in the 2006-2007 school year. The 231283
policy shall either be the model adopted by the ~~state board~~ 231284
department under division (A) of this section or a policy covering 231285

similar issues that is adopted by the district board. If the 231286
district board does not adopt the ~~state board's~~ department's 231287
model, it shall submit its policy to the department for review and 231288
approval. The department, upon request, shall provide technical 231289
assistance to the district board in developing the policy. 231290

Sec. 3324.11. No rule adopted by the ~~state board~~ director of 231291
education and workforce pursuant to this chapter, section 3301.07 231292
of the Revised Code, or any other provision of the Revised Code 231293
shall permit a school district to report that it has provided 231294
services to a student identified as gifted unless those services 231295
are paid for by the district. Nothing in this section shall 231296
prohibit a district from requiring a student to pay the costs of 231297
advanced placement or international baccalaureate examinations. 231298

Sec. 3325.01. The state school for the deaf and the state 231299
school for the blind shall be under the control and supervision of 231300
the ~~state board~~ department of education and workforce. ~~On the~~ 231301
~~recommendation of the superintendent of public instruction, the~~ 231302
~~state board of education~~ The department shall appoint a 231303
superintendent for the state school for the deaf and a 231304
superintendent for the state school for the blind, each of whom 231305
shall serve at the pleasure of the ~~state board~~ department. 231306

Sec. 3325.011. Subject to the regulations adopted by the 231307
~~state board~~ department of education and workforce, the state 231308
school for the deaf shall be open to receive persons who are deaf, 231309
partially deaf, and both blind and deaf residents of this state, 231310
who, in the judgment of the ~~superintendent of public instruction~~ 231311
director of education and workforce and the superintendent of the 231312
school for the deaf, due to such disability, cannot be educated in 231313
the public school system and are suitable persons to receive 231314
instructions according to the methods employed in such school. The 231315

superintendent of the school for the deaf may pay the expenses 231316
necessary for the instruction of children who are both blind and 231317
deaf, who are resident of this state, in any suitable institution. 231318

Sec. 3325.02. (A) As used in this chapter, "visual 231319
impairment" means blindness, partial blindness, deaf-blindness, or 231320
multiple disabilities if one of the disabilities is vision 231321
related. 231322

(B) Subject to the regulations adopted by the ~~state board~~ 231323
department of education and workforce, the state school for the 231324
blind shall be open to receive persons who are residents of this 231325
state, whose disabilities are visual impairments, and who, in the 231326
judgment of the ~~superintendent of public instruction~~ director of 231327
education and workforce and the superintendent of the school for 231328
the blind, due to such disability, cannot be educated in the 231329
public school system and are suitable persons to receive 231330
instructions according to the methods employed in the school. 231331

Sec. 3325.03. The superintendent of the state school for the 231332
deaf or the superintendent of the state school for the blind may 231333
return to ~~its~~ the pupil's parents, guardian, or proper agency any 231334
pupil under ~~his~~ the superintendent's jurisdiction, who, in the 231335
opinion of such superintendent and the ~~superintendent of public~~ 231336
~~instruction~~ director of education and workforce, is not making 231337
sufficient progress in ~~its~~ the pupil's school or industrial work 231338
to justify ~~its~~ continuance as a pupil in such school. 231339

Sec. 3325.04. The superintendent of the state school for the 231340
deaf and the superintendent of the state school for the blind, 231341
with the approval of the ~~superintendent of public~~ 231342
~~instruction~~ director of education and workforce, shall, for their 231343
respective schools and subject to the rules and regulations of the 231344
civil service, employ suitable teachers, nurses, and other help 231345

necessary to provide the proper instruction and care for the 231346
pupils under their jurisdiction. 231347

No individual hired on or after ~~the effective date of this~~ 231348
~~amendment~~ August 29, 1991, as a classroom teacher at the state 231349
school for the blind shall be permitted to retain employment as a 231350
teacher at the school unless prior to the date of such hiring, or 231351
within one year of that date, the individual completes at least 231352
two courses of instruction in braille at an institution of higher 231353
education or demonstrates equivalent competency in the use of 231354
braille to the satisfaction of the superintendent of the state 231355
school for the blind. 231356

Sec. 3325.05. The ~~state board~~ department of education and 231357
workforce may provide for the further and higher education of any 231358
blind pupils, who in its judgment are capable of receiving 231359
sufficient benefit to render them more efficient as citizens, by 231360
appointing readers for such persons to read from textbooks and 231361
pamphlets used in their studies while in attendance as regularly 231362
matriculated students in any college, university, or technical or 231363
professional school located in this state and authorized to grant 231364
degrees. Any fund appropriated for such purpose shall be 231365
distributed under the direct supervision of the ~~state board of~~ 231366
~~education~~ department. No person shall receive the benefit 231367
conferred by this section who has not had an actual residence in 231368
this state for at least one year. 231369

Sec. 3325.06. (A) The ~~state board~~ department of education and 231370
workforce shall institute and establish a program of education ~~by~~ 231371
~~the department of education~~ to train parents of deaf or hard of 231372
hearing children of preschool age. The object and purpose of the 231373
educational program shall be to aid and assist the parents of deaf 231374
or hard of hearing children of preschool age in affording to the 231375
children the means of optimum communicational facilities. 231376

(B) The ~~state board of education~~ department shall institute 231377
and establish a program of education to train and assist parents 231378
of children of preschool age whose disabilities are visual 231379
impairments. The object and purpose of the educational program 231380
shall be to enable the parents of children of preschool age whose 231381
disabilities are visual impairments to provide their children with 231382
learning experiences that develop early literacy, communication, 231383
mobility, and daily living skills so the children can function 231384
independently in their living environments. 231385

Sec. 3325.07. The ~~state board~~ department of education and 231386
workforce in carrying out this section and division (A) of section 231387
3325.06 of the Revised Code shall, insofar as practicable, plan, 231388
present, and carry into effect an educational program by means of 231389
any of the following methods of instruction: 231390

(A) Classes for parents of deaf or hard of hearing children 231391
of preschool age; 231392

(B) A nursery school where parent and child would enter the 231393
nursery school as a unit; 231394

(C) Correspondence course; 231395

(D) Personal consultations and interviews; 231396

(E) Day-care or child development courses; 231397

(F) Summer enrichment courses; 231398

(G) By such other means or methods as the superintendent of 231399
the state school for the deaf deems advisable that would permit a 231400
deaf or hard of hearing child of preschool age to construct a 231401
pattern of communication at an early age. 231402

The superintendent may allow children who are not deaf or 231403
hard of hearing to participate in the methods of instruction 231404
described in divisions (A) to (G) of this section as a means to 231405
assist deaf or hard of hearing children to construct a pattern of 231406

communication. The superintendent shall establish policies and 231407
procedures regarding the participation of children who are not 231408
deaf or hard of hearing. 231409

The superintendent may establish reasonable fees for 231410
participation in the methods of instruction described in divisions 231411
(A) to (G) of this section to defray the costs of carrying them 231412
out. The superintendent shall determine the manner by which any 231413
such fees shall be collected. All fees shall be deposited in the 231414
even start fees and gifts fund, which is hereby created in the 231415
state treasury. The money in the fund shall be used to implement 231416
this section. 231417

Sec. 3325.071. The ~~state board~~ department of education and 231418
workforce in carrying out this section and division (B) of section 231419
3325.06 of the Revised Code shall, insofar as practicable, plan, 231420
present, and carry into effect an educational program by means of 231421
any of the following methods of instruction: 231422

(A) Classes for parents of children of preschool age whose 231423
disabilities are visual impairments, independently or in 231424
cooperation with community agencies; 231425

(B) Periodic interactive parent-child classes for infants and 231426
toddlers whose disabilities are visual impairments; 231427

(C) Correspondence course; 231428

(D) Personal consultations and interviews; 231429

(E) Day-care or child development courses for children and 231430
parents; 231431

(F) Summer enrichment courses; 231432

(G) By such other means or methods as the superintendent of 231433
the state school for the blind deems advisable that would permit a 231434
child of preschool age whose disability is a visual impairment to 231435
construct a pattern of communication and develop literacy, 231436

mobility, and independence at an early age. 231437

The superintendent may allow children who do not have 231438
disabilities that are visual impairments to participate in the 231439
methods of instruction described in divisions (A) to (G) of this 231440
section so that children of preschool age whose disabilities are 231441
visual impairments are able to learn alongside their peers while 231442
receiving specialized instruction that is based on early learning 231443
and development strategies. The superintendent shall establish 231444
policies and procedures regarding the participation of children 231445
who do not have disabilities that are visual impairments. 231446

The superintendent may establish reasonable fees for 231447
participation in the methods of instruction described in divisions 231448
(A) to (G) of this section to defray the costs of carrying them 231449
out. The superintendent shall determine the manner by which any 231450
such fees shall be collected. All fees shall be deposited in the 231451
state school for the blind even start fees and gifts fund, which 231452
is hereby created in the state treasury. The money in the fund 231453
shall be used to implement this section. 231454

Sec. 3325.08. (A) A diploma shall be granted by the 231455
superintendent of the state school for the blind and the 231456
superintendent of the state school for the deaf to any student 231457
enrolled in one of these state schools to whom all of the 231458
following apply: 231459

(1) The student has successfully completed the individualized 231460
education program developed for the student for the student's high 231461
school education pursuant to section 3323.08 of the Revised Code; 231462

(2) Subject to section 3313.614 of the Revised Code, the 231463
student has met the assessment requirements of division (A)(2)(a) 231464
or (b) of this section, as applicable. 231465

(a) If the student entered the ninth grade prior to July 1, 231466

2014, the student either:	231467
(i) Has attained at least the applicable scores designated	231468
under division (B)(1) of section 3301.0710 of the Revised Code on	231469
all the assessments prescribed by that division unless division	231470
(L) of section 3313.61 of the Revised Code applies to the student;	231471
(ii) Has satisfied the alternative conditions prescribed in	231472
section 3313.615 of the Revised Code.	231473
(b) If the student entered the ninth grade on or after July	231474
1, 2014, the student has met the requirement prescribed by section	231475
3313.618 of the Revised Code, except to the extent that division	231476
(L) of section 3313.61 of the Revised Code applies to the student.	231477
(3) The student is not eligible to receive an honors diploma	231478
granted pursuant to division (B) of this section.	231479
No diploma shall be granted under this division to anyone	231480
except as provided under this division.	231481
(B) In lieu of a diploma granted under division (A) of this	231482
section, the superintendent of the state school for the blind and	231483
the superintendent of the state school for the deaf shall grant an	231484
honors diploma, in the same manner that the boards of education of	231485
school districts grant such diplomas under division (B) of section	231486
3313.61 of the Revised Code, to any student enrolled in one of	231487
these state schools who accomplishes all of the following:	231488
(1) Successfully completes the individualized education	231489
program developed for the student for the student's high school	231490
education pursuant to section 3323.08 of the Revised Code;	231491
(2) Subject to section 3313.614 of the Revised Code, has met	231492
the assessment requirements of division (B)(2)(a) or (b) of this	231493
section, as applicable.	231494
(a) If the student entered the ninth grade prior to July 1,	231495
2014, the student either:	231496

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;	231497 231498 231499
(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.	231500 231501
(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.	231502 231503 231504
(3) Has met additional criteria for granting an honors diploma.	231505 231506
These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.	231507 231508 231509 231510 231511 231512
(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction <u>director of education and workforce</u> and the superintendent of the state school for the blind or the superintendent of the state school for the deaf, as applicable. Each diploma shall bear the date of its issue and be in such form as the school superintendent prescribes.	231513 231514 231515 231516 231517 231518 231519
(D) Upon granting a diploma to a student under this section, the superintendent of the state school in which the student is enrolled shall provide notice of receipt of the diploma to the board of education of the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code when not residing at the state school for the blind or the state school for the deaf. The notice shall indicate the type of diploma granted.	231520 231521 231522 231523 231524 231525 231526 231527

Sec. 3325.09. (A) The ~~state board~~ department of education and 231528
workforce shall institute and establish career-technical education 231529
and work training programs for secondary and post-secondary 231530
students whose disabilities are visual impairments. These programs 231531
shall develop communication, mobility, and work skills and assist 231532
students in becoming productive members of society so that they 231533
can contribute to their communities and living environments. 231534

231535

(B) The state school for the blind may use any gifts, 231536
donations, or bequests it receives under section 3325.10 of the 231537
Revised Code for one or more of the following purposes that are 231538
related to career-technical and work training programs for 231539
secondary and post-secondary students whose disabilities are 231540
visual impairments: 231541

(1) Room and board; 231542

(2) Training in mobility and orientation; 231543

(3) Activities that teach daily living skills; 231544

(4) Rehabilitation technology; 231545

(5) Activities that teach group and individual social and 231546
interpersonal skills; 231547

(6) Work placement in the community by the school or a 231548
community agency; 231549

(7) Transportation to and from work sites or locations of 231550
community interaction; 231551

(8) Supervision and management of programs and services. 231552

Sec. 3325.11. There is hereby created in the state treasury 231553
the state school for the blind student activity and work-study 231554
fund. Moneys received from donations, bequests, the school 231555
vocational program, and any other moneys designated for deposit in 231556

the fund by the superintendent of the state school for the blind 231557
shall be credited to the fund. Notwithstanding section 3325.01 of 231558
the Revised Code, the approval of the ~~state board~~ department of 231559
education and workforce is not required to designate money for 231560
deposit into the fund. The school for the blind shall use money in 231561
the fund for school operating expenses, including, but not limited 231562
to, personal services, maintenance, and equipment related to 231563
student support, activities, and vocational programs, and for 231564
providing scholarships to students for further training upon 231565
graduation. 231566

Sec. 3325.12. Money deposited with the superintendent of the 231567
state school for the blind and the superintendent of the state 231568
school for the deaf by parents, relatives, guardians, and friends 231569
for the special benefit of any pupil shall remain in the hands of 231570
the respective superintendent for use accordingly. Each 231571
superintendent shall deposit the money into one or more personal 231572
deposit funds. Each superintendent shall keep itemized book 231573
accounts of the receipt and disposition of the money, which books 231574
shall be open at all times to the inspection of the ~~superintendent~~ 231575
~~of public instruction~~ director of education and workforce. The 231576
superintendent of the state school for the blind and the 231577
superintendent of the state school for the deaf each shall adopt 231578
rules governing the deposit, transfer, withdrawal, or investment 231579
of the money and the investment earnings of the money. 231580

Whenever a pupil ceases to be enrolled in the state school 231581
for the blind or the state school for the deaf, if personal money 231582
of the pupil remains in the hands of the respective superintendent 231583
and no demand is made upon the superintendent by the pupil or the 231584
pupil's parent or guardian, the superintendent shall hold the 231585
money in a personal deposit fund for a period of at least one 231586
year. During that time, the superintendent shall make every effort 231587

possible to locate the pupil or the pupil's parent or guardian. 231588
If, at the end of this period, no demand has been made for the 231589
money held by the state school for the blind, the superintendent 231590
of the state school for the blind shall dispose of the money by 231591
transferring it to the state school for the blind student activity 231592
and work-study fund established by section 3325.11 of the Revised 231593
Code. If at the end of this period, no demand has been made for 231594
the money held by the state school for the deaf, the 231595
superintendent of the state school for the deaf shall dispose of 231596
the money by transferring it to the state school for the deaf 231597
educational program expenses fund established by section 3325.16 231598
of the Revised Code. 231599

Sec. 3325.13. The state school for the blind employees food 231600
service fund is hereby created in the state treasury. The fund 231601
shall consist of payments received from employees who make 231602
purchases from the school's food service program. Notwithstanding 231603
section 3325.01 of the Revised Code, the approval of the ~~state~~ 231604
~~board~~ department of education and workforce is not required to 231605
designate money for deposit into the fund. The school for the 231606
blind shall use money in the fund to pay costs associated with the 231607
school's food service program. 231608

Sec. 3325.16. There is hereby created in the state treasury 231609
the state school for the deaf educational program expenses fund. 231610
Moneys received by the school from donations, bequests, student 231611
fundraising activities, fees charged for camps and workshops, gate 231612
receipts from athletic contests, and the student work experience 231613
program operated by the school, and any other moneys designated 231614
for deposit in the fund by the superintendent of the school, shall 231615
be credited to the fund. Notwithstanding section 3325.01 of the 231616
Revised Code, the approval of the ~~state-board~~ department of 231617
education and workforce is not required to designate money for 231618

deposit into the fund. The state school for the deaf shall use 231619
moneys in the fund for educational programs, after-school 231620
activities, and expenses associated with student activities and 231621
clubs. 231622

Sec. 3325.17. There is hereby created in the state treasury 231623
the state school for the blind educational program expense fund. 231624
Moneys received by the school from donations, bequests, student 231625
fundraising activities, fees charged for camps, workshops, and 231626
summer work and learn cooperative programs, gate receipts from 231627
school activities, and any other moneys designated for deposit in 231628
the fund by the superintendent of the school, shall be credited to 231629
the fund. Notwithstanding section 3325.01 of the Revised Code, the 231630
approval of the ~~state board~~ department of education and workforce 231631
is not required to designate money for deposit into the fund. The 231632
state school for the blind shall use moneys in the fund for 231633
educational programs, after-school activities, and expenses 231634
associated with student activities. 231635

Sec. 3326.02. There is hereby established the STEM committee 231636
of the department of education and workforce consisting of the 231637
following members: 231638

(A) The ~~superintendent of public instruction~~ director of 231639
education and workforce, or the ~~superintendent's~~ director's 231640
designee; 231641

(B) The chancellor of higher education, or the chancellor's 231642
designee; 231643

(C) The director of development, or the director's designee; 231644

(D) Four members of the public, two of whom shall be 231645
appointed by the governor, one of whom shall be appointed by the 231646
speaker of the house of representatives, and one of whom shall be 231647

appointed by the president of the senate. Members of the public 231648
shall be appointed based on their expertise in business or in STEM 231649
fields. 231650

All members of the committee appointed under division (D) of 231651
this section shall serve at the pleasure of their appointing 231652
authority. 231653

If a member listed in divisions (A) to (C) of this section 231654
elects to assign a designee to participate in committee business 231655
on the member's behalf, the member shall assign that designation 231656
to a single person for the time period in which the designation is 231657
effective. 231658

Members of the committee shall receive no compensation for 231659
their services. The department of education and workforce shall 231660
provide administrative support for the committee. 231661

Sec. 3326.03. (A) The STEM committee shall authorize the 231662
establishment of science, technology, engineering, and mathematics 231663
schools based on proposals submitted to the committee. 231664

The committee shall determine the criteria for proposals, 231665
establish procedures for the submission of proposals, accept and 231666
evaluate proposals, and choose which proposals to approve to 231667
become a STEM school. In approving proposals for STEM schools, the 231668
committee shall consider designating schools in diverse geographic 231669
regions of the state so that all students have access to a STEM 231670
school. 231671

The committee shall seek technical assistance from the Ohio 231672
STEM learning network, or its successor, throughout the process of 231673
accepting and evaluating proposals and choosing which proposals to 231674
approve. In approving proposals for STEM schools, the committee 231675
shall consider the recommendations of the Ohio STEM learning 231676
network, or its successor. 231677

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM schools to be under the direction of a single governing body, the committee may authorize one or more additional schools to operate as part of that group, provided a proposal for each school is submitted in accordance with this section.

The STEM committee may approve one or more STEM schools to serve only students identified as gifted under Chapter 3324. of the Revised Code.

(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following:

- (1) A city, exempted village, or local school district;
- (2) Higher education entities;
- (3) Business organizations.

A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.

(C) Each proposal shall include at least the following:

(1) A statement of which of grades kindergarten through twelve will be offered by the school;

(2) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

(3) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal;	231708 231709 231710 231711
(4) Evidence that each school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;	231712 231713 231714
(5) Evidence that each school will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students enrolled in the school, with the goal to prepare all students for post-high school learning experiences, the workforce, and citizenship, and that does all of the following:	231715 231716 231717 231718 231719
(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	231720 231721 231722
(b) Emphasizes the use of design thinking as a school-wide approach;	231723 231724
(c) Provides opportunities for students to engage in personalized learning;	231725 231726
(d) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.	231727 231728 231729 231730 231731 231732 231733
(6) Evidence that school leadership supports the curriculum principles of division (C)(5) of this section;	231734 231735
(7) A description of how each school's curriculum was developed using the curriculum principles described in division	231736 231737

(C)(5) of this section and approved by a team in accordance with section 3326.09 of the Revised Code; 231738
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(8) Evidence that each school will participate in regular STEM-focused professional development and share knowledge of best practices; 231740
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(9) Evidence that each school has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence of established partnerships with one or more arts organizations. 231743
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(10) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 231747
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(11) A description of how each school's assets will be distributed if the school closes for any reason. 231753
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(D) A STEM school that is designated under this section may submit an amended proposal to the STEM committee at any time to offer additional grade levels. Upon approval of the amended proposal by the committee, those grades may be offered by the school. 231755
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(E)(1) If a school is designated as a STEM school under this section, it shall maintain that designation for five years unless the STEM committee revokes its designation during that five-year period under division (F) of this section. At the end of that five-year period, the school shall reapply to the STEM committee in order to maintain that designation. The committee shall authorize the continuation of the school's STEM designation if the committee finds that the school is in compliance with this chapter and the provisions of its proposal and any subsequent amendments 231760
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to that proposal. 231769

If a school chooses not to reapply for designation as a STEM school under division (E)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period. 231770
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(2) If a school reapplies for its designation as a STEM school under division (E)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and workforce and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 231774
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(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school under this section. 231787
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(F) If the STEM committee has reason to believe that a school that is designated as a STEM school under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (E)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective 231790
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action plan to the satisfaction of the committee at the end of 231801
that year, the committee shall revoke the school's designation. 231802

(G) If a STEM school wishes to become a STEAM school, it may 231803
change its existing proposal to include the items required under 231804
divisions (C)(5)(d), (C)(9), and (C)(10) of this section and 231805
submit the revised proposal to the STEM committee for approval. 231806

(H) Notwithstanding division (B)(1) of this section, on and 231807
~~after the effective date of this amendment~~ September 30, 2021, a 231808
school operated by a joint vocational school district that was 231809
designated as a STEM school prior to that date may maintain that 231810
designation provided the school continues to comply with this 231811
chapter and all provisions of its proposal and any subsequent 231812
amendments to that proposal. However, nothing shall prohibit that 231813
school from electing to apply for a designation of STEM school 231814
equivalent or distinction as a STEM program of excellence under 231815
section 3326.032 or 3326.04 of the Revised Code, respectively. 231816

Sec. 3326.032. (A) The STEM committee may grant a designation 231817
of STEM school equivalent to any of the following schools: 231818

(1) A school operated by a joint vocational school district; 231819

(2) A school offering career-technical education programs 231820
that is operated by a school district that is a comprehensive 231821
career-technical education provider; 231822

(3) A school offering career-technical education programs 231823
that is operated by a school district that is a participant in a 231824
compact career-technical education provider; 231825

(4) A community school established under Chapter 3314. of the 231826
Revised Code; 231827

(5) A chartered nonpublic school. 231828

In order to be eligible for this designation, a school shall 231829
submit a proposal that satisfies the requirements of this section. 231830

The committee shall determine the criteria for proposals, 231831
establish procedures for the submission of proposals, accept and 231832
evaluate proposals, and choose which proposals warrant a school to 231833
be designated as a STEM school equivalent. 231834

(B) A proposal for designation as a STEM school equivalent 231835
shall include at least the following: 231836

(1) A statement of which of grades kindergarten through 231837
twelve will be offered by the school; 231838

(2) Assurances that the school will operate in compliance 231839
with this section and the provisions of the proposal as accepted 231840
by the committee and that the school will maintain the STEM 231841
education practices set forth in the proposal; 231842

(3) Evidence that the school will exhibit school-wide 231843
cultural strategies reflecting innovation, an entrepreneurial 231844
spirit, inquiry, and collaboration with individual accountability; 231845

(4) Evidence that the school will offer a rigorous, diverse, 231846
integrated, and problem- or project-based curriculum to all 231847
students enrolled in the school, with the goal to prepare all 231848
students for post-secondary learning experiences, the workforce, 231849
and citizenship, and that does all of the following: 231850

(a) Emphasizes and supports the role of science, technology, 231851
engineering, and mathematics in promoting innovation and economic 231852
progress; 231853

(b) Emphasizes the use of design thinking as a school-wide 231854
approach; 231855

(c) Provides opportunities for students to engage in 231856
personalized learning; 231857

(d) Includes the arts and humanities. If the proposal is for 231858
a STEAM school equivalent, it also shall include evidence that the 231859
curriculum will integrate arts and design into the study of 231860

science, technology, engineering, and mathematics to foster 231861
creative thinking, problem-solving, and new approaches to 231862
scientific invention. 231863
231864

(5) Evidence that the school leadership supports the 231865
curriculum principles of division (B)(4) of this section; 231866

(6) A description of how the school's curriculum was 231867
developed using the principles of division (B)(4) of this section 231868
and approved by a team in accordance with section 3326.09 of the 231869
Revised Code; 231870

(7) Evidence that the school will participate in regular 231871
professional development and share knowledge of best practices; 231872

(8) Evidence that the school has established partnerships 231873
with institutions of higher education and businesses. If the 231874
proposal is for a STEAM school equivalent, it also shall include 231875
evidence of established partnerships with one or more arts 231876
organizations. 231877

(9) Assurances that the school has received commitments of 231878
sustained and verifiable fiscal and in-kind support from regional 231879
education and business entities. If the proposal is for a STEAM 231880
school equivalent, it also shall include assurances that the 231881
school has received commitments of sustained and verifiable fiscal 231882
and in-kind support from arts organizations. 231883

(C)(1) If a school is designated as a STEM school equivalent 231884
under this section, it shall maintain that designation for five 231885
years unless the STEM committee revokes its designation during 231886
that five-year period under division (D) of this section. At the 231887
end of that five-year period, the school shall reapply to the STEM 231888
committee in order to maintain that designation. The committee 231889
shall authorize the continuation of the school's designation as a 231890
STEM school equivalent if the committee finds that the school is 231891

in compliance with this chapter and the provisions of its proposal 231892
and any subsequent amendments to that proposal. 231893

If a school chooses not to reapply for designation as a STEM 231894
school equivalent under division (C)(1) of this section, the 231895
committee shall revoke the school's designation at the end of its 231896
five-year designation period. 231897

(2) If a school reapplies for its designation as a STEM 231898
school equivalent under division (C)(1) of this section and the 231899
committee has reason to believe that it is not in compliance with 231900
this chapter or the provisions of its proposal and any subsequent 231901
amendments to that proposal, the committee shall require the 231902
school, in collaboration with the department of education and 231903
workforce and the Ohio STEM learning network or its successor, to 231904
develop a corrective action plan. The school shall implement the 231905
corrective action plan and demonstrate exemplary STEM pedagogy and 231906
practices within one year of the plan's development. If the school 231907
fails to implement the corrective action plan to the satisfaction 231908
of the committee at the end of that year, the committee shall 231909
revoke the school's designation. 231910

(3) The department shall maintain records of the application 231911
status and designation renewal deadlines for each school that has 231912
been designated as a STEM school equivalent under this section. 231913

(D) If the STEM committee has reason to believe that a school 231914
that is designated as a STEM school equivalent under this section 231915
is not in compliance with this chapter or the provisions of its 231916
proposal and any subsequent amendments to that proposal, it may 231917
review the school's designation prior to the end of its five-year 231918
designation period. If the committee reviews a school's 231919
designation under this division, it must require the school to 231920
develop a corrective action plan in the same manner as specified 231921
in division (C)(2) of this section and implement that plan and 231922
demonstrate exemplary STEM pedagogy and practices within one year 231923

of the plan's development. If the school fails to implement the 231924
corrective action plan to the satisfaction of the committee at the 231925
end of that year, the committee shall revoke the school's 231926
designation. 231927

(E) A school that is designated as a STEM school equivalent 231928
under this section shall not be subject to the requirements of 231929
Chapter 3326. of the Revised Code, except that the school shall be 231930
subject to the requirements of this section and to the curriculum 231931
requirements of section 3326.09 of the Revised Code. 231932

Nothing in this section, however, shall relieve a community 231933
school of the applicable requirements of Chapter 3314. of the 231934
Revised Code. Nor shall anything in this section relieve a school 231935
operated by a joint vocational school district, a school operated 231936
by a comprehensive career-technical education provider, a school 231937
operated by a compact career-technical education provider, or a 231938
chartered nonpublic school of any provisions of law outside of 231939
this chapter that are applicable to such schools. 231940

(2) A school that is designated as a STEM school equivalent 231941
under this section shall not be eligible for operating funding 231942
under sections 3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 231943
of the Revised Code. 231944

(3) A school that is designated as a STEM school equivalent 231945
under this section may apply for any of the grants and additional 231946
funds described in section 3326.38 of the Revised Code for which 231947
the school is eligible. 231948

(F) If a school that is designated as a STEM school 231949
equivalent under this section intends to close or intends to no 231950
longer be designated as a STEM school equivalent, it shall notify 231951
the STEM committee of that fact. 231952

(G) If a school that is designated as a STEM school 231953
equivalent wishes to be designated as a STEAM school equivalent, 231954

it may change its existing proposal to include the items required 231955
under divisions (B)(4)(d), (B)(8), and (B)(9) of this section and 231956
submit the revised proposal to the STEM committee for approval. 231957

Sec. 3326.04. (A) The STEM committee shall grant distinctions 231958
as STEM programs of excellence to STEM programs operated by joint 231959
vocational school districts, comprehensive career-technical 231960
education providers, compact career-technical education providers, 231961
and educational service centers in accordance with this section. 231962

(B) A joint vocational school district, comprehensive 231963
career-technical education provider, compact career-technical 231964
education provider, or educational service center may submit a 231965
proposal to the STEM committee seeking distinction as a STEM 231966
program of excellence. The proposal shall demonstrate to the 231967
satisfaction of the STEM committee that the program meets at least 231968
the following standards: 231969

(1) Unless the program is designed to serve only students 231970
identified as gifted under Chapter 3324. of the Revised Code, the 231971
program will serve all students enrolled in the grades for which 231972
the program is designed. 231973

(2) The program will provide students with the opportunity to 231974
innovate, develop an entrepreneurial spirit, engage in inquiry, 231975
and collaborate with individual accountability. 231976

(3) The program will offer a rigorous, diverse, integrated, 231977
and problem- or project-based curriculum to students, with the 231978
goal to prepare students for post-secondary learning experiences, 231979
the workforce, and citizenship, and that does all of the 231980
following: 231981

(a) Emphasizes and supports the role of science, technology, 231982
engineering, and mathematics in promoting innovation and economic 231983
progress; 231984

(b) Emphasizes the use of design thinking as a school-wide approach;	231985 231986
(c) Provides opportunities for students to engage in personalized learning;	231987 231988
(d) Includes the arts and humanities. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.	231989 231990 231991 231992 231993 231994
(4) The district, provider, or service center leadership supports the curriculum principles of division (B)(3) of this section.	231995 231996 231997
(5) The program's leaders participate in regular STEM-focused professional development and share knowledge of best practices.	231998 231999
(6) The program has established partnerships with institutions of higher education and businesses. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence of established partnerships with one or more arts organizations.	232000 232001 232002 232003 232004
(7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations;	232005 232006 232007 232008 232009 232010
(8) The program's curriculum was developed using the principles described in division (B)(3) of this section and approved by a team in accordance with section 3326.09 of the Revised Code.	232011 232012 232013 232014

(C)(1) If a joint vocational school district, comprehensive 232015
career-technical education provider, compact career-technical 232016
education provider, or educational service center receives a 232017
distinction as a STEM program of excellence under this section, it 232018
shall maintain that distinction for five years unless the STEM 232019
committee revokes the distinction during that five-year period 232020
under division (E) of this section. At the end of that five-year 232021
period, the district, provider, or service center shall reapply to 232022
the STEM committee in order to maintain that distinction. The 232023
committee shall authorize the continuation of the district's, 232024
provider's, or service center's distinction as a STEM program of 232025
excellence if the committee finds that the district, provider, or 232026
service center is in compliance with this chapter and the 232027
provisions of its proposal and any subsequent amendments to that 232028
proposal. 232029

If a joint vocational school district, comprehensive 232030
career-technical education provider, compact career-technical 232031
education provider, or educational service center chooses not to 232032
reapply for a distinction for a STEM program of excellence under 232033
division (C)(1) of this section, the committee shall revoke the 232034
district's, provider's, or service center's distinction at the end 232035
of its five-year period of distinction. 232036

(2) If a joint vocational school district, comprehensive 232037
career-technical education provider, compact career-technical 232038
education provider, or educational service center reapplies for 232039
distinction as a STEM program of excellence under division (C)(1) 232040
of this section and the committee has reason to believe that it is 232041
not in compliance with this chapter or the provisions of its 232042
proposal and any subsequent amendments to that proposal, the 232043
committee shall require the district, provider, or service center, 232044
in collaboration with the department of education and workforce 232045
and the Ohio STEM learning network or its successor, to develop a 232046

corrective action plan. The district, provider, or service center 232047
shall implement the corrective action plan and demonstrate 232048
exemplary STEM pedagogy and practices within one year of the 232049
plan's development. If the district, provider, or service center 232050
fails to implement the corrective action plan to the satisfaction 232051
of the committee at the end of that year, the committee shall 232052
revoke the district's, provider's, or service center's 232053
distinction. 232054

(3) The department shall maintain records of the application 232055
status and designation renewal deadlines for each joint vocational 232056
school district, comprehensive career-technical education 232057
provider, compact career-technical education provider, or 232058
educational service center that has received a distinction as a 232059
STEM program of excellence under this section. 232060

(D) If the STEM committee has reason to believe that a joint 232061
vocational school district, comprehensive career-technical 232062
education provider, compact career-technical education provider, 232063
or educational service center that has received a distinction as a 232064
STEM program of excellence under this section is not in compliance 232065
with this chapter or the provisions of its proposal and any 232066
subsequent amendments to that proposal, it may review the 232067
district's, provider's, or service center's distinction prior to 232068
the end of the five-year period during which that distinction is 232069
effective. If the committee reviews a district's, provider's, or 232070
service center's distinction under this division, it must require 232071
the district, provider, or service center to develop a corrective 232072
action plan in the same manner as specified in division (C)(2) of 232073
this section and implement that plan and demonstrate exemplary 232074
STEM pedagogy and practices within one year of the plan's 232075
development. If the district, provider, or service center fails to 232076
implement the corrective action plan to the satisfaction of the 232077
committee at the end of that year, the committee shall revoke the 232078

district's, provider's, or service center's distinction. 232079

(E) If a joint vocational school district, comprehensive 232080
career-technical education provider, compact career-technical 232081
education provider, or educational service center that has 232082
received distinction for a STEM program of excellence instead 232083
wishes to receive a distinction for a STEAM program of excellence, 232084
it may change its existing proposal to include the items required 232085
under divisions (B)(3)(d), (B)(6), and (B)(7) of this section and 232086
submit the revised proposal to the STEM committee for approval. 232087

Sec. 3326.08. (A) The governing body of each science, 232088
technology, engineering, and mathematics school shall engage the 232089
services of administrative officers, teachers, and nonteaching 232090
employees of the STEM school necessary for the school to carry out 232091
its mission and shall oversee the operations of the school. The 232092
governing body of each STEM school shall engage the services of a 232093
chief administrative officer to serve as the school's 232094
instructional and administrative leader. The chief administrative 232095
officer shall be granted the authority to oversee the recruitment, 232096
retention, and employment of teachers and nonteaching employees. 232097

(B) The department of education and workforce shall monitor 232098
the oversight of each STEM school exercised by the school's 232099
governing body and shall monitor the school's compliance with this 232100
chapter and with the proposal for the establishment of the school 232101
as it was approved by the STEM committee under section 3326.03 of 232102
the Revised Code. Except in the case of a STEM school that is 232103
governed and controlled by a school district in accordance with 232104
section 3326.51 of the Revised Code, if the department finds that 232105
the school is not in compliance with this chapter or with the 232106
proposal and the STEM committee has revoked the school's STEM 232107
designation under division (E)(1) or (2) or (F) of section 3326.03 232108
of the Revised Code, the department shall consult with the STEM 232109

committee, and the committee shall order the school to close on 232110
the last day of the school year in which the committee issues its 232111
order. 232112

(C) The governing body of each STEM school shall comply with 232113
sections 121.22 and 149.43 of the Revised Code. 232114

Sec. 3326.081. (A) As used in this section, "license" has the 232115
same meaning as in section 3319.31 of the Revised Code. 232116

(B) If a person who is employed by a science, technology, 232117
engineering, and mathematics school established under this chapter 232118
is arrested, summoned, or indicted for an alleged violation of an 232119
offense listed in division (C) of section 3319.31 of the Revised 232120
Code, if the person holds a license, or an offense listed in 232121
division (B)(1) of section 3319.39 of the Revised Code, if the 232122
person does not hold a license, the chief administrative officer 232123
of the school shall suspend that person from all duties that 232124
require the care, custody, or control of a child during the 232125
pendency of the criminal action against the person. If the person 232126
who is arrested, summoned, or indicted for an alleged violation of 232127
an offense listed in division (C) of section 3319.31 or division 232128
(B)(1) of section 3319.39 of the Revised Code is the chief 232129
administrative officer of the school, the governing body of the 232130
school shall suspend the chief administrative officer from all 232131
duties that require the care, custody, or control of a child. 232132

(C) When a person who holds a license is suspended in 232133
accordance with this section, the chief administrative officer or 232134
governing body that imposed the suspension promptly shall report 232135
the person's suspension to the department of education and 232136
workforce and to the state board of education. The report shall 232137
include the offense for which the person was arrested, summoned, 232138
or indicted. 232139

Sec. 3326.15. Each science, technology, engineering, and mathematics school and its governing body shall comply with sections 3313.603 and 3313.6027 of the Revised Code as if it were a school district. However, a STEM school may permit a student to earn units of high school credit based on a demonstration of subject area competency instead of or in combination with completing hours of classroom instruction prior to the adoption by the ~~state board~~ department of education and workforce of the plan for granting high school credit based on competency, as required by division (J) of that section. Upon adoption of the plan, each STEM school shall comply with that plan and award units of high school credit in accordance with the plan.

Sec. 3326.17. (A) The department of education and workforce shall issue an annual report card for each science, technology, engineering, and mathematics school that includes all information applicable to school buildings under section 3302.03 of the Revised Code.

(B) Beginning with the report cards issued for the 2020-2021 school year, for each student enrolled in a STEM school that is not a STEM school governed by a STEM school sponsoring district, as defined in section 3326.51 of the Revised Code, the department shall combine data regarding the academic performance of that student with comparable data from the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code for the purpose of calculating the performance of the district as a whole on the report card issued for the district under section 3302.03 of the Revised Code.

(C) The department also shall compute a rating for each group of STEM schools that is under the direction of the same governing body, as authorized under section 3326.031 of the Revised Code, and issue a distinct report card for the group as a whole.

(D) Each STEM school and its governing body shall comply with 232171
sections 3302.04 and 3302.041 of the Revised Code, except that any 232172
action required to be taken by a school district pursuant to those 232173
sections shall be taken by the school. ~~However, the school shall~~ 232174
~~not be required to take any action described in division (F) of~~ 232175
~~section 3302.04 of the Revised Code.~~ 232176

Sec. 3326.211. (A) If the auditor of state or a public 232177
accountant, pursuant to section 117.41 of the Revised Code, 232178
declares a science, technology, engineering, and mathematics 232179
school to be unauditabile, the auditor of state shall provide 232180
written notification of that declaration to the school and the 232181
department of education and workforce. The auditor of state also 232182
shall post the notification on the auditor of state's web site. 232183

(B) If the STEM school's current treasurer held that position 232184
during the period for which the school is unauditabile, upon 232185
receipt of the notification under division (A) of this section, 232186
the governing body of the school shall suspend the treasurer until 232187
the auditor of state or a public accountant has completed an audit 232188
of the school. Suspension of the treasurer may be with or without 232189
pay, as determined by the governing body based on the 232190
circumstances that prompted the auditor of state's declaration. 232191
The governing body shall appoint a person to assume the duties of 232192
the treasurer during the period of the suspension. If the 232193
appointee is not licensed as a treasurer under section 3301.074 of 232194
the Revised Code, the appointee shall be approved by the 232195
~~superintendent of public instruction~~ director of education and 232196
workforce before assuming the duties of the treasurer. The state 232197
board of education may take action under section 3319.31 of the 232198
Revised Code to suspend, revoke, or limit the license of a 232199
treasurer who has been suspended under this division. 232200

(C) Not later than forty-five days after receiving the 232201

notification under division (A) of this section, the governing 232202
body of the STEM school shall provide a written response to the 232203
auditor of state. The response shall include the following: 232204

(1) An overview of the process the governing body will use to 232205
review and understand the circumstances that led to the school 232206
becoming unauditabile; 232207

(2) A plan for providing the auditor of state with the 232208
documentation necessary to complete an audit of the school and for 232209
ensuring that all financial documents are available in the future; 232210

(3) The actions the governing body will take to ensure that 232211
the plan described in division (C)(2) of this section is 232212
implemented. 232213

(D) If the STEM school fails to make reasonable efforts and 232214
continuing progress to bring its accounts, records, files, or 232215
reports into an auditable condition within ninety days after being 232216
declared unauditabile, the auditor of state, in addition to 232217
requesting legal action under sections 117.41 and 117.42 of the 232218
Revised Code, shall notify the school and the department of the 232219
school's failure. If the auditor of state or a public accountant 232220
subsequently is able to complete a financial audit of the school, 232221
the auditor of state shall notify the school and the department 232222
that the audit has been completed. 232223

(E) Notwithstanding any provision to the contrary in this 232224
chapter or in any other provision of law, upon notification by the 232225
auditor of state under division (D) of this section that the STEM 232226
school has failed to make reasonable efforts and continuing 232227
progress to bring its accounts, records, files, or reports into an 232228
auditabile condition, the department shall immediately cease all 232229
payments to the school under this chapter and any other provision 232230
of law. Upon subsequent notification from the auditor of state 232231
under that division that the auditor of state or a public 232232

accountant was able to complete a financial audit of the school, 232233
the department shall release all funds withheld from the school 232234
under this section. 232235

Sec. 3326.23. This section does not apply to any science, 232236
technology, engineering, and mathematics school that is governed 232237
and controlled by a school district in accordance with section 232238
3326.51 of the Revised Code on or after ~~the effective date of this~~ 232239
~~amendment~~ September 30, 2021. 232240

The governing body of each science, technology, engineering, 232241
and mathematics school annually shall provide the following 232242
assurances in writing to the department of education and workforce 232243
not later than ten business days prior to the opening of the 232244
school: 232245

(A) That the school has a plan for providing special 232246
education and related services to students with disabilities and 232247
has demonstrated the capacity to provide those services in 232248
accordance with Chapter 3323. of the Revised Code and federal law; 232249

(B) That the school has a plan and procedures for 232250
administering the achievement and diagnostic assessments 232251
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 232252
Revised Code; 232253

(C) That school personnel have the necessary training, 232254
knowledge, and resources to properly use and submit information to 232255
all databases maintained by the department for the collection of 232256
education data, including the education management information 232257
system established under section 3301.0714 of the Revised Code; 232258

(D) That all required information about the school has been 232259
submitted to the Ohio education directory system or any successor 232260
system; 232261

(E) That all classroom teachers are licensed in accordance 232262

with sections 3319.22 to 3319.31 of the Revised Code or are	232263
engaged to teach pursuant to section 3319.301 of the Revised Code;	232264
(F) That the school's treasurer is in compliance with section	232265
3326.21 of the Revised Code;	232266
(G) That the school has complied with sections 3319.39 and	232267
3319.391 of the Revised Code with respect to all employees and	232268
that the school has conducted a criminal records check of each of	232269
its governing body members;	232270
(H) That the school holds all of the following:	232271
(1) Proof of property ownership or a lease for the facilities	232272
used by the school;	232273
(2) A certificate of occupancy;	232274
(3) Liability insurance for the school, as required by	232275
section 3326.11 of the Revised Code;	232276
(4) A satisfactory health and safety inspection;	232277
(5) A satisfactory fire inspection;	232278
(6) A valid food permit, if applicable.	232279
(I) That the governing body has conducted a pre-opening site	232280
visit to the school for the school year for which the assurances	232281
are provided;	232282
(J) That the school has designated a date it will open for	232283
the school year for which the assurances are provided;	232284
(K) That the school has met all of the governing body's	232285
requirements for opening and any other requirements of the	232286
governing body.	232287
Sec. 3326.28. (A) With the approval of its governing body, a	232288
STEM school established under this chapter may procure epinephrine	232289
autoinjectors in the manner prescribed by section 3313.7110 of the	232290

Revised Code. A STEM school that elects to do so shall comply with 232291
all provisions of that section as if it were a school district. 232292

(B)(1) The following are not liable in damages in a civil 232293
action for injury, death, or loss to person or property that 232294
allegedly arises from an act or omission associated with 232295
procuring, maintaining, accessing, or using an epinephrine 232296
autoinjector under this section, unless the act or omission 232297
constitutes willful or wanton misconduct: 232298

(a) A STEM school; 232299

(b) A member of a STEM school governing body; 232300

(c) A STEM school employee or contractor; 232301

(d) A licensed health professional authorized to prescribe 232302
drugs who personally furnishes or prescribes epinephrine 232303
autoinjectors, provides a consultation, or issues a protocol 232304
pursuant to this section. 232305

(2) This division does not eliminate, limit, or reduce any 232306
other immunity or defense that a STEM school or governing body, 232307
member of a STEM school governing body, STEM school employee or 232308
contractor, or licensed health professional may be entitled to 232309
under Chapter 2744. or any other provision of the Revised Code or 232310
under the common law of this state. 232311

(C) A STEM school may accept donations of epinephrine 232312
autoinjectors from a wholesale distributor of dangerous drugs or a 232313
manufacturer of dangerous drugs, as defined in section 4729.01 of 232314
the Revised Code, and may accept donations of money from any 232315
person to purchase epinephrine autoinjectors. 232316

(D) A STEM school that elects to procure epinephrine 232317
autoinjectors under this section shall report to the department of 232318
education and workforce each procurement and occurrence in which 232319
an epinephrine autoinjector is used from the school's supply of 232320

epinephrine autoinjectors. 232321

Sec. 3326.30. (A) As used in this section, "inhaler" has the 232322
same meaning as in section 3313.7113 of the Revised Code. 232323

(B) With the approval of its governing body, a STEM school 232324
may procure inhalers in the manner prescribed by section 3313.7113 232325
of the Revised Code. A STEM school that elects to do so shall 232326
comply with all provisions of that section as if it were a school 232327
district. 232328

(C) A STEM school, a member of a STEM school governing body, 232329
or a STEM school employee or contractor is not liable in damages 232330
in a civil action for injury, death, or loss to person or property 232331
that allegedly arises from an act or omission associated with 232332
procuring, maintaining, accessing, or using an inhaler under this 232333
section, unless the act or omission constitutes willful or wanton 232334
misconduct. 232335

This division does not eliminate, limit, or reduce any other 232336
immunity or defense that a STEM school or governing body, member 232337
of a STEM school governing body, or STEM school employee or 232338
contractor may be entitled to under Chapter 2744. or any other 232339
provision of the Revised Code or under the common law of this 232340
state. 232341

(D) A STEM school may accept donations of inhalers from a 232342
wholesale distributor of dangerous drugs or a manufacturer of 232343
dangerous drugs, as defined in section 4729.01 of the Revised 232344
Code, and may accept donations of money from any person to 232345
purchase inhalers. 232346

(E) A STEM school that elects to procure inhalers under this 232347
section shall report to the department of education and workforce 232348
each procurement and occurrence in which an inhaler is used from 232349
the school's supply of inhalers. 232350

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education and workforce, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school who are residents of this state;

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1), (2), (3), (4), and (5) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students reported under division (A) of this section who are English learners and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.

(G) The resident district of each student reported under division (A) of this section;

(H) The total number of students enrolled in the school who are not residents of this state and any additional information

regarding these students that the department requires the school 232381
to report. The school shall not receive any payments under this 232382
chapter for students reported under this division. 232383

(I) Any additional information the department determines 232384
necessary to make payments under this chapter. 232385

Sec. 3326.34. If a science, technology, engineering, and 232386
mathematics school established under this chapter incurs costs for 232387
a fiscal year for a student receiving special education and 232388
related services pursuant to an IEP for a disability described in 232389
divisions (B) to (F) of section 3317.013 of the Revised Code that 232390
exceed the threshold catastrophic cost for serving the student as 232391
specified in division (B) of section 3317.0214 of the Revised 232392
Code, the STEM school may submit to the ~~superintendent of public~~ 232393
~~instruction~~ department of education and workforce documentation, 232394
as prescribed by the ~~superintendent~~ department, of all its costs 232395
for that student. Upon submission of documentation for a student 232396
of the type and in the manner prescribed, the department ~~of~~ 232397
~~education~~ shall pay to the school or, if the school is part of a 232398
group of science, technology, engineering, and mathematics schools 232399
under section 3326.031 of the Revised Code, to the governing body 232400
of that group an amount equal to the school's costs for the 232401
student in excess of the threshold catastrophic costs. 232402

The school shall only report under this section, and the 232403
department shall only pay for, the costs of educational expenses 232404
and the related services provided to the student in accordance 232405
with the student's IEP. Any legal fees, court costs, or other 232406
costs associated with any cause of action relating to the student 232407
may not be included in the amount. 232408

Sec. 3326.35. The department of education and workforce shall 232409
adjust the amounts paid under section 3317.022 of the Revised Code 232410

to reflect any enrollment of students in science, technology, 232411
engineering, and mathematics schools for less than the equivalent 232412
of a full school year. 232413

Sec. 3326.36. The department of education and workforce shall 232414
reduce the amounts paid to a science, technology, engineering, and 232415
mathematics school or to the governing body of a group of science, 232416
technology, engineering, and mathematics schools under section 232417
3317.022 of the Revised Code to reflect payments made to colleges 232418
under section 3365.07 of the Revised Code. A student shall be 232419
considered enrolled in the school for any portion of the school 232420
year the student is attending a college under Chapter 3365. of the 232421
Revised Code. 232422

Sec. 3326.37. The department of education and workforce shall 232423
not pay to a science, technology, engineering, and mathematics 232424
school or to the governing body of a group of science, technology, 232425
engineering, or mathematics schools any amount for any of the 232426
following: 232427

(A) Any student who has graduated from the twelfth grade of a 232428
public or nonpublic school; 232429

(B) Any student who is not a resident of the state; 232430

(C) Any student who was enrolled in a STEM school during the 232431
previous school year when assessments were administered under 232432
section 3301.0711 of the Revised Code but did not take one or more 232433
of the assessments required by that section and was not excused 232434
pursuant to division (C)(1) or (3) of that section, unless the 232435
~~superintendent of public instruction~~ director of education and 232436
workforce grants the student a waiver from the requirement to take 232437
the assessment. The ~~superintendent~~ director may grant a waiver 232438
only for good cause in accordance with rules adopted by the ~~state~~ 232439
~~board of education~~ department. 232440

(D) Any student who has attained the age of twenty-two years, 232441
except for veterans of the armed services whose attendance was 232442
interrupted before completing the recognized twelve-year course of 232443
the public schools by reason of induction or enlistment in the 232444
armed forces and who apply for enrollment in a STEM school not 232445
later than four years after termination of war or their honorable 232446
discharge. If, however, any such veteran elects to enroll in 232447
special courses organized for veterans for whom tuition is paid 232448
under federal law, or otherwise, the department shall not pay to 232449
the school or to the governing body any amount for that veteran. 232450

Sec. 3326.45. (A) The governing body of a science, 232451
technology, engineering, and mathematics school may contract with 232452
the governing board of an educational service center or the board 232453
of education of a joint vocational school district for the 232454
provision of services to the STEM school or to any student 232455
enrolled in the school. Services provided under the contract and 232456
the amount to be paid for those services shall be mutually agreed 232457
to by the parties to the contract, and shall be specified in the 232458
contract. 232459

(B) A contract entered into under this section may require an 232460
educational service center to provide any one or a combination of 232461
the following services to a STEM school: 232462

(1) Supervisory teachers; 232463

(2) In-service and continuing education programs for 232464
personnel of the STEM school; 232465

(3) Curriculum services as provided to the client school 232466
districts of the service center; 232467

(4) Research and development programs; 232468

(5) Academic instruction for which the service center 232469
governing board employs teachers; 232470

(6) Assistance in the provision of special accommodations and classes for students with disabilities. 232471
232472

Services described in division (B) of this section shall be 232473
provided to the STEM school in the same manner they are provided 232474
to client school districts of the service center, unless otherwise 232475
specified in the contract. The contract shall specify whether the 232476
service center will receive a per-pupil payment from the 232477
department of education and workforce for the provision of these 232478
services and, if so, the amount of the per-pupil payment. 232479

(C) For each contract entered into under this section, the 232480
department shall deduct the amount owed by the STEM school from 232481
the state funds due to the STEM school under this chapter and 232482
shall pay that amount to the educational service center or joint 232483
vocational school district that is party to the contract. 232484

(D) No contract entered into under this section shall be 232485
valid unless a copy is filed with the department by the first day 232486
of the school year for which the contract is in effect. 232487

(E) As used in this section, "client school district" means a 232488
city, exempted village, or local school district that has entered 232489
into an agreement under section 3313.843 or 3313.845 of the 232490
Revised Code to receive any services from an educational service 232491
center. 232492

Sec. 3326.51. (A) As used in this section: 232493

(1) "Resident district" has the same meaning as in section 232494
3326.31 of the Revised Code. 232495

(2) "STEM school sponsoring district" means a municipal, 232496
city, local, or exempted village school district that governs and 232497
controls a STEM school pursuant to this section. 232498

(B) Notwithstanding any other provision of this chapter to 232499
the contrary: 232500

(1) If a proposal for a STEM school submitted under section 232501
3326.03 of the Revised Code proposes that the governing body of 232502
the school be the board of education of a municipal, city, local, 232503
or exempted village school district that is one of the partners 232504
submitting the proposal, and the STEM committee approves that 232505
proposal, that school district board shall govern and control the 232506
STEM school as one of the schools of its district. 232507

(2) The STEM school sponsoring district shall maintain a 232508
separate accounting for the STEM school as a separate and distinct 232509
operational unit within the district's finances. The auditor of 232510
state, in the course of an annual or biennial audit of the school 232511
district serving as the STEM school sponsoring district, shall 232512
audit that school district for compliance with the financing 232513
requirements of this section. 232514

(3) With respect to students enrolled in a STEM school whose 232515
resident district is the STEM school sponsoring district: 232516

(a) The department of education and workforce shall make 232517
payments to the school in accordance with section 3317.022 of the 232518
Revised Code from the STEM school sponsoring district's state 232519
payments. 232520

(b) The STEM school sponsoring district is responsible for 232521
providing children with disabilities with a free appropriate 232522
public education under Chapter 3323. of the Revised Code. 232523

(c) The STEM school sponsoring district shall provide student 232524
transportation in accordance with laws and policies generally 232525
applicable to the district. 232526

(4) With respect to students enrolled in the STEM school 232527
whose resident district is another school district, the department 232528
shall consider the students as open enrollment students and shall 232529
make payments to the school in accordance with section 3317.022 of 232530
the Revised Code. 232531

(5) A STEM school sponsoring district and its board may 232532
assign its district employees to the STEM school, in which case 232533
section 3326.18 of the Revised Code shall not apply. The district 232534
and board may apply any other resources of the district to the 232535
STEM school in the same manner that it applies district resources 232536
to other district schools. 232537

(6) Provisions of this chapter requiring a STEM school and 232538
its governing body to comply with specified laws as if it were a 232539
school district and in the same manner as a board of education 232540
shall instead require such compliance by the STEM school 232541
sponsoring district and its board of education, respectively, with 232542
respect to the STEM school. Where a STEM school or its governing 232543
body is required to perform a specific duty or permitted to take a 232544
specific action under this chapter, that duty is required to be 232545
performed or that action is permitted to be taken by the STEM 232546
school sponsoring district or its board of education, 232547
respectively, with respect to the STEM school. 232548

(7) No provision of this chapter limits the authority, as 232549
provided otherwise by law, of a school district and its board of 232550
education to levy taxes and issue bonds secured by tax revenues. 232551

(8) The treasurer of the STEM school sponsoring district or, 232552
if the STEM school sponsoring district is a municipal school 232553
district, the chief financial officer of the district, shall have 232554
all of the respective rights, authority, exemptions, and duties 232555
otherwise conferred upon the treasurer or chief financial officer 232556
by the Revised Code. 232557

Sec. 3326.60. (A) With the approval of its governing body, a 232558
STEM school established under this chapter may procure injectable 232559
or nasally administered glucagon in the manner prescribed by 232560
section 3313.7115 of the Revised Code. A STEM school that elects 232561
to do so shall comply with all provisions of that section as if it 232562

were a school district. 232563

(B)(1) The following are not liable in damages in a civil 232564
action for injury, death, or loss to person or property that 232565
allegedly arises from an act or omission associated with 232566
procuring, maintaining, accessing, or using injectable or nasally 232567
administered glucagon under this section, unless the act or 232568
omission constitutes willful or wanton misconduct: 232569

(a) A STEM school; 232570

(b) A member of a STEM school governing body; 232571

(c) A STEM school employee or contractor; 232572

(d) A licensed health professional authorized to prescribe 232573
drugs who personally furnishes or prescribes injectable or nasally 232574
administered glucagon, provides a consultation, or issues a 232575
protocol pursuant to this section. 232576

(2) This division does not eliminate, limit, or reduce any 232577
other immunity or defense that a STEM school or governing body, 232578
member of a STEM school governing body, STEM school employee or 232579
contractor, or licensed health professional may be entitled to 232580
under Chapter 2744. or any other provision of the Revised Code or 232581
under the common law of this state. 232582

(C) A STEM school may accept donations of injectable or 232583
nasally administered glucagon from a wholesale distributor of 232584
dangerous drugs or a manufacturer of dangerous drugs, as defined 232585
in section 4729.01 of the Revised Code, and may accept donations 232586
of money from any person to purchase the drug. 232587

(D) A STEM school that elects to procure injectable or 232588
nasally administered glucagon under this section shall report to 232589
the department of education and workforce each procurement and 232590
each occurrence in which a dose of the drug is used from the 232591
school's supply. 232592

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 232593
and division (D) of section 3311.52 of the Revised Code, this 232594
section and sections 3327.011, 3327.012, and 3327.02 of the 232595
Revised Code do not apply to any joint vocational or cooperative 232596
education school district. 232597

In all city, local, and exempted village school districts 232598
where resident school pupils in grades kindergarten through eight 232599
live more than two miles from the school for which the ~~state board~~ 232600
director of education and workforce prescribes minimum standards 232601
pursuant to division (D) of section 3301.07 of the Revised Code 232602
and to which they are assigned by the board of education of the 232603
district of residence or to and from the nonpublic or community 232604
school which they attend, the board of education shall provide 232605
transportation for such pupils to and from that school except as 232606
provided in section 3327.02 of the Revised Code. 232607

In all city, local, and exempted village school districts 232608
where pupil transportation is required under a career-technical 232609
plan approved by the ~~state board~~ department of education and 232610
workforce under section 3313.90 of the Revised Code, for any 232611
student attending a career-technical program operated by another 232612
school district, including a joint vocational school district, as 232613
prescribed under that section, the board of education of the 232614
student's district of residence shall provide transportation from 232615
the public high school operated by that district to which the 232616
student is assigned to the career-technical program. 232617

In all city, local, and exempted village school districts, 232618
the board may provide transportation for resident school pupils in 232619
grades nine through twelve to and from the high school to which 232620
they are assigned by the board of education of the district of 232621
residence or to and from the nonpublic or community high school 232622
which they attend for which the ~~state board~~ director of education 232623

and workforce prescribes minimum standards pursuant to division 232624
(D) of section 3301.07 of the Revised Code. 232625

A board of education shall not be required to transport 232626
elementary or high school pupils to and from a nonpublic or 232627
community school where such transportation would require more than 232628
thirty minutes of direct travel time as measured by school bus 232629
from the public school building to which the pupils would be 232630
assigned if attending the public school designated by the district 232631
of residence. 232632

Where it is impractical to transport a pupil by school 232633
conveyance, a board of education may offer payment, in lieu of 232634
providing such transportation in accordance with section 3327.02 232635
of the Revised Code. 232636

A board of education shall provide transportation to students 232637
enrolled in a community school or nonpublic school in accordance 232638
with this section on each day in which that school is open for 232639
operation with students in attendance, regardless of whether the 232640
district's own schools are open for operation with students in 232641
attendance on that day. However, a board of education shall not be 232642
required to transport elementary or high school pupils to and from 232643
a nonpublic or community school on Saturday or Sunday, unless a 232644
board of education and a nonpublic or community school have an 232645
agreement in place to do so before the first day of July of the 232646
school year in which the agreement takes effect. 232647

In all city, local, and exempted village school districts, 232648
the board shall provide transportation for all children who are so 232649
disabled that they are unable to walk to and from the school for 232650
which the ~~state board~~ director of education and workforce 232651
prescribes minimum standards pursuant to division (D) of section 232652
3301.07 of the Revised Code and which they attend. In case of 232653
dispute whether the child is able to walk to and from the school, 232654
the health commissioner shall be the judge of such ability. In all 232655

city, exempted village, and local school districts, the board 232656
shall provide transportation to and from school or special 232657
education classes for mentally disabled children in accordance 232658
with standards adopted by the ~~state board~~ department of education 232659
and workforce. 232660

When transportation of pupils is provided the conveyance 232661
shall be run on a time schedule that shall be adopted and put in 232662
force by the board not later than ten days after the beginning of 232663
the school term. The operator of every school bus or motor van 232664
owned and operated by any school district or educational service 232665
center or privately owned and operated under contract with any 232666
school district or service center in this state shall deliver 232667
students enrolled in preschool through twelfth grades to their 232668
respective public and nonpublic schools not sooner than thirty 232669
minutes prior to the beginning of school and to be available to 232670
pick them up not later than thirty minutes after the close of 232671
their respective schools each day. 232672

The cost of any transportation service authorized by this 232673
section shall be paid first out of federal funds, if any, 232674
available for the purpose of pupil transportation, and secondly 232675
out of state appropriations, in accordance with regulations 232676
adopted by the ~~state board of education~~ department. 232677

No transportation of any pupils shall be provided by any 232678
board of education to or from any school which in the selection of 232679
pupils, faculty members, or employees, practices discrimination 232680
against any person on the grounds of race, color, religion, or 232681
national origin. 232682

Sec. 3327.011. In determining how best to provide 232683
transportation, where persons or firms on or after April 1, 1965, 232684
were providing transportation to and from schools pursuant to 232685
contracts with persons or agencies responsible for the operation 232686

of such schools, the board of education responsible for 232687
transportation in accordance with section 3327.01 of the Revised 232688
Code shall give preference if economically feasible during the 232689
term of any such contract to the firm or person providing such 232690
transportation. The boards of education within the county or group 232691
of counties shall establish transportation routes, schedules, and 232692
utilization of transportation equipment. The appeals from the 232693
determination of the board of education responsible for 232694
transportation shall be taken to the ~~state board~~ department of 232695
education and workforce. 232696

Sec. 3327.012. Payments to school districts for 232697
transportation of school pupils shall be made on a current basis 232698
according to an estimate which shall be filed with the ~~state board~~ 232699
department of education and workforce by respective school 232700
districts in accordance with rules which the ~~state board of~~ 232701
~~education department~~ shall promulgate. The sum due the respective 232702
school district as calculated from approved cost in accordance 232703
with the rules of the board of education shall be adjusted 232704
annually in the quarter next following the end of the school year. 232705
The ~~superintendent of public instruction, subject to the approval~~ 232706
~~of the state board of education,~~ department may contract with any 232707
firm, person, or board of education to provide pupil 232708
transportation services authorized by this section. In no event 232709
shall the payment for such contract service exceed the average 232710
transportation cost per pupil, such average cost to be based on 232711
the cost of transportation of children by all boards of education 232712
in Ohio during the next preceding year. 232713

Sec. 3327.018. The board of education of each city, local, or 232714
exempted village school district that owns and operates buses for 232715
transporting students may contract, in writing, with a public or 232716
private not-for-profit agency, group, or organization, with a 232717

municipal corporation or other political subdivision or agency of 232718
the state, or with an agency of the federal government to operate 232719
its buses to assist the agency, group, organization, or political 232720
subdivision in the fulfillment of its legitimate activities and in 232721
times of emergency. These contracts shall be entered into under 232722
the authority of the school district as a political subdivision 232723
and shall not be considered commerce. When buses are made 232724
available to other agencies, groups, organizations, or political 232725
subdivisions under this section, the buses must be operated by 232726
individuals holding certificates issued by either the educational 232727
service center governing board that has entered into an agreement 232728
with the school district under section 3313.843 or 3313.845 of the 232729
Revised Code or the superintendent of the school district 232730
certifying that the individuals satisfy the requirements of 232731
section 3327.10 of the Revised Code. All ~~state board~~ department of 232732
education and workforce regulations governing the operation of 232733
school buses when transporting students shall apply when buses are 232734
used in accordance with this section. 232735

Any board of education of a city, local, or exempted village 232736
school district that makes one or more of its vehicles available 232737
under this section shall procure liability and property damage 232738
insurance, as provided in section 3327.09 of the Revised Code, 232739
covering all vehicles used and passengers transported under this 232740
section. The board of education may recover expenses from 232741
contracting entities, not to exceed the costs of operation and 232742
insurance coverage. 232743

Sec. 3327.02. (A) After considering each of the following 232744
factors, the board of education of a city, exempted village, or 232745
local school district, or a community school governing authority 232746
providing transportation pursuant to section 3314.091 of the 232747
Revised Code, may determine that it is impractical to transport a 232748

pupil who is eligible for transportation to and from a school	232749
under section 3327.01 of the Revised Code:	232750
(1) The time and distance required to provide the	232751
transportation;	232752
(2) The number of pupils to be transported;	232753
(3) The cost of providing transportation in terms of	232754
equipment, maintenance, personnel, and administration;	232755
(4) Whether similar or equivalent service is provided to	232756
other pupils eligible for transportation;	232757
(5) Whether and to what extent the additional service	232758
unavoidably disrupts current transportation schedules;	232759
(6) Whether other reimbursable types of transportation are	232760
available.	232761
(B) Based on its consideration of the factors established in	232762
division (A) of this section, the board or governing authority may	232763
pass a resolution declaring the impracticality of transportation.	232764
The resolution shall include each pupil's name and the reason for	232765
impracticality. Such determination shall be made not later than	232766
thirty calendar days prior to the district's or school's first day	232767
of instruction, or in the case of a student who enrolls within	232768
thirty calendar days prior to the first day of instruction or on	232769
or after the first day of instruction, not later than fourteen	232770
calendar days after the student's enrollment. The determination	232771
may be made by the superintendent and formalized at the next	232772
following meeting of the board or governing authority.	232773
The board or governing authority shall report its	232774
determination to the state board <u>department</u> of education and	232775
<u>workforce</u> in a manner determined by the state board <u>department</u> .	232776
In addition, the board or governing authority shall issue a	232777
letter to the pupil's parent, guardian, or other person in charge	232778

of the pupil, the nonpublic or community school in which the pupil 232779
is enrolled, and to the ~~state board~~ department with a detailed 232780
description of the reasons for which such determination was made. 232781

(C) After passing the resolution declaring the impracticality 232782
of transportation, the district board or governing authority shall 232783
offer to provide payment in lieu of transportation by doing the 232784
following: 232785

(1) In accordance with guidelines established by the 232786
department ~~of education~~, informing the pupil's parent, guardian, 232787
or other person in charge of the pupil of both of the following: 232788

(a) The resolution; 232789

(b) The right of the pupil's parent, guardian, or other 232790
person in charge of the pupil to accept the offer of payment in 232791
lieu of transportation or to reject the offer and instead request 232792
the department to initiate mediation procedures. 232793

(2) Issuing the pupil's parent, guardian, or other person in 232794
charge of the pupil a contract or other form on which the parent, 232795
guardian, or other person in charge of the pupil is given the 232796
option to accept or reject the board's offer of payment in lieu of 232797
transportation. 232798

(D) If the parent, guardian, or other person in charge of the 232799
pupil accepts the offer of payment in lieu of providing 232800
transportation, the board or governing authority shall pay the 232801
parent, guardian, or other person in charge of the pupil an amount 232802
that shall be not less than fifty per cent, and not more than the 232803
amount determined by the department ~~of education~~ as the average 232804
cost of pupil transportation for the previous school year. Payment 232805
may be prorated if the time period involved is only a part of the 232806
school year. 232807

(E)(1)(a) Upon the request of a parent, guardian, or other 232808
person in charge of the pupil who rejected the payment in lieu of 232809

transportation, the department shall conduct mediation procedures. 232810
A parent, guardian, or other person in charge of the pupil may 232811
authorize the nonpublic or community school in which the pupil is 232812
enrolled to act on the parent's, guardian's, or other person's 232813
behalf during the mediation proceedings. 232814

(b) If the mediation does not resolve the dispute, the ~~state~~ 232815
~~board~~ department shall conduct a hearing in accordance with 232816
Chapter 119. of the Revised Code. The ~~state board~~ department may 232817
approve the payment in lieu of transportation or may order the 232818
district board of education or governing authority to provide 232819
transportation. The decision of the ~~state board~~ department is 232820
binding in subsequent years and on future parties in interest 232821
provided the facts of the determination remain comparable. 232822

(2) The school district or governing authority shall provide 232823
transportation for the pupil from the time the parent, guardian, 232824
or other person in charge of the pupil requests mediation until 232825
the matter is resolved under division (E)(1)(a) or (b) of this 232826
section. 232827

(F)(1) If the department determines that a school district 232828
board or governing authority has failed or is failing to provide 232829
transportation as required by division (E)(2) of this section or 232830
as ordered by the ~~state board~~ department under division (E)(1)(b) 232831
of this section, the department shall order the school district 232832
board or governing authority to pay to the pupil's parent, 232833
guardian, or other person in charge of the pupil, an amount equal 232834
to fifty per cent of the cost of providing transportation as 232835
determined by the board or governing authority under division 232836
(A)(3) of this section, and not more than two thousand five 232837
hundred dollars. The school district board or governing authority 232838
shall make payments on a schedule ordered by the department. 232839

(2) If the department subsequently finds that a school 232840
district board is not in compliance with an order issued under 232841

division (F)(1) of this section and the affected pupils are 232842
enrolled in a nonpublic or community school, the department shall 232843
deduct the amount that the board is required to pay under that 232844
order from any pupil transportation payments the department makes 232845
to the school district board under section 3317.0212 of the 232846
Revised Code or other provisions of law. The department shall use 232847
the moneys so deducted to make payments to the nonpublic or 232848
community school attended by the pupil. The department shall 232849
continue to make the deductions and payments required under this 232850
division until the school district board either complies with the 232851
department's order issued under division (F)(1) of this section or 232852
begins providing transportation. 232853

(G) A nonpublic or community school that receives payments 232854
from the department under division (F)(2) of this section shall do 232855
either of the following: 232856

(1) Disburse the entire amount of the payments to the parent, 232857
guardian, or other person in charge of the pupil affected by the 232858
failure of the school district of residence to provide 232859
transportation; 232860

(2) Use the entire amount of the payments to provide 232861
acceptable transportation for the affected pupil. 232862

(H) At any time after a parent, guardian, or other person in 232863
charge of a pupil requests transportation for a pupil, that 232864
parent, guardian, or other person may authorize the nonpublic or 232865
community school in which the pupil is enrolled to act on the 232866
parent's, guardian's, or other person's behalf for purposes of 232867
this section. 232868

Sec. 3327.021. The department of education and workforce 232869
shall monitor each city, local, or exempted village school 232870
district's compliance with sections 3327.01 and 3327.016 and 232871
division (B) of section 3327.017 of the Revised Code. If the 232872

department determines a consistent or prolonged period of 232873
noncompliance on the part of the school district to provide 232874
transportation as required under those sections, the department 232875
shall deduct from the district's payment for student 232876
transportation under Chapter 3317. of the Revised Code the total 232877
daily amount of that payment, as computed by the department, for 232878
each day that the district is not in compliance. 232879

This section does not affect the authority of a school 232880
district to provide payment in lieu of transportation in 232881
accordance with section 3327.02 of the Revised Code. 232882

Sec. 3327.05. (A) Except as provided in division (B) of this 232883
section, no board of education of any school district shall 232884
provide transportation for any pupil who is a school resident of 232885
another school district unless the pupil is enrolled pursuant to 232886
section 3313.98 of the Revised Code or the board of the other 232887
district has given its written consent thereto. If the board of 232888
any school district files with the ~~state board~~ department of 232889
education and workforce a written complaint that transportation 232890
for resident pupils is being provided by the board of another 232891
school district contrary to this division, the ~~state board of~~ 232892
~~education~~ department shall make an investigation of such 232893
complaint. If the ~~state board of education~~ department finds that 232894
transportation is being provided contrary to this section, it may 232895
withdraw from state funds due the offending district any part of 232896
the amount that has been approved for transportation pursuant to 232897
section 3317.0212 of the Revised Code or other provisions of law. 232898

(B) Notwithstanding division (D) of section 3311.19 and 232899
division (D) of section 3311.52 of the Revised Code, this division 232900
does not apply to any joint vocational or cooperative education 232901
school district. 232902

A board of education may provide transportation to and from the nonpublic school of attendance if both of the following apply:

(1) The parent, guardian, or other person in charge of the pupil agrees to pay the board for all costs incurred in providing the transportation that are not reimbursed pursuant to Chapter 3317. of the Revised Code;

(2) The pupil's school district of residence does not provide transportation for public school pupils of the same grade as the pupil being transported under this division, or that district is not required under section 3327.01 of the Revised Code to transport the pupil to and from the nonpublic school because the direct travel time to the nonpublic school is more than thirty minutes.

Upon receipt of the request to provide transportation, the board shall review the request and determine whether the board will accommodate the request. If the board agrees to transport the pupil, the board may transport the pupil to and from the nonpublic school and a collection point in the district, as determined by the board. If the board transports the pupil, the board may include the pupil in the district's enrollment reported to the department of ~~education~~ for purposes of calculating the district's transportation ADM under section 3317.03 of the Revised Code and, accordingly, may receive a state payment under section 3317.0212 of the Revised Code or other provisions of law for transporting the pupil.

If the board declines to transport the pupil, the board, in a written communication to the parent, guardian, or other person in charge of the pupil, shall state the reasons for declining the request.

Sec. 3327.08. Boards of education of city school districts, local school districts, exempted village school districts,

cooperative education school districts, and joint vocational 232934
school districts and governing boards of educational service 232935
centers may purchase on individual contract school buses and other 232936
equipment used in transporting children to and from school and to 232937
other functions as authorized by the boards, or the boards, at 232938
their discretion, may purchase the buses and equipment through any 232939
system of centralized purchasing established by the ~~state~~ 232940
department of education and workforce for that purpose, provided 232941
that state subsidy payments shall be based on the amount of the 232942
lowest price available to the boards by either method of purchase. 232943
No board shall be deprived of any form of state assistance in the 232944
purchase of buses and equipment by reason of purchases of buses 232945
and equipment on an individual contract. 232946

The purchase of school buses shall be made only after 232947
competitive bidding in accordance with section 3313.46 of the 232948
Revised Code. All bids shall state that the buses, prior to 232949
delivery, will comply with the safety rules of the department of 232950
public safety adopted pursuant to section 4511.76 of the Revised 232951
Code and all other pertinent provisions of law. 232952

At no time shall bid bonds be required for the purchase of 232953
school buses, unless the district board or educational service 232954
center governing board requests that bid bonds be part of the 232955
competitive bidding process for a specified purchase. 232956

Sec. 3327.10. (A) No person shall be employed as driver of a 232957
school bus or motor van, owned and operated by any school district 232958
or educational service center or privately owned and operated 232959
under contract with any school district or service center in this 232960
state, who has not received a certificate from either the 232961
educational service center governing board that has entered into 232962
an agreement with the school district under section 3313.843 or 232963
3313.845 of the Revised Code or the superintendent of the school 232964

district, certifying that such person is at least eighteen years 232965
of age and is qualified physically and otherwise for such 232966
position. The service center governing board or the 232967
superintendent, as the case may be, shall provide for an annual 232968
physical examination that conforms with rules adopted by the ~~state~~ 232969
~~board~~ department of education and workforce of each driver to 232970
ascertain the driver's physical fitness for such employment. The 232971
examination shall be performed by one of the following: 232972

(1) A person licensed under Chapter 4731. or 4734. of the 232973
Revised Code or by another state to practice medicine and surgery, 232974
osteopathic medicine and surgery, or chiropractic; 232975

(2) A physician assistant; 232976

(3) A certified nurse practitioner; 232977

(4) A clinical nurse specialist; 232978

(5) A certified nurse-midwife; 232979

(6) A medical examiner who is listed on the national registry 232980
of certified medical examiners established by the federal motor 232981
carrier safety administration in accordance with 49 C.F.R. part 232982
390. 232983

Any certificate may be revoked by the authority granting the 232984
same on proof that the holder has been guilty of failing to comply 232985
with division (D)(1) of this section, or upon a conviction or a 232986
guilty plea for a violation, or any other action, that results in 232987
a loss or suspension of driving rights. Failure to comply with 232988
such division may be cause for disciplinary action or termination 232989
of employment under division (C) of section 3319.081, or section 232990
124.34 of the Revised Code. 232991

(B) No person shall be employed as driver of a school bus or 232992
motor van not subject to the rules of the department ~~of education~~ 232993
pursuant to division (A) of this section who has not received a 232994

certificate from the school administrator or contractor certifying 232995
that such person is at least eighteen years of age and is 232996
qualified physically and otherwise for such position. Each driver 232997
shall have an annual physical examination which conforms to the 232998
state highway patrol rules, ascertaining the driver's physical 232999
fitness for such employment. The examination shall be performed by 233000
one of the following: 233001

(1) A person licensed under Chapter 4731. or 4734. of the 233002
Revised Code or by another state to practice medicine and surgery, 233003
osteopathic medicine and surgery, or chiropractic; 233004

(2) A physician assistant; 233005

(3) A certified nurse practitioner; 233006

(4) A clinical nurse specialist; 233007

(5) A certified nurse-midwife; 233008

(6) A medical examiner who is listed on the national registry 233009
of certified medical examiners established by the federal motor 233010
carrier safety administration in accordance with 49 C.F.R. part 233011
390. 233012

Any written documentation of the physical examination shall 233013
be completed by the individual who performed the examination. 233014

Any certificate may be revoked by the authority granting the 233015
same on proof that the holder has been guilty of failing to comply 233016
with division (D)(2) of this section. 233017

(C) Any person who drives a school bus or motor van must give 233018
satisfactory and sufficient bond except a driver who is an 233019
employee of a school district and who drives a bus or motor van 233020
owned by the school district. 233021

(D) No person employed as driver of a school bus or motor van 233022
under this section who is convicted of a traffic violation or who 233023
has had the person's commercial driver's license suspended shall 233024

drive a school bus or motor van until the person has filed a 233025
written notice of the conviction or suspension, as follows: 233026

(1) If the person is employed under division (A) of this 233027
section, the person shall file the notice with the superintendent, 233028
or a person designated by the superintendent, of the school 233029
district for which the person drives a school bus or motor van as 233030
an employee or drives a privately owned and operated school bus or 233031
motor van under contract. 233032

(2) If employed under division (B) of this section, the 233033
person shall file the notice with the employing school 233034
administrator or contractor, or a person designated by the 233035
administrator or contractor. 233036

(E) In addition to resulting in possible revocation of a 233037
certificate as authorized by divisions (A) and (B) of this 233038
section, violation of division (D) of this section is a minor 233039
misdemeanor. 233040

(F)(1) Not later than thirty days after June 30, 2007, each 233041
owner of a school bus or motor van shall obtain the complete 233042
driving record for each person who is currently employed or 233043
otherwise authorized to drive the school bus or motor van. An 233044
owner of a school bus or motor van shall not permit a person to 233045
operate the school bus or motor van for the first time before the 233046
owner has obtained the person's complete driving record. 233047
Thereafter, the owner of a school bus or motor van shall obtain 233048
the person's driving record not less frequently than semiannually 233049
if the person remains employed or otherwise authorized to drive 233050
the school bus or motor van. An owner of a school bus or motor van 233051
shall not permit a person to resume operating a school bus or 233052
motor van, after an interruption of one year or longer, before the 233053
owner has obtained the person's complete driving record. 233054

(2) The owner of a school bus or motor van shall not permit a 233055

person to operate the school bus or motor van for ten years after 233056
the date on which the person pleads guilty to or is convicted of a 233057
violation of section 4511.19 of the Revised Code or a 233058
substantially equivalent municipal ordinance. 233059

(3) An owner of a school bus or motor van shall not permit 233060
any person to operate such a vehicle unless the person meets all 233061
other requirements contained in rules adopted by the ~~state board~~ 233062
~~of education~~ department prescribing qualifications of drivers of 233063
school buses and other student transportation. 233064

(G) No superintendent of a school district, educational 233065
service center, community school, or public or private employer 233066
shall permit the operation of a vehicle used for pupil 233067
transportation within this state by an individual unless both of 233068
the following apply: 233069

(1) Information pertaining to that driver has been submitted 233070
to the department ~~of education~~, pursuant to procedures adopted by 233071
that department. Information to be reported shall include the name 233072
of the employer or school district, name of the driver, driver 233073
license number, date of birth, date of hire, status of physical 233074
evaluation, and status of training. 233075

(2) The most recent criminal records check required by 233076
division (J) of this section has been completed and received by 233077
the superintendent or public or private employer. 233078

(H) A person, school district, educational service center, 233079
community school, nonpublic school, or other public or nonpublic 233080
entity that owns a school bus or motor van, or that contracts with 233081
another entity to operate a school bus or motor van, may impose 233082
more stringent restrictions on drivers than those prescribed in 233083
this section, in any other section of the Revised Code, and in 233084
rules adopted by the ~~state board~~ department. 233085

(I) For qualified drivers who, on July 1, 2007, are employed 233086

by the owner of a school bus or motor van to drive the school bus 233087
or motor van, any instance in which the driver was convicted of or 233088
pleaded guilty to a violation of section 4511.19 of the Revised 233089
Code or a substantially equivalent municipal ordinance prior to 233090
two years prior to July 1, 2007, shall not be considered a 233091
disqualifying event with respect to division (F) of this section. 233092

(J)(1) This division applies to persons hired by a school 233093
district, educational service center, community school, chartered 233094
nonpublic school, or science, technology, engineering, and 233095
mathematics school established under Chapter 3326. of the Revised 233096
Code to operate a vehicle used for pupil transportation. 233097

For each person to whom this division applies who is hired on 233098
or after November 14, 2007, the employer shall request a criminal 233099
records check in accordance with section 3319.39 of the Revised 233100
Code and every six years thereafter. For each person to whom this 233101
division applies who is hired prior to that date, the employer 233102
shall request a criminal records check by a date prescribed by the 233103
department of ~~education~~ and every six years thereafter. 233104

(2) This division applies to persons hired by a public or 233105
private employer not described in division (J)(1) of this section 233106
to operate a vehicle used for pupil transportation. 233107

For each person to whom this division applies who is hired on 233108
or after November 14, 2007, the employer shall request a criminal 233109
records check prior to the person's hiring and every six years 233110
thereafter. For each person to whom this division applies who is 233111
hired prior to that date, the employer shall request a criminal 233112
records check by a date prescribed by the department and every six 233113
years thereafter. 233114

(3) Each request for a criminal records check under division 233115
(J) of this section shall be made to the superintendent of the 233116
bureau of criminal identification and investigation in the manner 233117

prescribed in section 3319.39 of the Revised Code, except that if 233118
both of the following conditions apply to the person subject to 233119
the records check, the employer shall request the superintendent 233120
only to obtain any criminal records that the federal bureau of 233121
investigation has on the person: 233122

(a) The employer previously requested the superintendent to 233123
determine whether the bureau of criminal identification and 233124
investigation has any information, gathered pursuant to division 233125
(A) of section 109.57 of the Revised Code, on the person in 233126
conjunction with a criminal records check requested under section 233127
3319.39 of the Revised Code or under division (J) of this section. 233128

(b) The person presents proof that the person has been a 233129
resident of this state for the five-year period immediately prior 233130
to the date upon which the person becomes subject to a criminal 233131
records check under this section. 233132

Upon receipt of a request, the superintendent shall conduct 233133
the criminal records check in accordance with section 109.572 of 233134
the Revised Code as if the request had been made under section 233135
3319.39 of the Revised Code. However, as specified in division 233136
(B)(2) of section 109.572 of the Revised Code, if the employer 233137
requests the superintendent only to obtain any criminal records 233138
that the federal bureau of investigation has on the person for 233139
whom the request is made, the superintendent shall not conduct the 233140
review prescribed by division (B)(1) of that section. 233141

(K)(1) Until the effective date of the amendments to rule 233142
3301-83-23 of the Ohio Administrative Code required by the second 233143
paragraph of division (E) of section 3319.39 of the Revised Code, 233144
any person who is the subject of a criminal records check under 233145
division (J) of this section and has been convicted of or pleaded 233146
guilty to any offense described in division (B)(1) of section 233147
3319.39 of the Revised Code shall not be hired or shall be 233148
released from employment, as applicable, unless the person meets 233149

the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code. 233150
233151

(2) Beginning on the effective date of the amendments to rule 233152
3301-83-23 of the Ohio Administrative Code required by the second 233153
paragraph of division (E) of section 3319.39 of the Revised Code, 233154
any person who is the subject of a criminal records check under 233155
division (J) of this section and has been convicted of or pleaded 233156
guilty to any offense that, under the rule, disqualifies a person 233157
for employment to operate a vehicle used for pupil transportation 233158
shall not be hired or shall be released from employment, as 233159
applicable, unless the person meets the rehabilitation standards 233160
prescribed by the rule. 233161

Sec. 3327.101. Notwithstanding anything to the contrary in 233162
this chapter or Chapter 3301-83 of the Administrative Code, the 233163
department of education and workforce shall develop an online bus 233164
driver training program to satisfy the classroom portion of 233165
pre-service and annual in-service training for school bus driver 233166
certification. On-the-bus training for drivers shall continue to 233167
be completed in person. 233168

Sec. 3327.13. The board of education of a school district 233169
that owns and operates busses for transporting pupils to and from 233170
school may contract with a nonpublic school located within the 233171
district to make available to the nonpublic school under a lease 233172
agreement, one or more of the district's busses to be used by the 233173
nonpublic school for transporting nonpublic school pupils to and 233174
from a school related activity that would be an approved school 233175
related activity if it were being offered by a public school 233176
within the district to public school pupils. All ~~state board~~ 233177
department of education and workforce regulations governing the 233178
use of such busses by public schools while transporting pupils to 233179
and from school related activities shall be applicable to their 233180

use by the nonpublic school. 233181

The cost to the nonpublic school of leasing such busses shall 233182
not exceed the costs of operating such busses, as determined by 233183
the board of education of the school district. The charge to be 233184
made to the nonpublic school for the use of the busses shall be 233185
specified in the contract entered into pursuant to this section. 233186

Sec. 3327.14. The board of education of any school district 233187
that owns and operates buses for transporting pupils may contract 233188
under a lease agreement with a municipal corporation or a public 233189
or nonprofit private agency or organization delivering services to 233190
the aged, to make available one or more of the district's buses or 233191
other vehicles to be used for transporting persons sixty years of 233192
age or older. The board of education of any school district may 233193
also contract under a similar agreement with any group, 233194
organization or other entity engaged in adult education 233195
activities. 233196

The cost to the lessee of leasing such buses or other 233197
vehicles shall not exceed the costs of operating such buses or 233198
other vehicles as determined by the board of education of the 233199
school district. The charge to the lessee for the use of the buses 233200
or other vehicles, which may include the cost of providing an 233201
operator holding a certificate pursuant to section 3327.10 of the 233202
Revised Code, insurance coverage, and other direct and indirect 233203
costs to the school district shall be specified in the contract 233204
entered into pursuant to this section. 233205

All ~~state board~~ department of education and workforce 233206
regulations governing the use of such buses or other vehicles by 233207
public schools while transporting pupils to and from school 233208
related activities apply to the extent applicable to their use 233209
under this section. 233210

Any board of education making available one or more of its 233211

buses or other vehicles under this section shall procure liability 233212
and property damage insurance, as provided in section 3327.09 of 233213
the Revised Code, covering each bus or vehicle used and each 233214
passenger transported under the leasing agreement. 233215

Sec. 3327.16. Notwithstanding division (D) of section 3311.19 233216
and division (D) of section 3311.52 of the Revised Code, this 233217
section does not apply to any joint vocational or cooperative 233218
education school district or its superintendent. 233219

(A) The superintendent of each school district may establish 233220
a volunteer bus rider assistance program, under which qualified 233221
adults or responsible older pupils, as determined by the 233222
superintendent, may be authorized to ride on school buses with 233223
pupils during such periods of time that the buses are being used 233224
to transport pupils to and from schools. Volunteers shall not be 233225
compensated for their services, but older pupils may be excused 233226
early from school to participate in the program. 233227

Volunteers may be assigned duties or responsibilities by the 233228
superintendent, including but not limited to, assisting younger 233229
pupils in embarking and disembarking from buses and in crossing 233230
streets where necessary to ensure the safety of the pupil, aiding 233231
the driver of the bus to maintain order on buses, assisting pupils 233232
with disabilities, and such other activities as the superintendent 233233
determines will aid in the safe and efficient transportation of 233234
pupils. 233235

Volunteers serving under this section are not employees for 233236
purposes of Chapter 4117. or 4123. of the Revised Code. Nothing in 233237
this section shall authorize a board of education to adversely 233238
affect the employment of any employee of the board. 233239

(B) The board of education of each city, local, or exempted 233240
village school district shall present a program to all pupils in 233241
kindergarten through third grade who are offered school bus 233242

transportation and who have not previously attended such program. 233243
The program shall consist of instruction in bus rider behavior, 233244
school bus safety, and the potential problems and hazards 233245
associated with school bus ridership. The department of education 233246
and workforce shall prescribe the content and length of such 233247
program, which shall be presented within two weeks after the 233248
commencement of classes each school year. 233249

Sec. 3328.01. As used in this chapter: 233250

(A) "Board of trustees" means the board of trustees 233251
established for a college-preparatory boarding school in 233252
accordance with section 3328.15 of the Revised Code. 233253

(B) "Child with a disability," "IEP," and "school district of 233254
residence" have the same meanings as in section 3323.01 of the 233255
Revised Code. 233256

(C) "Eligible student" means a student who is entitled to 233257
attend school in a participating school district; is at risk of 233258
academic failure; is from a family whose income is below two 233259
hundred per cent of the federal poverty guidelines, as defined in 233260
section 5101.46 of the Revised Code; meets any additional criteria 233261
prescribed by agreement between the ~~state board~~ department of 233262
education and workforce and the operator of the 233263
college-preparatory boarding school in which the student seeks 233264
enrollment; and meets at least two of the following additional 233265
conditions: 233266

(1) The student has a record of in-school disciplinary 233267
actions, suspensions, expulsions, or truancy. 233268

(2) The student has not attained at least a proficient score 233269
on the state achievement assessments in English language arts, 233270
reading, or mathematics prescribed under section 3301.0710 of the 233271
Revised Code, after those assessments have been administered to 233272

the student at least once, or the student has not attained at	233273
least a score designated by the board of trustees of the	233274
college-preparatory boarding school in which the student seeks	233275
enrollment under this chapter on an end-of-course examination in	233276
English language arts or mathematics prescribed under section	233277
3301.0712 of the Revised Code.	233278
(3) The student is a child with a disability.	233279
(4) The student has been referred for academic intervention	233280
services.	233281
(5) The student's head of household is a single parent. As	233282
used in this division and in division (C)(6) of this section,	233283
"head of household" means a person who occupies the same household	233284
as the student and who is financially responsible for the student.	233285
(6) The student's head of household is not the student's	233286
custodial parent.	233287
(7) A member of the student's family has been imprisoned, as	233288
defined in section 1.05 of the Revised Code.	233289
(D) "Entitled to attend school" means entitled to attend	233290
school in a school district under section 3313.64 or 3313.65 of	233291
the Revised Code.	233292
(E) "Formula ADM," "category one through six special	233293
education ADM," and "state education aid" have the same meanings	233294
as in section 3317.02 of the Revised Code.	233295
(F) "Operator" means the operator of a college-preparatory	233296
boarding school selected under section 3328.11 of the Revised	233297
Code.	233298
(G) "Participating school district" means either of the	233299
following:	233300
(1) The school district in which a college-preparatory	233301
boarding school established under this chapter is located;	233302

(2) A school district other than one described in division 233303
(G)(1) of this section that, pursuant to procedures adopted by the 233304
~~state board of education~~ department under section 3328.04 of the 233305
Revised Code, agrees to be a participating school district so that 233306
eligible students entitled to attend school in that district may 233307
enroll in a college-preparatory boarding school established under 233308
this chapter. 233309

Sec. 3328.02. (A) Each college-preparatory boarding school 233310
established under this chapter is a public school and is part of 233311
the state's program of education. 233312

(B) Acting through its board of trustees, the school may sue 233313
and be sued, acquire facilities as needed, contract for any 233314
services necessary for the operation of the school, and enter into 233315
contracts with the department of education and workforce pursuant 233316
to this chapter. The board of trustees may carry out any act and 233317
ensure the performance of any function that is in compliance with 233318
the Ohio Constitution, this chapter, other statutes applicable to 233319
college-preparatory boarding schools, and the contract entered 233320
into under this chapter establishing the school. 233321

(C) Each college-preparatory boarding school shall be 233322
established as a public benefit corporation under Chapter 1702. of 233323
the Revised Code. 233324

Sec. 3328.04. The city, exempted village, or local school 233325
district in which a college-preparatory boarding school 233326
established under this chapter is located is a participating 233327
school district under this chapter. Any other city, exempted 233328
village, or local school district may agree to be a participating 233329
school district. The ~~state board~~ department of education and 233330
workforce shall adopt procedures for districts to agree to be 233331
participating school districts. 233332

Sec. 3328.11. (A) In accordance with the procedures 233333
prescribed in division (B) of this section, the ~~state-board~~ 233334
department of education and workforce shall select a private 233335
nonprofit corporation that meets the following qualifications to 233336
operate each college-preparatory boarding school established under 233337
this chapter: 233338

(1) The corporation has experience operating a school or 233339
program similar to the schools authorized under this chapter. 233340

(2) The school or program described in division (A)(1) of 233341
this section has demonstrated to the satisfaction of the ~~state~~ 233342
~~board~~ department success in improving the academic performance of 233343
students. 233344

(3) The corporation has demonstrated to the satisfaction of 233345
the ~~state-board~~ department that the corporation has the capacity 233346
to secure private funds for the development of the school 233347
authorized under this chapter. 233348

(B)(1) Not later than sixty days after ~~the effective date of~~ 233349
~~this section~~ September 29, 2011, the ~~state-board~~ department shall 233350
issue a request for proposals from private nonprofit corporations 233351
qualified to operate a college-preparatory boarding school 233352
established under this chapter. If the ~~state-board~~ department 233353
subsequently determines that the establishment of one or more 233354
additional college-preparatory boarding schools is advisable, the 233355
~~state-board~~ department shall issue requests for proposals from 233356
private nonprofit corporations qualified to operate those 233357
additional schools. 233358

In all cases, the ~~state-board~~ department shall select the 233359
school's operator from among the qualified responders within one 233360
hundred eighty days after the issuance of the request for 233361
proposals. If no qualified responder submits a proposal, the ~~state~~ 233362
~~board~~ department may issue another request for proposals. 233363

(2) Each proposal submitted to the state board <u>department</u>	233364
shall contain the following information:	233365
(a) The proposed location of the college-preparatory boarding school, which may differ from any location recommended by the state board <u>department</u> in the request for proposals;	233366 233367 233368
(b) A plan for offering grade six in the school's initial year of operation and a plan for increasing the grade levels offered by the school in subsequent years;	233369 233370 233371
(c) Any other information about the proposed educational program, facilities, or operations of the school considered necessary by the state board <u>department</u> .	233372 233373 233374
(C) No college-preparatory boarding school established under this chapter shall open for operation prior to the 2013-2014 school year.	233375 233376 233377
Sec. 3328.12. The state board <u>department</u> of education <u>and workforce</u> shall enter into a contract with the operator of each college-preparatory boarding school established under this chapter. The contract shall stipulate the following:	233378 233379 233380 233381
(A) The school's board of trustees shall oversee the acquisition of a facility for the school.	233382 233383
(B) The operator shall operate the school in accordance with the terms of the proposal accepted by the state board <u>department</u> under section 3328.11 of the Revised Code, including the plan for increasing the grade levels offered by the school.	233384 233385 233386 233387
(C) The school shall comply with the provisions of this chapter.	233388 233389
(D) The school shall comply with any other provisions of law specified in the contract and the rules adopted by the state board <u>department</u> under section 3328.50 of the Revised Code.	233390 233391 233392

(E) The school shall comply with the bylaws adopted by the board of trustees under section 3328.13 of the Revised Code. 233393
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(F) The school shall meet the academic goals and other performance standards specified in the contract. 233395
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(G) The school shall have a fiscal officer who meets standards established for the purposes of this division by the ~~state board~~ department. 233397
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(H) In accordance with procedures specified in the contract, the department ~~of education~~ shall monitor the operation, programs, and facilities of the school, including conducting on-site visits of the school. 233400
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(I) The department may take actions, as specified in the contract, to resolve issues of noncompliance by the school of the provisions of this chapter, the contract, the bylaws adopted by the board of trustees, or rules adopted by the ~~state board~~ department. Such specified actions shall include procedures for notice of noncompliance and an appeal ~~to the state board of the decisions of the department process~~. 233404
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(J) The ~~state board~~ department or the operator may terminate the contract in accordance with the procedures specified in the contract, which shall include at least a requirement that the party seeking termination give prior notice of the intent to terminate the contract and a requirement that the party receiving such notice be granted an opportunity to redress any grievances cited in the notice prior to the termination. 233411
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(K) If the school closes for any reason, the school's board of trustees shall execute the closing in the manner specified in the contract. 233418
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Sec. 3328.13. The board of trustees of each college-preparatory boarding school established under this chapter 233421
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shall adopt bylaws for the oversight and operation of the school 233423
that are consistent with the provisions of this chapter, the rules 233424
adopted under section 3328.50 of the Revised Code, and the 233425
contract between the operator and the ~~state board~~ department of 233426
education and workforce. The bylaws shall include procedures for 233427
the appointment of future members of the school's board of 233428
trustees upon expiration of the terms of the initial members, 233429
which procedures shall comply with section 3328.15 of the Revised 233430
Code. The bylaws also shall include standards for the admission of 233431
students to the school and their dismissal from the school. The 233432
bylaws shall be subject to the approval of the ~~state board~~ 233433
department. 233434

Sec. 3328.15. (A) Each college-preparatory boarding school 233435
established under this chapter shall be governed by a board of 233436
trustees consisting of up to twenty-five members. Five of those 233437
members shall be appointed by the governor, with the advice and 233438
consent of the senate. The governor's appointments may be based on 233439
nonbinding recommendations made by the ~~superintendent of public~~ 233440
~~instruction~~ director of education and workforce. Of the remaining 233441
members, initial members shall be appointed by the school's 233442
operator and future members shall be appointed pursuant to the 233443
bylaws adopted under section 3328.13 of the Revised Code. The 233444
governor, operator, or any other person or entity who appoints a 233445
member of the board of trustees under this section or the bylaws 233446
adopted under section 3328.13 of the Revised Code may remove that 233447
member from the board at any time. 233448

(B) The terms of office of the initial members shall be as 233449
follows: 233450

(1) Two members appointed by the governor shall serve for an 233451
initial term of three years. 233452

(2) Two members appointed by the governor shall serve for an initial term of two years. 233453
233454

(3) One member appointed by the governor shall serve for an initial term of one year. 233455
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(4) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of three years. 233457
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(5) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of two years. 233460
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(6) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of one year. 233463
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(7) Any remaining members appointed by the operator shall serve for an initial term of one year. 233466
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Thereafter the terms of office of all members shall be for three years. 233468
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The beginning date and ending date of terms of office shall be as prescribed by the school's operator, unless modified in the bylaws adopted under section 3328.13 of the Revised Code. 233470
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(C) Vacancies on the board shall be filled in the same manner as the initial appointments. A member appointed to an unexpired term shall serve for the remainder of that term and may be reappointed subject to division (D) of this section. 233473
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(D) No member may serve for more than three consecutive three-year terms. 233477
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(E) The officers of the board shall be selected by and from among the members of the board. 233479
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(F) Compensation for the members of the board, if any, shall be as prescribed in the bylaws adopted under section 3328.13 of 233481
233482

the Revised Code. 233483

(G) It shall be construed that any contract entered into by 233484
the board of trustees or any officer or trustee of a 233485
college-preparatory boarding school, including, but not limited 233486
to, an agreement or contract required by section 3318.08, 3318.60, 233487
or 3318.61 of the Revised Code, is entered into by such 233488
individuals in their official capacities as representatives of the 233489
college-preparatory boarding school. No officer, trustee, or 233490
member of the board of trustees of a college-preparatory boarding 233491
school incurs any personal liability by virtue of section 3318.08, 233492
3318.60, or 3318.61 of the Revised Code or the entering into any 233493
contract on behalf of the school. 233494

Sec. 3328.18. (A) As used in this section, "license" has the 233495
same meaning as in section 3319.31 of the Revised Code. 233496

(B) If a person who is employed by a college-preparatory 233497
boarding school established under this chapter or its operator is 233498
arrested, summoned, or indicted for an alleged violation of an 233499
offense listed in division (C) of section 3319.31 of the Revised 233500
Code, if the person holds a license, or an offense listed in 233501
division (B)(1) of section 3319.39 of the Revised Code, if the 233502
person does not hold a license, the chief administrator of the 233503
school in which that person works shall suspend that person from 233504
all duties that require the care, custody, or control of a child 233505
during the pendency of the criminal action against the person. If 233506
the person who is arrested, summoned, or indicted for an alleged 233507
violation of an offense listed in division (C) of section 3319.31 233508
or division (B)(1) of section 3319.39 of the Revised Code is the 233509
chief administrator of the school, the board of trustees of the 233510
school shall suspend the chief administrator from all duties that 233511
require the care, custody, or control of a child. 233512

(C) When a person who holds a license is suspended in 233513

accordance with this section, the chief administrator or board 233514
that imposed the suspension promptly shall report the person's 233515
suspension to the department of education and workforce and to the 233516
state board of education. The report shall include the offense for 233517
which the person was arrested, summoned, or indicted. 233518

Sec. 3328.23. (A) A college-preparatory boarding school 233519
established under this chapter shall comply with Chapter 3323. of 233520
the Revised Code as if the school were a school district. For each 233521
child with a disability enrolled in the school for whom an IEP has 233522
been developed, the school shall verify in the manner prescribed 233523
by the department of education and workforce that the school is 233524
providing the services required under the child's IEP. 233525

(B) The school district in which a child with a disability 233526
enrolled in the college-preparatory boarding school is entitled to 233527
attend school and the child's school district of residence, if 233528
different, are not obligated to provide the student with a free 233529
appropriate public education under Chapter 3323. of the Revised 233530
Code for as long as the child is enrolled in the 233531
college-preparatory boarding school. 233532

Sec. 3328.26. (A) The department of education and workforce 233533
shall issue an annual report card for each college-preparatory 233534
boarding school established under this chapter that includes all 233535
information applicable to school buildings under section 3302.03 233536
of the Revised Code. 233537

(B) For each student enrolled in the school, the department 233538
shall combine data regarding the academic performance of that 233539
student with comparable data from the school district in which the 233540
student is entitled to attend school for the purpose of 233541
calculating the performance of the district as a whole on the 233542
report card issued for the district under section 3302.03 of the 233543

Revised Code. 233544

(C) Each college-preparatory boarding school and its operator 233545
shall comply with sections 3302.04 and 3302.041 of the Revised 233546
Code, except that any action required to be taken by a school 233547
district pursuant to those sections shall be taken by the school. 233548

Sec. 3328.29. (A) With the approval of its board of trustees, 233549
a college-preparatory boarding school established under this 233550
chapter may procure epinephrine autoinjectors in the manner 233551
prescribed by section 3313.7110 of the Revised Code. A 233552
college-preparatory boarding school that elects to do so shall 233553
comply with all provisions of that section as if it were a school 233554
district. 233555

(B)(1) The following are not liable in damages in a civil 233556
action for injury, death, or loss to person or property that 233557
allegedly arises from an act or omission associated with 233558
procuring, maintaining, accessing, or using an epinephrine 233559
autoinjector under this section, unless the act or omission 233560
constitutes willful or wanton misconduct: 233561

(a) A college-preparatory boarding school; 233562

(b) A member of a college-preparatory boarding school board 233563
of trustees; 233564

(c) A college-preparatory boarding school employee or 233565
contractor; 233566

(d) A licensed health professional authorized to prescribe 233567
drugs who personally furnishes or prescribes epinephrine 233568
autoinjectors, provides a consultation, or issues a protocol 233569
pursuant to this section. 233570

(2) This division does not eliminate, limit, or reduce any 233571
other immunity or defense that a college-preparatory boarding 233572
school or board of trustees, member of a college-preparatory 233573

boarding school board of trustees, college-preparatory boarding 233574
school employee or contractor, or licensed health professional may 233575
be entitled to under Chapter 2744. or any other provision of the 233576
Revised Code or under the common law of this state. 233577

(C) A college-preparatory boarding school may accept 233578
donations of epinephrine autoinjectors from a wholesale 233579
distributor of dangerous drugs or a manufacturer of dangerous 233580
drugs, as defined in section 4729.01 of the Revised Code, and may 233581
accept donations of money from any person to purchase epinephrine 233582
autoinjectors. 233583

(D) A college-preparatory boarding school that elects to 233584
procure epinephrine autoinjectors under this section shall report 233585
to the department of education and workforce each procurement and 233586
occurrence in which an epinephrine autoinjector is used from a 233587
school's supply of epinephrine autoinjectors. 233588

Sec. 3328.30. (A) As used in this section, "inhaler" has the 233589
same meaning as in section 3313.7113 of the Revised Code. 233590

(B) With the approval of its board of trustees, a 233591
college-preparatory boarding school may procure inhalers in the 233592
manner prescribed by section 3313.7113 of the Revised Code. A 233593
college-preparatory boarding school that elects to do so shall 233594
comply with all provisions of that section as if it were a school 233595
district. 233596

(C) A college-preparatory boarding school, a member of a 233597
college-preparatory boarding school board of trustees, or a 233598
college-preparatory boarding school employee or contractor is not 233599
liable in damages in a civil action for injury, death, or loss to 233600
person or property that allegedly arises from an act or omission 233601
associated with procuring, maintaining, accessing, or using an 233602
inhaler under this section, unless the act or omission constitutes 233603
willful or wanton misconduct. 233604

This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, or college-preparatory boarding school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(D) A college-preparatory boarding school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(E) A college-preparatory boarding school that elects to procure inhalers under this section shall report to the department of education and workforce each procurement and occurrence in which an inhaler is used from a school's supply of inhalers.

Sec. 3328.31. Each college-preparatory boarding school established under this chapter shall report to the department of education and workforce, in the form and manner prescribed by the department, the following information:

(A) The total number of students enrolled in the school;

(B) The number of students enrolled in the school who are receiving special education and related services pursuant to an IEP;

(C) The city, exempted village, or local school district in which each student reported under division (A) of this section is entitled to attend school;

(D) Any additional information the department determines necessary to make payments to the school under this chapter.

Sec. 3328.34. (A) For each child enrolled in a 233634
college-preparatory boarding school, as reported under section 233635
3328.31 of the Revised Code, the department of education and 233636
workforce shall pay to the school the sum of the amount 233637
eighty-five per cent of the operating expenditure per pupil of the 233638
city, local, or exempted village school district in which the 233639
child is entitled to attend school plus the per-pupil boarding 233640
amount specified in division (B) of this section. 233641

As used in this division, a district's "operating expenditure 233642
per pupil" is the total amount of state payments and other 233643
nonfederal revenue spent by the district for operating expenses 233644
during the previous fiscal year, divided by the district's 233645
enrolled ADM, as that term is defined in section 3317.02 of the 233646
Revised Code, for the previous fiscal year. 233647

(B) For the first fiscal year in which a college-preparatory 233648
boarding school may be established under this chapter, the 233649
"per-pupil boarding amount" is twenty-five thousand dollars. For 233650
each fiscal year thereafter, that amount shall be adjusted by the 233651
rate of inflation, as measured by the consumer price index (all 233652
urban consumers, all items) prepared by the bureau of labor 233653
statistics of the United States department of labor, for the 233654
previous twelve-month period. 233655

(C) The ~~state board of education~~department may accept funds 233656
from federal and state noneducation support services programs for 233657
the purpose of funding the per pupil boarding amount prescribed in 233658
division (B) of this section. Notwithstanding any other provision 233659
of the Revised Code, the ~~state board~~ department shall coordinate 233660
and streamline any noneducation program requirements in order to 233661
eliminate redundant or conflicting requirements, licensing 233662
provisions, and oversight by government programs or agencies. The 233663
applicable regulatory entities shall, to the maximum extent 233664

possible, use reports and financial audits provided by the auditor 233665
of state and coordinated by the department ~~of education~~ to 233666
eliminate or reduce contract and administrative reviews. 233667
Regulatory entities other than the ~~state board~~ department may 233668
suggest reasonable additional items to be included in such reports 233669
and financial audits to meet any requirements of federal law. 233670
Reporting paperwork prepared for the ~~state board~~ department shall 233671
be shared with and accepted by other state and local entities to 233672
the maximum extent feasible. 233673

(D)(1) Notwithstanding division (A) of this section, if, in 233674
any fiscal year, a college-preparatory boarding school receives 233675
federal funds for the purpose of supporting the school's 233676
operations, the amount of those federal funds shall be deducted 233677
from the total per-pupil boarding amount for all enrolled students 233678
paid by the department to the school for that fiscal year, unless 233679
the school's board of trustees and the department determine 233680
otherwise in a written agreement. Any portion of the total 233681
per-pupil boarding amount for all enrolled students remaining 233682
after the deduction of the federal funds shall be paid by the 233683
department to the school from state funds appropriated to the 233684
department. 233685

(2) Notwithstanding division (A) of this section, if, in any 233686
fiscal year, the department receives federal funds for the purpose 233687
of supporting the operations of a college-preparatory boarding 233688
school, the department shall use those federal funds, not 233689
including any portion of those funds designated for 233690
administration, to pay the school the total per-pupil boarding 233691
amount for all enrolled students for that fiscal year. Any portion 233692
of the total per-pupil boarding amount for all enrolled students 233693
remaining after the use of the federal funds shall be paid by the 233694
department to the school from state funds appropriated to the 233695
department. 233696

(3) If any federal funds are used for the purpose prescribed 233697
in division (D)(1) or (2) of this section, the department shall 233698
comply with all requirements upon which the acceptance of the 233699
federal funds is conditioned, including any requirements set forth 233700
in the funding application submitted by the school or the 233701
department and, to the extent sufficient funds are appropriated by 233702
the general assembly, any requirements regarding maintenance of 233703
effort in expenditures. 233704

Sec. 3328.35. To the extent permitted by federal law, the 233705
department of education and workforce shall include 233706
college-preparatory boarding schools established under this 233707
chapter in its annual allocation of federal moneys under Title I 233708
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 233709
6301, et seq. The department may apply for any other federal 233710
moneys that may be used to support the operations of 233711
college-preparatory boarding schools established under this 233712
chapter. 233713

Sec. 3328.37. (A) If the auditor of state or a public 233714
accountant, under section 117.41 of the Revised Code, declares a 233715
college-preparatory boarding school established under this chapter 233716
to be unauditabile, the auditor of state shall provide written 233717
notification of that declaration to the school and the department 233718
of education and workforce. The auditor of state also shall post 233719
the notification on the auditor of state's web site. 233720

(B) If the college-preparatory boarding school's current 233721
fiscal officer held that position during the period for which the 233722
school is unauditabile, upon receipt of the notification under 233723
division (A) of this section, the board of trustees of the school 233724
shall suspend the fiscal officer until the auditor of state or a 233725
public accountant has completed an audit of the school, except 233726
that if the fiscal officer is employed by the school's operator, 233727

the operator shall suspend the fiscal officer for that period. 233728
Suspension of the fiscal officer may be with or without pay, as 233729
determined by the entity imposing the suspension based on the 233730
circumstances that prompted the auditor of state's declaration. 233731
The entity imposing the suspension shall appoint a person to 233732
assume the duties of the fiscal officer during the period of the 233733
suspension. If the appointee is not licensed as a treasurer under 233734
section 3301.074 of the Revised Code, the appointee shall be 233735
approved by the ~~superintendent of public instruction~~ director of 233736
education and workforce before assuming the duties of the fiscal 233737
officer. The state board of education may take action under 233738
section 3319.31 of the Revised Code to suspend, revoke, or limit 233739
the license of a fiscal officer who has been suspended under this 233740
division. 233741

(C) Not later than forty-five days after receiving the 233742
notification under division (A) of this section, the board of 233743
trustees of the college-preparatory boarding school shall provide 233744
a written response to the auditor of state. The response shall 233745
include the following: 233746

(1) An overview of the process the board will use to review 233747
and understand the circumstances that led to the school becoming 233748
unauditable; 233749

(2) A plan for providing the auditor of state with the 233750
documentation necessary to complete an audit of the school and for 233751
ensuring that all financial documents are available in the future; 233752

(3) The actions the board will take to ensure that the plan 233753
described in division (C)(2) of this section is implemented. 233754

(D) If the college-preparatory boarding school fails to make 233755
reasonable efforts and continuing progress to bring its accounts, 233756
records, files, or reports into an auditable condition within 233757
ninety days after being declared unauditabile, the auditor of 233758

state, in addition to requesting legal action under sections 233759
117.41 and 117.42 of the Revised Code, shall notify the school and 233760
the department of the school's failure. If the auditor of state or 233761
a public accountant subsequently is able to complete a financial 233762
audit of the school, the auditor of state shall notify the school 233763
and the department that the audit has been completed. 233764

(E) Notwithstanding any provision to the contrary in this 233765
chapter or in any other provision of law, upon notification by the 233766
auditor of state under division (D) of this section that the 233767
college-preparatory boarding school has failed to make reasonable 233768
efforts and continuing progress to bring its accounts, records, 233769
files, or reports into an auditable condition, the department 233770
shall immediately cease all payments to the school under this 233771
chapter and any other provision of law. Upon subsequent 233772
notification from the auditor of state under that division that 233773
the auditor of state or a public accountant was able to complete a 233774
financial audit of the school, the department shall release all 233775
funds withheld from the school under this section. 233776

Sec. 3328.38. (A) With the approval of its board of trustees, 233777
a college-preparatory boarding school established under this 233778
chapter may procure injectable or nasally administered glucagon in 233779
the manner prescribed by section 3313.7115 of the Revised Code. A 233780
college-preparatory boarding school that elects to do so shall 233781
comply with all provisions of that section as if it were a school 233782
district. 233783

(B)(1) The following are not liable in damages in a civil 233784
action for injury, death, or loss to person or property that 233785
allegedly arises from an act or omission associated with 233786
procuring, maintaining, accessing, or using injectable or nasally 233787
administered glucagon under this section, unless the act or 233788
omission constitutes willful or wanton misconduct: 233789

(a) A college-preparatory boarding school;	233790
(b) A member of a college-preparatory boarding school board of trustees;	233791 233792
(c) A college-preparatory boarding school employee or contractor;	233793 233794
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section.	233795 233796 233797 233798
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, college-preparatory boarding school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	233799 233800 233801 233802 233803 233804 233805
(C) A college-preparatory boarding school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.	233806 233807 233808 233809 233810 233811
(D) A college-preparatory boarding school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education <u>and workforce</u> each procurement and each occurrence in which a dose of the drug is used from the school's supply.	233812 233813 233814 233815 233816
Sec. 3328.45. (A) If the state board <u>department</u> of education <u>and workforce</u> determines that a college-preparatory boarding school established under this chapter is not in compliance with	233817 233818 233819

any provision of this chapter or the terms of the contract entered 233820
into under section 3328.12 of the Revised Code, or that the school 233821
has failed to meet the academic goals or performance standards 233822
specified in that contract, the ~~state board~~ department may 233823
initiate the termination procedures specified in the contract. No 233824
termination shall take effect prior to the end of a school year. 233825
Upon the effective date of a termination, the school shall close. 233826

(B) If a college-preparatory boarding school is required to 233827
close under division (A) of this section or closes for any other 233828
reason, the school's board of trustees shall execute the closing 233829
as provided in the contract under section 3328.12 of the Revised 233830
Code. 233831

Sec. 3328.50. The ~~state board~~ department of education and 233832
workforce shall adopt rules in accordance with Chapter 119. of the 233833
Revised Code prescribing procedures necessary for the 233834
implementation of this chapter. 233835

Sec. 3329.01. Any publisher of textbooks or electronic 233836
textbooks in the United States desiring to offer such textbooks or 233837
electronic textbooks for use by pupils in the public schools of 233838
Ohio, before such textbooks or electronic textbooks may be adopted 233839
and purchased by any school board, must, on or before the first 233840
day of January of each year, file ~~in the office of the~~ 233841
~~superintendent of public instruction~~ with the department of 233842
education and workforce, a statement that the list wholesale price 233843
to school districts in Ohio will be no more than the lowest list 233844
wholesale price available to school districts in any other state. 233845

No publisher of a textbook shall file a statement under this 233846
section unless the publisher complies with all of the following: 233847

(A) At the same time as filing the statement, the publisher 233848
also files: 233849

(1) For textbooks published before August 18, 2006, the 233850
wholesale price of an electronic file that contains the text of 233851
the textbook in rich text format, or another electronic format 233852
approved by the ~~superintendent of public instruction~~ department, 233853
for translating the text of the textbook into braille; 233854

(2) For textbooks published on or after August 18, 2006, the 233855
wholesale price of an electronic file that contains the text of 233856
the textbook, and of all instructional materials the publisher 233857
offers with the textbook, in the national instructional materials 233858
accessibility standard (NIMAS) code for translating the text of 233859
the entire textbook into NIMAS-approved formats, including 233860
braille, audio, digital text, or large print. 233861

(B) The list wholesale price filed for any specified number 233862
of electronic files described in divisions (A)(1) and (2) of this 233863
section for the textbook and instructional materials the publisher 233864
offers with the textbook does not exceed the list wholesale price 233865
for the same number of the printed version of the textbook and 233866
materials. 233867

(C) For textbooks published on or after August 18, 2006, the 233868
publisher sends one copy of the electronic file described in 233869
division (A)(2) of this section for the entire textbook and all 233870
instructional materials the publisher offers with the textbook in 233871
NIMAS code, at no cost, to the national instructional materials 233872
access center. 233873

As used in this section and in sections 3329.03 to 3329.10 of 233874
the Revised Code, "electronic textbook" means computer software, 233875
interactive videodisc, magnetic media, optical media, computer 233876
courseware, on-line service, electronic medium, or other means of 233877
conveying information to the student or otherwise contributing to 233878
the learning process through electronic means. 233879

Sec. 3329.03. If a publisher who files a statement under 233880

section 3329.01 of the Revised Code, fails or refuses to furnish 233881
such textbooks or electronic textbooks adopted as provided in 233882
sections 3329.01 to 3329.10 of the Revised Code to any board of 233883
education upon the terms provided in such sections, such board at 233884
once must notify the ~~state board~~ department of education and 233885
workforce of such failure or refusal, and the ~~state board of~~ 233886
~~education~~ department at once shall cause an investigation of such 233887
charge to be made. If it is found to be true, the ~~state board of~~ 233888
~~education~~ department at once shall notify such publisher and each 233889
board in the state that such textbooks or electronic textbooks 233890
shall not thereafter be adopted and purchased by boards of 233891
education. Such publisher shall pay to the state five hundred 233892
dollars for each failure, to be recovered in the name of the 233893
state, in an action to be brought by the attorney general, in the 233894
court of common pleas of Franklin county, or in any other proper 233895
court or in any other place where service can be made. The amount, 233896
when collected, must be paid into the state treasury to the credit 233897
of the state general revenue fund. 233898

Sec. 3329.10. A superintendent, supervisor, principal, or 233899
teacher employed by any board of education shall not act as sales 233900
agent, either directly or indirectly, for any person, firm, or 233901
corporation that files school textbooks or electronic textbooks 233902
with the ~~superintendent of public instruction~~ department of 233903
education and workforce, or that sells school apparatus or 233904
equipment of any kind for use in the public schools. A violation 233905
of this section shall work a forfeiture of their licenses to teach 233906
in the public schools. 233907

Sec. 3331.01. (A) As used in this chapter: 233908

(1) "Superintendent" or "superintendent of schools" of a 233909
school district means the person employed as the superintendent or 233910
that person's designee. 233911

(2) "Chief administrative officer" means the chief administrative officer of a nonpublic or community school or that person's designee.

(B)(1) Except as provided in division (B)(2) of this section, an age and schooling certificate may be issued only by the superintendent of the city, local, joint vocational, or exempted village school district in which the child in whose name such certificate is issued resides or by the chief administrative officer of the nonpublic or community school the child attends, and only upon satisfactory proof that the child to whom the certificate is issued is at least fourteen years of age.

(2) A child who resides in this state shall apply for an age and schooling certificate to the superintendent of the school district in which the child resides, or to the chief administrative officer of the school that the child attends. Residents of other states who work in Ohio shall apply to the superintendent of the school district in which the place of employment is located, as a condition of employment or service.

(C) Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children. Section 4113.08 of the Revised Code does not apply to such employer in respect to such child while engaged in an employment legal for a child of the age stated therein.

(D) Age and schooling certificate forms shall be approved by the ~~state board~~ department of education and workforce, including forms submitted electronically. Forms shall not display the social security number of the child. Except as otherwise provided in this section, every application for an age and schooling certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued.

(E) A child shall furnish the superintendent or chief administrative officer all information required by this chapter in support of the issuance of a certificate. 233943
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(F) On and after September 1, 2002, each superintendent and chief administrative officer who issues an age and schooling certificate shall file electronically the certificate with the director of commerce in accordance with rules adopted by the director of administrative services pursuant to section 1306.21 of the Revised Code. On and after September 1, 2002, only electronically filed certificates are valid to satisfy the requirements of Chapter 4109. of the Revised Code. 233946
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Sec. 3331.02. (A) The superintendent of schools or the chief administrative officer, as appropriate pursuant to section 3331.01 of the Revised Code, shall not issue an age and schooling certificate until the superintendent or chief administrative officer has received, examined, approved, and filed the following papers duly executed: 233954
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(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, and for this purpose work performed by a minor, directly and exclusively for the benefit of such minor's parent, in the farm home or on the farm of such parent is legal employment, irrespective of any contract of employment, or the absence thereof, to permit the child to attend school as provided in section 3321.08 of the Revised Code, and give notice of the nonuse of an age and schooling certificate within five days from the date of the child's withdrawal or dismissal from the service of that person, partnership, or corporation, giving the reasons for such withdrawal or dismissal; 233960
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(2) The child's school record or notification. As used in this division, a "school record" means documents properly filled out and signed by the person in charge of the school which the 233971
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child last attended, giving the recorded age of the child, the 233974
child's address, standing in studies, rating in conduct, and 233975
attendance in days during the school year of the child's last 233976
attendance; "notification" means the information submitted to the 233977
superintendent by the parent of a child ~~excused~~ exempt from 233978
attendance at school pursuant to ~~division (A)(2) of section~~ 233979
~~3321.04~~ 3321.042 of the Revised Code, ~~as the notification is~~ 233980
~~required by rules adopted by the department of education.~~ 233981

(3) Evidence of the age of the child as follows: 233982

(a) A certified copy of an original birth record or a 233983
certification of birth, issued in accordance with Chapter 3705. of 233984
the Revised Code, or by an officer charged with the duty of 233985
recording births in another state or country, shall be conclusive 233986
evidence of the age of the child; 233987

(b) In the absence of such birth record or certification of 233988
birth, a passport, or duly attested transcript thereof, showing 233989
the date and place of birth of the child, filed with a register of 233990
passports at a port of entry of the United States; or an attested 233991
transcript of the certificate of birth or baptism or other 233992
religious record, showing the date and place of birth of the 233993
child, shall be conclusive evidence of the age of the child; 233994

(c) In case none of the above proofs of age can be produced, 233995
other documentary evidence, except the affidavit of the parent, 233996
guardian, or custodian, satisfactory to the superintendent or 233997
chief administrative officer may be accepted in lieu thereof; 233998

(d) In case no documentary proof of age can be procured, the 233999
superintendent or chief administrative officer may receive and 234000
file an application signed by the parent, guardian, or custodian 234001
of the child that a medical certificate be secured to establish 234002
the sufficiency of the age of the child, which application shall 234003
state the alleged age of the child, the place and date of birth, 234004

the child's present residence, and such further facts as may be of 234005
assistance in determining the age of the child, and shall certify 234006
that the person signing the application is unable to obtain any of 234007
the documentary proofs specified in divisions (A)(3)(a), (b), and 234008
(c) of this section; and if the superintendent or chief 234009
administrative officer is satisfied that a reasonable effort to 234010
procure such documentary proof has been without success such 234011
application shall be granted and the certificate of the school 234012
physician or if there be none, of a physician, a physician 234013
assistant, a clinical nurse specialist, or a certified nurse 234014
practitioner employed by the board of education, that said 234015
physician, physician assistant, clinical nurse specialist, or 234016
certified nurse practitioner is satisfied that the child is above 234017
the age required for an age and schooling certificate as stated in 234018
section 3331.01 of the Revised Code, shall be accepted as 234019
sufficient evidence of age. 234020

(4) A certificate, including an athletic certificate of 234021
examination, from a physician licensed pursuant to Chapter 4731. 234022
of the Revised Code, a physician assistant, a clinical nurse 234023
specialist, or a certified nurse practitioner, or from the 234024
district health commissioner, showing after a thorough examination 234025
that the child is physically fit to be employed in such 234026
occupations as are not prohibited by law for a boy or girl, as the 234027
case may be, under eighteen years of age; but a certificate with 234028
"limited" written, printed, marked, or stamped thereon may be 234029
furnished by such physician, physician assistant, clinical nurse 234030
specialist, or certified nurse practitioner and accepted by the 234031
superintendent or chief administrative officer in issuing a 234032
"limited" age and schooling certificate provided in section 234033
3331.06 of the Revised Code, showing that the child is physically 234034
fit to be employed in some particular occupation not prohibited by 234035
law for a boy or girl of such child's age, as the case may be, 234036
even if the child's complete physical ability to engage in such 234037

occupation cannot be vouched for. 234038

(B)(1) Except as provided in division (B)(2) of this section, 234039
a physical fitness certificate described in division (A)(4) of 234040
this section is valid for purposes of that division while the 234041
child remains employed in job duties of a similar nature as the 234042
job duties for which the child last was issued an age and 234043
schooling certificate. The superintendent or chief administrative 234044
officer who issues an age and schooling certificate shall 234045
determine whether job duties are similar for purposes of this 234046
division. 234047

(2) A "limited" physical fitness certificate described in 234048
division (A)(4) of this section is valid for one year. 234049

(C) The superintendent of schools or the chief administrative 234050
officer shall require a child who resides out of this state to 234051
file all the information required under division (A) of this 234052
section. The superintendent of schools or the chief administrative 234053
officer shall evaluate the information filed and determine whether 234054
to issue the age and schooling certificate using the same 234055
standards as those the superintendent or officer uses for in-state 234056
children. 234057

Sec. 3331.04. (A) Until July 1, 2016, an age and schooling 234058
certificate may be issued by the superintendent of schools to a 234059
child over sixteen years of age upon proof acceptable to such 234060
superintendent of the following facts and upon agreement to the 234061
respective conditions made in writing by the child and by the 234062
parents, guardian, or custodian in charge of such child: 234063

(1) That the child is addicted to no habit which is likely to 234064
detract from the child's reliability or effectiveness as a worker, 234065
or proper use of the child's earnings or leisure, or the 234066
probability of the child's faithfully carrying out the conditions 234067
to which the child agrees as specified in division (A)(2) of this 234068

section, and in addition any one of the following groups of facts: 234069

(a) That the child has been a resident of the school district 234070
for the last two years, has diligently attended upon instruction 234071
at school for the last two years, and is able to read, write, and 234072
perform the fundamental operations of arithmetic. These abilities 234073
shall be judged by the superintendent. 234074

(b) That the child having been a resident of the school 234075
district less than two years, diligently attended upon instruction 234076
in school in the district in which the child was a resident next 234077
preceding the child's residence in the present district for the 234078
last school year preceding the child's removal to the present 234079
district, and has diligently attended upon instruction in the 234080
schools of the present district for the period that the child has 234081
been a resident thereof; 234082

(c) That the child has removed to the present school district 234083
since the beginning of the last annual school session, and that 234084
instruction adapted to the child's needs is not provided in the 234085
regular day schools in the district; 234086

(d) That conditions are such that the child must provide for 234087
the child's own support or that the child is needed for the 234088
support or care of parents or for the support or care of brothers 234089
or sisters for whom the parents are unable to provide and that the 234090
child is desirous of working for the support or care of self or of 234091
such parents or siblings and that such child cannot render such 234092
needed support or care by a reasonable effort outside of school 234093
hours; but no age and schooling certificate shall be granted to a 234094
child of this group upon proof of such facts without written 234095
consent given to the superintendent by the juvenile judge and by 234096
the department of job and family services. 234097

(2) In case the certificate is granted under division (A)(1) 234098
of this section, that until reaching the age of eighteen years the 234099

child will diligently attend in addition to part-time classes, 234100
such evening classes as will add to the child's education for 234101
literacy, citizenship, or vocational preparation which may be made 234102
available to the child in the school district and which the child 234103
may be directed to attend by the superintendent, or in case no 234104
such classes are available, that the child will pursue such 234105
reading and study and report monthly thereon as may be directed by 234106
the superintendent. 234107

(B) Beginning July 1, 2016, an age and schooling certificate 234108
may be issued pursuant to this section only to a child over 234109
sixteen years of age who is not exempt from enrollment pursuant to 234110
section 3321.042 of the Revised Code and who does both of the 234111
following: 234112

(1) Upon agreement in writing, by the child and the parents, 234113
guardian, or custodian in charge of such child, provides proof 234114
acceptable to the superintendent that the conditions in division 234115
(A)(1) of this section are met; 234116

(2) Is enrolled in a competency-based instructional program 234117
to earn a high school diploma in accordance with the rules adopted 234118
by the ~~state board~~ department of education and workforce pursuant 234119
to division (C) of this section. 234120

(C) ~~Not later than July 1, 2016, the state board~~Beginning on 234121
the effective date of this amendment, an age and schooling 234122
certificate may be issued by a parent of a child over sixteen 234123
years of age who is exempt from enrollment pursuant to section 234124
3321.042 of the Revised Code. 234125

(D) The department, in accordance with Chapter 119. of the 234126
Revised Code, shall adopt rules on the requirements for completing 234127
a competency-based instructional program that leads to a high 234128
school diploma under this section. 234129

Sec. 3332.02. This chapter does not apply to the following	234130
categories of courses, schools, or colleges:	234131
(A) Tuition-free courses or schools conducted by employers	234132
exclusively for their own employees;	234133
(B) Nonprofit institutions with certificates of authorization	234134
issued pursuant to section 1713.02 of the Revised Code or that are	234135
nonprofit institutions exempted from the requirement to obtain a	234136
certificate by division (E) of that section;	234137
(C) Schools, colleges, technical colleges, or universities	234138
established by law or chartered by the Ohio board <u>chancellor</u> of	234139
regents <u>higher education</u> ;	234140
(D) Courses of instruction required by law to be approved or	234141
licensed by a state board or agency other than the state board of	234142
career colleges and schools, except that a school so approved or	234143
licensed may apply to the state board of career colleges and	234144
schools for a certificate of registration to be issued in	234145
accordance with this chapter;	234146
(E) Schools for which minimum standards are prescribed by the	234147
state board <u>director</u> of education <u>and workforce</u> pursuant to	234148
division (D) of section 3301.07 of the Revised Code;	234149
(F) Courses of instruction conducted by a public school	234150
district or a combination of public school districts;	234151
(G) Courses of instruction conducted outside the United	234152
States;	234153
(H) Private institutions exempt from regulation under this	234154
chapter as prescribed in section 3333.046 of the Revised Code;	234155
(I) Training courses for employees paid for by their	234156
employers and conducted by outside service providers.	234157
Sec. 3332.03. There is hereby created the state board of	234158

career colleges and schools to consist of the ~~state superintendent~~ 234159
~~of public instruction or an assistant superintendent designated by~~ 234160
~~the superintendent, the chancellor of the Ohio board of regents~~ 234161
higher education or a vice chancellor designated by the 234162
chancellor, the director of education and workforce or the 234163
director's designee, and six members appointed by the governor, 234164
with the advice and consent of the senate. Members' terms of 234165
office shall be for five years, commencing on the twenty-first day 234166
of November and ending on the twentieth day of November. Each 234167
member shall hold office from the date of appointment until the 234168
end of the term for which the member was appointed. 234169

Three of the members appointed by the governor shall have 234170
been engaged for a period of not less than five years immediately 234171
preceding appointment in an executive or managerial position in a 234172
private, trade, technical, or other school subject to this 234173
chapter. One member appointed by the governor shall be a 234174
representative of students and shall have graduated with an 234175
associate or baccalaureate degree, within five years prior to 234176
appointment, from a school subject to this chapter. Two members 234177
appointed by the governor shall be representatives of the general 234178
public and shall have had no affiliation with, or direct or 234179
indirect interest in, schools subject to this chapter for at least 234180
two years prior to appointment. In selecting the representatives 234181
of the general public, the governor shall make an effort to find 234182
individuals with background or experience in the regulation of 234183
commerce, business, or education. The two members of the board who 234184
are representatives of the general public shall not be affiliated 234185
in any way with or have any direct or indirect interest in any 234186
schools subject to this chapter during their terms. Except for 234187
enrollment in a school subject to this chapter, the member 234188
representing students shall have had no affiliation in any way 234189
with, or have any direct or indirect interest in any school 234190
subject to this chapter for at least two years prior to 234191

appointment or during the member's term. 234192

Any vacancy shall be filled in the manner provided for 234193
original appointment. Any member appointed to fill a vacancy 234194
occurring prior to the expiration of the term for which the 234195
member's predecessor was appointed shall hold office for the 234196
remainder of such term. Any appointed member shall continue in 234197
office subsequent to the expiration date of the member's term 234198
until the member's successor takes office, or until a period of 234199
sixty days has elapsed, whichever occurs first. 234200

Members of the board have full voting rights, except for the 234201
member representing students who shall be a nonvoting member. Each 234202
member of the board appointed by the governor shall be compensated 234203
at the rate established pursuant to division (J) of section 124.15 234204
of the Revised Code, but shall not receive step advancements, for 234205
those days the member is engaged in the discharge of official 234206
duties. In addition, members appointed by the governor may be 234207
compensated for the expenses necessarily incurred in the 234208
attendance at meetings or in performing other services for the 234209
board. The chairperson of the board shall annually be elected or 234210
determined as follows: 234211

(A) If both members of the board representing the general 234212
public have served on the board for at least one year, the members 234213
shall elect one of these two members as chairperson. If one of 234214
these members declines to be elected or serve, the other member 234215
representing the general public shall be chairperson. If both 234216
members representing the general public decline to be elected or 234217
serve, division (C) of this section shall apply. 234218

(B) If only one member of the board representing the general 234219
public has served on the board for at least one year, this member 234220
shall be chairperson. If this member declines to serve, division 234221
(C) of this section shall apply. 234222

(C) If neither member of the board representing the general public has served on the board for at least one year or if this division applies pursuant to division (A) or (B) of this section, the members of the board shall elect a chairperson from among any of the voting members of the board who have served on the board for at least one year.

Sec. 3332.04. The state board of career colleges and schools may appoint an executive director and such other staff as may be required for the performance of the board's duties and provide necessary facilities. In selecting an executive director, the board shall appoint an individual with a background or experience in the regulation of commerce, business, or education. The board may also arrange for services and facilities to be provided by the ~~state board of education and the Ohio board of regents~~department of education and workforce or the department of higher education. All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.

Sec. 3333.04. The chancellor of higher education shall:

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

(B)(1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state;

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

(C) Approve or disapprove the establishment of new branches

or academic centers of state colleges and universities; 234253

(D) Approve or disapprove the establishment of state 234254
technical colleges or any other state institution of higher 234255
education; 234256

(E) Recommend the nature of the programs, undergraduate, 234257
graduate, professional, state-financed research, and public 234258
services which should be offered by the state colleges, 234259
universities, and other state-assisted institutions of higher 234260
education in order to utilize to the best advantage their 234261
facilities and personnel; 234262

(F) Recommend to the state colleges, universities, and other 234263
state-assisted institutions of higher education graduate or 234264
professional programs, including, but not limited to, doctor of 234265
philosophy, doctor of education, and juris doctor programs, that 234266
could be eliminated because they constitute unnecessary 234267
duplication, as shall be determined using the process developed 234268
pursuant to this division, or for other good and sufficient cause. 234269
Prior to recommending a program for elimination, the chancellor 234270
shall request the board of regents to hold at least one public 234271
hearing on the matter and advise the chancellor on whether the 234272
program should be recommended for elimination. The board shall 234273
provide notice of each hearing within a reasonable amount of time 234274
prior to its scheduled date. Following the hearing, the board 234275
shall issue a recommendation to the chancellor. The chancellor 234276
shall consider the board's recommendation but shall not be 234277
required to accept it. 234278

For purposes of determining the amounts of any state 234279
instructional subsidies paid to state colleges, universities, and 234280
other state-assisted institutions of higher education, the 234281
chancellor may exclude students enrolled in any program that the 234282
chancellor has recommended for elimination pursuant to this 234283
division except that the chancellor shall not exclude any such 234284

student who enrolled in the program prior to the date on which the 234285
chancellor initially commences to exclude students under this 234286
division. 234287

The chancellor and state colleges, universities, and other 234288
state-assisted institutions of higher education shall jointly 234289
develop a process for determining which existing graduate or 234290
professional programs constitute unnecessary duplication. 234291

(G) Recommend to the state colleges, universities, and other 234292
state-assisted institutions of higher education programs which 234293
should be added to their present programs; 234294

(H) Conduct studies for the state colleges, universities, and 234295
other state-assisted institutions of higher education to assist 234296
them in making the best and most efficient use of their existing 234297
facilities and personnel; 234298

(I) Make recommendations to the governor and general assembly 234299
concerning the development of state-financed capital plans for 234300
higher education; the establishment of new state colleges, 234301
universities, and other state-assisted institutions of higher 234302
education; and the establishment of new programs at the existing 234303
state colleges, universities, and other institutions of higher 234304
education; 234305

(J) Review the appropriation requests of the public community 234306
colleges and the state colleges and universities and submit to the 234307
office of budget and management and to the chairpersons of the 234308
finance committees of the house of representatives and of the 234309
senate the chancellor's recommendations in regard to the biennial 234310
higher education appropriation for the state, including 234311
appropriations for the individual state colleges and universities 234312
and public community colleges. For the purpose of determining the 234313
amounts of instructional subsidies to be paid to state-assisted 234314
colleges and universities, the chancellor shall define "full-time 234315

equivalent student" by program per academic year. The definition 234316
may take into account the establishment of minimum enrollment 234317
levels in technical education programs below which support 234318
allowances will not be paid. Except as otherwise provided in this 234319
section, the chancellor shall make no change in the definition of 234320
"full-time equivalent student" in effect on November 15, 1981, 234321
which would increase or decrease the number of subsidy-eligible 234322
full-time equivalent students, without first submitting a fiscal 234323
impact statement to the president of the senate, the speaker of 234324
the house of representatives, the legislative service commission, 234325
and the director of budget and management. The chancellor shall 234326
work in close cooperation with the director of budget and 234327
management in this respect and in all other matters concerning the 234328
expenditures of appropriated funds by state colleges, 234329
universities, and other institutions of higher education. 234330

(K) Seek the cooperation and advice of the officers and 234331
trustees of both public and private colleges, universities, and 234332
other institutions of higher education in the state in performing 234333
the chancellor's duties and making the chancellor's plans, 234334
studies, and recommendations; 234335

(L) Appoint advisory committees consisting of persons 234336
associated with public or private secondary schools, members of 234337
the state board of education, or personnel of the ~~state~~ department 234338
of education and workforce; 234339

(M) Appoint advisory committees consisting of college and 234340
university personnel, or other persons knowledgeable in the field 234341
of higher education, or both, in order to obtain their advice and 234342
assistance in defining and suggesting solutions for the problems 234343
and needs of higher education in this state; 234344

(N) Approve or disapprove all new degrees and new degree 234345
programs at all state colleges, universities, and other 234346
state-assisted institutions of higher education. 234347

When considering approval of a new degree or degree program 234348
for a state institution of higher education, as defined in section 234349
3345.011 of the Revised Code, the chancellor shall take into 234350
account the extent to which the degree or degree program aligns 234351
with the state's workforce development priorities. 234352

(O) Adopt such rules as are necessary to carry out the 234353
chancellor's duties and responsibilities. The rules shall 234354
prescribe procedures for the chancellor to follow when taking 234355
actions associated with the chancellor's duties and 234356
responsibilities and shall indicate which types of actions are 234357
subject to those procedures. The procedures adopted under this 234358
division shall be in addition to any other procedures prescribed 234359
by law for such actions. However, if any other provision of the 234360
Revised Code or rule adopted by the chancellor prescribes 234361
different procedures for such an action, the procedures adopted 234362
under this division shall not apply to that action to the extent 234363
they conflict with the procedures otherwise prescribed by law. The 234364
procedures adopted under this division shall include at least the 234365
following: 234366

(1) Provision for public notice of the proposed action; 234367

(2) An opportunity for public comment on the proposed action, 234368
which may include a public hearing on the action by the board of 234369
regents; 234370

(3) Methods for parties that may be affected by the proposed 234371
action to submit comments during the public comment period; 234372

(4) Submission of recommendations from the board of regents 234373
regarding the proposed action, at the request of the chancellor; 234374

(5) Written publication of the final action taken by the 234375
chancellor and the chancellor's rationale for the action; 234376

(6) A timeline for the process described in divisions (O)(1) 234377
to (5) of this section. 234378

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(R) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;

(S) Conduct enrollment audits of state-supported institutions of higher education;

(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. A consortium shall follow the rules of the college or university that serves as its fiscal agent. The chancellor may restructure existing consortia, appointed under this division, in accordance with procedures adopted under divisions (O)(1) to (6) of this section.

(U) Adopt rules establishing advisory duties and responsibilities of the board of regents not otherwise prescribed by law;

(V) Respond to requests for information about higher education from members of the general assembly and direct staff to conduct research or analysis as needed for this purpose.

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Sec. 3333.041. (A) On or before the last day of December of each year, the chancellor of higher education shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report or reports concerning all of the following:

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(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the chancellor. The chancellor also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district.

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Each state institution of higher education shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report.

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(2) The following information with respect to the Ohio tuition trust authority:

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(a) The name of each investment manager that is a minority

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business enterprise or a women's business enterprise with which 234441
the chancellor contracts; 234442

(b) The amount of assets managed by investment managers that 234443
are minority business enterprises or women's business enterprises, 234444
expressed as a percentage of assets managed by investment managers 234445
with which the chancellor has contracted; 234446

(c) Efforts by the chancellor to increase utilization of 234447
investment managers that are minority business enterprises or 234448
women's business enterprises. 234449

(3) The chancellor's strategy in assigning choose Ohio first 234450
scholarships, as established under section 3333.61 of the Revised 234451
Code, among state universities and colleges and how the actual 234452
awards fit that strategy. 234453

(4) The academic and economic impact of the Ohio 234454
co-op/internship program established under section 3333.72 of the 234455
Revised Code. At a minimum, the report shall include the 234456
following: 234457

(a) Progress and performance metrics for each initiative that 234458
received an award in the previous fiscal year; 234459

(b) Economic indicators of the impact of each initiative, and 234460
all initiatives as a whole, on the regional economies and the 234461
statewide economy; 234462

(c) The chancellor's strategy in allocating awards among 234463
state institutions of higher education and how the actual awards 234464
fit that strategy. 234465

(B) On or before the fifteenth day of February of each year, 234466
the ~~director~~ chancellor shall submit to the governor and, in 234467
accordance with section 101.68 of the Revised Code, the general 234468
assembly a report concerning aggregate academic growth data for 234469
students assigned to graduates of teacher preparation programs 234470

approved under section 3333.048 of the Revised Code who teach 234471
English language arts or mathematics in any of grades four to 234472
eight in a public school in Ohio. For this purpose, the ~~director~~ 234473
chancellor shall use the value-added progress dimension prescribed 234474
by section 3302.021 of the Revised Code or the alternative student 234475
academic progress measure if adopted under division (C)(1)(e) of 234476
section 3302.03 of the Revised Code. The ~~director~~ chancellor shall 234477
aggregate the data by graduating class for each approved teacher 234478
preparation program, except that if a particular class has ten or 234479
fewer graduates to which this division applies, the ~~director~~ 234480
chancellor shall report the data for a group of classes over a 234481
three-year period. In no case shall the report identify any 234482
individual graduate. The department of education and workforce 234483
shall share any data necessary for the report with the ~~director~~ 234484
chancellor. 234485

(C) As used in this section: 234486

(1) "Minority business enterprise" has the same meaning as in 234487
section 122.71 of the Revised Code. 234488

(2) "State institution of higher education" and "state 234489
university" have the same meanings as in section 3345.011 of the 234490
Revised Code. 234491

(3) "State university or college" has the same meaning as in 234492
section 3345.12 of the Revised Code. 234493

(4) "Women's business enterprise" means a business, or a 234494
partnership, corporation, limited liability company, or joint 234495
venture of any kind, that is owned and controlled by women who are 234496
United States citizens and residents of this state. 234497

Sec. 3333.048. (A) ~~Not later than one year after October 16,~~ 234498
~~2009, the~~ The chancellor of higher education and the 234499
~~superintendent of public instruction~~ director of education and 234500

workforce jointly shall do the following: 234501

(1) In accordance with Chapter 119. of the Revised Code, 234502
establish metrics and educator preparation programs for the 234503
preparation of educators and other school personnel and the 234504
institutions of higher education that are engaged in their 234505
preparation. The metrics and educator preparation programs shall 234506
be aligned with the standards and qualifications for educator 234507
licenses adopted by the state board of education under section 234508
3319.22 of the Revised Code and the requirements of the Ohio 234509
teacher residency program established under section 3319.223 of 234510
the Revised Code. The metrics and educator preparation programs 234511
also shall ensure that educators and other school personnel are 234512
adequately prepared to use the value-added progress dimension 234513
prescribed by section 3302.021 of the Revised Code or the 234514
alternative student academic progress measure if adopted under 234515
division (C)(1)(e) of section 3302.03 of the Revised Code. 234516

(2) Provide for the inspection of institutions of higher 234517
education desiring to prepare educators and other school 234518
personnel. 234519

(B) ~~Not later than one year after October 16, 2009, the~~ The 234520
chancellor shall approve institutions of higher education engaged 234521
in the preparation of educators and other school personnel that 234522
maintain satisfactory training procedures and records of 234523
performance, as determined by the chancellor. 234524

(C) If the metrics established under division (A)(1) of this 234525
section require an institution of higher education that prepares 234526
teachers to satisfy the standards of an independent accreditation 234527
organization, the chancellor shall permit each institution to 234528
satisfy the standards of any applicable national educator 234529
preparation accrediting agency recognized by the United States 234530
department of education. 234531

(D) The metrics and educator preparation programs established 234532
under division (A)(1) of this section may require an institution 234533
of higher education, as a condition of approval by the chancellor, 234534
to make changes in the curricula of its preparation programs for 234535
educators and other school personnel. 234536

Notwithstanding division (E) of section 119.03 and division 234537
(A)(1) of section 119.04 of the Revised Code, any metrics, 234538
educator preparation programs, rules, and regulations, or any 234539
amendment or rescission of such metrics, educator preparation 234540
programs, rules, and regulations, adopted under this section that 234541
necessitate institutions offering preparation programs for 234542
educators and other school personnel approved by the chancellor to 234543
revise the curricula of those programs shall not be effective for 234544
at least one year after the first day of January next succeeding 234545
the publication of the said change. 234546

Each institution shall allocate money from its existing 234547
revenue sources to pay the cost of making the curricular changes. 234548

(E) The chancellor shall notify the state board of the 234549
metrics and educator preparation programs established under 234550
division (A)(1) of this section and the institutions of higher 234551
education approved under division (B) of this section. The state 234552
board shall publish the metrics, educator preparation programs, 234553
and approved institutions with the standards and qualifications 234554
for each type of educator license. 234555

(F) The graduates of educator preparation programs approved 234556
by the chancellor shall be licensed by the state board in 234557
accordance with the standards and qualifications adopted under 234558
section 3319.22 of the Revised Code. 234559

Sec. 3333.0411. Not later than December 31, 2014, and 234560
annually thereafter, the chancellor of higher education shall 234561
report for each approved teacher preparation program, the number 234562

and percentage of all graduates of the program who were rated at 234563
each of the performance levels prescribed by division (B)(1) of 234564
section 3319.112 of the Revised Code on an evaluation conducted in 234565
accordance with section 3319.111 of the Revised Code in the 234566
previous school year. 234567

In no case shall the report identify any individual graduate. 234568
The department of education and workforce shall share any data 234569
necessary for the report with the chancellor. 234570

Sec. 3333.0415. ~~Beginning in 2018, the~~ The chancellor of 234571
higher education, in collaboration with the department of 234572
education and workforce, shall prepare an annual report regarding 234573
the progress the state is making in increasing the percentage of 234574
adults in the state with a college degree, industry certificate, 234575
or other postsecondary credential to sixty-five per cent by the 234576
year 2025. The chancellor shall submit an electronic copy of the 234577
report to the governor, the president and minority leader of the 234578
senate, and the speaker and minority leader of the house of 234579
representatives. 234580

Sec. 3333.07. (A) Colleges, universities, and other 234581
institutions of higher education which receive state assistance, 234582
but are not supported primarily by the state, shall submit to the 234583
chancellor of higher education such accounting of the expenditure 234584
of state funds at such time and in such form as the chancellor 234585
prescribes. 234586

(B) No state institution of higher education shall establish 234587
a new branch or academic center without the approval of the 234588
chancellor. 234589

(C) No state institution of higher education shall offer a 234590
new degree or establish a new degree program without the approval 234591
of the chancellor. No degree approval shall be given for a 234592

technical education program unless such program is offered by a 234593
state assisted university, a university branch, a technical 234594
college, or a community college. 234595

(D) Any state college, university, or other state assisted 234596
institution of higher education not complying with a 234597
recommendation of the chancellor pursuant to division (F) or (G) 234598
of section 3333.04 of the Revised Code shall so notify the 234599
chancellor in writing within one hundred twenty days after receipt 234600
of the recommendation, stating the reasons why it cannot or should 234601
not comply. 234602

(E) The officers, trustees, and employees of all institutions 234603
of higher education which are state supported or state assisted 234604
shall cooperate with the chancellor in supplying information 234605
regarding their institutions, and advising and assisting the 234606
chancellor on matters of higher education in this state in every 234607
way possible when so requested by the chancellor. 234608

(F) Persons associated with the public school systems in this 234609
state, ~~and the~~ personnel of the ~~state~~ department of education, ~~and~~ 234610
~~members of the state board of education~~ and workforce shall 234611
provide such data about high school students as are requested by 234612
the chancellor to aid in the development of state higher education 234613
plans. 234614

Sec. 3333.162. (A) As used in this section, "state 234615
institution of higher education" means an institution of higher 234616
education as defined in section 3345.12 of the Revised Code. 234617

(B) ~~By April 15, 2007, the~~ The chancellor of higher 234618
education, in consultation with the department of education and 234619
workforce, public adult and secondary career-technical education 234620
institutions, ~~and~~ state institutions of higher education, shall 234621
establish criteria, policies, and procedures that enable students 234622
to transfer agreed upon technical courses completed through an 234623

adult career-technical education institution, a public secondary 234624
career-technical institution, or a state institution of higher 234625
education to a state institution of higher education without 234626
unnecessary duplication or institutional barriers. The courses to 234627
which the criteria, policies, and procedures apply shall be those 234628
that adhere to recognized industry standards and equivalent 234629
coursework common to the secondary career pathway and adult 234630
career-technical education system and regionally accredited state 234631
institutions of higher education. Where applicable, the policies 234632
and procedures shall build upon the articulation agreement and 234633
transfer initiative course equivalency system required by section 234634
3333.16 of the Revised Code. 234635

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 234636
Revised Code, "term" and "academic year" mean "term" and "academic 234637
year" as defined by the chancellor of higher education. 234638

The chancellor shall establish and administer an academic 234639
scholarship program. Under the program, a total of one thousand 234640
new scholarships shall be awarded annually in the amount of not 234641
less than two thousand dollars per award. At least one such new 234642
scholarship shall be awarded annually to a student in each public 234643
high school and joint vocational school and each nonpublic high 234644
school for which the ~~state board~~ director of education and 234645
workforce prescribes minimum standards in accordance with section 234646
3301.07 of the Revised Code. 234647

To be eligible for the award of a scholarship, a student 234648
shall be a resident of Ohio and shall be enrolled as a full-time 234649
undergraduate student in an Ohio institution of higher education 234650
that meets the requirements of Title VI of the "Civil Rights Act 234651
of 1964" and is state-assisted, is nonprofit and holds a 234652
certificate of authorization issued under section 1713.02 of the 234653
Revised Code, is a private institution exempt from regulation 234654

under Chapter 3332. of the Revised Code as prescribed in section 234655
3333.046 of the Revised Code, or holds a certificate of 234656
registration and program authorization issued under section 234657
3332.05 of the Revised Code and awards an associate or bachelor's 234658
degree. Students who attend an institution holding a certificate 234659
of registration shall be enrolled in a program leading to an 234660
associate or bachelor's degree for which associate or bachelor's 234661
degree program the institution has program authorization to offer 234662
the program issued under section 3332.05 of the Revised Code. 234663

"Resident" and "full-time student" shall be defined in rules 234664
adopted by the chancellor. 234665

The chancellor shall award the scholarships on the basis of a 234666
formula designed by the chancellor to identify students with the 234667
highest capability for successful college study. The formula shall 234668
weigh the factor of achievement, as measured by grade point 234669
average, and the factor of ability, as measured by performance on 234670
a competitive examination specified by the chancellor. Students 234671
receiving scholarships shall be known as "Ohio academic scholars." 234672

Sec. 3333.31. (A) For state subsidy and tuition surcharge 234673
purposes, status as a resident of Ohio shall be defined by the 234674
chancellor of higher education by rule promulgated pursuant to 234675
Chapter 119. of the Revised Code. No adjudication as to the status 234676
of any person under such rule, however, shall be required to be 234677
made pursuant to Chapter 119. of the Revised Code. The term 234678
"resident" for these purposes shall not be equated with the 234679
definition of that term as it is employed elsewhere under the laws 234680
of this state and other states, and shall not carry with it any of 234681
the legal connotations appurtenant thereto. Rather, except as 234682
provided in divisions (B), (C), (D), (F), and (G) of this section, 234683
for such purposes, the rule promulgated under this section shall 234684
have the objective of excluding from treatment as residents those 234685

who are present in the state primarily for the purpose of 234686
attending a state-supported or state-assisted institution of 234687
higher education, and may prescribe presumptive rules, rebuttable 234688
or conclusive, as to such purpose based upon the source or sources 234689
of support of the student, residence prior to first enrollment, 234690
evidence of intention to remain in the state after completion of 234691
studies, or such other factors as the chancellor deems relevant. 234692

(B) The rules of the chancellor for determining student 234693
residency shall grant residency status to a veteran and to the 234694
veteran's spouse and any dependent of the veteran, if both of the 234695
following conditions are met: 234696

(1) The veteran either: 234697

(a) Served one or more years on active military duty and was 234698
honorably discharged or received a medical discharge that was 234699
related to the military service; 234700

(b) Was killed while serving on active military duty or has 234701
been declared to be missing in action or a prisoner of war. 234702

(2) If the veteran seeks residency status for tuition 234703
surcharge purposes, the veteran has established domicile in this 234704
state as of the first day of a term of enrollment in an 234705
institution of higher education. If the spouse or a dependent of 234706
the veteran seeks residency status for tuition surcharge purposes, 234707
the veteran and the spouse or dependent seeking residency status 234708
have established domicile in this state as of the first day of a 234709
term of enrollment in an institution of higher education, except 234710
that if the veteran was killed while serving on active military 234711
duty, has been declared to be missing in action or a prisoner of 234712
war, or is deceased after discharge, only the spouse or dependent 234713
seeking residency status shall be required to have established 234714
domicile in accordance with this division. 234715

(C) The rules of the chancellor for determining student residency shall grant residency status to both of the following:

(1) A veteran who is the recipient of federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria:

(a) The person enrolls in a state institution of higher education.

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education.

In order for a person using transferred federal veterans' benefits to qualify under division (C)(2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty.

(D) The rules of the chancellor for determining student residency shall grant residency status to a service member who is on active duty and to the service member's spouse and any

dependent of the service member while the service member is on 234746
active duty. In order to qualify under division (D) of this 234747
section, the rules shall require the student seeking in-state 234748
tuition rates to live in the state as of the first day of a term 234749
of enrollment in the state institution of higher education, but 234750
shall not require the service member or the service member's 234751
spouse or dependent to establish domicile in this state as of the 234752
first day of a term of enrollment in an institution of higher 234753
education. 234754

(E) The rules of the chancellor for determining student 234755
residency shall not deny residency status to a student who is 234756
either a dependent child of a parent, or the spouse of a person 234757
who, as of the first day of a term of enrollment in an institution 234758
of higher education, has accepted full-time employment and 234759
established domicile in this state for reasons other than gaining 234760
the benefit of favorable tuition rates. 234761

Documentation of full-time employment and domicile shall 234762
include both of the following documents: 234763

(1) A sworn statement from the employer or the employer's 234764
representative on the letterhead of the employer or the employer's 234765
representative certifying that the parent or spouse of the student 234766
is employed full-time in Ohio; 234767

(2) A copy of the lease under which the parent or spouse is 234768
the lessee and occupant of rented residential property in the 234769
state, a copy of the closing statement on residential real 234770
property of which the parent or spouse is the owner and occupant 234771
in this state or, if the parent or spouse is not the lessee or 234772
owner of the residence in which the parent or spouse has 234773
established domicile, a letter from the owner of the residence 234774
certifying that the parent or spouse resides at that residence. 234775

Residency officers may also evaluate, in accordance with the 234776

chancellor's rule, requests for immediate residency status from 234777
dependent students whose parents are not living and whose domicile 234778
follows that of a legal guardian who has accepted full-time 234779
employment and established domicile in the state for reasons other 234780
than gaining the benefit of favorable tuition rates. 234781

(F)(1) The rules of the chancellor for determining student 234782
residency shall grant residency status to a person who enrolls in 234783
an institution of higher education and establishes domicile in 234784
this state, regardless of the student's residence prior to that 234785
enrollment and satisfies either of the following conditions: 234786

(a) The person, while a resident of this state for state 234787
subsidy and tuition surcharge purposes, graduated from a high 234788
school in this state or completed the final year of ~~instruction~~ 234789
education at home as authorized under section ~~3321.04~~ 3321.042 of 234790
the Revised Code. 234791

(b) The person meets all of the following criteria: 234792

(i) The person officially withdrew from a school in this 234793
state while the person was a resident of this state for state 234794
subsidy and tuition surcharge purposes. 234795

(ii) The person has not received a high school diploma or 234796
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 234797
or 3325.08 of the Revised Code or a high school diploma awarded by 234798
a school located in another state or country. 234799

(iii) The person, while a resident of this state for state 234800
subsidy and tuition surcharge purposes, both took a high school 234801
equivalency test and was awarded a certificate of high school 234802
equivalence. 234803

(2) The rules of the chancellor for determining student 234804
residency shall not grant residency status to an alien if the 234805
alien is not also an immigrant or a nonimmigrant. 234806

(G) The rules of the chancellor for determining student 234807
residency status shall grant residency status to a person to whom 234808
all of the following apply: 234809

(1) The person, while not a resident of this state for state 234810
subsidy and tuition surcharge purposes, lives in this state and 234811
completes a bachelor's degree program at an institution of higher 234812
education in this state. 234813

(2) The person, upon completing that bachelor's degree 234814
program, immediately enrolls in a graduate degree program, as 234815
determined appropriate by the chancellor, offered at any state 234816
institution of higher education. 234817

(3) The person, while enrolled in the graduate degree 234818
program, resides in this state. 234819

The chancellor's rules adopted under this section shall 234820
define "immediately" for the purposes of division (G) of this 234821
section. 234822

(H) As used in this section: 234823

(1) "Dependent," "domicile," "institution of higher 234824
education," and "residency officer" have the meanings ascribed in 234825
the chancellor's rules adopted under this section. 234826

(2) "Alien" means a person who is not a United States citizen 234827
or a United States national. 234828

(3) "Immigrant" means an alien who has been granted the right 234829
by the United States bureau of citizenship and immigration 234830
services to reside permanently in the United States and to work 234831
without restrictions in the United States. 234832

(4) "Nonimmigrant" means an alien who has been granted the 234833
right by the United States bureau of citizenship and immigration 234834
services to reside temporarily in the United States. 234835

(5) "Veteran" means any person who has completed service in 234836

the uniformed services, as defined in section 3511.01 of the Revised Code. 234837
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(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code. 234839
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(7) "Certificate of high school equivalence" means either of the following: 234841
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(a) A certificate of high school equivalence awarded by the department of education and workforce under division (A) of section 3301.80 of the Revised Code; 234843
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(b) The equivalent of a certificate of high school equivalence awarded by the state board of education under former law, as defined in division (C)(1) of section 3301.80 of the Revised Code. 234846
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Sec. 3333.34. (A) As used in this section: 234850

(1) "Pre-college stackable certificate" means a certificate earned before an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the chancellor of higher education and the department of education and workforce. 234851
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(2) "College-level certificate" means a certificate earned while an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the chancellor and the department ~~of education~~. 234856
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(B) The chancellor and the department ~~of education~~ shall create a system of pre-college stackable certificates to provide a clear and accessible path for adults seeking to advance their education. The system shall do all of the following: 234860
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(1) Be uniform across the state; 234864

(2) Be available from an array of providers, including adult 234865

career centers, institutions of higher education, and employers;	234866
(3) Be structured to respond to the expectations of both the workplace and higher education;	234867 234868
(4) Be articulated in a way that ensures the most effective interconnection of competencies offered in specialized training programs;	234869 234870 234871
(5) Establish standards for earning pre-college certificates;	234872
(6) Establish transferability of pre-college certificates to college credit.	234873 234874
(C) The chancellor shall develop college-level certificates that can be transferred to college credit in different subject competencies. The certificates shall be based on competencies and experience and not on classroom seat time.	234875 234876 234877 234878
Sec. 3333.35. The state board <u>department</u> of education <u>and workforce</u> and the chancellor of higher education shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, <u>and</u> enhance the college credit plus program in accordance with Chapter 3365. of the Revised Code, and . <u>The state board of education shall strive to</u> enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code.	234879 234880 234881 234882 234883 234884 234885 234886 234887
Sec. 3333.37. As used in sections 3333.37 to 3333.375 of the Revised Code, the following words and terms have the following meanings unless the context indicates a different meaning or intent:	234888 234889 234890 234891
(A) "Cost of attendance" means all costs of a student incurred in connection with a program of study at an eligible institution, as determined by the institution, including tuition;	234892 234893 234894

instructional fees; room and board; books, computers, and	234895
supplies; and other related fees, charges, and expenses.	234896
(B) "Eligible institution" means one of the following:	234897
(1) A state-assisted post-secondary educational institution	234898
within the state;	234899
(2) A nonprofit institution of higher education within the	234900
state that holds a certificate of authorization issued under	234901
Chapter 1713. of the Revised Code, that is accredited by the	234902
appropriate regional and, when appropriate, professional	234903
accrediting associations within whose jurisdiction it falls, is	234904
authorized to grant a bachelor's degree or higher, and satisfies	234905
other conditions as set forth in the policy guidelines;	234906
(3) A private institution exempt from regulation under	234907
Chapter 3332. of the Revised Code as prescribed in section	234908
3333.046 of the Revised Code.	234909
(C) "Eligible student" means either of the following:	234910
(1) An undergraduate student who meets all of the following:	234911
(a) Is a resident of this state;	234912
(b) Has graduated from any Ohio secondary school for which	234913
the state board <u>director</u> of education <u>and workforce</u> prescribes	234914
minimum standards in accordance with section 3301.07 of the	234915
Revised Code;	234916
(c) Is attending and in good standing, or has been accepted	234917
for attendance, at any eligible institution as a full-time student	234918
to pursue a bachelor's degree.	234919
(2) A graduate student who is a resident of this state, and	234920
is attending and in good standing, or has been accepted for	234921
attendance, at any eligible institution.	234922
(D) "Fellowship" or "fellowship program" means the Ohio	234923
priority needs fellowship created by sections 3333.37 to 3333.375	234924

of the Revised Code. 234925

(E) "Full-time student" has the meaning as defined by rule of 234926
the chancellor of higher education. 234927

(F) "Ohio outstanding scholar" means a student who is the 234928
recipient of a scholarship under sections 3333.37 to 3333.375 of 234929
the Revised Code. 234930

(G) "Policy guidelines" means the rules adopted by the 234931
chancellor pursuant to section 3333.374 of the Revised Code. 234932

(H) "Priority needs fellow" means a student who is the 234933
recipient of a fellowship under sections 3333.37 to 3333.375 of 234934
the Revised Code. 234935

(I) "Priority needs field of study" means those academic 234936
majors and disciplines as determined by the chancellor that 234937
support the purposes and intent of sections 3333.37 to 3333.375 of 234938
the Revised Code as described in section 3333.371 of the Revised 234939
Code. 234940

(J) "Scholarship" or "scholarship program" means the Ohio 234941
outstanding scholarship created by sections 3333.37 to 3333.375 of 234942
the Revised Code. 234943

Sec. 3333.39. The chancellor of higher education and the 234944
~~superintendent of public instruction~~ department of education and 234945
workforce shall establish and administer the teach Ohio program to 234946
promote and encourage citizens of this state to consider teaching 234947
as a profession. The program shall include all of the following: 234948

(A) A statewide program administered by a nonprofit 234949
corporation that has been in existence for at least fifteen years 234950
with demonstrated results in encouraging high school students from 234951
economically disadvantaged groups to enter the teaching 234952
profession. The chancellor and ~~superintendent~~ the department 234953
jointly shall select the nonprofit corporation. 234954

(B) The Ohio teaching fellows program established under sections 3333.391 and 3333.392 of the Revised Code;	234955 234956
(C) The Ohio teacher residency program established under section 3319.223 of the Revised Code;	234957 234958
(D) Alternative licensure procedures established under section 3319.26 of the Revised Code;	234959 234960
(E) Any other program as identified by the chancellor and the superintendent <u>department</u> .	234961 234962
Sec. 3333.391. (A) As used in this section and in section 3333.392 of the Revised Code:	234963 234964
(1) "Academic year" shall be as defined by the chancellor of higher education.	234965 234966
(2) "Hard-to-staff school" and "hard-to-staff subject" shall be as defined by the department of education <u>and workforce</u> .	234967 234968
(3) "Parent" means the parent, guardian, or custodian of a qualified student.	234969 234970
(4) "Qualified service" means teaching at a qualifying school.	234971 234972
(5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low performance rating, as determined jointly by the chancellor and superintendent of public instruction <u>the department of education and workforce</u> , under section 3302.03 of the Revised Code at the time the recipient becomes employed by the district.	234973 234974 234975 234976 234977 234978
(B) If the chancellor of higher education determines that sufficient funds are available from general revenue fund appropriations made to the department of higher education or to the chancellor, the chancellor and the superintendent of public instruction <u>department of education and workforce</u> jointly may	234979 234980 234981 234982 234983

develop and agree on a plan for the Ohio teaching fellows program 234984
to promote and encourage high school seniors to enter and remain 234985
in the teaching profession. Upon agreement of such a plan, the 234986
chancellor shall establish and administer the program in 234987
conjunction with the ~~superintendent~~ department of education and 234988
workforce and with the cooperation of teacher training 234989
institutions. Under the program, the chancellor annually shall 234990
provide scholarships to students who commit to teaching in a 234991
qualifying school for a minimum of four years upon graduation from 234992
a teacher training program at a state institution of higher 234993
education or an Ohio nonprofit institution of higher education 234994
that has a certificate of authorization under Chapter 1713. of the 234995
Revised Code. The scholarships shall be for up to four years at 234996
the undergraduate level at an amount determined by the chancellor 234997
based on state appropriations. 234998

(C) The chancellor shall adopt a competitive process for 234999
awarding scholarships under the teaching fellows program, which 235000
shall include minimum grade point average and scores on national 235001
standardized tests for college admission. The process shall also 235002
give additional consideration to all of the following: 235003

(1) A person who has participated in the program described in 235004
division (A) of section 3333.39 of the Revised Code; 235005

(2) A person who plans to specialize in teaching students 235006
with special needs; 235007

(3) A person who plans to teach in the disciplines of 235008
science, technology, engineering, or mathematics. 235009

The chancellor shall require that all applicants to the 235010
teaching fellows program shall file a statement of service status 235011
in compliance with section 3345.32 of the Revised Code, if 235012
applicable, and that all applicants have not been convicted of, 235013
plead guilty to, or adjudicated a delinquent child for any 235014

violation listed in section 3333.38 of the Revised Code. 235015

(D) Teaching fellows shall complete the four-year teaching 235016
commitment within not more than seven years after graduating from 235017
the teacher training program. Failure to fulfill the commitment 235018
shall convert the scholarship into a loan to be repaid under 235019
section 3333.392 of the Revised Code. 235020

(E) The chancellor shall adopt rules in accordance with 235021
Chapter 119. of the Revised Code to administer this section and 235022
section 3333.392 of the Revised Code. 235023

Sec. 3333.43. This section does not apply to any 235024
baccalaureate degree program that is a cooperative education 235025
program, as defined in section 3333.71 of the Revised Code. 235026

(A) The chancellor of higher education shall require all 235027
state institutions of higher education that offer baccalaureate 235028
degrees, as a condition of reauthorization for certification of 235029
each baccalaureate program offered by the institution, to submit a 235030
statement describing how each major for which the school offers a 235031
baccalaureate degree may be completed within three academic years. 235032
The chronology of the statement shall begin with the fall semester 235033
of a student's first year of the baccalaureate program. 235034

(B) The statement required under this section may include, 235035
but not be limited to, any of the following methods to contribute 235036
to earning a baccalaureate degree in three years: 235037

(1) Advanced placement credit; 235038

(2) International baccalaureate program credit; 235039

(3) A waiver of degree and credit-hour requirements by 235040
completion of courses that are widely available at community 235041
colleges in the state or through online programs offered by state 235042
institutions of higher education or private nonprofit institutions 235043
of higher education holding certificates of authorization under 235044

Chapter 1713. of the Revised Code, and through courses taken by 235045
the student through the college credit plus program under Chapter 235046
3365. of the Revised Code; 235047

(4) Completion of coursework during summer sessions; 235048

(5) A waiver of foreign-language degree requirements based on 235049
a proficiency examination specified by the institution. 235050

(C)(1) Not later than October 15, 2012, each state 235051
institution of higher education shall provide statements required 235052
under this section for ten per cent of all baccalaureate degree 235053
programs offered by the institution. 235054

(2) Not later than June 30, 2014, each state institution of 235055
higher education shall provide statements required under this 235056
section for sixty per cent of all baccalaureate degree programs 235057
offered by the institution. 235058

(D) Each state institution of higher education required to 235059
submit statements under this section shall post its three-year 235060
option on its web site and also provide that information to the 235061
department of education and workforce. The department shall 235062
distribute that information to the superintendent, high school 235063
principal, and guidance counselor, or equivalents, of each school 235064
district, community school established under Chapter 3314. of the 235065
Revised Code, and STEM school established under Chapter 3326. of 235066
the Revised Code. 235067

(E) Nothing in this section requires an institution to take 235068
any action that would violate the requirements of any independent 235069
association accrediting baccalaureate degree programs. 235070

Sec. 3333.66. (A)(1) Except as provided in division (A)(2) of 235071
this section, in each academic year, no student who receives a 235072
choose Ohio first scholarship shall receive less than one thousand 235073
five hundred dollars or more than one-half of the highest in-state 235074

undergraduate instructional and general fees charged by all state 235075
universities. For this purpose, if Miami university is 235076
implementing the pilot tuition restructuring plan originally 235077
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 235078
university's instructional and general fees shall be considered to 235079
be the average full-time in-state undergraduate instructional and 235080
general fee amount after taking into account the Ohio resident and 235081
Ohio leader scholarships and any other credit provided to all Ohio 235082
residents. 235083

(2) The chancellor of higher education may authorize a state 235084
university or college or a nonpublic Ohio institution of higher 235085
education to award a choose Ohio first scholarship in the amount 235086
of not less than five hundred dollars but not more than one-half 235087
of the highest in-state undergraduate instructional and general 235088
fees charged by all state universities to a student enrolled in a 235089
certificate program designated as an eligible program by the 235090
chancellor. 235091

(3) A student receiving multiple awards under division (A) of 235092
this section may not exceed the maximum permitted amount for each 235093
individual award. 235094

(B) The general assembly intends that money appropriated for 235095
the choose Ohio first scholarship program in each fiscal year be 235096
used for scholarships in the following academic year. 235097

Sec. 3333.70. (A) The ~~director~~ chancellor of higher education 235098
shall establish and administer the Ohio higher education 235099
innovation grant program to promote educational excellence and 235100
economic efficiency throughout the state in order to stabilize or 235101
reduce student tuition rates at institutions of higher education. 235102
Under the program, the ~~director~~ chancellor shall award grants to 235103
state institutions of higher education, as defined in section 235104
3345.011 of the Revised Code, and private nonprofit institutions 235105

for innovative projects that incorporate academic achievement and 235106
economic efficiencies. State institutions of higher education and 235107
private nonprofit institutions may apply for grants and initiate 235108
collaboration with other institutions of higher education, either 235109
public or private, on such projects. 235110

(B) The ~~director~~ chancellor shall adopt rules to administer 235111
the program including, but not limited to, requirements that each 235112
grant application provides for all of the following: 235113

(1) A system by which to measure academic achievement and 235114
reductions in expenditures, both in funding and administration; 235115

(2) Demonstration of how the project will be sustained beyond 235116
the grant period and continue to provide substantial value and 235117
lasting impact; 235118

(3) Proof of commitment from all parties responsible for the 235119
implementation of the project; 235120

(4) Implementation of an ongoing evaluation process and 235121
improvement plans, as necessary. 235122

(C) As used in this section, "private nonprofit institution" 235123
means a nonprofit institution in this state that has a certificate 235124
of authorization pursuant to Chapter 1713. of the Revised Code. 235125

Sec. 3333.82. (A) The chancellor of higher education shall 235126
establish a clearinghouse of digital texts, interactive distance 235127
learning courses, and other distance learning courses delivered 235128
via a computer-based method offered by school districts, community 235129
schools, STEM schools, state institutions of higher education, 235130
private colleges and universities, and other nonprofit and 235131
for-profit course providers for sharing with other school 235132
districts, community schools, STEM schools, state institutions of 235133
higher education, private colleges and universities, and 235134
individuals for the fee set pursuant to section 3333.84 of the 235135

Revised Code. The chancellor shall not be responsible for the 235136
content of digital texts or courses offered through the 235137
clearinghouse; however, all such digital texts and courses shall 235138
be delivered only in accordance with technical specifications 235139
approved by the chancellor and on a common statewide platform 235140
administered by the chancellor. The chancellor may provide 235141
professional development and training on the use of the distance 235142
learning clearinghouse. 235143

The clearinghouse's distance learning program for students in 235144
grades kindergarten to twelve shall be based on the following 235145
principles: 235146

(1) All Ohio students shall have access to high quality 235147
digital texts and distance learning courses at any point in their 235148
educational careers. 235149

(2) All students shall be able to customize their education 235150
using digital texts and distance learning courses offered through 235151
the clearinghouse and no student shall be denied access to any 235152
digital text or course in the clearinghouse in which the student 235153
is eligible to enroll. 235154

(3) Students may take distance learning courses for all or 235155
any portion of their curriculum requirements and may utilize a 235156
combination of digital texts and distance learning courses and 235157
courses taught in a traditional classroom setting. 235158

(4) Students may earn an unlimited number of academic credits 235159
through distance learning courses. 235160

(5) Students may take distance learning courses at any time 235161
of the calendar year. 235162

(6) Student advancement to higher coursework shall be based 235163
on a demonstration of subject area competency instead of 235164
completion of any particular number of hours of instruction. 235165

(B) To offer digital texts or a course through the clearinghouse, a provider shall apply to the chancellor in a form and manner prescribed by the chancellor. The application for each digital text or course shall describe the digital text or course of study in as much detail as required by the chancellor, whether an instructor is provided, the qualification and credentials of the instructor, the number of hours of instruction, and any other information required by the chancellor. The chancellor may require course providers to include in their applications information recommended by the state board of education under former section 3353.30 of the Revised Code.

(C) The chancellor shall review the technical specifications of each application submitted under division (B) of this section. In reviewing applications, the chancellor may consult with the department of education and workforce; however, the responsibility to either approve or not approve a digital text or course for the clearinghouse belongs to the chancellor. The chancellor may request additional information from a provider that submits an application under division (B) of this section, if the chancellor determines that such information is necessary. The chancellor may negotiate changes in the proposal to offer a digital text or course, if the chancellor determines that changes are necessary in order to approve the digital text or course.

(D) The chancellor shall catalog each digital text or course approved for the clearinghouse, through a print or electronic medium, displaying the following:

(1) Information necessary for a student and the student's parent, guardian, or custodian and the student's school district, community school, STEM school, college, or university to decide whether to enroll in or subscribe to the course;

(2) Instructions for enrolling in that digital text or course, including deadlines for enrollment.

(E) Any expenses related to the installation of a course into 235198
the common statewide platform shall be borne by the course 235199
provider. 235200

(F) The chancellor may contract with an entity to perform any 235201
or all of the chancellor's duties under sections 3333.81 to 235202
3333.88 of the Revised Code. 235203

Sec. 3333.86. The chancellor of higher education may 235204
determine the manner in which a course included in the 235205
clearinghouse may be offered as an advanced standing program as 235206
defined in section 3313.6013 of the Revised Code, may be offered 235207
to students who are enrolled in nonpublic schools or are 235208
~~instructed~~ educated at home pursuant to section ~~3321.04~~ 3321.042 235209
of the Revised Code, or may be offered at times outside the normal 235210
school day or school week, including any necessary additional fees 235211
and methods of payment for a course so offered. 235212

Sec. 3333.87. The chancellor of higher education and the 235213
~~state board~~ department of education and workforce jointly, ~~and in~~ 235214
~~consultation with the director of the governor's office of 21st~~ 235215
~~century education,~~ shall adopt rules in accordance with Chapter 235216
119. of the Revised Code prescribing procedures for the 235217
implementation of sections 3333.81 to 3333.86 of the Revised Code. 235218

Sec. 3333.91. The governor's office of workforce 235219
transformation, in collaboration with the chancellor of higher 235220
education, the ~~superintendent of public instruction~~ director of 235221
education and workforce, and the department of job and family 235222
services, shall develop and submit to the appropriate federal 235223
agency a single, state unified plan required under the "Workforce 235224
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 235225
shall include the information required for the adult basic and 235226
literacy education program administered by the United States 235227

secretary of education and the "Carl D. Perkins Vocational and 235228
Technical Education Act," 20 U.S.C. 2301, et seq., as amended. 235229
Following the plan's initial submission to the appropriate federal 235230
agency, the governor's office of workforce transformation may 235231
update it as necessary. If the plan is updated, the governor's 235232
office of workforce transformation shall submit the updated plan 235233
to the appropriate federal agency. 235234

Sec. 3335.36. The board of trustees of the Ohio state 235235
university may employ such employees as it considers appropriate 235236
for the conduct of educational programs of OSU extension and may 235237
provide for the payment from the OSU extension fund created by 235238
section 3335.35 of the Revised Code of reasonable compensation to 235239
such employees and of reasonable expenses incurred by them in the 235240
discharge of their duties, including expenses of travel and of 235241
maintaining, equipping, and supplying their offices. 235242

The employees shall cooperate with the department of 235243
agriculture, the Ohio agricultural research and development 235244
center, the department of education and workforce, and the United 235245
States department of agriculture, for the purpose of making 235246
available the educational materials of OSU extension. The 235247
employees shall represent the university and shall conduct 235248
educational activities related to agriculture, natural resources, 235249
community development, family and consumer sciences, and 4-H 235250
programs for the citizens of this state through personal 235251
instruction, bulletins, practical demonstrations, mass media, and 235252
otherwise, subject to such rules as may be prescribed by the board 235253
of trustees of the university. The employees shall have offices 235254
provided by the county or other political subdivision in which 235255
they serve in which bulletins and other educational materials of 235256
value to the people may be consulted and through which the 235257
employees may be reached. 235258

The board of trustees of the Ohio state university may hire 235259
or use employees of OSU extension to carry out the functions and 235260
duties of a director of economic development under division (B) of 235261
section 307.07 of the Revised Code pursuant to any agreement with 235262
a county under division (A)(2) of section 307.07 of the Revised 235263
Code. 235264

Sec. 3335.61. There is hereby created a brain injury advisory 235265
committee, which shall advise the brain injury program with regard 235266
to unmet needs of survivors of brain injury, development of 235267
programs for survivors and their families, establishment of 235268
training programs for health care professionals, and any other 235269
matter within the province of the brain injury program. The 235270
committee shall consist of not fewer than nineteen and not more 235271
than twenty-one members as follows: 235272

(A) Not fewer than ten and not more than twelve members 235273
appointed by the dean of the college of medicine of the Ohio state 235274
university, including all of the following: a survivor of brain 235275
injury, a relative of a survivor of brain injury, a licensed 235276
physician recommended by the Ohio chapter of the American college 235277
of emergency physicians, a licensed physician recommended by the 235278
Ohio state medical association, one other health care 235279
professional, a rehabilitation professional, an individual who 235280
represents the brain injury association of Ohio, and not fewer 235281
than three nor more than five individuals who shall represent the 235282
public; 235283

(B) The directors of the departments of health, mental health 235284
and drug addiction services, developmental disabilities, aging, 235285
and public safety; the medicaid director; the administrator of 235286
workers' compensation; the ~~superintendent of public~~ 235287
~~instruction~~ director of education and workforce; and the executive 235288
director of the opportunities for Ohioans with disabilities 235289

agency. Any of the officials specified in this division may 235290
designate an individual to serve in the official's place as a 235291
member of the committee. 235292

Terms of office of the appointed members shall be two years. 235293
Members may be reappointed. Vacancies shall be filled in the 235294
manner provided for original appointments. Any member appointed to 235295
fill a vacancy occurring prior to the expiration date of the term 235296
for which the member's predecessor was appointed shall hold office 235297
as a member for the remainder of that term. 235298

Members of the committee shall serve without compensation, 235299
but shall be reimbursed for actual and necessary expenses incurred 235300
in the performance of their duties. 235301

Sec. 3343.05. The board of trustees of Central state 235302
university shall take, keep, and maintain exclusive authority, 235303
direction, supervision, and control over the operations and 235304
conduct of such university, so as to assure for said university 235305
the best attainable results with the aid secured to it from the 235306
state. 235307

The board shall provide courses of study in accordance with 235308
the standards of the department of education and workforce, and 235309
create, establish, provide for, and maintain such industrial, 235310
vocational, agricultural, home economics, commercial, business 235311
administration, technical, and collegiate subjects leading to the 235312
bachelors degree in arts and sciences. The board may provide for 235313
other courses and degrees. 235314

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 235315
section, a graduate of the twelfth grade shall be entitled to 235316
admission without examination to any college or university which 235317
is supported wholly or in part by the state, but for unconditional 235318
admission may be required to complete such units not included in 235319

the graduate's high school course as may be prescribed, not less 235320
than two years prior to the graduate's entrance, by the faculty of 235321
the institution. 235322

(B) Beginning with the 2014-2015 academic year, each state 235323
university listed in section 3345.011 of the Revised Code, except 235324
for Central state university, Shawnee state university, and 235325
Youngstown state university, shall permit a resident of this state 235326
who entered ninth grade for the first time on or after July 1, 235327
2010, to begin undergraduate coursework at the university only if 235328
the person has successfully completed the requirements for high 235329
school graduation prescribed in division (C) of section 3313.603 235330
of the Revised Code, unless one of the following applies: 235331

(1) The person has earned at least ten semester hours, or the 235332
equivalent, at a community college, state community college, 235333
university branch, technical college, or another post-secondary 235334
institution except a state university to which division (B) of 235335
this section applies, in courses that are college-credit-bearing 235336
and may be applied toward the requirements for a degree. The 235337
university shall grant credit for successful completion of those 235338
courses pursuant to any applicable articulation and transfer 235339
policy of the chancellor of higher education or any agreements the 235340
university has entered into in accordance with policies and 235341
procedures adopted under section 3333.16, 3333.161, or 3333.162 of 235342
the Revised Code. The university may count college credit that the 235343
student earned while in high school through the college credit 235344
plus program under Chapter 3365. of the Revised Code, or through 235345
other advanced standing programs, toward the requirements of 235346
division (B)(1) of this section if the credit may be applied 235347
toward a degree. 235348

(2) The person qualified to graduate from high school under 235349
division (D) or (F) of section 3313.603 of the Revised Code and 235350
has successfully completed the topics or courses that the person 235351

lacked to graduate under division (C) of that section at any 235352
post-secondary institution or at a summer program at the state 235353
university. A state university may admit a person for enrollment 235354
contingent upon completion of such topics or courses or summer 235355
program. 235356

(3) The person met the high school graduation requirements by 235357
successfully completing the person's individualized education 235358
program developed under section 3323.08 of the Revised Code. 235359

(4) The person is receiving or has completed the final year 235360
of ~~instruction~~ education at home as authorized under section 235361
~~3321.04~~ 3321.042 of the Revised Code, or has graduated from a 235362
nonchartered, nonpublic school in Ohio, and demonstrates mastery 235363
of the academic content and skills in reading, writing, and 235364
mathematics needed to successfully complete introductory level 235365
coursework at an institution of higher education and to avoid 235366
remedial coursework. 235367

(5) The person is a high school student participating in the 235368
college credit plus program under Chapter 3365. of the Revised 235369
Code or another advanced standing program. 235370

(C) A state university subject to division (B) of this 235371
section may delay admission for or admit conditionally an 235372
undergraduate student who has successfully completed the 235373
requirements prescribed in division (C) of section 3313.603 of the 235374
Revised Code if the university determines the student requires 235375
academic remedial or developmental coursework. The university may 235376
delay admission pending, or make admission conditional upon, the 235377
student's successful completion of the academic remedial or 235378
developmental coursework at a university branch, community 235379
college, state community college, or technical college. 235380

(D) This section does not deny the right of a college of law, 235381
medicine, or other specialized education to require college 235382

training for admission, or the right of a department of music or 235383
other art to require particular preliminary training or talent. 235384

Sec. 3345.061. (A) Ohio's two-year institutions of higher 235385
education are respected points of entry for students embarking on 235386
post-secondary careers and courses completed at those institutions 235387
are transferable to state universities in accordance with 235388
articulation and transfer agreements developed under sections 235389
3333.16, 3333.161, and 3333.162 of the Revised Code. 235390

(B) Beginning with undergraduate students who commence 235391
undergraduate studies in the 2014-2015 academic year, no state 235392
university listed in section 3345.011 of the Revised Code, except 235393
Central state university, Shawnee state university, and Youngstown 235394
state university, shall receive any state operating subsidies for 235395
any academic remedial or developmental courses for undergraduate 235396
students, including courses prescribed in division (C) of section 235397
3313.603 of the Revised Code, offered at its main campus, except 235398
as provided in divisions (B)(1) to (4) of this section. 235399

(1) In the 2014-2015 and 2015-2016 academic years, a state 235400
university may receive state operating subsidies for academic 235401
remedial or developmental courses completed at the main campus for 235402
not more than three per cent of the total undergraduate credit 235403
hours provided by the university at its main campus. 235404

(2) In the 2016-2017 academic year, a state university may 235405
receive state operating subsidies for academic remedial or 235406
developmental courses completed at the main campus for not more 235407
than fifteen per cent of the first-year students who have 235408
graduated from high school within the previous twelve months and 235409
who are enrolled in the university at its main campus, as 235410
calculated on a full-time-equivalent basis. 235411

(3) In the 2017-2018 academic year, a state university may 235412
receive state operating subsidies for academic remedial or 235413

developmental courses completed at the main campus for not more 235414
than ten per cent of the first-year students who have graduated 235415
from high school within the previous twelve months and who are 235416
enrolled in the university at its main campus, as calculated on a 235417
full-time-equivalent basis. 235418

(4) In the 2018-2019 academic year, a state university may 235419
receive state operating subsidies for academic remedial or 235420
developmental courses completed at the main campus for not more 235421
than five per cent of the first-year students who have graduated 235422
from high school within the previous twelve months and who are 235423
enrolled in the university at its main campus, as calculated on a 235424
full-time-equivalent basis. 235425

Each state university may continue to offer academic remedial 235426
and developmental courses at its main campus beyond the extent for 235427
which state operating subsidies may be paid under this division 235428
and may continue to offer such courses beyond the 2018-2019 235429
academic year. However, the main campus of a state university 235430
shall not receive any state operating subsidies for such courses 235431
above the maximum amounts permitted in this division. 235432

(C) Except as otherwise provided in division (B) of this 235433
section, beginning with students who commence undergraduate 235434
studies in the 2014-2015 academic year, state operating subsidies 235435
for academic remedial or developmental courses offered by state 235436
institutions of higher education may be paid only to Central state 235437
university, Shawnee state university, Youngstown state university, 235438
any university branch, any community college, any state community 235439
college, or any technical college. 235440

(D) Each state university shall grant credit for academic 235441
remedial or developmental courses successfully completed at an 235442
institution described in division (C) of this section pursuant to 235443
any applicable articulation and transfer agreements the university 235444
has entered into in accordance with policies and procedures 235445

adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. 235446
235447

(E) The chancellor of higher education shall do all of the following: 235448
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(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a main campus of a state university as required in order to conform to divisions (B) and (C) of this section; 235450
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(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education; 235454
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(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education; 235457
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235459

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code; 235460
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(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code. 235462
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(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the 235467
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presidents. The board of trustees or managing authority of each 235477
state institution of higher education shall adopt the 235478
remediation-free status standard, and any related assessments, 235479
into the institution's policies. 235480

The chancellor shall assist in coordinating the work of the 235481
presidents under this division. The chancellor shall monitor the 235482
standards in mathematics, science, reading, and writing 235483
established under division (F) of this section to ensure that the 235484
standards adequately demonstrate a student's remediation-free 235485
status. 235486

(G) Each year, not later than a date established by the 235487
chancellor, each state institution of higher education shall 235488
report to the governor, the general assembly, the chancellor, and 235489
the ~~superintendent of public instruction~~ department of education 235490
and workforce all of the following for the prior academic year: 235491

(1) The institution's aggregate costs for providing academic 235492
remedial or developmental courses; 235493

(2) The amount of those costs disaggregated according to the 235494
city, local, or exempted village school districts from which the 235495
students taking those courses received their high school diplomas; 235496

(3) Any other information with respect to academic remedial 235497
and developmental courses that the chancellor considers 235498
appropriate. 235499

(H) ~~Not Annually, not~~ later than ~~December 31, 2011, and~~ the 235500
thirty-first day of each December ~~thereafter~~, the chancellor and 235501
the ~~superintendent of public instruction~~ department of education 235502
and workforce shall issue a report recommending policies and 235503
strategies for reducing the need for academic remediation and 235504
developmental courses at state institutions of higher education. 235505

(I) As used in this section, "state institution of higher 235506
education" has the same meaning as in section 3345.011 of the 235507

Revised Code. 235508

Sec. 3345.062. (A) ~~Not~~ Annually, not later than ~~December 31,~~ 235509
~~2017, and each~~ the thirty-first day of December ~~thereafter,~~ the 235510
president, or equivalent position, of each state university shall 235511
issue a report regarding the remediation of students that includes 235512
all of the following: 235513

(1) The number of enrolled students that require remedial 235514
education; 235515

(2) The cost of remedial coursework the state university 235516
provides; 235517

(3) The specific areas of remediation provided by the state 235518
university; 235519

(4) Causes for remediation. 235520

(B) Each president, or equivalent, shall present the findings 235521
of the report to the state university's board of trustees and 235522
shall submit a copy of the report to the chancellor of higher 235523
education and the ~~superintendent of public instruction~~department 235524
of education and workforce. 235525

(C) As used in this section, "state university" has the same 235526
meaning as in section 3345.011 of the Revised Code. 235527

Sec. 3345.86. (A) As used in this section, an "eligible 235528
institution" means a community college established under Chapter 235529
3354. of the Revised Code, a university branch established under 235530
Chapter 3355. of the Revised Code, a technical college established 235531
under Chapter 3357. of the Revised Code, or a state community 235532
college established under Chapter 3358. of the Revised Code. 235533

(B) An individual who is at least twenty-two years of age and 235534
who is an eligible individual as defined in section 3317.23 of the 235535
Revised Code may enroll in an eligible institution for up to two 235536

consecutive school years for the purpose of completing the 235537
requirements to earn a high school diploma. An individual enrolled 235538
under this division may elect to satisfy these requirements by 235539
successfully completing a competency-based educational program, as 235540
defined in section 3317.02 of the Revised Code, that complies with 235541
the standards adopted by the department of education and workforce 235542
under section 3317.231 of the Revised Code. 235543

The eligible institution in which the individual enrolls 235544
shall report that individual's enrollment on a full-time 235545
equivalency basis to the department. 235546

(C)(1) For each eligible institution that enrolls individuals 235547
under division (B) of this section, the department annually shall 235548
certify the enrollment and attendance, on a full-time equivalency 235549
basis, of each individual reported by the institution under that 235550
division. 235551

(2) For each individual enrolled in an eligible institution 235552
under division (B) of this section, the department annually shall 235553
pay the institution up to \$5,000, as determined by the department 235554
based on the extent of the individual's successful completion of 235555
the graduation requirements prescribed under sections 3313.603, 235556
3313.61, 3313.611, and 3313.614 of the Revised Code. 235557

(D) If an individual enrolled in an eligible institution 235558
under division (B) of this section completes the requirements to 235559
earn a high school diploma, the institution shall certify the 235560
completion of those requirements to the city, local, or exempted 235561
village school district in which the individual resides. Upon 235562
receiving certification under this division, the city, local, or 235563
exempted village school district in which the individual resides 235564
shall issue a high school diploma to the individual within sixty 235565
days of receipt of the certification. 235566

(E) An eligible institution that enrolls individuals under 235567

division (B) of this section shall be subject to the program 235568
administration standards adopted by the department under section 235569
3317.231 of the Revised Code, as applicable. 235570

Sec. 3353.02. (A) There is hereby created the broadcast 235571
educational media commission as an independent agency to advance 235572
education and accelerate the learning of the citizens of this 235573
state through public educational broadcasting services. The 235574
commission shall provide leadership and support in extending the 235575
knowledge of the citizens of this state by promoting access to and 235576
use of educational broadcasting services, including educational 235577
television and radio and radio reading services. The commission 235578
also shall administer programs to provide financial and other 235579
assistance to educational television and radio and radio reading 235580
services. 235581

The commission is a body corporate and politic, an agency of 235582
the state performing essential governmental functions of the 235583
state. 235584

(B) The commission shall consist of fifteen members, eleven 235585
of whom shall be voting members. Nine of the voting members shall 235586
be representatives of the public selected from among leading 235587
citizens in the state who have demonstrated interest in 235588
educational broadcast media through service on boards or advisory 235589
councils of educational television stations, educational radio 235590
stations, educational technology agencies, or radio reading 235591
services. Of the representatives of the public, three shall be 235592
appointed by the governor with the advice and consent of the 235593
senate, three shall be appointed by the speaker of the house of 235594
representatives, and three shall be appointed by the president of 235595
the senate. Not more than two members appointed by the speaker of 235596
the house of representatives and not more than two members 235597
appointed by the president of the senate shall be of the same 235598

political party. The ~~superintendent~~ director of ~~public instruction~~ 235599
education and workforce or a designee of the ~~superintendent~~ 235600
director and the chancellor of ~~the Ohio board of regents~~ higher 235601
education or a designee of the chancellor shall be ex officio 235602
voting members. Of the nonvoting members, two shall be members of 235603
the house of representatives appointed by the speaker of the house 235604
of representatives and two shall be members of the senate 235605
appointed by the president of the senate. The members appointed 235606
from each chamber shall not be members of the same political 235607
party. 235608

(C) Initial terms of office for appointed voting members 235609
shall be as follows: 235610

(1) For one member appointed by each of the governor, speaker 235611
of the house of representatives, and president of the senate, one 235612
year; 235613

(2) For one member appointed by each of the governor, speaker 235614
of the house of representatives, and president of the senate, two 235615
years; 235616

(3) For one member appointed by each of the governor, speaker 235617
of the house of representatives, and president of the senate, 235618
three years. At the first meeting of the commission, such members 235619
shall draw lots to determine the length of the term each member 235620
will serve. Thereafter, terms of office for such members shall be 235621
for four years. Any member who is a representative of the public 235622
may be reappointed by the member's respective appointing 235623
authority, but no such member may serve more than two consecutive 235624
four-year terms. Such a member may be removed by the member's 235625
respective appointing authority for cause. 235626

Any legislative member appointed by the speaker of the house 235627
of representatives or the president of the senate who ceases to be 235628
a member of the legislative chamber from which the member was 235629

appointed shall cease to be a member of the commission. The 235630
speaker of the house of representatives and the president of the 235631
senate may remove their respective appointments to the commission 235632
at any time. 235633

(D) Vacancies among appointed members shall be filled in the 235634
manner provided for original appointments. Any member appointed to 235635
fill a vacancy occurring prior to the expiration of the term for 235636
which the member's predecessor was appointed shall hold office for 235637
the remainder of that term. Any appointed member shall continue in 235638
office subsequent to the expiration of that member's term until 235639
the member's successor takes office or until a period of sixty 235640
days has elapsed, whichever occurs first. 235641

(E) Members of the commission shall serve without 235642
compensation. The members who are representatives of the public 235643
shall be reimbursed, pursuant to office of budget and management 235644
guidelines, for actual and necessary expenses incurred in the 235645
performance of official duties. 235646

(F) The governor shall appoint the chairperson of the 235647
commission from among the commission's public voting members. The 235648
chairperson shall serve a term of two years and may be 235649
reappointed. The commission shall elect other officers as 235650
necessary from among its voting members and shall prescribe its 235651
rules of procedure. 235652

Sec. 3365.01. As used in this chapter: 235653

(A) "Articulated credit" means post-secondary credit that is 235654
reflected on the official record of a student at an institution of 235655
higher education only upon enrollment at that institution after 235656
graduation from a secondary school. 235657

(B) "Default ceiling amount" means one of the following 235658
amounts, whichever is applicable: 235659

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:	235660
	235661
	235662
((0.83 X formula amount) / 30)	235663
X number of enrolled credit hours	235664
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	235665
	235666
	235667
((0.83 X formula amount) / 45)	235668
X number of enrolled credit hours	235669
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	235670
	235671
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.	235672
	235673
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	235675
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	235676
	235677
	235678
(F) "Formula amount" means \$6,020.	235679
(G) "Governing entity" means any of the following:	235680
(1) A board of education of a school district;	235681
(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	235682
	235683
(3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;	235684
	235685
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	235686
	235687
(5) When referring to the state school for the deaf or the state school for the blind, the state board of education <u>department</u>	235688
	235689

of education and workforce; 235690

(6) When referring to an institution operated by the 235691
department of youth services, the superintendent of that 235692
institution. 235693

(H) ~~"Home-instructed"~~ "Home-educated" participant" means a 235694
student who ~~has been excused~~ is exempt from the compulsory 235695
attendance law for the purpose of home ~~instruction~~ education under 235696
section ~~3321.04~~ 3321.042 of the Revised Code, and is participating 235697
in the program established by this chapter. 235698

(I) "Maximum per participant charge amount" means one of the 235699
following amounts, whichever is applicable: 235700

(1) For a participant enrolled in a college operating on a 235701
semester schedule, the amount calculated according to the 235702
following formula: 235703

((formula amount / 30) 235704
X number of enrolled credit hours) 235705

(2) For a participant enrolled in a college operating on a 235706
quarter schedule, the amount calculated according to the following 235707
formula: 235708

((formula amount / 45) 235709
X number of enrolled credit hours) 235710

(J) "Nonpublic secondary school" means a chartered school for 235711
which minimum standards are prescribed by the ~~state board~~ director 235712
of education and workforce pursuant to division (D) of section 235713
3301.07 of the Revised Code. 235714

(K) "Number of enrolled credit hours" means the number of 235715
credit hours for a course in which a participant is enrolled 235716
during the previous term after the date on which a withdrawal from 235717
a course would have negatively affected the participant's 235718
transcripted grade, as prescribed by the college's established 235719

withdrawal policy.	235720
(L) "Parent" has the same meaning as in section 3313.64 of the Revised Code.	235721 235722
(M) "Participant" means any student enrolled in a college under the program established by this chapter.	235723 235724
(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.	235725 235726 235727
(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.	235728 235729 235730 235731
(P) "Private college" means any of the following:	235732
(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	235733 235734
(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;	235735 235736 235737 235738
(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.	235739 235740 235741
(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.	235742 235743 235744
(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, a	235745 235746 235747 235748 235749

college-preparatory boarding school established under Chapter 235750
3328. of the Revised Code, the state school for the deaf, the 235751
state school for the blind, or an institution operated by the 235752
department of youth services. 235753

(S) "School year" has the same meaning as in section 3313.62 235754
of the Revised Code. 235755

(T) "Secondary grade" means any of grades nine through 235756
twelve. 235757

(U) "Standard rate" means the amount per credit hour assessed 235758
by the college for an in-state student who is enrolled in an 235759
undergraduate course at that college, but who is not participating 235760
in the college credit plus program, as prescribed by the college's 235761
established tuition policy. 235762

(V) "Transcripted credit" means post-secondary credit that is 235763
conferred by an institution of higher education and is reflected 235764
on a student's official record at that institution upon completion 235765
of a course. 235766

Sec. 3365.02. (A) There is hereby established the college 235767
credit plus program under which, beginning with the 2015-2016 235768
school year, a secondary grade student who is a resident of this 235769
state may enroll at a college, on a full- or part-time basis, and 235770
complete nonsectarian, nonremedial courses for high school and 235771
college credit. The program shall govern arrangements in which a 235772
secondary grade student enrolls in a college and, upon successful 235773
completion of coursework taken under the program, receives 235774
transcripted credit from the college. The following are not 235775
governed by the college credit plus program: 235776

(1) An agreement governing an early college high school 235777
program, provided the program meets the definition set forth in 235778
division (F)(2) of section 3313.6013 of the Revised Code and is 235779

approved by the ~~superintendent of public instruction~~ department of 235780
education and workforce and the chancellor of higher education; 235781

(2) An advanced placement course or international 235782
baccalaureate diploma course, as described in divisions (A)(2) and 235783
(3) of section 3313.6013 of the Revised Code; 235784

(3) A career-technical education program that is approved by 235785
the department ~~of education~~ under section 3317.161 of the Revised 235786
Code and grants articulated credit to students participating in 235787
that program. However, any portion of an approved program that 235788
results in the conferral of transcribed credit upon the 235789
completion of the course shall be governed by the college credit 235790
plus program. 235791

(B) Any student enrolled in a public or nonpublic secondary 235792
school in the student's ninth, tenth, eleventh, or twelfth grade; 235793
any student enrolled in a nonchartered nonpublic secondary school 235794
in the student's ninth, tenth, eleventh, or twelfth grade; and any 235795
student who ~~has been excused~~ is exempt from the compulsory 235796
attendance law for the purpose of home ~~instruction~~ education under 235797
section ~~3321.04~~ 3321.042 of the Revised Code and is the equivalent 235798
of a ninth, tenth, eleventh, or twelfth grade student, may 235799
participate in the program, if the student meets the applicable 235800
eligibility criteria in section 3365.03 of the Revised Code. If a 235801
nonchartered nonpublic secondary school student chooses to 235802
participate in the program, that student shall be subject to the 235803
same requirements as a ~~home-instructed~~ home-educated student who 235804
chooses to participate in the program under this chapter. 235805

(C) All public secondary schools and all public colleges 235806
shall participate in the program and are subject to the 235807
requirements of this chapter. Any nonpublic secondary school or 235808
private college that chooses to participate in the program shall 235809
also be subject to the requirements of this chapter. 235810

(D) The chancellor, in accordance with Chapter 119. of the Revised Code and in consultation with the ~~state superintendent department~~, shall adopt rules governing the program.

Sec. 3365.03. (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or twelfth grade school year; a student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade school year; or a student who ~~has been excused~~ is exempt from the compulsory attendance law for the purpose of home ~~instruction~~ education under section ~~3321.04~~3321.042 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may apply to and enroll in a college under the college credit plus program.

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education and workforce of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not

later than thirty days after the notification of the appeal, the district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district superintendent or governing entity shall be final.

(b) The student shall:

(i) Apply to a public or a participating private college, or an eligible out-of-state college participating in the program, in accordance with the college's established procedures for admission, pursuant to section 3365.05 of the Revised Code;

(ii) As a condition of eligibility, satisfy one of the following criteria:

(I) Be remediation-free, in accordance with one of the assessments established under division (F) of section 3345.061 of the Revised Code;

(II) Meet an alternative remediation-free eligibility option, as defined by the chancellor of higher education, in consultation with the ~~superintendent of public instruction department~~, in rules adopted under this section;

(III) Have participated in the program prior to ~~the effective date of this amendment~~ September 30, 2021, and qualified to participate in the program by scoring within one standard error of measurement below the remediation-free threshold for one of the assessments established under division (F) of section 3345.061 of the Revised Code and satisfying one of the conditions specified under division (A)(1)(b)(ii)(I) or (II) of this section as those divisions existed prior to ~~the effective date of this amendment~~ September 30, 2021.

(iii) Meet the college's and relevant academic program's established standards for admission, enrollment, and course placement, including course-specific capacity limitations,

pursuant to section 3365.05 of the Revised Code. 235873

(c) The student shall elect at the time of enrollment to 235874
participate under either division (A) or (B) of section 3365.06 of 235875
the Revised Code for each course under the program. 235876

(d) The student and the student's parent shall sign a form, 235877
provided by the school, stating that they have received the 235878
counseling required under division (B) of section 3365.04 of the 235879
Revised Code and that they understand the responsibilities they 235880
must assume in the program. 235881

(2) In order for a nonpublic secondary school student, a 235882
nonchartered nonpublic secondary school student, or a 235883
~~home-instructed~~ home-educated student to participate in the 235884
program, both of the following criteria shall be met: 235885

(a) The student shall meet the criteria in divisions 235886
(A)(1)(b) and (c) of this section. 235887

(b)(i) If the student is enrolled in a nonpublic secondary 235888
school, that student shall send to the department ~~of education~~ a 235889
copy of the student's acceptance from a college and an 235890
application. The application shall be made on forms provided by 235891
the ~~state board of education~~ department and shall include 235892
information about the student's proposed participation, including 235893
the school year in which the student wishes to participate; and 235894
the semesters or terms the student wishes to enroll during such 235895
year. The department shall mark each application with the date and 235896
time of receipt. 235897

(ii) If the student is enrolled in a nonchartered nonpublic 235898
secondary school or is home-instructed, the parent or guardian of 235899
that student shall notify the department by the first day of April 235900
prior to the school year in which the student wishes to 235901
participate. 235902

(B) Except as provided for in division (C) of this section 235903

and in sections 3365.031 and 3365.032 of the Revised Code: 235904

(1) No public secondary school shall prohibit a student 235905
enrolled in that school from participating in the program if that 235906
student meets all of the criteria in division (A)(1) of this 235907
section. 235908

(2) No participating nonpublic secondary school shall 235909
prohibit a student enrolled in that school from participating in 235910
the program if the student meets all of the criteria in division 235911
(A)(2) of this section and, if the student is enrolled under 235912
division (B) of section 3365.06 of the Revised Code, the student 235913
is awarded funding from the department in accordance with rules 235914
adopted by the chancellor, in consultation with the ~~superintendent~~ 235915
~~of public instruction~~ department, pursuant to section 3365.071 of 235916
the Revised Code. 235917

(C) For purposes of this section, during the period of an 235918
expulsion imposed by a public secondary school, a student is 235919
ineligible to apply to enroll in a college under this section, 235920
unless the student is admitted to another public secondary or 235921
participating nonpublic secondary school. If a student is enrolled 235922
in a college under this section at the time the student is 235923
expelled, the student's status for the remainder of the college 235924
term in which the expulsion is imposed shall be determined under 235925
section 3365.032 of the Revised Code. 235926

(D) Upon a student's graduation from high school, 235927
participation in the college credit plus program shall not affect 235928
the student's eligibility at any public college for scholarships 235929
or for other benefits or opportunities that are available to 235930
first-time college students and are awarded by that college, 235931
regardless of the number of credit hours that the student 235932
completed under the program. 235933

(E) The college to which a student applies to participate 235934

under this section shall pay for one assessment used to determine 235935
that student's eligibility under this section. However, 235936
notwithstanding anything to the contrary in Chapter 3365. of the 235937
Revised Code, any additional assessments used to determine the 235938
student's eligibility shall be the financial responsibility of the 235939
student. 235940

Sec. 3365.032. (A) For purposes of this section: 235941

(1) The "expulsion of a student" or "expelling a student" 235942
means the following: 235943

(a) For a public secondary school that is a school operated 235944
by a city, local, exempted village, or joint vocational school 235945
district, community school established under Chapter 3314. of the 235946
Revised Code, or STEM school established under Chapter 3326. of 235947
the Revised Code, the expulsion of a student or the act of 235948
expelling a student under division (B) of section 3313.66 of the 235949
Revised Code; 235950

(b) For a public secondary school that is a 235951
college-preparatory boarding school, the expulsion of a student or 235952
the act of expelling a student in accordance with the school's 235953
bylaws adopted pursuant to section 3328.13 of the Revised Code; 235954

(c) For a public secondary school that is the state school 235955
for the deaf or the state school for the blind, the expulsion of a 235956
student or the act of expelling a student in accordance with rules 235957
adopted by the ~~state board~~ department of education and workforce. 235958

(2) A "policy to deny high school credit for courses taken 235959
under the college credit plus program during an expulsion" means 235960
the following: 235961

(a) For a public secondary school that is a school operated 235962
by a city, local, exempted village, or joint vocational school 235963
district, community school established under Chapter 3314. of the 235964

Revised Code, or STEM school established under Chapter 3326. of 235965
the Revised Code, a policy adopted under section 3313.613 of the 235966
Revised Code; 235967

(b) For a college-preparatory boarding school established 235968
under Chapter 3328. of the Revised Code, a policy adopted in 235969
accordance with the school's bylaws adopted pursuant to section 235970
3328.13 of the Revised Code; 235971

(c) For the state school for the deaf or the state school for 235972
the blind, a policy adopted in accordance with any rules adopted 235973
by the ~~state board~~ department requiring such a policy. 235974

(B) When a public secondary school expels a student, the 235975
superintendent, or equivalent, shall send a written notice of the 235976
expulsion to any college in which the expelled student is enrolled 235977
under section 3365.03 of the Revised Code at the time the 235978
expulsion is imposed. The notice shall indicate the date the 235979
expulsion is scheduled to expire. The notice also shall indicate 235980
whether the school has adopted a policy to deny high school credit 235981
for courses taken under the college credit plus program during an 235982
expulsion. If the expulsion is extended, the superintendent, or 235983
equivalent, shall notify the college of the extension. 235984

(C) A college may withdraw its acceptance under section 235985
3365.03 of the Revised Code of a student who is expelled from 235986
school. As provided in section 3365.03 of the Revised Code, 235987
regardless of whether the college withdraws its acceptance of the 235988
student for the college term in which the student is expelled, the 235989
student is ineligible to enroll in a college under that section 235990
for subsequent college terms during the period of the expulsion, 235991
unless the student enrolls in another public school or a 235992
participating nonpublic school during that period. 235993

If a college withdraws its acceptance of an expelled student 235994
who elected either option of division (A)(1) or (2) of section 235995

3365.06 of the Revised Code, the college shall refund tuition and 235996
fees paid by the student in the same proportion that it refunds 235997
tuition and fees to students who voluntarily withdraw from the 235998
college at the same time in the term. 235999

If a college withdraws its acceptance of an expelled student 236000
who elected the option of division (B) of section 3365.06 of the 236001
Revised Code, the public school shall not award high school credit 236002
for the college courses in which the student was enrolled at the 236003
time the college withdrew its acceptance, and any reimbursement 236004
under section 3365.07 of the Revised Code for the student's 236005
attendance prior to the withdrawal shall be the same as would be 236006
paid for a student who voluntarily withdrew from the college at 236007
the same time in the term. If the withdrawal results in the 236008
college's receiving no reimbursement, the college or secondary 236009
school may require the student to return or pay for any textbooks 236010
and materials it provided the student free of charge. 236011

(D) When a student who elected the option of division (B) of 236012
section 3365.06 of the Revised Code is expelled from a public 236013
school that has adopted a policy to deny high school credit for 236014
courses taken under the college credit plus program during an 236015
expulsion, that election is automatically revoked for all college 236016
courses in which the student is enrolled during the college term 236017
in which the expulsion is imposed. Any reimbursement under section 236018
3365.07 of the Revised Code for the student's attendance prior to 236019
the expulsion shall be the same as would be paid for a student who 236020
voluntarily withdrew from the college at the same time in the 236021
term. If the revocation results in the college's receiving no 236022
reimbursement, the college or secondary school may require the 236023
student to return or pay for any textbooks and materials it 236024
provided the student free of charge. 236025

Not later than five days after receiving an expulsion notice 236026
from the superintendent, or equivalent, of a public school that 236027

has adopted a policy to deny high school credit for courses taken 236028
under the college credit plus program during an expulsion, the 236029
college shall send a written notice to the expelled student that 236030
the student's election of division (B) of section 3365.06 of the 236031
Revised Code is revoked. If the college elects not to withdraw its 236032
acceptance of the student, the student shall pay all applicable 236033
tuition and fees for the college courses and shall pay for any 236034
textbooks and materials that the college or secondary school 236035
provided to the student. 236036

Sec. 3365.033. (A) Notwithstanding anything to the contrary 236037
in Chapter 3365. of the Revised Code, any student enrolled in a 236038
public or nonpublic secondary school in the student's seventh or 236039
eighth grade; any student enrolled in a nonchartered nonpublic 236040
secondary school in the student's seventh or eighth grade; and any 236041
student who ~~has been excused~~ is exempt from the compulsory 236042
attendance law for the purpose of home ~~instruction~~ education under 236043
section ~~3321.04~~3321.042 of the Revised Code and is the equivalent 236044
of a seventh or eighth grade student, may participate in the 236045
college credit plus program, if the student meets the applicable 236046
eligibility criteria required of secondary grade students for 236047
participation. Participants under this section shall be subject to 236048
the same requirements as secondary grade participants under this 236049
chapter. 236050

(B) Participants under this section shall receive high school 236051
and college credit for courses taken under the program, in 236052
accordance with the option elected under section 3365.06 of the 236053
Revised Code. High school credit earned under the program shall be 236054
awarded in the same manner as for secondary grade participants. 236055

(C) If a participant under this section elects to have the 236056
college reimbursed under section 3365.07 of the Revised Code for 236057
courses taken under the program, the department shall reimburse 236058

the college in the same manner as for secondary grade participants 236059
in accordance with that section. 236060

(D) Notwithstanding section 3327.01 of the Revised Code, the 236061
parent or guardian of a participant under this section shall be 236062
responsible for any transportation for the participant related to 236063
participation in the program. 236064

Sec. 3365.034. (A) Notwithstanding anything to the contrary 236065
in the Revised Code, a student who is eligible to participate in 236066
the college credit plus program under section 3365.03 or 3365.033 236067
of the Revised Code may participate in the program during the 236068
summer term of a public or participating private college or an 236069
eligible out-of-state college participating in the program. 236070

Unless otherwise specified, if a student participates in the 236071
college credit plus program under this section, all requirements 236072
of the program shall apply. 236073

(B)(1) In order for a public secondary school student to 236074
participate under this section, the student shall meet the 236075
criteria in division (A)(1) of section 3365.03 of the Revised 236076
Code, except that the student or the student's parent shall inform 236077
the principal, or equivalent, of the student's school by the date 236078
designated by rule of the chancellor of higher education, pursuant 236079
to division (E) of this section, of the student's intent to 236080
participate in the program during the summer term. 236081

(2) In order for a nonpublic secondary school student, a 236082
nonchartered nonpublic secondary school student, or a 236083
~~home-instructed~~ home-educated student to participate under this 236084
section, the student shall meet the applicable criteria in 236085
division (A)(2) of section 3365.03 of the Revised Code, except 236086
that the parent or guardian of a nonchartered nonpublic secondary 236087
school student or a ~~home-instructed~~ home-educated student shall 236088
notify the department of education and workforce by the date 236089

designated by rule of the chancellor of higher education, pursuant 236090
to division (E) of this section, of the student's intent to 236091
participate in the program during the summer term. 236092

(C) If a participant under this section elects to have the 236093
college reimbursed under section 3365.07 of the Revised Code for 236094
courses taken under the program, the department shall reimburse 236095
the college in the same manner as for students who participate 236096
during the school year in accordance with that section, except 236097
that the department shall make the applicable payments each 236098
September, or as soon as possible thereafter. 236099

(D) Notwithstanding section 3327.01 of the Revised Code, the 236100
participant or the participant's parent or guardian shall be 236101
responsible for any transportation related to participation in the 236102
program during the summer term. 236103

(E) The chancellor of higher education, in accordance with 236104
Chapter 119. of the Revised Code and in consultation with the 236105
~~superintendent of public instruction~~ department of education and 236106
workforce, shall adopt rules for the administration of this 236107
section. The rules shall include the dates by which the student or 236108
student's parent must provide notification of the student's intent 236109
to participate in the program during the summer term. 236110

Sec. 3365.035. (A) As used in this section, "mature subject 236111
matter" means any course subject matter or material of a graphic, 236112
explicit, violent, or sexual nature. 236113

(B) The department of education and workforce and the 236114
department of higher education shall jointly develop a permission 236115
slip regarding the potential for mature subject matter in a course 236116
taken through the college credit plus program. The departments 236117
shall post the permission slip in a prominent place on their 236118
college credit plus program web sites. 236119

(C) For a student enrolled in a public, chartered nonpublic, 236120
or nonchartered nonpublic school or a ~~home-instructed~~ 236121
home-educated student to enroll in any college course under the 236122
college credit plus program, the parent of the student and the 236123
student shall sign and include the permission slip described in 236124
division (B) of this section within the student's application to 236125
the public college, participating private college, or eligible 236126
out-of-state college in which the student wishes to enroll. 236127

(D) Each public and participating private college and 236128
eligible out-of-state college participating in the program, upon 236129
admitting a student under the program, shall include in the 236130
college's enrollment materials the following: 236131

(1) A questionnaire for students, developed by the college, 236132
to answer in the affirmative acknowledging that the student 236133
possesses the necessary social and emotional maturity and is ready 236134
to accept the responsibility and independence that a college 236135
classroom demands and to resubmit to the college; 236136

(2) Guidance on reviewing any course materials available 236137
prior to enrolling in a course; 236138

(3) Information about the college's and the program's 236139
policies on withdrawing from or dropping a course; 236140

(4) Information about the student's right to speak with the 236141
student's high school counselor or with the academic advisor 236142
assigned to the student as prescribed in division (F) of section 236143
3365.05 of the Revised Code. 236144

(E) Each public and participating private college and 236145
eligible out-of-state college participating in the program shall 236146
include a discussion at student orientation about the potential 236147
for mature subject matter in courses taken through the program. 236148

(F) The department of education and workforce, the department 236149
of higher education, and each public and participating private 236150

college and eligible out-of-state college participating in the 236151
program shall post in a prominent place on their college credit 236152
plus program web sites the following disclaimer: 236153

"The subject matter of a course enrolled in under the college 236154
credit plus program may include mature subject matter or 236155
materials, including those of a graphic, explicit, violent, or 236156
sexual nature, that will not be modified based upon college credit 236157
plus enrollee participation regardless of where course instruction 236158
occurs." 236159

Sec. 3365.04. Each public and participating nonpublic 236160
secondary school shall do all of the following with respect to the 236161
college credit plus program: 236162

(A) Provide information about the program prior to the first 236163
day of February of each year to all students enrolled in grades 236164
six through eleven; 236165

(B) Provide counseling services to students in grades six 236166
through eleven and to their parents before the students 236167
participate in the program under this chapter to ensure that 236168
students and parents are fully aware of the possible consequences 236169
and benefits of participation. Counseling information shall 236170
include: 236171

(1) Program eligibility; 236172

(2) The process for granting academic credits; 236173

(3) Any necessary financial arrangements for tuition, 236174
textbooks, and fees; 236175

(4) Criteria for any transportation aid; 236176

(5) Available support services; 236177

(6) Scheduling; 236178

(7) Communicating the possible consequences and benefits of 236179

participation, including all of the following:	236180
(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;	236181 236182 236183
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	236184 236185 236186
(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.	236187 236188 236189 236190
(8) The academic and social responsibilities of students and parents under the program;	236191 236192
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	236193 236194
(10) The standard packet of information for the program developed by the chancellor of higher education pursuant to section 3365.15 of the Revised Code;	236195 236196 236197
For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.	236198 236199 236200 236201
(11) Information about the potential for mature subject matter, as defined in section 3365.035 of the Revised Code, in courses in which the student intends to enroll through the program and notification that courses will not be modified based upon program enrollee participation regardless of where course instruction occurs. The information shall include the permission slip described in division (B) of section 3365.035 of the Revised Code.	236202 236203 236204 236205 236206 236207 236208 236209

(C) Promote the program on the school's web site, including 236210
the details of the school's current agreements with partnering 236211
colleges; 236212

(D) Schedule at least one informational session per school 236213
year to allow each participating college that is located within 236214
thirty miles of the school to meet with interested students and 236215
parents. The session shall include the benefits and consequences 236216
of participation and shall outline any changes or additions to the 236217
requirements of the program. If there are no participating 236218
colleges located within thirty miles of the school, the school 236219
shall coordinate with the closest participating college to offer 236220
an informational session. 236221

For the purposes of division (D) of this section, 236222
"participating college" shall include both of the following: 236223

(1) A partnering college; 236224

(2) Any public college, private college, or eligible 236225
out-of-state college to which both of the following apply: 236226

(a) The college participates in the college credit plus 236227
program. 236228

(b) The college submits to the public or participating 236229
nonpublic secondary school a request to attend an informational 236230
session. 236231

(E) Implement a policy for the awarding of grades and the 236232
calculation of class standing for courses taken under division 236233
(A)(2) or (B) of section 3365.06 of the Revised Code. The policy 236234
adopted under this division shall be equivalent to the school's 236235
policy for courses taken under the advanced standing programs 236236
described in divisions (A)(2) and (3) of section 3313.6013 of the 236237
Revised Code or for other courses designated as honors courses by 236238
the school. If the policy includes awarding a weighted grade or 236239
enhancing a student's class standing for these courses, the policy 236240

adopted under this section shall also provide for these procedures 236241
to be applied to courses taken under the college credit plus 236242
program. 236243

(F) Develop model course pathways, pursuant to section 236244
3365.13 of the Revised Code, and publish the course pathways among 236245
the school's official list of course offerings for the program. 236246

(G) Annually collect, report, and track specified data 236247
related to the program according to data reporting guidelines 236248
adopted by the chancellor and the ~~superintendent of public~~ 236249
instruction department of education and workforce pursuant to 236250
section 3365.15 of the Revised Code. 236251

Sec. 3365.05. Each public and participating private college 236252
shall do all of the following with respect to the college credit 236253
plus program: 236254

(A) Apply established standards and procedures for admission 236255
to the college and for course placement for participants. When 236256
determining admission and course placement, the college shall do 236257
all of the following: 236258

(1) Consider all available student data that may be an 236259
indicator of college readiness, including grade point average and 236260
end-of-course examination scores, if applicable; 236261

(2) Give priority to its current students regarding 236262
enrollment in courses. However, once a participant has been 236263
accepted into a course, the college shall not displace the 236264
participant for another student. 236265

(3) Adhere to any capacity limitations that the college has 236266
established for specified courses. 236267

(B) Send written notice to the participant, the participant's 236268
parent, and the participant's secondary school, not later than 236269
fourteen calendar days prior to the first day of classes for that 236270

term, of the participant's admission to the college and to 236271
specified courses under the program. 236272

(C) Provide both of the following, not later than twenty-one 236273
calendar days after the first day of classes for that term, to 236274
each participant and the participant's secondary school: 236275

(1) The courses and hours of enrollment of the participant; 236276

(2) The option elected by the participant under division (A) 236277
or (B) of section 3365.06 of the Revised Code for each course. 236278

The college shall also provide to each partnering school a 236279
roster of participants from that school that are enrolled in the 236280
college and a list of course assignments for each participant. 236281

(D) Promote the program on the college's web site, including 236282
the details of the college's current agreements with partnering 236283
secondary schools. 236284

(E) Coordinate with each partnering secondary school that is 236285
located within thirty miles of the college to present at least one 236286
informational session per school year for interested students and 236287
parents. The session shall include the benefits and consequences 236288
of participation and shall outline any changes or additions to the 236289
requirements of the program. If there are no partnering schools 236290
located within thirty miles of the college, the college shall 236291
coordinate with the closest partnering school to offer an 236292
informational session. 236293

(F) Assign an academic advisor that is employed by the 236294
college to each participant enrolled in that college. Prior to the 236295
date on which a withdrawal from a course would negatively affect a 236296
participant's transcribed grade, as prescribed by the college's 236297
established withdrawal policy, the college shall ensure that the 236298
academic advisor and the participant meet at least once to discuss 236299
the program and the courses in which the participant is enrolled. 236300

(G) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:

(1) Provide at least one professional development session per school year;

(2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.

(H) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the ~~superintendent of public instruction~~ department of education and workforce pursuant to section 3365.15 of the Revised Code.

(I) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.

Sec. 3365.06. The rules adopted under section 3365.02 of the Revised Code shall provide for participants to enroll in courses under either of the options prescribed by division (A) or (B) of this section.

(A) The participant may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the participant about payment of tuition and fees in the customary manner followed by the college. A participant electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school

credit and college credit for the course. 236331

(1) The participant may elect to receive only college credit 236332
for the course. Except as provided in section 3365.032 of the 236333
Revised Code, if the participant successfully completes the 236334
course, the college shall award the participant full credit for 236335
the course, but the governing entity of a public secondary school 236336
or the governing body of a participating nonpublic secondary 236337
school shall not award the high school credit. 236338

(2) The participant may elect to receive both high school 236339
credit and college credit for the course. Except as provided in 236340
section 3365.032 of the Revised Code, if the participant 236341
successfully completes the course, the college shall award the 236342
participant full credit for the course and the governing entity of 236343
a public school or the governing body of a participating nonpublic 236344
school shall award the participant high school credit. 236345

(B) If a course is eligible for funding under rules adopted 236346
pursuant to division (C)(1) of this section, the participant may 236347
elect at the time of enrollment for the course to have the college 236348
reimbursed under section 3365.07 of the Revised Code. Except as 236349
provided in section 3365.032 of the Revised Code, if the 236350
participant successfully completes the course, the college shall 236351
award the participant full credit for the course and the governing 236352
entity of a public school or the governing body of a participating 236353
nonpublic school shall award the participant high school credit. 236354
If the participant elects to have the college reimbursed under 236355
this division, the department shall reimburse the college for the 236356
number of enrolled credit hours in accordance with section 3365.07 236357
of the Revised Code. 236358

(C)(1) The chancellor of higher education, in consultation 236359
with the ~~superintendent of public instruction~~ department of 236360
education and workforce, shall adopt rules specifying which 236361
courses are eligible for funding under section 3365.07 of the 236362

Revised Code. 236363

The rules shall address at least the following: 236364

(a) Whether courses must be taken in a specified sequence; 236365

(b) Whether to restrict funding and limit eligibility to 236366
certain types of courses, including (i) courses that are included 236367
in the statewide articulation and transfer system, established by 236368
the chancellor pursuant to section 3333.161 of the Revised Code; 236369
(ii) courses that may be applied to multiple degree pathways or 236370
are applicable to in-demand jobs; or (iii) other types of courses; 236371

(c) Whether courses with private instruction, as defined by 236372
the chancellor, are eligible for funding. 236373

The rules also shall specify the school year for which 236374
implementation of the rules adopted pursuant to this division 236375
shall first apply. 236376

(2) In developing the rules, the chancellor, in consultation 236377
with the ~~state superintendent~~ department of education and 236378
workforce, shall establish a process to receive input from public 236379
and nonpublic secondary schools, public and private colleges, and 236380
other interested parties. 236381

(D) When determining a school district's enrollment under 236382
section 3317.03 of the Revised Code, the time a participant is 236383
attending courses under division (A) of this section shall be 236384
considered as time the participant is not attending or enrolled in 236385
school anywhere, and the time a participant is attending courses 236386
under division (B) of this section shall be considered as time the 236387
participant is attending or enrolled in the district's schools. 236388

Sec. 3365.07. The department of education and workforce shall 236389
calculate and pay state funds to colleges for participants in the 236390
college credit plus program under division (B) of section 3365.06 236391
of the Revised Code pursuant to this section. For a nonpublic 236392

secondary school participant, a nonchartered nonpublic secondary 236393
school participant, or a ~~home-instructed~~ home-educated 236394
participant, the department shall pay state funds pursuant to this 236395
section only if that participant is awarded funding according to 236396
rules adopted by the chancellor of higher education, in 236397
consultation with the ~~superintendent of public instruction~~ 236398
department of education and workforce, pursuant to section 236399
3365.071 of the Revised Code. The program shall be the sole 236400
mechanism by which state funds are paid to colleges for students 236401
to earn transcribed credit for college courses while enrolled in 236402
both a secondary school and a college, with the exception of state 236403
funds paid to colleges according to an agreement described in 236404
division (A)(1) of section 3365.02 of the Revised Code. 236405

(A) For each public or nonpublic secondary school participant 236406
enrolled in a public college: 236407

(1) If no agreement has been entered into under division 236408
(A)(2) of this section, both of the following shall apply: 236409

(a) The department shall pay to the college the applicable 236410
amount as follows: 236411

(i) For a participant enrolled in a college course delivered 236412
on the college campus, at another location operated by the 236413
college, or online, the lesser of the default ceiling amount or 236414
the college's standard rate; 236415

(ii) For a participant enrolled in a college course delivered 236416
at the participant's secondary school but taught by college 236417
faculty, the lesser of fifty per cent of the default ceiling 236418
amount or the college's standard rate; 236419

(iii) For a participant enrolled in a college course 236420
delivered at the participant's secondary school and taught by a 236421
high school teacher who has met the credential requirements 236422

established for purposes of the program in rules adopted by the 236423
chancellor, the default floor amount. 236424

(b) The participant's secondary school shall pay for 236425
textbooks, and the college shall waive payment of all other fees 236426
related to participation in the program. 236427

(2) The governing entity of a participant's secondary school 236428
and the college may enter into an agreement to establish an 236429
alternative payment structure for tuition, textbooks, and fees. 236430
Under such an agreement, payments for each participant made by the 236431
department shall be not less than the default floor amount, unless 236432
approved by the chancellor, and not more than either the default 236433
ceiling amount or the college's standard rate, whichever is less. 236434
The chancellor may approve an agreement that includes a payment 236435
below the default floor amount, as long as the provisions of the 236436
agreement comply with all other requirements of this chapter to 236437
ensure program quality. If no agreement is entered into under 236438
division (A)(2) of this section, both of the following shall 236439
apply: 236440

(a) The department shall pay to the college the applicable 236441
default amounts prescribed by division (A)(1)(a) of this section, 236442
depending upon the method of delivery and instruction. 236443

(b) In accordance with division (A)(1)(b) of this section, 236444
the participant's secondary school shall pay for textbooks, and 236445
the college shall waive payment of all other fees related to 236446
participation in the program. 236447

(3) No participant that is enrolled in a public college shall 236448
be charged for any tuition, textbooks, or other fees related to 236449
participation in the program. 236450

(B) For each public secondary school participant enrolled in 236451
a private college: 236452

(1) If no agreement has been entered into under division 236453

(B)(2) of this section, the department shall pay to the college 236454
the applicable amount calculated in the same manner as in division 236455
(A)(1)(a) of this section. 236456

(2) The governing entity of a participant's secondary school 236457
and the college may enter into an agreement to establish an 236458
alternative payment structure for tuition, textbooks, and fees. 236459
Under such an agreement, payments shall be not less than the 236460
default floor amount, unless approved by the chancellor, and not 236461
more than either the default ceiling amount or the college's 236462
standard rate, whichever is less. 236463

If an agreement is entered into under division (B)(2) of this 236464
section, both of the following shall apply: 236465

(a) The department shall make a payment to the college for 236466
each participant that is equal to the default floor amount, unless 236467
approved by the chancellor to pay an amount below the default 236468
floor amount. The chancellor may approve an agreement that 236469
includes a payment below the default floor amount, as long as the 236470
provisions of the agreement comply with all other requirements of 236471
this chapter to ensure program quality. 236472

(b) Payment for costs for the participant that exceed the 236473
amount paid by the department pursuant to division (B)(2)(a) of 236474
this section shall be negotiated by the school and the college. 236475
The agreement may include a stipulation permitting the charging of 236476
a participant. 236477

However, under no circumstances shall: 236478

(i) Payments for a participant made by the department under 236479
division (B)(2) of this section exceed the lesser of the default 236480
ceiling amount or the college's standard rate; 236481

(ii) The amount charged to a participant under division 236482
(B)(2) of this section exceed the difference between the maximum 236483
per participant charge amount and the default floor amount; 236484

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is 236515
enrolled in that secondary school with a scholarship awarded under 236516
either the educational choice scholarship pilot program, as 236517
prescribed by sections 3310.01 to 3310.17, or the pilot project 236518
scholarship program, as prescribed by sections 3313.974 to 236519
3313.979 of the Revised Code, and who qualifies as a low-income 236520
student under either of those programs, be charged for any 236521
tuition, textbooks, or other fees related to participation in the 236522
college credit plus program. 236523

(D) For each nonchartered nonpublic secondary school 236524
participant and each ~~home-instructed~~ home-educated participant 236525
enrolled in a public, private, or eligible out-of-state college, 236526
the department shall pay to the college the lesser of the default 236527
ceiling amount or the college's standard rate, if that participant 236528
is enrolled in a college course delivered on the college campus, 236529
at another location operated by the college, or online. 236530

(E) Not later than thirty days after the end of each term, 236531
each college expecting to receive payment for the costs of a 236532
participant under this section shall notify the department of the 236533
number of enrolled credit hours for each participant. 236534

(F) The department shall make the applicable payments under 236535
this section to each college, which provided proper notification 236536
to the department under division (E) of this section, for the 236537
number of enrolled credit hours for participants enrolled in the 236538
college under division (B) of section 3365.06 of the Revised Code. 236539
Except in cases involving incomplete participant information or a 236540
dispute of participant information, payments shall be made by the 236541
last day of January for participants who were enrolled during the 236542
fall term and by the last day of July for participants who were 236543
enrolled during the spring term. The department shall not make any 236544
payments to a college under this section if a participant withdrew 236545
from a course prior to the date on which a withdrawal from the 236546

course would have negatively affected the participant's 236547
transcribed grade, as prescribed by the college's established 236548
withdrawal policy. 236549

(1) Payments made for public secondary school participants 236550
under this section shall be deducted as follows: 236551

(a) For a participant enrolled in a school district, from the 236552
school foundation payments made to the participant's school 236553
district. If the participant is enrolled in a joint vocational 236554
school district, a portion of the amount shall be deducted from 236555
the payments to the joint vocational school district and a portion 236556
shall be deducted from the payments to the participant's city, 236557
local, or exempted village school district in accordance with the 236558
full-time equivalency of the student's enrollment in each 236559
district. 236560

(b) For a participant enrolled in a community school 236561
established under Chapter 3314. of the Revised Code, from the 236562
payments made to that school under section 3317.022 of the Revised 236563
Code; 236564

(c) For a participant enrolled in a STEM school, from the 236565
payments made to that school under section 3317.022 of the Revised 236566
Code; 236567

(d) For a participant enrolled in a college-preparatory 236568
boarding school, from the payments made to that school under 236569
section 3328.34 of the Revised Code; 236570

(e) For a participant enrolled in the state school for the 236571
deaf or the state school for the blind, from the amount paid to 236572
that school with funds appropriated by the general assembly for 236573
support of that school; 236574

(f) For a participant enrolled in an institution operated by 236575
the department of youth services, from the amount paid to that 236576
institution with funds appropriated by the general assembly for 236577

support of that institution. 236578

Amounts deducted under divisions (F)(1)(a) to (f) of this 236579
section shall be calculated in accordance with rules adopted by 236580
the chancellor, in consultation with the ~~state~~ 236581
~~superintendent~~department of education and workforce, pursuant to 236582
division (B) of section 3365.071 of the Revised Code 236583

(2) Payments made for nonpublic secondary school 236584
participants, nonchartered nonpublic secondary school 236585
participants, and ~~home-instructed~~ home-educated participants under 236586
this section shall be deducted from moneys appropriated by the 236587
general assembly for such purpose. Payments shall be allocated and 236588
distributed in accordance with rules adopted by the chancellor, in 236589
consultation with the ~~state superintendent~~ department of education 236590
and workforce, pursuant to division (A) of section 3365.071 of the 236591
Revised Code. 236592

(G) Any public college that enrolls a student under division 236593
(B) of section 3365.06 of the Revised Code may include that 236594
student in the calculation used to determine its state share of 236595
instruction funds appropriated to the department of higher 236596
education by the general assembly. 236597

Sec. 3365.071. (A) The chancellor of ~~the Ohio board of~~ 236598
~~regents~~higher education, in accordance with Chapter 119. of the 236599
Revised Code and in consultation with the ~~superintendent of public~~ 236600
~~instruction~~ department of education and workforce, shall adopt 236601
rules prescribing a method to allocate and distribute payments 236602
under section 3365.07 of the Revised Code for nonpublic secondary 236603
school participants, nonchartered nonpublic secondary school 236604
participants, and ~~home-instructed~~ home-educated participants. The 236605
rules shall include that payments made for nonchartered nonpublic 236606
secondary school participants be made in the same manner as 236607
payments for ~~home-instructed~~ home-educated participants under that 236608

section. 236609

(B) The chancellor, in consultation with the ~~state~~ 236610
~~superintendent~~ department, shall also adopt rules establishing a 236611
method to calculate the amounts deducted from a joint vocational 236612
school district and from a participant's city, local, or exempted 236613
village school district for payments under section 3365.07 of the 236614
Revised Code. 236615

Sec. 3365.08. (A) No participant enrolled under this chapter 236616
in a course for which credit toward high school graduation is 236617
awarded shall receive direct financial aid through any state or 236618
federal program. 236619

(B) If a school district provides transportation for resident 236620
school students in grades eleven and twelve under section 3327.01 236621
of the Revised Code, a parent of a participant enrolled in a 236622
course under division (A)(2) or (B) of section 3365.06 of the 236623
Revised Code may apply to the board of education for full or 236624
partial reimbursement for the necessary costs of transporting the 236625
participant between the secondary school the participant attends 236626
and the college in which the participant is enrolled. 236627
Reimbursement may be paid solely from funds received by the 236628
district for student transportation under section 3317.0212 of the 236629
Revised Code or other provisions of law. The ~~state board~~ 236630
department of education and workforce shall establish guidelines, 236631
based on financial need, under which a district may provide such 236632
reimbursement. 236633

(C) If a community school provides or arranges transportation 236634
for its students in grades nine through twelve under section 236635
3314.091 of the Revised Code, a parent of a participant of the 236636
community school who is enrolled in a course under division (A)(2) 236637
or (B) of section 3365.06 of the Revised Code may apply to the 236638

governing authority of the community school for full or partial 236639
reimbursement of the necessary costs of transporting the 236640
participant between the community school and the college. The 236641
governing authority may pay the reimbursement in accordance with 236642
the ~~state board's~~ department's rules adopted under division (B) of 236643
this section solely from funds paid to it under division (H) of 236644
section 3317.0212 of the Revised Code. 236645

Sec. 3365.09. (A) Except as provided for in division (C) of 236646
this section, if the superintendent, or equivalent, of a public 236647
secondary school in which a participant is enrolled determines 236648
that the participant has not attained a passing final grade in a 236649
college course in which the participant enrolled under this 236650
chapter, the superintendent, or equivalent, may seek reimbursement 236651
from the participant or the participant's parent for the amount of 236652
state funds paid to the college on behalf of the participant for 236653
that college course. The governing entity of a public school, in 236654
accordance with division (C) of section 3313.642 of the Revised 236655
Code, may withhold grades and credits received by the participant 236656
for high school courses taken by the participant until the 236657
participant or the participant's parent provides reimbursement. 236658

(B) Except as provided for in division (C) of this section, 236659
if the chief administrator of a participating nonpublic school in 236660
which a participant is enrolled determines that the participant 236661
has not attained a passing final grade in a college course in 236662
which the participant enrolled under this chapter, the chief 236663
administrator may seek reimbursement from the participant or the 236664
participant's parent for the amount of state funds paid to the 236665
college on behalf of the participant for enrollment in that 236666
college course. Upon the collection of any funds from a 236667
participant or participant's parent under this division, the chief 236668
administrator of a nonpublic school shall send an amount equal to 236669
the funds collected to the ~~superintendent of public~~ 236670

~~instruction~~department of education and workforce. The 236671
~~superintendent of public instruction~~ department shall credit that 236672
amount to the general revenue fund. 236673

(C) Unless the participant was expelled by the school, the 236674
superintendent, or equivalent, or chief administrator shall not 236675
seek reimbursement from a participant or a participant's parent 236676
under division (A) or (B) of this section, if the participant is 236677
identified as economically disadvantaged according to rules 236678
adopted by the department ~~of education~~. 236679

Sec. 3365.091. (A) The chancellor of higher education, in 236680
consultation with the ~~superintendent of public instruction~~ 236681
department of education and workforce, shall adopt rules 236682
specifying the conditions under which an underperforming 236683
participant may continue to participate in the college credit plus 236684
program. 236685

The rules shall address at least the following: 236686

(1) The definition of an "underperforming participant"; 236687

(2) Any additional conditions that participants with repeated 236688
underperformance must satisfy; 236689

(3) The timeframe for notifying an underperforming 236690
participant who is determined to be ineligible for participation 236691
of such ineligibility; 236692

(4) Mechanisms available to assist underperforming 236693
participants; 236694

(5) The role of school guidance counselors and college 236695
academic advisers in assisting underperforming participants; 236696

(6) If an underperforming participant is determined to be 236697
ineligible for participation, any consequences that such 236698
ineligibility may have on the student's ability to complete the 236699
secondary school's graduation requirements. - 236700

The rules also shall specify the school year for which 236701
implementation of the rules adopted pursuant to division (A) of 236702
this section shall first apply. 236703

(B) In developing the rules pursuant to division (A) of this 236704
section, the chancellor, in consultation with the ~~state~~ 236705
~~superintendent~~ department, shall establish a process to receive 236706
input from public and nonpublic secondary schools, public and 236707
private colleges, and other interested parties. 236708

Sec. 3365.10. (A) Any public or participating nonpublic 236709
secondary school or any public or participating private college 236710
may apply to the chancellor of higher education and the 236711
~~superintendent of public instruction~~ department of education and 236712
workforce for a waiver from the requirements of the college credit 236713
plus program. The chancellor and the ~~superintendent~~ department may 236714
grant a waiver under this section for an agreement or for a 236715
proposed agreement between a public or participating nonpublic 236716
secondary school and a public or participating private or 236717
out-of-state college, only if the agreement does both of the 236718
following: 236719

(1) Includes innovative programming proposed to exclusively 236720
address the needs of underrepresented student subgroups; 236721

(2) Meets all criteria set forth in rules adopted by the 236722
chancellor and the ~~superintendent~~ department pursuant to division 236723
(C) of this section. 236724

(B) Any waiver granted under this section shall apply only to 236725
the agreement for which the waiver is granted and shall not apply 236726
to any other agreement that the school or college enters into 236727
under this chapter. 236728

(C) The chancellor and the ~~superintendent of public~~ 236729
~~instruction~~ department shall jointly adopt rules, in accordance 236730

with Chapter 119. of the Revised Code, regarding the granting of 236731
waivers under this section. 236732

Sec. 3365.12. (A) All courses offered under the college 236733
credit plus program shall be the same courses that are included in 236734
the partnering college's course catalogue for college-level, 236735
nonremedial courses and shall apply to at least one degree or 236736
professional certification at the partnering college. 236737

(B)(1) High school credit awarded for courses successfully 236738
completed under this chapter shall count toward the graduation 236739
requirements and subject area requirements of the public secondary 236740
school or participating nonpublic secondary school. If a course 236741
comparable to one a participant completed at a college is offered 236742
by the school, the governing entity or governing body shall award 236743
comparable credit for the course completed at the college. If no 236744
comparable course is offered by the school, the governing entity 236745
or governing body shall grant an appropriate number of elective 236746
credits to the participant. 236747

(2) If there is a dispute between a participant's school and 236748
a participant regarding high school credits granted for a course, 236749
the participant may appeal the decision to the department of 236750
education and workforce. The department's decision regarding any 236751
high school credits granted under this section is final. 236752

(C) Evidence of successful completion of each course and the 236753
high school credits awarded by the school shall be included in the 236754
student's record. The record shall indicate that the credits were 236755
earned as a participant under this chapter and shall include the 236756
name of the college at which the credits were earned. 236757

Sec. 3365.15. The chancellor of higher education and the 236758
~~superintendent of public instruction~~ department of education and 236759
workforce jointly shall do all of the following: 236760

(A) Adopt data reporting guidelines specifying the types of data that public and participating nonpublic secondary schools and public and participating private colleges, including eligible out-of-state colleges participating in the program, must annually collect, report, and track under division (G) of section 3365.04 and division (H) of section 3365.05 of the Revised Code. The types of data shall include all of the following:

(1) For each secondary school and college:

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of ~~education~~ education pursuant to section 3365.071 of the Revised Code.

(3) For each college:

(a) The number of students who applied to enroll in the college under the program but were not granted admission;

(b) The average number of completed courses per participant;

(c) The average grade point average for participants in college courses under the program.

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.

(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the chancellor of higher education's and the ~~department of education's~~ department's web sites.

(C) Until December 2023, submit an annual report on outcomes of the college credit plus program that are supported by empirical evidence to the governor, the president of the senate, the speaker of the house of representatives, and the chairpersons of the education committees of the senate and house of representatives. The report shall include all of the following, disaggregated by cohort:

(1) Number of degrees attained;

(2) Level and type of degrees attained;

(3) Number of students who receive a degree in two different subject areas;

(4) Time to completion of a degree, disaggregated by level and type of degree attained;

(5) Time to enrollment in a graduate or doctoral degree program;

(6) The number of students who participate in a study abroad course;

(7) How all of the measures described in division (C) of this section compare to both:

(a) The overall student population who did not participate in the college credit plus program;

(b) Any similar measures compiled under the former postsecondary enrollment options program, to the extent that such data is available.

The first report shall be submitted not later than December 236821
31, 2018, and each subsequent report shall be submitted not later 236822
than the thirty-first day of December each year thereafter until 236823
December 2023. 236824

(D) Establish a college credit plus advisory committee to 236825
assist in the development of performance metrics and the 236826
monitoring of the program's progress. At least one member of the 236827
advisory committee shall be a school guidance counselor. 236828

The chancellor shall also, in consultation with the 236829
~~superintendent~~ department, create a standard packet of information 236830
for the college credit plus program directed toward students and 236831
parents that are interested in the program. 236832

(E) The chancellor and the ~~state superintendent~~ department 236833
also may submit a biennial report detailing the status of the 236834
college credit plus program, including an analysis of quality 236835
assurance measures related to the program, to the governor, the 236836
president of the senate, the speaker of the house of 236837
representatives, and the chairpersons of the education committees 236838
of the senate and house of representatives. If the chancellor and 236839
~~state superintendent~~ the department choose to jointly submit the 236840
biennial report, both of the following shall apply: 236841

(1) The report shall include only data available through the 236842
higher education information system administered by the 236843
chancellor. 236844

(2) The first report shall be submitted not later than 236845
December 31, 2017, and each subsequent report shall be submitted 236846
not later than the thirty-first day of December every two years 236847
thereafter. 236848

(F) For purposes of this section, "cohort" means a group of 236849
students who participated in the college credit plus program and 236850
who, upon graduation from high school, enroll in an Ohio 236851

institution of higher education during the same academic year. 236852

Sec. 3375.01. A state library board is hereby created to be 236853
composed of five members to be appointed by the ~~state board~~ 236854
director of education and workforce. One member shall be appointed 236855
each year for a term of five years. No one is eligible to 236856
membership on the state library board who is or has been for a 236857
year previous to appointment a member of the state board of 236858
education. A member of the state library board shall not during 236859
the member's term of office be a member of the board of library 236860
trustees for any library in any subdivision in the state. Before 236861
entering on official duties, each member shall subscribe to the 236862
official oath of office. All vacancies on the state library board 236863
shall be filled by the ~~state board of education~~ director by 236864
appointment for the unexpired term. The members shall receive no 236865
compensation, but shall be paid their actual and necessary 236866
expenses incurred in the performance of their duties or in the 236867
conduct of authorized board business, within or without the state. 236868

At its regular meeting next prior to the beginning of each 236869
fiscal biennium, the state library board shall elect a president 236870
and vice-president each of whom shall serve for two years or until 236871
a successor is elected and qualified. 236872

The state library board is responsible for the state library 236873
of Ohio and a statewide program of development and coordination of 236874
library services, and its powers include the following: 236875

(A) Maintain the state library, holding custody of books, 236876
periodicals, pamphlets, films, recordings, papers, and other 236877
materials and equipment. The board may purchase or procure from an 236878
insurance company licensed to do business in this state policies 236879
of insurance insuring the members of the board and the officers, 236880
employees, and agents of the state library against liability on 236881
account of damage or injury to persons or property resulting from 236882

any act or omission of the board members, officers, employees, and agents of the state library in their official capacity. 236883
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(B) Accept, receive, administer, and expend, in accordance with the terms thereof, any moneys, materials, or other aid granted, appropriated, or made available to it for library purposes, by the United States, or any of its agencies, or by any other source, public or private; 236885
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(C) Administer such funds as the general assembly may make available to it for the improvement of public library services, interlibrary cooperation, or for other library purposes; 236890
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(D) Contract with other agencies, organizations, libraries, library schools, boards of education, universities, public and private, within or without the state, for library services, facilities, research, or any allied or related purpose; 236893
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(E) In accordance with Chapter 119. of the Revised Code, approve, disapprove, or modify resolutions for establishment of county district libraries, and approve, disapprove, or modify resolutions to determine the boundaries of such districts, along county lines or otherwise, and approve, disapprove, or modify resolutions to redefine boundaries, along county lines or otherwise, where questions subsequently arise as a result of school district consolidations; 236897
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(F) Upon consolidation of two or more school districts and in accordance with Chapter 119. of the Revised Code, define and adjust the boundaries of the new public library district resulting from such consolidation and resolve any disputes or questions pertaining to the boundaries, organization, and operation of the new library district; 236905
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(G) Upon application of one or more boards of library trustees and in accordance with Chapter 119. of the Revised Code, define, amend, and adjust the boundaries of the library districts 236911
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making such application and the boundaries of adjacent library districts; 236914
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(H) Upon application of one or more boards of library trustees, or upon the state library board's own initiative, and in accordance with Chapter 119. of the Revised Code, define, amend, and adjust the boundaries of overlapping library districts to eliminate areas of overlap; 236916
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(I) Upon application of any private corporation or library association maintaining a free public library prior to September 4, 1947, and in accordance with Chapter 119. of the Revised Code, define, amend, and adjust the boundaries of a library district for the private corporation or library association for the sole purpose of preventing or eliminating areas of overlap with other library districts in relation to tax levies described in sections 5705.19, 5705.191, and 5705.21 of the Revised Code that are or may be levied in support of the private corporation or library association; 236921
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(J) Certify its actions relating to boundaries authorized in this section, to boards of election, taxing authorities, the boards of trustees of libraries affected, and other appropriate bodies; 236931
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(K) Encourage and assist the efforts of libraries and local governments to develop mutual and cooperative solutions to library service problems; 236935
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(L) Recommend to the governor and to the general assembly such changes in the law as will strengthen and improve library services and operations; 236938
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(M) In accordance with Chapter 119. of the Revised Code, adopt such rules as are necessary for the carrying out of any function imposed on it by law, and provide such rules as are necessary for its government and the government of its employees. 236941
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The board may delegate to the state librarian the management and administration of any function imposed on it by law. 236945
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Sec. 3701.507. (A) To assist in implementing sections 236947
3701.503 to 3701.509 of the Revised Code, the medically 236948
handicapped children's medical advisory council created in section 236949
3701.025 of the Revised Code shall appoint a permanent infant 236950
hearing screening subcommittee. The subcommittee shall consist of 236951
the following members: 236952

(1) One otolaryngologist; 236953

(2) One neonatologist; 236954

(3) One pediatrician; 236955

(4) One neurologist; 236956

(5) One hospital administrator; 236957

(6) Two or more audiologists who are experienced in infant hearing screening and evaluation; 236958
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(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code; 236960
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(8) Two persons who are each a parent of a hearing-impaired child; 236962
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(9) One geneticist; 236964

(10) One epidemiologist; 236965

(11) One adult who is deaf or hearing impaired; 236966

(12) One representative from an organization for persons who are deaf or hearing impaired; 236967
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(13) One family advocate; 236969

(14) One nurse from a well-baby neonatal nursery; 236970

(15) One nurse from a special care neonatal nursery; 236971

(16) One teacher of persons who are deaf who works with infants and toddlers;	236972 236973
(17) One representative of the health insurance industry;	236974
(18) One representative of the children with medical handicaps program;	236975 236976
(19) One representative of the department of education <u>and workforce</u> ;	236977 236978
(20) One representative of the department of medicaid;	236979
(21) Any other person the advisory council appoints.	236980
(B) The infant hearing subcommittee shall:	236981
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	236982 236983 236984
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	236985 236986 236987
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	236988 236989 236990 236991
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	236992 236993 236994 236995
(b) Identification of locations where hearing evaluations may be conducted;	236996 236997
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	236998 236999
(d) Referral, data recording and compilation, and procedures	237000

to encourage follow-up hearing care; 237001

(e) Maintenance of a register of newborns and infants who do 237002
not pass the hearing screening; 237003

(f) Preparation of the information required by section 237004
3701.506 of the Revised Code. 237005

Sec. 3701.78. (A) There is hereby created the commission on 237006
minority health, consisting of twenty-one members. The governor 237007
shall appoint to the commission nine members from among health 237008
researchers, health planners, and health professionals. The 237009
governor also shall appoint two members who are representatives of 237010
the lupus awareness and education program. The speaker of the 237011
house of representatives shall appoint to the commission two 237012
members of the house of representatives, not more than one of whom 237013
is a member of the same political party, and the president of the 237014
senate shall appoint to the commission two members of the senate, 237015
not more than one of whom is a member of the same political party. 237016
The following shall be members of the commission: the directors of 237017
health, mental health and addiction services, developmental 237018
disabilities, and job and family services, or their designees; the 237019
medicaid director, or the director's designee; and the 237020
~~superintendent of public instruction~~director of education and 237021
workforce, or the ~~superintendent's~~ director's designee. 237022

The commission shall elect a chairperson from among its 237023
members. 237024

Of the members appointed by the governor, five shall be 237025
appointed to initial terms of one year, and four shall be 237026
appointed to initial terms of two years. Thereafter, all members 237027
appointed by the governor shall be appointed to terms of two 237028
years. All members of the commission appointed by the speaker of 237029
the house of representatives or the president of the senate shall 237030
be nonvoting members of the commission and be appointed within 237031

thirty days after the commencement of the first regular session of 237032
each general assembly, and shall serve until the expiration of the 237033
session of the general assembly during which they were appointed. 237034

Members of the commission shall serve without compensation, 237035
but shall be reimbursed for the actual and necessary expenses they 237036
incur in the performance of their official duties. 237037

(B) The commission shall promote health and the prevention of 237038
disease among members of minority groups. Each year the commission 237039
shall distribute grants from available funds to community-based 237040
health groups to be used to promote health and the prevention of 237041
disease among members of minority groups. As used in this 237042
division, "minority group" means any of the following economically 237043
disadvantaged groups: Blacks, American Indians, Hispanics, and 237044
Orientals. The commission shall adopt and maintain rules pursuant 237045
to Chapter 119. of the Revised Code to provide for the 237046
distribution of these grants. No group shall qualify to receive a 237047
grant from the commission unless it receives at least twenty per 237048
cent of its funds from sources other than grants distributed under 237049
this section. 237050

(C) The commission may appoint such employees as it considers 237051
necessary to carry out its duties under this section. The 237052
department of health shall provide office space for the 237053
commission. 237054

(D) The commission shall meet at the call of its chairperson 237055
to conduct its official business. A majority of the voting members 237056
of the commission constitute a quorum. The votes of at least eight 237057
voting members of the commission are necessary for the commission 237058
to take any official action or to approve the distribution of 237059
grants under this section. 237060

Sec. 3705.36. Three years after the date a birth defects 237061
information system is implemented pursuant to section 3705.30 of 237062

the Revised Code, and annually thereafter, the department of 237063
health shall prepare a report regarding the birth defects 237064
information system. The department shall file the report with the 237065
governor, the president and minority leader of the senate, the 237066
speaker and minority leader of the house of representatives, the 237067
departments of developmental disabilities, education and 237068
workforce, and job and family services, the commission on minority 237069
health, and the news media. 237070

Sec. 3707.58. (A) As used in this section: 237071

(1) "Youth athlete" means an individual who wishes to 237072
practice for or compete in athletic activities organized by a 237073
youth sports organization; 237074

(2) "Youth sports organization" has the same meaning as in 237075
section 3707.51 of the Revised Code. 237076

(B) Prior to the start of each athletic season, a youth 237077
sports organization that is subject to this section may hold an 237078
informational meeting for youth athletes, parents, guardians, 237079
other persons having care or charge of a youth athlete, 237080
physicians, pediatric cardiologists, athletic trainers, and any 237081
other persons regarding the symptoms and warning signs of sudden 237082
cardiac arrest for all ages of youth athletes. 237083

(C) No youth athlete shall participate in an athletic 237084
activity organized by a youth sports organization until the youth 237085
athlete has submitted to a designated official of the youth sports 237086
organization a form signed by the youth athlete and the parent, 237087
guardian, or other person having care or charge of the youth 237088
athlete stating that the youth athlete and the parent, guardian, 237089
or other person having care or charge of the youth athlete have 237090
received and reviewed a copy of the information developed by the 237091
~~departments~~ department of health and the department of education 237092

and workforce and posted on their respective internet web sites as 237093
required by section 3707.59 of the Revised Code. A completed form 237094
shall be submitted each calendar year to each youth sports 237095
organization that organizes an athletic activity in which the 237096
youth athlete participates. 237097

(D) No individual shall coach an athletic activity organized 237098
by a youth sports organization unless the individual has 237099
completed, on an annual basis, the sudden cardiac arrest training 237100
course approved by the department of health under division (C) of 237101
section 3707.59 of the Revised Code. 237102

(E)(1) A youth athlete shall not be allowed to participate in 237103
an athletic activity organized by a youth sports organization if 237104
either of the following is the case: 237105

(a) The youth athlete's biological parent, biological 237106
sibling, or biological child has previously experienced sudden 237107
cardiac arrest, and the youth athlete has not been evaluated and 237108
cleared for participation in an athletic activity organized by a 237109
youth sports organization by a physician authorized under Chapter 237110
4731. of the Revised Code to practice medicine and surgery or 237111
osteopathic medicine and surgery. 237112

(b) The youth athlete is known to have exhibited syncope or 237113
fainting at any time prior to or following an athletic activity 237114
and has not been evaluated and cleared for return under division 237115
(E)(3) of this section after exhibiting syncope or fainting. 237116

(2) A youth athlete shall be removed by the youth athlete's 237117
coach from participation in an athletic activity organized by a 237118
youth sports organization if the youth athlete exhibits syncope or 237119
fainting. 237120

(3) If a youth athlete is not allowed to participate in or is 237121
removed from participation in an athletic activity organized by a 237122
youth sports organization under division (E)(1) or (2) of this 237123

section, the youth athlete shall not be allowed to return to participation until the youth athlete is evaluated and cleared for return in writing by any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, including a physician who specializes in cardiology;

(b) A certified nurse practitioner, clinical nurse specialist, or certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code.

The licensed health care providers specified in divisions (E)(3)(a) and (b) of this section may consult with any other licensed or certified health care providers in order to determine whether a youth athlete is ready to return to participation.

(F) A youth sports organization that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.

(G)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

Sec. 3707.59. (A) As used in this section:

(1) "Athletic activity" means both of the following:

(a) An athletic activity, as defined in section 3313.5310 of

the Revised Code; 237154

(b) An athletic activity organized by a youth sports organization. 237155
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(2) "Youth athlete" and "youth sports organization" have the same meanings as in section 3707.58 of the Revised Code. 237157
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(B) The department of health and the department of education and workforce jointly shall develop and shall post on their respective internet web sites guidelines and other relevant materials to inform and educate students and youth athletes participating in or desiring to participate in an athletic activity, their parents, and their coaches about the nature and warning signs of sudden cardiac arrest. These guidelines and materials shall address the risks associated with continuing to participate in an athletic activity after experiencing one or more symptoms of sudden cardiac arrest, such as fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate. In developing guidelines and other relevant materials under this division, the department of health and the department of education and workforce shall consult with the Ohio chapter of the American college of cardiology and with an interscholastic conference or an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events. 237159
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In developing guidelines and materials under this division, the departments may utilize existing materials developed by the parent heart watch organization, the sudden arrhythmia death syndromes foundation, and any other organizations deemed appropriate by the departments. 237176
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(C) For purposes of the training required for a coach of an athletic activity under division (D) of section 3313.5310 or division (D) of section 3707.58 of the Revised Code, the department of health shall approve a sudden cardiac arrest 237181
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training course offered by an outside entity. 237185

Sec. 3734.62. On and after ~~the effective date of this section~~ 237186
April 6, 2007, no school district or educational service center 237187
established under Chapter 3311. of the Revised Code, community 237188
school established under Chapter 3314. of the Revised Code, or 237189
nonpublic school for which the ~~state board~~ director of education 237190
and workforce prescribes standards under section 3301.07 of the 237191
Revised Code and no employee of such a school district, 237192
educational service center, community school, or nonpublic school 237193
shall purchase mercury or a mercury-added measuring device for 237194
classroom use. 237195

If a school district, educational service center, community 237196
school, or nonpublic school or an employee of a school district, 237197
educational service center, community school, or nonpublic school 237198
purchases mercury or a mercury-added measuring device for 237199
classroom use on or after ~~the effective date of this section~~ April 237200
6, 2007, in violation of this section, but properly recycles or 237201
disposes of the mercury or mercury-added measuring device upon 237202
learning of or being informed of the violation and creates and 237203
implements a mercury reduction plan, the director of environmental 237204
protection shall consider the recycling or disposal of the mercury 237205
or mercury-added measuring device and the implementation of and 237206
compliance with the mercury reduction plan as mitigating 237207
circumstances for purposes of enforcement of a violation of this 237208
section. 237209

Sec. 3737.22. (A) The fire marshal shall do all of the 237210
following: 237211

(1) Adopt the state fire code under sections 3737.82 to 237212
3737.86 of the Revised Code; 237213

(2) Enforce the state fire code; 237214

(3) Appoint assistant fire marshals who are authorized to enforce the state fire code;	237215 237216
(4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;	237217 237218 237219 237220
(5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;	237221 237222 237223 237224 237225
(6) Engage in research on the cause and prevention of losses due to fire and explosion;	237226 237227
(7) Engage in public education and informational activities which will inform the public of fire safety information;	237228 237229
(8) Operate a fire training academy and forensic laboratory;	237230
(9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;	237231 237232 237233
(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;	237234 237235
(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;	237236 237237 237238 237239 237240
(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;	237241 237242
(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in	237243 237244

accordance with section 3737.331 of the Revised Code, a seminar 237245
program, attendance at which is optional, that is designed to 237246
provide current information, data, training, and techniques 237247
relative to the prosecution of arson cases; 237248

(14) Administer and enforce Chapter 3743. of the Revised 237249
Code; 237250

(15) Develop a uniform standard for the reporting of 237251
information required to be filed under division (E)(4) of section 237252
2921.22 of the Revised Code, and accept the reports of the 237253
information when they are filed. 237254

(B) The fire marshal shall appoint a chief deputy fire 237255
marshal, and shall employ professional and clerical assistants as 237256
the fire marshal considers necessary. The chief deputy shall be a 237257
competent former or current member of a fire agency and possess 237258
five years of recent, progressively more responsible experience in 237259
fire inspection, fire code enforcement, and fire code management. 237260
The chief deputy, with the approval of the director of commerce, 237261
shall temporarily assume the duties of the fire marshal when the 237262
fire marshal is absent or temporarily unable to carry out the 237263
duties of the office. When there is a vacancy in the office of 237264
fire marshal, the chief deputy, with the approval of the director 237265
of commerce, shall temporarily assume the duties of the fire 237266
marshal until a new fire marshal is appointed under section 237267
3737.21 of the Revised Code. 237268

All employees, other than the fire marshal; the chief deputy 237269
fire marshal; the superintendent of the Ohio fire academy; the 237270
grants administrator; the fiscal officer; the executive secretary 237271
to the fire marshal; legal counsel; the pyrotechnics 237272
administrator, the chief of the forensic laboratory; the person 237273
appointed by the fire marshal to serve as administrator over 237274
functions concerning testing, license examinations, and the 237275
issuance of permits and certificates; and the chiefs of the 237276

bureaus of fire prevention, of fire and explosion investigation, 237277
of code enforcement, and of underground storage tanks shall be in 237278
the classified civil service. The fire marshal shall authorize the 237279
chief deputy and other employees under the fire marshal's 237280
supervision to exercise powers granted to the fire marshal by law 237281
as may be necessary to carry out the duties of the fire marshal's 237282
office. 237283

(C) The fire marshal shall create, in and as a part of the 237284
office of fire marshal, a fire and explosion investigation bureau 237285
consisting of a chief of the bureau and additional assistant fire 237286
marshals as the fire marshal determines necessary for the 237287
efficient administration of the bureau. The chief shall be 237288
experienced in the investigation of the cause, origin, and 237289
circumstances of fires, and in administration, including the 237290
supervision of subordinates. The chief, among other duties 237291
delegated to the chief by the fire marshal, shall be responsible, 237292
under the direction of the fire marshal, for the investigation of 237293
the cause, origin, and circumstances of fires and explosions in 237294
the state, and for assistance in the prosecution of persons 237295
believed to be guilty of arson or a similar crime. 237296

(D)(1) The fire marshal shall create, as part of the office 237297
of fire marshal, a bureau of code enforcement consisting of a 237298
chief of the bureau and additional assistant fire marshals as the 237299
fire marshal determines necessary for the efficient administration 237300
of the bureau. The chief shall be qualified, by education or 237301
experience, in fire inspection, fire code development, fire code 237302
enforcement, or any other similar field determined by the fire 237303
marshal, and in administration, including the supervision of 237304
subordinates. The chief is responsible, under the direction of the 237305
fire marshal, for fire inspection, fire code development, fire 237306
code enforcement, and any other duties delegated to the chief by 237307
the fire marshal. 237308

(2) The fire marshal, the chief deputy fire marshal, the chief of the bureau of code enforcement, or any assistant fire marshal under the direction of the fire marshal, the chief deputy fire marshal, or the chief of the bureau of code enforcement may cause to be conducted the inspection of all buildings, structures, and other places, the condition of which may be dangerous from a fire safety standpoint to life or property, or to property adjacent to the buildings, structures, or other places.

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, to promote programs for rural and urban fire prevention and protection. The chief, among other duties delegated to the chief by the fire marshal, is responsible, under the direction of the fire marshal, for the promotion of rural and urban fire prevention and protection through public information and education programs.

(F) The fire marshal shall cooperate with the director of job and family services when the director adopts rules under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B family day-care homes, as defined in section 5104.01 of the Revised Code, recommend procedures for inspecting type B homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director and county directors of job and family services on the procedures for determining compliance with those rules.

(G) The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of job and family services, as a precondition of approval by the ~~state~~

~~board~~ department of education and workforce under section 3313.813 237341
of the Revised Code for receipt of United States department of 237342
agriculture child and adult care food program funds established 237343
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 237344
U.S.C. 1751, as amended, shall inspect the type B home to 237345
determine compliance with rules adopted under section 5104.052 of 237346
the Revised Code regarding fire prevention and fire safety in 237347
licensed type B homes. In municipal corporations and in townships 237348
where there is a certified fire safety inspector, the inspections 237349
shall be made by that inspector under the supervision of the fire 237350
marshal, according to rules adopted under section 5104.052 of the 237351
Revised Code. In townships outside municipal corporations where 237352
there is no certified fire safety inspector, inspections shall be 237353
made by the fire marshal. 237354

Sec. 3742.32. (A) The director of health shall appoint an 237355
advisory council to assist in the ongoing development and 237356
implementation of the child lead poisoning prevention program 237357
created under section 3742.31 of the Revised Code. The advisory 237358
council shall consist of the following members: 237359

(1) A representative of the department of medicaid; 237360

(2) A representative of the bureau of child care in the 237361
department of job and family services; 237362

(3) A representative of the department of environmental 237363
protection; 237364

(4) A representative of the department of education and 237365
workforce; 237366

(5) A representative of the department of development 237367
~~services agency~~; 237368

(6) A representative of the Ohio apartment owner's 237369
association; 237370

(7) A representative of the Ohio healthy homes network;	237371
(8) A representative of the Ohio environmental health association;	237372 237373
(9) An Ohio representative of the American coatings association;	237374 237375
(10) A representative from Ohio realtors;	237376
(11) A representative of the Ohio housing finance agency;	237377
(12) A physician knowledgeable in the field of lead poisoning prevention;	237378 237379
(13) A representative of the public.	237380
(B) The advisory council shall do both of the following:	237381
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	237382 237383 237384 237385
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	237386 237387 237388
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	237389 237390
Sec. 3745.21. (A) There is hereby created within the environmental protection agency the environmental education council consisting of the directors of environmental protection and, natural resources, and the superintendent of public instruction <u>education and workforce</u> , or their designees, as members ex officio, one member of the house of representatives to be appointed by the speaker of the house of representatives or the member's designee, one member of the senate to be appointed by the president of the senate or the member's designee, one member to be	237391 237392 237393 237394 237395 237396 237397 237398 237399

appointed by the ~~Ohio board of regents~~ chancellor of higher 237400
education who shall have experience in providing environmental 237401
education at the university or college level, and six members to 237402
be appointed by the governor with the advice and consent of the 237403
senate. Of the members appointed by the governor, two shall be 237404
from statewide environmental advocacy organizations, one shall 237405
represent the interests of the industrial community in this state, 237406
one shall represent the interests of employers in this state with 237407
one hundred fifty or fewer employees, one shall represent 237408
municipal corporations, and one shall represent the interests of 237409
elementary and secondary school teachers in this state. Within 237410
thirty days after October 1, 1990, the appointing authorities 237411
shall make their initial appointments to the council. The initial 237412
appointment to the council by the ~~Ohio board of regents~~ chancellor 237413
shall be for a term ending two years after October 1, 1990. Of the 237414
initial appointments made to the council by the governor, three 237415
shall be for a term ending one year after October 1, 1990, and 237416
three shall be for a term ending two years after October 1, 1990. 237417
Thereafter, the terms of office of the members appointed by the 237418
~~Ohio board of regents~~ chancellor and the governor shall be for two 237419
years, with each term ending on the same day of the same month as 237420
the term that it succeeds. Each member shall hold office from the 237421
date of appointment until the end of the term for which the member 237422
was appointed. Members may be reappointed. Vacancies shall be 237423
filled in the manner provided for original appointments. Any 237424
member appointed to fill a vacancy occurring prior to the 237425
expiration date of the term for which the member's predecessor was 237426
appointed shall hold office as a member of the board of trustees 237427
for the remainder of that term. A member of the council appointed 237428
by the ~~Ohio board of regents~~ chancellor or the governor shall 237429
continue in office subsequent to the expiration date of the 237430
member's term until the member's successor takes office or until a 237431
period of sixty days has elapsed, whichever occurs first. 237432

The council shall hold at least two regular, semiannual 237433
meetings each year. Special meetings may be held at the behest of 237434
the chairperson or a majority of the members. The director of 237435
environmental protection shall serve as the chairperson of the 237436
council. The council annually shall select from among its members 237437
a vice-chairperson and a secretary to keep a record of its 237438
proceedings. A majority vote of the members of the council is 237439
necessary to take action on any matter. 237440

Serving as a member of the council does not constitute 237441
holding a public office or a position of employment under the laws 237442
of this state and does not constitute grounds for the removal of 237443
public officers or employees from their offices or positions of 237444
employment. The ~~Ohio board of regents~~ chancellor may at any time 237445
remove a member of the council appointed by ~~it~~ the chancellor for 237446
misfeasance, malfeasance, or nonfeasance in office. The governor 237447
may at any time remove a member of the council appointed by the 237448
governor for misfeasance, malfeasance, or nonfeasance in office. 237449

Members of the council appointed by the ~~Ohio board of regents~~ 237450
chancellor and the governor shall serve without compensation. 237451
Members of the council shall be reimbursed for their actual and 237452
necessary expenses incurred in the performance of their duties as 237453
members of the council from moneys credited to the environmental 237454
education fund created in section 3745.22 of the Revised Code. 237455

(B) The council shall advise and assist the director of 237456
environmental protection in the implementation and administration 237457
of section 3745.22 of the Revised Code and shall review and 237458
comment on all expenditures from the fund proposed by the 237459
director. 237460

(C) The council may adopt bylaws for the regulation and 237461
conduct of the council's affairs and may propose to the director 237462
of environmental protection expenditures from the fund. 237463

Sec. 3781.106. (A) As used in this section:	237464
(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.	237465 237466 237467 237468 237469 237470 237471 237472 237473
(2) "Nonresidential building" means a building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences, or erections thereon or therein. "Nonresidential building" does not include an institution of higher education, private school, or public school, as defined in this section.	237474 237475 237476 237477 237478 237479 237480
(3) "Owner" means an individual or entity possessing title to a nonresidential building or an authorized agent of the owner.	237481 237482
(4) "Private school" means a chartered nonpublic school or a nonchartered nonpublic school.	237483 237484
(5) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college-preparatory boarding school established under Chapter 3328. of the Revised Code.	237485 237486 237487 237488 237489 237490
(6) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education.	237491 237492 237493

(B)(1) The board of building standards shall adopt rules, in 237494
accordance with Chapter 119. of the Revised Code, for the use of a 237495
device by a staff member of a public or private school or 237496
institution of higher education that prevents both ingress and 237497
egress through a door in a school building, for a finite period of 237498
time, in an emergency situation, and during active shooter drills. 237499
The rules shall provide that the use of a device is permissible 237500
only if the device requires minimal steps to remove it after it is 237501
engaged. 237502

The rules shall provide that the administrative authority of 237503
a building notify the police chief, or equivalent, of the law 237504
enforcement agency that has jurisdiction over the building, and 237505
the fire chief, or equivalent, of the fire department that serves 237506
the political subdivision in which the building is located, prior 237507
to the use of such devices in a building. 237508

The rules may require that the device be visible from the 237509
exterior of the door. 237510

(2) The device described in division (B)(1) of this section 237511
shall not be permanently mounted to the door. 237512

(3) Each public and private school and institution of higher 237513
education shall provide its staff members in-service training on 237514
the use of the device described in division (B)(1) of this 237515
section. The school shall maintain a record verifying this 237516
training on file. 237517

(4) In consultation with the ~~state board~~ department of 237518
education and workforce and the chancellor of higher education, 237519
the board shall determine and include in the rules a definition of 237520
"emergency situation." These rules shall apply to both existing 237521
and new school buildings. 237522

(C)(1) The board of building standards shall adopt rules, in 237523
accordance with Chapter 119. of the Revised Code, for the use of a 237524

device by the owner, or a person authorized by the owner, of a 237525
nonresidential building that prevents both ingress and egress 237526
through a door in the building, for a finite period of time, in an 237527
emergency situation, and during active shooter drills. The rules 237528
shall provide that the use of a device is permissible only if the 237529
device requires minimal steps to remove it after it is engaged. 237530

The rules shall require the owner of a building notify the 237531
police chief, or equivalent, of the law enforcement agency that 237532
has jurisdiction over the building, and the fire chief, or 237533
equivalent, of the fire department that serves the political 237534
subdivision in which the building is located, prior to the use of 237535
such devices in a building. 237536

The rules may require that the device be visible from the 237537
exterior of the door. 237538

(2) The device described in division (C)(1) of this section 237539
shall not be permanently mounted to the door. 237540

(3) Each owner of a nonresidential building shall provide any 237541
person that may use the device described in division (C)(1) of 237542
this section training on the use of the device. The owner of the 237543
building shall maintain a record verifying this training on file. 237544

(4) The board shall determine and include in the rules a 237545
definition of "emergency situation" for purposes of division 237546
(C)(1) of this section. These rules shall apply to both existing 237547
and new nonresidential buildings. 237548

(D) Any provision of the state fire code that is in conflict 237549
with this section or section 3737.84 of the Revised Code is 237550
unenforceable. 237551

Sec. 3781.11. (A) The rules of the board of building 237552
standards shall: 237553

(1) For nonresidential buildings, provide uniform minimum 237554

standards and requirements, and for residential buildings, provide 237555
standards and requirements that are uniform throughout the state, 237556
for construction and construction materials, including 237557
construction of industrialized units, to make residential and 237558
nonresidential buildings safe and sanitary as defined in section 237559
3781.06 of the Revised Code; 237560

(2) Formulate such standards and requirements, so far as may 237561
be practicable, in terms of performance objectives, so as to make 237562
adequate performance for the use intended the test of 237563
acceptability; 237564

(3) Permit, to the fullest extent feasible, the use of 237565
materials and technical methods, devices, and improvements, 237566
including the use of industrialized units which tend to reduce the 237567
cost of construction and erection without affecting minimum 237568
requirements for the health, safety, and security of the occupants 237569
or users of buildings or industrialized units and without 237570
preferential treatment of types or classes of materials or 237571
products or methods of construction; 237572

(4) Encourage, so far as may be practicable, the 237573
standardization of construction practices, methods, equipment, 237574
material, and techniques, including methods employed to produce 237575
industrialized units; 237576

(5) Not require any alteration or repair of any part of a 237577
school building owned by a chartered nonpublic school or a city, 237578
local, exempted village, or joint vocational school district and 237579
operated in conjunction with any primary or secondary school 237580
program that is not being altered or repaired if all of the 237581
following apply: 237582

(a) The school building meets all of the applicable building 237583
code requirements in existence at the time of the construction of 237584
the building. 237585

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.	237586 237587
(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.	237588 237589 237590
(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:	237591 237592 237593
(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.	237594 237595
(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.	237596 237597 237598
(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.	237599 237600 237601 237602 237603 237604 237605 237606
(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part	237607 237608 237609 237610 237611 237612 237613 237614 237615 237616

thereof in which there is installed, altered, or repaired any 237617
fixture, device, and material, or plumbing, heating, or 237618
ventilating system, or electric wiring not in accordance with such 237619
statutes or rules is a public nuisance. 237620

(D) As used in this section: 237621

(1) "Nonpublic school" means a chartered school for which 237622
minimum standards are prescribed by the ~~state board~~ director of 237623
education and workforce pursuant to division (D) of section 237624
3301.07 of the Revised Code. 237625

(2) "Workshop or factory" includes manufacturing, mechanical, 237626
electrical, mercantile, art, and laundering establishments, 237627
printing, telegraph, and telephone offices, railroad depots, and 237628
memorial buildings, but does not include hotels and tenement and 237629
apartment houses. 237630

Sec. 3798.01. As used in this chapter: 237631

(A) "Administrative safeguards," "physical safeguards," and 237632
"technical safeguards" have the same meanings as in 45 C.F.R. 237633
164.304. 237634

(B) "Covered entity," "disclosure," "health care provider," 237635
"health information," "individually identifiable health 237636
information," "protected health information," and "use" have the 237637
same meanings as in 45 C.F.R. 160.103. 237638

(C) "Designated record set" has the same meaning as in 45 237639
C.F.R. 164.501. 237640

(D) "Direct exchange" means the activity of electronic 237641
transmission of health information through a direct connection 237642
between the electronic record systems of health care providers 237643
without the use of a health information exchange. 237644

(E) "Health care component" and "hybrid entity" have the same 237645
meanings as in 45 C.F.R. 164.103. 237646

(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's

parent, legal guardian, or other person acting in loco parentis 237678
has assented to an agreement of confidentiality between the 237679
provider and the minor. 237680

(L) "Political subdivision" means a municipal corporation, 237681
township, county, school district, or other body corporate and 237682
politic responsible for governmental activities in a geographic 237683
area smaller than that of the state. 237684

(M) "State agency" means any one or more of the following: 237685

(1) The department of administrative services; 237686

(2) The department of aging; 237687

(3) The department of mental health and addiction services; 237688

(4) The department of developmental disabilities; 237689

(5) The department of education and workforce; 237690

(6) The department of health; 237691

(7) The department of insurance; 237692

(8) The department of job and family services; 237693

(9) The department of medicaid; 237694

(10) The department of rehabilitation and correction; 237695

(11) The department of youth services; 237696

(12) The bureau of workers' compensation; 237697

(13) The opportunities for Ohioans with disabilities agency; 237698

(14) The office of the attorney general; 237699

(15) A health care licensing board created under Title XLVII 237700
of the Revised Code that possesses individually identifiable 237701
health information. 237702

Sec. 4109.01. As used in this chapter: 237703

(A) "Employ" means to permit or suffer to work. 237704

(B) "Employer" means the state, its political subdivisions, and every person who employs any individual.

(C) "Enforcement official" means the director of commerce or the director's authorized representative, the ~~superintendent of public instruction~~ director of education and workforce or the ~~superintendent's~~ director's authorized representative, any school attendance officer, any probation officer, the director of health or the director of health's authorized representative, and any representative of a local department of health.

(D) "Minor" means any person less than eighteen years of age.

(E) "Seasonal amusement or recreational establishment" means both of the following:

(1) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;

(2) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty-three and one-third per cent of its average receipts for the other six months of that calendar year.

Sec. 4109.06. (A) This chapter does not apply to the following:

(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;

(2) Students participating in a career-technical or STEM program approved by the Ohio department of education and workforce or students participating in any eligible classes through the college credit plus program established under Chapter 3365. of the Revised Code that include a state-recognized pre-apprenticeship program that imparts the skills and knowledge needed for successful participation in a registered apprenticeship occupation

course;	237735
(3) A minor participating in a play, pageant, or concert produced by an outdoor historical drama corporation, a professional traveling theatrical production, a professional concert tour, or a personal appearance tour as a professional motion picture star, or as an actor or performer in motion pictures or in radio or television productions in accordance with the rules adopted pursuant to division (A) of section 4109.05 of the Revised Code;	237736 237737 237738 237739 237740 237741 237742 237743
(4) The participation, without remuneration of a minor and with the consent of a parent or guardian, in a performance given by a church, school, or academy, or at a concert or entertainment given solely for charitable purposes, or by a charitable or religious institution;	237744 237745 237746 237747 237748
(5) Minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter;	237749 237750 237751
(6) Minors engaged in the delivery of newspapers to the consumer;	237752 237753
(7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;	237754 237755 237756
(8) Minors who are currently heads of households or are parents contributing to the support of their children;	237757 237758
(9) Minors engaged in lawn mowing, snow shoveling, and other related employment;	237759 237760
(10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor	237761 237762 237763 237764

camps as defined in section 3733.41 of the Revised Code; 237765

(11) Students participating in a program to serve as precinct 237766
officers as authorized by section 3501.22 of the Revised Code. 237767

(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the 237768
Revised Code do not apply to the following: 237769

(1) Minors who work in a sheltered workshop operated by a 237770
county board of developmental disabilities; 237771

(2) Minors performing services for a nonprofit organization 237772
where the minor receives no compensation, except for any expenses 237773
incurred by the minor or except for meals provided to the minor; 237774

(3) Minors who are employed in agricultural employment and 237775
who do not reside in agricultural labor camps. 237776

(C) Division (D) of section 4109.07 of the Revised Code does 237777
not apply to minors who have their employment hours established as 237778
follows: 237779

(1) A minor adjudicated to be an unruly child or delinquent 237780
child who, as a result of the adjudication, is placed on probation 237781
may either file a petition in the juvenile court in whose 237782
jurisdiction the minor resides, or apply to the superintendent or 237783
to the chief administrative officer who issued the minor's age and 237784
schooling certificate pursuant to section 3331.01 of the Revised 237785
Code, alleging the restrictions on the hours of employment 237786
described in division (D) of section 4109.07 of the Revised Code 237787
will cause a substantial hardship or are not in the minor's best 237788
interests. Upon receipt of a petition or application, the court, 237789
the superintendent, or the chief administrative officer, as 237790
appropriate, shall consult with the person required to supervise 237791
the minor on probation. If after that consultation, the court, the 237792
superintendent, or the chief administrative officer finds the 237793
minor has failed to show the restrictions will result in a 237794
substantial hardship or that the restrictions are not in the 237795

minor's best interests, the court, the superintendent, or the 237796
chief administrative officer shall uphold the restrictions. If 237797
after that consultation, the court, the superintendent, or the 237798
chief administrative officer finds the minor has shown the 237799
restricted hours will cause a substantial hardship or are not in 237800
the minor's best interests, the court, the superintendent, or the 237801
chief administrative officer shall establish differing hours of 237802
employment for the minor and notify the minor and the minor's 237803
employer of those hours, which shall be binding in lieu of the 237804
restrictions on the hours of employment described in division (D) 237805
of section 4109.07 of the Revised Code. 237806

(2) Any minor to whom division (C)(1) of this section does 237807
not apply may either file a petition in the juvenile court in 237808
whose jurisdiction the person resides, or apply to the 237809
superintendent or to the chief administrative officer who issued 237810
the minor's age and schooling certificate pursuant to section 237811
3331.01 of the Revised Code, alleging the restrictions on the 237812
hours of employment described in division (D) of section 4109.07 237813
of the Revised Code will cause a substantial hardship or are not 237814
in the minor's best interests. 237815

If, as a result of a petition or application, the court, the 237816
superintendent, or the chief administrative officer, as 237817
appropriate, finds the minor has failed to show such restrictions 237818
will result in a substantial hardship or that the restrictions are 237819
not in the minor's best interests, the court, the superintendent, 237820
or the chief administrative officer shall uphold the restrictions. 237821
If the court, the superintendent, or the chief administrative 237822
officer finds the minor has shown the restricted hours will cause 237823
a substantial hardship or are not in the minor's best interests, 237824
the court, the superintendent, or the chief administrative officer 237825
shall establish the hours of employment for the minor and shall 237826
notify the minor and the minor's employer of those hours. 237827

(D) Section 4109.03, divisions (A) and (C) of section 237828
4109.02, and division (B) of section 4109.08 of the Revised Code 237829
do not apply to minors who are sixteen or seventeen years of age 237830
and who are employed at a seasonal amusement or recreational 237831
establishment. 237832

(E) As used in this section, "certificate of high school 237833
equivalence" means either: 237834

(1) A statement issued by the department of education and 237835
workforce that the holder of the statement has achieved the 237836
equivalent of a high school education as measured by scores 237837
obtained on a high school equivalency test approved by the 237838
department pursuant to division (B) of section 3301.80 of the 237839
Revised Code; 237840

(2) A statement issued by a primary-secondary education or 237841
higher education agency of another state that the holder of the 237842
statement has achieved the equivalent of a high school education 237843
as measured by scores obtained on a similar nationally recognized 237844
high school equivalency test. 237845

Sec. 4109.07. (A) No person under sixteen years of age shall 237846
be employed: 237847

(1) During school hours except where specifically permitted 237848
by this chapter; 237849

(2) Before seven a.m.; 237850

(3) After nine p.m. from the first day of June to the first 237851
day of September or during any school holiday of five school days 237852
or more duration, or after seven p.m. at any other time; 237853

(4) For more than three hours a day in any school day; 237854

(5) For more than eighteen hours in any week while school is 237855
in session; 237856

(6) For more than eight hours in any day which is not a school day; 237857
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(7) For more than forty hours in any week that school is not in session. 237859
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(B) No person under sixteen years of age may be employed more than forty hours in any one week nor during school hours unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the ~~state board~~ department of education and workforce. 237861
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(C) No employer shall employ a minor more than five consecutive hours without allowing the minor a rest period of at least thirty minutes. The rest period need not be included in the computation of the number of hours worked by the minor. 237868
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(D) No person sixteen or seventeen years of age who is required to attend school under Chapter 3321. of the Revised Code shall be employed: 237872
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(1) Before seven a.m. on any day that school is in session, except such person may be employed after six a.m. if the person was not employed after eight p.m. the previous night; 237875
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(2) After eleven p.m. on any night preceding a day that school is in session. 237878
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(E) As used in this section, "school" refers to either a school the child actually attends or a school he is required to attend pursuant to Chapter 3321. of the Revised Code. 237880
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Sec. 4109.22. (A) As used in this section: 237883

(1) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, 237884
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including the assembling of component parts into a finished product. 237887
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(2) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a manufacturing occupation. 237889
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(B) There is hereby created the manufacturing mentorship program to expose minors who are sixteen or seventeen years of age to manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following: 237892
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(1) Determine the duration of the minor's employment; 237897

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity; 237898
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(3) Provide the minor with the training described in division (C) of this section; 237900
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(4) Encourage the minor to participate in a career-technical education program approved by the department of education and workforce if the minor is not participating in a career-technical education program when the minor begins employment; 237902
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237905

(5) Comply with all applicable state and federal laws and regulations relating to the employment of minors. 237906
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(C)(1) An employer employing a minor who is sixteen or seventeen years of age in a manufacturing occupation under the mentorship program shall provide the minor with training that includes all of the following: 237908
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(a) A ten-hour course in general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration of the United States department of labor; 237912
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(b) Instructions on how to operate the specific tools the 237916

minor will use during the minor's employment; 237917

(c) The general safety and health hazards to which the minor 237918
may be exposed at the minor's workplace; 237919

(d) The value of safety and management commitment; 237920

(e) Information on the employer's drug testing policy. 237921

(2) For purposes of division (C)(1)(a) of this section, a 237922
minor may participate in a thirty-hour course in general industry 237923
safety and health hazard recognition and prevention approved by 237924
the occupational safety and health administration if the minor has 237925
already successfully completed a ten-hour course. 237926

(3) The employer shall pay any costs associated with 237927
providing the training required by division (C)(1) or permitted 237928
under division (C)(2) of this section. 237929

(4) An employer is not required to provide the training 237930
described in division (C)(1) or (2) of this section if the minor 237931
presents proof of completing the training during the six-month 237932
period immediately before beginning employment with the employer. 237933

(D) The director of commerce, in consultation with employers, 237934
shall adopt rules in accordance with Chapter 119. of the Revised 237935
Code specifying a list of the tools that a minor who is sixteen or 237936
seventeen years of age who is employed under the mentorship 237937
program may operate during the minor's employment in a 237938
manufacturing occupation. The director shall use the manual issued 237939
by the wage and hour division of the United States department of 237940
labor titled "field operations handbook" or its successor for 237941
guidance in developing the list. Nothing in this division requires 237942
the director to include a tool on the list if the orders issued 237943
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 237944
et seq., and section 4109.05 of the Revised Code or rules adopted 237945
under that section specifically permit minors of that age to 237946
operate the tool. 237947

(E) A minor who is sixteen or seventeen years of age who is employed by an employer under the mentorship program may work in any manufacturing occupation not denied by law to minors of that age under section 4109.05 of the Revised Code or rules adopted under that section.

(F) No employer shall do either of the following:

(1) Permit a minor who is sixteen or seventeen years of age to operate a tool minors of that age are permitted to operate pursuant to the rules adopted under division (D) of this section unless the minor is employed by the employer under the mentorship program;

(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section.

Sec. 4112.04. (A) The commission shall do all of the following:

(1) Establish and maintain a principal office in the city of Columbus and any other offices within the state that it considers necessary;

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.

(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;

(4) Adopt, promulgate, amend, and rescind rules to effectuate

the provisions of this chapter and the policies and practice of 237978
the commission in connection with this chapter; 237979

(5) Formulate policies to effectuate the purposes of this 237980
chapter and make recommendations to agencies and officers of the 237981
state or political subdivisions to effectuate the policies; 237982

(6) Receive, investigate, and pass upon written charges made 237983
under oath of unlawful discriminatory practices; 237984

(7) Make periodic surveys of the existence and effect of 237985
discrimination because of race, color, religion, sex, military 237986
status, familial status, national origin, disability, age, or 237987
ancestry on the enjoyment of civil rights by persons within the 237988
state; 237989

(8) Report, from time to time, but not less than once a year, 237990
to the general assembly and the governor, describing in detail the 237991
investigations, proceedings, and hearings it has conducted and 237992
their outcome, the decisions it has rendered, and the other work 237993
performed by it, which report shall include a copy of any surveys 237994
prepared pursuant to division (A)(7) of this section and shall 237995
include the recommendations of the commission as to legislative or 237996
other remedial action; 237997

(9) Prepare a comprehensive educational program, in 237998
cooperation with the department of education and workforce, for 237999
the students of the public schools of this state and for all other 238000
residents of this state that is designed to eliminate prejudice on 238001
the basis of race, color, religion, sex, military status, familial 238002
status, national origin, disability, age, or ancestry in this 238003
state, to further good will among those groups, and to emphasize 238004
the origin of prejudice against those groups, its harmful effects, 238005
and its incompatibility with American principles of equality and 238006
fair play; 238007

(10) Receive progress reports from agencies, 238008

instrumentalities, institutions, boards, commissions, and other 238009
entities of this state or any of its political subdivisions and 238010
their agencies, instrumentalities, institutions, boards, 238011
commissions, and other entities regarding affirmative action 238012
programs for the employment of persons against whom discrimination 238013
is prohibited by this chapter, or regarding any affirmative 238014
housing accommodations programs developed to eliminate or reduce 238015
an imbalance of race, color, religion, sex, military status, 238016
familial status, national origin, disability, or ancestry. All 238017
agencies, instrumentalities, institutions, boards, commissions, 238018
and other entities of this state or its political subdivisions, 238019
and all political subdivisions, that have undertaken affirmative 238020
action programs pursuant to a conciliation agreement with the 238021
commission, an executive order of the governor, any federal 238022
statute or rule, or an executive order of the president of the 238023
United States shall file progress reports with the commission 238024
annually on or before the first day of November. The commission 238025
shall analyze and evaluate the progress reports and report its 238026
findings annually to the general assembly on or before the 238027
thirtieth day of January of the year immediately following the 238028
receipt of the reports. 238029

(11) Notify a person who files a charge pursuant to section 238030
4112.051 of the Revised Code that under division (A) of section 238031
4112.052 of the Revised Code, the person is prohibited from 238032
bringing a civil action under this chapter unless one of the 238033
following applies: 238034

(a) The conditions stated in division (B)(1) of section 238035
4112.052 of the Revised Code are satisfied; 238036

(b) An exception specified in division (B)(2) of section 238037
4112.052 of the Revised Code applies. 238038

(B) The commission may do any of the following: 238039

(1) Meet and function at any place within the state;	238040
(2) Initiate and undertake on its own motion investigations of problems of employment or housing accommodations discrimination;	238041 238042 238043
(3) Hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, require the production for examination of any books and papers relating to any matter under investigation or in question before the commission, and make rules as to the issuance of subpoenas by individual commissioners.	238044 238045 238046 238047 238048 238049
(a) In conducting a hearing or investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the premises, records, documents, and other evidence or possible sources of evidence and take and record the testimony or statements of the individuals as reasonably necessary for the furtherance of the hearing or investigation. In investigations, the commission shall comply with the fourth amendment to the United States Constitution relating to unreasonable searches and seizures. The commission or a member of the commission may issue subpoenas to compel access to or the production of premises, records, documents, and other evidence or possible sources of evidence or the appearance of individuals, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in a court of common pleas.	238050 238051 238052 238053 238054 238055 238056 238057 238058 238059 238060 238061 238062 238063 238064 238065 238066
(b) Upon written application by a party to a hearing under division (B) of section 4112.05 or division (G) of section 4112.051 of the Revised Code, the commission shall issue subpoenas in its name to the same extent and subject to the same limitations as subpoenas issued by the commission. Subpoenas issued at the	238067 238068 238069 238070 238071

request of a party shall show on their face the name and address 238072
of the party and shall state that they were issued at the party's 238073
request. 238074

(c) Witnesses summoned by subpoena of the commission are 238075
entitled to the witness and mileage fees provided for under 238076
section 119.094 of the Revised Code. 238077

(d) Within five days after service of a subpoena upon any 238078
person, the person may petition the commission to revoke or modify 238079
the subpoena. The commission shall grant the petition if it finds 238080
that the subpoena requires an appearance or attendance at an 238081
unreasonable time or place, that it requires production of 238082
evidence that does not relate to any matter before the commission, 238083
that it does not describe with sufficient particularity the 238084
evidence to be produced, that compliance would be unduly onerous, 238085
or for other good reason. 238086

(e) In case of contumacy or refusal to obey a subpoena, the 238087
commission or person at whose request it was issued may petition 238088
for its enforcement in the court of common pleas in the county in 238089
which the person to whom the subpoena was addressed resides, was 238090
served, or transacts business. 238091

(4) Create local or statewide advisory agencies and 238092
conciliation councils to aid in effectuating the purposes of this 238093
chapter. The commission may itself, or it may empower these 238094
agencies and councils to, do either or both of the following: 238095

(a) Study the problems of discrimination in all or specific 238096
fields of human relationships when based on race, color, religion, 238097
sex, military status, familial status, national origin, 238098
disability, age, or ancestry; 238099

(b) Foster through community effort, or otherwise, good will 238100
among the groups and elements of the population of the state. 238101

The agencies and councils may make recommendations to the 238102

commission for the development of policies and procedures in 238103
general. They shall be composed of representative citizens who 238104
shall serve without pay, except that reimbursement for actual and 238105
necessary traveling expenses shall be made to citizens who serve 238106
on a statewide agency or council. 238107

(5) Issue any publications and the results of investigations 238108
and research that in its judgment will tend to promote good will 238109
and minimize or eliminate discrimination because of race, color, 238110
religion, sex, military status, familial status, national origin, 238111
disability, age, or ancestry. 238112

Sec. 4112.12. (A) There is hereby created the commission on 238113
African-Americans, which shall consist of not more than thirteen 238114
members as follows: the directors or their designees of the 238115
departments of health, development, mental health and addiction 238116
services, and job and family services; ~~the superintendent of~~ 238117
~~public instruction;~~ the chancellor of higher education or the 238118
chancellor's designee; the director of education and workforce; 238119
two members of the house of representatives appointed by the 238120
speaker of the house of representatives each of whom shall be 238121
members of different political parties; and two members of the 238122
senate appointed by the president of the senate each of whom shall 238123
be members of different political parties. The members who are 238124
members of the general assembly shall be nonvoting members. The 238125
Ohio state university Bell national resource center, in 238126
consultation with the governor, shall appoint two members from the 238127
private corporate sector or the nonprofit sector, and one member 238128
with experience in the philanthropic community. 238129

(B) Terms of office shall be for three years, except that 238130
members of the general assembly appointed to the commission shall 238131
be members only so long as they are members of the general 238132
assembly. Each term ends on the same day of the same month as did 238133

the term that it succeeds. Each member shall hold office from the 238134
date of appointment until the end of the term for which the member 238135
was appointed. Members may be reappointed. Vacancies shall be 238136
filled in the manner provided for original appointments. Any 238137
member appointed to fill a vacancy occurring prior to the 238138
expiration date of the term for which the member's predecessor was 238139
appointed shall hold office as a member for the remainder of that 238140
term. A member shall continue in office subsequent to the 238141
expiration date of the member's term until the member's successor 238142
takes office or until a period of sixty days has elapsed, 238143
whichever occurs first. 238144

The commission annually shall elect a chairperson from among 238145
its members. 238146

(C) Members of the commission and members of subcommittees 238147
appointed under division (B) of section 4112.13 of the Revised 238148
Code shall not be compensated, but shall be reimbursed for their 238149
necessary and actual expenses incurred in the performance of their 238150
official duties. 238151

(D) The Ohio state university Bell national resource center, 238152
in consultation with the governor, shall appoint an executive 238153
director of the commission on African-Americans, who shall be in 238154
the unclassified civil service. The executive director shall 238155
supervise the commission's activities and report to the commission 238156
and to the Ohio state university Bell national resource center on 238157
the progress of those activities. The executive director shall do 238158
all things necessary for the efficient and effective 238159
implementation of the duties of the commission. 238160

The responsibilities assigned to the executive director do 238161
not relieve the members of the commission from final 238162
responsibility for the proper performance of the requirements of 238163
this division. 238164

(E) The commission on African-Americans shall do all of the following:	238165 238166
(1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section;	238167 238168 238169
(2) Maintain its office at the Ohio state university Bell national resource center;	238170 238171
(3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.	238172 238173 238174 238175 238176
(4) Establish the overall policy and management of the commission in accordance with this chapter;	238177 238178
(5) Follow all state procurement requirements;	238179
(6) Implement the policies and plans of the Ohio state university Bell national resource center as those policies and plans are formulated and adopted by the center;	238180 238181 238182
(7) Report to the Ohio state university Bell national resource center on the progress of the commission on African-Americans in implementing the policies and plans of the center.	238183 238184 238185 238186
(F) The commission on African-Americans may:	238187
(1) Hold sessions at any place within the state, except that the commission shall meet at least quarterly;	238188 238189
(2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission as necessary to achieve the most efficient performance of its functions.	238190 238191 238192 238193
(G) The Ohio state university Bell national resource center	238194

shall establish the overall policy and management of the 238195
commission on African-Americans and shall direct, manage, and 238196
oversee the commission. The center shall develop overall policies 238197
and plans, and the commission shall implement those policies and 238198
plans. The commission, through its executive director, shall keep 238199
the center informed as to the activities of the commission in such 238200
manner and at such times as the center shall determine. 238201

The Ohio state university Bell national resource center may 238202
prescribe duties and responsibilities of the commission in 238203
addition to those prescribed in section 4112.13 of the Revised 238204
Code. 238205

(H) The Ohio state university Bell national resource center 238206
annually shall contract for a report on the status of African 238207
Americans in this state. Issues to be evaluated in the report 238208
shall include the criminal justice system, education, employment, 238209
health care, and housing, and such other issues as the center may 238210
specify. The report shall include policy recommendations relating 238211
to the issues covered in the report. 238212

Sec. 4117.10. (A) An agreement between a public employer and 238213
an exclusive representative entered into pursuant to this chapter 238214
governs the wages, hours, and terms and conditions of public 238215
employment covered by the agreement. If the agreement provides for 238216
a final and binding arbitration of grievances, public employers, 238217
employees, and employee organizations are subject solely to that 238218
grievance procedure and the state personnel board of review or 238219
civil service commissions have no jurisdiction to receive and 238220
determine any appeals relating to matters that were the subject of 238221
a final and binding grievance procedure. Where no agreement exists 238222
or where an agreement makes no specification about a matter, the 238223
public employer and public employees are subject to all applicable 238224
state or local laws or ordinances pertaining to the wages, hours, 238225

and terms and conditions of employment for public employees. All	238226
of the following prevail over conflicting provisions of agreements	238227
between employee organizations and public employers:	238228
(1) Laws pertaining to any of the following subjects:	238229
(a) Civil rights;	238230
(b) Affirmative action;	238231
(c) Unemployment compensation;	238232
(d) Workers' compensation;	238233
(e) The retirement of public employees;	238234
(f) Residency requirements;	238235
(g) The minimum educational requirements contained in the	238236
Revised Code pertaining to public education including the	238237
requirement of a certificate by the fiscal officer of a school	238238
district pursuant to section 5705.41 of the Revised Code;	238239
(h) The provisions of division (A) of section 124.34 of the	238240
Revised Code governing the disciplining of officers and employees	238241
who have been convicted of a felony;	238242
(i) The minimum standards promulgated by the state board	238243
<u>director</u> of education <u>and workforce</u> pursuant to division (D) of	238244
section 3301.07 of the Revised Code.	238245
(2) The law pertaining to the leave of absence and	238246
compensation provided under section 5923.05 of the Revised Code,	238247
if the terms of the agreement contain benefits which are less than	238248
those contained in that section or the agreement contains no such	238249
terms and the public authority is the state or any agency,	238250
authority, commission, or board of the state or if the public	238251
authority is another entity listed in division (B) of section	238252
4117.01 of the Revised Code that elects to provide leave of	238253
absence and compensation as provided in section 5923.05 of the	238254
Revised Code;	238255

(3) The law pertaining to the leave established under section 238256
5906.02 of the Revised Code, if the terms of the agreement contain 238257
benefits that are less than those contained in section 5906.02 of 238258
the Revised Code; 238259

(4) The law pertaining to excess benefits prohibited under 238260
section 3345.311 of the Revised Code with respect to an agreement 238261
between an employee organization and a public employer entered 238262
into on or after ~~the effective date of this amendment~~ September 238263
29, 2015. 238264

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 238265
the Revised Code and arrangements entered into thereunder, and 238266
section 4981.21 of the Revised Code as necessary to comply with 238267
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 238268
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 238269
entered into thereunder, this chapter prevails over any and all 238270
other conflicting laws, resolutions, provisions, present or 238271
future, except as otherwise specified in this chapter or as 238272
otherwise specified by the general assembly. Nothing in this 238273
section prohibits or shall be construed to invalidate the 238274
provisions of an agreement establishing supplemental workers' 238275
compensation or unemployment compensation benefits or exceeding 238276
minimum requirements contained in the Revised Code pertaining to 238277
public education or the minimum standards promulgated by the ~~state~~ 238278
~~board~~ director of education and workforce pursuant to division (D) 238279
of section 3301.07 of the Revised Code. 238280

(B) The public employer shall submit a request for funds 238281
necessary to implement an agreement and for approval of any other 238282
matter requiring the approval of the appropriate legislative body 238283
to the legislative body within fourteen days of the date on which 238284
the parties finalize the agreement, unless otherwise specified, 238285
but if the appropriate legislative body is not in session at the 238286
time, then within fourteen days after it convenes. The legislative 238287

body must approve or reject the submission as a whole, and the 238288
submission is deemed approved if the legislative body fails to act 238289
within thirty days after the public employer submits the 238290
agreement. The parties may specify that those provisions of the 238291
agreement not requiring action by a legislative body are effective 238292
and operative in accordance with the terms of the agreement, 238293
provided there has been compliance with division (C) of this 238294
section. If the legislative body rejects the submission of the 238295
public employer, either party may reopen all or part of the entire 238296
agreement. 238297

As used in this section, "legislative body" includes the 238298
governing board of a municipal corporation, school district, 238299
college or university, village, township, or board of county 238300
commissioners or any other body that has authority to approve the 238301
budget of their public jurisdiction and, with regard to the state, 238302
"legislative body" means the controlling board. 238303

(C) The chief executive officer, or the chief executive 238304
officer's representative, of each municipal corporation, the 238305
designated representative of the board of education of each school 238306
district, college or university, or any other body that has 238307
authority to approve the budget of their public jurisdiction, the 238308
designated representative of the board of county commissioners and 238309
of each elected officeholder of the county whose employees are 238310
covered by the collective negotiations, and the designated 238311
representative of the village or the board of township trustees of 238312
each township is responsible for negotiations in the collective 238313
bargaining process; except that the legislative body may accept or 238314
reject a proposed collective bargaining agreement. When the 238315
matters about which there is agreement are reduced to writing and 238316
approved by the employee organization and the legislative body, 238317
the agreement is binding upon the legislative body, the employer, 238318
and the employee organization and employees covered by the 238319

agreement. 238320

(D) There is hereby established an office of collective 238321
bargaining in the department of administrative services for the 238322
purpose of negotiating with and entering into written agreements 238323
between state agencies, departments, boards, and commissions and 238324
the exclusive representative on matters of wages, hours, terms and 238325
other conditions of employment and the continuation, modification, 238326
or deletion of an existing provision of a collective bargaining 238327
agreement. Nothing in any provision of law to the contrary shall 238328
be interpreted as excluding the bureau of workers' compensation 238329
and the industrial commission from the preceding sentence. This 238330
office shall not negotiate on behalf of other statewide elected 238331
officials or boards of trustees of state institutions of higher 238332
education who shall be considered as separate public employers for 238333
the purposes of this chapter; however, the office may negotiate on 238334
behalf of these officials or trustees where authorized by the 238335
officials or trustees. The staff of the office of collective 238336
bargaining are in the unclassified service. The director of 238337
administrative services shall fix the compensation of the staff. 238338

The office of collective bargaining shall: 238339

(1) Assist the director in formulating management's 238340
philosophy for public collective bargaining as well as planning 238341
bargaining strategies; 238342

(2) Conduct negotiations with the exclusive representatives 238343
of each employee organization; 238344

(3) Coordinate the state's resources in all mediation, 238345
fact-finding, and arbitration cases as well as in all labor 238346
disputes; 238347

(4) Conduct systematic reviews of collective bargaining 238348
agreements for the purpose of contract negotiations; 238349

(5) Coordinate the systematic compilation of data by all 238350

agencies that is required for negotiating purposes; 238351

(6) Prepare and submit an annual report and other reports as 238352
requested to the governor and the general assembly on the 238353
implementation of this chapter and its impact upon state 238354
government. 238355

Sec. 4117.102. The state employment relations board shall 238356
compile a list of the school districts in the state that have 238357
filed with the board agreements entered into with teacher employee 238358
organizations under this chapter. The board shall annually update 238359
the list to reflect, for each district, for the current fiscal 238360
year, the starting salary in the district for teachers with no 238361
prior teaching experience who hold bachelors degrees. The board 238362
shall send a copy of each annually updated list to the ~~state board~~ 238363
department of education and workforce. 238364

Sec. 4141.01. As used in this chapter, unless the context 238365
otherwise requires: 238366

(A)(1) "Employer" means the state, its instrumentalities, its 238367
political subdivisions and their instrumentalities, Indian tribes, 238368
and any individual or type of organization including any 238369
partnership, limited liability company, association, trust, 238370
estate, joint-stock company, insurance company, or corporation, 238371
whether domestic or foreign, or the receiver, trustee in 238372
bankruptcy, trustee, or the successor thereof, or the legal 238373
representative of a deceased person who subsequent to December 31, 238374
1971, or in the case of political subdivisions or their 238375
instrumentalities, subsequent to December 31, 1973: 238376

(a) Had in employment at least one individual, or in the case 238377
of a nonprofit organization, subsequent to December 31, 1973, had 238378
not less than four individuals in employment for some portion of a 238379
day in each of twenty different calendar weeks, in either the 238380

current or the preceding calendar year whether or not the same 238381
individual was in employment in each such day; or 238382

(b) Except for a nonprofit organization, had paid for service 238383
in employment wages of fifteen hundred dollars or more in any 238384
calendar quarter in either the current or preceding calendar year; 238385
or 238386

(c) Had paid, subsequent to December 31, 1977, for employment 238387
in domestic service in a local college club, or local chapter of a 238388
college fraternity or sorority, cash remuneration of one thousand 238389
dollars or more in any calendar quarter in the current calendar 238390
year or the preceding calendar year, or had paid subsequent to 238391
December 31, 1977, for employment in domestic service in a private 238392
home cash remuneration of one thousand dollars in any calendar 238393
quarter in the current calendar year or the preceding calendar 238394
year: 238395

(i) For the purposes of divisions (A)(1)(a) and (b) of this 238396
section, there shall not be taken into account any wages paid to, 238397
or employment of, an individual performing domestic service as 238398
described in this division. 238399

(ii) An employer under this division shall not be an employer 238400
with respect to wages paid for any services other than domestic 238401
service unless the employer is also found to be an employer under 238402
division (A)(1)(a), (b), or (d) of this section. 238403

(d) As a farm operator or a crew leader subsequent to 238404
December 31, 1977, had in employment individuals in agricultural 238405
labor; and 238406

(i) During any calendar quarter in the current calendar year 238407
or the preceding calendar year, paid cash remuneration of twenty 238408
thousand dollars or more for the agricultural labor; or 238409

(ii) Had at least ten individuals in employment in 238410
agricultural labor, not including agricultural workers who are 238411

aliens admitted to the United States to perform agricultural labor 238412
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 238413
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 238414
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 238415
of the twenty different calendar weeks, in either the current or 238416
preceding calendar year whether or not the same individual was in 238417
employment in each day; or 238418

(e) Is not otherwise an employer as defined under division 238419
(A)(1)(a) or (b) of this section; and 238420

(i) For which, within either the current or preceding 238421
calendar year, service, except for domestic service in a private 238422
home not covered under division (A)(1)(c) of this section, is or 238423
was performed with respect to which such employer is liable for 238424
any federal tax against which credit may be taken for 238425
contributions required to be paid into a state unemployment fund; 238426

(ii) Which, as a condition for approval of this chapter for 238427
full tax credit against the tax imposed by the "Federal 238428
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 238429
required, pursuant to such act to be an employer under this 238430
chapter; or 238431

(iii) Who became an employer by election under division 238432
(A)(4) or (5) of this section and for the duration of such 238433
election; or 238434

(f) In the case of the state, its instrumentalities, its 238435
political subdivisions, and their instrumentalities, and Indian 238436
tribes, had in employment, as defined in divisions (B)(2)(a) and 238437
(B)(2)(1) of this section, at least one individual; 238438

(g) For the purposes of division (A)(1)(a) of this section, 238439
if any week includes both the thirty-first day of December and the 238440
first day of January, the days of that week before the first day 238441
of January shall be considered one calendar week and the days 238442

beginning the first day of January another week. 238443

(2) Each individual employed to perform or to assist in 238444
performing the work of any agent or employee of an employer is 238445
employed by such employer for all the purposes of this chapter, 238446
whether such individual was hired or paid directly by such 238447
employer or by such agent or employee, provided the employer had 238448
actual or constructive knowledge of the work. All individuals 238449
performing services for an employer of any person in this state 238450
who maintains two or more establishments within this state are 238451
employed by a single employer for the purposes of this chapter. 238452

(3) An employer subject to this chapter within any calendar 238453
year is subject to this chapter during the whole of such year and 238454
during the next succeeding calendar year. 238455

(4) An employer not otherwise subject to this chapter who 238456
files with the director of job and family services a written 238457
election to become an employer subject to this chapter for not 238458
less than two calendar years shall, with the written approval of 238459
such election by the director, become an employer subject to this 238460
chapter to the same extent as all other employers as of the date 238461
stated in such approval, and shall cease to be subject to this 238462
chapter as of the first day of January of any calendar year 238463
subsequent to such two calendar years only if at least thirty days 238464
prior to such first day of January the employer has filed with the 238465
director a written notice to that effect. 238466

(5) Any employer for whom services that do not constitute 238467
employment are performed may file with the director a written 238468
election that all such services performed by individuals in the 238469
employer's employ in one or more distinct establishments or places 238470
of business shall be deemed to constitute employment for all the 238471
purposes of this chapter, for not less than two calendar years. 238472
Upon written approval of the election by the director, such 238473
services shall be deemed to constitute employment subject to this 238474

chapter from and after the date stated in such approval. Such 238475
services shall cease to be employment subject to this chapter as 238476
of the first day of January of any calendar year subsequent to 238477
such two calendar years only if at least thirty days prior to such 238478
first day of January such employer has filed with the director a 238479
written notice to that effect. 238480

(6) "Employer" does not include a franchisor with respect to 238481
the franchisor's relationship with a franchisee or an employee of 238482
a franchisee, unless the franchisor agrees to assume that role in 238483
writing or a court of competent jurisdiction determines that the 238484
franchisor exercises a type or degree of control over the 238485
franchisee or the franchisee's employees that is not customarily 238486
exercised by a franchisor for the purpose of protecting the 238487
franchisor's trademark, brand, or both. For purposes of this 238488
division, "franchisor" and "franchisee" have the same meanings as 238489
in 16 C.F.R. 436.1. 238490

(B)(1) "Employment" means service performed by an individual 238491
for remuneration under any contract of hire, written or oral, 238492
express or implied, including service performed in interstate 238493
commerce and service performed by an officer of a corporation, 238494
without regard to whether such service is executive, managerial, 238495
or manual in nature, and without regard to whether such officer is 238496
a stockholder or a member of the board of directors of the 238497
corporation, unless it is shown to the satisfaction of the 238498
director that such individual has been and will continue to be 238499
free from direction or control over the performance of such 238500
service, both under a contract of service and in fact. The 238501
director shall adopt rules to define "direction or control." 238502

(2) "Employment" includes: 238503

(a) Service performed after December 31, 1977, by an 238504
individual in the employ of the state or any of its 238505
instrumentalities, or any political subdivision thereof or any of 238506

its instrumentalities or any instrumentality of more than one of 238507
the foregoing or any instrumentality of any of the foregoing and 238508
one or more other states or political subdivisions and without 238509
regard to divisions (A)(1)(a) and (b) of this section, provided 238510
that such service is excluded from employment as defined in the 238511
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 238512
3306(c)(7) and is not excluded under division (B)(3) of this 238513
section; or the services of employees covered by voluntary 238514
election, as provided under divisions (A)(4) and (5) of this 238515
section; 238516

(b) Service performed after December 31, 1971, by an 238517
individual in the employ of a religious, charitable, educational, 238518
or other organization which is excluded from the term "employment" 238519
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 238520
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 238521
3306(c)(8) of that act and is not excluded under division (B)(3) 238522
of this section; 238523

(c) Domestic service performed after December 31, 1977, for 238524
an employer, as provided in division (A)(1)(c) of this section; 238525

(d) Agricultural labor performed after December 31, 1977, for 238526
a farm operator or a crew leader, as provided in division 238527
(A)(1)(d) of this section; 238528

(e) Subject to division (B)(2)(m) of this section, service 238529
not covered under division (B)(1) of this section which is 238530
performed after December 31, 1971: 238531

(i) As an agent-driver or commission-driver engaged in 238532
distributing meat products, vegetable products, fruit products, 238533
bakery products, beverages other than milk, laundry, or 238534
dry-cleaning services, for the individual's employer or principal; 238535

(ii) As a traveling or city salesperson, other than as an 238536
agent-driver or commission-driver, engaged on a full-time basis in 238537

the solicitation on behalf of and in the transmission to the 238538
salesperson's employer or principal except for sideline sales 238539
activities on behalf of some other person of orders from 238540
wholesalers, retailers, contractors, or operators of hotels, 238541
restaurants, or other similar establishments for merchandise for 238542
resale, or supplies for use in their business operations, provided 238543
that for the purposes of division (B)(2)(e)(ii) of this section, 238544
the services shall be deemed employment if the contract of service 238545
contemplates that substantially all of the services are to be 238546
performed personally by the individual and that the individual 238547
does not have a substantial investment in facilities used in 238548
connection with the performance of the services other than in 238549
facilities for transportation, and the services are not in the 238550
nature of a single transaction that is not a part of a continuing 238551
relationship with the person for whom the services are performed. 238552

(f) An individual's entire service performed within or both 238553
within and without the state if: 238554

(i) The service is localized in this state. 238555

(ii) The service is not localized in any state, but some of 238556
the service is performed in this state and either the base of 238557
operations, or if there is no base of operations then the place 238558
from which such service is directed or controlled, is in this 238559
state or the base of operations or place from which such service 238560
is directed or controlled is not in any state in which some part 238561
of the service is performed but the individual's residence is in 238562
this state. 238563

(g) Service not covered under division (B)(2)(f)(ii) of this 238564
section and performed entirely without this state, with respect to 238565
no part of which contributions are required and paid under an 238566
unemployment compensation law of any other state, the Virgin 238567
Islands, Canada, or of the United States, if the individual 238568
performing such service is a resident of this state and the 238569

director approves the election of the employer for whom such 238570
services are performed; or, if the individual is not a resident of 238571
this state but the place from which the service is directed or 238572
controlled is in this state, the entire services of such 238573
individual shall be deemed to be employment subject to this 238574
chapter, provided service is deemed to be localized within this 238575
state if the service is performed entirely within this state or if 238576
the service is performed both within and without this state but 238577
the service performed without this state is incidental to the 238578
individual's service within the state, for example, is temporary 238579
or transitory in nature or consists of isolated transactions; 238580

(h) Service of an individual who is a citizen of the United 238581
States, performed outside the United States except in Canada after 238582
December 31, 1971, or the Virgin Islands, after December 31, 1971, 238583
and before the first day of January of the year following that in 238584
which the United States secretary of labor approves the Virgin 238585
Islands law for the first time, in the employ of an American 238586
employer, other than service which is "employment" under divisions 238587
(B)(2)(f) and (g) of this section or similar provisions of another 238588
state's law, if: 238589

(i) The employer's principal place of business in the United 238590
States is located in this state; 238591

(ii) The employer has no place of business in the United 238592
States, but the employer is an individual who is a resident of 238593
this state; or the employer is a corporation which is organized 238594
under the laws of this state, or the employer is a partnership or 238595
a trust and the number of partners or trustees who are residents 238596
of this state is greater than the number who are residents of any 238597
other state; or 238598

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 238599
of this section is met but the employer has elected coverage in 238600
this state or the employer having failed to elect coverage in any 238601

state, the individual has filed a claim for benefits, based on 238602
such service, under this chapter. 238603

(i) For the purposes of division (B)(2)(h) of this section, 238604
the term "American employer" means an employer who is an 238605
individual who is a resident of the United States; or a 238606
partnership, if two-thirds or more of the partners are residents 238607
of the United States; or a trust, if all of the trustees are 238608
residents of the United States; or a corporation organized under 238609
the laws of the United States or of any state, provided the term 238610
"United States" includes the states, the District of Columbia, the 238611
Commonwealth of Puerto Rico, and the Virgin Islands. 238612

(j) Notwithstanding any other provisions of divisions (B)(1) 238613
and (2) of this section, service, except for domestic service in a 238614
private home not covered under division (A)(1)(c) of this section, 238615
with respect to which a tax is required to be paid under any 238616
federal law imposing a tax against which credit may be taken for 238617
contributions required to be paid into a state unemployment fund, 238618
or service, except for domestic service in a private home not 238619
covered under division (A)(1)(c) of this section, which, as a 238620
condition for full tax credit against the tax imposed by the 238621
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 238622
3311, is required to be covered under this chapter. 238623

(k) Construction services performed by any individual under a 238624
construction contract, as defined in section 4141.39 of the 238625
Revised Code, if the director determines that the employer for 238626
whom services are performed has the right to direct or control the 238627
performance of the services and that the individuals who perform 238628
the services receive remuneration for the services performed. The 238629
director shall presume that the employer for whom services are 238630
performed has the right to direct or control the performance of 238631
the services if ten or more of the following criteria apply: 238632

(i) The employer directs or controls the manner or method by 238633

which instructions are given to the individual performing services;	238634 238635
(ii) The employer requires particular training for the individual performing services;	238636 238637
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	238638 238639
(iv) The employer requires that services be provided by a particular individual;	238640 238641
(v) The employer hires, supervises, or pays the wages of the individual performing services;	238642 238643
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	238644 238645 238646
(vii) The employer requires the individual to perform services during established hours;	238647 238648
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	238649 238650 238651
(ix) The employer requires the individual to perform services on the employer's premises;	238652 238653
(x) The employer requires the individual performing services to follow the order of work established by the employer;	238654 238655
(xi) The employer requires the individual performing services to make oral or written reports of progress;	238656 238657
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	238658 238659
(xiii) The employer pays expenses for the individual performing services;	238660 238661
(xiv) The employer furnishes the tools and materials for use	238662

by the individual to perform services; 238663

(xv) The individual performing services has not invested in 238664
the facilities used to perform services; 238665

(xvi) The individual performing services does not realize a 238666
profit or suffer a loss as a result of the performance of the 238667
services; 238668

(xvii) The individual performing services is not performing 238669
services for more than two employers simultaneously; 238670

(xviii) The individual performing services does not make the 238671
services available to the general public; 238672

(xix) The employer has a right to discharge the individual 238673
performing services; 238674

(xx) The individual performing services has the right to end 238675
the individual's relationship with the employer without incurring 238676
liability pursuant to an employment contract or agreement. 238677

(1) Service performed by an individual in the employ of an 238678
Indian tribe as defined by section 4(e) of the "Indian 238679
Self-Determination and Education Assistance Act," 88 Stat. 2204 238680
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 238681
subsidiary, or business enterprise wholly owned by an Indian tribe 238682
provided that the service is excluded from employment as defined 238683
in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 238684
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division 238685
(B)(3) of this section. 238686

(m) Service performed by an individual for or on behalf of a 238687
motor carrier transporting property as an operator of a vehicle or 238688
vessel, unless all of the following factors apply to the 238689
individual and the motor carrier has not elected to consider the 238690
individual's service as employment: 238691

(i) The individual owns the vehicle or vessel that is used in 238692

performing the services for or on behalf of the carrier, or the 238693
individual leases the vehicle or vessel under a bona fide lease 238694
agreement that is not a temporary replacement lease agreement. For 238695
purposes of this division, a bona fide lease agreement does not 238696
include an agreement between the individual and the motor carrier 238697
transporting property for which, or on whose behalf, the 238698
individual provides services. 238699

(ii) The individual is responsible for supplying the 238700
necessary personal services to operate the vehicle or vessel used 238701
to provide the service. 238702

(iii) The compensation paid to the individual is based on 238703
factors related to work performed, including on a mileage-based 238704
rate or a percentage of any schedule of rates, and not solely on 238705
the basis of the hours or time expended. 238706

(iv) The individual substantially controls the means and 238707
manner of performing the services, in conformance with regulatory 238708
requirements and specifications of the shipper. 238709

(v) The individual enters into a written contract with the 238710
carrier for whom the individual is performing the services that 238711
describes the relationship between the individual and the carrier 238712
to be that of an independent contractor and not that of an 238713
employee. 238714

(vi) The individual is responsible for substantially all of 238715
the principal operating costs of the vehicle or vessel and 238716
equipment used to provide the services, including maintenance, 238717
fuel, repairs, supplies, vehicle or vessel insurance, and personal 238718
expenses, except that the individual may be paid by the carrier 238719
the carrier's fuel surcharge and incidental costs, including 238720
tolls, permits, and lump sum fees. 238721

(vii) The individual is responsible for any economic loss or 238722
economic gain from the arrangement with the carrier. 238723

(viii) The individual is not performing services described in 238724
26 U.S.C. 3306(c)(7) or (8). 238725

(3) "Employment" does not include the following services if 238726
they are found not subject to the "Federal Unemployment Tax Act," 238727
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 238728
are not required to be included under division (B)(2)(j) of this 238729
section: 238730

(a) Service performed after December 31, 1977, in 238731
agricultural labor, except as provided in division (A)(1)(d) of 238732
this section; 238733

(b) Domestic service performed after December 31, 1977, in a 238734
private home, local college club, or local chapter of a college 238735
fraternity or sorority except as provided in division (A)(1)(c) of 238736
this section; 238737

(c) Service performed after December 31, 1977, for this state 238738
or a political subdivision as described in division (B)(2)(a) of 238739
this section when performed: 238740

(i) As a publicly elected official; 238741

(ii) As a member of a legislative body, or a member of the 238742
judiciary; 238743

(iii) As a military member of the Ohio national guard; 238744

(iv) As an employee, not in the classified service as defined 238745
in section 124.11 of the Revised Code, serving on a temporary 238746
basis in case of fire, storm, snow, earthquake, flood, or similar 238747
emergency; 238748

(v) In a position which, under or pursuant to law, is 238749
designated as a major nontenured policymaking or advisory 238750
position, not in the classified service of the state, or a 238751
policymaking or advisory position the performance of the duties of 238752
which ordinarily does not require more than eight hours per week. 238753

(d) In the employ of any governmental unit or instrumentality of the United States;	238754 238755
(e) Service performed after December 31, 1971:	238756
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	238757 238758 238759 238760 238761
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.	238762 238763 238764 238765 238766 238767 238768 238769 238770 238771 238772
(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;	238773 238774 238775 238776
(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:	238777 238778 238779 238780 238781 238782 238783 238784

(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;	238785 238786 238787
(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.	238788 238789 238790 238791 238792
(h) Service performed after December 31, 1971:	238793
(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;	238794 238795 238796 238797 238798
(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or	238799 238800 238801 238802
(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental disability or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.	238803 238804 238805 238806 238807 238808 238809
(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;	238810 238811 238812
(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such	238813 238814 238815

service does not exceed fifty dollars in any calendar quarter, or 238816
if such service is in connection with the collection of dues or 238817
premiums for a fraternal beneficial society, order, or association 238818
and is performed away from the home office or is ritualistic 238819
service in connection with any such society, order, or 238820
association; 238821

(k) Casual labor not in the course of an employer's trade or 238822
business; incidental service performed by an officer, appraiser, 238823
or member of a finance committee of a bank, building and loan 238824
association, savings and loan association, or savings association 238825
when the remuneration for such incidental service exclusive of the 238826
amount paid or allotted for directors' fees does not exceed sixty 238827
dollars per calendar quarter is casual labor; 238828

(l) Service performed in the employ of a voluntary employees' 238829
beneficial association providing for the payment of life, 238830
sickness, accident, or other benefits to the members of such 238831
association or their dependents or their designated beneficiaries, 238832
if admission to a membership in such association is limited to 238833
individuals who are officers or employees of a municipal or public 238834
corporation, of a political subdivision of the state, or of the 238835
United States and no part of the net earnings of such association 238836
inures, other than through such payments, to the benefit of any 238837
private shareholder or individual; 238838

(m) Service performed by an individual in the employ of a 238839
foreign government, including service as a consular or other 238840
officer or employee or of a nondiplomatic representative; 238841

(n) Service performed in the employ of an instrumentality 238842
wholly owned by a foreign government if the service is of a 238843
character similar to that performed in foreign countries by 238844
employees of the United States or of an instrumentality thereof 238845
and if the director finds that the secretary of state of the 238846
United States has certified to the secretary of the treasury of 238847

the United States that the foreign government, with respect to 238848
whose instrumentality exemption is claimed, grants an equivalent 238849
exemption with respect to similar service performed in the foreign 238850
country by employees of the United States and of instrumentalities 238851
thereof; 238852

(o) Service with respect to which unemployment compensation 238853
is payable under an unemployment compensation system established 238854
by an act of congress; 238855

(p) Service performed as a student nurse in the employ of a 238856
hospital or a nurses' training school by an individual who is 238857
enrolled and is regularly attending classes in a nurses' training 238858
school chartered or approved pursuant to state law, and service 238859
performed as an intern in the employ of a hospital by an 238860
individual who has completed a four years' course in a medical 238861
school chartered or approved pursuant to state law; 238862

(q) Service performed by an individual under the age of 238863
eighteen in the delivery or distribution of newspapers or shopping 238864
news, not including delivery or distribution to any point for 238865
subsequent delivery or distribution; 238866

(r) Service performed in the employ of the United States or 238867
an instrumentality of the United States immune under the 238868
Constitution of the United States from the contributions imposed 238869
by this chapter, except that to the extent that congress permits 238870
states to require any instrumentalities of the United States to 238871
make payments into an unemployment fund under a state unemployment 238872
compensation act, this chapter shall be applicable to such 238873
instrumentalities and to services performed for such 238874
instrumentalities in the same manner, to the same extent, and on 238875
the same terms as to all other employers, individuals, and 238876
services, provided that if this state is not certified for any 238877
year by the proper agency of the United States under section 3304 238878
of the "Internal Revenue Code of 1954," the payments required of 238879

such instrumentalities with respect to such year shall be refunded 238880
by the director from the fund in the same manner and within the 238881
same period as is provided in division (E) of section 4141.09 of 238882
the Revised Code with respect to contributions erroneously 238883
collected; 238884

(s) Service performed by an individual as a member of a band 238885
or orchestra, provided such service does not represent the 238886
principal occupation of such individual, and which service is not 238887
subject to or required to be covered for full tax credit against 238888
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 238889
183 (1939), 26 U.S.C.A. 3301 to 3311. 238890

(t) Service performed in the employ of a day camp whose 238891
camping season does not exceed twelve weeks in any calendar year, 238892
and which service is not subject to the "Federal Unemployment Tax 238893
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 238894
performed after December 31, 1971: 238895

(i) In the employ of a hospital, if the service is performed 238896
by a patient of the hospital, as defined in division (W) of this 238897
section; 238898

(ii) For a prison or other correctional institution by an 238899
inmate of the prison or correctional institution; 238900

(iii) Service performed after December 31, 1977, by an inmate 238901
of a custodial institution operated by the state, a political 238902
subdivision, or a nonprofit organization. 238903

(u) Service that is performed by a nonresident alien 238904
individual for the period the individual temporarily is present in 238905
the United States as a nonimmigrant under division (F), (J), (M), 238906
or (Q) of section 101(a)(15) of the "Immigration and Nationality 238907
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 238908
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 238909
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 238910

(v) Notwithstanding any other provisions of division (B)(3) 238911
of this section, services that are excluded under divisions 238912
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 238913
from employment when performed for a nonprofit organization, as 238914
defined in division (X) of this section, or for this state or its 238915
instrumentalities, or for a political subdivision or its 238916
instrumentalities or for Indian tribes; 238917

(w) Service that is performed by an individual working as an 238918
election official or election worker if the amount of remuneration 238919
received by the individual during the calendar year for services 238920
as an election official or election worker is less than one 238921
thousand dollars; 238922

(x) Service performed for an elementary or secondary school 238923
that is operated primarily for religious purposes, that is 238924
described in subsection 501(c)(3) and exempt from federal income 238925
taxation under subsection 501(a) of the Internal Revenue Code, 26 238926
U.S.C.A. 501; 238927

(y) Service performed by a person committed to a penal 238928
institution. 238929

(z) Service performed for an Indian tribe as described in 238930
division (B)(2)(1) of this section when performed in any of the 238931
following manners: 238932

(i) As a publicly elected official; 238933

(ii) As a member of an Indian tribal council; 238934

(iii) As a member of a legislative or judiciary body; 238935

(iv) In a position which, pursuant to Indian tribal law, is 238936
designated as a major nontenured policymaking or advisory 238937
position, or a policymaking or advisory position where the 238938
performance of the duties ordinarily does not require more than 238939
eight hours of time per week; 238940

(v) As an employee serving on a temporary basis in the case 238941
of a fire, storm, snow, earthquake, flood, or similar emergency. 238942

(aa) Service performed after December 31, 1971, for a 238943
nonprofit organization, this state or its instrumentalities, a 238944
political subdivision or its instrumentalities, or an Indian tribe 238945
as part of an unemployment work-relief or work-training program 238946
assisted or financed in whole or in part by any federal agency or 238947
an agency of a state or political subdivision, thereof, by an 238948
individual receiving the work-relief or work-training. 238949

(bb) Participation in a learn to earn program as defined in 238950
section 4141.293 of the Revised Code. 238951

(4) If the services performed during one half or more of any 238952
pay period by an employee for the person employing that employee 238953
constitute employment, all the services of such employee for such 238954
period shall be deemed to be employment; but if the services 238955
performed during more than one half of any such pay period by an 238956
employee for the person employing that employee do not constitute 238957
employment, then none of the services of such employee for such 238958
period shall be deemed to be employment. As used in division 238959
(B)(4) of this section, "pay period" means a period, of not more 238960
than thirty-one consecutive days, for which payment of 238961
remuneration is ordinarily made to the employee by the person 238962
employing that employee. Division (B)(4) of this section does not 238963
apply to services performed in a pay period by an employee for the 238964
person employing that employee, if any of such service is excepted 238965
by division (B)(3)(o) of this section. 238966

(C) "Benefits" means money payments payable to an individual 238967
who has established benefit rights, as provided in this chapter, 238968
for loss of remuneration due to the individual's unemployment. 238969

(D) "Benefit rights" means the weekly benefit amount and the 238970
maximum benefit amount that may become payable to an individual 238971

within the individual's benefit year as determined by the 238972
director. 238973

(E) "Claim for benefits" means a claim for waiting period or 238974
benefits for a designated week. 238975

(F) "Additional claim" means the first claim for benefits 238976
filed following any separation from employment during a benefit 238977
year; "continued claim" means any claim other than the first claim 238978
for benefits and other than an additional claim. 238979

(G) "Wages" means remuneration paid to an employee by each of 238980
the employee's employers with respect to employment; except that 238981
wages shall not include that part of remuneration paid during any 238982
calendar year to an individual by an employer or such employer's 238983
predecessor in interest in the same business or enterprise, which 238984
in any calendar year is in excess of nine thousand dollars on and 238985
after January 1, 1995; nine thousand five hundred dollars on and 238986
after January 1, 2018; and nine thousand dollars on and after 238987
January 1, 2020. Remuneration in excess of such amounts shall be 238988
deemed wages subject to contribution to the same extent that such 238989
remuneration is defined as wages under the "Federal Unemployment 238990
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 238991
amended. The remuneration paid an employee by an employer with 238992
respect to employment in another state, upon which contributions 238993
were required and paid by such employer under the unemployment 238994
compensation act of such other state, shall be included as a part 238995
of remuneration in computing the amount specified in this 238996
division. 238997

(H)(1) "Remuneration" means all compensation for personal 238998
services, including commissions and bonuses and the cash value of 238999
all compensation in any medium other than cash, except that in the 239000
case of agricultural or domestic service, "remuneration" includes 239001
only cash remuneration. Gratuities customarily received by an 239002
individual in the course of the individual's employment from 239003

persons other than the individual's employer and which are 239004
accounted for by such individual to the individual's employer are 239005
taxable wages. 239006

The reasonable cash value of compensation paid in any medium 239007
other than cash shall be estimated and determined in accordance 239008
with rules prescribed by the director, provided that 239009
"remuneration" does not include: 239010

(a) Payments as provided in divisions (b)(2) to (b)(20) of 239011
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 239012
26 U.S.C.A. 3301 to 3311, as amended; 239013

(b) The payment by an employer, without deduction from the 239014
remuneration of the individual in the employer's employ, of the 239015
tax imposed upon an individual in the employer's employ under 239016
section 3101 of the "Internal Revenue Code of 1954," with respect 239017
to services performed after October 1, 1941. 239018

(2) "Cash remuneration" means all remuneration paid in cash, 239019
including commissions and bonuses, but not including the cash 239020
value of all compensation in any medium other than cash. 239021

(I) "Interested party" means the director and any party to 239022
whom notice of a determination of an application for benefit 239023
rights or a claim for benefits is required to be given under 239024
section 4141.28 of the Revised Code. 239025

(J) "Annual payroll" means the total amount of wages subject 239026
to contributions during a twelve-month period ending with the last 239027
day of the second calendar quarter of any calendar year. 239028

(K) "Average annual payroll" means the average of the last 239029
three annual payrolls of an employer, provided that if, as of any 239030
computation date, the employer has had less than three annual 239031
payrolls in such three-year period, such average shall be based on 239032
the annual payrolls which the employer has had as of such date. 239033

(L)(1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with respect to such week no remuneration is payable to the individual.

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount.

(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director.

(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter.

(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying

weeks during the base period by the number of such qualifying 239065
weeks, provided that if the computation results in an amount that 239066
is not a multiple of one dollar, such amount shall be rounded to 239067
the next lower multiple of one dollar. 239068

(P) "Weekly benefit amount" means the amount of benefits an 239069
individual would be entitled to receive for one week of total 239070
unemployment. 239071

(Q)(1) "Base period" means the first four of the last five 239072
completed calendar quarters immediately preceding the first day of 239073
an individual's benefit year, except as provided in division 239074
(Q)(2) of this section. 239075

(2) If an individual does not have sufficient qualifying 239076
weeks and wages in the base period to qualify for benefit rights, 239077
the individual's base period shall be the four most recently 239078
completed calendar quarters preceding the first day of the 239079
individual's benefit year. Such base period shall be known as the 239080
"alternate base period." If information as to weeks and wages for 239081
the most recent quarter of the alternate base period is not 239082
available to the director from the regular quarterly reports of 239083
wage information, which are systematically accessible, the 239084
director may, consistent with the provisions of section 4141.28 of 239085
the Revised Code, base the determination of eligibility for 239086
benefits on the affidavit of the claimant with respect to weeks 239087
and wages for that calendar quarter. The claimant shall furnish 239088
payroll documentation, where available, in support of the 239089
affidavit. The determination based upon the alternate base period 239090
as it relates to the claimant's benefit rights, shall be amended 239091
when the quarterly report of wage information from the employer is 239092
timely received and that information causes a change in the 239093
determination. As provided in division (B) of section 4141.28 of 239094
the Revised Code, any benefits paid and charged to an employer's 239095
account, based upon a claimant's affidavit, shall be adjusted 239096

effective as of the beginning of the claimant's benefit year. No 239097
calendar quarter in a base period or alternate base period shall 239098
be used to establish a subsequent benefit year. 239099

(3) The "base period" of a combined wage claim, as described 239100
in division (H) of section 4141.43 of the Revised Code, shall be 239101
the base period prescribed by the law of the state in which the 239102
claim is allowed. 239103

(4) For purposes of determining the weeks that comprise a 239104
completed calendar quarter under this division, only those weeks 239105
ending at midnight Saturday within the calendar quarter shall be 239106
utilized. 239107

(R)(1) "Benefit year" with respect to an individual means the 239108
fifty-two week period beginning with the first day of that week 239109
with respect to which the individual first files a valid 239110
application for determination of benefit rights, and thereafter 239111
the fifty-two week period beginning with the first day of that 239112
week with respect to which the individual next files a valid 239113
application for determination of benefit rights after the 239114
termination of the individual's last preceding benefit year, 239115
except that the application shall not be considered valid unless 239116
the individual has had employment in six weeks that is subject to 239117
this chapter or the unemployment compensation act of another 239118
state, or the United States, and has, since the beginning of the 239119
individual's previous benefit year, in the employment earned three 239120
times the average weekly wage determined for the previous benefit 239121
year. The "benefit year" of a combined wage claim, as described in 239122
division (H) of section 4141.43 of the Revised Code, shall be the 239123
benefit year prescribed by the law of the state in which the claim 239124
is allowed. Any application for determination of benefit rights 239125
made in accordance with section 4141.28 of the Revised Code is 239126
valid if the individual filing such application is unemployed, has 239127
been employed by an employer or employers subject to this chapter 239128

in at least twenty qualifying weeks within the individual's base 239129
period, and has earned or been paid remuneration at an average 239130
weekly wage of not less than twenty-seven and one-half per cent of 239131
the statewide average weekly wage for such weeks. For purposes of 239132
determining whether an individual has had sufficient employment 239133
since the beginning of the individual's previous benefit year to 239134
file a valid application, "employment" means the performance of 239135
services for which remuneration is payable. 239136

(2) Effective for benefit years beginning on and after 239137
December 26, 2004, but before July 1, 2022, any application for 239138
determination of benefit rights made in accordance with section 239139
4141.28 of the Revised Code is valid if the individual satisfies 239140
the criteria described in division (R)(1) of this section, and if 239141
the reason for the individual's separation from employment is not 239142
disqualifying pursuant to division (D)(2) of section 4141.29 or 239143
section 4141.291 of the Revised Code. A disqualification imposed 239144
pursuant to division (D)(2) of section 4141.29 or section 4141.291 239145
of the Revised Code must be removed as provided in those sections 239146
as a requirement of establishing a valid application for benefit 239147
years beginning on and after December 26, 2004, but before July 1, 239148
2022. Effective for benefit years beginning on and after July 1, 239149
2022, any application for determination of benefit rights made in 239150
accordance with section 4141.28 of the Revised Code is valid if 239151
the individual satisfies the criteria described in division (R)(1) 239152
of this section. A disqualification imposed pursuant to division 239153
(D)(2) of section 4141.29 or section 4141.291 of the Revised Code 239154
does not affect the validity of an application. 239155

(3) The statewide average weekly wage shall be calculated by 239156
the director once a year based on the twelve-month period ending 239157
the thirtieth day of June, as set forth in division (B)(3) of 239158
section 4141.30 of the Revised Code, rounded down to the nearest 239159
dollar. Increases or decreases in the amount of remuneration 239160

required to have been earned or paid in order for individuals to 239161
have filed valid applications shall become effective on Sunday of 239162
the calendar week in which the first day of January occurs that 239163
follows the twelve-month period ending the thirtieth day of June 239164
upon which the calculation of the statewide average weekly wage 239165
was based. 239166

(4) As used in this division, an individual is "unemployed" 239167
if, with respect to the calendar week in which such application is 239168
filed, the individual is "partially unemployed" or "totally 239169
unemployed" as defined in this section or if, prior to filing the 239170
application, the individual was separated from the individual's 239171
most recent work for any reason which terminated the individual's 239172
employee-employer relationship, or was laid off indefinitely or 239173
for a definite period of seven or more days. 239174

(S) "Calendar quarter" means the period of three consecutive 239175
calendar months ending on the thirty-first day of March, the 239176
thirtieth day of June, the thirtieth day of September, and the 239177
thirty-first day of December, or the equivalent thereof as the 239178
director prescribes by rule. 239179

(T) "Computation date" means the first day of the third 239180
calendar quarter of any calendar year. 239181

(U) "Contribution period" means the calendar year beginning 239182
on the first day of January of any year. 239183

(V) "Agricultural labor," for the purpose of this division, 239184
means any service performed prior to January 1, 1972, which was 239185
agricultural labor as defined in this division prior to that date, 239186
and service performed after December 31, 1971: 239187

(1) On a farm, in the employ of any person, in connection 239188
with cultivating the soil, or in connection with raising or 239189
harvesting any agricultural or horticultural commodity, including 239190
the raising, shearing, feeding, caring for, training, and 239191

management of livestock, bees, poultry, and fur-bearing animals 239192
and wildlife; 239193

(2) In the employ of the owner or tenant or other operator of 239194
a farm in connection with the operation, management, conservation, 239195
improvement, or maintenance of such farm and its tools and 239196
equipment, or in salvaging timber or clearing land of brush and 239197
other debris left by hurricane, if the major part of such service 239198
is performed on a farm; 239199

(3) In connection with the production or harvesting of any 239200
commodity defined as an agricultural commodity in section 15 (g) 239201
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 239202
U.S.C. 1141j, as amended, or in connection with the ginning of 239203
cotton, or in connection with the operation or maintenance of 239204
ditches, canals, reservoirs, or waterways, not owned or operated 239205
for profit, used exclusively for supplying and storing water for 239206
farming purposes; 239207

(4) In the employ of the operator of a farm in handling, 239208
planting, drying, packing, packaging, processing, freezing, 239209
grading, storing, or delivering to storage or to market or to a 239210
carrier for transportation to market, in its unmanufactured state, 239211
any agricultural or horticultural commodity, but only if the 239212
operator produced more than one half of the commodity with respect 239213
to which such service is performed; 239214

(5) In the employ of a group of operators of farms, or a 239215
cooperative organization of which the operators are members, in 239216
the performance of service described in division (V)(4) of this 239217
section, but only if the operators produced more than one-half of 239218
the commodity with respect to which the service is performed; 239219

(6) Divisions (V)(4) and (5) of this section shall not be 239220
deemed to be applicable with respect to service performed: 239221

(a) In connection with commercial canning or commercial 239222

freezing or in connection with any agricultural or horticultural 239223
commodity after its delivery to a terminal market for distribution 239224
for consumption; or 239225

(b) On a farm operated for profit if the service is not in 239226
the course of the employer's trade or business. 239227

As used in division (V) of this section, "farm" includes 239228
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 239229
plantations, ranches, nurseries, ranges, greenhouses, or other 239230
similar structures used primarily for the raising of agricultural 239231
or horticultural commodities and orchards. 239232

(W) "Hospital" means an institution which has been registered 239233
or licensed by the Ohio department of health as a hospital. 239234

(X) "Nonprofit organization" means an organization, or group 239235
of organizations, described in section 501(c)(3) of the "Internal 239236
Revenue Code of 1954," and exempt from income tax under section 239237
501(a) of that code. 239238

(Y) "Institution of higher education" means a public or 239239
nonprofit educational institution, including an educational 239240
institution operated by an Indian tribe, which: 239241

(1) Admits as regular students only individuals having a 239242
certificate of graduation from a high school, or the recognized 239243
equivalent; 239244

(2) Is legally authorized in this state or by the Indian 239245
tribe to provide a program of education beyond high school; and 239246

(3) Provides an educational program for which it awards a 239247
bachelor's or higher degree, or provides a program which is 239248
acceptable for full credit toward such a degree, a program of 239249
post-graduate or post-doctoral studies, or a program of training 239250
to prepare students for gainful employment in a recognized 239251
occupation. 239252

For the purposes of this division, all colleges and 239253
universities in this state are institutions of higher education. 239254

(Z) For the purposes of this chapter, "states" includes the 239255
District of Columbia, the Commonwealth of Puerto Rico, and the 239256
Virgin Islands. 239257

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 239258
this section, an individual who is an alien admitted to the United 239259
States to perform service in agricultural labor pursuant to 239260
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 239261
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 239262

(BB)(1) "Crew leader" means an individual who furnishes 239263
individuals to perform agricultural labor for any other employer 239264
or farm operator, and: 239265

(a) Pays, either on the individual's own behalf or on behalf 239266
of the other employer or farm operator, the individuals so 239267
furnished by the individual for the service in agricultural labor 239268
performed by them; 239269

(b) Has not entered into a written agreement with the other 239270
employer or farm operator under which the agricultural worker is 239271
designated as in the employ of the other employer or farm 239272
operator. 239273

(2) For the purposes of this chapter, any individual who is a 239274
member of a crew furnished by a crew leader to perform service in 239275
agricultural labor for any other employer or farm operator shall 239276
be treated as an employee of the crew leader if: 239277

(a) The crew leader holds a valid certificate of registration 239278
under the "Farm Labor Contractor Registration Act of 1963," 90 239279
Stat. 2668, 7 U.S.C. 2041; or 239280

(b) Substantially all the members of the crew operate or 239281
maintain tractors, mechanized harvesting or crop-dusting 239282

equipment, or any other mechanized equipment, which is provided by 239283
the crew leader; and 239284

(c) If the individual is not in the employment of the other 239285
employer or farm operator within the meaning of division (B)(1) of 239286
this section. 239287

(3) For the purposes of this division, any individual who is 239288
furnished by a crew leader to perform service in agricultural 239289
labor for any other employer or farm operator and who is not 239290
treated as in the employment of the crew leader under division 239291
(BB)(2) of this section shall be treated as the employee of the 239292
other employer or farm operator and not of the crew leader. The 239293
other employer or farm operator shall be treated as having paid 239294
cash remuneration to the individual in an amount equal to the 239295
amount of cash remuneration paid to the individual by the crew 239296
leader, either on the crew leader's own behalf or on behalf of the 239297
other employer or farm operator, for the service in agricultural 239298
labor performed for the other employer or farm operator. 239299

(CC) "Educational institution" means an institution other 239300
than an institution of higher education as defined in division (Y) 239301
of this section, including an educational institution operated by 239302
an Indian tribe, which: 239303

(1) Offers participants, trainees, or students an organized 239304
course of study or training designed to transfer to them 239305
knowledge, skills, information, doctrines, attitudes, or abilities 239306
from, by, or under the guidance of an instructor or teacher; and 239307

(2) Is approved, chartered, or issued a permit to operate as 239308
a school by the ~~state board~~ director of education and workforce, 239309
other government agency, or Indian tribe that is authorized within 239310
the state to approve, charter, or issue a permit for the operation 239311
of a school. 239312

For the purposes of this division, the courses of study or 239313

training which the institution offers may be academic, technical, 239314
trade, or preparation for gainful employment in a recognized 239315
occupation. 239316

(DD) "Cost savings day" means any unpaid day off from work in 239317
which employees continue to accrue employee benefits which have a 239318
determinable value including, but not limited to, vacation, 239319
pension contribution, sick time, and life and health insurance. 239320

(EE) "Motor carrier" has the same meaning as in section 239321
4923.01 of the Revised Code. 239322

Sec. 4141.47. (A) There is hereby created the auxiliary 239323
services personnel unemployment compensation fund, which shall not 239324
be a part of the state treasury. The fund shall consist of moneys 239325
paid into the fund pursuant to section 3317.06 of the Revised 239326
Code. The treasurer of state shall administer it in accordance 239327
with the directions of the director of job and family services. 239328
The director shall establish procedures under which school 239329
districts that are charged and have paid for unemployment benefits 239330
as reimbursing employers pursuant to this chapter for personnel 239331
employed pursuant to section 3317.06 of the Revised Code may apply 239332
for and receive reimbursement for those payments under this 239333
section. School districts are not entitled to reimbursement for 239334
any delinquency charges, except as otherwise provided by law. In 239335
the case of school districts electing to pay contributions under 239336
section 4141.242 of the Revised Code, the director shall establish 239337
procedures for reimbursement of the district from the fund of 239338
contributions made on wages earned by any auxiliary service 239339
personnel. 239340

(B) In the event of the termination of the auxiliary services 239341
program established pursuant to section 3317.06 of the Revised 239342
Code, and after the director has made reimbursement to school 239343
districts for all possible unemployment compensation claims of 239344

persons who were employed pursuant to section 3317.06 of the Revised Code, the director shall certify that fact to the treasurer of state, who shall then transfer all unexpended moneys in the auxiliary services personnel unemployment compensation fund to the general revenue fund. In the event the auxiliary services personnel unemployment compensation fund contains insufficient moneys to pay all valid claims by school districts for reimbursement pursuant to this section, the director shall estimate the total additional amount necessary to meet the liabilities of the fund and submit a request to the general assembly for an appropriation of that amount of money from the general revenue fund to the auxiliary services personnel unemployment compensation fund.

(C) All disbursements from the auxiliary services personnel unemployment compensation fund shall be paid by the treasurer of state on warrants drawn by the director. The warrants may bear the facsimile signature of the director printed thereon or that of a deputy or other employee of the director charged with the duty of keeping the account of the fund. Moneys in the fund shall be maintained in a separate account on the books of the depository bank. The money shall be secured by the depository bank to the same extent and in the same manner as required by Chapter 135. of the Revised Code. All sums recovered for losses sustained by the fund shall be deposited therein. The treasurer of state is liable on the treasurer of state's official bond for the faithful performance of the treasurer of state's duties in connection with the fund.

(D) All necessary and proper expenses incurred in administering this section shall be paid to the director from the auxiliary services personnel unemployment compensation fund. For this purpose, there is hereby created in the state treasury the auxiliary services program administrative fund. The treasurer of

state, pursuant to the warrant procedures specified in division 239377
(C) of this section, shall advance moneys as requested by the 239378
director from the auxiliary services personnel unemployment 239379
compensation fund to the auxiliary services program administrative 239380
fund. The director periodically may request the advance of such 239381
moneys as in the treasurer of state's opinion are needed to meet 239382
anticipated administrative expenses and may make disbursements 239383
from the auxiliary services program administrative fund to pay 239384
those expenses. 239385

(E) Upon receipt of a certification from the department of 239386
education and workforce regarding a refund to a board of education 239387
pursuant to section 3317.06 of the Revised Code, the director 239388
shall issue a refund in the amount certified to the board from the 239389
auxiliary services personnel unemployment compensation fund. 239390

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 239391
approval by the director of public safety, shall adopt rules 239392
conforming with applicable standards adopted by the federal motor 239393
carrier safety administration as regulations under Pub. L. No. 239394
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 239395
31317. The rules shall establish requirements for the 239396
qualification and testing of persons applying for a commercial 239397
driver's license, which are in addition to other requirements 239398
established by this chapter. Except as provided in division (B) of 239399
this section, the highway patrol or any other employee of the 239400
department of public safety the registrar authorizes shall 239401
supervise and conduct the testing of persons applying for a 239402
commercial driver's license. 239403

(B) The director may adopt rules, in accordance with Chapter 239404
119. of the Revised Code and applicable requirements of the 239405
federal motor carrier safety administration, authorizing the 239406
skills test specified in this section to be administered by any 239407

person, by an agency of this or another state, or by an agency, 239408
department, or instrumentality of local government. Each party 239409
authorized under this division to administer the skills test may 239410
charge a maximum divisible fee of one hundred fifteen dollars for 239411
each skills test given as part of a commercial driver's license 239412
examination. The fee shall consist of not more than twenty-seven 239413
dollars for the pre-trip inspection portion of the test, not more 239414
than twenty-seven dollars for the off-road maneuvering portion of 239415
the test, and not more than sixty-one dollars for the on-road 239416
portion of the test. Each such party may require an appointment 239417
fee in the same manner provided in division (E)(2) of this 239418
section, except that the maximum amount such a party may require 239419
as an appointment fee is one hundred fifteen dollars. The skills 239420
test administered by another party under this division shall be 239421
the same as otherwise would be administered by this state. The 239422
other party shall enter into an agreement with the director that, 239423
without limitation, does all of the following: 239424

(1) Allows the director or the director's representative and 239425
the federal motor carrier safety administration or its 239426
representative to conduct random examinations, inspections, and 239427
audits of the other party, whether covert or overt, without prior 239428
notice; 239429

(2) Requires the director or the director's representative to 239430
conduct on-site inspections of the other party at least annually; 239431

(3) Requires that all examiners of the other party meet the 239432
same qualification and training standards as examiners of the 239433
department of public safety, including criminal background checks, 239434
to the extent necessary to conduct skills tests in the manner 239435
required by 49 C.F.R. 383.110 through 383.135. In accordance with 239436
federal guidelines, any examiner employed on July 1, 2017, shall 239437
have a criminal background check conducted at least once, and any 239438
examiner hired after July 1, 2015, shall have a criminal 239439

background check conducted after the examiner is initially hired. 239440

(4) Requires either that state employees take, at least 239441
annually and as though the employees were test applicants, the 239442
tests actually administered by the other party, that the director 239443
test a sample of drivers who were examined by the other party to 239444
compare the test results, or that state employees accompany a test 239445
applicant during an actual test; 239446

(5) Unless the other party is a governmental entity, requires 239447
the other party to initiate and maintain a bond in an amount 239448
determined by the director to sufficiently pay for the retesting 239449
of drivers in the event that the other party or its skills test 239450
examiners are involved in fraudulent activities related to skills 239451
testing; 239452

(6) Requires the other party to use only skills test 239453
examiners who have successfully completed a commercial driver's 239454
license examiner training course as prescribed by the director, 239455
and have been certified by the state as a commercial driver's 239456
license skills test examiner qualified to administer skills tests; 239457

(7) Requires the other party to use designated road test 239458
routes that have been approved by the director; 239459

(8) Requires the other party to submit a schedule of skills 239460
test appointments to the director not later than two business days 239461
prior to each skills test; 239462

(9) Requires the other party to maintain copies of the 239463
following records at its principal place of business: 239464

(a) The other party's commercial driver's license skills 239465
testing program certificate; 239466

(b) Each skills test examiner's certificate of authorization 239467
to administer skills tests for the classes and types of commercial 239468
motor vehicles listed in the certificate; 239469

(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;	239470 239471
(d) A complete list of the test routes that have been approved by the director;	239472 239473
(e) A complete and accurate copy of each examiner's training record.	239474 239475
(10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained;	239476 239477 239478
(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year;	239479 239480 239481
(12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.	239482 239483 239484 239485 239486
(C) The director shall enter into an agreement with the department of education <u>and workforce</u> authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to persons applying for a commercial driver's license with a school bus endorsement.	239487 239488 239489 239490 239491 239492 239493 239494 239495 239496
(D)(1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements:	239497 239498 239499 239500

(a) As authorized under 49 C.F.R. 383.77, the applicant operates a commercial motor vehicle for military purposes and is one of the following:

- (i) Active duty military personnel;
- (ii) A member of the military reserves;
- (iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians;
- (iv) Active duty U.S. coast guard personnel.

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

- (i) The applicant has not had more than one license, excluding any military license.
- (ii) The applicant has not had any license suspended, revoked, or canceled.
- (iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.
- (iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation.
- (v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following:

(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle;

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(ii) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the Revised Code;

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(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate.

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(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians.

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(E)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test.

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(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test and to pay an appointment fee of fifty dollars at the time of scheduling the appointment. If the applicant appears at the time and location specified for the appointment and takes all portions of the skills test during that appointment, the appointment fee serves as the

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skills test fee. If the applicant schedules an appointment to take 239561
all portions of the skills test and fails to appear at the time 239562
and location specified for the appointment, the director shall not 239563
refund any portion of the appointment fee. If the applicant 239564
schedules an appointment to take all portions of the skills test 239565
and appears at the time and location specified for the 239566
appointment, but declines or is unable to take all portions of the 239567
skills test, the director shall not refund any portion of the 239568
appointment fee. If the applicant cancels a scheduled appointment 239569
forty-eight hours or more prior to the time of the appointment 239570
time, the applicant shall not forfeit the appointment fee. 239571

An applicant for a commercial driver's license who schedules 239572
an appointment to take one or more, but not all, portions of the 239573
skills test is required to pay an appointment fee equal to the 239574
costs of each test scheduled, as prescribed in division (E)(1) of 239575
this section, when scheduling such an appointment. If the 239576
applicant appears at the time and location specified for the 239577
appointment and takes all the portions of the skills test during 239578
that appointment that the applicant was scheduled to take, the 239579
appointment fee serves as the skills test fee. If the applicant 239580
schedules an appointment to take one or more, but not all, 239581
portions of the skills test and fails to appear at the time and 239582
location specified for the appointment, the director shall not 239583
refund any portion of the appointment fee. If the applicant 239584
schedules an appointment to take one or more, but not all, 239585
portions of the skills test and appears at the time and location 239586
specified for the appointment, but declines or is unable to take 239587
all portions of the skills test that the applicant was scheduled 239588
to take, the director shall not refund any portion of the 239589
appointment fee. If the applicant cancels a scheduled appointment 239590
forty-eight hours or more prior to the time of the appointment 239591
time, the applicant shall not forfeit the appointment fee. 239592

(3) The department of public safety shall deposit all fees it collects under division (E) of this section in the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(F)(1) Unless an applicant for a commercial driver's license has successfully completed the training required under 49 C.F.R. 380, subpart F, the applicant is not eligible to do any of the following:

(a) Take the skills test required for initial issuance of a class A or a class B commercial driver's license;

(b) Take the skills test required for initial issuance of a passenger (P) or school bus (S) endorsement on the applicant's commercial driver's license;

(c) Take the knowledge test required for initial issuance of a hazardous materials (H) endorsement on the applicant's commercial driver's license.

Before an applicant takes the applicable skills or knowledge test, the registrar shall electronically verify, through the federal motor carrier safety administration's training provider registry, that an applicant has completed the required training under 49 C.F.R. 380, subpart F.

(2) The training required under 49 C.F.R. 380, subpart F, and under division (F)(1) of this section may be provided by either of the following:

(a) A driver training school pursuant to section 4508.031 of the Revised Code;

(b) An authorized driver training provider listed on the federal motor carrier safety administration's training provider registry.

(G) A person who has successfully completed commercial

driver's license training in this state but seeks a commercial 239623
driver's license in another state where the person is domiciled 239624
may schedule an appointment to take the skills test in this state 239625
and shall pay the appropriate appointment fee. Upon the person's 239626
completion of the skills test, this state shall electronically 239627
transmit the applicant's results to the state where the person is 239628
domiciled. If a person who is domiciled in this state takes a 239629
skills test in another state, this state shall accept the results 239630
of the skills test from the other state. If the person passed the 239631
other state's skills test and meets all of the other licensing 239632
requirements set forth in this chapter and rules adopted under 239633
this chapter, the registrar of motor vehicles or a deputy 239634
registrar shall issue a commercial driver's license to that 239635
person. 239636

(H) Unless otherwise specified, the director or the 239637
director's representative shall conduct the examinations, 239638
inspections, audits, and test monitoring set forth in divisions 239639
(B)(2),(3), and (4) of this section at least annually. If the 239640
other party or any of its skills test examiners fail to comply 239641
with state or federal standards for the skills testing program, 239642
the director or the director's representative shall take prompt 239643
and appropriate remedial action against the party and its skills 239644
test examiners. Remedial action may include termination of the 239645
agreement or revocation of a skills test examiner's certification. 239646

(I) As used in this section, "skills test" means a test of an 239647
applicant's ability to drive the type of commercial motor vehicle 239648
for which the applicant seeks a commercial driver's license by 239649
having the applicant drive such a motor vehicle while under the 239650
supervision of an authorized state driver's license examiner or 239651
tester. 239652

Sec. 4506.10. (A) No person who holds a valid commercial 239653

driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so.

(1) Any person applying for a commercial driver's license or commercial driver's license temporary instruction permit, the renewal or upgrade of a commercial driver's license or commercial driver's license temporary instruction permit, or the transfer of a commercial driver's license from out of state shall self-certify to the registrar for purposes of 49 C.F.R. 383.71, one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

(a)(i) If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system driver record;

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate.

(b)(i) If the applicant operates only in intrastate commerce and is subject to state driver qualification requirements, the applicant shall self-certify that the applicant is non-excepted intrastate;

(ii) If the applicant operates only in intrastate commerce and is excepted from all or parts of the state driver qualification requirements, the applicant shall self-certify that the applicant is excepted intrastate.

(2) Notwithstanding the expiration date on a person's commercial driver's license or commercial driver's license temporary instruction permit, every commercial driver's license or commercial driver's license temporary instruction permit holder shall provide the registrar with the certification required by this section, on or after January 30, 2012, but prior to January 30, 2014.

(B) A person is qualified to drive a school bus if the person holds a valid commercial driver's license along with the proper endorsements, and if the person has been certified as medically qualified in accordance with rules adopted by the department of education and workforce.

(C)(1) Except as provided in division (C)(2) of this section, only a medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration shall perform a medical examination required by this section.

(2) A person licensed under Chapter 4725. of the Revised Code to practice optometry in this state, or licensed under any similar law of another state, may perform any part of an examination required by this section that pertains to visual acuity, field of vision, and the ability to recognize colors.

(3) The individual who performed an examination conducted pursuant to this section shall complete any written documentation of a physical examination on a form that substantially complies with the requirements of 49 C.F.R. 391.43(h).

(D) Whenever good cause appears, the registrar, upon issuing

a commercial driver's license or commercial driver's license 239716
temporary instruction permit under this chapter, may impose 239717
restrictions suitable to the licensee's driving ability with 239718
respect to the type of motor vehicle or special mechanical control 239719
devices required on a motor vehicle that the licensee may operate, 239720
or such other restrictions applicable to the licensee as the 239721
registrar determines to be necessary. 239722

The registrar may either issue a special restricted license 239723
or may set forth upon the usual license form the restrictions 239724
imposed. 239725

The registrar, upon receiving satisfactory evidence of any 239726
violation of the restrictions of the license, may impose a class D 239727
license suspension of the license for the period of time specified 239728
in division (B)(4) of section 4510.02 of the Revised Code. 239729

The registrar, upon receiving satisfactory evidence that an 239730
applicant or holder of a commercial driver's license or commercial 239731
driver's license temporary instruction permit has violated 239732
division (A)(4) of section 4506.04 of the Revised Code and 239733
knowingly given false information in any application or 239734
certification required by section 4506.07 of the Revised Code, 239735
shall cancel the person's commercial driver's license or 239736
commercial driver's license temporary instruction permit or any 239737
pending application from the person for a commercial driver's 239738
license, commercial driver's license temporary instruction permit, 239739
or class D driver's license for a period of at least sixty days, 239740
during which time no application for a commercial driver's 239741
license, commercial driver's license temporary instruction permit, 239742
or class D driver's license shall be received from the person. 239743

(E) Whoever violates this section is guilty of a misdemeanor 239744
of the first degree. 239745

Sec. 4507.21. (A) Except as provided in section 4507.061 of 239746

the Revised Code, each applicant for a driver's license shall file 239747
an application in the office of the registrar of motor vehicles or 239748
of a deputy registrar. 239749

(B)(1) Each person under eighteen years of age applying for a 239750
driver's license issued in this state shall present satisfactory 239751
evidence of having successfully completed any one of the 239752
following: 239753

(a) A driver education course approved by the state 239754
department of education and workforce prior to December 31, 2003. 239755

(b) A driver training course approved by the director of 239756
public safety. 239757

(c) A driver training course comparable to a driver education 239758
or driver training course described in division (B)(1)(a) or (b) 239759
of this section and administered by a branch of the armed forces 239760
of the United States and completed by the applicant while residing 239761
outside this state for the purpose of being with or near any 239762
person serving in the armed forces of the United States. 239763

(2) Each person under eighteen years of age applying for a 239764
driver's license also shall present, on a form prescribed by the 239765
registrar, an affidavit signed by an eligible adult attesting that 239766
the person has acquired at least fifty hours of actual driving 239767
experience, with at least ten of those hours being at night. 239768

(C)(1) An applicant for an initial driver's license shall 239769
present satisfactory evidence of successful completion of the 239770
abbreviated driver training course for adults, approved by the 239771
director of public safety under section 4508.02 of the Revised 239772
Code, if all of the following apply: 239773

(a) The applicant is eighteen years of age or older. 239774

(b) The applicant failed the road or maneuverability test 239775
required under division (A)(2) of section 4507.11 of the Revised 239776

Code. 239777

(c) In the twelve months immediately preceding the date of application, the applicant has not successfully completed a driver training course. 239778
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(2) An applicant shall present satisfactory evidence as required under division (C)(1) of this section prior to attempting the test a second or subsequent time. 239781
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(D) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. 239784
If the application shows that the applicant's license has been previously canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted. 239785
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(E) An applicant shall file an application under this section in duplicate, and the deputy registrar issuing the license shall immediately forward to the office of the registrar the original copy of the application, together with the duplicate copy of any certificate of completion if issued for purposes of division (B) of this section. The registrar shall prescribe rules as to the manner in which the deputy registrar files and maintains the applications and other records. The registrar shall file every application for a driver's or commercial driver's license and index them by name and number, and shall maintain a suitable record of all licenses issued, all convictions and bond forfeitures, all applications for licenses denied, and all licenses that have been suspended or canceled. 239790
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(F) For purposes of section 2313.06 of the Revised Code, the registrar shall maintain accurate and current lists of the residents of each county who are eighteen years of age or older, have been issued, on and after January 1, 1984, driver's or commercial driver's licenses that are valid and current, and would 239803
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be electors if they were registered to vote, regardless of whether 239808
they actually are registered to vote. The lists shall contain the 239809
names, addresses, dates of birth, duration of residence in this 239810
state, citizenship status, and social security numbers, if the 239811
numbers are available, of the licensees, and may contain any other 239812
information that the registrar considers suitable. 239813

(G) Each person under eighteen years of age applying for a 239814
motorcycle operator's endorsement or a restricted license enabling 239815
the applicant to operate a motorcycle shall present satisfactory 239816
evidence of having completed the courses of instruction in the 239817
motorcycle safety and education program described in section 239818
4508.08 of the Revised Code or a comparable course of instruction 239819
administered by a branch of the armed forces of the United States 239820
and completed by the applicant while residing outside this state 239821
for the purpose of being with or near any person serving in the 239822
armed forces of the United States. If the registrar or deputy 239823
registrar then determines that the applicant is entitled to the 239824
endorsement or restricted license, it shall be issued. 239825

(H) No person shall knowingly make a false statement in an 239826
affidavit presented in accordance with division (B)(2) of this 239827
section. 239828

(I) As used in this section, "eligible adult" means any of 239829
the following persons: 239830

(1) A parent, guardian, or custodian of the applicant; 239831

(2) A person over the age of twenty-one who acts in loco 239832
parentis of the applicant and who maintains proof of financial 239833
responsibility with respect to the operation of a motor vehicle 239834
owned by the applicant or with respect to the applicant's 239835
operation of any motor vehicle. 239836

(J) Whoever violates division (H) of this section is guilty 239837
of a minor misdemeanor and shall be fined one hundred dollars. 239838

Sec. 4508.01. As used in this chapter:	239839
(A) "Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country.	239840 239841 239842
(B) "Person with a disability" means a person who, in the opinion of the registrar of motor vehicles, has a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. "Person with a disability" does not mean any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle.	239843 239844 239845 239846 239847 239848 239849 239850 239851 239852 239853 239854
(C) "Driver training school" or "school" means any of the following:	239855 239856
(1) A private business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons to operate or drive motor vehicles, that does any of the following:	239857 239858 239859 239860
(a) Uses public streets or highways to provide training and charges a consideration or tuition for such services;	239861 239862
(b) Provides an online driver education course approved by the director of public safety pursuant to division (A)(2) of section 4508.02 of the Revised Code and charges a consideration or tuition for the course;	239863 239864 239865 239866
(c) Provides an abbreviated driver training course for adults that is approved by the director pursuant to division (F) of	239867 239868

section 4508.02 of the Revised Code and charges a consideration or 239869
tuition for the course. 239870

(2) A lead school district as provided in section 4508.09 of 239871
the Revised Code; 239872

(3) A board of education of a city, exempted village, local, 239873
or joint vocational school district or the governing board of an 239874
educational service center that offers a driver education course 239875
for high school students enrolled in the district or in a district 239876
served by the educational service center. 239877

(D) "Instructor" means any person, whether acting for self as 239878
operator of a driver training school or for such a school for 239879
compensation, who teaches, conducts classes of, gives 239880
demonstrations to, or supervises practice of, persons learning to 239881
operate or drive motor vehicles. 239882

(E) "Lead school district" means a school district, including 239883
a joint vocational school district, designated by the department 239884
of education and workforce as either a vocational education 239885
planning district itself or as responsible for providing primary 239886
vocational education leadership within a vocational education 239887
planning district that is composed of a group of districts. A 239888
"vocational education planning district" is a school district or 239889
group of school districts designated by the department as 239890
responsible for planning and providing vocational education 239891
services to students within the district or group of districts. 239892

Sec. 4511.21. (A) No person shall operate a motor vehicle, 239893
trackless trolley, or streetcar at a speed greater or less than is 239894
reasonable or proper, having due regard to the traffic, surface, 239895
and width of the street or highway and any other conditions, and 239896
no person shall drive any motor vehicle, trackless trolley, or 239897
streetcar in and upon any street or highway at a greater speed 239898
than will permit the person to bring it to a stop within the 239899

assured clear distance ahead. 239900

(B) It is prima-facie lawful, in the absence of a lower limit 239901
declared or established pursuant to this section by the director 239902
of transportation or local authorities, for the operator of a 239903
motor vehicle, trackless trolley, or streetcar to operate the same 239904
at a speed not exceeding the following: 239905

(1)(a) Twenty miles per hour in school zones during school 239906
recess and while children are going to or leaving school during 239907
the opening or closing hours, and when twenty miles per hour 239908
school speed limit signs are erected; except that, on 239909
controlled-access highways and expressways, if the right-of-way 239910
line fence has been erected without pedestrian opening, the speed 239911
shall be governed by division (B)(4) of this section and on 239912
freeways, if the right-of-way line fence has been erected without 239913
pedestrian opening, the speed shall be governed by divisions 239914
(B)(10) and (11) of this section. The end of every school zone may 239915
be marked by a sign indicating the end of the zone. Nothing in 239916
this section or in the manual and specifications for a uniform 239917
system of traffic control devices shall be construed to require 239918
school zones to be indicated by signs equipped with flashing or 239919
other lights, or giving other special notice of the hours in which 239920
the school zone speed limit is in effect. 239921

(b) As used in this section and in section 4511.212 of the 239922
Revised Code, "school" means all of the following: 239923

(i) Any school chartered under section 3301.16 of the Revised 239924
Code; 239925

(ii) Any nonchartered school that during the preceding year 239926
filed with the department of education and workforce in compliance 239927
with rule 3301-35-08 of the Ohio Administrative Code, a copy of 239928
the school's report for the parents of the school's pupils 239929
certifying that the school meets Ohio minimum standards for 239930

nonchartered, nontax-supported schools and presents evidence of 239931
this filing to the jurisdiction from which it is requesting the 239932
establishment of a school zone; 239933

(iii) Any special elementary school that in writing requests 239934
the county engineer of the county in which the special elementary 239935
school is located to create a school zone at the location of that 239936
school. Upon receipt of such a written request, the county 239937
engineer shall create a school zone at that location by erecting 239938
the appropriate signs. 239939

(iv) Any preschool education program operated by an 239940
educational service center that is located on a street or highway 239941
with a speed limit of forty-five miles per hour or more, when the 239942
educational service center in writing requests that the county 239943
engineer of the county in which the program is located create a 239944
school zone at the location of that program. Upon receipt of such 239945
a written request, the county engineer shall create a school zone 239946
at that location by erecting the appropriate signs. 239947

(c) As used in this section, "school zone" means that portion 239948
of a street or highway passing a school fronting upon the street 239949
or highway that is encompassed by projecting the school property 239950
lines to the fronting street or highway, and also includes that 239951
portion of a state highway. Upon request from local authorities 239952
for streets and highways under their jurisdiction and that portion 239953
of a state highway under the jurisdiction of the director of 239954
transportation or a request from a county engineer in the case of 239955
a school zone for a special elementary school, the director may 239956
extend the traditional school zone boundaries. The distances in 239957
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 239958
exceed three hundred feet per approach per direction and are 239959
bounded by whichever of the following distances or combinations 239960
thereof the director approves as most appropriate: 239961

(i) The distance encompassed by projecting the school 239962

building lines normal to the fronting highway and extending a 239963
distance of three hundred feet on each approach direction; 239964

(ii) The distance encompassed by projecting the school 239965
property lines intersecting the fronting highway and extending a 239966
distance of three hundred feet on each approach direction; 239967

(iii) The distance encompassed by the special marking of the 239968
pavement for a principal school pupil crosswalk plus a distance of 239969
three hundred feet on each approach direction of the highway. 239970

Nothing in this section shall be construed to invalidate the 239971
director's initial action on August 9, 1976, establishing all 239972
school zones at the traditional school zone boundaries defined by 239973
projecting school property lines, except when those boundaries are 239974
extended as provided in divisions (B)(1)(a) and (c) of this 239975
section. 239976

(d) As used in this division, "crosswalk" has the meaning 239977
given that term in division (LL)(2) of section 4511.01 of the 239978
Revised Code. 239979

The director may, upon request by resolution of the 239980
legislative authority of a municipal corporation, the board of 239981
trustees of a township, or a county board of developmental 239982
disabilities created pursuant to Chapter 5126. of the Revised 239983
Code, and upon submission by the municipal corporation, township, 239984
or county board of such engineering, traffic, and other 239985
information as the director considers necessary, designate a 239986
school zone on any portion of a state route lying within the 239987
municipal corporation, lying within the unincorporated territory 239988
of the township, or lying adjacent to the property of a school 239989
that is operated by such county board, that includes a crosswalk 239990
customarily used by children going to or leaving a school during 239991
recess and opening and closing hours, whenever the distance, as 239992
measured in a straight line, from the school property line nearest 239993

the crosswalk to the nearest point of the crosswalk is no more 239994
than one thousand three hundred twenty feet. Such a school zone 239995
shall include the distance encompassed by the crosswalk and 239996
extending three hundred feet on each approach direction of the 239997
state route. 239998

(e) As used in this section, "special elementary school" 239999
means a school that meets all of the following criteria: 240000

(i) It is not chartered and does not receive tax revenue from 240001
any source. 240002

(ii) It does not educate children beyond the eighth grade. 240003

(iii) It is located outside the limits of a municipal 240004
corporation. 240005

(iv) A majority of the total number of students enrolled at 240006
the school are not related by blood. 240007

(v) The principal or other person in charge of the special 240008
elementary school annually sends a report to the superintendent of 240009
the school district in which the special elementary school is 240010
located indicating the total number of students enrolled at the 240011
school, but otherwise the principal or other person in charge does 240012
not report any other information or data to the superintendent. 240013

(2) Twenty-five miles per hour in all other portions of a 240014
municipal corporation, except on state routes outside business 240015
districts, through highways outside business districts, and 240016
alleys; 240017

(3) Thirty-five miles per hour on all state routes or through 240018
highways within municipal corporations outside business districts, 240019
except as provided in divisions (B)(4) and (6) of this section; 240020

(4) Fifty miles per hour on controlled-access highways and 240021
expressways within municipal corporations, except as provided in 240022
divisions (B)(12), (13), (14), (15), and (16) of this section; 240023

(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in divisions (B)(9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), and (16) of this section;	240024 240025 240026 240027 240028 240029
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	240030 240031 240032
(7) Fifteen miles per hour on all alleys within the municipal corporation;	240033 240034
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	240035 240036
(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;	240037 240038 240039 240040
(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section;	240041 240042 240043
(11) Fifty-five miles per hour on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(14) and (16) of this section;	240044 240045 240046
(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B)(13) and (14) of this section;	240047 240048 240049
(13) Sixty-five miles per hour on all rural expressways without traffic control signals;	240050 240051
(14) Seventy miles per hour on all rural freeways;	240052
(15) Fifty-five miles per hour on all portions of freeways or	240053

expressways in congested areas as determined by the director and 240054
that are located within a municipal corporation or within an 240055
interstate freeway outerbelt, except as provided in division 240056
(B)(16) of this section; 240057

(16) Sixty-five miles per hour on all portions of freeways or 240058
expressways without traffic control signals in urbanized areas. 240059

(C) It is prima-facie unlawful for any person to exceed any 240060
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 240061
(6), (7), (8), and (9) of this section, or any declared or 240062
established pursuant to this section by the director or local 240063
authorities and it is unlawful for any person to exceed any of the 240064
speed limitations in division (D) of this section. No person shall 240065
be convicted of more than one violation of this section for the 240066
same conduct, although violations of more than one provision of 240067
this section may be charged in the alternative in a single 240068
affidavit. 240069

(D) No person shall operate a motor vehicle, trackless 240070
trolley, or streetcar upon a street or highway as follows: 240071

(1) At a speed exceeding fifty-five miles per hour, except 240072
upon a two-lane state route as provided in division (B)(10) of 240073
this section and upon a highway, expressway, or freeway as 240074
provided in divisions (B)(12), (13), (14), and (16) of this 240075
section; 240076

(2) At a speed exceeding sixty miles per hour upon a two-lane 240077
state route as provided in division (B)(10) of this section and 240078
upon a highway as provided in division (B)(12) of this section; 240079

(3) At a speed exceeding sixty-five miles per hour upon an 240080
expressway as provided in division (B)(13) or upon a freeway as 240081
provided in division (B)(16) of this section, except upon a 240082
freeway as provided in division (B)(14) of this section; 240083

(4) At a speed exceeding seventy miles per hour upon a 240084

freeway as provided in division (B)(14) of this section; 240085

(5) At a speed exceeding the posted speed limit upon a 240086
highway, expressway, or freeway for which the director has 240087
determined and declared a speed limit pursuant to division (I)(2) 240088
or (L)(2) of this section. 240089

(E) In every charge of violation of this section the 240090
affidavit and warrant shall specify the time, place, and speed at 240091
which the defendant is alleged to have driven, and in charges made 240092
in reliance upon division (C) of this section also the speed which 240093
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a 240094
limit declared or established pursuant to, this section declares 240095
is prima-facie lawful at the time and place of such alleged 240096
violation, except that in affidavits where a person is alleged to 240097
have driven at a greater speed than will permit the person to 240098
bring the vehicle to a stop within the assured clear distance 240099
ahead the affidavit and warrant need not specify the speed at 240100
which the defendant is alleged to have driven. 240101

(F) When a speed in excess of both a prima-facie limitation 240102
and a limitation in division (D) of this section is alleged, the 240103
defendant shall be charged in a single affidavit, alleging a 240104
single act, with a violation indicated of both division (B)(1)(a), 240105
(2), (3), (4), (6), (7), (8), or (9) of this section, or of a 240106
limit declared or established pursuant to this section by the 240107
director or local authorities, and of the limitation in division 240108
(D) of this section. If the court finds a violation of division 240109
(B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit 240110
declared or established pursuant to, this section has occurred, it 240111
shall enter a judgment of conviction under such division and 240112
dismiss the charge under division (D) of this section. If it finds 240113
no violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), 240114
or (9) of, or a limit declared or established pursuant to, this 240115
section, it shall then consider whether the evidence supports a 240116

conviction under division (D) of this section. 240117

(G) Points shall be assessed for violation of a limitation 240118
under division (D) of this section in accordance with section 240119
4510.036 of the Revised Code. 240120

(H)(1) Whenever the director determines upon the basis of 240121
criteria established by an engineering study, as defined by the 240122
director, that any speed limit set forth in divisions (B)(1)(a) to 240123
(D) of this section is greater or less than is reasonable or safe 240124
under the conditions found to exist at any portion of a street or 240125
highway under the jurisdiction of the director, the director shall 240126
determine and declare a reasonable and safe prima-facie speed 240127
limit, which shall be effective when appropriate signs giving 240128
notice of it are erected at the location. 240129

(2) Whenever the director determines upon the basis of 240130
criteria established by an engineering study, as defined by the 240131
director, that the speed limit of fifty-five miles per hour on a 240132
two-lane state route outside a municipal corporation is less than 240133
is reasonable or safe under the conditions found to exist at that 240134
portion of the state route, the director may determine and declare 240135
a speed limit of sixty miles per hour for that portion of the 240136
state route, which shall be effective when appropriate signs 240137
giving notice of it are erected at the location. 240138

(3)(a) For purposes of the safe and orderly movement of 240139
traffic upon any portion of a street or highway under the 240140
jurisdiction of the director, the director may establish a 240141
variable speed limit that is different than the speed limit 240142
established by or under this section on all or portions of 240143
interstate six hundred seventy, interstate two hundred 240144
seventy-five, and interstate ninety commencing at the intersection 240145
of that interstate with interstate seventy-one and continuing to 240146
the border of the state of Ohio with the state of Pennsylvania. 240147
The director shall establish criteria for determining the 240148

appropriate use of variable speed limits and shall establish 240149
variable speed limits in accordance with the criteria. The 240150
director may establish variable speed limits based upon the time 240151
of day, weather conditions, traffic incidents, or other factors 240152
that affect the safe speed on a street or highway. The director 240153
shall not establish a variable speed limit that is based on a 240154
particular type or class of vehicle. A variable speed limit 240155
established by the director under this section is effective when 240156
appropriate signs giving notice of the speed limit are displayed 240157
at the location. 240158

(b) Except for variable speed limits established under 240159
division (H)(3)(a) of this section, the director shall establish a 240160
variable speed limit under the authority granted to the director 240161
by this section on not more than two additional highways and only 240162
pursuant to criteria established in rules adopted in accordance 240163
with Chapter 119. of the Revised Code. The rules shall be based on 240164
the criteria described in division (H)(3)(a) of this section. The 240165
rules also shall establish the parameters of any engineering study 240166
necessary for determining when variable speed limits are 240167
appropriate. 240168

(4) Nothing in this section shall be construed to limit the 240169
authority of the director to establish speed limits within a 240170
construction zone as authorized under section 4511.98 of the 240171
Revised Code. 240172

(I)(1) Except as provided in divisions (I)(2), (J), (K), and 240173
(N) of this section, whenever local authorities determine upon the 240174
basis of criteria established by an engineering study, as defined 240175
by the director, that the speed permitted by divisions (B)(1)(a) 240176
to (D) of this section, on any part of a highway under their 240177
jurisdiction, is greater than is reasonable and safe under the 240178
conditions found to exist at such location, the local authorities 240179
may by resolution request the director to determine and declare a 240180

reasonable and safe prima-facie speed limit. Upon receipt of such 240181
request the director may determine and declare a reasonable and 240182
safe prima-facie speed limit at such location, and if the director 240183
does so, then such declared speed limit shall become effective 240184
only when appropriate signs giving notice thereof are erected at 240185
such location by the local authorities. The director may withdraw 240186
the declaration of a prima-facie speed limit whenever in the 240187
director's opinion the altered prima-facie speed limit becomes 240188
unreasonable. Upon such withdrawal, the declared prima-facie speed 240189
limit shall become ineffective and the signs relating thereto 240190
shall be immediately removed by the local authorities. 240191

(2) A local authority may determine on the basis of criteria 240192
established by an engineering study, as defined by the director, 240193
that the speed limit of sixty-five or seventy miles per hour on a 240194
portion of a freeway under its jurisdiction is greater than is 240195
reasonable or safe under the conditions found to exist at that 240196
portion of the freeway. If the local authority makes such a 240197
determination, the local authority by resolution may request the 240198
director to determine and declare a reasonable and safe speed 240199
limit of not less than fifty-five miles per hour for that portion 240200
of the freeway. If the director takes such action, the declared 240201
speed limit becomes effective only when appropriate signs giving 240202
notice of it are erected at such location by the local authority. 240203

(J) Local authorities in their respective jurisdictions may 240204
authorize by ordinance higher prima-facie speeds than those stated 240205
in this section upon through highways, or upon highways or 240206
portions thereof where there are no intersections, or between 240207
widely spaced intersections, provided signs are erected giving 240208
notice of the authorized speed, but local authorities shall not 240209
modify or alter the basic rule set forth in division (A) of this 240210
section or in any event authorize by ordinance a speed in excess 240211
of the maximum speed permitted by division (D) of this section for 240212

the specified type of highway. 240213

Alteration of prima-facie limits on state routes by local 240214
authorities shall not be effective until the alteration has been 240215
approved by the director. The director may withdraw approval of 240216
any altered prima-facie speed limits whenever in the director's 240217
opinion any altered prima-facie speed becomes unreasonable, and 240218
upon such withdrawal, the altered prima-facie speed shall become 240219
ineffective and the signs relating thereto shall be immediately 240220
removed by the local authorities. 240221

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 240222
section, "unimproved highway" means a highway consisting of any of 240223
the following: 240224

(a) Unimproved earth; 240225

(b) Unimproved graded and drained earth; 240226

(c) Gravel. 240227

(2) Except as otherwise provided in divisions (K)(4) and (5) 240228
of this section, whenever a board of township trustees determines 240229
upon the basis of criteria established by an engineering study, as 240230
defined by the director, that the speed permitted by division 240231
(B)(5) of this section on any part of an unimproved highway under 240232
its jurisdiction and in the unincorporated territory of the 240233
township is greater than is reasonable or safe under the 240234
conditions found to exist at the location, the board may by 240235
resolution declare a reasonable and safe prima-facie speed limit 240236
of fifty-five but not less than twenty-five miles per hour. An 240237
altered speed limit adopted by a board of township trustees under 240238
this division becomes effective when appropriate traffic control 240239
devices, as prescribed in section 4511.11 of the Revised Code, 240240
giving notice thereof are erected at the location, which shall be 240241
no sooner than sixty days after adoption of the resolution. 240242

(3)(a) Whenever, in the opinion of a board of township 240243

trustees, any altered prima-facie speed limit established by the 240244
board under this division becomes unreasonable, the board may 240245
adopt a resolution withdrawing the altered prima-facie speed 240246
limit. Upon the adoption of such a resolution, the altered 240247
prima-facie speed limit becomes ineffective and the traffic 240248
control devices relating thereto shall be immediately removed. 240249

(b) Whenever a highway ceases to be an unimproved highway and 240250
the board has adopted an altered prima-facie speed limit pursuant 240251
to division (K)(2) of this section, the board shall, by 240252
resolution, withdraw the altered prima-facie speed limit as soon 240253
as the highway ceases to be unimproved. Upon the adoption of such 240254
a resolution, the altered prima-facie speed limit becomes 240255
ineffective and the traffic control devices relating thereto shall 240256
be immediately removed. 240257

(4)(a) If the boundary of two townships rests on the 240258
centerline of an unimproved highway in unincorporated territory 240259
and both townships have jurisdiction over the highway, neither of 240260
the boards of township trustees of such townships may declare an 240261
altered prima-facie speed limit pursuant to division (K)(2) of 240262
this section on the part of the highway under their joint 240263
jurisdiction unless the boards of township trustees of both of the 240264
townships determine, upon the basis of criteria established by an 240265
engineering study, as defined by the director, that the speed 240266
permitted by division (B)(5) of this section is greater than is 240267
reasonable or safe under the conditions found to exist at the 240268
location and both boards agree upon a reasonable and safe 240269
prima-facie speed limit of less than fifty-five but not less than 240270
twenty-five miles per hour for that location. If both boards so 240271
agree, each shall follow the procedure specified in division 240272
(K)(2) of this section for altering the prima-facie speed limit on 240273
the highway. Except as otherwise provided in division (K)(4)(b) of 240274
this section, no speed limit altered pursuant to division 240275

(K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section:

(a) "Commercial subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway where, for a distance of three hundred feet or more, the frontage is improved with buildings in use for commercial purposes, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with buildings in use for commercial purposes.

(b) "Residential subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with residences or residences and buildings in use for business.

Whenever a board of township trustees finds upon the basis of

criteria established by an engineering study, as defined by the 240307
director, that the prima-facie speed permitted by division (B)(5) 240308
of this section on any part of a highway under its jurisdiction 240309
that is located in a commercial or residential subdivision, except 240310
on highways or portions thereof at the entrances to which 240311
vehicular traffic from the majority of intersecting highways is 240312
required to yield the right-of-way to vehicles on such highways in 240313
obedience to stop or yield signs or traffic control signals, is 240314
greater than is reasonable and safe under the conditions found to 240315
exist at the location, the board may by resolution declare a 240316
reasonable and safe prima-facie speed limit of less than 240317
fifty-five but not less than twenty-five miles per hour at the 240318
location. An altered speed limit adopted by a board of township 240319
trustees under this division shall become effective when 240320
appropriate signs giving notice thereof are erected at the 240321
location by the township. Whenever, in the opinion of a board of 240322
township trustees, any altered prima-facie speed limit established 240323
by it under this division becomes unreasonable, it may adopt a 240324
resolution withdrawing the altered prima-facie speed, and upon 240325
such withdrawal, the altered prima-facie speed shall become 240326
ineffective, and the signs relating thereto shall be immediately 240327
removed by the township. 240328

(L)(1) The director of transportation, based upon an 240329
engineering study, as defined by the director, of a highway, 240330
expressway, or freeway described in division (B)(12), (13), (14), 240331
(15), or (16) of this section, in consultation with the director 240332
of public safety and, if applicable, the local authority having 240333
jurisdiction over the studied highway, expressway, or freeway, may 240334
determine and declare that the speed limit established on such 240335
highway, expressway, or freeway under division (B)(12), (13), 240336
(14), (15), or (16) of this section either is reasonable and safe 240337
or is more or less than that which is reasonable and safe. 240338

(2) If the established speed limit for a highway, expressway, or freeway studied pursuant to division (L)(1) of this section is determined to be more or less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the studied highway, expressway, or freeway, shall determine and declare a reasonable and safe speed limit for that highway, expressway, or freeway.

(M)(1)(a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in accordance with this section.

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in

this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.

(N) The legislative authority of a municipal corporation or township in which a boarding school is located, by resolution or ordinance, may establish a boarding school zone. The legislative authority may alter the speed limit on any street or highway within the boarding school zone and shall specify the hours during which the altered speed limit is in effect. For purposes of determining the boundaries of the boarding school zone, the altered speed limit within the boarding school zone, and the hours the altered speed limit is in effect, the legislative authority shall consult with the administration of the boarding school and with the county engineer or other appropriate engineer, as applicable. A boarding school zone speed limit becomes effective only when appropriate signs giving notice thereof are erected at the appropriate locations.

(O) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C. 101.

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or

nonprofit organization. 240401

(4) "Outerbelt" means a portion of a freeway that is part of 240402
the interstate system and is located in the outer vicinity of a 240403
major municipal corporation or group of municipal corporations, as 240404
designated by the director. 240405

(5) "Rural" means an area outside urbanized areas and outside 240406
of a business or urban district, and areas that extend within 240407
urbanized areas where the roadway characteristics remain mostly 240408
unchanged from those outside the urbanized areas. 240409

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 240410
101. 240411

(7) "Divided" means a roadway having two or more travel lanes 240412
for vehicles moving in opposite directions and that is separated 240413
by a median of more than four feet, excluding turn lanes. 240414

(P)(1) A violation of any provision of this section is one of 240415
the following: 240416

(a) Except as otherwise provided in divisions (P)(1)(b), 240417
(1)(c), (2), and (3) of this section, a minor misdemeanor; 240418

(b) If, within one year of the offense, the offender 240419
previously has been convicted of or pleaded guilty to two 240420
violations of any provision of this section or of any provision of 240421
a municipal ordinance that is substantially similar to any 240422
provision of this section, a misdemeanor of the fourth degree; 240423

(c) If, within one year of the offense, the offender 240424
previously has been convicted of or pleaded guilty to three or 240425
more violations of any provision of this section or of any 240426
provision of a municipal ordinance that is substantially similar 240427
to any provision of this section, a misdemeanor of the third 240428
degree. 240429

(2) If the offender operated a motor vehicle faster than 240430

thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree. Division (P)(2) of this section does not apply if penalties may be imposed under division (P)(1)(b) or (c) of this section.

(3) Notwithstanding division (P)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start

agency, shall stop at least ten feet from the front or rear of the 240462
school bus and shall not proceed until such school bus resumes 240463
motion, or until signaled by the school bus driver to proceed. 240464

It is no defense to a charge under this division that the 240465
school bus involved failed to display or be equipped with an 240466
automatically extended stop warning sign as required by division 240467
(B) of this section. 240468

(B) Every school bus shall be equipped with amber and red 240469
visual signals meeting the requirements of section 4511.771 of the 240470
Revised Code, and an automatically extended stop warning sign of a 240471
type approved by the ~~state board~~ department of education and 240472
workforce, which shall be actuated by the driver of the bus 240473
whenever but only whenever the bus is stopped or stopping on the 240474
roadway for the purpose of receiving or discharging school 240475
children, persons attending programs offered by community boards 240476
of mental health and county boards of developmental disabilities, 240477
or children attending programs offered by head start agencies. A 240478
school bus driver shall not actuate the visual signals or the stop 240479
warning sign in designated school bus loading areas where the bus 240480
is entirely off the roadway or at school buildings when children 240481
or persons attending programs offered by community boards of 240482
mental health and county boards of developmental disabilities are 240483
loading or unloading at curbside or at buildings when children 240484
attending programs offered by head start agencies are loading or 240485
unloading at curbside. The visual signals and stop warning sign 240486
shall be synchronized or otherwise operated as required by rule of 240487
the board. 240488

(C) Where a highway has been divided into four or more 240489
traffic lanes, a driver of a vehicle, streetcar, or trackless 240490
trolley need not stop for a school bus approaching from the 240491
opposite direction which has stopped for the purpose of receiving 240492
or discharging any school child, persons attending programs 240493

offered by community boards of mental health and county boards of 240494
developmental disabilities, or children attending programs offered 240495
by head start agencies. The driver of any vehicle, streetcar, or 240496
trackless trolley overtaking the school bus shall comply with 240497
division (A) of this section. 240498

(D) School buses operating on divided highways or on highways 240499
with four or more traffic lanes shall receive and discharge all 240500
school children, persons attending programs offered by community 240501
boards of mental health and county boards of developmental 240502
disabilities, and children attending programs offered by head 240503
start agencies on their residence side of the highway. 240504

(E) No school bus driver shall start the driver's bus until 240505
after any child, person attending programs offered by community 240506
boards of mental health and county boards of developmental 240507
disabilities, or child attending a program offered by a head start 240508
agency who may have alighted therefrom has reached a place of 240509
safety on the child's or person's residence side of the road. 240510

(F)(1) Whoever violates division (A) of this section may be 240511
fined an amount not to exceed five hundred dollars. A person who 240512
is issued a citation for a violation of division (A) of this 240513
section is not permitted to enter a written plea of guilty and 240514
waive the person's right to contest the citation in a trial but 240515
instead must appear in person in the proper court to answer the 240516
charge. 240517

(2) In addition to and independent of any other penalty 240518
provided by law, the court or mayor may impose upon an offender 240519
who violates this section a class seven suspension of the 240520
offender's driver's license, commercial driver's license, 240521
temporary instruction permit, probationary license, or nonresident 240522
operating privilege from the range specified in division (A)(7) of 240523
section 4510.02 of the Revised Code. When a license is suspended 240524
under this section, the court or mayor shall cause the offender to 240525

deliver the license to the court, and the court or clerk of the 240526
court immediately shall forward the license to the registrar of 240527
motor vehicles, together with notice of the court's action. 240528

(G) As used in this section: 240529

(1) "Head start agency" has the same meaning as in section 240530
3301.32 of the Revised Code. 240531

(2) "School bus," as used in relation to children who attend 240532
a program offered by a head start agency, means a bus that is 240533
owned and operated by a head start agency, is equipped with an 240534
automatically extended stop warning sign of a type approved by the 240535
~~state board of education~~ department, is painted the color and 240536
displays the markings described in section 4511.77 of the Revised 240537
Code, and is equipped with amber and red visual signals meeting 240538
the requirements of section 4511.771 of the Revised Code, 240539
irrespective of whether or not the bus has fifteen or more 240540
children aboard at any time. "School bus" does not include a van 240541
owned and operated by a head start agency, irrespective of its 240542
color, lights, or markings. 240543

Sec. 4511.76. (A) The department of public safety, by and 240544
with the advice of the ~~superintendent of public~~ 240545
~~instruction~~ department of education and workforce, shall adopt and 240546
enforce rules relating to the construction, design, and equipment, 240547
including lighting equipment required by section 4511.771 of the 240548
Revised Code, of all school buses both publicly and privately 240549
owned and operated in this state. 240550

(B) The department of education and workforce, by and with 240551
the advice of the director of public safety, shall adopt and 240552
enforce rules relating to the operation of all vehicles used for 240553
pupil transportation. 240554

(C) No person shall operate a vehicle used for pupil 240555

transportation within this state in violation of the rules of the department of education and workforce or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education and workforce or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section 4511.763 of the Revised Code. The rules may relate to the condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.

(E) A chartered nonpublic school may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions when one of the following applies:

(1) A student's school district of residence has declared the transportation of the student impractical pursuant to section 3327.02 of the Revised Code; or

(2) A student does not live within thirty minutes of the chartered nonpublic school and the student's school district is not required to transport the student under section 3327.01 of the Revised Code.

(F) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education and workforce by rule and that is subject to Chapter 3301-83 of the Administrative Code.

(G) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4709.07. (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that the applicant meets all of the following:

(1) Is at least eighteen years of age;

(2) Has an eighth grade education or an equivalent education as determined by the ~~state board~~ department of education and workforce, or equivalent organization in the state where the applicant resides;

(3) Has graduated with at least one thousand eight hundred hours of training from a board-approved barber school or has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to the hours of study required by this division.

(C) Any applicant who meets all of the requirements of 240618
divisions (A) and (B) of this section may take the barber 240619
examination at the time and place specified by the board. If the 240620
applicant fails to attain at least a seventy-five per cent pass 240621
rate on each part of the examination, the applicant is ineligible 240622
for licensure; however, the applicant may reapply for examination 240623
within ninety days after the date of the release of the 240624
examination scores by paying the required reexamination fee. An 240625
applicant is only required to take that part or parts of the 240626
examination on which the applicant did not receive a score of 240627
seventy-five per cent or higher. If the applicant fails to reapply 240628
for examination within ninety days or fails the second 240629
examination, in order to reapply for examination for licensure the 240630
applicant shall complete an additional course of study of not less 240631
than two hundred hours, in a board-approved barber school. The 240632
board shall provide to an applicant, upon request, a report which 240633
explains the reasons for the applicant's failure to pass the 240634
examination. 240635

(D) The board shall issue a license to practice barbering to 240636
any applicant who, to the satisfaction of the board, meets the 240637
requirements of divisions (A) and (B) of this section, who passes 240638
the required examination, and pays the initial licensure fee. 240639
Every licensed barber shall display the certificate of licensure 240640
in a conspicuous place adjacent to or near the licensed barber's 240641
work chair. 240642

Sec. 4709.10. (A) Each person who desires to obtain a license 240643
to operate a barber school shall apply to the state cosmetology 240644
and barber board, on forms provided by the board. The board shall 240645
issue a barber school license to a person if the board determines 240646
that the person meets and will comply with all of the requirements 240647
of division (B) of this section and pays the required licensure 240648
and inspection fees. 240649

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board;

(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board;

(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.

- (6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule; 240681
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- (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet both of the following: 240684
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- (a) Be at least seventeen years of age; 240689
- (b) Have an eighth grade education, or an equivalent education as determined by the ~~state board~~ department of education and workforce. 240690
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- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 240693
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- (9) Operate in a manner which reflects credit upon the barbering profession; 240696
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- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 240698
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- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 240701
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- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements: 240705
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- (1) Holds a current barber license issued pursuant to this 240710

chapter and has at least eighteen months of work experience in a 240711
licensed barber shop or has been employed as an assistant barber 240712
teacher under the supervision of a licensed barber teacher for at 240713
least one year, unless, for good cause, the board waives this 240714
requirement; 240715

(2) Meets such other requirements as adopted by rule by the 240716
board; 240717

(3) Passes the required examination; and 240718

(4) Pays the required fees. 240719

The board shall only issue an assistant barber teacher 240720
license to a person who holds a current barber license issued 240721
pursuant to this chapter and pays the required fees. 240722

(D) Any person who meets the qualifications of an assistant 240723
teacher pursuant to division (C) of this section, may be employed 240724
as an assistant teacher, provided that within five days after the 240725
commencement of the employment the barber school submits to the 240726
board, on forms provided by the board, the applicant's 240727
qualifications. 240728

Sec. 4713.02. (A) There is hereby created the state 240729
cosmetology and barber board, consisting of all of the following 240730
members appointed by the governor, with the advice and consent of 240731
the senate: 240732

(1) One individual holding a current, valid cosmetologist or 240733
cosmetology instructor license at the time of appointment; 240734

(2) Two individuals holding current, valid cosmetologist 240735
licenses and actively engaged in managing beauty salons for a 240736
period of not less than five years at the time of appointment; 240737

(3) One individual who holds a current, valid independent 240738
contractor license at the time of appointment and practices a 240739
branch of cosmetology; 240740

- (4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school; 240741
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- (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 240744
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- (6) One owner of at least five licensed salons; 240746
- (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 240747
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- (8) One individual representing the general public; 240753
- (9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 240754
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- (10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 240757
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- (11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment; 240761
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240763
- (12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been licensed as a barber or barber teacher in this state for at least five years immediately preceding the individual's appointment. 240764
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- (B) The ~~superintendent of public instruction~~ director of education and workforce shall nominate three individuals for the governor to choose from when making an appointment under division 240768
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(A)(4) of this section. 240771

(C) All members shall be at least twenty-five years of age, 240772
residents of the state, and citizens of the United States. No more 240773
than two members, at any time, shall be graduates of the same 240774
school of cosmetology. Not more than one member shall have a 240775
common financial connection with any school of cosmetology, salon, 240776
barber school, or barber shop. 240777

Terms of office are for five years. Terms shall commence on 240778
the first day of November and end on the thirty-first day of 240779
October. Each member shall hold office from the date of 240780
appointment until the end of the term for which appointed. In case 240781
of a vacancy occurring on the board, the governor shall, in the 240782
same manner prescribed for the regular appointment to the board, 240783
fill the vacancy by appointing a member. Any member appointed to 240784
fill a vacancy occurring prior to the expiration of the term for 240785
which the member's predecessor was appointed shall hold office for 240786
the remainder of such term. Any member shall continue in office 240787
subsequent to the expiration date of the member's term until the 240788
member's successor takes office, or until a period of sixty days 240789
has elapsed, whichever occurs first. Before entering upon the 240790
discharge of the duties of the office of member, each member shall 240791
take, and file with the secretary of state, the oath of office 240792
required by Section 7 of Article XV, Ohio Constitution. 240793

The members of the board shall receive an amount fixed 240794
pursuant to Chapter 124. of the Revised Code per diem for every 240795
meeting of the board which they attend, together with their 240796
necessary expenses, and mileage for each mile necessarily 240797
traveled. 240798

The members of the board shall annually elect, from among 240799
their number, a chairperson and a vice-chairperson. The executive 240800
director appointed pursuant to section 4713.06 of the Revised Code 240801
shall serve as the board's secretary. 240802

(D) The board shall prescribe the duties of its officers and 240803
establish an office within Franklin county. The board shall keep 240804
all records and files at the office and have the records and files 240805
at all reasonable hours open to public inspection in accordance 240806
with section 149.43 of the Revised Code and any rules adopted by 240807
the board in compliance with this state's record retention policy. 240808
The board also shall adopt a seal for the authentication of its 240809
orders, communications, and records. 240810

(E) The governor may remove any member for cause prior to the 240811
expiration of the member's term of office. 240812

(F) Whenever the term "state board of cosmetology" is used, 240813
referred to, or designated in statute, rule, contract, grant, or 240814
other document, the use, reference, or designation shall be deemed 240815
to mean the "state cosmetology and barber board" or the executive 240816
director of the state cosmetology and barber board, whichever is 240817
appropriate in context. Whenever the term "barber board" is used, 240818
referred to, or designated in statute, rule, contract, grant, or 240819
other document, the use, reference, or designation shall be deemed 240820
to mean the "state cosmetology and barber board" or the executive 240821
director of the state cosmetology and barber board, whichever is 240822
appropriate in context. 240823

Sec. 4732.10. (A) The state board of psychology shall appoint 240824
an entrance examiner who shall determine the sufficiency of an 240825
applicant's qualifications for admission to the appropriate 240826
examination. A member of the board or the executive director may 240827
be appointed as the entrance examiner. 240828

(B) Requirements for admission to examination for a 240829
psychologist license shall be that the applicant: 240830

(1) Is at least twenty-one years of age; 240831

(2) Meets one of the following requirements: 240832

(a) Received an earned doctoral degree from an institution	240833
accredited or recognized by a national or regional accrediting	240834
agency and a program accredited by any of the following:	240835
(i) The American psychological association, office of program	240836
consultation and accreditation;	240837
(ii) The accreditation office of the Canadian psychological	240838
association;	240839
(iii) A program listed by the association of state and	240840
provincial psychology boards/national register designation	240841
committee;	240842
(iv) The national association of school psychologists.	240843
(b) Received an earned doctoral degree in psychology or	240844
school psychology from an institution accredited or recognized by	240845
a national or regional accrediting agency but the program does not	240846
meet the program accreditation requirements of division (B)(2)(a)	240847
of this section;	240848
(c) Received from an academic institution outside of the	240849
United States or Canada a degree determined, under rules adopted	240850
by the board under division (F) of this section, to be equivalent	240851
to a doctoral degree in psychology from a program described in	240852
division (B)(2)(a) of this section;	240853
(d) Held a psychologist license, certificate, or registration	240854
required for practice in another United States or Canadian	240855
jurisdiction for a minimum of ten years and meets educational,	240856
experience, and professional requirements established under rules	240857
adopted by the board.	240858
(3) Has had at least two years of supervised professional	240859
experience in psychological work of a type satisfactory to the	240860
board, at least one year of which must be a predoctoral	240861
internship. The board shall adopt guidelines for the kind of	240862

supervised professional experience that fulfill this requirement. 240863

(4) If applying under division (B)(2)(b) or (c) of this 240864
section, has had at least two years of supervised professional 240865
experience in psychological work of a type satisfactory to the 240866
board, at least one year of which must be postdoctoral. The board 240867
shall adopt guidelines for the kind of supervised professional 240868
experience that fulfill this requirement. 240869

(C) Requirements for admission to examination for an 240870
independent school psychologist license shall be that the 240871
applicant: 240872

(1) Has received from an educational institution accredited 240873
or recognized by national or regional accrediting agencies as 240874
maintaining satisfactory standards, including those approved by 240875
the state board of education for the training of independent 240876
school psychologists, at least a master's degree in school 240877
psychology, or a degree considered equivalent by the board; 240878

(2) Is at least twenty-one years of age; 240879

(3) Has completed at least sixty quarter hours, or the 240880
semester hours equivalent, at the graduate level, of accredited 240881
study in course work relevant to the study of school psychology; 240882

(4) Has completed an internship in an educational institution 240883
approved by the ~~Ohio~~ department of education and workforce for 240884
school psychology supervised experience or one year of other 240885
training experience acceptable to the board, such as supervised 240886
professional experience under the direction of a licensed 240887
psychologist, licensed independent school psychologist, or 240888
licensed school psychologist; 240889

(5) Furnishes proof of at least twenty-seven months, 240890
exclusive of internship, of full-time experience as a certificated 240891
school psychologist employed by a board of education or a private 240892
school meeting the standards prescribed by the ~~state board~~ 240893

director of education and workforce, or of experience that the board deems equivalent. 240894
240895

(D) Requirements for admission to examination for a school psychologist shall be that the applicant: 240896
240897

(1) Has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, including those approved by the state board of education for the training of school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the board; 240898
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(2) Is at least twenty-one years of age; 240904

(3) Has completed a nine month, full-time internship in an approved school setting as described in rules adopted by the board. 240905
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(E) If the entrance examiner finds that the applicant meets the requirements set forth in this section, the applicant shall be admitted to the appropriate examination. 240908
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(F) The board shall adopt under Chapter 119. of the Revised Code rules for determining for the purposes of division (B)(2)(c) of this section whether a degree is equivalent to a degree in psychology from an institution in the United States. 240911
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Sec. 4735.09. (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the 240915
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applicant is honest and truthful, and has not been finally 240924
adjudged by a court to have violated any municipal, state, or 240925
federal civil rights laws relevant to the protection of purchasers 240926
or sellers of real estate, which conviction or adjudication the 240927
applicant has not disclosed to the superintendent, and 240928
recommending that the applicant be admitted to the real estate 240929
salesperson examination. 240930

(B) A fee of eighty-one dollars shall accompany the 240931
application, which fee includes the fee for the initial year of 240932
the licensing period, if a license is issued. The initial year of 240933
the licensing period commences at the time the license is issued 240934
and ends on the applicant's first birthday thereafter. The 240935
application fee shall be nonrefundable. A fee of eighty-one 240936
dollars shall be charged by the superintendent for each successive 240937
application made by the applicant. One dollar of each application 240938
fee shall be credited to the real estate education and research 240939
fund. 240940

(C) There shall be no limit placed on the number of times an 240941
applicant may retake the examination. 240942

(D) The superintendent, with the consent of the commission, 240943
may enter into an agreement with a recognized national testing 240944
service to administer the real estate salesperson's examination 240945
under the superintendent's supervision and control, consistent 240946
with the requirements of this chapter as to the contents of the 240947
examination. 240948

If the superintendent, with the consent of the commission, 240949
enters into an agreement with a national testing service to 240950
administer the real estate salesperson's examination, the 240951
superintendent may require an applicant to pay the testing 240952
service's examination fee directly to the testing service. If the 240953
superintendent requires the payment of the examination fee 240954

directly to the testing service, each applicant shall submit to 240955
the superintendent a processing fee in an amount determined by the 240956
Ohio real estate commission pursuant to division (A)(1) of section 240957
4735.10 of the Revised Code. 240958

(E) The superintendent shall issue a real estate 240959
salesperson's license when satisfied that the applicant has 240960
received a passing score on each portion of the salesperson's 240961
examination as determined by rule by the real estate commission, 240962
except that the superintendent may waive one or more of the 240963
requirements of this section in the case of an applicant who is a 240964
licensed real estate salesperson in another state pursuant to a 240965
reciprocity agreement with the licensing authority of the state 240966
from which the applicant holds a valid real estate salesperson's 240967
license. 240968

(F) No applicant for a salesperson's license shall take the 240969
salesperson's examination who has not established to the 240970
satisfaction of the superintendent that the applicant: 240971

(1) Is honest and truthful; 240972

(2)(a) Has not been convicted of a disqualifying offense as 240973
determined in accordance with section 9.79 of the Revised Code; 240974

(b) Has not been finally adjudged by a court to have violated 240975
any municipal, state, or federal civil rights laws relevant to the 240976
protection of purchasers or sellers of real estate or, if the 240977
applicant has been so adjudged, at least two years have passed 240978
since the court decision and the superintendent has disregarded 240979
the adjudication because the applicant has proven, by a 240980
preponderance of the evidence, that the applicant is honest and 240981
truthful, and there is no basis in fact for believing that the 240982
applicant again will violate the laws involved. 240983

(3) Has not, during any period in which the applicant was 240984
licensed under this chapter, violated any provision of, or any 240985

rule adopted pursuant to this chapter, or, if the applicant has 240986
violated such provision or rule, has established to the 240987
satisfaction of the superintendent that the applicant will not 240988
again violate such provision or rule; 240989

(4) Is at least eighteen years of age; 240990

(5) If born after the year 1950, has a high school diploma or 240991
a certificate of high school equivalence issued ~~by the department~~ 240992
~~of education~~ under section 3301.80 of the Revised Code; 240993

(6) Has successfully completed at an institution of higher 240994
education all of the following credit-eligible courses by either 240995
classroom instruction or distance education: 240996

(a) Forty hours of instruction in real estate practice; 240997

(b) Forty hours of instruction that includes the subjects of 240998
Ohio real estate law, municipal, state, and federal civil rights 240999
law, new case law on housing discrimination, desegregation issues, 241000
and methods of eliminating the effects of prior discrimination. If 241001
feasible, the instruction in Ohio real estate law shall be taught 241002
by a member of the faculty of an accredited law school. If 241003
feasible, the instruction in municipal, state, and federal civil 241004
rights law, new case law on housing discrimination, desegregation 241005
issues, and methods of eliminating the effects of prior 241006
discrimination shall be taught by a staff member of the Ohio civil 241007
rights commission who is knowledgeable with respect to those 241008
subjects. The requirements of this division do not apply to an 241009
applicant who is admitted to practice before the supreme court. 241010

(c) Twenty hours of instruction in real estate appraisal; 241011

(d) Twenty hours of instruction in real estate finance. 241012

(G)(1) Successful completion of the instruction required by 241013
division (F)(6) of this section shall be determined by the law in 241014
effect on the date the instruction was completed. 241015

(2) Division (F)(6)(c) of this section does not apply to any 241016
new applicant who holds a valid Ohio real estate appraiser license 241017
or certificate issued prior to the date of application for a real 241018
estate salesperson's license. 241019

(H) Only for noncredit course offerings, an institution of 241020
higher education shall obtain approval from the appropriate state 241021
authorizing entity prior to offering a real estate course that is 241022
designed and marketed as satisfying the salesperson license 241023
education requirements of division (F)(6) of this section. The 241024
state authorizing entity may consult with the superintendent in 241025
reviewing the course for compliance with this section. 241026

(I) Any person who has not been licensed as a real estate 241027
salesperson or broker within a four-year period immediately 241028
preceding the person's current application for the salesperson's 241029
examination shall have successfully completed the prelicensure 241030
instruction required by division (F)(6) of this section within a 241031
ten-year period immediately preceding the person's current 241032
application for the salesperson's examination. 241033

(J) Not earlier than the date of issue of a real estate 241034
salesperson's license to a licensee, but not later than twelve 241035
months after the date of issue of a real estate salesperson 241036
license to a licensee, the licensee shall submit proof 241037
satisfactory to the superintendent, on forms made available by the 241038
superintendent, of the completion of twenty hours of instruction 241039
that shall be completed in schools, seminars, and educational 241040
institutions approved by the commission. The instruction shall 241041
include, but is not limited to, current practices relating to 241042
commercial real estate, property management, short sales, and land 241043
contracts; contract law; federal and state programs; economic 241044
conditions; and fiduciary responsibility. Approval of the 241045
curriculum and providers shall be granted according to rules 241046
adopted pursuant to section 4735.10 of the Revised Code and may be 241047

taken through classroom instruction or distance education. 241048

If proof of completion of the required instruction is not 241049
submitted within twelve months of the date a license is issued 241050
under this section, the licensee's license is suspended 241051
automatically without the taking of any action by the 241052
superintendent. The superintendent immediately shall notify the 241053
broker with whom such salesperson is associated of the suspension 241054
of the salesperson's license. A salesperson whose license has been 241055
suspended under this division shall have twelve months after the 241056
date of the suspension of the salesperson's license to submit 241057
proof of successful completion of the instruction required under 241058
this division. No such license shall be reactivated by the 241059
superintendent until it is established, to the satisfaction of the 241060
superintendent, that the requirements of this division have been 241061
met and that the licensee is in compliance with this chapter. A 241062
licensee's license is revoked automatically without the taking of 241063
any action by the superintendent when the licensee fails to submit 241064
the required proof of completion of the education requirements 241065
under division (I) of this section within twelve months of the 241066
date the license is suspended. 241067

(K) Examinations shall be administered with reasonable 241068
accommodations in accordance with the requirements of the 241069
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 241070
U.S.C. 12189. The contents of an examination shall be consistent 241071
with the classroom instructional requirements of division (F)(6) 241072
of this section. An applicant who has completed the classroom 241073
instructional requirements of division (F)(6) of this section at 241074
the time of application shall be examined no later than twelve 241075
months after the applicant is notified of the applicant's 241076
admission to the examination. 241077

Sec. 4742.02. (A) The ~~state board~~ department of education and 241078

workforce, in conjunction with emergency service providers, shall 241079
develop and implement a program to provide emergency service 241080
telecommunicator training, ~~and shall implement the program not~~ 241081
~~more than one year after the effective date of this section.~~ In 241082
developing the program, the ~~state board~~ department and the 241083
emergency service providers shall accept and consider suggestions 241084
from any political subdivision or other entity, whether located 241085
within or outside of this state, that offers suggestions. The 241086
program shall include all of the following: 241087

(1) A curriculum for a basic course of emergency service 241088
telecommunicator training that conforms to the requirements of 241089
division (A) of section 4742.03 of the Revised Code; 241090

(2) A curriculum for continuing education coursework in 241091
emergency service telecommunicator training that conforms to the 241092
requirements of division (B) of section 4742.03 of the Revised 241093
Code; 241094

(3) Standards and examinations to be used in the program to 241095
certify that a person has successfully completed a basic course 241096
of, or continuing education coursework in, emergency service 241097
telecommunicator training; 241098

(4) Implementation of the training program at vocational 241099
education centers that are approved by the board to offer 241100
vocational education; 241101

(5) The provision at least eight times per year of a basic 241102
course of emergency service telecommunicator training at different 241103
vocational education centers around this state selected to 241104
reasonably accommodate persons requesting the training; 241105

(6) A requirement that any employee of an emergency service 241106
provider may enroll in and complete any course offered under the 241107
program at no charge by the ~~state board~~ department to the employee 241108
or provider. The tuition and materials costs for training such 241109

employees under the program shall be paid from the emergency 241110
service telecommunicator training fund created under division (B) 241111
of this section. 241112

(7) A requirement that space available in each basic course 241113
offered by the ~~state board~~ department shall be allocated on a 241114
priority basis, first to unpaid volunteers of emergency service 241115
providers, second to paid volunteers of such providers, and third 241116
to other persons; 241117

(8) A provision allowing persons who are not employees of 241118
emergency service providers to enroll in any course offered under 241119
the program, on a space-available basis. The ~~state board~~ 241120
department may charge reasonable tuition to such persons to attend 241121
the course. 241122

(B) The emergency service telecommunicator training fund is 241123
hereby established in the state treasury. The ~~state board of~~ 241124
~~education~~ department shall use money in the fund only for the 241125
following purposes: 241126

(1) To develop the emergency service telecommunicator 241127
training program required under division (A) of this section; 241128

(2) To pay the compensation of ~~state board of education~~ 241129
department employees who administer the program and the ~~state~~ 241130
~~board's~~ department's costs of training employees of emergency 241131
service providers at courses offered under the program. 241132

(C) The ~~state board of education~~ department, in accordance 241133
with Chapter 119. of the Revised Code, shall adopt rules necessary 241134
to develop and administer the training program under this section. 241135

Sec. 4742.03. (A) A person may obtain certification as an 241136
emergency service telecommunicator by successfully completing a 241137
basic course of emergency service telecommunicator training that 241138
is conducted by the ~~state board~~ department of education and 241139

<u>workforce</u> under section 4742.02 of the Revised Code. The basic	241140
course of emergency service telecommunicator training shall	241141
include, but not be limited to, both of the following:	241142
(1) At least forty hours of instruction or training;	241143
(2) Instructional or training units in all of the following	241144
subjects:	241145
(a) The role of the emergency service telecommunicator;	241146
(b) Effective communication skills;	241147
(c) Emergency service telecommunicator liability;	241148
(d) Telephone techniques;	241149
(e) Requirements of the "Americans With Disabilities Act of	241150
1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that pertain to	241151
emergency service telecommunicators;	241152
(f) Handling hysterical and suicidal callers;	241153
(g) Informing individuals who call about an apparent drug	241154
overdose about the immunity from prosecution for a minor drug	241155
possession offense created by section 2925.11 of the Revised Code;	241156
(h) Law enforcement terminology;	241157
(i) Fire service terminology;	241158
(j) Emergency medical service terminology;	241159
(k) Emergency call processing guides for law enforcement;	241160
(l) Emergency call processing guides for fire service;	241161
(m) Emergency call processing guides for emergency medical	241162
service;	241163
(n) Radio broadcast techniques;	241164
(o) Disaster planning;	241165
(p) Police officer survival, fire or emergency medical	241166

service scene safety, or both police officer survival and fire or 241167
emergency medical service scene safety. 241168

(B) A person may maintain certification as an emergency 241169
service telecommunicator by successfully completing at least eight 241170
hours of continuing education coursework in emergency service 241171
telecommunicator training during each two-year period after a 241172
person first obtains the certification referred to in division (A) 241173
of this section. The continuing education coursework shall consist 241174
of review and advanced training and instruction in the subjects 241175
listed in division (A)(2) of this section. 241176

(C) If a person successfully completes the basic course of 241177
emergency service telecommunicator training described in division 241178
(A) of this section, the ~~state board of education~~ department or a 241179
the department's designee ~~of the board~~ shall certify the person's 241180
successful completion. The ~~board~~ department shall send a copy of 241181
the certification to the person and to the emergency service 241182
provider by whom the person is employed. 241183

If a person successfully completes the continuing education 241184
coursework described in division (B) of this section, the ~~state~~ 241185
~~board of education or a designee of the board~~ department shall 241186
certify the person's successful completion. The ~~board~~ department 241187
shall send a copy of the certification to the person and to the 241188
emergency service provider by whom the person is employed. 241189

Sec. 4742.05. (A) A career school that holds a valid 241190
certificate of registration from the state board of career 241191
colleges and schools may apply to the ~~state board~~ department of 241192
education and workforce for certification of a basic course of 241193
emergency service telecommunicator training or of continuing 241194
education coursework in emergency service telecommunicator 241195
training. The ~~state board of education~~ department shall prescribe 241196
the form of the application. 241197

(B) Upon receipt of an application, the ~~state board of~~ 241198
~~education department~~ shall review it and consider whether the 241199
proposed course or coursework meets the requirements of division 241200
(A) or (B) of section 4742.03 of the Revised Code concerning 241201
course length and content. If the proposed course or coursework 241202
meets those requirements, the ~~state board of education~~ department 241203
shall issue a certification of that fact to the career school. 241204
Inclusion of on-site verifiable electronic training as part of a 241205
proposed basic or continuing education course shall not be a 241206
reason for the ~~state board~~ department to deny certification. 241207

(C) If, after receiving a certification from the ~~state board~~ 241208
~~of education~~ department under this section, the career school 241209
changes the approved course or coursework, the prior certification 241210
is canceled and the career school shall apply to the ~~state board~~ 241211
~~of education~~ department for certification of the changed course or 241212
coursework. 241213

Sec. 4742.06. (A) A person may obtain certification as an 241214
emergency service telecommunicator by successfully completing a 241215
basic course of emergency service telecommunicator training that 241216
is conducted by a career school that has obtained certification of 241217
that course from the ~~state board~~ department of education and 241218
workforce under section 4742.05 of the Revised Code. If a person 241219
successfully completes the course, the career school shall certify 241220
the person's successful completion. 241221

(B) A person may maintain certification as an emergency 241222
service telecommunicator by successfully completing continuing 241223
education coursework in emergency service telecommunicator 241224
training that is conducted by a career school that has obtained 241225
certification of that coursework from the ~~state board of education~~ 241226
department under section 4742.05 of the Revised Code. If a person 241227
successfully completes the coursework, the career school shall 241228

certify the person's successful completion. 241229

(C) Upon certification of a person's successful completion 241230
under division (A) or (B) of this section, the career school shall 241231
send a copy of the certification to the person and to the 241232
emergency service provider that employs the person. 241233

(D) Tuition and materials costs for a person enrolled in a 241234
certified basic or continuing education course conducted by a 241235
career school shall be paid by the person, an emergency service 241236
provider, or any other entity on behalf of the person or an 241237
emergency service provider. 241238

Sec. 4742.07. The ~~state board~~ department of education and 241239
workforce and any emergency service provider or career school that 241240
certifies emergency service telecommunicators shall comply with 241241
section 4776.20 of the Revised Code. 241242

Sec. 4743.03. No board, commission, or agency created under 241243
or by virtue of Title 47 of the Revised Code shall restrict entry 241244
into any occupation, profession, or trade under its supervision or 241245
regulation by: 241246

(A) Unreasonably restricting the number of schools or other 241247
institutions it certifies or accredits for the purpose of 241248
fulfilling educational or training requirements for such 241249
occupation, profession, or trade; 241250

(B) Denying certification or accreditation for the purpose of 241251
fulfilling such educational or training requirements to any 241252
school, college, or other educational institution that has been 241253
certified by the ~~Ohio board~~ chancellor of ~~regents~~ higher education 241254
or the state board of career colleges and schools or to a high 241255
school for which the ~~state board~~ director of education and 241256
workforce prescribes minimum standards under division (D) of 241257
section 3301.07 of the Revised Code, unless the educational or 241258

training program offered by such school, college, or institution 241259
is not in substantial compliance with applicable standards of the 241260
occupation, profession, or trade. 241261

(C) Rules of state regulatory boards relevant to age and 241262
level of education required for admission to courses of study 241263
leading to examination and licensing in professions or occupations 241264
controlled by regulatory boards not requiring a technical, 241265
associate, or baccalaureate degree shall not apply to vocational 241266
education programs conducted in the public schools where such 241267
vocational education programs in all other respects meet the 241268
minimum standards and requirements of any regulatory board and 241269
students completing such programs are of the minimum age required 241270
for examination and licensing for the purpose of practicing 241271
professions or occupations controlled by regulatory boards. 241272

Nothing in this section shall prohibit a board, commission, 241273
or agency from prescribing and enforcing educational and training 241274
requirements and standards for certification and accreditation of 241275
schools and other institutions that constitute reasonable bases 241276
for maintaining necessary standards of performance in any 241277
occupation, profession, or trade. 241278

Sec. 4747.10. Each person currently engaged in training to 241279
become a licensed hearing aid dealer or fitter shall apply to the 241280
state speech and hearing professionals board for a hearing aid 241281
dealer's and fitter's trainee permit. The board shall issue to 241282
each applicant within thirty days of receipt of a properly 241283
completed application and payment of an application fee set by the 241284
board in rules adopted under section 4747.04 of the Revised Code, 241285
a trainee permit if such applicant meets all of the following 241286
criteria: 241287

(A) Is at least eighteen years of age; 241288

(B) Is the holder of a diploma from an accredited high school 241289

or a certificate of high school equivalence issued by the 241290
~~department of education~~ under section 3301.80 of the Revised Code; 241291

(C) Is free of contagious or infectious disease. 241292

The board shall not deny a trainee permit issued under this 241293
section to any individual based on the individual's past criminal 241294
history unless the denial is in accordance with section 9.79 of 241295
the Revised Code. 241296

In considering a renewal of an individual's trainee permit, 241297
the board shall not consider any conviction or plea of guilty 241298
prior to the issuance of the initial trainee permit. However, the 241299
board may consider a conviction or plea of guilty if it occurred 241300
after the individual was initially granted the trainee permit, or 241301
after the most recent trainee permit renewal. The board shall 241302
comply with Chapter 119. of the Revised Code when denying an 241303
individual for a trainee permit or renewal. Additionally, the 241304
board may grant an individual a conditional trainee permit that 241305
lasts for one year. After the one-year period has expired, the 241306
permit is no longer considered conditional, and the individual 241307
shall be considered to be granted a full trainee permit. 241308

Each trainee permit issued by the board expires one year from 241309
the date it was first issued, and may be renewed once if the 241310
trainee has not successfully completed the qualifying requirements 241311
for licensing as a hearing aid dealer or fitter before the 241312
expiration date of such permit. The board shall issue a renewed 241313
permit to each applicant upon receipt of a properly completed 241314
application and payment of a renewal fee set by the board in rules 241315
adopted under section 4747.04 of the Revised Code. No person 241316
holding a trainee permit shall engage in the practice of dealing 241317
in or fitting of hearing aids except while under supervision by a 241318
licensed hearing aid dealer or fitter. 241319

Sec. 4757.41. (A) This chapter shall not apply to the 241320

following: 241321

(1) A person certified by the state board of education under 241322
Chapter 3319. of the Revised Code while performing any services 241323
within the person's scope of employment by a board of education or 241324
by a private school meeting the standards prescribed by the ~~state~~ 241325
~~board~~ director of education and workforce under division (D) of 241326
section 3301.07 of the Revised Code or in a program operated under 241327
Chapter 5126. of the Revised Code for training individuals with 241328
developmental disabilities; 241329

(2) Psychologists, independent school psychologists, or 241330
school psychologists licensed under Chapter 4732. of the Revised 241331
Code; 241332

(3) Members of other professions licensed, certified, or 241333
registered by this state while performing services within the 241334
recognized scope, standards, and ethics of their respective 241335
professions; 241336

(4) Rabbis, priests, Christian science practitioners, clergy, 241337
or members of religious orders and other individuals participating 241338
with them in pastoral counseling when the counseling activities 241339
are within the scope of the performance of their regular or 241340
specialized ministerial duties and are performed under the 241341
auspices or sponsorship of an established and legally cognizable 241342
church, denomination, or sect or an integrated auxiliary of a 241343
church as defined in federal tax regulations, paragraph (g)(5) of 241344
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 241345
service remains accountable to the established authority of that 241346
church, denomination, sect, or integrated auxiliary; 241347

(5) Any person who is not licensed under this chapter as a 241348
licensed professional clinical counselor, licensed professional 241349
counselor, independent social worker, or social worker and is 241350
employed in the civil service as defined in section 124.01 of the 241351

Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) An individual who holds a license or certificate under Chapter 4758. of the Revised Code who is acting within the scope of the individual's license or certificate as a member of the profession of chemical dependency counseling or prevention services;

(8) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as amended;

(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy;

(11) A vocational rehabilitation professional who is providing rehabilitation services to individuals under section 3304.17 of the Revised Code, or holds certification by the

commission on rehabilitation counselor certification and is 241383
providing rehabilitation counseling services consistent with the 241384
commission's standards; 241385

(12) A caseworker not licensed under this chapter as an 241386
independent social worker or social worker who is employed by a 241387
public children services agency under section 5153.112 of the 241388
Revised Code. 241389

(B) Divisions (A)(5) and (10) of this section do not prevent 241390
a person described in those divisions from obtaining a license or 241391
certificate of registration under this chapter. 241392

(C) Except as provided in divisions (A) and (D) of this 241393
section, no employee in the service of the state, including public 241394
employees as defined by Chapter 4117. of the Revised Code, shall 241395
engage in the practice of professional counseling, social work, or 241396
marriage and family therapy without the appropriate license issued 241397
by the board. Failure to comply with this division constitutes 241398
nonfeasance under section 124.34 of the Revised Code or just cause 241399
under a collective bargaining agreement. Nothing in this division 241400
restricts the director of administrative services from developing 241401
new classifications related to this division or from reassigning 241402
affected employees to appropriate classifications based on the 241403
employee's duties and qualifications. 241404

(D) Except as provided in division (A) of this section, an 241405
employee who was engaged in the practice of professional 241406
counseling, social work, or marriage and family therapy in the 241407
service of the state prior to July 10, 2014, including public 241408
employees as defined by Chapter 4117. of the Revised Code, shall 241409
comply with division (C) of this section within two years after 241410
July 10, 2014. Any such employee who fails to comply shall be 241411
removed from employment. 241412

(E) Nothing in this chapter prevents a public children 241413

services agency from employing as a caseworker a person not 241414
licensed under this chapter as an independent social worker or 241415
social worker who has the qualifications specified in section 241416
5153.112 of the Revised Code. 241417

Sec. 4758.61. An individual who holds a valid prevention 241418
specialist assistant certificate or registered applicant 241419
certificate issued under this chapter may engage in the practice 241420
of prevention services under the supervision of any of the 241421
following: 241422

(A) A prevention consultant or prevention specialist 241423
certified under this chapter; 241424

(B) An individual authorized under Chapter 4731. of the 241425
Revised Code to practice medicine and surgery or osteopathic 241426
medicine and surgery; 241427

(C) A psychologist licensed under Chapter 4732. of the 241428
Revised Code; 241429

(D) A registered nurse licensed under Chapter 4723. of the 241430
Revised Code; 241431

(E) A licensed professional clinical counselor, a licensed 241432
professional counselor, an independent social worker, a social 241433
worker, an independent marriage and family therapist, or a 241434
marriage and family therapist licensed under Chapter 4757. of the 241435
Revised Code; 241436

(F) A school counselor licensed by the ~~department~~ state board 241437
of education pursuant to section 3319.22 of the Revised Code; 241438

(G) A health education specialist certified by the national 241439
commission for health education credentialing; 241440

(H) An individual authorized to practice as a certified nurse 241441
practitioner or clinical nurse specialist under Chapter 4723. of 241442
the Revised Code. 241443

Sec. 4779.13. To be eligible for a license to practice pedorthics, an applicant must meet both of the following requirements:

(A) Holds a high school diploma or certificate of high school equivalence issued by the department of education and workforce, or a primary-secondary education or higher education agency of another state;

(B) Has completed the education, training, and experience required to take the certification examination developed by the Ohio occupational therapy, physical therapy, and athletic trainers board for certification in pedorthics or an equivalent successor organization recognized by the board.

Sec. 5101.061. (A) There is hereby established in the department of job and family services the office of human services innovation. The office shall develop recommendations, as described in division (B) of this section, regarding the coordination and reform of state programs to assist the residents of this state in preparing for life and the dignity of work and to promote individual responsibility and work opportunity.

The director of job and family services shall establish the office's organizational structure, may reassign the department's staff and resources as necessary to support the office's activities, and is responsible for the office's operations. The ~~department of education and workforce~~ superintendent of public instruction, chancellor of higher education, and director of the governor's office of workforce transformation shall assist the director of job and family services with leadership and organizational support for the office.

(B) Not later than January 1, 2015, the office shall submit to the governor recommendations for all of the following:

(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty;	241474 241475 241476
(2) Revising incentives for public assistance programs to foster person-centered case management;	241477 241478
(3) Standardizing and automating eligibility determination policies and processes for public assistance programs;	241479 241480
(4) Other matters the office considers appropriate.	241481
(C) Not later than three months after September 15, 2014, the office shall establish clear principles to guide the development of its recommendations, shall identify in detail the problems to be addressed in the recommendations, and shall make an inventory of all state and other resources that the office considers relevant to the recommendations.	241482 241483 241484 241485 241486 241487
(D) The office shall convene the directors and staff of the departments, agencies, offices, boards, commissions, and institutions of the executive branch of the state as necessary to develop the office's recommendations. The departments, agencies, offices, boards, commissions, and institutions shall comply with all requests and directives that the office makes, subject to the supervision of the directors of the departments, agencies, offices, boards, commissions, and institutions. The office also shall convene other individuals interested in the issues that the office addresses in the development of the recommendations to obtain their input on, and support for, the recommendations.	241488 241489 241490 241491 241492 241493 241494 241495 241496 241497 241498
Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members:	241499 241500 241501
(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members	241502 241503

of the same political party. Two of the members must be from 241504
legislative districts that include a county or part of a county 241505
that is among the one-third of counties in this state with the 241506
highest number per capita of households headed by females. 241507

(b) Two members of the senate appointed by the president of 241508
the senate, each from a different political party. One of the 241509
members must be from a legislative district that includes a county 241510
or part of a county that is among the one-third of counties in 241511
this state with the highest number per capita of households headed 241512
by females. 241513

(2) The governor, or the governor's designee; 241514

(3) One representative of the judicial branch of government 241515
appointed by the chief justice of the supreme court; 241516

(4) The directors of health, job and family services, 241517
rehabilitation and correction, mental health and addiction 241518
services, and youth services and the superintendent of public 241519
~~instruction, and education and workforce~~, or their designees; 241520

(5) One representative of the Ohio family and children first 241521
cabinet council created under section 121.37 of the Revised Code 241522
appointed by the chairperson of the council; 241523

(6) Five representatives of the general public appointed by 241524
the governor. These members shall have extensive experience in 241525
issues related to fatherhood. 241526

(B) The appointing authorities of the Ohio commission on 241527
fatherhood shall make initial appointments to the commission 241528
within thirty days after September 29, 1999. Of the initial 241529
appointments to the commission made pursuant to divisions (A)(3), 241530
(5), and (6) of this section, three of the members shall serve a 241531
term of one year and four shall serve a term of two years. Members 241532
so appointed subsequently shall serve two-year terms. A member 241533
appointed pursuant to division (A)(1) of this section shall serve 241534

on the commission until the end of the general assembly from which 241535
the member was appointed or until the member ceases to serve in 241536
the chamber of the general assembly in which the member serves at 241537
the time of appointment, whichever occurs first. The governor or 241538
the governor's designee shall serve on the commission until the 241539
governor ceases to be governor. The directors ~~and superintendent~~ 241540
or their designees shall serve on the commission until they cease, 241541
or the director ~~or superintendent~~ a designee represents ceases, to 241542
be director ~~or superintendent~~. Each member shall serve on the 241543
commission from the date of appointment until the end of the term 241544
for which the member was appointed. Members may be reappointed. 241545

Vacancies shall be filled in the manner provided for original 241546
appointments. Any member appointed to fill a vacancy occurring 241547
prior to the expiration date of the term for which the member's 241548
predecessor was appointed shall serve on the commission for the 241549
remainder of that term. A member shall continue to serve on the 241550
commission subsequent to the expiration date of the member's term 241551
until the member's successor is appointed or until a period of 241552
sixty days has elapsed, whichever occurs first. Members shall 241553
serve without compensation but shall be reimbursed for necessary 241554
expenses. 241555

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the 241556
Revised Code: 241557

(A)(1) "Association" or "institution" includes all of the 241558
following: 241559

(a) Any incorporated or unincorporated organization, society, 241560
association, or agency, public or private, that receives or cares 241561
for children for two or more consecutive weeks; 241562

(b) Any individual, including the operator of a foster home, 241563
who, for hire, gain, or reward, receives or cares for children for 241564
two or more consecutive weeks, unless the individual is related to 241565

them by blood or marriage; 241566

(c) Any individual not in the regular employ of a court, or 241567
of an institution or association certified in accordance with 241568
section 5103.03 of the Revised Code, who in any manner becomes a 241569
party to the placing of children in foster homes, unless the 241570
individual is related to such children by blood or marriage or is 241571
the appointed guardian of such children. 241572

(2) "Association" or "institution" does not include any of 241573
the following: 241574

(a) Any organization, society, association, school, agency, 241575
child guidance center, detention or rehabilitation facility, or 241576
children's clinic licensed, regulated, approved, operated under 241577
the direction of, or otherwise certified by the department of 241578
education and workforce, a local board of education, the 241579
department of youth services, the department of mental health and 241580
addiction services, or the department of developmental 241581
disabilities; 241582

(b) Any individual who provides care for only a single-family 241583
group, placed there by their parents or other relative having 241584
custody; 241585

(c) A private, nonprofit therapeutic wilderness camp; 241586

(d) A qualified organization as defined in section 2151.90 of 241587
the Revised Code. 241588

(B) "Family foster home" means a foster home that is not a 241589
specialized foster home. 241590

(C) "Foster caregiver" means a person holding a valid foster 241591
home certificate issued under section 5103.03 of the Revised Code. 241592

(D) "Foster home" means a private residence in which children 241593
are received apart from their parents, guardian, or legal 241594
custodian, by an individual reimbursed for providing the children 241595

nonsecure care, supervision, or training twenty-four hours a day. 241596
"Foster home" does not include care provided for a child in the 241597
home of a person other than the child's parent, guardian, or legal 241598
custodian while the parent, guardian, or legal custodian is 241599
temporarily away. Family foster homes and specialized foster homes 241600
are types of foster homes. 241601

(E) "Kinship caregiver" has the same meaning as in section 241602
5101.85 of the Revised Code. 241603

(F) "Medically fragile foster home" means a foster home that 241604
provides specialized medical services designed to meet the needs 241605
of children with intensive health care needs who meet all of the 241606
following criteria: 241607

(1) Under rules adopted by the medicaid director governing 241608
medicaid payments for long-term care services, the children 241609
require a skilled level of care. 241610

(2) The children require the services of a doctor of medicine 241611
or osteopathic medicine at least once a week due to the 241612
instability of their medical conditions. 241613

(3) The children require the services of a registered nurse 241614
on a daily basis. 241615

(4) The children are at risk of institutionalization in a 241616
hospital, skilled nursing facility, or intermediate care facility 241617
for individuals with intellectual disabilities. 241618

(G) "Private, nonprofit therapeutic wilderness camp" means a 241619
structured, alternative residential setting for children who are 241620
experiencing emotional, behavioral, moral, social, or learning 241621
difficulties at home or school in which all of the following are 241622
the case: 241623

(1) The children spend the majority of their time, including 241624
overnight, either outdoors or in a primitive structure. 241625

(2) The children have been placed there by their parents or another relative having custody.	241626 241627
(3) The camp accepts no public funds for use in its operations.	241628 241629
(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:	241630 241631 241632 241633 241634
(1) Issue a certificate;	241635
(2) Deny a certificate;	241636
(3) Renew a certificate;	241637
(4) Deny renewal of a certificate;	241638
(5) Revoke a certificate.	241639
(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.	241640 241641
(J) "Resource family" means a foster home or the kinship caregiver family.	241642 241643
(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	241644 241645
(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.	241646 241647 241648 241649 241650 241651 241652
Sec. 5103.08. The department of job and family services may enter into contracts with the department of education <u>and</u>	241653 241654

workforce authorizing the department of job and family services to 241655
administer funds received by the department of education and 241656
workforce under the "State Dependent Care Development Grants Act," 241657
100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling 241658
its duties under such a contract, the department of job and family 241659
services may make grants to or enter into contracts with other 241660
public or private entities. 241661

Sec. 5103.13. (A) As used in this section and section 241662
5103.131 of the Revised Code: 241663

(1)(a) "Children's crisis care facility" means a facility 241664
that has as its primary purpose the provision of residential and 241665
other care to either or both of the following: 241666

(i) One or more preteens voluntarily placed in the facility 241667
by the preteen's parent or other caretaker who is facing a crisis 241668
that causes the parent or other caretaker to seek temporary care 241669
for the preteen and referral for support services; 241670

(ii) One or more preteens placed in the facility by a public 241671
children services agency or private child placing agency that has 241672
legal custody or permanent custody of the preteen and determines 241673
that an emergency situation exists necessitating the preteen's 241674
placement in the facility rather than an institution certified 241675
under section 5103.03 of the Revised Code or elsewhere. 241676

(b) "Children's crisis care facility" does not include any of 241677
the following: 241678

(i) Any organization, society, association, school, agency, 241679
child guidance center, detention or rehabilitation facility, or 241680
children's clinic licensed, regulated, approved, operated under 241681
the direction of, or otherwise certified by the department of 241682
education and workforce, a local board of education, the 241683
department of youth services, the department of mental health and 241684

addiction services, or the department of developmental 241685
disabilities; 241686

(ii) Any individual who provides care for only a 241687
single-family group, placed there by their parents or other 241688
relative having custody; 241689

(iii) Any residential infant care center, as an entity deemed 241690
a residential infant care center under section 5103.602 of the 241691
Revised Code shall no longer be licensed as a children's crisis 241692
care center. 241693

(2) "Legal custody" and "permanent custody" have the same 241694
meanings as in section 2151.011 of the Revised Code. 241695

(3) "Pediatric medical service" means medical service 241696
required to be provided by, or with oversight from, a licensed 241697
medical professional, including prescribing medication, 241698
administering rectal or intravenous medication, and outpatient 241699
laboratory service, and providing for sick visits, on-site well 241700
child exams, and children assisted by medical technology. 241701

(4) "Preteen" means an individual under thirteen years of 241702
age. 241703

(B) No person shall operate a children's crisis care facility 241704
or hold a children's crisis care facility out as a certified 241705
children's crisis care facility unless there is a valid children's 241706
crisis care facility certificate issued under this section for the 241707
facility. 241708

(C)(1) A person seeking to operate a children's crisis care 241709
facility shall apply to the director of job and family services to 241710
obtain a certificate for the facility. 241711

(2)(a) The director shall certify the person's children's 241712
crisis care facility if the facility meets all of the 241713
certification standards established in rules adopted under 241714

division (H) of this section and the person complies with all of 241715
the rules governing the certification of children's crisis care 241716
facilities adopted under that division. The issuance of a 241717
children's crisis care facility certificate does not exempt the 241718
facility from a requirement to obtain another certificate or 241719
license mandated by law. 241720

(b) The director shall not issue a waiver to a person for 241721
compliance with any of the requirements imposed under this section 241722
or any of the rules adopted under division (H) of this section. 241723

(D) No certified children's crisis care facility shall do any 241724
of the following: 241725

(1) Provide residential care to a preteen for more than one 241726
hundred twenty days in a calendar year; 241727

(2) Provide residential care to a preteen for more than 241728
ninety consecutive days, which shall include the aggregate of days 241729
spent at different facility locations if a preteen is transferred 241730
in accordance with division (E)(4) of this section; 241731

(3) Provide residential care to a preteen for more than 241732
fourteen consecutive days if a public children services agency or 241733
private child placing agency placed the preteen in the facility; 241734

(4) Fail to comply with section 2151.86 of the Revised Code. 241735

(E) A certified children's crisis care facility shall do the 241736
following: 241737

(1) Employ a licensed social worker, a licensed independent 241738
social worker, a licensed professional counselor, or a licensed 241739
professional clinical counselor; 241740

(2) Require, if pediatric medical service is provided at the 241741
facility, the following for the provision of pediatric medical 241742
service: 241743

(a) Medical service to be provided by a qualified, licensed, 241744

and insured medical professional; 241745

(b) All staff, volunteers, and interns to comply with the 241746
privacy requirements of the "Health Insurance Portability and 241747
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 241748
42 U.S.C. 1320d et seq., as amended; 241749

(c) If a preteen is admitted by the preteen's parent or 241750
caretaker and if the preteen requires ongoing medical care 241751
following discharge from the facility, a medical professional or 241752
licensed social worker to make the medical professional's or 241753
social worker's best effort to ensure the parent or caretaker is 241754
competent to provide the ongoing care; 241755

(d) The facility to have a dedicated and private enclosed 241756
space for the purpose of a medical professional to receive and 241757
treat patients and that contains a sink or tub, medical exam 241758
table, medical record system, and pediatric medical equipment. 241759

(3) Require, if a preteen is admitted by the preteen's parent 241760
or caretaker, the facility's licensed social worker, licensed 241761
independent social worker, licensed professional counselor, or 241762
licensed professional clinical counselor to make their best 241763
efforts to ensure the parent or caretaker is competent in the 241764
basic parenting skills needed to care for the preteen; 241765

(4) Require only a transfer summary for the transfer of a 241766
preteen from one certified children's crisis care facility 241767
location to another, if the facility has more than one location; 241768

(5) Require the facility to have a dedicated and private 241769
enclosed space for the purpose of completing required admission 241770
paperwork and medical forms; 241771

(6) Require the facility to develop a visitation plan for the 241772
preteen's parent or caretaker with the preteen while residential 241773
care is being provided, which shall occur during awake hours and 241774
not include overnight visits, for the parent or caretaker with the 241775

preteen.	241776
(F) A certified children's crisis care facility may do the following:	241777
	241778
(1) Count administrative staff, interns, and volunteers toward child staff ratios required under paragraph (G) of rule 5101:2-9-36 of the Administrative Code for up to three hours if the administrative staff, interns, or volunteers meet the following requirements:	241779
	241780
	241781
	241782
	241783
(a) Completed training in the mission of the children's crisis care facility;	241784
	241785
(b) Completed training pursuant to rule 5101:2-9-03 of the Administrative Code;	241786
	241787
(c) Are supervised by facility staff.	241788
(2) Use contracted transportation providers, on whom criminal records checks have been conducted in accordance with section 2151.86 of the Revised Code, to transport preteens, if such use is necessary for the facility to maintain required child staff ratios.	241789
	241790
	241791
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	241793
(G) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates or fails to comply with any of the requirements under this section or ceases to meet any of the certification standards established in rules adopted under division (H) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division.	241794
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(H) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of	241803
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children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility.

Sec. 5103.55. A parent of a child attending a private, nonprofit therapeutic wilderness camp is not relieved of the parent's obligations regarding compulsory school attendance pursuant to section 3321.04 or 3321.042 of the Revised Code.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or

administrator that does both of the following: 241835

(1) Uses a framework approved by the director of job and 241836
family services to document formal education, training, 241837
experience, and specialized credentials and certifications; 241838

(2) Allows the child-care staff member or administrator to 241839
achieve a designation as an early childhood professional level 241840
one, two, three, four, five, or six. 241841

(F) "Caretaker parent" means the father or mother of a child 241842
whose presence in the home is needed as the caretaker of the 241843
child, a person who has legal custody of a child and whose 241844
presence in the home is needed as the caretaker of the child, a 241845
guardian of a child whose presence in the home is needed as the 241846
caretaker of the child, and any other person who stands in loco 241847
parentis with respect to the child and whose presence in the home 241848
is needed as the caretaker of the child. 241849

(G) "Chartered nonpublic school" means a school that meets 241850
standards for nonpublic schools prescribed by the ~~state board~~ 241851
director of education and workforce for nonpublic schools pursuant 241852
to section 3301.07 of the Revised Code. 241853

(H) "Child" includes an infant, toddler, preschool-age child, 241854
or school-age child. 241855

(I) "Child care block grant act" means the "Child Care and 241856
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 241857
U.S.C. 9858, as amended. 241858

(J) "Child day camp" means a program in which only school-age 241859
children attend or participate, that operates for no more than 241860
twelve hours per day and no more than fifteen weeks during the 241861
summer. For purposes of this division, the maximum twelve hours of 241862
operation time does not include transportation time from a child's 241863
home to a child day camp and from a child day camp to a child's 241864
home. 241865

(K) "Child care" means all of the following:	241866
(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;	241867 241868 241869
(2) By persons other than their parents, guardians, or custodians;	241870 241871
(3) For part of the twenty-four-hour day;	241872
(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;	241873 241874
(5) By a provider required by this chapter to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.	241875 241876 241877 241878 241879
(L) "Child day-care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child day-care center" and "center" do not include any of the following:	241880 241881 241882 241883 241884
(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured;	241885 241886 241887 241888 241889 241890 241891 241892 241893 241894
(2) A child day camp;	241895

(3) A place that provides care, if all of the following apply:	241896
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(a) An organized religious body provides the care;	241898
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	241899
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(c) The care is not provided for more than thirty days a year;	241902
	241903
(d) The care is provided only for preschool-age and school-age children.	241904
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(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	241906
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(N) "Child care resource and referral services" means all of the following services:	241909
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(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	241911
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(2) Provision of individualized consumer education to families seeking child care;	241914
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(3) Provision of timely referrals of available child care providers to families seeking child care;	241916
	241917
(4) Recruitment of child care providers;	241918
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	241919
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(6) Collection and analysis of data on the supply of and demand for child care in the community;	241923
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(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	241925 241926 241927
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	241928 241929 241930
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	241931 241932
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	241933 241934 241935 241936
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	241937 241938 241939 241940
(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.	241941 241942 241943 241944 241945 241946
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	241947 241948 241949 241950
(Q) "Employee" means a person who either:	241951
(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;	241952 241953 241954

(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

(V) "Income" means gross income, as defined in section

5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded. 241985
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(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements. 241987
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(X) "Infant" means a child who is less than eighteen months of age. 241994
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(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it. 241996
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(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist. 242002
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(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play 242009
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equipment, materials, and supplies. 242016

(BB) "Licensed child care program" means any of the 242017
following: 242018

(1) A child day-care center licensed by the department of job 242019
and family services pursuant to this chapter; 242020

(2) A type A family day-care home or type B family day-care 242021
home licensed by the department of job and family services 242022
pursuant to this chapter; 242023

(3) A licensed preschool program or licensed school child 242024
program. 242025

(CC) "Licensed preschool program" or "licensed school child 242026
program" means a preschool program or school child program, as 242027
defined in section 3301.52 of the Revised Code, that is licensed 242028
by the department of education and workforce pursuant to sections 242029
3301.52 to 3301.59 of the Revised Code. 242030

(DD) "Licensed type B family day-care home" and "licensed 242031
type B home" mean a type B family day-care home for which there is 242032
a valid license issued by the director of job and family services 242033
pursuant to section 5104.03 of the Revised Code. 242034

(EE) "Licensee" means the owner of a child day-care center, 242035
type A family day-care home, or type B family day-care home that 242036
is licensed pursuant to this chapter and who is responsible for 242037
ensuring compliance with this chapter and rules adopted pursuant 242038
to this chapter. 242039

(FF) "Operate a child day camp" means to operate, establish, 242040
manage, conduct, or maintain a child day camp. 242041

(GG) "Owner" includes a person, as defined in section 1.59 of 242042
the Revised Code, or government entity. 242043

(HH) "Parent cooperative child day-care center," "parent 242044
cooperative center," "parent cooperative type A family day-care 242045

home," and "parent cooperative type A home" mean a corporation or 242046
association organized for providing educational services to the 242047
children of members of the corporation or association, without 242048
gain to the corporation or association as an entity, in which the 242049
services of the corporation or association are provided only to 242050
children of the members of the corporation or association, 242051
ownership and control of the corporation or association rests 242052
solely with the members of the corporation or association, and at 242053
least one parent-member of the corporation or association is on 242054
the premises of the center or type A home during its hours of 242055
operation. 242056

(II) "Part-time child day-care center," "part-time center," 242057
"part-time type A family day-care home," and "part-time type A 242058
home" mean a center or type A home that provides child care or 242059
publicly funded child care for not more than four hours a day for 242060
any child or not more than fifteen consecutive weeks per year, 242061
regardless of the number of hours per day. 242062

(JJ) "Place of worship" means a building where activities of 242063
an organized religious group are conducted and includes the 242064
grounds and any other buildings on the grounds used for such 242065
activities. 242066

(KK) "Preschool-age child" means a child who is three years 242067
old or older but is not a school-age child. 242068

(LL) "Protective child care" means publicly funded child care 242069
for the direct care and protection of a child to whom all of the 242070
following apply: 242071

(1) A case plan has been prepared and maintained for the 242072
child pursuant to section 2151.412 of the Revised Code. 242073

(2) The case plan indicates a need for protective care. 242074

(3) The child resides with a parent, stepparent, guardian, or 242075
another person who stands in loco parentis as defined in rules 242076

adopted under section 5104.38 of the Revised Code. 242077

(MM) "Publicly funded child care" means administering to the 242078
needs of infants, toddlers, preschool-age children, and school-age 242079
children under age thirteen during any part of the 242080
twenty-four-hour day by persons other than their caretaker parents 242081
for remuneration wholly or in part with federal or state funds, 242082
including funds available under the child care block grant act, 242083
Title IV-A, and Title XX, distributed by the department of job and 242084
family services. 242085

(NN) "Religious activities" means any of the following: 242086
worship or other religious services; religious instruction; Sunday 242087
school classes or other religious classes conducted during or 242088
prior to worship or other religious services; youth or adult 242089
fellowship activities; choir or other musical group practices or 242090
programs; meals; festivals; or meetings conducted by an organized 242091
religious group. 242092

(OO) "School-age child" means a child who is enrolled in or 242093
is eligible to be enrolled in a grade of kindergarten or above but 242094
is less than fifteen years old or, in the case of a child who is 242095
receiving special needs child care, is less than eighteen years 242096
old. 242097

(PP) "Serious risk noncompliance" means a licensure or 242098
certification rule violation that leads to a great risk of harm 242099
to, or death of, a child, and is observable, not inferable. 242100

(QQ) "Special needs child care" means child care provided to 242101
a child who is less than eighteen years of age and either has one 242102
or more chronic health conditions or does not meet age appropriate 242103
expectations in one or more areas of development, including 242104
social, emotional, cognitive, communicative, perceptual, motor, 242105
physical, and behavioral development and that may include on a 242106
regular basis such services, adaptations, modifications, or 242107

adjustments needed to assist in the child's function or 242108
development. 242109

(RR) "Title IV-A" means Title IV-A of the "Social Security 242110
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 242111

(SS) "Title XX" means Title XX of the "Social Security Act," 242112
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 242113

(TT) "Toddler" means a child who is at least eighteen months 242114
of age but less than three years of age. 242115

(UU) "Type A family day-care home" and "type A home" mean the 242116
permanent residence of the administrator in which child care or 242117
publicly funded child care is provided for seven to twelve 242118
children at one time or a permanent residence of the administrator 242119
in which child care is provided for four to twelve children at one 242120
time if four or more children at one time are under two years of 242121
age. In counting children for the purposes of this division, any 242122
children under six years of age who are related to a licensee, 242123
administrator, or employee and who are on the premises of the type 242124
A home shall be counted. "Type A family day-care home" and "type A 242125
home" do not include any child day camp. 242126

(VV) "Type B family day-care home" and "type B home" mean a 242127
permanent residence of the provider in which care is provided for 242128
one to six children at one time and in which no more than three 242129
children are under two years of age at one time. In counting 242130
children for the purposes of this division, any children under six 242131
years of age who are related to the provider and who are on the 242132
premises of the type B home shall be counted. "Type B family 242133
day-care home" and "type B home" do not include any child day 242134
camp. 242135

Sec. 5104.015. The director of job and family services shall 242136
adopt rules in accordance with Chapter 119. of the Revised Code 242137

governing the operation of child day-care centers, including 242138
parent cooperative centers, part-time centers, and drop-in 242139
centers. The rules shall reflect the various forms of child care 242140
and the needs of children receiving child care or publicly funded 242141
child care and shall include specific rules for school-age child 242142
care centers that are developed in consultation with the 242143
department of education and workforce. The rules shall include the 242144
following: 242145

(A) Submission of a site plan and descriptive plan of 242146
operation to demonstrate how the center proposes to meet the 242147
requirements of this chapter and rules adopted pursuant to this 242148
chapter for the initial license application; 242149

(B) Standards for ensuring that the physical surroundings of 242150
the center are safe and sanitary including the physical 242151
environment, the physical plant, and the equipment of the center; 242152

(C) Standards for the supervision, care, and discipline of 242153
children receiving child care or publicly funded child care in the 242154
center; 242155

(D) Standards for a program of activities, and for play 242156
equipment, materials, and supplies, to enhance the development of 242157
each child; however, any educational curricula, philosophies, and 242158
methodologies that are developmentally appropriate and that 242159
enhance the social, emotional, intellectual, and physical 242160
development of each child shall be permissible. As used in this 242161
division, "program" does not include instruction in religious or 242162
moral doctrines, beliefs, or values that is conducted at child 242163
day-care centers owned and operated by churches and does include 242164
methods of disciplining children at child day-care centers. 242165

(E) Admissions policies and procedures; 242166

(F) Health care policies and procedures, including procedures 242167
for the isolation of children with communicable diseases; 242168

(G) First aid and emergency procedures;	242169
(H) Procedures for discipline and supervision of children;	242170
(I) Standards for the provision of nutritious meals and snacks;	242171 242172
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	242173 242174 242175
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	242176 242177
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	242178 242179 242180 242181
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	242182 242183 242184
(N) Procedures for record keeping, organization, and administration;	242185 242186
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	242187 242188 242189
(P) Inspection procedures;	242190
(Q) Procedures and standards for setting initial license application fees;	242191 242192
(R) Procedures for receiving, recording, and responding to complaints about centers;	242193 242194
(S) Procedures for enforcing section 5104.04 of the Revised Code;	242195 242196
(T) Minimum qualifications for employment as an administrator	242197

or child-care staff member;	242198
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	242199 242200 242201 242202
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	242203 242204 242205 242206
(W) A procedure for reporting of injuries of children that occur at the center;	242207 242208
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	242209 242210 242211
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	242212 242213 242214
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	242215 242216
Sec. 5104.02. (A) The director of job and family services is responsible for licensing child day-care centers, type A family day-care homes, and type B family day-care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child day-care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter.	242217 242218 242219 242220 242221 242222 242223
No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code. The current license	242224 242225 242226 242227

shall be posted in the center or home in a conspicuous place that 242228
is accessible to parents, custodians, or guardians and employees 242229
of the center or home at all times when the center or home is in 242230
operation. 242231

(B) A person, firm, institution, organization, or agency 242232
operating any of the following programs is exempt from the 242233
requirements of this chapter: 242234

(1) A program caring for children that operates for two 242235
consecutive weeks or less and not more than six weeks total in 242236
each calendar year; 242237

(2) Caring for children in places of worship during religious 242238
activities while at least one parent, guardian, or custodian of 242239
each child is participating in such activities and is readily 242240
available; 242241

(3) Supervised training, instruction, or activities of 242242
children in specific areas, including, but not limited to: art; 242243
drama; dance; music; athletic skills or sports; computers; or an 242244
educational subject conducted on an organized or periodic basis 242245
that a child does not attend for more than eight total hours per 242246
week; 242247

(4) Programs in which the director determines that at least 242248
one parent, custodian, or guardian of each child who is not an 242249
employee of the facility engaged in employment duties is on the 242250
premises of the facility that offers care and is readily 242251
accessible at all times; 242252

(5) Programs that provide care and are regulated by state 242253
departments other than the department of job and family services 242254
or the ~~state board~~ department of education and workforce. 242255

(6) Any preschool program or school child program, except a 242256
head start program, that is subject to licensure by the department 242257
of education and workforce under sections 3301.52 to 3301.59 of 242258

the Revised Code. 242259

(7) Any program providing care that meets all of the 242260
following requirements and, on October 20, 1987, was being 242261
operated by a nonpublic school that holds a charter issued ~~by the~~ 242262
~~state board of education~~ under section 3301.16 of the Revised Code 242263
for kindergarten only: 242264

(a) The nonpublic school has given the notice to the state 242265
board of education and the director of job and family services 242266
required by Section 4 of Substitute House Bill No. 253 of the 242267
117th general assembly; 242268

(b) The nonpublic school continues to be chartered by the 242269
~~state board~~ department of education and workforce for 242270
kindergarten, or receives and continues to hold a charter from the 242271
~~state board~~ department for kindergarten through grade five; 242272

(c) The program is conducted in a school building; 242273

(d) The program is operated in accordance with rules 242274
promulgated by the ~~state board~~ department of education and 242275
workforce under section 3301.53 of the Revised Code. 242276

(8) A youth development program operated outside of school 242277
hours to which all of the following apply: 242278

(a) The children enrolled in the program are under nineteen 242279
years of age and enrolled in or eligible to be enrolled in a grade 242280
of kindergarten or above. 242281

(b) The program provides informal care, which is care that 242282
does not require parental signature, permission, or notice for the 242283
child receiving the care to enter or leave the program. 242284

(c) The program provides any of the following supervised 242285
activities: educational, recreational, culturally enriching, 242286
social, and personal development activities. 242287

(d) The entity operating the program is exempt from federal 242288

income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 242289

(9) A preschool program operated by a nonchartered, 242290
nontax-supported school if the preschool program meets all of the 242291
following conditions: 242292

(a) The program complies with state and local health, fire, 242293
and safety laws. 242294

(b) The program annually certifies in a report to the parents 242295
of its pupils that the school is in compliance with division 242296
(B)(9)(a) of this section and files a copy of the report with the 242297
department of job and family services on or before the thirtieth 242298
day of September of each year. 242299

(c) The program complies with all applicable reporting 242300
requirements in the same manner as required by the ~~state board~~ 242301
department of education and workforce for nonchartered, nonpublic 242302
primary and secondary schools. 242303

(d) The program is associated with a nonchartered, 242304
nontax-supported primary or secondary school. 242305

(10) A program that provides activities for children who are 242306
five years of age or older and is operated by a county, township, 242307
municipal corporation, township park district created under 242308
section 511.18 of the Revised Code, park district created under 242309
section 1545.04 of the Revised Code, or joint recreation district 242310
established under section 755.14 of the Revised Code. 242311

Sec. 5104.053. As a precondition of approval by the ~~state~~ 242312
~~board~~ department of education and workforce pursuant to section 242313
3313.813 of the Revised Code for receipt of United States 242314
department of agriculture child and adult care food program funds 242315
established under the "National School Lunch Act," 60 Stat. 230 242316
(1946), 42 U.S.C. 1751, as amended, the provider of child care in 242317
a type B family day-care home that is not licensed by the director 242318

of job and family services shall request an inspection of the type 242319
B home by the fire marshal, who shall inspect the type B home 242320
pursuant to section 3737.22 of the Revised Code to determine that 242321
it is in compliance with rules established pursuant to section 242322
5104.052 of the Revised Code for licensed type B homes. 242323

Sec. 5104.08. (A) There is hereby created in the department 242324
of job and family services a child care advisory council to advise 242325
and assist the department in the administration of this chapter 242326
and in the development of child care. The council shall consist of 242327
twenty-two voting members appointed by the director of job and 242328
family services with the approval of the governor. The director of 242329
job and family services, the director of developmental 242330
disabilities, the director of mental health and addiction 242331
services, the ~~superintendent of public instruction~~ director of 242332
education and workforce, the director of health, the director of 242333
commerce, and the state fire marshal shall serve as nonvoting 242334
members of the council. 242335

Six members shall be representatives of child care centers 242336
subject to licensing, the members to represent a variety of 242337
centers, including nonprofit and proprietary, from different 242338
geographical areas of the state. At least three members shall be 242339
parents, guardians, or custodians of children receiving child care 242340
or publicly funded child care in the child's own home, a center, a 242341
type A home, a head start program, a licensed type B home, or a 242342
type B home at the time of appointment. Three members shall be 242343
representatives of in-home aides, type A homes, licensed type B 242344
homes, or type B homes or head start programs. At least six 242345
members shall represent county departments of job and family 242346
services. The remaining members shall be representatives of the 242347
teaching, child development, and health professions, and other 242348
individuals interested in the welfare of children. At least six 242349
members of the council shall not be employees or licensees of a 242350

child day-care center, head start program, or type A home, or 242351
providers operating a licensed type B home or type B home, or 242352
in-home aides. 242353

Appointments shall be for three-year terms. Vacancies shall 242354
be filled for the unexpired terms. A member of the council is 242355
subject to removal by the director of job and family services for 242356
a willful and flagrant exercise of authority or power that is not 242357
authorized by law, for a refusal or willful neglect to perform any 242358
official duty as a member of the council imposed by law, or for 242359
being guilty of misfeasance, malfeasance, nonfeasance, or gross 242360
neglect of duty as a member of the council. 242361

There shall be two co-chairpersons of the council. One 242362
co-chairperson shall be the director of job and family services or 242363
the director's designee, and one co-chairperson shall be elected 242364
by the members of the council. The council shall meet as often as 242365
is necessary to perform its duties, provided that it shall meet at 242366
least once in each quarter of each calendar year and at the call 242367
of the co-chairpersons. The co-chairpersons or their designee 242368
shall send to each member a written notice of the date, time, and 242369
place of each meeting. 242370

Members of the council shall serve without compensation, but 242371
shall be reimbursed for necessary expenses. 242372

(B) The child care advisory council shall advise the director 242373
on matters affecting the licensing of centers, type A homes, and 242374
type B homes and the certification of in-home aides. The council 242375
shall make an annual report to the director of job and family 242376
services that addresses the availability, affordability, 242377
accessibility, and quality of child care and that summarizes the 242378
recommendations and plans of action that the council has proposed 242379
to the director during the preceding fiscal year. The director of 242380
job and family services shall provide copies of the report to the 242381
governor, speaker and minority leader of the house of 242382

representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public.

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5104.29. (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education and workforce, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;	242413 242414 242415
(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;	242416 242417
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;	242418 242419
(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.	242420 242421 242422
(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.	242423 242424 242425 242426 242427
(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:	242428 242429 242430 242431
(1) Learning and development;	242432
(2) Administration and leadership practices;	242433
(3) Staff quality and professional development;	242434
(4) Family and community partnerships.	242435
(F) The director of job and family services, in collaboration with the superintendent of public instruction <u>director of education and workforce</u> , shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.-	242436 242437 242438 242439 242440

Sec. 5104.30. (A) The department of job and family services 242441

is hereby designated as the state agency responsible for 242442
administration and coordination of federal and state funding for 242443
publicly funded child care in this state. Publicly funded child 242444
care shall be provided to the following: 242445

(1) Recipients of transitional child care as provided under 242446
section 5104.34 of the Revised Code; 242447

(2) Participants in the Ohio works first program established 242448
under Chapter 5107. of the Revised Code; 242449

(3) Individuals who would be participating in the Ohio works 242450
first program if not for a sanction under section 5107.16 of the 242451
Revised Code and who continue to participate in a work activity, 242452
developmental activity, or alternative work activity pursuant to 242453
an assignment under section 5107.42 of the Revised Code; 242454

(4) A family receiving publicly funded child care on October 242455
1, 1997, until the family's income reaches one hundred fifty per 242456
cent of the federal poverty line; 242457

(5) Subject to available funds, other individuals determined 242458
eligible in accordance with rules adopted under section 5104.38 of 242459
the Revised Code. 242460

The department shall apply to the United States department of 242461
health and human services for authority to operate a coordinated 242462
program for publicly funded child care, if the director of job and 242463
family services determines that the application is necessary. For 242464
purposes of this section, the department of job and family 242465
services may enter into agreements with other state agencies that 242466
are involved in regulation or funding of child care. The 242467
department shall consider the special needs of migrant workers 242468
when it administers and coordinates publicly funded child care and 242469
shall develop appropriate procedures for accommodating the needs 242470
of migrant workers for publicly funded child care. 242471

(B) The department of job and family services shall 242472
distribute state and federal funds for publicly funded child care, 242473
including appropriations of state funds for publicly funded child 242474
care and appropriations of federal funds available under the child 242475
care block grant act, Title IV-A, and Title XX. The department may 242476
use any state funds appropriated for publicly funded child care as 242477
the state share required to match any federal funds appropriated 242478
for publicly funded child care. 242479

(C) In the use of federal funds available under the child 242480
care block grant act, all of the following apply: 242481

(1) The department may use the federal funds to hire staff to 242482
prepare any rules required under this chapter and to administer 242483
and coordinate federal and state funding for publicly funded child 242484
care. 242485

(2) Not more than five per cent of the aggregate amount of 242486
the federal funds received for a fiscal year may be expended for 242487
administrative costs. 242488

(3) The department shall allocate and use at least four per 242489
cent of the federal funds for the following: 242490

(a) Activities designed to provide comprehensive consumer 242491
education to parents and the public; 242492

(b) Activities that increase parental choice; 242493

(c) Activities, including child care resource and referral 242494
services, designed to improve the quality, and increase the 242495
supply, of child care; 242496

(d) Establishing the step up to quality program pursuant to 242497
section 5104.29 of the Revised Code. 242498

(4) The department shall ensure that the federal funds will 242499
be used only to supplement, and will not be used to supplant, 242500
federal, state, and local funds available on the effective date of 242501

the child care block grant act for publicly funded child care and 242502
related programs. If authorized by rules adopted by the department 242503
pursuant to section 5104.42 of the Revised Code, county 242504
departments of job and family services may purchase child care 242505
from funds obtained through any other means. 242506

(D) The department shall encourage the development of 242507
suitable child care throughout the state, especially in areas with 242508
high concentrations of recipients of public assistance and 242509
families with low incomes. The department shall encourage the 242510
development of suitable child care designed to accommodate the 242511
special needs of migrant workers. On request, the department, 242512
through its employees or contracts with state or community child 242513
care resource and referral service organizations, shall provide 242514
consultation to groups and individuals interested in developing 242515
child care. The department of job and family services may enter 242516
into interagency agreements with the department of education and 242517
workforce, the chancellor of higher education, the department of 242518
development, and other state agencies and entities whenever the 242519
cooperative efforts of the other state agencies and entities are 242520
necessary for the department of job and family services to fulfill 242521
its duties and responsibilities under this chapter. 242522

The department shall develop and maintain a registry of 242523
persons providing child care. The director shall adopt rules in 242524
accordance with Chapter 119. of the Revised Code establishing 242525
procedures and requirements for the registry's administration. 242526

(E)(1) The director shall adopt rules in accordance with 242527
Chapter 119. of the Revised Code establishing both of the 242528
following: 242529

(a) Reimbursement rates for providers of publicly funded 242530
child care not later than the first day of July in each 242531
odd-numbered year; 242532

(b) A procedure for reimbursing and paying providers of publicly funded child care.	242533 242534
(2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:	242535 242536 242537
(a) Use the information obtained in accordance with 45 C.F.R. 98.45;	242538 242539
(b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;	242540 242541 242542
(c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program.	242543 242544 242545 242546
(3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:	242547 242548 242549
(a) Geographic location of the provider;	242550
(b) Type of care provided;	242551
(c) Age of the child served;	242552
(d) Special needs of the child served;	242553
(e) Whether the expanded hours of service are provided;	242554
(f) Whether weekend service is provided;	242555
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	242556 242557
(h) Any other factors the director considers appropriate.	242558
Sec. 5107.281. A participant of Ohio works first who is enrolled in a school district in a county that is participating in	242559 242560

the learnfare program and is not younger than age six but not 242561
older than age nineteen shall participate in the learnfare program 242562
unless one of the following is the case: 242563

(A) The participant is not yet eligible for enrollment in 242564
first grade; 242565

(B) The participant is subject to the LEAP program; 242566

(C) The participant has received one of the following: 242567

(1) A high school diploma; 242568

(2) A certificate stating that the participant has achieved 242569
the equivalent of a high school education as measured by scores 242570
obtained on a high school equivalency test approved by the 242571
department of education and workforce pursuant to division (B) of 242572
section 3301.80 of the Revised Code. 242573

(D) The participant has been excused from school attendance 242574
pursuant to section 3321.04 or is exempt under section 3321.042 of 242575
the Revised Code; 242576

(E) If child care services for a member of the participant's 242577
household are necessary for the participant to attend school, 242578
child care licensed or certified under Chapter 5104. of the 242579
Revised Code or under sections 3301.52 to 3301.59 of the Revised 242580
Code and transportation to and from the child care are not 242581
available; 242582

(F) The participant has been adjudicated a delinquent or 242583
unruly child pursuant to section 2151.28 of the Revised Code. 242584

Sec. 5107.287. The county department of job and family 242585
services shall establish policies defining "good cause for being 242586
absent from school" and specifying what constitutes a day of 242587
attendance for purposes of the learnfare program's school 242588
attendance requirement. 242589

Not later than the fifteenth day of each month of a school 242590
year or another time agreed to by the county department of job and 242591
family services and ~~state board~~ department of education and 242592
workforce but not later than the thirtieth day of each month, each 242593
attendance officer or assistant appointed under section 3321.14 or 242594
3321.15 of the Revised Code who oversees the attendance of 242595
students enrolled in the school districts of a county that is 242596
participating in the learnfare program shall report to the county 242597
department of job and family services the previous month's school 242598
attendance record of each participating student. The report shall 242599
specify which if any of the participating student's absences are 242600
excused because the absence meets the definition of "good cause 242601
for being absent from school." No absence for which there is good 242602
cause shall be considered in determining whether a participating 242603
student has complied with the learnfare program's school 242604
attendance requirement. 242605

Sec. 5107.40. As used in sections 5107.40 to 5107.69 of the 242606
Revised Code: 242607

(A) "Alternative work activity" means an activity designed to 242608
promote self sufficiency and personal responsibility established 242609
by a county department of job and family services under section 242610
5107.64 of the Revised Code. 242611

(B) "Developmental activity" means an activity designed to 242612
promote self sufficiency and personal responsibility established 242613
by a county department of job and family services under section 242614
5107.62 of the Revised Code. 242615

(C) "Certificate of high school equivalence" means a 242616
certificate attesting to achievement of the equivalent of a high 242617
school education as measured by scores obtained on a high school 242618
equivalency test approved by the department of education and 242619
workforce pursuant to division (B) of section 3301.80 of the 242620

Revised Code. "Certificate of high school equivalence" includes a 242621
certificate of high school equivalence issued prior to January 1, 242622
1994, attesting to the achievement of the equivalent of a high 242623
school education as measured by scores obtained on tests of 242624
general educational development. 242625

(D) "Work activity" means the following: 242626

(1) Unsubsidized employment activities established under 242627
section 5107.60 of the Revised Code; 242628

(2) The subsidized employment program established under 242629
section 5107.52 of the Revised Code; 242630

(3) The work experience program established under section 242631
5107.54 of the Revised Code; 242632

(4) On-the-job training activities established under section 242633
5107.60 of the Revised Code; 242634

(5) The job search and readiness program established under 242635
section 5107.50 of the Revised Code; 242636

(6) Community service activities established under section 242637
5107.60 of the Revised Code; 242638

(7) Vocational educational training activities established 242639
under section 5107.60 of the Revised Code; 242640

(8) Jobs skills training activities established under section 242641
5107.60 of the Revised Code that are directly related to 242642
employment; 242643

(9) Education activities established under section 5107.60 of 242644
the Revised Code that are directly related to employment for 242645
participants of Ohio works first who have not earned a high school 242646
diploma or certificate of high school equivalence; 242647

(10) Education activities established under section 5107.60 242648
of the Revised Code for participants of Ohio works first who have 242649
not completed secondary school or received a certificate of high 242650

school equivalence under which the participants attend a secondary 242651
school or a course of study leading to a certificate of high 242652
school equivalence; 242653

(11) Child-care service activities, including training, 242654
established under section 5107.60 of the Revised Code to aid 242655
another participant of Ohio works first assigned to a community 242656
service activity or other work activity; 242657

(12) The education program established under section 5107.58 242658
of the Revised Code that are operated pursuant to a federal waiver 242659
granted by the United States secretary of health and human 242660
services pursuant to a request made under former section 5101.09 242661
of the Revised Code; 242662

(13) To the extent provided by division (C) of section 242663
5107.30 of the Revised Code, the LEAP program established under 242664
that section. 242665

Sec. 5107.62. County departments of job and family services 242666
shall establish and administer developmental activities for minor 242667
heads of households and adults participating in Ohio works first. 242668
In establishing developmental activities, county departments are 242669
not limited by the restrictions that Title IV-A imposes on work 242670
activities. Developmental activities may be identical or similar 242671
to, or different from, work activities and alternative work 242672
activities. 242673

In accordance with a federal waiver granted by the United 242674
States secretary of health and human services pursuant to a 242675
request made under former section 5101.09 of the Revised Code, a 242676
county department may establish and administer a developmental 242677
activity under which a minor head of household or adult attends a 242678
school, special education program, or adult high school 242679
continuation program that conforms to the minimum standards 242680
prescribed by the ~~state board~~ director of education and workforce 242681

or instructional courses designed to prepare the minor head of household or adult to earn a certificate of high school equivalence. Pursuant to the waiver, a minor head of household or adult assigned to this developmental activity is required to earn a high school diploma, adult education diploma, or certificate of high school equivalence not later than two years after the date the minor head of household or adult is placed in the activity.

Sec. 5120.031. (A) As used in this section: 242689

(1) "Certificate of high school equivalence" means either: 242690

(a) A statement that is issued by the department of education and workforce that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department of education and workforce pursuant to division (B) of section 3301.80 of the Revised Code;

(b) A statement that is issued by a primary-secondary education or higher education agency of another state that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.

(2) "Certificate of adult basic education" means a statement that is issued by the department of rehabilitation and correction through the Ohio central school system approved by the ~~state board~~ department of education and workforce and that indicates that its holder has achieved a 6.0 grade level, or higher, as measured by scores of nationally standardized or recognized tests.

(3) "Deadly weapon" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

(4) "Eligible offender" means a person, other than one who is ineligible to participate in an intensive program prison under the

criteria specified in section 5120.032 of the Revised Code, who 242712
has been convicted of or pleaded guilty to, and has been sentenced 242713
for, a felony. 242714

(5) "Shock incarceration" means the program of incarceration 242715
that is established pursuant to the rules of the department of 242716
rehabilitation and correction adopted under this section. 242717

(B)(1) The director of rehabilitation and correction, by 242718
rules adopted under Chapter 119. of the Revised Code, shall 242719
establish a pilot program of shock incarceration that may be used 242720
for offenders who are sentenced to serve a term of imprisonment 242721
under the custody of the department of rehabilitation and 242722
correction, whom the department determines to be eligible 242723
offenders, and whom the department, subject to the approval of the 242724
sentencing judge, may permit to serve their sentence as a sentence 242725
of shock incarceration in accordance with this section. 242726

(2) The rules for the pilot program shall require that the 242727
program be established at an appropriate state correctional 242728
institution designated by the director and that the program 242729
consist of both of the following for each eligible offender whom 242730
the department, with the approval of the sentencing judge, permits 242731
to serve the eligible offender's sentence as a sentence of shock 242732
incarceration: 242733

(a) A period of imprisonment at that institution of ninety 242734
days that shall consist of a military style combination of 242735
discipline, physical training, and hard labor and substance abuse 242736
education, employment skills training, social skills training, and 242737
psychological treatment. During the ninety-day period, the 242738
department may permit an eligible offender to participate in a 242739
self-help program. Additionally, during the ninety-day period, an 242740
eligible offender who holds a high school diploma or a certificate 242741
of high school equivalence may be permitted to tutor other 242742
eligible offenders in the shock incarceration program. If an 242743

eligible offender does not hold a high school diploma or 242744
certificate of high school equivalence, the eligible offender may 242745
elect to participate in an education program that is designed to 242746
award a certificate of adult basic education or an education 242747
program that is designed to award a certificate of high school 242748
equivalence to those eligible offenders who successfully complete 242749
the education program, whether the completion occurs during or 242750
subsequent to the ninety-day period. To the extent possible, the 242751
department shall use as teachers in the education program persons 242752
who have been issued a license pursuant to sections 3319.22 to 242753
3319.31 of the Revised Code, who have volunteered their services 242754
to the education program, and who satisfy any other criteria 242755
specified in the rules for the pilot project. 242756

(b) Immediately following the ninety-day period of 242757
imprisonment, and notwithstanding any other provision governing 242758
the early release of a prisoner from imprisonment or the transfer 242759
of a prisoner to transitional control, one of the following, as 242760
determined by the director: 242761

(i) An intermediate, transitional type of detention for the 242762
period of time determined by the director and, immediately 242763
following the intermediate, transitional type of detention, a 242764
release under a post-release control sanction imposed in 242765
accordance with section 2967.28 of the Revised Code. The period of 242766
intermediate, transitional type of detention imposed by the 242767
director under this division may be in a halfway house, in a 242768
community-based correctional facility and program or district 242769
community-based correctional facility and program established 242770
under sections 2301.51 to 2301.58 of the Revised Code, or in any 242771
other facility approved by the director that provides for 242772
detention to serve as a transition between imprisonment in a state 242773
correctional institution and release from imprisonment. 242774

(ii) A release under a post-release control sanction imposed 242775

in accordance with section 2967.28 of the Revised Code. 242776

(3) The rules for the pilot program also shall include, but 242777
are not limited to, all of the following: 242778

(a) Rules identifying the locations within the state 242779
correctional institution designated by the director that will be 242780
used for eligible offenders serving a sentence of shock 242781
incarceration; 242782

(b) Rules establishing specific schedules of discipline, 242783
physical training, and hard labor for eligible offenders serving a 242784
sentence of shock incarceration, based upon the offender's 242785
physical condition and needs; 242786

(c) Rules establishing standards and criteria for the 242787
department to use in determining which eligible offenders the 242788
department will permit to serve their sentence of imprisonment as 242789
a sentence of shock incarceration; 242790

(d) Rules establishing guidelines for the selection of 242791
post-release control sanctions for eligible offenders; 242792

(e) Rules establishing procedures for notifying sentencing 242793
courts of the performance of eligible offenders serving their 242794
sentences of imprisonment as a sentence of shock incarceration; 242795

(f) Any other rules that are necessary for the proper conduct 242796
of the pilot program. 242797

(C)(1) If an offender is sentenced to a term of imprisonment 242798
under the custody of the department, if the sentencing court 242799
either recommends the offender for placement in a program of shock 242800
incarceration under this section or makes no recommendation on 242801
placement of the offender, and if the department determines that 242802
the offender is an eligible offender for placement in a program of 242803
shock incarceration under this section, the department may permit 242804
the eligible offender to serve the sentence in a program of shock 242805

incarceration, in accordance with division (I) of section 2929.14 242806
of the Revised Code, with this section, and with the rules adopted 242807
under this section. If the sentencing court disapproves placement 242808
of the offender in a program of shock incarceration, the 242809
department shall not place the offender in any program of shock 242810
incarceration. 242811

If the sentencing court recommends the offender for placement 242812
in a program of shock incarceration and if the department 242813
subsequently places the offender in the recommended program, the 242814
department shall notify the court of the offender's placement in 242815
the recommended program and shall include with the notice a brief 242816
description of the placement. 242817

If the sentencing court recommends placement of the offender 242818
in a program of shock incarceration and the department for any 242819
reason does not subsequently place the offender in the recommended 242820
program, the department shall send a notice to the court 242821
indicating why the offender was not placed in the recommended 242822
program. 242823

If the sentencing court does not make a recommendation on the 242824
placement of an offender in a program of shock incarceration and 242825
if the department determines that the offender is an eligible 242826
offender for placement in a program of that nature, the department 242827
shall screen the offender and determine if the offender is suited 242828
for the program of shock incarceration. If the offender is suited 242829
for the program of shock incarceration, at least three weeks prior 242830
to permitting an eligible offender to serve the sentence in a 242831
program of shock incarceration, the department shall notify the 242832
sentencing court of the proposed placement of the offender in the 242833
program and shall include with the notice a brief description of 242834
the placement. The court shall have ten days from receipt of the 242835
notice to disapprove the placement. If the sentencing court 242836
disapproves of the placement, the department shall not permit the 242837

eligible offender to serve the sentence in a program of shock incarceration. If the judge does not timely disapprove of placement of the offender in the program of shock incarceration, the department may proceed with plans for placement of the offender.

If the department determines that the offender is not eligible for placement in a program of shock incarceration, the department shall not place the offender in any program of shock incarceration.

(2) If the department permits an eligible offender to serve the eligible offender's sentence of imprisonment as a sentence of shock incarceration and the eligible offender does not satisfactorily complete the entire period of imprisonment described in division (B)(2)(a) of this section, the offender shall be removed from the pilot program for shock incarceration and shall be required to serve the remainder of the offender's sentence of imprisonment imposed by the sentencing court as a regular term of imprisonment. If the eligible offender commences a period of post-release control described in division (B)(2)(b) of this section and violates the conditions of that post-release control, the eligible offender shall be subject to the provisions of sections 2929.141, 2967.15, and 2967.28 of the Revised Code regarding violation of post-release control sanctions.

(3) If an eligible offender's stated prison term expires at any time during the eligible offender's participation in the shock incarceration program, the adult parole authority shall terminate the eligible offender's participation in the program and shall issue to the eligible offender a certificate of expiration of the stated prison term.

(D) The director shall keep sentencing courts informed of the performance of eligible offenders serving their sentences of imprisonment as a sentence of shock incarceration, including, but

not limited to, notice of eligible offenders who fail to 242870
satisfactorily complete their entire sentence of shock 242871
incarceration or who satisfactorily complete their entire sentence 242872
of shock incarceration. 242873

(E) Within a reasonable period of time after November 20, 242874
1990, the director shall appoint a committee to search for one or 242875
more suitable sites at which one or more programs of shock 242876
incarceration, in addition to the pilot program required by 242877
division (B)(1) of this section, may be established. The search 242878
committee shall consist of the director or the director's 242879
designee, as chairperson; employees of the department of 242880
rehabilitation and correction appointed by the director; and any 242881
other persons that the director, in the director's discretion, 242882
appoints. In searching for such sites, the search committee shall 242883
give preference to any site owned by the state or any other 242884
governmental entity and to any existing structure that reasonably 242885
could be renovated, enlarged, converted, or remodeled for purposes 242886
of establishing such a program. The search committee shall prepare 242887
a report concerning its activities and, on the earlier of the day 242888
that is twelve months after the first day on which an eligible 242889
offender began serving a sentence of shock incarceration under the 242890
pilot program or January 1, 1992, shall file the report with the 242891
president and the minority leader of the senate, the speaker and 242892
the minority leader of the house of representatives, the members 242893
of the senate who were members of the senate judiciary committee 242894
in the 118th general assembly or their successors, and the members 242895
of the house of representatives who were members of the select 242896
committee to hear drug legislation that was established in the 242897
118th general assembly or their successors. Upon the filing of the 242898
report, the search committee shall terminate. The report required 242899
by this division shall contain all of the following: 242900

(1) A summary of the process used by the search committee in 242901

performing its duties under this division; 242902

(2) A summary of all of the sites reviewed by the search 242903
committee in performing its duties under this division, and the 242904
benefits and disadvantages it found relative to the establishment 242905
of a program of shock incarceration at each such site; 242906

(3) The findings and recommendations of the search committee 242907
as to the suitable site or sites, if any, at which a program of 242908
shock incarceration, in addition to the pilot program required by 242909
division (B)(1) of this section, may be established. 242910

(F) The director periodically shall review the pilot program 242911
for shock incarceration required to be established by division 242912
(B)(1) of this section. The director shall prepare a report 242913
relative to the pilot program and, on the earlier of the day that 242914
is twelve months after the first day on which an eligible offender 242915
began serving a sentence of shock incarceration under the pilot 242916
program or January 1, 1992, shall file the report with the 242917
president and the minority leader of the senate, the speaker and 242918
the minority leader of the house of representatives, the members 242919
of the senate who were members of the senate judiciary committee 242920
in the 118th general assembly or their successors, and the members 242921
of the house of representatives who were members of the select 242922
committee to hear drug legislation that was established in the 242923
118th general assembly or their successors. The pilot program 242924
shall not terminate at the time of the filing of the report, but 242925
shall continue in operation in accordance with this section. The 242926
report required by this division shall include all of the 242927
following: 242928

(1) A summary of the pilot program as initially established, 242929
a summary of all changes in the pilot program made during the 242930
period covered by the report and the reasons for the changes, and 242931
a summary of the pilot program as it exists on the date of 242932
preparation of the report; 242933

- (2) A summary of the effectiveness of the pilot program, in the opinion of the director and employees of the department involved in its operation; 242934
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- (3) An analysis of the total cost of the pilot program, of its cost per inmate who was permitted to serve a sentence of shock incarceration and who served the entire sentence of shock incarceration, and of its cost per inmate who was permitted to serve a sentence of shock incarceration; 242937
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- (4) A summary of the standards and criteria used by the department in determining which eligible offenders were permitted to serve their sentence of imprisonment as a sentence of shock incarceration; 242942
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- (5) A summary of the characteristics of the eligible offenders who were permitted to serve their sentence of imprisonment as a sentence of shock incarceration, which summary shall include, but not be limited to, a listing of every offense of which any such eligible offender was convicted or to which any such eligible offender pleaded guilty and in relation to which the eligible offender served a sentence of shock incarceration, and the total number of such eligible offenders who were convicted of or pleaded guilty to each such offense; 242946
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- (6) A listing of the number of eligible offenders who were permitted to serve a sentence of shock incarceration and who did not serve the entire sentence of shock incarceration, and, to the extent possible, a summary of the length of the terms of imprisonment served by such eligible offenders after they were removed from the pilot program; 242955
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- (7) A summary of the effect of the pilot program on overcrowding at state correctional institutions; 242961
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- (8) To the extent possible, an analysis of the rate of recidivism of eligible offenders who were permitted to serve a 242963
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sentence of shock incarceration and who served the entire sentence 242965
of shock incarceration; 242966

(9) Recommendations as to legislative changes to the pilot 242967
program that would assist in its operation or that could further 242968
alleviate overcrowding at state correctional institutions, and 242969
recommendations as to whether the pilot program should be 242970
expanded. 242971

Sec. 5120.07. (A) There is hereby created the ex-offender 242972
reentry coalition consisting of the following twenty-one members 242973
or their designees: 242974

- (1) The director of rehabilitation and correction; 242975
- (2) The director of aging; 242976
- (3) The director of mental health and addiction services; 242977
- (4) The director of development ~~services~~; 242978
- (5) The ~~superintendent of public instruction~~director of 242979
education and workforce; 242980
- (6) The director of health; 242981
- (7) The director of job and family services; 242982
- (8) The director of developmental disabilities; 242983
- (9) The director of public safety; 242984
- (10) The director of youth services; 242985
- (11) The chancellor of ~~the Ohio board of regents~~ higher 242986
education; 242987
- (12) A representative or member of the governor's staff; 242988
- (13) The executive director of the opportunities for Ohioans 242989
with disabilities agency; 242990
- (14) The director of the department of commerce; 242991

(15) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition; 242992
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(16) The director of veterans services; 242995

(17) An ex-offender appointed by the director of rehabilitation and correction; 242996
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(18) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be the chairperson of the standing committee in the house of representatives that primarily addresses criminal justice matters and the other of whom shall be a member of the minority party in the house of representatives; 242998
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(19) Two members of the senate appointed by the president of the senate, one of whom shall be the chairperson of the standing committee in the senate that primarily addresses criminal justice matters and the other of whom shall be a member of the minority party in the senate. 243004
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(B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition. 243009
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(C) In consultation with persons interested and involved in the reentry of ex-offenders into the community, the members of the coalition shall meet periodically for the purpose of formulating, discussing, and developing policies and practices that facilitate the expansion and improvement of reentry services provided by state and local agencies in the collaborative efforts of those agencies to reintegrate offenders into society while simultaneously maintaining public safety and reducing recidivism in this state. Not later than one year after April 7, 2009, and on or before the same date of each year thereafter, the coalition shall submit to the speaker of the house of representatives and 243012
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the president of the senate a report, including recommendations 243023
for legislative action, the activities of the coalition, and the 243024
barriers affecting the successful reentry of ex-offenders into the 243025
community. The report shall analyze the effects of those barriers 243026
on ex-offenders and on their children and other family members in 243027
various areas, including but not limited to, the following: 243028

- (1) Admission to public and other housing; 243029
- (2) Child support obligations and procedures; 243030
- (3) Parental incarceration and family reunification; 243031
- (4) Social security benefits, veterans' benefits, food 243032
stamps, and other forms of public assistance; 243033
- (5) Employment; 243034
- (6) Education programs and financial assistance; 243035
- (7) Substance abuse and sex offender treatment programs and 243036
financial assistance and mental health services and financial 243037
assistance; 243038
- (8) Civic and political participation; 243039
- (9) Other collateral consequences under the Revised Code or 243040
the Ohio administrative code law that may result from a criminal 243041
conviction. 243042

(D)(1) The report shall also include the following 243043
information: 243044

- (a) Identification of state appropriations for reentry 243045
programs; 243046
- (b) Identification of other funding sources for reentry 243047
programs that are not funded by the state. 243048

(2) The coalition shall gather information about reentry 243049
programs in a repository maintained and made available by the 243050
coalition. Where available, the information shall include the 243051

following:	243052
(a) The amount of funding received;	243053
(b) The number of program participants;	243054
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	243055 243056
(d) The type of post-program tracking that is utilized;	243057
(e) Information about employment rates and recidivism rates of ex-offenders.	243058 243059
Sec. 5120.091. There is hereby created in the state treasury the education services fund. The department of rehabilitation and correction shall deposit into the fund all state revenues it receives from the Ohio department of education <u>and workforce</u> . Any money in the fund shall solely be used to pay educational expenses incurred by the department.	243060 243061 243062 243063 243064 243065
Sec. 5123.022. (A) As used in this section:	243066
(1) "Community employment" means competitive employment that takes place in an integrated setting.	243067 243068
(2) "Competitive employment" means full-time or part-time work in the competitive labor market in which payment is at or above the minimum wage but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by persons who are not disabled.	243069 243070 243071 243072 243073
(3) "Integrated setting" means a setting typically found in the community where individuals with developmental disabilities interact with individuals who do not have disabilities to the same extent that individuals in comparable positions who are not disabled interact with other individuals, including in employment settings in which employees interact with the community through technology.	243074 243075 243076 243077 243078 243079 243080

(B) It is hereby declared to be the policy of this state that employment services for individuals with developmental disabilities be directed at community employment. Every individual with a developmental disability is presumed capable of community employment.

The departments of developmental disabilities, education and workforce, medicaid, job and family services, and mental health and addiction services; the opportunities for Ohioans with disabilities agency; and each other state agency that provides employment services to individuals with developmental disabilities shall implement the policy of this state and ensure that it is followed whenever employment services are provided to individuals with developmental disabilities.

The department of developmental disabilities shall coordinate the actions taken by state agencies to comply with the state's policy. Agencies shall collaborate within their divisions and with each other to ensure that state programs, policies, procedures, and funding support competitive and integrated employment of individuals with developmental disabilities. State agencies shall share information with the department, and the department shall track progress toward full implementation of the policy. The department, in coordination with any task force established by the governor, shall compile data and annually submit to the governor a report on implementation of the policy.

The department and state agencies may adopt rules to implement the state's policy.

(C) The state's policy articulated in this section is intended to promote the right of each individual with a developmental disability to informed choice; however, nothing in this section requires any employer to give preference in hiring to an individual because the individual has a disability.

Sec. 5123.023. (A) The director of developmental disabilities 243112
shall establish an employment first task force consisting of the 243113
departments of developmental disabilities, education and 243114
workforce, medicaid, job and family services, and mental health 243115
and addiction services; and the opportunities for Ohioans with 243116
disabilities agency. The purpose of the task force shall be to 243117
improve the coordination of the state's efforts to address the 243118
needs of individuals with developmental disabilities who seek 243119
community employment as defined in section 5123.022 of the Revised 243120
Code. 243121

(B) The department of developmental disabilities may enter 243122
into interagency agreements with any of the government entities on 243123
the task force. The interagency agreements may specify either or 243124
both of the following: 243125

(1) The roles and responsibilities of the government entities 243126
that are members of the task force, including any money to be 243127
contributed by those entities; 243128

(2) The projects and activities of the task force. 243129

(C) There is hereby created in the state treasury the 243130
employment first taskforce fund. Any money received by the task 243131
force from its members shall be credited to the fund. The 243132
department of developmental disabilities shall use the fund to 243133
support the work of the task force. 243134

Sec. 5123.025. It is hereby declared to be the policy of this 243135
state that individuals with developmental disabilities shall have 243136
access to innovative technology solutions. Technology can ensure 243137
that people with developmental disabilities have increased 243138
opportunities to live, work, and thrive in their homes, 243139
communities, and places of employment through state of the art 243140
planning, innovative technology, and supports that focus on their 243141

talents, interests, and skills. 243142

The departments of developmental disabilities, education and 243143
workforce, medicaid, aging, job and family services, mental health 243144
and addiction services, and transportation; the opportunities for 243145
Ohioans with disabilities agency; and each other state agency that 243146
provides technology services to individuals with developmental 243147
disabilities shall implement the policy of this state and ensure 243148
that it is followed whenever technology services are provided to 243149
individuals with developmental disabilities. 243150

The department of developmental disabilities, in partnership 243151
with the office of innovateohio, shall coordinate the actions 243152
taken by state agencies to comply with the state's policy. 243153
Agencies shall collaborate within their divisions and with each 243154
other to ensure that state programs, policies, procedures, and 243155
funding support the development of access to technology for 243156
individuals with developmental disabilities. State agencies shall 243157
share information with the department, and the department shall 243158
track progress toward full implementation of the policy. The 243159
department, in coordination with the technology first task force 243160
established under section 5123.026 of Revised Code, shall compile 243161
data and annually submit to the governor and lieutenant governor a 243162
report on implementation of the policy. 243163

The department and state agencies may adopt rules to 243164
implement the state's policy. 243165

Sec. 5123.026. (A) The director of developmental disabilities 243166
shall establish a technology first task force consisting of 243167
representatives from the office of innovateohio; the departments 243168
of developmental disabilities, education and workforce, medicaid, 243169
aging, job and family services, mental health and addiction 243170
services, and transportation; and the opportunities for Ohioans 243171

with disabilities agency.	243172
(B) The task force shall do all of the following:	243173
(1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities;	243174 243175 243176
(2) Use technology to reduce the barriers individuals with developmental disabilities experience;	243177 243178
(3) Align policies for all state agencies on the task force.	243179
(C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:	243180 243181 243182 243183
(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities;	243184 243185 243186
(2) The projects and activities of the task force.	243187
(D) The department and state agencies may adopt rules to implement the task force.	243188 243189
Sec. 5123.0423. As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.	243190 243191 243192
The director of developmental disabilities shall request a student data verification code from the independent contractor engaged by the department of education <u>and workforce</u> to create and maintain such codes for school districts and community schools under division (D)(2) of section 3301.0714 of the Revised Code for each child who is receiving services from the state's part C early intervention services program. The director shall request from the parent, guardian, or custodian of the child, or from any other	243193 243194 243195 243196 243197 243198 243199 243200

person who is authorized by law to make decisions regarding the 243201
child's education, the name and address of the child's school 243202
district of residence. The director shall submit the data 243203
verification code for that child to the child's school district of 243204
residence at the time the child ceases to receive services from 243205
the part C early intervention services program. 243206

The director and each school district that receives a data 243207
verification code under this section shall not release that code 243208
to any person except as provided by law. Any document that the 243209
director holds in the director's files that contains both a 243210
child's name or other personally identifiable information and the 243211
child's data verification code is not a public record under 243212
section 149.43 of the Revised Code. 243213

Sec. 5126.04. (A) Each county board of developmental 243214
disabilities shall plan and set priorities based on available 243215
resources for the provision of facilities, programs, and other 243216
services to meet the needs of county residents who are individuals 243217
with developmental disabilities, former residents of the county 243218
residing in state institutions or, before September 29, 2011, 243219
placed under purchase of service agreements under section 5123.18 243220
of the Revised Code, and children subject to a determination made 243221
pursuant to section 121.38 of the Revised Code. 243222

Each county board shall assess the facility and service needs 243223
of the individuals with developmental disabilities who are 243224
residents of the county or former residents of the county residing 243225
in state institutions or, before September 29, 2011, placed under 243226
purchase of service agreements under section 5123.18 of the 243227
Revised Code. 243228

Each county board shall require individual habilitation or 243229
service plans for individuals with developmental disabilities who 243230
are being served or who have been determined eligible for services 243231

and are awaiting the provision of services. Each board shall 243232
ensure that methods of having their service needs evaluated are 243233
available. 243234

(B)(1) If a foster child is in need of assessment for 243235
eligible services or is receiving services from a county board of 243236
developmental disabilities and that child is placed in a different 243237
county, the agency that placed the child, immediately upon 243238
placement, shall inform the county board in the new county all of 243239
the following: 243240

(a) That a foster child has been placed in that county; 243241

(b) The name and other identifying information of the foster 243242
child; 243243

(c) The name of the foster child's previous county of 243244
residence; 243245

(d) That the foster child was in need of assessment for 243246
eligible services or was receiving services from the county board 243247
of developmental disabilities in the previous county. 243248

(2) Upon receiving the notice described in division (B)(1) of 243249
this section or otherwise learning that the child was in need of 243250
assessment for eligible services or was receiving services from a 243251
county board of developmental disabilities in the previous county, 243252
the county board in the new county shall communicate with the 243253
county board of the previous county to determine how services for 243254
the foster child shall be provided in accordance with each board's 243255
plan and priorities as described in division (A) of this section. 243256

If the two county boards are unable to reach an agreement 243257
within ten days of the child's placement, the county board in the 243258
new county shall send notice to the Ohio department of 243259
developmental disabilities of the failure to agree. The department 243260
shall decide how services shall be provided for the foster child 243261
within ten days of receiving notice that the county boards could 243262

not reach an agreement. The department may decide that one, or 243263
both, of the county boards shall provide services. The services 243264
shall be provided in accordance with the board's plan and 243265
priorities as described in division (A) of this section. 243266

(C) The department of developmental disabilities may adopt 243267
rules in accordance with Chapter 119. of the Revised Code as 243268
necessary to implement this section. To the extent that rules 243269
adopted under this section apply to the identification and 243270
placement of children with disabilities under Chapter 3323. of the 243271
Revised Code, the rules shall be consistent with the standards and 243272
procedures established under sections 3323.03 to 3323.05 of the 243273
Revised Code. 243274

(D) The responsibility or authority of a county board to 243275
provide services under this chapter does not affect the 243276
responsibility of any other entity of state or local government to 243277
provide services to individuals with developmental disabilities. 243278

(E) On or before the first day of February prior to a school 243279
year, a county board of developmental disabilities may elect not 243280
to participate during that school year in the provision of or 243281
contracting for educational services for children ages six through 243282
twenty-one years of age, provided that on or before that date the 243283
board gives notice of this election to the ~~superintendent of~~ 243284
~~public instruction~~director of education and workforce, each school 243285
district in the county, and the educational service center serving 243286
the county. If a board makes this election, it shall not have any 243287
responsibility for or authority to provide educational services 243288
that school year for children ages six through twenty-one years of 243289
age. If a board does not make an election for a school year in 243290
accordance with this division, the board shall be deemed to have 243291
elected to participate during that school year in the provision of 243292
or contracting for educational services for children ages six 243293
through twenty-one years of age. 243294

(F) If a county board of developmental disabilities elects to provide educational services during a school year to individuals six through twenty-one years of age who have multiple disabilities, the board may provide these services to individuals who are appropriately identified and determined eligible pursuant to Chapter 3323. of the Revised Code, and in accordance with applicable rules of the ~~state board~~ department of education and workforce. The county board may also provide related services to individuals six through twenty-one years of age who have one or more disabling conditions, in accordance with section 3317.20 and Chapter 3323. of the Revised Code and applicable rules of the ~~state board~~ department of education and workforce.

Sec. 5126.05. (A) Subject to the rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the ~~state board~~ department of education and workforce pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of developmental disabilities shall:

(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;

(2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with developmental disabilities;

(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;

(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and

ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;

(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director of developmental disabilities;

(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.131 of the Revised Code, to the director of developmental disabilities, the ~~superintendent of public instruction~~ director of education and workforce, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;

(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits. A county board may provide benefits through an individual or joint self-insurance program as provided under section 9.833 of the Revised Code.

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;

(10) Implement an employment first policy that clearly identifies community employment as the desired outcome for every individual of working age who receives services from the board;

(11) Set benchmarks for improving community employment outcomes. 243357
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(B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code. 243359
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(C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code. 243364
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(D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code. 243372
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(E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements. 243377
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(F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received 243382
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by gift, grant, devise, or bequest shall be deposited in the 243388
county treasury to the credit of such board and shall be available 243389
for use by the board for purposes determined or stated by the 243390
donor or grantor, but may not be used for personal expenses of the 243391
board members. Any interest or earnings accruing from such gift, 243392
grant, devise, or bequest shall be treated in the same manner and 243393
subject to the same provisions as such gift, grant, devise, or 243394
bequest. 243395

(G) The board of county commissioners shall levy taxes and 243396
make appropriations sufficient to enable the county board of 243397
developmental disabilities to perform its functions and duties, 243398
and may utilize any available local, state, and federal funds for 243399
such purpose. 243400

Sec. 5126.23. (A) As used in this section, "employee" means a 243401
management employee or superintendent of a county board of 243402
developmental disabilities. 243403

(B) An employee may be removed, suspended, or demoted in 243404
accordance with this section for violation of written rules set 243405
forth by the board or for incompetency, inefficiency, dishonesty, 243406
drunkenness, immoral conduct, insubordination, discourteous 243407
treatment of the public, neglect of duty, or other acts of 243408
misfeasance, malfeasance, or nonfeasance. 243409

(C) Prior to the removal, suspension, or demotion of an 243410
employee pursuant to this section, the employee shall be notified 243411
in writing of the charges against the employee. Except as 243412
otherwise provided in division (H) of this section, not later than 243413
thirty days after receiving such notification, a predisciplinary 243414
conference shall be held to provide the employee an opportunity to 243415
refute the charges against the employee. At least seventy-two 243416
hours prior to the conference, the employee shall be given a copy 243417
of the charges against the employee. 243418

If the removal, suspension, or demotion action is directed 243419
against a management employee, the conference shall be held by the 243420
superintendent or a person the superintendent designates, and the 243421
superintendent shall notify the management employee within fifteen 243422
days after the conference of the decision made with respect to the 243423
charges. If the removal, suspension, or demotion action is 243424
directed against a superintendent, the conference shall be held by 243425
the members of the board or their designees, and the board shall 243426
notify the superintendent within fifteen days after the conference 243427
of its decision with respect to the charges. 243428

(D) Within fifteen days after receiving notification of the 243429
results of the predisciplinary conference, an employee may file 243430
with the board a written demand for a hearing before the board or 243431
before a referee, and the board shall set a time for the hearing 243432
which shall be within thirty days from the date of receipt of the 243433
written demand, and the board shall give the employee at least 243434
twenty days notice in writing of the time and place of the 243435
hearing. 243436

(E) If a referee is demanded by an employee or a county 243437
board, the hearing shall be conducted by a referee selected in 243438
accordance with division (F) of this section; otherwise, it shall 243439
be conducted by a majority of the members of the board and shall 243440
be confined to the charges enumerated at the predisciplinary 243441
conference. 243442

(F) Referees for the hearings required by this section shall 243443
be selected from the list of names compiled by the ~~superintendent~~ 243444
~~of public instruction~~ director of education and workforce pursuant 243445
to section 3319.161 of the Revised Code. Upon receipt of notice 243446
that a referee has been demanded by an employee or a county board, 243447
the ~~superintendent of public instruction~~ director shall 243448
immediately designate three persons from such list, from whom the 243449
referee for the hearing shall be chosen, and the ~~superintendent of~~ 243450

~~public instruction director~~ shall immediately notify the 243451
designees, the county board, and the employee. If within five days 243452
of receipt of the notice, the county board and employee are unable 243453
to agree upon one of the designees to serve as referee, the 243454
~~superintendent of public instruction director~~ shall appoint one of 243455
the designees to serve as referee. The appointment of the referee 243456
shall be entered in the minutes of the county board. The referee 243457
appointed shall be paid the referee's usual and customary fee for 243458
attending the hearing which shall be paid from the general fund of 243459
the county board of developmental disabilities. 243460

(G) The board shall provide for a complete stenographic 243461
record of the proceedings, and a copy of the record shall be 243462
furnished to the employee. 243463

Both parties may be present at the hearing, be represented by 243464
counsel, require witnesses to be under oath, cross-examine 243465
witnesses, take a record of the proceedings, and require the 243466
presence of witnesses in their behalf upon subpoena to be issued 243467
by the county board. If any person fails to comply with a 243468
subpoena, a judge of the court of common pleas of the county in 243469
which the person resides, upon application of any interested 243470
party, shall compel attendance of the person by attachment 243471
proceedings as for contempt. Any member of the board or the 243472
referee may administer oaths to witnesses. After a hearing by a 243473
referee, the referee shall file a report within ten days after the 243474
termination of the hearing. After consideration of the referee's 243475
report, the board, by a majority vote, may accept or reject the 243476
referee's recommendation. After a hearing by the board, the board, 243477
by majority vote, may enter its determination upon its minutes. If 243478
the decision, after hearing, is in favor of the employee, the 243479
charges and the record of the hearing shall be physically expunged 243480
from the minutes and, if the employee has suffered any loss of 243481
salary by reason of being suspended, the employee shall be paid 243482

the employee's full salary for the period of such suspension. 243483

Any employee affected by a determination of the board under 243484
this division may appeal to the court of common pleas of the 243485
county in which the board is located within thirty days after 243486
receipt of notice of the entry of such determination. The appeal 243487
shall be an original action in the court and shall be commenced by 243488
the filing of a complaint against the board, in which complaint 243489
the facts shall be alleged upon which the employee relies for a 243490
reversal or modification of such determination. Upon service or 243491
waiver of summons in that appeal, the board immediately shall 243492
transmit to the clerk of the court for filing a transcript of the 243493
original papers filed with the board, a certified copy of the 243494
minutes of the board into which the determination was entered, and 243495
a certified transcript of all evidence adduced at the hearing or 243496
hearings before the board or a certified transcript of all 243497
evidence adduced at the hearing or hearings before the referee, 243498
whereupon the cause shall be at issue without further pleading and 243499
shall be advanced and heard without delay. The court shall examine 243500
the transcript and record of the hearing and shall hold such 243501
additional hearings as it considers advisable, at which it may 243502
consider other evidence in addition to the transcript and record. 243503

Upon final hearing, the court shall grant or deny the relief 243504
prayed for in the complaint as may be proper in accordance with 243505
the evidence adduced in the hearing. Such an action is a special 243506
proceeding, and either the employee or the board may appeal from 243507
the decision of the court of common pleas pursuant to the Rules of 243508
Appellate Procedure and, to the extent not in conflict with those 243509
rules, Chapter 2505. of the Revised Code. 243510

(H) Notwithstanding divisions (C) to (G) of this section, a 243511
county board and an employee may agree to submit issues regarding 243512
the employee's removal, suspension, or demotion to binding 243513
arbitration. The terms of the submission, including the method of 243514

selecting the arbitrator or arbitrators and the responsibility for 243515
compensating the arbitrator, shall be provided for in the 243516
arbitration agreement. The arbitrator shall be selected within 243517
fifteen days of the execution of the agreement. Chapter 2711. of 243518
the Revised Code governs the arbitration proceedings. 243519

Sec. 5126.24. (A) As used in this section: 243520

(1) "License" means an educator license issued by the state 243521
board of education under section 3319.22 of the Revised Code or a 243522
certificate issued by the department of developmental 243523
disabilities. 243524

(2) "Teacher" means a person employed by a county board of 243525
developmental disabilities in a position that requires a license. 243526

(3) "Nonteaching employee" means a person employed by a 243527
county board of developmental disabilities in a position that does 243528
not require a license. 243529

(4) "Years of service" includes all service described in 243530
division (A) of section 3317.13 of the Revised Code. 243531

(B) Subject to rules established by the director of 243532
developmental disabilities pursuant to Chapter 119. of the Revised 243533
Code, each county board of developmental disabilities shall 243534
annually adopt separate salary schedules for teachers and 243535
nonteaching employees. 243536

(C) The teachers' salary schedule shall provide for 243537
increments based on training and years of service. The board may 243538
establish its own service requirements provided no teacher 243539
receives less than the salary the teacher would be paid under 243540
section 3317.13 of the Revised Code if the teacher were employed 243541
by a school district board of education and provided full credit 243542
for a minimum of five years of actual teaching and military 243543
experience as defined in division (A) of such section is given to 243544

each teacher. 243545

Each teacher who has completed training that would qualify 243546
the teacher for a higher salary bracket pursuant to this section 243547
shall file by the fifteenth day of September with the fiscal 243548
officer of the board, satisfactory evidence of the completion of 243549
such additional training. The fiscal officer shall then 243550
immediately place the teacher, pursuant to this section, in the 243551
proper salary bracket in accordance with training and years of 243552
service. No teacher shall be paid less than the salary to which 243553
the teacher would be entitled under section 3317.13 of the Revised 243554
Code if the teacher were employed by a school district board of 243555
education. 243556

The superintendent of each county board, on or before the 243557
fifteenth day of October of each year, shall certify to the state 243558
board of education and the department of education and workforce 243559
the name of each teacher employed, on an annual salary, in each 243560
special education program operated pursuant to section 3323.09 of 243561
the Revised Code during the first full school week of October. The 243562
superintendent further shall certify, for each teacher, the number 243563
of years of training completed at a recognized college, the 243564
degrees earned from a college recognized by the ~~state board~~ 243565
department of education and workforce, the type of license held, 243566
the number of months employed by the board, the annual salary, and 243567
other information that the ~~state board~~ department may request. 243568

(D) The nonteaching employees' salary schedule established by 243569
the board shall be based on training, experience, and 243570
qualifications with initial salaries no less than salaries in 243571
effect on July 1, 1985. Each board shall prepare and may amend 243572
from time to time, specifications descriptive of duties, 243573
responsibilities, requirements, and desirable qualifications of 243574
the classifications of employees required to perform the duties 243575
specified in the salary schedule. All nonteaching employees shall 243576

be notified of the position classification to which they are 243577
assigned and the salary for the classification. The compensation 243578
of all nonteaching employees working for a particular board shall 243579
be uniform for like positions except as compensation would be 243580
affected by salary increments based upon length of service. 243581

On the fifteenth day of October of each year the nonteaching 243582
employees' salary schedule and list of job classifications and 243583
salaries in effect on that date shall be filed by each board with 243584
the superintendent of public instruction and the department. If 243585
such salary schedule and classification plan is not filed, the 243586
~~superintendent of public instruction~~ director of education and 243587
workforce shall order the board to file such schedule and list 243588
forthwith. If this condition is not corrected within ten days 243589
after receipt of the order from the ~~superintendent~~ director, no 243590
money shall be distributed to the board under Chapter 3317. of the 243591
Revised Code until the ~~superintendent~~ director has satisfactory 243592
evidence of the board's full compliance with such order. 243593

Sec. 5139.34. (A) Funds may be appropriated to the department 243594
of youth services for the purpose of granting state subsidies to 243595
counties. A county or the juvenile court that serves a county 243596
shall use state subsidies granted to the county pursuant to this 243597
section only in accordance with divisions (B)(2)(a) and (3)(a) of 243598
section 5139.43 of the Revised Code and the rules pertaining to 243599
the state subsidy funds that the department adopts pursuant to 243600
division (D) of section 5139.04 of the Revised Code. The 243601
department shall not grant financial assistance pursuant to this 243602
section for the provision of care and services for children in a 243603
placement facility unless the facility has been certified, 243604
licensed, or approved by a state or national agency with 243605
certification, licensure, or approval authority, including, but 243606
not limited to, the department of job and family services, 243607
department of education and workforce, department of mental health 243608

and addiction services, department of developmental disabilities, 243609
or American correctional association. For the purposes of this 243610
section, placement facilities do not include a state institution 243611
or a county or district children's home. 243612

The department also shall not grant financial assistance 243613
pursuant to this section for the provision of care and services 243614
for children, including, but not limited to, care and services in 243615
a detention facility, in another facility, or in out-of-home 243616
placement, unless the minimum standards applicable to the care and 243617
services that the department prescribes in rules adopted pursuant 243618
to division (D) of section 5139.04 of the Revised Code have been 243619
satisfied. 243620

(B) The department of youth services shall apply the 243621
following formula to determine the amount of the annual grant that 243622
each county is to receive pursuant to division (A) of this 243623
section, subject to the appropriation for this purpose to the 243624
department made by the general assembly: 243625

(1) Each county shall receive a basic annual grant of fifty 243626
thousand dollars. 243627

(2) The sum of the basic annual grants provided under 243628
division (B)(1) of this section shall be subtracted from the total 243629
amount of funds appropriated to the department of youth services 243630
for the purpose of making grants pursuant to division (A) of this 243631
section to determine the remaining portion of the funds 243632
appropriated. The remaining portion of the funds appropriated 243633
shall be distributed on a per capita basis to each county that has 243634
a population of more than twenty-five thousand for that portion of 243635
the population of the county that exceeds twenty-five thousand. 243636

(C)(1) Prior to a county's receipt of an annual grant 243637
pursuant to this section, the juvenile court that serves the 243638
county shall prepare, submit, and file in accordance with division 243639

(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 243640
agreement and application for funding that is for the combined 243641
purposes of, and that satisfies the requirements of, this section 243642
and section 5139.43 of the Revised Code. In addition to the 243643
subject matters described in division (B)(3)(a) of section 5139.43 243644
of the Revised Code or in the rules that the department adopts to 243645
implement that division, the annual grant agreement and 243646
application for funding shall address fiscal accountability and 243647
performance matters pertaining to the programs, care, and services 243648
that are specified in the agreement and application and for which 243649
state subsidy funds granted pursuant to this section will be used. 243650

(2) The county treasurer of each county that receives an 243651
annual grant pursuant to this section shall deposit the state 243652
subsidy funds so received into the county's felony delinquent care 243653
and custody fund created pursuant to division (B)(1) of section 243654
5139.43 of the Revised Code. Subject to exceptions prescribed in 243655
section 5139.43 of the Revised Code that may apply to the 243656
disbursement, the department shall disburse the state subsidy 243657
funds to which a county is entitled in a lump sum payment that 243658
shall be made in July of each calendar year. 243659

(3) Upon an order of the juvenile court that serves a county 243660
and subject to appropriation by the board of county commissioners 243661
of that county, a county treasurer shall disburse from the 243662
county's felony delinquent care and custody fund the state subsidy 243663
funds granted to the county pursuant to this section for use only 243664
in accordance with this section, the applicable provisions of 243665
section 5139.43 of the Revised Code, and the county's approved 243666
annual grant agreement and application for funding. 243667

(4) The moneys in a county's felony delinquent care and 243668
custody fund that represent state subsidy funds granted pursuant 243669
to this section are subject to appropriation by the board of 243670
county commissioners of the county; shall be disbursed by the 243671

county treasurer as required by division (C)(3) of this section; 243672
shall be used in the manners referred to in division (C)(3) of 243673
this section; shall not revert to the county general fund at the 243674
end of any fiscal year; shall carry over in the felony delinquent 243675
care and custody fund from the end of any fiscal year to the next 243676
fiscal year; shall be in addition to, and shall not be used to 243677
reduce, any usual annual increase in county funding that the 243678
juvenile court is eligible to receive or the current level of 243679
county funding of the juvenile court and of any programs, care, or 243680
services for alleged or adjudicated delinquent children, unruly 243681
children, or juvenile traffic offenders or for children who are at 243682
risk of becoming delinquent children, unruly children, or juvenile 243683
traffic offenders; and shall not be used to pay for the care and 243684
custody of felony delinquents who are in the care and custody of 243685
an institution pursuant to a commitment, recommitment, or 243686
revocation of a release on parole by the juvenile court of that 243687
county or who are in the care and custody of a community 243688
corrections facility pursuant to a placement by the department as 243689
described in division (E) of section 5139.36 of the Revised Code. 243690

(5) As a condition of the continued receipt of state subsidy 243691
funds pursuant to this section, each county and the juvenile court 243692
that serves each county that receives an annual grant pursuant to 243693
this section shall comply with divisions (B)(3)(b), (c), and (d) 243694
of section 5139.43 of the Revised Code. 243695

Sec. 5145.06. (A) The department of rehabilitation and 243696
correction shall establish and operate a school system that is 243697
approved and chartered by the department of education and 243698
workforce and designated as the Ohio central school system to 243699
serve all of the correctional institutions under its control. The 243700
Ohio central school system shall provide educational programs for 243701
prisoners to allow them to complete adult basic education courses, 243702
earn Ohio certificates of high school equivalence, or pursue 243703

vocational training. To that end, the department may employ 243704
appropriately certified teachers, administrators, and support 243705
staff. The department shall provide classrooms, shops, and other 243706
appropriate facilities and necessary furniture, books, stationery, 243707
supplies, and equipment. 243708

(B)(1) The department of rehabilitation and correction shall 243709
require each prisoner who has not obtained a high school diploma 243710
to take courses leading toward an Ohio certificate of high school 243711
equivalence, an Ohio high school diploma pursuant to section 243712
3313.61 of the Revised Code, or courses that provide vocational 243713
training. If a prisoner has obtained a high school diploma, the 243714
department shall encourage the prisoner to participate in a 243715
program of advanced studies or training for a skilled trade. 243716

(2) The department of rehabilitation and correction shall 243717
adopt rules that prescribe disciplinary actions that the 243718
department may take if a prisoner refuses to participate in an 243719
educational program required under division (B)(1) of this 243720
section. 243721

(3) The failure of the department of rehabilitation and 243722
correction to provide, pursuant to division (B)(1) of this 243723
section, an opportunity for any prisoner to participate in courses 243724
that lead toward an Ohio certificate of high school equivalence or 243725
an Ohio high school diploma, or that provide vocational training, 243726
does not give rise to a claim for damages against the department. 243727

(C) The department of rehabilitation and correction, for a 243728
clearly established medical, mental health, or security reason, 243729
may exclude certain prisoners from the requirement to take courses 243730
pursuant to division (B)(1) of this section. Any exclusion under 243731
this division shall be only for a clearly established medical, 243732
mental health, or security reason. Within six months after ~~the~~ 243733
~~effective date of this amendment~~ March 31, 2003, the department 243734
shall adopt rules pursuant to Chapter 119. of the Revised Code to 243735

establish the criteria and procedures for an exclusion under this 243736
division. 243737

Sec. 5162.363. The department of medicaid shall enter into an 243738
interagency agreement with the department of education and 243739
workforce under section 5162.35 of the Revised Code that provides 243740
for the department of education and workforce to administer the 243741
medicaid school component of the medicaid program other than the 243742
aspects of the component that sections 5162.36 to 5162.366 of the 243743
Revised Code require the department of medicaid to administer. The 243744
interagency agreement may include a provision that provides for 243745
the department of education and workforce to pay to the department 243746
of medicaid the nonfederal share of a portion of the 243747
administrative expenses the department of medicaid incurs in 243748
administering the aspects of the component that the department of 243749
medicaid administers. 243750

To the extent authorized by rules authorized by section 243751
5162.021 of the Revised Code, the department of education and 243752
workforce shall adopt rules establishing a process by which 243753
qualified medicaid school providers participating in the medicaid 243754
school component pay to the department of education and workforce 243755
the nonfederal share of the department's expenses incurred in 243756
administering the component. The rules shall be adopted in 243757
accordance with Chapter 119. of the Revised Code. 243758

Sec. 5162.365. (A) A qualified medicaid school provider is 243759
solely responsible for timely repaying any overpayment that the 243760
provider receives under the medicaid school component of the 243761
medicaid program and that is discovered by a federal or state 243762
audit. This is the case regardless of whether the audit's finding 243763
identifies the provider, department of medicaid, or department of 243764
education and workforce as being responsible for the overpayment. 243765

(B) The department of medicaid shall not do any of the following regarding an overpayment for which a qualified medicaid school provider is responsible for repaying:	243766 243767 243768
(1) Make a payment to the federal government to meet or delay the provider's repayment obligation;	243769 243770
(2) Assume the provider's repayment obligation;	243771
(3) Forgive the provider's repayment obligation.	243772
(C) Each qualified medicaid school provider shall indemnify and hold harmless the department of medicaid for any cost or penalty resulting from a federal or state audit finding that a claim submitted by the provider under section 5162.361 of the Revised Code did not comply with a federal or state requirement applicable to the claim, including a requirement of a medicaid waiver component.	243773 243774 243775 243776 243777 243778 243779
Sec. 5502.262. (A) As used in this section:	243780
(1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:	243781 243782 243783
(a) A city, exempted village, local, or joint vocational school district;	243784 243785
(b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;	243786 243787 243788
(c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;	243789 243790 243791
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	243792 243793
(e) A district or school operating a career-technical	243794

education program approved by the department of education <u>and</u>	243795
<u>workforce</u> under section 3317.161 of the Revised Code;	243796
(f) A chartered nonpublic school;	243797
(g) An educational service center;	243798
(h) A preschool program or school-age child care program	243799
licensed by the department of education <u>and workforce</u> ;	243800
(i) Any other facility that primarily provides educational	243801
services to children subject to regulation by the department of	243802
education <u>and workforce</u> .	243803
(2) "Emergency management test" means a regularly scheduled	243804
drill, exercise, or activity designed to assess and evaluate an	243805
emergency management plan under this section.	243806
(3) "Building" means any school, school building, facility,	243807
program, or center.	243808
(4) "Regional mobile training officer" means the regional	243809
mobile training officer appointed under section 5502.70 of the	243810
Revised Code for the region in which a district, school, center,	243811
program, or facility is located.	243812
(B)(1) Each administrator shall develop and adopt a	243813
comprehensive emergency management plan, in accordance with rules	243814
adopted pursuant to division (F) of this section, for each	243815
building under the administrator's control. The administrator	243816
shall examine the environmental conditions and operations of each	243817
building to determine potential hazards to student and staff	243818
safety and shall propose operating changes to promote the	243819
prevention of potentially dangerous problems and circumstances. In	243820
developing the plan for each building, the administrator shall	243821
involve community law enforcement and safety officials, parents of	243822
students who are assigned to the building, and teachers and	243823
nonteaching employees who are assigned to the building. The	243824

administrator may involve the regional mobile training officer in 243825
the development of the plan. The administrator shall incorporate 243826
remediation strategies into the plan for any building where 243827
documented safety problems have occurred. 243828

(2) Each administrator shall also incorporate into the 243829
emergency management plan adopted under division (B)(1) of this 243830
section all of the following: 243831

(a) A protocol for addressing serious threats to the safety 243832
of property, students, employees, or administrators; 243833

(b) A protocol for responding to any emergency events that 243834
occur and compromise the safety of property, students, employees, 243835
or administrators. This protocol shall include, but not be limited 243836
to, all of the following: 243837

(i) A floor plan that is unique to each floor of the 243838
building; 243839

(ii) A site plan that includes all building property and 243840
surrounding property; 243841

(iii) An emergency contact information sheet. 243842

(c) A threat assessment plan developed as prescribed in 243843
section 5502.263 of the Revised Code. A building may use the model 243844
plan developed by the department of public safety under that 243845
section; 243846

(d) A protocol for school threat assessment teams established 243847
under section 3313.669 of the Revised Code. 243848

(3) Each protocol described in division (B) of this section 243849
shall include procedures determined to be appropriate by the 243850
administrator for responding to threats and emergency events, 243851
respectively, including such things as notification of appropriate 243852
law enforcement personnel, calling upon specified emergency 243853
response personnel for assistance, and informing parents of 243854

affected students. 243855

Prior to the opening day of each school year, the 243856
administrator shall inform each student or child enrolled in the 243857
school and the student's or child's parent of the parental 243858
notification procedures included in the protocol. 243859

(4) Each administrator shall keep a copy of the emergency 243860
management plan adopted pursuant to this section in a secure 243861
place. 243862

(C)(1) The administrator shall submit to the director of 243863
public safety, in accordance with rules adopted pursuant to 243864
division (F) of this section, an electronic copy of the emergency 243865
management plan prescribed by division (B) of this section not 243866
less than once every three years, whenever a major modification to 243867
the building requires changes in the procedures outlined in the 243868
plan, and whenever information on the emergency contact 243869
information sheet changes. 243870

(2) The administrator also shall file a copy of the plan with 243871
each law enforcement agency that has jurisdiction over the school 243872
building and, upon request, to any of the following: 243873

(a) The fire department that serves the political subdivision 243874
in which the building is located; 243875

(b) The emergency medical service organization that serves 243876
the political subdivision in which the building is located; 243877

(c) The county emergency management agency for the county in 243878
which the building is located; 243879

(d) The regional mobile training officer. 243880

(3) Upon receipt of an emergency management plan, the 243881
director shall post the information on the contact and information 243882
management system and submit the information in accordance with 243883
rules adopted pursuant to division (F) of this section, to the 243884

attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D)(1) Not later than the first day of July of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C)(2) of this section.

(E) Each administrator shall do both of the following:

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A)(2) of this section, in accordance with rules adopted pursuant to division (F) of this section;

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C)(2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and the administrator, or the administrator's designee, is present in the building during the training sessions.

(F) The director of public safety, in consultation with representatives from the education community and in accordance with Chapter 119. of the Revised Code, shall adopt rules regarding

emergency management plans under this section, including the 243916
content of the plans and procedures for filing the plans. The 243917
rules shall specify that plans and information required under 243918
division (B) of this section be submitted on standardized forms 243919
developed by the director for such purpose. The rules shall also 243920
specify the requirements and procedures for emergency management 243921
tests conducted pursuant to division (E)(1) of this section. 243922
Failure to comply with the rules may result in discipline pursuant 243923
to section 3319.31 of the Revised Code or any other action against 243924
the administrator as prescribed by rule. 243925

(G) Division (B) of section 3319.31 of the Revised Code 243926
applies to any administrator who is subject to the requirements of 243927
this section and is not exempt under division (H) of this section 243928
and who is an applicant for a license or holds a license from the 243929
state board of education pursuant to section 3319.22 of the 243930
Revised Code. 243931

(H)(1) The director may exempt any administrator from the 243932
requirements of this section, if the director determines that the 243933
requirements do not otherwise apply to a building or buildings 243934
under the control of that administrator. 243935

(2) The director shall exempt from the requirements of this 243936
section the administrator of an online learning school, 243937
established under section 3302.42 of the Revised Code, unless 243938
students of that school participate in in-person instruction or 243939
assessments at a location that is not covered by an existing 243940
emergency management plan, developed under this section as of 243941
December 14, 2021. 243942

(I) Copies of the emergency management plan and information 243943
required under division (B) of this section are security records 243944
and are not public records pursuant to section 149.433 of the 243945
Revised Code. In addition, the information posted to the contact 243946
and information management system, pursuant to division (C)(3)(b) 243947

of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general.

Sec. 5502.263. (A) As used in this section, "evidence-based" means a program or practice that does either of the following:

(1) Demonstrates a rationale based on high-quality research findings or positive evaluation that such a program or practice is likely to improve relevant outcomes and includes ongoing efforts to examine the effects of the program or practice;

(2) Has a statistically significant effect on relevant outcomes based on:

(a) Strong evidence from at least one well-designed and well-implemented experimental study;

(b) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or

(c) Promising evidence from at least one well-designed and well-implemented correlation study with statistical controls for selection bias.

(B) Not later than two years after ~~the effective date of this section~~ March 24, 2021, the department of public safety, in consultation with the department of education and workforce and the attorney general, shall develop a model threat assessment plan that may be used in a building's emergency management plan developed under section 5502.262 of the Revised Code. The model plan shall do at least the following:

(1) Identify the types of threatening behavior that may

represent a physical threat to a school community;	243978
(2) Identify individuals to whom threatening behavior should be reported and steps to be taken by those individuals;	243979 243980
(3) Establish threat assessment guidelines including identification, evaluation of seriousness of threat or danger, intervention to reduce potential violence, and follow-up to assess intervention results;	243981 243982 243983 243984
(4) Establish guidelines for coordinating with local law enforcement agencies and reports collected through the district's chosen anonymous reporting program under section 3313.6610 of the Revised Code and identify a point of contact within each agency;	243985 243986 243987 243988
(5) Conform with all other specifications in a school's emergency management plan developed under section 5502.262 of the Revised Code.	243989 243990 243991
Evidence-based threat assessment processes or best practice threat assessment guidelines created by the national threat assessment center shall be a resource when developing the model threat assessment plan.	243992 243993 243994 243995
(C) Not later than two years after the effective date of this section <u>March 24, 2021</u> , the department of public safety, in consultation with the department of education <u>and workforce</u> and the attorney general, shall develop and maintain a list of approved training programs for completion by school threat assessment team members prescribed in section 3313.669 of the Revised Code, one of which must be free or of no cost to schools. Each program approved under this section must be an evidence-based program that provides instruction in the following:	243996 243997 243998 243999 244000 244001 244002 244003 244004
(1) Identifying behaviors, signs, and threats that may lead to a violent act;	244005 244006
(2) Determining the seriousness of a threat;	244007

(3) Developing intervention plans that protect the potential 244008
victims and address the underlying problem or conflict that 244009
initiated the behavior and assessments of plan results. 244010

Completion of an approved program under this section shall 244011
fulfill the training requirements prescribed under section 244012
3313.669 of the Revised Code. 244013

Sec. 5513.04. (A) Notwithstanding sections 125.12, 125.13, 244014
and 125.14 of the Revised Code, the director of transportation may 244015
sell, transfer, or otherwise dispose of any item of personal 244016
property that is not needed by the department of transportation. 244017
The director may exchange any such item, in the manner provided 244018
for in this chapter, and pay the balance of the cost of such new 244019
item from funds appropriated to the department. The director also 244020
may accept a credit voucher or cash in an amount mutually agreed 244021
upon between a vendor and the department. The director shall apply 244022
the amount of any credit voucher to future purchases from that 244023
vendor and shall deposit any cash into the state treasury to the 244024
credit of the highway operating fund created in section 5735.051 244025
of the Revised Code. 244026

(B)(1) The director may sell or transfer any structure, 244027
machinery, tools, equipment, parts, material, office furniture, or 244028
supplies unfit for use or not needed by the department of 244029
transportation to any agency of the state or a political 244030
subdivision of the state without notice of the proposed disposal 244031
and upon any mutually agreed upon terms. 244032

(2) Before selling any passenger vehicle, van, truck, 244033
trailer, or other heavy equipment, the director shall notify each 244034
county, municipal corporation, township, and school district of 244035
the sale. The director shall similarly notify the board of 244036
trustees of any regional water and sewer district established 244037
under Chapter 6119. of the Revised Code, when the board has 244038

forwarded to the director the district's name and current business 244039
address. For the purposes of this division, the name and current 244040
business address of a regional water and sewer district shall be 244041
forwarded to the director once each year during any year in which 244042
the board wishes the notification to be given. The notice required 244043
by this division may be given by the most economical means 244044
considered to be effective. If after seven days following mailing 244045
or other issuance of the director's notice, no county, municipal 244046
corporation, township, regional water and sewer district, 244047
educational service center, or school district has notified the 244048
director that it wishes to purchase any such vehicle or other 244049
heavy equipment, the director may proceed with the sale under 244050
division (C) of this section. 244051

In the discretion of the director, the director may transfer 244052
any vehicle or other heavy equipment that is unfit for use or not 244053
needed by the department to any agency of the state or political 244054
subdivision of the state without advertising for bids and upon 244055
mutually agreed upon terms. 244056

(3) The director may sell or otherwise dispose of any 244057
structure or structural materials salvaged on the state highway 244058
system that in the director's judgment are no longer needed by the 244059
department, or that, through wear or obsolescence, have become 244060
unfit for use. The director may transfer the structure or 244061
materials to counties, municipal corporations, school districts, 244062
or other political subdivisions without advertising for bids and 244063
upon mutually agreed upon terms. The director may transfer the 244064
structure or structural materials to a nonprofit corporation upon 244065
being furnished a copy of a contract between the nonprofit 244066
corporation and a county, municipal corporation, or other 244067
political subdivision to which the structure is to be moved 244068
pursuant to which the nonprofit corporation must make the 244069
structure or structural materials available for rent or sale 244070

within a period of three months after becoming available for 244071
occupancy to an individual or family which has been displaced by 244072
governmental action or which occupies substandard housing as 244073
certified by such political subdivision, without advertising for 244074
bids. Any such transfers shall be for such consideration as shall 244075
be determined by the director to be fair and reasonable, and shall 244076
be upon such terms and specifications with respect to performance 244077
and indemnity as shall be determined necessary by the director. 244078

When, in carrying out an improvement that replaces any 244079
structure or structural materials, it is advantageous to dispose 244080
of the structure or structural materials by providing in the 244081
contract for the improvement that the structure or structural 244082
materials, or any part thereof, shall become the property of the 244083
contractor, the director may so proceed. 244084

(C)(1) Any item that has not been sold or transferred as 244085
provided in division (B) of this section may be sold at a public 244086
sale, as determined by the director. The director may authorize 244087
such sale by the deputy directors of transportation, and the 244088
proceedings of such sale shall be conducted in the same manner as 244089
provided for sales by the director. The director may establish a 244090
minimum price for any item to be sold and may establish any other 244091
terms, conditions, and manner for the sale of a particular item, 244092
which may be on any basis the director determines to be most 244093
advantageous to the department. The director may reject any offer 244094
or bid for an item. The director may remove any item from a sale 244095
if it develops that a public authority has a use for the item. In 244096
any notice of a sale, the director shall include a brief 244097
description of the item to be sold, the terms and conditions of 244098
the sale, and a statement of the time, place, and manner of the 244099
sale. 244100

(2)(a) If, in the opinion of the director, any item to be 244101
sold has an estimated fair market value in excess of one thousand 244102

dollars, the director shall post a notice of the sale, for not 244103
less than ten days, on the official web site of the department. If 244104
the district where the property is located maintains a web site, 244105
notice of the sale also shall be posted on that web site. At least 244106
ten days before the sale, the director also shall publish one 244107
notice of the sale in a periodical or newspaper of general 244108
circulation in the region in which the items are located. A sale 244109
under division (C)(2)(a) of this section shall be made to the 244110
highest responsible bidder. 244111

(b) If, in the opinion of the director, any item to be sold 244112
has an estimated fair market value of one thousand dollars or 244113
less, the director is not required to advertise the proposed sale 244114
except by notice posted on the official web site of the 244115
department. The notice shall be posted for at least five working 244116
days. A sale under division (C)(2)(b) of this section shall be 244117
made to the highest responsible bidder. 244118

(D) Proceeds of any sale described in this section shall be 244119
paid into the state treasury to the credit of the highway 244120
operating fund or any other fund of the department as determined 244121
by the director. 244122

(E) Once each year, the ~~state board~~ department of education 244123
and workforce shall provide the director with a current list of 244124
the addresses of all school districts and educational service 244125
centers in the state. 244126

(F) As used in this section: 244127

(1) "Personal property" means any structure or structural 244128
material, machinery, tools, equipment, parts, material, office 244129
furniture, supplies, passenger vehicle, van, truck, trailer, or 244130
other heavy equipment of the department; 244131

(2) "School district" means any city school district, local 244132
school district, exempted village school district, cooperative 244133

education school district, and joint vocational school district, 244134
as defined in Chapter 3311. of the Revised Code. 244135

(3) "Sale" means fixed price sale, live or internet auction, 244136
or any other type of sale determined by the director. 244137

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 244138
of this section, no agent of the department of taxation, except in 244139
the agent's report to the department or when called on to testify 244140
in any court or proceeding, shall divulge any information acquired 244141
by the agent as to the transactions, property, or business of any 244142
person while acting or claiming to act under orders of the 244143
department. Whoever violates this provision shall thereafter be 244144
disqualified from acting as an officer or employee or in any other 244145
capacity under appointment or employment of the department. 244146

(B)(1) For purposes of an audit pursuant to section 117.15 of 244147
the Revised Code, or an audit of the department pursuant to 244148
Chapter 117. of the Revised Code, or an audit, pursuant to that 244149
chapter, the objective of which is to express an opinion on a 244150
financial report or statement prepared or issued pursuant to 244151
division (A)(7) or (9) of section 126.21 of the Revised Code, the 244152
officers and employees of the auditor of state charged with 244153
conducting the audit shall have access to and the right to examine 244154
any state tax returns and state tax return information in the 244155
possession of the department to the extent that the access and 244156
examination are necessary for purposes of the audit. Any 244157
information acquired as the result of that access and examination 244158
shall not be divulged for any purpose other than as required for 244159
the audit or unless the officers and employees are required to 244160
testify in a court or proceeding under compulsion of legal 244161
process. Whoever violates this provision shall thereafter be 244162
disqualified from acting as an officer or employee or in any other 244163
capacity under appointment or employment of the auditor of state. 244164

(2) For purposes of an internal audit pursuant to section 244165
126.45 of the Revised Code, the officers and employees of the 244166
office of internal audit in the office of budget and management 244167
charged with directing the internal audit shall have access to and 244168
the right to examine any state tax returns and state tax return 244169
information in the possession of the department to the extent that 244170
the access and examination are necessary for purposes of the 244171
internal audit. Any information acquired as the result of that 244172
access and examination shall not be divulged for any purpose other 244173
than as required for the internal audit or unless the officers and 244174
employees are required to testify in a court or proceeding under 244175
compulsion of legal process. Whoever violates this provision shall 244176
thereafter be disqualified from acting as an officer or employee 244177
or in any other capacity under appointment or employment of the 244178
office of internal audit. 244179

(3) As provided by section 6103(d)(2) of the Internal Revenue 244180
Code, any federal tax returns or federal tax information that the 244181
department has acquired from the internal revenue service, through 244182
federal and state statutory authority, may be disclosed to the 244183
auditor of state or the office of internal audit solely for 244184
purposes of an audit of the department. 244185

(4) For purposes of Chapter 3739. of the Revised Code, an 244186
agent of the department of taxation may share information with the 244187
division of state fire marshal that the agent finds during the 244188
course of an investigation. 244189

(C) Division (A) of this section does not prohibit any of the 244190
following: 244191

(1) Divulging information contained in applications, 244192
complaints, and related documents filed with the department under 244193
section 5715.27 of the Revised Code or in applications filed with 244194
the department under section 5715.39 of the Revised Code; 244195

(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;	244196 244197 244198
(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	244199 244200 244201 244202 244203
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	244204 244205 244206
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	244207 244208 244209
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;	244210 244211 244212 244213
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	244214 244215 244216 244217 244218 244219 244220 244221
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	244222 244223
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose	244224 244225 244226

documents so provided, the county auditor shall not disclose such 244227
documents; 244228

(10) Providing to a county auditor sales or use tax return or 244229
audit information under section 333.06 of the Revised Code; 244230

(11) Subject to section 4301.441 of the Revised Code, 244231
disclosing to the appropriate state agency information in the 244232
possession of the department of taxation that is necessary to 244233
verify a permit holder's gallonage or noncompliance with taxes 244234
levied under Chapter 4301. or 4305. of the Revised Code; 244235

(12) Disclosing to the department of natural resources 244236
information in the possession of the department of taxation that 244237
is necessary for the department of taxation to verify the 244238
taxpayer's compliance with section 5749.02 of the Revised Code or 244239
to allow the department of natural resources to enforce Chapter 244240
1509. of the Revised Code; 244241

(13) Disclosing to the department of job and family services, 244242
industrial commission, and bureau of workers' compensation 244243
information in the possession of the department of taxation solely 244244
for the purpose of identifying employers that misclassify 244245
employees as independent contractors or that fail to properly 244246
report and pay employer tax liabilities. The department of 244247
taxation shall disclose only such information that is necessary to 244248
verify employer compliance with law administered by those 244249
agencies. 244250

(14) Disclosing to the Ohio casino control commission 244251
information in the possession of the department of taxation that 244252
is necessary to verify a casino operator's or sports gaming 244253
proprietor's compliance with section 5747.063, 5753.02, or 244254
5753.021 of the Revised Code and sections related thereto; 244255

(15) Disclosing to the state lottery commission information 244256
in the possession of the department of taxation that is necessary 244257

to verify a lottery sales agent's compliance with section 5747.064 244258
of the Revised Code. 244259

(16) Disclosing to the department of development information 244260
in the possession of the department of taxation that is necessary 244261
to ensure compliance with the laws of this state governing 244262
taxation and to verify information reported to the department of 244263
development for the purpose of evaluating potential tax credits, 244264
tax deductions, grants, or loans. Such information shall not 244265
include information received from the internal revenue service the 244266
disclosure of which is prohibited by section 6103 of the Internal 244267
Revenue Code. No officer, employee, or agent of the department of 244268
development shall disclose any information provided to the 244269
department of development by the department of taxation under 244270
division (C)(16) of this section except when disclosure of the 244271
information is necessary for, and made solely for the purpose of 244272
facilitating, the evaluation of potential tax credits, tax 244273
deductions, grants, or loans. 244274

(17) Disclosing to the department of insurance information in 244275
the possession of the department of taxation that is necessary to 244276
ensure a taxpayer's compliance with the requirements with any tax 244277
credit administered by the department of development and claimed 244278
by the taxpayer against any tax administered by the superintendent 244279
of insurance. No officer, employee, or agent of the department of 244280
insurance shall disclose any information provided to the 244281
department of insurance by the department of taxation under 244282
division (C)(17) of this section. 244283

(18) Disclosing to the division of liquor control information 244284
in the possession of the department of taxation that is necessary 244285
for the division and department to comply with the requirements of 244286
sections 4303.26 and 4303.271 of the Revised Code. 244287

(19) Disclosing to the department of education and workforce, 244288
upon that department's request, information in the possession of 244289

the department of taxation that is necessary only to verify 244290
whether the family income of a student applying for or receiving a 244291
scholarship under the educational choice scholarship pilot program 244292
is equal to, less than, or greater than the income thresholds 244293
prescribed by section 3310.032 of the Revised Code. The department 244294
of education and workforce shall provide sufficient information 244295
about the student and the student's family to enable the 244296
department of taxation to make the verification. 244297

(20) Disclosing to the Ohio rail development commission 244298
information in the possession of the department of taxation that 244299
is necessary to ensure compliance with the laws of this state 244300
governing taxation and to verify information reported to the 244301
commission for the purpose of evaluating potential grants or 244302
loans. Such information shall not include information received 244303
from the internal revenue service the disclosure of which is 244304
prohibited by section 6103 of the Internal Revenue Code. No 244305
member, officer, employee, or agent of the Ohio rail development 244306
commission shall disclose any information provided to the 244307
commission by the department of taxation under division (C)(20) of 244308
this section except when disclosure of the information is 244309
necessary for, and made solely for the purpose of facilitating, 244310
the evaluation of potential grants or loans. 244311

(21) Disclosing to the state racing commission information in 244312
the possession of the department of taxation that is necessary for 244313
verification of compliance with and for enforcement and 244314
administration of the taxes levied by Chapter 3769. of the Revised 244315
Code. Such information shall include information that is necessary 244316
for the state racing commission to verify compliance with Chapter 244317
3769. of the Revised Code for the purposes of issuance, denial, 244318
suspension, or revocation of a permit pursuant to section 3769.03 244319
or 3769.06 of the Revised Code and related sections. Unless 244320
disclosure is otherwise authorized by law, information provided to 244321

the state racing commission under this section remains 244322
confidential and is not subject to public disclosure pursuant to 244323
section 3769.041 of the Revised Code. 244324

(22) Disclosing to the state fire marshal information in the 244325
possession of the department of taxation that is necessary for the 244326
state fire marshal to verify the compliance of a licensed 244327
manufacturer of fireworks or a licensed wholesaler of fireworks 244328
with section 3743.22 of the Revised Code. No officer, employee, or 244329
agent of the state fire marshal shall disclose any information 244330
provided to the state fire marshal by the department of taxation 244331
under division (C)(22) of this section. 244332

(23) Disclosing to the department of job and family services 244333
information in the possession of the department of taxation for 244334
either of the following purposes: 244335

(a) Making a determination under section 4141.28 of the 244336
Revised Code; 244337

(b) Verifying an individual's eligibility for a federal 244338
program described in section 4141.163 of the Revised Code. 244339

Such information shall not include information received from 244340
the internal revenue service the disclosure of which is prohibited 244341
by section 6103 of the Internal Revenue Code. 244342

Sec. 5705.216. A board of education that has issued notes in 244343
anticipation of the proceeds of a permanent improvements levy in 244344
the maximum amount permitted under division (D)(2) or (3) of 244345
section 5705.21 of the Revised Code or a taxing authority of a 244346
county school financing district that has issued notes in 244347
anticipation of the proceeds of a levy in the maximum amount 244348
permitted under section 5705.215 of the Revised Code may, if the 244349
proceeds from the issuance of such notes have been spent, 244350
contracted, or encumbered, apply to the ~~superintendent of public~~ 244351

~~instruction~~ director of education and workforce for authorization 244352
to anticipate a fraction of the remaining estimated proceeds of 244353
the levy and issue anticipation notes for that purpose. The 244354
application shall be in such form and contain such information as 244355
the ~~superintendent~~ director considers necessary and shall specify 244356
the amount of notes to be issued. The amount shall not exceed the 244357
following: 244358

(A) In the case of a school district: 244359

(1) For levies described under division (D)(2) of section 244360
5705.21 of the Revised Code, the amount by which the total 244361
estimated proceeds of the levy remaining to be collected 244362
throughout its life exceeds the amount from such proceeds required 244363
to pay the principal and interest on notes issued under section 244364
5705.21 of the Revised Code and the interest on any notes issued 244365
under this section; 244366

(2) For levies described under division (D)(3) of section 244367
5705.21 of the Revised Code, the amount by which the total 244368
estimated proceeds of the levy remaining to be collected over the 244369
specified number of years authorized for the issuance of the notes 244370
exceeds the amount from such proceeds required to pay the 244371
principal and interest on notes issued under section 5705.21 of 244372
the Revised Code and the interest on any notes issued under this 244373
section. 244374

(B) In the case of a county school financing district, the 244375
amount by which the total estimated proceeds of the levy remaining 244376
to be collected for the first five years of its life exceed the 244377
amount from such proceeds required to pay the principal and 244378
interest on notes issued under section 5705.215 of the Revised 244379
Code and the interest on any notes issued under this section. 244380

The ~~superintendent~~ director shall examine the application and 244381
any other relevant information submitted and shall determine and 244382

certify the maximum amount of notes the district may issue under 244383
this section, which may be an amount less than the amount 244384
requested by the district. 244385

If the ~~superintendent~~ director determines that the 244386
anticipated proceeds from the levy may be significantly less than 244387
expected and that additional notes should not be issued, the 244388
~~superintendent~~ director may deny the application and give written 244389
notice of the denial to the president of the district's board of 244390
education or the taxing authority. 244391

Such notes shall be sold in the same manner as notes issued 244392
under section 5705.21 or 5705.215 of the Revised Code. 244393

Sec. 5705.391. (A) The department of education and workforce 244394
and the auditor of state shall jointly adopt rules requiring 244395
boards of education to submit five-year projections of operational 244396
revenues and expenditures. The rules shall provide for the auditor 244397
of state or the department to examine the five-year projections 244398
and to determine whether any further fiscal analysis is needed to 244399
ascertain whether a district has the potential to incur a deficit 244400
during the first three years of the five-year period. 244401

The auditor of state or the department may conduct any 244402
further audits or analyses necessary to assess any district's 244403
fiscal condition. If further audits or analyses are conducted by 244404
the auditor of state, the auditor of state shall notify the 244405
department of the district's fiscal condition, and the department 244406
shall immediately notify the district of any potential to incur a 244407
deficit in the current fiscal year or of any strong indications 244408
that a deficit will be incurred in either of the ensuing two 244409
years. If such audits or analyses are conducted by the department, 244410
the department shall immediately notify the district and the 244411
auditor of state of such potential deficit or strong indications 244412
thereof. 244413

A district notified under this section shall take immediate steps to eliminate any deficit in the current fiscal year and shall begin to plan to avoid the projected future deficits.

(B) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may limit, suspend, or revoke a license as defined under section 3319.31 of the Revised Code that has been issued to any school employee found to have willfully contributed erroneous, inaccurate, or incomplete data required for the submission of the five-year projection required by this section.

(C) The department and the auditor of state, in their joint adoption of rules under division (A) of this section, shall not require a board of education to submit its five-year projection of operational revenues and expenditures prior to the thirtieth day of November of any fiscal year.

Sec. 5705.412. (A) As used in this section, "qualifying contract" means any agreement for the expenditure of money under which aggregate payments from the funds included in the school district's five-year forecast under section 5705.391 of the Revised Code will exceed the lesser of the following amounts:

(1) Five hundred thousand dollars;

(2) One per cent of the total revenue to be credited in the current fiscal year to the district's general fund, as specified in the district's most recent certificate of estimated resources certified under section 5705.36 of the Revised Code.

(B)(1) Notwithstanding section 5705.41 of the Revised Code, no school district shall adopt any appropriation measure, make any qualifying contract, or increase during any school year any wage or salary schedule unless there is attached thereto a certificate, signed as required by this section, that the school district has

in effect the authorization to levy taxes including the renewal or replacement of existing levies which, when combined with the estimated revenue from all other sources available to the district at the time of certification, are sufficient to provide the operating revenues necessary to enable the district to maintain all personnel and programs for all the days set forth in its adopted school calendars for the current fiscal year and for a number of days in succeeding fiscal years equal to the number of days instruction was held or is scheduled for the current fiscal year, as follows:

(a) A certificate attached to an appropriation measure under this section shall cover only the fiscal year in which the appropriation measure is effective and shall not consider the renewal or replacement of an existing levy as the authority to levy taxes that are subject to appropriation in the current fiscal year unless the renewal or replacement levy has been approved by the electors and is subject to appropriation in the current fiscal year.

(b) A certificate attached, in accordance with this section, to any qualifying contract shall cover the term of the contract.

(c) A certificate attached under this section to a wage or salary schedule shall cover the term of the schedule.

If the board of education has not adopted a school calendar for the school year beginning on the first day of the fiscal year in which a certificate is required, the certificate attached to an appropriation measure shall include the number of days on which instruction was held in the preceding fiscal year and other certificates required under this section shall include that number of days for the fiscal year in which the certificate is required and any succeeding fiscal years that the certificate must cover.

The certificate shall be signed by the treasurer and

president of the board of education and the superintendent of the 244475
school district, unless the district is in a state of fiscal 244476
emergency declared under Chapter 3316. of the Revised Code. In 244477
that case, the certificate shall be signed by a member of the 244478
district's financial planning and supervision commission who is 244479
designated by the commission for this purpose. 244480

(2) In lieu of the certificate required under division (B) of 244481
this section, an alternative certificate stating the following may 244482
be attached: 244483

(a) The contract is a multi-year contract for materials, 244484
equipment, or nonpayroll services essential to the education 244485
program of the district; 244486

(b) The multi-year contract demonstrates savings over the 244487
duration of the contract as compared to costs that otherwise would 244488
have been demonstrated in a single year contract, and the terms 244489
will allow the district to reduce the deficit it is currently 244490
facing in future years as demonstrated in its five-year forecast 244491
adopted in accordance with section 5705.391 of the Revised Code. 244492

The certificate shall be signed by the treasurer and 244493
president of the board of education and the superintendent of the 244494
school district, unless the district is in a state of fiscal 244495
emergency declared under Chapter 3316. of the Revised Code. In 244496
that case, the certificate shall be signed by a member of the 244497
district's financial planning and supervision commission who is 244498
designated by the commission for this purpose. 244499

(C) Every qualifying contract made or wage or salary schedule 244500
adopted or put into effect without such a certificate shall be 244501
void, and no payment of any amount due thereon shall be made. 244502

(D) The department of education and workforce and the auditor 244503
of state jointly shall adopt rules governing the methods by which 244504
treasurers, presidents of boards of education, superintendents, 244505

and members of financial planning and supervision commissions 244506
shall estimate revenue and determine whether such revenue is 244507
sufficient to provide necessary operating revenue for the purpose 244508
of making certifications required by this section. 244509

(E) The auditor of state shall be responsible for determining 244510
whether school districts are in compliance with this section. At 244511
the time a school district is audited pursuant to section 117.11 244512
of the Revised Code, the auditor of state shall review each 244513
certificate issued under this section since the district's last 244514
audit, and the appropriation measure, contract, or wage and salary 244515
schedule to which such certificate was attached. If the auditor of 244516
state determines that a school district has not complied with this 244517
section with respect to any qualifying contract or wage or salary 244518
schedule, the auditor of state shall notify the prosecuting 244519
attorney for the county, the city director of law, or other chief 244520
law officer of the school district. That officer may file a civil 244521
action in any court of appropriate jurisdiction to seek a 244522
declaration that the contract or wage or salary schedule is void, 244523
to recover for the school district from the payee the amount of 244524
payments already made under it, or both, except that the officer 244525
shall not seek to recover payments made under any collective 244526
bargaining agreement entered into under Chapter 4117. of the 244527
Revised Code. If the officer does not file such an action within 244528
one hundred twenty days after receiving notice of noncompliance 244529
from the auditor of state, any taxpayer may institute the action 244530
in the taxpayer's own name on behalf of the school district. 244531

(F) This section does not apply to any contract or increase 244532
in any wage or salary schedule that is necessary in order to 244533
enable a board of education to comply with division (B) of section 244534
3317.13 of the Revised Code, provided the contract or increase 244535
does not exceed the amount required to be paid to be in compliance 244536
with such division. 244537

(G) Any officer, employee, or other person who expends or 244538
authorizes the expenditure of any public funds or authorizes or 244539
executes any contract or schedule contrary to this section, 244540
expends or authorizes the expenditure of any public funds on the 244541
void contract or schedule, or issues a certificate under this 244542
section which contains any false statements is liable to the 244543
school district for the full amount paid from the district's funds 244544
on the contract or schedule. The officer, employee, or other 244545
person is jointly and severally liable in person and upon any 244546
official bond that the officer, employee, or other person has 244547
given to the school district to the extent of any payments on the 244548
void claim, not to exceed ten thousand dollars. However, no 244549
officer, employee, or other person shall be liable for a mistaken 244550
estimate of available resources made in good faith and based upon 244551
reasonable grounds. If an officer, employee, or other person is 244552
found to have complied with rules jointly adopted by the 244553
department of education and workforce and the auditor of state 244554
under this section governing methods by which revenue shall be 244555
estimated and determined sufficient to provide necessary operating 244556
revenue for the purpose of making certifications required by this 244557
section, the officer, employee, or other person shall not be 244558
liable under this section if the estimates and determinations made 244559
according to those rules do not, in fact, conform with actual 244560
revenue. The prosecuting attorney of the county, the city director 244561
of law, or other chief law officer of the district shall enforce 244562
this liability by civil action brought in any court of appropriate 244563
jurisdiction in the name of and on behalf of the school district. 244564
If the prosecuting attorney, city director of law, or other chief 244565
law officer of the district fails, upon the written request of any 244566
taxpayer, to institute action for the enforcement of the 244567
liability, the attorney general, or the taxpayer in the taxpayer's 244568
own name, may institute the action on behalf of the subdivision. 244569

(H) This section does not require the attachment of an 244570

additional certificate beyond that required by section 5705.41 of 244571
the Revised Code for current payrolls of, or contracts of 244572
employment with, any employees or officers of the school district. 244573

This section does not require the attachment of a certificate 244574
to a temporary appropriation measure if all of the following 244575
apply: 244576

(1) The amount appropriated does not exceed twenty-five per 244577
cent of the total amount from all sources available for 244578
expenditure from any fund during the preceding fiscal year; 244579

(2) The measure will not be in effect on or after the 244580
thirtieth day following the earliest date on which the district 244581
may pass an annual appropriation measure; 244582

(3) An amended official certificate of estimated resources 244583
for the current year, if required, has not been certified to the 244584
board of education under division (B) of section 5705.36 of the 244585
Revised Code. 244586

Sec. 5709.07. (A) The following property shall be exempt from 244587
taxation: 244588

(1) Real property used by a school for primary or secondary 244589
educational purposes, including only so much of the land as is 244590
necessary for the proper occupancy, use, and enjoyment of such 244591
real property by the school for primary or secondary educational 244592
purposes. The exemption under division (A)(1) of this section does 244593
not apply to any portion of the real property not used for primary 244594
or secondary educational purposes. 244595

For purposes of division (A)(1) of this section: 244596

(a) "School" means a public or nonpublic school. "School" 244597
excludes home ~~instruction~~ education as authorized under section 244598
~~3321.04~~3321.042 of the Revised Code. 244599

(b) "Public school" includes schools of a school district, 244600

STEM schools established under Chapter 3326. of the Revised Code, 244601
community schools established under Chapter 3314. of the Revised 244602
Code, and educational service centers established under section 244603
3311.05 of the Revised Code. 244604

(c) "Nonpublic school" means a nonpublic school for which the 244605
~~state board~~ director of education and workforce has issued a 244606
charter pursuant to section 3301.16 of the Revised Code and 244607
prescribes minimum standards under division (D)(2) of section 244608
3301.07 of the Revised Code. 244609

(2) Houses used exclusively for public worship, the books and 244610
furniture in them, and the ground attached to them that is not 244611
leased or otherwise used with a view to profit and that is 244612
necessary for their proper occupancy, use, and enjoyment; 244613

(3) Real property owned and operated by a church that is used 244614
primarily for church retreats or church camping, and that is not 244615
used as a permanent residence. Real property exempted under 244616
division (A)(3) of this section may be made available by the 244617
church on a limited basis to charitable and educational 244618
institutions if the property is not leased or otherwise made 244619
available with a view to profit. 244620

(4) Public colleges and academies and all buildings connected 244621
with them, and all lands connected with public institutions of 244622
learning, not used with a view to profit, including those 244623
buildings and lands that satisfy all of the following: 244624

(a) The buildings are used for housing for full-time students 244625
or housing-related facilities for students, faculty, or employees 244626
of a state university, or for other purposes related to the state 244627
university's educational purpose, and the lands are underneath the 244628
buildings or are used for common space, walkways, and green spaces 244629
for the state university's students, faculty, or employees. As 244630
used in this division, "housing-related facilities" includes both 244631

parking facilities related to the buildings and common buildings 244632
made available to students, faculty, or employees of a state 244633
university. The leasing of space in housing-related facilities 244634
shall not be considered an activity with a view to profit for 244635
purposes of division (A)(4) of this section. 244636

(b) The buildings and lands are supervised or otherwise under 244637
the control, directly or indirectly, of an organization that is 244638
exempt from federal income taxation under section 501(c)(3) of the 244639
Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as 244640
amended, and the state university has entered into a qualifying 244641
joint use agreement with the organization that entitles the 244642
students, faculty, or employees of the state university to use the 244643
lands or buildings; 244644

(c) The state university has agreed, under the terms of the 244645
qualifying joint use agreement with the organization described in 244646
division (A)(4)(b) of this section, that the state university, to 244647
the extent applicable under the agreement, will make payments to 244648
the organization in amounts sufficient to maintain agreed-upon 244649
debt service coverage ratios on bonds related to the lands or 244650
buildings. 244651

(B) This section shall not extend to leasehold estates or 244652
real property held under the authority of a college or university 244653
of learning in this state; but leaseholds, or other estates or 244654
property, real or personal, the rents, issues, profits, and income 244655
of which is given to a municipal corporation, school district, or 244656
subdistrict in this state exclusively for the use, endowment, or 244657
support of schools for the free education of youth without charge 244658
shall be exempt from taxation as long as such property, or the 244659
rents, issues, profits, or income of the property is used and 244660
exclusively applied for the support of free education by such 244661
municipal corporation, district, or subdistrict. Division (B) of 244662
this section shall not apply with respect to buildings and lands 244663

that satisfy all of the requirements specified in divisions 244664
(A)(4)(a) to (c) of this section. 244665

(C) For purposes of this section, if the requirements 244666
specified in divisions (A)(4)(a) to (c) of this section are 244667
satisfied, the buildings and lands with respect to which exemption 244668
is claimed under division (A)(4) of this section shall be deemed 244669
to be used with reasonable certainty in furthering or carrying out 244670
the necessary objects and purposes of a state university. 244671

(D) As used in this section: 244672

(1) "Church" means a fellowship of believers, congregation, 244673
society, corporation, convention, or association that is formed 244674
primarily or exclusively for religious purposes and that is not 244675
formed for the private profit of any person. 244676

(2) "State university" has the same meaning as in section 244677
3345.011 of the Revised Code. 244678

(3) "Qualifying joint use agreement" means an agreement that 244679
satisfies all of the following: 244680

(a) The agreement was entered into before June 30, 2004; 244681

(b) The agreement is between a state university and an 244682
organization that is exempt from federal income taxation under 244683
section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 244684
2085, 26 U.S.C. 1, as amended; and 244685

(c) The state university that is a party to the agreement 244686
reported to the ~~Ohio board~~ chancellor of regents higher education 244687
that the university maintained a headcount of at least twenty-five 244688
thousand students on its main campus during the academic school 244689
year that began in calendar year 2003 and ended in calendar year 244690
2004. 244691

Sec. 5709.92. (A) As used in this section: 244692

(1) "School district" means a city, local, or exempted village school district.	244693 244694
(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.	244695 244696 244697 244698 244699 244700
(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(3)(a) of this section.	244701 244702 244703
(a) The state education aid for fiscal year 2015;	244704
(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;	244705 244706 244707 244708 244709 244710
(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;	244711 244712 244713 244714 244715
(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;	244716 244717 244718 244719 244720 244721 244722
(e) The amount certified for fiscal year 2015 under division	244723

(A)(2) of section 3317.08 of the Revised Code;	244724
(f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;	244725 244726
(g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.	244727 244728
(4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	244729 244730 244731 244732 244733 244734
(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."	244735 244736 244737 244738 244739 244740
(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.	244741 244742 244743 244744
(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.	244745 244746
(7) "Threshold per cent" means the following:	244747
(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.	244748 244749 244750
(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.	244751 244752 244753

(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.	244754 244755 244756
(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.	244757 244758 244759
(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.	244760 244761 244762
(f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.	244763 244764
(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(3)(b) of this section.	244765 244766 244767 244768 244769 244770
(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities.	244771 244772 244773 244774 244775 244776 244777 244778 244779 244780
(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.	244781 244782 244783 244784

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code.

(B) The department of education and workforce shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016.

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts

equal to the amount described in division (C)(1)(a) or (b) of this section. 244816
244817

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold percent, zero; 244818
244819
244820

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources; 244821
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244823
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(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent. 244825
244826

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C)(2)(b) of this section from the amount described in division (C)(2)(a) of this section, provided that such amount is greater than zero. 244827
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(a) The sum of the payments received by the district under division (C)(1)(b) or (C)(2) of this section for the immediately preceding fiscal year; 244833
244834
244835

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016. 244836
244837

(3)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 244838
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244840
244841

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 244842
244843
244844
244845

2014. 244846

(4) The department of education and workforce shall report to 244847
each school district and joint vocational school district the 244848
apportionment of the payments under division (C)(1) of this 244849
section among the district's funds based on qualifying levies. 244850

(D)(1) Payments in the following amounts shall be made to 244851
school districts and joint vocational school districts in tax 244852
years 2016 through 2021: 244853

(a) In tax year 2016, the sum of the district's operating TPP 244854
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 244855

(b) In tax year 2017, the sum of the district's operating TPP 244856
fixed-sum levy losses and eighty per cent of operating S.B. 3 244857
fixed-sum levy losses. 244858

(c) In tax year 2018, the sum of eighty per cent of the 244859
district's operating TPP fixed-sum levy losses and sixty per cent 244860
of its operating S.B. 3 fixed-sum levy losses. 244861

(d) In tax year 2019, the sum of sixty per cent of the 244862
district's operating TPP fixed-sum levy losses and forty per cent 244863
of its operating S.B. 3 fixed-sum levy losses. 244864

(e) In tax year 2020, the sum of forty per cent of the 244865
district's operating TPP fixed-sum levy losses and twenty per cent 244866
of its operating S.B. 3 fixed-sum levy losses. 244867

(f) In tax year 2021, twenty per cent of the district's 244868
operating TPP fixed-sum levy losses. 244869

No payment shall be made under division (D)(1) of this 244870
section after tax year 2021. 244871

(2) Amounts are payable under division (D) of this section 244872
for fixed-sum levy losses only to the extent of such losses for 244873
qualifying levies that remain in effect for the current tax year. 244874
For this purpose, a qualifying levy levied under section 5705.194 244875

or 5705.213 of the Revised Code remains in effect for the current 244876
tax year only if a tax levied under either of those sections is 244877
charged and payable for the current tax year for an annual sum at 244878
least equal to the annual sum levied by the board of education for 244879
tax year 2004 under those sections less the amount of the payment 244880
under this division. 244881

(E)(1) For fixed-sum levies for debt purposes, payments shall 244882
be made to school districts and joint vocational school districts 244883
equal to one hundred per cent of the district's fixed-sum levy 244884
loss determined under division (E) of section 5751.20 and division 244885
(H) of section 5727.84 of the Revised Code as in effect before 244886
July 1, 2015, and paid in tax year 2014. No payment shall be made 244887
for qualifying levies that are no longer charged and payable. 244888

(2) Beginning in 2016, by the thirty-first day of January of 244889
each year, the tax commissioner shall review the calculation of 244890
fixed-sum levy loss for debt purposes determined under division 244891
(E) of section 5751.20 and division (H) of section 5727.84 of the 244892
Revised Code as in effect before July 1, 2015. If the commissioner 244893
determines that a fixed-sum levy that had been scheduled to be 244894
reimbursed in the current year is no longer charged and payable, a 244895
revised calculation for that year and all subsequent years shall 244896
be made. 244897

(F)(1) For taxes levied within the ten-mill limitation for 244898
debt purposes in tax year 1998 in the case of electric company tax 244899
value losses, and in tax year 1999 in the case of natural gas 244900
company tax value losses, payments shall be made to school 244901
districts and joint vocational school districts equal to one 244902
hundred per cent of the loss computed under division (D) of 244903
section 5727.85 of the Revised Code as in effect before July 1, 244904
2015, as if the tax were a fixed-rate levy, but those payments 244905
shall extend through fiscal year 2016. 244906

(2) For taxes levied within the ten-mill limitation for debt 244907

purposes in tax year 2005, payments shall be made to school 244908
districts and joint vocational school districts equal to one 244909
hundred per cent of the loss computed under division (D) of 244910
section 5751.21 of the Revised Code as in effect before July 1, 244911
2015, as if the tax were a fixed-rate levy, but those payments 244912
shall extend through fiscal year 2018. 244913

(G) If all the territory of a school district or joint 244914
vocational school district is merged with another district, or if 244915
a part of the territory of a school district or joint vocational 244916
school district is transferred to an existing or newly created 244917
district, the department of education and workforce, in 244918
consultation with the tax commissioner, shall adjust the payments 244919
made under this section as follows: 244920

(1) For a merger of two or more districts, fixed-sum levy 244921
losses, total resources, current expense allocation, and 244922
non-current expense allocation of the successor district shall be 244923
the sum of such items for each of the districts involved in the 244924
merger. 244925

(2) If property is transferred from one district to a 244926
previously existing district, the amount of the total resources, 244927
current expense allocation, and non-current expense allocation 244928
that shall be transferred to the recipient district shall be an 244929
amount equal to the total resources, current expense allocation, 244930
and non-current expense allocation of the transferor district 244931
times a fraction, the numerator of which is the number of pupils 244932
being transferred to the recipient district, measured, in the case 244933
of a school district, by formula ADM as defined in section 244934
3317.02 of the Revised Code or, in the case of a joint vocational 244935
school district, by formula ADM as defined for a joint vocational 244936
school district in that section, and the denominator of which is 244937
the formula ADM of the transferor district. 244938

(3) After December 31, 2010, if property is transferred from 244939

one or more districts to a district that is newly created out of 244940
the transferred property, the newly created district shall be 244941
deemed not to have any total resources, current expense 244942
allocation, total allocation, or non-current expense allocation. 244943

(4) If the recipient district under division (G)(2) of this 244944
section or the newly created district under division (G)(3) of 244945
this section is assuming debt from one or more of the districts 244946
from which the property was transferred and any of the districts 244947
losing the property had fixed-sum levy losses, the department of 244948
education and workforce, in consultation with the tax 244949
commissioner, shall make an equitable division of the 244950
reimbursements for those losses. 244951

(H) The payments required by divisions (C), (D), (E), (F), 244952
and (I) of this section shall be distributed periodically to each 244953
school and joint vocational school district by the department of 244954
education and workforce unless otherwise provided for. Except as 244955
provided in division (D) of this section, if a levy that is a 244956
qualifying levy is not charged and payable in any year after 2014, 244957
payments to the school district or joint vocational school 244958
district shall be reduced to the extent that the payments 244959
distributed in fiscal year 2015 were attributable to the levy loss 244960
of that levy. 244961

(I) For fiscal years 2022 through 2026, if the total amount 244962
to be received under divisions (C) and (E) of this section by any 244963
school district that has a nuclear power plant located within its 244964
territory is less than the amount the district received under this 244965
section in fiscal year 2017, the district shall receive a 244966
supplemental payment equal to the difference between the amount to 244967
be received under those divisions for the fiscal year and the 244968
amount received under this section in fiscal year 2017. 244969

Sec. 5715.26. (A)(1) Upon receiving the statement required by 244970

section 5715.25 of the Revised Code, the county auditor shall 244971
forthwith add to or deduct from each tract, lot, or parcel of real 244972
property or class of real property the required percentage or 244973
amount of the valuation thereof, adding or deducting any sum less 244974
than five dollars so that the value of any separate tract, lot, or 244975
parcel of real property shall be ten dollars or some multiple 244976
thereof. 244977

(2) After making the additions or deductions required by this 244978
section, the auditor shall transmit to the tax commissioner the 244979
appropriate adjusted abstract of the real property of each taxing 244980
district in the auditor's county in which an adjustment was 244981
required. 244982

(3) If the commissioner increases or decreases the aggregate 244983
value of the real property or any class thereof in any county or 244984
taxing district thereof and does not receive within ninety days 244985
thereafter an adjusted abstract conforming to its statement for 244986
such county or taxing district therein, the commissioner shall 244987
withhold from such county or taxing district therein fifty per 244988
cent of its share in the distribution of state revenues to local 244989
governments pursuant to sections 5747.50 to 5747.55 of the Revised 244990
Code and shall direct the department of education and workforce to 244991
withhold therefrom fifty per cent of state revenues to school 244992
districts pursuant to Chapter 3317. of the Revised Code. The 244993
commissioner shall withhold the distribution of such funds until 244994
such county auditor has complied with this division, and the 244995
department shall withhold the distribution of such funds until the 244996
commissioner has notified the department that such county auditor 244997
has complied with this division. 244998

(B)(1) If the commissioner's determination is appealed under 244999
section 5715.251 of the Revised Code, the county auditor, 245000
treasurer, and all other officers shall forthwith proceed with the 245001
levy and collection of the current year's taxes in the manner 245002

prescribed by law. The taxes shall be determined and collected as 245003
if the commissioner had determined under section 5715.24 of the 245004
Revised Code that the real property and the various classes 245005
thereof in the county as shown in the auditor's abstract were 245006
assessed for taxation and the true and agricultural use values 245007
were recorded on the agricultural land tax list as required by 245008
law. 245009

(2) If as a result of the appeal to the board it is finally 245010
determined either that all real property and the various classes 245011
thereof have not been assessed as required by law or that the 245012
values set forth in the agricultural land tax list do not 245013
correctly reflect the true and agricultural use values of the 245014
lands contained therein, the county auditor shall forthwith add to 245015
or deduct from each tract, lot, or parcel of real property or 245016
class of real property the required percentage or amount of the 245017
valuation in accordance with the order of the board or judgment of 245018
the court to which the board's order was appealed, and the taxes 245019
on each tract, lot, or parcel and the percentages required by 245020
section 319.301 of the Revised Code shall be recomputed using the 245021
valuation as finally determined. The order or judgment making the 245022
final determination shall prescribe the time and manner for 245023
collecting, crediting, or refunding the resultant increases or 245024
decreases in taxes. 245025

Sec. 5715.34. (A) When a reassessment of all real property, 245026
or any class of property, situated in the county, township, 245027
municipal corporation, or other taxing district is ordered by the 245028
tax commissioner, the county auditor, within sixty days of the 245029
receipt of such order, shall commence the reassessment in the 245030
manner provided by law and by rules prescribed and issued by the 245031
commissioner. 245032

(B) If a county auditor determines to reassess all real 245033

property situated in the county prior to the time ~~he~~ the auditor 245034
is ordered to do so in compliance with section 5713.01 of the 245035
Revised Code and division (A) of this section, certifies to the 245036
tax commissioner that ~~he~~ the auditor has sufficient moneys 245037
available to do so, and requests the commissioner to order the 245038
reassessment at a date earlier than would otherwise be required, 245039
the commissioner shall issue an order to the auditor to do so. The 245040
auditor shall commence the reassessment in the manner provided by 245041
law and by rules adopted by the commissioner, within sixty days 245042
after receiving the order. 245043

(C) If the county auditor refuses, neglects, or fails to 245044
commence a reassessment within sixty days after receiving such 245045
order, or refuses, neglects, or fails to complete the reassessment 245046
within the time limit prescribed and set forth in such order, the 245047
tax commissioner shall withhold from such county its share in the 245048
distribution of state revenue to local government pursuant to 245049
section 5747.50 of the Revised Code and shall direct the 245050
department of education and workforce to withhold therefrom its 245051
share in the distribution of state revenue to school districts 245052
pursuant to Title XXXIII of the Revised Code. The commissioner 245053
shall withhold the distribution of such funds until such county 245054
auditor has complied with all the provisions of this section, and 245055
the department shall withhold the distribution of such funds until 245056
the commissioner has notified the department that such auditor has 245057
complied with all of the provisions of this section. 245058

Sec. 5747.057. (A) As used in this section: 245059

(1) "Eligible employee" means an employee who is nineteen 245060
years of age or younger and enrolled in a career-technical 245061
education program approved under section 3317.161 of the Revised 245062
Code. 245063

(2) "Eligible compensation" means compensation paid on and 245064

after ~~the effective date of this section~~ March 23, 2022, from 245065
which the employer is required to deduct and withhold income tax 245066
under section 5747.06 of the Revised Code. 245067

(B) A nonrefundable credit is allowed against a taxpayer's 245068
aggregate tax liability under section 5747.02 of the Revised Code 245069
for a taxpayer that holds a tax credit certificate issued under 245070
this section. The credit equals the amount listed on the 245071
certificate and shall be claimed for the taxable year that 245072
includes the last day of the calendar year for which the 245073
certificate was issued. The credit shall be claimed in the order 245074
required under section 5747.98 of the Revised Code. 245075

(C) An employer that is a taxpayer or a pass-through entity 245076
and that employs an eligible employee in fulfillment of a 245077
work-based learning experience, internship, or cooperative 245078
education program associated with the career-technical education 245079
program in which the eligible employee is enrolled may apply to 245080
the department of education and workforce for a tax credit 245081
certificate. The application shall be made on forms prescribed by 245082
the department, in consultation with the tax commissioner, on or 245083
after the first day of January and on or before the first day of 245084
February of each year. The application shall include all of the 245085
following information for the calendar year preceding the year in 245086
which the application is made: 245087

(1) The amount of eligible compensation paid by the applicant 245088
to each of its eligible employees; 245089

(2) The name, birth date, and social security number of each 245090
eligible employee employed by the applicant; 245091

(3) The career-technical education program in which each 245092
eligible employee is enrolled; 245093

(4) A description of each eligible employee's duties as part 245094
of the employee's work-based learning experience, internship, or 245095

cooperative education program; 245096

(5) Any other information requested by the department. 245097

(D)(1) After determining that the applicant satisfies the 245098
conditions described in division (C) of this section, the 245099
department of education and workforce shall issue, within sixty 245100
days after the receipt of a complete application under that 245101
division, a tax credit certificate to the applicant equal to the 245102
lesser of (a) fifteen per cent of the eligible compensation paid 245103
by the applicant to all eligible employees during the calendar 245104
year or (b) five thousand dollars per eligible employee, in either 245105
case subject to the limitations in division (D)(2) of this 245106
section. 245107

(2) If the applicant pays eligible compensation to an 245108
employee who ceases to qualify as an eligible employee during the 245109
calendar year, only the eligible compensation paid to the employee 245110
while the employee qualified as an eligible employee may be used 245111
to calculate the credit amount on a tax credit certificate issued 245112
under this section. The department shall not issue certificates in 245113
a total amount that would cause the tax credits claimed in any 245114
fiscal biennium to exceed five million dollars. 245115

(3) Each tax credit certificate issued under this section 245116
shall include a unique identification number and shall state the 245117
amount of tax credit that may be claimed. A taxpayer claiming the 245118
credit allowed under this section shall submit a copy of the 245119
certificate with the taxpayer's return or report. 245120

(E) If a tax credit certificate is issued to a pass-through 245121
entity under this section, any taxpayer that is a direct or 245122
indirect investor in the pass-through entity on the last day of 245123
the entity's taxable year ending in the calendar year for which 245124
the certificate was issued may claim the taxpayer's distributive 245125
or proportionate share of the credit against the taxpayer's 245126

aggregate tax liability under section 5747.02 of the Revised Code. 245127

(F) For the purpose of issuing tax credit certificates under 245128
this section, the department of education and workforce may 245129
request from any of the following entities the data verification 245130
code assigned under division (D)(2) of section 3301.0714 of the 245131
Revised Code to any student who is included on an application made 245132
pursuant to division (C) of this section as an eligible employee: 245133

(1) The student's resident district; 245134

(2) The district or school offering the career-technical 245135
education program in which the student is enrolled; 245136

(3) The independent contractor engaged to create and maintain 245137
student data verification codes. 245138

The department may not release a data verification code 245139
received under this division to any person except as authorized by 245140
law. Any document related to the tax credit authorized under this 245141
section that the department maintains in its files that contains 245142
both a student's name or other personally identifiable information 245143
and the student's data verification code is not a public record as 245144
defined in section 149.43 of the Revised Code. 245145

Sec. 5747.72. (A) As used in this section: 245146

(1) "Qualifying taxpayer" means a taxpayer that is an 245147
individual with a dependent who is a qualifying student. 245148

(2) "Qualifying student" means a student who ~~was excused~~ is 245149
exempt from the compulsory attendance law for the purpose of home 245150
~~instruction~~ education under section ~~3321.04~~ 3321.042 of the Revised 245151
Code for the school year. 245152

(3) "Education expenses" means expenses or fees for any of 245153
the following items used directly for home ~~instruction~~ education 245154
of a qualifying student: books, supplementary materials, supplies, 245155
computer software, applications, or subscriptions. "Education 245156

expenses" does not include expenses or fees for computers or 245157
similar electronic devices or accessories thereto. 245158

(B) There is hereby allowed a nonrefundable credit against a 245159
qualifying taxpayer's aggregate tax liability under section 245160
5747.02 of the Revised Code equal to the lesser of two hundred 245161
fifty dollars or the amount of education expenses incurred by the 245162
taxpayer in the taxable year for the benefit of one or more of the 245163
taxpayer's qualifying students. The credit shall be claimed in the 245164
order required under section 5747.98 of the Revised Code. 245165

The tax commissioner may request that a qualifying taxpayer 245166
claiming a credit under this section furnish information as is 245167
necessary to support the claim for the credit under this section, 245168
and no credit shall be allowed unless the requested information is 245169
provided. 245170

Sec. 5753.11. (A) As used in this section: 245171

(1) "Public school district" means any city, local, exempted 245172
village, or joint vocational school district, community school 245173
established under Chapter 3314. of the Revised Code, STEM school 245174
established under Chapter 3326. of the Revised Code, or 245175
college-preparatory boarding school established under Chapter 245176
3328. of the Revised Code. "Public school district" does not 245177
include any STEM school operated under section 3326.51 of the 245178
Revised Code. 245179

(2) "Student population" means the number of students 245180
residing in a county who are enrolled in a public school district 245181
in grades kindergarten through twelve and the total number of 245182
preschool children with disabilities on the following dates: 245183

(a) For the January distribution, the Friday of the first 245184
full school week in October; 245185

(b) For the August distribution, the Friday of the first full 245186

school week in May. 245187

(B) For the purpose of calculating student population, each 245188
public school district shall, twice annually, report to the 245189
department of education and workforce the students enrolled in the 245190
district on the days specified in division (A)(2) of this section. 245191
A student shall be considered to be enrolled in a public school 245192
district if the student is participating in education programs of 245193
the public school district and the public school district has not: 245194

(1) Received documentation from a parent terminating 245195
enrollment of the student; 245196

(2) Been provided documentation of a student's enrollment in 245197
another public or private school; or 245198

(3) Ceased to offer education to the student. 245199

If more than one public school district reports a student as 245200
enrolled, the department shall use procedures adopted by the 245201
department for the reconciliation of enrollment to determine the 245202
district of enrollment for purposes of this section. In the case 245203
of the dual enrollment of a student in a joint vocational school 245204
district and another public school district, the student shall be 245205
included in the enrollments for both schools. If the valid school 245206
district or enrollment cannot be determined in time for the 245207
certification, the count of these students shall be divided 245208
equally between the reporting districts. 245209

(C) The department of education and workforce shall certify 245210
to the department of taxation the student population for each 245211
county and the student population for each public school district 245212
located in whole or in part in the county on or before the 245213
thirtieth day of December, for the January distribution and on or 245214
before the thirtieth day of July, for the August distribution. A 245215
student shall be included in the school district enrollment for a 245216
county only if a student resides in that county. The location of 245217

each community school shall be the enrollment area required to be 245218
defined by the community school and its sponsor in accordance with 245219
division (A)(19) of section 3314.03 of the Revised Code, the 245220
location of each STEM school shall be any county in which its 245221
enrolled students reside, and the location of the 245222
college-preparatory boarding schools shall be the territory of the 245223
school district in which the college-preparatory school is located 245224
or the territory of any city, exempted village, or local school 245225
district that has agreed to be a participating district under 245226
section 3328.04 of the Revised Code. 245227

The student population count certified by the department of 245228
education and workforce to the department of taxation is final and 245229
shall not be adjusted by future updates to the counts. 245230

(D) Not later than the thirty-first day of January and the 245231
thirty-first day of August of each year, the tax commissioner 245232
shall distribute funds in the gross casino revenue county student 245233
fund to public school districts. The commissioner shall calculate 245234
the amount of funds to distribute to each public school district 245235
as follows: 245236

(1) The commissioner shall calculate the proportional share 245237
of the funds attributable to each county by dividing the total 245238
student population certified for each county by the sum of the 245239
total student population certified in all counties statewide. 245240

(2) The commissioner shall multiply the amount in division 245241
(D)(1) of this section by the total amount of funds in the gross 245242
casino revenue county student fund to obtain the share of funds 245243
for each county. 245244

(3) The commissioner shall multiply the amount in division 245245
(D)(2) of this section by the quotient of the student population 245246
certified for each individual district located in the county 245247
divided by the sum of the student population certified for all 245248

public school districts located in the county. 245249

The commissioner shall distribute to each public school 245250
district the amount so calculated for each district. 245251

Sec. 6109.21. (A) Except as provided in divisions (I) and (J) 245252
of this section, no person shall operate a public water system in 245253
this state without a license issued by the director of 245254
environmental protection. 245255

(B) A person who proposes to operate a new public water 245256
system, in addition to complying with section 6109.07 of the 245257
Revised Code and rules adopted under it, shall obtain an initial 245258
license from the director. The person shall submit an application 245259
for the initial license at least forty-five days prior to 245260
commencing the operation of the system. 245261

(C) A license shall expire on the thirtieth day of January in 245262
the year following its issuance. 245263

(D) A license shall be renewed annually. A person proposing 245264
to continue operating a public water system shall apply for a 245265
license renewal at least thirty days prior to the expiration date 245266
of the license. 245267

(E) Each application for a license or license renewal shall 245268
be accompanied by the appropriate fee established under division 245269
(M) of section 3745.11 of the Revised Code. However, an applicant 245270
for an initial license who is proposing to operate a new public 245271
water system shall submit a fee that equals a prorated amount of 245272
the appropriate fee established under that division for the 245273
remainder of the licensing year. 245274

(F) Not later than thirty days after receiving a completed 245275
application and the appropriate license fee for a license or 245276
license renewal for a public water system, the director shall do 245277
one of the following: 245278

(1) Issue the license or license renewal for the public water system;	245279 245280
(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;	245281 245282 245283
(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.	245284 245285 245286
(G) The director may condition, suspend, or revoke a license or license renewal issued under this section at any time if the director finds that the public water system was not or will not be operated in substantial compliance with this chapter and rules adopted under it.	245287 245288 245289 245290 245291
(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements governing both of the following:	245292 245293 245294
(1) Information to be included on applications for licenses and license renewals issued under this section;	245295 245296
(2) The issuance, conditioning, suspension, revocation, and denial of licenses and license renewals under this section.	245297 245298
(I)(1) As used in division (I) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person.	245299 245300 245301 245302 245303
(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families.	245304 245305 245306 245307 245308

(J) This section does not apply to any public or nonpublic school that meets minimum standards of the ~~state board~~ director of education and workforce that operates or maintains a public water system solely to provide water for that school.

(K) The environmental protection agency shall collect well log filing fees on behalf of the division of water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

Sec. 6301.04. (A) The governor shall establish a state board. The state board shall consist of the following members:

(1) The governor;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(3) Two members of the senate, appointed by the president of the senate;

(4) Members required under section 101(b)(1)(C) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C);

(5) The deputy director of primary and secondary education and the deputy director of career-technical education appointed under section 3301.13 of the Revised Code;

(6) Any additional members appointed by the governor.

(B) The governor shall appoint members to the board, who serve at the governor's pleasure, to perform duties under the Workforce Innovation and Opportunity Act, as authorized by the governor.

(C) The board is not subject to sections 101.82 to 101.87 of the Revised Code.

(D) All state agencies engaged in workforce development activities shall assist the board in the performance of its duties.	245338 245339 245340
(E) The board shall have the power and authority to do all of the following:	245341 245342
(1) Develop, implement, and modify the state workforce development plan;	245343 245344
(2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;	245345 245346 245347 245348
(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures;	245349 245350 245351 245352
(4) Continue to identify and disseminate information on promising practices in the area of workforce development;	245353 245354
(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor.	245355 245356 245357
Sec. 6301.11. (A) As used in this section, "public or private institution" means any of the following:	245358 245359
(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	245360 245361
(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	245362 245363 245364
(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher	245365 245366

education. 245367

(B) The state board, in connection with the department of job 245368
and family services, the department of education and workforce, 245369
and public or private institutions, shall develop a methodology 245370
for identifying jobs that are in demand by employers operating in 245371
this state. The methodology for identifying in-demand jobs shall 245372
include an analysis of both of the following: 245373

(1) Jobs that are in demand in each region of the state, as 245374
determined by the director of job and family services; 245375

(2) Jobs that pay a wage rate that is equal to or greater 245376
than one hundred twenty-five per cent of the wage rate established 245377
under section 6 of the "Fair Labor Standards Act of 1938," 52 245378
Stat. 1060, 29 U.S.C. 206, as amended, or its successor law. 245379

(C) The department of job and family services, the department 245380
of education and workforce, and the public or private 245381
institutions, in consultation with the state board, shall use the 245382
methodology to create a list of such in-demand jobs in the state 245383
and a list of such in-demand jobs in each region of the state. The 245384
department of job and family services and the department of 245385
education and workforce shall publish the lists on the web ~~site~~ 245386
sites of ~~the~~ each department. The ~~department~~ departments and 245387
public or private institutions shall periodically update the lists 245388
to reflect evolving workforce demands in this state and its 245389
regions. 245390

(D) Local boards and other providers of workforce training 245391
shall use the lists of in-demand jobs to cultivate and prioritize 245392
workforce development activities that correspond to the employment 245393
needs of employers operating in this state and in each of its 245394
regions and to assist individuals in maximizing their employment 245395
opportunities. 245396

Sec. 6301.111. The governor's office of workforce 245397
transformation, in conjunction with the department of job and 245398
family services and the department of education and workforce, 245399
shall conduct an electronic survey of employers in this state to 245400
identify jobs that are in demand by those employers. The office, 245401
in conjunction with the ~~department~~ departments, shall use the 245402
survey results to update the list of in-demand jobs required under 245403
section 6301.11 of the Revised Code, notwithstanding the 245404
requirement in that section that the ~~department~~ departments and 245405
public or private institutions, as defined in that section, 245406
periodically update that list. The office shall complete the 245407
initial survey and make the update required under this section not 245408
later than December 31, 2018. The office shall complete a 245409
subsequent survey and update not later than the last day of 245410
December every two years thereafter. 245411

Sec. 6301.112. (A) The governor's office of workforce 245412
transformation, in collaboration with the departments of higher 245413
education ~~and,~~ job and family services, and education and 245414
workforce, shall create and publish on the OhioMeansJobs web site 245415
a workforce supply tool that uses real-time demand and supply 245416
data. The office shall provide all of the following through the 245417
tool: 245418

(1) Businesses with historical information on graduates from 245419
high demand fields; 245420

(2) Businesses with projections on future graduates; 245421

(3) The number of skilled workers available for work in 245422
occupations included in the list of in-demand jobs created under 245423
section 6301.11 of the Revised Code. 245424

(B) ~~Not later than January 1, 2018, the~~ The governor's office 245425
of workforce transformation, in collaboration with the departments 245426

of higher education ~~and~~, job and family services, and education 245427
and workforce, shall include in the workforce supply tool created 245428
under division (A) of this section all in-demand jobs included in 245429
the list of in-demand jobs created under section 6301.11 of the 245430
Revised Code. 245431

(C) ~~Not later than December 31, 2018, the~~ The governor's 245432
office of workforce transformation, in collaboration with the 245433
~~departments~~ department of higher education and the department of 245434
education and workforce, shall establish design teams. The design 245435
teams shall do both of the following: 245436

(1) Identify emerging skill needs based on predictive 245437
analytics and analysis of the data from the workforce supply tool 245438
created under division (A) of this section; 245439

(2) Periodically recommend innovations for responding to 245440
emerging in-demand jobs and skills. 245441

Sec. 6301.15. ~~Not later than September 1, 2014, the~~ The 245442
director of job and family services, in consultation with ~~the~~ 245443
~~superintendent of public instruction and the director of the~~ 245444
governor's office of workforce transformation and the director of 245445
education and workforce, shall develop and maintain an online 245446
education and career planning tool to assist students in 245447
developing education and career plans. ~~The director of job and~~ 245448
~~family services also shall provide information regarding the~~ 245449
~~online planning tool and all appropriate web site links, including~~ 245450
~~a link to the OhioMeansJobs web site, to the department of~~ 245451
~~education not later than that date.~~ The director of job and family 245452
services shall periodically update the online education and career 245453
planning tool and other information as determined necessary by the 245454
director and shall provide the updates to the department of 245455
education and workforce. 245456

The department of education and workforce shall post the 245457

information ~~received from the director of job and family services~~ 245458
developed under this section in a prominent location on the 245459
department's web site. 245460

Sec. 6301.21. (A) ~~Not later than December 31, 2017, the~~ The 245461
governor's office of workforce transformation, the department of 245462
education and workforce, and the chancellor of higher education, 245463
in consultation with business and economic development stakeholder 245464
groups, shall develop a regional workforce collaboration model. 245465
The model shall provide guidance on how the JobsOhio regional 245466
network, local chambers of commerce, economic development 245467
organizations, business, business associations, secondary and 245468
post-secondary education organizations, and Ohio college tech prep 245469
regional centers, that are jointly managed by the department of 245470
education and workforce and the chancellor, shall collaborate to 245471
form a partnership that provides career services to students. 245472

Career services to students may include, but are not limited 245473
to, job shadowing, internships, co-ops, apprenticeships, career 245474
exploration activities, and problem-based curriculum developed in 245475
alignment with in-demand jobs. 245476

(B) The governor's office of workforce transformation shall 245477
oversee the creation of regional workforce collaboration 245478
partnerships based on the model created under division (A) of this 245479
section. The partnerships shall be located in each of the six 245480
different regions of the state, as determined by JobsOhio. 245481

(C) As used in this section, "JobsOhio" has the same meaning 245482
as in section 187.01 of the Revised Code. 245483

Sec. 6301.22. (A) With regard to industry-recognized 245484
credentials and certificate programs, the governor's office of 245485
workforce transformation shall act as a liaison between the 245486
business community and the department of education and workforce 245487

or the chancellor of higher education. In acting as a liaison, the 245488
governor's office of workforce transformation shall accept 245489
inquiries from the business community regarding all of the 245490
following: 245491

(1) Industry-recognized credentials approved under section 245492
3313.6113 of the Revised Code; 245493

(2) Certificate programs and industry-recognized credentials 245494
included in the inventory prescribed under section 3333.94 of the 245495
Revised Code; 245496

(3) Any other existing or proposed credential or certificate 245497
program necessary to meet the workforce needs of the state, as 245498
determined by the office. 245499

(B) Based on inquiries submitted under division (A) of this 245500
section, the governor's office of workforce transformation shall 245501
do either of the following: 245502

(1) Request information from the department of education and 245503
workforce regarding industry-recognized credentials approved under 245504
section 3313.6113 of the Revised Code; 245505

(2) Request information from the chancellor regarding 245506
certificate programs and industry-recognized credentials included 245507
in the inventory prescribed under section 3333.94 of the Revised 245508
Code or offered by an institution that holds a certificate of 245509
authorization issued under Chapter 1713. of the Revised Code. 245510

(C) Based on inquiries submitted under division (A) of this 245511
section, the governor's office of workforce transformation, in 245512
collaboration with the department of education and workforce, the 245513
chancellor, and other stakeholders, including regional education 245514
providers, determined appropriate by the office, shall convene a 245515
review of an existing or proposed industry-recognized credential 245516
or certificate program. The office shall submit the findings of 245517
the department of education and workforce or the chancellor, as 245518

appropriate, to the business that submitted the inquiry for which 245519
the review was initiated. 245520

(D) Nothing in this section shall affect the responsibilities 245521
assigned under division (B) of section 3313.6113 of the Revised 245522
Code to the committee established under division (A) of that 245523
section or the responsibilities assigned to the chancellor under 245524
division (B) of section 3333.94 of the Revised Code. 245525

Sec. 6301.23. (A) As used in this section: 245526

(1) "Ohio career-technical associations" includes all of the 245527
following: 245528

(a) The Ohio association of career and technical education; 245529

(b) The Ohio association of career-technical superintendents; 245530

(c) The Ohio association of comprehensive and compact 245531
career-technical schools. 245532

(2) "Other public school" has the same meaning as in section 245533
3301.0711 of the Revised Code. 245534

(3) "State agency" has the same meaning as in section 1.60 of 245535
the Revised Code. 245536

(B) ~~Not later than July 1, 2021, the~~ The governor's office of 245537
workforce transformation, the department of education, and 245538
workforce, and the chancellor of higher education, in consultation 245539
with Ohio career-technical associations and other appropriate 245540
stakeholders, shall develop model guidance for maintaining a 245541
statewide inventory of industry-recognized credentials. The 245542
guidance shall address the following: 245543

(1) Methods for state agencies to efficiently and effectively 245544
organize the different categories of industry-recognized 245545
credentials in a manner that allows students, school districts, 245546
other public schools, chartered nonpublic schools, and 245547

institutions of higher education to easily understand available	245548
credentialing options, based on the unique circumstances of each	245549
individual student;	245550
(2) The potential creation of a centralized, inter-agency	245551
database of information on all industry-recognized credentials	245552
that is accessible to the public;	245553
(3) Methods to streamline the process to add career-technical	245554
programs to the various approved credentialing lists;	245555
(4) Methods to increase transparency in the approval process	245556
for industry-recognized credentials.	245557
Section 130.101. That existing sections 5.224, 5.281, 9.231,	245558
9.55, 102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72,	245559
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5139.34, 5145.06, 5162.363, 5162.365, 5502.262, 5502.263, 5513.04, 245672
5703.21, 5705.216, 5705.391, 5705.412, 5709.07, 5709.92, 5715.26, 245673
5715.34, 5747.057, 5747.72, 5753.11, 6109.21, 6301.04, 6301.11, 245674

6301.111, 6301.112, 6301.15, 6301.21, 6301.22, and 6301.23 of the Revised Code are hereby repealed.

Section 130.102. That sections 3301.13, 3302.101, and 3302.102 of the Revised Code are hereby repealed.

Section 130.103. That the versions of sections 921.06, 3301.071, 3309.011, 3319.22, 3319.229, 3319.262, 3319.28, 3319.361, 3327.10, 4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

Sec. 921.06. (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

(a) Apply pesticides for a pesticide business without direct supervision;

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;	245703 245704
(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	245705 245706
(iii) Golf courses;	245707
(iv) Rental properties of more than four apartment units at one location;	245708 245709
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	245710 245711
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	245712 245713
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board <u>director</u> of education <u>and workforce</u> ;	245714 245715 245716 245717 245718 245719
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	245720 245721 245722 245723 245724 245725 245726 245727 245728 245729
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	245730 245731
(x) Any other site designated by rule.	245732

(e) Conduct authorized diagnostic inspections. 245733

(2) Divisions (A)(1)(a) to (d) of this section do not apply 245734
to an individual who is acting as a trained serviceperson under 245735
the direct supervision of a commercial applicator. 245736

(3) Licenses shall be issued for a period of time established 245737
by rule and shall be renewed in accordance with deadlines 245738
established by rule. The fee for each such license shall be 245739
established by rule. If a license is not issued or renewed, the 245740
application fee shall be retained by the state as payment for the 245741
reasonable expense of processing the application. The director 245742
shall by rule classify by pesticide-use category licenses to be 245743
issued under this section. A single license may include more than 245744
one pesticide-use category. No individual shall be required to pay 245745
an additional license fee if the individual is licensed for more 245746
than one category. 245747

The fee for each license or renewal does not apply to an 245748
applicant who is an employee of the department of agriculture 245749
whose job duties require licensure as a commercial applicator as a 245750
condition of employment. 245751

(B) Application for a commercial applicator license shall be 245752
made on a form prescribed by the director. Each application for a 245753
license shall state the pesticide-use category or categories of 245754
license for which the applicant is applying and other information 245755
that the director determines essential to the administration of 245756
this chapter. 245757

(C)(1) Except as provided in division (C)(2) of this section, 245758
if the director finds that the applicant is competent to apply 245759
pesticides and conduct diagnostic inspections and that the 245760
applicant has passed both the general examination and each 245761
applicable pesticide-use category examination as required under 245762
division (A) of section 921.12 of the Revised Code, the director 245763

shall issue a commercial applicator license limited to the 245764
pesticide-use category or categories for which the applicant is 245765
found to be competent. If the director rejects an application, the 245766
director may explain why the application was rejected, describe 245767
the additional requirements necessary for the applicant to obtain 245768
a license, and return the application. The applicant may resubmit 245769
the application without payment of any additional fee. 245770

(2) The director shall issue a commercial applicator license 245771
in accordance with Chapter 4796. of the Revised Code to an 245772
individual if either of the following applies: 245773

(a) The individual holds a commercial applicator license in 245774
another state. 245775

(b) The individual has satisfactory work experience, a 245776
government certification, or a private certification as described 245777
in that chapter as a commercial applicator in a state that does 245778
not issue that license. 245779

A license issued under this division shall be limited to the 245780
pesticide-use category or categories for which the applicant is 245781
licensed in another state or has satisfactory work experience, a 245782
government certification, or a private certification in that 245783
state. 245784

(D)(1) A person who is a commercial applicator shall be 245785
deemed to hold a private applicator's license for purposes of 245786
applying pesticides on agricultural commodities that are produced 245787
by the commercial applicator. 245788

(2) A commercial applicator shall apply pesticides only in 245789
the pesticide-use category or categories in which the applicator 245790
is licensed under this chapter. 245791

(E) All money collected under this section shall be credited 245792
to the pesticide, fertilizer, and lime program fund created in 245793
section 921.22 of the Revised Code. 245794

Sec. 3301.071. (A)(1) Except as provided in division (E) of 245795
this section, in the case of nontax-supported schools, standards 245796
for teacher certification prescribed under section 3301.07 of the 245797
Revised Code shall provide for certification, without further 245798
educational requirements, of any administrator, supervisor, or 245799
teacher who has attended and received a bachelor's degree from a 245800
college or university accredited by a national or regional 245801
association in the United States except that, at the discretion of 245802
the state board of education, this requirement may be met by 245803
having an equivalent degree from a foreign college or university 245804
of comparable standing. 245805

(2) Except as provided in division (E) of this section, in 245806
the case of nonchartered, nontax-supported schools, the standards 245807
for teacher certification prescribed under section 3301.07 of the 245808
Revised Code shall provide for certification, without further 245809
educational requirements, of any administrator, supervisor, or 245810
teacher who has attended and received a diploma from a "bible 245811
college" or "bible institute" described in division (E) of section 245812
1713.02 of the Revised Code. 245813

(3) A certificate issued under division (A)(3) of this 245814
section shall be valid only for teaching foreign language, music, 245815
religion, computer technology, or fine arts. 245816

Notwithstanding division (A)(1) of this section and except as 245817
provided in division (E) of this section, the standards for 245818
teacher certification prescribed under section 3301.07 of the 245819
Revised Code shall provide for certification of a person as a 245820
teacher upon receipt by the state board of an affidavit signed by 245821
the chief administrative officer of a chartered nonpublic school 245822
seeking to employ the person, stating that the person meets one of 245823
the following conditions: 245824

(a) The person has specialized knowledge, skills, or 245825

expertise that qualifies the person to provide instruction. 245826

(b) The person has provided to the chief administrative 245827
officer evidence of at least three years of teaching experience in 245828
a public or nonpublic school. 245829

(c) The person has provided to the chief administrative 245830
officer evidence of completion of a teacher training program named 245831
in the affidavit. 245832

(B) Each person applying for a certificate under this section 245833
for purposes of serving in a nonpublic school chartered by the 245834
~~state board~~ director of education and workforce under section 245835
3301.16 of the Revised Code shall pay a fee in the amount 245836
established under division (A) of section 3319.51 of the Revised 245837
Code. Any fees received under this division shall be paid into the 245838
state treasury to the credit of the state board of education 245839
certification fund established under division (B) of section 245840
3319.51 of the Revised Code. 245841

(C) A person applying for or holding any certificate pursuant 245842
to this section for purposes of serving in a nonpublic school 245843
chartered by the ~~state board~~ director is subject to sections 245844
3123.41 to 3123.50 of the Revised Code and any applicable rules 245845
adopted under section 3123.63 of the Revised Code and sections 245846
3319.31 and 3319.311 of the Revised Code. 245847

(D) Divisions (B) and (C) of this section and sections 245848
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 245849
to any administrators, supervisors, or teachers in nonchartered, 245850
nontax-supported schools. 245851

(E) The state board shall issue a certificate to serve in a 245852
nonpublic school as an administrator, supervisor, or teacher in 245853
accordance with Chapter 4796. of the Revised Code to an applicant 245854
if either of the following applies: 245855

(1) The applicant holds a certificate in another state. 245856

(2) The applicant has satisfactory work experience, a 245857
government certification, or a private certification as described 245858
in that chapter as a nonpublic school administrator, supervisor, 245859
or teacher in a state that does not issue one or more of those 245860
certificates. 245861

Sec. 3309.011. "Employee" as defined in division (B) of 245862
section 3309.01 of the Revised Code, does not include any of the 245863
following: 245864

(A) Any person having a license or registration issued 245865
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 245866
employed in a public school in this state in an educational 245867
position, as determined by the ~~state board~~ department of education 245868
and workforce, under programs provided for by federal acts or 245869
regulations and financed in whole or in part from federal funds, 245870
but for which no licensure requirements for the position can be 245871
made under the provisions of such federal acts or regulations; 245872

(B) Any person who participates in an alternative retirement 245873
plan established under Chapter 3305. of the Revised Code; 245874

(C) Any person who elects to transfer from the school 245875
employees retirement system to the public employees retirement 245876
system under section 3309.312 of the Revised Code; 245877

(D) Any person whose full-time employment by the university 245878
of Akron as a state university law enforcement officer pursuant to 245879
section 3345.04 of the Revised Code commences on or after 245880
September 16, 1998; 245881

(E) Any person described in division (B) of section 3309.013 245882
of the Revised Code; 245883

(F) Any person described in division (D) of section 145.011 245884
of the Revised Code; 245885

(G) Any person described in division (B)(1)(b) or (g) of 245886

section 3307.01 of the Revised Code. 245887

Sec. 3319.22. (A)(1) The state board of education shall issue 245888
the following educator licenses: 245889

(a) A resident educator license, which shall be valid for two 245890
years and shall be renewable for reasons specified by rules 245891
adopted by the state board pursuant to division (A)(3) of this 245892
section. The state board, on a case-by-case basis, may extend the 245893
license's duration as necessary to enable the license holder to 245894
complete the Ohio teacher residency program established under 245895
section 3319.223 of the Revised Code; 245896

(b) A professional educator license, which shall be valid for 245897
five years and shall be renewable; 245898

(c) A senior professional educator license, which shall be 245899
valid for five years and shall be renewable; 245900

(d) A lead professional educator license, which shall be 245901
valid for five years and shall be renewable. 245902

Licenses issued under division (A)(1) of this section on and 245903
after November 2, 2018, shall specify whether the educator is 245904
licensed to teach grades pre-kindergarten through five, grades 245905
four through nine, or grades seven through twelve. The changes to 245906
the grade band specifications under this amendment shall not apply 245907
to a person who holds a license under division (A)(1) of this 245908
section prior to November 2, 2018. Further, the changes to the 245909
grade band specifications under this amendment shall not apply to 245910
any license issued to teach in the area of computer information 245911
science, bilingual education, dance, drama or theater, world 245912
language, health, library or media, music, physical education, 245913
teaching English to speakers of other languages, career-technical 245914
education, or visual arts or to any license issued to an 245915
intervention specialist, including a gifted intervention 245916

specialist, or to any other license that does not align to the 245917
grade band specifications. 245918

(2)(a) Except as provided in division (A)(2)(b) of this 245919
section, the state board may issue any additional educator 245920
licenses of categories, types, and levels the board elects to 245921
provide. 245922

(b) Not later than December 31, 2024, the state board shall 245923
cease licensing school psychologists. The state board shall 245924
coordinate with the state board of psychology to transition to 245925
licensure under Chapter 4732. of the Revised Code any school 245926
psychologists licensed under rules adopted in accordance with 245927
sections 3301.07 and 3319.22 of the Revised Code. 245928

(3) Except as provided in division (I) of this section, the 245929
state board shall adopt rules establishing the standards and 245930
requirements for obtaining each educator license issued under this 245931
section. The rules shall also include the reasons for which a 245932
resident educator license may be renewed under division (A)(1)(a) 245933
of this section. 245934

(B) Except as provided in division (I) of this section, the 245935
rules adopted under this section shall require at least the 245936
following standards and qualifications for the educator licenses 245937
described in division (A)(1) of this section: 245938

(1) An applicant for a resident educator license shall hold 245939
at least a bachelor's degree from an accredited teacher 245940
preparation program or be a participant in the teach for America 245941
program and meet the qualifications required under section 245942
3319.227 of the Revised Code. 245943

(2) An applicant for a professional educator license shall: 245944

(a) Hold at least a bachelor's degree from an institution of 245945
higher education accredited by a regional accrediting 245946
organization; 245947

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.

(D) If the state board requires any examinations for educator licensure, the ~~department of education~~ state board shall provide the results of such examinations received by the ~~department~~ state board to the chancellor of higher education, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, ~~division (D) of section 3301.07 of the Revised Code,~~ or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of higher education under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

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

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. ~~The department of education~~ state board shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted ~~by the state board of education~~ pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F)(2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days prior to an anniversary of the date upon which the current committee structure was

established, the board provides notice to all affected district 246041
employees that the committee structure is to be modified. 246042
Professional development committees may have a district-level or 246043
building-level scope of operations, and may be established with 246044
regard to particular grade or age levels for which an educator 246045
license is designated. 246046

Each professional development committee shall consist of at 246047
least three classroom teachers employed by the district, one 246048
principal employed by the district, and one other employee of the 246049
district appointed by the district superintendent. For committees 246050
with a building-level scope, the teacher and principal members 246051
shall be assigned to that building, and the teacher members shall 246052
be elected by majority vote of the classroom teachers assigned to 246053
that building. For committees with a district-level scope, the 246054
teacher members shall be elected by majority vote of the classroom 246055
teachers of the district, and the principal member shall be 246056
elected by a majority vote of the principals of the district, 246057
unless there are two or fewer principals employed by the district, 246058
in which case the one or two principals employed shall serve on 246059
the committee. If a committee has a particular grade or age level 246060
scope, the teacher members shall be licensed to teach such grade 246061
or age levels, and shall be elected by majority vote of the 246062
classroom teachers holding such a license and the principal shall 246063
be elected by all principals serving in buildings where any such 246064
teachers serve. The district superintendent shall appoint a 246065
replacement to fill any vacancy that occurs on a professional 246066
development committee, except in the case of vacancies among the 246067
elected classroom teacher members, which shall be filled by vote 246068
of the remaining members of the committee so selected. 246069

Terms of office on professional development committees shall 246070
be prescribed by the district board establishing the committees. 246071
The conduct of elections for members of professional development 246072

committees shall be prescribed by the district board establishing 246073
the committees. A professional development committee may include 246074
additional members, except that the majority of members on each 246075
such committee shall be classroom teachers employed by the 246076
district. Any member appointed to fill a vacancy occurring prior 246077
to the expiration date of the term for which a predecessor was 246078
appointed shall hold office as a member for the remainder of that 246079
term. 246080

The initial meeting of any professional development 246081
committee, upon election and appointment of all committee members, 246082
shall be called by a member designated by the district 246083
superintendent. At this initial meeting, the committee shall 246084
select a chairperson and such other officers the committee deems 246085
necessary, and shall adopt rules for the conduct of its meetings. 246086
Thereafter, the committee shall meet at the call of the 246087
chairperson or upon the filing of a petition with the district 246088
superintendent signed by a majority of the committee members 246089
calling for the committee to meet. 246090

(3) In the case of a school district in which an exclusive 246091
representative has been established pursuant to Chapter 4117. of 246092
the Revised Code, professional development committees shall be 246093
established in accordance with any collective bargaining agreement 246094
in effect in the district that includes provisions for such 246095
committees. 246096

If the collective bargaining agreement does not specify a 246097
different method for the selection of teacher members of the 246098
committees, the exclusive representative of the district's 246099
teachers shall select the teacher members. 246100

If the collective bargaining agreement does not specify a 246101
different structure for the committees, the board of education of 246102
the school district shall establish the structure, including the 246103
number of committees and the number of teacher and administrative 246104

members on each committee; the specific administrative members to 246105
be part of each committee; whether the scope of the committees 246106
will be district levels, building levels, or by type of grade or 246107
age levels for which educator licenses are designated; the lengths 246108
of terms for members; the manner of filling vacancies on the 246109
committees; and the frequency and time and place of meetings. 246110
However, in all cases, except as provided in division (F)(4) of 246111
this section, there shall be a majority of teacher members of any 246112
professional development committee, there shall be at least five 246113
total members of any professional development committee, and the 246114
exclusive representative shall designate replacement members in 246115
the case of vacancies among teacher members, unless the collective 246116
bargaining agreement specifies a different method of selecting 246117
such replacements. 246118

(4) Whenever an administrator's coursework plan is being 246119
discussed or voted upon, the local professional development 246120
committee shall, at the request of one of its administrative 246121
members, cause a majority of the committee to consist of 246122
administrative members by reducing the number of teacher members 246123
voting on the plan. 246124

(G)(1) The department of education and workforce, educational 246125
service centers, county boards of developmental disabilities, 246126
college and university departments of education, head start 246127
programs, and the Ohio education computer network may establish 246128
local professional development committees to determine whether the 246129
coursework proposed by their employees who are licensed or 246130
certificated under this section or section 3319.222 of the Revised 246131
Code, or under the former version of either section as it existed 246132
prior to October 16, 2009, meet the requirements of the rules 246133
adopted under this section. They may establish local professional 246134
development committees on their own or in collaboration with a 246135
school district or other agency having authority to establish 246136

them. 246137

Local professional development committees established by 246138
county boards of developmental disabilities shall be structured in 246139
a manner comparable to the structures prescribed for school 246140
districts in divisions (F)(2) and (3) of this section, as shall 246141
the committees established by any other entity specified in 246142
division (G)(1) of this section that provides educational services 246143
by employing or contracting for services of classroom teachers 246144
licensed or certificated under this section or section 3319.222 of 246145
the Revised Code, or under the former version of either section as 246146
it existed prior to October 16, 2009. All other entities specified 246147
in division (G)(1) of this section shall structure their 246148
committees in accordance with guidelines which shall be issued by 246149
the ~~state board~~ department. 246150

(2) Educational service centers may establish local 246151
professional development committees to serve educators who are not 246152
employed in schools in this state, including pupil services 246153
personnel who are licensed under this section. Local professional 246154
development committees shall be structured in a manner comparable 246155
to the structures prescribed for school districts in divisions 246156
(F)(2) and (3) of this section. 246157

These committees may agree to review the coursework, 246158
continuing education units, or other equivalent activities related 246159
to classroom teaching or the area of licensure that is proposed by 246160
an individual who satisfies both of the following conditions: 246161

(a) The individual is licensed or certificated under this 246162
section or under the former version of this section as it existed 246163
prior to October 16, 2009. 246164

(b) The individual is not currently employed as an educator 246165
or is not currently employed by an entity that operates a local 246166
professional development committee under this section. 246167

Any committee that agrees to work with such an individual 246168
shall work to determine whether the proposed coursework, 246169
continuing education units, or other equivalent activities meet 246170
the requirements of the rules adopted by the state board under 246171
this section. 246172

(3) Any public agency that is not specified in division 246173
(G)(1) or (2) of this section but provides educational services 246174
and employs or contracts for services of classroom teachers 246175
licensed or certificated under this section or section 3319.222 of 246176
the Revised Code, or under the former version of either section as 246177
it existed prior to October 16, 2009, may establish a local 246178
professional development committee, subject to the approval of the 246179
department of education and workforce. The committee shall be 246180
structured in accordance with guidelines issued by the ~~state board~~ 246181
department. 246182

(H) Not later than July 1, 2016, the state board, in 246183
accordance with Chapter 119. of the Revised Code, shall adopt 246184
rules pursuant to division (A)(3) of this section that do both of 246185
the following: 246186

(1) Exempt consistently high-performing teachers from the 246187
requirement to complete any additional coursework for the renewal 246188
of an educator license issued under this section or section 246189
3319.26 of the Revised Code. The rules also shall specify that 246190
such teachers are exempt from any requirements prescribed by 246191
professional development committees established under divisions 246192
(F) and (G) of this section. 246193

(2) For purposes of division (H)(1) of this section, the 246194
state board shall define the term "consistently high-performing 246195
teacher." 246196

(I) The state board shall issue a resident educator license, 246197
professional educator license, senior professional educator 246198

license, lead professional educator license, or any other educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a resident educator, professional educator, senior professional educator, lead professional educator, or any other type of educator in a state that does not issue one or more of those licenses.

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former section 3319.229 of the Revised Code by S.B. 216 of the 132nd general assembly, the state board of education shall accept applications for new, and for renewal of, professional career-technical teaching licenses through June 30, 2019, and issue them on the basis of the applications received by that date in accordance with the rules described in that former section. Except as otherwise provided in divisions (A)(2) and (3) of this section, beginning July 1, 2019, the state board shall issue career-technical workforce development educator licenses only under this section.

(2) An individual who, on July 1, 2019, holds a professional career-technical teaching license issued under the rules described in former section 3319.229 of the Revised Code, may continue to renew that license in accordance with those rules for the remainder of the individual's teaching career. However, nothing in this division shall be construed to prohibit the individual from applying to the state board for a career-technical workforce development educator license under this section.

(3) An individual who, on July 1, 2019, holds an alternative resident educator license for teaching career-technical education

issued under section 3319.26 of the Revised Code may, upon the 246230
expiration of the license, apply for a professional 246231
career-technical teaching license issued under the rules described 246232
in former section 3319.229 of the Revised Code. Such an individual 246233
may continue to renew the professional license in accordance with 246234
those rules for the remainder of the individual's teaching career. 246235
However, nothing in this division shall be construed to prohibit 246236
the individual from applying to the state board for a 246237
career-technical workforce development educator license under this 246238
section. 246239

(B) Except as provided in division (G) of this section, the 246240
state board, in collaboration with the chancellor of higher 246241
education, shall adopt rules establishing standards and 246242
requirements for obtaining a two-year initial career-technical 246243
workforce development educator license and a five-year advanced 246244
career-technical workforce development educator license. Each 246245
license shall be valid for teaching career-technical education or 246246
workforce development programs in grades four through twelve. The 246247
rules shall require applicants for either license to have a high 246248
school diploma or a certificate of high school equivalence as 246249
awarded under section 3301.80 of the Revised Code or as recognized 246250
as the equivalent of such certificate under division (C) of that 246251
section. 246252

(C)(1) Except as provided in division (G) of this section, 246253
the state board shall issue an initial career-technical workforce 246254
development educator license to an applicant upon request from the 246255
superintendent of a school district that has agreed to employ the 246256
applicant. In making the request, the superintendent shall provide 246257
documentation, in accordance with procedures prescribed by the 246258
~~department of education~~ state board, showing that the applicant has 246259
at least five years of work experience, or the equivalent, in the 246260
subject area in which the applicant will teach. The license shall 246261

be valid for teaching only in the requesting district. The 246262
superintendent also shall provide documentation, in accordance 246263
with procedures prescribed by the ~~department~~ state board, that the 246264
applicant is enrolled in a career-technical workforce development 246265
educator preparation program offered by an institution of higher 246266
education that has an existing teacher preparatory program in 246267
place that meets all of the following criteria: 246268

(a) Is approved by the chancellor of higher education to 246269
provide instruction in teaching methods and principles; 246270

(b) Provides classroom support to the license holder; 246271

(c) Includes at least three semester hours of coursework in 246272
the teaching of reading in the subject area; 246273

(d) Is aligned with career-technical education and workforce 246274
development competencies developed by the department of education
and workforce; 246275
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(e) Uses a summative performance-based assessment developed 246277
by the program and aligned to the competencies described in 246278
division (C)(1)(d) of this section to evaluate the license 246279
holder's knowledge and skills; 246280

(f) Consists of not less than twenty-four semester hours of 246281
coursework, or the equivalent. 246282

(2) As a condition of continuing to hold the initial 246283
career-technical workforce development license, the holder of the 246284
license shall be participating in a career-technical workforce 246285
development educator preparation program described in division 246286
(C)(1) of this section. 246287

(3) The state board shall renew an initial career-technical 246288
workforce development educator license if the supervisor of the 246289
program described in division (C)(1) of this section and the 246290
superintendent of the employing school district indicate that the 246291

applicant is making sufficient progress in both the program and the teaching position. 246292
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(D) Except as provided in division (G) of this section, the state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed the program described in division (C)(1) of this section, as indicated by the supervisor of the program, and who demonstrates mastery of the applicable career-technical education and workforce development competencies described in division (C)(1)(d) of this section in the teaching position, as indicated by the superintendent of the employing school district. 246294
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(E) The holder of an advanced career-technical workforce development educator license shall work with a local professional development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license. 246303
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(F) Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes. 246307
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(G) The state board shall issue a license to practice as an initial career-technical workforce development educator or advanced career-technical workforce development educator in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 246314
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(1) The applicant holds a license in another state. 246319

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a career-technical workforce development 246320
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educator in a state that does not issue one or both of those licenses. 246323
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Sec. 3319.262. (A) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary and except as provided in division (C) of this section, the state board shall adopt rules establishing standards and requirements for obtaining a nonrenewable four-year initial early college high school educator license for teaching grades seven through twelve at an early college high school described in section 3313.6013 of the Revised Code to any applicant who meets the following conditions: 246325
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(1) Has a graduate or terminal degree from an accredited institution of higher education in a field related to the subject area to be taught, as determined by the ~~department of education~~ state board; 246334
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(2) Has obtained a passing score on an examination in the subject area to be taught, as prescribed by the state board; 246338
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(3) Has experience teaching students at any grade level, including post-secondary students; 246340
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(4) Has proof that an early college high school intends to employ the applicant pending a valid license under this section. 246342
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An individual licensed under this section shall be subject to sections 3319.291 and 3319.39 of the Revised Code. An initial educator license issued under division (A) of this section shall be valid for teaching only at the employing school described in division (A)(4) of this section. 246344
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(B) After four years of teaching under an initial early college high school educator license issued under this section, an individual may apply for a renewable five-year professional educator license in the same subject area named in the initial 246349
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license. The state board shall issue the applicant a professional educator license if the applicant attains a passing score on an assessment of professional knowledge prescribed by the state board. Nothing in division (B) of this section shall be construed to prohibit an individual from applying for a professional educator license under section 3319.22 of the Revised Code.

(C) The state board shall issue an initial early college high school educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an early college high school educator in a state that does not issue that license.

Sec. 3319.28. (A) As used in this section, "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(B) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary and except as provided in division (F) of this section, the state board shall issue a two-year provisional educator license for teaching science, technology, engineering, or mathematics in grades six through twelve in a STEM school to any applicant who meets the following conditions:

(1) Holds a bachelor's degree from an accredited institution of higher education in a field related to the subject area to be taught;

(2) Has passed an examination prescribed by the state board in the subject area to be taught.

(C) The holder of a provisional educator license issued under

this section shall complete a structured apprenticeship program 246383
provided by an educational service center or a teacher preparation 246384
program approved under section 3333.048 of the Revised Code, in 246385
partnership with the STEM school that employs the license holder. 246386
The apprenticeship program shall include the following: 246387

(1) Mentoring by a teacher or administrator who regularly 246388
observes the license holder's classroom instruction, provides 246389
feedback on the license holder's teaching strategies and classroom 246390
management, and engages the license holder in discussions about 246391
methods for fostering and measuring student learning; 246392

(2) Regularly scheduled seminars or meetings that address the 246393
following topics: 246394

(a) The statewide academic standards adopted ~~by the state~~ 246395
~~board~~ under section 3301.079 of the Revised Code and the 246396
importance of aligning curriculum with those standards; 246397

(b) The achievement assessments prescribed by section 246398
3301.0710 of the Revised Code; 246399

(c) The school district and building accountability system 246400
established under Chapter 3302. of the Revised Code; 246401

(d) Instructional methods and strategies; 246402

(e) Student development; 246403

(f) Assessing student progress and providing remediation and 246404
intervention, as necessary, to meet students' special needs; 246405

(g) Classroom management and record keeping. 246406

(D) After two years of teaching under a provisional educator 246407
license issued under this section, a person may apply for a 246408
five-year professional educator license in the same subject area 246409
named in the provisional license. The state board shall issue the 246410
applicant a professional educator license if the applicant meets 246411
the following conditions: 246412

(1) The applicant completed the apprenticeship program described in division (C) of this section. 246413
246414

(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following: 246415
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246417

(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher; 246418
246419

(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant. 246420
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(3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 246423
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(E) The ~~department of education~~ state board shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs. 246426
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(F) The state board shall issue a provisional educator license for teaching in a STEM school in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 246433
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246435
246436

(1) The applicant holds a license in another state. 246437

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a STEM educator in a state that does not issue that license. 246438
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Sec. 3319.361. (A) Except as provided in division (F) of this 246442

section, the state board of education shall establish rules for 246443
the issuance of a supplemental teaching license. This license 246444
shall be issued at the request of the superintendent of a city, 246445
local, exempted village, or joint vocational school district, 246446
educational service center, or the governing authority of a STEM 246447
school, chartered nonpublic school, or community school to an 246448
individual who meets all of the following criteria: 246449

(1) Holds a current professional or permanent Ohio teaching 246450
certificate or resident educator license, professional educator 246451
license, senior professional educator license, or lead 246452
professional educator license, as issued under section 3319.22 or 246453
3319.26 of the Revised Code; 246454

(2) Is of good moral character; 246455

(3) Is employed in a supplemental licensure area or teaching 246456
field, as defined by the state board; 246457

(4) Completes an examination prescribed by the state board in 246458
the licensure area; 246459

(5) Completes, while employed under the supplemental teaching 246460
license and subsequent renewals thereof, additional coursework, if 246461
applicable, and testing requirements for full licensure in the 246462
supplemental area as a condition of holding and teaching under a 246463
supplemental teaching license. 246464

(B) The employing school district, service center, or school 246465
shall assign a mentor to the individual holding a supplemental 246466
teaching license. The assigned mentor shall be an experienced 246467
teacher who currently holds a license in the same, or a related, 246468
content area as the supplemental license. 246469

(C) Before the ~~department of education~~ state board will issue 246470
an individual a supplemental teaching license in another area, the 246471
supplemental licensee must complete the supplemental licensure 246472

program, or its equivalent, and be issued a standard teaching license in the area of the currently held supplemental license. 246473
246474

(D) An individual may advance from a supplemental teaching license to a standard teaching license upon: 246475
246476

(1) Verification from the employing superintendent or governing authority that the individual holding the supplemental teaching license has taught successfully in the licensure area for a minimum of two years; and 246477
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(2) Completing requirements as applicable to the licensure area or teaching field as established by the state board. 246481
246482

(E) A licensee who has filed an application under this section may work in the supplemental licensure area for up to sixty school days while completing the requirements in division (A)(4) of this section. If the requirements are not completed within sixty days, the application shall be declined. 246483
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(F) The state board shall issue a supplemental teaching license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 246488
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246490

(1) The applicant holds a license in another state. 246491

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator providing supplemental instruction in a state that does not issue that license. 246492
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Sec. 3327.10. (A) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement 246496
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with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the ~~state board~~ department of education and workforce of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.

(B) Except as provided in division (L) of this section, no

person shall be employed as driver of a school bus or motor van 246533
not subject to the rules of the department ~~of education~~ pursuant 246534
to division (A) of this section who has not received a certificate 246535
from the school administrator or contractor certifying that such 246536
person is at least eighteen years of age and is qualified 246537
physically and otherwise for such position. Each driver shall have 246538
an annual physical examination which conforms to the state highway 246539
patrol rules, ascertaining the driver's physical fitness for such 246540
employment. The examination shall be performed by one of the 246541
following: 246542

(1) A person licensed under Chapter 4731. or 4734. of the 246543
Revised Code or by another state to practice medicine and surgery, 246544
osteopathic medicine and surgery, or chiropractic; 246545

(2) A physician assistant; 246546

(3) A certified nurse practitioner; 246547

(4) A clinical nurse specialist; 246548

(5) A certified nurse-midwife; 246549

(6) A medical examiner who is listed on the national registry 246550
of certified medical examiners established by the federal motor 246551
carrier safety administration in accordance with 49 C.F.R. part 246552
390. 246553

Any written documentation of the physical examination shall 246554
be completed by the individual who performed the examination. 246555

Any certificate may be revoked by the authority granting the 246556
same on proof that the holder has been guilty of failing to comply 246557
with division (D)(2) of this section. 246558

(C) Any person who drives a school bus or motor van must give 246559
satisfactory and sufficient bond except a driver who is an 246560
employee of a school district and who drives a bus or motor van 246561
owned by the school district. 246562

(D) No person employed as driver of a school bus or motor van 246563
under this section who is convicted of a traffic violation or who 246564
has had the person's commercial driver's license suspended shall 246565
drive a school bus or motor van until the person has filed a 246566
written notice of the conviction or suspension, as follows: 246567

(1) If the person is employed under division (A) of this 246568
section, the person shall file the notice with the superintendent, 246569
or a person designated by the superintendent, of the school 246570
district for which the person drives a school bus or motor van as 246571
an employee or drives a privately owned and operated school bus or 246572
motor van under contract. 246573

(2) If employed under division (B) of this section, the 246574
person shall file the notice with the employing school 246575
administrator or contractor, or a person designated by the 246576
administrator or contractor. 246577

(E) In addition to resulting in possible revocation of a 246578
certificate as authorized by divisions (A) and (B) of this 246579
section, violation of division (D) of this section is a minor 246580
misdemeanor. 246581

(F)(1) Not later than thirty days after June 30, 2007, each 246582
owner of a school bus or motor van shall obtain the complete 246583
driving record for each person who is currently employed or 246584
otherwise authorized to drive the school bus or motor van. An 246585
owner of a school bus or motor van shall not permit a person to 246586
operate the school bus or motor van for the first time before the 246587
owner has obtained the person's complete driving record. 246588
Thereafter, the owner of a school bus or motor van shall obtain 246589
the person's driving record not less frequently than semiannually 246590
if the person remains employed or otherwise authorized to drive 246591
the school bus or motor van. An owner of a school bus or motor van 246592
shall not permit a person to resume operating a school bus or 246593
motor van, after an interruption of one year or longer, before the 246594

owner has obtained the person's complete driving record. 246595

(2) The owner of a school bus or motor van shall not permit a 246596
person to operate the school bus or motor van for ten years after 246597
the date on which the person pleads guilty to or is convicted of a 246598
violation of section 4511.19 of the Revised Code or a 246599
substantially equivalent municipal ordinance. 246600

(3) An owner of a school bus or motor van shall not permit 246601
any person to operate such a vehicle unless the person meets all 246602
other requirements contained in rules adopted by the ~~state board~~ 246603
~~of education~~ department prescribing qualifications of drivers of 246604
school buses and other student transportation. 246605

(G) No superintendent of a school district, educational 246606
service center, community school, or public or private employer 246607
shall permit the operation of a vehicle used for pupil 246608
transportation within this state by an individual unless both of 246609
the following apply: 246610

(1) Information pertaining to that driver has been submitted 246611
to the department ~~of education~~, pursuant to procedures adopted by 246612
that department. Information to be reported shall include the name 246613
of the employer or school district, name of the driver, driver 246614
license number, date of birth, date of hire, status of physical 246615
evaluation, and status of training. 246616

(2) The most recent criminal records check required by 246617
division (J) of this section has been completed and received by 246618
the superintendent or public or private employer. 246619

(H) A person, school district, educational service center, 246620
community school, nonpublic school, or other public or nonpublic 246621
entity that owns a school bus or motor van, or that contracts with 246622
another entity to operate a school bus or motor van, may impose 246623
more stringent restrictions on drivers than those prescribed in 246624
this section, in any other section of the Revised Code, and in 246625

rules adopted by the ~~state board~~ department. 246626

(I) For qualified drivers who, on July 1, 2007, are employed 246627
by the owner of a school bus or motor van to drive the school bus 246628
or motor van, any instance in which the driver was convicted of or 246629
pleaded guilty to a violation of section 4511.19 of the Revised 246630
Code or a substantially equivalent municipal ordinance prior to 246631
two years prior to July 1, 2007, shall not be considered a 246632
disqualifying event with respect to division (F) of this section. 246633

(J)(1) This division applies to persons hired by a school 246634
district, educational service center, community school, chartered 246635
nonpublic school, or science, technology, engineering, and 246636
mathematics school established under Chapter 3326. of the Revised 246637
Code to operate a vehicle used for pupil transportation. 246638

For each person to whom this division applies who is hired on 246639
or after November 14, 2007, the employer shall request a criminal 246640
records check in accordance with section 3319.39 of the Revised 246641
Code and every six years thereafter. For each person to whom this 246642
division applies who is hired prior to that date, the employer 246643
shall request a criminal records check by a date prescribed by the 246644
department ~~of education~~ and every six years thereafter. 246645

(2) This division applies to persons hired by a public or 246646
private employer not described in division (J)(1) of this section 246647
to operate a vehicle used for pupil transportation. 246648

For each person to whom this division applies who is hired on 246649
or after November 14, 2007, the employer shall request a criminal 246650
records check prior to the person's hiring and every six years 246651
thereafter. For each person to whom this division applies who is 246652
hired prior to that date, the employer shall request a criminal 246653
records check by a date prescribed by the department and every six 246654
years thereafter. 246655

(3) Each request for a criminal records check under division 246656

(J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(K)(1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section

3319.39 of the Revised Code shall not be hired or shall be 246689
released from employment, as applicable, unless the person meets 246690
the rehabilitation standards prescribed for nonlicensed school 246691
personnel by rule 3301-20-03 of the Ohio Administrative Code. 246692

(2) Beginning on the effective date of the amendments to rule 246693
3301-83-23 of the Ohio Administrative Code required by the second 246694
paragraph of division (E) of section 3319.39 of the Revised Code, 246695
any person who is the subject of a criminal records check under 246696
division (J) of this section and has been convicted of or pleaded 246697
guilty to any offense that, under the rule, disqualifies a person 246698
for employment to operate a vehicle used for pupil transportation 246699
shall not be hired or shall be released from employment, as 246700
applicable, unless the person meets the rehabilitation standards 246701
prescribed by the rule. 246702

(L) The superintendent of a school district or an educational 246703
service center governing board shall issue a certificate as a 246704
driver of a school bus or motor van or a certificate to operate a 246705
vehicle used for pupil transportation in accordance with Chapter 246706
4796. of the Revised Code to an applicant if either of the 246707
following applies: 246708

(1) The applicant holds a certificate in another state. 246709

(2) The applicant has satisfactory work experience, a 246710
government certification, or a private certification as described 246711
in that chapter as a school bus or motor van driver or a pupil 246712
transportation vehicle operator in a state that does not issue one 246713
or both of those certificates. 246714

Sec. 4709.07. (A) Each person who desires to obtain an 246715
initial license to practice barbering shall apply to the state 246716
cosmetology and barber board, on forms provided by the board. The 246717
application form shall include the name of the person applying for 246718
the license and evidence that the applicant meets all of the 246719

requirements of division (B) of this section. The application 246720
shall be accompanied by the examination application fee. 246721

(B) In order to take the required barber examination and to 246722
qualify for licensure as a barber, an applicant must demonstrate 246723
that the applicant meets all of the following: 246724

(1) Is at least eighteen years of age; 246725

(2) Has an eighth grade education or an equivalent education 246726
as determined by the ~~state board~~ department of education and 246727
workforce, or equivalent organization in the state where the 246728
applicant resides; 246729

(3) Has graduated with at least one thousand eight hundred 246730
hours of training from a board-approved barber school or has 246731
graduated with at least one thousand hours of training from a 246732
board-approved barber school in this state and has a current 246733
cosmetology or hair designer license issued pursuant to Chapter 246734
4713. of the Revised Code. No hours of instruction earned by an 246735
applicant five or more years prior to the examination apply to the 246736
hours of study required by this division. 246737

(C) Any applicant who meets all of the requirements of 246738
divisions (A) and (B) of this section may take the barber 246739
examination at the time and place specified by the board. If the 246740
applicant fails to attain at least a seventy-five per cent pass 246741
rate on each part of the examination, the applicant is ineligible 246742
for licensure; however, the applicant may reapply for examination 246743
within ninety days after the date of the release of the 246744
examination scores by paying the required reexamination fee. An 246745
applicant is only required to take that part or parts of the 246746
examination on which the applicant did not receive a score of 246747
seventy-five per cent or higher. If the applicant fails to reapply 246748
for examination within ninety days or fails the second 246749
examination, in order to reapply for examination for licensure the 246750

applicant shall complete an additional course of study of not less than two hundred hours, in a board-approved barber school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair.

(E) The board shall issue a license to practice barbering in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license to practice barbering in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a barber in a state that does not issue that license.

Sec. 4709.10. (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person

must meet all of the following requirements: 246781

(1) Have a training facility sufficient to meet the required 246782
educational curriculum established by the board, including enough 246783
space to accommodate all the facilities and equipment required by 246784
rule by the board; 246785

(2) Provide sufficient licensed teaching personnel to meet 246786
the minimum pupil-teacher ratio established by rule of the board; 246787

(3) Have established and provide to the board proof that it 246788
has met all of the board requirements to operate a barber school, 246789
as adopted by rule of the board; 246790

(4) File with the board a program of its curriculum, 246791
accounting for not less than one thousand eight hundred hours of 246792
instruction in the courses of theory and practical demonstration 246793
required by rule of the board; 246794

(5) File with the board a surety bond in the amount of ten 246795
thousand dollars issued by a bonding company licensed to do 246796
business in this state. The bond shall be in the form prescribed 246797
by the board and conditioned upon the barber school's continued 246798
instruction in the theory and practice of barbering. The bond 246799
shall continue in effect until notice of its termination is 246800
provided to the board. In no event, however, shall the bond be 246801
terminated while the barber school is in operation. Any student 246802
who is injured or damaged by reason of a barber school's failure 246803
to continue instruction in the theory and practice of barbering 246804
may maintain an action on the bond against the barber school or 246805
the surety, or both, for the recovery of any money or tuition paid 246806
in advance for instruction in the theory and practice of barbering 246807
which was not received. The aggregate liability of the surety to 246808
all students shall not exceed the sum of the bond. 246809

(6) Maintain adequate record keeping to ensure that it has 246810
met the requirements for records of student progress as required 246811

by board rule; 246812

(7) Establish minimum standards for acceptance of student 246813
applicants for admission to the barber school. The barber school 246814
may establish entrance requirements which are more stringent than 246815
those prescribed by the board, but the requirements must at a 246816
minimum require the applicant to meet both of the following: 246817

(a) Be at least seventeen years of age; 246818

(b) Have an eighth grade education, or an equivalent 246819
education as determined by the ~~state board~~ department of education 246820
and workforce. 246821

(8) Have a procedure to submit every student applicant's 246822
admission application to the board for the board's review and 246823
approval prior to the applicant's admission to the barber school; 246824

(9) Operate in a manner which reflects credit upon the 246825
barbering profession; 246826

(10) Offer a curriculum of study which covers all aspects of 246827
the scientific fundamentals of barbering as specified by rule of 246828
the board; 246829

(11) Employ no more than two licensed assistant barber 246830
teachers for each licensed barber teacher employed or fewer than 246831
two licensed teachers or one licensed teacher and one licensed 246832
assistant teacher at each facility. 246833

(C) Each person who desires to obtain a barber teacher or 246834
assistant barber teacher license shall apply to the board, on 246835
forms provided by the board. Except as provided in division (D) of 246836
this section, the board shall only issue a barber teacher license 246837
to a person who meets all of the following requirements: 246838

(1) Holds a current barber license issued pursuant to this 246839
chapter and has at least eighteen months of work experience in a 246840
licensed barber shop or has been employed as an assistant barber 246841

teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

(2) Meets such other requirements as adopted by rule by the board;

(3) Passes the required examination; and

(4) Pays the required fees.

Except as provided in division (D) of this section, the board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) The board shall issue a barber teacher or assistant barber teacher license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a barber teacher or assistant barber teacher license, as applicable, in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a barber teacher or assistant barber teacher, as applicable, in a state that does not issue the applicable license.

(E) Any person who meets the qualifications of an assistant teacher pursuant to division (C) or (D) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications.

Sec. 4732.10. (A) The state board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate

examination. A member of the board or the executive director may 246872
be appointed as the entrance examiner. 246873

(B) Requirements for admission to examination for a 246874
psychologist license shall be that the applicant: 246875

(1) Is at least twenty-one years of age; 246876

(2) Meets one of the following requirements: 246877

(a) Received an earned doctoral degree from an institution 246878
accredited or recognized by a national or regional accrediting 246879
agency and a program accredited by any of the following: 246880

(i) The American psychological association, office of program 246881
consultation and accreditation; 246882

(ii) The accreditation office of the Canadian psychological 246883
association; 246884

(iii) A program listed by the association of state and 246885
provincial psychology boards/national register designation 246886
committee; 246887

(iv) The national association of school psychologists. 246888

(b) Received an earned doctoral degree in psychology or 246889
school psychology from an institution accredited or recognized by 246890
a national or regional accrediting agency but the program does not 246891
meet the program accreditation requirements of division (B)(2)(a) 246892
of this section; 246893

(c) Received from an academic institution outside of the 246894
United States or Canada a degree determined, under rules adopted 246895
by the board under division (F) of this section, to be equivalent 246896
to a doctoral degree in psychology from a program described in 246897
division (B)(2)(a) of this section; 246898

(d) Held a psychologist license, certificate, or registration 246899
required for practice in a Canadian jurisdiction for a minimum of 246900
ten years and meets educational, experience, and professional 246901

requirements established under rules adopted by the board. 246902

(3) Has had at least two years of supervised professional 246903
experience in psychological work of a type satisfactory to the 246904
board, at least one year of which must be a predoctoral 246905
internship. The board shall adopt guidelines for the kind of 246906
supervised professional experience that fulfill this requirement. 246907

(4) If applying under division (B)(2)(b) or (c) of this 246908
section, has had at least two years of supervised professional 246909
experience in psychological work of a type satisfactory to the 246910
board, at least one year of which must be postdoctoral. The board 246911
shall adopt guidelines for the kind of supervised professional 246912
experience that fulfill this requirement. 246913

(C) Requirements for admission to examination for an 246914
independent school psychologist license shall be that the 246915
applicant: 246916

(1) Has received from an educational institution accredited 246917
or recognized by national or regional accrediting agencies as 246918
maintaining satisfactory standards, including those approved by 246919
the state board of education for the training of independent 246920
school psychologists, at least a master's degree in school 246921
psychology, or a degree considered equivalent by the board; 246922

(2) Is at least twenty-one years of age; 246923

(3) Has completed at least sixty quarter hours, or the 246924
semester hours equivalent, at the graduate level, of accredited 246925
study in course work relevant to the study of school psychology; 246926

(4) Has completed an internship in an educational institution 246927
approved by the ~~Ohio~~ department of education and workforce for 246928
school psychology supervised experience or one year of other 246929
training experience acceptable to the board, such as supervised 246930
professional experience under the direction of a licensed 246931
psychologist, licensed independent school psychologist, or 246932

licensed school psychologist; 246933

(5) Furnishes proof of at least twenty-seven months, 246934
exclusive of internship, of full-time experience as a certificated 246935
school psychologist employed by a board of education or a private 246936
school meeting the standards prescribed by the ~~state board~~ 246937
director of education and workforce, or of experience that the 246938
board deems equivalent. 246939

(D) Requirements for admission to examination for a school 246940
psychologist shall be that the applicant: 246941

(1) Has received from an educational institution accredited 246942
or recognized by national or regional accrediting agencies as 246943
maintaining satisfactory standards, including those approved by 246944
the state board of education for the training of school 246945
psychologists, at least a master's degree in school psychology, or 246946
a degree considered equivalent by the board; 246947

(2) Is at least twenty-one years of age; 246948

(3) Has completed a nine month, full-time internship in an 246949
approved school setting as described in rules adopted by the 246950
board. 246951

(E) If the entrance examiner finds that the applicant meets 246952
the requirements set forth in this section, the applicant shall be 246953
admitted to the appropriate examination. 246954

(F) The board shall adopt under Chapter 119. of the Revised 246955
Code rules for determining for the purposes of division (B)(2)(c) 246956
of this section whether a degree is equivalent to a degree in 246957
psychology from an institution in the United States. 246958

Sec. 4735.09. (A) Application for a license as a real estate 246959
salesperson shall be made to the superintendent of real estate on 246960
forms furnished by the superintendent and signed by the applicant. 246961
The application shall be in the form prescribed by the 246962

superintendent and shall contain such information as is required 246963
by this chapter and the rules of the Ohio real estate commission. 246964
The application shall be accompanied by the recommendation of the 246965
real estate broker with whom the applicant is associated or with 246966
whom the applicant intends to be associated, certifying that the 246967
applicant is honest and truthful, and has not been finally 246968
adjudged by a court to have violated any municipal, state, or 246969
federal civil rights laws relevant to the protection of purchasers 246970
or sellers of real estate, which conviction or adjudication the 246971
applicant has not disclosed to the superintendent, and 246972
recommending that the applicant be admitted to the real estate 246973
salesperson examination. 246974

(B) A fee of eighty-one dollars shall accompany the 246975
application, which fee includes the fee for the initial year of 246976
the licensing period, if a license is issued. The initial year of 246977
the licensing period commences at the time the license is issued 246978
and ends on the applicant's first birthday thereafter. The 246979
application fee shall be nonrefundable. A fee of eighty-one 246980
dollars shall be charged by the superintendent for each successive 246981
application made by the applicant. One dollar of each application 246982
fee shall be credited to the real estate education and research 246983
fund. 246984

(C) There shall be no limit placed on the number of times an 246985
applicant may retake the examination. 246986

(D) The superintendent, with the consent of the commission, 246987
may enter into an agreement with a recognized national testing 246988
service to administer the real estate salesperson's examination 246989
under the superintendent's supervision and control, consistent 246990
with the requirements of this chapter as to the contents of the 246991
examination. 246992

If the superintendent, with the consent of the commission, 246993

enters into an agreement with a national testing service to 246994
administer the real estate salesperson's examination, the 246995
superintendent may require an applicant to pay the testing 246996
service's examination fee directly to the testing service. If the 246997
superintendent requires the payment of the examination fee 246998
directly to the testing service, each applicant shall submit to 246999
the superintendent a processing fee in an amount determined by the 247000
Ohio real estate commission pursuant to division (A)(1) of section 247001
4735.10 of the Revised Code. 247002

(E) The superintendent shall issue a real estate 247003
salesperson's license when satisfied that the applicant has 247004
received a passing score on each portion of the salesperson's 247005
examination as determined by rule by the real estate commission. 247006

(F) No applicant for a salesperson's license shall take the 247007
salesperson's examination who has not established to the 247008
satisfaction of the superintendent that the applicant: 247009

(1) Is honest and truthful; 247010

(2)(a) Has not been convicted of a disqualifying offense as 247011
determined in accordance with section 9.79 of the Revised Code; 247012

(b) Has not been finally adjudged by a court to have violated 247013
any municipal, state, or federal civil rights laws relevant to the 247014
protection of purchasers or sellers of real estate or, if the 247015
applicant has been so adjudged, at least two years have passed 247016
since the court decision and the superintendent has disregarded 247017
the adjudication because the applicant has proven, by a 247018
preponderance of the evidence, that the applicant is honest and 247019
truthful, and there is no basis in fact for believing that the 247020
applicant again will violate the laws involved. 247021

(3) Has not, during any period in which the applicant was 247022
licensed under this chapter, violated any provision of, or any 247023
rule adopted pursuant to this chapter, or, if the applicant has 247024

violated such provision or rule, has established to the 247025
satisfaction of the superintendent that the applicant will not 247026
again violate such provision or rule; 247027

(4) Is at least eighteen years of age; 247028

(5) If born after the year 1950, has a high school diploma or 247029
a certificate of high school equivalence issued ~~by the department~~ 247030
~~of education~~ under section 3301.80 of the Revised Code; 247031

(6) Has successfully completed at an institution of higher 247032
education all of the following credit-eligible courses by either 247033
classroom instruction or distance education: 247034

(a) Forty hours of instruction in real estate practice; 247035

(b) Forty hours of instruction that includes the subjects of 247036
Ohio real estate law, municipal, state, and federal civil rights 247037
law, new case law on housing discrimination, desegregation issues, 247038
and methods of eliminating the effects of prior discrimination. If 247039
feasible, the instruction in Ohio real estate law shall be taught 247040
by a member of the faculty of an accredited law school. If 247041
feasible, the instruction in municipal, state, and federal civil 247042
rights law, new case law on housing discrimination, desegregation 247043
issues, and methods of eliminating the effects of prior 247044
discrimination shall be taught by a staff member of the Ohio civil 247045
rights commission who is knowledgeable with respect to those 247046
subjects. The requirements of this division do not apply to an 247047
applicant who is admitted to practice before the supreme court. 247048

(c) Twenty hours of instruction in real estate appraisal; 247049

(d) Twenty hours of instruction in real estate finance. 247050

(G)(1) Successful completion of the instruction required by 247051
division (F)(6) of this section shall be determined by the law in 247052
effect on the date the instruction was completed. 247053

(2) Division (F)(6)(c) of this section does not apply to any 247054

new applicant who holds a valid Ohio real estate appraiser license 247055
or certificate issued prior to the date of application for a real 247056
estate salesperson's license. 247057

(H) Only for noncredit course offerings, an institution of 247058
higher education shall obtain approval from the appropriate state 247059
authorizing entity prior to offering a real estate course that is 247060
designed and marketed as satisfying the salesperson license 247061
education requirements of division (F)(6) of this section. The 247062
state authorizing entity may consult with the superintendent in 247063
reviewing the course for compliance with this section. 247064

(I) Any person who has not been licensed as a real estate 247065
salesperson or broker within a four-year period immediately 247066
preceding the person's current application for the salesperson's 247067
examination shall have successfully completed the prelicensure 247068
instruction required by division (F)(6) of this section within a 247069
ten-year period immediately preceding the person's current 247070
application for the salesperson's examination. 247071

(J) Not earlier than the date of issue of a real estate 247072
salesperson's license to a licensee, but not later than twelve 247073
months after the date of issue of a real estate salesperson 247074
license to a licensee, the licensee shall submit proof 247075
satisfactory to the superintendent, on forms made available by the 247076
superintendent, of the completion of twenty hours of instruction 247077
that shall be completed in schools, seminars, and educational 247078
institutions approved by the commission. The instruction shall 247079
include, but is not limited to, current practices relating to 247080
commercial real estate, property management, short sales, and land 247081
contracts; contract law; federal and state programs; economic 247082
conditions; and fiduciary responsibility. Approval of the 247083
curriculum and providers shall be granted according to rules 247084
adopted pursuant to section 4735.10 of the Revised Code and may be 247085
taken through classroom instruction or distance education. 247086

If proof of completion of the required instruction is not 247087
submitted within twelve months of the date a license is issued 247088
under this section, the licensee's license is suspended 247089
automatically without the taking of any action by the 247090
superintendent. The superintendent immediately shall notify the 247091
broker with whom such salesperson is associated of the suspension 247092
of the salesperson's license. A salesperson whose license has been 247093
suspended under this division shall have twelve months after the 247094
date of the suspension of the salesperson's license to submit 247095
proof of successful completion of the instruction required under 247096
this division. No such license shall be reactivated by the 247097
superintendent until it is established, to the satisfaction of the 247098
superintendent, that the requirements of this division have been 247099
met and that the licensee is in compliance with this chapter. A 247100
licensee's license is revoked automatically without the taking of 247101
any action by the superintendent when the licensee fails to submit 247102
the required proof of completion of the education requirements 247103
under division (I) of this section within twelve months of the 247104
date the license is suspended. 247105

(K) Examinations shall be administered with reasonable 247106
accommodations in accordance with the requirements of the 247107
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 247108
U.S.C. 12189. The contents of an examination shall be consistent 247109
with the classroom instructional requirements of division (F)(6) 247110
of this section. An applicant who has completed the classroom 247111
instructional requirements of division (F)(6) of this section at 247112
the time of application shall be examined no later than twelve 247113
months after the applicant is notified of the applicant's 247114
admission to the examination. 247115

(L) Notwithstanding any provision of this chapter or Chapter 247116
4796. of the Revised Code to the contrary, the superintendent 247117
shall issue a real estate salesperson's license in accordance with 247118

Chapter 4796. of the Revised Code to an applicant if both of the 247119
following apply: 247120

(1) The applicant satisfies the requirements specified in 247121
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 247122
applicable. 247123

(2) The applicant passes an examination on Ohio real estate 247124
law. 247125

Sec. 4747.10. (A)(1) Each person currently engaged in 247126
training to become a licensed hearing aid dealer or fitter shall 247127
apply to the state speech and hearing professionals board for a 247128
hearing aid dealer's and fitter's trainee permit. The board shall 247129
issue to each applicant within thirty days of receipt of a 247130
properly completed application and payment of an application fee 247131
set by the board in rules adopted under section 4747.04 of the 247132
Revised Code, a trainee permit if such applicant meets all of the 247133
following criteria: 247134

(a) Is at least eighteen years of age; 247135

(b) Is the holder of a diploma from an accredited high school 247136
or a certificate of high school equivalence issued ~~by the~~ 247137
~~department of education~~under section 3301.80 of the Revised Code; 247138

(c) Is free of contagious or infectious disease. 247139

(2) The board shall issue a hearing aid dealer's and fitter's 247140
trainee permit in accordance with Chapter 4796. of the Revised 247141
Code to an applicant if either of the following applies: 247142

(a) The applicant holds a permit or license in another state. 247143

(b) The applicant has satisfactory work experience, a 247144
government certification, or a private certification as described 247145
in that chapter as a hearing aid dealer and fitter trainee in a 247146
state that does not issue that permit or license. 247147

(B) The board shall not deny a trainee permit issued under 247148
this section to any individual based on the individual's past 247149
criminal history unless the denial is in accordance with section 247150
9.79 of the Revised Code. 247151

In considering a renewal of an individual's trainee permit, 247152
the board shall not consider any conviction or plea of guilty 247153
prior to the issuance of the initial trainee permit. However, the 247154
board may consider a conviction or plea of guilty if it occurred 247155
after the individual was initially granted the trainee permit, or 247156
after the most recent trainee permit renewal. The board shall 247157
comply with Chapter 119. of the Revised Code when denying an 247158
individual for a trainee permit or renewal. Additionally, the 247159
board may grant an individual a conditional trainee permit that 247160
lasts for one year. After the one-year period has expired, the 247161
permit is no longer considered conditional, and the individual 247162
shall be considered to be granted a full trainee permit. 247163

(C) Each trainee permit issued by the board expires one year 247164
from the date it was first issued, and may be renewed once if the 247165
trainee has not successfully completed the qualifying requirements 247166
for licensing as a hearing aid dealer or fitter before the 247167
expiration date of such permit. The board shall issue a renewed 247168
permit to each applicant upon receipt of a properly completed 247169
application and payment of a renewal fee set by the board in rules 247170
adopted under section 4747.04 of the Revised Code. No person 247171
holding a trainee permit shall engage in the practice of dealing 247172
in or fitting of hearing aids except while under supervision by a 247173
licensed hearing aid dealer or fitter. 247174

Section 130.104. That the existing sections 921.06, 3301.071, 247175
3309.011, 3319.22, 3319.229, 3319.262, 3319.28, 3319.361, 3327.10, 247176
4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of the Revised 247177
Code that are scheduled to take effect December 29, 2023, are 247178

hereby repealed. 247179

Section 130.105. Sections 130.103 and 130.104 of this act 247180
take effect December 29, 2023. 247181

Section 130.106. (A) On the effective date of this section, 247182
the Department of Education is hereby renamed as the Department of 247183
Education and Workforce, as prescribed by new section 3301.13 of 247184
the Revised Code as enacted by this act. 247185

(B) On and after the effective date of this section, all 247186
powers and duties vested in the State Board of Education and the 247187
Superintendent of Public Instruction terminate, except as 247188
described in section 3301.111 of the Revised Code. Any business 247189
commenced but not completed on the effective date of this section 247190
by the State Board of Education or the State Superintendent of 247191
Public Instruction shall be completed by the Department of 247192
Education and Workforce in the same manner, and with the same 247193
effect, as if completed by the State Board of Education or the 247194
State Superintendent of Public Instruction. 247195

(C)(1) On or after the effective date of this section, all 247196
employees of the Department of Education and Workforce necessary 247197
for the State Board of Education to perform its powers and duties, 247198
as described in section 3301.111 of the Revised Code, are hereby 247199
transferred to the State Board. Subject to the lay-off provisions 247200
of sections 124.321 to 124.328 of the Revised Code, employees who 247201
are transferred retain their same positions and all benefits 247202
accruing thereto. Once transferred to the State Board, changes to 247203
positions or benefits for employees not subject to Chapter 4117. 247204
of the Revised Code shall be controlled by Chapter 124. of the 247205
Revised Code, or other applicable revised and administrative code 247206
sections. 247207

(2) On the effective date of this section, the assets, 247208

equipment, records, documents, files, and other materials, 247209
irrespective of form or medium, of the Department of Education and 247210
Workforce necessary for the State Board of Education to perform 247211
its duties and powers, as described in section 3301.111 of the 247212
Revised Code, are transferred to the State Board. 247213

(D)(1) No validation, cure, right, privilege, remedy, 247214
obligation, or liability is lost or impaired by reason of the 247215
transfer required by this section but shall be administered by the 247216
Director of Education and Workforce or Department of Education and 247217
Workforce. Any action or proceeding pending on the effective date 247218
of this section may be prosecuted or defended in the name of the 247219
Department of Education and Workforce. In all such actions or 247220
proceedings, the Department of Education and Workforce shall be 247221
substituted as a party upon application to the court or other 247222
tribunal. 247223

(2) Except with regard to matters related to the statutorily 247224
prescribed powers and duties of the State Board of Education as 247225
described in section 3301.111 of the Revised Code, whenever the 247226
Department of Education, the State Board of Education, or the 247227
Superintendent of Public Instruction is referred to in any law, 247228
contract, or other document, the reference shall be deemed to 247229
refer to the Department of Education and Workforce or the Director 247230
of Education and Workforce, whichever is appropriate in context. 247231

(E) All rules, orders, and determinations made or undertaken 247232
by the Superintendent of Public Instruction or the State Board of 247233
Education relating to the powers and duties transferred to the 247234
Department or Director of Education and Workforce continue in 247235
effect as rules, orders, and determinations of the Department of 247236
Education and Workforce until modified or rescinded by the 247237
Director of Education and Workforce. On or after the effective 247238
date of this section, if necessary to ensure the integrity of the 247239
numbering of the Administrative Code, and to the extent permitted 247240

by statute, the Director of the Legislative Service Commission 247241
shall renumber the rules of the Department of Education, 247242
Superintendent of Public Instruction, or the State Board of 247243
Education to reflect its respective transfer to the Department or 247244
Director of Education and Workforce pursuant to the provisions of 247245
law enacted herein. 247246

This division does not affect the rules of the State Board of 247247
Education regarding the statutorily prescribed powers and duties 247248
of the State Board as described in section 3301.111 of the Revised 247249
Code. 247250

(F) On or after the effective date of this section, pursuant 247251
to section 126.15 of the Revised Code, the Director of Budget and 247252
Management shall transfer the balance of all appropriations made 247253
related to the statutorily prescribed powers and duties of the 247254
State Board of Education, as described in section 3301.111 of the 247255
Revised Code, from the Department of Education and Workforce to 247256
the State Board for the same purpose as appropriated to the 247257
Department of Education and Workforce. 247258

(G) Not later than ninety days after the effective date of 247259
this section, the Director of Education and Workforce, the 247260
Department of Education and Workforce, the State Board of 247261
Education, and the Superintendent of Public Instruction shall 247262
complete any action necessary to implement the provisions of this 247263
act regarding the transfer of powers described in this section. 247264

(H) The Director of Education and Workforce shall, in a 247265
timely manner, schedule a list of regular meetings under section 247266
3301.137 of the Revised Code for fiscal year 2024. 247267

Section 130.107. The General Assembly, applying the principle 247268
stated in division (B) of section 1.52 of the Revised Code that 247269
amendments are to be harmonized if reasonably capable of 247270
simultaneous operation, finds that the following sections, 247271

presented in this act as composites of the sections as amended by 247272
the acts indicated, are the resulting versions of the sections in 247273
effect prior to the effective date of the sections as presented in 247274
this act: 247275

Section 109.57 of the Revised Code as amended by both H.B. 247276
405 and S.B. 288 of the 134th General Assembly. 247277

Section 109.572 of the Revised Code as amended by both H.B. 247278
509 and S.B. 288 of the 134th General Assembly. 247279

Section 121.95 of the Revised Code as amended by both H.B. 29 247280
and S.B. 9 of the 134th General Assembly. 247281

Section 135.142 of the Revised Code as amended by both H.B. 247282
197 and S.B. 276 of the 133rd General Assembly. 247283

Section 2151.353 of the Revised Code as amended by H.B. 8 and 247284
H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd 247285
General Assembly, and H.B. 50 and H.B. 158, both of the 131st 247286
General Assembly. 247287

Section 2901.01 of the Revised Code as amended by H.B. 462, 247288
S.B. 164, and S.B. 288, all of the 134th General Assembly. 247289

Section 2903.13 of the Revised Code as amended by H.B. 281, 247290
S.B. 16, and S.B. 288, all of the 134th General Assembly. 247291

Section 2925.01 of the Revised Code as amended by H.B. 281, 247292
H.B. 509, and S.B. 25, all of the 134th General Assembly. 247293

Section 3301.0712 of the Revised Code as amended by both H.B. 247294
82 and H.B. 110 of the 134th General Assembly. 247295

Section 3301.0715 of the Revised Code as amended by both H.B. 247296
82 and H.B. 110 of the 134th General Assembly. 247297

Section 3302.03 of the Revised Code as amended by both S.B. 247298
166 and S.B. 229 of the 134th General Assembly. 247299

Section 3302.04 of the Revised Code as amended by both H.B. 247300

82 and H.B. 110 of the 134th General Assembly.	247301
Section 3310.41 of the Revised Code as amended by H.B. 509	247302
and H.B. 554, both of the 134th General Assembly.	247303
Section 3311.741 of the Revised Code as amended by both H.B.	247304
82 and H.B. 110 of the 134th General Assembly.	247305
Section 3313.25 of the Revised Code as amended by both H.B.	247306
291 and H.B. 491 of the 132nd General Assembly.	247307
Section 3313.6113 of the Revised Code as amended by H.B. 82,	247308
H.B. 110, and S.B. 166, all of the 134th General Assembly.	247309
Section 3314.02 of the Revised Code as amended by both H.B.	247310
82 and H.B. 110 of the 134th General Assembly.	247311
Section 3319.02 of the Revised Code as amended by both H.B.	247312
525 and S.B. 316 of the 129th General Assembly.	247313
The version of section 3319.22 of the Revised Code that is	247314
scheduled to take effect December 29, 2023, as amended by both	247315
H.B. 509 and S.B. 131 of the 134th General Assembly.	247316
Section 4141.01 of the Revised Code as amended by both H.B.	247317
110 and H.B. 281 of the 134th General Assembly.	247318
The version of section 4709.07 of the Revised Code that is	247319
scheduled to take effect December 29, 2023, as amended by both	247320
H.B. 509 and S.B. 131 of the 134th General Assembly.	247321
The version of section 4709.10 of the Revised Code that is	247322
scheduled to take effect December 29, 2023, as amended by both	247323
H.B. 509 and S.B. 131 of the 134th General Assembly.	247324
The version of section 4732.10 of the Revised Code that is	247325
scheduled to take effect December 29, 2023, as amended by both	247326
H.B. 509 and S.B. 131 of the 134th General Assembly.	247327
Section 130.108. The amendment by Section 130.100 of this act	247328
of section 3301.521 of the Revised Code does not prevent the	247329

repeal of section 3301.521 of the Revised Code, with delayed 247330
effective date, by Sections 130.14 and 130.15 of this act. 247331

Section 130.110. That sections 113.05, 113.11, 113.12, 247332
113.40, 125.30, 126.06, 127.14, 129.06, 129.09, 131.01, 135.01, 247333
135.02, 135.04, 135.05, 135.06, 135.08, 135.10, 135.12, 135.14, 247334
135.142, 135.143, 135.15, 135.182, 135.31, 135.35, 135.45, 135.46, 247335
135.47, 718.01, 1111.04, 1112.12, 1315.54, 1345.01, 1501.10, 247336
1503.05, 1509.07, 1509.225, 1514.04, 1514.05, 1521.061, 1548.06, 247337
1733.04, 1733.24, 1735.03, 2109.37, 2109.372, 2109.44, 3314.50, 247338
3366.05, 3737.945, 3903.73, 3905.32, 3916.01, 3925.26, 4141.241, 247339
4505.06, 4509.62, 4509.63, 4509.65, 4509.67, 4710.03, 4749.01, 247340
4763.13, 5725.17, 5725.22, 5727.25, 5727.31, 5727.311, 5727.42, 247341
5727.47, 5727.53, 5727.81, 5727.811, 5727.82, 5727.83, 5733.022, 247342
5735.03, 5735.062, 5739.031, 5739.032, 5739.07, 5743.05, 5743.051, 247343
5743.15, 5745.03, 5745.04, 5745.041, 5747.059, 5747.07, 5747.072, 247344
5747.42, 5747.44, 5747.451, 5815.26, and 5815.37 be amended and 247345
new sections 135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 247346
135.70, and 135.71 and sections 113.22, 135.621, 135.622, 135.623, 247347
135.624, 135.625, 135.701, 135.702, 135.703, 135.704, 135.705, 247348
169.053, and 1501.04 of the Revised Code be enacted to read as 247349
follows: 247350

Sec. 113.05. (A) As used in sections 113.05 to 113.40 of the 247351
Revised Code: 247352

(1) "Account," "appropriation," "disbursement," "electronic 247353
funds transfer," "fund," and "warrant" have the same meanings as 247354
in section 131.01 of the Revised Code. 247355

(2) "Assets" has the same meaning as in section 131.01 of the 247356
Revised Code, but does not include items held in safekeeping by 247357
the treasurer of state including, but not limited to, collateral 247358
pledged to a state agency. 247359

(3) "Custodial funds" do not include items held in 247360
safekeeping by the treasurer of state including, but not limited 247361
to, collateral pledged to a state agency. 247362

(B) The state treasury consists of the moneys, claims, bonds, 247363
notes, other obligations, stocks, and other securities, receipts 247364
or other evidences of ownership, and other intangible assets of 247365
the state that are required by law to be deposited in the state 247366
treasury or are otherwise a part of the state treasury. All assets 247367
of the state treasury shall be kept in the rooms assigned the 247368
treasurer of state, with the vaults, safes, and other appliances 247369
therein; provided, that: 247370

(1) Securities required by law to be deposited or kept in the 247371
state treasury may be deposited for safekeeping with the federal 247372
reserve bank of Cleveland, Ohio or secured and insured 247373
depositories in or out of this state as designated by the 247374
treasurer of state. 247375

(2) Public moneys may be kept in constituted state 247376
depositories. 247377

~~(B)~~(C) The custodial funds of the treasurer of state consist 247378
of the moneys, claims, bonds, notes, other obligations, stocks, 247379
and other securities, receipts or other evidences of ownership, 247380
and other intangible assets that are required by law to be kept in 247381
the custody of the treasurer of state but are not part of the 247382
state treasury. All assets of the custodial funds of the treasurer 247383
of state shall be kept in either or both of the following: 247384

(1) The rooms assigned the treasurer of state, with the 247385
vaults, safes, and other appliances therein; 247386

(2) The federal reserve bank of Cleveland, Ohio or secured 247387
and insured depositories in or out of this state as designated by 247388
the treasurer of state. 247389

~~(C)~~(D) Assets of the state treasury shall not be commingled 247390

with assets of the custodial funds of the treasurer of state. 247391

The repositing and deposit of payments pursuant to ~~sections~~ 247392
section 113.06 ~~and 113.07~~ of the Revised Code ~~are~~ is in compliance 247393
with this section. 247394

Sec. 113.11. No money shall be paid out of the state treasury 247395
or transferred elsewhere except ~~on the warrant of~~ as ordered by 247396
the director of budget and management. No money shall be paid out 247397
of a custodial fund of the treasurer of state except ~~on proper~~ 247398
~~order to the treasurer of state~~ as ordered by the officer 247399
authorized by law to pay money out of the fund. 247400

The treasurer of state shall adopt rules prescribing the form 247401
and manner in which money may be paid out of the state treasury or 247402
a custodial fund of the treasurer of state. 247403

Sec. 113.12. (A) As used in this section, "valid warrant" 247404
means a warrant that is not stopped, stale dated for age, voided, 247405
canceled, altered, or fictitious. 247406

(B) The treasurer of state, on presentation, shall pay all 247407
valid warrants drawn on the ~~treasurer of state~~ state treasury by 247408
the director of budget and management. ~~At least once each month~~ On 247409
a daily basis, the treasurer of state shall ~~surrender~~ provide to 247410
the director electronic records of all warrants the treasurer of 247411
state has paid ~~and shall accept the receipt of the director~~ 247412
~~therefor.~~ The receipt shall be held by the treasurer of state in 247413
~~place of such warrants and as evidence of their payment until an~~ 247414
~~audit of the state treasury and the custodial funds of the~~ 247415
~~treasurer of state has been completed, adjusted, or returned.~~ 247416

Sec. 113.22. There is hereby created in the state treasury 247417
the treasurer's information technology reserve fund. The fund 247418
shall consist of unexpended amounts transferred from either or 247419

<u>both of the following:</u>	247420
<u>(A) The securities lending program fund created under section 135.47 of the Revised Code;</u>	247421 247422
<u>(B) The account created under section 3366.05 of the Revised Code that is in the custody of the treasurer of state and not part of the state treasury.</u>	247423 247424 247425
<u>Moneys credited to the treasurer's information technology reserve fund shall be expended only to acquire or maintain hardware, software, or contract services for the efficient operation of the treasurer of state's office. Unexpended amounts shall be retained in the fund and reserved for such future technology needs.</u>	247426 247427 247428 247429 247430 247431
Sec. 113.40. (A) As used in this section:	247432
(1) "Financial transaction device" includes a credit card, debit card, charge card, prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications, or any other device or method for making an electronic payment or transfer of funds.	247433 247434 247435 247436 247437 247438 247439
(2) "State expenses" includes fees, costs, taxes, assessments, fines, penalties, payments, or any other expense a person owes to a state office under the authority of a state elected official or to a state entity.	247440 247441 247442 247443
(3) "State elected official" means the governor, lieutenant governor, attorney general, secretary of state, treasurer of state, and auditor of state.	247444 247445 247446
(4) "State entity" includes any state department, agency, board, or commission that deposits funds into the state treasury.	247447 247448

(B) Notwithstanding any other section of the Revised Code and subject to division (D) of this section, the board of deposit may adopt a resolution authorizing the acceptance of payments by financial transaction device to pay for state expenses. The resolution shall include all of the following:

(1) A designation of those state elected officials and state entities authorized to accept payments by financial transaction device;

(2) A list of state expenses that may be paid by the use of a financial transaction device;

(3) Specific identification of financial transaction devices that a state elected official or state entity may authorize as acceptable means of payment for state expenses. Division (B)(3) of this section does not require that the same financial transaction devices be accepted for the payment of different types of state expenses.

(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Division (B)(4) of this section does not require that the same surcharges or convenience fees be applied to the payment of different types of state expenses.

(5) A specific requirement, as provided in division (G) of this section, for the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.

The board of deposit's resolution also shall designate the treasurer of state as the administrative agent to solicit proposals, within guidelines established by the board of deposit in the resolution and in compliance with the procedures provided in division (C) of this section, from financial institutions,

issuers of financial transaction devices, and processors of 247480
financial transaction devices; to make recommendations about those 247481
proposals to the state elected officials; and to assist state 247482
offices in implementing the state's financial transaction device 247483
acceptance and processing program. 247484

(C) The administrative agent shall follow the procedures 247485
provided in this division whenever it plans to contract with 247486
financial institutions, issuers of financial transaction devices, 247487
or processors of financial transaction devices for the purposes of 247488
this section. The administrative agent shall request proposals 247489
from at least three financial institutions, issuers of financial 247490
transaction devices, or processors of financial transaction 247491
devices, as appropriate in accordance with the resolution adopted 247492
under division (B) of this section. Prior to sending any financial 247493
institution, issuer, or processor a copy of any such request, the 247494
administrative agent shall advertise its intent to request 247495
proposals ~~in a newspaper of general circulation in the state once~~ 247496
~~a week~~ for two consecutive weeks by electronic publication on a 247497
state agency web site made available to the general public. The 247498
notice shall state that the administrative agent intends to 247499
request proposals; specify the purpose of the request; indicate 247500
the date, which shall be at least ten days after the ~~second~~ 247501
publication, on which the request for proposals will be 247502
electronically mailed to financial institutions, issuers, or 247503
processors; and require that any financial institution, issuer, or 247504
processor, whichever is appropriate, interested in receiving the 247505
request for proposals submit written notice of this interest to 247506
the administrative agent not later than ~~noon~~ of the day on which 247507
the request for proposals will be electronically mailed. 247508

Upon receiving the proposals, the administrative agent shall 247509
review them and make a recommendation to the board of deposit 247510
regarding which proposals to accept. The board of deposit shall 247511

consider the agent's recommendation and review all proposals 247512
submitted, and then may choose to contract with any or all of the 247513
entities submitting proposals, as appropriate. The board of 247514
deposit shall provide any financial institution, issuer, or 247515
processor that submitted a proposal, but with which the board does 247516
not enter into a contract, notice that its proposal is rejected. 247517

(D) The board of deposit shall send a copy of the resolution 247518
adopted under division (B) of this section to each state elected 247519
official and state entity authorized to accept payments for state 247520
expenses by financial transaction device. After receiving the 247521
resolution and before accepting such payments by financial 247522
transaction device, such a state elected official or state entity 247523
shall provide written notification to the administrative agent of 247524
the official's or entity's intent to implement the resolution 247525
within the official's or entity's office. Each state office or 247526
entity subject to the board's resolution adopted under division 247527
(B) of this section shall use only the financial institutions, 247528
issuers of financial transaction devices, and processors of 247529
financial transaction devices with which the board of deposit 247530
contracts, and each such office or entity is subject to the terms 247531
of those contracts. 247532

If a state entity under the authority of a state elected 247533
official is directly responsible for collecting one or more state 247534
expenses and the state elected official determines not to accept 247535
payments by financial transaction device for one or more of those 247536
expenses, the office is not required to accept payments by 247537
financial transaction device for those expenses, notwithstanding 247538
the adoption of a resolution by the board of deposit under 247539
division (B) of this section. 247540

~~Any state entity that prior to March 18, 1999, accepted 247541
financial transaction devices may continue to accept such devices 247542
until June 30, 2000, without being subject to any resolution 247543~~

~~adopted by the board of deposit under division (B) of this 247544
section, or any other oversight by the board of the entity's 247545
financial transaction device program. Any such entity may use 247546
surcharges or convenience fees in any manner the state elected 247547
official or other official in charge of the entity determines to 247548
be appropriate, and, if the administrative agent consents, may 247549
appoint the administrative agent to be the entity's administrative 247550
agent for purposes of accepting financial transaction devices. In 247551
order to be exempt from the resolution of the board of deposit 247552
under division (B) of this section, a state entity shall notify 247553
the board in writing within thirty days after March 18, 1999, that 247554
it accepted financial transaction devices prior to March 18, 1999. 247555
Each such notification shall explain how processing costs 247556
associated with financial transaction devices are being paid and 247557
shall indicate whether surcharge or convenience fees are being 247558
passed on to consumers. 247559~~

(E) The board of deposit may establish a surcharge or 247560
convenience fee that may be imposed upon a person making payment 247561
by a financial transaction device. The surcharge or convenience 247562
fee shall not be imposed unless authorized or otherwise permitted 247563
by the rules prescribed under a contract, between the financial 247564
institution, issuer, or processor and the administrative agent, 247565
governing the use and acceptance of the financial transaction 247566
device. 247567

The establishment of a surcharge or convenience fee shall 247568
follow the guidelines of the financial institution, issuer of 247569
financial transaction devices, or processor of financial 247570
transaction devices with which the board of deposit contracts. 247571

If a surcharge or convenience fee is imposed, every state 247572
entity accepting payment by a financial transaction device, 247573
regardless of whether that entity is subject to a resolution 247574
adopted by the board of deposit, shall clearly post a notice in 247575

the entity's office, and shall notify each person making a payment 247576
by such a device, about the surcharge or fee. Notice to each 247577
person making a payment shall be provided regardless of the medium 247578
used to make the payment and in a manner appropriate to that 247579
medium. Each notice shall include all of the following: 247580

(1) A statement that there is a surcharge or convenience fee 247581
for using a financial transaction device; 247582

(2) The total amount of the charge or fee expressed in 247583
dollars and cents for each transaction, or the rate of the charge 247584
or fee expressed as a percentage of the total amount of the 247585
transaction, whichever is applicable; 247586

(3) A clear statement that the surcharge or convenience fee 247587
is nonrefundable. 247588

(F) If a person elects to make a payment by a financial 247589
transaction device and a surcharge or convenience fee is imposed, 247590
the payment of the surcharge or convenience fee is not refundable. 247591

(G) If a person makes payment by a financial transaction 247592
device and the payment is returned or dishonored for any reason, 247593
the person is liable to the state for the state expense and any 247594
reimbursable costs for collection, including banking charges, 247595
legal fees, or other expenses incurred by the state in collecting 247596
the returned or dishonored payment. The remedies and procedures 247597
provided in this section are in addition to any other available 247598
civil or criminal remedies provided by law. 247599

(H) No person making any payment by a financial transaction 247600
device to a state office shall be relieved from liability for the 247601
underlying obligation, except to the extent that the state 247602
realizes final payment of the underlying obligation in cash or its 247603
equivalent. If final payment is not made by the financial 247604
transaction device issuer or other guarantor of payment in the 247605
transaction, the underlying obligation survives and the state 247606

shall retain all remedies for enforcement that would have applied 247607
if the transaction had not occurred. 247608

(I) A state entity or employee who accepts a financial 247609
transaction device payment in accordance with this section and any 247610
applicable state or local policies or rules is immune from 247611
personal liability for the final collection of such payments as 247612
specified in section 9.87 of the Revised Code. 247613

(J) If the board of deposit determines that it is necessary 247614
and in the state's best interest to contract with an additional 247615
entity subsequent to the contract award made under division (C) of 247616
this section, the board may meet and choose to contract with one 247617
or more additional entities for the remainder of the period 247618
previously established by a contract award made under division (C) 247619
of this section. 247620

(K) The administrative agent, in cooperation with the office 247621
of budget and management, may adopt, amend, and rescind rules in 247622
accordance with section 111.15 of the Revised Code to implement 247623
and administer this section. 247624

Sec. 125.30. ~~(A)~~ The department of administrative services 247625
shall ~~do both of the following:~~ 247626

~~(1) Create a business reply form that is capable of~~ 247627
~~containing information that a private business is required to~~ 247628
~~provide to state agencies on a regular basis. The director of~~ 247629
~~administrative services shall adopt rules in accordance with~~ 247630
~~Chapter 119. of the Revised Code specifying the information that~~ 247631
~~the form shall contain. Subject to division (E) of this section,~~ 247632
~~state agencies shall use the business reply form to obtain~~ 247633
~~information from private businesses.~~ 247634

~~(2) Create create and administer an ~~on-line~~ online computer~~ 247635
~~network system to allow private businesses that allows persons to~~ 247636

electronically file ~~the business reply form~~ forms and, as 247637
authorized in the Revised Code, tax information with state 247638
agencies or political subdivisions. 247639

~~In creating the business reply form described in division~~ 247640
~~(A)(1) of this section, the director may consider the~~ 247641
~~recommendations of interested parties from the small business~~ 247642
~~community who have direct knowledge of and familiarity with the~~ 247643
~~current state reporting requirements that apply to and the~~ 247644
~~associated forms that are filed by small businesses.~~ 247645

~~(B) The director shall establish procedures by which state~~ 247646
~~agencies may share the information that is collected through the~~ 247647
~~form established under division (A) of this section. These~~ 247648
~~procedures shall provide that information that has been designated~~ 247649
~~as confidential by any state agency shall not be made available to~~ 247650
~~the other state agencies having access to the business reply form.~~ 247651

~~(C) Not later than September 30, 1999, the director may~~ 247652
~~report to the director of budget and management and to the~~ 247653
~~committees that handle finance and the committees that handle~~ 247654
~~state government affairs in the house of representatives and the~~ 247655
~~senate on the progress of state agencies in complying with~~ 247656
~~division (A)(1) of this section. The director may recommend a five~~ 247657
~~per cent reduction in the future appropriations of any state~~ 247658
~~agency that has failed to comply with that division without good~~ 247659
~~cause.~~ 247660

~~(D) As used in this section:~~ 247661

~~(1) "State agency" means the secretary of state, the~~ 247662
~~department of job and family services regarding duties it performs~~ 247663
~~pursuant to Title XLI of the Revised Code, the bureau of workers'~~ 247664
~~compensation, the department of administrative services, and any~~ 247665
~~other state agency that elects to participate in the pilot program~~ 247666
~~as provided in division (E) of this section.~~ 247667

~~(2) "Form" has the same meaning as in division (B) of section 247668
125.91 of the Revised Code. 247669~~

~~(E) The provisions of this section pertaining to the business 247670
reply form constitute a two year pilot program. Not later than one 247671
year after January 21, 1998, the department of administrative 247672
services shall complete the planning and preparation that is 247673
necessary to implement the pilot program. The director of 247674
administrative services may request other state agencies, as 247675
defined in division (A) of section 125.91 of the Revised Code, to 247676
participate in the pilot program. If the director so requests, the 247677
state agency may participate in the program. The provisions of 247678
this section shall cease to have effect three years after January 247679
21, 1998. Within ninety days after the completion of the pilot 247680
program, the director of administrative services shall report to 247681
the director of budget and management and the committees described 247682
in division (C) of this section on the effectiveness of the pilot 247683
program. 247684~~

Sec. 126.06. The total operating fund consists of all funds 247685
in the state treasury except the auto registration distribution 247686
fund, local motor vehicle license tax fund, development bond 247687
retirement fund, facilities establishment fund, gasoline excise 247688
tax fund, higher education improvement fund, highway improvement 247689
bond retirement fund, highway capital improvement fund, 247690
improvements bond retirement fund, mental health facilities 247691
improvement fund, parks and recreation improvement fund, ~~public~~ 247692
~~improvements bond retirement fund,~~ school district income tax 247693
fund, state agency facilities improvement fund, public safety - 247694
highway purposes fund, Vietnam conflict compensation fund, any 247695
other fund determined by the director of budget and management to 247696
be a bond fund or bond retirement fund, and such portion of the 247697
highway operating fund as is determined by the director of budget 247698
and management and the director of transportation to be restricted 247699

by Section 5a of Article XII, Ohio Constitution. 247700

When determining the availability of money in the total 247701
operating fund to pay claims chargeable to a fund contained within 247702
the total operating fund, the director of budget and management 247703
shall use the same procedures and criteria the director employs in 247704
determining the availability of money in a fund contained within 247705
the total operating fund. The director may establish limits on the 247706
negative cash balance of the general revenue fund within the total 247707
operating fund, but in no case shall the negative cash balance of 247708
the general revenue fund exceed ten per cent of the total revenue 247709
of the general revenue fund in the preceding fiscal year. 247710

Sec. 127.14. The controlling board may, at the request of any 247711
state agency or the director of budget and management, authorize, 247712
with respect to the provisions of any appropriation act: 247713
247714

(A) Transfers of all or part of an appropriation within but 247715
not between state agencies, except such transfers as the director 247716
of budget and management is authorized by law to make, provided 247717
that no transfer shall be made by the director for the purpose of 247718
effecting new or changed levels of program service not authorized 247719
by the general assembly; 247720

(B) Transfers of all or part of an appropriation from one 247721
fiscal year to another; 247722

(C) Transfers of all or part of an appropriation within or 247723
between state agencies made necessary by administrative 247724
reorganization or by the abolition of an agency or part of an 247725
agency; 247726

(D) Transfers of all or part of cash balances in excess of 247727
needs from any fund of the state to the general revenue fund or to 247728
such other fund of the state to which the money would have been 247729

credited in the absence of the fund from which the transfers are 247730
authorized to be made, except that the controlling board may not 247731
authorize such transfers from the accrued leave liability fund, 247732
auto registration distribution fund, local motor vehicle license 247733
tax fund, budget stabilization fund, building improvement fund, 247734
development bond retirement fund, facilities establishment fund, 247735
gasoline excise tax fund, general revenue fund, higher education 247736
improvement fund, highway improvement bond retirement fund, 247737
highway capital improvement fund, highway operating fund, horse 247738
racing tax fund, improvements bond retirement fund, public library 247739
fund, liquor control fund, local government fund, local 247740
transportation improvement program fund, medicaid reserve fund, 247741
mental health facilities improvement fund, Ohio fairs fund, parks 247742
and recreation improvement fund, ~~public improvements bond~~ 247743
~~retirement fund~~, school district income tax fund, state agency 247744
facilities improvement fund, public safety - highway purposes 247745
fund, state lottery fund, undivided liquor permit fund, Vietnam 247746
conflict compensation bond retirement fund, volunteer fire 247747
fighters' dependents fund, waterways safety fund, wildlife fund, 247748
workers' compensation fund, or any fund not specified in this 247749
division that the director of budget and management determines to 247750
be a bond fund or bond retirement fund; 247751

(E) Transfers of all or part of those appropriations included 247752
in the emergency purposes account of the controlling board; 247753

(F) Temporary transfers of all or part of an appropriation or 247754
other moneys into and between existing funds, or new funds, as may 247755
be established by law when needed for capital outlays for which 247756
notes or bonds will be issued; 247757

(G) Transfer or release of all or part of an appropriation to 247758
a state agency requiring controlling board approval of such 247759
transfer or release as provided by law; 247760

(H) Temporary transfer of funds included in the emergency 247761

purposes appropriation of the controlling board. Such temporary 247762
transfers may be made subject to conditions specified by the 247763
controlling board at the time temporary transfers are authorized. 247764
No transfers shall be made under this division for the purpose of 247765
effecting new or changed levels of program service not authorized 247766
by the general assembly. 247767

As used in this section, "request" means an application by a 247768
state agency or the director of budget and management seeking some 247769
action by the controlling board. 247770

When authorizing the transfer of all or part of an 247771
appropriation under this section, the controlling board may 247772
authorize the transfer to an existing appropriation item and the 247773
creation of and transfer to a new appropriation item. 247774

Whenever there is a transfer of all or part of funds included 247775
in the emergency purposes appropriation by the controlling board, 247776
pursuant to division (E) of this section, the state agency or the 247777
director of budget and management receiving such transfer shall 247778
keep a detailed record of the use of the transferred funds. At the 247779
earliest scheduled meeting of the controlling board following the 247780
accomplishment of the purposes specified in the request originally 247781
seeking the transfer, or following the total expenditure of the 247782
transferred funds for the specified purposes, the state agency or 247783
the director of budget and management shall submit a report on the 247784
expenditure of such funds to the board. The portion of any 247785
appropriation so transferred which is not required to accomplish 247786
the purposes designated in the original request to the controlling 247787
board shall be returned to the proper appropriation of the 247788
controlling board at this time. 247789

Notwithstanding any provisions of law providing for the 247790
deposit of revenues received by a state agency to the credit of a 247791
particular fund in the state treasury, whenever there is a 247792
temporary transfer of funds included in the emergency purposes 247793

appropriation of the controlling board pursuant to division (H) of 247794
this section, revenues received by any state agency receiving such 247795
a temporary transfer of funds shall, as directed by the 247796
controlling board, be transferred back to the emergency purposes 247797
appropriation. 247798

The board may delegate to the director of budget and 247799
management authority to approve transfers among items of 247800
appropriation under division (A) of this section. 247801

Sec. 129.06. Funds belonging to the sinking fund shall be 247802
applied to the payment of the principal and interest of the bonded 247803
debt of the state, and to the expenses of such payment. ~~When paid,~~ 247804
~~bonds or certificates of the bonded debt of the state shall be~~ 247805
~~canceled, and "paid" written on the face thereof with the date of~~ 247806
~~payment, which inscription shall be signed by the board of~~ 247807
~~commissioners of the sinking fund. Bonds or certificates so paid~~ 247808
~~shall be taken from the proper accounts upon the individual and~~ 247809
~~general stock ledgers and entered in the account of bonded debt~~ 247810
~~paid, specifying the particular loan, the number and date of the~~ 247811
~~certificate and bonds so paid, the amount, rate of interest, time~~ 247812
~~at which it was redeemable, and in whose name it was standing when~~ 247813
~~paid. All certificates or bonds so paid and canceled shall be~~ 247814
~~filed in the office of the board.~~ 247815

Sec. 129.09. Interest on the bonded debt of the state shall 247816
be paid to the owner of bonds or certificates evidencing such 247817
debt, or to such owner's agent, attorney, or legal representative. 247818
~~Written proof of the authority of such agent, attorney, or legal~~ 247819
~~representative must be presented to and filed with the board of~~ 247820
~~commissioners of the sinking fund.~~ 247821

Sec. 131.01. As used in Chapters 113., 117., 123., 124., 247822
125., 126., 127., and 131. of the Revised Code, and any statute 247823

that uses the terms in connection with state accounting or 247824
budgeting: 247825

(A) "Account" means any record, element, or summary in which 247826
financial transactions are identified and recorded as debit or 247827
credit transactions in order to summarize items of a similar 247828
nature or classification. 247829

(B) "Accounting procedure" means the arrangement of all 247830
processes which discover, record, and summarize financial 247831
information to produce financial statements and reports and to 247832
provide internal control. 247833

(C) "Accounting system" means the total structure of records 247834
and procedures which discover, record, classify, and report 247835
information on the financial position and operations of a 247836
governmental unit or any of its funds and organizational 247837
components. 247838

(D) "Allocation" means a portion of an appropriation which is 247839
designated for expenditure by specific organizational units or for 247840
special purposes, activities, or objects that do not relate to a 247841
period of time. 247842

(E) "Allotment" means all or part of an appropriation which 247843
may be encumbered or expended within a specific period of time. 247844

(F) "Appropriation" means an authorization granted by the 247845
general assembly to make expenditures and to incur obligations for 247846
specific purposes. 247847

(G) "Assets" means resources owned, controlled, or otherwise 247848
used or held by the state which have monetary value. 247849

(H) "Budget" means the plan of financial operation embodying 247850
an estimate of proposed expenditures and obligations for a given 247851
period and the proposed means of financing them. 247852

(I) "Direct deposit" is a form of electronic funds transfer 247853

in which money is electronically deposited into the account of a person or entity at a financial institution. (J) "Disbursement" means a payment made for any purpose. (K) "Electronic benefit transfer" means the electronic delivery of benefits through automated teller machines, point of sale terminals, or other electronic media pursuant to section 5101.33 of the Revised Code. (L) "Electronic funds transfer" means the electronic movement of funds via automated clearing house or wire transfer. (M) "Encumbrancing document" means a document reserving all or part of an appropriation. (N) "Expenditure" means a reduction of the balance of an appropriation after legal requirements have been met. (O) "Fund" means an independent fiscal and accounting entity with a self-balancing set of accounts recording cash or other resources, together with all related liabilities, obligations, reserves, and fund balances which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special rules, restrictions, or limitations. (P) "Lapse" means the automatic termination of an appropriation at the end of the fiscal period for which it was appropriated. (Q) "Reappropriation" means an appropriation of a previous appropriation that is continued in force in a succeeding appropriation period. "Reappropriation" shall be equated with and incorporated in the term "appropriation." (R) "Stored value card" means a payment card that may have money loaded and stored on the card and accessed through automated teller machines, point of sale terminals, or other electronic media. "Stored value card" does not include any payment card

linked to, and that can access money in, an external account 247884
maintained by a financial institution. 247885

(S) "Voucher" means the document used to transmit a claim for 247886
payment and evidentiary matter related to the claim. 247887

~~(S)~~(T) "Warrant" means an order drawn upon the treasurer of 247888
state by the director of budget and management, or an authorized 247889
person at a state entity that has a custodial account in the 247890
custody of the treasurer of state, directing the treasurer of 247891
state to pay a specified amount to one or more specified payees. A 247892
variety of payment instruments may be used, including an order to 247893
~~make a lump sum payment to a financial institution for the~~ 247894
~~transfer of funds by~~ but not limited to paper warrants, stored 247895
value cards, direct deposit to the payee's bank account, or the 247896
drawdown of funds by electronic benefit transfer, and the 247897
resulting electronic transfer to or by the ultimate payees. 247898

The terms defined in this section shall be used, on all 247899
accounting forms, reports, formal rules, and budget requests 247900
produced by a state agency, only as defined in this section. 247901

Sec. 135.01. Except as otherwise provided in sections 135.14, 247902
135.143, 135.181, and 135.182 of the Revised Code, as used in 247903
sections 135.01 to 135.21 of the Revised Code: 247904

(A) "Active deposit" means a public deposit necessary to meet 247905
current demands on the treasury, and that is deposited in any of 247906
the following: 247907

(1) A commercial account that is payable or withdrawable, in 247908
whole or in part, on demand; 247909

(2) A negotiable order of withdrawal account as authorized in 247910
the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 247911
12 U.S.C.A. 1832(a); 247912

(3) A money market deposit account as authorized in the 247913

"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 247914
1501, 12 U.S.C. 3503. 247915

(B) "Auditor" includes the auditor of state and the auditor, 247916
or officer exercising the functions of an auditor, of any 247917
subdivision. 247918

(C) "Capital funds" means the sum of the following: the par 247919
value of the outstanding common capital stock, the par value of 247920
the outstanding preferred capital stock, the aggregate par value 247921
of all outstanding capital notes and debentures, and the surplus. 247922
In the case of an institution having offices in more than one 247923
county, the capital funds of such institution, for the purposes of 247924
sections 135.01 to 135.21 of the Revised Code, relative to the 247925
deposit of the public moneys of the subdivisions in one such 247926
county, shall be considered to be that proportion of the capital 247927
funds of the institution that is represented by the ratio that the 247928
deposit liabilities of such institution originating at the office 247929
located in the county bears to the total deposit liabilities of 247930
the institution. 247931

(D) "Governing board" means, in the case of the state, the 247932
state board of deposit; in the case of all school districts and 247933
educational service centers except as otherwise provided in this 247934
section, the board of education or governing board of a service 247935
center, and when the case so requires, the board of commissioners 247936
of the sinking fund; in the case of a municipal corporation, the 247937
legislative authority, and when the case so requires, the board of 247938
trustees of the sinking fund; in the case of a township, the board 247939
of township trustees; in the case of a union or joint institution 247940
or enterprise of two or more subdivisions not having a treasurer, 247941
the board of directors or trustees thereof; and in the case of any 247942
other subdivision electing or appointing a treasurer, the 247943
directors, trustees, or other similar officers of such 247944
subdivision. The governing board of a subdivision electing or 247945

appointing a treasurer shall be the governing board of all other 247946
subdivisions for which such treasurer is authorized by law to act. 247947
In the case of a county school financing district that levies a 247948
tax pursuant to section 5705.215 of the Revised Code, the county 247949
board of education that serves as its taxing authority shall 247950
operate as a governing board. Any other county board of education 247951
shall operate as a governing board unless it adopts a resolution 247952
designating the board of county commissioners as the governing 247953
board for the county school district. 247954

(E) "Inactive deposit" means a public deposit other than an 247955
interim deposit or an active deposit. 247956

(F) "Interim deposit" means a deposit of interim moneys. 247957
"Interim moneys" means public moneys in the treasury of ~~the state~~ 247958
~~or~~ any subdivision after the award of inactive deposits has been 247959
made in accordance with section 135.07 of the Revised Code, which 247960
moneys are in excess of the aggregate amount of the inactive 247961
deposits as estimated by the governing board prior to the period 247962
of designation and which the ~~treasurer or~~ governing board finds 247963
should not be deposited as active or inactive deposits for the 247964
reason that such moneys will not be needed for immediate use but 247965
will be needed before the end of the period of designation. In the 247966
case of the state treasury, "interim moneys" means public moneys 247967
that are not active deposits and may be invested in accordance 247968
with section 135.143 of the Revised Code. 247969

(G) "Permissible rate of interest" means a rate of interest 247970
that all eligible institutions mentioned in section 135.03 of the 247971
Revised Code are permitted to pay by law or valid regulations. 247972

(H) "Warrant clearance account" means an account established 247973
by the treasurer of state for ~~the~~ either of the following 247974
purposes: 247975

(a) The deposit of active state moneys outside the city of 247976

~~Columbus, such account being for the exclusive purpose~~ purposes of 247977
clearing state paper warrants through the banking system ~~to the~~ 247978
~~treasurer, funding electronic benefit transfer cards, issuing~~ 247979
stored value cards, or otherwise facilitating the settlement of 247980
state obligations; 247981

(b) The deposit of custodial moneys from an account held in 247982
the custody of the treasurer of state to facilitate settlement of 247983
obligations of the custodial fund. 247984

(I) "Public deposit" means public moneys deposited in a 247985
public depository pursuant to sections 135.01 to 135.21 of the 247986
Revised Code. 247987

(J) "Public depository" means an institution which receives 247988
or holds any public deposits. 247989

(K) "Public moneys" means all moneys in the treasury of the 247990
state or any subdivision of the state, or moneys coming lawfully 247991
into the possession or custody of the treasurer of state or of the 247992
treasurer of any subdivision. "Public moneys of the state" 247993
includes all such moneys coming lawfully into the possession of 247994
the treasurer of state; and "public moneys of a subdivision" 247995
includes all such moneys coming lawfully into the possession of 247996
the treasurer of the subdivision. 247997

(L) "Subdivision" means any municipal corporation, except one 247998
which has adopted a charter under Article XVIII, Ohio 247999
Constitution, and the charter or ordinances of the chartered 248000
municipal corporation set forth special provisions respecting the 248001
deposit or investment of its public moneys, or any school district 248002
or educational service center, a county school financing district, 248003
township, municipal or school district sinking fund, special 248004
taxing or assessment district, or other district or local 248005
authority electing or appointing a treasurer, except a county. In 248006
the case of a school district or educational service center, 248007

special taxing or assessment district, or other local authority 248008
for which a treasurer, elected or appointed primarily as the 248009
treasurer of a subdivision, is authorized or required by law to 248010
act as ex officio treasurer, the subdivision for which such a 248011
treasurer has been primarily elected or appointed shall be 248012
considered to be the "subdivision." The term also includes a union 248013
or joint institution or enterprise of two or more subdivisions, 248014
that is not authorized to elect or appoint a treasurer, and for 248015
which no ex officio treasurer is provided by law. 248016

(M) "Treasurer" means, in the case of the state, the 248017
treasurer of state and in the case of any subdivision, the 248018
treasurer, or officer exercising the functions of a treasurer, of 248019
such subdivision. In the case of a board of trustees of the 248020
sinking fund of a municipal corporation, the board of 248021
commissioners of the sinking fund of a school district, or a board 248022
of directors or trustees of any union or joint institution or 248023
enterprise of two or more subdivisions not having a treasurer, 248024
such term means such board of trustees of the sinking fund, board 248025
of commissioners of the sinking fund, or board of directors or 248026
trustees. 248027

(N) "Treasury investment board" of a municipal corporation 248028
means the mayor or other chief executive officer, the village 248029
solicitor or city director of law, and the auditor or other chief 248030
fiscal officer. 248031

(O) "No-load money market mutual fund" means a no-load money 248032
market mutual fund to which all of the following apply: 248033

(1) The fund is registered as an investment company under the 248034
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 248035
to 80a-64; 248036

(2) The fund has the highest letter or numerical rating 248037
provided by at least one nationally recognized ~~standard~~ 248038

statistical rating service organization; 248039

(3) The fund does not include any investment in a derivative. 248040
As used in division (O)(3) of this section, "derivative" means a 248041
financial instrument or contract or obligation whose value or 248042
return is based upon or linked to another asset or index, or both, 248043
separate from the financial instrument, contract, or obligation 248044
itself. Any security, obligation, trust account, or other 248045
instrument that is created from an issue of the United States 248046
treasury or is created from an obligation of a federal agency or 248047
instrumentality or is created from both is considered a derivative 248048
instrument. An eligible investment described in section 135.14 or 248049
135.35 of the Revised Code with a variable interest rate payment, 248050
based upon a single interest payment or single index comprised of 248051
other investments provided for in division (B)(1) or (2) of 248052
section 135.14 of the Revised Code, is not a derivative, provided 248053
that such variable rate investment has a maximum maturity of two 248054
years. 248055

(P) "Public depositor" means the state or a subdivision, as 248056
applicable, that deposits public moneys in a public depository 248057
pursuant to sections 135.01 to 135.21 of the Revised Code. 248058

(Q) "Uninsured public deposit" means the portion of a public 248059
deposit that is not insured by the federal deposit insurance 248060
corporation or by any other agency or instrumentality of the 248061
federal government. 248062

Sec. 135.02. There shall be a state board of deposit 248063
consisting of the treasurer of state or an employee of the 248064
treasurer of state's department designated by the treasurer of 248065
state, the auditor of state or an employee of the auditor of 248066
state's department designated by the auditor of state, and the 248067
attorney general or an employee of the attorney general's 248068
department designated by the attorney general. The board shall 248069

meet on the call of the chairperson at least annually to perform 248070
the duties prescribed in sections 135.01 to 135.21 of the Revised 248071
Code. At any time, two members of the board may request that the 248072
chairperson call a meeting of the board, and the chairperson shall 248073
call the meeting within thirty days after receiving such requests. 248074
The treasurer of state or the treasurer of state's designated 248075
representative shall be chairperson of the board. The treasurer of 248076
state shall designate an employee of the treasurer of state's 248077
department to serve as the secretary of the board and keep its 248078
records. A certified copy of such records shall be prima-facie 248079
evidence of the matter appearing therein in any court of record. 248080

The chairperson shall provide a ~~monthly report~~ notification 248081
to the board of deposit ~~consisting of the notifications that the~~ 248082
reports required under division (B) of section 135.143 of the 248083
Revised Code ~~and shall post that report monthly have been posted~~ 248084
to a web site maintained by the treasurer of state. 248085

The necessary expenses of the board shall be paid from the 248086
state treasury from appropriations for that purpose upon the order 248087
of the board certified by the chairperson and the secretary. 248088

Sec. 135.04. (A) Any institution mentioned in section 135.03 248089
of the Revised Code is eligible to become a public depository of 248090
the active deposits, ~~inactive deposits,~~ and interim deposits of 248091
public moneys of the state subject to the requirements of sections 248092
135.01 to 135.21 of the Revised Code. 248093

(B) To facilitate the ~~clearance of state warrants to~~ 248094
settlement of obligations of the state treasury and custodial 248095
funds in the custody of the treasurer of state, the state board of 248096
deposit may delegate the authority to the treasurer of state to 248097
establish warrant clearance accounts in any institution mentioned 248098
in section 135.03 of the Revised Code ~~located in areas where the~~ 248099
~~volume of warrant clearances justifies the establishment of an~~ 248100

~~account as determined by the treasurer of state. The balances 248101
maintained in such warrant clearance accounts shall be at 248102
sufficient levels to cover the activity generated by such accounts 248103
on an individual basis. Any financial institution in the state 248104
that has a warrant clearance account established by the treasurer 248105
of state shall, not more than ~~ten~~ fifteen days after the close of 248106
each ~~quarter~~ month, prepare and transmit to the treasurer of state 248107
an analysis statement of such account for the ~~quarter~~ month then 248108
ended. Such statement shall contain such information as determined 248109
by the state board of deposit, ~~and this information shall be used 248110
in whole or in part by the treasurer of state in determining the 248111
level of balances to be maintained in such accounts. 248112~~~~

(C) Each governing board shall award the active deposits of 248113
public moneys subject to its control to the eligible institutions 248114
in accordance with this section, except that no such public 248115
depository shall thereby be required to take or permitted to 248116
receive and have at any one time a greater amount of active 248117
deposits of such public moneys than that specified in the 248118
application of such depository. When, by reason of such limitation 248119
or otherwise, the amount of active public moneys deposited or to 248120
be deposited in a public depository, pursuant to an award made 248121
under this section, is reduced or withdrawn, as the case requires, 248122
the amount of such reduction or the sum so withdrawn shall be 248123
deposited in another eligible institution applying therefor, or if 248124
there is no such eligible institution, then the amount so withheld 248125
or withdrawn shall be awarded or deposited for the remainder of 248126
the period of designation in accordance with sections 135.01 to 248127
135.21 of the Revised Code. 248128

(D) Any institution mentioned in section 135.03 of the 248129
Revised Code is eligible to become a public depository of the 248130
inactive and interim deposits of public moneys of a subdivision. 248131
In case the aggregate amount of inactive or interim deposits 248132

applied for by such eligible institutions is less than the 248133
aggregate maximum amount of such inactive or interim deposits as 248134
estimated to be deposited pursuant to sections 135.01 to 135.21 of 248135
the Revised Code, the governing board of the subdivision may 248136
designate as a public depository of the inactive or interim 248137
deposits of the public moneys thereof, one or more institutions of 248138
a kind mentioned in section 135.03 of the Revised Code, subject to 248139
the requirements of sections 135.01 to 135.21 of the Revised Code. 248140

(E) Any institution mentioned in section 135.03 of the 248141
Revised Code is eligible to become a public depository of the 248142
active deposits of public moneys of a subdivision. In case the 248143
aggregate amount of active deposits of the public moneys of the 248144
subdivision applied for by such eligible institutions is less than 248145
the aggregate maximum amount to be deposited as such, as estimated 248146
by the governing board, said board may designate as a public 248147
depository of the active deposits of the public moneys of the 248148
subdivision, one or more institutions of the kind mentioned in 248149
section 135.03 of the Revised Code, subject to the requirements of 248150
sections 135.01 to 135.21 of the Revised Code. 248151

(F)(1) The governing board of the state or of a subdivision 248152
may designate one or more minority banks as public depositories of 248153
its inactive, interim, or active deposits of public moneys 248154
designated as federal funds. Except for section 135.18, 135.181, 248155
or 135.182 of the Revised Code, Chapter 135. of the Revised Code 248156
does not apply to the application for, or the award of, such 248157
deposits. As used in this division, "minority bank" means a bank 248158
that is owned or controlled by one or more socially or 248159
economically disadvantaged persons. Such disadvantage may arise 248160
from cultural, ethnic, or racial background, chronic economic 248161
circumstances, or other similar cause. Such persons include, but 248162
are not limited to, Afro-Americans, Puerto Ricans, 248163
Spanish-speaking Americans, and American Indians. 248164

(2) In enacting this division, the general assembly finds	248165
that:	248166
(a) Certain commercial banks are owned or controlled by	248167
minority Americans;	248168
(b) Minority banks are an important source of banking	248169
services in their communities;	248170
(c) Minority banks have been unsuccessful in competing under	248171
Chapter 135. of the Revised Code for the award of federal funds;	248172
(d) This division contains safeguards for the protection of	248173
the general public and the banking industry, since it provides the	248174
governing board of the state or political subdivision with	248175
permissive authority in the award of deposits; limits the	248176
authority of the governing board to the award of federal funds;	248177
and subjects minority banks to certain limitations of Chapter 135.	248178
of the Revised Code, including the requirement that, as in the	248179
case of every financial institution subject to Chapter 135. of the	248180
Revised Code, a minority bank pledge certain securities for	248181
repayment of the deposits.	248182
(3) The purpose of this division is to recognize that the	248183
state has a substantial and compelling interest in encouraging the	248184
establishment, development, and stability of minority banks by	248185
facilitating their access to the award of federal funds, while	248186
ensuring the protection of the general public and the banking	248187
industry.	248188
(G) The governing board of a subdivision shall award the	248189
first twenty-five thousand dollars of the active deposits of	248190
public moneys subject to its control to the eligible institution	248191
or institutions applying or qualifying therefor on the basis of	248192
the operating needs of the subdivision and shall award the active	248193
deposits of public moneys subject to its control in excess of	248194
twenty-five thousand dollars to the eligible institution or	248195

institutions applying or qualifying therefor. 248196

Sec. 135.05. Each governing board of a subdivision shall, at 248197
least three weeks prior to the date when it is required by section 248198
135.12 of the Revised Code to designate public depositories, by 248199
resolution, estimate the aggregate maximum amount of public moneys 248200
subject to its control to be awarded and be on deposit as inactive 248201
deposits. ~~The state board of deposit shall cause a copy of such~~ 248202
~~resolution, together with a notice of the date on which the~~ 248203
~~meeting of the board for the designation of such depositories will~~ 248204
~~be held and the period for which such inactive deposits will be~~ 248205
~~awarded, to be published once a week for two consecutive weeks in~~ 248206
~~two newspapers of general circulation in each of the three most~~ 248207
~~populous counties.~~ The governing board of each subdivision shall 248208
cause a copy of such resolution, together with a notice of the 248209
date on which the meeting of the board for the designation of such 248210
depositories will be held and the period for which such inactive 248211
deposits will be awarded, to be published once a week for two 248212
consecutive weeks in a newspaper of general circulation in the 248213
county or as provided in section 7.16 of the Revised Code. If a 248214
subdivision is located in more than one county, such publication 248215
shall be made in a newspaper of general circulation in the county 248216
in which the major part of such subdivision is located, and of 248217
general circulation in the subdivision. A written notice stating 248218
the aggregate maximum amount to be awarded as inactive deposits of 248219
the subdivision shall be given to each eligible depository by the 248220
governing board at the time the first publication is made in the 248221
newspaper. 248222

All deposits of the public moneys of ~~the state or~~ any 248223
subdivision made during the period covered by the designation in 248224
excess of the aggregate amount so estimated shall be active 248225
deposits or interim deposits. Inactive, interim, and active 248226
deposits shall be separately awarded, made, and administered as 248227

provided by sections 135.01 to 135.21 of the Revised Code. 248228

Sec. 135.06. Each eligible institution desiring to be a 248229
public depository of the inactive deposits of the public moneys of 248230
~~the state or of the inactive deposits of the public moneys of the~~ 248231
subdivision shall, not more than thirty days prior to the date 248232
fixed by section 135.12 of the Revised Code for the designation of 248233
such public depositories, make application therefor in writing to 248234
the proper governing board. Such application shall specify the 248235
maximum amount of such public moneys which the applicant desires 248236
to receive and have on deposit as an inactive deposit at any one 248237
time during the period covered by the designation, provided that 248238
it shall not apply for more than thirty per cent of its total 248239
assets as revealed by its latest report to the superintendent of 248240
financial institutions, the comptroller of the currency, ~~the~~ 248241
~~office of thrift supervision,~~ the federal deposit insurance 248242
corporation, or the board of governors of the federal reserve 248243
system, and the rate of interest which the applicant will pay 248244
thereon, subject to the limitations of sections 135.01 to 135.21 248245
of the Revised Code. Each application shall be accompanied by a 248246
financial statement of the applicant, under oath of its cashier, 248247
treasurer, or other officer, in such detail as to show the capital 248248
funds of the applicant, as of the date of its latest report to the 248249
superintendent of financial institutions, the comptroller of the 248250
currency, ~~the office of thrift supervision,~~ the federal deposit 248251
insurance corporation, or the board of governors of the federal 248252
reserve system, and adjusted to show any changes therein made 248253
prior to the date of the application. Such application may be 248254
combined with an application for designation as a public 248255
depository of active deposits, interim deposits, or both. 248256

Sec. 135.08. Each eligible institution desiring to be a 248257
public depository of interim deposits of the public moneys of the 248258

state or of the ~~interim deposits of the public moneys of the~~ 248259
subdivision shall, not more than thirty one hundred twenty days 248260
prior to the date fixed by section 135.12 of the Revised Code for 248261
the designation of public depositories, make application therefor 248262
in writing to the proper governing board. Such application shall 248263
specify the maximum amount of such public moneys which the 248264
applicant desires to receive and have on deposit as interim 248265
deposits at any one time during the period covered by the 248266
designation, provided that it shall not apply for more than thirty 248267
per cent of its total assets as revealed by its latest report to 248268
the superintendent of financial institutions, the comptroller of 248269
the currency, ~~the office of thrift supervision,~~ the federal 248270
deposit insurance corporation, or the board of governors of the 248271
federal reserve system, and the rate of interest which the 248272
applicant will pay thereon, subject to the limitations of sections 248273
135.01 to 135.21 of the Revised Code. 248274

Each application shall be accompanied by a financial 248275
statement of the applicant, under oath of its cashier, treasurer, 248276
or other officer, in such detail as to show the capital funds of 248277
the applicant, as of the date of its latest report to the 248278
superintendent of financial institutions, the comptroller of the 248279
currency, ~~the office of thrift supervision,~~ the federal deposit 248280
insurance corporation, or the board of governors of the federal 248281
reserve system, and adjusted to show any changes therein made 248282
prior to the date of the application. Such application may be 248283
combined with an application for designation as a public 248284
depository of inactive deposits, active deposits, or both. 248285

Sec. 135.10. Each eligible institution desiring to be a 248286
public depository of the active deposits of the public moneys of 248287
the state or of a subdivision shall, not more than thirty one 248288
hundred twenty days prior to the date fixed by section 135.12 of 248289
the Revised Code for the designation of such public depositories, 248290

make application therefor in writing to the proper governing 248291
board. If desired, such application may specify the maximum amount 248292
of such public moneys which the applicant desires to receive and 248293
have on deposit at any one time during the period covered by the 248294
designation. Each application shall be accompanied by a financial 248295
statement of the applicant, under oath of its cashier, treasurer, 248296
or other officer, in such detail as to show the capital funds of 248297
the applicant, as of the date of its latest report to the 248298
superintendent of ~~banks~~ financial institutions or comptroller of 248299
the currency, and adjusted to show any changes therein prior to 248300
the date of the application. Such application may be combined with 248301
an application for designation as a public depository of inactive 248302
deposits, interim deposits, or both. 248303

Sec. 135.12. (A) Beginning in ~~2004~~ 2025 and every four years 248304
thereafter, the state board of deposit shall meet on the third 248305
Monday of March ~~in the even-numbered years~~ for the purpose of 248306
designating the public depositories of the public moneys of the 248307
state, and at such meeting or any adjourned session thereof shall 248308
designate such public depositories and award the public moneys of 248309
the state to and among the public depositories so designated for 248310
the period of ~~two~~ four years commencing on the first Monday of 248311
July next following. 248312

(B) Each governing board other than the state board of 248313
deposit shall meet every five years on the third Monday or such 248314
regularly scheduled meeting date of the month next preceding the 248315
date of the expiration of its designation of depositories for the 248316
purpose of designating the public depositories of the public 248317
moneys of the subdivision, and at such meeting or any adjourned 248318
session thereof, shall designate such public depositories and 248319
award the public moneys of the subdivision to and among the public 248320
depositories so designated for the period of five years commencing 248321
on the date of the expiration of the next preceding designation. 248322

The designation and award shall be made in duplicate; one copy shall be retained by the governing board of the subdivision and one copy shall be certified to the treasurer.

(C) If a governing board determines, during a designation period, that a public depository designated under this section is insolvent or operating in an unsound or unsafe manner, the governing board may meet and designate a different public depository of the public moneys of the state or of the subdivision for the remainder of the designation period.

(D) If a governing board determines during a designation period that it is necessary and in the state's or subdivision's best interests to appoint additional depositories, the governing board may meet and designate one or more additional public depositories of the public moneys of the state or of the subdivision for the remainder of the designation period.

(E) Whenever, by amendment or enactment of any state or federal law or the amendment or adoption of any valid regulation thereunder, the terms of a designation or award, lawful at the beginning of any designation period, cease to be lawful during such period, and if the change of law or regulation requires, the designation period shall be limited so as not to extend beyond the date when that change becomes effective. In such case, the proper governing board shall meet and designate the public depositories of the public moneys of the state or of the subdivision for the remainder of the designation period.

(F) During a designation period, whenever a statute authorizes a new custodial fund to be created, the state board of deposit shall meet to award the public moneys associated with the new custodial fund to a designated public depository.

(G) During a designation period, whenever a state agency, as defined in section 1.60 of the Revised Code, requests to change

its public depository, the state board of deposit shall meet to 248354
consider the request. 248355

Sec. 135.14. (A) As used in this section: 248356

(1) "Treasurer" does not include the treasurer of state, and 248357
"governing board" does not include the state board of deposit. 248358

(2) "Other obligations" includes notes whether or not issued 248359
in anticipation of the issuance of bonds. 248360

(B) The treasurer or governing board may invest or deposit 248361
any part or all of the interim moneys. The following 248362
classifications of obligations shall be eligible for such 248363
investment or deposit: 248364

(1) United States treasury bills, notes, bonds, or any other 248365
obligation or security issued by the United States treasury or any 248366
other obligation guaranteed as to principal and interest by the 248367
United States. 248368

Nothing in the classification of eligible obligations set 248369
forth in division (B)(1) of this section or in the classifications 248370
of eligible obligations set forth in divisions (B)(2) to (7) of 248371
this section shall be construed to authorize any investment in 248372
stripped principal or interest obligations of such eligible 248373
obligations. 248374

(2) Bonds, notes, debentures, or any other obligations or 248375
securities issued by any federal government agency or 248376
instrumentality, including but not limited to, the federal 248377
national mortgage association, federal home loan bank, federal 248378
farm credit bank, federal home loan mortgage corporation, and 248379
government national mortgage association. All federal agency 248380
securities shall be direct issuances of federal government 248381
agencies or instrumentalities. 248382

(3) Interim deposits in the eligible institutions applying 248383

for interim moneys as provided in section 135.08 of the Revised Code. The award of interim deposits shall be made in accordance with section 135.09 of the Revised Code and the treasurer or the governing board shall determine the periods for which such interim deposits are to be made and shall award such interim deposits for such periods, provided that any eligible institution receiving an interim deposit award may, upon notification that the award has been made, decline to accept the interim deposit in which event the award shall be made as though the institution had not applied for such interim deposit.

(4) Bonds and other obligations of this state, or the political subdivisions of this state, provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:

(a) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.

(b) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized ~~standard~~ statistical rating ~~service organization~~ and purchased through a registered securities broker or dealer.

(c) The aggregate value of the bonds or other obligations does not exceed twenty per cent of interim moneys available for investment at the time of purchase.

(d) The treasurer or governing board is not the sole purchaser of the bonds or other obligations at original issuance.

(e) The bonds or other obligations mature within ten years from the date of settlement.

No investment shall be made under division (B)(4) of this section unless the treasurer or governing board has completed

additional training for making the investments authorized by 248415
division (B)(4) of this section. The type and amount of additional 248416
training shall be approved by the treasurer of state and may be 248417
conducted by or provided under the supervision of the treasurer of 248418
state. 248419

(5) No-load money market mutual funds consisting exclusively 248420
of obligations described in division (B)(1) or (2) of this section 248421
and repurchase agreements secured by such obligations, provided 248422
that investments in securities described in this division are made 248423
only through eligible institutions mentioned in section 135.03 of 248424
the Revised Code; 248425

(6) The Ohio subdivision's fund as provided in section 135.45 248426
of the Revised Code; 248427

(7) Up to forty per cent of interim moneys available for 248428
investment in either of the following: 248429

(a) Commercial paper notes issued by an entity that is 248430
defined in ~~division (D) of section 1705.01 or division (E)(K)~~ of 248431
section 1706.01 of the Revised Code and that has assets exceeding 248432
five hundred million dollars, to which notes all of the following 248433
apply: 248434

(i) The notes are rated at the time of purchase in the 248435
highest classification established by at least two nationally 248436
recognized ~~standard~~ statistical rating ~~services~~ organizations. 248437

(ii) The aggregate value of the notes does not exceed ten per 248438
cent of the aggregate value of the outstanding commercial paper of 248439
the issuing corporation. 248440

(iii) The notes mature not later than two hundred seventy 248441
days after purchase. 248442

(iv) The investment in commercial paper notes of a single 248443
issuer shall not exceed in the aggregate five per cent of interim 248444

moneys available for investment at the time of purchase. 248445

(b) Bankers acceptances of banks that are insured by the 248446
federal deposit insurance corporation and that mature not later 248447
than one hundred eighty days after purchase. 248448

No investment shall be made pursuant to division (B)(7) of 248449
this section unless the treasurer or governing board has completed 248450
additional training for making the investments authorized by 248451
division (B)(7) of this section. The type and amount of additional 248452
training shall be approved by the treasurer of state and may be 248453
conducted by or provided under the supervision of the treasurer of 248454
state. 248455

(C) Nothing in the classifications of eligible obligations 248456
set forth in divisions (B)(1) to (7) of this section shall be 248457
construed to authorize any investment in a derivative, and no 248458
treasurer or governing board shall invest in a derivative. For 248459
purposes of this division, "derivative" means a financial 248460
instrument or contract or obligation whose value or return is 248461
based upon or linked to another asset or index, or both, separate 248462
from the financial instrument, contract, or obligation itself. Any 248463
security, obligation, trust account, or other instrument that is 248464
created from an issue of the United States treasury or is created 248465
from an obligation of a federal agency or instrumentality or is 248466
created from both is considered a derivative instrument. An 248467
eligible investment described in this section with a variable 248468
interest rate payment, based upon a single interest payment or 248469
single index comprised of other eligible investments provided for 248470
in division (B)(1) or (2) of this section, is not a derivative, 248471
provided that such variable rate investment has a maximum maturity 248472
of two years. 248473

(D) Except as provided in division (B)(4) or (E) of this 248474
section, any investment made pursuant to this section must mature 248475
within five years from the date of settlement, unless the 248476

investment is matched to a specific obligation or debt of the 248477
subdivision. 248478

(E) The treasurer or governing board may also enter into a 248479
written repurchase agreement with any eligible institution 248480
mentioned in section 135.03 of the Revised Code or any eligible 248481
dealer pursuant to division (M) of this section, under the terms 248482
of which agreement the treasurer or governing board purchases, and 248483
such institution or dealer agrees unconditionally to repurchase 248484
any of the securities listed in divisions (D)(1) to (5), except 248485
letters of credit described in division (D)(2), of section 135.18 248486
of the Revised Code. The market value of securities subject to an 248487
overnight written repurchase agreement must exceed the principal 248488
value of the overnight written repurchase agreement by at least 248489
two per cent. A written repurchase agreement shall not exceed 248490
thirty days and the market value of securities subject to a 248491
written repurchase agreement must exceed the principal value of 248492
the written repurchase agreement by at least two per cent and be 248493
marked to market daily. All securities purchased pursuant to this 248494
division shall be delivered into the custody of the treasurer or 248495
governing board or an agent designated by the treasurer or 248496
governing board. A written repurchase agreement with an eligible 248497
securities dealer shall be transacted on a delivery versus payment 248498
basis. The agreement shall contain the requirement that for each 248499
transaction pursuant to the agreement the participating 248500
institution or dealer shall provide all of the following 248501
information: 248502

(1) The par value of the securities; 248503

(2) The type, rate, and maturity date of the securities; 248504

(3) A numerical identifier generally accepted in the 248505
securities industry that designates the securities. 248506

No treasurer or governing board shall enter into a written 248507

repurchase agreement under the terms of which the treasurer or 248508
governing board agrees to sell securities owned by the subdivision 248509
to a purchaser and agrees with that purchaser to unconditionally 248510
repurchase those securities. 248511

(F) No treasurer or governing board shall make an investment 248512
under this section, unless the treasurer or governing board, at 248513
the time of making the investment, reasonably expects that the 248514
investment can be held until its maturity. 248515

(G) No treasurer or governing board shall pay interim moneys 248516
into a fund established by another subdivision, treasurer, 248517
governing board, or investing authority, if that fund was 248518
established for the purpose of investing the public moneys of 248519
other subdivisions. This division does not apply to the payment of 248520
public moneys into either of the following: 248521

(1) The Ohio subdivision's fund pursuant to division (B)(6) 248522
of this section; 248523

(2) A fund created solely for the purpose of acquiring, 248524
constructing, owning, leasing, or operating municipal utilities 248525
pursuant to the authority provided under section 715.02 of the 248526
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 248527

For purposes of division (G) of this section, "subdivision" 248528
includes a county. 248529

(H) The use of leverage, in which the treasurer or governing 248530
board uses its current investment assets as collateral for the 248531
purpose of purchasing other assets, is prohibited. The issuance of 248532
taxable notes for the purpose of arbitrage is prohibited. 248533
Contracting to sell securities that have not yet been acquired by 248534
the treasurer or governing board, for the purpose of purchasing 248535
such securities on the speculation that bond prices will decline, 248536
is prohibited. 248537

(I) Whenever, during a period of designation, the treasurer 248538

classifies public moneys as interim moneys, the treasurer shall 248539
notify the governing board of such action. The notification shall 248540
be given within thirty days after such classification and in the 248541
event the governing board does not concur in such classification 248542
or in the investments or deposits made under this section, the 248543
governing board may order the treasurer to sell or liquidate any 248544
of such investments or deposits, and any such order shall 248545
specifically describe the investments or deposits and fix the date 248546
upon which they are to be sold or liquidated. Investments or 248547
deposits so ordered to be sold or liquidated shall be sold or 248548
liquidated for cash by the treasurer on the date fixed in such 248549
order at the then current market price. Neither the treasurer nor 248550
the members of the board shall be held accountable for any loss 248551
occasioned by sales or liquidations of investments or deposits at 248552
prices lower than their cost. Any loss or expense incurred in 248553
making such sales or liquidations is payable as other expenses of 248554
the treasurer's office. 248555

(J) If any investments or deposits purchased under the 248556
authority of this section are issuable to a designated payee or to 248557
the order of a designated payee, the name of the treasurer and the 248558
title of the treasurer's office shall be so designated. If any 248559
such securities are registrable either as to principal or 248560
interest, or both, then such securities shall be registered in the 248561
name of the treasurer as such. 248562

(K) The treasurer is responsible for the safekeeping of all 248563
documents evidencing a deposit or investment acquired by the 248564
treasurer under this section. Any securities may be deposited for 248565
safekeeping with a qualified trustee as provided in section 135.18 248566
of the Revised Code, except the delivery of securities acquired 248567
under any repurchase agreement under this section shall be made to 248568
a qualified trustee, provided, however, that the qualified trustee 248569
shall be required to report to the treasurer, governing board, 248570

auditor of state, or an authorized outside auditor at any time 248571
upon request as to the identity, market value, and location of the 248572
document evidencing each security, and that if the participating 248573
institution is a designated depository of the subdivision for the 248574
current period of designation, the securities that are the subject 248575
of the repurchase agreement may be delivered to the treasurer or 248576
held in trust by the participating institution on behalf of the 248577
subdivision. Interest earned on any investments or deposits 248578
authorized by this section shall be collected by the treasurer and 248579
credited by the treasurer to the proper fund of the subdivision. 248580

Upon the expiration of the term of office of a treasurer or 248581
in the event of a vacancy in the office of treasurer by reason of 248582
death, resignation, removal from office, or otherwise, the 248583
treasurer or the treasurer's legal representative shall transfer 248584
and deliver to the treasurer's successor all documents evidencing 248585
a deposit or investment held by the treasurer. For the investments 248586
and deposits so transferred and delivered, such treasurer shall be 248587
credited with and the treasurer's successor shall be charged with 248588
the amount of money held in such investments and deposits. 248589

(L) Whenever investments or deposits acquired under this 248590
section mature and become due and payable, the treasurer shall 248591
present them for payment according to their tenor, and shall 248592
collect the moneys payable thereon. The moneys so collected shall 248593
be treated as public moneys subject to sections 135.01 to 135.21 248594
of the Revised Code. 248595

(M)(1) All investments, except for investments in securities 248596
described in divisions (B)(5) and (6) of this section and for 248597
investments by a municipal corporation in the issues of such 248598
municipal corporation, shall be made only through a member of the 248599
financial industry regulatory authority (FINRA), through a bank, 248600
savings bank, or savings and loan association regulated by the 248601
superintendent of financial institutions, or through an 248602

institution regulated by the comptroller of the currency, federal 248603
deposit insurance corporation, or board of governors of the 248604
federal reserve system. 248605

(2) Payment for investments shall be made only upon the 248606
delivery of securities representing such investments to the 248607
treasurer, governing board, or qualified trustee. If the 248608
securities transferred are not represented by a certificate, 248609
payment shall be made only upon receipt of confirmation of 248610
transfer from the custodian by the treasurer, governing board, or 248611
qualified trustee. 248612

(N) In making investments authorized by this section, a 248613
treasurer or governing board may retain the services of an 248614
investment advisor, provided the advisor is licensed by the 248615
division of securities under section 1707.141 of the Revised Code 248616
or is registered with the securities and exchange commission, and 248617
possesses experience in public funds investment management, 248618
specifically in the area of state and local government investment 248619
portfolios, or the advisor is an eligible institution mentioned in 248620
section 135.03 of the Revised Code. 248621

(O)(1) Except as otherwise provided in divisions (O)(2) and 248622
(3) of this section, no treasurer or governing board shall make an 248623
investment or deposit under this section, unless there is on file 248624
with the auditor of state a written investment policy approved by 248625
the treasurer or governing board. The policy shall require that 248626
all entities conducting investment business with the treasurer or 248627
governing board shall sign the investment policy of that 248628
subdivision. All brokers, dealers, and financial institutions, 248629
described in division (M)(1) of this section, initiating 248630
transactions with the treasurer or governing board by giving 248631
advice or making investment recommendations shall sign the 248632
treasurer's or governing board's investment policy thereby 248633
acknowledging their agreement to abide by the policy's contents. 248634

All brokers, dealers, and financial institutions, described in 248635
division (M)(1) of this section, executing transactions initiated 248636
by the treasurer or governing board, having read the policy's 248637
contents, shall sign the investment policy thereby acknowledging 248638
their comprehension and receipt. 248639

(2) If a written investment policy described in division 248640
(O)(1) of this section is not filed on behalf of the subdivision 248641
with the auditor of state, the treasurer or governing board of 248642
that subdivision shall invest the subdivision's interim moneys 248643
only in interim deposits pursuant to division (B)(3) of this 248644
section or interim deposits pursuant to section 135.145 of the 248645
Revised Code and approved by the treasurer of state, no-load money 248646
market mutual funds pursuant to division (B)(5) of this section, 248647
or the Ohio subdivision's fund pursuant to division (B)(6) of this 248648
section. 248649

(3) Divisions (O)(1) and (2) of this section do not apply to 248650
a treasurer or governing board of a subdivision whose average 248651
annual portfolio of investments held pursuant to this section is 248652
one hundred thousand dollars or less, provided that the treasurer 248653
or governing board certifies, on a form prescribed by the auditor 248654
of state, that the treasurer or governing board will comply and is 248655
in compliance with the provisions of sections 135.01 to 135.21 of 248656
the Revised Code. 248657

(P) A treasurer or governing board may enter into a written 248658
investment or deposit agreement that includes a provision under 248659
which the parties agree to submit to nonbinding arbitration to 248660
settle any controversy that may arise out of the agreement, 248661
including any controversy pertaining to losses of public moneys 248662
resulting from investment or deposit. The arbitration provision 248663
shall be set forth entirely in the agreement, and the agreement 248664
shall include a conspicuous notice to the parties that any party 248665
to the arbitration may apply to the court of common pleas of the 248666

county in which the arbitration was held for an order to vacate, 248667
modify, or correct the award. Any such party may also apply to the 248668
court for an order to change venue to a court of common pleas 248669
located more than one hundred miles from the county in which the 248670
treasurer or governing board is located. 248671

For purposes of this division, "investment or deposit 248672
agreement" means any agreement between a treasurer or governing 248673
board and a person, under which agreement the person agrees to 248674
invest, deposit, or otherwise manage a subdivision's interim 248675
moneys on behalf of the treasurer or governing board, or agrees to 248676
provide investment advice to the treasurer or governing board. 248677

(Q) An investment made by the treasurer or governing board 248678
pursuant to this section prior to September 27, 1996, that was a 248679
legal investment under the law as it existed before September 27, 248680
1996, may be held until maturity. 248681

Sec. 135.142. (A) In addition to the investments authorized 248682
by section 135.14 of the Revised Code, any board of education, by 248683
a two-thirds vote of its members, may authorize the treasurer of 248684
the board of education to invest up to forty per cent of the 248685
interim moneys of the board, available for investment at any one 248686
time, in either of the following: 248687

(1) Commercial paper notes issued by any entity that is 248688
defined in ~~division (D) of section 1705.01~~ or division ~~(E)~~(K) of 248689
section 1706.01 of the Revised Code and has assets exceeding five 248690
hundred million dollars, and to which notes all of the following 248691
apply: 248692

(a) The notes are rated at the time of purchase in the 248693
highest classification established by at least two nationally 248694
recognized ~~standard~~ statistical rating ~~services~~ organizations. 248695

(b) The aggregate value of the notes does not exceed ten per 248696

cent of the aggregate value of the outstanding commercial paper of 248697
the issuing corporation. 248698

(c) The notes mature no later than two hundred seventy days 248699
after purchase. 248700

(d) The investment in commercial paper notes of a single 248701
issuer shall not exceed in the aggregate five per cent of interim 248702
moneys of the board available for investment at the time of 248703
purchase. 248704

(2) Bankers' acceptances of banks that are insured by the 248705
federal deposit insurance corporation and that mature no later 248706
than one hundred eighty days after purchase. 248707

(B) No investment authorized pursuant to division (A) of this 248708
section shall be made, whether or not authorized by a board of 248709
education, unless the treasurer of the board of education has 248710
completed additional training for making the types of investments 248711
authorized pursuant to division (A) of this section. The type and 248712
amount of such training shall be approved and may be conducted by 248713
or provided under the supervision of the treasurer of state. 248714

(C) The treasurer of the board of education shall prepare 248715
annually and submit to the board of education, the superintendent 248716
of public instruction, and the auditor of state, on or before the 248717
thirty-first day of August, a report listing each investment made 248718
pursuant to division (A) of this section during the preceding 248719
fiscal year, income earned from such investments, fees and 248720
commissions paid pursuant to division (D) of this section, and any 248721
other information required by the board, the superintendent, and 248722
the auditor of state. 248723

(D) A board of education may make appropriations and 248724
expenditures for fees and commissions in connection with 248725
investments made pursuant to division (A) of this section. 248726

(E)(1) In addition to the investments authorized by section 248727

135.14 of the Revised Code and division (A) of this section, any 248728
board of education that is a party to an agreement with the 248729
treasurer of state pursuant to division (G) of section 135.143 of 248730
the Revised Code and that has outstanding obligations issued under 248731
authority of section 133.10 of the Revised Code may authorize the 248732
treasurer of the board of education to invest interim moneys of 248733
the board in debt interests rated in either of the two highest 248734
rating classifications by at least two nationally recognized 248735
~~standard~~ statistical rating ~~services~~ organizations and issued by 248736
entities that are defined in ~~division (D) of section 1705.01 or~~ 248737
division ~~(E)~~(K) of section 1706.01 of the Revised Code. The debt 248738
interests purchased under authority of division (E) of this 248739
section shall mature not later than the latest maturity date of 248740
the outstanding obligations issued under authority of section 248741
133.10 or 133.301 of the Revised Code. 248742

(2) If any of the debt interests acquired under division 248743
(E)(1) of this section ceases to be rated as there required, its 248744
issuer shall notify the treasurer of state of this fact within 248745
twenty-four hours. At any time thereafter the treasurer of state 248746
may require collateralization at the rate of one hundred two per 248747
cent of any remaining obligation of the entity, with securities 248748
authorized for investment under section 135.143 of the Revised 248749
Code. The collateral shall be delivered to and held by a custodian 248750
acceptable to the treasurer of state, marked to market daily, and 248751
any default to be cured within twelve hours. Unlimited 248752
substitution shall be allowed of comparable securities. 248753

Sec. 135.143. (A) The treasurer of state may invest or 248754
execute transactions for any part or all of the interim funds of 248755
the state in the following classifications of obligations: 248756

(1) United States treasury bills, notes, bonds, or any other 248757
obligations or securities issued by the United States treasury or 248758

any other obligation guaranteed as to principal and interest by 248759
the United States; 248760

(2) Bonds, notes, debentures, or any other obligations or 248761
securities issued by any federal government agency or 248762
instrumentality; 248763

(3)(a) Bonds, notes, and other obligations of the state of 248764
Ohio, including, but not limited to, any obligations issued by the 248765
treasurer of state, the Ohio public facilities commission, ~~the~~ 248766
~~Ohio building authority, the Ohio housing finance agency,~~ the Ohio 248767
water development authority, the Ohio turnpike infrastructure 248768
commission, the Ohio higher educational facility commission, and 248769
state institutions of higher education as defined in section 248770
3345.011 of the Revised Code; 248771

(b) Bonds, notes, and other obligations of any state or 248772
political subdivision thereof rated in the three highest 248773
categories by at least one nationally recognized ~~standard~~ 248774
statistical rating ~~service organization~~ and purchased through a 248775
registered securities broker or dealer, provided the treasurer of 248776
state is not the sole purchaser of the bonds, notes, or other 248777
obligations at original issuance. 248778

(4)(a) Written repurchase agreements with any eligible Ohio 248779
financial institution that is a member of the federal reserve 248780
system or federal home loan bank, ~~or~~ any registered United States 248781
government securities dealer, or any counterparty rated in one of 248782
the three highest categories by at least one nationally recognized 248783
statistical rating organization or otherwise determined by the 248784
treasurer of state to have adequate capital and liquidity, under 248785
the terms of which agreement the treasurer of state purchases and 248786
the eligible financial institution ~~or~~, dealer, or counterparty 248787
agrees unconditionally to repurchase any of the securities that 248788
are listed in division (A)(1), (2), ~~or (3), (6), or (11)~~ of this 248789
section. The market value of securities subject to these 248790

transactions must exceed the principal value of the repurchase 248791
agreement by an amount specified by the treasurer of state, and 248792
the securities must be delivered into the custody of the treasurer 248793
of state or the qualified trustee or agent designated by the 248794
treasurer of state. The agreement shall contain the requirement 248795
that for each transaction pursuant to the agreement, the 248796
participating institution ~~or~~, dealer, or counterparty shall 248797
provide all of the following information: 248798

(i) The par value of the securities; 248799

(ii) The type, rate, and maturity date of the securities; 248800

(iii) A numerical identifier generally accepted in the 248801
securities industry that designates the securities. 248802

(b) The treasurer of state also may sell any securities, 248803
listed in division (A)(1), (2), ~~or (6)~~, or (11) of this section, 248804
regardless of maturity or time of redemption of the securities, 248805
under the same terms and conditions for repurchase, provided that 248806
the securities have been fully paid for and are owned by the 248807
treasurer of state at the time of the sale. 248808

(c) For purposes of division (A)(4) of this section, the 248809
treasurer of state shall only buy or sell securities listed in 248810
division (A)(11) of this section issued by entities that are 248811
organized under the laws of this state, any other state, or the 248812
United States. 248813

(5) Securities lending agreements with any eligible financial 248814
institution that is a member of the federal reserve system or 248815
federal home loan bank or any recognized United States government 248816
securities dealer, under the terms of which agreements the 248817
treasurer of state lends securities and the eligible financial 248818
institution or dealer agrees to simultaneously exchange similar 248819
securities or cash, equal value for equal value. 248820

Securities and cash received as collateral for a securities 248821

lending agreement are not interim funds of the state. The 248822
investment of cash collateral received pursuant to a securities 248823
lending agreement may be invested only in such instruments 248824
specified by the treasurer of state in accordance with a written 248825
investment policy. 248826

(6) Various forms of commercial paper issued by any entity 248827
that is organized under the laws of the United States or a state, 248828
which notes are rated in the two highest categories by two 248829
nationally recognized ~~standard~~ statistical rating ~~services~~ 248830
organizations, provided that the total amount invested under this 248831
section in any commercial paper at any time shall not exceed forty 248832
per cent of the state's total average portfolio, as determined and 248833
calculated by the treasurer of state; 248834

(7) Bankers acceptances, maturing in two hundred seventy days 248835
or less, provided that the total amount invested in bankers 248836
acceptances at any time shall not exceed ten per cent of the 248837
state's total average portfolio, as determined and calculated by 248838
the treasurer of state; 248839

(8) Certificates of deposit, savings accounts, or deposit 248840
accounts in eligible institutions applying for interim moneys as 248841
provided in section 135.08 of the Revised Code, including linked 248842
deposits as provided in sections 135.61 to ~~135.67~~ 135.66 of the 248843
Revised Code, ~~agricultural linked deposits as provided in sections~~ 248844
~~135.71 to 135.76 of the Revised Code, business linked deposits as~~ 248845
~~provided in sections 135.77 to 135.774 of the Revised Code, and~~ 248846
~~housing linked deposits as provided in sections 135.81 to 135.87~~ 248847
~~of the Revised Code;~~ 248848

(9) Negotiable certificates of deposit denominated in United 248849
States dollars issued by a nationally or state-chartered bank, a 248850
savings association or a federal savings association, a state or 248851
federal credit union, or a federally licensed or state-licensed 248852
branch of a foreign bank, which are rated in the two highest 248853

categories by two nationally recognized ~~standard~~ statistical 248854
rating ~~services~~ organizations, provided that the total amount 248855
invested under this section in negotiable certificates of deposit 248856
at any time shall not exceed twenty-five per cent of the state's 248857
total average portfolio, as determined and calculated by the 248858
treasurer of state. Interim funds invested in accordance with 248859
division (A)(9) of this section are not limited to institutions 248860
applying for interim moneys under section 135.08 of the Revised 248861
Code, nor are they subject to any pledging requirements described 248862
in sections 135.18, 135.181, or 135.182 of the Revised Code. 248863

(10) The state treasurer's investment pool authorized under 248864
section 135.45 of the Revised Code; 248865

(11) Debt interests, other than commercial paper described in 248866
division (A)(6) of this section, rated in the three highest 248867
categories by two nationally recognized ~~standard~~ statistical 248868
rating ~~services~~ organizations and issued by entities that are 248869
organized under the laws of the United States or a state, or 248870
issued by foreign nations diplomatically recognized by the United 248871
States government, or any instrument based on, derived from, or 248872
related to such interests, provided that: 248873

(a) The investments in debt interests other than commercial 248874
paper, when added to the investment in written repurchase 248875
agreements for securities listed in division (A)(3) or (11) of 248876
this section, shall not exceed in the aggregate twenty-five per 248877
cent of the state's portfolio. 248878

(b) The investments in debt interests issued by foreign 248879
nations shall not exceed in the aggregate two per cent of the 248880
state's portfolio. 248881

The treasurer of state shall invest under division (A)(11) of 248882
this section in a debt interest issued by a foreign nation only if 248883
the debt interest is backed by the full faith and credit of that 248884

foreign nation, and provided that all interest and principal shall 248885
be denominated and payable in United States funds. 248886

(c) When added to the investment in commercial paper and 248887
negotiable certificates of deposit, the investments in the debt 248888
interests of a single issuer shall not exceed in the aggregate 248889
five per cent of the state's portfolio. 248890

(d) For purposes of division (A)(11) of this section, a debt 248891
interest is rated in the three highest categories by two 248892
nationally recognized ~~standard~~ statistical rating ~~services~~ 248893
organizations if either the debt interest itself or the issuer of 248894
the debt interest is rated, or is implicitly rated, in the three 248895
highest categories by two nationally recognized ~~standard~~ 248896
statistical rating ~~services~~ organizations. 248897

(e) For purposes of division (A)(11) of this section, the 248898
"state's portfolio" means the state's total average portfolio, as 248899
determined and calculated by the treasurer of state. 248900

(12) No-load money market mutual funds rated in the highest 248901
category by one nationally recognized ~~standard~~ statistical rating 248902
~~service~~ organization or consisting exclusively of obligations 248903
described in division (A)(1), (2), or (6) of this section and 248904
repurchase agreements secured by such obligations; 248905

(13) Obligations issued by, or on behalf of, an Ohio 248906
political subdivision under Chapter 133. of the Revised Code or 248907
Section 12 of Article XVIII, Ohio Constitution, and identified in 248908
an agreement described in division (G) of this section; 248909

(14) Obligations issued by the state of Ohio, any political 248910
subdivision thereof, or by or on behalf of any nonprofit 248911
corporation or association doing business in this state rated in 248912
the four highest categories by at least one nationally recognized 248913
~~standard~~ statistical rating ~~service~~ organization and identified in 248914
an agreement described in division (K) of this section. 248915

~~(B) Whenever, during a period of designation~~ On or before the 248916
tenth day of each month, the treasurer of state ~~classifies public~~ 248917
~~moneys as interim moneys,~~ the treasurer of state shall notify the 248918
state board of deposit ~~of such action. The notification shall be~~ 248919
~~given within thirty days after such classification and, in that~~ 248920
the following reports pertaining to the immediately preceding 248921
month have been posted to the web site maintained by the treasurer 248922
of state: 248923

(1) The daily ledger report of state funds prepared in 248924
accordance with section 113.13 of the Revised Code; 248925

(2) The monthly portfolio report detailing the current 248926
inventory of all investments and deposits held within the 248927
classification of interim moneys; 248928

(3) The monthly activity report within the classification of 248929
interim moneys summarized by type of investment or deposit. 248930

In the event the state board of deposit does not concur in 248931
such classification or in the investments or deposits made under 248932
this section, the board may order the treasurer of state to sell 248933
or liquidate any of the investments or deposits, and any such 248934
order shall specifically describe the investments or deposits and 248935
fix the date upon which they are to be sold or liquidated. 248936
Investments or deposits so ordered to be sold or liquidated shall 248937
be sold or liquidated for cash by the treasurer of state on the 248938
date fixed in such order at the then current market price. Neither 248939
the treasurer of state nor the members of the state board of 248940
deposit shall be held accountable for any loss occasioned by sales 248941
or liquidations of investments or deposits at prices lower than 248942
their cost. Any loss or expense incurred in making these sales or 248943
liquidations is payable as other expenses of the treasurer's 248944
office. 248945

(C) If any securities or obligations invested in by the 248946

treasurer of state pursuant to this section are registrable either 248947
as to principal or interest, or both, such securities or 248948
obligations shall be registered in the name of the treasurer of 248949
state. 248950

(D) The treasurer of state is responsible for the safekeeping 248951
of all securities or obligations under this section. Any such 248952
securities or obligations may be deposited for safekeeping as 248953
provided in section 113.05 of the Revised Code. 248954

(E) Interest earned on any investments or deposits authorized 248955
by this section shall be collected by the treasurer of state and 248956
credited by the treasurer of state to the proper fund of the 248957
state. 248958

(F) Whenever investments or deposits acquired under this 248959
section mature and become due and payable, the treasurer of state 248960
shall present them for payment according to their tenor, and shall 248961
collect the moneys payable thereon. The moneys so collected shall 248962
be treated as public moneys subject to sections 135.01 to 135.21 248963
of the Revised Code. 248964

(G) The treasurer of state and any entity issuing obligations 248965
referred to in division (A)(13) of this section, which obligations 248966
mature within one year from the original date of issuance, may 248967
enter into an agreement providing for: 248968

(1) The purchase of those obligations by the treasurer of 248969
state on terms and subject to conditions set forth in the 248970
agreement; 248971

(2) The payment to the treasurer of state of a reasonable fee 248972
as consideration for the agreement of the treasurer of state to 248973
purchase those obligations; provided, however, that the treasurer 248974
of state shall not be authorized to enter into any such agreement 248975
with a board of education of a school district that has an 248976
outstanding obligation with respect to a loan received under 248977

authority of section 3313.483 of the Revised Code. 248978

(H) For purposes of division (G) of this section, a fee shall 248979
not be considered reasonable unless it is set to recover only the 248980
direct costs, a reasonable estimate of the indirect costs 248981
associated with the purchasing of obligations under division (G) 248982
of this section and any reselling of the obligations or any 248983
interest in the obligations, including interests in a fund 248984
comprised of the obligations, and the administration thereof. No 248985
money from the general revenue fund shall be used to subsidize the 248986
purchase or resale of these obligations. 248987

(I) All money collected by the treasurer of state from the 248988
fee imposed by division (G) of this section shall be deposited to 248989
the credit of the state political subdivision obligations fund, 248990
which is hereby created in the state treasury. Money credited to 248991
the fund shall be used solely to pay the treasurer of state's 248992
direct and indirect costs associated with purchasing and reselling 248993
obligations under division (G) of this section. 248994

(J) As used in this section, "political subdivision" means a 248995
county, township, municipal corporation, school district, or other 248996
body corporate and politic responsible for governmental activities 248997
in a geographic area smaller than that of the state. 248998

(K)(1) The treasurer of state and any entity issuing 248999
obligations referred to in division (A)(14) of this section, which 249000
obligations ~~have a demand feature to tender the obligation at par~~ 249001
~~plus accrued interest~~ require a conditional liquidity requirement, 249002
may enter into an agreement providing for the following: 249003

(a) The purchase of the obligations by the treasurer of state 249004
on terms and subject to conditions set forth in the agreement; 249005

(b) Payment to the treasurer of state of a fee as 249006
consideration for the agreement of the treasurer of state to 249007
purchase the obligations. 249008

(2) The treasurer of state shall not enter into agreements 249009
under division (K)(1) of this section for obligations that, in the 249010
aggregate, exceed ten per cent of the state's total average 249011
portfolio, as determined and calculated by the treasurer of state. 249012

(3) For purposes of division (A)(14) of this section, an 249013
obligation is rated in the four highest categories by at least one 249014
nationally recognized ~~standard~~ statistical rating ~~service~~ 249015
organization if either the debt interest itself or the obligor of 249016
the debt interest is rated in the four highest categories by at 249017
least one nationally recognized ~~standard~~ statistical rating 249018
~~service~~ organization. 249019

(4) All money collected by the treasurer of state from the 249020
fee imposed by division (K) of this section shall be deposited to 249021
the credit of the state securities tender program fund, which is 249022
hereby created in the state treasury. The amount of income from 249023
the state securities tender program credited to the state 249024
securities tender program fund shall not exceed one per cent of 249025
the average par value of obligations subject to agreements under 249026
division (K)(1) of this section. All other such income shall be 249027
credited to the general revenue fund. The treasurer of state may 249028
use the state securities tender program fund solely for operations 249029
of the office of the treasurer of state. 249030

(L)(1) The treasurer of state and a state university or 249031
college issuing obligations under section 3345.12 of the Revised 249032
Code may enter into an agreement providing for the following: 249033

(a) The purchase of those obligations by the treasurer of 249034
state pursuant to division (A)(3)(a) of this section on terms and 249035
subject to conditions set forth in the agreement; 249036

(b) The department of higher education to withhold, in the 249037
event the state university or college does not pay bond service 249038
charges on the obligations when due, appropriated funds allocated 249039

to the state university or college in an amount sufficient to pay 249040
bond service charges on the obligations, less any amounts 249041
deposited for that purpose under the bond proceedings. Upon the 249042
request of the treasurer of state, the department of higher 249043
education shall promptly pay to the treasurer of state the amounts 249044
withheld. 249045

(2) For purposes of division (L)(1) of this section, 249046
"obligations," "state university or college," "bond service 249047
charges," and "bond proceedings" have the same meanings as in 249048
section 3345.12 of the Revised Code. 249049

Sec. 135.15. Whenever the governing board, other than the 249050
state board of deposit, is of the opinion that the actual amount 249051
of active deposits is insufficient to meet the anticipated demands 249052
on such active deposits, it shall direct the treasurer to sell 249053
interim money investments or deposits or transfer from the 249054
inactive deposits to the active deposits an amount sufficient to 249055
meet such demands. The board shall designate in such order the 249056
depositories from which withdrawals for such purpose shall be made 249057
and the amounts to be withdrawn from each. The treasurer shall 249058
immediately give appropriate written notice of such withdrawal to 249059
each public depository affected thereby, and at the expiration of 249060
the period of such notice shall make such withdrawals by 249061
presentation of certificates of deposit, or otherwise, in such 249062
manner as the board provides by appropriate regulations. In case 249063
there are two or more public depositories subject to such 249064
withdrawal, the board shall make such withdrawals from the public 249065
depositories paying the lowest rates of interest and in 249066
proportional amounts as near as is practicable. 249067

Whenever the state board of deposit is of the opinion that 249068
the actual amount of active deposits is insufficient to meet the 249069
anticipated demands on such active deposits, it shall direct the 249070

treasurer of state to sell interim money investments or to redeem 249071
negotiated deposits in an amount sufficient to meet such demands. 249072
The treasurer of state shall use the treasurer of state's 249073
discretion in selecting the instruments to be sold or redeemed. 249074

Sec. 135.182. (A) As used in this section: 249075

(1) "Public depository" means that term as defined in section 249076
135.01 of the Revised Code, but also means an institution that 249077
receives or holds any public deposits as defined in section 135.31 249078
of the Revised Code. 249079

(2) "Public depositor" means that term as defined in section 249080
135.01 of the Revised Code, but also includes a county and any 249081
municipal corporation that has adopted a charter under Article 249082
XVIII, Ohio Constitution. 249083

(3) "Public deposits," "public moneys," and "treasurer" mean 249084
those terms as defined in section 135.01 of the Revised Code, but 249085
also have the same meanings as are set forth in section 135.31 of 249086
the Revised Code, but for purposes of this section does not 249087
include the moneys of metropolitan housing authorities. 249088

(B)(1) Not later than July 1, 2017, the treasurer of state 249089
shall create the Ohio pooled collateral program. Under this 249090
program, each institution designated as a public depository that 249091
selects the pledging method prescribed in division (A)(2) of 249092
section 135.18 or division (A)(2) of section 135.37 of the Revised 249093
Code shall pledge to the treasurer of state a single pool of 249094
eligible securities for the benefit of all public depositors at 249095
the public depository to secure the repayment of all uninsured 249096
public deposits at the public depository, provided that at all 249097
times the total market value of the securities so pledged is at 249098
least equal to either of the following: 249099

(a) One hundred two per cent of the total amount of all 249100

uninsured public deposits; 249101

(b) An amount determined by rules adopted by the treasurer of 249102
state that set forth the criteria for determining the aggregate 249103
market value of the pool of eligible securities pledged by a 249104
public depository pursuant to division (B) of this section. Such 249105
criteria shall include, but are not limited to, prudent capital 249106
and liquidity management by the public depository and the safety 249107
and soundness of the public depository as determined by a 249108
third-party rating organization. 249109

(2) The treasurer of state shall monitor the eligibility, 249110
market value, and face value of the pooled securities pledged by 249111
the public depository. Each public depository shall carry in its 249112
accounting records at all times a general ledger or other 249113
appropriate account of the total amount of all public deposits to 249114
be secured by the pool, as determined at the opening of business 249115
each day, and the total market value of securities pledged to 249116
secure such deposits, and report such information to the treasurer 249117
of state in a manner and frequency as determined by the treasurer 249118
of state pursuant to rules adopted by the treasurer of state. A 249119
public depositor shall be responsible for periodically confirming 249120
the accuracy of its account balances with the treasurer of state; 249121
otherwise, the treasurer of state shall be the sole public 249122
depositor responsible for monitoring and ensuring the sufficiency 249123
of securities pledged under this section. 249124

(3) If, on any day, the total market value of the securities 249125
pledged by the public depository is less than that specified in 249126
division (B)(1)(a) or (b) of this section, whichever is 249127
applicable, the public depository shall have two business days to 249128
pledge additional eligible securities having a market value 249129
sufficient, when combined with the market value of eligible 249130
securities already pledged, to satisfy the requirement of division 249131
(B)(1)(a) or (b) of this section, as applicable, to secure the 249132

repayment of all uninsured public deposits at the public 249133
depository. 249134

(C) The public depository shall designate a qualified trustee 249135
approved by the treasurer of state and place with such trustee for 249136
safekeeping the eligible securities pledged pursuant to division 249137
(B) of this section. The trustee shall hold the eligible 249138
securities in an account indicating the treasurer of state's 249139
security interest in the eligible securities. The treasurer of 249140
state shall give written notice of the trustee to all public 249141
depositors for which such securities are pledged. The trustee 249142
shall report to the treasurer of state information relating to the 249143
securities pledged to secure such public deposits in a manner and 249144
frequency as determined by the treasurer of state. 249145

(D) In order for a public depository to receive public moneys 249146
under this section, the public depository and the treasurer of 249147
state shall first execute an agreement that sets forth the entire 249148
arrangement among the parties and that meets the requirements 249149
described in 12 U.S.C. 1823(e). In addition, the agreement shall 249150
authorize the treasurer of state to obtain control of the 249151
collateral pursuant to division (D) of section 1308.24 of the 249152
Revised Code. 249153

(E) The securities or other obligations described in division 249154
(D) of section 135.18 of the Revised Code shall be eligible as 249155
collateral for the purposes of division (B) of this section, 249156
provided no such securities or obligations pledged as collateral 249157
are at any time in default as to either principal or interest. 249158

(F) Any federal reserve bank or branch thereof located in 249159
this state or federal home loan bank, without compliance with 249160
Chapter 1111. of the Revised Code and without becoming subject to 249161
any other law of this state relative to the exercise by 249162
corporations of trust powers generally, is qualified to act as 249163
trustee for the safekeeping of securities, under this section. Any 249164

institution mentioned in section 135.03 or 135.32 of the Revised Code that holds a certificate of qualification issued by the superintendent of financial institutions or any institution complying with sections 1111.04, 1111.05, and 1111.06 of the Revised Code is qualified to act as trustee for the safekeeping of securities under this section, other than those belonging to itself or to an affiliate as defined in section 1101.01 of the Revised Code.

(G) The public depository may substitute, exchange, or release eligible securities deposited with the qualified trustee pursuant to this section, provided that such substitution, exchange, or release is effectuated pursuant to written authorization from the treasurer of state, and such action does not reduce the total market value of the securities to an amount that is less than the amount established pursuant to division (B) of this section.

(H) Notwithstanding the fact that a public depository is required to pledge eligible securities in certain amounts to secure public deposits, a qualified trustee has no duty or obligation to determine the eligibility, market value, or face value of any securities deposited with the trustee by a public depository. This applies in all situations including, but not limited to, a substitution or exchange of securities, but excluding those situations effectuated by division (I) of this section in which the trustee is required to determine face and market value.

(I) The qualified trustee shall enter into a custodial agreement with the treasurer of state and public depository in which the trustee agrees to comply with entitlement orders originated by the treasurer of state without further consent by the public depository or, in the case of collateral held by the public depository in an account at a federal reserve bank, the

treasurer of state shall have the treasurer's security interest 249197
marked on the books of the federal reserve bank where the account 249198
for the collateral is maintained. If the public depository fails 249199
to pay over any part of the public deposits made therein as 249200
provided by law and secured pursuant to division (B) of this 249201
section, the treasurer of state shall give written notice of this 249202
failure to the qualified trustee holding the pool of securities 249203
pledged against the public deposits, and at the same time shall 249204
send a copy of this notice to the public depository. Upon receipt 249205
of this notice, the trustee shall transfer to the treasurer of 249206
state for sale, the pooled securities that are necessary to 249207
produce an amount equal to the public deposits made by the public 249208
depositor and not paid over, less the portion of the deposits 249209
covered by any federal deposit insurance, plus any accrued 249210
interest due on the deposits. The treasurer of state shall sell 249211
any of the bonds or other securities so transferred. When a sale 249212
of bonds or other securities has been so made and upon payment to 249213
the public depositor of the purchase money, the treasurer of state 249214
shall transfer such bonds or securities whereupon the absolute 249215
ownership of such bonds or securities shall pass to the 249216
purchasers. Any surplus after deducting the amount due to the 249217
public depositor and expenses of sale shall be paid to the public 249218
depository. 249219

(J) Any charges or compensation of a qualified trustee for 249220
acting as such under this section shall be paid by the public 249221
depository and in no event shall be chargeable to the public 249222
depositor or to any officer of the public depositor. The charges 249223
or compensation shall not be a lien or charge upon the securities 249224
deposited for safekeeping prior or superior to the rights to and 249225
interests in the securities of the public depositor. The treasurer 249226
and the treasurer's bonders or surety shall be relieved from any 249227
liability to the public depositor or to the public depository for 249228
the loss or destruction of any securities deposited with a 249229

qualified trustee pursuant to this section. 249230

(K) A public depositor, treasurer, or the public depositor's 249231
or treasurer's bonders or surety are not liable for the loss of 249232
funds if a public depository fails to comply with the terms set 249233
forth in the agreement provided for in division (D) of this 249234
section for the appropriate level of collateral, as required under 249235
division (B)(1)(a) or (b) of this section, to secure the public 249236
deposits made under that agreement. 249237

(L)(1) The following information is confidential and not a 249238
public record under section 149.43 of the Revised Code: 249239

(a) All reports or other information obtained or created 249240
about a public depository for purposes of division (B)(1)(b) of 249241
this section; 249242

(b) The identity of a public depositor's public depository; 249243

(c) The identity of a public depository's public depositors. 249244

(2) Nothing in this section prevents the treasurer of state 249245
from releasing or exchanging such confidential information as 249246
required by law or for the operation of the pooled collateral 249247
program. 249248

(M) The treasurer of state may impose reasonable fees, 249249
including late fees, upon public depositories participating in the 249250
pooled collateral program to defray the actual and necessary 249251
expenses incurred by the treasurer in connection with the program. 249252
All such fees collected by the treasurer shall be deposited into 249253
the state treasury to the credit of the administrative fund 249254
created in section 113.20 of the Revised Code. 249255

(N) The treasurer of state may adopt rules necessary for the 249256
implementation of this section and sections 135.18 and 135.181 of 249257
the Revised Code. Such rules shall be adopted in accordance with 249258
Chapter 119. of the Revised Code. 249259

Sec. 135.31. As used in sections 135.31 to 135.40 of the Revised Code:	249260
	249261
(A) "Active moneys" means an amount of public moneys in public depositories determined to be necessary to meet current demands upon a county treasury, and deposited in any of the following:	249262
	249263
	249264
	249265
(1) A commercial account and withdrawable, in whole or in part, on demand;	249266
	249267
(2) A negotiable order of withdrawal account as authorized in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 12 U.S.C.A. 1832(a);	249268
	249269
	249270
(3) A money market deposit account as authorized in the "Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 1501, 12 U.S.C. 3503.	249271
	249272
	249273
(B) "Inactive moneys" means all public moneys in public depositories in excess of the amount determined to be needed as active moneys.	249274
	249275
	249276
(C) "Investing authority" means the treasurer, except as provided in section 135.34 of the Revised Code.	249277
	249278
(D) "Public deposits" means public moneys deposited in a public depository pursuant to sections 135.31 to 135.40 of the Revised Code.	249279
	249280
	249281
(E) "Public moneys" means all moneys in the treasury of a county or moneys coming lawfully into the possession or custody of the treasurer.	249282
	249283
	249284
(F) "Treasurer" means the county treasurer.	249285
(G) "No-load money market mutual fund" means a no-load money market mutual fund that is registered as an investment company under the "Investment Company Act of 1940," 54 Stat. 789, 15	249286
	249287
	249288

U.S.C.A. 80a-1 to 80a-64, and that has the highest letter or 249289
numerical rating provided by at least one nationally recognized 249290
~~standard~~ statistical rating ~~service~~ organization. 249291

Sec. 135.35. (A) The investing authority shall deposit or 249292
invest any part or all of the county's inactive moneys and shall 249293
invest all of the money in the county public library fund when 249294
required by section 135.352 of the Revised Code. The following 249295
classifications of securities and obligations are eligible for 249296
such deposit or investment: 249297

(1) United States treasury bills, notes, bonds, or any other 249298
obligation or security issued by the United States treasury, any 249299
other obligation guaranteed as to principal or interest by the 249300
United States, or any book entry, zero-coupon United States 249301
treasury security that is a direct obligation of the United 249302
States. 249303

Nothing in the classification of eligible securities and 249304
obligations set forth in divisions (A)(2) to (10) of this section 249305
shall be construed to authorize any investment in stripped 249306
principal or interest obligations of such eligible securities and 249307
obligations. 249308

(2) Bonds, notes, debentures, or any other obligations or 249309
securities issued by any federal government agency or 249310
instrumentality, including, but not limited to, the federal 249311
national mortgage association, federal home loan bank, federal 249312
farm credit bank, federal home loan mortgage corporation, and 249313
government national mortgage association. All federal agency 249314
securities shall be direct issuances of federal government 249315
agencies or instrumentalities. 249316

(3) Time certificates of deposit or savings or deposit 249317
accounts, including, but not limited to, passbook accounts, in any 249318
eligible institution mentioned in section 135.32 of the Revised 249319

Code; 249320

(4) Bonds and other obligations of this state or the 249321
political subdivisions of this state, provided the bonds or other 249322
obligations of political subdivisions mature within ten years from 249323
the date of settlement; 249324

(5) No-load money market mutual funds rated in the highest 249325
category at the time of purchase by at least one nationally 249326
recognized ~~standard~~ statistical rating ~~service~~ organization or 249327
consisting exclusively of obligations described in division 249328
(A)(1), (2), or (6) of section 135.143 of the Revised Code and 249329
repurchase agreements secured by such obligations, provided that 249330
investments in securities described in this division are made only 249331
through eligible institutions mentioned in section 135.32 of the 249332
Revised Code; 249333

(6) The Ohio subdivision's fund as provided in section 135.45 249334
of the Revised Code; 249335

(7) Securities lending agreements with any eligible 249336
institution mentioned in section 135.32 of the Revised Code that 249337
is a member of the federal reserve system or federal home loan 249338
bank or with any recognized United States government securities 249339
dealer meeting the description in division (J)(1) of this section, 249340
under the terms of which agreements the investing authority lends 249341
securities and the eligible institution or dealer agrees to 249342
simultaneously exchange similar securities or cash, equal value 249343
for equal value. 249344

Securities and cash received as collateral for a securities 249345
lending agreement are not inactive moneys of the county or moneys 249346
of a county public library fund. The investment of cash collateral 249347
received pursuant to a securities lending agreement may be 249348
invested only in instruments specified by the investing authority 249349
in the written investment policy described in division (K) of this 249350

section.	249351
(8) Up to forty per cent of the county's total average portfolio in either of the following investments:	249352 249353
(a) Commercial paper notes issued by an entity that is defined in division (D) of section 1705.01 or division (E) of section 1706.01 of the Revised Code and that has assets exceeding five hundred million dollars, to which notes all of the following apply:	249354 249355 249356 249357 249358
(i) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard <u>statistical</u> rating services <u>organizations</u> .	249359 249360 249361
(ii) The aggregate value of the notes does not exceed ten per cent of the aggregate value of the outstanding commercial paper of the issuing corporation.	249362 249363 249364
(iii) The notes mature not later than two hundred seventy days after purchase.	249365 249366
(iv) The investment in commercial paper notes of a single issuer shall not exceed in the aggregate five per cent of interim moneys available for investment at the time of purchase.	249367 249368 249369
(b) Bankers acceptances of banks that are insured by the federal deposit insurance corporation and that mature not later than one hundred eighty days after purchase.	249370 249371 249372
No investment shall be made pursuant to division (A)(8) of this section unless the investing authority has completed additional training for making the investments authorized by division (A)(8) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.	249373 249374 249375 249376 249377 249378 249379
(9) Up to fifteen per cent of the county's total average	249380

portfolio in notes issued by corporations that are incorporated 249381
under the laws of the United States and that are operating within 249382
the United States, or by depository institutions that are doing 249383
business under authority granted by the United States or any state 249384
and that are operating within the United States, provided both of 249385
the following apply: 249386

(a) The notes are rated in the three highest categories by at 249387
least two nationally recognized ~~standard~~ statistical rating 249388
~~services organizations~~ at the time of purchase. 249389

(b) The notes mature not later than three years after 249390
purchase. 249391

(10) Debt interests rated at the time of purchase in the 249392
three highest categories by two nationally recognized ~~standard~~ 249393
statistical rating ~~services organizations~~ and issued by foreign 249394
nations diplomatically recognized by the United States government. 249395
All interest and principal shall be denominated and payable in 249396
United States funds. The investments made under division (A)(10) 249397
of this section shall not exceed in the aggregate two per cent of 249398
a county's total average portfolio. 249399

The investing authority shall invest under division (A)(10) 249400
of this section in a debt interest issued by a foreign nation only 249401
if the debt interest is backed by the full faith and credit of 249402
that foreign nation, there is no prior history of default, and the 249403
debt interest matures not later than five years after purchase. 249404
For purposes of division (A)(10) of this section, a debt interest 249405
is rated in the three highest categories by two nationally 249406
recognized ~~standard~~ statistical rating ~~services organizations~~ if 249407
either the debt interest itself or the issuer of the debt interest 249408
is rated, or is implicitly rated, at the time of purchase in the 249409
three highest categories by two nationally recognized ~~standard~~ 249410
statistical rating ~~services organizations~~. 249411

(11) A current unpaid or delinquent tax line of credit 249412
authorized under division (G) of section 135.341 of the Revised 249413
Code, provided that all of the conditions for entering into such a 249414
line of credit under that division are satisfied, or bonds and 249415
other obligations of a county land reutilization corporation 249416
organized under Chapter 1724. of the Revised Code, if the county 249417
land reutilization corporation is located wholly or partly within 249418
the same county as the investing authority. 249419

(B) Nothing in the classifications of eligible obligations 249420
and securities set forth in divisions (A)(1) to (10) of this 249421
section shall be construed to authorize investment in a 249422
derivative, and no investing authority shall invest any county 249423
inactive moneys or any moneys in a county public library fund in a 249424
derivative. For purposes of this division, "derivative" means a 249425
financial instrument or contract or obligation whose value or 249426
return is based upon or linked to another asset or index, or both, 249427
separate from the financial instrument, contract, or obligation 249428
itself. Any security, obligation, trust account, or other 249429
instrument that is created from an issue of the United States 249430
treasury or is created from an obligation of a federal agency or 249431
instrumentality or is created from both is considered a derivative 249432
instrument. An eligible investment described in this section with 249433
a variable interest rate payment, based upon a single interest 249434
payment or single index comprised of other eligible investments 249435
provided for in division (A)(1) or (2) of this section, is not a 249436
derivative, provided that such variable rate investment has a 249437
maximum maturity of two years. A treasury inflation-protected 249438
security shall not be considered a derivative, provided the 249439
security matures not later than five years after purchase. 249440

(C) Except as provided in division (A)(4) or (D) of this 249441
section, any investment made pursuant to this section must mature 249442
within five years from the date of settlement, unless the 249443

investment is matched to a specific obligation or debt of the 249444
county or to a specific obligation or debt of a political 249445
subdivision of this state, and the investment is specifically 249446
approved by the investment advisory committee. 249447

(D) The investing authority may also enter into a written 249448
repurchase agreement with any eligible institution mentioned in 249449
section 135.32 of the Revised Code or any eligible securities 249450
dealer pursuant to division (J) of this section, under the terms 249451
of which agreement the investing authority purchases and the 249452
eligible institution or dealer agrees unconditionally to 249453
repurchase any of the securities listed in divisions (D)(1) to 249454
(5), except letters of credit described in division (D)(2), of 249455
section 135.18 of the Revised Code. The market value of securities 249456
subject to an overnight written repurchase agreement must exceed 249457
the principal value of the overnight written repurchase agreement 249458
by at least two per cent. A written repurchase agreement must 249459
exceed the principal value of the overnight written repurchase 249460
agreement, by at least two per cent. A written repurchase 249461
agreement shall not exceed thirty days, and the market value of 249462
securities subject to a written repurchase agreement must exceed 249463
the principal value of the written repurchase agreement by at 249464
least two per cent and be marked to market daily. All securities 249465
purchased pursuant to this division shall be delivered into the 249466
custody of the investing authority or the qualified custodian of 249467
the investing authority or an agent designated by the investing 249468
authority. A written repurchase agreement with an eligible 249469
securities dealer shall be transacted on a delivery versus payment 249470
basis. The agreement shall contain the requirement that for each 249471
transaction pursuant to the agreement the participating 249472
institution shall provide all of the following information: 249473

(1) The par value of the securities; 249474

(2) The type, rate, and maturity date of the securities; 249475

(3) A numerical identifier generally accepted in the securities industry that designates the securities.

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No investing authority shall enter into a written repurchase agreement under the terms of which the investing authority agrees to sell securities owned by the county to a purchaser and agrees with that purchaser to unconditionally repurchase those securities.

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(E) No investing authority shall make an investment under this section, unless the investing authority, at the time of making the investment, reasonably expects that the investment can be held until its maturity. The investing authority's written investment policy shall specify the conditions under which an investment may be redeemed or sold prior to maturity.

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(F) No investing authority shall pay a county's inactive moneys or moneys of a county public library fund into a fund established by another subdivision, treasurer, governing board, or investing authority, if that fund was established by the subdivision, treasurer, governing board, or investing authority for the purpose of investing or depositing the public moneys of other subdivisions. This division does not apply to the payment of public moneys into either of the following:

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(1) The Ohio subdivision's fund pursuant to division (A)(6) of this section;

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(2) A fund created solely for the purpose of acquiring, constructing, owning, leasing, or operating municipal utilities pursuant to the authority provided under section 715.02 of the Revised Code or Section 4 of Article XVIII, Ohio Constitution.

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For purposes of division (F) of this section, "subdivision" includes a county.

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(G) The use of leverage, in which the county uses its current investment assets as collateral for the purpose of purchasing

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other assets, is prohibited. The issuance of taxable notes for the purpose of arbitrage is prohibited. Contracting to sell securities not owned by the county, for the purpose of purchasing such securities on the speculation that bond prices will decline, is prohibited.

(H) Any securities, certificates of deposit, deposit accounts, or any other documents evidencing deposits or investments made under authority of this section shall be issued in the name of the county with the county treasurer or investing authority as the designated payee. If any such deposits or investments are registrable either as to principal or interest, or both, they shall be registered in the name of the treasurer.

(I) The investing authority shall be responsible for the safekeeping of all documents evidencing a deposit or investment acquired under this section, including, but not limited to, safekeeping receipts evidencing securities deposited with a qualified trustee, as provided in section 135.37 of the Revised Code, and documents confirming the purchase of securities under any repurchase agreement under this section shall be deposited with a qualified trustee, provided, however, that the qualified trustee shall be required to report to the investing authority, auditor of state, or an authorized outside auditor at any time upon request as to the identity, market value, and location of the document evidencing each security, and that if the participating institution is a designated depository of the county for the current period of designation, the securities that are the subject of the repurchase agreement may be delivered to the treasurer or held in trust by the participating institution on behalf of the investing authority.

Upon the expiration of the term of office of an investing authority or in the event of a vacancy in the office for any reason, the officer or the officer's legal representative shall

transfer and deliver to the officer's successor all documents 249539
mentioned in this division for which the officer has been 249540
responsible for safekeeping. For all such documents transferred 249541
and delivered, the officer shall be credited with, and the 249542
officer's successor shall be charged with, the amount of moneys 249543
evidenced by such documents. 249544

(J)(1) All investments, except for investments in securities 249545
described in divisions (A)(5), (6), and (11) of this section, 249546
shall be made only through a member of the financial industry 249547
regulatory authority (FINRA), through a bank, savings bank, or 249548
savings and loan association regulated by the superintendent of 249549
financial institutions, or through an institution regulated by the 249550
comptroller of the currency, federal deposit insurance 249551
corporation, or board of governors of the federal reserve system. 249552

(2) Payment for investments shall be made only upon the 249553
delivery of securities representing such investments to the 249554
treasurer, investing authority, or qualified trustee. If the 249555
securities transferred are not represented by a certificate, 249556
payment shall be made only upon receipt of confirmation of 249557
transfer from the custodian by the treasurer, governing board, or 249558
qualified trustee. 249559

(K)(1) Except as otherwise provided in division (K)(2) of 249560
this section, no investing authority shall make an investment or 249561
deposit under this section, unless there is on file with the 249562
auditor of state a written investment policy approved by the 249563
investing authority. The policy shall require that all entities 249564
conducting investment business with the investing authority shall 249565
sign the investment policy of that investing authority. All 249566
brokers, dealers, and financial institutions, described in 249567
division (J)(1) of this section, initiating transactions with the 249568
investing authority by giving advice or making investment 249569
recommendations shall sign the investing authority's investment 249570

policy thereby acknowledging their agreement to abide by the 249571
policy's contents. All brokers, dealers, and financial 249572
institutions, described in division (J)(1) of this section, 249573
executing transactions initiated by the investing authority, 249574
having read the policy's contents, shall sign the investment 249575
policy thereby acknowledging their comprehension and receipt. 249576

(2) If a written investment policy described in division 249577
(K)(1) of this section is not filed on behalf of the county with 249578
the auditor of state, the investing authority of that county shall 249579
invest the county's inactive moneys and moneys of the county 249580
public library fund only in time certificates of deposits or 249581
savings or deposit accounts pursuant to division (A)(3) of this 249582
section, no-load money market mutual funds pursuant to division 249583
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 249584
division (A)(6) of this section. 249585

(L)(1) The investing authority shall establish and maintain 249586
an inventory of all obligations and securities acquired by the 249587
investing authority pursuant to this section. The inventory shall 249588
include a description of each obligation or security, including 249589
type, cost, par value, maturity date, settlement date, and any 249590
coupon rate. 249591

(2) The investing authority shall also keep a complete record 249592
of all purchases and sales of the obligations and securities made 249593
pursuant to this section. 249594

(3) The investing authority shall maintain a monthly 249595
portfolio report and issue a copy of the monthly portfolio report 249596
describing such investments to the county investment advisory 249597
committee, detailing the current inventory of all obligations and 249598
securities, all transactions during the month that affected the 249599
inventory, any income received from the obligations and 249600
securities, and any investment expenses paid, and stating the 249601
names of any persons effecting transactions on behalf of the 249602

investing authority. 249603

(4) The monthly portfolio report shall be a public record and 249604
available for inspection under section 149.43 of the Revised Code. 249605

(5) The inventory and the monthly portfolio report shall be 249606
filed with the board of county commissioners. The monthly 249607
portfolio report also shall be filed with the treasurer of state. 249608

(M) An investing authority may enter into a written 249609
investment or deposit agreement that includes a provision under 249610
which the parties agree to submit to nonbinding arbitration to 249611
settle any controversy that may arise out of the agreement, 249612
including any controversy pertaining to losses of public moneys 249613
resulting from investment or deposit. The arbitration provision 249614
shall be set forth entirely in the agreement, and the agreement 249615
shall include a conspicuous notice to the parties that any party 249616
to the arbitration may apply to the court of common pleas of the 249617
county in which the arbitration was held for an order to vacate, 249618
modify, or correct the award. Any such party may also apply to the 249619
court for an order to change venue to a court of common pleas 249620
located more than one hundred miles from the county in which the 249621
investing authority is located. 249622

For purposes of this division, "investment or deposit 249623
agreement" means any agreement between an investing authority and 249624
a person, under which agreement the person agrees to invest, 249625
deposit, or otherwise manage, on behalf of the investing 249626
authority, a county's inactive moneys or moneys in a county public 249627
library fund, or agrees to provide investment advice to the 249628
investing authority. 249629

(N)(1) An investment held in the county portfolio on 249630
September 27, 1996, that was a legal investment under the law as 249631
it existed before September 27, 1996, may be held until maturity. 249632

(2) An investment held in the county portfolio on September 249633

10, 2012, that was a legal investment under the law as it existed 249634
before September 10, 2012, may be held until maturity. 249635

Sec. 135.45. (A) Subject to division (B) of this section, a 249636
treasurer, governing board, or investing authority of a 249637
subdivision may pay public moneys of the subdivision into the Ohio 249638
subdivision's fund, which may be established in the custody of the 249639
treasurer of state. The treasurer of state shall invest the moneys 249640
in the fund in separately managed accounts and pooled accounts, 249641
including the state treasurer's investment pool, in the same 249642
manner, in the same types of instruments, and subject to the same 249643
limitations provided for the deposit and investment of interim 249644
moneys of the state, except that the fund shall not be invested in 249645
the linked deposits authorized under sections 135.61 to ~~135.67~~ 249646
135.66 of the Revised Code. 249647

(B)(1) On and after July 1, 1997, a treasurer, governing 249648
board, or investing authority of a subdivision that has not 249649
entered into an agreement with the treasurer of state under 249650
division (C) of this section shall not invest public moneys of the 249651
subdivision in a pooled account of the Ohio subdivision's fund 249652
under division (B)(6) of section 135.14 of the Revised Code or 249653
division (A)(6) of section 135.35 of the Revised Code if the pool 249654
does not maintain the highest letter or numerical rating provided 249655
by at least one nationally recognized ~~standard~~ statistical rating 249656
~~service~~ organization. 249657

(2) Upon receipt of notice that the pool does not maintain 249658
the highest letter or numerical rating required under division 249659
(B)(1) of this section, the treasurer of state shall have ninety 249660
days to obtain the required highest letter or numerical rating. If 249661
the treasurer of state fails to obtain the required highest letter 249662
or numerical rating, the treasurer of state shall have an 249663
additional one hundred eighty days to develop a plan to dissolve 249664

the pool. The plan shall include reasonable standards for the 249665
equitable return of public moneys in the pool to those 249666
subdivisions participating in the pool. 249667

(3) Treasurers, governing boards, or investing authorities of 249668
subdivisions participating in the pool shall not be required to 249669
divest in the pool during the initial one hundred eighty days 249670
following the treasurer of state's receipt of notice under 249671
division (B)(2) of this section. 249672

(C) A treasurer, governing board, or investing authority of a 249673
subdivision that wishes to invest public moneys of the subdivision 249674
in a separately managed account or pooled account of the Ohio 249675
subdivision's fund may enter into an agreement with the treasurer 249676
of state that sets forth the manner in which the money is to be 249677
invested. The treasurer of state shall invest the moneys in 249678
accordance with the agreement, subject to the limitations set 249679
forth in division (A) of this section. For purposes of this 249680
division, the limitation on investments in debt interests provided 249681
in division (A)(11)(a) of section 135.143 of the Revised Code 249682
shall not apply to a subdivision's excess reserves. 249683

(D) The treasurer of state shall adopt such rules as are 249684
necessary for the implementation of this section, including the 249685
efficient administration of and accounting for the separately 249686
managed accounts and pooled accounts, including the state 249687
treasurer's investment pool, and the specification of minimum 249688
amounts that may be paid into such pools and minimum periods of 249689
time for which such payments shall be retained in the pools. The 249690
rules shall provide for the administrative expenses of the 249691
separately managed accounts and pooled accounts, including the 249692
state treasurer's investment pool, to be paid from the earnings 249693
and for the interest earnings in excess of such expenses to be 249694
credited to the several treasurers, governing boards, and 249695
investing authorities participating in a pool in a manner which 249696

equitably reflects the differing amounts of their respective 249697
investments in the pool and the differing periods of time for 249698
which such amounts are in the pool. 249699

(E) The treasurer of state shall give bond with sufficient 249700
sureties, payable to the treasurers, governing boards, and 249701
investing authorities of subdivisions participating in the fund, 249702
for the benefit of the subdivisions whose moneys are paid into the 249703
fund for investment, in the total penal sum of two hundred fifty 249704
thousand dollars, conditioned for the faithful discharge of the 249705
treasurer of state's duties in relation to the fund. 249706

(F) The treasurer of state and the treasurer of state's 249707
bonders or surety are liable for the loss of any interim moneys of 249708
the state and subdivisions invested under this section to the same 249709
extent the treasurer of state and the treasurer of state's bonders 249710
or surety are liable for the loss of public moneys under section 249711
135.19 of the Revised Code. 249712

(G) As used in this section: 249713

(1) "Interim moneys" and "governing board" have the same 249714
meanings as in section 135.01 of the Revised Code. 249715

(2)(a) "Subdivision" has the same meaning as in section 249716
135.01 of the Revised Code, but also includes a county, a 249717
municipal corporation that has adopted a charter under Article 249718
XVIII, Ohio Constitution, or any government entity for which the 249719
fund is a permissible investment. 249720

(b) "Public moneys of a subdivision" has the same meaning as 249721
in section 135.01 of the Revised Code, but also includes "public 249722
moneys" as defined in section 135.31 of the Revised Code, and 249723
funds held in the custody of the treasurer of state 249724
notwithstanding any limitations on the permissible investments of 249725
such funds. 249726

(3) "Treasurer" has the same meaning as in sections 135.01 249727

and 135.31 of the Revised Code. 249728

(4) "Investing authority" has the same meaning as in section 249729
135.31 of the Revised Code. 249730

(5) "Excess reserves" means the amount of a subdivision's 249731
public moneys that exceed the average of a subdivision's annual 249732
operating expenses in the immediately preceding three fiscal 249733
years. 249734

Sec. 135.46. (A) The treasurer of state may create a taxable 249735
investment pool or a tax-exempt investment pool, or both, for the 249736
purpose of providing a procedure for the temporary investment of 249737
bond proceeds. The pool shall be in the custody of the treasurer 249738
of state. 249739

(B) A treasurer, governing board, or investing authority of a 249740
subdivision, or any agency of the state that has debt-issuing 249741
authority may pay bond proceeds into either or both of the pools 249742
authorized under division (A) of this section. 249743

(C) The treasurer of state shall invest the funds of the 249744
taxable investment pool authorized under division (A) of this 249745
section in the same manner, in the same types of instruments, and 249746
subject to the same limitations provided for the deposit and 249747
investment of interim moneys of the state and subdivisions under 249748
sections 135.14 and ~~135.141~~ 135.143 of the Revised Code. The 249749
treasurer also may invest in any other taxable obligations issued 249750
by any political subdivision of the state. 249751

(D) The treasurer of state shall invest the funds of the 249752
tax-exempt investment pool in debt obligations and participation 249753
interests in such obligations, if all of the following apply: 249754

(1) The obligations are issued by or on behalf of any state 249755
of the United States, or any political subdivision, agency, or 249756
instrumentality of any such state; 249757

(2) The interest on such obligations is exempt from federal income taxation; 249758
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(3) The obligations are rated in either of the two highest classifications established by at least one nationally recognized ~~standard~~ statistical rating ~~service~~ organization. 249760
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(E)(1) The treasurer of state shall, pursuant to Chapter 119. of the Revised Code, adopt such rules as are necessary to carry out the purposes of this section and for the efficient administration and accounting of a pool established pursuant to division (A) of this section. 249763
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(2) The rules shall provide for the administrative expenses of such pool to be paid from its earnings and for the interest earnings in excess of such expenses to be credited to the several treasurers, governing boards, investing authorities, and agencies of the state participating in the pool in a manner that equitably reflects the differing amounts of their respective investments in the pool and the differing periods of time for which such amounts are in the pool. 249768
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(3) The rules shall establish standards governing pools authorized under division (A) of this section, taking into consideration all federal rebate and yield restrictions and the objective of maintaining a high degree of safety and liquidity. 249776
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(F) Upon creating a pool authorized under division (A) of this section, the treasurer of state shall give bond with sufficient sureties, payable to the treasurers, governing boards, and investing authorities of subdivisions and agencies of the state participating in the pool, for the benefit of the participating subdivisions and agencies, in the total penal sum of two hundred fifty thousand dollars, conditioned for the faithful discharge of ~~his~~ the treasurer of state's duties in relation to the pool. 249780
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(G) The treasurer of state and ~~his bondsmen~~ the treasurer of 249789
state's bonders or surety are liable for the loss of any moneys of 249790
the state invested under this section through a pool established 249791
under division (A) of this section to the same extent the 249792
treasurer of state and ~~his bondsmen~~ the treasurer of state's 249793
bonders or surety are liable for the loss of public moneys under 249794
section 135.19 of the Revised Code. 249795

(H) As used in this section: 249796

(1) "Governing board" has the same meaning as in section 249797
135.01 of the Revised Code. 249798

(2) "Interim moneys" has the same meaning as in section 249799
135.01 of the Revised Code. 249800

(3) "Investing authority" has the same meaning as in section 249801
135.31 of the Revised Code. 249802

(4) "Public moneys of a subdivision" has the same meaning as 249803
in section 135.01 of the Revised Code, but also includes "public 249804
moneys" as defined in section 135.31 of the Revised Code, and 249805
funds held in the custody of the treasurer of state 249806
notwithstanding any limitations on the permissible investments of 249807
such funds. 249808

(5) "Subdivision" has the same meaning as in section 135.01 249809
of the Revised Code, but also includes a county, or a municipal 249810
corporation that has adopted a charter under Article XVIII, Ohio 249811
Constitution. 249812

(6) "Treasurer" has the same meaning as in sections 135.01 249813
and 135.31 of the Revised Code. 249814

Sec. 135.47. (A) There is hereby created the securities 249815
~~lending~~ lending program. 249816

(B) There is hereby created in the state treasury the 249817
securities lending program fund. Income from the interest earnings 249818

of the securities lending program in an amount calculated pursuant 249819
to division (D) of this section shall be credited to the fund. All 249820
other such income shall be credited to the general revenue fund. 249821

(C) The treasurer of state may use the securities lending 249822
program fund ~~solely~~ for operations of the office of the treasurer 249823
of state or may transfer unexpended amounts in the fund to the 249824
treasurer's information technology reserve fund created under 249825
section 113.22 of the Revised Code. 249826

(D) The amount of income from the interest earnings of the 249827
securities lending program that shall be paid into the securities 249828
lending program fund shall not exceed an amount based on an annual 249829
rate of one-quarter of one per cent of the total average daily par 249830
value of assets in the securities lending program, as determined 249831
and calculated by the treasurer of state. Such income shall be 249832
paid on a monthly basis. 249833

Sec. 135.61. (A) The treasurer of state may invest in linked 249834
deposits under this chapter, provided that at the time any such 249835
linked deposits are placed, purchased, or designated, the combined 249836
amount of investments of public money of the state in linked 249837
deposits of any kind is not more than twelve per cent of the 249838
state's total average investment portfolio, as determined by the 249839
treasurer of state. When deciding whether to invest in any linked 249840
deposits, the treasurer of state shall give priority to the 249841
investment, liquidity, and cash flow needs of the state. 249842

(B) The treasurer of state may, in accordance with section 249843
111.15 of the Revised Code, adopt rules necessary for the 249844
implementation and administration of linked deposits under this 249845
chapter, including, but not limited to, the manner in which an 249846
eligible lending institution, as defined in section 135.62 of the 249847
Revised Code, or eligible savings institution, as defined in 249848
section 135.70 of the Revised Code, is designated, and the manner 249849

in which linked deposits are placed, purchased, designated, held, 249850
and collateralized. 249851

(C) Notwithstanding any contrary provision of the Revised 249852
Code, the treasurer of state may require an eligible credit union, 249853
as defined in section 135.62 of the Revised Code, that holds 249854
linked deposits under this chapter to pay interest at a rate not 249855
lower than the product of the prevailing interest rate multiplied 249856
by the sum of one plus the treasurer of state's assessment rate. 249857
The treasurer of state may, in accordance with section 119.03 of 249858
the Revised Code, adopt rules necessary for the implementation of 249859
this division. 249860

Sec. 135.62. As used in sections 135.62 to 135.66 of the 249861
Revised Code: 249862

(A) "Discount interest rate" means an interest rate below the 249863
prevailing interest rate that the treasurer of state determines 249864
eligible lending institutions are willing to pay to hold linked 249865
deposits. 249866

(B) "Eligible borrower" means a borrower that has met all the 249867
requirements necessary to participate in the adoption linked 249868
deposit program under section 135.63 of the Revised Code, 249869
agricultural linked deposit program under section 135.64 of the 249870
Revised Code, small business linked deposit program under section 249871
135.65 of the Revised Code, or home improvement linked deposit 249872
program under section 135.66 of the Revised Code. 249873

(C) "Eligible credit union" means, notwithstanding any 249874
contrary provision of sections 135.01 to 135.21 of the Revised 249875
Code, a federal credit union, a foreign credit union licensed 249876
pursuant to section 1733.39 of the Revised Code, or a credit union 249877
as defined in section 1733.01 of the Revised Code, located in this 249878
state. 249879

(D) "Eligible lending institution" means a financial institution that is eligible to make loans, agrees to participate in the applicable linked deposit program, and is one of the following: 249880
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(1) A public depository of state funds, or an eligible credit union designated under division (A) of section 135.12 of the Revised Code; 249884
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(2) For the agricultural linked deposit program, notwithstanding any contrary provision of sections 135.01 to 135.21 of the Revised Code, an institution of the farm credit system organized under the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C. 2001, as amended. 249887
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(E) "Homestead" means a dwelling owned and occupied in this state as a single-family primary residence by an individual for the purpose of qualifying for the home improvement linked deposit program. "Homestead" includes a house, condo, a unit in a multiple-unit dwelling, manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, or any other building with a residential classification, as allowed by the treasurer of state. "Homestead" includes so much of the land surrounding the dwelling as is reasonably necessary for the use of the dwelling as a residence, as determined by the treasurer of state. 249892
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(F) "Linked deposit" means a certificate of deposit, a share certificate, other financial institution instrument, or portion of an existing deposit of interim funds made in accordance with section 135.09 of the Revised Code placed, purchased, or designated by the treasurer of state with an eligible lending institution; provided the institution agrees to lend up to the value of such certificate of deposit, share certificate, or other financial institution instrument, or designated portion of an existing deposit to eligible borrowers for applicable linked 249903
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deposit programs at the rate established in division (A) of 249912
section 135.624 of the Revised Code, and in accordance with the 249913
deposit agreement provided in section 135.623 of the Revised Code. 249914

(G) "Linked deposit program" means a program authorized under 249915
sections 135.61 to 135.66 of the Revised Code and established by 249916
the treasurer of state pursuant to such sections. 249917

(H) "Loan" means a contractual agreement under which an 249918
eligible lending institution agrees to lend money to an eligible 249919
borrower in the form of an upfront lump sum, a line of credit, or 249920
any other reasonable arrangement approved by the treasurer of 249921
state. 249922

(I) "Manufactured home" has the same meaning as in section 249923
3781.06 of the Revised Code. 249924

(J) "Mobile home" has the same meaning as in section 4501.01 249925
of the Revised Code. 249926

(K) "Other financial institution instrument" means: 249927

(1) For the agricultural linked deposit program under section 249928
135.64 of the Revised Code, an investment by the treasurer of 249929
state in bonds, notes, debentures, or other obligations or 249930
securities issued by the federal farm credit bank with regard to 249931
an eligible lending institution; 249932

(2) For all linked deposit programs other than the 249933
agricultural linked deposit program, a product that otherwise 249934
would pay the prevailing interest rate approved by the treasurer 249935
of state, for the purpose of providing eligible borrowers with the 249936
benefits of the applicable linked deposit program, and in 249937
accordance with the deposit agreement provided in section 135.623 249938
of the Revised Code. 249939

(L) "Owner" includes a holder of one of the several estates 249940
in fee, a vendee in possession under a purchase agreement or a 249941

land contract, a mortgagor, a life tenant, one or more tenants with a right of survivorship, tenants in common, a settlor of a revocable or irrevocable inter vivos trust holding the title to a homestead occupied by the settlor as of right under the trust, or any other determination as made by the treasurer of state. 249942
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(M) "Prevailing interest rate" means a current market interest rate selected by the treasurer of state that eligible lending institutions are willing to pay to hold deposits of the treasurer of state. 249947
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(N) "Qualifying adoption expense" means any expense incurred to legally adopt a child as described in division (C) of section 3107.055 of the Revised Code, including any costs incurred by the eligible borrower proximately relating to the completion and approval of the home study under section 3107.031 of the Revised Code, and any other expense as determined by the treasurer of state. 249951
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(O) "Treasurer of state's assessment rate" means a rate not exceeding ten per cent that is calculated in a manner determined by the treasurer of state and that seeks to account for the effect that varying tax treatment among different types of financial institutions has on the ability of financial institutions to pay competitive interest rates to hold deposits. 249958
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Sec. 135.621. (A) An eligible lending institution that desires to receive a linked deposit shall accept and review applications for loans from eligible borrowers for linked deposit programs in which the eligible lending institution participates. The eligible lending institution shall apply all usual lending standards to determine the credit worthiness of each eligible borrower. No loan shall exceed the amount determined by the treasurer of state. 249964
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(B) An eligible borrower shall certify on its loan 249972

application that the reduced rate loan will be used exclusively 249973
for the purposes of the applicable linked deposit program, as 249974
described in section 135.63, 135.64, 135.65, or 135.66 of the 249975
Revised Code. Whoever knowingly makes a false statement concerning 249976
such application is guilty of the offense of falsification under 249977
section 2921.13 of the Revised Code. 249978

(C) The eligible lending institution shall forward to the 249979
treasurer of state a linked deposit loan package, in the form and 249980
manner prescribed by the treasurer of state. The package shall 249981
include such information as required by the treasurer of state, 249982
including the amount of each loan requested by each eligible 249983
borrower and all other information as described in section 135.63, 249984
135.64, 135.65, or 135.66 of the Revised Code for the applicable 249985
linked deposit program. The institution shall certify both of the 249986
following: 249987

(1) That each applicant is an eligible borrower and, for each 249988
such eligible borrower, the present borrowing rate; 249989

(2) That the eligible lending institution applied all of its 249990
usual lending standards to determine the credit worthiness of each 249991
eligible borrower. 249992

(D) No fee shall be charged to any party for the preparation, 249993
processing, or reporting of any application to an eligible lending 249994
institution or the treasurer of state for participation in a 249995
linked deposit program. 249996

Sec. 135.622. (A) The treasurer of state may accept or reject 249997
a linked deposit loan package, or any portion of it, based on the 249998
treasurer of state's evaluation of the eligible borrowers included 249999
in the package, the amount of individual loans in the package, and 250000
the amount of state funds to be deposited with an eligible lending 250001
institution. 250002

(B) Upon acceptance of the linked deposit loan package or any portion of it, the treasurer of state may place, purchase, or designate a linked deposit with the eligible lending institution at the discount interest rate, and in accordance with the deposit agreement required under section 135.623 of the Revised Code and the procedures established by the treasurer of state. 250003
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(C) Eligible lending institutions shall fully comply with this chapter. 250009
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Sec. 135.623. (A) An eligible lending institution shall enter into a deposit agreement with the treasurer of state, which shall include requirements necessary to carry out the purposes of sections 135.62 to 135.66 of the Revised Code. 250011
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(B) The deposit agreement shall specify the maturity period of the linked deposit considered appropriate by the treasurer of state, which shall not exceed five years, as well as any other information, terms, or conditions the treasurer of state may require. Interest shall be paid by the eligible lending institution at times determined by the treasurer of state. 250015
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Sec. 135.624. (A) Upon the treasurer of state placing, purchasing, or designating a linked deposit, the eligible lending institution shall lend the corresponding funds to each approved eligible borrower listed in the accepted linked deposit loan package, and in accordance with the deposit agreement required by section 135.623 of the Revised Code. Unless otherwise specified in the deposit agreement, the interest rates on the loans to such eligible borrowers shall be at a rate equal to or greater than the present borrowing rate applicable to each specific eligible borrower in the accepted linked deposit loan package minus the difference between the prevailing interest rate and the discount interest rate at which the linked deposits were placed, made, or 250021
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designated. 250033

(B) The eligible lending institution shall provide to the 250034
treasurer of state a certificate of compliance with division (A) 250035
of this section, in the form and manner prescribed by the 250036
treasurer of state. 250037

(C) Upon the conclusion of the maturity period, the treasurer 250038
of state may allow for the renewal of an application for a linked 250039
deposit program with the same terms for one or more additional 250040
maturity periods if certain requirements are met, as determined by 250041
the treasurer of state. In the event the treasurer of state does 250042
not allow for renewal, the requirements are not met, or the 250043
eligible borrower is not eligible for a renewal, an eligible 250044
borrower may submit a new application to participate in a linked 250045
deposit program. 250046

(D) At the time of maturity or upon the repayment of a loan 250047
in its entirety, whichever is earlier, the eligible lending 250048
institution shall return the amount of the corresponding linked 250049
deposit to the treasurer of state in a timely manner, as 250050
prescribed by the treasurer of state. 250051

(E) The treasurer of state shall take any and all steps 250052
necessary to implement and administer the linked deposit programs, 250053
including the development of guidelines as necessary. 250054

Sec. 135.625. (A) The state and the treasurer of state are 250055
not liable to any eligible lending institution or any eligible 250056
borrower in any manner for payment of the principal or interest on 250057
a loan to an eligible borrower. Any delay in payments, default on 250058
the part of an eligible borrower, or misuse or misconduct on the 250059
part of an eligible lending institution or eligible borrower does 250060
not in any manner affect the deposit agreement required by section 250061
135.623 of the Revised Code between the eligible lending 250062

institution and the treasurer of state. 250063

(B) If an eligible lending institution changes the terms of a 250064
loan to an eligible borrower because of a delay in payments or 250065
default, the amount of the linked deposit associated with the loan 250066
plus applicable interest and without early withdrawal penalties 250067
shall be returned to the treasurer of state by the eligible 250068
lending institution in a timely manner as prescribed by the 250069
treasurer of state. 250070

Sec. 135.63. (A) The general assembly finds that 250071
strengthening families across Ohio is critical toward ensuring the 250072
long-term prosperity of the state. However, the upfront financial 250073
costs associated with adoption often deter families from pursuing 250074
the adoption process. Accordingly, it is declared to be the public 250075
policy of the state through the adoption linked deposit program to 250076
create the availability of reduced rate loans to reduce the 250077
financial burden of adoption and to strengthen families in this 250078
state. 250079

(B) An eligible borrower for the adoption linked deposit 250080
program is an individual who is a resident of this state and to 250081
whom either of the following applies: 250082

(1) The individual completes a home study pursuant to section 250083
3107.031 of the Revised Code and is approved to adopt. 250084

(2) The individual is pursuing an adoption through the public 250085
foster care system and meets the requirements set by the 250086
department of job and family services. 250087

(C) An eligible lending institution for the adoption linked 250088
deposit program must be able to make secured or unsecured personal 250089
loans. 250090

(D) An eligible borrower shall certify on the loan 250091
application that the reduced rate loan will be used exclusively to 250092

pay for qualifying adoption expenses. 250093

Sec. 135.64. (A) The general assembly finds that Ohio's 250094
agricultural industry has long served as a critical component of 250095
the state's overall economy. However, an inadequate supply of 250096
affordable financing options that meet the needs of Ohio's 250097
agricultural community and other various economic pressures pose 250098
an ongoing challenge for farmers, agribusiness, and agricultural 250099
cooperatives as they work to grow or maintain sufficient 250100
operations throughout the year. Accordingly, it is declared to be 250101
the public policy of the state through the agricultural linked 250102
deposit program to create the availability of reduced rate loans 250103
to inject needed capital into the agricultural community, sustain 250104
or improve agricultural economic growth and profitability, and 250105
protect a core driver of the state's economy. 250106

(B) An eligible borrower for the agricultural linked deposit 250107
program is any person engaged in agriculture that has all the 250108
following characteristics: 250109

(1) Is headquartered or domiciled in this state; 250110

(2) Maintains land or facilities for agricultural purposes in 250111
this state, provided that the land or facilities within this state 250112
comprise not less than fifty-one per cent of the total of all 250113
lands or facilities maintained by the person; 250114

(3) Is either organized for profit or as an agricultural 250115
cooperative as defined in section 1729.01 of the Revised Code. 250116

(C) An eligible lending institution for the agricultural 250117
linked deposit program must be able to make commercial loans. 250118

(D) An eligible borrower shall certify on the loan 250119
application that the reduced rate loan will be used exclusively 250120
for agricultural purposes on land or in facilities owned or 250121
operated by the eligible borrower in this state and that the loan 250122

will materially contribute to the preservation or growth of the 250123
business. 250124

Sec. 135.65. (A) The general assembly finds that small 250125
businesses make significant contributions to the state's economic 250126
well-being. However, various economic challenges, such as 250127
tightened capital availability, inflationary pressures, or rising 250128
interest rates, can cause disproportionate harm to small 250129
businesses and discourage aspiring job creators from taking root 250130
in Ohio. Accordingly, it is declared to be the public policy of 250131
the state through the small business linked deposit program to 250132
create the availability of reduced rate loans to inject needed 250133
capital into the business community, sustain or improve small 250134
business growth profitability, protect the jobs of residents, and 250135
foster economic growth and development within Ohio's small 250136
businesses. 250137

(B) An eligible borrower for the small business linked 250138
deposit program is any person, including a person engaged in 250139
agriculture, that has all the following characteristics: 250140

(1) Is headquartered or domiciled in this state; 250141

(2) Maintains offices or operating facilities in this state, 250142
provided that the offices or operating facilities within the state 250143
comprise not less than fifty-one per cent of the total of all 250144
offices and operating facilities maintained by the business; 250145

(3) Employs fewer than one hundred fifty employees, not less 250146
than fifty-one per cent of whom are residents of this state; 250147

(4) Is organized for profit. 250148

(C) An eligible lending institution for the small business 250149
linked deposit program must be able to make commercial loans. 250150

(D) An eligible borrower shall certify on the loan 250151
application that the reduced rate loan will be used exclusively in 250152

this state to create new jobs, preserve existing jobs and 250153
employment opportunities, or materially contribute to the 250154
preservation or growth of the business. 250155

Sec. 135.66. (A) The general assembly finds that making 250156
homeownership and maintenance costs more affordable is an 250157
important part of fostering a robust and lasting population across 250158
the state. However, homeowners often struggle to find adequate and 250159
affordable financing options to pursue home improvement, home 250160
restoration, or similar types of projects and upgrades aimed at 250161
maintaining or increasing the livability and value of a home. 250162
Accordingly, it is declared to be the public policy of the state 250163
through the home improvement linked deposit program to create the 250164
availability of reduced rate loans to improve, maintain, or 250165
restore an existing homestead. 250166

(B) An eligible borrower for the home improvement linked 250167
deposit program is any individual who is a resident of this state 250168
and to whom both of the following apply: 250169

(1) The individual is the owner of an existing homestead 250170
located in this state. 250171

(2) The loan will be used to improve or maintain that 250172
existing homestead. 250173

(C) An eligible lending institution for the home improvement 250174
linked deposit program must be able to make residential or secured 250175
or unsecured personal loans. 250176

(D) An eligible borrower shall certify on the loan 250177
application that the reduced rate loan will be used exclusively to 250178
improve, maintain, or restore the eligible borrower's existing 250179
homestead, in accordance with the program goals outlined in 250180
division (A) of this section. 250181

(E) An eligible borrower shall include in the loan 250182

application official estimates or receipts for the total amount of 250183
the loan. 250184

Sec. 135.70. As used in sections 135.70 to 135.71 of the 250185
Revised Code: 250186

(A) "Closing costs" means a disbursement listed on a closing 250187
disclosure for the purchase of a home by an eligible participant. 250188

(B) "Closing disclosure" means the statement of receipts and 250189
disbursements for a transaction related to real estate, including 250190
a statement prescribed under the Real Estate Settlement Procedures 250191
Act of 1974, 12 U.S.C. 2601 et seq., as amended, and the 250192
regulations thereunder. 250193

(C) "Discount interest rate" means an interest rate below the 250194
prevailing interest rate that the treasurer of state determines 250195
eligible savings institutions are willing to pay to hold linked 250196
deposits. 250197

(D) "Eligible credit union" has the same meaning as in 250198
section 135.62 of the Revised Code. 250199

(E) "Eligible home costs" means the down payment and closing 250200
costs for the purchase of a home by an eligible participant, or 250201
the transfer of funds from one homeownership savings account to 250202
another homeownership savings account at a different eligible 250203
savings institution. 250204

(F) "Eligible participant" means an individual who has met 250205
all of the requirements necessary to participate in the specific 250206
linked deposit program for they have applied. 250207

(G) "Eligible program costs" means costs corresponding to the 250208
purpose of the eligible linked deposit program. 250209

(H) "Eligible savings institution" means a financial 250210
institution that: 250211

<u>(1) Offers accounts to residents of this state to save for</u>	250212
<u>the purposes related to the applicable linked deposit program;</u>	250213
<u>(2) Agrees to participate in the applicable linked deposit</u>	250214
<u>program;</u>	250215
<u>(3) Is a public depository of state funds, or an eligible</u>	250216
<u>credit union designated under division (A) of section 135.12 of</u>	250217
<u>the Revised Code.</u>	250218
<u>(I) "Home" means a dwelling in this state to be owned and</u>	250219
<u>occupied as a single-family primary residence by an eligible</u>	250220
<u>participant. "Home" includes a house, condo, unit in a</u>	250221
<u>multiple-unit dwelling, manufactured home or mobile home taxed as</u>	250222
<u>real property pursuant to division (B) of section 4503.06 of the</u>	250223
<u>Revised Code, or any other building with a residential</u>	250224
<u>classification, as allowed by the treasurer of state, and includes</u>	250225
<u>so much of the land surrounding the dwelling as is reasonably</u>	250226
<u>necessary for the use of the dwelling as a residence, as</u>	250227
<u>determined by the treasurer of state.</u>	250228
<u>(J) "Homeownership savings account" means a linked deposit</u>	250229
<u>savings account opened exclusively for the purpose of paying</u>	250230
<u>eligible home costs and in compliance with the requirements of</u>	250231
<u>section 135.71 of the Revised Code.</u>	250232
<u>(K) "Linked deposit" means a certificate of deposit, share</u>	250233
<u>certificate, other financial institution instrument, or portion of</u>	250234
<u>an existing deposit of interim funds made in accordance with</u>	250235
<u>section 135.09 of the Revised Code that is placed, purchased, or</u>	250236
<u>designated by the treasurer of state with an eligible savings</u>	250237
<u>institution; provided the institution agrees to pay the premium</u>	250238
<u>savings rate to approved eligible participants, in accordance with</u>	250239
<u>the deposit agreement required by section 135.703 of the Revised</u>	250240
<u>Code.</u>	250241
<u>(L) "Linked deposit program" means a program authorized under</u>	250242

section 135.61 and sections 135.70 to 135.71 of the Revised Code 250243
and established by the treasurer of state pursuant to those 250244
sections. 250245

(M) "Linked deposit savings account" means an 250246
interest-bearing account that is opened by an eligible participant 250247
at an eligible savings institution exclusively for the purpose of 250248
the applicable linked deposit program. 250249

(N) "Manufactured home" has the same meaning as in section 250250
3781.06 of the Revised Code. 250251

(O) "Mobile home" has the same meaning as in section 4501.01 250252
of the Revised Code. 250253

(P) "Other financial institution instrument" means a product 250254
that otherwise would pay the prevailing interest rate approved by 250255
the treasurer of state, for the purpose of providing eligible 250256
participants with the benefits of the applicable linked deposit 250257
program, and in accordance with the deposit agreement under 250258
section 135.703 of the Revised Code. 250259

(Q) "Premium savings rate" means a rate, established under 250260
section 135.704 of the Revised Code, that reflects the percentage 250261
rate increase above the present savings rate, as determined by the 250262
eligible savings institution, applicable to each eligible 250263
participant. 250264

(R) "Prevailing interest rate" means a current market 250265
interest rate selected by the treasurer of state that eligible 250266
savings institutions are willing to pay to hold deposits of the 250267
treasurer of state. 250268

(S) "Program period" means five years from the date the 250269
eligible participant opens a linked deposit savings account with 250270
the eligible savings institution. 250271

(T) "Treasurer of state's assessment rate" has the same 250272

meaning as in section 135.62 of the Revised Code. 250273

Sec. 135.701. (A) An eligible savings institution that 250274
desires to receive a linked deposit shall accept and review 250275
applications for a linked deposit savings account from eligible 250276
participants for linked deposit programs in which the eligible 250277
savings institution participates. 250278

(B)(1) An eligible participant shall certify on its linked 250279
deposit savings account application all of the following: 250280

(a) The eligible participant is a resident of this state. 250281

(b) The funds in the linked deposit savings account shall be 250282
used exclusively for eligible program costs of the applicable 250283
linked deposit program. 250284

(c) The eligible participant shall hold not more than one 250285
linked deposit savings account per program period at any eligible 250286
savings institution. 250287

(2) Whoever knowingly makes a false statement concerning such 250288
application is guilty of the offense of falsification under 250289
section 2921.13 of the Revised Code. 250290

(C) The eligible savings institution shall forward to the 250291
treasurer of state a linked deposit savings package, in the form 250292
and manner as prescribed by the treasurer of state. The package 250293
shall include such information as required by the treasurer of 250294
state. The institution shall certify that each applicant included 250295
in the linked deposit savings package is an eligible participant. 250296

(D) No fee shall be charged to any party for the preparation, 250297
processing, or reporting of any application to an eligible savings 250298
institution for participation in a linked deposit program. 250299

Sec. 135.702. (A) The treasurer of state may accept or reject 250300
a linked deposit savings package, or any portion of it, based on 250301

the treasurer of state's evaluation of the amount of state funds 250302
to be deposited with an eligible savings institution. 250303

(B) Upon acceptance of the linked deposit savings package or 250304
any portion of it, the treasurer of state may place, purchase, or 250305
designate a linked deposit with the eligible savings institution 250306
at the discount interest rate, and in accordance with the deposit 250307
agreement required under section 135.703 of the Revised Code and 250308
the procedures established by the treasurer of state. 250309

(C) Eligible savings institutions shall fully comply with 250310
this chapter. 250311

Sec. 135.703. (A) An eligible savings institution shall enter 250312
into a deposit agreement with the treasurer of state, which shall 250313
include the requirements necessary to carry out the purposes of 250314
sections 135.70 to 135.71 of the Revised Code. 250315

(B) The deposit agreement shall specify the maturity period 250316
of the linked deposit considered appropriate by the treasurer of 250317
state, which shall not exceed the length of the program period, as 250318
well as any other information, terms, or conditions the treasurer 250319
of state may require. Interest shall be paid by the eligible 250320
savings institution at the times determined by the treasurer of 250321
state. 250322

Sec. 135.704. (A)(1) Upon the treasurer of state placing, 250323
purchasing, or designating a linked deposit, the eligible savings 250324
institution shall offer the premium savings rate on a linked 250325
deposit savings account to each approved eligible participant 250326
listed in the accepted linked deposit savings package, and in 250327
accordance with the deposit agreement required by section 135.703 250328
of the Revised Code. The premium savings rate shall apply to a 250329
linked deposit savings account as determined by the treasurer of 250330
state. Unless otherwise specified in the deposit agreement, the 250331

premium savings rate shall be at a rate equal to or greater than 250332
the present savings rate applicable to each specific eligible 250333
participant in the accepted linked deposit savings package plus 250334
the difference between the prevailing interest rate and the 250335
discount interest rate at which the linked deposits were placed, 250336
made, or designated . 250337

(2) The premium savings rate shall only apply to a linked 250338
deposit savings account for the duration of the program period. 250339
After such time, the eligible participant's savings account is no 250340
longer a linked deposit savings account, and the eligible savings 250341
institution may determine and apply a market interest rate to the 250342
account. 250343

(B) The eligible savings institution shall provide to the 250344
treasurer of state a certificate of compliance with division (A) 250345
of this section in the form and manner prescribed by the treasurer 250346
of state. 250347

(C) At the time of maturity, the eligible savings institution 250348
shall return the amount of the corresponding linked deposit to the 250349
treasurer of state in a timely manner, as prescribed by the 250350
treasurer of state. 250351

(D) The treasurer of state shall take any and all steps 250352
necessary to implement and administer the linked deposit programs, 250353
including the development of any guidelines as necessary. 250354

Sec. 135.705. (A) The state and the treasurer of state are 250355
not liable to any eligible savings institution or any eligible 250356
participant in any manner for the terms associated with a linked 250357
deposit savings account. Any misuse or misconduct on the part of 250358
an eligible savings institution or eligible participant does not 250359
in any manner affect the deposit agreement required by section 250360
135.703 of the Revised Code between the eligible savings 250361

institution and the treasurer of state. 250362

(B) If an eligible savings institution changes the terms of 250363
an eligible participant's linked deposit savings account, the 250364
amount of the linked deposit associated with the linked deposit 250365
savings account plus applicable interest and without early 250366
withdrawal penalties shall be returned to the treasurer of state 250367
by the eligible savings institution in a timely manner, as 250368
prescribed by the treasurer of state. 250369

Sec. 135.71. (A) The general assembly finds that making 250370
homeownership more attainable is an important part of fostering a 250371
robust and lasting population across the state. However, 250372
individuals often struggle to accumulate the financial resources 250373
needed to purchase a home. Accordingly, it is declared to be the 250374
public policy of the state through the homeownership savings 250375
linked deposit program to make available premium rate savings 250376
accounts for the down payment and closing costs associated with 250377
the purchase of a home. 250378

(B) An eligible participant for the homeownership savings 250379
linked deposit program is an individual who is a resident of this 250380
state and has applied for a homeownership savings account at an 250381
eligible savings institution. 250382

(C) An eligible participant shall certify on the application 250383
that the funds in the homeownership savings account shall be used 250384
exclusively for eligible home costs. 250385

(D) A homeownership savings account shall be owned by not 250386
more than one eligible participant and an eligible participant 250387
shall hold not more than one homeownership savings account per 250388
program period at any eligible savings institution. 250389

(E) Not later than January 31, 2027, the treasurer of state 250390
and the tax commissioner shall issue a report regarding the 250391

<u>efficacy of the homeownership savings linked deposit program. The</u>	250392
<u>report shall include all of the following:</u>	250393
<u>(1) The number of homeownership savings accounts created;</u>	250394
<u>(2) The number of participating eligible savings</u> <u>institutions;</u>	250395 250396
<u>(3) The total amount contributed into the accounts;</u>	250397
<u>(4) The average yield on the accounts;</u>	250398
<u>(5) Any other information the treasurer of state or tax</u> <u>commissioner deems relevant.</u>	250399 250400
<u>The report shall be delivered to the governor, the speaker of</u> <u>the house of representatives, and the president of the senate.</u>	250401 250402
<u>Sec. 169.053. (A) As used in this section, "state of Ohio</u> <u>coupon bond" means property, tangible or intangible, in the form</u> <u>of a coupon bond and its related interest coupons issued by this</u> <u>state prior to 1985 and to which all of the following apply:</u>	250403 250404 250405 250406
<u>(1) It has matured, been called and defeased, or otherwise</u> <u>become due and payable.</u>	250407 250408
<u>(2) Either the treasurer of state or the trustee bank is the</u> <u>paying agent.</u>	250409 250410
<u>(3) The owner has neither registered the bond or interest</u> <u>coupon nor claimed the bond's principal or interest.</u>	250411 250412
<u>(B) Notwithstanding any provision of the Revised Code to the</u> <u>contrary, state of Ohio coupon bonds held by any person, business,</u> <u>or state or other government, political subdivision, agency, or</u> <u>instrumentality, and all proceeds thereof, shall be presumed</u> <u>abandoned in this state and constitute unclaimed funds under this</u> <u>chapter if both of the following apply:</u>	250413 250414 250415 250416 250417 250418
<u>(1) The owner of the state of Ohio coupon bond or interest</u> <u>coupon is unknown to the treasurer of state.</u>	250419 250420

(2) The state of Ohio coupon bond's principal or interest has 250421
remained unclaimed and unredeemed for three years after final 250422
maturity, call date, interest payment date, or other payment date. 250423

(C) State of Ohio coupon bonds that are presumed abandoned 250424
and constitute unclaimed funds under division (B) of this section, 250425
including bonds in the possession of the director of commerce, 250426
shall escheat to the state three years after becoming abandoned 250427
and unclaimed property. All property rights and legal title to and 250428
ownership of such bonds or interest coupons or proceeds from such 250429
bonds or interest coupons, including all rights, powers, and 250430
privileges of survivorship of any owner, co-owner, or beneficiary, 250431
shall vest solely in this state as provided in divisions (D) to 250432
(H) of this section. 250433

(D) If, within one hundred eighty days after the three-year 250434
period prescribed under division (C) of this section, no claim has 250435
been filed under this chapter for the bond, the director shall 250436
commence a civil action in a court of competent jurisdiction for a 250437
determination that the bond escheats to the state. The director 250438
may postpone the commencement of an action until a sufficient 250439
number of bonds have accumulated in the director's custody to 250440
justify the expense of the proceedings. 250441

(E) Service by publication shall be made in accordance with 250442
Rule 4.4 of the Rules of Civil Procedure. 250443

(F) If no person files a claim or appears at the hearing to 250444
substantiate a claim or if the court determines that a claimant is 250445
not entitled to the property claimed, and if the court is 250446
satisfied by the evidence that the director has substantially 250447
complied with the laws of this state, the court shall enter a 250448
judgment that the bonds have escheated to the state and all 250449
property rights and legal title to and ownership of the bonds or 250450
the proceeds from the bonds, including all rights, powers, and 250451
privileges of survivorship of any owner, co-owner, or beneficiary, 250452

have vested solely in the state. 250453

(G) The director shall redeem the state of Ohio coupon bonds 250454
escheated to the state by judgment of the court. When the proceeds 250455
that have escheated have been recovered by the director, the 250456
director shall pay all costs incident to the collection and 250457
recovery of the proceeds from the redemption of the bonds and 250458
disburse the remaining balance of the proceeds in the manner 250459
provided under section 169.05 of the Revised Code for all other 250460
unclaimed funds. 250461

(H) Notwithstanding section 169.08 of the Revised Code, any 250462
person claiming a state of Ohio coupon bond that has escheated to 250463
the state under this section, or for the proceeds from the bond, 250464
may file a claim with the director. Upon providing sufficient 250465
proof of the validity of the person's claim, the director may, in 250466
the director's discretion, pay the claim less any expenses and 250467
costs incurred by the state in securing full title and ownership 250468
of the property by escheat. If payment has been made to a 250469
claimant, no action thereafter may be maintained by any other 250470
claimant against the state or any officer of the state, for or on 250471
account of the payment of the claim. 250472

Sec. 718.01. Any term used in this chapter that is not 250473
otherwise defined in this chapter has the same meaning as when 250474
used in a comparable context in laws of the United States relating 250475
to federal income taxation or in Title LVII of the Revised Code, 250476
unless a different meaning is clearly required. Except as provided 250477
in section 718.81 of the Revised Code, if a term used in this 250478
chapter that is not otherwise defined in this chapter is used in a 250479
comparable context in both the laws of the United States relating 250480
to federal income tax and in Title LVII of the Revised Code and 250481
the use is not consistent, then the use of the term in the laws of 250482
the United States relating to federal income tax shall control 250483

over the use of the term in Title LVII of the Revised Code.	250484
Except as otherwise provided in section 718.81 of the Revised Code, as used in this chapter:	250485
(A)(1) "Municipal taxable income" means the following:	250486
(a) For a person other than an individual, income apportioned or situated to the municipal corporation under section 718.02 of the Revised Code, as applicable, reduced by any pre-2017 net operating loss carryforward available to the person for the municipal corporation.	250487
(b)(i) For an individual who is a resident of a municipal corporation other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division (A)(2) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the municipal corporation.	250488
(ii) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 718.03 of the Revised Code.	250489
(c) For an individual who is a nonresident of a municipal	250490
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corporation, income reduced by exempt income to the extent 250514
otherwise included in income and then, as applicable, apportioned 250515
or situated to the municipal corporation under section 718.02 of 250516
the Revised Code, then reduced as provided in division (A)(2) of 250517
this section, and further reduced by any pre-2017 net operating 250518
loss carryforward available to the individual for the municipal 250519
corporation. 250520

(2) In computing the municipal taxable income of a taxpayer 250521
who is an individual, the taxpayer may subtract, as provided in 250522
division (A)(1)(b)(i) or (c) of this section, the amount of the 250523
individual's employee business expenses reported on the 250524
individual's form 2106 that the individual deducted for federal 250525
income tax purposes for the taxable year, subject to the 250526
limitation imposed by section 67 of the Internal Revenue Code. For 250527
the municipal corporation in which the taxpayer is a resident, the 250528
taxpayer may deduct all such expenses allowed for federal income 250529
tax purposes. For a municipal corporation in which the taxpayer is 250530
not a resident, the taxpayer may deduct such expenses only to the 250531
extent the expenses are related to the taxpayer's performance of 250532
personal services in that nonresident municipal corporation. 250533

(B) "Income" means the following: 250534

(1)(a) For residents, all income, salaries, qualifying wages, 250535
commissions, and other compensation from whatever source earned or 250536
received by the resident, including the resident's distributive 250537
share of the net profit of pass-through entities owned directly or 250538
indirectly by the resident and any net profit of the resident, 250539
except as provided in division (D)(5) of this section. 250540

(b) For the purposes of division (B)(1)(a) of this section: 250541

(i) Any net operating loss of the resident incurred in the 250542
taxable year and the resident's distributive share of any net 250543
operating loss generated in the same taxable year and attributable 250544

to the resident's ownership interest in a pass-through entity 250545
shall be allowed as a deduction, for that taxable year and the 250546
following five taxable years, against any other net profit of the 250547
resident or the resident's distributive share of any net profit 250548
attributable to the resident's ownership interest in a 250549
pass-through entity until fully utilized, subject to division 250550
(B)(1)(d) of this section; 250551

(ii) The resident's distributive share of the net profit of 250552
each pass-through entity owned directly or indirectly by the 250553
resident shall be calculated without regard to any net operating 250554
loss that is carried forward by that entity from a prior taxable 250555
year and applied to reduce the entity's net profit for the current 250556
taxable year. 250557

(c) Division (B)(1)(b) of this section does not apply with 250558
respect to any net profit or net operating loss attributable to an 250559
ownership interest in an S corporation unless shareholders' 250560
distributive shares of net profits from S corporations are subject 250561
to tax in the municipal corporation as provided in division 250562
(C)(14)(b) or (c) of this section. 250563

(d) Any amount of a net operating loss used to reduce a 250564
taxpayer's net profit for a taxable year shall reduce the amount 250565
of net operating loss that may be carried forward to any 250566
subsequent year for use by that taxpayer. In no event shall the 250567
cumulative deductions for all taxable years with respect to a 250568
taxpayer's net operating loss exceed the original amount of that 250569
net operating loss available to that taxpayer. 250570

(2) In the case of nonresidents, all income, salaries, 250571
qualifying wages, commissions, and other compensation from 250572
whatever source earned or received by the nonresident for work 250573
done, services performed or rendered, or activities conducted in 250574
the municipal corporation, including any net profit of the 250575
nonresident, but excluding the nonresident's distributive share of 250576

the net profit or loss of only pass-through entities owned 250577
directly or indirectly by the nonresident. 250578

(3) For taxpayers that are not individuals, net profit of the 250579
taxpayer; 250580

(4) Lottery, sweepstakes, gambling and sports winnings, 250581
winnings from games of chance, and prizes and awards. If the 250582
taxpayer is a professional gambler for federal income tax 250583
purposes, the taxpayer may deduct related wagering losses and 250584
expenses to the extent authorized under the Internal Revenue Code 250585
and claimed against such winnings. 250586

(C) "Exempt income" means all of the following: 250587

(1) The military pay or allowances of members of the armed 250588
forces of the United States or members of their reserve 250589
components, including the national guard of any state; 250590

(2)(a) Except as provided in division (C)(2)(b) of this 250591
section, intangible income; 250592

(b) A municipal corporation that taxed any type of intangible 250593
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 250594
116th general assembly, may continue to tax that type of income if 250595
a majority of the electors of the municipal corporation voting on 250596
the question of whether to permit the taxation of that type of 250597
intangible income after 1988 voted in favor thereof at an election 250598
held on November 8, 1988. 250599

(3) Social security benefits, railroad retirement benefits, 250600
unemployment compensation, pensions, retirement benefit payments, 250601
payments from annuities, and similar payments made to an employee 250602
or to the beneficiary of an employee under a retirement program or 250603
plan, disability payments received from private industry or local, 250604
state, or federal governments or from charitable, religious or 250605
educational organizations, and the proceeds of sickness, accident, 250606
or liability insurance policies. As used in division (C)(3) of 250607

this section, "unemployment compensation" does not include 250608
supplemental unemployment compensation described in section 250609
3402(o)(2) of the Internal Revenue Code. 250610

(4) The income of religious, fraternal, charitable, 250611
scientific, literary, or educational institutions to the extent 250612
such income is derived from tax-exempt real estate, tax-exempt 250613
tangible or intangible property, or tax-exempt activities. 250614

(5) Compensation paid under section 3501.28 or 3501.36 of the 250615
Revised Code to a person serving as a precinct election official 250616
to the extent that such compensation does not exceed one thousand 250617
dollars for the taxable year. Such compensation in excess of one 250618
thousand dollars for the taxable year may be subject to taxation 250619
by a municipal corporation. A municipal corporation shall not 250620
require the payer of such compensation to withhold any tax from 250621
that compensation. 250622

(6) Dues, contributions, and similar payments received by 250623
charitable, religious, educational, or literary organizations or 250624
labor unions, lodges, and similar organizations; 250625

(7) Alimony and child support received; 250626

(8) Compensation for personal injuries or for damages to 250627
property from insurance proceeds or otherwise, excluding 250628
compensation paid for lost salaries or wages or compensation from 250629
punitive damages; 250630

(9) Income of a public utility when that public utility is 250631
subject to the tax levied under section 5727.24 or 5727.30 of the 250632
Revised Code. Division (C)(9) of this section does not apply for 250633
purposes of Chapter 5745. of the Revised Code. 250634

(10) Gains from involuntary conversions, interest on federal 250635
obligations, items of income subject to a tax levied by the state 250636
and that a municipal corporation is specifically prohibited by law 250637
from taxing, and income of a decedent's estate during the period 250638

of administration except such income from the operation of a trade 250639
or business; 250640

(11) Compensation or allowances excluded from federal gross 250641
income under section 107 of the Internal Revenue Code; 250642

(12) Employee compensation that is not qualifying wages as 250643
defined in division (R) of this section; 250644

(13) Compensation paid to a person employed within the 250645
boundaries of a United States air force base under the 250646
jurisdiction of the United States air force that is used for the 250647
housing of members of the United States air force and is a center 250648
for air force operations, unless the person is subject to taxation 250649
because of residence or domicile. If the compensation is subject 250650
to taxation because of residence or domicile, tax on such income 250651
shall be payable only to the municipal corporation of residence or 250652
domicile. 250653

(14)(a) Except as provided in division (C)(14)(b) or (c) of 250654
this section, an S corporation shareholder's distributive share of 250655
net profits of the S corporation, other than any part of the 250656
distributive share of net profits that represents wages as defined 250657
in section 3121(a) of the Internal Revenue Code or net earnings 250658
from self-employment as defined in section 1402(a) of the Internal 250659
Revenue Code. 250660

(b) If, pursuant to division (H) of former section 718.01 of 250661
the Revised Code as it existed before March 11, 2004, a majority 250662
of the electors of a municipal corporation voted in favor of the 250663
question at an election held on November 4, 2003, the municipal 250664
corporation may continue after 2002 to tax an S corporation 250665
shareholder's distributive share of net profits of an S 250666
corporation. 250667

(c) If, on December 6, 2002, a municipal corporation was 250668
imposing, assessing, and collecting a tax on an S corporation 250669

shareholder's distributive share of net profits of the S 250670
corporation to the extent the distributive share would be 250671
allocated or apportioned to this state under divisions (B)(1) and 250672
(2) of section 5733.05 of the Revised Code if the S corporation 250673
were a corporation subject to taxes imposed under Chapter 5733. of 250674
the Revised Code, the municipal corporation may continue to impose 250675
the tax on such distributive shares to the extent such shares 250676
would be so allocated or apportioned to this state only until 250677
December 31, 2004, unless a majority of the electors of the 250678
municipal corporation voting on the question of continuing to tax 250679
such shares after that date voted in favor of that question at an 250680
election held November 2, 2004. If a majority of those electors 250681
voted in favor of the question, the municipal corporation may 250682
continue after December 31, 2004, to impose the tax on such 250683
distributive shares only to the extent such shares would be so 250684
allocated or apportioned to this state. 250685

(d) A municipal corporation shall be deemed to have elected 250686
to tax S corporation shareholders' distributive shares of net 250687
profits of the S corporation in the hands of the shareholders if a 250688
majority of the electors of a municipal corporation voted in favor 250689
of a question at an election held under division (C)(14)(b) or (c) 250690
of this section. The municipal corporation shall specify by 250691
resolution or ordinance that the tax applies to the distributive 250692
share of a shareholder of an S corporation in the hands of the 250693
shareholder of the S corporation. 250694

(15) To the extent authorized under a resolution or ordinance 250695
adopted by a municipal corporation before January 1, 2016, all or 250696
a portion of the income of individuals or a class of individuals 250697
under eighteen years of age. 250698

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 250699
(d) of this section, qualifying wages described in division (B)(1) 250700
or (E) of section 718.011 of the Revised Code to the extent the 250701

qualifying wages are not subject to withholding for the municipal corporation under either of those divisions.

(b) The exemption provided in division (C)(16)(a) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.

(c) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of section 718.011 of the Revised Code.

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following

circumstances: 250733

(i) The individual's base of operation is located in the 250734
municipal corporation. 250735

(ii) The individual is a professional athlete, professional 250736
entertainer, or public figure, and the compensation is paid for 250737
the performance of services in the individual's capacity as a 250738
professional athlete, professional entertainer, or public figure. 250739
For purposes of division (C)(17)(b)(ii) of this section, 250740
"professional athlete," "professional entertainer," and "public 250741
figure" have the same meanings as in section 718.011 of the 250742
Revised Code. 250743

(c) Compensation to which division (C)(17) of this section 250744
applies shall be treated as earned or received at the individual's 250745
base of operation. If the individual does not have a base of 250746
operation, the compensation shall be treated as earned or received 250747
where the individual is domiciled. 250748

(d) For purposes of division (C)(17) of this section, "base 250749
of operation" means the location where an individual owns or rents 250750
an office, storefront, or similar facility to which the individual 250751
regularly reports and at which the individual regularly performs 250752
personal services for compensation. 250753

(18) Compensation paid to a person for personal services 250754
performed for a political subdivision on property owned by the 250755
political subdivision, regardless of whether the compensation is 250756
received by an employee of the subdivision or another person 250757
performing services for the subdivision under a contract with the 250758
subdivision, if the property on which services are performed is 250759
annexed to a municipal corporation pursuant to section 709.023 of 250760
the Revised Code on or after March 27, 2013, unless the person is 250761
subject to such taxation because of residence. If the compensation 250762
is subject to taxation because of residence, municipal income tax 250763

shall be payable only to the municipal corporation of residence. 250764

(19) In the case of a tax administered, collected, and 250765
enforced by a municipal corporation pursuant to an agreement with 250766
the board of directors of a joint economic development district 250767
under section 715.72 of the Revised Code, the net profits of a 250768
business, and the income of the employees of that business, 250769
exempted from the tax under division (Q) of that section. 250770

(20) All of the following: 250771

(a) Income derived from disaster work conducted in this state 250772
by an out-of-state disaster business during a disaster response 250773
period pursuant to a qualifying solicitation received by the 250774
business; 250775

(b) Income of a qualifying employee described in division 250776
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent 250777
such income is derived from disaster work conducted in this state 250778
by the employee during a disaster response period pursuant to a 250779
qualifying solicitation received by the employee's employer; 250780

(c) Income of a qualifying employee described in division 250781
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 250782
such income is derived from disaster work conducted in this state 250783
by the employee during a disaster response period on critical 250784
infrastructure owned or used by the employee's employer. 250785

(21) Income the taxation of which is prohibited by the 250786
constitution or laws of the United States. 250787

Any item of income that is exempt income of a pass-through 250788
entity under division (C) of this section is exempt income of each 250789
owner of the pass-through entity to the extent of that owner's 250790
distributive or proportionate share of that item of the entity's 250791
income. 250792

(D)(1) "Net profit" for a person who is an individual means 250793

the individual's net profit required to be reported on schedule C, 250794
schedule E, or schedule F reduced by any net operating loss 250795
carried forward. For the purposes of division (D)(1) of this 250796
section, the net operating loss carried forward shall be 250797
calculated and deducted in the same manner as provided in division 250798
(D)(3) of this section. 250799

(2) "Net profit" for a person other than an individual means 250800
adjusted federal taxable income reduced by any net operating loss 250801
incurred by the person in a taxable year beginning on or after 250802
January 1, 2017, subject to the limitations of division (D)(3) of 250803
this section. 250804

(3)(a) The amount of such net operating loss shall be 250805
deducted from net profit to the extent necessary to reduce 250806
municipal taxable income to zero, with any remaining unused 250807
portion of the net operating loss carried forward to not more than 250808
five consecutive taxable years following the taxable year in which 250809
the loss was incurred, but in no case for more years than 250810
necessary for the deduction to be fully utilized. 250811

(b) No person shall use the deduction allowed by division 250812
(D)(3) of this section to offset qualifying wages. 250813

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 250814
or 2022, a person may not deduct, for purposes of an income tax 250815
levied by a municipal corporation that levies an income tax before 250816
January 1, 2016, more than fifty per cent of the amount of the 250817
deduction otherwise allowed by division (D)(3) of this section. 250818

(ii) For taxable years beginning in 2023 or thereafter, a 250819
person may deduct, for purposes of an income tax levied by a 250820
municipal corporation that levies an income tax before January 1, 250821
2016, the full amount allowed by division (D)(3) of this section 250822
without regard to the limitation of division (D)(3)(b)(i) of this 250823
section. 250824

(d) Any pre-2017 net operating loss carryforward deduction 250825
that is available may be utilized before a taxpayer may deduct any 250826
amount pursuant to division (D)(3) of this section. 250827

(e) Nothing in division (D)(3)(c)(i) of this section 250828
precludes a person from carrying forward, for use with respect to 250829
any return filed for a taxable year beginning after 2018, any 250830
amount of net operating loss that was not fully utilized by 250831
operation of division (D)(3)(c)(i) of this section. To the extent 250832
that an amount of net operating loss that was not fully utilized 250833
in one or more taxable years by operation of division (D)(3)(c)(i) 250834
of this section is carried forward for use with respect to a 250835
return filed for a taxable year beginning in 2019, 2020, 2021, or 250836
2022, the limitation described in division (D)(3)(c)(i) of this 250837
section shall apply to the amount carried forward. 250838

(4) For the purposes of this chapter, and notwithstanding 250839
division (D)(2) of this section, net profit of a disregarded 250840
entity shall not be taxable as against that disregarded entity, 250841
but shall instead be included in the net profit of the owner of 250842
the disregarded entity. 250843

(5) For the purposes of this chapter, and notwithstanding any 250844
other provision of this chapter, the net profit of a publicly 250845
traded partnership that makes the election described in division 250846
(D)(5) of this section shall be taxed as if the partnership were a 250847
C corporation, and shall not be treated as the net profit or 250848
income of any owner of the partnership. 250849

A publicly traded partnership that is treated as a 250850
partnership for federal income tax purposes and that is subject to 250851
tax on its net profits in one or more municipal corporations in 250852
this state may elect to be treated as a C corporation for 250853
municipal income tax purposes. The publicly traded partnership 250854
shall make the election in every municipal corporation in which 250855
the partnership is subject to taxation on its net profits. The 250856

election shall be made on the annual tax return filed in each such 250857
municipal corporation. The publicly traded partnership shall not 250858
be required to file the election with any municipal corporation in 250859
which the partnership is not subject to taxation on its net 250860
profits, but division (D)(5) of this section applies to all 250861
municipal corporations in which an individual owner of the 250862
partnership resides. 250863

(E) "Adjusted federal taxable income," for a person required 250864
to file as a C corporation, or for a person that has elected to be 250865
taxed as a C corporation under division (D)(5) of this section, 250866
means a C corporation's federal taxable income before net 250867
operating losses and special deductions as determined under the 250868
Internal Revenue Code, adjusted as follows: 250869

(1) Deduct intangible income to the extent included in 250870
federal taxable income. The deduction shall be allowed regardless 250871
of whether the intangible income relates to assets used in a trade 250872
or business or assets held for the production of income. 250873

(2) Add an amount equal to five per cent of intangible income 250874
deducted under division (E)(1) of this section, but excluding that 250875
portion of intangible income directly related to the sale, 250876
exchange, or other disposition of property described in section 250877
1221 of the Internal Revenue Code; 250878

(3) Add any losses allowed as a deduction in the computation 250879
of federal taxable income if the losses directly relate to the 250880
sale, exchange, or other disposition of an asset described in 250881
section 1221 or 1231 of the Internal Revenue Code; 250882

(4)(a) Except as provided in division (E)(4)(b) of this 250883
section, deduct income and gain included in federal taxable income 250884
to the extent the income and gain directly relate to the sale, 250885
exchange, or other disposition of an asset described in section 250886
1221 or 1231 of the Internal Revenue Code; 250887

(b) Division (E)(4)(a) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.	250888 250889 250890
(5) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;	250891 250892
(6) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;	250893 250894 250895 250896 250897
(7) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Revised Code;	250898 250899 250900 250901
(8) Deduct exempt income to the extent not otherwise deducted or excluded in computing adjusted federal taxable income.	250902 250903
(9) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.	250904 250905 250906 250907 250908 250909
(10) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of section 718.06 of the Revised Code.	250910 250911 250912 250913 250914 250915
If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (L)(2) of this section, is not a publicly traded partnership that has made	250916 250917 250918

the election described in division (D)(5) of this section, and is 250919
not an individual, the taxpayer shall compute adjusted federal 250920
taxable income under this section as if the taxpayer were a C 250921
corporation, except guaranteed payments and other similar amounts 250922
paid or accrued to a partner, former partner, shareholder, former 250923
shareholder, member, or former member shall not be allowed as a 250924
deductible expense unless such payments are a pension or 250925
retirement benefit payment paid to a retired partner, retired 250926
shareholder, or retired member or are in consideration for the use 250927
of capital and treated as payment of interest under section 469 of 250928
the Internal Revenue Code or United States treasury regulations. 250929
Amounts paid or accrued to a qualified self-employed retirement 250930
plan with respect to a partner, former partner, shareholder, 250931
former shareholder, member, or former member of the taxpayer, 250932
amounts paid or accrued to or for health insurance for a partner, 250933
former partner, shareholder, former shareholder, member, or former 250934
member, and amounts paid or accrued to or for life insurance for a 250935
partner, former partner, shareholder, former shareholder, member, 250936
or former member shall not be allowed as a deduction. 250937

Nothing in division (E) of this section shall be construed as 250938
allowing the taxpayer to add or deduct any amount more than once 250939
or shall be construed as allowing any taxpayer to deduct any 250940
amount paid to or accrued for purposes of federal self-employment 250941
tax. 250942

(F) "Schedule C" means internal revenue service schedule C 250943
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 250944
Code. 250945

(G) "Schedule E" means internal revenue service schedule E 250946
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 250947
Code. 250948

(H) "Schedule F" means internal revenue service schedule F 250949
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 250950

Code.	250951
(I) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.	250952 250953
(J) "Resident" means an individual who is domiciled in the municipal corporation as determined under section 718.012 of the Revised Code.	250954 250955 250956
(K) "Nonresident" means an individual that is not a resident.	250957
(L)(1) "Taxpayer" means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division (L)(2)(a) of this section, a disregarded entity.	250958 250959 250960 250961
(2)(a) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:	250962 250963 250964 250965 250966 250967
(i) The limited liability company's single member is also a limited liability company.	250968 250969
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.	250970 250971 250972
(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.	250973 250974 250975 250976
(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.	250977 250978 250979 250980

(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election. 250981
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(b) For purposes of division (L)(2)(a)(v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars. 250984
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(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity. 250992
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(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity. 250997
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(O) "S corporation" means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year. 251006
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(P) "Single member limited liability company" means a limited liability company that has one direct member. 251009
251010

(Q) "Limited liability company" means a limited liability 251011

company formed under former Chapter 1705. ~~or~~ of the Revised Code 251012
as that chapter existed prior to February 11, 2022, Chapter 1706. 251013
of the Revised Code, or ~~under~~ the laws of another state. 251014

(R) "Qualifying wages" means wages, as defined in section 251015
3121(a) of the Internal Revenue Code, without regard to any wage 251016
limitations, adjusted as follows: 251017

(1) Deduct the following amounts: 251018

(a) Any amount included in wages if the amount constitutes 251019
compensation attributable to a plan or program described in 251020
section 125 of the Internal Revenue Code. 251021

(b) Any amount included in wages if the amount constitutes 251022
payment on account of a disability related to sickness or an 251023
accident paid by a party unrelated to the employer, agent of an 251024
employer, or other payer. 251025

(c) Any amount attributable to a nonqualified deferred 251026
compensation plan or program described in section 3121(v)(2)(C) of 251027
the Internal Revenue Code if the compensation is included in wages 251028
and the municipal corporation has, by resolution or ordinance 251029
adopted before January 1, 2016, exempted the amount from 251030
withholding and tax. 251031

(d) Any amount included in wages if the amount arises from 251032
the sale, exchange, or other disposition of a stock option, the 251033
exercise of a stock option, or the sale, exchange, or other 251034
disposition of stock purchased under a stock option and the 251035
municipal corporation has, by resolution or ordinance adopted 251036
before January 1, 2016, exempted the amount from withholding and 251037
tax. 251038

(e) Any amount included in wages that is exempt income. 251039

(2) Add the following amounts: 251040

(a) Any amount not included in wages solely because the 251041

employee was employed by the employer before April 1, 1986. 251042

(b) Any amount not included in wages because the amount 251043
arises from the sale, exchange, or other disposition of a stock 251044
option, the exercise of a stock option, or the sale, exchange, or 251045
other disposition of stock purchased under a stock option and the 251046
municipal corporation has not, by resolution or ordinance, 251047
exempted the amount from withholding and tax adopted before 251048
January 1, 2016. Division (R)(2)(b) of this section applies only 251049
to those amounts constituting ordinary income. 251050

(c) Any amount not included in wages if the amount is an 251051
amount described in section 401(k), 403(b), or 457 of the Internal 251052
Revenue Code. Division (R)(2)(c) of this section applies only to 251053
employee contributions and employee deferrals. 251054

(d) Any amount that is supplemental unemployment compensation 251055
benefits described in section 3402(o)(2) of the Internal Revenue 251056
Code and not included in wages. 251057

(e) Any amount received that is treated as self-employment 251058
income for federal tax purposes in accordance with section 251059
1402(a)(8) of the Internal Revenue Code. 251060

(f) Any amount not included in wages if all of the following 251061
apply: 251062

(i) For the taxable year the amount is employee compensation 251063
that is earned outside of the United States and that either is 251064
included in the taxpayer's gross income for federal income tax 251065
purposes or would have been included in the taxpayer's gross 251066
income for such purposes if the taxpayer did not elect to exclude 251067
the income under section 911 of the Internal Revenue Code; 251068

(ii) For no preceding taxable year did the amount constitute 251069
wages as defined in section 3121(a) of the Internal Revenue Code; 251070

(iii) For no succeeding taxable year will the amount 251071

constitute wages; and	251072
(iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R)(2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.	251073 251074 251075 251076 251077
(S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701. of the Revised Code, and patents, copyrights, trademarks, tradenames, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.	251078 251079 251080 251081 251082 251083 251084 251085 251086 251087 251088 251089
(T) "Taxable year" means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.	251090 251091 251092
(U)(1) "Tax administrator" means, subject to division (U)(2) of this section, the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:	251093 251094 251095 251096 251097
(a) A municipal corporation acting as the agent of another municipal corporation;	251098 251099
(b) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole	251100 251101 251102

or in part on a contingency basis;	251103
(c) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency.	251104 251105 251106 251107
(2) "Tax administrator" does not include the tax commissioner.	251108 251109
(3) A private individual or entity serving in any position described in division (U)(1)(b) or (c) of this section shall have no access to criminal history record information.	251110 251111 251112
(V) "Employer" means a person that is an employer for federal income tax purposes.	251113 251114
(W) "Employee" means an individual who is an employee for federal income tax purposes.	251115 251116
(X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.	251117 251118 251119 251120 251121
(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	251122 251123
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	251124 251125
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	251126 251127 251128 251129
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a	251130 251131 251132

disregarded entity for federal income tax purposes. 251133

(CC) "Generic form" means an electronic or paper form that is 251134
not prescribed by a particular municipal corporation and that is 251135
designed for reporting taxes withheld by an employer, agent of an 251136
employer, or other payer, estimated municipal income taxes, or 251137
annual municipal income tax liability or for filing a refund 251138
claim. 251139

(DD) "Tax return preparer" means any individual described in 251140
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 251141
301.7701-15. 251142

(EE) "Ohio business gateway" means the online computer 251143
network system, created under section 125.30 of the Revised Code, 251144
~~that allows persons to electronically file business reply forms~~ 251145
~~with state agencies and includes~~ or any successor electronic 251146
filing and payment system. 251147

(FF) "Local board of tax review" and "board of tax review" 251148
mean the entity created under section 718.11 of the Revised Code. 251149

(GG) "Net operating loss" means a loss incurred by a person 251150
in the operation of a trade or business. "Net operating loss" does 251151
not include unutilized losses resulting from basis limitations, 251152
at-risk limitations, or passive activity loss limitations. 251153

(HH) "Casino operator" and "casino facility" have the same 251154
meanings as in section 3772.01 of the Revised Code. 251155

(II) "Video lottery terminal" has the same meaning as in 251156
section 3770.21 of the Revised Code. 251157

(JJ) "Video lottery terminal sales agent" means a lottery 251158
sales agent licensed under Chapter 3770. of the Revised Code to 251159
conduct video lottery terminals on behalf of the state pursuant to 251160
section 3770.21 of the Revised Code. 251161

(KK) "Postal service" means the United States postal service. 251162

(LL) "Certified mail," "express mail," "United States mail,"	251163
"postal service," and similar terms include any delivery service	251164
authorized pursuant to section 5703.056 of the Revised Code.	251165
(MM) "Postmark date," "date of postmark," and similar terms	251166
include the date recorded and marked in the manner described in	251167
division (B)(3) of section 5703.056 of the Revised Code.	251168
(NN) "Related member" means a person that, with respect to	251169
the taxpayer during all or any portion of the taxable year, is	251170
either a related entity, a component member as defined in section	251171
1563(b) of the Internal Revenue Code, or a person to or from whom	251172
there is attribution of stock ownership in accordance with section	251173
1563(e) of the Internal Revenue Code except, for purposes of	251174
determining whether a person is a related member under this	251175
division, "twenty per cent" shall be substituted for "5 percent"	251176
wherever "5 percent" appears in section 1563(e) of the Internal	251177
Revenue Code.	251178
(OO) "Related entity" means any of the following:	251179
(1) An individual stockholder, or a member of the	251180
stockholder's family enumerated in section 318 of the Internal	251181
Revenue Code, if the stockholder and the members of the	251182
stockholder's family own directly, indirectly, beneficially, or	251183
constructively, in the aggregate, at least fifty per cent of the	251184
value of the taxpayer's outstanding stock;	251185
(2) A stockholder, or a stockholder's partnership, estate,	251186
trust, or corporation, if the stockholder and the stockholder's	251187
partnerships, estates, trusts, or corporations own directly,	251188
indirectly, beneficially, or constructively, in the aggregate, at	251189
least fifty per cent of the value of the taxpayer's outstanding	251190
stock;	251191
(3) A corporation, or a party related to the corporation in a	251192
manner that would require an attribution of stock from the	251193

corporation to the party or from the party to the corporation 251194
under division (OO)(4) of this section, provided the taxpayer owns 251195
directly, indirectly, beneficially, or constructively, at least 251196
fifty per cent of the value of the corporation's outstanding 251197
stock; 251198

(4) The attribution rules described in section 318 of the 251199
Internal Revenue Code apply for the purpose of determining whether 251200
the ownership requirements in divisions (OO)(1) to (3) of this 251201
section have been met. 251202

(PP)(1) "Assessment" means a written finding by the tax 251203
administrator that a person has underpaid municipal income tax, or 251204
owes penalty and interest, or any combination of tax, penalty, or 251205
interest, to the municipal corporation that commences the person's 251206
time limitation for making an appeal to the local board of tax 251207
review pursuant to section 718.11 of the Revised Code, and has 251208
"ASSESSMENT" written in all capital letters at the top of such 251209
finding. 251210

(2) "Assessment" does not include an informal notice denying 251211
a request for refund issued under division (B)(3) of section 251212
718.19 of the Revised Code, a billing statement notifying a 251213
taxpayer of current or past-due balances owed to the municipal 251214
corporation, a tax administrator's request for additional 251215
information, a notification to the taxpayer of mathematical 251216
errors, or a tax administrator's other written correspondence to a 251217
person or taxpayer that does not meet the criteria prescribed by 251218
division (PP)(1) of this section. 251219

(QQ) "Taxpayers' rights and responsibilities" means the 251220
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 251221
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 251222
Revised Code and the responsibilities of taxpayers to file, 251223
report, withhold, remit, and pay municipal income tax and 251224
otherwise comply with Chapter 718. of the Revised Code and 251225

resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax. 251226
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(RR) "Qualified municipal corporation" means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax. 251229
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(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years. 251234
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(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier. 251241
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(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; 251247
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and any other similar receipts reported for federal income tax 251258
purposes or under generally accepted accounting principles. "Small 251259
employer" does not include the federal government; any state 251260
government, including any state agency or instrumentality; any 251261
political subdivision; or any entity treated as a government for 251262
financial accounting and reporting purposes. 251263

(UU) "Audit" means the examination of a person or the 251264
inspection of the books, records, memoranda, or accounts of a 251265
person for the purpose of determining liability for a municipal 251266
income tax. 251267

(VV) "Publicly traded partnership" means any partnership, an 251268
interest in which is regularly traded on an established securities 251269
market. A "publicly traded partnership" may have any number of 251270
partners. 251271

(WW) "Tax commissioner" means the tax commissioner appointed 251272
under section 121.03 of the Revised Code. 251273

(XX) "Out-of-state disaster business," "qualifying 251274
solicitation," "qualifying employee," "disaster work," "critical 251275
infrastructure," and "disaster response period" have the same 251276
meanings as in section 5703.94 of the Revised Code. 251277

(YY) "Pension" means a retirement benefit plan, regardless of 251278
whether the plan satisfies the qualifications described under 251279
section 401(a) of the Internal Revenue Code, including amounts 251280
that are taxable under the "Federal Insurance Contributions Act," 251281
Chapter 21 of the Internal Revenue Code, excluding employee 251282
contributions and elective deferrals, and regardless of whether 251283
such amounts are paid in the same taxable year in which the 251284
amounts are included in the employee's wages, as defined by 251285
section 3121(a) of the Internal Revenue Code. 251286

(ZZ) "Retirement benefit plan" means an arrangement whereby 251287
an entity provides benefits to individuals either on or after 251288

their termination of service because of retirement or disability. 251289
"Retirement benefit plan" does not include wage continuation 251290
payments, severance payments, or payments made for accrued 251291
personal or vacation time. 251292

Sec. 1111.04. (A) Prior to soliciting or engaging in trust 251293
business in this state, a trust company shall pledge to the 251294
~~treasurer of state~~ superintendent of financial institutions 251295
interest bearing securities authorized in division (B) of this 251296
section, having a par value, not including unaccrued interest, of 251297
one hundred thousand dollars, and approved by the superintendent 251298
~~of financial institutions~~. The trust company may pledge the 251299
securities either by delivery to the ~~treasurer of state~~ 251300
superintendent or by placing the securities with a qualified 251301
trustee for safekeeping to the account of the ~~treasurer of state~~ 251302
superintendent of financial institutions, the corporate fiduciary, 251303
and any other person having an interest in the securities under 251304
Chapter 1109. of the Revised Code, as their respective interests 251305
may appear and be asserted by written notice to or demand upon the 251306
qualified trustee or by order of judgment of a court. 251307

(B) Securities pledged by a trust company to satisfy the 251308
requirements of division (A) of this section shall be one or more 251309
of the following: 251310

(1) Bonds, notes, or other obligations of or guaranteed by 251311
the United States or for which the full faith and credit of the 251312
United States is pledged for the payment of principal and 251313
interest; 251314

(2) Bonds, notes, debentures, or other obligations or 251315
securities issued by any agency or instrumentality of the United 251316
States; 251317

(3) General obligations of this or any other state of the 251318
United States or any subdivision of this or any other state of the 251319

United States. 251320

(C) The ~~treasurer of state~~ superintendent of financial 251321
institutions shall review, approve, and accept delivery of 251322
securities pursuant to this section ~~when accompanied by the~~ 251323
~~superintendent's approval of the securities or the written receipt~~ 251324
~~of a qualified trustee describing the securities and showing the~~ 251325
~~superintendent's approval of the securities,~~ and shall issue a 251326
written acknowledgment of the delivery of the securities or the 251327
qualified trustee's receipt and the superintendent's approval to 251328
the trust company. 251329

(D) The superintendent shall approve securities to be pledged 251330
by a trust company pursuant to this section if the securities are 251331
all of the following: 251332

(1) Interest bearing and of the value required by division 251333
(A) of this section; 251334

(2) Of one or more of the kinds authorized by division (B) of 251335
this section and not a derivative of or merely an interest in any 251336
of those securities; 251337

(3) Not in default. 251338

(E) The ~~treasurer of state~~ superintendent of financial 251339
institutions shall, ~~with the approval of the superintendent,~~ 251340
permit a trust company to pledge securities in substitution for 251341
securities pledged pursuant to this section and the withdrawal of 251342
the securities substituted for so long as the securities remaining 251343
pledged satisfy the requirements of division (A) of this section. 251344
The ~~treasurer of state~~ superintendent shall permit a trust company 251345
to collect interest paid on securities pledged pursuant to this 251346
section so long as the trust company is solvent. The ~~treasurer of~~ 251347
~~state~~ superintendent shall, ~~with the approval of the~~ 251348
~~superintendent,~~ permit a trust company to withdraw securities 251349
pledged pursuant to this section when the trust company has ceased 251350

to solicit or engage in trust business in this state. 251351

(F) For purposes of this section, a qualified trustee is a 251352
federal reserve bank, a federal home loan bank, a trust company as 251353
defined in section 1101.01 of the Revised Code, or a national bank 251354
or federal savings association that has pledged securities 251355
pursuant to this section, is authorized to accept and execute 251356
trusts, and is doing business under authority granted by the 251357
office of the comptroller of the currency. However, a national 251358
bank or federal savings association doing business under authority 251359
granted by the office of the comptroller of the currency or a 251360
trust company may not act as a qualified trustee for securities it 251361
or any of its affiliates is pledging pursuant to this section. 251362

(G) The superintendent, with the approval of the ~~treasurer of~~ 251363
~~state and the~~ attorney general, shall prescribe the form of all 251364
receipts and acknowledgments provided for by this section, and 251365
upon request shall furnish a copy of each form, with the 251366
superintendent's certification attached, to each qualified trustee 251367
eligible to hold securities for safekeeping under this section. 251368

Sec. 1112.12. (A) Prior to transacting any business as a 251369
licensed family trust company, a family trust company shall pledge 251370
to the ~~treasurer of state~~ superintendent of financial institutions 251371
interest-bearing securities authorized in division (B) of this 251372
section, having a par value, not including unaccrued interest, of 251373
one hundred thousand dollars, and approved by the superintendent 251374
~~of financial institutions~~. The family trust company may pledge the 251375
securities either by delivery to the ~~treasurer of state~~ 251376
superintendent or by placing the securities with a qualified 251377
trustee for safekeeping to the account of the ~~treasurer of state~~ 251378
superintendent of financial institutions. 251379

(B) Securities pledged by a family trust company to satisfy 251380
the requirements of division (A) of this section shall be one or 251381

more of the following, provided that the bonds or other 251382
obligations are rated at the time of purchase in the three highest 251383
classifications established by at least one nationally recognized 251384
~~standard~~ statistical rating ~~service~~ organization and purchased 251385
through a registered securities broker or dealer: 251386

(1) Bonds, notes, or other obligations of or guaranteed by 251387
the United States or for which the full faith and credit of the 251388
United States is pledged for the payment of principal and 251389
interest; 251390

(2) Bonds, notes, debentures, or other obligations or 251391
securities issued by any agency or instrumentality of the United 251392
States. 251393

(C) The ~~treasurer of state~~ superintendent of financial 251394
institutions shall review, approve, and accept delivery of 251395
securities pursuant to this section ~~when accompanied by the~~ 251396
~~superintendent's approval of the securities or the written receipt~~ 251397
~~of a qualified trustee describing the securities and showing the~~ 251398
~~superintendent's approval of the securities,~~ and shall issue a 251399
written acknowledgment of the delivery of the securities or the 251400
qualified trustee's receipt and the superintendent's approval to 251401
the family trust company. 251402

(D) The superintendent shall approve securities to be pledged 251403
by a family trust company pursuant to this section if the 251404
securities are all of the following: 251405

(1) Interest-bearing and of the value required by division 251406
(A) of this section; 251407

(2) Of one or more of the kinds authorized by division (B) of 251408
this section and not a derivative of or merely an interest in any 251409
of those securities; 251410

(3) Not in default. 251411

(E) The ~~treasurer of state~~ superintendent of financial 251412
institutions shall, ~~with the approval of the superintendent,~~ 251413
permit a family trust company to pledge securities in substitution 251414
for securities pledged pursuant to this section and the withdrawal 251415
of the securities substituted for so long as the securities 251416
remaining pledged satisfy the requirements of division (A) of this 251417
section. The ~~treasurer of state~~ superintendent shall permit a 251418
family trust company to collect interest paid on securities 251419
pledged pursuant to this section so long as the family trust 251420
company is solvent. The ~~treasurer of state~~ superintendent shall, ~~with the approval of the superintendent,~~ 251421
permit a licensed family 251422
trust company to withdraw securities pledged pursuant to this 251423
section when the family trust company has discontinued its 251424
business as a licensed family trust company in this state. 251425

(F) For purposes of this section, a qualified trustee is a 251426
federal reserve bank, a federal home loan bank, a trust company as 251427
defined in section 1101.01 of the Revised Code, or a bank or 251428
savings association that has pledged securities pursuant to 251429
section 1111.04 of the Revised Code, is authorized to accept and 251430
execute trusts, and is doing business under authority granted by 251431
the comptroller of the currency. 251432

(G) The ~~superintendent, with the approval of the treasurer of~~ 251433
~~state,~~ shall prescribe the form of all receipts and 251434
acknowledgments provided for by this section, and upon request 251435
shall furnish a copy of each form, with the superintendent's 251436
certification attached, to each qualified trustee eligible to hold 251437
securities for safekeeping under this section. 251438

Sec. 1315.54. (A) The attorney general may conduct 251439
investigations within or outside this state to determine if a 251440
money transmitter or person engaged in a trade or business has 251441
failed to file a report required by section 1315.53 of the Revised 251442

Code or has engaged or is engaging in an act, practice, or 251443
transaction that constitutes a violation of a provision of ~~section~~ 251444
sections 1315.51 to 1315.55 of the Revised Code. 251445

(B) On request of the attorney general, a money transmitter 251446
shall make the money transmitter's books and records available to 251447
the attorney general during normal business hours for inspection 251448
and examination in connection with an investigation conducted 251449
under this section. No person shall purposely fail to comply with 251450
this division. 251451

(C) Any record or other document or information obtained by 251452
the attorney general pursuant to an investigation conducted under 251453
this section is not a public record subject to section 149.43 of 251454
the Revised Code and is not subject to disclosure. 251455

(D) This section does not apply to any bank, bank holding 251456
company, or affiliate of a bank or bank holding company, or to any 251457
savings and loan association, savings and loan holding company, or 251458
affiliate of a savings and loan association or savings and loan 251459
holding company that is subject to examination by the comptroller 251460
of the currency, the federal reserve, or the federal deposit 251461
insurance corporation, ~~or to any savings and loan association,~~ 251462
~~savings and loan holding company, or affiliate of a savings and~~ 251463
~~loan association or savings and loan holding company, that is~~ 251464
~~subject to examination by the office of thrift supervision.~~ 251465

Sec. 1345.01. As used in sections 1345.01 to 1345.13 of the 251466
Revised Code: 251467

(A) "Consumer transaction" means a sale, lease, assignment, 251468
award by chance, or other transfer of an item of goods, a service, 251469
a franchise, or an intangible, to an individual for purposes that 251470
are primarily personal, family, or household, or solicitation to 251471
supply any of these things. "Consumer transaction" does not 251472
include transactions between persons, defined in sections 4905.03 251473

and 5725.01 of the Revised Code, and their customers, except for 251474
transactions involving a loan made pursuant to sections 1321.35 to 251475
1321.48 of the Revised Code and transactions in connection with 251476
residential mortgages between loan officers, mortgage brokers, or 251477
nonbank mortgage lenders and their customers; transactions 251478
involving a home construction service contract as defined in 251479
section 4722.01 of the Revised Code; transactions between 251480
certified public accountants or public accountants and their 251481
clients; transactions between attorneys, physicians, or dentists 251482
and their clients or patients; and transactions between 251483
veterinarians and their patients that pertain to medical treatment 251484
but not ancillary services. 251485

(B) "Person" includes an individual, corporation, government, 251486
governmental subdivision or agency, business trust, estate, trust, 251487
partnership, association, cooperative, or other legal entity. 251488

(C) "Supplier" means a seller, lessor, assignor, franchisor, 251489
or other person engaged in the business of effecting or soliciting 251490
consumer transactions, whether or not the person deals directly 251491
with the consumer. If the consumer transaction is in connection 251492
with a residential mortgage, "supplier" does not include an 251493
assignee or purchaser of the loan for value, except as otherwise 251494
provided in section 1345.091 of the Revised Code. For purposes of 251495
this division, in a consumer transaction in connection with a 251496
residential mortgage, "seller" means a loan officer, mortgage 251497
broker, or nonbank mortgage lender. 251498

(D) "Consumer" means a person who engages in a consumer 251499
transaction with a supplier. 251500

(E) "Knowledge" means actual awareness, but such actual 251501
awareness may be inferred where objective manifestations indicate 251502
that the individual involved acted with such awareness. 251503

(F) "Natural gas service" means the sale of natural gas, 251504

exclusive of any distribution or ancillary service. 251505

(G) "Public telecommunications service" means the 251506
transmission by electromagnetic or other means, other than by a 251507
telephone company as defined in section 4927.01 of the Revised 251508
Code, of signs, signals, writings, images, sounds, messages, or 251509
data originating in this state regardless of actual call routing. 251510
"Public telecommunications service" excludes a system, including 251511
its construction, maintenance, or operation, for the provision of 251512
telecommunications service, or any portion of such service, by any 251513
entity for the sole and exclusive use of that entity, its parent, 251514
a subsidiary, or an affiliated entity, and not for resale, 251515
directly or indirectly; the provision of terminal equipment used 251516
to originate telecommunications service; broadcast transmission by 251517
radio, television, or satellite broadcast stations regulated by 251518
the federal government; or cable television service. 251519

(H)(1) "Loan officer" means an individual who for 251520
compensation or gain, or in anticipation of compensation or gain, 251521
takes or offers to take a residential mortgage loan application; 251522
assists or offers to assist a buyer in obtaining or applying to 251523
obtain a residential mortgage loan by, among other things, 251524
advising on loan terms, including rates, fees, and other costs; 251525
offers or negotiates terms of a residential mortgage loan; or 251526
issues or offers to issue a commitment for a residential mortgage 251527
loan. "Loan officer" also includes a mortgage loan originator as 251528
defined in section 1322.01 of the Revised Code. 251529

(2) "Loan officer" does not include an employee of a bank, 251530
savings bank, savings and loan association, credit union, or 251531
credit union service organization organized under the laws of this 251532
state, another state, or the United States; an employee of a 251533
subsidiary of such a bank, savings bank, savings and loan 251534
association, or credit union; or an employee of an affiliate that 251535
(a) controls, is controlled by, or is under common control with, 251536

such a bank, savings bank, savings and loan association, or credit union and (b) is subject to examination, supervision, and regulation, including with respect to the affiliate's compliance with applicable consumer protection requirements, by the board of governors of the federal reserve system, the comptroller of the currency, ~~the office of thrift supervision~~, the federal deposit insurance corporation, or the national credit union administration.

(I) "Residential mortgage" or "mortgage" means an obligation to pay a sum of money evidenced by a note and secured by a lien upon real property located within this state containing two or fewer residential units or on which two or fewer residential units are to be constructed and includes such an obligation on a residential condominium or cooperative unit.

(J)(1) "Mortgage broker" means any of the following:

(a) A person that holds that person out as being able to assist a buyer in obtaining a mortgage and charges or receives from either the buyer or lender money or other valuable consideration readily convertible into money for providing this assistance;

(b) A person that solicits financial and mortgage information from the public, provides that information to a mortgage broker or a person that makes residential mortgage loans, and charges or receives from either of them money or other valuable consideration readily convertible into money for providing the information;

(c) A person engaged in table-funding or warehouse-lending mortgage loans that are residential mortgage loans.

(2) "Mortgage broker" does not include a bank, savings bank, savings and loan association, credit union, or credit union service organization organized under the laws of this state, another state, or the United States; a subsidiary of such a bank,

savings bank, savings and loan association, or credit union; an 251568
affiliate that (a) controls, is controlled by, or is under common 251569
control with, such a bank, savings bank, savings and loan 251570
association, or credit union and (b) is subject to examination, 251571
supervision, and regulation, including with respect to the 251572
affiliate's compliance with applicable consumer protection 251573
requirements, by the board of governors of the federal reserve 251574
system, the comptroller of the currency, ~~the office of thrift~~ 251575
~~supervision~~, the federal deposit insurance corporation, or the 251576
national credit union administration; or an employee of any such 251577
entity. 251578

(K) "Nonbank mortgage lender" means any person that engages 251579
in a consumer transaction in connection with a residential 251580
mortgage, except for a bank, savings bank, savings and loan 251581
association, credit union, or credit union service organization 251582
organized under the laws of this state, another state, or the 251583
United States; a subsidiary of such a bank, savings bank, savings 251584
and loan association, or credit union; or an affiliate that (1) 251585
controls, is controlled by, or is under common control with, such 251586
a bank, savings bank, savings and loan association, or credit 251587
union and (2) is subject to examination, supervision, and 251588
regulation, including with respect to the affiliate's compliance 251589
with applicable consumer protection requirements, by the board of 251590
governors of the federal reserve system, the comptroller of the 251591
currency, ~~the office of thrift supervision~~, the federal deposit 251592
insurance corporation, or the national credit union 251593
administration. 251594

(L) For purposes of divisions (H), (J), and (K) of this 251595
section: 251596

(1) "Control" of another entity means ownership, control, or 251597
power to vote twenty-five per cent or more of the outstanding 251598
shares of any class of voting securities of the other entity, 251599

directly or indirectly or acting through one or more other persons. 251600
251601

(2) "Credit union service organization" means a CUSO as defined in 12 C.F.R. 702.2. 251602
251603

Sec. 1501.04. The performance cash bond refunds fund is created in the state treasury. The fund shall consist of money received by the department of natural resources from other entities as performance security. Upon the completion of work or satisfaction of terms for which the performance cash bond was required, the money shall be refunded to the pledging entity. If the performance cash bond is forfeited, the money shall be transferred to the appropriate fund within the state treasury. 251604
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Sec. 1501.10. Advertisement for bids for the leasing of public service facilities in state parks shall be published in any newspaper of general circulation in Franklin county and each county in which the facility to be leased is situated. The publication shall be made once each week for four consecutive weeks prior to the date fixed for the acceptance of the bids. The notice shall set forth the pertinent facts concerning the facility to be leased and the periods of required operation during the year and shall refer to the terms and conditions that the lease shall include, which shall be on file in the office of the director of natural resources and open to public inspection, except that questionnaires and financial statements submitted under this section shall be confidential and shall not be open to public inspection. 251612
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The public service facilities may be leased for a period of years that may be determined by the director, provided that the director, at the expiration of the original lease, without advertisement for bids, may grant the lessee a renewal of the 251626
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lease for an additional period not to exceed four years. Leases 251630
executed under this section may contain any provisions that the 251631
director considers necessary, provided that the following 251632
provisions shall be contained in the leases: 251633

(A) The lessee shall be responsible for keeping the 251634
facilities in good condition and repair, reasonable wear and tear 251635
and damages caused by casualty or acts beyond the control of the 251636
lessee excepted. 251637

(B) The lessee shall operate the facilities for periods 251638
during the year that the director determines are necessary to 251639
satisfy the needs of the people of the state, provided that the 251640
periods of required operation shall be set forth in the notice for 251641
the acceptance of bids. 251642

(C) The lessee, upon the execution of the lease, shall 251643
furnish surety to ensure that the lessee shall perform fully all 251644
terms of the lease. The surety shall be in the form of a 251645
performance bond, an irrevocable letter of credit to the state, 251646
cash, or negotiable certificates of deposit of any bank or savings 251647
and loan association organized or transacting business in the 251648
United States. The cash, market value of the certificates of 251649
deposit, or face value of the irrevocable letter of credit shall 251650
be equal to or greater than the amount of the bond prescribed by 251651
the director in the lease. 251652

~~Immediately upon a deposit of~~ If the lessee deposits cash or 251653
~~certificates of deposit, the director~~ cash shall ~~deliver them to~~ 251654
~~the treasurer of state, who shall be responsible for their~~ 251655
~~safekeeping and hold them in trust for the purposes for which they~~ 251656
~~have been deposited~~ credited to the performance cash bond refunds 251657
fund created in section 1501.04 of the Revised Code. A lessee 251658
making a deposit of cash or certificates of deposit may withdraw 251659
and receive, ~~from the treasurer of state, on the written order of~~ 251660
~~the~~ director, all or any portion of the cash or certificates of 251661

deposit upon depositing with the ~~treasurer of state cash or~~ 251662
director negotiable certificates of deposit issued by any bank 251663
organized or transacting business in this state equal in par value 251664
to the par value of the cash or certificates of deposit withdrawn. 251665
A lessee may demand and receive from the ~~treasurer of state~~ 251666
director all interest or other income from any such certificates 251667
as it becomes due. 251668

The director may lease any public service facilities in state 251669
parks to the person who submits the highest and best bid under the 251670
terms set forth in this section and in accordance with the rules 251671
of the director, taking into account the financial responsibility 251672
and the ability of the lessee to operate the facilities. Bids 251673
shall be sealed and opened at a date and time certain, published 251674
in advance. 251675

This section does not apply to a lease and contract executed 251676
under section 1501.012 of the Revised Code. 251677

Sec. 1503.05. (A) The chief of the division of forestry may 251678
sell timber and other forest products from the state forest, state 251679
forest nurseries, and federal lands in accordance with the terms 251680
of an agreement under section 1503.271 of the Revised Code 251681
whenever the chief considers such a sale desirable. With the 251682
approval of the attorney general and the director of natural 251683
resources, the chief may sell portions of the state forest lands 251684
when such a sale is advantageous to the state. 251685

(B) Except as otherwise provided in this section, a timber 251686
sale agreement shall not be executed unless the person or 251687
governmental entity bidding on the sale executes and files a 251688
surety bond conditioned on completion of the timber sale in 251689
accordance with the terms of the agreement in an amount determined 251690
by the chief. All bonds shall be given in a form prescribed by the 251691
chief and shall run to the state as obligee. 251692

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

In lieu of a bond, the bidder may deposit ~~any of the following:~~

~~(1) Cash in an amount equal to the amount of the bond;~~

~~(2) United States government securities having a par value equal to or greater than the amount of the bond;~~

~~(3) Negotiable cash, negotiable certificates of deposit, or irrevocable letters of credit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond.~~

The cash or securities shall be deposited on the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any of the certificates to pledge securities of the aggregate market value equal to the amount of the certificate or certificates that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate or certificates of deposit.

~~Immediately upon~~ Upon a deposit of cash, ~~securities,~~ certificates of deposit, or irrevocable letters of credit described in division (B) of this section, the chief shall ~~deliver them to the treasurer of state, who shall~~ hold them in trust for the purposes for which they have been deposited. ~~The treasurer of~~

~~state is responsible for the safekeeping of the deposits. If the bidder deposits cash, the cash shall be credited to the performance cash bond refunds fund created in section 1501.04 of the Revised Code. If the bidder deposits certificates of deposit or letters of credit, the chief is responsible for the safekeeping of those certificates or letters.~~ A bidder making a deposit of cash, ~~securities,~~ certificates of deposit, or letters of credit may withdraw and receive, from the ~~treasurer of state,~~ on the ~~written order of the~~ chief, all or any portion of the cash, ~~securities,~~ certificates of deposit, or letters of credit upon depositing with the ~~treasurer of state~~ cash, other United States government securities, or chief other negotiable certificates of deposit or irrevocable letters of credit ~~issued by any bank organized or transacting business in this state, that are~~ equal in par value to the par value of the cash, ~~securities,~~ certificates of deposit, or letters of credit withdrawn.

A bidder that deposits negotiable certificates of deposit may demand and receive from the ~~treasurer of state~~ chief all interest or other income from any such ~~securities or certificates certificate~~ as it becomes due. If ~~securities certificates~~ so deposited with and in the possession of the ~~treasurer of state~~ chief mature or are called for payment by their issuer, the ~~treasurer of state~~ chief, at the request of the bidder who deposited them, shall convert the proceeds ~~of the redemption or payment of the securities~~ into other United States government ~~securities,~~ negotiable certificates of deposit, or cash as the bidder designates.

When the chief finds that a person or ~~governmental~~ agency has failed to comply with the conditions of the person's or governmental agency's bond, the chief shall make a finding of that fact and declare the bond, cash, ~~securities,~~ certificates, or letters of credit forfeited. The chief thereupon shall certify the

total forfeiture to the attorney general, who shall proceed to 251756
collect the amount of the bond, cash, ~~securities~~, certificates, or 251757
letters of credit. 251758

In lieu of total forfeiture, the surety, at its option, may 251759
cause the timber sale to be completed or pay to the ~~treasurer of~~ 251760
~~state~~ chief the cost thereof. 251761

All money collected as a result of forfeitures of bonds, 251762
cash, ~~securities~~, certificates, and letters of credit under this 251763
section shall be credited to the state forest fund created in this 251764
section. 251765

(C) The chief may grant easements and leases on portions of 251766
the state forest lands and state forest nurseries under terms that 251767
are advantageous to the state, and the chief may grant mineral 251768
rights on a royalty basis on those lands and nurseries, with the 251769
approval of the attorney general and the director. 251770

(D) All money received from the sale of state forest lands, 251771
or in payment for easements or leases on or as rents from those 251772
lands or from state forest nurseries, shall be paid into the state 251773
treasury to the credit of the state forest fund, which is hereby 251774
created. In addition, all money received from federal grants, 251775
payments, and reimbursements, from the sale of reforestation tree 251776
stock, from the sale of forest products, other than standing 251777
timber, and from the sale of minerals taken from the state forest 251778
lands and state forest nurseries, together with royalties from 251779
mineral rights, shall be paid into the state treasury to the 251780
credit of the state forest fund. Any other revenues derived from 251781
the operation of the state forests and related facilities or 251782
equipment also shall be paid into the state treasury to the credit 251783
of the state forest fund, as shall contributions received for the 251784
issuance of Smokey Bear license plates under section 4503.574 of 251785
the Revised Code and any other money required by law to be 251786
deposited in the fund. Any revenue generated from agreements 251787

entered into under section 1503.271 of the Revised Code shall be 251788
deposited in the fund. 251789

The state forest fund shall not be expended for any purpose 251790
other than the administration, operation, maintenance, 251791
development, or utilization of the state forests, forest 251792
nurseries, and forest programs; for facilities or equipment 251793
incident to them; for the further purchase of lands for state 251794
forest or forest nursery purposes; for wildfire suppression 251795
payments; for fire prevention purposes in the case of 251796
contributions received pursuant to section 4503.574 of the Revised 251797
Code; or for forest management projects associated with federal 251798
lands in the case of revenues received pursuant to agreements 251799
entered into under section 1503.271 of the Revised Code. 251800

(E) All money received from the sale of standing timber taken 251801
from state forest lands and state forest nurseries shall be 251802
deposited into the state treasury to the credit of the forestry 251803
holding account redistribution fund, which is hereby created. The 251804
money shall remain in the fund until they are redistributed in 251805
accordance with this division. 251806

The redistribution shall occur at least once each year. To 251807
begin the redistribution, the chief first shall determine the 251808
amount of all standing timber sold from state forest lands and 251809
state forest nurseries, together with the amount of the total sale 251810
proceeds, in each county, in each township within the county, and 251811
in each school district within the county. The chief next shall 251812
determine the amount of the direct costs that the division of 251813
forestry incurred in association with the sale of that standing 251814
timber. The amount of the direct costs shall be subtracted from 251815
the amount of the total sale proceeds and shall be transferred 251816
from the forestry holding account redistribution fund to the state 251817
forest fund. 251818

The remaining amount of the total sale proceeds equals the 251819

net value of the standing timber that was sold. The chief shall 251820
determine the net value of standing timber sold from state forest 251821
lands and state forest nurseries in each county, in each township 251822
within the county, and in each school district within the county 251823
and shall send to each county treasurer a copy of the 251824
determination at the time that money is paid to the county 251825
treasurer under this division. 251826

Thirty-five per cent of the net value of standing timber sold 251827
from state forest lands and state forest nurseries located in a 251828
county shall be transferred from the forestry holding account 251829
redistribution fund to the state forest fund. The remaining 251830
sixty-five per cent of the net value shall be transferred from the 251831
forestry holding account redistribution fund and paid to the 251832
county treasurer for the use of the general fund of that county. 251833

The county auditor shall do all of the following: 251834

(1) Retain for the use of the general fund of the county 251835
one-fourth of the amount received by the county under division (E) 251836
of this section; 251837

(2) Pay into the general fund of any township located within 251838
the county and containing such lands and nurseries one-fourth of 251839
the amount received by the county from standing timber sold from 251840
lands and nurseries located in the township; 251841

(3) Request the board of education of any school district 251842
located within the county and containing such lands and nurseries 251843
to identify which fund or funds of the district should receive the 251844
money available to the school district under division (E)(3) of 251845
this section. After receiving notice from the board, the county 251846
auditor shall pay into the fund or funds so identified one-half of 251847
the amount received by the county from standing timber sold from 251848
lands and nurseries located in the school district, distributed 251849
proportionately as identified by the board. 251850

The division of forestry shall not supply logs, lumber, or other forest products or minerals, taken from the state forest lands or state forest nurseries, to any other agency or subdivision of the state unless payment is made therefor in the amount of the actual prevailing value thereof. This section is applicable to the money so received.

(F) The chief may enter into a personal service contract for consulting services to assist the chief with the sale of timber or other forest products and related inventory. Compensation for consulting services shall be paid from the proceeds of the sale of timber or other forest products and related inventory that are the subject of the personal service contract.

Sec. 1509.07. (A)(1)(a) Except as provided in division (A)(1)(b) or (A)(2) of this section, an owner of any well, except an exempt Mississippian well or an exempt domestic well, shall obtain liability insurance coverage from a company authorized or approved to do business in this state in an amount of not less than one million dollars bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all the owner's wells in this state. However, if any well is located within an urbanized area, the owner shall obtain liability insurance coverage in an amount of not less than three million dollars for bodily injury coverage and property damage coverage to pay damages for injury to persons or damage to property caused by the drilling, operation, or plugging of all of the owner's wells in this state.

(b) A board of county commissioners of a county that is an owner of a well or a board of township trustees of a township that is an owner of a well may elect to satisfy the liability coverage requirements specified in division (A)(1)(a) of this section by

participating in a joint self-insurance pool in accordance with 251882
the requirements established under section 2744.081 of the Revised 251883
Code. Nothing in division (A)(1)(b) of this section shall be 251884
construed to allow an entity, other than a county or township, to 251885
participate in a joint self-insurance pool to satisfy the 251886
liability coverage requirements specified in division (A)(1)(a) of 251887
this section. 251888

(2) An owner of a horizontal well shall obtain liability 251889
insurance coverage from an insurer authorized to write such 251890
insurance in this state or from an insurer approved to write such 251891
insurance in this state under section 3905.33 of the Revised Code 251892
in an amount of not less than five million dollars bodily injury 251893
coverage and property damage coverage to pay damages for injury to 251894
persons or damage to property caused by the production operations 251895
of all the owner's wells in this state. The insurance policy shall 251896
include a reasonable level of coverage available for an 251897
environmental endorsement. 251898

(3) An owner shall maintain the coverage required under 251899
division (A)(1) or (2) of this section until all the owner's wells 251900
are plugged and abandoned or are transferred to an owner who has 251901
obtained insurance as required under this section and who is not 251902
under a notice of material and substantial violation or under a 251903
suspension order. The owner shall provide proof of liability 251904
insurance coverage to the chief of the division of oil and gas 251905
resources management upon request. Upon failure of the owner to 251906
provide that proof when requested, the chief may order the 251907
suspension of any outstanding permits and operations of the owner 251908
until the owner provides proof of the required insurance coverage. 251909

(B)(1) Except as otherwise provided in this section, an owner 251910
of any well, before being issued a permit under section 1509.06 of 251911
the Revised Code or before operating or producing from a well, 251912
shall execute and file with the division of oil and gas resources 251913

management a surety bond conditioned on compliance with the 251914
restoration requirements of section 1509.072, the plugging 251915
requirements of section 1509.12, the permit provisions of section 251916
1509.13 of the Revised Code, and all rules and orders of the chief 251917
relating thereto, in an amount set by rule of the chief. 251918

(2) The owner may deposit with the chief, instead of a surety 251919
bond, cash in an amount equal to the surety bond as prescribed 251920
pursuant to this section or negotiable certificates of deposit or 251921
irrevocable letters of credit, issued by any bank organized or 251922
transacting business in this state, having a cash value equal to 251923
or greater than the amount of the surety bond as prescribed 251924
pursuant to this section. Cash or certificates of deposit shall be 251925
deposited upon the same terms as those upon which surety bonds may 251926
be deposited. If the owner deposits cash, the cash shall be 251927
credited to the performance cash bond refunds fund created in 251928
section 1501.04 of the Revised Code. If the owner deposits 251929
~~certificates of deposit are deposited with the chief instead of a~~ 251930
~~surety bond~~, the chief shall require the bank that issued any such 251931
certificate to pledge securities of a cash value equal to the 251932
amount of the certificate that is in excess of the amount insured 251933
by ~~any of the agencies and instrumentalities created under the~~ 251934
~~"Federal Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C.~~ 251935
~~1811, as amended, and regulations adopted under it, including at~~ 251936
~~least~~ the federal deposit insurance corporation. The securities 251937
shall be security for the repayment of the certificate of deposit. 251938

~~Immediately upon~~ Upon a deposit of cash, certificates of 251939
deposit, or letters of credit with the chief, the chief shall 251940
~~deliver them to the treasurer of state who shall~~ hold them in 251941
trust for the purposes for which they have been deposited. 251942

(3) Instead of a surety bond, the chief may accept proof of 251943
financial responsibility consisting of a sworn financial statement 251944
showing a net financial worth within this state equal to twice the 251945

amount of the bond for which it substitutes and, as may be 251946
required by the chief, a list of producing properties of the owner 251947
within this state or other evidence showing ability and intent to 251948
comply with the law and rules concerning restoration and plugging 251949
that may be required by rule of the chief. The owner of an exempt 251950
Mississippian well is not required to file scheduled updates of 251951
the financial documents, but shall file updates of those documents 251952
if requested to do so by the chief. The owner of a nonexempt 251953
Mississippian well shall file updates of the financial documents 251954
in accordance with a schedule established by rule of the chief. 251955
The chief, upon determining that an owner for whom the chief has 251956
accepted proof of financial responsibility instead of bond cannot 251957
demonstrate financial responsibility, shall order that the owner 251958
execute and file a bond or deposit cash, certificates of deposit, 251959
or irrevocable letters of credit as required by this section for 251960
the wells specified in the order within ten days of receipt of the 251961
order. If the order is not complied with, all wells of the owner 251962
that are specified in the order and for which no bond is filed or 251963
cash, certificates of deposit, or letters of credit are deposited 251964
shall be plugged. No owner shall fail or refuse to plug such a 251965
well. Each day on which such a well remains unplugged thereafter 251966
constitutes a separate offense. 251967

(4) The surety bond provided for in this section shall be 251968
executed by a surety company authorized to do business in this 251969
state. 251970

The chief shall not approve any bond until it is personally 251971
signed and acknowledged by both principal and surety, or as to 251972
either by the principal's or surety's attorney in fact, with a 251973
certified copy of the power of attorney attached thereto. The 251974
chief shall not approve a bond unless there is attached a 251975
certificate of the superintendent of insurance that the company is 251976
authorized to transact a fidelity and surety business in this 251977

state. 251978

All bonds shall be given in a form to be prescribed by the 251979
chief and shall run to the state as obligee. 251980

(5) An owner of an exempt Mississippian well or an exempt 251981
domestic well, in lieu of filing a surety bond, cash in an amount 251982
equal to the surety bond, certificates of deposit, irrevocable 251983
letters of credit, or a sworn financial statement, may file a 251984
one-time fee of fifty dollars, which shall be deposited in the oil 251985
and gas well plugging fund created in section 1509.071 of the 251986
Revised Code. 251987

(C) An owner, operator, producer, or other person shall not 251988
operate a well or produce from a well at any time if the owner, 251989
operator, producer, or other person has not satisfied the 251990
requirements established in this section. 251991

Sec. 1509.225. (A) Before being issued a registration 251992
certificate under section 1509.222 of the Revised Code, an 251993
applicant shall execute and file with the division of oil and gas 251994
resources management a surety bond for fifteen thousand dollars to 251995
provide compensation for damage and injury resulting from 251996
transporters' violations of sections 1509.22, 1509.222, and 251997
1509.223 of the Revised Code, all rules and orders of the chief of 251998
the division of oil and gas resources management relating thereto, 251999
and all terms and conditions of the registration certificate 252000
imposed thereunder. The applicant may deposit with the chief, in 252001
lieu of a surety bond, cash in an amount equal to the surety bond 252002
as prescribed in this section, or negotiable certificates of 252003
deposit issued by any bank organized or transacting business in 252004
this state having a cash value equal to or greater than the amount 252005
of the surety bond as prescribed in this section. Cash or 252006
certificates of deposit shall be deposited upon the same terms as 252007
those upon which surety bonds may be deposited, and the chief 252008

shall hold them in trust for the purposes for which they have been 252009
deposited. If the applicant deposits cash, the cash shall be 252010
credited to the performance cash bond refunds fund created in 252011
section 1501.04 of the Revised Code. If the applicant deposits 252012
certificates of deposit are deposited with the chief in lieu of a 252013
surety bond, the chief shall require the bank that issued any such 252014
certificate to pledge securities of a cash value equal to the 252015
amount of the certificate that is in excess of the amount insured 252016
by ~~any of the agencies and instrumentalities created under the~~ 252017
~~"Federal Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C.~~ 252018
~~1811, as amended, and regulations adopted under it, including at~~ 252019
~~least the federal deposit insurance corporation.~~ 252020

Such corporation. Such securities shall be security for the 252021
repayment of the certificate of deposit. ~~Immediately upon a~~ 252022
~~deposit of cash or certificates with the chief, the chief shall~~ 252023
~~deliver it to the treasurer of state who shall hold it in trust~~ 252024
~~for the purposes for which it has been deposited.~~ 252025

(B) The surety bond provided for in this section shall be 252026
executed by a surety company authorized to do business in this 252027
state. The chief shall not approve any bond until it is personally 252028
signed and acknowledged by both principal and surety, or as to 252029
either by an attorney in fact, with a certified copy of the power 252030
of attorney attached thereto. The chief shall not approve the bond 252031
unless there is attached a certificate of the superintendent of 252032
insurance that the company is authorized to transact a fidelity 252033
and surety business in this state. All bonds shall be given in a 252034
form to be prescribed by the chief. 252035

(C) If a registered transporter is found liable for a 252036
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 252037
Code or a rule, order, or term or condition of a certificate 252038
involving, in any case, damage or injury to persons or property, 252039
or both, the court may order the forfeiture of any portion of the 252040

bond, cash, or other securities required by this section in full 252041
or partial payment of damages to the person to whom the damages 252042
are due. The ~~treasurer of state and the~~ chief shall deliver the 252043
bond or any cash or other securities deposited in lieu of bond, as 252044
specified in the court's order, to the person to whom the damages 252045
are due; however, execution against the bond, cash, or other 252046
securities, if necessary, is the responsibility of the person to 252047
whom the damages are due. The chief shall not release the bond, 252048
cash, or securities required by this section except by court order 252049
or until the registration is terminated. 252050

Sec. 1514.04. (A) Upon receipt of notification from the chief 252051
of the division of mineral resources management of the chief's 252052
intent to issue an order granting a surface or in-stream mining 252053
permit to the applicant, the applicant shall file a surety bond, 252054
cash, an irrevocable letter of credit, or certificates of deposit 252055
in the amount, unless otherwise provided by rule, of ten thousand 252056
dollars. If the amount of land to be affected is more than twenty 252057
acres, the applicant also shall file a surety bond, cash, an 252058
irrevocable letter of credit, or certificates of deposit in the 252059
amount of five hundred dollars per acre of land to be affected 252060
that exceeds twenty acres. Upon receipt of notification from the 252061
chief of the chief's intent to issue an order granting an 252062
amendment to a surface or in-stream mining permit, the applicant 252063
shall file a surety bond, cash, an irrevocable letter of credit, 252064
or certificates of deposit in the amount required in this 252065
division. 252066

In the case of a surface mining permit, the bond shall be 252067
filed based on the number of acres estimated to be affected during 252068
the first year of operation under the permit. In the case of an 252069
amendment to a surface mining permit, the bond shall be filed 252070
based on the number of acres estimated to be affected during the 252071
balance of the period until the next anniversary date of the 252072

permit. 252073

In the case of an in-stream mining permit, the bond shall be 252074
filed based on the number of acres of land within the limits of 252075
the in-stream mining permit for the entire permit period. In the 252076
case of an amendment to an in-stream mining permit, the bond shall 252077
be filed based on the number of any additional acres of land to be 252078
affected within the limits of the in-stream mining permit. 252079

(B) A surety bond filed pursuant to this section and sections 252080
1514.02 and 1514.03 of the Revised Code shall be upon the form 252081
that the chief prescribes and provides and shall be signed by the 252082
operator as principal and by a surety company authorized to 252083
transact business in the state as surety. The bond shall be 252084
payable to the state and shall be conditioned upon the faithful 252085
performance by the operator of all things to be done and performed 252086
by the operator as provided in this chapter and the rules and 252087
orders of the chief adopted or issued pursuant thereto. 252088

The operator may deposit with the chief, in lieu of a surety 252089
bond, cash in an amount equal to the surety bond as prescribed in 252090
this section or an irrevocable letter of credit or negotiable 252091
certificates of deposit issued by any bank organized or 252092
transacting business in this state having a cash value equal to or 252093
greater than the amount of the surety bond as prescribed in this 252094
section. Cash or certificates of deposit shall be deposited upon 252095
the same terms as the terms upon which surety bonds may be 252096
deposited. If the operator deposits cash, the cash shall be 252097
credited to the performance cash bond refunds fund created in 252098
section 1501.04 of the Revised Code. If ~~one or more~~ the operator 252099
deposits certificates of deposit ~~are deposited with the chief in~~ 252100
~~lieu of a surety bond~~, the chief shall require the bank that 252101
issued any such certificate to pledge securities of a cash value 252102
equal to the amount of the certificate, ~~or certificates~~, that is 252103
in excess of the amount insured by the federal deposit insurance 252104

corporation. The securities shall be security for the repayment of 252105
the certificate of deposit. 252106

(C) ~~Immediately upon~~ Upon a deposit of cash, a letter of 252107
credit, or certificates with the chief, the chief shall ~~deliver it~~ 252108
~~to the treasurer of state who shall~~ hold it in trust for the 252109
purposes for which it has been deposited. The ~~treasurer of state~~ 252110
chief shall be responsible for the safekeeping of such deposits. 252111
An operator making a deposit of cash, a letter of credit, or 252112
certificates of deposit may withdraw and receive, from the 252113
~~treasurer of state, on the written order of the~~ chief, all or any 252114
part of the cash, letter of credit, or certificates in the 252115
possession of the ~~treasurer of state,~~ chief upon depositing with 252116
the ~~treasurer of state cash, or~~ chief an irrevocable letter of 252117
credit or negotiable certificates of deposit issued by any bank 252118
organized or transacting business in this state, equal in value to 252119
the value of the cash, letter of credit, or certificates 252120
withdrawn. An operator may demand and receive from the ~~treasurer~~ 252121
~~of state~~ chief all interest or other income from any certificates 252122
as it becomes due. If certificates deposited with and in the 252123
possession of the ~~treasurer of state~~ chief mature or are called 252124
for payment by the issuer thereof, the ~~treasurer of state~~ chief, 252125
at the request of the operator who deposited them, shall convert 252126
the proceeds of the redemption or payment of the certificates into 252127
such other negotiable certificates of deposit issued by any bank 252128
organized or transacting business in this state or cash, as may be 252129
designated by the operator. 252130

(D) A governmental agency, as defined in division (A) of 252131
section 1514.022 of the Revised Code, or a board or commission 252132
that derives its authority from a governmental agency shall not 252133
require a surface or in-stream mining operator to file a surety 252134
bond or any other form of financial assurance for the reclamation 252135
of land to be affected by a surface or in-stream mining operation 252136

authorized under this chapter. 252137

Sec. 1514.05. (A) At any time within the period allowed an 252138
operator by section 1514.02 of the Revised Code to reclaim an area 252139
of land affected by surface or in-stream mining, the operator may 252140
file a request, on a form provided by the chief of the division of 252141
mineral resources management, for inspection of the area of land 252142
upon which the reclamation, other than any required planting, is 252143
completed. The request shall include all of the following: 252144

(1) The location of the area and number of acres; 252145

(2) The permit number; 252146

(3) A map showing the location of the acres reclaimed, 252147
prepared and certified in accordance with division (A)(11) or (12) 252148
of section 1514.02 of the Revised Code, as appropriate. In the 252149
case of an in-stream mining operation, the map also shall include, 252150
as applicable, the information required under division (A)(18) of 252151
section 1514.02 of the Revised Code. 252152

The chief shall make an inspection and evaluation of the 252153
reclamation of the area of land for which the request was 252154
submitted within ninety days after receipt of the request or, if 252155
the operator fails to complete the reclamation or file the request 252156
as required, as soon as the chief learns of the default. 252157
Thereupon, if the chief approves the reclamation, other than any 252158
required planting, as meeting the requirements of this chapter, 252159
rules adopted thereunder, any orders issued during the mining or 252160
reclamation, and the specifications of the plan for mining and 252161
reclaiming, the chief shall issue an order to the operator and the 252162
operator's surety releasing them from liability for one-half of 252163
the total amount of their surety bond on deposit to ensure 252164
reclamation for the area upon which reclamation is completed. If 252165
the operator has deposited cash, an irrevocable letter of credit, 252166
or certificates of deposit in lieu of a surety bond to ensure 252167

reclamation, the chief shall ~~issue an order~~ deliver to the 252168
operator ~~releasing or the operator's authorized agent~~ one-half of 252169
the amount so held ~~and promptly shall transmit a certified copy of~~ 252170
~~the order to the treasurer of state. Upon presentation of the~~ 252171
~~order to the treasurer of state by the operator to whom it was~~ 252172
~~issued, or by the operator's authorized agent, the treasurer of~~ 252173
~~state shall deliver to the operator or the operator's authorized~~ 252174
~~agent the cash, irrevocable letter of credit, or certificates of~~ 252175
~~deposit designated in the order.~~ 252176

If the chief does not approve the reclamation, other than any 252177
required planting, the chief shall notify the operator by 252178
certified mail. The notice shall be an order stating the reasons 252179
for unacceptability, ordering further actions to be taken, and 252180
setting a time limit for compliance. If the operator does not 252181
comply with the order within the time limit specified, the chief 252182
may order an extension of time for compliance after determining 252183
that the operator's noncompliance is for good cause, resulting 252184
from developments partially or wholly beyond the operator's 252185
control. If the operator complies within the time limit or the 252186
extension of time granted for compliance, the chief shall order 252187
release of the performance bond in the same manner as in the case 252188
of approval of reclamation, other than any required planting, by 252189
the chief, and the ~~treasurer of state~~ chief shall proceed as in 252190
that case. If the operator does not comply within the time limit 252191
and the chief does not order an extension, or if the chief orders 252192
an extension of time and the operator does not comply within the 252193
extension of time granted for compliance, the chief shall issue 252194
another order declaring that the operator has failed to reclaim 252195
and, if the operator's permit has not already expired or been 252196
revoked, revoking the operator's permit. The chief shall thereupon 252197
proceed under division (C) of this section. 252198

(B) At any time within the period allowed an operator by 252199

section 1514.02 of the Revised Code to reclaim an area affected by surface mining, the operator may file a request, on a form provided by the chief, for inspection of the area of land on which all reclamation, including the successful establishment of any required planting, is completed. The request shall include all of the following:

- (1) The location of the area and number of acres;
- (2) The permit number;
- (3) The type and date of any required planting of vegetative cover and the degree of success of growth;
- (4) A map showing the location of the acres reclaimed, prepared and certified in accordance with division (A)(11) or (12) of section 1514.02 of the Revised Code, as appropriate. In the case of an in-stream mining operation, the map also shall include the information required under division (A)(18) of section 1514.02 of the Revised Code.

The chief shall make an inspection and evaluation of the reclamation of the area of land for which the request was submitted within ninety days after receipt of the request or, if the operator fails to complete the reclamation or file the request as required, as soon as the chief learns of the default. Thereupon, if the chief finds that the reclamation meets the requirements of this chapter, rules adopted under it, any orders issued during the mining and reclamation, and the specifications of the plan for mining and reclaiming and decides to release any remaining performance bond on deposit to ensure reclamation of the area on which reclamation is completed, within ten days of completing the inspection and evaluation, the chief shall order release of the remaining performance bond in the same manner as in the case of approval of reclamation other than required planting, and the ~~treasurer of state~~ chief shall proceed as in that case.

If the chief does not approve the reclamation performed by the operator, the chief shall notify the operator by certified mail within ninety days of the filing of the application for inspection or of the date when the chief learns of the default. The notice shall be an order stating the reasons for unacceptability, ordering further actions to be taken, and setting a time limit for compliance. If the operator does not comply with the order within the time limit specified, the chief may order an extension of time for compliance after determining that the operator's noncompliance is for good cause, resulting from developments partially or wholly beyond the operator's control. If the operator complies within the time limit or the extension of time granted for compliance, the chief shall order release of the remaining performance bond in the same manner as in the case of approval of reclamation by the chief, and the ~~treasurer of state~~ chief shall proceed as in that case. If the operator does not comply within the time limit and the chief does not order an extension, or if the chief orders an extension of time and the operator does not comply within the extension of time granted for compliance, the chief shall issue another order declaring that the operator has failed to reclaim and, if the operator's permit has not already expired or been revoked, revoking the operator's permit. The chief then shall proceed under division (C) of this section.

(C) Upon issuing an order under division (A) or (B) of this section declaring that the operator has failed to reclaim, the chief shall make a finding as to the number and location of the acres of land that the operator has failed to reclaim in the manner required by this chapter. The chief shall order the release of the performance bond in the amount of five hundred dollars per acre for those acres that the chief finds to have been reclaimed in the manner required by this chapter. The release shall be ordered in the same manner as in the case of other approval of

reclamation by the chief, and the ~~treasurer of state~~ chief shall 252264
proceed as in that case. If the operator has on deposit cash, an 252265
irrevocable letter of credit, or certificates of deposit to ensure 252266
reclamation of the area of the land affected, the chief at the 252267
same time shall issue an order declaring that the remaining cash, 252268
irrevocable letter of credit, or certificates of deposit are the 252269
property of the state and are available for use by the chief in 252270
performing reclamation of the area and shall proceed in accordance 252271
with section 1514.06 of the Revised Code. 252272

If the operator has on deposit a surety bond to ensure 252273
reclamation of the area of land affected, the chief shall notify 252274
the surety in writing of the operator's default and shall request 252275
the surety to perform the surety's obligation and that of the 252276
operator. The surety, within ten days after receipt of the notice, 252277
shall notify the chief as to whether it intends to perform those 252278
obligations. 252279

If the surety chooses to perform, it shall arrange for work 252280
to begin within thirty days of the day on which it notifies the 252281
chief of its decision. If the surety completes the work as 252282
required by this chapter, the chief shall issue an order to the 252283
surety releasing the surety from liability under the bond in the 252284
same manner as if the surety were an operator proceeding under 252285
this section. If, after the surety begins the work, the chief 252286
determines that the surety is not carrying the work forward with 252287
reasonable progress, or that it is improperly performing the work, 252288
or that it has abandoned the work or otherwise failed to perform 252289
its obligation and that of the operator, the chief shall issue an 252290
order terminating the right of the surety to perform the work and 252291
demanding payment of the amount due as required by this chapter. 252292

If the surety chooses not to perform and so notifies the 252293
chief, does not respond to the chief's notice within ten days of 252294
receipt thereof, or fails to begin work within thirty days of the 252295

day it timely notifies the chief of its decision to perform its 252296
obligation and that of the operator, the chief shall issue an 252297
order terminating the right of the surety to perform the work and 252298
demanding payment of the amount due, as required by this chapter. 252299

Upon receipt of an order of the chief demanding payment of 252300
the amount due, the surety immediately shall deposit with the 252301
chief cash in the full amount due under the order for deposit with 252302
the ~~treasurer of state~~ chief. If the surety fails to make an 252303
immediate deposit, the chief shall certify it to the attorney 252304
general for collection. When the chief has issued an order 252305
terminating the right of the surety and has the cash on deposit, 252306
the cash is the property of the state and is available for use by 252307
the chief, who shall proceed in accordance with section 1514.06 of 252308
the Revised Code. 252309

Sec. 1521.061. (A)(1) Except as otherwise provided in this 252310
section, the chief of the division of water resources shall not 252311
issue a construction permit under section 1521.06 of the Revised 252312
Code unless the person or governmental agency applying for the 252313
permit executes and files a surety bond conditioned on completion 252314
of the dam or levee in accordance with the terms of the permit and 252315
the plans and specifications approved by the chief. Except as 252316
provided in division (A)(2) of this section, the surety bond shall 252317
equal: 252318

(a) \$50,000 for the first \$500,000 of the estimated cost of 252319
the project; plus 252320

(b) Twenty-five per cent of the estimated cost for the next 252321
\$4,500,000 of the estimated cost of the project; plus 252322

(c) Ten per cent of the estimated cost that exceeds 252323
\$5,000,000. 252324

(2) The chief may reduce the amount of the required surety 252325

bond to the amount equal to the cost estimate of construction 252326
activities necessary to render the dam nonhazardous if the cost 252327
estimate is provided by the applicant and approved by the chief. 252328

(B) If a permittee requests an extension of the time period 252329
during which a construction permit is valid in accordance with 252330
rules adopted under section 1521.06 of the Revised Code, the chief 252331
shall determine whether the revised construction cost estimate 252332
provided with the request exceeds the original construction cost 252333
estimate that was filed with the chief by more than twenty-five 252334
per cent. If the revised construction cost estimate exceeds the 252335
original construction cost estimate by more than twenty-five per 252336
cent, the chief may require an additional surety bond to be filed 252337
in an amount determined in accordance with division (A) of this 252338
section based on the revised construction cost estimate. 252339

(C) The chief shall not approve any bond until it is 252340
personally signed and acknowledged by both principal and surety, 252341
or as to either by the attorney in fact thereof, with a certified 252342
copy of the power of attorney attached. The chief shall not 252343
approve the bond unless there is attached a certificate of the 252344
superintendent of insurance that the company is authorized to 252345
transact a fidelity and surety business in this state. 252346

All bonds shall be given in a form prescribed by the chief 252347
and shall run to the state as obligee. 252348

(D)(1) The applicant may deposit, in lieu of a bond, cash in 252349
an amount equal to the amount of the bond or ~~United States~~ 252350
~~government securities or~~ negotiable certificates of deposit issued 252351
by any bank organized or transacting business in this state having 252352
a par value equal to or greater than the amount of the bond. Such 252353
cash or securities shall be deposited upon the same terms as 252354
bonds. If one or more certificates of deposit are deposited in 252355
lieu of a bond, the chief shall require the bank that issued any 252356
such certificate to pledge securities of the aggregate market 252357

value equal to the amount of the certificate that is in excess of 252358
the amount insured by the federal deposit insurance corporation. 252359
The securities to be pledged shall be those designated as eligible 252360
under section 135.18 of the Revised Code. The securities shall be 252361
security for the repayment of the certificate of deposit. 252362

(2) ~~Immediately upon~~ Upon a deposit of cash, ~~securities,~~ or 252363
certificates of deposit, the chief shall ~~deliver them to the~~ 252364
~~treasurer of state, who shall~~ hold them in trust for the purposes 252365
for which they have been deposited. ~~The treasurer of state is~~ 252366
~~responsible for the safekeeping of such deposits. If the applicant~~ 252367
deposits cash, the cash shall be credited to the performance cash 252368
bond refunds fund created in section 1501.04 of the Revised Code. 252369
An applicant making a deposit of cash, ~~securities,~~ or certificates 252370
of deposit may withdraw and receive, from the ~~treasurer of state,~~ 252371
~~on the written order of the~~ chief, all or any portion of the cash, 252372
~~securities,~~ or certificates of deposit, upon depositing with the 252373
~~treasurer of state cash,~~ chief other ~~United States government~~ 252374
~~securities,~~ or negotiable certificates of deposit issued by any 252375
bank organized or transacting business in this state equal in par 252376
value to the par value of the cash, ~~securities,~~ or certificates of 252377
deposit withdrawn. An applicant may demand and receive from the 252378
~~treasurer of state~~ chief all interest or other income from any 252379
such ~~securities or~~ certificates as it becomes due. If ~~securities~~ 252380
certificates so deposited with and in the possession of the 252381
~~treasurer of state~~ chief mature or are called for payment by the 252382
issuer thereof, the ~~treasurer of state~~ chief, at the request of 252383
the applicant who deposited them, shall convert the proceeds of 252384
the redemption or payment of the ~~securities~~ certificates into ~~such~~ 252385
other ~~United States government securities,~~ negotiable certificates 252386
of deposit issued by any bank organized or transacting business in 252387
this state, or cash as the applicant designates. 252388

(E)(1) When the chief finds that a person or governmental 252389

agency has failed to comply with the conditions of the person's or 252390
agency's bond, the chief shall make a finding of that fact and 252391
declare the bond, cash, ~~securities~~, or certificates of deposit 252392
forfeited in the amount set by rule of the chief. The chief shall 252393
thereupon certify the total forfeiture to the attorney general, 252394
who shall proceed to collect that amount. 252395

(2) In lieu of total forfeiture, the surety, at its option, 252396
may cause the dam or levee to be completed as required by section 252397
1521.06 of the Revised Code and rules of the chief, or otherwise 252398
rendered nonhazardous, or pay to the ~~treasurer of state~~ chief the 252399
cost thereof. 252400

(F)(1) All moneys collected on account of forfeitures of 252401
bonds, cash, ~~securities~~, and certificates of deposit under this 252402
section shall be credited to the dam safety fund created in 252403
section 1521.06 of the Revised Code. The chief shall make 252404
expenditures from the fund to complete dams and levees for which 252405
bonds have been forfeited or to otherwise render them 252406
nonhazardous. 252407

(2) Expenditures from the fund for those purposes shall be 252408
made pursuant to contracts entered into by the chief with persons 252409
who agree to furnish all of the materials, equipment, work, and 252410
labor as specified and provided in the contract. 252411

(G) A surety bond shall not be required for a permit for a 252412
dam or levee that is to be designed and constructed by an agency 252413
of the United States government, if the agency files with the 252414
chief written assurance of the agency's financial responsibility 252415
for the structure for one year following the chief's approval of 252416
the completed construction provided for under division (E) of 252417
section 1521.06 of the Revised Code. 252418

Sec. 1548.06. (A)(1) Application for a certificate of title 252419
for a watercraft or outboard motor shall be made upon a form 252420

prescribed by the chief of the division of parks and watercraft 252421
and shall be sworn to before a notary public or other officer 252422
empowered to administer oaths. The application shall be filed with 252423
the clerk of any court of common pleas. An application for a 252424
certificate of title may be filed electronically by any electronic 252425
means approved by the chief in any county with the clerk of the 252426
court of common pleas of that county. The application shall be 252427
accompanied by the fee prescribed in section 1548.10 of the 252428
Revised Code. The fee shall be retained by the clerk who issues 252429
the certificate of title and shall be distributed in accordance 252430
with that section. If a clerk of a court of common pleas, other 252431
than the clerk of the court of common pleas of an applicant's 252432
county of residence, issues a certificate of title to the 252433
applicant, the clerk shall transmit data related to the 252434
transaction to the automated title processing system. 252435

(2) If a certificate of title previously has been issued for 252436
the watercraft or outboard motor, the application for a 252437
certificate of title also shall be accompanied by the certificate 252438
of title duly assigned unless otherwise provided in this chapter. 252439
If a certificate of title previously has not been issued for the 252440
watercraft or outboard motor in this state, the application, 252441
unless otherwise provided in this chapter, shall be accompanied by 252442
a manufacturer's or importer's certificate; by a sworn statement 252443
of ownership if the watercraft or outboard motor was purchased by 252444
the applicant on or before October 9, 1963, or if the watercraft 252445
is less than fourteen feet long with a permanently affixed 252446
mechanical means of propulsion and was purchased by the applicant 252447
on or before January 1, 2000; or by a certificate of title, bill 252448
of sale, or other evidence of ownership required by the law of 252449
another state from which the watercraft or outboard motor was 252450
brought into this state. Evidence of ownership of a watercraft or 252451
outboard motor for which an Ohio certificate of title previously 252452
has not been issued and which watercraft or outboard motor does 252453

not have permanently affixed to it a manufacturer's serial number 252454
shall be accompanied by the certificate of assignment of a hull 252455
identification number assigned by the chief as provided in section 252456
1548.07 of the Revised Code. 252457

(3) The clerk shall retain the evidence of title presented by 252458
the applicant and on which the certificate of title is issued, 252459
except that, if an application for a certificate of title is filed 252460
electronically, by a vendor on behalf of a purchaser of a 252461
watercraft or outboard motor, the clerk shall retain the completed 252462
electronic record to which the vendor converted the certificate of 252463
title application and other required documents. The chief, after 252464
consultation with the attorney general, shall adopt rules that 252465
govern the location at which, and the manner in which, are stored 252466
the actual application and all other documents relating to the 252467
sale of a watercraft or outboard motor when a vendor files the 252468
application for a certificate of title electronically on behalf of 252469
a purchaser. 252470

(B) The clerk shall use reasonable diligence in ascertaining 252471
whether the facts in the application are true by checking the 252472
application and documents accompanying it or the electronic record 252473
to which a vendor converted the application and accompanying 252474
documents with the records of watercraft and outboard motors in 252475
the clerk's office. If the clerk is satisfied that the applicant 252476
is the owner of the watercraft or outboard motor and that the 252477
application is in the proper form, the clerk shall issue a 252478
physical certificate of title over the clerk's signature and 252479
sealed with the clerk's seal unless the applicant specifically 252480
requests the clerk not to issue a physical certificate of title 252481
and instead to issue an electronic certificate of title. However, 252482
if the evidence indicates and an investigation shows that one or 252483
more Ohio titles already exist for the watercraft or outboard 252484
motor, the chief may cause the redundant title or titles to be 252485

252486 canceled.

252487 (C) In the case of the sale of a watercraft or outboard motor
252488 by a vendor to a general purchaser or user, the certificate of
252489 title shall be obtained in the name of the purchaser by the vendor
252490 upon application signed by the purchaser. In all other cases, the
252491 certificate shall be obtained by the purchaser. In all cases of
252492 transfer of watercraft or outboard motors, the application for
252493 certificate of title shall be filed within thirty days after the
252494 later of the date of purchase or assignment of ownership of the
252495 watercraft or outboard motor. If the application for certificate
252496 of title is not filed within thirty days after the later of the
252497 date of purchase or assignment of ownership of the watercraft or
252498 outboard motor, the clerk shall charge a late penalty fee of five
252499 dollars in addition to the fee prescribed by section 1548.10 of
252500 the Revised Code. The clerk shall retain the entire amount of each
252501 late penalty fee.

252502 (D) The clerk shall refuse to accept an application for
252503 certificate of title unless the applicant either tenders with the
252504 application payment of all taxes levied by or pursuant to Chapter
252505 5739. or 5741. of the Revised Code based on the applicant's county
252506 of residence less, in the case of a sale by a vendor, any discount
252507 to which the vendor is entitled under section 5739.12 of the
252508 Revised Code, or submits any of the following:

252509 (1) A receipt issued by the tax commissioner or a clerk of
252510 courts showing payment of the tax;

252511 (2) A copy of the unit certificate of exemption completed by
252512 the purchaser at the time of sale as provided in section 5739.03
252513 of the Revised Code;

252514 (3) An exemption certificate, in a form prescribed by the tax
252515 commissioner, that specifies why the purchase is not subject to
252516 the tax imposed by Chapter 5739. or 5741. of the Revised Code.

Payment of the tax shall be in accordance with rules issued 252517
by the tax commissioner, and the clerk shall issue a receipt in 252518
the form prescribed by the tax commissioner to any applicant who 252519
tenders payment of the tax with the application for the 252520
certificate of title. 252521

(E)(1) For receiving and disbursing the taxes paid to the 252522
clerk by a resident of the clerk's county, the clerk may retain a 252523
poundage fee of one and one one-hundredth per cent of the taxes 252524
collected, which shall be paid into the certificate of title 252525
administration fund created by section 325.33 of the Revised Code. 252526
The clerk shall not retain a poundage fee from payments of taxes 252527
by persons who do not reside in the clerk's county. 252528

(2) A clerk, however, may retain from the taxes paid to the 252529
clerk an amount equal to the poundage fees associated with 252530
certificates of title issued by other clerks of courts of common 252531
pleas to applicants who reside in the first clerk's county. The 252532
chief of the division of parks and watercraft, in consultation 252533
with the tax commissioner and the clerks of the courts of common 252534
pleas, shall develop a report from the automated title processing 252535
system that informs each clerk of the amount of the poundage fees 252536
that the clerk is permitted to retain from those taxes because of 252537
certificates of title issued by the clerks of other counties to 252538
applicants who reside in the first clerk's county. 252539

(F) In the case of casual sales of watercraft or outboard 252540
motors that are subject to the tax imposed by Chapter 5739. or 252541
5741. of the Revised Code, the purchase price for the purpose of 252542
determining the tax shall be the purchase price on an affidavit 252543
executed and filed with the clerk by the vendor on a form to be 252544
prescribed by the chief, which shall be prima-facie evidence of 252545
the price for the determination of the tax. In addition to the 252546
information required by section 1548.08 of the Revised Code, each 252547
certificate of title shall contain in bold lettering the following 252548

notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 252549
(SELLER AND BUYER). You are required by law to state the true 252550
selling price. A false statement is a violation of section 2921.13 252551
of the Revised Code and is punishable by six months imprisonment 252552
or a fine of up to one thousand dollars, or both. All transfers 252553
are audited by the department of taxation. The seller and buyer 252554
must provide any information requested by the department of 252555
taxation. The buyer may be assessed any additional tax found to be 252556
due." 252557

(G) Each county clerk of courts shall forward to the 252558
~~treasurer of state tax commissioner~~ all sales and use tax 252559
collections resulting from sales of titled watercraft and outboard 252560
motors during a calendar week on or before the Friday following 252561
the close of that week. If, on any Friday, the offices of the 252562
clerk of courts or the state are not open for business, the tax 252563
shall be forwarded to the ~~treasurer of state~~ commissioner on or 252564
before the next day on which the offices are open. Every 252565
remittance of tax under this division shall be accompanied by a 252566
remittance report in such form as the ~~tax~~ commissioner prescribes. 252567
~~Upon receipt of a tax remittance and remittance report, the~~ 252568
~~treasurer of state shall date stamp the report and forward it to~~ 252569
~~the tax commissioner.~~ If the tax due for any week is not remitted 252570
by a clerk of courts as required under this division, the clerk 252571
shall forfeit the poundage fees for the sales made during that 252572
week. The ~~treasurer of state~~ commissioner may require the clerks 252573
of courts to transmit tax collections and remittance reports 252574
electronically. 252575

(H) For purposes of a transfer of a certificate of title, if 252576
the clerk is satisfied that a secured party has discharged a lien 252577
but has not canceled the lien notation with a clerk, the clerk may 252578
cancel the lien notation on the automated title processing system 252579
and notify the clerk of the county of origin. 252580

(I) Every clerk shall have the capability to transact by 252581
electronic means all procedures and transactions relating to the 252582
issuance of watercraft or outboard motor certificates of title 252583
that are described in the Revised Code as being accomplished by 252584
electronic means. 252585

Sec. 1733.04. (A) In addition to the authority conferred by 252586
section 1701.13 of the Revised Code, but subject to any 252587
limitations contained in sections 1733.01 to 1733.45 of the 252588
Revised Code, and its articles and regulations, a credit union may 252589
do any of the following: 252590

(1) Make loans as provided in section 1733.25 of the Revised 252591
Code; 252592

(2) Invest its money as provided in section 1733.30 of the 252593
Revised Code; 252594

(3) If authorized by the code of regulations, rebate to the 252595
borrowing members a portion of the member's interest paid to the 252596
credit union; 252597

(4) If authorized by the regulations, charge a membership or 252598
entrance fee; 252599

(5) Purchase group savings life insurance and group credit 252600
life insurance; 252601

(6) Make reasonable contributions to any nonprofit civic, 252602
charitable, or service organizations; 252603

(7) Act as trustee or custodian, for which reasonable 252604
compensation may be received, under any written trust instrument 252605
or custodial agreement created or organized in the United States 252606
and forming part of a tax-advantaged savings plan that qualifies 252607
for specific tax treatment under sections 223, 401(d), 408, 408A, 252608
and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 252609
408A, and 530, as amended, for its members or groups of its 252610

members, provided that the funds of such plans are invested in 252611
share accounts or share certificate accounts of the credit union. 252612
These services include, but are not limited to, acting as a 252613
trustee or custodian for member retirement, education, or health 252614
savings accounts. 252615

(8) Participate in and pledge assets in connection with the 252616
~~business linked deposit program programs~~ under sections ~~135.77 to~~ 252617
~~135.774 of the Revised Code, the agricultural linked deposit~~ 252618
~~program under sections 135.71 to 135.76 of the Revised Code, and~~ 252619
~~the adoption linked deposit program under sections 135.79 to~~ 252620
~~135.796~~ 135.61 to 135.66 of the Revised Code and sections 135.70 252621
to 135.71 of the Revised Code. 252622

(B) The authority of a credit union shall be subject to the 252623
following: 252624

(1) A credit union may not borrow money in excess of 252625
twenty-five per cent of its shares and undivided earnings, without 252626
prior specific authorization by the superintendent of credit 252627
unions. 252628

(2) A credit union may not pay a commission or other 252629
compensation to any person for securing members or for the sale of 252630
its shares, except that reasonable incentives may be made 252631
available directly to members or potential members to promote 252632
thrift. 252633

(C)(1) A credit union may have service facilities other than 252634
its home office. 252635

(2) Real estate may be acquired by lease, purchase, or 252636
otherwise as necessary and to the extent required for use of the 252637
credit union presently and in the future operation of its office 252638
or headquarters, and in case of a purchase of real estate, the 252639
superintendent must first be notified in writing prior to the 252640
purchase of the real estate. Nothing herein contained shall be 252641

deemed to prohibit a credit union from taking title to real estate 252642
in connection with a default in the payment of a loan, provided 252643
that title to such real estate shall not be held by the credit 252644
union for more than two years without the prior written approval 252645
of the superintendent. A credit union also may lease space in any 252646
real estate it acquires in accordance with rules adopted by the 252647
superintendent. 252648

(D)(1) As used in division (D) of this section: 252649

(a) "School" means an elementary or secondary school. 252650

(b) "Student" means a child enrolled in a school. 252651

(c) "Student branch" means the designation provided to the 252652
credit union for the in-school services and financial education 252653
offered to students. 252654

(2) A credit union, upon agreement with a school board, in 252655
the case of a public school, or the governing authority, in the 252656
case of a nonpublic school, and with the permission of the 252657
superintendent, may open and maintain a student branch. 252658

(3) Notwithstanding any other provision of this section, any 252659
student enrolled in the school maintaining a student branch who is 252660
not otherwise qualified for membership in the credit union 252661
maintaining the student branch is qualified to be a member of that 252662
student branch. 252663

(4) The student's membership in the student branch expires 252664
upon the student's graduation from secondary school. 252665

(5) The student branch is for the express use of students and 252666
may not be used by faculty, staff, or lineal ancestors or 252667
~~descendants~~ descendants of students. 252668

(6) Faculty, staff, or lineal ancestors or ~~descendants~~ 252669
descendants of students are not eligible for membership in the 252670
credit union maintaining the student branch unless otherwise 252671

qualified by this section to be members. 252672

(7) The superintendent may adopt rules appropriate to the 252673
formation and operation of student branches. 252674

(E) A credit union may guarantee the signature of a member in 252675
connection with a transaction involving tangible or intangible 252676
property in which a member has or seeks to acquire an interest. 252677

Sec. 1733.24. (A) A credit union is authorized to receive 252678
funds for deposit in share accounts, share draft accounts, and 252679
share certificates from its members, from other credit unions, and 252680
from an officer, employee, or agent of the federal, state, or 252681
local governments, or political subdivisions of the state, in 252682
accordance with such terms, rates, and conditions as may be 252683
established by its board of directors, and for purposes of the 252684
~~agricultural~~ linked deposit ~~program~~ programs created under 252685
~~sections 135.71 to 135.76 of the Revised Code, the business linked~~ 252686
~~deposit program created under sections 135.77 to 135.774 of the~~ 252687
~~Revised Code, and the adoption linked deposit program under~~ 252688
~~sections 135.79 to 135.796~~ 135.61 to 135.66 of the Revised Code 252689
and sections 135.70 to 135.71 of the Revised Code. 252690

(B) The shares and share accounts of the credit union may be 252691
of one or more classes, as designated by the board of directors, 252692
subject to approval of the superintendent of credit unions based 252693
on rules that shall assure equitable distribution of dividends 252694
among classes, considering costs and advantages of each class to 252695
the members of the credit union, including without limitation 252696
special services rendered, length of ownership, minimum 252697
investment, conditions of repurchase, and other appropriate 252698
standards or combinations thereof. In the event the articles of 252699
incorporation of the credit union indicate the authorized number 252700
of shares to be unlimited, the designation of classification of 252701
shares and share accounts of the credit union may be effected by 252702

the board of directors, subject to the approval of the 252703
superintendent, and does not require amendment of the articles of 252704
incorporation. All shares of the credit union shall have a par 252705
value per share as set by the board of directors. Redemptions and 252706
liquidating dividends shall be prorated to each member on the 252707
basis of the price paid the credit union for such share, 252708
irrespective of the class of such shares. 252709

(C)(1) Each credit union shall have one class of shares 252710
designated as "membership share." The membership shares, or if a 252711
credit union has but one class of shares, then all of the shares 252712
of the credit union, shall have a par value as set by the board of 252713
directors. 252714

(2) Two or more persons that are eligible for membership that 252715
have jointly subscribed for one or more shares under a joint 252716
account each may be admitted to membership. 252717

(D) A credit union need not issue certificates for any or all 252718
of its classes of shares but irrespective of whether certificates 252719
are issued, a registry of shares must be kept, including all of 252720
the transactions of the credit union pertaining to such shares. 252721

(E) A credit union is authorized to maintain share draft 252722
accounts in accordance with rules prescribed by the 252723
superintendent. The credit union may pay dividends on share draft 252724
accounts, may pay dividends at different rates on different types 252725
of share draft accounts, and may permit the owners of such share 252726
draft accounts to make withdrawals by negotiable or transferable 252727
instruments or other orders for the purpose of making transfers to 252728
third parties. 252729

(F) Unless otherwise provided by written agreement of the 252730
parties, the rights, responsibilities, and liabilities attaching 252731
to a share draft withdrawn from, transferred to, or otherwise 252732
handled by a credit union are defined in and governed by Chapters 252733

1303. and 1304. of the Revised Code, as if the credit union were a bank. 252734
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(G) Unless otherwise provided in the articles or regulations, a member may designate any person or persons to own or hold shares, or share accounts with the member in joint tenancy with right of survivorship and not as tenants in common. 252736
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(H) Shares or share accounts may be issued in the name of a custodian under the Ohio transfers to minors act, a member in trust for a beneficiary, a fiduciary or custodian in trust for a member beneficiary, or a fiduciary or custodian in trust upon the death of a member. Redemption of such shares or payment of such share accounts to a member, to the extent of the payment, discharges the liability of the credit union to the member and the beneficiary, and the credit union shall be under no obligation to see to the application of the payment. Unless prior to the death of a member, the member has notified the credit union in writing in a form approved by the credit union of a different beneficiary to receive the proceeds of such shares or share accounts, then the proceeds shall be paid to the beneficiary or to the beneficiary's parent or legal representative. Any payment made pursuant to written instructions of the member or pursuant to the provisions herein contained shall be a valid and sufficient release and discharge of the credit union in connection with any such share or share accounts. 252740
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(I)(1) Except as otherwise provided in the articles or regulations, and subject to the provisions thereof, a minor may purchase shares, share accounts, or other depository instruments, and except for qualification as a voting member, the credit union may deal with the minor with respect to shares, share accounts, or other depository instruments owned by the minor as if the minor were a person of legal age. 252758
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(2) If shares, share accounts, or other depository 252765

instruments are issued in the name of a minor, redemption of any 252766
part or all of the shares or withdrawal of funds by payment to the 252767
minor of the shares or funds and any declared dividends or 252768
interest releases the credit union from all obligation to the 252769
minor as to the shares reduced or funds withdrawn. 252770

(J) The regulations may require advance written notice of a 252771
member's intention to withdraw the member's shares. Such advance 252772
notice shall not exceed sixty days. 252773

(K) Notwithstanding any provision of law to the contrary, 252774
funds deposited in a share account, share certificate, or in any 252775
other manner pursuant to a program offered by a credit union to 252776
promote consumer savings do not constitute valuable consideration 252777
for purposes of a scheme of chance under Chapter 2915. of the 252778
Revised Code. 252779

Sec. 1735.03. No title guarantee and trust company shall do 252780
business until it has deposited with the ~~treasurer of state~~ 252781
superintendent of insurance fifty thousand dollars, in securities 252782
permitted by sections 3925.05, 3925.06, and 3925.08 of the Revised 252783
Code. The ~~treasurer of state~~ superintendent shall hold such 252784
securities deposited with ~~him~~ the treasurer of state as security 252785
for the faithful performance of all guarantees entered into and 252786
all trusts accepted by such company, but so long as it continues 252787
solvent ~~he~~ the treasurer of state shall permit it to collect the 252788
interest of, or dividends or distributions on, its securities so 252789
deposited, and to withdraw any of such securities on depositing 252790
with ~~him~~ the treasurer of state cash or other securities of the 252791
kind specified in this section so as to maintain the value of such 252792
deposit at fifty thousand dollars. 252793

If such a company has made such deposits with the ~~treasurer~~ 252794
~~of state~~ superintendent of insurance, it may request ~~him~~ the 252795
treasurer of state to return to it securities held by ~~him~~ the 252796

treasurer of state in such deposit in excess of the amount 252797
required, and ~~he~~ the treasurer of state shall then surrender such 252798
excess to the company, taking proper receipts therefor. 252799

Sec. 2109.37. (A) Except as otherwise provided by law, 252800
including division (D) of this section, or by the instrument 252801
creating the trust, a fiduciary having funds belonging to a trust 252802
that are to be invested may invest them in the following: 252803

(1) Bonds or other obligations of the United States or of 252804
this state; 252805

(2) Bonds or other interest-bearing obligations of any 252806
county, municipal corporation, school district, or other legally 252807
constituted political taxing subdivision within the state, 252808
provided that the county, municipal corporation, school district, 252809
or other subdivision has not defaulted in the payment of the 252810
interest on any of its bonds or interest-bearing obligations, for 252811
more than one hundred twenty days during the ten years immediately 252812
preceding the investment by the fiduciary in the bonds or other 252813
obligations, and provided that the county, municipal corporation, 252814
school district, or other subdivision, is not, at the time of the 252815
investment, in default in the payment of principal or interest on 252816
any of its bonds or other interest-bearing obligations; 252817

(3) Bonds or other interest-bearing obligations of any other 252818
state of the United States which, within twenty years prior to the 252819
making of that investment, has not defaulted for more than ninety 252820
days in the payment of principal or interest on any of its bonds 252821
or other interest-bearing obligations; 252822

(4) Any bonds issued by or for federal land banks and any 252823
debentures issued by or for federal intermediate credit banks 252824
under the "Federal Farm Loan Act of 1916," 39 Stat. 360, 12 252825
U.S.C.A. 641, as amended; or any debentures issued by or for banks 252826
for cooperatives under the "Farm Credit Act of 1933," 48 Stat. 252827

257, 12 U.S.C.A. 131, as amended; 252828

(5) Notes that are: (a) secured by a first mortgage on real 252829
property held in fee and located in the state, improved by a unit 252830
designed principally for residential use for not more than four 252831
families or by a combination of that dwelling unit and business 252832
property, the area designed or used for nonresidential purposes 252833
not to exceed fifty per cent of the total floor area; (b) secured 252834
by a first mortgage on real property held in fee and located in 252835
the state, improved with a building designed for residential use 252836
for more than four families or with a building used primarily for 252837
business purposes, if the unpaid principal of the notes secured by 252838
that mortgage does not exceed ten per cent of the value of the 252839
estate or trust or does not exceed five thousand dollars, 252840
whichever is greater; or (c) secured by a first mortgage on an 252841
improved farm held in fee and located in the state, provided that 252842
the mortgage requires that the buildings on the mortgaged property 252843
shall be well insured against loss by fire, and so kept, for the 252844
benefit of the mortgagee, until the debt is paid, and provided 252845
that the unpaid principal of the notes secured by the mortgage 252846
shall not exceed fifty per cent of the fair value of the mortgaged 252847
real property at the time the investment is made, and the notes 252848
shall be payable not more than five years after the date on which 252849
the investment in them is made; except that the unpaid principal 252850
of the notes may equal sixty per cent of the fair value of the 252851
mortgaged real property at the time the investment is made, and 252852
may be payable over a period of fifteen years following the date 252853
of the investment by the fiduciary if regular installment payments 252854
are required sufficient to amortize four per cent or more of the 252855
principal of the outstanding notes per annum and if the unpaid 252856
principal and interest become due and payable at the option of the 252857
holder upon any default in the payment of any installment of 252858
interest or principal upon the notes, or of taxes, assessments, or 252859
insurance premiums upon the mortgaged premises or upon the failure 252860

to cure any such default within any grace period provided in the 252861
notes not exceeding ninety days in duration; 252862

(6) Life, endowment, or annuity contracts of legal reserve 252863
life insurance companies regulated by sections 3907.01 to 3907.21, 252864
3909.01 to 3909.17, 3911.01 to 3911.24, 3913.01 to 3913.10, 252865
3915.01 to 3915.15, and 3917.01 to 3917.05 of the Revised Code, 252866
and licensed by the superintendent of insurance to transact 252867
business within the state, provided that the purchase of contracts 252868
authorized by this division shall be limited to executors or the 252869
successors to their powers when specifically authorized by will 252870
and to guardians and trustees, which contracts may be issued on 252871
the life of a ward, a beneficiary of a trust fund, or according to 252872
a will, or upon the life of a person in whom the ward or 252873
beneficiary has an insurable interest and the contracts shall be 252874
drawn by the insuring company so that the proceeds shall be the 252875
sole property of the person whose funds are so invested; 252876

(7) Notes or bonds secured by mortgages and insured by the 252877
federal housing administrator or debentures issued by that 252878
administrator; 252879

(8) Obligations issued by a federal home loan bank created 252880
under the "Federal Home Loan Bank Act of 1932," 47 Stat. 725, 12 252881
U.S.C.A. 1421, as amended; 252882

(9) Shares and certificates or other evidences of deposits 252883
issued by a federal savings and loan association organized and 252884
incorporated under the "Home Owners' Loan Act of 1933," 48 Stat. 252885
128, 12 U.S.C.A. 1461, as amended, to the extent and only to the 252886
extent that those shares or certificates or other evidences of 252887
deposits are insured pursuant to the "Financial Institutions 252888
Reform, Recovery, and Enforcement Act of 1989," 103 Stat. 183, 12 252889
U.S.C.A. 1811, as amended; 252890

(10) Bonds issued by the home owners' loan corporation 252891

created under the "Home Owners' Act of 1933," 48 Stat. 128, 12 252892
U.S.C.A. 1461, as amended; 252893

(11) Obligations issued by the national mortgage association 252894
created under the "National Housing Act," 48 Stat. 1246 (1934), 12 252895
U.S.C.A. 1701, as amended; 252896

(12) Shares and certificates or other evidences of deposits 252897
issued by a domestic savings and loan association organized under 252898
the laws of the state, which association has obtained insurance of 252899
accounts pursuant to the "Financial Institutions Reform, Recovery, 252900
and Enforcement Act of 1989," 103 Stat. 183, 12 U.S.C.A. 1811, as 252901
amended, or as may be otherwise provided by law, only to the 252902
extent that the evidences of deposits are insured under that act, 252903
as amended; 252904

(13) Shares and certificates or other evidences of deposits 252905
issued by a domestic savings and loan association organized under 252906
the laws of the state, provided that no fiduciary may invest the 252907
deposits except with the approval of the probate court, and then 252908
in an amount not to exceed the amount that the fiduciary is 252909
permitted to invest under division (A)(12) of this section; 252910

(14) In savings accounts in, or certificates or other 252911
evidences of deposits issued by, a national bank located in the 252912
state or a state bank located in and organized under the laws of 252913
the state or a state credit union located and organized under the 252914
laws of the state or a federal credit union located in the state 252915
by depositing the funds in the bank or credit union, and the 252916
national or state bank or the federal or state credit union when 252917
itself acting in a fiduciary capacity may deposit the funds in 252918
savings accounts in, or certificates or other evidences of 252919
deposits issued by, its own savings department or any bank 252920
subsidiary corporation owned or controlled by the bank holding 252921
company that owns or controls the national or state bank; provided 252922
that no deposit shall be made by any fiduciary, individual or 252923

corporate, unless the deposits of the depository bank are insured 252924
by the federal deposit insurance corporation created under the 252925
"Federal Deposit Insurance Corporation Act of 1933," 48 Stat. 162, 252926
12 U.S.C. 264, as amended, or provided that no deposit shall be 252927
made by any fiduciary, individual or corporate, unless the 252928
deposits of the depository credit union are insured by the 252929
national credit union administration created under the "Federal 252930
Credit Union Act of 1934," 48 Stat. 1216, 12 U.S.C. 1751, as 252931
amended, or the deposits of the depository credit union are 252932
insured by a share guaranty corporation as defined in Chapter 252933
1761. of the Revised Code, and provided that the deposit of the 252934
funds of any one trust in those savings accounts in, or 252935
certificates or other evidences of deposits issued by, any one 252936
bank or credit union shall not exceed the sum insured under those 252937
acts, as amended, or under Chapter 1761. of the Revised Code; 252938

(15) Obligations consisting of notes, bonds, debentures, or 252939
equipment trust certificates issued under an indenture that are 252940
the direct obligations, or in the case of equipment trust 252941
certificates are secured by direct obligations, of a railroad or 252942
industrial corporation, or a corporation engaged directly and 252943
primarily in the production, transportation, distribution, or sale 252944
of electricity or gas, or the operation of telephone or telegraph 252945
systems or waterworks, or in some combination of them; provided 252946
that the obligor corporation is one that is incorporated under the 252947
laws of the United States, any state, the District of Columbia, or 252948
foreign government, and the obligations are rated at the time of 252949
purchase in the highest or next highest classification established 252950
by at least two ~~standard~~ statistical rating ~~services~~ organizations 252951
selected from a list of the ~~standard~~ statistical rating ~~services~~ 252952
organizations that shall be prescribed by the superintendent of 252953
financial institutions; provided that every such list shall be 252954
certified by the superintendent to the clerk of each probate court 252955
in the state, and shall continue in effect until a different list 252956

is prescribed and certified as provided in this division; 252957

(16) Obligations issued, assumed, or guaranteed by the 252958
international finance corporation or by the international bank for 252959
reconstruction and development, the Asian development bank, the 252960
inter-American development bank, the African development bank, or 252961
other similar development bank in which the president, as 252962
authorized by congress and on behalf of the United States, has 252963
accepted membership, provided that the obligations are rated at 252964
the time of purchase in the highest or next highest classification 252965
established by at least one ~~standard~~ statistical rating ~~service~~ 252966
organization selected from a list of ~~standard~~ statistical rating 252967
~~services~~ organizations that shall be prescribed by the 252968
superintendent of financial institutions; 252969

(17) Securities of any investment company, as defined in and 252970
registered under sections 3 and 8 of the "Investment Company Act 252971
of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 and 80a-8, that are 252972
invested exclusively in forms of investment or in instruments that 252973
are fully collateralized by forms of investment in which the 252974
fiduciary is permitted to invest pursuant to divisions (A)(1) to 252975
(16) of this section, provided that, in addition to those forms of 252976
investment, the investment company may, for the purpose of 252977
reducing risk of loss or of stabilizing investment returns, engage 252978
in hedging transactions. 252979

(B) No administrator or executor may invest funds belonging 252980
to an estate in any asset other than a direct obligation of the 252981
United States that has a maturity date not exceeding one year from 252982
the date of investment, or other than in a short-term investment 252983
fund that is invested exclusively in obligations of the United 252984
States or of its agencies, or primarily in those obligations and 252985
otherwise only in variable demand notes, corporate money market 252986
instruments including, but not limited to, commercial paper, or 252987
fully collateralized repurchase agreements or other evidences of 252988

indebtedness that are payable on demand or generally have a 252989
maturity date not exceeding ninety-one days from the date of 252990
investment, except with the approval of the probate court or with 252991
the permission of the instruments creating the trust. 252992

(C)(1) In addition to the investments allowed by this 252993
section, a guardian or trustee, with the approval of the court, 252994
may invest funds belonging to the trust in productive real 252995
property located within the state, provided that neither the 252996
guardian nor the trustee nor any member of the family of either 252997
has any interest in the real property or in the proceeds of the 252998
purchase price. The title to any real property so purchased by a 252999
guardian shall be taken in the name of the ward. 253000

(2) Notwithstanding the provisions of division (C)(1) of this 253001
section, the court may permit the funds to be used to purchase or 253002
acquire a home for the ward or an interest in a home for the ward 253003
in which a member of the ward's family may have an interest. After 253004
the filing of the petition by a guardian or a conservator for 253005
authority to purchase or acquire a home for the ward or an 253006
interest in a home for the ward in which a member of the ward's 253007
family may have an interest, the matter shall be set for a hearing 253008
before the probate court. 253009

(D) If the fiduciary is a trustee appointed by and 253010
accountable to the probate court, the fiduciary shall invest the 253011
trust's assets pursuant to the requirements and standards set 253012
forth in the Ohio Uniform Prudent Investor Act. 253013

Sec. 2109.372. (A) As used in this section: 253014

(1) "Short term trust-quality investment fund" means a short 253015
term investment fund that meets both of the following conditions: 253016

(a) The fund may be either a collective investment fund 253017
established in accordance with section 1111.14 of the Revised Code 253018

or a registered investment company, including any affiliated 253019
investment company whether or not the fiduciary has invested other 253020
funds held by it in an agency or other nonfiduciary capacity in 253021
the securities of the same registered investment company or 253022
affiliated investment company. 253023

(b) The fund is invested in any one or more of the following 253024
manners: 253025

(i) In obligations of the United States or of its agencies; 253026

(ii) In obligations of one or more of the states of the 253027
United States or their political subdivisions; 253028

(iii) In obligations of foreign governments or states; 253029

(iv) In variable demand notes, corporate money market 253030
instruments including, but not limited to, commercial paper rated 253031
at the time of purchase in either of the two highest 253032
classifications established by at least one nationally recognized 253033
~~standard~~ statistical rating ~~service~~ organization; 253034

(v) Deposits in banks, savings banks, or savings and loan 253035
associations, whose deposits are insured by the federal deposit 253036
insurance corporation, or in credit unions insured by the national 253037
credit union administration or by a credit union share guaranty 253038
corporation established under Chapter 1761. of the Revised Code, 253039
if the rate of interest paid on those deposits is at least equal 253040
to the rate of interest generally paid by those banks, savings 253041
banks, savings and loan associations, or credit unions on deposits 253042
of similar terms or amounts; 253043

(vi) In fully collateralized repurchase agreements or other 253044
evidences of indebtedness that are of trust quality and are 253045
payable on demand or have a maturity date consistent with the 253046
purpose of the fund and the duty of fiduciary prudence. 253047

(2) "Registered investment company" means any investment 253048

company that is defined in and registered under sections 3 and 8 253049
of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 253050
80a-3 and 80a-8. 253051

(3) "Affiliated investment company" has the same meaning as 253052
in division (E)(1) of section 1111.13 of the Revised Code. 253053

(B) A fiduciary is not required to invest cash that belongs 253054
to the trust and may hold that cash for the period prior to 253055
distribution if either of the following applies: 253056

(1) The fiduciary reasonably expects to do either of the 253057
following: 253058

(a) Distribute the cash to beneficiaries of the trust on a 253059
quarterly or more frequent basis; 253060

(b) Use the cash for the payment of debts, taxes, or expenses 253061
of administration within the ninety-day period following the 253062
receipt of the cash by the fiduciary. 253063

(2) Determined on the basis of the facilities available to 253064
the fiduciary and the amount of the income that reasonably could 253065
be earned by the investment of the cash, the amount of the cash 253066
does not justify the administrative burden or expense associated 253067
with its investment. 253068

(C) If a fiduciary wishes to hold funds that belong to the 253069
trust in liquid form and division (B) of this section does not 253070
apply, the fiduciary may so hold the funds as long as they are 253071
temporarily invested as described in division (D) of this section. 253072

(D)(1) A fiduciary may make a temporary investment of cash 253073
that the fiduciary may hold uninvested in accordance with division 253074
(B) of this section, and shall make a temporary investment of 253075
funds held in liquid form pursuant to division (C) of this 253076
section, in any of the following investments, unless the governing 253077
instrument provides for other investments in which the temporary 253078

investment of cash or funds is permitted:	253079
(a) A short term trust-quality investment fund;	253080
(b) Direct obligations of the United States or of its agencies;	253081 253082
(c) A deposit with a bank, savings bank, savings and loan association, or credit union, including a deposit with the fiduciary itself or any bank subsidiary corporation owned or controlled by the bank holding company that owns or controls the fiduciary, whose deposits are insured by the federal deposit insurance corporation, if the rate of interest paid on that deposit is at least equal to the rate of interest generally paid by that bank, savings bank, savings and loan association, or credit union on deposits of similar terms or amounts.	253083 253084 253085 253086 253087 253088 253089 253090 253091
(2) A fiduciary that makes a temporary investment of cash or funds pursuant to division (D)(1) of this section may charge a reasonable fee for the services associated with that investment. The fee shall be in addition to the compensation to which the fiduciary is entitled for ordinary fiduciary services.	253092 253093 253094 253095 253096
(3) Fiduciaries that make one or more temporary investments of cash or funds pursuant to division (D)(1) of this section shall provide to the beneficiaries of the trusts involved, that are currently receiving income or have a right to receive income, a written disclosure of their temporary investment practices and, if applicable, the method of computing reasonable fees for their temporary investment services pursuant to division (D)(2) of this section. Fiduciaries may comply with this requirement in any appropriate written document, including, but not limited to, any periodic statement or account.	253097 253098 253099 253100 253101 253102 253103 253104 253105 253106
(4) A fiduciary that makes a temporary investment of cash or funds in an affiliated investment company pursuant to division (D)(1)(a) of this section shall, when providing any periodic	253107 253108 253109

account statements of its temporary investment practices, report 253110
the net asset value of the shares comprising the investment in the 253111
affiliated investment company. 253112

(5) If a fiduciary that makes a temporary investment of cash 253113
or funds in an affiliated investment company pursuant to division 253114
(D)(1)(a) of this section invests in any mutual fund, the 253115
fiduciary shall provide to the beneficiaries of the trust 253116
involved, that are currently receiving income or have a right to 253117
receive income, a written disclosure, in at least ten-point 253118
boldface type, that the mutual fund is not insured or guaranteed 253119
by the federal deposit insurance corporation or by any other 253120
government agency or government-sponsored agency of the federal 253121
government or of this state. 253122

Sec. 2109.44. (A) Fiduciaries shall not buy from or sell to 253123
themselves and shall not have in their individual capacities any 253124
dealings with the estate, except as expressly authorized by the 253125
instrument creating the trust and then only with the approval of 253126
the probate court in each instance. No corporate fiduciary, as 253127
defined in section 1101.01 of the Revised Code, that is not 253128
subject to examination or regulatory oversight by the 253129
superintendent of financial institutions, or the comptroller of 253130
the currency, ~~or the office of thrift supervision~~ shall be 253131
permitted to deal with the estate, any power in the instrument 253132
creating the trust to the contrary notwithstanding. This section 253133
does not prohibit a fiduciary from making an advancement if the 253134
advancement has been expressly authorized by the instrument 253135
creating the trust or if the probate court approves or from 253136
engaging in any act authorized by this chapter. 253137

(B) The fiduciary may petition the court for authority to 253138
purchase property of the estate if all of the following 253139
requirements are met: 253140

(1) Written consent to the purchase is signed by the	253141
following:	253142
(a) Each known heir whose interest in the estate would be	253143
affected by the proposed purchase;	253144
(b) Each known devisee whose interest in the estate would be	253145
affected by the proposed purchase.	253146
(2) The written consents are filed with the court.	253147
(3) The purchase is shown to be to the advantage of the	253148
estate.	253149
(C) The court shall deliver notice of the hearing on the	253150
petition to the heirs, devisees, or legatees of the estate or any	253151
interested person.	253152
Sec. 3314.50. No community school shall initiate operation,	253153
on or after the effective date of this amendment, unless the	253154
governing authority of the school has posted a bond in the amount	253155
of fifty thousand dollars with the auditor of state. The bond or	253156
cash guarantee shall be used, in the event the school closes, to	253157
pay the auditor of state any moneys owed or that become owed by	253158
the school for the costs of audits conducted by the auditor of	253159
state or a public accountant under Chapter 117. of the Revised	253160
Code.	253161
The department of education shall notify the auditor of state	253162
of the proposed initiation of operations of any community school	253163
and shall provide the auditor of state with the certification of	253164
the sponsor of the community school of the compliance by the	253165
community school with all legal preconditions to the initiation of	253166
its operations, including compliance with this section.	253167
In lieu of the bond, the governing authority of the school,	253168
the school's sponsor, or an operator that has a contract with the	253169
school may deposit with the auditor of state cash in the amount of	253170

~~fifty thousand dollars as guarantee of payment under the~~ 253171
~~provisions of this section. In lieu of a bond or a cash deposit,~~ 253172
~~the school's sponsor or an operator that has a contract with the~~ 253173
~~school may~~ provide a written guarantee of payment, which shall 253174
obligate the school's sponsor or the operator that provides the 253175
written guarantee to pay the cost of audits of the school under 253176
this section up to the amount of fifty thousand dollars. Any such 253177
written guarantee shall be binding upon any successor entity that 253178
enters into a contract to sponsor or to operate the school, and 253179
any such entity, as a condition of its undertaking shall 253180
acknowledge and accept such obligation. 253181

In the event that a sponsor or operator has provided a 253182
written guarantee under this section, and, subsequent to the 253183
provision of the guarantee, the governing authority of the school 253184
posts a bond under this section, ~~or the governing authority of the~~ 253185
~~school, a sponsor, or an operator provides a cash deposit of fifty~~ 253186
~~thousand dollars as required,~~ the written guarantee shall cease to 253187
be of further effect. 253188

~~As soon as it is practicable to do so after the filing of a~~ 253189
~~bond or the deposit of cash, the auditor of state shall deliver~~ 253190
~~the bond or cash to the treasurer of state, who shall hold it in~~ 253191
~~trust for the purposes prescribed in this section. The treasurer~~ 253192
~~of state shall be responsible for the safekeeping of all bonds~~ 253193
~~filed or cash deposited under this section. The auditor of state~~ 253194
shall notify the department of education when the school's 253195
governing authority has filed the bond, ~~deposited the cash~~ 253196
~~guarantee,~~ or submitted a written guarantee of payment. 253197

When the auditor of state conducts an audit of a community 253198
school that has closed and is subject to the requirements of this 253199
section, the auditor of state shall certify the amount of 253200
forfeiture to the ~~treasurer of state~~ attorney general, who shall 253201
assess the bond for the costs of the audit ~~or shall pay money from~~ 253202

~~the named insurer or from the school's cash deposit for the costs~~ 253203
~~of the audit~~ to reimburse the auditor of state or public 253204
accountant for costs incurred in conducting audits of the school. 253205

To the extent that the amount of the bond ~~or the cash deposit~~ 253206
is not needed to cover audit costs, the bond shall be of no 253207
further effect, ~~and any cash balance shall be refunded by the~~ 253208
~~treasurer of state to the entity which provided the bond.~~ When the 253209
auditor of state conducts an audit of a community school that has 253210
closed and is subject to the requirements of this section, and, as 253211
to which, a written guarantee has been given under this section, 253212
the entity that provided the guarantee shall be solely and fully 253213
liable for any such audit costs, and shall promptly pay the costs 253214
of the audit up to fifty thousand dollars. 253215

No community school that is subject to the provisions of this 253216
section shall maintain or continue its operations absent the 253217
ongoing provision of a bond, ~~a cash deposit,~~ or a written 253218
guarantee as required by this section. 253219

Sec. 3366.05. The issuing authority, as an eligible 253220
not-for-profit holder of federal education loans, may act as an 253221
eligible not-for-profit servicer of certain student loans owned by 253222
the federal government under Section 2212 of the "Health Care and 253223
Education Reconciliation Act of 2010," Pub. L. No. 111-152. The 253224
issuing authority is authorized to take such actions and to enter 253225
into such contracts and to execute all instruments necessary or 253226
appropriate to act as an eligible not-for-profit servicer. 253227
Notwithstanding division (C) of section 3366.03 and division (B) 253228
of section 3366.04 of the Revised Code, revenues received by the 253229
issuing authority under this section shall be deposited in an 253230
account in the custody of the treasurer of state that is not part 253231
of the state treasury and shall be used to pay administrative 253232
costs incurred by the issuing authority. Unexpended amounts shall 253233

be deposited in the state treasury and credited, as determined by 253234
the treasurer of state, to the treasurer of state's administrative 253235
fund created under section 113.20 of the Revised Code or the 253236
treasurer's information technology reserve fund created under 253237
section 113.22 of the Revised Code. 253238

Sec. 3737.945. Moneys in the funds of the petroleum 253239
underground storage tank release compensation board, except as 253240
otherwise provided in any resolution authorizing the issuance of 253241
its revenue bonds or in any trust agreement securing the same, in 253242
excess of current needs, may be invested by the board in notes, 253243
bonds, or other obligations of the United States, or of any agency 253244
or instrumentality thereof, or in obligations of this state or any 253245
political subdivision thereof, or the treasurer of state's 253246
investment pool authorized under section 135.45 of the Revised 253247
Code. Income from all such investments of moneys in any fund shall 253248
be credited to such funds as the board determines, subject to the 253249
provisions of any resolution or trust agreement, and the 253250
investments may be sold as the board determines. 253251

Sec. 3903.73. All securities deposited with the 253252
superintendent of insurance shall be ~~deposited by him with the~~ 253253
~~treasurer of state, and the treasurer of state shall not deliver~~ 253254
~~such securities or coupons attached thereto, except upon the~~ 253255
~~written order of~~ held by the superintendent for the purpose 253256
intended. No security shall be accepted for deposit by the 253257
superintendent unless it is of par value and market value of one 253258
thousand dollars or more. 253259

Sec. 3905.32. For each initial license issued under section 253260
3905.30 of the Revised Code and renewal of that license, the 253261
superintendent of insurance shall collect one hundred dollars. ~~The~~ 253262
~~renewal fee shall be paid to the treasurer of state.~~ 253263

Sec. 3916.01. As used in this chapter:	253264
(A) "Advertising" means any written, electronic, or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the internet, or similar communications media, including, but not limited to, film strips, motion pictures, and videos, that is published, disseminated, circulated, or placed directly or indirectly before the public in this state for the purpose of creating an interest in or inducing a person to purchase or sell, assign, devise, bequest, or transfer the death benefit or ownership of a policy pursuant to a viatical settlement contract.	253265 253266 253267 253268 253269 253270 253271 253272 253273 253274
(B) "Business of viatical settlements" means an activity involved, but not limited to, in the offering, solicitation, negotiation, procurement, effectuation, purchasing, investing, financing, monitoring, tracking, underwriting, selling, transferring, assigning, pledging, or hypothecating or in any other manner acquiring an interest in a policy by means of viatical settlement contracts.	253275 253276 253277 253278 253279 253280 253281
(C) "Chronically ill" means having been certified within the preceding twelve-month period by a licensed health professional as:	253282 253283 253284
(1) Being unable to perform, without substantial assistance from another individual, at least two activities of daily living, including, but not limited to, eating, toileting, transferring, bathing, dressing, or continence for at least ninety days due to a loss of functional capacity; or	253285 253286 253287 253288 253289
(2) Requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment; or	253290 253291 253292
(3) Having a level of disability similar to that described in	253293

division (C)(1) of this section, as determined under regulations 253294
prescribed by the United States secretary of the treasury in 253295
consultation with the United States secretary of health and human 253296
services. 253297

(D) "Escrow agent" means an independent third-party person 253298
who, pursuant to a written agreement signed by the viatical 253299
settlement provider and viator, provides escrow services related 253300
to the acquisition of a policy pursuant to a viatical settlement 253301
contract. "Escrow agent" does not include any person associated 253302
with, affiliated with, or under the control of a person licensed 253303
under this chapter or described in division (C) of section 3916.02 253304
of the Revised Code. 253305

(E)(1) "Financing entity" means an underwriter, placement 253306
agent, lender, purchaser of securities, purchaser of a policy from 253307
a viatical settlement provider, credit enhancer, or any other 253308
person that has a direct ownership interest in a policy that is 253309
the subject of a viatical settlement contract and to which both of 253310
the following apply: 253311

(a) Its principal activity related to the transaction is 253312
providing funds to effect the business of viatical settlements or 253313
the purchase of one or more viaticated policies. 253314

(b) It has an agreement in writing with one or more licensed 253315
viatical settlement providers to finance the acquisition of 253316
viatical settlement contracts. 253317

(2) "Financing entity" does not include a non-accredited 253318
investor or viatical settlement purchaser. 253319

(F) "Recklessly" has the same meaning as in section 2901.22 253320
of the Revised Code. 253321

(G) "Defraud" has the same meaning as in section 2913.01 of 253322
the Revised Code. 253323

(H) "Life expectancy" means an opinion or evaluation as to 253324
how long a particular person is going to live. 253325

(I) Notwithstanding section 1.59 of the Revised Code, 253326
"person" means a natural person or a legal entity, including, but 253327
not limited to, an individual, partnership, limited liability 253328
company, limited liability partnership, association, trust, 253329
business trust, or corporation. 253330

(J) "Policy" means an individual or group policy, group 253331
certificate, or other contract or arrangement of life insurance 253332
affecting the rights of a resident of this state or bearing a 253333
reasonable relation to this state, regardless of whether delivered 253334
or issued for delivery in this state. 253335

(K) "Related provider trust" means a titling trust or any 253336
other trust established by a licensed viatical settlement provider 253337
or a financing entity for the sole purpose of holding ownership or 253338
beneficial interest in purchased policies in connection with a 253339
financing transaction, provided that the trust has a written 253340
agreement with the licensed viatical settlement provider under 253341
which the licensed viatical settlement provider is responsible for 253342
ensuring compliance with all statutory and regulatory requirements 253343
and under which the trust agrees to make all records and files 253344
related to viatical settlement transactions available to the 253345
superintendent of insurance as if those records and files were 253346
maintained directly by the licensed viatical settlement provider. 253347

(L) "Special purpose entity" means a corporation, 253348
partnership, trust, limited liability company or other similar 253349
entity formed solely for one of the following purposes: 253350

(i) To provide access, either directly or indirectly, to 253351
institutional capital markets for a financing entity or licensed 253352
viatical settlement provider; 253353

(ii) In connection with a transaction in which the securities 253354

in the special purpose entity are acquired by qualified 253355
institutional buyers. 253356

(M) "Terminally ill" means certified by a physician as having 253357
an illness or physical condition that can reasonably be expected 253358
to result in death in twenty-four months or less. 253359

(N) "Viatical settlement broker" means a person that, on 253360
behalf of a viator and for a fee, commission, or other valuable 253361
consideration, offers or attempts to negotiate viatical 253362
settlements between a viator and one or more viatical settlement 253363
providers or viatical settlement brokers. "Viatical settlement 253364
broker" does not include an attorney, a certified public 253365
accountant, or a financial planner accredited by a nationally 253366
recognized accreditation agency, who is retained to represent the 253367
viator, whose compensation is not paid directly or indirectly by 253368
the viatical settlement provider or purchaser. 253369

(O)(1) "Viatical settlement contract" means any of the 253370
following: 253371

(a) A written agreement between a viator and a viatical 253372
settlement provider that establishes the terms under which 253373
compensation or anything of value, that is less than the expected 253374
death benefit of the policy is or will be paid in return for the 253375
viator's present or future assignment, transfer, sale, release, 253376
devise, or bequest of the death benefit or ownership of any 253377
portion of the policy or any beneficial interest in the policy or 253378
its ownership; 253379

(b) The transfer or acquisition for compensation or anything 253380
of value for ownership or beneficial interest in a trust or an 253381
interest in another person that owns such a policy if the trust or 253382
other person was formed or availed of for the principal purpose of 253383
acquiring one or more life insurance policies; 253384

(c) A premium finance loan made for a policy by a lender to a 253385

viator on, before, or after the date of issuance of the policy in 253386
either of the following situations: 253387

(i) The viator or the insured receives a guarantee of the 253388
viatical settlement value of the policy. 253389

(ii) The viator or the insured agrees on, before, or after 253390
the issuance of the policy to sell the policy or any portion of 253391
the policy's death benefit. 253392

(2) "Viatical settlement contracts" include but are not 253393
limited to contracts that are commonly termed "life settlement 253394
contracts" and "senior settlement contracts." 253395

(3) "Viatical settlement contract" does not include any of 253396
the following unless part of a plan, scheme, device, or artifice 253397
to avoid the application of this chapter: 253398

(a) A policy loan or accelerated death benefit made by the 253399
insurer pursuant to the policy's terms whether issued with the 253400
original policy or a rider; 253401

(b) Loan proceeds that are used solely to pay premiums for 253402
the policy and the costs of the loan including interest, 253403
arrangement fees, utilization fees and similar fees, closing 253404
costs, legal fees and expenses, trustee fees and expenses, and 253405
third-party collateral provider fees and expenses, including fees 253406
payable to letter of credit issuers; 253407

(c) A loan made by a regulated financial institution in which 253408
the lender takes an interest in a policy solely to secure 253409
repayment of a loan or, if there is a default on the loan and the 253410
policy is transferred, the transfer of such a policy by the 253411
lender, provided that neither the default itself nor the transfer 253412
is pursuant to an agreement or understanding with any other person 253413
for the purpose of evading regulation under this chapter; 253414

(d) A premium finance loan made by a lender that does not 253415

violate sections 1321.71 to 1321.83 of the Revised Code, if the
premium finance loan is not described in division (O)(1)(c) of
this section;

(e) An agreement where all parties are closely related to the
insured by blood or law or have a lawful substantial economic
interest in the continued life, health, and bodily safety of the
person insured, or are persons or trusts established primarily for
the benefit of such parties;

(f) Any designation, consent, or agreement by an insured who
is an employee of an employer in connection with the purchase by
the employer, or trust established by the employer, of life
insurance on the life of the employee as described in section
3911.091 of the Revised Code;

(g) Any business succession planning arrangement including,
but not limited to all of the following if the arrangements are
bona fide arrangements:

(i) An arrangement between one or more shareholders in a
corporation or between a corporation and one or more of its
shareholders or one or more persons or trusts established by its
shareholders;

(ii) An arrangement between one or more partners in a
partnership or between a partnership and one or more of its
partners or one or more trusts established by its partners;

(iii) An arrangement between one or more members in a limited
liability company or between a limited liability company and one
or more of its members or one or more trusts established by its
members.

(h) An agreement entered into by a service recipient, a trust
established by the service recipient and a service provider, or a
trust established by the service provider who performs significant
services for the service recipient's trade or business;

(i) An arrangement or agreement with a special purpose entity;	253447 253448
(j) Any other contract, transaction, or arrangement exempted from the definition of viatical settlement contract by rule adopted by the superintendent based on the superintendent's determination that the contract, transaction, or arrangement is not of the type regulated by this chapter.	253449 253450 253451 253452 253453
(P)(1) "Viatical settlement provider" means a person, other than a viator, that enters into or effectuates a viatical settlement contract.	253454 253455 253456
(2) "Viatical settlement provider" does not include any of the following:	253457 253458
(a) A bank, savings bank, savings and loan association, credit union, or other regulated financial institution that takes an assignment of a policy solely as a collateral for a loan;	253459 253460 253461
(b) A premium finance company exempted under section 1321.72 of the Revised Code from the licensure requirements of section 3921.73 of the Revised Code that takes an assignment of a policy solely as collateral for a premium finance loan;	253462 253463 253464 253465
(c) The issuer of a policy;	253466
(d) An individual who enters into or effectuates not more than one viatical settlement contract in any calendar year for the transfer of life insurance policies for any value less than the expected death benefit;	253467 253468 253469 253470
(e) An authorized or eligible insurer that provides stop loss coverage or financial guarantee insurance to a viatical settlement provider, purchaser, financing entity, special purpose entity, or related provider trust;	253471 253472 253473 253474
(f) A financing entity;	253475
(g) A special purpose entity;	253476

(h) A related provider trust;	253477
(i) A viatical settlement purchaser;	253478
(j) Any other person the superintendent determines is not consistent with the definition of viatical settlement provider.	253479 253480
(Q) "Viaticated policy" means a policy that has been acquired by a viatical settlement provider pursuant to a viatical settlement contract.	253481 253482 253483
(R) "Viator" means the owner of a policy or a certificate holder under a group policy that has not previously been viaticated who, in return for compensation or anything of value that is less than the expected death benefit of the policy or certificate, assigns, transfers, sells, releases, devises, or bequests the death benefit or ownership of any portion of the policy or certificate of insurance. For the purposes of this chapter, a "viator" is not limited to an owner of a policy or a certificate holder under a group policy insuring the life of an individual who is terminally or chronically ill except where specifically addressed. "Viator" does not include any of the following:	253484 253485 253486 253487 253488 253489 253490 253491 253492 253493 253494 253495
(1) A licensee under this chapter;	253496
(2) A qualified institutional buyer;	253497
(3) A financing entity;	253498
(4) A special purpose entity;	253499
(5) A related provider trust.	253500
(S) "Viatical settlement purchaser" means a person who provides a sum of money as consideration for a policy or an interest in the death benefits of a policy from a viatical settlement provider that is the subject of a viatical settlement contract, or a person who owns, acquires, or is entitled to a beneficial interest in a trust or person that owns a viatical	253501 253502 253503 253504 253505 253506

settlement contract or is the beneficiary of a policy that is the
subject of a viatical settlement contract, for the purpose of
deriving an economic benefit. "Viatical settlement purchaser" does
not include any of the following:

- (1) A licensee under this chapter;
- (2) A qualified institutional buyer;
- (3) A financing entity;
- (4) A special purpose entity;
- (5) A related provider trust.

(T) "Qualified institutional buyer" has the same meaning as
in 17 C.F.R. 230.144A as that regulation exists on ~~the effective~~
~~date of this amendment~~ September 11, 2008.

(U) "Licensee" means a person licensed as a viatical
settlement provider or viatical settlement broker under this
chapter.

(V) "NAIC" means the national association of insurance
commissioners.

(X) "Regulated financial institution" means a bank, a savings
association, or credit union operating under authority granted by
the superintendent of financial institutions, the regulatory
authority of any other state of the United States, ~~the office of~~
~~thrift supervision~~, the national credit union administration, or
the office of the comptroller of the currency.

(W)(1) "Stranger-originated life insurance," or "STOLI,"
means a practice, arrangement, or agreement initiated at or prior
to the issuance of a policy that includes both of the following:

- (a) The purchase or acquisition of a policy primarily
benefiting one or more persons who, at the time of issuance of the
policy, lack insurable interest in the person insured under the
policy;

(b) The transfer at any time of the legal or beneficial ownership of the policy or benefits of the policy or both, in whole or in part, including through an assumption or forgiveness of a loan to fund premiums.

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(2) "Stranger-originated life insurance" also includes trusts or other persons that are created to give the appearance of insurable interest and are used to initiate one or more policies for investors but violate insurable interest laws and the prohibition against wagering on life.

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(3) "Stranger-originated life insurance" does not include viatical settlement transactions specifically described in division (0)(3) of this section.

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Sec. 3925.26. When a company organized under section 3925.25 of the Revised Code desires to do business in another state, by the laws of which, to qualify it therefor, it must make a deposit of securities assigned in trust for the benefit of its policyholders with an officer of this state, the ~~treasurer of state~~ superintendent of insurance shall receive such deposit and issue therefor to the company ~~his~~ a receipt, giving a pertinent description of the securities and a certificate of their market value. ~~The treasurer of state shall issue a like certificate to the superintendent of insurance, who shall place it on file in his office.~~ Such company may exchange these securities for other like securities, in whole or in part, as far as its business requires, and it may wholly withdraw them if it discontinues business in such other state. ~~Such changes or withdrawals of securities shall at once be certified by the treasurer of state to the superintendent.~~

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Sec. 4141.241. (A)(1) Any nonprofit organization described in division (X) of section 4141.01 of the Revised Code, which becomes

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subject to this chapter on or after January 1, 1972, shall pay 253567
contributions under section 4141.25 of the Revised Code, unless it 253568
elects, in accordance with this division, to pay to the director 253569
of job and family services for deposit in the unemployment 253570
compensation fund an amount in lieu of contributions equal to the 253571
amount of regular benefits plus one half of extended benefits paid 253572
from that fund that is attributable to service in the employ of 253573
the nonprofit organization to individuals whose service, during 253574
the base period of the claims, was within the effective period of 253575
such election. 253576

(2) Any nonprofit organization which becomes subject to this 253577
chapter after January 1, 1972, may elect to become liable for 253578
payments in lieu of contributions for a period of not less than 253579
the remainder of that calendar year and the next calendar year, 253580
beginning with the date on which such subjectivity begins, by 253581
filing a written notice of its election with the director not 253582
later than thirty days immediately following the date of the 253583
determination of such subjectivity. 253584

(3) Any nonprofit organization which makes an election in 253585
accordance with this division will continue to be liable for 253586
payments in lieu of contributions for the period described in this 253587
division and until it files with the director a written notice 253588
terminating its election. The notice shall be filed not later than 253589
thirty days prior to the beginning of the calendar year for which 253590
the termination is to become effective. 253591

(4) Any nonprofit organization which has been paying 253592
contributions for a period subsequent to January 1, 1972, may 253593
change to a reimbursable basis by filing with the director, not 253594
later than thirty days prior to the beginning of any calendar 253595
year, a written notice of election to become liable for payments 253596
in lieu of contributions. The election shall not be terminable by 253597
the organization during that calendar year and the next calendar 253598

year. 253599

(5) The director, in accordance with any rules the director prescribes, shall notify each nonprofit organization of any determination which the director may make of its status as an employer and of the effective date of any election which it makes and of any termination of the election. Any determinations shall be subject to reconsideration, appeal, and review in accordance with section 4141.26 of the Revised Code. 253600
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(B) Except as provided in division (I) of section 4141.29 of the Revised Code, benefits based on service with a nonprofit organization granted a reimbursing status under this section shall be payable in the same amount, on the same terms, and subject to the same conditions, as benefits payable on the basis of other service subject to this chapter. Payments in lieu of contributions shall be made in accordance with this division and division (D) of section 4141.24 of the Revised Code. 253607
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(1)(a) At the end of each calendar quarter, or at the end of any other period as determined by the director under division (D)(4) of section 4141.24 of the Revised Code, the director shall bill each nonprofit organization or group of such organizations which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one half of the amount of extended benefits paid during such quarter or other prescribed period which is attributable to service in the employ of such organization. 253615
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(b) In the computation of the amount of benefits to be charged to employers liable for payments in lieu of contributions, all benefits attributable to service described in division (B)(1)(a) of this section shall be computed and charged to such organization as described in division (D) of section 4141.24 of the Revised Code, and, except as provided in division (D)(2) of section 4141.24 of the Revised Code, no portion of the amount may 253624
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be charged to the mutualized account established by division (B) 253631
of section 4141.25 of the Revised Code. 253632

(c) The director may prescribe regulations under which 253633
organizations, which have elected to make payments in lieu of 253634
contributions, may request permission to make such payments in 253635
equal installments throughout the year with an adjustment at the 253636
end of the year for any excess or shortage of the amount of such 253637
installment payments compared with the total amount of benefits 253638
actually charged the organization's account during the year. In 253639
making any adjustment, where the total installment payments are 253640
less than the actual benefits charged, the organization shall be 253641
liable for payment of the unpaid balance in accordance with 253642
division (B)(2) of this section. If the total installment payments 253643
exceed the actual benefits charged, all or part of the excess may, 253644
at the discretion of the director, be refunded or retained in the 253645
fund as part of the payments which may be required in the next 253646
year. 253647

(2) Payment of any bill rendered under division (B)(1) of 253648
this section shall be made not later than thirty days after the 253649
bill was mailed to the last known address of the organization or 253650
was otherwise delivered to it, unless there has been an 253651
application for review and redetermination in accordance with 253652
division (B)(4) of this section. 253653

(3) Payments made by an organization under this section shall 253654
not be deducted or deductible, in whole or in part, from the 253655
remuneration of individuals in the employ of the organization. 253656

(4) An organization may file an application for review and 253657
redetermination of the amounts appearing on any bill rendered to 253658
such organization under division (B)(1) of this section. The 253659
application shall be filed and determined under division (D)(4) of 253660
section 4141.24 of the Revised Code. 253661

(5) Past-due payments of amounts in lieu of contributions 253662
shall be subject to the same interest rates and collection 253663
procedures that apply to past-due contributions under sections 253664
4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 253665
to file a required quarterly report within the time prescribed by 253666
the director, the nonprofit organization shall be subject to a 253667
forfeiture pursuant to section 4141.20 of the Revised Code for 253668
each quarterly report that is not timely filed. 253669

All interest and forfeitures collected under this division 253670
shall be paid into the unemployment compensation special 253671
administrative fund as provided in section 4141.11 of the Revised 253672
Code. 253673

(6) All payments in lieu of contributions collected under 253674
this section shall be paid into the unemployment compensation fund 253675
as provided in section 4141.09 of the Revised Code. Any refunds of 253676
such payments shall be paid from the unemployment compensation 253677
fund, as provided in section 4141.09 of the Revised Code. 253678

(C)(1) Any nonprofit organization, or group of such 253679
organizations approved under division (D) of this section, that 253680
elects to become liable for payments in lieu of contributions 253681
shall be required within thirty days after the effective date of 253682
its election, to execute and file with the director a surety bond 253683
approved by the director ~~or it may elect instead to deposit with~~ 253684
~~the director approved municipal or other bonds, or approved~~ 253685
~~securities, or a combination thereof, or other forms of collateral~~ 253686
~~security approved by the director.~~ 253687

(2)(a) The amount of the bond ~~or deposit~~ required shall be 253688
equal to three per cent of the organization's wages paid for 253689
employment as defined in section 4141.01 of the Revised Code that 253690
would have been taxable had the organization been a subject 253691
employer during the four calendar quarters immediately preceding 253692
the effective date of the election, or the amount established by 253693

the director within the limitation provided in division 253694
~~(C)(2)(d)(C)(2)(c)~~ of this section, whichever is the less. The 253695
effective date of the amount of the bond ~~or other collateral~~ 253696
~~security~~ required after the employer initially is determined by 253697
the director to be liable for payments in lieu of contributions 253698
shall be the renewal date ~~in the case of a~~ the bond ~~or the~~ 253699
~~biennial anniversary of the effective date of election in the case~~ 253700
~~of deposit of securities or other forms of collateral security~~ 253701
~~approved by the director, whichever date shall be most recent and~~ 253702
~~applicable.~~ If the nonprofit organization did not pay wages in 253703
each of such four calendar quarters, the amount of the bond or 253704
deposit shall be as determined by the director under regulations 253705
prescribed for this purpose. 253706

(b) Any bond ~~or other form of collateral security approved by~~ 253707
~~the director~~ deposited under this division shall be in force for a 253708
period of not less than two calendar years and shall be renewed 253709
with the approval of the director, at such times as the director 253710
may prescribe, but not less frequently than at two-year intervals 253711
as long as the organization continues to be liable for payments in 253712
lieu of contributions. The director shall require adjustments to 253713
be made in a previously filed bond ~~or other form of collateral~~ 253714
~~security~~ as the director considers appropriate. If the bond ~~or~~ 253715
~~other form of collateral security~~ is to be increased, the adjusted 253716
bond ~~or collateral security~~ shall be filed by the organization 253717
within thirty days of the date that notice of the required 253718
adjustment was mailed or otherwise delivered to it. Failure by any 253719
organization covered by such bond ~~or collateral security~~ to pay 253720
the full amount of payments in lieu of contributions when due, 253721
together with any applicable interest provided for in division 253722
(B)(5) of this section, shall render the surety liable on the bond 253723
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 253724
~~security~~, as though the surety was the organization. 253725

~~(c) Any securities accepted in lieu of surety bond by the director shall be deposited with the treasurer of state who shall have custody thereof and retain the same in the treasurer of state's possession, or release them, according to conditions prescribed by regulations of the director. Income from the securities, held in custody by the treasurer of state, shall accrue to the benefit of the depositor and shall be distributed to the depositor in the absence of any notification from the director that the depositor is in default on any payment owed to the director. The director may require the sale of any such bonds to the extent necessary to satisfy any unpaid payments in lieu of contributions, together with any applicable interest or forfeitures provided for in division (B)(5) of this section. The director shall require the employer within thirty days following any sale of deposited securities, under this subdivision, to deposit additional securities, surety bond, or combination of both, to make whole the employer's security deposit at the approved level. Any cash remaining from the sale of such securities may, at the discretion of the director, be refunded in whole or in part, or be paid into the unemployment compensation fund to cover future payments required of the organization.~~

~~(d) The required bond or deposit for any nonprofit organization, or group of such organizations approved by the director under division (D) of this section, that is determined by the director to be liable for payments in lieu of contributions effective beginning on and after January 1, 1996, but prior to January 1, 1998, and the required bond or deposit for any renewed elections under division (C)(2)(b) of this section effective during that period shall not exceed one million two hundred fifty thousand dollars. The required bond or deposit for any nonprofit organization, or group of such organizations approved by the director under division (D) of this section, that is determined to be liable for payments in lieu of contributions effective on and~~

~~after January 1, 1998, and the required bond or deposit for any~~ 253759
~~renewed elections effective on and after January 1, 1998, shall~~ 253760
not exceed two million dollars. 253761

(3) If any nonprofit organization fails to file a bond or 253762
~~make a deposit, or to file a bond in an increased amount or to~~ 253763
~~make whole the amount of a previously made deposit,~~ as provided 253764
under this division, the director may terminate the organization's 253765
election to make payments in lieu of contributions effective for 253766
the quarter following such failure and the termination shall 253767
continue for not less than the remainder of that calendar year and 253768
the next calendar year, beginning with the quarter in which the 253769
termination becomes effective; except that the director may extend 253770
for good cause the applicable filing, ~~deposit, or adjustment~~ 253771
period by not more than thirty days. 253772

(D)(1) Two or more nonprofit organizations that have become 253773
liable for payments in lieu of contributions, in accordance with 253774
division (A) of this section, may file a joint application to the 253775
director for the establishment of the group account for the 253776
purpose of sharing the cost of benefits paid that are attributable 253777
to service in the employ of those employers. Notwithstanding 253778
division (E) of section 4141.242 of the Revised Code, hospitals 253779
operated by this state or a political subdivision may participate 253780
in a group account with nonprofit organizations under the 253781
procedures set forth in this section. Each application shall 253782
identify and authorize a group representative to act as the 253783
group's agent for the purposes of this division. 253784

(2) Upon the director's approval of the application, the 253785
director shall establish a group account for the employers 253786
effective as of the beginning of the calendar quarter in which the 253787
director receives the application and shall notify the group's 253788
representative of the effective date of the account. The account 253789
shall remain in effect for not less than two years and thereafter 253790

until terminated by the director or upon application by the group. 253791

(3) Upon establishment of the account, each member of the 253792
group shall be liable, in the event that the group representative 253793
fails to pay any bill issued to it pursuant to division (B) of 253794
this section, for payments in lieu of contributions with respect 253795
to each calendar quarter in the amount that bears the same ratio 253796
to the total benefits paid in the quarter that are attributable to 253797
service performed in the employ of all members of the group as the 253798
total wages paid for service in employment by the member in the 253799
quarter bear to the total wages paid during the quarter for 253800
service performed in the employ of all members of the group. 253801

(4) The director shall adopt regulations as considered 253802
necessary with respect to the following: applications for 253803
establishment, bonding, maintenance, and termination of group 253804
accounts that are authorized by this section; addition of new 253805
members to and withdrawal of active members from such accounts; 253806
and the determination of the amounts that are payable under this 253807
division by the group representative and in the event of default 253808
in payment by the group representative, members of the group, and 253809
the time and manner of payments. 253810

Sec. 4505.06. (A)(1) Application for a certificate of title 253811
shall be made in a form prescribed by the registrar of motor 253812
vehicles and shall be sworn to before a notary public or other 253813
officer empowered to administer oaths. The application shall be 253814
filed with the clerk of any court of common pleas. An application 253815
for a certificate of title may be filed electronically by any 253816
electronic means approved by the registrar in any county with the 253817
clerk of the court of common pleas of that county. Any payments 253818
required by this chapter shall be considered as accompanying any 253819
electronically transmitted application when payment actually is 253820
received by the clerk. Payment of any fee or taxes may be made by 253821

electronic transfer of funds. 253822

(2) The application for a certificate of title shall be 253823
accompanied by the fee prescribed in section 4505.09 of the 253824
Revised Code. The fee shall be retained by the clerk who issues 253825
the certificate of title and shall be distributed in accordance 253826
with that section. If a clerk of a court of common pleas, other 253827
than the clerk of the court of common pleas of an applicant's 253828
county of residence, issues a certificate of title to the 253829
applicant, the clerk shall transmit data related to the 253830
transaction to the automated title processing system. 253831

(3) If a certificate of title previously has been issued for 253832
a motor vehicle in this state, the application for a certificate 253833
of title also shall be accompanied by that certificate of title 253834
duly assigned, unless otherwise provided in this chapter. If a 253835
certificate of title previously has not been issued for the motor 253836
vehicle in this state, the application, unless otherwise provided 253837
in this chapter, shall be accompanied by a manufacturer's or 253838
importer's certificate or by a certificate of title of another 253839
state from which the motor vehicle was brought into this state. If 253840
the application refers to a motor vehicle last previously 253841
registered in another state, the application also shall be 253842
accompanied by the physical inspection certificate required by 253843
section 4505.061 of the Revised Code. If the application is made 253844
by two persons regarding a motor vehicle in which they wish to 253845
establish joint ownership with right of survivorship, they may do 253846
so as provided in section 2131.12 of the Revised Code. If the 253847
applicant requests a designation of the motor vehicle in 253848
beneficiary form so that upon the death of the owner of the motor 253849
vehicle, ownership of the motor vehicle will pass to a designated 253850
transfer-on-death beneficiary or beneficiaries, the applicant may 253851
do so as provided in section 2131.13 of the Revised Code. A person 253852
who establishes ownership of a motor vehicle that is transferable 253853

on death in accordance with section 2131.13 of the Revised Code 253854
may terminate that type of ownership or change the designation of 253855
the transfer-on-death beneficiary or beneficiaries by applying for 253856
a certificate of title pursuant to this section. The clerk shall 253857
retain the evidence of title presented by the applicant and on 253858
which the certificate of title is issued, except that, if an 253859
application for a certificate of title is filed electronically by 253860
an electronic motor vehicle dealer on behalf of the purchaser of a 253861
motor vehicle, the clerk shall retain the completed electronic 253862
record to which the dealer converted the certificate of title 253863
application and other required documents. The registrar, after 253864
consultation with the attorney general, shall adopt rules that 253865
govern the location at which, and the manner in which, are stored 253866
the actual application and all other documents relating to the 253867
transfer of a motor vehicle when an electronic motor vehicle 253868
dealer files the application for a certificate of title 253869
electronically on behalf of the purchaser. Not later than December 253870
31, 2017, the registrar shall arrange for a service that enables 253871
all electronic motor vehicle dealers to file applications for 253872
certificates of title on behalf of purchasers of motor vehicles 253873
electronically by transferring the applications directly from the 253874
computer systems of the dealers to the clerk. 253875

The clerk shall use reasonable diligence in ascertaining 253876
whether or not the facts in the application for a certificate of 253877
title are true by checking the application and documents 253878
accompanying it or the electronic record to which a dealer 253879
converted the application and accompanying documents with the 253880
records of motor vehicles in the clerk's office. If the clerk is 253881
satisfied that the applicant is the owner of the motor vehicle and 253882
that the application is in the proper form, the clerk, within five 253883
business days after the application is filed and except as 253884
provided in section 4505.021 of the Revised Code, shall issue a 253885
physical certificate of title over the clerk's signature and 253886

sealed with the clerk's seal, unless the applicant specifically 253887
requests the clerk not to issue a physical certificate of title 253888
and instead to issue an electronic certificate of title. For 253889
purposes of the transfer of a certificate of title, if the clerk 253890
is satisfied that the secured party has duly discharged a lien 253891
notation but has not canceled the lien notation with a clerk, the 253892
clerk may cancel the lien notation on the automated title 253893
processing system and notify the clerk of the county of origin. 253894

(4) In the case of the sale of a motor vehicle to a general 253895
buyer or user by a dealer, by a motor vehicle leasing dealer 253896
selling the motor vehicle to the lessee or, in a case in which the 253897
leasing dealer subleased the motor vehicle, the sublessee, at the 253898
end of the lease agreement or sublease agreement, or by a 253899
manufactured housing broker, the certificate of title shall be 253900
obtained in the name of the buyer by the dealer, leasing dealer, 253901
or manufactured housing broker, as the case may be, upon 253902
application signed by the buyer. The certificate of title shall be 253903
issued, or the process of entering the certificate of title 253904
application information into the automated title processing system 253905
if a physical certificate of title is not to be issued shall be 253906
completed, within five business days after the application for 253907
title is filed with the clerk. If the buyer of the motor vehicle 253908
previously leased the motor vehicle and is buying the motor 253909
vehicle at the end of the lease pursuant to that lease, the 253910
certificate of title shall be obtained in the name of the buyer by 253911
the motor vehicle leasing dealer who previously leased the motor 253912
vehicle to the buyer or by the motor vehicle leasing dealer who 253913
subleased the motor vehicle to the buyer under a sublease 253914
agreement. 253915

In all other cases, except as provided in section 4505.032 253916
and division (D)(2) of section 4505.11 of the Revised Code, such 253917
certificates shall be obtained by the buyer. 253918

(5)(a)(i) If the certificate of title is being obtained in the name of the buyer by a motor vehicle dealer or motor vehicle leasing dealer and there is a security interest to be noted on the certificate of title, the dealer or leasing dealer shall submit the application for the certificate of title and payment of the applicable tax to a clerk within seven business days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle. Submission of the application for the certificate of title and payment of the applicable tax within the required seven business days may be indicated by postmark or receipt by a clerk within that period.

(ii) Upon receipt of the certificate of title with the security interest noted on its face, the dealer or leasing dealer shall forward the certificate of title to the secured party at the location noted in the financing documents or otherwise specified by the secured party.

(iii) A motor vehicle dealer or motor vehicle leasing dealer is liable to a secured party for a late fee of ten dollars per day for each certificate of title application and payment of the applicable tax that is submitted to a clerk more than seven business days but less than twenty-one days after the later of the delivery of the motor vehicle to the buyer or the date the dealer or leasing dealer obtains the manufacturer's or importer's certificate, or certificate of title issued in the name of the dealer or leasing dealer, for the motor vehicle and, from then on, twenty-five dollars per day until the application and applicable tax are submitted to a clerk.

(b) In all cases of transfer of a motor vehicle except the transfer of a manufactured home or mobile home, the application for certificate of title shall be filed within thirty days after

the assignment or delivery of the motor vehicle. 253951

(c) An application for a certificate of title for a new 253952
manufactured home shall be filed within thirty days after the 253953
delivery of the new manufactured home to the purchaser. The date 253954
of the delivery shall be the date on which an occupancy permit for 253955
the manufactured home is delivered to the purchaser of the home by 253956
the appropriate legal authority. 253957

(d) An application for a certificate of title for a used 253958
manufactured home or a used mobile home shall be filed as follows: 253959

(i) If a certificate of title for the used manufactured home 253960
or used mobile home was issued to the motor vehicle dealer prior 253961
to the sale of the manufactured or mobile home to the purchaser, 253962
the application for certificate of title shall be filed within 253963
thirty days after the date on which an occupancy permit for the 253964
manufactured or mobile home is delivered to the purchaser by the 253965
appropriate legal authority. 253966

(ii) If the motor vehicle dealer has been designated by a 253967
secured party to display the manufactured or mobile home for sale, 253968
or to sell the manufactured or mobile home under section 4505.20 253969
of the Revised Code, but the certificate of title has not been 253970
transferred by the secured party to the motor vehicle dealer, and 253971
the dealer has complied with the requirements of division (A) of 253972
section 4505.181 of the Revised Code, the application for 253973
certificate of title shall be filed within thirty days after the 253974
date on which the motor vehicle dealer obtains the certificate of 253975
title for the home from the secured party or the date on which an 253976
occupancy permit for the manufactured or mobile home is delivered 253977
to the purchaser by the appropriate legal authority, whichever 253978
occurs later. 253979

(6) If an application for a certificate of title is not filed 253980
within the period specified in division (A)(5)(b), (c), or (d) of 253981

this section, the clerk shall collect a fee of five dollars for 253982
the issuance of the certificate, except that no such fee shall be 253983
required from a motor vehicle salvage dealer, as defined in 253984
division (A) of section 4738.01 of the Revised Code, who 253985
immediately surrenders the certificate of title for cancellation. 253986
The fee shall be in addition to all other fees established by this 253987
chapter, and shall be retained by the clerk. The registrar shall 253988
provide, on the certificate of title form prescribed by section 253989
4505.07 of the Revised Code, language necessary to give evidence 253990
of the date on which the assignment or delivery of the motor 253991
vehicle was made. 253992

(7) As used in division (A) of this section, "lease 253993
agreement," "lessee," and "sublease agreement" have the same 253994
meanings as in section 4505.04 of the Revised Code and "new 253995
manufactured home," "used manufactured home," and "used mobile 253996
home" have the same meanings as in section 5739.0210 of the 253997
Revised Code. 253998

(B)(1) The clerk, except as provided in this section, shall 253999
refuse to accept for filing any application for a certificate of 254000
title and shall refuse to issue a certificate of title unless the 254001
dealer or the applicant, in cases in which the certificate shall 254002
be obtained by the buyer, submits with the application payment of 254003
the tax levied by or pursuant to Chapters 5739. and 5741. of the 254004
Revised Code based on the purchaser's county of residence. Upon 254005
payment of the tax in accordance with division (E) of this 254006
section, the clerk shall issue a receipt prescribed by the 254007
registrar and agreed upon by the tax commissioner showing payment 254008
of the tax or a receipt issued by the commissioner showing the 254009
payment of the tax. When submitting payment of the tax to the 254010
clerk, a dealer shall retain any discount to which the dealer is 254011
entitled under section 5739.12 of the Revised Code. 254012

(2) For receiving and disbursing such taxes paid to the clerk 254013

by a resident of the clerk's county, the clerk may retain a 254014
poundage fee of one and one one-hundredth per cent, and the clerk 254015
shall pay the poundage fee into the certificate of title 254016
administration fund created by section 325.33 of the Revised Code. 254017
The clerk shall not retain a poundage fee from payments of taxes 254018
by persons who do not reside in the clerk's county. 254019

A clerk, however, may retain from the taxes paid to the clerk 254020
an amount equal to the poundage fees associated with certificates 254021
of title issued by other clerks of courts of common pleas to 254022
applicants who reside in the first clerk's county. The registrar, 254023
in consultation with the tax commissioner and the clerks of the 254024
courts of common pleas, shall develop a report from the automated 254025
title processing system that informs each clerk of the amount of 254026
the poundage fees that the clerk is permitted to retain from those 254027
taxes because of certificates of title issued by the clerks of 254028
other counties to applicants who reside in the first clerk's 254029
county. 254030

(3) In the case of casual sales of motor vehicles, as defined 254031
in section 4517.01 of the Revised Code, the price for the purpose 254032
of determining the tax shall be the purchase price on the assigned 254033
certificate of title, or assignment form prescribed by the 254034
registrar, executed by the seller and filed with the clerk by the 254035
buyer on a form to be prescribed by the registrar, which shall be 254036
prima-facie evidence of the amount for the determination of the 254037
tax. 254038

(4) Each county clerk shall forward to the ~~treasurer of state~~ 254039
registrar of motor vehicles all sales and use tax collections 254040
resulting from sales of motor vehicles, off-highway motorcycles, 254041
and all-purpose vehicles during a calendar week on or before the 254042
Friday following the close of that week. If, on any Friday, the 254043
offices of the clerk of courts or the state are not open for 254044
business, the tax shall be forwarded to the ~~treasurer of state~~ 254045

registrar on or before the next day on which the offices are open. 254046
Every remittance of tax under division (B)(4) of this section 254047
shall be accompanied by a remittance report in such form as the 254048
tax commissioner prescribes. Upon receipt of a tax remittance and 254049
remittance report, the ~~treasurer of state~~ registrar shall date 254050
stamp the report and forward it to the tax commissioner. If the 254051
tax due for any week is not remitted by a clerk of courts as 254052
required under division (B)(4) of this section, the commissioner 254053
may require the clerk to forfeit the poundage fees for the sales 254054
made during that week. The ~~treasurer of state~~ registrar may 254055
require the clerks of courts to transmit tax collections and 254056
remittance reports electronically. 254057

(C)(1) If the transferor indicates on the certificate of 254058
title that the odometer reflects mileage in excess of the designed 254059
mechanical limit of the odometer, the clerk shall enter the phrase 254060
"exceeds mechanical limits" following the mileage designation. If 254061
the transferor indicates on the certificate of title that the 254062
odometer reading is not the actual mileage, the clerk shall enter 254063
the phrase "nonactual: warning - odometer discrepancy" following 254064
the mileage designation. The clerk shall use reasonable care in 254065
transferring the information supplied by the transferor, but is 254066
not liable for any errors or omissions of the clerk or those of 254067
the clerk's deputies in the performance of the clerk's duties 254068
created by this chapter. 254069

The registrar shall prescribe an affidavit in which the 254070
transferor shall swear to the true selling price and, except as 254071
provided in this division, the true odometer reading of the motor 254072
vehicle. The registrar may prescribe an affidavit in which the 254073
seller and buyer provide information pertaining to the odometer 254074
reading of the motor vehicle in addition to that required by this 254075
section, as such information may be required by the United States 254076
secretary of transportation by rule prescribed under authority of 254077

subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 254078
254079

(2) Division (C)(1) of this section does not require the 254080
giving of information concerning the odometer and odometer reading 254081
of a motor vehicle when ownership of a motor vehicle is being 254082
transferred as a result of a bequest, under the laws of intestate 254083
succession, to a survivor pursuant to section 2106.18, 2131.12, or 254084
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 254085
beneficiaries pursuant to section 2131.13 of the Revised Code, in 254086
connection with the creation of a security interest or for a 254087
vehicle with a gross vehicle weight rating of more than sixteen 254088
thousand pounds. 254089

(D) When the transfer to the applicant was made in some other 254090
state or in interstate commerce, the clerk, except as provided in 254091
this section, shall refuse to issue any certificate of title 254092
unless the tax imposed by or pursuant to Chapter 5741. of the 254093
Revised Code based on the purchaser's county of residence has been 254094
paid as evidenced by a receipt issued by the tax commissioner, or 254095
unless the applicant submits with the application payment of the 254096
tax. Upon payment of the tax in accordance with division (E) of 254097
this section, the clerk shall issue a receipt prescribed by the 254098
registrar and agreed upon by the tax commissioner, showing payment 254099
of the tax. 254100

For receiving and disbursing such taxes paid to the clerk by 254101
a resident of the clerk's county, the clerk may retain a poundage 254102
fee of one and one one-hundredth per cent. The clerk shall not 254103
retain a poundage fee from payments of taxes by persons who do not 254104
reside in the clerk's county. 254105

A clerk, however, may retain from the taxes paid to the clerk 254106
an amount equal to the poundage fees associated with certificates 254107
of title issued by other clerks of courts of common pleas to 254108
applicants who reside in the first clerk's county. The registrar, 254109

in consultation with the tax commissioner and the clerks of the 254110
courts of common pleas, shall develop a report from the automated 254111
title processing system that informs each clerk of the amount of 254112
the poundage fees that the clerk is permitted to retain from those 254113
taxes because of certificates of title issued by the clerks of 254114
other counties to applicants who reside in the first clerk's 254115
county. 254116

When the vendor is not regularly engaged in the business of 254117
selling motor vehicles, the vendor shall not be required to 254118
purchase a vendor's license or make reports concerning those 254119
sales. 254120

(E) The clerk shall accept any payment of a tax in cash, or 254121
by cashier's check, certified check, draft, money order, or teller 254122
check issued by any insured financial institution payable to the 254123
clerk and submitted with an application for a certificate of title 254124
under division (B) or (D) of this section. The clerk also may 254125
accept payment of the tax by corporate, business, or personal 254126
check, credit card, electronic transfer or wire transfer, debit 254127
card, or any other accepted form of payment made payable to the 254128
clerk. The clerk may require bonds, guarantees, or letters of 254129
credit to ensure the collection of corporate, business, or 254130
personal checks. Any service fee charged by a third party to a 254131
clerk for the use of any form of payment may be paid by the clerk 254132
from the certificate of title administration fund created in 254133
section 325.33 of the Revised Code, or may be assessed by the 254134
clerk upon the applicant as an additional fee. Upon collection, 254135
the additional fees shall be paid by the clerk into that 254136
certificate of title administration fund. 254137

The clerk shall make a good faith effort to collect any 254138
payment of taxes due but not made because the payment was returned 254139
or dishonored, but the clerk is not personally liable for the 254140
payment of uncollected taxes or uncollected fees. The clerk shall 254141

notify the tax commissioner of any such payment of taxes that is 254142
due but not made and shall furnish the information to the 254143
commissioner that the commissioner requires. The clerk shall 254144
deduct the amount of taxes due but not paid from the clerk's 254145
periodic remittance of tax payments, in accordance with procedures 254146
agreed upon by the tax commissioner. The commissioner may collect 254147
taxes due by assessment in the manner provided in section 5739.13 254148
of the Revised Code. 254149

Any person who presents payment that is returned or 254150
dishonored for any reason is liable to the clerk for payment of a 254151
penalty over and above the amount of the taxes due. The clerk 254152
shall determine the amount of the penalty, and the penalty shall 254153
be no greater than that amount necessary to compensate the clerk 254154
for banking charges, legal fees, or other expenses incurred by the 254155
clerk in collecting the returned or dishonored payment. The 254156
remedies and procedures provided in this section are in addition 254157
to any other available civil or criminal remedies. Subsequently 254158
collected penalties, poundage fees, and title fees, less any title 254159
fee due the state, from returned or dishonored payments collected 254160
by the clerk shall be paid into the certificate of title 254161
administration fund. Subsequently collected taxes, less poundage 254162
fees, shall be sent by the clerk to the ~~treasurer of state~~ 254163
registrar of motor vehicles at the next scheduled periodic 254164
remittance of tax payments, with information as the commissioner 254165
may require. The clerk may abate all or any part of any penalty 254166
assessed under this division. 254167

(F) In the following cases, the clerk shall accept for filing 254168
an application and shall issue a certificate of title without 254169
requiring payment or evidence of payment of the tax: 254170

(1) When the purchaser is this state or any of its political 254171
subdivisions, a church, or an organization whose purchases are 254172
exempted by section 5739.02 of the Revised Code; 254173

(2) When the transaction in this state is not a retail sale as defined by section 5739.01 of the Revised Code;	254174 254175
(3) When the purchase is outside this state or in interstate commerce and the purpose of the purchaser is not to use, store, or consume within the meaning of section 5741.01 of the Revised Code;	254176 254177 254178
(4) When the purchaser is the federal government;	254179
(5) When the motor vehicle was purchased outside this state for use outside this state;	254180 254181
(6) When the motor vehicle is purchased by a nonresident under the circumstances described in division (B)(1) of section 5739.029 of the Revised Code, and upon presentation of a copy of the statement provided by that section, and a copy of the exemption certificate provided by section 5739.03 of the Revised Code.	254182 254183 254184 254185 254186 254187
(G) An application, as prescribed by the registrar and agreed to by the tax commissioner, shall be filled out and sworn to by the buyer of a motor vehicle in a casual sale. The application shall contain the following notice in bold lettering: "WARNING TO TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by law to state the true selling price. A false statement is in violation of section 2921.13 of the Revised Code and is punishable by six months' imprisonment or a fine of up to one thousand dollars, or both. All transfers are audited by the department of taxation. The seller and buyer must provide any information requested by the department of taxation. The buyer may be assessed any additional tax found to be due."	254188 254189 254190 254191 254192 254193 254194 254195 254196 254197 254198 254199
(H) For sales of manufactured homes or mobile homes occurring on or after January 1, 2000, the clerk shall accept for filing, pursuant to Chapter 5739. of the Revised Code, an application for a certificate of title for a manufactured home or mobile home without requiring payment of any tax pursuant to section 5739.02,	254200 254201 254202 254203 254204

5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 254205
issued by the tax commissioner showing payment of the tax. For 254206
sales of manufactured homes or mobile homes occurring on or after 254207
January 1, 2000, the applicant shall pay to the clerk an 254208
additional fee of five dollars for each certificate of title 254209
issued by the clerk for a manufactured or mobile home pursuant to 254210
division (H) of section 4505.11 of the Revised Code and for each 254211
certificate of title issued upon transfer of ownership of the 254212
home. The clerk shall credit the fee to the county certificate of 254213
title administration fund, and the fee shall be used to pay the 254214
expenses of archiving those certificates pursuant to division (A) 254215
of section 4505.08 and division (H)(3) of section 4505.11 of the 254216
Revised Code. The tax commissioner shall administer any tax on a 254217
manufactured or mobile home pursuant to Chapters 5739. and 5741. 254218
of the Revised Code. 254219

(I) Every clerk shall have the capability to transact by 254220
electronic means all procedures and transactions relating to the 254221
issuance of motor vehicle certificates of title that are described 254222
in the Revised Code as being accomplished by electronic means. 254223

Sec. 4509.62. ~~Proof~~ A person may effectuate proof of 254224
financial responsibility ~~may be evidenced by the certificate of~~ 254225
~~the treasurer of state that the person named therein has deposited~~ 254226
~~with him~~ depositing with the registrar of motor vehicles thirty 254227
thousand dollars in money ~~or bonds of the United States, of this~~ 254228
~~state, or of a political subdivision of this state at their par or~~ 254229
~~face value.~~ The ~~treasurer of state~~ registrar shall not accept any 254230
such deposit ~~and issue a certificate therefor and the registrar~~ 254231
~~shall not accept such certificate~~ unless it is accompanied by 254232
evidence that there are no unsatisfied judgments against the 254233
depositor in the county where the depositor resides. 254234

The financial responsibility custodial fund is created, which 254235

shall be in the custody of the treasurer of state but shall not be 254236
part of the state treasury. All money deposited under this section 254237
shall be credited to that fund. 254238

Sec. 4509.63. The deposit provided for in section 4509.62 of 254239
the Revised Code shall be held by the ~~treasurer of state~~ registrar 254240
of motor vehicles to satisfy, in accordance with sections 4509.01 254241
to 4509.78, inclusive, of the Revised Code, any execution on a 254242
judgment, against the person making the deposit, for damages, 254243
including damages for care and loss of services, because of bodily 254244
injury to or death of any person, or for damages because of injury 254245
to property, including the loss of use thereof, resulting from the 254246
ownership, maintenance, or use of a motor vehicle after such 254247
deposit was made. Money ~~or securities~~ so deposited shall not be 254248
subject to attachment or execution unless such attachment or 254249
execution arises out of a suit for damages as described in this 254250
section. 254251

Sec. 4509.65. The registrar of motor vehicles shall consent 254252
to the cancellation of any bond or certificate of insurance or ~~the~~ 254253
~~registrar shall direct and the treasurer of state shall~~ return any 254254
money ~~or securities~~ to the person entitled thereto upon the 254255
substitution and acceptance of other adequate proof of financial 254256
responsibility in accordance with sections 4509.01 to 4509.78, 254257
inclusive, of the Revised Code. 254258

Sec. 4509.67. (A) The registrar of motor vehicles shall, upon 254259
request, consent to the immediate cancellation of any bond or 254260
certificate of insurance, ~~or shall direct and the treasurer of~~ 254261
~~state shall~~ return to the person entitled any money ~~or securities~~ 254262
deposited under sections 4509.01 to 4509.78 of the Revised Code, 254263
as proof of financial responsibility, or ~~the registrar shall~~ waive 254264
the requirement of filing proof, in any of the following events: 254265

(1) At any time after three years from the date such proof 254266
was required when, during the three years preceding the request, 254267
the registrar has not received record of a conviction or bail 254268
forfeiture which would require or permit the suspension or 254269
revocation of the license, registration or nonresident's operating 254270
privilege of the person by or for whom such proof was furnished 254271
and the person's motor vehicle registration has not been suspended 254272
for a violation of section 4509.101 of the Revised Code; 254273

(2) In the event of the death of the person on whose behalf 254274
such proof was filed or the permanent incapacity of such person to 254275
operate a motor vehicle; 254276

(3) In the event the person who has given proof surrenders 254277
~~his~~ the person's license and registration to the registrar. 254278

(B) The registrar shall not consent to the cancellation of 254279
any bond or the return of any money ~~or securities~~ if any action 254280
for damages upon a liability covered by such proof is pending, or 254281
any judgment upon any such liability is unsatisfied, or in the 254282
event the person who has filed such bond or deposited such money 254283
~~or securities~~ has within two years immediately preceding such 254284
request been involved as a driver or owner in any ~~motor vehicle~~ 254285
motor vehicle accident resulting in injury to the person or 254286
property of others. An affidavit of the applicant as to the 254287
nonexistence of such facts, or that ~~he~~ the applicant has been 254288
released from all liability, or has been finally adjudicated not 254289
liable, for such injury may be accepted as evidence thereof in the 254290
absence of evidence to the contrary in the records of the 254291
registrar. 254292

(C) Whenever any person whose proof has been canceled or 254293
returned under division (A)(3) of this section applies for a 254294
license or registration within a period of three years from the 254295
date proof was originally required, any such application shall be 254296
refused unless the applicant re-establishes proof of financial 254297

responsibility for the remainder of the three-year period. 254298

Sec. 4710.03. Nothing in this chapter applies to any of the 254299
following: 254300

(A) The federal national mortgage association; the federal 254301
home loan mortgage corporation; a bank, bank holding company, 254302
trust company, savings and loan association, credit union, savings 254303
bank, or credit card bank, that is regulated by the office of the 254304
comptroller of currency, ~~office of thrift supervision~~, federal 254305
reserve, federal deposit insurance corporation, national credit 254306
union administration, or division of financial institutions; or to 254307
subsidiaries of any of these entities; 254308

(B) Debt adjusting incurred in the practice of law in this 254309
state; 254310

(C) A person that incidentally engages in debt adjusting to 254311
adjust the indebtedness owed to that person; 254312

(D) A registrant as defined in section 1321.51 of the Revised 254313
Code; 254314

(E) A registrant or licensee as both are defined in section 254315
1322.01 of the Revised Code. 254316

Sec. 4749.01. As used in this chapter: 254317

(A) "Private investigator" means any person who engages in 254318
the business of private investigation. 254319

(B) "Business of private investigation" means, except when 254320
performed by one excluded under division (H) of this section, the 254321
conducting, for hire, in person or through a partner or employees, 254322
of any investigation relevant to any crime or wrong done or 254323
threatened, or to obtain information on the identity, habits, 254324
conduct, movements, whereabouts, affiliations, transactions, 254325
reputation, credibility, or character of any person, or to locate 254326

and recover lost or stolen property, or to determine the cause of 254327
or responsibility for any libel or slander, or any fire, accident, 254328
or damage to property, or to secure evidence for use in any 254329
legislative, administrative, or judicial investigation or 254330
proceeding. 254331

(C) "Security guard provider" means any person who engages in 254332
the business of security services. 254333

(D) "Business of security services" means either of the 254334
following: 254335

(1) Furnishing, for hire, watchpersons, guards, private 254336
patrol officers, or other persons whose primary duties are to 254337
protect persons or property; 254338

(2) Furnishing, for hire, guard dogs, or armored motor 254339
vehicle security services, in connection with the protection of 254340
persons or property. 254341

(E) "Class A license" means a license issued under section 254342
4749.03 of the Revised Code that qualifies the person issued the 254343
license to engage in the business of private investigation and the 254344
business of security services. 254345

(F) "Class B license" means a license issued under section 254346
4749.03 of the Revised Code that qualifies the person issued the 254347
license to engage only in the business of private investigation. 254348

(G) "Class C license" means a license issued under section 254349
4749.03 of the Revised Code that qualifies the person issued the 254350
license to engage only in the business of security services. 254351

(H) "Private investigator," "business of private 254352
investigation," "security guard provider," and "business of 254353
security services" do not include: 254354

(1) Public officers and employees whose official duties 254355
require them to engage in investigatory activities; 254356

(2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;	254357 254358
(3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following:	254359 254360 254361 254362 254363
(a) The issuance of consumer credit reports;	254364
(b) The conducting of limited background investigations that pertain only to a client's prospective tenant and that are engaged in with the prior written consent of the prospective tenant;	254365 254366 254367
(c) The business of pre-employment background investigation. As used in division (H)(3)(c) of this section, "business of pre-employment background investigation" means, and is limited to, furnishing for hire, in person or through a partner or employees, the conducting of limited background investigations, in-person interviews, telephone interviews, or written inquiries that pertain only to a client's prospective employee and the employee's employment and that are engaged in with the prior written consent of the prospective employee.	254368 254369 254370 254371 254372 254373 254374 254375 254376
(4) Certified public insurance adjusters that hold a certificate of authority issued pursuant to sections 3951.01 to 3951.09 of the Revised Code, while the adjuster is investigating the cause of or responsibility for a fire, accident, or other damage to property with respect to a claim or claims for loss or damage under a policy of insurance covering real or personal property;	254377 254378 254379 254380 254381 254382 254383
(5) Personnel placement services and persons who act as employees of such entities engaged in investigating matters related to personnel placement activities;	254384 254385 254386
(6) An employee in the regular course of the employee's	254387

employment, engaged in investigating matters pertinent to the 254388
business of the employee's employer or protecting property in the 254389
possession of the employee's employer, provided the employer is 254390
deducting all applicable state and federal employment taxes on 254391
behalf of the employee and neither the employer nor the employee 254392
is employed by, associated with, or acting for or on behalf of any 254393
private investigator or security guard provider; 254394

(7) Any better business bureau or similar organization or any 254395
of its employees while engaged in the maintenance of the quality 254396
of business activities relating to consumer sales and services; 254397

(8) An accountant who is registered or certified under 254398
Chapter 4701. of the Revised Code or any of the accountant's 254399
employees while engaged in activities for which the accountant is 254400
certified or registered; 254401

(9) Any person who, for hire or otherwise, conducts 254402
genealogical research in this state. 254403

As used in division (H)(9) of this section, "genealogical 254404
research" means the determination of the origins and descent of 254405
families, including the identification of individuals, their 254406
family relationships, and the biographical details of their lives. 254407
"Genealogical research" does not include furnishing for hire 254408
services for locating missing persons or natural or birth parents 254409
or children. 254410

(10) Any person residing in this state who conducts research 254411
for the purpose of locating the last known owner of unclaimed 254412
funds, provided that the person is in compliance with Chapter 169. 254413
of the Revised Code and rules adopted thereunder. The exemption 254414
set forth in division (H)(10) of this section applies only to the 254415
extent that the person is conducting research for the purpose of 254416
locating the last known owner of unclaimed funds. 254417

As used in division (H)(10) of this section, "owner" and 254418

"unclaimed funds" have the same meanings as in section 169.01 of the Revised Code. 254419
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(11) A professional engineer who is registered under Chapter 4733. of the Revised Code or any of his employees. 254421
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As used in division (H)(11) of this section and notwithstanding division (I) of this section, "employee" has the same meaning as in section 4101.01 of the Revised Code. 254423
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(12) Any person residing in this state who, for hire or otherwise, conducts research for the purpose of locating persons to whom the state of Ohio owes money in the form of warrants, as defined in ~~division (S)~~ of section 131.01 of the Revised Code, that the state voided but subsequently reissues. 254426
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(13) An independent insurance adjuster who, as an individual, an independent contractor, an employee of an independent contractor, adjustment bureau association, corporation, insurer, partnership, local recording agent, managing general agent, or self-insurer, engages in the business of independent insurance adjustment, or any person who supervises the handling of claims except while acting as an employee of an insurer licensed in this state while handling claims pertaining to specific policies written by that insurer. 254431
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As used in division (H)(13) of this section, "independent insurance adjustment" means conducting investigations to determine the cause of or circumstances concerning a fire, accident, bodily injury, or damage to real or personal property; determining the extent of damage of that fire, accident, injury, or property damage; securing evidence for use in a legislative, administrative, or judicial investigation or proceeding, adjusting losses; and adjusting or settling claims, including the investigation, adjustment, denial, establishment of damages, negotiation, settlement, or payment of claims in connection with 254440
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insurance contractors, self-insured programs, or other similar 254450
insurance programs. "Independent adjuster" does not include either 254451
of the following: 254452

(a) An attorney who adjusts insurance losses incidental to 254453
the practice of law and who does not advertise or represent that 254454
the attorney is an independent insurance adjuster; 254455

(b) A licensed agent or general agent of an insurer licensed 254456
in this state who processes undisputed or uncontested losses for 254457
insurers under policies issued by that agent or general agent. 254458

(14) Except for a commissioned peace officer who engages in 254459
the business of private investigation or compensates others who 254460
engage in the business of private investigation or the business of 254461
security services or both, any commissioned peace officer as 254462
defined in division (B) of section 2935.01 of the Revised Code. 254463

(I) "Employee" means every person who may be required or 254464
directed by any employer, in consideration of direct or indirect 254465
gain or profit, to engage in any employment, or to go, or work, or 254466
be at any time in any place of employment, provided that the 254467
employer of the employee deducts all applicable state and federal 254468
employment taxes on behalf of the employee. 254469

Sec. 4763.13. (A) In engaging in appraisal activities, a 254470
person certified, registered, or licensed under this chapter shall 254471
comply with the applicable standards prescribed by the board of 254472
governors of the federal reserve system, the federal deposit 254473
insurance corporation, the comptroller of the currency, ~~the office~~ 254474
~~of thrift supervision,~~ the national credit union administration, 254475
and the resolution trust corporation in connection with federally 254476
related transactions under the jurisdiction of the applicable 254477
agency or instrumentality. A certificate holder, registrant, and 254478
licensee also shall comply with the uniform standards of 254479
professional appraisal practice, as adopted by the appraisal 254480

standards board of the appraisal foundation and such other 254481
standards adopted by the real estate appraiser board, to the 254482
extent that those standards do not conflict with applicable 254483
federal standards in connection with a particular federally 254484
related transaction. 254485

(B) The terms "state-licensed residential real estate 254486
appraiser," "state-certified residential real estate appraiser," 254487
"state-certified general real estate appraiser," and 254488
"state-registered real estate appraiser assistant" shall be used 254489
to refer only to those persons who have been issued the applicable 254490
certificate, registration, or license or renewal certificate, 254491
registration, or license pursuant to this chapter. None of these 254492
terms shall be used following or in connection with the name or 254493
signature of a partnership, corporation, or association or in a 254494
manner that could be interpreted as referring to a person other 254495
than the person to whom the certificate, registration, or license 254496
has been issued. No person shall fail to comply with this 254497
division. 254498

(C) No person, other than a certificate holder, a registrant, 254499
or a licensee, shall assume or use a title, designation, or 254500
abbreviation that is likely to create the impression that the 254501
person possesses certification, registration, or licensure under 254502
this chapter, provided that professional designations containing 254503
the term "certified appraiser" and being used on or before July 254504
26, 1989, shall not be construed as being misleading under this 254505
division. No person other than a person certified or licensed 254506
under this chapter shall describe or refer to an appraisal or 254507
other evaluation of real estate located in this state as being 254508
certified. 254509

(D) The terms "state-certified or state-licensed real estate 254510
appraisal report," "state-certified or state-licensed appraisal 254511

report," or "state-certified or state-licensed appraisal" shall be 254512
used to refer only to those real estate appraisals conducted by a 254513
certificate holder or licensee as a disinterested and unbiased 254514
third party provided that the certificate holder or licensee 254515
provides certification with the appraisal report and provided 254516
further that if a licensee is providing the appraisal, such terms 254517
shall only be used if the licensee is acting within the scope of 254518
the licensee's license. No person shall fail to comply with this 254519
division. 254520

(E) Nothing in this chapter shall preclude a partnership, 254521
corporation, or association which employs, retains, or engages the 254522
services of a certificate holder or licensee to advertise that the 254523
partnership, corporation, or association offers state-certified or 254524
state-licensed appraisals through a certificate holder or licensee 254525
if the advertisement clearly states such fact in accordance with 254526
guidelines for such advertisements established by rule of the real 254527
estate appraiser board. 254528

(F) Except as otherwise provided in section 4763.19 of the 254529
Revised Code, nothing in this chapter shall preclude a person who 254530
is not licensed or certified under this chapter from appraising 254531
real estate for compensation. 254532

Sec. 5725.17. (A) In addition to any other penalty imposed by 254533
this chapter or Chapter 5703. of the Revised Code, the following 254534
penalties shall apply: 254535

(1) If a dealer in intangibles fails to make and furnish to 254536
the tax commissioner the report required by section 5725.14 of the 254537
Revised Code, within the time fixed by that section, a penalty 254538
shall be imposed equal to the greater of fifty dollars per month 254539
or fraction of a month, not to exceed five hundred dollars, or 254540
five per cent per month or fraction of a month, not to exceed 254541
fifty per cent, of the tax required to be shown on the report, for 254542

each month or fraction of a month elapsing between the due date, 254543
including extensions of the due date, and the date on which the 254544
report is filed. 254545

(2) If a dealer in intangibles fails to pay any amounts of 254546
the tax levied by division (D) of section 5707.03 of the Revised 254547
Code by the dates prescribed for payment, a penalty shall be 254548
imposed equal to the greater of ~~the penalty due under division (F)~~ 254549
~~of section 5725.22 of the Revised Code, for which this penalty~~ 254550
~~shall be a substitute~~ (a) five per cent of the taxes due, if 254551
payment is made within ten calendar days of the date shown on the 254552
tax bill, or ten per cent of the taxes due, if payment is not made 254553
within ten days of such date, or (b) two times the interest 254554
charged under section 5725.221 of the Revised Code for the 254555
delinquent payment. 254556

(3) If a dealer in intangibles submits a report required by 254557
section 5725.14 of the Revised Code that is marked, defaced, or 254558
otherwise designed by the dealer to be a frivolous protest or an 254559
attempt to delay or impede the administration of the tax levied by 254560
division (D) of section 5707.03 of the Revised Code, a penalty 254561
shall be imposed equal to the greater of one hundred dollars or 254562
twenty-five per cent of the tax required to be shown on the 254563
report. 254564

(4) If a dealer in intangibles makes a fraudulent attempt to 254565
evade the reporting or payment of the tax levied by division (D) 254566
of section 5707.03 of the Revised Code, a penalty shall be imposed 254567
equal to the greater of one thousand dollars or one hundred per 254568
cent of the tax required to be shown on the report required by 254569
section 5725.14 of the Revised Code. 254570

(5) If any person makes a false or fraudulent claim for 254571
abatement or refund of the tax levied by division (D) of section 254572
5707.03 of the Revised Code, a penalty shall be imposed equal to 254573
the greater of one thousand dollars or one hundred per cent of the 254574

claim. The penalty imposed by this division, any abatement or 254575
refund on the claim, and interest on any refund from the date of 254576
the refund, may be assessed under section 5725.15 of the Revised 254577
Code or added by the tax commissioner as tax, penalty, and 254578
interest due from the tax levied by division (D) of section 254579
5707.03 of the Revised Code, without regard to whether the person 254580
making the claim is otherwise subject to the tax, and without 254581
regard to any time limitation for assessment. 254582

(B) Each penalty imposed under division (A) of this section 254583
shall be in addition to any other penalty imposed under that 254584
division. All or part of any penalty imposed under division (A) of 254585
this section may be abated by the commissioner. 254586

Sec. 5725.22. (A) The treasurer of state shall maintain an 254587
~~intangible property tax list of taxes levied by section 5707.03 of~~ 254588
~~the Revised Code and certified by the tax commissioner pursuant to~~ 254589
~~sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised~~ 254590
~~Code, and a separate list of taxes levied by section 5725.18 of~~ 254591
the Revised Code and certified for assessment by the 254592
superintendent of insurance pursuant to section 5725.20 of the 254593
Revised Code. 254594

~~(B)(1) With respect to taxes levied under section 5725.18 of~~ 254595
~~the Revised Code, the treasurer of state, upon receipt of an~~ 254596
~~assessment, shall compute the taxes at the rates prescribed by law~~ 254597
~~and enter the taxes on the proper tax list.~~(B) The treasurer of 254598
state shall collect, and the taxpayer shall pay, all ~~such~~ taxes 254599
levied under section 5725.18 of the Revised Code and any interest 254600
applicable thereto. Payments may be made ~~by mail, in person,~~ 254601
electronically or by any other means authorized by the treasurer 254602
of state. ~~The~~ Whenever the superintendent of insurance submits an 254603
electronic call for data, the treasurer of state shall render a 254604
~~daily itemized statement electronically submit~~ to the 254605

superintendent of insurance of the data requested, including the 254606
amount of taxes collected and the name of the domestic insurance 254607
company from whom collected. The treasurer of state may adopt 254608
rules concerning the methods and timeliness of payments under this 254609
division. 254610

~~(2) With respect to taxes levied under section 5707.03 of the 254611
Revised Code, any assessment certified to the treasurer of state 254612
shall reflect the taxes computed at the rates prescribed by law. 254613
Upon receipt of such an assessment, the treasurer shall enter the 254614
taxes on the proper tax list. The tax commissioner shall collect, 254615
and the taxpayer shall pay, all such taxes and any interest 254616
applicable thereto. Payments may be made by mail, in person, or by 254617
any other means authorized by the commissioner. The commissioner 254618
shall immediately forward to the treasurer any payments received 254619
under this division, together with any information necessary for 254620
the treasurer to properly credit such payments. The commissioner 254621
may adopt rules concerning the method and timeliness of payments 254622
under this division. 254623~~

(C) Each tax bill issued pursuant to this section shall 254624
separately reflect the taxes due, interest, if any, due date, and 254625
any other information considered necessary. ~~With respect to taxes 254626
levied under section 5725.18 of the Revised Code, the The last day 254627
on which payment may be made without penalty shall be the 254628
fifteenth day of June, unless that day is not a business day as 254629
defined in section 5709.40 of the Revised Code, in which case the 254630
payment may be made on the next business day. ~~With respect to 254631
taxes levied under section 5707.03 of the Revised Code, the last 254632
day on which payment may be made without penalty shall be at least 254633
twenty but not more than thirty days from the date of mailing the 254634
tax bill. The treasurer of state or tax commissioner, as 254635
appropriate, shall issue the tax bill and, if the tax bill is 254636
issued by mail, the mailing thereof shall be prima facie evidence 254637~~~~

~~of receipt thereof by the taxpayer to the taxpayer electronically~~ 254638
~~through the department of insurance's web site.~~ 254639

The treasurer ~~or commissioner, as appropriate,~~ of state shall 254640
refund taxes as provided in this section, but no refund shall be 254641
made to a taxpayer having a delinquent claim certified pursuant to 254642
this section that remains unpaid. The treasurer ~~or commissioner of~~ 254643
state may consult the attorney general regarding such claims. 254644
Refunds shall be paid from the tax refund fund created by section 254645
5703.052 of the Revised Code. 254646

(D)(1) ~~Within twenty days after receipt of any preliminary~~ 254647
~~assessment of taxes levied under section 5725.18 of the Revised~~ 254648
~~Code~~ Unless an exigency exists, the treasurer of state shall issue 254649
a tax bill within twenty days after receipt of an assessment 254650
certified by the superintendent of insurance under section 5725.20 254651
of the Revised Code, but if such ~~preliminary~~ assessment reflects a 254652
late filed tax return, the treasurer of state shall add interest 254653
as provided in division (A) of section 5725.221 of the Revised 254654
Code and issue a tax bill. In the case of an exigency, the 254655
treasurer of state shall issue the tax bill as soon as possible 254656
and may extend the due date for payment of the tax prescribed by 254657
division (C) of this section. 254658

(2) After receipt of any amended or final assessment of taxes 254659
~~levied under section 5725.18 of the Revised Code~~ received from the 254660
superintendent of insurance pursuant to section 5725.20 of the 254661
Revised Code, the treasurer of state shall ascertain the 254662
difference between the total taxes computed on such assessment and 254663
the total taxes computed on the most recent assessment certified 254664
for the same tax year. If the difference is a deficiency, the 254665
treasurer of state shall add interest as provided in division 254666
(B)(1) of section 5725.221 of the Revised Code and issue a tax 254667
bill, with payment due thirty days after the date of the bill is 254668
issued. ~~Unless an exigency exists, the treasurer shall issue the~~ 254669

~~tax bill on or before the fifteenth day of May. In the case of an~~ 254670
~~exigency, the treasurer shall issue the tax bill as soon as~~ 254671
~~possible after the fifteenth day of May and may extend the due~~ 254672
~~date for payment of the tax prescribed by division (C) of this~~ 254673
~~section. If the difference is an excess, the treasurer of state~~ 254674
~~shall add interest as provided in division (B)(2) of section~~ 254675
~~5725.221 of the Revised Code and certify the name of the taxpayer~~ 254676
~~and the amount to be refunded to the director of budget and~~ 254677
~~management for payment to the taxpayer. If the taxpayer has a~~ 254678
~~deficiency for one tax year and an excess for another tax year, or~~ 254679
~~any combination thereof for more than two tax years, the treasurer~~ 254680
~~of state may determine the net result after adding interest, if~~ 254681
~~applicable, and, depending on such result, proceed to issue a tax~~ 254682
~~bill or certify a refund.~~ 254683

~~(E)(1) Except as provided in division (E)(2) of this section,~~ 254684
~~within twenty days after certifying to the treasurer of state an~~ 254685
~~amended or final assessment, or a preliminary assessment of a~~ 254686
~~dealer in intangibles that has failed to file a report or disclose~~ 254687
~~taxable property, the tax commissioner shall ascertain the~~ 254688
~~difference between the total taxes computed on such assessment and~~ 254689
~~the total taxes computed on the most recent assessment certified~~ 254690
~~for the same tax year, if any. If the difference is a deficiency,~~ 254691
~~the commissioner shall add interest as provided in division (B)(1)~~ 254692
~~of section 5725.221 of the Revised Code and issue a tax bill. If~~ 254693
~~the difference is an excess, the commissioner shall add interest~~ 254694
~~as provided in division (B)(2) of section 5725.221 of the Revised~~ 254695
~~Code and certify the name of the taxpayer and the amount to be~~ 254696
~~refunded to the director of budget and management for payment to~~ 254697
~~the taxpayer. If the taxpayer has a deficiency for one tax year~~ 254698
~~and excess for another tax year, or any combination thereof for~~ 254699
~~more than two tax years, the commissioner may determine the net~~ 254700
~~result after adding interest, if applicable, and, depending on~~ 254701
~~such result, proceed to mail a tax bill or certify a refund.~~ 254702

~~(2) The tax commissioner may issue a tax bill for any deficiency resulting from an assessment at the time the commissioner issues the assessment.~~

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~~(F) With respect to taxes levied under section 5707.03 of the Revised Code, if a taxpayer fails to pay all taxes and interest, if any, on or before the due date shown on the tax bill but makes payment within ten calendar days of such date, the tax commissioner shall add a penalty equal to five per cent of the taxes due. If payment is not made within ten days of such date, the commissioner shall add a penalty equal to ten per cent of the taxes due. The commissioner shall prepare a delinquent claim for each tax bill on which penalties were added and certify such claims to the attorney general for collection. For each claim certified by the commissioner, the attorney general shall proceed to collect the delinquent taxes, penalties, and interest thereon in the manner prescribed by law.~~

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~~(G) With respect to taxes levied under section 5725.18 of the Revised Code, if (E) If a taxpayer fails to pay all taxes and interest, if any, on or before the due date shown on the tax bill issued by the treasurer of state, the treasurer of state shall add a penalty equal to five hundred dollars for each month the taxpayer fails to pay all taxes and interest due. The treasurer of state may add an additional penalty, not to exceed ten per cent of the taxes and interest due, if the taxpayer fails to demonstrate that the taxpayer made a good faith effort to pay all taxes and interest on or before the due date shown on the tax bill. The treasurer of state shall prepare a delinquent claim for each tax bill on which penalties were added and certify such claims to the attorney general for collection. The attorney general shall transmit a copy of each claim certified by the treasurer of state to the superintendent of insurance. For each claim certified by the treasurer of state, the attorney general shall proceed to~~

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collect the delinquent taxes, penalties, and interest thereon in 254735
the manner prescribed by law. 254736

Sec. 5727.25. (A) Except as provided in division (B) of this 254737
section, within forty-five days after the last day of March, June, 254738
September, and December, each natural gas company or combined 254739
company subject to the excise tax imposed by section 5727.24 of 254740
the Revised Code shall file a return with the tax commissioner, in 254741
such form as the ~~tax~~ commissioner prescribes, and pay the full 254742
amount of the tax due on its taxable gross receipts for the 254743
preceding calendar quarter, ~~except that the first payment of this~~ 254744
~~tax shall be made on or before November 15, 2000, for the~~ 254745
~~five month period of May 1, 2000, to September 30, 2000.~~ All 254746
payments made under this division shall be made ~~by electronic~~ 254747
~~funds transfer~~ electronically in accordance with section 5727.311 254748
of the Revised Code. 254749

(B) Any natural gas company or combined company subject to 254750
the excise tax imposed by this section that has an annual tax 254751
liability for the preceding calendar year ending on the 254752
thirty-first day of December of less than three hundred 254753
twenty-five thousand dollars may elect to file an annual return 254754
with the tax commissioner, in such form as the ~~tax~~ commissioner 254755
prescribes, for the next year. A company that elects to file an 254756
annual return for the calendar year shall file the return and 254757
remit the taxes due on its taxable gross receipts within 254758
forty-five days after the thirty-first day of December. ~~The first~~ 254759
~~payment of the tax under this division shall be made on or before~~ 254760
~~February 14, 2001, for the period of May 1, 2000, to December 31,~~ 254761
~~2000.~~ The minimum tax for a natural gas company or combined 254762
company subject to this division shall be fifty dollars, and the 254763
company shall not be required to remit the tax due ~~by electronic~~ 254764
~~funds transfer~~ electronically. 254765

(C) A return required to be filed under division (A) or (B) 254766
of this section shall show the amount of tax due from the company 254767
for the period covered by the return and any other information as 254768
prescribed by the tax commissioner. A return shall be considered 254769
filed when received by the ~~tax~~ commissioner. The commissioner may 254770
extend the time for making and filing returns and paying the tax. 254771

(D) Any natural gas company or combined company that fails to 254772
file a return or pay the full amount of the tax due within the 254773
period prescribed under this section shall pay an additional 254774
charge of fifty dollars or ten per cent of the tax required to be 254775
paid for the reporting period, whichever is greater. If any tax 254776
due is not paid timely in accordance with this section, the 254777
company liable for the tax shall pay interest, calculated at the 254778
rate per annum prescribed by section 5703.47 of the Revised Code, 254779
from the date the tax payment was due to the date of payment or to 254780
the date an assessment was issued, whichever occurs first. The tax 254781
commissioner may collect any additional charge or interest imposed 254782
by this section by assessment in the manner provided in section 254783
5727.26 of the Revised Code. The commissioner may abate all or a 254784
portion of the additional charge and may adopt rules governing 254785
such abatements. 254786

(E) ~~The tax commissioner shall immediately forward to the~~ 254787
~~treasurer of state any amounts that the commissioner receives~~ 254788
~~under this section.~~ The taxes, additional charges, penalties, and 254789
interest collected under sections 5727.24 to 5727.29 of the 254790
Revised Code shall be credited in accordance with section 5727.45 254791
of the Revised Code. 254792

Sec. 5727.31. (A) Each public utility subject to the excise 254793
tax imposed by section 5727.30 of the Revised Code, annually, on 254794
or before the first day of August, shall file with the tax 254795
commissioner a statement in such form as the commissioner 254796

prescribes and shall pay any amount due. 254797

(B)(1) Annually, on or before the fifteenth day of October of 254798
the current year, each public utility whose estimated excise taxes 254799
for the current year as based upon the statement required to be 254800
filed in that year by division (A) of this section are one 254801
thousand dollars or more shall file with the commissioner a 254802
report, in such form as the commissioner prescribes, showing the 254803
amount of excise tax estimated to be charged or levied pursuant to 254804
law for the current year upon the basis of such annual statement, 254805
and shall remit a portion of the estimated excise taxes shown to 254806
be due by the report. The portion of the estimated excise taxes 254807
due at the time the report is filed shall be one-third of its 254808
total excise taxes estimated to be charged or levied for the 254809
current year based upon the annual statement filed under division 254810
(A) of this section. 254811

(2) Annually, on or before the first day of March and June, 254812
each public utility whose excise taxes as based upon its last 254813
preceding annual statement filed under division (A) of this 254814
section prior to the first day of January were one thousand 254815
dollars or more shall file with the commissioner a report, in such 254816
form as the commissioner prescribes, showing the amount of excise 254817
tax charged or levied pursuant to law upon the basis of such 254818
annual statement, and shall remit a portion of the excise taxes 254819
shown to be due by each such report. The portion of the excise 254820
taxes due at the time each such report is filed shall be one-third 254821
of its total excise taxes so charged or levied based upon such 254822
annual statement. 254823

(C) Any public utility subject to the excise taxes imposed by 254824
section 5727.30 of the Revised Code whose tax as certified under 254825
section 5727.38 of the Revised Code in a year equals or exceeds 254826
the amount specified for that year in section 5727.311 of the 254827
Revised Code shall make the payments required under this section 254828

in the second ensuing and each succeeding year in the manner 254829
prescribed by section 5727.311 of the Revised Code, except as 254830
otherwise prescribed by that section. 254831

(D)(1) For purposes of this section, a report required to be 254832
filed under division (B) of this section is considered filed when 254833
it is received by the tax commissioner. 254834

(2) For purposes of this section and sections 5727.311 and 254835
5727.42 of the Revised Code, remittance of an excise tax required 254836
to be made under this section is considered to be made when the 254837
remittance is received by the ~~treasurer of state or tax~~ 254838
commissioner, or when credited to an account designated by the 254839
treasurer of state for the receipt of tax remittances. 254840

Sec. 5727.311. (A) Any public utility subject to an excise 254841
tax imposed by section 5727.30 of the Revised Code whose tax 254842
equals or exceeds fifty thousand dollars shall make each payment 254843
required under division (B) of section 5727.31 of the Revised Code 254844
for the second ensuing and each succeeding year ~~by electronic~~ 254845
~~funds transfer~~ electronically as prescribed by division (C) of 254846
this section. 254847

If the tax in each of two consecutive years is less than 254848
fifty thousand dollars, the public utility is relieved of the 254849
requirement to remit taxes ~~by electronic funds transfer~~ 254850
electronically for the year that next follows the second of the 254851
consecutive years in which the tax certified is less than fifty 254852
thousand dollars, and is relieved of that requirement for each 254853
succeeding year unless the tax in a subsequent year equals or 254854
exceeds fifty thousand dollars. 254855

(B) The tax commissioner shall notify each public utility 254856
required by this section or section 5727.25 of the Revised Code to 254857
remit taxes ~~by electronic funds transfer~~ electronically of the 254858
public utility's obligation to do so ~~and shall maintain an updated~~ 254859

~~list of those public utilities. Failure by the tax commissioner to~~ 254860
~~notify a public utility subject to this section to remit taxes by~~ 254861
~~electronic funds transfer electronically does not relieve the~~ 254862
~~public utility of its obligation to remit taxes by ~~electronic~~~~ 254863
~~funds transfer in that manner.~~ 254864

(C) Public utilities required by this section or section 254865
5727.25 of the Revised Code to remit periodic payments ~~by~~ 254866
~~electronic funds transfer electronically shall remit such payments~~ 254867
~~to the treasurer of state in the manner prescribed by rules~~ 254868
~~adopted by the treasurer of state under section 113.061 of the~~ 254869
~~Revised Code in the manner prescribed by the tax commissioner. The~~ 254870
~~electronic payment of public utility excise taxes ~~by electronic~~~~ 254871
~~~~funds transfer~~ does not affect a public utility's obligation to~~ 254872  
~~file the annual statement and periodic reports in the manner and~~ 254873  
~~at the times prescribed by section 5727.31 of the Revised Code.~~ 254874

A public utility required by this section or section 5727.25 254875  
of the Revised Code to remit taxes ~~by electronic funds transfer~~ 254876  
~~electronically may apply to the tax commissioner in the manner~~ 254877  
~~prescribed by the commissioner to be excused from that~~ 254878  
~~requirement. The commissioner may excuse the public utility from~~ 254879  
~~electronic remittance ~~by electronic funds transfer~~ for good cause~~ 254880  
~~shown for the period of time requested by the public utility or~~ 254881  
~~for a portion of that period. The commissioner shall notify the~~ 254882  
~~public utility of the commissioner's decision as soon as is~~ 254883  
~~practicable.~~ 254884

(D) If a public utility required by this section or section 254885  
5727.25 of the Revised Code to remit taxes ~~by electronic funds~~ 254886  
~~~~transfer~~ electronically remits those taxes by some means other~~ 254887  
~~than ~~by electronic funds transfer~~ electronically as prescribed by~~ 254888
~~this section and the rules adopted by the treasurer of state, and~~ 254889
~~the tax commissioner determines that the failure to remit taxes as~~ 254890
~~required was not due to reasonable cause or was due to willful~~ 254891

neglect, the commissioner may impose an additional charge on the 254892
public utility equal to five per cent of the amount of the taxes 254893
required to be paid ~~by electronic funds transfer~~ electronically, 254894
but not to exceed five thousand dollars. Any additional charge 254895
imposed under this section is in addition to any other penalty or 254896
charge imposed under this chapter, and shall be considered as 254897
revenue arising from excise taxes imposed by this chapter. 254898

No additional charge shall be assessed under this division 254899
against a public utility that has been notified of its obligation 254900
to remit taxes electronically under this section and that remits 254901
its first two tax payments after such notification by some other 254902
means ~~other than electronic funds transfer~~. The additional charge 254903
may be assessed upon the remittance of any subsequent tax payment 254904
that the public utility remits by some means other than ~~electronic~~ 254905
~~funds transfer~~ electronically. 254906

Sec. 5727.42. (A) ~~The treasurer of state shall notify the tax~~ 254907
~~commissioner of any payment of the excise tax imposed by section~~ 254908
~~5727.30 of the Revised Code. The tax~~ commissioner shall collect 254909
the excise tax imposed by section 5727.30 of the Revised Code and 254910
the taxpayer shall pay all taxes and any penalties thereon. 254911
Payments of the tax may be made by mail, in person, ~~by electronic~~ 254912
~~funds transfer~~ electronically if required to do so by section 254913
5727.311 of the Revised Code, or by any other means authorized by 254914
the commissioner. The commissioner may adopt rules concerning the 254915
methods and timeliness of payment. 254916

(B) Each tax assessment issued pursuant to this section shall 254917
separately reflect the taxes and any penalty due, and any other 254918
information considered necessary. The commissioner shall mail the 254919
assessment to the taxpayer, and the mailing of it shall be 254920
prima-facie evidence of receipt thereof by the taxpayer. 254921

(C) The commissioner shall refund taxes levied and payments 254922

made for the tax imposed by section 5727.30 of the Revised Code as 254923
provided in this section, but no refund shall be made to a 254924
taxpayer having a delinquent claim certified pursuant to this 254925
section that remains unpaid. The commissioner may consult the 254926
attorney general regarding such claims. 254927

(D) After receiving any excise tax annual statement for the 254928
tax imposed by section 5727.30 of the Revised Code, the 254929
commissioner shall: 254930

(1) Ascertain the difference between the total taxes owed and 254931
the sum of all payments made for that year. 254932

(2) If the difference is a deficiency, the commissioner shall 254933
issue an assessment. 254934

(3) If the difference is an excess, the commissioner shall 254935
~~notify the director of budget and management and~~ issue a refund of 254936
that amount to the taxpayer. If the amount of the refund is less 254937
than that claimed by the taxpayer, the taxpayer, within sixty days 254938
of the issuance of the refund, may provide to the commissioner 254939
additional information to support the claim or may request a 254940
hearing. Upon receiving such information or request within that 254941
time, the commissioner shall follow the same procedures set forth 254942
in divisions (C) and (D) of section 5703.70 of the Revised Code 254943
for the determination of refund applications. 254944

If the taxpayer has a deficiency for one tax year and an 254945
excess for another tax year, or any combination thereof for more 254946
than two years, the commissioner may determine the net result and, 254947
depending on such result, proceed to issue an assessment or 254948
certify a refund. 254949

(E) If a taxpayer fails to pay the amount of taxes required 254950
to be paid, or fails to make an estimated payment on or before the 254951
due date prescribed in division (B) of section 5727.31 of the 254952
Revised Code, the commissioner shall impose a penalty in the 254953

amount of fifteen per cent of the unpaid amount, and the 254954
commissioner shall issue an assessment for the unpaid amount and 254955
penalty. Unless a timely petition for reassessment is filed under 254956
section 5727.47 of the Revised Code, the attorney general shall 254957
proceed to collect the delinquent taxes and penalties thereon in 254958
the manner prescribed by law and notify the commissioner of all 254959
collections. 254960

Sec. 5727.47. (A) Notice of each assessment certified or 254961
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 254962
shall be mailed to the public utility, and its mailing shall be 254963
prima-facie evidence of its receipt by the public utility to which 254964
it is addressed. With the notice, the tax commissioner shall 254965
provide instructions on how to petition for reassessment and 254966
request a hearing on the petition. If a public utility objects to 254967
such an assessment, it may file with the commissioner, either 254968
personally or by certified mail, within sixty days after the 254969
mailing of the notice of assessment a written petition for 254970
reassessment signed by the utility's authorized agent having 254971
knowledge of the facts. The date the commissioner receives the 254972
petition shall be considered the date of filing. The petition 254973
shall indicate the utility's objections, but additional objections 254974
may be raised in writing if received by the commissioner prior to 254975
the date shown on the final determination. 254976

In the case of a petition seeking a reduction in taxable 254977
value filed with respect to an assessment certified under section 254978
5727.23 of the Revised Code, the petitioner shall state in the 254979
petition the total amount of reduction in taxable value sought by 254980
the petitioner. If the petitioner objects to the percentage of 254981
true value at which taxable property is assessed by the 254982
commissioner, the petitioner shall state in the petition the total 254983
amount of reduction in taxable value sought both with and without 254984
regard to the objection pertaining to the percentage of true value 254985

at which its taxable property is assessed. If a petitioner objects 254986
to the commissioner's apportionment of the taxable value of the 254987
petitioner's taxable property, the petitioner shall distinctly 254988
state in the petition that the petitioner objects to the 254989
commissioner's apportionment, and, within forty-five days after 254990
filing the petition for reassessment, shall submit the 254991
petitioner's proposed apportionment of the taxable value of its 254992
taxable property among taxing districts. If a petitioner that 254993
objects to the commissioner's apportionment fails to state its 254994
objections to that apportionment in its petition for reassessment 254995
or fails to submit its proposed apportionment within forty-five 254996
days after filing the petition for reassessment, the commissioner 254997
shall dismiss the petitioner's objection to the commissioner's 254998
apportionment, and the taxable value of the petitioner's taxable 254999
property, subject to any adjustment to taxable value pursuant to 255000
the petition or appeal, shall be apportioned in the manner used by 255001
the commissioner in the preliminary or amended preliminary 255002
assessment certified under section 5727.23 of the Revised Code. 255003

If an additional objection seeking a reduction in taxable 255004
value in excess of the reduction stated in the original petition 255005
is properly and timely raised with respect to an assessment issued 255006
under section 5727.23 of the Revised Code, the petitioner shall 255007
state the total amount of the reduction in taxable value sought in 255008
the additional objection both with and without regard to any 255009
reduction in taxable value pertaining to the percentage of true 255010
value at which taxable property is assessed. If a petitioner fails 255011
to state the reduction in taxable value sought in the original 255012
petition or in additional objections properly raised after the 255013
petition is filed, the commissioner shall notify the petitioner of 255014
the failure ~~by certified mail~~ in the manner provided in section 255015
5703.37 of the Revised Code. If the petitioner fails to notify the 255016
commissioner in writing of the reduction in taxable value sought 255017
in the petition or in an additional objection within thirty days 255018

after receiving the commissioner's notice, the commissioner shall 255019
dismiss the petition or the additional objection in which that 255020
reduction is sought. 255021

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 255022
public utility filing a petition for reassessment regarding an 255023
assessment certified or issued under section 5727.23 or 5727.38 of 255024
the Revised Code shall pay the tax with respect to the assessment 255025
objected to as required by law. The acceptance of any tax payment 255026
by the ~~treasurer of state~~, tax commissioner, or any county 255027
treasurer shall not prejudice any claim for taxes on final 255028
determination by the commissioner or final decision by the board 255029
of tax appeals or any court. 255030

(2) If a public utility properly and timely files a petition 255031
for reassessment regarding an assessment certified under section 255032
5727.23 of the Revised Code, the petitioner shall pay the tax as 255033
prescribed by divisions (B)(2)(a), (b), and (c) of this section: 255034

(a) If the petitioner does not object to the commissioner's 255035
apportionment of the taxable value of the petitioner's taxable 255036
property, the petitioner is not required to pay the part of the 255037
tax otherwise due on the taxable value that the petitioner seeks 255038
to have reduced, subject to division (B)(2)(c) of this section. 255039

(b) If the petitioner objects to the commissioner's 255040
apportionment of the taxable value of the petitioner's taxable 255041
property, the petitioner is not required to pay the tax otherwise 255042
due on the part of the taxable value apportioned to any taxing 255043
district that the petitioner objects to, subject to division 255044
(B)(2)(c) of this section. If, pursuant to division (A) of this 255045
section, the petitioner has, in a proper and timely manner, 255046
apportioned taxable value to a taxing district to which the 255047
commissioner did not apportion the petitioner's taxable value, the 255048
petitioner shall pay the tax due on the taxable value that the 255049
petitioner has apportioned to the taxing district, subject to 255050

division (B)(2)(c) of this section. 255051

(c) If a petitioner objects to the percentage of true value 255052
at which taxable property is assessed by the commissioner, the 255053
petitioner shall pay the tax due on the basis of the percentage of 255054
true value at which the public utility's taxable property is 255055
assessed by the commissioner. In any case, the petitioner's 255056
payment of tax shall not be less than the amount of tax due based 255057
on the taxable value reflected on the last appeal notice issued by 255058
the commissioner under division (C) of this section. Until the 255059
county auditor receives notification under division (E) of this 255060
section and proceeds under section 5727.471 of the Revised Code to 255061
issue any refund that is found to be due, the county auditor shall 255062
not issue a refund for any increase in the reduction in taxable 255063
value that is sought by a petitioner later than forty-five days 255064
after the petitioner files the original petition as required under 255065
division (A) of this section. 255066

(3) Any part of the tax that, under division (B)(2)(a) or (b) 255067
of this section, is not paid shall be collected upon receipt of 255068
the notification as provided in section 5727.471 of the Revised 255069
Code with interest thereon computed in the same manner as interest 255070
is computed under division (E) of section 5715.19 of the Revised 255071
Code, subject to any correction of the assessment by the 255072
commissioner under division (E) of this section or the final 255073
judgment of the board of tax appeals or a court to which the 255074
board's final judgment is appealed. The penalty imposed under 255075
section 323.121 of the Revised Code shall apply only to the unpaid 255076
portion of the tax if the petitioner's tax payment is less than 255077
the amount of tax due based on the taxable value reflected on the 255078
last appeal notice issued by the commissioner under division (C) 255079
of this section. 255080

(C) Upon receipt of a properly filed petition for 255081
reassessment with respect to an assessment certified under section 255082

5727.23 of the Revised Code, the tax commissioner shall notify the treasurer of state or the auditor of each county to which the assessment objected to has been certified. In the case of a petition with respect to an assessment certified under section 5727.23 of the Revised Code, the commissioner shall issue an appeal notice within thirty days after receiving the amount of the taxable value reduction and apportionment changes sought by the petitioner in the original petition or in any additional objections properly and timely raised by the petitioner. The appeal notice shall indicate the amount of the reduction in taxable value sought in the petition or in the additional objections and the extent to which the reduction in taxable value and any change in apportionment requested by the petitioner would affect the commissioner's apportionment of the taxable value among taxing districts in the county as shown in the assessment. If a petitioner is seeking a reduction in taxable value on the basis of a lower percentage of true value than the percentage at which the commissioner assessed the petitioner's taxable property, the appeal notice shall indicate the reduction in taxable value sought by the petitioner without regard to the reduction sought on the basis of the lower percentage and shall indicate that the petitioner is required to pay tax on the reduced taxable value determined without regard to the reduction sought on the basis of a lower percentage of true value, as provided under division (B)(2)(c) of this section. The appeal notice shall include a statement that the reduced taxable value and the apportionment indicated in the notice are not final and are subject to adjustment by the commissioner or by the board of tax appeals or a court on appeal. If the commissioner finds an error in the appeal notice, the commissioner may amend the notice, but the notice is only for informational and tax payment purposes; the notice is not subject to appeal by any person. The commissioner also shall mail a copy of the appeal notice to the petitioner. Upon the request of

a taxing authority, the county auditor may disclose to the taxing 255116
authority the extent to which a reduction in taxable value sought 255117
by a petitioner would affect the apportionment of taxable value to 255118
the taxing district or districts under the taxing authority's 255119
jurisdiction, but such a disclosure does not constitute a notice 255120
required by law to be given for the purpose of section 5717.02 of 255121
the Revised Code. 255122

(D) If the petitioner requests a hearing on the petition, the 255123
tax commissioner shall assign a time and place for the hearing on 255124
the petition and notify the petitioner of such time and place, but 255125
the commissioner may continue the hearing from time to time as 255126
necessary. 255127

(E) The tax commissioner may make corrections to the 255128
assessment as the commissioner finds proper. The commissioner 255129
shall serve a copy of the commissioner's final determination on 255130
the petitioner in the manner provided in section 5703.37 of the 255131
Revised Code. The commissioner's decision in the matter shall be 255132
final, subject to appeal under section 5717.02 of the Revised 255133
Code. With respect to a final determination issued for an 255134
assessment certified under section 5727.23 of the Revised Code, 255135
the commissioner also shall transmit a copy of the final 255136
determination to the applicable county auditor. In the absence of 255137
any further appeal, or when a decision of the board of tax appeals 255138
or of any court to which the decision has been appealed becomes 255139
final, the commissioner shall notify the public utility and, as 255140
appropriate, shall proceed under section 5727.42 of the Revised 255141
Code, or notify the applicable county auditor, who shall proceed 255142
under section 5727.471 of the Revised Code. 255143

The notification made under this division is not subject to 255144
further appeal. 255145

(F) On appeal, no adjustment shall be made in the tax 255146
commissioner's assessment certified under section 5727.23 of the 255147

Revised Code that reduces the taxable value of a petitioner's 255148
taxable property by an amount that exceeds the reduction sought by 255149
the petitioner in its petition for reassessment or in any 255150
additional objections properly and timely raised after the 255151
petition is filed with the commissioner. 255152

Sec. 5727.53. The taxes, fees, and penalties provided by this 255153
chapter that are remitted to the ~~treasurer of state tax~~ 255154
commissioner may be recovered by an action brought in the name of 255155
the state in the court of common pleas of Franklin county, or of 255156
any county in which such public utility is doing business, or in 255157
which the line of any railroad company is located, and such court 255158
of common pleas shall have jurisdiction of the action regardless 255159
of the amount involved. The attorney general, on request of the 255160
tax commissioner, shall institute such action in the court of 255161
common pleas of Franklin county or of any of such counties the 255162
commissioner directs. Sums recovered in any such action shall be 255163
paid into the state treasury in the same manner as the tax. 255164

Sec. 5727.81. (A) For the purpose of raising revenue to fund 255165
the needs of this state and its local governments, an excise tax 255166
is hereby levied and imposed on an electric distribution company 255167
for all electricity distributed by such company at the following 255168
rates per kilowatt hour of electricity distributed in a thirty-day 255169
period by the company through a meter of an end user in this 255170
state: 255171

| KILOWATT HOURS DISTRIBUTED | RATE PER | |
|------------------------------|---------------|--------|
| TO AN END USER | KILOWATT HOUR | |
| For the first 2,000 | \$.00465 | 255174 |
| For the next 2,001 to 15,000 | \$.00419 | 255175 |
| For 15,001 and above | \$.00363 | 255176 |

If no meter is used to measure the kilowatt hours of 255177
electricity distributed by the company, the rates shall apply to 255178

the estimated kilowatt hours of electricity distributed to an 255179
unmetered location in this state. 255180

The electric distribution company shall base the monthly tax 255181
on the kilowatt hours of electricity distributed to an end user 255182
through the meter of the end user that is not measured for a 255183
thirty-day period by dividing the days in the measurement period 255184
into the total kilowatt hours measured during the measurement 255185
period to obtain a daily average usage. The tax shall be 255186
determined by obtaining the sum of divisions (A)(1), (2), and (3) 255187
of this section and multiplying that amount by the number of days 255188
in the measurement period: 255189

(1) Multiplying \$0.00465 per kilowatt hour for the first 255190
sixty-seven kilowatt hours distributed using a daily average; 255191

(2) Multiplying \$0.00419 for the next sixty-eight to five 255192
hundred kilowatt hours distributed using a daily average; 255193

(3) Multiplying \$0.00363 for the remaining kilowatt hours 255194
distributed using a daily average. 255195

Except as provided in division (C) of this section, the 255196
electric distribution company shall pay the tax to the tax 255197
commissioner in accordance with section 5727.82 of the Revised 255198
Code, unless required to remit each tax payment ~~by electronic~~ 255199
~~funds transfer to the treasurer of state~~ electronically in 255200
accordance with section 5727.83 of the Revised Code. 255201

Only the distribution of electricity through a meter of an 255202
end user in this state shall be used by the electric distribution 255203
company to compute the amount or estimated amount of tax due. In 255204
the event a meter is not actually read for a measurement period, 255205
the estimated kilowatt hours distributed by an electric 255206
distribution company to bill for its distribution charges shall be 255207
used. 255208

(B) Except as provided in division (C) of this section, each 255209

electric distribution company shall pay the tax imposed by this 255210
section in all of the following circumstances: 255211

(1) The electricity is distributed by the company through a 255212
meter of an end user in this state; 255213

(2) The company is distributing electricity through a meter 255214
located in another state, but the electricity is consumed in this 255215
state in the manner prescribed by the tax commissioner; 255216

(3) The company is distributing electricity in this state 255217
without the use of a meter, but the electricity is consumed in 255218
this state as estimated and in the manner prescribed by the tax 255219
commissioner. 255220

(C)(1) As used in division (C) of this section: 255221

(a) "Total price of electricity" means the aggregate value in 255222
money of anything paid or transferred, or promised to be paid or 255223
transferred, to obtain electricity or electric service, including 255224
but not limited to the value paid or promised to be paid for the 255225
transmission or distribution of electricity and for transition 255226
costs as described in Chapter 4928. of the Revised Code. 255227

(b) "Package" means the provision or the acquisition, at a 255228
combined price, of electricity with other services or products, or 255229
any combination thereof, such as natural gas or other fuels; 255230
energy management products, software, and services; machinery and 255231
equipment acquisition; and financing agreements. 255232

(c) "Single location" means a facility located on contiguous 255233
property separated only by a roadway, railway, or waterway. 255234

(2) Division (C) of this section applies to any commercial or 255235
industrial purchaser's receipt of electricity through a meter of 255236
an end user in this state or through more than one meter at a 255237
single location in this state in a quantity that exceeds 255238
forty-five million kilowatt hours of electricity over the course 255239

of the preceding calendar year, or any commercial or industrial 255240
purchaser that will consume more than forty-five million kilowatt 255241
hours of electricity over the course of the succeeding twelve 255242
months as estimated by the tax commissioner. The tax commissioner 255243
shall make such an estimate upon the written request by an 255244
applicant for registration as a self-assessing purchaser under 255245
this division. ~~For the meter reading period including July 1,~~ 255246
~~2008, through the meter reading period including December 31,~~ 255247
~~2010, such a purchaser may elect to self-assess the excise tax~~ 255248
~~imposed by this section at the rate of \$.00075 per kilowatt hour~~ 255249
~~on the first five hundred four million kilowatt hours distributed~~ 255250
~~to that meter or location during the registration year, and a~~ 255251
~~percentage of the total price of all electricity distributed to~~ 255252
~~that meter or location equal to three and one half per cent. For~~ 255253
~~the meter reading period including January 1, 2011, and~~ 255254
~~thereafter, such~~ Such a purchaser may elect to self-assess the 255255
excise tax imposed by this section at the rate of \$.00257 per 255256
kilowatt hour for the first five hundred million kilowatt hours, 255257
and \$.001832 per kilowatt hour for each kilowatt hour in excess of 255258
five hundred million kilowatt hours, distributed to that meter or 255259
location during the registration year. 255260

A qualified end user that receives electricity through a 255261
meter of an end user in this state or through more than one meter 255262
at a single location in this state and that consumes, over the 255263
course of the previous calendar year, more than forty-five million 255264
kilowatt hours in other than its qualifying manufacturing process, 255265
may elect to self-assess the tax as allowed by this division with 255266
respect to the electricity used in other than its qualifying 255267
manufacturing process. 255268

Payment of the tax shall be made directly to the tax 255269
commissioner in accordance with divisions (A)(4) and (5) of 255270
section 5727.82 of the Revised Code, or ~~the treasurer of state~~ in 255271

accordance with section 5727.83 of the Revised Code. If the 255272
electric distribution company serving the self-assessing purchaser 255273
is a municipal electric utility and the purchaser is within the 255274
municipal corporation's corporate limits, payment shall be made to 255275
such municipal corporation's general fund and reports shall be 255276
filed in accordance with divisions (A)(4) and (5) of section 255277
5727.82 of the Revised Code, except that "municipal corporation" 255278
shall be substituted for ~~"treasurer of state"~~ and "tax 255279
commissioner." A self-assessing purchaser that pays the excise tax 255280
as provided in this division shall not be required to pay the tax 255281
to the electric distribution company from which its electricity is 255282
distributed. If a self-assessing purchaser's receipt of 255283
electricity is not subject to the tax as measured under this 255284
division, the tax on the receipt of such electricity shall be 255285
measured and paid as provided in division (A) of this section. 255286

(3) In the case of the acquisition of a package, unless the 255287
elements of the package are separately stated isolating the total 255288
price of electricity from the price of the remaining elements of 255289
the package, the tax imposed under this section applies to the 255290
entire price of the package. If the elements of the package are 255291
separately stated, the tax imposed under this section applies to 255292
the total price of the electricity. 255293

(4) Any electric supplier that sells electricity as part of a 255294
package shall separately state to the purchaser the total price of 255295
the electricity and, upon request by the tax commissioner, the 255296
total price of each of the other elements of the package. 255297

(5) The tax commissioner may adopt rules relating to the 255298
computation of the total price of electricity with respect to 255299
self-assessing purchasers, which may include rules to establish 255300
the total price of electricity purchased as part of a package. 255301

(6) An annual application for registration as a 255302
self-assessing purchaser shall be made for each qualifying meter 255303

or location on a form prescribed by the tax commissioner. The 255304
registration year begins on the first day of May and ends on the 255305
following thirtieth day of April. Persons may apply after the 255306
first day of May for the remainder of the registration year. In 255307
the case of an applicant applying on the basis of an estimated 255308
consumption of forty-five million kilowatt hours over the course 255309
of the succeeding twelve months, the applicant shall provide such 255310
information as the tax commissioner considers to be necessary to 255311
estimate such consumption. At the time of making the application 255312
and by the first day of May of each year, a self-assessing 255313
purchaser shall pay a fee of five hundred dollars to the tax 255314
commissioner, ~~or to the treasurer of state as provided in section~~ 255315
~~5727.83 of the Revised Code,~~ for each qualifying meter or 255316
location. The tax commissioner shall immediately pay to the 255317
treasurer of state all amounts that the tax commissioner receives 255318
under this section. The treasurer of state shall deposit such 255319
amounts into the kilowatt hour excise tax administration fund, 255320
which is hereby created in the state treasury. Money in the fund 255321
shall be used to defray the tax commissioner's cost in 255322
administering the tax owed under section 5727.81 of the Revised 255323
Code by self-assessing purchasers. After the application is 255324
approved by the tax commissioner, the registration shall remain in 255325
effect for the current registration year, or until canceled by the 255326
registrant upon written notification to the commissioner of the 255327
election to pay the tax in accordance with division (A) of this 255328
section, or until canceled by the tax commissioner for not paying 255329
the tax or fee under division (C) of this section or for not 255330
meeting the qualifications in division (C)(2) of this section. The 255331
tax commissioner shall give written notice to the electric 255332
distribution company from which electricity is delivered to a 255333
self-assessing purchaser of the purchaser's self-assessing status, 255334
and the electric distribution company is relieved of the 255335
obligation to pay the tax imposed by division (A) of this section 255336

for electricity distributed to that self-assessing purchaser until 255337
it is notified by the tax commissioner that the self-assessing 255338
purchaser's registration is canceled. Within fifteen days of 255339
notification of the canceled registration, the electric 255340
distribution company shall be responsible for payment of the tax 255341
imposed by division (A) of this section on electricity distributed 255342
to a purchaser that is no longer registered as a self-assessing 255343
purchaser. A self-assessing purchaser with a canceled registration 255344
must file a report and remit the tax imposed by division (A) of 255345
this section on all electricity it receives for any measurement 255346
period prior to the tax being reported and paid by the electric 255347
distribution company. A self-assessing purchaser whose 255348
registration is canceled by the tax commissioner is not eligible 255349
to register as a self-assessing purchaser for two years after the 255350
registration is canceled. 255351

(7) If the tax commissioner cancels the self-assessing 255352
registration of a purchaser registered on the basis of its 255353
estimated consumption because the purchaser does not consume at 255354
least forty-five million kilowatt hours of electricity over the 255355
course of the twelve-month period for which the estimate was made, 255356
the tax commissioner shall assess and collect from the purchaser 255357
the difference between (a) the amount of tax that would have been 255358
payable under division (A) of this section on the electricity 255359
distributed to the purchaser during that period and (b) the amount 255360
of tax paid by the purchaser on such electricity pursuant to 255361
division (C)(2) of this section. The assessment shall be paid 255362
within sixty days after the tax commissioner issues it, regardless 255363
of whether the purchaser files a petition for reassessment under 255364
section 5727.89 of the Revised Code covering that period. If the 255365
purchaser does not pay the assessment within the time prescribed, 255366
the amount assessed is subject to the additional charge and the 255367
interest prescribed by divisions (B) and (C) of section 5727.82 of 255368
the Revised Code, and is subject to assessment under section 255369

5727.89 of the Revised Code. If the purchaser is a qualified end user, division (C)(7) of this section applies only to electricity it consumes in other than its qualifying manufacturing process.

(D) The tax imposed by this section does not apply to:

(1) The distribution or obtaining of any kilowatt hours of electricity to or by any of the following:

(a) The federal government;

(b) An end user located at a federal facility that uses electricity for the enrichment of uranium;

(c) A qualified regeneration meter;

(d) An end user for any day the end user is a qualified end user;

(e) An end user if the electricity is generated by an electric generation facility that is primarily dedicated to providing electricity to the electric-consuming facilities of the end user, that is sized so as to not exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection, that is physically interconnected and integrated with the electric-consuming facilities of the end user, and that is located on the same property on which the end user's electric-consuming facilities are situated or on property that is contiguous to the property on which the end user's electric-consuming facilities are situated.

(2) Kilowatt hours of electricity generated by a self-generator if the electric generating facility is sized so as not to exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection.

The exemption under division (D)(1)(d) of this section for a qualified end user only applies to the manufacturing location

where the qualified end user uses electricity in a chlor-alkali 255400
manufacturing process or where the qualified end user uses more 255401
than three million kilowatt hours per day in an electrochemical 255402
manufacturing process. As used in division (D) of this section, 255403
"customer-generator" and "self-generator" have the same meanings 255404
as in section 4928.01 of the Revised Code. 255405

(E) All revenue arising from the tax imposed by this section 255406
shall be credited to the general revenue fund except as provided 255407
by division (C) of this section and section 5727.82 of the Revised 255408
Code. 255409

Sec. 5727.811. (A) For the purpose of raising revenue to fund 255410
the needs of this state and its local governments, an excise tax 255411
is hereby levied on every natural gas distribution company for all 255412
natural gas volumes billed by, or on behalf of, the company 255413
~~beginning with the measurement period that includes July 1, 2001.~~ 255414
Except as provided in divisions (C) or (D) of this section, the 255415
tax shall be levied at the following rates per MCF of natural gas 255416
distributed by the company through a meter of an end user in this 255417
state: 255418

| MCF DISTRIBUTED TO AN END USER | RATE PER MCF | |
|--|--------------|--------|
| For the first 100 MCF per month | \$.1593 | 255420 |
| For the next 101 to 2000 MCF per month | \$.0877 | 255421 |
| For 2001 and above MCF per month | \$.0411 | 255422 |

If no meter is used to measure the MCF of natural gas 255423
distributed by the company, the rates shall apply to the estimated 255424
MCF of natural gas distributed to an unmetered location in this 255425
state. 255426

(B) A natural gas distribution company shall base the tax on 255427
the MCF of natural gas distributed to an end user through the 255428
meter of the end user in this state that is estimated to be 255429
consumed by the end user as reflected on the end user's customer 255430

statement from the natural gas distribution company. ~~Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the~~ The natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment ~~to the treasurer of state~~ in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with seventy thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer. The natural gas distribution company correspondingly shall reduce the per MCF rate that it charges the flex customer for natural gas distribution services by \$.02 per MCF of natural gas distributed to the flex customer.

(E) Except as provided in division (F) of this section, each natural gas distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The natural gas is distributed by the company through a meter of an end user in this state;

(2) The natural gas distribution company is distributing natural gas through a meter located in another state, but the natural gas is consumed in this state in the manner prescribed by the tax commissioner;

(3) The natural gas distribution company is distributing 255462
natural gas in this state without the use of a meter, but the 255463
natural gas is consumed in this state as estimated and in the 255464
manner prescribed by the tax commissioner. 255465

(F) The tax levied by this section does not apply to the 255466
distribution of natural gas to the federal government, or natural 255467
gas produced by an end user in this state that is consumed by that 255468
end user or its affiliates and is not distributed through the 255469
facilities of a natural gas company. 255470

(G) All revenue arising from the tax imposed by this section 255471
shall be credited to the general revenue fund. 255472

Sec. 5727.82. (A)(1) Except as provided in divisions (A)(3) 255473
and (D) of this section, by the twentieth day of each month, each 255474
electric distribution company required to pay the tax imposed by 255475
section 5727.81 of the Revised Code shall file with the tax 255476
commissioner a return as prescribed by the tax commissioner and 255477
shall make payment of the full amount of tax due for the preceding 255478
month. ~~The first payment of this tax shall be made on or before~~ 255479
~~June 20, 2001.~~ The electric distribution company shall make 255480
payment to the tax commissioner unless required to remit ~~each tax~~ 255481
~~the payment by electronic funds transfer to the treasurer of state~~ 255482
electronically as provided in section 5727.83 of the Revised Code. 255483

(2) By the twentieth day of May, August, November, and 255484
February, each natural gas distribution company required to pay 255485
the tax imposed by section 5727.811 of the Revised Code shall file 255486
with the tax commissioner a return as prescribed by the tax 255487
commissioner and shall make payment to the tax commissioner, ~~or to~~ 255488
~~the treasurer of state as provided in section 5727.83 of the~~ 255489
~~Revised Code,~~ of the full amount of tax due for the preceding 255490
quarter. ~~The first payment of this tax shall be made on or before~~ 255491
~~November 20, 2001, for the quarter ending September 30, 2001.~~ 255492

(3) If the electric distribution company required to pay the tax imposed by section 5727.81 of the Revised Code is a municipal electric utility, it may retain in its general fund that portion of the tax on the kilowatt hours distributed to end users located within the boundaries of the municipal corporation. However, the municipal electric utility shall make payment in accordance with division (A)(1) of this section of the tax due on the kilowatt hours distributed to end users located outside the boundaries of the municipal corporation.

(4) By the twentieth day of each month, each self-assessing purchaser that under division (C) of section 5727.81 of the Revised Code pays directly to the tax commissioner ~~or the treasurer of state~~ the tax imposed by section 5727.81 of the Revised Code shall file with the tax commissioner a return as prescribed by the tax commissioner and shall make payment of the full amount of the tax due for the preceding month.

(5) As prescribed by the tax commissioner, a return shall be signed by the company or self-assessing purchaser required to file it, or an authorized employee, officer, or agent of the company or purchaser. The return shall be deemed filed when received by the tax commissioner.

(B) Any natural gas distribution company, electric distribution company, or self-assessing purchaser required by this section to file a return who fails to file it and pay the tax within the period prescribed shall pay an additional charge of fifty dollars or ten per cent of the tax required to be paid for the reporting period, whichever is greater. The tax commissioner may collect the additional charge by assessment pursuant to section 5727.89 of the Revised Code. The commissioner may abate all or a portion of the additional charge and may adopt rules governing such abatements.

(C) If any tax due is not paid timely in accordance with this

section, the natural gas distribution company, electric 255525
distribution company, or self-assessing purchaser liable for the 255526
tax shall pay interest, calculated at the rate per annum 255527
prescribed by section 5703.47 of the Revised Code, from the date 255528
the tax payment was due to the date of payment or to the date an 255529
assessment is issued, whichever occurs first. Interest shall be 255530
paid in the same manner as the tax, and the commissioner may 255531
collect the interest by assessment pursuant to section 5727.89 of 255532
the Revised Code. 255533

(D) Not later than the tenth day of each month, a qualified 255534
end user not making the election to self-assess under division (C) 255535
of section 5727.81 of the Revised Code shall report in writing to 255536
the electric distribution company that distributes electricity to 255537
the end user the kilowatt hours that were consumed as a qualified 255538
end user in a qualifying manufacturing process for the prior month 255539
and the number of days, if any, on which the end user was not a 255540
qualified end user. For each calendar day during that month, a 255541
qualified end user shall report the kilowatt hours that were not 255542
used in a qualifying manufacturing process. For each calendar day 255543
the end user was not a qualified end user, the end user shall 255544
report in writing to the electric distribution company the total 255545
number of kilowatt hours used on that day, and the electric 255546
distribution company shall pay the tax imposed under section 255547
5727.81 of the Revised Code on each kilowatt hour that was not 255548
distributed to a qualified end user in a qualifying manufacturing 255549
process. The electric distribution company may rely in good faith 255550
on a qualified end user's report filed under this division. If it 255551
is determined that the end user was not a qualified end user for 255552
any calendar day or the quantity of electricity used by the 255553
qualified end user in a qualifying manufacturing process was 255554
overstated, the tax commissioner shall assess and collect any tax 255555
imposed under section 5727.81 of the Revised Code directly from 255556
the qualified end user. As requested by the commissioner, each end 255557

user reporting to an electric distribution company that it is a 255558
qualified end user shall provide documentation to the commissioner 255559
that establishes the volume of electricity consumed daily by the 255560
qualified end user and the total number of kilowatt hours consumed 255561
in a qualifying manufacturing process. 255562

~~(E) The tax commissioner shall immediately pay to the 255563
treasurer of state all amounts that the tax commissioner receives 255564
under this section. The treasurer of state shall credit such 255565
amounts in accordance with this chapter. 255566~~

Sec. 5727.83. (A) A natural gas distribution company, an 255567
electric distribution company, or a self-assessing purchaser shall 255568
remit each tax payment ~~by electronic funds transfer~~ electronically 255569
as prescribed by divisions (B) and (C) of this section. 255570

The tax commissioner shall notify each natural gas 255571
distribution company, electric distribution company, and 255572
self-assessing purchaser of the obligation to remit taxes ~~by~~ 255573
~~electronic funds transfer, shall maintain an updated list of those 255574
companies and purchasers, and shall timely certify to the 255575
treasurer of state the list and any additions thereto or deletions 255576
therefrom~~ electronically by using the Ohio business gateway, as 255577
defined in section 718.01 of the Revised Code, or another means of 255578
electronic payment. Failure by the ~~tax~~ commissioner to notify a 255579
company or self-assessing purchaser subject to this section to 255580
remit taxes ~~by electronic funds transfer~~ electronically does not 255581
relieve the company or self-assessing purchaser of its obligation 255582
to remit taxes in that manner. 255583

(B) A natural gas distribution company, an electric 255584
distribution company, or a self-assessing purchaser required by 255585
this section to remit payments ~~by electronic funds transfer~~ 255586
electronically shall remit such payments ~~to the treasurer of state 255587
in the manner prescribed by rules adopted by the treasurer of 255588~~

~~state under section 113.061 of the Revised Code, and on or before~~ 255589
~~the dates specified under section 5727.82 of the Revised Code. The~~ 255590
~~payment of taxes by electronic funds transfer~~ electronically does 255591
not affect a company's or self-assessing purchaser's obligation to 255592
file a return as required under section 5727.82 of the Revised 255593
Code. 255594

(C) A natural gas distribution company, an electric 255595
distribution company, or a self-assessing purchaser required by 255596
this section to remit taxes ~~by electronic funds transfer~~ 255597
electronically may apply to the ~~treasurer of state tax~~ 255598
commissioner in the manner prescribed by the ~~treasurer of state~~ 255599
commissioner to be excused from that requirement. The ~~treasurer of~~ 255600
~~state commissioner~~ may excuse the company or self-assessing 255601
purchaser from electronic remittance ~~by electronic funds transfer~~ 255602
for good cause shown for the period of time requested by the 255603
company or self-assessing purchaser or for a portion of that 255604
period. The ~~treasurer of state commissioner~~ shall notify the ~~tax~~ 255605
~~commissioner and the~~ company or self-assessing purchaser of the 255606
~~treasurer of state's~~ commissioner's decision as soon as is 255607
practicable. 255608

(D) If a natural gas distribution company, an electric 255609
distribution company, or a self-assessing purchaser required by 255610
this section to remit taxes ~~by electronic funds transfer~~ 255611
electronically remits those taxes by some means other than ~~by~~ 255612
~~electronic funds transfer~~ electronically as prescribed by this 255613
section ~~and the rules adopted by the treasurer of state, and the~~ 255614
~~treasurer of state tax commissioner~~ determines that such failure 255615
was not due to reasonable cause or was due to willful neglect, the 255616
~~treasurer of state shall notify the tax commissioner of the~~ 255617
~~failure to remit by electronic funds transfer and shall provide~~ 255618
~~the commissioner with any information used in making that~~ 255619
~~determination. The tax commissioner may collect an additional~~ 255620

charge by assessment in the manner prescribed by section 5727.89 255621
of the Revised Code. The additional charge shall equal five per 255622
cent of the amount of the taxes required to be paid ~~by electronic~~ 255623
~~funds transfer~~ electronically, but shall not exceed five thousand 255624
dollars. Any additional charge assessed under this section is in 255625
addition to any other penalty or charge imposed under this 255626
chapter, and shall be considered as revenue arising from the tax 255627
imposed under this chapter. The tax commissioner may abate all or 255628
a portion of such a charge and may adopt rules governing such 255629
abatements. 255630

No additional charge shall be assessed under this division 255631
against a natural gas distribution company, an electric 255632
distribution company, or a self-assessing purchaser that has been 255633
notified of its obligation to remit taxes electronically under 255634
this section and that remits its first two tax payments after such 255635
notification by some other means ~~other than electronic funds~~ 255636
~~transfer~~. The additional charge may be assessed upon the 255637
remittance of any subsequent tax payment that the company or 255638
purchaser remits by some means other than ~~electronic funds~~ 255639
~~transfer~~ electronically. 255640

Sec. 5733.022. (A) Subject to division (C) of this section, 255641
if a taxpayer's total liability for taxes imposed by section 255642
5733.06 of the Revised Code, after reduction for all nonrefundable 255643
credits allowed the taxpayer, ~~for tax year 1992 or 1993 exceeds~~ 255644
~~one hundred thousand dollars, the taxpayer shall remit each tax~~ 255645
~~payment for tax year 1994 to the treasurer of state by electronic~~ 255646
~~funds transfer as prescribed by divisions (B) and (C) of this~~ 255647
~~section. Subject to division (C) of this section, if a taxpayer's~~ 255648
~~total liability for taxes, after reduction for all nonrefundable~~ 255649
~~credits allowed the taxpayer, exceeds one hundred thousand dollars~~ 255650
~~for tax year 1993, the taxpayer shall remit each tax payment for~~ 255651
~~tax year 1995 by electronic funds transfer as prescribed by~~ 255652

~~divisions (B) and (C) of this section. If a taxpayer's total~~ 255653
~~liability for taxes, after reduction for all nonrefundable credits~~ 255654
~~allowed the taxpayer, exceeds seventy five thousand dollars for~~ 255655
~~tax year 1994, the taxpayer shall remit each tax payment for tax~~ 255656
~~year 1996 by electronic funds transfer as prescribed by divisions~~ 255657
~~(B) and (C) of this section. For tax year 1997 and any succeeding~~ 255658
~~tax year, if a taxpayer's total liability for taxes, after~~ 255659
~~reduction for all nonrefundable credits allowed the taxpayer,~~ 255660
~~exceeds fifty thousand dollars for the second preceding tax year,~~ 255661
~~the taxpayer shall remit each tax payment for the tax year by~~ 255662
~~electronic funds transfer electronically as prescribed by~~ 255663
~~divisions (B) and (C) of this section.~~ 255664

The tax commissioner shall notify each taxpayer required to 255665
~~remit taxes by electronic funds transfer electronically of the~~ 255666
~~taxpayer's obligation to do so, shall maintain an updated list of~~ 255667
~~those taxpayers, and shall provide the list and any additions~~ 255668
~~thereto or deletions therefrom to the treasurer of state. Failure~~ 255669
~~by the tax commissioner to notify a taxpayer subject to this~~ 255670
~~section to remit taxes by electronic funds transfer electronically~~ 255671
~~does not relieve the taxpayer of its obligation to remit taxes by~~ 255672
~~electronic funds transfer in that manner.~~ 255673

(B) Taxpayers required by this section to remit payments ~~by~~ 255674
~~electronic funds transfer electronically shall remit such payments~~ 255675
~~to the treasurer of state in the manner prescribed by rules~~ 255676
~~adopted by the treasurer under section 113.061 of the Revised Code~~ 255677
~~the tax commissioner.~~ 255678

Except as otherwise provided in this paragraph, the 255679
~~electronic payment of taxes by electronic funds transfer does not~~ 255680
~~affect a taxpayer's obligation to file the annual corporation~~ 255681
~~report or the declaration of estimated tax report as required~~ 255682
~~under sections 5733.02 and 5733.021 of the Revised Code. If the~~ 255683
~~taxpayer remits estimated tax payments in a manner, designated by~~ 255684

~~rule of the treasurer of state, that permits the inclusion of all~~ 255685
~~information necessary for the treasurer of state to process the~~ 255686
~~tax payment, the taxpayer need not file the declaration of~~ 255687
~~estimated tax report as required by section 5733.021 of the~~ 255688
~~Revised Code.~~ 255689

(C) If two or more taxpayers have elected or are required to 255690
file a combined report under section 5733.052 of the Revised Code, 255691
the tax liability of those taxpayers for purposes of division (A) 255692
of this section is the aggregate tax liability of those taxpayers 255693
after reduction for nonrefundable credits allowed the taxpayers. 255694

(D) A taxpayer required by this section to remit taxes ~~by~~ 255695
~~electronic funds transfer~~ electronically may apply to the 255696
~~treasurer of state~~ tax commissioner in the manner prescribed by 255697
the ~~treasurer~~ commissioner to be excused from that requirement. 255698
The ~~treasurer of state~~ commissioner may excuse the taxpayer from 255699
electronic remittance ~~by electronic funds transfer~~ for good cause 255700
shown for the period of time requested by the taxpayer or for a 255701
portion of that period. The ~~treasurer~~ commissioner shall notify 255702
the ~~tax commissioner~~ and the taxpayer of the ~~treasurer's~~ 255703
commissioner's decision as soon as is practicable. 255704

(E) If a taxpayer required by this section to remit taxes ~~by~~ 255705
~~electronic funds transfer~~ electronically remits those taxes by 255706
some means other than ~~by electronic funds transfer~~ electronically 255707
as prescribed by this section ~~and the rules adopted by the~~ 255708
~~treasurer of state~~, and the ~~treasurer~~ tax commissioner determines 255709
that such failure was not due to reasonable cause or was due to 255710
willful neglect, the ~~treasurer shall notify the tax commissioner~~ 255711
~~of the failure to remit by electronic funds transfer and shall~~ 255712
~~provide the commissioner with any information used in making that~~ 255713
~~determination.~~ The tax commissioner may collect an additional 255714
charge by assessment in the manner prescribed by section 5733.11 255715
of the Revised Code. The additional charge shall equal five per 255716

cent of the amount of the taxes or estimated tax payments required 255717
to be paid ~~by electronic funds transfer~~ electronically, but shall 255718
not exceed five thousand dollars. Any additional charge assessed 255719
under this section is in addition to any other penalty or charge 255720
imposed under this chapter, and shall be considered as revenue 255721
arising from the taxes imposed under this chapter. The ~~tax~~ 255722
commissioner may remit all or a portion of such a charge and may 255723
adopt rules governing such remission. 255724

No additional charge shall be assessed under this division 255725
against a taxpayer that has been notified of its obligation to 255726
remit taxes electronically under this section and that remits its 255727
first two tax payments after such notification by some other means 255728
~~other than electronic funds transfer~~. The additional charge may be 255729
assessed upon the remittance of any subsequent tax payment that 255730
the taxpayer remits by some means other than ~~electronic funds~~ 255731
~~transfer~~ electronically. 255732

Sec. 5735.03. Except as provided in division (C)(2) of 255733
section 5735.02 of the Revised Code, every motor fuel dealer shall 255734
file with the tax commissioner a surety bond of not less than five 255735
thousand dollars, but may be required by the tax commissioner to 255736
submit a surety bond equal to three months' average tax liability, 255737
on a form approved by and with a surety satisfactory to the 255738
commissioner, upon which the motor fuel dealer shall be the 255739
principal obligor and the state shall be the obligee, conditioned 255740
upon the prompt filing of true reports and the payment by the 255741
motor fuel dealer to the ~~treasurer of state~~ commissioner of all 255742
motor fuel excise taxes levied by the state, provided that after 255743
notice is received from the state by the surety of the delinquency 255744
of any taxes, if the surety pays the taxes within thirty days 255745
after the receipt of the notice no penalties or interest shall be 255746
charged against the surety. If the surety does not pay the taxes 255747
within thirty days, but does pay within ninety days from the date 255748

of the receipt of notice from the state by the surety, no penalty 255749
shall be assessed against the surety but the surety shall pay 255750
interest at the rate of six per cent per annum on the unpaid taxes 255751
from the date the taxes are due and payable. If the surety does 255752
not pay within ninety days then the surety shall be liable for 255753
interest and penalties, and the tax commissioner may cancel all 255754
bonds issued by the surety. 255755

The commissioner may increase or reduce the amount of the 255756
bond required to be filed by any licensed motor fuel dealer. If 255757
the commissioner finds that it is necessary to increase the bond 255758
to assure payment of the tax, the bond may be increased to an 255759
amount equal to three months/average liability or fifty thousand 255760
dollars, whichever is greater. 255761

If liability upon the bond thus filed by the motor fuel 255762
dealer with the commissioner is discharged or reduced, whether by 255763
judgment rendered, payment made, or otherwise, or if, in the 255764
opinion of the commissioner any surety on the bond theretofore 255765
given has become unsatisfactory or unacceptable, the commissioner 255766
may require the motor fuel dealer to file a new bond with 255767
satisfactory sureties in the same amount, and if a new bond is not 255768
filed the commissioner shall forthwith cancel the license of the 255769
motor fuel dealer. If a new bond is furnished by the motor fuel 255770
dealer, the commissioner shall cancel and surrender the bond of 255771
the motor fuel dealer for which the new bond is substituted. 255772

A surety on a bond furnished by a motor fuel dealer shall be 255773
released from all liability to the state accruing on the bond 255774
after the expiration of sixty days from the date upon which the 255775
surety lodges with the commissioner a written request to be 255776
released. The request shall not operate to release the surety from 255777
any liability already accrued, or which accrues before the 255778
expiration of the sixty-day period. The commissioner shall 255779
promptly on receipt of notice of the request notify the motor fuel 255780

dealer who furnished the bond and, unless the motor fuel dealer on 255781
or before the expiration of the sixty-day period files with the 255782
commissioner a new bond with a surety satisfactory to the 255783
commissioner in the amount and form provided in this section, the 255784
commissioner shall forthwith cancel the license of the motor fuel 255785
dealer. If the new bond is furnished by said motor fuel dealer, 255786
the commissioner shall cancel and surrender the bond of the motor 255787
fuel dealer for which the new bond is substituted. 255788

The commissioner, in lieu of any surety bond required by this 255789
section, may accept a deposit by a motor fuel dealer of cash. Any 255790
cash thus accepted shall be deposited with the ~~treasurer of state~~ 255791
commissioner to be held ~~by the treasurer of state, in the same~~ 255792
~~manner as other cash required to be deposited with the treasurer~~ 255793
~~of state under the laws of the state,~~ for the account of such 255794
motor fuel dealer and subject to any lawful claim of the state for 255795
any excise tax upon motor fuel, and penalties and interest thereon 255796
levied by the laws of this state. The state shall have a lien upon 255797
cash thus deposited for the amount of any motor fuel excise taxes 255798
and penalty and interest due to the state from the motor fuel 255799
dealer in whose behalf they were deposited. The amount of cash to 255800
be thus accepted shall in all respects be determined in the same 255801
manner as provided in this section for the amount of surety bonds. 255802
Any cash deposited shall be subject to levy upon execution to 255803
satisfy any judgment secured in any action by the state to recover 255804
any motor fuel excise taxes, and penalties and interest found to 255805
be due to the state from such motor fuel dealer. The cash shall be 255806
released by the ~~treasurer of state~~ commissioner upon ~~certificate~~ 255807
~~of the commissioner~~ a determination that the license of the motor 255808
fuel dealer in whose behalf they have been deposited has been 255809
canceled or that other security has been accepted in lieu thereof, 255810
and that the state asserts no claim thereto. 255811

Sec. 5735.062. (A) If the tax commissioner so requires, the 255812

dealer shall remit each monthly tax payment electronically as 255813
prescribed by division (B) of this section. 255814

The commissioner shall notify each dealer required to remit 255815
taxes electronically of the dealer's obligation to do so. Failure 255816
by the commissioner to notify a dealer subject to this section to 255817
remit taxes electronically does not relieve the dealer of its 255818
obligation to remit taxes electronically. 255819

(B) Dealers required by division (A) of this section to remit 255820
payments electronically shall remit such payments ~~to the treasurer~~ 255821
~~of state in the manner prescribed by rules adopted by the~~ 255822
~~treasurer under section 113.061 of the Revised Code or through the~~ 255823
~~department of taxation's web site Ohio business gateway, as~~ 255824
~~defined in section 718.01 of the Revised Code, or in another~~ 255825
~~manner as prescribed by the commissioner.~~ Required payments shall 255826
be remitted on or before the dates specified under section 5735.06 255827
of the Revised Code. The payment of taxes electronically does not 255828
affect a dealer's obligation to file the monthly return as 255829
required under section 5735.06 of the Revised Code. 255830

A dealer required by this section to remit taxes 255831
electronically may apply to the commissioner to be excused from 255832
that requirement. The commissioner may excuse the dealer from the 255833
electronic remittance requirement for good cause shown for the 255834
period of time requested by the dealer or for a portion of that 255835
period. 255836

(C) If a dealer required by this section to remit taxes 255837
electronically fails to do so, the commissioner may impose a 255838
penalty on the dealer not to exceed one of the following: 255839

(1) For the first return period the dealer fails to remit 255840
taxes electronically, the greater of twenty-five dollars or five 255841
per cent of the amount of the payment required to be remitted; 255842

(2) For the second or any subsequent return period the dealer 255843

fails to remit taxes electronically, the greater of fifty dollars 255844
or ten per cent of the amount of the payment required to be 255845
remitted. 255846

The penalty imposed under division (C) of this section is in 255847
addition to any other penalty imposed under this chapter and shall 255848
be considered as revenue arising from the taxes imposed under this 255849
chapter. A penalty may be collected by assessment in the manner 255850
prescribed by section 5735.12 of the Revised Code. The 255851
commissioner may abate all or a portion of a penalty. 255852

(D) The commissioner may adopt rules necessary to administer 255853
this section. 255854

Sec. 5739.031. (A) Upon application, the tax commissioner may 255855
issue a direct payment permit that authorizes a consumer to pay 255856
the sales tax levied by or pursuant to section 5739.02, 5739.021, 255857
5739.023, or 5739.026 of the Revised Code or the use tax levied by 255858
or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of 255859
the Revised Code directly to the state and waives the collection 255860
of the tax by the vendor or seller if payment directly to the 255861
state would improve compliance and increase the efficiency of the 255862
administration of the tax. The commissioner may adopt rules 255863
establishing the criteria for the issuance of such permits. 255864

(B) Each permit holder, on or before the twenty-third day of 255865
each month, shall make and file with the ~~treasurer of state tax~~ 255866
commissioner a return for the preceding month in such form as is 255867
prescribed by the ~~tax~~ commissioner and shall pay the tax shown on 255868
the return to be due. The return shall show the sum of the prices 255869
of taxable merchandise used and taxable services received, the 255870
amount of tax due from the permit holder, and such other 255871
information as the commissioner deems necessary. The commissioner, 255872
upon written request by the permit holder, may extend the time for 255873
making and filing returns and paying the tax. If the commissioner 255874

determines that a permit holder's tax liability is not such as to 255875
merit monthly filing, the commissioner may authorize the permit 255876
holder to file returns and pay the tax at less frequent intervals. 255877
~~The treasurer of state shall show on the return the date it was~~ 255878
~~filed and the amount of the payment remitted to the treasurer.~~ 255879
~~Thereafter, the treasurer immediately shall transmit all returns~~ 255880
~~filed under this section to the tax commissioner.~~ 255881

Any permit holder required to file a return and pay the tax 255882
under this section whose total payment for any calendar year 255883
equals or exceeds the amount shown in section 5739.032 of the 255884
Revised Code shall make each payment required by this section in 255885
the second ensuing and each succeeding year ~~by electronic funds~~ 255886
~~transfer~~ electronically as prescribed by, and on or before the 255887
dates specified in, section 5739.032 of the Revised Code, except 255888
as otherwise prescribed by that section. 255889

(C) For purposes of reporting and remitting the tax, the 255890
price of tangible personal property or services purchased by, or 255891
of tangible personal property produced by, the permit holder shall 255892
be determined under division (G) of section 5741.01 of the Revised 255893
Code. Except as otherwise provided in division (E) of section 255894
5739.033 of the Revised Code, the situs of any purchase 255895
transaction made by the permit holder is the location where the 255896
tangible personal property or service is received by the permit 255897
holder. 255898

(D) It shall be the duty of every permit holder required to 255899
make a return and pay its tax under this section to keep and 255900
preserve suitable records of purchases together with invoices of 255901
purchases, bills of lading, asset ledgers, depreciation schedules, 255902
transfer journals, and such other primary and secondary records 255903
and documents in such form as the commissioner requires. All such 255904
records and other documents shall be open during business hours to 255905
the inspection of the tax commissioner, and shall be preserved for 255906

a period of four years, unless the commissioner, in writing, has 255907
authorized their destruction or disposal at an earlier date, or by 255908
order or by reason of a waiver of the four-year time limitation 255909
pursuant to section 5739.16 of the Revised Code requires that they 255910
be kept longer. 255911

(E) A permit granted pursuant to this section shall continue 255912
to be valid until surrendered by the holder or canceled for cause 255913
by the tax commissioner. 255914

(F) Persons who hold a direct payment permit that has not 255915
been canceled shall not be required to issue exemption 255916
certificates and shall not be required to pay the tax as 255917
prescribed in sections 5739.03, 5739.033, and 5741.12 of the 255918
Revised Code. Such persons shall notify vendors and sellers from 255919
whom purchases of tangible personal property or services are made, 255920
of their direct payment permit number and that the tax is being 255921
paid directly to the state. Upon receipt of such notice, such 255922
vendor or seller shall be absolved from all duties and liabilities 255923
imposed by section 5739.03 or 5741.04 of the Revised Code with 255924
respect to sales of tangible personal property or services to such 255925
permit holder. 255926

Vendors and sellers who make sales upon which the tax is not 255927
collected by reason of the provisions of this section shall 255928
maintain records in such manner that the amount involved and 255929
identity of the purchaser may be ascertained. The receipts from 255930
such sales shall not be subject to the tax levied in section 255931
5739.10 of the Revised Code. 255932

Upon the cancellation or surrender of a direct payment 255933
permit, the provisions of sections 5739.03, 5741.04, and 5741.12 255934
of the Revised Code shall immediately apply to all purchases made 255935
subsequent to such cancellation or surrender by the person who 255936
previously held such permit, and such person shall so notify 255937
vendors and sellers from whom purchases of tangible personal 255938

property or services are made, in writing, prior to or at the time 255939
of the first purchase after such cancellation or surrender. Upon 255940
receipt of such notice, the vendor shall be subject to the 255941
provisions of sections 5739.03 and 5739.10 of the Revised Code and 255942
the seller shall be subject to the provisions of section 5741.04 255943
of the Revised Code, with respect to all sales subsequently made 255944
to such person. Failure of any such person to notify vendors or 255945
sellers from whom purchases of tangible personal property or 255946
services are made of the cancellation or surrender of a direct 255947
payment permit shall be considered as a refusal to pay the tax by 255948
the person required to issue such notice. 255949

Sec. 5739.032. (A) If the total amount of tax required to be 255950
paid by a permit holder under section 5739.031 of the Revised Code 255951
for any calendar year equals or exceeds seventy-five thousand 255952
dollars, the permit holder shall remit each monthly tax payment in 255953
the second ensuing and each succeeding year ~~by electronic funds~~ 255954
~~transfer~~ electronically as prescribed by division (B) of this 255955
section. 255956

If a permit holder's tax payment for each of two consecutive 255957
years is less than seventy-five thousand dollars, the permit 255958
holder is relieved of the requirement to remit taxes ~~by electronic~~ 255959
~~funds transfer~~ electronically for the year that next follows the 255960
second of the consecutive years in which the tax payment is less 255961
than that amount, and is relieved of that requirement for each 255962
succeeding year, unless the tax payment in a subsequent year 255963
equals or exceeds seventy-five thousand dollars. 255964

~~The tax commissioner shall notify each permit holder required~~ 255965
~~to remit taxes by electronic funds transfer of the permit holder's~~ 255966
~~obligation to do so, shall maintain an updated list of those~~ 255967
~~permit holders, and shall timely certify the list and any~~ 255968
~~additions thereto or deletions therefrom to the treasurer of~~ 255969

~~state.~~ Failure by the tax commissioner to notify a permit holder 255970
subject to this section to remit taxes ~~by electronic funds~~ 255971
~~transfer~~ electronically does not relieve the permit holder of its 255972
obligation to remit taxes ~~by electronic funds transfer~~ in that 255973
manner. 255974

(B) Permit holders required by division (A) of this section 255975
to remit payments ~~by electronic funds transfer~~ electronically 255976
shall remit such payments ~~to the treasurer of state in the manner~~ 255977
~~prescribed by this section and rules adopted by the treasurer of~~ 255978
~~state under section 113.061 of the Revised Code~~ by using the Ohio 255979
business gateway, as defined in section 718.01 of the Revised 255980
Code, or another means of electronic payment, and as follows: 255981

(1) On or before the twenty-third day of each month, a permit 255982
holder shall remit an amount equal to seventy-five per cent of the 255983
anticipated tax liability for that month. 255984

(2) On or before the twenty-third day of each month, a permit 255985
holder shall report the taxes due for the previous month and shall 255986
remit that amount, less any amounts paid for that month as 255987
required by division (B)(1) of this section. 255988

The electronic payment of taxes ~~by electronic funds transfer~~ 255989
does not affect a permit holder's obligation to file the monthly 255990
return as required under section 5739.031 of the Revised Code. 255991

~~(C) A permit holder required by this section to remit taxes~~ 255992
~~by electronic funds transfer may apply to the treasurer of state~~ 255993
~~in the manner prescribed by the treasurer of state to be excused~~ 255994
~~from that requirement. The treasurer of state may excuse the~~ 255995
~~permit holder from remittance by electronic funds transfer for~~ 255996
~~good cause shown for the period of time requested by the permit~~ 255997
~~holder or for a portion of that period. The treasurer of state~~ 255998
~~shall notify the tax commissioner and the permit holder of the~~ 255999
~~treasurer of state's decision as soon as is practicable.~~ 256000

~~(D)(1)(a)~~(C)(1)(a) If a permit holder that is required to 256001
remit payments under division (B) of this section fails to make a 256002
payment, or makes a payment under division (B)(1) of this section 256003
that is less than seventy-five per cent of the actual liability 256004
for that month, the commissioner may impose an additional charge 256005
not to exceed five per cent of that unpaid amount. 256006

(b) Division ~~(D)(1)(a)~~(C)(1)(a) of this section does not 256007
apply if the permit holder's payment under division (B)(1) of this 256008
section is equal to or greater than seventy-five per cent of the 256009
permit holder's reported liability for the same month in the 256010
immediately preceding calendar year. 256011

(2) If a permit holder required by this section to remit 256012
taxes ~~by electronic funds transfer~~ electronically remits those 256013
taxes by some means other than ~~by electronic funds transfer~~ 256014
electronically as prescribed by this section ~~and the rules adopted~~ 256015
~~by the treasurer of state~~, and the tax commissioner determines 256016
that such failure was not due to reasonable cause or was due to 256017
willful neglect, the commissioner may impose an additional charge 256018
not to exceed the lesser of five per cent of the amount of the 256019
taxes required to be paid ~~by electronic funds transfer~~ 256020
electronically or five thousand dollars. 256021

(3) Any additional charge imposed under division ~~(D)(1)~~(C)(1) 256022
or (2) of this section is in addition to any other penalty or 256023
charge imposed under this chapter, and shall be considered as 256024
revenue arising from taxes imposed under this chapter. An 256025
additional charge may be collected by assessment in the manner 256026
prescribed by section 5739.13 of the Revised Code. The tax 256027
commissioner may waive all or a portion of such a charge and may 256028
adopt rules governing such waiver. 256029

No additional charge shall be imposed under division 256030
~~(D)(2)~~(C)(2) of this section against a permit holder that has been 256031
notified of its obligation to remit taxes electronically under 256032

this section and that remits its first two tax payments after such 256033
notification by some other means ~~other than electronic funds~~ 256034
~~transfer~~. The additional charge may be imposed upon the remittance 256035
of any subsequent tax payment that the permit holder remits by 256036
some means other than ~~electronic funds transfer~~ electronically. 256037

Sec. 5739.07. (A) When, pursuant to this chapter, a vendor 256038
has paid taxes to the ~~treasurer of state or the treasurer of~~ 256039
~~state's agent, or to the~~ tax commissioner or the commissioner's 256040
agent, the commissioner shall refund to the vendor the amount of 256041
taxes paid, and any penalties assessed with respect to such taxes, 256042
if the vendor has refunded to the consumer the full amount of 256043
taxes the consumer paid illegally or erroneously or if the vendor 256044
has illegally or erroneously billed the consumer but has not 256045
collected the taxes from the consumer. 256046

(B) When, pursuant to this chapter, a consumer has paid taxes 256047
directly to the ~~treasurer of state or the treasurer of state's~~ 256048
~~agent, or to the~~ tax commissioner or the commissioner's agent, and 256049
the payment or assessment was illegal or erroneous, the 256050
commissioner shall refund to the consumer the full amount of 256051
illegal or erroneous taxes paid and any penalties assessed with 256052
respect to such taxes. 256053

(C) The commissioner shall refund to the consumer amounts 256054
paid illegally or erroneously to a vendor only if: 256055

(1) The commissioner has not refunded the tax to the vendor 256056
and the vendor has not refunded the tax to the consumer; or 256057

(2) The consumer has received a refund from a manufacturer or 256058
other person, other than the vendor, of the full purchase price, 256059
but not the tax, paid to the vendor in settlement of a complaint 256060
by the consumer about the property or service purchased. 256061

The commissioner may require the consumer to obtain or the 256062

vendor to provide a written statement confirming that the vendor 256063
has not refunded the tax to the consumer and has not filed an 256064
application for refund of the tax with the commissioner. 256065

(D) Subject to division (E) of this section, an application 256066
for refund shall be filed with the tax commissioner on the form 256067
prescribed by the commissioner within four years from the date of 256068
the illegal or erroneous payment, unless the vendor or consumer 256069
waives the time limitation under division (A)(3) of section 256070
5739.16 of the Revised Code. If the time limitation is waived, the 256071
refund application period shall be extended for the same period as 256072
the waiver. 256073

(E) An application for refund shall be filed in accordance 256074
with division (D) of this section unless a person is subject to an 256075
assessment that is subject to the time limit of division (B) of 256076
section 5703.58 of the Revised Code for amounts not reported and 256077
paid between the four-year time limit described in division (D) of 256078
this section and the seven-year limit described in division (B) of 256079
section 5703.58 of the Revised Code, in which case the person may 256080
file an application within six months after the date the 256081
assessment is issued. Any refund allowed under this division shall 256082
not exceed the amount of the assessment due for the same period. 256083

(F) On the filing of an application for a refund, the 256084
commissioner shall determine the amount of refund to which the 256085
applicant is entitled. If the amount is not less than that 256086
claimed, the commissioner shall certify that amount to the 256087
director of budget and management and the treasurer of state for 256088
payment from the tax refund fund created by section 5703.052 of 256089
the Revised Code. If the amount is less than that claimed, the 256090
commissioner shall proceed in accordance with section 5703.70 of 256091
the Revised Code. 256092

(G) When a refund is granted under this section, it shall 256093
include interest thereon as provided by section 5739.132 of the 256094

Revised Code. 256095

Sec. 5743.05. The tax commissioner shall sell all stamps 256096
provided for by section 5743.03 of the Revised Code. Each stamp 256097
that is to be affixed to a package of cigarettes shall be sold for 256098
the amount of tax due on that package, except the commissioner 256099
shall, by rule, authorize the sale of stamps to wholesale dealers 256100
in this state, or to wholesale dealers outside this state, at a 256101
discount of not less than one and eight-tenths per cent or more 256102
than ten per cent of such tax due, as a commission for affixing 256103
and canceling the stamps. 256104

The commissioner, by rule, shall authorize the delivery of 256105
stamps to wholesale dealers in this state and to wholesale dealers 256106
outside this state on credit. If such a dealer has not been in 256107
good credit standing with this state for five consecutive years 256108
preceding the purchase, the commissioner shall require the dealer 256109
to file with the commissioner a bond to the state in the amount 256110
and in the form prescribed by the commissioner, with surety to the 256111
satisfaction of the commissioner, conditioned on payment to the 256112
~~treasurer of state or the~~ commissioner within thirty days or the 256113
following twenty-third day of June, whichever comes first for 256114
stamps delivered within that time. If such a dealer has been in 256115
good credit standing with this state for five consecutive years 256116
preceding the purchase, the commissioner shall not require that 256117
the dealer file such a bond but shall require payment for the 256118
stamps within thirty days after purchase of the stamps or the 256119
following twenty-third day of June, whichever comes first. Each 256120
stamp that is sold to a dealer not required to file a bond shall 256121
be sold for the amount of tax due on that package of cigarettes. 256122
The maximum amount that may be sold on credit to a dealer not 256123
required to file a bond shall equal one hundred ten per cent of 256124
the dealer's average monthly purchases over the preceding calendar 256125
year. The maximum amount shall be adjusted to reflect any changes 256126

in the tax rate and may be adjusted, upon application to the 256127
commissioner by the dealer, to reflect changes in the business 256128
operations of the dealer. The maximum amount shall be applicable 256129
to the period between the first day of July to the following 256130
twenty-third day of June. Payment by a dealer not required to file 256131
a bond shall be remitted by electronic funds transfer as 256132
prescribed by section 5743.051 of the Revised Code. If a dealer 256133
not required to file a bond fails to make the payment in full 256134
within the required payment period, the commissioner shall not 256135
thereafter sell stamps to that dealer until the dealer pays the 256136
outstanding amount, including penalty and interest on that amount 256137
as prescribed in this chapter, and the commissioner thereafter may 256138
require the dealer to file a bond until the dealer is restored to 256139
good standing. The commissioner shall limit delivery of stamps on 256140
credit to the period running from the first day of July of the 256141
fiscal year until the twenty-third day of the following June. Any 256142
discount allowed as a commission for affixing and canceling stamps 256143
shall be allowed with respect to sales of stamps on credit. 256144

The commissioner shall redeem and pay for any destroyed, 256145
unused, or spoiled tax stamps at their net value, and shall refund 256146
to wholesale dealers the net amount of state and county taxes paid 256147
erroneously or paid on cigarettes that have been sold in 256148
interstate or foreign commerce or that have become unsalable, and 256149
the net amount of county taxes that were paid on cigarettes that 256150
have been sold at retail or for retail sale outside a taxing 256151
county. 256152

An application for a refund of tax shall be filed with the 256153
commissioner, on the form prescribed by the commissioner for that 256154
purpose, within three years from the date the tax stamps are 256155
destroyed or spoiled, from the date of the erroneous payment, or 256156
from the date that cigarettes on which taxes have been paid have 256157
been sold in interstate or foreign commerce or have become 256158

unsalable. 256159

On the filing of the application, the commissioner shall 256160
determine the amount of refund to which the applicant is entitled, 256161
payable from receipts of the state tax, and, if applicable, 256162
payable from receipts of a county tax. If the amount is not less 256163
than that claimed, the commissioner shall certify the amount to 256164
the director of budget and management and treasurer of state for 256165
payment from the tax refund fund created by section 5703.052 of 256166
the Revised Code. If the amount is less than that claimed, the 256167
commissioner shall proceed in accordance with section 5703.70 of 256168
the Revised Code. 256169

If a refund is granted for payment of an illegal or erroneous 256170
assessment issued by the department, the refund shall include 256171
interest on the amount of the refund from the date of the 256172
overpayment. The interest shall be computed at the rate per annum 256173
prescribed by section 5703.47 of the Revised Code. 256174

Sec. 5743.051. This section applies to any wholesale or 256175
retail cigarette dealer required by section 5743.05 of the Revised 256176
Code to remit payment for tax stamps ~~by electronic funds transfer~~ 256177
electronically. The tax commissioner shall notify each dealer of 256178
the dealer's obligation to do so and shall maintain an updated 256179
list of those dealers. Failure by the ~~tax~~ commissioner to notify a 256180
dealer subject to this section to remit taxes ~~by electronic funds~~ 256181
~~transfer~~ electronically does not relieve the dealer of its 256182
obligation to remit taxes ~~by electronic funds transfer~~ in that 256183
manner. 256184

A dealer required to remit payments ~~by electronic funds~~ 256185
~~transfer~~ electronically shall remit such payments to the ~~treasurer~~ 256186
~~of state~~ commissioner in the manner ~~prescribed by rules adopted by~~ 256187
~~the treasurer of state under section 113.061 of the Revised Code~~ 256188
approved by the commissioner and within the time prescribed for 256189

such a dealer by section 5743.05 of the Revised Code. 256190

A dealer required to remit taxes ~~by electronic funds transfer~~ 256191
electronically may apply to the ~~tax~~ commissioner in the manner 256192
prescribed by the ~~tax~~ commissioner to be excused from that 256193
requirement. The ~~tax~~ commissioner may excuse the dealer from 256194
electronic remittance ~~by electronic funds transfer~~ for good cause 256195
shown for the period of time requested by the dealer or for a 256196
portion of that period. 256197

If a dealer required to remit taxes ~~by electronic funds~~ 256198
~~transfer~~ electronically remits those taxes by some other means, 256199
~~the treasurer of state shall notify the tax commissioner of the~~ 256200
~~failure to remit by electronic funds transfer. If and~~ the ~~tax~~ 256201
commissioner determines that such failure was not due to 256202
reasonable cause or was due to willful neglect, the ~~tax~~ 256203
commissioner may collect an additional charge by assessment in the 256204
manner prescribed by section 5743.081 of the Revised Code. The 256205
additional charge shall equal five per cent of the amount of the 256206
taxes required to be paid ~~by electronic funds transfer~~ 256207
electronically but shall not exceed five thousand dollars. Any 256208
additional charge assessed under this section is in addition to 256209
any other penalty or charge imposed under this chapter and shall 256210
be considered as revenue arising from taxes imposed under this 256211
chapter. The ~~tax~~ commissioner may abate all or a portion of such a 256212
charge and may adopt rules governing such remissions. 256213

No additional charge shall be assessed under this section 256214
against a dealer that has been notified of its obligation to remit 256215
taxes electronically under this section and that remits its first 256216
two tax payments after such notification by some other means ~~other~~ 256217
~~than electronic funds transfer~~. The additional charge may be 256218
assessed upon the remittance of any subsequent tax payment that 256219
the dealer remits by some means other than ~~electronic funds~~ 256220
~~transfer~~ electronically. 256221

Sec. 5743.15. (A) Except as otherwise provided in this 256222
division, no person shall engage in this state in the wholesale or 256223
retail business of trafficking in cigarettes or in the business of 256224
a manufacturer or importer of cigarettes without having a license 256225
to conduct each such activity issued by a county auditor under 256226
division (B) of this section or the tax commissioner under 256227
divisions (C) and (F) of this section. On dissolution of a 256228
partnership by death, the surviving partner may operate under the 256229
license of the partnership until expiration of the license, and 256230
the heirs or legal representatives of deceased persons, and 256231
receivers and trustees in bankruptcy appointed by any competent 256232
authority, may operate under the license of the person succeeded 256233
in possession by such heir, representative, receiver, or trustee 256234
in bankruptcy if the partner or successor notifies the issuer of 256235
the license of the dissolution or succession within thirty days 256236
after the dissolution or succession. 256237

(B)(1) Each applicant for a license to engage in the retail 256238
business of trafficking in cigarettes under this section, 256239
annually, on or before the ~~fourth Monday of May~~ first day of June, 256240
shall make and deliver to the county auditor of the county in 256241
which the applicant desires to engage in the retail business of 256242
trafficking in cigarettes, upon a blank form furnished by such 256243
auditor for that purpose, a statement showing the name of the 256244
applicant, each physical place in the county where the applicant's 256245
business is conducted, the nature of the business, and any other 256246
information the tax commissioner requires in the form of statement 256247
prescribed by the commissioner. If the applicant is a firm, 256248
partnership, or association other than a corporation, the 256249
application shall state the name and address of each of its 256250
members. If the applicant is a corporation, the application shall 256251
state the name and address of each of its officers. At the time of 256252
making the application required by this section, every person 256253

desiring to engage in the retail business of trafficking in 256254
cigarettes shall pay an application fee in the sum of one hundred 256255
twenty-five dollars for each physical place where the person 256256
proposes to carry on such business. Each place of business shall 256257
be deemed such space, under lease or license to, or under the 256258
control of, or under the supervision of the applicant, as is 256259
contained in one or more contiguous, adjacent, or adjoining 256260
buildings constituting an industrial plant or a place of business 256261
operated by, or under the control of, one person, or under one 256262
roof and connected by doors, halls, stairways, or elevators, which 256263
space may contain any number of points at which cigarettes are 256264
offered for sale, provided that each additional point at which 256265
cigarettes are offered for sale shall be listed in the 256266
application. 256267

(2) Upon receipt of the application and exhibition of the 256268
county treasurer's receipt showing the payment of the application 256269
fee, the county auditor shall issue to the applicant a license for 256270
each place of business designated in the application, authorizing 256271
the applicant to engage in such business at such place for one 256272
year commencing on the ~~fourth Monday of May~~ first day of June. The 256273
form of the license shall be prescribed by the commissioner. A 256274
duplicate license may be obtained from the county auditor upon 256275
payment of a five-dollar fee if the original license is lost, 256276
destroyed, or defaced. When an application is filed after the 256277
~~fourth Monday of May~~ first day of June, the application fee 256278
required to be paid shall be proportioned in amount to the 256279
remainder of the license year, except that it shall not be less 256280
than twenty-five dollars in any one year. 256281

(3) The holder of a retail dealer's cigarette license may 256282
transfer the license to a place of business within the same county 256283
other than that designated on the license on condition that the 256284
licensee's ownership interest and business structure remain 256285

unchanged, and that the licensee applies to the county auditor 256286
therefor, upon forms approved by the commissioner and the payment 256287
of a fee of five dollars into the county treasury. 256288

(C)(1) Each applicant for a license to engage in the 256289
wholesale business of trafficking in cigarettes under this 256290
section, annually, on or before the ~~fourth Monday in May~~ first day 256291
of June, shall make and deliver to the tax commissioner, upon a 256292
blank form furnished by the commissioner for that purpose, a 256293
statement showing the name of the applicant, physical street 256294
address where the applicant's business is conducted, the nature of 256295
the business, and any other information required by the 256296
commissioner. If the applicant is a firm, partnership, or 256297
association other than a corporation, the applicant shall state 256298
the name and address of each of its members. If the applicant is a 256299
corporation, the applicant shall state the name and address of 256300
each of its officers. At the time of making the application 256301
required by this section, every person desiring to engage in the 256302
wholesale business of trafficking in cigarettes shall pay an 256303
application fee of one thousand dollars for each physical place 256304
where the person proposes to carry on such business. Each place of 256305
business shall be deemed such space, under lease or license to, or 256306
under the control of, or under the supervision of the applicant, 256307
as is contained in one or more contiguous, adjacent, or adjoining 256308
buildings constituting an industrial plant or a place of business 256309
operated by, or under the control of, one person, or under one 256310
roof and connected by doors, halls, stairways, or elevators. A 256311
duplicate license may be obtained from the commissioner upon 256312
payment of a twenty-five-dollar fee if the original license is 256313
lost, destroyed, or defaced. 256314

(2) Upon receipt of the application and payment of any 256315
application fee required by this section, the commissioner shall 256316
verify that the applicant is not in violation of any provision of 256317

Chapter 1346. or Title LVII of the Revised Code. The commissioner 256318
shall also verify that the applicant has filed any returns, 256319
submitted any information, and paid any outstanding taxes, 256320
charges, or fees as required for any tax, charge, or fee 256321
administered by the commissioner, to the extent that the 256322
commissioner is aware of the returns, information, or payments at 256323
the time of the application. Upon approval, the commissioner shall 256324
issue to the applicant a license for each physical place of 256325
business designated in the application authorizing the applicant 256326
to engage in business at that location for one year commencing on 256327
the ~~fourth Monday in May~~ first day of June. For licenses issued 256328
after the ~~fourth Monday in May~~ first day of June, the application 256329
fee shall be reduced proportionately by the remainder of the 256330
twelve-month period for which the license is issued, except that 256331
the application fee required to be paid under this section shall 256332
be not less than two hundred dollars in any one year. 256333

(3) The holder of a wholesale dealer cigarette license may 256334
transfer the license to a place of business other than that 256335
designated on the license on condition that the licensee's 256336
ownership or business structure remains unchanged, and that the 256337
licensee applies to the commissioner for such a transfer upon a 256338
form promulgated by the commissioner and pays a fee of twenty-five 256339
dollars, which shall be deposited into the cigarette tax 256340
enforcement fund created in division (E) of this section. 256341

(D)(1) The wholesale cigarette license application fees 256342
collected under this section shall be paid into the cigarette tax 256343
enforcement fund. 256344

(2) The retail cigarette license application fees collected 256345
under this section shall be distributed as follows: 256346

(a) Thirty per cent shall be paid upon the warrant of the 256347
county auditor into the treasury of the municipal corporation or 256348
township in which the places of business for which the tax revenue 256349

was received are located; 256350

(b) Ten per cent shall be credited to the general fund of the 256351
county; 256352

(c) Sixty per cent shall be paid into the cigarette tax 256353
enforcement fund. 256354

(3) The remainder of the revenues and fines collected under 256355
this section and the penal laws relating to cigarettes shall be 256356
distributed as follows: 256357

(a) Three-fourths shall be paid upon the warrant of the 256358
county auditor into the treasury of the municipal corporation or 256359
township in which the place of business, on account of which the 256360
revenues and fines were received, is located; 256361

(b) One-fourth shall be credited to the general fund of the 256362
county. 256363

(E) There is hereby created within the state treasury the 256364
cigarette tax enforcement fund for the purpose of providing funds 256365
to assist in paying the costs of enforcing sections 1333.11 to 256366
1333.21 and Chapter 5743. of the Revised Code. 256367

The portion of cigarette license application fees received by 256368
a county auditor during the annual application period that ends on 256369
the ~~fourth Monday in May~~ first day of June and that is required to 256370
be deposited in the cigarette tax enforcement fund shall be sent 256371
to the ~~treasurer of state~~ tax commissioner by the thirtieth day of 256372
June each year accompanied by the form prescribed by the tax 256373
commissioner. The portion of cigarette license application fees 256374
received by each county auditor after the ~~fourth Monday in May~~ 256375
first day of June and that is required to be deposited in the 256376
cigarette tax enforcement fund shall be sent to the ~~treasurer of~~ 256377
~~state~~ commissioner by the last day of the month following the 256378
month in which such fees were collected. 256379

(F)(1) Every person who desires to engage in the business of a manufacturer or importer of cigarettes shall, annually, on or before the ~~fourth Monday of May~~ first day of June, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers.

(2) Upon receipt of the application required under this section, the commissioner shall verify that the applicant is not in violation of any provision of Chapter 1346. of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent that the commissioner is aware of the returns, information, taxes, charges, or fees at the time of the application. Upon approval, the commissioner shall issue to the applicant a license authorizing the applicant to engage in the business of manufacturer or importer, whichever the case may be, for one year commencing on the ~~fourth Monday of May~~ first day of June.

(3) The issuing of a license under division (F)(1) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A manufacturer who is issued a license under division (F)(1) of this section and who is not listed on the directory required under section 1346.05 of the Revised Code shall not be permitted to sell cigarettes in this state other than to a licensed cigarette wholesaler for sale outside this state. Such a

manufacturer shall provide documentation to the commissioner 256412
evidencing that the cigarettes are legal for sale in another 256413
state. 256414

(G) The tax commissioner may adopt rules necessary to 256415
administer this section. 256416

Sec. 5745.03. (A) For each taxable year, each taxpayer shall 256417
file an annual report with the tax commissioner not later than the 256418
fifteenth day of the fourth month after the end of the taxpayer's 256419
taxable year, and shall remit with that report the amount of tax 256420
due as shown on the report less the amount paid for the year under 256421
section 5745.04 of the Revised Code. The remittance shall be made 256422
in the form prescribed by the ~~tax~~ commissioner. If the amount 256423
payable with the report exceeds one thousand dollars, the taxpayer 256424
shall remit the amount ~~by electronic funds transfer as~~ 256425
electronically in a manner prescribed by the ~~treasurer of state~~ 256426
commissioner. The ~~tax~~ commissioner shall ~~immediately forward to~~ 256427
~~the treasurer of state all amounts that the tax commissioner~~ 256428
~~receives pursuant to this chapter. The treasurer of state shall~~ 256429
credit ninety-eight and one-half per cent of such remittances to 256430
the municipal income tax fund, which is hereby created in the 256431
state treasury, and credit the remainder to the municipal income 256432
tax administrative fund, which is hereby created in the state 256433
treasury. 256434

(B) Any taxpayer that has been granted an extension for 256435
filing a federal income tax return may request an extension for 256436
filing the return required under this section by filing with the 256437
tax commissioner a copy of the taxpayer's request for the federal 256438
filing extension. The request shall be filed not later than the 256439
last day for filing the return as required under division (A) of 256440
this section. If such a request is properly and timely filed, the 256441
~~tax~~ commissioner shall extend the last day for filing the return 256442

required under this section for the same period for which the 256443
federal filing extension was granted. The ~~tax~~ commissioner may 256444
deny the filing extension request only if the taxpayer fails to 256445
timely file the request, fails to file a copy of the federal 256446
extension request, owes past due taxes, interest, or penalty under 256447
this chapter, or has failed to file a required report or other 256448
document for a prior taxable year. The granting of an extension 256449
under this section does not extend the last day for paying taxes 256450
without penalty pursuant to this chapter unless the ~~tax~~ 256451
commissioner extends the payment date. 256452

(C) The annual report shall include statements of the 256453
following facts as of the last day of the taxpayer's taxable year: 256454

(1) The name of the taxpayer; 256455

(2) The name of the state or country under the laws of which 256456
it is incorporated; 256457

(3) The location of its principal office in this state and, 256458
in the case of a taxpayer organized under the laws of another 256459
state, the principal place of business in this state and the name 256460
and address of the officer or agent of the taxpayer in charge of 256461
the business conducted in this state; 256462

(4) The names of the president, secretary, treasurer, and 256463
statutory agent in this state, with the post-office address of 256464
each; 256465

(5) The date on which the taxpayer's taxable year begins and 256466
ends; 256467

(6) The taxpayer's federal taxable income during the 256468
taxpayer's taxable year; 256469

(7) Any other information the tax commissioner requires for 256470
the proper administration of this chapter. 256471

(D) The tax commissioner may require any reports required 256472

under this chapter to be filed in an electronic format. 256473

(E) A municipal corporation may not require a taxpayer 256474
required to file a report under this section to file a report of 256475
the taxpayer's income, but a municipal corporation may require a 256476
taxpayer to report to the municipal corporation the value of the 256477
taxpayer's real and tangible personal property situated in the 256478
municipal corporation, compensation paid by the taxpayer to its 256479
employees in the municipal corporation, and sales made in the 256480
municipal corporation by the taxpayer, to the extent necessary for 256481
the municipal corporation to compute the taxpayer's municipal 256482
property, payroll, and sales factors for the municipal 256483
corporation. 256484

(F) On or before the thirty-first day of January each year, 256485
each municipal corporation imposing a tax on income shall certify 256486
to the tax commissioner the rate of the tax in effect on the first 256487
day of January of that year. If any municipal corporation fails to 256488
certify its income tax rate as required by this division, the ~~tax~~ 256489
commissioner shall notify the director of budget and management, 256490
who, upon receiving such notification, shall withhold from each 256491
payment made to the municipal corporation under section 5745.05 of 256492
the Revised Code fifty per cent of the amount of the payment 256493
otherwise due the municipal corporation under that section as 256494
computed on the basis of the tax rate most recently certified 256495
until the municipal corporation certifies the tax rate in effect 256496
on the first day of January of that year. 256497

The tax rate used to determine the tax payable to a municipal 256498
corporation under this section for a taxpayer's taxable year shall 256499
be the tax rate in effect in a municipal corporation on the first 256500
day of January in that taxable year. If a taxpayer's taxable year 256501
is for a period less than twelve months that does not include the 256502
first day of January, the tax rate used to determine the tax 256503
payable to a municipal corporation under this section for the 256504

taxpayer's taxable year shall be the tax rate in effect in a 256505
municipal corporation on the first day of January in the preceding 256506
taxable year. 256507

Sec. 5745.04. (A) As used in this section, "combined tax 256508
liability" means the total of a taxpayer's income tax liabilities 256509
to all municipal corporations in this state for a taxable year. 256510

(B) ~~Beginning with its taxable year beginning in 2003, each~~ 256511
Each taxpayer shall file a declaration of estimated tax report 256512
with, and remit estimated taxes to, the tax commissioner, payable 256513
to the treasurer of state, at the times and in the amounts 256514
prescribed in divisions (B)(1) to (4) of this section. ~~This~~ 256515
~~division also applies to a taxpayer having a taxable year~~ 256516
~~consisting of fewer than twelve months, at least one of which is~~ 256517
~~in 2002, that ends before January 1, 2003.~~ The first taxable year 256518
a taxpayer is subject to this chapter, the estimated taxes the 256519
taxpayer is required to remit under this section shall be based 256520
solely on the current taxable year and not on the liability for 256521
the preceding taxable year. 256522

(1) Not less than twenty-five per cent of the combined tax 256523
liability for the preceding taxable year or twenty per cent of the 256524
combined tax liability for the current taxable year shall have 256525
been remitted not later than the fifteenth day of the fourth month 256526
after the end of the preceding taxable year. 256527

(2) Not less than fifty per cent of the combined tax 256528
liability for the preceding taxable year or forty per cent of the 256529
combined tax liability for the current taxable year shall have 256530
been remitted not later than the fifteenth day of the sixth month 256531
after the end of the preceding taxable year. 256532

(3) Not less than seventy-five per cent of the combined tax 256533
liability for the preceding taxable year or sixty per cent of the 256534
combined tax liability for the current taxable year shall have 256535

been remitted not later than the fifteenth day of the ninth month 256536
after the end of the preceding taxable year. 256537

(4) Not less than one hundred per cent of the combined tax 256538
liability for the preceding taxable year or eighty per cent of the 256539
combined tax liability for the current taxable year shall have 256540
been remitted not later than the fifteenth day of the twelfth 256541
month after the end of the preceding taxable year. 256542

(C) Each taxpayer shall report on the declaration of 256543
estimated tax report the portion of the remittance that the 256544
taxpayer estimates that it owes to each municipal corporation for 256545
the taxable year. 256546

(D) Upon receiving a declaration of estimated tax report and 256547
remittance of estimated taxes under this section, the tax 256548
commissioner shall ~~immediately forward to the treasurer of state~~ 256549
~~such remittance. The treasurer of state shall~~ credit ninety-eight 256550
and one-half per cent of the remittance to the municipal income 256551
tax fund and credit the remainder to the municipal income tax 256552
administrative fund. 256553

(E) If any remittance of estimated taxes is for one thousand 256554
dollars or more, the taxpayer shall make the remittance ~~by~~ 256555
~~electronic funds transfer~~ electronically as prescribed by section 256556
~~5745.04~~ 5745.041 of the Revised Code. 256557

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised 256558
Code, no penalty or interest shall be imposed on a taxpayer if the 256559
declaration of estimated tax report is properly filed, and the 256560
estimated tax is paid, within the time prescribed by division (B) 256561
of this section. 256562

Sec. 5745.041. Any taxpayer required by section 5745.03 or 256563
5745.04 of the Revised Code to remit tax payments ~~by electronic~~ 256564
~~funds transfer~~ electronically shall remit such payments ~~to the~~ 256565

~~treasurer of state in the manner prescribed by rules adopted by~~ 256566
~~the treasurer under section 113.061 of the Revised Code in the~~ 256567
~~manner prescribed by the tax commissioner.~~ Except as otherwise 256568
provided in this paragraph, the payment of taxes ~~by electronic~~ 256569
~~funds transfer electronically~~ does not affect a taxpayer's 256570
obligation to file reports under this chapter. ~~If a taxpayer~~ 256571
~~remits estimated tax payments in a manner, designated by rule of~~ 256572
~~the treasurer of state, that permits the inclusion of all~~ 256573
~~information necessary for the treasurer of state to process the~~ 256574
~~payment, the taxpayer is not required to file the declaration of~~ 256575
~~estimated tax report as otherwise required under section 5745.04~~ 256576
~~of the Revised Code.~~ 256577

~~The treasurer of state, in consultation with the tax~~ 256578
~~commissioner, may adopt rules governing the format for reporting~~ 256579
~~and paying estimated taxes by electronic funds transfer.~~ 256580

A taxpayer required to remit taxes ~~by electronic funds~~ 256581
~~transfer electronically~~ may apply to the ~~treasurer of state tax~~ 256582
~~commissioner~~ in the manner prescribed by the ~~treasurer~~ 256583
~~commissioner~~ to be excused from that requirement. ~~The treasurer of~~ 256584
~~state commissioner~~ may excuse the taxpayer from the requirement 256585
for good cause shown for the period of time requested by the 256586
taxpayer or for a portion of that period. ~~The treasurer shall~~ 256587
~~notify the tax commissioner and the taxpayer of the treasurer's~~ 256588
~~decision as soon as is practicable.~~ 256589

If a taxpayer required by this section to remit taxes ~~by~~ 256590
~~electronic funds transfer electronically~~ remits those taxes by 256591
some means other than ~~by electronic funds transfer electronically~~ 256592
as prescribed by this section ~~and the rules adopted by the~~ 256593
~~treasurer of state, and the treasurer commissioner~~ determines that 256594
such failure was not due to reasonable cause or was due to willful 256595
neglect, ~~the treasurer shall notify the tax commissioner of the~~ 256596
~~failure to remit by electronic funds transfer and shall provide~~ 256597

~~the commissioner with any information used in making that~~ 256598
~~determination. The tax~~ commissioner may collect an additional 256599
charge by assessment in the manner prescribed by section 5745.12 256600
of the Revised Code. The additional charge shall equal five per 256601
cent of the amount of the taxes or estimated tax payments required 256602
to be paid ~~by electronic funds transfer~~ electronically, but shall 256603
not exceed five thousand dollars. Any additional charge assessed 256604
under this section is in addition to any other penalty or charge 256605
imposed under this chapter, and shall be considered as revenue 256606
arising from municipal income taxes collected under this chapter. 256607
The ~~tax~~ commissioner may remit all or a portion of such a charge 256608
and may adopt rules governing such remission. 256609

No additional charge shall be assessed under this section 256610
against a taxpayer that has been notified of its obligation to 256611
remit taxes electronically under this section and that remits its 256612
first two tax payments after such notification by some other means 256613
~~other than electronic funds transfer~~. The additional charge may be 256614
assessed upon the remittance of any subsequent tax payment that 256615
the taxpayer remits by some means other than ~~electronic funds~~ 256616
~~transfer~~ electronically. 256617

Sec. 5747.059. (A) This section applies only to reduce a 256618
taxpayer's aggregate tax liability under section 5747.02 of the 256619
Revised Code. 256620

(B) There is hereby allowed a refundable credit against a 256621
taxpayer's aggregate tax liability under section 5747.02 of the 256622
Revised Code. This credit shall be equal to the taxpayer's 256623
proportionate share of the lesser of either the tax due or the tax 256624
paid under section 5733.41 or 5747.41 of the Revised Code by any 256625
qualifying entity as defined in section 5733.40 of the Revised 256626
Code for the qualifying taxable year of the qualifying entity 256627
which ends in the taxable year of the taxpayer. 256628

(C) The taxpayer shall claim the credit for the taxpayer's taxable year in which ends the qualifying entity's qualifying taxable year. For purposes of making tax payments under this chapter, taxes equal to the amount of the credit shall be considered to be paid by the taxpayer to this state on the day that the qualifying entity pays to the ~~treasurer of state tax~~ commissioner the amount due pursuant to section 5733.41 and sections 5747.41 to 5747.453 of the Revised Code with respect to and for the taxpayer.

(D) In claiming the credit and determining the taxpayer's proportionate share of the tax due and the tax paid by any qualifying entity, the taxpayer shall follow the concepts set forth in subchapters J and K of the Internal Revenue Code.

(E) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the amount of the credit under this section exceeds the aggregate amount of tax otherwise due under section 5747.02 of the Revised Code after deduction of all other credits in that order, the taxpayer is entitled to a refund of the excess.

Sec. 5747.07. (A) As used in this section:

(1) "Partial weekly withholding period" means a period during which an employer directly, indirectly, or constructively pays compensation to, or credits compensation to the benefit of, an employee, and that consists of a consecutive Saturday, Sunday, Monday, and Tuesday or a consecutive Wednesday, Thursday, and Friday. There are two partial weekly withholding periods each week, except that a partial weekly withholding period cannot extend from one calendar year into the next calendar year; if the first day of January falls on a day other than Saturday or Wednesday, the partial weekly withholding period ends on the thirty-first day of December and there are three partial weekly

withholding periods during that week. 256660

(2) "Undeposited taxes" means the taxes an employer is 256661
required to deduct and withhold from an employee's compensation 256662
pursuant to section 5747.06 of the Revised Code that have not been 256663
remitted to the tax commissioner pursuant to this section or ~~to~~ 256664
~~the treasurer of state pursuant to~~ section 5747.072 of the Revised 256665
Code. 256666

(3) A "week" begins on Saturday and concludes at the end of 256667
the following Friday. 256668

(4) "Professional employer organization," "professional 256669
employer organization agreement," and "professional employer 256670
organization reporting entity" have the same meanings as in 256671
section 4125.01 of the Revised Code. 256672

(5) "Alternate employer organization" and "alternate employer 256673
organization agreement" have the same meanings as in section 256674
4133.01 of the Revised Code. 256675

(6) "Client employer" has the same meaning as in section 256676
4125.01 of the Revised Code in the context of a professional 256677
employer organization or a professional employer organization 256678
reporting entity, or the same meaning as in section 4133.01 of the 256679
Revised Code in the context of an alternate employer organization. 256680

(B) Except as provided in divisions (C) and (D) of this 256681
section and in division (A) of section 5747.072 of the Revised 256682
Code, every employer required to deduct and withhold any amount 256683
under section 5747.06 of the Revised Code shall file a return and 256684
shall pay the amount required by law as follows: 256685

(1) An employer who accumulates or is required to accumulate 256686
undeposited taxes of one hundred thousand dollars or more during a 256687
partial weekly withholding period shall make the payment of the 256688
undeposited taxes by the close of the first banking day after the 256689
day on which the accumulation reaches one hundred thousand 256690

dollars. If required under division (I) of this section, the 256691
payment shall be made ~~by electronic funds transfer~~ electronically 256692
under section 5747.072 of the Revised Code. 256693

(2) Except as required by division (B)(1) of this section, an 256694
employer whose actual or required payments under this section were 256695
at least eighty-four thousand dollars during the twelve-month 256696
period ending on the thirtieth day of June of the preceding 256697
calendar year shall make the payment of undeposited taxes within 256698
three banking days after the close of a partial weekly withholding 256699
period during which the employer was required to deduct and 256700
withhold any amount under this chapter. If required under division 256701
(I) of this section, the payment shall be made ~~by electronic funds~~ 256702
~~transfer~~ electronically under section 5747.072 of the Revised 256703
Code. 256704

(3) Except as required by divisions (B)(1) and (2) of this 256705
section, if an employer's actual or required payments were more 256706
than two thousand dollars during the twelve-month period ending on 256707
the thirtieth day of June of the preceding calendar year, the 256708
employer shall make the payment of undeposited taxes for each 256709
month during which they were required to be withheld no later than 256710
fifteen days following the last day of that month. The employer 256711
shall file the return prescribed by the tax commissioner with the 256712
payment. 256713

(4) Except as required by divisions (B)(1), (2), and (3) of 256714
this section, an employer shall make the payment of undeposited 256715
taxes for each calendar quarter during which they were required to 256716
be withheld no later than the last day of the month following the 256717
last day of March, June, September, and December each year. The 256718
employer shall file the return prescribed by the tax commissioner 256719
with the payment. 256720

(C) The return and payment schedules prescribed by divisions 256721
(B)(1) and (2) of this section do not apply to the return and 256722

payment of undeposited school district income taxes arising from 256723
taxes levied pursuant to Chapter 5748. of the Revised Code. 256724
Undeposited school district income taxes shall be returned and 256725
paid pursuant to divisions (B)(3) and (4) of this section, as 256726
applicable. 256727

(D)(1) The requirements of division (B) of this section are 256728
met if the amount paid is not less than ninety-five per cent of 256729
the actual tax withheld or required to be withheld for the prior 256730
quarterly, monthly, or partial weekly withholding period, and the 256731
underpayment is not due to willful neglect. Any underpayment of 256732
withheld tax shall be paid within thirty days of the date on which 256733
the withheld tax was due without regard to division (D)(1) of this 256734
section. An employer described in division (B)(1) or (2) of this 256735
section shall make the payment ~~by electronic funds transfer~~ 256736
electronically under section 5747.072 of the Revised Code. 256737

(2) If the tax commissioner believes that quarterly or 256738
monthly payments would result in a delay that might jeopardize the 256739
remittance of withholding payments, the commissioner may order 256740
that the payments be made weekly, or more frequently if necessary, 256741
and the payments shall be made no later than three banking days 256742
following the close of the period for which the jeopardy order is 256743
made. An order requiring weekly or more frequent payments shall be 256744
delivered to the employer ~~personally or by certified mail~~ in the 256745
manner provided in section 5703.37 of the Revised Code and remains 256746
in effect until the commissioner notifies the employer to the 256747
contrary. 256748

(3) If compelling circumstances exist concerning the 256749
remittance of undeposited taxes, the commissioner may order the 256750
employer to make payments under any of the payment schedules under 256751
division (B) of this section. The order shall be delivered to the 256752
employer ~~personally or by certified mail~~ in the manner provided in 256753
section 5703.37 of the Revised Code and shall remain in effect 256754

until the commissioner notifies the employer to the contrary. For 256755
purposes of division (D)(3) of this section, "compelling 256756
circumstances" exist if either or both of the following are true: 256757

(a) Based upon annualization of payments made or required to 256758
be made during the preceding calendar year and during the current 256759
calendar year, the employer would be required for the next 256760
calendar year to make payments under division (B)(2) of this 256761
section. 256762

(b) Based upon annualization of payments made or required to 256763
be made during the current calendar year, the employer would be 256764
required for the next calendar year to make payments under 256765
division (B)(2) of this section. 256766

~~(E)(1) An employer described in division (B)(1) or (2) of 256767
this section shall file, not later than the last day of the month 256768
following the end of each calendar quarter, a return covering, but 256769
not limited to, both the actual amount deducted and withheld and 256770
the amount required to be deducted and withheld for the tax 256771
imposed under section 5747.02 of the Revised Code during each 256772
partial weekly withholding period or portion of a partial weekly 256773
withholding period during that quarter. The employer shall file 256774
the quarterly return even if the aggregate amount required to be 256775
deducted and withheld for the quarter is zero dollars. At the time 256776
of filing the return, the employer shall pay any amounts of 256777
undeposited taxes for the quarter, whether actually deducted and 256778
withheld or required to be deducted and withheld, that have not 256779
been previously paid. If required under division (I) of this 256780
section, the payment shall be made by electronic funds transfer. 256781
The tax commissioner shall prescribe the form and other 256782
requirements of the quarterly return. 256783~~

(2) In addition to other returns required to be filed and 256784
payments required to be made under this section, every employer 256785
required to deduct and withhold taxes shall file, not later than 256786

the thirty-first day of January of each year, an annual return 256787
covering, but not limited to, both the aggregate amount deducted 256788
and withheld and the aggregate amount required to be deducted and 256789
withheld during the entire preceding year for the tax imposed 256790
under section 5747.02 of the Revised Code and for each tax imposed 256791
under Chapter 5748. of the Revised Code. At the time of filing 256792
that return, the employer shall pay over any amounts of 256793
undeposited taxes for the preceding year, whether actually 256794
deducted and withheld or required to be deducted and withheld, 256795
that have not been previously paid. The employer shall make the 256796
annual report, to each employee and to the tax commissioner, of 256797
the compensation paid and each tax withheld, as the commissioner 256798
by rule may prescribe. 256799

(2) Each employer required to deduct and withhold any tax is 256800
liable for the payment of that amount required to be deducted and 256801
withheld, whether or not the tax has in fact been withheld, unless 256802
the failure to withhold was based upon the employer's good faith 256803
in reliance upon the statement of the employee as to liability, 256804
and the amount shall be deemed to be a special fund in trust for 256805
the general revenue fund. 256806

(F) Each employer shall file with the employer's annual 256807
return the following items of information on employees for whom 256808
withholding is required under section 5747.06 of the Revised Code: 256809

(1) The full name of each employee, the employee's address, 256810
the employee's school district of residence, and in the case of a 256811
nonresident employee, the employee's principal county of 256812
employment; 256813

(2) The social security number of each employee; 256814

(3) The total amount of compensation paid before any 256815
deductions to each employee for the period for which the annual 256816
return is made; 256817

(4) The amount of the tax imposed by section 5747.02 of the Revised Code and the amount of each tax imposed under Chapter 5748. of the Revised Code withheld from the compensation of the employee for the period for which the annual return is made. The commissioner may extend upon good cause the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions of time. If the extension results in an extension of time for the payment of the amounts withheld with respect to which the return is filed, the employer shall pay, at the time the amount withheld is paid, an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that amount withheld, from the day that amount was originally required to be paid to the day of actual payment or to the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

(5) In addition to all other interest charges and penalties imposed, all amounts of taxes withheld or required to be withheld and remaining unpaid after the day the amounts are required to be paid shall bear interest from the date prescribed for payment at the rate per annum prescribed by section 5703.47 of the Revised Code on the amount unpaid, in addition to the amount withheld, until paid or until the day an assessment is issued under section 5747.13 of the Revised Code, whichever occurs first.

(G) An employee of a corporation, limited liability company, or business trust having control or supervision of or charged with the responsibility of filing the report and making payment, or an officer, member, manager, or trustee of a corporation, limited liability company, or business trust who is responsible for the execution of the corporation's, limited liability company's, or business trust's fiscal responsibilities, shall be personally liable for failure to file the report or pay the tax due as required by this section. The dissolution, termination, or

bankruptcy of a corporation, limited liability company, or 256850
business trust does not discharge a responsible officer's, 256851
member's, manager's, employee's, or trustee's liability for a 256852
failure of the corporation, limited liability company, or business 256853
trust to file returns or pay tax due. 256854

(H) If an employer required to deduct and withhold income tax 256855
from compensation and to pay that tax to the state under sections 256856
5747.06 and 5747.07 of the Revised Code sells the employer's 256857
business or stock of merchandise or quits the employer's business, 256858
the taxes required to be deducted and withheld and paid to the 256859
state pursuant to those sections prior to that time, together with 256860
any interest and penalties imposed on those taxes, become due and 256861
payable immediately, and that person shall make a final return 256862
within fifteen days after the date of selling or quitting 256863
business. The employer's successor shall withhold a sufficient 256864
amount of the purchase money to cover the amount of the taxes, 256865
interest, and penalties due and unpaid, until the former owner 256866
produces a receipt from the tax commissioner showing that the 256867
taxes, interest, and penalties have been paid or a certificate 256868
indicating that no such taxes are due. If the purchaser of the 256869
business or stock of merchandise fails to withhold purchase money, 256870
the purchaser shall be personally liable for the payment of the 256871
taxes, interest, and penalties accrued and unpaid during the 256872
operation of the business by the former owner. If the amount of 256873
taxes, interest, and penalties outstanding at the time of the 256874
purchase exceeds the total purchase money, the tax commissioner in 256875
the commissioner's discretion may adjust the liability of the 256876
seller or the responsibility of the purchaser to pay that 256877
liability to maximize the collection of withholding tax revenue. 256878

(I) An employer whose actual or required payments under this 256879
section exceeded eighty-four thousand dollars during the 256880
twelve-month period ending on the thirtieth day of June of the 256881

preceding calendar year shall make all payments required by this 256882
section for the year ~~by electronic funds transfer~~ electronically 256883
under section 5747.072 of the Revised Code. 256884

(J)(1) Every professional employer organization, professional 256885
employer organization reporting entity, and alternate employer 256886
organization shall file a report with the tax commissioner within 256887
thirty days after commencing business in this state that includes 256888
all of the following information: 256889

(a) The name, address, number the employer receives from the 256890
secretary of state to do business in this state, if applicable, 256891
and federal employer identification number of each client employer 256892
of the organization or entity; 256893

(b) The date that each client employer became a client of the 256894
organization or entity; 256895

(c) The names and mailing addresses of the chief executive 256896
officer and the chief financial officer of each client employer 256897
for taxation of the client employer. 256898

(2) Beginning with the calendar quarter ending after a 256899
professional employer organization, professional employer 256900
organization reporting entity, or alternate employer organization 256901
files the report required under division (J)(1) of this section, 256902
and every calendar quarter thereafter, the organization or entity 256903
shall file an updated report with the tax commissioner. The 256904
organization or entity shall file the updated report not later 256905
than the last day of the month following the end of the calendar 256906
quarter and shall include all of the following information in the 256907
report: 256908

(a) If an entity became a client employer of the professional 256909
employer organization, professional employer organization 256910
reporting entity, or alternate employer organization at any time 256911
during the calendar quarter, all of the information required under 256912

division (J)(1) of this section for each new client employer; 256913

(b) If an entity terminated the professional employer 256914
organization agreement or the alternate employer organization 256915
agreement between the entity and the professional employer 256916
organization, professional employer organization reporting entity, 256917
or alternate employer organization, as applicable, at any time 256918
during the calendar quarter, the information described in division 256919
(J)(1)(a) of this section for that entity, the date during the 256920
calendar quarter that the entity ceased being a client of the 256921
organization or reporting entity, if applicable, or the date the 256922
entity ceased business operations in this state, if applicable; 256923

(c) If the name or mailing address of the chief executive 256924
officer or the chief financial officer of a client employer has 256925
changed since the professional employer organization, professional 256926
employer organization reporting entity, or alternate employer 256927
organization previously submitted a report under division (J)(1) 256928
or (2) of this section, the updated name or mailing address, or 256929
both, of the chief executive officer or the chief financial 256930
officer, as applicable; 256931

(d) If none of the events described in divisions (J)(2)(a) to 256932
(c) of this section occurred during the calendar quarter, a 256933
statement of that fact. 256934

Sec. 5747.072. (A) Any employer required by section 5747.07 256935
of the Revised Code to remit undeposited taxes ~~by electronic funds~~ 256936
~~transfer~~ electronically shall do so ~~in the manner prescribed by~~ 256937
~~rules adopted by the treasurer of state under section 113.061 of~~ 256938
~~the Revised Code and by using the Ohio business gateway, as~~ 256939
defined in section 718.01 of the Revised Code, or another means of 256940
electronic payment on or before the dates specified under that 256941
~~division~~ section. The tax commissioner shall notify each such 256942
employer of the employer's obligation to remit undeposited taxes 256943

~~by electronic funds transfer, shall maintain an updated list of~~ 256944
~~those employers, and shall provide the list and any additions~~ 256945
~~thereto or deletions therefrom to the treasurer of state~~ 256946
electronically. Failure by the ~~tax~~ commissioner to notify an 256947
employer subject to this section to remit taxes ~~by electronic~~ 256948
~~funds transfer~~ electronically does not relieve the employer of its 256949
obligation to remit taxes ~~by electronic funds transfer~~ in that 256950
manner. 256951

~~Except as otherwise provided in this paragraph, the~~ 256952
~~The~~ payment of taxes ~~by electronic funds transfer~~ electronically does 256953
not affect an employer's obligation to file the ~~quarterly return~~ 256954
~~as required under division (E)(1) of section 5747.07 of the~~ 256955
~~Revised Code or the annual return as required under divisions~~ 256956
~~(E)(2)(E) and (F) of that section~~ 5747.07 of the Revised Code. ~~If~~ 256957
~~the employer remits estimated tax payments in a manner, designated~~ 256958
~~by the treasurer of state, that permits the inclusion of all~~ 256959
~~information necessary for the treasurer of state to process the~~ 256960
~~tax payment, the employer need not file the return required under~~ 256961
~~division (B) of section 5747.07 of the Revised Code. The treasurer~~ 256962
~~of state, in consultation with the tax commissioner, may adopt~~ 256963
~~rules governing the format for filing the returns under section~~ 256964
~~5747.07 of the Revised Code by employers who remit undeposited~~ 256965
~~taxes by electronic funds transfer. The rules may permit the~~ 256966
~~filing of returns at less frequent intervals than required by that~~ 256967
~~division if the treasurer of state and the tax commissioner~~ 256968
~~determine that remittance by electronic funds transfer warrants~~ 256969
~~less frequent filing of returns.~~ 256970

An employer required by this section to remit taxes ~~by~~ 256971
~~electronic funds transfer~~ electronically may apply to the 256972
~~treasurer of state~~ commissioner to be excused from that 256973
requirement. The ~~treasurer of state~~ commissioner may excuse the 256974
employer from electronic remittance ~~by electronic funds transfer~~ 256975

for good cause shown for the period of time requested by the 256976
employer or a portion of that period. The ~~treasurer~~ commissioner 256977
shall notify the ~~tax commissioner~~ and the employer of the 256978
~~treasurer's~~ commissioner's decision as soon as is practicable. 256979

(B) If an employer required by this section to remit 256980
undeposited taxes ~~by electronic funds transfer~~ electronically 256981
remits those taxes by some other means ~~other than electronic funds~~ 256982
~~transfer as prescribed by the rules adopted by the treasurer of~~ 256983
~~state, and the treasurer~~ tax commissioner determines that such 256984
failure was not due to reasonable cause or was due to willful 256985
neglect, the ~~treasurer shall notify the tax commissioner of the~~ 256986
~~failure to remit by electronic funds transfer and shall provide~~ 256987
~~the commissioner with any information used in making that~~ 256988
~~determination. The tax~~ commissioner may collect an additional 256989
charge by assessment in the manner prescribed by section 5747.13 256990
of the Revised Code. The additional charge shall equal five per 256991
cent of the amount of the undeposited taxes, but shall not exceed 256992
five thousand dollars. Any additional charge assessed under this 256993
section is in addition to any other penalty or charge imposed by 256994
this chapter, and shall be considered as revenue arising from the 256995
taxes imposed by this chapter. The ~~tax~~ commissioner may remit all 256996
or a portion of such a charge and may adopt rules governing such 256997
remission. 256998

No additional charge shall be assessed under this division 256999
against an employer that has been notified of its obligation to 257000
remit taxes electronically under this section and that remits its 257001
first two tax payments after such notification by some other means 257002
~~other than electronic funds transfer~~. The additional charge may be 257003
assessed upon the remittance of any subsequent tax payment that 257004
the employer remits by some means other than ~~electronic funds~~ 257005
~~transfer~~ electronically. 257006

Sec. 5747.42. (A) In addition to the other returns required 257007
to be filed and other remittances required to be made pursuant to 257008
this chapter, every qualifying entity or electing pass-through 257009
entity that is subject to the tax imposed by section 5733.41, 257010
5747.38, or 5747.41 of the Revised Code shall file an annual 257011
return as follows: 257012

(1) For a qualifying entity, on or before the fifteenth day 257013
of the fourth month following the end of the entity's qualifying 257014
taxable year; 257015

(2) For an electing pass-through entity, on or before the 257016
fifteenth day of April following the end of the entity's taxable 257017
year that ends in the preceding calendar year. 257018

Each entity shall also remit to the tax commissioner, with 257019
the remittance made payable to the treasurer of state, the amount 257020
of the taxes shown to be due on the return, less the amount paid 257021
for the taxable year on a declaration of estimated tax report 257022
filed by the taxpayer as provided by section 5747.43 of the 257023
Revised Code. Remittance shall be made in the form prescribed by 257024
the tax commissioner, including ~~electronic funds transfer~~ 257025
electronically if required by section 5747.44 of the Revised Code. 257026

A domestic qualifying entity shall not dissolve, and a 257027
foreign qualifying entity shall not withdraw or retire from 257028
business in this state, without filing the tax returns and paying 257029
the taxes charged for the year in which such dissolution or 257030
withdrawal occurs. 257031

(B) The tax commissioner shall furnish qualifying entities or 257032
electing pass-through entities, upon request, copies of the forms 257033
prescribed by the commissioner for the purpose of making the 257034
returns required by sections 5747.42 to 5747.453 of the Revised 257035
Code. 257036

(C) The annual return required by this section shall be signed by the applicable entity's trustee or other fiduciary, or president, vice-president, secretary, treasurer, general manager, general partner, superintendent, or managing agent in this state. The annual return shall contain the facts, figures, computations, and attachments that result in the tax charged by section 5733.41, 5747.38, or 5747.41 of the Revised Code. Each entity also shall file with its annual return all of the following:

(1) In the case of the tax charged by section 5733.41 or 5747.41 of the Revised Code, the full name and address of each qualifying investor or qualifying beneficiary unless the qualifying entity submits such information in accordance with division (D) of this section;

(2) In the case of the tax charged by section 5733.41 or 5747.41 of the Revised Code, the social security number, federal employer identification number, or other identifying number of each qualifying investor or qualifying beneficiary, unless the taxpayer submits that information in accordance with division (D) of this section;

(3) In the case of the tax charged by section 5747.38 of the Revised Code, the full name and address and the social security number, federal employer identification number, or other identifying number of each owner of the electing pass-through entity, unless the entity submits such information in accordance with division (D) of this section;

(4) The amount of tax imposed by sections 5733.41 and 5747.41 or by section 5747.38 of the Revised Code, and the amount of the tax paid by the entity, for the applicable taxable year covered by the annual return;

(5) The amount of tax imposed by sections 5733.41 and 5747.41 or by section 5747.38 of the Revised Code that is attributable to

each qualifying investor, qualifying beneficiary, or owner, as 257068
applicable, unless the entity submits this information in 257069
accordance with division (D) of this section. 257070

(D) On the date the annual return is due, including 257071
extensions of time, if any, the applicable entity may be required 257072
by rule to transmit electronically or by magnetic media the 257073
information set forth in division (C) of this section. The tax 257074
commissioner may adopt rules governing the format for the 257075
transmission of such information. The tax commissioner may exempt 257076
an entity or a class of entities from the requirements imposed by 257077
this division. 257078

(E) Upon good cause shown, the tax commissioner may extend 257079
the period for filing any return required to be filed under this 257080
section or section 5747.43 or 5747.44 of the Revised Code and for 257081
transmitting any information required to be transmitted under 257082
those sections. The tax commissioner may adopt rules relating to 257083
extensions of time to file and to transmit. At the time an entity 257084
pays any tax imposed under section 5733.41, 5747.38, or 5747.41 of 257085
the Revised Code or estimated tax as required under section 257086
5747.43 of the Revised Code, the entity also shall pay interest 257087
computed at the rate per annum prescribed by section 5703.47 of 257088
the Revised Code on that tax or estimated tax, from the time the 257089
tax or estimated tax originally was required to be paid, without 257090
consideration of any filing extensions, to the time of actual 257091
payment. Nothing in this division shall be construed to abate, 257092
modify, or limit the imposition of any penalties imposed for the 257093
failure to timely pay taxes under this chapter or Chapter 5733. of 257094
the Revised Code without consideration of any filing extensions. 257095

Sec. 5747.44. (A) If a qualifying entity's or an electing 257096
pass-through entity's total liability for taxes imposed under 257097
sections 5733.41 and 5747.41 or under section 5747.38 of the 257098

Revised Code exceeds one hundred eighty thousand dollars for the 257099
second preceding taxable year or qualifying taxable year, as 257100
applicable, the entity shall make all payments required under 257101
sections 5747.42 and 5747.43 or under section 5747.38 of the 257102
Revised Code ~~by electronic funds transfer as~~ electronically in the 257103
manner prescribed by ~~this section and rules adopted by the~~ 257104
~~treasurer of state under section 113.061 of the Revised Code~~ the 257105
tax commissioner. 257106

The tax commissioner shall notify each qualifying entity and 257107
electing pass-through entity required to remit taxes ~~by electronic~~ 257108
~~funds transfer~~ electronically of the entity's obligation to do so, 257109
~~shall maintain an updated list of those entities, and shall~~ 257110
~~provide the list and any additions thereto or deletions therefrom~~ 257111
~~to the treasurer of state.~~ Failure by the ~~tax~~ commissioner to 257112
notify an entity subject to this section to remit taxes ~~by~~ 257113
~~electronic funds transfer~~ electronically does not relieve the 257114
entity of its obligation to remit taxes ~~by electronic funds~~ 257115
~~transfer in that manner.~~ 257116

(B) Except as otherwise provided in this division, the 257117
payment of taxes ~~by electronic funds transfer~~ electronically does 257118
not affect a qualifying entity's or an electing pass-through 257119
entity's obligation to file the returns required under sections 257120
5747.42 and 5747.43 of the Revised Code. ~~The treasurer of state,~~ 257121
~~in consultation with the tax commissioner, may adopt rules in~~ 257122
~~addition to the rules adopted under section 113.061 of the Revised~~ 257123
~~Code governing the format for filing returns by qualifying~~ 257124
~~entities and electing pass-through entities that remit taxes by~~ 257125
~~electronic funds transfer. The rules may provide for the filing of~~ 257126
~~returns at less frequent intervals than otherwise required if the~~ 257127
~~treasurer of state and the tax commissioner determine that~~ 257128
~~remittance by electronic funds transfer warrants less frequent~~ 257129
~~filing of returns.~~ 257130

(C) A qualifying entity or an electing pass-through entity 257131
required by this section to remit taxes ~~by electronic funds~~ 257132
~~transfer~~ electronically may apply to the ~~treasurer of state tax~~ 257133
commissioner in the manner prescribed by the ~~treasurer of state~~ 257134
commissioner to be excused from that requirement. The ~~treasurer of~~ 257135
~~state commissioner~~ may excuse the entity from electronic 257136
remittance ~~by electronic funds transfer~~ for good cause shown for 257137
the period of time requested by the entity or for a portion of 257138
that period. The ~~treasurer of state commissioner~~ shall notify the 257139
~~tax commissioner and~~ the entity of the ~~treasurer of state's~~ 257140
commissioner's decision as soon as is practicable. 257141

(D) If a qualifying entity or an electing pass-through entity 257142
required by this section to remit taxes ~~by electronic funds~~ 257143
~~transfer~~ electronically remits those taxes by some means other 257144
than ~~by electronic funds transfer~~ electronically as prescribed by 257145
this section ~~and the rules adopted by the treasurer of state, and~~ 257146
the ~~treasurer of state tax commissioner~~ determines that such 257147
failure was not due to reasonable cause or was due to willful 257148
neglect, the ~~treasurer of state shall notify the tax commissioner~~ 257149
~~of the failure to remit by electronic funds transfer and shall~~ 257150
~~provide the commissioner with any information used in making that~~ 257151
~~determination. The tax~~ commissioner may collect an additional 257152
charge by assessment in the manner prescribed by section 5747.13 257153
of the Revised Code. The additional charge shall equal five per 257154
cent of the amount of the taxes required to be paid ~~by electronic~~ 257155
~~funds transfer~~ electronically, but shall not exceed five thousand 257156
dollars. Any additional charge assessed under this section is in 257157
addition to any other penalty or charge imposed under this chapter 257158
or Chapter 5733. of the Revised Code, and shall be considered as 257159
revenue arising from the taxes imposed under sections 5733.41 and 257160
5747.41 or under section 5747.38 of the Revised Code. The ~~tax~~ 257161
commissioner may remit all or a portion of such a charge and may 257162
adopt rules governing such remission. 257163

No additional charge shall be assessed under this division 257164
against a qualifying entity or an electing pass-through entity 257165
that has been notified of its obligation to remit taxes 257166
electronically under this section and that remits its first two 257167
tax payments after such notification by some other means ~~other~~ 257168
~~than electronic funds transfer~~. The additional charge may be 257169
assessed upon the remittance of any subsequent tax payment that 257170
the entity remits by some means other than ~~electronic funds~~ 257171
~~transfer~~ electronically. 257172

Sec. 5747.451. (A) The mere retirement from business or 257173
voluntary dissolution of a domestic or foreign qualifying entity 257174
or electing pass-through entity does not exempt it from the 257175
requirements to make reports as required under sections 5747.42 to 257176
5747.44 or to pay the taxes imposed under section 5733.41, 257177
5747.38, or 5747.41 of the Revised Code. If any qualifying entity 257178
or electing pass-through entity subject to the taxes imposed under 257179
section 5733.41, 5747.38, or 5747.41 of the Revised Code sells its 257180
business or stock of merchandise or quits its business, the taxes 257181
required to be paid prior to that time, together with any interest 257182
or penalty thereon, become due and payable immediately, and the 257183
entity shall make a final return within fifteen days after the 257184
date of selling or quitting business. The successor of the 257185
qualifying entity or electing pass-through entity shall withhold a 257186
sufficient amount of the purchase money to cover the amount of 257187
such taxes, interest, and penalties due and unpaid until the 257188
entity produces a receipt from the tax commissioner showing that 257189
the taxes, interest, and penalties have been paid, or a 257190
certificate indicating that no taxes are due. If the purchaser of 257191
the business or stock of goods fails to withhold purchase money, 257192
the purchaser is personally liable for the payment of the taxes, 257193
interest, and penalties accrued and unpaid during the operation of 257194
the business by the entity. If the amount of those taxes, 257195

interest, and penalty unpaid at the time of the purchase exceeds 257196
the total purchase money, the tax commissioner may adjust the 257197
entity's liability for those taxes, interest, and penalty, or 257198
adjust the responsibility of the purchaser to pay that liability, 257199
in a manner calculated to maximize the collection of those 257200
liabilities. 257201

(B) Annually, on the last day of each qualifying taxable year 257202
of a qualifying entity or taxable year of an electing pass-through 257203
entity, the taxes imposed under section 5733.41, 5747.38, or 257204
5747.41 of the Revised Code, together with any penalties 257205
subsequently accruing thereon, become a lien on all property in 257206
this state of the entity, whether such property is employed by the 257207
entity in the prosecution of its business or is in the hands of an 257208
assignee, trustee, or receiver for the benefit of the entity's 257209
creditors and investors. The lien shall continue until those 257210
taxes, together with any penalties subsequently accruing, are 257211
paid. 257212

Upon failure of such a qualifying entity or an electing 257213
pass-through entity to pay those taxes on the day fixed for 257214
payment, ~~the treasurer of state shall thereupon notify the tax~~ 257215
~~commissioner, and the tax~~ commissioner may file, in the office of 257216
the county recorder in each county in this state in which the 257217
entity owns or has a beneficial interest in real estate, notice of 257218
the lien containing a brief description of such real estate. No 257219
fee shall be charged for such a filing. The lien is not valid as 257220
against any mortgagee, purchaser, or judgment creditor whose 257221
rights have attached prior to the time the notice is so filed in 257222
the county in which the real estate which is the subject of such 257223
mortgage, purchase, or judgment lien is located. The notice shall 257224
be recorded in the official records kept by the county recorder 257225
and indexed under the name of the entity charged with the tax. 257226
When the tax, together with any penalties subsequently accruing 257227

thereon, have been paid, the tax commissioner shall furnish to the 257228
entity an acknowledgment of such payment that the entity may 257229
record with the county recorder of each county in which notice of 257230
such lien has been filed, for which recording the county recorder 257231
shall charge and receive a fee of two dollars. 257232

(C) In addition to all other remedies for the collection of 257233
any taxes or penalties due under law, whenever any taxes, 257234
interest, or penalties due from any qualifying entity or electing 257235
pass-through entity under section 5733.41 of the Revised Code or 257236
this chapter have remained unpaid for a period of ninety days, or 257237
whenever any qualifying entity or electing pass-through entity has 257238
failed for a period of ninety days to make any report or return 257239
required by law, or to pay any penalty for failure to make or file 257240
such report or return, the attorney general, upon the request of 257241
the tax commissioner, shall file a petition in the court of common 257242
pleas in the county of the state in which such entity has its 257243
principal place of business for a judgment for the amount of the 257244
taxes, interest, or penalties appearing to be due, the enforcement 257245
of any lien in favor of the state, and an injunction to restrain 257246
such entity and its officers, directors, and managing agents from 257247
the transaction of any business within this state, other than such 257248
acts as are incidental to liquidation or winding up, until the 257249
payment of such taxes, interest, and penalties, and the costs of 257250
the proceeding fixed by the court, or the making and filing of 257251
such report or return. 257252

The petition shall be in the name of the state. Any of the 257253
qualifying entities or electing pass-through entities having its 257254
principal places of business in the county may be joined in one 257255
suit. On the motion of the attorney general, the court of common 257256
pleas shall enter an order requiring all defendants to answer by a 257257
day certain, and may appoint a special master commissioner to take 257258
testimony, with such other power and authority as the court 257259

confers, and permitting process to be served by registered mail 257260
and by publication in a newspaper of general circulation in the 257261
county, which publication need not be made more than once, setting 257262
forth the name of each delinquent entity, the matter in which the 257263
entity is delinquent, the names of its officers, directors, and 257264
managing agents, if set forth in the petition, and the amount of 257265
any taxes, fees, or penalties claimed to be owing by the entity. 257266

All or any of the trustees or other fiduciaries, officers, 257267
directors, investors, beneficiaries, or managing agents of any 257268
qualifying entity or electing pass-through entity may be joined as 257269
defendants with such entity. 257270

If it appears to the court upon hearing that any qualifying 257271
entity or electing pass-through entity that is a party to the 257272
proceeding is indebted to the state for taxes imposed under 257273
section 5733.41, 5747.38, or 5747.41 of the Revised Code, or 257274
interest or penalties thereon, judgment shall be entered therefor 257275
with interest; and if it appears that any qualifying entity or 257276
electing pass-through entity has failed to make or file any report 257277
or return, a mandatory injunction may be issued against the 257278
entity, its trustees or other fiduciaries, officers, directors, 257279
and managing agents, enjoining them from the transaction of any 257280
business within this state, other than acts incidental to 257281
liquidation or winding up, until the making and filing of all 257282
proper reports or returns and until the payment in full of all 257283
taxes, interest, and penalties. 257284

If the trustees or other fiduciaries, officers, directors, 257285
investors, beneficiaries, or managing agents of a qualifying 257286
entity or an electing pass-through entity are not made parties in 257287
the first instance, and a judgment or an injunction is rendered or 257288
issued against the entity, those officers, directors, investors, 257289
or managing agents may be made parties to such proceedings upon 257290
the motion of the attorney general, and, upon notice to them of 257291

the form and terms of such injunction, they shall be bound thereby 257292
as fully as if they had been made parties in the first instance. 257293

In any action authorized by this division, a statement of the 257294
tax commissioner, or the secretary of state, when duly certified, 257295
shall be prima-facie evidence of the amount of taxes, interest, or 257296
penalties due from any qualifying entity or electing pass-through 257297
entity, or of the failure of any such entity to file with the 257298
commissioner or the secretary of state any report required by law, 257299
and any such certificate of the commissioner or the secretary of 257300
state may be required in evidence in any such proceeding. 257301

On the application of any defendant and for good cause shown, 257302
the court may order a separate hearing of the issues as to any 257303
defendant. 257304

The costs of the proceeding shall be apportioned among the 257305
parties as the court deems proper. 257306

The court in such proceeding may make, enter, and enforce 257307
such other judgments and orders and grant such other relief as is 257308
necessary or incidental to the enforcement of the claims and lien 257309
of the state. 257310

In the performance of the duties enjoined upon the attorney 257311
general by this division, the attorney general may direct any 257312
prosecuting attorney to bring an action, as authorized by this 257313
division, in the name of the state with respect to any delinquent 257314
qualifying entities or delinquent electing pass-through entities 257315
within the prosecuting attorney's county, and like proceedings and 257316
orders shall be had as if such action were instituted by the 257317
attorney general. 257318

(D) If any qualifying entity or electing pass-through entity 257319
fails to make and file the reports or returns required under this 257320
chapter, or to pay the penalties provided by law for failure to 257321
make and file such reports or returns for a period of ninety days 257322

after the time prescribed by this chapter, the attorney general, 257323
on the request of the tax commissioner, shall commence an action 257324
in quo warranto in the court of appeals of the county in which 257325
that entity has its principal place of business to forfeit and 257326
annul its privileges and franchises. If the court is satisfied 257327
that any such entity is in default, it shall render judgment 257328
ousting such entity from the exercise of its privileges and 257329
franchises within this state, and shall otherwise proceed as 257330
provided in sections 2733.02 to 2733.39 of the Revised Code. 257331

Sec. 5815.26. (A) As used in this section: 257332

(1) "Fiduciary" means a trustee under any testamentary, inter 257333
vivos, or other trust, an executor or administrator, or any other 257334
person who is acting in a fiduciary capacity for a person, trust, 257335
or estate. 257336

(2) "Short term trust-quality investment fund" means a short 257337
term investment fund that meets both of the following conditions: 257338

(a) The fund may be either a collective investment fund 257339
established pursuant to section 1111.14 of the Revised Code or a 257340
registered investment company, including any affiliated investment 257341
company whether or not the fiduciary has invested other funds held 257342
by it in an agency or other nonfiduciary capacity in the 257343
securities of the same registered investment company or affiliated 257344
investment company. 257345

(b) The fund is invested in any one or more of the following 257346
manners: 257347

(i) In obligations of the United States or of its agencies; 257348

(ii) In obligations of one or more of the states of the 257349
United States or their political subdivisions; 257350

(iii) In variable demand notes, corporate money market 257351
instruments including, but not limited to, commercial paper rated 257352

at the time of purchase in either of the two highest 257353
classifications established by at least one nationally recognized 257354
~~standard~~ statistical rating ~~service~~ organization; 257355

(iv) In deposits in banks or savings and loan associations 257356
whose deposits are insured by the federal deposit insurance 257357
corporation, if the rate of interest paid on such deposits is at 257358
least equal to the rate of interest generally paid by such banks 257359
or savings and loan associations on deposits of similar terms or 257360
amounts; 257361

(v) In fully collateralized repurchase agreements or other 257362
evidences of indebtedness that are of trust quality and are 257363
payable on demand or have a maturity date consistent with the 257364
purpose of the fund and the duty of fiduciary prudence. 257365

(3) "Registered investment company" means any investment 257366
company that is defined in and registered under sections 3 and 8 257367
of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 257368
80a-3 and 80a-8. 257369

(4) "Affiliated investment company" has the same meaning as 257370
in division (E)(1) of section 1111.10 of the Revised Code. 257371

(B) A fiduciary is not required to invest cash that belongs 257372
to the trust and may hold that cash for the period prior to 257373
distribution if either of the following applies: 257374

(1) The fiduciary reasonably expects to do either of the 257375
following: 257376

(a) Distribute the cash to beneficiaries of the trust on a 257377
quarterly or more frequent basis; 257378

(b) Use the cash for the payment of debts, taxes, or expenses 257379
of administration within the ninety-day period following the 257380
receipt of the cash by the fiduciary. 257381

(2) Determined on the basis of the facilities available to 257382

the fiduciary and the amount of the income that reasonably could 257383
be earned by the investment of the cash, the amount of the cash 257384
does not justify the administrative burden or expense associated 257385
with its investment. 257386

(C) If a fiduciary wishes to hold funds that belong to the 257387
trust in liquid form and division (B) of this section does not 257388
apply, the fiduciary may so hold the funds as long as they are 257389
temporarily invested as described in division (D) of this section. 257390

(D)(1) A fiduciary may make a temporary investment of cash 257391
that may be held uninvested in accordance with division (B) of 257392
this section, and shall make a temporary investment of funds held 257393
in liquid form pursuant to division (C) of this section, in any of 257394
the following investments, unless the governing instrument 257395
provides for other investments in which the temporary investment 257396
of cash or funds is permitted: 257397

(a) A short term trust-quality investment fund; 257398

(b) Direct obligations of the United States or of its 257399
agencies; 257400

(c) A deposit with a bank or savings and loan association, 257401
including a deposit with the fiduciary itself or any bank 257402
subsidiary corporation owned or controlled by the bank holding 257403
company that owns or controls the fiduciary, whose deposits are 257404
insured by the federal deposit insurance corporation, if the rate 257405
of interest paid on that deposit is at least equal to the rate of 257406
interest generally paid by that bank or savings and loan 257407
association on deposits of similar terms or amounts. 257408

(2) A fiduciary that makes a temporary investment of cash or 257409
funds pursuant to division (D)(1) of this section may charge a 257410
reasonable fee for the services associated with that investment. 257411
The fee shall be in addition to the compensation to which the 257412
fiduciary is entitled for his ordinary fiduciary services. 257413

(3) Fiduciaries that make one or more temporary investments of cash or funds pursuant to division (D)(1) of this section shall provide to the beneficiaries of the trusts involved, that are currently receiving income or have a right to receive income, a written disclosure of their temporary investment practices and, if applicable, the method of computing reasonable fees for their temporary investment services pursuant to division (D)(2) of this section. Fiduciaries may comply with this requirement in any appropriate written document, including, but not limited to, any periodic statement or account.

(4) A fiduciary that makes a temporary investment of cash or funds in an affiliated investment company pursuant to division (D)(1)(a) of this section shall, when providing any periodic account statements of its temporary investment practices, report the net asset value of the shares comprising the investment in the affiliated investment company.

(5) If a fiduciary that makes a temporary investment of cash or funds in an affiliated investment company pursuant to division (D)(1)(a) of this section invests in any mutual fund, the fiduciary shall provide to the beneficiaries of the trust involved, that are currently receiving income or have a right to receive income, a written disclosure, in at least ten-point boldface type, that the mutual fund is not insured or guaranteed by the federal deposit insurance corporation or by any other government agency or government-sponsored agency of the federal government or of this state.

Sec. 5815.37. (A) If any interest in real property held by any trustee of an express trust that is wholly or partially governed by a law of this state or any interest in real property located in this state that is held by the trustee of a trust wholly governed by the law of one or more jurisdictions other than

this state is temporarily conveyed to any beneficiary of that trust and reconveyed back to any trustee of that trust, the interest in the real property shall be subject to divisions (B) and (C) of this section if all of the following apply:

(1) That temporary conveyance is for the principal purpose of enabling some or all of that interest in the real property to be used as collateral in a loan transaction.

(2) The loan proceeds will be delivered to the trustee of the trust or will otherwise be principally used for the benefit of one or more beneficiaries of the trust.

(3) The interest in the real property is reconveyed back to one or more trustees of the trust within a reasonable time after the reconveying beneficiary acquired actual notice that the lender has perfected the lender's collateral rights in and to the interest in the real property.

(4) The lender in question is any of the following:

(a) A bank, thrift, savings bank, savings and loan association, credit union, or any other similar financial institution if the activities of the other similar financial institution are subject to supervision by the Ohio superintendent of financial institutions, the federal deposit insurance corporation, the comptroller of the currency, ~~the office of thrift supervision,~~ any other comparable state or federal regulatory agency or entity, or a successor of any of them;

(b) An insurance company subject to supervision by the Ohio department of insurance or any comparable agency established by the law of any other jurisdiction;

(c) Any other corporation, limited liability company, partnership, or other similar or comparable entity the routine and regular business activities of which commonly include the making of commercial or residential loans that are wholly or partially

secured by real property. 257476

(B) If a temporary conveyance and reconveyance of an interest 257477
in real property is made for the principal purpose of allowing a 257478
lender to acquire, perfect, foreclose on, or exercise collateral 257479
rights in and to the real property interest in question, the 257480
temporary conveyance to a beneficiary shall be disregarded for all 257481
other purposes, and the reconveyance back to a trustee shall 257482
relate back to the date immediately preceding that reconveyance on 257483
which the interest in the real property was transferred to any 257484
trustee of the trust in a transaction other than a loan 257485
transaction described in division (A)(1) of this section. 257486

(C) In connection with any temporary conveyance and 257487
reconveyance of an interest in real property pursuant to division 257488
(A) of this section, the following shall survive unimpaired after 257489
any reconveyance back to a trustee made pursuant to division 257490
(A)(3) of this section: 257491

(1) The rights, duties, and obligations of a lender under the 257492
documents governing the loan transaction, including, but not 257493
limited to, any of the following to the extent they are provided 257494
for in those documents: 257495

(a) A lender's collateral rights in and to any interest in 257496
real property that is reconveyed to a trustee; 257497

(b) The lender's rights under any mortgage, deed of trust, 257498
lien, encumbrance, or any other similar or comparable instrument 257499
or arrangement used to give the lender collateral rights in and to 257500
the interest being reconveyed, including, but not limited to, a 257501
lender's right to foreclose on that interest in real property; 257502

(c) The lender's obligations to make loans or advances or to 257503
provide any person with any notice called for by the documents 257504
governing the loan transaction. 257505

(2) The rights, duties, and obligations of any debtor under 257506

any documents governing the loan transaction, including, but not 257507
limited to, the following to the extent they are provided for in 257508
those documents: 257509

(a) The duty to repay the lender or any other person who is 257510
entitled to receive payments under the documents governing the 257511
loan transaction; 257512

(b) The duty to honor any agreements or covenants made by the 257513
debtor in the documents governing the loan transaction; 257514

(c) The right to receive any advances, loans, notices, or 257515
other benefits called for by the documents governing the loan 257516
transaction. 257517

(D) The following apply for purposes of division (A)(1) of 257518
this section: 257519

(1) A court shall liberally construe the temporary conveyance 257520
to a beneficiary of the trust in question in determining whether 257521
the principal purpose of the temporary conveyance is to enable 257522
some or all of the interest in the real property to be used as 257523
collateral in a loan transaction. 257524

(2) An interest in real property shall be considered to be 257525
used as collateral if, as part of a lending transaction, that 257526
interest is wholly or partially made subject to a mortgage, deed 257527
of trust, lien, encumbrance, or any other similar or comparable 257528
instrument or arrangement used to give the lender collateral 257529
rights in and to that interest. 257530

(E) A court shall liberally construe division (A)(2) of this 257531
section in determining whether the loan proceeds referred to in 257532
that division will be principally used for the benefit of one or 257533
more beneficiaries of the trust in question. 257534

(F) For purposes of division (A)(3) of this section, any 257535
reconveyance to a trustee shall be considered to have occurred 257536

within a reasonable time if it is made within one hundred twenty 257537
days of the date on which the reconveying beneficiary acquired 257538
actual notice that the lender has perfected the lender's 257539
collateral rights in and to the interest in the real property. In 257540
all other cases, a court shall consider all relevant facts and 257541
circumstances in determining whether a beneficiary has reconveyed 257542
the interest in the real property back to a trustee within a 257543
reasonable time after the reconveying beneficiary acquired that 257544
actual notice. 257545

(G)(1) A court shall liberally construe division (A)(4) of 257546
this section in determining whether a corporation, limited 257547
liability company, partnership, or other similar or comparable 257548
entity qualifies as a lender within the meaning of that division. 257549

(2) Subject to the rule of liberal interpretation set forth 257550
in division (G)(1) of this section, the Ohio superintendent of 257551
financial institutions may from time to time issue regulations 257552
setting forth a nonexhaustive list of entities that qualify as a 257553
lender within the meaning of division (A)(4) of this section and 257554
also may from time to time issue regulations setting forth 257555
specific entities or classes of entities that do not qualify as a 257556
lender within the meaning of that division. 257557

(H) An interest in real property may be subject to or 257558
involved in more than one loan transaction undertaken pursuant to 257559
this section. 257560

Section 130.111. That existing sections 113.05, 113.11, 257561
113.12, 113.40, 125.30, 126.06, 127.14, 129.06, 129.09, 131.01, 257562
135.01, 135.02, 135.04, 135.05, 135.06, 135.08, 135.10, 135.12, 257563
135.14, 135.142, 135.143, 135.15, 135.182, 135.31, 135.35, 135.45, 257564
135.46, 135.47, 718.01, 1111.04, 1112.12, 1315.54, 1345.01, 257565
1501.10, 1503.05, 1509.07, 1509.225, 1514.04, 1514.05, 1521.061, 257566
1548.06, 1733.04, 1733.24, 1735.03, 2109.37, 2109.372, 2109.44, 257567

3314.50, 3366.05, 3737.945, 3903.73, 3905.32, 3916.01, 3925.26, 257568
4141.241, 4505.06, 4509.62, 4509.63, 4509.65, 4509.67, 4710.03, 257569
4749.01, 4763.13, 5725.17, 5725.22, 5727.25, 5727.31, 5727.311, 257570
5727.42, 5727.47, 5727.53, 5727.81, 5727.811, 5727.82, 5727.83, 257571
5733.022, 5735.03, 5735.062, 5739.031, 5739.032, 5739.07, 5743.05, 257572
5743.051, 5743.15, 5745.03, 5745.04, 5745.041, 5747.059, 5747.07, 257573
5747.072, 5747.42, 5747.44, 5747.451, 5815.26, and 5815.37 of the 257574
Revised Code are hereby repealed. 257575

Section 130.112. That sections 113.061, 113.07, 129.02, 257576
129.03, 129.08, 129.10, 129.11, 129.12, 129.13, 129.14, 129.15, 257577
129.16, 129.18, 129.19, 129.20, 129.72, 129.73, 129.74, 129.75, 257578
129.76, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 257579
135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 135.67, 135.68, 257580
135.69, 135.70, 135.71, 135.72, 135.73, 135.74, 135.75, 135.76, 257581
135.77, 135.771, 135.772, 135.773, 135.774, 135.78, 135.79, 257582
135.791, 135.792, 135.793, 135.794, 135.795, 135.796, 135.81, 257583
135.82, 135.83, 135.84, 135.85, 135.86, 135.87, 135.91, 135.92, 257584
135.93, 135.94, 135.95, 135.96, 135.97, 144.01, 144.02, 144.03, 257585
144.04, 144.05, 144.06, and 144.07 of the Revised Code are hereby 257586
repealed. 257587

Section 130.113. Notwithstanding any other provision of the 257588
Revised Code to the contrary, the public depositories designated 257589
and awarded the public moneys of the state under division (A) of 257590
section 135.12 of the Revised Code for the period commencing on or 257591
around July 4, 2022, shall be the designated public depositories 257592
for a total of three years commencing from that applicable date. 257593

Section 130.114. Notwithstanding section 5743.15 of the 257594
Revised Code, any license issued under division (B), (C), or (F) 257595
of that section that is active on the effective date of the 257596
amendment by this act of that section remains valid until June 1, 257597

2024, rather than May 27, 2024. 257598

Section 130.115. The amendment by this act of division (E) of 257599
section 5747.07 of the Revised Code applies to filings and 257600
payments due on or after January 1, 2024. 257601

Section 130.116. The General Assembly, applying the principle 257602
stated in division (B) of section 1.52 of the Revised Code that 257603
amendments are to be harmonized if reasonably capable of 257604
simultaneous operation, finds that the following sections, 257605
presented in this act as composites of the sections as amended by 257606
the acts indicated, are the resulting versions of the sections in 257607
effect prior to the effective date of the sections as presented in 257608
this act: 257609

Section 135.142 of the Revised Code as amended by both H.B. 257610
197 and S.B. 276 of the 133rd General Assembly. 257611

Section 718.01 of the Revised Code as amended by both H.B. 257612
228 and S.B. 217 of the 134th General Assembly and both H.B. 197 257613
and S.B. 276 of the 133rd General Assembly. 257614

Section 130.120. That sections 2305.234, 2305.51, 2925.01, 257615
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 257616
2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 257617
3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 257618
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4729.553, 4731.051, 257619
4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 257620
4734.99, 4743.09, 4755.48, 4755.623, 4765.51, 4769.01, 4776.01, 257621
5123.47, 5164.95, and 5903.12 be amended and sections 4772.01, 257622
4772.02, 4772.03, 4772.04, 4772.041, 4772.05, 4772.06, 4772.07, 257623
4772.08, 4772.081, 4772.082, 4772.09, 4772.091, 4772.092, 4772.10, 257624
4772.11, 4772.12, 4772.13, 4772.14, 4772.15, 4772.19, 4772.20, 257625
4772.201, 4772.202, 4772.203, 4772.21, 4772.22, 4772.23, 4772.24, 257626
4772.25, 4772.26, 4772.27, 4772.28, and 4772.99 of the Revised 257627

Code be enacted to read as follows: 257628

Sec. 2305.234. (A) As used in this section: 257629

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code. 257630
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(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation. 257633
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(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code. 257637
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(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, a free clinic or other nonprofit shelter or health care facility as those terms are defined in section 3701.071 of the Revised Code, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person. 257639
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(5) "Health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment: 257647
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(a) Physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 257650
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(b) Advanced practice registered nurses, registered nurses, and licensed practical nurses licensed under Chapter 4723. of the Revised Code; 257653
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(c) Physician assistants authorized to practice under Chapter 257656

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| 4730. of the Revised Code; | 257657 |
| (d) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code; | 257658
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| (e) Physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and athletic trainers licensed under Chapter 4755. of the Revised Code; | 257660
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| (f) Chiropractors licensed under Chapter 4734. of the Revised Code; | 257664
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| (g) Optometrists licensed under Chapter 4725. of the Revised Code; | 257666
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| (h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry; | 257668
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| (i) Dietitians licensed under Chapter 4759. of the Revised Code; | 257670
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| (j) Pharmacists licensed under Chapter 4729. of the Revised Code; | 257672
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| (k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code; | 257674
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| (l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code; | 257678
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| (m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code; | 257680
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| (n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code; | 257682
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| (o) Psychologists licensed under Chapter 4732. of the Revised Code; | 257687
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| (p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter; | 257689
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| <u>(q) Certified mental health assistants licensed under Chapter 4772. of the Revised Code.</u> | 257696
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| (6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other health-related care or treatment under the direction of a health care professional with the authority to direct that individual's activities, including medical technicians, medical assistants, dental assistants, orderlies, aides, and individuals acting in similar capacities. | 257698
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| (7) "Indigent and uninsured person" means a person who meets both of the following requirements: | 257705
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| (a) Relative to being indigent, the person's income is not greater than two hundred per cent of the federal poverty line, as defined by the United States office of management and budget and revised in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, except in any case in which division (A)(7)(b)(iii) of this section includes a person whose income is greater than two hundred per cent of the federal poverty line. | 257707
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| (b) Relative to being uninsured, one of the following applies: | 257715
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| (i) The person is not a policyholder, certificate holder, | 257717 |

insured, contract holder, subscriber, enrollee, member, 257718
beneficiary, or other covered individual under a health insurance 257719
or health care policy, contract, or plan. 257720

(ii) The person is a policyholder, certificate holder, 257721
insured, contract holder, subscriber, enrollee, member, 257722
beneficiary, or other covered individual under a health insurance 257723
or health care policy, contract, or plan, but the insurer, policy, 257724
contract, or plan denies coverage or is the subject of insolvency 257725
or bankruptcy proceedings in any jurisdiction. 257726

(iii) Until June 30, 2019, the person is eligible for the 257727
medicaid program or is a medicaid recipient. 257728

(iv) Except as provided in division (A)(7)(b)(iii) of this 257729
section, the person is not eligible for or a recipient, enrollee, 257730
or beneficiary of any governmental health care program. 257731

(8) "Nonprofit health care referral organization" means an 257732
entity that is not operated for profit and refers patients to, or 257733
arranges for the provision of, health-related diagnosis, care, or 257734
treatment by a health care professional or health care worker. 257735

(9) "Operation" means any procedure that involves cutting or 257736
otherwise infiltrating human tissue by mechanical means, including 257737
surgery, laser surgery, ionizing radiation, therapeutic 257738
ultrasound, or the removal of intraocular foreign bodies. 257739

"Operation" does not include the administration of medication by 257740
injection, unless the injection is administered in conjunction 257741
with a procedure infiltrating human tissue by mechanical means 257742
other than the administration of medicine by injection. 257743

"Operation" does not include routine dental restorative 257744
procedures, the scaling of teeth, or extractions of teeth that are 257745
not impacted. 257746

(10) "Tort action" means a civil action for damages for 257747
injury, death, or loss to person or property other than a civil 257748

action for damages for a breach of contract or another agreement 257749
between persons or government entities. 257750

(11) "Volunteer" means an individual who provides any 257751
medical, dental, or other health-care related diagnosis, care, or 257752
treatment without the expectation of receiving and without receipt 257753
of any compensation or other form of remuneration from an indigent 257754
and uninsured person, another person on behalf of an indigent and 257755
uninsured person, any health care facility or location, any 257756
nonprofit health care referral organization, or any other person 257757
or government entity. 257758

(12) "Community control sanction" has the same meaning as in 257759
section 2929.01 of the Revised Code. 257760

(13) "Deep sedation" means a drug-induced depression of 257761
consciousness during which a patient cannot be easily aroused but 257762
responds purposefully following repeated or painful stimulation, a 257763
patient's ability to independently maintain ventilatory function 257764
may be impaired, a patient may require assistance in maintaining a 257765
patent airway and spontaneous ventilation may be inadequate, and 257766
cardiovascular function is usually maintained. 257767

(14) "General anesthesia" means a drug-induced loss of 257768
consciousness during which a patient is not arousable, even by 257769
painful stimulation, the ability to independently maintain 257770
ventilatory function is often impaired, a patient often requires 257771
assistance in maintaining a patent airway, positive pressure 257772
ventilation may be required because of depressed spontaneous 257773
ventilation or drug-induced depression of neuromuscular function, 257774
and cardiovascular function may be impaired. 257775

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 257776
health care professional who is a volunteer and complies with 257777
division (B)(2) of this section is not liable in damages to any 257778
person or government entity in a tort or other civil action, 257779

including an action on a medical, dental, chiropractic, 257780
optometric, or other health-related claim, for injury, death, or 257781
loss to person or property that allegedly arises from an action or 257782
omission of the volunteer in the provision to an indigent and 257783
uninsured person of medical, dental, or other health-related 257784
diagnosis, care, or treatment, including the provision of samples 257785
of medicine and other medical products, unless the action or 257786
omission constitutes willful or wanton misconduct. 257787

(2) To qualify for the immunity described in division (B)(1) 257788
of this section, a health care professional shall do all of the 257789
following prior to providing diagnosis, care, or treatment: 257790

(a) Determine, in good faith, that the indigent and uninsured 257791
person is mentally capable of giving informed consent to the 257792
provision of the diagnosis, care, or treatment and is not subject 257793
to duress or under undue influence; 257794

(b) Inform the person of the provisions of this section, 257795
including notifying the person that, by giving informed consent to 257796
the provision of the diagnosis, care, or treatment, the person 257797
cannot hold the health care professional liable for damages in a 257798
tort or other civil action, including an action on a medical, 257799
dental, chiropractic, optometric, or other health-related claim, 257800
unless the action or omission of the health care professional 257801
constitutes willful or wanton misconduct; 257802

(c) Obtain the informed consent of the person and a written 257803
waiver, signed by the person or by another individual on behalf of 257804
and in the presence of the person, that states that the person is 257805
mentally competent to give informed consent and, without being 257806
subject to duress or under undue influence, gives informed consent 257807
to the provision of the diagnosis, care, or treatment subject to 257808
the provisions of this section. A written waiver under division 257809
(B)(2)(c) of this section shall state clearly and in conspicuous 257810
type that the person or other individual who signs the waiver is 257811

signing it with full knowledge that, by giving informed consent to 257812
the provision of the diagnosis, care, or treatment, the person 257813
cannot bring a tort or other civil action, including an action on 257814
a medical, dental, chiropractic, optometric, or other 257815
health-related claim, against the health care professional unless 257816
the action or omission of the health care professional constitutes 257817
willful or wanton misconduct. 257818

(3) A physician or podiatrist who is not covered by medical 257819
malpractice insurance, but complies with division (B)(2) of this 257820
section, is not required to comply with division (A) of section 257821
4731.143 of the Revised Code. 257822

(C) Subject to divisions (F) and (G)(3) of this section, 257823
health care workers who are volunteers are not liable in damages 257824
to any person or government entity in a tort or other civil 257825
action, including an action upon a medical, dental, chiropractic, 257826
optometric, or other health-related claim, for injury, death, or 257827
loss to person or property that allegedly arises from an action or 257828
omission of the health care worker in the provision to an indigent 257829
and uninsured person of medical, dental, or other health-related 257830
diagnosis, care, or treatment, unless the action or omission 257831
constitutes willful or wanton misconduct. 257832

(D) Subject to divisions (F) and (G)(3) of this section, a 257833
nonprofit health care referral organization is not liable in 257834
damages to any person or government entity in a tort or other 257835
civil action, including an action on a medical, dental, 257836
chiropractic, optometric, or other health-related claim, for 257837
injury, death, or loss to person or property that allegedly arises 257838
from an action or omission of the nonprofit health care referral 257839
organization in referring indigent and uninsured persons to, or 257840
arranging for the provision of, medical, dental, or other 257841
health-related diagnosis, care, or treatment by a health care 257842
professional described in division (B)(1) of this section or a 257843

health care worker described in division (C) of this section, 257844
unless the action or omission constitutes willful or wanton 257845
misconduct. 257846

(E) Subject to divisions (F) and (G)(3) of this section and 257847
to the extent that the registration requirements of section 257848
3701.071 of the Revised Code apply, a health care facility or 257849
location associated with a health care professional described in 257850
division (B)(1) of this section, a health care worker described in 257851
division (C) of this section, or a nonprofit health care referral 257852
organization described in division (D) of this section is not 257853
liable in damages to any person or government entity in a tort or 257854
other civil action, including an action on a medical, dental, 257855
chiropractic, optometric, or other health-related claim, for 257856
injury, death, or loss to person or property that allegedly arises 257857
from an action or omission of the health care professional or 257858
worker or nonprofit health care referral organization relative to 257859
the medical, dental, or other health-related diagnosis, care, or 257860
treatment provided to an indigent and uninsured person on behalf 257861
of or at the health care facility or location, unless the action 257862
or omission constitutes willful or wanton misconduct. 257863

(F)(1) Except as provided in division (F)(2) of this section, 257864
the immunities provided by divisions (B), (C), (D), and (E) of 257865
this section are not available to a health care professional, 257866
health care worker, nonprofit health care referral organization, 257867
or health care facility or location if, at the time of an alleged 257868
injury, death, or loss to person or property, the health care 257869
professionals or health care workers involved are providing one of 257870
the following: 257871

(a) Any medical, dental, or other health-related diagnosis, 257872
care, or treatment pursuant to a community service work order 257873
entered by a court under division (B) of section 2951.02 of the 257874
Revised Code or imposed by a court as a community control 257875

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|---|--------|
| sanction; | 257876 |
| (b) Performance of an operation to which any one of the following applies: | 257877 |
| (i) The operation requires the administration of deep sedation or general anesthesia. | 257878 |
| (ii) The operation is a procedure that is not typically performed in an office. | 257879 |
| (iii) The individual involved is a health care professional, and the operation is beyond the scope of practice or the education, training, and competence, as applicable, of the health care professional. | 257880 |
| (c) Delivery of a baby or any other purposeful termination of a human pregnancy. | 257881 |
| (2) Division (F)(1) of this section does not apply when a health care professional or health care worker provides medical, dental, or other health-related diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency. | 257882 |
| (G)(1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location. | 257883 |
| (2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment. | 257884 |
| (3) This section does not grant an immunity from tort or | 257885 |

other civil liability to a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location for actions that are outside the scope of authority of health care professionals or health care workers.

In the case of the diagnosis, care, or treatment of an indigent and uninsured person who is eligible for the medicaid program or is a medicaid recipient, this section grants an immunity from tort or other civil liability only if the person's diagnosis, care, or treatment is provided in a free clinic, as defined in section 3701.071 of the Revised Code.

(4) This section does not affect any legal responsibility of a health care professional, health care worker, or nonprofit health care referral organization to comply with any applicable law of this state or rule of an agency of this state.

(5) This section does not affect any legal responsibility of a health care facility or location to comply with any applicable law of this state, rule of an agency of this state, or local code, ordinance, or regulation that pertains to or regulates building, housing, air pollution, water pollution, sanitation, health, fire, zoning, or safety.

Sec. 2305.51. (A)(1) As used in this section:

(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.

(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.

(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.

(d) "Mental health professional" means an individual who is

licensed, certified, or registered under the Revised Code, or 257936
otherwise authorized in this state, to provide mental health 257937
services for compensation, remuneration, or other personal gain. 257938

(e) "Mental health service" means a service provided to an 257939
individual or group of individuals involving the application of 257940
medical, psychiatric, psychological, professional counseling, 257941
social work, marriage and family therapy, or nursing principles or 257942
procedures to either of the following: 257943

(i) The assessment, diagnosis, prevention, treatment, or 257944
amelioration of mental, emotional, psychiatric, psychological, or 257945
psychosocial disorders or diseases, as described in the most 257946
recent edition of the diagnostic and statistical manual of mental 257947
disorders published by the American psychiatric association; 257948

(ii) The assessment or improvement of mental, emotional, 257949
psychiatric, psychological, or psychosocial adjustment or 257950
functioning, regardless of whether there is a diagnosable, 257951
pre-existing disorder or disease. 257952

(f) "Knowledgeable person" means an individual who has reason 257953
to believe that a mental health client or patient has the intent 257954
and ability to carry out an explicit threat of inflicting imminent 257955
and serious physical harm to or causing the death of a clearly 257956
identifiable potential victim or victims and who is either an 257957
immediate family member of the client or patient or an individual 257958
who otherwise personally knows the client or patient. 257959

(g) "Advanced practice registered nurse" has the same meaning 257960
as in section 4723.01 of the Revised Code. 257961

(h) "Hospital" has the same meaning as in section 2305.25 of 257962
the Revised Code. 257963

(i) "Physician" means an individual authorized under Chapter 257964
4731. of the Revised Code to practice medicine and surgery or 257965
osteopathic medicine and surgery. 257966

(j) "Physician assistant" has the same meaning as in section 257967
4730.01 of the Revised Code. 257968

(k) "Certified mental health assistant" has the same meaning 257969
as in section 4772.01 of the Revised Code. 257970

(2) For the purpose of this section, in the case of a threat 257971
to a readily identifiable structure, "clearly identifiable 257972
potential victim" includes any potential occupant of the 257973
structure. 257974

(B) A mental health professional or mental health 257975
organization may be held liable in damages in a civil action, or 257976
may be made subject to disciplinary action by an entity with 257977
licensing or other regulatory authority over the professional or 257978
organization, for serious physical harm or death resulting from 257979
failing to predict, warn of, or take precautions to provide 257980
protection from the violent behavior of a mental health client or 257981
patient, only if the client or patient or a knowledgeable person 257982
has communicated to the professional or organization an explicit 257983
threat of inflicting imminent and serious physical harm to or 257984
causing the death of one or more clearly identifiable potential 257985
victims, the professional or organization has reason to believe 257986
that the client or patient has the intent and ability to carry out 257987
the threat, and the professional or organization fails to take one 257988
or more of the following actions in a timely manner: 257989

(1) Exercise any authority the professional or organization 257990
possesses to hospitalize the client or patient on an emergency 257991
basis pursuant to section 5122.10 of the Revised Code; 257992

(2) Exercise any authority the professional or organization 257993
possesses to have the client or patient involuntarily or 257994
voluntarily hospitalized under Chapter 5122. of the Revised Code; 257995

(3) Establish and undertake a documented treatment plan that 257996
is reasonably calculated, according to appropriate standards of 257997

professional practice, to eliminate the possibility that the 257998
client or patient will carry out the threat, and, concurrent with 257999
establishing and undertaking the treatment plan, initiate 258000
arrangements for a second opinion risk assessment through a 258001
management consultation about the treatment plan with, in the case 258002
of a mental health organization, the clinical director of the 258003
organization, or, in the case of a mental health professional who 258004
is not acting as part of a mental health organization, any mental 258005
health professional who is licensed to engage in independent 258006
practice; 258007

(4) Communicate to a law enforcement agency with jurisdiction 258008
in the area where each potential victim resides, where a structure 258009
threatened by a mental health client or patient is located, or 258010
where the mental health client or patient resides, and if 258011
feasible, communicate to each potential victim or a potential 258012
victim's parent or guardian if the potential victim is a minor or 258013
has been adjudicated incompetent, all of the following 258014
information: 258015

(a) The nature of the threat; 258016

(b) The identity of the mental health client or patient 258017
making the threat; 258018

(c) The identity of each potential victim of the threat. 258019

(C) All of the following apply when a mental health 258020
professional or organization takes one or more of the actions set 258021
forth in divisions (B)(1) to (4) of this section: 258022

(1) The mental health professional or organization shall 258023
consider each of the alternatives set forth and shall document the 258024
reasons for choosing or rejecting each alternative. 258025

(2) The mental health professional or organization may give 258026
special consideration to those alternatives which, consistent with 258027
public safety, would least abridge the rights of the mental health 258028

client or patient established under the Revised Code, including 258029
the rights specified in sections 5122.27 to 5122.31 of the Revised 258030
Code. 258031

(3) The mental health professional or organization is not 258032
required to take an action that, in the exercise of reasonable 258033
professional judgment, would physically endanger the professional 258034
or organization, increase the danger to a potential victim, or 258035
increase the danger to the mental health client or patient. 258036

(4) The mental health professional or organization is not 258037
liable in damages in a civil action, and shall not be made subject 258038
to disciplinary action by any entity with licensing or other 258039
regulatory authority over the professional or organization, for 258040
disclosing any confidential information about a mental health 258041
client or patient that is disclosed for the purpose of taking any 258042
of the actions. 258043

(D) Notwithstanding any other provision of the Revised Code, 258044
a physician, physician assistant, advanced practice registered 258045
nurse, certified mental health assistant, or hospital is not 258046
liable in damages in a civil action, and shall not be made subject 258047
to disciplinary action by any entity with licensing or other 258048
regulatory authority, for doing either of the following: 258049

(1) Failing to discharge or to allow a patient to leave the 258050
facility if the physician, physician assistant, advanced practice 258051
registered nurse, certified mental health assistant, or hospital 258052
believes in the good faith exercise of professional medical, 258053
advanced practice registered nursing, ~~or physician assistant,~~ 258054
certified mental health assistant judgment according to 258055
appropriate standards of professional practice that the patient 258056
has a mental health condition that threatens the safety of the 258057
patient or others; 258058

(2) Discharging a patient whom the physician, physician 258059

assistant, advanced practice registered nurse, certified mental 258060
health assistant, or hospital believes in the good faith exercise 258061
of professional medical, advanced practice registered nursing, ~~or~~ 258062
physician assistant, certified mental health assistant judgment 258063
according to appropriate standards of professional practice not to 258064
have a mental health condition that threatens the safety of the 258065
patient or others. 258066

(E) The immunities from civil liability and disciplinary 258067
action conferred by this section are in addition to and not in 258068
limitation of any immunity conferred on a mental health 258069
professional or organization or on a physician, physician 258070
assistant, advanced practice registered nurse, certified mental 258071
health assistant, or hospital by any other section of the Revised 258072
Code or by judicial precedent. 258073

(F) This section does not affect the civil rights of a mental 258074
health client or patient under Ohio or federal law. 258075

Sec. 2925.01. As used in this chapter: 258076

(A) "Administer," "controlled substance," "controlled 258077
substance analog," "dispense," "distribute," "hypodermic," 258078
"manufacturer," "official written order," "person," "pharmacist," 258079
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 258080
"schedule IV," "schedule V," and "wholesaler" have the same 258081
meanings as in section 3719.01 of the Revised Code. 258082

(B) "Drug of abuse" and "person with a drug dependency" have 258083
the same meanings as in section 3719.011 of the Revised Code. 258084

(C) "Drug," "dangerous drug," "licensed health professional 258085
authorized to prescribe drugs," and "prescription" have the same 258086
meanings as in section 4729.01 of the Revised Code. 258087

(D) "Bulk amount" of a controlled substance means any of the 258088
following: 258089

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| (1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable: | 258090
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| (a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative; | 258096
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258099 |
| (b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium; | 258100
258101
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| (c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant; | 258103
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| (d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative; | 258108
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| (e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine; | 258113
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| (f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage | 258116
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form manufactured by a person authorized by the "Federal Food, 258121
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 258122
amended, and the federal drug abuse control laws, as defined in 258123
section 3719.01 of the Revised Code, that is or contains any 258124
amount of a schedule II depressant substance or a schedule II 258125
hallucinogenic substance; 258126

(g) An amount equal to or exceeding three grams of a 258127
compound, mixture, preparation, or substance that is or contains 258128
any amount of a schedule II stimulant, or any of its salts or 258129
isomers, that is not in a final dosage form manufactured by a 258130
person authorized by the Federal Food, Drug, and Cosmetic Act and 258131
the federal drug abuse control laws. 258132

(2) An amount equal to or exceeding one hundred twenty grams 258133
or thirty times the maximum daily dose in the usual dose range 258134
specified in a standard pharmaceutical reference manual of a 258135
compound, mixture, preparation, or substance that is or contains 258136
any amount of a schedule III or IV substance other than an 258137
anabolic steroid or a schedule III opiate or opium derivative; 258138

(3) An amount equal to or exceeding twenty grams or five 258139
times the maximum daily dose in the usual dose range specified in 258140
a standard pharmaceutical reference manual of a compound, mixture, 258141
preparation, or substance that is or contains any amount of a 258142
schedule III opiate or opium derivative; 258143

(4) An amount equal to or exceeding two hundred fifty 258144
milliliters or two hundred fifty grams of a compound, mixture, 258145
preparation, or substance that is or contains any amount of a 258146
schedule V substance; 258147

(5) An amount equal to or exceeding two hundred solid dosage 258148
units, sixteen grams, or sixteen milliliters of a compound, 258149
mixture, preparation, or substance that is or contains any amount 258150
of a schedule III anabolic steroid; 258151

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (D)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting,

cultivating, harvesting, processing, making, manufacturing, 258183
producing, shipping, transporting, delivering, acquiring, 258184
possessing, storing, distributing, dispensing, selling, inducing 258185
another to use, administering to another, using, or otherwise 258186
dealing with a controlled substance is an element; 258187

(4) A conspiracy to commit, attempt to commit, or complicity 258188
in committing or attempting to commit any offense under division 258189
(G)(1), (2), or (3) of this section. 258190

(H) "Felony drug abuse offense" means any drug abuse offense 258191
that would constitute a felony under the laws of this state, any 258192
other state, or the United States. 258193

(I) "Harmful intoxicant" does not include beer or 258194
intoxicating liquor but means any of the following: 258195

(1) Any compound, mixture, preparation, or substance the gas, 258196
fumes, or vapor of which when inhaled can induce intoxication, 258197
excitement, giddiness, irrational behavior, depression, 258198
stupefaction, paralysis, unconsciousness, asphyxiation, or other 258199
harmful physiological effects, and includes, but is not limited 258200
to, any of the following: 258201

(a) Any volatile organic solvent, plastic cement, model 258202
cement, fingernail polish remover, lacquer thinner, cleaning 258203
fluid, gasoline, or other preparation containing a volatile 258204
organic solvent; 258205

(b) Any aerosol propellant; 258206

(c) Any fluorocarbon refrigerant; 258207

(d) Any anesthetic gas. 258208

(2) Gamma Butyrolactone; 258209

(3) 1,4 Butanediol. 258210

(J) "Manufacture" means to plant, cultivate, harvest, 258211
process, make, prepare, or otherwise engage in any part of the 258212

production of a drug, by propagation, extraction, chemical 258213
synthesis, or compounding, or any combination of the same, and 258214
includes packaging, repackaging, labeling, and other activities 258215
incident to production. 258216

(K) "Possess" or "possession" means having control over a 258217
thing or substance, but may not be inferred solely from mere 258218
access to the thing or substance through ownership or occupation 258219
of the premises upon which the thing or substance is found. 258220

(L) "Sample drug" means a drug or pharmaceutical preparation 258221
that would be hazardous to health or safety if used without the 258222
supervision of a licensed health professional authorized to 258223
prescribe drugs, or a drug of abuse, and that, at one time, had 258224
been placed in a container plainly marked as a sample by a 258225
manufacturer. 258226

(M) "Standard pharmaceutical reference manual" means the 258227
current edition, with cumulative changes if any, of references 258228
that are approved by the state board of pharmacy. 258229

(N) "Juvenile" means a person under eighteen years of age. 258230

(O) "Counterfeit controlled substance" means any of the 258231
following: 258232

(1) Any drug that bears, or whose container or label bears, a 258233
trademark, trade name, or other identifying mark used without 258234
authorization of the owner of rights to that trademark, trade 258235
name, or identifying mark; 258236

(2) Any unmarked or unlabeled substance that is represented 258237
to be a controlled substance manufactured, processed, packed, or 258238
distributed by a person other than the person that manufactured, 258239
processed, packed, or distributed it; 258240

(3) Any substance that is represented to be a controlled 258241
substance but is not a controlled substance or is a different 258242

controlled substance; 258243

(4) Any substance other than a controlled substance that a 258244
reasonable person would believe to be a controlled substance 258245
because of its similarity in shape, size, and color, or its 258246
markings, labeling, packaging, distribution, or the price for 258247
which it is sold or offered for sale. 258248

(P) An offense is "committed in the vicinity of a school" if 258249
the offender commits the offense on school premises, in a school 258250
building, or within one thousand feet of the boundaries of any 258251
school premises, regardless of whether the offender knows the 258252
offense is being committed on school premises, in a school 258253
building, or within one thousand feet of the boundaries of any 258254
school premises. 258255

(Q) "School" means any school operated by a board of 258256
education, any community school established under Chapter 3314. of 258257
the Revised Code, or any nonpublic school for which the state 258258
board of education prescribes minimum standards under section 258259
3301.07 of the Revised Code, whether or not any instruction, 258260
extracurricular activities, or training provided by the school is 258261
being conducted at the time a criminal offense is committed. 258262

(R) "School premises" means either of the following: 258263

(1) The parcel of real property on which any school is 258264
situated, whether or not any instruction, extracurricular 258265
activities, or training provided by the school is being conducted 258266
on the premises at the time a criminal offense is committed; 258267

(2) Any other parcel of real property that is owned or leased 258268
by a board of education of a school, the governing authority of a 258269
community school established under Chapter 3314. of the Revised 258270
Code, or the governing body of a nonpublic school for which the 258271
state board of education prescribes minimum standards under 258272
section 3301.07 of the Revised Code and on which some of the 258273

instruction, extracurricular activities, or training of the school 258274
is conducted, whether or not any instruction, extracurricular 258275
activities, or training provided by the school is being conducted 258276
on the parcel of real property at the time a criminal offense is 258277
committed. 258278

(S) "School building" means any building in which any of the 258279
instruction, extracurricular activities, or training provided by a 258280
school is conducted, whether or not any instruction, 258281
extracurricular activities, or training provided by the school is 258282
being conducted in the school building at the time a criminal 258283
offense is committed. 258284

(T) "Disciplinary counsel" means the disciplinary counsel 258285
appointed by the board of commissioners on grievances and 258286
discipline of the supreme court under the Rules for the Government 258287
of the Bar of Ohio. 258288

(U) "Certified grievance committee" means a duly constituted 258289
and organized committee of the Ohio state bar association or of 258290
one or more local bar associations of the state of Ohio that 258291
complies with the criteria set forth in Rule V, section 6 of the 258292
Rules for the Government of the Bar of Ohio. 258293

(V) "Professional license" means any license, permit, 258294
certificate, registration, qualification, admission, temporary 258295
license, temporary permit, temporary certificate, or temporary 258296
registration that is described in divisions (W)(1) to (37) of this 258297
section and that qualifies a person as a professionally licensed 258298
person. 258299

(W) "Professionally licensed person" means any of the 258300
following: 258301

(1) A person who has received a certificate or temporary 258302
certificate as a certified public accountant or who has registered 258303
as a public accountant under Chapter 4701. of the Revised Code and 258304

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| who holds an Ohio permit issued under that chapter; | 258305 |
| (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code; | 258306
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| (3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter; | 258309
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| (4) A person licensed under Chapter 4707. of the Revised Code; | 258312
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| (5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; | 258314
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| (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; | 258317
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| (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; | 258320
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| (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code; | 258330
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| (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code; | 258335
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| (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code; | 258339
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| (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code; | 258343
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| (12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code; | 258346
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| (13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code; | 258348
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| (14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee; | 258350
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| (15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs; | 258354
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| (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; | 258359
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| (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch | 258361
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| of medicine under that chapter; | 258365 |
| (18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code; | 258366
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| (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code; | 258369
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| (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code; | 258371
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| (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; | 258373
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| (22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code; | 258375
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| (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code; | 258377
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| (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code; | 258379
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| (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code; | 258381
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| (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code; | 258383
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| (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code; | 258387
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| (28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code; | 258390
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| (29) A person licensed to practice as a nursing home | 258393 |

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| administrator under Chapter 4751. of the Revised Code; | 258394 |
| (30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code; | 258395
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| (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code; | 258398
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| (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code; | 258400
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| (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; | 258405
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| (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; | 258407
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| (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; | 258410
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| (36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; | 258412
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| (37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules; | 258414
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| <u>(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.</u> | 258417
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| (X) "Cocaine" means any of the following: | 258420 |
| (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; | 258421
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(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 258423
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(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 258427
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(Y) "L.S.D." means lysergic acid diethylamide. 258433

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply: 258434
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(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 258436
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(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent. 258439
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"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code. 258441
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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 258446
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(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or 258448
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within view of the juvenile, or whether the juvenile actually 258453
views the commission of the offense. 258454

(CC) "Presumption for a prison term" or "presumption that a 258455
prison term shall be imposed" means a presumption, as described in 258456
division (D) of section 2929.13 of the Revised Code, that a prison 258457
term is a necessary sanction for a felony in order to comply with 258458
the purposes and principles of sentencing under section 2929.11 of 258459
the Revised Code. 258460

(DD) "Major drug offender" has the same meaning as in section 258461
2929.01 of the Revised Code. 258462

(EE) "Minor drug possession offense" means either of the 258463
following: 258464

(1) A violation of section 2925.11 of the Revised Code as it 258465
existed prior to July 1, 1996; 258466

(2) A violation of section 2925.11 of the Revised Code as it 258467
exists on and after July 1, 1996, that is a misdemeanor or a 258468
felony of the fifth degree. 258469

(FF) "Mandatory prison term" has the same meaning as in 258470
section 2929.01 of the Revised Code. 258471

(GG) "Adulterate" means to cause a drug to be adulterated as 258472
described in section 3715.63 of the Revised Code. 258473

(HH) "Public premises" means any hotel, restaurant, tavern, 258474
store, arena, hall, or other place of public accommodation, 258475
business, amusement, or resort. 258476

(II) "Methamphetamine" means methamphetamine, any salt, 258477
isomer, or salt of an isomer of methamphetamine, or any compound, 258478
mixture, preparation, or substance containing methamphetamine or 258479
any salt, isomer, or salt of an isomer of methamphetamine. 258480

(JJ) "Deception" has the same meaning as in section 2913.01 258481
of the Revised Code. 258482

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| (KK) "Fentanyl-related compound" means any of the following: | 258483 |
| (1) Fentanyl; | 258484 |
| (2) Alpha-methylfentanyl | 258485 |
| (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; | 258486 |
| 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); | 258487 |
| (3) Alpha-methylthiofentanyl | 258488 |
| (N-[1-methyl-2-(2-thienyl)ethyl-4- | 258489 |
| piperidinyl]-N-phenylpropanamide); | 258490 |
| (4) Beta-hydroxyfentanyl | 258491 |
| (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide); | 258492 |
| (5) Beta-hydroxy-3-methylfentanyl (other name: | 258493 |
| N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- | 258494 |
| phenylpropanamide); | 258495 |
| (6) 3-methylfentanyl | 258496 |
| (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide); | 258497 |
| (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- | 258498 |
| piperidinyl]-N-phenylpropanamide); | 258499 |
| (8) Para-fluorofentanyl | 258500 |
| (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide; | 258501 |
| (9) Thiofentanyl | 258502 |
| (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide; | 258503 |
| (10) Alfentanil; | 258504 |
| (11) Carfentanil; | 258505 |
| (12) Remifentanil; | 258506 |
| (13) Sufentanil; | 258507 |
| (14) Acetyl-alpha-methylfentanyl | 258508 |
| (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); | 258509 |
| and | 258510 |

(15) Any compound that meets all of the following fentanyl 258511
pharmacophore requirements to bind at the mu receptor, as 258512
identified by a report from an established forensic laboratory, 258513
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 258514
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 258515
para-fluorobutyrylfentanyl, acrylfentanyl, and 258516
ortho-fluorofentanyl: 258517

(a) A chemical scaffold consisting of both of the following: 258518

(i) A five, six, or seven member ring structure containing a 258519
nitrogen, whether or not further substituted; 258520

(ii) An attached nitrogen to the ring, whether or not that 258521
nitrogen is enclosed in a ring structure, including an attached 258522
aromatic ring or other lipophilic group to that nitrogen. 258523

(b) A polar functional group attached to the chemical 258524
scaffold, including but not limited to a hydroxyl, ketone, amide, 258525
or ester; 258526

(c) An alkyl or aryl substitution off the ring nitrogen of 258527
the chemical scaffold; and 258528

(d) The compound has not been approved for medical use by the 258529
United States food and drug administration. 258530

(LL) "First degree felony mandatory prison term" means one of 258531
the definite prison terms prescribed in division (A)(1)(b) of 258532
section 2929.14 of the Revised Code for a felony of the first 258533
degree, except that if the violation for which sentence is being 258534
imposed is committed on or after March 22, 2019, it means one of 258535
the minimum prison terms prescribed in division (A)(1)(a) of that 258536
section for a felony of the first degree. 258537

(MM) "Second degree felony mandatory prison term" means one 258538
of the definite prison terms prescribed in division (A)(2)(b) of 258539
section 2929.14 of the Revised Code for a felony of the second 258540

degree, except that if the violation for which sentence is being 258541
imposed is committed on or after March 22, 2019, it means one of 258542
the minimum prison terms prescribed in division (A)(2)(a) of that 258543
section for a felony of the second degree. 258544

(NN) "Maximum first degree felony mandatory prison term" 258545
means the maximum definite prison term prescribed in division 258546
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 258547
the first degree, except that if the violation for which sentence 258548
is being imposed is committed on or after March 22, 2019, it means 258549
the longest minimum prison term prescribed in division (A)(1)(a) 258550
of that section for a felony of the first degree. 258551

(OO) "Maximum second degree felony mandatory prison term" 258552
means the maximum definite prison term prescribed in division 258553
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 258554
the second degree, except that if the violation for which sentence 258555
is being imposed is committed on or after March 22, 2019, it means 258556
the longest minimum prison term prescribed in division (A)(2)(a) 258557
of that section for a felony of the second degree. 258558

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as 258559
in section 928.01 of the Revised Code. 258560

(QQ) An offense is "committed in the vicinity of a substance 258561
addiction services provider or a recovering addict" if either of 258562
the following apply: 258563

(1) The offender commits the offense on the premises of a 258564
substance addiction services provider's facility, including a 258565
facility licensed prior to June 29, 2019, under section 5119.391 258566
of the Revised Code to provide methadone treatment or an opioid 258567
treatment program licensed on or after that date under section 258568
5119.37 of the Revised Code, or within five hundred feet of the 258569
premises of a substance addiction services provider's facility and 258570
the offender knows or should know that the offense is being 258571

committed within the vicinity of the substance addiction services 258572
provider's facility. 258573

(2) The offender sells, offers to sell, delivers, or 258574
distributes the controlled substance or controlled substance 258575
analog to a person who is receiving treatment at the time of the 258576
commission of the offense, or received treatment within thirty 258577
days prior to the commission of the offense, from a substance 258578
addiction services provider and the offender knows that the person 258579
is receiving or received that treatment. 258580

(RR) "Substance addiction services provider" means an agency, 258581
association, corporation or other legal entity, individual, or 258582
program that provides one or more of the following at a facility: 258583

(1) Either alcohol addiction services, or drug addiction 258584
services, or both such services that are certified by the director 258585
of mental health and addiction services under section 5119.36 of 258586
the Revised Code; 258587

(2) Recovery supports that are related to either alcohol 258588
addiction services, or drug addiction services, or both such 258589
services and paid for with federal, state, or local funds 258590
administered by the department of mental health and addiction 258591
services or a board of alcohol, drug addiction, and mental health 258592
services. 258593

(SS) "Premises of a substance addiction services provider's 258594
facility" means the parcel of real property on which any substance 258595
addiction service provider's facility is situated. 258596

(TT) "Alcohol and drug addiction services" has the same 258597
meaning as in section 5119.01 of the Revised Code. 258598

Sec. 2925.02. (A) No person shall knowingly do any of the 258599
following: 258600

(1) By force, threat, or deception, administer to another or 258601

induce or cause another to use a controlled substance; 258602

(2) By any means, administer or furnish to another or induce 258603
or cause another to use a controlled substance with purpose to 258604
cause serious physical harm to the other person, or with purpose 258605
to cause the other person to become a person with drug dependency; 258606

(3) By any means, administer or furnish to another or induce 258607
or cause another to use a controlled substance, and thereby cause 258608
serious physical harm to the other person, or cause the other 258609
person to become a person with drug dependency; 258610

(4) By any means, do any of the following: 258611

(a) Furnish or administer a controlled substance to a 258612
juvenile who is at least two years the offender's junior, when the 258613
offender knows the age of the juvenile or is reckless in that 258614
regard; 258615

(b) Induce or cause a juvenile who is at least two years the 258616
offender's junior to use a controlled substance, when the offender 258617
knows the age of the juvenile or is reckless in that regard; 258618

(c) Induce or cause a juvenile who is at least two years the 258619
offender's junior to commit a felony drug abuse offense, when the 258620
offender knows the age of the juvenile or is reckless in that 258621
regard; 258622

(d) Use a juvenile, whether or not the offender knows the age 258623
of the juvenile, to perform any surveillance activity that is 258624
intended to prevent the detection of the offender or any other 258625
person in the commission of a felony drug abuse offense or to 258626
prevent the arrest of the offender or any other person for the 258627
commission of a felony drug abuse offense. 258628

(5) By any means, furnish or administer a controlled 258629
substance to a pregnant woman or induce or cause a pregnant woman 258630
to use a controlled substance, when the offender knows that the 258631

woman is pregnant or is reckless in that regard. 258632

(B) Division (A)(1), (3), (4), or (5) of this section does 258633
not apply to manufacturers, wholesalers, licensed health 258634
professionals authorized to prescribe drugs, pharmacists, owners 258635
of pharmacies, and other persons whose conduct is in accordance 258636
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 4741., 258637
and 4772. of the Revised Code. 258638

(C) Whoever violates this section is guilty of corrupting 258639
another with drugs. The penalty for the offense shall be 258640
determined as follows: 258641

(1) If the offense is a violation of division (A)(1), (2), 258642
(3), or (4) of this section and the drug involved is any compound, 258643
mixture, preparation, or substance included in schedule I or II, 258644
with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 258645
1-Butyl-3-(1-naphthoyl)indole, 258646
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 258647
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 258648
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 258649
offender shall be punished as follows: 258650

(a) Except as otherwise provided in division (C)(1)(b) of 258651
this section, corrupting another with drugs committed in those 258652
circumstances is a felony of the second degree and, subject to 258653
division (E) of this section, the court shall impose as a 258654
mandatory prison term a second degree felony mandatory prison 258655
term. 258656

(b) If the offense was committed in the vicinity of a school, 258657
corrupting another with drugs committed in those circumstances is 258658
a felony of the first degree, and, subject to division (E) of this 258659
section, the court shall impose as a mandatory prison term a first 258660
degree felony mandatory prison term. 258661

(2) If the offense is a violation of division (A)(1), (2), 258662

(3), or (4) of this section and the drug involved is any compound, 258663
mixture, preparation, or substance included in schedule III, IV, 258664
or V, the offender shall be punished as follows: 258665

(a) Except as otherwise provided in division (C)(2)(b) of 258666
this section, corrupting another with drugs committed in those 258667
circumstances is a felony of the second degree and there is a 258668
presumption for a prison term for the offense. 258669

(b) If the offense was committed in the vicinity of a school, 258670
corrupting another with drugs committed in those circumstances is 258671
a felony of the second degree and the court shall impose as a 258672
mandatory prison term a second degree felony mandatory prison 258673
term. 258674

(3) If the offense is a violation of division (A)(1), (2), 258675
(3), or (4) of this section and the drug involved is marihuana, 258676
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 258677
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 258678
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 258679
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 258680
offender shall be punished as follows: 258681

(a) Except as otherwise provided in division (C)(3)(b) of 258682
this section, corrupting another with drugs committed in those 258683
circumstances is a felony of the fourth degree and division (C) of 258684
section 2929.13 of the Revised Code applies in determining whether 258685
to impose a prison term on the offender. 258686

(b) If the offense was committed in the vicinity of a school, 258687
corrupting another with drugs committed in those circumstances is 258688
a felony of the third degree and division (C) of section 2929.13 258689
of the Revised Code applies in determining whether to impose a 258690
prison term on the offender. 258691

(4) If the offense is a violation of division (A)(5) of this 258692
section and the drug involved is any compound, mixture, 258693

preparation, or substance included in schedule I or II, with the 258694
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 258695
1-Butyl-3-(1-naphthoyl)indole, 258696
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 258697
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 258698
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 258699
corrupting another with drugs is a felony of the first degree and, 258700
subject to division (E) of this section, the court shall impose as 258701
a mandatory prison term a first degree felony mandatory prison 258702
term. 258703

(5) If the offense is a violation of division (A)(5) of this 258704
section and the drug involved is any compound, mixture, 258705
preparation, or substance included in schedule III, IV, or V, 258706
corrupting another with drugs is a felony of the second degree and 258707
the court shall impose as a mandatory prison term a second degree 258708
felony mandatory prison term. 258709

(6) If the offense is a violation of division (A)(5) of this 258710
section and the drug involved is marihuana, 258711
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 258712
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 258713
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 258714
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 258715
corrupting another with drugs is a felony of the third degree and 258716
division (C) of section 2929.13 of the Revised Code applies in 258717
determining whether to impose a prison term on the offender. 258718

(D) In addition to any prison term authorized or required by 258719
division (C) or (E) of this section and sections 2929.13 and 258720
2929.14 of the Revised Code and in addition to any other sanction 258721
imposed for the offense under this section or sections 2929.11 to 258722
2929.18 of the Revised Code, the court that sentences an offender 258723
who is convicted of or pleads guilty to a violation of division 258724
(A) of this section may suspend for not more than five years the 258725

offender's driver's or commercial driver's license or permit. 258726
However, if the offender pleaded guilty to or was convicted of a 258727
violation of section 4511.19 of the Revised Code or a 258728
substantially similar municipal ordinance or the law of another 258729
state or the United States arising out of the same set of 258730
circumstances as the violation, the court shall suspend the 258731
offender's driver's or commercial driver's license or permit for 258732
not more than five years. The court also shall do all of the 258733
following that are applicable regarding the offender: 258734

(1)(a) If the violation is a felony of the first, second, or 258735
third degree, the court shall impose upon the offender the 258736
mandatory fine specified for the offense under division (B)(1) of 258737
section 2929.18 of the Revised Code unless, as specified in that 258738
division, the court determines that the offender is indigent. 258739

(b) Notwithstanding any contrary provision of section 3719.21 258740
of the Revised Code, any mandatory fine imposed pursuant to 258741
division (D)(1)(a) of this section and any fine imposed for a 258742
violation of this section pursuant to division (A) of section 258743
2929.18 of the Revised Code shall be paid by the clerk of the 258744
court in accordance with and subject to the requirements of, and 258745
shall be used as specified in, division (F) of section 2925.03 of 258746
the Revised Code. 258747

(c) If a person is charged with any violation of this section 258748
that is a felony of the first, second, or third degree, posts 258749
bail, and forfeits the bail, the forfeited bail shall be paid by 258750
the clerk of the court pursuant to division (D)(1)(b) of this 258751
section as if it were a fine imposed for a violation of this 258752
section. 258753

(2) If the offender is a professionally licensed person, in 258754
addition to any other sanction imposed for a violation of this 258755
section, the court immediately shall comply with section 2925.38 258756
of the Revised Code. 258757

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term that otherwise is authorized or required, shall impose upon the offender the mandatory prison term specified in division (B)(3)(a) of section 2929.14 of the Revised Code.

(F)(1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension. Upon the filing of the motion and the court's finding of good cause for the determination, the court may terminate the suspension.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a

violation of section 4511.19 of the Revised Code or a 258790
substantially similar municipal ordinance or law of another state 258791
or the United States that arose out of the same set of 258792
circumstances as the violation for which the offender's license or 258793
permit was suspended under this section shall not file such a 258794
motion. 258795

Upon the filing of a motion under division (F)(2) of this 258796
section, the sentencing court, in its discretion, may terminate 258797
the suspension. 258798

Sec. 2925.03. (A) No person shall knowingly do any of the 258799
following: 258800

(1) Sell or offer to sell a controlled substance or a 258801
controlled substance analog; 258802

(2) Prepare for shipment, ship, transport, deliver, prepare 258803
for distribution, or distribute a controlled substance or a 258804
controlled substance analog, when the offender knows or has 258805
reasonable cause to believe that the controlled substance or a 258806
controlled substance analog is intended for sale or resale by the 258807
offender or another person. 258808

(B) This section does not apply to any of the following: 258809

(1) Manufacturers, licensed health professionals authorized 258810
to prescribe drugs, pharmacists, owners of pharmacies, and other 258811
persons whose conduct is in accordance with Chapters 3719., 4715., 258812
4723., 4729., 4730., 4731., ~~and~~ 4741., and 4772. of the Revised 258813
Code; 258814

(2) If the offense involves an anabolic steroid, any person 258815
who is conducting or participating in a research project involving 258816
the use of an anabolic steroid if the project has been approved by 258817
the United States food and drug administration; 258818

(3) Any person who sells, offers for sale, prescribes, 258819

dispenses, or administers for livestock or other nonhuman species 258820
an anabolic steroid that is expressly intended for administration 258821
through implants to livestock or other nonhuman species and 258822
approved for that purpose under the "Federal Food, Drug, and 258823
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 258824
and is sold, offered for sale, prescribed, dispensed, or 258825
administered for that purpose in accordance with that act. 258826

(C) Whoever violates division (A) of this section is guilty 258827
of one of the following: 258828

(1) If the drug involved in the violation is any compound, 258829
mixture, preparation, or substance included in schedule I or 258830
schedule II, with the exception of marihuana, cocaine, L.S.D., 258831
heroin, any fentanyl-related compound, hashish, and any controlled 258832
substance analog, whoever violates division (A) of this section is 258833
guilty of aggravated trafficking in drugs. The penalty for the 258834
offense shall be determined as follows: 258835

(a) Except as otherwise provided in division (C)(1)(b), (c), 258836
(d), (e), or (f) of this section, aggravated trafficking in drugs 258837
is a felony of the fourth degree, and division (C) of section 258838
2929.13 of the Revised Code applies in determining whether to 258839
impose a prison term on the offender. 258840

(b) Except as otherwise provided in division (C)(1)(c), (d), 258841
(e), or (f) of this section, if the offense was committed in the 258842
vicinity of a school, in the vicinity of a juvenile, or in the 258843
vicinity of a substance addiction services provider or a 258844
recovering addict, aggravated trafficking in drugs is a felony of 258845
the third degree, and division (C) of section 2929.13 of the 258846
Revised Code applies in determining whether to impose a prison 258847
term on the offender. 258848

(c) Except as otherwise provided in this division, if the 258849
amount of the drug involved equals or exceeds the bulk amount but 258850

is less than five times the bulk amount, aggravated trafficking in 258851
drugs is a felony of the third degree, and, except as otherwise 258852
provided in this division, there is a presumption for a prison 258853
term for the offense. If aggravated trafficking in drugs is a 258854
felony of the third degree under this division and if the offender 258855
two or more times previously has been convicted of or pleaded 258856
guilty to a felony drug abuse offense, the court shall impose as a 258857
mandatory prison term one of the prison terms prescribed for a 258858
felony of the third degree. If the amount of the drug involved is 258859
within that range and if the offense was committed in the vicinity 258860
of a school, in the vicinity of a juvenile, or in the vicinity of 258861
a substance addiction services provider or a recovering addict, 258862
aggravated trafficking in drugs is a felony of the second degree, 258863
and the court shall impose as a mandatory prison term a second 258864
degree felony mandatory prison term. 258865

(d) Except as otherwise provided in this division, if the 258866
amount of the drug involved equals or exceeds five times the bulk 258867
amount but is less than fifty times the bulk amount, aggravated 258868
trafficking in drugs is a felony of the second degree, and the 258869
court shall impose as a mandatory prison term a second degree 258870
felony mandatory prison term. If the amount of the drug involved 258871
is within that range and if the offense was committed in the 258872
vicinity of a school, in the vicinity of a juvenile, or in the 258873
vicinity of a substance addiction services provider or a 258874
recovering addict, aggravated trafficking in drugs is a felony of 258875
the first degree, and the court shall impose as a mandatory prison 258876
term a first degree felony mandatory prison term. 258877

(e) If the amount of the drug involved equals or exceeds 258878
fifty times the bulk amount but is less than one hundred times the 258879
bulk amount and regardless of whether the offense was committed in 258880
the vicinity of a school, in the vicinity of a juvenile, or in the 258881
vicinity of a substance addiction services provider or a 258882

recovering addict, aggravated trafficking in drugs is a felony of 258883
the first degree, and the court shall impose as a mandatory prison 258884
term a first degree felony mandatory prison term. 258885

(f) If the amount of the drug involved equals or exceeds one 258886
hundred times the bulk amount and regardless of whether the 258887
offense was committed in the vicinity of a school, in the vicinity 258888
of a juvenile, or in the vicinity of a substance addiction 258889
services provider or a recovering addict, aggravated trafficking 258890
in drugs is a felony of the first degree, the offender is a major 258891
drug offender, and the court shall impose as a mandatory prison 258892
term a maximum first degree felony mandatory prison term. 258893

(2) If the drug involved in the violation is any compound, 258894
mixture, preparation, or substance included in schedule III, IV, 258895
or V, whoever violates division (A) of this section is guilty of 258896
trafficking in drugs. The penalty for the offense shall be 258897
determined as follows: 258898

(a) Except as otherwise provided in division (C)(2)(b), (c), 258899
(d), or (e) of this section, trafficking in drugs is a felony of 258900
the fifth degree, and division (B) of section 2929.13 of the 258901
Revised Code applies in determining whether to impose a prison 258902
term on the offender. 258903

(b) Except as otherwise provided in division (C)(2)(c), (d), 258904
or (e) of this section, if the offense was committed in the 258905
vicinity of a school or in the vicinity of a juvenile, trafficking 258906
in drugs is a felony of the fourth degree, and division (C) of 258907
section 2929.13 of the Revised Code applies in determining whether 258908
to impose a prison term on the offender. 258909

(c) Except as otherwise provided in this division, if the 258910
amount of the drug involved equals or exceeds the bulk amount but 258911
is less than five times the bulk amount, trafficking in drugs is a 258912
felony of the fourth degree, and division (B) of section 2929.13 258913

of the Revised Code applies in determining whether to impose a 258914
prison term for the offense. If the amount of the drug involved is 258915
within that range and if the offense was committed in the vicinity 258916
of a school or in the vicinity of a juvenile, trafficking in drugs 258917
is a felony of the third degree, and there is a presumption for a 258918
prison term for the offense. 258919

(d) Except as otherwise provided in this division, if the 258920
amount of the drug involved equals or exceeds five times the bulk 258921
amount but is less than fifty times the bulk amount, trafficking 258922
in drugs is a felony of the third degree, and there is a 258923
presumption for a prison term for the offense. If the amount of 258924
the drug involved is within that range and if the offense was 258925
committed in the vicinity of a school or in the vicinity of a 258926
juvenile, trafficking in drugs is a felony of the second degree, 258927
and there is a presumption for a prison term for the offense. 258928

(e) Except as otherwise provided in this division, if the 258929
amount of the drug involved equals or exceeds fifty times the bulk 258930
amount, trafficking in drugs is a felony of the second degree, and 258931
the court shall impose as a mandatory prison term a second degree 258932
felony mandatory prison term. If the amount of the drug involved 258933
equals or exceeds fifty times the bulk amount and if the offense 258934
was committed in the vicinity of a school or in the vicinity of a 258935
juvenile, trafficking in drugs is a felony of the first degree, 258936
and the court shall impose as a mandatory prison term a first 258937
degree felony mandatory prison term. 258938

(3) If the drug involved in the violation is marihuana or a 258939
compound, mixture, preparation, or substance containing marihuana 258940
other than hashish, whoever violates division (A) of this section 258941
is guilty of trafficking in marihuana. The penalty for the offense 258942
shall be determined as follows: 258943

(a) Except as otherwise provided in division (C)(3)(b), (c), 258944
(d), (e), (f), (g), or (h) of this section, trafficking in 258945

marihuana is a felony of the fifth degree, and division (B) of 258946
section 2929.13 of the Revised Code applies in determining whether 258947
to impose a prison term on the offender. 258948

(b) Except as otherwise provided in division (C)(3)(c), (d), 258949
(e), (f), (g), or (h) of this section, if the offense was 258950
committed in the vicinity of a school or in the vicinity of a 258951
juvenile, trafficking in marihuana is a felony of the fourth 258952
degree, and division (B) of section 2929.13 of the Revised Code 258953
applies in determining whether to impose a prison term on the 258954
offender. 258955

(c) Except as otherwise provided in this division, if the 258956
amount of the drug involved equals or exceeds two hundred grams 258957
but is less than one thousand grams, trafficking in marihuana is a 258958
felony of the fourth degree, and division (B) of section 2929.13 258959
of the Revised Code applies in determining whether to impose a 258960
prison term on the offender. If the amount of the drug involved is 258961
within that range and if the offense was committed in the vicinity 258962
of a school or in the vicinity of a juvenile, trafficking in 258963
marihuana is a felony of the third degree, and division (C) of 258964
section 2929.13 of the Revised Code applies in determining whether 258965
to impose a prison term on the offender. 258966

(d) Except as otherwise provided in this division, if the 258967
amount of the drug involved equals or exceeds one thousand grams 258968
but is less than five thousand grams, trafficking in marihuana is 258969
a felony of the third degree, and division (C) of section 2929.13 258970
of the Revised Code applies in determining whether to impose a 258971
prison term on the offender. If the amount of the drug involved is 258972
within that range and if the offense was committed in the vicinity 258973
of a school or in the vicinity of a juvenile, trafficking in 258974
marihuana is a felony of the second degree, and there is a 258975
presumption that a prison term shall be imposed for the offense. 258976

(e) Except as otherwise provided in this division, if the 258977

amount of the drug involved equals or exceeds five thousand grams 258978
but is less than twenty thousand grams, trafficking in marihuana 258979
is a felony of the third degree, and there is a presumption that a 258980
prison term shall be imposed for the offense. If the amount of the 258981
drug involved is within that range and if the offense was 258982
committed in the vicinity of a school or in the vicinity of a 258983
juvenile, trafficking in marihuana is a felony of the second 258984
degree, and there is a presumption that a prison term shall be 258985
imposed for the offense. 258986

(f) Except as otherwise provided in this division, if the 258987
amount of the drug involved equals or exceeds twenty thousand 258988
grams but is less than forty thousand grams, trafficking in 258989
marihuana is a felony of the second degree, and the court shall 258990
impose as a mandatory prison term a second degree felony mandatory 258991
prison term of five, six, seven, or eight years. If the amount of 258992
the drug involved is within that range and if the offense was 258993
committed in the vicinity of a school or in the vicinity of a 258994
juvenile, trafficking in marihuana is a felony of the first 258995
degree, and the court shall impose as a mandatory prison term a 258996
maximum first degree felony mandatory prison term. 258997

(g) Except as otherwise provided in this division, if the 258998
amount of the drug involved equals or exceeds forty thousand 258999
grams, trafficking in marihuana is a felony of the second degree, 259000
and the court shall impose as a mandatory prison term a maximum 259001
second degree felony mandatory prison term. If the amount of the 259002
drug involved equals or exceeds forty thousand grams and if the 259003
offense was committed in the vicinity of a school or in the 259004
vicinity of a juvenile, trafficking in marihuana is a felony of 259005
the first degree, and the court shall impose as a mandatory prison 259006
term a maximum first degree felony mandatory prison term. 259007

(h) Except as otherwise provided in this division, if the 259008
offense involves a gift of twenty grams or less of marihuana, 259009

trafficking in marihuana is a minor misdemeanor upon a first 259010
offense and a misdemeanor of the third degree upon a subsequent 259011
offense. If the offense involves a gift of twenty grams or less of 259012
marihuana and if the offense was committed in the vicinity of a 259013
school or in the vicinity of a juvenile, trafficking in marihuana 259014
is a misdemeanor of the third degree. 259015

(4) If the drug involved in the violation is cocaine or a 259016
compound, mixture, preparation, or substance containing cocaine, 259017
whoever violates division (A) of this section is guilty of 259018
trafficking in cocaine. The penalty for the offense shall be 259019
determined as follows: 259020

(a) Except as otherwise provided in division (C)(4)(b), (c), 259021
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 259022
felony of the fifth degree, and division (B) of section 2929.13 of 259023
the Revised Code applies in determining whether to impose a prison 259024
term on the offender. 259025

(b) Except as otherwise provided in division (C)(4)(c), (d), 259026
(e), (f), or (g) of this section, if the offense was committed in 259027
the vicinity of a school, in the vicinity of a juvenile, or in the 259028
vicinity of a substance addiction services provider or a 259029
recovering addict, trafficking in cocaine is a felony of the 259030
fourth degree, and division (C) of section 2929.13 of the Revised 259031
Code applies in determining whether to impose a prison term on the 259032
offender. 259033

(c) Except as otherwise provided in this division, if the 259034
amount of the drug involved equals or exceeds five grams but is 259035
less than ten grams of cocaine, trafficking in cocaine is a felony 259036
of the fourth degree, and division (B) of section 2929.13 of the 259037
Revised Code applies in determining whether to impose a prison 259038
term for the offense. If the amount of the drug involved is within 259039
that range and if the offense was committed in the vicinity of a 259040
school, in the vicinity of a juvenile, or in the vicinity of a 259041

substance addiction services provider or a recovering addict, 259042
trafficking in cocaine is a felony of the third degree, and there 259043
is a presumption for a prison term for the offense. 259044

(d) Except as otherwise provided in this division, if the 259045
amount of the drug involved equals or exceeds ten grams but is 259046
less than twenty grams of cocaine, trafficking in cocaine is a 259047
felony of the third degree, and, except as otherwise provided in 259048
this division, there is a presumption for a prison term for the 259049
offense. If trafficking in cocaine is a felony of the third degree 259050
under this division and if the offender two or more times 259051
previously has been convicted of or pleaded guilty to a felony 259052
drug abuse offense, the court shall impose as a mandatory prison 259053
term one of the prison terms prescribed for a felony of the third 259054
degree. If the amount of the drug involved is within that range 259055
and if the offense was committed in the vicinity of a school, in 259056
the vicinity of a juvenile, or in the vicinity of a substance 259057
addiction services provider or a recovering addict, trafficking in 259058
cocaine is a felony of the second degree, and the court shall 259059
impose as a mandatory prison term a second degree felony mandatory 259060
prison term. 259061

(e) Except as otherwise provided in this division, if the 259062
amount of the drug involved equals or exceeds twenty grams but is 259063
less than twenty-seven grams of cocaine, trafficking in cocaine is 259064
a felony of the second degree, and the court shall impose as a 259065
mandatory prison term a second degree felony mandatory prison 259066
term. If the amount of the drug involved is within that range and 259067
if the offense was committed in the vicinity of a school, in the 259068
vicinity of a juvenile, or in the vicinity of a substance 259069
addiction services provider or a recovering addict, trafficking in 259070
cocaine is a felony of the first degree, and the court shall 259071
impose as a mandatory prison term a first degree felony mandatory 259072
prison term. 259073

(f) If the amount of the drug involved equals or exceeds 259074
twenty-seven grams but is less than one hundred grams of cocaine 259075
and regardless of whether the offense was committed in the 259076
vicinity of a school, in the vicinity of a juvenile, or in the 259077
vicinity of a substance addiction services provider or a 259078
recovering addict, trafficking in cocaine is a felony of the first 259079
degree, and the court shall impose as a mandatory prison term a 259080
first degree felony mandatory prison term. 259081

(g) If the amount of the drug involved equals or exceeds one 259082
hundred grams of cocaine and regardless of whether the offense was 259083
committed in the vicinity of a school, in the vicinity of a 259084
juvenile, or in the vicinity of a substance addiction services 259085
provider or a recovering addict, trafficking in cocaine is a 259086
felony of the first degree, the offender is a major drug offender, 259087
and the court shall impose as a mandatory prison term a maximum 259088
first degree felony mandatory prison term. 259089

(5) If the drug involved in the violation is L.S.D. or a 259090
compound, mixture, preparation, or substance containing L.S.D., 259091
whoever violates division (A) of this section is guilty of 259092
trafficking in L.S.D. The penalty for the offense shall be 259093
determined as follows: 259094

(a) Except as otherwise provided in division (C)(5)(b), (c), 259095
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 259096
felony of the fifth degree, and division (B) of section 2929.13 of 259097
the Revised Code applies in determining whether to impose a prison 259098
term on the offender. 259099

(b) Except as otherwise provided in division (C)(5)(c), (d), 259100
(e), (f), or (g) of this section, if the offense was committed in 259101
the vicinity of a school, in the vicinity of a juvenile, or in the 259102
vicinity of a substance addiction services provider or a 259103
recovering addict, trafficking in L.S.D. is a felony of the fourth 259104
degree, and division (C) of section 2929.13 of the Revised Code 259105

applies in determining whether to impose a prison term on the 259106
offender. 259107

(c) Except as otherwise provided in this division, if the 259108
amount of the drug involved equals or exceeds ten unit doses but 259109
is less than fifty unit doses of L.S.D. in a solid form or equals 259110
or exceeds one gram but is less than five grams of L.S.D. in a 259111
liquid concentrate, liquid extract, or liquid distillate form, 259112
trafficking in L.S.D. is a felony of the fourth degree, and 259113
division (B) of section 2929.13 of the Revised Code applies in 259114
determining whether to impose a prison term for the offense. If 259115
the amount of the drug involved is within that range and if the 259116
offense was committed in the vicinity of a school, in the vicinity 259117
of a juvenile, or in the vicinity of a substance addiction 259118
services provider or a recovering addict, trafficking in L.S.D. is 259119
a felony of the third degree, and there is a presumption for a 259120
prison term for the offense. 259121

(d) Except as otherwise provided in this division, if the 259122
amount of the drug involved equals or exceeds fifty unit doses but 259123
is less than two hundred fifty unit doses of L.S.D. in a solid 259124
form or equals or exceeds five grams but is less than twenty-five 259125
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 259126
distillate form, trafficking in L.S.D. is a felony of the third 259127
degree, and, except as otherwise provided in this division, there 259128
is a presumption for a prison term for the offense. If trafficking 259129
in L.S.D. is a felony of the third degree under this division and 259130
if the offender two or more times previously has been convicted of 259131
or pleaded guilty to a felony drug abuse offense, the court shall 259132
impose as a mandatory prison term one of the prison terms 259133
prescribed for a felony of the third degree. If the amount of the 259134
drug involved is within that range and if the offense was 259135
committed in the vicinity of a school, in the vicinity of a 259136
juvenile, or in the vicinity of a substance addiction services 259137

provider or a recovering addict, trafficking in L.S.D. is a felony 259138
of the second degree, and the court shall impose as a mandatory 259139
prison term a second degree felony mandatory prison term. 259140

(e) Except as otherwise provided in this division, if the 259141
amount of the drug involved equals or exceeds two hundred fifty 259142
unit doses but is less than one thousand unit doses of L.S.D. in a 259143
solid form or equals or exceeds twenty-five grams but is less than 259144
one hundred grams of L.S.D. in a liquid concentrate, liquid 259145
extract, or liquid distillate form, trafficking in L.S.D. is a 259146
felony of the second degree, and the court shall impose as a 259147
mandatory prison term a second degree felony mandatory prison 259148
term. If the amount of the drug involved is within that range and 259149
if the offense was committed in the vicinity of a school, in the 259150
vicinity of a juvenile, or in the vicinity of a substance 259151
addiction services provider or a recovering addict, trafficking in 259152
L.S.D. is a felony of the first degree, and the court shall impose 259153
as a mandatory prison term a first degree felony mandatory prison 259154
term. 259155

(f) If the amount of the drug involved equals or exceeds one 259156
thousand unit doses but is less than five thousand unit doses of 259157
L.S.D. in a solid form or equals or exceeds one hundred grams but 259158
is less than five hundred grams of L.S.D. in a liquid concentrate, 259159
liquid extract, or liquid distillate form and regardless of 259160
whether the offense was committed in the vicinity of a school, in 259161
the vicinity of a juvenile, or in the vicinity of a substance 259162
addiction services provider or a recovering addict, trafficking in 259163
L.S.D. is a felony of the first degree, and the court shall impose 259164
as a mandatory prison term a first degree felony mandatory prison 259165
term. 259166

(g) If the amount of the drug involved equals or exceeds five 259167
thousand unit doses of L.S.D. in a solid form or equals or exceeds 259168
five hundred grams of L.S.D. in a liquid concentrate, liquid 259169

extract, or liquid distillate form and regardless of whether the 259170
offense was committed in the vicinity of a school, in the vicinity 259171
of a juvenile, or in the vicinity of a substance addiction 259172
services provider or a recovering addict, trafficking in L.S.D. is 259173
a felony of the first degree, the offender is a major drug 259174
offender, and the court shall impose as a mandatory prison term a 259175
maximum first degree felony mandatory prison term. 259176

(6) If the drug involved in the violation is heroin or a 259177
compound, mixture, preparation, or substance containing heroin, 259178
whoever violates division (A) of this section is guilty of 259179
trafficking in heroin. The penalty for the offense shall be 259180
determined as follows: 259181

(a) Except as otherwise provided in division (C)(6)(b), (c), 259182
(d), (e), (f), or (g) of this section, trafficking in heroin is a 259183
felony of the fifth degree, and division (B) of section 2929.13 of 259184
the Revised Code applies in determining whether to impose a prison 259185
term on the offender. 259186

(b) Except as otherwise provided in division (C)(6)(c), (d), 259187
(e), (f), or (g) of this section, if the offense was committed in 259188
the vicinity of a school, in the vicinity of a juvenile, or in the 259189
vicinity of a substance addiction services provider or a 259190
recovering addict, trafficking in heroin is a felony of the fourth 259191
degree, and division (C) of section 2929.13 of the Revised Code 259192
applies in determining whether to impose a prison term on the 259193
offender. 259194

(c) Except as otherwise provided in this division, if the 259195
amount of the drug involved equals or exceeds ten unit doses but 259196
is less than fifty unit doses or equals or exceeds one gram but is 259197
less than five grams, trafficking in heroin is a felony of the 259198
fourth degree, and division (B) of section 2929.13 of the Revised 259199
Code applies in determining whether to impose a prison term for 259200
the offense. If the amount of the drug involved is within that 259201

range and if the offense was committed in the vicinity of a 259202
school, in the vicinity of a juvenile, or in the vicinity of a 259203
substance addiction services provider or a recovering addict, 259204
trafficking in heroin is a felony of the third degree, and there 259205
is a presumption for a prison term for the offense. 259206

(d) Except as otherwise provided in this division, if the 259207
amount of the drug involved equals or exceeds fifty unit doses but 259208
is less than one hundred unit doses or equals or exceeds five 259209
grams but is less than ten grams, trafficking in heroin is a 259210
felony of the third degree, and there is a presumption for a 259211
prison term for the offense. If the amount of the drug involved is 259212
within that range and if the offense was committed in the vicinity 259213
of a school, in the vicinity of a juvenile, or in the vicinity of 259214
a substance addiction services provider or a recovering addict, 259215
trafficking in heroin is a felony of the second degree, and there 259216
is a presumption for a prison term for the offense. 259217

(e) Except as otherwise provided in this division, if the 259218
amount of the drug involved equals or exceeds one hundred unit 259219
doses but is less than five hundred unit doses or equals or 259220
exceeds ten grams but is less than fifty grams, trafficking in 259221
heroin is a felony of the second degree, and the court shall 259222
impose as a mandatory prison term a second degree felony mandatory 259223
prison term. If the amount of the drug involved is within that 259224
range and if the offense was committed in the vicinity of a 259225
school, in the vicinity of a juvenile, or in the vicinity of a 259226
substance addiction services provider or a recovering addict, 259227
trafficking in heroin is a felony of the first degree, and the 259228
court shall impose as a mandatory prison term a first degree 259229
felony mandatory prison term. 259230

(f) If the amount of the drug involved equals or exceeds five 259231
hundred unit doses but is less than one thousand unit doses or 259232
equals or exceeds fifty grams but is less than one hundred grams 259233

and regardless of whether the offense was committed in the 259234
vicinity of a school, in the vicinity of a juvenile, or in the 259235
vicinity of a substance addiction services provider or a 259236
recovering addict, trafficking in heroin is a felony of the first 259237
degree, and the court shall impose as a mandatory prison term a 259238
first degree felony mandatory prison term. 259239

(g) If the amount of the drug involved equals or exceeds one 259240
thousand unit doses or equals or exceeds one hundred grams and 259241
regardless of whether the offense was committed in the vicinity of 259242
a school, in the vicinity of a juvenile, or in the vicinity of a 259243
substance addiction services provider or a recovering addict, 259244
trafficking in heroin is a felony of the first degree, the 259245
offender is a major drug offender, and the court shall impose as a 259246
mandatory prison term a maximum first degree felony mandatory 259247
prison term. 259248

(7) If the drug involved in the violation is hashish or a 259249
compound, mixture, preparation, or substance containing hashish, 259250
whoever violates division (A) of this section is guilty of 259251
trafficking in hashish. The penalty for the offense shall be 259252
determined as follows: 259253

(a) Except as otherwise provided in division (C)(7)(b), (c), 259254
(d), (e), (f), or (g) of this section, trafficking in hashish is a 259255
felony of the fifth degree, and division (B) of section 2929.13 of 259256
the Revised Code applies in determining whether to impose a prison 259257
term on the offender. 259258

(b) Except as otherwise provided in division (C)(7)(c), (d), 259259
(e), (f), or (g) of this section, if the offense was committed in 259260
the vicinity of a school, in the vicinity of a juvenile, or in the 259261
vicinity of a substance addiction services provider or a 259262
recovering addict, trafficking in hashish is a felony of the 259263
fourth degree, and division (B) of section 2929.13 of the Revised 259264
Code applies in determining whether to impose a prison term on the 259265

offender. 259266

(c) Except as otherwise provided in this division, if the 259267
amount of the drug involved equals or exceeds ten grams but is 259268
less than fifty grams of hashish in a solid form or equals or 259269
exceeds two grams but is less than ten grams of hashish in a 259270
liquid concentrate, liquid extract, or liquid distillate form, 259271
trafficking in hashish is a felony of the fourth degree, and 259272
division (B) of section 2929.13 of the Revised Code applies in 259273
determining whether to impose a prison term on the offender. If 259274
the amount of the drug involved is within that range and if the 259275
offense was committed in the vicinity of a school, in the vicinity 259276
of a juvenile, or in the vicinity of a substance addiction 259277
services provider or a recovering addict, trafficking in hashish 259278
is a felony of the third degree, and division (C) of section 259279
2929.13 of the Revised Code applies in determining whether to 259280
impose a prison term on the offender. 259281

(d) Except as otherwise provided in this division, if the 259282
amount of the drug involved equals or exceeds fifty grams but is 259283
less than two hundred fifty grams of hashish in a solid form or 259284
equals or exceeds ten grams but is less than fifty grams of 259285
hashish in a liquid concentrate, liquid extract, or liquid 259286
distillate form, trafficking in hashish is a felony of the third 259287
degree, and division (C) of section 2929.13 of the Revised Code 259288
applies in determining whether to impose a prison term on the 259289
offender. If the amount of the drug involved is within that range 259290
and if the offense was committed in the vicinity of a school, in 259291
the vicinity of a juvenile, or in the vicinity of a substance 259292
addiction services provider or a recovering addict, trafficking in 259293
hashish is a felony of the second degree, and there is a 259294
presumption that a prison term shall be imposed for the offense. 259295

(e) Except as otherwise provided in this division, if the 259296
amount of the drug involved equals or exceeds two hundred fifty 259297

grams but is less than one thousand grams of hashish in a solid 259298
form or equals or exceeds fifty grams but is less than two hundred 259299
grams of hashish in a liquid concentrate, liquid extract, or 259300
liquid distillate form, trafficking in hashish is a felony of the 259301
third degree, and there is a presumption that a prison term shall 259302
be imposed for the offense. If the amount of the drug involved is 259303
within that range and if the offense was committed in the vicinity 259304
of a school, in the vicinity of a juvenile, or in the vicinity of 259305
a substance addiction services provider or a recovering addict, 259306
trafficking in hashish is a felony of the second degree, and there 259307
is a presumption that a prison term shall be imposed for the 259308
offense. 259309

(f) Except as otherwise provided in this division, if the 259310
amount of the drug involved equals or exceeds one thousand grams 259311
but is less than two thousand grams of hashish in a solid form or 259312
equals or exceeds two hundred grams but is less than four hundred 259313
grams of hashish in a liquid concentrate, liquid extract, or 259314
liquid distillate form, trafficking in hashish is a felony of the 259315
second degree, and the court shall impose as a mandatory prison 259316
term a second degree felony mandatory prison term of five, six, 259317
seven, or eight years. If the amount of the drug involved is 259318
within that range and if the offense was committed in the vicinity 259319
of a school, in the vicinity of a juvenile, or in the vicinity of 259320
a substance addiction services provider or a recovering addict, 259321
trafficking in hashish is a felony of the first degree, and the 259322
court shall impose as a mandatory prison term a maximum first 259323
degree felony mandatory prison term. 259324

(g) Except as otherwise provided in this division, if the 259325
amount of the drug involved equals or exceeds two thousand grams 259326
of hashish in a solid form or equals or exceeds four hundred grams 259327
of hashish in a liquid concentrate, liquid extract, or liquid 259328
distillate form, trafficking in hashish is a felony of the second 259329

degree, and the court shall impose as a mandatory prison term a 259330
maximum second degree felony mandatory prison term. If the amount 259331
of the drug involved equals or exceeds two thousand grams of 259332
hashish in a solid form or equals or exceeds four hundred grams of 259333
hashish in a liquid concentrate, liquid extract, or liquid 259334
distillate form and if the offense was committed in the vicinity 259335
of a school, in the vicinity of a juvenile, or in the vicinity of 259336
a substance addiction services provider or a recovering addict, 259337
trafficking in hashish is a felony of the first degree, and the 259338
court shall impose as a mandatory prison term a maximum first 259339
degree felony mandatory prison term. 259340

(8) If the drug involved in the violation is a controlled 259341
substance analog or compound, mixture, preparation, or substance 259342
that contains a controlled substance analog, whoever violates 259343
division (A) of this section is guilty of trafficking in a 259344
controlled substance analog. The penalty for the offense shall be 259345
determined as follows: 259346

(a) Except as otherwise provided in division (C)(8)(b), (c), 259347
(d), (e), (f), or (g) of this section, trafficking in a controlled 259348
substance analog is a felony of the fifth degree, and division (C) 259349
of section 2929.13 of the Revised Code applies in determining 259350
whether to impose a prison term on the offender. 259351

(b) Except as otherwise provided in division (C)(8)(c), (d), 259352
(e), (f), or (g) of this section, if the offense was committed in 259353
the vicinity of a school, in the vicinity of a juvenile, or in the 259354
vicinity of a substance addiction services provider or a 259355
recovering addict, trafficking in a controlled substance analog is 259356
a felony of the fourth degree, and division (C) of section 2929.13 259357
of the Revised Code applies in determining whether to impose a 259358
prison term on the offender. 259359

(c) Except as otherwise provided in this division, if the 259360
amount of the drug involved equals or exceeds ten grams but is 259361

less than twenty grams, trafficking in a controlled substance 259362
analog is a felony of the fourth degree, and division (B) of 259363
section 2929.13 of the Revised Code applies in determining whether 259364
to impose a prison term for the offense. If the amount of the drug 259365
involved is within that range and if the offense was committed in 259366
the vicinity of a school, in the vicinity of a juvenile, or in the 259367
vicinity of a substance addiction services provider or a 259368
recovering addict, trafficking in a controlled substance analog is 259369
a felony of the third degree, and there is a presumption for a 259370
prison term for the offense. 259371

(d) Except as otherwise provided in this division, if the 259372
amount of the drug involved equals or exceeds twenty grams but is 259373
less than thirty grams, trafficking in a controlled substance 259374
analog is a felony of the third degree, and there is a presumption 259375
for a prison term for the offense. If the amount of the drug 259376
involved is within that range and if the offense was committed in 259377
the vicinity of a school, in the vicinity of a juvenile, or in the 259378
vicinity of a substance addiction services provider or a 259379
recovering addict, trafficking in a controlled substance analog is 259380
a felony of the second degree, and there is a presumption for a 259381
prison term for the offense. 259382

(e) Except as otherwise provided in this division, if the 259383
amount of the drug involved equals or exceeds thirty grams but is 259384
less than forty grams, trafficking in a controlled substance 259385
analog is a felony of the second degree, and the court shall 259386
impose as a mandatory prison term a second degree felony mandatory 259387
prison term. If the amount of the drug involved is within that 259388
range and if the offense was committed in the vicinity of a 259389
school, in the vicinity of a juvenile, or in the vicinity of a 259390
substance addiction services provider or a recovering addict, 259391
trafficking in a controlled substance analog is a felony of the 259392
first degree, and the court shall impose as a mandatory prison 259393

term a first degree felony mandatory prison term. 259394

(f) If the amount of the drug involved equals or exceeds 259395
forty grams but is less than fifty grams and regardless of whether 259396
the offense was committed in the vicinity of a school, in the 259397
vicinity of a juvenile, or in the vicinity of a substance 259398
addiction services provider or a recovering addict, trafficking in 259399
a controlled substance analog is a felony of the first degree, and 259400
the court shall impose as a mandatory prison term a first degree 259401
felony mandatory prison term. 259402

(g) If the amount of the drug involved equals or exceeds 259403
fifty grams and regardless of whether the offense was committed in 259404
the vicinity of a school, in the vicinity of a juvenile, or in the 259405
vicinity of a substance addiction services provider or a 259406
recovering addict, trafficking in a controlled substance analog is 259407
a felony of the first degree, the offender is a major drug 259408
offender, and the court shall impose as a mandatory prison term a 259409
maximum first degree felony mandatory prison term. 259410

(9) If the drug involved in the violation is a 259411
fentanyl-related compound or a compound, mixture, preparation, or 259412
substance containing a fentanyl-related compound and division 259413
(C)(10)(a) of this section does not apply to the drug involved, 259414
whoever violates division (A) of this section is guilty of 259415
trafficking in a fentanyl-related compound. The penalty for the 259416
offense shall be determined as follows: 259417

(a) Except as otherwise provided in division (C)(9)(b), (c), 259418
(d), (e), (f), (g), or (h) of this section, trafficking in a 259419
fentanyl-related compound is a felony of the fifth degree, and 259420
division (B) of section 2929.13 of the Revised Code applies in 259421
determining whether to impose a prison term on the offender. 259422

(b) Except as otherwise provided in division (C)(9)(c), (d), 259423
(e), (f), (g), or (h) of this section, if the offense was 259424

committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in a fentanyl-related compound is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the

amount of the drug involved equals or exceeds one hundred unit 259457
doses but is less than two hundred unit doses or equals or exceeds 259458
ten grams but is less than twenty grams, trafficking in a 259459
fentanyl-related compound is a felony of the second degree, and 259460
the court shall impose as a mandatory prison term one of the 259461
prison terms prescribed for a felony of the second degree. If the 259462
amount of the drug involved is within that range and if the 259463
offense was committed in the vicinity of a school, in the vicinity 259464
of a juvenile, or in the vicinity of a substance addiction 259465
services provider or a recovering addict, trafficking in a 259466
fentanyl-related compound is a felony of the first degree, and the 259467
court shall impose as a mandatory prison term one of the prison 259468
terms prescribed for a felony of the first degree. 259469

(f) If the amount of the drug involved equals or exceeds two 259470
hundred unit doses but is less than five hundred unit doses or 259471
equals or exceeds twenty grams but is less than fifty grams and 259472
regardless of whether the offense was committed in the vicinity of 259473
a school, in the vicinity of a juvenile, or in the vicinity of a 259474
substance addiction services provider or a recovering addict, 259475
trafficking in a fentanyl-related compound is a felony of the 259476
first degree, and the court shall impose as a mandatory prison 259477
term one of the prison terms prescribed for a felony of the first 259478
degree. 259479

(g) If the amount of the drug involved equals or exceeds five 259480
hundred unit doses but is less than one thousand unit doses or 259481
equals or exceeds fifty grams but is less than one hundred grams 259482
and regardless of whether the offense was committed in the 259483
vicinity of a school, in the vicinity of a juvenile, or in the 259484
vicinity of a substance addiction services provider or a 259485
recovering addict, trafficking in a fentanyl-related compound is a 259486
felony of the first degree, and the court shall impose as a 259487
mandatory prison term the maximum prison term prescribed for a 259488

felony of the first degree. 259489

(h) If the amount of the drug involved equals or exceeds one 259490
thousand unit doses or equals or exceeds one hundred grams and 259491
regardless of whether the offense was committed in the vicinity of 259492
a school, in the vicinity of a juvenile, or in the vicinity of a 259493
substance addiction services provider or a recovering addict, 259494
trafficking in a fentanyl-related compound is a felony of the 259495
first degree, the offender is a major drug offender, and the court 259496
shall impose as a mandatory prison term the maximum prison term 259497
prescribed for a felony of the first degree. 259498

(10) If the drug involved in the violation is a compound, 259499
mixture, preparation, or substance that is a combination of a 259500
fentanyl-related compound and marihuana, one of the following 259501
applies: 259502

(a) Except as otherwise provided in division (C)(10)(b) of 259503
this section, the offender is guilty of trafficking in marihuana 259504
and shall be punished under division (C)(3) of this section. The 259505
offender is not guilty of trafficking in a fentanyl-related 259506
compound and shall not be charged with, convicted of, or punished 259507
under division (C)(9) of this section for trafficking in a 259508
fentanyl-related compound. 259509

(b) If the offender knows or has reason to know that the 259510
compound, mixture, preparation, or substance that is the drug 259511
involved contains a fentanyl-related compound, the offender is 259512
guilty of trafficking in a fentanyl-related compound and shall be 259513
punished under division (C)(9) of this section. 259514

(D) In addition to any prison term authorized or required by 259515
division (C) of this section and sections 2929.13 and 2929.14 of 259516
the Revised Code, and in addition to any other sanction imposed 259517
for the offense under this section or sections 2929.11 to 2929.18 259518
of the Revised Code, the court that sentences an offender who is 259519

convicted of or pleads guilty to a violation of division (A) of 259520
this section may suspend the driver's or commercial driver's 259521
license or permit of the offender in accordance with division (G) 259522
of this section. However, if the offender pleaded guilty to or was 259523
convicted of a violation of section 4511.19 of the Revised Code or 259524
a substantially similar municipal ordinance or the law of another 259525
state or the United States arising out of the same set of 259526
circumstances as the violation, the court shall suspend the 259527
offender's driver's or commercial driver's license or permit in 259528
accordance with division (G) of this section. If applicable, the 259529
court also shall do the following: 259530

(1) If the violation of division (A) of this section is a 259531
felony of the first, second, or third degree, the court shall 259532
impose upon the offender the mandatory fine specified for the 259533
offense under division (B)(1) of section 2929.18 of the Revised 259534
Code unless, as specified in that division, the court determines 259535
that the offender is indigent. Except as otherwise provided in 259536
division (H)(1) of this section, a mandatory fine or any other 259537
fine imposed for a violation of this section is subject to 259538
division (F) of this section. If a person is charged with a 259539
violation of this section that is a felony of the first, second, 259540
or third degree, posts bail, and forfeits the bail, the clerk of 259541
the court shall pay the forfeited bail pursuant to divisions 259542
(D)(1) and (F) of this section, as if the forfeited bail was a 259543
fine imposed for a violation of this section. If any amount of the 259544
forfeited bail remains after that payment and if a fine is imposed 259545
under division (H)(1) of this section, the clerk of the court 259546
shall pay the remaining amount of the forfeited bail pursuant to 259547
divisions (H)(2) and (3) of this section, as if that remaining 259548
amount was a fine imposed under division (H)(1) of this section. 259549

(2) If the offender is a professionally licensed person, the 259550
court immediately shall comply with section 2925.38 of the Revised 259551

Code. 259552

(E) When a person is charged with the sale of or offer to 259553
sell a bulk amount or a multiple of a bulk amount of a controlled 259554
substance, the jury, or the court trying the accused, shall 259555
determine the amount of the controlled substance involved at the 259556
time of the offense and, if a guilty verdict is returned, shall 259557
return the findings as part of the verdict. In any such case, it 259558
is unnecessary to find and return the exact amount of the 259559
controlled substance involved, and it is sufficient if the finding 259560
and return is to the effect that the amount of the controlled 259561
substance involved is the requisite amount, or that the amount of 259562
the controlled substance involved is less than the requisite 259563
amount. 259564

(F)(1) Notwithstanding any contrary provision of section 259565
3719.21 of the Revised Code and except as provided in division (H) 259566
of this section, the clerk of the court shall pay any mandatory 259567
fine imposed pursuant to division (D)(1) of this section and any 259568
fine other than a mandatory fine that is imposed for a violation 259569
of this section pursuant to division (A) or (B)(5) of section 259570
2929.18 of the Revised Code to the county, township, municipal 259571
corporation, park district, as created pursuant to section 511.18 259572
or 1545.04 of the Revised Code, or state law enforcement agencies 259573
in this state that primarily were responsible for or involved in 259574
making the arrest of, and in prosecuting, the offender. However, 259575
the clerk shall not pay a mandatory fine so imposed to a law 259576
enforcement agency unless the agency has adopted a written 259577
internal control policy under division (F)(2) of this section that 259578
addresses the use of the fine moneys that it receives. Each agency 259579
shall use the mandatory fines so paid to subsidize the agency's 259580
law enforcement efforts that pertain to drug offenses, in 259581
accordance with the written internal control policy adopted by the 259582
recipient agency under division (F)(2) of this section. 259583

(2) Prior to receiving any fine moneys under division (F)(1) 259584
of this section or division (B) of section 2925.42 of the Revised 259585
Code, a law enforcement agency shall adopt a written internal 259586
control policy that addresses the agency's use and disposition of 259587
all fine moneys so received and that provides for the keeping of 259588
detailed financial records of the receipts of those fine moneys, 259589
the general types of expenditures made out of those fine moneys, 259590
and the specific amount of each general type of expenditure. The 259591
policy shall not provide for or permit the identification of any 259592
specific expenditure that is made in an ongoing investigation. All 259593
financial records of the receipts of those fine moneys, the 259594
general types of expenditures made out of those fine moneys, and 259595
the specific amount of each general type of expenditure by an 259596
agency are public records open for inspection under section 149.43 259597
of the Revised Code. Additionally, a written internal control 259598
policy adopted under this division is such a public record, and 259599
the agency that adopted it shall comply with it. 259600

(3) As used in division (F) of this section: 259601

(a) "Law enforcement agencies" includes, but is not limited 259602
to, the state board of pharmacy and the office of a prosecutor. 259603

(b) "Prosecutor" has the same meaning as in section 2935.01 259604
of the Revised Code. 259605

(G)(1) If the sentencing court suspends the offender's 259606
driver's or commercial driver's license or permit under division 259607
(D) of this section or any other provision of this chapter, the 259608
court shall suspend the license, by order, for not more than five 259609
years. If an offender's driver's or commercial driver's license or 259610
permit is suspended pursuant to this division, the offender, at 259611
any time after the expiration of two years from the day on which 259612
the offender's sentence was imposed or from the day on which the 259613
offender finally was released from a prison term under the 259614
sentence, whichever is later, may file a motion with the 259615

sentencing court requesting termination of the suspension; upon 259616
the filing of such a motion and the court's finding of good cause 259617
for the termination, the court may terminate the suspension. 259618

(2) Any offender who received a mandatory suspension of the 259619
offender's driver's or commercial driver's license or permit under 259620
this section prior to September 13, 2016, may file a motion with 259621
the sentencing court requesting the termination of the suspension. 259622
However, an offender who pleaded guilty to or was convicted of a 259623
violation of section 4511.19 of the Revised Code or a 259624
substantially similar municipal ordinance or law of another state 259625
or the United States that arose out of the same set of 259626
circumstances as the violation for which the offender's license or 259627
permit was suspended under this section shall not file such a 259628
motion. 259629

Upon the filing of a motion under division (G)(2) of this 259630
section, the sentencing court, in its discretion, may terminate 259631
the suspension. 259632

(H)(1) In addition to any prison term authorized or required 259633
by division (C) of this section and sections 2929.13 and 2929.14 259634
of the Revised Code, in addition to any other penalty or sanction 259635
imposed for the offense under this section or sections 2929.11 to 259636
2929.18 of the Revised Code, and in addition to the forfeiture of 259637
property in connection with the offense as prescribed in Chapter 259638
2981. of the Revised Code, the court that sentences an offender 259639
who is convicted of or pleads guilty to a violation of division 259640
(A) of this section may impose upon the offender an additional 259641
fine specified for the offense in division (B)(4) of section 259642
2929.18 of the Revised Code. A fine imposed under division (H)(1) 259643
of this section is not subject to division (F) of this section and 259644
shall be used solely for the support of one or more eligible 259645
community addiction services providers in accordance with 259646
divisions (H)(2) and (3) of this section. 259647

(2) The court that imposes a fine under division (H)(1) of this section shall specify in the judgment that imposes the fine one or more eligible community addiction services providers for the support of which the fine money is to be used. No community addiction services provider shall receive or use money paid or collected in satisfaction of a fine imposed under division (H)(1) of this section unless the services provider is specified in the judgment that imposes the fine. No community addiction services provider shall be specified in the judgment unless the services provider is an eligible community addiction services provider and, except as otherwise provided in division (H)(2) of this section, unless the services provider is located in the county in which the court that imposes the fine is located or in a county that is immediately contiguous to the county in which that court is located. If no eligible community addiction services provider is located in any of those counties, the judgment may specify an eligible community addiction services provider that is located anywhere within this state.

(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed under division (H)(1) of this section to the eligible community addiction services provider specified pursuant to division (H)(2) of this section in the judgment. The eligible community addiction services provider that receives the fine moneys shall use the moneys only for the alcohol and drug addiction services identified in the application for certification of services under section 5119.36 of the Revised Code or in the application for a license under section 5119.37 of the Revised Code filed with the department of mental health and addiction services by the community addiction services provider specified in the judgment.

(4) Each community addiction services provider that receives

in a calendar year any fine moneys under division (H)(3) of this section shall file an annual report covering that calendar year with the court of common pleas and the board of county commissioners of the county in which the services provider is located, with the court of common pleas and the board of county commissioners of each county from which the services provider received the moneys if that county is different from the county in which the services provider is located, and with the attorney general. The community addiction services provider shall file the report no later than the first day of March in the calendar year following the calendar year in which the services provider received the fine moneys. The report shall include statistics on the number of persons served by the community addiction services provider, identify the types of alcohol and drug addiction services provided to those persons, and include a specific accounting of the purposes for which the fine moneys received were used. No information contained in the report shall identify, or enable a person to determine the identity of, any person served by the community addiction services provider. Each report received by a court of common pleas, a board of county commissioners, or the attorney general is a public record open for inspection under section 149.43 of the Revised Code.

(5) As used in divisions (H)(1) to (5) of this section:

(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.

(I) As used in this section, "drug" includes any substance that is represented to be a drug.

(J) It is an affirmative defense to a charge of trafficking 259712
in a controlled substance analog under division (C)(8) of this 259713
section that the person charged with violating that offense sold 259714
or offered to sell, or prepared for shipment, shipped, 259715
transported, delivered, prepared for distribution, or distributed 259716
one of the following items that are excluded from the meaning of 259717
"controlled substance analog" under section 3719.01 of the Revised 259718
Code: 259719

(1) A controlled substance; 259720

(2) Any substance for which there is an approved new drug 259721
application; 259722

(3) With respect to a particular person, any substance if an 259723
exemption is in effect for investigational use for that person 259724
pursuant to federal law to the extent that conduct with respect to 259725
that substance is pursuant to that exemption. 259726

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 259727
or use a controlled substance or a controlled substance analog. 259728

(B)(1) This section does not apply to any of the following: 259729

(a) Manufacturers, licensed health professionals authorized 259730
to prescribe drugs, pharmacists, owners of pharmacies, and other 259731
persons whose conduct was in accordance with Chapters 3719., 259732
4715., 4723., 4729., 4730., 4731., ~~and~~ 4741., and 4772. of the 259733
Revised Code; 259734

(b) If the offense involves an anabolic steroid, any person 259735
who is conducting or participating in a research project involving 259736
the use of an anabolic steroid if the project has been approved by 259737
the United States food and drug administration; 259738

(c) Any person who sells, offers for sale, prescribes, 259739
dispenses, or administers for livestock or other nonhuman species 259740
an anabolic steroid that is expressly intended for administration 259741

through implants to livestock or other nonhuman species and 259742
approved for that purpose under the "Federal Food, Drug, and 259743
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 259744
and is sold, offered for sale, prescribed, dispensed, or 259745
administered for that purpose in accordance with that act; 259746

(d) Any person who obtained the controlled substance pursuant 259747
to a prescription issued by a licensed health professional 259748
authorized to prescribe drugs if the prescription was issued for a 259749
legitimate medical purpose and not altered, forged, or obtained 259750
through deception or commission of a theft offense. 259751

As used in division (B)(1)(d) of this section, "deception" 259752
and "theft offense" have the same meanings as in section 2913.01 259753
of the Revised Code. 259754

(2)(a) As used in division (B)(2) of this section: 259755

(i) "Community addiction services provider" has the same 259756
meaning as in section 5119.01 of the Revised Code. 259757

(ii) "Community control sanction" and "drug treatment 259758
program" have the same meanings as in section 2929.01 of the 259759
Revised Code. 259760

(iii) "Health care facility" has the same meaning as in 259761
section 2919.16 of the Revised Code. 259762

(iv) "Minor drug possession offense" means a violation of 259763
this section that is a misdemeanor or a felony of the fifth 259764
degree. 259765

(v) "Post-release control sanction" has the same meaning as 259766
in section 2967.28 of the Revised Code. 259767

(vi) "Peace officer" has the same meaning as in section 259768
2935.01 of the Revised Code. 259769

(vii) "Public agency" has the same meaning as in section 259770
2930.01 of the Revised Code. 259771

(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section.

(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

(b) Subject to division (B)(2)(e) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense or a violation of section 2925.12, division (C)(1) of section 2925.14, or section 2925.141 of the Revised Code if all of the following apply:

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

(ii) Subject to division (B)(2)(f) of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

(iii) Subject to division (B)(2)(f) of this section, the qualified individual who obtains a screening and receives a

referral for treatment under division (B)(2)(b)(ii) of this 259803
section, upon the request of any prosecuting attorney, submits 259804
documentation to the prosecuting attorney that verifies that the 259805
qualified individual satisfied the requirements of that division. 259806
The documentation shall be limited to the date and time of the 259807
screening obtained and referral received. 259808

(c) If a person who is serving a community control sanction 259809
or is under a sanction on post-release control acts pursuant to 259810
division (B)(2)(b) of this section, then division (B) of section 259811
2929.141, division (B)(2) of section 2929.15, division (D)(3) of 259812
section 2929.25, or division (F)(3) of section 2967.28 of the 259813
Revised Code applies to the person with respect to any violation 259814
of the sanction or post-release control sanction based on a minor 259815
drug possession offense, as defined in section 2925.11 of the 259816
Revised Code, or a violation of section 2925.12, division (C)(1) 259817
of section 2925.14, or section 2925.141 of the Revised Code. 259818

(d) Nothing in division (B)(2)(b) of this section shall be 259819
construed to do any of the following: 259820

(i) Limit the admissibility of any evidence in connection 259821
with the investigation or prosecution of a crime with regards to a 259822
defendant who does not qualify for the protections of division 259823
(B)(2)(b) of this section or with regards to any crime other than 259824
a minor drug possession offense or a violation of section 2925.12, 259825
division (C)(1) of section 2925.14, or section 2925.141 of the 259826
Revised Code committed by a person who qualifies for protection 259827
pursuant to division (B)(2)(b) of this section; 259828

(ii) Limit any seizure of evidence or contraband otherwise 259829
permitted by law; 259830

(iii) Limit or abridge the authority of a peace officer to 259831
detain or take into custody a person in the course of an 259832
investigation or to effectuate an arrest for any offense except as 259833

provided in that division; 259834

(iv) Limit, modify, or remove any immunity from liability 259835
available pursuant to law in effect prior to September 13, 2016, 259836
to any public agency or to an employee of any public agency. 259837

(e) Division (B)(2)(b) of this section does not apply to any 259838
person who twice previously has been granted an immunity under 259839
division (B)(2)(b) of this section. No person shall be granted an 259840
immunity under division (B)(2)(b) of this section more than two 259841
times. 259842

(f) Nothing in this section shall compel any qualified 259843
individual to disclose protected health information in a way that 259844
conflicts with the requirements of the "Health Insurance 259845
Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 259846
110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 259847
regulations promulgated by the United States department of health 259848
and human services to implement the act or the requirements of 42 259849
C.F.R. Part 2. 259850

(C) Whoever violates division (A) of this section is guilty 259851
of one of the following: 259852

(1) If the drug involved in the violation is a compound, 259853
mixture, preparation, or substance included in schedule I or II, 259854
with the exception of marihuana, cocaine, L.S.D., heroin, any 259855
fentanyl-related compound, hashish, and any controlled substance 259856
analog, whoever violates division (A) of this section is guilty of 259857
aggravated possession of drugs. The penalty for the offense shall 259858
be determined as follows: 259859

(a) Except as otherwise provided in division (C)(1)(b), (c), 259860
(d), or (e) of this section, aggravated possession of drugs is a 259861
felony of the fifth degree, and division (B) of section 2929.13 of 259862
the Revised Code applies in determining whether to impose a prison 259863
term on the offender. 259864

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(2) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule III, IV, or V, whoever violates division (A) of this section is guilty of possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(2)(b), (c), or (d) of this section, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, a felony of the fifth degree.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, possession of drugs is a felony of the fourth degree, and division

(C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 259896
259897

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. 259898
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(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender as a mandatory prison term a second degree felony mandatory prison term. 259902
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(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows: 259907
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(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor. 259912
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(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree. 259915
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(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 259918
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(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether 259923
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to impose a prison term on the offender. 259927

(e) If the amount of the drug involved equals or exceeds five 259928
thousand grams but is less than twenty thousand grams, possession 259929
of marihuana is a felony of the third degree, and there is a 259930
presumption that a prison term shall be imposed for the offense. 259931

(f) If the amount of the drug involved equals or exceeds 259932
twenty thousand grams but is less than forty thousand grams, 259933
possession of marihuana is a felony of the second degree, and the 259934
court shall impose as a mandatory prison term a second degree 259935
felony mandatory prison term of five, six, seven, or eight years. 259936

(g) If the amount of the drug involved equals or exceeds 259937
forty thousand grams, possession of marihuana is a felony of the 259938
second degree, and the court shall impose as a mandatory prison 259939
term a maximum second degree felony mandatory prison term. 259940

(4) If the drug involved in the violation is cocaine or a 259941
compound, mixture, preparation, or substance containing cocaine, 259942
whoever violates division (A) of this section is guilty of 259943
possession of cocaine. The penalty for the offense shall be 259944
determined as follows: 259945

(a) Except as otherwise provided in division (C)(4)(b), (c), 259946
(d), (e), or (f) of this section, possession of cocaine is a 259947
felony of the fifth degree, and division (B) of section 2929.13 of 259948
the Revised Code applies in determining whether to impose a prison 259949
term on the offender. 259950

(b) If the amount of the drug involved equals or exceeds five 259951
grams but is less than ten grams of cocaine, possession of cocaine 259952
is a felony of the fourth degree, and division (B) of section 259953
2929.13 of the Revised Code applies in determining whether to 259954
impose a prison term on the offender. 259955

(c) If the amount of the drug involved equals or exceeds ten 259956
grams but is less than twenty grams of cocaine, possession of 259957

cocaine is a felony of the third degree, and, except as otherwise 259958
provided in this division, there is a presumption for a prison 259959
term for the offense. If possession of cocaine is a felony of the 259960
third degree under this division and if the offender two or more 259961
times previously has been convicted of or pleaded guilty to a 259962
felony drug abuse offense, the court shall impose as a mandatory 259963
prison term one of the prison terms prescribed for a felony of the 259964
third degree. 259965

(d) If the amount of the drug involved equals or exceeds 259966
twenty grams but is less than twenty-seven grams of cocaine, 259967
possession of cocaine is a felony of the second degree, and the 259968
court shall impose as a mandatory prison term a second degree 259969
felony mandatory prison term. 259970

(e) If the amount of the drug involved equals or exceeds 259971
twenty-seven grams but is less than one hundred grams of cocaine, 259972
possession of cocaine is a felony of the first degree, and the 259973
court shall impose as a mandatory prison term a first degree 259974
felony mandatory prison term. 259975

(f) If the amount of the drug involved equals or exceeds one 259976
hundred grams of cocaine, possession of cocaine is a felony of the 259977
first degree, the offender is a major drug offender, and the court 259978
shall impose as a mandatory prison term a maximum first degree 259979
felony mandatory prison term. 259980

(5) If the drug involved in the violation is L.S.D., whoever 259981
violates division (A) of this section is guilty of possession of 259982
L.S.D. The penalty for the offense shall be determined as follows: 259983

(a) Except as otherwise provided in division (C)(5)(b), (c), 259984
(d), (e), or (f) of this section, possession of L.S.D. is a felony 259985
of the fifth degree, and division (B) of section 2929.13 of the 259986
Revised Code applies in determining whether to impose a prison 259987
term on the offender. 259988

(b) If the amount of L.S.D. involved equals or exceeds ten 259989
unit doses but is less than fifty unit doses of L.S.D. in a solid 259990
form or equals or exceeds one gram but is less than five grams of 259991
L.S.D. in a liquid concentrate, liquid extract, or liquid 259992
distillate form, possession of L.S.D. is a felony of the fourth 259993
degree, and division (C) of section 2929.13 of the Revised Code 259994
applies in determining whether to impose a prison term on the 259995
offender. 259996

(c) If the amount of L.S.D. involved equals or exceeds fifty 259997
unit doses, but is less than two hundred fifty unit doses of 259998
L.S.D. in a solid form or equals or exceeds five grams but is less 259999
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 260000
extract, or liquid distillate form, possession of L.S.D. is a 260001
felony of the third degree, and there is a presumption for a 260002
prison term for the offense. 260003

(d) If the amount of L.S.D. involved equals or exceeds two 260004
hundred fifty unit doses but is less than one thousand unit doses 260005
of L.S.D. in a solid form or equals or exceeds twenty-five grams 260006
but is less than one hundred grams of L.S.D. in a liquid 260007
concentrate, liquid extract, or liquid distillate form, possession 260008
of L.S.D. is a felony of the second degree, and the court shall 260009
impose as a mandatory prison term a second degree felony mandatory 260010
prison term. 260011

(e) If the amount of L.S.D. involved equals or exceeds one 260012
thousand unit doses but is less than five thousand unit doses of 260013
L.S.D. in a solid form or equals or exceeds one hundred grams but 260014
is less than five hundred grams of L.S.D. in a liquid concentrate, 260015
liquid extract, or liquid distillate form, possession of L.S.D. is 260016
a felony of the first degree, and the court shall impose as a 260017
mandatory prison term a first degree felony mandatory prison term. 260018

(f) If the amount of L.S.D. involved equals or exceeds five 260019
thousand unit doses of L.S.D. in a solid form or equals or exceeds 260020

five hundred grams of L.S.D. in a liquid concentrate, liquid 260021
extract, or liquid distillate form, possession of L.S.D. is a 260022
felony of the first degree, the offender is a major drug offender, 260023
and the court shall impose as a mandatory prison term a maximum 260024
first degree felony mandatory prison term. 260025

(6) If the drug involved in the violation is heroin or a 260026
compound, mixture, preparation, or substance containing heroin, 260027
whoever violates division (A) of this section is guilty of 260028
possession of heroin. The penalty for the offense shall be 260029
determined as follows: 260030

(a) Except as otherwise provided in division (C)(6)(b), (c), 260031
(d), (e), or (f) of this section, possession of heroin is a felony 260032
of the fifth degree, and division (B) of section 2929.13 of the 260033
Revised Code applies in determining whether to impose a prison 260034
term on the offender. 260035

(b) If the amount of the drug involved equals or exceeds ten 260036
unit doses but is less than fifty unit doses or equals or exceeds 260037
one gram but is less than five grams, possession of heroin is a 260038
felony of the fourth degree, and division (C) of section 2929.13 260039
of the Revised Code applies in determining whether to impose a 260040
prison term on the offender. 260041

(c) If the amount of the drug involved equals or exceeds 260042
fifty unit doses but is less than one hundred unit doses or equals 260043
or exceeds five grams but is less than ten grams, possession of 260044
heroin is a felony of the third degree, and there is a presumption 260045
for a prison term for the offense. 260046

(d) If the amount of the drug involved equals or exceeds one 260047
hundred unit doses but is less than five hundred unit doses or 260048
equals or exceeds ten grams but is less than fifty grams, 260049
possession of heroin is a felony of the second degree, and the 260050
court shall impose as a mandatory prison term a second degree 260051

felony mandatory prison term. 260052

(e) If the amount of the drug involved equals or exceeds five 260053
hundred unit doses but is less than one thousand unit doses or 260054
equals or exceeds fifty grams but is less than one hundred grams, 260055
possession of heroin is a felony of the first degree, and the 260056
court shall impose as a mandatory prison term a first degree 260057
felony mandatory prison term. 260058

(f) If the amount of the drug involved equals or exceeds one 260059
thousand unit doses or equals or exceeds one hundred grams, 260060
possession of heroin is a felony of the first degree, the offender 260061
is a major drug offender, and the court shall impose as a 260062
mandatory prison term a maximum first degree felony mandatory 260063
prison term. 260064

(7) If the drug involved in the violation is hashish or a 260065
compound, mixture, preparation, or substance containing hashish, 260066
whoever violates division (A) of this section is guilty of 260067
possession of hashish. The penalty for the offense shall be 260068
determined as follows: 260069

(a) Except as otherwise provided in division (C)(7)(b), (c), 260070
(d), (e), (f), or (g) of this section, possession of hashish is a 260071
minor misdemeanor. 260072

(b) If the amount of the drug involved equals or exceeds five 260073
grams but is less than ten grams of hashish in a solid form or 260074
equals or exceeds one gram but is less than two grams of hashish 260075
in a liquid concentrate, liquid extract, or liquid distillate 260076
form, possession of hashish is a misdemeanor of the fourth degree. 260077

(c) If the amount of the drug involved equals or exceeds ten 260078
grams but is less than fifty grams of hashish in a solid form or 260079
equals or exceeds two grams but is less than ten grams of hashish 260080
in a liquid concentrate, liquid extract, or liquid distillate 260081
form, possession of hashish is a felony of the fifth degree, and 260082

division (B) of section 2929.13 of the Revised Code applies in 260083
determining whether to impose a prison term on the offender. 260084

(d) If the amount of the drug involved equals or exceeds 260085
fifty grams but is less than two hundred fifty grams of hashish in 260086
a solid form or equals or exceeds ten grams but is less than fifty 260087
grams of hashish in a liquid concentrate, liquid extract, or 260088
liquid distillate form, possession of hashish is a felony of the 260089
third degree, and division (C) of section 2929.13 of the Revised 260090
Code applies in determining whether to impose a prison term on the 260091
offender. 260092

(e) If the amount of the drug involved equals or exceeds two 260093
hundred fifty grams but is less than one thousand grams of hashish 260094
in a solid form or equals or exceeds fifty grams but is less than 260095
two hundred grams of hashish in a liquid concentrate, liquid 260096
extract, or liquid distillate form, possession of hashish is a 260097
felony of the third degree, and there is a presumption that a 260098
prison term shall be imposed for the offense. 260099

(f) If the amount of the drug involved equals or exceeds one 260100
thousand grams but is less than two thousand grams of hashish in a 260101
solid form or equals or exceeds two hundred grams but is less than 260102
four hundred grams of hashish in a liquid concentrate, liquid 260103
extract, or liquid distillate form, possession of hashish is a 260104
felony of the second degree, and the court shall impose as a 260105
mandatory prison term a second degree felony mandatory prison term 260106
of five, six, seven, or eight years. 260107

(g) If the amount of the drug involved equals or exceeds two 260108
thousand grams of hashish in a solid form or equals or exceeds 260109
four hundred grams of hashish in a liquid concentrate, liquid 260110
extract, or liquid distillate form, possession of hashish is a 260111
felony of the second degree, and the court shall impose as a 260112
mandatory prison term a maximum second degree felony mandatory 260113
prison term. 260114

(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(8)(b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, possession of a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, possession of a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams, possession of a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds fifty grams, possession of a controlled substance analog is a felony of the first degree, the offender is a major drug offender,

and the court shall impose as a mandatory prison term a maximum 260146
first degree felony mandatory prison term. 260147

(9) If the drug involved in the violation is a compound, 260148
mixture, preparation, or substance that is a combination of a 260149
fentanyl-related compound and marihuana, one of the following 260150
applies: 260151

(a) Except as otherwise provided in division (C)(9)(b) of 260152
this section, the offender is guilty of possession of marihuana 260153
and shall be punished as provided in division (C)(3) of this 260154
section. Except as otherwise provided in division (C)(9)(b) of 260155
this section, the offender is not guilty of possession of a 260156
fentanyl-related compound under division (C)(11) of this section 260157
and shall not be charged with, convicted of, or punished under 260158
division (C)(11) of this section for possession of a 260159
fentanyl-related compound. 260160

(b) If the offender knows or has reason to know that the 260161
compound, mixture, preparation, or substance that is the drug 260162
involved contains a fentanyl-related compound, the offender is 260163
guilty of possession of a fentanyl-related compound and shall be 260164
punished under division (C)(11) of this section. 260165

(10) If the drug involved in the violation is a compound, 260166
mixture, preparation, or substance that is a combination of a 260167
fentanyl-related compound and any schedule III, schedule IV, or 260168
schedule V controlled substance that is not a fentanyl-related 260169
compound, one of the following applies: 260170

(a) Except as otherwise provided in division (C)(10)(b) of 260171
this section, the offender is guilty of possession of drugs and 260172
shall be punished as provided in division (C)(2) of this section. 260173
Except as otherwise provided in division (C)(10)(b) of this 260174
section, the offender is not guilty of possession of a 260175
fentanyl-related compound under division (C)(11) of this section 260176

and shall not be charged with, convicted of, or punished under 260177
division (C)(11) of this section for possession of a 260178
fentanyl-related compound. 260179

(b) If the offender knows or has reason to know that the 260180
compound, mixture, preparation, or substance that is the drug 260181
involved contains a fentanyl-related compound, the offender is 260182
guilty of possession of a fentanyl-related compound and shall be 260183
punished under division (C)(11) of this section. 260184

(11) If the drug involved in the violation is a 260185
fentanyl-related compound and neither division (C)(9)(a) nor 260186
division (C)(10)(a) of this section applies to the drug involved, 260187
or is a compound, mixture, preparation, or substance that contains 260188
a fentanyl-related compound or is a combination of a 260189
fentanyl-related compound and any other controlled substance and 260190
neither division (C)(9)(a) nor division (C)(10)(a) of this section 260191
applies to the drug involved, whoever violates division (A) of 260192
this section is guilty of possession of a fentanyl-related 260193
compound. The penalty for the offense shall be determined as 260194
follows: 260195

(a) Except as otherwise provided in division (C)(11)(b), (c), 260196
(d), (e), (f), or (g) of this section, possession of a 260197
fentanyl-related compound is a felony of the fifth degree, and 260198
division (B) of section 2929.13 of the Revised Code applies in 260199
determining whether to impose a prison term on the offender. 260200

(b) If the amount of the drug involved equals or exceeds ten 260201
unit doses but is less than fifty unit doses or equals or exceeds 260202
one gram but is less than five grams, possession of a 260203
fentanyl-related compound is a felony of the fourth degree, and 260204
division (C) of section 2929.13 of the Revised Code applies in 260205
determining whether to impose a prison term on the offender. 260206

(c) If the amount of the drug involved equals or exceeds 260207

fifty unit doses but is less than one hundred unit doses or equals 260208
or exceeds five grams but is less than ten grams, possession of a 260209
fentanyl-related compound is a felony of the third degree, and 260210
there is a presumption for a prison term for the offense. 260211

(d) If the amount of the drug involved equals or exceeds one 260212
hundred unit doses but is less than two hundred unit doses or 260213
equals or exceeds ten grams but is less than twenty grams, 260214
possession of a fentanyl-related compound is a felony of the 260215
second degree, and the court shall impose as a mandatory prison 260216
term one of the prison terms prescribed for a felony of the second 260217
degree. 260218

(e) If the amount of the drug involved equals or exceeds two 260219
hundred unit doses but is less than five hundred unit doses or 260220
equals or exceeds twenty grams but is less than fifty grams, 260221
possession of a fentanyl-related compound is a felony of the first 260222
degree, and the court shall impose as a mandatory prison term one 260223
of the prison terms prescribed for a felony of the first degree. 260224

(f) If the amount of the drug involved equals or exceeds five 260225
hundred unit doses but is less than one thousand unit doses or 260226
equals or exceeds fifty grams but is less than one hundred grams, 260227
possession of a fentanyl-related compound is a felony of the first 260228
degree, and the court shall impose as a mandatory prison term the 260229
maximum prison term prescribed for a felony of the first degree. 260230

(g) If the amount of the drug involved equals or exceeds one 260231
thousand unit doses or equals or exceeds one hundred grams, 260232
possession of a fentanyl-related compound is a felony of the first 260233
degree, the offender is a major drug offender, and the court shall 260234
impose as a mandatory prison term the maximum prison term 260235
prescribed for a felony of the first degree. 260236

(D) Arrest or conviction for a minor misdemeanor violation of 260237
this section does not constitute a criminal record and need not be 260238

reported by the person so arrested or convicted in response to any 260239
inquiries about the person's criminal record, including any 260240
inquiries contained in any application for employment, license, or 260241
other right or privilege, or made in connection with the person's 260242
appearance as a witness. 260243

(E) In addition to any prison term or jail term authorized or 260244
required by division (C) of this section and sections 2929.13, 260245
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 260246
addition to any other sanction that is imposed for the offense 260247
under this section, sections 2929.11 to 2929.18, or sections 260248
2929.21 to 2929.28 of the Revised Code, the court that sentences 260249
an offender who is convicted of or pleads guilty to a violation of 260250
division (A) of this section may suspend the offender's driver's 260251
or commercial driver's license or permit for not more than five 260252
years. However, if the offender pleaded guilty to or was convicted 260253
of a violation of section 4511.19 of the Revised Code or a 260254
substantially similar municipal ordinance or the law of another 260255
state or the United States arising out of the same set of 260256
circumstances as the violation, the court shall suspend the 260257
offender's driver's or commercial driver's license or permit for 260258
not more than five years. If applicable, the court also shall do 260259
the following: 260260

(1)(a) If the violation is a felony of the first, second, or 260261
third degree, the court shall impose upon the offender the 260262
mandatory fine specified for the offense under division (B)(1) of 260263
section 2929.18 of the Revised Code unless, as specified in that 260264
division, the court determines that the offender is indigent. 260265

(b) Notwithstanding any contrary provision of section 3719.21 260266
of the Revised Code, the clerk of the court shall pay a mandatory 260267
fine or other fine imposed for a violation of this section 260268
pursuant to division (A) of section 2929.18 of the Revised Code in 260269
accordance with and subject to the requirements of division (F) of 260270

section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.

(c) If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail pursuant to division (E)(1)(b) of this section as if it were a mandatory fine imposed under division (E)(1)(a) of this section.

(2) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

(F) It is an affirmative defense, as provided in section 2901.05 of the Revised Code, to a charge of a fourth degree felony violation under this section that the controlled substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C)(2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C)(2) of this section or a fifth degree felony violation of division (C)(4), (5), or (6) of this section respectively.

(G) When a person is charged with possessing a bulk amount or multiple of a bulk amount, division (E) of section 2925.03 of the

Revised Code applies regarding the determination of the amount of 260303
the controlled substance involved at the time of the offense. 260304

(H) It is an affirmative defense to a charge of possession of 260305
a controlled substance analog under division (C)(8) of this 260306
section that the person charged with violating that offense 260307
obtained, possessed, or used one of the following items that are 260308
excluded from the meaning of "controlled substance analog" under 260309
section 3719.01 of the Revised Code: 260310

(1) A controlled substance; 260311

(2) Any substance for which there is an approved new drug 260312
application; 260313

(3) With respect to a particular person, any substance if an 260314
exemption is in effect for investigational use for that person 260315
pursuant to federal law to the extent that conduct with respect to 260316
that substance is pursuant to that exemption. 260317

(I) Any offender who received a mandatory suspension of the 260318
offender's driver's or commercial driver's license or permit under 260319
this section prior to September 13, 2016, may file a motion with 260320
the sentencing court requesting the termination of the suspension. 260321
However, an offender who pleaded guilty to or was convicted of a 260322
violation of section 4511.19 of the Revised Code or a 260323
substantially similar municipal ordinance or law of another state 260324
or the United States that arose out of the same set of 260325
circumstances as the violation for which the offender's license or 260326
permit was suspended under this section shall not file such a 260327
motion. 260328

Upon the filing of a motion under division (I) of this 260329
section, the sentencing court, in its discretion, may terminate 260330
the suspension. 260331

Sec. 2925.12. (A) No person shall knowingly make, obtain, 260332

possess, or use any instrument, article, or thing the customary 260333
and primary purpose of which is for the administration or use of a 260334
dangerous drug, other than marihuana, when the instrument involved 260335
is a hypodermic or syringe, whether or not of crude or 260336
extemporized manufacture or assembly, and the instrument, article, 260337
or thing involved has been used by the offender to unlawfully 260338
administer or use a dangerous drug, other than marihuana, or to 260339
prepare a dangerous drug, other than marihuana, for unlawful 260340
administration or use. 260341

(B)(1) This section does not apply to manufacturers, licensed 260342
health professionals authorized to prescribe drugs, pharmacists, 260343
owners of pharmacies, and other persons whose conduct was in 260344
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 260345
~~and~~ 4741., and 4772. of the Revised Code. 260346

(2) Division (B)(2) of section 2925.11 of the Revised Code 260347
applies with respect to a violation of this section when a person 260348
seeks or obtains medical assistance for another person who is 260349
experiencing a drug overdose, a person experiences a drug overdose 260350
and seeks medical assistance for that overdose, or a person is the 260351
subject of another person seeking or obtaining medical assistance 260352
for that overdose. 260353

(C) Whoever violates this section is guilty of possessing 260354
drug abuse instruments, a misdemeanor of the second degree. If the 260355
offender previously has been convicted of a drug abuse offense, a 260356
violation of this section is a misdemeanor of the first degree. 260357

(D)(1) In addition to any other sanction imposed upon an 260358
offender for a violation of this section, the court may suspend 260359
for not more than five years the offender's driver's or commercial 260360
driver's license or permit. However, if the offender pleaded 260361
guilty to or was convicted of a violation of section 4511.19 of 260362
the Revised Code or a substantially similar municipal ordinance or 260363

the law of another state or the United States arising out of the 260364
same set of circumstances as the violation, the court shall 260365
suspend the offender's driver's or commercial driver's license or 260366
permit for not more than five years. If the offender is a 260367
professionally licensed person, in addition to any other sanction 260368
imposed for a violation of this section, the court immediately 260369
shall comply with section 2925.38 of the Revised Code. 260370

(2) Any offender who received a mandatory suspension of the 260371
offender's driver's or commercial driver's license or permit under 260372
this section prior to September 13, 2016, may file a motion with 260373
the sentencing court requesting the termination of the suspension. 260374
However, an offender who pleaded guilty to or was convicted of a 260375
violation of section 4511.19 of the Revised Code or a 260376
substantially similar municipal ordinance or law of another state 260377
or the United States that arose out of the same set of 260378
circumstances as the violation for which the offender's license or 260379
permit was suspended under this section shall not file such a 260380
motion. 260381

Upon the filing of a motion under division (D)(2) of this 260382
section, the sentencing court, in its discretion, may terminate 260383
the suspension. 260384

Sec. 2925.14. (A) As used in this section, "drug 260385
paraphernalia" means any equipment, product, or material of any 260386
kind that is used by the offender, intended by the offender for 260387
use, or designed for use, in propagating, cultivating, growing, 260388
harvesting, manufacturing, compounding, converting, producing, 260389
processing, preparing, testing, analyzing, packaging, repackaging, 260390
storing, containing, concealing, injecting, ingesting, inhaling, 260391
or otherwise introducing into the human body, a controlled 260392
substance in violation of this chapter. "Drug paraphernalia" 260393
includes, but is not limited to, any of the following equipment, 260394

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| products, or materials that are used by the offender, intended by | 260395 |
| the offender for use, or designed by the offender for use, in any | 260396 |
| of the following manners: | 260397 |
| (1) A kit for propagating, cultivating, growing, or | 260398 |
| harvesting any species of a plant that is a controlled substance | 260399 |
| or from which a controlled substance can be derived; | 260400 |
| (2) A kit for manufacturing, compounding, converting, | 260401 |
| producing, processing, or preparing a controlled substance; | 260402 |
| (3) Any object, instrument, or device for manufacturing, | 260403 |
| compounding, converting, producing, processing, or preparing | 260404 |
| methamphetamine; | 260405 |
| (4) An isomerization device for increasing the potency of any | 260406 |
| species of a plant that is a controlled substance; | 260407 |
| (5) Testing equipment for identifying, or analyzing the | 260408 |
| strength, effectiveness, or purity of, a controlled substance, | 260409 |
| except for those exempted in division (D)(4) of this section; | 260410 |
| (6) A scale or balance for weighing or measuring a controlled | 260411 |
| substance; | 260412 |
| (7) A diluent or adulterant, such as quinine hydrochloride, | 260413 |
| mannitol, mannite, dextrose, or lactose, for cutting a controlled | 260414 |
| substance; | 260415 |
| (8) A separation gin or sifter for removing twigs and seeds | 260416 |
| from, or otherwise cleaning or refining, marihuana; | 260417 |
| (9) A blender, bowl, container, spoon, or mixing device for | 260418 |
| compounding a controlled substance; | 260419 |
| (10) A capsule, balloon, envelope, or container for packaging | 260420 |
| small quantities of a controlled substance; | 260421 |
| (11) A container or device for storing or concealing a | 260422 |
| controlled substance; | 260423 |

(12) A hypodermic syringe, needle, or instrument for 260424
parenterally injecting a controlled substance into the human body; 260425

(13) An object, instrument, or device for ingesting, 260426
inhaling, or otherwise introducing into the human body, marihuana, 260427
cocaine, hashish, or hashish oil, such as a metal, wooden, 260428
acrylic, glass, stone, plastic, or ceramic pipe, with or without a 260429
screen, permanent screen, hashish head, or punctured metal bowl; 260430
water pipe; carburetion tube or device; smoking or carburetion 260431
mask; roach clip or similar object used to hold burning material, 260432
such as a marihuana cigarette, that has become too small or too 260433
short to be held in the hand; miniature cocaine spoon, or cocaine 260434
vial; chamber pipe; carburetor pipe; electric pipe; air driver 260435
pipe; chillum; bong; or ice pipe or chiller. 260436

(B) In determining if any equipment, product, or material is 260437
drug paraphernalia, a court or law enforcement officer shall 260438
consider, in addition to other relevant factors, the following: 260439

(1) Any statement by the owner, or by anyone in control, of 260440
the equipment, product, or material, concerning its use; 260441

(2) The proximity in time or space of the equipment, product, 260442
or material, or of the act relating to the equipment, product, or 260443
material, to a violation of any provision of this chapter; 260444

(3) The proximity of the equipment, product, or material to 260445
any controlled substance; 260446

(4) The existence of any residue of a controlled substance on 260447
the equipment, product, or material; 260448

(5) Direct or circumstantial evidence of the intent of the 260449
owner, or of anyone in control, of the equipment, product, or 260450
material, to deliver it to any person whom the owner or person in 260451
control of the equipment, product, or material knows intends to 260452
use the object to facilitate a violation of any provision of this 260453
chapter. A finding that the owner, or anyone in control, of the 260454

equipment, product, or material, is not guilty of a violation of 260455
any other provision of this chapter does not prevent a finding 260456
that the equipment, product, or material was intended or designed 260457
by the offender for use as drug paraphernalia. 260458

(6) Any oral or written instruction provided with the 260459
equipment, product, or material concerning its use; 260460

(7) Any descriptive material accompanying the equipment, 260461
product, or material and explaining or depicting its use; 260462

(8) National or local advertising concerning the use of the 260463
equipment, product, or material; 260464

(9) The manner and circumstances in which the equipment, 260465
product, or material is displayed for sale; 260466

(10) Direct or circumstantial evidence of the ratio of the 260467
sales of the equipment, product, or material to the total sales of 260468
the business enterprise; 260469

(11) The existence and scope of legitimate uses of the 260470
equipment, product, or material in the community; 260471

(12) Expert testimony concerning the use of the equipment, 260472
product, or material. 260473

(C)(1) Subject to divisions (D)(2), (3), and (4) of this 260474
section, no person shall knowingly use, or possess with purpose to 260475
use, drug paraphernalia. 260476

(2) No person shall knowingly sell, or possess or manufacture 260477
with purpose to sell, drug paraphernalia, if the person knows or 260478
reasonably should know that the equipment, product, or material 260479
will be used as drug paraphernalia. 260480

(3) No person shall place an advertisement in any newspaper, 260481
magazine, handbill, or other publication that is published and 260482
printed and circulates primarily within this state, if the person 260483
knows that the purpose of the advertisement is to promote the 260484

illegal sale in this state of the equipment, product, or material 260485
that the offender intended or designed for use as drug 260486
paraphernalia. 260487

(D)(1) This section does not apply to manufacturers, licensed 260488
health professionals authorized to prescribe drugs, pharmacists, 260489
owners of pharmacies, and other persons whose conduct is in 260490
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 260491
~~and~~ 4741., and 4772. of the Revised Code. This section shall not 260492
be construed to prohibit the possession or use of a hypodermic as 260493
authorized by section 3719.172 of the Revised Code. 260494

(2) Division (C)(1) of this section does not apply to a 260495
person's use, or possession with purpose to use, any drug 260496
paraphernalia that is equipment, a product, or material of any 260497
kind that is used by the person, intended by the person for use, 260498
or designed for use in storing, containing, concealing, injecting, 260499
ingesting, inhaling, or otherwise introducing into the human body 260500
marihuana. 260501

(3) Division (B)(2) of section 2925.11 of the Revised Code 260502
applies with respect to a violation of division (C)(1) of this 260503
section when a person seeks or obtains medical assistance for 260504
another person who is experiencing a drug overdose, a person 260505
experiences a drug overdose and seeks medical assistance for that 260506
overdose, or a person is the subject of another person seeking or 260507
obtaining medical assistance for that overdose. 260508

(4) Division (C)(1) of this section does not apply to a 260509
person's use, or possession with purpose to use, any drug testing 260510
strips to determine the presence of fentanyl or a fentanyl-related 260511
compound. 260512

(E) Notwithstanding Chapter 2981. of the Revised Code, any 260513
drug paraphernalia that was used, possessed, sold, or manufactured 260514
in a violation of this section shall be seized, after a conviction 260515

for that violation shall be forfeited, and upon forfeiture shall 260516
be disposed of pursuant to division (B) of section 2981.12 of the 260517
Revised Code. 260518

(F)(1) Whoever violates division (C)(1) of this section is 260519
guilty of illegal use or possession of drug paraphernalia, a 260520
misdemeanor of the fourth degree. 260521

(2) Except as provided in division (F)(3) of this section, 260522
whoever violates division (C)(2) of this section is guilty of 260523
dealing in drug paraphernalia, a misdemeanor of the second degree. 260524

(3) Whoever violates division (C)(2) of this section by 260525
selling drug paraphernalia to a juvenile is guilty of selling drug 260526
paraphernalia to juveniles, a misdemeanor of the first degree. 260527

(4) Whoever violates division (C)(3) of this section is 260528
guilty of illegal advertising of drug paraphernalia, a misdemeanor 260529
of the second degree. 260530

(G)(1) In addition to any other sanction imposed upon an 260531
offender for a violation of this section, the court may suspend 260532
for not more than five years the offender's driver's or commercial 260533
driver's license or permit. However, if the offender pleaded 260534
guilty to or was convicted of a violation of section 4511.19 of 260535
the Revised Code or a substantially similar municipal ordinance or 260536
the law of another state or the United States arising out of the 260537
same set of circumstances as the violation, the court shall 260538
suspend the offender's driver's or commercial driver's license or 260539
permit for not more than five years. If the offender is a 260540
professionally licensed person, in addition to any other sanction 260541
imposed for a violation of this section, the court immediately 260542
shall comply with section 2925.38 of the Revised Code. 260543

(2) Any offender who received a mandatory suspension of the 260544
offender's driver's or commercial driver's license or permit under 260545
this section prior to September 13, 2016, may file a motion with 260546

the sentencing court requesting the termination of the suspension. 260547
However, an offender who pleaded guilty to or was convicted of a 260548
violation of section 4511.19 of the Revised Code or a 260549
substantially similar municipal ordinance or law of another state 260550
or the United States that arose out of the same set of 260551
circumstances as the violation for which the offender's license or 260552
permit was suspended under this section shall not file such a 260553
motion. 260554

Upon the filing of a motion under division (G)(2) of this 260555
section, the sentencing court, in its discretion, may terminate 260556
the suspension. 260557

Sec. 2925.23. (A) No person shall knowingly make a false 260558
statement in any prescription, order, report, or record required 260559
by Chapter 3719. or 4729. of the Revised Code. 260560

(B) No person shall intentionally make, utter, or sell, or 260561
knowingly possess any of the following that is a false or forged: 260562

(1) Prescription; 260563

(2) Uncompleted preprinted prescription blank used for 260564
writing a prescription; 260565

(3) Official written order; 260566

(4) License for a terminal distributor of dangerous drugs, as 260567
defined in section 4729.01 of the Revised Code; 260568

(5) License for a manufacturer of dangerous drugs, 260569
outsourcing facility, third-party logistics provider, repackager 260570
of dangerous drugs, or wholesale distributor of dangerous drugs, 260571
as defined in section 4729.01 of the Revised Code. 260572

(C) No person, by theft as defined in section 2913.02 of the 260573
Revised Code, shall acquire any of the following: 260574

(1) A prescription; 260575

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| (2) An uncompleted preprinted prescription blank used for writing a prescription; | 260576
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| (3) An official written order; | 260578 |
| (4) A blank official written order; | 260579 |
| (5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code; | 260580
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| (6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code. | 260583
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| (D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs. | 260588
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260590 |
| (E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. , <u>and 4772.</u> of the Revised Code. | 260591
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| (F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B)(1) or (3), division (C)(1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows: | 260596
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| (1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of | 260604
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marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(G)(1) In addition to any prison term authorized or required by division (F) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to any violation of divisions (A) to (D) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.

If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with

the sentencing court requesting the termination of the suspension. 260638
However, an offender who pleaded guilty to or was convicted of a 260639
violation of section 4511.19 of the Revised Code or a 260640
substantially similar municipal ordinance or law of another state 260641
or the United States that arose out of the same set of 260642
circumstances as the violation for which the offender's license or 260643
permit was suspended under this section shall not file such a 260644
motion. 260645

Upon the filing of a motion under division (G)(2) of this 260646
section, the sentencing court, in its discretion, may terminate 260647
the suspension. 260648

(H) Notwithstanding any contrary provision of section 3719.21 260649
of the Revised Code, the clerk of court shall pay a fine imposed 260650
for a violation of this section pursuant to division (A) of 260651
section 2929.18 of the Revised Code in accordance with and subject 260652
to the requirements of division (F) of section 2925.03 of the 260653
Revised Code. The agency that receives the fine shall use the fine 260654
as specified in division (F) of section 2925.03 of the Revised 260655
Code. 260656

Sec. 2925.36. (A) No person shall knowingly furnish another a 260657
sample drug. 260658

(B) Division (A) of this section does not apply to 260659
manufacturers, wholesalers, pharmacists, owners of pharmacies, 260660
licensed health professionals authorized to prescribe drugs, and 260661
other persons whose conduct is in accordance with Chapters 3719., 260662
4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~ and 4772. of 260663
the Revised Code. 260664

(C)(1) Whoever violates this section is guilty of illegal 260665
dispensing of drug samples. 260666

(2) If the drug involved in the offense is a compound, 260667

mixture, preparation, or substance included in schedule I or II, 260668
with the exception of marihuana, the penalty for the offense shall 260669
be determined as follows: 260670

(a) Except as otherwise provided in division (C)(2)(b) of 260671
this section, illegal dispensing of drug samples is a felony of 260672
the fifth degree, and, subject to division (E) of this section, 260673
division (C) of section 2929.13 of the Revised Code applies in 260674
determining whether to impose a prison term on the offender. 260675

(b) If the offense was committed in the vicinity of a school 260676
or in the vicinity of a juvenile, illegal dispensing of drug 260677
samples is a felony of the fourth degree, and, subject to division 260678
(E) of this section, division (C) of section 2929.13 of the 260679
Revised Code applies in determining whether to impose a prison 260680
term on the offender. 260681

(3) If the drug involved in the offense is a dangerous drug 260682
or a compound, mixture, preparation, or substance included in 260683
schedule III, IV, or V, or is marihuana, the penalty for the 260684
offense shall be determined as follows: 260685

(a) Except as otherwise provided in division (C)(3)(b) of 260686
this section, illegal dispensing of drug samples is a misdemeanor 260687
of the second degree. 260688

(b) If the offense was committed in the vicinity of a school 260689
or in the vicinity of a juvenile, illegal dispensing of drug 260690
samples is a misdemeanor of the first degree. 260691

(D)(1) In addition to any prison term authorized or required 260692
by division (C) or (E) of this section and sections 2929.13 and 260693
2929.14 of the Revised Code and in addition to any other sanction 260694
imposed for the offense under this section or sections 2929.11 to 260695
2929.18 of the Revised Code, the court that sentences an offender 260696
who is convicted of or pleads guilty to a violation of division 260697
(A) of this section may suspend for not more than five years the 260698

offender's driver's or commercial driver's license or permit. 260699
However, if the offender pleaded guilty to or was convicted of a 260700
violation of section 4511.19 of the Revised Code or a 260701
substantially similar municipal ordinance or the law of another 260702
state or the United States arising out of the same set of 260703
circumstances as the violation, the court shall suspend the 260704
offender's driver's or commercial driver's license or permit for 260705
not more than five years. 260706

If the offender is a professionally licensed person, in 260707
addition to any other sanction imposed for a violation of this 260708
section, the court immediately shall comply with section 2925.38 260709
of the Revised Code. 260710

(2) Any offender who received a mandatory suspension of the 260711
offender's driver's or commercial driver's license or permit under 260712
this section prior to September 13, 2016, may file a motion with 260713
the sentencing court requesting the termination of the suspension. 260714
However, an offender who pleaded guilty to or was convicted of a 260715
violation of section 4511.19 of the Revised Code or a 260716
substantially similar municipal ordinance or law of another state 260717
or the United States that arose out of the same set of 260718
circumstances as the violation for which the offender's license or 260719
permit was suspended under this section shall not file such a 260720
motion. 260721

Upon the filing of a motion under division (D)(2) of this 260722
section, the sentencing court, in its discretion, may terminate 260723
the suspension. 260724

(E) Notwithstanding the prison term authorized or required by 260725
division (C) of this section and sections 2929.13 and 2929.14 of 260726
the Revised Code, if the violation of division (A) of this section 260727
involves the sale, offer to sell, or possession of a schedule I or 260728
II controlled substance, with the exception of marihuana, and if 260729
the court imposing sentence upon the offender finds that the 260730

offender as a result of the violation is a major drug offender and 260731
is guilty of a specification of the type described in division (A) 260732
of section 2941.1410 of the Revised Code, the court, in lieu of 260733
the prison term otherwise authorized or required, shall impose 260734
upon the offender the mandatory prison term specified in division 260735
(B)(3)(a) of section 2929.14 of the Revised Code. 260736

(F) Notwithstanding any contrary provision of section 3719.21 260737
of the Revised Code, the clerk of the court shall pay a fine 260738
imposed for a violation of this section pursuant to division (A) 260739
of section 2929.18 of the Revised Code in accordance with and 260740
subject to the requirements of division (F) of section 2925.03 of 260741
the Revised Code. The agency that receives the fine shall use the 260742
fine as specified in division (F) of section 2925.03 of the 260743
Revised Code. 260744

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 of 260745
the Revised Code: 260746

(1) "Consumer product" means any food or drink that is 260747
consumed or used by humans and any drug, including a drug that may 260748
be provided legally only pursuant to a prescription, that is 260749
intended to be consumed or used by humans. 260750

(2) "Terminal distributor of dangerous drugs" has the same 260751
meaning as in section 4729.01 of the Revised Code. 260752

(3) "Pseudoephedrine" means any material, compound, mixture, 260753
or preparation that contains any quantity of pseudoephedrine, any 260754
of its salts, optical isomers, or salts of optical isomers. 260755

(4) "Pseudoephedrine product" means a consumer product that 260756
contains pseudoephedrine. 260757

(5) "Retailer" means a place of business that offers consumer 260758
products for sale to the general public. 260759

(6) "Single-ingredient preparation" means a compound, 260760

mixture, preparation, or substance that contains a single active ingredient. 260761
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(7) "Ephedrine" means any material, compound, mixture, or preparation that contains any quantity of ephedrine, any of its salts, optical isomers, or salts of optical isomers. 260763
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(8) "Ephedrine product" means a consumer product that contains ephedrine. 260766
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(B)(1) No individual shall knowingly purchase, receive, or otherwise acquire an amount of pseudoephedrine product or ephedrine product that is greater than either of the following unless the pseudoephedrine product or ephedrine product is dispensed by a pharmacist pursuant to a valid prescription issued by a licensed health professional authorized to prescribe drugs and the conduct of the pharmacist and the licensed health professional authorized to prescribe drugs is in accordance with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 4772. of the Revised Code: 260768
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(a) Three and six tenths grams within a period of a single day; 260778
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(b) Nine grams within a period of thirty consecutive days. 260780

The limits specified in divisions (B)(1)(a) and (b) of this section apply to the total amount of base pseudoephedrine or base ephedrine in the pseudoephedrine product or ephedrine product, respectively. The limits do not apply to the product's overall weight. 260781
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(2) It is not a violation of division (B)(1) of this section for an individual to receive or accept more than an amount of pseudoephedrine product or ephedrine product specified in division (B)(1)(a) or (b) of this section if the individual is an employee of a retailer or terminal distributor of dangerous drugs, and the employee receives or accepts from the retailer or terminal 260786
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distributor of dangerous drugs the pseudoephedrine product or 260792
ephedrine product in a sealed container in connection with 260793
manufacturing, warehousing, placement, stocking, bagging, loading, 260794
or unloading of the product. 260795

(C)(1) No individual under eighteen years of age shall 260796
knowingly purchase, receive, or otherwise acquire a 260797
pseudoephedrine product or ephedrine product unless the 260798
pseudoephedrine product or ephedrine product is dispensed by a 260799
pharmacist pursuant to a valid prescription issued by a licensed 260800
health professional authorized to prescribe drugs and the conduct 260801
of the pharmacist and the licensed health professional authorized 260802
to prescribe drugs is in accordance with Chapter 3719., 4715., 260803
4723., 4729., 4730., 4731., ~~or 4741.~~ or 4772. of the Revised 260804
Code. 260805

(2) Division (C)(1) of this section does not apply to an 260806
individual under eighteen years of age who purchases, receives, or 260807
otherwise acquires a pseudoephedrine product or ephedrine product 260808
from any of the following: 260809

(a) A licensed health professional authorized to prescribe 260810
drugs or pharmacist who dispenses, sells, or otherwise provides 260811
the pseudoephedrine product or ephedrine product to that 260812
individual and whose conduct is in accordance with Chapter 3719., 260813
4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ or 4772. of the 260814
Revised Code; 260815

(b) A parent or guardian of that individual who provides the 260816
pseudoephedrine product or ephedrine product to the individual; 260817

(c) A person, as authorized by that individual's parent or 260818
guardian, who dispenses, sells, or otherwise provides the 260819
pseudoephedrine product or ephedrine product to the individual; 260820

(d) A retailer or terminal distributor of dangerous drugs who 260821
provides the pseudoephedrine product or ephedrine product to that 260822

individual if the individual is an employee of the retailer or 260823
terminal distributor of dangerous drugs and the individual 260824
receives or accepts from the retailer or terminal distributor of 260825
dangerous drugs the pseudoephedrine product or ephedrine product 260826
in a sealed container in connection with manufacturing, 260827
warehousing, placement, stocking, bagging, loading, or unloading 260828
of the product. 260829

(D) No individual under eighteen years of age shall knowingly 260830
show or give false information concerning the individual's name, 260831
age, or other identification for the purpose of purchasing, 260832
receiving, or otherwise acquiring a pseudoephedrine product or 260833
ephedrine product. 260834

(E) No individual shall knowingly fail to comply with the 260835
requirements of division (B) of section 3715.051 of the Revised 260836
Code. 260837

(F) Whoever violates division (B)(1) of this section is 260838
guilty of unlawful purchase of a pseudoephedrine product or 260839
ephedrine product, a misdemeanor of the first degree. 260840

(G) Whoever violates division (C)(1) of this section is 260841
guilty of underage purchase of a pseudoephedrine product or 260842
ephedrine product, a delinquent act that would be a misdemeanor of 260843
the fourth degree if it could be committed by an adult. 260844

(H) Whoever violates division (D) of this section is guilty 260845
of using false information to purchase a pseudoephedrine product 260846
or ephedrine product, a delinquent act that would be a misdemeanor 260847
of the first degree if it could be committed by an adult. 260848

(I) Whoever violates division (E) of this section is guilty 260849
of improper purchase of a pseudoephedrine product or ephedrine 260850
product, a misdemeanor of the fourth degree. 260851

Sec. 2925.56. (A)(1) Except as provided in division (A)(2) of 260852

this section, no retailer or terminal distributor of dangerous 260853
drugs or an employee of a retailer or terminal distributor of 260854
dangerous drugs shall knowingly sell, offer to sell, hold for 260855
sale, deliver, or otherwise provide to any individual an amount of 260856
pseudoephedrine product or ephedrine product that is greater than 260857
either of the following: 260858

(a) Three and ~~sixtenths~~ six-tenths grams within a period of a 260859
single day; 260860

(b) Nine grams within a period of thirty consecutive days. 260861

The maximum amounts specified in divisions (A)(1)(a) and (b) 260862
of this section apply to the total amount of base pseudoephedrine 260863
or base ephedrine in the pseudoephedrine product or ephedrine 260864
product, respectively. The maximum amounts do not apply to the 260865
product's overall weight. 260866

(2)(a) Division (A)(1) of this section does not apply to any 260867
quantity of pseudoephedrine product or ephedrine product dispensed 260868
by a pharmacist pursuant to a valid prescription issued by a 260869
licensed health professional authorized to prescribe drugs if the 260870
conduct of the pharmacist and the licensed health professional 260871
authorized to prescribe drugs is in accordance with Chapter 3719., 260872
4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ or 4772. of the 260873
Revised Code. 260874

(b) It is not a violation of division (A)(1) of this section 260875
for a retailer, terminal distributor of dangerous drugs, or 260876
employee of either to provide to an individual more than an amount 260877
of pseudoephedrine product or ephedrine product specified in 260878
division (A)(1)(a) or (b) of this section under either of the 260879
following circumstances: 260880

(i) The individual is an employee of the retailer or terminal 260881
distributor of dangerous drugs, and the employee receives or 260882
accepts from the retailer, terminal distributor of dangerous 260883

drugs, or employee the pseudoephedrine product or ephedrine 260884
product in a sealed container in connection with manufacturing, 260885
warehousing, placement, stocking, bagging, loading, or unloading 260886
of the product; 260887

(ii) A stop-sale alert is generated after the submission of 260888
information to the national precursor log exchange under the 260889
conditions described in division (A)(2) of section 3715.052 of the 260890
Revised Code. 260891

(B)(1) Except as provided in division (B)(2) of this section, 260892
no retailer or terminal distributor of dangerous drugs or an 260893
employee of a retailer or terminal distributor of dangerous drugs 260894
shall sell, offer to sell, hold for sale, deliver, or otherwise 260895
provide a pseudoephedrine product or ephedrine product to an 260896
individual who is under eighteen years of age. 260897

(2) Division (B)(1) of this section does not apply to any of 260898
the following: 260899

(a) A licensed health professional authorized to prescribe 260900
drugs or pharmacist who dispenses, sells, or otherwise provides a 260901
pseudoephedrine product or ephedrine product to an individual 260902
under eighteen years of age and whose conduct is in accordance 260903
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 260904
or 4772. of the Revised Code; 260905

(b) A parent or guardian of an individual under eighteen 260906
years of age who provides a pseudoephedrine product or ephedrine 260907
product to the individual; 260908

(c) A person who, as authorized by the individual's parent or 260909
guardian, dispenses, sells, or otherwise provides a 260910
pseudoephedrine product or ephedrine product to an individual 260911
under eighteen years of age; 260912

(d) The provision by a retailer, terminal distributor of 260913
dangerous drugs, or employee of either of a pseudoephedrine 260914

product or ephedrine product in a sealed container to an employee 260915
of the retailer or terminal distributor of dangerous drugs who is 260916
under eighteen years of age in connection with manufacturing, 260917
warehousing, placement, stocking, bagging, loading, or unloading 260918
of the product. 260919

(C) No retailer or terminal distributor of dangerous drugs 260920
shall fail to comply with the requirements of division (A) of 260921
section 3715.051 or division (A)(2) of section 3715.052 of the 260922
Revised Code. 260923

(D) No retailer or terminal distributor of dangerous drugs 260924
shall fail to comply with the requirements of division (A)(1) of 260925
section 3715.052 of the Revised Code. 260926

(E) Whoever violates division (A)(1) of this section is 260927
guilty of unlawfully selling a pseudoephedrine product or 260928
ephedrine product, a misdemeanor of the first degree. 260929

(F) Whoever violates division (B)(1) of this section is 260930
guilty of unlawfully selling a pseudoephedrine product or 260931
ephedrine product to a minor, a misdemeanor of the fourth degree. 260932

(G) Whoever violates division (C) of this section is guilty 260933
of improper sale of a pseudoephedrine product or ephedrine 260934
product, a misdemeanor of the second degree. 260935

(H) Whoever violates division (D) of this section is guilty 260936
of failing to submit information to the national precursor log 260937
exchange, a misdemeanor for which the offender shall be fined not 260938
more than one thousand dollars per violation. 260939

Sec. 2929.42. (A) The prosecutor in any case against any 260940
person licensed, certified, registered, or otherwise authorized to 260941
practice under Chapter 3719., 4715., 4723., 4729., 4730., 4731., 260942
4734., ~~or 4741.~~ or 4772. of the Revised Code shall notify the 260943
appropriate licensing board, on forms provided by the board, of 260944

any of the following regarding the person: 260945

(1) A plea of guilty to, or a conviction of, a felony, or a 260946
court order dismissing a felony charge on technical or procedural 260947
grounds; 260948

(2) A plea of guilty to, or a conviction of, a misdemeanor 260949
committed in the course of practice or in the course of business, 260950
or a court order dismissing such a misdemeanor charge on technical 260951
or procedural grounds; 260952

(3) A plea of guilty to, or a conviction of, a misdemeanor 260953
involving moral turpitude, or a court order dismissing such a 260954
charge on technical or procedural grounds. 260955

(B) The report required by division (A) of this section shall 260956
include the name and address of the person, the nature of the 260957
offense, and certified copies of court entries in the action. 260958

Sec. 3701.048. (A) As used in this section: 260959

(1) "Board of health" means the board of health of a city or 260960
general health district or the authority having the duties of a 260961
board of health under section 3709.05 of the Revised Code. 260962

(2) "Controlled substance" has the same meaning as in section 260963
3719.01 of the Revised Code. 260964

(3) "Drug," "dangerous drug," and "licensed health 260965
professional authorized to prescribe drugs" have the same meanings 260966
as in section 4729.01 of the Revised Code. 260967

(4) "Registered volunteer" has the same meaning as in section 260968
5502.281 of the Revised Code. 260969

(B) In consultation with the appropriate professional 260970
regulatory boards of this state, the director of health shall 260971
develop one or more protocols that authorize the following 260972
individuals to administer, deliver, or distribute drugs, other 260973

than schedule II and III controlled substances, during a period of 260974
time described in division (E) of this section, notwithstanding 260975
any statute or rule that otherwise prohibits or restricts the 260976
administration, delivery, or distribution of drugs by those 260977
individuals: 260978

(1) A physician authorized under Chapter 4731. of the Revised 260979
Code to practice medicine and surgery, osteopathic medicine and 260980
surgery, or podiatric medicine and surgery; 260981

(2) A physician assistant licensed under Chapter 4730. of the 260982
Revised Code; 260983

(3) A dentist or dental hygienist licensed under Chapter 260984
4715. of the Revised Code; 260985

(4) A registered nurse licensed under Chapter 4723. of the 260986
Revised Code, including an advanced practice registered nurse, as 260987
defined in section 4723.01 of the Revised Code; 260988

(5) A licensed practical nurse licensed under Chapter 4723. 260989
of the Revised Code; 260990

(6) An optometrist licensed under Chapter 4725. of the 260991
Revised Code; 260992

(7) A pharmacist or pharmacy intern licensed under Chapter 260993
4729. of the Revised Code; 260994

(8) A respiratory care professional licensed under Chapter 260995
4761. of the Revised Code; 260996

(9) An emergency medical technician-basic, emergency medical 260997
technician-intermediate, or emergency medical technician-paramedic 260998
who holds a certificate to practice issued under Chapter 4765. of 260999
the Revised Code; 261000

(10) A veterinarian licensed under Chapter 4741. of the 261001
Revised Code; 261002

(11) A certified mental health assistant licensed under 261003

Chapter 4772. of the Revised Code. 261004

(C) In consultation with the executive director of the 261005
emergency management agency, the director of health shall develop 261006
one or more protocols that authorize employees of boards of health 261007
and registered volunteers to deliver or distribute drugs, other 261008
than schedule II and III controlled substances, during a period of 261009
time described in division (E) of this section, notwithstanding 261010
any statute or rule that otherwise prohibits or restricts the 261011
delivery or distribution of drugs by those individuals. 261012

(D) In consultation with the state board of pharmacy, the 261013
director of health shall develop one or more protocols that 261014
authorize pharmacists and pharmacy interns to dispense, during a 261015
period of time described in division (E) of this section, limited 261016
quantities of dangerous drugs, other than schedule II and III 261017
controlled substances, without a written, oral, or electronic 261018
prescription from a licensed health professional authorized to 261019
prescribe drugs or without a record of a prescription, 261020
notwithstanding any statute or rule that otherwise prohibits or 261021
restricts the dispensing of drugs without a prescription or record 261022
of a prescription. 261023

(E) On the governor's declaration of an emergency that 261024
affects the public health, the director of health may issue an 261025
order to implement one or more of the protocols developed pursuant 261026
to division (B), (C), or (D) of this section. At a minimum, the 261027
director's order shall identify the one or more protocols to be 261028
implemented and the period of time during which the one or more 261029
protocols are to be effective. 261030

(F)(1) An individual who administers, delivers, distributes, 261031
or dispenses a drug or dangerous drug in accordance with one or 261032
more of the protocols implemented under division (E) of this 261033
section is not liable for damages in any civil action unless the 261034
individual's acts or omissions in performing those activities 261035

constitute willful or wanton misconduct. 261036

(2) An individual who administers, delivers, distributes, or 261037
dispenses a drug or dangerous drug in accordance with one or more 261038
of the protocols implemented under division (E) of this section is 261039
not subject to criminal prosecution or professional disciplinary 261040
action under any chapter in Title XLVII of the Revised Code. 261041

Sec. 3701.74. (A) As used in this section and section 261042
3701.741 of the Revised Code: 261043

(1) "Ambulatory care facility" means a facility that provides 261044
medical, diagnostic, or surgical treatment to patients who do not 261045
require hospitalization, including a dialysis center, ambulatory 261046
surgical facility, cardiac catheterization facility, diagnostic 261047
imaging center, extracorporeal shock wave lithotripsy center, home 261048
health agency, inpatient hospice, birthing center, radiation 261049
therapy center, emergency facility, and an urgent care center. 261050
"Ambulatory care facility" does not include the private office of 261051
a physician or dentist, whether the office is for an individual or 261052
group practice. 261053

(2) "Chiropractor" means an individual licensed under Chapter 261054
4734. of the Revised Code to practice chiropractic. 261055

(3) "Emergency facility" means a hospital emergency 261056
department or any other facility that provides emergency medical 261057
services. 261058

(4) "Health care practitioner" means all of the following: 261059

(a) A dentist or dental hygienist licensed under Chapter 261060
4715. of the Revised Code; 261061

(b) A registered or licensed practical nurse licensed under 261062
Chapter 4723. of the Revised Code; 261063

(c) An optometrist licensed under Chapter 4725. of the 261064
Revised Code; 261065

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| (d) A dispensing optician, spectacle dispensing optician, or
spectacle-contact lens dispensing optician licensed under Chapter
4725. of the Revised Code; | 261066
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| (e) A pharmacist licensed under Chapter 4729. of the Revised
Code; | 261069
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| (f) A physician; | 261071 |
| (g) A physician assistant authorized under Chapter 4730. of
the Revised Code to practice as a physician assistant; | 261072
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| (h) A practitioner of a limited branch of medicine issued a
certificate under Chapter 4731. of the Revised Code; | 261074
261075 |
| (i) A psychologist licensed under Chapter 4732. of the
Revised Code; | 261076
261077 |
| (j) A chiropractor; | 261078 |
| (k) A hearing aid dealer or fitter licensed under Chapter
4747. of the Revised Code; | 261079
261080 |
| (l) A speech-language pathologist or audiologist licensed
under Chapter 4753. of the Revised Code; | 261081
261082 |
| (m) An occupational therapist or occupational therapy
assistant licensed under Chapter 4755. of the Revised Code; | 261083
261084 |
| (n) A physical therapist or physical therapy assistant
licensed under Chapter 4755. of the Revised Code; | 261085
261086 |
| (o) A licensed professional clinical counselor, licensed
professional counselor, social worker, independent social worker,
independent marriage and family therapist, or marriage and family
therapist licensed, or a social work assistant registered, under
Chapter 4757. of the Revised Code; | 261087
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| (p) A dietitian licensed under Chapter 4759. of the Revised
Code; | 261092
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| (q) A respiratory care professional licensed under Chapter | 261094 |

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| 4761. of the Revised Code; | 261095 |
| (r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code; | 261096
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| <u>(s) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u> | 261099
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| (5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. | 261101
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| (6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code. | 261104
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| (7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code. | 261106
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| (8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment. | 261116
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| (9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative. | 261120
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| (10) "Patient" means either of the following: | 261125 |
| (a) An individual who received health care treatment from a health care provider; | 261126
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| (b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section. | 261128
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| (11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. | 261131
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| (12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. | 261143
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| (13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. | 261145
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| (14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record. | 261149
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| (B) A patient, a patient's personal representative, or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal | 261152
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representative, or authorized person dated not more than one year 261156
before the date on which it is submitted. The request shall 261157
indicate whether the copy is to be sent to the requestor, 261158
physician or chiropractor, or held for the requestor at the office 261159
of the health care provider. Within a reasonable time after 261160
receiving a request that meets the requirements of this division 261161
and includes sufficient information to identify the record 261162
requested, a health care provider that has the patient's medical 261163
records shall permit the patient to examine the record during 261164
regular business hours without charge or, on request, shall 261165
provide a copy of the record in accordance with section 3701.741 261166
of the Revised Code, except that if a physician, psychologist, 261167
licensed professional clinical counselor, licensed professional 261168
counselor, independent social worker, social worker, independent 261169
marriage and family therapist, marriage and family therapist, or 261170
chiropractor who has treated the patient determines for clearly 261171
stated treatment reasons that disclosure of the requested record 261172
is likely to have an adverse effect on the patient, the health 261173
care provider shall provide the record to a physician, 261174
psychologist, licensed professional clinical counselor, licensed 261175
professional counselor, independent social worker, social worker, 261176
independent marriage and family therapist, marriage and family 261177
therapist, or chiropractor designated by the patient. The health 261178
care provider shall take reasonable steps to establish the 261179
identity of the person making the request to examine or obtain a 261180
copy of the patient's record. 261181

(C) If a health care provider fails to furnish a medical 261182
record as required by division (B) of this section, the patient, 261183
personal representative, or authorized person who requested the 261184
record may bring a civil action to enforce the patient's right of 261185
access to the record. 261186

(D)(1) This section does not apply to medical records whose 261187

release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10.

(2) Nothing in this section is intended to supersede the confidentiality provisions of sections 2305.24, 2305.25, 2305.251, and 2305.252 of the Revised Code.

Sec. 3709.161. (A) The board of health of a city or general health district may procure a policy or policies of insurance insuring the members of the board, the health commissioner, and the employees of the board against liability on account of damage or injury to persons and property resulting from any act or omission that occurs in the individual's official capacity as a member or employee of the board or resulting solely out of such membership or employment.

(B)(1) As used in this division, "health care professional" means all of the following:

(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;

(b) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;

(c) A person licensed under Chapter 4729. of the Revised Code to practice as a pharmacist;

(d) A person authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;

(e) A person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;

(f) A psychologist licensed under Chapter 4732. of the Revised Code;

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| (g) A veterinarian licensed under Chapter 4741. of the Revised Code; | 261218
261219 |
| (h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code; | 261220
261221 |
| (i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code; | 261222
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| (j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code; | 261225
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| (k) A dietitian licensed under Chapter 4759. of the Revised Code; | 261228
261229 |
| <u>(l) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u> | 261230
261231 |
| (2) The board of health of a city or general health district may purchase liability insurance for a health care professional with whom the board contracts for the provision of health care services against liability on account of damage or injury to persons and property arising from the health care professional's performance of services under the contract. The policy shall be purchased from an insurance company licensed to do business in this state, if such a policy is available from such a company. The board of health of a city or general health district shall report the cost of the liability insurance policy and subsequent increases in the cost to the director of health on a form prescribed by the director. | 261232
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| Sec. 3715.50. (A) As used in this section and in sections 3715.501 to 3715.505 of the Revised Code: | 261244
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| (1) "Advanced practice registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of | 261246
261247 |

the Revised Code and is designated as a clinical nurse specialist, 261248
certified nurse-midwife, or certified nurse practitioner. 261249

(2) "Overdose reversal drug" has the same meaning as in 261250
section 4729.01 of the Revised Code. 261251

(3) "Pharmacist" means an individual licensed under Chapter 261252
4729. of the Revised Code to practice as a pharmacist. 261253

(4) "Pharmacy intern" means an individual licensed under 261254
Chapter 4729. of the Revised Code to practice as a pharmacy 261255
intern. 261256

(5) "Physician" means an individual authorized under Chapter 261257
4731. of the Revised Code to practice medicine and surgery, 261258
osteopathic medicine and surgery, or podiatric medicine and 261259
surgery. 261260

(6) "Physician assistant" means an individual who is licensed 261261
under Chapter 4730. of the Revised Code, holds a valid prescriber 261262
number issued by the state medical board, and has been granted 261263
physician-delegated prescriptive authority. 261264

(7) "Certified mental health assistant" means an individual 261265
who is licensed under Chapter 4772. of the Revised Code and has 261266
been granted physician-delegated prescriptive authority. 261267

(B) Notwithstanding any conflicting provision of the Revised 261268
Code, any person or government entity may purchase, possess, 261269
distribute, dispense, personally furnish, sell, or otherwise 261270
obtain or provide an overdose reversal drug, which includes any 261271
instrument or device used to administer the drug, if all of the 261272
following conditions are met: 261273

(1) The overdose reversal drug is in its original 261274
manufacturer's packaging. 261275

(2) The overdose reversal drug's packaging contains the 261276
manufacturer's instructions for use. 261277

(3) The overdose reversal drug is stored in accordance with the manufacturer's or distributor's instructions.

(C) In addition to actions authorized by division (B) of this section, any person or government entity may obtain and maintain a supply of an overdose reversal drug for either or both of the following purposes: for use in an emergency situation and for distribution through an automated mechanism.

(1) In the case of a supply of an overdose reversal drug obtained and maintained for use in an emergency situation, a person or government entity shall do all of the following:

(a) Provide to any individual who accesses the supply instructions regarding emergency administration of the drug, including a specific instruction to summon emergency services as necessary;

(b) Establish a process for replacing within a reasonable time period any overdose reversal drug that has been accessed;

(c) Store the overdose reversal drug in accordance with the manufacturer's or distributor's instructions.

(2) In the case of a supply of an overdose reversal drug obtained and maintained for distribution through an automated mechanism, a person or government entity shall do all of the following:

(a) Ensure that the mechanism is securely fastened to a permanent structure or is of an appropriate size and weight to reasonably prevent it from being removed from its intended location;

(b) Provide to any individual who accesses the supply instructions regarding emergency administration of the drug, including a specific instruction to summon emergency services as necessary;

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| (c) Develop a process for monitoring and replenishing the supply maintained in the automated mechanism; | 261308
261309 |
| (d) Store the overdose reversal drug in accordance with the manufacturer's or distributor's instructions. | 261310
261311 |
| (D) If the authority granted by division (B) or (C) of this section is exercised in good faith, the following immunities apply: | 261312
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261314 |
| (1) The person or government entity exercising the authority is not subject to administrative action or criminal prosecution and is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that arises from exercising that authority. | 261315
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| (2) After an overdose reversal drug has been dispensed or personally furnished, the person or government entity is not liable for or subject to any of the following for any act or omission of the individual to whom the drug is dispensed or personally furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. | 261320
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| (E)(1) This section does not affect any other authority to issue a prescription for, or personally furnish a supply of, an overdose reversal drug. | 261326
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| (2) This section does not eliminate, limit, or reduce any other immunity or defense that a person or government entity may be entitled to under section 9.86, Chapter 2744., section 4765.49, or any other provision of the Revised Code or the common law of this state. | 261329
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261333 |
| Sec. 3715.501. (A) Notwithstanding any conflicting provision of the Revised Code or of any rule adopted by the state board of pharmacy, state medical board, or board of nursing, both of the following apply: | 261334
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(1) A physician, physician assistant, ~~or~~ advanced practice registered nurse, or certified mental health assistant may issue a prescription for an overdose reversal drug, or personally furnish a supply of the drug, without having examined the individual to whom it may be administered. The physician, physician assistant, ~~or~~ advanced practice registered nurse, or certified mental health assistant exercising this authority shall provide, to the individual receiving the prescription or supply, instructions regarding the emergency administration of the drug, including a specific instruction to summon emergency services as necessary.

(2) In the event that a prescription for an overdose reversal drug does not include the name of the individual to whom the drug may be administered, a pharmacist or pharmacy intern may dispense the drug to the individual who received the prescription.

(B)(1) A physician, physician assistant, ~~or~~ advanced practice registered nurse, or certified mental health assistant who in good faith exercises the authority conferred by division (A)(1) of this section is not liable for or subject to any of the following for any act or omission of the individual to whom a prescription for an overdose reversal drug is issued or the supply of such a drug is furnished: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

(2) A pharmacist or pharmacy intern who in good faith exercises the authority conferred by division (A)(2) of this section is not liable for or subject to any of the following: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action.

Sec. 3715.502. (A) A physician, physician assistant, ~~or~~ advanced practice registered nurse, or certified mental health assistant may authorize one or more pharmacists and any of the pharmacy interns supervised by the one or more pharmacists to use

a protocol developed pursuant to rules adopted under this section 261369
for the purpose of dispensing overdose reversal drugs. If use of 261370
the protocol has been authorized, a pharmacist or pharmacy intern 261371
may dispense overdose reversal drugs without a prescription to 261372
either of the following in accordance with that protocol: 261373

(1) An individual who there is reason to believe is 261374
experiencing or at risk of experiencing an opioid-related 261375
overdose; 261376

(2) A family member, friend, or other individual in a 261377
position to assist an individual who there is reason to believe is 261378
at risk of experiencing an opioid-related overdose. 261379

(B) A pharmacist or pharmacy intern who dispenses overdose 261380
reversal drugs under this section shall instruct the individual to 261381
whom the drugs are dispensed to summon emergency services as soon 261382
as practicable either before or after administering the drugs. 261383

(C) A pharmacist may document on a prescription form the 261384
dispensing of overdose reversal drugs by the pharmacist or a 261385
pharmacy intern supervised by the pharmacist. The form may be 261386
assigned a number for recordkeeping purposes. 261387

(D) This section does not affect the authority of a 261388
pharmacist or pharmacy intern to fill or refill a prescription for 261389
overdose reversal drugs. 261390

(E) A physician, physician assistant, ~~or~~ advanced practice 261391
registered nurse, or certified mental health assistant who in good 261392
faith authorizes a pharmacist or pharmacy intern to dispense 261393
overdose reversal drugs without a prescription, as provided in 261394
this section, is not liable for or subject to any of the following 261395
for any act or omission of the individual to whom the drugs are 261396
dispensed: damages in any civil action, prosecution in any 261397
criminal proceeding, or professional disciplinary action. 261398

A pharmacist or pharmacy intern authorized under this section 261399
to dispense overdose reversal drugs without a prescription who 261400
does so in good faith is not liable for or subject to any of the 261401
following for any act or omission of the individual to whom the 261402
drugs are dispensed: damages in any civil action, prosecution in 261403
any criminal proceeding, or professional disciplinary action. 261404

(F) The state board of pharmacy, after consulting with the 261405
state medical board and board of nursing, shall adopt rules to 261406
implement this section. The rules shall specify a protocol under 261407
which pharmacists or pharmacy interns may dispense overdose 261408
reversal drugs without a prescription. 261409

All rules adopted under this section shall be adopted in 261410
accordance with Chapter 119. of the Revised Code. 261411

(G)(1) The state board of pharmacy shall develop a program to 261412
educate all of the following about the authority of a pharmacist 261413
or pharmacy intern to dispense overdose reversal drugs without a 261414
prescription: 261415

(a) Holders of licenses issued under Chapter 4729. of the 261416
Revised Code that engage in the sale or dispensing of overdose 261417
reversal drugs pursuant to this section; 261418

(b) Registered pharmacy technicians, certified pharmacy 261419
technicians, and pharmacy technician trainees registered under 261420
Chapter 4729. of the Revised Code who engage in the sale of 261421
overdose reversal drugs pursuant to this section; 261422

(c) Individuals who are not licensed or registered under 261423
Chapter 4729. of the Revised Code but are employed by license 261424
holders described in division (G)(1)(a) of this section. 261425

(2) As part of the program, the board also shall educate the 261426
license holders, pharmacy technicians, and employees described in 261427
division (G)(1) of this section about maintaining an adequate 261428
supply of overdose reversal drugs and methods for determining a 261429

pharmacy's stock of such drugs. 261430

(3) The board may use its web site to share information under 261431
the program. 261432

Sec. 3715.503. (A) In addition to the actions authorized by 261433
section 3715.50 of the Revised Code and subject to division (B) of 261434
this section, a physician, physician assistant, ~~or~~ advanced 261435
practice registered nurse, or certified mental health assistant 261436
may elect to establish a protocol authorizing any individual to 261437
personally furnish a supply of an overdose reversal drug to 261438
another individual pursuant to the protocol. A person authorized 261439
to personally furnish an overdose reversal drug pursuant to the 261440
protocol may do so without having examined the individual to whom 261441
the drug may be administered. 261442

(B) A protocol established by a physician, physician 261443
assistant, ~~or~~ advanced practice registered nurse, or certified 261444
mental health assistant for purposes of this section shall include 261445
all of the following: 261446

(1) Any limitations to be applied concerning the individuals 261447
to whom the overdose reversal drug may be personally furnished; 261448

(2) The overdose reversal drug dosage that may be personally 261449
furnished and any variation in the dosage based on circumstances 261450
specified in the protocol; 261451

(3) Any labeling, storage, recordkeeping, and administrative 261452
requirements; 261453

(4) Training requirements that must be met before a person 261454
will be authorized to personally furnish overdose reversal drugs; 261455

(5) Any instructions or training that the authorized person 261456
must provide to an individual to whom an overdose reversal drug is 261457
personally furnished. 261458

(C) A physician, physician assistant, ~~or~~ advanced practice 261459

registered nurse, or certified mental health assistant who in good 261460
faith authorizes an individual to personally furnish a supply of 261461
an overdose reversal drug in accordance with a protocol 261462
established under this section, and an individual who in good 261463
faith personally furnishes a supply under that authority, is not 261464
liable for or subject to any of the following for any act or 261465
omission of the individual to whom the overdose reversal drug is 261466
personally furnished: damages in any civil action, prosecution in 261467
any criminal proceeding, or professional disciplinary action. 261468

Sec. 3715.872. (A) As used in this section, "health care 261469
professional" means any of the following who provide medical, 261470
dental, or other health-related diagnosis, care, or treatment: 261471

(1) Individuals authorized under Chapter 4731. of the Revised 261472
Code to practice medicine and surgery, osteopathic medicine and 261473
surgery, or podiatric medicine and surgery; 261474

(2) Registered nurses and licensed practical nurses licensed 261475
under Chapter 4723. of the Revised Code; 261476

(3) Physician assistants licensed under Chapter 4730. of the 261477
Revised Code; 261478

(4) Dentists and dental hygienists licensed under Chapter 261479
4715. of the Revised Code; 261480

(5) Optometrists licensed under Chapter 4725. of the Revised 261481
Code; 261482

(6) Pharmacists licensed under Chapter 4729. of the Revised 261483
Code; 261484

(7) Certified mental health assistants licensed under Chapter 261485
4772. of the Revised Code. 261486

(B) For matters related to activities conducted under the 261487
drug repository program, all of the following apply: 261488

(1) A pharmacy, drug manufacturer, health care facility, or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property.

(2) A pharmacy, hospital, or nonprofit clinic that accepts or distributes drugs under the program shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the pharmacy, hospital, or nonprofit clinic constitutes willful and wanton misconduct.

(3) A health care professional who accepts, dispenses, or personally furnishes drugs under the program on behalf of a pharmacy, hospital, or nonprofit clinic participating in the program, and the pharmacy, hospital, or nonprofit clinic that employs or otherwise uses the services of the health care professional, shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the health care professional, pharmacy, hospital, or nonprofit clinic constitutes willful and wanton misconduct.

(4) The state board of pharmacy shall not be subject to liability in tort or other civil action for injury, death, or loss to person or property, unless an action or omission of the board constitutes willful and wanton misconduct.

(5) In addition to the civil immunity granted under division (B)(1) of this section, a pharmacy, drug manufacturer, health care facility, or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to criminal prosecution for matters related to activities that it

conducts or another party conducts under the program, unless an 261521
action or omission of the party that donates, gives, or 261522
facilitates the donation or gift of the drugs does not comply with 261523
the provisions of this chapter or the rules adopted under it. 261524

(6) In the case of a drug manufacturer, the immunities from 261525
civil liability and criminal prosecution granted to another party 261526
under divisions (B)(1) and (5) of this section extend to the 261527
manufacturer when any drug it manufactures is the subject of an 261528
activity conducted under the program. This extension of immunities 261529
includes, but is not limited to, immunity from liability or 261530
prosecution for failure to transfer or communicate product or 261531
consumer information or the expiration date of a drug that is 261532
donated or given. 261533

Sec. 3719.06. (A)(1) A licensed health professional 261534
authorized to prescribe drugs, if acting in the course of 261535
professional practice, in accordance with the laws regulating the 261536
professional's practice, and in accordance with rules adopted by 261537
the state board of pharmacy, may, except as provided in division 261538
(A)(2) ~~or~~, (3), or (4) of this section, do the following: 261539

(a) Prescribe schedule II, III, IV, and V controlled 261540
substances; 261541

(b) Administer or personally furnish to patients schedule II, 261542
III, IV, and V controlled substances; 261543

(c) Cause schedule II, III, IV, and V controlled substances 261544
to be administered under the prescriber's direction and 261545
supervision. 261546

(2) A licensed health professional authorized to prescribe 261547
drugs who is a clinical nurse specialist, certified nurse-midwife, 261548
or certified nurse practitioner is subject to both of the 261549
following: 261550

(a) A schedule II controlled substance may be prescribed only 261551
in accordance with division (C) of section 4723.481 of the Revised 261552
Code. 261553

(b) No schedule II controlled substance shall be personally 261554
furnished to any patient. 261555

(3) A licensed health professional authorized to prescribe 261556
drugs who is a physician assistant is subject to all of the 261557
following: 261558

(a) A controlled substance may be prescribed or personally 261559
furnished only if it is included in the physician-delegated 261560
prescriptive authority granted to the physician assistant in 261561
accordance with Chapter 4730. of the Revised Code. 261562

(b) A schedule II controlled substance may be prescribed only 261563
in accordance with division (B)(4) of section 4730.41 and section 261564
4730.411 of the Revised Code. 261565

(c) No schedule II controlled substance shall be personally 261566
furnished to any patient. 261567

(4) A licensed health professional authorized to prescribe 261568
drugs who is a certified mental health assistant is subject to 261569
both of the following: 261570

(a) A controlled substance may be prescribed or personally 261571
furnished only in accordance with sections 4772.12 and 4772.13 of 261572
the Revised Code. 261573

(b) No schedule II controlled substance shall be personally 261574
furnished to any patient. 261575

(B) No licensed health professional authorized to prescribe 261576
drugs shall prescribe, administer, or personally furnish a 261577
schedule III anabolic steroid for the purpose of human muscle 261578
building or enhancing human athletic performance and no pharmacist 261579
shall dispense a schedule III anabolic steroid for either purpose, 261580

unless it has been approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended.

(C) When issuing a prescription for a schedule II controlled substance, a licensed health professional authorized to prescribe drugs shall do so only upon an electronic prescription, except that the prescriber may issue a written prescription if any of the following apply:

(1) A temporary technical, electrical, or broadband failure occurs preventing the prescriber from issuing an electronic prescription.

(2) The prescription is issued for a nursing home resident or hospice care patient.

(3) The prescriber is employed by or under contract with the same entity that operates the pharmacy.

(4) The prescriber determines that an electronic prescription cannot be issued in a timely manner and the patient's medical condition is at risk.

(5) The prescriber issues the prescription from a health care facility, which may include an emergency department, and reasonably determines that an electronic prescription would be impractical for the patient or would cause a delay that may adversely impact the patient's medical condition.

(6) The prescriber issues per year not more than fifty prescriptions for schedule II controlled substances.

(7) The prescriber is a veterinarian licensed under Chapter 4741. of the Revised Code.

(D) Each written or electronic prescription for a controlled substance shall be properly executed, dated, and signed by the prescriber on the day when issued and shall bear the full name and

address of the person for whom, or the owner of the animal for 261611
which, the controlled substance is prescribed and the full name, 261612
address, and registry number under the federal drug abuse control 261613
laws of the prescriber. If the prescription is for an animal, it 261614
shall state the species of the animal for which the controlled 261615
substance is prescribed. 261616

Sec. 3719.064. (A) As used in this section: 261617

(1) "Medication-assisted treatment" has the same meaning as 261618
in section 340.01 of the Revised Code. 261619

(2) "Prescriber" means any of the following: 261620

(a) An advanced practice registered nurse who holds a 261621
current, valid license issued under Chapter 4723. of the Revised 261622
Code and is designated as a clinical nurse specialist, certified 261623
nurse-midwife, or certified nurse practitioner; 261624

(b) A physician authorized under Chapter 4731. of the Revised 261625
Code to practice medicine and surgery or osteopathic medicine and 261626
surgery; 261627

(c) A physician assistant who is licensed under Chapter 4730. 261628
of the Revised Code, holds a valid prescriber number issued by the 261629
state medical board, and has been granted physician-delegated 261630
prescriptive authority; 261631

(d) A certified mental health assistant who is licensed under 261632
Chapter 4772. of the Revised Code and has been granted 261633
physician-delegated prescriptive authority by the physician 261634
supervising the certified mental health assistant. 261635

(3) "Qualifying practitioner" has the same meaning as in 261636
section 303(g)(2)(G)(iii) of the "Controlled Substances Act of 261637
1970," 21 U.S.C. 823(g)(2)(G)(iii), as amended. 261638

(B) Before initiating medication-assisted treatment, a 261639
prescriber shall give the patient or the patient's representative 261640

information about all drugs approved by the United States food and 261641
drug administration for use in medication-assisted treatment. The 261642
information must be provided both orally and in writing. The 261643
prescriber or the prescriber's delegate shall note in the 261644
patient's medical record when this information was provided and 261645
make the record available to employees of the board of nursing or 261646
state medical board on their request. 261647

If the prescriber is not a qualifying practitioner and the 261648
patient's choice is opioid treatment and the prescriber determines 261649
that such treatment is clinically appropriate and meets generally 261650
accepted standards of medicine, the prescriber shall refer the 261651
patient to an opioid treatment program licensed under section 261652
5119.37 of the Revised Code or a qualifying practitioner. The 261653
prescriber or the prescriber's delegate shall make a notation in 261654
the patient's medical record naming the program or practitioner to 261655
whom the patient was referred and specifying when the referral was 261656
made. 261657

Sec. 3719.121. (A) Except as otherwise provided in section 261658
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~ 4734.41, or 261659
4772.20 of the Revised Code, the license, certificate, or 261660
registration of any dentist, chiropractor, physician, podiatrist, 261661
registered nurse, advanced practice registered nurse, licensed 261662
practical nurse, physician assistant, pharmacist, pharmacy intern, 261663
pharmacy technician trainee, registered pharmacy technician, 261664
certified pharmacy technician, optometrist, ~~or~~ veterinarian, or 261665
certified mental health assistant who is or becomes addicted to 261666
the use of controlled substances shall be suspended by the board 261667
that authorized the person's license, certificate, or registration 261668
until the person offers satisfactory proof to the board that the 261669
person no longer is addicted to the use of controlled substances. 261670

(B) If the board under which a person has been issued a 261671

license, certificate, or evidence of registration determines that 261672
there is clear and convincing evidence that continuation of the 261673
person's professional practice or method of administering, 261674
prescribing, preparing, distributing, dispensing, or personally 261675
furnishing controlled substances or other dangerous drugs presents 261676
a danger of immediate and serious harm to others, the board may 261677
suspend the person's license, certificate, or registration without 261678
a hearing. Except as otherwise provided in sections 4715.30, 261679
4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4734.36, and 4772.20 of 261680
the Revised Code, the board shall follow the procedure for 261681
suspension without a prior hearing in section 119.07 of the 261682
Revised Code. The suspension shall remain in effect, unless 261683
removed by the board, until the board's final adjudication order 261684
becomes effective, except that if the board does not issue its 261685
final adjudication order within ninety days after the hearing, the 261686
suspension shall be void on the ninety-first day after the 261687
hearing. 261688

(C) On receiving notification pursuant to section 2929.42 or 261689
3719.12 of the Revised Code, the board under which a person has 261690
been issued a license, certificate, or evidence of registration 261691
immediately shall suspend the license, certificate, or 261692
registration of that person on a plea of guilty to, a finding by a 261693
jury or court of the person's guilt of, or conviction of a felony 261694
drug abuse offense; a finding by a court of the person's 261695
eligibility for intervention in lieu of conviction; a plea of 261696
guilty to, or a finding by a jury or court of the person's guilt 261697
of, or the person's conviction of an offense in another 261698
jurisdiction that is essentially the same as a felony drug abuse 261699
offense; or a finding by a court of the person's eligibility for 261700
treatment or intervention in lieu of conviction in another 261701
jurisdiction. The board shall notify the holder of the license, 261702
certificate, or registration of the suspension, which shall remain 261703
in effect until the board holds an adjudicatory hearing under 261704

Chapter 119. of the Revised Code. 261705

Sec. 3719.13. Prescriptions, orders, and records, required by 261706
Chapter 3719. of the Revised Code, and stocks of dangerous drugs 261707
and controlled substances, shall be open for inspection only to 261708
federal, state, county, and municipal officers, and employees of 261709
the state board of pharmacy whose duty it is to enforce the laws 261710
of this state or of the United States relating to controlled 261711
substances. Such prescriptions, orders, records, and stocks shall 261712
be open for inspection by employees of the state medical board for 261713
purposes of enforcing Chapters 4730. ~~and, 4731., and 4772.~~ of the 261714
Revised Code, employees of the board of nursing for purposes of 261715
enforcing Chapter 4723. of the Revised Code, and employees of the 261716
department of mental health and addiction services for purposes of 261717
section 5119.37 of the Revised Code. No person having knowledge of 261718
any such prescription, order, or record shall divulge such 261719
knowledge, except in connection with a prosecution or proceeding 261720
in court or before a licensing or registration board or officer, 261721
to which prosecution or proceeding the person to whom such 261722
prescriptions, orders, or records relate is a party. 261723

Sec. 3719.81. (A) As used in this section, "sample drug" has 261724
the same meaning as in section 2925.01 of the Revised Code. 261725

(B) A person may furnish another a sample drug, if all of the 261726
following apply: 261727

(1) The sample drug is furnished free of charge by a 261728
manufacturer, manufacturer's representative, or wholesale dealer 261729
in pharmaceuticals to a licensed health professional authorized to 261730
prescribe drugs, or is furnished free of charge by such a 261731
professional to a patient for use as medication; 261732

(2) The sample drug is in the original container in which it 261733
was placed by the manufacturer, and the container is plainly 261734

marked as a sample; 261735

(3) Prior to its being furnished, the sample drug has been 261736
stored under the proper conditions to prevent its deterioration or 261737
contamination; 261738

(4) If the sample drug is of a type which deteriorates with 261739
time, the sample container is plainly marked with the date beyond 261740
which the sample drug is unsafe to use, and the date has not 261741
expired on the sample furnished. Compliance with the labeling 261742
requirements of the "Federal Food, Drug, and Cosmetic Act," 52 261743
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall be deemed 261744
compliance with this section. 261745

(5) The sample drug is distributed, stored, or discarded in 261746
such a way that the sample drug may not be acquired or used by any 261747
unauthorized person, or by any person, including a child, for whom 261748
it may present a health or safety hazard. 261749

(C) Division (B) of this section does not do any of the 261750
following: 261751

(1) Apply to or restrict the furnishing of any sample of a 261752
nonnarcotic substance if the substance may, under the "Federal 261753
Food, Drug, and Cosmetic Act" and under the laws of this state, 261754
otherwise be lawfully sold over the counter without a 261755
prescription; 261756

(2) Authorize a licensed health professional authorized to 261757
prescribe drugs who is a clinical nurse specialist, certified 261758
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 261759
physician assistant, or certified mental health assistant to 261760
furnish a sample drug that is not a drug the professional is 261761
authorized to prescribe. 261762

(3) Prohibit a licensed health professional authorized to 261763
prescribe drugs, manufacturer of dangerous drugs, wholesale 261764
distributor of dangerous drugs, or representative of a 261765

manufacturer of dangerous drugs from furnishing a sample drug to a 261766
charitable pharmacy in accordance with section 3719.811 of the 261767
Revised Code. 261768

(4) Prohibit a pharmacist working, whether or not for 261769
compensation, in a charitable pharmacy from dispensing a sample 261770
drug to a person in accordance with section 3719.811 of the 261771
Revised Code. 261772

(D) The state board of pharmacy shall, in accordance with 261773
Chapter 119. of the Revised Code, adopt rules as necessary to give 261774
effect to this section. 261775

Sec. 4729.01. As used in this chapter: 261776

(A) "Pharmacy," except when used in a context that refers to 261777
the practice of pharmacy, means any area, room, rooms, place of 261778
business, department, or portion of any of the foregoing where the 261779
practice of pharmacy is conducted. 261780

(B) "Practice of pharmacy" means providing pharmacist care 261781
requiring specialized knowledge, judgment, and skill derived from 261782
the principles of biological, chemical, behavioral, social, 261783
pharmaceutical, and clinical sciences. As used in this division, 261784
"pharmacist care" includes the following: 261785

(1) Interpreting prescriptions; 261786

(2) Dispensing drugs and drug therapy related devices; 261787

(3) Compounding drugs; 261788

(4) Counseling individuals with regard to their drug therapy, 261789
recommending drug therapy related devices, and assisting in the 261790
selection of drugs and appliances for treatment of common diseases 261791
and injuries and providing instruction in the proper use of the 261792
drugs and appliances; 261793

(5) Performing drug regimen reviews with individuals by 261794

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| discussing all of the drugs that the individual is taking and | 261795 |
| explaining the interactions of the drugs; | 261796 |
| (6) Performing drug utilization reviews with licensed health | 261797 |
| professionals authorized to prescribe drugs when the pharmacist | 261798 |
| determines that an individual with a prescription has a drug | 261799 |
| regimen that warrants additional discussion with the prescriber; | 261800 |
| (7) Advising an individual and the health care professionals | 261801 |
| treating an individual with regard to the individual's drug | 261802 |
| therapy; | 261803 |
| (8) Acting pursuant to a consult agreement, if an agreement | 261804 |
| has been established; | 261805 |
| (9) Engaging in the administration of immunizations to the | 261806 |
| extent authorized by section 4729.41 of the Revised Code; | 261807 |
| (10) Engaging in the administration of drugs to the extent | 261808 |
| authorized by section 4729.45 of the Revised Code. | 261809 |
| (C) "Compounding" means the preparation, mixing, assembling, | 261810 |
| packaging, and labeling of one or more drugs in any of the | 261811 |
| following circumstances: | 261812 |
| (1) Pursuant to a prescription issued by a licensed health | 261813 |
| professional authorized to prescribe drugs; | 261814 |
| (2) Pursuant to the modification of a prescription made in | 261815 |
| accordance with a consult agreement; | 261816 |
| (3) As an incident to research, teaching activities, or | 261817 |
| chemical analysis; | 261818 |
| (4) In anticipation of orders for drugs pursuant to | 261819 |
| prescriptions, based on routine, regularly observed dispensing | 261820 |
| patterns; | 261821 |
| (5) Pursuant to a request made by a licensed health | 261822 |
| professional authorized to prescribe drugs for a drug that is to | 261823 |
| be used by the professional for the purpose of direct | 261824 |

administration to patients in the course of the professional's practice, if all of the following apply:

(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.

(b) A limited quantity of the drug is compounded and provided to the professional.

(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.

(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.

(E) "Drug" means:

(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals;

(4) Any article intended for use as a component of any article specified in division (E)(1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories.

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code.

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| (F) "Dangerous drug" means any of the following: | 261855 |
| (1) Any drug to which either of the following applies: | 261856 |
| (a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription; | 261857
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| (b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. | 261864
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| (2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply; | 261866
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| (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body; | 261869
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| (4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. | 261872
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| (G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. | 261874
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| (H) "Prescription" means all of the following: | 261876 |
| (1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs; | 261877
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| (2) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended | 261881
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user of the drug but is the sexual partner of the intended user; 261885

(3) For purposes of sections 3313.7110, 3313.7111, 3314.143, 261886
3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 261887
5101.76 of the Revised Code, a written, electronic, or oral order 261888
for an epinephrine autoinjector issued to and in the name of a 261889
school, school district, or camp; 261890

(4) For purposes of Chapter 3728. and sections 4723.483, 261891
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 261892
electronic, or oral order for an epinephrine autoinjector issued 261893
to and in the name of a qualified entity, as defined in section 261894
3728.01 of the Revised Code; 261895

(5) For purposes of sections 3313.7115, 3313.7116, 3314.147, 261896
3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 5101.78 of the 261897
Revised Code, a written, electronic, or oral order for injectable 261898
or nasally administered glucagon in the name of a school, school 261899
district, or camp. 261900

(I) "Licensed health professional authorized to prescribe 261901
drugs" or "prescriber" means an individual who is authorized by 261902
law to prescribe drugs or dangerous drugs or drug therapy related 261903
devices in the course of the individual's professional practice, 261904
including only the following: 261905

(1) A dentist licensed under Chapter 4715. of the Revised 261906
Code; 261907

(2) A clinical nurse specialist, certified nurse-midwife, or 261908
certified nurse practitioner who holds a current, valid license 261909
issued under Chapter 4723. of the Revised Code to practice nursing 261910
as an advanced practice registered nurse; 261911

(3) A certified registered nurse anesthetist who holds a 261912
current, valid license issued under Chapter 4723. of the Revised 261913
Code to practice nursing as an advanced practice registered nurse, 261914
but only to the extent of the nurse's authority under sections 261915

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| 4723.43 and 4723.434 of the Revised Code; | 261916 |
| (4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry; | 261917
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| (5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; | 261919
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| (6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority; | 261922
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| (7) A veterinarian licensed under Chapter 4741. of the Revised Code; | 261927
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| <u>(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant.</u> | 261929
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| (J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both. | 261933
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| (K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser. | 261938
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| (L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale. | 261941
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| (M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding | 261943
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administration do not constitute control or establish responsibility. 261946
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(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following: 261948
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(1) The proprietary name of the drug product; 261951

(2) The established (generic) name of the drug product; 261952

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient. 261953
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(4) The dosage form; 261961

(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading. 261962
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(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of such a person authorized by the person to engage in the sale of dangerous drugs at wholesale. 261970
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(P) "Manufacturer of dangerous drugs" or "manufacturer" means 261975

a person, other than a pharmacist or prescriber, who manufactures 261976
dangerous drugs and who is engaged in the sale of those dangerous 261977
drugs. 261978

(Q) "Terminal distributor of dangerous drugs" or "terminal 261979
distributor" means a person who is engaged in the sale of 261980
dangerous drugs at retail, or any person, other than a 261981
manufacturer, repackager, outsourcing facility, third-party 261982
logistics provider, wholesale distributor, or pharmacist, who has 261983
possession, custody, or control of dangerous drugs for any purpose 261984
other than for that person's own use and consumption. "Terminal 261985
distributor" includes pharmacies, hospitals, nursing homes, and 261986
laboratories and all other persons who procure dangerous drugs for 261987
sale or other distribution by or under the supervision of a 261988
pharmacist, licensed health professional authorized to prescribe 261989
drugs, or other person authorized by the state board of pharmacy. 261990

(R) "Promote to the public" means disseminating a 261991
representation to the public in any manner or by any means, other 261992
than by labeling, for the purpose of inducing, or that is likely 261993
to induce, directly or indirectly, the purchase of a dangerous 261994
drug at retail. 261995

(S) "Person" includes any individual, partnership, 261996
association, limited liability company, or corporation, the state, 261997
any political subdivision of the state, and any district, 261998
department, or agency of the state or its political subdivisions. 261999

(T)(1) "Animal shelter" means a facility operated by a humane 262000
society or any society organized under Chapter 1717. of the 262001
Revised Code or a dog pound operated pursuant to Chapter 955. of 262002
the Revised Code. 262003

(2) "County dog warden" means a dog warden or deputy dog 262004
warden appointed or employed under section 955.12 of the Revised 262005
Code. 262006

(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 262007
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 262009
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 262011
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 262018
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 262022
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(Z) "Repackager of dangerous drugs" or "repackager" means a person that repacks and relabels dangerous drugs for sale or distribution. 262028
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(AA) "Outsourcing facility" means a facility that is engaged in the compounding and sale of sterile drugs and is registered as an outsourcing facility with the United States food and drug administration. 262031
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(BB) "Laboratory" means a laboratory licensed under this chapter as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs 262035
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for scientific and clinical purposes and for purposes of 262038
instruction: dangerous drugs that are not controlled substances, 262039
as defined in section 3719.01 of the Revised Code; dangerous drugs 262040
that are controlled substances, as defined in that section; and 262041
controlled substances in schedule I, as defined in that section. 262042

(CC) "Overdose reversal drug" means both of the following: 262043

(1) Naloxone; 262044

(2) Any other drug that the state board of pharmacy, through 262045
rules adopted in accordance with Chapter 119. of the Revised Code, 262046
designates as a drug that is approved by the federal food and drug 262047
administration for the reversal of a known or suspected 262048
opioid-related overdose. 262049

Sec. 4729.51. (A) No person other than a licensed 262050
manufacturer of dangerous drugs, outsourcing facility, third-party 262051
logistics provider, repackager of dangerous drugs, or wholesale 262052
distributor of dangerous drugs shall possess for sale, sell, 262053
distribute, or deliver, at wholesale, dangerous drugs or 262054
investigational drugs or products, except as follows: 262055

(1) A licensed terminal distributor of dangerous drugs that 262056
is a pharmacy may make occasional sales of dangerous drugs or 262057
investigational drugs or products at wholesale. 262058

(2) A licensed terminal distributor of dangerous drugs having 262059
more than one licensed location may transfer or deliver dangerous 262060
drugs from one licensed location to another licensed location 262061
owned by the terminal distributor if the license issued for each 262062
location is in effect at the time of the transfer or delivery. 262063

(3) A licensed terminal distributor of dangerous drugs that 262064
is not a pharmacy may make occasional sales of the following at 262065
wholesale: 262066

(a) Overdose reversal drugs; 262067

(b) Dangerous drugs if the drugs being sold are in shortage, 262068
as defined in rules adopted under section 4729.26 of the Revised 262069
Code; 262070

(c) Dangerous drugs other than those described in divisions 262071
(A)(3)(a) and (b) of this section or investigational drugs or 262072
products if authorized by rules adopted under section 4729.26 of 262073
the Revised Code. 262074

(B) No licensed manufacturer, outsourcing facility, 262075
third-party logistics provider, repackager, or wholesale 262076
distributor shall possess for sale, sell, or distribute, at 262077
wholesale, dangerous drugs or investigational drugs or products to 262078
any person other than the following: 262079

(1) Subject to division (D) of this section, a licensed 262080
terminal distributor of dangerous drugs; 262081

(2) Subject to division (C) of this section, any person 262082
exempt from licensure as a terminal distributor of dangerous drugs 262083
under section 4729.541 of the Revised Code; 262084

(3) A licensed manufacturer, outsourcing facility, 262085
third-party logistics provider, repackager, or wholesale 262086
distributor; 262087

(4) A terminal distributor, manufacturer, outsourcing 262088
facility, third-party logistics provider, repackager, or wholesale 262089
distributor that is located in another state, is not engaged in 262090
the sale of dangerous drugs within this state, and is actively 262091
licensed to engage in the sale of dangerous drugs by the state in 262092
which the distributor conducts business. 262093

(C) No licensed manufacturer, outsourcing facility, 262094
third-party logistics provider, repackager, or wholesale 262095
distributor shall possess for sale, sell, or distribute, at 262096
wholesale, dangerous drugs or investigational drugs or products to 262097
either of the following: 262098

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| (1) A prescriber who is employed by either of the following: | 262099 |
| (a) A pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code; | 262100
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| (b) A facility, clinic, or other location that provides office-based opioid treatment but is not licensed as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section. | 262104
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| (2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, either of the following: | 262109
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| (a) A pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code; | 262112
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| (b) A facility, clinic, or other location that provides office-based opioid treatment without a license as a terminal distributor of dangerous drugs with an office-based opioid treatment classification issued under section 4729.553 of the Revised Code if such a license is required by that section. | 262115
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| (D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows: | 262120
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| (1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code; | 262126
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(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code;

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license.

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following:

(a) Sell or distribute, at retail, dangerous drugs;

(b) Possess for sale, at retail, dangerous drugs;

(c) Possess dangerous drugs.

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following:

(i) A licensed terminal distributor of dangerous drugs;

(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~ and 4772. of the Revised Code;

(iii) Any of the persons identified in divisions (A)(1) to (5) and (15) of section 4729.541 of the Revised Code, but only to the extent specified in that section.

(b) Division (E)(1)(c) of this section does not apply to any of the following:

(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor;

(ii) Any of the persons identified in divisions (A)(6) to (14) of section 4729.541 of the Revised Code, but only to the

extent specified in that section. 262158

(F) No licensed terminal distributor of dangerous drugs or 262159
person that is exempt from licensure under section 4729.541 of the 262160
Revised Code shall purchase dangerous drugs or investigational 262161
drugs or products from any person other than a licensed 262162
manufacturer, outsourcing facility, third-party logistics 262163
provider, repackager, or wholesale distributor, except as follows: 262164

(1) A licensed terminal distributor of dangerous drugs or 262165
person that is exempt from licensure under section 4729.541 of the 262166
Revised Code may make occasional purchases of dangerous drugs or 262167
investigational drugs or products that are sold in accordance with 262168
division (A)(1) or (3) of this section. 262169

(2) A licensed terminal distributor of dangerous drugs having 262170
more than one licensed location may transfer or deliver dangerous 262171
drugs or investigational drugs or products from one licensed 262172
location to another licensed location if the license issued for 262173
each location is in effect at the time of the transfer or 262174
delivery. 262175

(G) No licensed terminal distributor of dangerous drugs shall 262176
engage in the retail sale or other distribution of dangerous drugs 262177
or investigational drugs or products or maintain possession, 262178
custody, or control of dangerous drugs or investigational drugs or 262179
products for any purpose other than the distributor's personal use 262180
or consumption, at any establishment or place other than that or 262181
those described in the license issued by the state board of 262182
pharmacy to such terminal distributor. 262183

(H) Nothing in this section shall be construed to interfere 262184
with the performance of official duties by any law enforcement 262185
official authorized by municipal, county, state, or federal law to 262186
collect samples of any drug, regardless of its nature or in whose 262187
possession it may be. 262188

(I) Notwithstanding anything to the contrary in this section, 262189
the board of education of a city, local, exempted village, or 262190
joint vocational school district may distribute epinephrine 262191
autoinjectors for use in accordance with section 3313.7110 of the 262192
Revised Code, may distribute inhalers for use in accordance with 262193
section 3313.7113 of the Revised Code, and may distribute 262194
injectable or nasally administered glucagon for use in accordance 262195
with section 3313.7115 of the Revised Code. 262196

Sec. 4729.553. (A) As used in this section: 262197

(1) "Advanced practice registered nurse" has the same meaning 262198
as in section 4723.01 of the Revised Code. 262199

(2) "Controlled substance" has the same meaning as in section 262200
3719.01 of the Revised Code. 262201

(3) "Hospital" means a hospital registered with the 262202
department of health under section 3701.07 of the Revised Code. 262203

(4) "Office-based opioid treatment" means the treatment of 262204
opioid dependence or addiction using a controlled substance. 262205

(5) "Physician" means an individual who is authorized under 262206
Chapter 4731. of the Revised Code to practice medicine and surgery 262207
or osteopathic medicine and surgery. 262208

(6) "Physician assistant" means an individual who is licensed 262209
under Chapter 4730. of the Revised Code. 262210

(7) "Certified mental health assistant" means an individual 262211
who is licensed under Chapter 4772. of the Revised Code. 262212

(B)(1) Except as provided in divisions (B)(2) and (3) of this 262213
section, no person shall knowingly operate a facility, clinic, or 262214
other location where a prescriber provides office-based opioid 262215
treatment to more than thirty patients or that meets any other 262216
identifying criteria established in rules adopted under this 262217
section without holding a category III terminal distributor of 262218

dangerous drugs license with an office-based opioid treatment 262219
classification. 262220

(2) Division (B)(1) of this section does not apply to any of 262221
the following: 262222

(a) A hospital; 262223

(b) A facility for the treatment of opioid dependence or 262224
addiction that is operated by a hospital; 262225

(c) A physician practice owned or controlled, in whole or in 262226
part, by a hospital or by an entity that owns or controls, in 262227
whole or in part, one or more hospitals; 262228

(d) A facility that conducts only clinical research and uses 262229
controlled substances in studies approved by a hospital-based 262230
institutional review board or an institutional review board that 262231
is accredited by the association for the accreditation of human 262232
research protection programs, inc.; 262233

(e) A facility that holds a category III terminal distributor 262234
of dangerous drugs license in accordance with section 4729.54 of 262235
the Revised Code for the purpose of treating drug dependence or 262236
addiction as part of an opioid treatment program and is the 262237
subject of a current, valid certification from the substance abuse 262238
and mental health services administration of the United States 262239
department of health and human services pursuant to 42 C.F.R. 262240
8.11; 262241

(f) A program or facility that holds a license or 262242
certification issued by the department of mental health and 262243
addiction services under Chapter 5119. of the Revised Code if the 262244
license or certification is approved by the state board of 262245
pharmacy; 262246

(g) A federally qualified health center or federally 262247
qualified health center look-alike, as defined in section 3701.047 262248

of the Revised Code; 262249

(h) A state or local correctional facility, as defined in 262250
section 5163.45 of the Revised Code; 262251

(i) A facility in which patients are treated on-site for 262252
opioid dependence or addiction exclusively through direct 262253
administration by a physician, physician assistant, ~~or~~ advanced 262254
practice registered nurse, or certified mental health assistant of 262255
drugs that are used for treatment of opioid dependence or 262256
addiction and are neither dispensed nor personally furnished to 262257
patients for off-site self-administration; 262258

(j) Any other facility specified in rules adopted under this 262259
section. 262260

(3) A patient who receives treatment on-site for opioid 262261
dependence or addiction through direct administration of a drug by 262262
a physician, physician assistant, ~~or~~ advanced practice registered 262263
nurse, or certified mental health assistant shall not be included 262264
in determining whether more than thirty patients are being 262265
provided office-based opioid treatment in a particular facility, 262266
clinic, or other location that is subject to division (B)(1) of 262267
this section. 262268

(C) To be eligible to receive a license as a category III 262269
terminal distributor of dangerous drugs with an office-based 262270
opioid treatment classification, an applicant shall submit 262271
evidence satisfactory to the state board of pharmacy that the 262272
applicant's office-based opioid treatment will be operated in 262273
accordance with the requirements specified in division (D) of this 262274
section and that the applicant meets any other applicable 262275
requirements of this chapter. 262276

If the board determines that an applicant meets all of the 262277
requirements, the board shall issue to the applicant a license as 262278
a category III terminal distributor of dangerous drugs with an 262279

office-based opioid treatment classification. 262280

(D) The holder of a category III terminal distributor license 262281
with an office-based opioid treatment classification shall do all 262282
of the following: 262283

(1) Be in control of a facility that is owned and operated 262284
solely by one or more physicians, unless the state board of 262285
pharmacy waives this requirement for the holder; 262286

(2) Comply with the requirements for conducting office-based 262287
opioid treatment, as established by the state medical board in 262288
rules adopted under section 4731.056 of the Revised Code; 262289

(3) Require any person with ownership of the facility to 262290
submit to a criminal records check in accordance with section 262291
4776.02 of the Revised Code and send the results of the criminal 262292
records check directly to the state board of pharmacy for review 262293
and decision under section 4729.071 of the Revised Code; 262294

(4) Require each person employed by or seeking employment 262295
with the facility to submit to a criminal records check in 262296
accordance with section 4776.02 of the Revised Code; 262297

(5) Ensure that a person is not employed by the facility if 262298
the person, within the ten years immediately preceding the date 262299
the person applied for employment, was convicted of or pleaded 262300
guilty to either of the following, unless the state board of 262301
pharmacy permits the person to be employed by waiving this 262302
requirement for the facility: 262303

(a) A theft offense, described in division (K)(3) of section 262304
2913.01 of the Revised Code, that would constitute a felony under 262305
the laws of this state, any other state, or the United States; 262306

(b) A felony drug offense, as defined in section 2925.01 of 262307
the Revised Code. 262308

(6) Maintain a list of each person with ownership of the 262309

facility and notify the state board of pharmacy of any change to that list.

(E) No person subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification shall knowingly fail to remain in compliance with the requirements of division (D) of this section and any other applicable requirements of this chapter.

(F) The state board of pharmacy may impose a fine of not more than five thousand dollars on a person who violates division (B) or (E) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.

(G) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4731.051. The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing universal blood and body fluid precautions that shall be used by each person who performs exposure prone invasive procedures and is authorized to practice by this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. The rules shall define and establish requirements for universal blood and body fluid precautions that include the following:

(A) Appropriate use of hand washing;

(B) Disinfection and sterilization of equipment;

(C) Handling and disposal of needles and other sharp instruments;

(D) Wearing and disposal of gloves and other protective

garments and devices. 262340

Sec. 4731.07. (A) The state medical board shall keep a record 262341
of its proceedings. The minutes of a meeting of the board shall, 262342
on approval by the board, constitute an official record of its 262343
proceedings. 262344

(B) The board shall keep a register of applicants for 262345
licenses and certificates issued under this chapter; licenses 262346
issued under Chapters 4730., 4760., 4762., 4772., 4774., and 262347
4778.; and licenses and limited permits issued under Chapters 262348
4759. and 4761. of the Revised Code. The register shall show the 262349
name of the applicant and whether the applicant was granted or 262350
refused the license, certificate, or limited permit being sought. 262351

With respect to applicants to practice medicine and surgery 262352
or osteopathic medicine and surgery, the register shall show the 262353
name of the institution that granted the applicant the degree of 262354
doctor of medicine or osteopathic medicine. With respect to 262355
applicants to practice respiratory care, the register shall show 262356
the addresses of the person's last known place of business and 262357
residence, the effective date and identification number of the 262358
license or limited permit, and, if applicable, the name and 262359
location of the institution that granted the person's degree or 262360
certificate of completion of respiratory care educational 262361
requirements and the date the degree or certificate of completion 262362
was issued. 262363

(C) The books and records of the board shall be prima-facie 262364
evidence of matters therein contained. 262365

Sec. 4731.071. The state medical board shall develop and 262366
publish on its internet web site a directory containing the names 262367
of, and contact information for, all persons who hold current, 262368
valid certificates or licenses issued by the board under this 262369

chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4772., 262370
4774., or 4778. of the Revised Code. Except as provided in section 262371
4731.10 of the Revised Code, the directory shall be the sole 262372
source for verifying that a person holds a current, valid 262373
certificate or license issued by the board. 262374

Sec. 4731.22. (A) The state medical board, by an affirmative 262375
vote of not fewer than six of its members, may limit, revoke, or 262376
suspend a license or certificate to practice or certificate to 262377
recommend, refuse to grant a license or certificate, refuse to 262378
renew a license or certificate, refuse to reinstate a license or 262379
certificate, or reprimand or place on probation the holder of a 262380
license or certificate if the individual applying for or holding 262381
the license or certificate is found by the board to have committed 262382
fraud during the administration of the examination for a license 262383
or certificate to practice or to have committed fraud, 262384
misrepresentation, or deception in applying for, renewing, or 262385
securing any license or certificate to practice or certificate to 262386
recommend issued by the board. 262387

(B) Except as provided in division (P) of this section, the 262388
board, by an affirmative vote of not fewer than six members, 262389
shall, to the extent permitted by law, limit, revoke, or suspend a 262390
license or certificate to practice or certificate to recommend, 262391
refuse to issue a license or certificate, refuse to renew a 262392
license or certificate, refuse to reinstate a license or 262393
certificate, or reprimand or place on probation the holder of a 262394
license or certificate for one or more of the following reasons: 262395

(1) Permitting one's name or one's license or certificate to 262396
practice to be used by a person, group, or corporation when the 262397
individual concerned is not actually directing the treatment 262398
given; 262399

(2) Failure to maintain minimal standards applicable to the 262400

selection or administration of drugs, or failure to employ 262401
acceptable scientific methods in the selection of drugs or other 262402
modalities for treatment of disease; 262403

(3) Except as provided in section 4731.97 of the Revised 262404
Code, selling, giving away, personally furnishing, prescribing, or 262405
administering drugs for other than legal and legitimate 262406
therapeutic purposes or a plea of guilty to, a judicial finding of 262407
guilt of, or a judicial finding of eligibility for intervention in 262408
lieu of conviction of, a violation of any federal or state law 262409
regulating the possession, distribution, or use of any drug; 262410

(4) Willfully betraying a professional confidence. 262411

For purposes of this division, "willfully betraying a 262412
professional confidence" does not include providing any 262413
information, documents, or reports under sections 307.621 to 262414
307.629 of the Revised Code to a child fatality review board; does 262415
not include providing any information, documents, or reports under 262416
sections 307.631 to 307.6410 of the Revised Code to a drug 262417
overdose fatality review committee, a suicide fatality review 262418
committee, or hybrid drug overdose fatality and suicide fatality 262419
review committee; does not include providing any information, 262420
documents, or reports under sections 307.651 to 307.659 of the 262421
Revised Code to a domestic violence fatality review board; does 262422
not include providing any information, documents, or reports to 262423
the director of health pursuant to guidelines established under 262424
section 3701.70 of the Revised Code; does not include written 262425
notice to a mental health professional under section 4731.62 of 262426
the Revised Code; and does not include the making of a report of 262427
an employee's use of a drug of abuse, or a report of a condition 262428
of an employee other than one involving the use of a drug of 262429
abuse, to the employer of the employee as described in division 262430
(B) of section 2305.33 of the Revised Code. Nothing in this 262431
division affects the immunity from civil liability conferred by 262432

section 2305.33 or 4731.62 of the Revised Code upon a physician 262433
who makes a report in accordance with section 2305.33 or notifies 262434
a mental health professional in accordance with section 4731.62 of 262435
the Revised Code. As used in this division, "employee," 262436
"employer," and "physician" have the same meanings as in section 262437
2305.33 of the Revised Code. 262438

(5) Making a false, fraudulent, deceptive, or misleading 262439
statement in the solicitation of or advertising for patients; in 262440
relation to the practice of medicine and surgery, osteopathic 262441
medicine and surgery, podiatric medicine and surgery, or a limited 262442
branch of medicine; or in securing or attempting to secure any 262443
license or certificate to practice issued by the board. 262444

As used in this division, "false, fraudulent, deceptive, or 262445
misleading statement" means a statement that includes a 262446
misrepresentation of fact, is likely to mislead or deceive because 262447
of a failure to disclose material facts, is intended or is likely 262448
to create false or unjustified expectations of favorable results, 262449
or includes representations or implications that in reasonable 262450
probability will cause an ordinarily prudent person to 262451
misunderstand or be deceived. 262452

(6) A departure from, or the failure to conform to, minimal 262453
standards of care of similar practitioners under the same or 262454
similar circumstances, whether or not actual injury to a patient 262455
is established; 262456

(7) Representing, with the purpose of obtaining compensation 262457
or other advantage as personal gain or for any other person, that 262458
an incurable disease or injury, or other incurable condition, can 262459
be permanently cured; 262460

(8) The obtaining of, or attempting to obtain, money or 262461
anything of value by fraudulent misrepresentations in the course 262462
of practice; 262463

- (9) A plea of guilty to, a judicial finding of guilt of, or a 262464
judicial finding of eligibility for intervention in lieu of 262465
conviction for, a felony; 262466
- (10) Commission of an act that constitutes a felony in this 262467
state, regardless of the jurisdiction in which the act was 262468
committed; 262469
- (11) A plea of guilty to, a judicial finding of guilt of, or 262470
a judicial finding of eligibility for intervention in lieu of 262471
conviction for, a misdemeanor committed in the course of practice; 262472
- (12) Commission of an act in the course of practice that 262473
constitutes a misdemeanor in this state, regardless of the 262474
jurisdiction in which the act was committed; 262475
- (13) A plea of guilty to, a judicial finding of guilt of, or 262476
a judicial finding of eligibility for intervention in lieu of 262477
conviction for, a misdemeanor involving moral turpitude; 262478
- (14) Commission of an act involving moral turpitude that 262479
constitutes a misdemeanor in this state, regardless of the 262480
jurisdiction in which the act was committed; 262481
- (15) Violation of the conditions of limitation placed by the 262482
board upon a license or certificate to practice; 262483
- (16) Failure to pay license renewal fees specified in this 262484
chapter; 262485
- (17) Except as authorized in section 4731.31 of the Revised 262486
Code, engaging in the division of fees for referral of patients, 262487
or the receiving of a thing of value in return for a specific 262488
referral of a patient to utilize a particular service or business; 262489
- (18) Subject to section 4731.226 of the Revised Code, 262490
violation of any provision of a code of ethics of the American 262491
medical association, the American osteopathic association, the 262492
American podiatric medical association, or any other national 262493

professional organizations that the board specifies by rule. The 262494
state medical board shall obtain and keep on file current copies 262495
of the codes of ethics of the various national professional 262496
organizations. The individual whose license or certificate is 262497
being suspended or revoked shall not be found to have violated any 262498
provision of a code of ethics of an organization not appropriate 262499
to the individual's profession. 262500

For purposes of this division, a "provision of a code of 262501
ethics of a national professional organization" does not include 262502
any provision that would preclude the making of a report by a 262503
physician of an employee's use of a drug of abuse, or of a 262504
condition of an employee other than one involving the use of a 262505
drug of abuse, to the employer of the employee as described in 262506
division (B) of section 2305.33 of the Revised Code. Nothing in 262507
this division affects the immunity from civil liability conferred 262508
by that section upon a physician who makes either type of report 262509
in accordance with division (B) of that section. As used in this 262510
division, "employee," "employer," and "physician" have the same 262511
meanings as in section 2305.33 of the Revised Code. 262512

(19) Inability to practice according to acceptable and 262513
prevailing standards of care by reason of mental illness or 262514
physical illness, including, but not limited to, physical 262515
deterioration that adversely affects cognitive, motor, or 262516
perceptive skills. 262517

In enforcing this division, the board, upon a showing of a 262518
possible violation, may compel any individual authorized to 262519
practice by this chapter or who has submitted an application 262520
pursuant to this chapter to submit to a mental examination, 262521
physical examination, including an HIV test, or both a mental and 262522
a physical examination. The expense of the examination is the 262523
responsibility of the individual compelled to be examined. Failure 262524
to submit to a mental or physical examination or consent to an HIV 262525

test ordered by the board constitutes an admission of the 262526
allegations against the individual unless the failure is due to 262527
circumstances beyond the individual's control, and a default and 262528
final order may be entered without the taking of testimony or 262529
presentation of evidence. If the board finds an individual unable 262530
to practice because of the reasons set forth in this division, the 262531
board shall require the individual to submit to care, counseling, 262532
or treatment by physicians approved or designated by the board, as 262533
a condition for initial, continued, reinstated, or renewed 262534
authority to practice. An individual affected under this division 262535
shall be afforded an opportunity to demonstrate to the board the 262536
ability to resume practice in compliance with acceptable and 262537
prevailing standards under the provisions of the individual's 262538
license or certificate. For the purpose of this division, any 262539
individual who applies for or receives a license or certificate to 262540
practice under this chapter accepts the privilege of practicing in 262541
this state and, by so doing, shall be deemed to have given consent 262542
to submit to a mental or physical examination when directed to do 262543
so in writing by the board, and to have waived all objections to 262544
the admissibility of testimony or examination reports that 262545
constitute a privileged communication. 262546

(20) Except as provided in division (F)(1)(b) of section 262547
4731.282 of the Revised Code or when civil penalties are imposed 262548
under section 4731.225 of the Revised Code, and subject to section 262549
4731.226 of the Revised Code, violating or attempting to violate, 262550
directly or indirectly, or assisting in or abetting the violation 262551
of, or conspiring to violate, any provisions of this chapter or 262552
any rule promulgated by the board. 262553

This division does not apply to a violation or attempted 262554
violation of, assisting in or abetting the violation of, or a 262555
conspiracy to violate, any provision of this chapter or any rule 262556
adopted by the board that would preclude the making of a report by 262557

a physician of an employee's use of a drug of abuse, or of a 262558
condition of an employee other than one involving the use of a 262559
drug of abuse, to the employer of the employee as described in 262560
division (B) of section 2305.33 of the Revised Code. Nothing in 262561
this division affects the immunity from civil liability conferred 262562
by that section upon a physician who makes either type of report 262563
in accordance with division (B) of that section. As used in this 262564
division, "employee," "employer," and "physician" have the same 262565
meanings as in section 2305.33 of the Revised Code. 262566

(21) The violation of section 3701.79 of the Revised Code or 262567
of any abortion rule adopted by the director of health pursuant to 262568
section 3701.341 of the Revised Code; 262569

(22) Any of the following actions taken by an agency 262570
responsible for authorizing, certifying, or regulating an 262571
individual to practice a health care occupation or provide health 262572
care services in this state or another jurisdiction, for any 262573
reason other than the nonpayment of fees: the limitation, 262574
revocation, or suspension of an individual's license to practice; 262575
acceptance of an individual's license surrender; denial of a 262576
license; refusal to renew or reinstate a license; imposition of 262577
probation; or issuance of an order of censure or other reprimand; 262578

(23) The violation of section 2919.12 of the Revised Code or 262579
the performance or inducement of an abortion upon a pregnant woman 262580
with actual knowledge that the conditions specified in division 262581
(B) of section 2317.56 of the Revised Code have not been satisfied 262582
or with a heedless indifference as to whether those conditions 262583
have been satisfied, unless an affirmative defense as specified in 262584
division (H)(2) of that section would apply in a civil action 262585
authorized by division (H)(1) of that section; 262586

(24) The revocation, suspension, restriction, reduction, or 262587
termination of clinical privileges by the United States department 262588
of defense or department of veterans affairs or the termination or 262589

suspension of a certificate of registration to prescribe drugs by 262590
the drug enforcement administration of the United States 262591
department of justice; 262592

(25) Termination or suspension from participation in the 262593
medicare or medicaid programs by the department of health and 262594
human services or other responsible agency; 262595

(26) Impairment of ability to practice according to 262596
acceptable and prevailing standards of care because of habitual or 262597
excessive use or abuse of drugs, alcohol, or other substances that 262598
impair ability to practice. 262599

For the purposes of this division, any individual authorized 262600
to practice by this chapter accepts the privilege of practicing in 262601
this state subject to supervision by the board. By filing an 262602
application for or holding a license or certificate to practice 262603
under this chapter, an individual shall be deemed to have given 262604
consent to submit to a mental or physical examination when ordered 262605
to do so by the board in writing, and to have waived all 262606
objections to the admissibility of testimony or examination 262607
reports that constitute privileged communications. 262608

If it has reason to believe that any individual authorized to 262609
practice by this chapter or any applicant for licensure or 262610
certification to practice suffers such impairment, the board may 262611
compel the individual to submit to a mental or physical 262612
examination, or both. The expense of the examination is the 262613
responsibility of the individual compelled to be examined. Any 262614
mental or physical examination required under this division shall 262615
be undertaken by a treatment provider or physician who is 262616
qualified to conduct the examination and who is chosen by the 262617
board. 262618

Failure to submit to a mental or physical examination ordered 262619
by the board constitutes an admission of the allegations against 262620

the individual unless the failure is due to circumstances beyond 262621
the individual's control, and a default and final order may be 262622
entered without the taking of testimony or presentation of 262623
evidence. If the board determines that the individual's ability to 262624
practice is impaired, the board shall suspend the individual's 262625
license or certificate or deny the individual's application and 262626
shall require the individual, as a condition for initial, 262627
continued, reinstated, or renewed licensure or certification to 262628
practice, to submit to treatment. 262629

Before being eligible to apply for reinstatement of a license 262630
or certificate suspended under this division, the impaired 262631
practitioner shall demonstrate to the board the ability to resume 262632
practice in compliance with acceptable and prevailing standards of 262633
care under the provisions of the practitioner's license or 262634
certificate. The demonstration shall include, but shall not be 262635
limited to, the following: 262636

(a) Certification from a treatment provider approved under 262637
section 4731.25 of the Revised Code that the individual has 262638
successfully completed any required inpatient treatment; 262639

(b) Evidence of continuing full compliance with an aftercare 262640
contract or consent agreement; 262641

(c) Two written reports indicating that the individual's 262642
ability to practice has been assessed and that the individual has 262643
been found capable of practicing according to acceptable and 262644
prevailing standards of care. The reports shall be made by 262645
individuals or providers approved by the board for making the 262646
assessments and shall describe the basis for their determination. 262647

The board may reinstate a license or certificate suspended 262648
under this division after that demonstration and after the 262649
individual has entered into a written consent agreement. 262650

When the impaired practitioner resumes practice, the board 262651

shall require continued monitoring of the individual. The 262652
monitoring shall include, but not be limited to, compliance with 262653
the written consent agreement entered into before reinstatement or 262654
with conditions imposed by board order after a hearing, and, upon 262655
termination of the consent agreement, submission to the board for 262656
at least two years of annual written progress reports made under 262657
penalty of perjury stating whether the individual has maintained 262658
sobriety. 262659

(27) A second or subsequent violation of section 4731.66 or 262660
4731.69 of the Revised Code; 262661

(28) Except as provided in division (N) of this section: 262662

(a) Waiving the payment of all or any part of a deductible or 262663
copayment that a patient, pursuant to a health insurance or health 262664
care policy, contract, or plan that covers the individual's 262665
services, otherwise would be required to pay if the waiver is used 262666
as an enticement to a patient or group of patients to receive 262667
health care services from that individual; 262668

(b) Advertising that the individual will waive the payment of 262669
all or any part of a deductible or copayment that a patient, 262670
pursuant to a health insurance or health care policy, contract, or 262671
plan that covers the individual's services, otherwise would be 262672
required to pay. 262673

(29) Failure to use universal blood and body fluid 262674
precautions established by rules adopted under section 4731.051 of 262675
the Revised Code; 262676

(30) Failure to provide notice to, and receive acknowledgment 262677
of the notice from, a patient when required by section 4731.143 of 262678
the Revised Code prior to providing nonemergency professional 262679
services, or failure to maintain that notice in the patient's 262680
medical record; 262681

(31) Failure of a physician supervising a physician assistant 262682

to maintain supervision in accordance with the requirements of 262683
Chapter 4730. of the Revised Code and the rules adopted under that 262684
chapter; 262685

(32) Failure of a physician or podiatrist to enter into a 262686
standard care arrangement with a clinical nurse specialist, 262687
certified nurse-midwife, or certified nurse practitioner with whom 262688
the physician or podiatrist is in collaboration pursuant to 262689
section 4731.27 of the Revised Code or failure to fulfill the 262690
responsibilities of collaboration after entering into a standard 262691
care arrangement; 262692

(33) Failure to comply with the terms of a consult agreement 262693
entered into with a pharmacist pursuant to section 4729.39 of the 262694
Revised Code; 262695

(34) Failure to cooperate in an investigation conducted by 262696
the board under division (F) of this section, including failure to 262697
comply with a subpoena or order issued by the board or failure to 262698
answer truthfully a question presented by the board in an 262699
investigative interview, an investigative office conference, at a 262700
deposition, or in written interrogatories, except that failure to 262701
cooperate with an investigation shall not constitute grounds for 262702
discipline under this section if a court of competent jurisdiction 262703
has issued an order that either quashes a subpoena or permits the 262704
individual to withhold the testimony or evidence in issue; 262705

(35) Failure to supervise an acupuncturist in accordance with 262706
Chapter 4762. of the Revised Code and the board's rules for 262707
providing that supervision; 262708

(36) Failure to supervise an anesthesiologist assistant in 262709
accordance with Chapter 4760. of the Revised Code and the board's 262710
rules for supervision of an anesthesiologist assistant; 262711

(37) Assisting suicide, as defined in section 3795.01 of the 262712
Revised Code; 262713

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| (38) Failure to comply with the requirements of section 2317.561 of the Revised Code; | 262714
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| (39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants; | 262716
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| (40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code; | 262719
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| (41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic; | 262722
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| (42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic; | 262726
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| (43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; | 262730
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| (44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code; | 262734
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| (45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification; | 262739
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(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

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(47) Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;

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(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;

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(49) Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;

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(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;

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(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification unless that place is licensed with the classification;

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(52) A pattern of continuous or repeated violations of division (E)(2) or (3) of section 3963.02 of the Revised Code;

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(53) Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as

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described in section 4755.621 of the Revised Code; 262775

(54) Failure to take the steps specified in section 4731.911 262776
of the Revised Code following an abortion or attempted abortion in 262777
an ambulatory surgical facility or other location that is not a 262778
hospital when a child is born alive; 262779

(55) Failure of a physician supervising a certified mental 262780
health assistant to maintain supervision in accordance with the 262781
requirements of Chapter 4772. of the Revised Code and the rules 262782
adopted under that chapter. 262783

(C) Disciplinary actions taken by the board under divisions 262784
(A) and (B) of this section shall be taken pursuant to an 262785
adjudication under Chapter 119. of the Revised Code, except that 262786
in lieu of an adjudication, the board may enter into a consent 262787
agreement with an individual to resolve an allegation of a 262788
violation of this chapter or any rule adopted under it. A consent 262789
agreement, when ratified by an affirmative vote of not fewer than 262790
six members of the board, shall constitute the findings and order 262791
of the board with respect to the matter addressed in the 262792
agreement. If the board refuses to ratify a consent agreement, the 262793
admissions and findings contained in the consent agreement shall 262794
be of no force or effect. 262795

A telephone conference call may be utilized for ratification 262796
of a consent agreement that revokes or suspends an individual's 262797
license or certificate to practice or certificate to recommend. 262798
The telephone conference call shall be considered a special 262799
meeting under division (F) of section 121.22 of the Revised Code. 262800

If the board takes disciplinary action against an individual 262801
under division (B) of this section for a second or subsequent plea 262802
of guilty to, or judicial finding of guilt of, a violation of 262803
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 262804
action shall consist of a suspension of the individual's license 262805

or certificate to practice for a period of at least one year or, 262806
if determined appropriate by the board, a more serious sanction 262807
involving the individual's license or certificate to practice. Any 262808
consent agreement entered into under this division with an 262809
individual that pertains to a second or subsequent plea of guilty 262810
to, or judicial finding of guilt of, a violation of that section 262811
shall provide for a suspension of the individual's license or 262812
certificate to practice for a period of at least one year or, if 262813
determined appropriate by the board, a more serious sanction 262814
involving the individual's license or certificate to practice. 262815

(D) For purposes of divisions (B)(10), (12), and (14) of this 262816
section, the commission of the act may be established by a finding 262817
by the board, pursuant to an adjudication under Chapter 119. of 262818
the Revised Code, that the individual committed the act. The board 262819
does not have jurisdiction under those divisions if the trial 262820
court renders a final judgment in the individual's favor and that 262821
judgment is based upon an adjudication on the merits. The board 262822
has jurisdiction under those divisions if the trial court issues 262823
an order of dismissal upon technical or procedural grounds. 262824

(E) The sealing or expungement of conviction records by any 262825
court shall have no effect upon a prior board order entered under 262826
this section or upon the board's jurisdiction to take action under 262827
this section if, based upon a plea of guilty, a judicial finding 262828
of guilt, or a judicial finding of eligibility for intervention in 262829
lieu of conviction, the board issued a notice of opportunity for a 262830
hearing prior to the court's order to seal or expunge the records. 262831
The board shall not be required to seal, expunge, destroy, redact, 262832
or otherwise modify its records to reflect the court's sealing of 262833
conviction records. 262834

(F)(1) The board shall investigate evidence that appears to 262835
show that a person has violated any provision of this chapter or 262836
any rule adopted under it. Any person may report to the board in a 262837

signed writing any information that the person may have that 262838
appears to show a violation of any provision of this chapter or 262839
any rule adopted under it. In the absence of bad faith, any person 262840
who reports information of that nature or who testifies before the 262841
board in any adjudication conducted under Chapter 119. of the 262842
Revised Code shall not be liable in damages in a civil action as a 262843
result of the report or testimony. Each complaint or allegation of 262844
a violation received by the board shall be assigned a case number 262845
and shall be recorded by the board. 262846

(2) Investigations of alleged violations of this chapter or 262847
any rule adopted under it shall be supervised by the supervising 262848
member elected by the board in accordance with section 4731.02 of 262849
the Revised Code and by the secretary as provided in section 262850
4731.39 of the Revised Code. The president may designate another 262851
member of the board to supervise the investigation in place of the 262852
supervising member. No member of the board who supervises the 262853
investigation of a case shall participate in further adjudication 262854
of the case. 262855

(3) In investigating a possible violation of this chapter or 262856
any rule adopted under this chapter, or in conducting an 262857
inspection under division (E) of section 4731.054 of the Revised 262858
Code, the board may question witnesses, conduct interviews, 262859
administer oaths, order the taking of depositions, inspect and 262860
copy any books, accounts, papers, records, or documents, issue 262861
subpoenas, and compel the attendance of witnesses and production 262862
of books, accounts, papers, records, documents, and testimony, 262863
except that a subpoena for patient record information shall not be 262864
issued without consultation with the attorney general's office and 262865
approval of the secretary and supervising member of the board. 262866

(a) Before issuance of a subpoena for patient record 262867
information, the secretary and supervising member shall determine 262868
whether there is probable cause to believe that the complaint 262869

filed alleges a violation of this chapter or any rule adopted 262870
under it and that the records sought are relevant to the alleged 262871
violation and material to the investigation. The subpoena may 262872
apply only to records that cover a reasonable period of time 262873
surrounding the alleged violation. 262874

(b) On failure to comply with any subpoena issued by the 262875
board and after reasonable notice to the person being subpoenaed, 262876
the board may move for an order compelling the production of 262877
persons or records pursuant to the Rules of Civil Procedure. 262878

(c) A subpoena issued by the board may be served by a 262879
sheriff, the sheriff's deputy, or a board employee or agent 262880
designated by the board. Service of a subpoena issued by the board 262881
may be made by delivering a copy of the subpoena to the person 262882
named therein, reading it to the person, or leaving it at the 262883
person's usual place of residence, usual place of business, or 262884
address on file with the board. When serving a subpoena to an 262885
applicant for or the holder of a license or certificate issued 262886
under this chapter, service of the subpoena may be made by 262887
certified mail, return receipt requested, and the subpoena shall 262888
be deemed served on the date delivery is made or the date the 262889
person refuses to accept delivery. If the person being served 262890
refuses to accept the subpoena or is not located, service may be 262891
made to an attorney who notifies the board that the attorney is 262892
representing the person. 262893

(d) A sheriff's deputy who serves a subpoena shall receive 262894
the same fees as a sheriff. Each witness who appears before the 262895
board in obedience to a subpoena shall receive the fees and 262896
mileage provided for under section 119.094 of the Revised Code. 262897

(4) All hearings, investigations, and inspections of the 262898
board shall be considered civil actions for the purposes of 262899
section 2305.252 of the Revised Code. 262900

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state

medical board when the information was in the board's possession. 262933
Measures to ensure confidentiality that may be taken by the court 262934
include sealing its records or deleting specific information from 262935
its records. 262936

(6) On a quarterly basis, the board shall prepare a report 262937
that documents the disposition of all cases during the preceding 262938
three months. The report shall contain the following information 262939
for each case with which the board has completed its activities: 262940

(a) The case number assigned to the complaint or alleged 262941
violation; 262942

(b) The type of license or certificate to practice, if any, 262943
held by the individual against whom the complaint is directed; 262944

(c) A description of the allegations contained in the 262945
complaint; 262946

(d) The disposition of the case. 262947

The report shall state how many cases are still pending and 262948
shall be prepared in a manner that protects the identity of each 262949
person involved in each case. The report shall be a public record 262950
under section 149.43 of the Revised Code. 262951

(G) If the secretary and supervising member determine both of 262952
the following, they may recommend that the board suspend an 262953
individual's license or certificate to practice or certificate to 262954
recommend without a prior hearing: 262955

(1) That there is clear and convincing evidence that an 262956
individual has violated division (B) of this section; 262957

(2) That the individual's continued practice presents a 262958
danger of immediate and serious harm to the public. 262959

Written allegations shall be prepared for consideration by 262960
the board. The board, upon review of those allegations and by an 262961
affirmative vote of not fewer than six of its members, excluding 262962

the secretary and supervising member, may suspend a license or 262963
certificate without a prior hearing. A telephone conference call 262964
may be utilized for reviewing the allegations and taking the vote 262965
on the summary suspension. 262966

The board shall issue a written order of suspension by 262967
certified mail or in person in accordance with section 119.07 of 262968
the Revised Code. The order shall not be subject to suspension by 262969
the court during pendency of any appeal filed under section 119.12 262970
of the Revised Code. If the individual subject to the summary 262971
suspension requests an adjudicatory hearing by the board, the date 262972
set for the hearing shall be within fifteen days, but not earlier 262973
than seven days, after the individual requests the hearing, unless 262974
otherwise agreed to by both the board and the individual. 262975

Any summary suspension imposed under this division shall 262976
remain in effect, unless reversed on appeal, until a final 262977
adjudicative order issued by the board pursuant to this section 262978
and Chapter 119. of the Revised Code becomes effective. The board 262979
shall issue its final adjudicative order within seventy-five days 262980
after completion of its hearing. A failure to issue the order 262981
within seventy-five days shall result in dissolution of the 262982
summary suspension order but shall not invalidate any subsequent, 262983
final adjudicative order. 262984

(H) If the board takes action under division (B)(9), (11), or 262985
(13) of this section and the judicial finding of guilt, guilty 262986
plea, or judicial finding of eligibility for intervention in lieu 262987
of conviction is overturned on appeal, upon exhaustion of the 262988
criminal appeal, a petition for reconsideration of the order may 262989
be filed with the board along with appropriate court documents. 262990
Upon receipt of a petition of that nature and supporting court 262991
documents, the board shall reinstate the individual's license or 262992
certificate to practice. The board may then hold an adjudication 262993
under Chapter 119. of the Revised Code to determine whether the 262994

individual committed the act in question. Notice of an opportunity 262995
for a hearing shall be given in accordance with Chapter 119. of 262996
the Revised Code. If the board finds, pursuant to an adjudication 262997
held under this division, that the individual committed the act or 262998
if no hearing is requested, the board may order any of the 262999
sanctions identified under division (B) of this section. 263000

(I) The license or certificate to practice issued to an 263001
individual under this chapter and the individual's practice in 263002
this state are automatically suspended as of the date of the 263003
individual's second or subsequent plea of guilty to, or judicial 263004
finding of guilt of, a violation of section 2919.123 or 2919.124 263005
of the Revised Code. In addition, the license or certificate to 263006
practice or certificate to recommend issued to an individual under 263007
this chapter and the individual's practice in this state are 263008
automatically suspended as of the date the individual pleads 263009
guilty to, is found by a judge or jury to be guilty of, or is 263010
subject to a judicial finding of eligibility for intervention in 263011
lieu of conviction in this state or treatment or intervention in 263012
lieu of conviction in another jurisdiction for any of the 263013
following criminal offenses in this state or a substantially 263014
equivalent criminal offense in another jurisdiction: aggravated 263015
murder, murder, voluntary manslaughter, felonious assault, 263016
kidnapping, rape, sexual battery, gross sexual imposition, 263017
aggravated arson, aggravated robbery, or aggravated burglary. 263018
Continued practice after suspension shall be considered practicing 263019
without a license or certificate. 263020

The board shall notify the individual subject to the 263021
suspension by certified mail or in person in accordance with 263022
section 119.07 of the Revised Code. If an individual whose license 263023
or certificate is automatically suspended under this division 263024
fails to make a timely request for an adjudication under Chapter 263025
119. of the Revised Code, the board shall do whichever of the 263026

following is applicable: 263027

(1) If the automatic suspension under this division is for a 263028
second or subsequent plea of guilty to, or judicial finding of 263029
guilt of, a violation of section 2919.123 or 2919.124 of the 263030
Revised Code, the board shall enter an order suspending the 263031
individual's license or certificate to practice for a period of at 263032
least one year or, if determined appropriate by the board, 263033
imposing a more serious sanction involving the individual's 263034
license or certificate to practice. 263035

(2) In all circumstances in which division (I)(1) of this 263036
section does not apply, enter a final order permanently revoking 263037
the individual's license or certificate to practice. 263038

(J) If the board is required by Chapter 119. of the Revised 263039
Code to give notice of an opportunity for a hearing and if the 263040
individual subject to the notice does not timely request a hearing 263041
in accordance with section 119.07 of the Revised Code, the board 263042
is not required to hold a hearing, but may adopt, by an 263043
affirmative vote of not fewer than six of its members, a final 263044
order that contains the board's findings. In that final order, the 263045
board may order any of the sanctions identified under division (A) 263046
or (B) of this section. 263047

(K) Any action taken by the board under division (B) of this 263048
section resulting in a suspension from practice shall be 263049
accompanied by a written statement of the conditions under which 263050
the individual's license or certificate to practice may be 263051
reinstated. The board shall adopt rules governing conditions to be 263052
imposed for reinstatement. Reinstatement of a license or 263053
certificate suspended pursuant to division (B) of this section 263054
requires an affirmative vote of not fewer than six members of the 263055
board. 263056

(L) When the board refuses to grant or issue a license or 263057

certificate to practice to an applicant, revokes an individual's 263058
license or certificate to practice, refuses to renew an 263059
individual's license or certificate to practice, or refuses to 263060
reinstate an individual's license or certificate to practice, the 263061
board may specify that its action is permanent. An individual 263062
subject to a permanent action taken by the board is forever 263063
thereafter ineligible to hold a license or certificate to practice 263064
and the board shall not accept an application for reinstatement of 263065
the license or certificate or for issuance of a new license or 263066
certificate. 263067

(M) Notwithstanding any other provision of the Revised Code, 263068
all of the following apply: 263069

(1) The surrender of a license or certificate issued under 263070
this chapter shall not be effective unless or until accepted by 263071
the board. A telephone conference call may be utilized for 263072
acceptance of the surrender of an individual's license or 263073
certificate to practice. The telephone conference call shall be 263074
considered a special meeting under division (F) of section 121.22 263075
of the Revised Code. Reinstatement of a license or certificate 263076
surrendered to the board requires an affirmative vote of not fewer 263077
than six members of the board. 263078

(2) An application for a license or certificate made under 263079
the provisions of this chapter may not be withdrawn without 263080
approval of the board. 263081

(3) Failure by an individual to renew a license or 263082
certificate to practice in accordance with this chapter or a 263083
certificate to recommend in accordance with rules adopted under 263084
section 4731.301 of the Revised Code shall not remove or limit the 263085
board's jurisdiction to take any disciplinary action under this 263086
section against the individual. 263087

(4) At the request of the board, a license or certificate 263088

holder shall immediately surrender to the board a license or 263089
certificate that the board has suspended, revoked, or permanently 263090
revoked. 263091

(N) Sanctions shall not be imposed under division (B)(28) of 263092
this section against any person who waives deductibles and 263093
copayments as follows: 263094

(1) In compliance with the health benefit plan that expressly 263095
allows such a practice. Waiver of the deductibles or copayments 263096
shall be made only with the full knowledge and consent of the plan 263097
purchaser, payer, and third-party administrator. Documentation of 263098
the consent shall be made available to the board upon request. 263099

(2) For professional services rendered to any other person 263100
authorized to practice pursuant to this chapter, to the extent 263101
allowed by this chapter and rules adopted by the board. 263102

(O) Under the board's investigative duties described in this 263103
section and subject to division (F) of this section, the board 263104
shall develop and implement a quality intervention program 263105
designed to improve through remedial education the clinical and 263106
communication skills of individuals authorized under this chapter 263107
to practice medicine and surgery, osteopathic medicine and 263108
surgery, and podiatric medicine and surgery. In developing and 263109
implementing the quality intervention program, the board may do 263110
all of the following: 263111

(1) Offer in appropriate cases as determined by the board an 263112
educational and assessment program pursuant to an investigation 263113
the board conducts under this section; 263114

(2) Select providers of educational and assessment services, 263115
including a quality intervention program panel of case reviewers; 263116

(3) Make referrals to educational and assessment service 263117
providers and approve individual educational programs recommended 263118
by those providers. The board shall monitor the progress of each 263119

individual undertaking a recommended individual educational program. 263120
263121

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate; 263122
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(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program. 263126
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An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 263129
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(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code. 263132
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Sec. 4731.224. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. Upon request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that 263138
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reviewed the case or by the governing board of the facility. As 263151
used in this division, "formal disciplinary action" means any 263152
action resulting in the revocation, restriction, reduction, or 263153
termination of clinical privileges for violations of professional 263154
ethics, or for reasons of medical incompetence or medical 263155
malpractice. "Formal disciplinary action" includes a summary 263156
action, an action that takes effect notwithstanding any appeal 263157
rights that may exist, and an action that results in an individual 263158
surrendering clinical privileges while under investigation and 263159
during proceedings regarding the action being taken or in return 263160
for not being investigated or having proceedings held. "Formal 263161
disciplinary action" does not include any action taken for the 263162
sole reason of failure to maintain records on a timely basis or 263163
failure to attend staff or section meetings. 263164

The filing or nonfiling of a report with the board, 263165
investigation by the board, or any disciplinary action taken by 263166
the board, shall not preclude any action by a health care facility 263167
to suspend, restrict, or revoke the individual's clinical 263168
privileges. 263169

In the absence of fraud or bad faith, no individual or entity 263170
that provides patient records to the board shall be liable in 263171
damages to any person as a result of providing the records. 263172

(B)(1) Except as provided in division (B)(2) of this section, 263173
if any individual authorized to practice under this chapter or any 263174
professional association or society of such individuals believes 263175
that a violation of any provision of this chapter, Chapter 4730., 263176
4759., 4760., 4761., 4762., 4772., 4774., or 4778. of the Revised 263177
Code, or any rule of the board has occurred, the individual, 263178
association, or society shall report to the board the information 263179
upon which the belief is based. 263180

(2) If any individual authorized to practice under this 263181

chapter or any professional association or society of such 263182
individuals believes that a violation of division (B)(26) of 263183
section 4731.22 of the Revised Code has occurred, the individual, 263184
association, or society shall report the information upon which 263185
the belief is based to the monitoring organization conducting the 263186
program established by the board under section 4731.251 of the 263187
Revised Code. If any such report is made to the board, it shall be 263188
referred to the monitoring organization unless the board is aware 263189
that the individual who is the subject of the report does not meet 263190
the program eligibility requirements of section 4731.252 of the 263191
Revised Code. 263192

(C) Any professional association or society composed 263193
primarily of doctors of medicine and surgery, doctors of 263194
osteopathic medicine and surgery, doctors of podiatric medicine 263195
and surgery, or practitioners of limited branches of medicine that 263196
suspends or revokes an individual's membership for violations of 263197
professional ethics, or for reasons of professional incompetence 263198
or professional malpractice, within sixty days after a final 263199
decision shall report to the board, on forms prescribed and 263200
provided by the board, the name of the individual, the action 263201
taken by the professional organization, and a summary of the 263202
underlying facts leading to the action taken. 263203

The filing of a report with the board or decision not to file 263204
a report, investigation by the board, or any disciplinary action 263205
taken by the board, does not preclude a professional organization 263206
from taking disciplinary action against an individual. 263207

(D) Any insurer providing professional liability insurance to 263208
an individual authorized to practice under this chapter, or any 263209
other entity that seeks to indemnify the professional liability of 263210
such an individual, shall notify the board within thirty days 263211
after the final disposition of any written claim for damages where 263212
such disposition results in a payment exceeding twenty-five 263213

thousand dollars. The notice shall contain the following 263214
information: 263215

(1) The name and address of the person submitting the 263216
notification; 263217

(2) The name and address of the insured who is the subject of 263218
the claim; 263219

(3) The name of the person filing the written claim; 263220

(4) The date of final disposition; 263221

(5) If applicable, the identity of the court in which the 263222
final disposition of the claim took place. 263223

(E) The board may investigate possible violations of this 263224
chapter or the rules adopted under it that are brought to its 263225
attention as a result of the reporting requirements of this 263226
section, except that the board shall conduct an investigation if a 263227
possible violation involves repeated malpractice. As used in this 263228
division, "repeated malpractice" means three or more claims for 263229
medical malpractice within the previous five-year period, each 263230
resulting in a judgment or settlement in excess of twenty-five 263231
thousand dollars in favor of the claimant, and each involving 263232
negligent conduct by the practicing individual. 263233

(F) All summaries, reports, and records received and 263234
maintained by the board pursuant to this section shall be held in 263235
confidence and shall not be subject to discovery or introduction 263236
in evidence in any federal or state civil action involving a 263237
health care professional or facility arising out of matters that 263238
are the subject of the reporting required by this section. The 263239
board may use the information obtained only as the basis for an 263240
investigation, as evidence in a disciplinary hearing against an 263241
individual whose practice is regulated under this chapter, or in 263242
any subsequent trial or appeal of a board action or order. 263243

The board may disclose the summaries and reports it receives 263244
under this section only to health care facility committees within 263245
or outside this state that are involved in credentialing or 263246
recredentialing the individual or in reviewing the individual's 263247
clinical privileges. The board shall indicate whether or not the 263248
information has been verified. Information transmitted by the 263249
board shall be subject to the same confidentiality provisions as 263250
when maintained by the board. 263251

(G) Except for reports filed by an individual pursuant to 263252
division (B) of this section, the board shall send a copy of any 263253
reports or summaries it receives pursuant to this section to the 263254
individual who is the subject of the reports or summaries. The 263255
individual shall have the right to file a statement with the board 263256
concerning the correctness or relevance of the information. The 263257
statement shall at all times accompany that part of the record in 263258
contention. 263259

(H) An individual or entity that, pursuant to this section, 263260
reports to the board, reports to the monitoring organization 263261
described in section 4731.251 of the Revised Code, or refers an 263262
impaired practitioner to a treatment provider approved by the 263263
board under section 4731.25 of the Revised Code shall not be 263264
subject to suit for civil damages as a result of the report, 263265
referral, or provision of the information. 263266

(I) In the absence of fraud or bad faith, no professional 263267
association or society of individuals authorized to practice under 263268
this chapter that sponsors a committee or program to provide peer 263269
assistance to practitioners with substance abuse problems, no 263270
representative or agent of such a committee or program, no 263271
representative or agent of the monitoring organization described 263272
in section 4731.251 of the Revised Code, and no member of the 263273
state medical board shall be held liable in damages to any person 263274
by reason of actions taken to refer a practitioner to a treatment 263275

provider approved under section 4731.25 of the Revised Code for 263276
examination or treatment. 263277

Sec. 4731.24. Except as provided in sections 4731.281 and 263278
4731.40 of the Revised Code, all receipts of the state medical 263279
board, from any source, shall be deposited in the state treasury. 263280
The funds shall be deposited to the credit of the state medical 263281
board operating fund, which is hereby created. Except as provided 263282
in sections 4730.252, 4731.225, 4731.24, 4759.071, 4760.133, 263283
4761.091, 4762.133, 4772.203, 4774.133, and 4778.141 of the 263284
Revised Code, all funds deposited into the state treasury under 263285
this section shall be used solely for the administration and 263286
enforcement of this chapter and Chapters 4730., 4759., 4760., 263287
4761., 4762., 4772., 4774., and 4778. of the Revised Code by the 263288
board. 263289

Sec. 4731.25. The state medical board, in accordance with 263290
Chapter 119. of the Revised Code, shall adopt and may amend and 263291
rescind rules establishing standards for approval of physicians 263292
and facilities as treatment providers for practitioners suffering 263293
or showing evidence of suffering impairment as described in 263294
division (B)(5) of section 4730.25, division (B)(26) of section 263295
4731.22, division (A)(18) of section 4759.07, division (B)(6) of 263296
section 4760.13, division (A)(18) of section 4761.09, division 263297
(B)(6) of section 4762.13, division (B)(6) of section 4772.20, 263298
division (B)(6) of section 4774.13, or division (B)(6) of section 263299
4778.14 of the Revised Code. The rules shall include standards for 263300
both inpatient and outpatient treatment and for care and 263301
monitoring that continues after treatment. The rules shall provide 263302
that in order to be approved, a treatment provider must have the 263303
capability of making an initial examination to determine what type 263304
of treatment an impaired practitioner requires. Subject to the 263305
rules, the board shall review and approve treatment providers on a 263306

regular basis. The board, at its discretion, may withdraw or deny approval subject to the rules. 263307
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An approved impaired practitioner treatment provider shall do all of the following: 263309
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(A) Report to the board the name of any practitioner suffering or showing evidence of suffering impairment who fails to comply within one week with a referral for examination; 263311
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(B) Report to the board the name of any impaired practitioner who fails to enter treatment within forty-eight hours following the provider's determination that the practitioner needs treatment; 263314
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(C) Require every practitioner who enters treatment to agree to a treatment contract establishing the terms of treatment and aftercare, including any required supervision or restrictions of practice during treatment or aftercare; 263318
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(D) Require a practitioner to suspend practice upon entry into any required inpatient treatment; 263322
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(E) Report to the board any failure by an impaired practitioner to comply with the terms of the treatment contract during inpatient or outpatient treatment or aftercare; 263324
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(F) Report to the board the resumption of practice of any impaired practitioner before the treatment provider has made a clear determination that the practitioner is capable of practicing according to acceptable and prevailing standards of care; 263327
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(G) Require a practitioner who resumes practice after completion of treatment to comply with an aftercare contract that meets the requirements of rules adopted by the board for approval of treatment providers; 263331
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(H) Report the identity of any practitioner practicing under the terms of an aftercare contract to hospital administrators, 263335
263336

medical chiefs of staff, and chairpersons of impaired practitioner 263337
committees of all health care institutions at which the 263338
practitioner holds clinical privileges or otherwise practices. If 263339
the practitioner does not hold clinical privileges at any health 263340
care institution, the treatment provider shall report the 263341
practitioner's identity to the impaired practitioner committee of 263342
the county medical society, osteopathic academy, or podiatric 263343
medical association in every county in which the practitioner 263344
practices. If there are no impaired practitioner committees in the 263345
county, the treatment provider shall report the practitioner's 263346
identity to the president or other designated member of the county 263347
medical society, osteopathic academy, or podiatric medical 263348
association. 263349

(I) Report to the board the identity of any practitioner who 263350
suffers a relapse at any time during or following aftercare. 263351

Any individual authorized to practice under this chapter who 263352
enters into treatment by an approved treatment provider shall be 263353
deemed to have waived any confidentiality requirements that would 263354
otherwise prevent the treatment provider from making reports 263355
required under this section. 263356

In the absence of fraud or bad faith, no person or 263357
organization that conducts an approved impaired practitioner 263358
treatment program, no member of such an organization, and no 263359
employee, representative, or agent of the treatment provider shall 263360
be held liable in damages to any person by reason of actions taken 263361
or recommendations made by the treatment provider or its 263362
employees, representatives, or agents. 263363

Sec. 4731.251. (A) As used in this section and in sections 263364
4731.252 to 4731.254 of the Revised Code: 263365

(1) "Applicant" means an individual who has applied under 263366
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., or 263367

4778. of the Revised Code for a license, training or other 263368
certificate, limited permit, or other authority to practice as any 263369
one of the following practitioners: a physician assistant, 263370
physician, podiatrist, limited branch of medicine practitioner, 263371
dietitian, anesthesiologist assistant, respiratory care 263372
professional, acupuncturist, certified mental health assistant, 263373
radiologist assistant, or genetic counselor. "Applicant" may 263374
include an individual who has been granted authority by the state 263375
medical board to practice as one type of practitioner, but has 263376
applied for authority to practice as another type of practitioner. 263377

(2) "Impaired" or "impairment" has the same meaning as in 263378
division (B)(5) of section 4730.25, division (B)(26) of section 263379
4731.22, division (A)(18) of section 4759.07, division (B)(6) of 263380
section 4760.13, division (A)(18) of section 4761.09, division 263381
(B)(6) of section 4762.13, division (B)(6) of section 4772.20, 263382
division (B)(6) of section 4774.13, or division (B)(6) of section 263383
4778.14 of the Revised Code. 263384

(3) "Practitioner" means any of the following: 263385

(a) An individual authorized under this chapter to practice 263386
medicine and surgery, osteopathic medicine and surgery, podiatric 263387
medicine and surgery, or a limited branch of medicine; 263388

(b) An individual licensed under Chapter 4730. of the Revised 263389
Code to practice as a physician assistant; 263390

(c) An individual authorized under Chapter 4759. of the 263391
Revised Code to practice as a dietitian; 263392

(d) An individual authorized under Chapter 4760. of the 263393
Revised Code to practice as an anesthesiologist assistant; 263394

(e) An individual authorized under Chapter 4761. of the 263395
Revised Code to practice respiratory care; 263396

(f) An individual authorized under Chapter 4762. of the 263397

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| Revised Code to practice as an acupuncturist; | 263398 |
| (g) <u>An individual licensed under Chapter 4772. of the Revised</u> | 263399 |
| <u>Code to practice as a certified mental health assistant;</u> | 263400 |
| (h) An individual authorized under Chapter 4774. of the | 263401 |
| Revised Code to practice as a radiologist assistant; | 263402 |
| (h) (i) An individual licensed under Chapter 4778. of the | 263403 |
| Revised Code to practice as a genetic counselor. | 263404 |
| (B) The state medical board shall establish a confidential | 263405 |
| program for the treatment of impaired practitioners and | 263406 |
| applicants, which shall be known as the one-bite program. The | 263407 |
| board shall contract with one organization to conduct the program | 263408 |
| and perform monitoring services. | 263409 |
| To be qualified to contract with the board under this | 263410 |
| section, an organization must meet all of the following | 263411 |
| requirements: | 263412 |
| (1) Be sponsored by one or more professional associations or | 263413 |
| societies of practitioners; | 263414 |
| (2) Be organized as a not-for-profit entity and exempt from | 263415 |
| federal income taxation under subsection 501(c)(3) of the Internal | 263416 |
| Revenue Code; | 263417 |
| (3) Contract with or employ to serve as the organization's | 263418 |
| medical director an individual who is authorized under this | 263419 |
| chapter to practice medicine and surgery or osteopathic medicine | 263420 |
| and surgery and specializes or has training and expertise in | 263421 |
| addiction medicine; | 263422 |
| (4) Contract with or employ one or more of the following as | 263423 |
| necessary for the organization's operation: | 263424 |
| (a) An individual licensed under Chapter 4758. of the Revised | 263425 |
| Code as an independent chemical dependency counselor-clinical | 263426 |
| supervisor, independent chemical dependency counselor, chemical | 263427 |

dependency counselor III, or chemical dependency counselor II; 263428

(b) An individual licensed under Chapter 4757. of the Revised 263429
Code as an independent social worker, social worker, licensed 263430
professional clinical counselor, or licensed professional 263431
counselor; 263432

(c) An individual licensed under Chapter 4732. of the Revised 263433
Code as a psychologist. 263434

(C) The monitoring organization shall do all of the following 263435
pursuant to the contract: 263436

(1) Receive any report of suspected practitioner impairment, 263437
including a report made under division (B)(2) of section 4730.32, 263438
division (B)(2) of section 4731.224, section 4759.13, division 263439
(B)(2) of section 4760.16, section 4761.19, division (B)(2) of 263440
section 4762.16, division (B)(2) of section 4772.23, division 263441
(B)(2) of section 4774.16, or section 4778.17 of the Revised Code; 263442

(2) Notify a practitioner who is the subject of a report 263443
received under division (C)(1) of this section that the report has 263444
been made and that the practitioner may be eligible to participate 263445
in the program conducted under this section; 263446

(3) Receive from the board a referral regarding an applicant, 263447
as described in section 4731.253 of the Revised Code; 263448

(4) Evaluate the records of an applicant who is the subject 263449
of a referral received under division (C)(3) of this section, in 263450
particular records from another jurisdiction regarding the 263451
applicant's prior treatment for impairment or current monitoring; 263452

(5) Determine whether a practitioner reported or applicant 263453
referred to the monitoring organization is eligible to participate 263454
in the program and notify the practitioner or applicant of the 263455
determination; 263456

(6) In the case of a practitioner reported by a treatment 263457

provider, notify the treatment provider of the eligibility determination; 263458
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(7) Report to the board any practitioner or applicant who is determined ineligible to participate in the program; 263460
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(8) Refer an eligible practitioner who chooses to participate in the program for evaluation by a treatment provider approved by the board under section 4731.25 of the Revised Code, unless the report received by the monitoring organization was made by an approved treatment provider and the practitioner has already been evaluated by the treatment provider; 263462
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(9) Monitor the evaluation of an eligible practitioner; 263468

(10) Refer an eligible practitioner who chooses to participate in the program to a treatment provider approved by the board under section 4731.25 of the Revised Code; 263469
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(11) Establish, in consultation with the treatment provider to which a practitioner is referred, the terms and conditions with which the practitioner must comply for continued participation in and successful completion of the program; 263472
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(12) Report to the board any practitioner who does not complete evaluation or treatment or does not comply with any of the terms and conditions established by the monitoring organization and the treatment provider; 263476
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(13) Perform any other activities specified in the contract with the board or that the monitoring organization considers necessary to comply with this section and sections 4731.252 to 4731.254 of the Revised Code. 263480
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(D) The monitoring organization shall not disclose to the board the name of a practitioner or applicant or any records relating to a practitioner or applicant, unless any of the following occurs: 263484
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| (1) The practitioner or applicant is determined to be ineligible to participate in the program. | 263488
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| (2) The practitioner or applicant requests the disclosure. | 263490 |
| (3) The practitioner or applicant is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring. | 263491
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| (4) The practitioner or applicant presents an imminent danger to the public or to the practitioner, as a result of the practitioner's or applicant's impairment. | 263494
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263496 |
| (5) The practitioner has relapsed or the practitioner's impairment has not been substantially alleviated by participation in the program. | 263497
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263499 |
| (E)(1) The monitoring organization shall develop procedures governing each of the following: | 263500
263501 |
| (a) Receiving reports of practitioner impairment; | 263502 |
| (b) Notifying practitioners of reports and eligibility determinations; | 263503
263504 |
| (c) Receiving applicant referrals as described in section 4731.253 of the Revised Code; | 263505
263506 |
| (d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or continued monitoring; | 263507
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| (e) Notifying applicants of eligibility determinations; | 263510 |
| (f) Referring eligible practitioners for evaluation or treatment; | 263511
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| (g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers; | 263513
263514 |
| (h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for | 263515
263516 |

continued participation in and successful completion of the program. 263517
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(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following: 263519
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(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section; 263521
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(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to the public or to the practitioner or applicant; 263526
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(c) Reporting to the board any practitioner or applicant who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring; 263529
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(d) Reporting to the board any practitioner or applicant whose impairment was not substantially alleviated by participation in the program or who has relapsed. 263532
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(F) The board may adopt any rules it considers necessary to implement this section and sections 4731.252 to 4731.254 of the Revised Code, including rules regarding the monitoring organization and treatment providers that provide treatment to practitioners referred by the monitoring organization. Any such rules shall be adopted in accordance with Chapter 119. of the Revised Code. 263535
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Sec. 4734.99. (A) Whoever violates section 4734.14 or 4734.141 of the Revised Code is guilty of a felony of the fifth degree on a first offense, unless the offender previously has been convicted of or has pleaded guilty to a violation of section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.40, 263542
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2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 4725.02, 263547
4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 4730.02, 263548
4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 4741.18, 263549
4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, or 4773.02 263550
of the Revised Code or an offense under an existing or former law 263551
of this state, another state, or the United States that is or was 263552
substantially equivalent to a violation of any of those sections, 263553
in which case the offender is guilty of a felony of the fourth 263554
degree. For each subsequent offense, the offender is guilty of a 263555
felony of the fourth degree. 263556

(B) Whoever violates section 4734.161 of the Revised Code is 263557
guilty of a misdemeanor of the first degree. 263558

(C) Whoever violates division (A), (B), (C), or (D) of 263559
section 4734.32 of the Revised Code is guilty of a minor 263560
misdemeanor on a first offense; on each subsequent offense, the 263561
person is guilty of a misdemeanor of the fourth degree, except 263562
that an individual guilty of a subsequent offense shall not be 263563
subject to imprisonment, but to a fine alone of up to one thousand 263564
dollars for each offense. 263565

Sec. 4743.09. (A) As used in this section: 263566

(1) "Durable medical equipment" means a type of equipment, 263567
such as a remote monitoring device utilized by a physician, 263568
physician assistant, or advanced practice registered nurse in 263569
accordance with this section, that can withstand repeated use, is 263570
primarily and customarily used to serve a medical purpose, and 263571
generally is not useful to a person in the absence of illness or 263572
injury and, in addition, includes repair and replacement parts for 263573
the equipment. 263574

(2) "Facility fee" means any fee charged or billed for 263575
telehealth services provided in a facility that is intended to 263576
compensate the facility for its operational expenses and is 263577

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| separate and distinct from a professional fee. | 263578 |
| (3) "Health care professional" means: | 263579 |
| (a) An advanced practice registered nurse, as defined in section 4723.01 of the Revised Code; | 263580
263581 |
| (b) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry; | 263582
263583 |
| (c) A pharmacist licensed under Chapter 4729. of the Revised Code; | 263584
263585 |
| (d) A physician assistant licensed under Chapter 4730. of the Revised Code; | 263586
263587 |
| (e) A physician licensed under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery; | 263588
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| (f) A psychologist, independent school psychologist, or school psychologist licensed under Chapter 4732. of the Revised Code; | 263591
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| (g) A chiropractor licensed under Chapter 4734. of the Revised Code; | 263594
263595 |
| (h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code; | 263596
263597 |
| (i) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code; | 263598
263599 |
| (j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code; | 263600
263601 |
| (k) A professional clinical counselor, independent social worker, or independent marriage and family therapist licensed under Chapter 4757. of the Revised Code; | 263602
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| (l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code; | 263605
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| (m) A dietitian licensed under Chapter 4759. of the Revised Code; | 263607
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| (n) A respiratory care professional licensed under Chapter 4761. of the Revised Code; | 263609
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| (o) A genetic counselor licensed under Chapter 4778. of the Revised Code; | 263611
263612 |
| (p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code; | 263613
263614 |
| <u>(q) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u> | 263615
263616 |
| (4) "Health care professional licensing board" means any of the following: | 263617
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| (a) The board of nursing; | 263619 |
| (b) The state vision professionals board; | 263620 |
| (c) The state board of pharmacy; | 263621 |
| (d) The state medical board; | 263622 |
| (e) The state board of psychology; | 263623 |
| (f) The state chiropractic board; | 263624 |
| (g) The state speech and hearing professionals board; | 263625 |
| (h) The Ohio occupational therapy, physical therapy, and athletic trainers board; | 263626
263627 |
| (i) The counselor, social worker, and marriage and family therapist board; | 263628
263629 |
| (j) The chemical dependency professionals board. | 263630 |
| (5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code. | 263631
263632 |
| (6) "Telehealth services" means health care services provided through the use of information and communication technology by a | 263633
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health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located:

(a) The patient receiving the services;

(b) Another health care professional with whom the provider of the services is consulting regarding the patient.

(B)(1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B)(2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the requirements of division (F) of section 121.95 of the Revised Code.

(2)(a) Except as provided in division (B)(2)(b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of care for telehealth services that is equal to the standard of care for in-person services.

(b) Subject to division (B)(2)(c) of this section, a board may require an initial in-person visit prior to prescribing a schedule II controlled substance to a new patient, equivalent to applicable state and federal requirements.

(c)(i) A board shall not require an initial in-person visit for a new patient whose medical record indicates that the patient is receiving hospice or palliative care, who is receiving medication-assisted treatment or any other medication for opioid-use disorder, who is a patient with a mental health condition, or who, as determined by the clinical judgment of a

health care professional, is in an emergency situation. 263666

(ii) Notwithstanding division (B) of section 3796.01 of the 263667
Revised Code, medical marijuana shall not be considered a schedule 263668
II controlled substance. 263669

(C) With respect to the provision of telehealth services, all 263670
of the following apply: 263671

(1) A health care professional may use synchronous or 263672
asynchronous technology to provide telehealth services to a 263673
patient during an initial visit if the appropriate standard of 263674
care for an initial visit is satisfied. 263675

(2) A health care professional may deny a patient telehealth 263676
services and, instead, require the patient to undergo an in-person 263677
visit. 263678

(3) When providing telehealth services in accordance with 263679
this section, a health care professional shall comply with all 263680
requirements under state and federal law regarding the protection 263681
of patient information. A health care professional shall ensure 263682
that any username or password information and any electronic 263683
communications between the professional and a patient are securely 263684
transmitted and stored. 263685

(4) A health care professional may use synchronous or 263686
asynchronous technology to provide telehealth services to a 263687
patient during an annual visit if the appropriate standard of care 263688
for an annual visit is satisfied. 263689

(5) In the case of a health care professional who is a 263690
physician, physician assistant, or advanced practice registered 263691
nurse, both of the following apply: 263692

(a) The professional may provide telehealth services to a 263693
patient located outside of this state if permitted by the laws of 263694
the state in which the patient is located. 263695

(b) The professional may provide telehealth services through 263696
the use of medical devices that enable remote monitoring, 263697
including such activities as monitoring a patient's blood 263698
pressure, heart rate, or glucose level. 263699

(D) When a patient has consented to receiving telehealth 263700
services, the health care professional who provides those services 263701
is not liable in damages under any claim made on the basis that 263702
the services do not meet the same standard of care that would 263703
apply if the services were provided in-person. 263704

(E)(1) A health care professional providing telehealth 263705
services shall not charge a patient or a health plan issuer 263706
covering telehealth services under section 3902.30 of the Revised 263707
Code any of the following: a facility fee, an origination fee, or 263708
any fee associated with the cost of the equipment used at the 263709
provider site to provide telehealth services. 263710

A health care professional providing telehealth services may 263711
charge a health plan issuer for durable medical equipment used at 263712
a patient or client site. 263713

(2) A health care professional may negotiate with a health 263714
plan issuer to establish a reimbursement rate for fees associated 263715
with the administrative costs incurred in providing telehealth 263716
services as long as a patient is not responsible for any portion 263717
of the fee. 263718

(3) A health care professional providing telehealth services 263719
shall obtain a patient's consent before billing for the cost of 263720
providing the services, but the requirement to do so applies only 263721
once. 263722

(F) Nothing in this section limits or otherwise affects any 263723
other provision of the Revised Code that requires a health care 263724
professional who is not a physician to practice under the 263725
supervision of, in collaboration with, in consultation with, or 263726

pursuant to the referral of another health care professional. 263727

(G) It is the intent of the general assembly, through the 263728
amendments to this section, to expand access to and investment in 263729
telehealth services in this state in congruence with the expansion 263730
and investment in telehealth services made during the COVID-19 263731
pandemic. 263732

Sec. 4755.48. (A) No person shall employ fraud or deception 263733
in applying for or securing a license to practice physical therapy 263734
or to be a physical therapist assistant. 263735

(B) No person shall practice or in any way imply or claim to 263736
the public by words, actions, or the use of letters as described 263737
in division (C) of this section to be able to practice physical 263738
therapy or to provide physical therapy services, including 263739
practice as a physical therapist assistant, unless the person 263740
holds a valid license under sections 4755.40 to 4755.56 of the 263741
Revised Code or except for submission of claims as provided in 263742
section 4755.56 of the Revised Code. 263743

(C) No person shall use the words or letters, physical 263744
therapist, physical therapy, physical therapy services, 263745
physiotherapist, physiotherapy, physiotherapy services, licensed 263746
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 263747
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 263748
therapist assistant, physical therapy technician, licensed 263749
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 263750
letters, words, abbreviations, or insignia, indicating or implying 263751
that the person is a physical therapist or physical therapist 263752
assistant without a valid license under sections 4755.40 to 263753
4755.56 of the Revised Code. 263754

(D) No person who practices physical therapy or assists in 263755
the provision of physical therapy treatments under the supervision 263756
of a physical therapist shall fail to display the person's current 263757

license granted under sections 4755.40 to 4755.56 of the Revised Code in a conspicuous location in the place where the person spends the major part of the person's time so engaged.

(E) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall affect or interfere with the performance of the duties of any physical therapist or physical therapist assistant in active service in the army, navy, coast guard, marine corps, air force, public health service, or marine hospital service of the United States, while so serving.

(F) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of a person pursuing a course of study leading to a degree in physical therapy in an accredited or approved educational program if the activities or services constitute a part of a supervised course of study and the person is designated by a title that clearly indicates the person's status as a student.

(G)(1) Subject to division (G)(2) of this section, nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of any person who holds a current, unrestricted license to practice physical therapy in another state when that person, pursuant to contract or employment with an athletic team located in the state in which the person holds the license, provides physical therapy to any of the following while the team is traveling to or from or participating in a sporting event in this state:

(a) A member of the athletic team;

(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;

(c) A member of a band or cheerleading squad accompanying the athletic team;

(d) The athletic team's mascot.

(2) In providing physical therapy pursuant to division (G)(1) 263789
of this section, the person shall not do either of the following: 263790

(a) Provide physical therapy at a health care facility; 263791

(b) Provide physical therapy for more than sixty days in a 263792
calendar year. 263793

(3) The limitations described in divisions (G)(1) and (2) of 263794
this section do not apply to a person who is practicing in 263795
accordance with the compact privilege granted by this state 263796
through the "Physical Therapy Licensure Compact" entered into 263797
under section 4755.57 of the Revised Code. 263798

(H)(1) Except as provided in division (H)(2) of this section 263799
and subject to division (I) of this section, no person shall 263800
practice physical therapy other than on the prescription of, or 263801
the referral of a patient by, a person who is licensed in this or 263802
another state to do at least one of the following: 263803

(a) Practice medicine and surgery, chiropractic, dentistry, 263804
osteopathic medicine and surgery, podiatric medicine and surgery; 263805

(b) Practice as a physician assistant; 263806

(c) Practice nursing as an advanced practice registered 263807
nurse; 263808

(d) Practice as a certified mental health assistant. 263809

(2) The prohibition in division (H)(1) of this section on 263810
practicing physical therapy other than on the prescription of, or 263811
the referral of a patient by, any of the persons described in that 263812
division does not apply if either of the following applies to the 263813
person: 263814

(a) The person holds a master's or doctorate degree from a 263815
professional physical therapy program that is accredited by a 263816
national physical therapy accreditation agency approved by the 263817
physical therapy section of the Ohio occupational therapy, 263818

physical therapy, and athletic trainers board. 263819

(b) On or before December 31, 2004, the person has completed 263820
at least two years of practical experience as a licensed physical 263821
therapist. 263822

(I) To be authorized to prescribe physical therapy or refer a 263823
patient to a physical therapist for physical therapy, a person 263824
described in division (H)(1) of this section must be in good 263825
standing with the relevant licensing board in this state or the 263826
state in which the person is licensed and must act only within the 263827
person's scope of practice. 263828

(J) In the prosecution of any person for violation of 263829
division (B) or (C) of this section, it is not necessary to allege 263830
or prove want of a valid license to practice physical therapy or 263831
to practice as a physical therapist assistant, but such matters 263832
shall be a matter of defense to be established by the accused. 263833

Sec. 4755.623. (A) A person licensed as an athletic trainer 263834
pursuant to this chapter shall engage in the activities described 263835
in section 4755.621 or 4755.622 of the Revised Code only if the 263836
person acts upon the referral of one or more of the following: 263837

(1) A physician; 263838

(2) A dentist licensed under Chapter 4715. of the Revised 263839
Code; 263840

(3) A physical therapist licensed under this chapter; 263841

(4) A chiropractor licensed under Chapter 4734. of the 263842
Revised Code; 263843

(5) Subject to division (B) of this section, an athletic 263844
trainer licensed under this chapter; 263845

(6) A physician assistant licensed under Chapter 4730. of the 263846
Revised Code; 263847

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| (7) A certified nurse practitioner licensed under Chapter 4723. of the Revised Code; | 263848
263849 |
| <u>(8) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u> | 263850
263851 |
| (B) A person licensed as an athletic trainer pursuant to this chapter may practice upon the referral of an athletic trainer described in division (A) of this section only if athletic training has already been recommended and referred by a health care provider described in division (A) of this section who is not an athletic trainer. | 263852
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| Sec. 4765.51. Nothing in this chapter prevents or restricts the practice, services, or activities of any registered nurse practicing within the scope of the registered nurse's practice. | 263858
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| Nothing in this chapter prevents or restricts the practice, services, or activities of any physician assistant practicing in accordance with a supervision agreement entered into under section 4730.19 of the Revised Code, including, if applicable, the policies of the health care facility in which the physician assistant is practicing. | 263861
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| <u>Nothing in this chapter prevents or restricts the practice, services, or activities of any certified mental health assistant practicing in accordance with a supervision agreement entered into under section 4772.10 of the Revised Code.</u> | 263867
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| Sec. 4769.01. As used in this chapter: | 263871 |
| (A) "Medicare" means the program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. | 263872
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263874 |
| (B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare | 263875
263876 |

reimbursement rate for medicare-covered services or supplies 263877
provided to a medicare beneficiary, except when medicare is the 263878
secondary insurer. When medicare is the secondary insurer, the 263879
health care practitioner may pursue full reimbursement under the 263880
terms and conditions of the primary coverage and, if applicable, 263881
the charge allowed under the terms and conditions of the 263882
appropriate provider contract, from the primary insurer, but the 263883
medicare beneficiary cannot be balance billed above the medicare 263884
reimbursement rate for a medicare-covered service or supply. 263885
"Balance billing" does not include charging or collecting 263886
deductibles or coinsurance required by the program. 263887

(C) "Health care practitioner" means all of the following: 263888

(1) A dentist or dental hygienist licensed under Chapter 263889
4715. of the Revised Code; 263890

(2) A registered or licensed practical nurse licensed under 263891
Chapter 4723. of the Revised Code; 263892

(3) An optometrist licensed under Chapter 4725. of the 263893
Revised Code; 263894

(4) A dispensing optician, spectacle dispensing optician, or 263895
spectacle-contact lens dispensing optician licensed under Chapter 263896
4725. of the Revised Code; 263897

(5) A pharmacist licensed under Chapter 4729. of the Revised 263898
Code; 263899

(6) A physician authorized under Chapter 4731. of the Revised 263900
Code to practice medicine and surgery, osteopathic medicine and 263901
surgery, or podiatry; 263902

(7) A physician assistant authorized under Chapter 4730. of 263903
the Revised Code to practice as a physician assistant; 263904

(8) A practitioner of a limited branch of medicine issued a 263905
certificate under Chapter 4731. of the Revised Code; 263906

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| (9) A psychologist licensed under Chapter 4732. of the Revised Code; | 263907
263908 |
| (10) A chiropractor licensed under Chapter 4734. of the Revised Code; | 263909
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| (11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code; | 263911
263912 |
| (12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code; | 263913
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| (13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code; | 263915
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| (14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code; | 263917
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| (15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code; | 263919
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| (16) A dietitian licensed under Chapter 4759. of the Revised Code; | 263923
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| (17) A respiratory care professional licensed under Chapter 4761. of the Revised Code; | 263925
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| (18) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code; | 263927
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| <u>(19) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u> | 263930
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| <u>Sec. 4772.01. As used in this chapter:</u> | 263932 |
| <u>(A) "Certified mental health assistant" means an individual who, under physician supervision, provides mental health care by engaging in any of the activities authorized under section 4772.09</u> | 263933
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| <u>of the Revised Code.</u> | 263936 |
| <u>(B) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u> | 263937 |
| <u>(C) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.</u> | 263938 |
| <u>(C) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.</u> | 263939 |
| <u>(C) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.</u> | 263940 |
| <u>(C) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.</u> | 263941 |
| <u>(D) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.</u> | 263942 |
| <u>(D) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.</u> | 263943 |
| <u>(E) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u> | 263944 |
| <u>(E) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u> | 263945 |
| <u>(E) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.</u> | 263946 |
| <u>Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant, or use any words or letters indicating or implying that the person is a certified mental health assistant, without a current, valid license to practice as a certified mental health assistant issued pursuant to this chapter.</u> | 263947 |
| <u>Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant, or use any words or letters indicating or implying that the person is a certified mental health assistant, without a current, valid license to practice as a certified mental health assistant issued pursuant to this chapter.</u> | 263948 |
| <u>Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant, or use any words or letters indicating or implying that the person is a certified mental health assistant, without a current, valid license to practice as a certified mental health assistant issued pursuant to this chapter.</u> | 263949 |
| <u>Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant, or use any words or letters indicating or implying that the person is a certified mental health assistant, without a current, valid license to practice as a certified mental health assistant issued pursuant to this chapter.</u> | 263950 |
| <u>Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant, or use any words or letters indicating or implying that the person is a certified mental health assistant, without a current, valid license to practice as a certified mental health assistant issued pursuant to this chapter.</u> | 263951 |
| <u>Sec. 4772.02. (A) No person shall hold that person out as being able to function as a certified mental health assistant, or use any words or letters indicating or implying that the person is a certified mental health assistant, without a current, valid license to practice as a certified mental health assistant issued pursuant to this chapter.</u> | 263952 |
| <u>(B) No person shall practice as a certified mental health assistant without the supervision, control, and direction of a physician.</u> | 263953 |
| <u>(B) No person shall practice as a certified mental health assistant without the supervision, control, and direction of a physician.</u> | 263954 |
| <u>(B) No person shall practice as a certified mental health assistant without the supervision, control, and direction of a physician.</u> | 263955 |
| <u>(C) No person shall practice as a certified mental health assistant without having entered into a supervision agreement with a supervising physician under section 4772.10 of the Revised Code.</u> | 263956 |
| <u>(C) No person shall practice as a certified mental health assistant without having entered into a supervision agreement with a supervising physician under section 4772.10 of the Revised Code.</u> | 263957 |
| <u>(C) No person shall practice as a certified mental health assistant without having entered into a supervision agreement with a supervising physician under section 4772.10 of the Revised Code.</u> | 263958 |
| <u>(D) No person acting as the supervising physician of a certified mental health assistant shall authorize the certified mental health assistant to perform services if either of the following is the case:</u> | 263959 |
| <u>(D) No person acting as the supervising physician of a certified mental health assistant shall authorize the certified mental health assistant to perform services if either of the following is the case:</u> | 263960 |
| <u>(D) No person acting as the supervising physician of a certified mental health assistant shall authorize the certified mental health assistant to perform services if either of the following is the case:</u> | 263961 |
| <u>(D) No person acting as the supervising physician of a certified mental health assistant shall authorize the certified mental health assistant to perform services if either of the following is the case:</u> | 263962 |
| <u>(1) The services are not within the physician's normal course of practice and expertise.</u> | 263963 |
| <u>(1) The services are not within the physician's normal course of practice and expertise.</u> | 263964 |

(2) The services are inconsistent with the supervision agreement under which the certified mental health assistant is being supervised. 263965
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(E) No person shall advertise to provide services as a certified mental health assistant, except for the purpose of seeking employment. 263968
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(F) No person practicing as a certified mental health assistant shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as a "certified mental health assistant." 263971
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Sec. 4772.03. Nothing in this chapter shall: 263975

(A) Be construed to affect or interfere with the performance of duties of any medical personnel who are either of the following: 263976
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(1) In active service in the army, navy, coast guard, marine corps, air force, public health service, or marine hospital service of the United States while so serving; 263979
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(2) Employed by the veterans administration of the United States while so employed. 263982
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(B) Prevent any person from performing any of the services a certified mental health assistant may be authorized to perform, if the person's professional scope of practice established under any other chapter of the Revised Code authorizes the person to perform the services; 263984
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(C) Prohibit a physician from delegating responsibilities to any nurse or other qualified person who does not hold a license to practice as a certified mental health assistant, provided that the nurse or other qualified person is not held out to be a certified mental health assistant; 263989
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(D) Be construed as authorizing a certified mental health 263994

assistant independently to order or direct the execution of 263995
procedures or techniques by a registered nurse or licensed 263996
practical nurse in the care and treatment of a person in any 263997
setting, except to the extent that the certified mental health 263998
assistant is authorized to do so by a physician who is responsible 263999
for supervising the certified mental health assistant. 264000

Sec. 4772.04. (A) An individual seeking a license to practice 264001
as a certified mental health assistant shall file with the state 264002
medical board a written application on a form prescribed and 264003
supplied by the board. The application shall include all the 264004
information the board considers necessary to process the 264005
application, including evidence satisfactory to the board that the 264006
applicant meets the requirements specified in division (B) of this 264007
section. 264008

At the time an application is submitted, the applicant shall 264009
pay the board the application fee specified by the board in rules 264010
adopted under section 4772.19 of the Revised Code. No part of the 264011
fee shall be returned. 264012

(B) To be eligible to receive a license to practice as a 264013
certified mental health assistant, an applicant shall meet both of 264014
the following requirements: 264015

(1) Be at least eighteen years of age; 264016

(2) Meet either of the following educational requirements: 264017

(a) Hold a master's or higher degree obtained from a program 264018
approved by the board pursuant to section 4772.05 of the Revised 264019
Code; 264020

(b) Meet both of the following requirements: 264021

(i) Hold a diploma from a medical school or osteopathic 264022
medical school that, at the time the diploma was issued, was a 264023
medical school accredited by the liaison committee on medical 264024

education or an osteopathic medical school accredited by the 264025
American osteopathic association; 264026

(ii) Have completed twelve months of coursework from a 264027
program approved by the board pursuant to section 4772.05 of the 264028
Revised Code. 264029

(C) The board shall review all applications received under 264030
this section. Not later than sixty days after receiving an 264031
application the board considers to be complete, the board shall 264032
determine whether the applicant meets the requirements to receive 264033
a license to practice as a certified mental health assistant. 264034

Sec. 4772.041. In addition to any other eligibility 264035
requirement set forth in this chapter, each applicant for a 264036
license to practice as a certified mental health assistant shall 264037
comply with sections 4776.01 to 4776.04 of the Revised Code. 264038

Sec. 4772.05. The state medical board shall approve education 264039
programs for purposes of divisions (B)(2)(a) and (B)(2)(b)(ii) of 264040
section 4772.04 of the Revised Code. 264041

To be eligible for approval by the board, an education 264042
program shall meet all of the following: 264043

(A) Be accredited by an organization recognized by the board 264044
as qualified to accredit mental health educational programs; 264045

(B) Include courses in each of the following areas: 264046

(1) Psychiatric diagnoses included in the diagnostic and 264047
statistical manual of mental disorders published by the American 264048
psychiatric association, or a similar publication if designated by 264049
the board; 264050

(2) Laboratory studies used in diagnosing or managing 264051
psychiatric conditions; 264052

(3) Medical conditions that mimic or present as psychiatric 264053

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| <u>conditions;</u> | 264054 |
| <u>(4) Medical conditions associated with psychiatric conditions</u> | 264055 |
| <u>or treatment;</u> | 264056 |
| <u>(5) Psychopharmacology, including treatment of psychiatric</u> | 264057 |
| <u>conditions, interactions, and recognition and management of drug</u> | 264058 |
| <u>side effects and complications;</u> | 264059 |
| <u>(6) Psychosocial interventions;</u> | 264060 |
| <u>(7) Conducting suicide and homicide risk assessments;</u> | 264061 |
| <u>(8) Forensic issues in psychiatry, including involuntary</u> | 264062 |
| <u>hospitalization and mandated treatment;</u> | 264063 |
| <u>(9) Basic behavioral health counseling;</u> | 264064 |
| <u>(10) Clinical experiences in inpatient psychiatric units,</u> | 264065 |
| <u>outpatient mental health clinics, psychiatric consultation and</u> | 264066 |
| <u>liaison services, and addiction services;</u> | 264067 |
| <u>(11) Any other area established by the board's rules.</u> | 264068 |
| <u>(C) Meet any other standards established by the board's</u> | 264069 |
| <u>rules.</u> | 264070 |
| <u>Sec. 4772.06. If the state medical board determines under</u> | 264071 |
| <u>section 4772.04 of the Revised Code that an applicant meets the</u> | 264072 |
| <u>requirements for a license to practice as a certified mental</u> | 264073 |
| <u>health assistant, the secretary of the board shall register the</u> | 264074 |
| <u>applicant as a certified mental health assistant and issue to the</u> | 264075 |
| <u>applicant a license to practice as a certified mental health</u> | 264076 |
| <u>assistant. The license shall be valid for a two-year period unless</u> | 264077 |
| <u>revoked or suspended, shall expire on the date that is two years</u> | 264078 |
| <u>after the date of issuance, and may be renewed for additional</u> | 264079 |
| <u>two-year periods in accordance with section 4772.08 of the Revised</u> | 264080 |
| <u>Code.</u> | 264081 |

Sec. 4772.07. On application by the holder of a license to practice as a certified mental health assistant, the state medical board shall issue a duplicate license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate license is thirty-five dollars.

Sec. 4772.08. (A) An individual seeking to renew a license to practice as a certified mental health assistant shall, on or before the license's expiration date, apply to the state medical board for renewal. The board shall provide renewal notices to license holders at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4772.19 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a license under section 4772.20 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a certified mental health assistant.

(B) To be eligible for renewal, a certified mental health assistant shall certify to the board that the assistant has complied with the renewal eligibility requirements established under section 4772.081 of the Revised Code that pertain to the applicant.

(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the

applicant a renewed license to practice as a certified mental health assistant. 264112
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(D) The board may require a random sample of license holders to submit materials documenting that the continuing education requirements of section 4772.081 of the Revised Code, and any other continuing education required by the board's rules, have been satisfied. 264114
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Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4772.20 of the Revised Code. 264119
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(E) A license that is not renewed on or before its expiration date is automatically suspended on its expiration date, subject to the provisions of section 119.06 of the Revised Code specifying that an applicant who appropriately files a renewal application is not required to discontinue practicing merely because the board has failed to act on the application. 264122
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If a license has been suspended pursuant to this division for two years or less, the board shall reinstate the license upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is fifty dollars. 264128
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If a license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4772.082 of the Revised Code, the board may restore the license upon an applicant's submission of a restoration application, the biennial renewal fee, the applicable monetary penalty, and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4772.06 of the Revised Code. The penalty for 264133
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restoration is one hundred dollars. 264143

(F)(1) If, through a random sample conducted under division 264144
(D) of this section or any other means, the board finds that an 264145
individual who certified completion of the continuing education 264146
required to renew, reinstate, or restore a license to practice did 264147
not complete the requisite continuing medical education, the board 264148
may do either of the following: 264149

(a) Take disciplinary action against the individual under 264150
section 4772.20 of the Revised Code, impose a civil penalty, or 264151
both; 264152

(b) Permit the individual to agree in writing to complete the 264153
continuing medical education and pay a civil penalty. 264154

(2) The board's finding in any disciplinary action taken 264155
under division (F)(1)(a) of this section shall be made pursuant to 264156
an adjudication under Chapter 119. of the Revised Code and by an 264157
affirmative vote of not fewer than six of its members. 264158

(3) A civil penalty imposed under division (F)(1)(a) of this 264159
section or paid under division (F)(1)(b) of this section shall be 264160
in an amount specified by the board of not more than five thousand 264161
dollars. The board shall deposit civil penalties in accordance 264162
with section 4731.24 of the Revised Code. 264163

Sec. 4772.081. (A) To be eligible for renewal of a license to 264164
practice as a certified mental health assistant, an applicant who 264165
has been granted physician-delegated prescriptive authority by the 264166
physician supervising the certified mental health assistant is 264167
subject to both of the following: 264168

(1) The applicant shall complete every two years at least 264169
twelve hours of continuing education in pharmacology obtained 264170
through a program or course approved by the state medical board or 264171
a person the board has authorized to approve continuing 264172

pharmacology education programs and courses. Except as provided in 264173
section 5903.12 of the Revised Code, the continuing education 264174
shall be completed not later than the date on which the 264175
applicant's license expires. 264176

(2)(a) Except as provided in division (A)(2)(b) of this 264177
section, in the case of an applicant who prescribes opioid 264178
analgesics or benzodiazepines, as defined in section 3719.01 of 264179
the Revised Code, the applicant shall certify to the board whether 264180
the applicant has been granted access to the drug database. 264181

(b) The requirement described in division (A)(2)(a) of this 264182
section does not apply if any of the following is the case: 264183

(i) The state board of pharmacy notifies the state medical 264184
board pursuant to section 4729.861 of the Revised Code that the 264185
applicant has been restricted from obtaining further information 264186
from the drug database. 264187

(ii) The state board of pharmacy no longer maintains the drug 264188
database. 264189

(iii) The applicant does not practice as a certified mental 264190
health assistant in this state. 264191

(c) If an applicant certifies to the state medical board that 264192
the applicant has been granted access to the drug database and the 264193
board finds through an audit or other means that the applicant has 264194
not been granted access, the board may take action under section 264195
4772.20 of the Revised Code. 264196

(B) The state medical board shall provide for pro rata 264197
reductions by month of the number of hours of continuing education 264198
in pharmacology that is required to be completed for certified 264199
mental health assistants who have been disabled due to illness or 264200
accident or have been absent from the country. The board shall 264201
adopt rules, in accordance with Chapter 119. of the Revised Code, 264202
as necessary to implement this division. 264203

(C) The continuing education required by this section is in addition to any other continuing education required by the board's rules. 264204
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(D) If the board chooses to authorize persons to approve continuing pharmacology education programs and courses, it shall establish standards for granting that authority and grant the authority in accordance with the standards. 264207
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Sec. 4772.082. (A) This section applies to both of the following: 264211
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(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 264213
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(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been practicing as a certified mental health assistant as either of the following: 264216
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(a) An active practitioner; 264219

(b) A student in an academic program as described in section 4772.04 of the Revised Code. 264220
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(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following: 264222
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(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 264226
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 264229
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's 264231
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coordination, fine motor skills, and dexterity are sufficient for 264233
performing evaluations and procedures in a manner that meets the 264234
minimal standards of care; 264235

(4) Requiring an assessment of the applicant's skills in 264236
recognizing and understanding diseases and conditions; 264237

(5) Requiring the applicant to undergo a comprehensive 264238
physical examination, which may include an assessment of physical 264239
abilities, evaluation of sensory capabilities, or screening for 264240
the presence of neurological disorders; 264241

(6) Restricting or limiting the extent, scope, or type of 264242
practice of the applicant. 264243

The board shall consider the moral background and the 264244
activities of the applicant during the period of suspension or 264245
inactivity. The board shall not issue or restore a license under 264246
this section unless the applicant complies with sections 4776.01 264247
to 4776.04 of the Revised Code. 264248

Sec. 4772.09. A license to practice as a certified mental 264249
health assistant issued under this chapter authorizes the holder 264250
to practice as a certified mental health assistant as follows: 264251

(A) The certified mental health assistant shall practice only 264252
under the supervision, control, and direction of a physician with 264253
whom the certified mental health assistant has entered into a 264254
supervision agreement under section 4772.10 of the Revised Code. 264255

(B) The certified mental health assistant shall practice in 264256
accordance with the supervision agreement entered into with the 264257
physician who is responsible for supervising the certified mental 264258
health assistant. 264259

(C) Subject to division (D) of this section, a certified 264260
mental health assistant licensed under this chapter may perform 264261
any of the following services authorized by the supervising 264262

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| <u>physician that are part of the supervising physician's normal</u> | 264263 |
| <u>course of practice and expertise:</u> | 264264 |
| <u>(1) Ordering diagnostic, therapeutic, and other medical</u> | 264265 |
| <u>services as appropriate based on a patient's diagnosis that has</u> | 264266 |
| <u>been made in accordance with division (D) of this section;</u> | 264267 |
| <u>(2) Ordering, prescribing, personally furnishing, and</u> | 264268 |
| <u>administering drugs and medical devices in accordance with</u> | 264269 |
| <u>sections 4772.12 to 4772.15 of the Revised Code;</u> | 264270 |
| <u>(3) Prescribing physical therapy or referring a patient to a</u> | 264271 |
| <u>physical therapist for physical therapy, if related to a diagnosis</u> | 264272 |
| <u>that has been made in accordance with division (D) of this</u> | 264273 |
| <u>section;</u> | 264274 |
| <u>(4) Ordering occupational therapy or referring a patient to</u> | 264275 |
| <u>an occupational therapist for occupational therapy, if related to</u> | 264276 |
| <u>a diagnosis that has been made in accordance with division (D) of</u> | 264277 |
| <u>this section;</u> | 264278 |
| <u>(5) Referring a patient to emergency medical services for</u> | 264279 |
| <u>acute safety concerns, provided the certified mental health</u> | 264280 |
| <u>assistant consults with the assistant's supervising physician as</u> | 264281 |
| <u>soon as possible thereafter;</u> | 264282 |
| <u>(6) Referring a patient for voluntary or involuntary</u> | 264283 |
| <u>admission for substance use disorder treatment or inpatient</u> | 264284 |
| <u>psychiatric care, but only after consulting with the certified</u> | 264285 |
| <u>mental health assistant's supervising physician;</u> | 264286 |
| <u>(7) Any other services specified by the state medical board</u> | 264287 |
| <u>in rules adopted under section 4772.19 of the Revised Code.</u> | 264288 |
| <u>(D) A certified mental health assistant shall not do any of</u> | 264289 |
| <u>the following:</u> | 264290 |
| <u>(1) Make an initial diagnosis;</u> | 264291 |
| <u>(2) Treat a patient for any diagnosis or condition not found</u> | 264292 |

in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, or a similar publication if designated by the board; 264293
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(3) Engage in electroconvulsive therapy, transcranial magnetic stimulation, or any other intervention designated as invasive by the board's rules. 264296
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Sec. 4772.091. A certified mental health assistant may provide telehealth services in accordance with section 4743.09 of the Revised Code. 264299
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Sec. 4772.092. (A) Acting pursuant to a supervision agreement, a certified mental health assistant may delegate performance of a task to implement a patient's plan of care or, if the conditions in division (C) of this section are met, may delegate administration of a drug. Subject to division (D) of section 4772.03 of the Revised Code, delegation may be to any person. The certified mental health assistant must be physically present at the location where the task is performed or the drug administered. 264302
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(B) Prior to delegating a task or administration of a drug, a certified mental health assistant shall determine that the task or drug is appropriate for the patient and the person to whom the delegation is to be made may safely perform the task or administer the drug. 264311
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(C) A certified mental health assistant may delegate administration of a drug only if all of the following conditions are met: 264316
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(1) The certified mental health assistant has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant and is authorized to prescribe the drug. 264319
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| <u>(2) The drug is not a controlled substance.</u> | 264323 |
| <u>(3) The drug will not be administered intravenously.</u> | 264324 |
| <u>(4) The drug will not be administered in a hospital inpatient care unit, as defined in section 3727.50 of the Revised Code; a hospital emergency department; a freestanding emergency department; or an ambulatory surgical facility licensed under section 3702.30 of the Revised Code.</u> | 264325
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| <u>(D) A person not otherwise authorized to administer a drug or perform a specific task may do so in accordance with a certified mental health assistant's delegation under this section.</u> | 264330
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| <u>Sec. 4772.10. (A) Before initiating supervision of one or more certified mental health assistants licensed under this chapter, a physician shall enter into a supervision agreement with each certified mental health assistant who will be supervised. A supervision agreement may apply to one or more certified mental health assistants, but, except as provided in division (B)(5) of this section, may apply to not more than one physician. The supervision agreement shall specify that the physician agrees to supervise the certified mental health assistant and the certified mental health assistant agrees to practice under that physician's supervision.</u> | 264333
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| <u>The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the certified mental health assistant. The agreement shall be signed by the physician and the certified mental health assistant.</u> | 264344
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| <u>(B) A supervision agreement shall include terms that specify all of the following:</u> | 264349
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| <u>(1) The responsibilities to be fulfilled by the physician in supervising the certified mental health assistant;</u> | 264351
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(2) The responsibilities to be fulfilled by the certified mental health assistant when performing services under the physician's supervision; 264353
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(3) Any limitations on the responsibilities to be fulfilled by the certified mental health assistant; 264356
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(4) The circumstances under which the certified mental health assistant is required to refer a patient to the supervising physician; 264358
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(5) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity. 264361
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(C) A supervision agreement may be amended to modify the responsibilities of one or more certified mental health assistants or to include one or more additional certified mental health assistants. 264365
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(D) The supervising physician who entered into a supervision agreement shall retain a copy of the agreement in the records maintained by the supervising physician. Each certified mental health assistant who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the certified mental health assistant. 264369
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(E)(1) If the board finds, through a review conducted under this section or through any other means, any of the following, the board may take disciplinary action against the individual under section 4731.22 or 4772.20 of the Revised Code, impose a civil penalty, or both: 264375
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(a) That a certified mental health assistant has practiced in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section; 264380
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(b) That a physician has supervised a certified mental health assistant in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section; 264383
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(c) That a physician or certified mental health assistant failed to comply with division (A) or (B) of this section. 264387
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(2) If the board finds, through a review conducted under this section or through any other means, that a physician or certified mental health assistant failed to comply with division (D) of this section, the board may do either of the following: 264389
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(a) Take disciplinary action against the individual under section 4731.22 or 4772.20 of the Revised Code, impose a civil penalty, or both; 264393
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(b) Permit the individual to agree in writing to update the records to comply with division (D) of this section and pay a civil penalty. 264396
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(3) The board's finding in any disciplinary action taken under division (E) of this section shall be made pursuant to an adjudication conducted under Chapter 119. of the Revised Code. 264399
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(4) A civil penalty imposed under division (E)(1) or (2)(a) of this section or paid under division (E)(2)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars and shall be deposited in accordance with section 4731.24 of the Revised Code. 264402
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Sec. 4772.11. (A) The supervising physician of a certified mental health assistant exercises supervision, control, and direction of the certified mental health assistant. A certified mental health assistant may practice in any setting within which the supervising physician has supervision, control, and direction of the certified mental health assistant. 264407
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In supervising a certified mental health assistant, all of 264413
the following apply: 264414

(1)(a) Except as provided in division (A)(1)(b) of this 264415
section, the supervising physician shall be continuously available 264416
for direct communication with the certified mental health 264417
assistant by either of the following means: 264418

(i) Being physically present at the location where the 264419
certified mental health assistant is practicing; 264420

(ii) Being readily available to the certified mental health 264421
assistant through some means of telecommunication and being in a 264422
location that is a distance from the location where the certified 264423
mental health assistant is practicing that reasonably allows the 264424
physician to assure proper care of patients. 264425

(b) During the first five hundred hours of a certified mental 264426
health assistant's practice, the supervising physician shall be 264427
continuously available for direct communication with the certified 264428
mental health assistant only by being physically present at the 264429
location where the certified mental health assistant is 264430
practicing. This division does not require that the supervising 264431
physician be in the same room as the certified mental health 264432
assistant. 264433

(2) Prior to a certified mental health assistant providing 264434
services to a patient, the supervising physician must have 264435
evaluated the patient and diagnosed the patient with a diagnosis 264436
or condition found in the most recent edition of the diagnostic 264437
and statistical manual of mental disorders published by the 264438
American psychiatric association, or a similar publication if 264439
designated by the board. 264440

(3)(a) After the initial diagnosis, the supervising physician 264441
shall personally and actively review the certified mental health 264442
assistant's professional activities, on not less than a weekly 264443

basis. 264444

(b)(i) Except as provided in division (A)(3)(b)(ii) of this section, the supervising physician must reevaluate the patient not less than every two years, and sooner if there is a significant change in the patient's condition or possible change in the patient's diagnosis. 264445
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(ii) The supervising physician shall reevaluate a patient annually if the patient has been prescribed by a certified mental health assistant, in accordance with section 4772.13 of the Revised Code, a controlled substance related to a diagnosis or condition found in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association, or a similar publication if designated by the board. 264450
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(4) The supervising physician shall ensure that the quality assurance system established pursuant to division (E) of this section is implemented and maintained. 264458
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(5) The supervising physician shall regularly perform any other reviews of the certified mental health assistant that the supervising physician considers necessary. 264461
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(B) A physician may enter into supervision agreements with any number of certified mental health assistants, but the physician may not supervise more than five certified mental health assistants at any one time. A certified mental health assistant may enter into supervision agreements with any number of supervising physicians. 264464
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(C) A supervising physician may authorize a certified mental health assistant to perform a service only if the physician is satisfied that the certified mental health assistant is capable of competently performing the service. A supervising physician shall not authorize a certified mental health assistant to perform any 264470
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service that is beyond the physician's or the certified mental health assistant's normal course of practice and expertise. 264475
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(D) Each time a certified mental health assistant writes a medical order, including prescriptions written in the exercise of physician-delegated prescriptive authority, the certified mental health assistant shall sign the form on which the order is written and record on the form the time and date that the order is written. 264477
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(E)(1) The supervising physician of a certified mental health assistant shall establish a quality assurance system to be used in supervising the certified mental health assistant. All or part of the system may be applied to other certified mental health assistants who are supervised by the supervising physician. The system shall be developed in consultation with each certified mental health assistant to be supervised by the physician. 264483
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(2) In establishing the quality assurance system, the supervising physician shall describe a process to be used for all of the following: 264490
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(a) Routine review by the physician of selected patient record entries made by the certified mental health assistant and selected medical orders issued by the certified mental health assistant; 264493
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(b) Discussion of complex cases; 264497

(c) Discussion of new medical developments relevant to the practice of the physician and certified mental health assistant; 264498
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(d) Performance of any quality assurance activities required in rules adopted by the state medical board; 264500
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(e) Performance of any other quality assurance activities that the supervising physician considers to be appropriate. 264502
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(3) The supervising physician and certified mental health 264504

assistant shall keep records of their quality assurance 264505
activities. On request, the records shall be made available to the 264506
board. 264507

(F) When performing authorized services, a certified mental 264508
health assistant acts as the agent of the certified mental health 264509
assistant's supervising physician. The supervising physician is 264510
legally responsible and assumes legal liability for the services 264511
provided by the certified mental health assistant. 264512

The physician is not responsible or liable for any services 264513
provided by the certified mental health assistant after their 264514
supervision agreement expires or is terminated. 264515

Sec. 4772.12. (A) A license issued by the state medical board 264516
under section 4772.06 of the Revised Code authorizes the license 264517
holder to prescribe and personally furnish drugs and therapeutic 264518
devices in the exercise of physician-delegated prescriptive 264519
authority. 264520

(B) In exercising physician-delegated prescriptive authority, 264521
a certified mental health assistant is subject to section 4772.13 264522
of the Revised Code and all of the following: 264523

(1) The certified mental health assistant shall exercise 264524
physician-delegated prescriptive authority only to the extent that 264525
the physician supervising the certified mental health assistant 264526
has granted that authority. 264527

(2)(a) The certified mental health assistant shall comply 264528
with all conditions placed on the physician-delegated prescriptive 264529
authority, as specified by the supervising physician who is 264530
supervising the certified mental health assistant in the exercise 264531
of physician-delegated prescriptive authority. If conditions are 264532
placed on that authority, the supervising physician shall maintain 264533
a written record of the conditions and make the record available 264534

to the state medical board on request. 264535

(b) The conditions that a supervising physician may place on the physician-delegated prescriptive authority granted to a certified mental health assistant include the following: 264536
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(i) Identification by class and specific generic nomenclature of drugs and therapeutic devices that the physician chooses not to permit the certified mental health assistant to prescribe; 264539
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(ii) Limitations on the dosage units or refills that the certified mental health assistant is authorized to prescribe; 264542
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(iii) Specification of circumstances under which the certified mental health assistant is required to refer patients to the supervising physician or another physician when exercising physician-delegated prescriptive authority; 264544
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(iv) Responsibilities to be fulfilled by the physician in supervising the certified mental health assistant that are not otherwise specified in the supervision agreement or otherwise required by this chapter. 264548
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(3) If the certified mental health assistant possesses physician-delegated prescriptive authority for controlled substances, both of the following apply: 264552
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(a) The certified mental health assistant shall register with the federal drug enforcement administration. 264555
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(b) The certified mental health assistant shall comply with section 4772.13 of the Revised Code. 264557
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(4) If the certified mental health assistant possesses physician-delegated prescriptive authority to prescribe for a minor an opioid analgesic, as those terms are defined in sections 3719.01 and 3719.061 of the Revised Code, respectively, the certified mental health assistant shall comply with section 3719.061 of the Revised Code. 264559
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(C) A certified mental health assistant shall not prescribe any drug in violation of state or federal law. 264565
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Sec. 4772.13. (A) Subject to division (B) of this section, a certified mental health assistant may prescribe to a patient a controlled substance only if the controlled substance is one of the following: 264567
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(1) Buprenorphine, but only for a patient that is actively engaged in opioid use disorder treatment; 264571
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(2) A benzodiazepine, but only in the following circumstances: 264573
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(a) For a patient diagnosed by the supervising physician as having a chronic anxiety disorder; 264575
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(b) For a patient with acute anxiety or agitation, but only in an amount indicated for a period not to exceed seven days. 264577
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(3) A stimulant that has been approved by the federal food and drug administration for the treatment of attention deficit hyperactivity disorder, but only if the supervising physician has diagnosed the patient with, or confirmed the patient's diagnosis of, attention deficit hyper activity disorder. 264579
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(B) Except as provided in division (C) of this section, a certified mental health assistant licensed under this chapter who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant shall comply with all of the following as conditions of prescribing a controlled substance identified in division (A) of this section as part of a patient's course of treatment for a particular condition: 264584
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(1) Before initially prescribing the drug, the certified mental health assistant or the certified mental health assistant's delegate shall request from the drug database a report of 264592
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information related to the patient that covers at least the twelve 264595
months immediately preceding the date of the request. If the 264596
certified mental health assistant practices primarily in a county 264597
of this state that adjoins another state, the certified mental 264598
health assistant or delegate also shall request a report of any 264599
information available in the drug database that pertains to 264600
prescriptions issued or drugs furnished to the patient in the 264601
state adjoining that county. 264602

(2) If the patient's course of treatment for the condition 264603
continues for more than ninety days after the initial report is 264604
requested, the certified mental health assistant or delegate shall 264605
make periodic requests for reports of information from the drug 264606
database until the course of treatment has ended. The requests 264607
shall be made at intervals not exceeding ninety days, determined 264608
according to the date the initial request was made. The request 264609
shall be made in the same manner provided in division (B)(1) of 264610
this section for requesting the initial report of information from 264611
the drug database. 264612

(3) On receipt of a report under division (B)(1) or (2) of 264613
this section, the certified mental health assistant shall assess 264614
the information in the report. The certified mental health 264615
assistant shall document in the patient's record that the report 264616
was received and the information was assessed. 264617

(C) Division (B) of this section does not apply in any of the 264618
following circumstances: 264619

(1) A drug database report regarding the patient is not 264620
available, in which case the certified mental health assistant 264621
shall document in the patient's record the reason that the report 264622
is not available. 264623

(2) The drug is prescribed in an amount indicated for a 264624
period not to exceed seven days. 264625

(3) The drug is prescribed to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill. 264626
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(4) The drug is prescribed for administration in a hospital, nursing home, or residential care facility. 264629
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(5) If the state board of pharmacy no longer maintains the drug database. 264631
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(D) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including both of the following: 264633
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(1) Standards and procedures to be followed by a certified mental health assistant who has been granted physician-delegated prescriptive authority regarding the review of patient information available through the drug database under division (A)(5) of section 4729.80 of the Revised Code. 264636
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The rules adopted under this division do not apply if the state board of pharmacy no longer maintains the drug database. 264641
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(2) Standards and procedures to be followed by a certified mental health assistant in the use of buprenorphine for use in medication-assisted treatment, including regarding detoxification, relapse prevention, patient assessment, individual treatment planning, counseling and recovery supports, diversion control, and other topics selected by the board after considering best practices in medication-assisted treatment. 264643
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The board may apply the rules to all circumstances in which a certified mental health assistant prescribes drugs for use in medication-assisted treatment or limit the application of the rules to prescriptions for medication-assisted treatment issued for patients being treated in office-based practices or other practice types or locations specified by the board. 264650
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The rules adopted under this division shall be consistent with this chapter and, to the extent consistent with this chapter, rules adopted under sections 4723.51, 4730.55, and 4731.056 of the Revised Code.

Sec. 4772.14. (A) A certified mental health assistant who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant may personally furnish to a patient samples of drugs and therapeutic devices that are included in the certified mental health assistant's physician-delegated prescriptive authority, subject to all of the following:

(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the certified mental health assistant may furnish the sample in the package amount.

(2) No charge may be imposed for the sample or for furnishing it.

(3) Samples of controlled substances may not be personally furnished.

(B) A certified mental health assistant who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant may personally furnish to a patient a complete or partial supply of the drugs and therapeutic devices that are included in the certified mental health assistant's physician-delegated prescriptive authority, subject to all of the following:

(1) The certified mental health assistant shall not furnish the drugs and devices in locations other than the following:

(a) A health department operated by the board of health of a

city or general health district or the authority having the duties 264686
of a board of health under section 3709.05 of the Revised Code; 264687

(b) A federally funded comprehensive primary care clinic; 264688

(c) A nonprofit health care clinic or program; 264689

(d) An employer-based clinic that provides health care 264690
services to the employer's employees. 264691

(2) The certified mental health assistant shall comply with 264692
all standards and procedures for personally furnishing supplies of 264693
drugs and devices, as established in rules adopted under this 264694
section. 264695

(3) Complete or partial supplies of controlled substances may 264696
not be personally furnished. 264697

(C) The state medical board shall adopt rules establishing 264698
standards and procedures to be followed by a certified mental 264699
health assistant in personally furnishing samples of drugs or 264700
complete or partial supplies of drugs to patients under this 264701
section. Rules adopted under this section shall be adopted in 264702
accordance with Chapter 119. of the Revised Code. 264703

Sec. 4772.15. (A) As used in this section, "community 264704
addiction services provider" has the same meaning as in section 264705
5119.01 of the Revised Code. 264706

(B) A certified mental health assistant shall comply with 264707
section 3719.064 of the Revised Code and rules adopted under 264708
section 4772.13 of the Revised Code when treating a patient with 264709
medication-assisted treatment or proposing to initiate such 264710
treatment. 264711

(C) A certified mental health assistant who fails to comply 264712
with this section shall treat not more than thirty patients at any 264713
one time with medication-assisted treatment even if the facility 264714
or location at which the treatment is provided is either of the 264715

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| <u>following:</u> | 264716 |
| <u>(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification;</u> | 264717
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| <u>(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.</u> | 264721
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| <u>Sec. 4772.19. (A) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this chapter.</u> | 264725
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| <u>(B) The rules adopted under this section shall include all of the following:</u> | 264728
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| <u>(1) Standards and procedures for issuing and renewing licenses to practice as a certified mental health assistant;</u> | 264730
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| <u>(2) Application fees for an initial or renewed license;</u> | 264732 |
| <u>(3) Any additional services that certified mental health assistants may perform pursuant to division (C)(7) of section 4772.09 of the Revised Code;</u> | 264733
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| <u>(4) Rules governing physician-delegated prescriptive authority for certified mental health assistants;</u> | 264736
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| <u>(5) Any other standards and procedures the board considers necessary to govern the practice of certified mental health assistants, the supervisory relationship between certified mental health assistants and supervising physicians, and the administration and enforcement of this chapter.</u> | 264738
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| <u>Sec. 4772.20. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to</u> | 264743
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grant a license to practice as a certified mental health assistant 264745
to an individual found by the board to have committed fraud, 264746
misrepresentation, or deception in applying for or securing the 264747
license. 264748

(B) The board, by an affirmative vote of not fewer than six 264749
members, shall, except as provided in division (C) of this 264750
section, and to the extent permitted by law, limit, revoke, or 264751
suspend an individual's license to practice as a certified mental 264752
health assistant, refuse to issue a license to an applicant, 264753
refuse to renew a license, refuse to reinstate a license, or 264754
reprimand or place on probation the holder of a license for any of 264755
the following reasons: 264756

(1) Permitting the holder's name or license to be used by 264757
another person; 264758

(2) Failure to comply with the requirements of this chapter, 264759
Chapter 4731. of the Revised Code, or any rules adopted by the 264760
board; 264761

(3) Violating or attempting to violate, directly or 264762
indirectly, or assisting in or abetting the violation of, or 264763
conspiring to violate, any provision of this chapter, Chapter 264764
4731. of the Revised Code, or the rules adopted by the board; 264765

(4) A departure from, or failure to conform to, minimal 264766
standards of care of similar practitioners under the same or 264767
similar circumstances whether or not actual injury to the patient 264768
is established; 264769

(5) Inability to practice according to acceptable and 264770
prevailing standards of care by reason of mental illness or 264771
physical illness, including physical deterioration that adversely 264772
affects cognitive, motor, or perceptive skills; 264773

(6) Impairment of ability to practice according to acceptable 264774

and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 264775
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(7) Willfully betraying a professional confidence; 264778

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a certified mental health assistant. 264779
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 264782
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 264790
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 264793
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 264796
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(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 264799
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 264802
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| <u>(14) Commission of an act in the course of practice that</u> | 264805 |
| <u>constitutes a misdemeanor in this state, regardless of the</u> | 264806 |
| <u>jurisdiction in which the act was committed;</u> | 264807 |
| <u>(15) Commission of an act involving moral turpitude that</u> | 264808 |
| <u>constitutes a misdemeanor in this state, regardless of the</u> | 264809 |
| <u>jurisdiction in which the act was committed;</u> | 264810 |
| <u>(16) A plea of guilty to, a judicial finding of guilt of, or</u> | 264811 |
| <u>a judicial finding of eligibility for intervention in lieu of</u> | 264812 |
| <u>conviction for violating any state or federal law regulating the</u> | 264813 |
| <u>possession, distribution, or use of any drug, including</u> | 264814 |
| <u>trafficking in drugs;</u> | 264815 |
| <u>(17) Any of the following actions taken by the state agency</u> | 264816 |
| <u>responsible for regulating the practice of certified mental health</u> | 264817 |
| <u>assistants in another jurisdiction, for any reason other than the</u> | 264818 |
| <u>nonpayment of fees: the limitation, revocation, or suspension of</u> | 264819 |
| <u>an individual's license to practice; acceptance of an individual's</u> | 264820 |
| <u>license surrender; denial of a license; refusal to renew or</u> | 264821 |
| <u>reinstate a license; imposition of probation; or issuance of an</u> | 264822 |
| <u>order of censure or other reprimand;</u> | 264823 |
| <u>(18) Violation of the conditions placed by the board on a</u> | 264824 |
| <u>license to practice as a certified mental health assistant;</u> | 264825 |
| <u>(19) Failure to use universal blood and body fluid</u> | 264826 |
| <u>precautions established by rules adopted under section 4731.051 of</u> | 264827 |
| <u>the Revised Code;</u> | 264828 |
| <u>(20) Failure to cooperate in an investigation conducted by</u> | 264829 |
| <u>the board under section 4772.21 of the Revised Code, including</u> | 264830 |
| <u>failure to comply with a subpoena or order issued by the board or</u> | 264831 |
| <u>failure to answer truthfully a question presented by the board at</u> | 264832 |
| <u>a deposition or in written interrogatories, except that failure to</u> | 264833 |
| <u>cooperate with an investigation shall not constitute grounds for</u> | 264834 |
| <u>discipline under this section if a court of competent jurisdiction</u> | 264835 |

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| <u>has issued an order that either quashes a subpoena or permits the</u> | 264836 |
| <u>individual to withhold the testimony or evidence in issue;</u> | 264837 |
| <u>(21) Failure to practice in accordance with the supervising</u> | 264838 |
| <u>physician's supervision agreement with the certified mental health</u> | 264839 |
| <u>assistant;</u> | 264840 |
| <u>(22) Administering drugs for purposes other than those</u> | 264841 |
| <u>authorized under this chapter;</u> | 264842 |
| <u>(23) Failure to comply with section 4772.13 of the Revised</u> | 264843 |
| <u>Code, unless the board no longer maintains a drug database</u> | 264844 |
| <u>pursuant to section 4729.75 of the Revised Code;</u> | 264845 |
| <u>(24) Assisting suicide, as defined in section 3795.01 of the</u> | 264846 |
| <u>Revised Code.</u> | 264847 |
| <u>(C) The board shall not refuse to issue a license to an</u> | 264848 |
| <u>applicant because of a plea of guilty to, a judicial finding of</u> | 264849 |
| <u>guilt of, or a judicial finding of eligibility for intervention in</u> | 264850 |
| <u>lieu of conviction for an offense unless the refusal is in</u> | 264851 |
| <u>accordance with section 9.79 of the Revised Code.</u> | 264852 |
| <u>(D) Disciplinary actions taken by the board under divisions</u> | 264853 |
| <u>(A) and (B) of this section shall be taken pursuant to an</u> | 264854 |
| <u>adjudication under Chapter 119. of the Revised Code, except that</u> | 264855 |
| <u>in lieu of an adjudication, the board may enter into a consent</u> | 264856 |
| <u>agreement with a certified mental health assistant or applicant to</u> | 264857 |
| <u>resolve an allegation of a violation of this chapter or any rule</u> | 264858 |
| <u>adopted under it. A consent agreement, when ratified by an</u> | 264859 |
| <u>affirmative vote of not fewer than six members of the board, shall</u> | 264860 |
| <u>constitute the findings and order of the board with respect to the</u> | 264861 |
| <u>matter addressed in the agreement. If the board refuses to ratify</u> | 264862 |
| <u>a consent agreement, the admissions and findings contained in the</u> | 264863 |
| <u>consent agreement shall be of no force or effect.</u> | 264864 |
| <u>(E) For purposes of divisions (B)(11), (14), and (15) of this</u> | 264865 |
| <u>section, the commission of the act may be established by a finding</u> | 264866 |

by the board, pursuant to an adjudication under Chapter 119. of 264867
the Revised Code, that the applicant or license holder committed 264868
the act in question. The board shall have no jurisdiction under 264869
these divisions in cases where the trial court renders a final 264870
judgment in the license holder's favor and that judgment is based 264871
upon an adjudication on the merits. The board shall have 264872
jurisdiction under these divisions in cases where the trial court 264873
issues an order of dismissal on technical or procedural grounds. 264874

(F) The sealing or expungement of conviction records by any 264875
court shall have no effect on a prior board order entered under 264876
the provisions of this section or on the board's jurisdiction to 264877
take action under the provisions of this section if, based upon a 264878
plea of guilty, a judicial finding of guilt, or a judicial finding 264879
of eligibility for intervention in lieu of conviction, the board 264880
issued a notice of opportunity for a hearing prior to the court's 264881
order to seal or expunge the records. The board shall not be 264882
required to seal, destroy, redact, or otherwise modify its records 264883
to reflect the court's sealing or expungement of conviction 264884
records. 264885

(G) For purposes of this division, any individual who holds a 264886
license to practice as a certified mental health assistant issued 264887
under this chapter, or applies for a license, shall be deemed to 264888
have given consent to submit to a mental or physical examination 264889
when directed to do so in writing by the board and to have waived 264890
all objections to the admissibility of testimony or examination 264891
reports that constitute a privileged communication. 264892

(1) In enforcing division (B)(5) of this section, the board, 264893
on a showing of a possible violation, may compel any individual 264894
who holds a license to practice as a certified mental health 264895
assistant issued under this chapter or who has applied for a 264896
license to submit to a mental or physical examination, or both. A 264897
physical examination may include an HIV test. The expense of the 264898

examination is the responsibility of the individual compelled to 264899
be examined. Failure to submit to a mental or physical examination 264900
or consent to an HIV test ordered by the board constitutes an 264901
admission of the allegations against the individual unless the 264902
failure is due to circumstances beyond the individual's control, 264903
and a default and final order may be entered without the taking of 264904
testimony or presentation of evidence. If the board finds a 264905
certified mental health assistant unable to practice because of 264906
the reasons set forth in division (B)(5) of this section, the 264907
board shall require the certified mental health assistant to 264908
submit to care, counseling, or treatment by physicians approved or 264909
designated by the board, as a condition for an initial, continued, 264910
reinstated, or renewed license. An individual affected by this 264911
division shall be afforded an opportunity to demonstrate to the 264912
board the ability to resume practicing in compliance with 264913
acceptable and prevailing standards of care. 264914

(2) For purposes of division (B)(6) of this section, if the 264915
board has reason to believe that any individual who holds a 264916
license to practice as a certified mental health assistant issued 264917
under this chapter or any applicant for a license suffers such 264918
impairment, the board may compel the individual to submit to a 264919
mental or physical examination, or both. The expense of the 264920
examination is the responsibility of the individual compelled to 264921
be examined. Any mental or physical examination required under 264922
this division shall be undertaken by a treatment provider or 264923
physician qualified to conduct such examination and chosen by the 264924
board. 264925

Failure to submit to a mental or physical examination ordered 264926
by the board constitutes an admission of the allegations against 264927
the individual unless the failure is due to circumstances beyond 264928
the individual's control, and a default and final order may be 264929
entered without the taking of testimony or presentation of 264930

evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to treatment. 264931
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Before being eligible to apply for reinstatement of a license suspended under this division, the certified mental health assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following: 264936
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(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment; 264941
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(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 264944
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(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 264946
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The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 264952
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When the impaired certified mental health assistant resumes practice, the board shall require continued monitoring of the certified mental health assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of 264955
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annual written progress reports made under penalty of 264962
falsification stating whether the certified mental health 264963
assistant has maintained sobriety. 264964

(H) If the secretary and supervising member determine that 264965
there is clear and convincing evidence that a certified mental 264966
health assistant has violated division (B) of this section and 264967
that the individual's continued practice presents a danger of 264968
immediate and serious harm to the public, they may recommend that 264969
the board suspend the individual's license to practice without a 264970
prior hearing. Written allegations shall be prepared for 264971
consideration by the board. 264972

The board, on review of the allegations and by an affirmative 264973
vote of not fewer than six of its members, excluding the secretary 264974
and supervising member, may suspend a license without a prior 264975
hearing. A telephone conference call may be utilized for reviewing 264976
the allegations and taking the vote on the summary suspension. 264977

The board shall issue a written order of suspension by 264978
certified mail or in person in accordance with section 119.07 of 264979
the Revised Code. The order shall not be subject to suspension by 264980
the court during pendency of any appeal filed under section 119.12 264981
of the Revised Code. If the certified mental health assistant 264982
requests an adjudicatory hearing by the board, the date set for 264983
the hearing shall be within fifteen days, but not earlier than 264984
seven days, after the certified mental health assistant requests 264985
the hearing, unless otherwise agreed to by both the board and the 264986
license holder. 264987

A summary suspension imposed under this division shall remain 264988
in effect, unless reversed on appeal, until a final adjudicative 264989
order issued by the board pursuant to this section and Chapter 264990
119. of the Revised Code becomes effective. The board shall issue 264991
its final adjudicative order within sixty days after completion of 264992
its hearing. Failure to issue the order within sixty days shall 264993

result in dissolution of the summary suspension order, but shall 264994
not invalidate any subsequent, final adjudicative order. 264995

(I) If the board takes action under division (B)(10), (12), 264996
or (13) of this section, and the judicial finding of guilt, guilty 264997
plea, or judicial finding of eligibility for intervention in lieu 264998
of conviction is overturned on appeal, on exhaustion of the 264999
criminal appeal, a petition for reconsideration of the order may 265000
be filed with the board along with appropriate court documents. On 265001
receipt of a petition and supporting court documents, the board 265002
shall reinstate the license to practice as a certified mental 265003
health assistant. The board may then hold an adjudication under 265004
Chapter 119. of the Revised Code to determine whether the 265005
individual committed the act in question. Notice of opportunity 265006
for hearing shall be given in accordance with Chapter 119. of the 265007
Revised Code. If the board finds, pursuant to an adjudication held 265008
under this division, that the individual committed the act, or if 265009
no hearing is requested, it may order any of the sanctions 265010
specified in division (B) of this section. 265011

(J) The license to practice of a certified mental health 265012
assistant and the assistant's practice in this state are 265013
automatically suspended as of the date the certified mental health 265014
assistant pleads guilty to, is found by a judge or jury to be 265015
guilty of, or is subject to a judicial finding of eligibility for 265016
intervention in lieu of conviction in this state or treatment of 265017
intervention in lieu of conviction in another jurisdiction for any 265018
of the following criminal offenses in this state or a 265019
substantially equivalent criminal offense in another jurisdiction: 265020
aggravated murder, murder, voluntary manslaughter, felonious 265021
assault, kidnapping, rape, sexual battery, gross sexual 265022
imposition, aggravated arson, aggravated robbery, or aggravated 265023
burglary. Continued practice after the suspension shall be 265024
considered practicing without a license. 265025

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license.

(K) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the certified mental health assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a certified mental health assistant to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a certified

mental health assistant and the board shall not accept an 265058
application for reinstatement of the license or for issuance of a 265059
new license. 265060

(N) Notwithstanding any other provision of the Revised Code, 265061
all of the following apply: 265062

(1) The surrender of a license to practice as a certified 265063
mental health assistant issued under this chapter is not effective 265064
unless or until accepted by the board. Reinstatement of a license 265065
surrendered to the board requires an affirmative vote of not fewer 265066
than six members of the board. 265067

(2) An application made under this chapter for a license to 265068
practice may not be withdrawn without approval of the board. 265069

(3) Failure by an individual to renew a license to practice 265070
in accordance with section 4772.08 of the Revised Code shall not 265071
remove or limit the board's jurisdiction to take disciplinary 265072
action under this section against the individual. 265073

Sec. 4772.201. On receipt of a notice pursuant to section 265074
3123.43 of the Revised Code, the state medical board shall comply 265075
with sections 3123.41 to 3123.50 of the Revised Code and any 265076
applicable rules adopted under section 3123.63 of the Revised Code 265077
with respect to a license to practice as a certified mental health 265078
assistant issued under this chapter. 265079

Sec. 4772.202. If the state medical board has reason to 265080
believe that any person who has been granted a license to practice 265081
as a certified mental health assistant under this chapter is 265082
mentally ill or mentally incompetent, it may file in the probate 265083
court of the county in which the person has a legal residence an 265084
affidavit in the form prescribed in section 5122.11 of the Revised 265085
Code and signed by the board secretary or a member of the board 265086
secretary's staff, whereupon the same proceedings shall be had as 265087

provided in Chapter 5122. of the Revised Code. The attorney 265088
general may represent the board in any proceeding commenced under 265089
this section. 265090

If any person who has been granted a license is adjudged by a 265091
probate court to be mentally ill or mentally incompetent, the 265092
person's license shall be automatically suspended until the person 265093
has filed with the state medical board a certified copy of an 265094
adjudication by a probate court of the person's subsequent 265095
restoration to competency or has submitted to the board proof, 265096
satisfactory to the board, that the person has been discharged as 265097
having a restoration to competency in the manner and form provided 265098
in section 5122.38 of the Revised Code. The judge of the probate 265099
court shall forthwith notify the state medical board of an 265100
adjudication of mental illness or mental incompetence, and shall 265101
note any suspension of a license in the margin of the court's 265102
record of such license. 265103

Sec. 4772.203. (A)(1) If a certified mental health assistant 265104
violates any section of this chapter or any rule adopted under 265105
this chapter, the state medical board may, pursuant to an 265106
adjudication under Chapter 119. of the Revised Code and an 265107
affirmative vote of not fewer than six of its members, impose a 265108
civil penalty. The amount of the civil penalty shall be determined 265109
by the board in accordance with the guidelines adopted under 265110
division (A)(2) of this section. The civil penalty may be in 265111
addition to any other action the board may take under section 265112
4772.20 of the Revised Code. 265113

(2) The board shall adopt and may amend guidelines regarding 265114
the amounts of civil penalties to be imposed under this section. 265115
Adoption or amendment of the guidelines requires the approval of 265116
not fewer than six board members. 265117

Under the guidelines, no civil penalty amount shall exceed 265118
twenty thousand dollars. 265119

(B) Amounts received from payment of civil penalties imposed 265120
under this section shall be deposited by the board in accordance 265121
with section 4731.24 of the Revised Code. Amounts received from 265122
payment of civil penalties imposed for violations of division 265123
(B)(6) of section 4772.20 of the Revised Code shall be used by the 265124
board solely for investigations, enforcement, and compliance 265125
monitoring. 265126

Sec. 4772.21. (A) The state medical board shall investigate 265127
evidence that appears to show that any person has violated this 265128
chapter or the rules adopted under it. Any person may report to 265129
the board in a signed writing any information the person has that 265130
appears to show a violation of any provision of this chapter or 265131
the rules adopted under it. In the absence of bad faith, a person 265132
who reports such information or testifies before the board in an 265133
adjudication conducted under Chapter 119. of the Revised Code 265134
shall not be liable for civil damages as a result of reporting the 265135
information or providing testimony. Each complaint or allegation 265136
of a violation received by the board shall be assigned a case 265137
number and be recorded by the board. 265138

(B) Investigations of alleged violations of this chapter or 265139
rules adopted under it shall be supervised by the supervising 265140
member elected by the board in accordance with section 4731.02 of 265141
the Revised Code and by the secretary as provided in section 265142
4772.24 of the Revised Code. The board's president may designate 265143
another member of the board to supervise the investigation in 265144
place of the supervising member. A member of the board who 265145
supervises the investigation of a case shall not participate in 265146
further adjudication of the case. 265147

(C) In investigating a possible violation of this chapter or 265148

the rules adopted under it, the board may administer oaths, order 265149
the taking of depositions, issue subpoenas, and compel the 265150
attendance of witnesses and production of books, accounts, papers, 265151
records, documents, and testimony, except that a subpoena for 265152
patient record information shall not be issued without 265153
consultation with the attorney general's office and approval of 265154
the secretary and supervising member of the board. Before issuance 265155
of a subpoena for patient record information, the secretary and 265156
supervising member shall determine whether there is probable cause 265157
to believe that the complaint filed alleges a violation of this 265158
chapter or the rules adopted under it and that the records sought 265159
are relevant to the alleged violation and material to the 265160
investigation. The subpoena may apply only to records that cover a 265161
reasonable period of time surrounding the alleged violation. 265162

On failure to comply with any subpoena issued by the board 265163
and after reasonable notice to the person being subpoenaed, the 265164
board may move for an order compelling the production of persons 265165
or records pursuant to the Rules of Civil Procedure. 265166

A subpoena issued by the board may be served by a sheriff, 265167
the sheriff's deputy, or a board employee designated by the board. 265168
Service of a subpoena issued by the board may be made by 265169
delivering a copy of the subpoena to the person named therein, 265170
reading it to the person, or leaving it at the person's usual 265171
place of residence. When the person being served is a certified 265172
mental health assistant, service of the subpoena may be made by 265173
certified mail, restricted delivery, return receipt requested, and 265174
the subpoena shall be deemed served on the date delivery is made 265175
or the date the person refuses to accept delivery. 265176

A sheriff's deputy who serves a subpoena shall receive the 265177
same fees as a sheriff. Each witness who appears before the board 265178
in obedience to a subpoena shall receive the fees and mileage 265179
provided for witnesses in civil cases in the courts of common 265180

pleas. 265181

(D) All hearings and investigations of the board shall be 265182
considered civil actions for the purposes of section 2305.252 of 265183
the Revised Code. 265184

(E) Information received by the board pursuant to an 265185
investigation is confidential and not subject to discovery in any 265186
civil action. 265187

The board shall conduct all investigations and proceedings in 265188
a manner that protects the confidentiality of patients and persons 265189
who file complaints with the board. The board shall not make 265190
public the names or any other identifying information about 265191
patients or complainants unless proper consent is given. 265192

The board may share any information it receives pursuant to 265193
an investigation, including patient records and patient record 265194
information, with law enforcement agencies, other licensing 265195
boards, and other governmental agencies that are prosecuting, 265196
adjudicating, or investigating alleged violations of statutes or 265197
administrative rules. An agency or board that receives the 265198
information shall comply with the same requirements regarding 265199
confidentiality as those with which the state medical board must 265200
comply, notwithstanding any conflicting provision of the Revised 265201
Code or procedure of the agency or board that applies when it is 265202
dealing with other information in its possession. In a judicial 265203
proceeding, the information may be admitted into evidence only in 265204
accordance with the Rules of Evidence, but the court shall require 265205
that appropriate measures are taken to ensure that confidentiality 265206
is maintained with respect to any part of the information that 265207
contains names or other identifying information about patients or 265208
complainants whose confidentiality was protected by the state 265209
medical board when the information was in the board's possession. 265210
Measures to ensure confidentiality that may be taken by the court 265211
include sealing its records or deleting specific information from 265212

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| <u>its records.</u> | 265213 |
| <u>(F) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:</u> | 265214
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| <u>(1) The case number assigned to the complaint or alleged violation;</u> | 265218
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| <u>(2) The type of license, if any, held by the individual against whom the complaint is directed;</u> | 265220
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| <u>(3) A description of the allegations contained in the complaint;</u> | 265222
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| <u>(4) The disposition of the case.</u> | 265224 |
| <u>The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code.</u> | 265225
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| <u>Sec. 4772.22.</u> (A) <u>As used in this section, "prosecutor" has the same meaning as in section 2935.01 of the Revised Code.</u> | 265229
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| (B) <u>Whenever any person holding a valid license to practice as a certified mental health assistant issued under this chapter pleads guilty to, is subject to a judicial finding of guilt of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of Chapter 2907., 2925., or 3719. of the Revised Code or of any substantively comparable ordinance of a municipal corporation in connection with the person's practice, the prosecutor in the case, on forms prescribed and provided by the state medical board, shall promptly notify the board of the conviction. Within thirty days of receipt of that information, the board shall initiate action in accordance with Chapter 119. of the Revised Code to determine whether to suspend</u> | 265231
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or revoke the license under section 4772.20 of the Revised Code. 265243

(C) The prosecutor in any case against any person holding a 265244
valid license issued under this chapter, on forms prescribed and 265245
provided by the state medical board, shall notify the board of any 265246
of the following: 265247

(1) A plea of guilty to, a finding of guilt by a jury or 265248
court of, or judicial finding of eligibility for intervention in 265249
lieu of conviction for a felony, or a case in which the trial 265250
court issues an order of dismissal upon technical or procedural 265251
grounds of a felony charge; 265252

(2) A plea of guilty to, a finding of guilt by a jury or 265253
court of, or judicial finding of eligibility for intervention in 265254
lieu of conviction for a misdemeanor committed in the course of 265255
practice, or a case in which the trial court issues an order of 265256
dismissal upon technical or procedural grounds of a charge of a 265257
misdemeanor, if the alleged act was committed in the course of 265258
practice; 265259

(3) A plea of guilty to, a finding of guilt by a jury or 265260
court of, or judicial finding of eligibility for intervention in 265261
lieu of conviction for a misdemeanor involving moral turpitude, or 265262
a case in which the trial court issues an order of dismissal upon 265263
technical or procedural grounds of a charge of a misdemeanor 265264
involving moral turpitude. 265265

The report shall include the name and address of the license 265266
holder, the nature of the offense for which the action was taken, 265267
and the certified court documents recording the action. 265268

Sec. 4772.23. (A) Within sixty days after the imposition of 265269
any formal disciplinary action taken by any health care facility, 265270
including a hospital, health care facility operated by a health 265271
insuring corporation, ambulatory surgical facility, or similar 265272

facility, against any individual holding a valid license to practice as a certified mental health assistant, the chief administrator or executive officer of the facility shall report to the state medical board the name of the individual, the action taken by the facility, and a summary of the underlying facts leading to the action taken. On request, the board shall be provided certified copies of the patient records that were the basis for the facility's action. Prior to release to the board, the summary shall be approved by the peer review committee that reviewed the case or by the governing board of the facility.

The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a health care facility from taking disciplinary action against a certified mental health assistant.

In the absence of fraud or bad faith, no individual or entity that provides patient records to the board shall be liable in damages to any person as a result of providing the records.

(B)(1) Except as provided in division (B)(2) of this section, a certified mental health assistant, professional association or society of certified mental health assistants, physician, or professional association or society of physicians that believes a violation of any provision of this chapter, Chapter 4731. of the Revised Code, or rule of the board has occurred shall report to the board the information on which the belief is based.

(2) A certified mental health assistant, professional association or society of certified mental health assistants, physician, or professional association or society of physicians that believes a violation of division (B)(6) of section 4772.20 of the Revised Code has occurred shall report the information upon which the belief is based to the monitoring organization

conducting the program established by the board under section 265304
4731.251 of the Revised Code. If any such report is made to the 265305
board, it shall be referred to the monitoring organization unless 265306
the board is aware that the individual who is the subject of the 265307
report does not meet the program eligibility requirements of 265308
section 4731.252 of the Revised Code. 265309

(C) Any professional association or society composed 265310
primarily of certified mental health assistants that suspends or 265311
revokes an individual's membership for violations of professional 265312
ethics, or for reasons of professional incompetence or 265313
professional malpractice, within sixty days after a final 265314
decision, shall report to the board, on forms prescribed and 265315
provided by the board, the name of the individual, the action 265316
taken by the professional organization, and a summary of the 265317
underlying facts leading to the action taken. 265318

The filing of a report with the board or decision not to file 265319
a report, investigation by the board, or any disciplinary action 265320
taken by the board, does not preclude a professional organization 265321
from taking disciplinary action against a certified mental health 265322
assistant. 265323

(D) Any insurer providing professional liability insurance to 265324
any person holding a valid license to practice as a certified 265325
mental health assistant or any other entity that seeks to 265326
indemnify the professional liability of a certified mental health 265327
assistant shall notify the board within thirty days after the 265328
final disposition of any written claim for damages where such 265329
disposition results in a payment exceeding twenty-five thousand 265330
dollars. The notice shall contain the following information: 265331

(1) The name and address of the person submitting the 265332
notification; 265333

(2) The name and address of the insured who is the subject of 265334

the claim; 265335

(3) The name of the person filing the written claim; 265336

(4) The date of final disposition; 265337

(5) If applicable, the identity of the court in which the final disposition of the claim took place. 265338
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(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the certified mental health assistant. 265340
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(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a certified mental health assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against a certified mental health assistant or supervising physician, or in any subsequent trial or appeal of a board action or order. 265350
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The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing a certified mental health assistant or supervising physician, if applicable, or reviewing their privilege to practice 265361
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within a particular facility. The board shall indicate whether or 265366
not the information has been verified. Information transmitted by 265367
the board shall be subject to the same confidentiality provisions 265368
as when maintained by the board. 265369

(G) Except for reports filed by an individual pursuant to 265370
division (B) of this section, the board shall send a copy of any 265371
reports or summaries it receives pursuant to this section to the 265372
certified mental health assistant. The certified mental health 265373
assistant shall have the right to file a statement with the board 265374
concerning the correctness or relevance of the information. The 265375
statement shall at all times accompany that part of the record in 265376
contention. 265377

(H) An individual or entity that reports to the board, 265378
reports to the monitoring organization described in section 265379
4731.251 of the Revised Code, or refers an impaired certified 265380
mental health assistant to a treatment provider approved by the 265381
board under section 4731.25 of the Revised Code shall not be 265382
subject to suit for civil damages as a result of the report, 265383
referral, or provision of the information. 265384

(I) In the absence of fraud or bad faith, a professional 265385
association or society of certified mental health assistants that 265386
sponsors a committee or program to provide peer assistance to a 265387
certified mental health assistant with substance abuse problems, a 265388
representative or agent of such a committee or program, a 265389
representative or agent of the monitoring organization described 265390
in section 4731.251 of the Revised Code, and a member of the state 265391
medical board shall not be held liable in damages to any person by 265392
reason of actions taken to refer a certified mental health 265393
assistant to a treatment provider approved under section 4731.25 265394
of the Revised Code for examination or treatment. 265395

Sec. 4772.24. The secretary of the state medical board shall 265396

enforce the laws relating to the practice of certified mental health assistants. If the secretary has knowledge or notice of a violation of this chapter or the rules adopted under it, the secretary shall investigate the matter, and, upon probable cause appearing, file a complaint and prosecute the offender. When requested by the secretary, the prosecuting attorney of the proper county shall take charge of and conduct the prosecution.

Sec. 4772.25. The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as a certified mental health assistant without having first obtained under this chapter a license to practice as a certified mental health assistant, may, in accordance with provisions of the Revised Code governing injunctions, maintain an action in the name of the state to enjoin any person from engaging either directly or by complicity in unlawfully practicing as a certified mental health assistant by applying for an injunction in any court of competent jurisdiction.

Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this

section. 265428

Upon the filing of a verified petition in court, the court 265429
shall conduct a hearing on the petition and shall give the same 265430
preference to this proceeding as is given all proceedings under 265431
Chapter 119. of the Revised Code, irrespective of the position of 265432
the proceeding on the calendar of the court. 265433

Injunction proceedings shall be in addition to, and not in 265434
lieu of, all penalties and other remedies provided in this 265435
chapter. 265436

Sec. 4772.26. The state medical board, subject to the 265437
approval of the controlling board, may establish fees in excess of 265438
the amounts specified in this chapter, except that the fees may 265439
not exceed the specified amounts by more than fifty per cent. 265440

All fees, penalties, and other funds received by the board 265441
under this chapter shall be deposited in accordance with section 265442
4731.24 of the Revised Code. 265443

Sec. 4772.27. In the absence of fraud or bad faith, the state 265444
medical board, a current or former board member, an agent of the 265445
board, a person formally requested by the board to be the board's 265446
representative, or an employee of the board shall not be held 265447
liable in damages to any person as the result of any act, 265448
omission, proceeding, conduct, or decision related to official 265449
duties undertaken or performed pursuant to this chapter. If any 265450
such person asks to be defended by the state against any claim or 265451
action arising out of any act, omission, proceeding, conduct, or 265452
decision related to the person's official duties, and if the 265453
request is made in writing at a reasonable time before trial and 265454
the person requesting defense cooperates in good faith in the 265455
defense of the claim or action, the state shall provide and pay 265456
for the person's defense and shall pay any resulting judgment, 265457

compromise, or settlement. At no time shall the state pay any part 265458
of a claim or judgment that is for punitive or exemplary damages. 265459

Sec. 4772.28. The state medical board shall comply with 265460
section 4776.20 of the Revised Code. 265461

Sec. 4772.99. (A) Whoever violates section 4772.02 of the 265462
Revised Code is guilty of a misdemeanor of the first degree on a 265463
first offense; on each subsequent offense, the person is guilty of 265464
a felony of the fourth degree. 265465

(B) Whoever violates division (A), (B), (C), or (D) of 265466
section 4772.23 of the Revised Code is guilty of a minor 265467
misdemeanor on a first offense; on each subsequent offense the 265468
person is guilty of a misdemeanor of the fourth degree, except 265469
that an individual guilty of a subsequent offense shall not be 265470
subject to imprisonment, but to a fine alone of up to one thousand 265471
dollars for each offense. 265472

Sec. 4776.01. As used in this chapter: 265473

(A) "License" means an authorization evidenced by a license, 265474
certificate, registration, permit, card, or other authority that 265475
is issued or conferred by a licensing agency to a licensee or to 265476
an applicant for an initial license by which the licensee or 265477
initial license applicant has or claims the privilege to engage in 265478
a profession, occupation, or occupational activity, or, except in 265479
the case of the state dental board, to have control of and operate 265480
certain specific equipment, machinery, or premises, over which the 265481
licensing agency has jurisdiction. 265482

(B) Except as provided in section 4776.20 of the Revised 265483
Code, "licensee" means the person to whom the license is issued by 265484
a licensing agency. "Licensee" includes a person who, for purposes 265485
of section 3796.13 of the Revised Code, has complied with sections 265486

4776.01 to 4776.04 of the Revised Code and has been determined by 265487
the department of commerce or state board of pharmacy, as the 265488
applicable licensing agency, to meet the requirements for 265489
employment. 265490

(C) Except as provided in section 4776.20 of the Revised 265491
Code, "licensing agency" means any of the following: 265492

(1) The board authorized by Chapters 4701., 4717., 4725., 265493
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 265494
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 265495
4778., 4779., and 4783. of the Revised Code to issue a license to 265496
engage in a specific profession, occupation, or occupational 265497
activity, or to have charge of and operate certain specific 265498
equipment, machinery, or premises. 265499

(2) The state dental board, relative to its authority to 265500
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 265501
4715.27 of the Revised Code; 265502

(3) The department of commerce or state board of pharmacy, 265503
relative to its authority under Chapter 3796. of the Revised Code 265504
and any rules adopted under that chapter with respect to a person 265505
who is subject to section 3796.13 of the Revised Code; 265506

(4) The director of agriculture, relative to the director's 265507
authority to issue licenses under Chapter 928. of the Revised 265508
Code. 265509

(D) "Applicant for an initial license" includes persons 265510
seeking a license for the first time and persons seeking a license 265511
by reciprocity, endorsement, or similar manner of a license issued 265512
in another state. "Applicant for an initial license" also includes 265513
a person who, for purposes of section 3796.13 of the Revised Code, 265514
is required to comply with sections 4776.01 to 4776.04 of the 265515
Revised Code. 265516

(E) "Applicant for a restored license" includes persons 265517

seeking restoration of a license under section 4730.14, 4730.28, 265518
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 265519
4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 4774.06, 265520
4774.061, 4778.07, or 4778.071 of the Revised Code. "Applicant for 265521
a restored license" does not include a person seeking restoration 265522
of a license under section 4751.33 of the Revised Code. 265523

(F) "Criminal records check" has the same meaning as in 265524
section 109.572 of the Revised Code. 265525

Sec. 5123.47. (A) As used in this section: 265526

(1) "In-home care" means the supportive services provided 265527
within the home of an individual with a developmental disability 265528
who receives funding for the services through a county board of 265529
developmental disabilities, including any recipient of residential 265530
services funded as home and community-based services, family 265531
support services provided under section 5126.11 of the Revised 265532
Code, or supported living provided in accordance with sections 265533
5126.41 to 5126.47 of the Revised Code. "In-home care" includes 265534
care that is provided outside an individual's home in places 265535
incidental to the home, and while traveling to places incidental 265536
to the home, except that "in-home care" does not include care 265537
provided in the facilities of a county board of developmental 265538
disabilities or care provided in schools. 265539

(2) "Parent" means either parent of a child, including an 265540
adoptive parent but not a foster parent. 265541

(3) "Unlicensed in-home care worker" means an individual who 265542
provides in-home care but is not a health care professional. 265543

(4) "Family member" means a parent, sibling, spouse, son, 265544
daughter, grandparent, aunt, uncle, cousin, or guardian of the 265545
individual with a developmental disability if the individual with 265546
a developmental disability lives with the person and is dependent 265547

on the person to the extent that, if the supports were withdrawn, 265548
another living arrangement would have to be found. 265549

(5) "Health care professional" means any of the following: 265550

(a) A dentist who holds a valid license issued under Chapter 265551
4715. of the Revised Code; 265552

(b) A registered or licensed practical nurse who holds a 265553
valid license issued under Chapter 4723. of the Revised Code; 265554

(c) An optometrist who holds a valid license issued under 265555
Chapter 4725. of the Revised Code; 265556

(d) A pharmacist who holds a valid license issued under 265557
Chapter 4729. of the Revised Code; 265558

(e) A person who holds a valid license or certificate issued 265559
under Chapter 4731. of the Revised Code to practice medicine and 265560
surgery, osteopathic medicine and surgery, podiatric medicine and 265561
surgery, or a limited brand of medicine; 265562

(f) A physician assistant who holds a valid license issued 265563
under Chapter 4730. of the Revised Code; 265564

(g) An occupational therapist or occupational therapy 265565
assistant or a physical therapist or physical therapist assistant 265566
who holds a valid license issued under Chapter 4755. of the 265567
Revised Code; 265568

(h) A respiratory care professional who holds a valid license 265569
issued under Chapter 4761. of the Revised Code; 265570

(i) A certified mental health assistant who holds a valid 265571
license issued under Chapter 4772. of the Revised Code. 265572

(6) "Health care task" means a task that is prescribed, 265573
ordered, delegated, or otherwise directed by a health care 265574
professional acting within the scope of the professional's 265575
practice. "Health care task" includes the administration of oral 265576
and topical prescribed medications; administration of nutrition 265577

and medications through gastrostomy and jejunostomy tubes that are 265578
stable and labeled; administration of oxygen and metered dose 265579
inhaled medications; administration of insulin through 265580
subcutaneous injections, inhalation, and insulin pumps; and 265581
administration of prescribed medications for the treatment of 265582
metabolic glycemc disorders through subcutaneous injections. 265583

(B) Except as provided in division (E) of this section, a 265584
family member of an individual with a developmental disability may 265585
authorize an unlicensed in-home care worker to perform health care 265586
tasks as part of the in-home care the worker provides to the 265587
individual, if all of the following apply: 265588

(1) The family member is the primary supervisor of the care. 265589

(2) The unlicensed in-home care worker has been selected by 265590
the family member or the individual receiving care and is under 265591
the direct supervision of the family member. 265592

(3) The unlicensed in-home care worker is providing the care 265593
through an employment or other arrangement entered into directly 265594
with the family member and is not otherwise employed by or under 265595
contract with a person or government entity to provide services to 265596
individuals with developmental disabilities. 265597

(4) The health care task is completed in accordance with 265598
standard, written instructions. 265599

(5) Performance of the health care task requires no judgment 265600
based on specialized health care knowledge or expertise. 265601

(6) The outcome of the health care task is reasonably 265602
predictable. 265603

(7) Performance of the health care task requires no complex 265604
observation of the individual receiving the care. 265605

(8) Improper performance of the health care task will result 265606
in only minimal complications that are not life-threatening. 265607

(C) A family member shall obtain a prescription, if 265608
applicable, and written instructions from a health care 265609
professional for the care to be provided to the individual. The 265610
family member shall authorize the unlicensed in-home care worker 265611
to provide the care by preparing a written document granting the 265612
authority. The family member shall provide the unlicensed in-home 265613
care worker with appropriate training and written instructions in 265614
accordance with the instructions obtained from the health care 265615
professional. The family member or a health care professional 265616
shall be available to communicate with the unlicensed in-home care 265617
worker either in person or by telecommunication while the in-home 265618
care worker performs a health care task. 265619

(D) A family member who authorizes an unlicensed in-home care 265620
worker to administer oral and topical prescribed medications or 265621
perform other health care tasks retains full responsibility for 265622
the health and safety of the individual receiving the care and for 265623
ensuring that the worker provides the care appropriately and 265624
safely. No entity that funds or monitors the provision of in-home 265625
care may be held liable for the results of the care provided under 265626
this section by an unlicensed in-home care worker, including such 265627
entities as the county board of developmental disabilities and the 265628
department of developmental disabilities. 265629

An unlicensed in-home care worker who is authorized under 265630
this section by a family member to provide care to an individual 265631
may not be held liable for any injury caused in providing the 265632
care, unless the worker provides the care in a manner that is not 265633
in accordance with the training and instructions received or the 265634
worker acts in a manner that constitutes willful or wanton 265635
misconduct. 265636

(E) A county board of developmental disabilities may evaluate 265637
the authority granted by a family member under this section to an 265638
unlicensed in-home care worker at any time it considers necessary 265639

and shall evaluate the authority on receipt of a complaint. If the board determines that a family member has acted in a manner that is inappropriate for the health and safety of the individual receiving the care, the authorization granted by the family member to an unlicensed in-home care worker is void, and the family member may not authorize other unlicensed in-home care workers to provide the care. In making such a determination, the board shall use appropriately licensed health care professionals and shall provide the family member an opportunity to file a complaint under section 5126.06 of the Revised Code.

Sec. 5164.95. (A) As used in this section, "telehealth service" means a health care service delivered to a patient through the use of interactive audio, video, or other telecommunications or electronic technology from a site other than the site where the patient is located.

(B) The department of medicaid shall establish standards for medicaid payments for health care services the department determines are appropriate to be covered by the medicaid program when provided as telehealth services. The standards shall be established in rules adopted under section 5164.02 of the Revised Code.

In accordance with section 5162.021 of the Revised Code, the medicaid director shall adopt rules authorizing the directors of other state agencies to adopt rules regarding the medicaid coverage of telehealth services under programs administered by the other state agencies. Any such rules adopted by the medicaid director or the directors of other state agencies are not subject to the requirements of division (F) of section 121.95 of the Revised Code.

(C)(1) To the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law,

| | |
|---|--------|
| the following practitioners are eligible to provide telehealth | 265671 |
| services covered pursuant to this section: | 265672 |
| (a) A physician licensed under Chapter 4731. of the Revised | 265673 |
| Code to practice medicine and surgery, osteopathic medicine and | 265674 |
| surgery, or podiatric medicine and surgery; | 265675 |
| (b) A psychologist, independent school psychologist, or | 265676 |
| school psychologist licensed under Chapter 4732. of the Revised | 265677 |
| Code; | 265678 |
| (c) A physician assistant licensed under Chapter 4730. of the | 265679 |
| Revised Code; | 265680 |
| (d) A clinical nurse specialist, certified nurse-midwife, or | 265681 |
| certified nurse practitioner licensed under Chapter 4723. of the | 265682 |
| Revised Code; | 265683 |
| (e) An independent social worker, independent marriage and | 265684 |
| family therapist, or professional clinical counselor licensed | 265685 |
| under Chapter 4757. of the Revised Code; | 265686 |
| (f) An independent chemical dependency counselor licensed | 265687 |
| under Chapter 4758. of the Revised Code; | 265688 |
| (g) A supervised practitioner or supervised trainee; | 265689 |
| (h) An audiologist or speech-language pathologist licensed | 265690 |
| under Chapter 4753. of the Revised Code; | 265691 |
| (i) An audiology aide or speech-language pathology aide, as | 265692 |
| defined in section 4753.072 of the Revised Code, or an individual | 265693 |
| holding a conditional license under section 4753.071 of the | 265694 |
| Revised Code; | 265695 |
| (j) An occupational therapist or physical therapist licensed | 265696 |
| under Chapter 4755. of the Revised Code; | 265697 |
| (k) An occupational therapy assistant or physical therapist | 265698 |
| assistant licensed under Chapter 4755. of the Revised Code. | 265699 |

| | |
|---|--|
| (l) A dietitian licensed under Chapter 4759. of the Revised Code; | 265700
265701 |
| (m) A chiropractor licensed under Chapter 4734. of the Revised Code; | 265702
265703 |
| (n) A pharmacist licensed under Chapter 4729. of the Revised Code; | 265704
265705 |
| (o) A genetic counselor licensed under Chapter 4778. of the Revised Code; | 265706
265707 |
| (p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry; | 265708
265709 |
| (q) A respiratory care professional licensed under Chapter 4761. of the Revised Code; | 265710
265711 |
| (r) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code; | 265712
265713 |
| (s) A practitioner who provides services through a medicaid school program; | 265714
265715 |
| (t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider; | 265716
265717
265718
265719
265720 |
| (u) <u>A certified mental health assistant licensed under Chapter 4772. of the Revised Code;</u> | 265721
265722 |
| (v) Any other practitioner the medicaid director considers eligible to provide telehealth services. | 265723
265724 |
| (2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services: | 265725
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265727
265728
265729 |

| | |
|--|--|
| (a) Any practitioner described in division (C)(1) of this section, except for those described in divisions (C)(1)(g), (i), and (k) of this section; | 265730
265731
265732 |
| (b) A professional medical group; | 265733 |
| (c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code; | 265734
265735
265736 |
| (d) A rural health clinic; | 265737 |
| (e) An ambulatory health care clinic; | 265738 |
| (f) An outpatient hospital; | 265739 |
| (g) A medicaid school program; | 265740 |
| (h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code; | 265741
265742
265743
265744 |
| (i) Any other provider type the medicaid director considers eligible to submit the claims for payment. | 265745
265746 |
| (D)(1) When providing telehealth services under this section, a practitioner shall comply with all requirements under state and federal law regarding the protection of patient information. A practitioner shall ensure that any username or password information and any electronic communications between the practitioner and a patient are securely transmitted and stored. | 265747
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265752 |
| (2) When providing telehealth services under this section, every practitioner site shall have access to the medical records of the patient at the time telehealth services are provided. | 265753
265754
265755 |
| Sec. 5903.12. (A) As used in this section: | 265756 |
| "Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the | 265757
265758 |

continuing education required of licensees under sections 265759
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 265760
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 265761
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 265762
4757.33, 4759.06, 4761.06, ~~and~~ 4763.07, and 4772.081 of the 265763
Revised Code. 265764

"Reporting period" means the period of time during which a 265765
licensee must complete the number of hours of continuing education 265766
required of the licensee by law. 265767

(B) A licensee may submit an application to a licensing 265768
agency, stating that the licensee requires an extension of the 265769
current reporting period because the licensee has served on active 265770
duty during the current or a prior reporting period. The licensee 265771
shall submit proper documentation certifying the active duty 265772
service and the length of that active duty service. Upon receiving 265773
the application and proper documentation, the licensing agency 265774
shall extend the current reporting period by an amount of time 265775
equal to the total number of months that the licensee spent on 265776
active duty during the current reporting period. For purposes of 265777
this division, any portion of a month served on active duty shall 265778
be considered one full month. 265779

Section 130.121. That existing sections 2305.234, 2305.51, 265780
2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 265781
2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 265782
3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 265783
3719.064, 3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4729.553, 265784
4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 265785
4731.251, 4734.99, 4743.09, 4755.48, 4755.623, 4765.51, 4769.01, 265786
4776.01, 5123.47, 5164.95, and 5903.12 of the Revised Code are 265787
hereby repealed. 265788

Section 130.122. That the version of section 4755.48 of the Revised Code that is scheduled to take effect December 29, 2023, be amended to read as follows:

Sec. 4755.48. (A) No person shall employ fraud or deception in applying for or securing a license to practice physical therapy or to be a physical therapist assistant.

(B) No person shall practice or in any way imply or claim to the public by words, actions, or the use of letters as described in division (C) of this section to be able to practice physical therapy or to provide physical therapy services, including practice as a physical therapist assistant, unless the person holds a valid license under sections 4755.40 to 4755.56 of the Revised Code or except for submission of claims as provided in section 4755.56 of the Revised Code.

(C) No person shall use the words or letters, physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a physical therapist or physical therapist assistant without a valid license under sections 4755.40 to 4755.56 of the Revised Code.

(D) No person who practices physical therapy or assists in the provision of physical therapy treatments under the supervision of a physical therapist shall fail to display the person's current license granted under sections 4755.40 to 4755.56 of the Revised Code in a conspicuous location in the place where the person

spends the major part of the person's time so engaged. 265819

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 265820
Code shall affect or interfere with the performance of the duties 265821
of any physical therapist or physical therapist assistant in 265822
active service in the army, navy, coast guard, marine corps, air 265823
force, public health service, or marine hospital service of the 265824
United States, while so serving. 265825

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 265826
Code shall prevent or restrict the activities or services of a 265827
person pursuing a course of study leading to a degree in physical 265828
therapy in an accredited or approved educational program if the 265829
activities or services constitute a part of a supervised course of 265830
study and the person is designated by a title that clearly 265831
indicates the person's status as a student. 265832

(G)(1) Subject to division (G)(2) of this section, nothing in 265833
sections 4755.40 to 4755.56 of the Revised Code shall prevent or 265834
restrict the activities or services of any person who holds a 265835
current, unrestricted license to practice physical therapy in 265836
another state when that person, pursuant to contract or employment 265837
with an athletic team located in the state in which the person 265838
holds the license, provides physical therapy to any of the 265839
following while the team is traveling to or from or participating 265840
in a sporting event in this state: 265841

(a) A member of the athletic team; 265842

(b) A member of the athletic team's coaching, communications, 265843
equipment, or sports medicine staff; 265844

(c) A member of a band or cheerleading squad accompanying the 265845
athletic team; 265846

(d) The athletic team's mascot. 265847

(2) In providing physical therapy pursuant to division (G)(1) 265848

of this section, the person shall not do either of the following: 265849

(a) Provide physical therapy at a health care facility; 265850

(b) Provide physical therapy for more than sixty days in a 265851
calendar year. 265852

(3) The limitations described in divisions (G)(1) and (2) of 265853
this section do not apply to a person who is practicing in 265854
accordance with the compact privilege granted by this state 265855
through the "Physical Therapy Licensure Compact" entered into 265856
under section 4755.57 of the Revised Code. 265857

(4) The physical therapy section of the occupational therapy, 265858
physical therapy, and athletic trainers board shall not require a 265859
nonresident person who holds a license to practice physical 265860
therapy in another state to obtain a license in accordance with 265861
Chapter 4796. of the Revised Code to provide physical therapy 265862
services in the manner described under division (G)(1) of this 265863
section. 265864

(H)(1) Except as provided in division (H)(2) of this section 265865
and subject to division (I) of this section, no person shall 265866
practice physical therapy other than on the prescription of, or 265867
the referral of a patient by, a person who is licensed in this or 265868
another state to do at least one of the following: 265869

(a) Practice medicine and surgery, chiropractic, dentistry, 265870
osteopathic medicine and surgery, podiatric medicine and surgery; 265871

(b) Practice as a physician assistant; 265872

(c) Practice nursing as an advanced practice registered 265873
nurse; 265874

(d) Practice as a certified mental health assistant. 265875

(2) The prohibition in division (H)(1) of this section on 265876
practicing physical therapy other than on the prescription of, or 265877
the referral of a patient by, any of the persons described in that 265878

division does not apply if either of the following applies to the person: 265879
265880

(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency approved by the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board. 265881
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265885

(b) On or before December 31, 2004, the person has completed at least two years of practical experience as a licensed physical therapist. 265886
265887
265888

(I) To be authorized to prescribe physical therapy or refer a patient to a physical therapist for physical therapy, a person described in division (H)(1) of this section must be in good standing with the relevant licensing board in this state or the state in which the person is licensed and must act only within the person's scope of practice. 265889
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265894

(J) In the prosecution of any person for violation of division (B) or (C) of this section, it is not necessary to allege or prove want of a valid license to practice physical therapy or to practice as a physical therapist assistant, but such matters shall be a matter of defense to be established by the accused. 265895
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265899

Section 130.123. That the existing version of section 4755.48 of the Revised Code that is scheduled to take effect December 29, 2023, is hereby repealed. 265900
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265902

Section 130.124. Sections 130.122 and 130.123 of this act take effect on December 29, 2023. 265903
265904

Section 130.125. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of 265905
265906
265907

simultaneous operation, finds that the following sections, 265908
presented in this act as composites of the sections as amended by 265909
the acts indicated, are the resulting versions of the sections in 265910
effect prior to the effective date of the sections as presented in 265911
this act: 265912

Section 2925.01 of the Revised Code as amended by H.B. 281, 265913
H.B. 509, and S.B. 25, all of the 134th General Assembly. 265914

Section 3719.121 of the Revised Code as amended by both H.B. 265915
216 and S.B. 319 of the 131st General Assembly. 265916

Section 4729.01 of the Revised Code as amended by both H.B. 265917
509 and H.B. 558 of the 134th General Assembly. 265918

Section 4731.22 of the Revised Code as amended by both H.B. 265919
254 and S.B. 288 of the 134th General Assembly. 265920

Section 4776.01 of the Revised Code as amended by both H.B. 265921
166 and S.B. 57 of the 133rd General Assembly. 265922

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 265923

Dedicated Purpose Fund Group 265924

| | | | | | | | |
|------|--------|---------------|----|---------|----|---------|--------|
| 4J80 | 889601 | CPA Education | \$ | 525,000 | \$ | 525,000 | 265925 |
|------|--------|---------------|----|---------|----|---------|--------|

Assistance

| | | | | | | | |
|------|--------|--------------------|----|-----------|----|-----------|--------|
| 4K90 | 889609 | Operating Expenses | \$ | 1,343,885 | \$ | 1,301,216 | 265926 |
|------|--------|--------------------|----|-----------|----|-----------|--------|

TOTAL DPF Dedicated Purpose Fund 265927

| | | | | | | | |
|-------|--|--|----|-----------|----|-----------|--------|
| Group | | | \$ | 1,868,885 | \$ | 1,826,216 | 265928 |
|-------|--|--|----|-----------|----|-----------|--------|

| | | | | | | | |
|------------------------------|--|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 1,868,885 | \$ | 1,826,216 | 265929 |
|------------------------------|--|--|----|-----------|----|-----------|--------|

Section 205.10. ADJ ADJUTANT GENERAL 265931

General Revenue Fund 265932

| | | | | | | | |
|-----|--------|-----------------------|----|--------|----|--------|--------|
| GRF | 745401 | Ohio Military Reserve | \$ | 70,000 | \$ | 77,000 | 265933 |
|-----|--------|-----------------------|----|--------|----|--------|--------|

| | | | | | | | |
|-----|--------|--------------------|----|-----------|----|-----------|--------|
| GRF | 745404 | Air National Guard | \$ | 2,140,000 | \$ | 2,223,000 | 265934 |
|-----|--------|--------------------|----|-----------|----|-----------|--------|

| | | | | | | | |
|-----|--------|----------------|----|---------|----|---------|--------|
| GRF | 745407 | National Guard | \$ | 174,000 | \$ | 174,000 | 265935 |
|-----|--------|----------------|----|---------|----|---------|--------|

| | | | | | | |
|-----------|--------|------------------------------|----|------------|----|-------------------|
| | | Benefits | | | | |
| GRF | 745409 | Central | \$ | 3,299,000 | \$ | 3,414,000 265936 |
| | | Administration | | | | |
| GRF | 745499 | Army National Guard | \$ | 4,865,000 | \$ | 4,972,000 265937 |
| GRF | 745503 | Ohio Cyber Reserve | \$ | 1,099,000 | \$ | 1,151,000 265938 |
| GRF | 745504 | Ohio Cyber Range | \$ | 2,650,000 | \$ | 2,650,000 265939 |
| GRF | 745505 | State Active Duty | \$ | 50,000 | \$ | 50,000 265940 |
| TOTAL GRF | | General Revenue Fund | \$ | 14,347,000 | \$ | 14,711,000 265941 |
| | | Dedicated Purpose Fund Group | | | | 265942 |
| 5340 | 745612 | Property Operations | \$ | 900,000 | \$ | 900,000 265943 |
| | | Management | | | | |
| 5360 | 745605 | Marksmanship | \$ | 115,000 | \$ | 115,000 265944 |
| | | Activities | | | | |
| 5360 | 745620 | Camp Perry and | \$ | 913,114 | \$ | 936,114 265945 |
| | | Buckeye Inn | | | | |
| | | Operations | | | | |
| 5370 | 745604 | Ohio National Guard | \$ | 190,000 | \$ | 190,000 265946 |
| | | Facilities | | | | |
| | | Maintenance | | | | |
| 5LY0 | 745626 | Military Medal of | \$ | 5,000 | \$ | 5,000 265947 |
| | | Distinction | | | | |
| 5U80 | 745613 | Community Match | \$ | 350,000 | \$ | 350,000 265948 |
| | | Armories | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 2,473,114 | \$ | 2,496,114 265949 |
| | | Group | | | | |
| | | Federal Fund Group | | | | 265950 |
| 3420 | 745616 | Army National Guard | \$ | 26,964,581 | \$ | 26,964,581 265951 |
| | | Service Agreement | | | | |
| 3E80 | 745628 | Air National Guard | \$ | 16,137,808 | \$ | 16,903,235 265952 |
| | | Operations and | | | | |
| | | Maintenance | | | | |
| 3R80 | 745603 | Counter Drug | \$ | 15,382 | \$ | 15,382 265953 |

Operations

| | | | | | |
|------------------------------|----|------------|----|------------|--------|
| TOTAL FED Federal Fund Group | \$ | 43,117,771 | \$ | 43,883,198 | 265954 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 59,937,885 | \$ | 61,090,312 | 265955 |

Section 205.20. NATIONAL GUARD BENEFITS 265957

The foregoing appropriation item 745407, National Guard 265958
Benefits, shall be used for purposes of sections 5919.31 and 265959
5919.33 of the Revised Code, and for administrative costs of the 265960
associated programs. 265961

For active duty members of the Ohio National Guard who died 265962
after October 7, 2001, while performing active duty, the death 265963
benefit, pursuant to section 5919.33 of the Revised Code, shall be 265964
paid to the beneficiary or beneficiaries designated on the 265965
member's Servicemembers' Group Life Insurance Policy. 265966

OHIO CYBER RESERVE 265967

The foregoing appropriation item 745503, Ohio Cyber Reserve, 265968
shall be used for purposes of providing support for the 265969
administration of the Ohio Cyber Reserve, a civilian cyber reserve 265970
force that is part of the Ohio organized militia, capable of being 265971
expanded and trained to educate and protect all levels of state 265972
government, critical infrastructure, and the citizens of this 265973
state from cyberattacks and incidences under sections 5922.01, 265974
5922.02, and 5922.08 of the Revised Code. 265975

OHIO CYBER RANGE 265976

The foregoing appropriation item 745504, Ohio Cyber Range, 265977
shall be used by the Adjutant General's Department to establish 265978
and maintain the cyber range for purposes of providing cyber 265979
training and education to K-12 students, higher education 265980
students, members of the Ohio National Guard, federal employees, 265981
and state and local government employees, and provide for 265982
emergency preparedness exercises and trainings. 265983

The Adjutant General's Department, in conjunction and 265984
collaboration with the Department of Administrative Services, the 265985
Department of Public Safety, the Department of Higher Education, 265986
and the Department of Education and Workforce shall establish and 265987
maintain a cyber range. The Adjutant General's Department may work 265988
with federal agencies to assist in accomplishing this objective. 265989
The state agencies identified in this paragraph may procure any 265990
necessary goods and services including, but not limited to, 265991
contracted services, hardware, networking services, maintenance 265992
costs, and the training and management costs of a cyber range. 265993
These state agencies shall determine the amount of funds each 265994
agency will contribute from available funds and appropriations 265995
enacted herein in order to establish and maintain a cyber range. 265996

STATE ACTIVE DUTY 265997

The foregoing appropriation item 745505, State Active Duty, 265998
shall be used for the purpose of paying expenses related to state 265999
active duty of members of the Ohio organized militia, in 266000
accordance with a proclamation or order of the Governor. Expenses 266001
include, but are not limited to, cost of equipment, supplies, and 266002
services, as determined by the Adjutant General. 266003

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 266004

General Revenue Fund 266005

| | | | | | | |
|------------|--------------------|----|------------|----|------------|--------|
| GRF 100413 | EDCS Lease Rental | \$ | 13,300,000 | \$ | 13,300,000 | 266006 |
| | Payments | | | | | |
| GRF 100414 | MARCS Lease Rental | \$ | 6,500,000 | \$ | 6,500,000 | 266007 |
| | Payments | | | | | |
| GRF 100415 | OAKS Lease Rental | \$ | 2,450,000 | \$ | 2,450,000 | 266008 |
| | Payments | | | | | |
| GRF 100416 | STARS Lease Rental | \$ | 3,500,000 | \$ | 3,500,000 | 266009 |
| | Payments | | | | | |
| GRF 100447 | Administrative | \$ | 71,000,000 | \$ | 65,500,000 | 266010 |

| | | | | | | |
|-----------|--------|--------------------------------------|----|-------------|----|--------------------|
| | | Buildings Lease Rental | | | | |
| | | Bond Payments | | | | |
| GRF | 100456 | State IT Services | \$ | 1,000,000 | \$ | 1,000,000 266011 |
| GRF | 100459 | Ohio Business Gateway | \$ | 14,022,000 | \$ | 14,723,000 266012 |
| GRF | 100469 | Aronoff Center | \$ | 222,000 | \$ | 222,000 266013 |
| | | Building Maintenance | | | | |
| GRF | 100501 | MARCS | \$ | 2,500,000 | \$ | 2,500,000 266014 |
| GRF | 130321 | State Agency Support | \$ | 27,294,000 | \$ | 29,811,000 266015 |
| | | Services | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 141,788,000 | \$ | 139,506,000 266016 |
| | | Dedicated Purpose Fund Group | | | | 266017 |
| 4K90 | 100673 | Ohio Professionals | \$ | 6,008,646 | \$ | 6,045,167 266018 |
| | | Licensing System | | | | |
| 5AB1 | 100674 | Next Generation 911 | \$ | 28,180,270 | \$ | 17,765,277 266019 |
| 5L70 | 100610 | Professional | \$ | 3,650,000 | \$ | 1,650,000 266020 |
| | | Development | | | | |
| 5MV0 | 100662 | Theater Equipment | \$ | 50,000 | \$ | 21,700 266021 |
| | | Maintenance | | | | |
| 5NM0 | 100663 | 911 Program | \$ | 634,660 | \$ | 653,492 266022 |
| 5V60 | 100619 | Employee Educational | \$ | 1,600,000 | \$ | 1,600,000 266023 |
| | | Development | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 40,123,576 | \$ | 27,735,636 266024 |
| | | Group | | | | |
| | | Internal Service Activity Fund Group | | | | 266025 |
| 1120 | 100616 | DAS Administration | \$ | 14,146,827 | \$ | 14,275,267 266026 |
| 1170 | 100644 | General Services | \$ | 23,842,795 | \$ | 24,025,069 266027 |
| | | Division - Operating | | | | |
| 1220 | 100637 | Fleet Management | \$ | 28,792,538 | \$ | 30,768,908 266028 |
| 1250 | 100622 | Human Resources | \$ | 22,496,517 | \$ | 22,874,397 266029 |
| | | Division - Operating | | | | |
| 1250 | 100657 | Benefits Communication | \$ | 656,891 | \$ | 689,571 266030 |
| 1280 | 100620 | Office of Collective | \$ | 4,480,378 | \$ | 4,480,378 266031 |

| | | | | | | |
|------------------------------|--------|----------------------------|----|-------------|----|--------------------|
| | | Bargaining | | | | |
| 1300 | 100606 | Risk Management | \$ | 22,669,370 | \$ | 23,424,433 266032 |
| | | Reserve | | | | |
| 1320 | 100631 | DAS Building | \$ | 50,851,619 | \$ | 52,446,892 266033 |
| | | Management | | | | |
| 1330 | 100607 | IT Services Delivery | \$ | 186,208,726 | \$ | 194,251,395 266034 |
| 2100 | 100612 | State Printing | \$ | 30,383,950 | \$ | 30,048,288 266035 |
| 2290 | 100630 | IT Governance | \$ | 38,610,855 | \$ | 42,176,321 266036 |
| 2290 | 100640 | Consolidated IT | \$ | 29,641,650 | \$ | 30,265,838 266037 |
| | | Purchases | | | | |
| 4270 | 100602 | Investment Recovery | \$ | 1,761,010 | \$ | 1,824,362 266038 |
| 4N60 | 100617 | Major IT Purchases | \$ | 3,380,000 | \$ | 4,000,000 266039 |
| 5C20 | 100605 | MARCS Administration | \$ | 31,500,000 | \$ | 31,500,000 266040 |
| 5EB0 | 100635 | OAKS Support | \$ | 79,736,888 | \$ | 88,301,070 266041 |
| | | Organization | | | | |
| 5EB0 | 100656 | OAKS Updates and | \$ | 5,397,061 | \$ | 5,367,485 266042 |
| | | Developments | | | | |
| 5KZ0 | 100659 | Building Improvement | \$ | 1,585,500 | \$ | 1,567,400 266043 |
| 5LJ0 | 100661 | IT Development | \$ | 18,127,406 | \$ | 12,839,922 266044 |
| 5PC0 | 100665 | Enterprise | \$ | 14,562,038 | \$ | 13,913,351 266045 |
| | | Applications | | | | |
| 5WU0 | 100672 | Ohio Benefits | \$ | 161,734,809 | \$ | 165,962,055 266046 |
| TOTAL ISA | | Internal Service Activity | | | | 266047 |
| Fund Group | | | \$ | 770,566,828 | \$ | 795,002,402 266048 |
| Fiduciary Fund Group | | | | | | 266049 |
| 5UH0 | 100670 | Enterprise | \$ | 1,365,000 | \$ | 1,365,000 266050 |
| | | Transactions | | | | |
| TOTAL FID | | Fiduciary Fund Group | \$ | 1,365,000 | \$ | 1,365,000 266051 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 953,843,404 | \$ | 963,609,038 266052 |
| | | Section 207.20. | | | | 266054 |
| | | EDCS LEASE RENTAL PAYMENTS | | | | 266055 |

The foregoing appropriation item 100413, EDCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd General Assembly, and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Enterprise Data Center Solutions (EDCS) information technology initiative.

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of Sub. H.B. 497 of the 130th General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Multi-Agency Radio Communications System (MARCS) upgrade.

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS

The foregoing appropriation item 100415, OAKS Lease Rental Payments, shall be used to make payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.10 of H.B. 529 of the 132nd General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the acquisition, development, implementation, and integration of the Ohio Administrative Knowledge System (OAKS).

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 266087
PAYMENTS 266088

The foregoing appropriation item 100416, STARS Lease Rental 266089
Payments, shall be used to make payments during the period from 266090
July 1, 2023, through June 30, 2025, pursuant to leases and 266091
agreements entered into under Chapter 125. of the Revised Code, as 266092
supplemented by Section 701.30 of H.B. 529 of the 132nd General 266093
Assembly and other prior acts of the General Assembly, with 266094
respect to financing the costs associated with the acquisition, 266095
development, implementation, and integration of the State Taxation 266096
Accounting and Revenue System (STARS). 266097

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 266098

The foregoing appropriation item 100447, Administrative 266099
Buildings Lease Rental Bond Payments, shall be used to meet all 266100
payments during the period from July 1, 2023, through June 30, 266101
2025, by the Department of Administrative Services pursuant to 266102
leases and agreements under Chapters 152. and 154. of the Revised 266103
Code. These appropriations are the source of funds pledged for 266104
bond service charges on related obligations issued under Chapters 266105
152. and 154. of the Revised Code. 266106

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 266107
FUND 266108

The foregoing appropriation item 130321, State Agency Support 266109
Services, may be used to provide funding for the cost of property 266110
appraisals or building studies that the Department of 266111
Administrative Services may be required to obtain for property 266112
that is being sold by the state or property under consideration to 266113
be renovated or purchased by the state. 266114

Notwithstanding section 125.28 of the Revised Code, the 266115
foregoing appropriation item 130321, State Agency Support 266116
Services, also may be used to pay the operating expenses of state 266117

facilities maintained by the Department of Administrative Services 266118
that are not billed to building tenants, other costs associated 266119
with the Voinovich Center in Youngstown, Ohio, or costs of 266120
repairing vehicles donated pursuant to section 125.13 of the 266121
Revised Code. These expenses may include, but are not limited to, 266122
the costs for vacant space and space undergoing renovation, and 266123
the rent expenses of tenants that are relocated because of 266124
building renovations. These payments may be processed by the 266125
Department of Administrative Services through intrastate transfer 266126
vouchers and placed into the Building Management Fund (Fund 1320). 266127

At least once per year, the portion of appropriation item 266128
130321, State Agency Support Services, that is not used for the 266129
regular expenses of the appropriation item may be processed by the 266130
Department of Administrative Services through intrastate transfer 266131
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 266132

On July 1, 2024, or as soon as possible thereafter, the 266133
Director of Administrative Services may certify to the Director of 266134
Budget and Management an amount up to the unexpended, unencumbered 266135
balance of the foregoing appropriation item 130321, State Agency 266136
Support Services, at the end of fiscal year 2024 to be 266137
reappropriated to fiscal year 2025. The amount certified is hereby 266138
reappropriated to the same appropriation item for fiscal year 266139
2025. 266140

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 266141

Of the foregoing appropriation item 100610, Professional 266142
Development, up to \$1,650,000 in each fiscal year shall be used to 266143
make payments from the Professional Development Fund (Fund 5L70) 266144
under section 124.182 of the Revised Code. 266145

Of the foregoing appropriation item 100610, Professional 266146
Development, up to \$2,000,000 during the FY 2024-FY 2025 biennium 266147
may be used by the Director of Administrative Services for the 266148

creation, staffing, and administration of the Ohio Digital Academy. The Ohio Digital Academy shall exist to generate high-tech workforce capacity and serve the state of Ohio in advanced technology and cybersecurity needs. The goals of the Ohio Digital Academy shall be to educate, train, and subsequently employ analysts in completing boot camps, certifications, or degree programs in cybersecurity, coding, software engineering, user experience designers, and related fields.

In consultation with CyberOhio, the Department of Administrative Services shall have full authority to select qualified candidates for the Ohio Digital Academy. Candidates shall be subject to all applicable background checks and if selected, shall be required to commit to three years of service with the state of Ohio. Ohio Digital Academy candidates may be placed in an unclassified, administrative staff position pursuant to division (A)(30) of section 124.11 of the Revised Code for which the Director of Administrative Services is hereby given specific authority to set compensation, or with other public or private employers identified by the Department with which a partnership agreement has been established. Notwithstanding any provision of law to the contrary, the Department may use the foregoing appropriation to reimburse selected students' tuition expenses for coursework, certification achieved, or other necessary expenses, prior to acceptance in the program, which is directly attributable to the targeted skills of the program if completed within one year prior to the effective date of this section. Upon hiring, candidates shall also be eligible for reimbursement of costs for continuing education or certification at the discretion of the Director to support the development of specialized skills in the areas of information technology and cybersecurity. Each candidate shall be responsible for any tax implications associated with the tuition. The Department reserves the right to recover all or a portion of funds provided to an Ohio

Digital Academy participant who fails to complete the agreed upon 266182
three years of service commitment to the state. 266183

On July 1, 2023, or as soon as possible thereafter, the 266184
Department of Administrative Services may select and enter into a 266185
subgrant agreement with a regionally accredited Ohio institution 266186
of higher education with demonstrated significant coursework and 266187
programming in cybersecurity to serve as a Digital Analyst 266188
Training Academy (D.A.T.A.) Center. The Center shall be 266189
responsible for paying for costs associated with the work of the 266190
Ohio Digital Academy as designated by the Department of 266191
Administrative Services. On behalf of the Center, the selected 266192
institution shall do all the following: 266193

(A) Provide necessary educational coursework or training for 266194
the selected students' successful completion of a certificate or 266195
degree program as prescribed by the Department of Administrative 266196
Services at no cost to the selected students; 266197

(B) Administer weekly professional development programs for 266198
students in an academic setting; 266199

(C) Prepare analysts for summer mandatory recruit training as 266200
prescribed by the Department of Administrative Services; 266201

(D) Coordinate and manage summer scenarios; 266202

(E) Submit a quarterly report to the Department of 266203
Administrative Services that contains detailed information on the 266204
amount of grant funds expended for the aforementioned purposes; 266205

(F) Submit an annual report to the Department of 266206
Administrative Services of all achievements, including a status 266207
report of all expenditures, number of students enrolled by program 266208
area, number of students graduated or certifications achieved by 266209
program area, program expansion opportunities, and projected costs 266210
to continue operating the Center. 266211

Additional Centers may be added over the biennium subject to 266212
the approval of the Director of Administrative Services. 266213

On July 1, 2024, or as soon as possible thereafter, the 266214
Director of Administrative Services may certify to the Director of 266215
Budget and Management, the unencumbered, unexpended portion 266216
remaining in appropriation item 100610, Professional Development 266217
Fund, at the end of fiscal year 2024. The certified amount is 266218
hereby reappropriated for the same purposes in fiscal year 2025. 266219

911 PROGRAM 266220

The foregoing appropriation item 100663, 911 Program, shall 266221
be used by the Department of Administrative Services to pay the 266222
administrative, marketing, and educational costs of the Statewide 266223
Emergency Services Internet Protocol Network program. 266224

EMPLOYEE EDUCATIONAL DEVELOPMENT 266225

The foregoing appropriation item 100619, Employee Educational 266226
Development, shall be used to make payments from the Employee 266227
Educational Development Fund (Fund 5V60) under section 124.86 of 266228
the Revised Code. The fund shall be used to pay the costs of 266229
administering educational programs under existing collective 266230
bargaining agreements with District 1199, the Health Care and 266231
Social Service Union, Service Employees International Union; State 266232
Council of Professional Educators; Ohio Education Association and 266233
National Education Association; the Fraternal Order of Police 266234
State of Ohio, Unit 2 Association; and the Ohio State Troopers 266235
Association, Units 1 and 15. 266236

If it is determined by the Director of Budget and Management 266237
that additional amounts are necessary, the amounts are hereby 266238
appropriated. 266239

Section 207.40. GENERAL SERVICE CHARGES 266240

The Department of Administrative Services, with the approval 266241

of the Director of Budget and Management, shall establish charges 266242
for recovering the costs of administering the programs funded by 266243
the General Services Fund (Fund 1170) and the State Printing Fund 266244
(Fund 2100). 266245

COLLECTIVE BARGAINING ARBITRATION EXPENSES 266246

The Department of Administrative Services may seek 266247
reimbursement from state agencies for the actual costs and 266248
expenses the Department incurs in the collective bargaining 266249
arbitration process. The reimbursements shall be processed through 266250
intrastate transfer vouchers and credited to the Collective 266251
Bargaining Fund (Fund 1280). 266252

CONSOLIDATED IT PURCHASES 266253

The foregoing appropriation item 100640, Consolidated IT 266254
Purchases, shall be used by the Department of Administrative 266255
Services acting as the purchasing agent for one or more government 266256
entities under the authority of division (G) of section 125.18 of 266257
the Revised Code to make information technology purchases at a 266258
lower aggregate cost than each individual government entity could 266259
have obtained independently for that information technology 266260
purchase. 266261

INVESTMENT RECOVERY FUND 266262

Notwithstanding division (B) of section 125.14 of the Revised 266263
Code, cash balances in the Investment Recovery Fund (Fund 4270) 266264
may be used to support the operating expenses of the Federal 266265
Surplus Operating Program created in sections 125.84 to 125.90 of 266266
the Revised Code. 266267

MAJOR IT PURCHASES CHARGES 266268

Upon the request of the Director of Administrative Services, 266269
the Director of Budget and Management may transfer up to the 266270
amount collected for statewide indirect costs attributable to debt 266271

service paid for the enterprise data center solutions project from 266272
the General Revenue Fund to the Major Information Technology 266273
Purchases Fund (Fund 4N60). 266274

PROFESSIONS LICENSING SYSTEM 266275

The foregoing appropriation item, 100673, Ohio Professionals 266276
Licensing System, shall be used to purchase the equipment, 266277
products, and services necessary to update and maintain an 266278
automated licensing system for the professional licensing boards. 266279

The Department of Administrative Services shall establish 266280
charges for recovering the costs of ongoing maintenance of the 266281
system that are not otherwise recovered under section 125.18 of 266282
the Revised Code. The charges shall be proportionate to each 266283
benefiting state agency, board, or commission's use of the system. 266284
For agencies, boards, or commissions whose operations are not 266285
funded by appropriations from the Occupational Licensing and 266286
Regulatory Fund (Fund 4K90), the Director of Administrative 266287
Services shall certify to the Director of Budget and Management 266288
these entities' proportionate charges for use of the state's 266289
enterprise electronic licensing system. The Director of Budget and 266290
Management shall transfer cash equaling the certified amounts from 266291
these entities' respective operating funds into the Occupational 266292
Licensing and Regulatory Fund (Fund 4K90). 266293

Section 207.45. BUILDING IMPROVEMENT FUND 266294

The foregoing appropriation item 100659, Building 266295
Improvement, shall be used to make payments from the Building 266296
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 266297
required in facilities maintained by the Department of 266298
Administrative Services. The Department of Administrative Services 266299
shall conduct or contract for regular assessments of these 266300
buildings and may maintain a cash balance in Fund 5KZ0 equal to 266301
the cost of the repairs and improvements that are recommended to 266302

occur within the next five years, with the following exception 266303
described below. 266304

Upon request of the Director of Administrative Services, the 266305
Director of Budget and Management may permit a cash transfer from 266306
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 266307
of operating and maintaining facilities managed by the Department 266308
of Administrative Services that are not charged to tenants during 266309
the same fiscal year. 266310

Should the cash balance in Fund 1320 be determined to be 266311
sufficient, the Director of Administrative Services may request 266312
that the Director of Budget and Management transfer cash from Fund 266313
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 266314
made under this section plus applicable interest. 266315

INFORMATION TECHNOLOGY DEVELOPMENT 266316

The foregoing appropriation item 100661, IT Development, 266317
shall be used by the Department of Administrative Services to pay 266318
the costs of modernizing the state's information technology 266319
management and investment practices away from a limited, 266320
agency-specific focus in favor of a statewide methodology 266321
supporting development of enterprise solutions. This appropriation 266322
item may be used to pay the costs of enterprise information 266323
technology initiatives affecting state agencies or their 266324
customers. 266325

Notwithstanding any provision of law to the contrary, the 266326
Department of Administrative Services, with the approval of the 266327
Director of Budget and Management, may charge state agencies an 266328
information technology development assessment based on state 266329
agencies' information technology expenditures or other methodology 266330
and may assess fees or charges to entities that are not state 266331
agencies to offset the cost of specific technology events or 266332
services. The revenue from these assessments, fees, or charges 266333

shall be deposited into the Information Technology Development Fund (Fund 5LJ0), which is hereby created.

ENTERPRISE APPLICATIONS

The foregoing appropriation item 100665, Enterprise Applications, shall be used for the operation and management of information technology applications that support state agencies' objectives. Charges billed to benefiting agencies shall be deposited to the credit of the Enterprise Applications Fund (Fund 5PC0).

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION

The Director of Administrative Services shall determine and implement strategies that benefit the enterprise by improving efficiency, reducing costs, or enhancing capacity of information technology (IT) services. Such improvements and efficiencies may result in the consolidation and transfer of such services. As determined to be necessary for successful implementation of this section and notwithstanding any provision of law to the contrary, the Director of Administrative Services may request the Director of Budget and Management to consolidate or transfer IT-specific budget authority between agencies or within an agency as necessary to implement enterprise IT cost containment strategies and related efficiencies. Once the Director of Budget and Management is satisfied that the proposed initiative is cost advantageous to the enterprise, the Director of Budget and Management may request Controlling Board approval to transfer appropriations, funds, and cash to implement the proposed initiative. The establishment of any new fund or additional appropriation as a result of this section shall also be subject to Controlling Board approval.

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts,

and agreements in order to facilitate the improvements determined 266365
in accordance with this section. 266366

Section 209.10. AGE DEPARTMENT OF AGING 266367

General Revenue Fund 266368

GRF 490321 Operating Expenses \$ 1,800,000 \$ 1,800,000 266369

GRF 490410 Long-Term Care \$ 3,123,000 \$ 3,123,000 266370

Ombudsman

GRF 490411 Senior Community \$ 10,550,000 \$ 10,900,000 266371

Services

GRF 490414 Alzheimer's and Other \$ 4,300,000 \$ 4,300,000 266372

Dementia Respite

GRF 490506 National Senior \$ 222,000 \$ 222,000 266373

Service Corps

GRF 656423 Long-Term Care Budget \$ 5,000,000 \$ 4,762,000 266374

- State

TOTAL GRF General Revenue Fund \$ 24,995,000 \$ 25,107,000 266375

Dedicated Purpose Fund Group 266376

4800 490606 Senior Community \$ 380,761 \$ 380,761 266377

Outreach and

Education

4C40 490609 Regional Long-Term \$ 1,000,000 \$ 1,000,000 266378

Care Ombudsman

Program

5BA0 490620 Ombudsman Support \$ 1,532,919 \$ 1,532,919 266379

5HC8 656698 AGE Home and \$ 6,000,000 \$ 0 266380

Community Based

Services

5K90 490613 Long-Term Care \$ 675,459 \$ 675,459 266381

Consumers Guide

5MT0 490627 Board of Executives \$ 789,046 \$ 789,446 266382

of Long-Term Services

| | | | | | | |
|--------------------|--------------------|-----------------------|----|-------------|----|--------------------|
| | | and Supports | | | | |
| 5T40 | 656625 | Health Care Grants - | \$ | 200,000 | \$ | 200,000 266383 |
| | | State | | | | |
| 5TI0 | 656624 | Provider | \$ | 120,000 | \$ | 120,000 266384 |
| | | Certification | | | | |
| 5W10 | 490616 | Resident Services | \$ | 262,500 | \$ | 262,500 266385 |
| | | Coordinator Program | | | | |
| TOTAL DPF | Dedicated Purpose | | | | | 266386 |
| Fund Group | | | \$ | 10,960,685 | \$ | 4,961,085 266387 |
| Federal Fund Group | | | | | | 266388 |
| 3220 | 490618 | Federal Aging Grants | \$ | 11,000,000 | \$ | 11,000,000 266389 |
| 3C40 | 656623 | Long Term Care Budget | \$ | 5,670,000 | \$ | 5,000,000 266390 |
| | | - Federal | | | | |
| 3M40 | 490612 | Federal Independence | \$ | 75,143,802 | \$ | 60,000,000 266391 |
| | | Services | | | | |
| TOTAL FED | Federal Fund Group | | \$ | 91,813,802 | \$ | 76,000,000 266392 |
| TOTAL ALL BUDGET | FUND GROUPS | | \$ | 127,769,487 | \$ | 106,068,085 266393 |

Section 209.20. LONG-TERM CARE 266395

Pursuant to an interagency agreement, the Department of 266396
 Medicaid may designate the Department of Aging to perform 266397
 assessments under section 5165.04 of the Revised Code. The 266398
 Department of Aging shall provide long-term care consultations 266399
 under section 173.42 of the Revised Code to assist individuals in 266400
 planning for their long-term health care needs. 266401

The Department of Aging shall administer the Medicaid 266402
 waiver-funded PASSPORT Home Care Program, the Assisted Living 266403
 Program, and PACE as delegated by the Department of Medicaid in an 266404
 interagency agreement. 266405

PERFORMANCE-BASED REIMBURSEMENT 266406

In order to improve health outcomes among populations served 266407
 by PASSPORT administrative agencies, the Department of Aging, 266408

through rules adopted in accordance with Chapter 119. of the 266409
Revised Code, may design and utilize a payment method for PASSPORT 266410
administrative agency operations that includes a 266411
pay-for-performance incentive component that is earned by a 266412
PASSPORT administrative agency when defined consumer and policy 266413
outcomes are achieved. Prior to filing with the Joint Committee on 266414
Agency Rule Review, as provided in section 119.03 of the Revised 266415
Code, a proposed rule related to a payment method that includes a 266416
pay-for-performance incentive component, the Department shall 266417
submit a report to the Joint Medicaid Oversight Committee 266418
outlining the payment method. 266419

Section 209.30. MYCARE OHIO 266420

The authority of the Office of the State Long-Term Care 266421
Ombudsman as described in sections 173.14 to 173.28 of the Revised 266422
Code extends to MyCare Ohio during the period of the federal 266423
financial alignment demonstration program. 266424

SENIOR COMMUNITY SERVICES 266425

Of the foregoing appropriation item 490411, Senior Community 266426
Services, \$300,000 in fiscal year 2024 and \$150,000 in fiscal year 266427
2025 shall be used for the Senior Transportation Accessibility and 266428
Modernization Pilot Program administered by Senior Transportation 266429
Connection in Cuyahoga County. 266430

NATIONAL SENIOR SERVICE CORPS 266431

The foregoing appropriation item 490506, National Senior 266432
Service Corps, may be used by the Department of Aging to fund 266433
grants to organizations that receive federal funds from the 266434
Corporation for National and Community Service to support the 266435
following Senior Corps programs: the Foster Grandparents Program, 266436
the Senior Companion Program, and the Retired Senior Volunteer 266437
Program. A recipient of these grant funds shall use the funds to 266438

support priorities established by the Department and the Ohio 266439
 State Office of the Corporation for National and Community 266440
 Service. Neither the Department nor any area agencies on aging 266441
 that are involved in the distribution of these funds to 266442
 lower-tiered grant recipients may use any portion of these funds 266443
 to cover administrative costs. 266444

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 266445

The foregoing appropriation item 490627, Board of Executives 266446
 of Long-Term Services and Supports, may be used by the Board of 266447
 Executives of Long-Term Services and Supports to administer and 266448
 enforce Chapter 4751. of the Revised Code and rules adopted under 266449
 it. 266450

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 266451

General Revenue Fund 266452

| | | | | | | |
|------------|------------------------|----|-----------|----|-----------|--------|
| GRF 700401 | Animal Health Programs | \$ | 7,622,000 | \$ | 7,622,000 | 266453 |
| GRF 700403 | Dairy Division | \$ | 1,441,000 | \$ | 1,513,000 | 266454 |
| GRF 700404 | Ohio Proud | \$ | 204,000 | \$ | 180,000 | 266455 |
| GRF 700406 | Consumer Protection | \$ | 1,621,000 | \$ | 1,705,000 | 266456 |
| | Lab | | | | | |
| GRF 700407 | Food Safety | \$ | 1,568,000 | \$ | 1,657,000 | 266457 |
| GRF 700409 | Farmland Preservation | \$ | 524,000 | \$ | 550,000 | 266458 |
| GRF 700410 | Plant Industry | \$ | 475,000 | \$ | 489,000 | 266459 |
| GRF 700412 | Weights and Measures | \$ | 757,000 | \$ | 791,000 | 266460 |
| GRF 700415 | Poultry Inspection | \$ | 909,000 | \$ | 954,000 | 266461 |
| GRF 700418 | Livestock Regulation | \$ | 1,411,000 | \$ | 1,453,000 | 266462 |
| | Program | | | | | |
| GRF 700424 | Livestock Testing and | \$ | 126,000 | \$ | 129,000 | 266463 |
| | Inspections | | | | | |
| GRF 700426 | Dangerous and | \$ | 667,000 | \$ | 687,000 | 266464 |
| | Restricted Animals | | | | | |

| | | | | |
|------------------------------|--|---------------|---------------|--------|
| GRF 700427 | High Volume Breeder
Kennel Control | \$ 1,449,000 | \$ 1,524,000 | 266465 |
| GRF 700428 | Soil and Water
Division | \$ 4,000,000 | \$ 4,000,000 | 266466 |
| GRF 700499 | Meat Inspection
Program - State Share | \$ 7,436,000 | \$ 7,839,000 | 266467 |
| GRF 700501 | County Agricultural
Societies | \$ 380,000 | \$ 380,000 | 266468 |
| GRF 700509 | Soil and Water
District Support | \$ 12,510,000 | \$ 12,510,000 | 266469 |
| GRF 700511 | Ride Inspection | \$ 716,000 | \$ 749,000 | 266470 |
| GRF 700512 | Local Fairs | \$ 0 | \$ 4,700,000 | 266471 |
| GRF 700674 | Hemp Production | \$ 250,000 | \$ 250,000 | 266472 |
| TOTAL GRF | General Revenue Fund | \$ 44,066,000 | \$ 49,682,000 | 266473 |
| Dedicated Purpose Fund Group | | | | 266474 |
| 4900 700651 | License Plates -
Sustainable
Agriculture | \$ 18,300 | \$ 18,300 | 266475 |
| 4940 700612 | Agricultural
Commodity Marketing
Program | \$ 200,000 | \$ 200,000 | 266476 |
| 4960 700626 | Ohio Grape Industries | \$ 1,550,000 | \$ 1,550,000 | 266477 |
| 4970 700627 | Grain Warehouse
Program | \$ 500,000 | \$ 500,000 | 266478 |
| 4C90 700605 | Commercial Feed and
Seed | \$ 2,369,000 | \$ 2,396,000 | 266479 |
| 4D20 700609 | Auction Education | \$ 52,400 | \$ 54,900 | 266480 |
| 4E40 700606 | Utility Radiological
Safety | \$ 109,800 | \$ 112,900 | 266481 |
| 4P70 700610 | Food Safety
Inspection | \$ 1,200,000 | \$ 1,259,000 | 266482 |
| 4R00 700636 | Ohio Proud Marketing | \$ 30,500 | \$ 30,500 | 266483 |
| 4R20 700637 | Dairy Industry | \$ 1,950,000 | \$ 1,970,000 | 266484 |

| | | | | | | |
|----------|---------|-----------------------|----|------------|----|-------------------|
| | | Inspection | | | | |
| 4T60 | 700611 | Poultry and Meat | \$ | 104,900 | \$ | 109,900 266485 |
| | | Inspection | | | | |
| 5780 | 700620 | Ride Inspection | \$ | 1,355,000 | \$ | 1,417,000 266486 |
| 5B80 | 700629 | Auctioneers | \$ | 367,600 | \$ | 367,600 266487 |
| 5BV0 | 700660 | Heidelberg Water | \$ | 275,000 | \$ | 275,000 266488 |
| | | Quality Lab | | | | |
| 5BV0 | 700661 | Soil and Water | \$ | 9,500,000 | \$ | 9,500,000 266489 |
| | | Districts | | | | |
| 5FC0 | 700648 | Plant Pest Program | \$ | 1,300,000 | \$ | 1,328,000 266490 |
| 5H20 | 700608 | Metrology Lab and | \$ | 1,391,000 | \$ | 1,460,000 266491 |
| | | Scale Certification | | | | |
| 5L80 | 700604 | Livestock Management | \$ | 245,000 | \$ | 245,000 266492 |
| | | Program | | | | |
| 5MA0 | 700657 | Dangerous and | \$ | 10,000 | \$ | 10,000 266493 |
| | | Restricted Animals | | | | |
| 5MR0 | 700658 | High Volume Breeders | \$ | 486,700 | \$ | 510,000 266494 |
| | | and Kennels | | | | |
| 5MS0 | 700659 | Captive Deer | \$ | 18,000 | \$ | 18,000 266495 |
| 5PL0 | 700662 | Pet Store License | \$ | 31,400 | \$ | 32,900 266496 |
| 5QW0 | 700653 | Watershed Assistance | \$ | 565,000 | \$ | 565,000 266497 |
| 5WJ0 | 700671 | Hemp Program | \$ | 400,000 | \$ | 411,400 266498 |
| 6520 | 700634 | Animal, Consumer, and | \$ | 6,833,500 | \$ | 7,144,700 266499 |
| | | ATL Labs | | | | |
| 6690 | 700635 | Pesticide, | \$ | 5,735,000 | \$ | 6,188,000 266500 |
| | | Fertilizer, and Lime | | | | |
| | | Inspection Program | | | | |
| 6H20 | 700670 | H2Ohio | \$ | 60,659,574 | \$ | 60,755,574 266501 |
| TOTAL | DPF | Dedicated Purpose | | | | 266502 |
| Fund | Group | | \$ | 97,257,674 | \$ | 98,429,674 266503 |
| Internal | Service | Activity Fund Group | | | | 266504 |
| 5DA0 | 700644 | Laboratory | \$ | 1,479,000 | \$ | 1,551,000 266505 |
| | | Administration | | | | |

| | | | | | | |
|---------------------------------|--------|---------------------------|----|-------------|----|--------------------|
| | | Support | | | | |
| 5GH0 | 700655 | Administrative | \$ | 6,748,000 | \$ | 7,194,000 266506 |
| | | Support | | | | |
| TOTAL ISA | | Internal Service Activity | | | | 266507 |
| Fund Group | | | \$ | 8,227,000 | \$ | 8,745,000 266508 |
| Capital Projects Fund Group | | | | | | 266509 |
| 7057 | 700632 | Clean Ohio | \$ | 512,000 | \$ | 512,000 266510 |
| | | Agricultural Easement | | | | |
| | | Operating | | | | |
| TOTAL CPF Capital Projects Fund | | | \$ | 512,000 | \$ | 512,000 266511 |
| Group | | | | | | |
| Federal Fund Group | | | | | | 266512 |
| 3260 | 700618 | Meat Inspection | \$ | 5,541,500 | \$ | 5,814,000 266513 |
| | | Program - Federal | | | | |
| | | Share | | | | |
| 3360 | 700617 | Ohio Farm Loan - | \$ | 225,000 | \$ | 225,000 266514 |
| | | Revolving | | | | |
| 3820 | 700601 | Federal Cooperative | \$ | 11,269,000 | \$ | 11,399,000 266515 |
| | | Contracts | | | | |
| 3AB0 | 700641 | Agricultural Easement | \$ | 200,000 | \$ | 200,000 266516 |
| 3J40 | 700607 | Federal | \$ | 1,936,000 | \$ | 2,031,000 266517 |
| | | Administrative | | | | |
| | | Programs | | | | |
| 3R20 | 700614 | Federal Plant | \$ | 7,652,000 | \$ | 8,029,000 266518 |
| | | Industry | | | | |
| TOTAL FED Federal Fund Group | | | \$ | 26,823,500 | \$ | 27,698,000 266519 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 176,886,174 | \$ | 185,066,674 266520 |

Section 211.20. COUNTY AGRICULTURAL SOCIETIES 266522

The foregoing appropriation item 700501, County Agricultural 266523
Societies, shall be used to reimburse county and independent 266524
agricultural societies for expenses related to Junior Fair 266525

| | |
|--|--------|
| activities. | 266526 |
| SUPPORT FOR SOIL AND WATER DISTRICTS | 266527 |
| Of the foregoing appropriation item 700509, Soil and Water | 266528 |
| District Support, \$4,200,000 in each fiscal year shall be used to | 266529 |
| support county soil and water conservation districts in the | 266530 |
| Western Lake Erie Basin, and other priority regions as defined by | 266531 |
| the director of Agriculture, for staffing costs and to assist in | 266532 |
| soil testing and nutrient management plan development, including | 266533 |
| manure transformation and manure conversion technologies, enhanced | 266534 |
| filter strips, water management, and H2Ohio Program support. | 266535 |
| LOCAL FAIRS | 266536 |
| The foregoing appropriation item 700512, Local Fairs, shall | 266537 |
| be used to support county and independent agricultural societies. | 266538 |
| SOIL AND WATER DISTRICTS | 266539 |
| In addition to state payments to soil and water conservation | 266540 |
| districts authorized by section 940.15 of the Revised Code, the | 266541 |
| Department of Agriculture may use appropriation item 700661, Soil | 266542 |
| and Water Districts, to pay any soil and water conservation | 266543 |
| district an annual amount not to exceed \$40,000 upon receipt of a | 266544 |
| request and justification from the district and approval by the | 266545 |
| Ohio Soil and Water Conservation Commission. The county auditor | 266546 |
| shall credit the payments to the special fund established under | 266547 |
| section 940.12 of the Revised Code for use by the local soil and | 266548 |
| water conservation district. The amounts received by each district | 266549 |
| shall be expended for the purposes of the district. | 266550 |
| H2OHIO FUND | 266551 |
| The Department of Agriculture shall establish programs to | 266552 |
| assist in reducing total phosphorus, dissolved reactive | 266553 |
| phosphorus, sediment, and other nutrients in the Western Lake Erie | 266554 |
| Basin and other critical regions in the state as defined by the | 266555 |

Director of Agriculture. 266556

The foregoing appropriation item 700670, H2Ohio, shall be 266557
used to support the programs described above, which may include, 266558
but not be limited to, the following: (1) equipment for subsurface 266559
placement of nutrients into the soil; (2) equipment for nutrient 266560
placement based on geographic information system data; (3) soil 266561
testing; (4) implementation of variable rate technology; (5) 266562
equipment implementing manure transformation and manure conversion 266563
technologies; (6) tributary monitoring; (7) best management 266564
practices recognized to reduce nutrients; (8) a revolving loan 266565
program; and (9) matching funds for the Conservation Reserve 266566
Enhancement Program in the Western Lake Erie Basin and Scioto 266567
River Basin. 266568

Of the foregoing appropriation item 700670, H2Ohio, not less 266569
than \$10,700,000 in each fiscal year shall be used for programs to 266570
assist in reducing total phosphorus, dissolved reactive 266571
phosphorus, sediment, and other nutrients in the Western Lake Erie 266572
Basin. 266573

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 266574

The foregoing appropriation item 700632, Clean Ohio 266575
Agricultural Easement Operating, shall be used by the Department 266576
of Agriculture in administering Clean Ohio Agricultural Easement 266577
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 266578
5301.67 to 5301.70 of the Revised Code. 266579

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 266580

Dedicated Purpose Fund Group 266581

4Z90 898602 Small Business \$ 216,000 \$ 219,000 266582

Ombudsman

5700 898601 Operating Expenses \$ 1,000,000 \$ 1,100,000 266583

5A00 898603 Small Business \$ 100,000 \$ 100,000 266584

Assistance

| | | | | | |
|--|----|-----------|----|-----------|--------|
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 1,316,000 | \$ | 1,419,000 | 266585 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,316,000 | \$ | 1,419,000 | 266586 |

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 266588

AUTHORITY TRUST ACCOUNT 266589

Notwithstanding any other provision of law to the contrary, 266590
the Air Quality Development Authority may reimburse the Air 266591
Quality Development Authority trust account established under 266592
section 3706.10 of the Revised Code from all operating funds of 266593
the agency for expenses pertaining to the administration and 266594
shared costs incurred by the Air Quality Development Authority in 266595
the execution of responsibilities as prescribed in Chapter 3706. 266596
of the Revised Code. The reimbursement shall occur in accordance 266597
with an administrative cost recovery plan approved by the Air 266598
Quality Development Authority Board. 266599

Section 215.10. ARC ARCHITECTS BOARDS 266600

| | | | | | |
|--|----|---------|----|---------|--------|
| Dedicated Purpose Fund Group | | | | | 266601 |
| 4K90 891609 Operating | \$ | 667,469 | \$ | 667,469 | 266602 |
| TOTAL DPF Dedicated Purpose Fund Group | | | | | 266603 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 667,469 | \$ | 667,469 | 266604 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 667,469 | \$ | 667,469 | 266605 |

Section 217.10. ART OHIO ARTS COUNCIL 266607

| | | | | | |
|-------------------------------|----|------------|----|------------|--------|
| General Revenue Fund | | | | | 266608 |
| GRF 370321 Operating Expenses | \$ | 2,314,000 | \$ | 2,375,000 | 266609 |
| GRF 370502 State Program | \$ | 23,038,000 | \$ | 23,038,000 | 266610 |

Subsidies

| | | | | | |
|--------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund | \$ | 25,352,000 | \$ | 25,413,000 | 266611 |
| Dedicated Purpose Fund Group | | | | | 266612 |

| | | | | | | | |
|------------------------------|--------|---|----|------------|----|------------|--------|
| 4600 | 370602 | Arts Council Program | \$ | 330,000 | \$ | 330,000 | 266613 |
| | | Support | | | | | |
| 4B70 | 370603 | Percent for Art | \$ | 165,000 | \$ | 165,000 | 266614 |
| | | Acquisitions | | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 495,000 | \$ | 495,000 | 266615 |
| | | Group | | | | | |
| | | Federal Fund Group | | | | | 266616 |
| 3140 | 370601 | Federal Support | \$ | 1,350,000 | \$ | 1,500,000 | 266617 |
| TOTAL FED | | Federal Fund Group | \$ | 1,350,000 | \$ | 1,500,000 | 266618 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 27,197,000 | \$ | 27,408,000 | 266619 |
| | | FEDERAL SUPPORT | | | | | 266620 |
| | | Notwithstanding any provision of law to the contrary, the | | | | | 266621 |
| | | foregoing appropriation item 370601, Federal Support, shall be | | | | | 266622 |
| | | used by the Ohio Arts Council for subsidies only, and not for its | | | | | 266623 |
| | | administrative costs, unless the Council is required to use a | | | | | 266624 |
| | | portion of the funds for administrative costs under conditions of | | | | | 266625 |
| | | the federal grant. | | | | | 266626 |
| | | Section 219.10. ATH ATHLETIC COMMISSION | | | | | 266627 |
| | | Dedicated Purpose Fund Group | | | | | 266628 |
| 4K90 | 175609 | Operating Expenses | \$ | 354,000 | \$ | 345,000 | 266629 |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 354,000 | \$ | 345,000 | 266630 |
| | | Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 354,000 | \$ | 345,000 | 266631 |
| | | Section 221.10. AGO ATTORNEY GENERAL | | | | | 266633 |
| | | General Revenue Fund | | | | | 266634 |
| GRF | 055321 | Operating Expenses | \$ | 81,854,000 | \$ | 85,282,000 | 266635 |
| GRF | 055405 | Law-Related Education | \$ | 68,000 | \$ | 68,000 | 266636 |
| GRF | 055406 | BCIRS Lease Rental | \$ | 2,500,000 | \$ | 2,500,000 | 266637 |
| | | Payments | | | | | |
| GRF | 055411 | County Sheriffs' Pay | \$ | 1,073,000 | \$ | 1,091,000 | 266638 |

| | | | | | | |
|-----------|--------|------------------------------|----|-------------|----|--------------------|
| | | Supplement | | | | |
| GRF | 055415 | County Prosecutors' | \$ | 1,399,000 | \$ | 1,438,000 266639 |
| | | Pay Supplement | | | | |
| GRF | 055431 | Drug Abuse Response | \$ | 1,500,000 | \$ | 1,500,000 266640 |
| | | Team Grants | | | | |
| GRF | 055432 | Drug Testing | \$ | 964,000 | \$ | 964,000 266641 |
| | | Equipment | | | | |
| GRF | 055434 | Internet Crimes | \$ | 500,000 | \$ | 500,000 266642 |
| | | Against Children Task | | | | |
| | | Force | | | | |
| GRF | 055440 | Rapid DNA Pilot | \$ | 465,000 | \$ | 397,000 266643 |
| | | Project | | | | |
| GRF | 055441 | Victims of Crime | \$ | 9,000,000 | \$ | 7,000,000 266644 |
| GRF | 055446 | Cyber Crime Division | \$ | 750,000 | \$ | 750,000 266645 |
| | | Expansion | | | | |
| GRF | 055447 | Ohio Law Enforcement | \$ | 1,250,000 | \$ | 0 266646 |
| | | Gateway - (OHLEG) | | | | |
| GRF | 055501 | Rape Crisis Centers | \$ | 15,300,000 | \$ | 15,300,000 266647 |
| GRF | 055502 | School Safety | \$ | 12,000,000 | \$ | 12,000,000 266648 |
| | | Training Grants | | | | |
| GRF | 055504 | Domestic Violence | \$ | 10,000,000 | \$ | 10,000,000 266649 |
| | | Programs | | | | |
| GRF | 055505 | Pike County Capital | \$ | 500,000 | \$ | 0 266650 |
| | | Case | | | | |
| GRF | 055509 | Law Enforcement | \$ | 40,000,000 | \$ | 40,000,000 266651 |
| | | Training | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 179,123,000 | \$ | 178,790,000 266652 |
| | | Dedicated Purpose Fund Group | | | | 266653 |
| 1060 | 055612 | Attorney General | \$ | 67,000,000 | \$ | 67,000,000 266654 |
| | | Operating | | | | |
| 4020 | 055616 | Victims of Crime | \$ | 15,000,000 | \$ | 13,000,000 266655 |
| 4170 | 055621 | Domestic Violence | \$ | 25,000 | \$ | 25,000 266656 |
| | | Shelter | | | | |

| | | | | | | | |
|------|--------|---|----|------------|----|------------|--------|
| 4180 | 055615 | Charitable Foundations | \$ | 8,498,138 | \$ | 8,498,138 | 266657 |
| 4190 | 055623 | Claims Section | \$ | 42,853,400 | \$ | 42,853,400 | 266658 |
| 4190 | 055668 | Collections System
Lease Rental Payments | \$ | 1,965,000 | \$ | 1,965,000 | 266659 |
| 4210 | 055617 | Police Officers'
Training Academy Fee | \$ | 1,500,000 | \$ | 1,500,000 | 266660 |
| 4L60 | 055606 | DARE Programs | \$ | 2,300,000 | \$ | 2,300,000 | 266661 |
| 4Y70 | 055608 | Title Defect Recision | \$ | 1,013,751 | \$ | 1,013,751 | 266662 |
| 4Z20 | 055609 | BCI Asset Forfeiture
and Cost
Reimbursement | \$ | 1,000,000 | \$ | 1,000,000 | 266663 |
| 5900 | 055633 | Peace Officer Private
Security Training | \$ | 95,325 | \$ | 95,325 | 266664 |
| 5A90 | 055618 | Telemarketing Fraud
Enforcement | \$ | 10,000 | \$ | 10,000 | 266665 |
| 5AW1 | 055672 | Cyber
Security/Technology
Upgrades | \$ | 6,500,000 | \$ | 0 | 266666 |
| 5LR0 | 055655 | Peace Officer
Training - Casino | \$ | 4,764,760 | \$ | 4,764,760 | 266667 |
| 5TL0 | 055659 | Organized Crime Law
Enforcement Trust | \$ | 100,000 | \$ | 100,000 | 266668 |
| 5VL0 | 055435 | Stop Bullying License
Plate | \$ | 3,000 | \$ | 2,500 | 266669 |
| 6310 | 055637 | Consumer Protection
Enforcement | \$ | 9,276,000 | \$ | 9,276,000 | 266670 |
| 6590 | 055641 | Solid and Hazardous
Waste Background
Investigations | \$ | 337,960 | \$ | 337,960 | 266671 |
| U087 | 055402 | Tobacco Settlement
Oversight,
Administration, and | \$ | 2,000,000 | \$ | 2,000,000 | 266672 |

| | | | |
|--------------------------------------|----------------|----------------|--------|
| Enforcement | | | |
| TOTAL DPF Dedicated Purpose Fund | | | 266673 |
| Group | \$ 164,242,334 | \$ 155,741,834 | 266674 |
| Internal Service Activity Fund Group | | | 266675 |
| 1950 055660 Workers' Compensation | \$ 9,115,000 | \$ 9,115,000 | 266676 |
| Section | | | |
| TOTAL ISA Internal Service Activity | \$ 9,115,000 | \$ 9,115,000 | 266677 |
| Fund Group | | | |
| Holding Account Fund Group | | | 266678 |
| R004 055631 General Holding | \$ 1,000,000 | \$ 1,000,000 | 266679 |
| Account | | | |
| R005 055632 Antitrust Settlements | \$ 1,000,000 | \$ 1,000,000 | 266680 |
| R018 055630 Consumer Frauds | \$ 1,000,000 | \$ 1,000,000 | 266681 |
| R042 055601 Organized Crime | \$ 750,000 | \$ 750,000 | 266682 |
| Commission | | | |
| Distributions | | | |
| R054 055650 Collection Payment | \$ 4,500,000 | \$ 4,500,000 | 266683 |
| Redistribution | | | |
| TOTAL HLD Holding Account | | | 266684 |
| Fund Group | \$ 8,250,000 | \$ 8,250,000 | 266685 |
| Federal Fund Group | | | 266686 |
| 3060 055620 Medicaid Fraud | \$ 14,069,270 | \$ 14,069,270 | 266687 |
| Control | | | |
| 3830 055634 Crime Victims | \$ 50,000,000 | \$ 50,000,000 | 266688 |
| Assistance | | | |
| 3E50 055638 Attorney General | \$ 8,020,999 | \$ 8,020,999 | 266689 |
| Pass-Through Funds | | | |
| 3FV0 055656 Crime Victim | \$ 1,200,000 | \$ 3,800,000 | 266690 |
| Compensation | | | |
| 3R60 055613 Attorney General | \$ 3,652,129 | \$ 3,652,129 | 266691 |
| Federal Funds | | | |
| TOTAL FED Federal Fund Group | \$ 76,942,398 | \$ 79,542,398 | 266692 |

| | | | |
|---|----------------|----------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ 437,672,732 | \$ 431,439,232 | 266693 |
| | | | |
| Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC | | | 266695 |
| SCIENCE | | | 266696 |
| Of the foregoing appropriation item 055321, Operating | | | 266697 |
| Expenses, \$650,000 in each fiscal year shall be used for the Ohio | | | 266698 |
| Center for the Future of Forensic Science at Bowling Green State | | | 266699 |
| University. The purpose of the Center shall be to foster forensic | | | 266700 |
| science research techniques (BCI Eminent Scholar) and to create | | | 266701 |
| professional training opportunities to students (BCI Scholars) in | | | 266702 |
| the forensic science fields. | | | 266703 |
| | | | |
| NARCOTICS TASK FORCES | | | 266704 |
| Of the foregoing appropriation item 055321, Operating | | | 266705 |
| Expenses, up to \$500,000 in each fiscal year shall be used to | | | 266706 |
| support narcotics task forces funded by the Attorney General. | | | 266707 |
| | | | |
| DOMESTIC VIOLENCE PROGRAM | | | 266708 |
| Of the foregoing appropriation item 055321, Operating | | | 266709 |
| Expenses, \$100,000 in each fiscal year may be used by the Attorney | | | 266710 |
| General for the purpose of providing funding to domestic violence | | | 266711 |
| programs as defined in section 109.46 of the Revised Code. | | | 266712 |
| | | | |
| OHIO FALLEN OFFICERS MEMORIAL WALL | | | 266713 |
| Of the foregoing appropriation item 055321, Operating | | | 266714 |
| Expenses, \$67,500 in fiscal year 2024 shall be used by the | | | 266715 |
| Attorney General to restore the Ohio Fallen Officers Memorial Wall | | | 266716 |
| on the grounds of the Ohio Peace Officer Training Academy. | | | 266717 |
| | | | |
| BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE | | | 266718 |
| RENTAL PAYMENTS | | | 266719 |
| The foregoing appropriation item 055406, BCIRS Lease Rental | | | 266720 |
| Payments, shall be used for payments during the period from July | | | 266721 |
| 1, 2023, through June 30, 2025, pursuant to leases and agreements | | | 266722 |
| entered into pursuant to Section 701.40 of S.B. 310 of the 131st | | | 266723 |

General Assembly and other prior acts of the General Assembly, 266724
with respect to financing the costs associated with the 266725
acquisition, development, implementation, and integration of the 266726
BCIRS. 266727

COUNTY SHERIFFS' PAY SUPPLEMENT 266728

The foregoing appropriation item 055411, County Sheriffs' Pay 266729
Supplement, shall be used for the purpose of supplementing the 266730
annual compensation of county sheriffs as required by section 266731
325.06 of the Revised Code. 266732

At the request of the Attorney General, the Director of 266733
Budget and Management may transfer appropriation from 266734
appropriation item 055321, Operating Expenses, to appropriation 266735
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 266736
transferred shall be used to supplement the annual compensation of 266737
county sheriffs as required by section 325.06 of the Revised Code. 266738

COUNTY PROSECUTORS' PAY SUPPLEMENT 266739

The foregoing appropriation item 055415, County Prosecutors' 266740
Pay Supplement, shall be used for the purpose of supplementing the 266741
annual compensation of certain county prosecutors as required by 266742
section 325.111 of the Revised Code. 266743

At the request of the Attorney General, the Director of 266744
Budget and Management may transfer appropriation from 266745
appropriation item 055321, Operating Expenses, to appropriation 266746
item 055415, County Prosecutors' Pay Supplement. Any appropriation 266747
so transferred shall be used to supplement the annual compensation 266748
of county prosecutors as required by section 325.111 of the 266749
Revised Code. 266750

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 266751

The Attorney General shall maintain the Drug Abuse Response 266752
Team Grant Program for the purpose of replicating or expanding 266753

successful law enforcement programs that address the opioid 266754
epidemic similar to the Drug Abuse Response Team established by 266755
the Lucas County Sheriff's Department, and the Quick Response 266756
Teams established in Colerain Township's Department of Public 266757
Safety in Hamilton County and Summit County. Any grants awarded by 266758
this grant program may include requirements for private or 266759
nonprofit matching support. 266760

The foregoing appropriation item 055431, Drug Abuse Response 266761
Team Grants, shall be used by the Attorney General to fund grants 266762
to law enforcement or other government agencies; the primary 266763
purpose of the grants shall be to replicate or expand successful 266764
law enforcement programs that address the opioid epidemic similar 266765
to the Drug Abuse Response Team established by the Lucas County 266766
Sheriff's Department and the Quick Response Teams established in 266767
Colerain Township's Department of Public Safety in Hamilton County 266768
and Summit County. 266769

Each recipient of a grant under this program shall, within 266770
six months of the end date of the grant, submit a written report 266771
describing the outcomes that resulted from the grant to the 266772
Governor, the President of the Senate, the Speaker of the House of 266773
Representatives, the Minority Leader of the Senate, and the 266774
Minority Leader of the House of Representatives. 266775

DRUG TESTING EQUIPMENT 266776

The foregoing appropriation item 055432, Drug Testing 266777
Equipment, shall be used to purchase drug testing equipment for 266778
the Bureau of Criminal Identification and Investigation. 266779

INTERNET CRIMES AGAINST CHILDREN TASK FORCE 266780

The foregoing appropriation item 055434, Internet Crimes 266781
Against Children Task Force, shall be used by the Attorney General 266782
in support of the Ohio Internet Crimes Against Children Task Force 266783
for the purposes described in section 195.02 of the Revised Code. 266784

| | |
|---|--|
| RAPID DNA PILOT PROJECT | 266785 |
| The foregoing appropriation item 055440, Rapid DNA Pilot Project, shall be used to fund the necessary expenses incurred by the Bureau of Criminal Identification and Investigation to pilot rapid DNA technology with cooperating local law enforcement agencies. | 266786
266787
266788
266789
266790 |
| VICTIMS OF CRIME | 266791 |
| The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Compensation Program. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act. | 266792
266793
266794
266795
266796 |
| CLEVELAND RAPE CRISIS CENTER | 266797 |
| Of the foregoing appropriation item 055501, Rape Crisis Centers, \$300,000 in each fiscal year shall be distributed to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center. | 266798
266799
266800
266801
266802 |
| SCHOOL SAFETY TRAINING GRANTS | 266803 |
| (A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Director of Education and Workforce and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training. | 266804
266805
266806
266807
266808
266809
266810
266811
266812
266813 |
| (B) The use of the grants includes, but is not limited to, | 266814 |

| | |
|--|--|
| all of the following: | 266815 |
| (1) The support of school resource officer certification training; | 266816
266817 |
| (2) Any type of active shooter and school safety training or equipment; | 266818
266819 |
| (3) All grade level type educational resources; | 266820 |
| (4) Training to identify and assist students with mental health issues; | 266821
266822 |
| (5) School supplies or equipment related to school safety or for implementing the school's safety plan; | 266823
266824 |
| (6) Any other training related to school safety. | 266825 |
| (C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency. | 266826
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266833 |
| (D) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code. | 266834
266835
266836
266837
266838 |
| DOMESTIC VIOLENCE PROGRAMS | 266839 |
| The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code. | 266840
266841
266842
266843 |
| FINDING MY CHILDHOOD AGAIN PILOT PROGRAM | 266844 |

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$300,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for expenses related to the creation and implementation of a pilot program called "Finding my Childhood Again."

BATTERED WOMEN'S SHELTER

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility, and \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Portage County.

TRANSPORTATION GRANTS

Of the foregoing appropriation item 055504, Domestic Violence Programs, \$25,000 in fiscal year 2024 shall be provided as grants to Ohio domestic violence shelters to buy transportation vouchers, ridesharing credits, or gas cards for eligible clients. The Attorney General shall adopt any rules necessary for the administration of the grant program.

PIKE COUNTY CAPITAL CASE

An amount equal to the unexpended, unencumbered balance of appropriation item 055505, Pike County Capital Case, at the end of fiscal year 2023 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

LAW ENFORCEMENT TRAINING

The foregoing appropriation item 055509, Law Enforcement Training, shall be used by the Attorney General for state funding of the training of peace officers and troopers that is required under section 109.803 of the Revised Code.

Of the foregoing appropriation item 055509, Law Enforcement

Training, the Attorney General may use up to \$100,000 for 266875
administrative expenses associated with the program, including 266876
curriculum development. 266877

On July 1, 2024, or as soon as possible thereafter, the 266878
Attorney General shall certify to the Director of Budget and 266879
Management an amount up to the unexpended, unencumbered balance of 266880
the foregoing appropriation item 055509, Law Enforcement Training, 266881
at the end of fiscal year 2024 to be reappropriated for the same 266882
purpose in fiscal year 2025. Upon Controlling Board approval, the 266883
amount certified is hereby reappropriated to the same 266884
appropriation item for fiscal year 2025. 266885

ATTORNEY GENERAL OPERATING 266886

In fiscal year 2024, if the Attorney General determines that 266887
additional funds are needed to pay expenses related to 266888
representation in a concluded opioid litigation, the Attorney 266889
General shall certify to the Director of Budget and Management the 266890
amount needed, not to exceed \$14,400,000, and shall include 266891
supporting documentation showing the amount required. If the 266892
Director determines that the amounts are required, the Director 266893
may transfer cash, up to the amount certified, from the General 266894
Revenue Fund to Attorney General Reimbursement Fund (Fund 1060), 266895
for the purpose of paying the expenses approved. Such amounts 266896
transferred are hereby appropriated to appropriation item 055612, 266897
Attorney General Operating, for fiscal year 2024. Further, such 266898
amounts transferred are subject to repayment, in full, by the 266899
Attorney General to the General Revenue Fund from the 266900
distributions received by the Attorney General from the Multistate 266901
Opioid Settlement State Outside Counsel Fee Fund, Multistate 266902
Opioid Settlement State Opioid Attorneys Fee Fund, and Multistate 266903
Opioid Settlement State Cost Fund ("Opioid Settlement Fee and Cost 266904
Funds"). The Attorney General shall give first priority to this 266905
repayment out of the distributions from the Opioid Settlement Fee 266906

and Cost Funds until the total amount transferred for the expenses 266907
related to representation in a concluded opioid litigation is 266908
returned to the General Revenue Fund. Should the Attorney General 266909
be unable to recover or receive a sufficient amount from the 266910
Opioid Settlement Fee and Cost Funds for repayment to the General 266911
Revenue Fund, the remaining balance shall be paid from the State 266912
Share Allocation of Settlement Proceeds as set forth in the One 266913
Ohio Memorandum of Understanding. 266914

ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS 266915

The foregoing appropriation item 055668, Collections System 266916
Lease Rental Payments, shall be used to make payments during the 266917
period from July 1, 2023, through June 30, 2025, pursuant to 266918
leases and agreements entered into under Section 701.10 of S.B. 266919
310 of the 133rd General Assembly or Section 709.01 of H.B. 687 of 266920
the 134th General Assembly, with respect to financing the costs 266921
associated with the acquisition, development, implementation, and 266922
integration of the Attorney General New Collection System. 266923

CYBER SECURITY/TECHNOLOGY UPGRADES 266924

An amount equal to the unexpended, unencumbered balance of 266925
appropriation item 055672, Cyber Security/Technology Upgrades, at 266926
the end of fiscal year 2024 is hereby reappropriated to the same 266927
appropriation item in fiscal year 2025. 266928

WORKERS' COMPENSATION SECTION 266929

The Workers' Compensation Fund (Fund 1950) is entitled to 266930
receive quarterly payments from the Bureau of Workers' 266931
Compensation and the Ohio Industrial Commission to fund legal 266932
services provided to the Bureau of Workers' Compensation and the 266933
Ohio Industrial Commission during the fiscal year. 266934

In addition, the Bureau of Workers' Compensation shall 266935
transfer payments for the support of the Workers' Compensation 266936
Fraud Unit. 266937

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission. 266938
266939
266940

GENERAL HOLDING ACCOUNT 266941

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 266942
266943
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266945
266946
266947

ANTITRUST SETTLEMENTS 266948

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out-of-court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 266949
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CONSUMER FRAUDS 266955

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 266956
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266964

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 266965

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime 266966
266967

Investigations Commission, as provided by section 177.011 of the 266968
 Revised Code, to reimburse political subdivisions for the expenses 266969
 the political subdivisions incur when their law enforcement 266970
 officers participate in an organized crime task force. If it is 266971
 determined that additional amounts are necessary for this purpose, 266972
 the amounts are hereby appropriated. 266973

COLLECTION PAYMENT REDISTRIBUTION 266974

The foregoing appropriation item 055650, Collection Payment 266975
 Redistribution, shall be used for the purpose of allocating the 266976
 revenue where debtors mistakenly paid the client agencies instead 266977
 of the Attorney General's Collections Enforcement Section. If it 266978
 is determined that additional amounts are necessary for this 266979
 purpose, the amounts are hereby appropriated. 266980

Section 223.10. AUD AUDITOR OF STATE 266981

General Revenue Fund 266982

GRF 070401 Audit Management and \$ 13,444,000 \$ 13,748,000 266983
 Services

GRF 070402 Performance Audits \$ 2,311,000 \$ 2,620,000 266984

GRF 070403 Fiscal Distress \$ 500,000 \$ 500,000 266985
 Technical Assistance

GRF 070404 Fraud/Corruption \$ 4,377,000 \$ 5,004,000 266986
 Audits and
 Investigations

GRF 070412 Local Government \$ 16,010,000 \$ 16,550,000 266987
 Audit Support

TOTAL GRF General Revenue Fund \$ 36,642,000 \$ 38,422,000 266988

Dedicated Purpose Fund Group 266989

1090 070601 Public Audit Expense \$ 12,170,518 \$ 12,539,160 266990
 - Intrastate

4220 070602 Public Audit Expense \$ 33,346,525 \$ 33,464,635 266991

| | | | | | | |
|------------------------------|--------|------------------------|----|-------------|----|--------------------|
| | | - Local Government | | | | |
| 5840 | 070603 | Training Program | \$ | 200,000 | \$ | 200,000 266992 |
| 5JZ0 | 070606 | Auditor's Innovation | \$ | 300,000 | \$ | 300,000 266993 |
| | | Fund | | | | |
| 5VP0 | 070611 | Local Government | \$ | 16,010,000 | \$ | 16,550,000 266994 |
| | | Audit Support Fund | | | | |
| 6750 | 070605 | Uniform Accounting | \$ | 6,288,024 | \$ | 10,734,834 266995 |
| | | Network | | | | |
| TOTAL | DPF | Dedicated Purpose Fund | | | | 266996 |
| Group | | | \$ | 68,315,067 | \$ | 73,788,629 266997 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 104,957,067 | \$ | 112,210,629 266998 |

Section 223.20. AUDIT MANAGEMENT AND SERVICES 267000

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients.

PERFORMANCE AUDITS 267009

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

FISCAL DISTRESS TECHNICAL ASSISTANCE 267018

The foregoing appropriation item 070403, Fiscal Distress 267019

Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118. and 3316. of the Revised Code to provide services to local governments or schools in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT

General Revenue Fund

| | | | | | | |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 042321 | Operating Expenses | \$ | 4,502,000 | \$ | 4,592,000 | 267039 |
| TOTAL GRF | General Revenue Fund | \$ | 4,502,000 | \$ | 4,592,000 | 267040 |

Dedicated Purpose Fund Group

| | | | | | | |
|-------------|----------------------|----|-----------|----|---|--------|
| 5AT1 042637 | Statewide Children's | \$ | 2,500,000 | \$ | 0 | 267042 |
|-------------|----------------------|----|-----------|----|---|--------|

Vision Initiative

| | | | | | | |
|-----------|------------------------|----|-----------|----|---|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 2,500,000 | \$ | 0 | 267043 |
|-----------|------------------------|----|-----------|----|---|--------|

Group

Internal Service Activity Fund Group

| | | | | | | |
|-------------|---------------------------|----|------------|----|------------|--------|
| 1050 042603 | Financial Management | \$ | 26,219,399 | \$ | 26,219,399 | 267045 |
| TOTAL ISA | Internal Service Activity | | | | | 267046 |

| | | | | | | |
|------------|--|----|------------|----|------------|--------|
| Fund Group | | \$ | 26,219,399 | \$ | 26,219,399 | 267047 |
|------------|--|----|------------|----|------------|--------|

| | | | | |
|--------------------------------|----|------------|---------------|--------|
| Fiduciary Fund Group | | | | 267048 |
| 5EH0 042604 Forgery Recovery | \$ | 30,000 | \$ 30,000 | 267049 |
| TOTAL FID Fiduciary Fund Group | \$ | 30,000 | \$ 30,000 | 267050 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 33,251,399 | \$ 30,841,399 | 267051 |

Section 229.20. STATEWIDE CHILDREN'S VISION INITIATIVE 267053

The foregoing appropriation item 042637, Statewide Children's Vision Initiative, shall be used for the purpose of delivering a statewide vision care project and an independent evaluator contract. The Director of Budget and Management shall consult with the Ohio Optometric Foundation regarding the implementation of the vision project and the use of funds before distributing funds from appropriation item 042637. 267054
267055
267056
267057
267058
267059
267060

Any unexpended and unencumbered amount of appropriation item 042637, Statewide Children's Vision Initiative, remaining at the end of fiscal year 2024 is hereby reappropriated in fiscal year 2025, to be used for the same purpose. 267061
267062
267063
267064

AUDIT COSTS 267065

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management. 267066
267067
267068
267069
267070

Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Operating Expenses. 267071
267072
267073

SHARED SERVICES CENTER 267074

The foregoing appropriation items 042321, Operating Expenses, and 042603, Financial Management, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the Revised Code. 267075
267076
267077
267078

The Director of Budget and Management shall include the 267079
recovery of costs to operate the Shared Services program in the 267080
accounting and budgeting services payroll rate and through direct 267081
charges using intrastate transfer vouchers billed to agencies for 267082
services rendered using a methodology determined by the Director 267083
of Budget and Management. Such cost recovery revenues shall be 267084
deposited to the credit of the Accounting and Budgeting Fund (Fund 267085
1050). 267086

INTERNAL AUDIT 267087

The Director of Budget and Management shall include the 267088
recovery of costs to operate the Internal Audit Program pursuant 267089
to section 126.45 of the Revised Code in the accounting and 267090
budgeting services payroll rate using a methodology determined by 267091
the Director of Budget and Management. Such cost recovery revenues 267092
shall be deposited to the credit of Fund 1050. 267093

FORGERY RECOVERY 267094

The foregoing appropriation item 042604, Forgery Recovery, 267095
shall be used to reissue warrants that have been certified as 267096
forgeries by the rightful recipient as determined by the Bureau of 267097
Criminal Identification and Investigation and the Treasurer of 267098
State. Upon receipt of funds to cover the reissuance of the 267099
warrant, the Director of Budget and Management shall reissue a 267100
state warrant of the same amount. Any additional amounts needed to 267101
reissue warrants backed by the receipt of funds are hereby 267102
appropriated. 267103

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 267104

General Revenue Fund 267105

| | | | | | | |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 874321 | Operating Expenses | \$ | 6,851,000 | \$ | 6,751,000 | 267106 |
| TOTAL GRF | General Revenue Fund | \$ | 6,851,000 | \$ | 6,751,000 | 267107 |

Dedicated Purpose Fund Group 267108

| | | | | | | | |
|--|--------|----------------------|----|-----------|----|-----------|--------|
| 2080 | 874601 | Underground Parking | \$ | 4,245,906 | \$ | 4,245,906 | 267109 |
| | | Garage Operations | | | | | |
| 4G50 | 874603 | Capitol Square | \$ | 6,000 | \$ | 6,000 | 267110 |
| | | Education Center and | | | | | |
| | | Arts | | | | | |
| 5AN1 | 874608 | Capital Square | \$ | 1,750,000 | \$ | 1,750,000 | 267111 |
| | | Improvements | | | | | |
| TOTAL DPF Dedicated Purpose | | | | | | | 267112 |
| Fund Group | | | \$ | 6,001,906 | \$ | 6,001,906 | 267113 |
| Internal Service Activity Fund Group | | | | | | | 267114 |
| 4S70 | 874602 | Statehouse Gift | \$ | 800,000 | \$ | 800,000 | 267115 |
| | | Shop/Events | | | | | |
| TOTAL ISA Internal Service Activity | | | | | | | 267116 |
| Fund Group | | | \$ | 800,000 | \$ | 800,000 | 267117 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | | 267118 |
| COUNCIL OF STATE GOVERNMENTS MIDWESTERN LEGISLATIVE | | | | | | | 267119 |
| CONFERENCE | | | | | | | 267120 |
| Of the foregoing appropriation item 874321, Operating | | | | | | | 267121 |
| Expenses, up to \$50,000 shall be used for the preparation of the | | | | | | | 267122 |
| Ohio Statehouse and for events hosted at the Ohio Statehouse | | | | | | | 267123 |
| related to the Council of State Governments Midwestern Legislative | | | | | | | 267124 |
| Conference Annual Meeting to be held in Columbus from July 21, | | | | | | | 267125 |
| 2024, through July 24, 2024. | | | | | | | 267126 |
| On July 1, 2024, or as soon as possible thereafter, the | | | | | | | 267127 |
| Executive Director of the Capitol Square Review and Advisory Board | | | | | | | 267128 |
| shall certify to the Director of Budget and Management the amount | | | | | | | 267129 |
| of the unexpended, unencumbered balance of this earmark at the end | | | | | | | 267130 |
| of fiscal year 2024 to be reappropriated for fiscal year 2025. The | | | | | | | 267131 |
| amount certified is hereby reappropriated to the same | | | | | | | 267132 |
| appropriation item for the same purpose for fiscal year 2025. | | | | | | | 267133 |
| OPERATING EXPENSES | | | | | | | 267134 |

Of the foregoing appropriation item 874321, Operating Expenses, up to \$50,000 in fiscal year 2024 shall be used to display inside the Statehouse borrowed or purchased United States, Ohio, or Ohio military flags that have historical significance to the state of Ohio. The use of these funds is subject to approval of the Capitol Square Review and Advisory Board. The Board shall consult with the Ohio History Connection regarding the display.

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the appropriation items 874100, Personal Services, and 874320, Maintenance and Equipment, at the end of fiscal year 2023 to be reappropriated to appropriation item 874321, Operating Expenses, for fiscal year 2024. The amount certified is hereby reappropriated to appropriation item 874321, Operating Expenses, for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874321, Operating Expenses, at the end of fiscal year 2024 to be reappropriated for fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item 874321, Operating Expenses, for fiscal year 2025.

UNDERGROUND PARKING GARAGE FUND

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

| | | | | |
|--|----|------------|---------------|--------|
| HOUSE AND SENATE PARKING REIMBURSEMENT | | | | 267167 |
| On July 1 of each fiscal year, or as soon as possible | | | | 267168 |
| thereafter, the Director of Budget and Management shall transfer | | | | 267169 |
| \$500,000 cash from the General Revenue Fund to the Underground | | | | 267170 |
| Parking Garage Fund (Fund 2080). The amounts transferred under | | | | 267171 |
| this section shall be used to reimburse the Capitol Square Review | | | | 267172 |
| and Advisory Board for legislative parking costs. | | | | 267173 |
| Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND | | | | 267174 |
| SCHOOLS | | | | 267175 |
| Dedicated Purpose Fund Group | | | | 267176 |
| 4K90 233601 Operating Expenses | \$ | 551,000 | \$ 567,000 | 267177 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 551,000 | \$ 567,000 | 267178 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 551,000 | \$ 567,000 | 267179 |
| Section 235.10. CAC CASINO CONTROL COMMISSION | | | | 267181 |
| Dedicated Purpose Fund Group | | | | 267182 |
| 5HS0 955321 Operating Expenses | \$ | 16,352,000 | \$ 16,753,000 | 267183 |
| 5NU0 955601 Casino Commission | \$ | 250,000 | \$ 250,000 | 267184 |
| Enforcement | | | | |
| 5YR0 955602 Problem Sports Gaming | \$ | 500,000 | \$ 500,000 | 267185 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 17,102,000 | \$ 17,503,000 | 267186 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 17,102,000 | \$ 17,503,000 | 267187 |
| Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD | | | | 267190 |
| Dedicated Purpose Fund Group | | | | 267191 |
| 4K90 930609 Operating Expenses | \$ | 925,837 | \$ 998,837 | 267192 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 925,837 | \$ 998,837 | 267193 |
| Group | | | | |

| | | | | | |
|---|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 925,837 | \$ | 998,837 | 267194 |
|
 | | | | | |
| Section 239.10. CHR STATE CHIROPRACTIC BOARD | | | | | 267196 |
|
 | | | | | |
| Dedicated Purpose Fund Group | | | | | 267197 |
| 4K90 878609 Operating Expenses | \$ | 592,868 | \$ | 593,868 | 267198 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 592,868 | \$ | 593,868 | 267199 |
|
 | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 592,868 | \$ | 593,868 | 267200 |
|
 | | | | | |
| Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION | | | | | 267202 |
|
 | | | | | |
| General Revenue Fund | | | | | 267203 |
| GRF 876321 Operating Expenses | \$ | 6,963,000 | \$ | 7,172,000 | 267204 |
| TOTAL GRF General Revenue Fund | \$ | 6,963,000 | \$ | 7,172,000 | 267205 |
|
 | | | | | |
| Federal Fund Group | | | | | 267206 |
| 3340 876601 Federal Programs | \$ | 3,786,800 | \$ | 4,232,800 | 267207 |
| TOTAL FED Federal Special Revenue Fund Group | \$ | 3,786,800 | \$ | 4,232,800 | 267209 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 10,749,800 | \$ | 11,404,800 | 267210 |
|
 | | | | | |
| Section 243.10. COM DEPARTMENT OF COMMERCE | | | | | 267212 |
|
 | | | | | |
| Dedicated Purpose Fund Group | | | | | 267213 |
| 4B20 800631 Real Estate Appraisal | \$ | 35,000 | \$ | 35,000 | 267214 |
|
 | | | | | |
| Recovery | | | | | |
| 4H90 800608 Cemeteries | \$ | 453,275 | \$ | 453,275 | 267215 |
| 4X20 800619 Financial Institutions | \$ | 2,196,327 | \$ | 2,217,605 | 267216 |
| 5430 800602 Unclaimed | \$ | 13,930,644 | \$ | 14,039,257 | 267217 |
|
 | | | | | |
| Funds-Operating | | | | | |
| 5430 800625 Unclaimed Funds-Claims | \$ | 70,000,000 | \$ | 70,000,000 | 267218 |
| 5440 800612 Banks | \$ | 10,557,393 | \$ | 12,557,393 | 267219 |
| 5460 800610 Fire Marshal | \$ | 30,868,718 | \$ | 29,102,147 | 267220 |
| 5460 800639 Fire Department Grants | \$ | 7,500,000 | \$ | 7,500,000 | 267221 |
| 5480 800611 Real Estate Recovery | \$ | 50,000 | \$ | 50,000 | 267222 |

| | | | | | | | |
|---------------------------|--------|-------------------------|----|-------------|----|-------------|--------|
| 5490 | 800614 | Real Estate | \$ | 7,643,614 | \$ | 6,672,175 | 267223 |
| 5500 | 800617 | Securities | \$ | 10,955,287 | \$ | 8,918,450 | 267224 |
| 5520 | 800604 | Credit Union | \$ | 4,057,117 | \$ | 5,213,603 | 267225 |
| 5530 | 800607 | Consumer Finance | \$ | 6,139,757 | \$ | 6,139,757 | 267226 |
| 5560 | 800615 | Industrial Compliance | \$ | 31,832,113 | \$ | 31,832,113 | 267227 |
| 5F10 | 800635 | Small Government Fire | \$ | 600,000 | \$ | 600,000 | 267228 |
| | | Departments | | | | | |
| 5FW0 | 800616 | Financial Literacy | \$ | 150,000 | \$ | 150,000 | 267229 |
| | | Education | | | | | |
| 5GK0 | 800609 | Securities Investor | \$ | 2,182,150 | \$ | 2,182,150 | 267230 |
| | | Education/Enforcement | | | | | |
| 5HV0 | 800641 | Cigarette Enforcement | \$ | 27,324 | \$ | 27,324 | 267231 |
| 5LC0 | 800644 | Liquor JobsOhio | \$ | 396,154 | \$ | 396,154 | 267232 |
| | | Extraordinary Allowance | | | | | |
| 5LN0 | 800645 | Liquor Operating | \$ | 20,583,022 | \$ | 20,583,022 | 267233 |
| | | Services | | | | | |
| 5LP0 | 800646 | Liquor Regulatory | \$ | 18,683,322 | \$ | 15,683,322 | 267234 |
| | | Operating Expenses | | | | | |
| 5SJ0 | 800648 | Volunteer Peace | \$ | 50,000 | \$ | 50,000 | 267235 |
| | | Officers' Dependent | | | | | |
| | | Fund | | | | | |
| 5SY0 | 800650 | Medical Marijuana | \$ | 7,990,837 | \$ | 9,050,379 | 267236 |
| | | Control Program | | | | | |
| 5VD0 | 800653 | Real Estate Home | \$ | 10,000 | \$ | 10,000 | 267237 |
| | | Inspector Recovery | | | | | |
| 5X60 | 800623 | Video Service | \$ | 452,720 | \$ | 452,720 | 267238 |
| 5XK0 | 800657 | Ohio Investor Recovery | \$ | 2,500,000 | \$ | 2,500,000 | 267239 |
| 6530 | 800629 | UST Registration/Permit | \$ | 2,539,151 | \$ | 2,539,151 | 267240 |
| | | Fee | | | | | |
| TOTAL DPF | | Dedicated Purpose | | | | | 267241 |
| Fund Group | | | \$ | 252,383,925 | \$ | 248,954,997 | 267242 |
| Internal Service Activity | | Fund Group | | | | | 267243 |
| 1630 | 800620 | Division of | \$ | 9,572,488 | \$ | 9,572,488 | 267244 |

| | | | |
|-------------------------------------|--------|-------------------------------|------------------------------------|
| Administration | | | |
| 1630 | 800637 | Information Technology | \$ 13,090,791 \$ 13,431,945 267245 |
| TOTAL ISA Internal Service Activity | | | 267246 |
| Fund Group | | \$ 22,663,279 \$ 23,004,433 | 267247 |
| Federal Fund Group | | | 267248 |
| 3480 | 800622 | Underground Storage | \$ 831,359 \$ 831,359 267249 |
| Tanks | | | |
| 3480 | 800624 | Leaking Underground | \$ 2,055,439 \$ 2,055,439 267250 |
| Storage Tanks | | | |
| TOTAL FED Federal Fund Group | | \$ 2,886,798 \$ 2,886,798 | 267251 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 277,934,002 \$ 274,846,228 | 267252 |

Section 243.20. UNCLAIMED FUNDS PAYMENTS 267254

The foregoing appropriation item 800625, Unclaimed 267255
 Funds-Claims, shall be used to pay claims under section 169.08 of 267256
 the Revised Code. If it is determined by the Director of Commerce 267257
 that additional appropriation amounts are necessary to make such 267258
 payments, the Director of Commerce may request that the Director 267259
 of Budget and Management approve such increases. Any approved 267260
 increases are hereby appropriated. 267261

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 267262

The foregoing appropriation item 800631, Real Estate 267263
 Appraisal Recovery, shall be used to pay settlements, judgments, 267264
 and court orders under section 4763.16 of the Revised Code. If it 267265
 is determined by the Director of Commerce that additional 267266
 appropriation amounts are necessary to make such payments, the 267267
 Director of Commerce may request that the Director of Budget and 267268
 Management approve such increases. Any approved increases are 267269
 hereby appropriated. 267270

The foregoing appropriation item 800611, Real Estate 267271
 Recovery, shall be used to pay settlements, judgments, and court 267272
 orders under section 4735.12 of the Revised Code. If it is 267273

determined by the Director of Commerce that additional 267274
appropriation amounts are necessary to make such payments, the 267275
Director of Commerce may request that the Director of Budget and 267276
Management approve such increases. Any approved increases are 267277
hereby appropriated. 267278

The foregoing appropriation item 800653, Real Estate Home 267279
Inspector Recovery, shall be used to pay settlements, judgments, 267280
and court orders under section 4764.21 of the Revised Code. If it 267281
is determined by the Director of Commerce that additional 267282
appropriation amounts are necessary to make such payments, the 267283
Director of Commerce may request that the Director of Budget and 267284
Management approve such increases. Any approved increases are 267285
hereby appropriated. 267286

FIRE DEPARTMENT GRANTS 267287

(A) The foregoing appropriation item 800639, Fire Department 267288
Grants, shall be used to make annual grants to the following 267289
eligible recipients: volunteer fire departments, fire departments 267290
that serve one or more small municipalities or small townships, 267291
joint fire districts comprised of fire departments that primarily 267292
serve small municipalities or small townships, local units of 267293
government responsible for such fire departments, and local units 267294
of government responsible for the provision of fire protection 267295
services for small municipalities or small townships. For the 267296
purposes of these grants, a private fire company, as that phrase 267297
is defined in section 9.60 of the Revised Code, that is providing 267298
fire protection services under a contract to a political 267299
subdivision of the state, is an additional eligible recipient for 267300
a training grant. 267301

Eligible recipients that consist of small municipalities or 267302
small townships that all intend to contract with the same fire 267303
department or private fire company for fire protection services 267304
may jointly apply and be considered for a grant. If a joint 267305

applicant is awarded a grant, the State Fire Marshal shall, if 267306
feasible, proportionately award the grant and any equipment 267307
purchased with grant funds to each of the joint applicants based 267308
upon each applicant's contribution to and demonstrated need for 267309
fire protection services. For the purpose of this grant program, 267310
an eligible recipient or any firefighting entity that is 267311
contracted to serve an eligible recipient may only file, be listed 267312
as joint applicant, or be designated as a service provider on one 267313
grant application per fiscal year. 267314

If the grant awarded to joint applicants is an equipment 267315
grant and the equipment to be purchased cannot be readily 267316
distributed or possessed by multiple recipients, each of the joint 267317
applicants shall be awarded by the State Fire Marshal an ownership 267318
interest in the equipment so purchased in proportion to each 267319
applicant's contribution to and demonstrated need for fire 267320
protection services. The joint applicants shall then mutually 267321
agree on how the equipment is to be maintained, operated, stored, 267322
or disposed of. If, for any reason, the joint applicants cannot 267323
agree as to how jointly owned equipment is to be maintained, 267324
operated, stored, or disposed of or any of the joint applicants no 267325
longer maintain a contract with the same fire protection service 267326
provider as the other applicants, then the joint applicants shall, 267327
with the assistance of the State Fire Marshal, mutually agree as 267328
to how the jointly owned equipment is to be maintained, operated, 267329
stored, disposed of, or owned. If the joint applicants cannot 267330
agree how the grant equipment is to be maintained, operated, 267331
stored, disposed of, or owned, the State Fire Marshal may, in its 267332
discretion, require all of the equipment acquired by the joint 267333
applicants with grant funds to be returned to the State Fire 267334
Marshal. The State Fire Marshal may then award the returned 267335
equipment to any eligible recipients. For this paragraph only, an 267336
"equipment grant" also includes a MARCS Grant. 267337

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,300,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$4,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall

interoperability and effectiveness of emergency communication 267370
networks in the geographic region that includes and that is 267371
adjacent to the applicant. 267372

Eligible recipients that are or were awarded fire department 267373
grants that are not MARCS Grants may also apply for and receive 267374
MARCS Grants in accordance with criteria for the awarding of grant 267375
funds established by the State Fire Marshal. 267376

(3) Grant awards for firefighting or rescue equipment or gear 267377
or for fire department costs of providing fire protection services 267378
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 267379
fiscal year if an eligible entity serves a jurisdiction in which 267380
the Governor declared a natural disaster during the preceding or 267381
current fiscal year in which the grant was awarded. In addition to 267382
any grant funds awarded for rescue equipment or gear, or for fire 267383
department costs associated with the provision of fire protection 267384
services, an eligible entity may receive a grant for up to \$15,000 267385
per fiscal year for full or partial reimbursement of the 267386
documented costs of firefighter training. For each fiscal year, 267387
the State Fire Marshal shall determine the total amounts to be 267388
allocated for each eligible purpose. 267389

(C) The grants shall be administered by the State Fire 267390
Marshal in accordance with rules the State Fire Marshal adopts as 267391
part of the state fire code adopted pursuant to section 3737.82 of 267392
the Revised Code that are necessary for the administration and 267393
operation of the grant program. The rules may further define the 267394
entities eligible to receive grants and establish criteria for the 267395
awarding and expenditure of grant funds, including methods the 267396
State Fire Marshal may use to verify the proper use of grant funds 267397
or to obtain reimbursement for or the return of equipment for 267398
improperly used grant funds. To the extent consistent with this 267399
section and until the rules are updated, the existing rules in the 267400
state fire code adopted pursuant to section 3737.82 of the Revised 267401

Code for fire department grants under this section apply to MARCS 267402
Grants. Any amounts in appropriation item 800639, Fire Department 267403
Grants, in excess of the amount allocated for these grants may be 267404
used for the administration of the grant program. 267405

DIVISION OF MARIJUANA CONTROL 267406

The foregoing appropriation item 800650, Medical Marijuana 267407
Control Program, shall be used by the Department of Commerce to 267408
support the operation of the Division of Marijuana Control, 267409
including expenditures related to the transfer of the medical 267410
marijuana control program into the Department. 267411

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 267412
OPERATING FUND 267413

If the Real Estate Recovery Fund (Fund 5480) cash balance 267414
exceeds \$250,000 during the biennium ending June 30, 2025, the 267415
Director of Budget and Management, upon the written request of the 267416
Director of Commerce and subject to the approval of the 267417
Controlling Board, may transfer cash from Fund 5480 to the 267418
Division of Real Estate Operating Fund (Fund 5490), such that the 267419
amount available in Fund 5480 is not less than \$250,000. 267420

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 267421
balance exceeds \$200,000 during the biennium ending June 30, 2025, 267422
the Director of Budget and Management, upon the written request of 267423
the Director of Commerce and subject to the approval of the 267424
Controlling Board, may transfer cash from Fund 4B20 to the 267425
Division of Real Estate Operating Fund (Fund 5490), such that the 267426
amount available in Fund 4B20 is not less than \$200,000. 267427

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 267428
REVOLVING LOAN FUND 267429

Upon the written request of the Director of Commerce, and 267430
subject to the approval of the Controlling Board, the Director of 267431

Budget and Management may transfer up to \$600,000 in cash from the 267432
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 267433
Department Services Revolving Loan Fund (Fund 5F10) during the 267434
biennium ending June 30, 2025. 267435

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 267436

Upon the written request of the Director of Commerce, and 267437
subject to the approval of the Controlling Board, the Director of 267438
Budget and Management may transfer up to \$2,500,000 in each fiscal 267439
year from the Division of Securities Fund (Fund 5500) to the Ohio 267440
Investor Recovery Fund (Fund 5XK0) during the biennium ending June 267441
30, 2025. 267442

Of the foregoing appropriation item 800657, Ohio Investor 267443
Recovery, up to \$2,500,000 in each fiscal year shall be used by 267444
the Department of Commerce pursuant to section 1707.47 of the 267445
Revised Code to provide restitution assistance to victims who: (1) 267446
are identified in a final administrative order issued by the 267447
Division of Securities or a final court order in a civil or 267448
criminal proceeding initiated by the Division as a purchaser 267449
damaged by a sale or contract for sale made in violation of 267450
Chapter 1707. of the Revised Code; and (2) have not received the 267451
full amount of any restitution ordered in a final order before the 267452
application for restitution assistance is due. 267453

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 267454

Dedicated Purpose Fund Group 267455

5F50 053601 Operating Expenses \$ 6,313,267 \$ 6,313,267 267456

TOTAL DPF Dedicated Purpose Fund \$ 6,313,267 \$ 6,313,267 267457

Group

TOTAL ALL BUDGET FUND GROUPS \$ 6,313,267 \$ 6,313,267 267458

Section 247.10. CEB CONTROLLING BOARD 267460

Internal Service Activity Fund Group 267461

| | | | | | |
|-------------------------------------|----|-----------|----|-----------|--------|
| 5KM0 911614 Controlling Board | \$ | 7,500,000 | \$ | 7,500,000 | 267462 |
| Emergency | | | | | |
| Purposes/Contingencies | | | | | |
| TOTAL ISA Internal Service Activity | \$ | 7,500,000 | \$ | 7,500,000 | 267463 |
| Fund Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 7,500,000 | \$ | 7,500,000 | 267464 |

Section 247.20. FEDERAL SHARE 267466

In transferring appropriations to or from appropriation items 267467
that have federal shares identified in this act, the Controlling 267468
Board shall add or subtract corresponding amounts of federal 267469
matching funds at the percentages indicated by the state and 267470
federal division of the appropriations in this act. Such changes 267471
are hereby appropriated. 267472

Section 249.10. COS COSMETOLOGY AND BARBER BOARD 267473

| | | | | | |
|----------------------------------|----|-----------|----|-----------|--------|
| Dedicated Purpose Fund Group | | | | | 267474 |
| 4K90 879609 Operating Expenses | \$ | 5,418,707 | \$ | 5,486,509 | 267475 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 5,418,707 | \$ | 5,486,509 | 267476 |
| Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 5,418,707 | \$ | 5,486,509 | 267477 |

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 267479

| | | | | | |
|----------------------------------|----|-----------|----|-----------|--------|
| AND FAMILY THERAPIST BOARD | | | | | 267480 |
| Dedicated Purpose Fund Group | | | | | 267481 |
| 4K90 899609 Operating Expenses | \$ | 1,967,897 | \$ | 2,039,897 | 267482 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 1,967,897 | \$ | 2,039,897 | 267483 |
| Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,967,897 | \$ | 2,039,897 | 267484 |

Section 253.10. CLA COURT OF CLAIMS 267486

General Revenue Fund 267487

| | | | | | | |
|------------------------------|------------------------------|----|-----------|----|-----------|--------|
| GRF 015321 | Operating Expenses | \$ | 2,984,000 | \$ | 3,109,000 | 267488 |
| GRF 015403 | Public Records | \$ | 1,040,000 | \$ | 1,081,000 | 267489 |
| | Adjudication | | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 4,024,000 | \$ | 4,190,000 | 267490 |
| | Dedicated Purpose Fund Group | | | | | 267491 |
| 5K20 015603 | CLA Victims of Crime | \$ | 572,502 | \$ | 595,107 | 267492 |
| 5TE0 015604 | Public Records | \$ | 6,000 | \$ | 2,000 | 267493 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 578,502 | \$ | 597,107 | 267494 |
| | Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 4,602,502 | \$ | 4,787,107 | 267495 |

Section 255.10. DEN STATE DENTAL BOARD 267497

| | | | | | | |
|------------------------------|------------------------------|----|-----------|----|-----------|--------|
| | Dedicated Purpose Fund Group | | | | | 267498 |
| 4K90 880609 | Operating Expenses | \$ | 1,979,497 | \$ | 1,991,497 | 267499 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 1,979,497 | \$ | 1,991,497 | 267500 |
| | Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 1,979,497 | \$ | 1,991,497 | 267501 |

Section 257.10. BDP BOARD OF DEPOSIT 267503

| | | | | | | |
|------------------------------|------------------------------|----|-----------|----|-----------|--------|
| | Dedicated Purpose Fund Group | | | | | 267504 |
| 4M20 974601 | Board of Deposit | \$ | 1,688,400 | \$ | 1,688,400 | 267505 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 1,688,400 | \$ | 1,688,400 | 267506 |
| | Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 1,688,400 | \$ | 1,688,400 | 267507 |

Section 257.20. BOARD OF DEPOSIT EXPENSE FUND 267509

| | |
|---|--------|
| Upon receiving certification of expenses from the Treasurer | 267510 |
| of State, the Director of Budget and Management shall transfer | 267511 |
| cash from the Investment Earnings Redistribution Fund (Fund 6080) | 267512 |
| to the Board of Deposit Expense Fund (Fund 4M20). The latter fund | 267513 |
| shall be used pursuant to section 135.02 of the Revised Code to | 267514 |
| pay for any and all necessary expenses of the Board of Deposit or | 267515 |

for banking charges and fees required for the operation of the 267516
State of Ohio Regular Account. 267517

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 267518

General Revenue Fund 267519

GRF 195402 Coal Research and \$ 150,000 \$ 150,000 267520
Development Program

GRF 195405 Minority Business \$ 9,650,000 \$ 9,150,000 267521
Development

GRF 195406 Helping Ohioans Stay \$ 7,000,000 \$ 4,000,000 267522
in Their Homes

GRF 195415 Business Development \$ 7,000,000 \$ 4,000,000 267523
Services

GRF 195426 Redevelopment \$ 1,065,000 \$ 1,065,000 267524
Assistance

GRF 195453 Technology Programs \$ 835,000 \$ 835,000 267525
and Grants

GRF 195454 Small Business and \$ 4,000,000 \$ 4,000,000 267526
Export Assistance

GRF 195455 Appalachia Assistance \$ 6,674,000 \$ 6,674,000 267527

GRF 195497 CDBG Operating Match \$ 1,400,000 \$ 1,400,000 267528

GRF 195499 BSD Federal Programs \$ 13,274,000 \$ 13,274,000 267529
Match

GRF 195537 Ohio-Israel \$ 250,000 \$ 250,000 267530
Agricultural
Initiative

GRF 195553 Industry Sector \$ 5,000,000 \$ 5,000,000 267531
Partnerships

GRF 195556 TechCred Program \$ 25,200,000 \$ 25,200,000 267532

GRF 195901 Coal Research and \$ 5,732,500 \$ 4,042,500 267533
Development General
Obligation Bond Debt

| | | | | | | |
|-----------|--------|------------------------------|----|-------------|----|--------------------|
| | | Service | | | | |
| GRF | 195905 | Third Frontier | \$ | 47,800,000 | \$ | 36,500,000 267534 |
| | | Research and | | | | |
| | | Development General | | | | |
| | | Obligation Bond Debt | | | | |
| | | Service | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 132,030,500 | \$ | 115,540,500 267535 |
| | | Dedicated Purpose Fund Group | | | | 267536 |
| 4500 | 195624 | Minority Business | \$ | 100,000 | \$ | 100,000 267537 |
| | | Bonding Program | | | | |
| | | Administration | | | | |
| 4510 | 195649 | Business Assistance | \$ | 3,000,000 | \$ | 3,000,000 267538 |
| | | Programs | | | | |
| 4F20 | 195639 | State Special Projects | \$ | 150,000 | \$ | 150,000 267539 |
| 4F20 | 195655 | Workforce Development | \$ | 1,175,000 | \$ | 1,175,000 267540 |
| | | Programs | | | | |
| 4F20 | 195699 | Utility Community | \$ | 750,000 | \$ | 750,000 267541 |
| | | Assistance | | | | |
| 4W10 | 195646 | Minority Business | \$ | 5,000,000 | \$ | 5,000,000 267542 |
| | | Enterprise Loan | | | | |
| 5A00 | 1956H2 | One Time Priority | \$ | 34,815,000 | \$ | 20,375,000 267543 |
| | | Projects | | | | |
| 5AP1 | 1956H3 | Welcome Home Ohio | \$ | 50,000,000 | \$ | 50,000,000 267544 |
| | | Program | | | | |
| 5CV3 | 1956A1 | Water and Sewer | \$ | 120,000,000 | \$ | 0 267545 |
| | | Quality Program | | | | |
| 5CV3 | 1956G6 | Broadband Pole | \$ | 50,000,000 | \$ | 0 267546 |
| | | Replacement and | | | | |
| | | Undergrounding Program | | | | |
| 5JR0 | 195635 | Tax Incentives | \$ | 1,000,000 | \$ | 1,000,000 267547 |
| | | Operating | | | | |
| 5KP0 | 195645 | Historic | \$ | 1,300,000 | \$ | 1,300,000 267548 |
| | | Rehabilitation | | | | |

| | | | | | | |
|-------|--------|---|----|---------------|----|--------------------|
| | | Operating | | | | |
| 5M40 | 195659 | Low Income Energy Assistance (USF) | \$ | 325,000,000 | \$ | 325,000,000 267549 |
| 5M50 | 195660 | Advanced Energy Loan Programs | \$ | 8,925,000 | \$ | 8,925,000 267550 |
| 5MH0 | 195644 | SiteOhio Administration | \$ | 5,000 | \$ | 5,000 267551 |
| 5MJ0 | 195683 | State Marketing Office | \$ | 7,500,000 | \$ | 7,500,000 267552 |
| 5UL0 | 195627 | Brownfields Revolving Loan Program | \$ | 1,695,000 | \$ | 1,695,000 267553 |
| 5UY0 | 195496 | Sports Events Grants | \$ | 10,000,000 | \$ | 0 267554 |
| 5W60 | 195691 | International Trade Cooperative Projects | \$ | 50,000 | \$ | 50,000 267555 |
| 5XH0 | 195632 | Women Owned Business Loans | \$ | 5,000,000 | \$ | 5,000,000 267556 |
| 5XH0 | 195694 | Micro-Loan | \$ | 2,500,000 | \$ | 2,500,000 267557 |
| 5XM0 | 195576 | All Ohio Future Fund | \$ | 40,000,000 | \$ | 0 267558 |
| 5XX0 | 195408 | Meat Processing Investment Program | \$ | 14,000,000 | \$ | 0 267559 |
| 5YE0 | 1956A2 | Brownfield Remediation | \$ | 175,000,000 | \$ | 175,000,000 267560 |
| 5YF0 | 1956A3 | Demolition and Site Revitalization | \$ | 150,000,000 | \$ | 0 267561 |
| 5ZK0 | 1956F8 | Innovation Hubs | \$ | 50,000,000 | \$ | 0 267562 |
| 6170 | 195654 | Volume Cap Administration | \$ | 40,000 | \$ | 40,000 267563 |
| 6460 | 195638 | Low- and Moderate-Income Housing Programs | \$ | 65,000,000 | \$ | 65,000,000 267564 |
| TOTAL | DPF | Dedicated Purpose Fund Group | \$ | 1,122,005,000 | \$ | 673,656,000 267565 |
| | | Internal Service Activity Fund Group | | | | 267566 |
| 1350 | 195684 | Development Operations | \$ | 16,922,815 | \$ | 17,112,847 267567 |

| | | | | | | | |
|-------------------------------|--------|---------------------------|----|------------|----|------------|--------|
| 6850 | 195636 | Development Services | \$ | 125,000 | \$ | 125,000 | 267568 |
| | | Reimbursable | | | | | |
| | | Expenditures | | | | | |
| TOTAL ISA | | Internal Service Activity | \$ | 17,047,815 | \$ | 17,237,847 | 267569 |
| Fund Group | | | | | | | |
| Facilities Establishment | | Fund Group | | | | | 267570 |
| 4Z60 | 195647 | Rural Industrial Park | \$ | 15,000,000 | \$ | 15,000,000 | 267571 |
| | | Loan | | | | | |
| 5S90 | 195628 | Capital Access Loan | \$ | 2,500,000 | \$ | 2,500,000 | 267572 |
| | | Program | | | | | |
| 7009 | 195664 | Innovation Ohio | \$ | 5,000,000 | \$ | 5,000,000 | 267573 |
| 7010 | 195665 | Research and | \$ | 5,000,000 | \$ | 5,000,000 | 267574 |
| | | Development | | | | | |
| 7037 | 195615 | Facilities | \$ | 10,000,000 | \$ | 10,000,000 | 267575 |
| | | Establishment | | | | | |
| TOTAL FCE | | Facilities Establishment | \$ | 37,500,000 | \$ | 37,500,000 | 267576 |
| Fund Group | | | | | | | |
| Bond Research and Development | | Fund Group | | | | | 267577 |
| 7011 | 195686 | Third Frontier Tax | \$ | 1,000,000 | \$ | 1,000,000 | 267578 |
| | | Exempt - Operating | | | | | |
| 7011 | 195687 | Third Frontier | \$ | 2,000,000 | \$ | 2,000,000 | 267579 |
| | | Research and | | | | | |
| | | Development Projects | | | | | |
| 7014 | 195620 | Third Frontier | \$ | 1,710,000 | \$ | 1,710,000 | 267580 |
| | | Taxable - Operating | | | | | |
| 7014 | 195692 | Research and | \$ | 20,000,000 | \$ | 20,000,000 | 267581 |
| | | Development Taxable | | | | | |
| | | Bond Projects | | | | | |
| TOTAL BRD | | Bond Research and | \$ | 24,710,000 | \$ | 24,710,000 | 267582 |
| Development | | Fund Group | | | | | |
| Federal | | Fund Group | | | | | 267583 |
| 3080 | 195580 | Energy Efficiency and | \$ | 3,130,030 | \$ | 0 | 267584 |

| | | | | | | |
|------|--------|---|----|-------------|----|--------------------|
| | | Conservation Block
Grant Program | | | | |
| 3080 | 195581 | Energy Efficiency | \$ | 3,202,320 | \$ | 0 267585 |
| | | Revolving Loan Fund
Capitalization Grant | | | | |
| 3080 | 195602 | Appalachian Regional
Commission | \$ | 5,750,000 | \$ | 5,750,000 267586 |
| 3080 | 195603 | Housing Assistance
Programs | \$ | 12,575,000 | \$ | 12,575,000 267587 |
| 3080 | 195609 | Small Business
Administration Grants | \$ | 5,550,000 | \$ | 5,550,000 267588 |
| 3080 | 195618 | Energy Grants | \$ | 20,000,000 | \$ | 0 267589 |
| 3080 | 195670 | Home Weatherization
Program | \$ | 102,000,000 | \$ | 102,000,000 267590 |
| 3080 | 195672 | Manufacturing
Extension Partnership | \$ | 6,600,000 | \$ | 6,600,000 267591 |
| 3080 | 195675 | Procurement Technical
Assistance | \$ | 1,300,000 | \$ | 1,300,000 267592 |
| 3080 | 195696 | State Trade and
Export Promotion | \$ | 1,000,000 | \$ | 1,000,000 267593 |
| 3350 | 195610 | Energy Programs | \$ | 350,000 | \$ | 350,000 267594 |
| 3AE0 | 195643 | Workforce Development
Initiatives | \$ | 2,000,000 | \$ | 2,000,000 267595 |
| 3FJ0 | 195626 | Small Business
Capital Access and
Collateral
Enhancement Program | \$ | 8,000,000 | \$ | 8,000,000 267596 |
| 3IC0 | 1956D9 | Growth Capital Fund | \$ | 53,431,176 | \$ | 0 267597 |
| 3IC0 | 1956E1 | Early-Stage Focus
Fund | \$ | 26,156,936 | \$ | 0 267598 |
| 3IC0 | 1956E2 | Certified Development
Financial Institution
Loan Participation | \$ | 32,571,614 | \$ | 0 267599 |

| | | | | | | | |
|------------------------------|--------------------|--|----|---------------|----|---------------|--------|
| 3IC0 | 1956E3 | Collateral
Enhancement Program | \$ | 17,747,554 | \$ | 0 | 267600 |
| 3IF0 | 1956E4 | Broadband Equity,
Access, and
Deployment (BEAD)
Program | \$ | 105,000,000 | \$ | 0 | 267601 |
| 3IF0 | 1956E5 | Broadband Digital
Equity Acts Program | \$ | 1,000,000 | \$ | 30,000,000 | 267602 |
| 3IM0 | 195582 | Home-Owner Managing
Energy Savings Rebate
Program | \$ | 124,875,180 | \$ | 0 | 267603 |
| 3IM0 | 195583 | High-Efficiency
Electric Home Rebate
Program | \$ | 124,150,970 | \$ | 0 | 267604 |
| 3K80 | 195613 | Community Development
Block Grant | \$ | 62,975,000 | \$ | 62,975,000 | 267605 |
| 3K90 | 195611 | Home Energy
Assistance Block
Grant | \$ | 165,000,000 | \$ | 165,000,000 | 267606 |
| 3K90 | 195614 | HEAP Weatherization | \$ | 40,000,000 | \$ | 40,000,000 | 267607 |
| 3L00 | 195612 | Community Services
Block Grant | \$ | 29,000,000 | \$ | 29,000,000 | 267608 |
| 3V10 | 195601 | HOME Program | \$ | 62,975,000 | \$ | 62,975,000 | 267609 |
| TOTAL FED | Federal Fund Group | | \$ | 1,016,340,780 | \$ | 535,075,000 | 267610 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 2,349,634,095 | \$ | 1,403,628,347 | 267611 |

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 267613

The foregoing appropriation item 195402, Coal Research and 267614
Development Program, shall be used for the operating expenses of 267615
the Community Services Division in support of the Ohio Coal 267616
Development Office. 267617

MINORITY BUSINESS DEVELOPMENT 267618

The foregoing appropriation item 195405, Minority Business Development, shall be used to support the activities of the Minority Business Development Division, including providing grants to local nonprofit organizations to support economic development activities that promote minority business development, in conjunction with local organizations funded through appropriation item 195454, Small Business and Export Assistance.

(A) Of the foregoing appropriation item 195405, Minority Business Development, up to \$500,000 in fiscal year 2024 shall be used to contract with a research and consulting firm to conduct a study to assess whether minority-, women-, and veteran-owned businesses face any barriers to contracting with the state for goods and services. The study shall focus on contracts awarded by the state and state-supported educational institutions between July 1, 2017, and June 30, 2022.

(B) The study shall examine:

(1) The percentage of contract dollars that state agencies and state supported educational institutions spent with minority-, women-, and veteran-owned businesses during the study period;

(2) The percentage of contract dollars that minority-, women-, and veteran-owned businesses might be expected to receive based on their ability to deliver the required performance under state contracts.

(C) The study shall also include qualitative and quantitative information related to all of the following:

(1) Legal considerations surrounding the implementation of the Minority Business Enterprise, Women-Owned Business Enterprise, and Veteran friendly Business Enterprise Programs;

(2) Marketplace conditions for minority-, women-, and veteran-owned businesses;

(3) Contracting policies and business assistance programs 267649
offered by the state and state-supported educational institutions; 267650

(4) Recommendations to further encourage minority-, women-, 267651
and veteran-owned business participation in state contracts. 267652

HELPING OHIOANS STAY IN THEIR HOMES 267653

Of the foregoing appropriation item 195406, Helping Ohioans 267654
Stay in their Homes, \$4,000,000 in each fiscal year shall be 267655
provided to People Working Cooperatively for the Safe and Healthy 267656
at Home Initiative. The funds shall be used to make critical home 267657
modifications and emergency repairs for low-income and elderly 267658
homeowners and for health care and housing partnerships to address 267659
chronic housing related health care issues. 267660

Of the foregoing appropriation item 195406, Helping Ohioans 267661
Stay in their Homes, \$3,000,000 in fiscal year 2024 shall be 267662
allocated to Cleveland Neighborhood Progress for the Middle 267663
Neighborhood Investment Project. 267664

BUSINESS DEVELOPMENT SERVICES 267665

The foregoing appropriation item 195415, Business Development 267666
Services, shall be used for the operating expenses of the Office 267667
of Strategic Business Investments and the regional economic 267668
development offices. 267669

Of the foregoing appropriation item 195415, Business 267670
Development Services, \$1,800,000 in each fiscal year shall be 267671
allocated to Development Projects, Inc., for economic development 267672
programs and the creation of new jobs to leverage and support 267673
mission gains at Department of Defense and related facilities in 267674
Ohio by working with future base realignment and closure 267675
activities and ongoing Department of Defense efficiency and 267676
partnership initiatives, assisting efforts to secure Department of 267677
Defense support contracts for Ohio companies, assessing and 267678
supporting regional job and workforce development needs generated 267679

by the Department of Defense and the Ohio aerospace industry, 267680
promoting technology transfer to Ohio businesses, and for 267681
expanding job training and economic development programs in human 267682
performance and cyber security-related initiatives. 267683

REDEVELOPMENT ASSISTANCE 267684

The foregoing appropriation item 195426, Redevelopment 267685
Assistance, shall be used to fund the costs of administering the 267686
energy, redevelopment, and other revitalization programs that may 267687
be implemented, and may be used to match federal grant funding. 267688

TECHNOLOGY PROGRAMS AND GRANTS 267689

The foregoing appropriation item 195453, Technology Programs 267690
and Grants, shall be used for operating expenses incurred in 267691
administering the Ohio Third Frontier Programs and other 267692
technology focused programs that may be implemented. 267693

SMALL BUSINESS AND EXPORT ASSISTANCE 267694

The foregoing appropriation item 195454, Small Business and 267695
Export Assistance, may be used to provide a range of business 267696
assistance, including grants to local organizations to support 267697
economic development activities that promote small business 267698
development, entrepreneurship, and exports of Ohio's goods and 267699
services, in conjunction with local organizations funded through 267700
appropriation item 195405, Minority Business Development. The 267701
foregoing appropriation item shall also be used as matching funds 267702
for grants from the United States Small Business Administration 267703
and other federal agencies, pursuant to Pub. L. No. 96-302 as 267704
amended by Pub. L. No. 98-395, and regulations and policy 267705
guidelines for the programs pursuant thereto. 267706

APPALACHIA ASSISTANCE 267707

The foregoing GRF appropriation item 195455, Appalachia 267708
Assistance, may be used for the administrative costs of planning 267709

and liaison activities for the Governor's Office of Appalachia, to 267710
provide financial assistance to projects in Ohio's Appalachian 267711
counties, to support four local development districts, and to pay 267712
dues for the Appalachian Regional Commission. These funds may be 267713
used to match federal funds from the Appalachian Regional 267714
Commission. Programs funded through the appropriation item shall 267715
be identified and recommended by the local development districts 267716
and approved by the Governor's Office of Appalachia. The 267717
Department of Development shall conduct compliance and regulatory 267718
review of the programs recommended by the local development 267719
districts. Moneys allocated under the appropriation item may be 267720
used to fund projects including, but not limited to, those 267721
designated by the local development districts as community 267722
investment and rapid response projects. 267723

Of the foregoing appropriation item 195455, Appalachia 267724
Assistance, in each fiscal year, \$210,000 shall be allocated to 267725
the Ohio Valley Regional Development Commission, \$210,000 shall be 267726
allocated to the Ohio Mid-Eastern Government Association, \$210,000 267727
shall be allocated to the Buckeye Hills-Hocking Valley Regional 267728
Development District, and \$210,000 shall be allocated to the 267729
Eastgate Regional Council of Governments. Local development 267730
districts receiving funding under this section shall use the funds 267731
for the implementation and administration of programs and duties 267732
under section 107.21 of the Revised Code. 267733

CDBG OPERATING MATCH 267734

The foregoing appropriation item 195497, CDBG Operating 267735
Match, shall be used as matching funds for grants from the United 267736
States Department of Housing and Urban Development pursuant to the 267737
Housing and Community Development Act of 1974 and regulations and 267738
policy guidelines for the programs pursuant thereto. 267739

BSD FEDERAL PROGRAMS MATCH 267740

The foregoing appropriation item 195499, BSD Federal Programs 267741
Match, shall be used as matching funds for grants from the U.S. 267742
Department of Commerce, National Institute of Standards and 267743
Technology Manufacturing Extension Partnership Program and 267744
Department of Defense APEX Accelerator Program, and other federal 267745
agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 267746
98-395, and regulations and policy guidelines for the programs 267747
pursuant thereto. The appropriation item shall also be used for 267748
operating expenses of the Business Services Division. 267749

LOCAL DEVELOPMENT PROJECTS 267750

An amount equal to the unexpended, unencumbered portion of 267751
appropriation item 195503, Local Development Projects, used to 267752
support Fulton County or Fulton County Land Reutilization 267753
Corporation for a program to demolish vacant commercial, 267754
industrial, or residential buildings located in Fulton County at 267755
the end of fiscal year 2023 is hereby reappropriated in fiscal 267756
year 2024. 267757

OHIO-ISRAEL AGRICULTURAL INITIATIVE 267758

The foregoing appropriation item 195537, Ohio-Israel 267759
Agricultural Initiative, shall be used for the Ohio-Israel 267760
Agricultural Initiative. The appropriation shall not be used for 267761
travel and entertainment expenses incurred under the initiative. 267762

SECTOR PARTNERSHIP NETWORKS 267763

The foregoing appropriation item 195553, Industry Sector 267764
Partnerships, shall be used for the grant program described in 267765
section 122.179 of the Revised Code. 267766

TECHCRED PROGRAM 267767

The foregoing appropriation item 195556, TechCred Program, 267768
shall be used for the programs described under sections 122.178 267769
and 122.1710 of the Revised Code. 267770

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| Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL | 267771 |
| OBLIGATION BOND DEBT SERVICE | 267772 |
| The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.07 of the Revised Code. | 267773
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| THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE | 267778
267779 |
| The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.10 of the Revised Code. | 267780
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267785 |
| Section 259.30. MINORITY BUSINESS BONDING FUND | 267786 |
| Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the biennium ending June 30, 2025, of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code. | 267787
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| If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the | 267794
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267800 |

initial transfer of \$2,700,000 by the Controlling Board to the 267801
Minority Business Bonding Program have been used for that purpose. 267802
If expenditures are required for payment of losses arising from 267803
the Minority Business Bonding Program, such expenditures shall be 267804
made from appropriation item 195658, Minority Business Bonding 267805
Contingency in the Minority Business Bonding Fund, and such 267806
amounts are hereby appropriated. 267807

BUSINESS ASSISTANCE PROGRAMS 267808

The foregoing appropriation item 195649, Business Assistance 267809
Programs, shall be used for administrative expenses associated 267810
with the operation of loan incentives. 267811

STATE SPECIAL PROJECTS 267812

The State Special Projects Fund (Fund 4F20), may be used for 267813
the deposit of private-sector funds from utility companies and for 267814
the deposit of other miscellaneous state funds. State moneys so 267815
deposited may also be used to match federal funding and to support 267816
programs of the Community Service Division and Business Services 267817
Division. 267818

MINORITY BUSINESS ENTERPRISE LOAN 267819

The foregoing appropriation item 195646, Minority Business 267820
Enterprise Loan, shall be used for awards under the Minority 267821
Business Enterprise Loan Program and to cover operating expenses 267822
of the Minority Business Development Division. All repayments from 267823
the Minority Development Financing Advisory Board Loan Program 267824
shall be deposited in the state treasury to the credit of the 267825
Minority Business Enterprise Loan Fund (Fund 4W10). 267826

ONE TIME PRIORITY PROJECTS 267827

(A) Of the foregoing appropriation item 1956H2, One Time 267828
Priority Projects, \$10,000,000 in each fiscal year shall be 267829
allocated to the Foundation for Appalachian Ohio. 267830

(B) Of the foregoing appropriation item 1956H2, One Time
Priority Projects, \$9,500,000 in each fiscal year shall be
allocated for the GRIT program to be administered by the
Governor's Office of Appalachia and the Department of Development.
The program shall expand the qualified worker pipeline, remove
barriers to fill local and remote jobs, and promote
entrepreneurial endeavors in economically distressed and at-risk
areas within the Appalachian region of Ohio, as defined in section
107.21 of the Revised Code, and other like counties within the
state. The amount set aside for the GRIT program under this
division shall be used for the following:

(1) In collaboration with private businesses and public
sector partners, to establish virtual workforce development
centers and supportive resources and to place unemployed and
underemployed youth and adults into jobs;

(2) To support the assessment, coaching, wraparound services,
and other career development and training activities for both high
school youth and adults.

The amount set aside for the GRIT program under this division
may be used for operating costs.

(C) Of the foregoing appropriation item 1956H2, One Time
Priority Projects, \$3,000,000 in fiscal year 2024 shall be used to
support the Mentor Erosion Mitigation Project. Any funds
distributed for this project under this division shall be matched
in an amount equal to \$500,000 using city or county funding
sources.

(D) Of the foregoing appropriation item 1956H2, One Time
Priority Projects, \$1,835,000 in fiscal year 2024 shall be
allocated to the Tuscarawas County Commissioners for
infrastructure improvements or demolition in Tuscarawas County. An
amount equal to the unexpended, unencumbered portion of the amount

allocated to Tuscarawas County Commissioners in this division at 267862
the end of fiscal year 2024 is hereby reappropriated for the same 267863
purpose in fiscal year 2025. 267864

(E) Of the foregoing appropriation item 1956H2, One Time 267865
Priority Projects, \$1,000,000 in fiscal year 2024 shall be 267866
allocated to the Ohio Manufacturing and Innovation Center. 267867

(F) Of the foregoing appropriation item 1956H2, One Time 267868
Priority Projects, \$500,000 in fiscal year 2024 shall be allocated 267869
to Mercer County to support the construction of the Market Hall. 267870

(G) Of the foregoing appropriation item 1956H2, One Time 267871
Priority Projects, \$500,000 in fiscal year 2024 shall be used to 267872
support a study, including the acquisition of any necessary 267873
equipment, to determine an estimate of storage capacity and 267874
maximum annual yield of the network of aquifers that are in the 267875
state of Ohio and north of the Maumee River, but that may also 267876
cross into other states. 267877

(H) Of the foregoing appropriation item 1956H2, One Time 267878
Priority Projects, \$300,000 in each fiscal year shall be used to 267879
support the Camp James A. Garfield Joint Military Training Center 267880
and the Youngstown Air Reserve Station. 267881

(I) Of the foregoing appropriation item 1956H2, One Time 267882
Priority Projects, \$300,000 in fiscal year 2024 and \$125,000 in 267883
fiscal year 2025 shall be allocated to the Buckeye Lake Region 267884
Corporation for operating expenses associated with community 267885
development activities in the Buckeye Lake region, including, but 267886
not limited to, development planning, technical assistance for 267887
small businesses, and community clean energy projects. 267888

(J) Of the foregoing appropriation item 1956H2, One Time 267889
Priority Projects, \$200,000 in each fiscal year shall be allocated 267890
to Flying HIGH Inc., in partnership with a local economic 267891
development organization, to operate integrated workforce 267892

development services for regional in-demand jobs. This portion of 267893
the appropriation shall be used for services including career 267894
coaching, support services to overcome employment barriers, 267895
primary and behavioral health care, housing assistance, 267896
pre-apprenticeship vocational training, job placement, and 267897
post-placement follow-up. 267898

(K) Of the foregoing appropriation item 1956H2, One Time 267899
Priority Projects, \$200,000 in fiscal year 2024 shall be allocated 267900
to West Chester Township to support security costs at the Voices 267901
of America Country Music Fest located in the township. 267902

(L) Of the foregoing appropriation item 1956H2, One Time 267903
Priority Projects, \$200,000 in fiscal year 2024 shall be used for 267904
Eldora Speedway located in Darke County for improvements or 267905
assisting with operations. 267906

(M) Of the foregoing appropriation item 1956H2, One Time 267907
Priority Projects, \$30,000 in fiscal year 2024 shall be used for 267908
the Armstrong Air and Space Museum. 267909

(N) Of the foregoing appropriation item 1956H2, One Time 267910
Priority Projects, \$4,000,000 in fiscal year 2024 shall be 267911
allocated to the Cleveland Water Alliance Sustainable Water 267912
Technologies Initiative. 267913

(O) Of the foregoing appropriation item 1956H2, One Time 267914
Priority Projects, \$3,000,000 in FY 2024 shall be used to support 267915
runway improvements and extensions for the Youngstown-Warren 267916
Regional Airport in Trumbull County. An amount equal to the 267917
unexpended, unencumbered portion of this appropriation at the end 267918
of fiscal year 2024 is hereby reappropriated for the same purposes 267919
in fiscal year 2025. 267920

(P) Of the foregoing appropriation item 1956H2, One Time 267921
Priority Projects, \$250,000 in each fiscal year shall be allocated 267922
to Heritage Ohio to support the Ohio Community Revitalization 267923

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|--|--------|
| Program. | 267924 |
| WELCOME HOME OHIO PROGRAM | 267925 |
| The foregoing appropriation item 1956H3, Welcome Home Ohio | 267926 |
| Program, shall be used for grants under the Welcome Home Ohio | 267927 |
| Program established in sections 122.631 through 122.633 of the | 267928 |
| Revised Code. Of the foregoing appropriation item 1956H3, Welcome | 267929 |
| Home Ohio Program, \$25,000,000 in each fiscal year shall be used | 267930 |
| to distribute grants for land banks to purchase residential | 267931 |
| property at foreclosure sales under section 122.631 of the Revised | 267932 |
| Code. Of the foregoing appropriation item 1956H3, Welcome Home | 267933 |
| ohio Program, \$25,000,000 in each fiscal year shall be used to | 267934 |
| distribute grants to rehabilitate or construct residential | 267935 |
| property for income-restricted owners under section 122.632 of the | 267936 |
| Revised Code. | 267937 |
| On July 1, 2024, or as soon as possible thereafter, the | 267938 |
| Director of Development shall certify to the Director of Budget | 267939 |
| and Management the unexpended, unencumbered balance of the | 267940 |
| appropriation item 1956H3, Welcome Home Ohio Program, at the end | 267941 |
| of fiscal year 2024 to be reappropriated in fiscal year 2025. The | 267942 |
| amount certified is hereby reappropriated to the same | 267943 |
| appropriation item for the same purpose in fiscal year 2025. | 267944 |
| BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM | 267945 |
| The foregoing appropriation item 1956G6, Broadband Pole | 267946 |
| Replacement and Undergrounding Program, shall be used by the | 267947 |
| Department of Development to support the Broadband Pole | 267948 |
| Replacement and Undergrounding Program under section 191.27 of the | 267949 |
| Revised Code. | 267950 |
| BROADBAND DEVELOPMENT GRANTS | 267951 |
| On July 1, 2023, or as soon as possible thereafter, the | 267952 |
| Director of Development shall certify to the Director of Budget | 267953 |
| and Management the unexpended, unencumbered balance of the | 267954 |

appropriation item 195550, Broadband Development Grants, at the 267955
end of fiscal year 2023 to be reappropriated in fiscal year 2024. 267956
The amount certified is hereby reappropriated to the same 267957
appropriation item for the same purpose in fiscal year 2024. 267958

On July 1, 2024, or as soon as possible thereafter, the 267959
Director of Development shall certify to the Director of Budget 267960
and Management the unexpended, unencumbered balance of the 267961
appropriation item 195550, Broadband Development Grants, at the 267962
end of fiscal year 2024 to be reappropriated in fiscal year 2025. 267963
The amount certified is hereby reappropriated to the same 267964
appropriation item for the same purpose in fiscal year 2025. 267965

ADVANCED ENERGY LOAN PROGRAMS 267966

The foregoing appropriation item 195660, Advanced Energy Loan 267967
Programs, shall be used to provide financial assistance to 267968
customers for eligible advanced energy projects for residential, 267969
commercial, and industrial business, local government, educational 267970
institution, nonprofit, and agriculture customers. The 267971
appropriation item may be used to match federal grant funding and 267972
to pay for the program's administrative costs as provided in 267973
sections 4928.61 to 4928.63 of the Revised Code and rules adopted 267974
by the Director of Development. 267975

SPORTS EVENTS GRANTS 267976

The foregoing appropriation item 195496, Sports Events 267977
Grants, shall be used for grants as described in sections 122.12 267978
and 122.121 of the Revised Code. 267979

On July 1, 2024, or as soon as possible thereafter, the 267980
Director of Development shall certify to the Director of Budget 267981
and Management the amount of the unexpended, unencumbered balance 267982
of appropriation item 195496, Sports Events Grants, at the end of 267983
fiscal year 2024 to be reappropriated in fiscal year 2025. The 267984
amount certified is hereby reappropriated to the same 267985

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| appropriation item for the same purpose in fiscal year 2025. | 267986 |
| WOMEN OWNED BUSINESS LOAN | 267987 |
| The foregoing appropriation item 195632, Women Owned Business Loan, shall be used to operate the Women Owned Business Program. | 267988
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267990 |
| MINORITY BUSINESS MICRO-LOAN | 267991 |
| The foregoing appropriation item 195694, Micro-Loan, shall be used to operate the Minority Business Micro-Loan Program. | 267992
267993 |
| TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND TO THE MBD FINANCIAL ASSISTANCE FUND | 267994
267995 |
| On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management may transfer \$15,000,000 cash from the State Small Business Credit Initiative Fund (Fund 3FJ0) to the MBD Financial Assistance Fund (Fund 5XH0). All repayments of loans issued under Fund 5XH0 shall be credited to the fund. | 267996
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268000 |
| Upon the completion of the original Collateral Enhancement Program, the Director of Development shall certify to the Director of Budget and Management the remaining cash balance in the State Small Business Credit Initiative Fund (Fund 3FJ0). The Director of Budget and Management may transfer the certified amount from Fund 3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0). | 268001
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| ALL OHIO FUTURE FUND | 268007 |
| The foregoing appropriation item 195576, All Ohio Future Fund, shall be used for the purposes enumerated in section 126.62 of the Revised Code. | 268008
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268010 |
| MEAT PROCESSING INVESTMENT PROGRAM | 268011 |
| The foregoing appropriation item 195408, Meat Processing Investment Program, shall be used by the Department of Development to award grants under the Ohio Meat Processing Grant Program to custom processors of food animals from farms. The grants shall be | 268012
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used to support the construction of new, or improvements at 268016
existing, processing facilities. 268017

BROWNFIELD REMEDIATION 268018

The appropriation item 1956A2, Brownfield Remediation, shall 268019
be used to award grants under the Brownfield Remediation Program 268020
as described in section 122.6511 of the Revised Code. An amount up 268021
to two and one-half per cent of the appropriation item 1956A2, 268022
Brownfield Remediation, may be used to pay the administrative 268023
costs of the program. 268024

On July 1, 2023, or as soon as possible thereafter, the 268025
Director of Development shall certify the unexpended, unencumbered 268026
balance of appropriation item 1956A2, Brownfield Remediation, at 268027
the end of fiscal year 2023 to be reappropriated in fiscal year 268028
2024. The amount certified is hereby reappropriated to the same 268029
appropriation item for the same purpose in fiscal year 2024. 268030

On July 1, 2024, or as soon as possible thereafter, the 268031
Director of Development shall certify to the Director of Budget 268032
and Management the unexpended, unencumbered balance of 268033
appropriation item 1956A2, Brownfield Remediation, at the end of 268034
fiscal year 2024 to be reappropriated in fiscal year 2025. The 268035
amount certified is hereby reappropriated to the same 268036
appropriation item for the same purpose in fiscal year 2025. 268037

DEMOLITION AND SITE REVITALIZATION 268038

The appropriation item 1956A3, Demolition and Site 268039
Revitalization, shall be used to award grants under the Building 268040
Demolition and Site Revitalization Program as described in section 268041
122.6512 of the Revised Code. An amount up to two and one-half per 268042
cent of the appropriation item 1956A3, Demolition and Site 268043
Revitalization, may be used to pay the administrative costs of the 268044
program. 268045

On July 1, 2023, or as soon as possible thereafter, the 268046

Director of Development shall certify to the Director of Budget 268047
and Management the unexpended, unencumbered balance of 268048
appropriation item 1956A3, Demolition and Site Revitalization, at 268049
the end of fiscal year 2023 to be reappropriated in fiscal year 268050
2024. The amount certified is hereby reappropriated to the same 268051
appropriation item for the same purpose in fiscal year 2024. 268052

On July 1, 2024, or as soon as possible thereafter, the 268053
Director of Development shall certify to the Director of Budget 268054
and Management the unexpended, unencumbered balance of 268055
appropriation item 1956A3, Demolition and Site Revitalization, at 268056
the end of fiscal year 2024 to be reappropriated in fiscal year 268057
2025. The amount certified is hereby reappropriated to the same 268058
appropriation item for the same purpose in fiscal year 2025. 268059

INNOVATION HUBS 268060

The foregoing appropriation item 1956F8, Innovation Hubs, 268061
shall be allocated to eligible innovation hubs as defined by the 268062
Department of Development. Innovation hubs located within an 268063
existing innovation or imagination district, as defined by the 268064
Department of Development, are ineligible to receive funding under 268065
the foregoing appropriation item. 268066

Funding awarded to innovation hubs under the foregoing 268067
appropriation item may be used for, but not limited to, capital 268068
expenses to establish an innovation hub near a research-oriented 268069
anchor institution, recruiting or providing research and 268070
development opportunities within an innovation hub, or creating 268071
new or preserving existing jobs and employment opportunities, any 268072
of which would improve the economic welfare to the innovation 268073
hub's region. 268074

On July 1, 2024, or as soon as possible thereafter, the 268075
Director of Development shall certify to the Director of Budget 268076
and Management the unexpended, unencumbered balance of 268077

appropriation item 1956F8, Innovation Hubs, at the end of fiscal 268078
year 2024 to be reappropriated in fiscal year 2025. The amount 268079
certified is hereby reappropriated to the same appropriation item 268080
for the same purpose in fiscal year 2025. 268081

VOLUME CAP ADMINISTRATION 268082

The foregoing appropriation item 195654, Volume Cap 268083
Administration, shall be used for expenses related to the 268084
administration of the Volume Cap Program. Revenues received by the 268085
Volume Cap Administration Fund (Fund 6170) shall consist of 268086
application fees, forfeited deposits, and interest earned from the 268087
custodial account held by the Treasurer of State. 268088

Section 259.40. DEVELOPMENT OPERATIONS 268089

The Director of Development may assess offices of the 268090
department for the cost of central service operations. An 268091
assessment shall contain the characteristics of administrative 268092
ease and uniform application. A division's payments shall be 268093
credited to the Supportive Services Fund (Fund 1350) using an 268094
intrastate transfer voucher. 268095

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 268096

The foregoing appropriation item 195636, Development Services 268097
Reimbursable Expenditures, shall be used for reimbursable costs 268098
incurred by the department. Revenues to the General Reimbursement 268099
Fund (Fund 6850) shall consist of moneys charged for 268100
administrative costs that are not central service costs and 268101
repayments of loans, including the interest thereon, made from the 268102
Water and Sewer Fund (Fund 4440). 268103

Section 259.50. RURAL INDUSTRIAL PARK LOAN 268104

The foregoing appropriation item 195647, Rural Industrial 268105
Park Loan, shall be used to award loans under the Rural Industrial 268106

Park Loan Program established in section 122.24 of the Revised Code. Loans awarded under the appropriation item shall not exceed \$4,000,000. 268107
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CAPITAL ACCESS LOAN PROGRAM 268110

The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing. 268111
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The Director of Budget and Management may transfer an amount not to exceed \$1,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval. 268118
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INNOVATION OHIO 268123

The foregoing appropriation item 195664, Innovation Ohio, shall be used to provide for Innovation Ohio purposes, including loan guarantees and loans under Chapter 166. and particularly sections 166.12 to 166.16 of the Revised Code. 268124
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TRANSFERS FROM THE INNOVATION OHIO LOAN FUND 268128

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount to exceed \$5,000,000 cash in each fiscal year from the Innovation Ohio Loan Fund (Fund 7009) to the Minority Business Enterprise Loan Fund (Fund 4W10), subject to Controlling Board approval. 268129
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Notwithstanding Chapter 166. of the Revised Code, on July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management may transfer \$30,000,000 cash from Fund 7009 to the 268134
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| Rural Industrial Park Loan Fund (Fund 4Z60). | 268137 |
| RESEARCH AND DEVELOPMENT | 268138 |
| The foregoing appropriation item 195665, Research and | 268139 |
| Development, shall be used to provide for research and development | 268140 |
| purposes, including loans, under Chapter 166. and particularly | 268141 |
| sections 166.17 to 166.21 of the Revised Code. | 268142 |
| FACILITIES ESTABLISHMENT | 268143 |
| The foregoing appropriation item 195615, Facilities | 268144 |
| Establishment, shall be used for the purposes of the Facilities | 268145 |
| Establishment Fund (Fund 7037) under Chapter 166. of the Revised | 268146 |
| Code. | 268147 |
| In the biennium ending June 30, 2025, notwithstanding section | 268148 |
| 127.14 and division (B) of section 131.35 of the Revised Code, the | 268149 |
| Controlling Board may authorize expenditures, in excess of the | 268150 |
| amount appropriated, but not to exceed the limitation set in | 268151 |
| division (E) of section 131.35 of the Revised Code, using the | 268152 |
| Facilities Establishment Fund (Fund 7037) for purposes consistent | 268153 |
| with Chapter 166. of the Revised Code. The amounts authorized by | 268154 |
| the Controlling Board are hereby appropriated. | 268155 |
| TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND | 268156 |
| Notwithstanding Chapter 166. of the Revised Code, an amount | 268157 |
| not to exceed \$1,750,000 in cash in each fiscal year may be | 268158 |
| transferred from the Facilities Establishment Fund (Fund 7037) to | 268159 |
| the Business Assistance Fund (Fund 4510), subject to Controlling | 268160 |
| Board approval. | 268161 |
| Notwithstanding Chapter 166. of the Revised Code, the | 268162 |
| Director of Budget and Management may transfer an amount not to | 268163 |
| exceed \$1,000,000 in cash in each fiscal year from Fund 7037 to | 268164 |
| the Capital Access Loan Fund (Fund 5S90), subject to Controlling | 268165 |
| Board approval. | 268166 |

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| Section 259.60. THIRD FRONTIER OPERATING COSTS | 268167 |
| The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011), and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014). | 268168
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| THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS | 268179
268180 |
| The foregoing appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, shall be used to fund selected projects which may include internship programs. Eligible costs are those costs of research and development projects to which the proceeds of Fund 7011 and Fund 7014 are to be applied. | 268181
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268186 |
| TRANSFERS OF THIRD FRONTIER APPROPRIATIONS | 268187 |
| The Director of Budget and Management may approve written requests from the Director of Development for the transfer of appropriations between appropriation items 195687, Third Frontier Research and Development Projects, and 195692, Research and Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission. | 268188
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268193 |
| In fiscal year 2024, the Director of Development may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's | 268194
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268196 |

appropriation to the foregoing appropriation items 195687, Third 268197
Frontier Research and Development Projects, and 195692, Research 268198
and Development Taxable Bond Projects, for fiscal year 2024. The 268199
Director of Budget and Management may request additional 268200
information necessary for evaluating these requests, and the 268201
Director of Development shall provide the requested information to 268202
the Director of Budget and Management. Based on the information 268203
provided by the Director of Development, the Director of Budget 268204
and Management shall determine the amounts to be reappropriated, 268205
and those amounts are hereby reappropriated for fiscal year 2024. 268206

Section 259.70. BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 268207
PROGRAM (BEAD) 268208

The foregoing appropriation item 1956E4, Broadband Equity, 268209
Access, and Deployment Program (BEAD), shall be used to build 268210
infrastructure that supports the adoption of high-speed internet. 268211

On July 1, 2023, or as soon as possible thereafter, the 268212
Director of Development shall certify to the Director of Budget 268213
and Management the unexpended, unencumbered balance of 268214
appropriation item 1956E4, Broadband Equity, Access, and 268215
Deployment Program (BEAD), at the end of fiscal year 2023 to be 268216
reappropriated in fiscal year 2024. The amount certified is hereby 268217
reappropriated to the same appropriation item for the same purpose 268218
in fiscal year 2024. 268219

On July 1, 2024, or as soon as possible thereafter, the 268220
Director of Development shall certify to the Director of Budget 268221
and Management the unexpended, unencumbered balance of 268222
appropriation item 1956E4, Broadband Equity, Access, and 268223
Deployment Program (BEAD), at the end of fiscal year 2024 to be 268224
reappropriated in fiscal year 2025. The amount certified is hereby 268225
reappropriated to the same appropriation item for the same purpose 268226
in fiscal year 2025. 268227

| | | | | | |
|---|----|-------------|----|---------------|--------|
| HEAP WEATHERIZATION | | | | | 268228 |
| Up to twenty-five per cent of the federal funds deposited to | | | | | 268229 |
| the credit of the Home Energy Assistance Block Grant Fund (Fund | | | | | 268230 |
| 3K90) may be expended from appropriation item 195614, HEAP | | | | | 268231 |
| Weatherization, to provide home weatherization services in the | | | | | 268232 |
| state as determined by the Director of Development. | | | | | 268233 |
| Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES | | | | | 268234 |
| General Revenue Fund | | | | | 268235 |
| GRF 320411 Special Olympics | \$ | 100,000 | \$ | 100,000 | 268236 |
| GRF 320412 Protective Services | \$ | 3,000,000 | \$ | 3,200,000 | 268237 |
| GRF 320415 Developmental | \$ | 25,875,000 | \$ | 22,625,000 | 268238 |
| Disabilities | | | | | |
| Facilities Lease | | | | | |
| Rental Bond Payments | | | | | |
| GRF 322422 Multi System Youth | \$ | 5,000,000 | \$ | 5,000,000 | 268239 |
| GRF 322508 Employment First | \$ | 2,700,000 | \$ | 2,700,000 | 268240 |
| Initiative | | | | | |
| GRF 322509 Community Supports and | \$ | 900,000 | \$ | 900,000 | 268241 |
| Rental Assistance | | | | | |
| GRF 653321 Medicaid Program | \$ | 7,842,000 | \$ | 7,842,000 | 268242 |
| Support-State | | | | | |
| GRF 653407 Medicaid Services | \$ | 855,311,000 | \$ | 1,004,334,000 | 268243 |
| TOTAL GRF General Revenue Fund | \$ | 900,728,000 | \$ | 1,046,701,000 | 268244 |
| Dedicated Purpose Fund Group | | | | | 268245 |
| 2210 322620 Supplement Service | \$ | 500,000 | \$ | 500,000 | 268246 |
| Trust | | | | | |
| 4890 653632 Developmental Centers | \$ | 7,000,000 | \$ | 7,000,000 | 268247 |
| Direct Care Services | | | | | |
| 5DK0 322629 Capital Replacement | \$ | 750,000 | \$ | 750,000 | 268248 |
| Facilities | | | | | |
| 5EV0 653627 Medicaid Program | \$ | 2,540,000 | \$ | 2,540,000 | 268249 |

| | | | | | | |
|--------------------------------------|---------------------------|----------------------|----|---------------|----|----------------------|
| | | Support | | | | |
| 5GE0 | 320606 | Central Office | \$ | 20,526,874 | \$ | 20,526,874 268250 |
| | | Operating Expenses | | | | |
| 5GE0 | 653606 | ICF/IID and Waiver | \$ | 60,100,000 | \$ | 60,100,000 268251 |
| | | Match | | | | |
| 5H00 | 322619 | Medicaid Repayment | \$ | 900,000 | \$ | 900,000 268252 |
| 5HC8 | 653698 | DDD Home and | \$ | 114,711,600 | \$ | 63,627,125 268253 |
| | | Community Based | | | | |
| | | Services | | | | |
| 5S20 | 653622 | Medicaid | \$ | 31,000,000 | \$ | 32,000,000 268254 |
| | | Administration and | | | | |
| | | Oversight | | | | |
| 5Z10 | 653624 | County Board Waiver | \$ | 519,500,000 | \$ | 566,900,000 268255 |
| | | Match | | | | |
| TOTAL DPF | Dedicated Purpose Fund | | \$ | 757,528,474 | \$ | 754,843,999 268256 |
| Group | | | | | | |
| Internal Service Activity Fund Group | | | | | | 268257 |
| 1520 | 653609 | DC and Residential | \$ | 31,000,000 | \$ | 31,000,000 268258 |
| | | Facilities Operating | | | | |
| | | Services | | | | |
| TOTAL ISA | Internal Service Activity | | \$ | 31,000,000 | \$ | 31,000,000 268259 |
| Fund Group | | | | | | |
| Federal Fund Group | | | | | | 268260 |
| 3250 | 322612 | Community Social | \$ | 17,971,092 | \$ | 14,671,092 268261 |
| | | Service Programs | | | | |
| 3A40 | 653654 | Medicaid Services | \$ | 2,673,343,102 | \$ | 3,093,035,147 268262 |
| 3A40 | 653655 | Medicaid Support | \$ | 80,000,000 | \$ | 80,000,000 268263 |
| 3A50 | 320613 | Developmental | \$ | 3,254,000 | \$ | 3,254,000 268264 |
| | | Disabilities Council | | | | |
| 3HC8 | 653699 | DDD Home and | \$ | 112,413,400 | \$ | 110,997,875 268265 |
| | | Community Based | | | | |
| | | Services - Federal | | | | |

| | | | |
|------------------------------|------------------|------------------|--------|
| TOTAL FED Federal Fund Group | \$ 2,886,981,594 | \$ 3,301,958,114 | 268266 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 4,576,238,068 | \$ 5,134,503,113 | 268267 |

Section 261.20. SPECIAL OLYMPICS 268269

The foregoing appropriation item 320411, Special Olympics, 268270
shall be distributed by the Ohio Department of Developmental 268271
Disabilities to the Special Olympics of Ohio in support of the 268272
Ohio Special Olympics Summer Games. 268273

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 268274

LEASE-RENTAL BOND PAYMENTS 268275

The foregoing appropriation item 320415, Developmental 268276
Disabilities Facilities Lease Rental Bond Payments, shall be used 268277
to meet all payments during the period from July 1, 2023, through 268278
June 30, 2025, by the Department of Developmental Disabilities 268279
pursuant to leases and agreements made under section 154.20 of the 268280
Revised Code. These appropriations are the source of funds pledged 268281
for bond service charges on related obligations issued under 268282
Chapter 154. of the Revised Code. 268283

Section 261.40. MULTI-SYSTEM YOUTH 268284

Of the foregoing appropriation item 322422, Multi-System 268285
Youth, a portion may be used to provide a subsidy to eligible 268286
county boards of developmental disabilities for the provision of 268287
respite services and other services and supports for youth with 268288
complex or multi-system needs to enable them to remain in their 268289
homes with their families or in their communities. The Director of 268290
Developmental Disabilities shall establish the total amount 268291
available for the subsidy, a formula for distributing the subsidy 268292
to eligible county boards, and the eligibility requirements county 268293
boards must satisfy to receive the subsidy. Of the foregoing 268294
appropriation item, 322422, Multi-System Youth, the Director of 268295
Developmental Disabilities shall transfer up to \$1,000,000 in each 268296

fiscal year to the Ohio Department of Mental Health and Addiction 268297
Services to assist in the support of the Child and Adolescent 268298
Behavioral Health Center of Excellence at Case Western Reserve 268299
University. 268300

Section 261.50. EMPLOYMENT FIRST INITIATIVE 268301

The foregoing appropriation item 322508, Employment First 268302
Initiative, shall be used to increase employment opportunities for 268303
individuals with developmental disabilities through the Employment 268304
First Initiative in accordance with section 5123.022 of the 268305
Revised Code. 268306

Of the foregoing appropriation item, 322508, Employment First 268307
Initiative, the Director of Developmental Disabilities shall 268308
transfer, in each fiscal year, to the Opportunities for Ohioans 268309
with Disabilities Agency an amount agreed upon by the Director of 268310
Developmental Disabilities and the Executive Director of the 268311
Opportunities for Ohioans with Disabilities Agency. The transfer 268312
shall be made via an intrastate transfer voucher. The transferred 268313
funds shall be used to support the Employment First Initiative. 268314
The Opportunities for Ohioans with Disabilities Agency shall use 268315
the funds transferred as state matching funds to obtain available 268316
federal grant dollars for vocational rehabilitation services. Any 268317
federal match dollars received by the Opportunities for Ohioans 268318
with Disabilities Agency shall be used for the initiative. The 268319
Director of Developmental Disabilities and the Executive Director 268320
of the Opportunities for Ohioans with Disabilities Agency shall 268321
enter into an interagency agreement in accordance with section 268322
3304.181 of the Revised Code that will specify the 268323
responsibilities of each agency under the initiative. Under the 268324
interagency agreement, the Opportunities for Ohioans with 268325
Disabilities Agency shall retain responsibility for eligibility 268326
determination, order of selection, plan approval, plan amendment, 268327

and release of vendor payments. 268328

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code. 268329
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Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 268334

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to people with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and people with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding. 268335
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Of the foregoing appropriation item 322509, Community Supports and Rental Assistance, \$200,000 in each fiscal year shall be distributed to the Friendship Circle of Cleveland to provide family support services and respite care for children with disabilities and their families. 268348
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Section 261.70. MEDICAID SERVICES 268353

(A) As used in this section: 268354

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 268355
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| (2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code. | 268357
268358 |
| (B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following: | 268359
268360
268361 |
| (1) Home and community-based services; | 268362 |
| (2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division; | 268363
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268366 |
| (3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division; | 268367
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268370 |
| (4) ICF/IID services; and | 268371 |
| (5) Other programs as identified by the Director of Developmental Disabilities. | 268372
268373 |
| Section 261.75. DIRECT CARE PAYMENT RATES | 268374 |
| Of the foregoing appropriation item 653407, Medicaid Services, \$42,990,146 in fiscal year 2024 and \$145,076,944 in fiscal year 2025, and of the foregoing appropriation item 653654, Medicaid Services, \$76,426,925 in fiscal year 2024 and \$257,914,568 in fiscal year 2025, shall be used in accordance with this section. The funds shall be used to increase the base payment rates to \$17 per hour during fiscal year 2024 beginning on January 1, 2024, and \$18 per hour during fiscal year 2025, for the following services under Medicaid components administered by the Department of Developmental Disabilities: | 268375
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268384 |
| (A) Personal care services; | 268385 |

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| (B) Adult day services; | 268386 |
| (C) ICF/IID services, as defined in section 5124.01 of the Revised Code. | 268387
268388 |
| Section 261.80. CENTRAL OFFICE OPERATING EXPENSES | 268389 |
| Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals. | 268390
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268393 |
| Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES | 268394 |
| As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. | 268395
268396 |
| The Director of Developmental Disabilities shall establish a methodology to be used in fiscal year 2024 and fiscal year 2025 to estimate the quarterly amount each county board of developmental disabilities is to pay of the nonfederal share of home and community-based services that section 5126.0510 of the Revised Code requires county boards to pay. Each quarter, the Director shall submit to a county board written notice of the amount the county board is to pay for that quarter. The notice shall specify when the payment is due. | 268397
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268405 |
| Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT | 268406 |
| If a county board of developmental disabilities does not fully pay any amount owed to the Department of Developmental Disabilities by the due date established by the Department, the Director of Developmental Disabilities may withhold the amount the county board did not pay from any amounts due to the county board. The Director may use any appropriation item or fund used by the Department to transfer cash to any other fund used by the Department in an amount equal to the amount owed the Department | 268407
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that the county board did not pay. Transfers under this section 268415
shall be made using an intrastate transfer voucher. 268416

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 268417

(A) In fiscal year 2024 and fiscal year 2025, the Director of 268418
Developmental Disabilities may authorize the continuation or 268419
implementation of one or more innovative pilot projects that, in 268420
the judgment of the Director, are likely to assist in promoting 268421
the objectives of Chapter 5123. or 5126. of the Revised Code. 268422
Subject to division (B) of this section and notwithstanding any 268423
provision of Chapters 5123. and 5126. of the Revised Code and any 268424
rule adopted under either chapter, a pilot project authorized by 268425
the Director may be continued or implemented in a manner 268426
inconsistent with one or more provisions of either chapter or one 268427
or more rules adopted under either chapter. Before authorizing a 268428
pilot program, the Director shall consult with entities interested 268429
in the issue of developmental disabilities, including the Ohio 268430
Provider Resource Association, Ohio Association of County Boards 268431
of Developmental Disabilities, Ohio Health Care Association/Ohio 268432
Centers for Intellectual Disabilities, the Values and Faith 268433
Alliance, and ARC of Ohio. 268434

(B) The Director may not authorize a pilot project to be 268435
implemented in a manner that would cause the state to be out of 268436
compliance with any requirements for a program funded in whole or 268437
in part with federal funds. 268438

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES 268439

(A) As used in this section, "ICF/IID," "ICF/IID services," 268440
and "Medicaid-certified capacity" have the same meanings as in 268441
section 5124.01 of the Revised Code. 268442

(B) The Director of Developmental Disabilities shall pay the 268443
nonfederal share of a claim for ICF/IID services using funds 268444

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| specified in division (C) of this section if all of the following | 268445 |
| apply: | 268446 |
| (1) Medicaid covers the ICF/IID services. | 268447 |
| (2) The ICF/IID services are provided to a Medicaid recipient | 268448 |
| to whom both of the following apply: | 268449 |
| (a) The Medicaid recipient is eligible for the ICF/IID | 268450 |
| services. | 268451 |
| (b) The Medicaid recipient does not occupy a bed in the | 268452 |
| ICF/IID that used to be included in the Medicaid-certified | 268453 |
| capacity of another ICF/IID certified by the Director of Health | 268454 |
| before June 1, 2003. | 268455 |
| (3) The ICF/IID services are provided by an ICF/IID whose | 268456 |
| Medicaid certification by the Director of Health was initiated or | 268457 |
| supported by a county board of developmental disabilities. | 268458 |
| (4) The provider of the ICF/IID services has a valid Medicaid | 268459 |
| provider agreement for the services for the time that the services | 268460 |
| are provided. | 268461 |
| (C) When required by division (B) of this section to pay the | 268462 |
| nonfederal share of a claim, the Director of Developmental | 268463 |
| Disabilities shall use the following funds to pay the claim: | 268464 |
| (1) Funds available from appropriation item 653407, Medicaid | 268465 |
| Services, that the Director allocates to the county board that | 268466 |
| initiated or supported the Medicaid certification of the ICF/IID | 268467 |
| that provided the ICF/IID services for which the claim is made; | 268468 |
| (2) If the amount of funds used pursuant to division (C)(1) | 268469 |
| of this section is insufficient to pay the claim in full, an | 268470 |
| amount of funds that are needed to make up the difference and | 268471 |
| available from amounts the Director allocates to other county | 268472 |
| boards from appropriation item 653407, Medicaid Services. | 268473 |

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| Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE | 268474 |
| SERVICES PROVIDED TO QUALIFYING IO ENROLLEES | 268475 |
| (A) As used in this section: | 268476 |
| (1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code. | 268477
268478
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268480 |
| (2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code. | 268481
268482 |
| (3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options. | 268483
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268485 |
| (4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. | 268486
268487 |
| (5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code. | 268488
268489 |
| (6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply: | 268490
268491 |
| (a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier. | 268492
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268494 |
| (b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section. | 268495
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268499 |
| (c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the | 268500
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268502 |

developmental center, converted facility, or public hospital) 268503
warrants paying the Medicaid rate authorized by this section. 268504

(B) The total Medicaid payment rate for each fifteen minutes 268505
of routine homemaker/personal care services that a Medicaid 268506
provider provides to a qualifying IO enrollee during the period 268507
specified in division (C) of this section shall be fifty-two cents 268508
higher than the Medicaid payment rate in effect on the day the 268509
services are provided for each fifteen minutes of routine 268510
homemaker/personal care services that a Medicaid provider provides 268511
to an IO enrollee who is not a qualifying IO enrollee. 268512

(C) Division (B) of this section applies to the first twelve 268513
months, consecutive or otherwise, that a Medicaid provider, during 268514
the period beginning July 1, 2023, and ending July 1, 2025, 268515
provides routine homemaker/personal care services to a qualifying 268516
IO enrollee. 268517

(D) Of the foregoing appropriation items 653407, Medicaid 268518
Services, and 653654, Medicaid Services, portions shall be used to 268519
pay the Medicaid payment rate determined in accordance with this 268520
section for routine homemaker/personal care services provided to 268521
qualifying IO enrollees. 268522

Section 261.150. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 268523
OF MEDICAID SERVICES 268524

As a result of the COVID-19 pandemic and extraordinary 268525
inflationary pressures within the economy, Ohio Medicaid direct 268526
care providers have been adversely impacted. The Department of 268527
Developmental Disabilities, in collaboration with the Department 268528
of Medicaid and the Department of Aging, have included funding in 268529
the budget to be used for provider rate increases. Provider rate 268530
increases shall be used to ensure workforce stability and greater 268531
access to care for Medicaid recipients through increased wages and 268532
needed workforce supports. 268533

Section 261.160. In fiscal years 2024 and 2025, a portion of funds from appropriation item 653624, County Board Waiver Match, and appropriation item 653654, Medicaid Services, may be used to continue the Direct Support Professional Quarterly Retention Payments Program and increase the direct care base payment rates by an additional one dollar per hour over the base payment rates specified in Section 261.75 of this act. The Direct Support Professional Quarterly Retention Payments Program shall conclude December 31, 2023. Beginning January 1, 2024, a portion of the funds appropriated from appropriation item 653624, County Board Waiver Match, and appropriation item 653654, Medicaid Services, shall be used to increase the direct care base payment rate by an additional one dollar per hour over the base payment rates specified in Section 261.75 of this act for the following services under Medicaid components administered by the Department of Developmental Disabilities:

(A) Personal care services;

(B) Adult day services.

Section 263.10. SBE STATE BOARD OF EDUCATION

| | | | | | |
|--|----|------------|----|------------|--------|
| Dedicated Purpose Fund Group | | | | | 268553 |
| 4L20 210600 Operating Expenses | \$ | 15,086,000 | \$ | 15,300,000 | 268554 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 15,086,000 | \$ | 15,300,000 | 268555 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 15,086,000 | \$ | 15,300,000 | 268556 |

OPERATING EXPENSES

The foregoing appropriation item 210600, Operating Expenses, shall be used by the State Board of Education to support teacher certification and licensure activities, other State Board of Education duties prescribed by law, and any other necessary operating expenses.

Of the foregoing appropriation item 210600, Operating Expenses, up to \$700,000 in fiscal year 2024 shall be used to upgrade the State Board of Education's licensure system to be able to interface with the retained applicant fingerprint database.

Section 263.20. TRANSFERS OF ENCUMBRANCES AND APPROPRIATIONS 268567

The Director of Budget and Management may, if necessary, cancel any existing encumbrances or parts of encumbrances against appropriation item 200691, Teacher Certification and Licensure, and any other appropriation items for the Department of Education and Workforce supporting the statutorily prescribed powers and duties of the State Board of Education, as described in section 3301.111 of the Revised Code, and reestablish them against appropriation item 210600, Operating Expenses. The reestablished encumbrances are hereby appropriated.

The Director of Budget and Management may, if necessary, transfer appropriations between the State Board of Education and the Department of Education and Workforce to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein.

Section 265.10. EDU DEPARTMENT OF EDUCATION AND WORKFORCE 268582

| | | | | |
|----------------------|--|---------------|---------------|--------|
| General Revenue Fund | | | | 268583 |
| GRF 200321 | Operating Expenses | \$ 15,622,000 | \$ 15,661,000 | 268584 |
| GRF 200420 | Information Technology Development and Support | \$ 4,000,000 | \$ 4,100,000 | 268585 |
| GRF 200422 | School Management Assistance | \$ 2,897,000 | \$ 2,598,000 | 268586 |
| GRF 200424 | Policy Analysis | \$ 500,000 | \$ 500,000 | 268587 |
| GRF 200426 | Ohio Educational Computer Network | \$ 22,064,000 | \$ 17,864,000 | 268588 |

| | | | | | | |
|------------|--|----|---------------|----|---------------|--------|
| GRF 200427 | Academic Standards | \$ | 4,460,000 | \$ | 4,598,000 | 268589 |
| GRF 200437 | Student Assessment | \$ | 48,584,000 | \$ | 50,291,000 | 268590 |
| GRF 200439 | Accountability/Report
Cards | \$ | 6,730,000 | \$ | 7,266,000 | 268591 |
| GRF 200446 | Education Management
Information System | \$ | 9,268,000 | \$ | 9,437,000 | 268592 |
| GRF 200448 | Educator Preparation | \$ | 8,162,500 | \$ | 9,783,000 | 268593 |
| GRF 200455 | Community Schools and
Choice Programs | \$ | 4,163,000 | \$ | 4,232,000 | 268594 |
| GRF 200457 | STEM Initiatives | \$ | 500,000 | \$ | 0 | 268595 |
| GRF 200465 | Education Technology
Resources | \$ | 5,045,000 | \$ | 5,083,000 | 268596 |
| GRF 200478 | Industry-Recognized
Credentials High
School Students | \$ | 16,000,000 | \$ | 16,000,000 | 268597 |
| GRF 200492 | College Credit Plus -
Auxiliary Funding | \$ | 1,500,000 | \$ | 3,500,000 | 268598 |
| GRF 200502 | Pupil Transportation | \$ | 758,439,000 | \$ | 810,997,000 | 268599 |
| GRF 200505 | School Lunch Match | \$ | 8,963,500 | \$ | 8,963,500 | 268600 |
| GRF 200511 | Auxiliary Services | \$ | 162,928,000 | \$ | 166,853,000 | 268601 |
| GRF 200532 | Nonpublic
Administrative Cost
Reimbursement | \$ | 73,607,000 | \$ | 75,381,000 | 268602 |
| GRF 200540 | Special Education
Enhancements | \$ | 192,850,000 | \$ | 193,850,000 | 268603 |
| GRF 200545 | Career-Technical
Education Enhancements | \$ | 20,139,000 | \$ | 22,664,000 | 268604 |
| GRF 200550 | Foundation Funding -
All Students | \$ | 7,706,250,000 | \$ | 7,951,497,000 | 268605 |
| GRF 200566 | Literacy Improvement | \$ | 1,500,000 | \$ | 1,500,000 | 268606 |
| GRF 200572 | Adult Education
Programs | \$ | 12,296,000 | \$ | 9,822,000 | 268607 |
| GRF 200574 | Half-Mill Maintenance | \$ | 13,658,000 | \$ | 10,358,000 | 268608 |

| | | | | | | |
|-------------|--------------------------------------|--------------|---------------|----|---------------|--------|
| | | Equalization | | | | |
| GRF 200576 | Adaptive Sports | \$ | 250,000 | \$ | 250,000 | 268609 |
| | Program | | | | | |
| GRF 200597 | Program and Project | \$ | 737,500 | \$ | 737,500 | 268610 |
| | Support | | | | | |
| GRF 657401 | Medicaid in Schools | \$ | 325,000 | \$ | 327,000 | 268611 |
| TOTAL GRF | General Revenue Fund | \$ | 9,101,438,500 | \$ | 9,404,113,000 | 268612 |
| | Dedicated Purpose Fund Group | | | | | 268613 |
| 4520 200638 | Charges and | \$ | 1,500,000 | \$ | 1,500,000 | 268614 |
| | Reimbursements | | | | | |
| 5980 200659 | Auxiliary Services | \$ | 650,000 | \$ | 650,000 | 268615 |
| | Reimbursement | | | | | |
| 5AQ1 2006A4 | Literacy Improvement | \$ | 114,324,000 | \$ | 56,824,000 | 268616 |
| 5AR1 2006A5 | Feminine Hygiene | \$ | 5,000,000 | \$ | 0 | 268617 |
| | Products | | | | | |
| 5H30 200687 | School District | \$ | 2,000,000 | \$ | 2,000,000 | 268618 |
| | Solvency Assistance | | | | | |
| 5KX0 200691 | Ohio School | \$ | 1,250,000 | \$ | 1,250,000 | 268619 |
| | Sponsorship Program | | | | | |
| 5MM0 200677 | Child Nutrition | \$ | 550,000 | \$ | 550,000 | 268620 |
| | Refunds | | | | | |
| 5U20 200685 | National Education | \$ | 180,000 | \$ | 185,000 | 268621 |
| | Statistics | | | | | |
| 5VS0 200604 | Foundation Funding - | \$ | 600,000,000 | \$ | 600,000,000 | 268622 |
| | All Students | | | | | |
| 5Y00 200491 | Public and Nonpublic | \$ | 193,800,000 | \$ | 196,200,000 | 268623 |
| | Education Support | | | | | |
| 6200 200615 | Educational | \$ | 600,000 | \$ | 600,000 | 268624 |
| | Improvement Grants | | | | | |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 919,854,000 | \$ | 859,759,000 | 268625 |
| | Group | | | | | |
| | Internal Service Activity Fund Group | | | | | 268626 |

| | | | | | | | |
|-------------------------------------|--------|--|----|---------------|----|---------------|--------|
| 1380 | 200606 | Information
Technology
Development and
Support | \$ | 12,940,577 | \$ | 13,911,120 | 268627 |
| 4R70 | 200695 | Indirect Operational
Support | \$ | 8,501,941 | \$ | 8,927,038 | 268628 |
| 4V70 | 200633 | Interagency Program
Support | \$ | 5,000,000 | \$ | 5,000,000 | 268629 |
| TOTAL ISA Internal Service Activity | | | \$ | 26,442,518 | \$ | 27,838,158 | 268630 |
| Fund Group | | | | | | | |
| State Lottery Fund Group | | | | | | | 268631 |
| 7017 | 200612 | Foundation Funding -
All Students | \$ | 1,274,945,000 | \$ | 1,323,945,000 | 268632 |
| 7017 | 200614 | Accelerate Great
Schools | \$ | 1,500,000 | \$ | 1,500,000 | 268633 |
| 7017 | 200631 | Quality Community and
Independent STEM
Schools Support | \$ | 136,500,000 | \$ | 136,500,000 | 268634 |
| 7017 | 200684 | Community School
Facilities | \$ | 87,055,000 | \$ | 88,555,000 | 268635 |
| TOTAL SLF State Lottery Fund Group | | | \$ | 1,500,000,000 | \$ | 1,550,500,000 | 268636 |
| Federal Fund Group | | | | | | | |
| 3670 | 200607 | School Food Services | \$ | 12,989,661 | \$ | 13,379,350 | 268638 |
| 3700 | 200624 | Education of
Exceptional Children | \$ | 1,750,000 | \$ | 1,750,000 | 268639 |
| 3AF0 | 657601 | Schools Medicaid
Administrative Claims | \$ | 250,000 | \$ | 250,000 | 268640 |
| 3EH0 | 200620 | Migrant Education | \$ | 2,700,000 | \$ | 2,700,000 | 268641 |
| 3EJ0 | 200622 | Homeless Children
Education | \$ | 3,600,000 | \$ | 3,600,000 | 268642 |
| 3GE0 | 200674 | Summer Food Service
Program | \$ | 30,000,000 | \$ | 30,000,000 | 268643 |

| | | | | | | | |
|------|--------|--|----|---------------|----|-------------|--------|
| 3GG0 | 200676 | Fresh Fruit and
Vegetable Program | \$ | 5,145,074 | \$ | 5,145,074 | 268644 |
| 3HF0 | 200649 | Federal Education
Grants | \$ | 6,831,327 | \$ | 6,831,327 | 268645 |
| 3HI0 | 200634 | Student Support and
Academic Enrichment | \$ | 45,000,000 | \$ | 48,000,000 | 268646 |
| 3HL0 | 200678 | Comprehensive
Literacy State
Development Program | \$ | 14,630,000 | \$ | 14,630,000 | 268647 |
| 3HS0 | 200640 | Federal Coronavirus
School Relief | \$ | 1,800,000,000 | \$ | 0 | 268648 |
| 3L60 | 200617 | Federal School Lunch | \$ | 443,762,110 | \$ | 457,074,973 | 268649 |
| 3L70 | 200618 | Federal School
Breakfast | \$ | 168,250,583 | \$ | 173,298,101 | 268650 |
| 3L80 | 200619 | Child/Adult Food
Programs | \$ | 114,461,866 | \$ | 115,606,485 | 268651 |
| 3L90 | 200621 | Career-Technical
Education Basic Grant | \$ | 52,500,000 | \$ | 54,500,000 | 268652 |
| 3M00 | 200623 | ESEA Title 1A | \$ | 600,000,000 | \$ | 600,000,000 | 268653 |
| 3M20 | 200680 | Individuals with
Disabilities
Education Act | \$ | 510,000,000 | \$ | 520,000,000 | 268654 |
| 3T40 | 200613 | Public Charter
Schools | \$ | 2,300,000 | \$ | 0 | 268655 |
| 3Y20 | 200688 | 21st Century
Community Learning
Centers | \$ | 45,000,000 | \$ | 47,000,000 | 268656 |
| 3Y60 | 200635 | Improving Teacher
Quality | \$ | 77,000,000 | \$ | 77,000,000 | 268657 |
| 3Y70 | 200689 | English Language
Acquisition | \$ | 11,500,000 | \$ | 12,000,000 | 268658 |
| 3Y80 | 200639 | Rural and Low Income
Technical Assistance | \$ | 3,600,000 | \$ | 3,600,000 | 268659 |

| | | | | | | | |
|------------------------------|--------------------|----------------------|----|----------------|----|----------------|--------|
| 3Z20 | 200690 | State Assessments | \$ | 11,500,000 | \$ | 11,500,000 | 268660 |
| 3Z30 | 200645 | Consolidated Federal | \$ | 15,900,000 | \$ | 15,900,000 | 268661 |
| | | Grant Administration | | | | | |
| TOTAL FED | Federal Fund Group | | \$ | 3,978,670,621 | \$ | 2,213,765,310 | 268662 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 15,526,405,639 | \$ | 14,055,975,468 | 268663 |

Section 265.20. OPERATING EXPENSES 268665

A portion of the foregoing appropriation item 200321, 268666
 Operating Expenses, shall be used by the Department of Education 268667
 and Workforce to provide matching funds related to 268668
 career-technical education under 20 U.S.C. 2321. 268669

Section 265.40. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT 268670
 SUPPORT 268671

The foregoing appropriation item 200420, Information 268672
 Technology Development and Support, shall be used to support the 268673
 development and implementation of information technology solutions 268674
 designed to improve the performance and services of the Department 268675
 of Education and Workforce. Funds may be used for personnel, 268676
 maintenance, and equipment costs related to the development and 268677
 implementation of these technical system projects. Implementation 268678
 of these systems shall allow the Department to provide greater 268679
 levels of assistance to school districts and to provide more 268680
 timely information to the public, including school districts, 268681
 administrators, and legislators. Funds may also be used to support 268682
 data-driven decision-making and differentiated instruction, as 268683
 well as to communicate academic content standards and curriculum 268684
 models to schools through web-based applications. 268685

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 268686

The foregoing appropriation item 200422, School Management 268687
 Assistance, shall be used by the Department of Education and 268688
 Workforce to provide fiscal technical assistance and inservice 268689

education for school district management personnel and to 268690
administer, monitor, and implement the fiscal caution, fiscal 268691
watch, and fiscal emergency provisions under Chapter 3316. of the 268692
Revised Code. 268693

Section 265.60. POLICY ANALYSIS 268694

The foregoing appropriation item 200424, Policy Analysis, 268695
shall be used by the Department of Education and Workforce to 268696
support a system of administrative and statistical education 268697
information to be used for policy analysis. Staff supported by 268698
this appropriation shall administer the development of reports, 268699
analyses, and briefings regarding current trends in education 268700
practice, efficient and effective use of resources, and evaluation 268701
of programs to improve education results. A portion of these funds 268702
shall be used to maintain a longitudinal database to support the 268703
assessment of the impact of policies and programs on Ohio's 268704
education and workforce development systems. The research efforts 268705
supported by this appropriation item shall be used to supply 268706
information and analysis of data to and in consultation with the 268707
General Assembly and other state policymakers, including the 268708
Office of Budget and Management and the Legislative Service 268709
Commission. 268710

A portion of the foregoing appropriation item, 200424, Policy 268711
Analysis, may be used by the Department to support the development 268712
and implementation of an evidence-based clearinghouse to support 268713
school improvement strategies as part of the Every Student 268714
Succeeds Act. 268715

The Department may use funding from this appropriation item 268716
to purchase or contract for the development of software systems or 268717
contract for policy studies that will assist in the provision and 268718
analysis of policy-related information. Funding from this 268719
appropriation item also may be used to monitor and enhance quality 268720

assurance for research-based policy analysis and program 268721
evaluation to enhance the effective use of education information 268722
to inform education policymakers. 268723

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 268724

The foregoing appropriation item 200426, Ohio Educational 268725
Computer Network, shall be used by the Department of Education and 268726
Workforce to maintain a system of information technology 268727
throughout Ohio and to provide technical assistance for such a 268728
system. 268729

Of the foregoing appropriation item 200426, Ohio Educational 268730
Computer Network, up to \$9,686,658 in fiscal year 2024 and up to 268731
\$10,934,117 in fiscal year 2025 shall be used by the Department to 268732
support connection of all public school buildings and 268733
participating chartered nonpublic schools to the state's education 268734
network, to each other, and to the Internet. In each fiscal year, 268735
the Department shall use these funds to assist information 268736
technology centers or school districts with the operational costs 268737
associated with this connectivity. The Department shall develop a 268738
formula and guidelines for the distribution of these funds to 268739
information technology centers or individual school districts. As 268740
used in this section, "public school building" means a school 268741
building of any city, local, exempted village, or joint vocational 268742
school district, any community school established under Chapter 268743
3314. of the Revised Code, any college preparatory boarding school 268744
established under Chapter 3328. of the Revised Code, any STEM 268745
school established under Chapter 3326. of the Revised Code, any 268746
educational service center building used for instructional 268747
purposes, the Ohio School for the Deaf and the Ohio State School 268748
for the Blind, high schools chartered by the Ohio Department of 268749
Youth Services, or high schools operated by Ohio Department of 268750
Rehabilitation and Corrections' Ohio Central School System. 268751

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$5,999,907 in fiscal year 2024 and up to \$6,352,448 in fiscal year 2025 shall be used, through a formula and guidelines devised by the Department, to support the activities of designated information technology centers, as defined by Department of Education and Workforce rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, to ensure the effective operation of local automated administrative and instructional systems, and to monitor and support the quality of data submitted to the Department.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$5,800,000 in fiscal year 2024 shall be used for middle mile connections for the information technology centers established under section 3301.075 of the Revised Code and select large urban districts to connect to the state broadband backbone managed by the Ohio Technology Consortium and for other connectivity upgrades necessary for K-12 school buildings with severely restricted broadband connections. "Select large urban districts" are those districts that connect to the state broadband backbone directly rather than through an information technology center. Upon request of the Director of Education and Workforce and approval by the Director of Budget and Management, an amount equal to the unexpended, unencumbered balance of the amount allocated in this paragraph at the end of fiscal year 2024 is hereby reappropriated to the Department for the same purpose in fiscal year 2025.

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform

and compatible computer-based information systems as well as the 268784
teacher student linkage/roster verification process and systems to 268785
support electronic sharing of student records and transcripts 268786
between entities. This technical assistance shall include, but not 268787
be restricted to, development and maintenance of adequate computer 268788
software systems to support network activities. In order to 268789
improve the efficiency of network activities, the Department and 268790
information technology centers may jointly purchase equipment, 268791
materials, and services from funds provided under this 268792
appropriation for use by the network and, when considered 268793
practical by the Department, may utilize the services of 268794
appropriate state purchasing agencies. 268795

Section 265.80. ACADEMIC STANDARDS 268796

The foregoing appropriation item 200427, Academic Standards, 268797
shall be used by the Department of Education and Workforce to 268798
develop and communicate to school districts academic content 268799
standards and curriculum models and to develop professional 268800
development programs and other tools on the new content standards 268801
and model curricula. 268802

Section 265.90. STUDENT ASSESSMENT 268803

Of the foregoing appropriation item 200437, Student 268804
Assessment, up to \$622,713 in each fiscal year shall be used to 268805
reimburse a portion of the costs associated with Advanced 268806
Placement and College-Level Examination Program tests for 268807
low-income students, as determined by the Department. 268808

The remainder of appropriation item 200437, Student 268809
Assessment, shall be used to develop, field test, print, 268810
distribute, score, report results, and support other associated 268811
costs for the tests required under sections 3301.0710, 3301.0711, 268812
and 3301.0712 of the Revised Code and for similar purposes as 268813

required by section 3301.27 of the Revised Code. The funds may 268814
also be used to update and develop diagnostic assessments 268815
administered under sections 3301.079, 3301.0715, and 3313.608 of 268816
the Revised Code and to support readiness assessments for students 268817
in grades three and higher that assist districts and schools with 268818
identifying and benchmarking student progress. 268819

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION TRANSFERS 268820
FOR STUDENT ASSESSMENT 268821

In fiscal year 2024 and fiscal year 2025, if the Director of 268822
Education and Workforce determines that additional funds are 268823
needed to fully fund the requirements of sections 3301.0710, 268824
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act 268825
for assessments of student performance, the Director may recommend 268826
to the Director of Budget and Management the reallocation of 268827
unexpended and unencumbered General Revenue Fund appropriations 268828
within the Department of Education and Workforce to appropriation 268829
item 200437, Student Assessment. If the Director of Budget and 268830
Management determines that such a reallocation is required, the 268831
Director may transfer unexpended and unencumbered appropriations 268832
within the Department of Education and Workforce as necessary to 268833
appropriation item 200437, Student Assessment. 268834

Section 265.100. ACCOUNTABILITY/REPORT CARDS 268835

Of the foregoing appropriation item 200439, 268836
Accountability/Report Cards, a portion in each fiscal year shall 268837
be used to train district and regional specialists and district 268838
educators in the use of the value-added progress dimension and in 268839
the use of data as it relates to improving student achievement. 268840
This training may include teacher and administrator professional 268841
development in the use of data to improve instruction and student 268842
learning, and teacher and administrator training in understanding 268843
teacher value-added reports and how they can be used as a 268844

component in measuring teacher and administrator effectiveness. A 268845
portion of this funding shall be provided to educational service 268846
centers to support training and professional development under 268847
this section consistent with section 3312.01 of the Revised Code. 268848

The remainder of appropriation item 200439, 268849
Accountability/Report Cards, shall be used by the Department of 268850
Education and Workforce to incorporate a statewide value-added 268851
progress dimension into performance ratings for school districts 268852
and for the development of an accountability system that includes 268853
the preparation and distribution of school report cards, funding 268854
and expenditure accountability reports under sections 3302.03 and 268855
3302.031 of the Revised Code, the development and maintenance of 268856
teacher value-added reports, the teacher student linkage/roster 268857
verification process, and the performance management section of 268858
the Department's web site required by section 3302.26 of the 268859
Revised Code. 268860

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 268861

The foregoing appropriation item 200446, Education Management 268862
Information System, shall be used by the Department of Education 268863
and Workforce to improve the Education Management Information 268864
System (EMIS). 268865

Of the foregoing appropriation item 200446, Education 268866
Management Information System, up to \$405,000 in each fiscal year 268867
shall be used to support grants to information technology centers 268868
to provide professional development opportunities to district and 268869
school personnel related to the EMIS, with a focus placed on data 268870
submission and data quality. 268871

Of the foregoing appropriation item 200446, Education 268872
Management Information System, up to \$950,000 in each fiscal year 268873
shall be distributed to designated information technology centers 268874
for costs relating to processing, storing, and transferring data 268875

for the effective operation of the EMIS. These costs may include, 268876
but are not limited to, personnel, hardware, software development, 268877
communications connectivity, professional development, and support 268878
services. 268879

The remainder of appropriation item 200446, Education 268880
Management Information System, shall be used to develop and 268881
support the data definitions and standards outlined in the EMIS 268882
guidelines adopted under section 3301.0714 of the Revised Code, to 268883
implement recommendations of the EMIS Advisory Council and the 268884
Director of Education and Workforce, to enhance data quality 268885
assurance practices, and to support responsibilities related to 268886
the school report cards prescribed by section 3302.03 of the 268887
Revised Code and value-added progress dimension calculations. 268888

Section 265.120. EDUCATOR PREPARATION 268889

(A) Of the foregoing appropriation item 200448, Educator 268890
Preparation, up to \$3,000,000 in each fiscal year shall be used by 268891
the Department of Education and Workforce, in consultation with 268892
the Department of Higher Education, to provide awards to support 268893
graduate coursework for high school teachers to receive 268894
credentialing to teach College Credit Plus courses in a high 268895
school setting. 268896

The Department of Education and Workforce, in consultation 268897
with the Department of Higher Education, shall develop an 268898
application process and criteria for awards. Priority shall be 268899
given to education consortia that include high schools identified 268900
as economically disadvantaged in which there are no or limited 268901
numbers of teachers currently credentialed to teach College Credit 268902
Plus courses, as determined by the Department of Education and 268903
Workforce, and a public or private college or university in Ohio. 268904
Awards made by the Department of Education and Workforce may 268905
support graduate coursework for high school teachers at a public 268906

or private college or university in Ohio leading to credentialing 268907
to teach college courses. 268908

Upon the request of the Director of Education and Workforce 268909
and the approval of the Director of Budget and Management, an 268910
amount equal to the unexpended, unencumbered balance of the amount 268911
allocated in this division at the end of fiscal year 2024 is 268912
hereby reappropriated for the same purpose in fiscal year 2025. 268913

(B) Of the foregoing appropriation item 200448, Educator 268914
Preparation, up to \$1,612,500 in fiscal year 2024 and up to 268915
\$3,225,000 in fiscal year 2025 shall be used, in consultation with 268916
the Department of Veterans Services, to support the Ohio Military 268917
Veteran Educators Program, which shall do all of the following: 268918

(1) Subsidize the costs for military individuals associated 268919
with completing the coursework required pursuant to division (C) 268920
of section 3319.283 of the Revised Code; 268921

(2) Provide funds to public schools to support activities to 268922
recruit eligible military individuals to work in public schools 268923
and support bonuses to public schools that hire eligible military 268924
individuals; 268925

(3) Reimburse public schools that pay financial bonuses to 268926
eligible military individuals who complete at least one year of 268927
employment with the school; 268928

(4) In consultation with the Department of Veterans Services, 268929
establish and support the Governor's Ohio Military Veteran 268930
Educators Fellowship Pilot Program to recruit and train eligible 268931
military individuals to become licensed to teach in low-performing 268932
public schools. 268933

(C) Of the foregoing appropriation item 200448, Educator 268934
Preparation, up to \$350,000 in fiscal year 2024 and up to \$358,000 268935
in fiscal year 2025 may be used by the Department of Education and 268936
Workforce to monitor and support Ohio's State System of Support, 268937

as defined by the Every Student Succeeds Act. 268938

(D) Of the foregoing appropriation item 200448, Educator 268939
Preparation, \$2,000,000 in each fiscal year shall be distributed 268940
to Teach For America to increase recruitment of potential corps 268941
members, to train and develop first-year and second-year teachers 268942
in the Teach for America program in Ohio, and to support the 268943
ongoing development and impact of Teach for America alumni working 268944
in Ohio. 268945

(E) Of the foregoing appropriation item 200448, Educator 268946
Preparation, \$200,000 in each fiscal year shall be used to support 268947
selected school staff through the FASTER Saves Lives Program for 268948
the purpose of stopping active shooters and treating casualties. 268949

(F) Of the foregoing appropriation item 200448, Educator 268950
Preparation, \$500,000 in each fiscal year shall be distributed to 268951
the PAST Foundation for the STEM Educator Workforce Collaborative 268952
to provide professional development and strategic training for 268953
teachers in STEM fields that is tailored to each region of the 268954
state. 268955

(G) Of the foregoing appropriation item 200448, Educator 268956
Preparation, up to \$500,000 in each fiscal year shall be used to 268957
support the SmartOhio Financial Literacy Program at the University 268958
of Cincinnati. 268959

(H) Notwithstanding any provision of law to the contrary, 268960
awards under this section may be used by recipients for 268961
award-related expenses incurred for the following periods of time 268962
according to guidelines established by the Department of Education 268963
and Workforce: 268964

(1) For awards under division (A) of this section, a period 268965
not to exceed four years from the date of the award; 268966

(2) For awards under divisions (B), (D), (E), and (G) of this 268967
section, a period not to exceed two years from the date of the 268968

award. 268969

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 268970

The foregoing appropriation item 200455, Community Schools 268971
and Choice Programs, may be used by the Department of Education 268972
and Workforce for the oversight and support of community schools 268973
established under Chapter 3314. of the Revised Code, community 268974
school sponsors, and nonpublic schools; and the administration of 268975
school choice programs. The funds may be used to support the 268976
sponsor evaluation system in accordance with section 3314.016 of 268977
the Revised Code. 268978

STEM INITIATIVES 268979

The foregoing appropriation item 200457, STEM Initiatives, 268980
shall be distributed to the Alliance for Working Together 268981
Foundation to support ongoing STEM education. 268982

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 268983

(A) Of the foregoing appropriation item 200465, Education 268984
Technology Resources, up to \$2,500,000 in each fiscal year shall 268985
be used for the Union Catalog and InfoOhio Network and to support 268986
the provision of electronic resources with priority given to 268987
resources that support the teaching of state academic content 268988
standards in all public schools and resources in support of Ohio's 268989
Plan to Raise Literacy Achievement. The Department of Education 268990
and Workforce shall consider coordinating the allocation of these 268991
moneys with the efforts of Libraries Connect Ohio, whose members 268992
include OhioLINK, the Ohio Public Information Network, and the 268993
State Library of Ohio. 268994

(B) Of the foregoing appropriation item 200465, Education 268995
Technology Resources, up to \$1,778,879 in each fiscal year shall 268996
be used by the Department to provide grants to educational 268997
television stations working with partner education technology 268998

centers to provide Ohio public schools with instructional 268999
resources and services, with priority given to resources and 269000
services aligned with state academic content standards. Such 269001
resources and services shall be based upon the advice and approval 269002
of the Department, with an emphasis in both literacy and 269003
mathematics, based on a formula developed in consultation with 269004
Ohio's educational television stations and educational technology 269005
centers. 269006

(C) The remainder of the foregoing appropriation item 200465, 269007
Education Technology Resources, may be used to support training, 269008
technical support, guidance, and assistance with compliance 269009
reporting to school districts and public libraries applying for 269010
federal E-Rate funds; for oversight and guidance of school 269011
district technology plans; for support to district technology 269012
personnel; and for support of the development, maintenance, and 269013
operation of a network of uniform and compatible computer-based 269014
information and instructional systems. 269015

**Section 265.150. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 269016
STUDENTS 269017**

Of the foregoing appropriation item 200478, 269018
Industry-Recognized Credentials High School Students, up to 269019
\$5,500,000 in each fiscal year may be used by the Department of 269020
Education and Workforce to support payments to city, local, and 269021
exempted village school districts, community schools, STEM 269022
schools, and joint vocational school districts whose students earn 269023
an industry-recognized credential or receive a journeyman 269024
certification recognized by the United States Department of Labor 269025
in the school year preceding the fiscal year in which the funds 269026
are appropriated. The educating entity shall be required to inform 269027
students enrolled in career-technical education courses that lead 269028
to an industry-recognized credential about the opportunity to earn 269029

these credentials. The Department of Education and Workforce shall 269030
work with the Department of Higher Education and the Governor's 269031
Office of Workforce Transformation to develop a schedule for 269032
reimbursement based on the testing fees for credentials included 269033
on the Department of Education and Workforce list of 269034
industry-recognized credentials. The educating entity shall pay 269035
for the cost of the credential and may claim and receive 269036
reimbursement for these testing fees. The educating entity may 269037
claim reimbursement for testing fees incurred on behalf of a 269038
student that earns a credential up to six months after the student 269039
has graduated from high school. If the amount appropriated is not 269040
sufficient, the Department shall prorate the amounts so that the 269041
aggregate amount appropriated is not exceeded. 269042

The remainder of the foregoing appropriation item 200478, 269043
Industry-Recognized Credentials High School Students, may be used 269044
by the Department of Education and Workforce and the Governor's 269045
Office of Workforce Transformation to establish and operate the 269046
Innovative Workforce Incentive Program. In establishing the 269047
program, the Office of Workforce Transformation shall maintain a 269048
list of credentials that qualify for the program. The Department 269049
of Education and Workforce shall pay each city, local, and 269050
exempted village school district, community school, STEM school, 269051
and joint vocational school district an amount equal to \$1,250 for 269052
each qualifying credential a student attending the district or 269053
school earned in the school year preceding the fiscal year in 269054
which the funds are appropriated. If the amount appropriated is 269055
not sufficient, the Department shall prorate the amounts so that 269056
the aggregate amount appropriated is not exceeded. 269057

Section 265.170. COLLEGE CREDIT PLUS - AUXILIARY FUNDING 269058

The foregoing appropriation item 200492, College Credit Plus 269059
- Auxiliary Funding, shall be used by the Department of Education 269060

and Workforce to establish and administer a program in fiscal 269061
years 2024 and 2025 to provide grants to school districts offering 269062
new qualifying courses. Under the program, each fiscal year the 269063
Department shall distribute to a school district a grant of not 269064
less than \$1,000 for each qualifying course it offers for the 269065
first time on or after the effective date of this section. A 269066
school district shall use not less than twenty-five per cent of 269067
the grant to make a payment to the teacher of a new qualifying 269068
course. The Department shall prioritize grants to school districts 269069
with a lack of advanced standing courses and school districts with 269070
low College Credit Plus participation rates, as determined by the 269071
Department. The Department shall establish guidelines and 269072
procedures for the program. 269073

An amount equal to the unexpended, unencumbered balance of 269074
the foregoing appropriation item 200492, College Credit Plus - 269075
Auxiliary Funding, at the end of fiscal year 2024 is hereby 269076
reappropriated for the same purpose in fiscal year 2025. 269077

As used in this section, "qualifying course" means a college 269078
course offered under the College Credit Plus Program, established 269079
under Chapter 3365. of the Revised Code, that is delivered at a 269080
secondary school and taught by a high school teacher who has met 269081
the program's credentialing requirements. 269082

Section 265.190. PUPIL TRANSPORTATION 269083

Of the foregoing appropriation item 200502, Pupil 269084
Transportation, up to \$1,088,930 in each fiscal year may be used 269085
by the Department of Education and Workforce for training 269086
prospective and experienced school bus drivers in accordance with 269087
training programs prescribed by the Department. A portion of these 269088
funds may also be used to pay for costs associated with the 269089
enrollment of bus drivers in the retained applicant fingerprint 269090
database. 269091

Of the foregoing appropriation item 200502, Pupil 269092
Transportation, up to \$124,423,293 in fiscal year 2024 and up to 269093
\$136,038,039 in fiscal year 2025 may be used by the Department for 269094
special education transportation reimbursements to school 269095
districts, educational service centers, and county boards of 269096
developmental disabilities for transportation operating costs as 269097
provided in divisions (C) and (F) of section 3317.024 of the 269098
Revised Code. 269099

Of the foregoing appropriation item 200502, Pupil 269100
Transportation, up to \$350,000 in each fiscal year shall be 269101
distributed to Utica Shale Academy for transportation costs. 269102

The remainder of the foregoing appropriation item 200502, 269103
Pupil Transportation, shall be used to distribute the amounts 269104
calculated for transportation aid under divisions (E), (F), (G), 269105
(H), and (I) of section 3317.0212, and section 3317.019 of the 269106
Revised Code. 269107

PAYMENTS IN LIEU OF TRANSPORTATION 269108

For purposes of division (D) of section 3327.02 of the 269109
Revised Code, if a parent, guardian, or other person in charge of 269110
a pupil accepts an offer from a school district of payment in lieu 269111
of providing transportation for the pupil, the school district 269112
shall pay that parent, guardian, or other person an amount not 269113
less than fifty per cent of the amount determined by the 269114
Department under division (C) of section 3317.0212 of the Revised 269115
Code for the most recent school year for which data is available 269116
and not more than \$2,500. Payment may be prorated if the time 269117
period involved is only a part of the school year. 269118

Section 265.200. SCHOOL LUNCH MATCH 269119

The foregoing appropriation item 200505, School Lunch Match, 269120
shall be used to provide matching funds to obtain federal funds 269121

for the school lunch program. 269122

Any remaining appropriation after providing matching funds 269123
for the school lunch program may be used to partially reimburse 269124
school buildings within school districts that are required to have 269125
a school breakfast program under section 3313.813 of the Revised 269126
Code, at a rate decided by the Department. 269127

Section 265.230. AUXILIARY SERVICES 269128

Of the foregoing appropriation item 200511, Auxiliary 269129
Services, up to \$2,600,000 in each fiscal year may be used for 269130
payment of the College Credit Plus Program for nonpublic secondary 269131
school participants. The Department of Education and Workforce 269132
shall distribute these funds according to rule 3333-1-65.8 of the 269133
Administrative Code, adopted by the Department of Higher Education 269134
pursuant to division (A) of section 3365.071 of the Revised Code. 269135

The remainder of the foregoing appropriation item 200511, 269136
Auxiliary Services, shall be used by the Department for the 269137
purpose of implementing sections 3317.06 and 3317.062 of the 269138
Revised Code. 269139

Section 265.240. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 269140

The foregoing appropriation item 200532, Nonpublic 269141
Administrative Cost Reimbursement, shall be used by the Department 269142
of Education and Workforce for the purpose of implementing section 269143
3317.063 of the Revised Code. Payments made by the Department for 269144
this purpose shall not exceed four hundred seventy-five dollars 269145
per student for each school year. 269146

Section 265.250. SPECIAL EDUCATION ENHANCEMENTS 269147

Of the foregoing appropriation item 200540, Special Education 269148
Enhancements, up to \$37,500,000 in each fiscal year shall be used 269149
to fund special education and related services at county boards of 269150

developmental disabilities for eligible students under section 269151
3317.20 of the Revised Code and at institutions for eligible 269152
students under section 3317.201 of the Revised Code. If necessary, 269153
the Department of Education and Workforce shall proportionately 269154
reduce the amount calculated for each county board of 269155
developmental disabilities and institution so as not to exceed the 269156
amount appropriated in each fiscal year. 269157

Of the foregoing appropriation item 200540, Special Education 269158
Enhancements, up to \$1,350,000 in each fiscal year shall be used 269159
for parent mentoring programs. 269160

Of the foregoing appropriation item 200540, Special Education 269161
Enhancements, up to \$3,000,000 in each fiscal year may be used for 269162
school psychology interns. 269163

Of the foregoing appropriation item 200540, Special Education 269164
Enhancements, the Department shall transfer \$5,500,000 in fiscal 269165
year 2024 and \$6,500,000 in fiscal year 2025 to the Opportunities 269166
for Ohioans with Disabilities Agency. The transfer shall be made 269167
via an intrastate transfer voucher. The transferred funds shall be 269168
used by the Opportunities for Ohioans with Disabilities Agency as 269169
state matching funds to draw down available federal funding for 269170
vocational rehabilitation services. Total project funding shall be 269171
used to hire dedicated vocational rehabilitation counselors who 269172
shall work directly with school districts to provide transition 269173
services for students with disabilities. Services shall include 269174
vocational rehabilitation services such as person-centered career 269175
planning, summer work experiences, job placement, and retention 269176
services for mutually eligible students with disabilities. 269177

The Director of Education and Workforce and the Executive 269178
Director of the Opportunities for Ohioans with Disabilities Agency 269179
shall enter into an interagency agreement that shall specify the 269180
responsibilities of each agency under the program. Under the 269181
interagency agreement, the Opportunities for Ohioans with 269182

Disabilities Agency shall retain responsibility for all 269183
nondelegable functions, including eligibility and order of 269184
selection determination, individualized plan for employment (IPE) 269185
approval, IPE amendments, case closure, and release of vendor 269186
payments. 269187

Of the foregoing appropriation item 200540, Special Education 269188
Enhancements, up to \$2,000,000 in each fiscal year shall be used 269189
by the Department of Education and Workforce to build capacity to 269190
deliver a regional system of training, support, coordination, and 269191
direct service for secondary transition services for students with 269192
disabilities beginning at fourteen years of age. These special 269193
education enhancements shall support all students with 269194
disabilities, regardless of partner agency eligibility 269195
requirements, to provide stand-alone direct secondary transition 269196
services by school districts. Secondary transition services shall 269197
include, but not be limited to, job exploration counseling, 269198
work-based learning experiences, counseling on opportunities for 269199
enrollment in comprehensive transition or post-secondary 269200
educational programs at institutions of higher education, 269201
workplace readiness training to develop occupational skills, 269202
social skills and independent living skills, and instruction in 269203
self-advocacy. Regional training shall support the expansion of 269204
transition to work endorsement opportunities for middle school and 269205
secondary level special education intervention specialists in 269206
order to develop the necessary skills and competencies to meet the 269207
secondary transition needs of students with disabilities beginning 269208
at fourteen years of age. 269209

The remainder of appropriation item 200540, Special Education 269210
Enhancements, shall be distributed by the Department of Education 269211
and Workforce to school districts and institutions, as defined in 269212
section 3323.091 of the Revised Code, for preschool special 269213
education funding under section 3317.0213 of the Revised Code. 269214

The Department may reimburse school districts and 269215
institutions for services provided by instructional assistants, 269216
related services, as defined in rule 3301-51-11 of the 269217
Administrative Code, physical therapy services provided by a 269218
licensed physical therapist or physical therapist assistant under 269219
the supervision of a licensed physical therapist, as required 269220
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 269221
Administrative Code, and occupational therapy services provided by 269222
a licensed occupational therapist or occupational therapy 269223
assistant under the supervision of a licensed occupational 269224
therapist, as required under Chapter 4755. of the Revised Code and 269225
Chapter 4755-7 of the Administrative Code. Nothing in this section 269226
authorizes occupational therapy assistants or physical therapist 269227
assistants to generate or manage their own caseloads. 269228

The Department shall require school districts, educational 269229
service centers, county boards of developmental disabilities, and 269230
institutions serving preschool children with disabilities to 269231
adhere to Ohio's early learning program standards, participate in 269232
the Step Up to Quality Program established pursuant to section 269233
5104.29 of the Revised Code, and document child progress using 269234
research-based indicators prescribed by the Department and report 269235
results annually. The reporting dates and method shall be 269236
determined by the Department. All programs shall be rated through 269237
the Step Up to Quality Program. 269238

Section 265.260. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 269239

Of the foregoing appropriation item 200545, Career-Technical 269240
Education Enhancements, up to \$12,250,000 in fiscal year 2024 and 269241
up to \$16,325,000 in fiscal year 2025 shall be used to pay career 269242
awareness and exploration funds pursuant to division (E) of 269243
section 3317.014 of the Revised Code. If the amount appropriated 269244
is not sufficient, the Department of Education and Workforce shall 269245

prorate the amounts so that the aggregate amount appropriated is 269246
not exceeded. 269247

Of the foregoing appropriation item 200545, Career-Technical 269248
Education Enhancements, up to \$2,563,000 in each fiscal year shall 269249
be used to fund secondary career-technical education at 269250
institutions and Ohio Deaf and Blind Education Services using a 269251
grant-based methodology, notwithstanding section 3317.05 of the 269252
Revised Code. 269253

Of the foregoing appropriation item 200545, Career-Technical 269254
Education Enhancements, up to \$2,686,000 in each fiscal year shall 269255
be used by the Department to fund competitive grants to tech prep 269256
regional centers that expand the number of students with access to 269257
career-technical education. These grant funds shall be used to 269258
directly support career services provided to students enrolled in 269259
community schools, STEM schools, school districts, including joint 269260
vocational school districts, and affiliated higher education 269261
institutions. This support may include the purchase of equipment. 269262

Of the foregoing appropriation item 200545, Career-Technical 269263
Education Enhancements, up to \$600,000 in each fiscal year shall 269264
be used by the Department to enable students in agricultural 269265
programs to enroll in a fifth quarter of instruction based on the 269266
agricultural education model of delivering work-based learning 269267
through supervised agricultural experience. The Department shall 269268
determine eligibility criteria and the reporting process for the 269269
Agriculture 5th Quarter Project and shall fund as many programs as 269270
possible given the set-aside. The eligibility criteria developed 269271
by the Department shall allow these funds to support supervised 269272
agricultural experience that occurs anytime outside of the regular 269273
school day. 269274

Of the foregoing appropriation item 200545, Career-Technical 269275
Education Enhancements, up to \$1,550,000 in fiscal year 2024 may 269276
be used to support career planning and reporting through the 269277

OhioMeansJobs web site. An amount equal to the unexpended, 269278
unencumbered balance of this set-aside at the end of fiscal year 269279
2024 is hereby reappropriated for the same purpose in fiscal year 269280
2025. 269281

Of the foregoing appropriation item 200545, Career-Technical 269282
Education Enhancements, \$250,000 in each fiscal year shall be used 269283
to prepare students for careers in culinary arts and restaurant 269284
management under the Ohio ProStart school restaurant program. 269285

Of the foregoing appropriation item 200545, Career-Technical 269286
Education Enhancements, up to \$240,000 in each fiscal year shall 269287
be used to support the Ohio Code-Scholar Pilot Program created in 269288
section 3313.905 of the Revised Code. 269289

Section 265.270. FOUNDATION FUNDING - ALL STUDENTS 269290

Of the portion of the formula aid distributed to city, local, 269291
and exempted village school districts, joint vocational school 269292
districts, community schools, and STEM schools under this section, 269293
an amount in each fiscal year, as calculated by the Department of 269294
Education and Workforce, shall be used for the purposes of 269295
division (B) of section 3317.0215 of the Revised Code. 269296

Of the foregoing appropriation item 200550, Foundation 269297
Funding - All Students, up to \$5,357,606 in each fiscal year shall 269298
be used to fund gifted education at educational service centers. 269299
The Department shall distribute the funding through the unit-based 269300
funding methodology in place under division (L) of section 269301
3317.024, division (E) of section 3317.05, and divisions (A), (B), 269302
and (C) of section 3317.053 of the Revised Code as they existed 269303
prior to fiscal year 2010. 269304

Of the foregoing appropriation item 200550, Foundation 269305
Funding - All Students, up to \$45,650,000 in fiscal year 2024 and 269306
up to \$47,600,000 in fiscal year 2025 shall be reserved to fund 269307

the state reimbursement of educational service centers under 269308
section 3317.11 of the Revised Code. 269309

Of the foregoing appropriation item 200550, Foundation 269310
Funding - All Students, up to \$3,500,000 in each fiscal year shall 269311
be distributed to educational service centers for school 269312
improvement initiatives and for the provision of technical 269313
assistance to schools and districts consistent with requirements 269314
of section 3312.01 of the Revised Code. The Department may 269315
distribute these funds through a competitive grant process. 269316

Of the foregoing appropriation item 200550, Foundation 269317
Funding - All Students, up to \$7,000,000 in each fiscal year shall 269318
be reserved for payments under the section of this act entitled 269319
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 269320
sufficient, the Director of Education and Workforce may reallocate 269321
excess funds for other purposes supported by this appropriation 269322
item in order to fully pay the amounts required by that section, 269323
provided that the aggregate amount appropriated in appropriation 269324
item 200550, Foundation Funding - All Students, is not exceeded. 269325

Of the foregoing appropriation item 200550, Foundation 269326
Funding - All Students, up to \$4,000,000 in each fiscal year shall 269327
be used to support the administration of state scholarship 269328
programs. 269329

Of the foregoing appropriation item 200550, Foundation 269330
Funding - All Students, up to \$1,000,000 in each fiscal year shall 269331
be distributed to the Cleveland Municipal School District to 269332
provide tutorial assistance as provided in division (B) of section 269333
3313.979 of the Revised Code. The Cleveland Municipal School 269334
District shall report the use of these funds in the district's 269335
three-year continuous improvement plan as described in section 269336
3302.04 of the Revised Code in a manner approved by the 269337
Department. 269338

Of the foregoing appropriation item 200550, Foundation 269339
Funding - All Students, up to \$3,000,000 in each fiscal year may 269340
be used for payment of the College Credit Plus Program for 269341
students instructed at home pursuant to section 3321.04 of the 269342
Revised Code. 269343

Of the foregoing appropriation item 200550, Foundation 269344
Funding - All Students, an amount shall be available in each 269345
fiscal year to be paid to joint vocational school districts in 269346
accordance with section 3317.16 of the Revised Code and the 269347
section of this act entitled "TRANSITIONAL AID." 269348

Of the foregoing appropriation item 200550, Foundation 269349
Funding - All Students, up to \$700,000 in each fiscal year shall 269350
be used by the Department for a program to pay for educational 269351
services for youth who have been assigned by a juvenile court or 269352
other authorized agency to any of the facilities described in 269353
division (A) of the section of this act entitled "PRIVATE 269354
TREATMENT FACILITY PROJECT." 269355

Of the foregoing appropriation item 200550, Foundation 269356
Funding - All Students, a portion may be used to pay 269357
college-preparatory boarding schools the per pupil boarding amount 269358
pursuant to section 3328.34 of the Revised Code. 269359

Of the foregoing appropriation item 200550, Foundation 269360
Funding - All Students, up to \$1,760,000 in each fiscal year may 269361
be used by the Department for duties and activities related to the 269362
establishment of academic distress commissions under section 269363
3302.10 of the Revised Code, to provide support and assistance to 269364
academic distress commissions to further their duties under 269365
Chapter 3302. of the Revised Code, and to provide technical 269366
assistance and tools to support districts subject to academic 269367
distress commissions. 269368

Of the foregoing appropriation item 200550, Foundation 269369

Funding - All Students, up to \$1,500,000 in each fiscal year shall 269370
be distributed to the Ohio STEM Learning Network to support the 269371
expansion of free STEM programming aligned to Ohio's STEM 269372
priorities, to create regional STEM supports targeting underserved 269373
student populations, and to support the Ohio STEM Committee's STEM 269374
school designation process. 269375

Of the foregoing appropriation item 200550, Foundation 269376
Funding - All Students, up to \$4,500,000 in each fiscal year shall 269377
be used to make supplemental payments under section 3317.22 of the 269378
Revised Code. If the amount appropriated is insufficient, the 269379
Department shall prorate the payments so that the aggregate amount 269380
appropriated in this section is not exceeded. 269381

The remainder of the foregoing appropriation item 200550, 269382
Foundation Funding - All Students, shall be used to distribute the 269383
amounts calculated for formula aid under section 3317.022 of the 269384
Revised Code and the sections of this act entitled "COMMUNITY 269385
SCHOOL EQUITY SUPPLEMENT" and "TRANSITIONAL AID." 269386

Appropriation items 200502, Pupil Transportation, and 200550, 269387
Foundation Funding - All Students, other than specific set-asides, 269388
are collectively used in each fiscal year to pay state formula aid 269389
obligations for school districts, community schools, STEM schools, 269390
college preparatory boarding schools, joint vocational school 269391
districts, and state scholarship programs under this act. The 269392
first priority of these appropriation items, with the exception of 269393
specific set-asides, is to fund state formula aid obligations. It 269394
may be necessary to reallocate funds among these appropriation 269395
items or use excess funds from other General Revenue Fund 269396
appropriation items in the Department of Education and Workforce's 269397
budget, including appropriation item 200903, Property Tax 269398
Reimbursement - Education, in each fiscal year in order to meet 269399
state formula aid obligations. If it is determined that it is 269400
necessary to transfer funds among these appropriation items or to 269401

transfer funds from other General Revenue Fund appropriations in 269402
the Department's budget to meet state formula aid obligations, the 269403
Director of Education and Workforce shall seek approval from the 269404
Director of Budget and Management to transfer funds as needed. 269405

The Director of Education and Workforce shall make payments, 269406
transfers, and deductions, as authorized by Title XXXIII of the 269407
Revised Code in amounts substantially equal to those made in the 269408
prior year, or otherwise, at the discretion of the Director, until 269409
at least the effective date of the amendments and enactments made 269410
to Title XXXIII of the Revised Code by this act. Any funds paid to 269411
districts or schools under this section shall be credited toward 269412
the annual funds calculated for the district or school after the 269413
changes made to Title XXXIII of the Revised Code in this act are 269414
effective. Upon the effective date of changes made to Title XXXIII 269415
of the Revised Code in this act, funds shall be calculated as an 269416
annual amount. 269417

Section 265.275. EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM 269418

(A) Notwithstanding anything to the contrary in section 269419
3310.032 of the Revised Code, beginning July 1, 2023, the 269420
foregoing appropriation item 200550, Foundation Funding - All 269421
Students, may be used to award an Educational Choice Scholarship 269422
under that section to any student entering any of grades 269423
kindergarten through twelve, regardless of the student's family 269424
income. 269425

(B) Notwithstanding anything to the contrary in sections 269426
3317.022 and 3310.08 of the Revised Code, for fiscal year 2024 269427
only, a student who receives a first-time scholarship under this 269428
section for the 2023-2024 school year shall have a scholarship 269429
amount determined in accordance with Section 265.277 of this act 269430
for that school year. For the 2024-2025 school year and each 269431
school year thereafter, such student will have a scholarship 269432

amount calculated in accordance with section 3310.08 of the Revised Code. 269433
269434

Section 265.277. EDUCATIONAL CHOICE SCHOLARSHIP AMOUNT FISCAL YEAR 2024 269435
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(A) As used in this section: 269437

(1) "K-8 student" means a student enrolled in any of grades kindergarten through eight; 269438
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(2) "9-12 student" means a student enrolled in any of grades nine through twelve; 269440
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(3) "FPL" means federal poverty guidelines, as defined in section 5101.46 of the Revised Code. 269442
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(4) "Traditional Educational Choice scholarship amount" means the maximum Educational Choice scholarship amount the student would receive under division (A)(10)(a)(ii) of section 3317.022 of the Revised Code for the school year if the student qualified under section 3310.03 of the Revised Code. 269444
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(B) Notwithstanding anything to the contrary in sections 3317.022 and 3310.08 of the Revised Code, for the purposes of division (A)(10)(a)(ii) of section 3317.022 of the Revised Code, the Department of Education and Workforce shall determine the maximum Educational Choice scholarship amount for the 2023-2024 school year for a student described in division (B) of Section 265.275 of this act, as follows: 269449
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(1) For a student with a family income at or below 450% of the FPL, the traditional Educational Choice scholarship amount. 269456
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(2) For a student with a family income above 450% of the FPL, but at or below 500% of the FPL, either: 269458
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(a) For a K-8 student, \$5,200; 269460

(b) For a 9-12 student, \$7,050. 269461

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|---|--------|
| (3) For a student with a family income above 500% of the FPL, | 269462 |
| but at or below 550% of the FPL, either: | 269463 |
| (a) For a K-8 student, \$3,650; | 269464 |
| (b) For a 9-12 student, \$5,000. | 269465 |
| (4) For a student with a family income above 550% of the FPL, | 269466 |
| but at or below 600% of the FPL, either: | 269467 |
| (a) For a K-8 student, \$2,600; | 269468 |
| (b) For a 9-12 student, \$3,550. | 269469 |
| (5) For a student with a family income above 600% of the FPL, | 269470 |
| but at or below 650% of the FPL, either: | 269471 |
| (a) For a K-8 student, \$1,850; | 269472 |
| (b) For a 9-12 student, \$2,500. | 269473 |
| (6) For a student with a family income above 650% of the FPL, | 269474 |
| but at or below 700% of the FPL, either: | 269475 |
| (a) For a K-8 student, \$1,300; | 269476 |
| (b) For a 9-12 student, \$1,750; | 269477 |
| (7) For a student with a family income above 700% of the FPL, | 269478 |
| but at or below 750% of the FPL, either: | 269479 |
| (a) For a K-8 student, \$900; | 269480 |
| (b) For a 9-12 student, \$1,250. | 269481 |
| (8) For a student with a family income above 750% of the FPL, | 269482 |
| either: | 269483 |
| (a) For a K-8 student, \$650; | 269484 |
| (b) For a 9-12 student, \$950. | 269485 |

Section 265.280. PHASE-IN PERCENTAGES 269486

For purposes of division (X)(1) of section 3317.02 of the 269487
Revised Code, the General Assembly has determined that the general 269488

phase-in percentage for fiscal year 2024 shall be 50 per cent and 269489
the general phase-in percentage for fiscal year 2025 shall be 269490
66.67 per cent. 269491

For purposes of division (X)(2) of section 3317.02 of the 269492
Revised Code, the General Assembly has determined that the 269493
phase-in percentage for disadvantaged pupil impact aid for fiscal 269494
year 2024 shall be 50 per cent and the phase-in percentage for 269495
disadvantaged pupil impact aid for fiscal year 2025 shall be 66.67 269496
per cent. 269497

Section 265.285. COMMUNITY SCHOOL EQUITY SUPPLEMENT 269498

The Department of Education and Workforce shall pay an equity 269499
supplement in fiscal years 2024 and 2025 to each community school 269500
established under Chapter 3314. of the Revised Code that is not an 269501
internet- or computer-based community school, as defined in 269502
section 3314.02 of the Revised Code. The Department shall 269503
calculate a community school's equity supplement for a fiscal year 269504
by multiplying the number of students in the school's enrolled ADM 269505
by \$400. 269506

Section 265.290. TRANSITIONAL AID 269507

(A)(1) For fiscal years 2024 and 2025, the Department of 269508
Education and Workforce shall pay transitional aid to each city, 269509
local, and exempted village school district according to the 269510
following formula: 269511

(The district's funding base for fiscal year 2023) - (the sum 269512
of the district's payments under sections 3317.019, 3317.022, and 269513
3317.0212 of the Revised Code for the fiscal year for which the 269514
aid is calculated) 269515

If the computation made under division (A)(1) of this section 269516
for a fiscal year results in a negative number, the district's 269517
transitional aid for that fiscal year shall be zero. 269518

(2) For purposes of division (A)(1) of this section, a city, local, or exempted village school district's "funding base for fiscal year 2023" means the amount calculated as follows:

(The district's payment for fiscal year 2023 under section 3317.019 of the Revised Code, as that section existed for payments for that fiscal year) + (the district's payment for fiscal year 2023 under section 3317.022 of the Revised Code, as that section existed for payments for that fiscal year) + (the district's payment under section 3317.0212 of the Revised Code for fiscal year 2023, as that section existed for payments for that fiscal year) + (the district's payment for fiscal year 2023 under Section 265.225 of H.B. 110 of the 134th General Assembly)

(B)(1) For fiscal years 2024 and 2025, the Department of Education and Workforce shall pay transitional aid to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2023) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the aid is calculated)

If the computation made under division (B)(1) of this section for a fiscal year results in a negative number, the district's transitional aid for that fiscal year shall be zero.

(2) For purposes of division (B)(1) of this section, a joint vocational district's "funding base for fiscal year 2023" means an amount calculated as follows:

(The district's payment for fiscal year 2023 under section 3317.16 of the Revised Code, as that section existed for payments for that fiscal year) + (the district's payment for fiscal year 2023 under section 3317.162 of the Revised Code, as that section existed for payments for that fiscal year) + (the district's payment for fiscal year 2023 under Section 265.225 of H.B. 110 of the 134th General Assembly)

(C)(1) For fiscal years 2024 and 2025, the Department of Education and Workforce shall pay transitional aid to each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code according to the following formula:

{(The school's funding base for fiscal year 2023 / the number of students enrolled in the school for fiscal year 2023) - [(the sum of the school's payments for the fiscal year under sections 3317.022 and 3317.0212 of the Revised Code and the section of this act entitled "COMMUNITY SCHOOL EQUITY SUPPLEMENT" for the fiscal year for which the aid is calculated) / the number of students enrolled in the school for the fiscal year for which the aid is calculated]} X the number of students enrolled in the school for the fiscal year for which the aid is calculated

If the computation made under division (C)(1) of this section for a fiscal year results in a negative number, the school's transitional aid for that fiscal year shall be zero.

(2) For purposes of division (C)(1) of this section, a community or STEM school's "funding base for fiscal year 2023" means an amount calculated as follows:

(The sum of the school's payments for fiscal year 2023 under sections 3317.022 and 3317.0212 of the Revised Code, as those sections and section 3317.026 of the Revised Code existed for payments for that fiscal year) + (the school's payment for fiscal year 2023 under Section 265.225 of H.B. 110 of the 134th General Assembly)

(D) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2024 or fiscal year 2025, but does not receive payments for the fiscal year immediately preceding that fiscal

year, the Department shall adjust, as necessary, the district's 269581
funding base, for the purposes of this section and section 3317.02 269582
of the Revised Code, according to the amounts received by the 269583
district in the immediately preceding fiscal year for 269584
career-technical education students who attend the newly 269585
established joint vocational school district. 269586

(E) If a joint vocational school district begins receiving 269587
payments under section 3317.16 of the Revised Code for fiscal year 269588
2024 or fiscal year 2025 but does not receive payments for the 269589
fiscal year immediately preceding that fiscal year, the Department 269590
shall establish the district's funding base, for the purposes of 269591
this section and section 3317.02 of the Revised Code, as an amount 269592
equal to the absolute value of the sum of the associated 269593
adjustments of any local school district's funding base under 269594
division (D) of this section. 269595

Section 265.310. POWER PLANT VALUATION ADJUSTMENT 269596

(A)(1) On or before May 15, 2024, the Tax Commissioner shall 269597
determine all of the following for each city, local, exempted 269598
village, and joint vocational school district that has at least 269599
one power plant located within its territory: 269600

(a) Whether the taxable value of all utility tangible 269601
personal property subject to taxation by the district in tax year 269602
2023 was less than the taxable value of such property during tax 269603
year 2017; 269604

(b) Whether the taxable value of all utility tangible 269605
personal property subject to taxation by the district in tax year 269606
2023 was less than the taxable value of such property during tax 269607
year 2022. 269608

(2) If the decrease determined under division (A)(1)(a) or 269609
(b) of this section exceeds ten per cent and the overall change in 269610

utility tangible personal property subject to taxation is 269611
negative, the Tax Commissioner shall certify all of the following 269612
to the Department of Education and Workforce and the Office of 269613
Budget and Management: 269614

(a) The district's total taxable value for tax year 2023; 269615

(b) The change in taxes charged and payable on the district's 269616
total taxable value for tax year 2017 and tax year 2023; 269617

(c) The taxable value of the utility tangible personal 269618
property decrease, which shall be considered a change in 269619
valuation; 269620

(d) The change in taxes charged and payable on such change in 269621
taxable value calculated in the same manner as in division (A)(3) 269622
of section 3317.021 of the Revised Code. 269623

(3) Upon receipt of a certification under division (A)(2) of 269624
this section, the Department of Education and Workforce shall 269625
replace the three-year average valuations that were used in 269626
computing the district's state education aid for fiscal year 2019 269627
with the taxable value certified under division (A)(2)(a) of this 269628
section and shall recompute the district's state education aid for 269629
fiscal year 2019 without applying any funding limitations enacted 269630
by the General Assembly to the computation. The Department shall 269631
pay to the district an amount equal to the greater of the 269632
following: 269633

(a) The lesser of the following: 269634

(i) The positive difference between the district's state 269635
education aid for fiscal year 2019 prior to the recomputation 269636
under division (A)(3) of this section and the district's 269637
recomputed state education aid for fiscal year 2019; 269638

(ii) The absolute value of the amount certified under 269639
division (A)(2)(b) of this section. 269640

(b) The absolute value of the amount certified under division 269641
(A)(2)(b) of this section X 0.50. 269642

(B)(1) On or before May 15, 2025, the Tax Commissioner shall 269643
determine for each city, local, exempted village, and joint 269644
vocational school district that has at least one power plant 269645
located within its territory: 269646

(a) Whether the taxable value of all utility tangible 269647
personal property subject to taxation by the district in tax year 269648
2024 was less than the taxable value of such property during tax 269649
year 2017; 269650

(b) Whether the taxable value of all utility tangible 269651
personal property subject to taxation by the district in tax year 269652
2024 was less than the taxable value of such property during tax 269653
year 2023. 269654

(2) If the decrease determined under division (B)(1)(a) or 269655
(b) of this section exceeds ten per cent and the overall change in 269656
utility tangible personal property subject to taxation is 269657
negative, the Tax Commissioner shall certify all of the following 269658
to the Department of Education and Workforce and the Office of 269659
Budget and Management: 269660

(a) The district's total taxable value for tax year 2024; 269661

(b) The change in taxes charged and payable on the district's 269662
total taxable value for tax year 2017 and tax year 2024; 269663

(c) The taxable value of the utility tangible personal 269664
property decrease, which shall be considered a change in 269665
valuation; 269666

(d) The change in taxes charged and payable on such change in 269667
taxable value calculated in the same manner as in division (A)(3) 269668
of section 3317.021 of the Revised Code. 269669

(3) Upon receipt of a certification under division (B)(2) of 269670

this section, the Department of Education and Workforce shall 269671
replace the three-year average valuations that were used in 269672
computing the district's state education aid for fiscal year 2019 269673
with the taxable value certified under division (B)(2)(a) of this 269674
section and shall recompute the district's state education aid for 269675
fiscal year 2019 without applying any funding limitations enacted 269676
by the General Assembly to the computation. The Department shall 269677
pay to the district an amount equal to the greater of the 269678
following: 269679

(a) The lesser of the following: 269680

(i) The positive difference between the district's state 269681
education aid for fiscal year 2019 prior to the recomputation 269682
under division (B)(3) of this section and the district's 269683
recomputed state education aid for fiscal year 2019; 269684

(ii) The absolute value of the amount certified under 269685
division (B)(2)(b) of this section. 269686

(b) The absolute value of the amount certified under division 269687
(B)(2)(b) of this section X 0.50. 269688

(c) The Department of Education and Workforce shall make 269689
payments under division (A)(3) of this section between June 1, 269690
2024, and June 30, 2024, and the Department shall make payments 269691
under division (B)(3) of this section between June 1, 2025, and 269692
June 30, 2025. The Department shall not calculate or make payments 269693
under section 3317.028 of the Revised Code for fiscal years 2024 269694
and 2025. 269695

Section 265.330. LITERACY IMPROVEMENT 269696

(A)(1) Of the foregoing appropriation items 200566, Literacy 269697
Improvement, and 2006A4, Literacy Improvement, a total of up to 269698
\$43,000,000 in each fiscal year shall be used by the Department of 269699
Education and Workforce to reimburse school districts, community 269700

schools established under Chapter 3314. of the Revised Code, and 269701
STEM schools established under Chapter 3326. of the Revised Code 269702
for stipends paid under division (A)(3) of this section to 269703
teachers to complete professional development in the science of 269704
reading and evidence-based strategies for effective literacy 269705
instruction. The Department shall provide professional development 269706
courses for this purpose. 269707

(2) Districts and schools shall require all teachers and 269708
administrators to complete a course provided by the Department 269709
under division (A)(1) of this section not later than June 30, 269710
2025, except that any teacher or administrator who has previously 269711
completed similar training, as determined by the Department, shall 269712
not be required to complete the course. Teachers shall complete 269713
the course at a time that minimizes disruptions to normal 269714
instructional hours. Districts and schools shall pay a stipend to 269715
each teacher who completes a professional development course under 269716
division (A)(2) of this section as follows: 269717

(a) \$1,200 for each of the following: 269718

(i) A teacher of grades kindergarten through five; 269719

(ii) An English language arts teacher of grades six through 269720
twelve; 269721

(iii) An intervention specialist, English learner teacher, 269722
reading specialist, or instructional coach who serves any of 269723
grades pre-kindergarten through twelve. 269724

(b) \$400 for each teacher who teaches a subject area other 269725
than English language arts in grades six through twelve. 269726

(3) Each district or school may apply to the Department, in a 269727
manner prescribed by the Department, for reimbursement of the cost 269728
of the stipends. The Department shall not reimburse any stipend 269729
paid to an administrator to complete a professional development 269730
course provided by the Department under division (A)(2) of this 269731

section. 269732

(4)(a) The Department of Education and Workforce shall work 269733
with the Department of Higher Education, institutions of higher 269734
education that offer educator preparation programs, and local 269735
professional development committees established under section 269736
3319.22 of the Revised Code to help teachers and administrators 269737
who complete a professional development course under division 269738
(A)(2) of this section to earn college credit. 269739

(b) The Department of Education and Workforce shall 269740
collaborate with the Department of Higher Education and 269741
institutions of higher education that offer educator preparation 269742
programs to align the coursework of the programs with the science 269743
of reading and evidence-based strategies for effective literacy 269744
instruction. 269745

(c) A professional development committee established under 269746
section 3319.22 of the Revised Code shall qualify any completed 269747
professional development coursework under this section to count 269748
towards professional development coursework requirements for 269749
teacher licensure renewal. 269750

A professional development committee shall permit a teacher 269751
to apply any hours earned over the minimum amount of hours 269752
required for professional development coursework for teacher 269753
licensure renewal under this section to the next renewal period 269754
for that license. 269755

(B)(1) Of the foregoing appropriation items 200566, Literacy 269756
Improvement, and 2006A4, Literacy Improvement, a total of up to 269757
\$64,000,000 in fiscal year 2024 shall be used by the Department of 269758
Education and Workforce to subsidize the cost for school 269759
districts, community schools, and STEM schools to purchase 269760
high-quality core curriculum and instructional materials in 269761
English language arts and evidence-based reading intervention 269762

programs from the lists established under section 3313.6028 of the Revised Code. 269763
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(2) The Department shall conduct a survey to collect information on the core curriculum and instructional materials in English language arts in grades pre-kindergarten through five and the reading intervention programs in grades pre-kindergarten through twelve that are being used by public schools. Each school district, community school, and STEM school shall participate in the survey and shall provide the information requested by the Department. 269765
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(C) Of the foregoing appropriation items 200566, Literacy Improvement, and 2006A4, Literacy Improvement, a total of up to \$6,000,000 in fiscal year 2024 and a total of up to \$12,000,000 in fiscal year 2025 shall be used for coaches to provide literacy supports to school districts, community schools, and STEM schools with the lowest rates of proficiency in literacy based on their performance on the English language arts assessments prescribed under section 3301.0710 of the Revised Code. The coaches shall have training in the science of reading and evidence-based strategies for effective literacy instruction and intervention and shall implement Ohio's Coaching Model, as described in Ohio's Plan to Raise Literacy Achievement. The coaches shall be under the direction of the Department but shall not be employed by the Department. 269773
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(D) The remainder of the foregoing appropriation items 200566, Literacy Improvement, and 2006A4, Literacy Improvement, shall be used by the Department of Education and Workforce to support early literacy activities to align state, local, and federal efforts in order to bolster all students' reading success. Funds shall be distributed to educational service centers to establish and support regional literacy professional development teams consistent with section 3312.01 of the Revised Code. A 269787
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portion of the funds may be used by the Department for program 269795
administration, monitoring, technical assistance, support, 269796
research, and evaluation. 269797

Section 265.340. ADULT EDUCATION PROGRAMS 269798

Of the foregoing appropriation item 200572, Adult Education 269799
Programs, up to \$6,900,000 in each fiscal year shall be used to 269800
make payments under sections 3314.38, 3317.23, 3317.24, and 269801
3345.86 of the Revised Code. 269802

Of the foregoing appropriation item 200572, Adult Education 269803
Programs, up to \$2,500,000 in fiscal year 2024 shall be used to 269804
support the pilot program established in the section of this act 269805
entitled "COMPETENCY-BASED DIPLOMA PILOT PROGRAM." An amount equal 269806
to the unexpended, unencumbered balance of this set-aside at the 269807
end of fiscal year 2024 is hereby reappropriated to the same 269808
appropriation item for the same purpose in fiscal year 2025. 269809

A portion of the foregoing appropriation item 200572, Adult 269810
Education Programs, shall be used in each fiscal year to make 269811
payments to institutions participating in the Adult Diploma Pilot 269812
Program under section 3313.902 of the Revised Code and to pay 269813
career-technical planning districts for the amounts reimbursed to 269814
students, as prescribed in this section. If funds are insufficient 269815
to make payments for the Adult Diploma Pilot Program, upon the 269816
request of the Director of Education and Workforce, the Director 269817
of Budget and Management may transfer appropriation from 269818
appropriation item 200550, Foundation Funding - All Students, to 269819
appropriation item 200572, Adult Education Programs, subject to an 269820
available balance in appropriation item 200550 and Controlling 269821
Board approval. Any appropriation so transferred shall be used to 269822
make payments to institutions participating in the Adult Diploma 269823
Pilot Program pursuant to section 3313.902 of the Revised Code. 269824

Each career-technical planning district shall reimburse 269825

individuals taking a nationally recognized high school equivalency examination approved by the Department of Education and Workforce for the first time for application fees, examination fees, or both, in excess of \$40, up to a maximum reimbursement per individual of \$80. Each career-technical planning district shall designate a site or sites where individuals may register and take an approved examination. For each individual who registers for an approved examination, the career-technical planning district shall make available and offer career counseling services, including information on adult education programs that are available. A portion of the appropriation item may be used to reimburse the Department of Youth Services and the Department of Rehabilitation and Correction for individuals in these facilities who have taken an approved examination for the first time. The amounts reimbursed shall not exceed the per-individual amounts reimbursed to other individuals under this section for an approved examination.

Notwithstanding any provision of law to the contrary, the unexpended balance of appropriations for payments under sections 3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised Code at the end of each fiscal year may be encumbered by the Department of Education and Workforce and remain available for payment for a period not to exceed two years from the end of each fiscal year in which the funds were originally appropriated, in accordance with guidelines established by the Director of Education and Workforce.

A portion of the foregoing appropriation item 200572, Adult Education Programs, may be used for program administration, technical assistance, support, research, and evaluation of adult education programs, including high school equivalency examinations approved by the Department of Education and Workforce.

Section 265.350. HALF-MILL MAINTENANCE EQUALIZATION 269856

The foregoing appropriation item 200574, Half-Mill Maintenance Equalization, shall be used to make payments pursuant to section 3318.18 of the Revised Code.

ADAPTIVE SPORTS PROGRAM

The foregoing appropriation item 200576, Adaptive Sports Program, shall be used by the Department of Education and Workforce, in collaboration with the Adaptive Sports Program of Ohio, to fund adaptive sports programs in school districts across the state.

Section 265.355. PROGRAM AND PROJECT SUPPORT

Of the foregoing appropriation item 200597, Program and Project Support, \$612,500 in each fiscal year shall be used by the Department of Education and Workforce to award grants of up to \$75,000 per school to nonpublic schools for science, technology, engineering, and mathematics equipment or programs, in a manner determined by the Department, a portion of which may be used to support teaching personnel. If a school receiving an award under this section intends to use a portion of the award to support teaching personnel, the school may use the award to support up to one full-time equivalent position.

Of the foregoing appropriation item 200597, Program and Project Support, \$125,000 in each fiscal year shall be used by the Department of Education and Workforce to distribute grants to nonpublic schools to purchase coding robots for use in teaching students in grades kindergarten through twelve. The grants shall be distributed in a manner determined by the Department, provided that priority shall be given to nonpublic schools that have participated in the DRIVE Ohio Coding Day in either of the prior two school years or register to participate in it in either the 2023-2024 or 2024-2025 school years.

Section 265.360. MEDICAID IN SCHOOLS PROGRAM 269887

The foregoing appropriation item, 657401, Medicaid in Schools 269888
Program, shall be used by the Department of Education and 269889
Workforce to support the Medicaid in Schools Program. 269890

Section 265.377. FEMININE HYGIENE PRODUCTS 269891

Of the foregoing appropriation item 2006A5, Feminine Hygiene 269892
Products, up to \$2,000,000 in fiscal year 2024 shall be used to 269893
provide funds to each school district, other public school, and 269894
chartered nonpublic school that enrolls girls in any of grades six 269895
through twelve in order to install dispensers for feminine hygiene 269896
products in each school building under its control. 269897

Of the foregoing appropriation item 2006A5, Feminine Hygiene 269898
Products, up to \$3,000,000 in fiscal year 2024 shall be used to 269899
reimburse school districts, other public schools, and chartered 269900
nonpublic schools in a manner determined by the Department of 269901
Education and Workforce, for costs incurred to provide free 269902
feminine hygiene products pursuant to section 3313.6413 of the 269903
Revised Code. 269904

Section 265.380. SCHOOL DISTRICT SOLVENCY ASSISTANCE 269905

(A) The foregoing appropriation item 200687, School District 269906
Solvency Assistance, shall be allocated to the School District 269907
Shared Resource Account and the Catastrophic Expenditures Account 269908
in amounts determined by the Director of Education and Workforce. 269909
These funds shall be used to provide assistance and grants to 269910
school districts to enable them to remain solvent under section 269911
3316.20 of the Revised Code. Assistance and grants shall be 269912
subject to approval by the Controlling Board. Except as provided 269913
under division (C) of this section, any required reimbursements 269914
from school districts for solvency assistance shall be made to the 269915

appropriate account in the School District Solvency Assistance Fund (Fund 5H30). 269916
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(B) Notwithstanding any provision of law to the contrary, 269918
upon the request of the Director of Education and Workforce, the 269919
Director of Budget and Management may make transfers to the School 269920
District Solvency Assistance Fund (Fund 5H30) from any fund used 269921
by the Department of Education and Workforce or the General 269922
Revenue Fund to maintain sufficient cash balances in Fund 5H30 in 269923
fiscal years 2024 and 2025. Any cash transferred is hereby 269924
appropriated. The transferred cash may be used by the Department 269925
to provide assistance and grants to school districts to enable 269926
them to remain solvent and to pay unforeseeable expenses of a 269927
temporary or emergency nature that the school district is unable 269928
to pay from existing resources. The Director of Budget and 269929
Management shall notify the members of the Controlling Board of 269930
any such transfers. 269931

(C) If the cash balance of the School District Solvency Assistance Fund (Fund 5H30) is insufficient to pay solvency assistance in fiscal years 2024 and 2025, at the request of the Director of Education and Workforce, and with the approval of the Controlling Board, the Director of Budget and Management may transfer cash from the Lottery Profits Education Reserve Fund (Fund 7018) to Fund 5H30 to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary nature that they are unable to pay from existing resources under section 3316.20 of the Revised Code. Such transfers are hereby appropriated to appropriation item 200670, School District Solvency Assistance - Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance - Lottery, shall be made to Fund 7018. 269932
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TRANSFERS FROM THE SCHOOL DISTRICT SOLVENCY ASSISTANCE FUND 269948

On July 1, 2023, or as soon as possible thereafter, the 269949
Director of Budget and Management shall transfer \$11,000,000 cash 269950
from the School District Solvency Assistance Fund (Fund 5H30) to 269951
the Literacy Improvement Fund (Fund 5AQ1), which is hereby created 269952
in the state treasury. 269953

On July 1, 2023, or as soon as possible thereafter, the 269954
Director of Budget and Management shall transfer \$5,000,000 cash 269955
from the School District Solvency Assistance Fund (Fund 5H30) to 269956
the Feminine Hygiene Products Fund (Fund 5AR1), which is hereby 269957
created in the state treasury. 269958

Section 265.390. FOUNDATION FUNDING - ALL STUDENTS 269959

(A) The foregoing appropriation item 200604, Foundation 269960
Funding - All Students, shall be used in conjunction with 269961
appropriation items 200550, Foundation Funding - All Students, and 269962
200612, Foundation Funding - All Students, to distribute the 269963
amounts calculated for disadvantaged pupil impact aid under 269964
sections 3317.022 and 3317.16 of the Revised Code and the portions 269965
of the state share of the base cost calculated under those 269966
sections that are attributable to the staffing cost for the 269967
student wellness and success component of the base cost, as 269968
determined by the Department of Education and Workforce. 269969

(B) A district or school shall spend any remaining student 269970
wellness and success funds it received for fiscal year 2020 or 269971
fiscal year 2021 under section 3317.26 of the Revised Code, as 269972
that section existed prior to September 30, 2021, in accordance 269973
with that section. The Department may require districts and 269974
schools to report how all of those funds are spent. 269975

Section 265.400. SCHOOL BUS PURCHASE 269976

Notwithstanding any provision of law to the contrary, school 269977

bus purchase funds awarded in fiscal year 2022 or fiscal year 2023 269978
may be used through fiscal year 2025. The Department may also 269979
extend the period of availability due to supply chain disruptions 269980
and delays. 269981

Section 265.407. PUBLIC AND NONPUBLIC EDUCATION SUPPORT 269982

The foregoing appropriation item 200491, Public and Nonpublic 269983
Education Support, shall be used in conjunction with appropriation 269984
item 200550, Foundation Funding - All Students, to distribute the 269985
amounts calculated for formula aid under section 3317.022 of the 269986
Revised Code. 269987

Section 265.410. LOTTERY PROFITS EDUCATION FUND 269988

The foregoing appropriation item 200612, Foundation Funding - 269989
All Students, shall be used in conjunction with appropriation item 269990
200550, Foundation Funding - All Students, to distribute the 269991
amounts calculated for formula aid under section 3317.022 of the 269992
Revised Code. 269993

The Department of Education and Workforce, with the approval 269994
of the Director of Budget and Management, shall determine the 269995
monthly distribution schedules of appropriation item 200550, 269996
Foundation Funding - All Students, and appropriation item 200612, 269997
Foundation Funding - All Students. If adjustments to the monthly 269998
distribution schedule are necessary, the Department shall make 269999
such adjustments with the approval of the Director. 270000

Section 265.420. ACCELERATE GREAT SCHOOLS 270001

The foregoing appropriation item 200614, Accelerate Great 270002
Schools, shall be used by the Department of Education and 270003
Workforce to support the Accelerate Great Schools public-private 270004
partnership. 270005

Section 265.430. QUALITY COMMUNITY AND INDEPENDENT STEM 270006
SCHOOLS SUPPORT 270007

The foregoing appropriation item 200631, Quality Community 270008
and Independent STEM Schools Support, shall be used for the 270009
Quality Community and Independent STEM School Support Program. 270010
Under the program, the Department of Education and Workforce shall 270011
pay each community school established under Chapter 3314. of the 270012
Revised Code and designated as a Community School of Quality under 270013
Section 265.431 of this act and each STEM school established under 270014
Chapter 3326. of the Revised Code and designated as an Independent 270015
STEM School of Quality under Section 265.432 of this act an amount 270016
up to \$3,000 in each fiscal year for each pupil identified as 270017
economically disadvantaged and up to \$2,250 in each fiscal year 270018
for each pupil that is not identified as economically 270019
disadvantaged. The payment for the current fiscal year shall be 270020
calculated using the adjusted full-time equivalent number of 270021
students enrolled in the school for the current fiscal year as of 270022
the date the payment is made, as reported by the school under 270023
section 3314.08 of the Revised Code. The Department shall make the 270024
payment to each Community School of Quality or Independent STEM 270025
School of Quality not later than January 31 of each fiscal year. 270026
If the amount appropriated is not sufficient to pay the amounts 270027
calculated pursuant to this section, the Director of Education and 270028
Workforce may request the Controlling Board to authorize 270029
expenditures in excess of the amounts appropriated. Upon approval 270030
by the Controlling Board, the additional amounts are hereby 270031
appropriated to appropriation item 200631, Quality Community and 270032
Independent STEM Schools Support. 270033

Section 265.431. To be designated as a Community School of 270034
Quality, a community school shall satisfy at least one of the 270035
following conditions: 270036

- (A) The community school meets all of the following criteria: 270037
- (1) The school's sponsor was rated "exemplary" or "effective" 270038
on the sponsor's most recent evaluation conducted under section 270039
3314.016 of the Revised Code. 270040
- (2) The school received a higher performance index score than 270041
the school district in which the school is located on the two most 270042
recent report cards issued for the school under section 3302.03 of 270043
the Revised Code. 270044
- (3) The school received a performance rating of four stars or 270045
higher for the value-added progress dimension on the most recent 270046
report card issued for the school under section 3302.03 of the 270047
Revised Code or is a school described under division (A)(4) of 270048
section 3314.35 of the Revised Code and did not receive a rating 270049
for the value-added progress dimension on the most recent report 270050
card. 270051
- (4) At least fifty per cent of the students enrolled in the 270052
school are economically disadvantaged, as determined by the 270053
Department. 270054
- (B) The community school meets all of the following criteria: 270055
- (1) The school's sponsor was rated "exemplary" or "effective" 270056
on the sponsor's most recent evaluation conducted under section 270057
3314.016 of the Revised Code. 270058
- (2) The school is in its first year of operation or the 270059
school opened as a kindergarten school and has added one grade per 270060
year and has been in operation for less than four school years. 270061
- (3) The school is replicating an operational and 270062
instructional model used by a community school described in 270063
division (A) of this section. 270064
- (4) If the school has an operator, the operator received a 270065
"C" or better on its most recent performance report published 270066

under section 3314.031 of the Revised Code. 270067

(C) The community school meets all of the following criteria: 270068

(1) The school's sponsor was rated "exemplary" or "effective" 270069
on the sponsor's most recent evaluation conducted under section 270070
3314.016 of the Revised Code. 270071

(2) The school satisfies either of the following: 270072

(a) The school contracts with an operator that operates 270073
schools in other states and meets at least one of the following 270074
criteria: 270075

(i) Has operated a school that received a grant funded 270076
through the federal Charter School Program established under 20 270077
U.S.C. 7221 within the five years prior to the date of application 270078
or received funding from the Charter School Growth Fund; 270079

(ii) Meets all of the following criteria: 270080

(I) One of the operator's schools in another state performed 270081
better than the school district in which the school is located, as 270082
determined by the Department. 270083

(II) At least fifty per cent of the total number of students 270084
enrolled in all of the operator's schools are economically 270085
disadvantaged, as determined by the Department. 270086

(III) The operator is in good standing in all states where it 270087
operates schools, as determined by the Department. 270088

(IV) The Department has determined that the operator does not 270089
have any financial viability issues that would prevent it from 270090
effectively operating a community school in Ohio. 270091

(b) The school is replicating an operational and 270092
instructional model through an agreement with a college or 270093
university used by a community school or its equivalent in another 270094
state that performed better than the school district in which the 270095
school is located, as determined by the Department of Education 270096

and Workforce. 270097

(3) The school is in its first year of operation or, if not 270098
in its first year of operation and qualifying under division 270099
(C)(2)(b) of this section, opened on July 1, 2022, and has not 270100
previously been designated as a Community School of Quality under 270101
this section, in which case the first payment under Section 270102
265.430 of this act shall be made on or before January 31, 2024, 270103
and shall be calculated based on the adjusted full-time equivalent 270104
number of students enrolled in the school for fiscal year 2024. 270105

(D) A school designated as a Community School of Quality 270106
under this section shall maintain that designation for the two 270107
fiscal years following the fiscal year in which the school was 270108
initially designated as a Community School of Quality. 270109

(E) A school designated a Community School of Quality may 270110
renew its designation each year that it satisfies the criteria 270111
under division (A) of this section. The school shall maintain that 270112
designation for the two fiscal years following each fiscal year in 270113
which the criteria under division (A) of this section are 270114
satisfied. This division applies to schools designated as a 270115
Community School of Quality based on the report cards issued in 270116
accordance with sections 3302.03 and 3314.012 of the Revised Code 270117
for the 2017-2018 and 2018-2019 school years. 270118

(F) A school that was designated as a Community School of 270119
Quality for the first time under division (B)(3) of this section 270120
for the 2022-2023 school year shall be considered to have 270121
maintained that designation for the 2022-2023 school year, shall 270122
maintain that designation through the 2027-2028 school year, and 270123
may renew its designation under division (D) of this section after 270124
that year. 270125

(G) If two or more community schools have merged or merge in 270126
accordance with division (B) of section 3314.0211 of the Revised 270127

Code on or after June 30, 2022, the surviving community school is 270128
eligible to receive funds under this program, provided it 270129
otherwise qualifies as a Community School of Quality under 270130
division (A), (B), or (C) of this section. In such a case, the 270131
payment for the current fiscal year shall be calculated using the 270132
adjusted full-time equivalent number of students enrolled in the 270133
school for the current fiscal year as of the date the payment is 270134
made, as reported by the surviving community school under section 270135
3314.08 of the Revised Code, regardless of whether those students 270136
were previously enrolled in a community school that was dissolved 270137
as part of the merger. A community school that was qualified to 270138
receive funds under the program prior to merging on or after June 270139
30, 2022, and was dissolved due to the merger, shall be considered 270140
to have been eligible for funds under the program prior to the 270141
effective date of this section and shall not be required to return 270142
any funds received prior to that date. 270143

Section 265.432. (A) To be designated as an Independent STEM 270144
School of Quality, a STEM school shall satisfy all of the 270145
following criteria: 270146

(1) The STEM school operates autonomously under section 270147
3326.031 of the Revised Code. 270148

(2) The STEM school does not have a STEM school equivalent 270149
designation under section 3326.032 of the Revised Code. 270150

(3) The STEM school is not governed by a school district 270151
under section 3326.51 of the Revised Code. 270152

(4) The STEM school is not a community school established 270153
under Chapter 3314. of the Revised Code. 270154

(5) The STEM school cannot levy taxes or issue tax-secured 270155
bonds in accordance with section 3326.49 of the Revised Code. 270156

(6) The STEM school satisfies the requirements prescribed by 270157

section 3326.03 of the Revised Code. 270158

(7) The STEM school satisfies the requirements described in 270159
the Quality Model for STEM and STEAM Schools established by the 270160
Department of Education and Workforce in accordance with Chapter 270161
3326. of the Revised Code. 270162

(B) A school designated as an Independent STEM School of 270163
Quality under this section shall maintain that designation for the 270164
two fiscal years following the fiscal year in which the school was 270165
initially designated as an Independent STEM School of Quality. 270166

(C) A school designated as an Independent STEM School of 270167
Quality may renew its designation each year that it satisfies the 270168
criteria under division (A) of this section. The school shall 270169
maintain that designation for the two fiscal years following each 270170
fiscal year in which the criteria under division (A) of this 270171
section are satisfied. This division applies to schools designated 270172
as an Independent STEM School of Quality based on the report cards 270173
issued in accordance with sections 3302.03 and 3314.012 of the 270174
Revised Code for the 2017-2018 and 2018-2019 school years. 270175

Section 265.440. COMMUNITY SCHOOL FACILITIES 270176

The foregoing appropriation item 200684, Community School 270177
Facilities, shall be used to pay each community school established 270178
under Chapter 3314. of the Revised Code and each STEM school 270179
established under Chapter 3326. of the Revised Code an amount 270180
equal to \$25 in each fiscal year for each full-time equivalent 270181
pupil in an internet- or computer-based community school and 270182
\$1,000 in each fiscal year for each full-time equivalent pupil in 270183
all other community or STEM schools for assistance with the cost 270184
associated with facilities. If the amount appropriated is not 270185
sufficient, the Department shall prorate the amounts so that the 270186
aggregate amount appropriated is not exceeded. 270187

Section 265.450. LOTTERY PROFITS EDUCATION RESERVE FUND 270188

(A) There is hereby created the Lottery Profits Education 270189
Reserve Fund (Fund 7018) in the State Treasury. Investment 270190
earnings of the Lottery Profits Education Reserve Fund shall be 270191
credited to the fund. 270192

(B) Notwithstanding any other provision of law to the 270193
contrary, the Director of Budget and Management may transfer cash 270194
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 270195
in fiscal year 2024 and fiscal year 2025. 270196

(C) On July 15, 2023, or as soon as possible thereafter, the 270197
Director of the Ohio Lottery Commission shall certify to the 270198
Director of Budget and Management the amount by which lottery 270199
profit transfers received by Fund 7017 exceeded \$1,263,000,000 in 270200
fiscal year 2023. 270201

(D) On July 15, 2024, or as soon as possible thereafter, the 270202
Director of the Ohio Lottery Commission shall certify to the 270203
Director of Budget and Management the amount by which lottery 270204
profit transfers received by Fund 7017 exceeded \$1,424,000,000 in 270205
fiscal year 2024. 270206

(E) Notwithstanding any provision of law to the contrary, in 270207
fiscal year 2024 and fiscal year 2025, the Director of Budget and 270208
Management may transfer cash in excess of the amounts necessary to 270209
support appropriations in Fund 7017 from that fund to Fund 7018. 270210

Section 265.460. FEDERAL COVID RELIEF REAPPROPRIATIONS 270211

(A) On July 1, 2023, or as soon as possible thereafter, the 270212
Director of Education and Workforce may certify to the Director of 270213
Budget and Management amounts equal to the unexpended, 270214
unencumbered balances of appropriation items under the following 270215
funds at the end of fiscal year 2023 to be reappropriated to 270216
fiscal year 2024: 270217

| | |
|--|--------|
| (1) The ARP - Homeless Children and Youth Fund (Fund 3HZ0); | 270218 |
| (2) The ARP - Students with Disabilities Fund (Fund 3IA0). | 270219 |
| The Director of Budget and Management may approve up to the | 270220 |
| amounts certified. The approved amounts are hereby reappropriated | 270221 |
| to the same appropriation items and shall be used for the same | 270222 |
| purposes in fiscal year 2024. | 270223 |
| (B) On July 1, 2024, or as soon as possible thereafter, the | 270224 |
| Director of Education and Workforce may certify to the Director of | 270225 |
| Budget and Management amounts equal to the unexpended, | 270226 |
| unencumbered balances of appropriation items under the following | 270227 |
| funds at the end of fiscal year 2024 to be reappropriated to | 270228 |
| fiscal year 2025: | 270229 |
| (1) The Governor's Emergency Education Relief Fund (Fund | 270230 |
| 3HQ0); | 270231 |
| (2) The Federal Coronavirus School Relief Fund (Fund 3HS0); | 270232 |
| (3) The ARP - Homeless Children and Youth Fund (Fund 3HZ0). | 270233 |
| The Director of Budget and Management may approve up to the | 270234 |
| amounts certified. The approved amounts are hereby reappropriated | 270235 |
| to the same appropriation items and shall be used for the same | 270236 |
| purposes in fiscal year 2025. | 270237 |
| Section 265.465. EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS | 270238 |
| REALLOCATION | 270239 |
| (A) Of appropriation item 200651, Emergency Assistance to | 270240 |
| Non-Public Schools, up to \$1,000,000 in fiscal year 2024 shall be | 270241 |
| used to support the pilot program established in the section of | 270242 |
| this act entitled "PUPIL TRANSPORTATION PILOT PROGRAM." | 270243 |
| An amount equal to the unexpended, unencumbered balance of | 270244 |
| this set-aside at the end of fiscal year 2024 is hereby | 270245 |
| reappropriated for the same purpose in fiscal year 2025. | 270246 |

(B) The Department shall support the set-aside in division 270247
(A) of this section using reallocated federal Emergency Assistance 270248
to Non-Public Schools funds under Title III, section 312(d)(6) of 270249
the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 270250
116-260. 270251

Section 265.467. Notwithstanding division (B) of Section 270252
213.10 of H.B. 170 of the 134th General Assembly and any other 270253
provision of law to the contrary, the Department of Education and 270254
Workforce may use the funds for emergency needs authorized under 270255
Title III, Sec. 313(e) of the federal "Consolidated Appropriations 270256
Act, 2021," Pub. L. No. 116-260, instead of the funds authorized 270257
under Title II, Sec. 2001(f)(1) or (4) of the federal "American 270258
Rescue Plan Act of 2021," Pub. L. No. 117-2, to support programs 270259
and activities authorized under divisions (B) to (D) of Section 270260
209.30 of H.B. 169 of the 134th General Assembly and Section 9 of 270261
H.B. 583 of the 134th General Assembly. 270262

Notwithstanding division (C) of Section 265.355 of H.B. 110 270263
of the 134th General Assembly and any other provision of law to 270264
the contrary, the Department of Education and Workforce shall use 270265
the funds authorized under Title II, Sec. 2001(f)(1) and (4) of 270266
the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, 270267
as necessary to support the Afterschool Child Enrichment (ACE) 270268
Educational Savings Account Program pursuant to section 3310.70 of 270269
the Revised Code in fiscal years 2024 and 2025. Notwithstanding 270270
division (C)(1) of section 3310.70 of the Revised Code, the 270271
Department may extend the contract with the vendor administering 270272
the program as of the effective date of this amendment through 270273
fiscal year 2025 and may pay the vendor more than three per cent 270274
of the amount appropriated for the program for each of fiscal 270275
years 2024 and 2025. 270276

Section 265.470. NEGATIVE FUND BALANCE DUE TO DELAY IN 270277

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND CLAIMS 270278
REIMBURSEMENTS 270279

Notwithstanding any provision of law to the contrary, a 270280
school district, community school, or STEM school may have a 270281
deficit in the special revenue fund established to receive funds 270282
from the Elementary and Secondary School Emergency Relief Fund 270283
under the federal "Coronavirus Aid, Relief, and Economic Security 270284
Act," Pub. L. No. 116-136, the federal "Consolidated 270285
Appropriations Act, 2021," Pub. L. No. 116-260, and the federal 270286
"American Rescue Plan Act of 2021," Pub. L. No. 117-2, in fiscal 270287
year 2023, fiscal year 2024, or fiscal year 2025 when that deficit 270288
resulted from a temporary delay in the Department of Education and 270289
Workforce's ability to process claims for reimbursement. 270290

Section 265.480. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 270291
ASSESSMENT OF EDUCATIONAL PROGRESS 270292

The General Assembly intends for the Director of Education 270293
and Workforce to provide for school district participation in the 270294
administration of the National Assessment of Educational Progress 270295
in accordance with section 3301.27 of the Revised Code. Each 270296
school and school district selected for participation by the 270297
Director shall participate. 270298

Section 265.490. EARMARK ACCOUNTABILITY 270299

At the request of the Director of Education and Workforce, 270300
any entity that receives a budget earmark under the Department of 270301
Education and Workforce shall submit annually to the Department a 270302
report that includes a description of the services supported by 270303
the funds, a description of the results achieved by those 270304
services, an analysis of the effectiveness of the program, and an 270305
opinion as to the program's applicability to other school 270306
districts. For an earmarked entity that received state funds from 270307

an earmark in the prior fiscal year, no funds shall be provided by 270308
the Department to an earmarked entity for a fiscal year until its 270309
report for the prior fiscal year has been submitted. 270310

Section 265.500. COMMUNITY SCHOOL OPERATING FROM HOME 270311

A community school established under Chapter 3314. of the 270312
Revised Code that was open for operation as a community school as 270313
of May 1, 2005, may operate from or in any home, as defined in 270314
section 3313.64 of the Revised Code, located in the state, 270315
regardless of when the community school's operations from or in a 270316
particular home began. 270317

Section 265.505. WORK LOCATION OF FULL-TIME EMPLOYEES 270318

During the period from August 1, 2023, through June 30, 2025, 270319
all full-time employees of the Department of Education and 270320
Workforce shall not work at their place of residence for more than 270321
eight hours per week. 270322

Section 265.510. USE OF VOLUNTEERS 270323

The Department of Education and Workforce may utilize the 270324
services of volunteers to accomplish any of the purposes of the 270325
Department. The Director of Education and Workforce shall approve 270326
for what purposes volunteers may be used and for these purposes 270327
may recruit, train, and oversee the services of volunteers. The 270328
Director may reimburse volunteers for necessary and appropriate 270329
expenses in accordance with state guidelines and may designate 270330
volunteers as state employees for the purpose of motor vehicle 270331
accident liability insurance under section 9.83 of the Revised 270332
Code, for immunity under section 9.86 of the Revised Code, and for 270333
indemnification from liability incurred in the performance of 270334
their duties under section 9.87 of the Revised Code. 270335

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| Section 265.520. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN | 270336 |
| In collaboration with the County Family and Children First | 270337 |
| Council, a city, local, or exempted village school district, | 270338 |
| community school, STEM school, joint vocational school district, | 270339 |
| educational service center, or county board of developmental | 270340 |
| disabilities that receives allocations from the Department of | 270341 |
| Education and Workforce from appropriation item 200550, Foundation | 270342 |
| Funding - All Students, or appropriation item 200540, Special | 270343 |
| Education Enhancements, may transfer portions of those allocations | 270344 |
| to a flexible funding pool authorized by the section of this act | 270345 |
| entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." | 270346 |
| Allocations used for maintenance of effort or for federal or state | 270347 |
| funding matching requirements shall not be transferred unless the | 270348 |
| allocation may still be used to meet such requirements. | 270349 |
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| Section 265.530. PRIVATE TREATMENT FACILITY PROJECT | 270350 |
| (A) As used in this section: | 270351 |
| (1) The following are "participating residential treatment | 270352 |
| centers": | 270353 |
| (a) Private residential treatment facilities that have | 270354 |
| entered into a contract with the Department of Youth Services to | 270355 |
| provide services to children placed at the facility by the | 270356 |
| Department and which, in fiscal year 2024 or fiscal year 2025 or | 270357 |
| both, the Department pays through appropriation item 470401, | 270358 |
| RECLAIM Ohio; | 270359 |
| (b) Abraxas, in Shelby; | 270360 |
| (c) Paint Creek, in Bainbridge; | 270361 |
| (d) F.I.R.S.T., in Mansfield. | 270362 |
| (2) "Education program" means an elementary or secondary | 270363 |
| education program or a special education program and related | 270364 |

services. 270365

(3) "Served child" means any child receiving an education 270366
program pursuant to division (B) of this section. 270367

(4) "School district responsible for tuition" means a city, 270368
exempted village, or local school district that, if tuition 270369
payment for a child by a school district is required under law 270370
that existed in fiscal year 1998, is the school district required 270371
to pay that tuition. 270372

(5) "Residential child" means a child who resides in a 270373
participating residential treatment center and who is receiving an 270374
educational program under division (B) of this section. 270375

(B) A youth who is a resident of the state and has been 270376
assigned by a juvenile court or other authorized agency to a 270377
residential treatment facility specified in division (A) of this 270378
section shall be enrolled in an approved educational program 270379
located in or near the facility. Approval of the educational 270380
program shall be contingent upon compliance with the criteria 270381
established for such programs by the Department of Education and 270382
Workforce. The educational program shall be provided by a school 270383
district or educational service center, or by the residential 270384
facility itself. Maximum flexibility shall be given to the 270385
residential treatment facility to determine the provider. In the 270386
event that a voluntary agreement cannot be reached and the 270387
residential facility does not choose to provide the educational 270388
program, the educational service center in the county in which the 270389
facility is located shall provide the educational program at the 270390
treatment center to children under twenty-two years of age 270391
residing in the treatment center. 270392

(C) Any school district responsible for tuition for a 270393
residential child shall, notwithstanding any conflicting provision 270394
of the Revised Code regarding tuition payment, pay tuition for the 270395

child for fiscal year 2024 and fiscal year 2025 to the education 270396
program provider and in the amount specified in this division. If 270397
there is no school district responsible for tuition for a 270398
residential child and if the participating residential treatment 270399
center to which the child is assigned is located in the city, 270400
exempted village, or local school district that, if the child were 270401
not a resident of that treatment center, would be the school 270402
district where the child is entitled to attend school under 270403
sections 3313.64 and 3313.65 of the Revised Code, that school 270404
district, notwithstanding any conflicting provision of the Revised 270405
Code, shall pay tuition for the child for fiscal year 2024 and 270406
fiscal year 2025 under this division unless that school district 270407
is providing the educational program to the child under division 270408
(B) of this section. 270409

A tuition payment under this division shall be made to the 270410
school district, educational service center, or residential 270411
treatment facility providing the educational program to the child. 270412

The amount of tuition paid shall be: 270413

(1) The amount of tuition determined for the district under 270414
division (A) of section 3317.08 of the Revised Code; 270415

(2) In addition, for any student receiving special education 270416
pursuant to an individualized education program as defined in 270417
section 3323.01 of the Revised Code, a payment for excess costs. 270418
This payment shall equal the actual cost to the school district, 270419
educational service center, or residential treatment facility of 270420
providing special education and related services to the student 270421
pursuant to the student's individualized education program, minus 270422
the tuition paid for the child under division (C)(1) of this 270423
section. 270424

A school district paying tuition under this division shall 270425
not include the child for whom tuition is paid in the district's 270426

average daily membership certified under division (A) of section 270427
3317.03 of the Revised Code. 270428

(D) In each of fiscal years 2024 and 2025, the Department of 270429
Education and Workforce shall reimburse, from appropriations made 270430
for the purpose, a school district, educational service center, or 270431
residential treatment facility, whichever is providing the 270432
service, that has demonstrated that it is in compliance with the 270433
funding criteria for each served child for whom a school district 270434
must pay tuition under division (C) of this section. The amount of 270435
the reimbursement shall be the amount appropriated for this 270436
purpose divided by the full-time equivalent number of children for 270437
whom reimbursement is to be made. 270438

(E) Funds provided to a school district, educational service 270439
center, or residential treatment facility under this section shall 270440
be used to supplement, not supplant, funds from other public 270441
sources for which the school district, service center, or 270442
residential treatment facility is entitled or eligible. 270443

(F) The Department of Education and Workforce shall track the 270444
utilization of funds provided to school districts, educational 270445
service centers, and residential treatment facilities under this 270446
section and monitor the effect of the funding on the educational 270447
programs they provide in participating residential treatment 270448
facilities. The Department shall monitor the programs for 270449
educational accountability. 270450

Section 265.540. (A) Notwithstanding anything in the Revised 270451
Code to the contrary, the Director of Education and Workforce 270452
shall not establish any new academic distress commissions for the 270453
2023-2024 and 2024-2025 school years. 270454

(B) This section does not affect an academic distress 270455
commission established prior to the effective date of this 270456
section. 270457

Section 265.550. PUPIL TRANSPORTATION PILOT PROGRAM 270458

(A) The Department of Education and Workforce shall establish 270459
a pilot program under which two educational service centers shall 270460
provide transportation to students enrolled in community schools 270461
established under Chapter 3314. of the Revised Code and chartered 270462
nonpublic schools, in lieu of the students receiving 270463
transportation from their resident school district. Not later than 270464
October 15, 2023, the Department shall select one service center 270465
that is in a county located in central Ohio with a population of 270466
1,323,807, according to the 2020 United States census, and one 270467
service center that is in a county located in southwest Ohio with 270468
a population of 537,309, according to the 2020 United States 270469
census, to participate in the pilot program. The Department and 270470
each participating service center jointly shall identify a school 270471
district served by the service center and community schools and 270472
chartered nonpublic schools that enroll students from the district 270473
for whom the service center will provide transportation during the 270474
2024-2025 school year. No community school or chartered nonpublic 270475
school shall be required to participate in the pilot program. 270476

(B) During the 2023-2024 school year, each participating 270477
educational service center shall do all of the following: 270478

(1) Arrange for the use of a sufficient number of school 270479
buses and bus drivers to transport all students from participating 270480
schools who qualify for transportation under section 3327.01 of 270481
the Revised Code and the school district's transportation policy. 270482
However, nothing shall preclude the service center from providing 270483
transportation to other students enrolled in the schools, so long 270484
as that transportation is provided equally to all students who are 270485
similarly situated. 270486

(2) Collaborate with participating schools to designate daily 270487
start and end times for the 2024-2025 school year that will enable 270488

timely and efficient transportation of the schools' students; 270489

(3) On behalf of participating schools, notify the school 270490
district that those schools will not require transportation for 270491
the 2024-2025 school year. 270492

(C) For each participating community school and chartered 270493
nonpublic school, the Department shall deduct from the school 270494
district's transportation payment under section 3317.0212 of the 270495
Revised Code and pay to the educational service center the amount 270496
the district would receive for each student transported by the 270497
service center, including the additional weight specified under 270498
division (E) of that section. 270499

(D) The educational service centers and the school districts 270500
shall not be subject to section 3327.021 of the Revised Code 270501
during the 2024-2025 school year with regard to students enrolled 270502
in participating schools. Notwithstanding section 3314.46 of the 270503
Revised Code, the service centers may provide transportation to 270504
any participating community school they sponsor. 270505

(E) The educational service centers shall comply with all 270506
transportation requirements for students with disabilities as 270507
specified in the individualized education programs developed for 270508
the students pursuant to Chapter 3323. of the Revised Code. 270509

(F) The Department shall evaluate the pilot program and issue 270510
a report of its findings not later than September 15, 2025. The 270511
educational service centers and participating schools shall submit 270512
data and other information to the Department, in a manner 270513
determined by the Department, for the purpose of conducting the 270514
evaluation. 270515

Section 265.560. (A) Notwithstanding any provision of the 270516
Revised Code to the contrary, if a county auditor has determined 270517
that an abstract filed for tax year 2021 contained incorrect 270518

information due to a correcting certification of public utility 270519
personal property value in excess of fourteen million dollars, the 270520
auditor may file a corrected abstract with respect to such 270521
property for that tax year. The county auditor shall submit the 270522
corrected abstract to the Tax Commissioner within fifteen days 270523
after the effective date of this section. Within fifteen days 270524
after receipt of the corrected abstract, the Commissioner shall 270525
recertify the information described in divisions (A)(1) to (4) of 270526
section 3317.021 of the Revised Code for tax year 2021, as 270527
adjusted according to the corrected abstract, to the Department of 270528
Education and the Office of Budget and Management. 270529

(B) Notwithstanding anything in Chapter 3317. of the Revised 270530
Code to the contrary, with respect to any school district for 270531
which a county auditor submits a corrected abstract under division 270532
(A) of this section, the Department of Education and Workforce 270533
shall use the information recertified for tax year 2021 under that 270534
division to compute state foundation aid under Chapter 3317. of 270535
the Revised Code. 270536

(C) Any correction of an abstract made pursuant to this 270537
section shall be used solely to compute a school district's state 270538
foundation aid and shall not affect any property taxes charged and 270539
payable for tax year 2021. 270540

Section 265.570. Notwithstanding anything to the contrary in 270541
sections 3310.13, 3310.41, 3310.581, and 3313.976 of the Revised 270542
Code, not later than September 30, 2023, each of the following 270543
entities shall submit to the Department of Education and Workforce 270544
its tuition rates for the 2023-2024 school year: 270545

(A) Each chartered nonpublic school enrolling students 270546
receiving scholarships under the Educational Choice Scholarship 270547
Pilot Program established under sections 3310.01 to 3310.17 of the 270548

Revised Code; 270549

(B) Each private school enrolling students receiving 270550
scholarships under the Pilot Project Scholarship Program 270551
established under sections 3313.974 to 3313.979 of the Revised 270552
Code; 270553

(C) Each alternative public provider or registered private 270554
provider enrolling students receiving scholarships under the 270555
Autism Scholarship Program established under Section 3310.41 of 270556
the Revised Code; 270557

(D) Each alternative public provider or registered private 270558
provider enrolling students receiving scholarships under the Jon 270559
Peterson Special Needs Scholarship Program established under 270560
sections 3310.51 to 3310.64 of the Revised Code. 270561

Section 265.571. (A) As used in this section, "state 270562
scholarship program" means the Educational Choice Scholarship 270563
Pilot Program established under sections 3310.01 to 3310.17 of the 270564
Revised Code or the Pilot Project Scholarship Program established 270565
under sections 3313.974 to 3313.979 of the Revised Code. 270566

(B) Notwithstanding anything to the contrary in section 270567
3310.16 or 3313.978 of the Revised Code, for a scholarship sought 270568
for the 2023-2024 school year, the Department of Education and 270569
Workforce shall not prorate any scholarship based on an 270570
application submitted under a state scholarship program on or 270571
after July 1, 2023, but prior to October 15, 2023. 270572

Section 265.580. Not later than December 1, 2023, the 270573
Department of Education and Workforce shall process and resolve 270574
any disputes regarding declarations of impracticality to provide 270575
transportation under section 3327.02 or determinations regarding 270576
transportation noncompliance under section 3327.021 of the Revised 270577
Code that are pending on the effective date of this section. 270578

| | | | | |
|---|-----------------------|------------------|------------------|--------|
| Section 267.10. ELC OHIO ELECTIONS COMMISSION | | | | 270579 |
| General Revenue Fund | | | | 270580 |
| GRF 051321 | Operating Expenses | \$ 415,000 | \$ 432,000 | 270581 |
| TOTAL GRF General Revenue Fund | | | | 270582 |
| Dedicated Purpose Fund Group | | | | 270583 |
| 4P20 051601 | Operating Support | \$ 210,000 | \$ 210,000 | 270584 |
| TOTAL DPF Dedicated Purpose Fund | | | | 270585 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | | 270586 |
|
Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL | | | | 270588 |
| DIRECTORS | | | | 270589 |
| Dedicated Purpose Fund Group | | | | 270590 |
| 4K90 881609 | Operating Expenses | \$ 1,444,500 | \$ 1,446,764 | 270591 |
| TOTAL DPF Dedicated Purpose Fund | | | | 270592 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | | 270593 |
|
Section 271.10. PAY EMPLOYEE BENEFITS FUNDS | | | | 270595 |
| Fiduciary Fund Group | | | | 270596 |
| 1240 995673 | Payroll Deductions | \$ 900,725,600 | \$ 927,747,368 | 270597 |
| 8060 995666 | Accrued Leave Fund | \$ 125,489,317 | \$ 129,253,996 | 270598 |
| 8070 995667 | Disability Fund | \$ 26,672,965 | \$ 27,471,726 | 270599 |
| 8080 995668 | State Employee Health | \$ 1,008,347,532 | \$ 1,008,157,697 | 270600 |
| Benefit Fund | | | | |
| 8090 995669 | Dependent Care | \$ 4,483,500 | \$ 4,483,500 | 270601 |
| Spending Account | | | | |
| 8100 995670 | Life Insurance | \$ 2,123,113 | \$ 2,123,113 | 270602 |
| Investment Fund | | | | |
| 8110 995671 | Parental Leave | \$ 10,050,000 | \$ 10,050,000 | 270603 |
| Benefit Fund | | | | |

| | | | | | | | |
|-------|--------|----------------------|----|---------------|----|---------------|--------|
| 8130 | 995672 | Health Care Spending | \$ | 14,904,666 | \$ | 14,904,666 | 270604 |
| | | Account | | | | | |
| TOTAL | FID | Fiduciary Fund Group | \$ | 2,092,796,693 | \$ | 2,124,192,066 | 270605 |
| TOTAL | ALL | BUDGET FUND GROUPS | \$ | 2,092,796,693 | \$ | 2,124,192,066 | 270606 |

Section 271.20. PAYROLL DEDUCTION FUND 270608

The foregoing appropriation item 995673, Payroll Deductions, 270609
shall be used to make payments from the Payroll Deduction Fund 270610
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 270611
is determined by the Director of Budget and Management that 270612
additional amounts are necessary, the amounts are hereby 270613
appropriated. 270614

ACCRUED LEAVE LIABILITY FUND 270615

The foregoing appropriation item 995666, Accrued Leave Fund, 270616
shall be used to make payments from the Accrued Leave Liability 270617
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 270618
If it is determined by the Director of Budget and Management that 270619
additional amounts are necessary, the amounts are hereby 270620
appropriated. 270621

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 270622

The foregoing appropriation item 995667, Disability Fund, 270623
shall be used to make payments from the State Employee Disability 270624
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 270625
Revised Code. If it is determined by the Director of Budget and 270626
Management that additional amounts are necessary, the amounts are 270627
hereby appropriated. 270628

STATE EMPLOYEE HEALTH BENEFIT FUND 270629

The foregoing appropriation item 995668, State Employee 270630
Health Benefit Fund, shall be used to make payments from the State 270631
Employee Health Benefit Fund (Fund 8080) pursuant to section 270632
124.87 of the Revised Code. If it is determined by the Director of 270633

Budget and Management that additional amounts are necessary, the 270634
amounts are hereby appropriated. 270635

DEPENDENT CARE SPENDING FUND 270636

The foregoing appropriation item 995669, Dependent Care 270637
Spending Account, shall be used to make payments from the 270638
Dependent Care Spending Fund (Fund 8090) to employees eligible for 270639
dependent care expenses pursuant to section 124.822 of the Revised 270640
Code. If it is determined by the Director of Budget and Management 270641
that additional amounts are necessary, the amounts are hereby 270642
appropriated. 270643

LIFE INSURANCE INVESTMENT FUND 270644

The foregoing appropriation item 995670, Life Insurance 270645
Investment Fund, shall be used to make payments from the Life 270646
Insurance Investment Fund (Fund 8100) for the costs and expenses 270647
of the state's life insurance benefit program pursuant to section 270648
125.212 of the Revised Code. If it is determined by the Director 270649
of Budget and Management that additional amounts are necessary, 270650
the amounts are hereby appropriated. 270651

PARENTAL LEAVE BENEFIT FUND 270652

The foregoing appropriation item 995671, Parental Leave 270653
Benefit Fund, shall be used to make payments from the Parental 270654
Leave Benefit Fund (Fund 8110) to employees eligible for parental 270655
leave benefits pursuant to sections 124.136 and 124.137 of the 270656
Revised Code. If it is determined by the Director of Budget and 270657
Management that additional amounts are necessary, the amounts are 270658
hereby appropriated. 270659

Notwithstanding any provision of section 124.136 of the 270660
Revised Code to the contrary, beginning July 1, 2023, the Director 270661
of Administrative Services may use the foregoing appropriation 270662
item 995671, Parental leave Benefit Fund, to pay parental leave to 270663
employees eligible for parental leave under that section for up to 270664

8 weeks, inclusive of the two week waiting period. During the two 270665
 week waiting period, an eligible employee shall be paid at one 270666
 hundred per cent of the employee's base rate of pay. 270667

HEALTH CARE SPENDING ACCOUNT FUND 270668

The foregoing appropriation item 995672, Health Care Spending 270669
 Account, shall be used to make payments from the Health Care 270670
 Spending Account Fund (Fund 8130) for payments pursuant to state 270671
 employees' participation in a flexible spending account for 270672
 nonreimbursed health care expenses and section 124.821 of the 270673
 Revised Code. If it is determined by the Director of Budget and 270674
 Management that additional amounts are necessary, the amounts are 270675
 hereby appropriated. 270676

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 270677

General Revenue Fund 270678

| | | | | | | |
|------------|--------------------|----|-----------|----|-----------|--------|
| GRF 125321 | Operating Expenses | \$ | 4,250,000 | \$ | 4,375,000 | 270679 |
|------------|--------------------|----|-----------|----|-----------|--------|

| | | | | | | |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 4,250,000 | \$ | 4,375,000 | 270680 |
|-----------|----------------------|----|-----------|----|-----------|--------|

Dedicated Purpose Fund Group 270681

| | | | | | | |
|-------------|--------------|----|---------|----|---------|--------|
| 5720 125603 | Training and | \$ | 334,128 | \$ | 162,149 | 270682 |
|-------------|--------------|----|---------|----|---------|--------|

Publications

| | | | | | | |
|-----------|------------------------|----|---------|----|---------|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 334,128 | \$ | 162,149 | 270683 |
|-----------|------------------------|----|---------|----|---------|--------|

Group

| | | | | | | |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 4,584,128 | \$ | 4,537,149 | 270684 |
|------------------------------|--|----|-----------|----|-----------|--------|

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 270686

Dedicated Purpose Fund Group 270687

| | | | | | | |
|-------------|--------------------|----|-----------|----|-----------|--------|
| 4K90 892609 | Operating Expenses | \$ | 1,233,994 | \$ | 1,281,904 | 270688 |
|-------------|--------------------|----|-----------|----|-----------|--------|

| | | | | | | |
|-----------|------------------------|----|-----------|----|-----------|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 1,233,994 | \$ | 1,281,904 | 270689 |
|-----------|------------------------|----|-----------|----|-----------|--------|

Group

| | | | | | | |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 1,233,994 | \$ | 1,281,904 | 270690 |
|------------------------------|--|----|-----------|----|-----------|--------|

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 270692

| | | | | |
|------------------------------|----------------------|-----------------------|------------------|-------------------|
| General Revenue Fund | | | | 270693 |
| GRF | 715502 | Auto Emissions | \$ 13,865,000 \$ | 13,908,000 270694 |
| E-Check Program | | | | |
| TOTAL GRF | General Revenue Fund | | \$ 13,865,000 \$ | 13,908,000 270695 |
| Dedicated Purpose Fund Group | | | | 270696 |
| 4D50 | 715618 | Recycled State | \$ 50,000 \$ | 50,000 270697 |
| Materials | | | | |
| 4J00 | 715638 | Underground Injection | \$ 485,800 \$ | 485,800 270698 |
| Control | | | | |
| 4K20 | 715648 | Clean Air - Non Title | \$ 5,086,300 \$ | 5,086,300 270699 |
| V | | | | |
| 4K30 | 715649 | Solid Waste | \$ 16,711,135 \$ | 16,698,529 270700 |
| 4K40 | 715650 | Surface Water | \$ 11,541,000 \$ | 12,966,000 270701 |
| Protection | | | | |
| 4K50 | 715651 | Drinking Water | \$ 7,709,664 \$ | 7,992,257 270702 |
| Protection | | | | |
| 4P50 | 715654 | Cozart Landfill | \$ 10,000 \$ | 10,000 270703 |
| 4R50 | 715656 | Scrap Tire Management | \$ 3,431,065 \$ | 3,470,616 270704 |
| 4R90 | 715658 | Voluntary Action | \$ 1,143,598 \$ | 1,143,598 270705 |
| Program | | | | |
| 4T30 | 715659 | Clean Air - Title V | \$ 10,448,228 \$ | 10,377,528 270706 |
| Permit Program | | | | |
| 5000 | 715608 | Immediate Removal | \$ 750,000 \$ | 750,000 270707 |
| Special Account | | | | |
| 5030 | 715621 | Hazardous Waste | \$ 4,877,120 \$ | 4,877,120 270708 |
| Facility Management | | | | |
| 5050 | 715623 | Hazardous Waste | \$ 10,769,788 \$ | 10,769,788 270709 |
| Cleanup | | | | |
| 5050 | 715698 | Response and | \$ 3,715,000 \$ | 3,710,000 270710 |
| Investigations | | | | |
| 5320 | 715646 | Recycling and Litter | \$ 8,478,000 \$ | 8,508,000 270711 |
| Control | | | | |

| | | | | | | | |
|------|--------|--|----|------------|----|------------|--------|
| 5410 | 715670 | Site Specific Cleanup | \$ | 1,271,193 | \$ | 1,271,192 | 270712 |
| 5420 | 715671 | Risk Management
Reporting | \$ | 216,300 | \$ | 220,470 | 270713 |
| 5860 | 715637 | Scrap Tire Market
Development | \$ | 1,000,000 | \$ | 1,000,000 | 270714 |
| 5BC0 | 715622 | Local Air Pollution
Control | \$ | 2,100,000 | \$ | 2,100,000 | 270715 |
| 5BC0 | 715624 | Surface Water | \$ | 6,606,600 | \$ | 6,606,600 | 270716 |
| 5BC0 | 715672 | Air Pollution Control | \$ | 8,910,000 | \$ | 8,910,000 | 270717 |
| 5BC0 | 715673 | Drinking and Ground
Water | \$ | 3,700,000 | \$ | 3,700,000 | 270718 |
| 5BC0 | 715676 | Assistance and
Prevention | \$ | 2,082,000 | \$ | 2,093,000 | 270719 |
| 5BC0 | 715677 | Laboratory | \$ | 3,684,000 | \$ | 3,684,000 | 270720 |
| 5BC0 | 715678 | Corrective Actions | \$ | 1,211,000 | \$ | 1,211,000 | 270721 |
| 5BC0 | 715687 | Areawide Planning
Agencies | \$ | 450,000 | \$ | 450,000 | 270722 |
| 5BC0 | 715692 | Administration | \$ | 17,000,000 | \$ | 17,000,000 | 270723 |
| 5BC0 | 715694 | Environmental
Resource Coordination | \$ | 875,000 | \$ | 875,000 | 270724 |
| 5BT0 | 715679 | C&DD Groundwater
Monitoring | \$ | 101,000 | \$ | 101,000 | 270725 |
| 5PZ0 | 715696 | Drinking Water Loan
Fee | \$ | 3,950,988 | \$ | 4,021,500 | 270726 |
| 5Y30 | 715685 | Surface Water
Improvement | \$ | 520,000 | \$ | 520,000 | 270727 |
| 5YY0 | 715405 | National Priorities
List Remedial Support
Fund | \$ | 500,000 | \$ | 900,000 | 270728 |
| 6440 | 715631 | Emergency Response
Radiological Safety | \$ | 332,287 | \$ | 332,287 | 270729 |
| 6760 | 715642 | Water Pollution
Control Loan | \$ | 5,778,100 | \$ | 5,830,000 | 270730 |

| | | | | | | | |
|-----------|--------|--------------------------------------|----|-------------|----|-------------|--------|
| | | Administration | | | | | |
| 6760 | 715699 | Water Quality | \$ | 4,223,000 | \$ | 4,223,000 | 270731 |
| | | Administration | | | | | |
| 6790 | 715636 | Emergency Planning | \$ | 2,981,352 | \$ | 3,018,540 | 270732 |
| 6960 | 715643 | Air Pollution Control | \$ | 400,000 | \$ | 500,000 | 270733 |
| | | Administration | | | | | |
| 6990 | 715644 | Water Pollution | \$ | 310,000 | \$ | 310,000 | 270734 |
| | | Control | | | | | |
| | | Administration | | | | | |
| 6A10 | 715645 | Environmental | \$ | 550,000 | \$ | 550,000 | 270735 |
| | | Education | | | | | |
| 6H20 | 715695 | H2Ohio | \$ | 27,538,157 | \$ | 27,538,157 | 270736 |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 181,497,675 | \$ | 183,861,282 | 270737 |
| | | Group | | | | | |
| | | Internal Service Activity Fund Group | | | | | 270738 |
| 1990 | 715602 | Laboratory Services | \$ | 533,000 | \$ | 533,000 | 270739 |
| 2190 | 715604 | Central Support | \$ | 10,294,764 | \$ | 10,294,764 | 270740 |
| | | Indirect | | | | | |
| 4A10 | 715640 | Operating Expenses | \$ | 1,008,000 | \$ | 1,008,000 | 270741 |
| TOTAL ISA | | Internal Service Activity | \$ | 11,835,764 | \$ | 11,835,764 | 270742 |
| | | Fund Group | | | | | |
| | | Federal Fund Group | | | | | 270743 |
| 3530 | 715612 | Public Water Supply | \$ | 2,998,150 | \$ | 2,998,150 | 270744 |
| 3570 | 715619 | Air Pollution Control | \$ | 7,019,706 | \$ | 7,059,570 | 270745 |
| | | - Federal | | | | | |
| 3620 | 715605 | Underground Injection | \$ | 180,815 | \$ | 181,818 | 270746 |
| | | Control - Federal | | | | | |
| 3BU0 | 715684 | Water Quality | \$ | 34,064,930 | \$ | 34,345,960 | 270747 |
| | | Protection | | | | | |
| 3CS0 | 715688 | Federal NRD | \$ | 201,000 | \$ | 201,000 | 270748 |
| | | Settlements | | | | | |
| 3F30 | 715632 | Federally Supported | \$ | 9,859,094 | \$ | 10,056,289 | 270749 |

| | | | | | |
|------------------------------|-----------------------------|----|-------------|----|--------------------|
| | Cleanup and Response | | | | |
| 3HE0 | 715697 Volkswagen Clean Air | \$ | 3,085,000 | \$ | 3,095,000 270750 |
| | Act Settlement | | | | |
| 3T30 | 715669 Drinking Water State | \$ | 3,155,035 | \$ | 3,255,035 270751 |
| | Revolving Fund | | | | |
| 3V70 | 715606 Agencywide Grants | \$ | 940,000 | \$ | 940,000 270752 |
| TOTAL FED | Federal Fund Group | \$ | 61,503,730 | \$ | 62,132,822 270753 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 268,702,169 | \$ | 271,737,868 270754 |

Section 277.20. AREAWIDE PLANNING AGENCIES 270756

The Director of Environmental Protection may award grants 270757
from appropriation item 715687, Areawide Planning Agencies, to 270758
areawide planning agencies engaged in areawide water quality 270759
management and planning activities in accordance with Section 208 270760
of the "Federal Clean Water Act," 33 U.S.C. 1288. 270761

CASH TRANSFER TO THE SCRAP TIRE MANAGEMENT FUND FROM THE AUTO 270762
EMISSIONS TEST FUND 270763

The Director of Budget and Management, at the request of the 270764
Director of Environmental Protection, may transfer the remaining 270765
cash balance in the Auto Emissions Test Fund (Fund 5BY0) to the 270766
Scrap Tire Management Fund (Fund 4R50) in fiscal year 2024. 270767

Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 270768

| | | | | | |
|------------------------------|---------------------------|----|---------|----|----------------|
| | General Revenue Fund | | | | 270769 |
| GRF | 172321 Operating Expenses | \$ | 694,000 | \$ | 701,000 270770 |
| TOTAL GRF | General Revenue Fund | \$ | 694,000 | \$ | 701,000 270771 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 694,000 | \$ | 701,000 270772 |

Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 270774

| | | | | | |
|-----|------------------------|----|---------|----|----------------|
| | General Revenue Fund | | | | 270775 |
| GRF | 935401 Statehouse News | \$ | 383,000 | \$ | 383,000 270776 |
| | Bureau | | | | |

| | | | | | | | |
|------------------------------|--------------------------------------|----------------------|----|------------|----|------------|--------|
| GRF | 935402 | Ohio Government | \$ | 2,233,000 | \$ | 2,233,000 | 270777 |
| | | Telecommunications | | | | | |
| | | Services | | | | | |
| GRF | 935410 | Content Development, | \$ | 3,909,000 | \$ | 3,909,000 | 270778 |
| | | Acquisition, and | | | | | |
| | | Distribution | | | | | |
| GRF | 935430 | Broadcast Education | \$ | 4,108,000 | \$ | 4,108,000 | 270779 |
| | | Operating | | | | | |
| TOTAL GRF | General Revenue Fund | | \$ | 10,633,000 | \$ | 10,633,000 | 270780 |
| | Dedicated Purpose Fund Group | | | | | | 270781 |
| 5FK0 | 935608 | Media Services | \$ | 500 | \$ | 500 | 270782 |
| 5VB0 | 935650 | Facility Rental | \$ | 6,200 | \$ | 7,400 | 270783 |
| TOTAL DPF | Dedicated Purpose Fund | | \$ | 6,700 | \$ | 7,900 | 270784 |
| | Internal Service Activity Fund Group | | | | | | 270785 |
| 4F30 | 935603 | Affiliate Services | \$ | 4,000 | \$ | 4,000 | 270786 |
| TOTAL ISA | Internal Service Activity | | \$ | 4,000 | \$ | 4,000 | 270787 |
| | Fund | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 10,643,700 | \$ | 10,644,900 | 270788 |

Section 281.20. STATEHOUSE NEWS BUREAU 270790

The foregoing appropriation item 935401, Statehouse News 270791
 Bureau, shall be used solely to support the operations of the Ohio 270792
 Statehouse News Bureau. 270793

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 270794

The foregoing appropriation item 935402, Ohio Government 270795
 Telecommunications Services, shall be used solely to support the 270796
 operations of Ohio Government Telecommunications Services which 270797
 include providing multimedia support to the state government and 270798
 its affiliated organizations and broadcasting the activities of 270799
 the legislative, judicial, and executive branches of state 270800
 government, among its other functions. 270801

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 270802

The foregoing appropriation item 935410, Content Development, 270803
Acquisition, and Distribution, shall be used for the development, 270804
acquisition, and distribution of information resources by public 270805
media and radio reading services and for educational use in the 270806
classroom and online. 270807

Of the foregoing appropriation item 935410, Content 270808
Development, Acquisition, and Distribution, up to \$965,000 in each 270809
fiscal year shall be allocated equally among the Ohio educational 270810
television stations. Funds shall be used for the production of 270811
interactive instructional programming series with priority given 270812
to resources aligned with state academic content standards. 270813

Of the foregoing appropriation item 935410, Content 270814
Development, Acquisition, and Distribution, up to \$2,650,000 in 270815
each fiscal year shall be distributed by the Broadcast Educational 270816
Media Commission to Ohio's qualified public educational television 270817
stations and educational radio stations to support their 270818
operations. The funds shall be distributed pursuant to an 270819
allocation formula used by the Ohio Educational Telecommunications 270820
Network Commission unless a substitute formula is developed by the 270821
Broadcast Educational Media Commission in consultation with Ohio's 270822
qualified public educational television stations and educational 270823
radio stations. 270824

Of the foregoing appropriation item 935410, Content 270825
Development, Acquisition, and Distribution, up to \$294,000 in each 270826
fiscal year shall be distributed by the Broadcast Educational 270827
Media Commission to Ohio's qualified radio reading services to 270828
support their operations. The funds shall be distributed pursuant 270829
to an allocation formula used by the Ohio Educational 270830
Telecommunications Network Commission unless a substitute formula 270831
is developed by the Broadcast Educational Media Commission in 270832
consultation with Ohio's qualified radio reading services. 270833

| | | | | |
|--|---------------------|---------------|---------------|--------|
| Section 283.10. ETH OHIO ETHICS COMMISSION | | | | 270834 |
| General Revenue Fund | | | | 270835 |
| GRF 146321 | Operating Expenses | \$ 2,289,000 | \$ 2,305,000 | 270836 |
| TOTAL GRF General Revenue Fund | | | | 270837 |
| Dedicated Purpose Fund Group | | | | 270838 |
| 4M60 146601 | Operating Support | \$ 515,100 | \$ 515,100 | 270839 |
| TOTAL DPF Dedicated Purpose Fund | | | | 270840 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | | 270841 |
|
Section 285.10. EXP OHIO EXPOSITIONS COMMISSION | | | | 270843 |
| General Revenue Fund | | | | 270844 |
| GRF 723403 | Junior Fair Subsidy | \$ 380,000 | \$ 380,000 | 270845 |
| TOTAL GRF General Revenue Fund | | | | 270846 |
| Dedicated Purpose Fund Group | | | | 270847 |
| 4N20 723602 | Ohio State Fair | \$ 350,000 | \$ 350,000 | 270848 |
| Harness Racing | | | | |
| 5060 723601 | Operating Expenses | \$ 16,515,000 | \$ 16,626,000 | 270849 |
| 5060 723604 | Grounds Maintenance | \$ 300,000 | \$ 300,000 | 270850 |
| and Repairs | | | | |
| TOTAL DPF Dedicated Purpose Fund | | | | 270851 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | | 270852 |
| STATE FAIR RESERVE | | | | 270853 |
| The General Manager of the Expositions Commission, in | | | | 270854 |
| consultation with the Director of Budget and Management, may | | | | 270855 |
| submit a request to the Controlling Board to use available amounts | | | | 270856 |
| in the State Fair Reserve Fund (Fund 6400) if revenues from either | | | | 270857 |
| the 2023 or the 2024 Ohio State Fair are unexpectedly low. | | | | 270858 |
| On July 1 of each fiscal year, or as soon as possible | | | | 270859 |

thereafter, the Director of Budget and Management, in consultation 270860
with the General Manager of the Expositions Commission, may 270861
determine that the Ohio Expositions Fund (Fund 5060) has a cash 270862
balance in excess of the anticipated operating costs of the 270863
Exposition Commission in that fiscal year. Notwithstanding section 270864
991.04 of the Revised Code, the Director of Budget and Management 270865
may transfer an amount up to the excess cash from Fund 5060 to 270866
Fund 6400 in each fiscal year. 270867

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 270868

General Revenue Fund 270869

GRF 230321 Operating Expenses \$ 10,500,000 \$ 10,750,000 270870

GRF 230401 Cultural Facilities \$ 31,000,000 \$ 31,000,000 270871

Lease Rental Bond

Payments

GRF 230908 Common Schools \$ 370,000,000 \$ 297,000,000 270872

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 411,500,000 \$ 338,750,000 270873

Dedicated Purpose Fund Group 270874

5CV3 230652 Career-Technical \$ 200,000,000 \$ 0 270875

Construction Program

TOTAL DPF Dedicated Purpose Fund \$ 200,000,000 \$ 0 270876

Group

Internal Service Activity Fund Group 270877

1310 230639 State Construction \$ 8,129,013 \$ 8,305,828 270878

Management Operations

TOTAL ISA Internal Service Activity \$ 8,129,013 \$ 8,305,828 270879

Fund

TOTAL ALL BUDGET FUND GROUPS \$ 619,629,013 \$ 347,055,828 270880

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 270882

| | |
|---|--------|
| PAYMENTS | 270883 |
| The foregoing appropriation item 230401, Cultural Facilities | 270884 |
| Lease Rental Bond Payments, shall be used to meet all payments | 270885 |
| during the period from July 1, 2023, through June 30, 2025, by the | 270886 |
| Ohio Facilities Construction Commission pursuant to leases and | 270887 |
| agreements for cultural and sports facilities made under section | 270888 |
| 154.23 of the Revised Code. These appropriations are the source of | 270889 |
| funds pledged for bond service charges on related obligations | 270890 |
| issued under Chapter 154. of the Revised Code. | 270891 |
| COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE | 270892 |
| The foregoing appropriation item 230908, Common Schools | 270893 |
| General Obligation Bond Debt Service, shall be used to pay all | 270894 |
| debt service and related financing costs during the period from | 270895 |
| July 1, 2023, through June 30, 2025, on obligations issued under | 270896 |
| sections 151.01 and 151.03 of the Revised Code. | 270897 |
| CAREER-TECHNICAL CONSTRUCTION PROGRAM | 270898 |
| (A)(1) Of the foregoing appropriation item 230652, | 270899 |
| Career-Technical Construction Program, \$100,000,000 in fiscal year | 270900 |
| 2024 shall be used by the Ohio Facilities Construction Commission, | 270901 |
| in consultation with the Governor's Office of Workforce | 270902 |
| Transformation and the Department of Education and Workforce, to | 270903 |
| establish a program to assist city, local, exempted village, and | 270904 |
| joint vocational school districts, community schools, and STEM | 270905 |
| schools in purchasing equipment for career-technical education | 270906 |
| programs, with priority for those that support the occupations on | 270907 |
| the Governor's Office of Workforce Transformation's Ohio's Top | 270908 |
| Jobs List or that qualify for the Innovative Workforce Incentive | 270909 |
| Program under the Department of Education and Workforce. | 270910 |
| (2) An amount equal to the unexpended, unencumbered balance | 270911 |
| of the amount allocated in division (A)(1) of this section at the | 270912 |

end of fiscal year 2024 is hereby reappropriated for the same 270913
purposes in fiscal year 2025. 270914

(B)(1) The remainder of the foregoing appropriation item 270915
230652, Career-Technical Construction Program, shall be used by 270916
the Ohio Facilities Construction Commission to assist with 270917
facilities construction projects that support establishing or 270918
expanding career-technical education programs. Funds shall be 270919
distributed to joint vocational school districts or city, local, 270920
and exempted village school districts designated as the lead 270921
district of a career-technical planning district according to 270922
guidelines established by the Executive Director of the 270923
Commission, in consultation with the Governor's Office of 270924
Workforce Transformation and the Department of Education and 270925
Workforce. The guidelines shall consider establishing or expanding 270926
career-technical education programs that support the occupations 270927
on the Governor's Office of Workforce Transformation's Ohio's Top 270928
Jobs List or that qualify for the Innovative Workforce Incentive 270929
Program under the Department of Education and Workforce. 270930

(2) An amount equal to the unexpended, unencumbered balance 270931
of the amount allocated in division (B)(1) of this section at the 270932
end of fiscal year 2024 is hereby reappropriated for the same 270933
purpose in fiscal year 2025. 270934

(3) As used in division (B) of this section, "construction 270935
project" means a project that will build, erect, alter, improve, 270936
or demolish any public educational facility, including any 270937
improvements to real property and the installation of heating, 270938
cooling, ventilating, or other specialized equipment necessary for 270939
educational purposes. 270940

Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND 270941
REAPPROPRIATION 270942

At the request of the Executive Director of the Ohio 270943

Facilities Construction Commission, the Director of Budget and 270944
Management may cancel encumbrances for school district projects 270945
from a previous biennium if the district has not raised its local 270946
share of project costs within thirteen months of receiving 270947
Controlling Board approval under section 3318.05 or 3318.41 of the 270948
Revised Code. The Executive Director of the Ohio Facilities 270949
Construction Commission shall certify the amounts of the canceled 270950
encumbrances to the Director of Budget and Management on a 270951
quarterly basis. The amounts of the canceled encumbrances are 270952
hereby appropriated. 270953

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 270954
APPROPRIATIONS 270955

On July 1, 2023, or as soon as possible thereafter, the 270956
Executive Director of the Ohio Facilities Construction Commission 270957
shall certify to the Director of Budget and Management the amount 270958
of cash receipts and related investment income, irrevocable 270959
letters of credit from a bank, or certification of the 270960
availability of funds that have been received from a county or a 270961
municipal corporation for deposit into the Capital Donations Fund 270962
(Fund 5A10) and that are related to an anticipated project. These 270963
amounts are hereby appropriated to appropriation item C37146, 270964
Capital Donations. Prior to certifying these amounts to the 270965
Director, the Executive Director shall make a written agreement 270966
with the participating entity on the necessary cash flows required 270967
for the anticipated construction or equipment acquisition project. 270968

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 270969
MAINTENANCE LEVY 270970

The Ohio Facilities Construction Commission shall amend the 270971
project agreement between the Commission and a school district 270972
that is participating in the Accelerated Urban School Building 270973

Assistance Program as of September 29, 2018, if the Commission 270974
determines that it is necessary to do so in order to comply with 270975
division (B)(3)(c) of section 3318.38 of the Revised Code. 270976

Section 287.60. Notwithstanding any other provision of law to 270977
the contrary, the Ohio Facilities Construction Commission may 270978
determine the amount of funding available for disbursement in a 270979
given fiscal year for any project approved under sections 3318.01 270980
to 3318.20 of the Revised Code in order to keep aggregate state 270981
capital spending within approved limits and may take actions 270982
including, but not limited to, determining the schedule for design 270983
or bidding of approved projects, to ensure appropriate and 270984
supportable cash flow. 270985

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 270986
DISTRICT 270987

Notwithstanding division (B) of section 3318.40 of the 270988
Revised Code, in each fiscal year in which funds are available for 270989
additional projects, the Ohio Facilities Construction Commission 270990
shall provide assistance to at least one joint vocational school 270991
district for the acquisition or improvement of classroom 270992
facilities in accordance with sections 3318.40 to 3318.45 of the 270993
Revised Code. 270994

Section 287.80. RETURNED OR RECOVERED FUNDS 270995

Notwithstanding any provision of law to the contrary, any 270996
moneys a school district transfers to the Ohio Facilities 270997
Construction Commission under division (C)(2) or (3) of section 270998
3318.12 of the Revised Code as well as any moneys recovered from 270999
settlements with or judgments against parties relating to their 271000
involvement in a classroom facilities project shall be deposited 271001
into the fund from which the capital appropriation for the project 271002
was made. In any fiscal year in which the Commission has made a 271003

deposit under this section, the Executive Director of the Ohio 271004
Facilities Construction Commission may seek Controlling Board 271005
approval to increase appropriations from those funds and specified 271006
appropriation items in an amount equal to the amount of the funds 271007
deposited under this section. The additional amounts, if approved, 271008
shall be used in accordance with the purposes of Chapter 3318. of 271009
the Revised Code for projects pursuant to sections 3318.01 to 271010
3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon 271011
approval of the Controlling Board, the additional amounts are 271012
hereby appropriated. 271013

Section 289.10. GOV OFFICE OF THE GOVERNOR 271014

General Revenue Fund 271015

GRF 040321 Operating Expenses \$ 3,219,000 \$ 3,219,000 271016

TOTAL GRF General Revenue Fund \$ 3,219,000 \$ 3,219,000 271017

Internal Service Activity Fund Group 271018

5AK0 040607 Government Relations \$ 662,798 \$ 662,798 271019

TOTAL ISA Internal Service Activity 271020

Fund Group \$ 662,798 \$ 662,798 271021

TOTAL ALL BUDGET FUND GROUPS \$ 3,881,798 \$ 3,881,798 271022

GOVERNMENT RELATIONS 271023

The Office of the Governor may issue an intrastate transfer 271024

voucher to charge any state agency of the executive branch such 271025

amounts necessary to represent the interests of Ohio to federal, 271026

state, and local government units and to cover the costs or 271027

membership dues related to Ohio's participation in national and 271028

regional associations. Amounts collected shall be deposited in the 271029

Government Relations Fund (Fund 5AK0). 271030

Section 291.10. DOH DEPARTMENT OF HEALTH 271031

General Revenue Fund 271032

| | | | | | | |
|------------|---|----|------------|----|------------|--------|
| GRF 440413 | Local Health
Department Support | \$ | 2,379,000 | \$ | 2,379,000 | 271033 |
| GRF 440416 | Mothers and Children
Safety Net Services | \$ | 4,505,000 | \$ | 4,640,000 | 271034 |
| GRF 440431 | Free Clinic Safety Net
Services | \$ | 1,750,000 | \$ | 1,750,000 | 271035 |
| GRF 440438 | Breast and Cervical
Cancer Screening | \$ | 1,165,000 | \$ | 1,200,000 | 271036 |
| GRF 440444 | AIDS Prevention | \$ | 3,611,000 | \$ | 3,720,000 | 271037 |
| GRF 440451 | Public Health
Laboratory | \$ | 3,800,000 | \$ | 3,800,000 | 271038 |
| GRF 440452 | Child and Family
Health Services Match | \$ | 623,000 | \$ | 641,000 | 271039 |
| GRF 440453 | Health Care Quality
Assurance | \$ | 6,427,000 | \$ | 6,619,000 | 271040 |
| GRF 440454 | Environmental
Health/Radiation
Protection | \$ | 4,000,000 | \$ | 4,000,000 | 271041 |
| GRF 440465 | FQHC Primary Care
Workforce Initiative | \$ | 2,686,000 | \$ | 2,686,000 | 271042 |
| GRF 440472 | Alcohol Testing | \$ | 1,238,725 | \$ | 1,238,725 | 271043 |
| GRF 440477 | Emergency Preparation
and Response | \$ | 2,422,000 | \$ | 2,497,000 | 271044 |
| GRF 440481 | Lupus Awareness | \$ | 250,000 | \$ | 250,000 | 271045 |
| GRF 440482 | Chronic Disease,
Injury Prevention, and
Drug Overdose | \$ | 7,500,000 | \$ | 8,000,000 | 271046 |
| GRF 440483 | Infectious Disease
Prevention and Control | \$ | 5,000,000 | \$ | 5,000,000 | 271047 |
| GRF 440484 | Public Health
Technology Innovation | \$ | 1,353,000 | \$ | 1,393,000 | 271048 |
| GRF 440485 | Health Program Support | \$ | 2,525,000 | \$ | 2,525,000 | 271049 |
| GRF 440505 | Children and Youth | \$ | 12,615,000 | \$ | 12,978,000 | 271050 |

| | | | | | | |
|-------------|---|----|------------|----|------------|--------|
| | with Special Health
Care Needs | | | | | |
| GRF 440507 | Targeted Healthcare
Services - Over 21 | \$ | 2,000,000 | \$ | 2,000,000 | 271051 |
| GRF 440527 | Lead Abatement | \$ | 7,500,000 | \$ | 7,500,000 | 271052 |
| GRF 440530 | Lead-Safe Home Fund
Program | \$ | 1,000,000 | \$ | 1,000,000 | 271053 |
| GRF 440672 | Youth Homelessness | \$ | 3,505,000 | \$ | 3,610,000 | 271054 |
| GRF 654453 | Medicaid - State
Health Program Support | \$ | 4,504,000 | \$ | 4,639,000 | 271055 |
| TOTAL GRF | General Revenue Fund | \$ | 82,358,725 | \$ | 84,065,725 | 271056 |
| | Dedicated Purpose Fund Group | | | | | 271057 |
| 4700 440647 | Fee Supported Programs | \$ | 31,124,957 | \$ | 32,650,080 | 271058 |
| 4710 440619 | Certificate of Need | \$ | 550,000 | \$ | 550,000 | 271059 |
| 4730 440622 | Lab Operating Expenses | \$ | 8,986,199 | \$ | 8,986,199 | 271060 |
| 4770 440627 | Children and Youth
with Special Health
Care Needs Audit | \$ | 5,033,264 | \$ | 5,033,264 | 271061 |
| 4D60 440608 | Genetics Services | \$ | 3,316,583 | \$ | 3,316,583 | 271062 |
| 4F90 440610 | Sickle Cell Disease
Control | \$ | 850,000 | \$ | 850,000 | 271063 |
| 4G00 440636 | Heirloom Birth
Certificate | \$ | 15,000 | \$ | 15,000 | 271064 |
| 4G00 440637 | Birth Certificate
Surcharge | \$ | 15,000 | \$ | 15,000 | 271065 |
| 4L30 440609 | HIV Care and
Miscellaneous Expenses | \$ | 40,702,842 | \$ | 42,697,281 | 271066 |
| 4P40 440628 | Ohio Physician Loan
Repayment | \$ | 700,000 | \$ | 700,000 | 271067 |
| 4V60 440641 | Save Our Sight | \$ | 2,505,378 | \$ | 2,505,378 | 271068 |
| 5B50 440616 | Quality, Monitoring,
and Inspection | \$ | 753,830 | \$ | 753,830 | 271069 |
| 5BX0 440656 | Tobacco Use | \$ | 7,500,000 | \$ | 7,500,000 | 271070 |

| | | | | | | | |
|-------|--------|---|----|-------------|----|-------------|--------|
| | | Prevention, Cessation,
and Enforcement | | | | | |
| 5CN0 | 440645 | Choose Life | \$ | 80,000 | \$ | 80,000 | 271071 |
| 5CV3 | 440699 | ARPA Public Health
Laboratory | \$ | 6,000,000 | \$ | 0 | 271072 |
| 5D60 | 440620 | Second Chance Trust | \$ | 1,607,317 | \$ | 1,607,317 | 271073 |
| 5ED0 | 440651 | Smoke Free Indoor Air | \$ | 280,000 | \$ | 280,000 | 271074 |
| 5G40 | 440639 | Adoption Services | \$ | 100,000 | \$ | 100,000 | 271075 |
| 5PE0 | 440659 | Breast and Cervical
Cancer Services | \$ | 500,000 | \$ | 500,000 | 271076 |
| 5QJ0 | 440662 | Dental Hygienist Loan
Repayments | \$ | 100,000 | \$ | 100,000 | 271077 |
| 5SH0 | 440520 | Children's Wish Grant
Program | \$ | 275,000 | \$ | 275,000 | 271078 |
| 5TZ0 | 440621 | Toxicology Screenings | \$ | 1,000,000 | \$ | 1,000,000 | 271079 |
| 5YS0 | 440491 | Chiropractic Loan
Repayment | | 25,000 | | 25,000 | 271080 |
| 5Z70 | 440624 | Ohio Dentist Loan
Repayment | \$ | 275,000 | \$ | 275,000 | 271081 |
| 6100 | 440626 | Radiation Emergency
Response | \$ | 1,405,870 | \$ | 1,474,757 | 271082 |
| 6660 | 440607 | Children and Youth
with Special Health
Care Needs - County
Assessments | \$ | 24,060,298 | \$ | 24,060,298 | 271083 |
| 6980 | 440634 | Nurse Aide Training | \$ | 126,686 | \$ | 126,686 | 271084 |
| TOTAL | DPF | Dedicated Purpose Fund
Group | \$ | 137,888,224 | \$ | 135,476,673 | 271085 |
| | | Internal Service Activity Fund Group | | | | | 271086 |
| 1420 | 440646 | Agency Health
Services | \$ | 5,315,107 | \$ | 5,575,547 | 271087 |
| 2110 | 440613 | Central Support
Indirect Costs | \$ | 38,286,929 | \$ | 38,286,929 | 271088 |

| | | | | | |
|-------------------------------------|----|-------------|----|-------------|--------|
| TOTAL ISA Internal Service Activity | \$ | 43,602,036 | \$ | 43,862,476 | 271089 |
| Fund Group | | | | | |
| Highway Safety Fund Group | | | | | 271090 |
| 4T40 440603 Child Highway Safety | \$ | 200,000 | \$ | 200,000 | 271091 |
| TOTAL HSF Highway Safety Fund Group | \$ | 200,000 | \$ | 200,000 | 271092 |
| Holding Account Fund Group | | | | | 271093 |
| R014 440631 Vital Statistics | \$ | 129,883 | \$ | 155,859 | 271094 |
| R048 440625 Refunds, Grants | \$ | 20,000 | \$ | 20,000 | 271095 |
| Reconciliation, and | | | | | |
| Audit Settlements | | | | | |
| TOTAL HLD Holding Account Fund | \$ | 149,883 | \$ | 175,859 | 271096 |
| Group | | | | | |
| Federal Fund Group | | | | | 271097 |
| 3870 440602 Preventive Health | \$ | 10,298,039 | \$ | 10,802,643 | 271098 |
| Block Grant | | | | | |
| 3890 440604 Women, Infants, and | \$ | 220,190,613 | \$ | 220,190,613 | 271099 |
| Children | | | | | |
| 3910 440606 Medicare Survey and | \$ | 20,783,006 | \$ | 21,801,373 | 271100 |
| Certification | | | | | |
| 3920 440618 Federal Public Health | \$ | 111,061,407 | \$ | 116,503,416 | 271101 |
| Programs | | | | | |
| 3GD0 654601 Medicaid Program | \$ | 37,000,000 | \$ | 37,000,000 | 271102 |
| Support | | | | | |
| 3GN0 440660 Public Health | \$ | 57,983,775 | \$ | 60,824,980 | 271103 |
| Emergency | | | | | |
| Preparedness | | | | | |
| 3GN0 440683 ARPA - Crisis | \$ | 10,000,000 | \$ | 10,000,000 | 271104 |
| Response Workforce | | | | | |
| 3HP0 440673 Public Health | \$ | 131,521,213 | \$ | 9,707,387 | 271105 |
| Emergency Response | | | | | |
| 3HP0 440682 Epidemiology and Lab | \$ | 62,940,000 | \$ | 66,024,060 | 271106 |
| Capacity for School | | | | | |

| | | | | | | |
|------------------------------|--------------------|---|----|-------------|----|--------------------|
| | | Testing (ARP) | | | | |
| 3HP0 | 440685 | ELC Nursing Home &
Long-Term Care Strike
Teams | \$ | 5,375,935 | \$ | 0 271107 |
| 3HP0 | 440686 | ELC Strengthening
HAI/AR Grant | \$ | 5,919,337 | \$ | 3,159,489 271108 |
| 3HP0 | 440687 | Healthier Communities | \$ | 8,000,000 | \$ | 1,000,000 271109 |
| 3HP0 | 440688 | Detection and
Mitigation of
COVID-19 -
Confinement
Facilities | \$ | 9,000,000 | \$ | 1,000,000 271110 |
| 3HV0 | 440681 | COVID-19 Vaccine
Preparedness (ARP) | \$ | 10,000,000 | \$ | 10,000,000 271111 |
| TOTAL FED | Federal Fund Group | | \$ | 700,073,325 | \$ | 568,013,961 271112 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 964,272,193 | \$ | 831,794,694 271113 |

Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 271115

Of the foregoing appropriation item 440416, Mothers and 271116
 Children Safety Net Services, up to \$200,000 in each fiscal year 271117
 may be used to assist families with hearing-impaired children 271118
 under twenty-six years of age in purchasing hearing aids and 271119
 hearing assistive technology. The Director of Health shall adopt 271120
 rules governing the distribution of these funds, including rules 271121
 that do both of the following: (1) establish eligibility criteria 271122
 to include families with incomes at or below four hundred per cent 271123
 of the federal poverty guidelines as defined in section 5101.46 of 271124
 the Revised Code and (2) develop a sliding scale of disbursements 271125
 under this section based on family income. The Director may adopt 271126
 other rules as necessary to implement this section. Rules adopted 271127
 under this section shall be adopted in accordance with Chapter 271128
 119. of the Revised Code. 271129

FREE CLINIC SAFETY NET SERVICES 271130

The foregoing appropriation item 440431, Free Clinic Safety Net Services, shall be provided to the Charitable Healthcare Network. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services, information technology costs, infrastructure repair, or other clinic necessities. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

AIDS PREVENTION

The foregoing appropriation item 440444, AIDS Prevention, shall be used to administer educational and other prevention initiatives.

FQHC PRIMARY CARE WORKFORCE INITIATIVE

The foregoing appropriation item 440465, FQHC Primary Care Workforce Initiative, shall be provided to the Ohio Association of Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

EMERGENCY PREPARATION AND RESPONSE

The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts. This appropriation may also be used to support data infrastructure projects and other data analysis and analytics work.

LUPUS AWARENESS

The foregoing appropriation item 440481, Lupus Awareness, 271162
shall be distributed to the Lupus Foundation of America, Greater 271163
Ohio Chapter, Inc., to operate a lupus education and awareness 271164
program. 271165

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 271166

Of the foregoing appropriation item 440482, Chronic Disease, 271167
Injury Prevention and Drug Overdose, up to \$1,000,000 in each 271168
fiscal year shall be used, in consultation with the Department of 271169
Mental Health and Addiction Services and the Governor's 271170
RecoveryOhio Initiative, to support the continuation of the 271171
Emergency Department Comprehensive Care Initiative to enhance 271172
Ohio's response to the addiction crisis by creating a 271173
comprehensive system of care for patients who present in emergency 271174
departments with addiction. 271175

Of the foregoing appropriation item 440482, Chronic Disease, 271176
Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 271177
2024 shall be used, in consultation with the Governor's 271178
RecoveryOhio Initiative, to support local health providers' harm 271179
reduction efforts to reduce overdose rates and deaths. 271180

INFECTIOUS DISEASE PREVENTION AND CONTROL 271181

On July 1, 2024, or as soon as possible thereafter, the 271182
Director of Health may certify to the Director of Budget and 271183
Management an amount up to the unexpended, unencumbered balance of 271184
the foregoing appropriation item 440483, Infectious Disease 271185
Prevention and Control, at the end of fiscal year 2024 to be 271186
reappropriated to fiscal year 2025. The amount certified is hereby 271187
reappropriated to the same appropriation item for fiscal year 271188
2025. 271189

HEALTH PROGRAM SUPPORT 271190

Of the foregoing appropriation item 440485, Health Program 271191
Support, \$1,000,000 in each fiscal year shall be distributed to 271192

Ohio organizations currently providing all of the following 271193
services: wraparound care, including multidisciplinary clinical 271194
care; local case management services by health care professionals; 271195
durable medical and augmentative communication devices; state and 271196
federal advocacy; and support groups and patient grants for those 271197
diagnosed with amyotrophic lateral sclerosis (ALS). The 271198
distribution of funds shall be based on each awarded 271199
organization's identified Ohio county coverage and by the 271200
prevalence rate of persons living with ALS using the most recent 271201
population estimates available from the United States Census 271202
Bureau. Funds shall be used to support persons living with ALS, 271203
including any of the followings: wraparound care, case management, 271204
purchase and distribution of durable medical equipment and 271205
augmentative communication devices, and patient grants for 271206
disease-related expenses. Funding is required to be designated in 271207
service to Ohioans and shall not be used for persons living 271208
outside of the state of Ohio. 271209

Of the foregoing appropriation item 440485, Health Program 271210
Support, \$1,000,000 in each fiscal year shall be distributed to 271211
CareStar Community Services for the Home Health Screening Pilot 271212
Program, in accordance with Section 291.50 of this act. If 271213
CareStar Community Services contracts with an institution of 271214
higher education to perform any services related to the pilot 271215
program, administrative costs for those services shall not exceed 271216
fifteen per cent of the cost of the services provided. 271217

Of the foregoing appropriation item 440485, Health Program 271218
Support, \$250,000 in each fiscal year shall be distributed to 271219
AlphaOmega to expand the number of neurologists able to provide 271220
after-care services related to its deep brain stimulation device. 271221

Of the foregoing appropriation item 440485, Health Program 271222
Support, \$150,000 in each fiscal year shall be provided to 271223
NewBridge Cleveland Center for Arts and Technology to support 271224

at-risk adult learner healthcare professional certification and 271225
job placement. 271226

TARGETED HEALTH CARE SERVICES-OVER 21 271227

The foregoing appropriation item 440507, Targeted Health Care 271228
Services-Over 21, shall be used to administer the Cystic Fibrosis 271229
Program and to implement the Hemophilia Insurance Premium Payment 271230
Program. The Department of Health shall expend up to \$100,000 in 271231
each fiscal year to implement the Hemophilia Insurance Premium 271232
Payment Program. 271233

The foregoing appropriation item 440507, Targeted Health Care 271234
Services-Over 21, shall also be used to provide essential 271235
medications and to pay the copayments for drugs approved by the 271236
Department of Health and covered by Medicare Part D that are 271237
dispensed to Program for Children and Youth with Special Health 271238
Care Needs participants for the Cystic Fibrosis Program. 271239

The Department shall expend all of the funds appropriated in 271240
appropriation item 440507, Targeted Health Care Services-Over 21. 271241

LEAD ABATEMENT 271242

Of the foregoing appropriation item 440527, Lead Abatement, 271243
\$500,000 in each fiscal year shall be used by the Department of 271244
Health to distribute funds to local governments for projects that 271245
include, but are not limited to, lead hazard control and housing 271246
rehabilitation initiatives that expand the Department's lead 271247
hazard control and prevention efforts. 271248

Of the foregoing appropriation item 440527, Lead Abatement, 271249
\$500,000 in each fiscal year shall be used by the Department of 271250
Health to distribute funds to the Historic South Initiative for 271251
lead-based paint abatement, containment, and housing 271252
rehabilitation projects in the historic south neighborhoods of 271253
Toledo. The Department shall require local match funding of up to 271254
one-half of the annual grant funds distributed and may include 271255

| | |
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| project and reporting requirements before distributing funds. | 271256 |
| LEAD-SAFE HOME FUND PROGRAM | 271257 |
| The foregoing appropriation item 440530, Lead-Safe Home Fund Program, shall be used by the Department of Health to make distributions to local governments for projects that include, but are not limited to, lead hazard control and housing rehabilitation initiatives that expand the Department's lead hazard control and prevention efforts. | 271258
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271263 |
| YOUTH HOMELESSNESS | 271264 |
| Of the foregoing appropriation item 440672, Youth Homelessness, \$900,000 in each fiscal year shall be distributed to the Star House for its Drop-In Centers and its Carol Stewart Village, or its other expansion projects, to provide services for homeless youth. | 271265
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271269 |
| Of the foregoing appropriation item 440672, Youth Homelessness, \$100,000 in each fiscal year shall be distributed to Lighthouse Youth and Family Services for its Sheakley Center for Youth to provide services for homeless young adults. | 271270
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271273 |
| The remainder of appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing. | 271274
271275
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271277 |
| FEE SUPPORTED PROGRAMS | 271278 |
| Of the foregoing appropriation item 440647, Fee Supported Programs, \$2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation. | 271279
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| Of the foregoing appropriation item 440647, Fee Supported | 271285 |

Programs, \$1,840,000 in each fiscal year shall be used to 271286
distribute subsidies to local health departments accredited 271287
through the Public Health Accreditation Board on a per capita 271288
basis. 271289

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 271290

The Children and Youth with Special Health Care Needs Audit 271291
Fund (Fund 4770) shall receive revenue from audits of hospitals 271292
and recoveries from third-party payers. Moneys may be expended for 271293
payment of audit settlements and for costs directly related to 271294
obtaining recoveries from third-party payers and for encouraging 271295
Program for Children and Youth with Special Health Care Needs 271296
recipients to apply for third-party benefits. Moneys also may be 271297
expended for payments for diagnostic and treatment services on 271298
behalf of children and youth with special health care needs, as 271299
defined in division (A) of section 3701.022 of the Revised Code, 271300
and Ohio residents who are twenty-one or more years of age and who 271301
are suffering from cystic fibrosis or hemophilia. Moneys may also 271302
be expended for administrative expenses incurred in operating the 271303
Program for Children and Youth with Special Health Care Needs. 271304

GENETICS SERVICES 271305

The foregoing appropriation item 440608, Genetics Services, 271306
shall be used by the Department of Health to administer programs 271307
authorized by sections 3701.501 and 3701.502 of the Revised Code. 271308
None of these funds shall be used to counsel or refer for 271309
abortion, except in the case of a medical emergency. 271310

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 271311

Of the foregoing appropriation item 440656, Tobacco Use 271312
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 271313
year shall be used to award grants in accordance with the section 271314
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 271315

Of the foregoing appropriation item 440656, Tobacco Use 271316

Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 271317
year shall be distributed to boards of health for the Baby and Me 271318
Tobacco Free Program. The Director of Health shall determine how 271319
the funds are to be distributed, but shall prioritize awards to 271320
boards that serve women who reside in communities that have the 271321
highest infant mortality rates in this state, as identified under 271322
section 3701.142 of the Revised Code. 271323

The remainder of appropriation item 440656, Tobacco Use 271324
Prevention, Cessation, and Enforcement, shall be used to 271325
administer tobacco use prevention and cessation activities and 271326
programs, to administer compliance checks, retailer education, and 271327
programs related to legal age restrictions, and to enforce the 271328
Ohio Smoke-Free Workplace Act. 271329

TOXICOLOGY SCREENINGS 271330

The foregoing appropriation item 440621, Toxicology 271331
Screenings, shall be used to reimburse county coroners in counties 271332
in which the coroner has performed toxicology screenings on 271333
victims of a drug overdose. The Director of Health shall transfer 271334
the funds to the counties in proportion to the numbers of 271335
toxicology screenings performed per county. 271336

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 271337
ASSESSMENTS 271338

The foregoing appropriation item 440607, Children and Youth 271339
with Special Health Care Needs - County Assessments, shall be used 271340
to make payments under division (E) of section 3701.023 of the 271341
Revised Code. 271342

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 271343

(A) The Department of Health shall create the Moms Quit for 271344
Two Grant Program. Recognizing the significant health risks posed 271345
to women and their children by tobacco use during and after 271346

pregnancy, the Department shall award grants to private, nonprofit 271347
entities or government entities that demonstrate the ability to 271348
deliver evidence-based tobacco cessation interventions to women 271349
who reside in communities that have the highest incidence of 271350
infant mortality, as determined by the Director of Health, and who 271351
are pregnant or to other adults residing in the home with a 271352
pregnant woman. The Department may adopt any rules it considers 271353
necessary to administer the Program. 271354

(B) The Department shall create a grant application and 271355
develop a process for receiving and evaluating completed grant 271356
applications on a competitive basis. The Department shall give 271357
first preference to the entities described in division (A) of this 271358
section that are able to target the interventions to pregnant 271359
women and second preference to such entities that are able to 271360
target the interventions to other adults residing in a home with a 271361
pregnant woman. The Department's decision regarding a submitted 271362
grant application is final. 271363

(C) The Department shall establish performance objectives to 271364
be met by grant recipients. The Department shall monitor the 271365
performance of each grant recipient in meeting the objectives. 271366

Section 291.40. WIC VENDOR CONTRACTS 271367

(A) As used in this section, "WIC" means the Special 271368
Supplemental Nutrition Program for Women, Infants, and Children 271369
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 271370
42 U.S.C. 1786, as amended. 271371

(B) The Department of Health shall process and review a WIC 271372
vendor contract application pursuant to Chapter 3701-42 of the 271373
Administrative Code not later than forty-five days after receipt 271374
of the application if the applicant is a WIC-contracted vendor at 271375
the time of application and meets all of the following 271376
requirements: 271377

| | |
|---|--|
| (1) Submits a complete WIC vendor application with all required documents and information; | 271378
271379 |
| (2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application; | 271380
271381 |
| (3) Completes the required in-person training within forty-five days of submitting the complete application. | 271382
271383 |
| (C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region. | 271384
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271389 |
| Section 291.50. (A) The Director of Health shall collaborate with CareStar Community Services to establish a two-year home health screening pilot program during fiscal year 2024 and fiscal year 2025. The purpose of the pilot program is to improve early detection of chronic diseases for populations underserved by health care providers and to connect patients with health care services. | 271390
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271396 |
| (B) Within thirty days of the effective date of this section, the Director shall enter into a cooperative agreement with CareStar Community Services whereby CareStar Community Services may make decisions regarding the program responsibilities established in division (C) of this section. | 271397
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271401 |
| (C) The pilot program shall do all of the following: | 271402 |
| (1) Identify a target population underserved by health care providers that enables a large enough sample size to evaluate best practices for further implementation; | 271403
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271405 |
| (2) Deliver health screening tests directly to the homes of members of the target population; | 271406
271407 |

(3) Include screening tests for colorectal cancer, diabetes, heart disease, cervical cancer, and any other screenings CareStar Community Services deems appropriate in accordance with risk stratification among the screening tests delivered directly to the homes of the target population;

(4) Initiate public awareness and education efforts directed at the target population to enhance patient engagement and the return of completed tests;

(5) Provide notice of screening test results to those submitting tests and provide referrals to health care providers for consultations when appropriate and available.

(D) The Medicaid Director shall enter into a data sharing agreement with the Director of Health to provide necessary patient data with protected health information for use by the Director and CareStar Community Services for the limited purposes of completing the pilot. Any data sharing agreement shall include a requirement that the pilot operators and any subcontractors with access to the data maintain Health Information Trust Alliance compliance.

(E) Within sixty days prior to the end of fiscal year 2024 and fiscal year 2025, CareStar Community Services in consultation with the Director of Health shall prepare a report which the Director shall submit to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairs of the committees of each house with responsibility for health care policy. Each report shall include the status of the pilot program, including a quantification of estimated financial savings as a result of the early screenings and recommendations for expanding the pilot program into a statewide program.

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION
Dedicated Purpose Fund Group

| | | | | | | |
|------------------------------|------------------------|----|--------|----|--------|--------|
| 4610 372601 | Operating Expenses | \$ | 12,500 | \$ | 12,500 | 271438 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 12,500 | \$ | 12,500 | 271439 |
| Group | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 12,500 | \$ | 12,500 | 271440 |

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 271442

| | | | | | | |
|------------------------------|------------------------|----|---------|----|---------|--------|
| General Revenue Fund | | | | | | 271443 |
| GRF 148321 | Operating Expenses | \$ | 479,000 | \$ | 490,000 | 271444 |
| TOTAL GRF | General Revenue Fund | \$ | 479,000 | \$ | 490,000 | 271445 |
| Dedicated Purpose Fund Group | | | | | | 271446 |
| 6010 148602 | Special Initiatives | \$ | 125,000 | \$ | 125,000 | 271447 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 125,000 | \$ | 125,000 | 271448 |
| Group | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 604,000 | \$ | 615,000 | 271449 |

Section 297.10. OHS OHIO HISTORY CONNECTION 271451

| | | | | | | |
|------------------------|------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund | | | | | | 271452 |
| GRF 360400 | Holocaust and Genocide | \$ | 985,000 | \$ | 840,000 | 271453 |
| Memorial and Education | | | | | | |
| Commission | | | | | | |
| GRF 360401 | Ohio Commission for | \$ | 2,000,000 | \$ | 3,000,000 | 271454 |
| the U.S. | | | | | | |
| Semiquincentennial | | | | | | |
| GRF 360402 | UNESCO World Heritage | \$ | 1,200,000 | \$ | 0 | 271455 |
| Sites | | | | | | |
| GRF 360501 | Education and | \$ | 5,604,000 | \$ | 5,882,000 | 271456 |
| Collections | | | | | | |
| GRF 360502 | Site and Museum | \$ | 7,721,000 | \$ | 7,502,000 | 271457 |
| Operations | | | | | | |
| GRF 360504 | Ohio Preservation | \$ | 731,000 | \$ | 738,000 | 271458 |
| Office | | | | | | |
| GRF 360505 | National Afro-American | \$ | 728,000 | \$ | 811,000 | 271459 |

| | | | | | | | |
|------------------------------|--------|--|----|------------|----|------------|--------|
| | | Museum | | | | | |
| GRF | 360506 | Hayes Presidential | \$ | 750,000 | \$ | 750,000 | 271460 |
| | | Center | | | | | |
| GRF | 360508 | State Historical | \$ | 1,010,000 | \$ | 730,000 | 271461 |
| | | Grants | | | | | |
| GRF | 360509 | Outreach and | \$ | 148,000 | \$ | 151,000 | 271462 |
| | | Partnership | | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 20,877,000 | \$ | 20,404,000 | 271463 |
| | | Dedicated Purpose Fund Group | | | | | 271464 |
| 5KL0 | 360602 | Ohio History Tax | \$ | 150,000 | \$ | 150,000 | 271465 |
| | | Check-off | | | | | |
| 5PD0 | 360603 | Ohio History License | \$ | 10,000 | \$ | 10,000 | 271466 |
| | | Plate | | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 160,000 | \$ | 160,000 | 271467 |
| | | Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 21,037,000 | \$ | 20,564,000 | 271468 |
| | | SUBSIDY APPROPRIATION | | | | | 271469 |
| | | Upon approval by the Director of Budget and Management, the | | | | | 271470 |
| | | foregoing appropriation items shall be released to the Ohio | | | | | 271471 |
| | | History Connection in quarterly amounts that in total do not | | | | | 271472 |
| | | exceed the annual appropriations. The funds and fiscal records of | | | | | 271473 |
| | | the Ohio History Connection for fiscal year 2024 and fiscal year | | | | | 271474 |
| | | 2025 shall be examined by independent certified public accountants | | | | | 271475 |
| | | approved by the Auditor of State, and a copy of the audited | | | | | 271476 |
| | | financial statements shall be filed with the Office of Budget and | | | | | 271477 |
| | | Management. | | | | | 271478 |
| | | The foregoing appropriations shall be considered to be the | | | | | 271479 |
| | | contractual consideration provided by the state to support the | | | | | 271480 |
| | | state's offer to contract with the Ohio History Connection under | | | | | 271481 |
| | | section 149.30 of the Revised Code. | | | | | 271482 |
| | | HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION | | | | | 271483 |

The foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, shall be used to support the operations of the Holocaust and Genocide Memorial and Education Commission established under section 197.03 of the Revised Code, including employment of a Director of the Office of the Commission and any other employees approved by the Commission.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$75,000 in each fiscal year shall be used to support scholarships to attend certificate coursework in Holocaust education offered in partnership with Yad Vashem, Ohio colleges and universities, or one of Ohio's Holocaust educational museums.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$150,000 in each fiscal year shall be used for recording the stories and testimonials of genocide survivors living in Ohio, as well as veterans or active duty military personnel involved in operations related to eliminating genocide.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$50,000 in each fiscal year shall be used for students, teachers, and community and university student leaders to attend educational programming that visits Holocaust sites. Funding may also be used by the Commission to host such programs in Europe, or at institutions approved by the Commission.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$175,000 in fiscal year 2024 shall be used to create curriculum related to Holocaust education that is specific to Ohio. Funding shall also be used to make curricula and catalogued artifacts available online, indexed and searchable, for use by K-12 students, teachers, librarians, home schooled students and teachers, and other staff.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$175,000 in each fiscal year shall be used for Ohio K-12 students, or other individuals approved by the Commission, to visit one of Ohio's Holocaust education and memorial museums. Funding may be used for transportation, admission, security, and other related costs. Funding shall not be used for trips to the Ohio Statehouse, including visits to the Ohio Holocaust and Liberators Memorial.

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Of the foregoing appropriation item 360400, Holocaust and Genocide Memorial and Education Commission, \$150,000 in each fiscal year shall be used to support the development of teacher training courses at colleges and universities related to instruction on the Holocaust as well as other approved programming by the Commission.

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The Commission, in partnership with the Department of Education and Workforce and the Department of Higher Education, shall submit two reports of findings and recommendations to the general assembly and the governor not later than June 30 of each fiscal year regarding the impact of such funding, reach, and any recommended changes to the programming.

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UNESCO WORLD HERITAGE SITES 271536

The foregoing appropriation item 360402, UNESCO World Heritage Sites, shall be used for operating costs for approved United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage sites in Ohio.

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STATE HISTORICAL GRANTS 271541

Of the foregoing appropriation item 360508, State Historical Grants, \$250,000 in each fiscal year shall be used for the Western Reserve Historical Society, and \$250,000 in each fiscal year shall be used for the Cincinnati Museum Center.

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Of the foregoing appropriation item 360508, State Historical

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Grants, \$250,000 in fiscal year 2024 shall be used for the Little Brown Jug to enhance the facility or increase attendance. 271547
 271548

Of the foregoing appropriation item 360508, State Historical Grants, \$200,000 in each fiscal year shall be used for the Maltz Museum of Jewish Heritage. 271549
 271550
 271551

Of the foregoing appropriation item 360508, State Historical Grants, \$30,000 in fiscal year 2024 shall be used for the Marlboro Volunteers. 271552
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Of the foregoing appropriation item 360508, State Historical Grants, \$30,000 in each fiscal year shall be used for the Rootstown Historical Society. 271555
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Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 271558

General Revenue Fund 271559

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|------------|--------------------|----|------------|----|------------|--------|
| GRF 025321 | Operating Expenses | \$ | 30,250,000 | \$ | 30,250,000 | 271560 |
|------------|--------------------|----|------------|----|------------|--------|

| | | | | | | |
|-----------|----------------------|----|------------|----|------------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 30,250,000 | \$ | 30,250,000 | 271561 |
|-----------|----------------------|----|------------|----|------------|--------|

Internal Service Activity Fund Group 271562

| | | | | | | |
|-------------|----------|----|-----------|----|-----------|--------|
| 1030 025601 | House of | \$ | 1,433,664 | \$ | 1,433,664 | 271563 |
|-------------|----------|----|-----------|----|-----------|--------|

Representatives

Reimbursement

| | | | | | | |
|-------------|---------------------|----|--------|----|--------|--------|
| 4A40 025602 | Miscellaneous Sales | \$ | 50,000 | \$ | 50,000 | 271564 |
|-------------|---------------------|----|--------|----|--------|--------|

| | | | | | | |
|-----------|---------------------------|--|--|--|--|--------|
| TOTAL ISA | Internal Service Activity | | | | | 271565 |
|-----------|---------------------------|--|--|--|--|--------|

| | | | | | | |
|------------|--|----|-----------|----|-----------|--------|
| Fund Group | | \$ | 1,483,664 | \$ | 1,483,664 | 271566 |
|------------|--|----|-----------|----|-----------|--------|

| | | | | | | |
|------------------------------|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 31,733,664 | \$ | 31,733,664 | 271567 |
|------------------------------|--|----|------------|----|------------|--------|

OPERATING EXPENSES 271568

On July 1, 2023, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is

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hereby reappropriated to the same appropriation item for fiscal 271575
year 2024. 271576

On July 1, 2024, or as soon as possible thereafter, the Chief 271577
Administrative Officer of the House of Representatives may certify 271578
to the Director of Budget and Management an amount up to the 271579
unexpended, unencumbered balance of the foregoing appropriation 271580
item 025321, Operating Expenses, at the end of fiscal year 2024 to 271581
be reappropriated to fiscal year 2025. The amount certified is 271582
hereby reappropriated to the same appropriation item for fiscal 271583
year 2025. 271584

HOUSE REIMBURSEMENT 271585

If it is determined by the Chief Administrative Officer of 271586
the House of Representatives that additional appropriations are 271587
necessary for the foregoing appropriation item 025601, House of 271588
Representatives Reimbursement, the amounts are hereby 271589
appropriated. 271590

Section 301.10. HFA OHIO HOUSING FINANCE AGENCY 271591

Dedicated Purpose Fund Group 271592

5AZ0 997601 Housing Finance Agency \$ 16,861,741 \$ 17,433,489 271593

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 16,861,741 \$ 17,433,489 271594

Group

TOTAL ALL BUDGET FUND GROUPS \$ 16,861,741 \$ 17,433,489 271595

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL 271597

General Revenue Fund 271598

GRF 965321 Operating Expenses \$ 1,941,000 \$ 2,078,000 271599

TOTAL GRF General Revenue Fund \$ 1,941,000 \$ 2,078,000 271600

Internal Service Activity Fund Group 271601

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 271602

| | | | |
|------------------------------|---------------------------|--------------|---------------------|
| General for ODOT | | | |
| 5FT0 965604 | Deputy Inspector | \$ 425,000 | \$ 425,000 271603 |
| General for BWC/OIC | | | |
| TOTAL ISA | Internal Service Activity | \$ 825,000 | \$ 825,000 271604 |
| Fund Group | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 2,766,000 | \$ 2,903,000 271605 |

Section 305.10. INS DEPARTMENT OF INSURANCE 271607

| | | | | |
|------------------------------|------------------------|---------------|---------------|--------|
| Dedicated Purpose Fund Group | | | | 271608 |
| 5540 820401 | Examination | \$ 10,661,691 | \$ 10,784,725 | 271609 |
| 5540 820601 | Operating Expenses - | \$ 189,000 | \$ 189,000 | 271610 |
| OSHIIP | | | | |
| 5540 820606 | Operating Expenses | \$ 32,465,978 | \$ 33,063,978 | 271611 |
| TOTAL DPF | Dedicated Purpose Fund | \$ 43,316,669 | \$ 44,037,703 | 271612 |
| Group | | | | |
| Federal Fund Group | | | | 271613 |
| 3U50 820602 | OSHIIP Operating | \$ 3,050,000 | \$ 3,050,000 | 271614 |
| Grant | | | | |
| TOTAL FED | Federal Fund Group | \$ 3,050,000 | \$ 3,050,000 | 271615 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 46,366,669 | \$ 47,087,703 | 271616 |

Section 305.20. MARKET CONDUCT EXAMINATION 271618

When conducting a market conduct examination of any insurer 271619
doing business in this state, the Superintendent of Insurance may 271620
assess the costs of the examination against the insurer. The 271621
Superintendent may enter into consent agreements to impose 271622
administrative assessments or fines for conduct discovered that 271623
may be violations of statutes or rules administered by the 271624
Superintendent. All costs, assessments, or fines collected shall 271625
be deposited to the credit of the Department of Insurance 271626
Operating Fund (Fund 5540). 271627

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 271628

| | | | | |
|------------------------------|--|----------------|----------------|--------|
| General Revenue Fund | | | | 271629 |
| GRF 600410 | TANF State Maintenance
of Effort | \$ 149,268,000 | \$ 149,268,000 | 271630 |
| GRF 600450 | Program Operations | \$ 197,705,000 | \$ 199,975,000 | 271631 |
| GRF 600502 | Child Support- Local | \$ 26,400,000 | \$ 26,400,000 | 271632 |
| GRF 600521 | Family Assistance -
Local | \$ 53,248,000 | \$ 53,248,000 | 271633 |
| GRF 600533 | Child, Family, and
Community Protection
Services | \$ 13,500,000 | \$ 13,500,000 | 271634 |
| GRF 600534 | Adult Protective
Services | \$ 9,720,000 | \$ 9,720,000 | 271635 |
| GRF 600551 | Job and Family Services
Program Support | \$ 250,000 | \$ 250,000 | 271636 |
| GRF 600561 | Parenting and Pregnancy
Program | \$ 7,000,000 | \$ 7,000,000 | 271637 |
| GRF 600562 | Adoption Grant Program | \$ 15,000,000 | \$ 15,000,000 | 271638 |
| GRF 655425 | Medicaid Program
Support | \$ 15,605,000 | \$ 15,673,000 | 271639 |
| GRF 655522 | Medicaid Program
Support - Local | \$ 44,000,000 | \$ 49,000,000 | 271640 |
| GRF 655523 | Medicaid Program
Support - Local
Transportation | \$ 43,530,000 | \$ 43,530,000 | 271641 |
| TOTAL GRF | General Revenue Fund | \$ 575,226,000 | \$ 582,564,000 | 271642 |
| Dedicated Purpose Fund Group | | | | 271643 |
| 4A80 600658 | Public Assistance
Activities | \$ 19,900,000 | \$ 19,900,000 | 271644 |
| 4A90 600607 | Unemployment
Compensation
Administration Fund | \$ 11,400,000 | \$ 11,400,000 | 271645 |
| 4E70 600604 | Family and Children | \$ 650,000 | \$ 650,000 | 271646 |

| | | | | | | | |
|-----------|--------|--------------------------------------|----|-------------|----|-------------|--------|
| | | Services Collections | | | | | |
| 5CV3 | 6006A5 | Foodbank Assistance | \$ | 10,000,000 | \$ | 0 | 271647 |
| | | ARPA | | | | | |
| 5DM0 | 600633 | Audit Settlements and | \$ | 1,000,000 | \$ | 1,000,000 | 271648 |
| | | Contingency | | | | | |
| 5DM0 | 6006A9 | Benefit Bridge | \$ | 3,000,000 | \$ | 5,000,000 | 271649 |
| 5DM0 | 6006B1 | Employment Incentive | \$ | 1,500,000 | \$ | 1,500,000 | 271650 |
| | | Program | | | | | |
| 5ES0 | 600630 | Food Bank Assistance | \$ | 500,000 | \$ | 500,000 | 271651 |
| 5RX0 | 600699 | Workforce Development | \$ | 500,000 | \$ | 500,000 | 271652 |
| | | Projects | | | | | |
| 5TZ0 | 600674 | Childrens Crisis Care | \$ | 985,000 | \$ | 1,235,000 | 271653 |
| 5U60 | 600663 | Family and Children | \$ | 6,932,065 | \$ | 7,787,465 | 271654 |
| | | Support | | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 56,367,065 | \$ | 49,472,465 | 271655 |
| | | Group | | | | | |
| | | Internal Service Activity Fund Group | | | | | 271656 |
| 5HL0 | 600602 | State and County | \$ | 2,000,000 | \$ | 2,000,000 | 271657 |
| | | Shared Services | | | | | |
| TOTAL ISA | | Internal Service Activity | \$ | 2,000,000 | \$ | 2,000,000 | 271658 |
| | | Fund Group | | | | | |
| | | Fiduciary Fund Group | | | | | 271659 |
| 1920 | 600646 | Child Support | \$ | 100,000,000 | \$ | 100,000,000 | 271660 |
| | | Intercept - Federal | | | | | |
| 5830 | 600642 | Child Support | \$ | 13,000,000 | \$ | 13,000,000 | 271661 |
| | | Intercept - State | | | | | |
| 5B60 | 600601 | Food Assistance | \$ | 4,000,000 | \$ | 4,000,000 | 271662 |
| | | Intercept | | | | | |
| TOTAL FID | | Fiduciary Fund Group | \$ | 117,000,000 | \$ | 117,000,000 | 271663 |
| | | Holding Account Fund Group | | | | | 271664 |
| R012 | 600643 | Refunds and Audit | \$ | 500,000 | \$ | 500,000 | 271665 |
| | | Settlements | | | | | |

| | | | | | |
|------------------------------------|----|---------------|----|---------------|--------|
| TOTAL HLD Holding Account Fund | \$ | 500,000 | \$ | 500,000 | 271666 |
| Group | | | | | |
| Federal Fund Group | | | | | 271667 |
| 3310 600615 Veterans Programs | \$ | 11,872,779 | \$ | 11,893,147 | 271668 |
| 3310 600624 Employment Services | \$ | 30,454,022 | \$ | 30,882,752 | 271669 |
| 3310 600686 Workforce Programs | \$ | 3,926,746 | \$ | 3,980,332 | 271670 |
| 3840 600610 Food Assistance | \$ | 245,396,656 | \$ | 236,482,931 | 271671 |
| Programs | | | | | |
| 3850 600614 Refugee Services | \$ | 23,157,277 | \$ | 12,375,030 | 271672 |
| 3950 600616 Federal Discretionary | \$ | 8,367,273 | \$ | 5,047,878 | 271673 |
| Grants | | | | | |
| 3960 600620 Social Services Block | \$ | 38,191,659 | \$ | 38,280,049 | 271674 |
| Grant | | | | | |
| 3970 600626 Child Support - | \$ | 205,929,146 | \$ | 205,192,248 | 271675 |
| Federal | | | | | |
| 3F01 655624 Medicaid Program | \$ | 220,005,026 | \$ | 220,103,397 | 271676 |
| Support - Federal | | | | | |
| 3S50 600622 Child Support Projects | \$ | 534,050 | \$ | 534,050 | 271677 |
| 3V00 600688 Workforce Innovation | \$ | 165,190,735 | \$ | 165,578,756 | 271678 |
| and Opportunity Act | | | | | |
| Programs | | | | | |
| 3V40 600632 Trade Programs | \$ | 29,560,798 | \$ | 29,727,681 | 271679 |
| 3V40 600678 Federal Unemployment | \$ | 132,198,612 | \$ | 131,184,431 | 271680 |
| Programs | | | | | |
| 3V40 600679 Unemployment | \$ | 6,830,615 | \$ | 6,948,482 | 271681 |
| Compensation Review | | | | | |
| Commission - Federal | | | | | |
| 3V60 600689 TANF Block Grant | \$ | 814,044,607 | \$ | 818,722,142 | 271682 |
| TOTAL FED Federal Fund Group | \$ | 1,935,660,001 | \$ | 1,916,933,306 | 271683 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,686,753,066 | \$ | 2,668,469,771 | 271684 |

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 271686

(A) Of the foregoing appropriation item 600521, Family 271687

Assistance - Local, \$43,905,754 in each fiscal year shall be 271688
provided to county departments of job and family services to 271689
administer food assistance and disability assistance programs. 271690

(B) Of the foregoing appropriation item 600521, Family 271691
Assistance - Local, an additional \$2,500,000 in each fiscal year 271692
shall be provided to assist county departments that submit an 271693
approved plan on increasing fraud prevention, early detection of 271694
fraud, and investigations on potential fraud that may be occurring 271695
in public assistance programs. 271696

(C) The foregoing appropriation item 655522, Medicaid Program 271697
Support - Local, shall be provided to county departments of job 271698
and family services to administer the Medicaid program and the 271699
State Children's Health Insurance program. 271700

(D) At the request of the Director of Job and Family 271701
Services, the Director of Budget and Management may transfer 271702
appropriations between the following appropriation items to ensure 271703
county administrative funds are expended from the proper 271704
appropriation item: 271705

(1) Appropriation item 600521, Family Assistance - Local, and 271706
appropriation item 655522, Medicaid Program Support - Local; and 271707

(2) Appropriation item 655523, Medicaid Program Support - 271708
Local Transportation, and appropriation item 655522, Medicaid 271709
Program Support - Local. 271710

Section 307.30. NAME OF FOOD STAMP PROGRAM 271711

The Director of Job and Family Services is not required to 271712
amend rules regarding the Food Stamp Program to change the name of 271713
the program to the Supplemental Nutrition Assistance Program. The 271714
Director may refer to the program as the Food Stamp Program, the 271715
Supplemental Nutrition Assistance Program, or the Food Assistance 271716
Program in rules and documents of the Department of Job and Family 271717

Services. 271718

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 271719

Of the foregoing appropriation items 600658, Public 271720
Assistance Activities, and 600689, TANF Block Grant, a total of up 271721
to \$22,050,000 in each fiscal year shall be used to provide funds 271722
to the Ohio Association of Food Banks to purchase and distribute 271723
food products, support Innovative Summer Meals programs for 271724
children, provide SNAP outreach and free tax filing services, and 271725
provide capacity building equipment for food pantries and soup 271726
kitchens. 271727

Notwithstanding section 5101.46 of the Revised Code and any 271728
other provision in this act, the Director of Job and Family 271729
Services shall provide assistance from eligible funds to the Ohio 271730
Association of Food Banks in an amount up to \$24,550,000 in each 271731
fiscal year. This amount includes the funds designated to the Ohio 271732
Association of Food Banks in the first paragraph of this section. 271733

Eligible nonfederal expenditures made by member food banks of 271734
the Association shall be counted by the Department of Job and 271735
Family Services toward the TANF maintenance of effort requirements 271736
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 271737
shall enter into an agreement with the Ohio Association of Food 271738
Banks, in accordance with sections 5101.80 and 5101.801 of the 271739
Revised Code, to carry out the requirements under this section. 271740

Section 307.41. TOLEDO FOODBANKS 271741

Of the foregoing appropriation item 600689, TANF Block Grant, 271742
\$250,000 in each fiscal year shall be provided to the Toledo 271743
Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 271744
of the Revised Code. 271745

Of the foregoing appropriation item 600689, TANF Block Grant, 271746
\$400,000 in each fiscal year shall be provided, in accordance with 271747

sections 5101.80 and 5101.801 of the Revised Code, to the 271748
Southside Life Station Food Pantry in Toledo. 271749

Section 307.43. OHIO ASSOCIATION OF FOODBANKS SUBGRANT 271750

The Department of Job and Family Services shall enter into a 271751
subgrant agreement with the Ohio Association of Foodbanks to 271752
enable the Association to provide food distribution to low-income 271753
families and individuals via the statewide charitable emergency 271754
food provider network and to support transportation of meals for 271755
the Governor's Office of Faith-Based and Community Initiatives 271756
Innovative Summer Meals programs for children and provide capacity 271757
building equipment for food pantries and soup kitchens. 271758

The Ohio Association of Foodbanks shall do all of the 271759
following: 271760

(A) Purchase food for the Agriculture Clearance and Ohio Food 271761
Programs. Information regarding the food purchase shall be 271762
reflected in the plan for statewide distribution of food products 271763
to local food distribution agencies. 271764

(B) Support the Capacity Building Grant program and purchase 271765
equipment for partner agencies that is needed to increase their 271766
capacity to serve more families eligible under the Temporary 271767
Assistance for Needy Families program with perishable foods, 271768
fruits, and vegetables. This equipment purchase shall include, but 271769
is not limited to, shelving, pallet jacks, commercial 271770
refrigerators, and commercial freezers. 271771

(C) Submit a quarterly report to the Department of Job and 271772
Family Services not later than sixty days after the close of the 271773
quarter to which the report pertains. The quarterly report shall 271774
include all of the following: 271775

(1) A summary of the allocation and expenditure of grant 271776
funds; 271777

| | |
|--|--|
| (2) Product type and pounds distributed by foodbank service region and county; | 271778
271779 |
| (3) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served. | 271780
271781
271782
271783
271784 |
| (D) Submit an annual report to the Agreement Manager at the Department of Job and Family Services not later than one hundred twenty days after the end of the fiscal year. The annual report shall include the following: | 271785
271786
271787
271788 |
| (1) A summary of the allocation and expenditure of grant funds; | 271789
271790 |
| (2) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served. | 271791
271792
271793
271794
271795 |
| (3) The quantity and type of food distributed and the total per pound cost of the food purchased; | 271796
271797 |
| (4) Information on the cost of storage, transportation, and processing; | 271798
271799 |
| (5) An evaluation of the success in achieving expected performance outcomes. | 271800
271801 |
| Section 307.45. FOODBANK ASSISTANCE ARPA | 271802 |
| The foregoing appropriation item 6006A5, Foodbank Assistance ARPA, shall be distributed to the Cleveland Foodbank. | 271803
271804 |
| Section 307.50. FOOD STAMPS TRANSFER | 271805 |

On July 1, 2023, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund 3840), to the Food Assistance Fund (Fund 5ES0).

Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE

The foregoing appropriation item 600658, Public Assistance Activities, shall be used by the Department of Job and Family Services to meet the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). When the state is assured that it will meet the maintenance of effort requirement, the Department of Job and Family Services may use funds from appropriation item 600658, Public Assistance Activities, to support public assistance activities.

Section 307.70. TANF STATE MAINTENANCE OF EFFORT

Of the foregoing appropriation item 600410, TANF State Maintenance of Effort, \$7,500,000 in fiscal year 2024 shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Alliance of Boys and Girls Clubs to provide after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Not less than \$150,000 in fiscal year 2024 shall be provided to the Boys and Girls Club of Massillon.

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT

Of the foregoing appropriation item 600689, TANF Block Grant, up to \$13,535,000 in fiscal year 2024 shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to provide support to programs or organizations that provide services that

align with the mission and goals of the Governor's Office of 271835
Faith-Based and Community Initiatives, as outlined in section 271836
107.12 of the Revised Code, and that further at least one of the 271837
four purposes of the TANF program, as specified in 42 U.S.C. 601. 271838

Of the foregoing appropriation item 600689, TANF Block Grant, 271839
\$2,300,000 in fiscal year 2024 shall be provided, in accordance 271840
with sections 5101.80 and 5101.801 of the Revised Code, to Open 271841
Doors Academy to support out-of-school programs in northeast Ohio, 271842
Lima, Sandusky, and Mansfield, and to support other additional 271843
locations in the state. 271844

Of the foregoing appropriation item 600689, TANF Block Grant, 271845
\$2,250,000 in fiscal year 2024 shall be allocated, in accordance 271846
with sections 5101.80 and 5101.801 of the Revised Code, to College 271847
Now to provide payments to family support specialists employed by 271848
the Say Yes to Education Cleveland program. 271849

Of the foregoing appropriation item 600689, TANF Block Grant, 271850
up to \$2,000,000 in fiscal year 2024 shall be used, in accordance 271851
with sections 5101.80 and 5101.801 of the Revised Code, to support 271852
the Independent Living Initiative, including life skills training 271853
and work supports for older children in foster care and those who 271854
have recently aged out of foster care who meet TANF eligibility 271855
requirements. 271856

Of the foregoing appropriation item 600689, TANF Block Grant, 271857
up to \$1,000,000 in fiscal year 2024 shall be provided, in 271858
accordance with sections 5101.80 and 5101.801 of the Revised Code, 271859
to the Ohio Children's Trust Fund. 271860

Of the foregoing appropriation item 600689, TANF Block Grant, 271861
\$1,175,000 in each fiscal year shall be provided, in accordance 271862
with sections 5101.80 and 5101.801 of the Revised Code, to the 271863
Children's Hunger Alliance to assist with meal sponsorship, early 271864
child care programs, child care, consultations and nutrition 271865

education, school district nutrition programs, after school 271866
nutrition programs, and summer nutrition programs. 271867

Of the foregoing appropriation item 600689, TANF Block Grant, 271868
\$1,000,000 in fiscal year 2024 shall be provided, in accordance 271869
with sections 5101.80 and 5101.801 of the Revised Code, to Big 271870
Brothers Big Sisters of Central Ohio to provide mentoring services 271871
to children throughout the state who have experienced trauma in 271872
their lives, including parental incarceration. 271873

Of the foregoing appropriation item 600689, TANF Block Grant, 271874
\$1,000,000 in fiscal year 2024 shall be provided, in accordance 271875
with sections 5101.80 and 5101.801 of the Revised Code, to the 271876
Waterford Institute to implement a pilot program for 271877
pre-kindergarten children. 271878

Of the foregoing appropriation item 600689, TANF Block Grant, 271879
\$750,000 in fiscal year 2024 shall be provided, in accordance with 271880
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 271881
Council of YWCAs to support programs that prevent domestic 271882
violence, support victims of domestic violence, provide 271883
trauma-informed support for survivors, and support educational 271884
opportunities for at-risk youth. 271885

Of the foregoing appropriation item 600689, TANF Block Grant, 271886
up to \$250,000 in fiscal year 2024 shall be used, in accordance 271887
with sections 5101.80 and 5101.801 of the Revised Code, to support 271888
the Survivor Advocacy Outreach Program and partnering 271889
organizations to provide trauma-informed crisis intervention, 271890
workforce development, childcare and youth resilience, and other 271891
social determinants of health improvement programming to youth and 271892
families in the southeast Ohio region that have been impacted by 271893
trauma, domestic violence, or substance abuse. 271894

Of the foregoing appropriation item 600689, TANF Block Grant, 271895
\$500,000 in fiscal year 2024 shall be provided, in accordance with 271896

sections 5101.80 and 5101.801 of the Revised Code, to Birthing 271897
Beautiful Communities in Cleveland. 271898

Of the foregoing appropriation item 600689, TANF Block Grant, 271899
\$1,000,000 in each fiscal year shall be provided, in accordance 271900
with sections 5101.80 and 5101.801 of the Revised Code, to Produce 271901
Perks Midwest to expand Ohio's Nutrition Incentive Program. 271902

Of the foregoing appropriation item 600689, TANF Block Grant, 271903
\$1,000,000 in fiscal year 2024 shall be used, in accordance with 271904
sections 5101.80 and 5101.801 of the Revised Code, to support the 271905
Somali Community Link's Social Service Program. 271906

Of the foregoing appropriation item 600689, TANF Block Grant, 271907
\$500,000 in fiscal year 2024 shall be provided, in accordance with 271908
sections 5101.80 and 5101.801 of the Revised Code, to Child Focus, 271909
Inc., to support programs that provide workforce development, life 271910
skills training, and parent education to improve healthy family 271911
formation, maintenance, and stability for young adult parents and 271912
financially disadvantaged couples. 271913

Of the foregoing appropriation item 600689, TANF Block Grant, 271914
\$500,000 in fiscal year 2024 shall be provided, in accordance with 271915
sections 5101.80 and 5101.801 of the Revised Code, to Mahoning 271916
Valley Community School to support out-of-school programs in 271917
Mahoning, Trumbull, and Columbiana counties. 271918

Of the foregoing appropriation item 600689, TANF Block Grant, 271919
\$250,000 in fiscal year 2024 shall be provided, in accordance with 271920
sections 5101.80 and 5101.801 of the Revised Code, to Communities 271921
In Schools of Ohio to provide supports for at-risk youth for 271922
wraparound services, which directly impact chronic absenteeism and 271923
dropout rates. 271924

Of the foregoing appropriation item 600689, TANF Block Grant, 271925
\$400,000 in fiscal year 2024 shall be used, in accordance with 271926
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 271927

YMCA day camps and before and after school programs to support 271928
students' academic achievement and development. 271929

Of the foregoing appropriation item 600689, TANF Block Grant, 271930
\$250,000 in fiscal year 2024 shall be provided, in accordance with 271931
sections 5101.80 and 5101.801 of the Revised Code, to the Foundry 271932
Row, Sail, Dream Program. 271933

Of the forgoing appropriation item 600689, TANF Block Grant, 271934
\$350,000 in fiscal year 2024 shall be provided, in accordance with 271935
sections 5101.80 and 5101.801 of the Revised Code, to Neighbors 271936
Helping Neighbors. 271937

Of the foregoing appropriation item 600689, TANF Block Grant, 271938
\$300,000 in fiscal year 2024 shall be provided, in accordance with 271939
sections 5101.80 and 5101.801 of the Revised Code, to Shoes and 271940
Clothes for Kids to further increase the number of children served 271941
in Cuyahoga County and surrounding counties. 271942

Of the foregoing appropriation item 600689, TANF Block Grant, 271943
\$100,000 in fiscal year 2024 shall be provided, in accordance with 271944
sections 5101.80 and 5101.801 of the Revised Code, to support 271945
Inspirededucation's educational planning, financial literacy, and 271946
college and career counseling services to promote workforce 271947
development and reduce student loan debt. 271948

Of the forgoing appropriation item 600689, TANF Block Grant, 271949
\$300,000 in fiscal year 2024 shall be provided, in accordance with 271950
sections 5101.80 and 5101.801 of the Revised Code, to the African 271951
American Male Wellness Agency to support the Calling All Dads 271952
initiative. 271953

Of the foregoing appropriation item 600689, TANF Block Grant, 271954
\$250,000 in fiscal year 2024 shall be provided to the Best Buddies 271955
Ohio program, in accordance with sections 5101.80 and 5101.801 of 271956
the Revised Code, to support the delivery and expansion of 271957
inclusion services throughout Ohio colleges and communities. 271958

Of the foregoing appropriation item 600689, TANF Block Grant, 271959
\$200,000 in fiscal year 2024 shall be provided, in accordance with 271960
sections 5101.80 and 5101.801 of the Revised Code, to the YWCA of 271961
Greater Cleveland's Early Learning Center to support the trauma 271962
informed preschool for homeless, low income, and at-risk preschool 271963
children. 271964

Of the foregoing appropriation item 600689, TANF Block Grant, 271965
\$200,000 in fiscal year 2024 shall be provided, in accordance with 271966
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 271967
Works! Ohio in Dayton. 271968

Of the foregoing appropriation item 600689, TANF Block Grant, 271969
\$200,000 in fiscal year 2024 shall be provided, in accordance with 271970
sections 5101.80 and 5101.801 of the Revised Code, to MY Project 271971
USA to provide mentoring, leadership, and literacy programming for 271972
at-risk youth. 271973

Of the foregoing appropriation item 600689, TANF Block Grant, 271974
\$150,000 in fiscal year 2024 shall be provided, in accordance with 271975
sections 5101.80 and 5101.801 of the Revised Code, to the 271976
University Circle Inc., Circle Scholars and Circle Explorers 271977
Program. 271978

Of the foregoing appropriation item 600689, TANF Block Grant, 271979
\$125,000 in fiscal year 2024 shall be provided, in accordance with 271980
sections 5101.80 and 5101.801 of the Revised Code, to HEART Food 271981
Pantry, Inc. 271982

Of the foregoing appropriation item 600689, TANF Block Grant, 271983
\$110,000 in fiscal year 2024 shall be used, in accordance with 271984
sections 5101.80 and 5101.801 of the Revised Code, for University 271985
Settlement. 271986

Of the foregoing appropriation item 600689, TANF Block Grant, 271987
\$75,000 in each fiscal year shall be provided, in accordance with 271988
sections 5101.80 and 5101.801 of the Revised Code, to the Hilliard 271989

Community Assistance Council to support the Hilliard Food Pantry. 271990

Section 307.83. FAMILY STABILITY PROGRAMS 271991

Of the foregoing appropriation item, 600689, TANF Block 271992
Grant, up to \$1,000,000 in fiscal year 2024 shall be provided, in 271993
accordance with sections 5101.80 and 5101.801 of the Revised Code, 271994
to the Siemer Institute to support family stability programs in 271995
collaboration with United Way affiliates on a quarterly basis. The 271996
funds shall be used to provide services and early interventions 271997
that are focused on improving family housing stability, increasing 271998
household income, reducing school mobility, and supporting 271999
two-generation programming to stabilize family units. 272000

Before any funds are reimbursed, the Siemer Institute or 272001
affiliates shall provide the Department of Job and Family Services 272002
with documentation showing the amount of private sector dollars 272003
that have been collected to support the family stability programs. 272004
The amount of each reimbursement provided by the Department to the 272005
Siemer Institute shall not exceed the amount documented and shall 272006
not exceed the amount of the earmark in each fiscal year. 272007

On July 1, 2023, or as soon as possible thereafter, the 272008
Director of Job and Family Services shall certify to the Director 272009
of Budget and Management the amount of the unexpended, 272010
unencumbered balance of the earmark in fiscal year 2023. The 272011
amount certified is hereby reappropriated to the same 272012
appropriation item for the same purpose in fiscal year 2024. 272013

Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION 272014
SERVICES 272015

(A) The foregoing appropriation item 600533, Child, Family, 272016
and Community Protection Services, shall be distributed to county 272017
departments of job and family services. County departments shall 272018
use the funds distributed to them under this section as follows, 272019

in accordance with the written plan of cooperation entered into 272020
under section 307.983 of the Revised Code: 272021

(1) To assist individuals in achieving or maintaining 272022
self-sufficiency, including by reducing or preventing dependency 272023
among individuals with family income not exceeding two hundred per 272024
cent of the federal poverty guidelines; 272025

(2) Subject to division (B) of this section, to respond to 272026
reports of abuse, neglect, or exploitation of children and adults, 272027
including through the differential response approach program; 272028

(3) To provide outreach and referral services regarding home 272029
and community-based services to individuals at risk of placement 272030
in a group home or institution, regardless of the individuals' 272031
family income and without need for a written application; 272032

(4) To provide outreach, referral, application assistance, 272033
and other services to assist individuals to receive assistance, 272034
benefits, or services under Medicaid; Title IV-A programs, as 272035
defined in section 5101.80 of the Revised Code; the Supplemental 272036
Nutrition Assistance Program; and other public assistance 272037
programs. 272038

(B) Protective services may be provided to a child or adult 272039
as part of a response, under division (A)(2) of this section, to a 272040
report of abuse, neglect, or exploitation without regard to a 272041
child or adult's family income and without need for a written 272042
application. The protective services may be provided if the case 272043
record documents circumstances of actual or potential abuse, 272044
neglect, or exploitation. 272045

Section 307.130. ADULT PROTECTIVE SERVICES 272046

Of the foregoing appropriation item 600534, Adult Protective 272047
Services, \$7,040,000 in each fiscal year shall be used to provide 272048
an initial allocation of \$80,000 to each county. The remainder of 272049

appropriation item 600534 shall be provided to counties in 272050
accordance with the formula established in section 5101.14 of the 272051
Revised Code. 272052

Section 307.133. JOB AND FAMILY SERVICES PROGRAM SUPPORT 272053

Of the foregoing appropriation item 600551, Job and Family 272054
Services Program Support, \$150,000 in each fiscal year shall be 272055
distributed to Men's Challenge in Stark County. 272056

Of the foregoing appropriation item 600551, Job and Family 272057
Services Program Support, \$100,000 in each fiscal year shall be 272058
provided to A Kid Again to support families raising children with 272059
life-threatening medical conditions through recreational therapy. 272060
The funds shall also be used to help connect families to essential 272061
community resources. 272062

Section 307.135. PARENTING AND PREGNANCY PROGRAM 272063

The foregoing appropriation item 600561, Parenting and 272064
Pregnancy Program, shall be used, in accordance with section 272065
5101.804 of the Revised Code, to support the Ohio Parenting and 272066
Pregnancy Program. 272067

An amount equal to the unexpended, unencumbered balance of 272068
appropriation item 600561, Parenting and Pregnancy, at the end of 272069
fiscal year 2023 is hereby reappropriated to the same 272070
appropriation item for the same purpose in fiscal year 2024. 272071

Section 307.140. ADOPTION GRANT PROGRAM 272072

The foregoing appropriation item 600562, Adoption Grant 272073
Program, shall be used, in consultation with the Department of 272074
Children and Youth, to administer grants to adoptive parents 272075
through the Adoption Grant Program, in accordance with sections 272076
5101.191 and 5101.192 of the Revised Code. 272077

| | |
|--|--------|
| Section 307.145. UNEMPLOYMENT COMPENSATION ADMINISTRATION | 272078 |
| FUND | 272079 |
| A portion of the foregoing appropriation item 600607, | 272080 |
| Unemployment Compensation Administration Fund, in each fiscal year | 272081 |
| shall be used to make payments pursuant to leases and agreements | 272082 |
| entered into under Chapter 125. of the Revised Code, as | 272083 |
| supplemented by Section 701.40 of H.B. 529 of the 132nd General | 272084 |
| Assembly, with respect to financing the costs associated with the | 272085 |
| acquisition, development, implementation, and integration of the | 272086 |
| Unemployment Insurance System. | 272087 |
|
 | |
| Section 307.150. FEDERAL DISCRETIONARY GRANTS | 272088 |
| Of the foregoing appropriation item 600616, Federal | 272089 |
| Discretionary Grants, up to \$195,000 in each fiscal year shall be | 272090 |
| used for the training of guardians ad litem and court-appointed | 272091 |
| special advocates as well as to conduct a study to demonstrate the | 272092 |
| impact of court-appointed special advocate volunteers on outcomes | 272093 |
| for children who are in child welfare custody as a result of | 272094 |
| abuse, neglect, or dependency. | 272095 |
|
 | |
| Section 307.210. CHILDRENS CRISIS CARE FACILITIES | 272096 |
| The foregoing appropriation item 600674, Childrens Crisis | 272097 |
| Care Facilities, shall be allocated by the Department of Job and | 272098 |
| Family Services in each fiscal year to children's crisis care | 272099 |
| facilities as defined in section 5103.13 of the Revised Code. The | 272100 |
| Director of Job and Family Services shall calculate funds | 272101 |
| semi-annually and allocate funds quarterly based on the total | 272102 |
| number of days of care for each child residing in the facility, | 272103 |
| which is determined by calculating the total days each child | 272104 |
| resides at the crisis care facility, including the date of | 272105 |
| admission, but not the day of discharge. A children's crisis care | 272106 |
| facility may decline to receive funds provided under this section. | 272107 |

A children's crisis care facility that accepts funds provided 272108
under this section shall use the funds in accordance with section 272109
5103.13 of the Revised Code and the rules as defined in rule 272110
5101:2-9-36 of the Administrative Code. 272111

Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 272112

The Fiduciary Fund Group and Holding Account Fund Group shall 272113
be used to hold revenues until the appropriate fund is determined 272114
or until the revenues are directed to the appropriate governmental 272115
agency other than the Department of Job and Family Services. Any 272116
Department of Job and Family Services refunds or reconciliations 272117
received or held by the Department of Medicaid shall be 272118
transferred or credited to the Refunds and Audit Settlement Fund 272119
(Fund R012). If receipts credited to the Support Intercept - 272120
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 272121
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 272122
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 272123
from the fund, the Director of Job and Family Services may request 272124
the Director of Budget and Management to authorize expenditures 272125
from the fund in excess of the amounts appropriated. Upon the 272126
approval of the Director of Budget and Management, the additional 272127
amounts are hereby appropriated. 272128

Section 307.230. CHILD CARE ARPA SUPPLEMENT REAPPROPRIATION 272129

An amount equal to the unexpended, unencumbered balance of 272130
the foregoing appropriation item 600661, Child Care ARPA 272131
Supplement, at the end of fiscal year 2023 is hereby 272132
reappropriated to the same appropriation item for the same purpose 272133
in fiscal year 2024. 272134

An amount equal to the unexpended, unencumbered balance of 272135
appropriation item 600661, Child Care ARPA Supplement, at the end 272136
of fiscal year 2024 is hereby reappropriated to the same 272137

appropriation item for the same purpose in fiscal year 2025. 272138

Section 307.240. BENEFIT BRIDGE EMPLOYER PILOT PROGRAM 272139

(A) The Department of Job and Family Services shall establish 272140
a two-year pilot program known as the Benefit Bridge Employer 272141
Pilot Program. Under the pilot program, the Department shall award 272142
grants to Ohio employers to incentivize employees enrolled in 272143
public assistance programs. To be eligible to receive a grant, 272144
employers shall have been registered to do business with the 272145
Secretary of State for at least two years and shall also do the 272146
following: 272147

(1) Provide a written intention to engage in the Benefits 272148
Bridge Employer Pilot Program; 272149

(2) Submit a benefit replacement plan for each participating 272150
employee. A participating employee shall be a recipient of 272151
assistance from the Supplemental Nutrition Assistance Program 272152
(SNAP), Ohio Works First, Medicaid, or a publicly funded child 272153
care program. A benefit cliff calculator shall be used to 272154
determine the hourly wage required to replace the assistance 272155
received through these programs. 272156

(3) Submit a description of a training program, including a 272157
financial literacy course, for each participating employee. The 272158
employer shall also certify the amount of one-time training 272159
incentives that shall be offered to the employee upon completion 272160
of the program, as well as the wage increase that will be given 272161
after the completion of the training program. 272162

(4) Receive written approval of the employer's plan from the 272163
Department; 272164

(5) Report relevant wage and salary information of 272165
participating employees on a timeframe established by the 272166
Department. 272167

(B) Within three months of the employee's completion of the training program, the employer shall submit to the Department proof of the employee's completion of the training program and the wage increase received by the employee pursuant to the information previously submitted to the Department.

(C) After the Department certifies that the participating employee no longer receives assistance from SNAP, Ohio Works First, Medicaid, or a publicly funded child care program, or will imminently stop receiving assistance through one of these programs, the Department shall release the grant funds.

(D) Over the course of the pilot program's operation, a participating employer shall receive not more than \$5,000 per participating employee. The maximum amount that a participating employer may receive in total over the pilot program's operation is \$100,000.

(E) Not later than October 1, 2024, the Department shall issue a report regarding the pilot program and its first year of operation. The report shall be submitted to the President and Minority Leader of the Senate and to the Speaker and Minority Leader of the House of Representatives.

(F) Notwithstanding section 5101.073 of the Revised Code, the foregoing appropriation item 6006A9, Benefit Bridge, shall be used to provide grants under the Benefit Bridge Employer Pilot Program. An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 6006A9, Benefit Bridge, at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

Section 307.250. EMPLOYMENT INCENTIVE PROGRAM

(A) Notwithstanding section 5101.073 of the Revised Code, the foregoing appropriation item 6006B1, Employment Incentive Program,

shall be provided to county departments of job and family services 272198
to operate employment incentive programs. As part of these 272199
programs, a county department of job and family services shall 272200
create individualized plans and incentives for adults who are 272201
consistently increasing their wages and working at least 272202
thirty-two hours a week. 272203

(B) The individualized plans shall require participating 272204
individuals to do both of the following: 272205

(1) Complete financial literacy education; 272206

(2) Submit a household budget to their county department of 272207
job and family services' caseworker and update this household 272208
budget at least every three months after the initial submission 272209
while the individual is participating in a program. 272210

(C) An individualized plan for each participating individual 272211
shall cover a period of not more than eighteen months. 272212

(D) An individual may participate in an employment incentive 272213
program only one time. 272214

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 272215

General Revenue Fund 272216

GRF 029321 Operating Expenses \$ 610,000 \$ 620,000 272217

TOTAL GRF General Revenue Fund \$ 610,000 \$ 620,000 272218

TOTAL ALL BUDGET FUND GROUPS \$ 610,000 \$ 620,000 272219

OPERATING GUIDANCE 272220

The Legislative Service Commission shall act as fiscal agent 272221
for the Joint Committee on Agency Rule Review. Members of the 272222
Committee shall be paid in accordance with section 101.35 of the 272223
Revised Code. 272224

OPERATING EXPENSES 272225

On July 1, 2023, or as soon as possible thereafter, the 272226

Executive Director of the Joint Committee on Agency Rule Review 272227
 may certify to the Director of Budget and Management an amount up 272228
 to the unexpended, unencumbered balance of the foregoing 272229
 appropriation item 029321, Operating Expenses, at the end of 272230
 fiscal year 2023 to be reappropriated to fiscal year 2024. The 272231
 amount certified is hereby reappropriated to the same 272232
 appropriation item for fiscal year 2024. 272233

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 272234

General Revenue Fund 272235
 GRF 048321 Operating Expenses \$ 408,000 \$ 591,000 272236
 TOTAL GRF General Revenue Fund \$ 408,000 \$ 591,000 272237
 TOTAL ALL BUDGET FUND GROUPS \$ 408,000 \$ 591,000 272238

OPERATING EXPENSES 272239

The foregoing appropriation item 048321, Operating Expenses, 272240
 shall be used to support expenses related to the Joint Medicaid 272241
 Oversight Committee created by section 103.41 of the Revised Code. 272242

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 272243

General Revenue Fund 272244
 GRF 018321 Operating Expenses \$ 1,192,000 \$ 1,231,000 272245
 TOTAL GRF General Revenue Fund \$ 1,192,000 \$ 1,231,000 272246

Dedicated Purpose Fund Group 272247
 4030 018601 Ohio Jury \$ 616,853 \$ 674,109 272248

Instructions

TOTAL DPF Dedicated Purpose Fund \$ 616,853 \$ 674,109 272249
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 1,808,853 \$ 1,905,109 272250

STATE COUNCIL OF UNIFORM STATE LAWS 272251

Notwithstanding section 105.26 of the Revised Code, of the 272252
 foregoing appropriation item 018321, Operating Expenses, up to 272253

\$93,710 in fiscal year 2024 and up to \$97,458 in fiscal year 2025 272254
 shall be used to pay the expenses of the State Council of Uniform 272255
 State Laws, including membership dues to the National Conference 272256
 of Commissioners on Uniform State Laws. 272257

OHIO JURY INSTRUCTIONS FUND 272258

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 272259
 grants, royalties, dues, conference fees, bequests, devises, and 272260
 other gifts received for the purpose of supporting costs incurred 272261
 by the Judicial Conference of Ohio in its activities as a part of 272262
 the judicial system of the state as determined by the Judicial 272263
 Conference Executive Committee. Fund 4030 shall be used by the 272264
 Judicial Conference of Ohio to pay expenses incurred in its 272265
 activities as a part of the judicial system of the state as 272266
 determined by the Judicial Conference Executive Committee. All 272267
 moneys accruing to Fund 4030 in excess of the amount appropriated 272268
 for the current fiscal year are hereby appropriated for the 272269
 purposes authorized. No money in Fund 4030 shall be transferred to 272270
 any other fund by the Director of Budget and Management or the 272271
 Controlling Board. 272272

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 272273

General Revenue Fund 272274

GRF 005321 Operating Expenses - \$ 200,343,000 \$ 207,543,000 272275
 Judiciary/Supreme
 Court

GRF 005401 State Criminal \$ 2,185,000 \$ 2,481,000 272276
 Sentencing Commission

GRF 005406 Law-Related Education \$ 375,000 \$ 375,000 272277

GRF 005409 Ohio Courts \$ 3,843,000 \$ 3,843,000 272278
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 206,746,000 \$ 214,242,000 272279

Dedicated Purpose Fund Group 272280

| | | | | | | | |
|---|--------|--|----|-------------|----|-------------|--------|
| 4C80 | 005605 | Attorney Services | \$ | 11,653,424 | \$ | 11,636,801 | 272281 |
| 5HT0 | 005617 | Court Interpreter
Certification | \$ | 7,500 | \$ | 8,000 | 272282 |
| 5SP0 | 005626 | Civil Justice Grant
Program | \$ | 400,000 | \$ | 400,000 | 272283 |
| 5T80 | 005609 | Grants and Awards | \$ | 90,760 | \$ | 90,760 | 272284 |
| 6720 | 005601 | Continuing Judicial
Education | \$ | 79,000 | \$ | 79,000 | 272285 |
| TOTAL DPF Dedicated Purpose Fund
Group | | | \$ | 12,230,684 | \$ | 12,214,561 | 272286 |
| Fiduciary Fund Group | | | | | | | 272287 |
| 5JY0 | 005620 | County Law Library
Resources Boards | \$ | 308,500 | \$ | 308,500 | 272288 |
| TOTAL FID Fiduciary Fund Group | | | \$ | 308,500 | \$ | 308,500 | 272289 |
| Federal Fund Group | | | | | | | 272290 |
| 3J00 | 005603 | Federal Grants | \$ | 1,746,957 | \$ | 1,717,558 | 272291 |
| TOTAL FED Federal Fund Group | | | \$ | 1,746,957 | \$ | 1,717,558 | 272292 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 221,032,141 | \$ | 228,482,619 | 272293 |

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 272295

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 272296
272297
272298
272299

LAW-RELATED EDUCATION 272300

Of the foregoing appropriation item 005406, Law-Related Education, \$225,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 272301
272302
272303
272304
272305
272306
272307

Of the foregoing appropriation item 005406, Law-Related 272308
Education, \$150,000 in each fiscal year shall be used to promote 272309
information about candidates who have filed to run for judicial 272310
office. No funds shall be used for the endorsement or promotion of 272311
any candidate. 272312

OHIO COURTS TECHNOLOGY INITIATIVE 272313

The foregoing appropriation item 005409, Ohio Courts 272314
Technology Initiative, shall be used to fund an initiative by the 272315
Supreme Court to facilitate the exchange of information and 272316
warehousing of data by and between Ohio courts and other justice 272317
system partners through the creation of an Ohio Courts Network, 272318
the delivery of technology services to courts throughout the 272319
state, including the provision of hardware, software, and the 272320
development and implementation of educational and training 272321
programs for judges and court personnel, and operation of the 272322
Commission on Technology and the Courts by the Supreme Court for 272323
the promulgation of statewide rules, policies, and uniform 272324
standards, and to aid in the orderly adoption and comprehensive 272325
use of technology in Ohio courts. 272326

ATTORNEY SERVICES 272327

The Attorney Registration Fund (Fund 4C80) shall consist of 272328
money received by the Supreme Court (The Judiciary) pursuant to 272329
the Rules for the Government of the Bar of Ohio. In addition to 272330
funding other activities considered appropriate by the Supreme 272331
Court, the foregoing appropriation item 005605, Attorney Services, 272332
may be used to compensate employees and to fund appropriate 272333
activities of the following offices established by the Supreme 272334
Court: the Office of Disciplinary Counsel, the Board of 272335
Commissioners on Grievances and Discipline, the Clients' Security 272336
Fund, and the Attorney Services Division which include the Office 272337
of Bar Admissions. If it is determined by the Administrative 272338
Director of the Supreme Court that changes to the appropriation 272339

are necessary, the amounts are hereby appropriated. 272340

No money in Fund 4C80 shall be transferred to any other fund 272341
by the Director of Budget and Management or the Controlling Board. 272342
Interest earned on money in Fund 4C80 shall be credited to the 272343
fund. 272344

COURT INTERPRETER CERTIFICATION 272345

The Court Interpreter Certification Fund (Fund 5HT0) shall 272346
consist of money received by the Supreme Court (The Judiciary) 272347
pursuant to Rules 80 through 87 of the Rules of Superintendence 272348
for the Courts of Ohio. The foregoing appropriation item 005617, 272349
Court Interpreter Certification, shall be used to provide 272350
training, to provide the written examination, and to pay language 272351
experts to rate, or grade, the oral examinations of those applying 272352
to become certified court interpreters. If it is determined by the 272353
Administrative Director of the Supreme Court that changes to the 272354
appropriation are necessary, the amounts are hereby appropriated. 272355

No money in Fund 5HT0 shall be transferred to any other fund 272356
by the Director of Budget and Management or the Controlling Board. 272357
Interest earned on money in Fund 5HT0 shall be credited to the 272358
fund. 272359

CIVIL JUSTICE GRANT PROGRAM 272360

The Civil Justice Program Fund (Fund 5SP0) shall consist of 272361
(1) \$50 voluntary donations made as part of the biennium attorney 272362
registration process and (2) \$150 of the pro hac vice fees for 272363
out-of-state attorneys pursuant to Government of the Bar Rule 272364
amendments. The foregoing appropriation item 005626, Civil Justice 272365
Grant Program, shall be used by the Supreme Court of Ohio for 272366
grants to not-for-profit organizations and agencies dedicated to 272367
providing civil legal aid to underserved populations, to fund 272368
innovative programs directed at this purpose, and to increase 272369
access to judicial service to that population. If it is determined 272370

by the Administrative Director of the Supreme Court that changes 272371
to the appropriation are necessary, the amounts are hereby 272372
appropriated. 272373

No money in Fund 5SP0 shall be transferred to any other fund 272374
by the Director of Budget and Management or the Controlling Board. 272375
Interest earned on money in Fund 5SP0 shall be credited to the 272376
fund. 272377

GRANTS AND AWARDS 272378

The Grants and Awards Fund (Fund 5T80) shall consist of 272379
grants and other money awarded to the Supreme Court (The 272380
Judiciary) by the State Justice Institute, the Division of 272381
Criminal Justice Services, or other entities. The foregoing 272382
appropriation item 005609, Grants and Awards, shall be used in a 272383
manner consistent with the purpose of the grant or award. If it is 272384
determined by the Administrative Director of the Supreme Court 272385
that changes to the appropriation are necessary, the amounts are 272386
hereby appropriated. 272387

No money in Fund 5T80 shall be transferred to any other fund 272388
by the Director of Budget and Management or the Controlling Board. 272389
Interest earned on money in Fund 5T80 shall be credited or 272390
transferred to the General Revenue Fund. 272391

JUDICIARY/SUPREME COURT EDUCATION 272392

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 272393
consist of fees paid for attending judicial and public education 272394
on the law, reimbursement of costs for judicial and public 272395
education on the law, and other gifts and grants received for the 272396
purpose of judicial and public education on the law. The foregoing 272397
appropriation item 005601, Continuing Judicial Education, shall be 272398
used to pay expenses for judicial education courses for judges, 272399
court personnel, and those who serve the courts, and for public 272400
education on the law. If it is determined by the Administrative 272401

Director of the Supreme Court that changes to the appropriation 272402
are necessary, the amounts are hereby appropriated. 272403

No money in Fund 6720 shall be transferred to any other fund 272404
by the Director of Budget and Management or the Controlling Board. 272405
Interest earned on money in Fund 6720 shall be credited to the 272406
fund. 272407

COUNTY LAW LIBRARY RESOURCES BOARDS 272408

The Statewide Consortium of County Law Library Resources 272409
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 272410
to section 307.515 of the Revised Code into a county's law library 272411
resources fund and forwarded by that county's treasurer for 272412
deposit in the state treasury pursuant to division (E)(1) of 272413
section 3375.481 of the Revised Code. The foregoing appropriation 272414
item 005620, County Law Library Resources Boards, shall be used 272415
for the operation of the Statewide Consortium of County Law 272416
Library Resources Boards. If it is determined by the 272417
Administrative Director of the Supreme Court that changes to the 272418
appropriation are necessary, the amounts are hereby appropriated. 272419

No money in Fund 5JY0 shall be transferred to any other fund 272420
by the Director of Budget and Management or the Controlling Board. 272421
Interest earned on money in Fund 5JY0 shall be credited to the 272422
fund. 272423

FEDERAL GRANTS 272424

The Federal Grants Fund (Fund 3J00) shall consist of grants 272425
and other moneys awarded to the Supreme Court (The Judiciary) by 272426
the United States Government or other entities that receive the 272427
moneys directly from the United States Government and distribute 272428
those moneys to the Supreme Court (The Judiciary). The foregoing 272429
appropriation item 005603, Federal Grants, shall be used in a 272430
manner consistent with the purpose of the grant or award. If it is 272431
determined by the Administrative Director of the Supreme Court 272432

that changes to the appropriation are necessary, the amounts are 272433
 hereby appropriated. 272434

No money in Fund 3J00 shall be transferred to any other fund 272435
 by the Director of Budget and Management or the Controlling Board. 272436
 However, interest earned on money in Fund 3J00 shall be credited 272437
 or transferred to the General Revenue Fund. 272438

Section 319.10. LEC LAKE ERIE COMMISSION 272439

Dedicated Purpose Fund Group 272440

| | | | | | | | |
|-----------|------------------------|----------------------|----|---------|----|-----------|--------|
| 4C00 | 780601 | Lake Erie Protection | \$ | 801,000 | \$ | 1,416,000 | 272441 |
| 6H20 | 780604 | H2Ohio | \$ | 132,000 | \$ | 132,000 | 272442 |
| TOTAL DPF | Dedicated Purpose Fund | | \$ | 933,000 | \$ | 1,548,000 | 272443 |

Group

Federal Fund Group 272444

| | | | | | | | |
|------------------|--------------------|--------------------|----|---------|----|-----------|--------|
| 3EP0 | 780603 | LEC Federal Grants | \$ | 50,000 | \$ | 50,000 | 272445 |
| TOTAL FED | Federal Fund Group | | \$ | 50,000 | \$ | 50,000 | 272446 |
| TOTAL ALL BUDGET | FUND GROUPS | | \$ | 983,000 | \$ | 1,598,000 | 272447 |

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 272448

On July 1 of each fiscal year, or as soon as possible 272449
 thereafter, the Director of Budget and Management may transfer 272450
 cash from the funds specified below, up to the amounts specified 272451
 below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 272452
 accept contributions and transfers made to the fund. 272453

| Fund | Fund Name | User | | FY 2024 | FY 2025 | |
|------|-----------------------------------|------------------------------------|--|----------|----------|------------------|
| 5BC0 | Environmental
Protection | Environmental
Protection Agency | | \$25,000 | \$25,000 | 272454
272455 |
| 6690 | Pesticide,
Fertilizer and Lime | Department of
Agriculture | | \$25,000 | \$25,000 | 272456 |
| 4700 | General Operations | Department of
Health | | \$25,000 | \$25,000 | 272457 |
| 1570 | Central Support | Department of | | \$25,000 | \$25,000 | 272458 |

| | | | | | |
|------|---------------------|-------------------|----------|----------|--------|
| | Indirect Chargeback | Natural Resources | | | |
| 7002 | Highway Operating | Department of | \$25,000 | \$25,000 | 272459 |
| | | Transportation | | | |
| 1350 | Supportive Services | Department of | \$25,000 | \$25,000 | 272460 |
| | | Development | | | |

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE 272461

General Revenue Fund 272462

| | | | | | | |
|------------|--------------------|----|---------|----|---------|--------|
| GRF 028321 | Legislative Ethics | \$ | 713,000 | \$ | 713,000 | 272463 |
| | Committee | | | | | |

TOTAL GRF General Revenue Fund \$ 713,000 \$ 713,000 272464

Dedicated Purpose Fund Group 272465

| | | | | | | |
|-------------|-------------------|----|---------|----|---------|--------|
| 4G70 028601 | Joint Legislative | \$ | 150,000 | \$ | 150,000 | 272466 |
| | Ethics Committee | | | | | |

| | | | | | | |
|-------------|----------------------|----|--------|----|--------|--------|
| 5HN0 028602 | Investigations and | \$ | 10,000 | \$ | 10,000 | 272467 |
| | Financial Disclosure | | | | | |

TOTAL DPF Dedicated Purpose Fund \$ 160,000 \$ 160,000 272468
 Group

TOTAL ALL BUDGET FUND GROUPS \$ 873,000 \$ 873,000 272469

LEGISLATIVE ETHICS COMMITTEE 272470

On July 1, 2023, or as soon as possible thereafter, the 272471
 Legislative Inspector General of the Joint Legislative Ethics 272472
 Committee may certify to the Director of Budget and Management an 272473
 amount up to the unexpended, unencumbered balance of the foregoing 272474
 appropriation item 028321, Legislative Ethics Committee, at the 272475
 end of fiscal year 2023 to be reappropriated to fiscal year 2024. 272476
 The amount certified is hereby reappropriated to the same 272477
 appropriation item for fiscal year 2024. 272478

On July 1, 2024, or as soon as possible thereafter, the 272479
 Legislative Inspector General of the Joint Legislative Ethics 272480
 Committee may certify to the Director of Budget and Management an 272481
 amount up to the unexpended, unencumbered balance of the foregoing 272482

appropriation item 028321, Legislative Ethics Committee, at the 272483
end of fiscal year 2024 to be reappropriated to fiscal year 2025. 272484
The amount certified is hereby reappropriated to the same 272485
appropriation item for fiscal year 2025. 272486

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 272487

General Revenue Fund 272488

| | | | | | | | |
|-----|--------|---------------------|----|------------|----|------------|--------|
| GRF | 035321 | Operating Expenses | \$ | 24,862,000 | \$ | 24,862,000 | 272489 |
| GRF | 035402 | Legislative Fellows | \$ | 1,150,000 | \$ | 1,150,000 | 272490 |
| GRF | 035405 | Correctional | \$ | 447,000 | \$ | 447,000 | 272491 |

Institution Inspection
Committee

| | | | | | | | |
|-----|--------|-----------------------|----|------------|----|------------|--------|
| GRF | 035409 | National Associations | \$ | 600,000 | \$ | 600,000 | 272492 |
| GRF | 035410 | Legislative | \$ | 13,713,000 | \$ | 13,713,000 | 272493 |

Information Systems

| | | | | | | | |
|-----------|----------------------|------------|----|------------|----|------------|--------|
| GRF | 035501 | Litigation | \$ | 1,250,000 | \$ | 0 | 272494 |
| TOTAL GRF | General Revenue Fund | | \$ | 42,022,000 | \$ | 40,772,000 | 272495 |

Dedicated Purpose Fund Group 272496

| | | | | | | | |
|-----------|------------------------|----------------------|----|--------|----|--------|--------|
| 4100 | 035601 | Sale of Publications | \$ | 10,000 | \$ | 10,000 | 272497 |
| TOTAL DPF | Dedicated Purpose Fund | | \$ | 10,000 | \$ | 10,000 | 272498 |

Group

| | | | | | | | |
|------------------------------|--|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 42,032,000 | \$ | 40,782,000 | 272499 |
|------------------------------|--|--|----|------------|----|------------|--------|

Section 323.20. OPERATING EXPENSES 272501

On July 1, 2023, or as soon as possible thereafter, the 272502
Director of the Legislative Service Commission may certify to the 272503
Director of Budget and Management an amount up to the unexpended, 272504
unencumbered balance of the foregoing appropriation item 035321, 272505
Operating Expenses, at the end of fiscal year 2023 to be 272506
reappropriated to fiscal year 2024. The amount certified is hereby 272507
reappropriated to the same appropriation item for fiscal year 272508
2024. 272509

On July 1, 2024, or as soon as possible thereafter, the 272510
Director of the Legislative Service Commission may certify to the 272511
Director of Budget and Management an amount up to the unexpended, 272512
unencumbered balance of the foregoing appropriation item 035321, 272513
Operating Expenses, at the end of fiscal year 2024 to be 272514
reappropriated to fiscal year 2025. The amount certified is hereby 272515
reappropriated to the same appropriation item for fiscal year 272516
2025. 272517

CORRECTIONAL INSTITUTION INSPECTION COMMITTEE 272518

On July 1, 2023, or as soon as possible thereafter, the 272519
Director of the Legislative Service Commission may certify to the 272520
Director of Budget and Management an amount up to the unexpended, 272521
unencumbered balance of the foregoing appropriation item 035405, 272522
Correctional Institution Inspection Committee, at the end of 272523
fiscal year 2023 to be reappropriated to fiscal year 2024. The 272524
amount certified is hereby reappropriated to the same 272525
appropriation item for fiscal year 2024. 272526

On July 1, 2024, or as soon as possible thereafter, the 272527
Director of the Legislative Service Commission may certify to the 272528
Director of Budget and Management an amount up to the unexpended, 272529
unencumbered balance of the foregoing appropriation item 035405, 272530
Correctional Institution Inspection Committee, at the end of 272531
fiscal year 2024 to be reappropriated to fiscal year 2025. The 272532
amount certified is hereby reappropriated to the same 272533
appropriation item for fiscal year 2025. 272534

LEGISLATIVE TASK FORCE ON REDISTRICTING 272535

An amount equal to the unexpended, unencumbered balance of 272536
the foregoing appropriation item 035407, Legislative Task Force on 272537
Redistricting, at the end of fiscal year 2023 is hereby 272538
reappropriated to the Legislative Service Commission for the same 272539
purpose for fiscal year 2024. 272540

An amount equal to the unexpended, unencumbered balance of 272541
the foregoing appropriation item 035407, Legislative Task Force on 272542
Redistricting, at the end of fiscal year 2024 is hereby 272543
reappropriated to the Legislative Service Commission for the same 272544
purpose for fiscal year 2025. 272545

LEGISLATIVE INFORMATION SYSTEMS 272546

On July 1, 2023, or as soon as possible thereafter, the 272547
Director of the Legislative Service Commission may certify to the 272548
Director of Budget and Management an amount up to the unexpended, 272549
unencumbered balance of the foregoing appropriation item 035410, 272550
Legislative Information Systems, at the end of fiscal year 2023 to 272551
be reappropriated to fiscal year 2024. The amount certified is 272552
hereby reappropriated to the same appropriation item for fiscal 272553
year 2024. 272554

On July 1, 2024, or as soon as possible thereafter, the 272555
Director of the Legislative Service Commission may certify to the 272556
Director of Budget and Management an amount up to the unexpended, 272557
unencumbered balance of the foregoing appropriation item 035410, 272558
Legislative Information Systems, at the end of fiscal year 2024 to 272559
be reappropriated to fiscal year 2025. The amount certified is 272560
hereby reappropriated to the same appropriation item for fiscal 272561
year 2025. 272562

LITIGATION 272563

The foregoing appropriation item 035501, Litigation, shall be 272564
used for any lawsuit in which the General Assembly, or either 272565
house of the General Assembly, is made a party. The chairperson 272566
and vice-chairperson of the Legislative Service Commission shall 272567
both approve the use of the appropriated moneys. 272568

An amount equal to the unexpended, unencumbered balance of 272569
the foregoing appropriation item 035501, Litigation, at the end of 272570
fiscal year 2023 is hereby reappropriated to the Legislative 272571

| | | | | | |
|--|----|------------|----|------------|--------|
| Service Commission for the same purpose for fiscal year 2024. | | | | | 272572 |
| An amount equal to the unexpended, unencumbered balance of | | | | | 272573 |
| the foregoing appropriation item 035501, Litigation, at the end of | | | | | 272574 |
| fiscal year 2024 is hereby reappropriated to the Legislative | | | | | 272575 |
| Service Commission for the same purpose for fiscal year 2025. | | | | | 272576 |
|
 | | | | | |
| Section 325.10. LIB STATE LIBRARY BOARD | | | | | 272577 |
|
 | | | | | |
| General Revenue Fund | | | | | 272578 |
| GRF 350321 Operating Expenses | \$ | 4,527,000 | \$ | 4,527,000 | 272579 |
| GRF 350401 Ohioana Library | \$ | 314,000 | \$ | 314,000 | 272580 |
| Association | | | | | |
| GRF 350502 Regional Library | \$ | 494,000 | \$ | 494,000 | 272581 |
| Systems | | | | | |
| TOTAL GRF General Revenue Fund | \$ | 5,335,000 | \$ | 5,335,000 | 272582 |
|
 | | | | | |
| Dedicated Purpose Fund Group | | | | | 272583 |
| 4590 350603 Services for | \$ | 6,818,338 | \$ | 6,818,338 | 272584 |
| Libraries | | | | | |
| 4S40 350604 Ohio Public Library | \$ | 6,009,243 | \$ | 6,009,243 | 272585 |
| Information Network | | | | | |
| 5GB0 350605 Library for the Blind | \$ | 1,274,194 | \$ | 1,274,194 | 272586 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 14,101,775 | \$ | 14,101,775 | 272587 |
| Group | | | | | |
|
 | | | | | |
| Internal Service Activity Fund | | | | | 272588 |
| 1390 350602 Services for State | \$ | 8,000 | \$ | 8,000 | 272589 |
| Agencies | | | | | |
| TOTAL ISA Internal Service Activity | \$ | 8,000 | \$ | 8,000 | 272590 |
| Fund Group | | | | | |
|
 | | | | | |
| Federal Fund Group | | | | | 272591 |
| 3130 350601 LSTA Federal | \$ | 5,432,653 | \$ | 5,432,653 | 272592 |
| TOTAL FED Federal Fund Group | \$ | 5,432,653 | \$ | 5,432,653 | 272593 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 24,877,428 | \$ | 24,877,428 | 272594 |

| | |
|--|--|
| Section 325.20. OHIOANA LIBRARY ASSOCIATION | 272596 |
| Of the foregoing appropriation item 350401, Ohioana Library Association, \$195,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. | 272597
272598
272599
272600 |
| The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. | 272601
272602
272603
272604 |
| REGIONAL LIBRARY SYSTEMS | 272605 |
| The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. | 272606
272607
272608
272609 |
| OHIO PUBLIC LIBRARY INFORMATION NETWORK | 272610 |
| (A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). | 272611
272612
272613
272614
272615 |
| The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. | 272616
272617
272618
272619 |
| (B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and | 272620
272621
272622
272623
272624
272625 |

Minority Leader of the Senate on any steps being taken by OPLIN 272626
and public libraries in the state to limit and control such 272627
improper usage as well as information on technological, legal, and 272628
law enforcement trends nationally and internationally affecting 272629
this area of public access and service. 272630

(C) The Ohio Public Library Information Network, INFOhio, and 272631
OhioLINK shall, to the extent feasible, coordinate and cooperate 272632
in their purchase or other acquisition of the use of electronic 272633
databases for their respective users and shall contribute funds in 272634
an equitable manner to such effort. 272635

LIBRARY FOR THE BLIND 272636

The foregoing appropriation item 350605, Library for the 272637
Blind, shall be used for the statewide Talking Book Program to 272638
assist the blind and disabled. 272639

TRANSFER TO OPLIN TECHNOLOGY FUND 272640

Notwithstanding sections 5747.03 and 5747.47 of the Revised 272641
Code and any other provision of law to the contrary, in accordance 272642
with a schedule established by the Director of Budget and 272643
Management, the Director of Budget and Management shall transfer 272644
\$3,689,788 cash in each fiscal year from the Public Library Fund 272645
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 272646

TRANSFER TO LIBRARY FOR THE BLIND FUND 272647

Notwithstanding sections 5747.03 and 5747.47 of the Revised 272648
Code and any other provision of law to the contrary, in accordance 272649
with a schedule established by the Director of Budget and 272650
Management, the Director of Budget and Management shall transfer 272651
\$1,274,194 cash in each fiscal year from the Public Library Fund 272652
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 272653

Section 327.10. LCO LIQUOR CONTROL COMMISSION 272654

Dedicated Purpose Fund Group 272655

| | | | | | | |
|--|-------------------------------|----|-----------|----|-----------|--------|
| 5LP0 970601 | Commission Operating Expenses | \$ | 1,227,200 | \$ | 1,225,800 | 272656 |
| TOTAL DPF Dedicated Purpose Fund Group | | \$ | 1,227,200 | \$ | 1,225,800 | 272657 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 1,227,200 | \$ | 1,225,800 | 272658 |

Section 329.10. LOT STATE LOTTERY COMMISSION 272660

| | | | | | | |
|------------------------------------|-----------------------|----|-------------|----|-------------|--------|
| State Lottery Fund Group | | | | | | 272661 |
| 7044 950321 | Operating Expenses | \$ | 61,967,164 | \$ | 64,686,040 | 272662 |
| 7044 950402 | Advertising Contracts | \$ | 29,755,000 | \$ | 29,955,000 | 272663 |
| 7044 950403 | Gaming Contracts | \$ | 109,197,677 | \$ | 120,685,198 | 272664 |
| 7044 950601 | Direct Prize Payments | \$ | 179,366,000 | \$ | 182,106,000 | 272665 |
| 7044 950605 | Problem Gambling | \$ | 4,850,000 | \$ | 4,850,000 | 272666 |
| 8710 950602 | Annuity Prizes | \$ | 42,243,000 | \$ | 40,946,000 | 272667 |
| TOTAL SLF State Lottery Fund Group | | \$ | 427,378,841 | \$ | 443,228,238 | 272668 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 427,378,841 | \$ | 443,228,238 | 272669 |

OPERATING EXPENSES 272670

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amount appropriated in each fiscal year, up to a maximum of 10 per cent of the amount appropriated that fiscal year in the foregoing appropriation item 950321, Operating Expenses. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS 272679

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

PROBLEM GAMBLING 272684

Notwithstanding sections 127.14 and 131.35 of the Revised Code, if the revenue from the one-half of one per cent dispersed from the video lottery sales agent commissions, as well as the surrendered funds pursuant to rule 3770:2-8-03 of the Administrative Code, from the Voluntary Exclusion Program, exceeds the amount appropriated, the Director of the State Lottery Commission may certify to the Director of Budget and Management the amount in excess requesting to be increased in the foregoing appropriation item 950605, Problem Gambling, or to be transferred to support programs provided for gambling addiction and other related services through the Problem Gambling Services Fund (Fund 5T90). If the Director of Budget and Management determines sufficient cash is available, the Director may transfer up to the amount certified. Any additional amounts approved by the Director pursuant to this section are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$1,424,000,000 in fiscal year 2024 and \$1,440,000,000 in fiscal

year 2025. Transfers by the Director of Budget and Management to 272716
the Lottery Profits Education Fund shall be administered as the 272717
statutes direct. 272718

Section 333.10. MCD DEPARTMENT OF MEDICAID 272719

General Revenue Fund 272720

GRF 651425 Medicaid Program \$ 175,000,000 \$ 175,000,000 272721
Support - State

GRF 651525 Medicaid Health Care \$ 5,267,359,400 \$ 6,004,894,000 272722
Services - State

Medicaid Health Care \$ 13,997,454,600 \$ 15,249,073,000 272723
Services - Federal

Medicaid Health Care \$ 19,264,814,000 \$ 21,253,967,000 272724
Services - Total

GRF 651526 Medicare Part D \$ 645,860,000 \$ 724,638,000 272725

TOTAL GRF General Revenue Fund 272726

State \$ 6,088,219,400 \$ 6,904,532,000 272727

Federal \$ 13,997,454,600 \$ 15,249,073,000 272728

GRF Total \$ 20,085,674,000 \$ 22,153,605,000 272729

Dedicated Purpose Fund Group 272730

4E30 651605 Resident Protection \$ 5,028,600 \$ 5,026,600 272731
Fund

5AN0 651686 Care Innovation and \$ 77,673,500 \$ 86,650,700 272732
Community Improvement
Program

5DL0 651639 Medicaid Services - \$ 994,117,800 \$ 1,170,317,800 272733
Recoveries

5DL0 651685 Medicaid Recoveries - \$ 85,000,300 \$ 85,000,400 272734
Program Support

5DL0 651690 Multi-system Youth \$ 26,250,000 \$ 27,562,500 272735
Custody
Relinquishment

| | | | | | |
|-----------|--------|---|------------------|------------------|--------|
| 5FX0 | 651638 | Medicaid Services -
Payment Withholding | \$ 12,000,000 | \$ 12,000,000 | 272736 |
| 5GF0 | 651656 | Medicaid Services -
Hospital Franchise
Fee | \$ 1,631,571,167 | \$ 1,723,365,065 | 272737 |
| 5HC8 | 651698 | MCD Home and
Community Based
Services | \$ 86,027,329 | \$ 67,374,876 | 272738 |
| 5R20 | 651608 | Medicaid Services -
Long Term | \$ 415,000,000 | \$ 415,000,000 | 272739 |
| 5TN0 | 651684 | Medicaid Services -
HIC Fee | \$ 1,063,227,900 | \$ 1,138,441,200 | 272740 |
| 5XY0 | 651694 | Improvements for
Priority Populations | \$ 10,500,000 | \$ 10,500,000 | 272741 |
| 6510 | 651649 | Medicaid Services -
Hospital Care
Assurance Program | \$ 244,642,100 | \$ 136,707,750 | 272742 |
| TOTAL DPF | | Dedicated Purpose Fund
Group | \$ 4,651,038,696 | \$ 4,877,946,891 | 272743 |
| | | Holding Account Fund Group | | | 272744 |
| R055 | 651644 | Refunds and
Reconciliation | \$ 10,000,000 | \$ 10,000,000 | 272745 |
| TOTAL HLD | | Holding Account Fund
Group | \$ 10,000,000 | \$ 10,000,000 | 272746 |
| | | Federal Fund Group | | | 272747 |
| 3ER0 | 651603 | Medicaid and Health
Transformation
Technology | \$ 787,100 | \$ 795,500 | 272748 |
| 3F00 | 651623 | Medicaid Services -
Federal | \$11,106,604,990 | \$11,394,044,212 | 272749 |
| 3F00 | 651624 | Medicaid Program
Support - Federal | \$ 538,250,300 | \$ 493,250,300 | 272750 |

| | | | | | | | |
|------------------------------|--------------------|---|----|------------------|------------------|-------------|--------|
| 3FA0 | 651680 | Health Care Grants -
Federal | \$ | 3,000,000 | \$ | 3,000,000 | 272751 |
| 3G50 | 651655 | Medicaid Interagency
Pass Through | \$ | 258,149,000 | \$ | 258,149,000 | 272752 |
| 3HC8 | 651699 | MCD Home and
Community Based
Services - Federal | | 122,897,812 | \$ | 121,350,266 | 272753 |
| TOTAL FED | FEDERAL FUND GROUP | | | \$12,029,689,202 | \$12,270,589,278 | | 272754 |
| TOTAL ALL BUDGET FUND GROUPS | | | | \$36,776,401,898 | \$39,312,141,169 | | 272755 |

Section 333.15. LODGING FOR FAMILIES 272757

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$2,500,000 in each fiscal year shall be used by the Medicaid Director to work with the Centers for Medicare and Medicaid Services to add lodging as an administrative service affiliated with Ohio children's hospitals available for families with children who have special health care needs. 272758
272759
272760
272761
272762
272763

Section 333.17. FQHC RATE INCREASE 272764

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$10,390,000 in fiscal year 2024 and \$20,780,000 in fiscal year 2025 shall be used by the Department of Medicaid to increase payment rates to federally qualified health centers and federally qualified health center look-alikes, as defined in section 3701.047 of the Revised Code, for all services beginning on January 1, 2024. 272765
272766
272767
272768
272769
272770
272771

Section 333.25. PROVIDER RATE INCREASE FOR VISION AND EYE CARE 272772
272773

Of the foregoing appropriation item 651525, Medicaid Health Care Services, an allocation shall be made to provide an increase in Medicaid provider payment rates for vision services and medically billed eye care provided to Medicaid recipients in 272774
272775
272776
272777

fiscal year 2024. The increase shall be added to the Medicaid 272778
payment rates for those services in fiscal year 2023. The 272779
increased rate shall be maintained in fiscal year 2025. 272780

Section 333.27. DENTAL SERVICE REIMBURSEMENT 272781

Of the foregoing appropriation item 651525, Medicaid Health 272782
Care Services, \$103,744,375 in fiscal year 2024 and \$207,588,751 272783
in fiscal year 2025 shall be used to increase the reimbursement to 272784
dental service providers who are treating Medicaid patients. 272785

Section 333.29. DIRECT CARE PAYMENT RATES 272786

Of the foregoing appropriation item 651525, Medicaid Health 272787
Care Services, \$47,086,175 in fiscal year 2024 and \$194,924,947 in 272788
fiscal year 2025, shall be used in accordance with this section. 272789
The funds shall be used to increase the base payment rates to \$17 272790
per hour during fiscal year 2024 beginning on January 1, 2024, and 272791
\$18 per hour during fiscal year 2025, for the following services 272792
under Medicaid components administered by the Department of 272793
Medicaid or the Department of Aging: 272794

(A) Personal care services; 272795

(B) Adult day services; 272796

(C) Community behavioral health services; 272797

(D) Other waiver services under the Medicaid home and 272798
community-based services waiver components administered by the 272799
Department of Medicaid or the Department of Aging. 272800

Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES 272801

Upon the request of the Medicaid Director, the Director of 272802
Budget and Management may transfer up to \$5,000,000 in 272803
appropriations in each fiscal year from appropriation item 651525, 272804
Medicaid Health Care Services, to appropriation items in the 272805

Department of Health for the purpose of lead abatement activities. 272806
The Medicaid Director may seek Controlling Board approval to 272807
transfer amounts in excess of \$5,000,000 in appropriations in each 272808
fiscal year to the Department of Health for lead abatement 272809
activities. The Director of Medicaid may transfer federal funds as 272810
the state's single state agency for Medicaid reimbursements, as 272811
drawn for these transactions. Amounts transferred are hereby 272812
appropriated. 272813

Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM 272814

The Director of Budget and Management may authorize 272815
additional expenditures from appropriation item 651623, Medicaid 272816
Services - Federal, appropriation item 651525, Medicaid Health 272817
Care Services, and appropriation item 651656, Medicaid Services - 272818
Hospital Franchise Fee, in order to implement the programs 272819
authorized by sections 5168.20 through 5168.28 of the Revised 272820
Code. Any amounts authorized are hereby appropriated. 272821

Section 333.50. MEDICARE PART D 272822

The foregoing appropriation item 651526, Medicare Part D, may 272823
be used by the Department of Medicaid for the implementation and 272824
operation of the Medicare Part D requirements contained in the 272825
"Medicare Prescription Drug, Improvement, and Modernization Act of 272826
2003," Pub. L. No. 108-173, as amended. Upon the request of the 272827
Medicaid Director, the Director of Budget and Management may 272828
transfer the state share of appropriations between appropriation 272829
item 651525, Medicaid Health Care Services, and appropriation item 272830
651526, Medicare Part D. If the state share of appropriation item 272831
651525, Medicaid Health Care Services, is adjusted, the Director 272832
of Budget and Management shall adjust the federal share 272833
accordingly. The Department of Medicaid shall provide notification 272834
to the Controlling Board of any transfers at the next scheduled 272835

| | |
|--|--|
| Controlling Board meeting. | 272836 |
| Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT | 272837 |
| PROGRAM | 272838 |
| (A) As used in this section: | 272839 |
| (1) "Nonprofit hospital agency" means a nonprofit hospital agency, as defined in section 140.01 of the Revised Code, that is affiliated with a state university as defined in section 3345.011 of the Revised Code. | 272840
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| (2) "Participating agency" means a nonprofit hospital agency or public hospital agency participating in the Care Innovation and Community Improvement Program. | 272844
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| (3) "Public hospital agency" has the same meaning as in section 140.01 of the Revised Code. | 272847
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| (B) Subject to approval by the Centers for Medicare and Medicaid Services, the Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2024-2025 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement. | 272849
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| (C) Participating agencies are responsible for the state share of the program's costs and shall make or request the appropriate government entity to make intergovernmental transfers to pay for those costs. The Medicaid Director shall establish a schedule for making the intergovernmental transfers. | 272855
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| (D) Each participating agency shall be eligible to receive supplemental payments under the Medicaid program for physician and other professional services that are covered by the Medicaid program and provided to Medicaid recipients. Any nonprofit hospital agency or public hospital agency seeking supplemental payment for physician or professional services shall be governed | 272860
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under the Care Innovation and Community Improvement Program. 272866
Eligibility for supplemental payments shall depend on all 272867
participating agencies meeting collective performance measures as 272868
established by the Director. The maximum amount of the potential 272869
supplemental payments shall equal the difference between the 272870
Medicaid payment rates for the services and the average commercial 272871
payment rates for the services. The Director may terminate, or 272872
adjust the amount of, the supplemental payments if the amount of 272873
the funds available for the Care Innovation and Community 272874
Improvement Program is inadequate. 272875

(E) Each participating agency shall work collaboratively with 272876
all other participating agencies on quality improvement 272877
initiatives that are approved by the Medicaid Director and that 272878
align with and advance the goals of the Department of Medicaid's 272879
quality strategy required under 42. C.F.R. 438.340. 272880

(F) The Medicaid Director shall maintain a process to 272881
evaluate the work done by participating agencies under division 272882
(E) of this section and the agencies' progress in meeting the 272883
goals of the Care Innovation and Community Improvement Program. 272884
The Director may terminate an agency's participation in the 272885
program if the Director determines that the agency is not 272886
participating as specified in division (E) of this section or 272887
making progress in meeting the program's quality improvement 272888
goals. 272889

(G) All intergovernmental transfers made under division (C) 272890
of this section shall be deposited into the Care Innovation and 272891
Community Improvement Program Fund created by Section 333.320 of 272892
H.B. 49 of the 132nd General Assembly. Money in the fund and the 272893
corresponding federal financial participation in the Health Care - 272894
Federal Fund created under section 5162.50 of the Revised Code 272895
shall be used to make supplemental payments under division (D) of 272896
this section. 272897

(H) If the amount of the foregoing appropriation item 651686, 272898
Care Innovation and Community Improvement Program, and the 272899
corresponding federal financial participation in appropriation 272900
item 651623, Medicaid Services - Federal, are inadequate to make 272901
the supplemental payments required by division (E) of this 272902
section, the Medicaid Director may request that the Director of 272903
Budget and Management authorize additional expenditures from the 272904
Care Innovation and Community Improvement Program Fund and the 272905
Health Care - Federal Fund as needed to make the supplemental 272906
payments. If the Director of Budget and Management authorizes the 272907
additional expenditures, the additional amounts are hereby 272908
appropriated. 272909

Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 272910
AND RECOVERIES FUND 272911

Of the amount received by the Department of Medicaid during 272912
fiscal year 2024 and fiscal year 2025 from the first installment 272913
of assessments paid under section 5168.06 of the Revised Code and 272914
intergovernmental transfers made under section 5168.07 of the 272915
Revised Code, the Medicaid Director shall deposit \$2,500,000 cash 272916
in each fiscal year into the state treasury to the credit of the 272917
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 272918

Section 333.80. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 272919
SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL HEALTH CARE FUND 272920

Upon the request of the Medicaid Director, the Director of 272921
Budget and Management may transfer up to \$2,200,000 cash in each 272922
fiscal year from the Health Care/Medicaid Support and Recoveries 272923
Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0), 272924
used by the Department of Mental Health and Addiction Services. 272925
Any transferred funds shall be used to support Centers of 272926
Excellence and related activities. Any transferred amounts are 272927

hereby appropriated. 272928

Section 333.85. FAIRFIELD COUNTY COMMISSION 272929

Of the foregoing appropriation item 651639, Medicaid Services 272930
- Recoveries, \$4,500,000 in fiscal year 2024 shall be used by the 272931
Fairfield County Commission to address urgent medical issues 272932
facing the residents of Fairfield County. 272933

Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 272934
SUPPORT AND RECOVERIES FUND TO THE DEPARTMENT OF AGING FOR THE 272935
OMBUDSMAN PROGRAM 272936

Upon the request of the Medicaid Director, the Director of 272937
Budget and Management may transfer up to \$1,000,000 cash in each 272938
fiscal year from the Health Care/Medicaid Support and Recoveries 272939
Fund (Fund 5DL0) to the Department of Aging. Any transferred funds 272940
shall be used to support the Ombudsman program. Any transferred 272941
amounts are hereby appropriated. 272942

Section 333.100. HEALTH INSURING CORPORATION CLASS FRANCHISE 272943
FEE 272944

If receipts credited to the Health Insuring Corporation Class 272945
Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated 272946
from the fund, the Medicaid Director may request the Director of 272947
Budget and Management to authorize expenditures from the fund in 272948
excess of the amounts appropriated. If any additional amounts are 272949
authorized, the Director of Budget and Management shall adjust, 272950
using the federal reimbursement rate, the federal appropriation 272951
item identified by the Medicaid Director accordingly. Any 272952
authorized amounts and any corresponding federal adjustments are 272953
hereby appropriated. 272954

Section 333.110. HOSPITAL CARE ASSURANCE MATCH 272955

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services - Health Care Assurance Program, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.120. REFUNDS AND RECONCILIATION FUND 272975

If estimated receipts to the Refunds and Reconciliation Fund (Fund R055) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION 272982

In order to ensure access to a non-emergency medical transportation brokerage program established pursuant to section 1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70),

upon the request of the Medicaid Director, the Director of Budget and Management may transfer the state share appropriations between General Revenue Fund appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid and 655523, Medicaid Program Support - Local Transportation, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. The Director of Medicaid shall transmit to the Medicaid Program Support Fund (Fund 3F01) the federal funds which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

Section 333.135. MEDICAID PAYMENT RATES FOR AMBULANCE TRANSPORTATION

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$50,575,000 in fiscal year 2024 and \$96,400,000 in fiscal year 2025 shall be used to increase the overall Medicaid reimbursement rates for ambulance transportation services.

Section 333.140. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES

(A) As used in this section:

(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(3) "Intermediate care facility for individuals with

intellectual disabilities" has the same meaning as in section 273016
5124.01 of the Revised Code. 273017

(4) "Nursing facility" has the same meaning as in section 273018
5165.01 of the Revised Code. 273019

(B) Subject to division (C) of this section, the Department 273020
of Medicaid may establish Medicaid payment rates for community 273021
behavioral health services provided during fiscal year 2024 and 273022
fiscal year 2025 that exceed the authorized rates paid for the 273023
services under the Medicare program. 273024

(C) This section does not apply to community behavioral 273025
health services provided by any of the following: 273026

(1) Hospitals on an inpatient basis; 273027

(2) Nursing facilities; 273028

(3) Intermediate care facilities for individuals with 273029
intellectual disabilities. 273030

Section 333.150. HOME AND COMMUNITY BASED SERVICES 273031
APPROPRIATIONS - STATE 273032

The Director of Budget and Management may authorize 273033
additional expenditures in appropriation items 651698, MCD Home 273034
and Community Based Services, 653698, DDD Home and Community Based 273035
Services, 652698, MHA Home and Community Based Services, 655698, 273036
JFS Home and Community Based Services, 659698, BOR Home and 273037
Community Based Services, and 656698, AGE Home and Community Based 273038
Services, as long as the additional expenditures are offset by 273039
equal expenditure reductions in another of these appropriation 273040
items. Any additional expenditures shall be used in accordance 273041
with Section 9817 of the "American Rescue Plan Act of 2021," Pub. 273042
L. No. 117-2, and shall comply with the Department of Medicaid's 273043
Medicaid state plan approved by the Centers for Medicare and 273044
Medicaid Services (CMS) and any associated CMS guidance, reporting 273045

requirements, and certifications. Any additional expenditures are 273046
hereby appropriated. 273047

Section 333.160. HOME AND COMMUNITY BASED SERVICES 273048
APPROPRIATIONS - FEDERAL 273049

The Director of Budget and Management may authorize 273050
additional expenditures in appropriation items 651699, MCD Home 273051
and Community Based Services - Federal, 653699, DDD Home and 273052
Community Based Services - Federal, 652699, MHA Home and Community 273053
Based Services - Federal, 655699, JFS Home and Community Based 273054
Services - Federal, and 656699, AGE Home and Community Based 273055
Services - Federal. 273056

If additional expenditures are authorized in any of these 273057
appropriation items, the Director of Budget and Management shall 273058
make appropriation adjustments in any of the other items as 273059
necessary. Any additional expenditures shall be used in accordance 273060
with Section 9817 of the "American Rescue Plan Act of 2021," Pub. 273061
L. No. 117-2, and shall comply with the Department of Medicaid's 273062
Medicaid state plan approved by the Centers for Medicare and 273063
Medicaid Services (CMS) and any associated CMS guidance, reporting 273064
requirements, and certifications. Any additional expenditures are 273065
hereby appropriated. 273066

Section 333.170. OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY 273067
POPULATIONS 273068

(A) As used in this section: 273069

(1) "Care management system" and "enrollee" have the same 273070
meanings as in section 5167.01 of the Revised Code. 273071

(2) "State university" has the same meaning as in section 273072
3345.011 of the Revised Code. 273073

(B) There is hereby created the Ohio Invests in Improvements 273074

for Priority Populations (OIPP) Program. The program shall be a 273075
directed payment program for inpatient and outpatient hospital 273076
services provided to Medicaid care management system enrollees 273077
receiving care at state university-owned hospitals with less than 273078
three hundred inpatient beds. Participating hospitals shall 273079
receive payments directly for services provided under the program 273080
and remit to the Department of Medicaid, through intergovernmental 273081
transfer, the nonfederal share of those services. Transfers made 273082
for the program shall be deposited into the Hospital Directed 273083
Payment Program Fund (Fund 5XY0). The Medicaid Director shall seek 273084
approval from the Centers for Medicare and Medicaid Services for 273085
the program in accordance with section 5162.07 of the Revised 273086
Code. 273087

(C) The foregoing appropriation item 651694, Improvements for 273088
Priority Populations, and the corresponding federal share in 273089
appropriation item 651623, Medicaid Services - Federal, shall be 273090
used for the OIPP Program. 273091

(D) If receipts credited to the Hospital Directed Payment 273092
Program Fund (Fund 5XY0) exceed the amounts appropriated from the 273093
fund, the Medicaid Director may request the Director of Budget and 273094
Management to authorize expenditures from the fund in excess of 273095
the amounts appropriated. If any additional amounts are 273096
authorized, the Director of Budget and Management shall adjust, 273097
using the federal reimbursement rate, the appropriation in 273098
appropriation item 651623, Medicaid Services - Federal, 273099
accordingly. Any authorized amounts are hereby appropriated. 273100

Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 273101
COSTS 273102

Upon the request of the Medicaid Director, the Director of 273103
Budget and Management may transfer state share appropriations in 273104
each fiscal year between appropriation item 651525, Medicaid 273105

Health Care Services, within the Department of Medicaid, and 273106
655522, Medicaid Program Support - Local, within the Department of 273107
Job and Family Services. If such a transfer occurs, the Director 273108
of Budget and Management shall adjust, using the federal 273109
reimbursement rate, the federal share appropriations of 273110
appropriation item 651525, Medicaid Health Care Services, within 273111
the Department of Medicaid, and appropriation item 655624, 273112
Medicaid Program Support - Federal, within the Department of Job 273113
and Family Services. Any increase in funding shall be provided to 273114
county departments of job and family services and shall only be 273115
used for costs related to transitioning to a new work community 273116
engagement program under the Medicaid program as prescribed by the 273117
Medicaid Director. These funds shall not be used for existing and 273118
ongoing operating expenses. The Medicaid Director shall establish 273119
criteria for distributing these funds and for county departments 273120
of job and family services to submit allowable expenses. 273121

Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY 273122
DETERMINATIONS DUE TO END OF PUBLIC HEALTH EMERGENCY 273123

During the FY 2024 - FY 2025 biennium, to facilitate the 273124
resumption of routine Medicaid eligibility determinations in 273125
accordance with federal guidance, counties shall proportionately 273126
supplement their Medicaid eligibility determinations and 273127
redeterminations with "American Rescue Plan Act of 2021," Pub. L. 273128
No 117-2, funding received for that purpose. The Director of Job 273129
and Family Services shall notify the Medicaid Director of any 273130
transfer requests from the Medicaid Income Maintenance (IM) 273131
Control allocation to other IM Control Programs (SNAP & TANF) or 273132
other allocations that exceed those made in fiscal year 2023. The 273133
Medicaid Director shall consult with the Director of Job and 273134
Family Services to establish conditions and criteria regarding 273135
when transfers may occur, including specifying which counties are 273136
eligible for transfer of funds. In fiscal year 2024 up to 273137

\$5,000,000 and in fiscal year 2025 up to \$10,000,000 of funds 273138
within appropriation item 655522, Medicaid Program Support - 273139
Local, may also be distributed based on performance criteria. 273140
Performance based amounts and criteria, and criteria for transfer 273141
approval may include but are not limited to timeliness and 273142
accuracy of application and renewal processing. 273143

Section 333.210. POST-COVID MEDICAID REDETERMINATION 273144

(A) The Department or the Department's designee shall use 273145
third-party data sources and systems to conduct eligibility 273146
redeterminations of all Medicaid recipients in this state after 273147
the conclusion of the emergency period due to COVID-19, as defined 273148
in 42 U.S.C. 1320b-5(g)(1)(B). 273149

(B) To the full extent permitted by state and federal law, 273150
the Department, or the Department's designee shall verify Medicaid 273151
recipient enrollment records against third-party data sources and 273152
systems, including any records the Department considers 273153
appropriate in order to strengthen program integrity, reduce 273154
costs, and reduce fraud, waste, and abuse in the Medicaid program. 273155

(C) At the conclusion of the emergency period due to 273156
COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 273157
Department, or the Department's designee shall: 273158

(1) Conduct an eligibility review of Medicaid recipients for 273159
whom a redetermination has not been conducted in the past twelve 273160
months. The reviews shall be conducted on a schedule coinciding 273161
with what would have been the recipients' next eligibility review 273162
dates. 273163

(2) Conduct an eligibility review of Medicaid recipients for 273164
whom a redetermination has been conducted in the past twelve 273165
months. The reviews shall be conducted on a schedule coinciding 273166
with the recipients' next eligibility review dates. 273167

(D) The Department shall disenroll those recipients who are 273168
deemed no longer eligible for the Medicaid program under the 273169
eligibility review. 273170

(E) The Department shall oversee the county determinations 273171
and administration to ensure timely and accurate compliance with 273172
the provisions of this section and federal requirements. 273173

(F) The Department shall complete a report containing its 273174
findings under division (A) of this section, including any 273175
findings of fraud, waste, or abuse in the Medicaid program. 273176
Thirteen months after the conclusion of the emergency period due 273177
to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 273178
Department shall submit the report to the Joint Medicaid Oversight 273179
Committee. 273180

Section 333.230. COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 273181
OF MEDICAID SERVICES 273182

Direct care providers under Ohio's Medicaid program have been 273183
adversely impacted by the COVID-19 pandemic and extraordinary 273184
inflationary pressures within the economy. The Department of 273185
Medicaid in collaboration with the Department of Aging and the 273186
Department of Developmental Disabilities has included funding in 273187
the budget to be used for provider rate increases. These provider 273188
rate increases shall be used to ensure workforce stability and 273189
greater access to care for Medicaid recipients through increased 273190
wages and needed workforce supports. 273191

Section 333.240. MEDICAID ASSISTED LIVING PROGRAM PAYMENT 273192
RATES 273193

(A) As used in this section: 273194

(1) "Assisted living program" and "assisted living services" 273195
have the same meanings as in section 173.51 of the Revised Code. 273196

(2) "Assisted living memory care service" means a service provided by a residential care facility to an individual with a documented diagnosis of any form of dementia who is residing in an assisted living memory care unit and being served by an assisted living Medicaid provider.

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(3) "Assisted living memory care unit" means a discrete unit or section in a residential care facility or an entire residential care facility that meets both of the following criteria:

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(a) The unit or facility is designated by the facility operator as a memory care unit.

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(b) The unit or facility is operated in compliance with rules applicable to memory care units adopted by the Department of Health under Chapter 3721. of the Revised Code.

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(4) "Direct care staff" includes nurses, resident care assistants, activities personnel, and social services personnel who are employed by or contracted with a residential care facility.

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(5) "Practitioner" means a health care provider engaging in activities authorized by the provider's license, certification, or registration.

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(6) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

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(B) The Department of Medicaid, in consultation with the Department of Aging, shall adopt rules, effective November 1, 2023, establishing an assisted living services base payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program that shall be no less than one hundred thirty dollars per day.

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(C) The Department of Medicaid and the Department of Aging shall adopt rules, effective November 1, 2023, establishing an

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assisted living memory care service payment rate for residential 273227
care facilities participating in the Medicaid-funded component of 273228
the assisted living program. This payment rate is based on 273229
additional costs that a provider may incur resulting from serving 273230
individuals with dementia and, except as provided in division (E) 273231
of this section, shall be at least twenty-five dollars per day 273232
more than the base payment rate established by rules adopted under 273233
division (B) of this section. The per diem for assisted living 273234
memory care service will only be available to assisted living 273235
providers if both the following conditions are met: 273236

(1) The resident for whom the per diem is paid was assessed 273237
by a practitioner and was determined by the practitioner to need 273238
the services of a memory care unit. 273239

(2) The memory care unit in which the resident resides has a 273240
direct care staff to resident ratio that is at least twenty per 273241
cent higher than other units in the residential care facility. If 273242
the memory care unit is an entire residential care facility, the 273243
facility in which the resident resides has a direct care staff to 273244
resident ratio that is at least twenty per cent higher than the 273245
average direct care staff to resident ratio of a representative 273246
sample of residential care facilities participating in the 273247
Medicaid-funded component of the assisted living program or parts 273248
of those facilities that are not memory care units. 273249

(D) The Department of Medicaid and the Department of Aging 273250
shall adopt rules establishing an assisted living critical access 273251
payment rate for residential care facilities participating in the 273252
Medicaid-funded component of the assisted living program that 273253
averaged at least fifty per cent of their residents receiving 273254
Medicaid-funded services during the preceding fiscal year or in 273255
the case of a new residential care facility, that projects to 273256
average at least fifty per cent of its residents receiving 273257
Medicaid-funded services during the fiscal year in which the 273258

facility opens. The critical access payment rate shall be at least 273259
fifteen dollars per day more than the base payment rate 273260
established by rules adopted under division (B) of this section. 273261

(E) The assisted living memory care service payment rate for 273262
a residential care facility participating in the Medicaid-funded 273263
component of the assisted living program that receives a critical 273264
access payment rate under rules adopted under division (D) of this 273265
section shall be at least ten dollars higher than the critical 273266
access payment rate. 273267

(F) The Department of Medicaid, in consultation with the 273268
Department of Aging and stakeholders, shall adopt rules 273269
establishing a methodology for determining rates for assisted 273270
living services, including assisted living memory care services 273271
and critical access services no later than July 1, 2024. 273272

Section 333.250. TRANSFER OF APPROPRIATION FOR PRE-ADMISSION 273273
SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND 273274
ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID 273275

On July 1, 2023, or as soon as possible thereafter, upon the 273276
request of the Medicaid Director, in consultation with the 273277
Director of Mental Health and Addiction Services, the Director of 273278
Budget and Management may transfer appropriations between 273279
appropriation line item 652321, Medicaid Support, within the 273280
Department of Mental Health and Addiction Services and 273281
appropriation line item 651425, Medicaid Program Support - State, 273282
within the Department of Medicaid to fund Pre-Admission Screening 273283
Resident Reviews. If such a transfer occurs, the Director of 273284
Budget and Management shall adjust, using the federal 273285
reimbursement rate, the federal share of appropriations in 273286
appropriation line item 652636, Community Medicaid Legacy Support, 273287
within the Department of Mental Health and Addiction Services and 273288
appropriation line item 651624, Medicaid Program Support - 273289

Federal, within the Department of Medicaid. 273290

Section 333.260. PHYSICIAN DIRECTED PAYMENT PROGRAM 273291

(A) As used in this section, "directed payment program" means 273292
a payment program authorized by 42 C.F.R. 438.6(c) under which the 273293
Department of Medicaid regulates payment rates between Medicaid 273294
managed care organizations and certain Medicaid providers. 273295

(B)(1) The Medicaid Director may create a physician directed 273296
payment program for Medicaid managed care organization payments to 273297
nonpublic hospitals, and their related health systems, for 273298
physician services provided to Medicaid enrollees. Payment amounts 273299
under the program shall not exceed the average commercial level 273300
paid to participating health systems for physician and other 273301
professional services covered under the Medicaid program and 273302
provided to enrollees. 273303

(2) The program shall advance the maternal and child health 273304
goals established in the Department's quality strategy required by 273305
42 C.F.R. 438.340. 273306

(C) Under the program, participating hospitals shall receive 273307
payments directly for physician services provided to enrollees and 273308
remit to the Department the nonfederal share of those services 273309
through intergovernmental transfer. 273310

(1) Eligible public entities may transfer funds to be used by 273311
the Department for directed payments, as authorized by 42 C.F.R. 273312
433.51, through intergovernmental transfer pursuant to an 273313
interagency agreement with the Department. 273314

(2) Transfers made for the program shall be deposited into 273315
the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) 273316
created under section 5162.52 of the Revised Code. 273317

(D) If receipts credited to the physician directed payment 273318
program exceed the amounts available in the fund, the director may 273319

either adjust any payment amounts under the program or terminate 273320
the program. 273321

Section 333.265. HAMILTON COUNTY HOSPITAL DIRECTED PAYMENT 273322
PROGRAM 273323

(A) As used in this section, "directed payment program" means 273324
a payment program authorized by 42 C.F.R. 438.6(c) under which the 273325
Department of Medicaid regulates payment rates between Medicaid 273326
managed care organizations and certain Medicaid providers. 273327

(B)(1) The Medicaid Director shall create a hospital directed 273328
payment program for a hospital that meets the following criteria: 273329

(a) The hospital is located in Hamilton County. 273330

(b) The hospital is a nonprofit hospital. 273331

(c) The hospital has a Level 1 trauma center. 273332

(d) The hospital is affiliated with a public medical school 273333
in this state. 273334

(e) The hospital is not a children's hospital, as defined in 273335
section 3722.01 of the Revised Code. 273336

(2) Payment amounts under the program shall not exceed the 273337
average commercial level paid for inpatient and outpatient 273338
services provided to Medicaid recipients enrolled in a Medicaid 273339
MCO plan, as defined in section 5167.01 of the Revised Code. 273340

(3) The program shall advance at least one of the health 273341
goals established in the Department's quality strategy required by 273342
42 C.F.R. 438.340. 273343

(C) Under the program, participating hospitals shall receive 273344
payments directly for inpatient and outpatient services provided 273345
to enrollees and remit to the Department the nonfederal share of 273346
those services through intergovernmental transfer. 273347

(1) Eligible public entities may transfer funds to be used by 273348

the Department for directed payments, as authorized by 42 C.F.R. 273349
433.51, through intergovernmental transfer pursuant to an 273350
interagency agreement with the Department. 273351

(2) Transfers made for the program shall be deposited into 273352
the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) 273353
created under section 5162.52 of the Revised Code. 273354

(D) If receipts credited to the hospital directed payment 273355
program exceed the amounts available in the fund, the Director may 273356
either adjust any payment amounts under the program or terminate 273357
the program. 273358

Section 333.270. LOCKABLE AND TAMPER-EVIDENT CONTAINERS 273359

(A) As used in this section: 273360

(1) "Lockable container" means a container that meets both of 273361
the following requirements: 273362

(a) Has special packaging; 273363

(b) Has a locking mechanism that can be unlocked in any of 273364
the following ways: 273365

(i) Physically by using a key or other object capable of 273366
unlocking a locked container; 273367

(ii) Physically by entering a numeric or alphanumeric 273368
combination code that is selected by the patient or an individual 273369
acting on behalf of the patient; 273370

(iii) Electronically by entering a password or code that is 273371
selected by the patient or an individual acting on behalf of the 273372
patient. 273373

(2) "Drug used in medication-assisted treatment" has the same 273374
meaning as in section 5119.19 of the Revised Code. 273375

(3) "Prescriber" has the same meaning as in section 4729.01 273376
of the Revised Code. 273377

| | |
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| (4) "Special packaging" has the same meaning as in the | 273378 |
| "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471. | 273379 |
| (5) "Tamper-evident container" means a container that meets | 273380 |
| both of the following requirements: | 273381 |
| (a) Has special packaging; | 273382 |
| (b) Displays a visual sign when there is unauthorized entry | 273383 |
| into the container or has a numerical display of the time that the | 273384 |
| container was last opened. | 273385 |
| (B) Subject to division (C) of this section, during fiscal | 273386 |
| year 2024 and fiscal year 2025, the Department of Medicaid shall | 273387 |
| reimburse any pharmacist or prescriber that seeks reimbursement | 273388 |
| for expenses related to the following: | 273389 |
| (1) Pharmacists for costs related to dispensing drugs used in | 273390 |
| medication-assisted treatment in lockable containers or | 273391 |
| tamper-evident containers; | 273392 |
| (2) Prescribers for costs related to personally furnishing | 273393 |
| drugs used in medication-assisted treatment in lockable containers | 273394 |
| or tamper-evident containers. | 273395 |
| (C) Reimbursement may be sought for the period provided in | 273396 |
| division (B) of this section, or until funds appropriated for the | 273397 |
| reimbursement are expended, whichever occurs first. | 273398 |
| (D) Of the foregoing appropriation item 651525, Medicaid | 273399 |
| Health Care Services, \$500,000 state share in each fiscal year | 273400 |
| shall be used for the reimbursement described in this section. | 273401 |
| Section 333.290. NURSING FACILITY PAYMENT RATE NOTICES | 273402 |
| In its notice to each nursing facility with the facility's | 273403 |
| per Medicaid day payment rate for fiscal year 2024, the Department | 273404 |
| of Medicaid shall include an explanation of how many quality | 273405 |
| points the facility would have received, based on calendar year | 273406 |

2022 data, for each of the quality measures under division 273407
(C)(1)(c) of section 5165.26 of the Revised Code, as amended by 273408
this act. 273409

Section 333.300. NURSING FACILITY BASE RATES 273410

For fiscal years 2024 and 2025, the Department of Medicaid 273411
shall include in each nursing facility's base rate only forty per 273412
cent of the sum of the increase in its rate for direct care costs 273413
and its rate for ancillary and support costs that results from the 273414
rebasings conducted pursuant to section 5165.36 of the Revised 273415
Code. 273416

Section 333.310. MEDICAID BUY IN FOR WORKERS WITH 273417
DISABILITIES 273418

Upon approval of a state plan amendment by the United States 273419
Centers for Medicare and Medicaid Services authorizing Medicaid 273420
coverage for the optional eligibility group specified in section 273421
1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 U.S.C. 273422
1396a(a)(10)(A)(ii)(XIII) and authorized under sections 5163.06 273423
and 5163.063 of the Revised Code, the Medicaid Director may 273424
certify to the Director of Budget and Management the necessary 273425
amount to pay for the optional eligibility group described in this 273426
act in fiscal year 2025. Upon certification, the necessary 273427
amounts, both state and federal shares, are hereby appropriated to 273428
appropriation item 651525, Medicaid Health Care Services. 273429

Section 333.320. MYCARE OHIO EXPANSION 273430

(A) Not later than July 1, 2024, the Medicaid Director shall 273431
seek approval from the United States Centers for Medicare and 273432
Medicaid Services to expand the Integrated Care Delivery System, 273433
as that phrase is defined in section 5164.01 of the Revised Code, 273434
or if the Director terminates the Integrated Care Delivery System, 273435

the successor program developed by the Director and approved by 273436
the United States Centers for Medicare and Medicaid Services, to 273437
all counties of this state. 273438

(B) The managed care entities selected for the expanded 273439
Integrated Care Delivery System shall be selected by the 273440
Department from among the Medicaid managed care organizations, as 273441
that term is defined in section 5167.01 of the Revised Code, on 273442
the effective date of this section. 273443

(C) The Department shall establish requirements for care 273444
management and coordination of waiver services in the expanded 273445
Integrated Care Delivery System, subject to all of the following: 273446

(1) The entities selected pursuant to division (B) of this 273447
section shall employ the applicable area agency on aging to be 273448
coordinators of home and community-based services available under 273449
a Medicaid waiver component available for eligible individuals 273450
over the age of fifty-nine; 273451

(2) The entities may delegate to the applicable area agency 273452
on aging full care coordination function for home and 273453
community-based services and other health care services received 273454
by those eligible individuals; 273455

(3) Individuals enrolled in an entity's plan or plans may 273456
choose the entity or its designee as the care coordinator as an 273457
alternative to the area agency on aging; 273458

(4) The Department may specify an alternative approach to 273459
care management and coordination of waiver services if the 273460
performance of the area agency on aging does not meet the 273461
requirements of the Integrated Care Delivery System or if the 273462
Department determines that the needs of a defined group of 273463
individuals requires an alternative approach. 273464

Section 333.330. IN-HOME CARE PROFESSIONALS STUDY COMMITTEE 273465

(A) The Department of Medicaid shall establish a study committee to examine the training requirements for professionals providing in-home services to patients who are Medicaid recipients or are recipients of Medicaid waivers administered by the Department of Medicaid or the Department of Aging. The study committee shall review all of the following:

(1) The training requirements for all professionals, including home health aides and personal care aides, providing home and community-based services to Medicaid recipients enrolled in the integrated care delivery system established under section 5164.91 of the Revised Code;

(2) The training requirements for all professionals providing home and community-based services to participants in the PASSPORT program, including home health aides and personal care aides;

(3) The training requirements for any other professionals providing home and community-based services through the Department of Medicaid or the Department of Aging.

(B) The committee shall consist of the following members:

(1) The Medicaid Director or the Director's designee;

(2) The Director of Aging or the Director's designee;

(3) Any other industry stakeholders, to be designated and appointed by the Medicaid Director. The industry stakeholders shall not include members of the General Assembly.

(C) Not later than April 1, 2024, the Department of Medicaid shall submit a report to the joint medicaid oversight committee. The report shall include both of the following:

(1) A summary of the training requirements reviewed pursuant to division (A) of this section, including a breakdown of which training requirements are federal and which are established by Ohio law or rule;

(2) Suggestions for how to modify training requirements for professionals providing home and community-based services to increase the in-home care workforce while maintaining high standards of care.

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Section 335.10. MED STATE MEDICAL BOARD

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Dedicated Purpose Fund Group

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5C60 883609 Operating Expenses \$ 13,791,789 \$ 14,315,005

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TOTAL DPF Dedicated Purpose Fund \$ 13,791,789 \$ 14,315,005

273503

Group

TOTAL ALL BUDGET FUND GROUPS \$ 13,791,789 \$ 14,315,005

273504

Section 335.20. LEGACY PAIN MANAGEMENT STUDY COMMITTEE

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(A) The Legacy Pain Management Study Committee is established to study and evaluate the care and treatment of patients suffering from chronic or debilitating pain, in particular those who have been prescribed opioids for lengthy periods of time, often referred to as legacy patients. In conducting its study and evaluation, the committee shall consider all of the following topics:

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(1) The needs of patients experiencing chronic or debilitating pain;

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(2) The challenges associated with tapering opioid doses for pain patients and the need for flexibility and tapering pauses when treating such patients;

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(3) The ways in which communications between patients and prescribers can be improved;

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(4) The availability of and patient access to pain management specialists in this state;

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(5) Any other topic the committee considers relevant.

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(B) The committee consists of the following nine members:

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(1) Four members of the 135th General Assembly, two appointed 273525
by the Speaker of the House of Representatives and two appointed 273526
by the Senate President; 273527

(2) The Director of the Ohio Department of Mental Health and 273528
Addiction Services or the Director's designee; 273529

(3) The President of the State Medical Board of Ohio or the 273530
President's designee; 273531

(4) The Executive Director of the State Board of Pharmacy or 273532
the Executive Director's designee; 273533

(5) Two public members, one who represents patients and is 273534
appointed by the Speaker of the House of Representatives and one 273535
who represents prescribers and is appointed by the Senate 273536
President. 273537

The members shall be appointed not later than thirty days 273538
after the effective date of this section. The members shall select 273539
a chairperson from among the committee's membership and shall meet 273540
as necessary to satisfy the requirements of this section. 273541

(C) Not later than December 1, 2024, the committee shall 273542
prepare and submit to the General Assembly a report of its 273543
recommendations for legislation addressing the care and treatment 273544
of legacy patients. The report shall be submitted in accordance 273545
with section 101.68 of the Revised Code. The State Medical Board 273546
shall provide to the committee the administrative support 273547
necessary to execute its duties. 273548

(D) The committee ceases to exist on the submission of the 273549
report described in division (C) of this section. 273550

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 273551
SERVICES 273552
General Revenue Fund 273553

| | | | | | | | |
|-----------|--------|---|----|-------------|----|-------------|--------|
| GRF | 336321 | Program Support and
Operations | \$ | 54,807,000 | \$ | 57,100,000 | 273554 |
| GRF | 336402 | Resident Trainees | \$ | 450,000 | \$ | 450,000 | 273555 |
| GRF | 336406 | Prevention and
Wellness | \$ | 7,000,000 | \$ | 7,000,000 | 273556 |
| GRF | 336412 | Hospital Services | \$ | 303,000,000 | \$ | 325,000,000 | 273557 |
| GRF | 336415 | Mental Health
Facilities Lease
Rental Bond Payments | \$ | 25,875,000 | \$ | 22,625,000 | 273558 |
| GRF | 336421 | Continuum of Care
Services | \$ | 106,539,000 | \$ | 106,539,000 | 273559 |
| GRF | 336422 | Criminal Justice
Services | \$ | 30,000,000 | \$ | 21,000,000 | 273560 |
| GRF | 336424 | Recovery Housing | \$ | 3,250,000 | \$ | 3,250,000 | 273561 |
| GRF | 336425 | Specialized Docket
Support | \$ | 11,269,000 | \$ | 11,269,000 | 273562 |
| GRF | 336504 | Community Innovations | \$ | 10,500,000 | \$ | 10,500,000 | 273563 |
| GRF | 336510 | Residential State
Supplement | \$ | 24,000,000 | \$ | 24,000,000 | 273564 |
| GRF | 336516 | Appalachian Children
Coalition | \$ | 1,250,000 | \$ | 1,250,000 | 273565 |
| GRF | 336519 | Community Projects | \$ | 6,150,000 | \$ | 4,575,000 | 273566 |
| GRF | 652321 | Medicaid Support | \$ | 1,618,000 | \$ | 1,650,000 | 273567 |
| TOTAL GRF | | General Revenue Fund | \$ | 585,708,000 | \$ | 596,208,000 | 273568 |
| | | Dedicated Purpose Fund Group | | | | | 273569 |
| 4750 | 336623 | Statewide Treatment
and Prevention | \$ | 22,799,190 | \$ | 22,799,190 | 273570 |
| 4750 | 336663 | Action Resiliency
Network | \$ | 10,000,000 | \$ | 0 | 273571 |
| 4850 | 336632 | Mental Health
Operating | \$ | 15,000,000 | \$ | 15,000,000 | 273572 |
| 5AA1 | 336661 | 988 Suicide and
Crisis Response | \$ | 20,701,661 | \$ | 25,831,020 | 273573 |

| | | | | | | | |
|-----------|--------|---|----|-------------|----|-------------|--------|
| 5AU0 | 336615 | Behavioral Health
Care | \$ | 17,500,000 | \$ | 17,500,000 | 273574 |
| 5CV3 | 336521 | Monitoring and
Treatment ARPA | \$ | 9,000,000 | \$ | 0 | 273575 |
| 5CV3 | 336648 | ARPA Pediatric
Behavioral Health | \$ | 50,000,000 | \$ | 0 | 273576 |
| 5JL0 | 336629 | Problem Gambling and
Casino Addiction | \$ | 7,000,000 | \$ | 7,000,000 | 273577 |
| 5T90 | 336641 | Problem Gambling
Services | \$ | 2,320,000 | \$ | 2,320,000 | 273578 |
| 5TZ0 | 336600 | Stabilization Centers | \$ | 6,000,000 | \$ | 6,000,000 | 273579 |
| 5TZ0 | 336643 | ADAMHS Boards | \$ | 11,000,000 | \$ | 11,000,000 | 273580 |
| 5VV0 | 336645 | Transcranial Magnetic
Stimulaton Program | \$ | 6,000,000 | \$ | 6,000,000 | 273581 |
| 6320 | 336616 | Community Capital
Replacement | \$ | 350,000 | \$ | 350,000 | 273582 |
| 6890 | 336640 | Education and
Conferences | \$ | 75,000 | \$ | 75,000 | 273583 |
| TOTAL DPF | | Dedicated Purpose Fund
Group | \$ | 177,745,851 | \$ | 113,875,210 | 273584 |
| | | Internal Service Activity Fund Group | | | | | 273585 |
| 1490 | 336609 | Hospital Operating
Expenses | \$ | 16,000,000 | \$ | 16,000,000 | 273586 |
| 1490 | 336610 | Operating Expenses | \$ | 7,350,000 | \$ | 7,350,000 | 273587 |
| 1510 | 336601 | Ohio Pharmacy
Services | \$ | 105,755,000 | \$ | 106,955,000 | 273588 |
| 4P90 | 336604 | Community Mental
Health Projects | \$ | 250,000 | \$ | 250,000 | 273589 |
| TOTAL ISA | | Internal Service Activity
Fund Group | \$ | 129,355,000 | \$ | 130,555,000 | 273590 |
| | | Federal Fund Group | | | | | 273591 |
| 3240 | 336605 | Medicaid/Medicare | \$ | 20,000,000 | \$ | 20,000,000 | 273592 |

| | | | | | | | |
|------------------|--------------------|-----------------------------------|----|---------------|----|---------------|--------|
| 3A70 | 336612 | Social Services Block Grant | \$ | 8,000,000 | \$ | 8,000,000 | 273593 |
| 3A80 | 336613 | Federal Grants | \$ | 5,500,000 | \$ | 5,500,000 | 273594 |
| 3A90 | 336614 | Mental Health Block Grant | \$ | 45,940,000 | \$ | 45,940,000 | 273595 |
| 3B10 | 652636 | Community Medicaid Legacy Support | \$ | 4,000,000 | \$ | 4,000,000 | 273596 |
| 3G40 | 336618 | Substance Abuse Block Grant | \$ | 86,000,000 | \$ | 86,000,000 | 273597 |
| 3H80 | 336606 | Demonstration Grants | \$ | 16,000,000 | \$ | 16,000,000 | 273598 |
| 3HB1 | 336644 | State Opioid Response | \$ | 113,000,000 | \$ | 113,000,000 | 273599 |
| 3N80 | 336639 | Administrative Reimbursement | \$ | 1,000,000 | \$ | 1,000,000 | 273600 |
| TOTAL FED | Federal Fund Group | | \$ | 299,440,000 | \$ | 299,440,000 | 273601 |
| TOTAL ALL BUDGET | FUND GROUPS | | \$ | 1,192,248,851 | \$ | 1,140,078,210 | 273602 |

Section 337.20. PREVENTION AND WELLNESS 273604

The foregoing appropriation item 336406, Prevention and Wellness, shall be used as follows: 273605
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(A) Up to \$1,250,000 in each fiscal year shall be distributed to boards of alcohol, drug addiction, and mental health services to purchase the provision of evidence-based prevention services from providers certified by the Department of Mental Health and Addiction Services. 273607
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(B) Up to \$3,350,000 in each fiscal year shall be used to support suicide prevention efforts. Of this amount, \$250,000 in each fiscal year shall be used to support suicide prevention efforts in middle schools and high schools through certified suicide prevention programs provided by LifeAct. 273612
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(C) Up to \$2,250,000 in each fiscal year shall be used to increase access to early identification and intervention of behavioral health disorders across the lifespan. 273617
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Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 273620
PAYMENTS 273621

The foregoing appropriation item 336415, Mental Health 273622
Facilities Lease Rental Bond Payments, shall be used to meet all 273623
payments during the period from July 1, 2023, through June 30, 273624
2025, by the Department of Mental Health and Addiction Services 273625
pursuant to leases and agreements made under section 154.20 of the 273626
Revised Code. These appropriations are the source of funds pledged 273627
for bond service charges on obligations issued pursuant to Chapter 273628
154. of the Revised Code. 273629

Section 337.40. CONTINUUM OF CARE SERVICES 273630

The foregoing appropriation item 336421, Continuum of Care 273631
Services, shall be used as follows: 273632

(A) A portion of this appropriation shall be allocated to 273633
boards of alcohol, drug addiction, and mental health services in 273634
accordance with a distribution methodology determined by the 273635
Director of Mental Health and Addiction Services for the boards to 273636
purchase mental health and addiction services permitted under 273637
Chapter 340. of the Revised Code. Boards may use a portion of the 273638
funds allocated: 273639

(1) To provide subsidized support for psychotropic medication 273640
needs of indigent citizens in the community to reduce unnecessary 273641
hospitalization due to lack of medication; and 273642

(2) To provide subsidized support for medication-assisted 273643
treatment costs. 273644

(B) A portion of this appropriation may be distributed to 273645
boards of alcohol, drug addiction, and mental health services, 273646
community addiction and/or mental health services providers, 273647
courts, or other governmental entities to provide specific grants 273648
in support of initiatives concerning mental health and addiction 273649

services. 273650

(C) Of the foregoing appropriation item 336421, Continuum of 273651
Care Services, \$1,500,000 in each fiscal year shall be allocated 273652
by the Department of Mental Health and Addiction Services to 273653
boards of alcohol, drug addiction, and mental health services. The 273654
boards shall use their allocations to establish and administer, in 273655
collaboration with the other boards that serve the same state 273656
psychiatric hospital region, mental health crisis stabilization 273657
centers or, upon approval from the Director of Mental Health and 273658
Addiction Services, boards may use these funds in conjunction with 273659
funds earmarked in division (A) of Section 337.130 of this act, to 273660
establish and administer crisis stabilization centers that have 273661
the ability to serve individuals with substance use and/or mental 273662
health needs. There shall be at least one center located in each 273663
state psychiatric hospital region. 273664

Boards of alcohol, drug addiction, and mental health services 273665
shall ensure that each mental health crisis stabilization center 273666
established and administered under division (C) of this section 273667
complies with all of the following: 273668

(1) It serves individuals before and after the individuals 273669
receive treatment and care at hospital emergency departments or 273670
freestanding emergency departments. 273671

(2) It serves individuals before and after the individuals 273672
are confined in state or local correctional facilities. 273673

(3) It has a Medicaid provider agreement. 273674

(4) It serves individuals who present as needing the crisis 273675
stabilization services provided by the center. 273676

(5) It connects individuals when they are discharged from the 273677
center with community-based continuum of care services and 273678
supports as described in section 340.032 of the Revised Code. 273679

(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (C) of this section and division (A) of Section 337.130 of this act that meet the mental health and substance use needs of individuals within their service districts.

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(E) As used in division (C) of this section:

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(1) "State or local correctional facility" means any of the following:

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(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;

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273691

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code;

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(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code.

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(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code.

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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$6,000,000 in each fiscal year shall be used to develop a strategic approach to strengthening cross-systems collaboration efforts to serve adults with serious mental illness who are involved in multiple behavioral health, developmental disabilities, human services, or criminal justice systems.

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(G) Of the foregoing appropriation item 336421, Continuum of Care Services, up to \$2,500,000 in each fiscal year shall be used to develop, evaluate, and expand crisis services infrastructure to provide support for adults, children, and families in a variety of

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settings. 273710

(H) Of the foregoing appropriation item 336421, Continuum of 273711
Care Services, up to \$6,500,000 in each fiscal year shall be used 273712
to support an evidence-informed intervention model that helps 273713
public children services agencies bring together caseworkers, 273714
behavioral health providers, and family peer mentors into teams 273715
dedicated to helping families struggling with co-occurring child 273716
maltreatment and substance use disorder. 273717

(I) Of the foregoing appropriation item 336421, Continuum of 273718
Care, up to \$1,000,000 in each fiscal year shall be used for 273719
operating expenses and critical repairs to improve the 273720
habitability of homes and quality of life for adults with severe 273721
mental illness living in class two and class three residential 273722
facilities. 273723

(J) Of the foregoing appropriation item 336421, Continuum of 273724
Care Services, up to \$4,000,000 in each fiscal year shall be used 273725
to expand statewide access to rapid mobile response and 273726
stabilization services provided to youth experiencing an emotional 273727
or behavioral health crisis and their families. 273728

Section 337.45. HOSPITAL ACCESS FUND 273729

(A) As used in this section, "mentally ill person subject to 273730
court order" has the same meaning as in section 5122.01 of the 273731
Revised Code. 273732

(B) Of the foregoing appropriation item 336421, Continuum of 273733
Care, up to \$7,000,000 in each fiscal year shall be used to pay 273734
for the treatment of indigent mentally ill persons subject to 273735
court order in hospitals or inpatient units licensed by the 273736
Department of Mental Health and Addiction Services under section 273737
5119.33 of the Revised Code. 273738

Section 337.50. CRIMINAL JUSTICE SERVICES 273739

(A) Except as otherwise provided in this act, the foregoing 273740
appropriation item 336422, Criminal Justice Services, shall be 273741
used for all of the following: 273742

(1) The provision of forensic psychiatric evaluations to 273743
courts of common pleas; 273744

(2) The completion of evaluations of patients of forensic 273745
status in facilities operated or designated by the Department of 273746
Mental Health and Addiction Services prior to each patient's 273747
conditional release to the community; 273748

(3) Workforce, training, and technological initiatives that 273749
support the items specified in divisions (A)(1) and (2) of this 273750
section. 273751

A portion of this appropriation may be allocated through 273752
boards of alcohol, drug addiction, and mental health services to 273753
community addiction and/or mental health services providers in 273754
accordance with a distribution methodology determined by the 273755
Director of Mental Health and Addiction Services. 273756

(B) Of the foregoing appropriation item, 336422, Criminal 273757
Justice Services, up to \$5,000,000 in each fiscal year shall be 273758
allocated to the Behavioral Health Drug Reimbursement Program 273759
established in section 5119.19 of the Revised Code. 273760

(C) The foregoing appropriation item 336422, Criminal Justice 273761
Services, may also be used to: 273762

(1) Provide forensic monitoring and tracking of individuals 273763
on conditional release; 273764

(2) Provide forensic and crisis response training; 273765

(3) Support projects that assist courts and law enforcement 273766
to identify and develop appropriate alternative services to 273767
incarceration for nonviolent mentally ill offenders; 273768

(4) Provide services to incarcerated individuals in jails, as 273769

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| defined in section 2929.01 of the Revised Code, with a substance | 273770 |
| use disorder, severe mental illness, or both, including screening | 273771 |
| and clinically appropriate treatment; | 273772 |
| (5) Link and provide behavioral health treatment and recovery | 273773 |
| supports to incarcerated individuals described in division (C)(4) | 273774 |
| of this section upon release from jail; | 273775 |
| (6) Provide specialized re-entry services to offenders | 273776 |
| leaving prisons and jails; | 273777 |
| (7) Provide specific grants in support of addiction services | 273778 |
| alternatives to incarceration; | 273779 |
| (8) Support therapeutic communities; | 273780 |
| (9) Support specialty dockets and expand or create new | 273781 |
| certified court programs; | 273782 |
| (10) Establish and administer outpatient competency | 273783 |
| restoration services. The services shall be provided by forensic | 273784 |
| centers described in section 5119.10 of the Revised Code or, to | 273785 |
| the extent a forensic center in a community does not provide | 273786 |
| outpatient competency restoration services, a psychiatric program | 273787 |
| or facility selected by a board of alcohol, drug addiction, and | 273788 |
| mental health services to provide such services. | 273789 |
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| Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN | 273790 |
| SPECIALIZED DOCKET PROGRAMS | 273791 |
| (A) As used in this section: | 273792 |
| (1) "Community addiction services provider" has the same | 273793 |
| meaning as in section 5119.01 of the Revised Code. | 273794 |
| (2) "Community control sanction" has the same meaning as in | 273795 |
| section 2929.01 of the Revised Code. | 273796 |
| (3) "Drug used in medication-assisted treatment" means a drug | 273797 |
| approved by the United States Food and Drug Administration for use | 273798 |

in medication-assisted treatment. 273799

(4) "Drug used in withdrawal management or detoxification" 273800
means a drug approved by the United States Food and Drug 273801
Administration for use in, or a drug in standard use for, 273802
mitigating alcohol or opioid withdrawal symptoms or assisting with 273803
detoxification. 273804

(5) "Medication-assisted treatment" has the same meaning as 273805
in section 340.01 of the Revised Code. 273806

(6) "Medication-assisted treatment drug court program" and 273807
"MAT drug court program" mean a session of any of the following 273808
that holds initial or final certification from the Supreme Court 273809
of Ohio as a specialized docket program for drugs and that uses 273810
medication-assisted treatment as part of its specialized docket 273811
program: a common pleas court, municipal court, or county court, 273812
or a division of any of those courts. 273813

(7) "Prescriber" has the same meaning as in section 4729.01 273814
of the Revised Code. 273815

(8) "Recovery supports" has the same meaning as in section 273816
5119.01 of the Revised Code. 273817

(9) "Substance use disorder treatment" has the same meaning 273818
as "alcohol and drug addiction services" as defined in section 273819
5119.01 of the Revised Code. 273820

(B)(1) The Department of Mental Health and Addiction Services 273821
shall conduct a program to provide substance use disorder 273822
treatment to persons who are eligible to participate in a 273823
medication-assisted treatment drug court program and are selected 273824
under this section to be participants in a MAT drug court program 273825
because of a substance use disorder. The substance use disorder 273826
treatment provided under the Department's program may include the 273827
following: 273828

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| (a) Drugs used in medication-assisted treatment; | 273829 |
| (b) Services involved in providing medication-assisted treatment; | 273830
273831 |
| (c) Drugs used in withdrawal management or detoxification; | 273832 |
| (d) Services involved in providing withdrawal management or detoxification; | 273833
273834 |
| (e) Recovery supports. | 273835 |
| (2) The Department shall conduct its program in collaboration with any counties in Ohio that are conducting MAT drug court programs. | 273836
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| (3) In addition to conducting its program in accordance with division (B)(2) of this section, the Department may conduct its program in collaboration with any other court that is conducting a MAT drug court program. | 273839
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| (C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department of Mental Health and Addiction Services determines may be of assistance in accomplishing the objectives of the Department's program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the Department's program is located. | 273843
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| (D)(1) A MAT drug court program participating in the Department's program shall select the persons who are to be its participants for purposes of the Department's program. To be selected, a person must be a criminal offender, including an offender under a community control sanction, or be involved in a drug or family dependency court. A person shall not be selected to | 273853
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be a participant unless the person meets the legal and clinical 273859
eligibility criteria for the MAT drug court program and is an 273860
active participant in the MAT drug court program, or unless the 273861
offender is under a community control sanction with the program's 273862
participating judge. 273863

(2) After a MAT drug court program enrolls a person as a 273864
participant for purposes of the Department's program, the 273865
participant shall comply with all requirements of the MAT drug 273866
court program. 273867

(E) The substance use disorder treatment provided under the 273868
Department's program in collaboration with a MAT drug court 273869
program, including any recovery supports that are provided, shall 273870
be provided by a community addiction services provider. The 273871
provider shall do all of the following: 273872

(1) Provide treatment based on an integrated service delivery 273873
model that consists of the coordination of care between a 273874
prescriber and the community addiction services provider; 273875

(2) Conduct professional, comprehensive substance abuse and 273876
mental health diagnostic assessments of a person under 273877
consideration for selection as a program participant to determine 273878
whether the person would benefit from substance use disorder 273879
treatment and monitoring; 273880

(3) Determine, based on the assessment described in division 273881
(E)(2) of this section, the treatment needs of the program 273882
participants served by the community addiction services provider; 273883

(4) Develop, for program participants served by the community 273884
addiction services provider, individualized goals and objectives; 273885

(5) Subject to division (F) of this section, provide access 273886
to both of the following drug therapies to the extent they are 273887
included in the program's substance use disorder treatment: drugs 273888
used in medication-assisted treatment and drugs used in withdrawal 273889

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| management or detoxification; | 273890 |
| (6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that are considered by the community addiction services provider to be co-occurring disorders; | 273891
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| (7) Monitor program compliance through the use of regular drug testing, including urinalysis, of the program participants served by the community addiction services provider; | 273895
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| (8) Provide access to time-limited recovery supports that help eliminate barriers to treatment and are specific to the participant's needs, including assistance with housing, transportation, child care, job training, obtaining a driver's license or state identification card, and any other matter considered relevant by the provider. | 273898
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| (F) With regard to the drug therapies included in the substance use disorder treatment provided under the Department's program, both of the following apply: | 273904
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| (1) One or more drugs may be used, but each drug that is used must constitute either or both of the following: | 273907
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| (a) Long-acting antagonist therapy, partial agonist therapy, or full agonist therapy; | 273909
273910 |
| (b) Alpha-2 agonist therapy for withdrawal management or detoxification. | 273911
273912 |
| (2) If a drug constituting partial or full agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants. | 273913
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| (G) It is anticipated and expected that MAT drug court programs will expand their ability to serve more drug court participants as a result of increased access to commercial or | 273917
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publicly funded health insurance. In order to ensure that funds 273920
appropriated to support the Department's program are used in the 273921
most efficient manner with a goal of enrolling the maximum number 273922
of participants, the Medicaid Director, in collaboration with 273923
major Ohio health care plans, shall develop plans consistent with 273924
this division. There shall be no prior authorizations or step 273925
therapy for program participants to have access to any drug 273926
therapy included in the substance use disorder treatment provided 273927
under the Department's program. The plans developed under this 273928
division shall ensure all of the following: 273929

(1) The development of an efficient and timely process for 273930
review of eligibility for health benefits for all persons selected 273931
to participate in the program; 273932

(2) A rapid conversion to reimbursement for all health care 273933
services by the participant's health care plan following approval 273934
for coverage of health care benefits; 273935

(3) The development of a consistent benefit package that 273936
provides ready access to and reimbursement for essential health 273937
care services including, but not limited to, primary health care 273938
services, alcohol and opioid detoxification services, appropriate 273939
psychosocial services, drugs used in medication-assisted 273940
treatment, and drugs used in withdrawal management or 273941
detoxification; 273942

(4) The development of guidelines that require the provision 273943
of all treatment services, including medication, with minimal 273944
administrative barriers and within a time frame that meets the 273945
requirements of individual patient care plans. 273946

(H) Of the foregoing appropriation item 336422, Criminal 273947
Justice Services, up to \$5,000,000 in each fiscal year shall be 273948
used to support the substance use disorder treatment included in 273949
the Department's program for drug court specialized docket 273950

programs and to support the administrative expenses of courts and 273951
community addiction services providers participating in the 273952
Department's program. 273953

Section 337.70. RECOVERY HOUSING 273954

(A) As used in this section, "recovery housing residence" has 273955
the same meaning as in section 5119.01 of the Revised Code. 273956

(B) Of the foregoing appropriation item 336424, Recovery 273957
Housing, up to \$3,000,000 in each fiscal year shall be used as 273958
follows: 273959

(1) To expand, support access to, as well as assist the 273960
operators of recovery housing residences in their efforts to 273961
improve the quality of recovery housing residences in this state. 273962
The Director of Mental Health and Addiction Services may provide 273963
funds from this appropriation item to such operators for the 273964
purpose of defraying costs associated with attaining certification 273965
or accreditation, as applicable, under section 5119.39 of the 273966
Revised Code. 273967

(2) To implement sections 5119.39 to 5119.397 of the Revised 273968
Code. 273969

(C) Of the foregoing appropriation item 336424, Recovery 273970
Housing, \$250,000 in each fiscal year shall be used to offer 273971
behavioral health services to Y-Haven for Women in Cuyahoga County 273972
for women experiencing homelessness who face especially high 273973
barriers to housing. 273974

Section 337.80. SPECIALIZED DOCKET SUPPORT 273975

(A) The foregoing appropriation item 336425, Specialized 273976
Docket Support, shall be used to defray a portion of the annual 273977
payroll costs associated with the specialized docket of a common 273978
pleas court, municipal court, county court, juvenile court, or 273979

family court that meets all of the eligibility requirements in 273980
division (B) of this section, including a family dependency 273981
treatment docket. The foregoing appropriation item 336425, 273982
Specialized Docket Support, may also be used to defray costs 273983
associated with treatment services and recovery supports for 273984
participants. 273985

(B) To be eligible, the specialized docket must have received 273986
Supreme Court of Ohio initial or final certification and include 273987
participants with behavioral health needs in its target 273988
population. 273989

(C) Of the foregoing appropriation item 336425, Specialized 273990
Docket Support, the Department of Mental Health and Addiction 273991
Services shall use up to one per cent of the funds appropriated in 273992
each fiscal year to pay the cost it incurs in administering the 273993
duties established in this section. 273994

(D) The Department, in consultation with the Supreme Court of 273995
Ohio, may adopt funding distribution methodology, guidelines, and 273996
procedures as necessary to carry out the purposes of this section. 273997

Section 337.90. COMMUNITY INNOVATIONS 273998

The foregoing appropriation item 336504, Community 273999
Innovations, may be used by the Department of Mental Health and 274000
Addiction Services to make targeted investments in programs, 274001
projects, or systems operated by or under the authority of other 274002
state agencies, governmental entities, or private not-for-profit 274003
agencies that impact, or are impacted by, the operations and 274004
functions of the Department, with the goal of achieving a net 274005
reduction in expenditure of state general revenue funds and/or 274006
improved outcomes for Ohio citizens without a net increase in 274007
state general revenue fund spending. 274008

The Director shall identify and evaluate programs, projects, 274009

or systems proposed or operated, in whole or in part, outside of 274010
the authority of the Department, where targeted investment of 274011
these funds in the program, project, or system is expected to 274012
decrease demand for the Department or other resources funded with 274013
state general revenue funds, and/or to measurably improve outcomes 274014
for Ohio citizens with mental illness or with alcohol, drug, or 274015
gambling addictions. The Director shall have discretion to provide 274016
funds from this appropriation item to private not-for-profit 274017
entities in amounts, and subject to conditions, that the Director 274018
determines most likely to achieve state savings and/or improved 274019
outcomes. Distribution of funds from this appropriation item shall 274020
not be subject to sections 9.23 to 9.239 or Chapter 125. of the 274021
Revised Code. 274022

The Department shall enter into an agreement with each 274023
recipient of community innovation funds, identifying: allowable 274024
expenditure of the funds; other commitment of funds or other 274025
resources to the program, project, or system; expected state 274026
savings and/or improved outcomes and proposed mechanisms for 274027
measurement of such savings or outcomes; and required reporting 274028
regarding expenditure of funds and savings or outcomes achieved. 274029

Of the foregoing appropriation item 336504, Community 274030
Innovations, up to \$3,000,000 in each fiscal year shall be used to 274031
support workforce development initiatives. 274032

Of the foregoing appropriation item 336504, Community 274033
Innovations, up to \$1,500,000 in each fiscal year shall be used to 274034
mitigate behavioral health disparities. 274035

Of the foregoing appropriation item 336504, Community 274036
Innovations, up to \$1,250,000 in each fiscal year shall be used to 274037
establish additional clubhouses in this state for the purpose of 274038
offering individuals with a mental illness or mental illness and 274039
co-occurring substance use disorder opportunities for employment, 274040
housing, education, and access to medical and psychiatric services 274041

in a single caring and safe environment. The clubhouses shall be 274042
operated in accordance with model standards and employment 274043
benchmarks selected by the Department of Mental Health and 274044
Addiction Services. 274045

Of the foregoing appropriation item 336504, Community 274046
Innovations, up to \$1,000,000 in each fiscal year shall be used by 274047
the Department of Mental Health and Addiction Services, in 274048
partnership with the Department of Rehabilitation and Correction 274049
and Ohio Housing Finance Agency, to establish a landlord incentive 274050
program. Under the program, the Department of Mental Health and 274051
Addiction Services shall do both of the following: 274052

(A) Issue incentive payments to landlords to encourage the 274053
leasing of rental units to individuals with a criminal record who 274054
have a mental illness, substance use disorder, or both, or are 274055
being discharged from a hospital as defined in section 5122.01 of 274056
the Revised Code. 274057

(B) Reimburse landlords for small repairs in rental units 274058
leased to individuals described in division (A) of this section to 274059
ensure that such units conform with Housing Quality Standards 274060
specified by the United States Department of Housing and Urban 274061
Development in 24 C.F.R. 982, et seq. 274062

The Department shall specify guidelines and a procedure for 274063
the distribution of funds pursuant to divisions (A) and (B) of 274064
this section. 274065

Of the foregoing appropriation item 336504, Community 274066
Innovations, \$250,000 in each fiscal year shall be allocated to 274067
either the Northeast Ohio Medical University (NEOMED) or another 274068
entity identified by the Department of Mental Health and Addiction 274069
Services to deliver statewide continuing training and education to 274070
professionals on the identification and treatment of alcohol and 274071
other substance use disorders with medications that are approved 274072

by the United States Food and Drug Administration. 274073

Section 337.100. RESIDENTIAL STATE SUPPLEMENT 274074

The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to implement and operate the Residential State Supplement (RSS) Program required by section 5119.41 of the Revised Code. 274075
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Section 337.103. APPALACHIAN CHILDREN COALITION 274080

The foregoing appropriation item 336516, Appalachian Children Coalition, shall be provided to the Appalachian Children Coalition to address systemic challenges children face in Appalachian Ohio. The Coalition shall use the funds as follows: 274081
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(A) \$500,000 in each fiscal year shall be used to provide funding for training, hiring, and retention of entry-level child mental and behavioral health workers in school and health provider settings; 274085
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(B) \$500,000 in each fiscal year shall be used to provide funding for research and facilitation of a publicly accessible database of child wellbeing indicators as well as provide capacity to child-serving entities in the region by way of grant writing support, community assessments, and mental and behavioral health workforce mapping; 274089
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(C) \$125,000 in each fiscal year shall be used to enhance child mental health outcomes, promote implementation of whole-child models of care, and to expand the mental health workforce in the region; and 274095
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(D) \$125,000 in each fiscal year shall be used to provide funding for prevention programming in the areas of teen suicide, substance misuse, human trafficking, bullying, and child abuse and 274099
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neglect in the region. 274102

Section 337.105. COMMUNITY PROJECTS 274103

Of the foregoing appropriation item 336519, Community 274104
Projects, \$2,000,000 in each fiscal year shall be allocated to 274105
Bellefaire Jewish Children's Bureau to be used for support of its 274106
ongoing health care integration efforts to fund competitive 274107
compensation to recruit and retain front-line staffing positions 274108
across its core behavioral health programs including inpatient 274109
psychiatric care and outpatient physical health care and to 274110
maintain sufficient staff-to-client ratios for all programs. 274111

Of the foregoing appropriation item 336519, Community 274112
Projects, \$1,575,000 in fiscal year 2024 shall be distributed to 274113
the Lindner Center of Hope for technology to provide telehealth 274114
and to support the provision of behavioral health services. 274115

Of the foregoing appropriation item 336519, Community 274116
Projects, \$350,000 in each fiscal year shall be distributed to the 274117
Star House for its Drop-In Centers and its Carol Stewart Village, 274118
or its other expansion projects, to provide services for homeless 274119
youth. 274120

Of the foregoing appropriation item 336519, Community 274121
Projects, \$1,500,000 in each fiscal year shall be distributed to 274122
the Values-In-Action Foundation for the Kindland initiative. 274123

Of the foregoing appropriation item 336519, Community 274124
Projects, \$250,000 in each fiscal year shall be distributed to Out 274125
of Darkness, a chapter of Frontline Response, to provide outreach, 274126
education, and support services to victims of commercial sexual 274127
exploitation. 274128

Of the foregoing appropriation item 336519, Community 274129
Projects, \$250,000 in each fiscal year shall be distributed to 274130
Applewood Centers, Inc., for information technology operations. 274131

Of the foregoing appropriation item 336519, Community
Projects, \$225,000 in each fiscal year shall be distributed to
LifeTown Columbus to provide additional support for facility
renovations and operations, including professional development,
curriculum development, education materials, equipment, marketing,
and recruitment.

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Section 337.120. MEDICAID SUPPORT

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The foregoing appropriation item 652321, Medicaid Support,
shall be used to fund specified Medicaid Services as delegated by
the state's single agency responsible for the Medicaid Program.

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Section 337.125. STATEWIDE TREATMENT AND PREVENTION

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The foregoing appropriation item 336663, Action Resiliency
Network, shall be used by the Department of Mental Health and
Addiction Services to create the State of Ohio Action for
Resiliency Network and a strategic research agenda and capacity
needed to conduct research, clinical trials, direct care,
telehealth, data collection, and workforce training pertaining to
innovative practices in behavioral prevention, harm reduction,
treatment, and recovery.

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Section 337.130. STABILIZATION CENTERS

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(A) Except as otherwise provided in this act, of the
foregoing appropriation item 336600, Stabilization Centers, up to
\$6,000,000 in each fiscal year shall be used to establish and
administer, in collaboration with the other boards that serve the
same state psychiatric hospital region, substance use
stabilization centers or, upon approval from the Director of
Mental Health and Addiction Services, boards may use these funds
in conjunction with funds earmarked in division (C) of Section
337.40 of this act to establish and administer crisis

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stabilization centers that have the ability to serve individuals 274161
with substance use and/or mental health needs. There shall be a 274162
minimum of one center located in each state psychiatric hospital 274163
region. 274164

(B) Boards of alcohol, drug addiction, and mental health 274165
services shall submit to the Director of Mental Health and 274166
Addiction Services for approval a plan for establishing and 274167
administering crisis stabilization centers pursuant to division 274168
(A) of this section and division (C) of Section 337.40 of this act 274169
that meet the needs of individuals within their service districts. 274170

(C) As used in this section, "state psychiatric hospital 274171
regions" means the six districts into which the Department of 274172
Mental Health and Addiction Services has divided the state 274173
pursuant to division (B)(2) of section 5119.14 of the Revised 274174
Code. 274175

Section 337.135. 9-8-8 LIFELINE 274176

(A) As used in this section, "9-8-8 Suicide and Crisis 274177
Lifeline" means the 9-8-8 universal telephone number designated 274178
for use within the United States under section 251(e) of the 274179
"Communications Act of 1934," 47 U.S.C. 251(e), as amended by the 274180
"National Suicide Hotline Designation Act of 2020," Pub. L. No. 274181
116-172, for the purpose of the national suicide prevention and 274182
mental health crisis hotline system. 274183

(B) The foregoing appropriation item 336661, 988 Suicide and 274184
Crisis Response, shall be used to support statewide operations and 274185
related activities of the 9-8-8 Suicide and Crisis Lifeline and 274186
mental health treatment and response. 274187

Section 337.140. ADAMHS BOARDS 274188

(A) Of the foregoing appropriation item 336643, ADAMHS 274189
Boards, \$5,000,000 in each fiscal year shall be allocated as 274190

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| follows: | 274191 |
| (1) Each board shall receive \$50,000 in each fiscal year for each of the counties that are part of the board's district. | 274192
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| (2) Each board shall receive a percentage of any remaining amount to be determined by a formula developed by the Director of Mental Health and Addiction Services. | 274194
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| (B) Of the foregoing appropriation item 336643, ADAMHS Boards, up to \$6,000,000 in each fiscal year shall be used to fund a continuum of crisis stabilization and crisis prevention services and supports to allow individuals to be served in the least restrictive setting. | 274197
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| (C) Boards of alcohol, drug addiction, and mental health services shall submit for approval by the Director of Mental Health and Addiction Services a plan for establishing and administering crisis services in conjunction with the plan submitted pursuant to division (D) of Section 337.40 and division (B) of Section 337.130 of this act. | 274202
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| Section 337.145. ARPA PEDIATRIC BEHAVIORAL HEALTH | 274208 |
| The foregoing appropriation item 336648, ARPA Pediatric Behavioral Health, shall be used to support pediatric behavioral health workforce development, to support infrastructure improvements at health care facilities to improve access to pediatric behavioral health services, including OhioRISE psychiatric residential treatment facilities, and to improve integration of behavioral health and primary care services. | 274209
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| Section 337.147. MONITORING AND TREATMENT ARPA | 274216 |
| The foregoing appropriation item 336521, Monitoring and Treatment ARPA, shall be used to support new or expand existing confidential treatment and monitoring programs offered by | 274217
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occupational licensing boards to licensed health care workers with 274220
mental health or substance use disorders. 274221

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 274222

A portion of appropriation item 336629, Problem Gambling and 274223
Casino Addiction, shall be allocated to boards of alcohol, drug 274224
addiction, and mental health services in accordance with a 274225
distribution methodology determined by the Director of Mental 274226
Health and Addiction Services. 274227

Section 337.160. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 274228

The foregoing appropriation item 336645, Transcranial 274229
Magnetic Stimulation Program, shall be used for the 274230
electroencephalogram (EEG) combined transcranial magnetic 274231
stimulation program as described in section 5119.20 of the Revised 274232
Code. 274233

Section 337.170. ACCESS SUCCESS II PROGRAM 274234

To the extent cash is available, the Director of Budget and 274235
Management may transfer cash from a fund designated by the 274236
Medicaid Director, to the Sale of Goods and Services Fund (Fund 274237
1490), used by the Department of Mental Health and Addiction 274238
Services. The transferred cash is hereby appropriated. 274239

The Department of Mental Health and Addiction Services shall 274240
use the transferred funds to administer the Access Success II 274241
Program to help non-Medicaid patients in any hospital established, 274242
controlled, or supervised by the Department under Chapter 5119. of 274243
the Revised Code to transition from inpatient status to a 274244
community setting. 274245

Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS 274246
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 274247

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| FUND | | | | | 274248 |
| On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to be transferred from the Indigent Drivers Alcohol Treatment Fund (Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 4750). Upon certification, the Director of Budget and Management may transfer cash from the Indigent Drivers Alcohol Treatment Fund to the Statewide Treatment and Prevention Fund. | | | | | 274249
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| Section 339.10. | MIH COMMISSION ON MINORITY HEALTH | | | | 274259 |
| General Revenue Fund | | | | | 274260 |
| GRF 149321 | Operating Expenses | \$ | 820,000 | \$ | 839,000 274261 |
| GRF 149501 | Demonstration Grants | \$ | 1,352,000 | \$ | 1,352,000 274262 |
| GRF 149502 | Lupus Program | \$ | 118,000 | \$ | 118,000 274263 |
| GRF 149503 | Infant Mortality | \$ | 4,964,000 | \$ | 4,979,000 274264 |
| | Health Grants | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 7,254,000 | \$ | 7,288,000 274265 |
| Dedicated Purpose Fund Group | | | | | 274266 |
| 4C20 149601 | Minority Health | \$ | 35,000 | \$ | 35,000 274267 |
| | Conference | | | | |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 35,000 | \$ | 35,000 274268 |
| Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 7,289,000 | \$ | 7,323,000 274269 |
| Section 341.10. | CRB MOTOR VEHICLE REPAIR BOARD | | | | 274271 |
| Dedicated Purpose Fund Group | | | | | 274272 |
| 4K90 865601 | Operating Expenses | \$ | 698,657 | \$ | 704,675 274273 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 698,657 | \$ | 704,675 274274 |

Group

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|--|------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 698,657 | \$ | 704,675 | 274275 |
| Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES | | | | | | 274277 |
| General Revenue Fund | | | | | | 274278 |
| GRF 725401 | Division of | \$ | 1,700,000 | \$ | 1,700,000 | 274279 |
| | Wildlife-Operating | | | | | |
| | Subsidy | | | | | |
| GRF 725413 | Parks and Recreational | \$ | 63,750,000 | \$ | 63,750,000 | 274280 |
| | Facilities Lease | | | | | |
| | Rental Bond Payments | | | | | |
| GRF 725456 | Canal Lands | \$ | 118,000 | \$ | 118,000 | 274281 |
| GRF 725460 | LWCF Recreation Lands | \$ | 250,000 | \$ | 250,000 | 274282 |
| GRF 725505 | Healthy Lake Erie | \$ | 911,000 | \$ | 911,000 | 274283 |
| | Program | | | | | |
| GRF 725507 | Coal and Mine Safety | \$ | 3,000,000 | \$ | 3,050,000 | 274284 |
| | Programs | | | | | |
| GRF 725520 | Special Projects | \$ | 1,000,000 | \$ | 1,000,000 | 274285 |
| GRF 725903 | Natural Resources | \$ | 20,200,000 | \$ | 16,800,000 | 274286 |
| | General Obligation | | | | | |
| | Bond Debt Service | | | | | |
| GRF 727321 | Division of Forestry | \$ | 9,562,000 | \$ | 9,562,000 | 274287 |
| GRF 729321 | Office of Information | \$ | 525,000 | \$ | 525,000 | 274288 |
| | Technology | | | | | |
| GRF 730321 | Parks and Recreation | \$ | 55,000,000 | \$ | 55,000,000 | 274289 |
| GRF 736321 | Division of | \$ | 2,400,000 | \$ | 2,400,000 | 274290 |
| | Engineering | | | | | |
| GRF 737321 | Division of Water | \$ | 1,850,000 | \$ | 1,925,000 | 274291 |
| | Resources | | | | | |
| GRF 738321 | Office of Real Estate | \$ | 975,000 | \$ | 1,100,000 | 274292 |
| | and Land Management | | | | | |
| GRF 741321 | Division of Natural | \$ | 4,567,000 | \$ | 4,737,000 | 274293 |
| | Areas and Preserves | | | | | |

| | | | | | |
|------------------------------------|----|-------------|----|-------------|--------|
| TOTAL GRF General Revenue Fund | \$ | 165,808,000 | \$ | 162,828,000 | 274294 |
| Dedicated Purpose Fund Group | | | | | 274295 |
| 2270 725406 Parks Projects | \$ | 4,623,473 | \$ | 4,803,589 | 274296 |
| Personnel | | | | | |
| 4300 725671 Canal Lands | \$ | 705,298 | \$ | 705,298 | 274297 |
| 4S90 725622 NatureWorks Personnel | \$ | 304,121 | \$ | 304,121 | 274298 |
| 4U60 725668 Scenic Rivers | \$ | 100,000 | \$ | 100,000 | 274299 |
| Protection | | | | | |
| 5090 725602 State Forest | \$ | 10,008,687 | \$ | 10,008,687 | 274300 |
| 5110 725646 Ohio Geological | \$ | 6,650,000 | \$ | 6,650,000 | 274301 |
| Mapping | | | | | |
| 5110 725679 Geographic Information | \$ | 281,023 | \$ | 288,575 | 274302 |
| System Centralized | | | | | |
| Services | | | | | |
| 5120 725605 State Parks Operations | \$ | 40,113,609 | \$ | 40,113,609 | 274303 |
| 5140 725606 Lake Erie Shoreline | \$ | 1,819,849 | \$ | 1,858,936 | 274304 |
| 5160 725620 Water Management | \$ | 3,249,848 | \$ | 3,466,288 | 274305 |
| 5180 725643 Oil and Gas Regulation | \$ | 31,150,571 | \$ | 31,161,659 | 274306 |
| and Safety | | | | | |
| 5180 725677 Oil and Gas Well | \$ | 21,048,391 | \$ | 21,048,391 | 274307 |
| Plugging | | | | | |
| 5210 725627 Off-Road Vehicle | \$ | 478,400 | \$ | 478,400 | 274308 |
| Trails | | | | | |
| 5220 725656 Natural Areas and | \$ | 623,524 | \$ | 650,700 | 274309 |
| Preserves | | | | | |
| 5290 725639 Mining Regulation and | \$ | 5,300,000 | \$ | 5,300,000 | 274310 |
| Safety | | | | | |
| 5310 725648 Reclamation Forfeiture | \$ | 200,000 | \$ | 200,000 | 274311 |
| 5EL0 725612 Wildlife Law | \$ | 12,000 | \$ | 12,000 | 274312 |
| Enforcement | | | | | |
| 5HK0 725625 Ohio Nature Preserves | \$ | 100,000 | \$ | 100,000 | 274313 |
| 5P20 725634 Wildlife Boater Angler | \$ | 5,225,000 | \$ | 8,825,000 | 274314 |
| Administration | | | | | |

| | | | | | | | |
|--------------------------------------|--------|---------------------------|----|-------------|----|-------------|--------|
| 5TD0 | 725514 | Park Maintenance | \$ | 1,555,208 | \$ | 1,555,208 | 274315 |
| 5TZ0 | 7256A2 | State Park Lodges | \$ | 12,000,000 | \$ | 12,000,000 | 274316 |
| | | Maintenance and Repair | | | | | |
| 6150 | 725661 | Dam Safety | \$ | 3,226,325 | \$ | 5,024,778 | 274317 |
| 6970 | 725670 | Submerged Lands | \$ | 715,054 | \$ | 715,054 | 274318 |
| 6H20 | 725681 | H2Ohio | \$ | 46,622,268 | \$ | 46,622,268 | 274319 |
| 7015 | 740401 | Division of Wildlife | \$ | 81,288,161 | \$ | 81,288,161 | 274320 |
| | | Conservation | | | | | |
| 7086 | 725414 | Waterways Improvement | \$ | 6,195,948 | \$ | 6,170,948 | 274321 |
| 7086 | 739401 | Watercraft Operations | \$ | 29,805,719 | \$ | 29,405,719 | 274322 |
| 8150 | 725636 | Cooperative Management | \$ | 679,250 | \$ | 679,250 | 274323 |
| | | Projects | | | | | |
| 8160 | 725649 | Wetlands Habitat | \$ | 966,885 | \$ | 966,885 | 274324 |
| 8170 | 725655 | Wildlife Conservation | \$ | 2,750,000 | \$ | 2,750,000 | 274325 |
| | | Checkoff | | | | | |
| 8180 | 725629 | Cooperative Fisheries | \$ | 1,500,000 | \$ | 1,500,000 | 274326 |
| | | Research | | | | | |
| 8190 | 725685 | Ohio River Management | \$ | 150,000 | \$ | 150,000 | 274327 |
| 81B0 | 725688 | Wildlife Habitats | \$ | 2,000,000 | \$ | 2,000,000 | 274328 |
| TOTAL | DPF | Dedicated Purpose Fund | \$ | 321,448,612 | \$ | 326,903,524 | 274329 |
| Group | | | | | | | |
| Internal Service Activity Fund Group | | | | | | | 274330 |
| 1550 | 725601 | Departmental Projects | \$ | 1,501,591 | \$ | 1,587,336 | 274331 |
| 1570 | 725651 | Program Support | \$ | 25,665,438 | \$ | 25,665,438 | 274332 |
| 5100 | 725631 | Maintenance - | \$ | 189,611 | \$ | 189,611 | 274333 |
| | | State-owned | | | | | |
| | | Residences | | | | | |
| TOTAL | ISA | Internal Service Activity | \$ | 27,356,640 | \$ | 27,442,385 | 274334 |
| Fund Group | | | | | | | |
| Capital Projects Fund Group | | | | | | | 274335 |
| 7061 | 725405 | Clean Ohio Trail | \$ | 301,796 | \$ | 291,796 | 274336 |
| | | Operating | | | | | |

| | | | | | |
|-----------------------------------|----|------------|----|------------|--------|
| TOTAL CPF Capital Projects Fund | \$ | 301,796 | \$ | 291,796 | 274337 |
| Group | | | | | |
| Fiduciary Fund Group | | | | | 274338 |
| 4M80 725675 FOP Contract | \$ | 20,219 | \$ | 20,219 | 274339 |
| TOTAL FID Fiduciary Fund Group | \$ | 20,219 | \$ | 20,219 | 274340 |
| Group | | | | | |
| Holding Account Fund Group | | | | | 274341 |
| R017 725659 Performance Cash Bond | \$ | 457,000 | \$ | 457,000 | 274342 |
| Refunds | | | | | |
| R043 725624 Forestry | \$ | 2,400,000 | \$ | 2,400,000 | 274343 |
| TOTAL HLD Holding Account Fund | \$ | 2,857,000 | \$ | 2,857,000 | 274344 |
| Group | | | | | |
| Federal Fund Group | | | | | 274345 |
| 3320 725669 Federal Mine Safety | \$ | 335,000 | \$ | 335,000 | 274346 |
| Grant | | | | | |
| 3B30 725640 Federal Forest | \$ | 780,000 | \$ | 780,000 | 274347 |
| Pass-Thru | | | | | |
| 3B40 725641 Federal Flood | \$ | 108,000 | \$ | 112,000 | 274348 |
| Pass-Thru | | | | | |
| 3B50 725645 Federal Abandoned | \$ | 61,150,000 | \$ | 61,150,000 | 274349 |
| Mine Lands | | | | | |
| 3B60 725653 Federal Land and | \$ | 10,800,000 | \$ | 10,800,000 | 274350 |
| Water Conservation | | | | | |
| Grants | | | | | |
| 3B70 725654 Reclamation - | \$ | 1,825,402 | \$ | 1,825,402 | 274351 |
| Regulatory | | | | | |
| 3P10 725632 Geological Survey - | \$ | 269,011 | \$ | 269,011 | 274352 |
| Federal | | | | | |
| 3P20 725642 Oil and Gas - Federal | \$ | 154,350 | \$ | 154,350 | 274353 |
| 3P20 725698 Oil And Gas - Federal | \$ | 25,000,000 | \$ | 25,000,000 | 274354 |
| Orphan Well Plug | | | | | |
| 3P30 725650 Coastal Management - | \$ | 2,965,240 | \$ | 3,024,545 | 274355 |
| Federal | | | | | |

| | | | | | | | |
|------------------------------|--------------------|---|----|-------------|----|-------------|--------|
| 3P40 | 725660 | Federal - Soil and
Water Resources | \$ | 389,250 | \$ | 405,600 | 274356 |
| 3R50 | 725673 | Acid Mine Drainage
Abatement/Treatment | \$ | 200,000 | \$ | 200,000 | 274357 |
| 3Z50 | 725657 | Federal Recreation
and Trails | \$ | 2,000,000 | \$ | 2,000,000 | 274358 |
| TOTAL FED | Federal Fund Group | | \$ | 105,976,253 | \$ | 106,055,908 | 274359 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 623,768,520 | \$ | 626,398,832 | 274360 |

Section 343.20. PROGRAM SUPPORT FUND 274362

The Department of Natural Resources shall use a methodology 274363
for determining each division's payments into the Program Support 274364
Fund (Fund 1570). The methodology used shall contain the 274365
characteristics of administrative ease and uniform application in 274366
compliance with federal grant requirements. It may include direct 274367
cost charges for specific services provided. Payments to Fund 1570 274368
shall be made using an intrastate transfer voucher. 274369

The foregoing appropriation item 725401, Division of 274370
Wildlife-Operating Subsidy, shall be used to pay the direct and 274371
indirect costs of the Division of Wildlife. 274372

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 274373

The foregoing appropriation item 725413, Parks and 274374
Recreational Facilities Lease Rental Bond Payments, shall be used 274375
to meet all payments during the period from July 1, 2023, through 274376
June 30, 2025, by the Department of Natural Resources pursuant to 274377
leases and agreements made under section 154.22 of the Revised 274378
Code. These appropriations are the source of funds pledged for 274379
bond service charges on related obligations issued under Chapter 274380
154. of the Revised Code. 274381

HEALTHY LAKE ERIE PROGRAM 274382

The foregoing appropriation item 725505, Healthy Lake Erie 274383

Program, shall be used by the Director of Natural Resources, in 274384
support of the following: (1) conservation measures in the Western 274385
Lake Erie Basin as determined by the Director; (2) funding 274386
assistance for soil testing, winter cover crops, edge of field 274387
testing, tributary monitoring, and animal waste abatement; and (3) 274388
any additional efforts to reduce nutrient runoff as the Director 274389
may decide. The Director shall give priority to recommendations 274390
that encourage farmers to adopt agricultural production guidelines 274391
commonly known as 4R nutrient stewardship practices. 274392

COAL AND MINE SAFETY PROGRAMS 274393

The foregoing appropriation item 725507, Coal and Mine Safety 274394
Programs, shall be used for the administration of the Mine Safety 274395
Program and the Coal Regulation Program. 274396

SPECIAL PROJECTS 274397

The foregoing appropriation item 725520, Special Projects, 274398
shall be used for the application of weed control chemicals, weed 274399
harvesting, or other tasks necessary to prevent, remove, and 274400
control invasive weeds in Indian Lake. 274401

On July 1, 2023, or as soon as possible thereafter, the 274402
Director of Natural Resources may certify to the Director of 274403
Budget and Management an amount up to the unexpended, unencumbered 274404
balance of the foregoing appropriation item 725520, Special 274405
Projects, at the end of fiscal year 2023 to be reappropriated in 274406
fiscal year 2024. The amount certified is hereby reappropriated to 274407
the same appropriation item for fiscal year 2024 and shall be used 274408
to support the prevention, treatment, and removal of invasive 274409
aquatic vegetation at Indian Lake. 274410

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 274411

The foregoing appropriation item 725903, Natural Resources 274412
General Obligation Bond Debt Service, shall be used to pay all 274413
debt service and related financing costs during the period July 1, 274414

2023, through June 30, 2025, on obligations issued under sections 274415
151.01 and 151.05 of the Revised Code. 274416

Section 343.30. WELL LOG FILING FEES 274417

The Chief of the Division of Water Resources shall deposit 274418
fees forwarded to the Division pursuant to section 1521.05 of the 274419
Revised Code into the Water Management Fund (Fund 5160) for the 274420
purposes described in that section. 274421

PARKS CAPITAL EXPENSES FUND 274422

The Director of Natural Resources shall submit to the 274423
Director of Budget and Management the estimated design, 274424
engineering, and planning costs of capital-related work to be done 274425
by Department of Natural Resources staff for parks projects within 274426
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 274427
Director of Budget and Management approves the estimated costs, 274428
the Director may release appropriations from Fund 7035 274429
appropriation item C725E6, Project Planning, for those purposes. 274430
Upon release of the appropriations, the Department of Natural 274431
Resources shall pay for these expenses from the Parks Capital 274432
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 274433
reimbursed by Fund 7035 using an intrastate transfer voucher. 274434

NATUREWORKS CAPITAL EXPENSES FUND 274435

The Department of Natural Resources shall submit to the 274436
Director of Budget and Management the estimated design, planning, 274437
and engineering costs of capital-related work to be done by 274438
Department of Natural Resources staff for each capital improvement 274439
project within the Ohio Parks and Natural Resources Fund (Fund 274440
7031). If the Director of Budget and Management approves the 274441
estimated costs, the Director may release appropriations from Fund 274442
7031 appropriation item C725E5, Project Planning, for those 274443
purposes. Upon release of the appropriations, the Department of 274444

Natural Resources shall pay for these expenses from the Capital Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 using an intrastate transfer voucher.

PARK MAINTENANCE

The foregoing appropriation item 725514, Park Maintenance, shall be used by the Department of Natural Resources to pay the costs of projects supported by the State Park Maintenance Fund (Fund 5TD0) under section 1501.08 of the Revised Code.

On July 1 of each fiscal year or as soon as possible thereafter, the Director of Natural Resources shall certify the amount of five percent of the average of the previous five years of deposits in the State Park Fund (Fund 5120) to the Director of Budget and Management. The Director of Budget and Management may transfer up to \$1,800,000 from Fund 5120 to the State Park Maintenance Fund (Fund 5TD0).

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

Section 343.60. (A) As used in this section:

(1) "Locally administer" means to supervise the design and construction of, and make contracts for the construction, reconstruction, improvement, enlargement, alteration, repair, or decoration of a capital facility project without the assistance of the Ohio Facilities Construction Commission.

(2) "Capital facility project" means any activities, projects, or improvements described in division (B)(1) of section 1501.011 of the Revised Code. "Capital facility project" does not

include the construction of a new facility, structure, or lodge. 274474

(B) Notwithstanding section 123.21 of the Revised Code or any 274475
 other provision of law to the contrary, for fiscal years 2024 and 274476
 2025, the Department of Natural Resources may locally administer 274477
 any capital facility project commenced within those fiscal years, 274478
 regardless of estimated cost. 274479

(C) The Department shall do both of the following regarding a 274480
 capital facility project that is locally administered: 274481

(1) Comply with the applicable procedures and guidelines 274482
 established in Chapter 153. of the Revised Code; 274483

(2) Track all project information in the Ohio Administrative 274484
 Knowledge System capital improvements application pursuant to Ohio 274485
 Facilities Construction Commission guidelines as though the 274486
 Department is administering the project pursuant to section 274487
 123.211 of the Revised Code and all generally applicable laws. 274488

(D) Nothing in this section interferes with the powers of the 274489
 Department of Natural Resources authorized in Chapter 1501. of the 274490
 Revised Code. 274491

Section 345.10. NUR STATE BOARD OF NURSING 274492

Dedicated Purpose Fund Group 274493

| | | | | | | | |
|------|--------|--------------------|----|------------|----|------------|--------|
| 4K90 | 884609 | Operating Expenses | \$ | 13,045,656 | \$ | 13,032,656 | 274494 |
|------|--------|--------------------|----|------------|----|------------|--------|

| | | | | | | | |
|------|--------|-----------------------|----|-----------|----|---------|--------|
| 5AC0 | 884602 | Nurse Education Grant | \$ | 1,513,000 | \$ | 894,000 | 274495 |
| | | Program | | | | | |

| | | | | | | | |
|------|--------|-----------------|----|-----|----|-----|--------|
| 5P80 | 884601 | Nursing Special | \$ | 500 | \$ | 500 | 274496 |
| | | Issues | | | | | |

TOTAL DPF Dedicated Purpose 274497

| | | | | | |
|------------|----|------------|----|------------|--------|
| Fund Group | \$ | 14,559,156 | \$ | 13,927,156 | 274498 |
|------------|----|------------|----|------------|--------|

| | | | | | |
|------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 14,559,156 | \$ | 13,927,156 | 274499 |
|------------------------------|----|------------|----|------------|--------|

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 274501

| | | | | | |
|------|--------|---|---------------|---------------|--------|
| | | AND ATHLETIC TRAINERS BOARD | | | 274502 |
| | | Dedicated Purpose Fund Group | | | 274503 |
| 4K90 | 890609 | Operating Expenses | \$ 1,330,747 | \$ 1,417,747 | 274504 |
| | | TOTAL DPF Dedicated Purpose Fund | \$ 1,330,747 | \$ 1,417,747 | 274505 |
| | | Group | | | |
| | | TOTAL ALL BUDGET FUND GROUPS | \$ 1,330,747 | \$ 1,417,747 | 274506 |
| | | Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH | | | 274508 |
| | | DISABILITIES AGENCY | | | 274509 |
| | | General Revenue Fund | | | 274510 |
| GRF | 415402 | Independent Living | \$ 252,000 | \$ 252,000 | 274511 |
| | | Council | | | |
| GRF | 415406 | Assistive Technology | \$ 26,000 | \$ 26,000 | 274512 |
| GRF | 415431 | Brain Injury | \$ 550,000 | \$ 550,000 | 274513 |
| GRF | 415506 | Services for | \$ 24,820,000 | \$ 30,015,000 | 274514 |
| | | Individuals with | | | |
| | | Disabilities | | | |
| GRF | 415508 | Services for the Deaf | \$ 527,000 | \$ 527,000 | 274515 |
| GRF | 415511 | Centers for | \$ 1,500,000 | \$ 1,500,000 | 274516 |
| | | Independent Living | | | |
| GRF | 415512 | Visually Impaired | \$ 50,000 | \$ 50,000 | 274517 |
| | | Reading Services | | | |
| GRF | 415513 | Accessible Ohio | \$ 500,000 | \$ 500,000 | 274518 |
| GRF | 415515 | DeafBlind Fund | \$ 100,000 | \$ 100,000 | 274519 |
| | | TOTAL GRF General Revenue Fund | \$ 28,325,000 | \$ 33,520,000 | 274520 |
| | | Dedicated Purpose Fund Group | | | 274521 |
| 4670 | 415609 | Business Enterprise | \$ 1,555,368 | \$ 1,555,368 | 274522 |
| | | Operating Expenses | | | |
| 4680 | 415618 | Third Party Services | \$ 11,680,000 | \$ 12,680,000 | 274523 |
| | | Funding | | | |
| 4L10 | 415619 | Services for | \$ 2,200,000 | \$ 2,200,000 | 274524 |
| | | Rehabilitation | | | |

| | | | | | |
|---|----|-------------|----|-------------|--------|
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 15,435,368 | \$ | 16,435,368 | 274525 |
| Internal Service Activity Fund Group | | | | | 274526 |
| 4W50 415606 Program Management | \$ | 18,521,716 | \$ | 20,191,107 | 274527 |
| TOTAL ISA Internal Service Activity Fund Group | \$ | 18,521,716 | \$ | 20,191,107 | 274528 |
| Federal Fund Group | | | | | 274529 |
| 3170 415620 Disability Determination | \$ | 84,500,000 | \$ | 86,000,000 | 274530 |
| 3790 415616 Federal - Vocational Rehabilitation | \$ | 150,000,000 | \$ | 164,500,000 | 274531 |
| 3GH0 415602 Personal Care Assistance | \$ | 3,238,884 | \$ | 3,336,051 | 274532 |
| 3GH0 415604 Community Centers for the Deaf | \$ | 772,420 | \$ | 772,420 | 274533 |
| 3GH0 415613 Independent Living | \$ | 737,411 | \$ | 737,411 | 274534 |
| 3GH0 415627 Independent Living Projects | \$ | 250,000 | \$ | 250,000 | 274535 |
| 3IL0 415629 Works4Me Disability Innovation Fund Grant | \$ | 2,000,000 | \$ | 2,300,000 | 274536 |
| 3L10 415608 Social Security Vocational Rehabilitation | \$ | 11,500,000 | \$ | 13,000,000 | 274537 |
| 3L40 415615 Federal - Supported Employment | \$ | 1,200,000 | \$ | 1,200,000 | 274538 |
| 3L40 415617 Independent Living Older Blind | \$ | 2,158,988 | \$ | 2,180,226 | 274539 |
| TOTAL FED Federal Fund Group | \$ | 256,357,703 | \$ | 274,276,108 | 274540 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 318,639,787 | \$ | 344,422,583 | 274541 |

Section 353.20. INDEPENDENT LIVING 274543

The foregoing appropriation item 415402, Independent Living 274544

Council, shall be used to support the state independent living 274545
programs and centers under Title VII of the Independent Living 274546
Services and Centers for Independent Living of the Rehabilitation 274547
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 274548

Of the foregoing appropriation item 415402, Independent 274549
Living Council, \$67,662 in each fiscal year shall be used as state 274550
matching funds for vocational rehabilitation innovation and 274551
expansion activities. 274552

The foregoing appropriation item 415511, Centers for 274553
Independent Living, shall be used to support the operations of the 274554
Centers for Independent Living in accordance with the State Plan 274555
for Independent Living. 274556

ASSISTIVE TECHNOLOGY 274557

The foregoing appropriation item 415406, Assistive 274558
Technology, shall be provided to Assistive Technology of Ohio to 274559
provide grants and assistive technology services for people with 274560
disabilities in the State of Ohio. 274561

BRAIN INJURY 274562

The foregoing appropriation item 415431, Brain Injury, shall 274563
be provided to The Ohio State University College of Medicine to 274564
support the Brain Injury Program established under section 3335.60 274565
of the Revised Code. 274566

SERVICES FOR INDIVIDUALS WITH DISABILITIES 274567

The foregoing appropriation item 415506, Services for 274568
Individuals with Disabilities, shall be used as state matching 274569
funds to provide vocational rehabilitation services to Ohioans 274570
with disabilities. 274571

SERVICES FOR THE DEAF 274572

The foregoing appropriation item 415508, Services for the 274573
Deaf, shall be used to support community centers for the deaf. 274574

| | |
|---|--|
| VISUALLY IMPAIRED READING SERVICES | 274575 |
| The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals. | 274576
274577
274578 |
| DEAFBLIND FUND | 274579 |
| The foregoing appropriation item 415515, DeafBlind Fund, shall be distributed to the Columbus Speech and Hearing Center. Funds shall be used to establish a pilot program for the recruitment and training of support service providers and to connect support service providers with DeafBlind individuals. The Columbus Speech and Hearing Center shall establish guidelines to determine eligibility for services provided by support service providers through the pilot program. | 274580
274581
274582
274583
274584
274585
274586
274587 |
| SIGHT CENTERS | 274588 |
| Of the foregoing appropriation item 415617, Independent Living Older Blind, \$30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide outreach to the community of individuals with blindness or low vision. | 274589
274590
274591
274592
274593
274594 |
| Section 361.10. PEN PENSION SUBSIDIES | 274595 |
| General Revenue Fund | 274596 |
| GRF 090524 Police and Fire Disability Pension Fund | \$ 500 \$ 500 274597 |
| GRF 090534 Police and Fire Ad Hoc Cost of Living | \$ 17,000 \$ 17,000 274598 |
| GRF 090554 Police and Fire Survivor Benefits | \$ 165,500 \$ 165,500 274599 |
| GRF 090575 Police and Fire Death | \$ 35,500,000 \$ 36,000,000 274600 |

Benefits

| | | | | | |
|--------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund | \$ | 35,683,000 | \$ | 36,183,000 | 274601 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 35,683,000 | \$ | 36,183,000 | 274602 |

POLICE AND FIRE DEATH BENEFIT FUND 274603

The foregoing appropriation item 090575, Police and Fire 274604
Death Benefits, shall be disbursed quarterly by the Treasurer of 274605
State at the beginning of each quarter of each fiscal year to the 274606
Board of Trustees of the Ohio Police and Fire Pension Fund, which 274607
serves as trustees of the Ohio Public Safety Officers Death 274608
Benefit Fund pursuant to section 742.62 of the Revised Code. The 274609
Treasurer of State shall certify such amounts quarterly to the 274610
Director of Budget and Management. By the twentieth day of June of 274611
each fiscal year, the Board of Trustees shall certify to the 274612
Treasurer of State the amount disbursed in the current fiscal year 274613
to make the payments required by sections 124.824 and 742.63 of 274614
the Revised Code and shall return to the Treasurer of State moneys 274615
received from this appropriation item but not disbursed. 274616

Notwithstanding any provision of section 124.824 of the 274617
Revised Code to the contrary, for each death benefit fund 274618
recipient who participates in health, medical, hospital, dental, 274619
surgical, or vision benefits under section 124.824 of the Revised 274620
Code, the Board of Trustees of the Ohio Police and Fire Pension 274621
Fund shall forward as a pass-through from the revenue received 274622
from the foregoing appropriation item 090575, Police and Fire 274623
Death Benefits, the percentage of the cost for the applicable 274624
benefits that would be paid by a state employer for a state 274625
employee who elects that coverage and any applicable 274626
administrative costs, which shall not exceed two per cent of the 274627
total cost of the benefits. The Board of Trustees shall also 274628
withhold from the benefits paid to a death benefit fund recipient 274629
under section 742.63 of the Revised Code the percentage of the 274630
cost for such benefits that would be paid by a state employee, and 274631

forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2024 or 2025, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD

| | | | | | | |
|--|---|----|-----------|----|-----------|--------|
| Dedicated Purpose Fund Group | | | | | 274646 | |
| 6910 810632 | Petroleum Underground Storage Tank Release Compensation Board - Operating | \$ | 1,616,900 | \$ | 1,638,600 | 274647 |
| TOTAL DPF Dedicated Purpose Fund Group | | \$ | 1,616,900 | \$ | 1,638,600 | 274648 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 1,616,900 | \$ | 1,638,600 | 274649 |

Section 367.10. PRX STATE BOARD OF PHARMACY

| | | | | | | |
|------------------------------|---------------------------|----|------------|----|------------|--------|
| Dedicated Purpose Fund Group | | | | | | 274652 |
| 4A50 887605 | Drug Law Enforcement | \$ | 50,000 | \$ | 50,000 | 274653 |
| 4K90 658605 | OARRS Integration - State | \$ | 492,000 | \$ | 492,000 | 274654 |
| 4K90 887609 | Operating Expenses | \$ | 12,785,300 | \$ | 13,439,300 | 274655 |
| 5SG0 887612 | Drug Database | \$ | 100,000 | \$ | 100,000 | 274656 |
| 5SY0 887613 | Medical Marijuana | \$ | 2,081,000 | \$ | 0 | 274657 |

| | | | |
|---|----|------------|--|
| Control Program | | | |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 15,508,300 | \$ 14,081,300 274658 |
| Federal Fund Group | | | 274659 |
| 3HD0 887614 Pharmacy Federal Grants | \$ | 1,700,000 | \$ 1,765,000 274660 |
| 3HH0 658601 OARRS Integration - Federal | \$ | 1,392,000 | \$ 1,393,000 274661 |
| 3HM0 887615 Equitable Sharing Treasury | \$ | 5,000 | \$ 5,000 274662 |
| 3HN0 887616 Equitable Sharing Justice | \$ | 30,000 | \$ 30,000 274663 |
| TOTAL FED Federal Fund Group | \$ | 3,127,000 | \$ 3,193,000 274664 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 18,635,300 | \$ 17,274,300 274665 |
| CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND TO THE DRUG DATABASE FUND | | | 274666 |
| By August 1 of each fiscal year, or as soon as possible thereafter, the Executive Director of the State Board of Pharmacy may certify to the Director of Budget and Management an amount in cash to be transferred from the Medical Marijuana Control Program Fund (Fund 5SY0), used by the Department of Commerce, to the Drug Database Fund (Fund 5SG0), used by the State Board of Pharmacy. Upon Controlling Board approval, any transferred amounts are hereby appropriated. | | | 274668
274669
274670
274671
274672
274673
274674
274675 |
| Section 369.10. PSY STATE BOARD OF PSYCHOLOGY | | | 274676 |
| Dedicated Purpose Fund Group | | | 274677 |
| 4K90 882609 Operating Expenses | \$ | 747,489 | \$ 757,489 274678 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 747,489 | \$ 757,489 274679
274680 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 747,489 | \$ 757,489 274681 |

| | | | | |
|--|--------|-----------------------|-------------------------------|--------------------------------------|
| Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION | | | | 274683 |
| General Revenue Fund | | | | 274684 |
| GRF | 019401 | State Legal Defense | \$ 9,816,000 \$ 11,437,000 | 274685 |
| Services | | | | |
| GRF | 019501 | County Reimbursement | \$ 166,096,000 \$ 171,912,000 | 274686 |
| TOTAL GRF General Revenue Fund | | | | \$ 175,912,000 \$ 183,349,000 274687 |
| Dedicated Purpose Fund Group | | | | 274688 |
| 1010 | 019607 | Juvenile Legal | \$ 205,000 \$ 205,000 | 274689 |
| Assistance | | | | |
| 4060 | 019603 | Training and | \$ 75,000 \$ 75,000 | 274690 |
| Publications | | | | |
| 4070 | 019604 | County Representation | \$ 375,000 \$ 375,000 | 274691 |
| 4080 | 019605 | Client Payments | \$ 800,000 \$ 800,000 | 274692 |
| 4N90 | 019613 | Gifts and Grants | \$ 13,400 \$ 13,400 | 274693 |
| 5740 | 019606 | Civil Legal Aid | \$ 30,000,000 \$ 28,000,000 | 274694 |
| 5CX0 | 019617 | Civil Case Filing Fee | \$ 620,000 \$ 620,000 | 274695 |
| 5DY0 | 019618 | Indigent Defense | \$ 23,904,000 \$ 23,904,000 | 274696 |
| Support - County | | | | |
| Share | | | | |
| 5DY0 | 019619 | Indigent Defense | \$ 6,000,000 \$ 6,000,000 | 274697 |
| Support - State | | | | |
| Office | | | | |
| TOTAL DPF Dedicated Purpose Fund | | | | \$ 61,992,400 \$ 59,992,400 274698 |
| Group | | | | |
| Federal Fund Group | | | | 274699 |
| 3S80 | 019608 | Federal | \$ 38,300 \$ 38,300 | 274700 |
| Representation | | | | |
| TOTAL FED Federal Fund Group | | | | \$ 38,300 \$ 38,300 274701 |
| TOTAL ALL BUDGET FUND GROUPS | | | | \$ 237,942,700 \$ 243,379,700 274702 |
| STATE LEGAL DEFENSE SERVICES | | | | 274703 |
| Of the foregoing appropriation item 019401, State Legal | | | | 274704 |

Defense Services, up to \$50,000 in each fiscal year, shall be used 274705
by the Ohio Public Defender to provide legal training programs at 274706
no cost for private appointed counsel who represent at least one 274707
indigent defendant at no cost, and for state and county public 274708
defenders and attorneys who contract with the Ohio Public Defender 274709
to provide indigent defense services. 274710

INDIGENT DEFENSE SUPPORT 274711

The foregoing appropriation item 019501, County 274712
Reimbursement, shall be used to reimburse counties for the costs 274713
of operating county public defender offices, joint county public 274714
defender offices and county appointed counsel systems, the 274715
counties' costs and expenses of conducting the defense in capital 274716
cases, the counties' costs and expenses of appointed counsel 274717
covered by section 2941.51 of the Revised Code, and the costs and 274718
expenses of contracting with the state public defender or with any 274719
nonprofit organization to provide legal representation to indigent 274720
persons. 274721

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 274722
FUND 274723

On July 1 of each fiscal year, or as soon as possible 274724
thereafter, the Director of Budget and Management shall transfer 274725
\$1,000,000 cash from the General Revenue Fund to the Legal Aid 274726
Fund (Fund 5740). The transferred cash shall be distributed by the 274727
Ohio Access to Justice Foundation to Ohio's civil legal aid 274728
societies as follows: \$500,000 in each fiscal year for the sole 274729
purpose of providing legal services for economically disadvantaged 274730
individuals and families seeking assistance with legal issues 274731
arising as a result of substance abuse disorders, and \$250,000 in 274732
each fiscal year for the sole purpose of providing legal services 274733
for veterans. None of the funds shall be used for administrative 274734
costs, including, but not limited to, salaries, benefits, or 274735
travel reimbursements. 274736

| | | | | |
|--|----------------------|-----------------------|-------------------------------|--------|
| FEDERAL REPRESENTATION | | | | 274737 |
| The foregoing appropriation item 019608, Federal | | | | 274738 |
| Representation, shall be used to support representation provided | | | | 274739 |
| by the Ohio Public Defender in federal court cases. | | | | 274740 |
|
Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY | | | | 274741 |
| General Revenue Fund | | | | 274742 |
| GRF | 761403 | Recovery Ohio Law | \$ 6,500,000 \$ 6,500,000 | 274743 |
| Enforcement | | | | |
| GRF | 761411 | Ohio Narcotics | \$ 13,100,000 \$ 13,100,000 | 274744 |
| Intelligence Center | | | | |
| GRF | 763403 | EMA Operating | \$ 7,976,000 \$ 7,341,000 | 274745 |
| GRF | 763408 | State Disaster Relief | \$ 2,875,000 \$ 1,875,000 | 274746 |
| GRF | 763511 | Local Disaster | \$ 2,000,000 \$ 0 | 274747 |
| Assistance | | | | |
| GRF | 763513 | Security Grants | \$ 8,500,000 \$ 8,500,000 | 274748 |
| GRF | 765401 | Emergency Medical | \$ 5,165,000 \$ 5,346,000 | 274749 |
| Services Operating | | | | |
| GRF | 767420 | Investigative Unit | \$ 15,517,000 \$ 15,517,000 | 274750 |
| Operating | | | | |
| GRF | 768425 | Justice Program | \$ 19,766,000 \$ 19,777,000 | 274751 |
| Services | | | | |
| GRF | 768435 | Community Police | \$ 2,510,000 \$ 2,398,000 | 274752 |
| Relations | | | | |
| GRF | 769406 | Homeland Security - | \$ 4,600,000 \$ 4,695,000 | 274753 |
| Operating | | | | |
| GRF | 769407 | Driver Safety | \$ 6,520,000 \$ 6,520,000 | 274754 |
| GRF | 769412 | Ohio School Safety | \$ 9,140,000 \$ 9,165,000 | 274755 |
| Center | | | | |
| TOTAL GRF | General Revenue Fund | | \$ 104,169,000 \$ 100,734,000 | 274756 |
| Highway Safety Fund Group | | | | 274757 |
| 5TM0 | 762321 | Operating Expense - | \$ 127,532,000 \$ 129,981,000 | 274758 |

| | | | | | | |
|-------|--------|------------------------------|----|-------------|----|--------------------|
| | | BMV | | | | |
| 5TM0 | 762637 | Local Immobilization | \$ | 200,000 | \$ | 200,000 274759 |
| | | Reimbursement | | | | |
| 5TM0 | 764321 | Operating Expense - | \$ | 367,816,000 | \$ | 392,252,000 274760 |
| | | Highway Patrol | | | | |
| 5TM0 | 764605 | Motor Carrier | \$ | 940,000 | \$ | 985,000 274761 |
| | | Enforcement Expenses | | | | |
| 5TM0 | 769636 | Administrative | \$ | 51,648,000 | \$ | 52,047,000 274762 |
| | | Expenses - Highway | | | | |
| | | Purposes | | | | |
| 8370 | 764602 | Turnpike Policing | \$ | 13,827,000 | \$ | 14,134,000 274763 |
| 83C0 | 764630 | Contraband, | \$ | 1,214,000 | \$ | 1,214,000 274764 |
| | | Forfeiture, and Other | | | | |
| 83F0 | 764657 | Law Enforcement | \$ | 6,230,000 | \$ | 5,846,000 274765 |
| | | Automated Data System | | | | |
| 83G0 | 764633 | OMVI | \$ | 369,000 | \$ | 369,000 274766 |
| | | Enforcement/Education | | | | |
| 83M0 | 765640 | EMS - Grants | \$ | 2,900,000 | \$ | 2,900,000 274767 |
| 8400 | 764607 | State Fair Security | \$ | 2,063,000 | \$ | 2,077,000 274768 |
| 8400 | 764617 | Security and | \$ | 15,546,000 | \$ | 15,806,000 274769 |
| | | Investigations | | | | |
| 8400 | 764626 | State Fairgrounds | \$ | 1,014,000 | \$ | 1,029,000 274770 |
| | | Police Force | | | | |
| 8460 | 761625 | Motorcycle Safety | \$ | 4,175,000 | \$ | 4,215,000 274771 |
| | | Education | | | | |
| 8490 | 762627 | Automated Title | \$ | 16,501,000 | \$ | 16,501,000 274772 |
| | | Processing Board | | | | |
| 8490 | 762630 | Electronic Liens and | \$ | 2,900,000 | \$ | 2,900,000 274773 |
| | | Titles | | | | |
| TOTAL | HSF | Highway Safety Fund Group | \$ | 614,875,000 | \$ | 642,456,000 274774 |
| | | Dedicated Purpose Fund Group | | | | 274775 |
| 4P60 | 768601 | Justice Program | \$ | 227,000 | \$ | 227,000 274776 |
| | | Services | | | | |

| | | | | | | | |
|------|--------|--|----|-----------|----|-----------|--------|
| 4V30 | 763662 | EMA Service and Reimbursements | \$ | 700,000 | \$ | 700,000 | 274777 |
| 5390 | 762614 | Motor Vehicle Dealers Board | \$ | 140,000 | \$ | 140,000 | 274778 |
| 5AZ1 | 761680 | eWarrant Local Integration | \$ | 2,500,000 | \$ | 2,500,000 | 274779 |
| 5B90 | 766632 | Private Investigator and Security Guard Provider | \$ | 2,100,000 | \$ | 2,150,000 | 274780 |
| 5BK0 | 768687 | Criminal Justice Services - Operating | \$ | 580,000 | \$ | 595,000 | 274781 |
| 5BK0 | 768689 | Family Violence Shelter Programs | \$ | 1,550,000 | \$ | 1,550,000 | 274782 |
| 5ET0 | 768625 | Drug Law Enforcement | \$ | 4,000,000 | \$ | 4,000,000 | 274783 |
| 5FF0 | 762621 | Indigent Interlock and Alcohol Monitoring | \$ | 2,000,000 | \$ | 2,000,000 | 274784 |
| 5LM0 | 768698 | Criminal Justice Services Law Enforcement Support | \$ | 851,000 | \$ | 851,000 | 274785 |
| 5ML0 | 769635 | Infrastructure Protection | \$ | 83,000 | \$ | 83,000 | 274786 |
| 5RH0 | 767697 | OIU Special Projects | \$ | 900,000 | \$ | 900,000 | 274787 |
| 5RS0 | 768621 | Community Police Relations | \$ | 1,099,636 | \$ | 0 | 274788 |
| 5Y10 | 764695 | State Highway Patrol Continuing Professional Training | \$ | 372,000 | \$ | 372,000 | 274789 |
| 5Y10 | 767696 | Ohio Investigative Unit Continuing Professional Training | \$ | 10,000 | \$ | 10,000 | 274790 |
| 6220 | 767615 | Investigative, Contraband, and | \$ | 1,000,000 | \$ | 1,000,000 | 274791 |

| | | | | | | |
|----------------------|--------|------------------------|----|-------------|----|--------------------|
| | | Forfeiture | | | | |
| 6570 | 763652 | Utility Radiological | \$ | 1,435,000 | \$ | 1,449,000 274792 |
| | | Safety | | | | |
| 6810 | 763653 | SARA Title III Hazmat | \$ | 297,000 | \$ | 300,000 274793 |
| | | Planning | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 19,844,636 | \$ | 18,827,000 274794 |
| Group | | | | | | |
| Fiduciary Fund Group | | | | | | 274795 |
| 5J90 | 761678 | Federal Salvage/GSA | \$ | 600,000 | \$ | 600,000 274796 |
| 5V10 | 762682 | License Plate | \$ | 2,800,000 | \$ | 2,900,000 274797 |
| | | Contributions | | | | |
| TOTAL FID | | Fiduciary Fund Group | \$ | 3,400,000 | \$ | 3,500,000 274798 |
| Group | | | | | | |
| Group | | | | | | 274799 |
| R024 | 762619 | Unidentified Motor | \$ | 1,885,000 | \$ | 1,885,000 274800 |
| | | Vehicle Receipts | | | | |
| R052 | 762623 | Security Deposits | \$ | 50,000 | \$ | 50,000 274801 |
| TOTAL HLD | | Holding Account Fund | \$ | 1,935,000 | \$ | 1,935,000 274802 |
| Group | | | | | | |
| Group | | | | | | 274803 |
| 3370 | 763515 | COVID Relief - | \$ | 150,000,000 | \$ | 150,000,000 274804 |
| | | Federal | | | | |
| 3370 | 763609 | Federal Disaster | \$ | 73,500,000 | \$ | 73,500,000 274805 |
| | | Relief | | | | |
| 3FP0 | 767620 | Ohio Investigative | \$ | 30,000 | \$ | 30,000 274806 |
| | | Unit Justice | | | | |
| | | Contraband | | | | |
| 3GL0 | 768619 | Justice Assistance | \$ | 12,500,000 | \$ | 12,500,000 274807 |
| | | Grants | | | | |
| 3GR0 | 764693 | Highway Patrol | \$ | 500,000 | \$ | 500,000 274808 |
| | | Justice Contraband | | | | |
| 3GS0 | 764694 | Highway Patrol | \$ | 200,000 | \$ | 200,000 274809 |
| | | Treasury Contraband | | | | |

| | | | | | | | |
|------------------------------|--------|-----------------------|----|---------------|----|---------------|--------|
| 3GT0 | 767691 | Investigative Unit | \$ | 100,000 | \$ | 100,000 | 274810 |
| | | Federal Equity Share | | | | | |
| 3GU0 | 761610 | Information and | \$ | 300,000 | \$ | 300,000 | 274811 |
| | | Education Grant | | | | | |
| 3GU0 | 764608 | Fatality Analysis | \$ | 175,000 | \$ | 175,000 | 274812 |
| | | Report System Grant | | | | | |
| 3GU0 | 764610 | Highway Safety | \$ | 6,303,571 | \$ | 6,108,501 | 274813 |
| | | Programs Grant | | | | | |
| 3GU0 | 764659 | Motor Carrier Safety | \$ | 9,942,000 | \$ | 10,129,000 | 274814 |
| | | Assistance Program | | | | | |
| | | Grant | | | | | |
| 3GU0 | 765610 | EMS Grants | \$ | 225,000 | \$ | 225,000 | 274815 |
| 3GU0 | 769610 | Investigations Grants | \$ | 1,400,000 | \$ | 1,400,000 | 274816 |
| | | - Food Stamps, Liquor | | | | | |
| | | and Tobacco Laws | | | | | |
| 3GU0 | 769631 | Homeland Security | \$ | 800,000 | \$ | 800,000 | 274817 |
| | | Disaster Grants | | | | | |
| 3GV0 | 761612 | Traffic Safety Action | \$ | 31,700,000 | \$ | 31,700,000 | 274818 |
| | | Plan Grants | | | | | |
| 3HT0 | 768699 | Coronavirus Emergency | \$ | 850,000 | \$ | 850,000 | 274819 |
| | | Supplemental Funding | | | | | |
| 3L50 | 768604 | Justice Program | \$ | 16,375,000 | \$ | 16,375,000 | 274820 |
| TOTAL FED | | Federal Fund Group | \$ | 304,900,571 | \$ | 304,892,501 | 274821 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 1,049,124,207 | \$ | 1,072,344,501 | 274822 |

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 274824

Of the foregoing appropriation item 761403, Recovery Ohio Law 274825
Enforcement, up to \$3,400,000 in each fiscal year may be used by 274826
the Office of Criminal Justice Services to support local law 274827
enforcement narcotics task forces that focus on cartel trafficking 274828
interdiction. The interdiction task forces shall be designated 274829
Ohio Organized Crime Commission task forces subject to approval 274830
and supervision of the Commission. This earmarked amount may also 274831

be used to provide funding to local law enforcement agencies, the 274832
Commission for task force-related equipment purchases, and for 274833
operating expenses of the Office of Criminal Justice Services 274834
related to the narcotics interdiction task force program. 274835

Of the foregoing appropriation item 761403, Recovery Ohio Law 274836
Enforcement, up to \$2,500,000 in each fiscal year may be used by 274837
the Office of Criminal Justice Services for Ohio's narcotics task 274838
forces in order to build new and strengthen existing partnerships 274839
with local law enforcement. This earmarked amount may also be used 274840
to provide funding to local law enforcement agencies and for 274841
operating expenses of the Office of Criminal Justice Services 274842
related to the Ohio narcotics task force program. 274843

Of the foregoing appropriation item 761403, Recovery Ohio Law 274844
Enforcement, up to \$600,000 in each fiscal year may be used to 274845
partner with the Office of Information Technology in the 274846
Department of Administrative Services to enhance and maintain a 274847
uniform records management and data intelligence system, and 274848
provide case management, collaboration, data sharing, and data 274849
analytics tools for Ohio narcotics task forces and law enforcement 274850
agencies. 274851

OHIO NARCOTICS INTELLIGENCE CENTER 274852

The foregoing appropriation item 761411, Ohio Narcotics 274853
Intelligence Center, may be used to operate and maintain a highly 274854
specialized Narcotics Intelligence Center consisting of personnel 274855
assigned to intelligence and computer forensic analysis that will 274856
assist Ohio narcotics task forces and law enforcement agencies. 274857

STATE DISASTER RELIEF 274858

Of the foregoing appropriation item 763408, State Disaster 274859
Relief, up to \$1,000,000 in fiscal year 2024 shall be used to 274860
reimburse eligible response costs for emergency management and 274861
first responders in connection to the 2024 solar eclipse. The Ohio 274862

Emergency Management Agency shall develop and release guidance 274863
regarding eligibility. 274864

LOCAL DISASTER ASSISTANCE 274865

An amount equal to the unexpended, unencumbered balance of 274866
appropriation item 763511, Local Disaster Assistance, at the end 274867
of fiscal year 2023 is hereby reappropriated for the April 17, 274868
2018, and April 8, 2019, Major Disaster Declarations for fiscal 274869
year 2024. 274870

An amount equal to the unexpended, unencumbered balance of 274871
appropriation item 763511, Local Disaster Assistance, at the end 274872
of fiscal year 2024 is hereby reappropriated for the April 17, 274873
2018, and April 8, 2019, Major Disaster Declarations for fiscal 274874
year 2025. 274875

SECURITY GRANTS 274876

(A) The foregoing appropriation item 763513, Security Grants, 274877
shall be used to make competitive grants of up to \$100,000 to 274878
nonprofit organizations, houses of worship, chartered nonpublic 274879
schools, and licensed preschools for all of the following 274880
purposes: 274881

(1) Eligible security improvements that assist the 274882
organization in preventing, preparing for, or responding to acts 274883
of terrorism; 274884

(2) Acquiring or retaining the services of a resource 274885
officer, special duty police officer, or licensed armed security 274886
guards, including the training, licensing, or certification of 274887
resource officers; 274888

(3) The lease or purchase of qualified equipment, including 274889
equipment for emergency and crisis communication, crisis 274890
management, or trauma and crisis response to assist in preventing, 274891
preparing for, or responding to acts of terrorism; 274892

(4) Placing the qualified equipment at alternative locations 274893
that are off the premises belonging to the grantee, provided that 274894
the grantee receives prior permission from any appropriate county, 274895
municipal corporation, local law enforcement agency, local 274896
emergency management agency, or local transportation agency, as 274897
applicable; 274898

(5) Funding coordinated training between law enforcement, 274899
counterterrorism agencies, and emergency responders on either the 274900
premises of a nonprofit corporation or through community-wide 274901
training efforts; 274902

(6) Continuing coverage of costs that were authorized and 274903
paid for by a grant issued previously to the grantee in accordance 274904
with this section in previous bienniums under the program. 274905

(B)(1) In addition to the purposes listed in division (A) of 274906
this section, a nonprofit organization that serves a broad 274907
community or geographic area may apply for and receive grants to 274908
provide antiterrorism related services for its serviced community 274909
or area, including providing armed security personnel. Prior to 274910
receiving a grant under division (B) of this section, the 274911
nonprofit organization shall provide the Emergency Management 274912
Agency with any appropriate compliance documentation. The Agency 274913
shall establish what compliance documentation is required prior to 274914
issuing grants under this division. 274915

(2) If more than one nonprofit organization is located at the 274916
same address listed on the application, each nonprofit 274917
organization may apply for the full amount of a grant issued under 274918
this section. Each nonprofit organization shall explain in its 274919
application how it will use the grant money to address a different 274920
vulnerability than the other applicant nonprofit organizations 274921
that are located at the same address. 274922

(C) The Emergency Management Agency shall administer and 274923

award the grants described in divisions (A) and (B) of this 274924
section. The Agency shall establish procedures and forms by which 274925
applicants may apply for a grant, a competitive process for 274926
ranking applicants and awarding the grants, and procedures for 274927
distributing grants to recipients. The procedures shall require 274928
each applicant to do all of the following: 274929

(1) Identify and substantiate prior threats or attacks by a 274930
terrorist organization, network, or cell against the nonprofit 274931
organization, house of worship, chartered nonpublic school, or 274932
licensed preschool; 274933

(2) Indicate the symbolic or strategic value of one or more 274934
sites that renders the site a possible target of terrorism; 274935

(3) Discuss potential consequences to the organization if the 274936
site is damaged, destroyed, or disrupted by a terrorist; 274937

(4) Describe how the grant will be used to integrate 274938
organizational preparedness with broader state and local 274939
preparedness efforts; 274940

(5) Submit either a vulnerability assessment conducted by 274941
experienced security, law enforcement, or military personnel, or a 274942
credible intelligence and threat analysis from one or more 274943
qualified homeland security, counterintelligence, or 274944
anti-terrorism experts, and a description of how the grant will be 274945
used to address the vulnerabilities identified in the assessment. 274946

The Agency shall consider all of the above factors in 274947
evaluating grant applications. The grantee shall have twenty-four 274948
months from the date of the first disbursement to meet program 274949
requirements. The Agency shall include information about the 274950
grants and the application process on its web site. 274951

The Emergency Management Agency may prioritize a portion of 274952
funding, but not more than \$1,000,000 in each fiscal year, for 274953
innovative community-public safety partnerships addressing 274954

counterterrorism prevention, provided the grantee is eligible to receive the grant as a nonprofit organization that is at risk of terror attack.

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(D) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section.

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(E) The Emergency Management Agency may use up to two and one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications.

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(F) As used in this section:

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(1) "Eligible security improvements" means any of the following:

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(a) Physical security enhancement equipment or inspection and screening equipment included on the Authorized Equipment List published by the United States Department of Homeland Security;

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(b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key resources, physical and cyber security, target hardening, or terrorism awareness or preparedness. Personnel and travel costs associated with training shall not be considered an eligible expense of the grant;

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(c) The purchase, upgrade, or maintenance of high-speed internet for those utilizing it for security purposes.

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(2) "Nonprofit organization" means a corporation,

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association, group, institution, society, or other organization 274985
that is exempt from federal income taxation under section 274986
501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 274987
501(c)(3), as amended. 274988

(3) "Resource officer" means any law enforcement officer of 274989
an accredited local law enforcement agency providing special duty 274990
services in a school setting to create or maintain a safe, secure, 274991
and orderly environment. A resource officer may include a special 274992
duty police officer, off-duty police officer, deputy sheriff, or 274993
other peace officer of the applicable local law enforcement agency 274994
in which the chartered nonpublic school or licensed preschool is 274995
located or qualifying personnel of an accredited local law 274996
enforcement agency for any jurisdiction in this state. 274997

(4) "Terrorism" means any act taken by a group or individual 274998
used to intimidate or coerce a nonprofit organization, house of 274999
worship, chartered nonpublic school, or licensed preschool, its 275000
employees, and anyone who is or in the future may be associated 275001
with it, as well as their families; to influence the policy of the 275002
nonprofit organization, house of worship, chartered nonpublic 275003
school, or licensed preschool; and to affect the conduct of the 275004
nonprofit organization, house of worship, chartered nonpublic 275005
school, or licensed preschool. 275006

(G) An amount equal to the unexpended, unencumbered balance 275007
of the foregoing appropriation item 763513, Security Grants, at 275008
the end of fiscal year 2023 is hereby reappropriated for the same 275009
purpose in fiscal year 2024. 275010

(H) An amount equal to the unexpended, unencumbered balance 275011
of the foregoing appropriation item 763513, Security Grants, at 275012
the end of fiscal year 2024 is hereby reappropriated for the same 275013
purpose in fiscal year 2025. 275014

SECURITY GRANTS PILOT PROGRAMS 275015

(A) Of the foregoing appropriation item 763513, Security Grants, \$197,000 in fiscal year 2024 shall be distributed to the Jewish Federation of Cincinnati for a mail room pilot program.

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Of the foregoing appropriation item 763513, Security Grants, \$150,000 in fiscal year 2024 shall be distributed to JFC Security, LLC to fund a community-focused antiterrorism cybersecurity pilot program.

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Of the foregoing appropriation item 763513, Security Grants, \$95,000 in fiscal year 2024 shall be distributed to the Jewish Federation of Cincinnati, to fund a community-focused antiterrorism cybersecurity pilot program.

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Of the foregoing appropriation item 763513, Security Grants, \$87,000 in fiscal year 2024 shall be distributed to the Mayerson Jewish Community Center Campus for a 911 Geo-Location pilot program.

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(B) Funding recipients shall report to the Department of Public Safety by June 30 of each fiscal year, or as soon as possible thereafter, regarding best practices learned. Based on those reports, the Department of Public Safety shall make recommendations regarding increasing grant opportunities for the pilot program or including the pilot program as an eligible funding area within the security grants program.

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JUSTICE PROGRAM SERVICES 275038

Of the foregoing appropriation item 768425, Justice Program Services, up to \$5,000,000 in each fiscal year shall be used by the Office of Criminal Justice Services to administer and distribute grants to state and local law enforcement agencies to implement or enhance body-worn camera programs.

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Of the foregoing appropriation item 768425, Justice Program Services, up to \$4,531,000 in fiscal year 2024 and \$4,542,000 in fiscal year 2025 shall be used by the Office of Criminal Justice

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Services to support anti-human trafficking efforts in the areas of 275047
prosecution, victim services to specifically include assistance 275048
for child victims, and prevention and policy to implement the 275049
priorities of the Governor's Ohio Human Trafficking Task Force. 275050

Of the foregoing appropriation item 768425, Justice Program 275051
Services, up to \$4,000,000 in each fiscal year shall be used by 275052
the Office of Criminal Justice Services to administer and 275053
distribute grants to state and local law enforcement agencies to 275054
assist local communities in reducing and preventing crime through 275055
the use of promising or proven crime reduction strategies. The use 275056
of the grants includes, but is not limited to, overtime, 275057
equipment, technical assistance, and analytical support to 275058
implement crime reduction strategies. 275059

Of the foregoing appropriation item 768425, Justice Program 275060
Services, up to \$3,000,000 in each fiscal year shall be provided 275061
to the Ohio Network of Children's Advocacy Centers to administer 275062
and distribute grants to child advocacy centers to coordinate the 275063
investigation, prosecution, and treatment of child sexual abuse 275064
while helping abused children heal. 275065

Of the foregoing appropriation item 768425, Justice Program 275066
Services, up to \$1,000,000 in each fiscal year shall be used by 275067
the Office of Criminal Justice Services to distribute grants to 275068
state and/or local law enforcement to conduct investigations on 275069
sexual assault kit testing results and related expenses. 275070

Of the foregoing appropriation item 768425, Justice Program 275071
Services, up to \$500,000 in each fiscal year shall be used by the 275072
Office of Criminal Justice Services to support state and local law 275073
enforcement agencies in the recruitment, hiring, and training of 275074
qualified individuals to serve as peace officers. 275075

Of the foregoing appropriation item 768425, Justice Program 275076
Services, \$250,000 in each fiscal year shall be distributed to the 275077

Tri-State Peer Support Team to pay the administrative costs of 275078
providing peer support and mental health services for first 275079
responders and related program development. 275080

Of the foregoing appropriation item 768425, Justice Program 275081
Services, up to \$200,000 in each fiscal year shall be used by the 275082
Office of Criminal Justice Services to implement recommendations 275083
of the Governor's Warrant Task Force. 275084

OHIO SCHOOL SAFETY CENTER 275085

The foregoing appropriation item 769412, Ohio School Safety 275086
Center, shall be used by the Department of Public Safety for the 275087
operations of the Ohio School Safety Center, including maintaining 275088
and promoting the Safer Ohio Schools Tip Line and assisting local 275089
schools and first responders in preventing, preparing for, and 275090
responding to threats and acts of violence, including self-harm, 275091
through a holistic, solutions-based approach to improving school 275092
safety. 275093

Section 373.30. CERTIFICATION OF COSTS FOR THE PUBLIC SAFETY 275094
- HIGHWAY PURPOSES FUND 275095

The Director of Public Safety may certify to the Director of 275096
Budget and Management, on a quarterly basis, the amounts paid to 275097
deputy registrars pursuant to section 4507.49 of the Revised Code 275098
for identification cards and temporary identification cards issued 275099
or renewed without payment of any fees during the course of the 275100
preceding quarter. 275101

The Director of Public Safety may certify to the Director of 275102
Budget and Management, on a quarterly basis, the amount of fees 275103
not collected by the registrar of motor vehicles for 275104
identification cards and temporary identification cards issued or 275105
renewed by the registrar of motor vehicles pursuant to section 275106
4507.50 of the Revised Code without the payment of any fees during 275107

the course of the preceding quarter. 275108

MOTOR VEHICLE REGISTRATION 275109

The Director of Public Safety may deposit revenues to meet 275110
the cash needs of the Public Safety - Highway Purposes Fund (Fund 275111
5TM0) established in section 4501.06 of the Revised Code, obtained 275112
under section 4503.02 of the Revised Code, less all other 275113
available cash. Revenue deposited pursuant to this paragraph shall 275114
support in part appropriations for the administration and 275115
enforcement of laws relative to the operation and registration of 275116
motor vehicles, for payment of highway obligations and other 275117
statutory highway purposes. Notwithstanding section 4501.03 of the 275118
Revised Code, the revenues shall be paid into Fund 5TM0 before any 275119
revenues obtained pursuant to section 4503.02 of the Revised Code 275120
are paid into any other fund. The deposit of revenues to meet the 275121
aforementioned cash needs shall be in approximately equal amounts 275122
on a monthly basis or as otherwise approved by the Director of 275123
Budget and Management. Prior to July 1 of each fiscal year, the 275124
Director of Public Safety shall submit a plan to the Director of 275125
Budget and Management requesting approval of the anticipated 275126
revenue amounts to be deposited into Fund 5TM0 pursuant to this 275127
paragraph. If during the fiscal year changes to the plan as 275128
approved by the Director of Budget and Management are necessary, 275129
the Director of Public Safety shall submit a revised plan to the 275130
Director of Budget and Management for approval prior to any change 275131
in the deposit of revenues. 275132

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 275133
SHIPLEY UPGRADES 275134

Pursuant to a plan submitted by the Director of Public 275135
Safety, or as otherwise determined by the Director of Budget and 275136
Management, the Director of Budget and Management, upon approval 275137
of the Controlling Board, may make appropriate cash transfers on a 275138
pro-rata basis as approved by the Director of Budget and 275139

Management from other funds used by the Department of Public 275140
Safety, excluding the Public Safety Building Fund (Fund 7025), to 275141
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 275142
reimburse expenditures for capital upgrades to the Shipley 275143
Building. 275144

CASH BALANCE FUND REVIEW 275145

The Director of Public Safety shall review the cash balances 275146
for each fund in the State Highway Safety Fund Group, and may 275147
submit a request in writing to the Director of Budget and 275148
Management to transfer amounts from any fund in the State Highway 275149
Safety Fund Group to the credit of the Public Safety - Highway 275150
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 275151
request, and subject to the approval of the Controlling Board, the 275152
Director of Budget and Management may make appropriate transfers 275153
as requested by the Director of Public Safety or as otherwise 275154
determined by the Director of Budget and Management. 275155

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND POLICING 275156
FUND 275157

Notwithstanding any other provision of law to the contrary, 275158
the Director of Budget and Management, upon written request of the 275159
Director of Public Safety and approval of the Controlling Board, 275160
may approve the transfer of cash from the State Highway Patrol 275161
Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 275162
Security, Investigations and Policing Fund (Fund 8400). 275163

COLLECTIVE BARGAINING INCREASES 275164

Notwithstanding division (D) of section 127.14 and division 275165
(B) of section 131.35 of the Revised Code, except for the General 275166
Revenue Fund, the Controlling Board may, upon the request of 275167
either the Director of Budget and Management, or the Department of 275168
Public Safety with the approval of the Director of Budget and 275169
Management, authorize expenditures in excess of appropriations and 275170

transfer appropriations, as necessary, for any fund used by the 275171
Department of Public Safety, to assist in paying the costs of 275172
increases in employee compensation that have occurred pursuant to 275173
collective bargaining agreements under Chapter 4117. of the 275174
Revised Code and, for exempt employees, under section 124.152 of 275175
the Revised Code. Any money approved for expenditure under this 275176
paragraph is hereby appropriated. 275177

VALIDATION STICKER REQUIREMENTS 275178

Validation stickers are required for the annual registration 275179
of passenger, commercial, motorcycle, and other vehicles and are 275180
produced in accordance with section 4503.191 of the Revised Code. 275181
Notwithstanding section 4503.191 of the Revised Code, the 275182
Registrar of Motor Vehicles may adopt rules authorizing validation 275183
stickers to be produced at any location. 275184

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 275185
AGENCY SERVICE AND REIMBURSEMENT FUND 275186

On July 1 of each fiscal year, or as soon as possible 275187
thereafter, the Director of Budget and Management shall transfer 275188
\$450,000 cash from the State Fire Marshal Fund (Fund 5460) to the 275189
Emergency Management Agency Service and Reimbursement Fund (Fund 275190
4V30). 275191

Of the foregoing appropriation item 763662, EMA Service and 275192
Reimbursements, \$250,000 in each fiscal year shall be distributed 275193
to the Ohio Task Force One - Urban Search and Rescue Unit to pay 275194
for its operating expenses and developing new programs. 275195

Of the foregoing appropriation item 763662, EMA Service and 275196
Reimbursements, \$200,000 in each fiscal year shall be distributed 275197
to the Ohio Task Force One - Urban Search and Rescue Unit, other 275198
similar urban search and rescue units around the state, and for 275199
maintenance of the statewide fire emergency response plan by an 275200
entity recognized by the Ohio Emergency Management Agency. 275201

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| STATE DISASTER RELIEF | 275202 |
| The State Disaster Relief Fund (Fund 5330) may accept | 275203 |
| transfers of cash or appropriations from Controlling Board | 275204 |
| appropriation items for the Ohio Emergency Management Agency | 275205 |
| disaster response costs and disaster program management costs, and | 275206 |
| may also be used for the following purposes: | 275207 |
| (A) To accept transfers of cash or appropriations from | 275208 |
| Controlling Board appropriation items for Ohio Emergency | 275209 |
| Management Agency recovery and mitigation program match costs to | 275210 |
| reimburse eligible local governments and private nonprofit | 275211 |
| organizations for costs related to disasters; | 275212 |
| (B) To accept transfers of cash or appropriations from | 275213 |
| Controlling Board appropriation items to cover costs incurred and | 275214 |
| to reimburse government entities for Emergency Management | 275215 |
| Assistance Compact (EMAC) missions; | 275216 |
| (C) To accept disaster related reimbursement from federal, | 275217 |
| state, and local governments. The Director of Budget and | 275218 |
| Management may transfer cash from reimbursements received by this | 275219 |
| fund to other funds of the state from which transfers were | 275220 |
| originally approved by the Controlling Board. | 275221 |
| (D) To accept transfers of cash or appropriations from | 275222 |
| Controlling Board appropriation items to fund the State Disaster | 275223 |
| Relief Program, for disasters that qualify for the program by | 275224 |
| written authorization of the Governor, and the State Individual | 275225 |
| Assistance Program for disasters that have been declared by the | 275226 |
| federal Small Business Administration and that qualify for the | 275227 |
| program by written authorization from the Governor. | 275228 |
| (E) The State Disaster Relief Fund (Fund 5330) may accept, | 275229 |
| hold, administer, and expend any cash received from a gift, | 275230 |
| donation, bequest, devise, or contribution. | 275231 |
| DRUG LAW ENFORCEMENT FUND | 275232 |

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2024 and 2025, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO

| | | | | |
|------------------------------|--------|--|-----------------------------|--------|
| Dedicated Purpose Fund Group | | | | 275244 |
| 4A30 | 870614 | Grade Crossing Protection Devices-State | \$ 2,000,000 \$ 1,700,000 | 275245 |
| 4L80 | 870617 | Pipeline Safety-State | \$ 359,377 \$ 359,377 | 275246 |
| 5610 | 870606 | Power Siting Board | \$ 3,080,000 \$ 3,180,000 | 275247 |
| 5F60 | 870622 | Utility and Railroad Regulation | \$ 39,012,561 \$ 39,012,561 | 275248 |
| 5F60 | 870624 | NARUC/NRRI Subsidy | \$ 85,000 \$ 85,000 | 275249 |
| 5LT0 | 870640 | Intrastate Registration | \$ 210,661 \$ 210,661 | 275250 |
| 5LT0 | 870641 | Unified Carrier Registration | \$ 476,636 \$ 476,636 | 275251 |
| 5LT0 | 870643 | Non-hazardous Materials Civil Forfeiture | \$ 311,144 \$ 311,114 | 275252 |
| 5LT0 | 870644 | Hazardous Materials Civil Forfeiture | \$ 1,165,000 \$ 1,165,000 | 275253 |
| 5LT0 | 870645 | Motor Carrier Enforcement | \$ 6,400,372 \$ 6,400,372 | 275254 |

| | | | | | | | |
|------------------------|--------|--|----|------------|----|------------|--------|
| 5Q50 | 870626 | Telecommunications
Relay Service | \$ | 1,020,000 | \$ | 1,020,000 | 275255 |
| 5QR0 | 870646 | Underground Facilities
Protection | \$ | 50,000 | \$ | 50,000 | 275256 |
| 5QS0 | 870647 | Underground Facilities
Administration | \$ | 500,000 | \$ | 500,000 | 275257 |
| TOTAL DPF | | Dedicated Purpose Fund
Group | \$ | 54,670,751 | \$ | 54,470,721 | 275258 |
| Federal Fund | | Group | | | | | 275259 |
| 3330 | 870601 | Gas Pipeline Safety | \$ | 1,543,289 | \$ | 1,543,289 | 275260 |
| 3500 | 870608 | Motor Carrier Safety | \$ | 15,710,777 | \$ | 16,103,547 | 275261 |
| 3500 | 870648 | Motor Carrier
Administration High
Priority Activities
Grants and
Cooperative
Agreements | \$ | 750,000 | \$ | 750,000 | 275262 |
| 3ID0 | 870649 | Department of Energy
Grid Resiliency | \$ | 7,122,706 | \$ | 7,122,706 | 275263 |
| 3IE0 | 870650 | Hazardous Material
Commercial Vehicle
Inspection Grants | \$ | 414,031 | \$ | 414,031 | 275264 |
| 3V30 | 870604 | Commercial Vehicle
Information
Systems/Networks | \$ | 32,300 | \$ | 0 | 275265 |
| TOTAL FED | | Federal Fund Group | \$ | 25,573,103 | \$ | 25,933,573 | 275266 |
| TOTAL ALL | | BUDGET FUND GROUPS | \$ | 80,243,854 | \$ | 80,404,294 | 275267 |
| Section 377.10. | | PWC PUBLIC WORKS COMMISSION | | | | | 275269 |
| General Revenue | | Fund | | | | | 275270 |
| GRF | 150904 | Conservation General
Obligation Bond Debt | \$ | 46,600,000 | \$ | 40,900,000 | 275271 |

| | | | | | | |
|------------------------------|--------|-----------------------------|----|-------------|----|--------------------|
| | | Service | | | | |
| GRF | 150907 | Infrastructure | \$ | 231,000,000 | \$ | 236,000,000 275272 |
| | | Improvement General | | | | |
| | | Obligation Bond Debt | | | | |
| | | Service | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 277,600,000 | \$ | 276,900,000 275273 |
| | | Capital Projects Fund Group | | | | 275274 |
| 7038 | 150321 | State Capital | \$ | 986,116 | \$ | 971,376 275275 |
| | | Improvements Program | | | | |
| | | - Operating Expenses | | | | |
| 7056 | 150403 | Clean Ohio | \$ | 328,705 | \$ | 323,792 275276 |
| | | Conservation | | | | |
| | | Operating | | | | |
| TOTAL CPF | | Capital Projects Fund | \$ | 1,314,821 | \$ | 1,295,168 275277 |
| | | Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 278,914,821 | \$ | 278,195,168 275278 |

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 275280

SERVICE 275281

The foregoing appropriation item 150904, Conservation General 275282
Obligation Bond Debt Service, shall be used to pay all debt 275283
service and related financing costs during the period from July 1, 275284
2023, through June 30, 2025, on obligations issued under sections 275285
151.01 and 151.09 of the Revised Code. 275286

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 275287

SERVICE 275288

The foregoing appropriation item 150907, Infrastructure 275289
Improvement General Obligation Bond Debt Service, shall be used to 275290
pay all debt service and related financing costs during the period 275291
from July 1, 2023, through June 30, 2025, on obligations issued 275292
under sections 151.01 and 151.08 of the Revised Code. 275293

CLEAN OHIO CONSERVATION OPERATING 275294

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 275300

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

DISTRICT ADMINISTRATION COSTS 275306

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed \$1,235,000 per fiscal year. Each public works district may be eligible for up to \$65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and non-allowable costs for the purpose of the District Administration Costs Program. Non-allowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District

Administration Costs Program without the approval of those costs 275326
by the district public works committee under section 164.04 of the 275327
Revised Code. 275328

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 275329

The Director of the Public Works Commission is authorized to 275330
create a District Administration Costs Program for districts 275331
represented by natural resource assistance councils. This program 275332
shall be funded from proceeds of the Clean Ohio Conservation Fund. 275333
The program shall be used by natural resource assistance councils 275334
in order to provide for administration costs of the nineteen 275335
natural resource assistance councils for the direct costs of 275336
council administration. Councils choosing to participate in this 275337
program may be eligible for up to \$15,000 per fiscal year from its 275338
district allocation as provided in section 164.27 of the Revised 275339
Code. 275340

The Director shall define allowable and non-allowable costs 275341
for the purpose of the District Administration Costs Program. 275342
Non-allowable costs include indirect costs, elected official 275343
salaries and benefits, and project-specific costs. 275344

Section 379.10. RAC STATE RACING COMMISSION 275345

Dedicated Purpose Fund Group 275346

| | | | | | | | |
|------|--------|--------------|----|-----------|----|-----------|--------|
| 5620 | 875601 | Thoroughbred | \$ | 1,100,000 | \$ | 1,100,000 | 275347 |
| | | Development | | | | | |

| | | | | | | | |
|------|--------|--------------|----|-----------|----|-----------|--------|
| 5630 | 875602 | Standardbred | \$ | 1,400,000 | \$ | 1,400,000 | 275348 |
| | | Development | | | | | |

| | | | | | | | |
|------|--------|-------------------|----|-----------|----|-----------|--------|
| 5650 | 875604 | Racing Commission | \$ | 4,210,497 | \$ | 4,210,497 | 275349 |
| | | Operating | | | | | |

| | | | | | | | |
|------|--------|----------------------|----|------------|----|------------|--------|
| 5JK0 | 875610 | Horse Racing | \$ | 10,500,000 | \$ | 10,500,000 | 275350 |
| | | Development - Casino | | | | | |

| | | | | | | | |
|------|--------|---------|----|------------|----|------------|--------|
| 5NL0 | 875611 | Revenue | \$ | 10,500,000 | \$ | 10,500,000 | 275351 |
|------|--------|---------|----|------------|----|------------|--------|

| Redistribution | | | |
|---|----|------------|----------------------|
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 27,710,497 | \$ 27,710,497 275352 |
| Fiduciary Fund Group | | | 275353 |
| 5C40 875607 Simulcast Horse | \$ | 5,500,000 | \$ 5,500,000 275354 |
| Racing Purse | | | |
| TOTAL FID Fiduciary Fund Group | \$ | 5,500,000 | \$ 5,500,000 275355 |
| Holding Account Fund Group | | | 275356 |
| R021 875605 Bond Reimbursements | \$ | 100,000 | \$ 100,000 275357 |
| TOTAL HLD Holding Account Fund Group | \$ | 100,000 | \$ 100,000 275358 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 33,310,497 | \$ 33,310,497 275359 |
|
Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION | | | 275361 |
| General Revenue Fund | | | 275362 |
| GRF 235321 Operating Expenses | \$ | 8,444,000 | \$ 8,444,000 275363 |
| GRF 235402 Sea Grants | \$ | 308,000 | \$ 317,000 275364 |
| GRF 235406 Articulation and Transfer | \$ | 2,070,000 | \$ 2,225,000 275365 |
| GRF 235408 Midwest Higher Education Compact | \$ | 118,000 | \$ 118,000 275366 |
| GRF 235413 Computer Science | \$ | 4,000,000 | \$ 4,000,000 275367 |
| GRF 235414 Grants and Scholarship Administration | \$ | 988,000 | \$ 994,000 275368 |
| GRF 235417 Technology Maintenance and Operations | \$ | 4,500,000 | \$ 4,500,000 275369 |
| GRF 235419 Mental Health Support | \$ | 10,000,000 | \$ 10,000,000 275370 |
| GRF 235425 Ohio Work Ready Grant | \$ | 10,000,000 | \$ 10,000,000 275371 |
| GRF 235428 Appalachian New Economy Workforce Partnership | \$ | 4,243,000 | \$ 4,455,000 275372 |
| GRF 235438 Choose Ohio First | \$ | 30,000,000 | \$ 32,000,000 275373 |

| Scholarship | | | | | |
|-------------|--|----|---------------|----|----------------------|
| GRF 235443 | Aspire - State | \$ | 7,083,000 | \$ | 7,083,000 275374 |
| GRF 235444 | Ohio Technical Centers | \$ | 22,464,000 | \$ | 23,138,000 275375 |
| GRF 235474 | Area Health Education
Centers Program | \$ | 899,000 | \$ | 900,000 275376 |
| Support | | | | | |
| GRF 235492 | Campus Safety and
Training | \$ | 675,000 | \$ | 700,000 275377 |
| GRF 235501 | State Share of
Instruction | \$ | 2,098,704,372 | \$ | 2,121,751,939 275378 |
| GRF 235504 | Deceased or Severely
Disabled Veterans'
Children's
Scholarships | \$ | 17,800,000 | \$ | 20,600,000 275379 |
| GRF 235507 | OhioLINK | \$ | 6,140,000 | \$ | 6,447,000 275380 |
| GRF 235508 | Air Force Institute of
Technology | \$ | 2,000,000 | \$ | 2,000,000 275381 |
| GRF 235510 | Ohio Supercomputer
Center | \$ | 4,844,000 | \$ | 5,086,000 275382 |
| GRF 235511 | The Ohio State
University Extension
Service | \$ | 25,504,000 | \$ | 26,269,000 275383 |
| GRF 235514 | Central State
Supplement | \$ | 12,036,000 | \$ | 12,397,000 275384 |
| GRF 235515 | Case Western Reserve
University School of
Medicine | \$ | 2,100,000 | \$ | 2,163,000 275385 |
| GRF 235519 | Family Practice | \$ | 3,098,000 | \$ | 3,191,000 275386 |
| GRF 235520 | Shawnee State
Supplement | \$ | 9,000,000 | \$ | 9,000,000 275387 |
| GRF 235525 | Geriatric Medicine | \$ | 511,000 | \$ | 526,000 275388 |
| GRF 235526 | Primary Care
Residencies | \$ | 1,468,000 | \$ | 1,512,000 275389 |

| | | | | | | |
|------------|---|----|------------|----|------------|--------|
| GRF 235533 | Program and Project
Support | \$ | 10,550,000 | \$ | 8,600,000 | 275390 |
| GRF 235535 | Ohio State
Agricultural Research | \$ | 37,169,000 | \$ | 38,284,000 | 275391 |
| GRF 235536 | The Ohio State
University Clinical
Teaching | \$ | 9,461,000 | \$ | 9,745,000 | 275392 |
| GRF 235537 | University of
Cincinnati Clinical
Teaching | \$ | 8,085,000 | \$ | 8,343,000 | 275393 |
| GRF 235538 | University of Toledo
Clinical Teaching | \$ | 6,065,000 | \$ | 6,247,000 | 275394 |
| GRF 235539 | Wright State
University Clinical
Teaching | \$ | 4,447,000 | \$ | 4,535,000 | 275395 |
| GRF 235540 | Ohio University
Clinical Teaching | \$ | 2,849,000 | \$ | 2,934,000 | 275396 |
| GRF 235541 | Northeast Ohio Medical
University Clinical
Teaching | \$ | 2,930,000 | \$ | 3,018,000 | 275397 |
| GRF 235543 | Kent State University
College of Podiatric
Medicine Clinic
Subsidy | \$ | 500,000 | \$ | 500,000 | 275398 |
| GRF 235546 | Central State
Agricultural Research
and Development | \$ | 5,828,000 | \$ | 5,828,000 | 275399 |
| GRF 235548 | Central State
Cooperative Extension
Services | \$ | 5,168,000 | \$ | 5,168,000 | 275400 |
| GRF 235552 | Capital Component | \$ | 1,584,000 | \$ | 1,584,000 | 275401 |
| GRF 235555 | Library Depositories | \$ | 1,100,000 | \$ | 900,000 | 275402 |
| GRF 235556 | Ohio Academic | \$ | 3,262,000 | \$ | 3,568,000 | 275403 |

| | | | | | |
|-------------|------------------------------|----|---------------|----|----------------------|
| | Resources Network | | | | |
| GRF 235558 | Long-term Care | \$ | 318,000 | \$ | 327,000 275404 |
| | Research | | | | |
| GRF 235563 | Ohio College | \$ | 200,000,000 | \$ | 200,000,000 275405 |
| | Opportunity Grant | | | | |
| GRF 235569 | The Ohio State | \$ | 5,150,000 | \$ | 5,304,000 275406 |
| | University College of | | | | |
| | Veterinary Medicine | | | | |
| | Supplement | | | | |
| GRF 235572 | The Ohio State | \$ | 750,000 | \$ | 772,000 275407 |
| | University Clinic | | | | |
| | Support | | | | |
| GRF 235578 | Federal Research | \$ | 5,099,000 | \$ | 5,251,000 275408 |
| | Network | | | | |
| GRF 235591 | Co-Op Internship | \$ | 1,215,000 | \$ | 1,215,000 275409 |
| | Program | | | | |
| GRF 235595 | Commercial Truck | \$ | 2,550,000 | \$ | 2,550,000 275410 |
| | Driver Student Aid | | | | |
| | Program | | | | |
| GRF 235598 | Rural University | \$ | 412,000 | \$ | 424,000 275411 |
| | Program | | | | |
| GRF 235599 | National Guard | \$ | 18,400,000 | \$ | 19,250,000 275412 |
| | Scholarship Program | | | | |
| GRF 2355A1 | FAFSA Support Teams | \$ | 1,000,000 | \$ | 1,000,000 275413 |
| GRF 235909 | Higher Education | \$ | 250,000,000 | \$ | 275,000,000 275414 |
| | General Obligation | | | | |
| | Bond Debt Service | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 2,872,889,372 | \$ | 2,930,163,939 275415 |
| | Dedicated Purpose Fund Group | | | | 275416 |
| 2200 235614 | Program Approval and | \$ | 875,000 | \$ | 882,000 275417 |
| | Reauthorization | | | | |
| 4560 235603 | Sales and Services | \$ | 199,250 | \$ | 199,250 275418 |
| 4E80 235602 | Higher Educational | \$ | 67,600 | \$ | 67,600 275419 |

| | | | | | | | |
|-----------|--------|--|----|-------------|----|------------|--------|
| | | Facility Commission | | | | | |
| | | Administration | | | | | |
| 5AH1 | 235688 | Super RAPIDS | \$ | 100,000,000 | \$ | 0 | 275420 |
| 5A01 | 235613 | Northeast Ohio Medical | \$ | 4,000,000 | \$ | 0 | 275421 |
| | | University Dental | | | | | |
| | | School | | | | | |
| 5D40 | 235675 | Conference/Special | \$ | 250,000 | \$ | 250,000 | 275422 |
| | | Purposes | | | | | |
| 5FR0 | 235650 | State and Non-Federal | \$ | 1,402,150 | \$ | 1,402,150 | 275423 |
| | | Grants and Award | | | | | |
| 5NH0 | 235517 | Talent Ready Grant | \$ | 10,000,000 | \$ | 10,000,000 | 275424 |
| | | Program | | | | | |
| 5P30 | 235663 | Variable Savings Plan | \$ | 8,363,600 | \$ | 8,522,034 | 275425 |
| 5YD0 | 235494 | Second Chance Grant | \$ | 2,000,000 | \$ | 2,000,000 | 275426 |
| | | Program | | | | | |
| 6450 | 235664 | Guaranteed Savings | \$ | 1,099,122 | \$ | 1,110,131 | 275427 |
| | | Plan | | | | | |
| 6820 | 235606 | Nursing Loan Program | \$ | 1,150,000 | \$ | 1,200,000 | 275428 |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 129,406,722 | \$ | 25,633,165 | 275429 |
| | | Group | | | | | |
| | | Bond Research and Development Fund Group | | | | | 275430 |
| 7014 | 235639 | Research Incentive | \$ | 8,000,000 | \$ | 8,000,000 | 275431 |
| | | Third Frontier - Tax | | | | | |
| TOTAL BRD | | Bond Research and | \$ | 8,000,000 | \$ | 8,000,000 | 275432 |
| | | Development Fund Group | | | | | |
| | | Federal Fund Group | | | | | 275433 |
| 3120 | 235611 | Gear-up Grant | \$ | 2,400,000 | \$ | 2,400,000 | 275434 |
| 3120 | 235612 | Carl D. Perkins | \$ | 1,350,000 | \$ | 1,350,000 | 275435 |
| | | Grant/Plan | | | | | |
| | | Administration | | | | | |
| 3120 | 235641 | Aspire - Federal | \$ | 18,600,000 | \$ | 18,600,000 | 275436 |
| 3120 | 235669 | Industry Credential | \$ | 300,000 | \$ | 300,000 | 275437 |

| | | | | | | |
|------------------------------|--------------------|--------------------|----|---------------|----|----------------------|
| | | Transfer Assurance | | | | |
| | | Guides Initiative | | | | |
| 3BG0 | 235651 | Gear Up Grant | \$ | 3,100,000 | \$ | 3,100,000 275438 |
| | | Scholarships | | | | |
| 3N60 | 235658 | John R. Justice | \$ | 128,000 | \$ | 128,000 275439 |
| | | Student Loan | | | | |
| | | Repayment Program | | | | |
| TOTAL FED | Federal Fund Group | | \$ | 25,878,000 | \$ | 25,878,000 275440 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 3,036,174,094 | \$ | 2,989,675,104 275441 |

Section 381.20. OPERATING EXPENSES 275443

(A) Of the foregoing appropriation item 235321, Operating Expenses, \$1,500,000 in each fiscal year shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services. 275444
275445
275446
275447

(B) Enhanced security operations and services shall benefit all members of OH-TECH and may include, but shall not be limited to: 275448
275449
275450

(1) Establishing an enterprise security operations center; 275451

(2) Configuration management in the area of data loss prevention; 275452
275453

(3) Endpoint patch and compliance; 275454

(4) Log aggregation; 275455

(5) Web application firewall; 275456

(6) Vulnerability management across the consortium; 275457

(7) Other critical security enhancement services as determined appropriate by the Chancellor. 275458
275459

(C) The Ohio Academic Resource Network (OARnet) and the Ohio Supercomputer Center may use a portion of these funds to enhance their respective network security operations to better serve 275460
275461
275462

clients who store sensitive data that is subject to the highest 275463
data privacy standards imposed by federal regulations and national 275464
research organizations, including, but not limited to, the 275465
National Institutes of Health, the National Science Foundation, 275466
and the Department of Defense. 275467

SEA GRANTS 275468

The foregoing appropriation item 235402, Sea Grants, shall be 275469
used to match federal dollars and leverage additional support by 275470
The Ohio State University's Sea Grant program, including Stone 275471
Laboratory, for research, education, and outreach to enhance the 275472
economic value, public utilization, and responsible management of 275473
Lake Erie and Ohio's coastal resources. 275474

Section 381.30. ARTICULATION AND TRANSFER 275475

The foregoing appropriation item 235406, Articulation and 275476
Transfer, shall be used by the Chancellor of Higher Education to 275477
maintain and expand the work of the Articulation and Transfer 275478
Network Advisory Council to develop a system of transfer policies 275479
to ensure that students at state institutions of higher education 275480
can transfer and have coursework apply to their majors and degrees 275481
at any other state institution of higher education without 275482
unnecessary duplication or institutional barriers under sections 275483
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 275484

Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE 275485
COMPACT 275486

The foregoing appropriation item 235408, Midwest Higher 275487
Education Compact, shall be distributed by the Chancellor of 275488
Higher Education under section 3333.40 of the Revised Code. 275489

Section 381.80. COMPUTER SCIENCE 275490

The foregoing appropriation item 235413, Computer Science, 275491

shall be used to award grants under the Teach CS Grant Program 275492
established in section 3333.129 of the Revised Code. 275493

Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION 275494

The foregoing appropriation item 235414, Grants and 275495
Scholarship Administration, shall be used by the Chancellor of 275496
Higher Education to manage and administer student financial aid 275497
programs created by the General Assembly and grants for which the 275498
Department of Higher Education is responsible. The appropriation 275499
item also shall be used to support all state financial aid audits 275500
and student financial aid programs created by Congress, and to 275501
provide fiscal and administrative services for the Ohio National 275502
Guard Scholarship Program. 275503

Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS 275504

The foregoing appropriation item 235417, Technology 275505
Maintenance and Operations, shall be used by the Chancellor of 275506
Higher Education to support the development and implementation of 275507
information technology solutions designed to improve the 275508
performance and capacity of the Department of Higher Education. 275509
The information technology solutions may be provided by the Ohio 275510
Technology Consortium (OH-TECH). 275511

Of the foregoing appropriation item 235417, Technology 275512
Maintenance and Operations, a portion in each fiscal year may be 275513
used by the Chancellor to support the continued implementation of 275514
eStudent Services, a consortium organized under division (T) of 275515
section 3333.04 of the Revised Code to expand access to dual 275516
enrollment opportunities for high school students, continue the 275517
support of the statewide eTutoring program, and for any other 275518
strategic priorities of the Chancellor. 275519

Of the foregoing appropriation item 235417, Technology 275520
Maintenance and Operations, a portion in each fiscal year shall be 275521

used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, \$150,000 in each fiscal year shall be used to support Ohio Reach to provide mentoring and support services to former foster youth attending college.

Section 381.130. MENTAL HEALTH SUPPORT

(A) The foregoing appropriation item 235419, Mental Health Support, shall be used by the Chancellor of Higher Education to provide resources and support to address behavioral health needs at state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code. The Chancellor shall use the funds to prioritize behavioral health services, including, but not limited to, expansion of telehealth options, increased awareness of telephone and text message care line services, expansion of certified peer educator programs, and direct aid to students who are unable to afford care.

(B) In allocating funds under this section, the Chancellor shall consider at least the following factors:

(1) The relative severity of needs expressed and associated risks involved;

(2) The extent to which funds awarded will increase campus-wide knowledge and awareness of available care options;

(3) The extent to which funds awarded will increase access to, and availability of, care options;

(4) The extent to which funds awarded will remove barriers to

care options; and 275552

(5) The extent to which funds awarded will be leveraged to 275553
create long-term sustainability on campus and support 275554
collaborative, community-based programs and initiatives that can 275555
be sustained with community resources. 275556

(C) The Chancellor may consult with the Department of Mental 275557
Health and Addiction Services, RecoveryOhio, local and regional 275558
behavioral health providers, and other stakeholders as determined 275559
by the Chancellor to be appropriate when allocating funds under 275560
this section. 275561

(D) An institution receiving funds under this section shall 275562
not make changes to mental health support services offered by the 275563
institution that have the goal or net effect of shifting the cost 275564
burden of those programs to the program described in this section. 275565
An institution receiving funds under this section shall maintain 275566
the same level of mental health support services that the 275567
institution provided in the most recent academic year in the 275568
aggregate to all students or on a per-student basis. 275569

Section 381.160. OHIO WORK READY GRANT 275570

The foregoing appropriation item 235425, Ohio Work Ready 275571
Grant, shall be used by the Chancellor of Higher Education to 275572
establish and operate the Ohio Work Ready Grant Program pursuant 275573
to section 3333.24 of the Revised Code. 275574

Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE 275575
PARTNERSHIP 275576

Of the foregoing appropriation item 235428, Appalachian New 275577
Economy Workforce Partnership, \$500,000 in each fiscal year shall 275578
be allocated to the Mahoning Valley Innovation and 275579
Commercialization Center. 275580

The remainder of the foregoing appropriation item 235428, 275581
Appalachian New Economy Workforce Partnership, shall be 275582
distributed to Ohio University's Voinovich School to continue a 275583
multi-campus and multi-agency coordinated effort to link 275584
Appalachia to the new economy. Ohio University shall use these 275585
funds to provide leadership in the development and implementation 275586
of initiatives in the areas of entrepreneurship, management, 275587
education, and technology. 275588

Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP 275589

The foregoing appropriation item 235438, Choose Ohio First 275590
Scholarship, shall be used to operate the program prescribed in 275591
sections 3333.60 to 3333.69 of the Revised Code. 275592

During each fiscal year, the Chancellor of Higher Education, 275593
as soon as possible after cancellation, may certify to the 275594
Director of Budget and Management the amount of canceled 275595
prior-year encumbrances in appropriation item 235438, Choose Ohio 275596
First Scholarship. Upon receipt of the certification, the Director 275597
of Budget and Management may transfer cash, up to the certified 275598
amount, from the General Revenue Fund to the Choose Ohio First 275599
Scholarship Reserve Fund (Fund 5PV0). 275600

Section 381.200. ASPIRE 275601

The foregoing appropriation item 235443, Aspire - State, 275602
shall be used to support the Aspire program. The supported 275603
programs shall satisfy the state match and maintenance of effort 275604
requirements for the state-administered grant program. 275605

Section 381.210. OHIO TECHNICAL CENTERS FUNDING 275606

The foregoing appropriation item 235444, Ohio Technical 275607
Centers, shall be used by the Chancellor of Higher Education to 275608
support post-secondary adult career-technical education. The 275609

Chancellor shall provide coordination for Ohio Technical Centers 275610
through program approval processes, data collection of program and 275611
student outcomes, and subsidy disbursements from the foregoing 275612
appropriation item 235444, Ohio Technical Centers. 275613

(A)(1) As soon as possible in each fiscal year, in accordance 275614
with instructions of the Chancellor, each Ohio Technical Center 275615
shall report its actual data, consistent with the definitions in 275616
the Higher Education Information (HEI) system's files, to the 275617
Chancellor. 275618

(a) In defining the number of full-time equivalent students 275619
for state subsidy purposes, the Chancellor shall exclude all 275620
students who are not residents of Ohio. 275621

(b) A full-time equivalent student shall be defined as a 275622
student who completes 450 hours. Those students that complete some 275623
portion of 450 hours shall be counted as a partial full-time 275624
equivalent for funding purposes, while students that complete more 275625
than 450 hours shall be counted as proportionally greater than one 275626
full-time equivalent. 275627

(c) In calculating each Ohio Technical Center's full-time 275628
equivalent students, the Chancellor shall use a three-year 275629
average. 275630

(d) Ohio Technical Centers shall operate with, or be an 275631
active candidate for, accreditation by an accreditor authorized by 275632
the United States Department of Education to be eligible to 275633
receive subsidies from the foregoing appropriation item 235444, 275634
Ohio Technical Centers. 275635

(2) In each fiscal year, 25 per cent of the allocation for 275636
Ohio Technical Centers shall be distributed based on the 275637
proportion of each Center's full-time equivalent students to the 275638
total full-time equivalent students who complete a post-secondary 275639
technical workforce training program approved by the Chancellor 275640

with a grade of C or better or a grade of pass if the program is 275641
evaluated on a pass/fail basis. 275642

(3) In each fiscal year, 20 per cent of the allocation for 275643
Ohio Technical Centers shall be distributed based on the 275644
proportion of each Center's full-time equivalent students to the 275645
total full-time equivalent students who complete 50 per cent of a 275646
program of study as a measure of student retention. 275647

(4) In each fiscal year, 50 per cent of the allocation for 275648
Ohio Technical Centers shall be distributed based on the 275649
proportion of each Center's full-time equivalent students to the 275650
total full-time equivalent students who have found employment, 275651
entered military service, or enrolled in additional post-secondary 275652
education and training in accordance with the placement 275653
definitions of the Strengthening Career and Technical Education 275654
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 275655
calculation for eligible full-time equivalent students shall be 275656
based on the per cent of Perkins placements for students who have 275657
completed at least 50 per cent of a program of study. 275658

(5) In each fiscal year, five per cent of the allocation for 275659
Ohio Technical Centers shall be distributed based on the 275660
proportion of each Center's full-time equivalent students to the 275661
total full-time equivalent students who have earned a credential 275662
from an industry-recognized third party. 275663

(B) Of the foregoing appropriation item 235444, Ohio 275664
Technical Centers, up to 2.38 per cent in each fiscal year may be 275665
distributed by the Chancellor to the Ohio Central School System, 275666
up to \$48,000 in each fiscal year may be utilized for assistance 275667
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 275668
year may be distributed by the Chancellor to Ohio Technical 275669
Centers that provide customized training and business consultation 275670
services with matching local dollars, with preference to 275671
industries on the in-demand jobs list created under section 275672

6301.11 of the Revised Code, industries in regionally emerging 275673
fields, or local businesses and industries. Each center meeting 275674
this requirement shall receive at least \$25,000 but not more than 275675
a maximum amount determined by the Chancellor. 275676

(C) The remainder of the foregoing appropriation item 235444, 275677
Ohio Technical Centers, in each fiscal year shall be distributed 275678
in accordance with division (A) of this section. 275679

Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM 275680
SUPPORT 275681

The foregoing appropriation item 235474, Area Health 275682
Education Centers Program Support, shall be used by the Chancellor 275683
of Higher Education to support the medical school regional area 275684
health education centers' educational programs for the continued 275685
support of medical and other health professions education and for 275686
support of the Area Health Education Center Program. 275687

Section 381.230. CAMPUS SAFETY AND TRAINING 275688

The foregoing appropriation item 235492, Campus Safety and 275689
Training, shall be used by the Chancellor of Higher Education for 275690
the purpose of developing model best practices for preventing and 275691
responding to sexual violence on campus. The Chancellor, in 275692
consultation with state institutions of higher education as 275693
defined in section 3345.011 of the Revised Code and private 275694
nonprofit institutions of higher education holding certificates of 275695
authorization under Chapter 1713. of the Revised Code, shall 275696
continue to develop model best practices in line with emerging 275697
trends, research, and evidence-based training for preventing and 275698
responding to sexual violence and protecting students and staff 275699
who are victims of sexual violence on campus. The Chancellor shall 275700
convene state institutions of higher education and private 275701
nonprofit institutions of higher education in the training and 275702

implementation of best practices regarding campus sexual violence. 275703

Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS 275704

The Chancellor of Higher Education shall establish procedures 275705
to allocate the foregoing appropriation item 235501, State Share 275706
of Instruction, based on the formulas detailed in this section 275707
that utilize the enrollment, course completion, degree attainment, 275708
and student achievement factors reported annually by each state 275709
institution of higher education participating in the Higher 275710
Education Information (HEI) system. 275711

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 275712
COMPLETIONS 275713

(1) As soon as possible during each fiscal year of the 275714
biennium ending June 30, 2025, in accordance with instructions of 275715
the Department of Higher Education, each state institution of 275716
higher education shall report its actual data, consistent with the 275717
definitions in the Higher Education Information (HEI) system's 275718
enrollment files, to the Chancellor. 275719

(2) In defining the number of full-time equivalent students 275720
for state subsidy instructional cost purposes, the Chancellor 275721
shall exclude all undergraduate students who are not residents of 275722
Ohio or who do not meet the definition of residency for state 275723
subsidy and tuition surcharge purposes, except those charged 275724
in-state fees in accordance with reciprocity agreements made under 275725
section 3333.17 of the Revised Code or employer contracts entered 275726
into under section 3333.32 of the Revised Code. 275727

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 275728

For purposes of calculating state share of instruction 275729
allocations, the total instructional costs per full-time 275730
equivalent student shall be: 275731

Model Fiscal Year 2024 Fiscal Year 2025 275732

| | | | |
|---|----------|----------|--------|
| ARTS AND HUMANITIES 1 | \$9,893 | \$10,116 | 275733 |
| ARTS AND HUMANITIES 2 | \$14,268 | \$14,590 | 275734 |
| ARTS AND HUMANITIES 3 | \$17,722 | \$18,123 | 275735 |
| ARTS AND HUMANITIES 4 | \$25,215 | \$25,785 | 275736 |
| ARTS AND HUMANITIES 5 | \$41,603 | \$42,543 | 275737 |
| ARTS AND HUMANITIES 6 | \$37,838 | \$38,694 | 275738 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 1 | \$9,726 | \$9,946 | 275739 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 2 | \$9,403 | \$9,616 | 275740 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 3 | \$12,825 | \$13,115 | 275741 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 4 | \$15,305 | \$15,651 | 275742 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 5 | \$23,170 | \$23,694 | 275743 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 6 | \$25,931 | \$26,517 | 275744 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 7 | \$33,864 | \$34,629 | 275745 |
| DOCTORAL 1 | \$47,980 | \$49,065 | 275746 |
| DOCTORAL 2 | \$52,103 | \$53,280 | 275747 |
| SCIENCE, TECHNOLOGY,
ENGINEERING, MATHEMATICS,
MEDICINE 1 | \$9,801 | \$10,023 | 275748 |
| SCIENCE, TECHNOLOGY,
ENGINEERING, MATHEMATICS,
MEDICINE 2 | \$12,983 | \$13,277 | 275749 |
| SCIENCE, TECHNOLOGY,
ENGINEERING, MATHEMATICS,
MEDICINE 3 | \$14,919 | \$15,257 | 275750 |
| SCIENCE, TECHNOLOGY,
ENGINEERING, MATHEMATICS, | \$17,268 | \$17,658 | 275751 |

| | | | |
|---|------------------|------------------|--------|
| MEDICINE 4 | | | |
| SCIENCE, TECHNOLOGY, | \$21,746 | \$22,238 | 275752 |
| ENGINEERING, MATHEMATICS, | | | |
| MEDICINE 5 | | | |
| SCIENCE, TECHNOLOGY, | \$20,099 | \$20,553 | 275753 |
| ENGINEERING, MATHEMATICS, | | | |
| MEDICINE 6 | | | |
| SCIENCE, TECHNOLOGY, | \$26,404 | \$27,001 | 275754 |
| ENGINEERING, MATHEMATICS, | | | |
| MEDICINE 7 | | | |
| SCIENCE, TECHNOLOGY, | \$42,099 | \$43,051 | 275755 |
| ENGINEERING, MATHEMATICS, | | | |
| MEDICINE 8 | | | |
| SCIENCE, TECHNOLOGY, | \$56,307 | \$57,580 | 275756 |
| ENGINEERING, MATHEMATICS, | | | |
| MEDICINE 9 | | | |
| Doctoral I and Doctoral II models shall be allocated in | | | 275757 |
| accordance with division (D)(2) of this section. | | | 275758 |
| Medical I and Medical II models shall be allocated in | | | 275759 |
| accordance with divisions (D)(3) and (D)(4) of this section. | | | 275760 |
| (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, | | | 275761 |
| AND GRADUATE WEIGHTS | | | 275762 |
| For the purpose of implementing the recommendations of the | | | 275763 |
| 2006 State Share of Instruction Consultation and the Higher | | | 275764 |
| Education Funding Study Council that priority be given to | | | 275765 |
| maintaining state support for science, technology, engineering, | | | 275766 |
| mathematics, medicine, and graduate programs, the costs in | | | 275767 |
| division (B) of this section shall be weighted by the amounts | | | 275768 |
| provided below: | | | 275769 |
| Model | Fiscal Year 2024 | Fiscal Year 2025 | 275770 |
| ARTS AND HUMANITIES 1 | 1.0000 | 1.0000 | 275771 |
| ARTS AND HUMANITIES 2 | 1.0000 | 1.0000 | 275772 |

| | | | |
|---|--------|--------|--------|
| ARTS AND HUMANITIES 3 | 1.0000 | 1.0000 | 275773 |
| ARTS AND HUMANITIES 4 | 1.0000 | 1.0000 | 275774 |
| ARTS AND HUMANITIES 5 | 1.0425 | 1.0425 | 275775 |
| ARTS AND HUMANITIES 6 | 1.0425 | 1.0425 | 275776 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 1 | 1.0000 | 1.0000 | 275777 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 2 | 1.0000 | 1.0000 | 275778 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 3 | 1.0000 | 1.0000 | 275779 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 4 | 1.0000 | 1.0000 | 275780 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 5 | 1.0425 | 1.0425 | 275781 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 6 | 1.0425 | 1.0425 | 275782 |
| BUSINESS, EDUCATION &
SOCIAL SCIENCES 7 | 1.0425 | 1.0425 | 275783 |
| DOCTORAL 1 | 1.0000 | 1.0000 | 275784 |
| DOCTORAL 2 | 1.0000 | 1.0000 | 275785 |
| SCIENCE, TECHNOLOGY,
ENGINEERING, MATHEMATICS,
MEDICINE 1 | 1.0000 | 1.0000 | 275786 |
| SCIENCE, TECHNOLOGY,
ENGINEERING, MATHEMATICS,
MEDICINE 2 | 1.0017 | 1.0017 | 275787 |
| SCIENCE, TECHNOLOGY,
ENGINEERING, MATHEMATICS,
MEDICINE 3 | 1.6150 | 1.6150 | 275788 |
| SCIENCE, TECHNOLOGY,
ENGINEERING, MATHEMATICS,
MEDICINE 4 | 1.6920 | 1.6920 | 275789 |
| SCIENCE, TECHNOLOGY, | 1.4222 | 1.4222 | 275790 |

| | | | |
|--|--------|--------|--------|
| ENGINEERING, MATHEMATICS,
MEDICINE 5 | | | |
| SCIENCE, TECHNOLOGY, | 1.8798 | 1.8798 | 275791 |
| ENGINEERING, MATHEMATICS,
MEDICINE 6 | | | |
| SCIENCE, TECHNOLOGY, | 1.4380 | 1.4380 | 275792 |
| ENGINEERING, MATHEMATICS,
MEDICINE 7 | | | |
| SCIENCE, TECHNOLOGY, | 1.5675 | 1.5675 | 275793 |
| ENGINEERING, MATHEMATICS,
MEDICINE 8 | | | |
| SCIENCE, TECHNOLOGY, | 1.1361 | 1.1361 | 275794 |
| ENGINEERING, MATHEMATICS,
MEDICINE 9 | | | |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA | | | 275795 |
| ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES | | | 275796 |
| (1) Of the foregoing appropriation item 235501, State Share | | | 275797 |
| of Instruction, 50 per cent of the appropriation for universities, | | | 275798 |
| as established in division (A)(2) of the section of this act | | | 275799 |
| entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND | | | 275800 |
| 2025," in each fiscal year shall be reserved for support of | | | 275801 |
| associate, baccalaureate, master's, and professional level degree | | | 275802 |
| attainment. | | | 275803 |
| The degree attainment funding shall be allocated to | | | 275804 |
| universities in proportion to each campus's share of the total | | | 275805 |
| statewide degrees granted, weighted by the cost of the degree | | | 275806 |
| programs. The degree cost calculations shall include the model | | | 275807 |
| cost weights for the science, technology, engineering, | | | 275808 |
| mathematics, and medicine models as established in division (C) of | | | 275809 |
| this section. | | | 275810 |
| For degrees including credits earned at multiple | | | 275811 |
| institutions, degree attainment funding shall be allocated to | | | 275812 |

universities in proportion to each campus's share of the 275813
student-specific cost of earned credits for the degree. Each 275814
institution shall receive its prorated share of degree funding for 275815
credits earned at that institution. Cost of credits not earned at 275816
a university main or regional campus shall be credited to the 275817
degree-granting institution for the first degree earned by a 275818
student at each degree level. The cost credited to the 275819
degree-granting institution shall not be eligible for at-risk 275820
weights and shall be limited to 12.5 per cent of the 275821
student-specific degree costs. However, the 12.5 per cent 275822
limitation shall not apply if the student transferred 12 or fewer 275823
credits into the degree granting institution. 275824

In calculating the subsidy entitlements for degree attainment 275825
for universities, the Chancellor shall use the following count of 275826
degrees and degree costs: 275827

(a) The subsidy eligible undergraduate degrees shall be 275828
defined as follows: 275829

(i) The subsidy eligible degrees conferred to students 275830
identified as residents of the state of Ohio in any term of their 275831
studies, as reported through the Higher Education Information 275832
(HEI) system student enrollment file, shall be weighted by a 275833
factor of 1. 275834

(ii) The subsidy eligible degrees conferred to students 275835
identified as out-of-state residents during all terms of their 275836
studies, as reported through the Higher Education Information 275837
(HEI) system student enrollment file, who remain in the state of 275838
Ohio at least one year after graduation, as calculated based on 275839
the three-year average in-state residency rate using the 275840
Unemployment Wage data for out-of-state graduates at each 275841
institution, shall be weighted by a factor of 50 per cent. 275842

(iii) Subsidy eligible associate degrees are defined as those 275843

earned by students attending any state-supported university main 275844
or regional campus. 275845

(b) In calculating each campus's count of degrees, the 275846
Chancellor shall use the three-year average associate, 275847
baccalaureate, master's, and professional degrees awarded for the 275848
most recent completed three-year period that is practicable as 275849
agreed to by the Inter-University Council and the Chancellor. 275850

(i) If a student is awarded an associate degree and, 275851
subsequently, is awarded a baccalaureate degree, the amount funded 275852
for the baccalaureate degree shall be limited to either the 275853
difference in cost between the cost of the baccalaureate degree 275854
and the cost of the associate degree paid previously, or if the 275855
associate degree has a higher cost than the baccalaureate degree, 275856
the cost of the credits earned by the student after the associate 275857
degree was awarded. 275858

(ii) If a student earns an associate degree then, 275859
subsequently, earns a baccalaureate degree, the associate degree 275860
granting institution shall only receive the prorated share of the 275861
baccalaureate degree funding for the credits earned at that 275862
institution after the associate degree is awarded. 275863

(iii) If a student earns more than one degree at the same 275864
institution at the same degree level in the same fiscal year, the 275865
funding for the highest cost degree shall be prorated among 275866
institutions based on where the credits were earned and additional 275867
degrees shall be funded at 25 per cent of the cost of the degrees. 275868

(c) Associate degrees and baccalaureate degrees earned by a 275869
student defined as at-risk based on academic under-preparation, 275870
age, minority status, financial status, or first generation 275871
post-secondary status based on neither parent completing any 275872
education beyond high school, shall be defined as degrees earned 275873
by an at-risk student and shall be weighted by the following: 275874

A student-specific degree completion weight, where the weight is calculated based on the at-risk factors of the individual student, determined by calculating the difference between the percentage of students with each risk factor who earned a degree and the percentage of non-at-risk students who earned a degree.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, up to 11.78 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for support of doctoral programs to implement the funding recommendations made by representatives of the universities. The amount so reserved shall be referred to as the doctoral set-aside.

In each fiscal year, the doctoral set-aside funding allocation shall be allocated to universities as follows:

(a) 25 per cent of the doctoral set-aside shall be allocated to universities in proportion to their share of the statewide total earnings of each state institution's three-year average course completions. The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file. Course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all doctoral enrollments in graduate-level models.

(b) 50 per cent of the doctoral set-aside shall be allocated to universities in proportion to each campus's share of the total statewide doctoral degrees, weighted by the cost of the doctoral discipline. In calculating each campus's doctoral degrees the

Chancellor shall use the three-year average doctoral degrees 275907
awarded for the most recent completed three-year period that is 275908
practicable as agreed to by the Inter-University Council and the 275909
Chancellor. 275910

(c) 25 per cent of the doctoral set-aside shall be allocated 275911
to universities in proportion to their share of research grant 275912
activity. Funding for this component shall be allocated to 275913
eligible universities in proportion to their share of research 275914
grant activity published by the National Science Foundation. Grant 275915
awards from the Department of Health and Human Services shall be 275916
weighted at 50 per cent. 275917

(3) Of the foregoing appropriation item 235501, State Share 275918
of Instruction, 6.41 per cent of the appropriation for 275919
universities, as established in division (A)(2) of the section of 275920
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 275921
2024 AND 2025," in each fiscal year shall be reserved for support 275922
of Medical II FTEs. The amount so reserved shall be referred to as 275923
the medical II set-aside. 275924

The medical II set-aside shall be allocated to universities 275925
in proportion to their share of the statewide total of each state 275926
institution's three-year average Medical II FTEs as calculated in 275927
division (A) of this section. 275928

In calculating the core subsidy entitlements for Medical II 275929
models only, students repeating terms may be no more than five per 275930
cent of current year enrollment. 275931

(4) Of the foregoing appropriation item 235501, State Share 275932
of Instruction, 1.69 per cent of the appropriation for 275933
universities, as established in division (A)(2) of the section of 275934
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 275935
2024 AND 2025," in each fiscal year shall be reserved for support 275936
of Medical I FTEs. The amount so reserved shall be referred to as 275937

the medical I set-aside. 275938

In each fiscal year, the medical I set-aside shall be 275939
allocated to universities as follows: 275940

(a) 12.34 per cent of the medical I set-aside shall be 275941
allocated to universities in proportion to their share of the 275942
statewide total of each state institution's three-year average 275943
Medical I FTEs, as calculated in division (A) of this section, 275944
enrolled in public colleges of podiatric medicine. 275945

(b) 87.66 per cent of the medical I set-aside shall be 275946
allocated to universities in proportion to their share of the 275947
statewide total of each state institution's three-year average 275948
Medical I FTEs, as calculated in division (A) of this section, 275949
enrolled in public colleges of dentistry and veterinary medicine. 275950

(5) In calculating the course completion funding for 275951
universities, the Chancellor shall use the following count of FTE 275952
students: 275953

(a) The subsidy eligible enrollments by model shall equal 275954
only those FTE students who successfully complete the course as 275955
defined and reported through the Higher Education Information 275956
(HEI) system course enrollment file; 275957

(b) Those undergraduate FTE students with successful course 275958
completions, identified in division (D)(5)(a) of this section, 275959
that are defined as at-risk based on academic under-preparation or 275960
financial status shall have their eligible completions weighted by 275961
the following: 275962

(i) Institution-specific course completion indexes, where the 275963
indexes are calculated based upon the number of at-risk students 275964
enrolled during the 2019-2020, 2020-2021, and 2021-2022 academic 275965
years; and 275966

(ii) A statewide average at-risk course completion weight 275967

determined for each subsidy model. The statewide average at-risk course completion weight shall be determined by calculating the difference between the percentage of traditional students who complete a course and the percentage of at-risk students who complete the same course.

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all models except Medical I and Medical II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities, established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses

in proportion to each campus's share of the total sector's course 275999
completions, weighted by the instructional cost of the subsidy 276000
models. 276001

To calculate the subsidy entitlements for course completions 276002
at community colleges, state community colleges, and technical 276003
colleges, the Chancellor shall use the following calculations: 276004

(a) In calculating each campus's count of FTE course 276005
completions, the Chancellor shall use a three-year average for 276006
course completions for the three-year period ending in the prior 276007
year for students identified as residents of the state of Ohio in 276008
any term of their studies, as reported through the Higher 276009
Education Information (HEI) system student enrollment file. 276010

(b) The subsidy eligible enrollments by model shall equal 276011
only those FTE students who successfully complete the course as 276012
defined and reported through the Higher Education Information 276013
(HEI) system course enrollment file. 276014

(c) Those students with successful course completions, that 276015
are defined as access students based on financial status, minority 276016
status, age, or academic under-preparation shall have their 276017
eligible course completions weighted by a statewide access weight. 276018
The weight given to any student that meets any access factor shall 276019
be 15 per cent for all course completions. 276020

(d) The model costs as used in the calculation shall be 276021
augmented by the model weights for science, technology, 276022
engineering, mathematics, and medicine models as established in 276023
division (C) of this section. 276024

(2) Of the foregoing appropriation item 235501, State Share 276025
of Instruction, 25 per cent of the appropriation for 276026
state-supported community colleges, state community colleges, and 276027
technical colleges as established in division (A)(1) of the 276028
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 276029

FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 276030
for colleges in proportion to their share of college student 276031
success factors. 276032

Student success factors shall be awarded at the institutional 276033
level for each subsidy-eligible student that successfully: 276034

(a) Completes a college-level math course within the first 30 276035
hours of completed coursework. 276036

(b) Completes a college-level English course within the first 276037
30 hours of completed coursework. 276038

(c) Completes 12 semester credit hours of college-level 276039
coursework. 276040

(d) Completes 24 semester credit hours of college-level 276041
coursework. 276042

(e) Completes 36 semester credit hours of college-level 276043
coursework. 276044

(3) Of the foregoing appropriation item 235501, State Share 276045
of Instruction, 25 per cent of the appropriation for 276046
state-supported community colleges, state community colleges, and 276047
technical colleges as established in division (A)(1) of the 276048
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 276049
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 276050
for completion milestones. 276051

Completion milestones shall include baccalaureate degrees, 276052
associate degrees, technical certificates over 30 credit hours as 276053
designated by the Department of Higher Education, and students 276054
transferring to any four-year institution with at least 12 credit 276055
hours of college-level coursework earned at that community 276056
college, state community college, or technical college. 276057

The completion milestone funding shall be allocated to 276058
colleges in proportion to each institution's share of the sector's 276059

total completion milestones, weighted by the instructional cost of 276060
the degree, certificate, or transfer models. Costs for technical 276061
certificates over 30 hours shall be weighted at one-half of the 276062
associate degree model costs and transfers with at least 12 credit 276063
hours of college-level coursework shall be weighted at one-fourth 276064
of the average cost for all associate degree model costs. 276065

(4) To calculate the subsidy entitlements for completions at 276066
community colleges, state community colleges, and technical 276067
colleges, the Chancellor shall use the following calculations: 276068

(a) In calculating each campus's count of completions, the 276069
Chancellor shall use a three-year average for completion 276070
milestones awarded to students identified as subsidy eligible in 276071
any term of their studies, as reported through the Higher 276072
Education Information (HEI) system student enrollment file. 276073

(b) The subsidy eligible completion milestones by model shall 276074
equal only those students who successfully complete a 276075
baccalaureate or an associate degree, or technical certificate 276076
over 30 credit hours, or transfer to any four-year institution 276077
with at least 12 credit hours of college-level coursework as 276078
defined and reported in the Higher Education Information (HEI) 276079
system. Student completions reported in HEI shall have an 276080
accompanying course enrollment record in order to be subsidy 276081
eligible. 276082

(c) Those students with successful completions for 276083
baccalaureate or associate degrees, technical certificates over 30 276084
credit hours, or transfer to any four-year institution with at 276085
least 12 credit hours of college-level coursework, identified in 276086
division (E)(3) of this section, that are defined as access 276087
students based on financial status, minority status, age, or 276088
academic under-preparation shall have their eligible completions 276089
weighted by a statewide access weight. The weight shall be 25 per 276090
cent for students with one access factor, 66 per cent for students 276091

with two access factors, 150 per cent for students with three 276092
access factors, and 200 per cent for students with four access 276093
factors. 276094

(d) For those students who complete more than one completion 276095
milestone, funding for each additional degree or technical 276096
certificate over 30 credit hours designated as such by the 276097
Department of Higher Education shall be funded at 50 per cent of 276098
the model costs as defined in division (E)(3) of this section. 276099

(5) For purposes of the calculations made in division (E) of 276100
this section, the Chancellor shall only include subsidy-eligible 276101
students identified as residents of the state of Ohio in any term 276102
of their studies, as reported through the Higher Education 276103
Information (HEI) system student enrollment file. The Chancellor 276104
shall be prohibited from including nonresident students as 276105
subsidy-eligible except for those students otherwise identified as 276106
subsidy-eligible in division (A)(2) of this section. 276107

(F) CAPITAL COMPONENT DEDUCTION 276108

After all other adjustments have been made, state share of 276109
instruction earnings shall be reduced for each campus by the 276110
amount, if any, by which debt service charged in H.B. 16 of the 276111
126th General Assembly, H.B. 699 of the 126th General Assembly, 276112
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 276113
General Assembly for that campus exceeds that campus's capital 276114
component earnings. The sum of the amounts deducted shall be 276115
transferred to appropriation item 235552, Capital Component, in 276116
each fiscal year. 276117

(G) EXCEPTIONAL CIRCUMSTANCES 276118

Adjustments may be made to the state share of instruction 276119
payments and other subsidies distributed by the Chancellor to 276120
state colleges and universities for exceptional circumstances. No 276121
adjustments for exceptional circumstances may be made without the 276122

recommendation of the Chancellor and the approval of the 276123
Controlling Board. 276124

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 276125
INSTRUCTION 276126

The standard provisions of the state share of instruction 276127
calculation as described in the preceding sections of temporary 276128
law shall apply to any reductions made to appropriation item 276129
235501, State Share of Instruction, before the Chancellor has 276130
formally approved the final allocation of the state share of 276131
instruction funds for any fiscal year. 276132

Any reductions made to appropriation item 235501, State Share 276133
of Instruction, after the Chancellor has formally approved the 276134
final allocation of the state share of instruction funds for any 276135
fiscal year, shall be uniformly applied to each campus in 276136
proportion to its share of the final allocation. 276137

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 276138

The state share of instruction payments to the institutions 276139
shall be in substantially equal monthly amounts during the fiscal 276140
year, unless otherwise determined by the Director of Budget and 276141
Management pursuant to section 126.09 of the Revised Code. 276142
Payments during the first six months of the fiscal year may be 276143
based upon the state share of instruction appropriation estimates 276144
made for the various institutions of higher education, and 276145
payments during the last six months of the fiscal year may be 276146
based on the final data from the Chancellor. If agreed to by the 276147
Chancellor and the Inter-University Council, payments to 276148
universities in each month of a fiscal year shall be based on 276149
final data in the higher education information system for the 276150
selected three-year period that is acceptable to both parties. 276151

Section 381.250. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 276152

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| 2024 AND 2025 | 276153 |
| (A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS." | 276154
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276156 |
| (1) Of the foregoing appropriation item 235501, State Share of Instruction, \$484,972,000 in fiscal year 2024 and \$491,887,000 in fiscal year 2025 shall be distributed to state-supported community colleges, state community colleges, and technical colleges. | 276157
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276161 |
| (2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,611,732,372 in fiscal year 2024 and \$1,627,864,939 in fiscal year 2025 shall be distributed to state-supported university main and regional campuses. | 276162
276163
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276165 |
| (B) Any increases in the amount distributed to an institution from appropriation item 235501, State Share of Instruction, above the prior year may be used by the institution to provide need-based aid and to provide counseling, support services, and workforce preparation services to students. | 276166
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276170 |
| TRANSFER TO OPPORTUNITIES FOR OHIOANS WITH DISABILITIES AGENCY | 276171
276172 |
| Notwithstanding any provision of law to the contrary, upon the request of the Chancellor of Higher Education, the Director of Budget and Management may transfer \$2,000,000 in appropriations in each fiscal year from appropriation item 235501, State Share of Instruction, to the Opportunities for Ohioans with Disabilities Agency for the College2Careers Program. Amounts transferred are hereby appropriated. | 276173
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| Section 381.260. RESTRICTION ON FEE INCREASES | 276180 |
| (A) In fiscal years 2024 and 2025, the boards of trustees of | 276181 |

state institutions of higher education shall restrain increases in 276182
in-state undergraduate instructional, general, and any other 276183
mandatory fees. 276184

(1) For the 2023-2024 and 2024-2025 academic years, all of 276185
the following shall apply: 276186

(a) Each state university or college, as defined in section 276187
3345.12 of the Revised Code, and university regional campus shall 276188
not increase its in-state undergraduate instructional and general 276189
fees over what the institution charged for the previous academic 276190
year. 276191

(b) Each community college established under Chapter 3354., 276192
state community college established under Chapter 3358., or 276193
technical college established under Chapter 3357. of the Revised 276194
Code may increase its in-state undergraduate instructional and 276195
general fees by not more than five dollars per credit hour over 276196
what the institution charged for the previous academic year. 276197

(c) For state institutions of higher education, as defined in 276198
section 3345.011 of the Revised Code, increases for all other 276199
special fees, including the creation of new special fees, shall be 276200
subject to the approval of the Chancellor of Higher Education. 276201

(2) The limitations under division (A)(1) of this section do 276202
not apply to student health insurance, fees for auxiliary goods or 276203
services provided to students at the cost incurred to the 276204
institution, fees assessed to students as a pass-through for 276205
licensure and certification examinations, fees in elective courses 276206
associated with travel experiences, elective service charges, 276207
fines, and voluntary sales transactions. 276208

(B) The limitations under this section shall not apply to 276209
increases required to comply with institutional covenants related 276210
to their obligations or to meet unfunded legal mandates or legally 276211
binding obligations incurred or commitments made prior to the 276212

effective date of this section with respect to which the 276213
institution had identified such fee increases as the source of 276214
funds. Any increase required by such covenants and any such 276215
mandates, obligations, or commitments shall be reported by the 276216
Chancellor to the Controlling Board. These limitations may also be 276217
modified by the Chancellor, with the approval of the Controlling 276218
Board, to respond to exceptional circumstances as identified by 276219
the Chancellor. 276220

(C) Institutions offering an undergraduate tuition guarantee 276221
pursuant to section 3345.48 of the Revised Code may increase 276222
instructional and general fees pursuant to that section. 276223

Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES 276224

(A) Funds appropriated for instructional subsidies at 276225
colleges and universities may be used to provide such branch or 276226
other off-campus undergraduate courses of study and such master's 276227
degree courses of study as may be approved by the Chancellor of 276228
Higher Education. 276229

(B) In providing instructional and other services to 276230
students, boards of trustees of state institutions of higher 276231
education shall supplement state subsidies with income from 276232
charges to students. Except as otherwise provided in this act, 276233
each board shall establish the fees to be charged to all students, 276234
including an instructional fee for educational and associated 276235
operational support of the institution and a general fee for 276236
noninstructional services, including locally financed student 276237
services facilities used for the benefit of enrolled students. The 276238
instructional fee and the general fee shall encompass all charges 276239
for services assessed uniformly to all enrolled students. Each 276240
board may also establish special purpose fees, service charges, 276241
and fines as required; such special purpose fees and service 276242
charges shall be for services or benefits furnished individual 276243

students or specific categories of students and shall not be 276244
applied uniformly to all enrolled students. A tuition surcharge 276245
shall be paid by all students who are not residents of Ohio. 276246

The board of trustees of a state institution of higher 276247
education shall not authorize a waiver or nonpayment of 276248
instructional fees or general fees for any particular student or 276249
any class of students other than waivers specifically authorized 276250
by law or approved by the Chancellor. This prohibition is not 276251
intended to limit the authority of boards of trustees to provide 276252
for payments to students for services rendered the institution, 276253
nor to prohibit the budgeting of income for staff benefits or for 276254
student assistance in the form of payment of such instructional 276255
and general fees. 276256

Each board may authorize a lower differential tuition rate of 276257
instructional or general fees equal to the default rate options 276258
provided under the College Credit Plus Program pursuant to Chapter 276259
3365. of the Revised Code or equal to rates established pursuant 276260
to an agreement for an alternative payment structure pursuant to 276261
section 3365.07 of the Revised Code for nonpublic and home 276262
schooled students participating in that program that are not 276263
publicly funded. Each board may establish a lower differential 276264
tuition rate for in-state undergraduate instructional fees or 276265
general fees for students enrolled exclusively in online courses, 276266
as well as a lower differential tuition rate for the surcharge for 276267
nonresidents enrolled exclusively in online courses, provided a 276268
surcharge is still assessed. 276269

Each state institution of higher education in its statement 276270
of charges to students shall separately identify the instructional 276271
fee, the general fee, the tuition charge, and the tuition 276272
surcharge. Fee charges to students for instruction shall not be 276273
considered to be a price of service but shall be considered to be 276274
an integral part of the state government financing program in 276275

support of higher educational opportunity for students. 276276

(C) The boards of trustees of state institutions of higher 276277
education shall ensure that faculty members devote a proper and 276278
judicious part of their work week to the actual instruction of 276279
students. Total class credit hours of production per academic term 276280
per full-time faculty member is expected to meet the standards set 276281
forth in the budget data submitted by the Chancellor. 276282

(D) The authority of government vested by law in the boards 276283
of trustees of state institutions of higher education shall in 276284
fact be exercised by those boards. Boards of trustees may consult 276285
extensively with appropriate student and faculty groups. 276286
Administrative decisions about the utilization of available 276287
resources, about organizational structure, about disciplinary 276288
procedure, about the operation and staffing of all auxiliary 276289
facilities, and about administrative personnel shall be the 276290
exclusive prerogative of boards of trustees. Any delegation of 276291
authority by a board of trustees in other areas of responsibility 276292
shall be accompanied by appropriate standards of guidance 276293
concerning expected objectives in the exercise of such delegated 276294
authority and shall be accompanied by periodic review of the 276295
exercise of this delegated authority to the end that the public 276296
interest, in contrast to any institutional or special interest, 276297
shall be served. 276298

Section 381.280. DECEASED OR SEVERELY DISABLED VETERANS' 276299
CHILDREN'S SCHOLARSHIPS 276300

The foregoing appropriation item 235504, Deceased or Severely 276301
Disabled Veterans' Children's Scholarships, shall be used to 276302
reimburse state institutions of higher education for waivers of 276303
instructional fees and general fees provided by them, to provide 276304
grants to institutions that have received a certificate of 276305
authorization from the Chancellor of Higher Education under 276306

Chapter 1713. of the Revised Code, in accordance with the 276307
provisions of section 5910.04 of the Revised Code, and to fund 276308
additional scholarship benefits provided by section 5910.032 of 276309
the Revised Code. 276310

During each fiscal year, the Chancellor, as soon as possible 276311
after cancellation, may certify to the Director of Budget and 276312
Management the amount of canceled prior-year encumbrances in 276313
appropriation item 235504, Deceased or Severely Disabled Veterans' 276314
Children's Scholarships. Upon receipt of the certification, the 276315
Director of Budget and Management may transfer cash, up to the 276316
certified amount, from the General Revenue Fund to the Deceased or 276317
Severely Disabled Veterans' Children's Scholarship Reserve Fund 276318
(Fund 5PW0). 276319

Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION 276320

By the first day of September in each fiscal year, or as soon 276321
as possible thereafter, the Chancellor of Higher Education shall 276322
certify to the Director of Budget and Management the amount 276323
necessary to pay any outstanding prior-year obligations to higher 276324
education institutions under the State Share of Instruction 276325
formulas, as determined by the Chancellor. Notwithstanding any 276326
provisions of law to the contrary, the Director of Budget and 276327
Management, upon the request of the Chancellor, may transfer cash 276328
in an amount up to the amounts certified for State Share of 276329
Instruction reconciliation from the State Financial Aid 276330
Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The 276331
amounts certified for State Share of Instruction reconciliation 276332
are hereby appropriated to appropriation item 235505, State Share 276333
of Instruction Reconciliation. 276334

Section 381.300. OHIOLINK 276335

The foregoing appropriation item 235507, OhioLINK, shall be 276336

used by the Chancellor of Higher Education to support OhioLINK, a 276337
consortium organized under division (T) of section 3333.04 of the 276338
Revised Code to serve as the state's electronic library 276339
information and retrieval system, which provides access statewide 276340
to an extensive set of electronic databases and resources, the 276341
library holdings of Ohio's public and participating private 276342
nonprofit colleges and universities, and the State Library of 276343
Ohio. 276344

Section 381.310. AIR FORCE INSTITUTE OF TECHNOLOGY 276345

(A) Of the foregoing appropriation item 235508, Air Force 276346
Institute of Technology, \$75,000 in each fiscal year shall be 276347
allocated to the Aerospace Professional Development Center in 276348
Dayton for statewide workforce development services in the 276349
aerospace industry. 276350

(B) The remainder of the foregoing appropriation item 235508, 276351
Air Force Institute of Technology, shall be used to do both of the 276352
following: 276353

(1) Strengthen the research and educational linkages between 276354
the Wright Patterson Air Force Base and institutions of higher 276355
education in Ohio; and 276356

(2) Support the Defense Associated Graduate Student 276357
Innovators, an engineering graduate consortium of Wright State 276358
University, the University of Dayton, and the Air Force Institute 276359
of Technology, with the participation of the University of 276360
Cincinnati and The Ohio State University. 276361

Section 381.320. OHIO SUPERCOMPUTER CENTER 276362

The foregoing appropriation item 235510, Ohio Supercomputer 276363
Center, shall be used by the Chancellor of Higher Education to 276364
support the operation of the Ohio Supercomputer Center, a 276365
consortium organized under division (T) of section 3333.04 of the 276366

Revised Code, located at The Ohio State University. The Ohio 276367
Supercomputer Center is a statewide resource available to Ohio 276368
research universities both public and private. It is also intended 276369
that the center be made accessible to private industry as 276370
appropriate. 276371

The Ohio Supercomputer Center's services shall support Ohio's 276372
colleges, universities, and businesses to make Ohio a leader in 276373
using computational science, modeling, and simulation to promote 276374
higher education, research, and economic competitiveness. 276375

Section 381.330. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 276376

The foregoing appropriation item 235511, The Ohio State 276377
University Extension Service, shall be disbursed through the 276378
Chancellor of Higher Education to The Ohio State University in 276379
monthly payments, unless otherwise determined by the Director of 276380
Budget and Management under section 126.09 of the Revised Code. 276381

Section 381.340. CENTRAL STATE SUPPLEMENT 276382

The foregoing appropriation item 235514, Central State 276383
Supplement, shall be disbursed by the Chancellor of Higher 276384
Education to Central State University. Funds shall be used in a 276385
manner consistent with the goals of increasing enrollment, 276386
improving course completion, and increasing the number of degrees 276387
conferred. 276388

Section 381.350. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 276389
MEDICINE 276390

The foregoing appropriation item 235515, Case Western Reserve 276391
University School of Medicine, shall be disbursed to Case Western 276392
Reserve University through the Chancellor of Higher Education in 276393
accordance with agreements entered into under section 3333.10 of 276394
the Revised Code, provided that the state support per full-time 276395

medical student shall not exceed that provided to full-time 276396
medical students at state universities. 276397

Section 381.360. FAMILY PRACTICE 276398

The foregoing appropriation item 235519, Family Practice, 276399
shall be distributed in each fiscal year, based on each medical 276400
school's share of residents placed in a family practice and 276401
graduates practicing in a family practice. 276402

Section 381.370. SHAWNEE STATE SUPPLEMENT 276403

The foregoing appropriation item 235520, Shawnee State 276404
Supplement, shall be disbursed by the Chancellor of Higher 276405
Education to Shawnee State University. Funds shall be used in a 276406
manner consistent with the goals of improving course completion, 276407
increasing the number of degrees conferred, and furthering the 276408
university's mission of service to the Appalachian region. 276409

Section 381.380. GERIATRIC MEDICINE 276410

The Chancellor of Higher Education shall distribute 276411
appropriation item 235525, Geriatric Medicine, consistent with 276412
existing criteria and guidelines. 276413

Section 381.390. PRIMARY CARE RESIDENCIES 276414

The foregoing appropriation item 235526, Primary Care 276415
Residencies, shall be distributed in each fiscal year, based on 276416
each medical school's share of residents placed in a primary care 276417
field and graduates practicing in a primary care field. 276418

Section 381.410. PROGRAM AND PROJECT SUPPORT 276419

(A) Of the foregoing appropriation item 235533, Program and 276420
Project Support, \$500,000 in each fiscal year shall be used to 276421
support the Ohio Aerospace Institute's Space Grant Consortium. 276422

(B) Of the foregoing appropriation item 235533, Program and 276423
Project Support, \$400,000 in each fiscal year shall be used by the 276424
Chancellor of Higher Education to support the development and 276425
implementation of an apprenticeship program administered through 276426
the Manufacturing Advocacy and Growth Network's (MAGNET) Early 276427
College Early Career Program. The apprenticeship program shall 276428
place high school students in a participating local private 276429
business that will employ the student and provide the training 276430
necessary for the student to earn a technical certification in 276431
Computer Integrated Manufacturing (CIM), machining, or welding. 276432

(C) Of the foregoing appropriation item 235533, Program and 276433
Project Support, \$250,000 in each fiscal year shall be used by the 276434
Chancellor of Higher Education to support the expansion of 276435
unmanned aviation STEM pilot programs in Clark County and at 276436
Midview High School JROTC in Grafton. 276437

(D) Of the foregoing appropriation item 235533, Program and 276438
Project Support, \$500,000 in fiscal year 2024 shall be allocated 276439
to support the Ashland University Military and Veterans Resource 276440
Center Project. 276441

(E) Of the foregoing appropriation item 235533, Program and 276442
Project Support, \$250,000 in each fiscal year shall be used to 276443
support the Clearance Ready Program at Wright State University. 276444

(F) Of the foregoing appropriation item 235533, Program and 276445
Project Support, \$1,550,000 in fiscal year 2024 shall be used to 276446
support the IT Workforce Accelerator Training Center at Youngstown 276447
State University. 276448

(G) Of the foregoing appropriation item 235533, Program and 276449
Project Support, \$300,000 in each fiscal year shall be used by the 276450
Chancellor of Higher Education to award competitive grants to 276451
state institutions of higher education, in collaboration with 276452
community centers, summer camps, or chartered nonpublic schools, 276453

to provide certificate courses for high school students and 276454
adults. The Chancellor shall establish procedures and criteria for 276455
awarding the grants, except that the Chancellor shall give 276456
preference in determining awards to institutions that have already 276457
formed such partnerships. 276458

(H)(1) Of the foregoing appropriation item 235533, Program 276459
and Project Support, \$250,000 in each fiscal year shall be used by 276460
the Chancellor of Higher Education, in collaboration with the Ohio 276461
State University Cooperative Extension Services and Central State 276462
University Cooperative Extension Services, to establish the Urban 276463
Farmer Youth Initiative Pilot Program to provide relevant 276464
programming and support with regard to farming and agriculture to 276465
young people between the ages of six to eighteen living in urban 276466
areas. 276467

(2) The pilot program shall operate for fiscal years 2024 and 276468
2025 and offer programming in at least two, but not more than 276469
four, counties. 276470

(3)(a) The Chancellor and the Ohio State University 276471
Cooperative Extension Services and Central State University 276472
Cooperative Extension Services may do both of the following: 276473

(i) Use up to fifteen per cent of the amount appropriated for 276474
fiscal year 2024 for the pilot program to develop and establish 276475
the pilot program; 276476

(ii) Partner with local entities to deliver programming for 276477
the pilot program. The Chancellor and the extension services may 276478
pay entities for services with funds appropriated for this 276479
program. 276480

(b) Any appropriated funds may also be used to support 276481
existing agricultural organizations to help expand programming to 276482
include young people living in urban areas. 276483

(I) Of the foregoing appropriation item 235533, Program and 276484

Project Support, \$100,000 in each fiscal year shall be distributed 276485
to S.U.C.C.E.S.S. for Autism to administer an interprofessional 276486
collaborative pilot program for the purpose of training 276487
professionals in The S.U.C.C.E.S.S. Approach, a transdisciplinary 276488
neurodevelopmental model to assess, educate, and treat children 276489
and adults with autism. 276490

(J) Of the foregoing appropriation item 235533, Program and 276491
Project Support, \$5,000,000 in each fiscal year shall be 276492
distributed to The Ohio State University to support the Salmon P. 276493
Chase Center for Civics, Culture, and Society established under 276494
section 3335.39 of the Revised Code. 276495

(K) Of the foregoing appropriation item 235533, Program and 276496
Project Support, \$1,000,000 in each fiscal year shall be 276497
distributed to the University of Toledo to support the Institute 276498
of American Constitutional Thought and Leadership established 276499
under section 3364.07 of the Revised Code. 276500

(L) Of the foregoing appropriation item 235533, Program and 276501
Project Support, \$200,000 in each fiscal year shall be used to 276502
support the University of Dayton Statehouse Civic Scholars 276503
Program. 276504

(M) Of the foregoing appropriation item 235533, Program and 276505
Project Support, \$100,000 in each fiscal year shall be allocated 276506
to support the Kent State University Rising Scholars Program. 276507

(N) Of the foregoing appropriation item, 235533, Program and 276508
Project Support, up to \$150,000 in fiscal year 2024 and up to 276509
\$250,000 in fiscal year 2025 shall be used to support The Ohio 276510
State University East Side Dental Clinic. 276511

Section 381.420. OHIO STATE AGRICULTURAL RESEARCH 276512

The foregoing appropriation item 235535, Ohio State 276513
Agricultural Research, shall be disbursed through the Chancellor 276514

of Higher Education to The Ohio State University in monthly 276515
payments, unless otherwise determined by the Director of Budget 276516
and Management under section 126.09 of the Revised Code. 276517

The Ohio Agricultural Research and Development Center, an 276518
entity of the College of Food, Agricultural, and Environmental 276519
Sciences of The Ohio State University, shall further its mission 276520
of enhancing Ohio's economic development and job creation by 276521
continuing to internally allocate on a competitive basis 276522
appropriated funding of programs based on demonstrated 276523
performance. Academic units, faculty, and faculty-driven programs 276524
shall be evaluated and rewarded consistent with agreed-upon 276525
performance expectations as called for in the College's 276526
Expectations and Criteria for Performance Assessment. 276527

Section 381.430. STATE UNIVERSITY CLINICAL TEACHING 276528

The foregoing appropriation items 235536, The Ohio State 276529
University Clinical Teaching; 235537, University of Cincinnati 276530
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 276531
235539, Wright State University Clinical Teaching; 235540, Ohio 276532
University Clinical Teaching; and 235541, Northeast Ohio Medical 276533
University Clinical Teaching, shall be distributed through the 276534
Chancellor of Higher Education. 276535

Of the foregoing appropriation item 235539, Wright State 276536
University Clinical Teaching, \$1,500,000 in each fiscal year shall 276537
be used to support the establishment of the Aerospace Medicine and 276538
Human Performance Center at Wright State University. 276539

Section 381.440. CENTRAL STATE AGRICULTURAL RESEARCH AND 276540
DEVELOPMENT 276541

The foregoing appropriation item 235546, Central State 276542
Agricultural Research and Development, shall be used in 276543
conjunction with appropriation item 235548, Central State 276544

Cooperative Extension Services, by Central State University for 276545
its state match requirement as an 1890 land grant university. 276546

Section 381.450. CAPITAL COMPONENT 276547

The foregoing appropriation item 235552, Capital Component, 276548
shall be used by the Chancellor of Higher Education to provide 276549
funding for prior commitments made pursuant to the state's former 276550
capital funding policy for state colleges and universities that 276551
was originally established in H.B. 748 of the 121st General 276552
Assembly. Appropriations from this item shall be distributed to 276553
all campuses for which the estimated campus debt service 276554
attributable to qualifying capital projects was less than the 276555
campus's formula-determined capital component allocation. Campus 276556
allocations shall be determined by subtracting the estimated 276557
campus debt service attributable to qualifying capital projects 276558
from the campus's formula-determined capital component allocation. 276559
Moneys distributed from this appropriation item shall be 276560
restricted to capital-related purposes. 276561

Any campus for which the estimated campus debt service 276562
attributable to qualifying capital projects is greater than the 276563
campus's formula-determined capital component allocation shall 276564
have the difference subtracted from its State Share of Instruction 276565
allocation in each fiscal year. Appropriation equal to the sum of 276566
all such amounts shall be transferred from appropriation item 276567
235501, State Share of Instruction, to appropriation item 235552, 276568
Capital Component. 276569

Section 381.460. LIBRARY DEPOSITORIES 276570

The foregoing appropriation item 235555, Library 276571
Depositories, shall be distributed to the state's five regional 276572
depository libraries for the cost-effective storage of and access 276573
to lesser-used materials in university library collections. The 276574

depositories shall be administrated by the Chancellor of Higher Education, or by OhioLINK at the discretion of the Chancellor.

Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET)

The foregoing appropriation item 235556, Ohio Academic Resources Network, shall be used by the Chancellor of Higher Education to support the operations of the Ohio Academic Resources Network, a consortium organized under division (T) of section 3333.04 of the Revised Code, which shall include support for Ohio's colleges and universities in maintaining and enhancing network connections, using new network technologies to improve research, education, and economic development programs, and sharing information technology services. To the extent network capacity is available, OARnet shall support allocating bandwidth to eligible programs directly supporting Ohio's economic development.

Section 381.480. LONG-TERM CARE RESEARCH

The foregoing appropriation item 235558, Long-term Care Research, shall be disbursed to Miami University for long-term care research.

Section 381.490. OHIO COLLEGE OPPORTUNITY GRANT

(A)(1) As used in this section:

(a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.

(b) The three "sectors" of institutions of higher education consist of the following:

(i) State colleges and universities, community colleges, state community colleges, university branches, and technical

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| colleges; | 276603 |
| (ii) Eligible private nonprofit institutions of higher education; | 276604
276605 |
| (iii) Eligible private for-profit career colleges and schools. | 276606
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| (2)(a) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2024: | 276608
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| (i) \$3,200 per student at a state institution of higher education; | 276610
276611 |
| (ii) \$4,700 per student at an eligible nonprofit institution of higher education; | 276612
276613 |
| (iii) \$1,850 per student at a private for-profit career college or school. | 276614
276615 |
| (b) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2025: | 276616
276617 |
| (i) \$4,000 per student at a state institution of higher education; | 276618
276619 |
| (ii) \$5,000 per student at an eligible nonprofit institution of higher education; | 276620
276621 |
| (iii) \$2,000 per student at a private for-profit career college or school. | 276622
276623 |
| (c) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted. | 276624
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276626 |
| (3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor shall make awards under that section in fiscal year 2024 and fiscal year 2025 to students with an expected family contribution of three thousand seven hundred fifty dollars or less. | 276627
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(4) If the Chancellor determines that the amounts 276632
appropriated for support of the Ohio College Opportunity Grant 276633
program are inadequate to provide grants to all eligible students 276634
as specified under division (D) of section 3333.122 of the Revised 276635
Code, the Chancellor may follow methods established in division 276636
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the 276637
Chancellor determines that reductions in award amounts are 276638
necessary, the Chancellor shall reduce the award amounts 276639
proportionally among the sectors of institutions specified in 276640
division (A)(1) of this section in a manner determined by the 276641
Chancellor. The Chancellor shall notify the Controlling Board of 276642
the distribution method. Any formula calculated under this 276643
division shall be complete and established to coincide with the 276644
start of each academic year. 276645

(B) Prior to determining the amount of funds available to 276646
award under this section and section 3333.122 of the Revised Code, 276647
the Chancellor shall use the foregoing appropriation item 235563, 276648
Ohio College Opportunity Grant, to pay for waivers of tuition and 276649
student fees for eligible students under the Ohio Safety Officer's 276650
College Memorial Fund Program under section 3333.26 of the Revised 276651
Code and for grants to qualifying institutions on behalf of 276652
eligible students under the adoption grant program established 276653
under section 3333.128 of the Revised Code. 276654

In each fiscal year, with the exception of sections 3333.121 276655
and 3333.124 of the Revised Code and the section of this act 276656
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 276657
shall not distribute or obligate or commit to be distributed an 276658
amount greater than what is appropriated under the foregoing 276659
appropriation item 235563, Ohio College Opportunity Grant. 276660

(C) The Chancellor shall establish, and post on the 276661
Department of Higher Education's web site, award tables based on 276662
the amounts specified under division (A) of this section. The 276663

Chancellor shall notify students and institutions of any 276664
reductions in awards. 276665

(D) Notwithstanding section 3333.122 of the Revised Code, no 276666
student shall be eligible to receive an Ohio College Opportunity 276667
Grant for more than ten semesters, fifteen quarters, or the 276668
equivalent of five academic years, less the number of semesters or 276669
quarters in which the student received an Ohio Instructional 276670
Grant. 276671

(E) During each fiscal year, the Chancellor, as soon as 276672
possible after cancellation, may certify to the Director of Budget 276673
and Management the amount of canceled prior-year encumbrances in 276674
appropriation item 235563, Ohio College Opportunity Grant. Upon 276675
receipt of the certification, the Director of Budget and 276676
Management may transfer cash, up to the certified amount, from the 276677
General Revenue Fund to the Ohio College Opportunity Grant Program 276678
Reserve Fund (Fund 5PU0). 276679

(F) No eligible institution that enrolls Ohio College 276680
Opportunity Grant recipients shall make any change to its 276681
scholarship or financial aid programs with the goal or net effect 276682
of shifting the cost burden of those programs to the Ohio College 276683
Opportunity Grant program. 276684

Each eligible institution that enrolls Ohio College 276685
Opportunity Grant recipients shall provide at least the same level 276686
of needs-based financial aid to its students as it provided in the 276687
immediately prior academic year in terms of either the aggregate 276688
aid to all students or on a per student basis. The Chancellor may 276689
grant an eligible institution a temporary waiver from that 276690
requirement if the Chancellor determines exceptional circumstances 276691
make it necessary. The Chancellor shall determine the terms of the 276692
waiver. 276693

Section 381.500. THE OHIO STATE UNIVERSITY COLLEGE OF 276694

VETERINARY MEDICINE SUPPLEMENT 276695

The foregoing appropriation item 235569, The Ohio State 276696
University College of Veterinary Medicine Supplement, shall be 276697
distributed through the Chancellor of Higher Education to The Ohio 276698
State University College of Veterinary Medicine to provide 276699
supplemental support for education, research, and operations. 276700

Section 381.510. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 276701

The foregoing appropriation item 235572, The Ohio State 276702
University Clinic Support, shall be distributed through the 276703
Chancellor of Higher Education to The Ohio State University for 276704
support of dental and veterinary medicine clinics. 276705

Section 381.520. FEDERAL RESEARCH NETWORK 276706

The foregoing appropriation item 235578, Federal Research 276707
Network, shall be allocated to The Ohio State University to 276708
collaborate with federal installations in Ohio, state institutions 276709
of higher education as defined in section 3345.011 of the Revised 276710
Code, private nonprofit institutions of higher education holding 276711
certificates of authorization under Chapter 1713. of the Revised 276712
Code, and the private sector to align the state's research assets 276713
with emerging missions and job growth opportunities emanating from 276714
federal installations, strengthen related workforce development 276715
and technology commercialization programs, and better position the 276716
state's university system to directly impact new job creation in 276717
Ohio. A portion of the foregoing appropriation item 235578, 276718
Federal Research Network, shall be used to support the growth of 276719
small business federal contractors in the state and to expand the 276720
participation of Ohio businesses in the federal Small Business 276721
Innovation Research Program and related federal programs. 276722

Section 381.530. CO-OP INTERNSHIP PROGRAM 276723

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$150,000 in each fiscal year shall be used to support students who attend institutions of higher education in Ohio and are participating in The Washington Center Internship Program or the short-term programs of The Washington Center.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$165,000 in each fiscal year shall be used to support the operations of Ohio University's Voinovich School.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Model United Nations Program and the operations of the Center for Liberal Arts Student Success at Wright State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Levin College of Public Affairs and Education at Cleveland State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Washington Program in National Issues.

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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Columbus Program.

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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.

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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy.

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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Regional Development at Bowling Green State University.

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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Regional Economic Development Initiative at Youngstown State University.

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Section 381.540. COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM 276774

The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used by the Chancellor of Higher Education to administer and provide grants and loans under the Commercial Truck Driver Student Aid Program established in section 3333.125 of the Revised Code.

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Section 381.550. RURAL UNIVERSITY PROGRAM 276780

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State

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University, Miami University, and Ohio University that provides 276784
rural communities with economic development, public 276785
administration, and public health services. Each of the four 276786
participating universities shall receive \$103,000 in each fiscal 276787
year to support their respective programs. 276788

Section 381.560. NATIONAL GUARD SCHOLARSHIP PROGRAM 276789

The Chancellor of Higher Education shall disburse funds from 276790
appropriation item 235599, National Guard Scholarship Program. 276791
During each fiscal year, the Chancellor, as soon as possible after 276792
cancellation, may certify to the Director of Budget and Management 276793
the amount of canceled prior-year encumbrances in appropriation 276794
item 235599, National Guard Scholarship Program. Upon receipt of 276795
the certification, the Director of Budget and Management may 276796
transfer cash, up to the certified amount, from the General 276797
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 276798
5BM0). 276799

Section 381.565. FAFSA SUPPORT TEAMS 276800

The foregoing appropriation item 2355A1, FAFSA Support Teams, 276801
shall be used by the Chancellor of Higher Education pursuant to 276802
section 3333.303 of the Revised Code. 276803

Section 381.570. PLEDGE OF FEES 276804

Any new pledge of fees, or new agreement for adjustment of 276805
fees, made in the biennium ending June 30, 2025, to secure bonds 276806
or notes of a state institution of higher education for a project 276807
for which bonds or notes were not outstanding on the effective 276808
date of this section, to secure a refund of prior debt that is 276809
anticipated to increase the total cost of retiring the original 276810
debt, or to extend the period in which that full debt is retired 276811
shall be effective only after approval by the Chancellor of Higher 276812

Education, unless approved in a previous biennium. 276813

Section 381.580. HIGHER EDUCATION GENERAL OBLIGATION BOND 276814
DEBT SERVICE 276815

The foregoing appropriation item 235909, Higher Education 276816
General Obligation Bond Debt Service, shall be used to pay all 276817
debt service and related financing costs during the period from 276818
July 1, 2023, through June 30, 2025, for obligations issued under 276819
sections 151.01 and 151.04 of the Revised Code. 276820

Section 381.590. SALES AND SERVICES 276821

The Chancellor of Higher Education is authorized to charge 276822
and accept payment for the provision of goods and services. Such 276823
charges shall be reasonably related to the cost of producing the 276824
goods and services. Except as otherwise provided by law, no 276825
charges may be levied for goods or services that are produced as 276826
part of the routine responsibilities or duties of the Chancellor. 276827
All revenues received by the Chancellor shall be deposited into 276828
Fund 4560 and may be used by the Chancellor to pay for the costs 276829
of producing the goods and services. 276830

Section 381.600. HIGHER EDUCATIONAL FACILITY COMMISSION 276831
ADMINISTRATION 276832

The foregoing appropriation item 235602, Higher Educational 276833
Facility Commission Administration, shall be used by the 276834
Chancellor of Higher Education for operating expenses related to 276835
the Chancellor's support of the activities of the Ohio Higher 276836
Educational Facility Commission. Upon the request of the 276837
Chancellor, the Director of Budget and Management may transfer 276838
cash in an amount up to the amount appropriated from the foregoing 276839
appropriation item 235602, Higher Educational Facility Commission 276840
Administration, in each fiscal year from the HEFC Operating 276841

Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 276842
4E80). 276843

Section 381.630. TALENT READY GRANT PROGRAM 276844

(A) The foregoing appropriation item 235517, Talent Ready 276845
Grant Program, shall be used by the Chancellor of Higher Education 276846
to fund the Talent Ready Grant program to support workforce 276847
credential and certificate programs under thirty credit hours at a 276848
community college, state community college, technical college, 276849
university regional campus, or less than 900 clock hours at an 276850
Ohio Technical Center. Such funding shall be used to do both of 276851
the following: 276852

(1) Establish and operate workforce credential and 276853
certificate programs under thirty credit hours or less than 900 276854
clock hours; and 276855

(2) Provide additional support to short-term certificate 276856
programs. 276857

(B) The Chancellor shall allocate funds among eligible 276858
entities in approximate proportion to each entity's share of 276859
eligible short-term certificate programs while also considering 276860
student enrollments, completions, and past utilization of 276861
short-term certificate funding disbursed under this line item, 276862
among other factors. For purposes of allocating funds between 276863
community colleges, state community colleges, and technical 276864
colleges, the Chancellor shall allocate the funding to each campus 276865
in proportion to each campus's share of the total sector's course 276866
completions for the most recent available year, as reported 276867
through the Higher Education Information System student enrollment 276868
file, weighted by the instructional cost of the subsidy models. 276869

(C) The Chancellor, in collaboration with eligible entities 276870
under this section, shall conduct a study on the types of data 276871

that should be submitted to the Higher Education Information System regarding workforce credentials and technical certificates that may be earned in less than thirty credit hours or less than 900 clock hours. The study and associated recommendations shall be completed not later than June 30, 2024.

Section 381.635. SUPER RAPIDS

(A) Of the foregoing appropriation item 235688, Super RAPIDS, \$4,500,000 in fiscal year 2024 shall be distributed to Fairfield County to support building improvements, equipment purchases, and operating expenses for programs of the Fairfield County Workforce Center.

(B) Of the foregoing appropriation item 235688, Super RAPIDS, \$1,000,000 in fiscal year 2024 shall be allocated to the Center for Advanced Manufacturing and Logistics for operating and equipment expenses incurred for providing workforce development, supply chain management, automation, research and development, and entrepreneurship to foster manufacturing and logistic industry jobs and company creation.

(C)(1) The remainder of the foregoing appropriation item 235688, Super RAPIDS, shall be used by the Governor's Office of Workforce Transformation and the Chancellor of Higher Education to support collaborative projects among qualifying institutions to strengthen education and training opportunities that maximize workforce development efforts in defined areas of the state. These funds shall be used to support efforts that build capacity, remove employment and training barriers for prospective and unemployed workers, develop and strengthen business-led strategies in the impacted industries, and provide local guided solutions to employment for communities in economic transition. Under the program, the Chancellor shall distribute funds to Ohio regions or subsets of regions, as defined by the Governor's Office of

Workforce Transformation. 276903

(2) Of the foregoing appropriation item 235688, Super RAPIDS, 276904
a portion in each fiscal year may be used by the Governor's Office 276905
of Workforce Transformation to meet urgent workforce development 276906
and job creation needs throughout the state. 276907

(3) The Governor's Office of Workforce Transformation shall 276908
consult with the Department of Development, the Chancellor, and 276909
other stakeholders as determined to be appropriate, when defining 276910
regions and awarding funds under this section. 276911

(4) The Chancellor and the Governor's Office of Workforce 276912
Transformation shall develop and use a proposal and review process 276913
to award funds under the program. In reviewing proposals and 276914
making awards, priority shall be given to proposals that 276915
demonstrate all of the following: 276916

(a) Clear compliance with all applicable state and federal 276917
rules and regulations; 276918

(b) Collaboration between and among state institutions of 276919
higher education, as defined in section 3345.011 of the Revised 276920
Code, Ohio Technical Centers, and other education and 276921
workforce-related entities as determined to be appropriate by the 276922
Governor's Office of Workforce Transformation and the Department 276923
of Higher Education; 276924

(c) Evidence of meaningful business support and engagement; 276925

(d) Identification of targeted occupations and industries 276926
supported by data, which sources shall include the Governor's 276927
Office of Workforce Transformation, OhioMeansJobs, labor market 276928
information from the Department of Job and Family Services, and 276929
lists of in-demand occupations; 276930

(e) Sustainability beyond the grant period with the 276931
opportunity to provide continued value and impact to the region; 276932

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| and | 276933 |
| (f) Evidence of a strong commitment to invest in one or more
of the following areas: | 276934
276935 |
| (i) Broadband/5G; | 276936 |
| (ii) Cybersecurity; | 276937 |
| (iii) Healthcare; | 276938 |
| (iv) Transportation; | 276939 |
| (v) Advanced manufacturing; | 276940 |
| (vi) Trades. | 276941 |
| (5) As used in this section: | 276942 |
| "Qualifying institution" means any of the following: | 276943 |
| (a) A state institution of higher education, as defined in
section 3345.011 of the Revised Code; | 276944
276945 |
| (b) An Ohio Technical Center, as defined in section 3333.94
of the Revised Code; | 276946
276947 |
| (c) Other secondary and postsecondary education and
workforce-related entities, as determined by the Chancellor. | 276948
276949 |
| NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL | 276950 |
| The foregoing appropriation item 235613, Northeast Ohio
Medical University Dental School, shall be distributed to
Northeast Ohio Medical University to support the creation and
operation of its dental school, which shall meet all of the
accreditation standards of the Commission on Dental Accreditation
to train dental students and award only a Doctor of Dental Surgery
(D.D.S.) or a Doctor of Dental Medicine (D.M.D.) degree. Northeast
Ohio Medical University shall report to the Chancellor of Higher
Education how it is using moneys it received from the foregoing
appropriation item 235613, Northeast Ohio Medical University
Dental School. | 276951
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Section 381.640. STATE FINANCIAL AID RECONCILIATION 276962

By the first day of September in each fiscal year, or as soon 276963
as possible thereafter, the Chancellor of Higher Education shall 276964
certify to the Director of Budget and Management the amount 276965
necessary to pay any outstanding prior year obligations to higher 276966
education institutions for the state's financial aid programs. The 276967
amounts certified are hereby appropriated to appropriation item 276968
235618, State Financial Aid Reconciliation, from revenues received 276969
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 276970

Section 381.650. SECOND CHANCE GRANT PROGRAM 276971

The foregoing appropriation item 235494, Second Chance Grant 276972
Program, shall be distributed by the Chancellor of Higher 276973
Education to qualifying institutions of higher education and Ohio 276974
Technical Centers to provide grants to eligible students under the 276975
Second Chance Grant Program established in section 3333.127 of the 276976
Revised Code. 276977

RURAL PRACTICE INCENTIVE PROGRAM 276978

On July 1, 2023, or as soon as possible thereafter, the 276979
Chancellor of Higher Education shall certify to the Director of 276980
Budget and Management an amount up to the unexpended, unencumbered 276981
balance of appropriation item 235426, Rural Practice Incentive 276982
Program, at the end of fiscal year 2023 to be reappropriated to 276983
fiscal year 2024. The amount certified is hereby reappropriated to 276984
the same appropriation item for fiscal year 2024. 276985

On July 1, 2024, or as soon as possible thereafter, the 276986
Chancellor shall certify to the Director of Budget and Management 276987
an amount up to the unexpended, unencumbered balance of 276988
appropriation item 235426, Rural Practice Incentive Program, at 276989
the end of fiscal year 2024 to be reappropriated to fiscal year 276990
2025. The amount certified is hereby reappropriated to the same 276991

appropriation item for fiscal year 2025. 276992

Section 381.660. NURSING LOAN PROGRAM 276993

The foregoing appropriation item 235606, Nursing Loan 276994
Program, shall be used to administer the nurse education 276995
assistance program. 276996

Section 381.670. RESEARCH INCENTIVE THIRD FRONTIER - TAX 276997

The foregoing appropriation item 235639, Research Incentive 276998
Third Frontier - Tax, shall be used by the Chancellor of Higher 276999
Education to advance collaborative research at institutions of 277000
higher education. Of the foregoing appropriation item 235639, 277001
Research Incentive Third Frontier - Tax, up to \$2,500,000 in each 277002
fiscal year may be allocated toward research regarding the 277003
improvement of water quality, up to \$1,500,000 in each fiscal year 277004
may be allocated for spinal cord research, up to \$1,000,000 in 277005
each fiscal year may be allocated toward research regarding the 277006
reduction of infant mortality, up to \$1,000,000 in each fiscal 277007
year may be allocated toward research regarding opiate addiction 277008
issues in Ohio, up to \$750,000 in each fiscal year may be 277009
allocated toward research regarding cyber security initiatives, up 277010
to \$300,000 in each fiscal year may be allocated toward the 277011
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 277012
be allocated toward the Ohio Innovation Exchange program. 277013

Section 381.680. VETERANS PREFERENCES 277014

The Chancellor of Higher Education shall work with the 277015
Department of Veterans Services to develop specific veterans 277016
preference guidelines for higher education institutions. These 277017
guidelines shall ensure that the institutions' hiring practices 277018
are in accordance with the intent of Ohio's veterans' preference 277019
laws. 277020

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| Section 381.690. (A) As used in this section: | 277021 |
| (1) "Board of trustees" includes the managing authority of a university branch district. | 277022
277023 |
| (2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. | 277024
277025 |
| (B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits. | 277026
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277030 |
| Section 381.700. EFFICIENCY REPORTS | 277031 |
| In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code. | 277032
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277035 |
| MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS | 277036 |
| For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating. | 277037
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Section 381.710. The Chancellor of Higher Education shall 277051
support the continued development of the Ohio Innovation Exchange 277052
for the purpose of showcasing the research expertise of Ohio's 277053
university and college faculty in a variety of fields, including, 277054
but not limited to, engineering, biomedicine, and information 277055
technology, and to identify institutional research equipment 277056
available in the state. 277057

Section 381.720. COLLEGE CREDIT PLUS PROGRAM 277058

(A) The Chancellor of Higher Education, in consultation with 277059
the Director of Education and Workforce, may take action as 277060
necessary to ensure that public colleges and universities and 277061
school districts are fully engaging and participating in the 277062
College Credit Plus Program as required by Chapter 3365. of the 277063
Revised Code. Such actions may include publicly displaying program 277064
participation data by district and institution. 277065

(B) For the purposes of model pathways required under section 277066
3365.13 of the Revised Code, the Chancellor and Director shall 277067
work with public secondary schools and partnering public colleges 277068
and universities, as necessary, to encourage the establishment of 277069
model pathways that prepare participants to successfully enter the 277070
workforce in certain fields, which may include any of the 277071
following: 277072

(1) Engineering technology and other fields essential to the 277073
superconductor industry; 277074

(2) Nursing, with particular emphasis on models that 277075
facilitate a participant's potential progression through different 277076
levels of nursing; 277077

(3) Teaching and other related education professions; 277078

(4) Social and behavioral or mental health professions; 277079

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|------------|--|------------------|------------------|--|--------|
| | (5) Law enforcement or corrections; and | | | | 277080 |
| | (6) Other fields as determined appropriate by the Chancellor | | | | 277081 |
| | and Director, in consultation with the Governor's Office of | | | | 277082 |
| | Workforce Transformation. | | | | 277083 |
| | Section 383.10. DRC DEPARTMENT OF REHABILITATION AND | | | | 277084 |
| | CORRECTION | | | | 277085 |
| | General Revenue Fund | | | | 277086 |
| GRF 501321 | Institutional | \$ 1,317,065,000 | \$ 1,395,734,000 | | 277087 |
| | Operations | | | | |
| GRF 501405 | Halfway House | \$ 78,832,000 | \$ 84,676,000 | | 277088 |
| GRF 501406 | Adult Correctional | \$ 72,500,000 | \$ 68,500,000 | | 277089 |
| | Facilities Lease | | | | |
| | Rental Bond Payments | | | | |
| GRF 501407 | Community | \$ 68,680,000 | \$ 68,680,000 | | 277090 |
| | Nonresidential | | | | |
| | Programs | | | | |
| GRF 501408 | Community Misdemeanor | \$ 9,620,000 | \$ 9,620,000 | | 277091 |
| | Programs | | | | |
| GRF 501501 | Community Residential | \$ 94,545,000 | \$ 99,657,000 | | 277092 |
| | Programs - Community | | | | |
| | Based Correctional | | | | |
| | Facilities | | | | |
| GRF 503321 | Parole and Community | \$ 119,720,000 | \$ 128,654,000 | | 277093 |
| | Operations | | | | |
| GRF 504321 | Administrative | \$ 27,304,000 | \$ 28,530,000 | | 277094 |
| | Operations | | | | |
| GRF 505321 | Institution Medical | \$ 332,434,000 | \$ 352,380,000 | | 277095 |
| | Services | | | | |
| GRF 506321 | Institution Education | \$ 41,228,000 | \$ 45,339,000 | | 277096 |
| | Services | | | | |
| TOTAL GRF | General Revenue Fund | \$ 2,161,928,000 | \$ 2,281,770,000 | | 277097 |

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|--------------------------------------|------------------------|-----------------------|------------------|-------------------|
| Dedicated Purpose Fund Group | | | | 277098 |
| 4B00 | 501601 | Sewer Treatment | \$ 600,000 \$ | 600,000 277099 |
| | | Services | | |
| 4D40 | 501603 | Prisoner Programs | \$ 400,000 \$ | 400,000 277100 |
| 4L40 | 501604 | Transitional Control | \$ 2,450,000 \$ | 2,450,000 277101 |
| 4S50 | 501608 | Education Services | \$ 4,660,000 \$ | 4,660,000 277102 |
| 5AF0 | 501609 | State and Non-Federal | \$ 1,300,000 \$ | 1,300,000 277103 |
| | | Awards | | |
| 5H80 | 501617 | Offender Financial | \$ 1,860,000 \$ | 1,860,000 277104 |
| | | Responsibility | | |
| 5TZ0 | 501610 | Probation Improvement | \$ 5,250,000 \$ | 5,250,000 277105 |
| | | and Incentive Grants | | |
| 5ZQ0 | 501505 | Local Jail Grants | \$ 75,000,000 \$ | 0 277106 |
| TOTAL DPF | Dedicated Purpose Fund | | \$ 91,520,000 \$ | 16,520,000 277107 |
| Group | | | | |
| Internal Service Activity Fund Group | | | | 277108 |
| 1480 | 501602 | Institutional | \$ 2,850,000 \$ | 2,850,000 277109 |
| | | Services | | |
| 2000 | 501607 | Ohio Penal Industries | \$ 46,515,000 \$ | 46,515,000 277110 |
| 4830 | 501605 | Leased Property | \$ 7,500,000 \$ | 7,500,000 277111 |
| | | Maintenance and | | |
| | | Operating | | |
| 5710 | 501606 | Corrections Training | \$ 940,000 \$ | 940,000 277112 |
| | | Maintenance and | | |
| | | Operating | | |
| 5L60 | 501611 | Information | \$ 500,000 \$ | 500,000 277113 |
| | | Technology Services | | |
| TOTAL ISA | Internal Activity | | | 277114 |
| Fund Group | | | \$ 58,305,000 \$ | 58,305,000 277115 |
| Federal Fund Group | | | | 277116 |
| 3230 | 501619 | Federal Grants | \$ 3,540,000 \$ | 3,540,000 277117 |
| 3CW0 | 501622 | Federal Equitable | \$ 300,000 \$ | 300,000 277118 |

Sharing

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|---|------------------|------------------|--|
| TOTAL FED Federal | | | 277119 |
| Fund Group | \$ 3,840,000 | \$ 3,840,000 | 277120 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 2,315,593,000 | \$ 2,360,435,000 | 277121 |
| EXPEDITED PARDON INITIATIVE | | | 277122 |
| Of the foregoing appropriation item 501321, Institutional Operations, up to \$500,000 in each fiscal year may be used by the Department of Rehabilitation and Correction to support projects connecting rehabilitated citizens with community partners to advance the expedited pardon initiative and help eligible individuals navigate the process and access clemency. | | | 277123
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| OSU MEDICAL CHARGES | | | 277129 |
| Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, the Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care billed to the Department shall be reimbursed at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program. | | | 277130
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277139 |
| TRANSITIONAL HOUSING FUNDING | | | 277140 |
| Of the foregoing appropriation item 501405, Halfway House, priority shall be given to residential providers that accept and place individuals released from institutions operated by the Department of Rehabilitation and Correction to the supervision of the Adult Parole Authority who were previously rejected by all other residential providers. | | | 277141
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277146 |
| ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS | | | 277147 |
| The foregoing appropriation item 501406, Adult Correctional | | | 277148 |

Facilities Lease Rental Bond Payments, shall be used to meet all 277149
payments during the period from July 1, 2023, through June 30, 277150
2025, by the Department of Rehabilitation and Correction pursuant 277151
to leases and agreements for facilities made under Chapters 152. 277152
and 154. of the Revised Code. These appropriations are the source 277153
of funds pledged for bond service charges on related obligations 277154
issued under Chapters 152. and 154. of the Revised Code. 277155

REENTRY EMPLOYMENT GRANTS 277156

Of the foregoing appropriation item 503321, Parole and 277157
Community Operations, \$400,000 in grants each fiscal year may be 277158
awarded by the Department of Rehabilitation and Correction to 277159
nonprofit organizations operating reentry employment programs 277160
meeting all of the following criteria: 277161

(1) Serve parolees, releasees, and probationers assessed by 277162
the Department as moderate or high risk to recidivate and referred 277163
by the Adult Parole Authority or probation for services; 277164

(2) Provide job readiness training, transitional employment, 277165
job coaching and placement, and post-placement retention services; 277166

(3) Have been independently and rigorously evaluated and 277167
shown to reduce recidivism; 277168

(4) Have the ability to serve multiple large jurisdictions 277169
across the state. 277170

INSTITUTION EDUCATION SERVICES 277171

Of the foregoing appropriation item 506321, Institution 277172
Education Services, \$700,000 in fiscal year 2024 shall be used for 277173
the Ashland University Correctional Education Expansion Program. 277174

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 277175

The foregoing appropriation item 501610, Probation 277176
Improvement and Incentive Grants, shall be allocated by the 277177
Department of Rehabilitation and Correction to municipalities as 277178

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|--|--------|
| Probation Improvement and Incentive Grants with an emphasis on: | 277179 |
| (1) providing services to those addicted to opiates and other | 277180 |
| illegal substances, and (2) supplementing the programs and | 277181 |
| services funded by grants distributed from the foregoing | 277182 |
| appropriation item 501407, Community Nonresidential Programs. | 277183 |
| LOCAL JAIL GRANTS | 277184 |
| The foregoing appropriation item 501505, Local Jail Grants, | 277185 |
| shall be used for the construction and renovation of county jails. | 277186 |
| The Department of Rehabilitation and Correction shall designate | 277187 |
| the projects involving the construction and renovation of county | 277188 |
| jails. | 277189 |
| The Department of Rehabilitation and Correction may review | 277190 |
| and approve the renovation and construction of projects for which | 277191 |
| funds are provided. The funds shall not be applied to any such | 277192 |
| facilities that are not designated and approved by the Department | 277193 |
| of Rehabilitation and Correction. | 277194 |
| The Department of Rehabilitation and Correction shall adopt | 277195 |
| guidelines to accept and review applications and designate | 277196 |
| projects. The guidelines shall require the county or counties to | 277197 |
| justify the need for the project and to comply with timelines for | 277198 |
| the submission of documentation pertaining to the project and | 277199 |
| project location. | 277200 |
| In reviewing applications and designating projects, the | 277201 |
| Department of Rehabilitation and Correction shall prioritize | 277202 |
| applications and projects that: | 277203 |
| (1) Target county jails that the Department of Rehabilitation | 277204 |
| and Correction determines to have the greatest need for | 277205 |
| construction or renovation work; | 277206 |
| (2) Improve substantially the condition, safety and | 277207 |
| operational ability of the jail; | 277208 |

(3) Benefit jails that are, or will be, used by multiple counties. 277209
277210

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS 277211

General Revenue Fund Group 277212

GRF 110908 Property Tax \$ 638,360,000 \$ 638,360,000 277213
Reimbursement - Local
Government

GRF 200903 Property Tax \$ 1,207,556,000 \$ 1,219,632,000 277214
Reimbursement -
Education

TOTAL GRF General Revenue Fund \$ 1,845,916,000 \$ 1,857,992,000 277215
Group

Revenue Distribution Fund Group 277216

5JG0 110633 Gross Casino Revenue \$ 179,057,966 \$ 183,534,415 277217
Payments-County

5JH0 110634 Gross Casino Revenue \$ 114,908,119 \$ 117,780,822 277218
Payments- School
Districts

5JJ0 110636 Gross Casino Revenue \$ 17,554,703 \$ 17,993,571 277219
- Host City

7047 200902 Property Tax \$ 60,386,576 \$ 53,927,487 277220
Replacement Phase
Out-Education

7049 336900 Indigent Drivers \$ 1,800,000 \$ 1,800,000 277221
Alcohol Treatment

7050 762900 International \$ 23,000,000 \$ 23,000,000 277222
Registration Plan
Distribution

7051 762901 Auto Registration \$ 365,000,000 \$ 372,000,000 277223
Distribution

7065 110965 Public Library Fund \$ 505,000,000 \$ 530,000,000 277224

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|--------------------------------|--------|---|------------------|------------------|--------|
| 7066 | 800966 | Undivided Liquor
Permits | \$ 14,600,000 | \$ 14,600,000 | 277225 |
| 7069 | 110969 | Local Government Fund | \$ 505,000,000 | \$ 530,000,000 | 277226 |
| 7081 | 110907 | Property Tax
Replacement Phase Out
- Local Government | \$ 6,829,862 | \$ 6,488,369 | 277227 |
| 7082 | 110982 | Horse Racing Tax | \$ 50,000 | \$ 50,000 | 277228 |
| 7083 | 700900 | Ohio Fairs Fund | \$ 1,000,000 | \$ 1,000,000 | 277229 |
| TOTAL RDF Revenue Distribution | | | | | 277230 |
| Fund Group | | | \$ 1,794,187,226 | \$ 1,852,174,664 | 277231 |
| Fiduciary Fund Group | | | | | 277232 |
| 4P80 | 001698 | Cash Management
Improvement Fund | \$ 1,000,000 | \$ 1,000,000 | 277233 |
| 5VR0 | 110902 | Municipal Net Profit
Tax | \$ 180,000,000 | \$ 180,000,000 | 277234 |
| 6080 | 001699 | Investment Earnings | \$ 350,000,000 | \$ 350,000,000 | 277235 |
| 7001 | 110996 | Horse Racing Tax
Local Government
Payments | \$ 200,000 | \$ 200,000 | 277236 |
| 7062 | 110962 | Resort Area Excise
Tax Distribution | \$ 2,164,084 | \$ 2,164,084 | 277237 |
| 7063 | 110963 | Permissive Sales Tax
Distribution | \$ 3,662,800,000 | \$ 3,975,300,000 | 277238 |
| 7067 | 110967 | School District
Income Tax
Distribution | \$ 710,666,667 | \$ 774,000,000 | 277239 |
| 7085 | 800985 | Volunteer Firemen's
Dependents Fund | \$ 300,000 | \$ 300,000 | 277240 |
| 7093 | 110640 | Next Generation 9-1-1 | \$ 1,000,000 | \$ 1,000,000 | 277241 |
| 7094 | 110641 | Wireless 9-1-1
Government Assistance | \$ 27,637,500 | \$ 27,775,688 | 277242 |
| 7095 | 110995 | Municipal Income Tax | \$ 15,450,000 | \$ 15,913,500 | 277243 |
| 7099 | 762902 | Permissive Tax | \$ 242,000,000 | \$ 242,000,000 | 277244 |

| | | | |
|--------------------------------|------------------|------------------|--------|
| Distribution - Auto | | | |
| Registration | | | |
| TOTAL FID Fiduciary Fund Group | \$ 5,193,218,251 | \$ 5,569,653,272 | 277245 |
| Holding Account Fund Group | | | 277246 |
| R045 110617 International Fuel | \$ 70,698,838 | \$ 72,819,803 | 277247 |
| Tax Distribution | | | |
| TOTAL HLD Holding Account Fund | \$ 70,698,838 | \$ 72,819,803 | 277248 |
| Group | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ 8,904,020,315 | \$ 9,352,639,739 | 277249 |

Section 387.20. ADDITIONAL APPROPRIATIONS 277251

Appropriation items in Section 387.10 of this act shall be 277252
used for the purpose of administering and distributing the 277253
designated revenue distribution funds according to the Revised 277254
Code. If it is determined that additional appropriations are 277255
necessary for this purpose in any appropriation items in Section 277256
387.10 of this act, such amounts are hereby appropriated. 277257

TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS 277258

The foregoing appropriation items 200902, Property Tax 277259
Replacement Phase Out-Education, and 110907, Property Tax 277260
Replacement Phase Out - Local Government, shall be used to make 277261
reimbursement payments to school districts and other local taxing 277262
units under sections 5709.92 and 5709.93 of the Revised Code. If 277263
it is determined that additional appropriations are needed to make 277264
those reimbursement payments in full, such amounts are hereby 277265
appropriated. If it is determined that additional cash is needed 277266
in either the Local Government Tangible Property Tax Replacement 277267
Fund (Fund 7081) or the School District Tangible Property Tax 277268
Replacement Fund (Fund 7047) in the Revenue Distribution Fund 277269
Group, the Director of Budget and Management shall transfer the 277270
amount determined from the General Revenue Fund to the Local 277271
Government Tangible Property Tax Replacement Fund (Fund 7081) or 277272

the School District Tangible Property Tax Replacement Fund (Fund 277273
7047) to support the foregoing appropriation items 110907, 277274
Property Tax Replacement Phase Out - Local Government, and 200902, 277275
Property Tax Replacement Phase Out-Education. 277276

PROPERTY TAX REIMBURSEMENT - EDUCATION 277277

The foregoing appropriation item 200903, Property Tax 277278
Reimbursement - Education, is appropriated to pay for the state's 277279
costs incurred because of the homestead exemption, the property 277280
tax rollback, and payments required under division (C) of section 277281
5705.2110 of the Revised Code. In cooperation with the Department 277282
of Taxation, the Department of Education and Workforce shall 277283
distribute these funds directly to the appropriate school 277284
districts of the state, notwithstanding sections 321.24 and 277285
323.156 of the Revised Code, which provide for payment of the 277286
homestead exemption and property tax rollback by the Tax 277287
Commissioner to the appropriate county treasurer and the 277288
subsequent redistribution of these funds to the appropriate local 277289
taxing districts by the county auditor. 277290

Upon receipt of these amounts, each school district shall 277291
distribute the amount among the proper funds as if it had been 277292
paid as real or tangible personal property taxes. Payments for the 277293
costs of administration shall continue to be paid to the county 277294
treasurer and county auditor as provided for in sections 319.54, 277295
321.26, and 323.156 of the Revised Code. 277296

Any sums, in addition to the amount specifically appropriated 277297
in appropriation item 200903, Property Tax Reimbursement - 277298
Education, for the homestead exemption and the property tax 277299
rollback payments, and payments required under division (C) of 277300
section 5705.2110 of the Revised Code, which are determined to be 277301
necessary for these purposes, are hereby appropriated. 277302

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 277303

The foregoing appropriation item 110908, Property Tax Reimbursement-Local Government, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

MUNICIPAL INCOME TAX

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated.

MUNICIPAL NET PROFIT TAX 277335

The foregoing appropriation item 110902, Municipal Net Profit Tax, shall be used to make payments to municipal corporations under section 718.83 of the Revised Code. If it is determined that additional amounts are necessary to make such payments, such amounts are hereby appropriated.

During fiscal year 2024 and fiscal year 2025, if the Tax Commissioner determines that there is insufficient cash in the Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly distribution obligations under section 718.83 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the amount of additional cash necessary to satisfy those obligations. In addition, the Commissioner shall submit a plan to the Director requesting the necessary cash be transferred from one or a combination of the following funds: the Municipal Income Tax Administrative Fund, the Local Sales Tax Administrative Fund, the General School District Income Tax Administrative Fund, the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Net Profit Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of Budget and Management. The Director of Budget and Management may transfer cash from the Municipal Net Profit Tax Fund to reimburse the funds from which cash was transferred for the purpose outlined in this section.

PUBLIC LIBRARY FUND 277365

Notwithstanding the requirement in division (B) of section 277366

131.51 of the Revised Code that the Director of Budget and Management shall credit to the Public Library Fund one and sixty-six one-hundredths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2024 and fiscal year 2025 using one and seven-tenths as the percentage.

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LOCAL GOVERNMENT FUND

277374

Notwithstanding the requirement in division (A) of section 131.51 of the Revised Code that the Director of Budget and Management shall credit to the Local Government Fund one and sixty-six one-hundredths per cent of the total tax revenue credited to the General Revenue Fund during the preceding month, the Director shall instead calculate these amounts during fiscal year 2024 and fiscal year 2025 using one and seven-tenths as the percentage.

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Section 391.10. OSB DEAF AND BLIND EDUCATION SERVICES

277383

General Revenue Fund

277384

| | | | | | | |
|------------|----------------------|----|------------|----|------------|--------|
| GRF 226321 | Operations | \$ | 30,214,000 | \$ | 30,634,000 | 277385 |
| TOTAL GRF | General Revenue Fund | \$ | 30,214,000 | \$ | 30,634,000 | 277386 |

Dedicated Purpose Fund Group

277387

| | | | | | | |
|-------------|--|----|---------|----|---------|--------|
| 4H80 226602 | Blind School State Grants | \$ | 260,000 | \$ | 260,000 | 277388 |
| 4M00 226400 | Deaf School Educational Program Expenses | \$ | 300,000 | \$ | 300,000 | 277389 |
| 4M10 226401 | Deaf School State Grants | \$ | 195,000 | \$ | 195,000 | 277390 |
| 4M50 226601 | Blind School Educational Program | \$ | 313,952 | \$ | 315,608 | 277391 |

| | | | | | | |
|------------------------------|--------|---|----|------------|----|-------------------|
| | | Expenses | | | | |
| 5H60 | 226402 | Early Childhood | \$ | 53,000 | \$ | 53,000 277392 |
| | | Education | | | | |
| 5NJ0 | 226622 | Employee Food Service | \$ | 22,000 | \$ | 22,000 277393 |
| | | Charges | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 1,143,952 | \$ | 1,145,608 277394 |
| Group | | | | | | |
| Federal Fund Group | | | | | | 277395 |
| 3100 | 226626 | Blind School Federal | \$ | 1,058,848 | \$ | 1,061,679 277396 |
| | | Grants | | | | |
| 3110 | 226403 | Deaf School Federal | \$ | 570,000 | \$ | 535,030 277397 |
| | | Grants | | | | |
| 3DT0 | 226621 | Ohio Transition | \$ | 150,000 | \$ | 150,000 277398 |
| | | Collaborative | | | | |
| 3P50 | 226643 | Medicaid Professional | \$ | 215,000 | \$ | 215,000 277399 |
| | | Services | | | | |
| | | Reimbursement | | | | |
| TOTAL FED | | Federal Fund Group | \$ | 1,993,848 | \$ | 1,961,709 277400 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 33,351,800 | \$ | 33,741,317 277401 |
| | | Section 395.10. SOS SECRETARY OF STATE | | | | 277403 |
| | | General Revenue Fund | | | | 277404 |
| GRF | 050321 | Operating Expenses | \$ | 1,390,000 | \$ | 1,390,000 277405 |
| GRF | 050407 | Poll Workers Training | \$ | 0 | \$ | 500,000 277406 |
| GRF | 050509 | County Voting Systems | \$ | 12,200,000 | \$ | 12,200,000 277407 |
| | | Lease Rental Payments | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 13,590,000 | \$ | 14,090,000 277408 |
| | | Dedicated Purpose Fund Group | | | | 277409 |
| 4120 | 050609 | Notary Commission | \$ | 500,000 | \$ | 500,000 277410 |
| 4S80 | 050610 | Board of Voting | \$ | 14,400 | \$ | 14,400 277411 |
| | | Machine Examiners | | | | |
| 5990 | 050603 | Business Services | \$ | 23,818,137 | \$ | 24,850,878 277412 |

| | | | | | | |
|------------------------------|--------|----------------------------|----|------------|----|-------------------|
| | | Operating Expenses | | | | |
| 5990 | 050629 | Statewide Voter | \$ | 700,000 | \$ | 700,000 277413 |
| | | Registration Database | | | | |
| 5990 | 050630 | Elections Support | \$ | 2,960,000 | \$ | 3,090,000 277414 |
| | | Supplement | | | | |
| 5990 | 050631 | Precinct Election | \$ | 0 | \$ | 500,000 277415 |
| | | Officials Training | | | | |
| 5990 | 050636 | County Election | \$ | 220,000 | \$ | 240,000 277416 |
| | | Official Training | | | | |
| 5AS1 | 050639 | Data Analysis | \$ | 5,000,000 | \$ | 0 277417 |
| | | Transparency | | | | |
| 5FG0 | 050620 | BOE Reimbursement and | \$ | 16,000,000 | \$ | 0 277418 |
| | | Education | | | | |
| 5SN0 | 050626 | Address | \$ | 200,000 | \$ | 200,000 277419 |
| | | Confidentiality | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 49,412,537 | \$ | 30,095,278 277420 |
| | | Group | | | | |
| | | Holding Account Fund Group | | | | 277421 |
| R002 | 050606 | Corporate/Business | \$ | 85,000 | \$ | 85,000 277422 |
| | | Filing Refunds | | | | |
| TOTAL HLD | | Holding Account Fund | \$ | 85,000 | \$ | 85,000 277423 |
| | | Group | | | | |
| | | Federal Fund Group | | | | 277424 |
| 3AS0 | 050616 | Help America Vote Act | \$ | 1,500,000 | \$ | 1,500,000 277425 |
| | | (HAVA) | | | | |
| TOTAL FED | | Federal Fund Group | \$ | 1,500,000 | \$ | 1,500,000 277426 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 64,587,537 | \$ | 45,770,278 277427 |

Section 395.20. POLL WORKERS TRAINING 277429

The foregoing appropriation item 050407, Poll Workers 277430
Training, shall be used to provide funding to county boards of 277431
elections for precinct election official (PEO) training pursuant 277432

to section 3501.27 of the Revised Code. 277433

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 277434

The foregoing appropriation item 050509, County Voting 277435
Systems Lease Rental Payments, shall be used to make payments 277436
during the period from July 1, 2023, through June 30, 2025, 277437
pursuant to leases and agreements entered into under Section 4 of 277438
S.B. 135 of the 132nd General Assembly with respect to financing 277439
the costs associated with the acquisition, development, 277440
installation, and implementation of county voting systems. 277441

BOARD OF VOTING MACHINE EXAMINERS 277442

The foregoing appropriation item 050610, Board of Voting 277443
Machine Examiners, shall be used to pay for the services and 277444
expenses of the members of the Board of Voting Machine Examiners, 277445
and for other expenses that are authorized to be paid from the 277446
Board of Voting Machine Examiners Fund (Fund 4S80) created in 277447
section 3506.05 of the Revised Code. Moneys not used shall be 277448
returned to the person or entity submitting equipment for 277449
examination. If it is determined by the Secretary of State that 277450
additional appropriation amounts are necessary, the Secretary of 277451
State may request that the Director of Budget and Management 277452
approve such amounts. Upon approval of the Director of Budget and 277453
Management, such amounts are hereby appropriated. 277454

DATA ANALYSIS TRANSPARENCY 277455

Of the foregoing appropriation item 050639, Data Analysis 277456
Transparency, \$2,700,000 in fiscal year 2024 shall be used by the 277457
Secretary of State to fund the Office of Data Analytics and 277458
Archives as well as upgrade the Statewide Voter Registration 277459
Database. 277460

Of the foregoing appropriation item 050639, Data Analysis 277461
Transparency, \$2,300,000 in fiscal year 2024 shall be used by the 277462
Secretary of State to issue grants to county boards of elections 277463

for the purposes of updating county voter registration systems to 277464
comply with the provisions of the Data Analysis Transparency 277465
Archive (DATA) Act. 277466

At the end of fiscal year 2024, the unexpended, unencumbered 277467
portion of GRF appropriation item 050639, Data Analysis 277468
Transparency, is hereby reappropriated for the same purposes in 277469
fiscal year 2025. 277470

SPECIAL ELECTION COSTS 277471

At the direction of the Secretary of State and in the manner 277472
expressly provided for by law, the foregoing appropriation item 277473
050620, BOE Reimbursement and Education, shall be used exclusively 277474
to pay the actual costs associated with conducting the August 8, 277475
2023, special election. 277476

On December 31, 2023, or as soon as possible thereafter, the 277477
Director of Budget and Management shall transfer cash in an amount 277478
equal to the unexpended, unencumbered portion of the foregoing 277479
appropriation item 050620, BOE Reimbursement and Education Fund, 277480
to the General Revenue Fund. 277481

BALLOT ADVERTISING COSTS 277482

Notwithstanding division (G) of section 3501.17 of the 277483
Revised Code, upon requests submitted by the Secretary of State, 277484
the Controlling Board may approve cash and appropriation transfers 277485
from the Controlling Board Emergency Purposes/Contingencies Fund 277486
(Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) 277487
in order to pay for the cost of public notices associated with 277488
statewide ballot initiatives. 277489

ABSENT VOTER'S BALLOT APPLICATION MAILING 277490

Notwithstanding division (B) of section 111.31 of the Revised 277491
Code, upon the request of the Secretary of State, the Controlling 277492
Board may approve cash and appropriation transfers from the 277493

Controlling Board Emergency Purposes/Contingencies Fund (Fund 277494
5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 277495
5RG0) to be used by the Secretary of State to pay the costs of 277496
printing and mailing unsolicited applications for absent voters' 277497
ballots for the general election to be held in November 2024. 277498

ADDRESS CONFIDENTIALITY PROGRAM 277499

Upon the request of the Secretary of State, the Director of 277500
Budget and Management may transfer up to \$200,000 per fiscal year 277501
in cash from the Business Services Operating Expenses Fund (Fund 277502
5990) to the Address Confidentiality Program Fund (Fund 5SN0). 277503

CORPORATE/BUSINESS FILING REFUNDS 277504

The foregoing appropriation item 050606, Corporate/Business 277505
Filing Refunds, shall be used to hold revenues until they are 277506
directed to the appropriate accounts or until they are refunded. 277507
If it is determined by the Secretary of State that additional 277508
appropriation amounts are necessary, the Secretary of State may 277509
request that the Director of Budget and Management approve such 277510
amounts. Upon approval of the Director of Budget and Management, 277511
such amounts are hereby appropriated. 277512

HAVA FUNDS 277513

An amount equal to the unexpended, unencumbered portion of 277514
appropriation item 050616, Help America Vote Act (HAVA), at the 277515
end of fiscal year 2023 is hereby reappropriated for the same 277516
purpose in fiscal year 2024. 277517

An amount equal to the unexpended, unencumbered portion of 277518
appropriation item 050616, Help America Vote Act (HAVA), at the 277519
end of fiscal year 2024 is hereby reappropriated for the same 277520
purpose in fiscal year 2025. 277521

Section 397.10. SEN THE OHIO SENATE 277522

GRF 020321 Operating Expenses \$ 20,000,000 \$ 20,000,000 277523

| | | | | | |
|--------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund | \$ | 20,000,000 | \$ | 20,000,000 | 277524 |
| Internal Service Activity Fund Group | | | | | 277525 |
| 1020 020602 Senate Reimbursement | \$ | 425,800 | \$ | 425,800 | 277526 |
| 4090 020601 Miscellaneous Sales | \$ | 34,497 | \$ | 34,497 | 277527 |
| TOTAL ISA Internal Service Activity | | | | | 277528 |
| Fund Group | \$ | 460,297 | \$ | 460,297 | 277529 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 20,460,297 | \$ | 20,460,297 | 277530 |

OPERATING EXPENSES 277531

On July 1, 2023, or as soon as possible thereafter, the Clerk 277532
of the Senate may certify to the Director of Budget and Management 277533
an amount up to the unexpended, unencumbered balance of the 277534
foregoing appropriation item 020321, Operating Expenses, at the 277535
end of fiscal year 2023 to be reappropriated to fiscal year 2024. 277536
The amount certified is hereby reappropriated to the same 277537
appropriation item for fiscal year 2024. 277538

On July 1, 2024, or as soon as possible thereafter, the Clerk 277539
of the Senate may certify to the Director of Budget and Management 277540
an amount up to the unexpended, unencumbered balance of the 277541
foregoing appropriation item 020321, Operating Expenses, at the 277542
end of fiscal year 2024 to be reappropriated to fiscal year 2025. 277543
The amount certified is hereby reappropriated to the same 277544
appropriation item for fiscal year 2025. 277545

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 277546

| | | | | | |
|----------------------------------|----|---------|----|---------|--------|
| General Revenue Fund | | | | | 277547 |
| GRF 866321 CSV Operations | \$ | 685,000 | \$ | 694,000 | 277548 |
| TOTAL GRF General Revenue Fund | \$ | 685,000 | \$ | 694,000 | 277549 |
| Dedicated Purpose Fund Group | | | | | 277550 |
| 5GN0 866605 Serve Ohio Support | \$ | 13,000 | \$ | 13,000 | 277551 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 13,000 | \$ | 13,000 | 277552 |
| Group | | | | | |

| | | | | |
|---------------------------------|----|------------|---------------|--------|
| Federal Fund Group | | | | 277553 |
| 3R70 866617 AmeriCorps Programs | \$ | 13,868,066 | \$ 13,897,793 | 277554 |
| TOTAL FED Federal Fund Group | \$ | 13,868,066 | \$ 13,897,793 | 277555 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 14,566,066 | \$ 14,604,793 | 277556 |

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 277558

| | | | | |
|------------------------------------|----|-------------|----------------|--------|
| Debt Service Fund Group | | | | 277559 |
| 7070 155905 Third Frontier | \$ | 47,800,000 | \$ 36,500,000 | 277560 |
| Research and | | | | |
| Development Bond | | | | |
| Retirement Fund | | | | |
| 7072 155902 Highway Capital | \$ | 155,000,000 | \$ 136,000,000 | 277561 |
| Improvement Bond | | | | |
| Retirement Fund | | | | |
| 7073 155903 Natural Resources Bond | \$ | 20,200,000 | \$ 16,800,000 | 277562 |
| Retirement Fund | | | | |
| 7074 155904 Conservation Projects | \$ | 46,600,000 | \$ 40,900,000 | 277563 |
| Bond Retirement Fund | | | | |
| 7076 155906 Coal Research and | \$ | 5,732,500 | \$ 4,042,500 | 277564 |
| Development Bond | | | | |
| Retirement Fund | | | | |
| 7077 155907 State Capital | \$ | 231,000,000 | \$ 236,000,000 | 277565 |
| Improvement Bond | | | | |
| Retirement Fund | | | | |
| 7078 155908 Common Schools Bond | \$ | 370,000,000 | \$ 297,000,000 | 277566 |
| Retirement Fund | | | | |
| 7079 155909 Higher Education Bond | \$ | 250,000,000 | \$ 275,000,000 | 277567 |
| Retirement Fund | | | | |
| 7080 155901 Persian Gulf, | \$ | 4,995,000 | \$ 4,995,000 | 277568 |
| Afghanistan, and Iraq | | | | |
| Conflict Bond | | | | |
| Retirement Fund | | | | |

| | | | |
|---|------------------|------------------|--------|
| TOTAL DSF Debt Service Fund Group | \$ 1,131,327,500 | \$ 1,047,237,500 | 277569 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 1,131,327,500 | \$ 1,047,237,500 | 277570 |
| ADDITIONAL APPROPRIATIONS | | | 277571 |
| Appropriation items in this section are for the purpose of | | | 277572 |
| paying debt service and financing costs during the period from | | | 277573 |
| July 1, 2023, through June 30, 2025, on bonds or notes of the | | | 277574 |
| state issued under the Ohio Constitution, Revised Code, and acts | | | 277575 |
| of the General Assembly. If it is determined that additional | | | 277576 |
| amounts are necessary for this purpose, such amounts are hereby | | | 277577 |
| appropriated. | | | 277578 |
| Section 404.10. SHP STATE SPEECH AND HEARING PROFESSIONALS | | | 277579 |
| BOARD | | | 277580 |
| Dedicated Purpose Fund Group | | | 277581 |
| 4K90 123609 Operating Expenses | \$ 647,461 | \$ 652,461 | 277582 |
| TOTAL DPF Dedicated Purpose Fund | \$ 647,461 | \$ 652,461 | 277583 |
| Group | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ 647,461 | \$ 652,461 | 277584 |
| Section 407.10. BTA BOARD OF TAX APPEALS | | | 277586 |
| General Revenue Fund | | | 277587 |
| GRF 116321 Operating Expenses | \$ 2,085,000 | \$ 2,146,000 | 277588 |
| TOTAL GRF General Revenue Fund | \$ 2,085,000 | \$ 2,146,000 | 277589 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 2,085,000 | \$ 2,146,000 | 277590 |
| Section 409.10. TAX DEPARTMENT OF TAXATION | | | 277592 |
| General Revenue Fund | | | 277593 |
| GRF 110321 Operating Expenses | \$ 60,141,000 | \$ 60,530,000 | 277594 |
| GRF 110404 Tobacco Settlement | \$ 154,000 | \$ 154,000 | 277595 |
| Enforcement | | | |
| TOTAL GRF General Revenue Fund | \$ 60,295,000 | \$ 60,684,000 | 277596 |
| Dedicated Purpose Fund Group | | | 277597 |

| | | | | | | | |
|------|--------|---|----|------------|----|------------|--------|
| 2280 | 110628 | CAT Administration | \$ | 11,336,886 | \$ | 11,336,886 | 277598 |
| 4350 | 110607 | Local Tax
Administration | \$ | 32,467,356 | \$ | 33,100,095 | 277599 |
| 4360 | 110608 | Motor Vehicle Audit
Administration | \$ | 1,509,168 | \$ | 1,509,168 | 277600 |
| 4380 | 110609 | School District
Income Tax
Administration | \$ | 9,098,829 | \$ | 9,168,747 | 277601 |
| 4C60 | 110616 | International
Registration Plan
Administration | \$ | 726,464 | \$ | 726,464 | 277602 |
| 4R60 | 110610 | Tire Tax
Administration | \$ | 180,000 | \$ | 180,000 | 277603 |
| 5BP0 | 110639 | Wireless 9-1-1
Administration | \$ | 302,244 | \$ | 302,244 | 277604 |
| 5JM0 | 110637 | Casino Tax
Administration | \$ | 125,000 | \$ | 125,000 | 277605 |
| 5N50 | 110605 | Municipal Income Tax
Administration | \$ | 200,000 | \$ | 200,000 | 277606 |
| 5N60 | 110618 | Kilowatt Hour Tax
Administration | \$ | 100,000 | \$ | 100,000 | 277607 |
| 5NY0 | 110643 | Petroleum Activity
Tax Administration | \$ | 1,010,356 | \$ | 1,010,356 | 277608 |
| 5V70 | 110622 | Motor Fuel Tax
Administration | \$ | 6,118,069 | \$ | 6,118,069 | 277609 |
| 5V80 | 110623 | Property Tax
Administration | \$ | 5,108,681 | \$ | 5,108,681 | 277610 |
| 5YQ0 | 110651 | Sports Gaming Tax
Administration
Operating Expenses | \$ | 100,000 | \$ | 100,000 | 277611 |
| 5ZA0 | 110650 | Ohio Tax System
Operating Expenses | \$ | 3,000,000 | \$ | 5,000,000 | 277612 |
| 6390 | 110614 | Cigarette Tax | \$ | 1,300,000 | \$ | 1,300,000 | 277613 |

| | | | | | | |
|------------------------------|--------|------------------------|----|---------------|----|----------------------|
| | | Enforcement | | | | |
| 6880 | 110615 | Local Excise Tax | \$ | 511,916 | \$ | 511,916 277614 |
| | | Administration | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 73,194,969 | \$ | 75,897,626 277615 |
| Group | | | | | | |
| Fiduciary Fund Group | | | | | | 277616 |
| 4250 | 110635 | Tax Refunds | \$ | 2,853,345,225 | \$ | 3,082,043,652 277617 |
| 5CZ0 | 110631 | Vendor's License | \$ | 500,000 | \$ | 500,000 277618 |
| | | Application | | | | |
| TOTAL FID | | Fiduciary Fund Group | \$ | 2,853,845,225 | \$ | 3,082,543,652 277619 |
| Holding Account Fund Group | | | | | | 277620 |
| R010 | 110611 | Tax Distributions | \$ | 25,000 | \$ | 25,000 277621 |
| R011 | 110612 | Miscellaneous Income | \$ | 500 | \$ | 500 277622 |
| | | Tax Receipts | | | | |
| TOTAL HLD | | Holding Account Fund | \$ | 25,500 | \$ | 25,500 277623 |
| Group | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 2,987,360,694 | \$ | 3,219,150,778 277624 |

Section 409.20. TAX REFUNDS 277626

The foregoing appropriation item 110635, Tax Refunds, shall 277627
 be used to pay refunds under section 5703.052 of the Revised Code. 277628
 If it is determined that additional appropriations are necessary 277629
 for this purpose, such amounts are hereby appropriated. 277630

VENDOR'S LICENSE PAYMENTS 277631

The foregoing appropriation item 110631, Vendor's License 277632
 Application, shall be used to make payments to county auditors 277633
 under section 5739.17 of the Revised Code. If it is determined 277634
 that additional appropriations are necessary to make such 277635
 payments, such amounts are hereby appropriated. 277636

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 277637

The foregoing appropriation item 110616, International 277638

Registration Plan Administration, shall be used under section 277639
5703.12 of the Revised Code for audits of persons with vehicles 277640
registered under the International Registration Plan. 277641

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 277642

Of the foregoing appropriation item 110607, Local Tax 277643
Administration, the Tax Commissioner may disburse funds, if 277644
available, for the purposes of paying travel expenses incurred by 277645
members of Ohio's delegation to the Streamlined Sales Tax Project, 277646
as appointed under section 5740.02 of the Revised Code. Any travel 277647
expense reimbursement paid for by the Department of Taxation shall 277648
be done in accordance with applicable state laws and guidelines. 277649

TOBACCO SETTLEMENT ENFORCEMENT 277650

The foregoing appropriation item 110404, Tobacco Settlement 277651
Enforcement, shall be used by the Tax Commissioner to pay costs 277652
incurred in the enforcement of divisions (F) and (G) of section 277653
5743.03 of the Revised Code. 277654

OHIO TAX SYSTEM SUPPORT FUND 277655

The foregoing appropriation item 110650, Ohio Tax System 277656
Operating Expenses, shall be used to pay costs incurred in the 277657
maintenance and support of the department's Ohio Tax System. The 277658
Tax Commissioner shall submit a plan to the Director of Budget and 277659
Management requesting the necessary cash be transferred to the 277660
Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created 277661
in the state treasury. Cash shall be transferred from any fund 277662
used by the Department of Taxation that is otherwise allowable 277663
under state or federal law, except the General Revenue Fund. This 277664
plan shall include a schedule of cash transfers. After receiving 277665
the funding plan from the Tax Commissioner and if the Director 277666
determines that sufficient cash is available, the Director may 277667
transfer the cash to the Ohio Tax System Support Fund with the 277668
plan submitted by the Tax Commissioner or as otherwise determined 277669

by the Director of Budget and Management. The transfers of cash to 277670
the Ohio Tax System Support Fund shall not exceed \$8,000,000 in 277671
the fiscal year 2024-2025 biennium. 277672

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 277673

General Revenue Fund 277674

GRF 772455 DriveOhio and UAS \$ 500,000 \$ 500,000 277675
Center EV Workforce
Transformation

GRF 776465 Rail Development \$ 6,000,000 \$ 6,000,000 277676

GRF 777471 Airport Improvements \$ 10,000,000 \$ 10,000,000 277677
- State

TOTAL GRF General Revenue Fund \$ 16,500,000 \$ 16,500,000 277678

Dedicated Purpose Fund Group 277679

5AU1 776675 Wayside Detector \$ 10,000,000 \$ 0 277680
Grants

5AV1 776676 Orphan Rail \$ 1,000,000 \$ 0 277681

5ZP0 776505 Rail Safety Crossing \$ 100,000,000 \$ 0 277682
Match

TOTAL DPF Dedicated Purpose Fund \$ 111,000,000 \$ 0 277683

Group

TOTAL ALL BUDGET FUND GROUPS \$ 127,500,000 \$ 16,500,000 277684

Section 411.11. WAYSIDE DETECTOR GRANTS 277686

The foregoing appropriation item 776675, Wayside Detector 277687
Grants, shall be used to provide wayside detector system grants in 277688
accordance with Section 749.10 of this act. 277689

At the end of fiscal year 2024, the unexpended, unencumbered 277690
portion of the amount allocated for wayside detector system grants 277691
is reappropriated for the same purpose in fiscal year 2025. 277692

Section 411.13. ORPHAN RAIL 277693

The foregoing appropriation item 776676, Orphan Rail, shall 277694
 be used by the Ohio Rail Development Commission, in conjunction 277695
 with the Department of Transportation, to pay the expenses of the 277696
 Orphan Rail Crossing Program. The Commission, in conjunction with 277697
 the Department, shall establish the Program and its parameters. 277698

Section 411.20. RAIL SAFETY CROSSING MATCH 277699

An amount equal to the unexpended, unencumbered portion of 277700
 appropriation item 776505, Rail Safety Crossing Match, at the end 277701
 of fiscal year 2024 is hereby reappropriated for the same purpose 277702
 in fiscal year 2025. 277703

Section 413.10. TOS TREASURER OF STATE 277704

General Revenue Fund 277705

GRF 090321 Operating Expenses \$ 6,478,000 \$ 5,432,000 277706

GRF 090406 Treasury Management \$ 1,120,000 \$ 1,120,000 277707

System Lease Rental
 Payments

TOTAL GRF General Revenue Fund \$ 7,598,000 \$ 6,552,000 277708

Dedicated Purpose Fund Group 277709

4E90 090603 Securities Lending \$ 10,022,465 \$ 11,068,905 277710
 Income

4X90 090614 Political Subdivision \$ 35,000 \$ 35,000 277711
 Obligation

5770 090605 Investment Pool \$ 1,700,000 \$ 1,700,000 277712
 Reimbursement

5C50 090602 County Treasurer \$ 250,000 \$ 250,000 277713
 Education

6050 090609 Treasurer of State \$ 1,800,000 \$ 1,800,000 277714
 Administrative Fund

TOTAL DPF Dedicated Purpose 277715

Fund Group \$ 13,807,465 \$ 14,853,905 277716

| | | | | |
|--------------------------------|----|------------|---------------|--------|
| Fiduciary Fund Group | | | | 277717 |
| 4250 090635 Tax Refunds | \$ | 12,000,000 | \$ 12,000,000 | 277718 |
| TOTAL FID Fiduciary Fund Group | \$ | 12,000,000 | \$ 12,000,000 | 277719 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 33,405,465 | \$ 33,405,905 | 277720 |

Section 413.20. TAX REFUNDS 277722

The foregoing appropriation item 090635, Tax Refunds, shall 277723
be used to pay refunds under section 5703.052 of the Revised Code. 277724
If the Director of Budget and Management determines that 277725
additional amounts are necessary for this purpose, such amounts 277726
are hereby appropriated. 277727

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 277728
PAYMENTS 277729

The foregoing appropriation item 090406, Treasury Management 277730
System Lease Rental Payments, shall be used to make payments 277731
during the period from July 1, 2023, through June 30, 2025, 277732
pursuant to leases and agreements entered into under Section 277733
701.20 of H.B. 497 of the 130th General Assembly and other prior 277734
acts of the General Assembly with respect to financing the costs 277735
associated with the acquisition, development, implementation, and 277736
integration of the Treasury Management System. 277737

Section 414.10. VTO VETERANS' ORGANIZATIONS 277738

| | | | | |
|------------------------------------|----|--------|-----------|--------|
| General Revenue Fund | | | | 277739 |
| VAP AMERICAN EX-PRISONERS OF WAR | | | | 277740 |
| GRF 743501 State Support | \$ | 45,000 | \$ 45,000 | 277741 |
| VAN ARMY AND NAVY UNION, USA, INC. | | | | 277742 |
| GRF 746501 State Support | \$ | 85,000 | \$ 85,000 | 277743 |
| VKW KOREAN WAR VETERANS | | | | 277744 |
| GRF 747501 State Support | \$ | 85,000 | \$ 85,000 | 277745 |
| VJW JEWISH WAR VETERANS | | | | 277746 |

| | | | | | | | |
|------------------------------|--------|--|----|------------|----|------------|--------|
| GRF | 748501 | State Support | \$ | 62,000 | \$ | 62,000 | 277747 |
| | | VCW CATHOLIC WAR VETERANS | | | | | 277748 |
| GRF | 749501 | State Support | \$ | 85,000 | \$ | 85,000 | 277749 |
| | | VPH MILITARY ORDER OF THE PURPLE HEART | | | | | 277750 |
| GRF | 750501 | State Support | \$ | 85,000 | \$ | 85,000 | 277751 |
| | | VVV VIETNAM VETERANS OF AMERICA | | | | | 277752 |
| GRF | 751501 | State Support | \$ | 310,000 | \$ | 310,000 | 277753 |
| | | VAL AMERICAN LEGION OF OHIO | | | | | 277754 |
| GRF | 752501 | State Support | \$ | 450,000 | \$ | 450,000 | 277755 |
| | | VII AMVETS | | | | | 277756 |
| GRF | 753501 | State Support | \$ | 450,000 | \$ | 450,000 | 277757 |
| | | VAV DISABLED AMERICAN VETERANS | | | | | 277758 |
| GRF | 754501 | State Support | \$ | 450,000 | \$ | 450,000 | 277759 |
| | | VMC MARINE CORPS LEAGUE | | | | | 277760 |
| GRF | 756501 | State Support | \$ | 214,000 | \$ | 214,000 | 277761 |
| | | V37 37TH DIVISION VETERANS' ASSOCIATION | | | | | 277762 |
| GRF | 757501 | State Support | \$ | 17,000 | \$ | 17,000 | 277763 |
| | | VFW VETERANS OF FOREIGN WARS | | | | | 277764 |
| GRF | 758501 | State Support | \$ | 450,000 | \$ | 450,000 | 277765 |
| TOTAL GRF | | General Revenue Fund | \$ | 2,788,000 | \$ | 2,788,000 | 277766 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 2,788,000 | \$ | 2,788,000 | 277767 |
| | | Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES | | | | | 277769 |
| | | General Revenue Fund | | | | | 277770 |
| GRF | 900321 | Veterans' Homes | \$ | 48,972,000 | \$ | 51,374,000 | 277771 |
| GRF | 900402 | Hall of Fame | \$ | 105,000 | \$ | 112,000 | 277772 |
| GRF | 900408 | Department of Veterans Services | \$ | 4,794,000 | \$ | 4,837,000 | 277773 |
| GRF | 900645 | Veterans Long Term Healthcare Needs and Support (VET) | \$ | 1,560,000 | \$ | 1,560,000 | 277774 |
| GRF | 900901 | Veterans Compensation General Obligation | \$ | 4,995,000 | \$ | 4,995,000 | 277775 |

| | | | |
|-----------------------------------|----|-------------|-----------------------|
| Bond Debt Service | | | |
| TOTAL GRF General Revenue Fund | \$ | 60,426,000 | \$ 62,878,000 277776 |
| Dedicated Purpose Fund Group | | | 277777 |
| 4840 900603 Veterans' Homes | \$ | 700,000 | \$ 700,000 277778 |
| Services | | | |
| 4E20 900602 Veterans' Homes | \$ | 14,000,000 | \$ 14,000,000 277779 |
| Operating | | | |
| 5DB0 900643 Military Injury | \$ | 55,800 | \$ 55,800 277780 |
| Relief Program | | | |
| 5NX0 900646 State Opioid Response | \$ | 1,000,000 | \$ 1,000,000 277781 |
| 5YP0 900650 Sports Gaming - | \$ | 125,000 | \$ 125,000 277782 |
| Veterans | | | |
| 5Z00 900411 Veterans Homes | \$ | 65,000,000 | 0 277783 |
| Modernization | | | |
| TOTAL DPF Dedicated Purpose Fund | \$ | 80,880,800 | \$ 15,880,800 277784 |
| Group | | | |
| Debt Service Fund Group | | | 277785 |
| 7041 900615 Veteran Bonus Program | \$ | 229,024 | \$ 205,643 277786 |
| - Administration | | | |
| 7041 900641 Persian Gulf, | \$ | 4,770,976 | \$ 4,794,357 277787 |
| Afghanistan, and Iraq | | | |
| Compensation | | | |
| TOTAL DSF Debt Service | | | 277788 |
| Fund Group | \$ | 5,000,000 | \$ 5,000,000 277789 |
| Federal Fund Group | | | 277790 |
| 3680 900614 Veterans Training | \$ | 936,491 | \$ 963,333 277791 |
| 3BX0 900609 Medicare Services | \$ | 1,000,000 | \$ 1,000,000 277792 |
| 3L20 900601 Veterans' Homes | \$ | 30,500,000 | \$ 30,500,000 277793 |
| Operations - Federal | | | |
| TOTAL FED Federal Fund Group | \$ | 32,436,491 | \$ 32,463,333 277794 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 178,743,291 | \$ 116,222,133 277795 |
| VETERANS ORGANIZATIONS' RENT | | | 277796 |

The foregoing appropriation item 900408, Department of Veterans Services, shall be used to pay veterans organizations' rent in buildings managed by the Department of Administrative Services. 277797
 277798
 277799
 277800

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 277801

The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under Section 2r of Article VIII, Ohio Constitution. 277802
 277803
 277804
 277805
 277806

Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 277807

Dedicated Purpose Fund Group 277808

4K90 888609 Operating Expenses \$ 444,000 \$ 448,000 277809

5YG0 888603 Veterinarian Student \$ 270,000 \$ 250,000 277810

Debt Assistance
 Program

TOTAL DPF Dedicated Purpose Fund Group 277811

\$ 714,000 \$ 698,000 277812

Internal Service Activity Fund Group 277813

5BU0 888602 Veterinary Student \$ 20,000 \$ 20,000 277814

Loan Program

TOTAL ISA Internal Service Activity Fund Group 277815

\$ 20,000 \$ 20,000 277816

TOTAL ALL BUDGET FUND GROUPS \$ 734,000 \$ 718,000 277817

Section 419.10. VPB STATE VISION PROFESSIONALS BOARD 277819

Dedicated Purpose Fund Group 277820

4K90 129609 Operating Expenses \$ 608,684 \$ 619,684 277821

TOTAL DPF Dedicated Purpose Fund Group \$ 608,684 \$ 619,684 277822

Group

| | | | | | | | |
|---|--------|-----------------------|----|-------------|----|-------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 608,684 | \$ | 619,684 | 277823 |
|
 | | | | | | | |
| Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES | | | | | | | 277825 |
|
 | | | | | | | |
| General Revenue Fund | | | | | | | 277826 |
| GRF | 470401 | RECLAIM Ohio | \$ | 195,000,000 | \$ | 196,000,000 | 277827 |
| GRF | 470412 | Juvenile Correctional | \$ | 15,300,000 | \$ | 18,500,000 | 277828 |
| Facilities Lease | | | | | | | |
| Rental Bond Payments | | | | | | | |
| GRF | 470510 | Youth Services | \$ | 16,702,000 | \$ | 16,702,000 | 277829 |
| GRF | 472321 | Parole Operations | \$ | 11,000,000 | \$ | 11,500,000 | 277830 |
| GRF | 477321 | Administrative | \$ | 16,000,000 | \$ | 16,000,000 | 277831 |
| Operations | | | | | | | |
| TOTAL GRF General Revenue Fund | | | \$ | 254,002,000 | \$ | 258,702,000 | 277832 |
|
 | | | | | | | |
| Dedicated Purpose Fund Group | | | | | | | 277833 |
| 1470 | 470612 | Vocational Education | \$ | 1,482,700 | \$ | 1,482,700 | 277834 |
| 1750 | 470613 | Education Services | \$ | 3,718,100 | \$ | 3,915,300 | 277835 |
| 4790 | 470609 | Employee Food Service | \$ | 21,400 | \$ | 21,400 | 277836 |
| 4A20 | 470602 | Child Support | \$ | 95,000 | \$ | 95,000 | 277837 |
| 4G60 | 470605 | Juvenile Special | \$ | 115,000 | \$ | 115,000 | 277838 |
| Revenue - Non-Federal | | | | | | | |
| 5BN0 | 470629 | E-Rate Program | \$ | 59,000 | \$ | 59,000 | 277839 |
| TOTAL DPF Dedicated Purpose | | | | | | | 277840 |
| Fund Group | | | \$ | 5,491,200 | \$ | 5,688,400 | 277841 |
|
 | | | | | | | |
| Federal Fund Group | | | | | | | 277842 |
| 3210 | 470601 | Education | \$ | 1,263,900 | \$ | 1,046,900 | 277843 |
| 3210 | 470603 | Juvenile Justice | \$ | 2,716,500 | \$ | 2,747,300 | 277844 |
| Prevention | | | | | | | |
| 3210 | 470606 | Nutrition | \$ | 1,055,000 | \$ | 1,055,000 | 277845 |
| 3210 | 470614 | Title IV-E | \$ | 3,506,000 | \$ | 1,406,000 | 277846 |
| Reimbursements | | | | | | | |
| 3210 | 470691 | COVID Mitigation and | \$ | 2,076,800 | \$ | 246,100 | 277847 |
| Detection | | | | | | | |

3V50 470604 Juvenile \$ 1,912,400 \$ 1,912,500 277848
Justice/Delinquency
Prevention

TOTAL FED Federal 277849

Fund Group \$ 12,530,600 \$ 8,413,800 277850

TOTAL ALL BUDGET FUND GROUPS \$ 272,023,800 \$ 272,804,200 277851

COMMUNITY PROGRAMS 277852

For purposes of implementing juvenile sentencing reforms, and 277853
notwithstanding any provision of law to the contrary, the 277854
Department of Youth Services may use up to \$1,375,000 of the 277855
unexpended, unencumbered balance of the portion of appropriation 277856
item 470401, RECLAIM Ohio, that is allocated to juvenile 277857
correctional facilities in each fiscal year to expand Targeted 277858
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 277859
other evidence-based community programs. 277860

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 277861

The foregoing appropriation item 470412, Juvenile 277862
Correctional Facilities Lease Rental Bond Payments, shall be used 277863
to meet all payments during the period from July 1, 2023, through 277864
June 30, 2025, by the Department of Youth Services under the 277865
leases and agreements for facilities made under Chapters 152. and 277866
154. of the Revised Code. These appropriations are the source of 277867
funds pledged for bond service charges on related obligations 277868
issued under Chapters 152. and 154. of the Revised Code. 277869

EDUCATION SERVICES 277870

The foregoing appropriation item 470613, Education Services, 277871
shall be used to fund the operating expenses of providing 277872
educational services to youth supervised by the Department of 277873
Youth Services. Operating expenses include, but are not limited 277874
to, teachers' salaries, maintenance costs, and educational 277875
equipment. 277876

| | | | | |
|---|--------|-----------------------|-------------------------------|--------|
| FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES | | | | 277877 |
| In collaboration with the county family and children first | | | | 277878 |
| council, the juvenile court of that county that receives | | | | 277879 |
| allocations from one or both of the foregoing appropriation items | | | | 277880 |
| 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer | | | | 277881 |
| portions of those allocations to a flexible funding pool as | | | | 277882 |
| authorized by the section of this act titled "FAMILY AND CHILDREN | | | | 277883 |
| FIRST FLEXIBLE FUNDING POOL." | | | | 277884 |
|
 | | | | |
| Section 423.10. KID DEPARTMENT OF CHILDREN AND YOUTH | | | | 277885 |
| General Revenue Fund | | | | 277886 |
| GRF | 830400 | Child Care | \$ 93,636,000 \$ 93,636,000 | 277887 |
| | | State/Maintenance of | | |
| | | Effort | | |
| GRF | 830401 | Foster Care | \$ 952,000 \$ 952,000 | 277888 |
| GRF | 830402 | Healthy Beginnings at | \$ 3,000,000 \$ 500,000 | 277889 |
| | | Home | | |
| GRF | 830403 | Help Me Grow | \$ 46,500,000 \$ 55,000,000 | 277890 |
| GRF | 830404 | Infant Vitality | \$ 15,361,000 \$ 16,800,000 | 277891 |
| GRF | 830405 | Part C Early | \$ 23,402,000 \$ 23,402,000 | 277892 |
| | | Intervention | | |
| GRF | 830406 | Strong Families | \$ 4,000,000 \$ 4,000,000 | 277893 |
| | | Strong Communities | | |
| GRF | 830407 | Early Childhood | \$ 114,216,000 \$ 114,216,000 | 277894 |
| | | Education | | |
| GRF | 830408 | Early Learning | \$ 2,760,000 \$ 2,760,000 | 277895 |
| | | Assessment | | |
| GRF | 830409 | Childcare Licensing | \$ 3,000,000 \$ 3,000,000 | 277896 |
| GRF | 830410 | Family and Children | \$ 2,706,000 \$ 2,706,000 | 277897 |
| | | First | | |
| GRF | 830411 | Imagination Library | \$ 8,000,000 \$ 8,000,000 | 277898 |
| GRF | 830500 | Early Care and | \$ 141,285,000 \$ 141,285,000 | 277899 |

| | | | | | | |
|-----------|--------|--|----|-------------|----|--------------------|
| | | Education | | | | |
| GRF | 830501 | Kinship Permanency
Incentive Program | \$ | 1,000,000 | \$ | 1,000,000 277900 |
| GRF | 830502 | Court Appointed
Special Advocates | \$ | 1,000,000 | \$ | 1,000,000 277901 |
| GRF | 830503 | Adoption Services | \$ | 23,992,000 | \$ | 23,992,000 277902 |
| GRF | 830505 | Early Childhood | \$ | 3,000,000 | \$ | 4,000,000 277903 |
| | | Mental Health (ECMH) | | | | |
| GRF | 830506 | Family and Children
Services | \$ | 232,000,000 | \$ | 232,000,000 277904 |
| TOTAL GRF | | General Revenue Fund | \$ | 719,810,000 | \$ | 728,249,000 277905 |
| | | Dedicated Purpose Fund Group | | | | 277906 |
| | | | | | | 277907 |
| 1980 | 830600 | Children's Trust Fund | \$ | 5,777,313 | \$ | 5,682,251 277908 |
| 2320 | 830613 | Family and Children
First | \$ | 2,389,999 | \$ | 2,400,019 277909 |
| 4F10 | 830607 | Family and Children
Activities | \$ | 655,000 | \$ | 655,000 277910 |
| 5AK1 | 830614 | Child Care
Infrastructure | \$ | 7,500,000 | \$ | 7,500,000 277911 |
| 5KT0 | 830606 | Early Childhood
Education | \$ | 13,000,000 | \$ | 13,000,000 277912 |
| TOTAL DPF | | Dedicated Purpose
Fund Group | \$ | 29,322,312 | \$ | 29,237,270 277913 |
| | | Federal Fund Group | | | | 277914 |
| | | | | | | 277915 |
| 3200 | 830608 | Maternal and Child
Health Block Grant | \$ | 26,632,123 | \$ | 27,937,097 277916 |
| 3250 | 830609 | Community Social
Service Programs | \$ | 17,303,908 | \$ | 17,303,908 277917 |
| 3270 | 830601 | Child Welfare | \$ | 30,452,109 | \$ | 30,662,072 277918 |
| 3980 | 830612 | Adoption Program | \$ | 191,010,421 | \$ | 196,784,786 277919 |
| 3C50 | 830610 | Preschool Special | \$ | 14,026,864 | \$ | 14,026,864 277920 |

| | | | | | | |
|------------------------------|--------|-----------------------|----|---------------|----|----------------------|
| | | Education | | | | |
| 3D30 | 830602 | Children's Trust Fund | \$ | 6,966,717 | \$ | 6,978,646 277921 |
| 3H70 | 830604 | Child Care | \$ | 594,570,212 | \$ | 594,897,934 277922 |
| 3HF0 | 830611 | Head Start | \$ | 225,000 | \$ | 225,000 277923 |
| | | Collaboration | | | | |
| 3N00 | 830603 | Foster Care Program | \$ | 334,844,117 | \$ | 336,851,933 277924 |
| 3V60 | 830605 | TANF Block Grant | \$ | 240,131,211 | \$ | 240,131,211 277925 |
| TOTAL FED Federal | | | | | | 277926 |
| Fund Group | | | \$ | 1,456,162,682 | \$ | 1,465,799,451 277927 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 2,205,294,994 | \$ | 2,223,285,721 277928 |

Section 423.20. INFANT VITALITY GRANTS AND PROGRAMS 277930

Of the foregoing appropriation item 830402, Healthy 277931
 Beginnings at Home, up to \$2,500,000 in fiscal year 2024 shall be 277932
 used, in coordination with the Department of Health, to support 277933
 stable housing initiatives for pregnant mothers and to improve 277934
 maternal and infant health outcomes. 277935

Of the foregoing appropriation item, 830402, Healthy 277936
 Beginnings at Home, up to \$500,000 in each fiscal year shall be 277937
 used for Move to Prosper efforts. 277938

Of the foregoing appropriation item, 830404, Infant Vitality, 277939
 up to \$2,500,000 in each fiscal year shall be used, in 277940
 consultation with the Governor's Office of Children's Initiatives, 277941
 to support programming by community and local faith-based service 277942
 providers that invests in maternal health programs, provides 277943
 services and support to pregnant mothers, and improves both 277944
 maternal and infant health outcomes. 277945

Of the foregoing appropriation item 830404, Infant Vitality, 277946
 \$1,000,000 in each fiscal year shall be distributed to Brigid's 277947
 Path to support their infant and maternal health programs that 277948
 improve health outcomes for infants who are born 277949
 substance-exposed, support family resiliency, and prevent 277950

placements in the child welfare system. 277951

Beginning in fiscal year 2024, the Department of Children and 277952
Youth, in coordination with the Department of Medicaid, shall 277953
establish a bundle of funding for nonmedical maternal and child 277954
health programmatic services provided by residential infant care 277955
centers to infants born substance-exposed and their families. The 277956
Department of Children and Youth and the Department of Medicaid 277957
shall establish a permanent reimbursement model for services 277958
provided by residential infant care centers not later than June 277959
30, 2025. The permanent reimbursement model shall include 277960
reimbursement for medical services and nonmedical services in 277961
accordance with this section. 277962

The remainder of appropriation item 830404, Infant Vitality, 277963
shall be used to fund a multi-pronged population health approach 277964
to address infant mortality. This approach may include the 277965
following: increasing awareness, including awareness regarding 277966
respiratory syncytial virus; supporting data collection; analysis 277967
and interpretation to inform decision-making and ensure 277968
accountability; targeting resources where the need is greatest; 277969
and implementing quality improvement science and programming that 277970
is evidence-based or based on emerging practices. Measurable 277971
interventions may include activities related to safe sleep, 277972
community engagement, group prenatal care, preconception 277973
education, continuous support for women during pregnancy and 277974
childbirth, patient navigators, community health workers, early 277975
childhood home visiting, newborn screening, safe birth spacing, 277976
gestational diabetes, smoking cessation tailored for pregnant 277977
women, breastfeeding, care coordination, and progesterone. 277978

Section 423.25. PART C EARLY INTERVENTION 277979

Of the foregoing appropriation item 830405, Part C Early 277980
Intervention, \$1,000,000 in total in each fiscal year shall be 277981

used to contract with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide early intervention special instruction services and family support to children under the age of three with blindness or low vision.

Section 423.30. CHILDREN'S MENTAL HEALTH

Of the foregoing appropriation item 830406, Strong Families Strong Communities, up to \$4,000,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

The foregoing appropriation item 830505, Early Childhood Mental Health, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Children and Youth, in coordination with Department of Mental Health and Addiction Services, to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

Section 423.40. EARLY CHILDHOOD EDUCATION

Of the foregoing appropriation item 830606, Early Childhood Education, up to \$13,000,000 in each fiscal year shall be used by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to achieve the goals described in division (C) of section 5104.29 of the Revised Code.

The Department of Children and Youth, in coordination with the Department of Education and Workforce, shall distribute the foregoing appropriation item 830407, Early Childhood Education, to

pay the costs of early childhood education programs. The 278012
Department shall distribute such funds directly to qualifying 278013
providers. 278014

(A) As used in this section: 278015

(1) "Provider" means a city, local, exempted village, or 278016
joint vocational school district; an educational service center; a 278017
community school established under Chapter 3314. of the Revised 278018
Code that is sponsored by an exemplary rated sponsor; 278019
notwithstanding anything to the contrary in Chapter 3326. of the 278020
Revised Code, a STEM school that is established under that 278021
chapter; a chartered nonpublic school; an early childhood 278022
education child care provider licensed under Chapter 5104. of the 278023
Revised Code that participates in and meets at least the third 278024
highest tier of the Step Up to Quality program established 278025
pursuant to section 5104.29 of the Revised Code; or a combination 278026
of entities described in this paragraph. 278027

(2) In the case of a city, local, or exempted village school 278028
district or early childhood education child care provider licensed 278029
under Chapter 5104. of the Revised Code, "new eligible provider" 278030
means a provider that did not receive state funding for Early 278031
Childhood Education in the previous fiscal year or demonstrates a 278032
need for early childhood programs as defined in division (D) of 278033
this section. 278034

(3) In the case of a community school, "new eligible 278035
provider" means either of the following: 278036

(a) A community school established under Chapter 3314. of the 278037
Revised Code that is sponsored by a sponsor rated "exemplary" in 278038
accordance with section 3314.016 of the Revised Code that offers a 278039
child care program in accordance with sections 3301.50 to 3301.59 278040
of the Revised Code that did not receive state funding for Early 278041
Childhood Education in the previous fiscal year; 278042

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria: 278043
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(i) It has received, on its most recent report card, either of the following: 278045
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(I) If the school offers any of grade levels four through twelve, a performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of section 3302.03 of the Revised Code; 278047
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(II) If the school does not offer a grade level higher than three, a performance rating of three stars or higher for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code. 278052
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(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code. 278056
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(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year. 278058
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(4) "Eligible child" means a child who is at least three years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday. 278060
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(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of Children and Youth programs. 278068
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(6) "Children and Youth programs" has the same meaning as in section 5104.29 of the Revised Code. 278071
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(B) In each fiscal year, up to two per cent of the total 278073
appropriation may be used by the Department for program support 278074
and technical assistance. The Department shall distribute the 278075
remainder of the appropriation in each fiscal year to serve 278076
eligible children. 278077

(C) The Department of Children and Youth shall provide an 278078
annual report to the Governor, the Speaker of the House of 278079
Representatives, and the President of the Senate and post the 278080
report to the Department's web site, regarding early childhood 278081
education programs operated under this section and the early 278082
learning program standards. 278083

(D) After setting aside the amounts to make payments due from 278084
the previous fiscal year, in fiscal year 2024, the Department 278085
shall distribute funds first to recipients of funds for early 278086
childhood education programs under Section 265.20 of H.B. 110 of 278087
the 134th General Assembly in the previous fiscal year and the 278088
balance to new eligible providers of early childhood education 278089
programs or to existing providers to serve more eligible children 278090
pursuant to division (E) of this section or for purposes of 278091
program expansion, improvement, or special projects to promote 278092
quality and innovation, including piloting all-day programming. 278093

After setting aside the amounts to make payments due from the 278094
previous fiscal year, in fiscal year 2025, the Department shall 278095
distribute funds first to providers of early childhood education 278096
programs under this section in the previous fiscal year and the 278097
balance to new eligible providers or to existing providers to 278098
serve more eligible children as outlined under division (E) of 278099
this section or for purposes of program expansion, improvement, or 278100
special projects to promote quality and innovation, including 278101
piloting all-day programming. 278102

(E)(1) The Department shall distribute any new or remaining 278103
funding to existing providers of early childhood education 278104

programs or any new eligible providers in an effort to invest in 278105
high quality early childhood programs where there is a need as 278106
determined by the Department. The Department shall distribute the 278107
new or remaining funds to existing providers of early childhood 278108
education programs or any new eligible providers to serve 278109
additional eligible children based on community economic 278110
disadvantage, limited access to high quality preschool or 278111
childcare services, and demonstration of high quality preschool 278112
services. 278113

(2) Awards under divisions (D) and (E) of this section shall 278114
be distributed on a per-pupil basis, and in accordance with 278115
division (I) of this section. The Department may adjust the 278116
per-pupil amount so that the per-pupil amount multiplied by the 278117
number of eligible children enrolled and receiving services on the 278118
first day of December or the business day closest to that date 278119
equals the amount allocated under this section. 278120

(F) Funds awarded under this section must be used to support 278121
expenses directly related to the operation of an early childhood 278122
education program. Costs for developing and administering an early 278123
childhood education program may not exceed fifteen per cent of the 278124
total approved costs of the program. 278125

All providers shall maintain such fiscal control and 278126
accounting procedures as may be necessary to ensure the 278127
disbursement of, and accounting for, these funds. The control of 278128
funds provided in this program, and title to property obtained, 278129
shall be under the authority of the approved provider for purposes 278130
provided in the program unless, as described in division (K) of 278131
this section, the program waives its right for funding or a 278132
program's funding is eliminated or reduced due to its inability to 278133
meet financial or early learning program standards. The approved 278134
provider shall administer and use such property and funds for the 278135
purposes specified. 278136

(G) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (F) of this section, or if the program fails to substantially meet the early learning program standards, meet a quality rating level in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code as prescribed by the Department, or exhibits below average performance as measured against the standards, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective action plan, the Department may deny expansion funding to the program or withdraw all or part of the funding to the program and establish a new eligible provider through a selection process established by the Department.

(H)(1) If the early childhood education program is not highly rated, as determined by the Director of Children and Youth, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall do all of the following:

(a) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(b) Align curriculum to the early learning content standards

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| developed by the Department; | 278169 |
| (c) Meet any child or program assessment requirements prescribed by the Department; | 278170
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| (d) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours every two years of professional development as prescribed by the Department; | 278172
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| (e) Document and report child progress as prescribed by the Department; | 278176
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| (f) Meet and report compliance with the early learning program standards as prescribed by the Department; | 278178
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| (g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code. | 278180
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| (2) If the program is highly rated, as determined by the Director of Children and Youth, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program. | 278182
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| (I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special | 278187
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education program, the provider may submit a waiver to the 278200
Department requesting an alternate schedule. If the Department 278201
approves a waiver for an alternate schedule that provides services 278202
for less time than the standard early childhood education 278203
schedule, the Department may reduce the provider's annual 278204
allocation proportionately. Under no circumstances shall an annual 278205
allocation be increased because of the approval of an alternate 278206
schedule. 278207

(J) Each provider shall develop a sliding fee scale based on 278208
family incomes and shall charge families who earn more than two 278209
hundred per cent of the federal poverty guidelines, as defined in 278210
division (A)(3) of section 5101.46 of the Revised Code, for the 278211
early childhood education program. 278212

The Department shall conduct an annual survey of each 278213
provider to determine whether the provider charges families 278214
tuition or fees, the amount families are charged relative to 278215
family income levels, and the number of families and students 278216
charged tuition and fees for the early childhood program. 278217

(K) If an early childhood education program voluntarily 278218
waives its right for funding, or has its funding eliminated for 278219
not meeting financial standards or the early learning program 278220
standards, the provider shall transfer control of title to 278221
property, equipment, and remaining supplies obtained through the 278222
program to providers designated by the Department and return any 278223
unexpended funds to the Department along with any reports 278224
prescribed by the Department. The funding made available from a 278225
program that waives its right for funding or has its funding 278226
eliminated or reduced may be used by the Department for new grant 278227
awards or expansion grants. The Department may award new grants or 278228
expansion grants to eligible providers who apply. The eligible 278229
providers who apply must do so in accordance with the selection 278230
process established by the Department. 278231

(L) Eligible expenditures for the Early Childhood Education Program shall be claimed each fiscal year to help meet the state's TANF maintenance of effort requirement. The Director of Education and Workforce, Director of Children and Youth, and the Director of Job and Family Services shall enter into an interagency agreement to carry out the requirements under this division, which shall include developing reporting guidelines for these expenditures.

(M)(1) The Department of Children and Youth and the Department of Job and Family Services shall continue to work toward establishing the following in common between early childhood education programs and publicly funded child care:

- (a) An application;
- (b) Program eligibility;
- (c) Funding;
- (d) An attendance policy;
- (e) An attendance tracking system.

(2) In accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.

(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this section.

Section 423.50. EARLY LEARNING STUDENT ASSESSMENT

Of the foregoing appropriation item 830408, Early Learning Assessment, up to \$2,760,000 in each fiscal year may be used to support the state's early learning assessment work and the

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| assessments required under section 3301.0715 of the Revised Code. | 278261 |
| CHILD CARE LICENSING | 278262 |
| The foregoing appropriation item 830409, Child Care | 278263 |
| Licensing, shall be used by the Department of Children and Youth, | 278264 |
| in consultation and coordination with the Department of Education | 278265 |
| and Workforce, to license and to inspect preschool and school-age | 278266 |
| child care programs under sections 3301.52 to 3301.59 of the | 278267 |
| Revised Code. | 278268 |
| Section 423.60. COURT APPOINTED SPECIAL ADVOCATES | 278269 |
| Of the foregoing appropriation item 830502, Court Appointed | 278270 |
| Special Advocates, up to \$333,333 in each fiscal year shall be | 278271 |
| used to support administrative costs associated with existing | 278272 |
| court-appointed special advocate programs. | 278273 |
| Of the foregoing appropriation item 830502, Court Appointed | 278274 |
| Special Advocates, up to \$666,667 in each fiscal year shall be | 278275 |
| used to establish court-appointed special advocate programs in | 278276 |
| areas of the state that are not served by an existing program and | 278277 |
| to support existing programs. | 278278 |
| Section 423.70. FAMILY AND CHILDREN SERVICES AND ACTIVITIES | 278279 |
| Of the foregoing appropriation item 830506, Family and | 278280 |
| Children Services, up to \$25,000,000 in each fiscal year shall be | 278281 |
| provided to assist with the expense of providing services to youth | 278282 |
| requiring support from multiple systems. These funds may be used | 278283 |
| for youth currently in the custody of a public children services | 278284 |
| agency or to prevent children from entering into the custody of a | 278285 |
| public children services agency by custody relinquishment or | 278286 |
| another mechanism. The Director of Children and Youth shall adopt | 278287 |
| rules in accordance with section 111.15 of the Revised Code to | 278288 |
| administer the funding. | 278289 |

Of the foregoing appropriation item 830506, Family and Children Services, up to \$5,000,000 in fiscal year 2024 and up to \$7,500,000 in fiscal year 2025 may be used to incentivize best practices. The Director of Children and Youth shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

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Of the foregoing appropriation item 830506, Family and Children Services, \$150,000 in each fiscal year shall be distributed to Cleveland State University for the Sullivan-Deckard Scholarship Opportunity Program and the Helen Packer Scholarship Program to provide tuition and wrap-around services to young adults who have aged out of foster care.

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Of the foregoing appropriation item, 830506, Family and Children Services, up to \$145,040,010 in fiscal year 2024 and up to \$155,040,010 in fiscal year 2025 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

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If the funds available for distribution under section 5101.14 of the Revised Code in fiscal year 2024 and fiscal year 2025 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5101.144 of the Revised Code.

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The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past

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contributions. Rules must include a hardship provision identifying 278322
circumstances in which the county contribution may be waived or 278323
reduced. 278324

The foregoing appropriation item 830607, Family and Children 278325
Activities, shall be used to expend miscellaneous foundation funds 278326
and grants to support family and children services activities. 278327

Section 423.80. KINSHIP CARE NAVIGATOR PROGRAM 278328

Of the foregoing appropriation item 830506, Family and 278329
Children Services, up to \$8,500,000 in each fiscal year shall be 278330
used to support the Kinship Care Navigator Program, and may be 278331
used to match eligible federal Title IV-E funds. 278332

Section 423.90. WENDY'S WONDERFUL KIDS 278333

Of the foregoing appropriation items 830506, Family and 278334
Children Services, 830601, Child Welfare, and 830612, Adoption 278335
Program, a total of up to \$12,000,000 in each fiscal year may be 278336
used to provide funds to the Dave Thomas Foundation for Adoption 278337
to implement statewide the Wendy's Wonderful Kids program of 278338
professional recruiters who use a child-focused model to find 278339
permanent homes for children in Ohio foster care. 278340

Section 423.100. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 278341
POOL 278342

A county family and children first council may establish and 278343
operate a flexible funding pool in order to assure access to 278344
needed services by families, children, and older adults in need of 278345
protective services. The operation of the flexible funding pools 278346
is subject to the following restrictions: 278347

(A) The county council shall establish and operate the 278348
flexible funding pool in accordance with formal guidance issued by 278349
the Family and Children First Cabinet Council; 278350

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

In collaboration with the county family and children first council, a county department of job and family services or public children services agency that receives an allocation from the Department of Children and Youth, in consultation and coordination with the Department of Job and Family Services, from the foregoing appropriation item 830506, Family and Children Services, or 830502, Court Appointed Special Advocates, may transfer a portion of either or both allocations to a flexible funding pool as authorized by this section.

Section 423.105. CHILD CARE INFRASTRUCTURE

The foregoing appropriation item 830614, Child Care Infrastructure, shall be used to award child care infrastructure grants to entities to assist them in providing safe and developmentally appropriate child care for infants and toddlers in

Appalachian communities. The Director of Children and Youth, in 278381
collaboration with the Director of Job and Family Services and 278382
members of the Early Childhood Advisory Council, shall review and 278383
evaluate grant applications. The review process shall consider the 278384
needs of applicants and the ability of the communities in which 278385
applicants are located to serve publicly funded child care 278386
eligible infants and toddlers in developmentally appropriate child 278387
care settings. 278388

These grants may be used to provide workforce supports, 278389
family engagement and support, mental health services, 278390
professional development and technical assistance, facilities 278391
improvement, and classroom supplies. Applicants may include, but 278392
are not limited to, early childhood collaboratives, nonprofit and 278393
for-profit programs, early head start programs, local government 278394
entities and child care resources and referral organizations. 278395

Section 423.110. COMMUNITY SOCIAL SERVICE PROGRAMS 278396

A portion of the foregoing appropriation item 830609, 278397
Community Social Service Programs, in coordination with the 278398
Department of Developmental Disabilities, may be used by the Early 278399
Intervention Services Advisory Council for the following purposes: 278400

(A) In addition to other necessary and allowed uses of funds 278401
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 278402
Services Advisory Council established pursuant to section 278403
5123.0422 of the Revised Code, may, in its discretion, use 278404
budgeted funds to do all of the following: 278405

(1) Conduct forums and hearings; 278406

(2) Reimburse council members for reasonable and necessary 278407
expenses, including child care expenses for parent 278408
representatives, for attending council meetings and performing 278409
council duties; 278410

(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;

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(4) Hire staff;

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(5) Obtain the services of professional, technical, and clerical personnel as necessary to carry out the performance of its lawful functions.

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(B) Except as provided in division (A) of this section, council members shall serve without compensation or reimbursement.

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Section 423.120. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
BLOCK GRANT

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Of the foregoing appropriation item 830605, TANF Block Grant, up to \$2,500,000 in fiscal year 2024 shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Ohio Commission on Fatherhood.

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Section 423.130. PUBLICLY FUNDED CHILD CARE ELIGIBILITY

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Beginning on the effective date of this section and through June 30, 2025, all of the following apply to a family's eligibility for publicly funded child care as described in division (A) of section 5104.38 of the Revised Code:

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(A) The maximum amount of income that a family may have for initial eligibility shall not exceed one hundred forty-five per cent of the federal poverty line;

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(B) The maximum amount of income that a family may have for continued eligibility shall not exceed three hundred per cent of the federal poverty line.

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Section 423.140. (A) On July 1, 2023, the Department of Children and Youth is created. The Director of the Department of

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Children and Youth shall be a member of the Governor's cabinet, 278439
appointed by the Governor with the advice and consent of the 278440
Senate. The Department of Children and Youth shall coordinate and 278441
facilitate the delivery in this state of children's services as 278442
described in section 5180.01 of the Revised Code as enacted by 278443
this act. 278444

(B) The directors of the Departments of Children and Youth, 278445
Job and Family Services, Education and Workforce, Health, 278446
Developmental Disabilities, Medicaid, Mental Health and Addiction 278447
Services, and Development, or their designees, shall work together 278448
to identify duties, functions, programs, and staff resources 278449
within those departments that provide children's services as 278450
described in section 5180.01 of the Revised Code as enacted by 278451
this act. 278452

The directors or their designees shall develop a detailed 278453
organizational plan to implement the transfer of children's 278454
services duties, functions, programs, and staff to the Department 278455
of Children and Youth by January 1, 2025. 278456

The directors shall enter into a memorandum of understanding 278457
with the Director of the Department of Children and Youth to 278458
transfer all duties, functions, programs, and staff resources as 278459
recommended by the directors. 278460

(C) Any business commenced but not completed by January 1, 278461
2025, within the departments identified in division (B) of this 278462
section that is planned to be transferred pursuant to this section 278463
shall be completed by the Department of Children and Youth or its 278464
Director in the same manner and with the same effect as if 278465
completed by the identified departments. 278466

(D) The Director of Children and Youth and the Directors of 278467
the Departments of Job and Family Services, Education and 278468
Workforce, Health, Developmental Disabilities, Medicaid, Mental 278469

Health and Addiction Services, and Development may jointly or 278470
separately enter into one or more contracts with public or private 278471
entities for staff training and development to facilitate the 278472
transfer of the duties, functions, programs, and staff resources 278473
to the Department of Children and Youth. Division (B) of section 278474
127.16 of the Revised Code does not apply to contracts entered 278475
into under this division. 278476

(E) All employees and staff resources identified by the 278477
workgroup in division (B) of this section are transferred to the 278478
Department of Children and Youth on January 1, 2025, or on an 278479
earlier date identified by the directors of the respective 278480
departments under division (B) of this section. Subject to the 278481
lay-off provisions of sections 124.321 to 124.381 of the Revised 278482
Code, employees who are transferred retain their same positions 278483
and all benefits accruing thereto. Once transferred to the 278484
Department of Children and Youth, changes to positions or benefits 278485
for employees not subject to Chapter 4117. of the Revised Code 278486
shall be controlled by Chapter 124. of the Revised Code, or other 278487
applicable Revised Code or Administrative Code sections. 278488

(1) Notwithstanding the foregoing, the Director of Children 278489
and Youth has the authority to establish, change, and abolish 278490
positions for the Department of Children and Youth, and to assign, 278491
reassign, classify, reclassify, transfer, reduce, promote, or 278492
demote all employees of the Department of Children and Youth who 278493
are not subject to Chapter 4117. of the Revised Code. 278494

(2) The authority granted under division (E)(1) of this 278495
section includes assigning or reassigning an exempt employee, as 278496
defined in section 124.152 of the Revised Code, to a bargaining 278497
unit classification if the Director of Children and Youth 278498
determines that the bargaining unit classification is the proper 278499
classification for that employee. If an employee in the E-1 pay 278500
range is to be assigned, reassigned, classified, reclassified, 278501

transferred, reduced, or demoted to a position in a lower classification, the Director of Children and Youth or in the case of a position transferred outside of the Department, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(3) Actions taken under division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, the creation of the Department of Children and Youth, the transfer of programs and employees under this section, and the reassignment of certain functions and duties, are not appropriate subjects for collective bargaining under Chapter 4117. of the Revised Code.

(G) Notwithstanding section 145.297 of the Revised Code, the Directors of the Departments of Job and Family Services, Education and Workforce, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and Development may, with the approval of the Office of Budget and Management, establish a retirement incentive plan for eligible employees of those agencies who are members of the Public Employee Retirement System whose job duties will be transferred to the Department of Children and Youth. Any retirement incentive plan established pursuant to this section shall remain in effect until December 31, 2024.

(H) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Department of Children and Youth. No action or proceeding pending on the effective date of the transfer of duties, functions, and programs to the Department is affected by the transfer, and shall

be prosecuted or defended in the name of the Department or 278534
Director, as appropriate. In all such actions for those 278535
transferred duties, functions, and programs, the Department or 278536
Director shall be substituted as a party. 278537

(I) Effective January 1, 2025, or on an earlier date 278538
determined by the directors under division (B) of this section, 278539
all records, documents, files, equipment, assets, and other 278540
materials of the programs and staff resources transferred under 278541
this section are transferred to the Department of Children and 278542
Youth. 278543

(J) All rules, orders, and determinations made or undertaken 278544
related to children's services programs transferred to the 278545
Department of Children and Youth shall continue in effect as 278546
rules, orders, and determinations of the Department until modified 278547
or rescinded by the Department of Children and Youth. On and after 278548
January 1, 2025, if necessary to ensure the integrity of the 278549
numbering of the Administrative Code, the Director of the 278550
Legislative Service Commission shall renumber the rules related to 278551
children's services programs transferred to the Department of 278552
Children and Youth to reflect this transfer. 278553

(K) Notwithstanding any provision of sections 121.95 to 278554
121.953 of the Revised Code to the contrary, all of the following 278555
apply: 278556

(1) Before January 1, 2025, the Directors of Job and Family 278557
Services, Education and Workforce, Health, Developmental 278558
Disabilities, Medicaid, Mental Health and Addiction Services, and 278559
Development shall, with respect to rules related to children's 278560
services programs, reduce the total number of regulatory 278561
restrictions identified in their base inventories prepared under 278562
section 121.95 of the Revised Code by the percentage reduction the 278563
state agency is required to achieve under section 121.951 of the 278564
Revised Code, subject to any lessened required reductions under 278565

section 121.952 of the Revised Code. 278566

(2) With respect to all rules transferred to the Department 278567
of Children and Youth on and after January 1, 2025, and all rules 278568
adopted by the Department thereafter, the Department shall comply 278569
with sections 121.95 to 121.953 of the Revised Code. 278570

(3) The Joint Committee on Agency Rule Review shall include 278571
regulatory restrictions in rules transferred to or adopted by the 278572
Department of Children and Youth, minus any reductions achieved by 278573
the Department between January 1, 2025, and June 30, 2025, when 278574
calculating the number of regulatory restrictions permitted in 278575
this state under section 121.953 of the Revised Code. 278576

(4) The Directors of Job and Family Services, Education and 278577
Workforce, Health, Developmental Disabilities, Medicaid, Mental 278578
Health and Addiction Services, and Development shall not treat the 278579
transfer of a rule containing a regulatory restriction to the 278580
Department of Children and Youth as a reduction in regulatory 278581
restrictions for purposes of satisfying the reduction requirements 278582
in sections 121.95 to 121.953 of the Revised Code. 278583

(L) Notwithstanding any provision of law to the contrary, on 278584
or after the effective date of this section, the Director of 278585
Budget and Management shall make budget and accounting changes to 278586
implement the transfer of duties, functions, and programs to the 278587
Department of Children and Youth as described in this section, 278588
including administrative organization, program transfers, renaming 278589
of funds, creation of new funds, transfer of state funds, and 278590
consolidation of funds. The Director may, if necessary, cancel or 278591
establish encumbrances or parts of encumbrances in fiscal years 278592
2024 and 2025 in the appropriate funds and appropriation items for 278593
the same purposes and for payment to the same vendor. Such 278594
encumbrances are hereby appropriated. If necessary for the 278595
continued efficient administration of children's services programs 278596
and appropriations provided in Section 423.10 of this act, the 278597

Director of Budget and Management may transfer appropriations 278598
between the Department of Children and Youth, and the Departments 278599
of Job and Family Services, Education and Workforce, Health, 278600
Developmental Disabilities, Medicaid, Mental Health and Addiction 278601
Services, and Development to continue levels of program services 278602
and efficiently deliver state funding to those programs as 278603
appropriated herein. 278604

Section 425.10. NAI NEW AFRICAN IMMIGRANTS COMMISSION 278605

General Revenue Fund 278606
GRF 061501 Operating Expenses \$ 250,000 \$ 250,000 278607
TOTAL GRF General Revenue Fund \$ 250,000 \$ 250,000 278608
TOTAL ALL BUDGET FUND GROUPS \$ 250,000 \$ 250,000 278609

Section 503.10. PERSONAL SERVICE EXPENSES 278611

Unless otherwise prohibited by law, any appropriation from 278612
which personal service expenses are paid shall bear the employer's 278613
share of public employees' retirement, workers' compensation, 278614
disabled workers' relief, and insurance programs; the costs of 278615
centralized financial services, centralized payroll processing, 278616
and related reports and services; centralized human resources 278617
services, including affirmative action and equal employment 278618
opportunity programs; the Office of Collective Bargaining; 278619
centralized information technology management services; 278620
administering the enterprise resource planning system; and 278621
administering the state employee merit system as required by 278622
section 124.07 of the Revised Code. These costs shall be 278623
determined in conformity with the appropriate sections of law and 278624
paid in accordance with procedures specified by the Office of 278625
Budget and Management. Expenditures from appropriation item 278626
070601, Public Audit Expense - Intra-State, may be exempted from 278627
the requirements of this section. 278628

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 278629
AGAINST THE STATE 278630

Except as otherwise provided in this section, an 278631
appropriation in this act may be used for the purpose of 278632
satisfying judgments, settlements, or administrative awards 278633
ordered or approved by the Court of Claims or by any other court 278634
of competent jurisdiction in connection with civil actions against 278635
the state. This authorization does not apply to appropriations to 278636
be applied to or used for payment of guarantees by or on behalf of 278637
the state, or for payments under lease agreements relating to, or 278638
debt service on, bonds, notes, or other obligations of the state. 278639
Notwithstanding any other statute to the contrary, this 278640
authorization includes appropriations from funds into which 278641
proceeds of direct obligations of the state are deposited only to 278642
the extent that the judgment, settlement, or administrative award 278643
is for, or represents, capital costs for which the appropriation 278644
may otherwise be used and is consistent with the purpose for which 278645
any related obligations were issued or entered into. Nothing 278646
contained in this section is intended to subject the state to suit 278647
in any forum in which it is not otherwise subject to suit, and is 278648
not intended to waive or compromise any defense or right available 278649
to the state in any suit against it. 278650

Section 503.30. CAPITAL PROJECT SETTLEMENTS 278651

This section specifies an additional and supplemental 278652
procedure to provide for payments of judgments and settlements if 278653
the Director of Budget and Management determines, pursuant to 278654
division (C)(4) of section 2743.19 of the Revised Code, that 278655
sufficient unencumbered moneys do not exist in the fund to support 278656
a particular appropriation to pay the amount of a final judgment 278657
rendered against the state or a state agency, including the 278658
settlement of a claim approved by a court, in an action upon and 278659

arising out of a contractual obligation for the construction or 278660
improvement of a capital facility if the costs under the contract 278661
were payable in whole or in part from a state capital projects 278662
appropriation. In such a case, the Director may either proceed 278663
pursuant to division (C)(4) of section 2743.19 of the Revised Code 278664
or apply to the Controlling Board to increase an appropriation or 278665
create an appropriation out of any unencumbered moneys in the 278666
state treasury to the credit of the capital projects fund from 278667
which the initial state appropriation was made. The amount of an 278668
increase in appropriation or new appropriation approved by the 278669
Controlling Board is hereby appropriated from the applicable 278670
capital projects fund and made available for the payment of the 278671
judgment or settlement. 278672

If the Director does not make the application authorized by 278673
this section or the Controlling Board disapproves the application, 278674
and the Director does not make application under division (C)(4) 278675
of section 2743.19 of the Revised Code, the Director shall for the 278676
purpose of making that payment make a request to the General 278677
Assembly as provided for in division (C)(5) of that section. 278678

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 278679

In order to provide funds for the reissuance of voided 278680
warrants under section 126.37 of the Revised Code, there is hereby 278681
appropriated, out of moneys in the state treasury from the fund 278682
credited as provided in section 126.37 of the Revised Code, that 278683
amount sufficient to pay such warrants when approved by the Office 278684
of Budget and Management. 278685

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 278686
BALANCES OF OPERATING APPROPRIATIONS 278687

(A) Notwithstanding the original year of appropriation or 278688
encumbrance, the unexpended balance of an operating appropriation 278689

or reappropriation that a state agency lawfully encumbered prior 278690
to the close of fiscal year 2023 or fiscal year 2024 is hereby 278691
reappropriated on the first day of July of the following fiscal 278692
year from the fund from which it was originally appropriated or 278693
reappropriated for the period of time listed in this section and 278694
shall remain available only for the purpose of discharging the 278695
encumbrance: 278696

(1) For an encumbrance for personal services, maintenance, 278697
equipment, or items for resale not otherwise identified in this 278698
section, for a period of not more than five months from the end of 278699
the fiscal year; 278700

(2) For an encumbrance for an item of special order 278701
manufacture not available on state contract or an item not 278702
available in the open market, for a period of not more than five 278703
months from the end of the fiscal year or, with the written 278704
approval of the Director of Budget and Management, for a period of 278705
not more than twelve months from the end of the fiscal year; 278706

(3) For an encumbrance for reclamation of land or oil and gas 278707
wells, for a period ending when the encumbered appropriation is 278708
expended provided such period does not extend beyond the FY 2024 - 278709
FY 2025 biennium; 278710

(4) For an encumbrance for any other type of expense not 278711
otherwise identified in division (A)(1), (2), or (3) of this 278712
section, for such period as the Director approves, provided such 278713
period does not extend beyond the FY 2024 - FY 2025 biennium. 278714

(B) Any operating appropriations for which unexpended 278715
balances are reappropriated in fiscal year 2024 or fiscal year 278716
2025 pursuant to division (A)(2) of this section shall be reported 278717
to the Controlling Board by the Director of Budget and Management 278718
by the thirty-first day of December of each year. The report shall 278719
include the item, the cost of the item, and the name of the 278720

vendor. The report shall be updated on a quarterly basis for 278721
encumbrances remaining open. 278722

(C) Upon the expiration of the reappropriation period set out 278723
in division (A) of this section, a reappropriation made by this 278724
section lapses and the Director of Budget and Management shall 278725
cancel the encumbrance of the unexpended reappropriation not later 278726
than the end of the weekend following the expiration of the 278727
reappropriation period. 278728

(D) If the Controlling Board approved a purchase, that 278729
approval remains in effect so long as the appropriation used to 278730
make that purchase remains encumbered. 278731

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 278732

(A) The Director of Budget and Management may correct 278733
accounting errors committed by the staff of the Office of Budget 278734
and Management, such as reestablishing encumbrances or 278735
appropriations canceled in error, during the cancellation of 278736
operating encumbrances in November and of non-operating 278737
encumbrances in December. 278738

(B) The Director of Budget and Management may at any time 278739
correct accounting errors committed by staff or a state agency or 278740
state institution of higher education, as defined in section 278741
3345.011 of the Revised Code, such as reestablishing prior year 278742
non-operating encumbrances canceled or modified in error. The 278743
reestablished encumbrance amounts are hereby appropriated. 278744

Section 503.70. TEMPORARY REVENUE HOLDING 278745

The Director of Budget and Management may create funds in the 278746
state treasury solely for the purpose of temporarily holding 278747
revenue required to be credited to a fund in the state treasury, 278748
whose disposition is not immediately known at the time of receipt. 278749
Once identified, the Director shall credit the revenue to the 278750

appropriate fund in the state treasury. 278751

Notwithstanding section 153.63 of the Revised Code or any 278752
other provision of law to the contrary, upon certification by a 278753
director or head of a state agency, in lieu of banks, buildings 278754
and loan associations, or other institutions, the Director of 278755
Budget and Management may create funds in the state treasury on 278756
behalf of an agency when the agency is required by law to detain 278757
funds in escrow. All investment earnings of the fund shall be 278758
credited to the fund while the detained amounts remain in escrow. 278759
The Director of Budget and Management may transfer cash between 278760
funds within the state treasury to satisfy escrow requirements. 278761

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 278762
RE-ESTABLISHMENT OF ENCUMBRANCES 278763

Any cash transferred by the Director of Budget and Management 278764
under section 126.15 of the Revised Code is hereby appropriated. 278765
Any amounts necessary to re-establish appropriations or 278766
encumbrances under section 126.15 of the Revised Code are hereby 278767
appropriated. 278768

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 278769

The Director of Budget and Management may transfer 278770
appropriations between the Third Frontier Research and Development 278771
Fund (Fund 7011) and the Third Frontier Research and Development 278772
Taxable Bond Fund (Fund 7014) as necessary to maintain the 278773
exclusion from the calculation of gross income for federal income 278774
taxation purposes under the Internal Revenue Code with respect to 278775
obligations issued to fund projects appropriated from the Third 278776
Frontier Research and Development Fund (Fund 7011). 278777

The Director may also create new appropriation items within 278778
the Third Frontier Research and Development Taxable Bond Fund 278779
(Fund 7014) and make transfers of appropriations to them for 278780

projects originally funded from appropriations made from the Third 278781
Frontier Research and Development Fund (Fund 7011). 278782

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 278783

There are hereby appropriated out of any moneys in the state 278784
treasury to the credit of the General Revenue Fund, which are not 278785
otherwise appropriated, funds sufficient to make any payment 278786
required by division (B)(2) of section 5747.03 of the Revised 278787
Code. 278788

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 278789
APPROVED BY THE CONTROLLING BOARD 278790

Any money that the Controlling Board approves for expenditure 278791
or any increase in appropriation that the Controlling Board 278792
approves under sections 127.14, 131.35, and 131.39 of the Revised 278793
Code or any other provision of law is hereby appropriated for the 278794
period ending June 30, 2025. 278795

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 278796
RESIDENCE 278797

If the Governor's Residence Fund (Fund 4H20) receives payment 278798
for use of the residence pursuant to section 107.40 of the Revised 278799
Code, the amounts so received are hereby appropriated to 278800
appropriation item 100604, Governor's Residence Gift. 278801

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 278802

Certain appropriations are in this act for the purpose of 278803
paying debt service and financing costs on general obligation 278804
bonds or notes of the state issued pursuant to the Ohio 278805
Constitution, Revised Code, and acts of the General Assembly. If 278806
it is determined that additional appropriations are necessary for 278807
this purpose, such amounts are hereby appropriated. 278808

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 278809

Certain appropriations are in this act for the purpose of 278810
making lease rental payments pursuant to leases and agreements 278811
relating to bonds, notes, or other obligations issued by or on 278812
behalf of the state pursuant to the Ohio Constitution, Revised 278813
Code, and acts of the General Assembly. If it is determined that 278814
additional appropriations are necessary for this purpose, such 278815
amounts are hereby appropriated. 278816

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 278817
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 278818

The Office of Budget and Management shall process payments 278819
from general obligation and lease rental payment appropriation 278820
items during the period from July 1, 2023, through June 30, 2025, 278821
relating to bonds, notes, or other obligations issued by or on 278822
behalf of the state pursuant to the Ohio Constitution, Revised 278823
Code, and acts of the General Assembly. Payments shall be made 278824
upon certification by the Treasurer of State of the dates and the 278825
amounts due on those dates. 278826

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 278827

If it is determined that a payment is necessary in the amount 278828
computed at the time to represent the portion of investment income 278829
to be rebated or amounts in lieu of or in addition to any rebate 278830
amount to be paid to the federal government in order to maintain 278831
the exclusion from gross income for federal income tax purposes of 278832
interest on those state obligations under section 148(f) of the 278833
Internal Revenue Code, such an amount is hereby appropriated from 278834
those funds designated by or pursuant to the applicable 278835
proceedings authorizing the issuance of state obligations. 278836

Payments for this purpose shall be approved and vouchered by 278837

the Office of Budget and Management. 278838

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 278839

Whenever the Director of Budget and Management determines 278840
that an appropriation made to a state agency from a fund of the 278841
state is insufficient to provide for the recovery of statewide 278842
indirect costs under section 126.12 of the Revised Code, the 278843
amount required for such purpose is hereby appropriated from the 278844
available receipts of such fund. 278845

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 278846
COST ALLOCATION PLAN 278847

The total transfers made from the General Revenue Fund by the 278848
Director of Budget and Management under this section shall not 278849
exceed the amounts transferred into the General Revenue Fund under 278850
section 126.12 of the Revised Code. 278851

The director of an agency may certify to the Director of 278852
Budget and Management the amount of expenses not allowed to be 278853
included in the Statewide Indirect Cost Allocation Plan under 278854
federal regulations, from any fund included in the Statewide 278855
Indirect Cost Allocation Plan, prepared as required by section 278856
126.12 of the Revised Code. 278857

Upon determining that no alternative source of funding is 278858
available to pay for such expenses, the Director of Budget and 278859
Management may transfer cash from the General Revenue Fund into 278860
the fund for which the certification is made, up to the amount of 278861
the certification. The director of the agency receiving such funds 278862
shall include, as part of the next budget submission prepared 278863
under section 126.02 of the Revised Code, a request for funding 278864
for such activities from an alternative source such that further 278865
federal disallowances would not be required. 278866

The director of an agency may certify to the Director of 278867

Budget and Management the amount of expenses paid in error from a 278868
fund included in the Statewide Indirect Cost Allocation Plan. The 278869
Director of Budget and Management may transfer cash from the fund 278870
from which the expenditure should have been made into the fund 278871
from which the expenses were erroneously paid, up to the amount of 278872
the certification. 278873

The director of an agency may certify to the Director of 278874
Budget and Management the amount of expenses or revenues not 278875
allowed to be included in the Statewide Indirect Cost Allocation 278876
Plan under federal regulations, for any fund included in the 278877
Statewide Indirect Cost Allocation Plan, for which the federal 278878
government requires payment. If the Director of Budget and 278879
Management determines that an appropriation made to a state agency 278880
from a fund of the state is insufficient to pay the amount 278881
required by the federal government, the amount required for such 278882
purpose is hereby appropriated from the available receipts of such 278883
fund, up to the amount of the certification. 278884

Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 278885

Notwithstanding any provision of law to the contrary, on or 278886
before the first day of September of each fiscal year, the 278887
Director of Budget and Management, in order to reduce the payment 278888
of adjustments to the federal government, as determined by the 278889
plan prepared under division (A) of section 126.12 of the Revised 278890
Code, may designate such funds as the Director considers necessary 278891
to retain their own interest earnings. 278892

Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 278893

Pursuant to the plan for compliance with the Federal Cash 278894
Management Improvement Act required by section 131.36 of the 278895
Revised Code, the Director of Budget and Management may cancel and 278896
re-establish all or part of encumbrances in like amounts within 278897

the funds identified by the plan. The amounts necessary to 278898
re-establish all or part of encumbrances are hereby appropriated. 278899

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 278900

Notwithstanding section 113.09 of the Revised Code, the 278901
Director of Budget and Management may designate any fund within 278902
the state treasury that receives federal revenue to be credited 278903
with investment earnings to comply with federal law. 278904

Section 505.70. REPAYMENT OF FEDERAL FUNDS 278905

Any unexpended federal revenue received into the state 278906
treasury remaining at the end of its applicable period for 278907
expenditure which must be returned in compliance with federal law, 278908
is hereby appropriated to the fund in which it was received, for 278909
that purpose. 278910

Section 505.80. REAPPROPRIATION OF RECOVERY AND RELIEF FUNDS 278911

Amounts equal to the unexpended portions of appropriation 278912
items under the following recovery and relief funds, at the end of 278913
fiscal year 2023 are hereby reappropriated to the same 278914
appropriation items and shall be used for the same purposes in 278915
fiscal year 2024: ARPA Home and Community Based Services - Federal 278916
(Fund 3HC8), and ARPA Home and Community Based Services (Fund 278917
5HC8). 278918

Amounts equal to the unexpended portions of appropriation 278919
items under the following recovery and relief funds, at the end of 278920
fiscal year 2024, are hereby reappropriated to the same 278921
appropriation items and shall be used for the same purposes in 278922
fiscal year 2025: ARPA Home and Community Based Services - Federal 278923
(Fund 3HC8), Governor's Emergency Education Relief Fund (Fund 278924
3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental 278925
Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund 278926

5CV3), Local Fiscal Recovery Fund (Fund 5CV4), Coronavirus Capital 278927
Projects Fund (Fund 5CV5), and ARPA Home and Community Based 278928
Services (Fund 5HC8). 278929

Section 509.10. TRANSFERS IN TO GENERAL REVENUE FUND 278930

INTEREST EARNED 278931

Notwithstanding any provision of law to the contrary, the 278932
Director of Budget and Management, through June 30, 2025, may 278933
transfer interest earned by any state fund to the General Revenue 278934
Fund. This section does not apply to funds whose source of revenue 278935
is restricted or protected by the Ohio Constitution, federal tax 278936
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 278937
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 278938

NON-GRF FUNDS 278939

Notwithstanding any provision of law to the contrary, the 278940
Director of Budget and Management may transfer up to \$200,000,000 278941
cash, during fiscal year 2025, from non-General Revenue Funds, 278942
excluding the Oil and Gas Well Fund (Fund 5180), that are not 278943
constitutionally restricted to the General Revenue Fund. 278944

Section 510.10. EXPANDED SALES TAX HOLIDAY FUND 278945

The Tax Commissioner shall designate the dates on which a 278946
sales tax holiday will be held in August 2024. For the purposes of 278947
this section, "sales tax holiday" has the same meaning as in 278948
section 5739.01 of the Revised Code, as amended by this act. 278949

The Commissioner, in consultation with the Director of Budget 278950
and Management and the County Commissioners Association of Ohio, 278951
shall determine the number of days for which the sales tax holiday 278952
will be held, which shall be at least fourteen days, and may 278953
include additional days if the Tax Commissioner and Director 278954
determine that the amount transferred to the Expanded Sales Tax 278955

Holiday Fund under Section 513.10 of this act is sufficient to 278956
reimburse the General Revenue Fund, Local Government Fund, Public 278957
Library Fund, and Permissive Tax Distribution Fund for the revenue 278958
that would be forgone on fifteen or more dates. 278959

The sales tax holiday shall be held from August 1, 2024, 278960
through August 14, 2024, and may include additional consecutive 278961
dates thereafter if the Commissioner and Director so determine. 278962
The sales tax holiday shall apply to eligible tangible personal 278963
property, as defined in section 5739.01 of the Revised Code as 278964
amended by this act, and be administered and subject to the same 278965
limitations as a sales tax holiday authorized pursuant to section 278966
5739.41 of the Revised Code, as enacted by this act. 278967

As soon as possible after the conclusion of the sales tax 278968
holiday, the Tax Commissioner shall estimate the forgone General 278969
Revenue Fund, Local Government Fund, Public Library Fund, and 278970
Permissive Tax Distribution Fund receipts resulting from the sales 278971
tax holiday and certify the estimated amounts to the Director of 278972
Budget and Management. In making that determination and, if 278973
applicable, for the purposes of determining the length of a sales 278974
tax holiday held in August 2025 pursuant to division (B)(2) of 278975
section 131.44 of the Revised Code, the Commissioner shall 278976
multiply the expected annual growth percentage in nonauto sales 278977
tax receipts expected by the Office of Budget and Management for 278978
fiscal year 2024 by the total sales tax receipts of taxpayers that 278979
filed returns for August 2023; add that product to the total sales 278980
tax receipts for returns filed for August 2023; and subtract from 278981
that sum the total sales tax receipts of taxpayers that filed 278982
returns for August 2024. 278983

Upon receipt of the certification from the Tax Commissioner, 278984
the Director of Budget and Management shall transfer from the 278985
Expanded Sales Tax Holiday Fund an amount of cash equal to the 278986
certified amount to the General Revenue Fund, Local Government 278987

Fund, Public Library Fund, and Permissive Tax Distribution Fund, 278988
respectively. The combined transfer shall not exceed 278989
\$1,000,000,000. 278990

The Tax Commissioner shall coordinate with the Streamlined 278991
Sales Tax Governing Board to pursue means by which this section 278992
and the amendment or enactment by this act of divisions (TTT) and 278993
(UUU) of section 5739.01, division (B)(66) of section 5739.02, and 278994
section 5739.41 of the Revised Code may comply with the 278995
Streamlined Sales and Use Tax Agreement entered into pursuant to 278996
section 5740.03 of the Revised Code. 278997

Section 512.10. TRANSFERS OUT OF GENERAL REVENUE FUND STATE 278998
MARKETING OFFICE FUND 278999

On July 1, 2023, or as soon as possible thereafter, the 279000
Director of Budget and Management shall transfer up to \$15,000,000 279001
cash from the General Revenue Fund to the State Marketing Office 279002
Fund (Fund 5MJ0). 279003

TARGETED ADDICTION PROGRAM FUND 279004

Notwithstanding any provision of law to the contrary, the 279005
Director of Budget and Management may transfer up to \$24,235,000 279006
cash in fiscal year 2024 and \$24,485,000 cash in fiscal year 2025 279007
from the General Revenue Fund to the Targeted Addiction Program 279008
Fund (Fund 5TZ0). 279009

PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND 279010

On July 1 of each fiscal year, or as soon as possible 279011
thereafter, the Director of Budget and Management shall transfer 279012
\$5,000,000 cash from the General Revenue Fund to the Persian Gulf, 279013
Afghanistan, Iraq Compensation Fund (Fund 7041). 279014

TOBACCO USE PREVENTION FUND 279015

On July 1, 2023, or as soon as possible thereafter, the 279016
Director of Budget and Management shall transfer \$15,000,000 cash 279017

| | |
|--|--------|
| from the General Revenue Fund to the Tobacco Use Prevention Fund | 279018 |
| (Fund 5BX0). | 279019 |
| FOUNDATION FUNDING - ALL STUDENTS FUND | 279020 |
| Notwithstanding any provision of law to the contrary, the | 279021 |
| Director of Budget and Management may transfer up to \$600,000,000 | 279022 |
| cash, in each fiscal year, from the General Revenue Fund to the | 279023 |
| Foundation Funding - All Students Fund (Fund 5VS0). | 279024 |
| OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND | 279025 |
| On July 1, 2023, or as soon as possible thereafter, the | 279026 |
| Director of Budget and Management shall transfer \$20,000,000 cash | 279027 |
| from the General Revenue Fund to the OhioMeansJobs Workforce | 279028 |
| Development Revolving Loan Fund (Fund 5NH0) to support the Talent | 279029 |
| Ready Grant Program. | 279030 |
| SECOND CHANCE GRANT PROGRAM FUND | 279031 |
| On July 1, 2023, or as soon as possible thereafter, the | 279032 |
| Director of Budget and Management shall transfer up to \$4,000,000 | 279033 |
| cash from the General Revenue Fund to the Second Chance Grant | 279034 |
| Program Fund (Fund 5YD0). | 279035 |
| INFORMATION TECHNOLOGY DEVELOPMENT FUND | 279036 |
| Upon the request of the Director of Administrative Services, | 279037 |
| the Director of Budget and Management may transfer up to | 279038 |
| \$2,500,000 cash in each fiscal year from the General Revenue Fund | 279039 |
| to the Information Technology Development Fund (Fund 5LJ0) to | 279040 |
| support the operations of the Office of InnovateOhio. | 279041 |
| PROFESSIONAL DEVELOPMENT FUND | 279042 |
| On July 1, 2023, or as soon as possible thereafter, the | 279043 |
| Director of Budget and Management shall transfer \$2,000,000 cash | 279044 |
| from the General Revenue Fund to the Professional Development Fund | 279045 |
| (Fund 5L70). | 279046 |
| WILDLIFE FUND | 279047 |

| | |
|---|--------|
| On July 1 of each fiscal year, or as soon as possible | 279048 |
| thereafter, the Director of Budget and Management shall transfer | 279049 |
| \$500,000 cash from the General Revenue Fund to the Wildlife Fund | 279050 |
| (Fund 7015). | 279051 |
| CAPITAL FUND TRANSFERS | 279052 |
| Up to the remaining amount authorized in Section 529.10 of | 279053 |
| H.B. 687 of the 134th General Assembly, but not yet transferred as | 279054 |
| of June 30, 2023, shall remain in the General Revenue Fund until | 279055 |
| deemed necessary to be transferred in accordance with that | 279056 |
| section. | 279057 |
| SPORTS EVENT GRANT FUND | 279058 |
| On July 1, 2023, or as soon as possible thereafter, the | 279059 |
| Director of Budget and Management shall transfer \$6,100,000 cash | 279060 |
| from the General Revenue Fund to the Sports Event Grant Fund (Fund | 279061 |
| 5UY0). | 279062 |
| ELECTROENCEPHALOGRAM (EEG) COMBINED TRANSCRANIAL MAGNETIC | 279063 |
| STIMULATION FUND | 279064 |
| On July 1, 2024, or as soon as possible thereafter, the | 279065 |
| Director of Budget and Management shall transfer \$6,000,000 cash | 279066 |
| from the General Revenue Fund to the Electroencephalogram (EEG) | 279067 |
| Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0). | 279068 |
| Section 513.10. FISCAL YEAR 2023 GENERAL REVENUE FUND ENDING | 279069 |
| BALANCE | 279070 |
| The Director of Budget and Management shall determine the | 279071 |
| surplus General Revenue Fund revenue that existed on June 30, | 279072 |
| 2023. Notwithstanding section 131.44 of the Revised Code or any | 279073 |
| other provision of law to the contrary, the remaining surplus | 279074 |
| revenue, except for the transfers listed in this section, shall | 279075 |
| remain in the General Revenue Fund. The Director shall transfer | 279076 |
| cash, not to exceed the amount of the remaining surplus revenue | 279077 |

| | |
|---|----------------------------|
| from the General Revenue Fund in the following order: | 279078 |
| (A) Up to \$917,000,000 cash to the All Ohio Future Fund (Fund 5XM0); | 279079
279080 |
| (B) Up to \$270,000,000 cash to the H2Ohio Fund (Fund 6H20); | 279081 |
| (C) Up to \$75,000,000 cash to the Local Jails Grant Fund (Fund 5ZQ0); | 279082
279083 |
| (D) Up to \$1,000,000,000 cash to the One Time Strategic Community Investments Fund (Fund 5AY1), which is hereby created in the state treasury; | 279084
279085
279086 |
| (E) Up to \$50,000,000 cash to the Innovation Hubs Fund (Fund 5ZK0); | 279087
279088 |
| (F) Up to \$65,000,000 cash to the Veterans Homes Modernization Fund (Fund 5ZO0); | 279089
279090 |
| (G) Up to \$50,000,000 cash to the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0); | 279091
279092 |
| (H) Up to \$100,000,000 cash to the Super RAPIDS Fund (Fund 5AH1), which is hereby created in the state treasury; | 279093
279094 |
| (I) \$15,000,000 cash to the Child Care Infrastructure Fund (Fund 5AK1), which is hereby created in the state treasury; | 279095
279096 |
| (J) Up to \$11,300,000 cash to the BOE Reimbursement and Education Fund (Fund 5FG0); | 279097
279098 |
| (K) Up to \$100,000,000 cash to the Rail Safety Crossing Fund (Fund 5ZP0); | 279099
279100 |
| (L) Up to \$350,000,000 cash to the Brownfield Remediation Fund (Fund 5YE0); | 279101
279102 |
| (M) Up to \$150,000,000 cash to the Building Demolition and Site Revitalization Fund (Fund 5YF0); | 279103
279104 |
| (N) Up to \$45,945,547 cash to the Next Generation 911 Fund (Fund 5AB1); | 279105
279106 |

| | |
|---|----------------------------|
| (O) Up to \$46,532,681 cash to the 988 Suicide and Crisis Response Fund (Fund 5AA1); | 279107
279108 |
| (P) \$3,500,000 cash to the Capitol Square Improvement Fund (Fund 5AN1), which is hereby created in the state treasury; | 279109
279110 |
| (Q) Up to \$14,000,000 cash to the Meat Processing Investment Program Fund (Fund 5XX0); | 279111
279112 |
| (R) \$4,000,000 cash to the University Dental School Fund (Fund 5A01), which is hereby created in the state treasury; | 279113
279114 |
| (S) Up to \$10,000,000 cash to the Statewide Treatment and Prevention Fund (Fund 4750); | 279115
279116 |
| (T) \$100,000,000 cash to the Welcome Home Ohio Fund (Fund 5AP1); | 279117
279118 |
| (U) Up to \$2,500,000 cash to the Statewide Children's Vision Initiative Fund (Fund 5AT1), which is hereby created in the state treasury; | 279119
279120
279121 |
| (V) Up to \$160,148,000 cash to the Literacy Improvement Fund (Fund 5AQ1); | 279122
279123 |
| (W) Up to \$5,000,000 cash to the Data Analysis Transparency Fund (Fund 5AS1), which is hereby created in the state treasury; | 279124
279125 |
| (X) \$991,000,000 cash to the Expanded Sales Tax Holiday Fund (Fund 5AX1); | 279126
279127 |
| (Y) Up to \$6,500,000 cash to the Cyber Security/Technology Upgrades Fund (Fund 5AW1), which is hereby created in the state treasury; | 279128
279129
279130 |
| (Z) Up to \$1,000,000 cash to the Orphan Rail Fund (Fund 5AV1), which is hereby created in the state treasury; and | 279131
279132 |
| (AA) Up to \$10,000,000 cash to the Wayside Detector Grant Fund (Fund 5AU1), which is hereby created in the state treasury. | 279133
279134 |
| (AB) \$5,000,000 cash to the eWarrant Local Integration Fund | 279135 |

(Fund 5AZ1), which is hereby created in the state treasury. 279136

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 279137

Unless the agency and nuclear electric utility mutually agree 279138
to a higher amount by contract, the maximum amounts that may be 279139
assessed against nuclear electric utilities under division (B)(2) 279140
of section 4937.05 of the Revised Code and deposited into the 279141
specified funds are as follows: 279142

| <u>Fund</u> | <u>User</u> | | <u>FY 2024</u> | <u>FY 2025</u> | |
|------------------|-------------------|----|----------------|----------------|-----------|
| Utility | Department of | \$ | 109,800 | \$ | 112,900 |
| Radiological | Agriculture | | | | |
| Safety Fund | | | | | |
| (Fund 4E40) | | | | | |
| Radiation | Department of | \$ | 1,405,870 | \$ | 1,474,757 |
| Emergency | Health | | | | |
| Response Fund | | | | | |
| (Fund 6100) | | | | | |
| ER Radiological | Environmental | \$ | 332,287 | \$ | 332,287 |
| Safety Fund | Protection Agency | | | | |
| (Fund 6440) | | | | | |
| Emergency | Department of | \$ | 1,435,000 | \$ | 1,449,000 |
| Response Plan | Public Safety | | | | |
| Fund (Fund 6570) | | | | | |

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 279148

(A) On July 1, 2023, or as soon as possible thereafter, the 279149
Director of Budget and Management shall transfer the cash balance 279150
from each of the funds as indicated in the table below to the fund 279151
also indicated in the table below. Upon completion of each 279152
transfer and on the effective date of its repeal by this act, 279153
where applicable, the fund from which the cash balance was 279154
transferred is hereby abolished. 279155

| User | Transfer from: | Transfer to: | |
|--------|---|---|----------------------------|
| Agency | Fund Fund Name | Fund Fund Name | |
| COM | 5470 Real Estate Education/Research Fund | 5490 Division of Real Estate Operating Fund | 279156
279157
279158 |
| COM | 5VC0 Real Estate Home Inspector Operating Fund | 5490 Division of Real Estate Operating Fund | 279159 |
| COM | 5SE0 Cemetery Grant Program Fund | 4H90 Cemetery Registration Fund | 279160 |
| COM | 5SU0 Manufactured Homes Regulation Fund | 5490 Division of Real Estate Operating Fund | 279161 |
| COM | 6A40 Real Estate Appraiser Operating Fund | 5490 Division of Real Estate Operating Fund | 279162 |
| DAS | 1880 State EEO Fund | 1250 Human Resources Services Fund | 279163 |
| DAS | 5JQ0 Professionals Licensing System Fund | 4K90 Occupational Licensing and Regulatory Fund | 279164 |
| DEV | 3BJ0 TANF Heating Assistance Fund | 1350 Supportive Services Fund | 279165 |
| DEV | 5RD0 Local Government Safety Capital Grant Fund | 1350 Supportive Services Fund | 279166 |
| DEV | 5RQ0 Lakes in Economic Distress Fund | 1350 Supportive Services Fund | 279167 |
| DEV | 5X10 Exempt Facility Inspection Fund | 1350 Supportive Services Fund | 279168 |
| DEV | 7008 Logistics and Distribution Infrastructure Fund | GRF General Revenue Fund | 279169 |
| DMH | 1500 Special Education Fund | 1490 Sale of Goods and | 279170 |

| | | | | | |
|-----|------|-------------------------|------|----------------------|--------|
| | | | | Services Fund | |
| DPS | 3390 | Personnel | 3370 | Federal Disaster | 279171 |
| | | Administration | | Relief Fund | |
| | | Subdivisions Fund | | | |
| DPS | 5TJ0 | Security Grants Fund | 7021 | Public School | 279172 |
| | | | | Building Fund | |
| ETC | 3X80 | Assistive Technology | GRF | General Revenue Fund | 279173 |
| | | Infusion Fund | | | |
| ETC | 5D30 | High Definition | GRF | General Revenue Fund | 279174 |
| | | Television Fund | | | |
| FCC | 5S60 | Classroom Facility Loan | GRF | General Revenue Fund | 279175 |
| | | Guarantee Fund | | | |
| INS | 5550 | Superintendent's | 5540 | Department of | 279176 |
| | | Examination Fund | | Insurance Operating | |
| | | | | Fund | |
| INS | 5PT0 | Captive Insurance | 5540 | Department of | 279177 |
| | | Regulation and | | Insurance Operating | |
| | | Supervision Fund | | Fund | |
| JFS | 4Z70 | Human Services | 5RY0 | Human Services | 279178 |
| | | Stabilization Fund | | Projects Fund | |
| JFS | 5DP0 | Adoption Assistance | 5RY0 | Human Services | 279179 |
| | | Loan Fund | | Projects Fund | |
| OBM | 4R80 | Income Tax Reduction | 5AX1 | Expanded Sales Tax | 279180 |
| | | Fund | | Holiday Fund | |
| PUB | 4X70 | Trumbull County-County | 4C70 | Multi-County County | 279181 |
| | | Share Fund | | Share Fund | |

(B) The following funds are hereby abolished on the effective 279182
date of their repeal by this act: 279183

| User | Fund | Fund Name | | | |
|------|------|--|--|--|--------|
| DEV | 5LU0 | Racetrack Facility Community Economic | | | 279185 |
| | | Redevelopment Fund | | | |
| DMH | 3FR0 | RTTT Early Learning Challenge Fund | | | 279186 |
| DMH | 3HB0 | 21st Century Cures Opioid State Targeted | | | 279187 |

| | | | |
|-----|------|---------------------------------------|--------|
| | | Response Fund | |
| DMH | 3J80 | Medicaid Fund | 279188 |
| DMH | 5CH0 | Residential State Supplemental Fund | 279189 |
| DMH | 5DU0 | Energy Projects Fund | 279190 |
| EPA | 6780 | Toxic Chemical Release Reporting Fund | 279191 |

(C) On the effective date of this section or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance of the Central Service Agency Fund (Fund 1150) to the Accounting and Budgeting Fund (Fund 1050). Upon completion of the transfer, Fund 1150 is abolished. The Director shall cancel any existing encumbrances against appropriation item 100632, Central Service Agency, and reestablish them against either appropriation item 042603, Financial Management, or appropriation item 042620, Shared Services Operating. The reestablished encumbrance amounts are hereby appropriated.

Section 516.20. HEALTH AND HUMAN SERVICES RESERVE FUND

The Health and Human Services Fund (Fund 5SA4) created under Section 751.40 of H.B. 64 of the 131st General Assembly is hereby renamed the Health and Human Services Reserve Fund.

Notwithstanding section 131.44 of the Revised Code or any other provision of law to the contrary, on July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$600,000,000 cash from the Health and Human Services Reserve Fund (Fund 5SA4) to the Budget Stabilization Fund (Fund 7013).

During fiscal years 2024 and 2025, if the Department of Medicaid has exhausted the funds provided under GRF appropriation item 651525, Medicaid Health Care Services, and other relevant non-GRF Medicaid appropriation items for that year and determined that it is necessary to increase the state share and the corresponding federal share of item 651525 to fully pay the

state's Medicaid program obligations, the Director of Medicaid 279218
shall submit a request to the Controlling Board for approval of a 279219
cash transfer from the Health and Human Services Reserve Fund 279220
(Fund 5SA4) to the General Revenue Fund to fund the needed 279221
increase to the state share of item 651525. The request shall also 279222
indicate the corresponding increase to the federal share of item 279223
651525. Upon approval, the Director of Budget and Management shall 279224
transfer cash in the amount approved from Fund 5SA4 to the General 279225
Revenue Fund. The approved increases for the state and federal 279226
shares of item 651525 are hereby appropriated. The total transfer 279227
from the Health and Human Services Reserve Fund (Fund 5SA4) to the 279228
General Revenue Fund shall not exceed \$600,000,000. 279229

Section 516.30. CASH TRANSFERS TO ONE TIME PRIORITY PROJECTS 279230
FUND 279231

On July 1 of each fiscal year, or as soon as possible 279232
thereafter, the Director of Budget and Management shall transfer 279233
cash as indicated in the table below from each of the funds also 279234
as indicated in the table below to the One Time Priority Projects 279235
Fund (Fund 5A00), which is hereby created in the state treasury. 279236

| <u>Fund</u> | <u>FY 2024</u> | <u>FY 2025</u> | 279237 |
|-----------------------------------|----------------|----------------|--------|
| Local Government | \$ 5,000,000 | \$ 0 | 279238 |
| Innovation Fund
(Fund 5KN0) | | | |
| Rural Industrial | \$ 6,250,000 | \$ 6,250,000 | 279239 |
| Park Loan Fund
(Fund 4Z60) | | | |
| Facilities | \$14,000,000 | \$14,000,000 | 279240 |
| Establishment
Fund (Fund 7037) | | | |
| Innovation Ohio | \$10,000,000 | \$ 0 | 279241 |
| Loan Fund (Fund | | | |

7009)

Section 516.40. Money distributed to Darke County from the 279242
Administrative Building Fund (Fund 7026) appropriation item 279243
C70022, Agricultural Society Facilities, under S.B. 310 of the 279244
133rd General Assembly may alternatively be used by Darke County 279245
to support the Darke County Community Pavilion. 279246

Section 525.10. On the effective date of the amendments to 279247
section 125.22 (126.42) of the Revised Code as renumbered and 279248
amended by this act, or as soon as reasonably possible thereafter, 279249
the Central Service Agency is abolished. The administration of all 279250
duties performed by the Agency shall be transferred from the 279251
Department of Administrative Services to the Office of Budget and 279252
Management. Employment records and actions shall be transferred 279253
with the employee, and all equipment and assets shall be 279254
transferred from the Department of Administrative Services to the 279255
Office of Budget and Management. 279256

Business related to the Central Service Agency commenced but 279257
not completed by the Department of Administrative Services shall 279258
be completed by the Office of Budget and Management, as 279259
appropriate consistent with the amendments to section 125.22 279260
(126.42) of the Revised Code as renumbered and amended by this act 279261
and with the amendments to section 126.25 of the Revised Code as 279262
amended by this act. 279263

Whenever the Department of Administrative Services, Director 279264
of Administrative Services, or Central Service Agency is referred 279265
to in any law, contract, or other document, related to the Central 279266
Service Agency, the reference shall be deemed to refer to the 279267
Office of Budget and Management or the Director of Budget and 279268
Management, whichever is appropriate in context. 279269

Section 525.20. (A)(1) On or before December 31, 2023, the 279270

Department of Commerce and the State Board of Pharmacy shall 279271
transfer regulation of the Medical Marijuana Control Program to 279272
the Division of Marijuana Control in the Department of Commerce. 279273
Until the transfer is complete, the State Board of Pharmacy 279274
retains regulatory authority over licensing of retail 279275
dispensaries, registering patients and caregivers, and related 279276
duties. 279277

(2) Upon completion of the transfer, the Medical Marijuana 279278
Control Program in the State Board of Pharmacy is abolished. All 279279
records of the Medical Marijuana Control Program in the State 279280
Board of Pharmacy shall be transferred to the Division, and all of 279281
its other assets and liabilities relating to the Medical Marijuana 279282
Control Program shall be transferred to the Division. The Division 279283
is successor to, and assumes the obligations of the Medical 279284
Marijuana Control Program in the State Board of Pharmacy. Any 279285
business commenced, but not completed by the State Board of 279286
Pharmacy Medical Marijuana Control Program on the date of the 279287
completion of the transfer shall be completed by the Division in 279288
the same manner, and with the same effect, as if completed by the 279289
State Board of Pharmacy. No validation, cure, right, privilege, 279290
remedy, obligation, or liability is lost or impaired by reason of 279291
the transfer required by this section. 279292

(B) Upon this transfer, the Division is responsible for 279293
adopting rules establishing standards and procedures for the 279294
Medical Marijuana Control Program. The rules regulating the 279295
Medical Marijuana Control Program in existence on the effective 279296
date of this section continue in effect until repealed or amended 279297
by the Division of Marijuana Control. 279298

(C) On or before March 1, 2024, the Division shall review and 279299
propose revisions to the rules in the Administrative Code related 279300
to medical marijuana retail dispensaries. 279301

(D) A license to operate as a retail dispensary issued by the State Board of Pharmacy pursuant to section 3796.10 of the Revised Code as it existed immediately prior to the effective date of this section, and a registration issued by the State Board of Pharmacy pursuant to section 3796.08 of the Revised Code as it existed immediately prior to the effective date of this section, remain in effect for the remainder of the license's or registration's term, unless earlier suspended or revoked. Renewals shall be issued by the State Board of Pharmacy until the transfer is complete, at which time renewals shall be issued by the Division of Marijuana Control.

(E) Any form of medical marijuana approved by the State Board of Pharmacy under section 3796.061 of the Revised Code as it existed immediately prior to the effective date of this section remains approved until that approval is revoked by the Division of Marijuana Control, after giving notice to the petitioner described in section 3796.061 of the Revised Code. The Division shall post notice of that revocation on its web site.

Section 525.30. (A) "State schools" means the State School for the Deaf and the State School for the Blind.

(B) On the effective date of this section, all records of the state schools shall be transferred to Ohio Deaf and Blind Education Services established in section 3325.01 of the Revised Code, and all of their other assets and liabilities shall be transferred to Ohio Deaf and Blind Education Services. Ohio Deaf and Blind Education Services is the successor to, and assumes the obligations of, the state schools.

(C) Any business commenced, but not completed by the state schools or their superintendents on the effective date of this section shall be completed by the superintendent of Ohio Deaf and Blind Education Services in the same manner, and with the same

effect, as if completed by the state schools or their 279333
superintendents. No validation, cure, right, privilege, remedy, 279334
obligation, or liability is lost or impaired by reason of the 279335
transfer required under this section. 279336

(D) Subject to the lay-off provisions of sections 124.321 to 279337
124.328 of the Revised Code, all of the employees of the state 279338
schools are transferred to Ohio Deaf and Blind Education Services 279339
and retain their positions and all of the benefits accruing 279340
thereto. 279341

(E) On and after the effective date of this section, pursuant 279342
to section 126.15 of the Revised Code, the Director of Budget and 279343
Management shall transfer the balance of all appropriations made 279344
to the state schools to Ohio Deaf and Blind Education Services. 279345

(F) Wherever the state schools or their superintendents are 279346
referred to in any law, contract, or other document, the reference 279347
shall be deemed to refer to Ohio Deaf and Blind Education Services 279348
or its superintendent, whichever is appropriate. 279349

(G) No action or proceeding pending on the effective date of 279350
this section is affected by the transfer, and any such action or 279351
proceeding shall be prosecuted or defined in the name of Ohio Deaf 279352
and Blind Education Services or its superintendent. In all such 279353
actions and proceedings, the superintendent or Ohio Deaf and Blind 279354
Education Services, on application to the court, shall be 279355
substituted as a party. 279356

Section 525.40. (A) For the purposes of this section: 279357

(1) "Ohio Housing Finance Agency" and "Agency" mean the Ohio 279358
Housing Finance Agency created under section 175.02 of the Revised 279359
Code, as that section existed before its amendment by this act. 279360

(2) "Executive Director of the Agency" means the Executive 279361
Director employed by the Agency pursuant to division (A)(2) of 279362

section 175.05 of the Revised Code, as that section existed before 279363
its amendment by this act. 279364

(3) "Governor's Office of Housing Transformation" and 279365
"Office" mean the Governor's Office of Housing Transformation 279366
created under section 175.02 of the Revised Code, as amended by 279367
this act. 279368

(4) "Director of the Office" means the Director designated by 279369
the governor under division (A) of section 175.02 of the Revised 279370
Code, as amended by this act. 279371

(B) The amendment by this act of sections 122.941, 135.143, 279372
154.20, 169.05, 174.01, 174.03, 174.05, 174.06, 174.07, 175.01, 279373
175.02, 175.04, 175.05, 175.052, 175.053, 175.06, 175.07, 175.08, 279374
175.09, 175.10, 175.11, 175.12, 175.13, 175.14, 175.15, 175.31, 279375
175.32, 3701.68, 3742.32, 3951.01, and 5315.02, division (M) of 279376
section 122.17, and division (A)(1)(x) of section 149.43 of the 279377
Revised Code applies on and after January 1, 2024. 279378

(C) Except as otherwise provided in Section 525.41 of this 279379
act, on and after January 1, 2024: 279380

(1) The Ohio Housing Finance Agency is abolished. 279381

(2) All records of the Agency shall be transferred to the 279382
Governor's Office of Housing Transformation. 279383

(3) The Office is successor to, and assumes the obligations 279384
of the Agency. 279385

(4) Any business commenced, but not completed by the Agency 279386
or the Agency's Executive Director shall be completed by the 279387
Office or the Office's Director in the same manner, and with the 279388
same effect, as if completed by the Agency or the Agency's 279389
Executive Director. 279390

(5) No validation, cure, right, privilege, remedy, 279391
obligation, or liability is lost or impaired by reason of the 279392

transfer required by this section. 279393

(6) Subject to the lay-off provisions of sections 124.321 to 279394
124.328 of the Revised Code, all of the Agency's employees are 279395
transferred to the Office and retain their positions and all of 279396
the benefits accruing thereto. 279397

(7) Wherever the Executive Director of the Agency or the 279398
Agency is referred to in any law, contract, or other document, the 279399
reference shall be deemed to refer to the Director of the Office 279400
or the Office, whichever is appropriate. 279401

(D) No action or proceeding pending on January 1, 2024, is 279402
affected by the transfer, and any such action or proceeding shall 279403
be prosecuted or defended in the name of the Director of the 279404
Office or the Office. Except as otherwise provided in Section 279405
525.41 of this act, in all such actions and proceedings, the 279406
Director of the Office or the Office, on application to the court, 279407
shall be substituted as a party. 279408

(E) On or after January 1, 2024, the Director of Budget and 279409
Management shall take any action with respect to budget changes 279410
made necessary by the transfer described in this section, 279411
including the creation of new funds and the consolidation of 279412
funds. The Director may transfer cash balances between funds. The 279413
Director may cancel encumbrances and reestablish encumbrances or 279414
parts of encumbrances as needed in the fiscal year in the 279415
appropriate fund and appropriation item for the same purpose and 279416
to the same vendor. As determined by the Director, encumbrances 279417
reestablished in the fiscal year in a different fund or 279418
appropriation item used by an agency or between agencies are 279419
hereby appropriated. The Director shall reduce each year's 279420
appropriation balances by the amount of the encumbrances canceled 279421
in their respective fund and appropriation item. Any unencumbered 279422
or unallocated appropriation balances from the previous fiscal 279423
year are hereby reappropriated to the appropriate appropriation 279424

item to be used for the same purposes, as determined by the 279425
Director. 279426

Section 525.41. (A) For the purposes of this section: 279427

(1) "Ohio Housing Finance Agency" and "Agency" mean the Ohio 279428
Housing Finance Agency created under section 175.02 of the Revised 279429
Code, as that section existed before its amendment by this act. 279430

(2) "Basic instruments" means resolutions, rules, agreements, 279431
trust agreements, and supplemental trust agreements. 279432

(3) "Financing obligations" means bonds, notes, and other 279433
obligations. 279434

(4) "Housing purposes" means the purposes, programs, and 279435
objectives described in Chapter 175. of the Revised Code, as 279436
amended by this act. 279437

(5) "Superseded matters" means all matters relating to the 279438
issuance of financing obligations pursuant to Chapter 175. of the 279439
Revised Code, as that chapter existed before its amendment by this 279440
act. 279441

(B) On and after January 1, 2024, the Treasurer of State 279442
shall supersede and replace the Ohio Housing Finance Agency as the 279443
issuing authority in all superseded matters. 279444

(C)(1) On and after January 1, 2024, with respect to 279445
superseded matters and housing purposes, the Treasurer of State 279446
shall: 279447

(a) Succeed to, and have and perform, all of the duties, 279448
powers, obligations, and functions of the Agency and its members 279449
and officers provided for by law or rule relating to the issuance 279450
of financing obligations for the purpose of paying costs for 279451
housing purposes; 279452

(b) Succeed to, and have and perform, all of the duties, 279453

powers, obligations, and functions, and have all of the rights of, 279454
the Agency and its members and officers provided for in, or 279455
pursuant to, basic instruments and financing obligations 279456
previously authorized, entered into, or issued by the Agency for 279457
housing purposes, which financing obligations shall be, or shall 279458
be deemed to be, obligations issued by and of the Treasurer of 279459
State; 279460

(c) Be bound by all agreements and covenants of the Agency, 279461
and basic instruments, relating to financing obligations. 279462

(2) The transfer of superseded matters to the Treasurer of 279463
State pursuant to this section does not affect the validity of any 279464
agreement or covenant, basic instrument, or financing obligation, 279465
or any related document, authorized, entered into, or issued by 279466
the Agency under Chapter 175. of the Revised Code, as that chapter 279467
existed before its amendment by this act, or other laws, and 279468
nothing in this section shall be applied or considered as 279469
impairing the obligations or rights under them. 279470

(3) The Treasurer of State shall not issue any additional 279471
financing obligations pursuant to any basic instrument of the 279472
Agency, including financing obligations to refund financing 279473
obligations previously issued by the Agency. 279474

(D) With respect to proceedings relating to superseded 279475
matters affected by this section: 279476

(1) This section applies to any proceedings that are 279477
commenced on or after January 1, 2024, and to any proceedings that 279478
are pending, in progress, or completed on that date, 279479
notwithstanding the applicable law previously in effect or any 279480
provision to the contrary in a prior basic instrument, notice, or 279481
other proceeding. 279482

(2) Any proceedings of the Agency that are pending on January 279483
1, 2024, shall be pursued and completed by and in the name of the 279484

Treasurer of State, and any financing obligations that are sold, 279485
issued, and delivered pursuant to those proceedings shall be 279486
deemed to have been authorized, sold, issued, and delivered in 279487
conformity with this section. 279488

(3) Notwithstanding divisions (D)(1) and (2) of this section, 279489
the Agency may, subsequent to January 1, 2024, meet for the 279490
purpose of better accomplishing the transfer of superseded 279491
matters. At any such meeting the Agency may take necessary or 279492
appropriate actions to effect an orderly transition relating to 279493
the issuance of financing obligations, such that all duties, 279494
powers, obligations, and functions of the Agency and its members 279495
and officers with respect to the superseded matters or under any 279496
contracts and agreements between the Agency and a state agency for 279497
housing purposes shall terminate and be of no further force and 279498
effect as to the Agency. 279499

(E) Notwithstanding any other provision of this section, this 279500
section shall not apply to the Agency's interests in or 279501
responsibilities for anything other than superseded matters. 279502

(F) The Agency and the Treasurer of State shall prepare any 279503
necessary amendments of or supplements to documents or basic 279504
instruments pertaining to the duties, powers, obligations, 279505
functions, and rights relating to superseded matters to which the 279506
Treasurer of State succeeds pursuant to this section. The 279507
authorization by the Agency in its basic instruments relating to 279508
superseded matters for its officers to act in any manner on behalf 279509
of the Agency shall, on and after January 1, 2024, be 279510
authorization for the Treasurer of State, or the Treasurer of 279511
State's staff or employees to whom the Treasurer of State may 279512
delegate the function, to act in the circumstances, without 279513
necessity for amendment of or supplement to any such documents or 279514
basic instruments. 279515

(G) No pending judicial or administrative action or 279516

proceeding in which the Agency, or its members or officers as 279517
such, are a party that pertains to superseded matters shall be 279518
affected by their transfer, but shall be prosecuted or defended in 279519
the name of the Treasurer of State and in any such action or 279520
proceeding the Treasurer of State, upon application to the court, 279521
shall be substituted as a party. 279522

(H) In connection with the duties, powers, obligations, 279523
functions, and rights relating to superseded matters and provided 279524
for in this section, not later than January 1, 2024: 279525

(1) Copies of all basic instruments, documents, books, 279526
papers, and records of the Agency shall be transferred to the 279527
Treasurer of State upon request, without necessity for assignment, 279528
conveyance, or other action by the Agency. 279529

(2) All appropriations previously made to or for the Agency 279530
for the purposes of the performance of the duties, powers, 279531
obligations, functions, and exercise of rights relating to 279532
superseded matters, to the extent of remaining unexpended or 279533
unencumbered balances, are hereby transferred to and made 279534
available for use and expenditure by the Treasurer of State for 279535
performing the same duties, powers, obligations, and functions and 279536
exercising the same rights for which originally appropriated, and 279537
payments for administrative expenses previously incurred in 279538
connection with them shall be made from the applicable fund on 279539
vouchers approved by the Treasurer of State. 279540

(I) Whenever the Agency, or any of its members or officers, 279541
is referred to in any contract or other document relating to those 279542
outstanding financing obligations, the reference shall be 279543
considered to be to the Treasurer of State or the appropriate 279544
staff of the Treasurer of State. 279545

Section 525.50. The Clean Ohio Council is abolished. All 279546
records of the Council shall be transferred to the Department of 279547

Development, and all of its other assets and liabilities shall be 279548
transferred to the Department of Development. The Department of 279549
Development is successor to, and assumes the obligations of, the 279550
Clean Ohio Council. 279551

Any business commenced, but not completed by the Clean Ohio 279552
Council on the effective date of this section shall be completed 279553
by the Director of Development in the same manner, and with the 279554
same effect, as if completed by the Clean Ohio Council. No 279555
validation, cure, right, privilege, remedy, obligation, or 279556
liability is lost or impaired by reason of the transfer required 279557
by this section. 279558

Section 610.10. That Sections 213.10, 215.10, 215.15, 223.10 279559
(as amended by H.B. 45 of the 134th General Assembly), 223.15 (as 279560
amended by H.B. 23 of the 135th General Assembly), 237.10 (as 279561
amended by H.B. 45 of the 134th General Assembly), and 237.13 (as 279562
amended by H.B. 45 of the 134th General Assembly) of H.B. 687 of 279563
the 134th General Assembly be amended to read as follows: 279564

Sec. 213.10. 279565

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 279566

Building Improvement Fund (Fund 5KZ0) 279567

C10035 Building Improvement \$ 45,436,000 279568

TOTAL Building Improvement Fund \$ 45,436,000 279569

Administrative Building Taxable Bond Fund (Fund 7016) 279570

C10041 MARCS - Taxable \$ 16,888,000 279571

C10055 Highland County MARCS Tower \$ 750,000 279572

C10056 BGSU Public Safety Radio System - MARCS \$ 175,000 279573

TOTAL Administrative Building Taxable Bond Fund \$ 17,813,000 279574

Administrative Building Fund (Fund 7026) 279575

C10000 Governor's Residence \$ 1,436,000 279576

| | | | | |
|--|---|----|-------------|--------|
| C10020 | North High Building Complex Renovation | \$ | 14,209,000 | 279577 |
| C10021 | Office Space Planning | \$ | 24,907,000 | 279578 |
| C10034 | Aronoff Center Systems Replacements and
Upgrades | \$ | 375,000 | 279579 |
| C10036 | Rhodes Tower Renovations | \$ | 7,131,000 | 279580 |
| C10038 | Riffe Renovations | \$ | 10,470,000 | 279581 |
| C10042 | IT Projects | \$ | 24,345,375 | 279582 |
| C10051 | Fleet Sustainability | \$ | 500,000 | 279583 |
| TOTAL Administrative Building Fund | | \$ | 83,373,375 | 279584 |
| Capital IT Projects Fund (Fund 7091) | | | | 279585 |
| C10054 | Statewide IT Projects | \$ | 33,085,524 | 279586 |
| TOTAL Capital IT Projects Fund | | \$ | 33,085,524 | 279587 |
| TOTAL ALL FUNDS | | \$ | 179,707,899 | 279588 |
| MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM | | | | 279589 |
| <u>(A) There is hereby continued a Multi-Agency Radio</u> | | | | 279590 |
| Communications System (MARCS) Steering Committee consisting of <u>all</u> | | | | 279591 |
| <u>of the following members:</u> | | | | 279592 |
| <u>(1) The directors, or designees thereof, of the Directors of</u> | | | | 279593 |
| Administrative Services, Public Safety, Natural Resources, | | | | 279594 |
| Transportation, Rehabilitation and Correction, and Budget and | | | | 279595 |
| Management, and the State Fire Marshal or the State Fire Marshal's | | | | 279596 |
| designee; | | | | 279597 |
| <u>(2) The following members appointed by the Governor:</u> | | | | 279598 |
| <u>(a) One representative of the Ohio Chapter of the Association</u> | | | | 279599 |
| <u>of Public Safety Communications Officials or its successor</u> | | | | 279600 |
| <u>organization;</u> | | | | 279601 |
| <u>(b) One representative of the Buckeye State Sheriff's</u> | | | | 279602 |
| <u>Association or its successor organization;</u> | | | | 279603 |
| <u>(c) One representative of the Ohio Association of Chiefs of</u> | | | | 279604 |
| <u>Police or its successor organization;</u> | | | | 279605 |

| | |
|--|--------|
| <u>(d) One representative of the Ohio Fire Chiefs' Association</u> | 279606 |
| <u>or its successor organization. The</u> | 279607 |
| <u>(B) The</u> Director of Administrative Services or the Director's | 279608 |
| designee shall chair the Committee. The | 279609 |
| <u>(C) The</u> Committee shall provide assistance to the Director of | 279610 |
| Administrative Services for effective and efficient implementation | 279611 |
| of MARCS as well as develop policies for the ongoing management of | 279612 |
| the system. Upon dates prescribed by the Directors of | 279613 |
| Administrative Services and Budget and Management, the MARCS | 279614 |
| Steering Committee shall report to the Directors on the progress | 279615 |
| of MARCS implementation and the development of policies related to | 279616 |
| the system. | 279617 |
| <u>(D)</u> The Committee shall establish a subcommittee to represent | 279618 |
| MARCS users on the local government level. The chairperson of the | 279619 |
| subcommittee shall serve as a member of the MARCS Steering | 279620 |
| Committee. | 279621 |
| <u>(E)</u> The foregoing appropriation item C10041, MARCS - Taxable, | 279622 |
| shall be used to purchase or construct the components of MARCS | 279623 |
| that are not specific to any one agency. The equipment may | 279624 |
| include, but is not limited to, computer and telecommunications | 279625 |
| equipment used for the functioning and integration of the system, | 279626 |
| communications towers, tower sites, tower equipment, and linkages | 279627 |
| among towers. The Director of Administrative Services shall, with | 279628 |
| the concurrence of the MARCS Steering Committee, determine the | 279629 |
| specific use of funds. Expenditures from this appropriation shall | 279630 |
| not be subject to Chapters 123. and 153. of the Revised Code. | 279631 |
| Sec. 215.10. | 279632 |
| AGR DEPARTMENT OF AGRICULTURE | 279633 |
| State Fiscal Recovery Fund (Fund 5CV3) | 279634 |
| C70031 Animal Disease Laboratory \$ 71,730,000 | 279635 |

| | | | |
|---|----|-----------------------|--------|
| TOTAL State Fiscal Recovery Fund | \$ | 71,730,000 | 279636 |
| Administrative Building Fund (Fund 7026) | | | 279637 |
| C70007 Building and Grounds | \$ | 1,348,000 | 279638 |
| C70022 Agricultural Society Facilities | \$ | 7,289,000 | 279639 |
| | | <u>7,389,000</u> | |
| C70023 Building #22 Laboratory Equipment | \$ | 320,000 | 279640 |
| C70030 Agriculture Equipment | \$ | 515,000 | 279641 |
| TOTAL Administrative Building Fund | \$ | 9,472,000 | 279642 |
| | | <u>9,572,000</u> | |
| Clean Ohio Agricultural Easement Fund (Fund 7057) | | | 279643 |
| C70009 Clean Ohio Agricultural Easement | \$ | 12,500,000 | 279644 |
| TOTAL Clean Ohio Agricultural Easement | \$ | 12,500,000 | 279645 |
| TOTAL ALL FUNDS | \$ | 93,702,000 | 279646 |
| | | <u>93,802,000</u> | |

Sec. 215.15. AGRICULTURAL SOCIETY FACILITIES 279648

| | | | |
|--|----------------------|--|--------|
| The foregoing appropriation item C70022, Agricultural Society | | | 279649 |
| Facilities, shall be used to support the projects listed in this | | | 279650 |
| section. | | | 279651 |
| Project List | | | 279652 |
| Butler County Fairgrounds Grandstands | \$750,000 | | 279653 |
| Henry County Community Event Center | \$500,000 | | 279654 |
| | <u>\$600,000</u> | | |
| Knox County Fairgrounds Expo Center <u>Capital</u> | \$500,000 | | 279655 |
| <u>Projects</u> | | | |
| Mahoning County Agricultural Society: Canfield | \$500,000 | | 279656 |
| Fair | | | |
| Feichtner Family Memorial Barn | \$450,000 | | 279657 |
| Fairgrounds Multipurpose Facility - Warren County | \$400,000 | | 279658 |
| Montgomery County Fairgrounds Improvements | \$400,000 | | 279659 |
| Belmont Agricultural Center | \$375,000 | | 279660 |
| Allen County Fair Youth Show Arena | \$310,000 | | 279661 |

| | | |
|---|-----------|--------|
| Gallia County Fairground Relocation | \$300,000 | 279662 |
| Guernsey Barn and Show Arena | \$300,000 | 279663 |
| Perry County Agriculture Society Multi-Purpose Building | \$300,000 | 279664 |
| Union County Fairgrounds | \$290,000 | 279665 |
| Adams County Junior Fair Small Animal Facility | \$250,000 | 279666 |
| Geauga County Fairgrounds Multipurpose Event Center | \$250,000 | 279667 |
| Summit County Fairgrounds Improvements | \$250,000 | 279668 |
| Harrison County Agricultural Society Horse Barn | \$200,000 | 279669 |
| Richland County Agricultural Society Show Arena | \$200,000 | 279670 |
| Brown County Junior Fair Horse Arena | \$150,000 | 279671 |
| Columbiana County Junior Fair Agriculture and Event Center | \$100,000 | 279672 |
| Scioto County Agriculture Society Improvements | \$100,000 | 279673 |
| Richwood Fairgrounds Restrooms | \$95,000 | 279674 |
| Highland County Agricultural Extension Relocation | \$75,000 | 279675 |
| Allen County Fair Multi-purpose Storage Building | \$60,000 | 279676 |
| Ashton Event Center | \$60,000 | 279677 |
| Auglaize County Fairgrounds: Piehl Family Parking Lot | \$50,000 | 279678 |
| Jackson County Fairgrounds Improvements-4H Building Project | \$40,000 | 279679 |
| Paulding County Fairgrounds Lighting | \$25,000 | 279680 |
| Trumbull County Agricultural and Family Education Center Repair | \$9,000 | 279681 |

Sec. 223.10. 279682

DNR DEPARTMENT OF NATURAL RESOURCES 279683

| | | |
|--|----------------|--------|
| State Fiscal Recovery Fund (Fund 5CV3) | | 279684 |
| C725V4 Parks - ARPA | \$ 137,000,000 | 279685 |
| C725V5 Trails - ARPA | \$ 15,000,000 | 279686 |
| C725V6 Wastewater/Water Systems - ARPA | \$ 50,000,000 | 279687 |

| | | | |
|--|----|--|--------|
| TOTAL State Fiscal Recovery Fund | \$ | 202,000,000 | 279688 |
| Wildlife Fund (Fund 7015) | | | 279689 |
| C725K9 Wildlife Area Building
Development/Renovation | \$ | 14,220,000 | 279690 |
| TOTAL Wildlife Fund | \$ | 14,220,000 | 279691 |
| Administrative Building Fund (Fund 7026) | | | 279692 |
| C725D5 Fountain Square Building and Telephone
Improvement | \$ | 1,500,000 | 279693 |
| C725N7 District Office Renovations | \$ | 1,100,000 | 279694 |
| TOTAL Administrative Building Fund | \$ | 2,600,000 | 279695 |
| Ohio Parks and Natural Resources Fund (Fund 7031) | | | 279696 |
| C72549 Facilities Development | \$ | 3,255,659 | 279697 |
| C725E1 Local Parks Projects Statewide | \$ | 3,575,971 | 279698 |
| C725E5 Project Planning | \$ | 468,226 | 279699 |
| C725J0 Natural Areas/Preserves
Maintenance/Facilities | \$ | 6,300,000 | 279700 |
| C725K0 State Park Renovations/Upgrading | \$ | 1,150,000 | 279701 |
| C725N8 Forestry Equipment | \$ | 3,130,000 | 279702 |
| TOTAL Ohio Parks and Natural Resources Fund | \$ | 17,879,856 | 279703 |
| Parks and Recreation Improvement Fund (Fund 7035) | | | 279704 |
| C725A0 State Parks, Campgrounds, Lodges, Cabins | \$ | 125,807,774 | 279705 |
| C725C4 Muskingum River Lock and Dam | \$ | 27,500,000 | 279706 |
| C725E2 Local Parks, Recreation, and
Conservation Projects | \$ | 76,062,300
<u>77,262,300</u> | 279707 |
| C725E6 Project Planning | \$ | 12,476,398 | 279708 |
| C725M5 Lake Erie Islands State Park/Middle Bass
Island State Park | \$ | 11,000,000 | 279709 |
| C725R3 State Parks Renovations/Upgrades | \$ | 19,950,000 | 279710 |
| C725R4 Dam Rehabilitation - Parks | \$ | 29,275,200 | 279711 |
| C725U7 Eagle Creek Watershed Flood Mitigation | \$ | 30,000,000 | 279712 |
| TOTAL Parks and Recreation Improvement Fund | \$ | 332,071,672
<u>333,271,672</u> | 279713 |

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|--|-----------|------------------------|--------|
| Clean Ohio Trail Fund (Fund 7061) | | | 279714 |
| C72514 Clean Ohio Trail Fund | \$ | 12,500,000 | 279715 |
| TOTAL Clean Ohio Trail Fund | \$ | 12,500,000 | 279716 |
| Waterways Safety Fund (Fund 7086) | | | 279717 |
| C725A7 Cooperative Funding for Boating
Facilities | \$ | 4,500,000 | 279718 |
| C725N9 Operations Facilities Development | \$ | 5,000,000 | 279719 |
| TOTAL Waterways Safety Fund | \$ | 9,500,000 | 279720 |
| TOTAL ALL FUNDS | \$ | 590,771,528 | 279721 |
| | | <u>591,971,528</u> | |
| FEDERAL REIMBURSEMENT | | | 279722 |
| All reimbursements received from the federal government for | | | 279723 |
| any expenditures made pursuant to this section shall be deposited | | | 279724 |
| in the state treasury to the credit of the fund from which the | | | 279725 |
| expenditure originated. | | | 279726 |
| Sec. 223.15. The foregoing appropriation item C725E2, Local | | | 279727 |
| Parks, Recreation, and Conservation Projects, shall be used to | | | 279728 |
| support the projects listed in this section. An amount equal to | | | 279729 |
| two per cent of the projects listed may be used by the Department | | | 279730 |
| of Natural Resources for the administration of local projects. | | | 279731 |
| Project List | | | 279732 |
| Mentor Erosion Mitigation | \$ | 3,000,000 | 279733 |
| Heritage Trail Extension | \$ | 2,500,000 | 279734 |
| Lima Community Pool | \$ | 2,400,000 | 279735 |
| <u>Cleveland Tower City and Bedrock Development</u> | <u>\$</u> | <u>2,000,000</u> | 279736 |
| <u>Activities</u> | | | |
| Cleveland Zoo Primate Rainforest | \$ | 1,700,000 | 279737 |
| Columbus Zoo | \$ | 1,400,000 | 279738 |
| Cincinnati Findlay Community and Recreation
Center | \$ | 1,200,000 | 279739 |
| Gateway to Freedom Park | \$ | 1,200,000 | 279740 |

| | | |
|---|----------------------|--------|
| Akron Area YMCA Camp Y-Noah Capital Improvement | \$1,000,000 | 279741 |
| Euclid Waterfront Improvement Plan - Phase III | \$1,000,000 | 279742 |
| Franklin Park Conservatory Renovation of the Wolfe Palm House and the Davis Showhouse | \$1,000,000 | 279743 |
| Cincinnati Zoo and Botanical Garden Pedestrian Bridge | \$900,000 | 279744 |
| The Wilds RV Park and Campground | \$900,000 | 279745 |
| Irishtown Bend and Canal Basin Park | \$850,000 | 279746 |
| Cincinnati Playhouse in the Park | \$800,000 | 279747 |
| Lima Rotary Community Stage and Park | \$800,000 | 279748 |
| Copley Ridgewood Trail | \$750,000 | 279749 |
| Delhi Towne Square | \$750,000 | 279750 |
| Environmental Education Pavilion at Forest Lawn Stormwater Park | \$750,000 | 279751 |
| Glen Helen Nature Preserve Accessibility Improvements | \$750,000 | 279752 |
| Lebanon Scenic Railway Bridge | \$750,000 | 279753 |
| Strongsville Town Center Enhancement and Walkability Initiative | \$725,000 | 279754 |
| Salem City Village Green Park | \$700,000 | 279755 |
| Green Township Veterans Park Enhancement | \$650,000 | 279756 |
| Ohio Bird Sanctuary | \$600,000 | 279757 |
| Stark Parks Magnolia Flouring Mill Public Access | \$571,000 | 279758 |
| ArtsinStark Park | \$500,000 | 279759 |
| Indian Lake Maintenance | \$500,000 | 279760 |
| North Ridgeville Mills Creek | \$500,000 | 279761 |
| Sidney Feeder Canal Bike Trail | \$500,000 | 279762 |
| Sylvania YMCA | \$500,000 | 279763 |
| The Foundry | \$500,000 | 279764 |
| Vienna Air Heritage Park | \$500,000 | 279765 |
| Litzenberg Memorial Woods Improvement Project | \$498,000 | 279766 |

| | | |
|---|-----------|--------|
| Geneva Township Park - Old Lake Road Shoreline
Restoration | \$450,000 | 279767 |
| Hamilton-Clover Groff Trail Project | \$450,000 | 279768 |
| Lake Erie Shoreline Erosion Mitigation | \$450,000 | 279769 |
| McCord Park Renovations | \$450,000 | 279770 |
| Mentor Marsh Observation Tower | \$450,000 | 279771 |
| Replacement of Discovery Frontier Playground
at Fryer Park | \$450,000 | 279772 |
| Mosquito Creek Lake Park Improvements | \$404,000 | 279773 |
| Avon Traxler Preserve | \$400,000 | 279774 |
| Chagrin Meadows Preserve | \$400,000 | 279775 |
| Fort Colerain Phase III | \$400,000 | 279776 |
| Kelleys Island East Lakeshore Shoreline
Protection | \$400,000 | 279777 |
| Lake Metroparks Lake Erie Shoreline Trail and
Revetment Wall | \$400,000 | 279778 |
| Mason Makino Park | \$400,000 | 279779 |
| McDonald Commons Renovation and Construction | \$400,000 | 279780 |
| Ripley Freedom Landing Riverfront Development | \$400,000 | 279781 |
| Solon to Chagrin Falls Multi-Purpose Trail | \$400,000 | 279782 |
| Hamilton Beltline Recreational Trail | \$380,000 | 279783 |
| Holbrook Hollows Park Expansion | \$375,000 | 279784 |
| Alum Creek Pedestrian/Bike Bridge - Bexley | \$350,000 | 279785 |
| Boeckling Building Pier | \$350,000 | 279786 |
| CROWN Wasson Way Crossing Improvements | \$350,000 | 279787 |
| Fairport Harbor Marina Boat Launch | \$350,000 | 279788 |
| Hiking Trails and Playground Refurbishment -
Cincinnati | \$350,000 | 279789 |
| Elyria Intergenerational Community Center | \$350,000 | 279790 |
| Medina Recreation Center | \$350,000 | 279791 |
| Project Playground Galena | \$350,000 | 279792 |
| Wauseon Community Social and Recreational
Center | \$350,000 | 279793 |

| | | |
|---|-----------|--------|
| Twinsburg Glen Chamberlin Park | \$338,000 | 279794 |
| Botkins Community Park | \$300,000 | 279795 |
| Camp Joy | \$300,000 | 279796 |
| Canal Fulton Community Park | \$300,000 | 279797 |
| Canton Township Faircrest Park | \$300,000 | 279798 |
| Chagrin River Trail | \$300,000 | 279799 |
| Creston Community Park Renovations | \$300,000 | 279800 |
| Edge Adventure Park | \$300,000 | 279801 |
| Harbin Park ADA-Accessible Play Area and
Splash Pad | \$300,000 | 279802 |
| Kalida St. Michael Holy Name Ballpark | \$300,000 | 279803 |
| Legacy Park Shelter House and Restrooms
Project - Cridersville | \$300,000 | 279804 |
| Liberty Landing Phase II | \$300,000 | 279805 |
| Lincoln Heights Memorial Athletic Field
Renovations | \$300,000 | 279806 |
| Marysville Heritage Park | \$300,000 | 279807 |
| Massillon Park Splash Pad | \$300,000 | 279808 |
| Mayerson JCC Expansion | \$300,000 | 279809 |
| Meredith Park | \$300,000 | 279810 |
| Niles Bike Path Bridge Improvements | \$300,000 | 279811 |
| North Canton Dogwood Pool House | \$300,000 | 279812 |
| Olmsted Township Nature Trail and Bark Park | \$300,000 | 279813 |
| Plain Township Diamond Park Historic Barn | \$300,000 | 279814 |
| Town Square Redevelopment - Blue Ash | \$300,000 | 279815 |
| Willadale Trail-Boettler/Southgate Connector | \$275,000 | 279816 |
| Fallen Timbers Capital Improvements | \$275,000 | 279817 |
| Grailville Park Improvements | \$260,000 | 279818 |
| Streetsboro Industrial Park | \$250,000 | 279819 |
| Brunswick Recreation Center | \$250,000 | 279820 |
| Chudzinski Johansen Conservancy Park | \$250,000 | 279821 |
| Clearcreek Park Trail | \$250,000 | 279822 |
| Coke Oven Community Civic Center Park | \$250,000 | 279823 |

| | | |
|--|-----------|--------|
| Covington - Schoolhouse Park | \$250,000 | 279824 |
| Girl Scouts of Western Ohio - EMPOWER HER | \$250,000 | 279825 |
| Girl Scouts of Western Ohio Camp Libbey | \$250,000 | 279826 |
| Johnstown Splash Pad | \$250,000 | 279827 |
| Lockington Trail Bridge | \$250,000 | 279828 |
| Lodi Community Park | \$250,000 | 279829 |
| Louisville Metzger Park | \$250,000 | 279830 |
| Noble County Heritage Park | \$250,000 | 279831 |
| Rotary Lodge at River Cliff Park Renovation | \$250,000 | 279832 |
| Schoonover Observatory Improvements | \$250,000 | 279833 |
| SPIRE Institute and Academy | \$250,000 | 279834 |
| Timken Gatehouse Renovation | \$250,000 | 279835 |
| West Carrollton Whitewater Park | \$250,000 | 279836 |
| Wooster Barnes Preserve | \$250,000 | 279837 |
| Valleyview Park | \$240,000 | 279838 |
| Cave Lake Dam | \$225,000 | 279839 |
| Moonville Rail Trail | \$225,000 | 279840 |
| Dan Beard Scout Camp Flooding and Erosion
Mitigation | \$223,000 | 279841 |
| Chillicothe Paint Creek Recreational Trail | \$215,000 | 279842 |
| Ashtabula Township Park - Restoration | \$200,000 | 279843 |
| Augusta Community Park | \$200,000 | 279844 |
| Bryan Lincoln Park | \$200,000 | 279845 |
| Camp Oty'Okwa Capital Improvements | \$200,000 | 279846 |
| Center Gateway Improvement Project - Rocky
River | \$200,000 | 279847 |
| Centerville Benham's Grove | \$200,000 | 279848 |
| City of Monroe Lookout Point | \$200,000 | 279849 |
| Coshocton County Connector | \$200,000 | 279850 |
| Franklin Furnace Park | \$200,000 | 279851 |
| Great Miami River Trail - Middletown to Monroe
Segment Construction Project | \$200,000 | 279852 |
| Memorial Park All-Purpose Trail - North | \$200,000 | 279853 |

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| Royalton | | |
| Mount Aloysius Community Rec Center | \$200,000 | 279854 |
| Portage Bike and Hike Trail - Mill Race Segment | \$200,000 | 279855 |
| Seven Gables Park Playground Replacement | \$200,000 | 279856 |
| Sylvania Plummer Pool | \$200,000 | 279857 |
| Tuscarawas Memorial Park Improvements | \$200,000 | 279858 |
| Wellness at the Generational Recreation Complex- Construction | \$200,000 | 279859 |
| West Farmington Park Improvements | \$200,000 | 279860 |
| Shawnee West Buckeye Trail | \$195,000 | 279861 |
| Jim Terrell Park Canoe/Kayak Launch | \$190,000 | 279862 |
| Racine Star Mill Park | \$190,000 | 279863 |
| Darke County Art Trail | \$180,000 | 279864 |
| Bryn Du Barn | \$175,000 | 279865 |
| Erie MetroParks Nature Center | \$175,000 | 279866 |
| Norton Bicentennial Park | \$175,000 | 279867 |
| Ohio and Erie Canal Restoration | \$175,000 | 279868 |
| Concord Township Park Renovation | \$172,000 | 279869 |
| Ward Park Swimming Pool Filtration System Replacement | \$171,000 | 279870 |
| Ashland County Corner Park | \$150,000 | 279871 |
| Brown County Board of Developmental Disabilities Resource and Community Center | \$150,000 | 279872 |
| Buckeye Lake Boat Ramps and Pier Enabling Project | \$150,000 | 279873 |
| Deer Park Chamberlin Park | \$150,000 | 279874 |
| Elyria Holly Hall | \$150,000 | 279875 |
| Forest Park Central Park Improvements | \$150,000 | 279876 |
| Fostoria Splash Pad | \$150,000 | 279877 |
| Geneva Township Park Commission - Handicap Accessible Ramp | \$150,000 | 279878 |
| Gibsonburg Logyard Park | \$150,000 | 279879 |

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| Greenville Downtown Park | \$150,000 | 279880 |
| Hammertown Lake Improvements Project | \$150,000 | 279881 |
| Kingsbury Riverfront Park Rehabilitation Project | \$150,000 | 279882 |
| Lock Nine Riverfront Park | \$150,000 | 279883 |
| MAGNET's Manufacturing Innovation, Technology and Job Center Park | \$150,000 | 279884 |
| Mansfield B&O Trail Connector | \$150,000 | 279885 |
| Mansfield Central Park | \$150,000 | 279886 |
| Middle Point Recreation Center | \$150,000 | 279887 |
| Mount Gilead Park Site Preparations | \$150,000 | 279888 |
| Navarre Park | \$150,000 | 279889 |
| North Kingsville Village - Community Park | \$150,000 | 279890 |
| North Olmsted Community Park Improvements | \$150,000 | 279891 |
| Olmsted Falls East River Road Park | \$150,000 | 279892 |
| Portsmouth Market Square Park | \$150,000 | 279893 |
| Powhatan Point Municipal Park District | \$150,000 | 279894 |
| Restore Rockefeller | \$150,000 | 279895 |
| Richwood Splash Pad | \$150,000 | 279896 |
| Rio Grande Reservoir and Park Improvements | \$150,000 | 279897 |
| Seven Hills Calvin Park Drainage Improvements | \$150,000 | 279898 |
| Unger Park Multi-Use Loop Trail | \$150,000 | 279899 |
| Urban Meadow Park Connector Trail | \$150,000 | 279900 |
| Wellsville Marina Dredging | \$150,000 | 279901 |
| Austintown Township Park Bandshell Replacement | \$140,000 | 279902 |
| West Union SR 41 Shared Use Path Phase II | \$140,000 | 279903 |
| Bellefontaine Blue Jacket Park | \$135,000 | 279904 |
| Alliance Memorial Park | \$250,000 | 279905 |
| Antwerp Holly Kobee Memorial Splash Pad | \$125,000 | 279906 |
| Carey Splash Pad | \$125,000 | 279907 |
| Flight Line: East Dayton Rails-to-Trails | \$125,000 | 279908 |
| Friedt Park | \$125,000 | 279909 |
| Kirtland Community Center | \$125,000 | 279910 |

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| Miami Valley Research Park Bike Path and Pedestrian Bridge | \$125,000 | 279911 |
| Old Murray City School Building Demolition | \$125,000 | 279912 |
| Vermillion Main Street Beach and Harbor Access Project | \$125,000 | 279913 |
| Clepper Park Pickleball Courts | \$122,000 | 279914 |
| Village of Fort Loramie Community Park Improvements | \$122,000 | 279915 |
| North Fork Preserve of Bath | \$120,000 | 279916 |
| Rootstown Community Park and Gracie Field Paving | \$120,000 | 279917 |
| New Knoxville Splash Pad and Shelter House | \$110,000 | 279918 |
| Sally Buffalo Park Stage | \$110,000 | 279919 |
| South Lebanon Veteran's Park Playground | \$110,000 | 279920 |
| Middleburg Heights Memorial Hall Courtyard | \$104,000 | 279921 |
| Akron Zoo Additional Animal Housing Phase II | \$100,000 | 279922 |
| Bay Village Green Improvements | \$100,000 | 279923 |
| Brecksville Field House | \$100,000 | 279924 |
| Cobblestone Park - Medina | \$100,000 | 279925 |
| Fairfield Township Veterans Memorial Project | \$100,000 | 279926 |
| Gahanna Exploration Center | \$100,000 | 279927 |
| Harmony Park | \$100,000 | 279928 |
| Highland Heights Park Connector | \$100,000 | 279929 |
| Holden Arboretum All-Season Trails | \$100,000 | 279930 |
| Kenton Saulisberry Park at France Lake | \$100,000 | 279931 |
| Mansfield Sterkel Park | \$100,000 | 279932 |
| Marion Lincoln Park | \$100,000 | 279933 |
| Mecca Township Recreation Center | \$100,000 | 279934 |
| Montgomery Cultural Arts and Performance Fountain | \$100,000 | 279935 |
| Ottawa Memorial Pool Splash Pad | \$100,000 | 279936 |
| Outdoor Theater and Performing Arts Community Park - Hillsboro | \$100,000 | 279937 |

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| Painesville Kiwanis Recreation Park | \$100,000 | 279938 |
| Pickleball Courts at Patricia Allyn Park | \$100,000 | 279939 |
| Plain City Heritage Trail | \$100,000 | 279940 |
| Plan4Health Perry Township Park Trail | \$100,000 | 279941 |
| Improvement Plan | | |
| Police and Fire Dedication Playground -
Lyndhurst | \$100,000 | 279942 |
| Sheffield Village James Day Park | \$100,000 | 279943 |
| Syracuse Skatepark | \$100,000 | 279944 |
| The Pony Wagon Trail | \$100,000 | 279945 |
| The Wilds Shade and Shelter Improvements | \$100,000 | 279946 |
| Veterans Memorial at Rose Run Park | \$100,000 | 279947 |
| Village of Bellville Historic Bandstand
Renovations | \$100,000 | 279948 |
| Village of Bentleyville Riverview Community
Park | \$100,000 | 279949 |
| Village of Middlefield Parks Upgrades | \$100,000 | 279950 |
| Weatherstone Park - Wadsworth | \$100,000 | 279951 |
| West Alexandria Smith Street Park | \$100,000 | 279952 |
| Wintersville Recreation Complex | \$100,000 | 279953 |
| Acres of Adventure Learning Center | \$90,000 | 279954 |
| Byesville Patriot Park | \$90,000 | 279955 |
| Malta Park Improvements | \$90,000 | 279956 |
| Parma Park Improvements | \$90,000 | 279957 |
| Perrysville Weltmer Park - Playground | \$85,000 | 279958 |
| 4-H Camp Piedmont Upgrades | \$75,000 | 279959 |
| Brook Park Central Park | \$75,000 | 279960 |
| Cuyahoga Heights Willowbrook Connector Trail | \$75,000 | 279961 |
| Fairborn Memorial Park | \$75,000 | 279962 |
| Fairview Park Bain Park | \$75,000 | 279963 |
| Havener Park Improvements | \$75,000 | 279964 |
| Independence Pool Facility Improvements | \$75,000 | 279965 |
| Lancaster Nature Trail at AHA! | \$75,000 | 279966 |

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| Leipsic Buckeye Park | \$75,000 | 279967 |
| Little Miami River Access and Park Development | \$75,000 | 279968 |
| Loveland Heights Playground Improvements | \$75,000 | 279969 |
| Middleport-Pomeroy Walking Path Project Phase
IV | \$75,000 | 279970 |
| Monroe Township Park Playground | \$75,000 | 279971 |
| Mt. Sterling Mason Park | \$75,000 | 279972 |
| New Concord Swimming Pool | \$75,000 | 279973 |
| Outdoor Sports Court Revitalization -
Springdale | \$75,000 | 279974 |
| Sharon Nature Preserve Trails Phase I | \$75,000 | 279975 |
| Wadsworth Safety Town Park | \$75,000 | 279976 |
| Voice of America MetroPark Tylersville Road
Entrance | \$70,000 | 279977 |
| Wilhelmina Park Trail and Shelter Project | \$70,000 | 279978 |
| Ellsworth Hills Learning Lab | \$65,000 | 279979 |
| Roscoe Village Infrastructure Project | \$60,000 | 279980 |
| Buckeye Trail East Fork Wildlife Area | \$57,000 | 279981 |
| Caldwell Walking Track Expansion | \$55,000 | 279982 |
| Reservoir Park Pathway Pedestrian Bridge -
Deshler | \$52,000 | 279983 |
| McCulloughs Run - Newton | \$50,000 | 279984 |
| Bellaire Walking Trail | \$50,000 | 279985 |
| Big Walnut Trail Extension and Park | \$50,000 | 279986 |
| Big Walnut Trail SE Columbus - Eastland Area | \$50,000 | 279987 |
| Brunswick Lake ADA Canoe/Kayak Launch | \$50,000 | 279988 |
| Bryan George Bible Park | \$50,000 | 279989 |
| Buckeye Lake Crystal Lagoon and Public Park | \$50,000 | 279990 |
| Center Ice Foundation | \$50,000 | 279991 |
| Cleveland Botanical Garden Public Accessible
Garden Path | \$50,000 | 279992 |
| Concord Township Park Restroom Facility
Project | \$50,000 | 279993 |

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| Doylestown Memorial Park | \$50,000 | 279994 |
| Drews Track Memorial Pump Track Expansion | \$50,000 | 279995 |
| Glass City Enrichment Center | \$50,000 | 279996 |
| Greenwich Reservoir Park | \$50,000 | 279997 |
| Leila McGuire Jeffrey Park Playground | \$50,000 | 279998 |
| Levitt Pavilion Dayton | \$50,000 | 279999 |
| Madison Village Dana's Park | \$50,000 | 280000 |
| Madison Village Wetland Trail | \$50,000 | 280001 |
| Martins Ferry Recreation Center- Water Splash
Park/Ice Rink | \$50,000 | 280002 |
| Millersport Lions Park | \$50,000 | 280003 |
| Moscow Ohio River Stabilization, Phase II | \$50,000 | 280004 |
| Ohio FFA Camp Muskingum | \$50,000 | 280005 |
| P&G MLB Cincinnati Reds Youth Academy | \$50,000 | 280006 |
| Penney Nature Center Improvement Project | \$50,000 | 280007 |
| Prairie Trail/Stitt Park Improvements | \$50,000 | 280008 |
| Caldwell Race Track Upgrades | \$50,000 | 280009 |
| Richmond Heights Community Park Gazebo | \$50,000 | 280010 |
| Richwood Park Lynn St. Shelterhouse and
Parking | \$50,000 | 280011 |
| Salt Fork State Park | \$50,000 | 280012 |
| Shade Community Center Upgrades | \$50,000 | 280013 |
| Tinker's Creek Trail | \$50,000 | 280014 |
| Village of Bloomdale Reservoir Project | \$50,000 | 280015 |
| Wapakoneta Waterpark | \$50,000 | 280016 |
| Walton Hills Thomas Young Park | \$48,000 | 280017 |
| Byrd Township Community Center | \$45,000 | 280018 |
| Selby Building Revitalization | \$45,000 | 280019 |
| Village of Dunkirk Splash Pad and Storage
Building | \$45,000 | 280020 |
| Burr Oak State Park | \$44,000 | 280021 |
| Veterans Memorial Park Accessibility
Improvements - Liberty Center | \$42,000 | 280022 |

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| Chippewa Falls Rail Trail Parking Lot | \$40,000 | 280023 |
| Chippewa Park Shelter House | \$40,000 | 280024 |
| Gates Mills Community House Improvements | \$40,000 | 280025 |
| Hartinger Park/Diles Park Playground | \$40,000 | 280026 |
| Improvements | | |
| Fifth Street Park Play Structure and Splash Pad | \$30,000 | 280027 |
| Keener Park Sledding Hill | \$30,000 | 280028 |
| Alger Park Upgrades | \$25,000 | 280029 |
| Blue Heron Park Trail Phase II | \$25,000 | 280030 |
| Charlement Reservation Stable | \$25,000 | 280031 |
| Gloria Glens Southwest Park Grading | \$25,000 | 280032 |
| Pickerington Promenade | \$25,000 | 280033 |
| Plymouth Mary Fate Park | \$25,000 | 280034 |
| Blue Heron Park Flood Mitigation | \$20,000 | 280035 |
| Hardin County Veterans Memorial Park | \$20,000 | 280036 |
| Malinta Community Park | \$20,000 | 280037 |
| Zuck Riparian Preserve Trail | \$18,000 | 280038 |
| Perrysville Weltmer Park - Electrical | \$15,000 | 280039 |
| Sardinia Veteran's Community Park | \$15,000 | 280040 |
| Revitalization | | |
| Kokosing Gap Trail | \$14,000 | 280041 |
| Paulding County Park District Floating Pier Addition | \$10,000 | 280042 |
| Buckeye Trail Boesel Easement Bridge | \$2,800 | 280043 |
| Paulding County Park District Boat Launch Improvement | \$2,500 | 280044 |
| Paulding County Park District | \$1,000 | 280045 |
| Paulding County Park District Pier | \$1,000 | 280046 |
| Sec. 237.10. | | 280047 |
| FCC FACILITIES CONSTRUCTION COMMISSION | | 280048 |
| State Fiscal Recovery Fund (Fund 5CV3) | | 280049 |

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| C230GF | ARPA School Security | \$ | 100,000,000 | 280050 |
| TOTAL State Fiscal Recovery Fund | | \$ | 100,000,000 | 280051 |
| Administrative Building Fund (Fund 7026) | | | | 280052 |
| C23016 | Energy Conservation Projects | \$ | 2,000,000 | 280053 |
| C230E5 | State Agency Planning/Assessment | \$ | 2,800,000 | 280054 |
| TOTAL Administrative Building Fund | | \$ | 4,800,000 | 280055 |
| Cultural and Sports Facilities Building Fund (Fund 7030) | | | | 280056 |
| C23024 | OHS - Statewide Site Exhibit Renovation | \$ | 475,000 | 280057 |
| C23025 | OHS - Statewide Site Repairs | \$ | 1,600,000 | 280058 |
| C23028 | OHS - Basic Renovations and Emergency Repairs | \$ | 1,000,000 | 280059 |
| C23032 | OHS - Ohio Historical Center Rehabilitation | \$ | 3,000,000 | 280060 |
| C23033 | OHS - Stowe House State Memorial | \$ | 1,500,000 | 280061 |
| C23034 | OHS - National Afro-American Museum | \$ | 900,000 | 280062 |
| C23057 | OHS - Online Portal to Ohio's Heritage | \$ | 400,000 | 280063 |
| C230C8 | OHS - Serpent Mound | \$ | 750,000 | 280064 |
| C230E6 | OHS - Exhibits Native American Sites | \$ | 250,000 | 280065 |
| C230EN | OHS - Storage Facility Expansion | \$ | 5,000,000 | 280066 |
| C230EO | OHS - Poindexter Village Museum | \$ | 1,000,000 | 280067 |
| C230FM | Cultural and Sports Facilities Projects | \$ | 52,044,000
<u>52,844,000</u> | 280068 |
| C230FS | OHS - Ohio River Museum New Building | \$ | 3,000,000 | 280069 |
| C230FT | OHS - Statewide Site Security System | \$ | 400,000 | 280070 |
| C230FY | OHS - National Road Museum | \$ | 500,000 | 280071 |
| C230GG | OHS - Start Westward Monument | \$ | 500,000 | 280072 |
| C230W7 | OHS - Lundy House Restoration | \$ | 1,250,000 | 280073 |
| C230X1 | OHS - Site Energy Conservation | \$ | 300,000 | 280074 |
| TOTAL Cultural and Sports Facilities Building Fund | | \$ | 73,869,000
<u>74,669,000</u> | 280075 |
| School Building Program Assistance Fund (Fund 7032) | | | | 280076 |
| C23002 | School Building Program Assistance | \$ | 600,000,000 | 280077 |

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| TOTAL School Building Program Assistance Fund | \$ | 600,000,000 | 280078 |
| Capital IT Projects Fund (Fund 7091) | | | 280079 |
| C230GF Data Management Solution | \$ | 3,000,000 | 280080 |
| TOTAL Capital IT Projects Fund | \$ | 3,000,000 | 280081 |
| TOTAL ALL FUNDS | \$ | 781,669,000 | 280082 |
| | | <u>782,469,000</u> | |

ARPA SCHOOL SECURITY 280083

(A) The foregoing appropriation item C230GF, ARPA School Security, shall be used by the Facilities Construction Commission to award grants of up to \$100,000 per school building to eligible public school districts and chartered nonpublic schools. Grants shall be awarded according to guidelines adopted by the Commission after consultation with the Ohio Department of Education and Workforce and the division of Homeland Security of the Department of Public Safety. In awarding grants, the Commission may consider applications submitted by eligible public school districts in response to similar grant programs operated by the Commission that have not been awarded if such applications comply with guidelines adopted under this division. 280084-280095

(B) All grants awarded under division (A) of this section shall comply with requirements of the federal American Rescue Plan Act of 2021, Pub. L. No. 117-2. 280096-280098

(C) As used in division (A) of this section: 280099

(1) "Eligible public school district" means any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code. 280100-280104

(2) "School building" means a classroom facility serving the educational needs of students that has not had construction completed within the prior five years under any of the programs 280105-280107

authorized under Chapter 3318. of the Revised Code and that has 280108
not received grant funding under the School Safety Grant Program 280109
established in S.B. 310 of the 133rd General Assembly and funded 280110
by appropriation item C23020, School Safety Grant Program. 280111

(3) "Chartered nonpublic school" means a school that meets 280112
standards for nonpublic schools prescribed by the State Board of 280113
Education for nonpublic schools pursuant to section 3301.07 of the 280114
Revised Code. 280115

ENERGY CONSERVATION PROJECTS 280116

The foregoing appropriation item C23016, Energy Conservation 280117
Projects, shall be used to perform energy conservation 280118
renovations, including the United States Environmental Protection 280119
Agency's Energy Star Program, in state-owned facilities. Prior to 280120
the release of funds for renovation, state agencies shall have 280121
performed a comprehensive energy audit for each project. The 280122
Facilities Construction Commission shall review and approve 280123
proposals from state agencies to use these funds for energy 280124
conservation. Public school districts and state-supported and 280125
state-assisted institutions of higher education are not eligible 280126
for funding from this item. 280127

STATE AGENCY PLANNING/ASSESSMENT 280128

Capital appropriations in H.B. 687 of the 134th General 280129
Assembly made from appropriation item C230E5, State Agency 280130
Planning/Assessment, shall be used by the Facilities Construction 280131
Commission to provide assistance to any state agency for 280132
assessment, capital planning, and maintenance management. 280133

Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS 280134

The foregoing appropriation item C230FM, Cultural and Sports 280135
Facilities Projects, shall be used to support the projects listed 280136
in this section. 280137

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| Project List | | 280138 |
| Columbus Symphony Orchestra | \$2,000,000 | 280139 |
| Findlay Market Garage | \$2,000,000 | 280140 |
| Toledo Museum of Art | \$1,250,000 | 280141 |
| Cincinnati Museum Center STEM - Biomedical
and Early Childhood Exhibits | \$1,200,000 | 280142 |
| Allen County Memorial Hall Improvements | \$1,000,000 | 280143 |
| Historic Newark Arcade Renovation | \$1,000,000 | 280144 |
| Eric Mendelsohn Park Synagogue Campus
Restoration | \$1,000,000 | 280145 |
| Playhouse Square | \$1,000,000 | 280146 |
| Port Regal Theatre | \$1,000,000 | 280147 |
| Pro Football Hall of Fame | \$1,000,000 | 280148 |
| Rock and Roll Hall of Fame Expansion | \$1,000,000 | 280149 |
| Cleveland Museum of Art Horace Kelley Art
Foundation Lobby Renovation Phase II | \$900,000 | 280150 |
| Cleveland Museum of Natural History | \$900,000 | 280151 |
| <u>Cincinnati Playhouse in the Park</u> | <u>\$800,000</u> | 280152 |
| A.B. Graham Memorial at I-70 and SR 72 | \$750,000 | 280153 |
| American Sign Museum | \$750,000 | 280154 |
| James A. Garfield Memorial Preservation | \$750,000 | 280155 |
| Springfield Art Museum | \$750,000 | 280156 |
| Central Presbyterian Church | \$650,000 | 280157 |
| Emery Theater Restoration | \$650,000 | 280158 |
| Salmon Carter House | \$625,000 | 280159 |
| Athens Hall of Honor Veterans Memorial | \$600,000 | 280160 |
| DeYor Performing Arts Center | \$600,000 | 280161 |
| Fremont Amphitheater Park | \$600,000 | 280162 |
| National Museum of the Great Lakes
Expansion Project | \$600,000 | 280163 |
| OH WOW! The Roger and Gloria Jones
Children's Center for Science and
Technology | \$600,000 | 280164 |

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| Akron Art Museum-Center for Creative Learning | \$500,000 | 280165 |
| Canton Township Palace Theater | \$500,000 | 280166 |
| Champaign Aviation Museum Improvements | \$500,000 | 280167 |
| Crawford Auto-Aviation Museum | \$500,000 | 280168 |
| Day Air Credit Union Ballpark Professional Development License Facility Standard Improvements | \$500,000 | 280169 |
| Dayton Institute of Art | \$500,000 | 280170 |
| Fort Recovery Opera House | \$500,000 | 280171 |
| Friends of the St. Marys Theater and Grand Opera House Downtown Revitalization Project | \$500,000 | 280172 |
| International Soap Box Derby | \$500,000 | 280173 |
| Lyric Theater Renovation | \$500,000 | 280174 |
| Miami Valley Veterans Museum | \$500,000 | 280175 |
| National Aviation Hall of Fame Innovation Laboratory | \$500,000 | 280176 |
| National Voice of America Museum of Broadcasting | \$500,000 | 280177 |
| Ohio Aerospace Institute Building Repair Project | \$500,000 | 280178 |
| Stan Hywet Hall and Garden | \$500,000 | 280179 |
| The Barn at Stratford | \$500,000 | 280180 |
| York Mason Building Renovation | \$500,000 | 280181 |
| Brown-Harris Historic Cemetery Preservation | \$450,000 | 280182 |
| Schuster Center | \$450,000 | 280183 |
| Taft Museum of Art Preservation Phase II | \$450,000 | 280184 |
| Clifton Cultural Arts Center | \$400,000 | 280185 |
| Orange Township Veterans Memorial | \$400,000 | 280186 |
| Columbus Museum of Art | \$350,000 | 280187 |
| Fort Laurens Restoration | \$330,000 | 280188 |
| Cleveland Center for Arts and Technology | \$325,000 | 280189 |
| Vandalia Art Park Amphitheater | \$300,000 | 280190 |

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| Butler Art Museum | \$300,000 | 280191 |
| Champaign County Historical Society-Museum
Additions and Renovation | \$300,000 | 280192 |
| Gloria Theatre and the Urbana Youth Center
Improvements | \$300,000 | 280193 |
| Historic Washington Auditorium Renovation | \$300,000 | 280194 |
| Jackson Amphitheater | \$300,000 | 280195 |
| New Franklin Tudor House | \$300,000 | 280196 |
| Robert (Sonny) Hill Community Center
Expansion and Redevelopment Project | \$300,000 | 280197 |
| Rockwell District Cultural and Arts
Amphitheater - Whitehall | \$300,000 | 280198 |
| Steubenville Grand Theater | \$300,000 | 280199 |
| Veterans Memorial Lake Park | \$300,000 | 280200 |
| Oak Harbor Riverfront | \$275,000 | 280201 |
| City of Orrville Market West Historic Area | \$250,000 | 280202 |
| Cranz Farm at Hale Farm and Village | \$250,000 | 280203 |
| Everts Athletic and Arts Community Center | \$250,000 | 280204 |
| Findlay Market Infrastructure Renovations | \$250,000 | 280205 |
| Holmes Center for the Arts | \$250,000 | 280206 |
| New London Hileman Community Building
Project | \$250,000 | 280207 |
| Piqua Arts - The Bank | \$250,000 | 280208 |
| Rickenbacker Boyhood Home | \$250,000 | 280209 |
| Sandusky State Theatre | \$250,000 | 280210 |
| Toledo School for the Arts Expansion | \$250,000 | 280211 |
| Youngstown Heritage Manor <u>Area Jewish
Federation</u> | \$250,000 | 280212 |
| Preble County Historical Society
Restoration and Nature Reserve | \$240,000 | 280213 |
| Pickaway County Memorial Hall | \$225,000 | 280214 |
| Beck Center | \$200,000 | 280215 |
| Cincinnati Carriage House Renovations | \$200,000 | 280216 |

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| Complete Cozad - Health Hospitality Campus | \$200,000 | 280217 |
| East Liverpool Revitalization Project | \$200,000 | 280218 |
| Grant Sawyer Carriage House | \$200,000 | 280219 |
| Lorain Palace Theatre | \$200,000 | 280220 |
| Marion Heritage Hall | \$200,000 | 280221 |
| Painesville Amphitheater | \$200,000 | 280222 |
| Karamu House Educational Wing Renovations | \$175,000 | 280223 |
| McDowell-Phillips House Museum | \$175,000 | 280224 |
| McKinley Presidential Library Upgrades | \$171,000 | 280225 |
| Grafton Veterans Memorial | \$150,000 | 280226 |
| Historic Ohio State Reformatory Tour Site
Upgrade and Expansion | \$150,000 | 280227 |
| Johnstown Amphitheater | \$150,000 | 280228 |
| Marion Women's Club | \$150,000 | 280229 |
| Necco Center Campus | \$150,000 | 280230 |
| Nuestra Gente Community Center | \$150,000 | 280231 |
| Powell Education Center | \$150,000 | 280232 |
| St. Clairsville Train Depot | \$150,000 | 280233 |
| Tecumseh! Actors Village Improvements | \$150,000 | 280234 |
| Van Wert Area Performing Arts Annex
Workshop | \$150,000 | 280235 |
| Village of Richwood Opera House Restoration | \$150,000 | 280236 |
| Woodsfield Monroe Theatre | \$135,000 | 280237 |
| Pump House Center for the Arts | \$127,000 | 280238 |
| Beach Park Railway Museum | \$125,000 | 280239 |
| Ensemble Theatre of Cincinnati | \$125,000 | 280240 |
| Forever Dads Historic Building Restoration | \$125,000 | 280241 |
| John and Iris Hathaway Education and
Community Center | \$125,000 | 280242 |
| Logan Theater Renovation | \$125,000 | 280243 |
| Anchorage Rehabilitation Phase III | \$100,000 | 280244 |
| Armstrong Air and Space Museum | \$100,000 | 280245 |
| Barker House Stabilization Project | \$100,000 | 280246 |

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| Boonshoft Museum of Discovery | \$100,000 | 280247 |
| Bowling Green Oak Street Theater | \$100,000 | 280248 |
| Chagrin Falls Historical Society | \$100,000 | 280249 |
| Columbus College of Art and Design Youth
and Community Learning Hub | \$100,000 | 280250 |
| Dairy Barn Arts Center | \$100,000 | 280251 |
| Delaware Arts Castle Mason Repairs | \$100,000 | 280252 |
| Downtown Marion Community Culture and
Entertainment Zone | \$100,000 | 280253 |
| Dublin Arts Council - Muirfield Drive
Project | \$100,000 | 280254 |
| Evendale Cultural Arts Center - ADA
Compliance | \$100,000 | 280255 |
| Fayette County Museum | \$100,000 | 280256 |
| Federal Valley Resource Center Improvements | \$100,000 | 280257 |
| Firelands Historical Society Expansion | \$100,000 | 280258 |
| Galion Big Four Depot Renovation | \$100,000 | 280259 |
| Historic Hoover Auditorium Renovation | \$100,000 | 280260 |
| Historic Sidney Theater Phase II | \$100,000 | 280261 |
| Hotel McArthur | \$100,000 | 280262 |
| Jacob Miller Tavern | \$100,000 | 280263 |
| Kol Israel Foundation Holocaust Memorial | \$100,000 | 280264 |
| Lilly Weston House | \$100,000 | 280265 |
| Louis Sullivan Building | \$100,000 | 280266 |
| Macedonia Missionary Baptist Church
Renovation | \$100,000 | 280267 |
| Middletown Entertainment and Sports Venue | \$100,000 | 280268 |
| North Ridgeville Veterans Memorial | \$100,000 | 280269 |
| Port Clinton Arts Garage | \$100,000 | 280270 |
| Portage Riverwalk Arts Infrastructure - Oak
Harbor | \$100,000 | 280271 |
| Ro-Na Theater Entertainment and Performing
Arts Theater | \$100,000 | 280272 |

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| Strand Theatre | \$100,000 | 280273 |
| Swanton Memorial Park Improvements | \$100,000 | 280274 |
| Walnut Hills Creative Campus | \$100,000 | 280275 |
| Wellston Sport Complex | \$100,000 | 280276 |
| Dennison Community Auditorium Accessibility | \$95,000 | 280277 |
| Arts and Education Campus Improvements -
Silverton | \$90,000 | 280278 |
| Georgetown Hall - Adena | \$90,000 | 280279 |
| Sugarcreek Township Veterans Memorial | \$90,000 | 280280 |
| Case Barlow Farm | \$80,000 | 280281 |
| Highland House Museum | \$77,000 | 280282 |
| Boys and Girls Club - HVAC and Roof Repair
- Orrville | \$75,000 | 280283 |
| Danny Thomas Park Amphitheater | \$75,000 | 280284 |
| Hudson Historic Boy Scout Cabin | \$75,000 | 280285 |
| Pleasant Square Community Center | \$75,000 | 280286 |
| Tarlton Community Building | \$75,000 | 280287 |
| Warren County Community Services | \$75,000 | 280288 |
| Massillon Museum Fire Monitoring System | \$68,000 | 280289 |
| Pike Heritage Museum | \$60,000 | 280290 |
| Allen County Museum | \$50,000 | 280291 |
| Willoughby Arts Education and Performing
Arts Center | \$50,000 | 280292 |
| Fairfield County Historical Society Goslin
Room | \$50,000 | 280293 |
| G.A.R. Hall Historic Rehabilitation | \$50,000 | 280294 |
| Gallipolis Railroad Freight Station Museum | \$50,000 | 280295 |
| Grand Army of the Republic Hall | \$50,000 | 280296 |
| Grant Memorial Building, Phase II | \$50,000 | 280297 |
| Grant Presidential Sculpture | \$50,000 | 280298 |
| History Manor Renovation and
Reinterpretation - Wauseon | \$50,000 | 280299 |
| Libbey House | \$50,000 | 280300 |

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| Mansard Building Project | \$50,000 | 280301 |
| Mansfield Art Center Pavilion | \$50,000 | 280302 |
| O.P. Chaney/Historic Mill | \$50,000 | 280303 |
| Oviatt House | \$50,000 | 280304 |
| Railroad Museum Upgrades - Bradford | \$50,000 | 280305 |
| SAM Center Upgrades | \$50,000 | 280306 |
| Spring Hill | \$50,000 | 280307 |
| Trumpet in the Land Outdoor Drama Tower Project | \$50,000 | 280308 |
| Westfield Center Community Center ADA Improvement Project | \$50,000 | 280309 |
| Zanesville Gateway District | \$50,000 | 280310 |
| Zanesville Museum of Art Facility EIFS Repairs and HVAC Replacement | \$50,000 | 280311 |
| Hardin County Armory | \$45,000 | 280312 |
| Genoa One Room School House | \$40,000 | 280313 |
| Victorian House Museum | \$35,000 | 280314 |
| Convoy Opera House Annex Restoration | \$31,000 | 280315 |
| Stuart's Opera House | \$30,000 | 280316 |
| Dayton Contemporary Dance Arts and Cultural Center | \$25,000 | 280317 |
| Ohio Glass Museum | \$25,000 | 280318 |
| Peoples Bank Theatre | \$25,000 | 280319 |
| Poland Historical Society | \$25,000 | 280320 |
| Village of Garrettsville Cemetery | \$25,000 | 280321 |
| Scioto County Heritage Museum Restoration | \$10,000 | 280322 |

Section 610.11. That existing Sections 213.10, 215.10, 280323
215.15, 223.10 (as amended by H.B. 45 of the 134th General 280324
Assembly), 223.15 (as amended by H.B. 23 of the 135th General 280325
Assembly), 237.10 (as amended by H.B. 45 of the 134th General 280326
Assembly), and 237.13 (as amended by H.B. 45 of the 134th General 280327
Assembly) of H.B. 687 of the 134th General Assembly are hereby 280328

repealed. 280329

Section 610.20. That Section 21 of H.B. 790 of the 120th 280330
General Assembly, as amended by Section 11 of H.B. 670 of the 280331
121st General Assembly, and Section 5 of S.B. 202 of the 134th 280332
General Assembly are hereby repealed. 280333

Section 610.30. That Sections 280.12, 285.12, and 287.10 of 280334
H.B. 45 of the 134th General Assembly be amended to read as 280335
follows: 280336

Sec. 280.12. The foregoing appropriation item 042628, Adult 280337
Day Care, shall be used by the Director of Budget and Management 280338
to administer grants to eligible adult day care providers during 280339
~~the current state fiscal year 2023, and the remaining \$4,000,000~~ 280340
~~shall be reappropriated and administered during fiscal year 2023.~~ 280341

Sec. 285.12. ELECTRONIC POLLBOOKS 280342

The foregoing appropriation item 050638, Electronic 280343
Pollbooks, shall be used by the Secretary of State to pay 280344
eighty-five per cent of the calculated allocation cost of 280345
acquiring electronic pollbooks, as defined in section 3506.05 of 280346
the Revised Code, and ancillary equipment, for county boards of 280347
elections in accordance with this section. 280348

An amount equal to the unexpended, unencumbered portion of 280349
the foregoing appropriation item 050638, Electronic Pollbooks, at 280350
the end of fiscal year 2023 is hereby reappropriated to the 280351
Secretary of State for the same purpose in fiscal year 2024. 280352

~~On the effective date of this section~~ the effective date of 280353
this section, or as soon as possible thereafter, the Director of 280354
Budget and Management shall transfer \$7,500,000 cash from the 280355
General Revenue Fund to the Electronic Pollbook Fund (Fund 5ZE0), 280356

which is hereby created in the state treasury. 280357

When required, pursuant to state purchasing requirements and 280358
at the request of the Secretary of State, the Office of 280359
Procurement Services within the Department of Administrative 280360
Services shall initiate a competitive solicitation for the purpose 280361
of identifying and securing contracts with qualified vendors that 280362
can provide electronic pollbooks, as defined in section 3506.05 of 280363
the Revised Code, and ancillary equipment, for the county boards 280364
of elections in accordance with this section. 280365

The Secretary of State shall calculate the portion of 280366
appropriation item 050638, Electronic Pollbooks, to be allocated 280367
to each county board of elections in proportion to the number of 280368
registered voters in each county as recorded in the statewide 280369
voter registration database as of July 1, 2022. The Secretary of 280370
State, in conjunction with the Office of Procurement Services 280371
within the Department of Administrative Services, shall use the 280372
funding allocated to each county board of elections ~~for the~~ 280373
~~purchase of~~ to reimburse them for the cost of acquiring electronic 280374
pollbooks and ancillary equipment as follows: 280375

(A) For electronic pollbooks and ancillary equipment to be 280376
~~purchased~~ acquired from vendors identified through competitive 280377
solicitation by the Office of Procurement Services within the 280378
Department of Administrative Services after ~~the effective date of~~ 280379
~~this section~~ the effective date of this section, upon request by a 280380
county board of elections, the Secretary of State shall provide a 280381
list of the vendors and electronic pollbooks certified in 280382
accordance with section 3506.05 of the Revised Code. The board of 280383
elections shall select electronic pollbooks from this list, ~~and~~ 280384
notify the ~~Office of Procurement Services~~ Secretary of State of 280385
its selection. ~~The Office,~~ and shall ~~purchase~~ acquire the selected 280386
electronic pollbooks and any other necessary equipment ~~on behalf~~ 280387
~~of the board of elections and shall transfer those pollbooks and~~ 280388

~~equipment to the board.~~ The board of elections shall enter into a memorandum of understanding with the applicable board of county commissioners and the ~~Department of Administrative Services~~ Secretary of State concerning those ~~purchases~~ acquisitions. The Secretary of State shall reimburse the board of elections for the lesser amount of either eighty-five per cent of the cost of those purchases acquisitions, or the amount of the allocation as determined by the Secretary of State under this section.

(B) If, prior to ~~the effective date of this section~~ the effective date of this section and after the date of December 31, 2019, a board of elections ~~purchased~~ acquired electronic pollbooks or ancillary equipment and is otherwise in compliance with all applicable directives and statutes, the Secretary of State shall reimburse the board of elections for the lesser amount of either eighty-five per cent of the cost of that purchase acquisition, or the amount of the allocation as determined by the Secretary of State under this section. Reimbursement shall be paid to the county ~~general fund~~ board of elections.

Sec. 287.10. Amounts equal to the unexpended portions of appropriation items under the following recovery and relief funds, at the end of fiscal year 2023 are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2024: Governor's Emergency Education Relief Fund (Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund 5CV3), Local Fiscal Recovery Fund (Fund 5CV4), and the Coronavirus Capital Projects Fund (Fund 5CV5), ~~and the Health and Human Services Fund (Fund 5SA4).~~

Section 610.31. That existing Sections 280.12, 285.12, and 287.10 of H.B. 45 of the 134th General Assembly are hereby repealed.

Section 610.35. That Section 5 of H.B. 554 of the 134th
General Assembly be amended to read as follows:

Sec. 5. (A) This section applies to a community school
described in Section 16 of H.B. 583 of the 134th General Assembly
and to any other community school that is operated by a management
company that operates a community school subject to that section.

(B) Notwithstanding division (H) of section 3314.08 of the
Revised Code, a community school established under Chapter 3314.
of the Revised Code and to which this section applies may report
to the Department of Education the number of students enrolled in
the community school on a full-time equivalent basis for the
2022-2023, 2023-2024, and 2024-2025 school ~~year~~ years using the
lesser of the following:

(1) The maximum full-time equivalency for the portion of the
school year for which the student is enrolled in the school;

(2) The sum of one-sixth of the full-time equivalency based
on attendance for the portion of the school year for which the
student is enrolled in the school and one-sixth the full-time
equivalency based on each credit of instruction earned during the
enrollment period, not to exceed five credits.

(C)(1) The Department of Education shall complete a review of
each community school that reports the full-time equivalency of
students under division (B) of this section in accordance with
division (K) of section 3314.08 of the Revised Code.

(2) If the Department determines a school has been overpaid
based on a review completed under division (C)(1) of this section,
it shall require a repayment of the overpaid funds and may require
the school to establish a plan to improve the reporting of
enrollment.

(D) Notwithstanding any provision to the contrary in the

Revised Code or the Administrative Code, for purposes of reporting 280450
attendance and meeting minimum school year requirements under 280451
sections 3313.48 and 3314.03 of the Revised Code, a community 280452
school to which this section applies may report attendance to the 280453
Department of Education consistent with the attendance policy 280454
approved by the governing authority of the school. 280455

Section 610.36. That existing Section 5 of the H.B. 554 of 280456
the 134th General Assembly is hereby repealed. 280457

Section 610.50. That Sections 207.14, 207.22, and 237.13 (as 280458
amended by H.B. 45 of the 134th General Assembly) of H.B. 597 of 280459
the 134th General Assembly be amended to read as follows: 280460

Sec. 207.14. 280461

LTC JAMES RHODES STATE COLLEGE 280462

Reappropriations

| | | |
|---|-------------|--------|
| Higher Education Improvement Taxable Fund (Fund 7024) | | 280463 |
| C38125 Workforce Based Training and Equipment - | \$226,284 | 280464 |
| Taxable | | |
| TOTAL Higher Education Improvement Taxable Fund | \$226,284 | 280465 |
| Higher Education Improvement Fund (Fund 7034) | | 280466 |
| C38100 Basic Renovations | \$758,498 | 280467 |
| C38116 Center for Health Science Education and | \$128,978 | 280468 |
| Innovation | | |
| C38117 IT Infrastructure | \$976,395 | 280469 |
| C38122 Campus Safety Upgrades | \$103,238 | 280470 |
| C38123 St. Rita's Medical Center | \$500,000 | 280471 |
| C38124 Allen County Airport Communications | \$300,000 | 280472 |
| <u>Facilities Improvements</u> | | |
| C38126 Campus Safety Grant Program | \$161,200 | 280473 |
| TOTAL Higher Education Improvement Fund | \$2,928,309 | 280474 |

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| TOTAL ALL FUNDS | \$3,154,593 | 280475 |
| BASIC RENOVATIONS | | 280476 |
| The amount reappropriated for the foregoing appropriation | | 280477 |
| item C38100, Basic Renovations, is the unencumbered balance as of | | 280478 |
| June 30, 2022, in appropriation item C38100, Basic Renovations, | | 280479 |
| plus \$74,715. Prior to the expenditure of this appropriation, | | 280480 |
| James Rhodes State College shall certify to the Director of Budget | | 280481 |
| and Management canceled encumbrances in the amount of at least | | 280482 |
| \$74,715. | | 280483 |
| Sec. 207.22. | | 280484 |
| NTC NORTHWEST STATE COMMUNITY COLLEGE | | 280485 |
| | Reappropriations | |
| Higher Education Improvement Taxable Fund (Fund 7024) | | 280486 |
| C38211 Workforce Based Training and Equipment - | \$200,366 | 280487 |
| Taxable | | |
| TOTAL Higher Education Improvement Taxable Fund | \$200,366 | 280488 |
| Higher Education Improvement Fund (Fund 7034) | | 280489 |
| C38217 Napoleon Civic Center | \$100,000 | 280490 |
| C38219 Building B Renovations | \$4,706,239 | 280491 |
| C38220 Mercy College Learning Commons and | \$200,000 | 280492 |
| Classroom Expansion | | |
| C38222 Cyber Disaster Recovery Site | \$100,000 | 280493 |
| C38223 Campus Safety Grant Program | \$174,779 | 280494 |
| TOTAL Higher Education Improvement Fund | \$5,281,018 | 280495 |
| | <u>\$5,181,018</u> | |
| TOTAL ALL FUNDS | \$5,481,384 | 280496 |
| | <u>\$5,381,384</u> | |

Sec. 237.13. The amount reappropriated from the foregoing 280497
appropriation item C230FM, Cultural and Sports Facilities 280498
Projects, shall be equal to the amount of all projects specified 280499

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| in this section, unless the amounts are released prior to June 30, | | 280500 |
| 2022, and shall include the unencumbered balance as of June 30, | | 280501 |
| 2022, in appropriation items C23072, Madisonville Arts Center of | | 280502 |
| Hamilton County, and C230BB, Golf Manor Volunteer Park Outdoor | | 280503 |
| Amphitheater. | | 280504 |
| Project List | | 280505 |
| Rock and Roll Hall of Fame and | \$1,750,000 | 280506 |
| Great Lakes Science Center | | |
| Cincinnati Art Museum Master Plan | \$1,400,000 | 280507 |
| Lima Rotary Stage and Park | \$1,250,000 | 280508 |
| Ohio Theatre Restoration | \$1,250,000 | 280509 |
| Cincinnati Ballet Center | \$1,000,000 | 280510 |
| Directing the Future: A New Stage | \$1,000,000 | 280511 |
| for Cincinnati's National Theatre | | |
| Jeep Museum | \$1,000,000 | 280512 |
| Dayton Air Credit Union Ballpark | \$1,000,000 | 280513 |
| Northwood Community Recreation | \$1,000,000 | 280514 |
| Center | | |
| Cleveland Museum of Art | \$750,000 | 280515 |
| Stan Hywet Hall & Gardens | \$750,000 | 280516 |
| World Heritage and Visitor Center | \$730,000 | 280517 |
| Ohio Aviation Hall of Fame | \$550,000 | 280518 |
| Carnes Center | \$500,000 | 280519 |
| BAYarts | \$500,000 | 280520 |
| Columbus Historical Society | \$500,000 | 280521 |
| Engine House #6 | | |
| Flats East Bank Performance Stage | \$500,000 | 280522 |
| Louis Sullivan Building of Newark | \$489,000 | 280523 |
| Restoration and Adaptive Reuse | | |
| Lake Erie Nature and Science | \$450,000 | 280524 |
| Center Wildlife Gardens Education | | |
| Project | | |

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| Ariel Opera House Energy Efficiency and Safety Updates | \$400,000 | 280525 |
| Dublin North Market Bridge Park | \$350,000 | 280526 |
| Stambaugh Auditorium | \$350,000 | 280527 |
| Washington Court House Auditorium | \$325,000 | 280528 |
| Midland Theatre Project | \$324,000 | 280529 |
| Harveysburg First Free Black School | \$322,500 | 280530 |
| Champaign County Historical Museum | \$300,000 | 280531 |
| Barn at Stratford | \$300,000 | 280532 |
| National Museum of the Great Lakes Expansion | \$300,000 | 280533 |
| Willoughby Amphitheater | \$300,000 | 280534 |
| Butler Institute of American Art | \$275,000 | 280535 |
| Springfield Museum of Art Renovation | \$250,000 | 280536 |
| O.P. Chaney/Historic Mill | \$250,000 | 280537 |
| Norwalk Theater Rehabilitation Project | \$250,000 | 280538 |
| Tam O'Shanter Renovations | \$250,000 | 280539 |
| Yoctangee Park Historic Armory | \$250,000 | 280540 |
| Columbus Museum of Art Accessibility Upgrades | \$225,000 | 280541 |
| Evendale Cultural Arts Center ADA Compliance | \$225,000 | 280542 |
| Veterans Memorial Civic and Convention Center | \$200,000 | 280543 |
| Ohio Valley Museum of Discovery | \$200,000 | 280544 |
| Grove City Outdoor Cultural Arts Performance Facility | \$200,000 | 280545 |
| Grove City Historical Society Renovations | \$200,000 | 280546 |

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| South Point Community Center
Update and Modernize | \$200,000 | 280547 |
| Protect Our Bones: Critical
Infrastructure Improvements at
the Boonshoft Museum | \$200,000 | 280548 |
| Warren Community Amphitheater
Renovations | \$200,000 | 280549 |
| Peoples Bank Theatre | \$200,000 | 280550 |
| Buckeye Agricultural Museum and
Education Center | \$194,538 | 280551 |
| Historic Township Hall Relocation
and Restoration | \$180,000 | 280552 |
| Wright Factory Unit - Dayton
African American Museum | \$175,000 | 280553 |
| Transformer Station | \$150,000 | 280554 |
| Karamu House Phase III | \$150,000 | 280555 |
| Defiance Community Auditorium
Renovation Project | \$150,000 | 280556 |
| Invisible Gallery | \$150,000 | 280557 |
| Madison Place Fire House
Renovation | \$150,000 | 280558 |
| Greenfield Historical Society
Restoration Project | \$150,000 | 280559 |
| Clearview Museum | \$150,000 | 280560 |
| Akron Art Museum | \$150,000 | 280561 |
| Baldwin-Buss House Restoration | \$150,000 | 280562 |
| Unionville Tavern Improvements | \$125,000 | 280563 |
| Williams County Fountain City
Amphitheater | \$125,000 | 280564 |
| Lorain County Historical Society | \$112,000 | 280565 |
| Wooster <u>Wurster</u> Amphitheater | \$100,000 | 280566 |
| Maltz Museum of Jewish Heritage
Reimagine Project | \$100,000 | 280567 |

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| North Royalton Memorial Park
Amphitheater | \$100,000 | 280569 |
| The Music Settlement Center for
Innovation, Education, and
Technology | \$100,000 | 280570 |
| Minerva Park Amphitheater
Restoration | \$100,000 | 280571 |
| Rickenbacker Woods Museum | \$100,000 | 280572 |
| Covedale Center - Phase 6
Renovations | \$100,000 | 280573 |
| Steubenville Grand Theater | \$100,000 | 280574 |
| West Liberty Town Hall Opera
House Community Center
Restoration and Renovation | \$100,000 | 280575 |
| Polish Cultural Center | \$100,000 | 280576 |
| Battle of Buffington Island Civil
War Battlefield Museum | \$100,000 | 280577 |
| Meigs County Pioneer and
Historical Society Renovations | \$100,000 | 280578 |
| Twin City Opera House | \$100,000 | 280579 |
| Gant Stadium Renovation | \$100,000 | 280580 |
| Octagon House | \$100,000 | 280581 |
| Circleville Historic City Hall
Improvements | \$100,000 | 280582 |
| Pickaway County Historical
Society Museum | \$100,000 | 280583 |
| Camden Opera House Second Floor
Renovation | \$100,000 | 280584 |
| Southern Ohio War Memorial | \$100,000 | 280585 |
| Levi Scofield Mansion
Transformation | \$100,000 | 280586 |
| El Mercado at La Villa Hispana
Cultural Revitalization | \$100,000 | 280587 |

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| Mayfield Civic Center Theater
Renovation | \$100,000 | 280588 |
| Leesburg Historic B & O Rail
Depot | \$100,000 | 280589 |
| The Funk Music Hall of Fame and
Exhibition Center | \$100,000 | 280590 |
| Jacob Miller's Tavern Renovation | \$100,000 | 280591 |
| Stone Academy <u>Muskingum County
History</u> | \$92,000 | 280592 |
| Morgan History Center Renovation | \$85,000 | 280593 |
| Muirfield Dr. Kinetic Arts
Project | \$75,000 | 280594 |
| Convoy Opera House Facility
Renovation | \$75,000 | 280595 |
| Hune Covered Bridge Relocation | \$75,000 | 280596 |
| Hardin County Historical Society
Improvements | \$64,000 | 280597 |
| Nancy and David Wolf Holocaust
and Humanity Center | \$56,000 | 280598 |
| Soap Box Derby Track Resurfacing
and Sidewalks Additions and
Upgrades | \$50,000 | 280599 |
| Gaslight Theater | \$50,000 | 280600 |
| Mausoleum Repair | \$50,000 | 280601 |
| John S. Knight Convention Center | \$50,000 | 280602 |
| G.A.R. Hall ADA Accessibility | \$50,000 | 280603 |
| Wright Patterson Air Force Base
Holocaust Museum | \$50,000 | 280604 |
| Clark Gable Facility Improvements | \$50,000 | 280605 |
| Darke County Art Trail Initiative | \$40,000 | 280606 |
| Wendel Concert Stage | \$35,000 | 280607 |
| History of Weston, Historical
Offerings | \$30,000 | 280608 |

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| Evendale Cultural Arts Center | \$25,000 | 280609 |
| Heritage Farm Museum Improvement | \$25,000 | 280610 |
| Piketon Liberty Memorial | \$25,000 | 280611 |
| 1872 German Furniture Factory
Project | \$25,000 | 280612 |
| Medina County and Brunswick
Historical Societies
Project/Wadsworth Historical
Society | \$25,000 | 280613 |
| Bucyrus Bicentennial Arch Project | \$25,000 | 280614 |
| Fairborn Military Veterans
Memorial | \$25,000 | 280615 |
| Stained Glass Window Restoration
for the Wapakoneta Museum | \$22,000 | 280616 |
| Shelby House Museum | \$20,000 | 280617 |
| Jackson Center Museum Building
Improvements | \$13,500 | 280618 |
| Leipsic Recreation Center
Improvements | \$7,500 | 280619 |
| Jeromesville Totem Pole | \$3,000 | 280620 |

Section 610.51. That existing Sections 207.14, 207.22, and 280621
237.13 (as amended by H.B. 45 of the 134th General Assembly) of 280622
H.B. 597 of the 134th General Assembly are hereby repealed. 280623

Section 610.60. That Section 5 of H.B. 371 of the 134th 280624
General Assembly is hereby repealed. 280625

Section 610.70. That Section 3 of H.B. 669 of the 133rd 280626
General Assembly, as amended by Section 4 of S.B. 102 of the 134th 280627
General Assembly, is hereby repealed, effective January 1, 2024. 280628

Section 610.80. That Sections 125.10 and 125.11 of H.B. 59 of 280629
the 130th General Assembly (as amended by H.B. 110 of the 134th 280630

General Assembly) be amended to read as follows: 280631

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 280632
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 280633
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 280634
repealed, effective October 16, ~~2023~~ 2025. 280635

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 280636
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 280637
Code are hereby repealed, effective October 1, ~~2023~~ 2025. 280638

Section 610.81. That existing Sections 125.10 and 125.11 of 280639
H.B. 59 of the 130th General Assembly (as amended by H.B. 110 of 280640
the 134th General Assembly) are hereby repealed. 280641

Section 610.100. That Section 5 of H.B. 29 of the 134th 280642
General Assembly is hereby repealed. 280643

Section 610.110. That Section 3.19 of H.B. 95 of the 125th 280644
General Assembly (as amended by H.B. 303 of the 129th General 280645
Assembly) be amended to read as follows: 280646

Sec. 3.19. Section 4723.063 of the Revised Code is hereby 280647
repealed, effective December 31, ~~2023~~ 2033. 280648

Section 610.111. That existing Section 3.19 of H.B. 95 of the 280649
125th General Assembly (as amended by H.B. 303 of the 129th 280650
General Assembly) is hereby repealed. 280651

Section 610.120. That Section 733.61 of H.B. 166 of the 133rd 280652
General Assembly (as amended by H.B. 110 of the 134th General 280653
Assembly) be amended to read as follows: 280654

Sec. 733.61. (A) Notwithstanding section 3319.236 of the Revised Code, for the 2019-2020 school year through the ~~2022-2023~~ 2024-2025 school year only, a school district, community school established under Chapter 3314. of the Revised Code, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code may permit an individual who holds a valid educator license in any of grades ~~seven~~ kindergarten through twelve to teach a computer science course if, prior to teaching the course, the individual completes a professional development program approved by the district superintendent or school principal that provides content knowledge specific to the course the individual will teach. The superintendent or principal shall approve any professional development program endorsed by the organization that creates and administers the national Advanced Placement examinations as appropriate for the course the individual will teach.

(B) Nothing in this section shall permit an individual described in division (A) of this section to teach a computer science course in a school district or school other than the school district or school that employed the individual at the time the individual completed the professional development program required by that division.

(C) Beginning July 1, ~~2023~~ 2025, a school district or public school shall permit an individual to teach a computer science course only in accordance with section 3319.236 of the Revised Code.

(D) Notwithstanding section 3301.012 of the Revised Code, as used in this section, "computer science course" means any course that is reported in the education management information system established under section 3301.0714 of the Revised Code as a computer science course.

Section 610.121. That existing Section 733.61 of H.B. 166 of the 133rd General Assembly (as amended by H.B. 110 of the 134th General Assembly) is hereby repealed.

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Section 610.130. That Sections 207.10 and 207.20 of H.B. 23 of the 135th General Assembly that are scheduled to take effect July 1, 2023, be amended to read as follows:

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Sec. 207.10.

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DEV DEPARTMENT OF DEVELOPMENT

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Dedicated Purpose Fund Group

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| | | | | | |
|----------------------------------|----|-----------------------|----|-----------------------|--------|
| 4W00 195629 Roadwork Development | \$ | 15,200,000 | \$ | 15,200,000 | 280695 |
| | | <u>31,400,000</u> | | <u>25,200,00</u> | |

| | | | | | |
|--|----|-----------------------|----|-----------------------|--------|
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 15,200,000 | \$ | 15,200,000 | 280696 |
| | | <u>31,400,000</u> | | <u>25,200,00</u> | |

| | | | | | |
|------------------------------|----|-----------------------|----|-----------------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 15,200,000 | \$ | 15,200,000 | 280697 |
| | | <u>31,400,000</u> | | <u>25,200,00</u> | |

Sec. 207.20. ROADWORK DEVELOPMENT

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The foregoing appropriation item 195629, Roadwork Development, shall be used for road improvements associated with economic development opportunities that will retain or attract businesses for Ohio, including the construction, reconstruction, maintenance, or repair of public roads that provide access to a public airport or are located within a public airport. "Road improvements" are improvements to public roadway facilities located on, or serving or capable of serving, a project site, and include the construction, reconstruction, maintenance or repair of public roads that provide access to a public airport or are located within a public airport. The appropriation item may be used in conjunction with any other state funds appropriated for infrastructure improvements.

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The Director of Budget and Management, pursuant to a plan 280713
submitted by the Director of Development or as otherwise 280714
determined by the Director of Budget and Management, shall set a 280715
cash transfer schedule to meet the cash needs of the Roadwork 280716
Development Fund (Fund 4W00) used by the Department of 280717
Development, less any other available cash. The Director of Budget 280718
and Management shall transfer such cash amounts from the Highway 280719
Operating Fund (Fund 7002) to Fund 4W00 at such times as 280720
determined by the transfer schedule. 280721

The Director of Transportation, under the direction of the 280722
Director of Development, shall provide these funds in accordance 280723
with all guidelines and requirements established for other 280724
Department of Development programs, including Controlling Board 280725
review and approval, as well as the requirements for usage of 280726
motor vehicle fuel tax revenue prescribed in Section 5a of Article 280727
XII, Ohio Constitution. Should the Department of Development 280728
require the assistance of the Department of Transportation to 280729
bring a project to completion, the Department of Transportation 280730
shall use its authority under Title 55 of the Revised Code to 280731
provide such assistance and may enter into contracts on behalf of 280732
the Department of Development. 280733

Of the foregoing appropriation item 195629, Roadwork 280734
Development, \$10,000,000 in each fiscal year shall be used to 280735
support local roads impacted by the Intel economic development 280736
project. 280737

Of the foregoing appropriation item 195629, Roadwork 280738
Development, \$6,200,000 in fiscal year 2024 shall be allocated to 280739
the Fayette County Engineer for road improvement projects. 280740

Section 610.131. That existing Sections 207.10 and 207.20 of 280741
H.B. 23 of the 135th General Assembly that are scheduled to take 280742
effect July 1, 2023, is hereby repealed. 280743

Section 700.10. Section 5.2320 of the Revised Code shall be known as Brenna's Law.

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Section 701.40. When calculating the state appropriation limitation for fiscal year 2028, the Governor shall determine the limitation taking into account the amendments to sections 107.032 to 107.035 and 131.56 to 131.58 of the Revised Code contained in Section 101.01 of this act.

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Section 701.50. To satisfy the annual report requirement under section 117.463 of the Revised Code as amended by this act, for calendar year 2024, the Auditor of State shall submit the report not later than November 1, 2024.

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Section 701.60. (A) As used in division (B) of this section:

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"Grantee" means a municipal corporation or nonprofit organization that has entered into a grant agreement with the Ohio Public Works Commission prior to the effective date of this section to acquire land or rights in land in accordance with sections 164.20 to 164.27 of the Revised Code for open space acquisition or for the protection and enhancement of riparian corridors or watersheds.

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"Land" means land that is located in a county that meets either of the following criteria:

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(1) According to the most recent federal decennial census, has a population between 38,300 and 38,500;

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(2) According to the most recent federal decennial census, has a population between 66,000 and 66,700.

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(B) Notwithstanding sections 164.20 to 164.27 of the Revised Code and any rules or policies adopted under those sections, the Ohio Public Works Commission shall amend any agreement with a

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grantee under which the Commission issued a Clean Ohio Conservation Fund grant to acquire land or rights in land, and shall amend any related deed, to specify all of the following:

(1) That any use restriction on the land concerning the grant agreement applies only to the surface of the land;

(2) That any such use restriction does not apply to the mineral rights under the land surface;

(3) That the grantee may sell, assign, transfer, lease, exchange, convey, or otherwise encumber such mineral rights;

(4) That the holder of those mineral rights may extract the resources subject to those rights in accordance with applicable law.

(C) Division (B) of this section applies only if the grantee agrees to such an amendment of the grant agreement and deed.

(D) Nothing in this section prohibits the Commission from pursuing remedies specified in deed restrictions or exercising the Commission's legal right to pursue liquidated damages as authorized under division (A) of section 164.26 of the Revised Code.

(E) A grantee is liable for the payment of liquidated damages resulting from a violation of a deed restriction that occurred prior to the amendment of that deed restriction in accordance with this section. All of the following apply to liquidated damages so paid by the grantee:

(1) The Commission shall deposit the liquidated damages in the Clean Ohio Conservation Fund created in section 164.27 of the Revised Code.

(2) The Commission shall return the liquidated damages to the natural resources assistance council that approved the original grant received by the grantee, except that the amount returned

shall not exceed the total of the grant received by the grantee. 280802

(3) The Commission shall distribute liquidated damages that 280803
exceed the grant amount received by the grantee in accordance with 280804
division (B) of section 164.27 of the Revised Code. 280805

(4) All liquidated damages shall be used in accordance with 280806
section 164.22 of the Revised Code. 280807

Section 701.70. The Office of Budget and Management, with the 280808
assistance of the Department of Administrative Services, shall 280809
establish and coordinate a statewide assessment of financial fraud 280810
and financial crimes on state programs under the jurisdiction of, 280811
but not limited to, the Department of Taxation, the Bureau of 280812
Workers' Compensation, and the Department of Job and Family 280813
Services. 280814

The Office of Budget and Management shall establish and 280815
coordinate an effort to implement a statewide, multi-agency 280816
initiative to identify and recover state funds from private sector 280817
banking institutions and digital payment networks that hold funds 280818
associated with fraudulent disbursements. 280819

Additionally, the Office of Budget and Management shall 280820
coordinate an effort to prevent state funds from being dispersed 280821
fraudulently by utilizing banking institution financial crime data 280822
with the state agency fraud analytics. 280823

Not later than June 30, 2024, the Office of Budget and 280824
Management and other state agencies as determined by the Office of 280825
Budget and Management shall submit a financial report to the 280826
Governor, the President of the Senate, and the Speaker of the 280827
House of Representatives demonstrating the prevention and recovery 280828
of funds associated with fraudulent disbursements from state 280829
agencies under the jurisdiction of the state. 280830

Section 701.80. The purpose of this section is to establish a 280831

schedule of appointments to fill vacancies on the Ohio Public Works Commission. A person who is a member of the commission before the effective date of this section may complete the term to which the person was appointed. Not later than thirty days after the effective date of this section, the President of the Senate shall appoint one member to a term of four years, and the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate each shall appoint one member to an initial term of two years.

All subsequent appointments to the Commission, including those for the three positions on the Commission whose terms expire on December 31, 2023, shall be for terms of four years in accordance with section 164.02 of the Revised Code, as amended by this act. All terms commence from the date of appointment.

Section 701.90. (A) As used in this section, "state employee" means a full-time employee paid by warrant of the Director of Budget and Management and includes employees of the Secretary of State, Auditor of State, Treasurer of State, or Attorney General. "State employee" does not include an employee of a court or judicial agency or a full-time employee of the Department of Education and Workforce who is subject to Section 265.505 of this act.

(B) During the period from October 1, 2023, through June 30, 2025, no state employee shall work from the employee's place of residence for more than eight hours per forty hour workweek. A state employer may allow a state employee to work from the employee's place of residence for any hours worked over forty hours in a workweek.

(C) Nothing in this section precludes a state employee from being permitted to work from the employee's place of residence for

more than eight hours per forty hour workweek as a reasonable 280862
accommodation under Title I of the "Americans with Disabilities 280863
Act of 1990," 42 U.S.C. 12111, et seq., or Chapter 4112. of the 280864
Revised Code. 280865

Section 701.100. (A) The Auditor of State may conduct an 280866
audit of the Department of Job and Family Services and any program 280867
administered by the Department. An audit conducted under this 280868
section is independent of the audit required pursuant to "The 280869
Single Audit Act of 1984," 31 U.S.C. 7501 et seq. 280870

(B) Pursuant to section 117.13 of the Revised Code, the 280871
Auditor of State may charge the Department of Job and Family 280872
Services for the total cost of an audit conducted under this 280873
section. 280874

(C) If an audit is conducted under this section, the Auditor 280875
of State shall determine the subject and scope of the audit, which 280876
may include any of the following: 280877

(1) The management and operation of the Department; 280878

(2) The economy, efficiency, and transparency of Department 280879
programs; 280880

(3) The goals, outcomes, or impacts of Department programs; 280881

(4) The systems and processes used by the Department to 280882
determine program eligibility for recipients and providers; 280883

(5) The integrity of the programs administered by the 280884
Department, including payment accuracy; 280885

(6) The contract management and subrecipient monitoring 280886
practices of the Department. 280887

Section 701.110. (A)(1) The Auditor of State shall conduct 280888
audits of the Department of Medicaid and the programs that the 280889
Department administers. An audit conducted under this section is 280890

independent of the audit required pursuant to "The Single Audit Act of 1984," 31 U.S.C. 7501 et seq. 280891
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(2) Pursuant to section 117.13 of the Revised Code, the Auditor of State may charge the Department of Medicaid for the total cost of an audit conducted under this section. 280893
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(B) The Auditor of State shall determine the subject and scope of audits conducted under this section, which may include any of the following: 280896
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(1) The management and operation of the Department of Medicaid; 280899
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(2) The economy, efficiency, and transparency of programs administered by the Department; 280901
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(3) The goals, outcomes, or impacts of programs administered by the Department; 280903
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(4) The systems and processes used by the Department to determine eligibility of program recipients and providers; 280905
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(5) The integrity of the programs administered by the Department, including payment accuracy; 280907
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(6) The contract management and subrecipient monitoring practices of the Department. 280909
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(C) The Auditor of State shall periodically report the results of audits conducted under this section to the Joint Medicaid Oversight Committee. 280911
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Section 701.120. (A) As used in this section: 280914

(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code. 280915
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(2) "Trooper" means an individual appointed as a State Highway Patrol Trooper under section 5503.01 of the Revised Code. 280917
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(B)(1) The Joint Law Enforcement Training Center Study Commission is created. The Commission shall consist of the following three members: (a) The Director of Public Safety or a designee of the Director who has experience in law enforcement funding issues; (b) One member of the House of Representatives appointed by the Speaker of the House of Representatives; (c) One member of the Senate appointed by the President of the Senate.

(2) The Speaker of the House of Representatives and President of the Senate shall make their initial appointments to the Joint Law Enforcement Training Center Study Commission not later than thirty days after the effective date of this section.

(3) If an appointed member of the Joint Law Enforcement Training Center Study Commission ceases to hold the position that led to the member's appointment, the member is disqualified and a vacancy occurs. Vacancies of appointed members shall be filled in the same manner as original appointments.

(4) The Joint Law Enforcement Training Center Study Commission shall hold its first meeting not later than ninety days after the effective date of this section, regardless of whether all members have been appointed under division (B)(2) of this section. At its first meeting, the Commission shall select a chairperson. The Commission shall adopt procedures to govern its proceedings and shall meet as necessary at the call of the chairperson. A majority of Commission members constitutes a quorum. Formal recommendations shall be made by a vote of a majority of the quorum present. Commission meetings shall be open to the public under section 121.22 of the Revised Code. The Commission shall keep minutes of its meetings as public records under section 149.43 of the Revised Code.

(5) Members of the Joint Law Enforcement Training Center Study Commission shall serve without compensation.

(6) The Joint Law Enforcement Training Center Study 280950
Commission shall study the cost to establish a Joint Law 280951
Enforcement Training Center for Ohio as the only place for law 280952
enforcement officers to receive the training for peace officers 280953
and troopers that is required under section 109.803 of the Revised 280954
Code. Upon completion of the study, the Commission shall prepare a 280955
report of its findings and recommendations for establishing the 280956
Joint Law Enforcement Training Center for Ohio. Not later than 280957
July 1, 2024, the Commission shall submit the report to the 280958
Governor, the General Assembly, the Attorney General, and the 280959
Legislative Service Commission. Upon submission of the report, the 280960
Commission ceases to exist. 280961

Section 701.130. (A) All cases that are pending in the Tenth 280962
District Court of Appeals on the effective date of this section 280963
and that were appropriately filed in that court shall be 280964
adjudicated by the Tenth District Court of Appeals. All cases 280965
that, prior to the effective date of this section, would have been 280966
solely within the jurisdiction on appeal of the Tenth District 280967
Court of Appeals, and that on the effective date of this section 280968
are pending in a common pleas court that is an appropriate venue 280969
and are not pending in the Tenth District Court of Appeals, shall 280970
be adjudicated by that court of common pleas and shall remain 280971
solely within the jurisdiction on appeal of the Tenth District 280972
Court of Appeals, on and after the effective date of this section. 280973

(B) If, on or after the effective date of this section, a 280974
court of appeals other than the Tenth District Court of Appeals or 280975
a court of common pleas within the territory of a court of appeals 280976
other than the Tenth District Court of Appeals is considering any 280977
matter that, prior to the effective date of this section, would 280978
have been solely within the jurisdiction on appeal of the Tenth 280979
District Court of Appeals, all of the following apply: 280980

(1) The court of appeals or court of common pleas considering the matter may consider judicial decisions of the Franklin County Court of Common Pleas and the Tenth District Court of Appeals that were decided prior to the effective date of this section in deciding the matter.

(2) The judicial decisions of the Franklin County Court of Common Pleas and the Tenth District Court of Appeals that were decided prior to the effective date of this section are not binding on the court of appeals or court of common pleas considering the matter.

(3) The court of appeals or court of common pleas considering the matter is not required to issue any findings of fact explaining why the court, in deciding the matter, did not consider or follow any precedent on the matter set forth in any judicial decision of the Franklin County Court of Common Pleas or the Tenth District Court of Appeals.

Section 701.140. Notwithstanding any contrary provisions of sections 122.21 and 122.25 of the Revised Code, as amended by this act, the Director of Development shall, within thirty days after the effective date of this section, designate the entities that constitute the eligible areas of this state for the purposes of the urban and rural initiative grant program created under section 122.20 of the Revised Code and the rural industrial park loan program under section 122.24 of the Revised Code, based on the distressed area criteria prescribed by sections 122.16, 122.173, 122.19, and 122.23 of the Revised Code, as amended by this act. The Director shall publish those designations on the Department of Development's website. The designations shall apply with respect to applications submitted under those programs after the date of such publication and before the Director is next required to designate eligible areas of the state under sections 122.21 and

122.25 of the Revised Code, as amended by this act. 281012

Section 733.20. The enactment of section 3313.7117 of the 281013
Revised Code and related changes shall be known as "Sarah's Law 281014
for Seizure Safe Schools." 281015

Section 733.40. (A) The Department of Education and Workforce 281016
shall conduct a study of schools that serve sizable populations of 281017
vulnerable students and demonstrate high academic performance. For 281018
purposes of the study, vulnerable students may include students 281019
who are economically disadvantaged, English learners, students 281020
with disabilities, highly mobile students, or students who are 281021
otherwise considered vulnerable by the Department. The Department, 281022
to the extent possible, shall include in the study schools 281023
representing different typologies, regions of the state, and grade 281024
levels. 281025

The Department shall contract with another party to conduct 281026
the study. 281027

(B) Based on the results of the study, the Department shall 281028
develop a guide with information on best practices and shall share 281029
the guide with school districts. 281030

Section 733.50. COMPETENCY-BASED DIPLOMA PILOT PROGRAM 281031

The Department of Education and Workforce shall implement a 281032
competency-based diploma pilot program for individuals who are at 281033
least eighteen years old, but under twenty-two years old, that is 281034
aligned with the rules and standards adopted under sections 281035
3314.38, 3317.23, 3317.231, 3317.24, and 3345.86 of the Revised 281036
Code. The pilot program shall operate in fiscal years 2024 and 281037
2025. Not later than July 30, 2025, the Department shall issue a 281038
report regarding the pilot program. The Department shall post the 281039
report on its publicly available web site. 281040

Section 733.60. The amendment, enactment, repeal, or repeal 281041
and reenactment of sections 1715.551, 3333.045, 3335.02, 3337.01, 281042
3339.01, 3341.02, 3343.02, 3344.01, 3345.029, 3345.0216, 281043
3345.0217, 3345.0218, 3345.382, 3345.45, 3345.451, 3345.452, 281044
3345.453, 3345.454, 3345.455, 3345.591, 3345.80, 3345.87, 3350.10, 281045
3352.01, 3356.01, 3359.01, 3361.01, 3362.01, 3364.01, 4117.14, 281046
4117.15, and 5813.06 of the Revised Code in Section 101.01 of this 281047
act shall be known as The Ohio Higher Education Enhancement Act. 281048

Section 733.70. THREE-YEAR BACHELOR'S DEGREE STUDY 281049

The Department of Higher Education shall conduct a 281050
feasibility study about implementing bachelors degree programs 281051
that require three years to complete in this state. The study 281052
shall investigate a variety of fields of study and determine the 281053
feasibility of reducing specific course requirements, quantity of 281054
electives, and total credit hours required for graduation. 281055
However, the study shall not include the use of College Credit 281056
Plus or any other current programs used to accelerate degree 281057
programs. Finally, the study shall present and evaluate potential 281058
issues related to accreditation. 281059

Not later than one year after the effective date of this 281060
section, the Department shall submit to the General Assembly, in 281061
accordance with section 101.68 of the Revised Code, a report about 281062
the study's findings. 281063

Section 733.80. (A) This section applies only to a state 281064
institution of higher education located in a county with a 281065
population between 165,000 and 175,000 as of the 2020 federal 281066
decennial census. 281067

(B) Notwithstanding section 123.17 of the Revised Code, a 281068
developer desiring to lease land that is held in trust by the 281069
board of trustees of a university described in division (A) of 281070

this section, as an alternative to the process described in 281071
section 123.17 of the Revised Code, may first prepare and submit 281072
the plans for development to the board of trustees. The board of 281073
trustees may then lease the land to the developer if the board 281074
finds that the following conditions are satisfied: 281075

(1) The best interests of the university will be promoted by 281076
entering into a lease with the developer. 281077

(2) The development plans are satisfactory. 281078

(3) The developer has established the developer's financial 281079
responsibility and satisfactory plans for financing the 281080
development. 281081

(4) The lease has commercially reasonable terms favorable to 281082
the university. 281083

(5) The land to be leased is not required for the use of the 281084
university for the term of the lease. 281085

If the board of trustees desires that the land be leased by 281086
the department of administrative services under section 123.17 of 281087
the Revised Code, the board of trustees shall notify the developer 281088
in writing and direct the developer to submit the plans for 281089
development to the department of administrative services. 281090

Section 733.90. (A) Not later than November 15, 2023, the 281091
Department of Education and Workforce shall issue a request for 281092
proposals to select a third-party organization to assist in the 281093
development of the evaluation framework to be used to determine 281094
the performance of sponsors of community schools established under 281095
Chapter 3314. of the Revised Code. The Department shall 281096
collaborate with community school stakeholders to develop the 281097
request for proposals. The Department shall select the 281098
organization responsible for developing the new evaluation 281099
framework not later than January 1, 2024. 281100

(B) The organization selected shall have experience assessing the performance of community school sponsors in multiple states, familiarity with national quality standards for sponsors, and demonstrated knowledge regarding the work done by sponsors.

(C) The organization selected shall collaborate with community school stakeholders in developing a portfolio-based sponsor evaluation framework, which shall do at least all of the following:

(1) Provide meaningful differentiation of performance by community school sponsors through different overall ratings or performance levels;

(2) Include specific performance indicators, metrics, and performance standards;

(3) Specify the frequency with which sponsors should be assessed;

(4) Include recommendations for incentives for high-performing sponsors and consequences for consistently underperforming sponsors.

(D) The selected organization shall submit the proposed portfolio-based sponsor evaluation framework to the General Assembly, in accordance with section 101.68 of the Revised Code, not later than June 30, 2024.

(E) Notwithstanding anything to the contrary in section 3314.016 of the Revised Code, both of the following apply:

(1) The Department shall post the evaluation system for the 2023-2024 school year on its web site not later than October 1, 2023.

(2) The Department shall evaluate a sponsor for the 2024-2025 school year only if the sponsor received an overall rating of "ineffective" on the sponsor's most recent evaluation or the

sponsor is a new sponsor that has not been evaluated previously; 281131
however, any other sponsor may choose to be evaluated for that 281132
school year. 281133

Section 735.10. Sections 3503.13, 3503.15, and 3505.31 of the 281134
Revised Code, as amended by this act, and sections 111.11, 281135
3503.151, 3503.152, and 3503.153 of the Revised Code, as enacted 281136
by this act, shall be known as the Data Analysis Transparency 281137
Archive (DATA) Act. 281138

Section 737.10. (A) Not later than thirty days after the 281139
effective date of this section, the State Lottery Commission shall 281140
publish all of its operating procedures adopted under section 281141
3770.03 of the Revised Code, as amended by this act, on the 281142
Commission's official web site. 281143

(B) Notwithstanding division (A)(5) of section 3770.03 of the 281144
Revised Code, as amended by this act, the State Lottery Commission 281145
may eliminate any rule of the Commission that it replaces with an 281146
operating procedure on or before the date that is thirty days 281147
after the effective date of this section, without rescinding the 281148
rule in accordance with section 111.15 or Chapter 119. of the 281149
Revised Code, as applicable. The State Lottery Commission shall 281150
notify the Director of the Legislative Service Commission of any 281151
such eliminated rule, and the Director of the Legislative Service 281152
Commission shall remove the rule from the Ohio Administrative 281153
Code. 281154

Section 737.40. A person who is a member of the Dentist Loan 281155
Repayment Advisory Board before the effective date of this section 281156
may complete the term to which the person was appointed. Under 281157
section 3702.92 of the Revised Code, as amended by this act, all 281158
terms for members who are appointed to the Board after the 281159
effective date of that amendment shall be for two years commencing 281160

on the twenty-eighth day of February of the year of appointment, 281161
or a later date in that year, and expiring on the twenty-seventh 281162
day of February of the second year after appointment. Legislative 281163
members shall be appointed to the Board for terms coinciding with 281164
the duration of the General Assembly during which the member is 281165
appointed. 281166

Section 741.20. A member of the Historical Boilers Licensing 281167
Board serving on the effective date of this section, who was 281168
appointed by the President of the Senate or the Speaker of the 281169
House of Representatives under section 4104.33 of the Revised Code 281170
before that section was amended by this act, may complete the term 281171
to which the member was appointed. The Governor shall make the 281172
necessary appointments to the Board upon the expiration of a 281173
member's term, and vacancies shall be filled by the Director of 281174
Commerce, as prescribed under section 4104.33 of the Revised Code 281175
as amended by this act. 281176

Section 747.10. Individuals, who are members of the 281177
Architects Board before the effective date of section 4703.01 of 281178
the Revised Code as amended in this act, may continue to hold that 281179
office until the expiration of the terms to which they were 281180
appointed, unless removed in accordance with that section. Upon 281181
the next vacancy on the Architects Board, the Governor shall 281182
appoint an individual who is a member of the general public, and 281183
who is not an architect, to the Architects Board. 281184

Section 747.30. In rescinding rules related to the repeal of 281185
section 4729.553 of the Revised Code, the State Board of Pharmacy 281186
is not subject to review by the Common Sense Initiative Office and 281187
the Board is not required to transmit a business impact analysis 281188
to the Office. 281189

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| Section 749.10. (A) As used in this section: | 281190 |
| (1) "Wayside detector system" means an electronic device or a series of connected devices that scan passing trains, rolling stock, on-track equipment, and their component equipment and parts for defects. | 281191
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281193
281194 |
| (2) "Defects" include hot wheel bearings, hot wheels, defective bearings that are detected through acoustics, dragging equipment, excessive height or weight, shifted loads, low hoses, rail temperature, and wheel condition. | 281195
281196
281197
281198 |
| (B) There is established the Ohio Wayside Detector System Expansion Program. The Ohio Rail Development Commission shall administer the Program. Under the Program, any railroad company that does business in this state may apply for competitive grant funding for wayside detector system projects. All grant funding shall be spent in accordance with division (C) of this section. | 281199
281200
281201
281202
281203
281204 |
| (C) Any railroad company awarded grant funding under this section shall use the grant funding for wayside detector system projects. Such projects may include any of the following related to wayside detector systems: | 281205
281206
281207
281208 |
| (1) Installation; | 281209 |
| (2) Equipment purchases and upgrades; | 281210 |
| (3) Improvements to a system's power sources; | 281211 |
| (4) Training of employees regarding the system's proper use and maintenance. | 281212
281213 |
| (D) A railroad company that receives a grant for a project is responsible for the following percentage of the costs of the project funded by the grant, with the remaining percentage of such costs paid for with the money provided through the grant: | 281214
281215
281216
281217 |
| (1) If the railroad company is a Class I, as defined by the | 281218 |

federal Surface Transportation Board, seventy-five per cent; 281219

(2) If the railroad company is a Class II, as defined by the 281220
federal Surface Transportation Board, fifty per cent; 281221

(3) If the railroad company is a Class III, as defined by the 281222
federal Surface Transportation Board, twenty-five per cent. 281223

(E) The Commission shall establish grant application 281224
procedures and requirements, procedures for the evaluation of 281225
applications, award processes, any conditions for the expenditure 281226
of grant funding awarded under the Program, and any other 281227
procedures and requirements necessary to administer this section. 281228

Section 751.10. REDESIGNATION OF STATE P&A SYSTEM 281229

The General Assembly hereby requests the Governor to 281230
redesignate the entity serving as the state protection and 281231
advocacy system and client assistance program in accordance with 281232
Section 143 of the "Developmental Disabilities Assistance and Bill 281233
of Rights Act of 2000," 42 U.S.C. 15043. 281234

Section 751.20. HCBS DIRECT CARE WORKER WAGES 281235

The Department of Medicaid, jointly with the Department of 281236
Aging and the Department of Developmental Disabilities, shall 281237
compile a report of the wages paid to direct care workers 281238
providing direct care services under the Medicaid home and 281239
community-based waiver components administered by those agencies. 281240
The report shall be divided by service type and shall show the 281241
wages paid by each agency during the previous fiscal year. 281242
Annually, not later than the first of July of each year, the 281243
Department of Medicaid shall submit the report to the General 281244
Assembly, in accordance with section 101.68 of the Revised Code, 281245
the Governor, and the Joint Medicaid Oversight Committee. 281246

Section 751.21. HCBS DIRECT CARE WORKER WAGES TASK FORCE 281247

| | |
|--|--------------------------------------|
| (A) The HCBS Direct Care Worker Wages Task Force is created. | 281248 |
| (1) The task force shall do all of the following: | 281249 |
| (a) Analyze and evaluate the cost of providing home and community-based services under the Medicaid home and community-based services waivers; | 281250
281251
281252 |
| (b) Evaluate and review home and community-based services direct care worker wages in other states; | 281253
281254 |
| (c) Identify regulatory burdens to Medicaid home and community-based services providers and provide a cost estimate of those burdens; | 281255
281256
281257 |
| (d) Analyze and evaluate existing Medicaid home and community-based services and identify strategies to expand access to those services and reduce the costs of those services; | 281258
281259
281260 |
| (e) Analyze and evaluate options to ensure Medicaid home and community-based service reimbursement rates and wages are reviewed regularly and adjusted appropriately to reflect the cost of providing those services; | 281261
281262
281263
281264 |
| (f) Make recommendations on any changes needed to reduce the regulatory burdens on Medicaid home and community-based services providers. | 281265
281266
281267 |
| (2) Not later than June 30, 2025, submit a report of its findings under division (A)(1) of this section to the General Assembly, in accordance with section 101.68 of the Revised Code, and to the Joint Medicaid Oversight Committee. | 281268
281269
281270
281271 |
| (B) The task force shall consist of the following members appointed by the Senate President, in consultation with the Speaker of the House of Representatives: | 281272
281273
281274 |
| (1) A representative from the Coalition of Age-Friendly Communities of Ohio; | 281275
281276 |
| (2) A representative from LeadingAge Ohio; | 281277 |

| | |
|---|--|
| (3) A representative from the Ohio Adult Day HealthCare Association; | 281278
281279 |
| (4) A representative from the Ohio Alzheimer's Association; | 281280 |
| (5) A representative from the Ohio Assisted Living Association; | 281281
281282 |
| (6) A representative from the Ohio Association of Area Agencies on Aging; | 281283
281284 |
| (7) A representative from the Ohio Association of Senior Centers; | 281285
281286 |
| (8) A representative from the Ohio Coalition for Adult Protective Services; | 281287
281288 |
| (9) A representative from the Ohio Council for Home Care & Hospice; | 281289
281290 |
| (10) A representative from the Ohio Health Care Association; | 281291 |
| (11) A representative from the Ohio Provider Resource Association. | 281292
281293 |
| (C) Members shall be appointed to the task force not later than sixty days after the effective date of this section. Any vacancy in the membership shall be filled in the same manner as the original appointments. Members shall serve without compensation. | 281294
281295
281296
281297
281298 |
| (D) The task force shall hold its initial meeting not later than thirty days after the last member is appointed. At that meeting, the task force shall elect a chairperson. All subsequent meetings shall be held at the call of the chairperson. | 281299
281300
281301
281302 |
| (E) Department of Medicaid staff shall provide technical and administrative support as needed by the task force. | 281303
281304 |
| (F) Upon submitting the reports required under division (A)(2) of this section and Section 751.20 of this act, the task | 281305
281306 |

force ceases to exist. 281307

Section 753.10. The amendment or enactment by this act of 281308
sections 2105.16 and 5301.256 of the Revised Code shall be known 281309
as the Save our Farmland and Protect our National Security Act. 281310

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 281311

There is hereby established in the Highway Operating Fund 281312
(Fund 7002), used by the Department of Transportation, a Diesel 281313
Emissions Reduction Grant Program. The Director of Environmental 281314
Protection shall administer the program and shall solicit, 281315
evaluate, score, and select projects submitted by public and 281316
private entities that are eligible for the federal Congestion 281317
Mitigation and Air Quality (CMAQ) Program. The Director of 281318
Transportation shall process Federal Highway 281319
Administration-approved projects as recommended by the Director of 281320
Environmental Protection. 281321

In addition to the allowable expenditures set forth in 281322
section 122.861 of the Revised Code, Diesel Emissions Reduction 281323
Grant Program funds also may be used to fund projects involving 281324
the purchase or use of hybrid and alternative fuel vehicles that 281325
are allowed under guidance developed by the Federal Highway 281326
Administration for the CMAQ Program. 281327

Public entities eligible to receive funds under section 281328
122.861 of the Revised Code and CMAQ shall be reimbursed from 281329
moneys in Fund 7002 designated for the Department of 281330
Transportation's Diesel Emissions Reduction Grant Program. 281331

Private entities eligible to receive funds under section 281332
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 281333
direction of the local public agency sponsor and upon approval of 281334
the Department of Transportation, through direct payments. These 281335
reimbursements shall be made from moneys in Fund 7002 designated 281336

for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2024 and fiscal year 2025.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

Section 755.20. For purposes of adjusting the membership of the Transportation Review Advisory Council in accordance with section 5512.07 of the Revised Code, as amended by this act, all of the following shall occur not later than sixty days after the effective date of this section:

(A) The Governor shall remove one member from the Council who was appointed by the Governor prior to that effective date.

(B) The President of the Senate shall appoint one additional member to the Council who shall assume the remainder of the five-year term of the member removed by the Governor under division (A) of this section.

(C) The Speaker of the House of Representatives shall appoint one additional member to the Council who shall serve a five-year term from the date of appointment in accordance with section 5512.07 of the Revised Code.

Section 755.40. (A) The Director of Public Safety shall 281367
collect and evaluate data regarding the current usage of bail in 281368
this state. 281369

(B) The Director shall develop a standardized questionnaire 281370
form and provide the form to each county sheriff and to each 281371
officer or other person in charge of the operation of a 281372
multicounty correctional center, municipal-county correctional 281373
center, or multicounty-municipal correctional center on or before 281374
September 30, 2023. Each county sheriff or person in charge of the 281375
operation of a multicounty correctional center, municipal-county 281376
correctional center, or multicounty-municipal correctional center 281377
shall fill out the form on a daily basis beginning on October 1, 281378
2023, and ending with data collected November 30, 2023. Each 281379
county sheriff or person in charge shall return the completed form 281380
to the Director on or before January 1, 2024. The form shall 281381
collect the following information: 281382

(1) The total number of people currently housed in the jail, 281383
multicounty correctional center, municipal-county correctional 281384
center, or multicounty-municipal correctional center; 281385

(2) Of that total population, the total number of inmates 281386
currently serving sentences, and the total number being held 281387
pretrial; 281388

(3) The total number of people being held on felony charges 281389
pretrial, which shall be broken down by the level of the felony 281390
charged and for what length of time; 281391

(4) The total number of people being held on misdemeanor 281392
charges pretrial, which shall be broken down by the level of the 281393
misdemeanor charged and for what length of time. 281394

(C) Not later than March 1, 2024, the Director shall prepare 281395
and submit a report to the President of the Senate, the Speaker of 281396

the House of Representatives, the Chairperson of the House 281397
 Criminal Justice Committee, and the Chairperson of the Senate 281398
 Judiciary Committee, including a copy of all of the forms 281399
 submitted under division (B) of this section and a summary of that 281400
 information. 281401

Section 757.10. Notwithstanding section 5743.15 of the 281402
 Revised Code, any license issued under division (B), (C), or (F) 281403
 of that section that is active on the effective date of the 281404
 amendment by this act of that section shall remain valid until 281405
 June 1, 2024, rather than May 27, 2024. 281406

Section 757.20. BUSINESS INCENTIVE TAX CREDITS 281407

In order to facilitate an understanding of business incentive 281408
 tax credits, as defined in section 107.036 of the Revised Code, 281409
 the following table provides an estimate of the amount of credits 281410
 that may be authorized in each fiscal year of the 2024-2025 281411
 biennium, an estimate of the credits expected to be claimed in 281412
 each fiscal year of that biennium, and an estimate of the amount 281413
 of credits authorized that will remain outstanding at the end of 281414
 that biennium. In totality, this table provides an estimate of the 281415
 state revenue forgone due to business incentive tax credits in the 281416
 2024-2025 biennium and future biennium. 281417

Biennial Business Incentive Tax Credit Estimates 281418

| | | | |
|----------------------|-----------------|-------------|--------|
| Estimate of total | Estimate of tax | Expected | 281420 |
| value of tax credits | credits | Outstanding | |
| authorized | issued/claimed | credits | |

(All figures in 281421
 thousands of
 dollars)

281422

| Tax Credit | FY 2024 | FY 2025 | FY 2024 | FY 2025 | End of
Biennium | 281423 |
|--|-----------|-----------|-----------|-----------|--------------------|--------|
| | | | | | | 281424 |
| Job Creation
Tax Credit | \$160,000 | \$165,000 | \$151,000 | \$155,000 | \$705,000 | 281425 |
| | | | | | | 281426 |
| Job Retention
Tax Credit | \$0 | \$0 | \$28,700 | \$20,300 | \$23,000 | 281427 |
| | | | | | | 281428 |
| Historic
Preservation
Tax Credit | \$120,000 | \$60,000 | \$98,000 | \$95,000 | \$240,000 | 281429 |
| | | | | | | 281430 |
| Motion Picture
Tax Credit | \$40,000 | \$40,000 | \$51,000 | \$46,000 | \$110,000 | 281431 |
| | | | | | | 281432 |
| New Markets
Tax Credit | \$10,000 | \$10,000 | \$7,500 | \$6,600 | \$39,600 | 281433 |
| | | | | | | 281434 |
| R&D Loan Tax
Credit | \$0 | \$0 | \$1,450 | \$1,450 | \$5,000 | 281435 |
| | | | | | | 281436 |
| InvestOhio Tax
Credit | \$4,900 | \$5,000 | \$3,675 | \$3,750 | \$7,500 | 281437 |
| | | | | | | 281438 |
| Ohio Rural
Business | \$0 | \$0 | \$22,500 | \$11,250 | \$22,500 | 281439 |
| | | | | | | 281440 |
| Ohio
Opportunity
Zone | \$50,000 | \$25,000 | \$50,000 | \$25,000 | \$0 | 281441 |
| Transformational
Mixed-Use | \$100,000 | \$100,000 | \$60,300 | \$66,200 | \$255,200 | 281442 |

Development

Section 757.30. All amended reports and applications for 281443
refund filed pursuant to section 5733.031 of the Revised Code, as 281444
amended by this act, must be received by the Department of 281445
Taxation on or before December 31, 2023. The Department shall deny 281446
all applications for refund related to reports amended pursuant to 281447
that section and received after December 31, 2023, and any such 281448
denial is not subject to appeal. The Department shall not issue 281449
any assessments related to any amended report filed pursuant to 281450
that section if the amended report is received by the Department 281451
after December 31, 2023. For purposes of this section, a report or 281452
application is "received" on or before December 31, 2023, if it is 281453
postmarked on or before that date. 281454

Section 757.40. (A) As used in this section: 281455

(1) "Qualified property" means real property for which a 281456
covenant not to sue was issued under section 3746.12 of the 281457
Revised Code in 2020 and that is subject to the exemption 281458
authorized by section 5709.87 of the Revised Code beginning for 281459
tax year 2022. 281460

(2) "Exempt portion" means the portion of the assessed value 281461
of improvements, buildings, fixtures, and structures that would be 281462
exempt from taxation if they qualified for the exemption 281463
authorized by section 5709.87 of the Revised Code for the 281464
applicable tax year, as described in division (C)(1)(a) of that 281465
section. 281466

(B) Notwithstanding section 5709.87 of the Revised Code, a 281467
person that owned qualified property for tax year 2020 or 2021 may 281468
file an application with the Tax Commissioner, on a form 281469
prescribed by the Commissioner, on or before the date that is one 281470
year after the effective date of this section, requesting both of 281471

| | |
|---|--------------------------------------|
| the following: | 281472 |
| (1) That unpaid property taxes, penalties, and interest on the exempt portion of the qualified property for tax years 2020 and 2021 be abated; | 281473
281474
281475 |
| (2) That all paid taxes, penalties, and interest on the exempt portion of the qualified property for those tax years be credited or paid to the applicant; | 281476
281477
281478 |
| (3) That, notwithstanding division (C)(1)(a) of section 5709.87 of the Revised Code, the exemption for the qualified property authorized by that division that began for tax year 2022 end after tax year 2029. | 281479
281480
281481
281482 |
| (C) Upon receipt of the application and after consideration of it, the Commissioner shall determine if the property is qualified property and, if so, shall issue an order directing both of the following: | 281483
281484
281485
281486 |
| (1) That all unpaid taxes, penalties, and interest described under division (B)(1) of this section be abated; | 281487
281488 |
| (2) That all taxes, penalties, and interest described in division (B)(2) of this section be regarded as an overpayment of taxes under section 5715.22 of the Revised Code and be credited or paid to the applicant in accordance with that section; | 281489
281490
281491
281492 |
| (3) That, notwithstanding division (C) of section 5709.87 of the Revised Code, the exemption for the property authorized by that division that began for tax year 2022 end after tax year 2029. | 281493
281494
281495
281496 |
| If the Commissioner finds that the property is not qualified property the Commissioner shall issue an order denying the application. | 281497
281498
281499 |
| (E) Nothing in this section authorizes the Tax Commissioner to abate, credit, or pay any portion of the tax on the portion of | 281500
281501 |

the assessed value of qualified property that is not the exempt portion. 281502
281503

Section 757.50. The Tax Commissioner shall not make 281504
adjustments in 2023 or 2024 to the income amounts in divisions 281505
(A)(2) and (3) of section 5747.02 of the Revised Code, as 281506
otherwise required by division (A)(5) of that section, or make 281507
adjustments in 2023 or 2024 to the personal exemption amounts 281508
prescribed in division (A) of section 5747.025 of the Revised 281509
Code, as otherwise required by divisions (B) and (C) of that 281510
section. 281511

Section 757.70. (A) As used in this section, "impacted city" 281512
has the same meaning as in section 1728.01 of the Revised Code. 281513

(B) Notwithstanding the requirement under division (B) of 281514
section 5709.40 of the Revised Code for an ordinance to designate 281515
specific public improvements made, to be made, or in the process 281516
of being made by the municipal corporation that directly benefit 281517
one or more parcels identified in the ordinance, and not later 281518
than June 30, 2024, the legislative authority of an impacted city 281519
may include a determination in an ordinance adopted under division 281520
(B) of section 5709.40 of the Revised Code that satisfactory 281521
provision has been made for the public improvement needs of the 281522
parcels identified in the ordinance and may specify other public 281523
improvements made, to be made, or in the process of being made in 281524
the impacted city that do not directly benefit the parcels 281525
identified in the ordinance but are in support of urban 281526
redevelopment within the meaning of section 5709.41 of the Revised 281527
Code. 281528

Section 757.80. (A) As used in this section, "heating 281529
company" means a heating company or a combined company engaged in 281530
the activity of a heating company, as the applicable company is 281531

defined under divisions (D)(8) and (L) of section 5727.01 of the Revised Code. 281532
281533

(B) A heating company shall comply with division (C) of this section if the company is recovering in rates imposed on its customers for heating service the tax imposed under section 5727.30 of the Revised Code. 281534
281535
281536
281537

(C) A heating company described in division (B) of this section shall do one of the following, at the option of the company, not later than six months after the beginning of tax year 2024, to pass on the net reduction in taxes from the elimination in customer rates of the taxation amounts exempted by section 5727.30 of the Revised Code, as amended by this act, and the imposition of the tax imposed under section 5751.02 of the Revised Code: 281538
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(1) File an application not for an increase in rates in accordance with Chapter 4909. of the Revised Code; 281546
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(2) File a modified schedule or enter into a modified reasonable arrangement in accordance with section 4905.31 of the Revised Code; 281548
281549
281550

(3) Enter into a modified agreement with any customer who has entered an agreement with the heating company under section 4905.34 of the Revised Code. 281551
281552
281553

Section 757.90. Notwithstanding any provision of the Revised Code to the contrary, if necessary, the Tax Commissioner shall issue updated 2023 current agricultural use value tables to reflect the amendment by this act of section 5715.01 of the Revised Code. The updated values shall be issued within fifteen days after the effective date of this section. 281554
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Section 803.10. The amendment by this act of division (D)(3)(c)(ii) of section 718.01 of the Revised Code applies to 281560
281561

taxable years beginning on or after January 1, 2023. In accordance 281562
with division (A) of section 718.04 of the Revised Code, each 281563
municipal corporation that levies a tax on income shall adopt an 281564
ordinance or resolution incorporating that amendment and applying 281565
it to taxable years beginning on or after January 1, 2023. 281566

The amendment by this act of division (R) of section 718.01, 281567
division (G) of section 718.02, and division (F) of section 718.82 281568
of the Revised Code applies to taxable years beginning on or after 281569
January 1, 2024. In accordance with division (A) of section 718.04 281570
of the Revised Code, each municipal corporation that levies a tax 281571
on income shall adopt an ordinance or resolution incorporating 281572
that amendment and applying it to taxable years beginning on or 281573
after January 1, 2024. 281574

Section 803.20. The amendment by this act of sections 1710.06 281575
and 3706.12 of the Revised Code shall not be construed or 281576
otherwise interpreted in derogation of any issuance of a bond or 281577
note by the Ohio air quality development authority, the levy of 281578
any special assessment by a municipal corporation or special 281579
improvement district, or the assignment or remittance of any such 281580
assessment to the authority, issued, levied, assigned, or remitted 281581
before the effective date of this section. 281582

Section 803.40. The amendment by this act of sections 281583
5753.021 and 5753.031 of the Revised Code applies to sports gaming 281584
receipts received on and after July 1, 2023. 281585

Section 803.50. The amendment by this act of section 5739.02 281586
of the Revised Code applies on and after October 1, 2023. 281587

Section 803.60. The amendment by this act of division (E) of 281588
section 5747.07 of the Revised Code applies to filings and 281589

payments due on or after January 1, 2024. 281590

Section 803.70. The amendment by this act of section 5726.01 281591
of the Revised Code is intended to be remedial in nature and to 281592
clarify the law as it existed prior to that amendment, and shall 281593
be construed accordingly. 281594

Section 803.80. The amendment by this act of section 718.84 281595
of the Revised Code applies beginning to the first report required 281596
to be filed under division (B) of that section on or after the 281597
effective date of that amendment. 281598

Section 803.100. The amendment by this act of sections 281599
718.05, 718.27, 718.85, and 718.89 of the Revised Code applies to 281600
tax returns required to be filed for taxable years ending on or 281601
after January 1, 2023. 281602

Section 803.110. The provisions of this act pertaining to the 281603
certificate of need program, as they are established by the 281604
amendment of sections 3702.511, 3702.52, 3702.532, 3702.54, 281605
3702.544, 3702.55, 3702.57, 3702.60, and 3702.61 of the Revised 281606
Code and the repeal of section 3702.541 of the Revised Code and 281607
Section 5 of H.B. 371 of the 134th General Assembly, apply 281608
retroactively to the following extent: 281609

(A) The provisions apply to any certificate of need that was 281610
granted prior to the effective date of this section and is still 281611
valid on the effective date of this section. 281612

(B) The provisions apply to any application for a certificate 281613
of need that is pending on the effective date of this section. 281614

(C) The provisions apply to any action for the imposition of 281615
civil penalties or other sanctions, including any appeal of such 281616
an action, that is pending on the effective date of this section 281617

for a violation of sections 3702.51 to 3702.62 of the Revised Code. 281618
281619

Section 803.120. The amendment by this act of section 4301.62 and the enactment of section 4303.188 of the Revised Code apply beginning on January 1, 2024. 281620
281621
281622

Section 803.150. The amendment or enactment by this act of sections 5743.06 and 5743.53 of the Revised Code apply to bad debts charged off as uncollectible on the books and records of a wholesale dealer, distributor, or vapor distributor on or after January 1, 2024. 281623
281624
281625
281626
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Section 803.160. The amendment or enactment by this act of division (A)(39) of section 5747.01 and division (F)(2)(ss) of section 5751.01 of the Revised Code applies to taxable years or tax periods beginning on or after January 1, 2023. 281628
281629
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281631

Section 803.170. The amendment by this act of section 5747.501 of the Revised Code applies on and after July 1, 2023. 281632
281633

Section 803.190. The enactment by this act of divisions (F)(2)(rr) and (tt) of section 5751.01 of the Revised Code applies to tax periods ending on or after the effective date of this section. 281634
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281636
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Section 803.220. The enactment by this act of divisions (A)(42) and (43) of section 5747.01 and section 5747.85 of the Revised Code applies to taxable years beginning on or after January 1, 2024. 281638
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281641

Section 803.230. The amendment by this act of sections 5743.01, 5743.03, 5743.05, and 5743.33 of the Revised Code applies on and after the first day of the first month after the effective 281642
281643
281644

date of this section. 281645

If a board of county commissioners certified a resolution to 281646
the board of elections to levy a tax pursuant to sections 281647
5743.511, 5743.621, and 5743.631 or division (B)(2) of section 281648
5743.021 of the Revised Code before the effective date of the 281649
amendment or repeal of those sections by this act, the board of 281650
elections shall not place the question of the tax or taxes on the 281651
ballot. 281652

Section 803.240. The amendment or enactment by this act of 281653
sections 718.02, 718.021, 718.82, and 718.821 of the Revised Code 281654
applies to taxable years ending on or after December 31, 2023. 281655

Section 803.250. (A) Section 5167.50 of the Revised Code, as 281656
enacted by this act, is remedial in nature and applies 281657
retroactively beginning January 1, 2017. 281658

(B) Each medicaid managed care organization shall prepare and 281659
submit to the department and make available on its public web site 281660
the annual reports required under division (C) of section 5167.50 281661
of the Revised Code as enacted by this act for each year from 2017 281662
through the effective date of that section. The department shall 281663
specify the form, manner, and deadline for the reports. 281664

Section 803.260. The amendment by this act of sections 281665
5709.48, 5709.49, 5709.50, and 5709.83 of the Revised Code applies 281666
to any resolution granting a tax exemption under section 5709.48 281667
of the Revised Code adopted on or after the effective date of this 281668
section. 281669

Section 803.270. The amendment by this act of section 149.311 281670
of the Revised Code applies to applications filed with the 281671
Director of Development under division (B) of that section on or 281672
after the effective date of this section. 281673

Section 803.280. The amendment by this act of section 5713.03 281674
of the Revised Code applies to tax year 2023 and every tax year 281675
thereafter. 281676

Section 803.290. The Secretary of State and the boards of 281677
elections shall implement the provisions of sections 3503.13, 281678
3503.15, and 3505.31 of the Revised Code, as amended by this act, 281679
and sections 111.11, 3503.151, 3503.152, and 3503.153 of the 281680
Revised Code, as enacted by this act, not later than January 1, 281681
2025. 281682

Section 803.300. The amendment by this act of section 281683
3905.471 of the Revised Code is intended to be remedial in nature 281684
and to clarify the law as it existed prior to that amendment, and 281685
shall be construed accordingly. 281686

Section 803.310. (A) Subject to division (B) of this section, 281687
the amendment or enactment by this act of divisions (A)(36), 281688
(A)(41), and (S)(16) of section 5747.01 and section 5747.05 of the 281689
Revised Code applies to taxable years ending on or after January 281690
1, 2023. 281691

(B) A taxpayer may apply the amendment or enactment by this 281692
act of divisions (A)(36), (A)(41), and (S)(16) of section 5747.01 281693
and section 5747.05 of the Revised Code to taxable years ending on 281694
or after January 1, 2022, but before January 1, 2023. A taxpayer 281695
applying that amendment for such a taxable year shall file an 281696
amended return, or apply that amendment on the taxpayer's original 281697
return, for that year. 281698

Section 803.320. The amendment by this act of section 5747.75 281699
of the Revised Code applies to taxable years ending on or after 281700
the effective date of this section. 281701

Section 803.330. The amendment by this act of section 5727.30 of the Revised Code applies to tax year 2024 and every tax year thereafter.

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Section 803.340. The amendment by this act of every division except division (F) of section 5751.01, division (A) of section 5751.02, every division except division (I) of section 5751.06, and sections 5751.03, 5751.04, 5751.05, 5751.051, 5751.08, and 5751.091 of the Revised Code applies to tax periods beginning on and after January 1, 2024.

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Section 803.350. The amendment by this act of section 5743.61 of the Revised Code applies on and after July 1, 2024.

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Section 803.360. The amendment by this act of section 5747.73 of the Revised Code applies to taxable years ending on or after the effective date of this section.

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Section 803.370. The amendment by this act of section 5715.012 of the Revised Code applies to tax year 2023 and each tax year thereafter.

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Notwithstanding any provision of the Revised Code to the contrary, the Tax Commissioner shall modify the determinations made under section 5715.24 of the Revised Code in tax year 2023 to comply with the amendment by this act of section 5715.012 of the Revised Code and, within fifteen days after the effective date of this section, shall transmit to each applicable county auditor a statement reflecting that updated determination in the same manner as required in section 5715.25 of the Revised Code. A county auditor may appeal the updated determination by filing an appeal within thirty days after the receipt of such statement in the same manner as authorized in section 5715.251 of the Revised Code. In

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any county that receives an updated determination under this 281730
section, the time for delivery of the tax duplicate of the county 281731
treasurer by the county auditor as provided in section 319.28 of 281732
the Revised Code shall be extended to the first Monday in December 281733
and may be extended further in accordance with section 323.17 of 281734
the Revised Code. The times for payment of taxes for both the 281735
first-half and second-half collection periods shall similarly be 281736
extended in the same manner as other delays in the delivery of the 281737
tax list under that section. 281738

Section 806.10. SEVERABILITY 281739

The items of law contained in this act, and their 281740
applications, are severable. If any item of law contained in this 281741
act, or if any application of any item of law contained in this 281742
act, is held invalid, the invalidity does not affect other items 281743
of law contained in this act and their applications that can be 281744
given effect without the invalid item of law or application. 281745

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 281746

An item of law, other than an amending, enacting, or 281747
repealing clause, that composes the whole or part of an uncodified 281748
section contained in this act has no effect after June 30, 2025, 281749
unless its context clearly indicates otherwise. 281750

Section 812.10. SUBJECT TO REFERENDUM 281751

Except as otherwise provided in this act, the amendment, 281752
enactment, or repeal by this act of a section is subject to the 281753
referendum under Ohio Constitution, Article II, section 1c and 281754
therefore takes effect on the ninety-first day after this act is 281755
filed with the Secretary of State or, if a later effective date is 281756
specified below, on that date. 281757

Section 812.11. (A) The following sections of this act take effect six months after the effective date of this section:

(1) The amendment or enactment of sections 2151.231, 3103.03, 3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29 of the Revised Code;

(2) The repeal of section 3121.46 of the Revised Code.

(B) During the six-month period after the effective date of this section, the Ohio Department of Job and Family Services shall perform system changes, create rules and forms, and make any other changes as necessary to implement the amendments, enactments, and repeals listed in this section.

Section 812.12. The amendments by this act of sections 109.11, 109.111, and 109.112 and the enactment by this act of section 109.113 of the Revised Code take effect January 1, 2024. Consistent with section 1.48 of the Revised Code, the amendments to those sections made by this act are prospective in their operation and have no effect on an order or judgment of any court or any settlement or other compromise of claims issued, entered, or agreed to before January 1, 2024, even if an amount awarded, adjudged, settled upon, or comprised to has not been received in full by the state or an agency or officer of the state before then.

Section 812.20. The amendment or enactment by this act of the sections listed below is exempt from the referendum under Ohio Constitution, Article II, section 1d and section 1.471 of the

Revised Code and therefore takes effect immediately when this act becomes law or, if a later effective date is specified below, on that date.

Sections 122.4017, 122.4037, 122.4040, 3701.021, 5747.501, 5751.02, 5753.021, 5753.031, 5913.01, and 5922.01 of the Revised Code.

Section 812.30. Sections of this act prefixed with numbers in the 200s, 300s, 400s, and 500s, and Section 757.20 of this act are exempt from the referendum under Ohio Constitution, Article II, Section 1d, and therefore take immediate effect when this act becomes law.

Section 812.40. The enactment by this act of section 5163.063 of the Revised Code takes effect one year after the effective date of this section.

Section 812.50. Sections 107.032 to 107.035 and sections 131.56 to 131.58 of the Revised Code, as amended or enacted by Section 101.01 of this act, and section 107.034 of the Revised Code, as repealed by Section 105.01 of this act, take effect July 1, 2026.

Section 812.60. The enactment of section 5163.51 of the Revised Code by this act takes effect on January 1, 2024. If the section necessitates approval of a Medicaid program state plan amendment or Medicaid program waiver before implementation, section 5163.51 of the Revised Code shall not be implemented until the approval of the amendment or waiver or January 1, 2024, whichever is later.

Section 812.70. The amendment of sections 1901.261, 1907.261,

2303.081, and 2303.201 and the enactment of sections 1901.313 and 281815
1907.202 of the Revised Code take effect on January 1, 2025. 281816

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Section 820.10. The General Assembly, applying the principle 281818
stated in division (B) of section 1.52 of the Revised Code that 281819
amendments are to be harmonized if reasonably capable of 281820
simultaneous operation, finds that the following sections, 281821
presented in this act as composites of the sections as amended by 281822
the acts indicated, are the resulting versions of the sections in 281823
effect prior to the effective date of the sections as presented in 281824
this act: 281825

Section 109.57 of the Revised Code as amended by both H.B. 281826
405 and S.B. 288 of the 134th General Assembly. 281827

Section 109.572 of the Revised Code as amended by both H.B. 281828
509 and S.B. 288 of the 134th General Assembly. 281829

Section 117.10 of the Revised Code as amended by both H.B. 59 281830
and S.B. 67 of the 130th General Assembly. 281831

Section 119.12 of the Revised Code as amended by both H.B. 52 281832
and H.B. 64 of the 131st General Assembly. 281833

Section 122.073 of the Revised Code as amended by both H.B. 281834
487 and S.B. 314 of the 129th General Assembly. 281835

Section 127.16 of the Revised Code as amended by both H.B. 281836
442 and S.B. 276 of the 133rd General Assembly. 281837

Section 149.43 of the Revised Code as amended by H.B. 45, 281838
H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the 281839
134th General Assembly. 281840

Section 317.08 of the Revised Code as amended by both H.B. 9 281841
of the 130th General Assembly and H.B. 141 of the 131st General 281842
Assembly. 281843

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| Section 718.01 of the Revised Code as amended by H.B. 228 and S.B. 217 of the 134th General Assembly, and H.B. 197 and S.B. 276 of the 133rd General Assembly. | 281844
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281846 |
| Section 2101.16 of the Revised Code as amended by both H.B. 45 and H.B. 281 of the 134th General Assembly. | 281847
281848 |
| Section 2305.113 of the Revised Code as amended by H.B. 49 and H.B. 7 of the 132nd General Assembly and H.B. 216 of the 131st General Assembly. | 281849
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281851 |
| Section 2929.18 of the Revised Code as amended by both H.B. 343 and H.B. 462 of the 134th General Assembly. | 281852
281853 |
| Section 2930.16 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly. | 281854
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| Section 2945.37 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly. | 281856
281857 |
| Section 2945.38 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly. | 281858
281859 |
| Section 3119.06 of the Revised Code as amended by both H.B. 366 and S.B. 70 of the 132nd General Assembly. | 281860
281861 |
| Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly. | 281862
281863 |
| Section 3310.41 of the Revised Code as amended by both H.B. 509 and H.B. 554 of the 134th General Assembly. | 281864
281865 |
| The version of section 3319.22 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly. | 281866
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281868 |
| Section 3328.24 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly. | 281869
281870 |
| Section 3517.10 of the Revised Code as amended by both H.B. 166 and S.B. 107 of the 133rd General Assembly. | 281871
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| Section 4501.21 of the Revised Code as amended by H.B.74, | 281873 |
| H.B. 110, H.B. 281, H.B. 291, and H.B. 578, all of the 134th | 281874 |
| General Assembly. | 281875 |
| Section 4503.44 of the Revised Code as amended by both H.B. | 281876 |
| 281 of the 134th General Assembly and H.B. 23 of the 135th General | 281877 |
| Assembly. | 281878 |
| Section 4507.06 of the Revised Code as amended by both H.B. | 281879 |
| 74 and H.B. 281 of the 134th General Assembly. | 281880 |
| Section 4509.101 of the Revised Code as amended by both H.B. | 281881 |
| 62 and H.B. 158 of the 133rd General Assembly. | 281882 |
| Section 4513.17 of the Revised Code as amended by both H.B. | 281883 |
| 30 and S.B. 224 of the 134th General Assembly. | 281884 |
| Section 4701.06 of the Revised Code as amended by both H.B. | 281885 |
| 263 and H.B. 442 of the 133rd General Assembly. | 281886 |
| Section 4701.17 of the Revised Code as amended by both H.B. | 281887 |
| 263 and H.B. 442 of the 133rd General Assembly. | 281888 |
| The version of section 4709.07 of the Revised Code that is | 281889 |
| scheduled to take effect December 29, 2023, as amended by both | 281890 |
| H.B. 509 and S.B. 131 of the 134th General Assembly. | 281891 |
| The version of section 4709.10 of the Revised Code that is | 281892 |
| scheduled to take effect December 29, 2023, as amended by both | 281893 |
| H.B. 509 and S.B. 131 of the 134th General Assembly. | 281894 |
| The version of section 4713.28 of the Revised Code that is | 281895 |
| scheduled to take effect December 29, 2023, as amended by both | 281896 |
| H.B. 509 and S.B. 131 of the 134th General Assembly. | 281897 |
| Section 4715.30 of the Revised Code as amended by both H.B. | 281898 |
| 203 and H.B. 263 of the 133rd General Assembly. | 281899 |
| Section 4731.22 of the Revised Code as amended by both H.B. | 281900 |
| 254 and S.B. 288 of the 134th General Assembly. | 281901 |

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| Section 4741.22 of the Revised Code as amended by both H.B. 33 and H.B. 263 of the 133rd General Assembly. | 281902
281903 |
| Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly. | 281904
281905 |
| Section 4905.03 of the Revised Code as amended by both H.B. 487 and S.B. 315 of the 129th General Assembly. | 281906
281907 |
| Section 5104.017 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly. | 281908
281909 |
| Section 5119.33 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly. | 281910
281911 |
| Section 5119.34 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly. | 281912
281913 |
| Section 5153.162 of the Revised Code as amended by both H.B. 215 and H.B. 408 of the 122nd General Assembly. | 281914
281915 |
| Section 5321.01 of the Revised Code as amended by both H.B. 281 and H.B. 430 of the 134th General Assembly. | 281916
281917 |
| Section 5725.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly. | 281918
281919 |
| Section 5729.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly. | 281920
281921 |
| Section 5739.09 of the Revised Code as amended by S.B. 310 of the 133rd General Assembly and H.B. 110 of the 134th General Assembly. | 281922
281923
281924 |
| Section 5747.01 of the Revised Code as amended by H.B. 45, H.B. 110, H.B. 150, H.B. 515, S.B. 33, and S.B. 246, all of the 134th General Assembly. | 281925
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281927 |
| Section 5747.98 of the Revised Code as amended by both H.B. 45 and H.B. 66 of the 134th General Assembly. | 281928
281929 |